



NSLPP MEETING HELD ON 01/03/2023

Attachments:

1. Site Plan
2. Architectural Plans
3. Plan of Proposed Subdivision
4. Clause 4.6 Statement
5. Landscape Plan
6. Stormwater Management Plans
7. Flood Impact Assessment

ADDRESS/WARD: 4 Honda Road, Kurraba Point

APPLICATION No: 130/22

PROPOSAL: Subdivision into two lots, construction of a new dwelling, stormwater works and alterations and additions to an existing dwelling

PLANS REF:

Plan No.	Rev No.	Description	Prepared by	Dated
DA02	C	Site Plan	Floris Smith Architecture Pty Ltd	21/11/22
DA03	B	Coverage Plan	Floris Smith Architecture Pty Ltd	21/11/22
DA04	B	Honda Road Elevation	Floris Smith Architecture Pty Ltd	21/11/22
DA05	B	Bogota Avenue Elevation	Floris Smith Architecture Pty Ltd	21/11/22
DA06	B	Site Sections	Floris Smith Architecture Pty Ltd	21/11/22
DA09	B	House 1 Lower Ground Plan	Floris Smith Architecture Pty Ltd	21/11/22
DA10	B	House 1 Ground Floor Plan	Floris Smith Architecture Pty Ltd	21/11/22
DA11	B	House 1 First Floor Plan	Floris Smith Architecture Pty Ltd	21/11/22
DA12	B	House 1 Roof Plan	Floris Smith Architecture Pty Ltd	21/11/22
DA13	B	House 1 Sections	Floris Smith Architecture Pty Ltd	21/11/22
DA14	B	House 1 Section and Elevations	Floris Smith Architecture Pty Ltd	21/11/22
DA15	B	House 1 Elevations	Floris Smith Architecture Pty Ltd	21/11/22
DA16	C	House 2 Lower Ground Plan	Floris Smith Architecture Pty Ltd	21/11/22
DA17	B	House 2 Ground Floor Plan	Floris Smith Architecture Pty Ltd	21/11/22
DA18	B	House 2 First Floor Plan	Floris Smith Architecture Pty Ltd	21/11/22
DA19	B	House 2 Roof Plan	Floris Smith Architecture Pty Ltd	21/11/22
DA20	B	House 2 Sections	Floris Smith Architecture Pty Ltd	21/11/22
DA21	C	House 2 Elevations	Floris Smith Architecture Pty Ltd	21/11/22
DA22	B	House 2 Elevations	Floris Smith Architecture Pty Ltd	21/11/22

OWNER: Alan Keith Carpenter & Pamela Ann Carpenter

APPLICANT: Floris Smith Architecture Pty Ltd

AUTHOR: Thomas Holman, Assessment Officer

DATE OF REPORT: 16 February 2023

DATE LODGED: 12 May 2022

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This development application seeks consent for subdivision of land known as 4 Honda Road into 2 lots, construction of a new dwelling, alterations and additions to an existing detached dwelling and provision of new stormwater infrastructure and additional landscaping.

The development application is reported to the North Sydney Local Planning Panel for determination because the development application received more than 10 unique submissions by way of objection.

The proposed new dwelling (House 2) would have a maximum height of 9.0m with a height exceedance of 500mm (5.88% variation). The Clause 4.6 request for a variation to the height of buildings development standard is considered to be well founded demonstrating that compliance with the development standard would be unreasonable and unnecessary in the circumstances of the case and that there are sufficient planning grounds to justify the variation.

The existing dwelling (House 1) with alterations and additions will have more characteristic features of the conservation area with the addition of a pitched roof and sympathetic alterations to the materials and finishes to the front façade. The new dwelling (House 2) would have a form, massing and scale characteristic of the Kurraba Point Conservation Area being two storeys with a pitched roof with materials and finishes sympathetic to the surrounding conservation area.

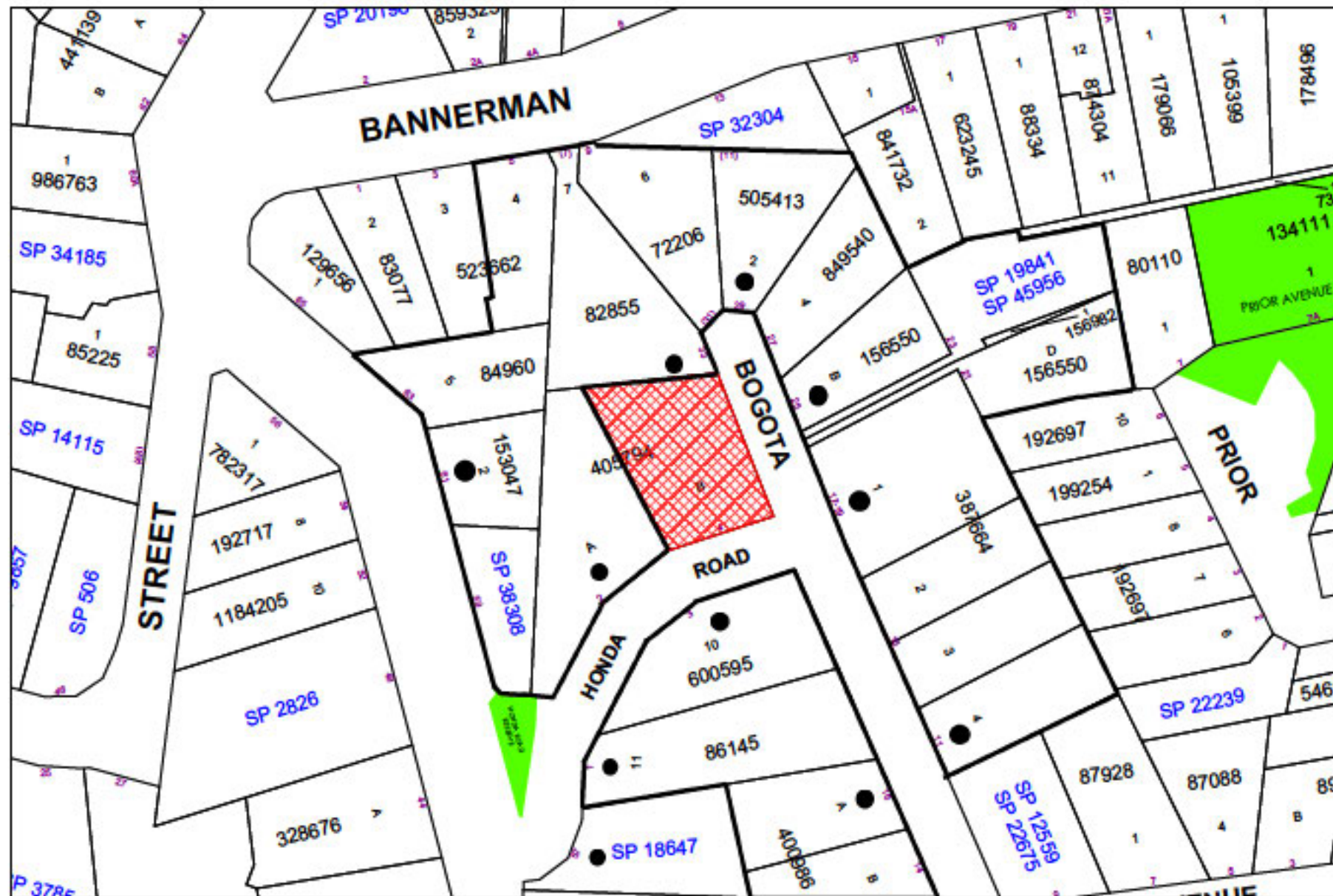
The subdivision of the existing Lot B in DP 405794 into two lots ensures both lots have a lot size complying with the minimum subdivision lot size stipulated in Cl. 4.1 'Minimum Subdivision Lot Size' of the NSLEP 2013. The development complies with the objectives for Cl. 4.1 of NSLEP 2013 retaining the existing irregular shape of the lot and the subdivision would not cause the fragmentation of the land, would protect natural features of the site, and does not adversely affect the amenity of surrounding properties.

The site is flood affected with an existing open stormwater channel running through the site. The development seeks to construct a new stormwater drain between the two properties and the new dwelling would have a ground floor level 300mm above the 1% AEP (22.2 mAHD) supported by Council's Engineers. The existing dwelling (House 1) subject to alterations and additions has existing floor levels below the 1% AEP plus freeboard of 0.3m, however the dwelling will be subject to conditions to ensure flood compatible materials are used for elevations below the 22.2 mAHD and a condition of consent seeks to ensure openings below the flood level are flood resistant to prevent flood water ingress.

Council received twenty (20) submissions and a further seven (7) submissions following renotification of the development application that raised concerns about the adverse impact to the Kurraba Point Conservation Area due to the proposed subdivision into two lots and the size and design of the dwellings. Concerns were also raised with respect to the impact on the natural features of the site and flood risk both within and to adjoining properties. The issues outlined in the submissions have been considered during the assessment and where appropriate conditions of consent have been recommended to maintain the amenity of adjoining properties.

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

LOCATION MAP



□ Property/Applicant ● Submitters - Properties Notified

DESCRIPTION OF PROPOSAL

The development application seeks to subdivide Lot B DP 405794 into 2 lots and construct a new dwelling on part of the subdivided lot. The existing dwelling is to remain but subject to alterations and additions. Other works include landscaping, changing the course of the stormwater channel due to the new subdivision and construction of a swimming pool on the new lot. Below is a more detailed description of the proposed works.

Subdivision of existing Lot B DP 405794 (920.8m²) into two lots (Lot 73 & Lot 74).

- Lot 73 is the eastern allotment and will be an irregular shaped allotment. Lot 73 will have a frontage to Honda Road of 12.555m, a secondary frontage to Bogota Avenue of 33.06m, a rear boundary of 21.44m and an irregular western boundary of 41.085m, with a site area of 450m². Lot 73 will encompass the existing dwelling subject to alterations and additions.
- Lot 74 is to be the western allotment and will be irregular in shape. Lot 74 will have a frontage to Honda Road of 11m, a rear boundary of 7.52m, an irregular eastern boundary of 41.085m and a western boundary of 39.6m, with a site area of 470.8m². A new detached dwelling is proposed within Lot 74.

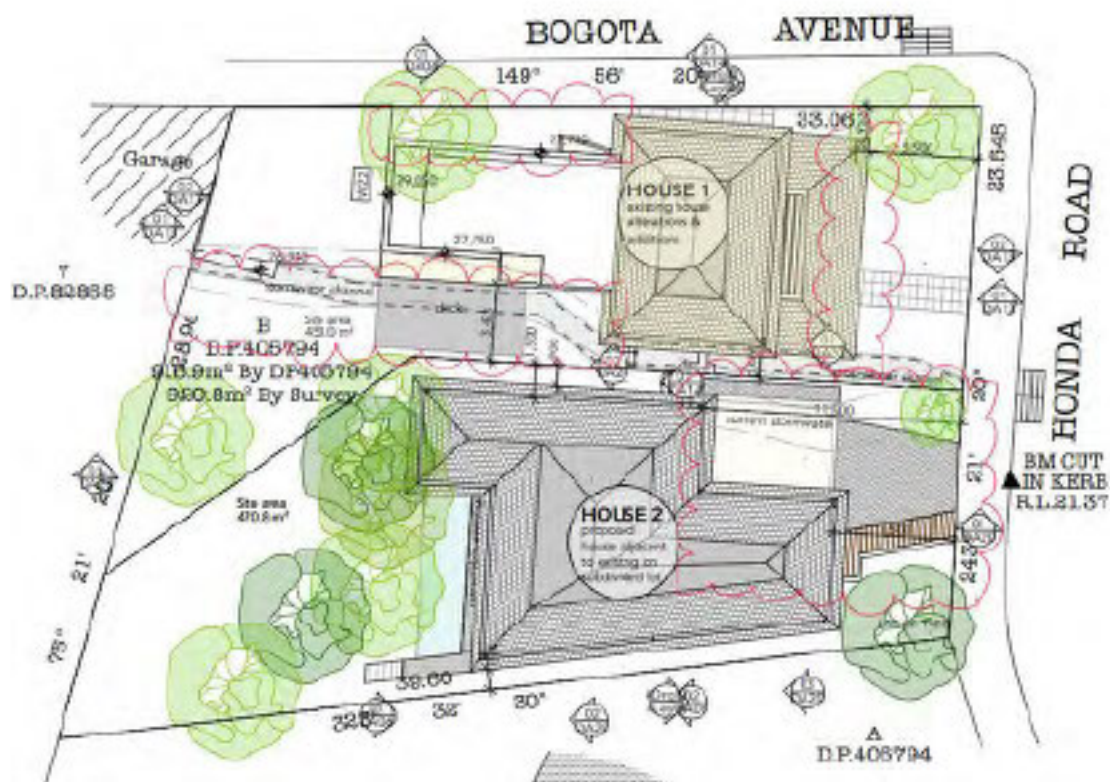


Figure 1 – Site Plan (DA02 Rev C)

Alterations and Additions to Existing Dwelling on Lot 73 (House 1)

- A wine cellar and store are to be provided under the existing garage.
- The living/dining room is to be extended westward to adjoin the proposed wine cellar.
- A deck is proposed off the western side of the living room.
- The verandahs to the south east and south western corners of the dwelling are to be enclosed and converted into habitable space.
- A new front addition is proposed.

- A water feature is proposed to the front southern elevation of the dwelling.
- New windows and doors are proposed including a new render finish.
- A new pitched roof is proposed over the front part of the dwelling.



Figure 2 – Front/Honda Road Elevations (left) and Eastern Elevation facing Bogota Avenue (top right) and Western Elevation (bottom right)

New Dwelling on lot 74 (House 2)

- A new two storey dwelling is proposed on the new lot.
- A lower ground floor is proposed with a swimming pool to the rear.
- Two levels of habitable accommodation are proposed and an integrated garage forming part of the principal elevation facing Honda Road.
- For the ground floor accommodation comprises an open plan kitchen/dining and living area plus a media room.
- For the first floor accommodation includes four bedrooms and bathrooms plus a study.
- A double garage is proposed with access from Honda Road.



Figure 3 – Front and Rear Elevations (left) and Western Elevation (top right) and Eastern Elevation (bottom right)

Stormwater

The existing open stormwater channel that runs through the site (north – south) is to be redirected and replaced with a new 900mm wide, 1.1m deep stormwater channel to traverse the site in a similar siting to the original stormwater channel.

Landscaping

Out of a total of 20 trees surveyed on the site, 8 trees are sought for removal. Replacement trees are proposed including 4 trees within Lot 73 – House 1 (2 x *Magnolia grandiflora*, 1 x *Lagerstroemia indica* and 1 x *Pyrus calleryana*). Lot 74 – House 2 seeks to retain landscaping and tree canopy within the north western corner of the site, retain an existing *Cedrus deodara* within the front setback and one *Lagerstroemia indica* is proposed within the front setback.

STATUTORY CONTROLS

North Sydney LEP 2013

- Zoning – R2 Low Density Residential Zone
- Item of Heritage - No
- In Vicinity of Item of Heritage – Yes '10026 – 7 Bannerman Street', '10028 – 9 Bannerman Street', '10579 – 29 Bogota Avenue', '10578 – 17-19 Bogota Avenue', '10632 – 3 Honda Road'
- Conservation Area – CA16 'Kurraba Point Conservation Area'
- Foreshore Building Line - No
- Environmental Planning & Assessment Act 1979 (As amended)
- Environmental Planning & Assessment Regulation 2021
- SEPP (Biodiversity and Conservation) 2021
 - Chapter 2 Vegetation in non-rural areas
 - Chapter 6 Water Catchments
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Resilience and Hazards) 2021
- SEPP (Transport & Infrastructure) 2021
 - Division 20 Stormwater management systems

POLICY CONTROLS

North Sydney DCP 2013

North Sydney Local Infrastructure Contributions Plan 2020

North Sydney Floodplain Management Policy (Interim) 2022

DESCRIPTION OF LOCALITY

The site is known as 4 Honda Road and has a legal description of Lot B in DP 405794. The site is on the corner of Honda Road and Bogota Avenue having an irregular shape with a site frontage to Honda Road measuring 23.545m and a frontage to Bogota Avenue measuring 33.06m. The subject site has a site area of 920.8m² (by survey).

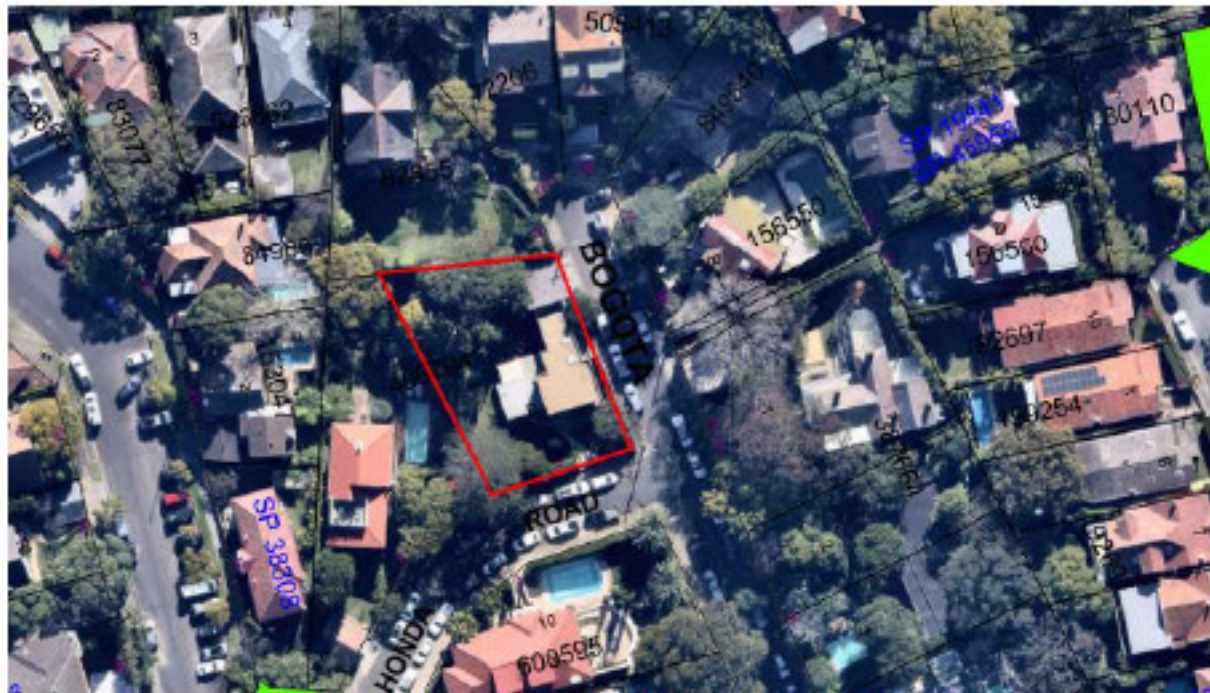


Figure 4 – Aerial photo of site (edged in red) and surrounds

The site currently supports a detached dwelling located adjacent to Bogota Avenue with mature landscaping along Honda Road as well as within the north western corner of the site. An open stormwater channel runs north to south connecting to a stormwater pit which drains surface flow to Honda Road. The site has a fall from north to south with a fall of approximately 3-4m.



Figure 5 – Photo of site as viewed from Honda Road (top) and photo of rear garden (bottom left) and existing stormwater channel (bottom right)

The site is located in an R2 Low Density Residential Zone and is situated within the Kurraba Point Conservation Area and located in a bushland buffer within 300m of Environmental Conservation Land. The site is in a flood planning area due to the impervious upper catchment of approximately 30 ha that primarily drains via Bogota Road to the Harbour. A peak flow of approximately 6m³/s is estimated by GRC Hydro Pty Ltd to flow down Bogota Road in a 1% AEP event (1 in 100 year flood event).



Figure 6 – Land Zoning Map of site (hatched in red) and surrounds (top left), Heritage Map (top right), Flood Planning Area Map (bottom left) and Bushland Buffer Map (bottom right)

RELEVANT HISTORY

Previous applications

<i>Date</i>	<i>Action</i>
04/06/1981	An application for alterations and additions (DA No. 1216/81) to an existing detached dwelling including the provision of a double carport structure on the Bogota Street frontage was approved by Council.
24/01/2007	An application for modification to DA No. 1216/81 seeking to convert the approved carport to a garage, raising the roof height of the garage and new roller shutter doors.
27/04/2022	Development Application No. 109/22 seeking subdivision of the lot and construction of a new dwelling was rejected by DRP because the application did not include a flood impact assessment or a Clause 4.6 Statement for a variation to the height limit for House 2.

Current Application

<i>Date</i>	<i>Action</i>
12/05/2022	Development Application No. 130/22 proposed subdivision of the lot, alterations and additions to the existing dwelling and construction of a new dwelling including provision of landscaping, swimming pool and stormwater works. DA No. 130/22 was lodged on 12 May 2022.
25/05/2022	Following an initial assessment by the Development Review Panel additional information was requested including a request for a revised Subdivision Plan, House 2 – East Elevation and a request for payment to NSW Department of Planning and Environment as the development was deemed Integrated Development. Additional information including updated Subdivision Plan and Elevation was received on 02 June 2022.
24/06/2022	Development Application No. 130/22 was notified to adjoining properties and the Bennett Precinct between 27 May and 24 June 2022.
19/07/2022	Site Visit.
12/09/2022	The applicant on the request of Council provided a completed Quantity Surveyors Cost Report, an updated view analysis with additional information of RL's of photos taken from neighbouring properties and an updated Survey Plan with a corrected calculated site area.
20/09/2022	The applicant at the request of Council provided amended plans deleting external access to House 2 Lower Ground Floor, and additional information was provided prepared by GRC Hydro to address flooding issues.
26/10/2022	Following completion of a detailed assessment of the application a letter was issued to the applicant dated 26 October 2022 with the following outstanding concerns: House 1 <ul style="list-style-type: none">- Windows and doors for House 1 are to be designed appropriately to minimise risk to residents and damage to the property.- A 5.5m front setback is recommended to ensure additional landscaping and matching alignment for both houses.- Separation should be provided between the stormwater channel and any built structure or foundations of the dwelling so as to ensure future access, maintenance of the stormwater channel. House 2 <ul style="list-style-type: none">- The driveway and garage must be adequately designed to enable ease of manoeuvring of vehicles and a 600mm setback required from stormwater kerb inlet to the vehicular crossing layback wing.- A minimum 900mm side setback is required to the western side boundary.- The front facade of House 2 should have less glazing being an uncharacteristic element within the Kurraba Point Conservation Area.

07/11/2022 & 16/11/2022	A meeting was held on 07 November 2022 with the applicant to discuss the content of Council's letter dated 26 October 2022 and a further meeting was held on 16 November 2022 with the relevant engineers to deliberate acceptable outcomes for a stormwater channel and flood protection measures.
12/12/2022	Amended plans were received including an updated landscape plan, arborist report, heritage impact statement plus a supplementary letter by GRC Hydro Pty Ltd in response to issues outlined in Council's letter dated 26 October 2022.
27/01/2023	Following receipt of amended plans and documentation the proposed development was renotified to the Bennett Precinct and adjoining properties between 13 January – 17 January 2023.

INTERNAL REFERRALS

Building

The amended development application (DA 130/22) was referred to Council's Senior Building Surveyor who provided the following comments on 23 January 2022 (*in italics*):

A review of the Plans revealed that the proposed works are likely to comply with the NCC BCA 2019, Volume 2.

It is recommended amended plans be provided that notate the swimming pool is surrounded by a compliant swimming pool barrier in accordance with Australian Standard AS1926.1. The construction of the new dwelling is to be in accordance with the NCC BCA.

It is noted that a stormwater easement affects both proposed lots, it is recommended comment be sought from Council's Development Assessment Engineers regarding this easement.

Generally, the proposed development is able to comply with NCC - BCA 2019, Volume 2 and a detailed assessment of compliance with the NCC - BCA 2019 will be undertaken by an appropriately accredited certifier at the Construction Certificate Stage of the proposed development.

Conditions of consent are recommended including ensuring all works comply with the NCC/BCA, registration of the subdivision, obtaining a subdivision certificate, obtaining a Sydney Water Certificate and the applicant must obtain consent for the allocated street address for the subdivided lots.

Planning Comment: it is noted Council's Senior Building Surveyor raised no objections to the proposal subject to recommended conditions of consent including compliance with the NCC – BCA 2019. Comments regarding a swimming pool barrier is noted and to ensure a condition of consent is recommended requiring access to the pool is restricted by a child resistant barrier (C24 Pool Access).

HERITAGE

The amended plans (DA 130/22) was referred to Council's Heritage Officer who provided the following comments on 01 February 2023 (*in italics*):

1. Heritage Status and Significance

The subject property is a Neutral item located within the Kurraba Point Conservation Area. The dwelling is a late twentieth century two storey dwelling constructed from rendered masonry and weatherboards with a parapet roof that addresses Honda Road. There is a double garage at the rear of House 1 that fronts Bogota Avenue. The site has a mature garden and open stormwater channel. The dwelling is of low heritage significance but sits quietly in the streetscape.

There are several heritage items located in the immediate vicinity including the dwellings identified as I0026 at 33 Bogota Avenue, item I0028 at 9 Bannerman Street and item I0579 at 29 Bogota Avenue, all located to the north-east. Item I10699 at 61 Shellcove Road is located to the west and item I0577 at 15 Bogota Avenue, I0578 at 17-19 Bogota Avenue, item I0632 at 3 Honda Avenue and item I0631 at 1 Honda Avenue (see Figure 6) are located to the south and east of the site. Although these heritage items exhibit a range of periods and styles from Victorian, Federation Arts and Crafts through to Interwar Mediterranean, they are characterised by highly articulated forms with pitched roof planes and are constructed from traditional materials including sandstone, brick, rendered masonry, weatherboard, shingle, slate and terracotta tile.

2. Heritage Impact Assessment

a) North Sydney LEP 2013 Clause 5.10

The proposed subdivision satisfies this clause as the resultant dwelling lots will be perceived as characteristic when viewed from the public domain. The proposed alterations and additions shown on the amended plans to the existing dwelling, House 1, will result in a built form that is more characteristic to the conservation area than the existing built form by virtue of the pitched roof planes. The amended plans for the proposed new dwelling, (House 2) includes several design features that are not characteristic to the character of the conservation area including a double garage with a roof garden. No objection is raised in this particular circumstance however, as the amended dwelling design involves a new contemporary dwelling as opposed to a Federation or Victorian period dwelling.

The impact of the amended garage design for House 2 is acceptable given that there are double garages in the immediate streetscape at 16, 29, 31 and 35 Bogota Avenue. The amended dwelling design has an acceptable characteristic form, massing and scale and will use a traditional palette of materials. The detailing on both dwellings is restrained resulting in the buildings that are visually recessive to the nearby highly detailed heritage items.

b) North Sydney DCP 2013

An assessment of the proposal, with reference to Part B Section 13 of the North Sydney DCP 2013 has been made with the following elements of the DCP being of note:

13.4 Development in the Vicinity of Heritage Items - *The proposed works will have an acceptable level of impact to the nearby heritage items as their significance, curtilage and setting will be retained.*

13.6.1 General Objective O1 - *Ensure that new development is designed to retain and complement the character and significance of the conservation area - The proposed alterations and additions to House 1 will result in a more characteristic form in that the existing flat roof will be replaced with a new pitched roof clad in artificial slate. The new fenestration will also be more characteristic with vertical proportions whereas the existing dwelling has horizontally proportioned windows.*

The amended drawings for House 2 will be sympathetic to the conservation area in that it will have an articulated form with hipped roof planes clad in artificial slate. The extent of glazing on the front façade of House 2 has been acceptably reduced.

13.6.1 General Objective O3 - *Enable neutral items to be improved such that they contribute to the character of the heritage conservation area through the removal of unsympathetic and inappropriate elements, and reinstating missing details where appropriate - As the existing dwelling is not from the core period of development, this control is not relevant.*

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 - As noted above, the resultant dwellings will have a generally characteristic form, massing and scale.*

P9 *New work may adopt a contemporary character, provided the development is not likely to have a detrimental impact on the characteristic built form of the area, particularly in terms of bulk, scale, height, form or materials - Both dwellings will remain clearly contemporary however, they will be visually submissive in comparison to the nearby heritage items.*

13.6.3 Roofs - Objective O1 - *To maintain the characteristic roof profiles and roofing materials within a heritage conservation area - No objection is raised to the proposed roof planes which will appear pitched from the public domain. The use of artificial slate rather than natural slate is acceptable as the dwellings are contemporary. The proposed flat portions of the new roofs will be clad with metal roof sheeting however, this will not be readily seen from the public domain.*

13.6.6 Infill Development – Objective O1 - *To ensure that new development is consistent in terms of materials, bulk, scale, character and setback with significant buildings in the heritage conservation area - As noted above, the resultant new dwelling generally complies with the heritage controls and will sit neutrally in the streetscape.*

13.7 Subdivision – Objective O1 - To ensure that the character of heritage conservation areas are not adversely affected from inappropriate development - The proposed two lots will have a narrower frontage to Honda Road than other sites in the immediate vicinity however, they will be characteristic to the overall conservation area in that they have an irregular pattern and comparable lot size.

13.9.3 Verandahs and Balconies - Objective O2 - To encourage the retention and reinstatement of original verandahs and balconies, especially where they are significant or contributory to an individual, row or group of buildings - The proposed new balcony on the front of House 1 is acceptable as is the proposed deck at the rear of House 2 as they will be acceptably proportioned. The use of glazed balustrades is acceptable at the rear of House 2 as they will not be highly visible from the public domain and the dwelling is post 1970.

13.9.4 Materials - Objective O1 - To ensure that materials and finishes are consistent with the characteristic elements of the heritage item or heritage conservation areas - No objection is raised to the proposed use of imitation slate or to the proposed neutral exterior colour schemes in shades of grey for House 1 and shades of brown for House 2.

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 - No objection is raised to the amended driveway entry and hardstand to House 2, however, some design detailing to provide visual interest is recommended by way of a condition. The retention of the existing garage to House 1 is acceptable.

13.9.6 Fences – Objective O1 - To ensure that fences are consistent with the characteristic elements of the heritage item or heritage conservation area – A condition is recommended below to retain the existing the height of the proposed front boundary fences (C6 Heritage Requirements).

13.9.7 Objectives O1 To ensure that significant landscape features and trees are retained and reflected in new development - It is recommended that the open watercourse be retained rather than the watercourse piped as it is a remnant of the original landscape, however, it is noted that this is contrary to the Council Engineer's requirements.

3. Conclusion

The proposal is considered to be acceptable subject to the application of the conditions A3 No Demolition of Extra Fabric, A4 External Finishes and Materials, C10 Colours Finishes and Materials (Conservation Areas), E1 Re-use of Sandstone and the following site specific condition:

C6 Heritage Requirements

The following heritage requirements are to be met:

- a) The sandstone front boundary fence to Houses 1 and 2 is to be retained at its existing height and be restored (if necessary) with no increase in height. Any new vehicular gate to House 1 is to be a painted steel palisade gate with a height to match the adjacent front boundary wall.*
- b) New sandstone is to have a rock or split-faced finish.*
- c) Privacy screens are to be painted to match the dwelling in a visually submissive tone. Metallic finishes are not to be used.*
- d) The paved driveway to House 2 is to have a mid to dark tone and/or is to be detailed to create visual interest. A plain concrete slab is not to be used.*

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 the development is sympathetic to the character of the conservation area.)

Planning Comment: the heritage comments are generally supported noting the proposed alterations and additions to the existing dwelling (House 1) will result in a more characteristic built form to the conservation area and the proposed new dwelling (House 2) is acceptable as it has adopted a characteristic form, massing and scale and will use a traditional palette of materials.

The recommended conditions of consent are generally supported; however, the following changes are recommended to ensure the development maintains the significance of the surrounding conservation area:

Windows and Doors – it is noted the architectural plans do not detail the proposed materials and finishes for the windows and doors of both houses. It is recommended all windows and doors that address either Honda Road/Bogota Avenue are to be timber framed. Condition C6 Heritage Requirements is recommended requiring window frames and doors to be timber being a characteristic built element of the Kurraba Point Conservation Area.

House 2 Garage – it is noted on balance the garage for House 2 is not objected to by Council's Conservation Officer because House 2 is a new dwelling not part of the core period for the conservation area. However, additional design requirements are recommended (refer to C6 Heritage Requirements) to improve the appearance of the garage such as requiring the garage doors to be panel lift and that the materials and finishes for the garage door are timber/earthy in appearance and if painted to be in a matt finish so as to complement the character of the conservation area and surrounding bushland setting.

It is noted in the heritage referral that although the development is generally supported, the heritage officer recommends the existing open watercourse be retained. However, the development seeks to replace the watercourse with a new stormwater channel covered by a grate thereby ensuring the stormwater channel is not a risk to residents and in the interest of public safety. Furthermore, the existing open stormwater drain is not visible from the surrounding conservation area not contributing to the heritage significance of the Kurraba Point Conservation Area.

The development has considered the significant landscape features and trees within the site and House 2 is sited to ensure retention of the existing mature landscaped area to the north western corner of the site and also retaining the prominent *Cedrus deodara* (refer to Concept Landscape Architect Plans) which contributes to the landscaped significance of the Kurraba Point Conservation Area.

DEVELOPMENT ENGINEER

Council's Development Engineer has reviewed the proposed development application and raised no objections subject to conditions of consent including preparation of a dilapidation survey, Geotechnical Report, Sediment Control Plan prior to the issue of a Construction Certificate. Additionally, a driveway crossing permit obtained prior to Construction Certificate issued by Council will be required as well as a Bond for security for works on public land is recommended to be provided to Council prior to Construction Certificate.

ENGINEERING - STORMWATER DRAINAGE

Council's Engineering Project Manager reviewed the proposed development and made the following comments (*in italics*):

- *The minimum distance between the kerb inlet to the proposed layback must be 600mm.*
- *The stormwater drainage system must be designed as a 5% AEP for an average recurrence interval (ARI) of 1 in 20 years storm or be the same size as the existing channel whichever is greater.*
- *Flood storage is to be provided onsite to match existing with no additional water being directed to other properties.*
- *Habitable areas of the new dwelling (House 2) should be located 22.2 mAHD (1% AEP plus a freeboard of 0.3m) as per the GRC Hydro Flood Assessment Report to minimise the impact of flooding to occupants during a 1 in 100 year flood event.*
- *For the rumpus room extension to the existing dwelling the floor level is to be the same as the existing floor level (21.19 mAHD) with flood compatible materials being used.*
- *The culvert with pipe connecting the proposed stormwater channel to the stormwater pit in Honda Road is likely to incur a likely cost of works of \$100,000. It is recommended a security deposit of around \$130,000 is applied to cover the costs of rebuilding the culvert that crosses the site (see C28 Security Deposits).*
- *The fence to the property is to be designed to allow water to flow through it and not act as a barrier to flood water (see C13 Stormwater Management & Disposal Design Plan).*

Planning Comment: House 2 is designed with the Ground Floor Plan being at 22.2 mAHD to prevent water ingress compliant with directions provided by GRC Hydro and supported by Council's Engineering Project Manager.

During the assessment process Council raised concerns regarding the basement for House 2 and the potential ingress from a flood event to the basement. The applicant duly consulted GRC Hydro who subsequently recommended no external door/entrance to the Lower Ground Level of House 2 with access via the upper level only. In response to this concern, the relevant architectural plans (House 2 Lower Ground Floor Plan) were updated duly detailing this flood prevention measure.

The applicant also amended the plans ensuring that the stormwater channel is separated from the walls/foundations of the dwellings to ensure ease of maintenance of the stormwater channel. The decking over the stormwater channel which provides ease of access within the western side of House 1 and an entertaining area is to be designed as a removable structure to ensure ease of access and maintenance of the stormwater channel. Furthermore, a condition of consent is recommended ensuring access rights for Council personal to inspect, maintain and replace the stormwater channel if necessary (G10 New Drainage Easement - Relocated Pipeline & J6 Section 88B Instrument).

House 1 has ground floor levels of RL 21.72 and RL 21.19. Ground level additions are proposed at RL 21.19 for the rumpus room and RL 21.58 for the store/wine cellar. Although the additions are approximately 300mm to 730mm below a 1 in 100 year flood event (1% AEP Level – 21.91/21.92 mAHD) the additions are minor and designed so that no water ingress will occur with new window and door openings at a height of 22.2 mAHD (1% AEP plus a freeboard of 0.3m above a 1 in 100 year flood event). Furthermore, windows and doors sited below the 1% AEP such as W08 and W09 are to be designed to be flood resistant (refer to Condition C15 Amendments to House 1 Fenestration – Flooding).

Below are annotated elevations for House 1 confirming new windows are predominantly sited at a level above a 1 in 100 year flood event (22.2 mAHD – 1% AEP plus a freeboard of 0.3m).

- House 1 (West Elevation) which is adjacent to the stormwater channel primarily proposes blank walls and windows at 22.2 mAHD. Window W02 and W08 are to be designed to be flood resistant subject to condition of consent (refer to Condition C15 Amendments to House 1 Fenestration – Flooding).

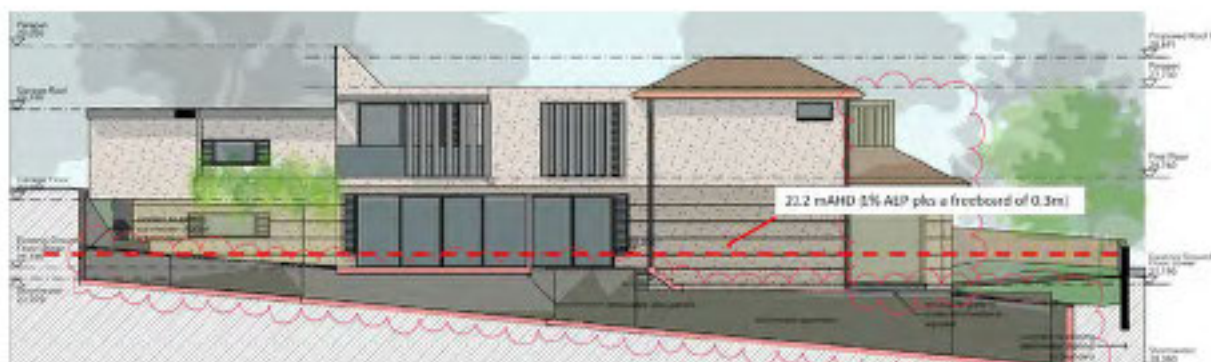


Figure 7 – Annotated House 1 West Elevation (DA 15 Rev B)

- House 2 Southern Elevation that fronts Honda Road proposes windows that are at 22.2 mAHD.

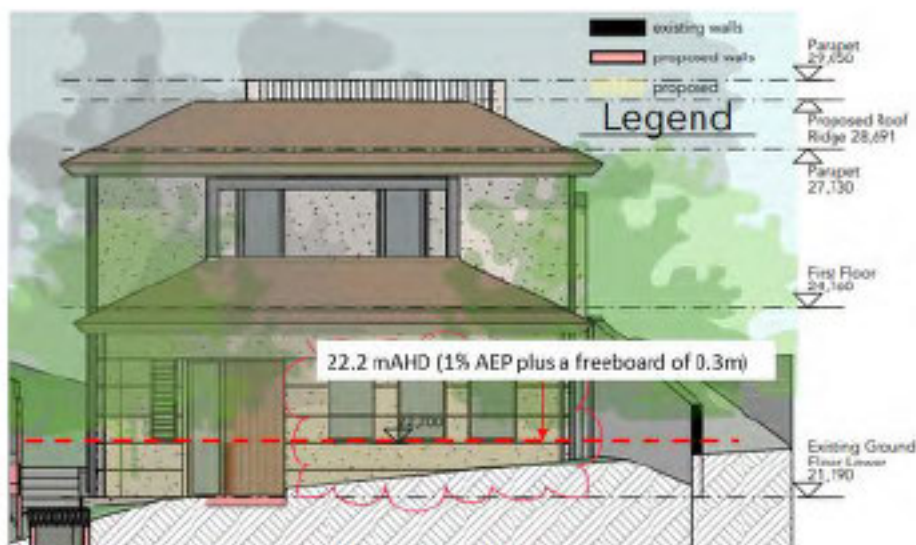


Figure 8 – Annotated West Elevation (DA 15 Rev A) with comments to increase the sill height of window W11, ensure appropriate flood design for window W08 and delete W02

- House 2 Eastern Elevation facing Bogota Avenue with windows where possible at 22.2 mAHD. The remaining glazed doors (W05 & W09) are to be designed to be flood resistant subject to condition of consent (refer to Condition C15 House 1 Fenestration – Flooding).



Figure 9 – Annotated East Elevation (DA 14 Rev B)

NORTH SYDNEY FLOODPLAIN MANAGEMENT POLICY (INTERIM)

This Policy applies to all land within the Flood Planning Area and is to be read in conjunction with the North Sydney Floodplain Risk Management Plan, NSLEP 2013 and NSDCP 2013. Section 4.2.2 of the Policy refers to Concessional Development – Minor Additions. In s4.2.2 it is acknowledged that minor building additions will have a minimal impact on the floodplain and will not present an unmanageable risk to life. Council in s4.2.2 considers additions up to 40sqm and this allowance will only be granted once. House 1 is considered to meet the allowances contained in s4.2.2 with additions less than 40sqm.

LANDSCAPING

Council's Landscape Development Officer provided the following comments for DA 130/22 below (*in italics*):

The following trees identified for removal in the arborist report are not objected to:

- T2 (*Juniperus sp*),
- T3 (*Magnolia grandiflora*),
- T4 (*Tibouchina sp*)
- T16 & T16A-B (3 x *Callistemon viminalis*),
- T16C (*Callistemon citrinus*) and
- T17 (*Syzigium sp*).

The following trees are to be protected in accordance with AS4970:

- T1 (*Cedrus deodara*),
- T5 (*Livistona australis*),
- T6 (*Cyathea cooperi*),
- T7 (*Phoenix canariensis*),
- T8 (*Jacaranda mimosifolia*),
- T9 (*Ceratopetalum*),
- T10 (*Cyathea cooperi*),
- T11 (*Camellia japonica*),
- T12 (*Lagerstroemia indica*),
- T13 (*Pittosporum undulatum*),
- T14 (*Angophora costata*) and
- T15 (*Laurus nobilis*).

All recommendations contained within the arborist Report prepared by Michael Shaw dated 02/12/22 shall be strictly adhered to for the duration of works and a qualified AQ5 arborist shall be appointed to oversee all works.

Sensitive construction techniques including hand excavation, pier and beam construction, and flexible location of piers/footings shall be carried out within the TPZ of any protected tree and no roots greater than 40mm shall be cut.

*Minor crown lift pruning only shall be permitted to T1 *Cedrus deodara*. Pruning shall be carried out by a AQ3 qualified arborist in accordance with AS4373. Pruning shall be limited to that strictly required for proposed works, and shall be carried out under supervision of a project arborist. Pruning shall not be permitted to accommodate scaffolding, construction access or the like. Scaffolding and site access shall be designed so as to negate the need for any such pruning. No pruning to any other protected trees shall be permitted.*

Landscaping as detailed in the Landscape Plan prepared by Concept Landscapes dated 02/12/22 shall be implemented and certified by a qualified horticulturalist prior to issue of OC. The owners of the properties at 4 Honda Rd shall maintain the landscaping in accordance with the approve plans.

Planning Comment: the trees recommended for removal as outlined in the Arborist Report prepared by Michael Shaw dated 26 April 2022 require removal due to the proximity of the trees to the building footprints such as trees T2 (*Juniperus sp*), T3 (*Magnolia grandiflora*), T4 (*Tibouchina sp*) and some trees on the subject site are exempt species due to their size such as T16 & T16A-B (3 x *Callistemon viminalis*), T16C (*Callistemon citrinus*) and 1 x *Syzigium sp*.

The applicant seeks to retain several trees within the site including the mature landscaping within the north western corner of the site and the existing prominent mature *Cedrus deodara* is to be retained. The amended landscape plan is supported due to the retention of mature landscaping and tree canopy within the site with no objections raised by Council's Landscape Development Officer.

BUSHLAND REFERRAL

Council's Bushland Management Coordinator provided comments for DA 130/22 on 23 September 2022 below (*in italics*):

*The Landscape Plan seeks to retain the relatively large and well established garden area located in the north-west corner of the site. The large garden area encompassing dense vegetation with a close proximity to the open storm-water channel is most likely to be a habitat refuge for local native frog species *Crinia signifera* & *Limnodynastes peronii*, as well as the less common *Litoria caerulea*. By retaining the established vegetation in this area and protecting it from disturbance throughout the development activity, it is likely that potential impact on these endemic species will be minimal. In order to achieve the above outcome, it is recommended that the consent conditions incorporate the installation of site fencing that prevents inadvertent damage to this part of the site and prevents unauthorised access/storage of construction materials and/or waste in the garden area (see D2 Temporary Fences and Tree Protection).*

*The site contains a very significant and well established Waratah (*Telopia speciosissima*) in a section of the garden that will be demolished. It is recommended that this locally uncommon plant specimen be planted to another part of the site prior to construction and protected from impact throughout the duration of the development activity.*

The property is located in Bushland Buffer Zone B and as such, needs to incorporate 50% locally native plant species within the planting schedule. The submitted landscape plan largely complies with this requirement both in terms of species mix and total plant numbers.

*As outlined above, a habitat assessment of the site was carried out by Council's Bushland Management Coordinator on the 23/09/22. However, no native frogs were heard to be calling at the time of inspection. The landscape character of the site would indicate that the most likely refuge for native frog species is likely to be the Common Eastern Froglet (*Crinia signifera*) or the Striped Marsh Frog (*Limnodynastes peronii*) more likely to be found in the established and densely vegetated garden in the north west corner of the property. As this area is identified for retention in the plans, ensuring its protection for the duration of the development, through the installation of site fencing should serve to protect the frogs and their habitat. Additional protection for this area could include conditions that specifically exclude access to the area by construction personnel and a prohibition on the storage of materials or waste etc in the garden exclusion zone.*

Planning Comment: the comments by Council's Bushland co-ordinator are generally supported and subject to a condition of consent the habitat for frog species can be managed and protected during construction. Furthermore, the landscape plans prepared by Conzept Landscape Architects were amended to ensure the Waratah located in the garden within the building footprint of House 2 can be transplanted.

INTEGRATED REFERRALS

NSW DEPARTMENT OF PLANNING AND ENVIRONMENT - WATER

A referral response was received from the Department of Planning and Environment – Water on 03 August 2022 stating that for the purposes of the Water Management Act 2000 a controlled activity approval is not required for the proposed redirection of the stormwater channel so no further assessment by this agency is necessary.

SUBMISSIONS

On 19 May 2022, Council notified adjoining properties and the Bennett Precinct of the proposed development seeking comment between 27/05/2022 – 24/06/2022. Council received twenty (20) submissions including a video of the existing stormwater channel during a storm event (date of video unnamed).

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

- A Construction Traffic Management Plan should be prepared to ensure construction traffic from the development and other development does not disrupt traffic on Bogota Avenue and Honda Road.
- The dwellings on the subdivided lot are large and their design is not sympathetic to the area.
- The proposed development fails to minimise flood risk to the properties on the subject site and the open storm water drain presents a risk to people in the community.
- The additional lot and dwelling will have an additional demand for on street parking and more traffic.
- The proposed development fails to ensure that subdivision and associated development promotes the desired future character of the neighbourhood through consistent lot size, shape, orientation and housing density.
- Infill development should occur without the loss of vegetation.
- The lack of green space facing the street will detract from the appearance of the neighbourhood.
- The proposed subdivision from one lot into two adversely impacts the significance of the Kurraba Point Conservation Area and fails to retain the characteristic subdivision pattern of the Conservation Area.
- The non-compliant front setbacks remove trees contrary to the provisions in Chapter 2 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021.
- There is a large colony of frogs on the site and a study needs to be undertaken to assess the impacts.
- The proposed development should be refused due to its excessive height and failure to comply with the maximum height of 8.5m.
- The size of the lot at 920m² is typical of surrounding lots therefore subdivision of the lot is inconsistent with the area.
- The design of the proposed dwelling and altered dwelling is out of keeping with the architectural style of surrounding dwellings and the Heritage Conservation Area.
- Council is requested to ensure that the works proposed on the site are capable of accommodating all storm events including a 1 in 100 year event.
- Council is requested to ensure that the overland flow path provided is capable of accommodating all development in the catchment draining to the overland flow path.
- The proposed development will result in both proposed dwellings having zones below the flood planning level. The houses must be protected to the flood planning level.

Amended Proposal

The applicant submitted amended plans that were renotified to adjoining properties, previous submitters, and the precinct for 14 days between 13 January and 27 January 2023. Council received seven (7) submissions that reiterate the same concerns as outlined above.

CONSIDERATION

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

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

SEPP (Biodiversity and Conservation) 2021

- Chapter 2 Vegetation in non rural areas

On 1 March 2022 the SEPP (Biodiversity and Conservation) 2021 came into effect, consolidating several planning policies to form chapters within the new SEPP without significant amendment. Under Chapter 2 of this SEPP, which comprises the former SEPP (Vegetation in Non-Rural Areas) 2017, the proposed development meets the aims of the former SEPP with works retaining prominent trees and vegetation that contribute to the site and its surrounds and coupled with additional tree planting, sufficient landscaping is achieved contributing to the amenity of the neighbourhood.

SEPP (Biodiversity and Conservation) 2021

- Chapter 6 Water Catchments

Having regard to Chapter 6 of the SEPP (Biodiversity and Conservation) 2021 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 inland 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 (*No. 1298439M_02 dated 02 December 2022*) for the proposed development at 4 Honda Road has been submitted with the application to satisfy the Aims of the SEPP. (See Condition No. C29, G15)

NORTH SYDNEY LOCAL ENVIRONMENT PLAN (NSLEP 2013)

1. Permissibility

The proposed works can be defined as alterations and additions to a dwelling house and construction of a dwelling house to be located on a separate lot. Dwelling Houses are permissible in the R2 Low Density Residential Zone with development consent.

2. Objectives of the zone

The objectives for a R2 Low Density Residential Zone are stated below (*in italics*):

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

The proposal is consistent with the relevant objectives of the zone ensuring both dwellings are providing for the housing need of the community within a low density residential environment. The dwellings are two storeys and have a compliant site coverage and sufficient landscaped area to soften the built form of the dwellings thereby ensuring they are low density commensurate with their zoning. The dwellings provide a high level of residential amenity for future residents and maintain reasonable amenity for surrounding residents ensuring access to sunlight and views are maintained and privacy for residents of adjoining properties are retained.

Part 4 – Principal Development Standards

Principal Development Standards – North Sydney Local Environmental Plan 2013			
Site Area – 920.8m²	Proposed	Control	Complies
Clause 4.1 – Subdivision lot size	Lot 73 – 450.0m ² Lot 74 – 470.8m ²	450m ²	Yes
Clause 4.3 – Heights of Building	House 1 Parapet – 7.5m or RL 29.05 House 1 New Roof – 7.7m or RL 28.691	8.5m	Yes
	House 2 – 8.8m or RL 29.178 9.0m (measured from existing stormwater channel ground level to south west corner of the dwelling)	8.5m	No

3. Minimum subdivision lot size

The proposal involves subdivision of the land (Lot B in DP 405794) into two lots (Lot 73 with a site area of 450m² and Lot 74 with a site area of 470.8m²). Below is a Plan of Proposed Subdivision prepared by Robert Lyon dated 14 April 2022.

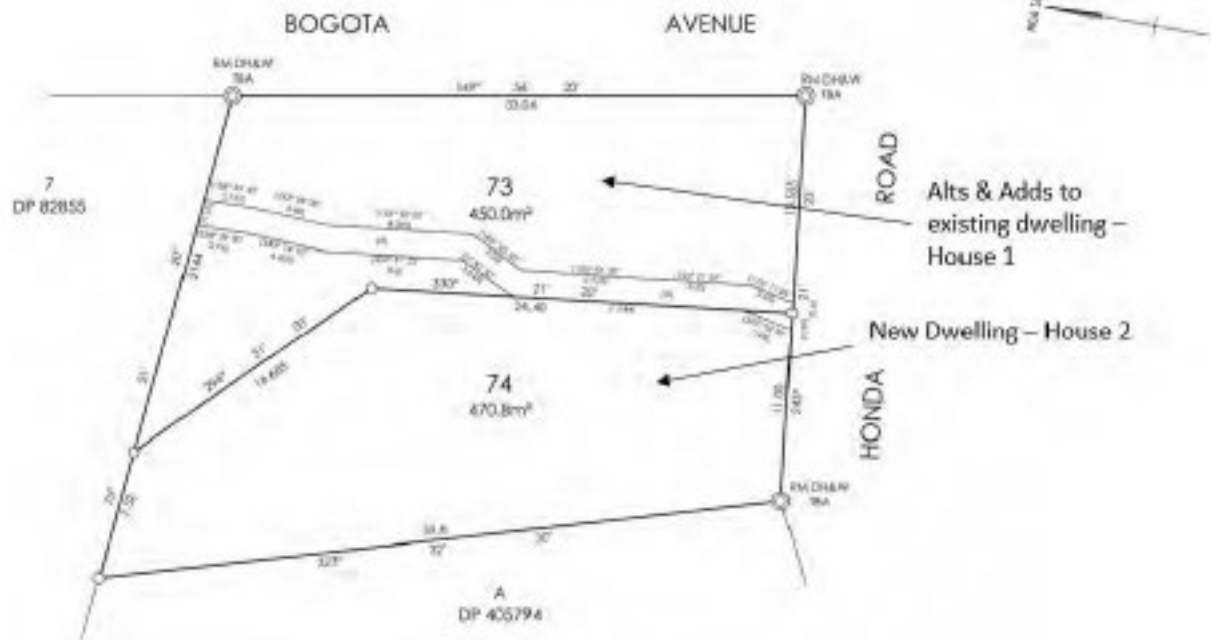


Figure 10 – Plan of Proposed Subdivision of Lot B in DP 405794

The following objectives for minimum subdivision lot size are stated in NSLEP 2013 and a response to each objective provided:

- (a) *to ensure that subdivision and associated development promotes the desired future character of the neighbourhood through consistent lot size, shape, orientation and housing density,*

Comment: the subdivision of the existing lot is supportable given that the existing irregular shape of the lot and orientation for dwellings on each respective lot facing Honda Road would be retained. The lots are able to accommodate low density dwellings not exceeding the maximum site coverage as stipulated in s1.5.5 of the NSDCP 2013.

- (b) *to maintain a mix of dwelling sizes and affordable accommodation,*

Comment: the resulting lots after subdivision are able to accommodate large 4 bedroom dwellings including space for storage, study areas and open plan living space. The houses are not intended for affordable accommodation but they have a net increase in dwelling yield within the South Cremorne Area providing a beneficial addition of large family homes.

- (c) *to prevent fragmentation of land, which would prevent the achievement of the extent of development and nature of uses envisioned for particular locations,*

Comment: the subdivision of the lot ensures two lots with lot sizes compliant with the minimum 450m² lot size stipulated in Cl. 4.1 of the NSLEP 2013 and the resulting lots are able to accommodate a detached dwelling which is characteristic for the locality.

- (d) *to minimise any likely impact of subdivision and development on the amenity of neighbouring properties,*

Comment: the proposal would have minimal amenity impacts for adjoining properties. Both houses retain views from both public and private land including properties located to the rear of the site with water views across the site maintained because the new lot is sited on land substantially below that of surrounding properties and shadows cast from the dwellings predominantly affect the front setback of the resultant lots or cast shadow over the streetscape due to the north - south orientation of the dwellings courtesy of the site being a corner lot adjoining both Bogota Avenue and Honda Road. The visual privacy of neighbouring properties is also protected by ensuring that the outlook from the dwellings is primarily directed to the street or the respective rear private open space of each lot.

- (e) *to ensure that lot sizes allow buildings to be sited to protect natural or cultural features, including heritage items, and retain special features, such as trees and views.*

Comment: the lot sizes maintain most of the landscaped features of the existing site including the highly vegetated rocky north western corner of the site and a prominent tree in the south western corner of the new lot. Consequently, the proposed subdivision and resulting dwellings sufficiently conserve the natural features of the site.

In summary, the development proposes a subdivision of land ensuring lots comply with the minimum subdivision lot size and subject to the above assessment meets the objectives of Cl. 4.1 of NSLP 2013.

4. Height of Building

The following objectives for the permissible height limit 8.5m 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.*

House 1 located in the eastern part of the site will have a height complying with the maximum 8.5m height limit.

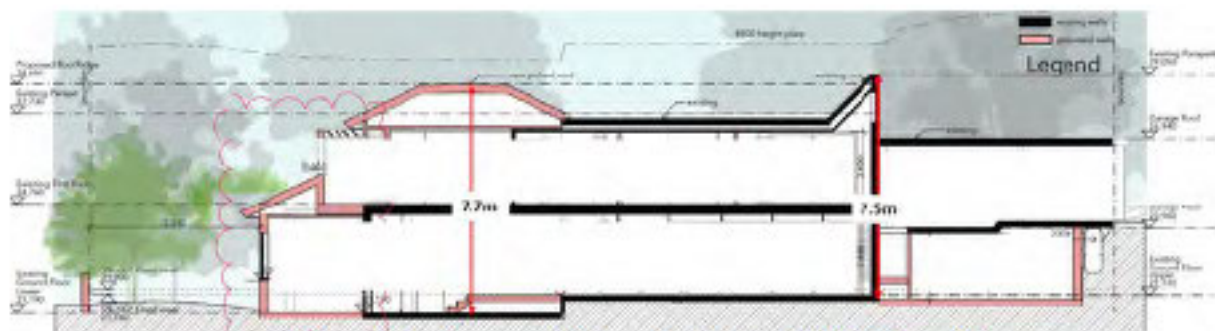


Figure 11 – Annotated House 1, Section 02 (DA13 Rev B)

House 2 will have a height of 8.8m (RL 29,178) with an exceedance of 300mm (3.5%) not complying with the permissible height limit of 8.5m, not in accordance with clause 4.3 in NSLEP 2013.

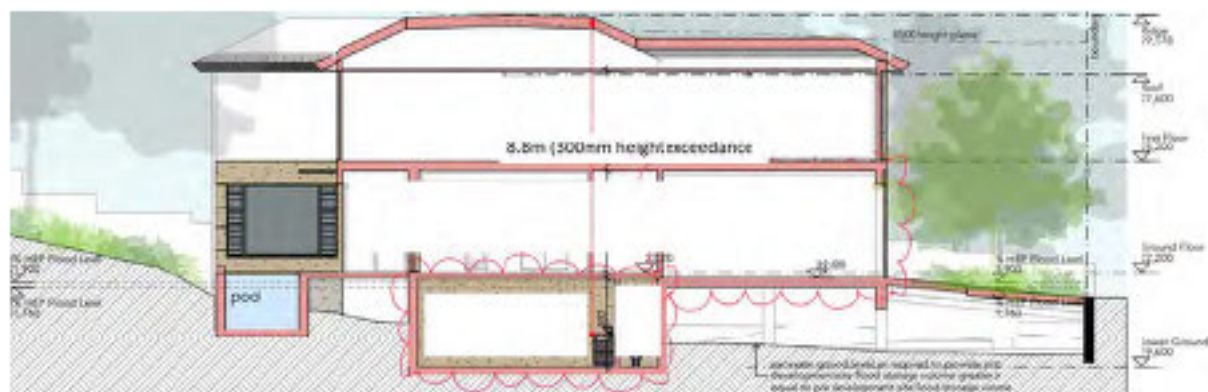


Figure 12 – Annotated House 2, Section 01 (DA20 Rev B)

The development would also have a height exceedance of 0.5m (9.0m) for the south western corner of the dwelling roof site directly above the existing stormwater channel subject to realignment.



Figure 13 – Annotated House 2, Section 2 (DA06 Rev B)

Elements of House 2 which exceed the height of building are conveyed in the Height Plane Drawing and detailed in figure 18 of this report.

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

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

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

The development conforms to the natural topography of the site with Levels 1 and 2 of House 2 raised above the ground level (22.2mAHD) to ensure the dwelling is flood free in the 1% AEP.

The works will have a limited impact on the topography of the site with works predominantly above the existing ground level maintaining the natural gradient of the site.

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

House 2 with the height exceedance is sited on land surrounded by properties to the rear located on higher land. The dwelling will have a height which would retain surrounding views particularly water views across the site. A visual impact assessment prepared by Urbaine Architecture confirms the proposal would not have a view impact to properties to the rear (29 and 31 Bogota Avenue) and the property 33 Bogota Avenue would have no views interrupted from the construction of the dwelling with existing substantial vegetation obscuring views across the site.

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

The application includes shadow diagrams at 9am, midday and 3pm for 21 June (mid-winter) detailing both the shadows cast from House 1 and House 2. Shadows cast from both properties including House 2 with its minor height exceedance have the greatest impact at 9am with much of the dwellings principal private open space overshadowed part of the eastern private open space and swimming pool of the adjoining lot (2 Honda Road).



Figure 14 - Shadow Diagram at 9.00am in mid-winter (June 21) detailing shadow cast from the Dwelling 1 (subject to alterations and additions) and Dwelling 2 (new dwelling) – DA27 Rev B

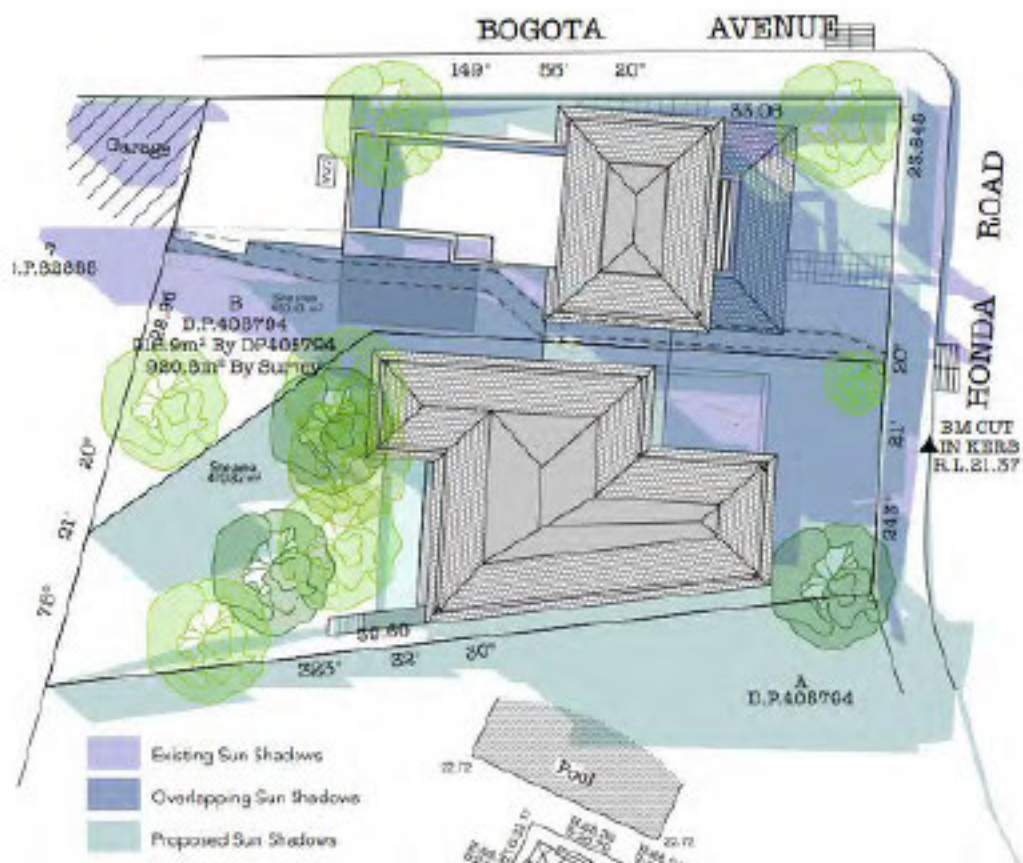


Figure 15 - Shadow Diagram at 10.00am in mid-winter (June 21) detailing shadow cast from the Dwelling 1 (subject to alterations and additions) and Dwelling 2 (new dwelling) – DA28 Rev B

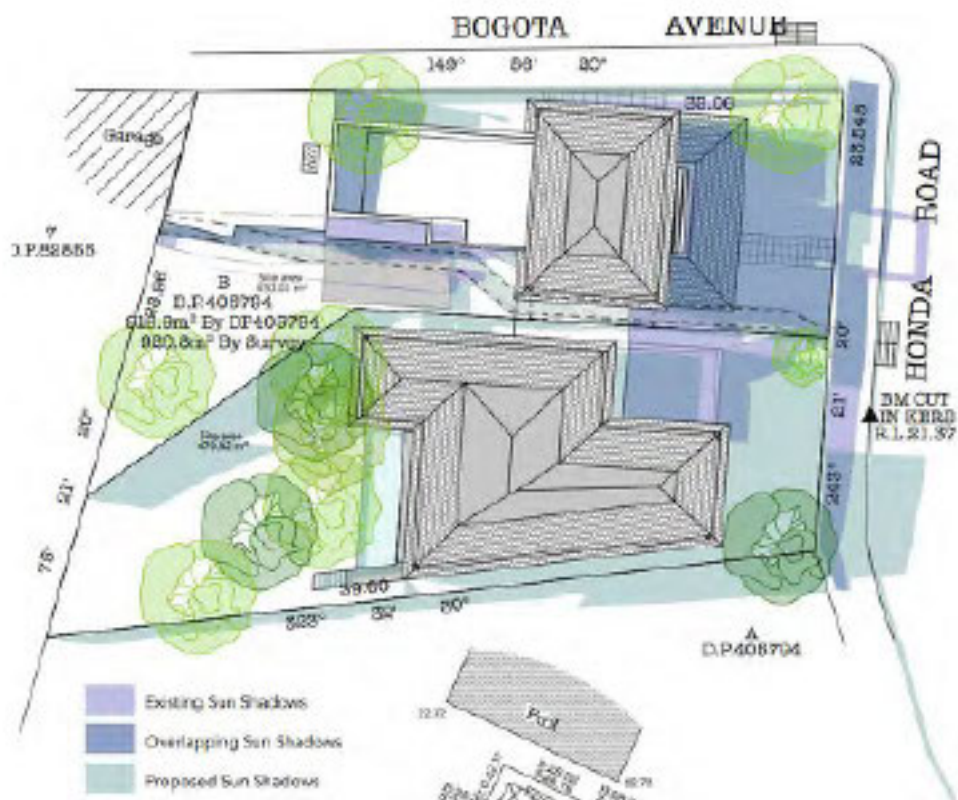


Figure 16 - Shadow Diagram at midday in mid-winter (June 21) detailing shadow cast from the Dwelling 1 (subject to alterations and additions) and Dwelling 2 (new dwelling) – DA29 Rev B

At midday shadows from House 2 subject to the height exceedance would affect the front garden of this property and have minor shadows cast over Honda Road retaining access to sunlight within the private open space of House 2 and having a minimal shadow impact to the private open space of 2 Honda Road.



Figure 17 - Shadow Diagram at 3pm in mid-winter (June 21) detailing shadow cast from the Dwelling 1 (subject to alterations and additions) and Dwelling 2 (new dwelling) – DA30 Rev B

At 3pm in mid-winter (21 June) shadows from House 2 will be cast within the front setback and be cast within Honda Road.

The new dwelling (House 2) to be constructed within the western lot (Lot 74) will have its greatest impact to the neighbouring property (2 Honda Road) at 9am, however, the extent of overshadowing is short lived with most shadow cast within the curtilage of House 2 (Lot 74) by 10am. The development is considered to have an acceptable shadow outcome with predominant shadows cast within the site or over parts of Honda Road at midday and 3pm.

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

The height exceedances for House 2 relates to parts of the dwelling roof therefore the height exceedance has no direct impact on the privacy of adjoining properties. The height plane diagrams shown below confirm that the height exceedance relates to parts of the roof only.

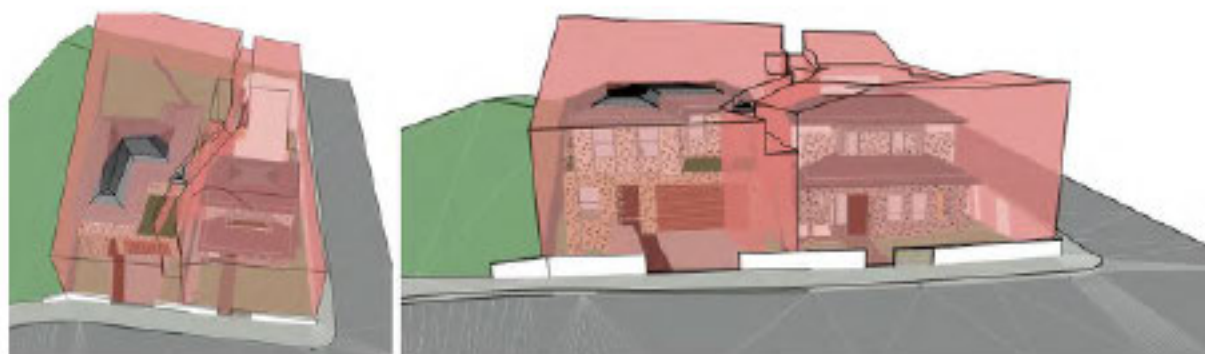


Figure 18 – Height Plane Diagram from South and Honda Street – DA31 Rev B

The side elevations also confirm that the new dwelling (House 2) will have minimal openings for the side elevations and where windows are proposed they comprise a high sill height or obscure glazing is proposed with views primarily to the front or rear of the site. Where glazing is proposed to the side of the property such as the glazing dashed in red, privacy is protected with a setback of 5.3m proposed and views directed to the street/front garden of the adjoining eastern lot (House 1).



Figure 19 – House 2 Eastern Side Elevation – DA21 Rev C



Figure 20 – House 2 Western Side Elevation – DA22 Rev B

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

The detached dwelling (House 2) is compatible with surrounding development noting that neighbouring detached dwellings have a similar bulk, scale and form. The dwelling to be constructed on the subdivided lot achieves a compliant site coverage indicative of a development with an appropriate low density and parts of the dwelling roof which exceed the maximum height of building are considered minor not detracting from their compatibility with adjoining properties.

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

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

Minor elements of the proposed roof of House 2 exceed the maximum height of building with the bulk of the dwelling being located below the maximum height of building. The scale and density of the development would be in accordance with the character of the low density residential area.

The proposed dwelling inclusive of the proposed pool has a site coverage of 204.2m² (43.4%) complying with the maximum site coverage of 50% as stipulated in Table B-1.6, s1.5.5 of the NSDCP 2013. The compliant site coverage for House 2 is indicative of a dwelling with an appropriate site density promoting the low density character of the site and surrounds.

The proposed pitched roof of the dwelling with minor height exceedances are unlikely to result in a scale or density of development that is out of character with the surrounding area and ensures the dwelling has a pitched roof visible from the street which is a characteristic built element for the Kurraba Point Conservation Area as stipulated in Part C of the NSDCP 2013.

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

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

The environmental grounds as stated in the Clause 4.6 Statement has argued that the height variation is due to the site being flood affected requiring floor levels to be above the existing ground level and the dwelling has been designed with a pitched roof to ensure the development is compatible with the context of the surrounding Kurraba Point Conservation Area. The Clause 4.6 variation request also notes part of the roof over House 2 is sited over an existing stormwater channel which is 1m – 1.9m below the site ground level therefore part of House 2's height exceedance is due to an anomaly in the topography of the site.

Furthermore, the written request justifies the contravention of the development standard noting that the dwelling meets the relevant zone objectives, the proposal is commensurate with the bulk and scale of surrounding development and that the development has minimal amenity impacts and no adverse impact on the public domain.

Whether the proposed development will be in the public interest?

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

Concluding Remarks

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

5. Heritage Conservation

The subject site is listed as a neutral item located in the Kurraba Point Conservation Area under Schedule 5 in NSLEP 2013 so the following planning objectives apply to the site:

- (a) to conserve the environmental heritage of North Sydney,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

The development is supported by Council's Heritage Officer because it conserves the significance of the heritage conservation area. The existing dwelling (House 1) will have more characteristic features of the conservation area with the addition of a pitched roof and sympathetic alterations to the materials and finishes of the façade. The new dwelling (House 2) comprises a form, massing and scale characteristic of the Kurraba Point Conservation Area being two storey with a pitched roof and the materials and finishes for the dwelling are sympathetic to the surrounding conservation area.

6. Flood Planning

The subject site is a flood affected site located within a flood planning area therefore the development is subject to consideration of the objectives and criteria stipulated within Cl. 5.21 Flood Planning of NSLEP 2013. The following flood planning objectives apply to the site:

- (a) to minimise the flood risk to life and property associated with the use of land,*
- (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,*
- (c) to avoid adverse or cumulative impacts on flood behaviour and the environment,*
- (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.*

The development proposes a new stormwater channel which is a more improved and secure outcome as compared to the current open channel and is designed to manage the stormwater flow capacity from the upper catchment that feeds across the subject site and to the stormwater inlet at Honda Road. The development ensures each lot is designed to retain existing mature landscaped areas and existing mature tree canopy and additional planting is also proposed to assist in maximising stormwater capture.

The new dwelling (House 2) is designed with a habitable floor area at an acceptable level above a 1 in 100 year flood event and House 1 incorporates flood protections measures such as appropriately sited windows and any openings below the food level are to be flood resistant and conditions of consent seek to ensure the existing dwelling (House 1) utilises flood compatible materials. The new stormwater channel combined with proposed landscaping and floor levels and flood prevention measures minimises the risk to life from flooding and does not worsen the impact from flooding generally satisfying the objectives of Cl. 5.21 of NSLEP 2013.

7. Earthworks

The application involves earthworks therefore an assessment has been carried out under matters raised in Clause 6.10 in NSLEP 2013.

Earthworks are required which include infilling the existing stormwater channel and construction of a new stormwater channel. Other works which require excavation include works to the rear of House 1 to construct a wine cellar/store and excavation for a wine cellar/store and pool for House 2. Other minor earthworks include construction of a floor slab for the rumpus room to the front of House 1 and foundations for House 2.

The soil stability of the site and its surrounds are likely to be maintained subject to conditions of consent requiring a Geotechnical Report to ensure the structural integrity of the site and surrounds during excavation and a sediment control plan will be required to be prepared and submitted to the Certifying Authority ensuring protection from the effects of sedimentation and erosion.

The development is designed to minimise the disruption to significant trees and the new dwelling is sited so as to retain the Cedrus deodara within the south eastern corner of the site and the mature landscaped north western corner of the site.

The development is considered to satisfy the applicable matters for consideration in Cl. 6.10(3) and comply with the objective in Cl. 6.10 'Earthworks' of the NSLEP 2013 not having a detrimental impact on environmental functions, neighbouring uses or features of surrounding land.

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			
		<i>complies</i>	<i>Comments</i>
1.2 Social Amenity			
1.2.3	Maintaining Residential Accommodation	Yes	The development would not have a loss of residential accommodation but have a net increase in residential accommodation with the construction of a new dwelling on the subdivided lot.
1.3 Environmental Criteria			
1.3.1	Topography	Yes	<p>House 1</p> <p>Excavation works are proposed to construct a wine cellar/store and water feature adjacent to the eastern side boundary adjoining Bogota Avenue (refer to the Ground Floor Plan – DA10 Rev B).</p> <p>Due to the proximity of the excavation to construct these additions conditions of consent are recommended including preparation of dilapidation reports (C1 Dilapidation Report to Public Infrastructure) and structural reports (C4 Structural Adequacy of adjoining Properties – Excavation Works) will be required including preparation of a Geotechnical Report (C7 Geotechnical Report).</p> <p>Additionally, the excavated wine cellar and store is sited close to the neighbouring garage at 33 Bogota Avenue therefore conditions of consent will require a dilapidation report and structural adequacy report for excavation works potentially affecting this property.</p> <p>House 2</p> <p>Excavation is proposed for a basement/lower ground store/wine cellar. Additionally, the swimming pool to the rear of House 2 will also require excavation. The swimming pool and wine cellar/store will be sited approximately 900mm from the western boundary adjoining 2 Honda Road.</p>


		It is therefore recommended a dilapidation survey (C3 Dilapidation Survey Private Property – Neighbouring Buildings) for the neighbouring property is prepared and a structural report is prepared (C4 Structural Adequacy of Adjoining Properties – Excavation Works) to ensure the protection of the structural integrity of the adjoining property.
1.3.2 Properties in proximity to bushland	Yes	<p>The site is in proximity to bushland located in a bushland buffer area being 300m from the nearest bushland therefore the development must be consistent with Part B: Section 15 – Bushland of the DCP.</p> <p>House 1</p> <p>Concept Landscape Architects propose new planting with a sufficient predominance of native plantings including native trees, shrubs and groundcovers in accordance with the planting requirements stipulated in Provision P3, s15.3.3 of the NSDCP 2013.</p> <p>House 2</p> <p>Concept Landscape Architects propose new planting with a sufficient predominance of native plantings including native shrubs, ferns and groundcovers in accordance with the planting requirements stipulated in Provision P3, s15.3.3 of the NSDCP 2013.</p>
1.3.3 Bush Fire Prone Land	N/A	The site is not classified as bush fire prone land.
1.3.4 Foreshore Frontage	N/A	The site is not located on the foreshore.
1.3.6 Views	Yes	<p>House 1 will have a height of 7.7m or RL 28.691 due to the addition of a pitched roof to the front of the property.</p> <p>House 2 is a 2 storey dwelling with a pitched roof with parts of the roof exceeding the 8.5m maximum height of building. The height of House 2 at its most critical point is 8.8m or RL 29.178.</p> <p>Both houses would retain views from both public and private land including properties located to the rear of the site with water views across the site maintained. Views especially water views will be maintained due to the appropriate heights of the buildings combined with the elevated location of the dwellings to the rear of the site.</p> <p>A visual impact assessment was prepared by Urbaine Architecture confirming the minimal impact to views of properties located to the rear of 4 Honda Road.</p> <p>29 Bogota Avenue – the view analysis prepared by Urbaine Architecture confirms views from the first floor balcony do not include iconic views (eg. Opera House or Harbour Bridge) or water views of the Sydney Harbour. Furthermore, views from 29 Bogota Avenue would not be interrupted due to the height of the dwelling above 4 Honda Road.</p>  <p>Figure 21 – Views from Level 1 Balcony of 29 Bogota Avenue with building envelope of dwellings at 4 Honda Road in cyan (Dwg No. FSAHR_7)</p> <p>9 Bannerman Street - the view analysis prepared by Urbaine Architecture confirms views from the first floor rear window do not include iconic views (eg. Opera House or Harbour Bridge). The water views of the Sydney Harbour are evident from the rear of 9 Bannerman Street, however they would not be interrupted due to the height of the dwelling above 4 Honda Road.</p>



Figure 22 – Views from the first floor of 9 Bannerman Street with building envelope of dwellings at 4 Honda Road in cyan (Dwg No. FSAHR_7)

The development is considered to sufficiently maintain equitable access to views from adjoining dwellings in accordance with Objective O2 of s1.3.6 of the NSDCP 2013.

1.3.7 Solar Access

Yes

Solar access diagrams accompany the development application confirming the following impact between the hours of 9.00am to 3.00pm at mid-winter.

9am

Shadows cast at 9am have their greatest impact both within the subject site and to the neighbouring property at 2 Honda Road with the majority of the proposed subdivided lots at 4 Honda Road cast in shadow and eastern parts of the neighbouring private open space including the pool of 2 Honda Road cast in shadow.

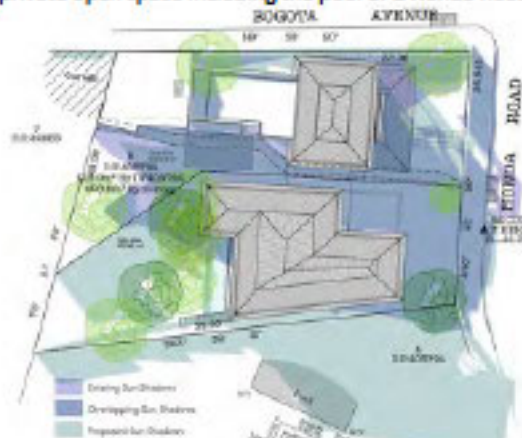
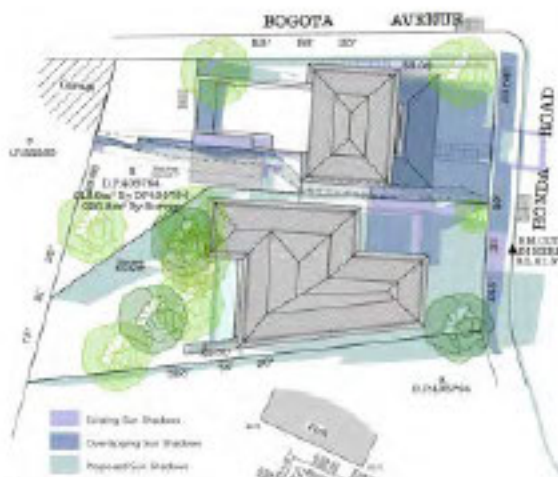




Figure 23 – Sun Shadows June 09.00am (DA27 Rev B)

12pm

Shadows cast from House 1 and House 2 predominantly affect the front gardens of the respective dwellings with minor overshadowing of 2 Honda Road therefore ensuring both the main internal living areas and principal open space of the subject properties and neighbouring properties receives solar access.



		<p style="text-align: center;">Figure 24 – Sun Shadows June 12.00pm (DA29 Rev B)</p> <p>3pm</p> <p>Shadows cast from House 1 and House 2 predominantly continue to affect the front gardens of the respective dwellings and the bulk of shadow is cast across the street having no impact on the amenity of adjoining properties. At 3pm both the main internal living areas and principal open space of the subject properties and neighbouring properties will receive solar access.</p>  <p style="text-align: center;">Figure 25 – Sun Shadows June 3.00pm (DA30 Rev B)</p> <p>The winter solar access diagrams convey that the lots subject to subdivision and adjoining properties will retain a minimum 3 hours solar access between 12pm and 3pm complying with Provision P1, s1.3.7 of the NSDCP 2013.</p>
<p>1.3.8 Acoustic Privacy</p>	<p>Yes</p>	<p>House 2 shall be designed and constructed to comply with the criteria specified in Table B-1.2 and the new dwelling will be constructed pursuant to the provisions of the National Construction Code (F1 National Construction Code). The new dwelling is a detached dwelling compatible with its residential surrounds and is unlikely to have an adverse impact on the acoustic privacy of adjoining residents.</p>
<p>1.3.9 Vibration</p>	<p>N/A</p>	<p>The site is not adjacent to a railway corridor or adjacent to a road corridor capable of an average annual average traffic volume of more than 20,000 vehicles therefore Clause 2.100 'Impact of rail noise or vibration on non-rail development' and Cl. 2.120 'Impact of road noise or vibration on non-road development' in the SEPP (Infrastructure) 2007 do not require consideration.</p>
<p>1.3.10 Visual Privacy</p>	<p>Yes</p>	<p>House 1</p> <p>Windows</p> <p>The dwelling has window openings to the front of the property facing Honda Road or windows/glazed doors are sited on the ground level of the eastern elevation sited below the sandstone wall facing Bogota Avenue therefore having no impact on the visual privacy of adjoining properties.</p> <p>The western elevation of House 1 (shown below) has the greatest potential to have an adverse privacy impact due to the elevation orientated to face the new dwelling (House 2).</p>  <p style="text-align: center;">Figure 26 – House 1 West Elevation (DA15 Rev B)</p> <p>However, no concerns are raised regarding the visual privacy of the future occupants of House 2 for the following reasons:</p>

- House 1 is located below that of House 2 preventing direct or close views and the eastern elevation of House 2 has limited openings preventing an adverse privacy impact between the two properties. Figure 29 details the height of House 2 and limited openings on its eastern elevation.
- A side boundary fence further assists in providing privacy between the two properties (refer to Figure 28). The side boundary fence would prevent views from the glazed sliding doors.
- Privacy louvres are proposed obscuring direct views from the first floor windows on the western elevation for House 1 (refer to Figure 27).

Decks/Balconies

A ground level deck is proposed sited within the western side setback. The deck would have no privacy impact to the adjoining property due to the proposed side boundary fence and predominantly blank wall for the eastern elevation of House 2.

A balcony is proposed to the front of the dwelling and privacy screens are proposed ensuring views from the balcony are directed to Honda Road only. A first floor balcony is proposed on the western elevation. Privacy screens are proposed for part of the balcony and the views from the remaining balcony would be towards the heavily vegetated rear garden of House 2.



Figure 27 – Annotated Level 1 Floor Plan detailing privacy screens circled in red for House 1 (DA11 Rev B)

To summarise, openings are minimised to the side elevations with views primarily to the street or within the subject lot of House 1 therefore retaining a reasonable level of privacy for adjoining properties.

House 2

Limited openings are proposed for the side elevations (refer to below) for House 2 with glazing predominantly to the rear garden or the front providing views of Honda Road therefore minimising views towards adjoining properties.



Figure 28 – House 2 West Elevation (DA22 Rev B)

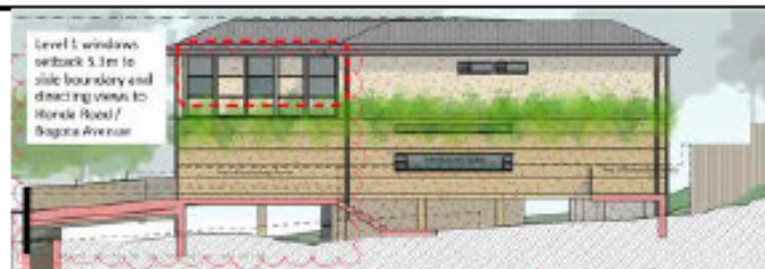


Figure 29 – House 2 East Elevation (DA21 Rev C)

House 2 eastern side elevation comprises glazing directing views to the front garden of House 1 and Honda/Bogota Avenue. However, the windows would have a 5.3m eastern side setback which ensures a sufficient side separation between the two properties and views from these windows would not direct close views to windows, balconies or private open space of House 1. However, to maximise privacy to residents of House 1 it is recommended the window W12 serving a first floor bathroom is obscure glazed (C23 – Privacy).

Decks/Balconies

A rear ground floor deck is proposed providing an outdoor amenity space from an open plan internal living area and providing access to a pool. The deck is designed to be partly integrated within the dwelling with the walls of the dwelling largely preventing views from the deck to the side boundaries of the site (refer to House 2 Ground Floor Plan – DA17 Rev B).

The deck has a 900mm side setback to the western boundary fence and screen planting 'Syzygium australe Pinnacle' is proposed to prevent views from the deck/swimming pool towards the rear private open space of 2 Honda Road. Below is a ground floor plan (DA 17 Rev A) and landscape plan detailing the 900mm setback and screen planting.

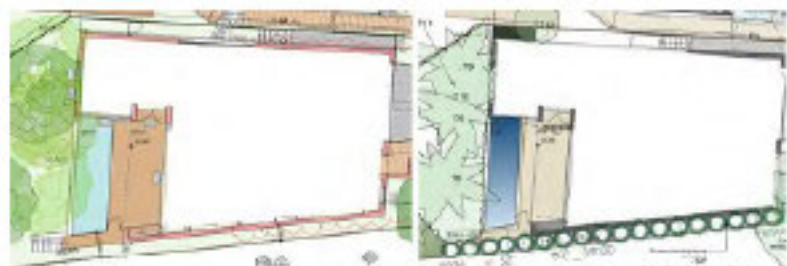



Figure 30 – House 2 comprising a 900mm side setback for the deck/stairs (left) and Screen Planting within the 900mm side setback (right).



Balconies are proposed for Level 1, however, they are integrated within the dwelling with views directed primarily to the rear of the site (refer to House 2 First Floor Plan – DA18 Rev B).

To summarise, openings are minimised to the side elevations with views primarily to the street or within the subject lot of House 2 and the rear deck has an appropriate side setback coupled with screen planting. House 1 and 2 will retain a reasonable level of privacy for occupants of the properties and for occupants of adjoining properties.

1.4 Quality built form		
1.4.1 Context	Yes	The development responds to the characteristics, opportunities, and constraints of the site by subdividing the land to ensure each lot complies with the minimum lot size as stipulated in Cl. 4.1 of NSLEP 2013, the character of the existing irregular lot shape is maintained and the development considers the constraints of the lot which includes existing mature vegetation within the north western corner of the site, a Cedrus deodara in the south western corner of the site and the development proposes a replacement stormwater channel.
1.4.2 Subdivision Pattern	Yes	The development seeks to subdivide an existing irregular shaped lot (920.8m ²) into 2 irregular shaped lots (Lot 73 – 450.0m ² & Lot 74 – 470.8m ²). Provision P2 in s6.2.4

		<p>'Kurraba Point Conservation Area' of Part C in the DCP identifies rectilinear subdivision for upper levels of the conservation area and irregular subdivision to the lower slopes.</p>  <p>Figure 31 – Map of Kurraba Point Conservation Area with subject site bordered in red</p> <p>The subject site as shown in the above annotated map is located within the upper levels of the conservation area, however in this instance subdivision should maintain the existing irregular character of the lot noting the irregular shape of the existing lot and constraints of the lot whereby the development has sought to retain mature landscaping and significant tree canopy and the constraints of the irregular street pattern of Honda Road.</p> <p>The development is therefore proposing an appropriate retention of an irregular subdivision pattern in accordance with Objective O1 and Provision P1 in s1.4.2 of the NSDCP 2013.</p>
<p>1.4.3 Streetscape</p>	<p>Yes</p>	<p>Conditions of consent are required as recommended by Council's Development Engineer for a dilapidation survey and report recording the pre-developed condition of existing public infrastructure prior to commencement of construction (C1 Dilapidation Report Damage to Public Infrastructure) and a bond (\$135,000) to be provided to Council for the payment for any damage caused to Council property (road work, kerbing, guttering or footway). See Condition C16 – Bond for Damage and Completion of Infrastructure Works.</p> <p>The new stormwater channel to convey stormwater to Honda Road is subject to a condition of consent requiring a site drainage management plan prepared by a qualified drainage design engineer (C13 Stormwater Management and Disposal Design Plan – Construct. Issue).</p> <p>Furthermore, a new vehicular crossing is proposed for House 2 on Lot 74 therefore prior to issue of a Construction Certificate an application must be made to Council to obtain a driveway crossing and associated works permit (C12 Obtain Driveway Crossing and associated works permit).</p>
<p>1.4.4 Laneways</p>	<p>N/A</p>	<p>The property does not have a frontage to a laneway.</p>

<p>1.4.5 Siting</p>	<p>Yes</p>	<p>House 1</p> <p>House 1 has a 5.5m front setback to Honda Road which matches the 5.5m front setback of House 2. The front setback for House 1 to Honda Road ensures House 1 is sited centrally within the lot with a front garden which is a characteristic of dwellings within the Kurraba Point Conservation Area.</p> <p>House 2</p> <p>House 2 is appropriately sited with a front and rear garden and the building addresses the street.</p> <p>The dwellings are considered to be appropriately sited and orientated to Honda Road in accordance with the Objectives and Provisions in s1.4.5 of the NSDCP 2013.</p>																								
<p>1.4.6 Setback – Front</p>	<p>Yes</p>	<p>House 1 and House 2 have a matching 5.5m front setback to Honda Road. A matching alignment is in accordance with Provision P1, s1.4.6 of NSDCP 2013 and reinforces a more characteristic front setback pattern in accordance with directions in the Kurraba Point Conservation Area character statement.</p>																								
<p>1.4.6 Setback – Side</p>	<p>Merit</p>	<p>House 1</p> <table border="1" data-bbox="758 808 1332 1108"> <thead> <tr> <th>Control</th> <th>Proposed</th> <th>Compliance</th> </tr> </thead> <tbody> <tr> <td colspan="3">Zone R2 (Low Density Residential)</td> </tr> <tr> <td>R2 -1st storey (Up to 4m) 900mm</td> <td>Min 1.5m - (w) 100mm – 2m (e)</td> <td>Yes Acceptable on Merit</td> </tr> <tr> <td>R2 - 2nd storey (up to 7m) 1.5m</td> <td>Min 1.5m - (w) Nil Setback – 1.4m (e)</td> <td>Yes Acceptable on Merit</td> </tr> </tbody> </table> <p>Ground Level</p> <p>Additions are proposed to House 1 comprising a side addition to the kitchen/laundry with a side setback of 1.054m and a 100mm setback is proposed for the store/wine cellar. The store/wine cellar setbacks are less than the minimum 900mm as stipulated in Table B-1.5, s1.4.6 of the NSDCP 2013. However, the additions to the eastern elevation adjoin the side boundary with Bogota Avenue and due to the ground level of House 1 being below the street level of Bogota Avenue the additions are considered acceptable having no impact on adjoining dwellings and a limited impact to the character of the streetscape.</p> <p>First Floor</p> <p>The existing setbacks for the first floor of House 1 will predominantly remain including the garage with a nil setback to Bogota Avenue. Minor alterations and additions are proposed to the first floor including enclosure of an existing balcony and conversion to a bathroom and a pop out window, however the existing side setback of the dwelling to Bogota Avenue will predominantly remain.</p> <p>The bulk and scale of the first floor of Dwelling 1 would therefore predominantly remain not adding significant bulk and scale as viewed from the streetscape.</p> <p>House 2</p> <table border="1" data-bbox="758 1816 1332 2056"> <thead> <tr> <th>Control</th> <th>Proposed</th> <th>Compliance</th> </tr> </thead> <tbody> <tr> <td colspan="3">Zone R2 (Low Density Residential)</td> </tr> <tr> <td>R2 -1st storey (Up to 4m) 900mm</td> <td>900mm (e) 900mm (w)</td> <td>Yes Yes</td> </tr> <tr> <td>R2 - 2nd storey (up to 7m) 1.5m</td> <td>1.5m (e) 1.5m (w)</td> <td>Yes Yes</td> </tr> </tbody> </table> <p>House 2 complies with the first and second storey side setback requirements stipulated in Table B-1.5, s1.4.6 of the NSDCP 2013.</p>	Control	Proposed	Compliance	Zone R2 (Low Density Residential)			R2 -1 st storey (Up to 4m) 900mm	Min 1.5m - (w) 100mm – 2m (e)	Yes Acceptable on Merit	R2 - 2 nd storey (up to 7m) 1.5m	Min 1.5m - (w) Nil Setback – 1.4m (e)	Yes Acceptable on Merit	Control	Proposed	Compliance	Zone R2 (Low Density Residential)			R2 -1 st storey (Up to 4m) 900mm	900mm (e) 900mm (w)	Yes Yes	R2 - 2 nd storey (up to 7m) 1.5m	1.5m (e) 1.5m (w)	Yes Yes
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<p>P5 Setback – Rear</p>	<p>Merit</p>	<p>House 1</p> <p>House 1 has an existing nil rear setback due to the existing garage located to the rear of the site. Excavation is proposed to provide a wine cellar and store below the garage. The existing dwelling has an uncharacteristic nil rear setback generally out of character with its surrounds, however the works proposed seeking additional floor space below the garage would not be evident from the street and not intensify the existing bulk and scale of the dwelling in accordance with Objective O2 in s1.4.6 of the NSDCP 2013.</p> <p>House 2</p> <p>The rear setback for House 2 is supportable ensuring the dwelling is sited centrally with a rear garden in accordance with requirements stipulated in Part C ‘Kurraba Point Conservation Area’ of the NSDCP 2013.</p>
<p>1.4.7 Form Massing Scale</p>	<p>Yes</p>	<p>Both House 1 and House 2 propose a front façade facing Honda Road with an acceptable balance between glazing and the rendered façade. The principal elevations (below) for the two properties visible from Honda Road are not dominated by large expanses of glass complying with requirements of Provision P5, s1.4.7 of NSDCP 2013.</p>  <p>Figure 32 – Honda Road Elevation (DA04 Rev B)</p> <p>Note: the first floor plan for House 2 appears to show additional glazing not consistent with the glazing portrayed in House 2 Southern / Eastern Elevation. Therefore, to ensure the appropriate glazing is provided for House 2 as shown in the elevations a design requirement will be included within C6 Heritage Requirements condition of consent. The excessive glazing shown in the first floor plan contrary to the elevations is annotated below.</p>  <p>Figure 33 – Annotated Level 1 with clouding in yellow detailing excessive windows contrary to House 2 Elevations which is considered a drafting error</p>
<p>1.4.8 Built Form Character</p>	<p>Yes</p>	<p>The design of the new dwelling (House 2) and alterations and additions to House 1 comprise a design that is complementary to the existing character of the locality.</p> <p>The dwellings adopt a characteristic form, massing and scale being two storeys with a pitched roof and uses a traditional palette of materials and finishes characteristic of the conservation area including render elevations in a muted tone terracotta and slate style roof cladding.</p>
<p>1.4.9 Dwelling Entry</p>	<p>Yes</p>	<p>Both House 1 and 2 propose a front door and windows to a habitable room orientated to the street providing a sense of address and safe access to the dwellings.</p>
<p>1.4.10 Roofs</p>	<p>Yes</p>	<p>House 1</p>

		<p>The existing dwelling comprises a flat roof and the proposal will introduce a pitched roof to the dwelling improving the built form of the dwelling more characteristic of the conservation area.</p> <p>House 2</p> <p>A pitched roof is proposed for House 2 which is a characteristic built element of the Kurraba Point Conservation Area.</p> <p>The addition of a pitched roof for both dwellings and the use of imitation slate and terracotta tiles are positive aspects of the dwellings complying with the Provisions and Objective of s1.4.10 'Roofs' of the NSDCP 2013.</p>
1.4.12 Colours and Materials	Yes	<p>House 1</p> <p>The elevations visible from the streetscape will comprise of render in a muted grey colour and terracotta style tiles are proposed for the roof. The materials are supportable compatible with the characteristic built elements of the Kurraba Point Conservation Area and a high proportion of masonry to glass is proposed. The alterations to the façade of Dwelling 1 including the pitched roof are positive design outcomes reflective of the character of the locality in accordance with Provisions and the Objective for s1.4.12 of the NSDCP 2013.</p> <p>House 2</p> <p>The elevations visible from the streetscape will comprise of render painted in an earthy light brown/cream colour and slate style tiles are proposed for the roof. The materials are supportable compatible with the characteristics of the Kurraba Point Conservation Area. House 2 colours and materials are reflective of the character of the locality in accordance with Provisions and the Objective for s1.4.12 of the NSDCP 2013.</p>
1.4.14 Front Fences	Yes	<p>The existing sandstone wall on the Honda Road and Bogota Avenue boundary is to remain and a condition of consent is recommended stipulated within C6 Heritage Requirements ensuring retention and no further increase in height of the sandstone boundary wall.</p> <p>Retention of the existing sandstone wall facing Honda Road and Bogota Avenue would ensure the front boundary for Houses 1 and 2 are low in scale characteristic of the Kurraba Point Conservation Area.</p>
1.5 Quality Urban Environment		
1.5.4 Vehicle Access and Parking Quantity	Yes	<p>House 1</p> <p>The garage facing Bogota Avenue approved under DA 1216/81 will remain providing 2 vehicular parking spaces. 2 parking spaces complies with the maximum parking rate stipulated in Table B-10.1, s10.2 of the NSDCP 2013.</p> <p>House 2</p> <p>The garage integrated within the front façade provides vehicular parking for 2 vehicles complying with the maximum parking rate stipulated in Table B-10.1, s10.2 of the NSDCP 2013.</p>
1.5.4 Vehicle Access and Parking Location	Yes	<p>House 2</p> <p>The proposed garage would not be located within the front setback but located within the ground floor of the dwelling integrated within the front façade of the proposed dwelling. The garage is designed so as to be integrated within the main dwelling not having a detrimental visual impact on the visual appearance of the street or dwelling complying with Objective O4, s1.5.4 of the NSDCP 2013.</p>
1.5.4 Vehicle Access and Parking Access	Yes	<p>House 2</p> <p>The garage is setback 5.5m from Honda Road pursuant to requirements of Provision P17, s1.5.4 of NSDCP 2013 and landscaping is proposed within the front setback including landscaping either side of the driveway comprising a variety of groundcovers, shrubs and tree canopy therefore the vehicular access does not compromise the landscaping of the site maintaining a garden setting meeting Objective O3, s1.5.4 of the NSDCP 2013.</p>

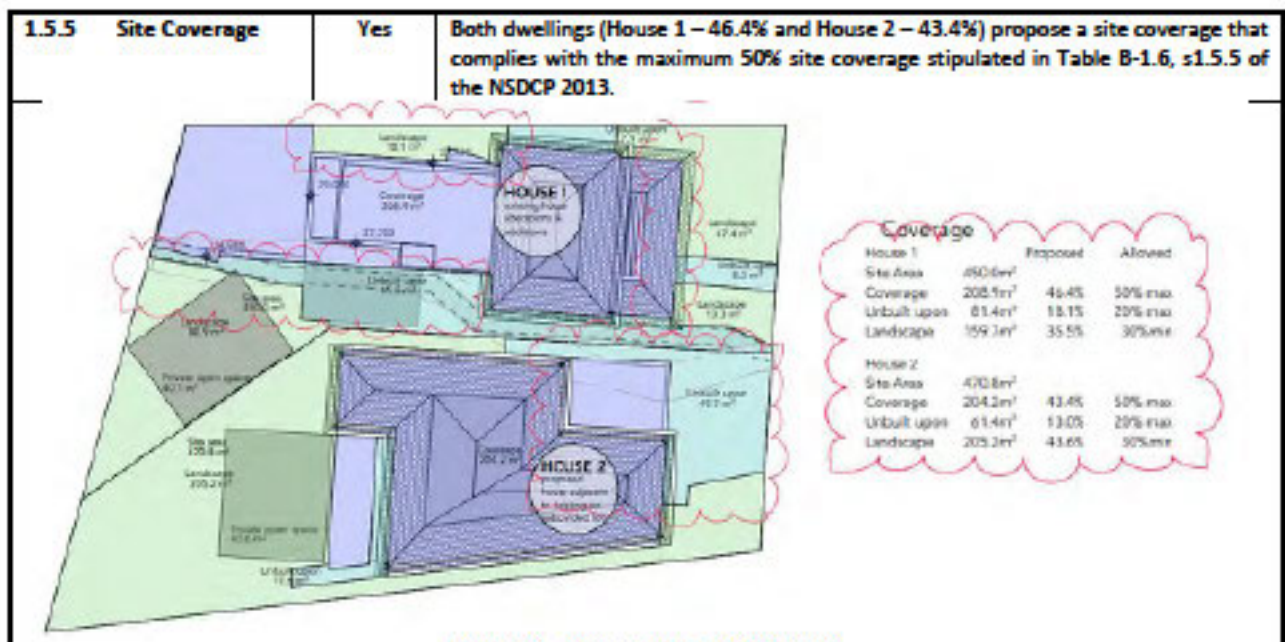
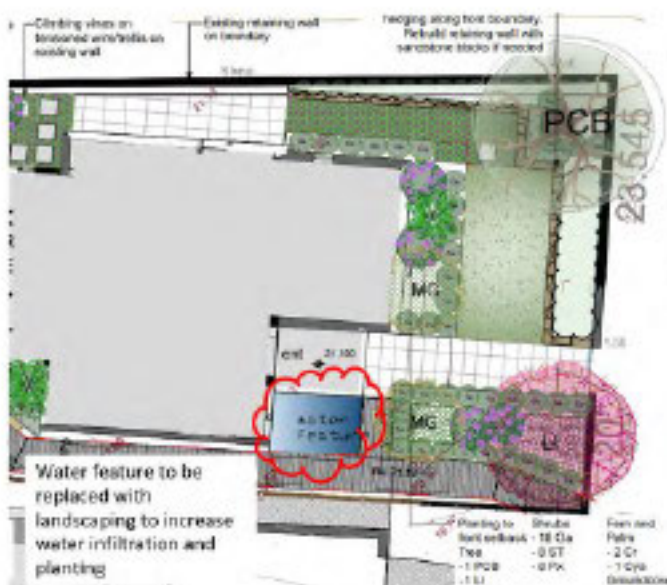


Figure 34 – Coverage Plan (DA03 Rev B)

1.5.6 Landscape Area	Yes	<table border="1" data-bbox="683 911 1406 1238"> <thead> <tr> <th>Control</th> <th>House 1 Proposed</th> <th>Compliance</th> <th>House 2</th> <th>Compliance</th> </tr> </thead> <tbody> <tr> <td>Site coverage Max 50%</td> <td>208.9m² (46.4%)</td> <td>Yes</td> <td>204.2m² (43.4%)</td> <td>Yes</td> </tr> <tr> <td>Landscaped area Min 30%</td> <td>159.7m² (35.5%)</td> <td>Yes</td> <td>205.2m² (35.5%)</td> <td>Yes</td> </tr> <tr> <td>Unbuilt-upon area Max 20%</td> <td>81.4m² (18.1%)</td> <td>Yes</td> <td>61.4m² (13%)</td> <td>Yes</td> </tr> </tbody> </table> <p data-bbox="628 1265 1278 1296">House 1 – Existing Dwelling Subject to Alterations and Additions</p> <p data-bbox="628 1323 1465 1413">House 1 on Lot 73 proposes a compliant landscaped area of 35.5% exceeding the minimum 30% and an un-built upon area of 18.1% compliant with the maximum 20% stipulated in Table B-1.7 of s1.5.6 of the NSDCP 2013.</p> <p data-bbox="628 1440 879 1471">House 2 – New Dwelling</p> <p data-bbox="628 1498 1465 1588">House 2 on Lot 74 proposes a compliant landscaped area of 35.5% exceeding the minimum 30% and an un-built upon area of 13% compliant with the maximum 20% stipulated in Table B-1.7 of the NSDCP 2013.</p>	Control	House 1 Proposed	Compliance	House 2	Compliance	Site coverage Max 50%	208.9m ² (46.4%)	Yes	204.2m ² (43.4%)	Yes	Landscaped area Min 30%	159.7m ² (35.5%)	Yes	205.2m ² (35.5%)	Yes	Unbuilt-upon area Max 20%	81.4m ² (18.1%)	Yes	61.4m ² (13%)	Yes
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1.5.7 Landscaping	Yes	<p data-bbox="628 1590 719 1621">House 1</p> <p data-bbox="628 1648 1465 1850">Three trees are proposed for removal to accommodate the new stormwater channel and the front addition. To compensate for the loss of trees four trees (1 x <i>Pyrus calleryana</i>, 1 x <i>Lagerstroemia indica</i> and 2 x <i>Magnolia grandiflora</i>) are proposed within the front setback. The retention of existing tree canopy and additional tree planting for House 1 is satisfactory and meets the objectives in s1.5.7 of the NSDCP 2013 which encourages biodiversity and a landscaped buffer on land near to bushland.</p> <p data-bbox="628 1877 1465 2085">However, it is recommended subject to a condition of consent that the proposed water feature which is sited adjacent to the stormwater channel and dwelling entry is deleted to be replaced with landscaping comprising grasses and/or groundcovers/shrubs (C30 Amendments to the Landscape Plan). Replacing the water feature for additional landscaping assists with maximising absorption of surface water drainage which is considered important given that the site is flood affected.</p>																				

		<p>House 2</p> <p>Five (5) trees are sought for removal comprising 4 x Callistemon within the building footprint and a Juniperus sp. to accommodate the driveway. Despite the proposed tree removal significant landscaping and tree canopy is retained to the rear of the dwelling and a Cedrus deodara is retained within the front corner of the lot. Retention of tree canopy coupled with additional tree planting in the curtilage around dwelling 2 ensures extensive canopy cover over landscaped areas in accordance with directions in Provision P9, s1.5.7 of the NSDCP 2013.</p>															
<p>1.5.9 Front Gardens</p>	<p>Yes</p>	<p>House 1</p> <p>The 5.5m front setback for House 1 matching that of House 2 retains a front garden with sufficient landscaping including tree canopy softening the built form of the dwelling and complements the landscaped view of the dwelling from the street. Below is a landscape plan of the proposed front garden detailing a variety of replenishment trees.</p>  <p>Figure 35 – House 1 Front Garden Landscape Plan (Sheet No. 2 Rev B)</p> <p>House 2 – New Dwelling</p> <p>The front garden of House 2 will comprise of a variety of groundcovers, ferns, palms and tree planting including the retention of the existing Cedrus deodara (16 x 15m) therefore sufficient landscaping is proposed to soften the built form of dwelling 2 and assist in water infiltration on the site.</p>															
<p>1.5.9 Private and Communal Open Space</p>	<p>Yes</p>	<table border="1" data-bbox="758 1570 1332 1724"> <thead> <tr> <th>Control – lot size</th> <th>Proposed</th> <th>Compliance</th> </tr> </thead> <tbody> <tr> <td>Dwelling 1</td> <td></td> <td></td> </tr> <tr> <td>Up to 499m² – 40m²</td> <td>86.6m²</td> <td>Yes</td> </tr> <tr> <td>Dwelling 2</td> <td></td> <td></td> </tr> <tr> <td>Up to 499m² – 40m²</td> <td>166.7m²</td> <td>Yes</td> </tr> </tbody> </table> <p>Both subdivided lots are capable of providing sufficient private open space to the rear of the respective dwellings and directly accessible from main living areas.</p> <p>The private open space for both dwellings is of a sufficient size ensuring a reasonable level of outdoor amenity complying with the Objectives in s1.5.9 of the NSDCP 2013.</p>	Control – lot size	Proposed	Compliance	Dwelling 1			Up to 499m ² – 40m ²	86.6m ²	Yes	Dwelling 2			Up to 499m ² – 40m ²	166.7m ²	Yes
Control – lot size	Proposed	Compliance															
Dwelling 1																	
Up to 499m ² – 40m ²	86.6m ²	Yes															
Dwelling 2																	
Up to 499m ² – 40m ²	166.7m ²	Yes															

1.5.10	Swimming Pools	Yes	<p>House 2 – New Dwelling</p> <p>The swimming pool and associated deck would be raised above the ground level at an RL of 22.2 to ensure the pool and decking is located 300mm above a 1% AEP event. The associated decking would also be at a height of RL 22.2 and immediately abuts the side boundary with 2 Honda Road.</p> <p>The lower ground floor plan proposes a rainwater tank to assist in topping up the pool not relying on potable water supplies.</p> <p>In summary, the pool location is acceptable and a rainwater tank assists in ensuring the pool, is not fully reliant on potable water supplies. The swimming pool generally complies with objectives contained in s1.5.10 of the NSDCP 2013.</p>
1.5.12	Garbage Storage	Yes	Each dwelling is capable of on site garbage storage within the respective garage/carport ensuring ease of access to and from the kerb for garbage collection area.
1.5.13	Site Facilities	Yes	Each lot has sufficient open space for outdoor drying facilities.
1.5.14	Servicing of new lots	Yes	A condition of consent is recommended to adequate servicing of the lots (J4 – Services within Lots).
1.6 Efficient Use of Resources			
1.6.1	Energy Efficiency	Yes	A valid BASIX Certification (Certificate No. 1298439M_02) has been submitted as part of the development application documentation.

South Cremorne Planning Area (Kurraba Point Conservation Area) – Part C of NSDCP 2013

The application has been assessed against the relevant controls in the Character Statements in Part C in NSDCP 2013 below:

6.2.4 Significant Elements

P2 Rectangular subdivision to upper level. Irregular subdivision to the lower slopes.

The development seeks to subdivide an existing irregular shaped lot (920.8m²) into 2 irregular shaped lots (Lot 73 – 450.0m² & Lot 74 – 470.8m²). The subject site is located within the upper levels of the conservation area, however, in this instance subdivision should maintain the existing irregular character of the lot noting the irregular shape of the existing lot and constraints of the lot whereby the development has sought to retain mature landscaping and significant tree canopy and the constraints of the irregular street pattern of Honda Road.

6.2.6 Characteristic built elements

Siting

P1 Centrally on lots with front and rear garden.

Both House 1 and House 2 have a front and rear garden and generally sited centrally within the lot characteristic of dwellings within the Kurraba Point Conservation Area.

Form, massing and scale

P2 Single and two storey, detached dwelling houses with hipped and gabled roofs.

The dwellings have an appropriate form, massing and scale being two storeys with a pitched/hipped roof.

External Materials

P10 Face and rendered brick on sandstone base.

P11 Slate, terracotta tiles, corrugated metal roofs.

The dwellings will have rendered facades which is a characteristic material for the conservation area and roof tiles are proposed for both dwellings to resemble the appearance of either slate or terracotta.

Windows, doors and joinery

P13 Consistent with building period and style. Timber.

The architectural plans do not stipulate the proposed materials for the windows and doors. To ensure the dwellings promote a characteristic of the conservation area timber is recommended for the windows and doors of both dwellings facing Honda Road and Bogota Avenue (C6 Heritage Requirements).

Fences

P14 Original low scale front fences. Timber fences to rear and side. Sandstone walls, timber gates; timber pickets; timber rails; face brick with piers.

The existing sandstone wall on the Honda Road and Bogota Avenue boundary is to remain and a condition of consent is recommended stipulated within C6 Heritage Requirements ensuring retention and no further increase in height of the sandstone boundary wall.

The condition requiring the existing sandstone boundary fence to remain with no increase in height ensure the low scale boundary wall will remain characteristic of the Kurraba Point Conservation Area.

Car accommodation

P15 To the side or rear of dwellings.

The garage for House 1 will remain located to the rear of the property accessible from Bogota Avenue. The new dwelling (House 2) has a garage not located to the side or rear but integrated within the dwelling and forms part of the principal elevation facing Honda Road. The garage is not considered to be over scaled or dominant in context with the principal elevation of House 2 and subject to appropriate detailing the garage can be a sympathetic aspect of the dwelling's primary façade.

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:

Population Increase

Development type	Existing Dwellings	Proposed Dwellings	Increase
Residential accommodation	1	2	1 Dwelling

Contribution amounts payable

Applicable contribution type		

s7.11 contribution		
<i>(Net population increase)</i>	Open space and recreation facilities:	\$11,012.89
	Public domain:	\$6,130.55
	Active transport:	\$349.91
	Community facilities:	\$2,211.99
	Plan administration and management:	\$294.66
	Total:	\$20,000.00

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	N/A
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

SUBMITTERS CONCERNS

The application was notified to adjoining properties and the Bennett Precinct. Council received 20 submissions where the following matters were raised:-

- A Construction Traffic Management Plan should be prepared to ensure construction traffic from the development and other development does not disrupt traffic on Bogota Avenue and Honda Road.

Council's Senior Development Engineer has reviewed the proposed development and concluded that a Construction and Traffic Management Plan is not required because the development is not a major development and the site is not constrained by difficult access. However, a condition of consent is recommended stipulating the opportunity for the developer to apply for a Work Zone permit for the set down and pick up of materials. A work zone permit must be made to the North Sydney Local Traffic Committee and likely to assist in managing amenity and convenience of neighbouring properties.

- The dwellings on the subdivided lot are large and their design is not sympathetic to the area.

Both dwellings comply with the maximum site coverage stipulated in Table B-1.6 indicative of a proposal that is not an overdevelopment of the site. The dwellings incorporate pitched roofs and appropriate materials and finishes compatible with the characteristics of the Kurraba Point Conservation Area.

- The proposed development fails to minimise flood risk to the properties on the subject site and the open storm water drain presents a risk to people in the community.

The development of the land has been subject to assessment by GRC Hydro using TUFLOW modelling that show areas of increase/decrease in flooding. Evidence in Figure 04 of the report (refer to Attachment 7) confirms the development does not divert or displace floodwater to the detriment of other properties.

The new stormwater channel proposed would be enclosed. The design of the stormwater channel shown in the architectural plans proposes a channel that is enclosed on three sides by concrete and a grated cover providing greater residential safety as compared to the existing open stormwater channel. However, the grate and decking will be designed to be removable to ensure future maintenance of the stormwater channel (refer to C13 Stormwater Management & Disposal Design Plan).

- The additional lot and dwelling will have an additional demand for on street parking and more traffic.

The subdivided lot (Lot 74) will provide a detached dwelling with two vehicular spaces to serve the demand for vehicular parking from residents of the dwelling. On site car parking compliant with the parking rates in Table B-10.1 of NSDCP 2013 limits additional demand for on street parking.

- The proposed development fails to ensure that subdivision and associated development promotes the desired future character of the neighbourhood through consistent lot size, shape, orientation and housing density.

The subdivision of the land into two lots maintains the irregular lot shape of the subject site and the resulting subdivision maintains a minimum lot size of 450m² compliant with Cl. 4.1 'Minimum Subdivision Lot Size' of the NSLEP 2013. The dwellings are orientated towards Honda Road providing a good sense of address.

- Infill development should occur without the loss of vegetation.

The subdivided lot and construction of the new dwelling seeks to retain significant landscaping to the rear and a prominent *Cedrus deodara* will be retained. Although a total of 5 trees will be removed within the subdivided lot (3 x *Callistemon viminalis*, 1 x *Callistemon citrinus* and 1 x *Juniperus* sp.) replacement tree planting is proposed including a variety of shrubs, palms and groundcover within the front setback to maintain the landscaped character of the site.

- The lack of green space facing the street will detract from the appearance of the neighbourhood.

Each dwelling is designed with a front garden with a variety of vegetative layers including canopy trees which contribute to the landscaped appearance of the street.

- The proposed subdivision from one lot into two adversely impacts on the significance of the Kurraba Point Conservation Area and fails to retain the characteristic subdivision pattern of the Conservation Area.

The development seeks to subdivide an existing irregular shaped lot maintaining the irregular lot shape which is concordant with the irregular character of neighbouring lots with a design that retains mature landscaping and significant tree canopy and the constraints of the irregular street pattern of Honda Road.

- The non-compliant front setbacks remove trees contrary to the provisions in Chapter 2 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021.

House 1 and House 2 have matching 5.5m front setbacks to Honda Road. The proposed front setback for the dwellings reinforces a characteristic front setback pattern in accordance with directions in the Kurraba Point Conservation Area character statement.

The loss of trees within the front setbacks to accommodate the front addition for House 1 and driveway for House 2 is acceptable noting replacement planting is proposed preserving the amenity of non-rural areas in accordance with the aims of Chapter 2 'Vegetation in non-rural areas' of SEPP (Biodiversity & Conservation) 2021.

- There is a large colony of frogs on the site and a study needs to be undertaken to assess the impacts.

Council's Bushland Management Co-ordinator carried out a habitat assessment on 23 September 2022 finding no evidence of frogs. However, the landscaped character of the site indicates that the most likely native frog species to be present is the Common Eastern Froglet (*Crinia signifera*) or the Striped Marsh Frog (*Limnodynastes peronii*), to be found in the established and densely vegetated garden in the north west corner of the property.

Appropriate conditions of consent ensuring protection of the vegetated north western corner of the site will serve to protect frogs and their habitat (see D2 Temporary Fences and Tree Protection).

- The proposed development should be refused due to its excessive height and failure to comply with the maximum height of 8.5m.

Council has duly considered the written request from the applicant to justify the contravention of the development standard and where it is found that the written request is considered to be well founded with acceptable environmental planning grounds for the height exceedance and the dwelling meets the height of building and zone objectives.

- **The design of the proposed new dwelling is out of keeping with the architectural style of surrounding dwellings and the Heritage Conservation Area.**

Council's Heritage Officer supports the design of both dwellings noting House 1 will result in a built form more characteristic to the conservation area and House 2 adopts a characteristic form, massing and scale and will use a traditional palette of materials.

- **Council is requested to ensure that the works proposed on the site are capable of accommodating all storm events including a 1 in 100 year event.**

The proposed stormwater channel designed by M & G Consulting Engineers Pty Ltd has sufficient dimensions to accommodate a peak flow rate of 8.0 m³/s. It is noted as stipulated in the GRC Hydro Pty Ltd supplementary report dated 5th December 2022 that a peak flow of approximately 6m³/s is estimated to flow down Bogota Road in a 1 in 100 year event. The channel has been designed with an adequate capacity where stormwater from the upstream catchments is able to be accommodated within the stormwater channel. This stormwater channel and its capacity to manage stormwater from the upper channel is supported by Council's Engineering Project Manager.

- **Council is requested to ensure that the overland flow path provided is capable of accommodating all development in the catchment draining to the overland flow path.**

The stormwater channel designed by M & G Consulting Engineers Pty Ltd and subject to assessment by GRC Hydro is designed to capture stormwater from the relatively impervious catchment of approximately 30ha. All future development in the upper catchment including surrounding land may require drainage infrastructure works to manage stormwater for respective lots.

- **The proposed development will result in both proposed dwellings having zones below the flood planning level. The houses must be protected to the flood planning level.**

House 2 is designed so that the habitable areas of the dwelling are to be located at 22.2 AHD (1% AEP plus a freeboard of 0.3m) as per the recommendation in the GRC Flood Assessment Report and for the Lower Ground Floor below the 1% AEP no water ingress is possible and access to the lower level can only be via the Ground Floor also in accordance with directions from GRC Hydro and supported by Council's Engineers.

PUBLIC INTEREST

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

SUITABILITY OF THE SITE

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

CONCLUSION

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

The proposal is consistent with the relevant objectives of the zone given that both dwellings are providing for the housing need of the community consistent with the low density residential zoning. The dwellings are two storeys and have a compliant site coverage and sufficient landscaped areas to soften the built form of the dwellings and the dwellings provide a high level of residential amenity for future residents and maintain a reasonable amenity for surrounding residents ensuring access to sunlight, views and privacy are maintained for residents of adjoining properties.

The development is supported by Council's Heritage Officer conserving the significance of the heritage conservation area. The existing dwelling (House 1) will have more characteristic features of the conservation area with the addition of a pitched roof and sympathetic alterations to the materials and finishes of the façade. The new dwelling (House 2) comprises a form, massing and scale characteristic of the Kurraba Point Conservation Area being two storey with a pitched roof and the materials and finishes for the dwelling are sympathetic to the surrounding conservation area.

The subdivision of the existing Lot B in DP 405794 into two lots ensures both lots have a lot size complying with the minimum subdivision lot size stipulated in Cl. 4.1 'Minimum Subdivision Lot Size' of the NSLEP 2013. The development complies with the objectives for Cl. 4.1 of NSLEP 2013 retaining the existing irregular shape of the lot, contributing a mix of large dwellings to the South Cremorne Area and the subdivision is unlikely to cause fragmentation of the land, protects natural features of the site and does not adversely affect the amenity of surrounding properties.

The site is flood affected with an existing open stormwater channel running through the site. The development seeks to provide an alternative stormwater drain sited between the two properties and the new dwelling is to have a ground floor level 300mm above the 1% AEP (22.2 mAHD) as recommended by GRC Hydro Pty Ltd and supported by Council's Engineers. The existing dwelling (House 1) has existing floor levels below the 1% AEP plus freeboard of 0.3m, however the additions dwelling will be subject to conditions ensuring flood compatible materials are used for elevations below the 22.2 mAHD and further conditions of consent reduce the extent of openings and/or increase the sill height to prevent water ingress during a flood event.

Council received twenty (20) submissions plus an additional seven (7) submissions following a further renotification of the development application that raised concerns about the adverse impact to the Kurraba Point Conservation Area due to the proposed subdivision into two lots and the size and design of the dwellings. Further concerns were raised with respect to the impact on the natural features of the site and flood risk both within and to adjoining properties. The issues have been discussed in this report and where appropriate conditions of consent are recommended to improve the contribution of the site to the conservation area and retain or increase the landscaped appearance of the site.

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

HOW WERE THE COMMUNITY VIEWS TAKEN INTO CONSIDERATION?

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

RECOMMENDATION

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

THAT the North Sydney Local Planning Panel, exercising the functions of Council, assume the concurrence of the Secretary of The Department of Planning, Industry, and Environment and invoke the provisions of Clause 4.6 in NSLEP 2013 with regards to the non-compliance with Clause 4.3 and grant consent to Development Application No. 130/22 for the subdivision of land, alterations and additions to than existing dwelling and construction of a new dwelling with associated works on land at 4 Honda Road, Kurraba Point subject to the following site specific and attached standard conditions:-

Heritage Requirements

C6. The following heritage requirements are to be met:

- a) The sandstone front boundary fence to Houses 1 and 2 is to be retained at its existing height and restored if necessary with no increase in height. Any new vehicular gate to House 1 is to be a painted steel palisade gate with a height to match the adjacent front boundary wall.
- b) New sandstone is to have a rock or split-faced finish.
- c) Privacy screens are to be painted to match the dwelling in a visually submissive tone. Metallic finishes are not to be used.
- d) The paved driveway to House 2 is to have a mid to dark tone and/or is to be detailed to create visual interest. A plain concrete slab is not to be used.
- e) The new garage door for House 2 is to be a panel lift door with materials and finishes for the garage door to include timber/earthy in appearance and if painted are to be in a matt finish.
- f) The garage door is to be setback 200mm from the outer face of the external garage wall of House 2 that faces Honda Road to reduce the build and scale of the garage as viewed from the street.
- g) The first floor glazing for House 2 is to be designed as shown in the House 2 Southern (DA22 Rev B) and Eastern Elevation (DA21 Rev C) not as shown in the House 2 First Floor Plan (DA18 Rev B).
- h) Window and doors that address the street shall be timber-framed. All other new windows and doors are to have aluminium or steel framing sections of a width 45mm or wider or are to be timber-framed.

The Certifying Authority must also 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 development is sympathetic to the character of the conservation area.)

Floor levels for Flooding

- C14. Floor levels are to be minimum 300mm above the 1 in 100 year flood level for the new dwelling house (House 2) to be constructed on the newly subdivided part of Lot B, DP 405794. The additions (new habitable areas) to House 1 can be at a floor level of 21.19mAHD. However, flood protective materials shall be used for additions located below the overland flow path, are to be minimum 300mm above the 1 in 100 year flood level.

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: Prevention of damage to dwellings as a result of flood events)

House 1 Fenestration - Flooding

- C15. Windows on the western and northern elevation of House 1 are to be designed as per the below requirements to minimise risk to residents during flooding:
- Window W02 serving the entry porch should be designed to withstand water pressure and sealed appropriately to prevent water ingress during a flood event. The window to be amended is annotated in the relevant plans – House 1 Ground Floor Plan (DA10 Rev B) and House 1 West (DA15 Rev B).
 - The window W08 and W09 to be designed to withstand water pressure and sealed appropriately to prevent water ingress during a flood event. The windows to be amended is annotated in the relevant plans – House 1 Ground Floor Plan (DA10 Rev B) and House 1 West (DA15 Rev B).

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: Prevention of damage to dwelling and safety of residents as a result of flood events)

Privacy

- C23. The following privacy devices are to be provided:

- a) Fixed obscure or frosted glass privacy screens shall be attached to the western first floor window named W12. The window to comprise fixed obscure or frosted glass is clouded in red on House 1 First Floor Plan (DA11 Rev B).

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

(Reason: To ensure an adequate level of privacy is provided between the adjoining properties known as 'House 1' and 'House 2')

Amendments to the Landscape Plan

- C30. The landscape plan must be amended as follows to provide an appropriate landscaped setting:
- The water feature within the front garden/western side setback of House 1 is to be deleted and replaced with landscaping. The landscaping is to comprise of plants and grasses only as shown on the plans and clouded in red on the approved House 1 Ground Floor Plan/Landscape Plan.

An amended landscape plan 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 amended landscape plan and other plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To ensure residential amenity)

Flood Risk Management Plan

- G8. Prior to the issue of the final Occupation Certificate or any Subdivision Certificate, a Flood Risk Management Plan (FRMP) is to be prepared by a suitably qualified Hydraulic Engineer which outlines emergency warning measures and systems to be implemented should a flooding event exceed the flood planning level (FPL) for the site.

The Flood Risk Management Plan required by this condition must include details of measures to be implemented by owner/occupants of both dwellings should a flooding event exceed the flood planning level (FPL) for the site.

The FRMP must be prepared to the satisfaction of the Certifying Authority prior to the issue of the Final Occupation Certificate for the development.

The owners of the respective properties/lots must ensure that recommendations of the FRMP are to be implemented and maintained at all times.

(Reason: Compliance and adequate maintenance due to potential flood affectation)

Subdivision to be Registered

G9. The subdivision certificate referenced in Condition J2 is to be registered prior to the issue of any occupation certificate relating to the approved works to subdivide Lot B DP 405794 into two lots.

(Reason: To ensure that the approved residential dwellings are located on separate lots)

**THOMAS HOLMAN
ASSESSMENT OFFICER**

**ROBYN PEARSON
TEAM LEADER (ASSESSMENT)**

**STEPHEN BEATTIE
MANAGER DEVELOPMENT SERVICES**

NORTH SYDNEY COUNCIL
CONDITIONS OF DEVELOPMENT APPROVAL
4 HONDA ROAD, KURRABA POINT
DEVELOPMENT APPLICATION NO. 130/22

A. Conditions that Identify Approved Plans

Development in Accordance with Plans/Documentation

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

Plan No.	Rev	Description	Prepared by	Received
DA02	C	Site Plan	Floris Smith	12/12/2022
DA04	B	Honda Road Elevation	Floris Smith	12/12/2022
DA05	B	Bogota Avenue Elevation	Floris Smith	12/12/2022
DA06	B	Site Sections	Floris Smith	12/12/2022
DA09	B	House 1 Lower Ground Plan	Floris Smith	12/12/2022
DA10	B	House 1 Ground Floor Plan	Floris Smith	12/12/2022
DA11	B	House 1 First Floor Plan	Floris Smith	12/12/2022
DA12	B	House 1 Roof Plan	Floris Smith	12/12/2022
DA13	B	House 1 Sections	Floris Smith	12/12/2022
DA14	B	House 1 Section and Elevations	Floris Smith	12/12/2022
DA15	B	House 1 Elevations	Floris Smith	12/12/2022
DA16	C	House 2 Lower Ground Plan	Floris Smith	12/12/2022
DA17	B	House 2 Ground Floor Plan	Floris Smith	12/12/2022
DA18	B	House 2 First Floor Plan	Floris Smith	12/12/2022
DA19	B	House 2 Roof Plans	Floris Smith	12/12/2022
DA20	B	House 2 Sections	Floris Smith	12/12/2022
DA21	C	House 2 Elevations	Floris Smith	12/12/2022
DA22	B	House 2 Elevations	Floris Smith	12/12/2022
01	B	Landscape Site Plan	Conzept	12/12/2022
02	B	House 1 Landscape Plan	Conzept	12/12/2022
03	B	House 2 Landscape Plan	Conzept	12/12/2022
04	B	House 2 Green Roof Plan	Conzept	12/12/2022
387	-	Plan of Proposed Subdivision	Robert F. Lyon	02/06/2022

(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 dated 22 April 2022, prepared by Floris Smith and received by Council on 12 May 2022 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)

- 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 properties Nos. 33 Bogota Avenue and 2 Honda Road detailing the physical condition of those properties, both internally and externally, including, but not limited to, such items as walls, ceilings, roof, structural members and other similar items, SHALL BE submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The survey and report are to be prepared by an appropriately qualified person agreed to by both the applicant and the owner of the adjoining property. A copy of the report is to be provided to Council, if Council is not the Certifying Authority, prior to the issue of any Construction Certificate.

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

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

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

(Reason: Proper management of records)

Structural Adequacy of Adjoining Properties - Excavation Works

- C4. A report prepared by an appropriately qualified and practising structural engineer detailing the structural adequacy of adjoining properties Nos. 33 Bogota Avenue and 2 Honda Road, which certifies their ability to withstand the proposed excavation and outlines any measures required to be implemented to ensure that no damage will occur to adjoining properties 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.

(Reason: To ensure the protection and structural integrity of adjoining properties in close proximity during excavation works)

Structural Adequacy of Existing Building

- C5. 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)

Heritage Requirements

- C6. The following heritage requirements are to be met:
- a) The sandstone front boundary fence to Houses 1 and 2 is to be retained at its existing height and restored if necessary with no increase in height. Any new vehicular gate to House 1 is to be a painted steel palisade gate with a height to match the adjacent front boundary wall.
 - b) New sandstone is to have a rock or split-faced finish.
 - c) Privacy screens are to be painted to match the dwelling in a visually submissive tone. Metallic finishes are not to be used.
 - d) The paved driveway to House 2 is to have a mid to dark tone and/or is to be detailed to create visual interest. A plain concrete slab is not to be used.
 - e) The new garage door for House 2 is to be a panel lift door with materials and finishes for the garage door to include timber/earthy in appearance and if painted are to be in a matt finish.
 - f) The garage door is to be setback 200mm from the outer face of the external garage wall of House 2 that faces Honda Road to reduce the build and scale of the garage as viewed from the street.
 - g) The first floor glazing for House 2 is to be designed as shown in the House 2 Southern (DA22 Rev B) and Eastern Elevation (DA21 Rev C) not as shown in the House 2 First Floor Plan (DA18 Rev B).
 - h) Window and doors that address the street shall be timber-framed. All other new windows and doors are to have aluminium or steel framing sections of a width 45mm or wider or are to be timber-framed.

The Certifying Authority must also 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 development is sympathetic to the character of the conservation area.)

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)

Colours, Finishes and Materials (Conservation Areas)

- C10. The finishes, materials and exterior colours shall be complementary to the architectural style of the original building and sympathetic to the character of the Conservation Area. A schedule of finishes, materials and external colours shall be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition prior to the release of the Construction Certificate.

(Reason: To ensure that the completed colours, finishes and materials are complementary to the Conservation Area)

Work Zone

- C11. If a Work Zone is proposed, an application must be made to the North Sydney Local Traffic Committee to install the 'Work Zone'. A Work Zone permit is required to be issued by the Council prior to the issue of any Construction Certificate.

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

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

(Reason: Amenity and convenience during construction)

Obtain Driveway Crossing Permit under S.138 Roads Act 1993

C12. A driveway crossing and roads infrastructure works permit to suit the approved off-street parking facilities must be granted by the Council prior to the issue of any Construction Certificate. In order to obtain a permit under S.138 of the Roads Act 1993, an application must be made to Council on the 'Vehicular Access Application' form with payment of the adopted assessment/inspection fees. Council will require civil design construction drawings and certification from the applicant's Civil Engineer to verify design details and enable issue of the permit. The requirements of the permit must be complied with at all times.

The civil design drawings must include the following at a minimum:

- a) the vehicular access way must comply with AS 2890.1 and Council's current Vehicular Access Application Guidelines and Specification (gutter bridges not permitted) to ensure that a B85 vehicle will not scrape/strike the surface of the carriageway, layback, vehicular crossing or parking floor;
- b) the redundant layback crossing on Honda Road must be reinstated as upright kerb gutter and concrete footpath;
- c) the width of the vehicular layback for House 2 must be 3.5 metres (including the wings);
- d) the minimum distance from kerb inlet to proposed layback wing must be 600mm;
- e) the boundary footpath levels must match the existing levels and shall not be altered unless agreed to by Council;
- f) the gutter levels and road shoulder levels on Honda Road must stay unchanged;
- g) the kerb gutter, and 600 mm road shoulder wide strip, adjacent to all new layback and gutter works, on Honda Road must be reconstructed, to ensure uniformity in the road reserve;
- h) all inspection openings, utility services must be adjusted to match the proposed driveway levels and location;
- i) the design detail has to be provided with vehicular access application and must include sections along centre-line and extremities of the crossing at a scale of 1:25. Sections are to be taken from the centre of the roadway through to the parking area itself and shall include all changes of grade and levels, both existing and proposed;
- j) a longitudinal section along the gutter line of Honda Road at a scale of 1:50 showing how it is intended to transition the layback with the existing gutter levels and shall include all changes of grade and levels, both existing and proposed;

- k) a longitudinal section along the footpath property boundary at a scale of 1:50 is required and shall include all changes of grade and levels, both existing and proposed;
- l) the sections must show the calculated clearance to the underside of any overhead structure;
- m) any footpath panel on Honda Road, or any other street that is disturbed for the purpose of stormwater connection must be reconstructed as a whole panel ;

The permit must be granted by Council prior to the issue of any Construction Certificate.

All driveway and infrastructure works on the road reserve must be undertaken in accordance with the terms of the permit issued by Council. Inspections by Council will be required as specified. The Certifying Authority issuing the Construction Certificate must ensure that the permit issued by Council is obtained and referenced on and accompanies the Construction Certificate issued.

(Reason: To facilitate appropriate vehicular access to private sites, without disruption to pedestrian and vehicular traffic)

Stormwater Management and Disposal Design Plan - Construction Issue Detail

- C13. Prior to issue of any Construction Certificate, a site drainage management plan must be prepared by a qualified drainage design engineer. The site drainage management plan must detail the following requirements of North Sydney Council:
- a) compliance with BCA drainage requirements, Council's Engineering Performance guide and current Australian Standards and guidelines, such as AS/lt 23500.3.2 2003, National Plumbing and Drainage Code;
 - b) stormwater runoff and subsoil drainage generated by the approved development must be conveyed in a controlled manner by gravity to Council's stormwater gully pit in Honda Road. When a direct connection to the pit option is implemented then the pipeline within the footpath area shall have a minimum cover of 300mm;
 - c) the applicant shall engage a specialist Hydraulics Engineer to carry out an evaluation of Council's stormwater drainage system and the effect of the proposed development on this system and vice versa. The results of this evaluation shall be submitted with all other drainage details to Council prior to issue of any Construction Certificate by the Certifying Authority.

- d) all civil and drainage works within the road reserve and Council's stormwater drainage easement shall be designed and built in accordance with recommendations of Council's engineers from Engineering Infrastructure Department and in accordance with current "Infrastructure Specification". Prior to issue of the Construction Certificate the applicant must have engineering plans and specifications, prepared by a qualified civil drainage design engineer. Council must approve the plans and specifications, in writing, prior to issue of any Construction Certificate by the Certifying Authority. The documentation must provide engineering construction detail for the following public infrastructure works that must be completed as part of the approved development. Council reserves the right of keeping all bonds on infrastructure works for 12-month defects liability period.
- e) The stormwater drainage system within the drainage easement must be designed for an average recurrence interval (A.R.I.) of 1 in 20 years storm or to be the same size as the existing channel whichever is greater.
- f) Flood storage is to be provided onsite to match the existing with no additional water being directed to other properties;
- g) The new grate and/or deck over the channel shall be built to Council's satisfaction and be designed to be removable for any future access, maintenance or replacement of the stormwater channel; and
- h) For the extensions to the existing dwelling the floor level is to be the same as the existing floor level with flood compatible materials being used.
- i) All redundant stormwater within the footpath area shall be removed and the footpath and kerb reinstated pipelines.
- j) Any proposed fence is to be constructed so as not to impede the natural overland flow along the line of the easement. Provision is to be made for the collection and disposal in an approved manner of any overland flow entering the subject property or concentrated as a result of the proposed works. Any proposed fence to the property is to be designed to allow water to flow through it and not act as a barrier to flood water.
- k) Floor levels for the new building (House 2) adjacent to overland flow path, are to be minimum 300 mm above 1 in 100-year flood level. A report prepared by an appropriately qualified hydraulics engineer is to be submitted to the certifying authority with the construction certificate application, detailing the 1 in 100-year flood level and minimum floor level.
- l) all subsoil seepage drainage shall be discharged via a suitable silt arrester pit, directly to Council's nearest stormwater drainage line being. Details of all plans certified as being adequate for their intended purpose and compliant with the provisions of AS3500.3.2 by an appropriately qualified and practising civil engineer, shall be submitted with the application for a Construction Certificate.

- m) 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.
- n) Prevent any stormwater egress into adjacent properties by creating physical barriers and surface drainage interception.
- o) The foundations for building structures and walls adjacent to the drainage easement are to be constructed in such a manner that does not affect stormwater drainage lines.
- p) A work method statement is required with appropriate engineering input to address the ongoing management of stormwater during construction of the new stormwater channel. The work method statement must be provided to Council prior to issue of any Construction Certificate by the Certifying Authority.

A site drainage management plan which complies 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 controlled stormwater management and disposal without nuisance)

Floor Levels for Flooding

- C14. Floor levels are to be minimum 300 mm above the 1-in-100-year flood level for the new dwelling (House 2) to be constructed on the newly subdivided part of Lot B DP 405794. The additions (new habitable areas) to House 1 can be at a floor level of 21.19 mAHD. However, flood protective materials shall be used for additions located below the overland flow path, are to be minimum 300 mm above the 1-in-100-year flood level.

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: Prevention of damage to dwellings as a result of flood events)

House 1 Fenestration – Flooding

- C15. Windows on the western and northern elevation of House 1 are to be designed as per the below requirements to minimise risk to residents during flooding:

- Window W02 serving the entry porch should be designed to withstand water pressure and sealed appropriately to prevent water ingress during a flood event. The window to be amended is annotated in the relevant plans – House 1 Ground Floor Plan (DA10 Rev B) and House 1 West (DA15 Rev B).
- The window W08 and W09 to be designed to withstand water pressure and sealed appropriately to prevent water ingress during a flood event. The windows to be amended is annotated in the relevant plans – House 1 Ground Floor Plan (DA10 Rev B) and House 1 West (DA15 Rev B).

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: Prevention of damage to dwelling and safety of residents as a result of flood events)

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

- C16. Prior to the issue of any Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of \$135,000.00 to be held by Council for the payment of cost for any/all of the following:
- a) making good any damage caused to any property of the Council as a consequence of the doing of anything to which this consent relates,
 - b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with this consent.
 - c) remedying any defects in any such public work that arise within six months after the work is completed.

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

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

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

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

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

Tree Protection Measures to be shown on Construction Drawings

- C17. The tree protection measures contained in the arborist report prepared by Michael Shaw, dated 02 December 2022, and received by Council on 12 December 2022, shall be shown clearly on the Construction Certificate drawings. Plans and specifications showing the said tree protection measures must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority 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

- C18. 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	Location	Height (m)
<i>Cedrus deodara</i>	Located in the south western corner of the site	16m
<i>Livistona australis</i>	Located in the north western corner of the site	8m
<i>Cyathea cooperi</i>	Located in the north western corner of the site	8m
<i>Phoenix canariensis</i>	Located in the north western corner of the site	10m
<i>Jacaranda mimosifolia</i>	Located in the north western corner of the site	10m
<i>Ceratopetalum gummiferum</i>	Located in the northern corner of the site	6m
<i>Cyathea cooperi</i>	Located in the northern corner of the site	8m
<i>Camellia japonica</i>	Located in the northern corner of the site	6m
<i>Lagerstroemia indica</i>	Located centrally within the site	2m
<i>Pittosporum undulatum</i>	Located in the northern corner of the site	8m
<i>Angophora costata</i>	Located in the northern corner of the site	20m

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.

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)

Approval for Removal of Trees

- C19. The following tree(s) are approved for removal in accordance with the development consent:

Tree	Location	Height (m)
Juniperus sp.	Located within the southern part of the site adjacent to Honda Road	12m
Magnolia grandiflora	Located within the southern part of the site	4m
Tibouchina sp.	Located within the south eastern corner of the site	8m
3 x Callistemon viminalis	Located adjacent to the western boundary of the site	3m
Callistemon citrinus	Located adjacent to the western boundary of the site	3m
Syzigium sp.	Located within the south eastern part of the site.	3m

Removal or pruning of any other tree on the site is not approved, excluding species exempt under Council's Tree Preservation Order.

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)

Pruning of Trees

- C20. All pruning works shall to the following tree(s) shall be undertaken under the guidance of an appropriately qualified arborist/tree surgeon in accordance with Australian Standard AS 4373-2007 - Pruning of Amenity Trees:

Tree	Location	Height (m)
Cedrus deodara	Located within the south western corner of the site.	16m

A report detailing the measures to be employed during construction shall be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

All measures required by the said report must be complied with at all times in the carrying out of the development.

(Reason: To ensure the protection and longevity of existing significant trees)

Asbestos Material Survey

- C21. A report must be prepared by a suitably qualified person in relation to the existing building fabric to be demolished and/or disturbed identifying the presence or otherwise of asbestos contamination and, if asbestos contamination is present, making recommendations as to the work required to safely address the contamination.

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

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

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

(Reason: To ensure the long-term health of workers on site and occupants of the building is not put at risk unnecessarily)

Swimming Pool Pumps on Residential Premises

- C22. 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

- (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.

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)

Privacy

C23. The following privacy devices are to be provided:

- a) Fixed obscure or frosted glass privacy screens shall be attached to the western first floor window named W12. The window to comprise fixed obscure or frosted glass is clouded in red on House 1 First Floor Plan (DA11 Rev B).

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

(Reason: To ensure an adequate level of privacy is provided between the adjoining properties known as ‘House 1’ and ‘House 2’)

Pool Access

C24. 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

- C25. 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

- C26. 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 7.11 Contributions

- C27. A monetary contribution pursuant to the provisions of Section 7.11 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 \$20,000.00.

A	B (\$)
Open Space and recreation facilities	\$11,012.89
Public domain	\$6,130.55
Active transport	\$349.91
Community Facilities	\$2,211.99
Plan Administration and Management	\$294.66
The total contribution is	<u>\$ 20,000.00</u>

Indexation

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

Timing of Payment

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

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

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

Security Deposit/Guarantee Schedule

C28. 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 (\$)
Drainage Construction Bond	130,000.00
Engineering Construction Bond	5,000.00
TOTAL BONDS	\$135,000.00

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.

Note: The following fees applicable

Fees	Amount (\$)
Section 7.11 Contributions	
TOTAL FEES	\$20,000.00

(Reason: Compliance with the development consent)

BASIX Certificate

- C29. Under clause 75 of the Environmental Planning and Assessment Regulation 2021, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. 1298439M_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)

Amendments to the Landscape Plan

- C30. The landscape plan must be amended as follows to provide an appropriate landscaped setting:

The landscape plan must be amended as follows to provide an appropriate landscaped setting:

- The water feature within the front garden/western side setback of House 1 is to be deleted and replaced with landscaping. The landscaping is to comprise of plants and grasses only as shown on the plans and clouded in red on the approved House 1 Ground Floor Plan/Landscape Plan.

An amended landscape plan 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 amended landscape plan and other plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To ensure residential amenity)

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)

Temporary Fences and Tree Protection

- D2. All protected trees on-site including the landscaped north western corner of the site that are specifically nominated to be retained by notation on plans or by condition as a requirement of this consent must be tagged with luminous tape or the like for purposes of identification prior to demolition, excavation or construction works and must remain so for the duration of works on the site. No materials or builders' waste are to be stored in the vicinity of the north western corner of the site or in the vicinity of nominated tree/trees at any time. The north western landscaped corner of the site is to remain out of bounds during construction and appropriate signage as well as fencing is to prevent access to this area.

Appropriate fencing or barricades in accordance with AS4970-2009 (Protection of trees on development sites), must be installed to the satisfaction of the Certifying Authority prior to demolition or commencement of any works and must be maintained for the duration of the works.

(Reason: To protect the trees to be retained on the site and protect the frog habitat on the site during construction works)

Public Liability Insurance - Works on Public Land

- D3. 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)

Notification of New Addresses

- D4. Prior to the commencement of any building works, an application must be made and written confirmation received from North Sydney Council of the allocated street address (house number) and/or unit numbers of the completed project.

To assist Council, a plan for unit numbering should be submitted for concurrence. These details will be recorded in Council records and must be displayed at the property in accordance with the provisions of the applicable Australian Standard relating to rural and urban addressing. A copy of the allocation confirmation must be submitted to the Certifying Authority with the application for a Construction Certificate.

(Reason: To ensure that Council records are accurate, and that house numbering complies with the requirements of Council's House Numbering Policy. Proper house numbering also assists emergency services in readily locating properties)

Sydney Water Approvals

- D5. 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

- D6. 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)

Service Adjustments

- E4. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the person acting on the consent and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of the development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.

(Reason: To ensure the service requirements are met)

Temporary Disposal of Stormwater Runoff

- E5. 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

- E6. 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

- E7. 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 Geotechnical/Civil Engineering Report required by Condition C7 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

- E8. 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:
- a) Vehicular access; and associated road civil works.
 - b) Works on Stormwater Easement channel.

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

- E9. 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

E10. 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

E11. The works must be undertaken in accordance with the "Interim Construction Noise Guideline," published by the NSW Environment Protection Authority, to ensure excessive levels of noise and vibration do not occur so as to minimise adverse effects experienced on any adjoining land.

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

No Work on Public Open Space

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)

Developer's Cost of Work on Council Property

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

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

No Removal of Trees on Public Property

- 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. All recommendations contained within the tree report prepared by Michael Shaw dated 02 December 2022 and received by Council on 12 December 2022 must be implemented for the duration of the works.

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 the nominated 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)

Trees to be Removed

- E16. All trees on the site must be protected and retained save for those expressly identified below as being approved for removal:

Tree	Location	Height (m)
Juniperus sp.	Located within the southern part of the site adjacent to Honda Road	12m
Magnolia grandiflora	Located within the southern part of the site	4m
Tibouchina sp.	Located within the south eastern corner of the site	8m
3 x Callistemon viminalis	Located adjacent to the western boundary of the site	3m

Callistemon citrinus	Located adjacent to the western boundary of the site	3m
Syzigium sp.	Located within the south eastern part of the site.	3m

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

Construction Hours

- E17. Construction activities and works approved under this consent must be carried out only within the hours stipulated in the following table:

Location	Standard Construction Hours	
	Day	Hours
R2 Low Density Residential	Monday - Friday	7.00 am - 5.00 pm
	Saturday	8.00 am - 1.00 pm
	Sunday, Public holiday	No work permitted

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

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

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

Installation and Maintenance of Sediment Control

- E18. 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

- E19. 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

- E20. 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

- E21. All work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements to prepare a health and safety plan. Site fencing must be installed sufficient to exclude the public from the site. Safety signs must be erected that warn the public to keep out of the site and provide a contact telephone number for enquiries.

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

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

Prohibition on Use of Pavements

- E22. 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

- E23. All plant and equipment used in the undertaking of the development/ works, including concrete pumps, wagons, lifts, mobile cranes, hoardings etc, must be situated within the boundaries of the site (unless a permit is obtained from Council beforehand) and so placed that all concrete slurry, water, debris and the like must be discharged onto the building site, and is to be contained within the site boundaries.

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

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

Waste Disposal

- E24. All records demonstrating the lawful disposal of waste must be retained and kept readily accessible for inspection by regulatory authorities such as North Sydney Council and the Environmental Protection Authority.

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

Asbestos Removal

- E25. All demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with National Occupational Health and Safety Commission.

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

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

National Construction Code

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

(Reason: Prescribed - Statutory)

Home Building Act

- F2. 1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act 1989) for which the *Home Building Act 1989* requires there to be a contract of insurance under Part 6 of that Act must not be carried out unless the Principal Certifying Authority for the development to which the work relates has given North Sydney Council written notice of the contract of insurance being issued and of the following:
- a) in the case of work for which a principal contractor is required to be appointed:
 - i) the name and licence number of the principal contractor, and
 - ii) the name of the insurer by which the work is insured under Part 6 of that Act, or
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- 2) If arrangements for doing residential building work are changed while the work is in progress such that the information submitted to Council in accordance with this conditions is out of date, work must cease and no further work may be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

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

(Reason: Prescribed - Statutory)

Appointment of a Principal Certifying Authority (PCA)

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

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

Construction Certificate

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

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

Occupation Certificate

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

(Reason: Statutory)

Commencement of Works

- F6. Building work, demolition or excavation in accordance with this development consent must not be commenced until the developer has given at least two (2) days' notice to North Sydney Council of the person's intention to commence the erection of the building.

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

Excavation/Demolition

- F7. 1) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- 2) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- 3) Demolition work must be undertaken in accordance with the provisions of AS2601- Demolition of Structures.

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

Protection of Public Places

- F8. 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

- F9. 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)

Certification - Civil Works

- G2. 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)

Works as Executed Drawings and Video

- G3. A works-as-executed survey drawing (W.A.E.) of the completed stormwater drainage system must be obtained. The W.A.E. survey drawing must show the alignment, depth and grade of the stormwater drainage pipelines, pits and ancillary plumbing. The W.A.E. survey drawing must be reviewed by a qualified and practising civil engineer and certification provided to the Certifying Authority that the as-built system achieves the design intent of the plans approved with the Construction Certificate. Certification must be provided with the W.A.E. survey drawing to the Certifying Authority prior to the issue of an Occupation Certificate.

A copy of the W.A.E. survey drawing and certification must be submitted to the Council if it is not the Certifying Authority.

(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)

Damage to Adjoining Properties

- G6. 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

- G7. 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)

Flood Risk Management Plan

- G8. Prior to the issue of the final Occupation Certificate or any Subdivision Certificate, a Flood Risk Management Plan (FRMP) is to be prepared by a suitably qualified Hydraulic Engineer which outlines emergency warning measures and systems to be implemented should a flooding event exceed the flood planning level (FPL) for the site.

The Flood Risk Management Plan required by this condition must include details of measures to be implemented by owner/occupants of both dwellings should a flooding event exceed the flood planning level (FPL) for the site.

The FRMP must be prepared to the satisfaction of the Certifying Authority prior to the issue of the Final Occupation Certificate for the development.

The owners of the respective properties/lots must ensure that recommendations of the FRMP are to be implemented and maintained at all times.

(Reason: Compliance and adequate maintenance due to potential flood affectation)

Subdivision to be Registered

- G9. The subdivision certificate referenced in Condition J2 is to be registered prior to the issue of any occupation certificate relating to the approved works to subdivide Lot B DP 405794 into two lots.

(Reason: To ensure that the approved residential dwellings are located on separate

New Drainage Easement (Relocated Pipeline)

- G10. An Instrument pursuant to Section 88A of the *Conveyancing Act 1919* and one copy must be submitted to Council in registrable form, providing for:

- a) a drainage easement in favour of Council over the newly constructed stormwater pipeline.
- b) The new culvert will also need an easement to match the new alignment.
- b) The easement shall be at no cost to Council;
- c) access rights for Council personnel and equipment to inspect and maintain and/or replace the drainage pipeline;
- d) North Sydney Council being nominated in the Instrument as the only party authorised to release, vary or modify the Instrument.

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

The Instrument creating the easement required by this condition of consent must be registered on the Title of the development site prior to the issue of an Occupation Certificate or commencement of use of the site, whichever is the earlier. Evidence of registration of the easement must be provided to Council prior to issue of any Occupation Certificate.

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

(Reason: To ensure future provision for maintenance of the drainage system)

Notification of New Address Developments

G11. Prior to any Occupation Certificate being issued, the person acting upon this consent must comply with the following:

- (a) Notify Australia Post of the address(es) as issued by Council and the location in plan form of any secondary, internal addresses, in relation to built public roads. Check Australia Post Website (www.auspost.com.au) to find your nearest Australia Post Delivery Facility.

(Reason: To ensure that Council records are accurate, and that house numbering complies with the requirements of Council's House Numbering Policy. Proper house numbering also assists emergency services in readily locating properties)

Asbestos Clearance Certificate

G12. For building works where asbestos based products have been removed or altered, an asbestos clearance certificate signed by an appropriately qualified person (being an Occupational Hygienist or Environmental Consultant) must be submitted to and approved by the Certifying Authority (and a copy forwarded to Council if it is not the Certifying Authority) for the building work prior to the issue of any Occupation Certificate, the asbestos clearance certificate must certify the following:

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

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

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

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

Certification of Tree Condition

- G13. 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	Location	Height (m)
Cedrus deodara	Located in the south western corner of the site	16m
Livistona australis	Located in the north western corner of the site	8m
Cyathea cooperi	Located in the north western corner of the site	8m
Phoenix canariensis	Located in the north western corner of the site	10m
Jacaranda mimosifolia	Located in the north western corner of the site	10m
Ceratopetalum gummiferum	Located in the northern corner of the site	6m
Cyathea cooperi	Located in the northern corner of the site	8m
Camellia japonica	Located in the northern corner of the site	6m
Lagerstroemia indica	Located centrally within the site	2m
Pittosporum undulatum	Located in the northern corner of the site	8m
Angophora costata	Located in the northern corner of the site	20m

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)

Sydney Water

- G14. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

The final Section 73 Certificate must be submitted to the Certifying Authority prior to release of any linen plan for subdivision or prior to occupation of the development, whichever is the earlier.

Notes: Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site www.sydneywater.com.au/customer/urban/index, or telephone 13 20 92.

Following application, a 'Notice of Requirements' will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

(Reason: To ensure compliance with the statutory requirements of Sydney Water)

BASIX Completion Certificate

- G15. In accordance with Clause 45 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, prior to issuing a final occupation certificate the Certifying Authority must apply to the Director-General for a BASIX completion receipt.

(Reason: To ensure compliance with the specified BASIX Certificate)

House Numbering (Dwellings)

- G16. Prior to any Occupation Certificate being issued an application must be made to North Sydney Council for written confirmation, or allocation, of the street address(es) or apartment number(s) for the completed project in accordance with Council's Property Addressing Policy. These are the numbers that will be recorded in Council records and must be displayed at the property in accordance with the provisions of AS/NZS 4819:2011.

Note: If apartments are to be sold off the plan, the applicant must have written confirmation from Council of the address and apartment numbering if the apartment number is to be identified on the contract.

(Reason: To ensure that Council records are accurate, and that house numbering complies with the requirements of Council's House Numbering Policy. Proper house numbering also assists emergency services in readily locating properties.)

Landscaping

- G17. The landscaping shown in the approved landscape plans numbered 01 - 06 prepared by Concept Landscape Architects dated 02 December 2022 and received by Council on 12 December 2022 modified via condition C30 – Amendments to the Landscape Plan must be completed prior to the issue of any Occupation Certificate.

(Reason: To ensure compliance)

Compliance with Certain Conditions

- G18. Prior to the issue of any Occupation Certificate C6 Heritage Requirements, C14 Floor Levels for Flooding, C13 Stormwater Management & Disposal Design Plan, C15 House 1 Fenestration - Flooding, C23 Privacy, C30 Amendments to the Landscape Plan and G9 Subdivision to be registered must be certified as having been implemented on site and complied with.

(Reason: To ensure the development is completed in accordance with the requirements of this consent)

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)

Maintenance of Approved Landscaping

- I2. The owner/s of both lots subject to the proposed subdivision of Lot B in DP 405794 is to maintain the landscaping approved by this consent generally in accordance with drawing number/s 01 - 06 prepared by Concept Landscape Architects dated 02 December 2022 as modified by condition C30 – Amendments to the Landscape Plan.

Any replacement plants required shall be advanced in growth and be selected to maintain the anticipated mature height, canopy density and nature of those plant species as originally approved.

Should it be desired to substitute plants which are not of the same mature height, canopy density and nature (particularly flowering for non-flowering, native for exotic, deciduous for non-deciduous or the reverse of any these) a modification to this consent will be required.

(Reason: To ensure maintenance of the amenity, solar access and views of adjoining properties)

J. Prior To the Issue of Any Subdivision Certificate (Land/Torrens/Stratum)

Registered Plans (Land/Torrens/Stratum)

- J1. The applicant must submit to Council's documentary evidence that the subdivision has been registered and the lot(s) exists. The use of the premise must not commence until the documentary evidence has been submitted to and approved by Council.

(Reason: To ensure that the allotments of land are created prior to the commencement of the approved use.)

Subdivision Certificate

- J2. A subdivision certificate that authorises the registration of a plan of subdivision at the NSW Land and Property Information Office must be obtained. The following must be submitted to Council with any application for a Subdivision Certificate:
- a) the original plans of subdivision and administration sheets plus two (2) copies of each, and any original 88B instrument to be endorsed, all enclosed in a protective card-board tube (to prevent damage during transfer);
 - b) two additional copies of both the plans and any 88B instrument for submission to Customer Services and records for electronic database scanning and copying;
 - c) Application for Subdivision Certificate form duly completed with payment of fee current at lodgement;
 - d) Written evidence that all applicable conditions of consent to be satisfied, prior to issue of the Subdivision Certificate, have been satisfied (including submission of all required certificates and the like); and
 - e) All other information required by *the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000*.

Note:

- 1) Council will check the consent conditions on the relevant subdivision consent. Failure to submit the required information will delay endorsement of the plan of subdivision and may require payment of rechecking fees.
- 2) Plans of subdivision and copies must not be folded.
- 3) Council will not accept bonds in lieu of completing subdivision works.

(Reason: To ensure compliance with relevant legislative requirements and maintenance of up-to-date Council records)

Sydney Water Compliance Certificate

- J3. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the release of a subdivision certificate.

The Section 73 Certificate must be submitted to the certifying authority or North Sydney Council with the documentation to enable the issue of the Strata Certificate.

Notes: Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site <http://www.sydneywater.com.au/SW/plumbing-building-developing/developing/providers/lists/index.htm>, or telephone 13 20 92.

Following application, a 'Notice of Requirements' will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

(Reason: To ensure compliance with Sydney Water requirements)

Services within Lots

- J4. A report must be provided by a Registered Surveyor certifying that all services (including but not limited to stormwater drainage, gas, electricity, telephone cable) as constructed or to be constructed are/will be contained within each lot or within the necessary easements to accommodate such services. The report must be submitted to the Certifying Authority for approval prior to the issue of any Subdivision Certificate.

(Reason: To ensure adequate servicing of the development)

Easements, Rights-of-way and Restrictions-as-to-User

- J5. All easements, rights-of-way, right-of-carriageway, and restrictions-as-to-user as indicated on the plans submitted with the application for the Subdivision Certificate must be registered on the title of the relevant lots.

The following additional easements/rights-of-way/restrictions, naming North Sydney Council as the sole authority empowered to release or modify the same must be registered on the title of the relevant lots:

- a) stormwater drainage channel running north to south through the site and the new culvert.

(Reason: To ensure proper management of land)

Section 88B Instrument

- J6. A Section 88B Instrument and one copy are to be submitted with the application for a subdivision certificate. The final plan of subdivision and accompanying Section 88B Instrument are to provide for:

- a. The stormwater drainage channel easement as stipulated in G10 New Drainage Easement (Relocated Pipeline)

The instrument creating the restrictions, easements and covenants under the provisions of Section 88B required by these conditions of consent must be lodged for registration with the plan of subdivision. North Sydney Council must be the prescribed authority in the Instrument whose consent is required to release, vary or modify the burdens/benefits.

Proof of registration of the restrictions, easements and covenants under Section 88B must be provided to Council within 28 days of registration of the plan of subdivision.

(Reason: To create legal entitlements with the subdivision, as required)

Release of Subdivision Certificate

- J7. A Subdivision Certificate must not be issued until all conditions of this consent have been satisfied and the Final Occupation Certificate has been issued for the building.

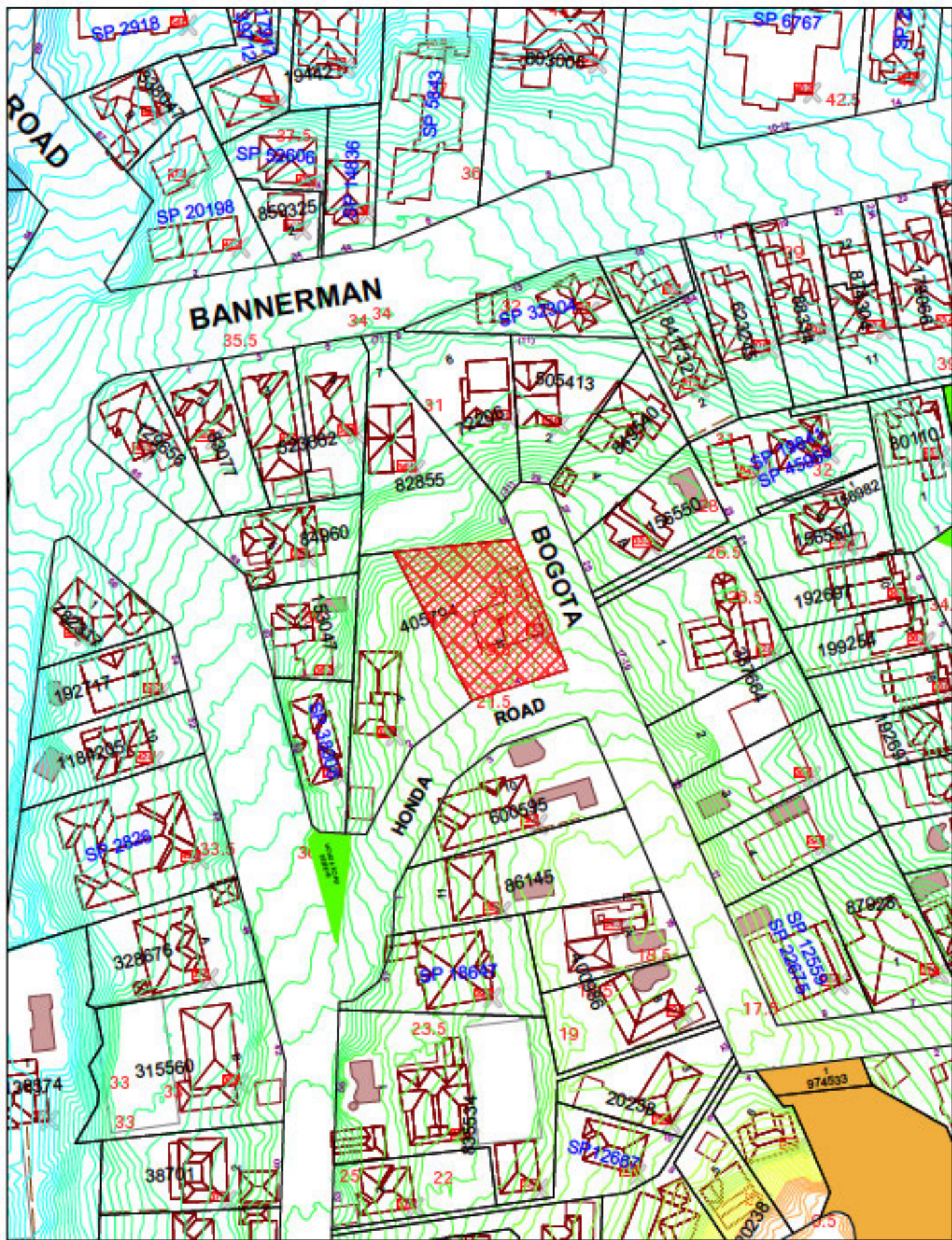
(Reason: To ensure that the development is completed to an acceptable standard prior to registration)

Building and Unit Numbering

- J8. Prior to issue any Subdivision Certificate, the person acting upon this consent must apply to North Sydney Council and receive written confirmation of the allocated street address (house number) and unit numbers for the building. These are the property addresses that will be recorded in Council records and must be displayed at the property in accordance with the provisions of the applicable Australian Standard (AS/NZS 4819:2011).

To assist Council a draft proposal for numbering should be submitted for concurrence to Council, as these numbers will be used to maintain Council's property and mapping database.

(Reason: To ensure that Council records are accurate, and that building and unit numbering complies with the requirements of Council's Property Addressing Policy. Proper building and unit numbering also assists emergency services in readily locating properties)



North Sydney Council

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Further details can be obtained by calling (02) 9556 5700 or a web mapping@northsydney.nsw.gov.au.

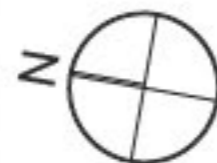
Draw...	Description	...	Scale	Rev.
DA00	Cover Sheet		NTS	C
DA01	Site Analysis		NTS	C
DA02	Site Plan		1:200...	C
DA03	Coverage		1:200	B
DA04	Honda Road Elevation		1:100	B
DA05	Bogota Avenue Elevation		1:100	B
DA06	Site Sections		1:100	B
DA07	Site Perspective		NTS	B
DA08	Site Perspective		NTS	B
DA09	House 1 Lower Ground Plan		1:100	B
DA10	House 1 Ground Floor Plan		1:100	B
DA11	House 1 First Floor Plan		1:100	B
DA12	House 1 Roof Plan		1:100	B
DA13	House 1 Sections		1:100	B
DA14	House 1 Section and Elevations		1:100	B
DA15	House 1 Elevations		1:100	B
DA16	House 2 Lower Ground Plan		1:100	C
DA17	House 2 Ground Floor Plan		1:100	B
DA18	House 2 First Floor Plan		1:100	B
DA19	House 2 Roof Plan		1:100	B
DA20	House 2 Sections		1:100	B
DA21	House 2 Elevations		1:100	C
DA22	House 2 Elevations		1:100	B
DA23	Sun Shadows March/Sept 09h00		1:200	B
DA24	Sun Shadows March/Sept 10h00		1:200	B
DA25	Sun Shadows March/Sept 12h00		1:200	B
DA26	Sun Shadows March/Sept 15h00		1:200	B
DA27	Sun Shadows June 09h00		1:200	B
DA28	Sun Shadows June 10h00		1:200	B
DA29	Sun Shadows June 12h00		1:200	B
DA30	Sun Shadows June 15h00		1:200	B
DA31	Height Plane Drawing		NTS	B
DA32	Site Perspective		NTS	B



01 Extract from Six Maps with site highlighted

figured dimension only to be used. drawings not to be scaled. dimensions must be checked on site prior to commencement of work.

REV	DATE	DESCRIPTION
A	22/04/2022	issued for DA
B	20/09/2022	revision numbers updated



Proposed Development
FOR
HJ Four Property Trust
AT
4 Honda Road
Kurraba Point NSW 2089



FLORIS SMITH ARCHITECTURE PTY LTD					
1 Vernon Street, Cammeray, NSW 2052, Australia +61 403 080 340 florissmith@live.com.au					
DRAWING TITLE					
Cover Sheet					
SCALE	ITEM No	DATE	DRAWN	PROJ No	DRAWING No
as shown			JW	1-2101	DA00
registered architect: floris smith ARBNSW 6242 ABN89 632 780 271 plot date					B

2x



View of site from Honda Rd, looking north east



View of site from Honda Road Looking North



View of Site from corner of Bogota and Honda

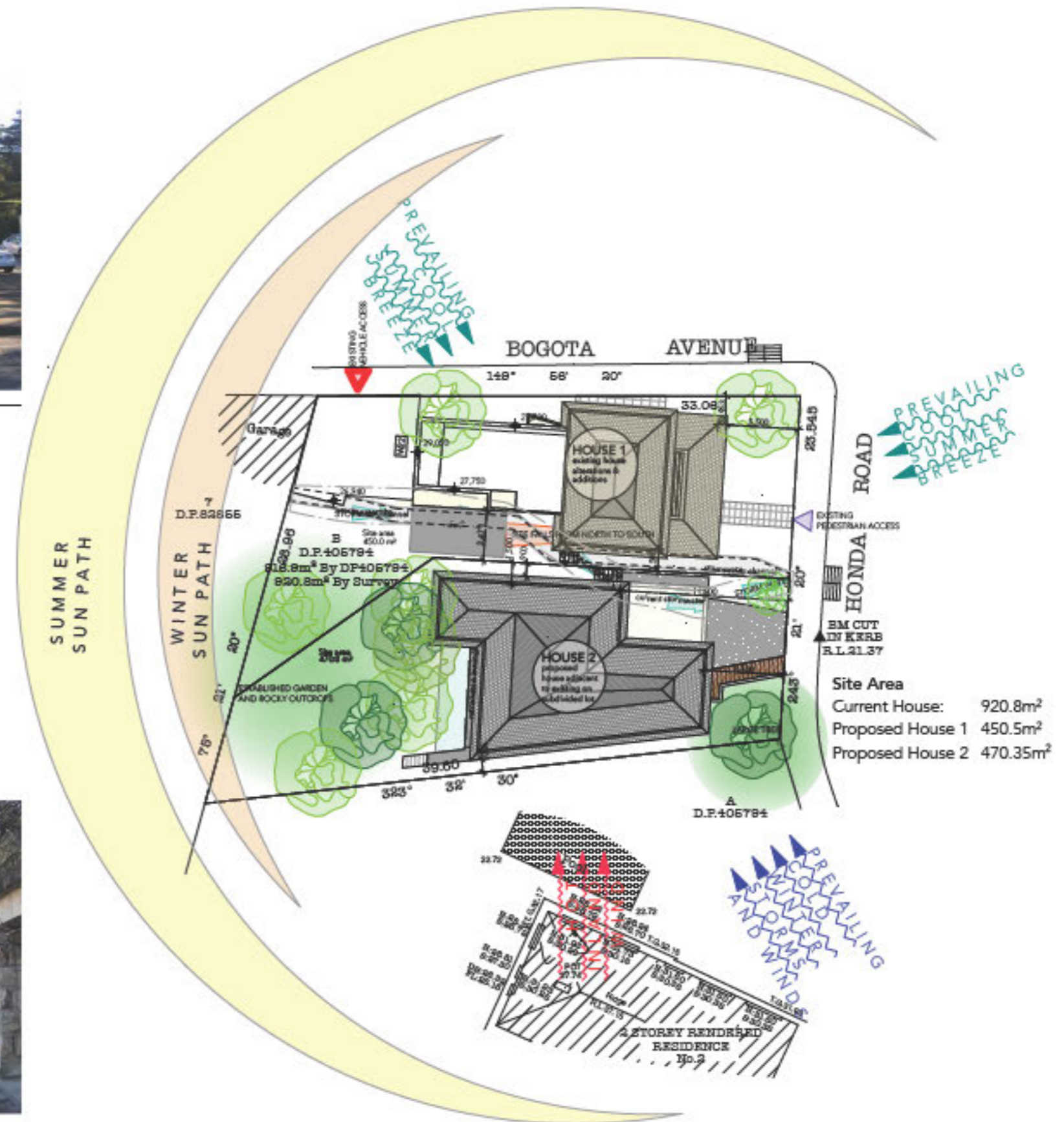


View of site from Bogota Avenue



View of site from Bogota Avenue looking North

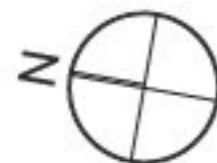
02 Site Photos



01 Site Analysis

figured dimension only to be used. drawings not to be scaled. dimensions must be checked on site prior to commencement of work.

REV	DATE	DESCRIPTION
A	22/04/2022	issued for DA
B	31/08/2022	survey amended
C	20/09/2022	site areas amended



Proposed Development
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1 Vernon Street, Cammeray, NSW 2052, Australia +61 403 080 340 florissmith@live.com.au					
DRAWING TITLE					
Site Analysis					
SCALE	ITEM No	DATE	DRAWN	PROJ No	DRAWING No
as shown			JW	1-2101	DA01
REVISION					C

BASIX Certificate

Building Sustainability Index www.basix.nsw.gov.au

Multi Dwelling

Certificate number: 128486L01

This certificate confirms that the proposed development meets the BASIX requirements for water, energy and greenhouse gas emissions. The certificate is valid for the duration of the development. For more information, visit the BASIX website.

Basix
New South Wales
Department of Planning, Industry and Environment

Basix
New South Wales
Department of Planning, Industry and Environment

Project Summary	Compliance	Target
Project name	128486L01	Target ID
Location	128486L01	Target Fee
Project type	128486L01	Target ID
Project status	128486L01	Target ID

Description of project

The table below describes the buildings and common areas within the project.

Single dwelling houses

Building	Area (m ²)	Water	Energy	Greenhouse Gas
House 1	916.9	12	12	12
House 2	920.8	12	12	12

2. Compliance for single dwelling houses

Water

Requirement	Compliance	Notes
Water saving devices	Compliant	
Water saving devices	Compliant	
Water saving devices	Compliant	

Energy

Requirement	Compliance	Notes
Energy saving devices	Compliant	
Energy saving devices	Compliant	
Energy saving devices	Compliant	

Greenhouse Gas

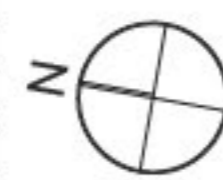
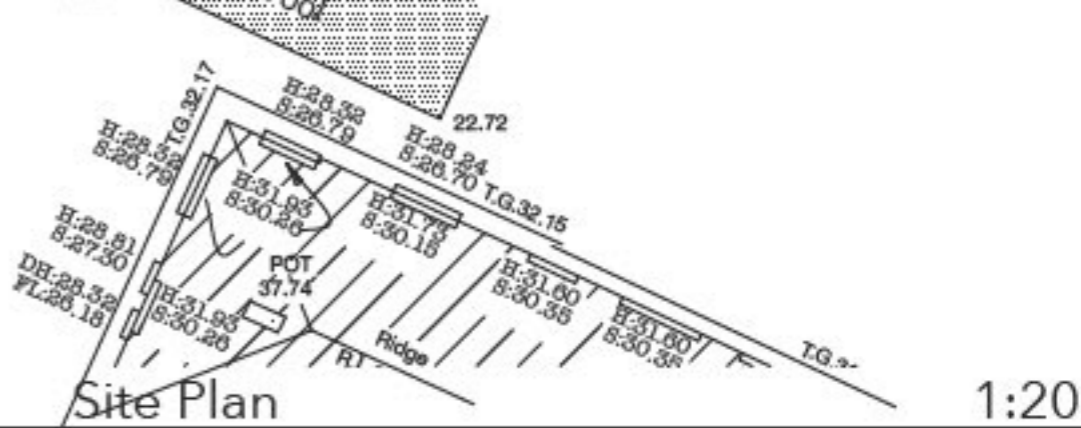
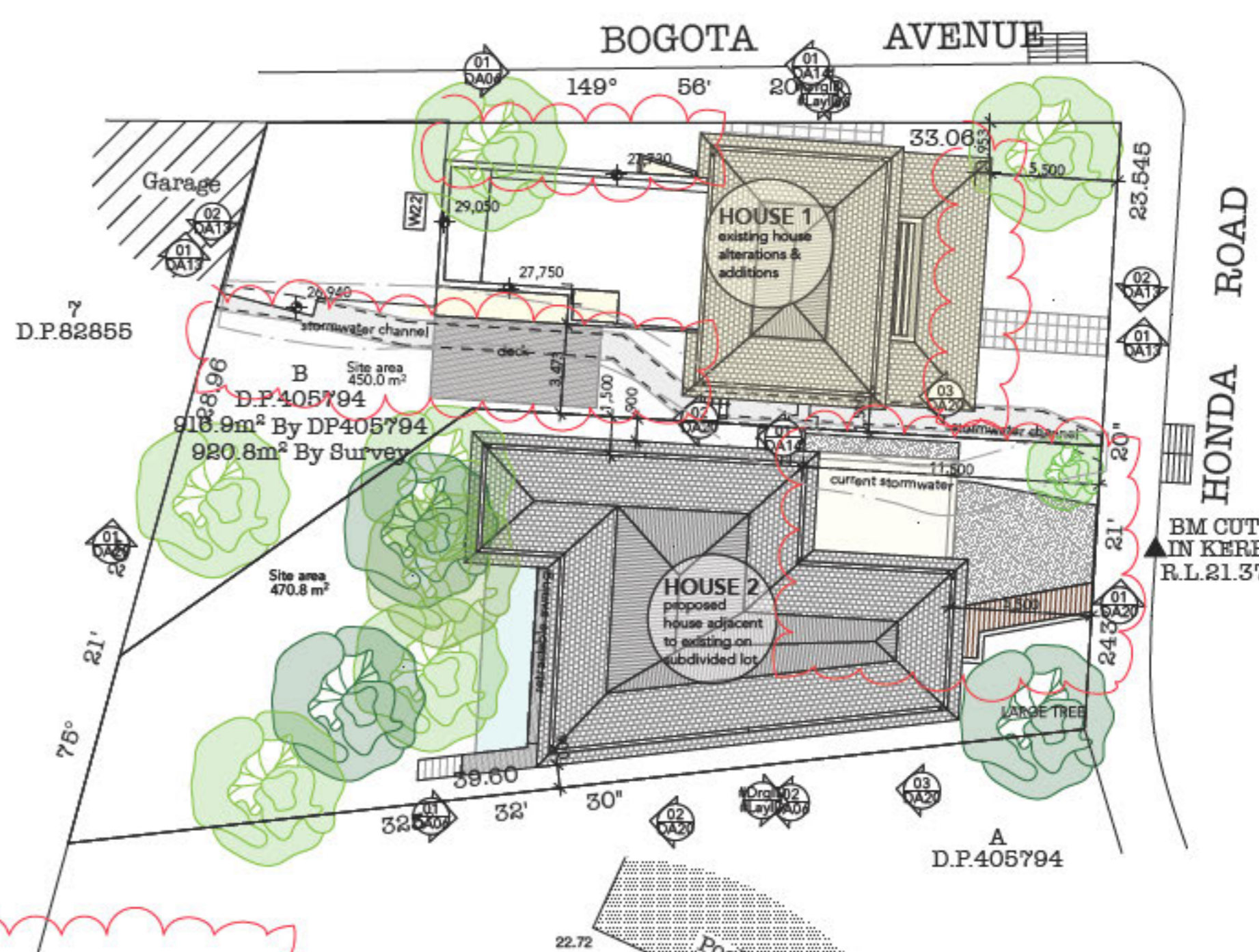
Requirement	Compliance	Notes
Greenhouse gas emissions	Compliant	
Greenhouse gas emissions	Compliant	
Greenhouse gas emissions	Compliant	

Other

Requirement	Compliance	Notes
Other requirements	Compliant	
Other requirements	Compliant	
Other requirements	Compliant	

Other

Requirement	Compliance	Notes
Other requirements	Compliant	
Other requirements	Compliant	
Other requirements	Compliant	

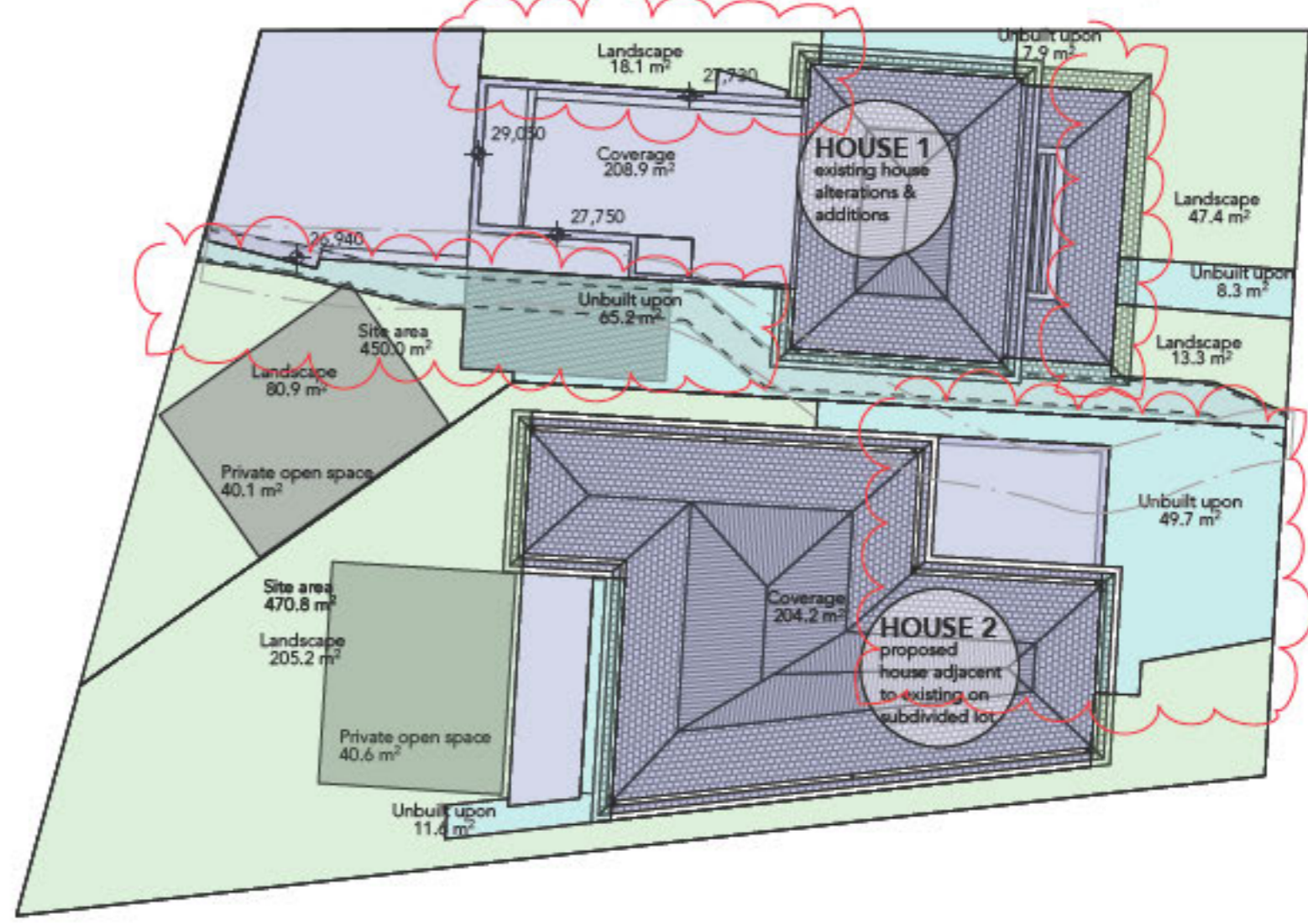


Proposed Development
FOR
HJ Four Property Trust
AT
4 Honda Road
Kurraba Point NSW 2089



FLORIS SMITH ARCHITECTURE PTY LTD
1 Vernon Street, Cammeray, NSW 2052, Australia +61 403 080 340 floris.smith@live.com.au
DRAWING TITLE
Site Plan
SCALE as shown
ITEM No
DATE
DRAWN JW
PROJ No 1-2101
DRAWING No **DA02**
REVISION **C**

Coverage			
House 1			
Site Area	450.0m ²	Proposed	Allowed
Coverage	208.9m ²	46.4%	50% max
Unbuilt upon	81.4m ²	18.1%	20% max
Landscape	159.7m ²	35.5%	30%min
House 2			
Site Area	470.8m ²	Proposed	Allowed
Coverage	204.2m ²	43.4%	50% max
Unbuilt upon	61.4m ²	13.0%	20% max
Landscape	205.2m ²	43.6%	30%min



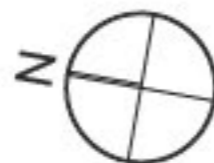
01

Coverage Plan

1:200

figured dimension only to be used. drawings not to be scaled. dimensions must be checked on site prior to commencement of work.

REV	DATE	DESCRIPTION
A	22/04/2022	issued for DA
B	21/11/2022	DA amended to Council comment

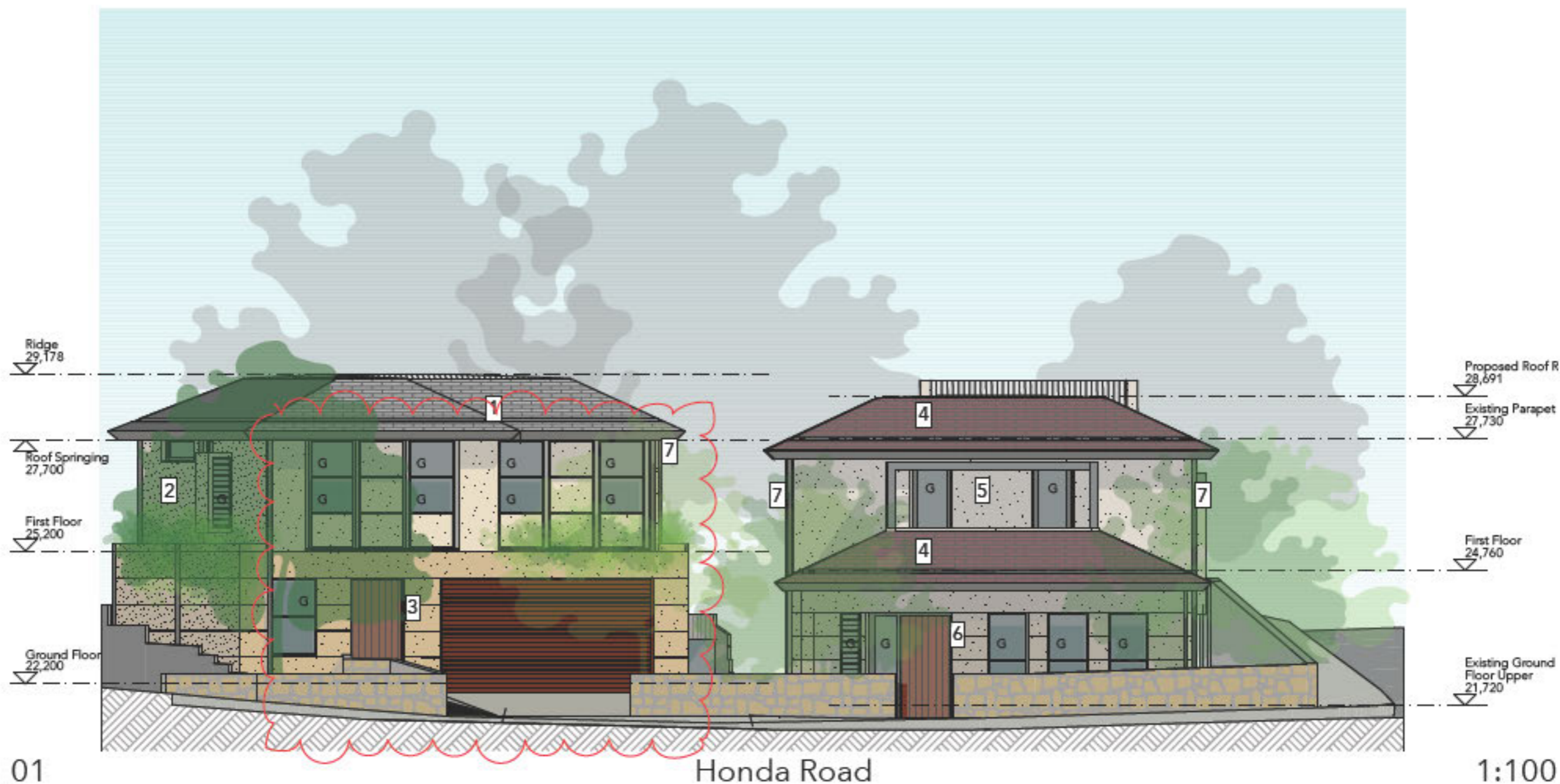


Proposed Development
FOR
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Kurraba Point NSW 2089



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1 Vernon Street, Cammeray, NSW 2052, Australia +61 403 080 340 florissmith@live.com.au					
DRAWING TITLE					
Coverage					
SCALE	ITEM No	DATE	DRAWN	PROJ No	DRAWING No
as shown			JW	1-2101	DA03
registered architect: floris smith ARBNSW 6242					REVISION
ABN89 632 780 271					B
plot date					6/12/22

						
imitation slate - terracotta	smooth render NOTE: paint colours are indicative, final paint colours will be selected on site	ruled render	imitation slate - grey	smooth render NOTE: paint colours are indicative, final paint colours will be selected on site	ruled render	metal work



figured dimension only to be used. drawings not to be scaled. dimensions must be checked on site prior to commencement of work.

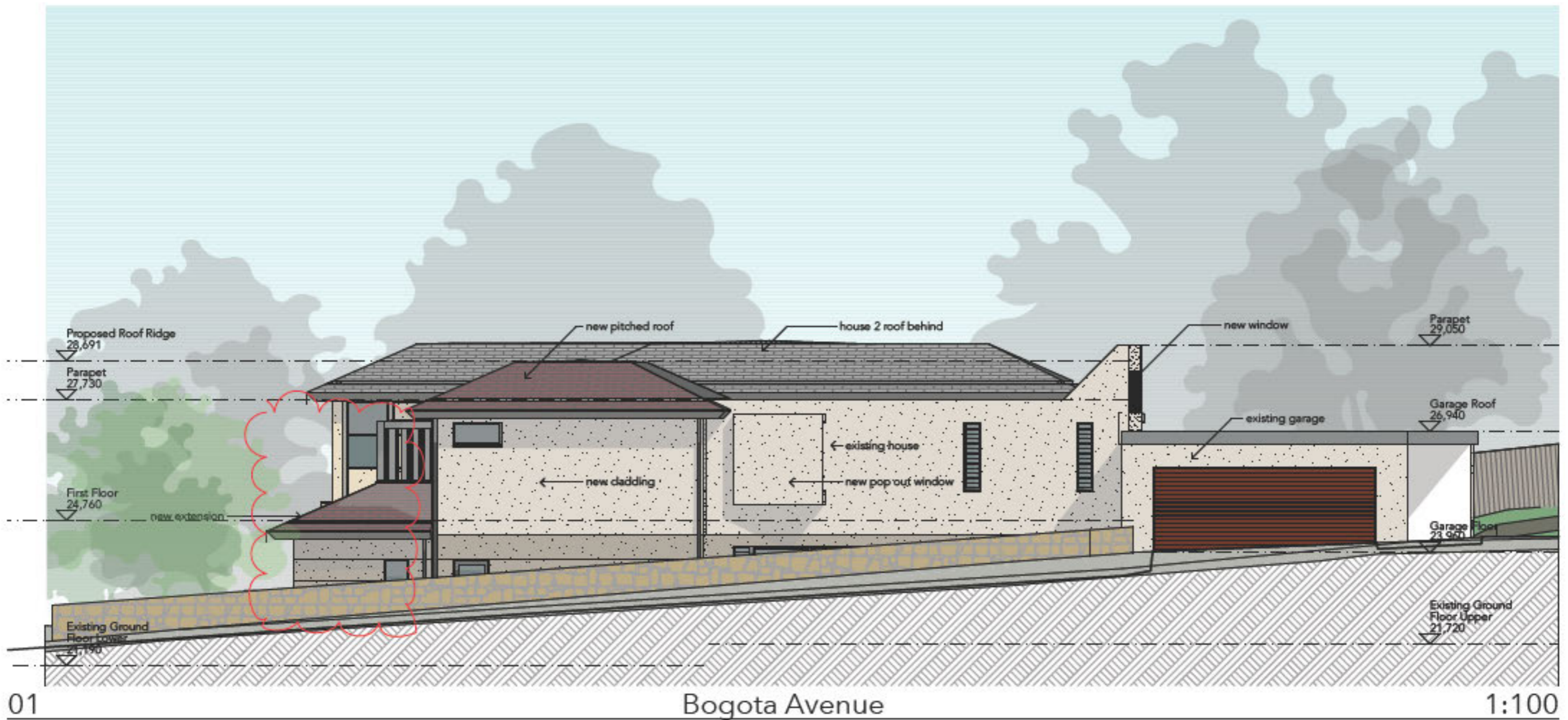
REV	DATE	DESCRIPTION
A	22/04/2022	issued for DA
B	21/11/2022	DA amended to Council comment



Proposed Development
FOR
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4 Honda Road
Kurraba Point NSW 2089



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DRAWING TITLE					
Honda Road Elevation					
SCALE	ITEM No	DATE	DRAWN	PROJ No	DRAWING No
as shown			JW	1-2101	DA04
REVISION					B



figured dimension only to be used. drawings not to be scaled. dimensions must be checked on site prior to commencement of work.

REV	DATE	DESCRIPTION
A	22/04/2022	issued for DA
B	21/11/2022	DA amended to Council comment

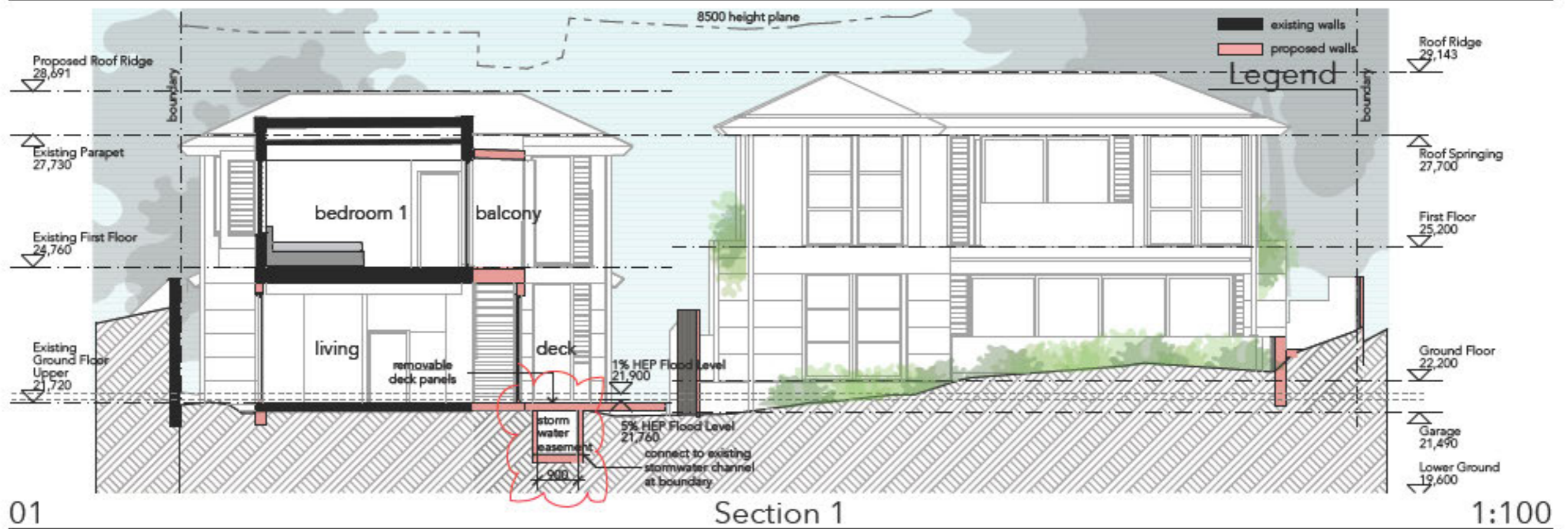


Proposed Development
FOR
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Kurraba Point NSW 2089



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1 Vernon Street, Cammeray, NSW 2052, Australia +61 403 080 340 florissmith@live.com.au					
DRAWING TITLE					
Bogota Avenue Elevation					
SCALE	ITEM No	DATE	DRAWN	PROJ No	DRAWING No
as shown			JW	1-2101	DA05
REVISION					B

registered architect: floris smith ARBNSW 6242 ABN89 632 780 271 plot date 6/12/22



figured dimension only to be used. drawings not to be scaled. dimensions must be checked on site prior to commencement of work.

REV	DATE	DESCRIPTION
A	22/04/2022	issued for DA
B	21/11/2022	DA amended to Council comment



Proposed Development
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Kurraba Point NSW 2089



FLORIS SMITH ARCHITECTURE PTY LTD					
1 Vernon Street, Cammeray, NSW 2052, Australia +61 403 080 340 florissmith@live.com.au					
DRAWING TITLE Site Sections					
SCALE as shown	ITEM No	DATE	DRAWN JW	PROJ No 1-2101	DRAWING No DA06
					REVISION B



01

Perspective

REV	DATE	DESCRIPTION
A	22/04/2022	issued for DA
B	21/11/2022	DA amended to Council comment



Proposed Development
FOR
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Kurraba Point NSW 2089

figured dimension only to be used. drawings not to be scaled. dimensions must be checked on site prior to commencement or work.



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1 Vernon Street, Cammeray, NSW 2052, Australia +61 403 080 340 florissmith@live.com.au					
DRAWING TITLE					
Site Perspective					
SCALE	ITEM No	DATE	DRAWN	PROJ No	DRAWING No
as shown			JW	1-2101	DA07
registered architect: floris smith ARBNSW 6242 ABN89 632 780 271 plot date					REVISION
					B



01

Perspective

REV	DATE	DESCRIPTION
A	22/04/2022	issued for DA
B	21/11/2022	DA amended to Council comment

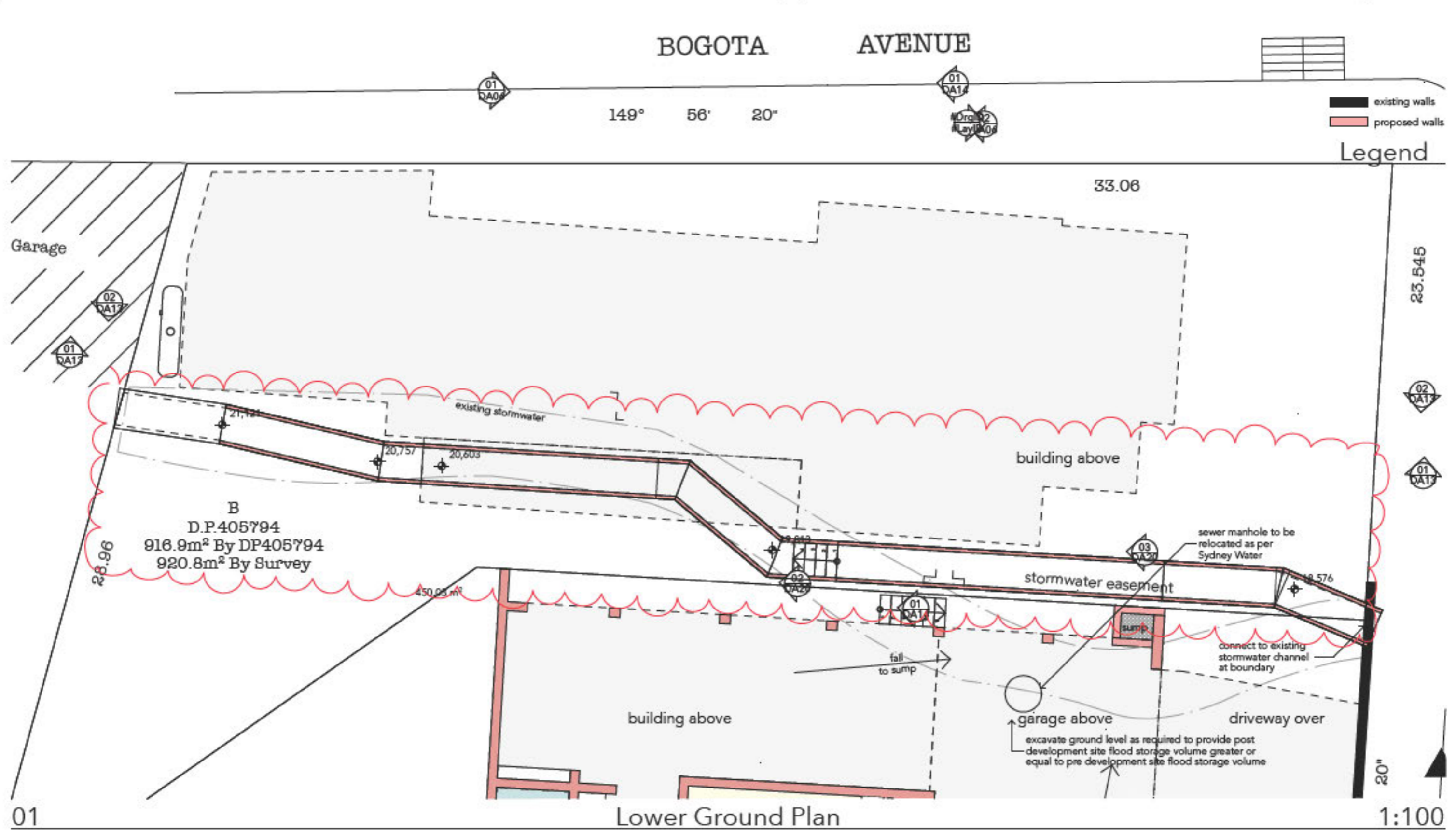


Proposed Development
FOR
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Kurraba Point NSW 2089

figured dimension only to be used. drawings not to be scaled. dimensions must be checked on site prior to commencement or work.



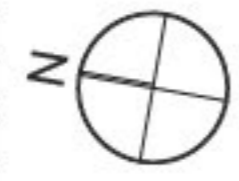
FLORIS SMITH ARCHITECTURE PTY LTD					
1 Vernon Street, Cammeray, NSW 2052, Australia +61 403 080 340 florissmith@live.com.au					
DRAWING TITLE					
Site Perspective					
SCALE	ITEM No	DATE	DRAWN	PROJ No	DRAWING No
as shown			JW	1-2101	DA08
registered architect: floris smith ARBNSW 6242 ABN89 632 780 271 plot date					REVISION
					B



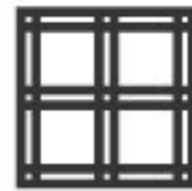
01 Lower Ground Plan 1:100

figured dimension only to be used. drawings not to be scaled. dimensions must be checked on site prior to commencement of work.

REV	DATE	DESCRIPTION
A	22/04/2022	issued for DA
B	21/11/2022	DA amended to Council comment



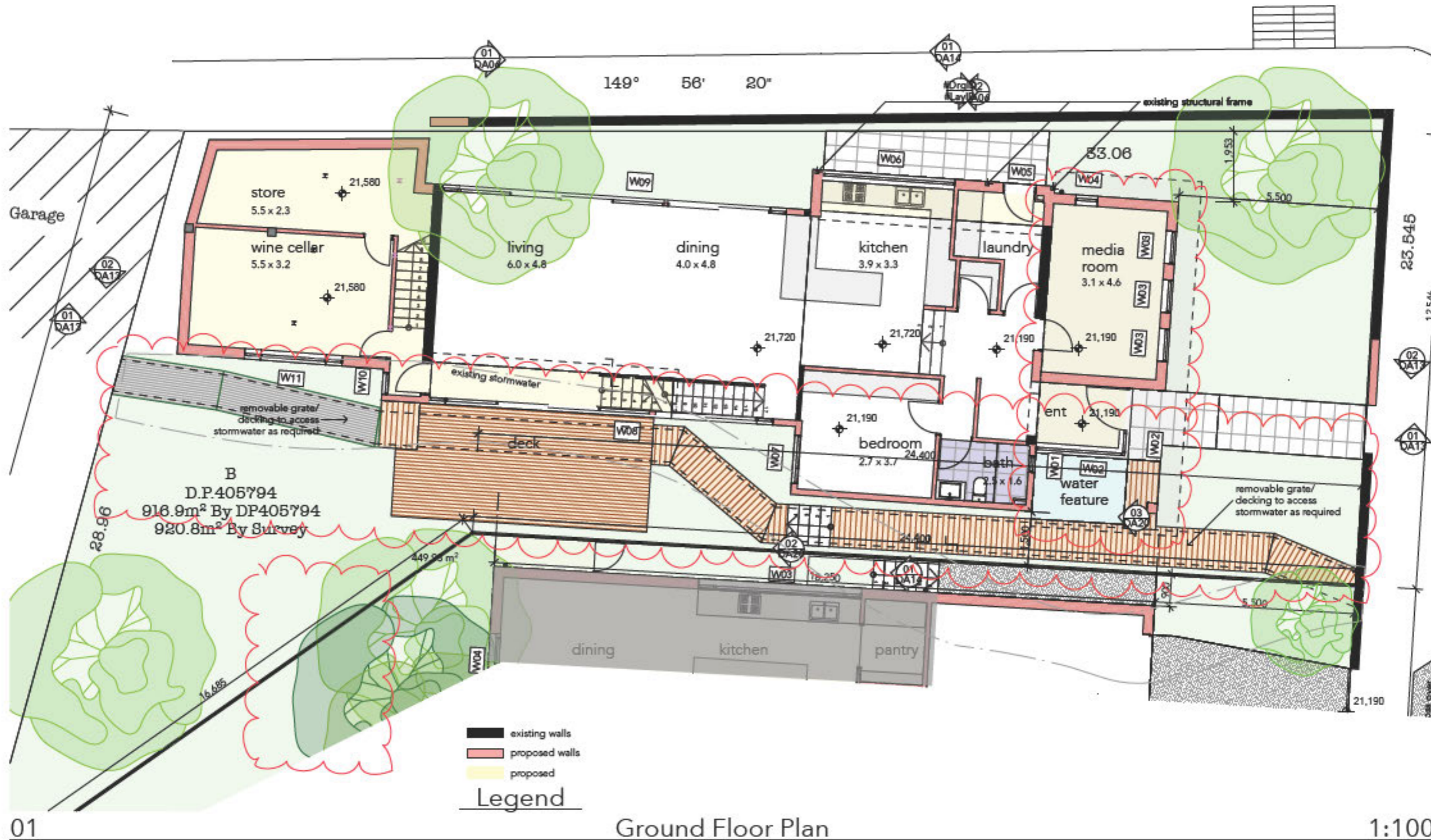
Proposed Development
FOR
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Kurraba Point NSW 2089



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1 Vernon Street, Cammeray, NSW 2052, Australia +61 403 080 340 florissmith@live.com.au

DRAWING TITLE
House 1 Lower Ground Plan

SCALE as shown	ITEM No	DATE	DRAWN JW	PROJ No 1-2101	DRAWING No DA09	REVISION B
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existing walls
 proposed walls
 proposed
Legend

Ground Floor Plan

1:100

REV	DATE	DESCRIPTION
A	22/04/2022	issued for DA
B	21/11/2022	DA amended to Council comment

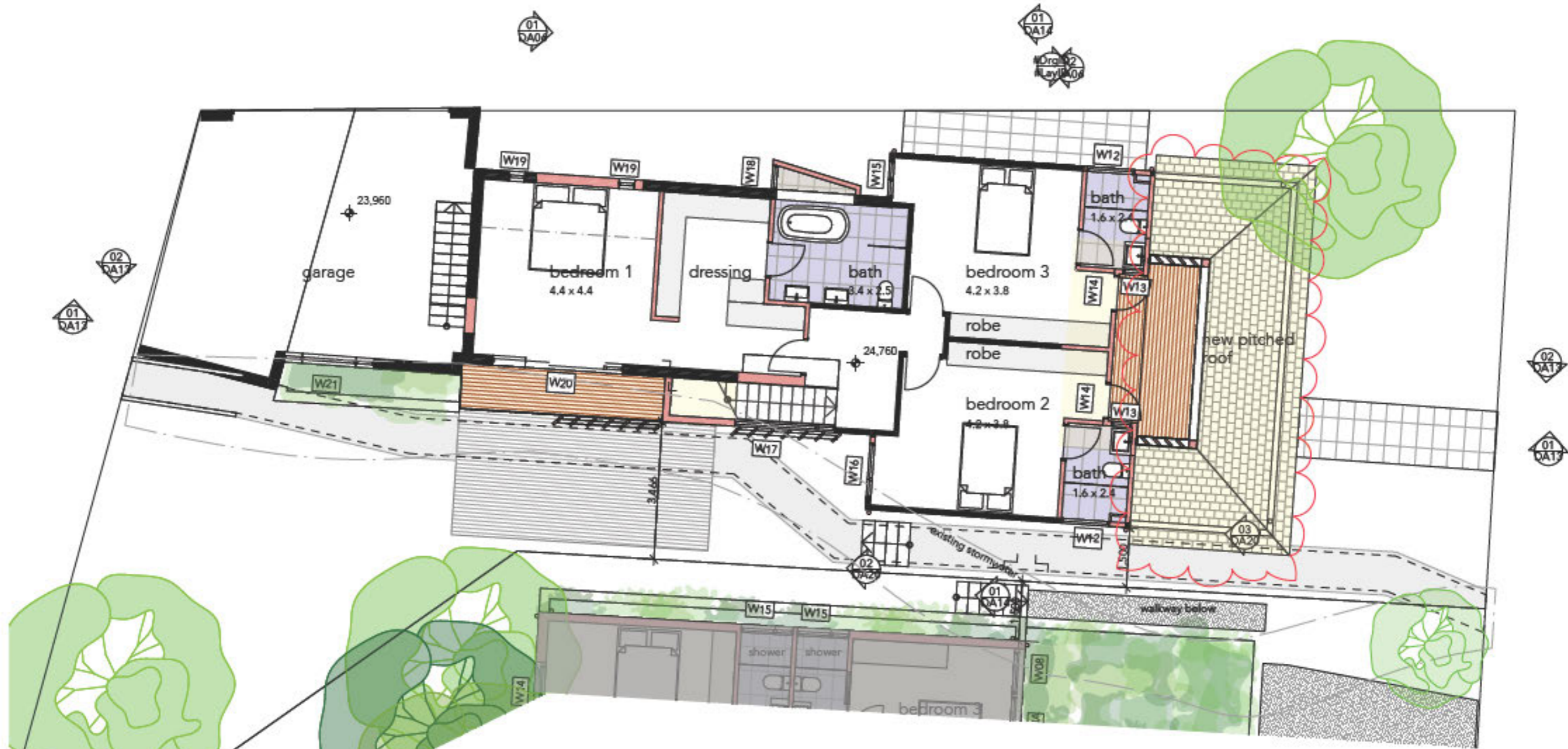


Proposed Development
 FOR
HJ Four Property Trust
 AT
 4 Honda Road
 Kurraba Point NSW 2089

figured dimension only to be used. drawings not to be scaled. dimensions must be checked on site prior to commencement of work.



FLORIS SMITH ARCHITECTURE PTY LTD
 1 Vernon Street, Cammeray, NSW 2052, Australia +61 403 080 340 florissmith@live.com.au
 DRAWING TITLE
House 1 Ground Floor Plan
 SCALE as shown ITEM No DATE DRAWN JW PROJ No 1-2101 DRAWING No **DA10** REVISION **B**



existing walls
 proposed walls
 proposed

Legend

01

First Floor Plan

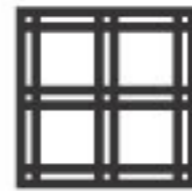
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figured dimension only to be used. drawings not to be scaled. dimensions must be checked on site prior to commencement of work.

REV	DATE	DESCRIPTION
A	22/04/2022	issued for DA
B	21/11/2022	DA amended to Council comment

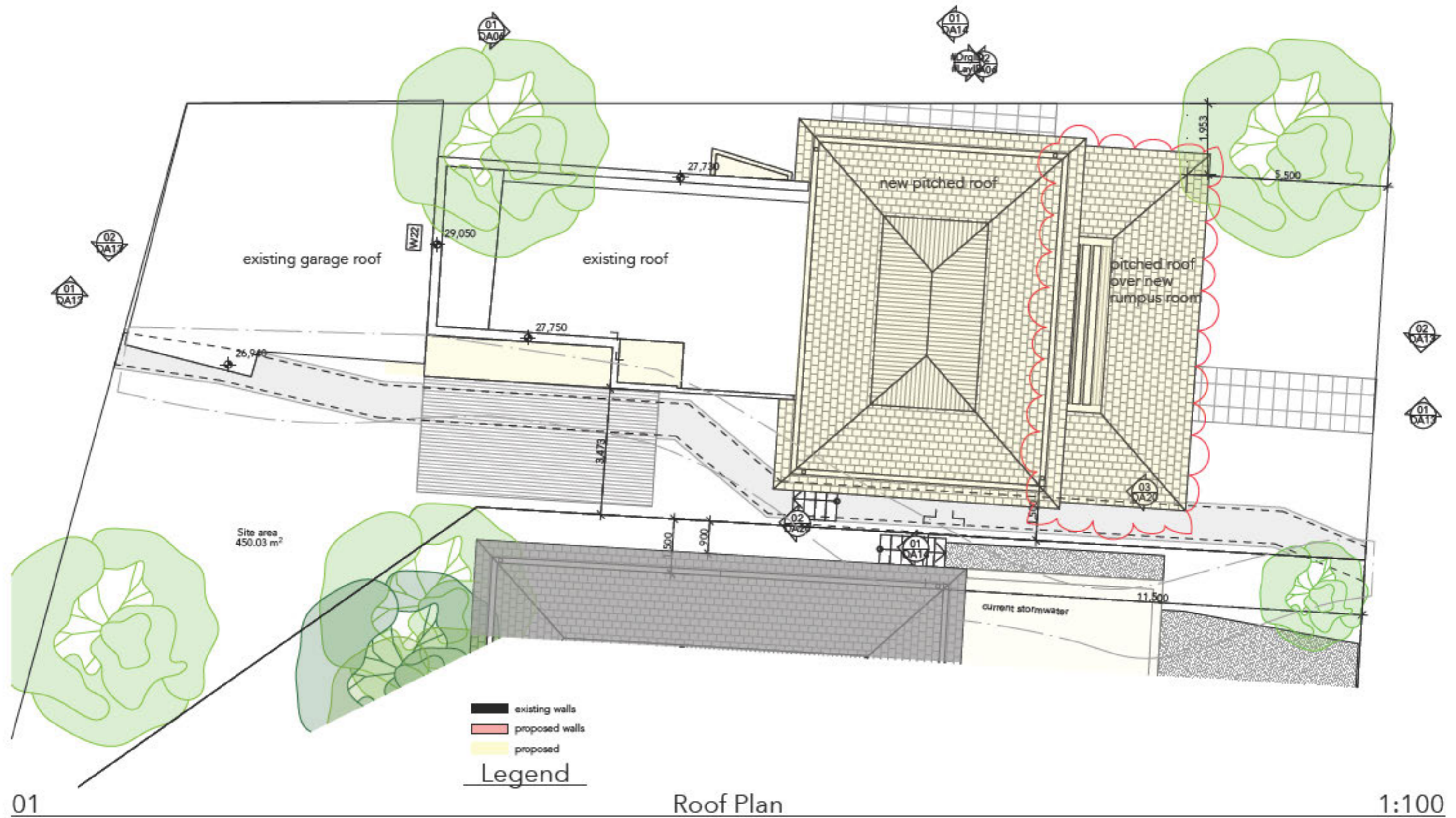


Proposed Development
 FOR
HJ Four Property Trust
 AT
 4 Honda Road
 Kurraba Point NSW 2089



FLORIS SMITH ARCHITECTURE PTY LTD
 1 Vernon Street, Cammeray, NSW 2052, Australia +61 403 080 340 florissmith@live.com.au
 DRAWING TITLE
House 1 First Floor Plan

SCALE	ITEM No	DATE	DRAWN	PROJ No	DRAWING No	REVISION
as shown			JW	1-2101	DA11	B

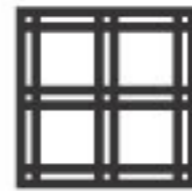


figured dimension only to be used. drawings not to be scaled. dimensions must be checked on site prior to commencement of work.

REV	DATE	DESCRIPTION
A	22/04/2022	issued for DA
B	21/11/2022	DA amended to Council comment



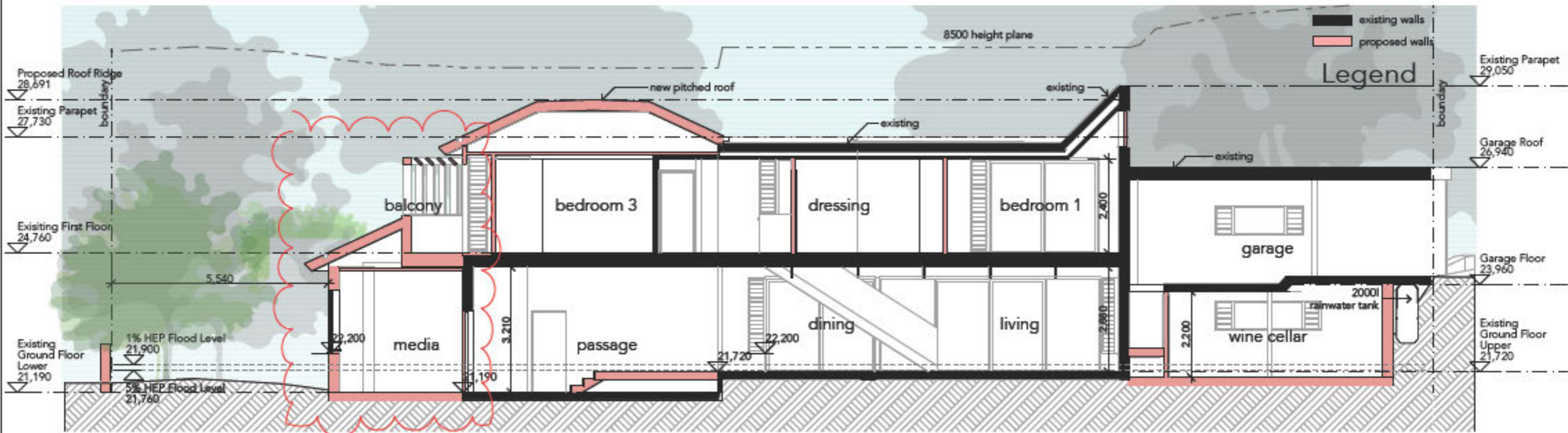
Proposed Development
FOR
HJ Four Property Trust
AT
4 Honda Road
Kurraba Point NSW 2089



FLORIS SMITH ARCHITECTURE PTY LTD
1 Vernon Street, Cammeray, NSW 2052, Australia +61 403 080 340 florissmith@live.com.au

DRAWING TITLE
House 1 Roof Plan

SCALE	ITEM No	DATE	DRAWN	PROJ No	DRAWING No	REVISION
as shown			JW	1-2101	DA12	B



02

Section 02

1:100



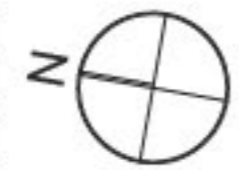
01

Section 01

1:100

figured dimension only to be used. drawings not to be scaled. dimensions must be checked on site prior to commencement of work.

REV	DATE	DESCRIPTION
A	22/04/2022	issued for DA
B	21/11/2022	DA amended to Council comment



Proposed Development
FOR
HJ Four Property Trust
AT
4 Honda Road
Kurraba Point NSW 2089



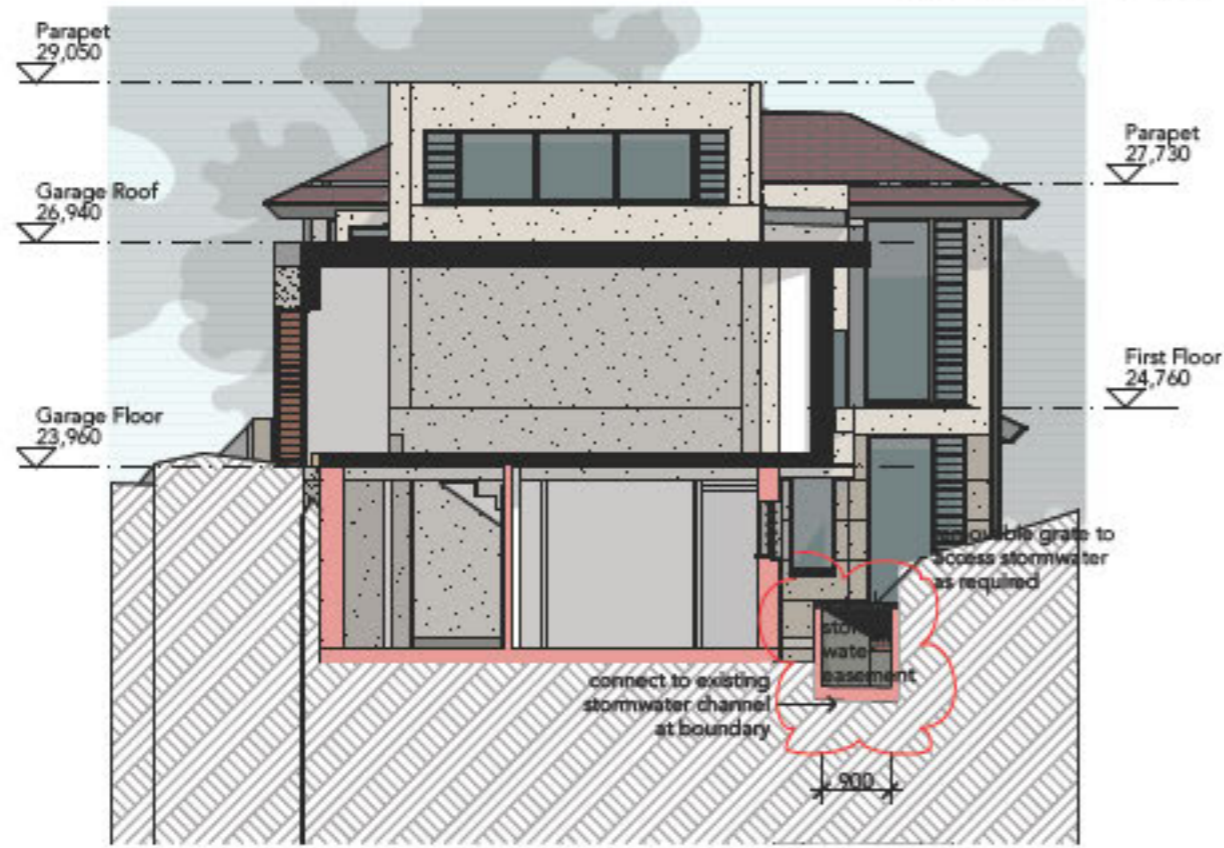
FLORIS SMITH ARCHITECTURE PTY LTD					
1 Vernon Street, Cammeray, NSW 2052, Australia +61 403 080 340 florissmith@live.com.au					
DRAWING TITLE					
House 1 Sections					
SCALE	ITEM No	DATE	DRAWN	PROJ No	DRAWING No
as shown			JW	1-2101	DA13
registered architect: floris smith ARBNSW 6242 ABN89 632 780 271 plot date					B
6/12/22					



03

House 1 East

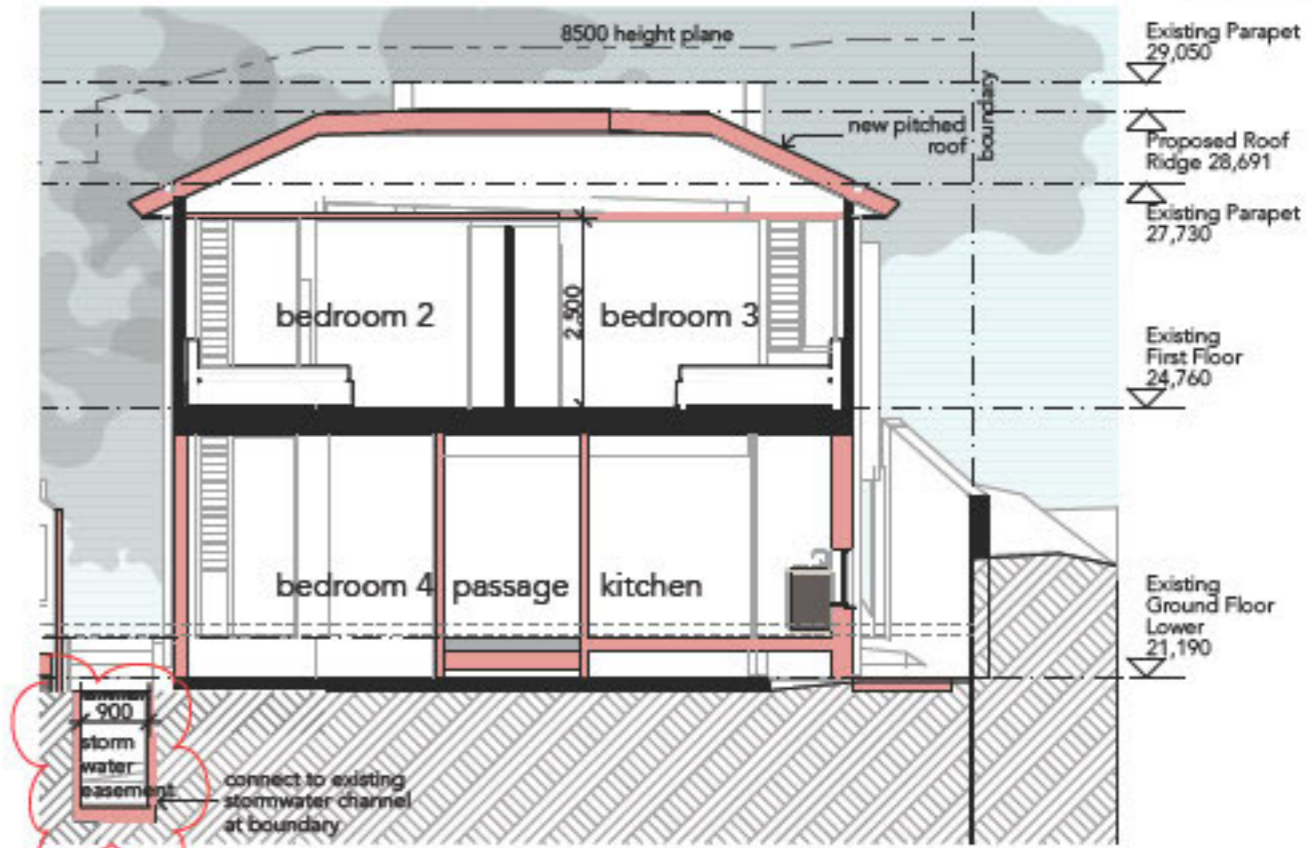
1:100



02

House 1 North

1:100



01

Section 01

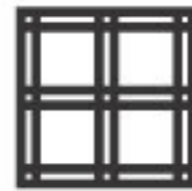
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figured dimension only to be used. drawings not to be scaled. dimensions must be checked on site prior to commencement of work.

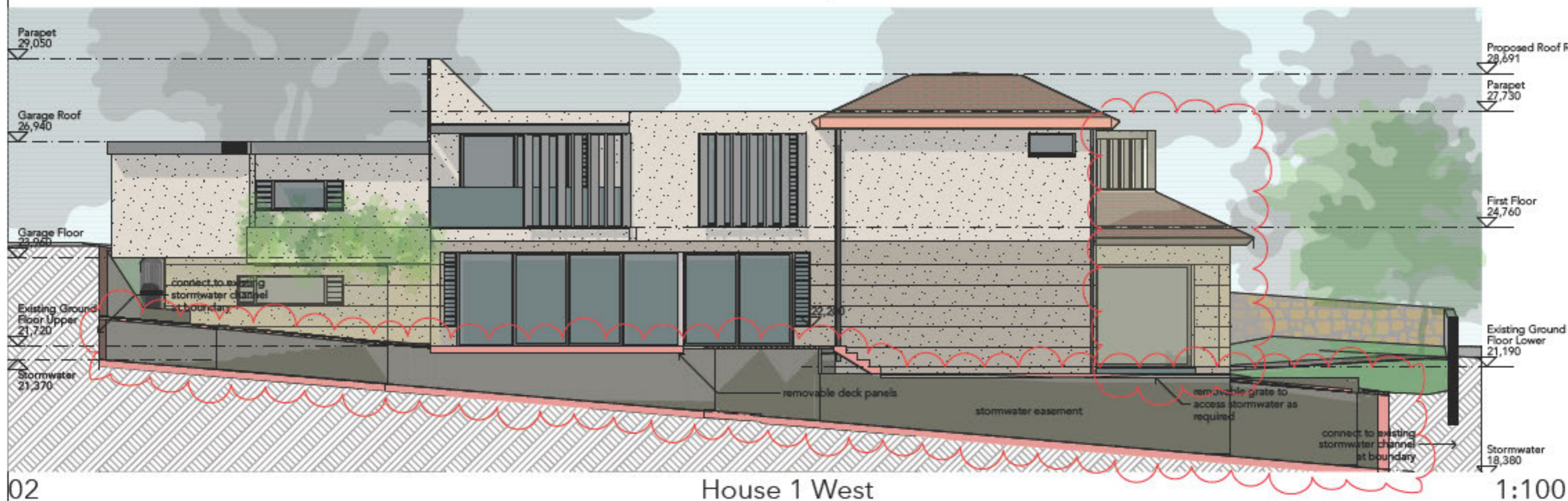
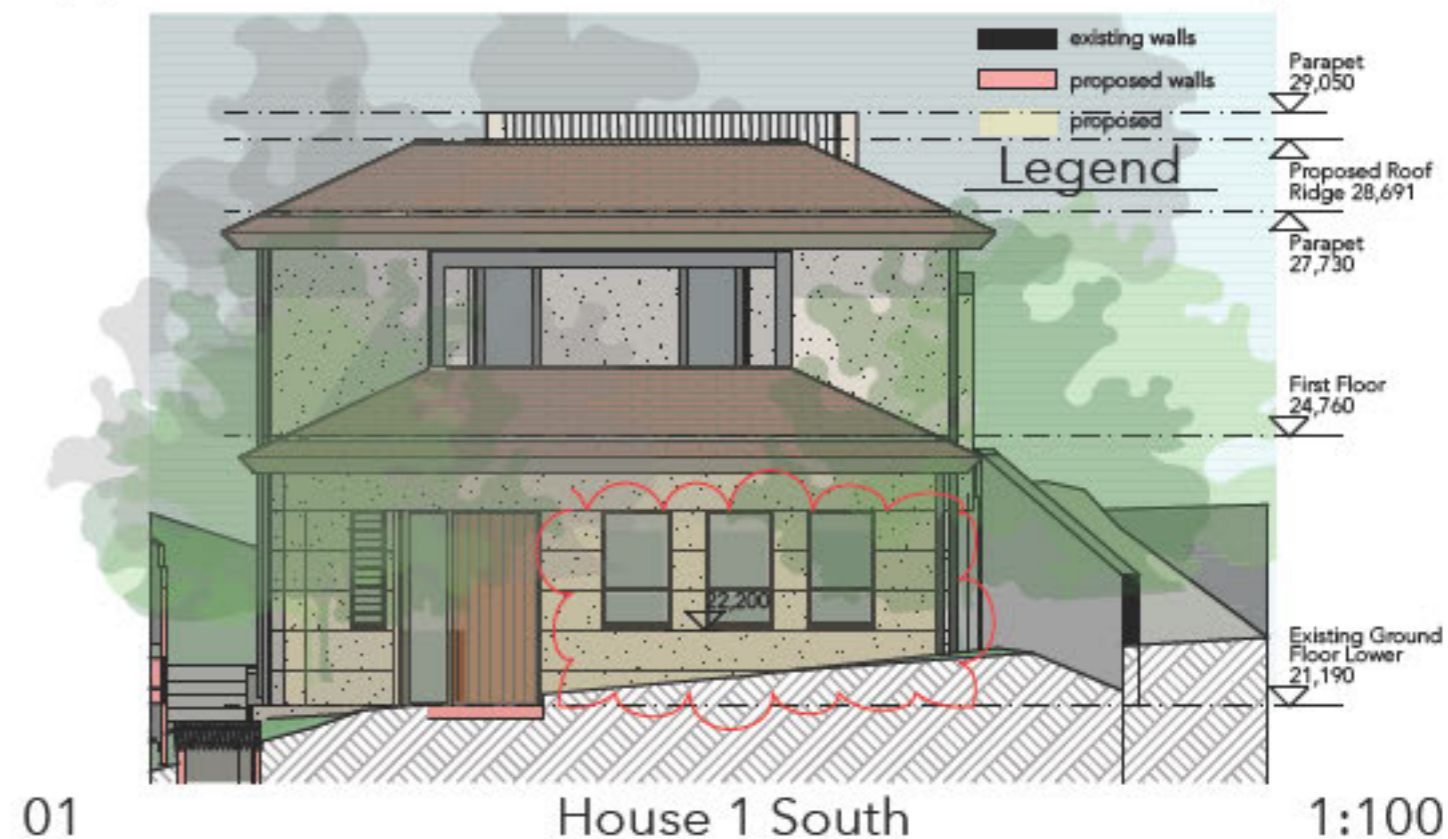
REV	DATE	DESCRIPTION
A	22/04/2022	issued for DA
B	21/11/2022	DA amended to Council comment



Proposed Development
FOR
HJ Four Property Trust
AT
4 Honda Road
Kurraba Point NSW 2089



FLORIS SMITH ARCHITECTURE PTY LTD
1 Vernon Street, Cammeray, NSW 2052, Australia +61 403 080 340 florissmith@live.com.au
DRAWING TITLE
House 1 Section and Elevations
SCALE as shown ITEM No DATE DRAWN JW PROJ No 1-2101 DRAWING No **DA14** REVISION **B**



REV	DATE	DESCRIPTION
A	22/04/2022	issued for DA
B	21/11/2022	DA amended to Council comment

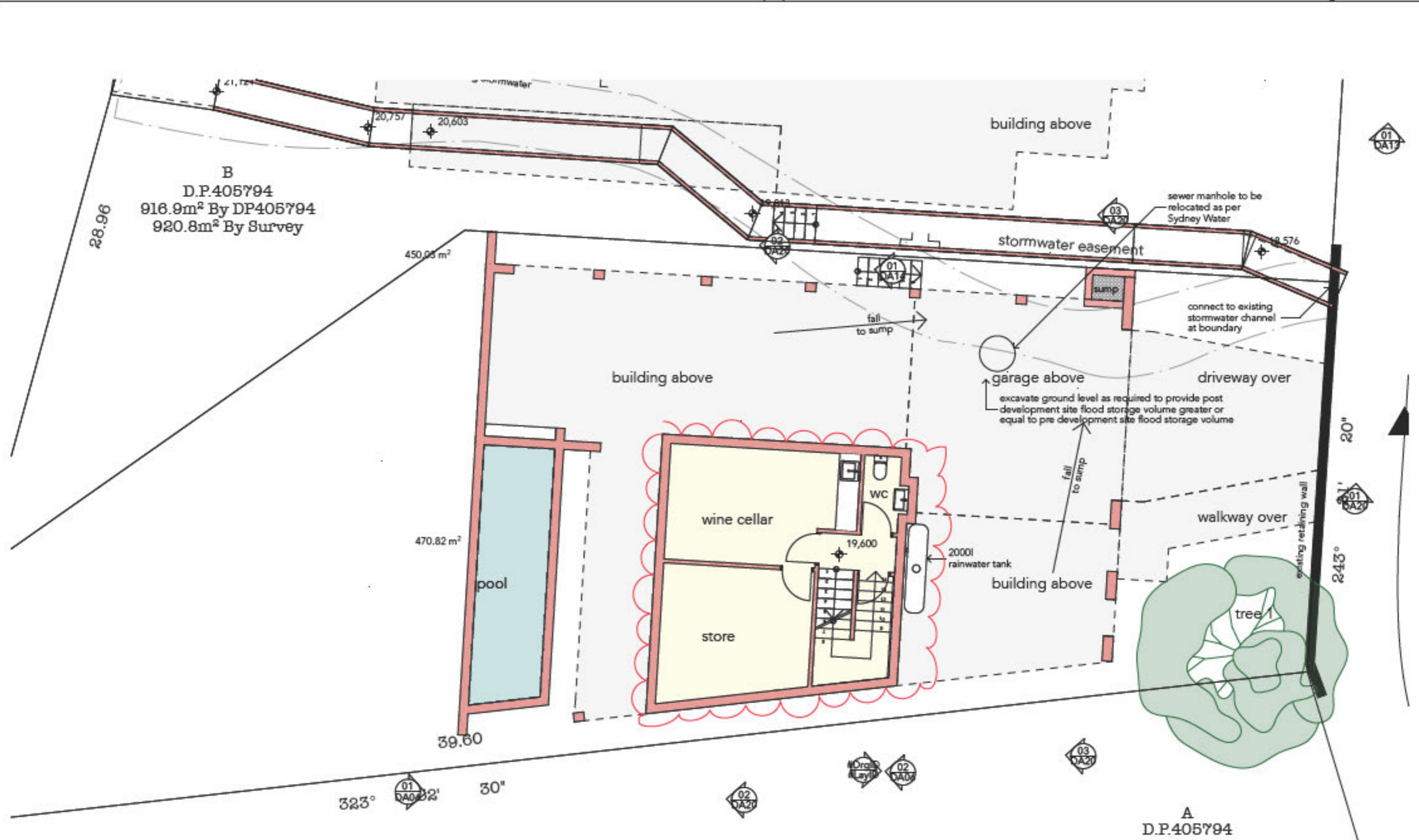


Proposed Development
FOR
HJ Four Property Trust
AT
4 Honda Road
Kurraba Point NSW 2089

figured dimension only to be used. drawings not to be scaled. dimensions must be checked on site prior to commencement of work.



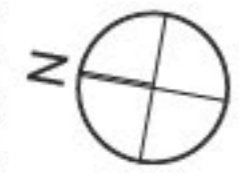
FLORIS SMITH ARCHITECTURE PTY LTD					
1 Vernon Street, Cammeray, NSW 2052, Australia +61 403 080 340 florissmith@live.com.au					
DRAWING TITLE					
House 1 Elevations					
SCALE	ITEM No	DATE	DRAWN	PROJ No	DRAWING No
as shown			JW	1-2101	DA15
registered architect: floris smith ARBNSW 6242					REVISION
ABN89 632 780 271					B
plot date					6/12/22



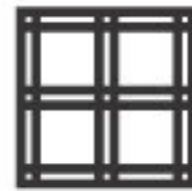
01 Lower Ground Plan 1:100

figured dimension only to be used. drawings not to be scaled. dimensions must be checked on site prior to commencement of work.

REV	DATE	DESCRIPTION
A	22/04/2022	issued for DA
B	20/09/2022	external access removed
C	21/11/2022	DA amended to Council comment



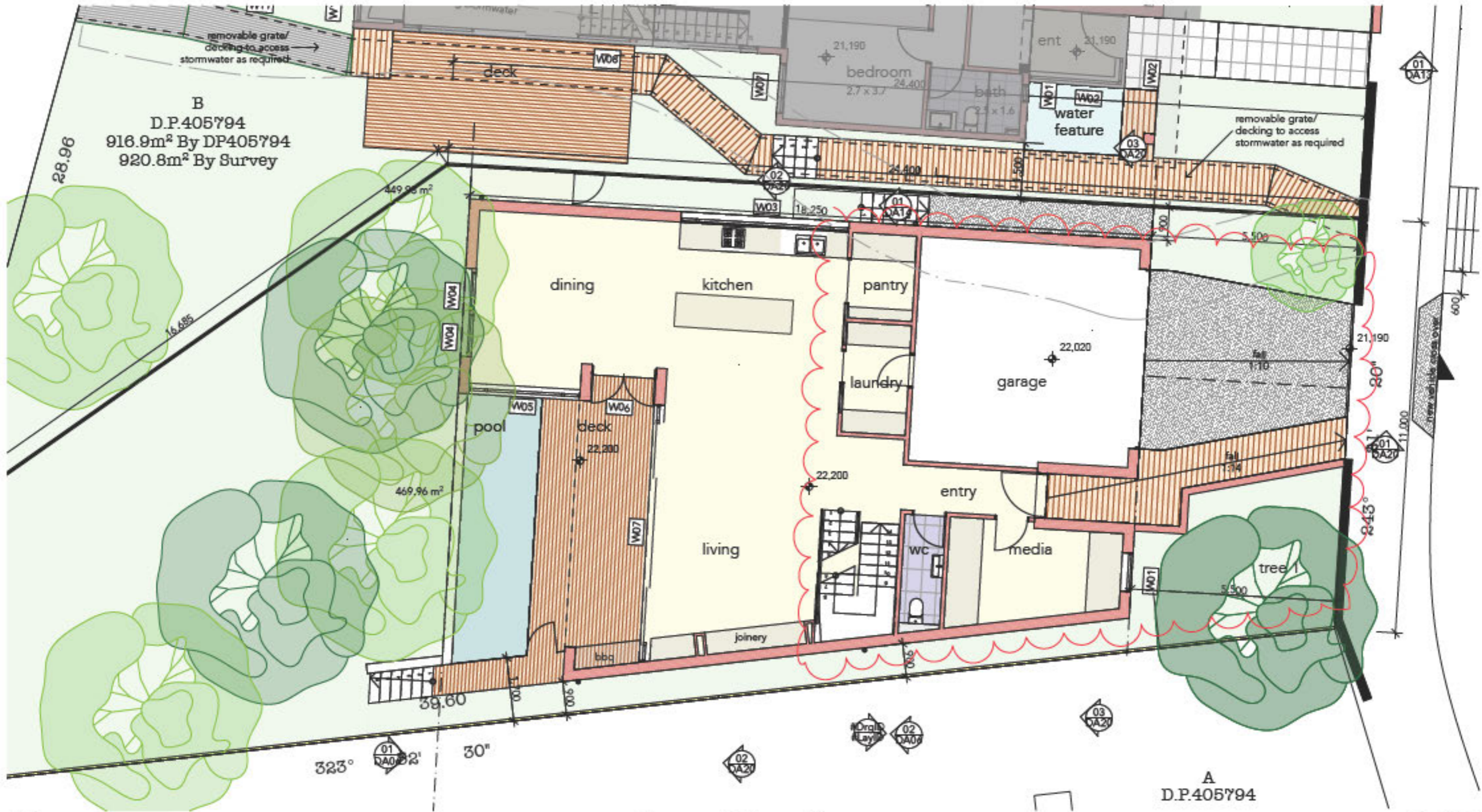
Proposed Development
FOR
HJ Four Property Trust
AT
4 Honda Road
Kurraba Point NSW 2089



FLORIS SMITH ARCHITECTURE PTY LTD
1 Vernon Street, Cammeray, NSW 2052, Australia +61 403 080 340 floris.smith@live.com.au

DRAWING TITLE
House 2 Lower Ground Plan

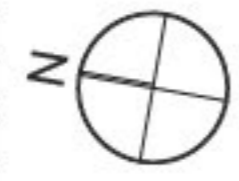
SCALE	ITEM No	DATE	DRAWN	PROJ No	DRAWING No	REVISION
as shown			JW	1-2101	DA16	C



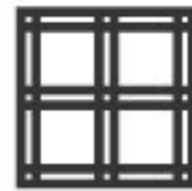
01 Ground Floor Plan 1:100

figured dimension only to be used. drawings not to be scaled. dimensions must be checked on site prior to commencement of work.

REV	DATE	DESCRIPTION
A	22/04/2022	issued for DA
B	21/11/2022	DA amended to Council comment



Proposed Development
FOR
HJ Four Property Trust
AT
4 Honda Road
Kurraba Point NSW 2089



FLORIS SMITH ARCHITECTURE PTY LTD
1 Vernon Street, Cammeray, NSW 2052, Australia +61 403 080 340 florissmith@live.com.au

DRAWING TITLE
House 2 Ground Floor Plan

SCALE	ITEM No	DATE	DRAWN	PROJ No	DRAWING No	REVISION
as shown			JW	1-2101	DA17	B



01 First Floor Plan 1:100

figured dimension only to be used. drawings not to be scaled. dimensions must be checked on site prior to commencement of work.

REV	DATE	DESCRIPTION
A	22/04/2022	issued for DA
B	21/11/2022	DA amended to Council comment



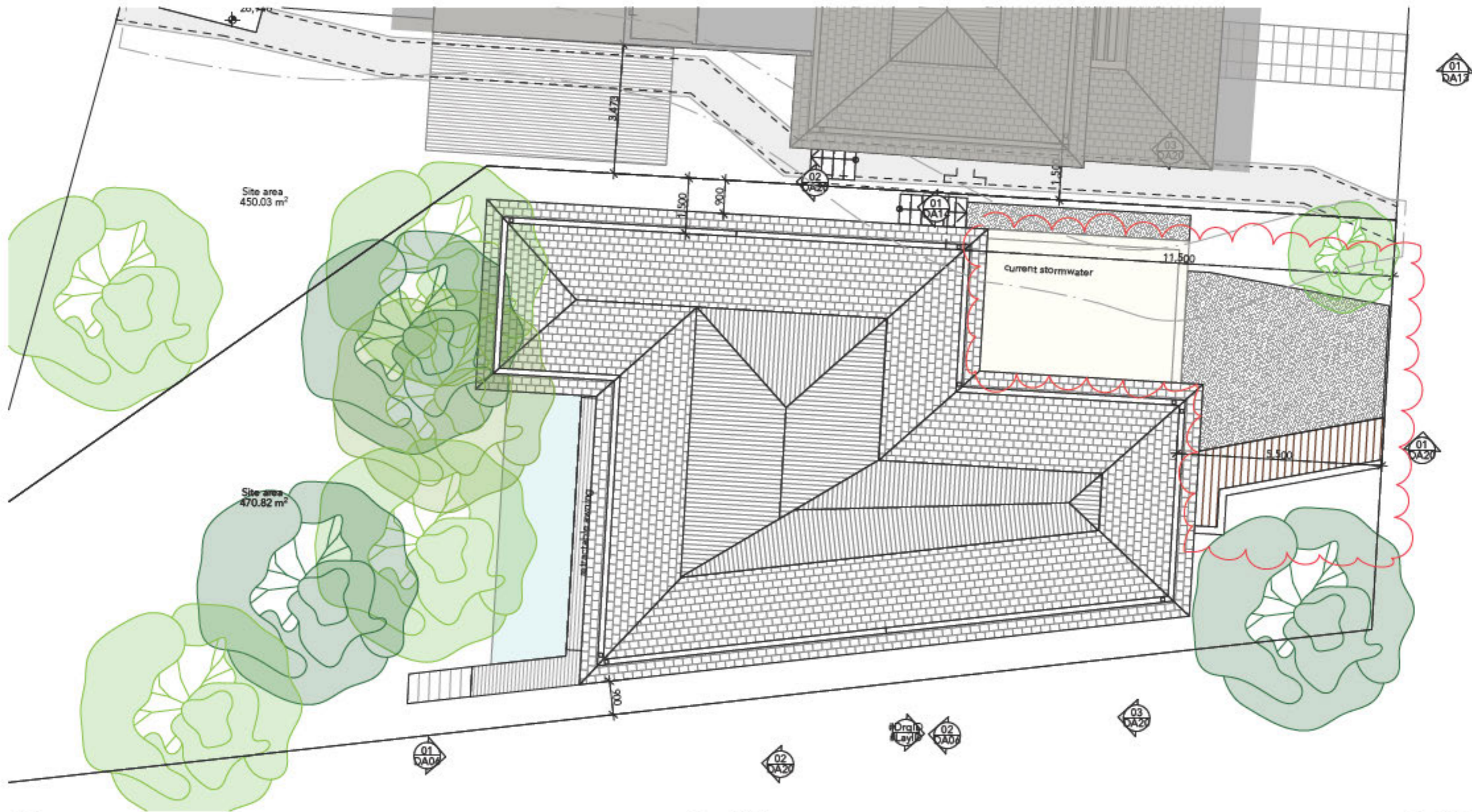
Proposed Development
FOR
HJ Four Property Trust
AT
4 Honda Road
Kurraba Point NSW 2089



FLORIS SMITH ARCHITECTURE PTY LTD
1 Vernon Street, Cammeray, NSW 2052, Australia +61 403 080 340 florissmith@live.com.au

DRAWING TITLE
House 2 First Floor Plan

SCALE	ITEM No	DATE	DRAWN	PROJ No	DRAWING No	REVISION
as shown			JW	1-2101	DA18	B



01

Roof Plan

1:100

figured dimension only to be used. drawings not to be scaled. dimensions must be checked on site prior to commencement of work.

REV	DATE	DESCRIPTION
A	22/04/2022	issued for DA
B	21/11/2022	DA amended to Council comment



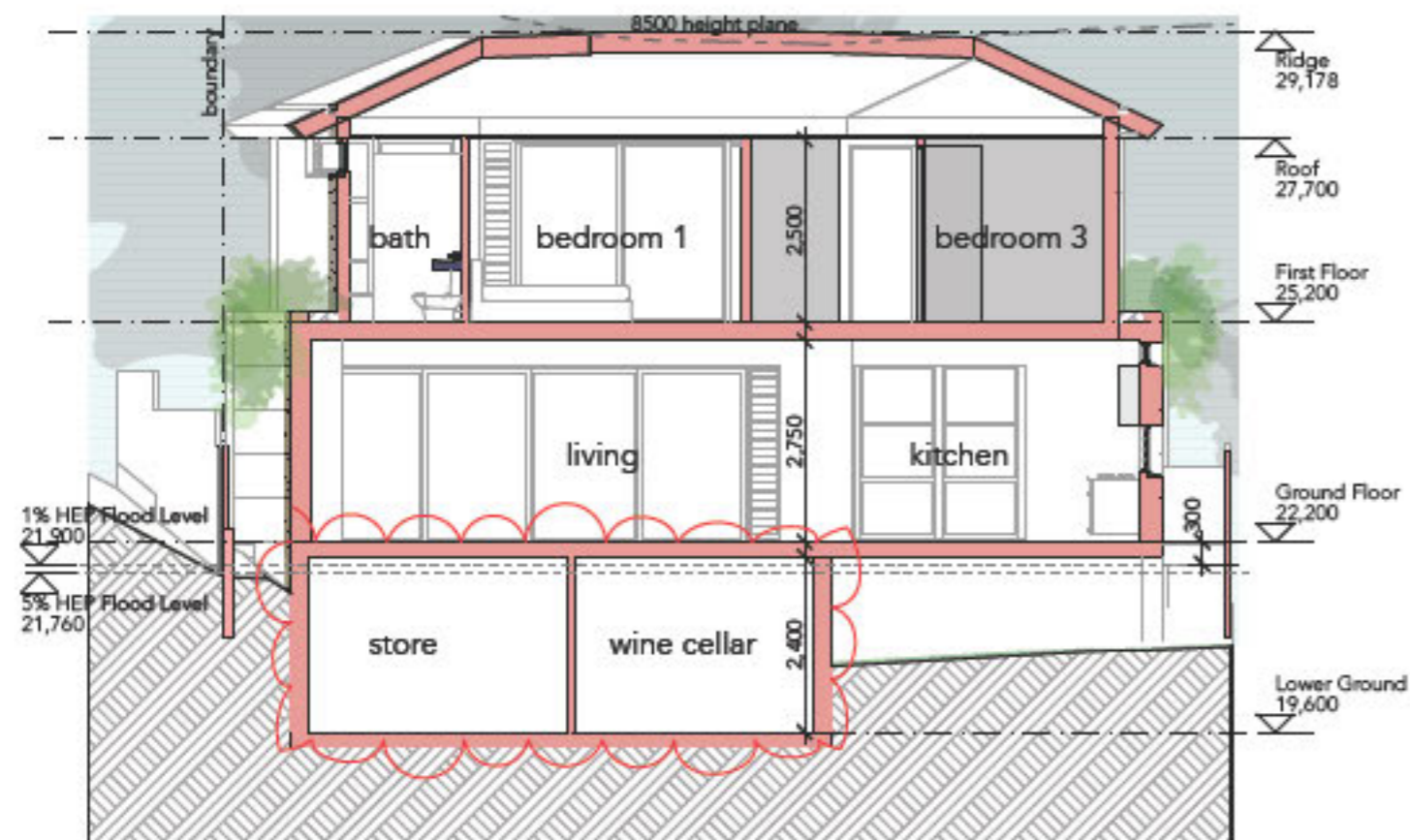
Proposed Development
FOR
HJ Four Property Trust
AT
4 Honda Road
Kurraba Point NSW 2089



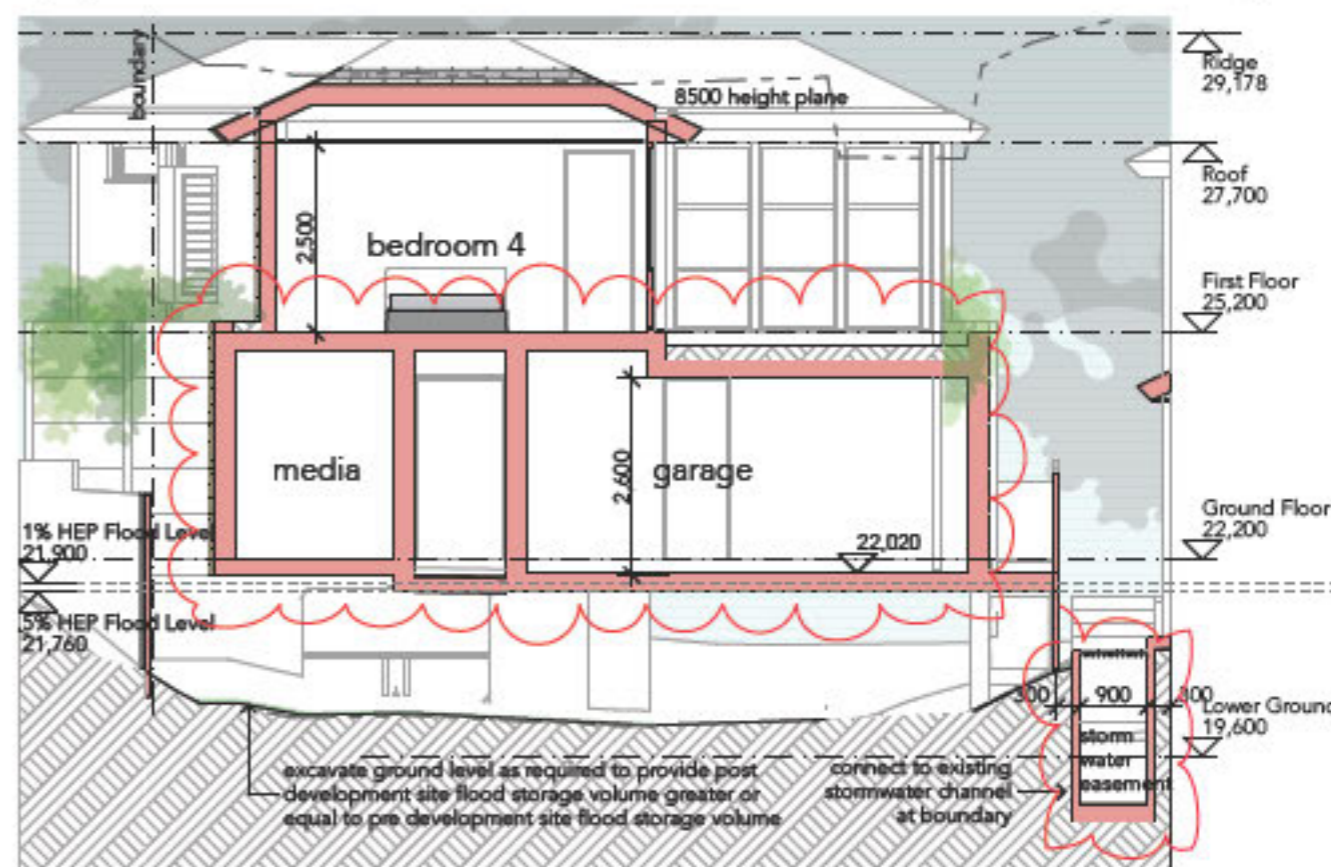
FLORIS SMITH ARCHITECTURE PTY LTD
1 Vernon Street, Cammeray, NSW 2052, Australia +61 403 080 340 florissmith@live.com.au

DRAWING TITLE
House 2 Roof Plan

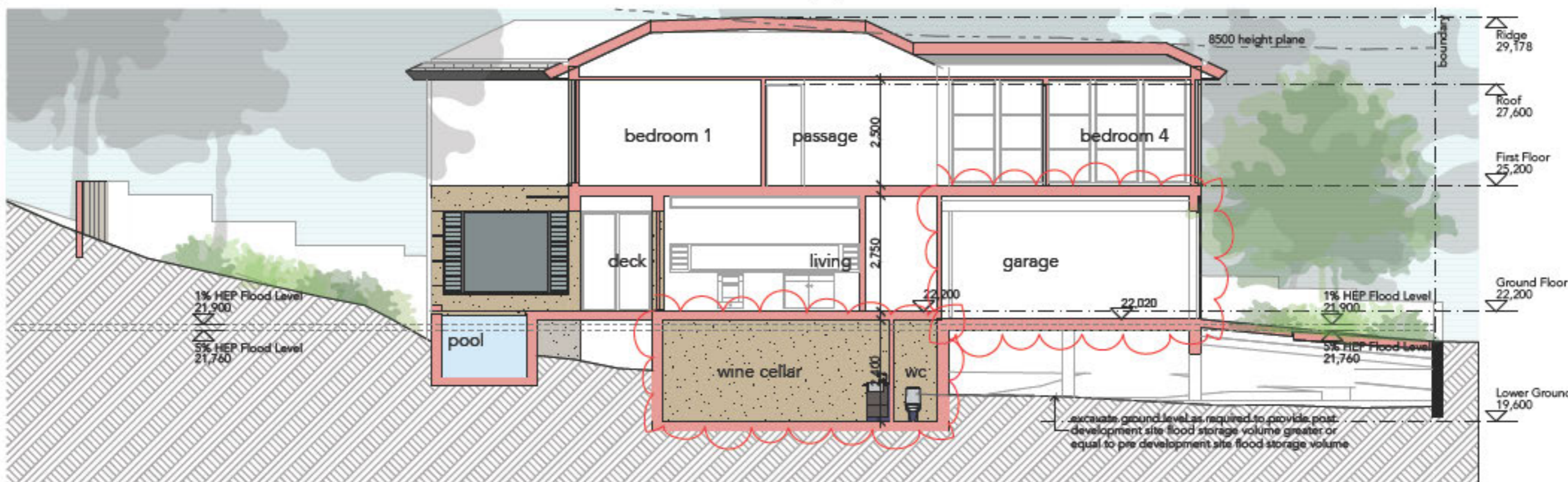
SCALE as shown	ITEM No	DATE	DRAWN JW	PROJ No 1-2101	DRAWING No DA19	REVISION B
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02 Section 02 1:100



03 Section 03 1:100



01 Section 01 1:100

figured dimension only to be used. drawings not to be scaled. dimensions must be checked on-site prior to commencement of work.

REV	DATE	DESCRIPTION
A	22/04/2022	issued for DA
B	21/11/2022	DA amended to Council comment



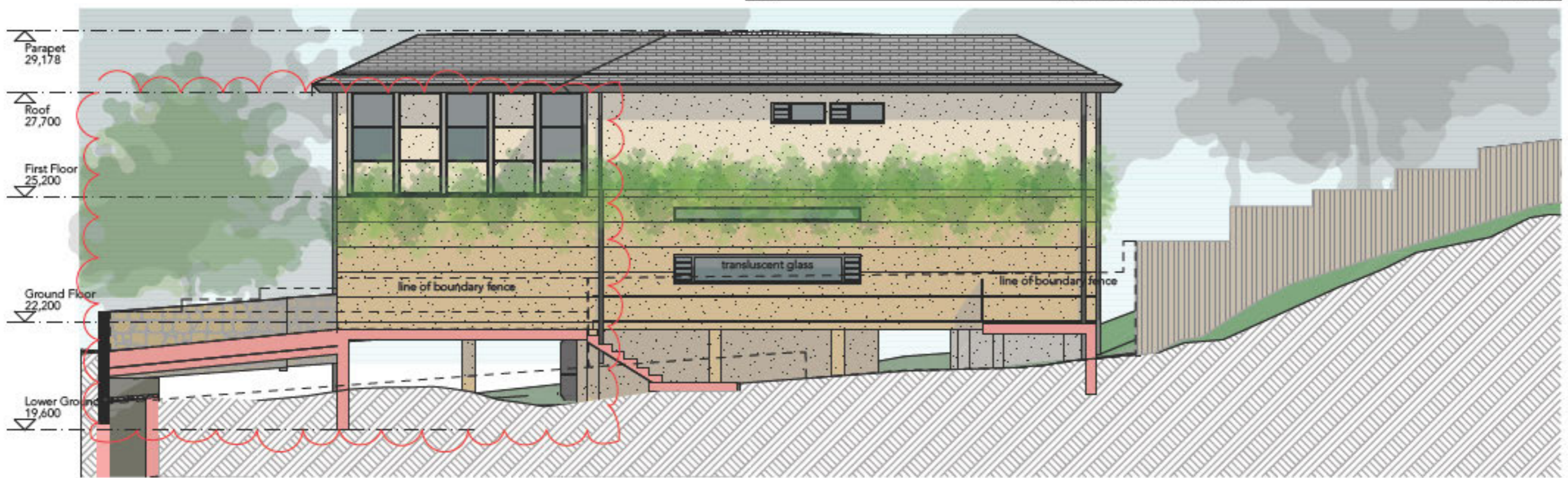
Proposed Development
FOR
HJ Four Property Trust
AT
4 Honda Road
Kurraba Point NSW 2089



FLORIS SMITH ARCHITECTURE PTY LTD 1 Vernon Street, Cammeray, NSW 2052, Australia +61 403 080 340 floris.smith@live.com.au					
DRAWING TITLE					
House 2 Sections					
SCALE	ITEM No	DATE	DRAWN	PROJ No	DRAWING No
as shown			JW	1-2101	DA20
registered architect: floris smith ARBNSW 6242					REVISION
ABN89 632 780 271					B
plot date					6/12/22



02 House 2 North 1:100



01 House 2 East 1:100

figured dimension only to be used. drawings not to be scaled. dimensions must be checked on-site prior to commencement of work.

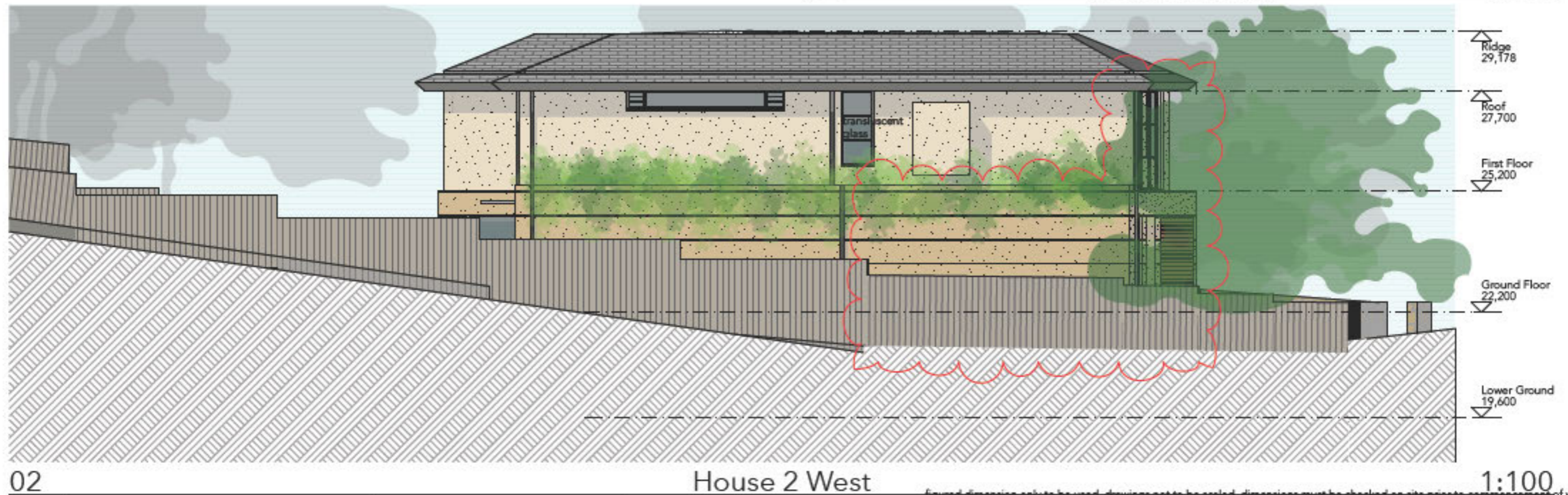
REV	DATE	DESCRIPTION
A	22/04/2022	issued for DA
B	27/05/2022	Boundary fence removed from East Elevation
C	21/11/2022	DA amended to Council comment



Proposed Development
FOR
HJ Four Property Trust
AT
4 Honda Road
Kurraba Point NSW 2089



FLORIS SMITH ARCHITECTURE PTY LTD					
1 Vernon Street, Cammeray, NSW 2052, Australia +61 403 080 340 florissmith@live.com.au					
DRAWING TITLE					
House 2 Elevations					
SCALE	ITEM No	DATE	DRAWN	PROJ No	DRAWING No
as shown			JW	1-2101	DA21
					REVISION
					C



figured dimension only to be used. drawings not to be scaled. dimensions must be checked on-site prior to commencement of work.

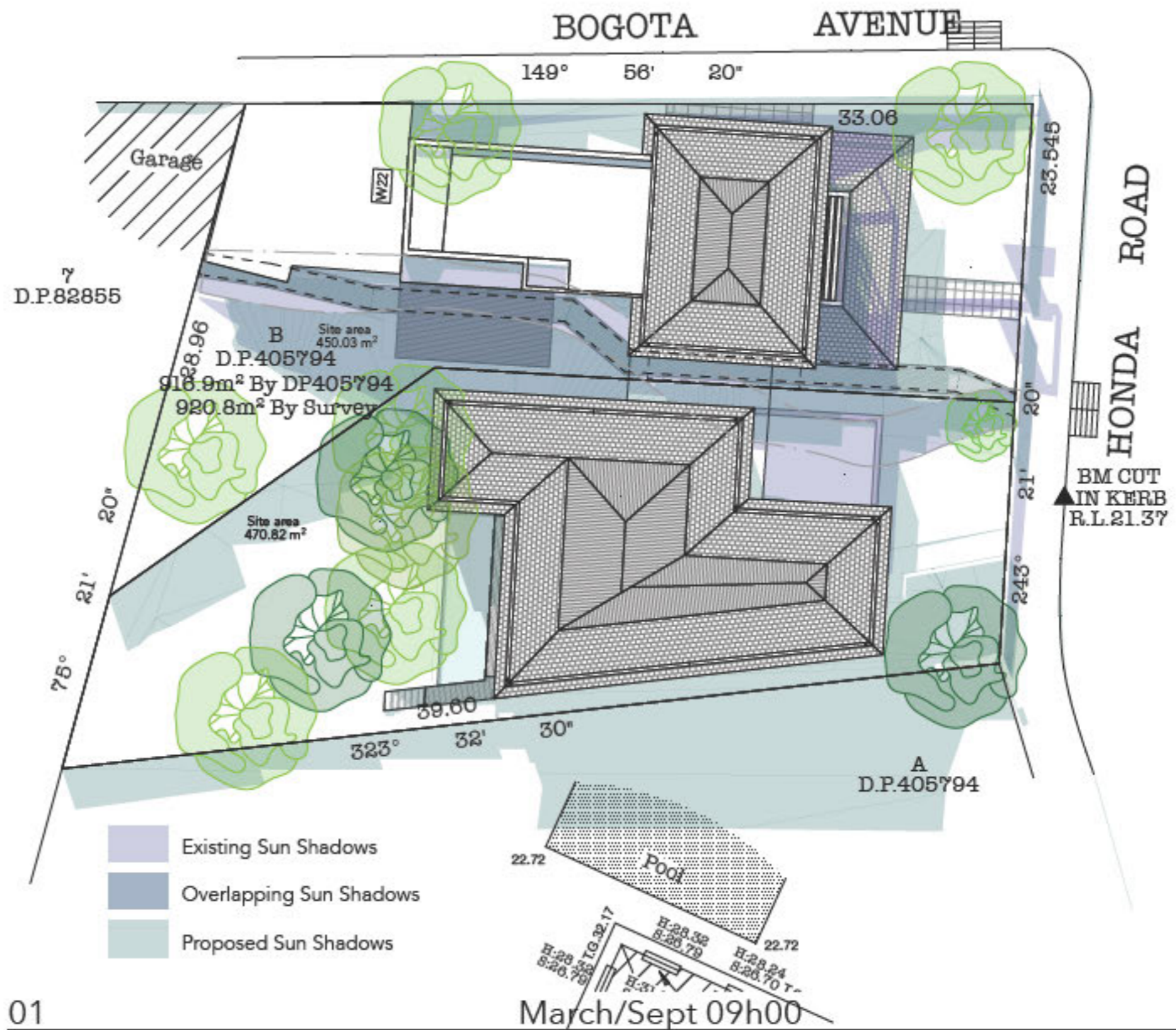
REV	DATE	DESCRIPTION
A	22/04/2022	issued for DA
B	21/11/2022	DA amended to Council comment



Proposed Development
FOR
HJ Four Property Trust
AT
4 Honda Road
Kurraba Point NSW 2089



FLORIS SMITH ARCHITECTURE PTY LTD					
1 Vernon Street, Cammeray, NSW 2052, Australia +61 403 080 340 florissmith@live.com.au					
DRAWING TITLE					
House 2 Elevations					
SCALE	ITEM No	DATE	DRAWN	PROJ No	DRAWING No
as shown			JW	1-2101	DA22
registered architect: floris smith ARBNSW 6242					REVISION
ABN89 632 780 271					B
plot date					6/12/22



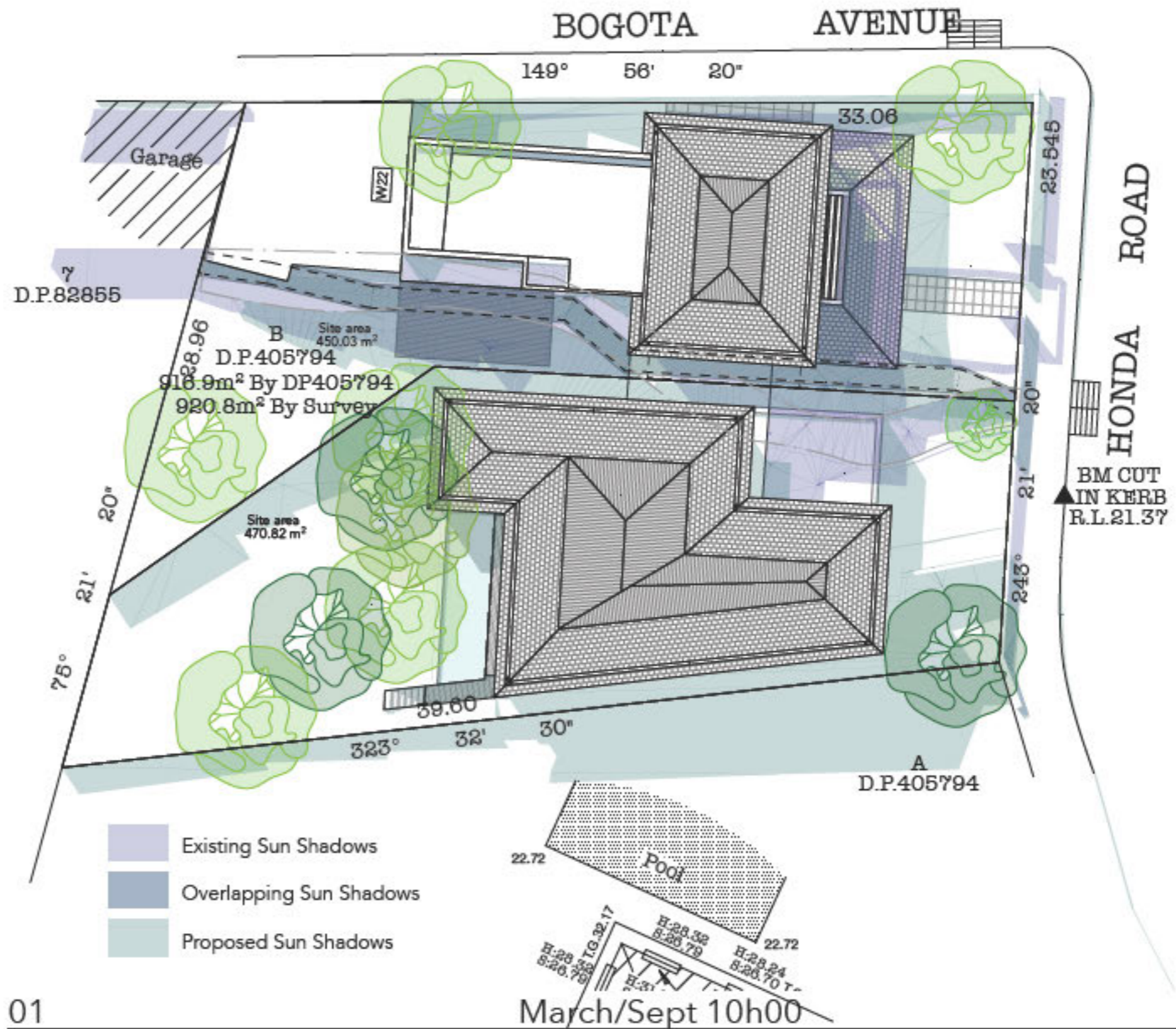
REV	DATE	DESCRIPTION
A	22/04/2022	issued for DA
B	21/11/2022	DA amended to Council comment



Proposed Development
FOR
HJ Four Property Trust
AT
4 Honda Road
Kurraba Point NSW 2089



FLORIS SMITH ARCHITECTURE PTY LTD					
1 Vernon Street, Cammeray, NSW 2052, Australia +61 403 080 340 florissmith@live.com.au					
DRAWING TITLE Sun Shadows March/Sept 09h00					
SCALE as shown	ITEM No	DATE	DRAWN JW	PROJ No 1-2101	DRAWING No DA23
					REVISION B



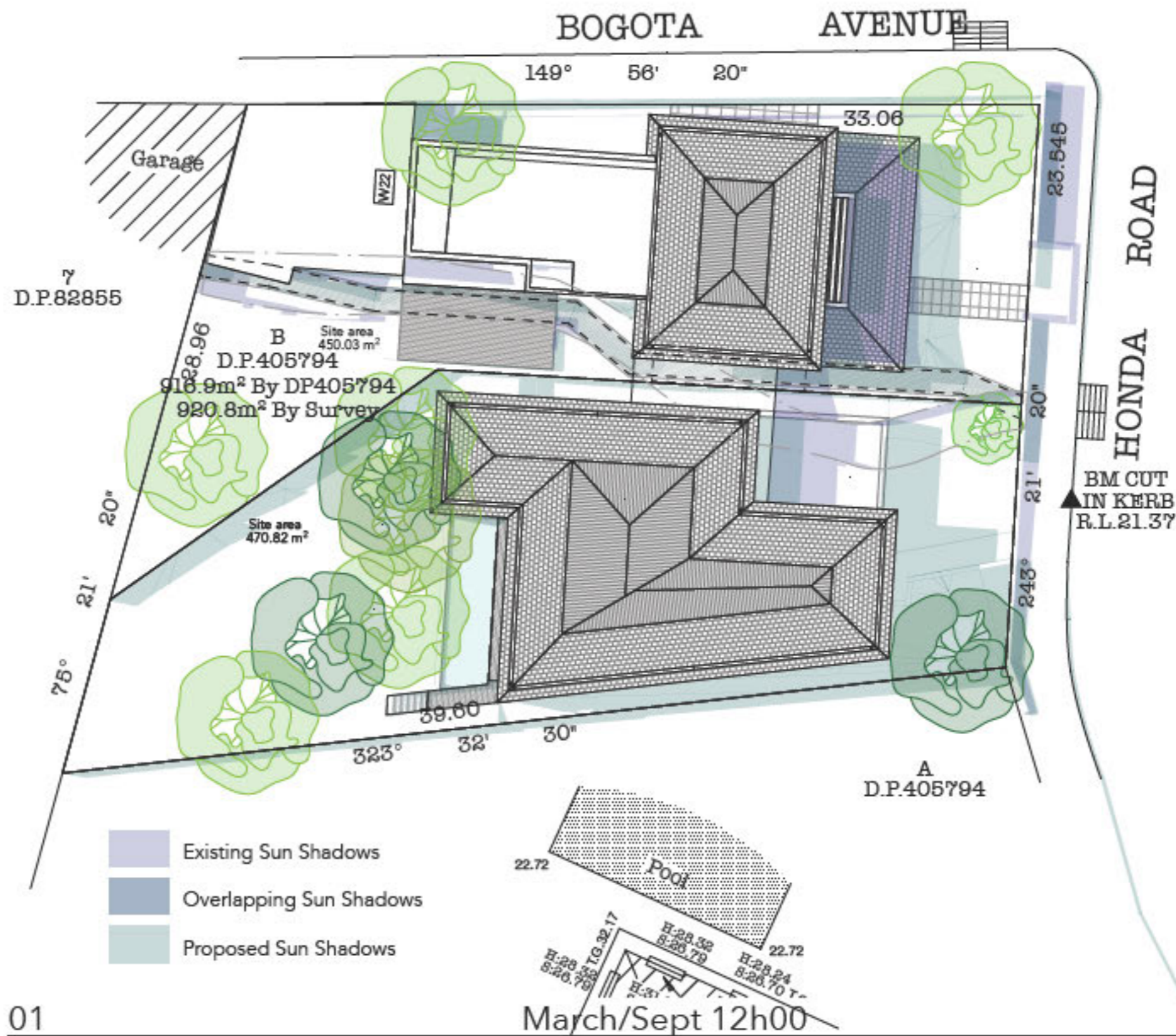
REV	DATE	DESCRIPTION
A	22/04/2022	issued for DA
B	21/11/2022	DA amended to Council comment



Proposed Development
FOR
HJ Four Property Trust
AT
4 Honda Road
Kurraba Point NSW 2089



FLORIS SMITH ARCHITECTURE PTY LTD					
1 Vernon Street, Cammeray, NSW 2052, Australia +61 403 080 340 floris.smith@live.com.au					
DRAWING TITLE Sun Shadows March/Sept 10h00					
SCALE as shown	ITEM No	DATE	DRAWN JW	PROJ No 1-2101	DRAWING No DA24
					REVISION B



REV	DATE	DESCRIPTION
A	22/04/2022	issued for DA
B	21/11/2022	DA amended to Council comment

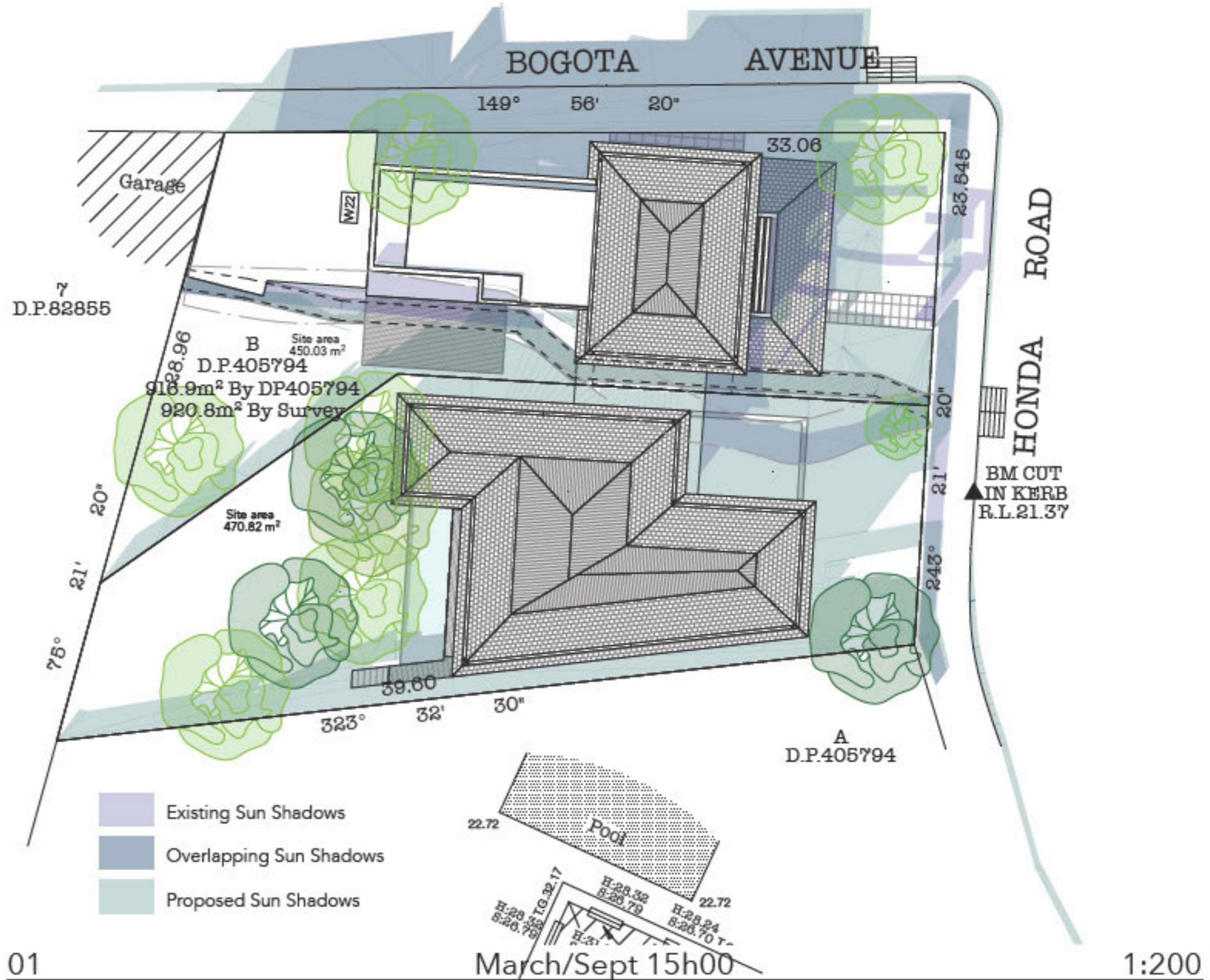


Proposed Development
FOR
HJ Four Property Trust
AT
4 Honda Road
Kurraba Point NSW 2089



FLORIS SMITH ARCHITECTURE PTY LTD					
1 Vernon Street, Cammeray, NSW 2052, Australia +61 403 080 340 florissmith@live.com.au					
DRAWING TITLE Sun Shadows March/Sept 12h00					
SCALE as shown	ITEM No	DATE	DRAWN JW	PROJ No 1-2101	DRAWING No DA25
REVISION B					

figured dimension only to be used. drawings not to be scaled. dimensions must be checked on site prior to commencement of work.



REV	DATE	DESCRIPTION
A	22/04/2022	issued for DA
B	21/11/2022	DA amended to Council comment

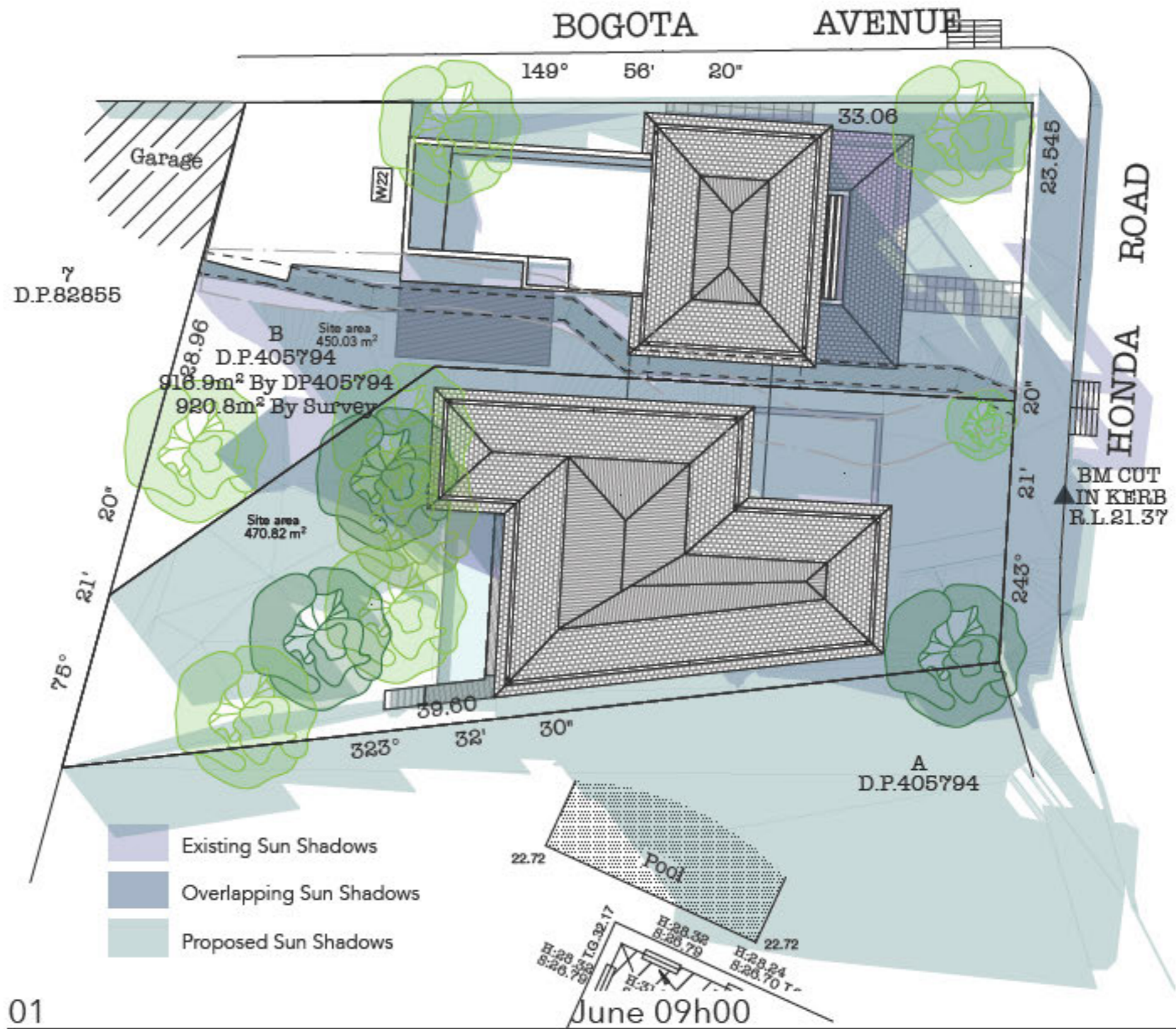


Proposed Development
FOR
HJ Four Property Trust
AT
4 Honda Road
Kurraba Point NSW 2089



FLORIS SMITH ARCHITECTURE PTY LTD					
1 Vernon Street, Cammeray, NSW 2052, Australia +61 403 080 340 floris.smith@live.com.au					
DRAWING TITLE Sun Shadows March/Sept 15h00					
SCALE as shown	ITEM No	DATE	DRAWN JW	PROJ No 1-2101	DRAWING No DA26
					REVISION B

figured dimension only to be used. drawings not to be scaled. dimensions must be checked on site prior to commencement of work.



figured dimension only to be used. drawings not to be scaled. dimensions must be checked on site prior to commencement of work.

REV	DATE	DESCRIPTION
A	22/04/2022	issued for DA
B	21/11/2022	DA amended to Council comment



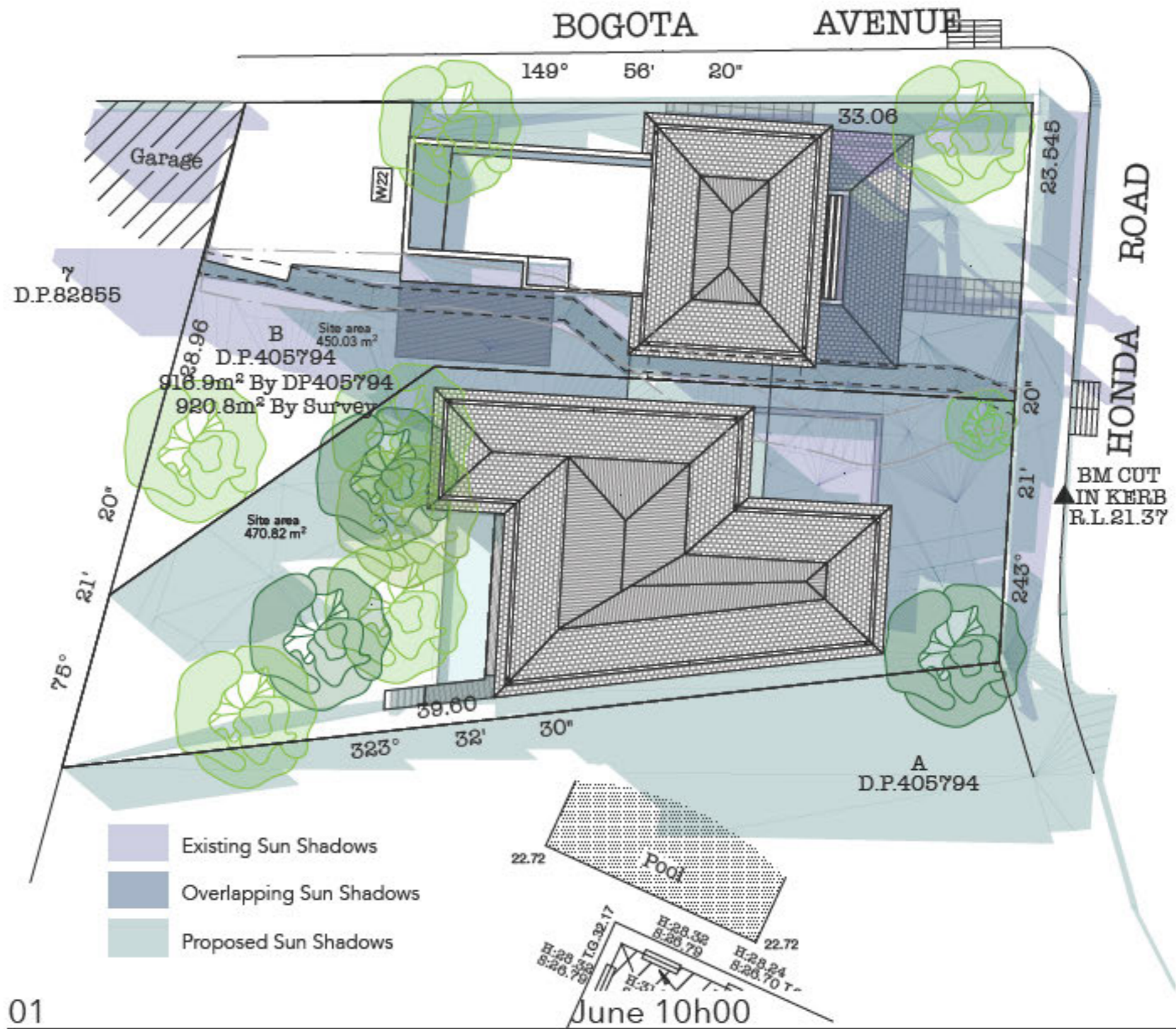
Proposed Development
FOR
HJ Four Property Trust
AT
4 Honda Road
Kurraba Point NSW 2089



FLORIS SMITH ARCHITECTURE PTY LTD
1 Vernon Street, Cammeray, NSW 2052, Australia +61 403 080 340 florissmith@live.com.au

DRAWING TITLE
Sun Shadows June 09h00

SCALE	ITEM No	DATE	DRAWN	PROJ No	DRAWING No	REVISION
as shown			JW	1-2101	DA27	B



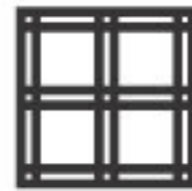
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figured dimension only to be used. drawings not to be scaled. dimensions must be checked on site prior to commencement of work.

REV	DATE	DESCRIPTION
A	22/04/2022	issued for DA
B	21/11/2022	DA amended to Council comment



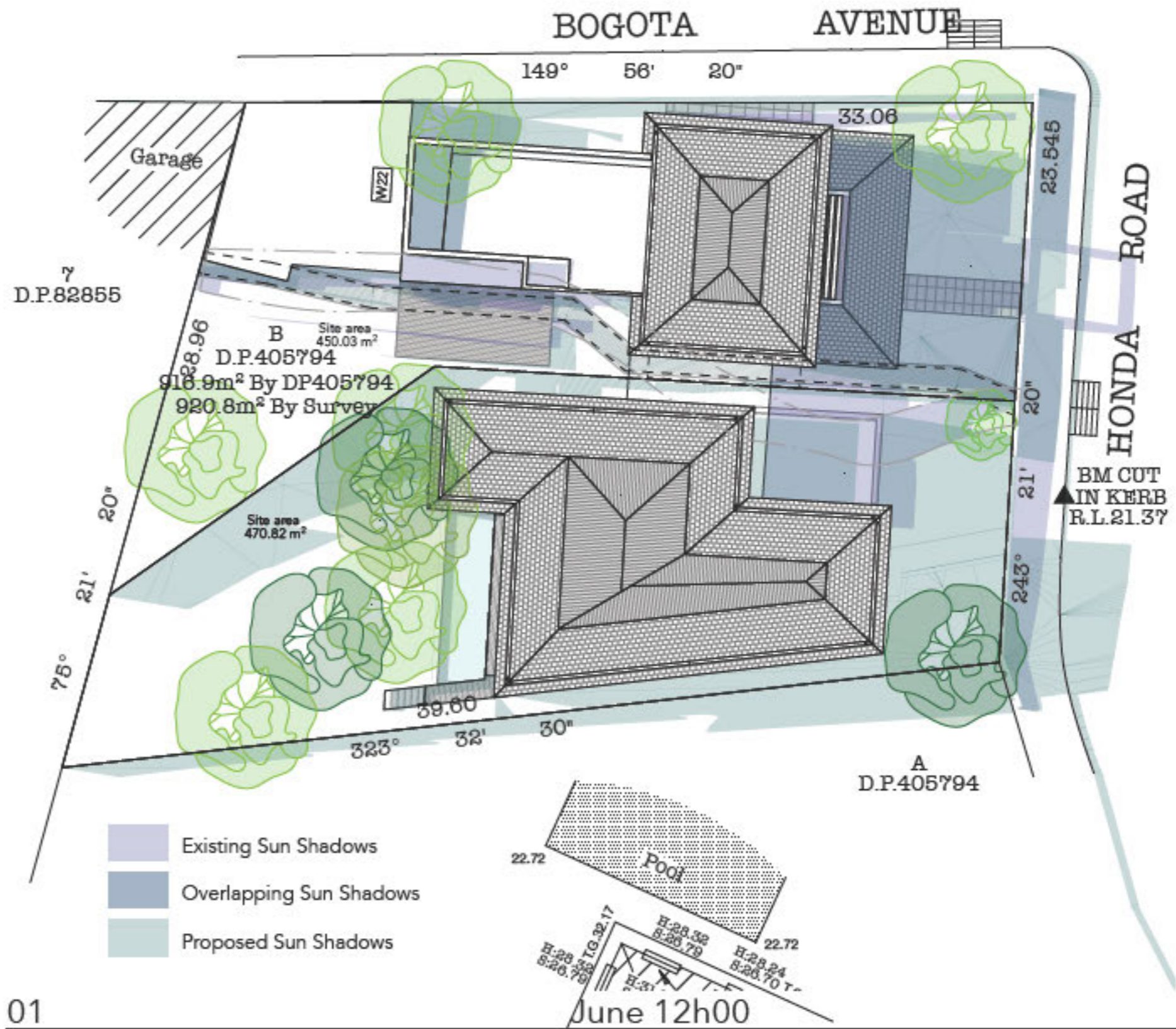
Proposed Development
FOR
HJ Four Property Trust
AT
4 Honda Road
Kurraba Point NSW 2089



FLORIS SMITH ARCHITECTURE PTY LTD
1 Vernon Street, Cammeray, NSW 2052, Australia +61 403 080 340 floris.smith@live.com.au

DRAWING TITLE
Sun Shadows June 10h00

SCALE	ITEM No	DATE	DRAWN	PROJ No	DRAWING No	REVISION
			JW	1-2101	DA28	B

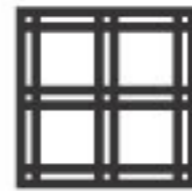


figured dimension only to be used. drawings not to be scaled. dimensions must be checked on site prior to commencement of work.

REV	DATE	DESCRIPTION
A	22/04/2022	issued for DA
B	21/11/2022	DA amended to Council comment



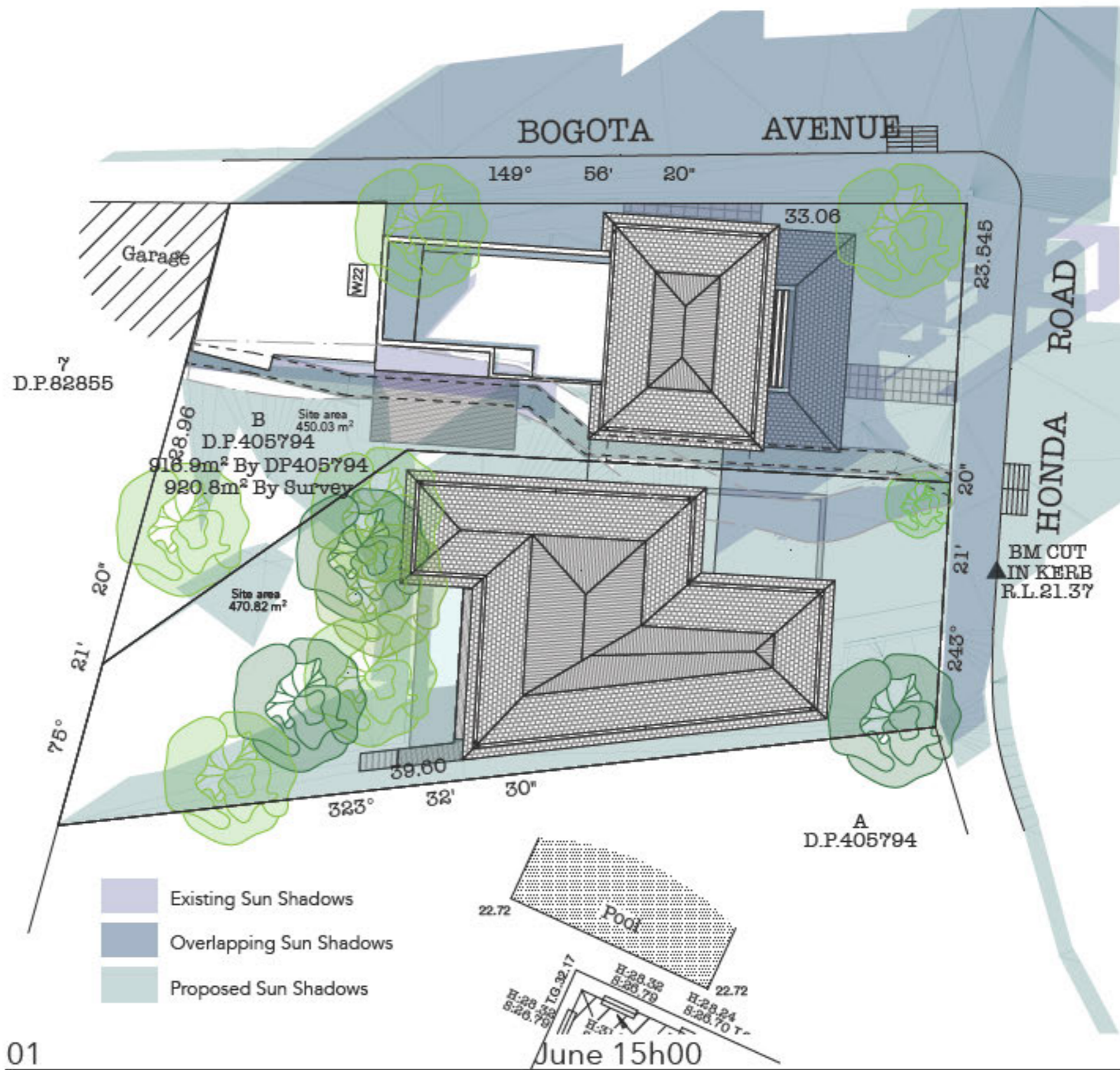
Proposed Development
FOR
HJ Four Property Trust
AT
4 Honda Road
Kurraba Point NSW 2089



FLORIS SMITH ARCHITECTURE PTY LTD
1 Vernon Street, Cammeray, NSW 2052, Australia +61 403 080 340 florissmith@live.com.au

DRAWING TITLE
Sun Shadows June 12h00

SCALE	ITEM No	DATE	DRAWN	PROJ No	DRAWING No	REVISION
as shown			JW	1-2101	DA29	B

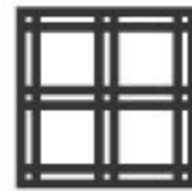


figured dimension only to be used. drawings not to be scaled. dimensions must be checked on site prior to commencement of work.

REV	DATE	DESCRIPTION
A	22/04/2022	issued for DA
B	21/11/2022	DA amended to Council comment



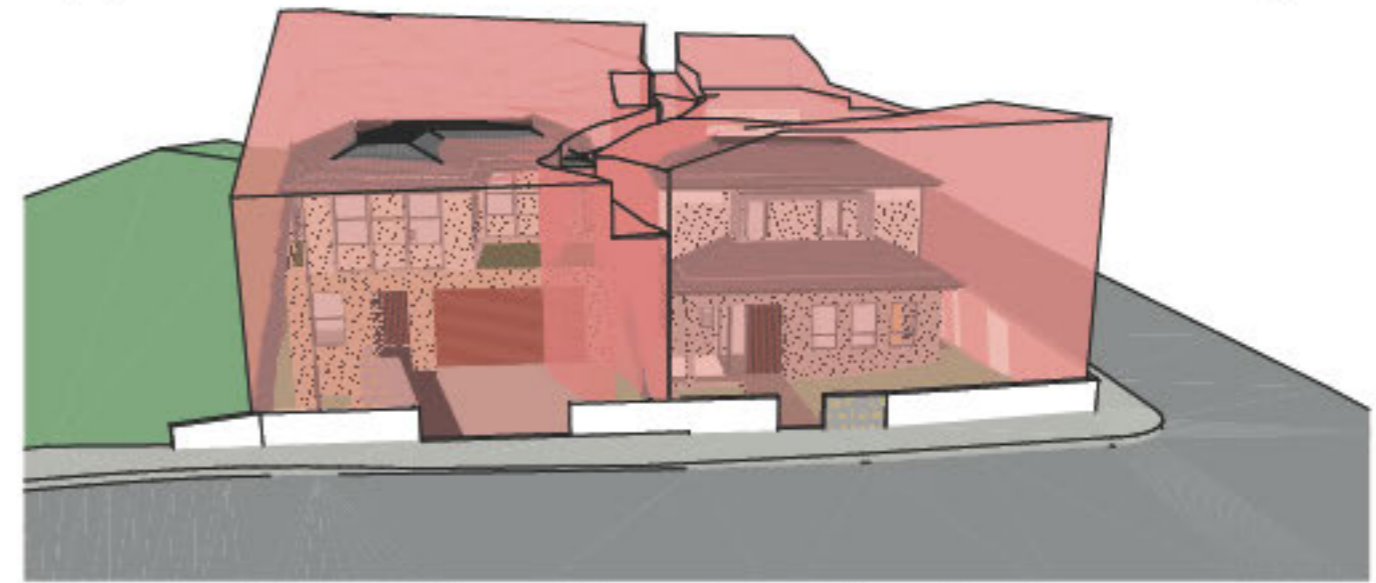
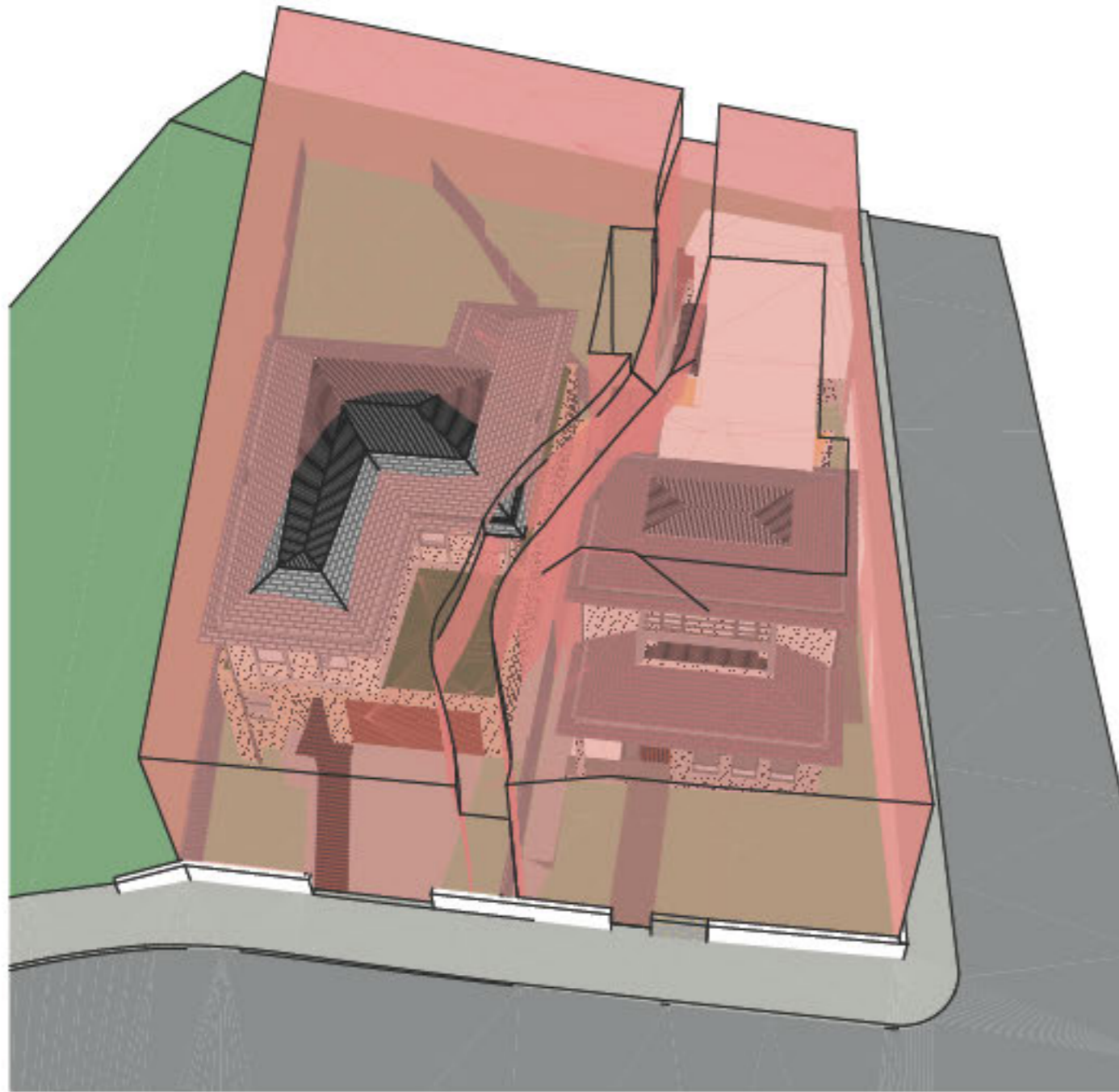
Proposed Development
FOR
HJ Four Property Trust
AT
4 Honda Road
Kurraba Point NSW 2089



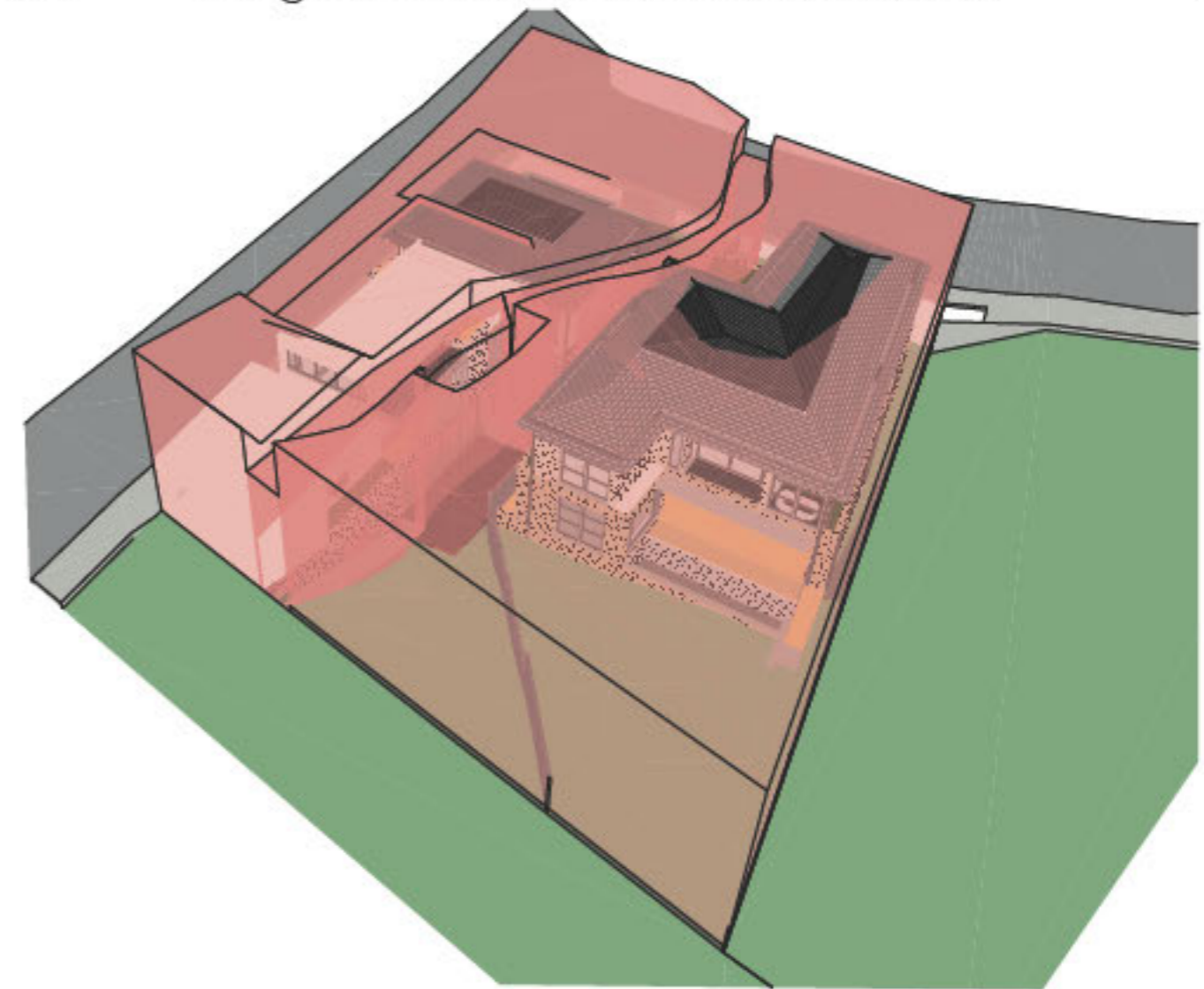
FLORIS SMITH ARCHITECTURE PTY LTD
1 Vernon Street, Cammeray, NSW 2052, Australia +61 403 080 340 florissmith@live.com.au

DRAWING TITLE
Sun Shadows June 15h00

SCALE	ITEM No	DATE	DRAWN	PROJ No	DRAWING No	REVISION
as shown			JW	1-2101	DA30	B



03 Height Plane View from Honda Street

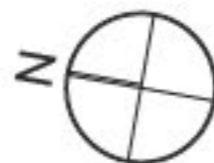


01 Height Plane View from Northwest

02 Height Plane View from South

figured dimension only to be used. drawings not to be scaled. dimensions must be checked on site prior to commencement of work.

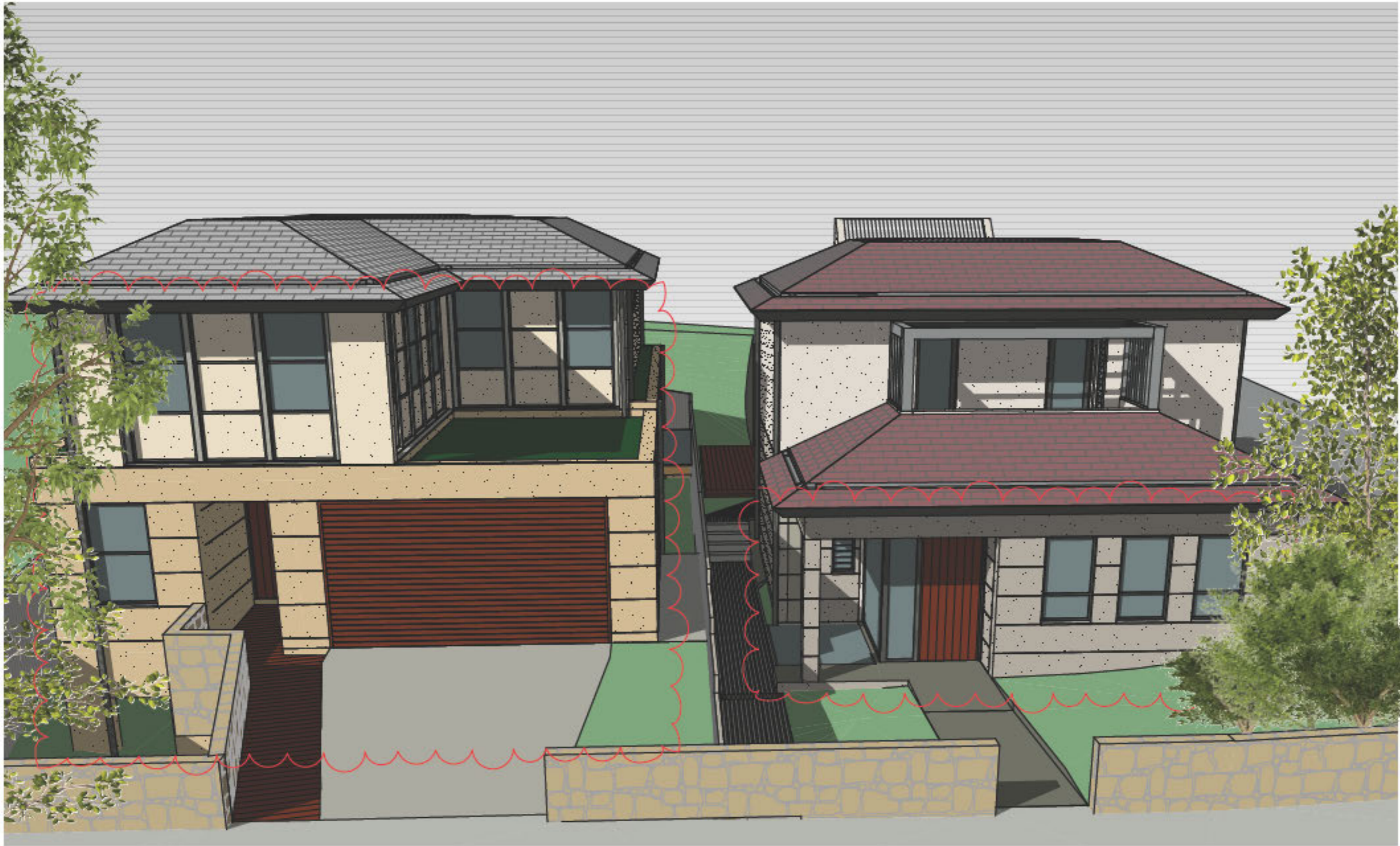
REV	DATE	DESCRIPTION
A	22/04/2022	issued for DA
B	21/11/2022	DA amended to Council comment



Proposed Development
FOR
HJ Four Property Trust
AT
4 Honda Road
Kurraba Point NSW 2089



FLORIS SMITH ARCHITECTURE PTY LTD					
1 Vernon Street, Cammeray, NSW 2052, Australia +61 403 080 340 florissmith@live.com.au					
DRAWING TITLE					
Height Plane Drawing					
SCALE	ITEM No	DATE	DRAWN	PROJ No	DRAWING No
as shown			JW	1-2101	DA31
registered architect: floris smith ARBNSW 6242 ABN89 632 780 271 plot date					REVISION
					B



01

Perspective

REV	DATE	DESCRIPTION
A	22/04/2022	issued for DA
B	21/11/2022	DA amended to Council comment

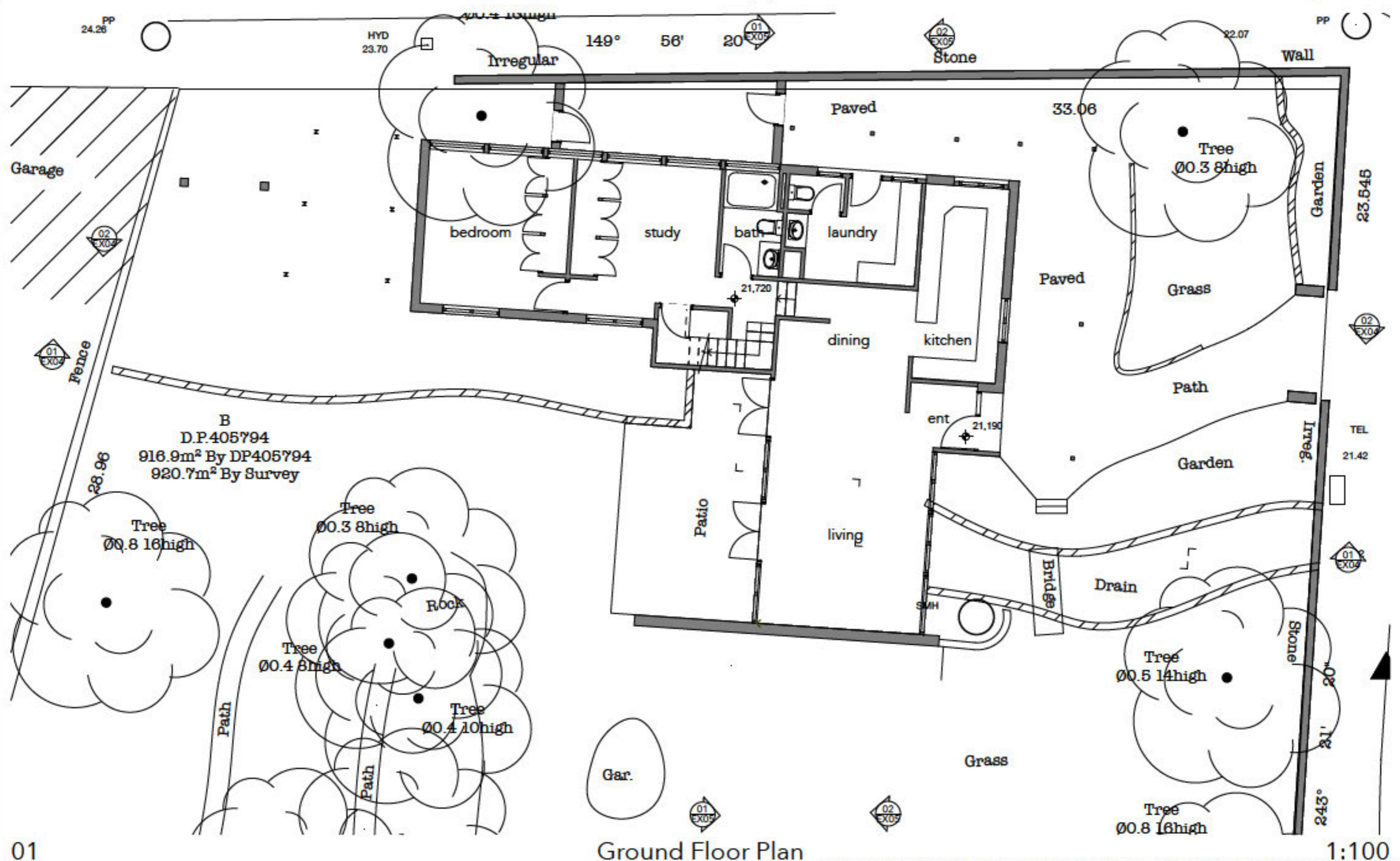


Proposed Development
FOR
HJ Four Property Trust
AT
4 Honda Road
Kurraba Point NSW 2089

figured dimension only to be used. drawings not to be scaled. dimensions must be checked on site prior to commencement or work.



FLORIS SMITH ARCHITECTURE PTY LTD					
1 Vernon Street, Cammeray, NSW 2052, Australia +61 403 080 340 florissmith@live.com.au					
DRAWING TITLE					
Site Perspective					
SCALE	ITEM No	DATE	DRAWN	PROJ No	DRAWING No
as shown			JW	1-2101	DA32
registered architect: floris smith ARBNSW 6242 ABN89 632 780 271 plot date					REVISION
6/12/22					B



B
D.P.405794
916.9m² By DP405794
920.7m² By Survey

Ground Floor Plan

1:100

figured dimension only to be used. drawings not to be scaled. dimensions must be checked on site prior to commencement of work

REV	DATE	DESCRIPTION

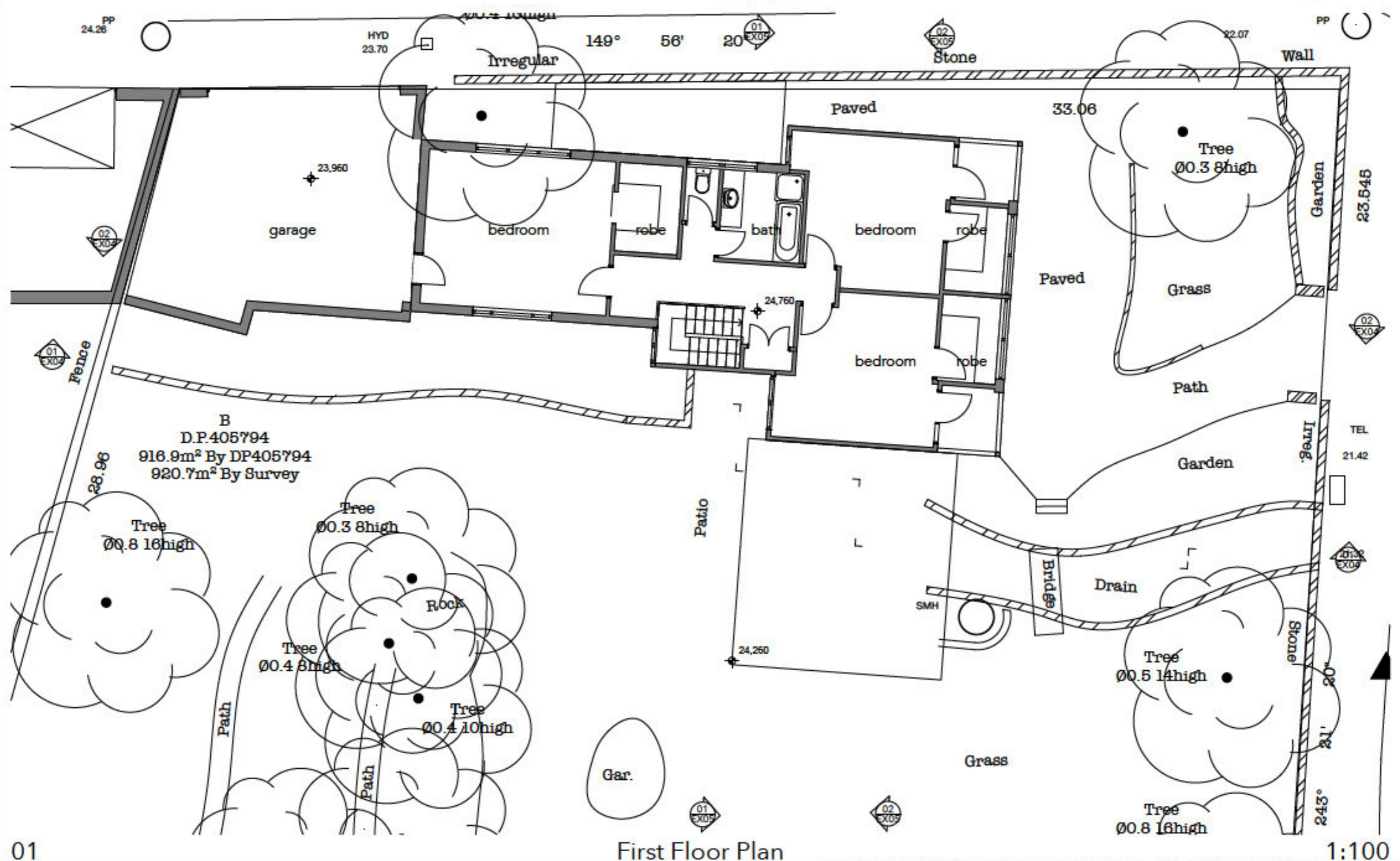
Proposed Development
FOR
HJ Four Property Trust
AT
4 Honda Road
Kurraba Point NSW 2089



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DRAWING TITLE
Ground Floor Plan

SCALE	ITEM No	DATE	DRAWN	PROJ No	DRAWING No	REVISION
			JW	1-2101	EX01	-



First Floor Plan

1:100

figured dimension only to be used. drawings not to be scaled. dimensions must be checked on site prior to commencement of work

REV	DATE	DESCRIPTION

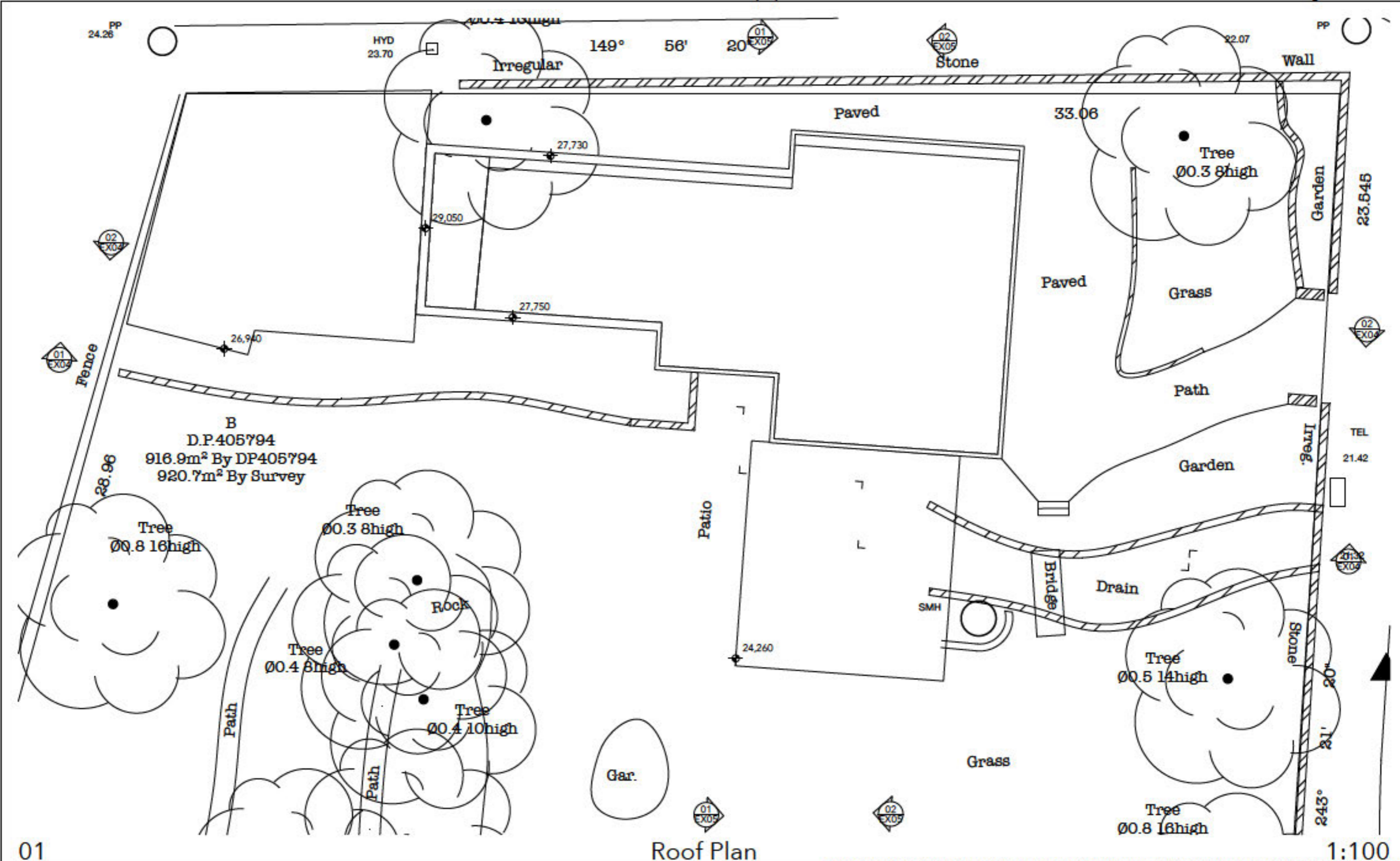
Proposed Development
FOR
HJ Four Property Trust
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4 Honda Road
Kurraba Point NSW 2089



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DRAWING TITLE
First Floor Plan

SCALE	ITEM No	DATE	DRAWN	PROJ No	DRAWING No	REVISION
			JW	1-2101	EX02	-



01

Roof Plan

1:100

figured dimension only to be used. drawings not to be scaled. dimensions must be checked on site prior to commencement of work

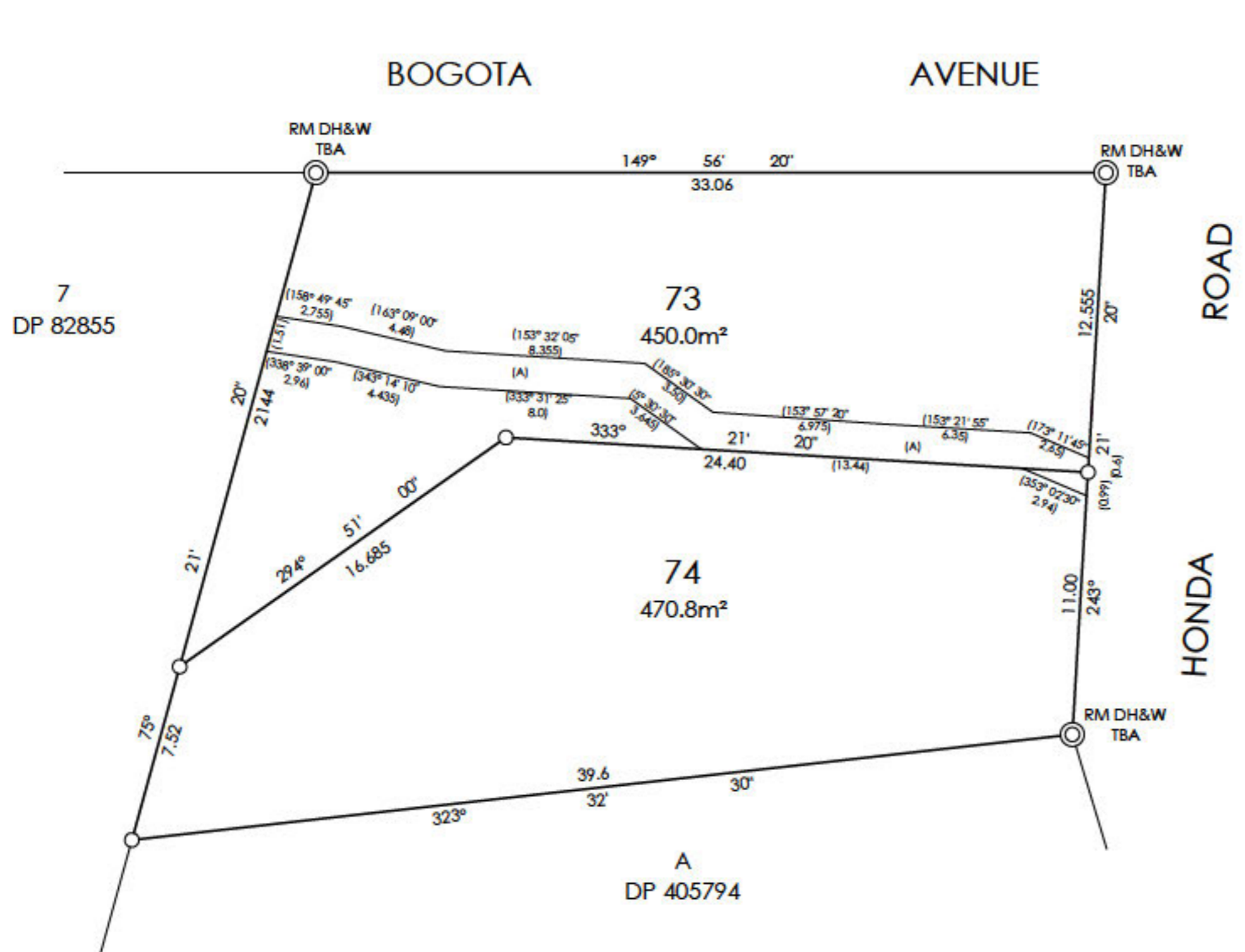
REV	DATE	DESCRIPTION

Proposed Development
FOR
HJ Four Property Trust
AT
4 Honda Road
Kurraba Point NSW 2089



FLORIS SMITH ARCHITECTURE PTY LTD
1 Vernon Street, Cammeray, NSW 2062, Australia +61 403 080 340 florissmith@live.com.au
DRAWING TITLE
Roof Plan

SCALE	ITEM No	DATE	DRAWN	PROJ No	DRAWING No	REVISION
			JW	1-2101	EX03	-



(A)- EASEMENT TO DRAIN WATER, VAR WIDTH

<p>SURVEYOR Name: ROBERT. F. LYON Date: 14TH APRIL 2022 Reference: 387</p>	<p>PLAN OF PROPOSED SUBDIVISION OF LOT B IN DP 405794</p>	<p>L.G.A.: NORTH SYDNEY Locality: KURRABA POINT Reduction Ratio 1:200 Lengths are in metres</p>	<p>REGISTERED</p>	<p>DRAFT SUBJECT TO FINAL SURVEY</p>
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**PROPOSED ALTERATIONS AND ADDITIONS TO DWELLING HOUSE
4 HONDA ROAD, KURRABA POINT
CLAUSE 4.6 VARIATION TO BUILDING HEIGHT UNDER CLAUSE 4.3 OF
NSLEP2013**

INTRODUCTION

This request for variation of the height control under Clauses 4.3 of North Sydney Local Environmental Plan 2013 is made pursuant to the provisions of Clause 4.6 as follows.

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 Secretary has been obtained.*
- (5) *In deciding whether to grant concurrence, the Secretary 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 Secretary 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,*
 - (caa) *clause 5.5,*
 - (ca) *clause 4.3 in relation to land identified as "Area 1" on the [Special Provisions Area Map](#), other than subject land within the meaning of clause 6.19C,*
 - (cab) *clause 4.4, 5.6 or 6.19C in relation to land identified as "Area 1" on the [Special Provisions Area Map](#), other than subject land within the meaning of clause 6.19C,*
 - (cb) *clause 6.3(2)(a) and (b),*
 - (cba) *clause 6.19A,*
 - (cc) *clause 6.20.*

OBJECTIVES OF CLAUSE 4.6

Clause 4.6 permits variations to development standards subject to a written request from the applicant satisfying the provisions of the clause. The following written request is submitted in respect of the proposed variation to the building height control of 8.5m contained at clause 4.3 of NSLEP 2013.

The objectives of Clause 4.6 are to provide for an appropriate degree of flexibility in applying development standards in order to achieve better outcomes for and from development.

The breach of the height control facilitates a superior development than a complying development in relation to streetscape presentation and the relationship of the development with the Kurraba Point Heritage Conservation Area.

This is achieved by the provision of a pitched roof form rather than a flat roof form which would comply with the control. The pitched roof form has been provided at the request of Council's heritage advisor, notwithstanding it results in a breach of the height control. Therefore, the flexible application of the development standard is appropriate in this case.

DEVELOPMENT STANDARD

The building height control is a numerical development standard, being consistent with the definition of "development standards" contained within Section 1.4 of the Environmental Planning and Assessment Act as follows.

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

- (a) the area, shape or frontage of any land, the dimensions of any land, buildings or works, or the distance of any land, building or work from any specified point;*
- (b) the proportion or percentage of the area of a site which a building or work may occupy;*
- (c) the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of a building or work;*
- (d) the cubic content or floor space of a building;*
- (e) the intensity or density of the use of any land, building or work;*
- ((f) the provision of public access, open space, landscaped space, tree planting or other treatment for the conservation, protection or enhancement of the environment;*
- (g) the provision of facilities for the standing, movement, parking, servicing, maneuvering, loading or unloading of vehicles;*
- (h) the volume, nature and type of traffic generated by the development;*
- (i) road patterns;*
- (j) drainage;*
- (k) the carrying out of earthworks;*
- (l) the effects of development on patterns of wind, sunlight, daylight or shadows;*
- (m) the provisions of services, facilities and amenities demanded by development;*
- (n) the emission of pollution and means for its prevention or control or mitigation;*
and
- (o) such other matters as may be prescribed;"*

The relevant component of the definition in this instance is:

"(c) the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of a building or work;"

The provisions of Clause 4.3 is not prohibited from the provisions of Clause 4.6 by way of either Clause 4.6(6) or (8), the site not being located in Area 1 on the Special Provisions Area Map.

BREACH OF CONTROL

Clause 4.3 sets a maximum building height of 8.5m with height measured from the existing ground level.

The proposed dwelling has a maximum height at the north-south ridge of RL 29.06, the east-west ridge of RL 29.795 and at the south-eastern edge of the roof over Bedroom 3 (where it overlaps with the existing stormwater channel) of RL 28.35.

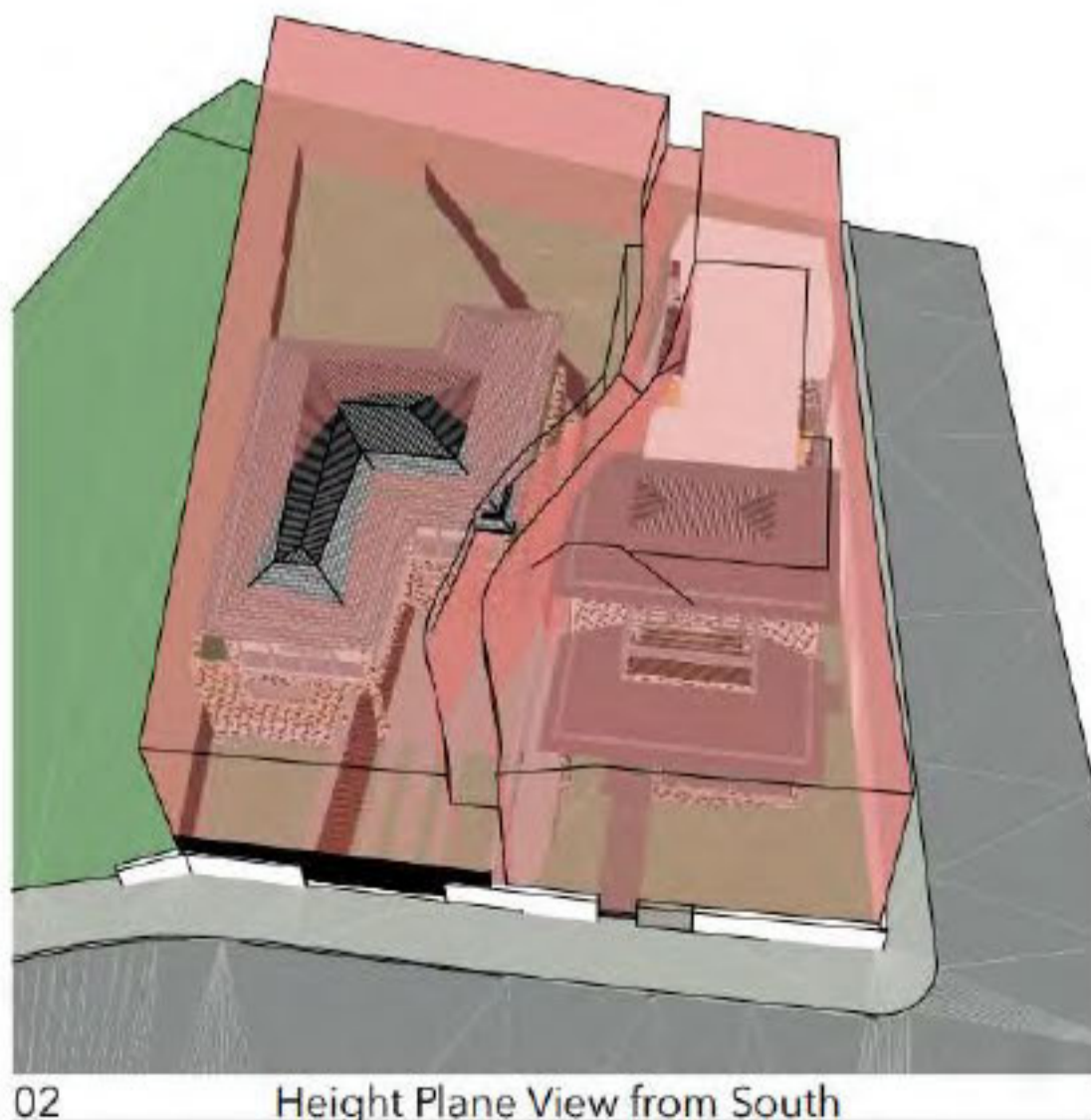
The existing ground level below the north-south ridge is approximately RL 20.3 – RL 20.6 (extrapolated from RLs on survey), resulting in a height of up to 8.76m at the front of the ridge, a variation of 0.16m.

The existing ground level below the east-west ridge is approximately RL 20.6 (extrapolated from RLs on survey), resulting in a height of up to 9.195m, a variation of 0.695m.

The existing ground level below the south-eastern edge of the roof over Bedroom 3 (where it overlaps with the existing stormwater channel) is approximately RL 19.28 (extrapolated from RLs on survey), resulting in a height of up to 9.07m a variation of 0.57m.

The breaches of the height control all relate to elements of the proposed pitched roof. A flat roofed dwelling would be fully compliant with the height control and was originally proposed. It is noted that such a design was considered at the pre-DA meeting with Council but Council's heritage advisor indicated that a pitched roof would be more appropriate in the heritage conservation area, notwithstanding it would breach the height control.

A diagrammatical representation of the portion of the roof that breach the control can be seen in the following 3D height plane rendering.



3D rendering of the dwellings with height plane projections showing breaches

UNREASONABLE AND UNNECESSARY

Determining whether strict compliance with the control is unreasonable and unnecessary, has been addressed in a number of judgements of the Land and Environment Court and the correct method of consideration has recently been summarised in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 as follows:

16. *As to the first matter required by cl 4.6(3)(a), I summarised the common ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary in Wehbe v Pittwater Council at [42]-[51]. Although that was said in the context of an objection under State Environmental Planning Policy No 1 – Development Standards to compliance with a development standard, the discussion is equally applicable to a written request under cl 4.6 demonstrating that compliance with a development standard is unreasonable or unnecessary.*
17. *The first and most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard: Wehbe v Pittwater Council at [42] and [43].*
18. *A second way is to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary: Wehbe v Pittwater Council at [45].*
19. *A third way is to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable: Wehbe v Pittwater Council at [46].*
20. *A fourth way is to establish that the development standard has been virtually abandoned or destroyed by the Council's own decisions in granting development consents that depart from the standard and hence compliance with the standard is unnecessary and unreasonable: Wehbe v Pittwater Council at [47].*
21. *A fifth way is to establish that the zoning of the particular land on which the development is proposed to be carried out was unreasonable or inappropriate so that the development standard, which was appropriate for that zoning, was also unreasonable or unnecessary as it applied to that land and that compliance with the standard in the circumstances of the case would also be unreasonable or unnecessary: Wehbe v Pittwater Council at [48]. However, this fifth way of establishing that compliance with the development standard is unreasonable or unnecessary is limited, as explained in Wehbe v Pittwater Council at [49]-[51]. The power under cl 4.6 to dispense with compliance with the development standard is not a general planning power to determine the appropriateness of the development standard for the zoning or to effect general planning changes as an alternative to the strategic planning powers in Part 3 of the EPA Act.*
22. *These five ways are not exhaustive of the ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary; they are merely the most commonly invoked ways. An applicant does not need to establish all of the ways. It may be sufficient to establish only one way, although if more ways are applicable, an applicant can demonstrate that compliance is unreasonable or unnecessary in more than one way.*

It is unreasonable and unnecessary to strictly apply the building height control where the development as proposed would satisfy the objectives of the control and the zone objectives, which are addressed following.

Objectives of Building Height Controls

The objectives of the building height control are as follows and as can be seen in the discussion, the proposal is consistent with the objectives of the control:

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

The design of the new dwelling conforms to the natural landform, with the height of the proposed dwelling, notwithstanding the breach of the control, being significantly below that of surrounding development, commensurate with the location of the site within a "hollow" in the street and locality. Notwithstanding this breach of the control, the proposal satisfies objective (a).

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

The site of the new dwelling is in a "hollow" in Honda Road, with all surrounding properties being located on higher land and having taller buildings.

Whilst there are water views southward from the properties to the north in Bogota Avenue, those views are largely obtained down the road reserve of Bogota Avenue or over the roof properties further to the south in Bogota Avenue or the roof of 3 Honda Road.

Given the relative heights of the properties with views, the roofs over which the views are obtained and the lower height of the proposed development, the proposal will not result in any significant impact upon views (water or otherwise).

A view analysis has been provided based on photographs taken by drone which identify the type of views currently available from 29 and 31 Bogota Avenue confirming this assessment. It is unclear whether 33 Bogota Avenue (7 Bannerman) obtains any views over the subject site, though it would appear to be unlikely given the extent of vegetation on the subject site. Notwithstanding the vegetation, any views from that property would be over the roof of 3 Honda Road which is higher than the proposed works and as such would not be affected by the proposal.

As such, notwithstanding the breach of the control, the proposal satisfies objective (b).

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

The property to the west, 2 Honda Road, is located significantly higher than the subject site. As can be seen in the shadow diagrams for midwinter, no shadows from the proposal impact the dwelling on 2 Honda Road. Whilst there is some shadowing of the side yard of 2 Honda Road in the morning in midwinter, the shadowing lasts for a short period of time and affects the side yard only, with the rear yard not being impacted by shadow from the dwelling. At this time of the day the shadowing is cast from the eaves of the new dwelling, which are compliant with the height control. At the times of day when the ridge (non-compliant element) casts shadows, they do not impact 2 Honda Road, or any other property.

The shadow diagrams show that 3 Honda Road on the opposite side of the street will not be impacted by shadow from the proposal.

The proposed dwelling has a north facing private open space and living room and as such will receive in excess of 3 hours of solar access to both in midwinter.

Whilst the living room of the existing dwelling is not north facing, the proposed alterations significantly increase solar access to the room by provision of significant glazing to the eastern and western facades. The rear yard is north facing and will receive a good level of solar access at midwinter, particularly in the afternoon. The breaching element of the new dwelling (being the ridge) does not impact the solar access to the living room or private open space of the existing dwelling.

Accordingly, notwithstanding the breach of the control, the proposal satisfies objective (c).

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

The proposed dwelling has been designed to focus the outlook of rooms to the front and rear of the site to ensure privacy to the existing dwelling and the dwelling at 2 Honda Road. On the western façade this also serves to ensure privacy to the new dwelling which would otherwise be significantly overlooked by the dwelling at 2 Honda Road, which is significantly elevated.

Accordingly, the western façade of the new dwelling has only two windows at the first floor level facing 2 Honda Road, being to a bathroom and stairs. The bathroom window is a highlight window and the stair window has frosted glass.

The eastern façade has only three windows facing the existing dwelling, being two bathroom windows and a bench level kitchen window which has frosted glass ensuring appropriate privacy to the existing dwelling on the site. The element breaching the height control is the roof, which does not result in any privacy impacts.

Accordingly, notwithstanding the breach of the control, the proposal satisfies objective (d).

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

The reason the proposed dwelling seeks to breach the height control is to ensure compatibility of the dwelling with the adjoining and surrounding development and in particular to be sympathetic to the Kurraba Point Conservation Area, where pitched roofs are characteristic. It is noted that a flat roofed development would comply with the height control, but at the request of Council's heritage advisor, a pitched roof, which breaches the height control, has been provided.

Given the freeboard level necessary on the site due to its flood prone nature, the height of the dwelling cannot be lowered and as such provision of a pitched roof on a two storey dwelling will necessarily breach the height control.

Further, given the age of surrounding development, the characteristic form of development has a pitched roof and also breaches the height control. To provide a compliant development with a flat roof on the site, which is located at the low point in the street, would reduce its compatibility with surrounding development.

As such, the breach of the height control is necessary for the dwelling to be compatible with development in the conservation area and satisfy objective (e).

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

This has been addressed in detail in relation to objective (e) above. As discussed, the breach of the height control is necessary for the dwelling to be compatible with the character and scale of development in the conservation area. The breach of the height control does not alter the density of the development. Accordingly, the breach of the height control is necessary to satisfy objective (f).

Objectives of R2 Low Density Zone

The objectives of the R2 zone, as follows, are satisfied by the proposed development.

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

The alterations and additions proposed will provide appropriate accommodation for the housing needs of the community in a low density environment, ensuring the existing dwelling can provide a suitable level of accommodation for the future occupants of the dwelling. The partial demolition will also allow the subdivision of the site into two Torrens title allotments allowing for the provision of a new dwelling house which will increase the provision of such housing in the community within a low density residential environment. The variation to the height control does not alter the satisfaction of this objective. Accordingly, the proposal is consistent with this objective.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

This objective is not applicable to a residential use.

- *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 impact of the proposed development upon the heritage conservation area and heritage items within the vicinity of the site is addressed and is supported by the Heritage Impact Statement prepared by Weir Phillips Heritage and Planning which accompanies the application.

The breach of the height control to provide a pitched roof is the reason the proposed development satisfies this objective, as provision of a pitched roof does not compromise the amenity of surrounding development by way of loss of privacy, solar access or views, but does ensure the cultural heritage of the area is respected. As such the proposed design satisfies this objective.

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

The proposed dwelling will have an excellent level of amenity with north facing living areas and private open space, good privacy and cross ventilation. The variation of the height control does not impact the amenity of the proposed dwelling.

The variation of the height control will not result in any detrimental impacts upon the amenity of surrounding development. Given the orientation and topography of the site, the ridge of the new dwelling will be 8m below the ridge of the adjoining dwelling at 2 Honda Road and will roughly align with the ceiling level of the ground floor of the dwelling. This combined with the careful window design and placement results in no privacy impact upon 2 Honda Road and minimal shadow impact in the morning in midwinter only to the side yard, with no impact to the rear yard of dwelling. Given the time of day the shadow impact upon 2 Honda Road occurs, the shadow is cast by the eaves of the dwelling, which comply with the height control. No other property is impacted by shadowing from the proposed development.

The topography, setback and retention of the rear garden vegetation will result in the proposed dwelling barely being discernible from the dwelling or rear yard of 33 Bogota Avenue to the rear of the site.

Whilst views are available from properties to the north which occur partially over the site, the topography is such that the site is effectively located in a "hollow". The proposed development will not result in detrimental impact upon the views of surrounding properties which are all located on substantially higher ground. This is particularly the case due to the height of the dwelling at 3 Honda Road, which is higher than the proposed dwelling, resulting in the new dwelling being in the 'view shadow' of that property when viewed from properties to the north.

Accordingly, notwithstanding the breach of the height control, the proposal is consistent with this objective.

SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS

Determining whether there are sufficient environmental planning grounds to vary a control, has been addressed in a number of judgements of the Land and Environment Court and the correct method of consideration has recently been summarised in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 as follows:

23. *As to the second matter required by cl 4.6(3)(b), the grounds relied on by the applicant in the written request under cl 4.6 must be "environmental planning grounds" by their nature: see Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 at [26]. The adjectival phrase "environmental planning" is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in s 1.3 of the EPA Act.
24. *The environmental planning grounds relied on in the written request under cl 4.6 must be "sufficient". There are two respects in which the written request needs to be "sufficient". First, the environmental planning grounds advanced in the written request must be sufficient "to justify contravening the development standard". The focus of cl 4.6(3)(b) is on the aspect or element of the development that contravenes the development standard, not on the development as a whole, and why that contravention is justified on environmental planning grounds. The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole: see Four2Five Pty Ltd v Ashfield Council* [2015] NSWCA 248 at [15]. Second, the written request must demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard so as to enable the consent authority to be satisfied

under cl 4.6(4)(a)(i) that the written request has adequately addressed this matter: see Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 at [31].

The breach of the height control results from the design choice of providing a pitched roof on the proposed dwelling, with the breach relating to the roof form. A flat roof, if provided on this dwelling, would comply with the height control.

Whilst the provision of a two storey form of dwelling with a pitched roof would normally comply with the 8.5m height control, it cannot on this site because it is flood prone and contains a 1m - 1.9m deep drainage channel that provides for disposal of stormwater for upstream properties.

The drainage channel, whilst being relocated in the proposal, currently impacts the south-eastern edge of the proposed building for a small triangular section of the corner of the pantry and bedroom 3. The breach of the height control in this portion of the site (to a maximum height of 0.57m) is a direct result of a topographical anomaly related to the stormwater channel which is 1m - 1.9m below the level of the rest of the site. Were the design of the dwelling to follow this irregularity in the topography of the site caused by the previous excavation to create a stormwater channel, it would result in an anomalous building element that would present inappropriately to the streetscape. As the stormwater channel is to be filled in this location and relocated, the breach of the height control in this location will not be discernible and will result in a more appropriate built form as viewed from the public domain.

The second element of the proposed dwelling that breaches the height control is the ridge of the pitched roof. Whilst a flat roof could be provided that complied with the height control, based on advice from Council's heritage consultant, such a design would be inappropriate in the context of the Kurraba Point Conservation Area. As there is no reasonable way to lower the height of the dwelling, due to the flood prone nature of the site, and it is more appropriate from a heritage viewpoint to provide a pitched roof, the proposed design is superior to a compliant design. The breach of the control will ensure the proposed dwelling is compatible with the character of the streetscape and conservation area, where a compliant development cannot be on this site. Accordingly, there are sufficient environmental planning grounds to support the variation to the height control in this instance.

PUBLIC INTEREST

There are no public interest matters that would prevent the variation of the height control in this instance given the compelling environmental planning ground for the variation and the compliance with the objectives of the control and the R2 Low Density Residential zone. Indeed, the breach in the height control is proposed in the public interest, to improve the relationship of the dwelling in the streetscape and conservation area.

CONCURRENCE REQUIREMENTS

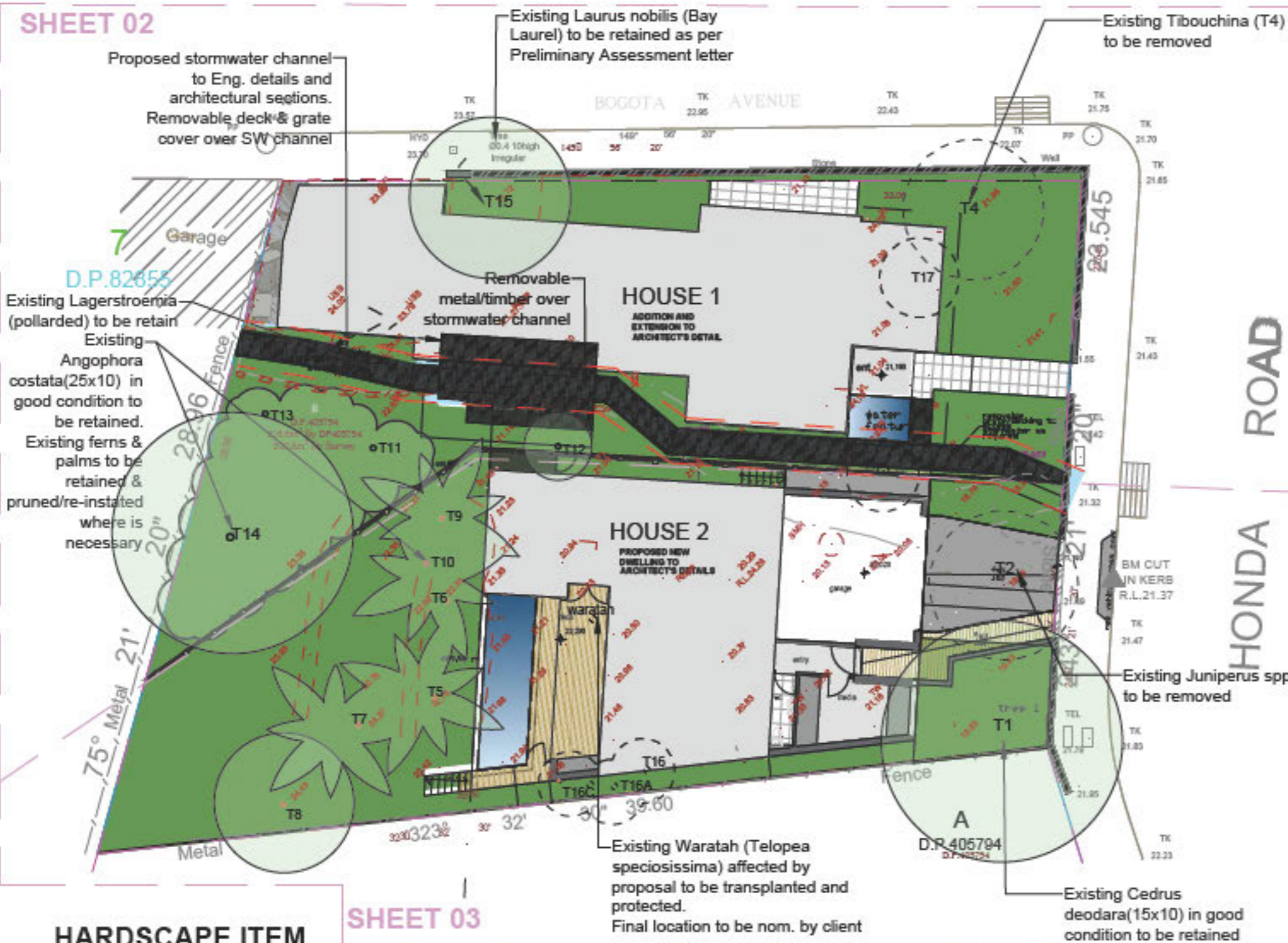
Matters of State or Regional Significance

There are no matters of State or Regional significance that would prevent the appropriate flexible implementation of the height control in this instance.

Public Benefit of Maintaining the Control

There is no public benefit in maintaining the control strictly in this circumstance where the breach of the control would actually result in the public benefits of a better streetscape presentation than a compliant development and an improved relationship within the conservation area.

SHEET 02



DRAWING SCHEDULE

SHEET #	DRAWING TITLE	REV.
/1	SITE PLAN	B
/2	LANDSCAPE PLAN-HOUSE 1	B
/3	LANDSCAPE PLAN-HOUSE 2	B
/4	LANDSCAPE PLAN-GREEN ROOF	B
/5	DETAILS	B
/6	SPECIFICATION	B

LANDSCAPE CALCULATION REFER TO ARCHITECT'S DWG COVERAGE DA 03

TREE SURVEY

Refer to Arboricultural Impact Assessment by MICHAEL SHAW prepared on 02 DECEMBER 2022

No.#	Species	Size (Ht x Sp)	Action
1	Cedrus deodara(Himalayan cedar)	16x15	Retain & protect
2	Juniperus sp	12x5	Remove
3	Magnolia grandiflora (Bull bay magnolia)	4x3	Remove
4	Tibouchina sp	8x8	Remove
5	Livistona australis(Cabbage tree palm)	8x8	Retain & protect
6	Cyathea cooperi (Australian tree fern)	8x2	Retain & protect
7	Phoenix canariensis(Canary Island date palm)	10x6	Retain & protect
8	Jacaranda mimosifolia(Jacaranda)	10 x 4	Retain & protect
9	Ceratopetalum gummiferum(NSW Christmasbush)	6x2	Retain & protect
10	Cyathea cooperi (Australian tree fern)	8x3	Retain & protect
11	Camellia japonica (Japanese camellia)	6x4	Retain & protect
12	Lagerstroemia indica (Crepe myrtle)	2x3	Retain & protect
13	Pittosporum undulatum (sweet pittosporum)	8x8	Retain & protect
14	Angophora costata (Smooth barked apple)	20x15	Retain & protect
15	Laurus nobilis (Bay laurel)	8x5	Retain & protect
16	Callistemon viminalis (weeping bottlebrush)	3x3	Remove
16A	Callistemon viminalis (weeping bottlebrush)	3x3	Remove
16B	Callistemon viminalis (weeping bottlebrush)	3x3	Remove
16C	Callistemon viminalis (weeping bottlebrush)	3x3	Remove
17	Syzygium sp (Lilly pill)	3x2	Remove

HARDSCAPE ITEM

- Landscape area
- Existing rock outcrop
- 1.8m Gate and fence - colour and style to be nom. by client
- Trees proposed to be removed and replaced with new landscaping
- Existing trees proposed to be retained and protected

SHEET 03

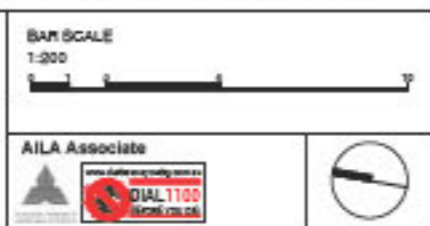
EXISTING SITE PHOTOS (REAR COURTYARD)



LOCATION PLAN



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REV	DATE	NOTATION/AMENDMENT	COUNCIL
A	27.4.2022	FOR DA	NORTH SYDNEY
B	02.12.2022	FOR DA - PRELIMINARY ASSESSMENT	

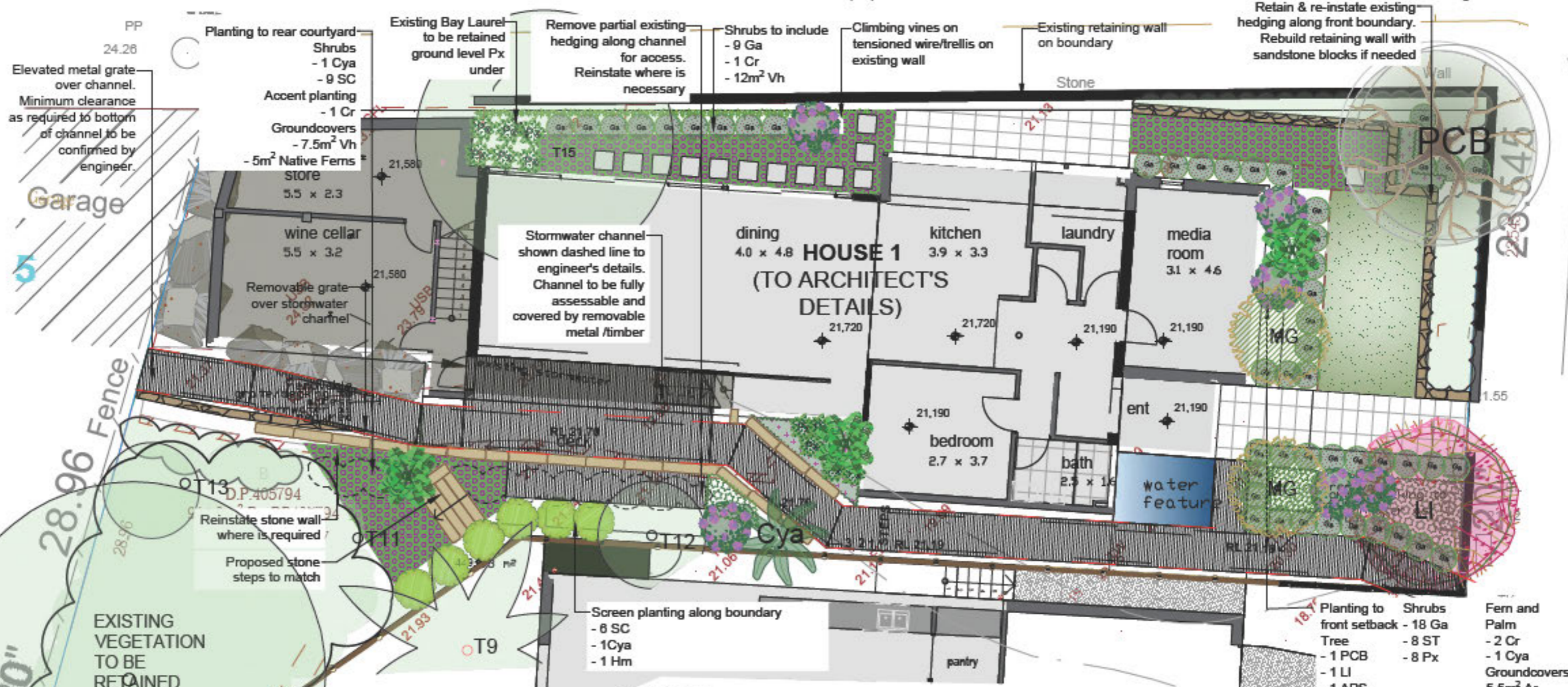
www.concept.net.au
enquiries@concept.net.au

SITE PLAN

PROPOSED RESIDENTIAL DEVELOPMENT

4 HONDA RD,
KURRABA POINT

DWG NO	SHEET NO
LPDA22-332	01
SCALE	STATUS
1:200 @A3	DA
DATE	ROLE
DEC 2022	A
DRAWN	CHECKED
E.W	R.F



PLANT SCHEDULE

- TREES**
- Botanical Name: *Magnolia grandiflora*
Common Name: Teddy Bear
Pot size: 75Lt
Mature H x S: 5-7m x 4m
Qty Required: 2
 - Botanical Name: *Bull Bay Magnolia*
Common Name: Bull Bay Magnolia
Pot size: 75Lt
Mature H x S: 5-7m x 4m
Qty Required: 2
 - Botanical Name: *Lagerstroemia indica & cvs*
Common Name: Crepe myrtle (Exotic)
Pot size: 100Lt
Mature H x S: 5-8m x 5m
Qty Required: 1
 - Botanical Name: *Pyrus calleryana 'Bradford'*
Common Name: Ornamental Pear (Exotic)
Pot size: 100Lt
Mature H x S: 6m x 5-6m
Qty Required: 1

- SHRUBS**
- Botanical Name: *Gardenia augusta 'True love'*
Common Name: Gardenia (Exotic)
Pot size: 300mm
Mature H x S: 1m x 1m
Qty Required: 40
 - Botanical Name: *Hydrangea macrophylla*
Common Name: Big Leaf Hydrangea (Exotic)
Pot size: 200mm
Mature H x S: 1-1.5m x 1m
Qty Required: 6
 - Botanical Name: *Syzygium 'Cascade'*
Common Name: Cascade Lilly Pilly (Native)
Pot size: 200mm
Mature H x S: 2.5m x 1.8m
Qty Required: 6
- CLIMBER**
- Botanical Name: *Trachelospermum Jasminoides*
Common Name: Star Jasmine (Exotic)
Pot size: 100mm
Mature H x S: 0.3m x climbing
Qty Required: 10

- GROUNDCOVERS**
- Botanical Name: *Viola hederacea*
Common Name: Native Violet (Native)
Pot size: Tube stock
Mature H x S: 0.2m x spreading
Qty Required: 156 (8/m2 @ 19.5m2 total)
 - Botanical Name: *Ajuga reptans*
Common Name: Rhoeco dwarf (Native)
Pot size: 140mm
Mature H x S: 0.3m x 0.3m
Qty Required: 28 (5/m2 @ 5.5m2 total)
 - Botanical Name: *Philodendron 'Xanadu'*
Common Name: Philodendron (Exotic)
Pot size: 140mm
Mature H x S: 0.6m x 0.6m
Qty Required: 11

- FERNS**
- Botanical Name: *Cyathea australis*
Common Name: Rough Tree Fern (Native)
Pot size: 45L (Min 1m trunk)
Mature H x S: 2.5-5m x 3m
Qty Required: 1
 - Native Fern Mix:
Doodia aspera
Calochlaena dubia
Blechnum cartilagineum
Pot size: 140mm
Mature H x S: to 1m
Qty Required: 20 (4/m2 @ 5m2 total)
 - Botanical Name: *Cycas revoluta*
Common Name: Sago Palm (Exotic)
Pot size: 45 Lt
Mature H x S: 1-1.5m x 1m
Qty Required: 3

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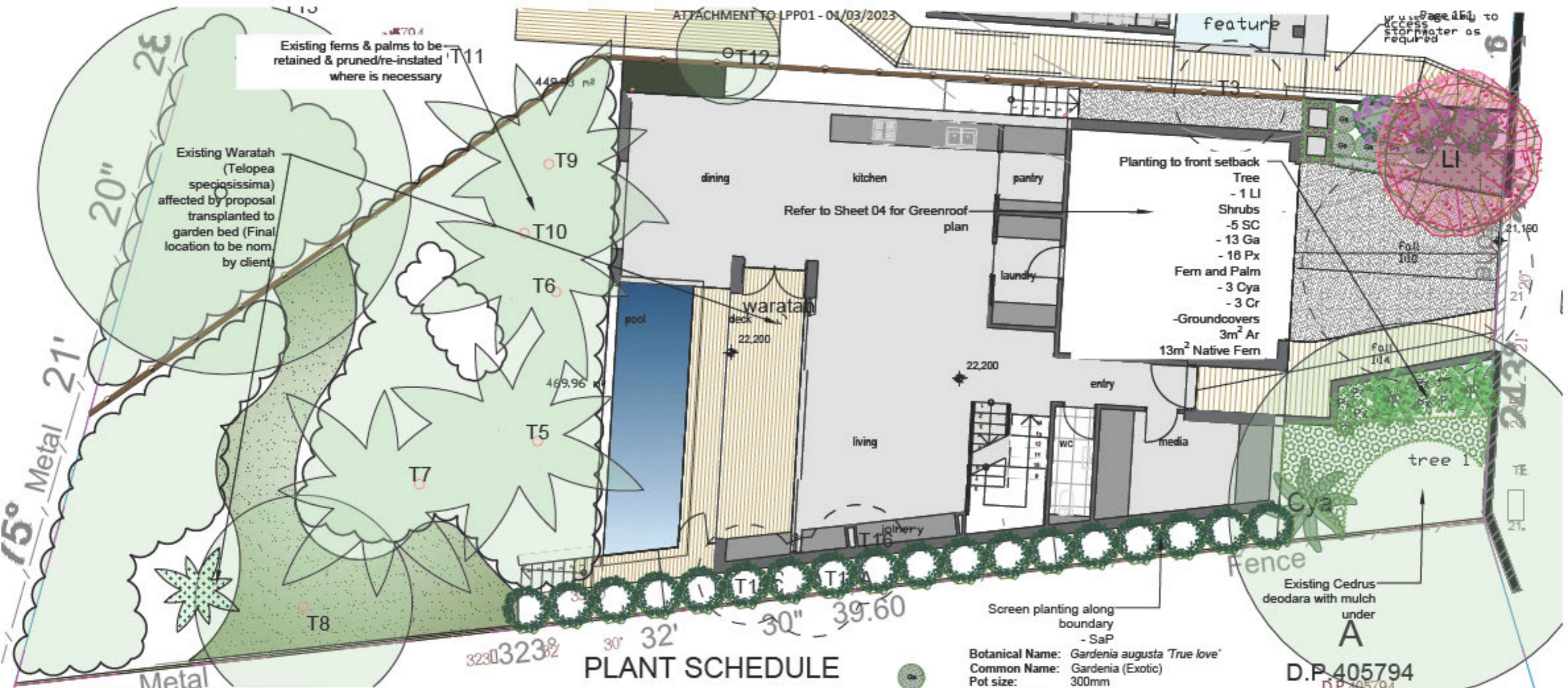


REV	DATE	NOTATION/AMENDMENT
A	27.4.2022	FOR DA
B	02.12.2022	FOR DA - PRELIMINARY ASSESSMENT

COURSE: NORTH SYDNEY
CLIENT: HJ FOUR PROPERTY TRUST
ARCHITECT: FLORIS SMITH ARCHITECTURE



PROJECT	TITLE	DRAWN BY	SHEET NO.
LPDA22-332	HOUSE 1 LANDSCAPE PLAN PROPOSED RESIDENTIAL DEVELOPMENT	E.W	02
SCALE: 1:100 @A3			STATUS: DA
DATE: DEC 2022			DRAWN: A
			CHECKED: R.F



LEGEND & SCHEDULE

- NOTES:**
- ALL FINAL PLANT QUANTITIES INDICATED ON PLANS SHALL BE CHECKED AND VERIFIED BY SUCCESSFUL LANDSCAPE CONTRACTOR.
 - ANY PLANT SUBSTITUTES REQUIRED DUE TO UNAVAILABILITY SHALL BE RECOMMENDED BY THE LANDSCAPE CONTRACTOR TO BEST MATCH SUBSTITUTED PLANTS AND APPROVED PRIOR TO PURCHASING BY THE LANDSCAPE ARCHITECT.
 - WORKS CERTIFIED FOR FINAL OCCUPANCY CERTIFICATE ARE TO MATCH APPROVED LANDSCAPE PLANS.
 - LANDSCAPE CONTRACTOR SHALL LOCATE AND AVOID SITE STORM WATER & DRAINAGE SERVICES. LOCATE TREES A MINIMUM 1.25M FROM PITS
 - ALL PLANTING AROUND EXISTING TREES SHALL BE ADJUSTED TO AVOID DAMAGE AND CLASHING WITH SURFACE ROOTS
 - THE NATURE STRIP (STREET FRONTAGE) FOR THE SITE IS PUBLIC LAND, AND ONLY AUTHORIZED WORKS MAY OCCUR HERE. EXISTING CONDITIONS SUCH AS STREET TREES, COUNCIL PLANTING ETC SHALL BE RETAINED AND PROTECTED DURING CONSTRUCTION, UNLESS SPECIFIC APPROVAL HAS BEEN GRANTED FOR NEW WORK IN THIS AREA.



PLANT SCHEDULE

	Botanical Name: <i>Lagerstroemia indica</i> & cvs Common Name: Crepe myrtle (Exotic) Pot size: 100Lt Mature H x S: 5-8m x 5m Qty Required: 1
	Botanical Name: <i>Hydrangea macrophylla</i> Common Name: Big Leaf Hydrangea (Exotic) Pot size: 200mm Mature H x S: 1-1.5m x 1m Qty Required: 3
	Botanical Name: <i>Syzygium australe</i> 'Pinnacle' Common Name: Pinnacle Lilly Pilly (Native) Pot size: 200mm Mature H x S: 6-8m x 1-1.5m Qty Required: 18

	Botanical Name: <i>Gardenia augusta</i> 'True love' Common Name: Gardenia (Exotic) Pot size: 300mm Mature H x S: 1m x 1m Qty Required: 5
	Botanical Name: <i>Ajuga reptans</i> Common Name: Rhoen dwarf (Native) Pot size: 140mm Mature H x S: 0.3m x 0.3m Qty Required: 15 (5/m ² @ 3m ² total)
	Botanical Name: <i>Cycas revoluta</i> Common Name: Sago Palm (Exotic) Pot size: 45 Lt Mature H x S: 1-1.5m x 1m Qty Required: 2
	Botanical Name: <i>Philodendron</i> 'Xanadu' Common Name: Philodendron (Exotic) Pot size: 140mm Mature H x S: 0.6m x 0.6m Qty Required: 10

D.P. 405794
D.P. 405794

NATIVE FERNS

	Botanical Name: <i>Cyathea australis</i> Common Name: Rough Tree Fern (Native) Pot size: 45L (Min 1m trunk) Mature H x S: 2.5-5m x 3m Qty Required: 1
	Native Fern Mix: <i>Doodia aspera</i> <i>Calochlaena dubia</i> <i>Blechnum cartilagineum</i> Pot size: 140mm Mature H x S: to 1m Qty Required: 52 (4/m ² @ 13m ² total)

General Notes:

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BAR SCALE
1:100

AILA Associate
DIAL 1100

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A	27.4.2022	FOR DA
B	02.12.2022	FOR DA - PRELIMINARY ASSESSMENT

COUNCIL:	NORTH SYDNEY
CLIENT:	HJ FOUR PROPERTY TRUST
ARCHITECT:	FLORIS SMITH ARCHITECTURE

Concept
Landscape Architecture








Phone: 0622 5312
9/11, 5th Floor
CAMBERLEY NSW 2062

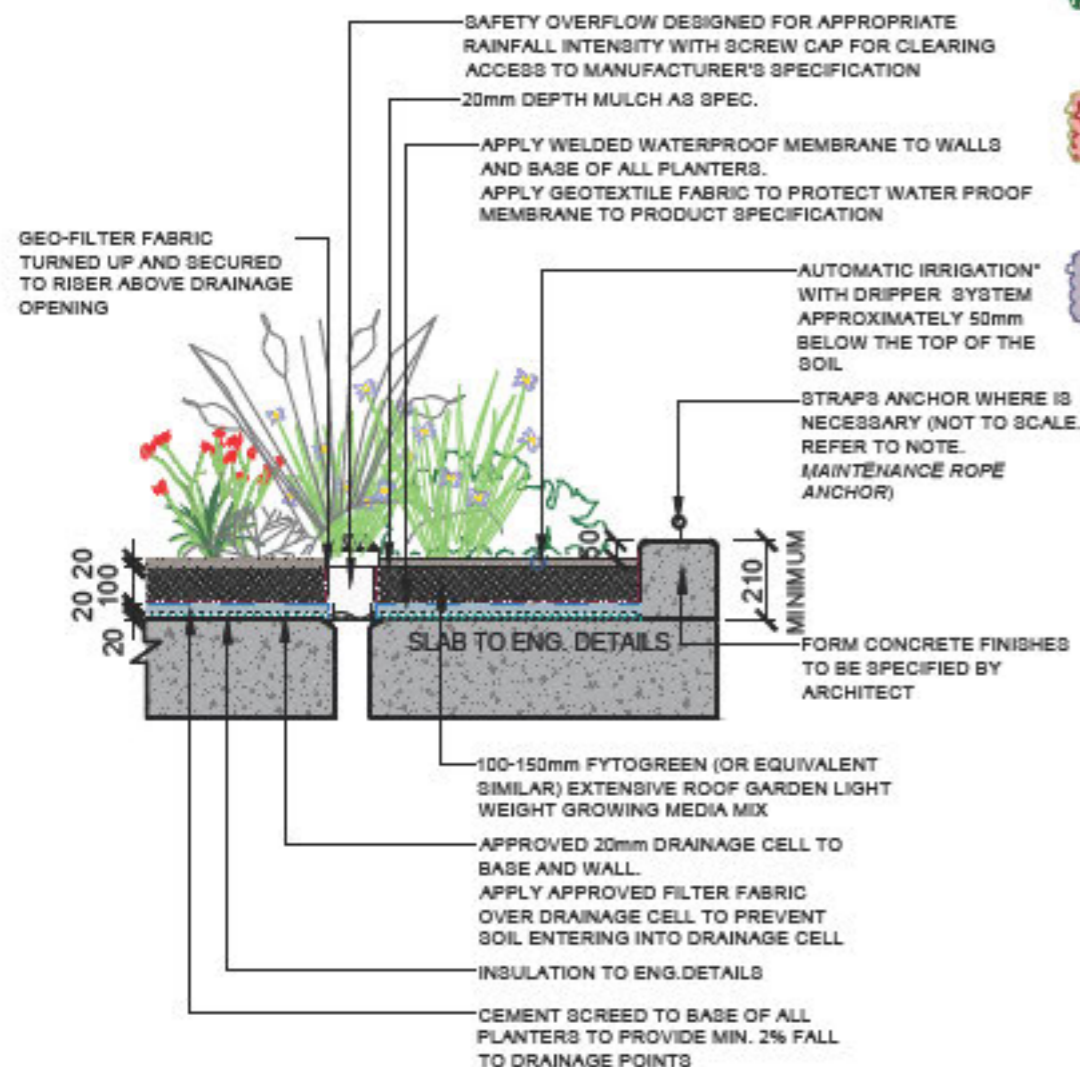
TITLE:	HOUSE 2 LANDSCAPE PLAN PROPOSED RESIDENTIAL DEVELOPMENT
DRW NO:	LPDA22-332
SHEET NO:	03
SCALE:	1:100 @A3
DATE:	DEC 2022
ISSUE:	A
DESIGN:	E.W.
CHECKED:	R.F.

LEGEND & SCHEDULE

NOTES:

1. ALL FINAL PLANT QUANTITIES INDICATED ON PLANS SHALL BE CHECKED AND VERIFIED BY SUCCESSFUL LANDSCAPE CONTRACTOR.
2. ANY PLANT SUBSTITUTES REQUIRED DUE TO UNAVAILABILITY SHALL BE RECOMMENDED BY THE LANDSCAPE CONTRACTOR TO BEST MATCH SUBSTITUTED PLANTS AND APPROVED PRIOR TO PURCHASING BY THE LANDSCAPE ARCHITECT.
3. WORKS CERTIFIED FOR FINAL OCCUPANCY CERTIFICATE ARE TO MATCH APPROVED LANDSCAPE PLANS.
4. LANDSCAPE CONTRACTOR SHALL LOCATE AND AVOID SITE STORM WATER & DRAINAGE SERVICES. LOCATE TREES A MINIMUM 1.25M FROM PITS
5. ALL PLANTING AROUND EXISTING TREES SHALL BE ADJUSTED TO AVOID DAMAGE AND CLASHING WITH SURFACE ROOTS
6. THE NATURE STRIP (STREET FRONTAGE) FOR THE SITE IS PUBLIC LAND, AND ONLY AUTHORIZED WORKS MAY OCCUR HERE. EXISTING CONDITIONS SUCH AS STREET TREES, COUNCIL PLANTING ETC SHALL BE RETAINED AND PROTECTED DURING CONSTRUCTION, UNLESS SPECIFIC APPROVAL HAS BEEN GRANTED FOR NEW WORK IN THIS AREA.
7. ALL TREES TO BE SOURCED IN ACCORDANCE WITH TESTS AND MEASUREMENTS CONTAINED WITHIN AS 2303-2015 - TREE STOCK FOR LANDSCAPE USE

-  **Botanical Name:** *Banksia spinulosa* 'Birthday Candles'
Common Name: Banksia Birthday Candles (Native)
Mature H x S: 0.4m x 0.7m
Pot size: 200mm
Qty Required: 5
-  **Botanical Name:** *Eremophila nivea*
Common Name: Emu Bush
Mature H x S: 0.7m x 0.7m
Pot size: 200mm
Qty Required: 5
-  **Botanical Name:** *Lomandra fluviatilis* 'Shara'
Common Name: Mat Rush (Exotic)
Pot size: Tube stock
Mature H x S: 0.5m x 0.5m
Qty Required: 11
-  **Botanical Name:** *Grevillea lanigera*-Mt Tamboritha
Common Name: Grevillea 'Mt Tamboritha'(Native)
Pot size: Tube stock
Mature H x S: 0.15m x spreading
Qty Required: 7/m2 (18m2 total)
-  **Botanical Name:** *Westringia* 'Low Horizon'
Common Name: Coastal rosemary(Exotic)
Pot size: 140mm
Mature H x S: 0.2m x 1m
Qty Required: 5/m2 (6.5m2 total)
-  **Botanical Name:** *Carpobrotus* 'Aussie Rambler'
Common Name: Aussie Rambler Pigface (Native)
Pot size: Tube stock
Mature H x S: 0.25m x spreading
Qty Required: 7/m2 (14m2 total)
-  **Botanical Name:** *Rosmarinus prostratus*
Common Name: Creeping Rosemary (Native)
Pot size: Tube stock
Mature H x S: 0.15m x spreading
Qty Required: 7/m2 (15.5m2 total)



*THE IRRIGATION SYSTEM WILL BE SUB-SURFACE DRIP LINE CONNECTED WITH A SPECIALISED CONTROLLER, REQUIRING A SECURE POWER POINT AND WATER SUPPLY AT THE SAME LOCATION WITH A 20MM SUPPLY LINE FROM THE LOCATION OF THE CONTROLLER TO EACH OF THE ROOF GARDEN TERMINATING APPROX 100MM BELOW THE FINISHED GARDEN LEVEL.

DETAILS TO BE REVIEWED BY ENGINEER. PROPRIETARY ITEM TO SUPPLIER'S DETAILS. SHOP DRAWINGS TO BE PROVIDED BY SUCCESSFUL CONTRACTOR/SUPPLIER

GREEN ROOF DETAIL

SCALE: 1:20



Green Roof IMAGE: FYTOGREEN



Carpobrotus 'Aussie Rambler'



Banksia spinulosa 'Birthday Candles'



Grevillea lanigera-MtTamboritha



Eremophila nivea



Lomandra spp



Westringia 'Low Horizon'

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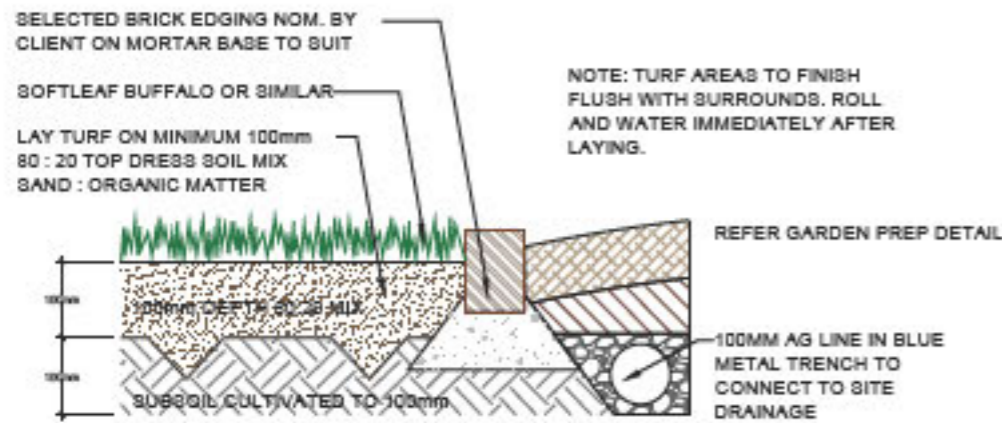
REV	DATE	NOTATION/AMENDMENT
A	27.4.2022	FOR DA
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COUNCIL	NORTH SYDNEY
CLIENT	HJ FOUR PROPERTY TRUST
ARCHITECT	FLORIS SMITH ARCHITECTURE

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TITLE
**HOUSE 2
GREEN ROOF PLAN**
PROPOSED RESIDENTIAL DEVELOPMENT
4 HONDA RD,
KURRABA POINT

DWG No	LPDA22-332	SHEET No	04
SCALE	1:100 @A3	STATUS	DA
DATE	DEC 2022	FIGURE	A
DRAWN	E.W	CHECKED	R.F



TYPICAL TURF AND BRICK EDGE DETAIL

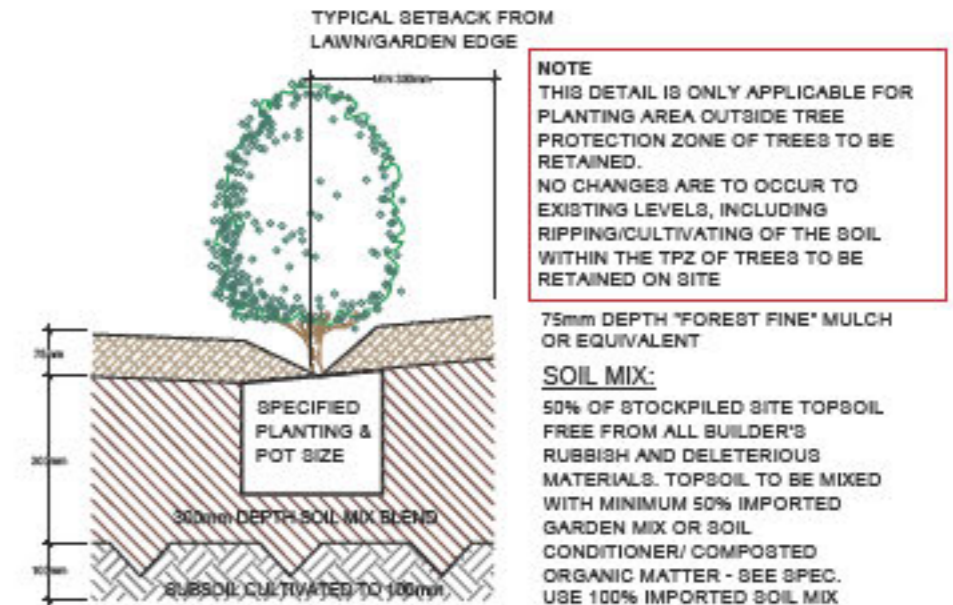
SCALE: 1:10



PROVIDE FENCING AS DETAILED TO ALL TREES PROPOSED TO BE RETAINED ON THE SUBJECT SITE. FENCING TO BE LOCATED TO THE DRIP LINE OF TREES OR AS INDICATED ON PLANS OR DIRECTED ON-SITE BY ARBORIST. NO STOCKPILING WITHIN FENCE PERIMETERS.

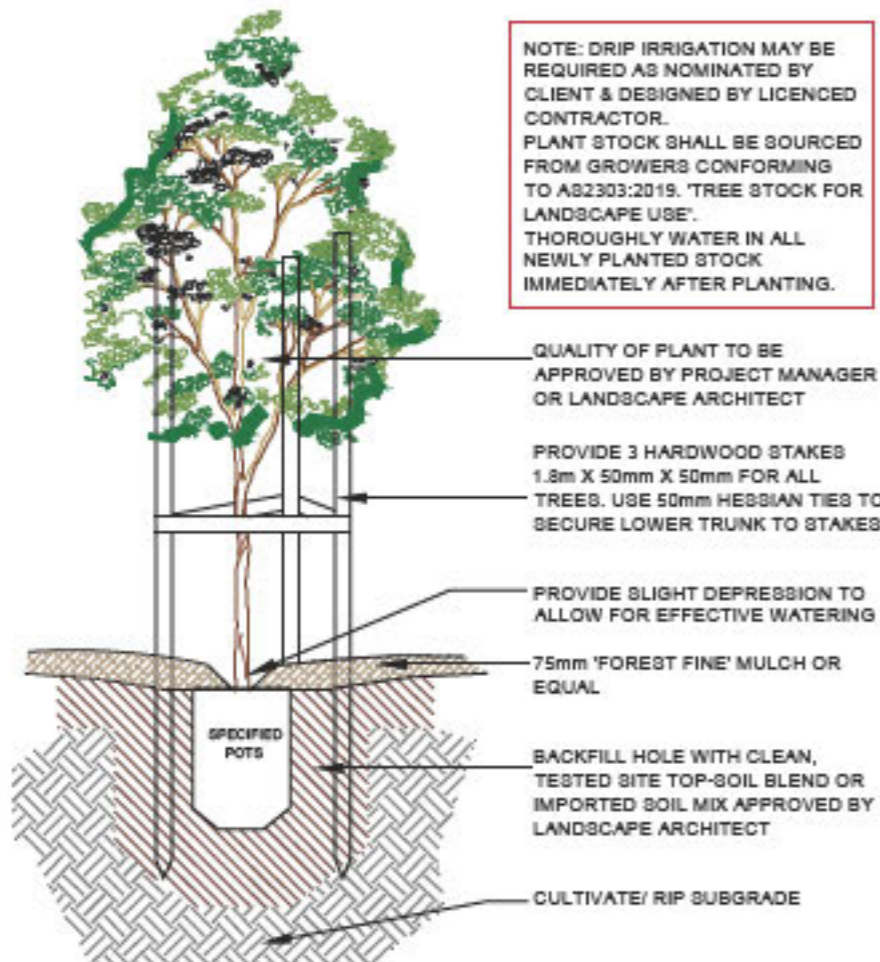
TREE PROTECTION ZONE

N.T.S



TYPICAL GARDEN PREPARATION DETAIL

SCALE 1:10

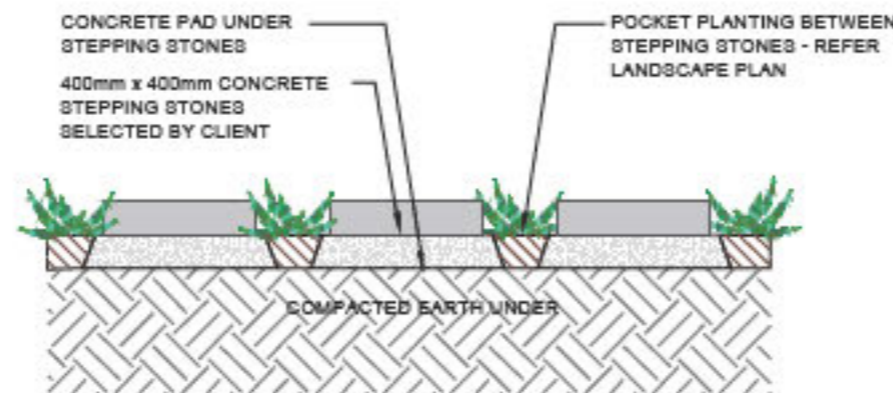


TREE PLANTING DETAIL

SCALE: NTS

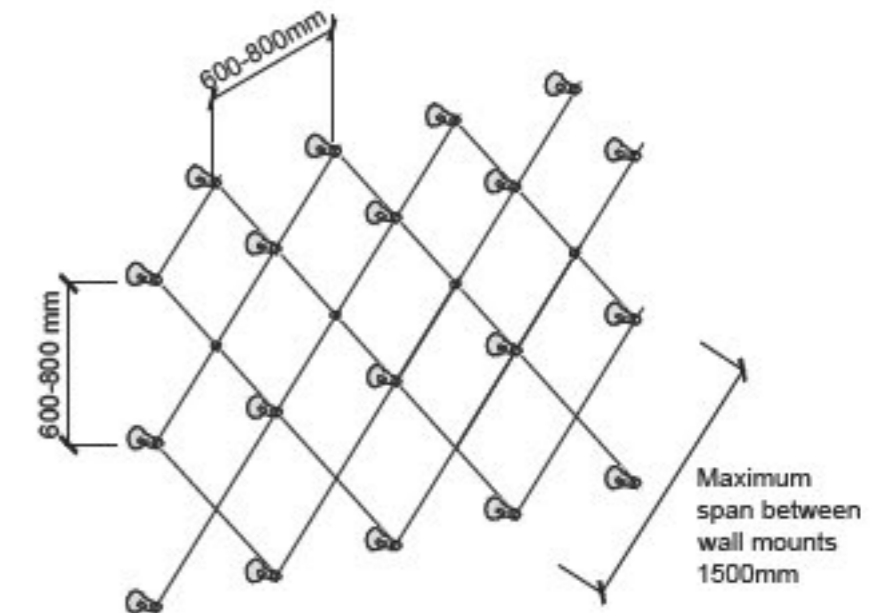
(ONLY APPLICABLE FOR PLANTING AREA OUTSIDE TREE PROTECTION ZONE OF TREES TO BE RETAINED. NO CHANGES ARE TO OCCUR TO EXISTING LEVELS, INCLUDING RIPPING/CULTIVATING OF THE SOIL WITHIN THE TPZ OF TREES TO BE RETAINED ON SITE)

STEPPING STONES IN NATURAL DEEP- SOIL DESIGNED TO PROVIDE PRACTICAL ACCESS WHILE RETAINING A PERMEABLE ZONE & MINIMIZING STORM WATER RUN-OFF



STEPPING STONES IN GROUNDCOVER PLANTING

SCALE 1:10



TYPICAL (WALL MOUNT) DIAGONAL TENSION WIRE FOR CLIMBER

SCALE NTS

PROPRIETARY ITEM TO SUPPLIER'S SPECIFICATION

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100% LOCAL OWNERSHIP

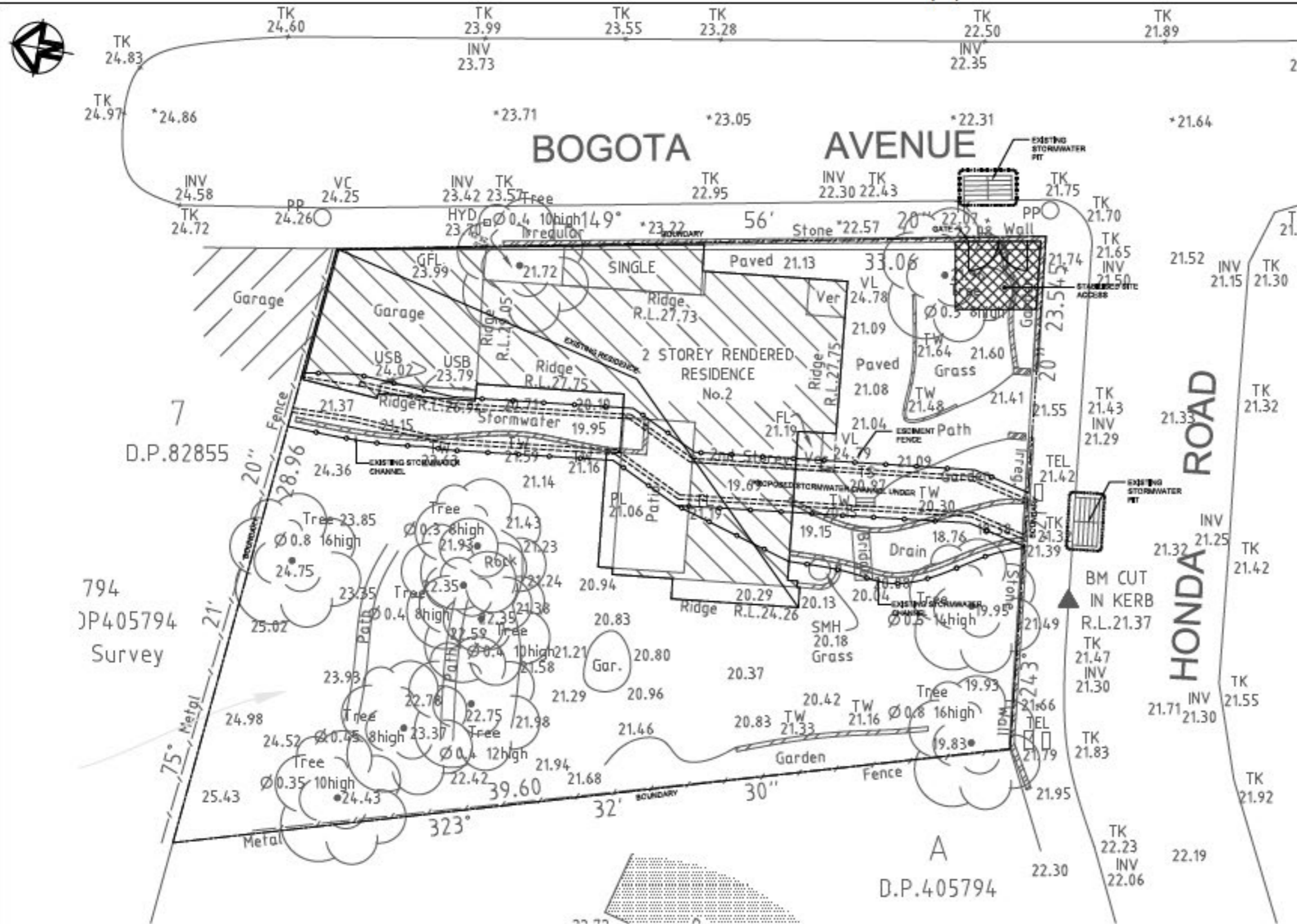
REV	DATE	NOTATION/AMENDMENT
A	27.4.2022	FOR DA
B	02.12.2022	FOR DA - PRELIMINARY ASSESSMENT

COUNCIL	NORTH SYDNEY
CLIENT	HJ FOUR PROPERTY TRUST
ARCHITECT	FLORIS SMITH ARCHITECTURE

Concept
Landscape Architects
www.concept.net.au
enquiries@concept.net.au
Phone: 0622 5312
Suite 101, 584 Miller St
CAMBERLEY NSW 2161

DETAILS
PROPOSED RESIDENTIAL DEVELOPMENT
4 HONDA RD, KURRABA POINT

DWG NO	LPDA22-332	DATE	05
SCALE	AS SHOWN	STATUS	DA
DATE	DEC 2022	TITLE	A
DESIGN	E.W	CHECKED	R.F



EROSION & SEDIMENT CONTROL PLAN
SCALE 1:100

SOIL AND WATER MANAGEMENT NOTES

- INTRODUCTION NOTES**
- THIS IS A CONCEPTUAL SOIL AND WATER MANAGEMENT PLAN (SWMP). IT IS INTENDED TO INDICATE THAT THE CIVIL WORKS REQUIRED FOR THE DEVELOPMENT OF THE SITE CAN BE UNDERTAKEN WITHOUT POLLUTION TO RECEIVING WATERS DURING THE CONSTRUCTION PHASE. THE LOCATIONS, SIZES AND TYPES OF CONTROL MEASURES SHOWN ARE SUGGESTED OPTIONS ONLY.
 - ALL REFERENCES OF DETAILS, TESTING AND PROCEDURES ARE TO BE FOLLOWED AS SPECIFIED IN "MANAGING URBAN STORMWATER SOILS CONSTRUCTION MANUAL, MARCH 2004, HEREIN REFERRED TO AS THE "BLUE BOOK".
 - THESE CONCEPT PLANS ARE TO BE READ IN CONJUNCTION WITH THE ENGINEERING PLANS AND OTHER PLANS OR WRITTEN INSTRUCTIONS THAT MAY BE ISSUED AND RELATING TO THE DEVELOPMENT OF THE SITE.
 - ALL CONTRACTORS SHALL FULLY RESEARCH AND UNDERSTAND THEIR RESPONSIBILITIES IN MINIMISING THE POTENTIAL FOR SOIL EROSION AND POLLUTION TO DOWNSTREAM LANDS AND WATERWAYS.
- EROSION CONTROL**
- CLEARLY VISIBLE BARRIER FENCING SHALL BE INSTALLED AT THE BOUNDARY OF THE SUPERINTENDENT TO ENSURE TRAFFIC CONTROL AND PREVENT UNNECESSARY SITE DISTURBANCE. VEHICULAR ACCESS TO THE SITE SHALL BE LIMITED TO ONLY THOSE ESSENTIAL FOR CONSTRUCTION WORK AND THEY SHALL ENTER SITE ONLY THROUGH THE STABILISED ACCESS POINTS.
 - WHERE PRACTICAL FOOT AND VEHICULAR TRAFFIC WILL BE KEPT AWAY FROM ALL RECENTLY STABILISED AREAS.
 - AT ALL TIMES, AND IN PARTICULAR DURING WINDY AND DRY WEATHER, LARGE UNPROTECTED AREAS WILL BE KEPT MOIST (NOT WET) BY SPRINKLING WITH WATER TO KEEP DUST UNDER CONTROL.
 - ALL DISTURBED AREAS ARE TO BE RESTORED EROSION-RESISTANT BY TURFING, MULCHING, PAVING OR SEALING.
- SEDIMENT CONTROL**
- WATER WILL BE PREVENTED FROM ENTERING THE PERMANENT DRAINAGE SYSTEM UNLESS IT IS RELATIVELY SEDIMENT FREE (I.E. THE CATCHMENT AREA HAS BEEN PERMANENTLY LANDSCAPED/STABILISED AND/OR ANY LOOSE SEDIMENT HAS BEEN FILTERED THROUGH AN APPROVED STRUCTURE). PROVIDE FLOCCULANT TO EARTH BASIN AS REQD.
 - TEMPORARY SOIL AND WATER MANAGEMENT STRUCTURES WILL BE REMOVED ONLY AFTER THE LANDS THEY ARE PROTECTING ARE STABLE AND REHABILITATED.
- OTHER MATTERS**
- ANY EXISTING TREES WHICH FORM PART OF THE FINAL LANDSCAPING PLAN WILL BE PROTECTED FROM CONSTRUCTION ACTIVITIES BY:
 - PROTECTING THEM WITH BARRIER FENCING OR SIMILAR MATERIALS INSTALLED OUTSIDE THE CWP LINE.
 - ENSURING THAT NOTHING IS HUNG TO THEM.
 - PROHIBITING PAVING, GRADING, SEDIMENT WASH OR PLACING OF STOCKPILES WITHIN THE CWP LINE.
 - EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSPECTED TO ENSURE THAT THEY OPERATE EFFECTIVELY. REPAIRS AND OR MAINTENANCE SHALL BE UNDERTAKEN REGULARLY AND AS REQUIRED, PARTICULARLY FOLLOWING STORM EVENTS.
 - THE CONTRACTOR SHALL PROVIDE ALL MONITORING CONTROLS & TESTING.
 - SITE REVEGETATION AND REHABILITATION SHALL BE UNDERTAKEN AS SOON AS PRACTICABLE THROUGHOUT CONSTRUCTION OPERATIONS.
 - CONSTRUCTION SHALL BE PROGRAMMED SO THAT THE TIME OF EXPOSURE OF WORKING SURFACES IS MINIMISED.
 - ALL SPEC. DEPOSITED CURING GARGAGE OF MATERIALS FROM OR TO THE SITE SHALL BE REMOVED IMMEDIATELY TO THE SATISFACTION OF COUNCIL (PUBLIC ROADS) AND THE OWNER (PRIVATE ROADS).
 - WHERE REQUIRED GUTTERS AND ROADWORKS SHALL BE SWEEP REGULARLY TO MAINTAIN THEM FREE FROM SEDIMENT.

- LEGEND**
- PROPOSED SEDIMENT FENCE
 - GEOTEXTILE INLET FILTER TO PIT

NOTE:
REFER DRAWING C01 FOR SEDIMENT CONTROL DETAILS.

THIS DRAWING IS ISSUED FOR AUTHORITY APPROVAL

NO.	REVISION	DATE	BY
1	ISSUED FOR AUTHORITY APPROVAL	22/04/22	

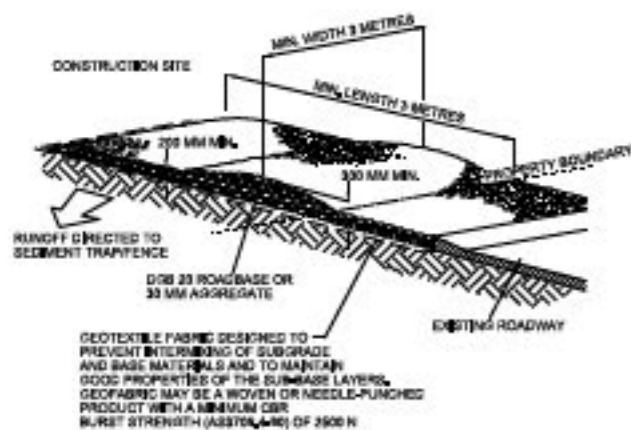
ARCHITECT:
FLORIS SMITH ARCHITECTURE PTY LTD

PROJECT:
PROPOSED RESIDENTIAL DEVELOPMENT AT 4 HONDA ROAD KURRABA POINT NSW 2089

CLIENT:
HJ FOUR PROPERTY TRUST

M+G Consulting
M & G CONSULTING ENGINEERS PTY LTD ABN 66 624 024 583
13, 40 BERRY STREET
SOUTH SYDNEY NSW 2058
PO BOX 194, NEW 2088

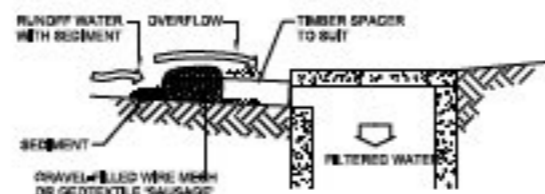
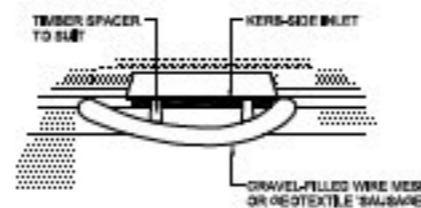
EROSION AND SEDIMENT CONTROL PLAN				
DESIGN NO.	DESIGNED BY	REVISION NO.	DATE	SCALE
5634		C02	APR 2022	1:100 AT A1
JOB NO.			DRAWING NO.	1
			C02	1



STABILISED SITE ACCESS

CONSTRUCTION NOTES:

1. STRIP THE TOPSOIL, LEVEL THE SITE AND COMPACT THE SUBGRADE.
2. COVER THE AREA WITH NEEDLE-PUNCHED GEOTEXTILE.
3. CONSTRUCT A 200 MM THICK PAD OVER THE GEOTEXTILE USING ROAD BASE OR 30 MM AGGREGATE.
4. ENSURE THE STRUCTURE IS AT LEAST 15 METRES LONG OR TO BUILDING ALIGNMENT AND AT LEAST 3 METRES WIDE.
5. WHERE A SEDIMENT FENCE JOINS ONTO THE STABILISED ACCESS, CONSTRUCT A HUMP IN THE STABILISED ACCESS TO DIVERT WATER TO THE SEDIMENT FENCE.

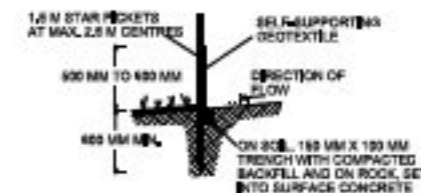


NOTE:
THIS PRACTICE ONLY TO BE USED WHERE SPECIFIED IN AN APPROVED SWMP/ESCP.

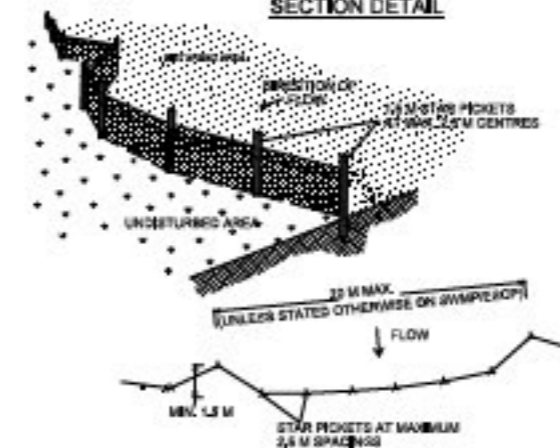
MESH AND GRAVEL INLET FILTER

CONSTRUCTION NOTES:

1. INSTALL FILTERS TO KERB INLETS ONLY AT SAC POINTS.
2. FABRICATE A SLEEVE MADE FROM GEOTEXTILE OR WIRE MESH LONGER THAN THE LENGTH OF THE INLET PIT AND FILL IT WITH 25 mm TO 50 mm GRAVEL.
3. FORM AN ELLIPTICAL CROSS-SECTION ABOUT 150 mm HIGH x 400 mm WIDE.
4. PLACE THE FILTER AT THE OPENING LEAVING AT LEAST A 100MM SPACE BETWEEN IT AND THE KERB INLET, MAINTAIN THIS OPENING WITH SPACER BLOCKS.
5. FORM A SEAL WITH THE KERB TO PREVENT SEDIMENT BYPASSING THE FILTER.
6. SANDBARS FILLED WITH GRAVEL CAN SUBSTITUTE FOR THE MESH OR GEOTEXTILE PROVIDING THEY ARE PLACED SO THAT THEY FIRMLY ABUT EACH OTHER AND SEDIMENT-LADEN WATERS CANNOT PASS BETWEEN.



SECTION DETAIL



SEDIMENT FENCE PLAN

CONSTRUCTION NOTES:

1. CONSTRUCT SEDIMENT FENCES AS CLOSE AS POSSIBLE TO BEING PARALLEL TO THE CONTOURS OF THE SITE, BUT WITH SMALL RETURNS AS SHOWN IN THE DRAWINGS TO LIMIT THE CATCHMENT AREA OF ANY ONE SECTION. THE CATCHMENT AREA SHOULD BE SMALL ENOUGH TO LIMIT WATER FLOW TO CONCENTRATED AT ONE POINT TO 50 LITRES PER SECOND IN THE DESIGN STORM EVENT, USUALLY THE 10-YEAR EVENT.
2. CUT A 150-MM DEEP TRENCH ALONG THE UPSLOPE LINE OF THE FENCE FOR THE BOTTOM OF THE FABRIC TO BE ENTRENCHED.
3. DRIVE 1.5 METRE LONG STAR POCKETS INTO GROUND AT 2.5 METRE INTERVALS (MAX) AT THE DOWNSLOPE EDGE OF THE TRENCH. ENSURE ANY STAR POCKETS ARE FITTED WITH SAFETY CAPS.
4. FIX SELF-SUPPORTING GEOTEXTILE TO THE UPSLOPE SIDE OF THE POSTS ENSURING IT GOES TO THE BASE OF THE TRENCH. FIX THE GEOTEXTILE WITH WIRE TIES OR AS RECOMMENDED BY THE MANUFACTURER. ONLY USE GEOTEXTILE SPECIFICALLY PRODUCED FOR SEDIMENT FENCING. THE USE OF SHADE CLOTH FOR THIS PURPOSE IS NOT SATISFACTORY.
5. JOIN SECTIONS OF FABRIC AT A SUPPORT POST WITH A 150-MM OVERLAP.
6. BACKFILL THE TRENCH OVER THE BASE OF THE FABRIC AND COMPACT IT THOROUGHLY OVER THE GEOTEXTILE.

THIS DRAWING IS ISSUED FOR AUTHORITY APPROVAL

NO.	REVISION	DATE	BY	CHKD.
1	ISSUED FOR AUTHORITY APPROVAL	23/04/22		

ARCHITECT
FLORIS SMITH ARCHITECTURE PTY LTD

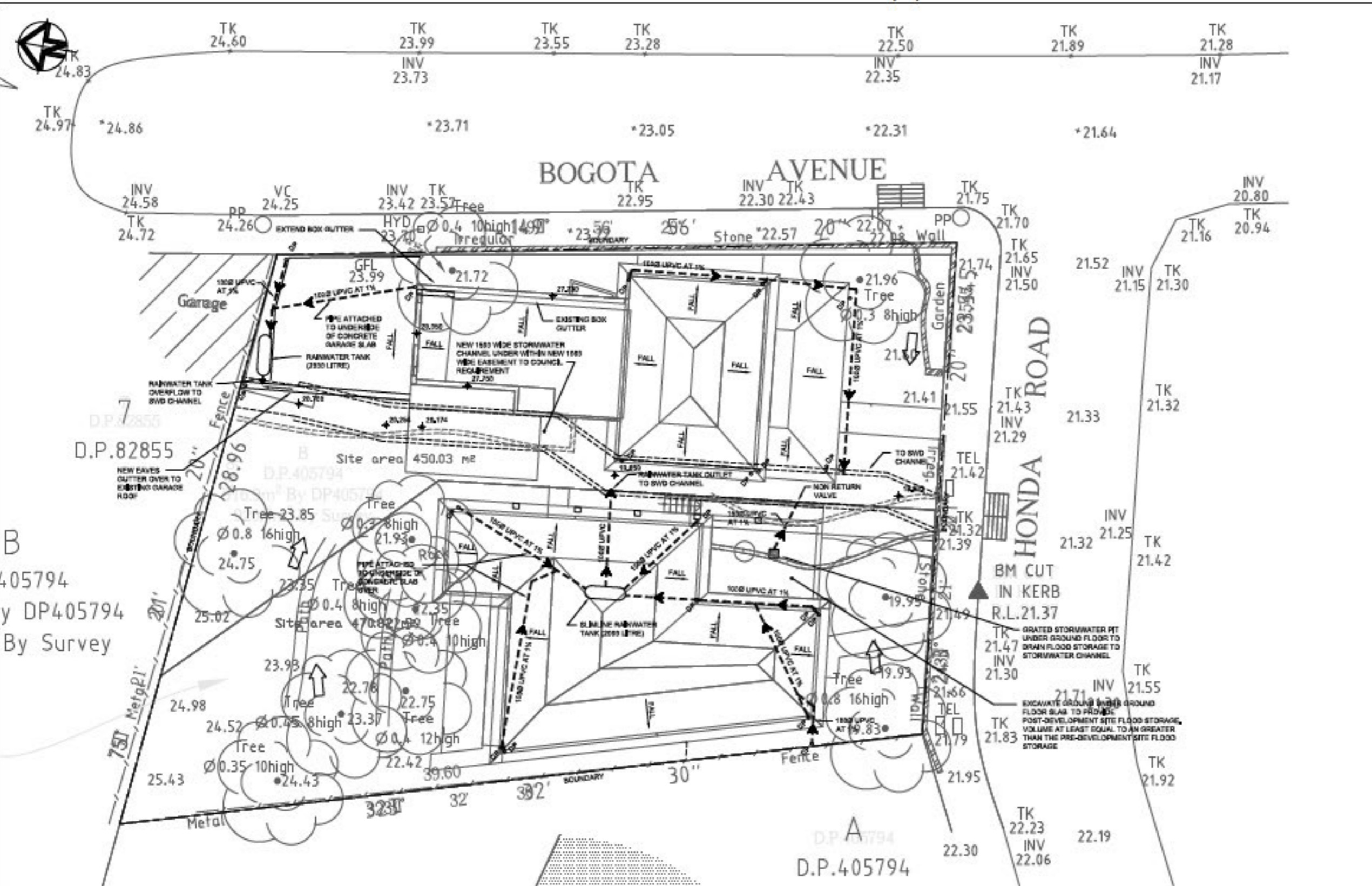
PROJECT
PROPOSED RESIDENTIAL DEVELOPMENT AT 4 HONDA ROAD KURRABA POINT NSW 2089

CLIENT
HJ FOUR PROPERTY TRUST

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13, 20 Berry Street
North Sydney NSW 2060
PO Box 194, NSW 2060

TITLE SEDIMENT AND EROSION CONTROL DETAILS				
DESIGN NO.	DESIGNED BY	REVIEWED BY	DATE	SCALE
			APR 2022	AS NOTED
JOB NO. 5634		DRAWING NO. C03		1 OF 1

FOR NOTES REFER DRAWING NO. C01



- ### DRAINAGE NOTES
1. ALL STORMWATER DRAINAGE WORK SHALL BE IN ACCORDANCE WITH AS3603 & NORTH SYDNEY COUNCIL WATER MANAGEMENT TECHNICAL MANUAL.
 2. ALL PIPES TO BE CLASS SEWER GRADE 804 (SEWER GRADE 804 FOR 300) UPVC TO AS1254 WITH SOLVENT WELDED JOINTS UNO.
 3. ALL PIPES TO BE 1800 UNO.
 4. ALL CONCRETE PIPES DENOTED RCP TO BE CLASS 4 RRU REINF CONC PIPES UNO.
 5. ALL CONCRETE PIPES SHALL HAVE TYPE H82 BEDDING UNO.
 6. ALL PIPES TO LAY AT A MINIMUM FALL OF 1% UNO.
 7. ALL PIPES TO HAVE CONCRETE BENCHING TO FACILITATE THE SMOOTH FLOW OF WATER THROUGH THE FIT.
 8. THE CONTRACTOR SHALL CHECK THE LOCATIONS OF EXISTING SERVICES PRIOR TO THE COMMENCEMENT OF WORK AND ACCEPT FULL RESPONSIBILITY FOR THE COST OF REPAIRS AND CONSEQUENCES OF ANY DAMAGE WHICH MAY OCCUR TO THESE SERVICES AS A RESULT OF THE CONSTRUCTION WORKS.
 9. ALL DISTURBED AREAS BEYOND THE AREA OF THE WORKS SHALL BE RESTORED TO THE EXISTING CONDITION BY THE CONTRACTOR AT THE COMPLETION OF THE WORKS.
 10. ALL PIPES TO HAVE A MINIMUM OF 20mm THICKNESS OF OVERLAY BETWEEN TOP OF PIPE AND UNDERSIDE OF SLAB.
 11. SUB-SOIL PIPES TO BE LAY IN 30mm CRUSHED AGGREGATE (1% PER METRE OF PIPE) A SOCK OF APPROVED SYNTHETIC GEOTEXTILE SHALL BE LAY AROUND THE SUB-SOIL PIPE. WRAP A LAYER OF 100gsm UH4 GEOTEXTILE (OR EQUIVALENT) AROUND APPROPRIATE FILTER WITH 200mm OVERLAP AT JOINTS.
 12. ALL HIGH POINTS OF THE SUBSOIL DRAIN SHALL BE RAISED ABOVE THE FLOOR OR GROUND LEVEL. PLACE A CAST IRON INSPECTION COVER OVER EXPOSED PIPE AND SURROUND IN CONCRETE UNO.
 13. PROVIDE ADDITIONAL SUB-SOIL DRAINAGE AS DIRECTED TO SUIT SITE CONDITIONS AND GROUNDWATER PRESENCE.
 14. PROVIDE SUBSOIL DRAINAGE AT BASE OF RETAINING WALLS AND CONNECT TO STORMWATER DRAINAGE SYSTEMS.
 15. ALL WATERPROOFING MEMBRANES FOR EXTERNAL ABOVE GROUND USE, BY OTHERS, TO BE IN ACCORDANCE WITH AS 4854.1-2012 AND AS 4854.2-2012.
 16. ALL DOMESTIC PLUMBING AND DRAINAGE, BY OTHERS, TO BE IN ACCORDANCE WITH AS/NZS 3506.2:2012 PLUMBING AND DRAINAGE PART 2 HOUSING INSTALLATIONS.

- ### DRAINAGE LEGEND
- EXISTING SURFACE PAVEMENT LEVEL
 - OVERLAND FLOW PATH
 - DOWN PIPE
 - PROPOSED STORMWATER PIPE

STORMWATER DRAINAGE PLAN
SCALE: 1:100

THIS DRAWING IS ISSUED FOR AUTHORITY APPROVAL

NO.	DESCRIPTION	DATE	BY	CHKD
2	MINOR AMENDMENTS TO ARCH LAYOUT	09-12-22		
1	ISSUED FOR AUTHORITY APPROVAL	23-04-22		

ARCHITECT:
FLORIS SMITH ARCHITECTURE PTY LTD

PROJECT:
PROPOSED RESIDENTIAL DEVELOPMENT AT 4 HONDA ROAD KURRABA POINT NSW 2089

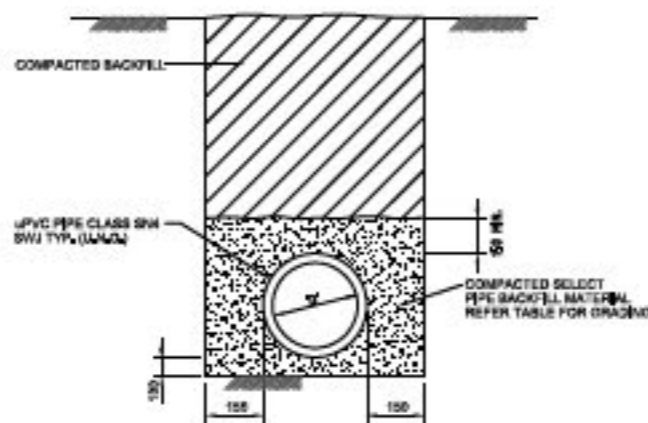
CLIENT:
HJ FOUR PROPERTY TRUST

M+G Consulting
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13, 30 Berry Street
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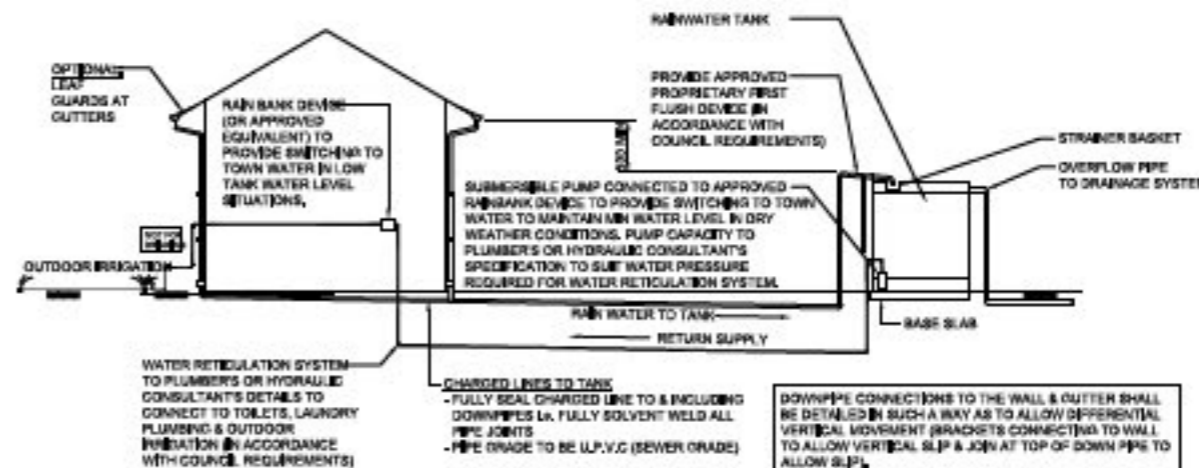
TITLE: STORMWATER MANAGEMENT PLAN				
DESIGN NO.	DESIGNED BY	REVIEWED BY	DATE	SCALE
	SM		APR 2022	1:100 AT A1
JOB NO. 5634			DRAWING NO. C04	2 SHEETS

GRADING SPECIFICATION SELECT PIPE BACKFILL MATERIAL	
SEIVE (mm)	SUPPORT TYPE H2
	COMPACTED SELECT FILL
75.0	•
150.0	100
300.0	100
450.0	100-50
600.0	90-20
750.0	80-10
900.0	25-0
1000.0	10-0

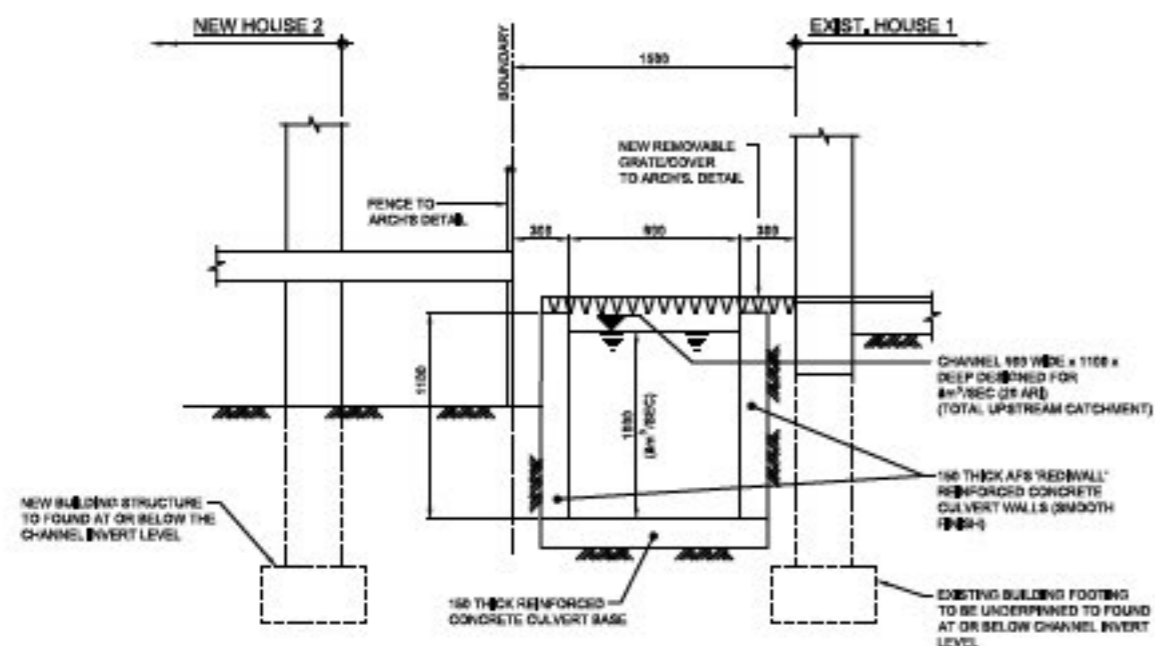
NOTE: PIPE BACKFILL TO BE COMPACTED TO ACHIEVE A MINIMUM DENSITY INDEX OF 75% FOR COHESIONLESS MATERIALS



UPVC PIPE TRENCH DETAIL TO AS 2566.1 TYP.
NOT TO SCALE



RAINWATER RE-USE SCHEMATIC DETAIL
N/A



PROPOSED NEW STORMWATER CHANNEL SECTION
SCALE 1:20

THIS DRAWING IS ISSUED FOR AUTHORITY APPROVAL

NO.	DESCRIPTION	DATE	BY	REVISION	DATE
2	CULVERT AMENDED	09-12-22			
1	ISSUED FOR AUTHORITY APPROVAL	22-04-22			

ARCHITECT
FLORIS SMITH ARCHITECTURE PTY LTD

PROJECT
PROPOSED RESIDENTIAL DEVELOPMENT AT 4 HONDA ROAD KURRABA POINT NSW 2089

CLIENT
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TITLE STORMWATER MANAGEMENT DETAILS				
DESIGNER	DRAWN	REVISION	DATE	SCALE
JH	SM	-	APR 2022	AS NOTED
JOB NO. 5634		DRAWING NO. C05		2 SHEETS



GRC Hydro
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Sydney NSW 2000

Tel: +61 413 631 447
www.grchydro.com.au

Job Number: 210072
Date: 6th May 2022

Messrs Chris and Lloyd Hattingh

Re: 4 Honda Road, Kurraba Point- Flood Assessment

INTRODUCTION

GRC Hydro have been engaged to review design floor levels and provide a flood impact assessment for a proposed development at 4 Honda Road, Kurraba Point (the site – location shown on Figure 01).

Development is comprised of sub-division and the construction of a dwelling on a new western lot, and amendment of the existing dwelling on the eastern side of the lot. Plans are attached in the Appendix that describe the proposed development (Date: 25/04/2022).

The subject site is traversed by a channel that discharges into a 1.5 m diameter culvert at Honda Rd.

The site is flood impacted as per GRC Hydro's FRMS&P on behalf of North Sydney Council (Council).

GRC have utilised the FRMS&P model (GRC, 2021) with some refinements based on local survey in order to define the 1% AEP level at the site; and to assess the impact of proposed development on surrounding flood behaviour.

BACKGROUND

The site is located at the intersection of Honda Road and Bogota Avenue in the suburb of Kurraba Point. The lot is currently occupied on eastern side by a two-storey building. The site is sloped, sloping down from RL 27.4 mAHD on the northwest corner to RL 21.4 mAHD at the front on Honda Road.

The site is flood liable due to a relatively impervious upper catchment of approximately 30 ha that primarily drains (in regard to over land flow) via Bogota Road to the east of the subject site as shown in Figure 02. A peak flow of approximately 6 m³/s is estimated to flow down Bogota Road in the 1% AEP event.

The subject site itself is depressed and forms a "bowl" of sorts with an outlet for overland flow at 21.5 mAHD via the pedestrian entrance on Honda Rd and a second outlet via a 1.5 m dia. culvert at an invert of 18.4 mAHD. When overwhelmed with flow the site will tend to fill to 21.9 mAHD as flow leaving the subject site is backwatered by Bogota Road flow to some degree and also passing flow through the culvert requires head.

Other flow also enters the subject site, via overland flow from areas to west and north-west and also via a channel that enters at the northern limit of the property. The channel is unusual in that the water flowing into the subject site channel is delivered by a culvert and thus does not scale with event magnitude.



Instead, as events get rarer channel flow will level off (reaching its limit) and Bogota Road flow, and overland flow from west and north-west, will scale.

Bogota Road slopes primarily north to south but also has a tendency to slope to the west. The existing TUFLOW model for the area was updated to include ground survey of the site and the surrounding roads. Overall there were only minimal changes to ground levels, indicating the LiDAR data which informs the model grid is reasonably accurate. The solid masonry walls along the site boundary on Bogota Road were also added to the model, to test the sensitivity of the overland flow to their inclusion.

The slope of Bogota Road, including the slight incline to the west, means that in the 1% AEP event (peak depths and levels results shown in Figure 03) we see that solid masonry walls (of height 0.4 m only) to east of subject site will be surcharged by Bogota Road flow and thus in rarer events the subject site receives flow from three sources:

- Culvert at north flowing into channel;
- Overland flow from west and north-west; and
- Bogota Road spills into subject site.

Owing to these mechanisms in the 1% AEP event and the fact that inlet channel flow requires a stage of 21.8 mAHD to pass through Honda Rd we see a 1% AEP flood level at the subject site of 21.9 mAHD and this is unchanged from the initial estimate (i.e. prior to any model revisions). This indicates the masonry walls affect flow in frequent event but do not affect the level at the site in the 1% AEP.

In the PMF the flood level at the site is 23.0 mAHD.

Flow velocity within the subject site, outside of the channel area, is very low owing to the nature of the subject site (the bowl shape previously described).

It is noteworthy that the subject site design flood levels for events smaller than 1% AEP will be impacted by blockage. However, in the 1% AEP event, blockage does not change design flood levels as in the 1% AEP event these are dominated by overland flow limits, not pipe flow limits.

COMPLIANCE

In order to comply with flood requirements as per NSW FDM (NSW, 2005) and North Sydney LEP clause 5.21 the following needs to be achieved:

- Residential floor levels at the 1% AEP level plus freeboard as per NSW FDM (NSW, 2005);
- No impact on adjoining property; and
- Risk management for rarer events.



PROPOSED DEVELOPMENT

Development is comprised of sub-division and the construction of a dwelling on a new lot and amendment of the existing dwelling on the eastern side of the lot. Plans are attached that describe the development.

For the new dwelling on the eastern lot, an entrance is proposed off Honda Road via a garage. One then enters to go up to 22.2 mAHD to the residential area. Also proposed is a 35 m² cellar accessed via the residential level. Proposed floor level for cellar is 19.6 mAHD.

For the existing dwelling on the proposed western lot, a rumpus room is a planned addendum to the existing dwelling. This rumpus room is proposed to be built at the same level as the existing dwelling which is 21.19 mAHD.

Design Features

Proposed New Dwelling on Eastern Lot

The proposed carport is located at 22.05 mAHD and hence is flood free in the 1% AEP. The carport will be built from flood compatible materials up to the FPL (22.2 mAHD) and all electrical connections will be above FPL.

The carport does not have a connection to the interior other than via the front door.

Habitable areas of home are at 22.2 mAHD (1% AEP plus a freeboard of 0.3 m). The freeboard of 0.3 m is adequate and in line with recommended policy given the depth at the proposed garage entrance of approximately 0.3 m (footpath level is approximately 0.1 m lower than the subject site flood level of 21.9 mAHD).

Whilst 0.5 m freeboard is a "standard" value for freeboard as per NSW FDM (2005), 0.3 m is more appropriate in this case for the following reasons:

- 0.5 m was developed in context of Riverine (mainstream) flooding. River flooding will tend to scale significantly as rarer events are considered, overland flow does not;
- Freeboard acknowledges that whilst design flood estimates are made, factors can exacerbate these levels – as previously described at this location however blockage does not significantly alter design flood behaviour as design flood behaviour is controlled by overland flow crest levels; and further
- A reduced freeboard for overland flow where depth in 1% AEP event is not excessive and is part of recommended policy for Council under the draft FRMS&P GRC Hydro is currently working on.

On this basis GRC suggest that:

- Indicated floor height of 22.2 mAHD is compliant with Council policy and NSW FDM (2005).

Further given the upper storey is well above the PMF level, shelter in place is readily facilitated. At peak the PMF will be 0.8 m deep in the dwelling although based on current estimates this will occur only once per 1-10 million years on average. PMF inundation will tend to enter from the lee (Honda Road side) and as such interior flow velocities would be close to zero and peak depth of 0.8 m.

A lower room comprising cellar and other facilities, accessed from the residential level at 22.2 mAHD, is also proposed.



Proposed Amendments to Existing Dwelling on Western Lot

Works are also proposed for the existing dwelling. Attached plans represent these. The most substantial amendment are a rumpus room at front and a wine cellar at rear. For both it is proposed that the floor level will match the existing flood level of the dwelling at 21.19 mAHD or approximately 1 m below the FPL. Many Council's in Metropolitan Sydney do allow extensions of existing dwellings to utilise an existing floor level where:

- The size of the extension is not overly large; and where
- Access/mobility may be hampered if FPL is required.

The development seeks Council's understanding in regard to this issue. Achieving the FPL for the additions would undermine day to day liveability outcomes for the dwelling given the 1 m (assuming freeboard of 0.3 m) discrepancy. To minimise flood damages and to ensure maximum compatibility with the intent of Council policy, flood compatible materials will be utilised for embellishments of the western dwelling (except furnishings).

IMPACT

Impact of proposed development has been assessed using the TUFLOW model. Results are provided in Figure 04 which shows areas of increase and decrease in flood level. As shown on the figure, the development does not cause adverse impacts on any adjacent residential buildings. The development is sound from a flood impact perspective and does not significantly divert or displace floodwaters to the detriment of other properties. Limited impacts shown in yellow are not widespread and are limited to roads only.

SUMMARY

Development is proposed at the subject site. Proposed residential floor level for House 2 is 22.2 mAHD with freeboard of 0.3 m and this meets requirements in that flood depth is shallow on Honda Road where entrance is proposed. Impact has been assessed and impact is compliant based on the proposed design which utilises piers to maximise flood storage available in extreme events.

Yours Sincerely

A handwritten signature in blue ink, appearing to read 'Steve Gray', with a horizontal line extending to the right.

Steve Gray

Director

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FIGURES



source: Google Earth Pro



Subject Site



Cadastral Boundaries

TITLE : Subject Site Location

PROJECT: 4 Honda Road, Kurraba Point

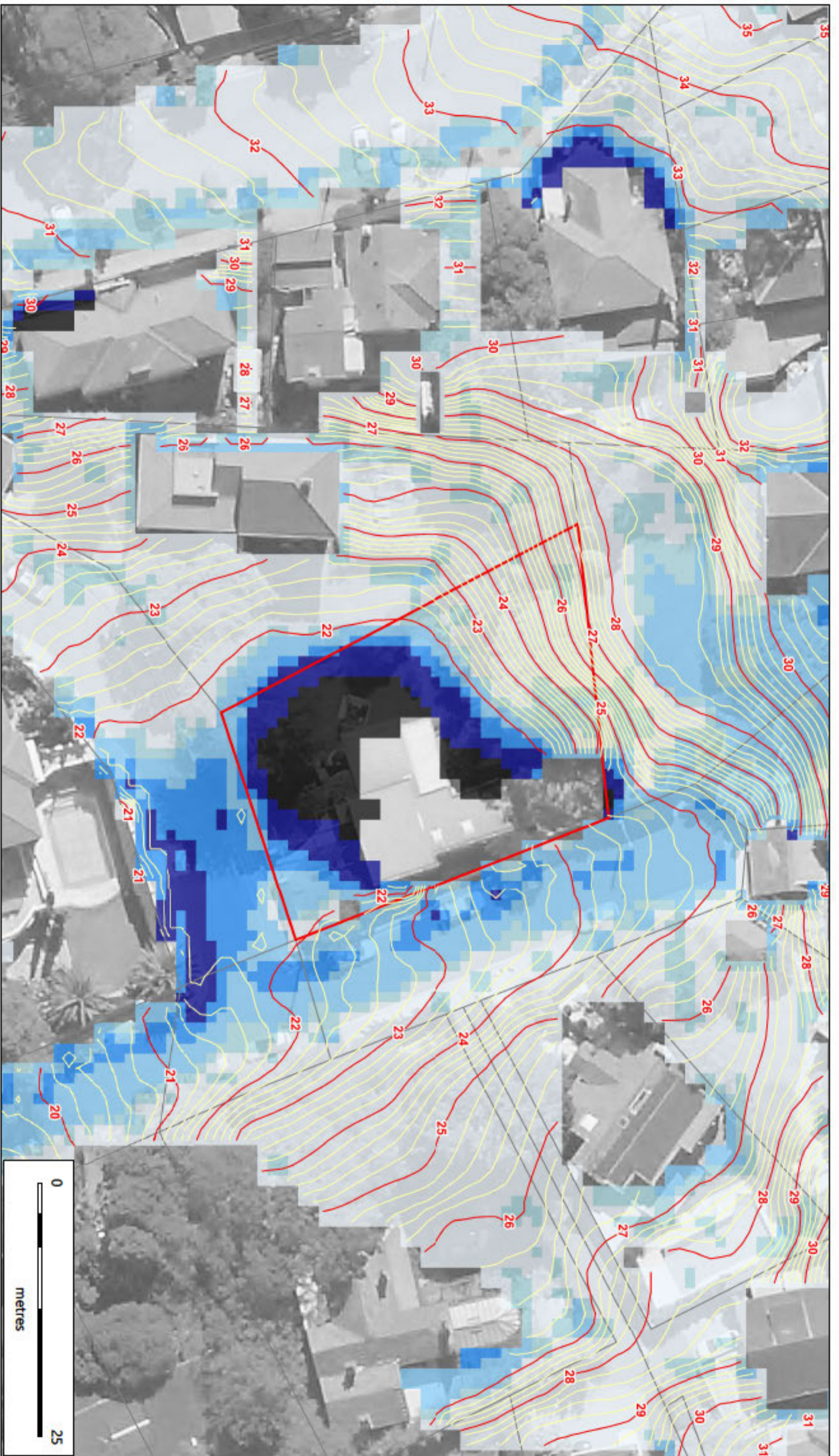
PROJECT No. 210072

DATE: Nov 2021

SCALE: 1 : 5000

FIGURE No. 01





Major Flood Level Contours
(Spacing = 1 m)

Minor Flood Level Contours
(Spacing = 0.2 m)

Subject Site

Cadastral Boundaries

TITLE : 1% AEP Design Event - Peak
Flood Depths & Levels

PROJECT: 4 Honda Road,
Kururaba Point

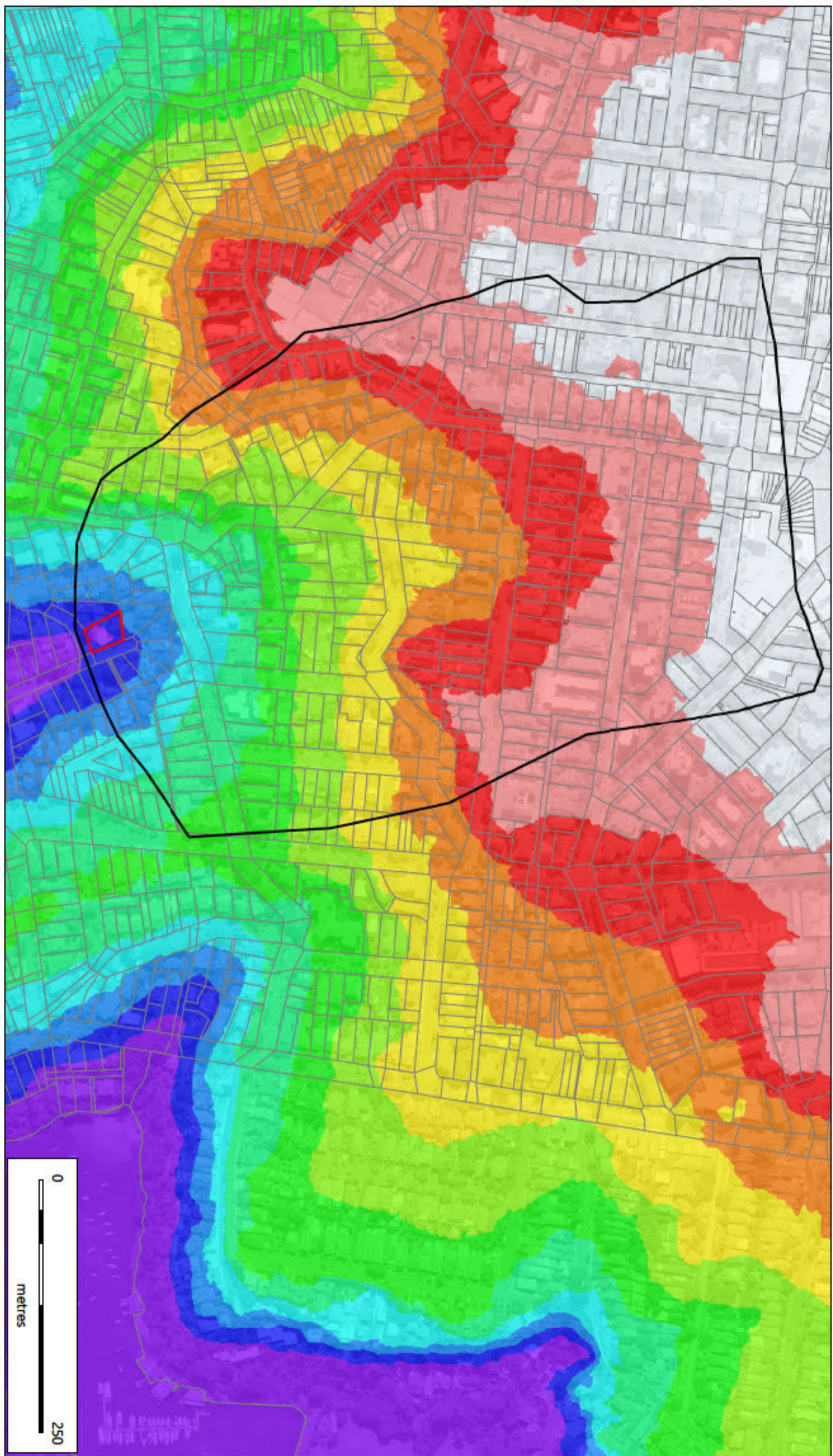
PROJECT No. 210072

DATE: Nov 2021

SCALE: 1 : 500

FIGURE No. 03





Ground Levels (m AHD)

15 to 21	33 to 39	51 to 57	69 to 75
21 to 27	39 to 45	57 to 63	75 to 81
27 to 33	45 to 51	63 to 69	81 to 87

Subject Site

Catchment Area = 30 ha

Cadastral Boundaries



TITLE : DEM & Catchment

PROJECT: 4 Honda Road, Kurraba Point

PROJECT No. 210072

DATE: Nov 2021

SCALE: 1 : 5000

FIGURE No. 02



<p>TITLE : 1% AEP Design Event - Peak Flood Levels Impacts</p>	<p>PROJECT: 4 Honda Road, Kururaba Point</p>	<p>PROJECT No. 210072</p>	<p>DATE: May 2022</p>	<p>SCALE: 1 : 500</p>	<p>FIGURE No. 04</p>
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<p>Change in Level (m)</p> <table border="1"> <tr> <td></td> <td>< -0.3</td> <td></td> <td>-0.1 to -0.01</td> <td></td> <td>0.1 to 0.2</td> </tr> <tr> <td></td> <td>-0.3 to -0.2</td> <td></td> <td>No Impact</td> <td></td> <td>0.2 to 0.3</td> </tr> <tr> <td></td> <td>-0.2 to -0.1</td> <td></td> <td>0.01 to 0.1</td> <td></td> <td>> 0.3</td> </tr> </table>		< -0.3		-0.1 to -0.01		0.1 to 0.2		-0.3 to -0.2		No Impact		0.2 to 0.3		-0.2 to -0.1		0.01 to 0.1		> 0.3	<table border="1"> <tr> <td></td> <td>No Longer Flooded</td> </tr> <tr> <td></td> <td>Newly Flooded</td> </tr> </table>		No Longer Flooded		Newly Flooded	<table border="1"> <tr> <td></td> <td>Proposed Buildings on Piers</td> </tr> <tr> <td></td> <td>Proposed Buildings on Ground</td> </tr> <tr> <td></td> <td>Existing Buildings</td> </tr> </table>		Proposed Buildings on Piers		Proposed Buildings on Ground		Existing Buildings	<table border="1"> <tr> <td></td> <td>Subject Site</td> </tr> <tr> <td></td> <td>Cadastral Boundaries</td> </tr> </table>		Subject Site		Cadastral Boundaries
	< -0.3		-0.1 to -0.01		0.1 to 0.2																														
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	Subject Site																																		
	Cadastral Boundaries																																		



Job Number: 210072
Date: 19th September 2022

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Floris Smith Architecture
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Cammeray NSW 2062

Tel: +61 413 631 447
www.grchydro.com.au

Attention Floris Smith

RE: Response to RFI - 4 Honda Road, Kurraba Point, NSW - Flooding

Introduction

North Sydney Council (Council) have requested further information in regard to the proposed development at the above referenced subject site.

Council has requested that the development application address how flooding may affect specific fenestrations at the site.

These specific window and entrance locations have been identified in Figure 1 below.

Table 1 – Comparison of Proposed Floor Levels Relative to 1% AEP Flood Levels



Proposed Floor Levels Relative to 1% AEP Flood Levels

GRC has modelled design flood events at the site using Council's TUFLOW model (GRC, 2022).

A comparison has been undertaken to determine how the modelled 1% AEP flood level compares with the proposed development at the previously identified locations. This comparison has been outlined in Table 1.

Table 1 – Comparison of Proposed Floor Levels Relative to 1% AEP Flood Levels

Location	Applicable Invert/Floor Level	1% AEP Modelled Flood Level	Flood Depth Above Floor Level
W02	21.19 mAHD	21.91 mAHD	0.72 m
W08	21.19 mAHD	21.92 mAHD	0.20 m
Basement Door	19.60 mAHD	21.92 mAHD	2.32 m

Hydrostatic Pressure at the Identified Locations

GRC has been asked to determine how flooding may affect the proposed structure at the identified locations.

Flooding enters the site from the north-north-east (as highlighted in Figure 2 below).

Figure 2 – Flooding Behaviour at the Site and the Identified Fenestration Locations



None of the identified fenestrations are positioned perpendicular to the direction of flow. Further both windows are in the existing house which is flood liable once flood levels exceed the floor level of 21.19 mAHD. Flood waters will penetrate the house once they exceed the level of 21.19 mAHD and as such water depth will tend to balance out on either side of glass, limiting the force acting upon it.

The basement door however is at significant risk of making the basement significantly more flood prone than it otherwise might be.

On this basis GRC suggest the following:

1. Windows at indicated locations, due to equalisation of water levels on exterior and interior, will not be subject to excessive force during flooding and as such are not a specific risk to be mitigated; and
2. No external door/entrance to the Lower Ground level of House 2 is recommended. Instead, GRC recommends that entry to the Lower Ground level should be via the interior staircase only.

Yours Sincerely,

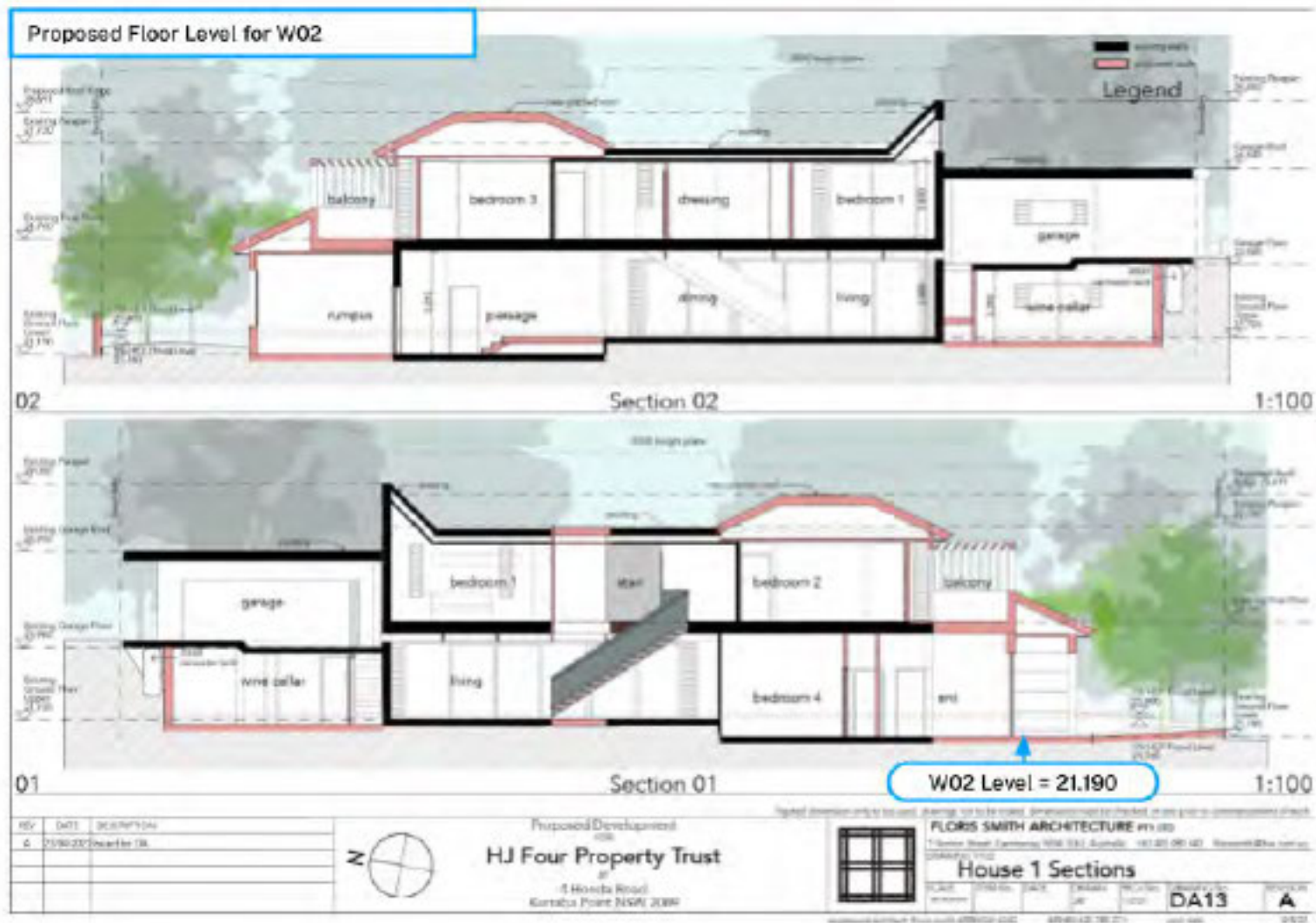


Steve Gray
Director

Email: [REDACTED]

Tel: [REDACTED]

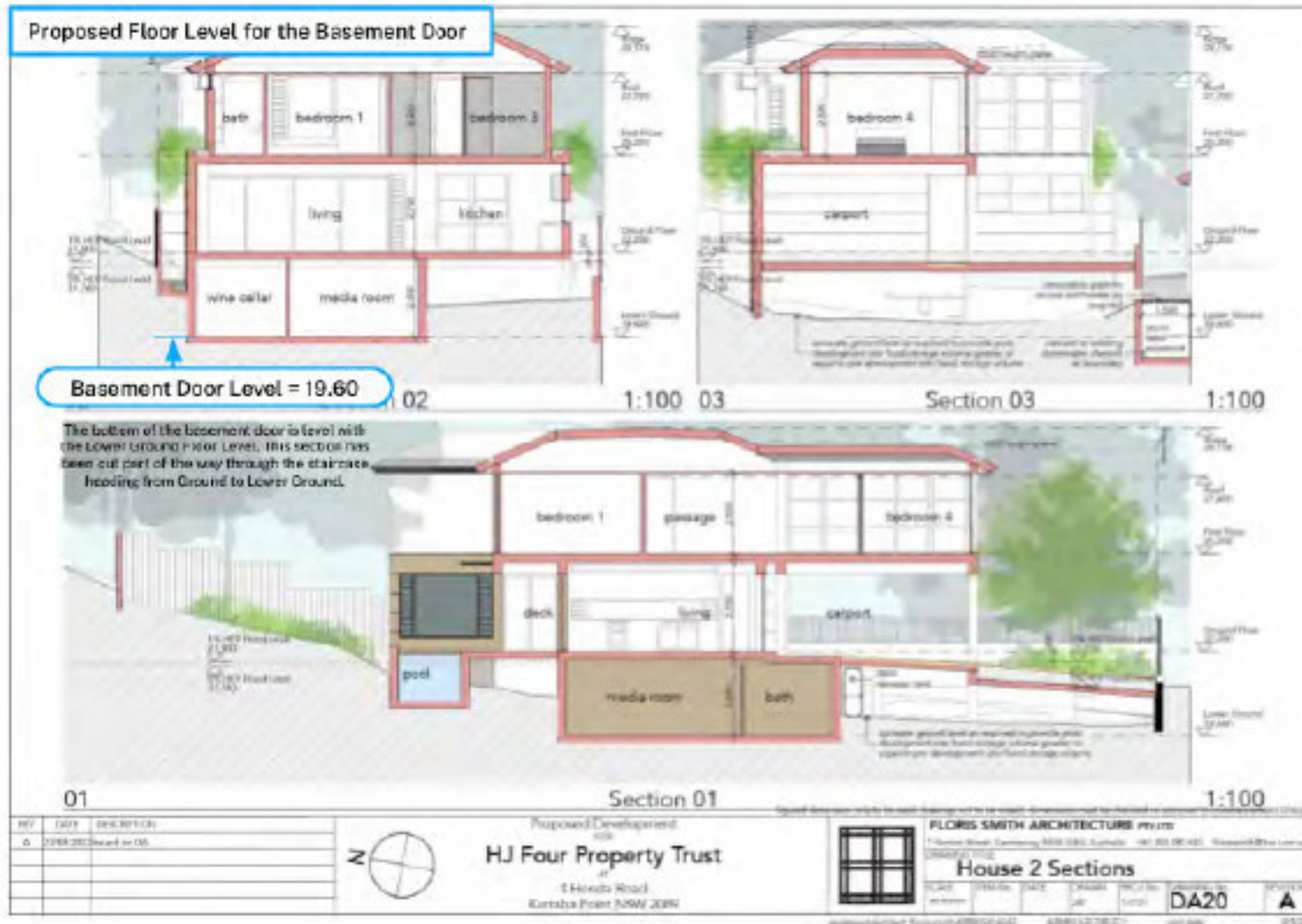
Appendix



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House 01: 1% AEP Flood Level for W02 (21.91 mAHD at Front Door) and W08 (21.92 mAHD at Deck-Adjacent Window)



House 01 Ground Floor plan superimposed over the 1% AEP Flood Level

House 02: 1% AEP Flood Level for Basement Door (21.92 mAHd)



House 02 Lower Ground Floor plan superimposed over the 1% AEP Flood Level



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Job Number: 210072

Date: 5th December 2022

Messrs Chris and Lloyd Hattingh

Re: 4 Honda Road, Kurraba Point- Supplementary Details

INTRODUCTION

GRC Hydro have been engaged to provide flood advice to proposed development of the subject site.

At a recent meeting with North Sydney Council further information was requested. This being:

- Design flood levels at the site for a range of design flood events; and
- An adjustment to the proposed channel relocation works such that newly constructed portions of the channel achieved a 5% catchment design flow capacity – note this equates to 8 m³/s.

GRC have utilised the FRMS&P model (GRC, 2021).

DESIGN FLOOD LEVELS

The site is located at the intersection of Honda Road and Bogota Avenue in the suburb of Kurraba Point. The lot is currently occupied on eastern side by a two-storey building. The site is sloped, sloping down from RL 27.4 mAHD on the northwest corner to RL 21.4 mAHD at the front on Honda Road.

The site is flood liable due to a relatively impervious upper catchment of approximately 30 ha that primarily drains (in regard to overland flow) via Bogota Road to the east of the subject site. A peak flow of approximately 6 m³/s is estimated to flow down Bogota Road in the 1% AEP event.

The subject site itself is depressed and forms a “bowl” of sorts with an outlet for overland flow at 21.5 mAHD via the pedestrian entrance on Honda Rd and a second outlet via a 1.5 m dia. culvert at an invert of 18.4 mAHD.

Design flood levels as per the Council model are as follows:

- 1% AEP level: 21.92 mAHD
- 10% AEP level: 21.72 mAHD
- 20% AEP level: 21.66 mAHD

The existing floor level of the existing house varies. The majority of the dwelling is at 21.72 mAHD and as such is flood liable for events rarer than the 10% AEP.

Front areas are currently at 21.19 mAHD and will continue to be so. A relatively small addition to the existing house is proposed (a media room) of pan extent ~ 18 m². In order to tie into existing levels this is proposed to be at a level of 21.19 mAHD.



It is noteworthy that based on the homeowners experience, design flood levels are conservative. Inundation of the property is only noted to have occurred once in the past thirty years.

In summary then only one small 18 m² area of extension to the existing dwelling is proposed. This area has a proposed floor level of 21.19 mAHD in order to tie into adjoining existing spaces. Use of flood compatible materials is proposed in order to ensure that the extension is flood resilient and able to experience flooding and then be restored to use with minimal work.

CHANNEL DESIGN

Council has requested that where the channel is to be re-made, it should provide adequate capacity for a hypothetical situation where the entirety of the 30 ha upstream catchments 5% flow is able to be conveyed in channel.

The 5% AEP total catchment peak flow rate is 8.0 m³/s.

Note in reality channel capacity will be limited by the downstream culvert connection. Also actual inflows will be limited by upstream trunk structures.

Regardless of this, to assess channel capacity in isolation the Mannings Equation is employed.

Mannings Equation is $Q \text{ (m}^3\text{/s)} = \text{Area} \times \text{Hydraulic Radius}^{2/3} \times \text{Slope}^{1/2} \times \text{Mannings 'n' Roughness}^{-1}$

- Based on survey slope is estimated at 9%
- Width is limited to 0.9 m in order to achieve compliance with easement and facilitate footings.
- Mannings 'n' Roughness = 0.015 (assumes smooth cement finish and no joints)

Based on the above assumptions a depth of 1.0 m achieves Council's required 5% AEP flow capacity.

A depth of 1.1 m is proposed in order to provide tolerance.

It is noteworthy that 1.1 m will be the minimum depth. Further downstream the channel will be deeper.

Yours Sincerely

A handwritten signature in blue ink, appearing to read 'Steve Gray', with a horizontal line extending to the right.

Steve Gray

Director

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