

North Sydney Council  
PO Box 12  
North Sydney  
NSW 2059

**12<sup>th</sup> May 2023**

**RE: DA296/22**  
**50 Blues Point Road McMahons Point**  
**Section 4.55 (1A) Consent Modification Application**

Attn: Miguel Rivera

Following receipt of Development Consent No. 296/22 issued on the 10<sup>th</sup> May 2023, we are writing to request that Condition C1 Design Changes- Southern Wall, be deleted.

This condition was requested by the NSPP following the meeting on the 3<sup>rd</sup> May, however was not discussed with the applicant's architect or heritage architect during the meeting and appears to be based on some incorrect assumptions and understanding of the drawings. The wording of the condition is ambiguous and open to misinterpretation, we therefore respectfully request that this condition be deleted to avoid problems for the Certifying Authority in issuing the Construction Certificate.

Following telephone discussions with both Miguel Rivera and Stephen Beattie, we are not proposing any alterations to the existing DA documents and include a brief response below.

***Design Changes – Southern Wall***

***C1. The new southern wall that is situated in the lower ground, ground and first floor levels of the dwelling must have a minimum setback from the side (southern) boundary to align with the setback of the existing southern wall.***

***(Reason: To mitigate the impact on the adjoining property and maintain the view corridor from the public domain to the water.)***

The View corridor is unaltered from existing, as there is an existing wall with a nil set-back on the southern boundary. This defines the space available for the view and the proposed DA does not alter this fact.

The proposed extension to the rear of the property ranges from a nil setback and then steps away from the southern boundary with a set-back of 623mm, as detailed in the drawing Floor Plans A01-02 DA submitted for DA. (Additional clarification and photographs were provided to Council on 8<sup>th</sup> and 10<sup>th</sup> May). A small ensuite is proposed behind the southern wall, which replaces the existing lightwell and has been assessed by Council to be a reasonable addition to the building.

The Executive Summary written by Council concludes the proposal is reasonable and addresses the concerns raised by the NSPP in detail. We believe the Condition C1 is unnecessary, and that Council's Report has a detailed analysis with regard to all Planning Requirements and clearly demonstrates the proposal in its current form has addressed the reasons noted for requiring the condition. See extract from Council Report dated 14<sup>th</sup> April below:

*Having regard for the context of the site and the applicable environmental planning controls the proposed development will generally deliver an appropriately balanced and responsive planning and design outcome that enables a renovation and minor extension of the semi-detached dwelling, whilst not generating significant and adverse impacts upon the environment, neighbouring properties and the community. The assessment of the proposed development has considered the concerns raised in the submissions as well as the performance of the application against Council's planning requirements. Following this assessment, and having regard to the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended), the application is recommended for approval,*

In relation to view sharing, solar access, privacy, set-backs, scale, bulk and overall form of the development, Council's Report states below:

*The infill of the lightwell is considered acceptable given that this component reflects the proposed extensions at the lower levels. The minor scale of the infill and its visibility from public domain have also been considered. The layout of the neutral item has been modified over time and the lightwell infill is not considered harmful in terms of dwelling legibility of original layouts. The new external structures at the rear of the building will mostly replace existing and substantive privacy screens.*

- *The proposed development has been sympathetically and sensitively designed with regard to the site being within a conservation area. The development features appropriate setbacks, design and form that reflect the general pattern of development within the locality.*
- *It has been demonstrated that the extent of overshadowing impacts on existing development, public reserves and streets, is reasonable and acceptable.*
- *The proposed development is considered an acceptable design and planning outcome for the site that is sympathetic and responsive to the site's context. The general form of the semi-detached dwelling remain unchanged.*
- *The proposed development is considered to comprise of architectural expression, height, bulk and scale that are reasonable and compatible with the conservation area. The existing form maintains the scale, form and integrity of the original building.*

Council's Report outlines a comprehensive view loss analysis which concludes the existing design is acceptable and meets the view loss assessment and Tenacity test.

*A detailed view loss is provided below (refer to DCP section). In general, the majority of views for affected properties are retained and any impacts on views and outlook are considered acceptable. The proposed development satisfies this objective.*

Council's Report outlines an extensive shadow diagram analysis which concludes.

*A detailed analysis on overshadowing impacts is provided below (refer to DCP section). It has been demonstrated that the extent of overshadowing impacts on existing development, public reserves and streets, is reasonable and acceptable. The proposed development achieves this objective.*

CONCLUSION:

The proposed development meets all Councils objectives and provisions. The Condition C1 is considered unnecessary and ambiguous. The existing Application and consent have addressed the reasons as stated by the NSPP. The detailed analysis of the development proposal carried out during the DA process and outlined in Councils Report support this fact.

We therefore request that the Condition C1 be deleted.

Kind regards,

A handwritten signature in black ink, appearing to read 'Kristin Utz' followed by a period.

Kristin Utz  
Architect Reg 10181