NSLPP MEETING HELD ON 07/12/2022

Attachments:
1. Site Plan
2. Architectural Plans (Rev E)
3. Clause 4.6 Statement
4. Structural Engineering Report & Geotechnical Report
5. Applicant Response to heritage concerns

ADDRESS/WARD: 94 Blues Point Road, McMahons Point

APPLICATION No: DA 412/21

PROPOSAL: Alterations and additions to terrace dwelling comprising substantial internal alterations, and excavation of new basement level and pool

PLANS REF:

Plan No.	Rev No.	Description	Prepared by	Dated
DA000	E	Cover Sheet	Architecture Saville Isaacs	28-10-22
DA101	E	Site Plan	Architecture Saville Isaacs	28-10-22
DA102	E	Plan Level 1	Architecture Saville Isaacs	28-10-22
DA103	E	Plan Level 2	Architecture Saville Isaacs	28-10-22
DA104	E	Plan Level 3	Architecture Saville Isaacs	28-10-22
DA105	E	Plan Level 4	Architecture Saville Isaacs	28-10-22
DA106	E	Plan Level 5	Architecture Saville Isaacs	28-10-22
DA107	E	Roof plan	Architecture Saville Isaacs	28-10-22
DA201	E	Elevation -South	Architecture Saville Isaacs	28-10-22
DA202	E	Elevation_East + West	Architecture Saville Isaacs	28-10-22
DA203	E	Elevation_North	Architecture Saville Isaacs	28-10-22
DA251	E	Section_Longitudinal AA	Architecture Saville Isaacs	28-10-22
DA252	E	Section_Longitudinal BB	Architecture Saville Isaacs	16.11.21
DA253	E	Section_Cross DD + GG	Architecture Saville Isaacs	28-10-22
DA350	E	External Finishes Schedule	Architecture Saville Isaacs	28-10-22

OWNER: Michael Manken & Julia Manken

APPLICANT: Michael Manken & Julia Manken

AUTHOR: David Hoy, Team Leader Assessments

DATE OF REPORT: 24 November 2022

DATE LODGED: 25 November 2021

AMENDED: 28 October 2022

RECOMMENDATION: Approval

EXECUTIVE SUMMARY

This application is an amended development application which seeks development consent for alterations and additions to terrace dwelling comprising substantial internal alterations, and excavation of new basement level and pool on land identified as 94 Blues Point Road, McMahons Point.

The application is required to be reported to the NSLPP for determination, as directed by the Minister of Planning, as the development involves a variation to a prescribed development standard (Clause 4.3 Building Height) in North Sydney Local Environmental Plan 2013 of more than 10%.

Council's notification of the proposal has attracted a total of two (2) submissions including one in support of the proposal. Concerns expressed are not in objection to the proposal but request that consideration be given to management of the proposed extensive excavation and to ensure sympathetic treatment is given to the heritage significance of the property in the conservation area.

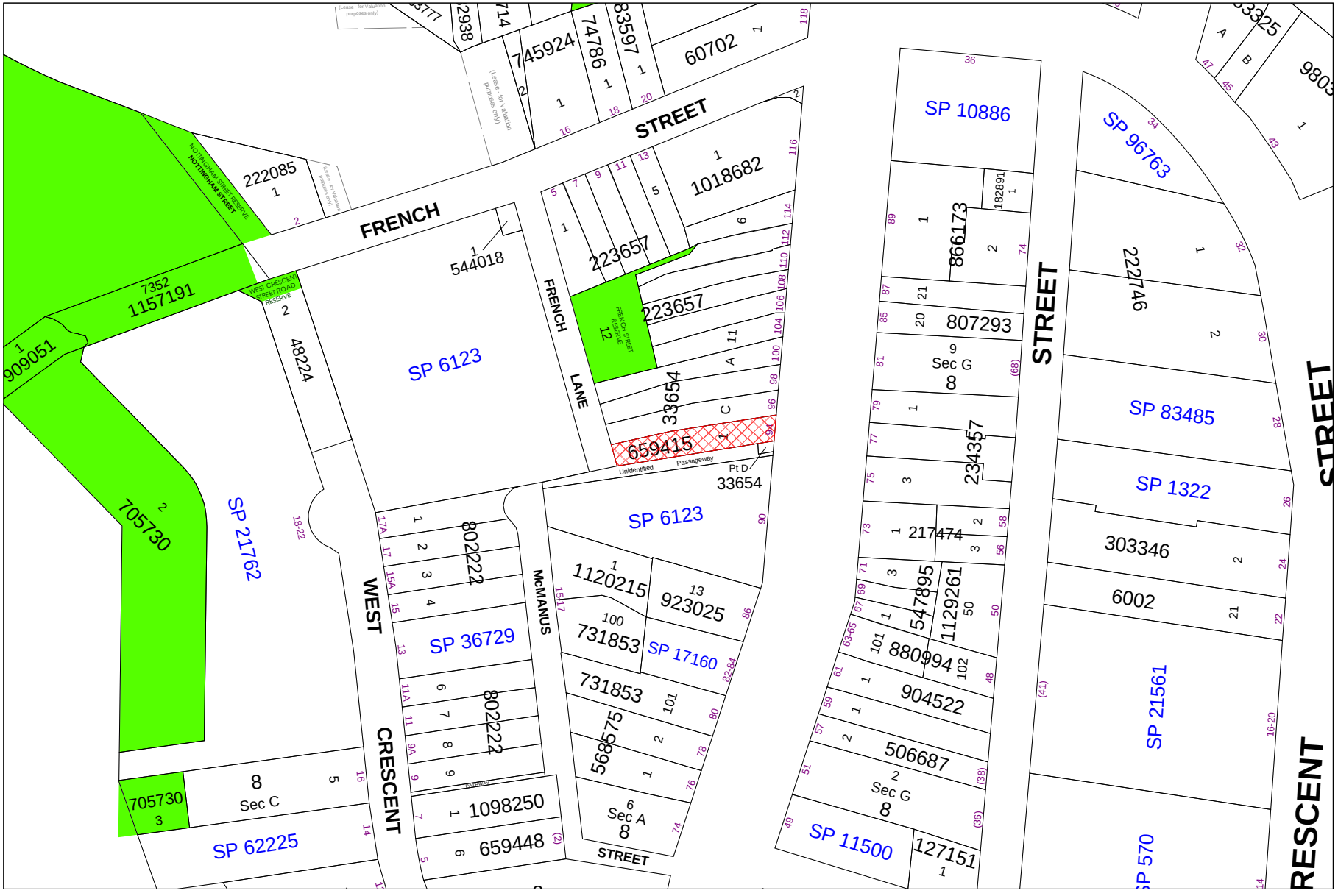
The development application has been assessed against the North Sydney Local Environmental Plan 2013, North Sydney Development Control Plan 2013 and the relevant State Planning Policies and generally found to be satisfactory in the site circumstances.

The proposed dwelling as amended will exceed the 8.5 m maximum height limit applicable to the site as set out under Clause 4.3 Building Height of NSLEP 2013. Generally, however, the perceived bulk and scale of the additions will be commensurate with the adjoining buildings to the immediate north of the subject site. The proposed height, bulk and scale of the additions are considered to be sufficiently in keeping with the established character of the McMahons Point South Conservation Area and the immediate locality along Blues Point Road.

The assessment of the proposal has considered the concerns raised in the submissions as well as the performance of the application against Council's planning requirements.

Having regard to the provisions of Section 4.15 of the Environmental Planning & Assessment Act 1979 (as amended), the amended application is recommended for approval given the consistency to the objectives and controls within the North Sydney Local Environmental Plan and Development Control Plan 2013, and lack of material adverse impacts from the development of the adjoining properties.

LOCATION MAP



Property/Applicant ● Submittors - Properties Notified

DESCRIPTION OF PROPOSAL

The proposal seeks development consent for alterations and additions to terrace dwelling comprising substantial internal alterations, and excavation of new basement level and pool on land identified as 94 Blues Point Road, McMahons Point. The proposed development is described in detail below and following architectural plan extracts:

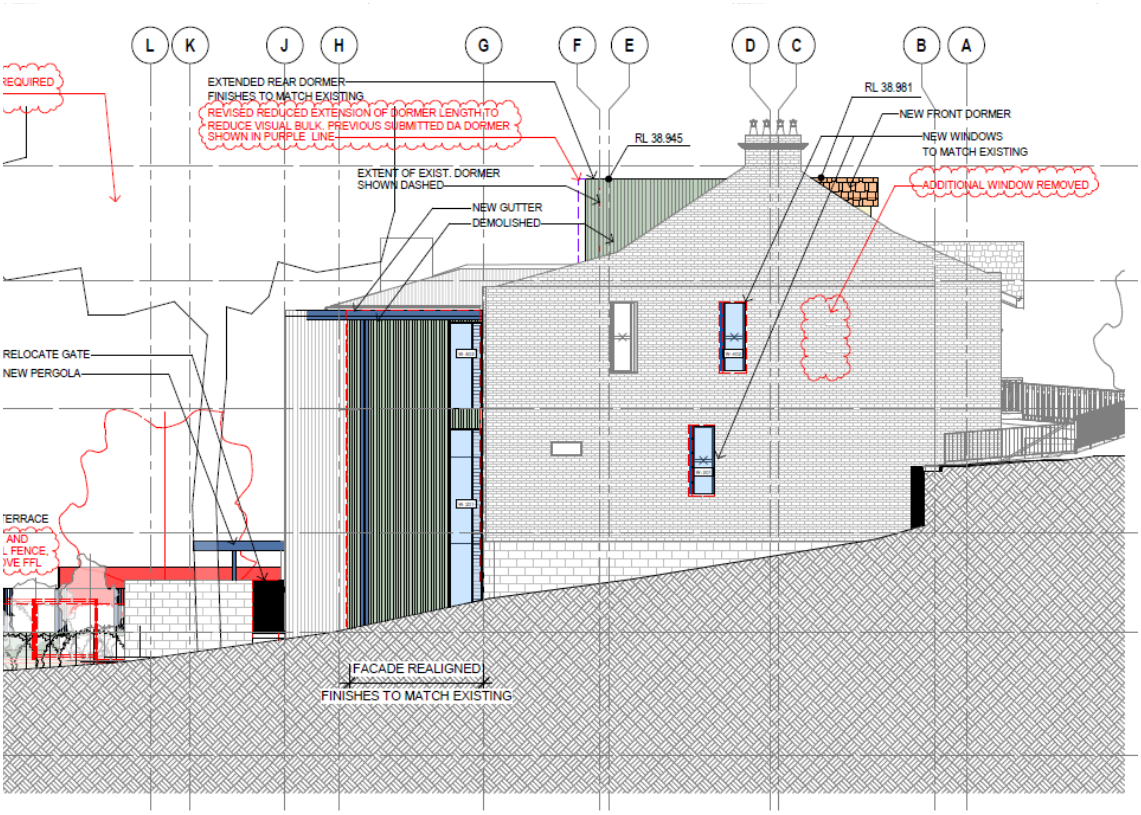


Figure 1: Proposed southern elevation

Level 1 Garage Level

The existing garage roof is to be demolished and rebuilt to allow for access for the new basement level comprising a media room, wine cellar, a bathroom and laundry and a lift for access to the levels above.

The excavation is approximately 3.39m in depth not including the foundation slab for the new Level 1 that comprises a media room, laundry, bathroom and wine cellar.

The proposal for a lift through Level 1 to Level 4, and extent of excavation on Level 1 will improve the overall circulation throughout the building and will improve the function and accessibility of the house and will also improve access to and from the currently detached garage, allowing the current residents to age in place.

Level 2 Living Level and Garage roof terrace.

The existing roof terrace is to be reconfigured with a paved terrace off the living room, a small plunge pool and paved terrace and landscaped garden on the western end of the roof terrace where the existing spa is located and is to be removed. New planting along north side of the terrace and on the south side of the garage wall is also proposed. An operable louvre pergola is also proposed to the terrace area adjoining the living room.

The southern wall of the living room is to be demolished and rebuilt to square up the room. The existing area occupied by the scullery and store at the back of this level will be used for the lift, a new scullery, pantry and a WC.

Level 3 Media Room and Bedroom 5

The southern wall of the void to the living room below is to be demolished and rebuilt to square up the room as a continuation of the new living room wall on the level below.

The balance of this level is to be reconfigured to add the lift and a store off Bedroom 5 and a bathroom at the end of the hallway where the secondary entrance to the house (sunken courtyard below street level) is located and is to be retained.

Level 4 Street Level, Entry Level and Bedrooms

The southern wall of Bedroom 4 at the rear of this level is to be rebuilt to match the new alignment of the wall below and the lift and walk in robe is proposed to Bedroom 2 at the front with a new access off the main entrance hall to enlarge the room. Three vertical windows area proposed in the southern wall of Bedrooms 2 and 3 on this level and the media room on Level 3.

Level 5 Attic Level Main Bedroom

The existing dormer to the attic bedroom is to be increased in width on the south side and extended to the west on the western roof plane at the rear. The existing attic is also to be extended within the front part of the roof for the walk in robe and ensuite. A small pitched roof dormer window is also proposed at the front to the ensuite bathroom. Otherwise there are no other changes to the front façade of the building.

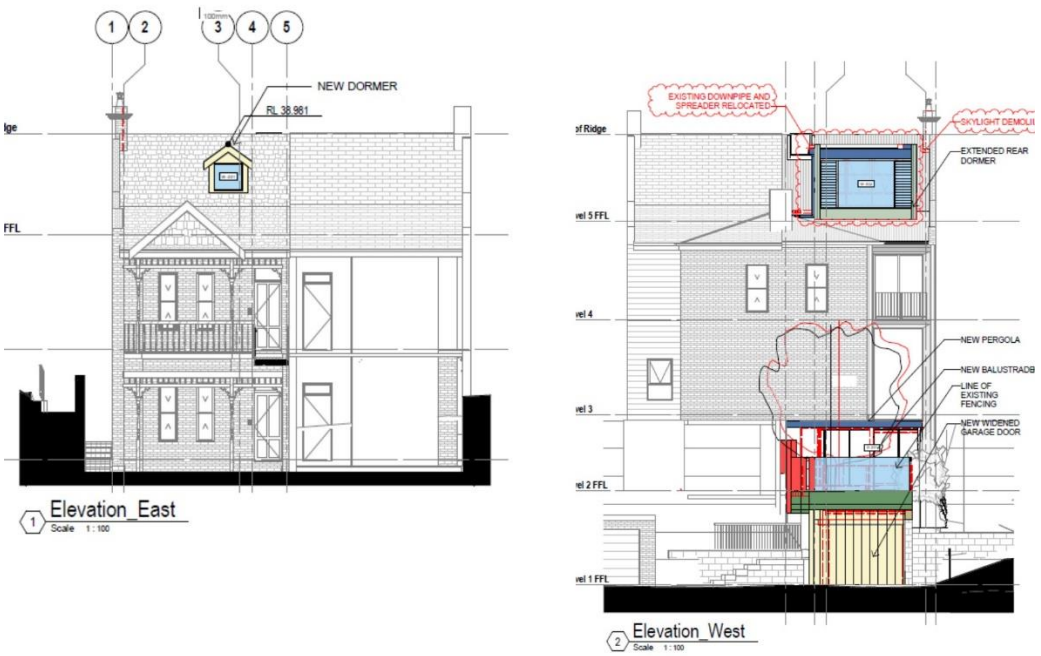


Figure 2 & 3: Proposed East & West elevations

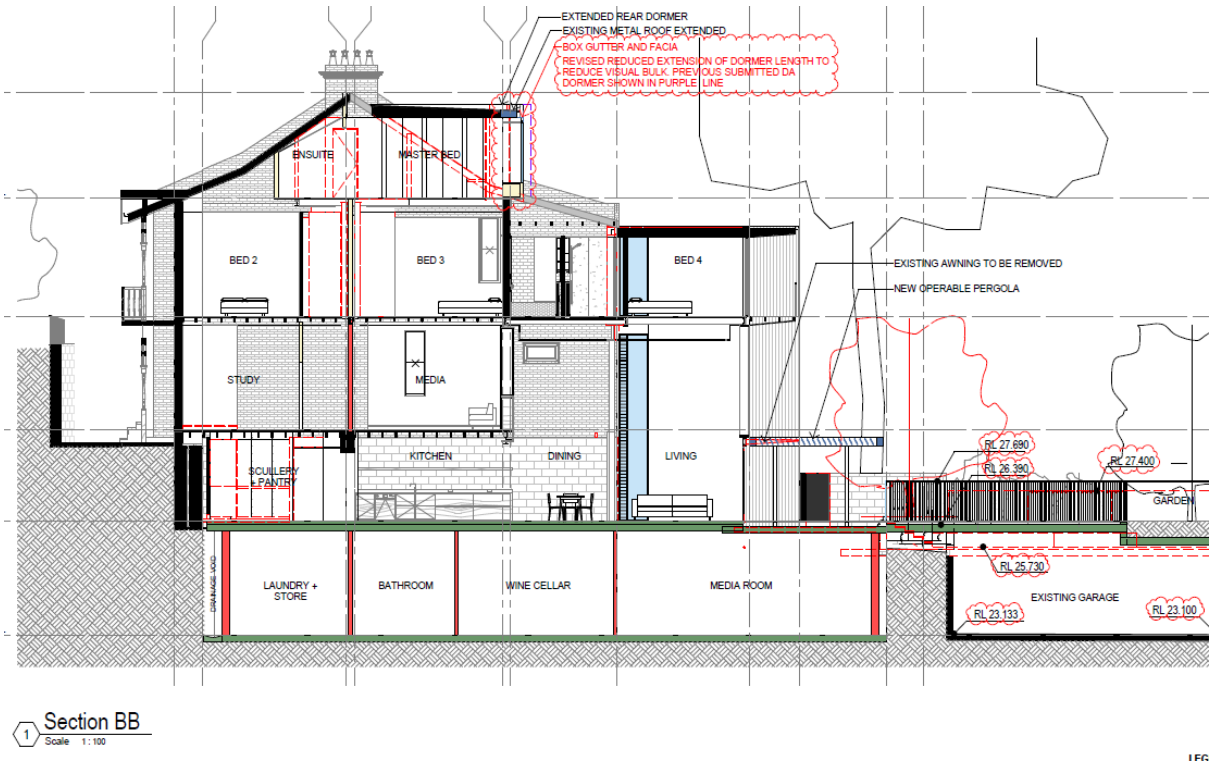


Figure 4: Proposed Section B-B

STATUTORY CONTROLS

Environmental Planning & Assessment Act 1979 (As amended)
Environmental Planning & Assessment Regulations 2021
North Sydney LEP 2013

- Zoning - R3 Medium Density Zone
- Item of Heritage - No

- In Vicinity of Item of Heritage – Yes (McMahons Point South)
- Conservation Area - Yes (McMahons Point South)
- Foreshore Building Line - No
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Resilience and Hazards) 2021
- Local Development

POLICY CONTROLS

North Sydney DCP 2013
North Sydney Local Infrastructure Contributions Plan 2020

DESCRIPTION OF LOCALITY

The site is located on the western side of Blues Point Road between French Street and McManus Street. The legal property description of the site is Lot 1, in DP 659415, 94 Blues Point Road, McMahons Point.

The site is a long, narrow, rectangular shaped allotment with a frontage of 5.63m to Blues Point Road and the rear boundary having a slightly narrower length of 4.775m to Nottingham Lane. The southern boundary adjoining the reserve like gardens at the front of "Harbour Master" at 90 Blues Point Road has a length of 34.305m. The northern boundary adjoining three storey terrace at 96 Blues Point Road has a combined length of 36.205m. The land has an area of 189.6m2.

The site is positioned about one level below the street and there is a 1.525m wide right of way footway at the front of the site for access to the adjoining property to the north at 96 Blues Point Road. There is also a bridge for access from the street to the ground floor and entry level of the house at street level.

The land slopes from the front to the rear with a total fall of approximately 5.0m over the length of the site. There are no trees on the site or any visible natural features.

The site is developed with a three storey plus attic, Federation style semi detached dwelling house with face brick and painted brick walls and sandstone foundation walls and painted timber cladding. It has a pitched slate clad roof. There is a single car garage at the rear of the site with a roof terrace and spa that is connected to the lower ground floor of the house.

Figure 5: Street elevation. Note the form of existing dormers at Nos. 98 & 100 Blues Point Road.

Figure 6: Southern elevation showing existing entry bridge and courtyard

Figure 7: Subject site from south-west

Figure 8: Western elevation showing existing garage and terrace to Hampden Lane

Figure 9: Existing garage roof terrace.

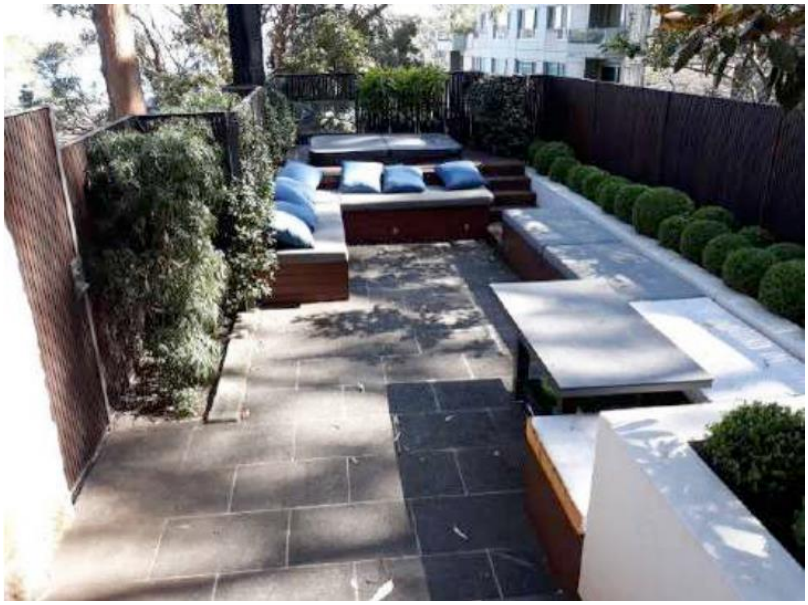


Figure 10: Existing garage roof terrace landscaping.

The adjoining property at 96 Blues Point Road is developed with a two storey and three storey Federation style semi dwelling house with a pitched tile roof. It is the adjoining semi dwelling and shares a party wall with the subject property. It has a single garage at the rear with access from Nottingham Lane.

The adjoining property to the south and west at 90 Blues Point Road is developed with a multi storey residential flat building. There is a long driveway for access from Blues Point Road through an expansive landscaped garden with numerous native gum trees down to the building at the rear western side of the subject site on the opposite side of Nottingham Lane.

RELEVANT HISTORY

Previous applications

Date	***Action***
7 June 2010	**Development Application No. 71/10** was approved by Council at its meeting of 7 June 20210 for alterations and additions to the existing semi-detached dwelling including an attic addition, infill extension to an existing three storey rear addition and new single garage with terrace above at rear. The approved development involved substantial alterations and contemporary rear additions to the existing dwelling including the construction of the rear garage and terrace over, rear dormer and contemporary three storey rear addition. The above site images a representative of the preceding consent. This application seeks in part to rebuild elements of that consent.

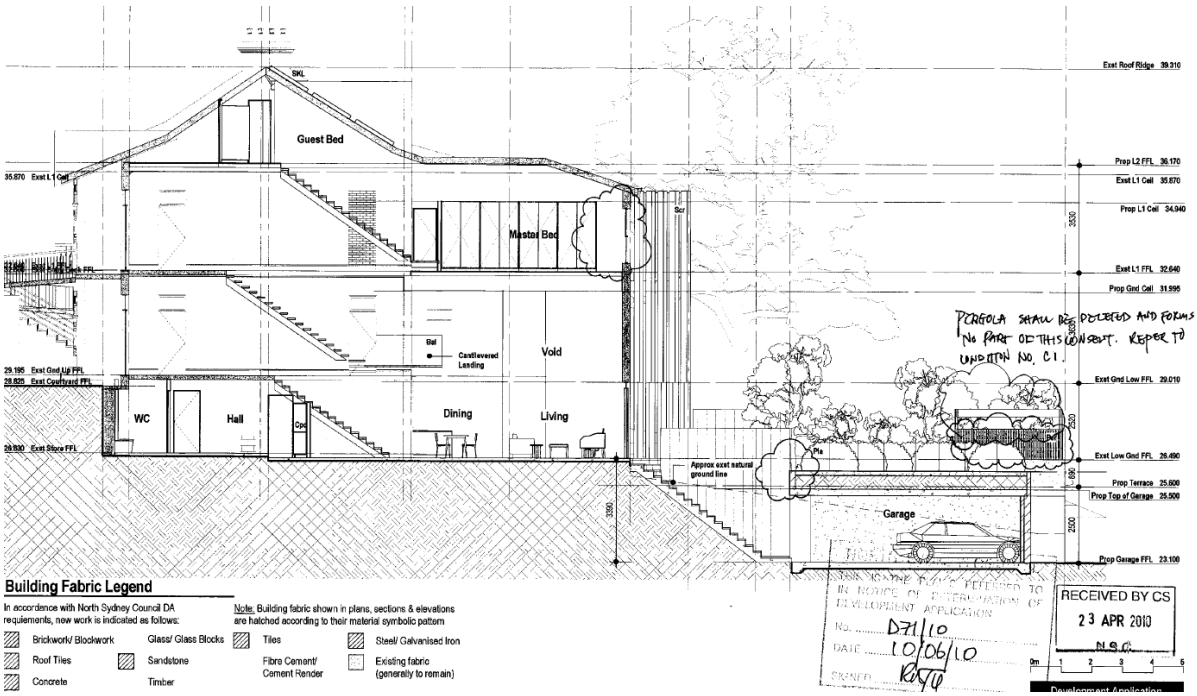


Figure 11: DA 71/10 Approved long section

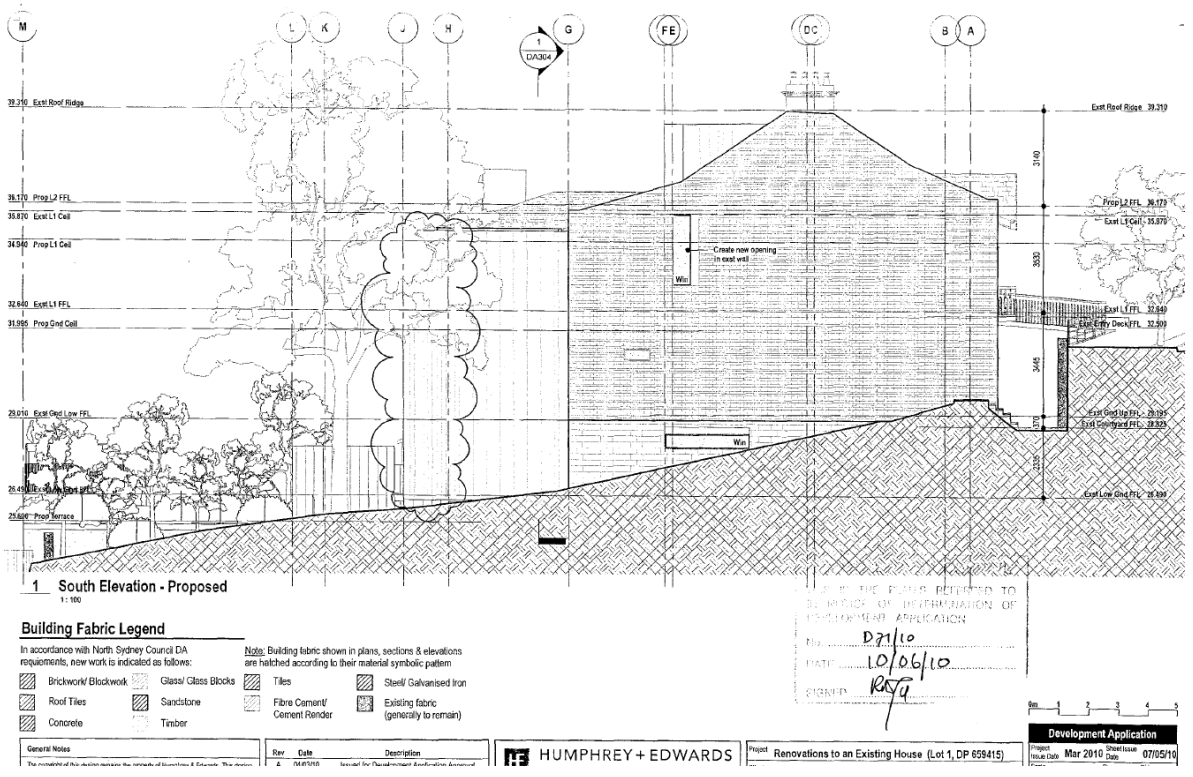


Figure 12: DA 71/10 Approved southern elevation

Current Application

Date	***Action***
26 Nov 2021	Application Lodged
1 Dec 2021	Development review Panel
10 Dec 2021	Notification period. Adjoining properties and Lavender Bay Precinct notified for extended notification period in accordance Community Consultation Plan between 10 December 2021 to 18 January 2022.
31 Jan 2022	Comments received from Council's Development Engineer Officer.
23 Aug 2022	Site Inspection conducted.
30 Aug 2022	Comments received from Council's Landscape Development Officer.
08 Sept 2022	Comments received from Council's Conservation Planner.
19 October 2022	Assessment Letter. Amended plans sought to address the following: 1. Arboricultural Impact Assessment Report 2. Revised Clause 4.6 – Exceptions to development standards 3. Revised Compliance Diagram (landscaped, site coverage, unbuilt upon areas) 4. Architectural Drawing: Northern Elevation 5. Details of Proposed swimming pool treatment and Pool fencing
4 November 2022	Amended Plans and additional information above received.

INTERNAL REFERRALS

Building

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

HERITAGE

Council's Conservation Planner has considered the proposal and provided the following comments:

a) Heritage status and significance

'The subject site sits to the north of Nottingham Street Reserve and contains a three storey + attic terrace house that was built in around 1902 as two flats. It underwent major alterations and additions under DA 71/10 to convert the building into a single dwelling. These works involved a contemporary rear addition infilling the traditional light-well area and the demolition of the original stairs and relocation to their current location.

The principal building form remains legible in the front portion of the dwelling. The works included a new garage at Nottingham Lane.

b) Considerations

An assessment of the proposed alterations and additions at 94 Blues Point Road, McMahons Point involving the works listed below has been undertaken in terms of NSLEP 2013 Part 5 Clause 5.10 Heritage conservation and NSDCP 2013 Part B: s13 0 Heritage and Conservation:

- *Installation of a lift in the front rooms of the dwelling to service the basement, lower ground and upper ground levels,*
- *the installation of a dormer in the front roof plane and extension of the rear facing dormer,*
- *changes to the rear southern building line towards the rear portion of the dwelling*
- *extension of the basement garage area to accommodate a media room, wine cellar, bathroom and laundry*

NSLEP 2013 Part 5 Clause 5.10 Heritage conservation and NSDCP 2013 Part B: s13 Heritage and Conservation

13.6.2 Form, Massing and Scale

Objective O1 To ensure new development has a compatible and complimentary building form and scale to that which characterises the conservation area-

The proposed re-alignment of the southern rear side boundary wall is not supported. This portion of the building is a remnant reminder of the previous 2.0m traditional setback for the service wing to the terrace. The proposed re-alignment is insufficient and not supported. It is highly visible in the public domain and the proposed realignment will compound the bulk and scale of the rear addition. A deeper setback to re-establish a reference to the historical form should be considered.

The new windows in the southern elevation are not supported.

13.6.5 Internal Layouts

ObjectiveO1- To ensure that significant interiors are retained.

No in-principal objection is made to the installation of the lift however, its location should be reconsidered to enable the early layout of the principal rooms to remain legible. The preference for the installation of the new lift element is for it to be installed within the later, contemporary portion of the dwelling to minimise further erosion of the remaining terrace layout. However, if it is to be in the front portion of the dwelling, it is recommended that the lift be accommodated in the south-western corner of the front rooms of the lower ground and upper ground levels generally as recommended below and to retain the doors to the bedroom and study/bedroom area in their original position and for the proposed ensuite to the study/bedroom to be contained withing the hallway and the entry door to be protected such that the works can be reversed.

No objections to the proposed changes at the basement level are raised on heritage grounds subject to appropriate structural engineering provisions.

13.9.2 Dormers

Provision P2 – Dormers must not be placed on the street elevation of a building
Provision P4 – New dormer windows are to be secondary in scale to the roof and setback from the eaves and ridge line.

The proposed front dormer and extension of the existing rear dormer are not supported. The extension of the existing rear dormer is not supported as it will be too large for the roof plane within which it sits and will not be sufficiently setback to retain the legibility of the original roof pitch.

13.9.6 Fences

Objective O1- To ensure that fences are consistent with characteristic elements of the heritage item or heritage conservation area.

No objections are raised to the proposed metal and glass pool fence subject as it sits within the boundary fence to the garden area but should not be visible in the public domain.

13.9.5 Garages and Carports

Objective O1 To ensure that vehicular accommodation does not detrimentally impact upon the significance of the heritage item or heritage conservation area-
The garage opening changes are supported subject to Provision P1 Must comply with the provisions contained within s1.5.4 to Part B of the NSDCP 2013.

It is recommended that modified plans incorporating the above changes are submitted to Council as part of the consideration of this application.

3. Conclusions & Recommendations

With reference to the above, the proposal is contrary to the following provisions relating to NSDCP 2013 Part B:

- *s13.6.2 Form, Massing and Scale –*
  Objective O1
- *s13.6.5 Internal Layouts –*
  ObjectiveO1
- *s13.9.2 Dormers –*
  Provision P2 – Dormers must not be placed on the street elevation of a buildingProvision P4 – New dormer windows are to be secondary in scale to the roof and setback from the eaves and ridge line.

The proposal is, not supported on heritage grounds.'

Planning Comment: Amended plans addressing the above have been provided. The proposed dormer window to Blues Point Road has been designed to match existing dormer windows on adjoining terrace dwellings to the immediate north and is consider acceptable.

In response to concerns in relating to internal layout changes the applicant has submitted a detailed response to the concerns raised. The following relevant comments are noted:

Form, Massing and Scale

The current angled wall to the side elevation is part of the 2011 works that were designed by Humphrey and Edwards Architects. It is a modern detail that in no way reflects the original arrangement of the house (see Figure 5.1). The 2011 rear extension was done in a manner that signalled the extent of the original rear wing in the rear elevation and this arrangement is maintained in the current proposals (see Figure 5.2).

The new wall is setback from the brick side gable and has a glazed link at the junction to clearly signal the break between new and old. The infill is also in contrasting materials to amplify the change. It should be noted that the adjoining garden is private property and the public views to the house are from Blues Point Road.

The proposal to straighten the alignment of the wall is perfectly reasonable in this instance and will not impact on an original form or detail as the house has been very heavily altered at the rear.

Side Windows

The side elevation has an existing window and three new windows were proposed in the DA. The site is open to the garden to the south and this will not be built out. It is common for houses at the end of a row (for instance, where abutting a side street) to have windows in a side elevation and the windows can be traditionally proportioned and are small in comparison to the overall scale of the south elevation.

The revised drawings have omitted the window to the bedroom 2 at level four that will reduce the extent of change.

The second bedroom at level 4 at is large and only has a small window to provide natural light and ventilation and the media room at level 2 has no window. Additional windows here are perfectly reasonable and will have no impact on the overall form of the house or the presentation of the large, south elevation.

Lift

The lift is placed to serve all lower floors including the kitchen and this cannot be achieved if the lift is relocated. The relocation would also lead to more extensive changes to the internal layout.

The front portion of the house has been very heavily altered with a secondary hall added and a new stair inserted into the original hall. The front bedrooms at the street level have been truncated to allow for the second hall and the levels above and below altered. Fireplaces have been removed and the inserts blocked and much of the original detail (ceilings and joinery) have been removed or replaced.

The proposed changes to the front section and the lift position reflect the heavily altered nature of the house and will not impact on an original layout or detail.

Dormers

The house is one of four houses that are matching in detail. The paired houses at 98 and 100 Blues Point Road both have front dormers and it is intended to match their detail on the subject house.

The front dormer is offset in the manner of the dormer at 98 Blues Point Road due to the gablet at the front of the house and the dormer is small scale and traditionally detailed. It will have little impact on the presentation of the house to the street and can form a template for such works at the adjoining house 96 Blues Point Road.

The rear dormer is extant and the proposal is to extend this to provide a reasonable level of accommodation in the upper bedroom.

The proposed dormer extension has been reduced in length with only a slight increase in the wing walls with the glazing set to the face of the wing walls. The rear roof is very large and the amended dormer is in scale with the overall scale of the roof. As can be seen from the images below, the change will be imperceptible from the street and the dormer cannot be seen from Nottingham Lane.

Summary

The majority of the proposed works involve changes to recently added and heavily altered internal spaces, and so will have little heritage impact on the house itself and the external appearance of the row.

The revised drawings reduce the extent of change but the elements that have not been altered in response to Council's comments are reasonable and will have a limited and acceptable impact on the significance of the place.

Noting the above, the amended proposal is considered to adequately respond to the concerns raised by Council's Conservation Planner and provides sufficient justification in support of the proposed modifications to a highly modified terrace dwelling.

ENGINEERING – GEOTECHNICAL & STORMWATER

Council's Development Engineer provided the following comments:

The proposal has been assessed in relation to:

- *Traffic Management*
- *Stormwater*
- *Parking and Access*
- *Sediment and Erosion Control measures*
- *Excavation and Retaining Walls*

In assessing the application, the following DCPs sections, Council's Codes and Infrastructure Guidelines are considered relevant to the proposed development:

- *Section 10 Car Parking and Transport*
- *Section 12 Access*
- *Section 17 Erosion and Sediment Control*
- *Section 18 Stormwater Drainage*
- *Section 20 Public Infrastructure*
- *North Sydney Council Infrastructure Specification for Roadworks, Drainage and Miscellaneous Works 2016/2017*
- *North Sydney Council Public Domain Style Manual and Design Codes*
- *North Sydney LGA Flood Study Final Report February 2017*

Comments:

In reference to the proposed development, the following matters have been considered.

Traffic Management:

Significant excavation and underpinning below the existing dwelling. CTMP required.
Appropriate conditions shall be imposed in this regard.

Stormwater:

Stormwater to be drained via gravity with a direct underground connection to Council's existing stormwater pit in Nottingham Lane (French Lane)
Appropriate conditions shall be imposed in this regard.

Parking and Access:

Existing garage to be retained, however the garage door is proposed to be widened to allow for improved ingress and egress. All associated works are within the subject premises.
No conditions applied.

Sediment and Erosion controls

Appropriate conditions shall be imposed in this regard.

Excavation and Retaining Walls

Significant excavation and underpinning below the existing dwelling.
Appropriate conditions shall be imposed in this regard.

Recommendation

The application has been assessed and it is recommended that the following conditions to be included in the Development Consent.

SUBMISSIONS

On 1 December 2022, Council notified adjoining properties and the Lavender Bay Precinct notified for extended notification period in accordance Community Consultation Plan between 10 December 2021 to 18 January 2022. Council's notification of the proposal has attracted a total of two (2) submissions including one in support of the proposal.

Concerns included in the submissions are not in objection to the proposal but request that consideration be given to management of the proposed extensive excavation and to ensure sympathetic treatment is given to the heritage significance of the property in the conservation area.

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

Basis of Submissions

- The Committee asks Council to note the extensive excavation proposed and ensure that the adjoining property is properly protected.
- General support for the proposal
- Request Council consider the heritage impact of the proposed additions noting preceding sympathetic development within the terrace group.

CONSIDERATION

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

Environmental Planning and Assessment Act 1979 (as amended)

SEPP (Biodiversity and Conservation) 2021

Chapter 2 – Vegetation in Non-Rural Areas

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

Chapter 10 - Sydney Harbour Catchment

Having regard to the SEPP (Biodiversity and Conservation) 2021 2005 concerned with the Sydney Harbour Catchment and the Sydney Harbour Foreshores and Waterways Area DCP 2005, the proposed development is not considered to be detrimental to the Harbour and will not unduly impose upon the character of the foreshore given the site's location. As such, the development is acceptable having regard to the provisions contained within the above SEPP 2021 and the Sydney Harbour Foreshores and Waterways DCP 2005.

SEPP (Resilience and Hazards) 2021

The provisions of SEPP (Resilience and Hazards) require Council to consider the likelihood that the site has previously been contaminated and to address the methods necessary to remediate the site. The subject site has only previously been used for residential purposes and as such is unlikely to contain any contamination; therefore, the requirements of the above SEPP have been satisfactorily addressed.

SEPP (Building Sustainability Index: BASIX) 2004

A valid BASIX Certificate has been submitted with the application which satisfy the Aims of the SEPP.

NORTH SYDNEY LOCAL ENVIRONMENT PLAN (NSLEP 2013)

1. Permissibility

The site is zoned R3 Medium Density Residential under the provisions of the North Sydney Local Environmental Plan 2013 (NSLEP 2013). Development for the purposes of alterations and additions to a dwelling house is permissible with the consent of Council.

2. Objectives of the zone

The proposal has been considered against the relevant zone objectives for development in the R3 (Medium Density Residential) zone.

Zone R3 Medium Density Residential

1 Objectives of zone

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium 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 medium density housing if such development does not compromise the amenity of the surrounding area or the natural or cultural heritage of the area.*
- *To provide for a suitable visual transition between high density residential areas and lower density residential areas.*
- *To ensure that a high level of residential amenity is achieved and maintained.*

The proposed works will result in a development which would be considered acceptable with regard to the objectives of the R3 Medium Density Residential Zone.

Part 4 – Principal Development Standards

Principal Development Standards – North Sydney Local Environmental Plan 2013			
Site Area - 189.6m²	**Proposed**	**Control**	**Complies**
Clause 4.3 – Heights of Building	***Existing*** 12.45m (dormer) ***Proposed*** 12.45m (dormer) 3.95m (46.5%) variation	8.5	NO

3. Height of Building

The following objectives for the permissible height limit (INSERT HEIGHT LIMIT) pursuant to clause 4.3 in NSLP 2013 are stated below:

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

The maximum building height for the site is 8.5 m pursuant to clause 4.3(2) of NSLEP 2013. The existing dormer and the proposed attic level dormer works to the dwelling would have a maximum height of 12.45m above ground level existing (as defined). The proposed amended development breaches the standard by 3.95m (46.5%) variation.

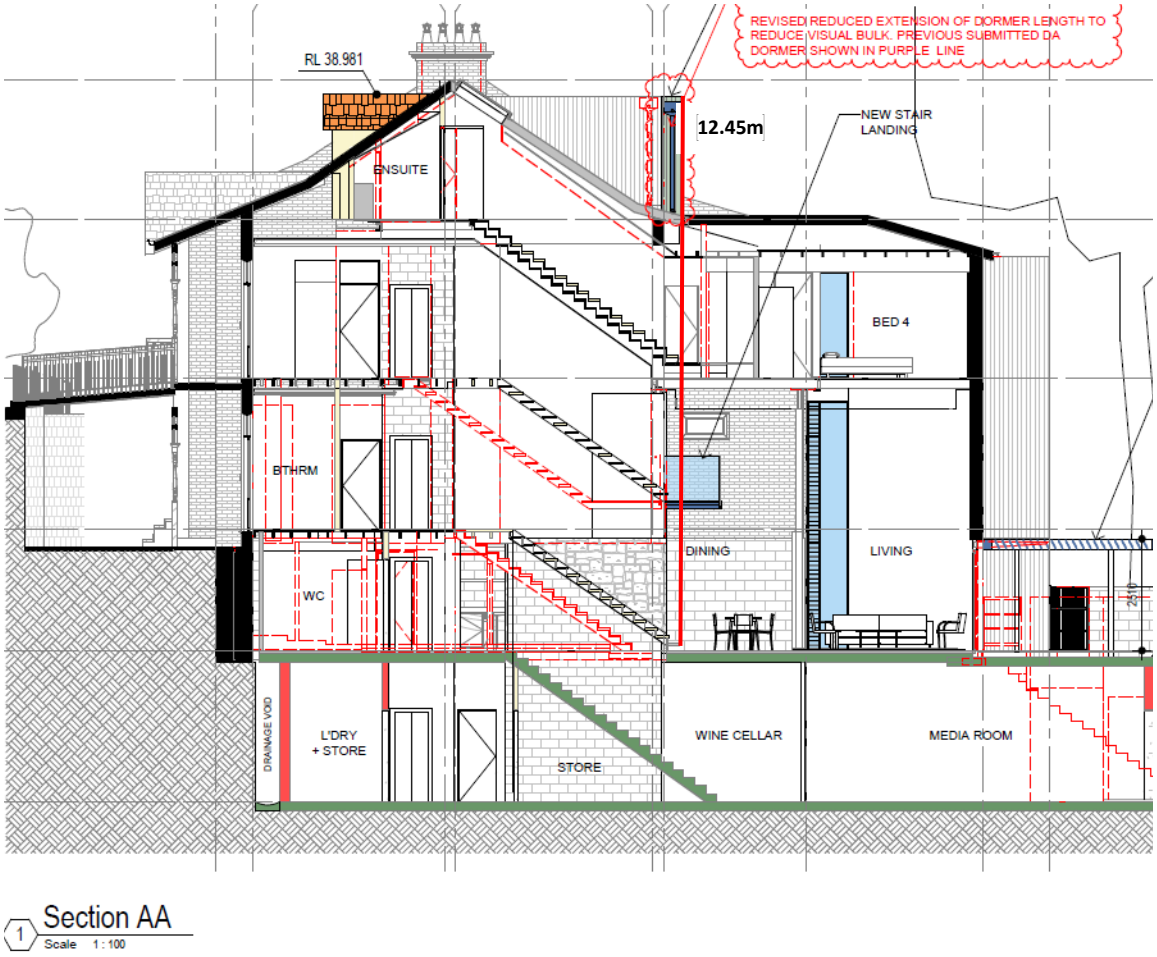


Figure 13: Section AA showing height above ground level existing (indicated). Ground level relates to the existing lowest ground floor of the building

The applicant has submitted a written request pursuant to Clause 4.6 in NSLEP 2013. The written request has adequately addressed sub clause (3) and is considered to be in the public interest because it is consistent with the relevant development standard and the objectives of the zone.

Clause 4.6 (Exception to development standards)

The applicant has submitted a written request to address the contravention of the development standard, pursuant to clause 4.6 of NSLEP 2013. The proposed variation has been assessed in accordance with the requirements outlined in:

- *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009
- *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118)* and
- *NSWLEC Wehbe v Pittwater 2007*

In relation to clause 4.6 requests, as against the requirements of clause 4.6 and the objectives of the building height control, discussed as follows:

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

The land slopes from the front to the rear but the proposal does not involve any visible changes to existing ground levels or the landform generally. The new level is under the house within the existing building footprint.

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

The proposed dormer window at the front and extended dormer at the rear of the existing steeply pitched roof will not impact on the existing views and outlook from adjoining properties or properties on the opposite, high side of Blues Point Road.

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

The proposed dormer window at the front and extended dormer at the rear that exceeds 8.5m in height will not involve an additional impact on solar access to adjoining properties.

There will be no reduction in solar access to any north facing windows or private open space areas of the adjoining properties.

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

Acoustic privacy will be maintained to an acceptable degree and there will no potential overlooking of adjoining or adjacent residential properties from the dormer windows or the new windows in the southern side wall.

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

The proposed additions to the existing pitched roof will maintain compatibility with the height, scale, and character of residential development in the area, that comprises similar height, form and scale, two and three storey semi detached and detached dwelling houses with pitched roofs and some with similar dormer windows.

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

The changes to the existing pitched roof will be an appropriate scale and density and compatible with the style and character of the existing house and its steeply pitched slate clad roof as well as the dwelling houses in the immediate area.

(g) to maintain a built form of mainly 1 or 2 storeys in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone E4 Environmental Living.

The proposed additions will not alter the number of storeys in the existing building. It will maintain its terrace form to Blues Point Road, with a single storey character. The rear additions, whilst nominally four storeys above ground level would not alter the appearance and form of the dwelling to the street.

Whilst the change to the rear dormer window by reducing the nib walls by 200mm will not reduce the overall building height, it will reduce the visible bulk of the rear dormer compared with the original proposal by approximately 30%.

The amended proposal achieves an acceptable outcome and an appropriate level of consistency with the objectives of the standard, particularly in relation to compatibility with the local area character, and minimising the effects of bulk and scale, and maintaining local amenity in particular views and view sharing and solar access and privacy.

Cl.45.6(3) Whether sufficient environmental planning grounds are identified

The applicant's clause 4.6 written submission contains the following environmental planning grounds to justify the proposed contravention of the height of buildings development standard, on this particular site:

- *The height of the new dormer window and the dormer at the rear (as amended) is a function of the height of the existing steeply pitched original slate clad roof. Whilst the new roof elements exceed 8.5m in height they are actually lower in overall height compared to the ridge of the existing roof and the roof of the adjoining semi dwelling.*

- *[E]ven though the proposal will exceed the 8.5m height of buildings standard in part, the proposal represents a reasonable and appropriate environmental planning outcome to improve the function and amenity of the existing attic roof level. It also maintains the integrity of the Federation style and character of the existing house and the adjoining semi dwelling and is an appropriate contextual fit in terms of the height and scale and proportions of the adjoining dwelling houses in the row of houses to the north, in this part of the Blues Point Road.*

The proposal will be consistent with the aims and objectives of the North Sydney LEP, the objectives of the height of buildings standard and the objectives of the R3 Medium Density Residential Zone.

The preceding assessment demonstrates that the non-compliant elements of the development will not give rise to any material or adverse impacts regarding the objectives of Clause 4.3 Building Height of NSLEP 2013. It is considered that there are sufficient environmental planning grounds to justify contravention of the development standard. The objectives of the height control will be achieved despite the variation. On this basis the request for variation is well founded and it would be unreasonable to require compliance in the circumstances of the case.

4. Heritage Conservation

The property is not listed as a heritage item in Schedule 5 Part 1 of the North Sydney Local Environmental Plan 2013 (as amended) (NSLEP) but is identified as a Contributory Item that is located within the McMahons Point South Heritage Conservation Area (CA14).

The McMahons Point South Conservation Area is significant:

(a) For its connection to the early grant to William Blue and the Harbour crossing point at Blues Point, the early waterfront industry of Sydney Harbour, both of which can be interpreted by physical remnants.

(b) As a mid 19th to early 20th century residential area with a mix of Victorian, Federation, 1920's and 1930's housing mixed with some Inter-war residential flat buildings.

The row of four terraces (Nos 94-100 Blues Point Road) lies on the western side of Blues Point Road. Directly behind and below is a large 1970s apartment block known as 90 Blues Point Road. The southern side boundary of the subject site also forms the boundary of the conservation area, reflecting the variation in development in the immediate vicinity of the site.

The rear of the terraces at 94-100 Blues Point Road is front Nottingham Lane and the Nottingham Street Reserve, with the southern side wall of 94 Blues Point Road also visible from Blues Point Road.

The rear of 94 Blues Point Road is already substantially altered from its original appearance due to the previous rear three-storey addition, the garage off Nottingham Lane and the elevated landscaping above the garage. These alterations have interrupted the rear building line of the row when viewed from Nottingham Lane.

While the changes have largely preserved the terraced form of the original building and its appearance from the street, they have added visibly to the overall size and bulk of the building when viewed from the side and rear by forming a line of continuous development over the whole site from the Blues Point street facade to the garage off Nottingham Lane. This increased size and bulk is also visible when the building is viewed along the southern side wall from Blues Point Road.

The current proposals are largely internal and underground. The front facade and appearance from the street will be maintained. The alterations proposed to the southern side wall will appear either minor in the case of re-aligning the side wall or an acceptable impact such as the additional windows.

5. Earthworks

Clause 6.10 of NSLEP 2013 seeks to ensure that earthworks will not have any detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

To achieve the basement level, bulk excavation will extend to depths of up to 3.00 metres below the existing Level 2. Some excavation will be required to be within 900 mm of the northern, eastern and southern boundaries.

As per the provisions of Clause 6.10(3), the following matters are required to consider before consent can be issued.

(3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:

a) the likely disruption of, or any detrimental effect on:
i. drainage patterns and soil stability in the locality of the development, and
ii. natural features of, and vegetation on, the site and adjoining land,

Drainage flows across the reflect the existing topography flowing from the north eastern corner to the south western corner of the site. The excavation is not considered to be so significant that underground flows of water will be significantly altered, and surface contouring is proposed to provide for surface overland flow if required along the southern side of the site. Council's Engineer has recommended conditions be imposed to adequately deal with stormwater management.

With regard to natural features, there is no evidence of any natural surface rock outcropping occurring in the site. Accordingly, the proposed excavation is acceptable in this regard.

b) The effect of the development on the likely future use or redevelopment of the land,

The proposal will maintain the residential use of the land, at a higher density as existing which is in accordance with the R3 Medium Density Residential zoning and zone objectives applicable to the site.

c) the quality of the fill or the soil to be excavated, or both,

Given the extended residential history of the site it is unlikely that the site has experienced any significant contaminating activities which would give rise for concern relating to the quality of material to be excavated and disposed off site. Where practicable, some of the excavated material will be re used on site however the majority of the excavated material will be removed off site for disposal to a suitable landfill.

d) the effect of the development on the existing and likely amenity of adjoining properties,

Subject to compliance with the attached recommendations of the consulting structural engineer and geotechnical conditions, the construction impacts of the proposed excavation can reasonably be managed within the site boundaries. Sensitive excavation techniques with be required to ensure the development adequately protect adjoining properties. It is noted that the excavation in itself would reflect the impact anticipated by the R3 Zone, and that basement accommodation for car parking is a sufficiently common feature for similar development with access from the rear lane.

The impacts would not result in any significant adverse amenity impact to these properties subject to (standard) conditions to manage construction and excavation impacts. The development and excavation is acceptable in this regard.

e) the source of any fill material and the destination of any excavated material,

Where practicable, some of the excavated material will be re used on site however the majority of the excavated material will be removed off site for disposal to a suitable landfill.

f) the likelihood of disturbing Aboriginal objects or relics,

The site has an extended history of residential usage with no surface outcropping of rock occurring on site. The likelihood of disturbing any relics is very low. Standard precautionary conditions can be included upon any determination notice

g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,

The site does not supply any drinking water catchments. Appropriate sediment and erosion control measures can be included as conditions of development consent should NSLPP issue instruction for the proposal to be approved and prevent sediment movement into adjoining properties. Council's Development Engineers have also examined the proposed stormwater disposal plan and concluded (subject to recommended conditions of consent) that post development stormwater discharge quality would be reasonably maintained. The development is acceptable in this regard.

Prior to demolition, dilapidation reports would need to be required, externally on the adjoining properties located to the south of the site and also include a report on the physical condition of the Heritage wall which surrounds the site to the north and south.

Council's Development Engineer has recommended appropriate conditions with regard to geotechnical reports if the application is found to have merit by NSLPP to be approved.

In accordance with the provisions of Clause 6.10(3) this assessment has considered the impact of the excavation on site and to surrounding properties and found the excavation would be acceptable or could be adequately controls via the imposition of conditions of development consent. Accordingly, the development is supportable in this regard.

6. Vehicular access

Development for the purposes of a driveway and vehicular crossing within a road reserve associated with a permissible use in an adjoining zone may be carried out with consent, pursuant to clause 6.13 of the LEP. Conditions have been recommended by Council's Development Engineer to ensure that any new driveway complies with relevant standards while protecting public infrastructure assets in the vicinity of the works.

NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013

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

DEVELOPMENT CONTROL PLAN 2013 – Part B Section 1- Residential Development		
	complies	***Comments***
1.2 Social Amenity		
1.2.1 Population Mix	Yes	The proposal is capable of providing to a mixed residential population through the proposed lift, widened garage egress, and variety of room sizes and function types that will accentuate residential amenity on site.
1.2.2 Maintaining Residential Accommodation	Yes	The application proposes 7 bedrooms (6 bedrooms and 1 media room capable of conversion into a bedroom). The existing dwelling house contains 6 bedrooms (5 bedrooms and 1 study room). The proposal will not decrease the residential density on site.
1.3 Environmental Criteria		
1.3.1 Topography	Yes	The existing site contains a Level 1 and the proposal extends this floor plate towards the east of the site beneath Level 2 to Level 5. Appropriate conditions are imposed to minimise the adverse effects of excavation on the amenity of neighbouring properties and natural sandstone walls on the south and east are mostly retained.
1.3.6 Views	Yes	The proposal does not obstruct or create an adverse impact on views to and from significant locations as identified in the ACS under Part C, s9.8.4, including Blues Point Reserve, Lavender Bay and Sydney Harbour.
1.3.7 Solar Access • More than 3 hours between 9am – 3pm	Yes	The main internal living spaces located on Level 2 will receive a minimum of three hours of solar access at the winter solstice between 9am and 3pm.
1.3.8 Acoustic Privacy • Living areas Day/Night < 40 dBA • Sleeping areas Day/Night < 35 dBA	Yes	Bedrooms utilise storage spaces to mitigate acoustic impacts from the proposed lift which is encased within a blockwork composed of brick or dincel and is satisfactory regarding acoustic privacy.
1,3,10 Visual Privacy	Yes	Suitable screening structures will be installed for the proposed windows on the southern boundary overlooking the private reserve. The proposed swimming pool is located on Level 2 which avoids direct views onto the structure from the street level below at the rear of the site. Screen planting is proposed on the north, south and west of the pool area to protect visual privacy. The extensive glass pool fence proposed will be installed from one end of the swimming pool to the rear boundary which will mitigate impacts to visual privacy. The proposed pergola structure is located immediately beside the swimming pool and will obscure views towards the swimming pool from the adjoining semi-detached dwelling.

1.4	**Quality built form**		
1.4.1	**Context**	Yes	The site maximises its opportunities and constraints and achieves a sound level of residential amenity and retaining its significance as a contributory item within a conservation area.
1.4.3	**Streetscape**	Yes	The proposal retains the streetscape character on Blues Point Road of a one to two-storey dwelling façade. Conditions are imposed to ensure that the proposed front dormer matches the form and design of existing dormers on No. 98 & 100 Blues Point Road.
1.4.5	**Siting**	Yes	The proposed development retains the existing siting of the dwelling house and is satisfactory in this regard.
1.4.6	**Setback – Side**	Yes	The dwelling house is a semi-detached terrace house that is built to the side boundaries. The proposed development retains the existing nil setback except for the southwest corner of the site where it sets in approximately 0.8m for landscaping planting on the ground floor.
P1	**Front setback** • To match adjoining properties. **P5** **Rear Setback – Rear** • To match adjoining properties.	Yes	The front setback matches the adjoining semi-detached dwelling and is satisfactory in this regard. The rear setback for the proposal retains the same setback as its current form and is satisfactory in this regard.
1.4.7	**Form Massing Scale** • Floor to ceiling height 2.7m	Yes	The proposal has a minimum floor to ceiling height of 2.7m for all levels.
1.4.8	**Built Form Character**	No, subject to dormer conditions	The proposal retains a façade of traditional row housing form at the front of the street with the exception of the proposed dormer at the front of the site.
1.4.9	**Dwelling Entry**	Yes	The proposal retains its existing dwelling entry from Blues Point Road and is satisfactory in this regard.
1.4.10	**Roofs**	Yes	No change is proposed for the front roof except for the proposed tiled dormer. The flat skillion roof of the proposed rear dormer utilises steel and galvanised iron that is satisfactory at the rear.
1.4.11	**Dormers** • Pitch of dormer roof $<36^0$ • No more than 1/3 of the width of the roof plane	Yes	The proposed front dormer is designed to match those existing at Nos. 98 & 100 Blues Point Road. The proposed rear dormer replaces and existing awning style dormer. The rear dormer has been amended to ensure the dormer sits well within the existing parapet walls of the existing terrace.
1.4.12	**Materials**	Yes	The proposal retains a high proportion of masonry or solid surfaces to glazed surfaces incongruent with the ACS under Part C of the DCP 2013 and is satisfactory in this regard.
1.4.14	**Front Fences**	Yes	The proposal retains its existing front fence and is satisfactory in this regard.
1.5	**Quality Urban Environment**		
1.5.2	**Lightwells & Ventilation**	Yes	The site contains an existing skylight on the roof and the proposed rear dormer will allow for more light and ventilation to enter into the building alongside other pathways such as window and door openings and ventilation units to Level 1 from Level 2 terrace. Mechanical AC units are also proposed on the plans and the proposal is satisfactory in this regard.
1.5.3	**Safety and Security**	Yes	The proposal remains clearly identifiable as a private property and maximises views of the street and the dwelling entry and is satisfactory in this regard.

1.5.4 Vehicle Access and Parking • Part B – Section 10 – Car parking • Limit width of vehicle access to 2.5m	Yes	The proposal will provide adequate on-site car parking for the residents. The application proposed to enlarge the existing laneway garage entry by 475mm. The DCP limits the width of vehicle access to 2.5m, however the widening of the vehicle access improves manoeuvring that improves residential amenity on the Nottingham Lane. Councils' development engineer has considered the existing and proposed access and is satisfied that the proposed garage design would improve existing access.
1.5.5 Site Coverage **Site coverage requirements of detached, attached or semi detached dwellings:** **Lot Size (m^2) / Site Cover** **0-229 / 60%** **230-499 / 50%** **500-749 / 40%** **750-999 / 35%**	No (No change)	***Project Compliance*** **Table 2: Site Coverage & Landscape area** **Existing / Proposed / Control / Compliance** **Lot: 189.6m²** 167.2m² 88.2% / 167.2m² 88.2% / 113.76m² 60% (max) / No The numeric non-compliance with the site coverage controls for proposed development is indicated in the Site Coverage compliance diagram below at Figure 14. The existing and proposed site coverage are consistent due to the existing high site coverage resulting from the preceding approvals on the site. The modified site arrangements largely constitute a reconfiguration of the existing structures on site, with some improvement to the quality and standard of on slab landscaping to the garage roof terrace Whilst non-compliant with the site coverage control, the form and scale of the proposed development is consistent with the existing and as such would not adversely impact on the separation between development, the scale or density of development on the site. Surrounding developments are characterised by high site coverage.

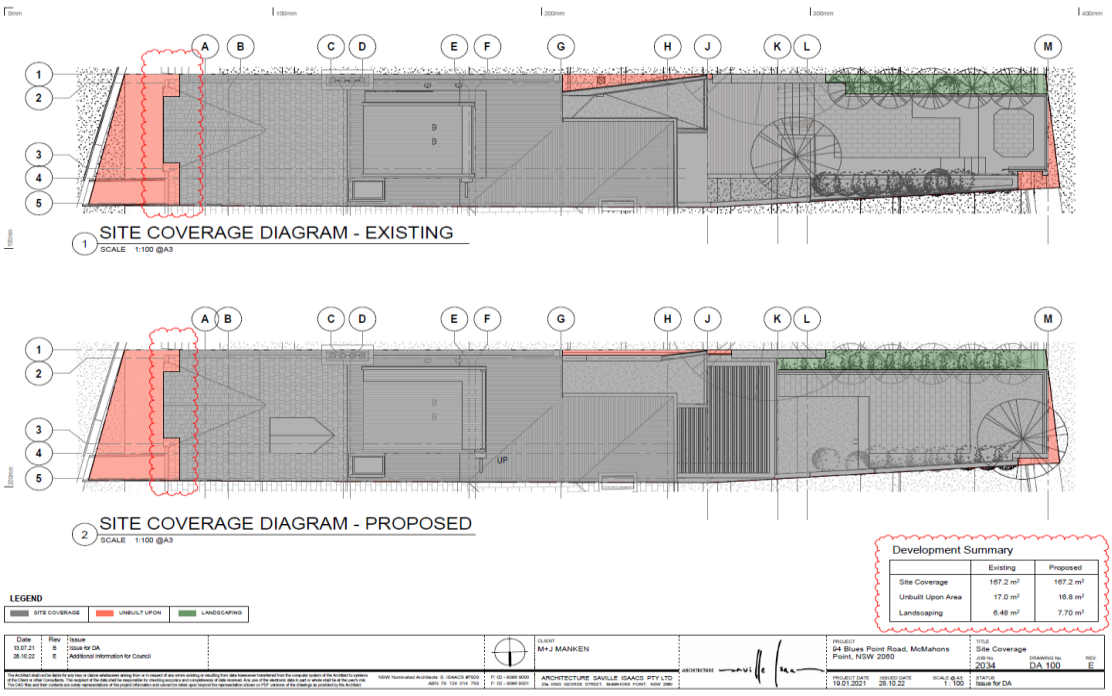


Figure 14: Existing and proposed site coverage

<table>
<tr><td>1.5.6 Landscape Area</td><td>No
(merit)</td><td>
<table>
<tr><th>Control</th><th>Existing</th><th>Proposed</th><th>Compliance</th></tr>
<tr><td>Landscaped area (min 20%: 33.44 m²)</td><td>6.5 m²</td><td>7.7 m²
(4.06%)</td><td>No
(Merit)</td></tr>
<tr><td>Unbuilt-upon area (max 20%)</td><td>25.2 m²</td><td>24.6 m²
(12.97%)</td><td>Yes</td></tr>
</table>
The proposal is non-compliant with the Landscaped Area control which requires a minimum of 33.44sqm to be provided. Despite this, the proposal increases the landscaped area from the existing and is satisfactory in this regard.
</td></tr>
<tr><td>1.5.7 Excavation</td><td>No
(merit)</td><td>Subject to the imposition of conditions that mitigates adverse impacts upon the structural integrity of adjoining properties, the proposed excavation is satisfactory.</td></tr>
<tr><td>1.5.8 Landscaping
Planters – 110mm (diameter) x depth 135mm
Trees should provide 50% canopy cover over landscaped areas at maturity</td><td>No</td><td>A detailed landscape plan has been provided which details new landscaping to be installed on the existing garage roof terrace. The proposed landscape response is considered to be ab improvement on existing landscaping conditions to the garage roof terrace, with a marginal increase in screen planting to be installed to the southern boundary planter box and a replacement tree in the rear planter box, noted to be a small water gum.</td></tr>
<tr><td>1.5.9 Front Gardens</td><td>Yes</td><td>No work is proposed for the front of the site beyond the built form.</td></tr>
<tr><td>1.5.10 Private and Communal Open Space
Private open space at ground level – 4m min dimension & 2m above ground level
Must be provided off living areas
Min communal open space between 25% & 30% of the site area</td><td>Yes</td><td>
<table>
<tr><th>Control – lot size</th><th>Proposed</th><th>Compliance</th></tr>
<tr><td>Up to 499m² – 40m</td><td>Council calculated 42 m²</td><td>Yes</td></tr>
</table>
</td></tr>
<tr><td>1.5.10 Swimming Pools</td><td>Yes</td><td>
<table>
<tr><th>Control</th><th>Proposed</th><th>Compliance</th></tr>
<tr><td>Setback 1.2m min</td><td>Approx 7m</td><td>Yes</td></tr>
<tr><td>Height -500m max</td><td>Approx 1m</td><td>No</td></tr>
<tr><td>Nearest habitable room – 6m min.</td><td>Yes, no habitable room on same floor level</td><td>Yes</td></tr>
<tr><td>Rainwater tank
<20,000 -size 1500l
20,000 – 40,000 = 3,000l
>40,00 = BASIX</td><td>BASIX: 770L minimum</td><td>Yes</td></tr>
</table>
</td></tr>
<tr><td>1.5.12 Garbage Storage</td><td>Yes</td><td>Capable of being provided within front courtyard below the existing fencing or within the garage.</td></tr>
<tr><td colspan="3">1.6 Efficient Use of Resources</td></tr>
<tr><td>1.6.1 Energy Efficiency</td><td>Yes</td><td>A BASIX certificate A417789_02 issued on 21 November 2021 is submitted with the application that outlines the efficient use of resource commitments.</td></tr>
<tr><td>1.6.2 Passive Solar Design</td><td>Yes</td><td>Refer to submitted BASIX certificate.</td></tr>
</table>

1.6.3 Thermal Mass and Insulation	Yes	Refer to submitted BASIX certificate.
1.6.4 Natural Ventilation	Yes	The application allows for natural ventilation through window and door openings on all levels except for Level 1 which utilises ventilation louvres to allow for air to flow through from the Level 2 terrace which has an operable pergola that provides weather protection above.
1.6.6 Hot Water Systems	Yes	Refer to submitted BASIX certificate.
1.6.7 Water Conservation	Yes	Refer to submitted BASIX certificate.
1.6.8 Stormwater Management	Yes	Stormwater plans prepared by itm Design proposes new inground drainage, OSD, rainwater tank and an erosion sediment control plan that is reviewed by Council's Development Officer and appropriate conditions have been imposed in the consent.
1.6.9 Water Management and Minimisation	Yes	Refer to submitted BASIX certificate.
1.6.10 Green Roofs	N/A	Not included in the proposal.

Relevant Planning Area (Lavender Bay Planning Area) – Part C of NSDCP 2013

The proposed works are generally in adherence with the ACS under Part C, s 9.8.4 of the DCP 2013, with the exception of the proposed front dormer which is classified as an uncharacteristic element in the ACS, and the excavation for the extension of Level 1 floor area which is likely to bore through rocky outcrops although it will remain invisible from the surrounding streetscape. Appropriate conditions have been imposed to remove the front dormer as well as to mitigate the impacts of the proposed excavation on the adjoining dwelling. The proposal is considered satisfactory in this regard.

LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN

The subject application has been assessed against the North Sydney Local Infrastructure Contribution Plan 2020 and is subject to payment of contributions towards the provision of local infrastructure. The contributions payable has been calculated in accordance with Council's Contributions Plan as follows:

S7.12 Contribution amounts payable

S7.12 Contribution is payable based on the cost of works being $2,859,455.44.

Applicable contribution type		
s7.12 contribution		$2,859,455.44 x 1% = **$28,595.00**
Total		**$28,595.00**

Conditions requiring the payment of contributions at the appropriate time are included in the attached conditions.

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	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

The application was notified to adjoining properties and the Lavender Bay Precinct. Council received two (2) submissions where the following matters were raised:-

- *A neutral comment for Council to take note of the extensive excavation proposed and to ensure that the adjoining property is properly protected.*

Planning comment: Appropriate conditions are imposed by the Council's Development Officer to ensure that the other half of the semi-detached pair is protected from possible impacts of the proposal.

- *Support for the proposal in terms of architectural design which preserves the historic fabric*

Planning comment: The proposal received support due to its effort to preserve the historic fabric through retaining the bulk of proposed works within or at the rear of the development, the construction of a dormer on the roof of the front façade creates an asymmetrical character to the contributory item that is not supported. Appropriate conditions are imposed in the consent to remove the dormer addition to the front roof plane.

PUBLIC INTEREST

The proposal is considered to be in the public interest for the reasons stated throughout this report subject to the imposition of conditions in the development consent.

SUITABILITY OF THE SITE

The proposal is located in the R3 (Medium Density Residential) zone where alterations and additions to a dwelling house including the construction of a swimming pool and pergola are a permissible form of development. Consequently, the proposal is suitable for the site having regard to the merits of the proposal as described in the above report.

CONCLUSION

The development application has been assessed against the North Sydney Local Environmental Plan 2013, North Sydney Development Control Plan 2013 and the relevant State Planning Policies and generally found to be satisfactory in the site circumstances.

The proposed dwelling as amended will exceed the 8.5 m maximum height limit applicable to the site as set out under Clause 4.3 Building Height of NSLEP 2013. Generally, however, the perceived bulk and scale of the additions will be commensurate with the adjoining buildings to the immediate north of the subject site. The proposed height, bulk and scale of the additions are considered to be sufficiently in keeping with the established character of the McMahons Point South Conservation Area and the immediate locality along Blues Point Road. The proposed height, bulk and scale of the new dwelling is considered to be in keeping with the established character of the McMahons Point South Conservation Area of the immediate locality along Blues Point Road subject to refinement in the design to remove the dormer roof element.

The assessment of the proposal has considered the concerns raised in the submissions as well as the performance of the application against Council's planning requirements. Following this assessment, and having regard to the provisions of Section 4.15 of the Environmental Planning & Assessment Act 1979 (as amended), the application recommended for approval given the consistency to the objectives and controls within the North Sydney Local Environmental Plan and Development Control Plan 2013, and lack of material adverse impacts on the redevelopment of the adjoining properties.

HOW WERE THE COMMUNITY VIEWS TAKEN INTO CONSIDERATION?

The subject application was notified to adjoining properties and the Lavender Bay Precinct for a minimum of 14 days where the issue of protection of adjoining dwellings from the impact of the excavation was raised that have been addressed in this report where appropriate conditions of consent have been recommended to maintain the amenity of adjoining properties.

RECOMMENDATION

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

THAT the North Sydney Local Planning Panel exercising the functions of Council, as the consent authority, assume the concurrence of the Director General of the Department of Planning and invoke the provisions of Clause 4.6 with regard to the exception to the development standard for Building Height and grant consent to Development Application No. 412/21 for alterations and additions to terrace dwelling comprising substantial internal alterations, and excavation of new basement level and pool on land at 94 Blues Point Road, McMahons Point, subject to the attached standard conditions.

RACHEL WU
ASSESSMENT OFFICER

DAVID HOY
TEAM LEADER (ASSESSMENTS)

STEPHEN BEATTIE
MANAGER DEVELOPMENT SERVICES

NORTH SYDNEY COUNCIL
CONDITIONS OF DEVELOPMENT APPROVAL
94 BLUES POINT ROAD, MCMAHONS POINT
DEVELOPMENT APPLICATION NO. 412/21

A. Conditions that Identify Approved Plans

Development in Accordance with Plans/Documentation

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

Plan No.	Rev No.	Description	Prepared by	Dated
DA000	E	Cover Sheet	Architecture Saville Isaacs	28-10-22
DA101	E	Site Plan	Architecture Saville Isaacs	28-10-22
DA102	E	Plan Level 1	Architecture Saville Isaacs	28-10-22
DA103	E	Plan Level 2	Architecture Saville Isaacs	28-10-22
DA104	E	Plan Level 3	Architecture Saville Isaacs	28-10-22
DA105	E	Plan Level 4	Architecture Saville Isaacs	28-10-22
DA106	E	Plan Level 5	Architecture Saville Isaacs	28-10-22
DA107	E	Roof plan	Architecture Saville Isaacs	28-10-22
DA201	E	Elevation -South	Architecture Saville Isaacs	28-10-22
DA202	E	Elevation_East + West	Architecture Saville Isaacs	28-10-22
DA203	E	Elevation_North	Architecture Saville Isaacs	28-10-22
DA251	E	Section_Longitudinal AA	Architecture Saville Isaacs	28-10-22
DA252	E	Section_Longitudinal BB	Architecture Saville Isaacs	16.11.21
DA253	E	Section_Cross DD + GG	Architecture Saville Isaacs	28-10-22
DA350	E	External Finishes Schedule	Architecture Saville Isaacs	28-10-22

Plan No.	Rev No.	Description	Prepared by	Dated
Pg1 of 3	-	Level 1 Slab Plan	iStruct Consulting Engineers	22/10/2021
Pg 2 of 3		Level 2 Slab Plan	iStruct Consulting Engineers	22/10/2021
Pg 3 of 3		Level 3 Slab & Framing Plan	iStruct Consulting Engineers	22/10/2021
H-DA-00	B	Stormwater Services Legend, Details & Calculations	itm Design P/L	23/11/2021
H-DA-01	B	Stormwater Services Erosion Sediment Control Plan	itm Design P/L	23/11/2021
H-DA-02	B	Stormwater Services Level 1 & Level 2 Floor Plan	itm Design P/L	23/11/2021
L101	C	Landscape DA Plan Sheet 1 of 1	Spirit Level Designs P/L	05/07/2021

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

Plans on Site

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

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

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

No Demolition of Extra Fabric

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

(Reason: To ensure compliance with the approved development)

External Finishes and Materials

A4. External finishes and materials must be in accordance with the submitted schedule numbered DA350 (Rev E), dated 28 October 2022, prepared by Architecture Saville Isaacs referred to in condition A1 unless otherwise modified by Council in writing.

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

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

Construction Management Program – North Sydney Council Traffic & Transport Operations Division Approval

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

a) A plan view (min 1:100 scale) of the entire site and frontage roadways indicating:

i. Dedicated temporary construction site driveway entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways and footways;
ii. The proposed signage for pedestrian management to comply with the relevant Australian Standards, including pram ramps;
iii. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
iv. The locations of any proposed Work Zones in the frontage roadways (to be approved by Council's Traffic Committee);
v. Locations of hoardings proposed;
vi. Location of any proposed crane standing areas;
vii. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
viii. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected; and
ix. The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.

b) A detailed heavy vehicle access route map through the Council area to Arterial Roads. Provision is to be made to ensure through traffic is maintained at all times.

c) The proposed phases of works on the site, and the expected duration of each phase.

d) How access to neighbouring properties will be maintained at all times and the proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of process.

e) The road is not to be used as a waiting area for trucks delivering to or awaiting pick up of materials.

f) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising structural engineer and must not involve any permanent or temporary encroachment onto Councils property.

g) Proposed protection for Council and adjoining properties. Details are to include site fencing and the provision of "B" class hoardings over footpaths and laneways.

h) A Waste Management Plan. The Waste Management Plan must include, but not be limited to, the estimated volume of waste and method of disposal for the construction and operation phases of the development, design of on-site waste storage and recycling area and administrative arrangements for waste and recycling management during the construction process.

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

Notes:

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

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

C. Prior to the Issue of a Construction Certificate (and ongoing, where indicated)

Dilapidation Report Damage to Public Infrastructure

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

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

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

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

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

Dilapidation Report Private Property (Excavation)

C2. A full dilapidation survey and report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavations must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The zone of influence is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.

The dilapidation report and survey are to be prepared by a consulting structural/ geotechnical engineer agreed to by both the applicant and the owner of any affected adjoining property.

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

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

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

(Reason: To record the condition of property/i.e., prior to the commencement of construction)

Dilapidation Survey Private Property (Neighbouring Buildings)

C3. A photographic survey and dilapidation report of adjoining property No. 96 Blues Point Road detailing the physical condition of the property, both internally and externally, including, but not limited to, such items as walls, ceilings, roof, structural members and other similar items, SHALL BE submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The survey and report are to be prepared by an appropriately qualified person agreed to by both the applicant and the owner of the adjoining property. A copy of the report is to be provided to Council, if Council is not the Certifying Authority, prior to the issue of any Construction Certificate.

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

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

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

(Reason: Proper management of records)

Shoring for Adjoining Property

C4. Where any shoring for excavation is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings certified as being adequate for their intended purpose by an appropriately qualified and practising structural engineer, showing all details, including the extent of encroachment and the method of removal and de-stressing of shoring elements, must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. A copy of this documentation must be provided to the Council for record purposes.

Note: Approval of engineering drawings for shoring works to be located on adjoining property by the Certifying Authority does not authorise a trespass on private or public land. All relevant permissions/legal rights must be obtained to undertake any works on adjoining land.

(Reason: To ensure the protection of existing public infrastructure and adjoining properties)

Structural Adequacy (Semi-detached and Terrace Buildings)

C5. A report from an appropriately qualified and practising structural engineer, certifying the structural adequacy of the adjoining property No. 96 Blues Point Road which certifies the ability to withstand the proposed works and outlines any measures required to be implemented to ensure that no damage will occur to adjoining premises during the course of the works, must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The measures outlined in the certified report must be complied with at all times.

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

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

Structural Adequacy of Existing Building

C6. A report prepared by an appropriately qualified and practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction shall be submitted to the Certifying Authority for approval prior to issue of any Construction Certificate. The certified report must also include all details of the methodology to be employed in construction phases to achieve the above requirements. The methodology in the certified report must be complied with at all times.

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

Geotechnical Report

C7. Prior to issue of any Construction Certificate a Geotechnical/Civil Engineering report must be prepared which addresses at a minimum (but is not limited to) the following:

a) the type and extent of substrata formations by the provision of a minimum of four (4) representative bore hole logs which are to provide a full description of all material from ground surface to 1.0 m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs must be related to Australian Height Datum;

b) the appropriate means of excavation/shoring in light of point (a) above and proximity to adjacent property and structures. Potential vibration caused by method of excavation and potential settlements affecting nearby footings/ foundations must be discussed and mechanisms to ameliorate any such impacts recommended;

c) the proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property, structures and road reserve if nearby (full support must be provided within the subject site);

d) the existing groundwater levels in relation to the basement structure, where influenced;

e) the drawdown effects on adjacent properties (including road reserve), if any, the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater. Where it is considered there is the potential for the development to create a "dam" for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path is constructed, artificial drains such as perimeter drains and through drainage may be utilised; and

f) recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

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

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

The design principles for the geotechnical report are as follows:

a) no ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure;

b) no changes to the ground water level are to occur as a result of the development that are sufficient enough to cause an adverse impact to the surrounding property and infrastructure;

c) no changes to the ground water level are to occur during the construction of the development that are sufficient enough to cause an adverse impact to the surrounding property and infrastructure;

d) vibration is to be minimised or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development;

e) appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these Design Principles; and

f) an adverse impact can be assumed to be crack damage as identified within the relevant Australian Standard for determining such damage.

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

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

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

Sediment Control

C8. Where construction or excavation activity requires the disturbance of the soil surface or existing vegetation, erosion and sediment control techniques, as a minimum, are to be in accordance with the publication *Managing Urban Stormwater: Soils and Construction* (4th edition, Landcom, 2004) commonly referred to as the "Blue Book" or a suitable and effective alternative method.

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

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

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

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

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

Waste Management Plan

C9. A Waste Management Plan is to be submitted for approval by the Certifying Authority prior to the issue of any Construction Certificate. The plan must include, but not be limited to:

a) The estimated volume of waste and method of disposal for the construction and operation phases of the development;
b) The design of the on-site waste storage and recycling area; and
c) Administrative arrangements for waste and recycling management during the construction process.

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

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

External Finishes and Materials

C10. The external colours and finishes must be in accordance with the approved schedule of finishes and materials. 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 quality built form of development)

Reflectivity Index of Glazing

C11. The reflectivity index (expressed as a per centum of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20%. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

Note: The reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement.

(Reason: To ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development)

Roofing Materials - Reflectivity

C12. Roofing materials must be factory pre-finished with low glare and reflectivity properties to be compatible with the colours of neighbouring buildings. The selected roofing material must not cause a glare nuisance or excessive reflectivity to adjoining or nearby properties. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure that excessive glare or reflectivity nuisance from roofing materials does not occur as a result of the development)

No External Service Ducts

C13. Service ducts must be provided within the building to keep external walls free of plumbing, drainage or any other utility installations. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure quality built form of the development)

Work Zone

C14. If a Work Zone is proposed, an application must be made to the North Sydney Local Traffic Committee to install the 'Work Zone'. A Work Zone permit is required to be issued by the Council prior to the issue of any Construction Certificate.
Work Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Works Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site. If the Work Zone is approved by the Committee, the Applicant must obtain a written copy of the related resolution from the North Sydney Local Traffic Committee and submit a copy of this to the Certifying Authority to enable issue of the Construction Certificate.

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

(Reason: Amenity and convenience during construction)

Maintain Property Boundary Alignment Levels

C15. Except where otherwise approved by Council, the property boundary alignment levels must match the levels which existed prior to the commencement of works. Plans and specifications which document existing and proposed levels adjacent to the site boundaries and which comply with the requirements of this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

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

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

Stormwater Disposal - Drainage Plan

C16. Prior to the issue of any Construction Certificate, site drainage plans must be prepared by a licensed plumber or drainage engineer. The site drainage plans must be designed in accordance with the following criteria:

a) compliance with BCA drainage requirements and current Australian Standards and guidelines,

b) stormwater runoff and subsoil drainage generated by the approved development must be conveyed in a controlled manner by gravity via a direct underground connection to Council's existing stormwater pit in Nottingham Lane (French Lane),

c) new pipelines within council land shall be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 millimetres and a section height of 100 millimetres,

d) the design and installation of the Rainwater Tanks shall comply with BASIX and Sydney Water requirements**.** Overflow from tank shall be connected by gravity to the stormwater disposal system, and

e) prevent any stormwater egress into adjacent properties by creating physical barriers and surface drainage interception.

Note: An application for a "Street Opening" permit must be submitted to and approved by Council prior to commencing any drainage works on Council land.

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

(Reason: Proper disposal of stormwater)

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

C17. Prior to the issue of any Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of $10,000.00 to be held by Council for the payment of cost for any/all of the following:

a) making good any damage caused to any property of the Council as a consequence of the doing of anything to which this consent relates,

b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with this consent.

c) remedying any defects in any such public work that arise within six months after the work is completed.

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

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

The security will be refundable following the expiration of 6 months from the issue of any final Occupation Certificate or completion of public work required to be completed (whichever is the lates) but only upon inspection and release by Council's Engineers.

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

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

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

Tree Bond for Public Trees

C18. Prior to the issue of any construction certificate, security in the sum of $4,000 must be provided to Council for the protection of trees in public places, including the making good of any damage caused to such trees. The security is to be provided in accordance with the Schedule below.

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

The security will be refundable following the expiration of 6 months from the issue of any final Occupation Certificate but only upon inspection and release by Council's Landscape Development Officer.

If any tree is removed or damaged Council may deduct from this security the reasonable cost of replacement with a tree of the same species and to a similar stage of growth it would have attained at the completion of the work.

In the case of any tree, which cannot be replaced with a similar specimen, the security for that tree will be forfeited to Council and used to provide replacement street plantings.

SCHEDULE

2 x Small Street trees – Blues Point Road frontage

(Reason: Protection of existing environment public infrastructure, community assets and significant trees)

Tree Protection Measures to be shown on Construction Drawings

C19. Tree protection measures are required to be shown clearly on the Construction Certificate drawings detailing measures to be implemented to ensure all trees not specifically nominated for removal will be protected and retained as part of the development consent. Tree protection measures are to be determined in consultation with an arborist with a minimum qualification of AQF level 5 in in accordance with AS 4970-2009 – Protection of trees on development sites.

Plans and specifications showing the said tree protection measures must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The Principal Certifier must ensure the construction plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

Protection of Trees

C20. The following tree(s) are required to be protected and retained as part of the development consent in accordance with AS 4970-2009 - Protection of trees on development sites:

Tree No /Species	Location	Height (m)
T1 *Corymbia citriodora* (Lemon Scented Gum	located on the property adjacent to the south	16m height, (12m spread)
2 x Small street trees	Blues Point Road frontage	2-3m height

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

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

(Reason: Protection of existing environmental and community assets)

Garbage and Recycling Facilities

C21. An appropriate area must be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. The following requirements must be met:

a) all internal walls of the storage area must be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;

b) provision for the separation and storage in appropriate categories of material suitable for recycling;

c) the storage area must be adequately screened from the street, with the entrance to the enclosures no more than 2 m from the street boundary of the property;

d) if a storage facility is to be provided at another suitable location within the building, a complementary garbage bin holding bay must be provided no more than 2 m from the street boundary of the property;

e) garbage enclosures serving residential units are not to be located within areas designated for non-residential uses; and

f) garbage enclosures serving non-residential uses are not to be located within areas designated for dining purposes.

Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

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

Note: The applicant may wish to discuss bin storage requirements and location with Council's Environmental Services prior to finalisation of the required detail, and a copy of Council's Waste Handling Guide should be obtained for reference purposes before the design is finalised.

(Reason: To ensure the provision of appropriate waste facilities for residents and protect community health, and to ensure efficient collection of waste by collection contractors)

Location of Plant

C22. All plant and equipment (including but not limited to air conditioning equipment) is to be located within the basement of the building and is not to be located on balconies or the roof. 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: Minimise impact on surrounding properties, improved visual appearance and amenity for locality)

Noise from Plant and Equipment

C23. The use of all plant and equipment installed on the premises must not:

(a) Contribute an LAeq(15min) which will cause the total LAeq(15min) from all plant and equipment operating contemporaneously on the site or in the strata scheme or in the mixed strata schemes to exceed the RBL by more than 5dB when measured at the boundary of any affected receiver. The modifying factor adjustments in Section 4 of the EPA Industrial Noise Policy shall be applied.

(b) Cause "offensive noise" as defined in the *Protection of the Environment Operations Act 1997.*

"affected receiver" includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation, schools, hospitals, places of worship, commercial premises and parks and such other affected receiver as may be notified by the Council in writing.

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

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

(Reason: To maintain an appropriate level of amenity for adjoining land uses)

Vibration from Plant and Equipment

C24. The use of all plant and equipment to be installed on the premises must comply with the vibration limits specified in "Assessing Vibration: a technical guideline" issued by the NSW Environment Protection Authority, at the boundary of any affected receiver.

A certificate from an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants must be submitted to the Certifying Authority, certifying that all plant and equipment on the site, together with the proposed plant and equipment, operating contemporaneously will comply with the requirements of this condition.

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.

"affected receiver" includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation, schools, hospitals, places of worship and commercial premises and such other affected receiver as may be notified by the Council in writing.

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

"contemporaneously" means *existing at or occurring in the same period of time* (Macquarie Dictionary 3rd rev. ed. 2004).

(Reason: To maintain an appropriate level of amenity for adjoining land uses)

Air Conditioners in Residential Premises

C25. The use of any air conditioner installed on the premises must comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulations 2008 and State Environmental Planning Policy (Infrastructure) 2007 and must not:

(a) emit a noise that is audible within a habitable room in any affected residence (regardless of whether any door or window to that room is open);

(i) before 8.00 am and after 10.00 pm on any Saturday, Sunday or Public Holiday; or
(ii) before 7.00 am or after 10.00 pm on any other day

(b) cause an LAeq(15min) which exceeds the RBL background noise level by more than 5dB when measured at the boundary of any affected residence. The modifying factor adjustments in Section 4 of the EPA Industrial Noise Policy will be applied.

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

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

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

(Reason: To maintain residential amenity)

Swimming Pool Pumps on Residential Premises

C26. The Certifying Authority must be satisfied that the swimming pool pump to be installed on the premises must not:

a) emit a noise that is audible within a habitable room in any affected residence (regardless of whether any door or window to that room is open);

(i) before 8.00 am and after 8.00 pm on any Sunday or Public Holiday; or
(ii) before 7.00 am or after 8.00 pm on any other day

(c) cause an LAeq(15min) which exceeds the RBL background noise level by more than 5dB when measured at the boundary of any affected residence. The modifying factor adjustments in Section 4 of the EPA Industrial Noise Policy shall be applied.

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

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

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

Details demonstrating compliance with the requirements of this condition must be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

(Reason: To maintain residential amenity)

Construction Noise Management Plan

C27. A Construction Noise Management Plan must be prepared by an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants, and must include the following:

(a) Identification of noise affected receivers near to the site.

(b) A prediction as to the level of noise impact at noise affected receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite.

(c) Details of work schedules for all construction phases;

(d) A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the Environment Protection Authority's Interim Construction Noise Guideline ("ICNG").

(e) Representative background noise levels should be submitted in accordance with the ICNG.

(f) Confirmation of the level of community consultation that is to be undertaken by occupants at noise affected receivers likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.

(g) Confirmation of noise monitoring methodology that is to be undertaken during the noise intensive stages of work including details of monitoring to be undertaken at the boundary of any noise affected receiver.

(h) What course of action will be undertaken following receipt of a complaint concerning offensive noise?

(i) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupants at noise affected receivers.

(j) Details of selection criteria for any plant or equipment that is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on occupants at noise affected receivers and other less intrusive technologies available; and

(k) Details of site induction to be carried out for all employees and contractors undertaking work at the site.

"affected receiver" includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation, schools, hospitals, places of worship, commercial premises and parks and such other affected receiver as may be notified by the Council in writing.

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

The Construction Noise Management Plan and must be submitted to the Principal Certifying Authority and a copy provided to Council prior to the issue of the Construction Certificate.

(Reason: To ensure noise generating activities are appropriately managed and nearby sensitive receivers protected)

Screen Planting

C28. To maintain acceptable levels of privacy, screen planting detailed on the Landscape Plan L101C prepared by Spirit Level Designs, dated 05/07/2021 must be implemented and maintained Details of the screen planting required by this condition must be provided to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the details submitted fully satisfy the requirements of this condition.

(Reason: To preserve the privacy of adjoining properties)

Pool Access

C29. Access to the pool must be restricted by a child resistant barrier in accordance with the regulations prescribed in the Swimming Pools Act 1992, and the barrier is to conform to the requirements of the applicable Australian Standard. 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 safety of children and make applicant aware of the need to comply with applicable pool fencing legislation)

Swimming Pool Water to Sewer

C30. The swimming pool, including overflow water, must be drained to the sewer. The consent of Sydney Water to dispose of wastewater must be obtained prior to the issue of any Construction Certificate. Plans and specifications complying with this condition and any conditions/requirements of Sydney Water 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 comply with this condition and any conditions/ requirements imposed by Sydney Water.

(Reason: Water from a swimming pool is classified as wastewater and cannot be legally disposed of into the stormwater system)

Pool Filter

C31. The pool filtering equipment must be encased by a soundproof cover and must be located six (6) metres from any habitable room in a dwelling on a neighbouring property. 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 noise generated by equipment does not result in offensive noise)

Section 7.12 Contributions

C32. A monetary contribution pursuant to the provisions of Section 7.12 of the Environmental Planning and Assessment Act 1979 is to be paid to Council, in accordance with the North Sydney Council's Contribution Plan, to provide for local infrastructure improvements.

Based on the cost of development at the date of determination, the total contribution payable to Council is $**28,595.00**.

Indexation

The monetary contribution required under this consent will be indexed between the date of the grant of the consent and the date on which the contribution is paid the time of payment in accordance with quarterly movements in the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.

Timing of payment

The contribution must be paid to Council prior to issue of any Construction Certificate for any work approved by this consent.
A copy of the North Sydney Contribution Plan can be viewed at North Sydney Council's Customer Service Centre, 200 Miller Street, North Sydney or downloaded via Council's website at www.northsydney.nsw.gov.au

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

Security Deposit/Guarantee Schedule

C33. All fees and security deposits/guarantees in accordance with the schedule below must be provided to Council prior to the issue of any Construction Certificate:

Security deposit/ guarantee	**Amount ($)**
Street Tree Bond (on Council Property)	$4,000.00
Infrastructure Damage Bond	$5,000.00
Drainage Construction Bond	$5,000.00
Others	
TOTAL BONDS	**$14,000.00**

Note: The following fees applicable

Fees	
Local Infrastructure Contributions	$28,595.00
TOTAL FEES	**$28,595.00**

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

(Reason: Compliance with the development consent)

BASIX Certificate

C34. Under clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. A417789_02 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)

Root Mapping

C35. Prior to the commencement of any work (including demolition) and prior to the issue of any Construction Certificate, non-invasive/non- destructive root mapping is to be undertaken within the tree protection zone (TPZ) (identified as per AS4970-2009) for the *Corymbia citriodora* (Lemon Scented Gum 16m height, 12m spread) located on the property adjacent to the south to determine the size and depth of the tree roots prior to the design of the required footings for the basement level.

Root mapping is to be undertaken under the direct supervision of an AQF level 5 arborist. The said consulting/ project arborist is to prepare a written report, with images, addressing the following:

a) describing the results of the root mapping;
b) providing an assessment of potential tree impacts of the excavation; and
c) making recommendations of protection measures to be implemented for the duration of excavation and construction activity to ensure the ongoing health and viability of the tree.

The report is to be provided to the Principal Certifier for approval (with a copy provided to Council) prior to the issue of any Construction Certificate. Plans and Specifications submitted to the Certifier for approval must comply with the recommendations of the arborist report referred to in this condition, and the development must be carried out in accordance with the said report.

*(*Reason: To ensure the protection of significant trees)

Noise Management Plan - Construction Sites (Large DAs only)

C36. A noise management plan prepared by an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

The plan must include, but not be limited to, the following:

a) identify sensitive locations near the site;
b) identify potential impacts (i.e., exceedence of the goals at the identified locations);
c) identify mitigation measures to control noise and vibration from the site, the reduction in noise and vibration likely and the feasibility and reasonableness of these measures;
d) selection criteria for plant and equipment;
e) community consultation;
f) details of work schedules for all construction phases;
g) selection of traffic routes to minimise residential noise intrusion;
h) schedule of plant and equipment use and maintenance programs;
i) noise monitoring techniques and method of reporting results;
j) the methodology to be employed for handling and investigating any complaints should they arise;
k) site induction details for employees and contractors; and
l) a declaration of available technologies and the reason for the selection of the preferred technology from a noise generating perspective should be included.

The approved plan must be complied with at all times.

(Reason: To maintain appropriate amenity to nearby occupants)

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

Protection of Trees

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

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

Public Liability Insurance - Works on Public Land

D2. Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of $20 million in relation to the occupation of public land and the undertaking of approved works within Council's road reserve or public land, as approved by this consent. The Policy is to note and provide protection/full indemnification for North Sydney Council, as an interested party. A copy of the Policy must be submitted to Council prior to commencement of any works. The Policy must be valid for the entire period that the works are being undertaken.

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

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

Sydney Water Approvals

D3. Prior to the commencement of any works, the approved plans must be submitted to Sydney Water to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The Certifying Authority must ensure that Sydney Water has appropriately stamped the plans before the commencement of building works.

Notes: **Sydney Water Building Plan Approvals** can be obtained from the Sydney Water Tap in™ online service. Building plans must be submitted to the Tap in™ to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met. For further information visit http://www.sydneywater.com.au/tapin/index.htm or call 13 000 TAP IN (1300 082 746) for further information.

(Reason: To ensure compliance with Sydney Water requirements)

Commencement of Works' Notice

D4. Building work, demolition or excavation in accordance with this development consent must not be commenced until the developer has given at least two days' notice to North Sydney Council of the person's intention to commence building work, demolition or excavation in accordance with this development consent.

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

E. During Demolition and Building Work

Reuse of Sandstone

E1. Sandstone blocks (if any) removed from the site are to be either stored for re-use on site or offered to Council in the first instance.

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

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

Parking Restrictions

E2. Existing public parking provisions in the vicinity of the site must be maintained at all times during works. The placement of any barriers, traffic cones, obstructions or other device in the road shoulder or kerbside lane is prohibited without the prior written consent of Council. Changes to existing public parking facilities/restrictions must be approved by the North Sydney Local Traffic Committee. The Developer will be held responsible for any breaches of this condition and will incur any fines associated with enforcement by Council regulatory officers.

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

Road Reserve Safety

E3. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works, with no obstructions caused to the said footways and roadways. Construction materials and plant must not be stored in the road reserve without approval of Council. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site.

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

(Reason: Public Safety)

Temporary Disposal of Stormwater Runoff

E4. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to reasonably manage and control runoff as far as the approved point of stormwater discharge. Such ongoing measures must be to the satisfaction of the Certifying Authority.

(Reason: Stormwater control during construction)

Structures Clear of Drainage Easements

E5. It is the full responsibility of the Developer and their contractors to:

a) Ascertain the exact location of the Council drainage infrastructure traversing the site in the vicinity of the works;

b) Take full measures to protect the in-ground Council drainage system; and

c) Ensure dedicated overland flow paths are satisfactorily maintained through the site.

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

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

(Reason: Protection of Public Drainage Assets)

Geotechnical Stability during Works

E6. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure.

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

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

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

Council Inspection of Public Infrastructure Works

E7. During the works on public infrastructure reverting to Council's care and control, Council's development engineer may undertake inspections of the works at the following hold points: -

- Pipe connections prior to back filling.

All works must proceed in accordance with Roads Act 1993 approvals or other permits relating to roads issued by Council. A minimum of 48 hours notice must be given to Council to book an inspection. Work must not proceed until the works or activity covered by the inspection is approved.

(Reason: To ensure quality of construction joints and connections in the drainage system)

Removal of Extra Fabric

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

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

Dust Emission and Air Quality

E9. The following must be complied with at all times:

(a) Materials must not be burnt on the site.

(b) Vehicles entering and leaving the site with soil or fill material must be covered.

(c) Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the NSW Department of Housing's 1998 guidelines - Managing Urban Stormwater: Soils and Construction.

(d) Odour suppression measures must also be carried out where appropriate so as to prevent nuisance occurring at adjoining properties.

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

Noise and Vibration

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

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

Compliance with Construction Noise Management Plan

E11. All works conducted on site which form part of this development must be carried out in accordance with the submitted Construction Noise Management Plan submitted with the Construction Certificate and all conditions of consent.

(Reason: To ensure noise generating activities are appropriately managed and nearby sensitive receivers protected)

No Work on Public Open Space

E12. No work can be undertaken within adjoining public lands (i.e., Parks, Reserves, Roads etc) without the prior written consent of Council. In this regard the developer is to liaise with Council prior to the commencement of any design works or preparation of a Construction and Traffic Management Plan.

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

Applicant's Cost of Work on Council Property

E13. The applicant must bear the cost of all works associated with the development that occurs on Council's property, including the restoration of damaged areas.

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

No Removal of Trees on Public Property

E14. No trees on public property (footpaths, roads, reserves, etc.) unless specifically approved by this consent shall be removed or damaged during construction including for the erection of any fences, hoardings or other temporary works.

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

Protection of Trees

E15. All trees required to be retained, as part of this consent must be protected from any damage during construction works in accordance with AS4970-2009.

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

Notes:

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

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

Benchmarks

E16. All permanent survey markers must be retained, undamaged, and not relocated.

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

Special Permits

E17. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development must occur entirely on the property.

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

1) **On-street mobile plant**

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

(Reason: Proper management of public land)

2) **Hoardings**

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

(Reason: Proper management of public land)

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

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

(Reason: Proper management of public land)

4) **Kerbside restrictions, construction zones**

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

(Reason: Proper management of public land)

Construction Hours

E18. Construction activities and works approved under this consent must be carried out only within the hours stipulated in the following table:

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

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

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

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

Out-of-hours' Work Permits

E19. Where it is necessary for works to occur outside those hours allowed by these conditions, an application may be made to Council's Customer Services Centre for a permit to carry out works outside of the approved hours. If a permit is issued the works approved must be carried out in accordance with any requirements specified in the permit. Permits will only be approved if **public safety is at risk**. Applications which seek a variation to construction hours solely to benefit the developer will require the lodgement and favourable determination of a modification application pursuant to the provisions of Section 96 of the Environmental Planning and Assessment Act 1979.

Notes:

1) Failure to obtain a permit for work outside of the approved hours will result in on the spot fines being issued, or Council pursuing any action required (including legal proceedings) to have the out of hours work cease, without prior warning.

2) Applications for out of hour's works should be lodged with Council no later than seven (7) calendar days prior to the date of the intended works.

3) Examples of activities for which permits may be granted include:
   - the erection of awnings,
   - footpath, road and other infrastructure works which cannot be carried out for public convenience reasons within normal hours,
   - the erection and removal of hoardings and site cranes, and
   - craneage of materials which cannot be done for public convenience reasons within normal working hours.

4) Examples of activities for which permits WILL NOT be granted include;
   - extended concrete pours
   - works which are solely to convenience the developer or client, and

- catch up works required to maintain or catch up with a construction schedule.

5) Further information on permits can be obtained from the Council website at www.northsydney.nsw.gov.au.

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

Installation and Maintenance of Sediment Control

E20. Erosion and sediment controls must be installed and maintained at all times in accordance with the Sediment and erosion control plan submitted and approved with the Construction Certificate.

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

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

Sediment and Erosion Control Signage

E21. A durable sign must be erected during building works in a prominent location on site, warning of penalties should appropriate erosion and sedimentation control devices not be maintained. A sign of the type referred to in this condition is available from Council.

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

Site Amenities and Facilities

E22. Where work involved in the erection and demolition of a building is being carried out, amenities which satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements, must be provided and maintained at all times. The type of workplace determines the type of amenities required.

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

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

Health and Safety

E23. All work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements to prepare a health and safety plan. Site fencing must be installed sufficient to exclude the public from the site. Safety signs must be erected that warn the public to keep out of the site and provide a contact telephone number for enquiries.

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

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

Community Information

E24. Reasonable measures must be undertaken at all times to keep nearby residents informed about the proposed work, such as by way of signs, leaflets, public meetings and telephone contact numbers, to ensure that adjoining residents are aware of the likely duration of the construction works on the site

(Reason: To ensure that residents are kept informed of activities that may affect their amenity)

Prohibition on Use of Pavements

E25. Building materials must not be placed on Council's footpaths, roadways, parks or grass verges, (unless a permit is obtained from Council beforehand). A suitable sign to this effect must be erected adjacent to the street alignment.

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

Plant and Equipment Kept Within Site

E26. All plant and equipment used in the undertaking of the development/ works, including concrete pumps, wagons, lifts, mobile cranes, hoardings etc, must be situated within the boundaries of the site (unless a permit is obtained from Council beforehand) and so placed that all concrete slurry, water, debris and the like must be discharged onto the building site, and is to be contained within the site boundaries.

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

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

Imported Fill Material

E27. The only waste derived fill material that may be received at the development site is:

a) Virgin excavated natural material (within the meaning of the Protection of the Environment Operations Act 1997); and

b) Any other waste-derived material the subject of a resource recovery exemption under cl. 51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material.

Any waste-derived material the subject of a resource recovery exemption received at the development site, must be accompanied by documentation as the material's compliance with the exemption conditions and must be provided to the Certifying Authority on request.

(Reason: To ensure that imported fill is of an acceptable standard for environmental protection purposes)

Waste Disposal

E28. All records demonstrating the lawful disposal of waste must be retained and kept readily accessible for inspection by regulatory authorities such as North Sydney Council and the Environmental Protection Authority.

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

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

National Construction Code

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

(Reason: Prescribed - Statutory)

Home Building Act

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

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

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

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

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

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

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

(Reason: Prescribed - Statutory)

Appointment of a Principal Certifying Authority (PCA)

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

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

Construction Certificate

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

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

Occupation Certificate

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

(Reason: Statutory)

Critical Stage Inspections

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

(Reason: Statutory)

Commencement of Works

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

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

Excavation/Demolition

F8. 1) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

2) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

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

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

Protection of Public Places

F9. 1) A hoarding and site fencing must be erected between the work site and adjoining public place.

2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

4) Any such hoarding, fence or awning is to be removed when the work has been completed.

5) No access across public reserves or parks is permitted.

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

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

Site Sign

F10. 1) A sign must be erected in a prominent position on the site

a) stating that unauthorised entry to the work site is prohibited;

b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and

c) showing the name, address and telephone number of the Principal Certifying Authority for the work.

2) Any such sign must be maintained while to building work or demolition work is being carried out but must be removed when the work has been completed.

(Reason: Prescribed - Statutory)

G. Prior to the Issue of an Occupation Certificate

Infrastructure Repair and Completion of Works

G1. Prior to the issue of any Occupation Certificate any and all works relating to the development:

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

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

(Reason: Maintain quality of public assets)

Access to Premises

G2. Prior to the issue of any Occupation Certificate, a certificate must be prepared an appropriately qualified and practising Civil Engineer certifying that access and facilities for persons with a disability in accordance with the Building Code of Australia and AS Disability (Access to Premises - buildings) Standards 2010 (Premises Standards) has been provided. This certificate must be submitted to, and approved by, the Certifying Authority prior to issue of the Occupation Certificate.

(Reason: Equitable access and facilities for people with a disability)

Certification - Civil Works

G3. a) An appropriately qualified and practising Civil Engineer must certify to the Certifying Authority that the stormwater drainage system is constructed in accordance with this consent and the provisions of the applicable Australian Standard. A copy of the certificate must be submitted to Council (if it is not the Certifying Authority) upon completion of the development works and prior to the issue of an Occupation Certificate.

b) An appropriately qualified and practicing Civil Engineer must certify to the Certifying Authority that the vehicular crossing and associated works and road works were constructed in accordance with this consent and any approval for works in the road reserve issued by the Council. A copy of the certificate must be submitted to Council (if it is not the Certifying Authority), upon completion of the development works and prior to the issue of an Occupation Certificate.

(Reason: Compliance with the Consent)

Pool Access

G4. Access to the pool must be restricted by a child resistant barrier in accordance with the regulations prescribed in the Swimming Pools Act 1992, and the requirements of the applicable Australian Standard. The pool must not be filled with water or be allowed to collect stormwater until the installation of the child resistant barrier is completed. Certification from an appropriately qualified person confirming compliance with these requirements must be provided prior to the issuing of any Occupation Certificate.

(Reason: To ensure that any person acting upon this consent is aware of their obligations under the provisions of the Swimming Pools Act)

Pool Safety Requirements

G5. A notice must be displayed in a prominent position in the immediate vicinity of the pool at all times showing:

a) Appropriate instructions of artificial resuscitation methods.
b) A warning stating:

(i) "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL", and
(ii) "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES", and
(iii) "KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES",

Details demonstrating compliance are to be provided with any Occupation Certificate issued for the pool.

This notice must be kept in a legible condition and at the poolside.

(Reason: To ensure an adequate level of safety for young pool users)

Certification for Mechanical Exhaust Ventilation

G6. Prior to issue of an Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, must be submitted to, and approved by, the Certifying Authority.

(Reason: To ensure compliance with acceptable standards for the construction and operation of mechanical plant)

Damage to Adjoining Properties

G7. All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.

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

Utility Services

G8. All utility services shall be adjusted to the correct levels and/or location/s required by this consent, prior to issue of an occupation certificate. This shall be at no cost to Council.

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

Regulated Systems - Air Handling

G9. To ensure that adequate provision is made for ventilation of the building all mechanical and/or natural ventilation systems shall be designed, constructed installed and tested in accordance with the provisions of:

1) National Construction Code;
2) The applicable Australian Standards;
3) The Public Health Act;
4) Public Health Regulation 2012;
5) Work Cover Authority;

The regulated system must be certified by an appropriately qualified engineer as compliant with the above provisions and registered with Council prior to commissioning the system and prior to issue of the Occupation Certificate.

(Reason: To ensure public health is maintained; Statutory)

Certification of Tree Condition

G10. Prior to the issue of an Occupation Certificate, a report prepared by an appropriately qualified person (being an arborist or the like) must be submitted to the Certifying Authority, describing the health of the tree(s) specifically nominated below:

Tree No /Species	Location	Height (m)
T1 *Corymbia citriodora* (Lemon Scented Gum	located on the property adjacent to the south	16m height, (12m spread)
2 x Small street trees	Blues Point Road frontage	2-3m height

The report must detail the condition and health of the nominated tree(s) upon completion of the works, and shall certify that the tree(s) has/have not been significantly damaged during the works on the site, and has/have reasonable prospects for survival.

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

BASIX Completion Certificate

G11. In accordance with Section 45 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, prior to issuing a final occupation certificate, the Principal Certifier must provide a BASIX completion receipt.

(Reason: To ensure compliance with the Regulations)

Landscaping

G12. The landscaping shown in the approved landscape plan numbered L101C prepared by Spirit Level Designs dated 05 July 2021 and received by Council on 25 November 2021 must be completed prior to the issue of any Occupation Certificate.

(Reason: To ensure compliance)

Damage to Adjoining Properties

G13. On completion of the development the subject of this consent and prior to the issue of the Occupation Certificate, a report is to be prepared by an appropriately qualified consultant and is to be provided to the Certifying Authority (and a copy to Council if it is not the Certifying Authority) certifying:

a) whether any damage to adjoining properties has occurred as a result of the development;
b) the nature and extent of any damage caused to the adjoining property as a result of the development;
c) the nature and extent of works required to rectify any damage caused to the adjoining property as a result of the proposed development;
d) the nature and extent of works carried out to rectify any damage caused to the adjoining property as a result of the development; and
e) the nature and extent of any agreements entered into for rectification of any damage caused to the adjoining property as a result of the development.

The report and certification must reference the dilapidation survey and reports required to be provided to the Certifying Authority in accordance with this consent.

All costs incurred in achieving compliance with this condition shall be borne by the developer.

(Reason: To ensure adjoining owner's property rights are protected in so far as possible)

Required Screen Plantings

G14. The screen planting required by this consent must be completed prior to the issue of any Occupation Certificate. The specified landscape elements must be provided and maintained in accordance with the requirements of this consent at all times.

(Reason: To ensure privacy is maintained

I. Ongoing/Operational Conditions

Pool Filter

I1. The swimming pool pump installed at the premises must not operate so as to:

(a) emit a noise that is audible within a habitable room in any affected residence (regardless of whether any door or window to that room is open);

(j) before 8.00 am and after 8.00 pm on any Sunday or Public Holiday; or
(ii) before 7.00 am or after 8.00 pm on any other day

(b) cause an LAeq(15min) which exceeds the RBL background noise level by more than 5dB when measured at the boundary of any affected residence. The modifying factor adjustments in Section 4 of the EPA Industrial Noise Policy shall be applied.

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

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

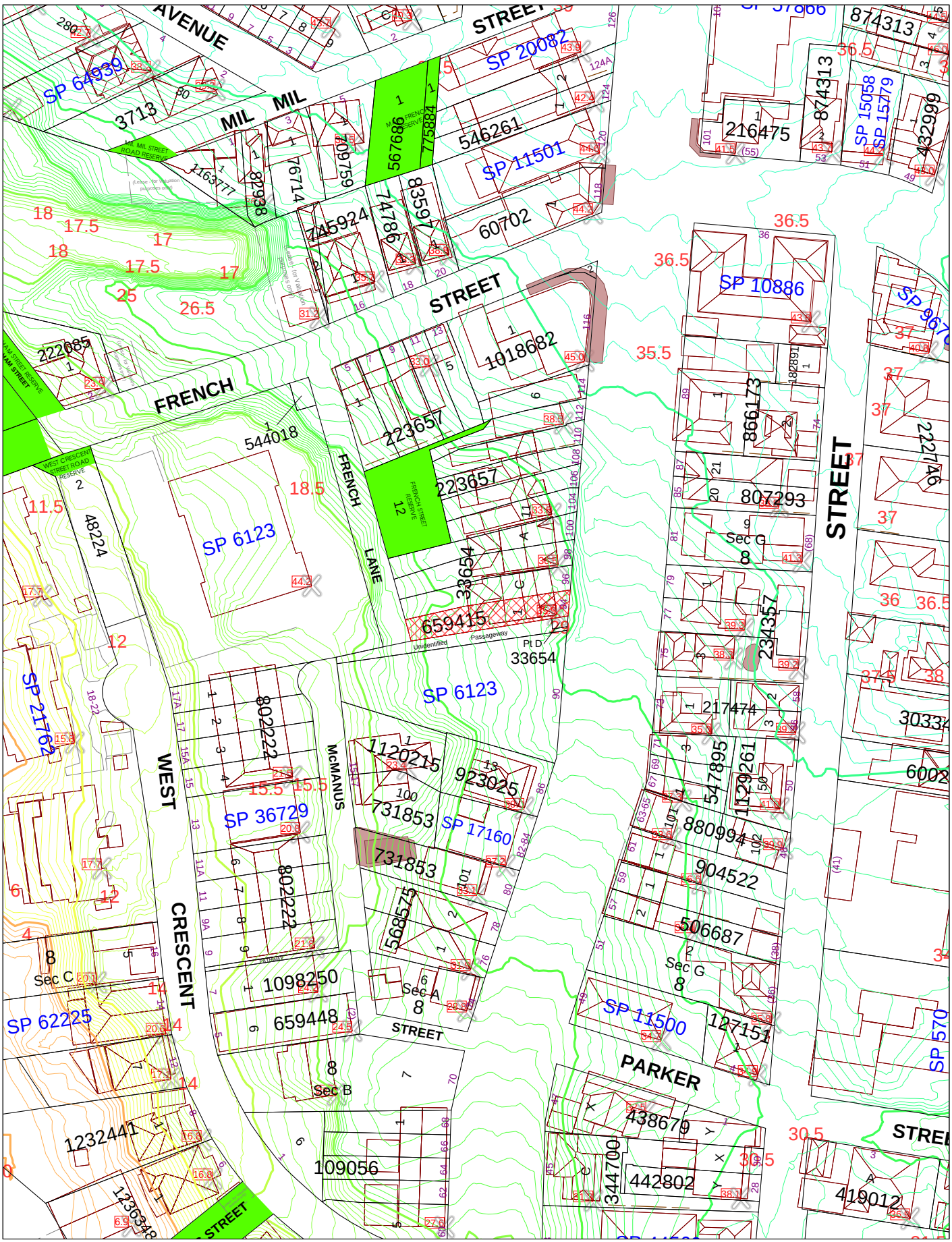
Terms in this condition have the same meaning as in the Noise Guide for Local Government and the Industrial Noise Policy published by the NSW Environment Protection Authority.

(Reason: To ensure noise generated by equipment does not result in offensive noise)

Single Occupancy

I2. Nothing in this consent authorises the use of the premises other than for a single occupancy.

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

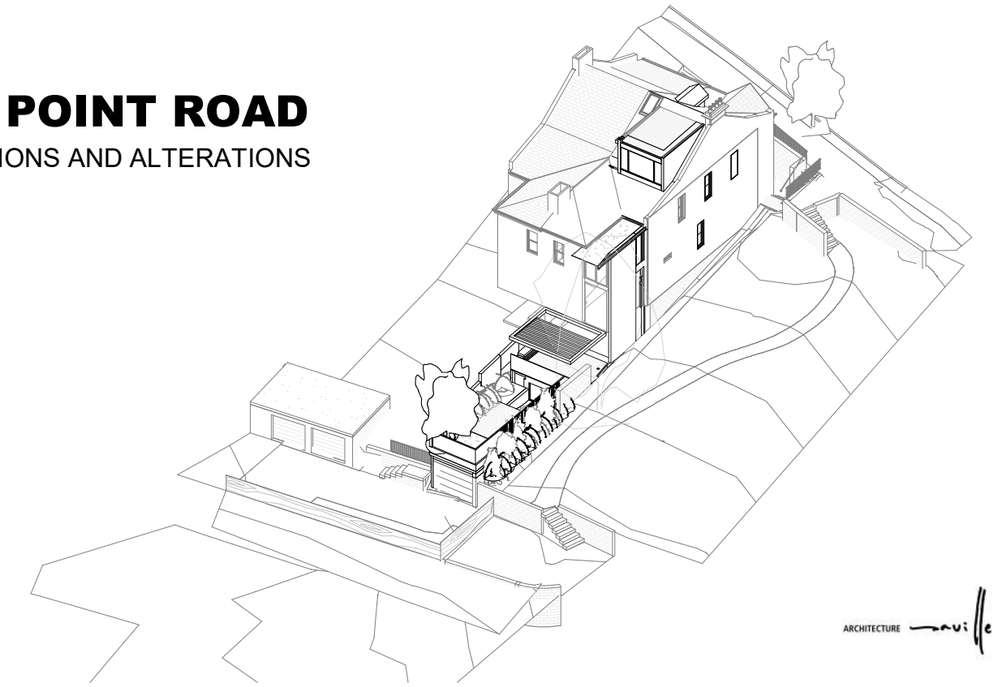


94 Blues Point Road, McMahons Point, 2060

ARCHITECTURE SAVILLE ISAACS

94 BLUES POINT ROAD

ADDITIONS AND ALTERATIONS



ARCHITECTURE saville isaacs

Dwg No.	Description	Date	Rev
DA 000	Cover Sheet	28.10.22	E
DA 100	Site Coverage	28.10.22	E
DA 101	Site Plan	28.10.22	E
DA 102	Plan_Level 1	28.10.22	E
DA 103	Plan_Level 2	28.10.22	E
DA 104	Plan_Level 3	13.07.21	B
DA 105	Plan_Level 4	28.10.22	E
DA 106	Plan_Level 5	28.10.22	E
DA 107	Plan_Roof	28.10.22	E
DA 201	Elevation_South	28.10.22	E
DA 202	Elevation_East + West	28.10.22	E
DA 203	Elevation_North	28.10.22	E
DA 251	Section_Longitudinal AA	28.10.22	E
DA 252	Section_Longitudinal BB	16.11.21	C
DA 253	Section_Cross DD + GG	28.10.22	E
DA 301	Shadow_March_9am	28.10.22	E
DA 302	Shadow_March_12pm	28.10.22	E
DA 303	Shadow_March_3pm	13.07.21	B
DA 307	Shadow_June_9am	13.07.21	B
DA 308	Shadow_June_12pm	13.07.21	B
DA 309	Shadow_June_3pm	13.07.21	B
DA 350	External Finishes Schedule	28.10.22	E
DEM 101	Site Plan	28.10.22	E
DEM 102	Plan_Level 1	13.07.21	B
DEM 103	Plan_Level 2	13.07.21	B
DEM 104	Plan_Level 3	13.07.21	B
DEM 105	Plan_Level 4	28.10.22	E
DEM 106	Plan_Level 5	28.10.22	E
DEM 107	Plan_Roof	28.10.22	E
DEM 201	Elevation_South	28.10.22	E
DEM 202	Elevation_East + West	13.07.21	B
DEM 251	Section_Longitudinal AA	28.10.22	E
DEM 252	Section_Longitudinal BB	28.10.22	E
DEM 253	Section_Cross DD	13.07.21	B
XS 101	Site Plan	13.07.21	B
XS 102	Plan_Level 1	13.07.21	B
XS 103	Plan_Level 2	28.10.22	E
XS 104	Plan_Level 3	13.07.21	B
XS 105	Plan_Level 4	13.07.21	B
XS 106	Plan_Level 5	13.07.21	B
XS 107	Plan_Roof	13.07.21	B
XS 201	Elevation_South	13.07.21	B
XS 202	Elevation_East + West	13.07.21	B
XS 251	Section_Longitudinal AA	13.07.21	B
XS 252	Section_Longitudinal BB	13.07.21	B
XS 253	Section_Cross DD	13.07.21	B
INFO 01	Additional Info - Street Elevation	28.10.22	E
INFO 02	Perspective - Street	28.10.22	E
INFO 03	Perspective - Street 2	28.10.22	E
INFO 04	Perspective - Laneway	28.10.22	E

Development Summary

	Existing	Proposed
Site Coverage	167.2 m²	167.2 m²
Unbuilt Upon Area	17.0 m²	16.8 m²
Landscaping	6.48 m²	7.70 m²

Date	Rev	Issue
13.07.21	B	Issue for DA
16.11.21	C	Issue for DA
28.10.22	E	Additional Information for Council

NSW Nominated Architects: S. ISAACS #7929
ABN: 79 124 014 759

P: 02 - 9086 9000
F: 02 - 9086 9001

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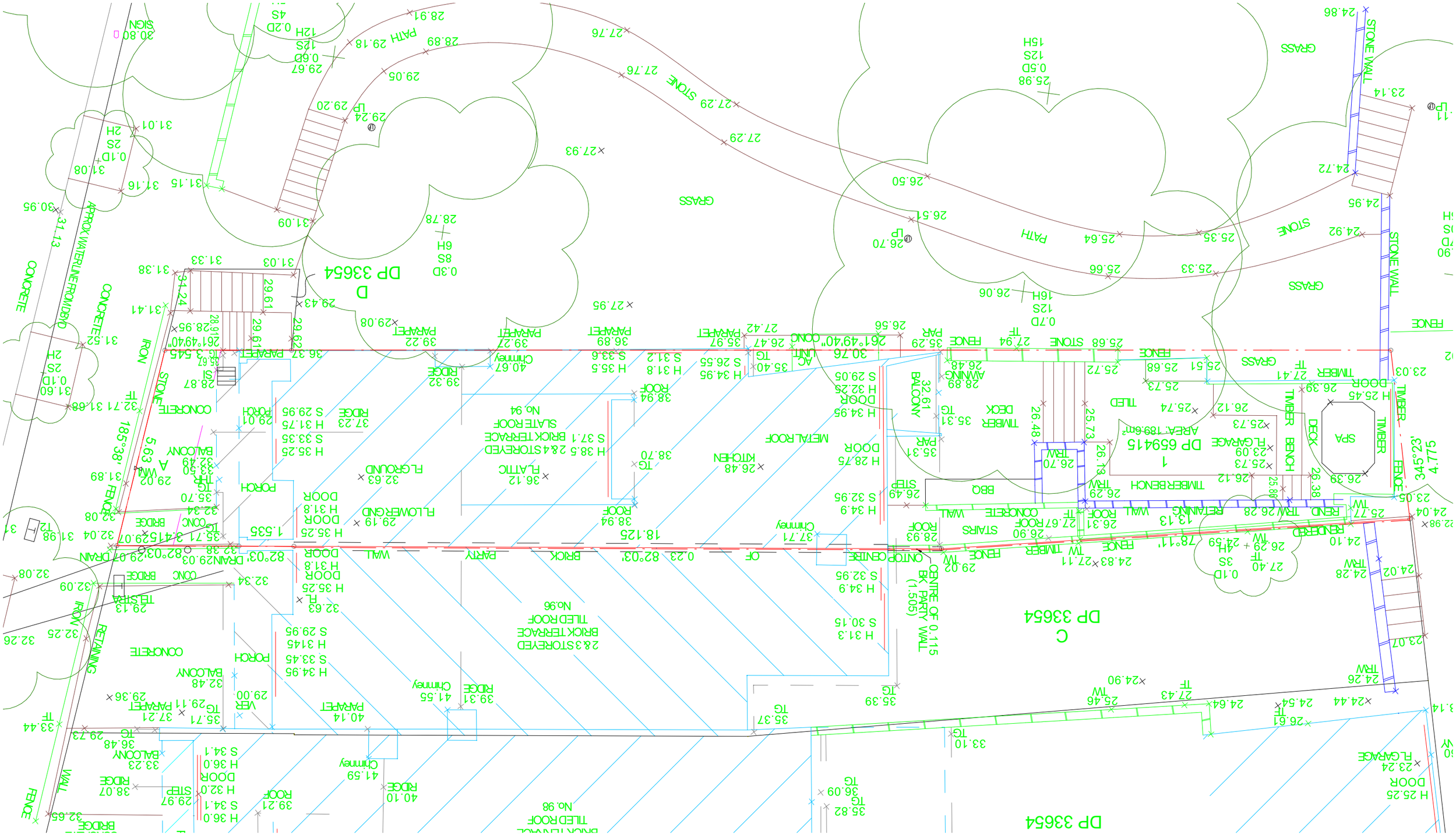
PROJECT
94 Blues Point Road, McMahons Point, NSW 2060

PROJECT DATE 19.01.2021
ISSUED DATE 28.10.22
SCALE @ A3:

TITLE
Cover Sheet

JOB No. 2034
DRAWING No. DA 000
REV. E

STATUS
Issue for DA



1 Survey
Scale 1 : 100

Date	Rev	Issue
03.06.21	A	Preliminary Issue for DA
13.07.21	B	Issue for DA

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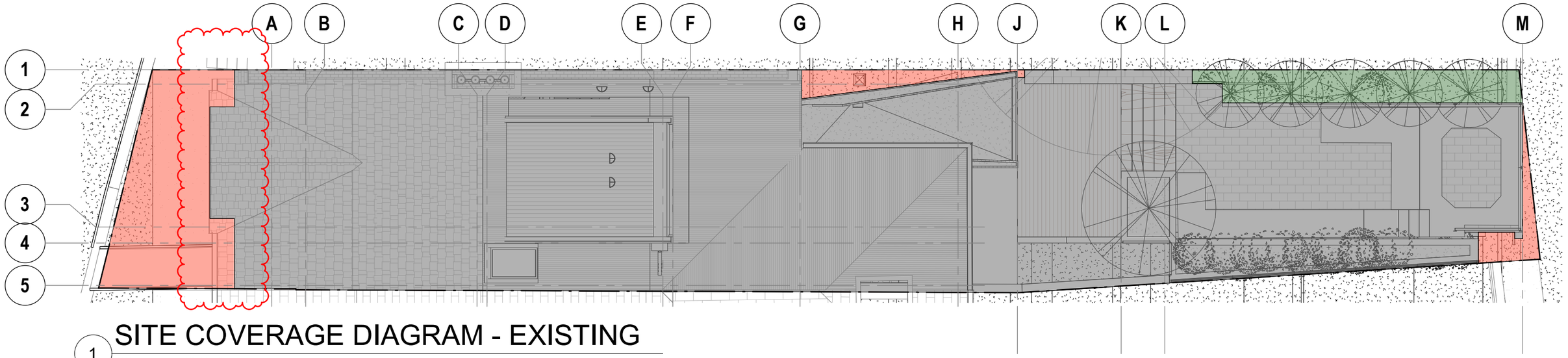
PROJECT
94 Blues Point Road, McMahons Point, NSW 2060

TITLE
Survey

JOB No.	DRAWING No.	REV.
2034	DA 099	B

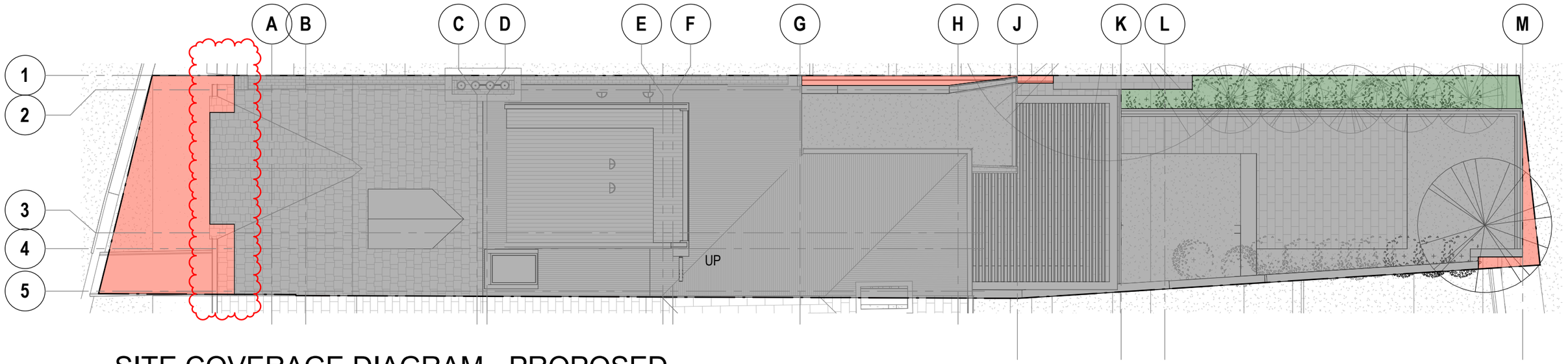
PROJECT DATE	ISSUED DATE	SCALE @ A3:
19.01.2021	13.07.21	1 : 100

STATUS
Issue for DA



1 SITE COVERAGE DIAGRAM - EXISTING

SCALE 1:100 @A3



2 SITE COVERAGE DIAGRAM - PROPOSED

SCALE 1:100 @A3

LEGEND

SITE COVERAGE	UNBUILT UPON	LANDSCAPING

Development Summary

	Existing	Proposed
Site Coverage	167.2 m^2	167.2 m^2
Unbuilt Upon Area	17.0 m^2	16.8 m^2
Landscaping	6.48 m^2	7.70 m^2

Date	Rev	Issue
13.07.21	B	Issue for DA
28.10.22	E	Additional Information for Council

NSW Nominated Architects: S. ISAACS #7929
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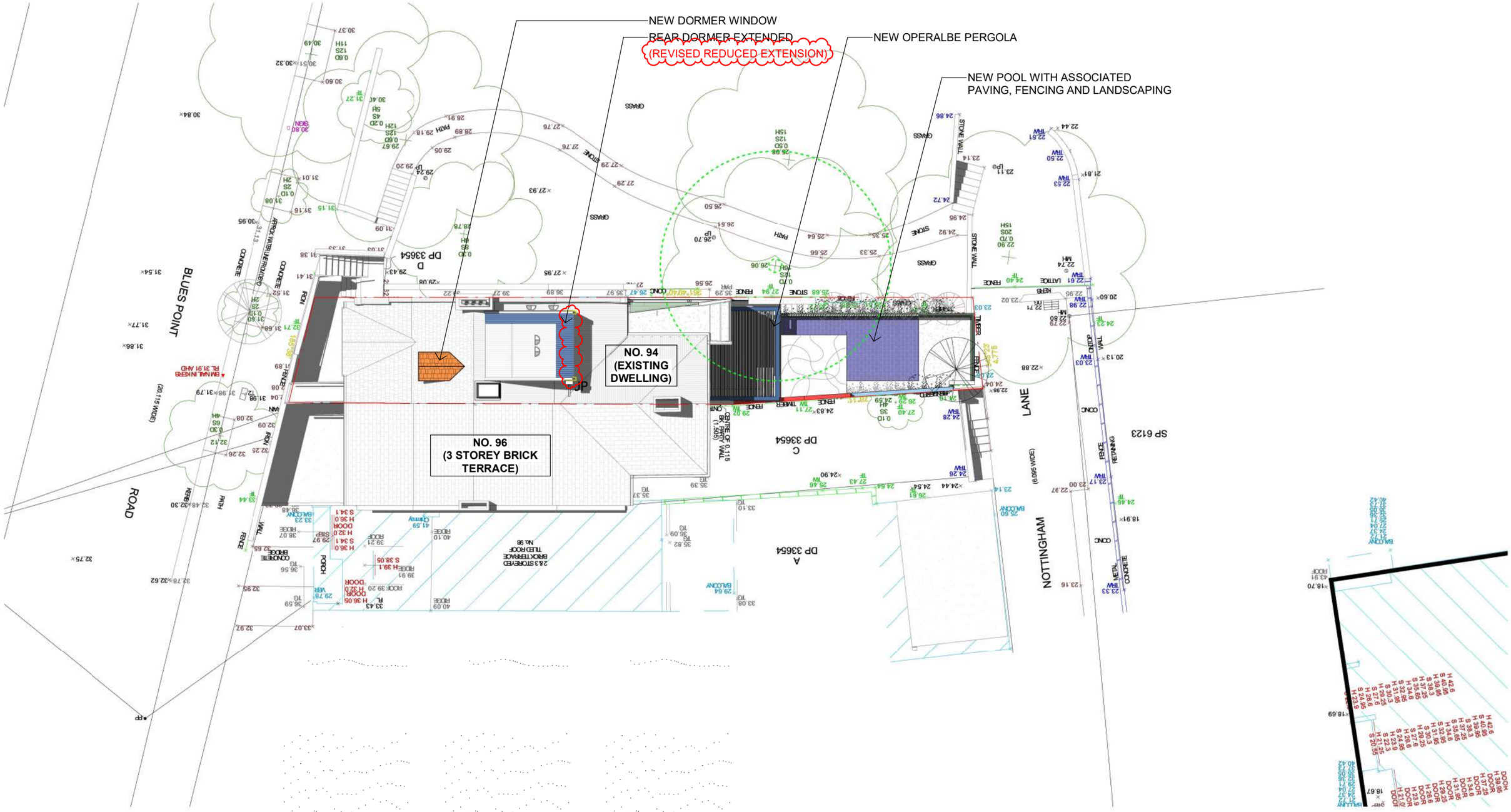
PROJECT
94 Blues Point Road, McMahons Point, NSW 2060

TITLE
Site Coverage

JOB No. 2034 | DRAWING No. DA 100 | REV. E

PROJECT DATE 19.01.2021 | ISSUED DATE 28.10.22 | SCALE @ A3: 1 : 100

STATUS
Issue for DA



1 Site Plan

Scale 1 : 200

LEGEND

EXISTING DEMOLISHED	BLOCKWORK / BRICK / DINSEL	GLASS STEEL + GALVANISED IRON	FIBRE CEMENT CONCRETE	TIMBER SANDSTONE	ROOF TILE TILE

Date	Rev	Issue
13.07.21	B	Issue for DA
28.10.22	E	Additional Information for Council

NSW Nominated Architects: S. ISAACS #7929
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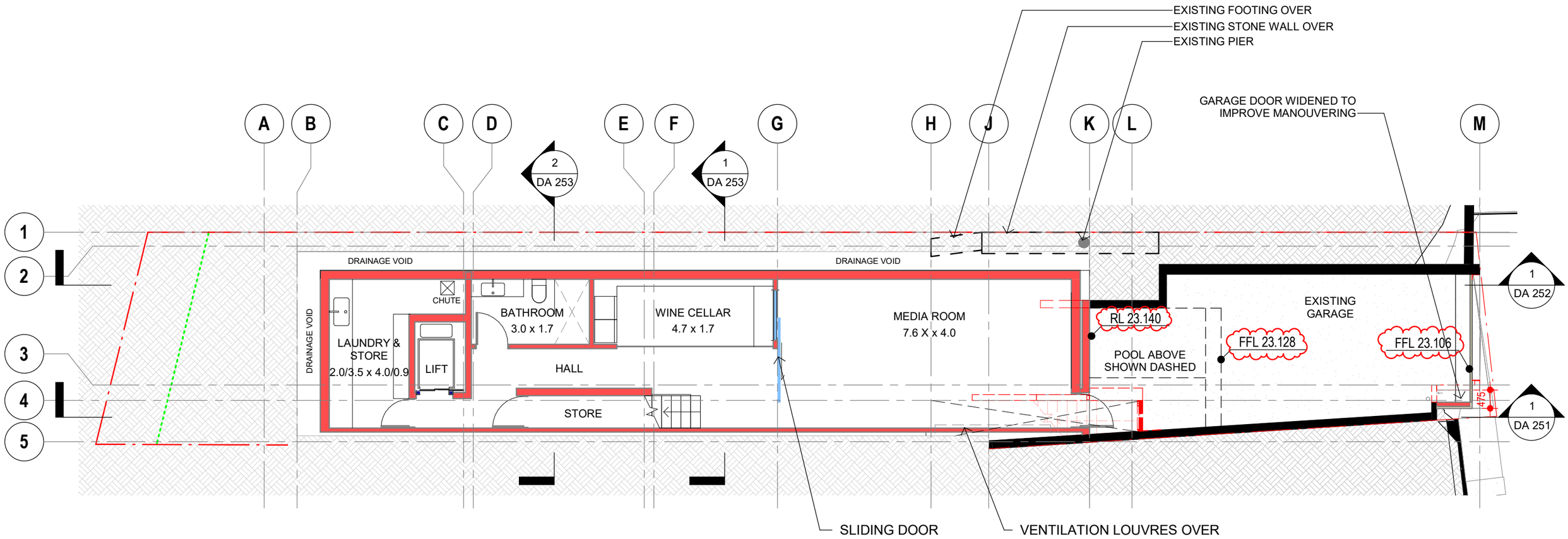
PROJECT
94 Blues Point Road, McMahons Point, NSW 2060

TITLE
Site Plan

JOB No.	DRAWING No.	REV.
2034	DA 101	E

PROJECT DATE	ISSUED DATE	SCALE @ A3:
19.01.2021	28.10.22	As indicated

STATUS
Issue for DA



1 Level 1

Scale 1 : 100

LEGEND

EXISTING DEMOLISHED	BLOCKWORK / BRICK / DINSEL	GLASS STEEL + GALVANISED IRON	FIBRE CEMENT CONCRETE	TIMBER SANDSTONE	ROOF TILE TILE

Date	Rev	Issue
13.07.21	B	Issue for DA
16.11.21	C	Issue for DA
28.10.22	E	Additional Information for Council

NSW Nominated Architects: S. ISAACS #7929
ABN: 79 124 014 759

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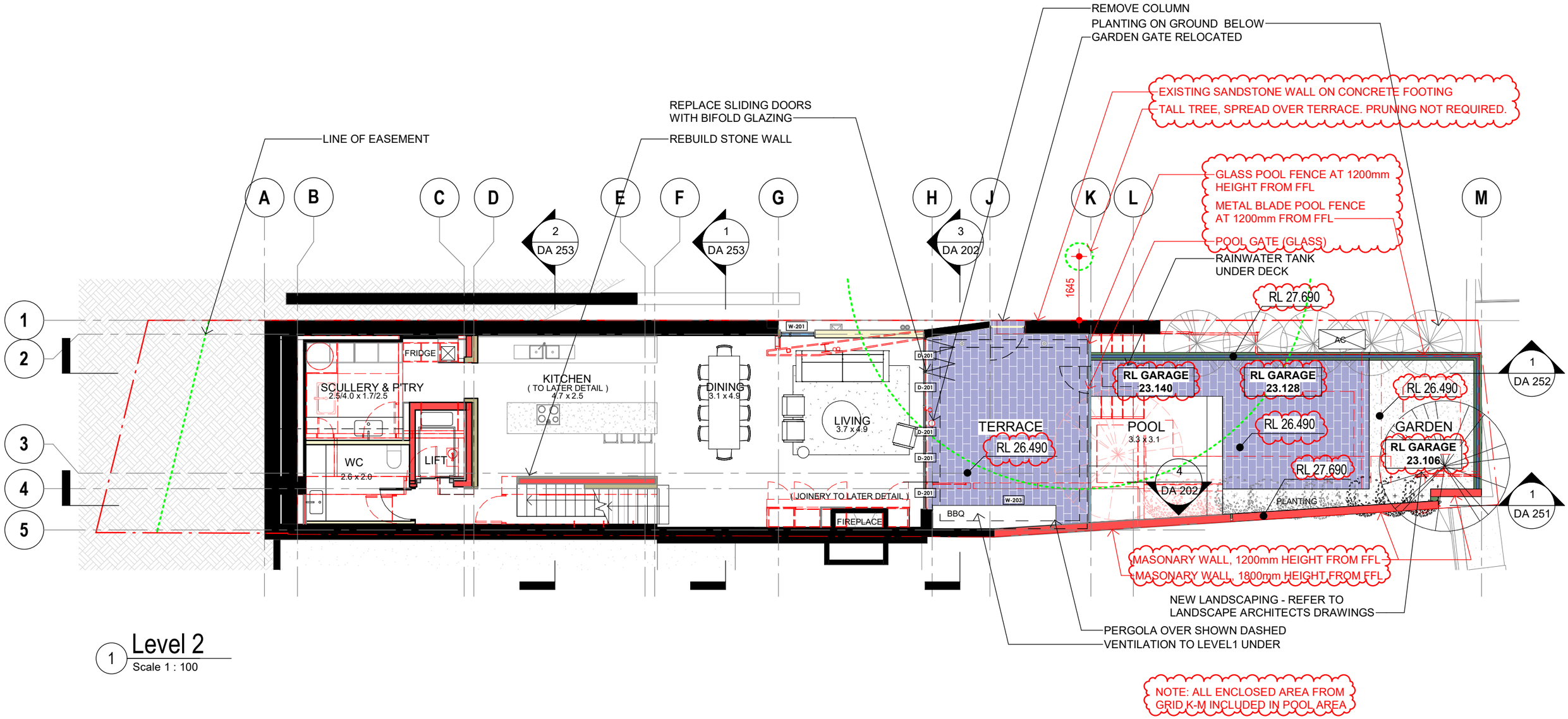
PROJECT
94 Blues Point Road, McMahons Point, NSW 2060

TITLE
Plan_Level 1

JOB No. 2034 | DRAWING No. DA 102 | REV. E

PROJECT DATE 19.01.2021 | ISSUED DATE 28.10.22 | SCALE @ A3: 1 : 100

STATUS
Issue for DA



1 Level 2

Scale 1 : 100

LEGEND

EXISTING DEMOLISHED	BLOCKWORK / BRICK / DINSEL	GLASS STEEL + GALVANISED IRON	FIBRE CEMENT CONCRETE	TIMBER SANDSTONE	ROOF TILE TILE

Date	Rev	Issue
13.07.21	B	Issue for DA
16.11.21	C	Issue for DA
28.10.22	E	Additional Information for Council

NSW Nominated Architects: S. ISAACS #7929
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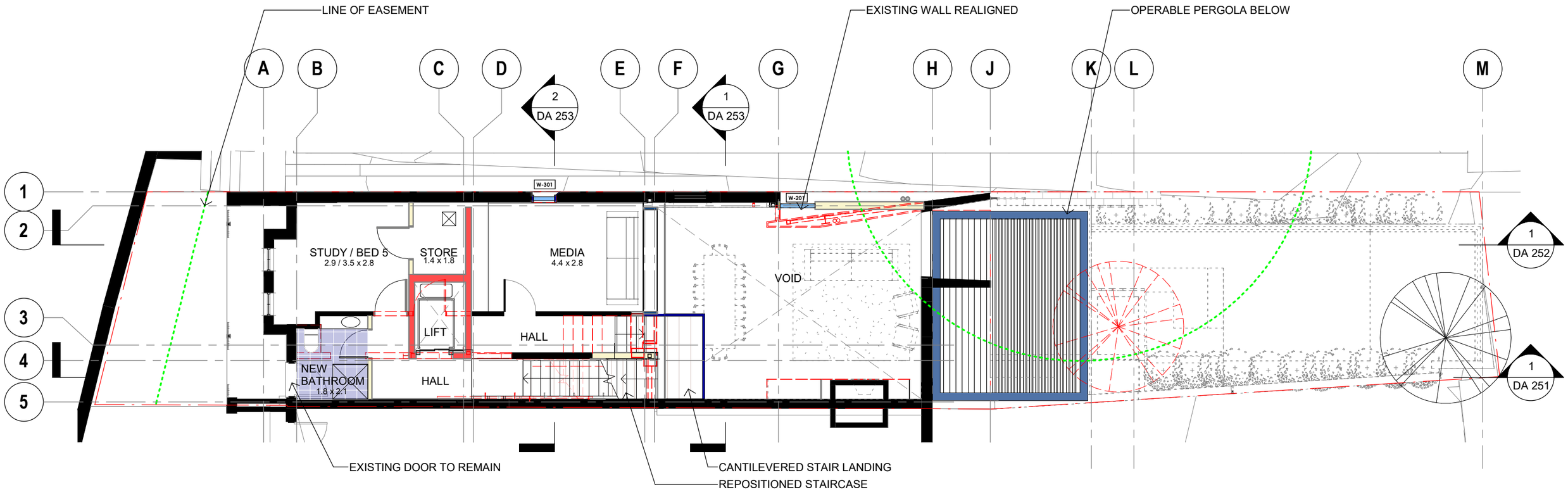
PROJECT
94 Blues Point Road, McMahons Point, NSW 2060

PROJECT DATE 19.01.2021
ISSUED DATE 28.10.22
SCALE @ A3: 1 : 100

TITLE
Plan_Level 2

JOB No. 2034
DRAWING No. DA 103
REV. E

STATUS
Issue for DA



1 Level 3
Scale 1 : 100

LEGEND

EXISTING / DEMOLISHED	BLOCKWORK / BRICK / DINSEL	GLASS / STEEL + GALVANISED IRON	FIBRE CEMENT / CONCRETE	TIMBER / SANDSTONE	ROOF TILE / TILE

Date	Rev	Issue
13.07.21	B	Issue for DA

NSW Nominated Architects: S. ISAACS #7929
ABN: 79 124 014 759
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F: 02 - 9086 9001
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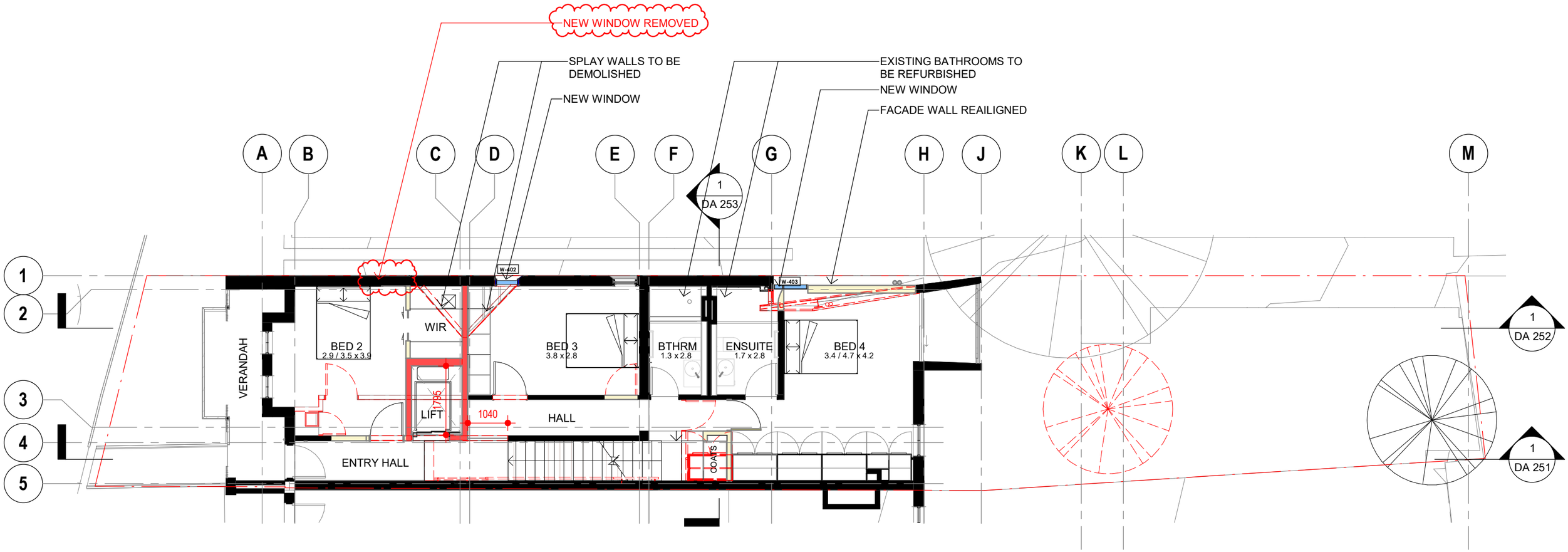
PROJECT
94 Blues Point Road, McMahons Point, NSW 2060

PROJECT DATE 19.01.2021
ISSUED DATE 13.07.21
SCALE @ A3: 1 : 100

TITLE
Plan_Level 3

JOB No. 2034
DRAWING No. DA 104
REV. B

STATUS
Issue for DA



Level 4

1 Scale 1 : 100

LEGEND

EXISTING	BLOCKWORK / BRICK / DINSEL	GLASS	FIBRE CEMENT	TIMBER	ROOF TILE
DEMOLISHED		STEEL + GALVANISED IRON	CONCRETE	SANDSTONE	TILE

Date	Rev	Issue
13.07.21	B	Issue for DA
28.10.22	E	Additional Information for Council

NSW Nominated Architects: S. ISAACS #7929
ABN: 79 124 014 759

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F: 02 - 9086 9001

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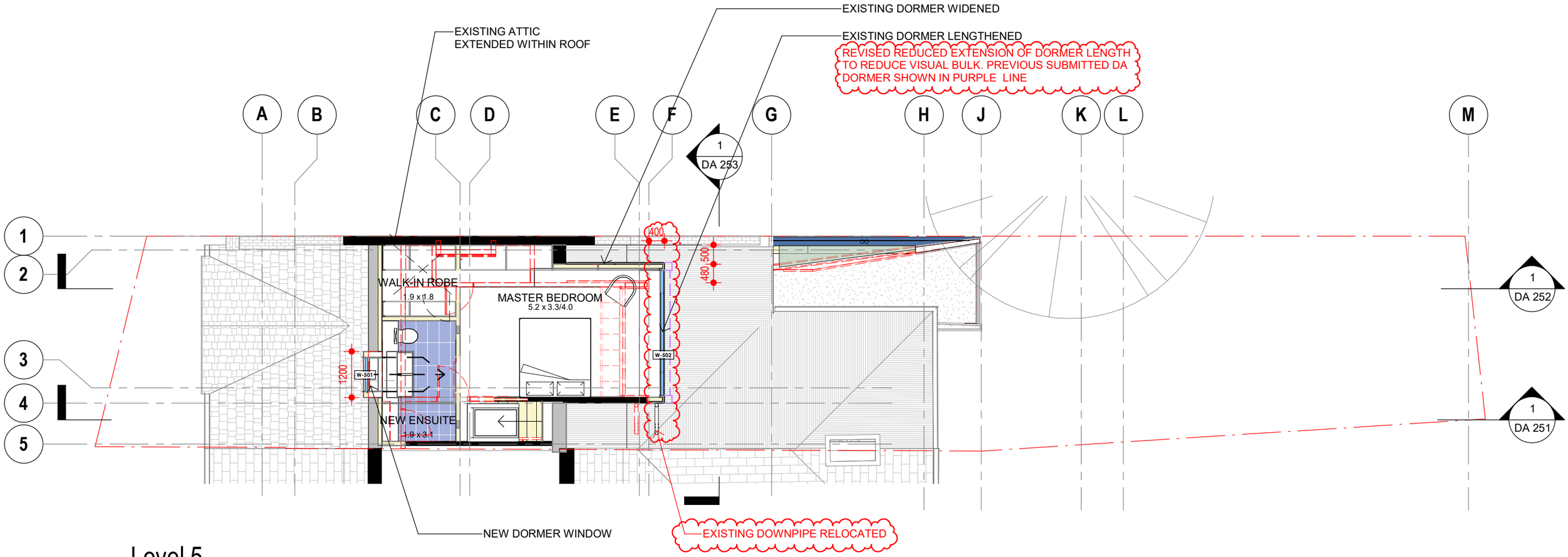
PROJECT
94 Blues Point Road, McMahons Point, NSW 2060

PROJECT DATE 19.01.2021
ISSUED DATE 28.10.22
SCALE @ A3: 1 : 100

TITLE
Plan_Level 4

JOB No. 2034
DRAWING No. DA 105
REV. E

STATUS
Issue for DA



1 Level 5
Scale 1 : 100

LEGEND

EXISTING DEMOLISHED	BLOCKWORK / BRICK / DINSEL	GLASS STEEL + GALVANISED IRON	FIBRE CEMENT CONCRETE	TIMBER SANDSTONE	ROOF TILE TILE

Date	Rev	Issue
13.07.21	B	Issue for DA
28.10.22	E	Additional Information for Council

NSW Nominated Architects: S. ISAACS #7929
ABN: 79 124 014 759

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F: 02 - 9086 9001

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CLIENT
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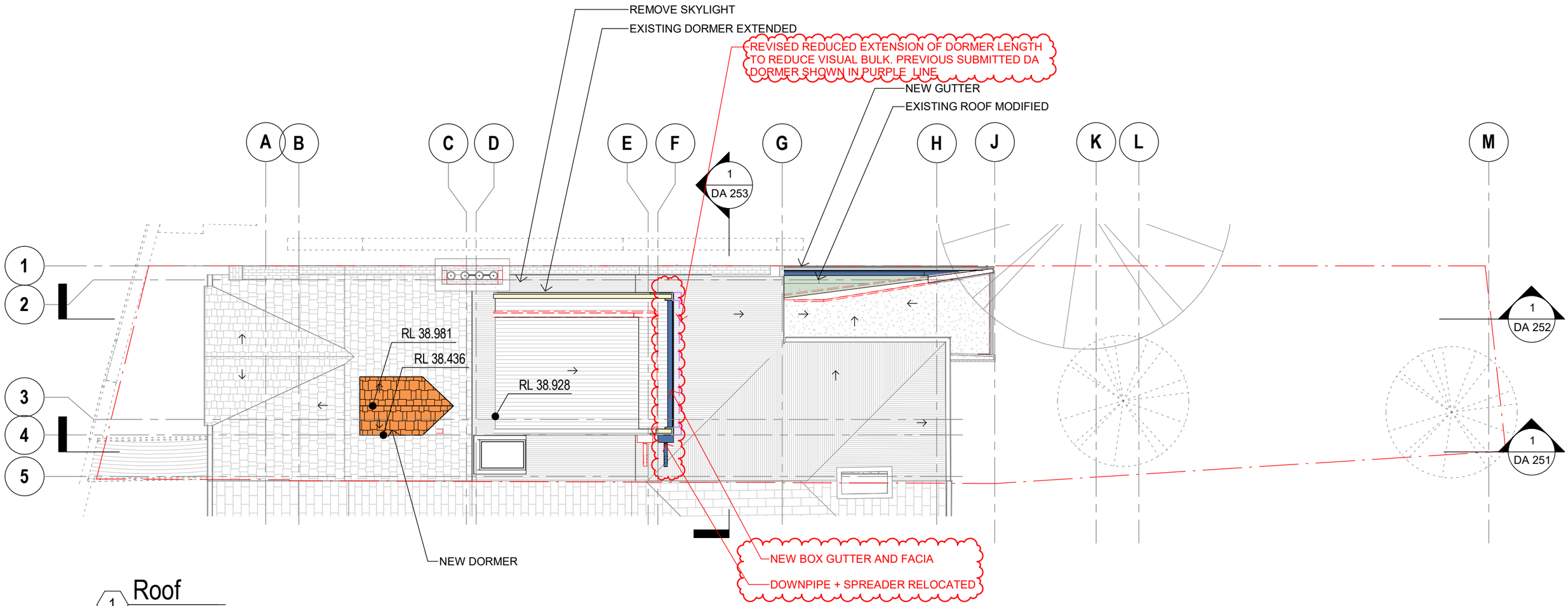
PROJECT
94 Blues Point Road, McMahons Point, NSW 2060

PROJECT DATE 19.01.2021
ISSUED DATE 28.10.22
SCALE @ A3: 1 : 100

TITLE
Plan_Level 5

JOB No. 2034
DRAWING No. DA 106
REV. E

STATUS
Issue for DA



1 Roof
Scale 1 : 100

LEGEND

EXISTING DEMOLISHED	BLOCKWORK / BRICK / DINSEL	GLASS STEEL + GALVANISED IRON	FIBRE CEMENT CONCRETE	TIMBER SANDSTONE	ROOF TILE TILE

Date	Rev	Issue
13.07.21	B	Issue for DA
28.10.22	E	Additional Information for Council

NSW Nominated Architects: S. ISAACS #7929
ABN: 79 124 014 759

P: 02 - 9086 9000
F: 02 - 9086 9001

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CLIENT
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PROJECT
94 Blues Point Road, McMahons Point, NSW 2060

TITLE
Plan_Roof

JOB No. 2034 | DRAWING No. DA 107 | REV. E

PROJECT DATE 19.01.2021 | ISSUED DATE 28.10.22 | SCALE @ A3: 1 : 100

STATUS
Issue for DA

0mm 100mm 200mm 300mm 400mm

M L K J H G F E D C B A

TALL TREE - NO PRUNING REQUIRED
DUE TO TERRACE WORKS

EXTENDED REAR DORMER
FINISHES TO MATCH EXISTING

REVISED REDUCED EXTENSION OF DORMER LENGTH TO REDUCE VISUAL BULK. PREVIOUS SUBMITTED DA DORMER SHOWN IN PURPLE LINE

RL 38.945

RL 38.981

NEW FRONT DORMER

NEW WINDOWS
TO MATCH EXISTING

ADDITIONAL WINDOW REMOVED

EXTENT OF EXIST. DORMER
SHOWN DASHED

NEW GUTTER

DEMOLISHED

RELOCATE GATE

NEW PERGOLA

GARDEN TERRACE

NEW METAL AND
GLASS POOL FENCE,
1200MM ABOVE FFL

RL 27.690

RL 26.490

FACADE REALIGNED

FINISHES TO MATCH EXISTING

W-403 W-402 W-301 W-201

39.310 Exst Roof Ridge

36.170 Prop Level 5 FFL

32.624 Prop Level 4

29.225 Prop Level 3

26.490 Exst Level 2 FFL

23.100 Prop Level 1 FFL

100mm 200mm

1 Elevation_South

Scale 1 : 100

LEGEND

ROOF TILE TILE	TIMBER SANDSTONE	FIBRE CEMENT CONCRETE	GLASS STEEL + GALVANISED IRON	BLOCKWORK / BRICK / DINSEL	EXISTING DEMOLISHED

Date	Rev	Issue
13.07.21	B	Issue for DA
28.10.22	E	Additional Information for Council

NSW Nominated Architects: S. ISAACS #7929
ABN: 79 124 014 759

P: 02 - 9086 9000
F: 02 - 9086 9001

ARCHITECTURE SAVILLE ISAACS PTY LTD
23a KING GEORGE STREET, McMAHONS POINT, NSW 2060

CLIENT
M+J MANKEN

ARCHITECTURE saville isaacs

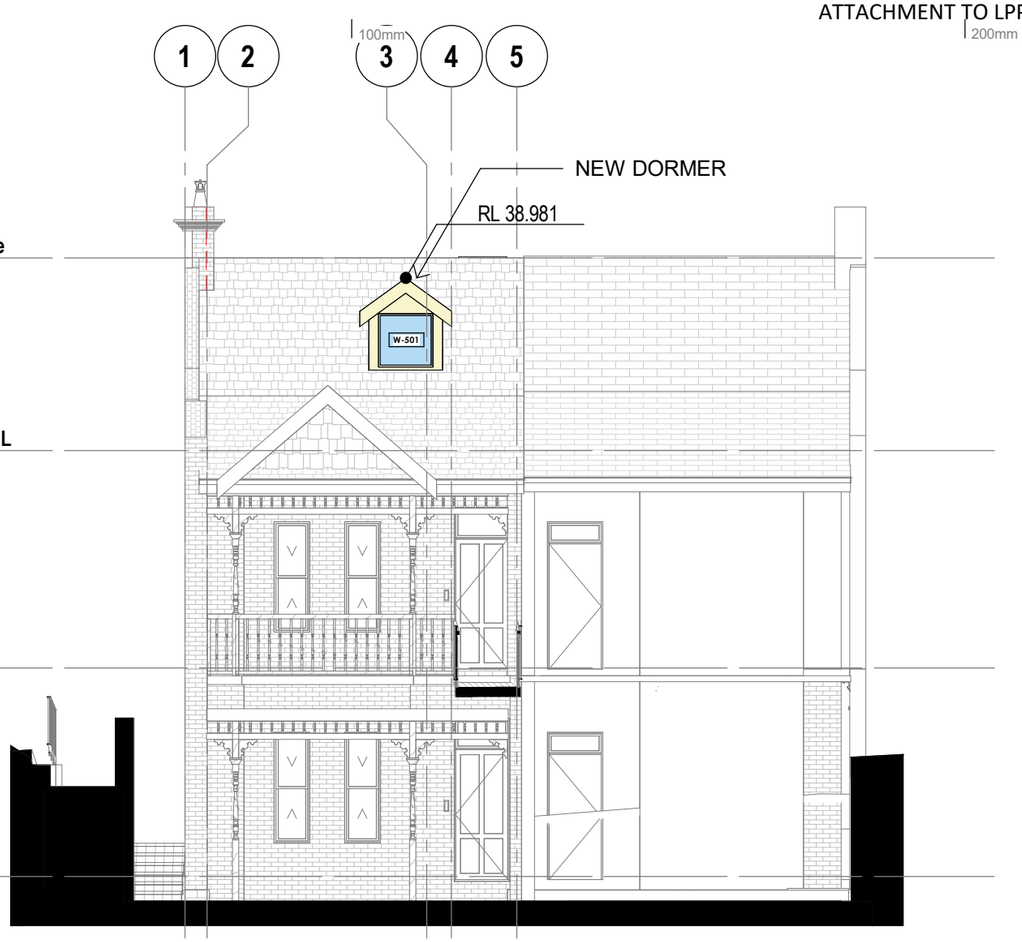
PROJECT
94 Blues Point Road, McMahons Point, NSW 2060

TITLE
Elevation_South

JOB No. 2034 | DRAWING No. DA 201 | REV. E

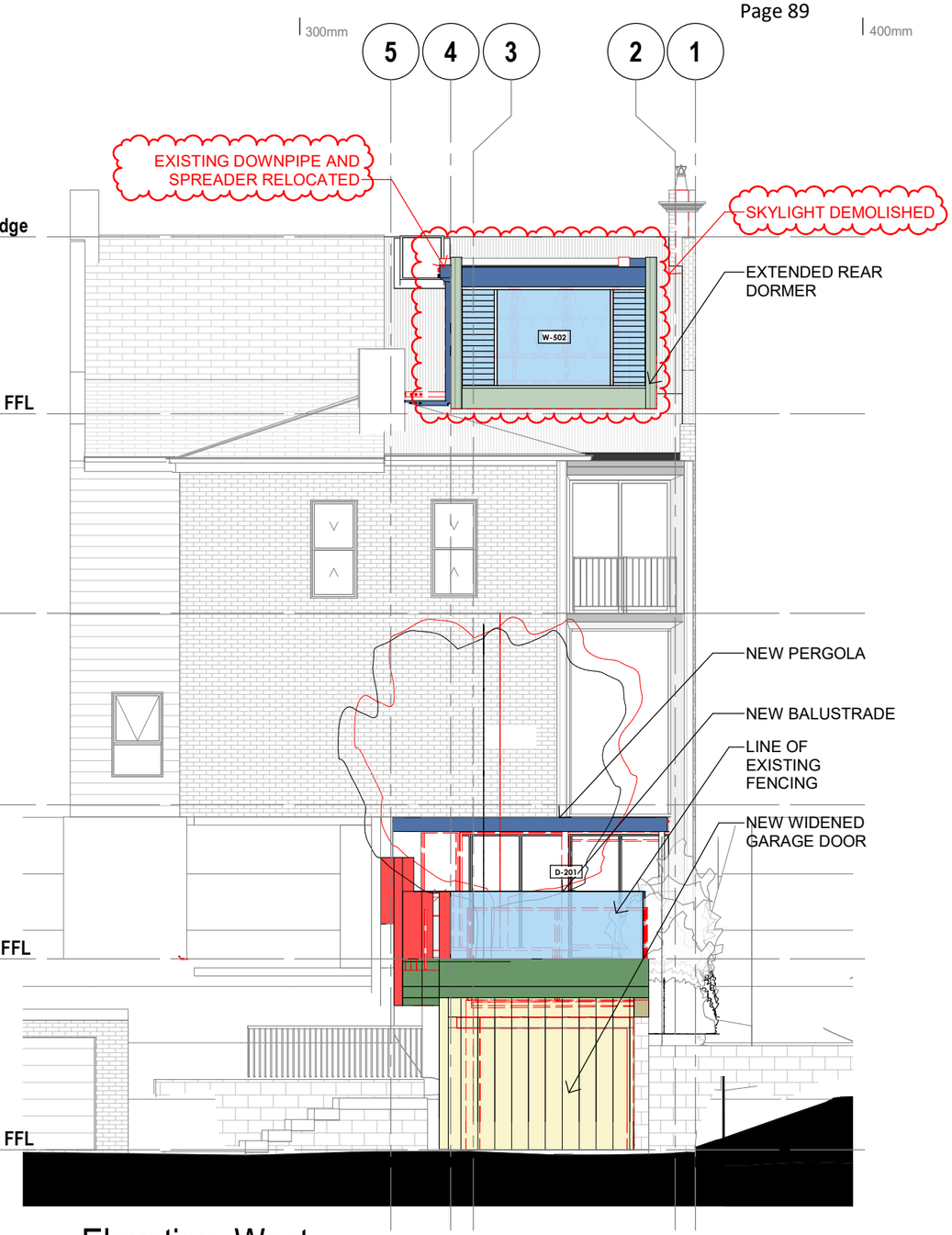
PROJECT DATE 19.01.2021 | ISSUED DATE 28.10.22 | SCALE @ A3: 1 : 100

STATUS
Issue for DA



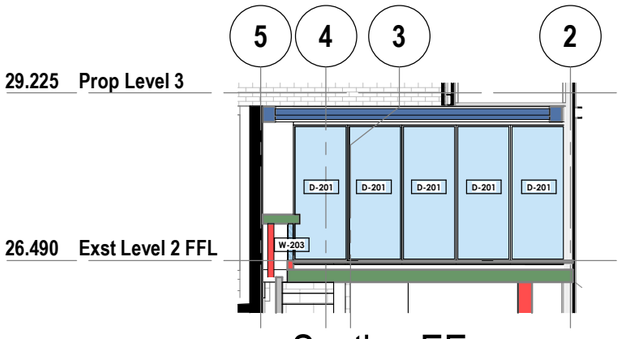
1 Elevation_East

Scale 1 : 100



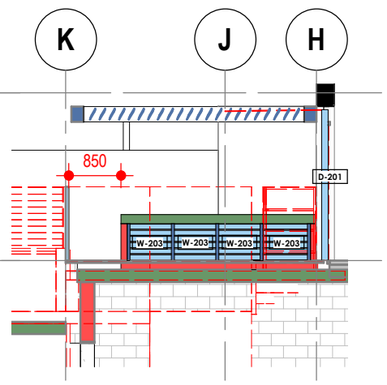
2 Elevation_West

Scale 1 : 100



3 Section EE

Scale 1 : 100



4 Section FF

Scale 1 : 100

LEGEND

ROOF TILE / TILE	TIMBER / SANDSTONE	FIBRE CEMENT / CONCRETE	GLASS / STEEL + GALVANISED IRON	BLOCKWORK / BRICK / DINSEL	EXISTING / DEMOLISHED

Date	Rev	Issue
13.07.21	B	Issue for DA
28.10.22	E	Additional Information for Council

NSW Nominated Architects: S. ISAACS #7929
ABN: 79 124 014 759

P: 02 - 9086 9000
F: 02 - 9086 9001

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23a KING GEORGE STREET, McMAHONS POINT, NSW 2060

CLIENT
M+J MANKEN

ARCHITECTURE saville isaacs

PROJECT
94 Blues Point Road, McMahons Point, NSW 2060

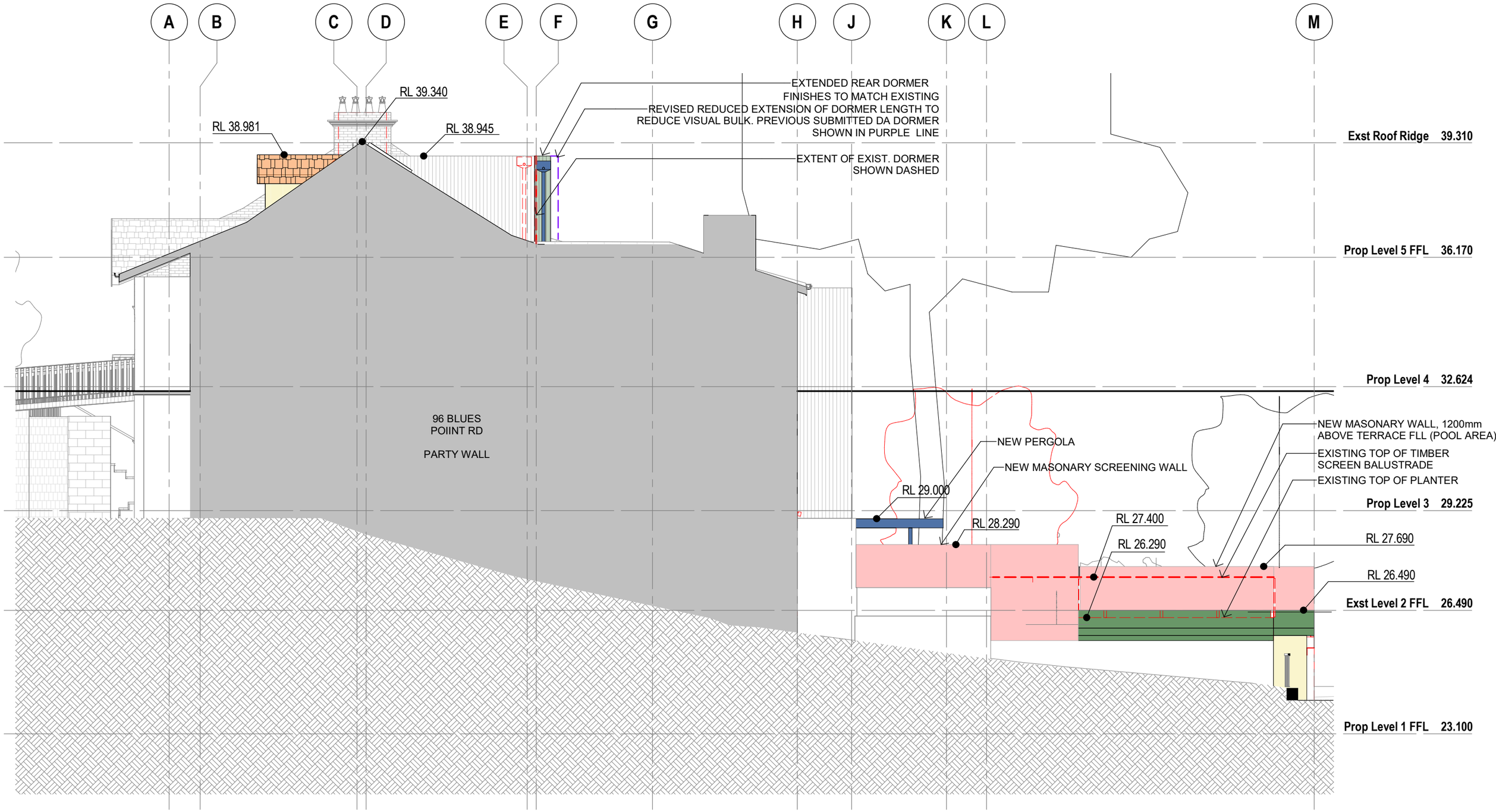
PROJECT DATE 19.01.2021
ISSUED DATE 28.10.22
SCALE @ A3: 1 : 100

TITLE
Elevation_East + West

JOB No. 2034
DRAWING No. DA 202
REV. E

STATUS
Issue for DA

0mm 100mm 200mm 300mm 400mm



100mm

200mm

1 Elevation_North

Scale 1 : 100

Date	Rev	Issue
28.10.22	E	Additional Information for Council

NSW Nominated Architects: S. ISAACS #7929
ABN: 79 124 014 759

P: 02 - 9086 9000
F: 02 - 9086 9001

ARCHITECTURE SAVILLE ISAACS PTY LTD
23a KING GEORGE STREET, McMAHONS POINT, NSW 2060

CLIENT
M+J MANKEN

ARCHITECTURE saville isaacs

PROJECT
94 Blues Point Road, McMahons Point, NSW 2060

PROJECT DATE 19.01.2021
ISSUED DATE 28.10.22
SCALE @ A3: 1 : 100

TITLE
Elevation_North

JOB No. 2034
DRAWING No. DA 203
REV. E

STATUS
Issue for DA

0mm 100mm 200mm 300mm 400mm

A B C D E F G H J K L M

39.310 Exst Roof Ridge

36.170 Prop Level 5 FFL

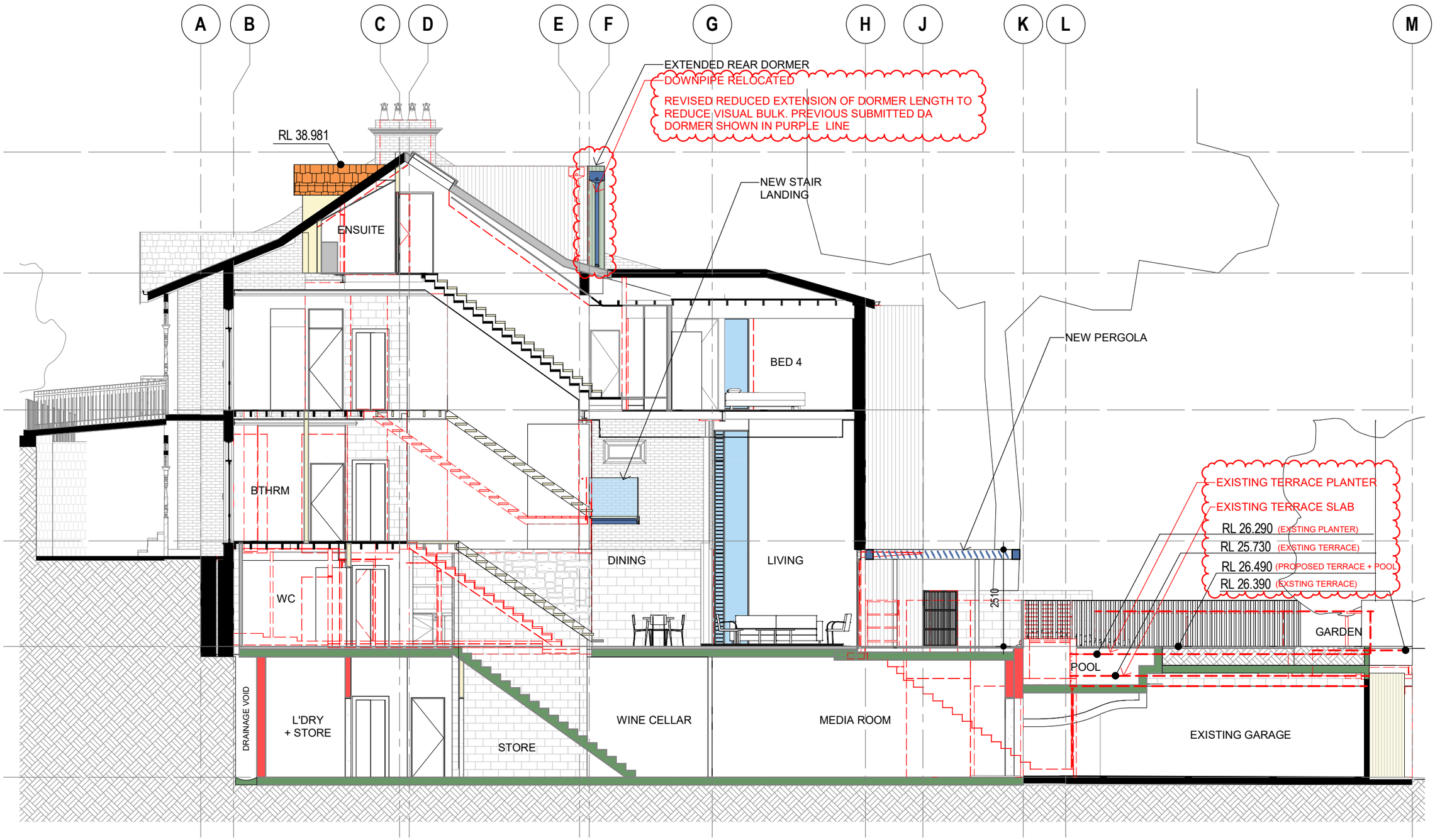
32.624 Prop Level 4

29.225 Prop Level 3

26.490 Exst Level 2 FFL

23.100 Prop Level 1 FFL

100mm 200mm



1 Section AA

Scale 1 : 100

LEGEND

ROOF TILE / TILE	TIMBER / SANDSTONE	FIBRE CEMENT / CONCRETE	GLASS / STEEL + GALVANISED IRON	BLOCKWORK / BRICK / DINSEL	EXISTING / DEMOLISHED

Date	Rev	Issue
13.07.21	B	Issue for DA
16.11.21	C	Issue for DA
28.10.22	E	Additional Information for Council

NSW Nominated Architects: S. ISAACS #7929
ABN: 79 124 014 759

P: 02 - 9086 9000
F: 02 - 9086 9001

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23a KING GEORGE STREET, McMAHONS POINT, NSW 2060

CLIENT
M+J MANKEN

ARCHITECTURE saville isaacs

PROJECT
94 Blues Point Road, McMahons Point, NSW 2060

TITLE
Section_Longitudinal AA

JOB No. 2034 | DRAWING No. DA 251 | REV. E

PROJECT DATE 19.01.2021 | ISSUED DATE 28.10.22 | SCALE @ A3: 1 : 100

STATUS
Issue for DA

0mm 100mm 200mm 300mm 400mm

A B C D E F G H J K L M

39.310 Exst Roof Ridge

36.170 Prop Level 5 FFL

32.624 Prop Level 4

29.225 Prop Level 3

26.490 Exst Level 2 FFL

23.100 Prop Level 1 FFL

100mm 200mm

EXTENDED REAR DORMER

EXISTING METAL ROOF EXTENDED

BOX GUTTER AND FACIA

REVISED REDUCED EXTENSION OF DORMER LENGTH TO REDUCE VISUAL BULK. PREVIOUS SUBMITTED DA DORMER SHOWN IN PURPLE LINE

ENSUITE

MASTER BED

BED 2

BED 3

BED 4

EXISTING AWNING TO BE REMOVED

NEW OPERABLE PERGOLA

STUDY

MEDIA

KITCHEN

DINING

LIVING

SCULLERY + PANTRY

RL 27.690

RL 26.390

RL 27.400

GARDEN

DRAINAGE VOID

LAUNDRY + STORE

BATHROOM

WINE CELLAR

MEDIA ROOM

RL 25.730

EXISTING GARAGE

RL 23.133

RL 23.100

1 Section BB

Scale 1 : 100

LEGEND

ROOF TILE TILE	TIMBER SANDSTONE	FIBRE CEMENT CONCRETE	GLASS STEEL + GALVANISED IRON	BLOCKWORK / BRICK / DINSEL	EXISTING DEMOLISHED

Date	Rev	Issue
13.07.21	B	Issue for DA
16.11.21	C	Issue for DA

NSW Nominated Architects: S. ISAACS #7929
ABN: 79 124 014 759

P: 02 - 9086 9000
F: 02 - 9086 9001

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23a KING GEORGE STREET, McMAHONS POINT, NSW 2060

CLIENT
M+J MANKEN

ARCHITECTURE saville isaacs

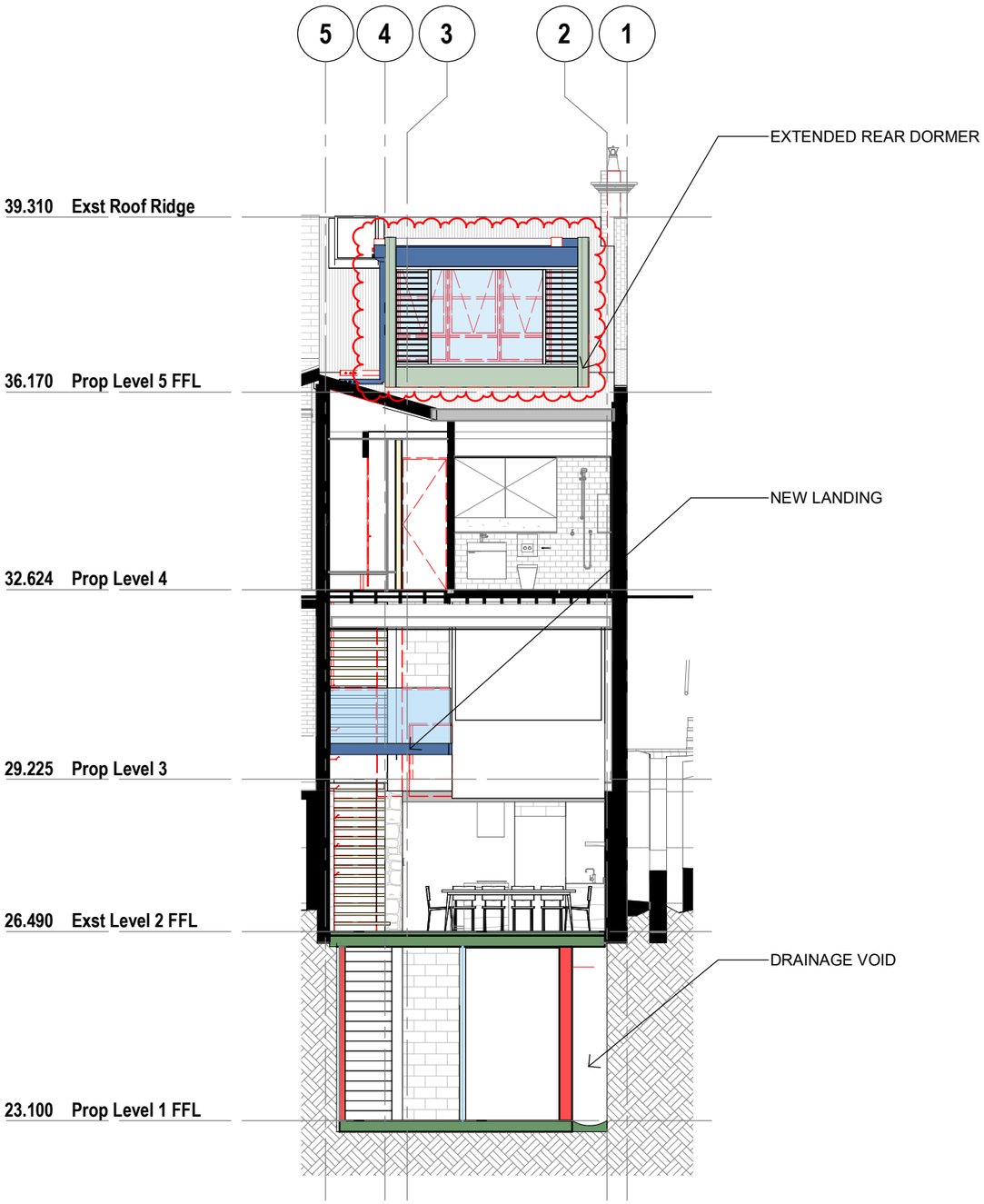
PROJECT
94 Blues Point Road, McMahons Point, NSW 2060

TITLE
Section_Longitudinal BB

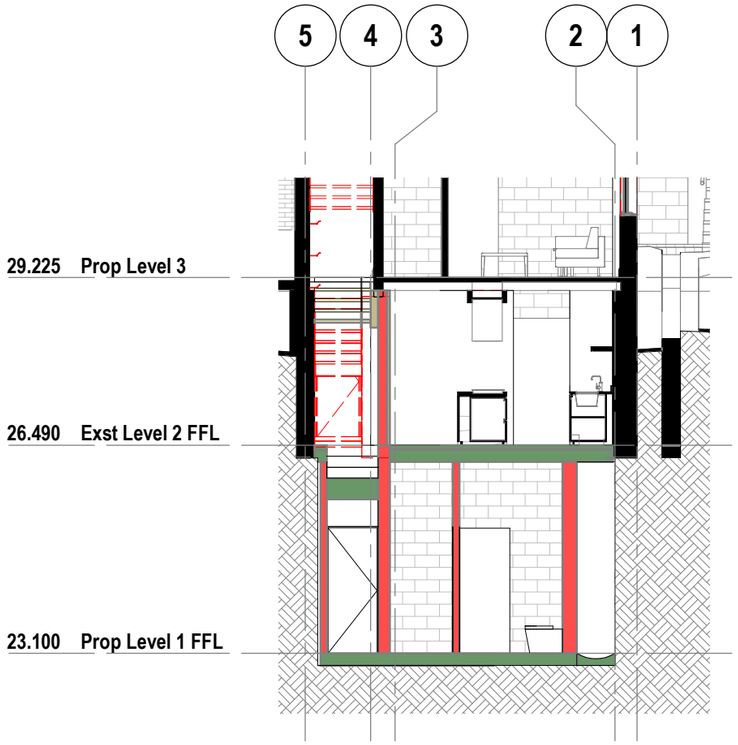
JOB No. 2034 | DRAWING No. DA 252 | REV. C

PROJECT DATE 19.01.2021 | ISSUED DATE 16.11.21 | SCALE @ A3: 1 : 100

STATUS
Issue for DA



1 Section DD
Scale 1 : 100



2 Section GG
Scale 1 : 100

LEGEND

ROOF TILE / TILE	TIMBER / SANDSTONE	FIBRE CEMENT / CONCRETE	GLASS / STEEL + GALVANISED IRON	BLOCKWORK / BRICK / DINSEL	EXISTING / DEMOLISHED

Date	Rev	Issue
13.07.21	B	Issue for DA
16.11.21	C	Issue for DA
28.10.22	E	Additional Information for Council

NSW Nominated Architects: S. ISAACS #7929
ABN: 79 124 014 759

P: 02 - 9086 9000
F: 02 - 9086 9001

ARCHITECTURE SAVILLE ISAACS PTY LTD
23a KING GEORGE STREET, McMAHONS POINT, NSW 2060

CLIENT
M+J MANKEN

ARCHITECTURE saville isaacs

PROJECT
94 Blues Point Road, McMahons Point, NSW 2060

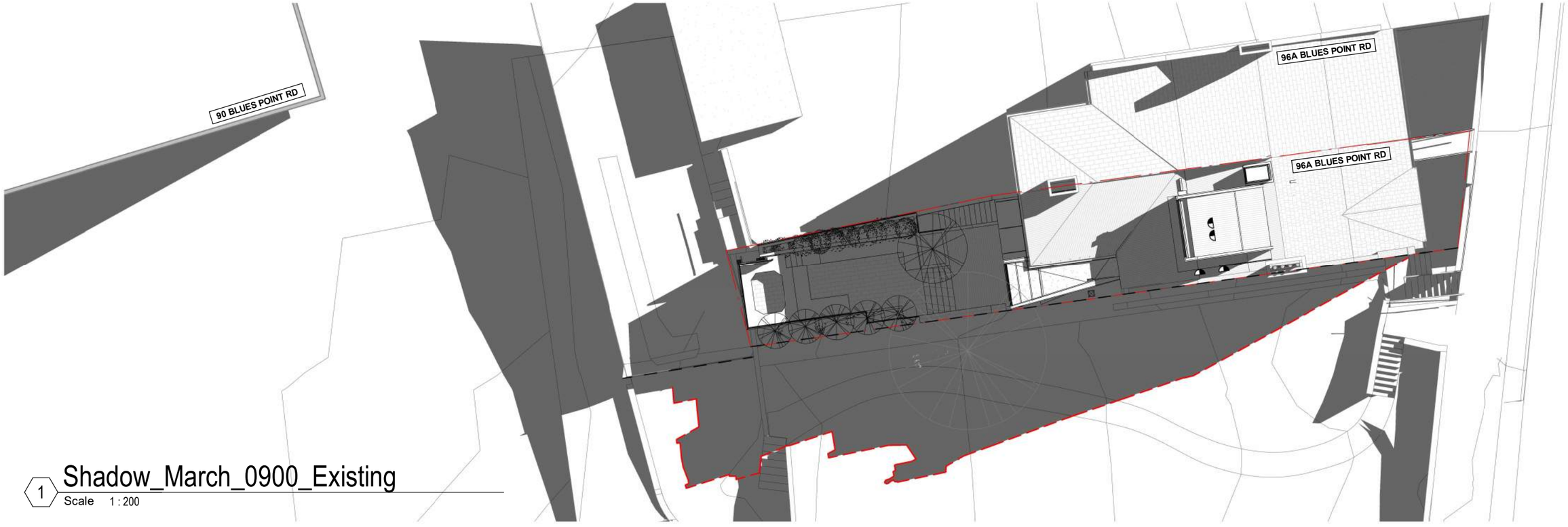
TITLE
Section_Cross DD + GG

JOB No. 2034
DRAWING No. DA 253
REV. E

PROJECT DATE 19.01.2021
ISSUED DATE 28.10.22
SCALE @ A3: 1 : 100

STATUS
Issue for DA

0mm 100mm 200mm 300mm 400mm



1 Shadow_March_0900_Existing

Scale 1 : 200

100mm

200mm

2 Shadow_March_0900 Proposed

Scale 1 : 200

Date	Rev	Issue
13.07.21	B	Issue for DA
28.10.22	E	Additional Information for Council

EXISTING SHADOW
PROPOSED SHADOW (SUBMITTED DA)
PROPOSED SHADOW (REVISED DA)

NSW Nominated Architects: S. ISAACS #7929
ABN: 79 124 014 759

P: 02 - 9086 9000
F: 02 - 9086 9001

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23a KING GEORGE STREET, McMAHONS POINT, NSW 2060

CLIENT
M+J MANKEN

ARCHITECTURE saville isaacs

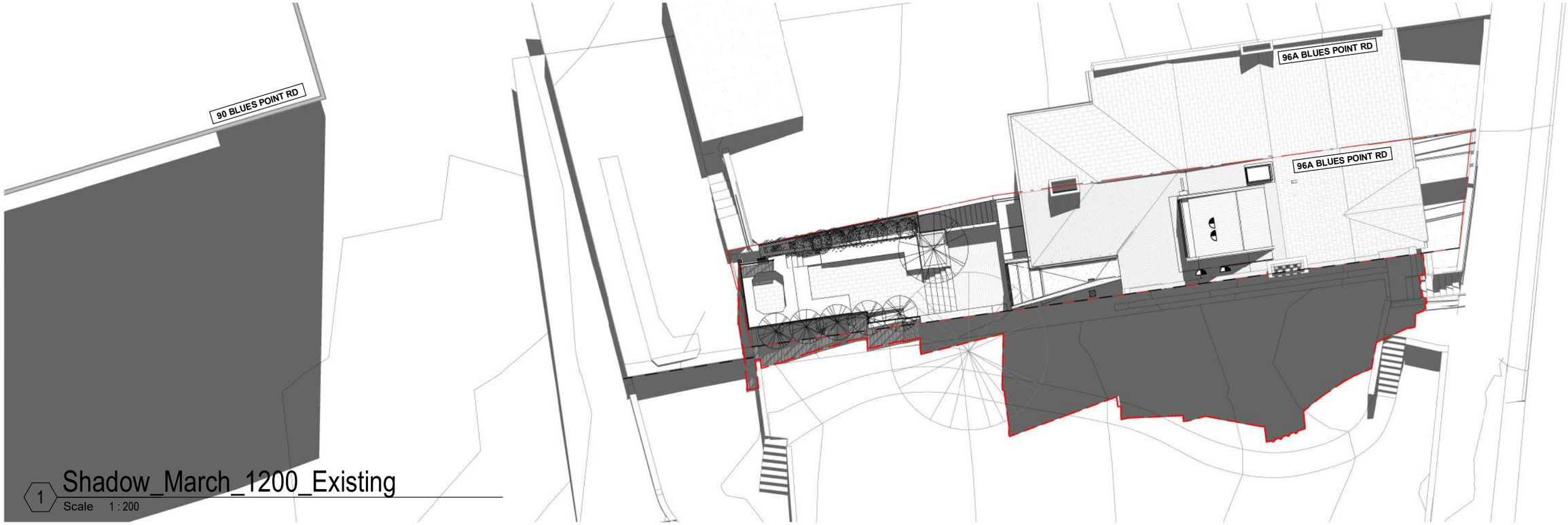
PROJECT
94 Blues Point Road, McMahons Point, NSW 2060

TITLE
Shadow_March_9am

JOB No. 2034 | DRAWING No. DA 301 | REV. E

PROJECT DATE 19.01.2021 | ISSUED DATE 28.10.22 | SCALE @ A3: 1 : 200

STATUS
Issue for DA



1 Shadow_March_1200_Existing
Scale 1 : 200

2 Shadow_March_1200 Proposed
Scale 1 : 200

Date	Rev	Issue
13.07.21	B	Issue for DA
28.10.22	E	Additional Information for Council

EXISTING SHADOW
PROPOSED SHADOW (SUBMITTED DA)
PROPOSED SHADOW (REVISED DA)

NSW Nominated Architects: S. ISAACS #7929
ABN: 79 124 014 759

P: 02 - 9086 9000
F: 02 - 9086 9001

ARCHITECTURE SAVILLE ISAACS PTY LTD
23a KING GEORGE STREET, McMAHONS POINT, NSW 2060

CLIENT
M+J MANKEN

ARCHITECTURE saville isaacs

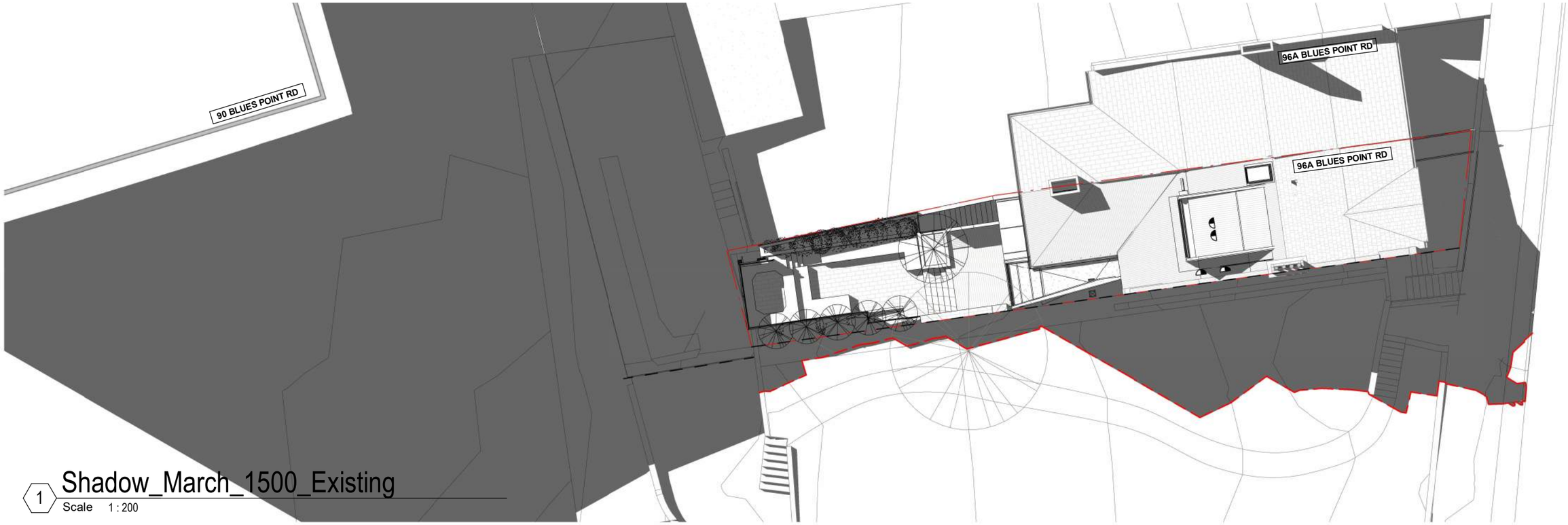
PROJECT
94 Blues Point Road, McMahons Point, NSW 2060

TITLE
Shadow_March_12pm

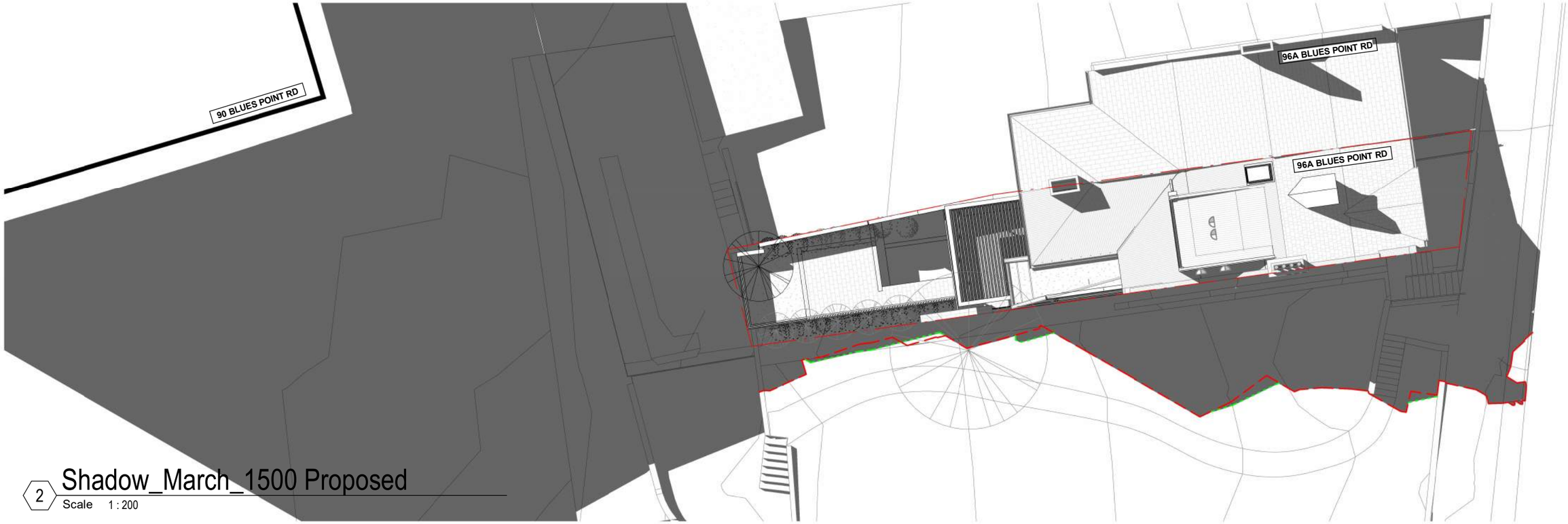
JOB No. 2034
DRAWING No. DA 302
REV. E

PROJECT DATE 19.01.2021
ISSUED DATE 28.10.22
SCALE @ A3: 1 : 200

STATUS
Issue for DA



1 Shadow_March_1500_Existing
Scale 1 : 200



2 Shadow_March_1500 Proposed
Scale 1 : 200

Date	Rev	Issue
13.07.21	B	Issue for DA

EXISTING SHADOW
PROPOSED SHADOW (SUBMITTED DA)
PROPOSED SHADOW (REVISED DA)

NSW Nominated Architects: S. ISAACS #7929
ABN: 79 124 014 759
P: 02 - 9086 9000
F: 02 - 9086 9001
ARCHITECTURE SAVILLE ISAACS PTY LTD
23a KING GEORGE STREET, McMAHONS POINT, NSW 2060

CLIENT
M+J MANKEN

ARCHITECTURE saville isaacs

PROJECT
94 Blues Point Road, McMahons Point, NSW 2060

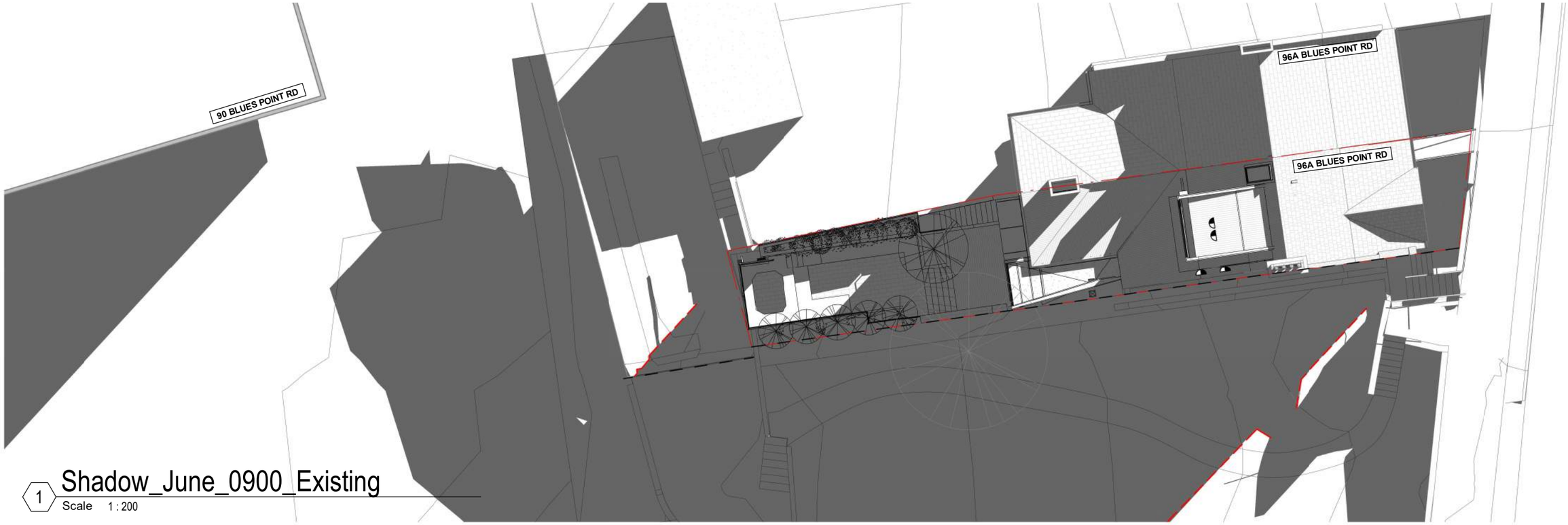
TITLE
Shadow_March_3pm

JOB No. 2034 | DRAWING No. DA 303 | REV. B

PROJECT DATE 19.01.2021 | ISSUED DATE 13.07.21 | SCALE @ A3: 1 : 200

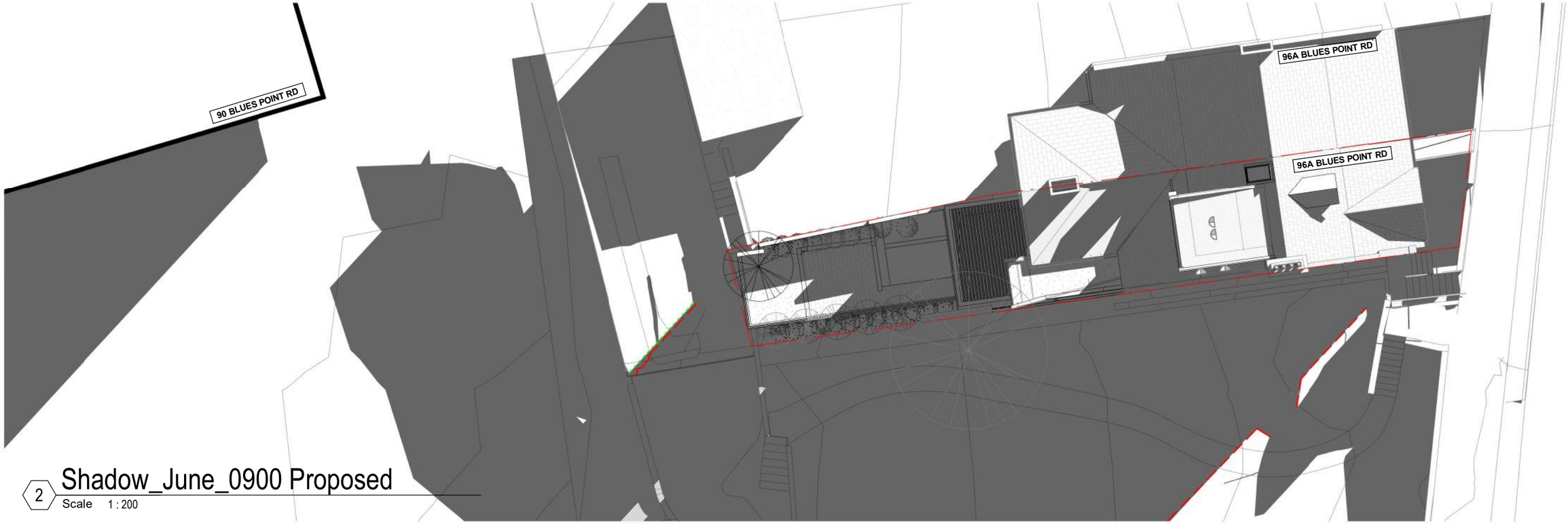
STATUS
Issue for DA

0mm 100mm 200mm 300mm 400mm



1 Shadow_June_0900_Existing
Scale 1 : 200

100mm



200mm

2 Shadow_June_0900 Proposed
Scale 1 : 200

Date	Rev	Issue
13.07.21	B	Issue for DA

EXISTING SHADOW
PROPOSED SHADOW (SUBMITTED DA)
PROPOSED SHADOW (REVISED DA)

NSW Nominated Architects: S. ISAACS #7929
ABN: 79 124 014 759

P: 02 - 9086 9000
F: 02 - 9086 9001

ARCHITECTURE SAVILLE ISAACS PTY LTD
23a KING GEORGE STREET, McMAHONS POINT, NSW 2060

CLIENT
M+J MANKEN

ARCHITECTURE saville isaacs

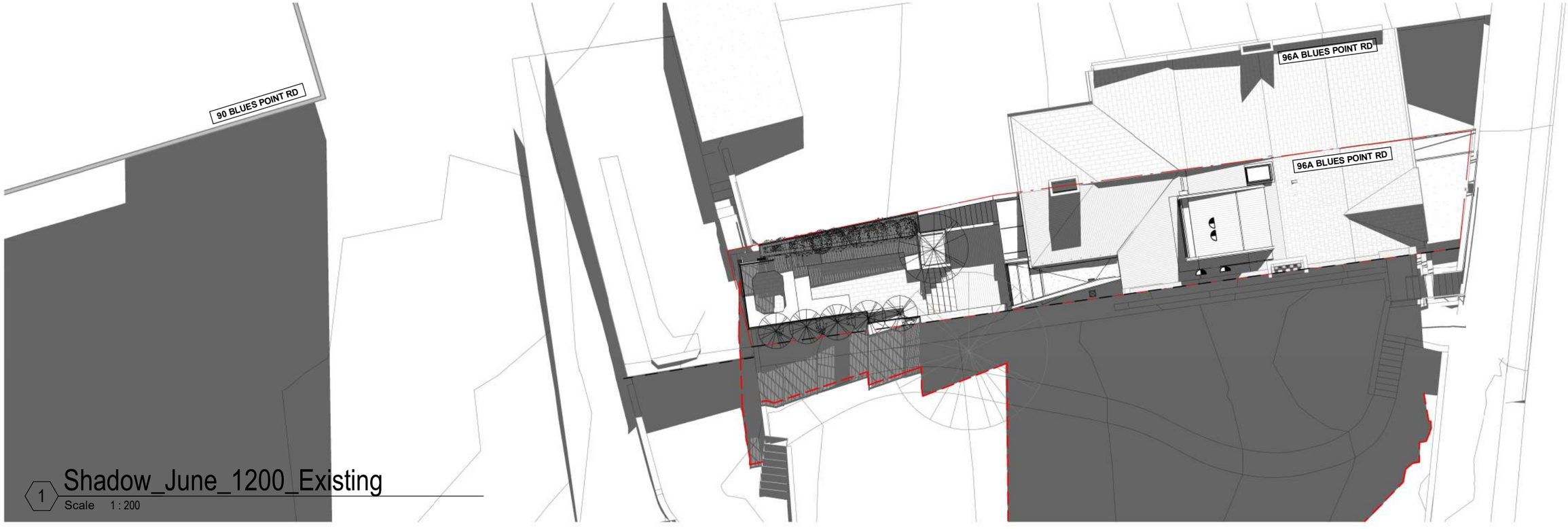
PROJECT
94 Blues Point Road, McMahons Point, NSW 2060

TITLE
Shadow_June_9am

JOB No. 2034
DRAWING No. DA 307
REV. B

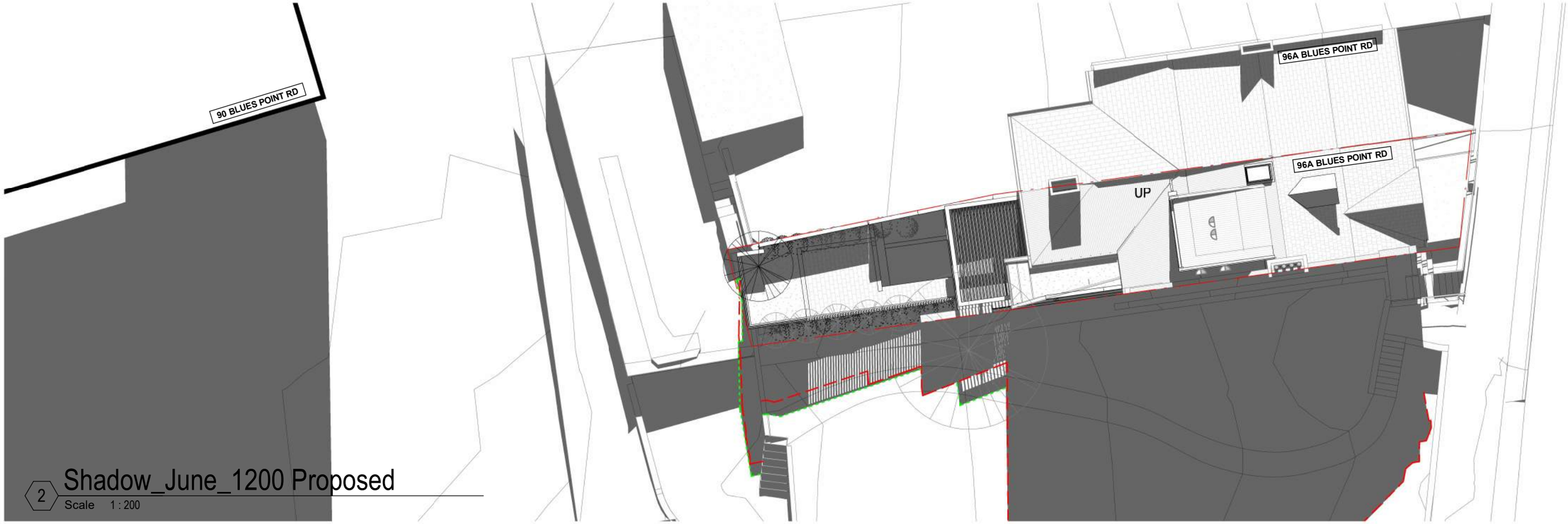
PROJECT DATE 19.01.2021
ISSUED DATE 13.07.21
SCALE @ A3: 1 : 200

STATUS
Issue for DA



1 Shadow_June_1200_Existing

Scale 1 : 200



2 Shadow_June_1200 Proposed

Scale 1 : 200

Date	Rev	Issue
13.07.21	B	Issue for DA

EXISTING SHADOW
PROPOSED SHADOW (SUBMITTED DA)
PROPOSED SHADOW (REVISED DA)

NSW Nominated Architects: S. ISAACS #7929
ABN: 79 124 014 759

P: 02 - 9086 9000
F: 02 - 9086 9001

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23a KING GEORGE STREET, McMAHONS POINT, NSW 2060

CLIENT
M+J MANKEN

ARCHITECTURE saville isaacs

PROJECT
94 Blues Point Road, McMahons Point, NSW 2060

TITLE
Shadow_June_12pm

JOB No.	DRAWING No.	REV.
2034	DA 308	B

PROJECT DATE	ISSUED DATE	SCALE @ A3:
19.01.2021	13.07.21	1 : 200

STATUS
Issue for DA

1 Shadow_June_1500_Existing
Scale 1 : 200

2 Shadow_June_1500 Proposed
Scale 1 : 200

Date	Rev	Issue
13.07.21	B	Issue for DA

NSW Nominated Architects: S. ISAACS #7929
ABN: 79 124 014 759

P: 02 - 9086 9000
F: 02 - 9086 9001

ARCHITECTURE SAVILLE ISAACS PTY LTD
23a KING GEORGE STREET, McMAHONS POINT, NSW 2060

CLIENT
M+J MANKEN

ARCHITECTURE saville isaacs

PROJECT
94 Blues Point Road, McMahons Point, NSW 2060

TITLE
Shadow_June_3pm

JOB No. 2034 | DRAWING No. DA 309 | REV. B

PROJECT DATE 19.01.2021 | ISSUED DATE 13.07.21 | SCALE @ A3: 1 : 200

STATUS
Issue for DA

EXTERNAL FINISHES SCHEDULE

FIBRE CEMENT
PROPOSED TO MATCH EXISTING

COLOUR - DULUX: NAMADJI, OR SIMILAR

STEEL + GALVANISED IRON
PROPOSED TO MATCH EXISTING

COLOUR - POWDER COATED DARK GREY OR SIMILAR

CONCETE
PROPOSED TO
MATCH EXISTING

ROOF TILE
PROPOSED TO
MATCH EXISTING

TILE
PROPOSED TO
MATCH EXISTING

SANDSTONE
PROPOSED TO MATCH EXISTING

STEEL + GALVANISED IRON
PROPOSED TO MATCH EXISTING

COLOUR - POWDER COATED DARK GREY OR SIMILAR

Date	Rev	Issue
28.10.22	E	Additional Information for Council

NSW Nominated Architects: S. ISAACS #7929
ABN: 79 124 014 759

P: 02 - 9086 9000
F: 02 - 9086 9001

ARCHITECTURE SAVILLE ISAACS PTY LTD
23a KING GEORGE STREET, McMAHONS POINT, NSW 2060

CLIENT
M+J MANKEN

ARCHITECTURE saville isaacs

PROJECT
94 Blues Point Road, McMahons Point, NSW 2060

PROJECT DATE 19.01.2021
ISSUED DATE 28.10.22
SCALE @ A3: 1 : 100

TITLE
External Finishes Schedule

JOB No. 2034
DRAWING No. DA 350
REV. E

STATUS
Issue for DA

94 BLUES POINT **96 BLUES POINT** **98 BLUES POINT** **100 BLUES POINT**

STREET MONTAGE

IMAGES SOURCED FROM STREET VIEW, GOOGLE MAPS.
INTENTION OF PROPOSED DORMER SUPERIMPOSED

Date	Rev	Issue
28.10.22	E	Additional Information for Council

NSW Nominated Architects: S. ISAACS #7929
ABN: 79 124 014 759

P: 02 - 9086 9000
F: 02 - 9086 9001

ARCHITECTURE SAVILLE ISAACS PTY LTD
23a KING GEORGE STREET, McMAHONS POINT, NSW 2060

CLIENT
M+J MANKEN

ARCHITECTURE saville isaacs

PROJECT
94 Blues Point Road, McMahons Point, NSW 2060

PROJECT DATE 19.01.2021
ISSUED DATE 28.10.22
SCALE @ A3:

TITLE
Additional Info - Street Elevation

JOB No. 2034
DRAWING No. INFO 01
REV. E

STATUS
Issue for DA

1 Existing - Street Perspective
Scale

2 Proposed - Street Perspective DA Submitted
Scale

3 Proposed - Street Perspective DA Revised
Scale

PREVIOUSLY PROPOSED - SUBMITTED DA
OUTLINED IN PURPLE DASHED LINE

Date	Rev	Issue
28.10.22	E	Additional Information for Council

NSW Nominated Architects: S. ISAACS #7929
ABN: 79 124 014 759

P: 02 - 9086 9000
F: 02 - 9086 9001

ARCHITECTURE SAVILLE ISAACS PTY LTD
23a KING GEORGE STREET, McMAHONS POINT, NSW 2060

CLIENT
M+J MANKEN

ARCHITECTURE saville isaacs

PROJECT
94 Blues Point Road, McMahons Point, NSW 2060

PROJECT DATE 19.01.2021
ISSUED DATE 28.10.22
SCALE @ A3:

TITLE
Perspective - Street

JOB No. 2034
DRAWING No. INFO 02
REV. E

STATUS
Issue for DA

0mm 100mm 200mm 300mm 400mm

1 Existing - Street Perspective 2

Scale

PROPOSED - REVISED DA
OUTLINED IN RED DASHED LINE

2 Proposed - Street Perspective 2 - DA Submitted

Scale

PROPOSED - REVISED DA
OUTLINED IN RED DASHED LINE

3 Proposed - Street Perspective 2 - DA Revised

Scale

PROPOSED - SUBMITTED DA
OUTLINED IN PURPLE DASHED LINE

Date	Rev	Issue
28.10.22	E	Additional Information for Council

NSW Nominated Architects: S. ISAACS #7929
ABN: 79 124 014 759

P: 02 - 9086 9000
F: 02 - 9086 9001

ARCHITECTURE SAVILLE ISAACS PTY LTD
23a KING GEORGE STREET, McMAHONS POINT, NSW 2060

CLIENT
M+J MANKEN

ARCHITECTURE saville isaacs

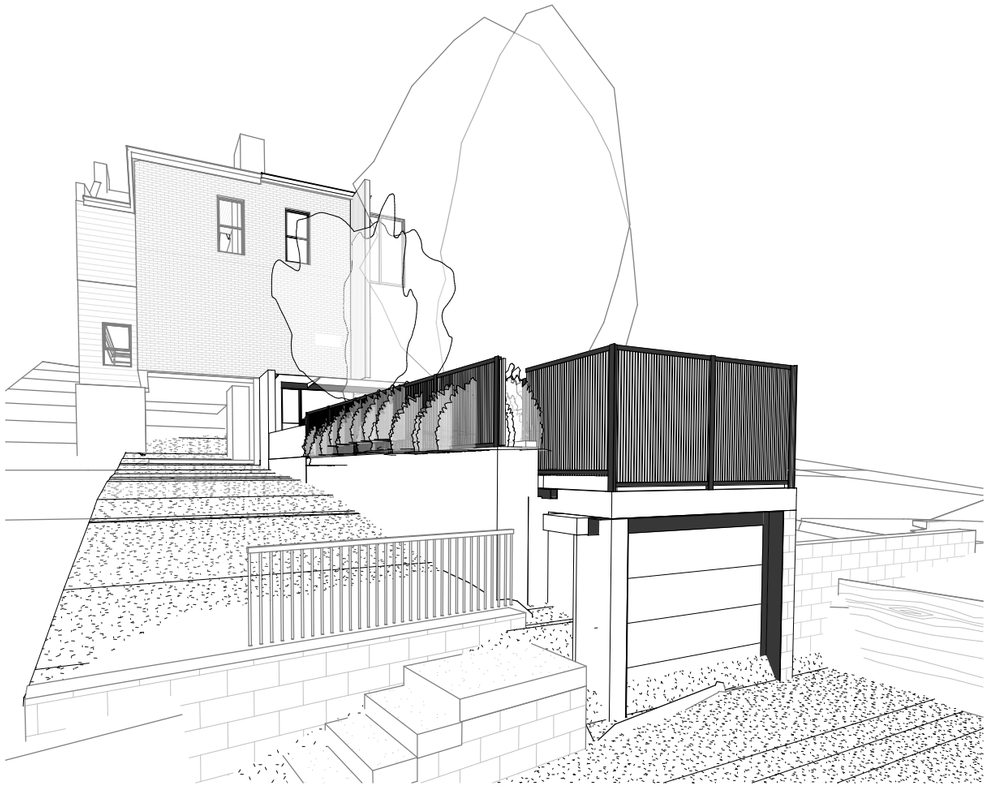
PROJECT
94 Blues Point Road, McMahons Point, NSW 2060

PROJECT DATE 19.01.2021
ISSUED DATE 28.10.22
SCALE @ A3:

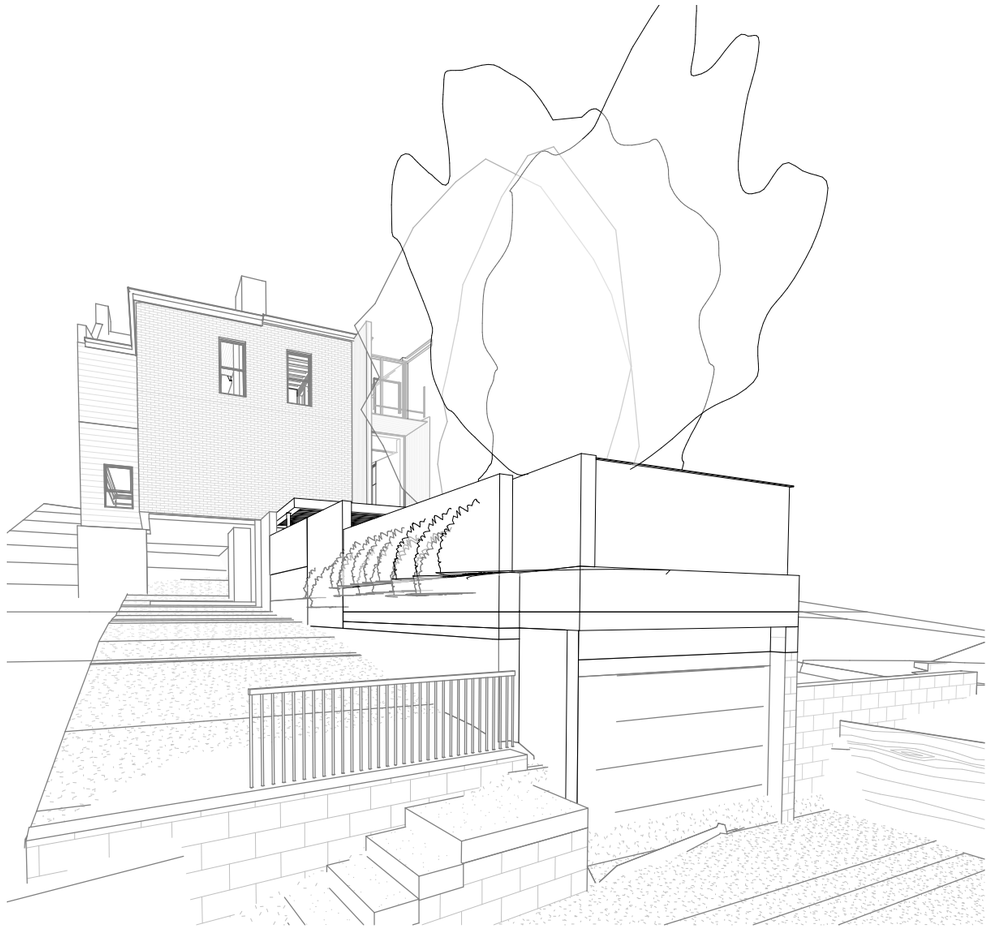
TITLE
Perspective - Street 2

JOB No. 2034
DRAWING No. INFO 03
REV. E

STATUS
Issue for DA



1 Existing - Laneway Perspective
Scale



2 Proposed - Laneway Perspective - DA Revised
Scale

Date	Rev	Issue
28.10.22	E	Additional Information for Council

NSW Nominated Architects: S. ISAACS #7929
ABN: 79 124 014 759

P: 02 - 9086 9000
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ARCHITECTURE SAVILLE ISAACS PTY LTD
23a KING GEORGE STREET, McMAHONS POINT, NSW 2060

CLIENT
M+J MANKEN

ARCHITECTURE saville isaacs

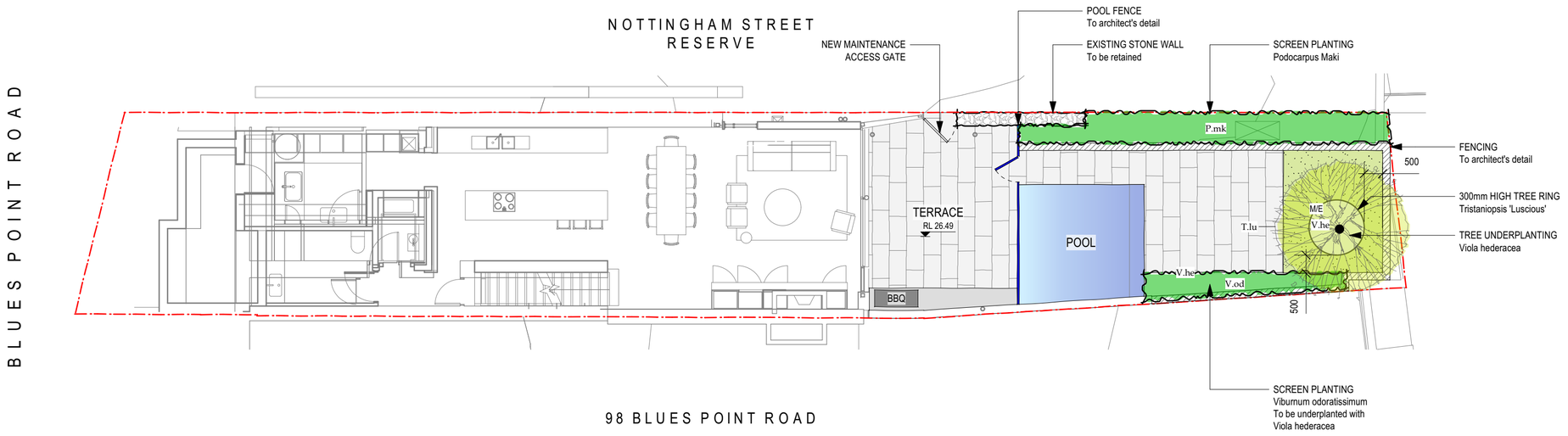
PROJECT
94 Blues Point Road, McMahons Point, NSW 2060

PROJECT DATE 19.01.2021
ISSUED DATE 28.10.22
SCALE @ A3:

TITLE
Perspective - Laneway

JOB No. 2034
DRAWING No. INFO 04
REV. E

STATUS
Issue for DA



1 LANDSCAPE PLAN
Scale: 1:100

KEY

RL 84.24 PROPOSED LEVEL
SITE BOUNDARY
STONE WALL Existing
FENCE To architect's detail
POOL FENCE To architect's detail
ME METAL EDGE
UNIT PAVING
LAWN
CLIPPED HEDGE
GROUNDCOVERS
PROPOSED TREE

INDICATIVE PLANT LIST

ID	Latin Name	Common Name	Pot Size	Mature Height	Mature Spread
TREES					
T.lu	*Tristaniopsis laurina 'Luscious'*	Water Gum	100L	8 - 10m	6 - 8m
SHRUBS					
P.mk	*Podocarpus macrophylla Maki*	Plum Pine	45L	1.5 - 3m	1.2 - 2.0m
V.od	*Viburnum odoratissimum*	Sweet Viburnum	25L	3 - 5m	2.0 - 3.5m
GROUNDCOVERS & GRASSES					
V.he	*Viola hederacea*	Native Violet	140mm	0.0 - 0.3m	1.2 - 2.0m

REVISION	DATE	REVISION NOTE	BY
C	5/7/21	Landscape DA Plan	DC
B	25/6/21	Relocate Tree Ring	DC
A	17/06/21	Preliminary - For Discussion	SL

THE BUILDER IS RESPONSIBLE FOR THE SETTING OUT OF THE WORKS, THE CHECKING OF ALL DIMENSIONS AND LEVELS ON SITE, AND THE REPORTING OF ANY DISCREPANCIES TO THE PROPRIETOR PRIOR TO COMMENCEMENT OF WORK. DO NOT SCALE FROM DRAWINGS.

PROJECT
Proposed Alterations & Additions

ADDRESS
94 Blues Point Road, McMahons Point

CLIENT
Mike & Julia Manken

DRAWING
Landscape DA Plan Sheet 1 of 1

spirit level

spirit level designs pty ltd
514 Cleveland Street Surry Hills NSW 2010
tel: 02 8399 0660 **fax:** 02 8399 0554
email: inspired@spiritlevel.com.au

ABN: 58 078 310 826

PROJECT #	1760	DWG STATUS	
DWG DATE	05.07.21	CAD FILE NAME	Manken.vwx
PLOT DATE	5/7/21	DWG #	REVISION
ORIGINAL SHEET SIZE	A2	L101	C
SCALE @ SHEET SIZE	1:100		
DRAWN DC	CHKD HM	OF 1	

Amended Clause 4.6 – Exception to a Development Standard in relation to Clause 4.3(2) Height of buildings standard of the North Sydney Local Environmental Plan 2013.

1. Introduction.

This amended written request is made pursuant to the provisions of Clause 4.6 of the North Sydney Local Environmental Plan 2013 (the LEP). A variation is sought in relation to the height of buildings development standard of Clause 4.3(2) of the LEP, in relation to amended plans for alterations and additions to the existing semi detached dwelling house, at 94 Blues Point Road, McMahons Point.

This exception statement has also been prepared having regard to the Land and Environment Court judgments in the matters of *Wehbe v Pittwater Council* [2007] NSWLEC 827 (Wehbe) at [42] – [48], *Four2Five Pty Ltd v Ashfield Council* [2015] NSWCA 248, *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, *Baron Corporation Pty Limited v Council of the City of Sydney* [2019] NSWLEC 61, *Brigham v Canterbury Bankstown Council* [2018] NSWLEC 1406 and *Rebel MH Neutral Bay Pty Limited v North Sydney Council* [2019] NSWCA 130.

Clause 4.6 Exceptions to development standards

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

> *(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
> *(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

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

(4) Development consent must not be granted for development that contravenes a development standard unless:

> *(a) the consent authority is satisfied that:*
>
> > *(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Director-General has been obtained.

(5) In deciding whether to grant concurrence, the Director-General must consider:

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
(b) the public benefit of maintaining the development standard, and
(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
***Note.** When this Plan was made it did not include all of these zones.*

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following:

(a) a development standard for complying development,
(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,
(c) clause 5.4,
(ca) in relation to land identified as "Land in St Leonards" on the Exceptions to Development Standards Map—clause 4.3 (2) by more than 3 metres (excluding plant rooms and similar structures),
(cb) clause 6.3 (2) (a) and (b).

(8A) Subclause (8) (ca) ceases to apply on 11 March 2014.

An exception to a development standard is required because the height of the new front dormer and the extended dormer roof at the rear of the main roof

will exceed the maximum 8.5m height of buildings standard of Clause 4.3(2) of the LEP.

Clause 4.6(1) provides:

(1) The objectives of this clause are:

> *(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and*
>
> *(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

The decision of Chief Justice Preston in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 ("Initial Action") provides guidance in respect of the operation of clause 4.6 subject to the clarification by the NSW Court of Appeal in *Rebel MH Neutral Bay Pty Limited v North Sydney Council* [2019] NSWCA 130 at [1], [4] & [51] where the Court confirmed that properly construed, a consent authority has to be satisfied that an applicant's written request has in fact demonstrated the matters required to be demonstrated by cl 4.6(3).

Initial Action involved an appeal pursuant to s56A of the Land & Environment Court Act 1979 against the decision of a Commissioner.

In *Initial Action* Justice Preston considered the proper interpretation of clause 4.6 and found that:

- Clause 4.6 does not require a proponent to show that the non-compliant development would have a neutral or beneficial effect relative to a compliant development (at [87]);
- There is no requirement for a clause 4.6 request to show that the proposed development would have a 'better environmental planning outcome for the site' relative to a development that complies with the standard (at [88]); and
- One way of demonstrating consistency with the objectives of a development standard is to show a lack of adverse amenity impacts (at [95(c)]. That is, the absence of environmental harm is sufficient to show that compliance with the development standard is unreasonable or unnecessary.

The legal consequence of the decision in Initial Action is that clause 4.6(1) is not an operational provision and that the remaining clauses of clause 4.6 constitute the operational provisions.

Clause 4.6(2) provides:

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

This clause applies to Clause 4.3(2) Height of buildings development standard of the North Sydney LEP.

2. Is the provision a development standard? If so, is the operation of the flexibility provision excluded in the LEP?

Clause 4.3 of the North Sydney LEP sits within Part 4, which is titled 'Principal Development Standards'. Clause 4.3(2) is a development standard in relation to building height and the relevant standard is as follows:

Clause 4.3 Height of buildings

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

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

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

The site is shown in area "I" on the Height of Buildings Map. A maximum building height of 8.5m applies to land in area "I".

Also of relevance are the following standard definitions:

building height *(or* ***height of building****) means:*

(a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or

(b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

ground level (existing) *means the existing level of a site at any point.*

Clause 4.6(8) sets out circumstances in which exceptions to development standards cannot be made. Clause 4.3(2) relating to building height is not expressly excluded from the operation of Clause 4.6 of the North Sydney LEP and so a Clause 4.6 request can be made and granted in relation to a non-

compliance with the height of buildings standard of Clause 4.3(2) of the North Sydney LEP.

Details of the non-compliance with the standard

The existing ridge of the steeply pitched roof at RL39.31 is approximately 12.82m in height above the existing ground level being the floor of the existing lower ground floor at RL26.49 (Level 2) under the house and therefore exceeds the 8.5m height of buildings standard.

The extended dormer at the rear of the existing attic roof will be 12.45m in height at RL38.94 above the lower ground floor level at RL26.49. The small front dormer at RL38.98 is slightly higher at 12.49m above the same ground level. Whilst they will be lower in height than the highest part of the existing roof, these new and extended roof elements will also exceed the 8.5m height of buildings standard.

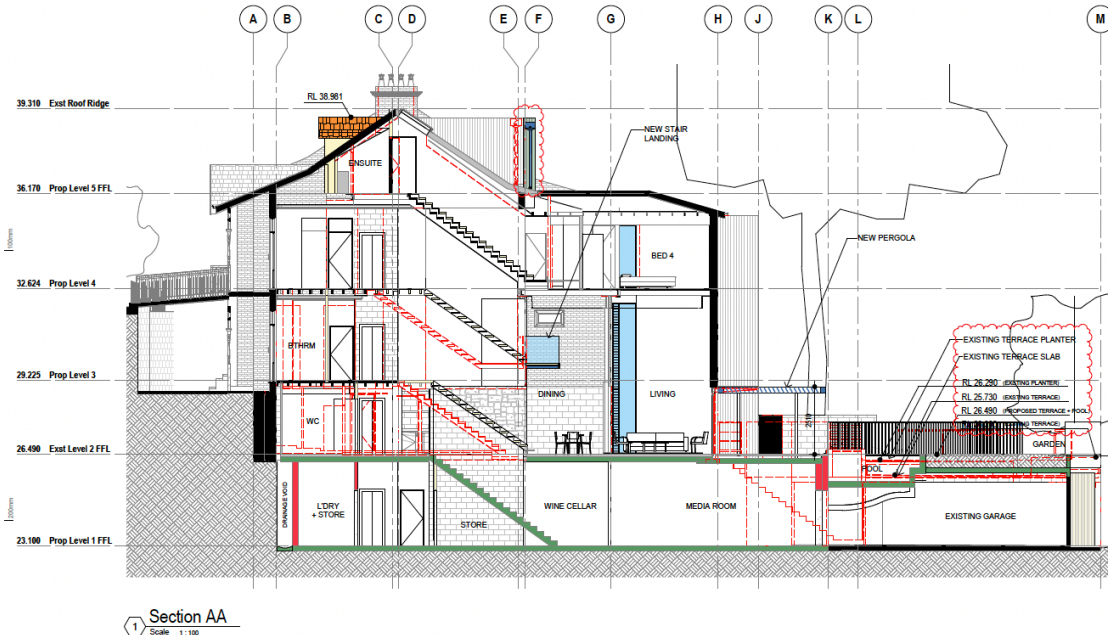


Figure 1: Extract from Drawing DA251 Section A-A, Revision E, shows the two dormer roof elements either side of the existing main roof and ridge and the existing ground level, the floor level of Level 2 shown dashed in red. Clouded in red the amended rear dormer will be reduced in length, largely within the existing roof.

3. Is compliance with the development standard unreasonable or unnecessary?

Clause 4.6(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

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

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

The submission and consideration of Objections under State Environmental Planning Policy No. 1 and the issue of compliance being "unreasonable or unnecessary" was summarised in the Land and Environment Court judgment *Wehbe v Pittwater Council* [2007] NSWLEC 827*.* While that judgment applied to SEPP 1 Objections and not Clause 4.6 variation requests, the approach in that case has been accepted in subsequent court cases related to Clause 4.6 variation requests.

In Initial Action the Court summarised the legal requirements of clause 4.6 and confirmed the continuing relevance of previous case law at [13] to [29]. In particular, the Court confirmed that the five common ways of establishing that compliance with a development standard might be unreasonable and unnecessary as identified in *Wehbe v Pittwater Council* (2007) 156 LGERA 446; [2007] NSWLEC 827 continue to apply.

The onus lies upon the applicant to demonstrate this in a written request that requiring compliance with the particular standard would be unreasonable or unnecessary. In this regard, the Wehbe case outlined 5 possible ways to demonstrate whether compliance would be unnecessary or unreasonable, by establishing:

> *i. Compliance with the underlying objectives of the standard being breached, notwithstanding the numerical non-compliance; or*
> *ii. That the objectives of the standard are not relevant to the proposal; or*
> *iii. Requiring compliance with the development standard would "thwart" the achievement of the objectives of that standard; or*
> *iv. The development standard in question has been "virtually abandoned" by the Council; or*
> *v. The zoning of the land is not appropriate for the site and therefore the associated standards are not appropriate (with some qualifications).*

This written request does not rely on pathways ii, iii, iv and v above.

Point i. is of primary relevance in this case, that is, that the objectives of the standard are achieved, notwithstanding the non-compliance and there would be no purpose served by requiring compliance with the standard.

The objectives of the height of buildings standard are listed in Clause 4.3(1).

Clause 4.3(1) The objectives of this clause are as follows:

> *(a) to promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient,*
> *(b) to promote the retention and, if appropriate, sharing of existing views,*
> *(c) to maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development,*

(d) to maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings,
(e) to ensure compatibility between development, particularly at zone boundaries,
(f) to encourage an appropriate scale and density of development that is in accordance with, and promotes the character of an area,
(g) to maintain a built form of mainly 1 or 2 storeys in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone E4 Environmental Living.

Objectives of the standard

The proposed alterations and additions to the existing semi detached dwelling house involving a new basement level (Level 1), a new front dormer and extension to the existing rear dormer of the existing attic roof level will be in the public interest because it is consistent with the objectives of the height of buildings standard for the following reasons:

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

The land slopes from the front to the rear but the proposal does not involve any visible changes to existing ground levels or the landform generally. The new level is under the house within the existing building footprint.

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

The proposed dormer window at the front and extended dormer at the rear of the existing steeply pitched roof will not impact on the existing views and outlook from adjoining properties or properties on the opposite, high side of Blues Point Road.

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

The proposed dormer window at the front and extended dormer at the rear that exceeds 8.5m in height will not involve an impact on solar access to the adjoining or adjacent properties.

There will be no reduction in solar access to any north facing windows or private open space areas of the adjoining properties.

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

Acoustic privacy will be maintained to an acceptable degree and there will no potential overlooking of adjoining or adjacent residential properties from the dormer windows or the new windows in the southern side wall.

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

The proposed additions to the existing pitched roof will maintain compatibility with the height, scale, and character of residential development in the area, that comprises similar height, form and scale, two and three storey semi detached and detached dwelling houses with pitched roofs and some with similar dormer windows.

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

The changes to the existing pitched roof will be an appropriate scale and density and compatible with the style and character of the existing house and its steeply pitched slate clad roof as well as the dwelling houses in the immediate area.

(g) to maintain a built form of mainly 1 or 2 storeys in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone E4 Environmental Living.

The proposed additions will not alter the number of storeys in the existing building. It will maintain a single storey height, form and appearance from the street.

Whilst the change to the rear dormer window by reducing the nib walls by 200mm will not reduce the overall building height, it will reduce the visible bulk of the rear dormer compared with the original proposal by approximately 30%.

The amended proposal achieves an acceptable outcome and an appropriate level of consistency with the objectives of the standard, particularly in relation to compatibility with the local area character, and minimising the effects of bulk and scale, and maintaining local amenity in particular views and view sharing and solar access and privacy.

Objectives of the Zone

The objectives of the R3 Medium Density Residential Zone are:

- *To provide for the housing needs of the community within a medium density residential environment.*

- *To provide a variety of housing types within a medium 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 medium density housing if such development does not compromise the amenity of the surrounding area or the natural or cultural heritage of the area.*
- *To provide for a suitable visual transition between high density residential areas and lower density residential areas.*

> • *To ensure that a high level of residential amenity is achieved and maintained.*

Consistency with the individual objectives of the R3 Medium Density Residential zone are addressed as follows:

> *To provide for the housing needs of the community within a low density residential environment.*

The R3 Medium Density Residential Zone allows for a range of residential uses on the land. The housing needs of the community are provided for by retaining the existing dwelling house on the land and alterations and additions, which are envisaged by the planning controls for this medium density residential zone.

> *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

This objective is not relevant to the proposal.

> *To encourage development of sites for low density housing, including dual occupancies, if such development does not compromise the amenity of the surrounding area or the natural or cultural heritage of the area.*

The proposed alterations and additions to the existing dwelling house will not compromise the amenity of the surrounding area or the natural heritage or cultural heritage of the area.

The site and the existing house will also maintain its contributory heritage status in the McMahons Point Heritage Conservation Area.

> *To provide for a suitable visual transition between high density residential areas and lower density residential areas.*

This objective is not relevant to the land or the proposal.

> *To ensure that a high level of residential amenity is achieved and maintained.*

The new dormer and the extended rear dormer will improve the amenity of the existing attic bedroom level and will achieve a high level of residential amenity for residents and will also maintain the amenity of residents of the surrounding properties.

This proposal and the variation to the 8.5m height of buildings standard that is sought will be in the public interest because the proposal achieves an acceptable outcome and an appropriate level of consistency with the objectives of the zone, particularly in relation to compatibility with the neighbourhood character and maintaining the amenity of the surrounding properties and is a scale and density that is appropriate in this medium density residential area.

(b) that there are sufficient environmental planning grounds to justify contravening the development standard?

Of relevance is the judgment in the Land and Environment Court of NSW, *Four2Five Pty Ltd v Ashfield Council (2015) NSWLEC 1009, NSWLEC 90, NSWLEC 248,* which raised the issue that the grounds should relate to a site specific proposal, rather than generic reasons.

The case *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118* highlighted that:

> 1. The term "environmental planning grounds" is not defined and would include the objects of the EPA Act (Section 1.3);
> 2. The grounds must relate to the contravention of the development standard in question, not the whole development; and
> 3. The consent authority must indirectly be satisfied the applicant's written request provides sufficient environmental planning grounds, not directly form an opinion about there being sufficient environmental planning grounds to justify the contravention.

Also, given the term "environmental planning grounds" is wide in its nature, context and understanding, and given the Objects of the EPA Act 1979 give effect to all other planning instruments, DCPs and wide assessment criteria, a wide appreciation of the term is warranted.

In this context, the following environmental planning grounds are given to justify the proposed contravention of the height of buildings development standard, on this particular site and for this particular development for alterations and additions to an existing semi detached dwelling house, specifically the changes to the roof where the breach of the standard occurs.

The height of the new dormer window and the dormer at the rear (as amended) is a function of the height of the existing steeply pitched original slate clad roof. Whilst the new roof elements exceed 8.5m in height they are actually lower in overall height compared to the ridge of the existing roof and the roof of the adjoining semi dwelling.

In this regard, even though the proposal will exceed the 8.5m height of buildings standard in part, the proposal represents a reasonable and appropriate environmental planning outcome to improve the function and amenity of the existing attic roof level. It also maintains the integrity of the Federation style and character of the existing house and the adjoining semi dwelling and is an appropriate contextual fit in terms of the height and scale and proportions of the adjoining dwelling houses in the row of houses to the north, in this part of the Blues Point Road.

The proposal will be consistent with the aims and objectives of the North Sydney LEP, the objectives of the height of buildings standard and the objectives of the R3 Medium Density Residential Zone.

The absence or lack of environmental harm in this case, with specific reference to the adjoining properties and more generally the locality, is also an appropriate environmental planning ground to justify contravening the development standard.

The contention that an environmental planning ground could include establishing a lack of environmental harm was supported in a recent case in the Land and Environment Court of NSW in *Initial Action v Woollahra Council (2018) NSWLEC 118.*

This was also an appeal against a Commissioner's decision on questions of law. This case related to the Commissioner's refusal to grant development consent for a residential flat building that contravened the height of buildings development standard of the Woollahra LEP 2014, and the Commissioner was not satisfied that contravention of the development standard was justified in the Clause 4.6 exception to a development standard.

In his Principal judgment Preston CJ made a similar finding as he did in *Randwick City Council v Micaul Holdings Pty Ltd at [34],* in relation to consistency of a development with the objectives of a development standard and consideration that a lack of adverse amenity impacts on adjoining properties is a sufficient ground justifying a development contravening the development standard.

There will be no adverse impacts or environmental harm due to the non-compliance relating to the new dormer window at the front and the extended dormer window and roof at the rear of the existing steeply pitched roof.

Solar access is maintained in accordance with the criteria of the DCP and the visual and acoustic privacy of neighbours will actually be improved and views and vistas will also be unaffected by the proposal.

For the reasons outlined, there are sufficient environmental planning grounds particular to the circumstances of the site and the design of the proposed alterations and additions to the existing pitched roof, to justify the departure from the height of buildings standard.

In terms of the Objects of the EPA Act, the proposal is consistent with the Objects of the Act, particularly in relation to ecologically sustainable development, the orderly and economic use and development of the land, sustainable management of built and cultural heritage and good design and amenity of the built environment.

4. Is the proposed development in the public interest because it is consistent with the underlying purpose or object of the standard and the objectives for development in the zone in which it is proposed to be carried out?

In accordance with Clause 4.6(4)(a), development consent must not be granted to a development that contravenes a development standard unless Council is satisfied in relation to certain matters as follows:

Clause 4.6(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Director-General has been obtained.

These are matters for the consent authority to be satisfied (as opposed to the applicant justifying as in Clause 4.6(3)). Clause 4.6(4)(a)(i) has been addressed in the previous section of this written request. The objectives of the standard (Clause 4.6(4)(a)(ii)) as well as the objectives of the R3 Medium Density Residential Zone have been addressed previously and are adopted for the purposes of this section of the written request. The proposal for a development comprising a dwelling house and alterations and additions is permissible in the zone with development consent. The requirement in Clause 4.6(4)(b) is also met, as outlined as follows in relation to the concurrence of the Director-General.

Clause 4.6(4)(b) Concurrence of the Director-General

Under Clause 64 of the Environmental Planning and Assessment Regulation 2000, the Secretary has given written notice dated 21 February 2018, attached to the Planning Circular PS 18-003 issued on 21 February 2018, to each consent authority, that it may assume the Secretary's concurrence for exceptions to development standards in respect of applications made under cl 4.6, subject to the conditions in the table in the notice. The concurrence of the Director-General is therefore assumed.

In accordance with Planning Circular PS 18-003, the Secretary's concurrence may not be assumed by a delegate of Council if:

- *the development contravenes a numerical standard by greater than 10%; or*
- *the variation is to a non-numerical standard.*

5. Conclusion

This amended proposal is for alterations and additions to the existing semi detached dwelling house and garage, including a new basement level at the garage level and a plunge pool on the existing garage roof terrace. A new east facing dormer window is proposed at the front of the attic roof level and the existing larger dormer window at the rear is to be slightly extended and widened.

The departure from the 8.5m height of buildings standard relates to the new east facing dormer window at the front of the attic roof level and the extended dormer window at the rear of the roof. The amended proposal has reduced the nib walls by 200mm compared with the original proposal.

For the reasons outlined in this statement, the objectives of the height of buildings standard and the objectives of the R3 Medium Density Residential Zone will be met.

This exception to the height of buildings standard is considered to be well founded and Council as the consent authority can be satisfied for the reasons outlined, that the proposed development will be in the public interest because it is consistent with the objectives of the height of buildings standard and the objectives of the R3 Medium Density Residential Zone.

This written request pursuant to Clause 4.6(3) of the North Sydney LEP 2013 is acceptable for the following reasons:

(a) The written request adequately addresses the matters required to be demonstrated by sub-clauses 4.6(3)(a) and
(b) The proposal will be in the public interest because it is consistent with the objectives of the height of buildings development standard and the objectives for development within the R3 Medium Density Residential Zone; and
(c) The concurrence of the Director General is assumed.

Warren Long
MPIA Registered Planner
Longitude Planning Pty Ltd

28 October 2022

Istruct Pty Limited
T/A Istruct Consulting Engineers
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Suite 17, Level 2, 174 Willoughby Rd
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f: 02 9437 3332
e: info@istruct.com.au
w: www.istruct.com.au

22nd October 2021

Mr M and Mrs J Manken
94 Blues Point Rd
MCMAHONS POINT

Dear Michael and Julia,

RE: PROPOSED EXCAVATION AND CONSTRUCTION METHODOLOGY FOR THE PROPOSED ALTERATIONS AND ADDITIONS AT 94 BLUES POINT ROAD, MCMAHONS POINT
PROJECT NUMBER: 210304

Istruct Consulting Engineers are the appointed Structural Consultants on the above project.

It is proposed to construct a new pool, and extension to level 1 and level 5 at the above address as per the architectural drawings by Architecture Saville Isaacs, Project No: 2034, drawings DA100-P4, DA101-P4, DA102-C, DA103-C, DA104-A, DA105-A, DA106-A, DA107-A, DA251-C and DA253-C.

The construction of the level 1 extension will involve excavation at a depth of up to approximately 3.3 metres adjacent to the existing garage and within the existing building footprint.

External Courtyard Works

The neighbouring residence to the north at 96 Blues Point Rd, consists of an adjoining four storey, brickwork terrace with a tiled roof. The southern wall of the building is a common party wall with 94 Blues Point Rd. The proposed Level 1 extension in the location of the existing courtyard is approximately 0.2 metres from the northern boundary. It is expected that the footings for the residence and associated ancillary structures including the party wall are founded in rock based on the geotechnical reports by Green Geotechnics, Ref: GG10196.001 – Rev A, dated 1st June 2021 and GG10196.001A – Rev A, dated 7th and 15th September 2021.

Shoring System

The excavation for Level 1 extension will not extend beyond the boundaries of existing footprint of Level 2. The existing external walls and party wall are founded on rock as mentioned in the geotechnical report by Green Geotechnics, Ref: GG10196.001A – Rev A, dated 7th and 15th September. A shoring system is not required in accordance with the geotechnical reports.

Main Excavation Works Within Existing Building Footprint

Based on the geotechnical reports prepared by Green Geotechnics, Ref: GG10196.001 – Rev A, dated 1st June 2021 and GG10196.001A – Rev A, dated 7th and 15th September 2021, the main excavation works for the extension of Level 1 will be through rock. Excavation of the sandstone bedrock is to be carried out in accordance with the geotechnical reports. In particular the following is to occur:

- Implementation of vibration monitoring equipment on all boundaries to ensure that the vibrations from the excavation process do not exceed the limits as defined in the above geotechnical report.

- The use of rock sawing equipment to cut rock in 1m drives is to be utilised to the perimeter of the site, adjacent to all boundaries, to ensure that vibrations are minimised and damage to neighbouring properties does not occur.

- Once rock sawing to the perimeter has occurred, excavation of the rock is to be carried out using suitable hydraulic rock breaking equipment such as rock hammers. The hydraulic equipment is to be used to excavate down to the 1m depth previously cut using the rock sawing equipment. Once this depth is reached, the perimeter of the site is to be cut using the rock sawing equipment in another 1m drive and the process repeated down to bulk excavation level. Again, the vibrations are to be monitored closely throughout the process

- Based on the geotechnical reports, some limited groundwater inflow should be anticipated, however, groundwater seepage was not observed during borehole drilling.

Construction Methodology

A summary of the construction methodology for the level 1 extension is as follows:

1. Needling and support of existing walls
2. Rock sawing to perimeter of site in 1000mm drives
3. Excavation of rock within site using hydraulic excavator mounted rock hammers
4. Construction of Level 1 floor slab
5. Construction of Level 1 walls

The geotechnical reports by Green Geotechnics are to be reviewed by the builder and civil contractor prior to commencement of works on site and all work is to be undertaken in accordance with the future structural drawings and geotechnical reports.

We recommend that pre-construction dilapidation reports be prepared on the neighbouring properties detailing all internal and external areas including ancillary structures.

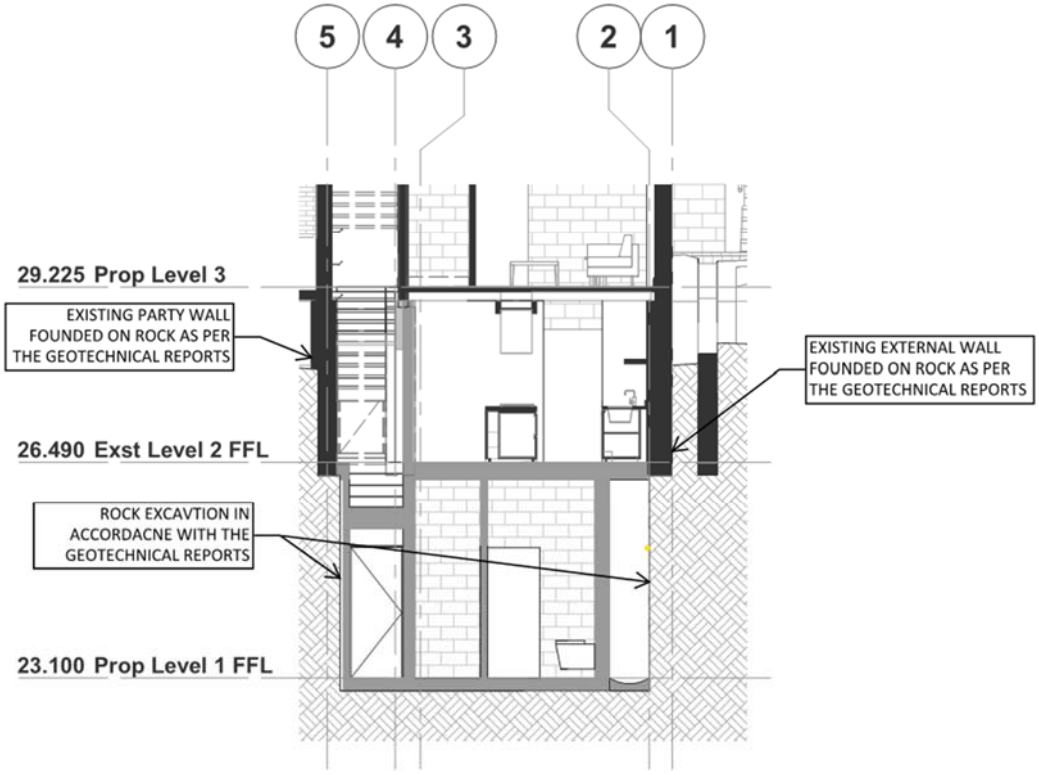
Please do not hesitate to contact the undersigned with any questions relating to the contents of this report.

Yours Faithfully
ISTRUCT CONSULTING ENGINEERS

Damian Ienco
B.E. (Hons) MIEAust CPEng NER APEC IntPE(Aus)

APPENDIX

1. Cross section of the property.



GREEN GEOTECHNICS

GEOTECHNICAL INVESTIGATION

FOR

JENNY LYNN PROPERTIES PTY LIMITED

94 BLUES POINT ROAD McMAHONS POINT

REPORT GG10196.001A

15th SEPTEMBER 2021

Geotechnical Investigation for proposed alterations and additions to an existing residential dwelling at 94 Blues Point Road, McMahons Point

Prepared for

Jenny Lynn Properties Pty Limited
94 Blues Point Road
McMahons Point NSW 2060

Prepared by

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15th September 2021

Document Authorisation

Our Ref: GG10196.001A

For and on behalf of Green Geotechnics

Matthew Green
Principal Engineering Geologist
Document Control

Revision	Description	Format	Date	Author	Distributed to
A	Final	PDF	15/09/2021	MG	Jenny Lynn Properties Pty Limited (Client)

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FIGURES

APPENDICIES

1. INTRODUCTION

This report presents the results of a geotechnical investigation for proposed alterations and additions to an existing residential dwelling at 94 Blues Point Road, McMahons Point, NSW. The investigation was commissioned by Jenny Lynn Properties by return acceptance of Proposal PROP-2021-0106B, dated 4th May 2021.

We understand from the supplied architectural drawings that the alterations and additions include the extension of Level 1 to match the footprint of Level 2, together with alterations to Level 2 at the front of the site and construction of a new swimming pool and pergola at the rear of the site. Currently Level 1 comprises only the garage at the rear of the site, and therefore the extension of Level 1 over the Level 2 footprint will require excavating below the existing ground surface, with the excavations extending back beneath the existing dwelling. The finished floor level of Level 1 is RL23.10 metres, and therefore excavations will extend to a depth of approximately 3 metres below the Level 2 footprint.

The excavations will extend below the existing building foundations of the dwelling on the subject site and also the foundations of the party wall for the adjoining dwelling to the north (No.96). Construction of the swimming pool towards the rear of the site will require excavating below the ground surface, however the excavations will not extend below the adjoining garage level.

Structural loads have not been advised but we have assumed column loads in the low to moderate range will apply for this type of development.

The purpose of the investigation was to

- Review available geotechnical data for the site,
- assess the subsurface conditions over the site,
- provide recommendations regarding the appropriate foundation system for the site including design parameters,
- provide recommendations for the temporary support or propping of existing footings (where required),
- provide parameters for the temporary and permanent support of the excavations, including recommendations for vertical cuts in sandstone bedrock, and
- provide recommendations regarding vibration control during rock excavation.

2. INVESTIGATION PROCEDURE

The fieldwork was carried out on the 24th May 2021 and comprised a detailed site walk over and inspection of the dwelling together with the drilling of two (2) boreholes numbered BH1 and BH2, to depths ranging from 1.8m to 6.0m. The boreholes were commenced using hand portable rotary auger methods until sandstone bedrock was encountered. The existing concrete slabs at both borehole locations was cored using a thin-walled diamond barrel.

BH1 was terminated at a depth of 1.8 metres in loose backfill due to the continual deviation of the drilling augers. BH2 was advanced into the underlying sandstone bedrock to the target depth of 6 metres using NMLC sized diamond coring equipment. The recovered rock core from BH2 was logged, boxed and photographed. To assist in assessing rock strengths the recovered rock core was Point Load Index tested, with tests undertaken at a nominal depth interval of 1 metre.

The strength of the soils encountered in the boreholes was assessed by undertaking Dynamic Cone Penetrometer (DCP) tests adjacent to each borehole.

Groundwater observations were made in all boreholes during auger drilling. Due to the use of water in the rock coring process no longer term groundwater monitoring was carried out.

In addition to the intrusive investigations a detailed inspection of the dwelling was undertaken by one of our principal engineering geologist on the 20th August 2021. The purpose of the visit on the 20th August was to undertake a further assessment of the founding conditions of the existing party wall.

The surface reduced levels of the boreholes were determined by interpolation between spot levels shown on the above referenced survey plan, and so should be considered to be approximate. The datum of the levels is Australian Height Datum (AHD).

The site location is shown in the attached Figure A. The borehole locations, as shown on Figure B, were determined by taped measurements from existing surface features shown on the survey plan provided by the client. Photographs of the site are provided in Figure C.

The fieldwork was completed in the full-time presence of our senior field geologist who set out the boreholes, nominated the sampling and testing, and prepared the borehole logs. The logs which include the approximate surface reduced levels and groundwater observations together with photos of the rock core and Point Load Index test results, are attached to this report, together with a glossary of the terms and symbols used in the logs.

For further details of the investigation techniques adopted, reference should be made to the attached explanation notes.

Environmental and contamination testing of the soils was beyond the agreed scope of the works

3. RESULTS OF INVESTIGATION

3.1 Site Description

The site is located on moderately sloping terrain and comprises a roughly rectangular parcel of land with an area of approximately 190m^2. The site has approximate plan dimensions of 5 metres wide, and 33 metres deep.

At the time of the fieldwork the site was occupied by a two and four storey brick end of terrace residence with slate roof. The dwelling includes a separate garage at the rear with a suspended timber deck area and a spa.

The dwelling is constructed on sloping ground. The front of the site comprises a concrete porch area which also forms a right of way for the adjoining dwellings to the north. The front porch area is approximately 2.9 metres lower than the adjoining footpath level of Blues Point Road. The footpath of Blues Point Road is retained from the porch area by a sandstone block wall. Access to level 4 of the dwelling is via a suspended bridge from Blues Point Road.

Construction of the rear garage and the Level 2 kitchen, cellar and laundry area at the front of the site was carried out Circa late 2010. Construction of the garage required excavating below the existing ground surface and construction of the kitchen, cellar and laundry required excavating below the Level 3 floor level (existing porch level) at the front the site. We understand that the party and internal walls at the front of the site were underpinned as part of the Level 2 excavations. As inspection of the Level 2 Cellar area was carried out during our investigation. An exposed sandstone ledge was observed on the northern side of the cellar. The party wall with No96 appears to be founded on the sandstone ledge.

The rear garage area was constructed using a cut and cover method. We expect that the space between the back of the garage and rear of the dwelling was backfilled on completion of the garage construction.

The ground surface across the site falls approximately 5 metres to the west, from RL29.0m AHD at the porch level at the front to RL23.0m AHD at the rear garage entry. Site vegetation comprised garden beds and a mature gum tree to the rear.

To the west of the site is a rear laneway and to the east is Blues Point Road. To the south is an open park area with grass surface and mature gum trees. To the north of the site is No.96 Blues Point Road, a mid-terrace 2 and 3 storey brick residence with tile roof. The subject site has party walls with No.96.

Sandstone bedrock was observed outcropping at the rear of the site in the open park area and also in an area of cut for the car park of a multi-level unit building to the south of the site. The exposed sandstone bedrock in the cuttings and the park area comprises medium to high strength fine to medium grained Hawkesbury Sandstone.

3.2 Previous Geotechnical Investigations

A previous geotechnical investigation of the site was undertaken in July 2010 by GeoEnviro Consultancy Pty Limited. The previous investigation included the drilling of two (2) hand auger boreholes and five (5) Dynamic Cone Penetrometer (DCP) tests. The testing was primarily undertaken at the rear of the site in the current position of the garage. The previous investigations encountered shallow sandstone bedrock at depths of 0.6 to 1.3 metres.

A geotechnical site inspection was also carried out by GeoEnviro during construction of the kitchen and laundry area at the front of the site. Test pits were carried out during the inspection which encountered sandstone bedrock at depths of 1.5 to 1.7 metres below the ground surface. Construction of the laundry and kitchen required the underpinning of internal and party walls. It appears that the internal and party walls were underpinned to sandstone bedrock.

3.3 Regional Geology & Subsurface Conditions

The 1:100,000 series geological map of Sydney (Geological Survey of NSW, Geological Series Sheet 9130) indicates that the site is underlain by Triassic Age bedrock belonging to the Hawkesbury Sandstone Formation. Bedrock within this formation comprises fine to medium grained sandstone bedrock. For the development of a site-specific geotechnical model, the observed subsurface conditions from the boreholes have been grouped into five (5) geotechnical units, which are summarised below in Table 3.1.

TABLE 3.1 – Summary of Subsurface Conditions

Unit	Material Type	Depth to top of Layer (m)*	Depth to base of Layer (m)*	Material Description
1	Fill	Surface	1.1 – 1.8m	Concrete was encountered in both boreholes with thicknesses of 120mm to 180mm. Below the concrete is a gravelly clayey sand fill. The fill includes brick, gravel and Styrofoam and could not be penetrated in BH1.
2*	Natural Residual Soils	1.1m	1.4m	Sandy clay of firm to stiff consistency, generally moist
3*	Class 5 Sandstone bedrock	1.4m	2.4m	Fine to medium grained sandstone bedrock, completely weathered to form a hard residual clay with ironstone bands. Extremely low strength
4*	Class 4 Sandstone bedrock	2.4m	3.0m	Fine to medium grained sandstone bedrock with come clay seams and weathered seams up to 60mm thick, low strength with medium strength lenses
3*	Class 3 Sandstone bedrock	3.0m	6.0m	Fine to medium grained sandstone bedrock, with widely spaced seams and closely spaced partings, medium to high strength

* BH102 only

Groundwater seepage was not observed during auger drilling of the boreholes.

4. GEOTECHNICAL RECOMMENDATIONS

4.1 Primary Geotechnical Considerations

Based on the results of the assessment, we consider the following to be the primary geotechnical considerations for the development:

- Bulk excavation for Level 1 and mitigation measures to limit lateral deflections and ground loss as a result of excavations, resulting in damage to nearby structures,
- Undertaking excavations in the immediate vicinity of party walls and internal walls,
- Rock excavation and the generation of ground borne vibrations, and
- Foundation design for structural loads.

4.2 Excavation Conditions and Vibration Control

All excavation recommendations should be complemented with reference to the NSW Government Code of Practice for Excavation work, dated January 2020.

It would be appropriate before commencing excavation to undertake a dilapidation survey of any adjacent structures that may potentially be damaged. This will provide a reasonable basis for assessing any future claims of damage.

The excavations for Level 1 will not extend beyond the boundaries of the Level 2 footprint. Based on the surface conditions observed in boreholes and during the inspection of the Level 2 cellar area we expect the Level 1 excavations to encounter sandstone bedrock for their full height. The bedrock was assessed to be medium and high strength bedrock with correlated Unconfined Compressive Strengths of up to 25 MPa.

Typically, the Hawkesbury Sandstone is horizontally bedded with sub- vertical joints. This type of profile can be observed in many places in Sydney where Hawkesbury Sandstone is exposed.

We expect the excavation works to be carried out using a small low height excavator or possibly hand portable equipment. Excavators alone without assistance will not be able to remove any significant amount of the rock. Hydraulic breakers mounted on an excavator or jack hammers will be required to break up the majority of the rock before it can be removed using an excavator.

During the use of hydraulic impact hammers, precautions must be made to reduce the risk of vibrational damage to adjoining structures. At the commencement of the use of hydraulic impact hammers we recommend that full time quantitative vibration monitoring be carried out on the adjoining residences or at the boundaries by an experienced vibration consultant or geotechnical engineer to check that vibrations are within acceptable limits.

Australian Standard AS 2187: Part 2-2006 recommends the frequency dependent guideline values and assessment methods given in BS 7385 Part 2-1993 "Evaluation and measurement for vibration in buildings Part 2" as they "are applicable to Australian conditions". The standard sets guide values for building vibration based on the lowest vibration levels above which damage has been credibly demonstrated. These levels are judged to give a minimum risk of vibration-induced damage, where the minimal risk for a named effect is usually taken as a 95% probability of no effect.

Sources of vibration that are considered in the standard include demolition, blasting (carried out during mineral extraction or construction excavation), piling, ground treatments (e.g. compaction), construction equipment, tunnelling, road and rail traffic and industrial machinery.

For residential structures, BS 7385 recommends vibration criteria of 7.5 mm/s to 10 mm/s for frequencies between 4 Hz and 15 Hz, and 10 mm/s to 25 mm/s for frequencies between 15 Hz to 40 Hz and above. These values would normally be applicable for new residential structures or residential structures in good condition. Higher values would normally apply to commercial structures, and more conservative criteria would normally apply to heritage structures. However, structures can withstand vibration levels significantly higher than those required to maintain comfort for their occupants. Human comfort is therefore likely to be the critical factor in vibration management.

Excavation methods should be adopted which limit ground vibrations at the adjoining structures to not more than 5mm/sec. Vibration monitoring is recommended to verify that this is achieved.

Table 4.1 – Recommendations for rock breaking equipment

Distance from adjoining structure (m)	Maximum Peak Particle Velocity 5mm/sec	
	Equipment	Operating Limit (% of maximum capacity)
1.5 to 2.5	Hand operated hack hammer only	100
2.5 to 5.0	300 kg rock hammer	50

At all times, the excavation equipment must be operated by experienced personnel, per the manufacturer's instructions, and in a manner, consistent with minimising vibration effects.

If during excavation with the hydraulic impact hammers, vibrations are found to be excessive or there is concern, then alternative lower vibration emitting equipment, such as rock saws, rock grinders or smaller hammers may need to be used. The use of a rotary grinder or rock sawing in conjunction with ripping presents an alternative low vibration excavation technique, however, productivity is likely to be slower. When using a rock saw or rotary grinder, the resulting dust must be suppressed by spraying with water.

It should be noted that vibrations that are below threshold levels for building damage may be experienced at adjoining developments. Rock excavation methodology should also consider acceptable noise limits as per the "Interim Construction Noise Guideline" (NSW EPA).

4.3 Excavation Methodology

The excavations for Level 1 will not extend beyond the boundaries of the Level 2 footprint. Based on the surface conditions observed in boreholes and during the inspection of the Level 2 cellar area we expect the Level 1 excavations to encounter sandstone bedrock for their full height.

Prior to commencing bulk excavation works it is recommended that the builder undertake a series of exploratory test pits along the permitter of the excavation to further define the rock profile and further assess the founding conditions of the perimeter walls. These test pits should be inspected by a geotechnical engineer.

Excavations in competent sandstone should remain stable unsupported, at least in the short term. In some areas, support using internal props, shotcrete and/or infill mass concrete may be necessary. The latter would only normally be required if blocks fall out near to the excavation boundary lines or if significant seams are encountered.

Based on the observations made on surrounding sites, and our previous experience in a similar geological environment, there could be detached boulders and some included joints. If joints are continuous, they could form wedges which may need to be supported with bolts. If boulders extend beyond excavation boundaries, then they will need to be trimmed and supported.

As noted above particular care will be required when excavating close to existing structures and site boundaries. This work should be carried out in small sections so that the subsurface conditions can be identified, and any appropriate shoring or support can be installed before too large an area is exposed.

It is recommended that an experienced engineering geologist or geotechnical engineer observes the excavation as it progresses. At that time, they will be able to recommend any support that is required for either temporary or permanent conditions and help to finalise the design of the final cut slopes and any retaining walls that may be required. The existing sandstone block foundations are irregular shaped, and therefore the geotechnical engineer should also routinely inspect the existing building foundations as the excavation progresses to assess the need for any dental/mortaring work that may be required.

All loosened rocks should either be stabilised or removed from the sides of the excavation as it proceeds. If floaters are encountered care will be required as they can often be sizeable in this geological environment, appearing to be part of the "solid" rock profile. Temporary slopes in the shallow soil cover of 1.5:1 (Horizontal : Vertical) should remain stable. In the long term this material must be retained. Retaining walls supporting any significant depth of soil can be designed assuming an earth pressure of 0.4 and a bulk unit weight of 19 kN/m^3.

As noted above, experience has demonstrated that near vertical cuts in the competent in-situ sandstone found in this area will normally remain stable for long lengths of time. If you are considering permanent unsupported vertical cuts, it is essential that the excavation boundary lines are first cut using a rock saw to create a clean face. The use of hydraulic rock hammers to create final permanent cut faces is not recommended as the hammers may induce fractures in the rock that may require long term support.

An alternative to leaving the rock face exposed is to design perimeter walls to support the excavation in the long term. A nominal loading of 10 kPa on average, would be appropriate for permanent vertical sides rock cuts. The space between the rock face and the back of the walls could be filled with free draining hard igneous rock with an appropriate large agriculture drain installed at the toe. This may help to relieve the potential for damp penetrating the external walls.

A layer of geofabric would help to stop any long term clogging of the backfill. The retaining wall approach will significantly reduce the need for dowels and shotcrete.

4.4 Foundation Design

On completion of bulk excavation, sandstone bedrock is expected to be exposed over the Level 1 floor area. We therefore recommend that the proposed structures be uniformly supported on footings founded in the underlying bedrock.

Foundation design parameters for the various units are provided in Table 4.3 below

TABLE 4.3 – Foundation Design Parameters

(Unit) Material	Maximum Allowable (Serviceability) Values (kPa)		
	End Bearing Pressure	Shaft Friction in compression#	Shaft Friction in tension*
(1/2) Fill/Natural Soils	-	-	-
(3) Class 5 Sandstone	800	80	40
(4) Class 4 Sandstone	1000	100	50
(5) Class 3 Sandstone	3500	350	175

Note: Parameters for Class 4/5 Shale provided for strip and pad footings and bored piles only – these should not be used for CFA or Steel Screw piles.

* Uplift capacity of piles in tension loading should also be checked for inverted cone pull out mechanism.

clean socket of roughness category R2 or better is assumed

Settlements for footings on rock are anticipated to be about 1% of the minimum footing dimension, based on serviceability parameters as per Table 4.3.

All footings should be poured with minimal delay (i.e. preferably on the same day of excavation) or the base of the footing should be protected by a concrete blinding layer after cleaning of loose spoil and inspection.

Drilling of rock sockets into the low to medium strength or better sandstone will require the use of large excavators or piling rigs equipped with rock augers. Some limited groundwater inflow should be anticipated into the bored pile excavations. We expect any minor seepage to be controllable by conventional pumping methods. However, some contingency for pouring concrete by tremie methods should be allowed.

Bored pile footings should be drilled, cleaned, inspected and poured with minimal delay, on the same day. Water should be prevented from ponding in the base of footings as this will tend to soften the foundation material, resulting in further excavation and cleaning being required.

The initial stages of footing excavation/drilling, particularly if bored piles are adopted, should be inspected by a geotechnical engineer/engineering geologist to ascertain that the recommended foundation material has been reached and to check initial assumptions about foundation conditions and possible variations that may occur between borehole locations. The need for further inspections can be assessed following the initial visit.

5. FURTHER GEOTECHNICAL INPUT

The following summarises the scope of further geotechnical work recommended within this report. For specific details reference should be made to the relevant sections of this report.

- Complete dilapidation surveys of the adjoining buildings and structures.
- Where required, quantitative monitoring of transmitted vibrations during rock excavation using rock hammers.
- Detailed inspection of Level 2 footings including the party wall footings prior to commencing bulk excavation, where required
- Progressive inspections of then excavation cut faces as the work progresses,
- Inspection of footing excavations to ascertain that the recommended foundation has been reached and to check initial assumptions regarding foundation conditions and possible variations that may occur.
- We also recommend that Green Geotechnics view the proposed earthworks and structural drawings in order to confirm they are within the guidelines of this report.

Nevertheless, it will be essential during excavation and construction works that progressive geotechnical inspections be commissioned to check initial assumptions about excavation and foundation conditions and possible variations that may occur between inspected and tested locations and to provide further relevant geotechnical advice.

6. GENERAL RECOMMENDATIONS

The recommendations presented in this report include specific issues to be addressed during the construction phase of the project. In the event that any of the construction phase recommendations presented in this report are not implemented, the general recommendations may become inapplicable and Green Geotechnics accept no responsibility whatsoever for the performance of the structure where recommendations are not implemented in full and properly tested, inspected and documented.

Occasionally, the subsurface conditions may be found to be different (or may be interpreted to be different) from those expected. Variation can also occur with groundwater conditions, especially after climatic changes. If such differences appear to exist, we recommend that you immediately contact this office.

This report provides advice on geotechnical aspects for the proposed civil and structural design. As part of the documentation stage of this project, Contract Documents and Specifications may be prepared based on our report. However, there may be design features we are not aware of or have not commented on for a variety of reasons. The designers should satisfy themselves that all the necessary advice has been obtained. If required, we could be commissioned to review the geotechnical aspects of contract documents to confirm the intent of our recommendations has been correctly implemented.

This report has been prepared for the particular project described and no responsibility is accepted for the use of any part of this report in any other context or for any other purpose. If there is any change in the proposed development described in this report then all recommendations should be reviewed. Copyright in this report is the property of Green Geotechnics. We have used a degree of care, skill and diligence normally exercised by consulting engineers in similar circumstances and locality. No other warranty expressed or implied is made or intended. Subject to payment of all fees due for the investigation, the client alone shall have a licence to use this report. The report shall not be reproduced except in full.

REPORT INFORMATION

Introduction

These notes have been provided to amplify Green Geotechnics report in regard to classification methods, field procedures and the comments section. Not all are necessarily relevant to all reports.

Green Geotechnics reports are based on information gained from limited subsurface excavations and sampling, supplemented by knowledge of local geology and experience. For this reason, they must be regarded as interpretive rather than factual documents, limited to some extent by the scope of information on which they rely.

Borehole and Test Pit Logs

The borehole and test pit logs presented in this report are an engineering and/or geological interpretation of the subsurface conditions, and their reliability will depend to some extent on frequency of sampling and the method of drilling or excavation.

Interpretation of the information and its application to design and construction should therefore take into account the spacing of boreholes or pits, the frequency of sampling, and the possibility of other than 'straight line' variations between the test locations.

Groundwater

Where groundwater levels are measured in boreholes there are several limitations, namely:

- In low permeability soils groundwater may enter the hole very slowly or perhaps not at all during the time the hole is left open;
- A localised, perched water table may lead to an erroneous indication of the true water table;
- Water table levels will vary from time to time with seasons or recent weather changes. They may not be the same at the time of construction as are indicated in the report; and
- The use of water or mud as a drilling fluid will mask any groundwater inflow. The borehole must be flushed, and any water must be extracted from the hole if further water measurements are to be made.

More reliable measurements can be made by installing standpipes which are read at intervals over several days, or perhaps weeks for low permeability soils. Piezometers, sealed in a particular stratum, may be advisable in low permeability soils or where there may be interference from a perched water table.

Reports

The report has been prepared by qualified personnel, is based on the information obtained from field and laboratory testing, and has been undertaken to current engineering standards of interpretation and analysis. Where the report has been prepared for a specific design proposal, the information and interpretation may not be relevant if the design proposal is changed. If this happens, DP will be pleased to review the report and the sufficiency of the investigation work.

Every care is taken with the report as it relates to interpretation of subsurface conditions, discussion of geotechnical and environmental aspects, and recommendations or suggestions for design and construction. However, DP cannot always anticipate or assume responsibility for:

- Unexpected variations in ground conditions. The potential for this will depend partly on borehole or pit spacing and sampling frequency;
- Changes in policy or interpretations of policy by statutory authorities; or
- The actions of contractors responding to commercial pressures.

If these occur, Green Geotechnics will be pleased to assist with investigations or advice to resolve the matter.

Site Anomalies

In the event that conditions encountered on site during construction appear to vary from those which were expected from the information contained in the report, DP requests that it be immediately notified. Most problems are much more readily resolved when conditions are exposed rather than at some later stage, well after the event.

Copyright

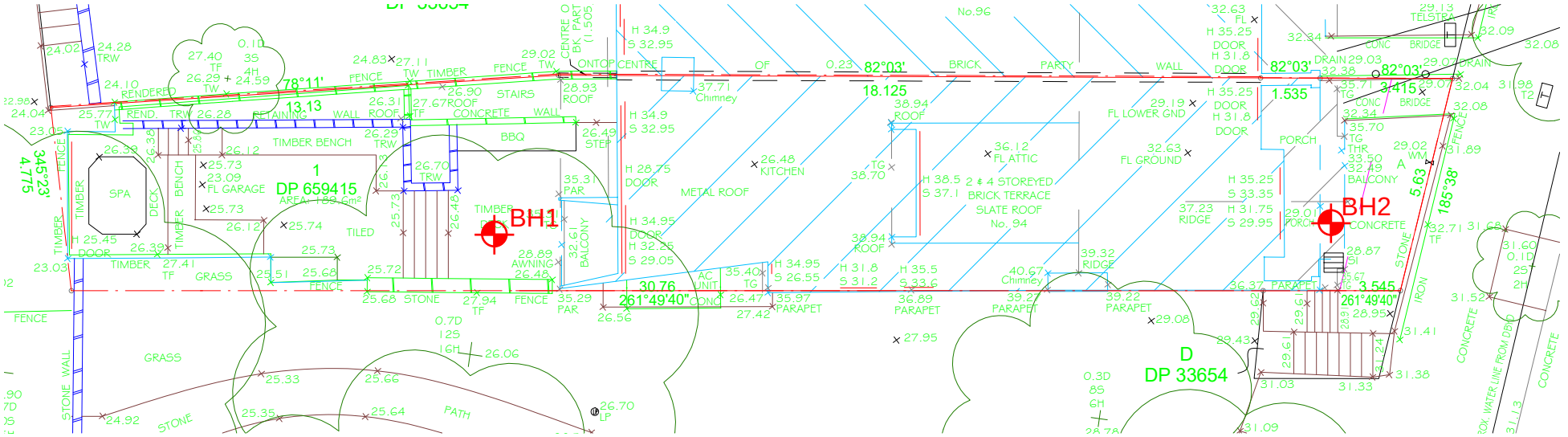
FIGURES

GREEN GEOTECHNICS	Project No: GG10196.001A	Geotechnical Investigation 94 Blues Point Road, McMahons Point **SITE LOCATION PLAN**	Figure No: GG10196.001A
	Client: Jenny Lynn Properties Pty Limited		Drawn By: MG
	Date: 3rd September 2021		Scale: Unknown

Legend:

= Borehole = DCP

= Test Pit



GREEN GEOTECHNICS	Project No: GG10196.001A	Geotechnical Investigation 94 Blues Point Road, McMahons Point **TEST LOCATION PLAN**	Figure No: GG10196.001B
	Client: Jenny Lynn Properties Pty Limited		Drawn By: MG
	Date: 3rd September 2021		Scale: Unknown

Rear of the site looking south east

Side of the site looking north with sandstone outcrop in forground

GREEN GEOTECHNICS	Project No: GG10196.001A	Geotechnical Investigation 94 Blues Point Road, McMahons Point **SITE PHOTOS**	Figure No: GG10196.001C
	Client: Jenny Lynn Properties Pty Limited		Drawn By: MG
	Date: 3rd September 2021		Scale: Unknown

Front courtyard area / right of way with adjoining sandstone block wall

Vertical sandstone cut in car park area of adjoining unit building to the

GREEN GEOTECHNICS	Project No: GG10196.001A	Geotechnical Investigation 94 Blues Point Road, McMahons Point **SITE PHOTOS**	Figure No: GG10196.001C
	Client: Jenny Lynn Properties Pty Limited		Drawn By: MG
	Date: 3rd September 2021		Scale: Unknown

Exposed sandstone ledge in Level 2 area adjacent to party wall

GREEN GEOTECHNICS	Project No: GG10196.001A	Geotechnical Investigation 94 Blues Point Road, McMahons Point **SITE PHOTOS**	Figure No: GG10196.001C
	Client: Jenny Lynn Properties Pty Limited		Drawn By: MG
	Date: 3rd September 2021		Scale: Unknown

APPENDIX A – BOREHOLE LOGS, CORE PHOTOGRAPHS AND POINT LOAD INDEX TEST RESULTS

GEOTECHNICAL LOG - NON CORED BOREHOLE

GREEN GEOTECHNICS

Project No: G10196 Surface RL: 26.5m AHD Date Logged : 24/5/2021
Address: 94 Blues Point Road, McMahons Point Logged By: JK
Client: Jenny Lynn Properties Pty Limited Checked By: MG

BOREHOLE NO.: BH 1
Sheet 1 of 1

WATER TABLE	SAMPLES	DEPTH (M)	DESCRIPTION (Soil type, colour, grain size, plasticity, minor components, observations)	USC SYMBOL	CONSISTENCY (cohesive soils) or RELATIVE DENSITY (sands and gravels)	MOISTURE
			CONCRETE - 180mm THICK			
		0.5	FILL: Gravelly Clayey SAND: Dark brown with dark grey, fine to medium grained with some gravel, brick and styro-foam	SC	VARIABLE	M
		1.0				
		1.5				
			HAND AUGER REFUSAL AT 1.8m IN FILL			
		2.0				
		2.5				

D - Disturbed sample U - Undisturbed tube sample B - Bulk sample
S - Chemical Sample SPT - Standard Penetration Test
WT - Standing Water Table SP - Water Seepage Level

NOTES: See explanation sheets for meaning of all descriptive terms and symbols

Contractor: Green Geotechnics
Equipment: Hand Auger
Hole Diameter (mm): 62
Angle from Vertical (°): 0
Drill Bit: Mild Steel

GEOTECHNICAL LOG - NON CORED BOREHOLE

GREEN GEOTECHNICS

Project No: G10196 Surface RL: 29.0m AHD Date Logged : 24/5/2021
Address: 94 Blues Point Road, McMahons Point Logged By: JK
Client: Jenny Lynn Properties Pty Limited Checked By: MG

BOREHOLE NO.: BH 2
Sheet 1 of 3

WATER TABLE	SAMPLES	DEPTH (M)	DESCRIPTION (Soil type, colour, grain size, plasticity, minor components, observations)	USC SYMBOL	CONSISTENCY (cohesive soils) or RELATIVE DENSITY (sands and gravels)	MOISTURE
			CONCRETE: 120mm THICK			
			FILL: Gravelly Clayey SAND: Light brown with dark brown and orange brown, fine to medium grained with some gravel and brick	SC	VARIABLE	M
		0.5				
		1.0				
			Sandy CLAY: Orange brown, low plasticity, fine to medium grained	CL	FIRM TO STIFF	M
						M
			SANDSTONE: Orange brown with light grey, estimate extremely weathered, very low strength			,
			AUGER DISCONTINUED AT 1.36m - REFER TO CORED BOREHOLE LOG			
		1.5				
		2.0				
		2.5				

D - Disturbed sample U - Undisturbed tube sample B - Bulk sample
S - Chemical Sample SPT - Standard Penetration Test
WT - Standing Water Table SP - Water Seepage Level

NOTES: See explanation sheets for meaning of all descriptive terms and symbols

Contractor: Green Geotechnics
Equipment: Hand Portable Drill
Hole Diameter (mm): 105
Angle from Vertical (^{0}): 0
Drill Bit: Spiral 2 Prong

GEOTECHNICAL LOG - CORED BOREHOLE

GREEN GEOTECHNICS

Project No: G10196
Address: 94 Blues Point Road, McMahons Point
Client: Jenny Lynn Properties Pty Limited

Date Logged: 24/5/2021
Logged By: JK
Checked By: MG
Surface RL: 29.0m AHD

BOREHOLE NO.: BH 2
Sheet 2 of 3

DRILLING				MATERIAL STRENGTH										DISCONTINUITIES	
						Estimated Rock Strength							Defect Spacing (mm)		
Method	Water Return	Core Recovery	Depth (m)	Rock Type (Colour, Grain Size, Structure & Minor Components)	Weathering	Extremely Low	Very Low	Low	Medium	High	Very High	Extremely High	20 40 100 300 1000		Additional Data (Joints, partings, seams, zones etc: Description, orientation, infilling, or coating, shape, roughness, thickness, other)
			0.5												
			1.0	START CORING AT 1.36m											
NMLC	100% RETURN	100% RECOVERY	1.5	SANDSTONE: Orange brown with light grey, fine to medium grained	EW										1.36 - 2.0m = EW rock weathered to form a hard residual clay
			2.0	2.0m											2.08m = SM (CY) 100mm thick
		100% RECOVERY		SANDSTONE: Pale grey with iron stained bands fine to medium grained	HW-MW										2.20m = SM (CY) 50mm thick 2.36m = JT, 25°, PL, CY Infill 2.37m = JT, 30°, PL, CY Infill 2.40m = JT, 30°, PL, CY Infill
			2.5												2.53m = SM (EW) 5mm thick 2.55m = SM (EW) 5mm thick 2.60m = BP, 0°, CY Vaneer 2.64m = BP, 0°, CY Vaneer 2.67m = BP, 0°, CY Vaneer 2.73m = BP, 0°, CY Vaneer 2.76m = BP, 0°, CY Vaneer 2.79m = JT, 10°, PL, CY Infillr 2.92m = BP, 0°

Notes:

Contractor: BG DRILLING
Equipment: HAND PORTABLE
Hole Diameter (mm): NMLC
Angle from Vertical (°): 0

See explanation sheets for meaning of all descriptive terms and symbols

GEOTECHNICAL LOG - CORED BOREHOLE

GREEN GEOTECHNICS

Project No: G10196
Address: 94 Blues Point Road, McMahons Point
Client: Jenny Lynn Properties Pty Limited

Date Logged: 24/5/2021
Logged By: JK
Checked By: MG

Surface RL: 29.0m AHD

BOREHOLE NO.: BH 2
Sheet 3 of 3

DRILLING				MATERIAL STRENGTH										DISCONTINUITIES
						Estimated Rock Strength							Defect Spacing (mm)	
Method	Water Return	Core Recovery	Depth (m)	Rock Type (Colour, Grain Size, Structure & Minor Components)	Weathering	Extremely Low	Very Low	Low	Medium	High	Very High	Extremely High	20 40 100 300 1000	Additional Data (Joints, partings, seams, zones etc: Description, orientation, infilling, or coating, shape, roughness, thickness, other)
N M L C	100% RETURN	100% RECOVERY		3.08m										3.12m = JT, 80°, IR. RO, CN
				SANDSTONE: Pale grey stainred red orange, fine to medium grained with dark grey bedding at 0-10°	SW									3.33m = BP, 0°
														3.48m = BP, 0°
														3.56m = JT, 45°, IR, RO, CN
		100% RECOVERY	3.5											3.60m = BP, 0°
														3.64m = DB
														3.68m = BP, 0°m CY Veneer
														3.78m = BP, 0°
														3.82m = BP, 0°
			4.0											3.89m = BP, 2°,
														4.15m = BP, 0°
														4.27m = BP, 0°
														4.32m = BP, 0°
														4.34m = BP, 0°
														4.39m = BP, 3°
														4.50m = BP, 5°
			4.5											
														4.78m = BP, 3°
														4.82m = BP, 3°
														4.96m = BP, 0°
			5.0											5.03m = HB
														5.16m = BP, 0°
		100% RECOVERY												5.20m = BP, 0°
														5.31m = BP, 0°
														5.35m = BP, 5°
														5.35m = BP, 0°
			5.5											5.58m = BP, 0°
														5.66m = BP, 0°
														5.73m = BP, 0°
				5.74m										
				INTERBEDDED SANDSTONE AND SILTSTONE: Grey with dark grey laminations at 0-5°, fine to medium grained	MW									5.80m = BP, 0°, CY Veneer
														5.83m = BP, 0°, CY Veneer
														5.88m = BP, 0°
				BOREHOLE DISCONTINUED AT 6.0m - TARGET DEPTH										

Notes:

Contractor: BG DRILLING
Equipment: HAND PORTABLE
Hole Diameter (mm): NMLC
Angle from Vertical (°): 0

See explanation sheets for meaning of all descriptive terms and symbols

GREEN GEOTECHNICS	Project No: GG10196.001	Geotechnical Investigation 94 Blues Point Road, McMahons Point **CORE PHOTO - BH2**	Box : 1 of 1
	Client: Jenny Lynn Properties Pty Limited		
	Date Cored: 24th May 2021		

Green Geotechnics Pty Ltd
38 Jonagold Terrace, Box Hill, NSW
Phone: 0477 779 684 | Email: matt@greengeo.com.au

GREEN GEOTECHNICS

POINT LOAD STRENGTH INDEX

Project No: GG10196
Project Address: 94 Blues Point Road, McMahons Point
Client: Jenny Lynn Properties Pty Limited

Test Method: AS 4133.4.1
Test Date: 26/05/2021
Tested By: MG
Page: 1 of 1

Borehole No: BH2
Date Drilled: 24/5/2021

Depth	Test Type	Is(50) (Mpa)	Rock Type	Rock Structure	Moisture
2.52	D	**0.26**	SS	MA	M
3.45	D	**0.9**	SS	BE	D
	A	**1.18**	SS	BE	D
4.44	D	**0.88**	SS	BE	D
	A	**0.87**	SS	BE	D
5.25	D	**0.48**	SS	BE	D
	A	**1.22**	SS	BE	D
5.54	D	**0.54**	SS	BE	D
	A	**0.62**	SS	BE	D

Borehole No:
Date Drilled:

Depth	Test Type	Is(50) (Mpa)	Rock Type	Rock Structure	Moisture

STRUCTURE
MA= MASSIVE
BE= BEDDED
LA= LAMINATED
CR= CRYSTALLINE

TEST TYPE
A= AXIAL
D= DIAMETRAL
I= IRREGULAR
C= CUBE

MOISTURE CONDITION
W= WET
M= MOIST
D= DRY

ROCK TYPE
SS= SANDSTONE
ST= SILTSTONE
SH= SHALE
YS= CLAYSTONE
IG= IGNEOUS

Dynamic Cone Penetrometer Test Report

GREEN GEOTECHNICS

Project Number: GG10196.001

Site Address: Jenny Lynn Properties Pty Limited

Test Date: 24/5/2021

Page: 1 of 1

Test Method: **AS1289.6.3.2**

Technician: JK

Test No	BH1	BH2				
Starting Level	Surface	Surface				
Depth (m)	Penetration Resistance (blows / 150mm)					
0.00 - 0.15	*	*				
0.15 - 0.30	*	*				
0.30 - 0.45	*	2				
0.45 - 0.60	2	3				
0.60 - 0.75	4	8				
0.75 - 0.90	3	4				
0.90 - 1.05	2	2				
1.05 - 1.20	2	3				
1.20 - 1.35	2	4				
1.35 - 1.50	3	3				
1.50 - 1.65	4	13				
1.65 - 1.80	22	22				
1.80 - 1.95	Refusal	Refusal				
1.95 - 2.10						
2.10 - 2.25						
2.25 - 2.40						
2.40 - 2.55						
2.55 - 2.70						
2.70 - 2.85						
2.85 - 3.00						

Remarks: * Pre drilled prior to testing

SAMPLING & IN-SITU TESTING

Sampling

Sampling is carried out during drilling or test pitting to allow engineering examination (and laboratory testing where required) of the soil or rock. Disturbed samples taken during drilling provide information on colour, type, inclusions and, depending upon the degree of disturbance, some information on strength and structure. Undisturbed samples are taken by pushing a thin walled sample tube into the soil and withdrawing it to obtain a sample of the soil in a relatively undisturbed state. Such samples yield information on structure and strength and are necessary for laboratory determination of shear strength and compressibility.

Test Pits

Test pits are usually excavated with a backhoe or an excavator, allowing close examination of the in-situ soil if it is safe to enter into the pit. The depth of excavation is limited to about 3 m for a backhoe and up to 6 m for a large excavator.

Large Diameter Augers

Boreholes can be drilled using a large diameter auger, typically up to 300 mm or larger in diameter mounted on a standard drilling rig. The cuttings are returned to the surface at intervals (generally not more than 0.5 m) and are disturbed but usually unchanged in moisture content.

Continuous Spiral Flight Augers

The borehole is advanced using 90-115 mm diameter continuous spiral flight augers which are withdrawn at intervals to allow sampling or in-situ testing. This is a relatively economical means of drilling in clays and sands above the water table. Samples are returned to the surface, or may be collected after withdrawal of the auger flights, but they are disturbed and may be mixed with soils from the sides of the hole.

Non-core Rotary Drilling

The borehole is advanced using a rotary bit, with water or drilling mud being pumped down the drill rods and returned up the annulus, carrying the drill cuttings. Only major changes in stratification can be determined from the cuttings, together with some information from the rate of penetration.

Diamond Core Rock Drilling

A continuous core sample of can be obtained using a diamond tipped core barrel, usually with a 50 mm internal diameter (NMLC). The borehole is advanced using a water or mud flush to lubricate the bit and removed cuttings.

Standard Penetration Tests

Standard penetration tests (SPT) are used as a means of estimating the density or strength of soils and of obtaining a relatively undisturbed sample. The test procedure is described in Australian Standard 1289, Methods of Testing Soils for Engineering Purposes - Test 6.3.1. The test is carried out in a borehole by driving a 50 mm diameter split sample tube under the impact of a 63 kg hammer with a free fall of 760 mm. It is normal for the tube to be driven in three successive 150 mm increments and the 'N' value is taken as the number of blows for the last 300 mm. In dense sands, very hard clays or weak rock, the full 450 mm penetration may not be practicable, and the test is discontinued.

The test results are reported in the following form.

- In the case where full penetration is obtained with successive blow counts for each 150 mm of, say, 4, 6 and 7 as:

  4,6,7
  N=13

- In the case where the test is discontinued before the full penetration depth, say after 15 blows for the first 150 mm and 30 blows for the next 40 mm as: 15, 30/40 mm.

The results of the SPT tests can be related empirically to the engineering properties of the soils.

Dynamic Cone Penetrometer Tests / Perth Sand Penetrometer Tests

Dynamic penetrometer tests (DCP or PSP) are carried out by driving a steel rod into the ground using a standard weight of hammer falling a specified distance. As the rod penetrates the soil the number of blows required to penetrate each successive 150 mm depth are recorded. Two types of penetrometer are commonly used.

- Perth sand penetrometer - a 16 mm diameter flat ended rod is driven using a 9 kg hammer dropping 600 mm (AS 1289, Test 6.3.3). This test was developed for testing the density of sands and is mainly used in granular soils and filling.

- Cone penetrometer - a 16 mm diameter rod with a 20 mm diameter cone end is driven using a 9 kg hammer dropping 510 mm (AS 1289, Test 6.3.2). This test was developed initially for pavement subgrade investigations, and correlations of the test results with California Bearing Ratio have been published by various road authorities.

SOIL DESCRIPTIONS

Description and Classification Methods

The methods of description and classification of soils and rocks used in this report are based on Australian Standard AS 1726, Geotechnical Site Investigations Code. In general, the descriptions include strength or density, colour, structure, soil or rock type and inclusions.

Soil Types

Soil types are described according to the predominant particle size, qualified by the grading of other particles present:

Type	Particle Size (mm)
Boulder >200	Boulder >200
Cobble 63 - 200	Cobble 63 - 200
Gravel 2.36 - 63	Gravel 2.36 - 63
Sand 0.075 - 2.36	Sand 0.075 - 2.36
Silt 0.002 - 0.075	Silt 0.002 - 0.075
Clay <0.002	Clay <0.002

The sand and gravel sizes can be further subdivided as follows:

Type	Particle Size (mm)
Coarse Gravel	20 – 63
Medium Gravel	6 – 20
Fine Sand	2.36 – 6
Coarse Sand	0.6 – 2.36
Medium Sand	0.2 – 0.6
Fine Sand	0.075 – 0.2

The proportions of secondary constituents of soils are described as:

Term	Proportion
And	Specify
Adjective	20 - 35%
Slightly	12 - 20%
With some	5 - 12%
With a trace of	0 - 5%

Definitions of grading terms used are:

- Well graded - a good representation of all particle sizes
- Poorly graded - an excess or deficiency of particular sizes within the specified range
- Uniformly graded - an excess of a particular particle size
- Gap graded - a deficiency of a particular particle size with the range

Cohesive Soils

Cohesive soils, such as clays, are classified on the basis of undrained shear strength. The strength may be measured by laboratory testing, or estimated by field tests or engineering examination. The strength terms are defined as follows:

Description	Abbreviation	Undrained Shear Strength (kPa)
Very soft	VS	<12
Soft	S	12 - 25
Firm	F	25 - 50
Stiff	ST	50 - 100
Very stiff	VST	100 - 200
Hard	H	200

Cohesionless Soils

Cohesionless soils, such as clean sands, are classified on the basis of relative density, generally from the results of standard penetration tests (SPT), cone penetration tests (CPT) or dynamic penetrometers (DCP). The relative density terms are given below:

Relative Density	Abbreviation	SPT N Value	CPT qc value (MPa)
Very loose	VL	<4	<2
Loose	L	4 - 10	2 -5
Medium Dense	MD	10-30	5-15
Dense	D	30-50	15-25
Very Dense	VD	>50	>25

Soil Origin

It is often difficult to accurately determine the origin of a soil. Soils can generally be classified as:

- Residual soil - derived from in-situ weathering of the underlying rock;
- Transported soils - formed somewhere else and transported by nature to the site; or
- Filling - moved by man.

Transported soils may be further subdivided into:

- Alluvium - river deposits
- Lacustrine - lake deposits
- Aeolian - wind deposits
- Littoral - beach deposits
- Estuarine - tidal river deposits
- Talus - scree or coarse colluvium
- Slopewash or Colluvium - transported downslope by gravity assisted by water. Often includes angular rock fragments and boulders.

ROCK DESCRIPTIONS

GREEN GEOTECHNICS

Rock Strength

The Rock strength is defined by the Point Load Strength Index ($Is_{(50)}$) and refers to the strength of the rock substance and not the strength of the overall rock mass, which may be considerably weaker due to defects. The test procedure is described by Australian Standard 4133.4.1 - 1993. The terms used to describe rock strength are as follows:

Term	Abbreviation	Point Load Index $IS_{(50)}$ MPa	Approximate Unconfined Compressive Strength MPa*
Extremely low	EL	<0.03	<0.6
Very low	VL	0.03 - 0.1	0.6 - 2
Low	L	0.1 - 0.3	2 - 6
Medium	M	0.3 - 1.0	6 - 20
High	H	1 - 3	20 - 60
Very high	VH	3 - 10	60 - 200

* Assumes a ration of 20:1 for UCS to $IS_{(50)}$

Degree of Weathering

The degree of weathering of rock is classified as follows:

Term	Abbreviation	Description
Extremely weathered	EW	Rock substance has soil properties, i.e. it can be remoulded and classified as a soil but the texture of the original rock is still evident.
Highly weathered	HW	Limonite staining or bleaching affects whole of rock substance and other signs of decomposition are evident. Porosity and strength may be altered as a result of iron leaching or deposition. Colour and strength of original fresh rock is not recognisable.
Moderately weathered	MW	Staining and discolouration of rock substance has taken Place.
Slightly weathered	SW	Rock substance is slightly discoloured but shows little or no change of strength from fresh rock.
Fresh stained	FS	Rock substance unaffected by weathering but staining visible along defects.
Fresh	FR	No signs of decomposition or staining.

Degree of Fracturing

The following classification applies to the spacing of natural fractures in core samples (bedding plane partings, joints and other defects, excluding drilling breaks

Term	Description
Fragmented	Fragments of <20 mm
Highly Fractured	Core lengths of 20-40 mm with some fragments
Fractured Core	Core lengths of 40-200 mm with some shorter and longer sections
Slightly Fractured	Core lengths of 200-1000 mm with some shorter and loner sections
Unbroken	Unbroken Core lengths mostly > 1000 mm

Stratification Spacing

For sedimentary rocks the following terms may be used to describe the spacing of bedding partings:

Term	Separation of Stratification Planes
Thinly laminated	6 mm
Laminated	6 mm to 20 mm
Very thinly bedded	20 mm to 60 mm
Thinly bedded	60 mm to 0.2 m
Medium bedded	0.2 m to 0.6 m
Thickly bedded	0.6 m to 2 m
Very thickly bedded	2 m

Rock Quality Designation

The quality of the cored rock can be measured using the Rock Quality Designation (RQD) index, defined as:

$$RQD\ \% = \frac{\text{cumulative length of 'sound' core sections} \geq 100\text{ mm long}}{\text{total drilled length of section being assessed}}$$

'sound' rock is assessed to be rock of low strength or better. The RQD applies only to natural fractures. If the core is broken by drilling/handling, then the broken pieces are fitted back together and are not included in the calculation of RQD.

ABBREVIATIONS

Introduction

These notes summarise abbreviations commonly used on borehole logs and test pit reports.

Drilling or Excavation Methods

C	Core Drilling
R	Rotary drilling
SFA	Spiral flight augers
NMLC	Diamond core - 52 mm dia
NQ	Diamond core - 47 mm dia
HQ	Diamond core - 63 mm dia
PQ	Diamond core - 81 mm dia

Water

Z	Water seep
V	Water level

Sampling and Testing

A	Auger sample
B	Bulk sample
D	Disturbed sample
S	Chemical sample
U50	Undisturbed tube sample (50mm)
W	Water sample
PP	Pocket Penetrometer (kPa)
PL	Point load strength Is(50) MPa
S	Standard Penetration Test
V	Shear vane (kPa)

Description of Defects in Rock

The abbreviated descriptions of the defects should be in the following order: Depth, Type, Orientation, Coating, Shape, Roughness and Other. Drilling and handling breaks are not usually included on the logs.

Defect Type

B	Bedding plane
Cs	Clay seam
Cv	Cleavage
Cz	Crushed zone
Ds	Decomposed seam
F	Fault
J	Joint
Lam	lamination
Pt	Parting
Sz	Sheared Zone
V	Vein

Orientation

The inclination of defects is always measured from the perpendicular to the core axis.

h	horizontal
v	vertical
sh	sub-horizontal
sv	sub-vertical

Coating or Infilling Term

cln	clean
co	coating
he	healed
inf	infilled
stn	stained
ti	tight
vn	veneer

Coating Descriptor

ca	calcite
cbs	carbonaceous
cly	clay
fe	iron oxide
mn	manganese
slt	silty

Shape

cu	curved
ir	irregular
pl	planar
st	stepped
un	undulating

Roughness

po	polished
ro	rough
sl	slickensided
sm	smooth
vr	very rough

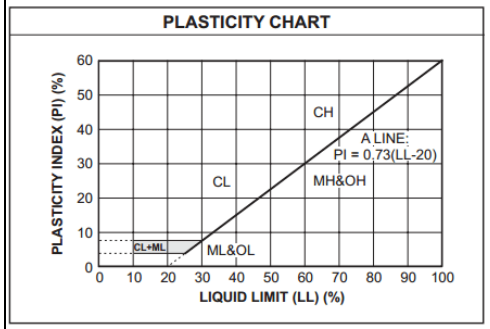
Other

fg	fragmented
bnd	band
qtz	quartz

UNIFIED SOIL CLASSIFICATION TABLE

GREEN GEOTECHNICS

Field Identification Procedures (Excluding particles larger than 75um and basing fractions on estimated weights)				Group Symbols	Typical Names	Information Required for Describing Soils	Laboratory Classification Criteria
Coarse-grained soils More than half of the material is large that 75um sieve size[b] — The 75um sieve size is about the particle visible to the naked eye	Gravels More than half of the coarse fraction is larger than a 4mm sieve	Clean gravels (little or no fines)	Wide range in grain size and substantial amounts of all intermediate particle sizes	*GW*	Well graded gravels, gravel-sand mixtures, little or no fines	Give typical name: indicative approximate percentages of sand and gravel; maximum size; angularity; surface condition, and hardness of the coarse grains; local of geologic name and other pertinent descriptive information; and symbols in parentheses For undisturbed soils add information on stratification, degree of compactness, cementation, moisture conditions and drainage characteristics Example: *Silty Sand*, gravelly; about 20% hard, angular gravel particles 12mm maximum size; rounded and subangular sand grains, coarse to fine, about 15% non-plastic fines low dry strength; well compacted and moist in place; alluvial sand; *(SM)*	Use grain size curve in identifying the fractions as given under field identification Determine percentages of gravel and sand from grain size curve Depending on percentage of fines (fraction smaller than 75um sieve size) coarse grained soils are classified as follows Less than 5% GW, GP, SW, SP More than 12% GM, GC, SM, SC 5 to 12% Borderline cases requiring use of dual symbol $C_u = \frac{D_{60}}{D_{10}}$ Greater than 4 $C_c = \frac{(D_{30})^2}{D_{10} \times D_{60}}$ Between 1 and 3 Not meeting all graduation requirements for *GW* Atterberg limits below "A" line or *PI* less than 4 — Above "A" line with *PI* between 4 and 7 are borderline cases of requiring use of dual symbols Atterberg limits above "A" line with *PI* greater than 7
			Predominantly one size or range of sizes with some intermediate sizes missing	*GP*	Poorly graded gravels, grave-sand mixtures, little or no fines		
		Gravels with fines (appreciable amount of fines)	Nonplastic fines (for identification procedures see *ML* below)	*GM*	Silty gravels, poorly graded gravel-sand-silt mixtures		
			Plastic fines (for identification procedures see *CL* below)	*GC*	Clayey gravels, poorly graded gravel-sand-clay mixtures		
	Sands More than half of the coarse fraction is smaller than a 4mm sieve	Clean sands (little or no fines)	Wide range in grain size and substantial amounts of all intermediate particle sizes	*SW*	Well graded sands, gravelly sands, little or no fines		$C_u = \frac{D_{60}}{D_{10}}$ Greater than 6 $C_c = \frac{(D_{30})^2}{D_{10} \times D_{60}}$ Between 1 and 3 Not meeting all graduation requirements for *SW* Atterberg limits below "A" line or *PI* less than 5 — Above "A" line with *PI* between 4 and 7 are borderline cases of requiring use of dual symbols Atterberg limits above "A" line with *PI* greater than 7
			Predominantly one size or range of sizes with some intermediate sizes missing	*SP*	Poorly graded sands, gravelly sands, little or no fines		
		Sands with fines (appreciable amount of fines)	Nonplastic fines (for identification procedures see *ML* below)	*SM*	Silty sands, poorly graded sand-silt mixtures		
			Plastic fines (for identification procedures see *CL* below)	*SC*	Clayey sands, poorly graded sand-clay mixtures		
Find-grained soils More than half of the material is smaller than 75um sieve size	Identification Procedures of Fractions Smaller than 380 um Sieve Size						
	Silts and clays liquid limit less than 50	Dry Strength (crushing characteristics)	Dilatancy (reaction to shaking)	Toughness (consistency near plastic limit)			
		None to slight	Quick to slow	None	*ML*	Inorganic silts and very fine sands, rock flour, silty or clayey fine sands with slit plasticity	Give typical name: indicative degree and character of plasticity, amount and maximum size of coarse grains; colour in wet condition, odour if any, local or geologic name, and other pertinent descriptive information, and symbol in parentheses For undisturbed soils add information on structure, stratification, consistency in undisturbed and remoulded states, moisture and drainage conditions Example: *Clayey Silt,* brown; slightly plastic; small percentage of fine sand; numerous vertical root holes; firm and dry in place; loess; *(ML)*
		Medium to high	None to very slow	Medium	*CL*	Inorganic clays of low to medium plasticity, gravelly clays, sandy clays, silty clays, lean clays	
		Slight to medium	Slow	Slight	*OL*	Organic silts and organic silt-clays of low plasticity	
	Silts and clays liquid limit greater than 50	Slight to medium	Slow to none	Slight to medium	*MH*	Inorganic silts, micaceous or diatomaceous fine sandy or silty soils, clastic silts	
		High to very high	None	High	*CH*	Inorganic clays of high plasticity, fat clays	
		Medium to high	None to very slow	Slight to medium	*OH*	Organic clays of medium to high plasticity	
Highly Organic Soils		Readily identified by colour, odour, spongy feel and frequently by fibrous texture			*Pt*	Peat and other highly organic soils	



Plasticity Chart
For laboratory classification of fine-grained soils

Note: 1 Soils possessing characteristics of two groups are designated by combinations of group symbols (eg. GW-GC, well graded gravel-sand mixture with clay fines
2 Soils with liquid limits of the order of 35 to 50 may be visually classified as being of medium plasticity

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2nd November 2022

North Sydney Council

c/o Architecture Saville Isaacs
The Boatshed,
23A King George Street,
McMahons Point,
NSW 2060

Attention: Steven Isaacs

Dear Sirs,

Re: 94 Blues Point Road, McMahons Point – Proposed Alterations and Additions DA421/21

We are writing to respond to comments received from North Sydney Council on the above. Council has raised some concerns regarding the application that are outlined in their letter dated 19th October 2022 and that are addressed below.

1.0 Background

A development application for alterations and additions to the property was submitted to North Sydney in November 2021. The application was supported by a Heritage Impact Statement (HIS) prepared by this office.

2.0 Property

94 Blues Point Road is one of two pairs of Queen Anne/Federation style semi-detached terraces built in 1901-1902 by members of the Brown family. The terraces were originally two storeys and included a lower-ground level with separate street entrance, built to take advantage of the sloping site that falls steeply to the west, and creating a single-storey appearance from the street.

The house has been heavily modified with the layout altered and fabric removed and the house has a large, three storey addition at the rear.

3.0 Heritage Controls

The property is not listed as a heritage item in Schedule 5 Part 1 of the *North Sydney Local Environmental Plan 2013* (as amended) (NSLEP) but is within the McMahons Point South Heritage Conservation Area (CA14).

The property is identified as a *Contributory Item* in Appendix A Table App-1.1 of the NSDCP.

4.0 Assessment of Significance

The HIS contained a detailed assessment of significance that concluded:

Based on the above we consider that the property would not meet any of the Heritage Manual criteria for identification as a place of local significance but would be considered a contributory element in the conservation area as part of the group of four houses at 94 to 100 Blues Point Road.

HIS p. 19

5.0 Response to Council Comments

The following comment only address the heritage issues raised in Council's Response. Revised drawings have been prepared to address some of Council's issues.

5.1 Form, Massing and Scale

Comment: The proposed re-alignment of the southern rear side boundary wall is not supported. This portion of the building is a remnant reminder of the previous 2.0m traditional setback for the service wing to the terrace. The proposed re-alignment is insufficient and not supported. It is highly visible in the public domain and the proposed realignment will compound the bulk and scale of the rear addition. A deeper setback to re-establish a reference to the historical form should be considered.

Response: The current angled wall to the side elevation is part of the 2011 works that were designed by Humphrey and Edwards Architects. It is a modern detail that in no way reflects the original arrangement of the house (see Figure 5.1). The 2011 rear extension was done in a manner that signalled the extent of the original rear wing in the rear elevation and this arrangement is maintained in the current proposals (see Figure 5.2).

The new wall is setback from the brick side gable and has a glazed link at the junction to clearly signal the break between new and old. The infill is also in contrasting materials to amplify the change. It should be noted that the adjoining garden is private property and the public views to the house are from Blues Point Road.

The proposal to straighten the alignment of the wall is perfectly reasonable in this instance and will not impact on an original form or detail as the house has been very heavily altered at the rear.

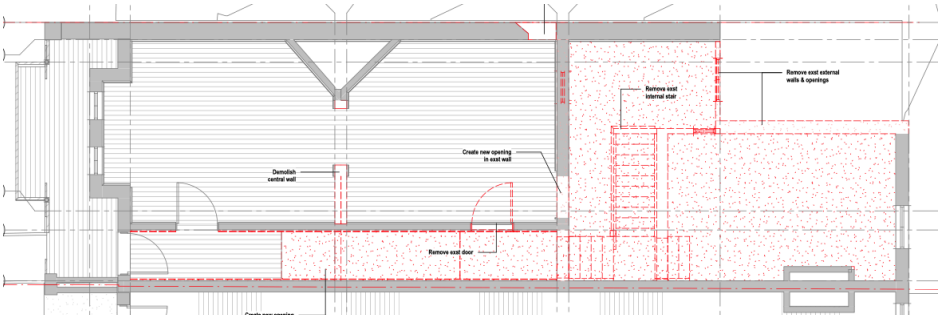
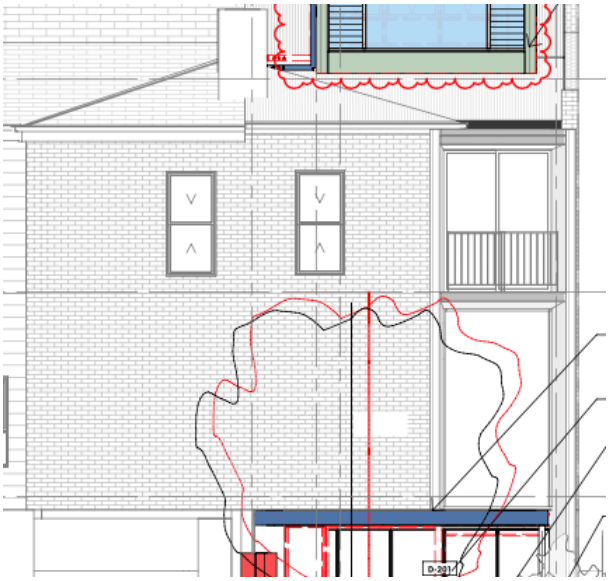


Figure 5,1 Demolition plan from the 2011 works. Note the rear wing alignment

Source: Humphrey & Edwards Architects

EXISTING



PROPOSED

Figure 5.2 View to the rear showing the extent of the original rear wing (brickwork and roof form). This will be maintained

Source: Architect (lower image)

5.2 Side Windows

Comment: The new windows in the southern elevation are not supported.

Response: The side elevation has an existing window and three new windows were proposed in the DA. The site is open to the garden to the south and this will not be built out. It is common for houses at the end of a row (for instance, where abutting a side street) to have windows in a side elevation and the windows can be traditionally proportioned and are small in comparison to the overall scale of the south elevation.

The revised drawings have omitted the window to the bedroom 2 at level four that will reduce the extent of change.

The second bedroom at level 4 at is large and only has a small window to provide natural light and ventilation and the media room at level 2 has no window.

Additional windows here are perfectly reasonable and will have no impact on the overall form of the house or the presentation of the large, south elevation.

5.3 Lift

Comment: No in-principal objection is made to the installation of the lift however, its location should be reconsidered to enable the early layout of the principal rooms to remain legible. The preference for the installation of the new lift element is for it to be installed within the later, contemporary portion of the dwelling to minimise further erosion of the remaining terrace layout. However, if it is to be in the front portion of the dwelling, it is recommended that the lift be accommodated in the south-western corner of the front rooms of the lower ground and upper ground levels generally as recommended below and to retain the doors to the bedroom and study/bedroom area in their original position and for the proposed ensuite to the study/bedroom to be contained withing the hallway and the entry door to be protected such that the works can be reversed.

Response: The lift is placed to serve all lower floors including the kitchen and this cannot be achieved if the lift is relocated. The relocation would also lead to more extensive changes to the internal layout.

The front portion of the house has been very heavily altered with a secondary hall added and a new stair inserted into the original hall.

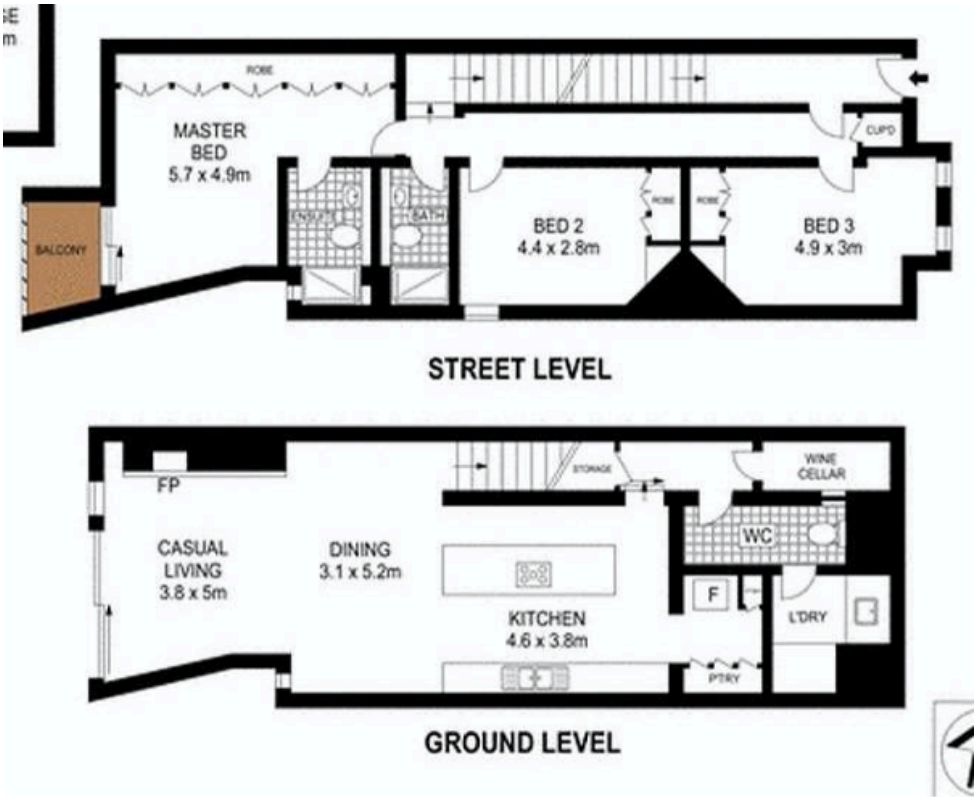


Figure 5.3 Current house plans

Source: realestate.com

The front bedrooms at the street level have been truncated to allow for the second hall and the levels above and below altered. Fireplaces have been removed and the inserts blocked and much of the original detail (ceilings and joinery) have been removed or replaced.

The proposed changes to the front section and the lift position reflect the heavily altered nature of the house and will not impact on an original layout or detail.

5.4 Dormers

Comment: The proposed front dormer and extension of the existing rear dormer are not supported. The extension of the existing rear dormer is not supported as it will be too large for the roof plane within which it sits and will not be sufficiently setback to retain the legibility of the original roof pitch.

Response: the house is one of four houses that are matching in detail. The paired houses at 98 and 100 Blues Point Road both have front dormers and it is intended to match their detail on the subject house.

Figure 5.4 Street view to the four houses at 94-100 Blues Point Road

Source: Architect

The front dormer is offset in the manner of the dormer at 98 Blues Point Road due to the gablet at the front of the house and the dormer is small scale and traditionally detailed. It will have little impact on the presentation of the house to the street and can form a template for such works at the adjoining house 96 Blues Point Road.

The rear dormer is extant and the proposal is to extend this to provide a reasonable level of accommodation in the upper bedroom.

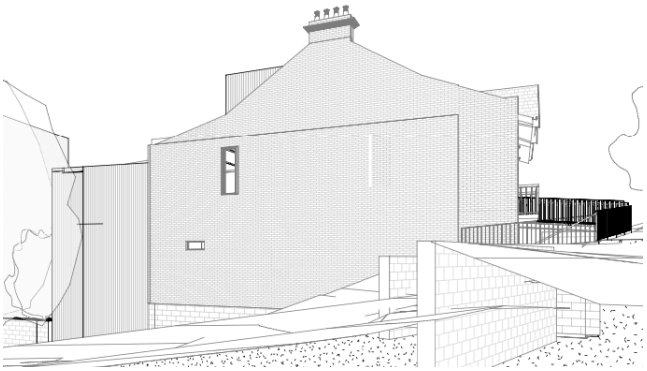
The proposed dormer extension has been reduced in length with only a slight increase in the wing walls with the glazing set to the face of the wing walls. The rear roof is very large and the amended dormer is in scale with the overall scale of the roof. As can be seen from the images below, the change will be imperceptible from the street and the dormer cannot be seen from Nottingham Lane.

EXISTING

REVISED PROPOSAL

Figure 5.5 Views to the rear dormer from Blues Point Road

Source: Architect



EXISTING

REVISED PROPOSAL

Figure 5.6 Views to the rear the dormer from Blues Point Road

Source: Architect

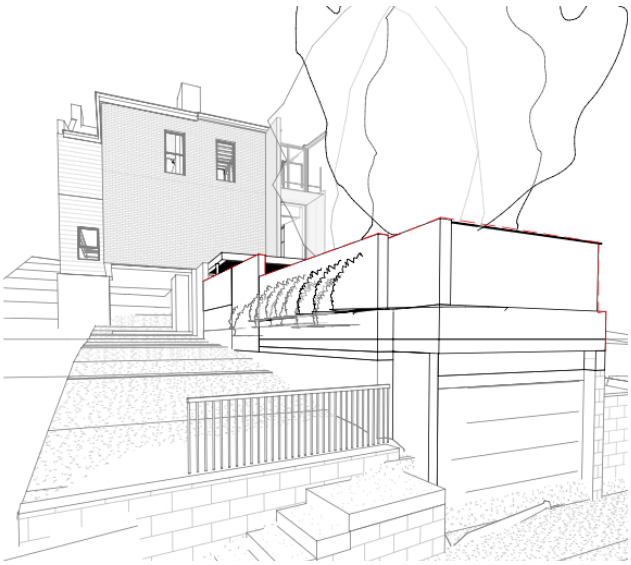


Figure 5.7 Proposed view from Nottingham Lane

Source: Architect

6.0 Summary

The majority of the proposed works involve changes to recently added and heavily altered internal spaces, and so will have little heritage impact on the house itself and the external appearance of the row.

The revised drawings reduce the extent of change but the elements that have not been altered in response to Council's comments are reasonable and will have a limited and acceptable impact on the significance of the place.

We consider that the revised proposals are an adequate response to Council's concerns and will maintain the contribution of the house to the row and surrounding conservation area

In heritage terms, we consider that the revised proposal should be approved.

Yours faithfully,

JOHN OULTRAM