



NSLPP MEETING HELD ON 03/05/2023

Attachments:

1. Architectural Plans
2. Shadow Diagrams
3. Clause 4.6 Statement (Rev B)
4. Heritage Impact Statement (Rev A)
5. Statement of Environmental Effects (Rev A)

ADDRESS/WARD: 50 Blues Point Road, McMahons Point

APPLICATION No: DA296/22

PROPOSAL: Alterations and additions to an existing semi-detached dwelling

PLANS REF:

Plan No.	Revision	Description	Prepared by	Dated
A01-01	C	Site Analysis / Site Plan	UTZ Sanby Architects	16 Feb 2023
A01-02	C	Floor Plans	UTZ Sanby Architects	16 Feb 2023
A01-03	C	Elevations	UTZ Sanby Architects	16 Feb 2023
A01-04	D	Sections	UTZ Sanby Architects	16 Feb 2023
A01-05	B	Elevations	UTZ Sanby Architects	16 Feb 2023

OWNER: P Redmond

APPLICANT: P Redmond

AUTHOR: Miguel Rivera, A/Team Leader (Assessments)

DATE OF REPORT: 14 April 2023

DATE LODGED: 30 September 2022

RECOMMENDATION: Approval

EXECUTIVE SUMMARY

The Applicant seeks development consent from the North Sydney Local Planning Panel (NSLPP) for alterations and additions to an existing semi-detached dwelling including two (2) new dormers and rear extension on land identified as No. 50 Blues Point Road, McMahons Point, and legally described as Lot 2 in DP 748831.

The application is required to be reported to the NSLPP for determination, as directed by the NSW Minister of Planning, as the development application involves a departure from a development standard that is greater than 10%.

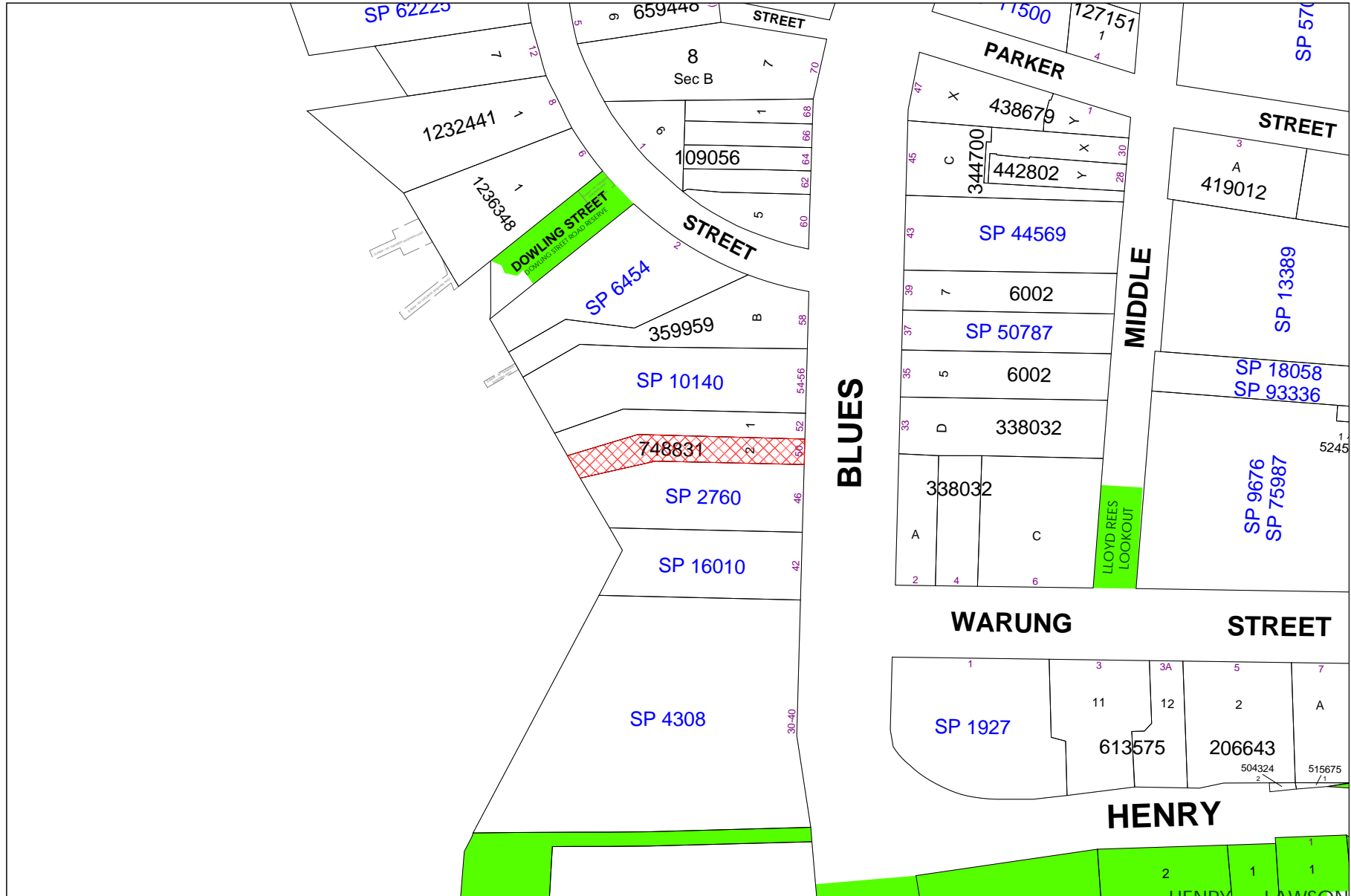
Council's notification of the original plans has attracted a total of seven (7) submissions from five (5) individual addresses, raising concerns regarding setbacks, visual bulk and scale, materiality and colouration, amenity, impacts associated with view loss, amenity and solar access, and noise and disturbance arising from construction works.

The development application has been assessed against the North Sydney Local Environmental Plan 2013 (NSLEP 2013), North Sydney Development Control Plan 2013 (NSDCP 2013) and the relevant State Planning Policies (SEPPs). The application involves a non-compliance to the maximum height of buildings development standard (8.5m) under Clause 4.3 of NSLEP 2013 as the proposal features a building height of 12.98m (for the rear dormer) above existing ground level. This represents a departure of 4.48m or 52.7% from the development standard of 8.5 meters. It is noted that the existing semi-detached dwelling comprises a maximum height of 13.83m above ground level and therefore, features a pre-existing departure of 62.7%. The proposed elements sit well below this existing roof ridge and are mostly contained within the first floor, ground floor and lower ground floor levels of the dwelling. The Applicant submitted a written request pursuant to Clause 4.6 of the NSLEP 2013. The request is supported given that sufficient environmental planning grounds were provided and the included information has demonstrated that compliance with this development standard is unreasonable or unnecessary.

The site contains a neutral item and is located within the McMahons Point South Conservation Area (CA14). The proposed development primarily involves components situated to the rear and will not be highly visible from Blues Point Road nor deliver strong contribution and prominence to the visual catchment of the conservation area and public domain. Notwithstanding, the proposed front dormer will be visible and further diminish the neutral character of the building and is therefore, not supported. The proposed new built form (except the front dormer) is considered to be appropriately responsive and sympathetic to the site constraints and context, and is considered to have a neutral impact on the established character of the conservation area.

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, with conditions to delete the front dormer element.

LOCATION MAP



□ Property/Applicant ● Submitters - Properties Notified

DESCRIPTION OF PROPOSAL

The proposal before the Panel is for alterations and additions to a 4-storey semi-detached dwelling. Specifically, the proposed development involves the following elements:

- Demolition of existing walls and external privacy screening, and extension of lower ground floor, ground floor and first floor at the south-western portion.
- Alterations to some existing glazing and openings such as installation of new sliding doors, louvres with adjustable external blinds, and new fixed windows.
- Removal of existing internal stairs and installation of new stairs and lift.
- Replacement of existing French doors (at front entry) with new entry door on ground floor.
- Removal of existing skylights and construction of two (2) dormer windows in the attic level – one (1) facing Blues Point Road and one (1) facing the rear (foreshore).

The resultant layout features:

- A ground floor consisting of front entry, single car garage, combined kitchen/dining/sitting room and rear-facing balcony.
- A lower ground floor consisting of an office, laundry, lounge room and elevated deck/balcony with access to the rear yard.
- A first floor consisting of a bedroom with walk-in-robe, bathroom and rear-facing balcony, bathroom and bedroom with street-facing balcony.
- An attic level consisting of a master bedroom with ensuite and storage room.
- New access stairs and lift.

A site plan, floor plans, elevations and section are shown in Figures 1 to 9 below.

The cost of works of the proposed development is estimated to be \$1,350,204.00.

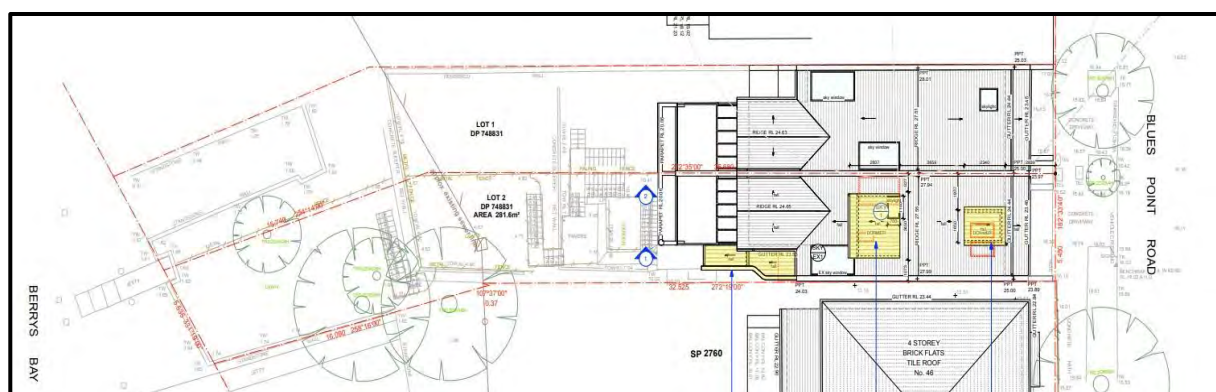


Figure 1: Site plan

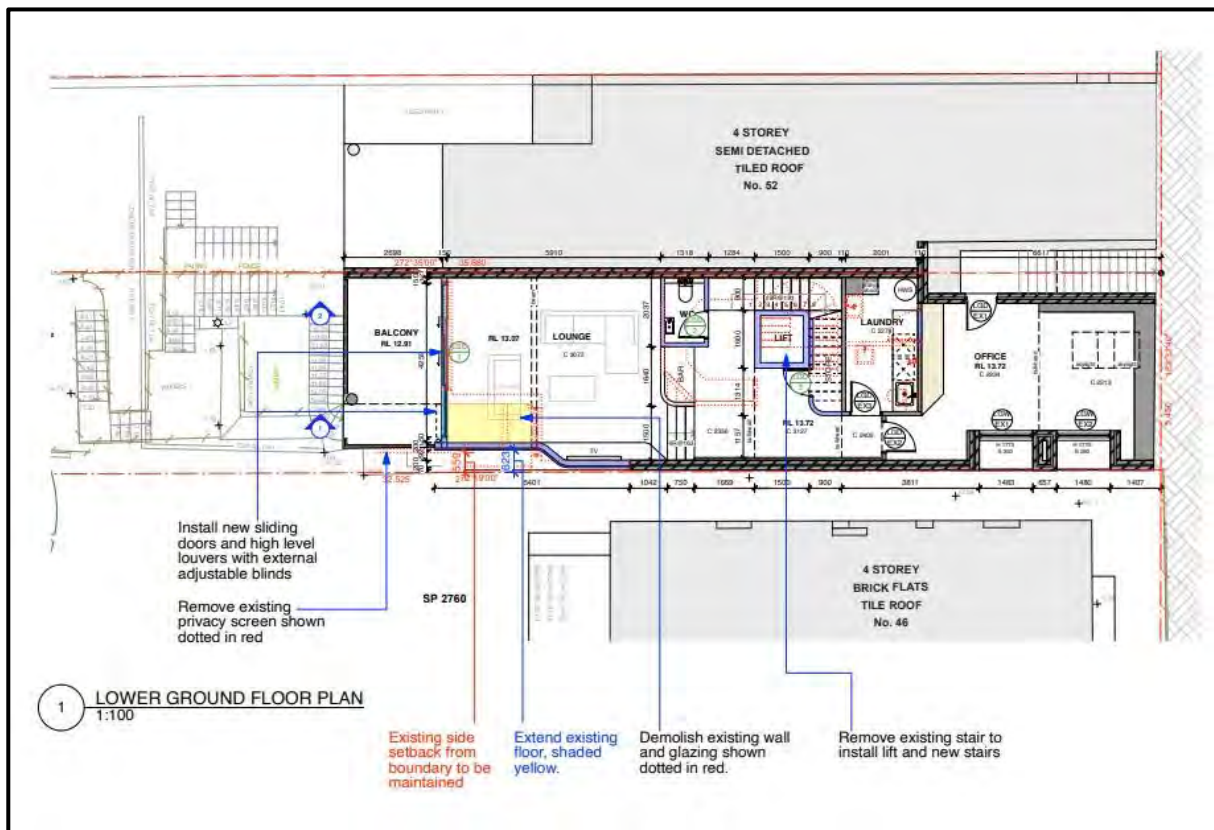


Figure 2: Lower ground floor

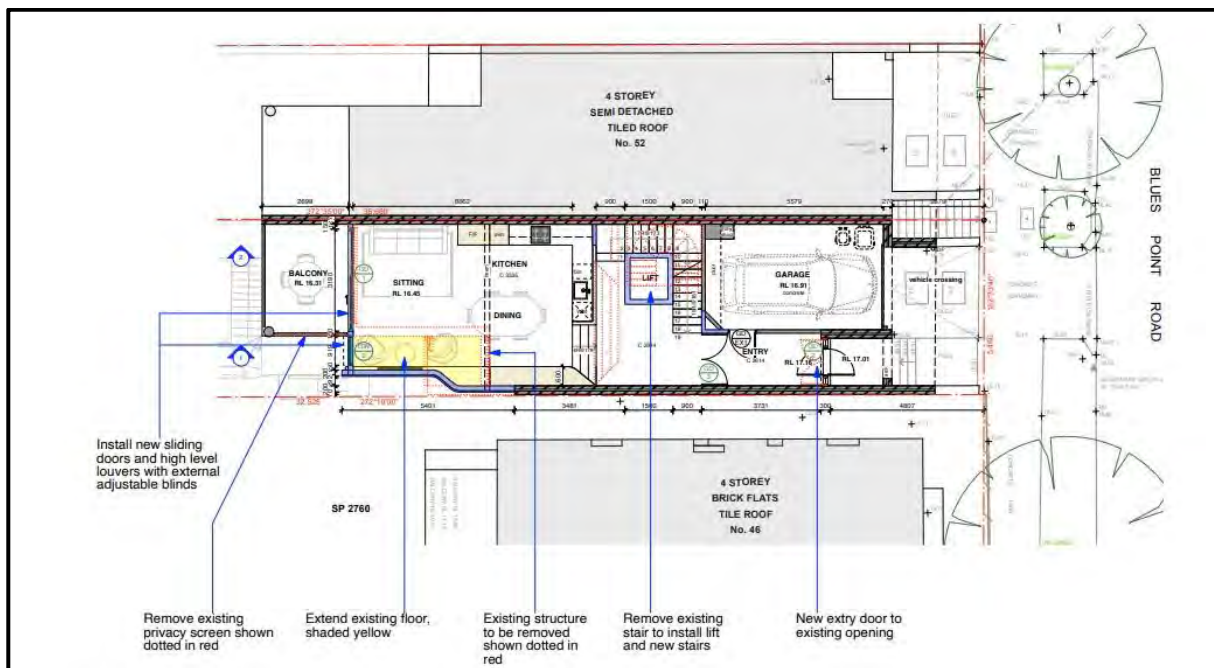


Figure 3: Ground floor

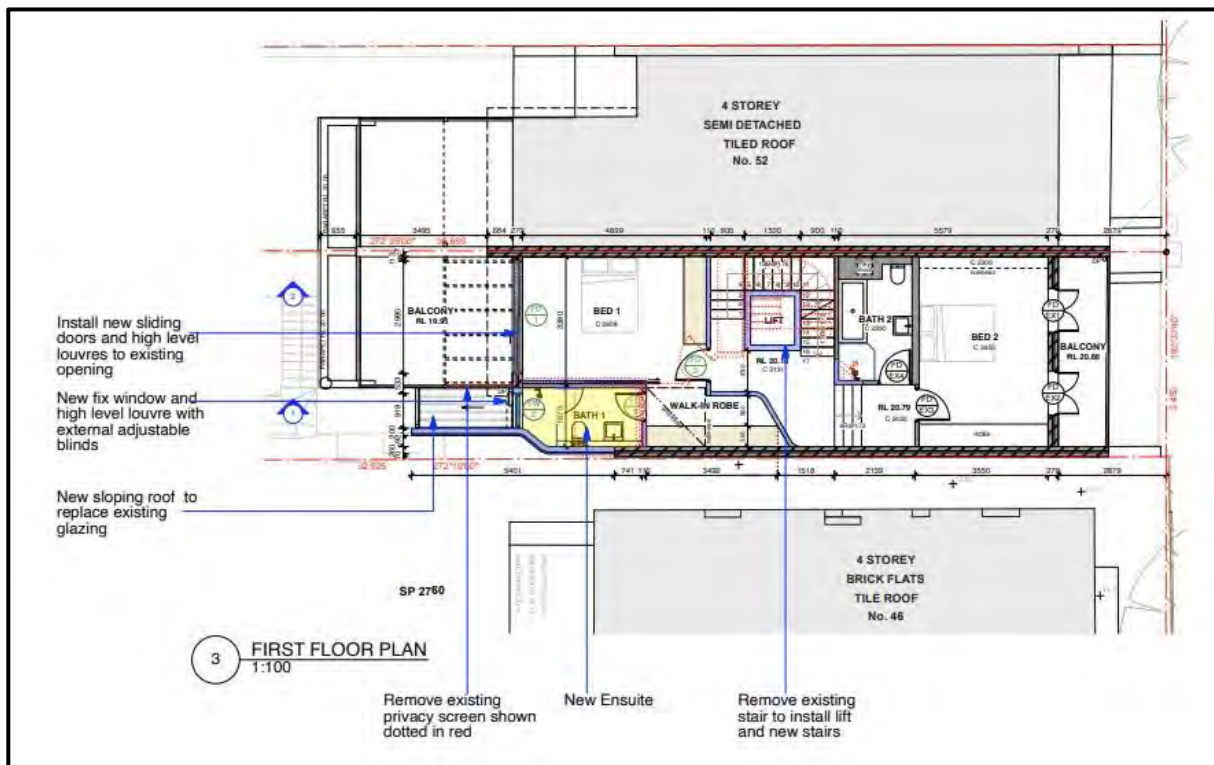


Figure 4: First floor

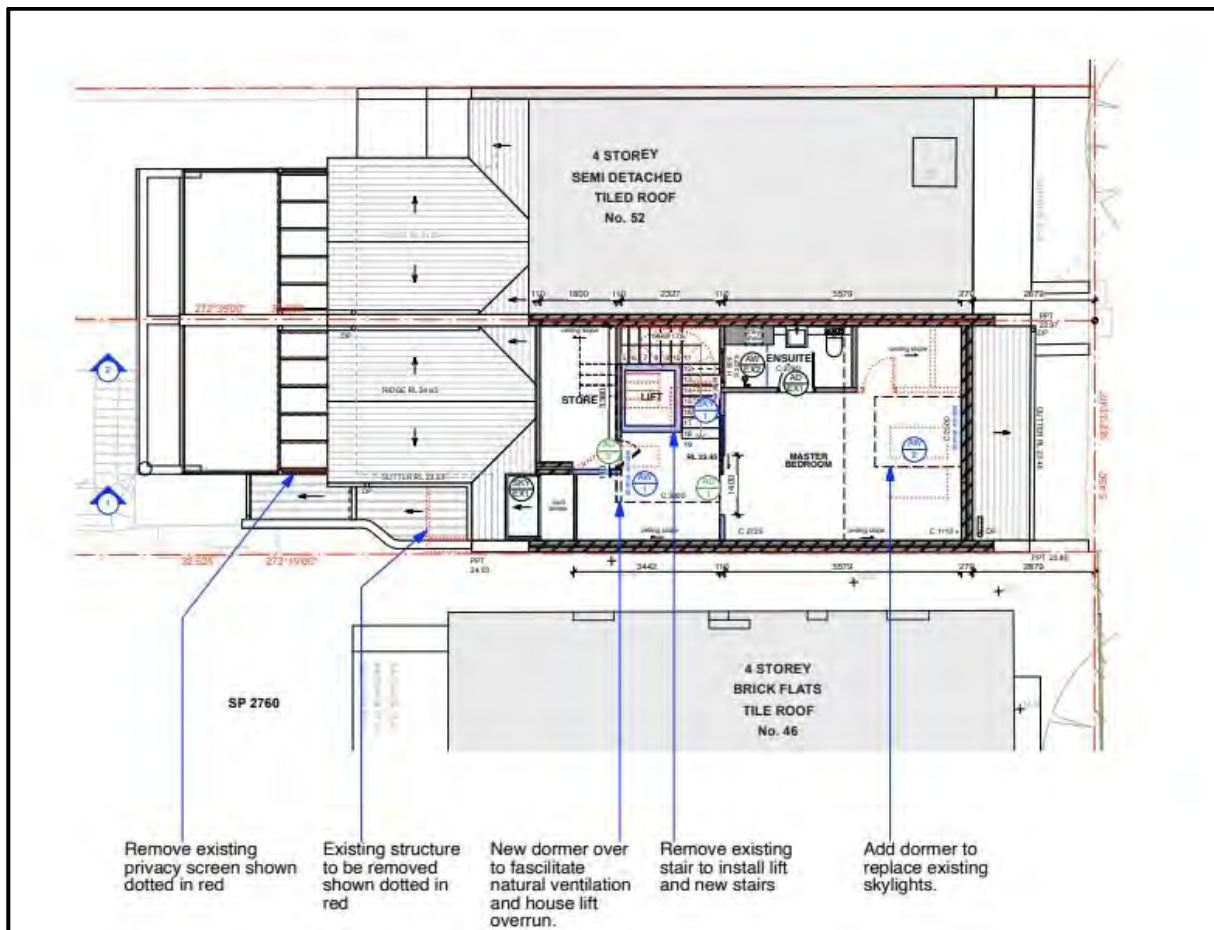


Figure 5: Attic level

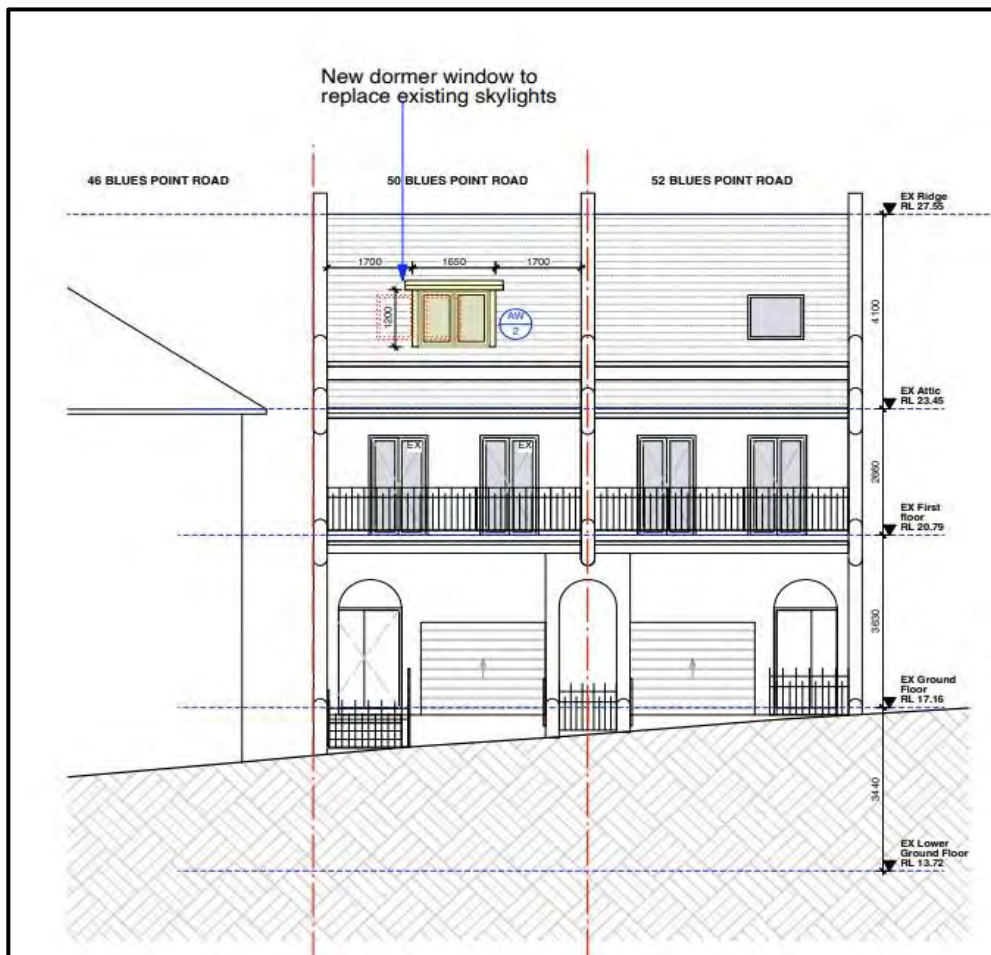


Figure 6: East (street/front) elevation

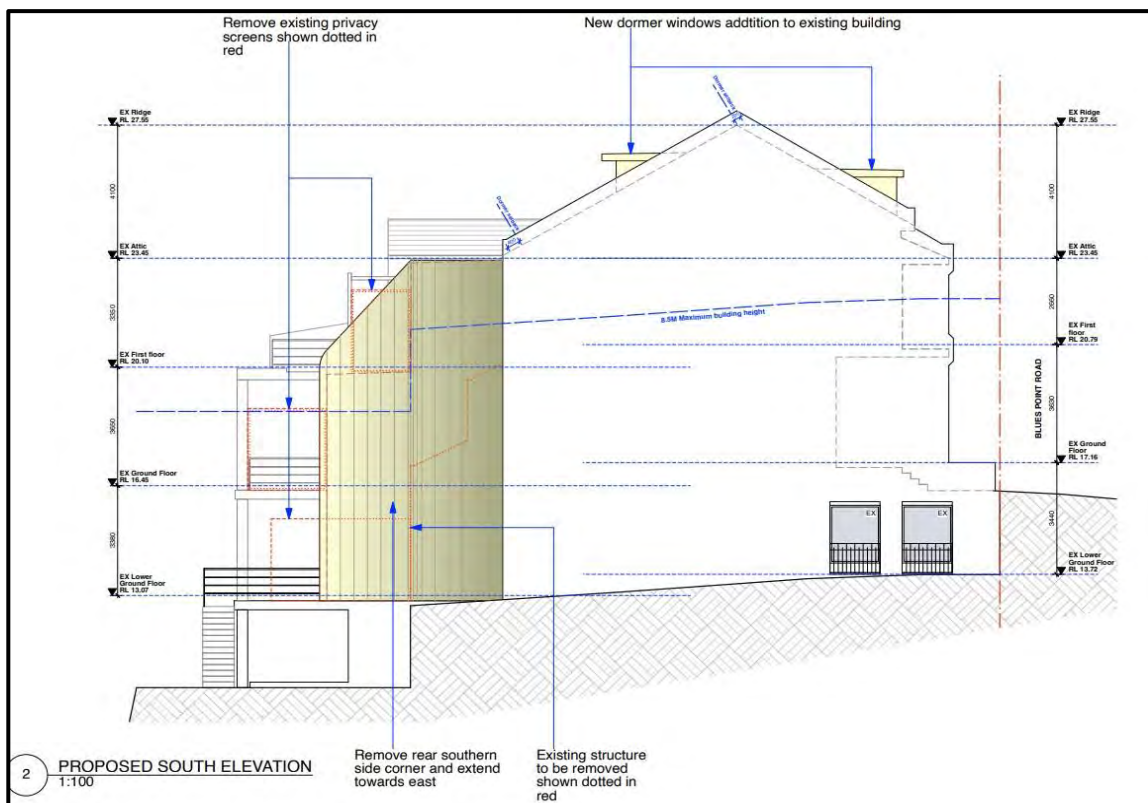


Figure 7: South elevation

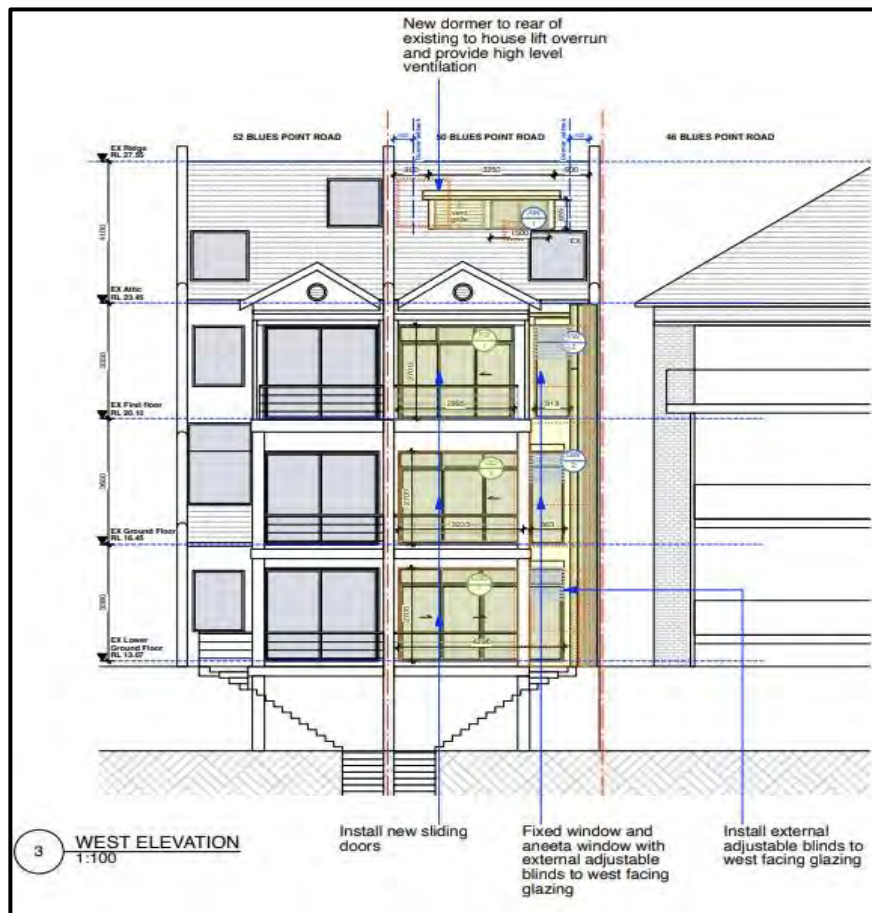


Figure 8: West (rear) elevation

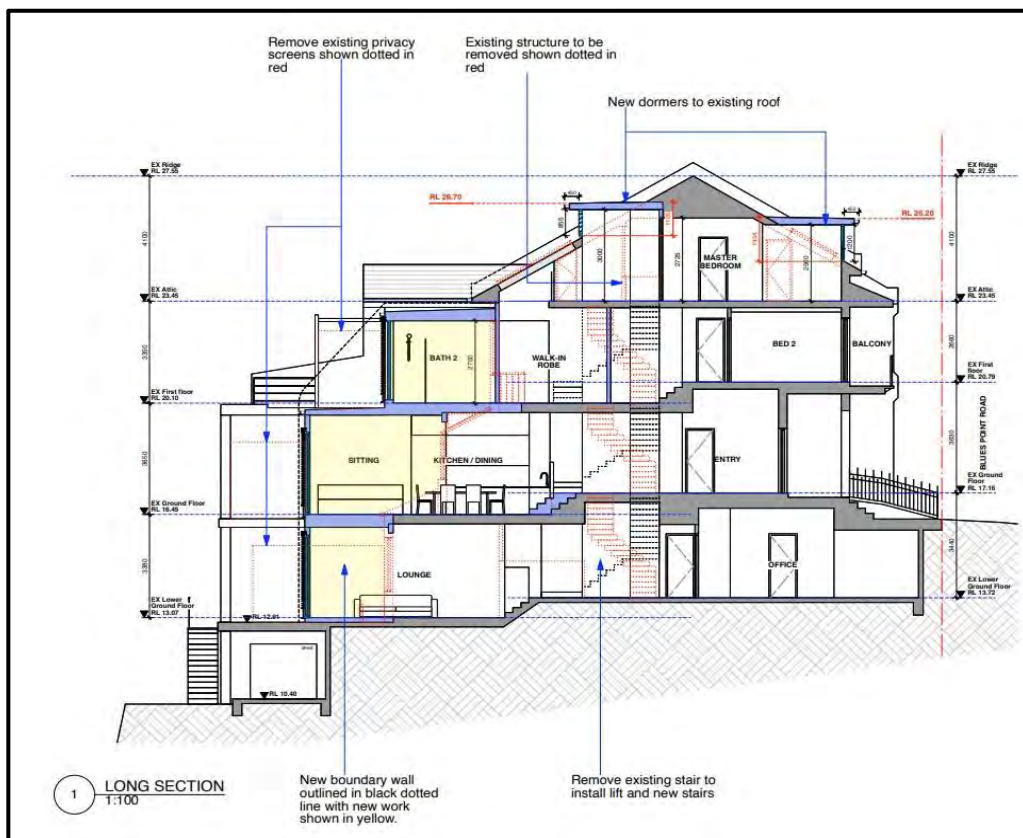


Figure 9: Section

STATUTORY CONTROLS

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

North Sydney Local Environmental Plan 2013 (NSLEP 2013):

- Zoning – R3 – Medium Density Residential
- Clause 5.10 – Heritage conservation:
 - Item of heritage – No
 - In vicinity of heritage item – No
 - Conservation area – Yes, neutral item within McMahons Point South Conservation Area (CA14)
- Clause 6.9 – Limited development in foreshore area – Yes, complies – all works are within the dwelling footprint and are outside foreshore area and behind the foreshore building line (refer to Figure 10).
- Clause 6.10 – Earthworks – Yes, minor works for footings of extension.

State and regional environmental planning policies:

- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021
- SEPP (Building Sustainability Index: BASIX) 2004

POLICY CONTROLS

North Sydney Local Infrastructure Contributions Plan 2020
North Sydney Development Control Plan 2013 (NSDCP 2013)



Figure 10: Clause 6.9 LEP Map: subject site (outlined in yellow), foreshore building line (in red) and foreshore area (shaded in pink)

DESCRIPTION OF LOCALITY

The subject site identified as No. 50 Blues Point Road, McMahons Point, and is legally known as Lot 2 in DP 748831. The site is an irregular-shaped, narrow and elongated allotment with a splayed rear boundary, is located on the western side of Blues Point Road, and comprises a total area of 281.6m² (Refer to Figure 11).



Figure 11: Aerial map showing subject site (outlined in yellow) and surrounding properties. (Source: Spatial Information Exchange Maps)

The subject site is highly modified – with 4-storey semi-detached dwelling comprising much of the eastern portion and a shed, access stairs leading to private open space with lawn, and foreshore area occupying the steep western portion (refer to Figures 12 to 22). The site currently has vehicular access off Blues Point Road and relatively steep and challenging topography, with a 14.66m fall from the front setback (Blues Point Road) to the rear boundary (foreshore).



Figure 12: Front of semi-detached dwelling within subject site (shaded in yellow) and adjoining neighbour at No. 52 Blues Point Road



Figure 13: Rear portion of ground floor



Figure 14: Existing stairs and kitchen – rear portion of lower ground floor



Figure 15: Elevated roof deck/balcony area on lower ground floor



Figure 16: Rear portion (showing bedroom) and void of first floor



Figure 17: Front portion of attic level – showing bedroom and skylights facing Blues Point Road



Figure 18: Rear portion of attic level – showing storage room and void



Figure 19: Rear of dwelling



Figure 20: Access stairs leading to rear yard



Figure 21: Access stairs leading to rear yard and foreshore area (Berrys Bay) in background

The immediate locality features a low-medium density residential, suburban character that is predominantly comprised of low-rise Inter-war residential flat buildings, multi-storey dwelling houses, attached and semi-detached terraces of traditional style (refer to Figures 23 to 28). Many residential properties are feature steep and challenging topography, with built forms generally contained on top of sandstone cliffs and are able to benefit from waterfront and public reserve views and vistas, particularly of Sydney Harbour (including Blues Bay) and Henry Lawson Reserve (a public reserve). Typically, the rear portions of residences that address the waterfront and foreshore areas have elevated internal and external living areas and terraced backyards that take advantage of such views and vistas. Conversely, these spaces are also somewhat exposed to overlooking, both from nearby/adjoining residences and from the waterfront and foreshore areas.



Figure 22: Side setback (southern) of dwelling – taken from lower ground floor

The site is surrounded and adjoined by the following properties:

- Front: multi-storey dwelling house at No. 33 Blues Point Road (refer to Figure 25).
- Rear: foreshore area (Berrys Bay)
- North-adjointing: semi-detached dwelling at No. 52 Blues Pont Road (refer to Figure 26).
- South-adjointing: residential flat building containing six (6) apartments at No. 46 Blues Point Road (refer to Figures 27 and 28).



Figure 23: Immediate streetscape – Blues Point Road (view to the north)



Figure 24: Streetscape – Blues Point Road (view to the south – towards Warung Street)



Figure 25: Dwelling house at No. 33 Blues Point Road



Figure 26: Semi-detached dwelling at No. 52 Blues Point Road and residential flat building at No. 54 Blues Point Road



Figure 27: Front of residential flat building at 46 Blues Point Road



Figure 28: Rear of residential flat building at 46 Blues Point Road

RELEVANT HISTORY

Previous applications

DA962/00 – 50 Blues Point Road, McMahons Point

On 10 October 2000, development application DA962/00 was approved by Council under delegation. This application sought consent for new doors to the southern elevation on the ground floor of the dwelling.

Current Application

Date	Action
30 September 2022	The subject application was lodged with Council.
11 October 2022	A Stop the Clock (STC) letter was issued to the Applicant via the Planning Portal, requesting a valid BASIX certificate be provided.
13 October 2022	The Applicant submitted a revised BASIX certificate.
21 October 2022	The application was notified as per Council's Community Participation Plan. The notification period ended on 4 November 2022. A total of seven (7) submissions were received during this period.
17 November 2022	A site inspection was conducted by Council's Assessment Officer and Conservation Planner.
30 December 2022	A Request for Information (RFI) Letter was sent to the Applicant via the Planning Portal. The letter advised the following matters that required addressing: <ul style="list-style-type: none">• Height of new dormers.• Heritage matters.
23 February 2023	The Applicant submitted additional information via the Planning Portal in response to the RFI letter.
22 March 2023	A 2 nd RFI Letter was issued to the Applicant via the Planning Portal, which requested deletion of the front dormer and a revised Clause 4.6 statement.
28 March 2023	The Applicant submitted additional information via the Planning Portal in response to the 2 nd RFI letter.
6 April 2023	Site inspections were conducted by Council's Assessment Officer at the following locations, in response to submissions: Units 2, 3 and 4 and rear garden/courtyard of No. 46 Blues Point Road, McMahons Point.

INTERNAL REFERRALS

BUILDING

Council's Senior Building Surveyor reviewed the application and provided the following commentary with regard to compliance against the relevant requirements under the Building Code of Australia (BCA) (now known as the National Construction Code/NCC):

The Development Application seeks approval for alterations and additions to an existing 4- storey semi-detached residential terrace dwelling.

The building is classified by the National Construction Code – Building Code of Australia 2019, Volume 2 (NCC – BCA 2019) as a class 1a building.

A review of the Plans provided with the development application revealed that generally the proposed development is able to comply with NCC - BCA 2019, Volume 2.

A detailed assessment of compliance with the NCC - BCA 2019 will be undertaken by an appropriately registered certifier at the Construction Certificate Stage of the proposed development.

It is recommended that the standard condition F1 be adopted.

Planning comment: The above comments are noted and concurred with and the recommended condition will be imposed to ensure compliance with the relevant building standards.

ENGINEERING

Council's Development Engineer reviewed the application and confirmed that no objections were raised with regard to the proposed stormwater management system, subject to the imposition of recommended conditions.

Planning comment: The above comments are noted and concurred with. Any recommended conditions will be included should consent be granted.

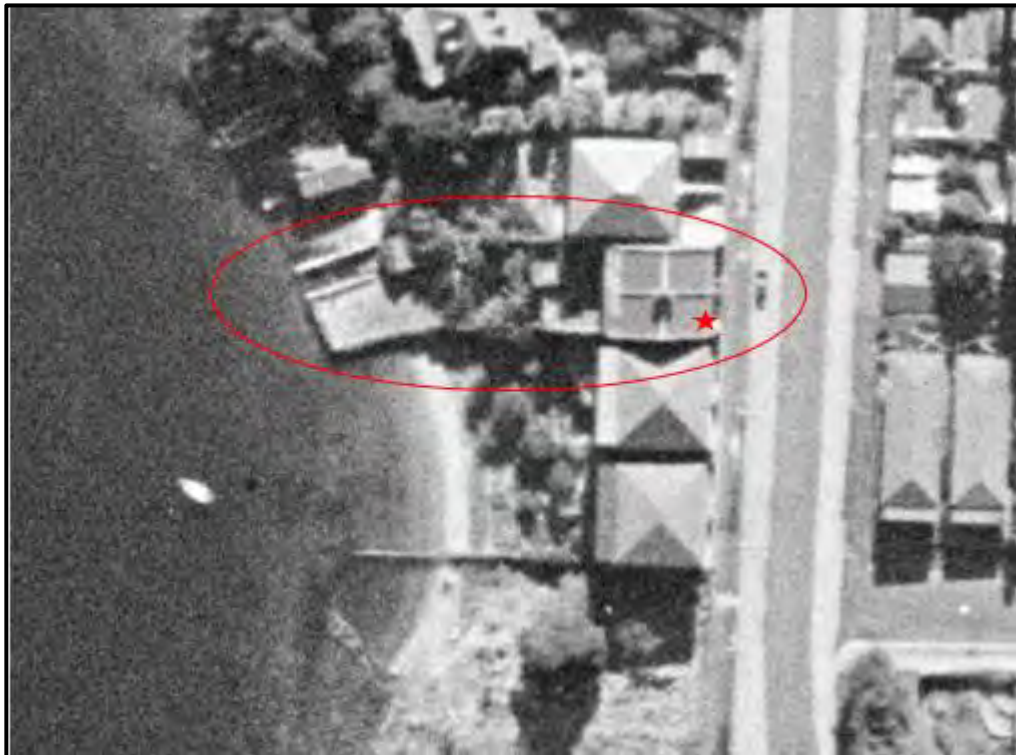
HERITAGE

Council's Conservation Planner assessed the application in relation to heritage matters and provided the following advice:

Heritage status and significance

The site is not identified as heritage item but is identified as a neutral item that is from the significant period of development related to the McMahons Point South conservation area (no. CA14) within which the subject site is located. The conservation area is significant:

- (a) *For its connection to the early grant to William Blue and the Harbour crossing point at Blues Point, the early waterfront industry of Sydney Harbour, both of which can be interpreted by physical remnants.*
- (b) *As a mid 19th to early 20th century residential area with a mix of Victorian, Federation, 1920's and 1930's housing mixed with some Inter-war residential flat buildings*



SIX Maps image: 1943 aerial photograph – subject site circled in red

58 Blues Point Road is a scheduled heritage item that is located to the north of the subject site. Retaining the characteristic historical forms of dwellings within the immediate vicinity of the heritage item collectively contribute to its setting.

Considerations

An assessment of the proposed alterations and additions at 50 Blues Point Road, McMahons Point involving:

- *dormers in the front and rear roof planes*
- *infill of the lightwell area adjacent to the service wing*
- *internal alterations including the installation of a lift*

has been undertaken in terms of NLEP 2013 Part 5 Clause 5.10 Heritage conservation and NDCP 2013 Part B: s13 0 Heritage and conservation as set out below:

13.6.2 Form, Massing and Scale –

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

The existing semi-detached dwelling is a pair with 52 Blue Point Road to the north. Whilst the pair has undergone extensive modifications, their built form retains the historical symmetrical approach on both the street facing and harbour facing elevations. As such, the form of the service wing facing the harbour retains its traditional secondary proportions including its lightwell areas and associated side boundary setbacks. Extensive rear balconies over multiple levels have been installed to optimise water views.

The proposed infilling of the lightwell area alongside the rear, harbour facing elevation is not supported but at the lowest/ground floor level where the impact from infilling this articulated building form will have minimal impact.

13.6.5 Internal Layouts –

Objective O1- To ensure that significant interiors are retained.

Internally, the subject dwelling has been extensively altered including the replacement of the staircase. No objection to the installation of a lift is raised. It is noted that the lift overrun will be accommodated within the proposed ‘rear’ roof plane. Subject to the proportions of the dormer being appropriate to the roof plane within which it is to be inserted, no objection on heritage grounds is raised in this instance.

13.9.2 Dormers –

Provision P2 – Dormers must not be placed on the street elevation of a building

Provision P4 – New dormer windows are to be secondary in scale to the roof and setback from the eaves and ridge line.

1.4.11 Dormers

The placement of a dormer on the street facing elevation is not supported. The proposed rear dormer can be supported subject to ensuring its width remains within one third of the width of the roof plane within which it is to be inserted.

In their current form, the proposed works are contrary to the provisions of NDCP 2013 Part B: s13 and therefore the proposal does not meet the objectives of NSLEP 2013 Part 5 Clause 5.10 Heritage conservation. It is recommended that modified plans incorporating the above changes are submitted to Council as part of the consideration of this application.

Conclusions & Recommendations

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

- *s13.6.2 Form, Massing and Scale – Objective O1*
- *s13.9.2 Dormers –*
 - *Provision P2 – Dormers must not be placed on the street elevation of a building*

- *Provision P4 – New dormer windows are to be secondary in scale to the roof and setback from the eaves and ridge line.*
- *AND s1.4.11 O1*

The proposal in its current form does not meet does not meet the objectives of NSLEP 2013 Cl 5.10 (1)(a)(b). It is recommended that the applicant be notified and given the opportunity to revise their plans.

The Applicant provided additional information including a revised design and heritage impact statement. Council's Conservation Planner reviewed this information and verbally confirmed that the infill of the first floor lightwell and the front dormer remains outstanding issues that in their view need to be deleted from the design.

The Applicant verbally confirmed that the front dormer is to remain for assessment in the final scheme.

Planning comment: The above comments are considered and generally concurred with. 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 front dormer (as amended) is not supported and design change conditions are imposed to delete this component. Standard heritage conditions will be included, should consent be granted.

SUBMISSIONS

Original Plans

In accordance with Council's Community Participation Plan, Council notified adjoining properties and the Lavender Bay Precinct Committee of the proposed development from 21 October to 4 November 2022. Council received a total of seven (7) submissions during this period, from the following properties:

- Unit 2/46 Blues Point Road – two (2) submissions.
- Unit 3/46 Blues Point Road.
- Unit 4/46 Blues Point Road – two (2) submissions.
- Unit 5/46 Blues Point Road.
- Unit 6/46 Blues Point Road.

The matters raised in these submissions objecting to the proposed development are listed below:

- Amenity and privacy impacts
- Confidentiality – remove name from submission.
- Construction impacts – noise and disturbance.
- Heritage.
- Materials and colours, presentation and aesthetics.
- Overshadowing.
- Property values.
- Setbacks and visual prominence.
- View loss impacts

The above issues are summarised 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.

Amended Proposal – 14 November 2022

The Applicant submitted an amended design and additional information in response to the submissions and any correspondence from Council. The nature of the changes within the final scheme were such that it was determined that a re-notification of the revised design and associated plans was not required as per Council's Community Participation Plan.

The revised design only entails minor amendments to the front dormer to assist in resolving heritage matters raised in the initial RFI letter from Council. The amended proposal is not considered to have additional or greater impacts compared to the original design in terms of views or streetscape impacts. **Therefore, re-notification was not required in accordance with Council's Community Participation Plan.**

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:

SEPP (Biodiversity and Conservation) 2021

The following sections apply to the proposed development and have been considered in the assessment:

Chapter 2 – Vegetation in non-rural areas

The proposed development does not involve any removal of vegetation as the additions and alterations are wholly contained within the dwelling footprint or within built-upon (paved) areas. As such, the application satisfies the respective aims under Chapter 2 of this SEPP.

Chapter 10 – Sydney Harbour Catchment

It is noted that the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 has been included in Chapter 10 of this SEPP since its endorsement in December 2021. Having regard to Chapter 10 of this SEPP and the Sydney Harbour Foreshores and Waterways Area DCP 2005, the proposed development is not considered to be detrimental to the Harbour and will not unduly impose upon the character of the foreshore given the site's location in medium density, residential area of McMahons Point. The new side and rear extension that infills the south-western corner of the site will be visible from the foreshore; however, this extension is relatively minor and does not protrude beyond the rearward projection of the existing floor levels. The rear dormer is situated at high elevation – above the attic floor roof and hidden by the roof forms of the lower levels. As such, this element will not be highly visible from the waterfront.

The proposed development is of a bulk, scale and design that are proportionate and appropriate to the subject site and respective of site constraints and the site's location and setting within the Sydney Harbour Catchment. As such, the proposed development is acceptable having regard to the provisions contained within SREP 2005 and the Sydney Harbour Foreshores and Waterways DCP 2005.

SEPP (Resilience and Hazards) 2021

The provisions of Chapter 4 of this SEPP 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 been used as a semi-detached dwelling since 1943 and as such is unlikely to contain any contamination. The nature and location of the proposed development (involving alterations and additions to a semi-detached dwelling) are such that any applicable requirements of this SEPP have been satisfactorily addressed.

SEPP (Building Sustainability Index: BASIX) 2004

A valid BASIX Certificate has been submitted with the application to satisfy the aims of this SEPP.

NORTH SYDNEY LOCAL ENVIRONMENT PLAN (NSLEP 2013)

Aims of Plan

The development application has been assessed against the aims of the North Sydney Local Environmental Plan 2013 (NSLEP 2013) and is considered to be satisfactory with respect to the relevant aims of the Plan.

Permissibility

The site is zoned R3 – Medium Density Residential under the provisions of the North Sydney Local Environmental Plan 2013. Development for the purposes of alterations and additions to a *semi-detached dwelling* is permissible with the consent of Council in the R3 – Medium Density Residential zone.

Objectives of the zone

The objectives of the R3 – Low Density Residential zone are stated below:

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

The proposed development (as amended) will result in a built form that is considered acceptable with regard to the objectives of the R3 – Medium Density Residential Zone.

The current use of the site as a semi-detached dwelling will be retained. Except for the front dormer element, the proposed layout changes and the minor expansion of residence are considered reasonable and supportable additions and alterations to the existing built form that will not result in a bulky and excessive development of the site. The resultant development is considered to be of a design, scale, massing and presentation that demonstrate consistency and compatibility with surrounding and adjacent development.

The proposed development generally achieves compliance with applicable planning provisions and controls under Council policy and will result in the retention of medium density residential housing whilst improving the existing building with regard to additional functional areas and amenities for future occupants.

The proposed development will not unreasonably compromise the amenity of the surrounding area and is considered a sympathetic design response that is contextually appropriate to the subject site and immediate locality.

Principal Development Standards

The proposal has been assessed against the principal development standards applicable to the development under NSLEP 2013 as follows:

Compliance Table

North Sydney Local Environmental Plan 2013			
Site Area – 281.6m ²	Proposed	Control	Complies
Clause 4.1 – Subdivision lot size	No change.	Min. 230m ²	N/A No subdivision is proposed.
Clause 4.3 – Height of buildings	Existing roof: 13.83m	Max. 8.5m	No Pre-existing variation 5.33m (62.7%)
	Front dormer: 12.48m		No Variation of 3.98m (46.8%) This element is conditioned to be deleted
	Rear dormer: 12.98m		No Variation of 4.48m (52.7%)

Clause 4.3 – Height of Buildings

The proposed development involves a maximum height of 12.98m – measured from the existing lower ground floor level, and is associated with the proposed rear dormer. This height represents a 3.98m or 46.8% variation to the maximum height of buildings development standard under Clause 4.3 of NSLEP 2013. It is noted that the entire proposal sits below the ridge of the existing dwelling, which features a height of 13.83m above existing ground level and represents a pre-existing variation of 5.33m or 62.7%.

A detailed discussion regarding the proposed height breach and its assessment against Clause 4.6 of the NSLEP 2013 are discussed below.

Clause 4.6 – Exceptions to development standards

The Applicant has provided a written request to vary the development standard under Clause 4.3 of NSLEP 2013 – maximum height of buildings.

Extent of the Variation

As described above, the proposed development involves a maximum height of 12.98m (for the rear dormer), which represents a 3.98m or 46.8% variation to the maximum height of buildings development standard. It is noted that the entire first floor and attic level and upper roof above the attic/first floor of the semi-detached residence do not comply with the maximum height of buildings provision under Clause 4.3 (refer to Figure 29).

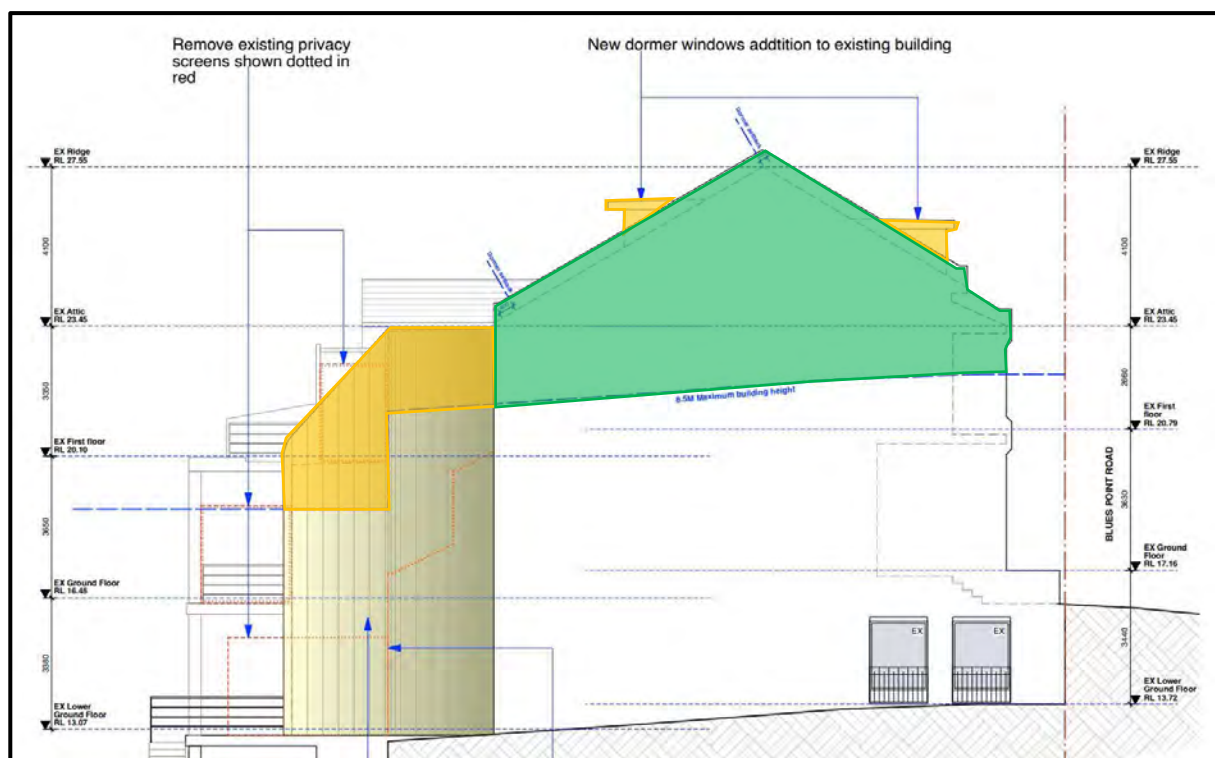


Figure 29: Southern elevation of proposal with non-compliant portions shown in green (existing building) and orange (proposed additions).

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

For reference the objectives of the development standard are as follows:

Clause 4.3 of the NSLEP 2013

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

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

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

The Applicant's written request relies upon Webhe Test 1 (consistency with the standard's underlying purpose or objective) to demonstrate that compliance with the development standard is unreasonable and unnecessary. In response to Clause 4.6, the following excerpts are relevant and contained within the Applicant's written request:

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

The proposed development is within the envelope of the existing dwelling. The existing floor levels, ceiling heights and external walls are to remain. There is no change to the existing dwelling in relation to the sloping site. The proposed roof form is consistent with the predominant roof forms in the Conservation Area and with neighbouring dwellings. The existing dwelling is one half of a pair of attached dwellings.

Objective (b) is to promote the retention and, if appropriate, sharing of existing views The proposal does not adversely impact views of adjoining or adjacent properties.

The proposed development will not impact any existing views. The proposed development is entirely within the existing building envelope and has minimal impact on existing peripheral views from the northern end of neighbouring balconies. The iconic views are to the west towards Balls Head and are not impacted by the proposed development. The proposed removal of the existing privacy screens on each level of the subject property will improve the views from neighbouring balconies to the North.

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

The proposed development is oriented East/West and is on the southern side of an attached dwelling.

The shadow diagrams demonstrate that there is very little change to existing shadows at no. 46 Blues Point Road as a result of the proposed development.

Due to the western orientation of the rear facades of No. 50 and 46 additional overshadowing is minimal and are confined to the northern side of the neighbouring apartment building. The southern apartments are not impacted.

Equinox Between 9.00am-12pm

There is no change to shadows affecting the living rooms and bedrooms of apartments on all levels of no. 46 between 9.00am and 12.00pm. A minor increase in shading occurs on the north west corner of the balconies to the Ground and First Floor apartments (4 & 6) only.

Equinox between 1.00-2.00pm

There is a minor increase in shading to a small area of west facing glazing and balconies of the Lower Ground and Ground Floor(4 & 2) apartments on the northern side.

Equinox at 2.00pm

There is some minor overshadowing on the North west balcony on the Lower Ground apartment only (No. 2).

Equinox at 3.00pm

The shadow falls between the buildings and the neighbours balconies and rear façade are not Impacted.

Winter Solstice 9.00am-11.00am

During the winter solstice the neighbouring building is in full shadow between 9.00-11.00am and there is no change to existing shading.

Winter Solstice at 12.00- 1.00pm

At 12pm the neighbouring building is already in shadow for over 50% of the rear façade. There is a minor increase in shading to the north west corner of the balcony of the upper , First Floor apartment (No.6).

Winter Solstice at 2.00pm

There is a minor increase in shading to the north west corner of the balcony of the upper, First Floor and Ground floor apartments (No.4 & 6).

Winter solstice at 3.00pm

There is a minor increase in shading to the north west corner of the balcony of the middle, Ground floor (no.4) apartment.

Winter Solstice 1:00-3:00pm (Solar gain)

The proposed removal of existing privacy screens results in additional daylight to the lower two apartments (units 4 and 2), Basement and garden.

Conclusion

The proposal complies with the objectives of Cl 1.3.7 of the DCP regarding Solar access. The existing apartments at 46 Blues Point Road have an east west orientation and are to the south of the subject site. This means that the rear (west facing) elevation is currently in shadow at these times of year. The proposed addition does not increase the shadow to existing living rooms and bedrooms, and will maintain 3 hours of natural daylight between 12.00pm and 3.00pm on the 21st June.

Overall, there are only minor changes to existing overshadowing caused by the proposed development. This occurs on a small portion of the balconies and north west corner of the rear glazing to apartments (No.s 6,4 & 2) located on the northern side of the building and has no impact on the apartments on the southern side (No.s 5,3 & 1).

The removal of existing privacy screens on all three levels of the existing dwelling will improve access to daylight to the lower apartments (Units 4 and 2) as well as the basement and garden between 1:00pm-3:00pm on 21st June.

Objective (d) is to maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings.

- *The proposed alterations and additions are generally within the existing building envelope.*
- *The existing walls and window openings to the western elevation will be retained.*
- *The proposed roof form has no impact on the privacy currently enjoyed by the neighbouring dwellings.*
- *The proposed rear addition matches the height of the existing privacy screens on the southern side of the subject properties balconies.*
- *The proposed remodelling of the southern boundary wall will prevent overlooking from neighbouring balconies onto and into the subject property and improve privacy between dwellings.*
- *There is no change in height or roof form as a result of the proposed development.*

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

The existing dwelling has a roof form that is a single pitched roof within parapet walls and is consistent with the predominant characteristics of late Victorian and Federation dwellings in the Conservation Area. The proposed dormers to the east and west are below the existing ridgeline and subservient to the existing roof form.

- *The proposed front dormer will replace the existing skylights at the street front of the dwelling and follow Council's design guidelines in Section 13 of the DCP and is set back from the sides and follow proportions for an eyelid dormer. This dormer will provide much better amenity for the occupants of the attic bedroom, in terms of access to natural light and ventilation, views and all-weather openable windows.*
- *The proposed dormer at the rear of the existing dwelling is symmetrical within the existing roof and well below the existing ridgeline and will accommodate the top of the new lift and associated ventilation.*
- *The new southern boundary wall will improve maintenance of the existing building by removing leaking skylights, glazing and a small roof which cannot be accessed.*
- *The new southern boundary wall does not affect existing views and will improve privacy between the dwellings.*
- *There is no change in height or roof form as a result of the proposed development.*
- *The proposed development is appropriate in scale and design and will result in better*
- *amenity for the building now and into the future.*

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

- *The bulk and scale of the proposal is consistent with the surrounding development.*
- *All existing trees are retained on site.*
- *The existing dwelling is an attached infill development and is consistent with surrounding development and consistent with the objectives of the Conservation Area in terms of bulk, form and scale.*
- *The existing building has been heavily altered and despite some original details that have been reproduced, is essential new.*
- *The alterations and additions are proposed generally within the existing building envelope and does not exceed existing setbacks. There is minimal impact on neighbouring dwellings and the streetscape.*
- *There is no change in height or roof form as a result of the proposed development.*

Council's evaluation of the Applicant's written request confirmed that the objectives of the development standard and the relevant zone (R3) have been achieved and the non-compliance with the development standard can be supported (as demonstrated in the 'Objectives of the zone' section above and the section below).

The Applicant's written request nominates "environmental planning grounds" which should be considered to justify the variation and that support for the variation will be in the public interest. Council's assessment of this request confirms that sufficient environmental planning grounds have been demonstrated and support for the variation is in the public interest.

The proposed development is considered below, having regard to the objectives of the development standard.

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

The proposed development has been designed to conform to the landforms and with respect to the fall of the site. The entire proposal is wholly contained within the existing dwelling footprint or on un-built upon (paved) areas. The proposed additions utilise the existing floor levels of the dwelling. The proposed development satisfies this objective.

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

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.

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

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.

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

The proposed development provides sufficient separation distances and design features that allow for adequate visual and acoustic privacy between future occupants and neighbouring properties. The proposed development generally satisfies this objective.

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

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 achieves this objective.

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

The proposed development is of an appropriate scale, bulk and density that is compatible with and consistent to the development pattern of the locality and context of the site. The proposed development achieves this objective.

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

The proposed development retains the existing 4-storey form of the semi-detached residence. The minor in-fill extension in the south-eastern corner will be situated within the lower ground floor, ground floor and first floor levels, and below the attic level. The rear dormer provides a new architectural element and improved opening to the attic level. Given the supportable elements are not visible from Blues Point Road, the presentation of the semi-detached dwelling is generally preserved – reflecting the current pattern in the streetscape.

Clause 4.6(4)(a)(ii) Applicant's written request

The written request provided by the Applicant adequately addresses the matters required by subclause (3) as discussed above.

Clause 4.6(4)(a)(ii) Public Interest

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

Conclusion

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

Part 5 – Miscellaneous Provisions

Clause 5.10 – Heritage Conservation

The subject site is a neutral item and is within the McMahons Point South Conservation Area (CA14), which are listed under Schedule 5 of the NSLEP 2013. The following planning objectives apply to the proposed development:

- (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 proposed development has been assessed by Council's Conservation Planner against the objectives under Clause 5.10 and it was confirmed that the proposed development (except first floor in-fill and front dormer) can be supported on heritage grounds (refer to Heritage Referral discussion above). Given the above considerations, the proposed development is considered acceptable and satisfies the heritage conservation provisions under Clause 5.10.

Part 6 – Additional local Provisions

Clause 6.10 – Earthworks

The proposed development involves minor earthworks required to establish footings for the rear/side extension. An assessment has been carried out below having regard to Clause 6.10 in NSLEP 2013.

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

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

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

The proposed earthworks are considered minor and will have little impact on drainage patterns and soil stability. With regard to natural features, there is no evidence of any natural surface rock outcropping occurring in the site. Accordingly, the proposed earthworks are acceptable in this regard.

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

The proposed development will maintain the residential (dwelling) use of the land, at a scale and density that are in accordance with the locality, R3 – Medium Density Residential zone and zone objectives applicable to the site.

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

Given the residential history of the site it is unlikely that the site has experienced any significant contaminating activities which would give rise for concern relating to the quality of material to be utilised as fill or of any existing material that will be disturbed.

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

Given the minor nature of the proposed earthworks it is unlikely that these works will result in adverse, unreasonable amenity impacts. Conditions can be imposed to manage any construction impacts. The proposed development and associated earthworks are acceptable in this regard.

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

The proposed development involves minimal excavation. Conditions can be imposed to ensure any waste material from excavation will be exported and disposed of appropriately.

- (f) the likelihood of disturbing Aboriginal objects or relics,

The site has an extended history of residential usage with no surface outcropping of rock occurring on site. The likelihood of disturbing any relics is very low.

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

The site does not supply any drinking water catchments. Appropriate sediment and erosion control measures can be included as conditions of development consent in order to prevent sediment movement into adjoining properties.

In accordance with the provisions of Clause 6.10(3) this assessment has considered the impact of the proposed excavation and filling within the site and to surrounding properties and found that the proposed earthworks are acceptable, subject to the imposition of conditions of development consent. Accordingly, the proposed development is supportable in this regard.

NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013

The proposed development has been assessed against the relevant objectives and controls under the NSDCP 2013. An assessment has been carried out below:

Part B, Section 1: Residential Development

North Sydney Development Control Plan 2013 Part B Section 1 – Residential Development		
Control	Compliance	Comments
1.2 Social amenity		
Maintaining residential accommodation	Yes	Retains existing semi-detached dwelling use.
1.3 Environmental criteria		
Topography	Yes	Involves no changes to the topography of the site – works are either wholly within the dwelling footprint or within a modified portion of the site that matches the same levels as the dwelling.
Properties with a foreshore frontage Objectives <ul style="list-style-type: none"> • O1 To promote a scale and form of development that enhances the scenic, environmental and cultural qualities of the foreshore. • O2 To ensure that development considers coastal processes, such as sea level rise. • O3 To ensure development is consistent with Council’s Foreshore Access Strategy. 	Yes	<p>The proposed works are situated outside the foreshore area and foreshore building line. The slight in-fill development at each level is considered acceptable and will promote a scale and form of development that enhances the foreshore. It will not result in a bulky, overdevelopment of the site that will adversely affect the foreshore area.</p> <p>The proposed development will be contained either wholly within the building or within a modified portion of the site, well away from the foreshore area. It involves retaining/utilising the existing finished floor levels featured in the existing dwelling.</p> <p>The proposed development demonstrates consistency with the Foreshore Access Strategy and complies with the Chapter 10 of SEPP (Biodiversity and Conservation) 2021.</p>
Views	Yes	The subject site and surrounds benefit from significant, important and iconic views of the foreshore and city skyline. The location and nature of the proposed development are such that any views and vistas are not substantially impacted. A detailed assessment is contained below.

Context

The subject site is a waterfront property. The north- and south-adjointing properties (No. 46 and 52 Blues Point Road) are also waterfront properties with uninterrupted foreshore and horizon views (primarily to the west) of Berrys Bay (refer to Figures 30 and 31). It is noted that these primary views are not impacted by the proposal given its siting and extent. The proposed in-fill development is only directed to the south-western corner of the subject site. As such, the only potential view loss is associated some north-western views that are reliant upon having no built form or structure at this corner (refer to Figures 32 to 34). Notably, these views are over the side boundary and are already obscured by buildings and trees. Further, these views may be considered secondary views that are difficult to preserve. The above context has been considered in detail as part of the view loss assessment.

A view loss assessment against the Tenacity test is provided below.

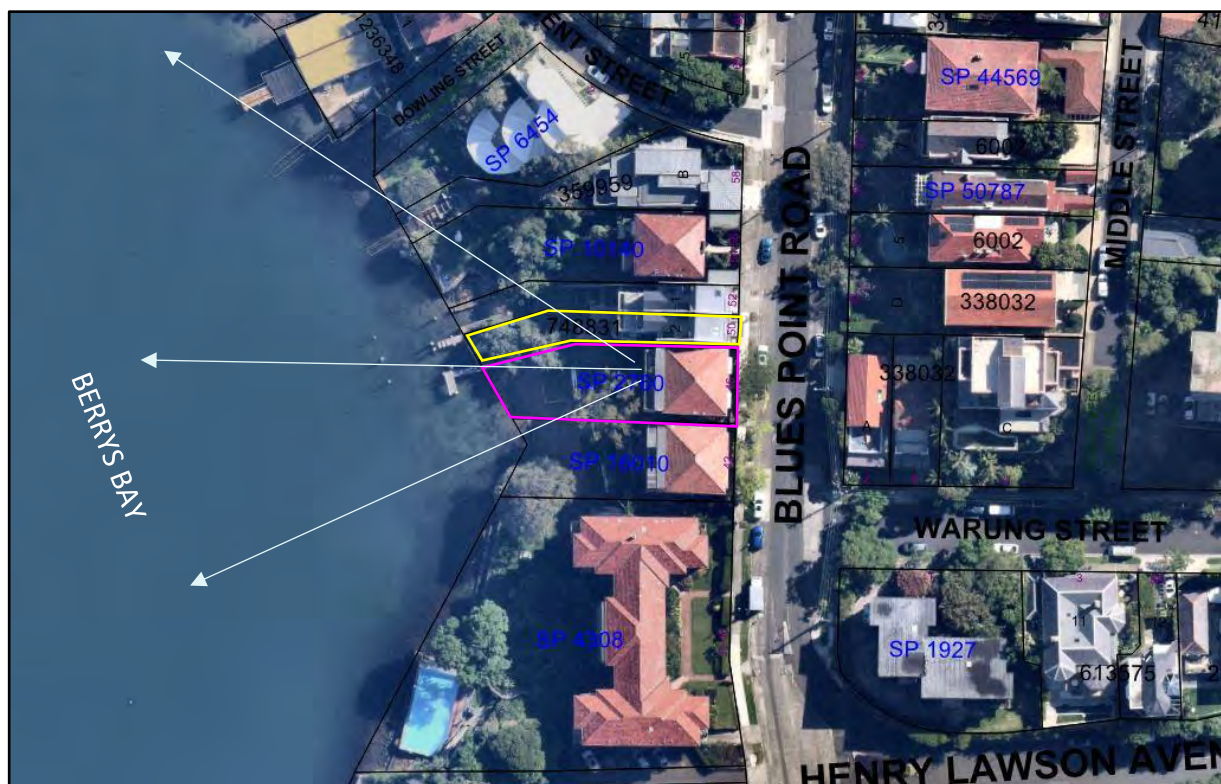


Figure 30: Aerial map showing No. 50 Blues Point Road (subject site – outlined in yellow) and No. 46 Blues Point Road (outlined in pink) and views from this neighbouring residential flat building (shown in white arrows).

View loss assessment

The Tenacity test requires an assessment of view loss to be undertaken in the following four (4) steps:

Step 1: assessment of views to be affected. Water views are valued more highly than land views. Iconic views (for example, of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views. For example, a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

Step 2: consider from what part of the property the views are obtained. For example, the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

Step 3: assess the extent of impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

Step 4: assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design

could provide the Applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

The following is a view loss assessment against the Tenacity test.



Figure 31: Existing (western) view of Berrys Bay from living room and rear balcony of Unit 2/46 Blues Point Road. This view is generally reflective of the current western views enjoyed by other units in this building and will not be affected by the proposal.



Figure 32: Existing (north-western) view of Berrys Bay and building on subject site from Unit 2/46 Blues Point Road. Proposed development shaded in green. The existing screens to be removed are shaded in blue.



Figure 33: Existing (north-western) view of Berrys Bay and building on subject site – from Unit 3/46 Blues Point Road. Proposed development shaded in green. The existing screens to be removed are shaded in blue.



Figure 34: Existing (north-western) view of Berrys Bay and building on subject site – from Unit 4/46 Blues Point Road. Proposed development shaded in green. The existing screens to be removed are shaded in blue.

Views from living areas and rear balconies of residential units within No. 46 Blues Point Road

Step 1: limited waterfront and horizon-skyline views over side boundary will be affected. None of the existing and expansive primary views to the west – of Berrys Bay and beyond are unaffected.

Step 2: views over the side boundary of subject site and generally reliant upon retention of existing built form.

Step 3: minor impacts.

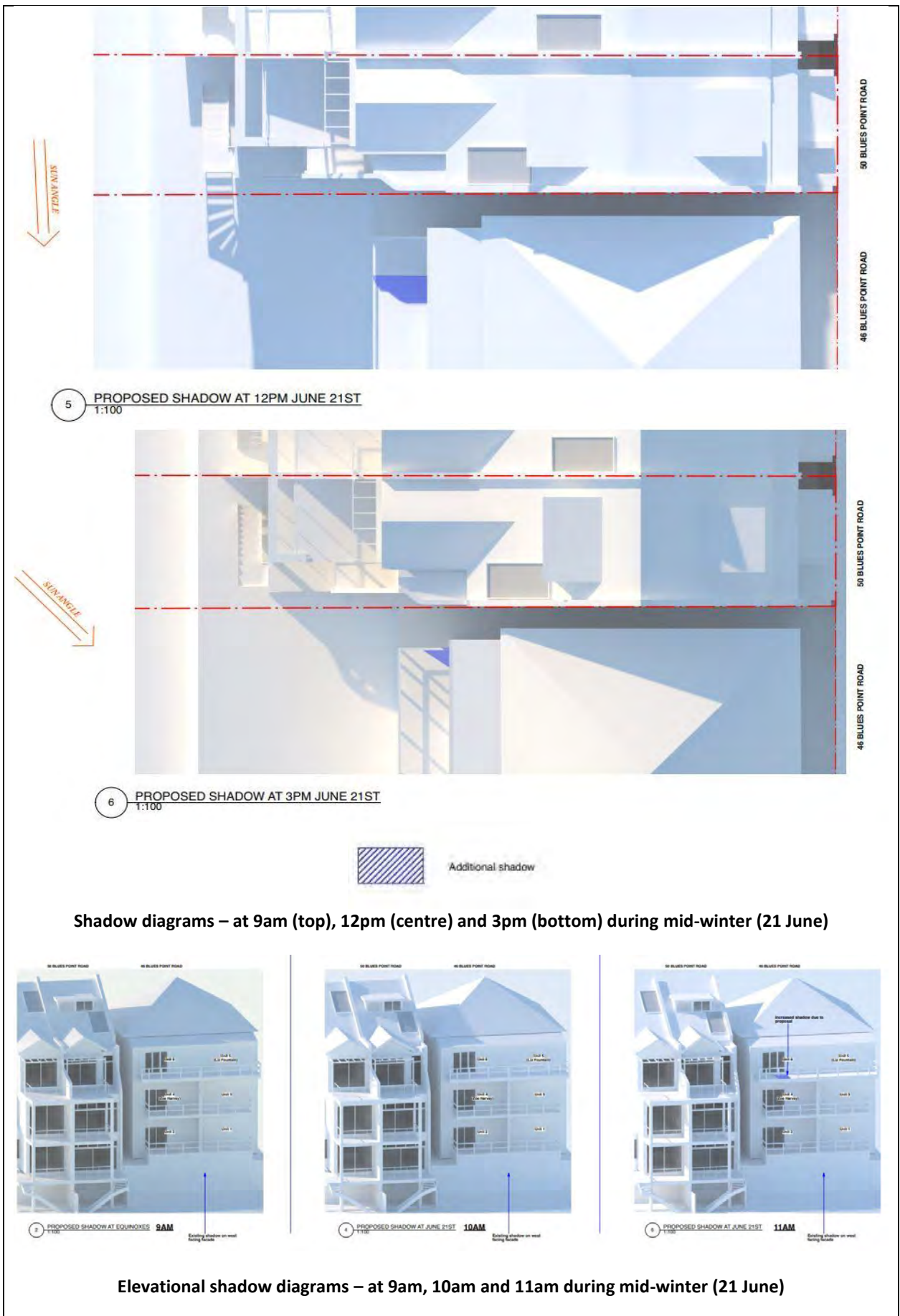
Step 4: reasonable impacts – proposal is generally contained within built-up areas/building within site. Any protrusion beyond the current building footprint will not affect views.

Assessment: any view loss impacts are considered minor, acceptable and reasonable given the above considerations.

Solar access	Yes	<p><i>Future occupants</i></p> <p>The proposed development has been designed to facilitate sufficient solar access (of 3 hours during mid-winter) to internal living rooms and private open spaces, having regard to the east-west orientation and aspect of the site. The proposal</p>
	Yes	<p><i>Neighbouring properties</i></p> <p>The proposed development is contained within a site that has a south-north orientation. The proposed northward (rearward) extension will not result in any substantial overshadowing impacts on adjoining properties – particularly given the impacted area relates to west-orientated balconies (of residential units), the extent of the in-fill development associated, and the context of the site and adjoining properties.</p>

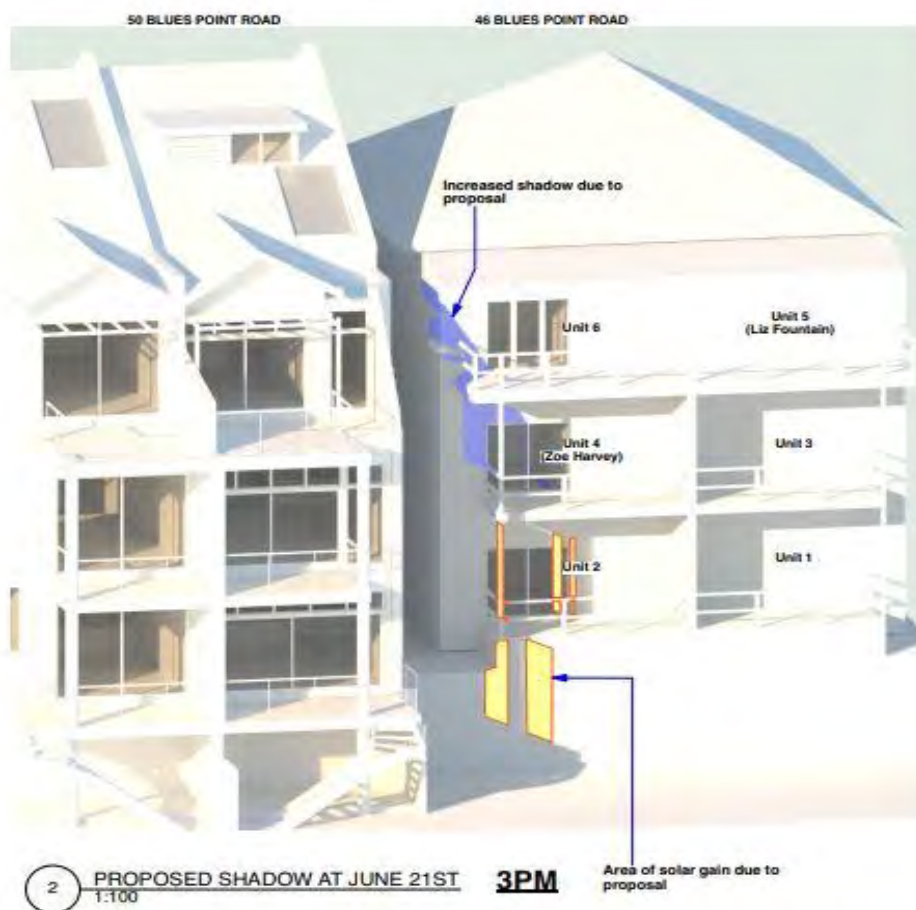


4 PROPOSED SHADOW AT 9AM JUNE 21ST
 1:100





Elevational shadow diagrams – at 12pm, 1pm and 2pm during mid-winter (21 June)



Elevational shadow diagrams – at 3pm during mid-winter (21 June)



Overshadowing impacts

There is additional overshadowing created by the proposal as follows:

- At 11am-3pm, mid-winter for a portion of the balcony of Unit 6/46 Blues Point Road. At least 50% of this balcony will receive direct solar access from 12pm-3pm during mid-winter. Impacts are considered reasonable and demonstrate compliance with DCP controls.

- At 11am-3pm, mid-winter for the living room of Unit 6/46 Blues Point Road. From 1pm-3pm, most of the primary windows of this living room will receive direct solar access during mid-winter. Impacts are considered reasonable and demonstrate compliance with DCP controls.
- At 1pm-3pm, mid-winter for a portion of the balcony of Unit 4/46 Blues Point Road. At least 20% of this balcony will receive direct solar access from 1pm-3pm during mid-winter. Impacts are considered reasonable and demonstrate compliance with DCP controls.
- At 1pm-3pm, mid-winter for the living room of Unit 4/46 Blues Point Road. From 2-3pm, the living room window will receive some direct solar access during mid-winter. At the equinoxes, this window will receive at least three (3) hours of solar access. Impacts are considered reasonable and acceptable.

It is noted that due to the removal of the existing privacy screens within the southern elevation of the building, some additional solar access will occur during mid-winter for some of Unit 2 and in the rear courtyard of No. 46 Blues Point Road. On balance, solar access will be maintained if not enhanced by the proposal. Given the above considerations, the proposed development will generate an acceptable and reasonable level of impacts in terms of overshadowing.

Acoustic privacy	Yes	The proposed development will have reasonable impacts in terms of acoustic privacy. Whilst there are rear-facing balconies proposed, both are centrally located, have generous minimum setbacks of 11m and 1.5m from rear and side boundaries, respectively, and are well recessed to ensure any acoustic privacy impacts will not be significant.
Visual privacy	Yes	<i>Future occupants and neighbouring properties</i> The proposed development incorporates a blank wall along the southern façade that minimises overlooking between neighbours. The removal of the existing privacy screens will result in some overlooking – however, open form balconies and elevated spaces are commonly occurring in the vicinity. These spaces are generally exposed and visible from the waterfront and between neighbouring properties.

1.4 Quality built form

Context	Yes	<p>The design, aesthetic, presentation and built form of the proposed additions and alterations to the semi-detached dwelling are appropriate and in context with the surrounding area and immediate streetscape. The additional mazing is considered to achieve a relatively proportionate development for the site that is adequately balanced, as demonstrated by the proposal's compliance with applicable site coverage and landscaped area requirements under the DCP.</p> <p>The front façade and presentation of the semi-detached dwelling and neutral item are mostly unchanged except for the new front dormer; which replaces two (2) skylights in the eastern roof plane. A condition will be imposed to delete this element.</p> <p>The rest of the proposed development is situated to the rear and southern portion of the site – not visible from Blues Point Road.</p> <p>It is noted that the majority of the proposal will be visible from the foreshore area and public domain</p>
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		at the waterfront (Berrys Bay). Notwithstanding this, the presentation and built form visible from the waterfront are considered acceptable and supportable. The slight extension is in-filling a modified portion of the site, separated and setback from the foreshore area and maintains the existing form's semi-detached residence with 4-storey appearance. The rear dormer will not be highly visible as it will be hidden from view by the existing roof and lower levels.
Subdivision pattern	N/A	The proposed development does not involve subdivision or land consolidation.
Streetscape	N/A	The proposed development involves no changes to kerb and gutter at Blues Point Road.
Siting	Yes	The proposed development will retain the same front, rear and side setbacks of the existing semi-detached dwelling – ensuring consistency and alignment with the general siting of residential development in the vicinity and on the western side of Blues Point Road.
Setback – front	Yes	The proposed development will retain the same front setback of the existing semi-detached dwelling – ensuring consistency and alignment with the front building lines and façades and of adjoining dwellings and surrounding dwellings on the western side of Blues Point Road.
Setback – side	Yes	A nil (0m) side setback is proposed for the in-filling of the south-western portion. This maintains the existing dwelling's nil setback to this side. This setback demonstrates compliance with the minimum side setback controls and are in-context with the immediate area and the side setbacks of current residences. Thus, the proposed side setback is considered acceptable and supportable.
Setbacks – rear	Yes	The proposed rear setback of the extension features the same rear setback as the existing dwelling.
Form, massing and scale	Yes	The proposed form, density and scale of the proposed development are comparable to surrounding properties and will therefore, not detract from the prevailing architectural language and streetscape character of the vicinity.
Built form character	Yes	As mentioned above, the proposed development will have massing, scale and design that are in keeping with the surrounding area. The proposal is not considered excessive and does not reflect an overdevelopment of the subject site.
Dwelling Entry	Yes	The new entry door is considered retains a similar aesthetic as the existing door and is considered acceptable.
Roofs	No – condition to delete front dormer	Existing roof is generally retained in form and presentation except for the portions replaced by dormers. The front dormer is to be deleted via conditions.
Dormer O1 To ensure that the location, design, pitch and scale of any dormer is	No – condition to delete front dormer	The proposed rear dormer is acceptable. The front dormer is to be deleted via conditions.

<p>appropriate to the building and roof form to which it is attached, is in character with the area and does not result in any negative impacts on the amenity of adjoining properties.</p>		
<p>Materials</p>	<p>Yes</p>	<p>The existing semi-detached dwelling features a combination of rendered white/off white masonry/concrete walls, skylights, black/dark coloured roofing and metal framed openings/fenestrations and balustrades, and a metal double garage door – generally reflecting a traditional terrace house style that has been progressively altered and revised over time. The proposed development retains the materiality and finishes that match these existing treatments. dwelling. The proposed materials and colouration are acceptable and compatible with the streetscape character of the locality and are reflective of the design and expression of the existing dwelling house.</p>

1.5 Quality urban environment

<p>Vehicle Access and Parking (Inclusive of considerations required under Part B Section 10 <i>Car Parking and Transport</i> of NSDCP 2013)</p>	<p>Yes</p>	<p>Existing vehicular access and parking are unchanged.</p>												
<p>Site Coverage</p> <p>Site area: 281.6m²</p> <p>Site coverage requirements for detached, attached or semi-detached dwellings:</p> <table border="1" data-bbox="204 1256 600 1487"> <thead> <tr> <th>Lot Size (m²)</th> <th>Site Coverage (max.)</th> </tr> </thead> <tbody> <tr> <td>0-229</td> <td>60%</td> </tr> <tr> <td>230-499</td> <td>50%</td> </tr> <tr> <td>500-749</td> <td>40%</td> </tr> <tr> <td>750-999</td> <td>35%</td> </tr> <tr> <td>1000+</td> <td>30%</td> </tr> </tbody> </table>	Lot Size (m ²)	Site Coverage (max.)	0-229	60%	230-499	50%	500-749	40%	750-999	35%	1000+	30%	<p>Yes</p>	<p>The maximum site coverage allowed for the site is 50% (140.8m²). The proposed development results in a site coverage of 32.8% (92.4m²). The proposal complies with this control.</p>
Lot Size (m ²)	Site Coverage (max.)													
0-229	60%													
230-499	50%													
500-749	40%													
750-999	35%													
1000+	30%													



Compliance diagram – site coverage, landscaped area and un-built upon area

<p>Landscape Area</p> <p>Site area: 281.6m²</p> <p>Landscape area requirements for detached, attached and semi-detached dwellings:</p> <table border="1" data-bbox="209 465 600 703"> <thead> <tr> <th>Lot Size (m²)</th> <th>Landscaped area (min.)</th> </tr> </thead> <tbody> <tr> <td>0-229</td> <td>20%</td> </tr> <tr> <td>230-499</td> <td>30%</td> </tr> <tr> <td>500-749</td> <td>40%</td> </tr> <tr> <td>750-999</td> <td>45%</td> </tr> <tr> <td>1000+</td> <td>50%</td> </tr> </tbody> </table>	Lot Size (m ²)	Landscaped area (min.)	0-229	20%	230-499	30%	500-749	40%	750-999	45%	1000+	50%	<p>Yes</p>	<p>The minimum landscaped area requirement for the site is 30% (84.48m²). The proposed development involves a landscaped area covering 41% (115.4m²) of the site. The proposal complies with this control.</p>
Lot Size (m ²)	Landscaped area (min.)													
0-229	20%													
230-499	30%													
500-749	40%													
750-999	45%													
1000+	50%													
<p>Un-built upon area</p> <p>Site area: 281.6m²</p> <p>Un-built upon area requirements for detached, attached and semi-detached dwellings:</p> <table border="1" data-bbox="209 934 600 1171"> <thead> <tr> <th>Lot Size (m²)</th> <th>Un-built upon area (max.)</th> </tr> </thead> <tbody> <tr> <td>0-229</td> <td>20%</td> </tr> <tr> <td>230-499</td> <td>20%</td> </tr> <tr> <td>500-749</td> <td>20%</td> </tr> <tr> <td>750-999</td> <td>25%</td> </tr> <tr> <td>1000+</td> <td>20%</td> </tr> </tbody> </table>	Lot Size (m ²)	Un-built upon area (max.)	0-229	20%	230-499	20%	500-749	20%	750-999	25%	1000+	20%	<p>No – demonstrates merit</p>	<p>A maximum un-built upon area of 20% (56.32m²) of the site area is allowed. The total un-built upon area proposed is 26% (73.6m²) of the site area. The proposed development fails to comply with this requirement; however, it is noted that the proposal will reduce the extent of the existing un-built upon area. The proposed variation demonstrates merit and improves upon the existing development. Thus, the variation can be considered a reasonable and acceptable outcome.</p>
Lot Size (m ²)	Un-built upon area (max.)													
0-229	20%													
230-499	20%													
500-749	20%													
750-999	25%													
1000+	20%													
<p>Excavation</p>	<p>Yes</p>	<p>Minimal works – for footings of the wall and extension.</p>												
<p>Landscaping</p>	<p>Yes</p>	<p>Unchanged from existing.</p>												
<p>Private and Communal Open Space</p>	<p>Yes</p>	<p>Unchanged from existing.</p>												
<p>1.6 Efficient Use of Resources</p>														
<p>Energy Efficiency</p>	<p>Yes</p>	<p>A valid BASIX Certification has been submitted as part of the development application documentation.</p>												
<p>Passive Solar Design</p>	<p>Yes</p>	<p>See BASIX Certificate.</p>												
<p>Natural Ventilation</p>	<p>Yes</p>	<p>See BASIX Certificate.</p>												
<p>Hot Water Systems</p>	<p>Yes</p>	<p>See BASIX Certificate.</p>												
<p>Water Conservation</p>	<p>Yes</p>	<p>See BASIX Certificate.</p>												
<p>Stormwater Management</p>	<p>Yes</p>	<p>Development Engineer’s comments confirmed acceptance of the design.</p>												
<p>Waste Management and Minimisation</p>	<p>Yes</p>	<p>Waste management plan provided.</p>												
<p>Green Roofs</p>	<p>N/A</p>	<p>No green roofs proposed.</p>												
<p>Wind Turbines</p>	<p>N/A</p>	<p>No wind turbines proposed. Does not trigger requirement to provide these.</p>												

Part B, Section 13: Heritage and Conservation

The following table assesses the proposed development with respect to the relevant objectives and controls under Part B, Section 13 of the NSDCP 2013.

Part B, Section 13: Heritage and Conservation		
Objectives/Controls	Complies	Comments
<p>13.6.1 General objectives</p> <p>O1 Ensure that new development is designed to retain and complement the character and significance of the conservation area (refer to Part C of this DCP for a description of the significance of the heritage conservation area).</p> <p>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.</p>	Yes	<p>The proposed development is generally consistent with the objectives and provisions for works to neutral items within heritage conservation areas. The proposed development has been sympathetically and sensitively designed with regard to the site being within a conservation area such that the neutral item status of the premises will be preserved.</p>
<p>13.6.2 Form, massing and scale</p> <p>P1 Development should reflect the bulk, mass, scale, orientation, curtilage and setbacks of surrounding heritage and contributory items.</p> <p>P2 Development should recognise and complement the predominant architectural scale and form of the area.</p> <p>P3 Do not obstruct existing views in the public domain, including slot views over and between buildings as these provide connection and contribute to the context of the area's location.</p> <p>P5 Achieve a neutral outcome to neutral items or improved outcome to neutral items which were constructed in the core period of development.</p> <p>P7 Respond to characteristic building alignments by not building forward of the established or characteristic front setback.</p> <p>P8 Repeat any consistent pattern of side and rear setbacks.</p> <p>P9 New work may adopt a contemporary character.</p>	Yes	<p>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. Except for the front dormer, the aesthetic and presentation of the proposal are considered sympathetic and responsive to and in context with the conservation area.</p>

<p>13.6.3 Roofs</p> <p>P1 Roof form, pitch and materials are to be compatible with heritage and contributory items in the conservation area, as identified in the relevant character area statement (refer to Part C of the DCP).</p>	<p>No – condition to delete front dormer</p>	<p>Existing roof is generally retained in form and presentation except for the portions replaced by dormers. The front dormer is to be deleted via conditions.</p>
<p>13.6.4 Additional storeys and levels</p> <p>O1 To ensure that the streetscape and context of the heritage conservation area are respected.</p>	<p>Yes</p>	<p>The proposed development retains the existing 4-storey form of the semi-detached residence. No additional storeys are proposed.</p>
<p>13.8 Demolition</p> <p>Demolition of neutral items</p> <p>P5 Neutral items should not be demolished and demolition will generally not be supported by Council.</p> <p>P6 Despite P5 above, Council may consider the demolition of a neutral item, but only where the applicant can demonstrate:</p> <p>(a) the existing building is not capable of adaptation or modification in a way that will reasonably meet contemporary amenity and living standards while also improving the appearance and contribution of the building to the area’s character.</p> <p>(b) that any replacement building improves the contribution of the site to the area’s character in terms of form, setbacks, bulk, scale, materials and style.</p> <p>(c) that sustainability outcomes of the proposed replacement development reasonably justify the change.</p> <p>(d) that all reasonable alternatives to demolition have been considered.</p>	<p>Yes</p>	<p>The proposed development only involves a partial demolition of the semi-detached dwelling. Majority of the built form is retained and areas are proposed to be in-filled.</p>
<p>13.9.2 Dormer windows 13.9.3 Verandahs and balconies 13.9.6 Fences</p>	<p>Yes</p>	<p>The rear dormer is accepted. The front dormer is to be deleted via conditions.</p>
<p>13.9.4 Materials, colours and finishes</p>	<p>Yes</p>	<p>The proposed materiality, colouration and finishes of the proposed development are acceptable. In relation</p>

<p>P8 Ensure materials, finishes and colours are compatible with the characteristic built elements of the heritage conservation area as described in the relevant Area Character Statement (refer to Part C of the DCP).</p>		<p>to these, no objections were raised by Council's Conservation Planner.</p>
<p>13.9.5 Garages and carports</p> <p>O1 To ensure that vehicular accommodation does not detrimentally impact upon the significance of the heritage item or heritage conservation area.</p> <p>O2 To ensure that off-street car parking does not dominate the streetscape.</p>	<p>N/A</p>	<p>The existing garage remains unchanged.</p>
<p>19.9.7 Gardens</p> <p>O1 To ensure that significant landscape features and trees are retained and reflected in new development.</p>	<p>N/A</p>	<p>The existing landscaped areas are unchanged.</p>
<p>13.10.3 Larger scale single dwellings</p> <p>O1 Maintain the scale, form and integrity of the original or main building.</p> <p>O2 Retain original significant details.</p> <p>O3 Retain original outbuildings.</p>	<p>Yes</p>	<p>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.</p>

Part C: Character Statements

Section 9 – Lavender Bay Planning Area

Section 9.8 – McMahons Point South Conservation Area

The proposed development aligns with the desired future character and built form of the McMahons Point South Conservation Area. As such, the relevant provisions under Section 9.8 are considered to be satisfied by the proposed development.

LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN

The subject application has been assessed against the North Sydney Local Infrastructure Contribution Plan 2020 and is subject to the payment of contributions towards the provision of local infrastructure. A Section 7.11 levy is not applicable as the proposed development does not result in an intensification of the current residential use.

A Section 7.12 levy is applicable and has been calculated in accordance with the plan. The contribution payment has been calculated as follows:

Contribution amounts payable

Applicable contribution type		
s7.12 contribution details	Development cost:	\$1,350,204.00
<i>(payment amount subject to indexing at time of payment)</i>	Contribution:	\$13,502.04

ALL LIKELY IMPACTS OF THE DEVELOPMENT

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

ENVIRONMENTAL APPRAISAL

CONSIDERED

1.	Statutory Controls	Yes
2.	Policy Controls	Yes
3.	Design in relation to existing building and natural environment	Yes
4.	Landscaping/Open Space Provision	Yes
5.	Traffic generation and Carparking provision	Yes
6.	Loading and Servicing facilities	Yes
7.	Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.)	Yes
8.	Site Management Issues	Yes
9.	All relevant S4.15 considerations of Environmental Planning and Assessment (Amendment) Act 1979	Yes

SUBMITTERS CONCERNS

The application was notified to adjoining properties and the Lavender Bay Precinct Committee. Council received a total of seven (7) submissions where the following matters were raised:

- Amenity and privacy impacts
- Confidentiality – remove name from submission.
- Construction impacts – noise and disturbance.
- Heritage.
- Materials and colours, presentation and aesthetics.
- Overshadowing.
- Property values.

- Setbacks and visual prominence.
- View loss impacts.

Council's responses to the above matters and issues are provided below.

- Amenity and privacy impacts

Response: The Assessment section above provides adequate discussion on the proposed development in terms of amenity and privacy impacts.

- Confidentiality

Response: The lodgement of electronic submissions is handled and recorded in accordance with relevant Council policies.

- Construction impacts

Response: Any construction impacts including those relating to noise, disturbance and encroachment, can be appropriately mitigated and managed through the imposition of conditions that must be satisfied during works.

- Heritage

Response: An assessment on heritage is provided above. The proposed development (except for the front dormer) is considered acceptable on heritage grounds and demonstrates compliance with the relevant heritage provisions and controls under Council policy.

- Materials and colours, presentation and aesthetics

Response: The Assessment section above provides adequate discussion on the proposed development in terms of built form, materials/colours, presentation and aesthetics. The proposed dark render colouration is not uncommon in the vicinity and does occur in residential properties within the conservation area. This colour and material may be considered acceptable in the context of the site and its setting.

- Property values

Response: Property value impacts are not matters for consideration under the provisions in NSW Planning legislation.

- Setbacks and visual prominence.

Response: The proposed in-fill of the first floor comprises a nil setback to the southern (side) boundary that will introduce additional massing at this level. This nil setback retains the current setback of the entire dwelling. The proposed in-fill of the ground and lower ground floors features a 560-623mm side setback that will also introduce some additional massing at these levels. Despite the limited setbacks provide, the majority of proposal is within the building footprint and the removal of existing screens along the southern side will assist in reducing the overall scheme's visual prominence.

It is noted that the proposed in-fill may result in the loss of existing ivy (*Hedera helix*) vegetation on structure (current wall) (refer to Figure 35). This, in-combination with the additional 3-storey wall forming part of the proposal will result in a more prominent built form than the existing. To add visual interest and to soften the proposal and minimise its visual prominence, a condition will be imposed to preserve the existing wall vegetation and to reinforce this vegetation by establishing new plantings for the new wall.



Figure 35: Existing wall vegetation along southern elevation of dwelling – viewed from side setback of No. 46 Blues Point Road

On balance and with the imposition of conditions, the bulk and scale of the development is considered reasonable and acceptable – as reflected in the Assessment section.

- Overshadowing impacts

Response: The Assessment section above provides a detailed discussion on the proposed development in terms of overshadowing.

- View loss impacts

Response: The Assessment section above provides a detailed view loss analysis.

PUBLIC INTEREST

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

SUITABILITY OF THE SITE

The proposed development is located in the R3 – Medium Density Residential zone where development for the purpose of alterations and additions to a *semi-detached dwelling* is a permissible form of development, with consent from Council. 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 general found to be satisfactory.

The application proposes alterations and additions to a semi-detached dwelling, which are permissible forms of development in the R3 – Medium Density Residential zone.

With regard to the potential impacts upon the amenity of adjoining properties and the unique context of the site, subject to conditions, the development application is considered to be satisfactory and is recommended for approval.

Council's notification of the original plans has attracted a total of seven (7) submissions from five (5) individual addresses, raising concerns regarding setbacks, visual bulk and scale, materiality and colouration, amenity, impacts associated with view loss, amenity and solar access, and noise and disturbance arising from construction works.

There remains one issue of contention and that is the deletion by condition of the front dormer. The views of the Heritage Planner are concurred with in this regard.

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

HOW WERE THE COMMUNITY VIEWS TAKEN INTO CONSIDERATION?

The subject application was notified to adjoining properties and the Lavender Bay Precinct Committee for fourteen (14) days where a number of issues were raised that have been addressed in this report where appropriate conditions of consent have been recommended to maintain the amenity of adjoining properties and the character of the streetscape and McMahons Point South Conservation Area (CA14).

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 – Maximum Height of Buildings and grant consent to Development Application No. DA296/22 for alterations and additions to an existing semi-detached dwelling on land at No. 50 Blues Point Road, McMahons Point (Lot 2 in DP 748831) subject to the following site specific and attached standard conditions:

Design Changes – Heritage and Wall Vegetation

C1. The following design changes must be incorporated into all documentation (including final plans/drawings) that are to be submitted as part of any application for a construction certificate:

- The front dormer in the attic level and any associated annotations and references to this element, must be deleted from all plans/drawings and construction certificate documentation.
- The existing wall vegetation along the southern elevation must be retained/preserved and protected. New wall vegetation is to be continued and established along the southern elevation of the new wall to improve its presentation when viewed from neighbouring properties.

(Reason: To improve the design response of the approved development to the streetscape setting and character of the conservation area and to soften and minimise visual bulk of the southern wall)

MIGUEL RIVERA
A/TEAM LEADER (ASSESSMENTS)

STEPHEN BEATTIE
MANAGER DEVELOPMENT SERVICES

NORTH SYDNEY COUNCIL
CONDITIONS OF DEVELOPMENT APPROVAL
50 BLUES POINT ROAD, MCMAHONS POINT
DEVELOPMENT APPLICATION NO. 296/22

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.	Revision	Description	Prepared by	Dated
A01-01	C	Site Analysis / Site Plan	UTZ Sanby Architects	16 Feb 2023
A01-02	C	Floor Plans	UTZ Sanby Architects	16 Feb 2023
A01-03	C	Elevations	UTZ Sanby Architects	16 Feb 2023
A01-04	D	Sections	UTZ Sanby Architects	16 Feb 2023
A01-05	B	Elevations	UTZ Sanby Architects	16 Feb 2023

(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)

**50 BLUES POINT ROAD, MCMAHONS POINT
DEVELOPMENT APPLICATION NO. 296/22**

Page 2 of 21

External Finishes and Materials

- A4. External finishes and materials must be in accordance with the submitted and approved schedule referenced in Condition A1 and dated 10 November 2022, prepared by Smith & Tzannes 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)***Design Changes – Heritage and Wall Vegetation**

- C1. The following design changes must be incorporated into all documentation (including final plans/drawings) that are to be submitted as part of any application for a construction certificate:

- The front dormer in the attic level and any associated annotations and references to this element, must be deleted from all plans/drawings and construction certificate documentation.
- The existing wall vegetation along the southern elevation must be retained/preserved and protected. New wall vegetation is to be continued and established along the southern elevation of the new wall to improve its presentation when viewed from neighbouring properties.

(Reason: To improve the design response of the approved development to the streetscape setting and character of the conservation area and to soften and minimise visual bulk of the southern wall)

Dilapidation Report Damage to Public Infrastructure

- C2. 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.

**50 BLUES POINT ROAD, MCMAHONS POINT
DEVELOPMENT APPLICATION NO. 296/22**

Page 3 of 21

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)

- C3. 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/ies., prior to the commencement of construction)

**50 BLUES POINT ROAD, MCMAHONS POINT
DEVELOPMENT APPLICATION NO. 296/22**

Page 4 of 21

Dilapidation Survey Private Property (Neighbouring Buildings)

- C4. A photographic survey and dilapidation report of adjoining property at No. 52 Blues Point 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 is 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

- C5. A report prepared by an appropriately qualified and practising structural engineer detailing the structural adequacy of the adjoining property at No. 52 Blues Point 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)

**50 BLUES POINT ROAD, MCMAHONS POINT
DEVELOPMENT APPLICATION NO. 296/22**

Page 5 of 21

Structural Adequacy of Existing Building

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

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

Sediment Control

- C7. 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)

**50 BLUES POINT ROAD, MCMAHONS POINT
DEVELOPMENT APPLICATION NO. 296/22**

Page 6 of 21

Waste Management Plan

- C8. 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)

- C9. 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)

Stormwater Disposal

- C10. Stormwater runoff generated by the approved development must be conveyed by gravity to the existing site stormwater drainage disposal system. A licensed tradesman shall install plumbing components to achieve this requirement in accordance with the BCA and current plumbing standards and guidelines. 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 appropriate provision for disposal and stormwater management arising from the development)

**50 BLUES POINT ROAD, MCMAHONS POINT
DEVELOPMENT APPLICATION NO. 296/22**

Page 7 of 21

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

- C11. Prior to the issue of any Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of \$5,000.00 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)

**50 BLUES POINT ROAD, MCMAHONS POINT
DEVELOPMENT APPLICATION NO. 296/22**

Page 8 of 21

Section 7.12 Contributions

- C12. A monetary contribution pursuant to the provisions of Section 7.12 of the Environmental Planning and Assessment Act 1979 is to be paid to Council, in accordance with the North Sydney Council's Contribution Plan, to provide for local infrastructure improvements.

Based on the cost of development at the date of determination, the total contribution payable to Council is \$13,502.04.

The contribution MUST BE paid prior issue of any Construction Certificate.

The above amount will be adjusted for inflation by reference to the Consumer Price (All Ordinaries) Index applicable at the time of the payment of the contribution.

A copy of the North Sydney Local Infrastructure Contributions 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 retain a level of service for the existing population and to provide the same level of service to the population resulting from new development)

Security Deposit/Guarantee Schedule

- C13. 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 (\$)
Infrastructure Damage Bond	\$5,000.00
TOTAL BONDS	\$5,000.00

Note: The following fees applicable

Fees	
Section 7.12 Contributions	\$13,502.04
TOTAL FEES	\$13,502.04

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

(Reason: Compliance with the development consent)

**50 BLUES POINT ROAD, MCMAHONS POINT
DEVELOPMENT APPLICATION NO. 296/22**

Page 9 of 21

BASIX Certificate

C14. Under clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. (A463147_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)

D. *Prior to the Commencement of any Works (and continuing where indicated)***Public Liability Insurance - Works on Public Land**

D1. 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)

Asbestos Material Survey

D2. Prior to the commencement of any works, 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.

**50 BLUES POINT ROAD, MCMAHONS POINT
DEVELOPMENT APPLICATION NO. 296/22**

Page 10 of 21

- 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)

Commencement of Works' Notice

- D3. 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*

Parking Restrictions

- E1. 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

- E2. 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.

**50 BLUES POINT ROAD, MCMAHONS POINT
DEVELOPMENT APPLICATION NO. 296/22**

Page 11 of 21

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

(Reason: Public Safety)

Temporary Disposal of Stormwater Runoff

E3. 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)

Progress Survey

E4. In order to ensure compliance with approved plans, a Survey Certificate, to Australian Height Datum, must be prepared by a Registered Surveyor as follows:

- a) at the completion of the first structural floor level indicating the level of that floor and the relationship of the building to the boundaries;
- b) at the completed height of the building, prior to the placement of concrete formwork, or the laying of roofing materials; and
- c) at completion, the relationship of the building, and any projections thereto, to the boundaries.

Progress certifications in response to points (a) through (c) must be provided to the Certifying Authority for approval at the time of carrying out relevant progress inspections. In the event that such survey information is not provided or reveals discrepancies between the approved plans and the proposed works, all works, save for works necessary to bring the development into compliance with the approved plans, must cease. Works may only continue upon notification by the Certifying Authority to the Applicant that survey information (included updated survey information following the carrying out of works to comply with the approved plans) complies with this condition.

(Reason: To ensure compliance with approved plans)

**50 BLUES POINT ROAD, MCMAHONS POINT
DEVELOPMENT APPLICATION NO. 296/22**Page 12 of 21

Removal of Extra Fabric

- E5. 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

- E6. 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

- E7. 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)

Applicant's Cost of Work on Council Property

- E8. The Applicant must bear the cost of all works associated with the development that occurs on Council's property, including the restoration of damaged areas.

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

**50 BLUES POINT ROAD, MCMAHONS POINT
DEVELOPMENT APPLICATION NO. 296/22**

Page 13 of 21

Special Permits

- E9. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development must occur entirely on the property.

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

1) **On-street mobile plant**

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

(Reason: Proper management of public land)

2) **Hoardings**

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

(Reason: Proper management of public land)

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

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

(Reason: Proper management of public land)

**50 BLUES POINT ROAD, MCMAHONS POINT
DEVELOPMENT APPLICATION NO. 296/22**

Page 14 of 21

4) Kerbside restrictions, construction zones

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

(Reason: Proper management of public land)

Construction Hours

E10. Construction activities and works approved under this consent must be carried out only within the hours stipulated in the following table:

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

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

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

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

Installation and Maintenance of Sediment Control

E11. 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)

**50 BLUES POINT ROAD, MCMAHONS POINT
DEVELOPMENT APPLICATION NO. 296/22**

Page 15 of 21

Sediment and Erosion Control Signage

E12. 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)

Prohibition on Use of Pavements

E13. 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

E14. All plant and equipment used in the undertaking of the development/ works, including concrete pumps, wagons, lifts, mobile cranes, hoardings etc, must be situated within the boundaries of the site (unless a permit is obtained from Council beforehand) and so placed that all concrete slurry, water, debris and the like must be discharged onto the building site, and is to be contained within the site boundaries.

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

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

Imported Fill Material

E15. The only waste derived fill material that may be received at the development site is:

- a) Virgin excavated natural material (within the meaning of the Protection of the Environment Operations Act 1997); and
- b) Any other waste-derived material the subject of a resource recovery exemption under cl. 51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material.

**50 BLUES POINT ROAD, MCMAHONS POINT
DEVELOPMENT APPLICATION NO. 296/22**

Page 16 of 21

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

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

Waste Disposal

E16. 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

E17. 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:

**50 BLUES POINT ROAD, MCMAHONS POINT
DEVELOPMENT APPLICATION NO. 296/22**

Page 17 of 21

- 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)

**50 BLUES POINT ROAD, MCMAHONS POINT
DEVELOPMENT APPLICATION NO. 296/22**Page 18 of 21

Occupation Certificate

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

(Reason: Statutory)

Critical Stage Inspections

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

(Reason: Statutory)

Commencement of Works

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

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

Excavation/Demolition

- F8. 1) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- 2) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- 3) Demolition work must be undertaken in accordance with the provisions of AS2601- Demolition of Structures.

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

**50 BLUES POINT ROAD, MCMAHONS POINT
DEVELOPMENT APPLICATION NO. 296/22**

Page 19 of 21

Protection of Public Places

- F9. 1) A hoarding and site fencing must be erected between the work site and adjoining public place.
- 2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- 3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- 4) Any such hoarding, fence or awning is to be removed when the work has been completed.
- 5) No access across public reserves or parks is permitted.

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

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

Site Sign

- F10. 1) A sign must be erected in a prominent position on the site
- a) stating that unauthorised entry to the work site is prohibited;
- b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
- c) showing the name, address and telephone number of the Principal Certifying Authority for the work.
- 2) Any such sign must be maintained while to building work or demolition work is being carried out but must be removed when the work has been completed.

(Reason: Prescribed - Statutory)

**50 BLUES POINT ROAD, MCMAHONS POINT
DEVELOPMENT APPLICATION NO. 296/22**Page 20 of 21

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)

Damage to Adjoining Properties

- G3. 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)

**50 BLUES POINT ROAD, MCMAHONS POINT
DEVELOPMENT APPLICATION NO. 296/22**

Page 21 of 21

Utility Services

- G4. 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)

Asbestos Clearance Certificate

- G5. 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)

BASIX Completion Certificate

- G6. In accordance with Section 45 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, prior to issuing a final occupation certificate, the Principal Certifier must provide a BASIX completion receipt.

(Reason: To ensure compliance with the Regulations)

I. Ongoing/Operational Conditions

- I1. The owner of the premises at 50 Blues Point Road, McMahons Point, must maintain the landscaping approved by this consent

(Reason: To ensure adequate landscaping treatments, as approved by this consent, are established within the site and maintained in perpetuity)

BASIX

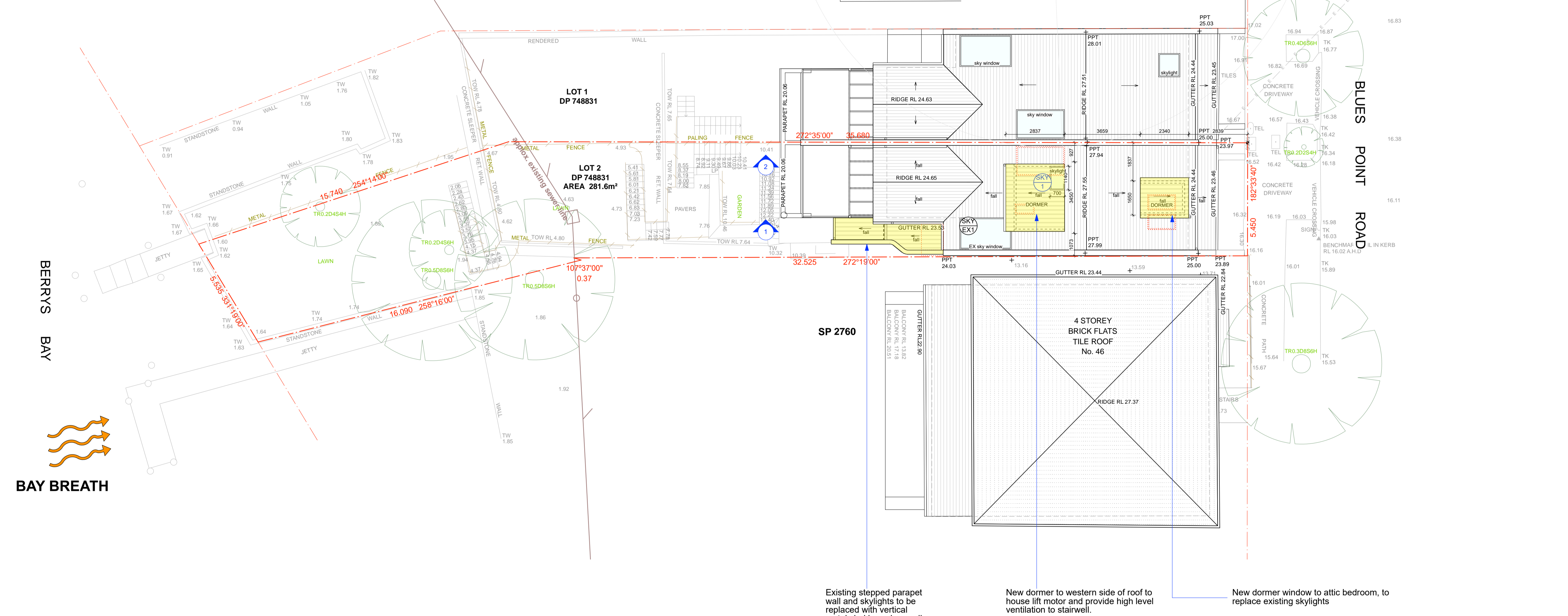
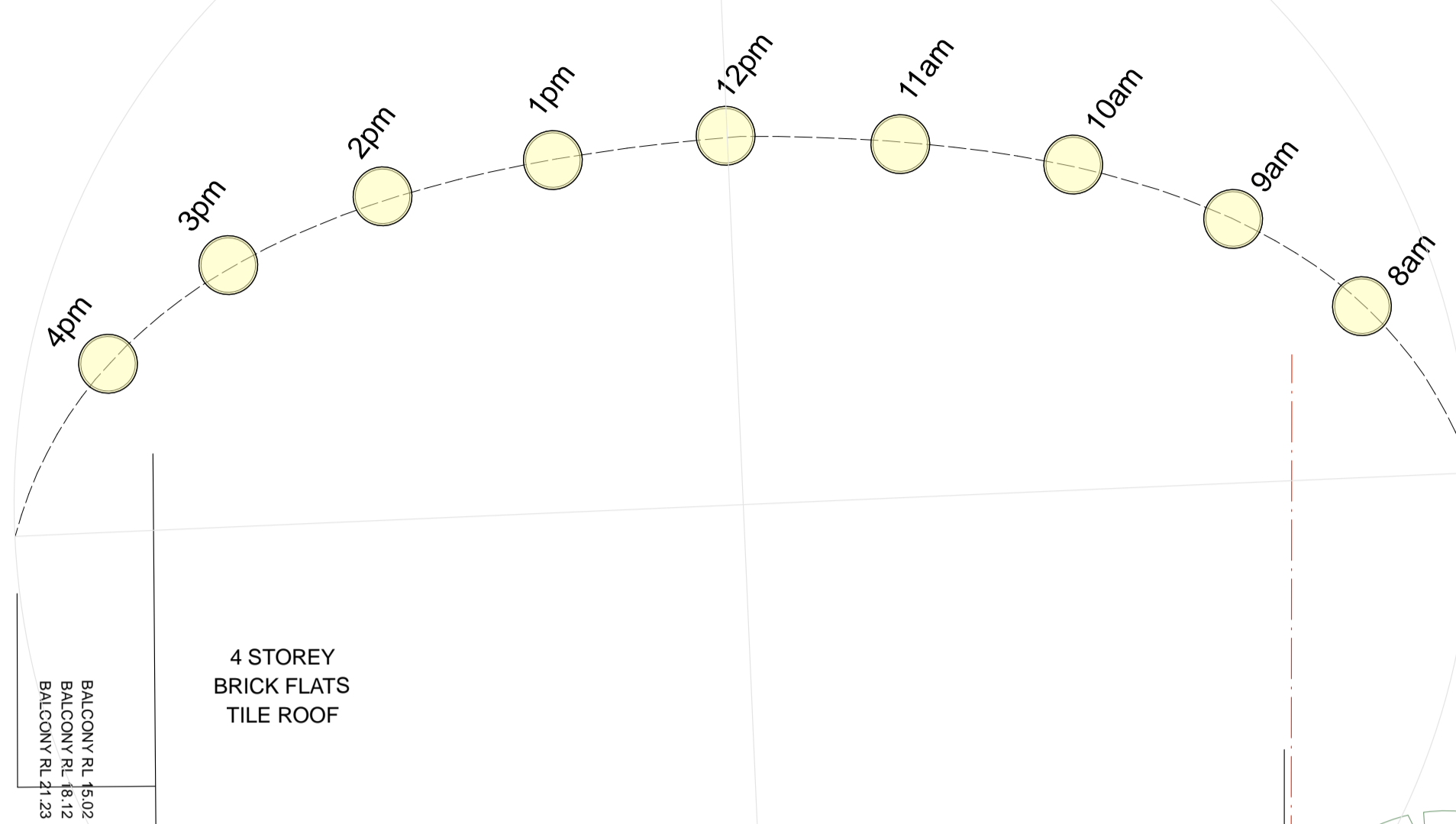
Lighting
The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.

Fixtures
The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating. The applicant must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating. The applicant must ensure new or altered taps have a flow rate no greater than 9 litres per minute or minimum 3 star water rating.

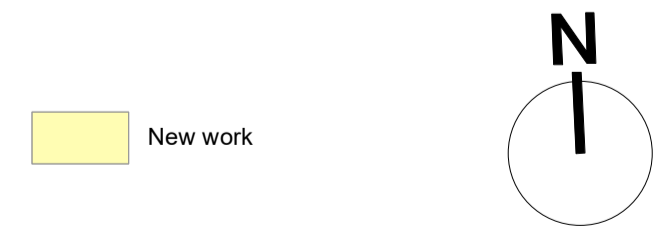
Insulation requirements
The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m2, b) insulation specified is not required for parts of altered construction where insulation already exists.

Windows and glazed doors
The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door.
For projections described in millimetres, the leading edge of each eave, pergola, verandah, balcony or awning must be no more than 500 mm above the head of the window or glazed door and no more than 2400 mm above the sill.
For projections described as a ratio, the ratio of the projection from the wall to the height above the window or glazed door sill must be at least that shown in the BASIX certificate.

Skylights
The applicant must install the skylights in accordance with the specifications listed in the BASIX certificate.



1 SITE ANALYSIS / SITE PLAN
1:100



Rev	Date	Note
C	16/2/23	Front dormer amended
B	13/2/23	Front dormer amended
A	19/9/22	Issued for DA

General Notes:

KS
KS
KS
By

Reason For Issue:

Copyright : This design and drawings are not to be used or reproduced wholly or in part without written permission of Utz-Sanby Architects. All dimensions are given in millimetres. All dimensions are to be checked on site by the Builder. Do not scale off the drawing.
Nominated Architect: Duncan Sanby Reg. No. 6227

SITE ANALYSIS / SITE PLAN

Alterations & Additions

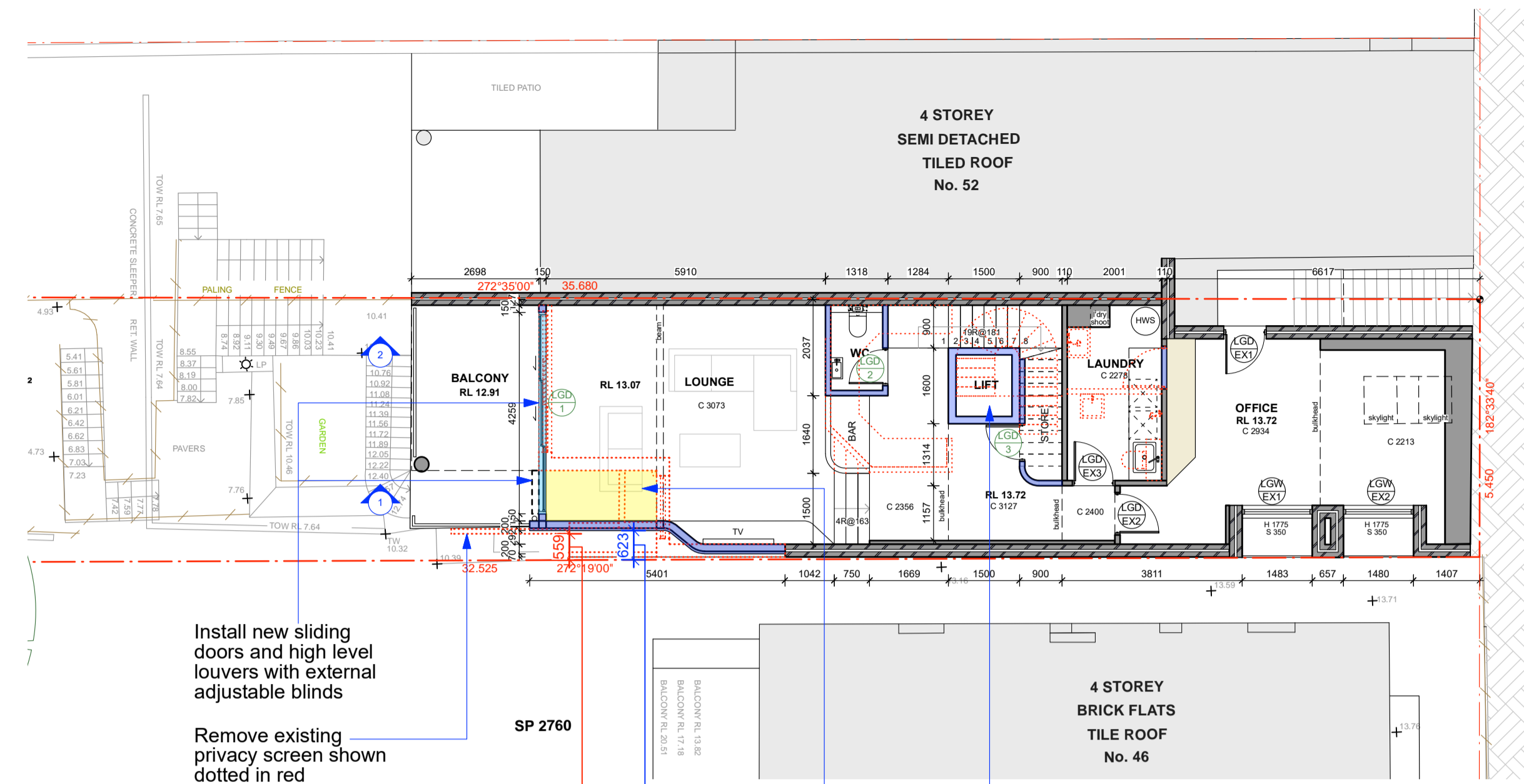
50 Blues Point Road, McMahon's Point NSW 2060

-North Sydney Council-

For Mr. Philip Redmond

Suite 103, 506 Miller St PO Box 224, Cammeray 2062 T 02 9904 2515 E architects@utzsanby.com www.utzsanby.com		
Project No. 2119	Drawing No. A01-01 DA	Rev No. C
SCALE 1:100RA1	Drawn By KS	Checked By KU





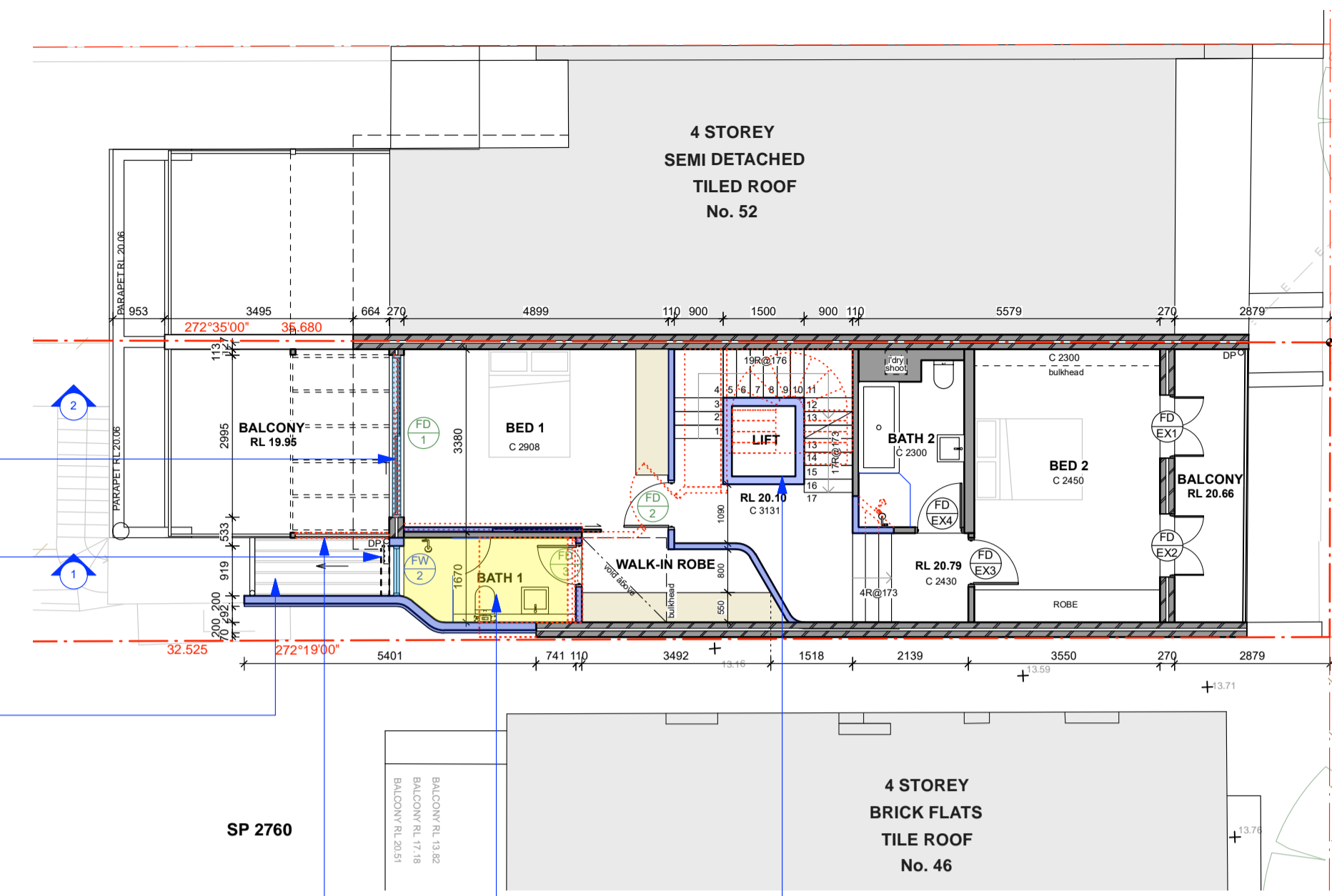
1 LOWER GROUND FLOOR PLAN
1:100

- Existing side setback from boundary to be maintained
- Extend existing floor, shaded yellow.
- Demolish existing wall and glazing shown dotted in red.
- Remove existing stair to install lift and new stairs

Install new sliding doors and high level louvers to existing opening

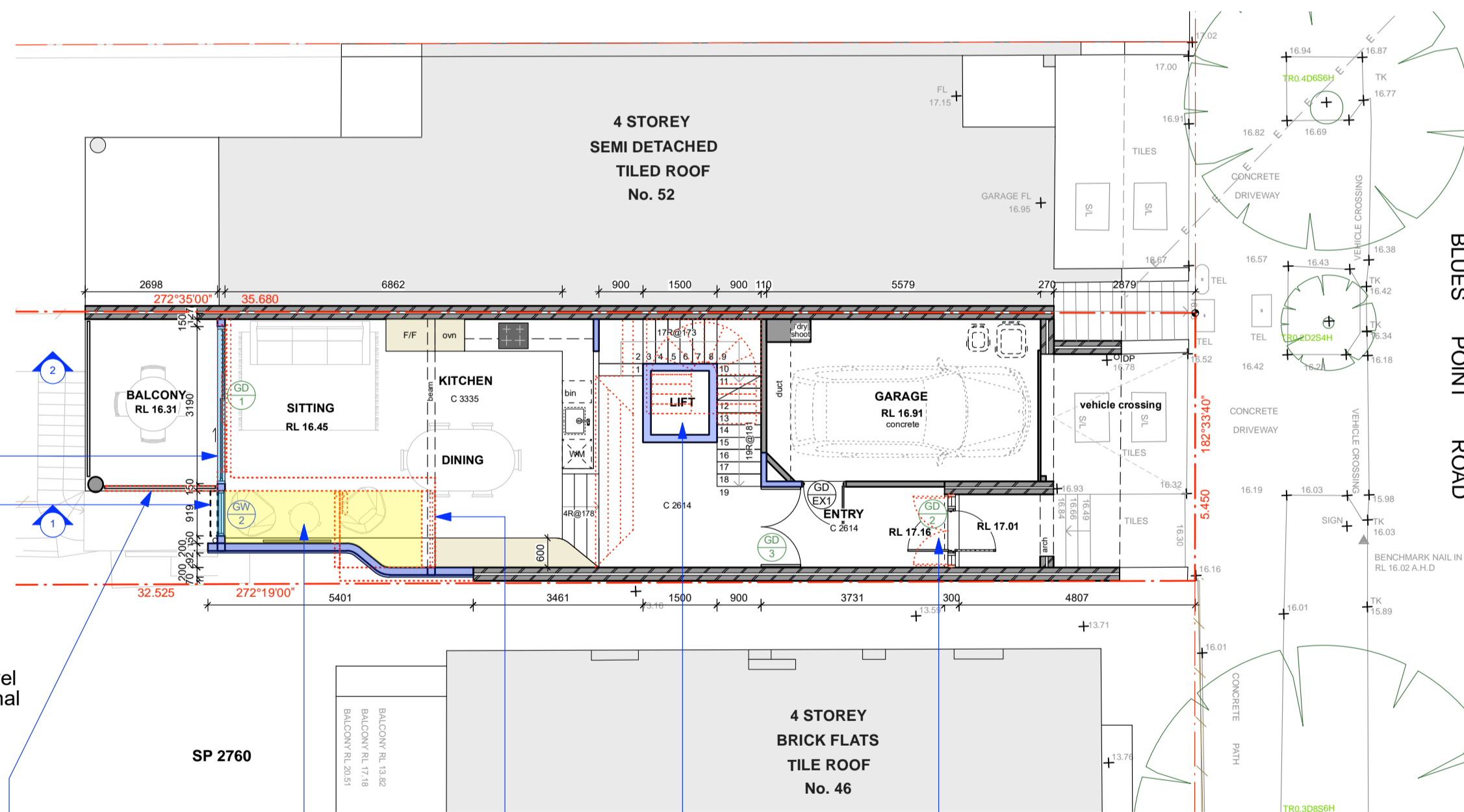
New fix window and high level louvre with external adjustable blinds

New sloping roof to replace existing glazing



3 FIRST FLOOR PLAN
1:100

- Remove existing privacy screen shown dotted in red
- New Ensuite
- Remove existing stair to install lift and new stairs



2 GROUND FLOOR PLAN
1:100

Install new sliding doors and high level louvers with external adjustable blinds

Remove existing privacy screen shown dotted in red

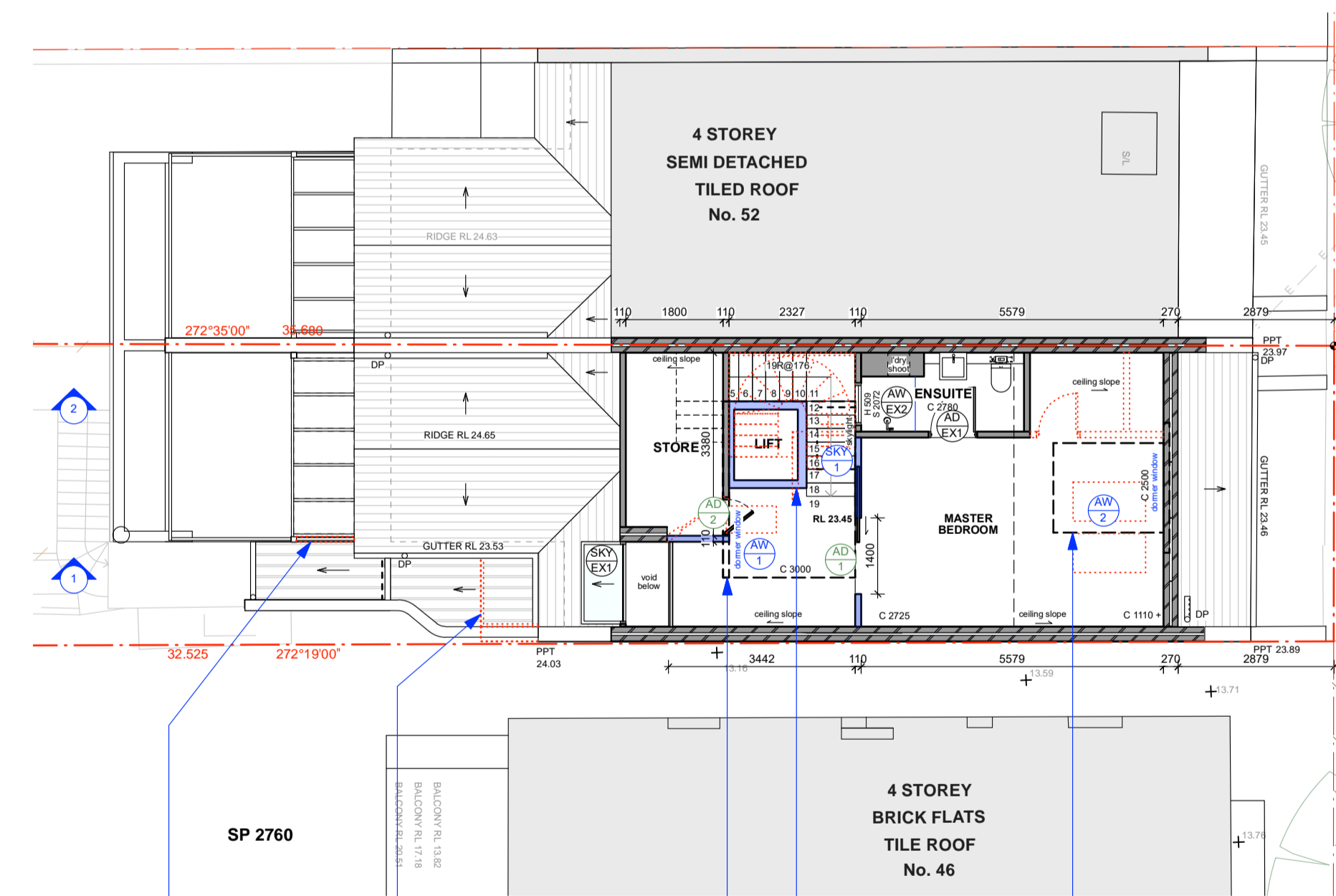
Extend existing floor, shaded yellow

Existing structure to be removed shown dotted in red

Remove existing stair to install lift and new stairs

New entry door to existing opening

BLUES POINT ROAD



4 ATTIC FLOOR PLAN
1:100

Remove existing privacy screen shown dotted in red

Existing structure to be removed shown dotted in red

New dormer over to facilitate natural ventilation and house lift overrun.

Remove existing stair to install lift and new stairs

Add dormer to replace existing skylights.

BASIX

Lighting
The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.

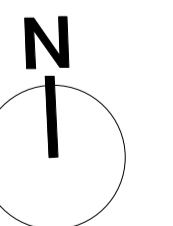
Fixtures
The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating. The applicant must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating. The applicant must ensure new or altered taps have a flow rate no greater than 5 litres per minute or minimum 3 star water rating.

Insulation requirements
The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m², b) insulation specified is not required for parts of altered construction where insulation already exists.

Windows and glazed doors
The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door.
For projections described in millimetres, the leading edge of each eave, pergola, verandah, balcony or awning must be no more than 500 mm above the head of the window or glazed door and no more than 2400 mm above the sill.
For projections described as a ratio, the ratio of the projection from the wall to the height above the window or glazed door sill must be at least that shown in the BASIX certificate.

Skylights
The applicant must install the skylights in accordance with the specifications listed in the BASIX certificate.

- New work
- New wall
- New windows



Rev	Date	Note
C	16/2/23	Front dormer amended
B	13/2/23	Front dormer amended
A	19/9/22	Issued for DA

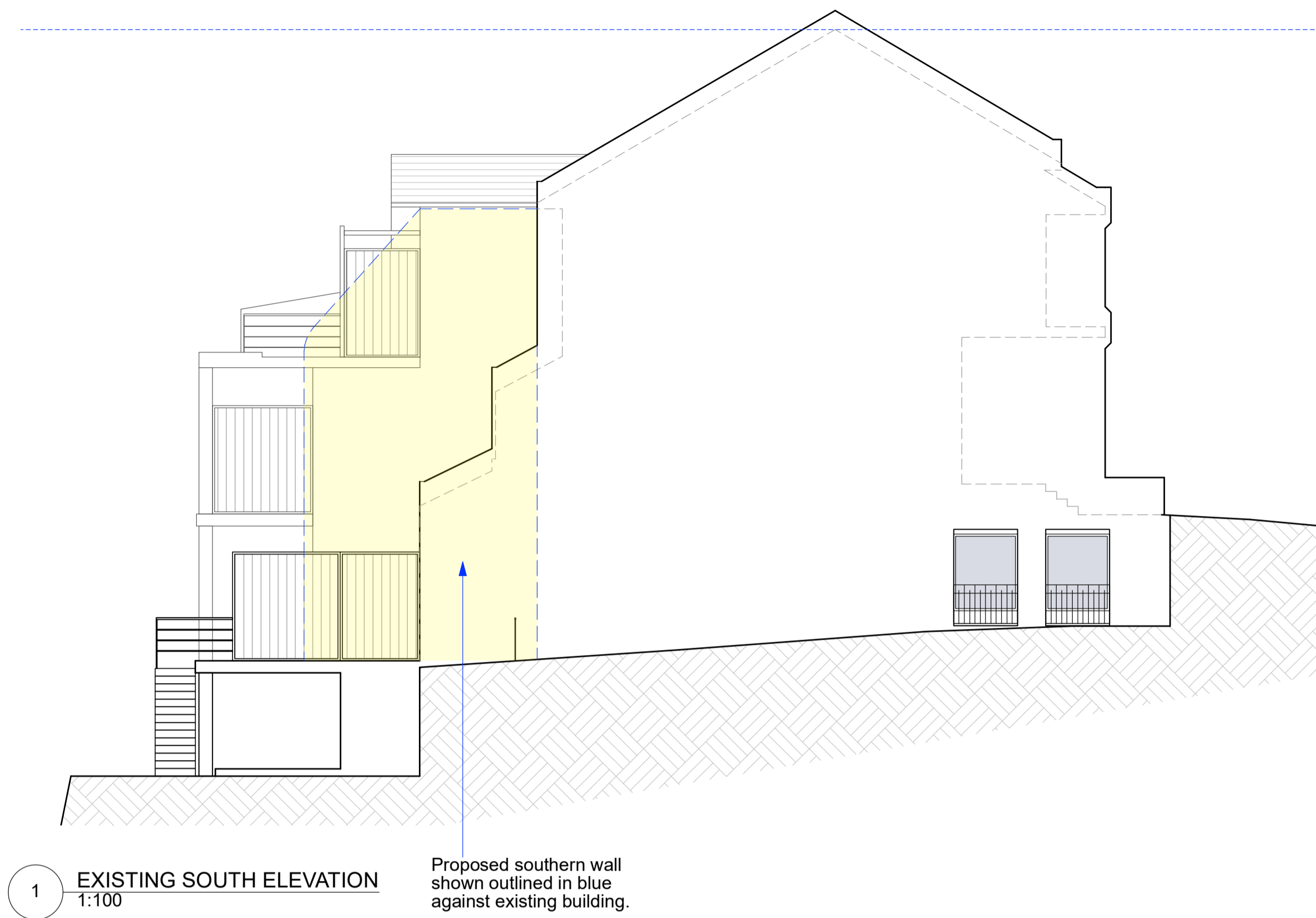
General Notes:	
KS	
KS	
KS	
By	

Reason For Issue:
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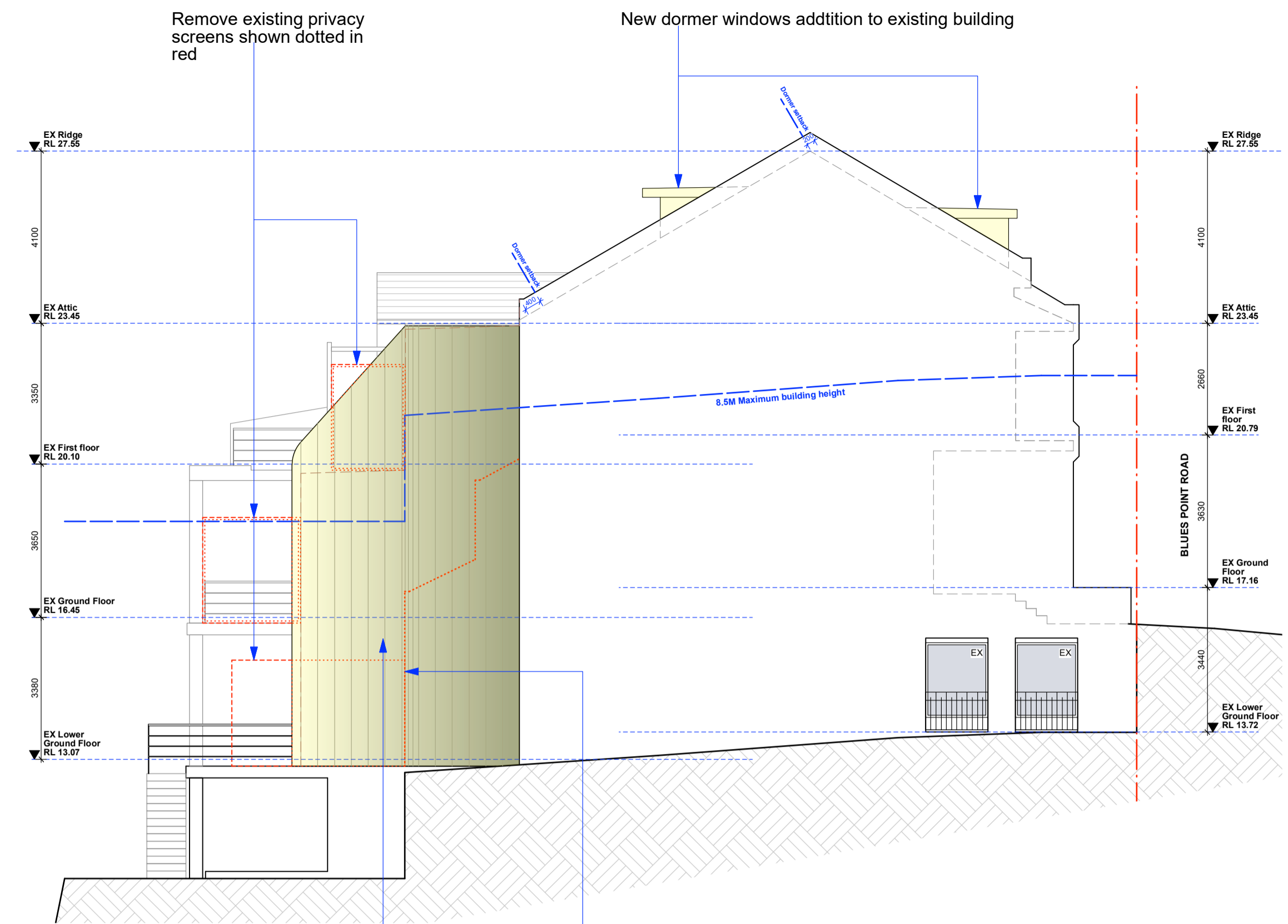
FLOOR PLANS		
Alterations & Additions		
50 Blues Point Road, McMahon's Point NSW 2060		
-North Sydney Council-		
For Mr. Philip Redmond		

Suite 103, 506 Miller St PO Box 224, Cammeray 2062 T 02 9904 2515 E architects@utzsanby.com www.utzsanby.com		
Project No.	Drawing No.	Rev No.
2119	A01-02 DA	C
SCALE	Drawn By	Checked By
1:100RA1	KS	KU

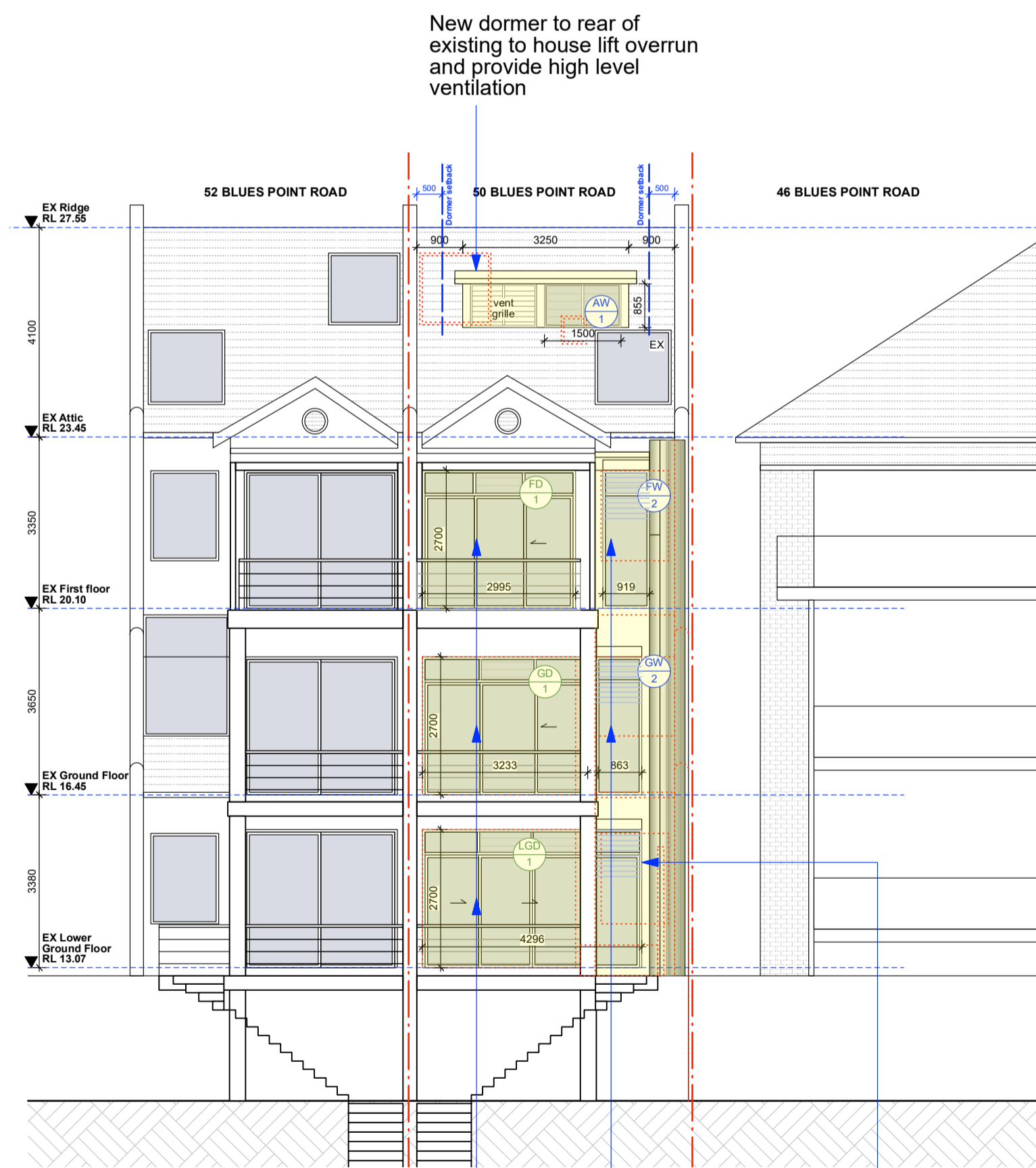




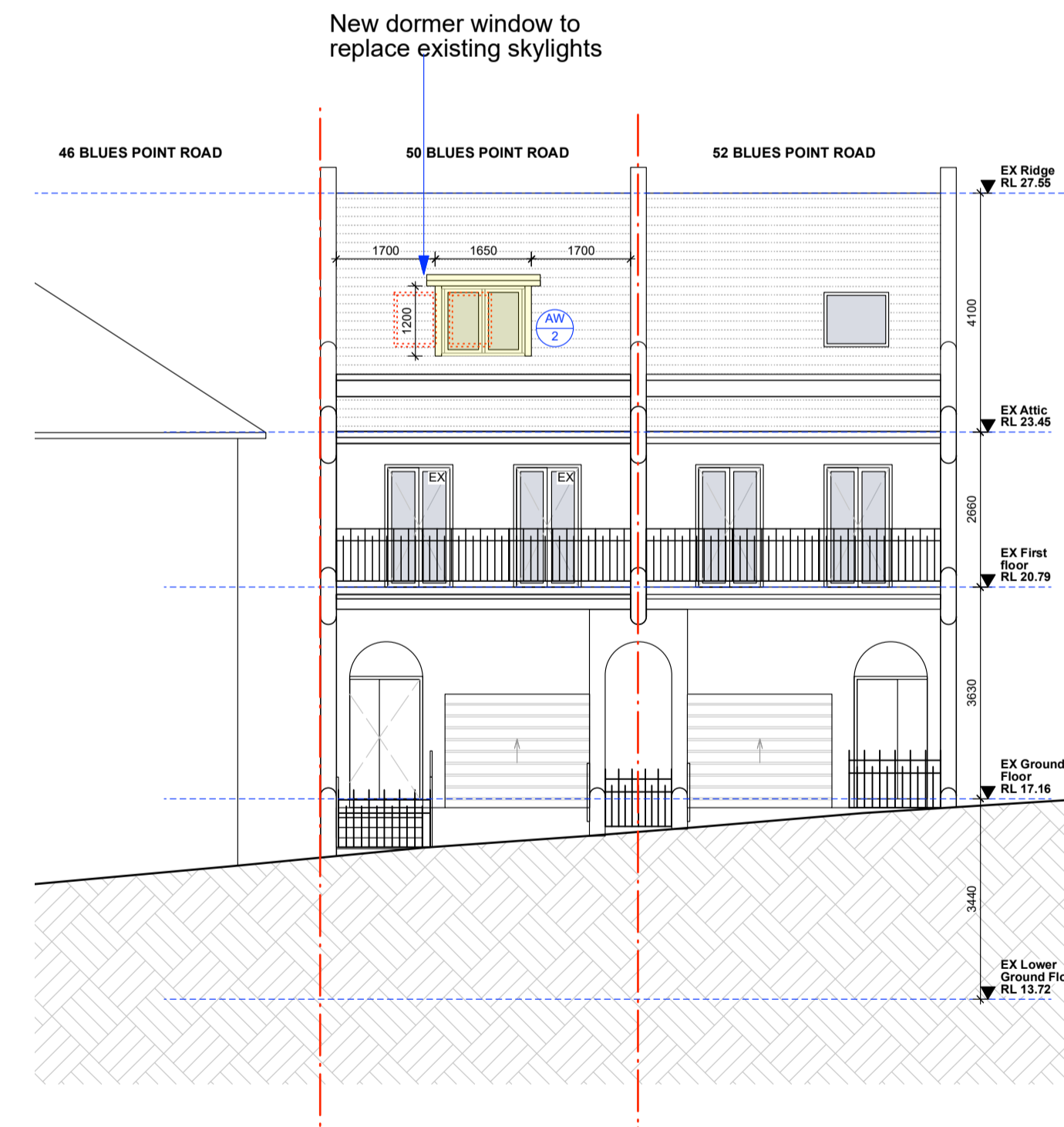
1 EXISTING SOUTH ELEVATION 1:100
Proposed southern wall shown outlined in blue against existing building.



2 PROPOSED SOUTH ELEVATION 1:100
Remove existing privacy screens shown dotted in red
New dormer windows addition to existing building
Remove rear southern side corner and extend towards east
Existing structure to be removed shown dotted in red



3 WEST ELEVATION 1:100
New dormer to rear of existing to house lift overrun and provide high level ventilation
Install new sliding doors
Fixed window and aneeta window with external adjustable blinds to west facing glazing
Install external adjustable blinds to west facing glazing



4 EAST ELEVATION 1:100
New dormer window to replace existing skylights

BASIX

Lighting
The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.

Fixtures
The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating.
The applicant must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating.
The applicant must ensure new or altered taps have a flow rate no greater than 9 litres per minute or minimum 3 star water rating.

Insulation requirements
The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m², b) insulation specified is not required for parts of altered construction where insulation already exists.

Windows and glazed doors
The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door.
For projections described in millimetres, the leading edge of each awning, pergola, verandah, balcony or awning must be no more than 500 mm above the head of the window or glazed door and no more than 2400 mm above the sill.
For projections described as a ratio, the ratio of the projection from the wall to the height above the window or glazed door sill must be at least that shown in the BASIX certificate.

Skylights
The applicant must install the skylights in accordance with the specifications listed in the BASIX certificate.

Yellow box icon: New work

Rev	Date	Note
C	16/2/23	Front dormer amended
B	13/2/23	Front dormer amended
A	19/9/22	Issued for DA

General Notes:

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KS
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Reason For Issue:

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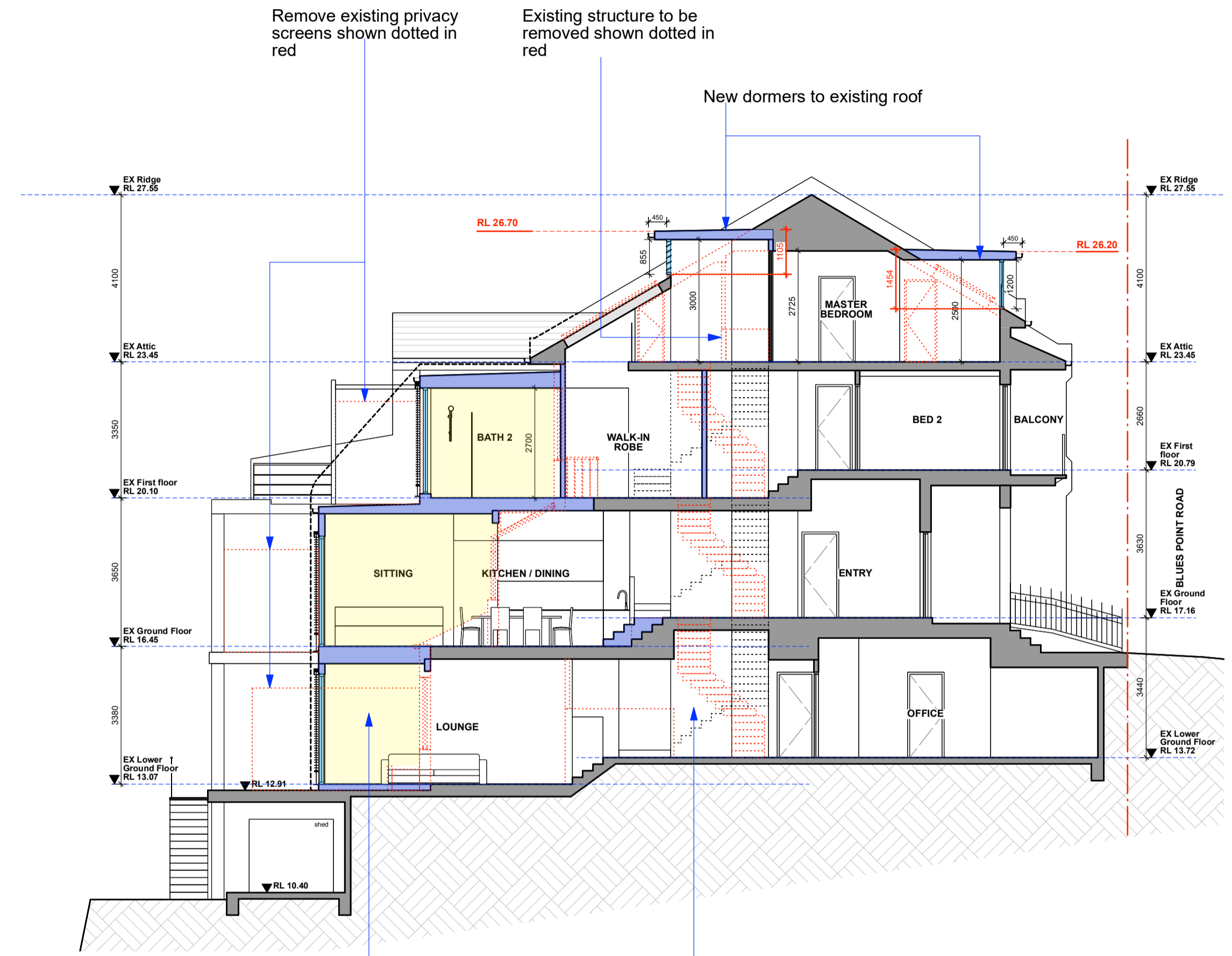
ELEVATIONS

Alterations & Additions
50 Blues Point Road, McMahon's Point
NSW 2060
-North Sydney Council-
For Mr. Philip Redmond

Suite 103, 506 Miller St
PO Box 224, Cammeray 2062
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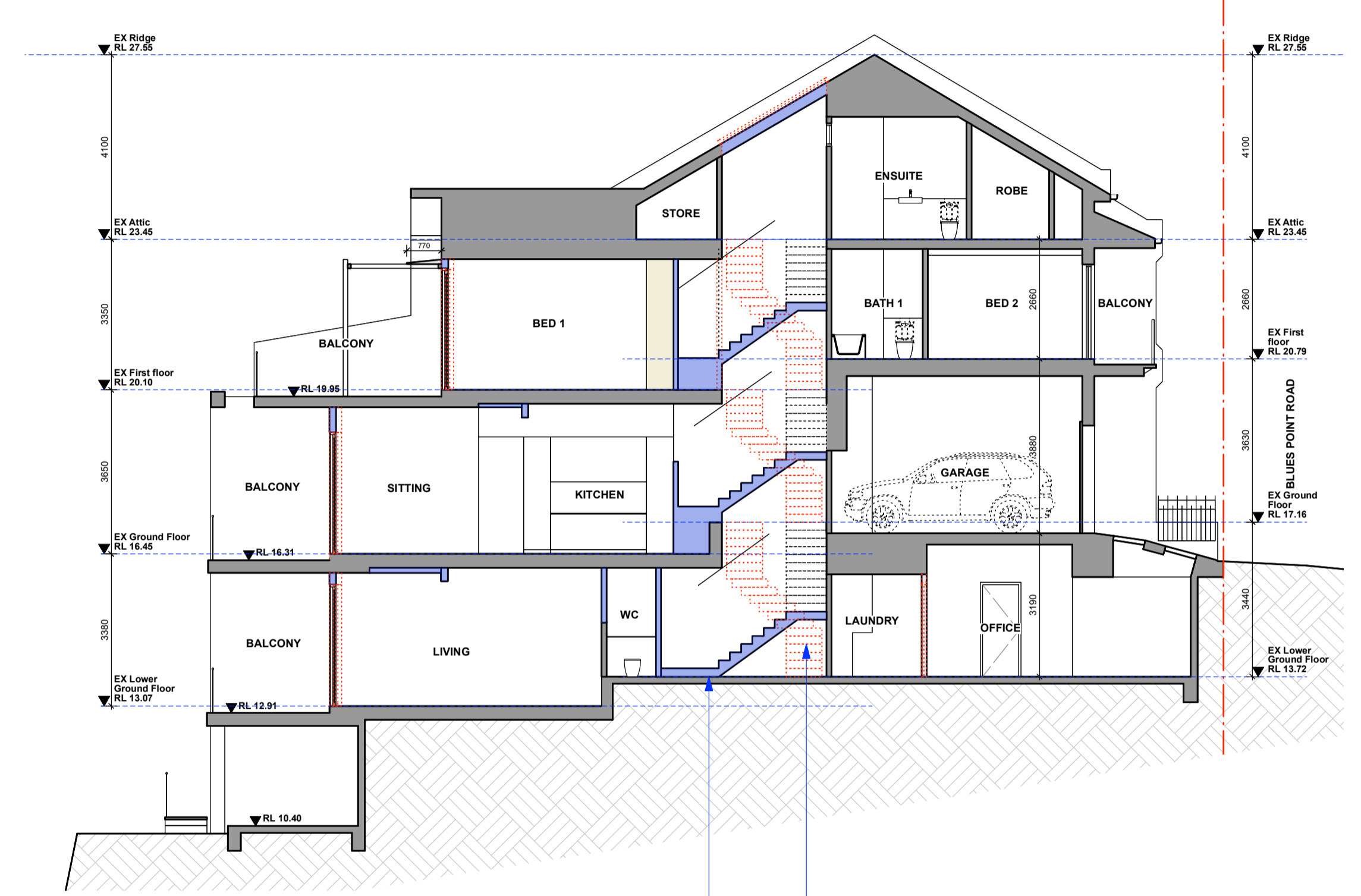
Project No.	Drawing No.	Rev No.
2119	A01-03 DA	C
SCALE	Drawn By	Checked By
1:100QA1	KS	KU



1 LONG SECTION
1:100

New boundary wall outlined in black dotted line with new work shown in yellow.

Remove existing stair to install lift and new stairs



2 LONG SECTION
1:100

Remove existing stair to install lift and new stairs

Existing structure to be removed shown dotted in red

BASIX

Lighting
The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.

Fixtures
The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating. The applicant must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating. The applicant must ensure new or altered taps have a flow rate no greater than 9 litres per minute or minimum 3 star water rating.

Insulation requirements
The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m², b) insulation specified is not required for parts of altered construction where insulation already exists.

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For projections described as a ratio, the ratio of the projection from the wall to the height above the window or glazed door sill must be at least that shown in the BASIX certificate.

Skylights
The applicant must install the skylights in accordance with the specifications listed in the BASIX certificate.

Yellow box: New work
Blue box: New wall/structure

Rev	Date	Note
D	16/2/23	Dormer heights added
C	13/2/23	Dormer RL added
B	7/12/22	Dormer's RL and height added
A	19/9/22	Issued for DA

General Notes:

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KS
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Reason For Issue:

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SECTIONS

Alterations & Additions

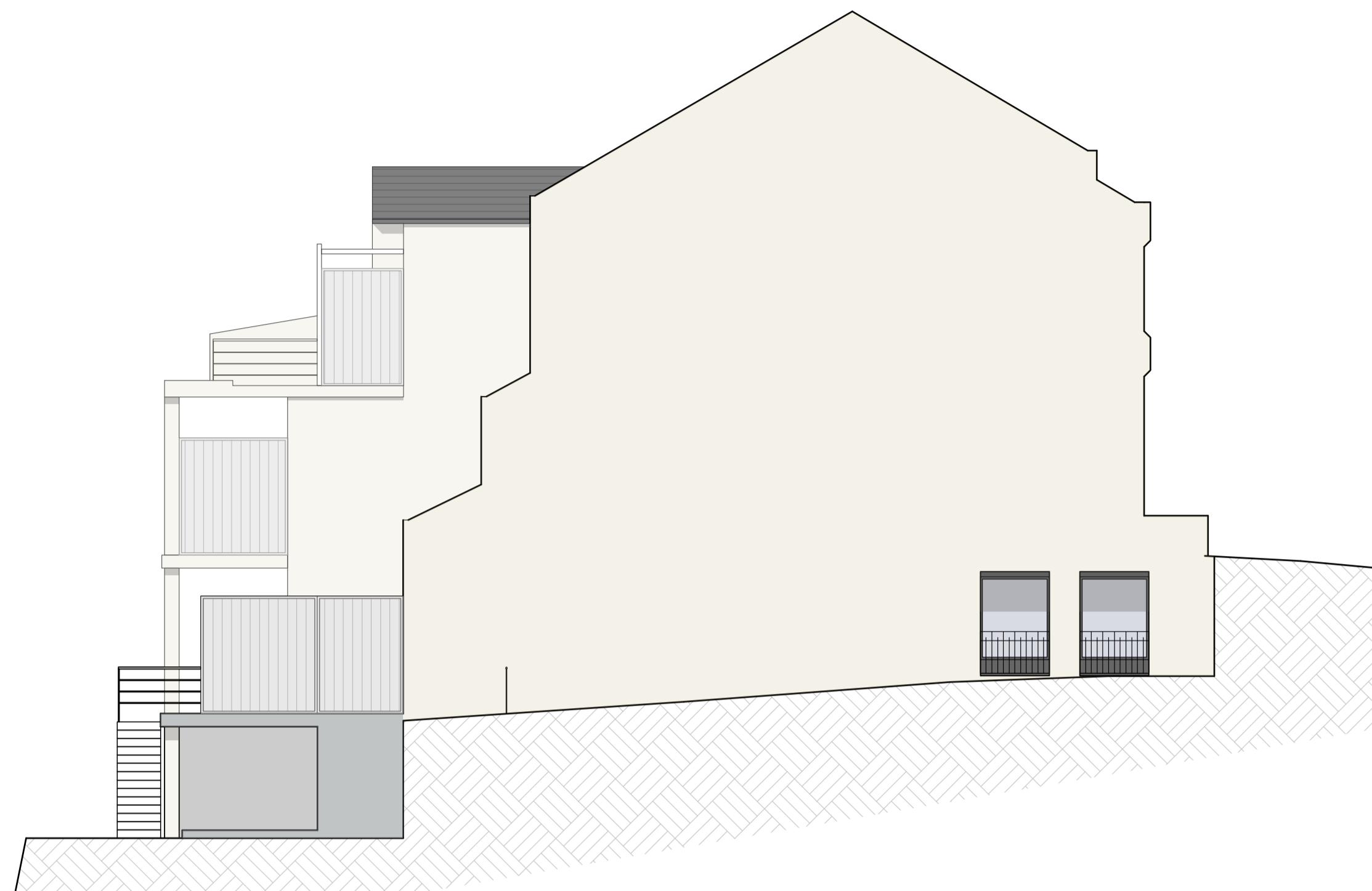
50 Blues Point Road, McMahon's Point
NSW 2060
-North Sydney Council-
For Mr. Philip Redmond

Suite 103, 506 Miller St
PO Box 224, Cammeray 2062
T 02 9904 2515
E architects@utzsanby.com
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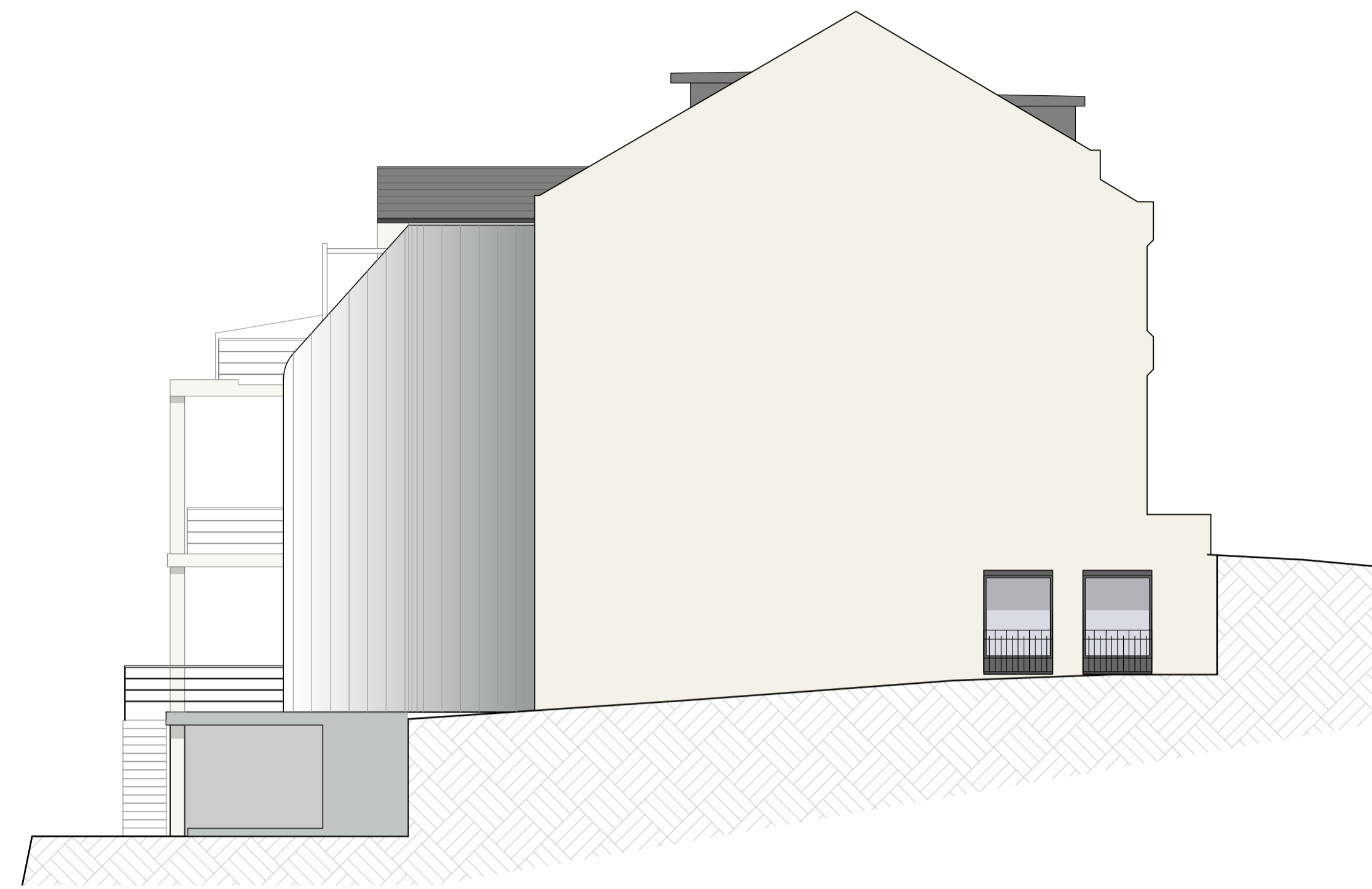
UTZ SANBY ARCHITECTS

Project No.	Drawing No.	Rev No.
2119	A01-04 DA	D

SCALE	Drawn By	Checked By
1:100QA1	KS	KU



1 EXISTING SOUTH ELEVATION
1:100



2 PROPOSED SOUTH ELEVATION
1:100



3 WEST ELEVATION
1:100



4 EAST ELEVATION
1:100

BASIX

Lighting
The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.

Fixtures
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For projections described as a ratio, the ratio of the projection from the wall to the height above the window or glazed door sill must be at least that shown in the BASIX certificate.

Skylights
The applicant must install the skylights in accordance with the specifications listed in the BASIX certificate.

Rev	Date	Note
B	16/2/23	Front dormer amended
A	13/2/23	Issued for DA

General Notes:

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KS
By

Reason For Issue:

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Nominated Architect: Duncan Sanby Reg. No. 6227

ELEVATIONS

Alterations & Additions

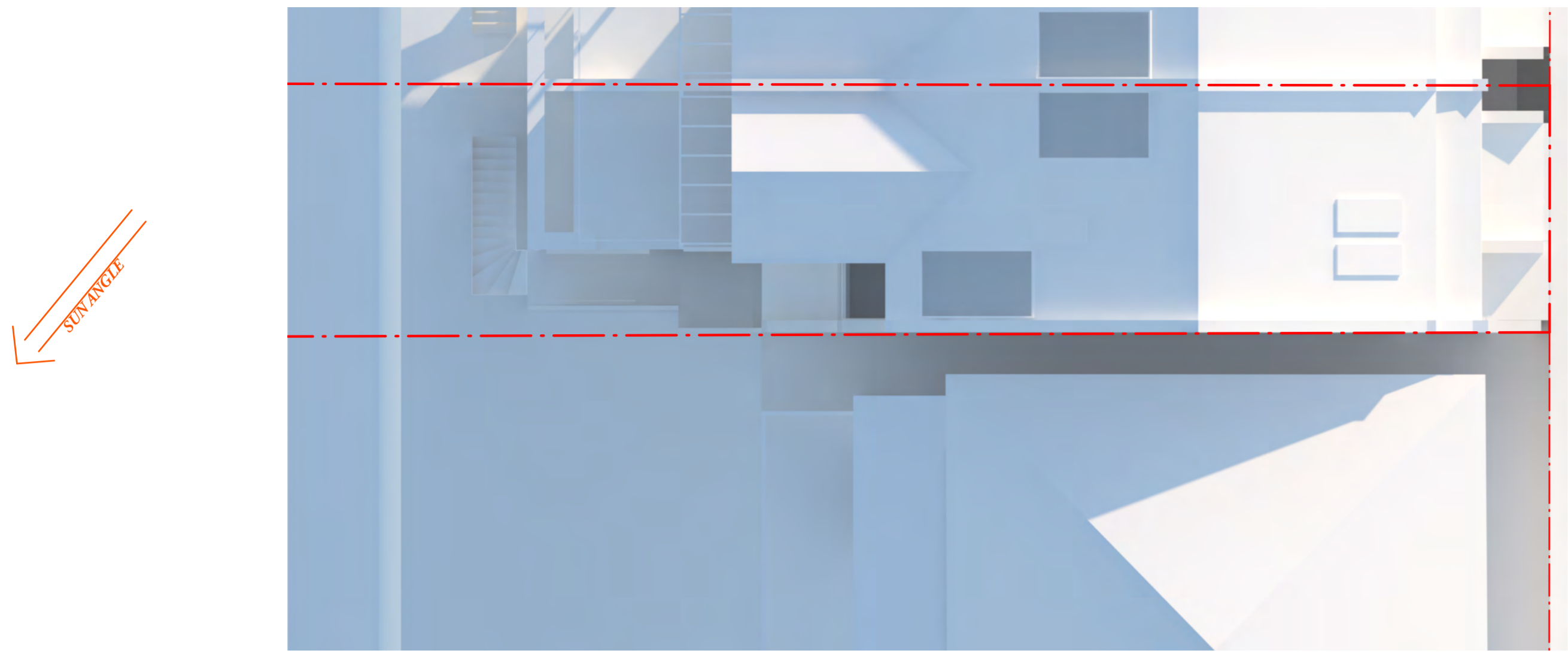
50 Blues Point Road, McMahon's Point
NSW 2060
-North Sydney Council-
For Mr. Philip Redmond

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E architects@utzsanby.com
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UTZ SANBY ARCHITECTS

Project No.	Drawing No.	Rev No.
2119	A01-05 DA	B

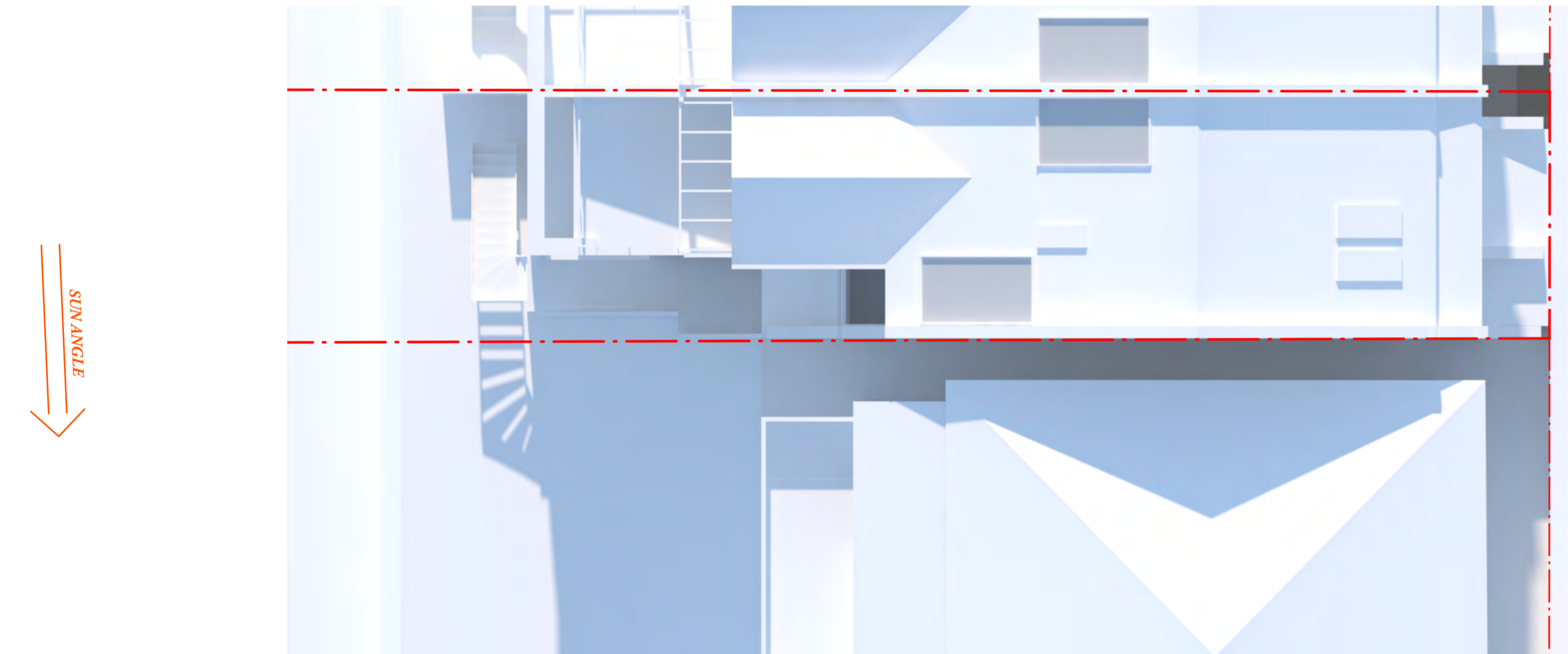
SCALE	Drawn By	Checked By
1:100RA1	KS	KU



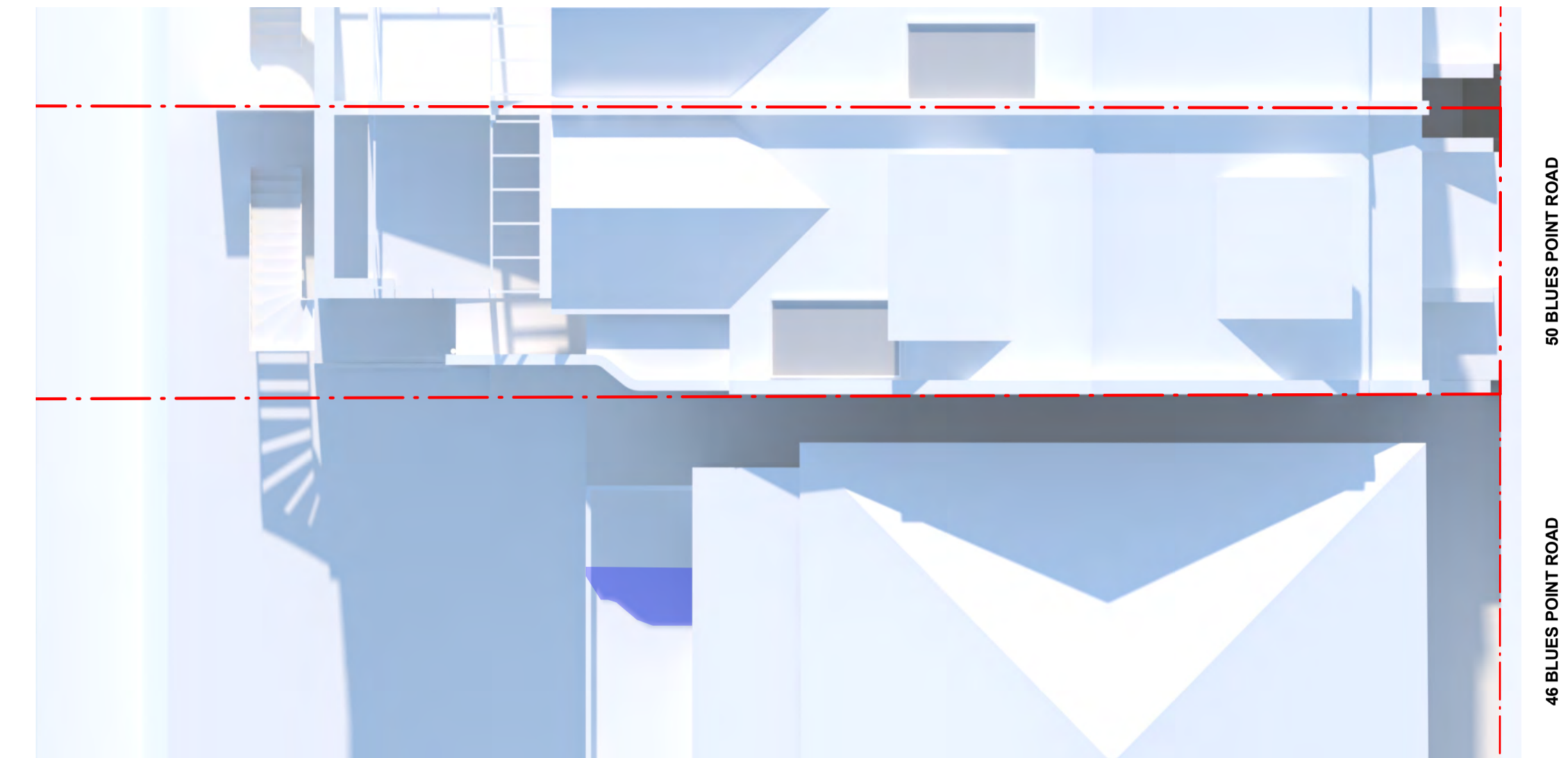
1 EXISTING SHADOW AT 9AM JUNE 21ST
1:100



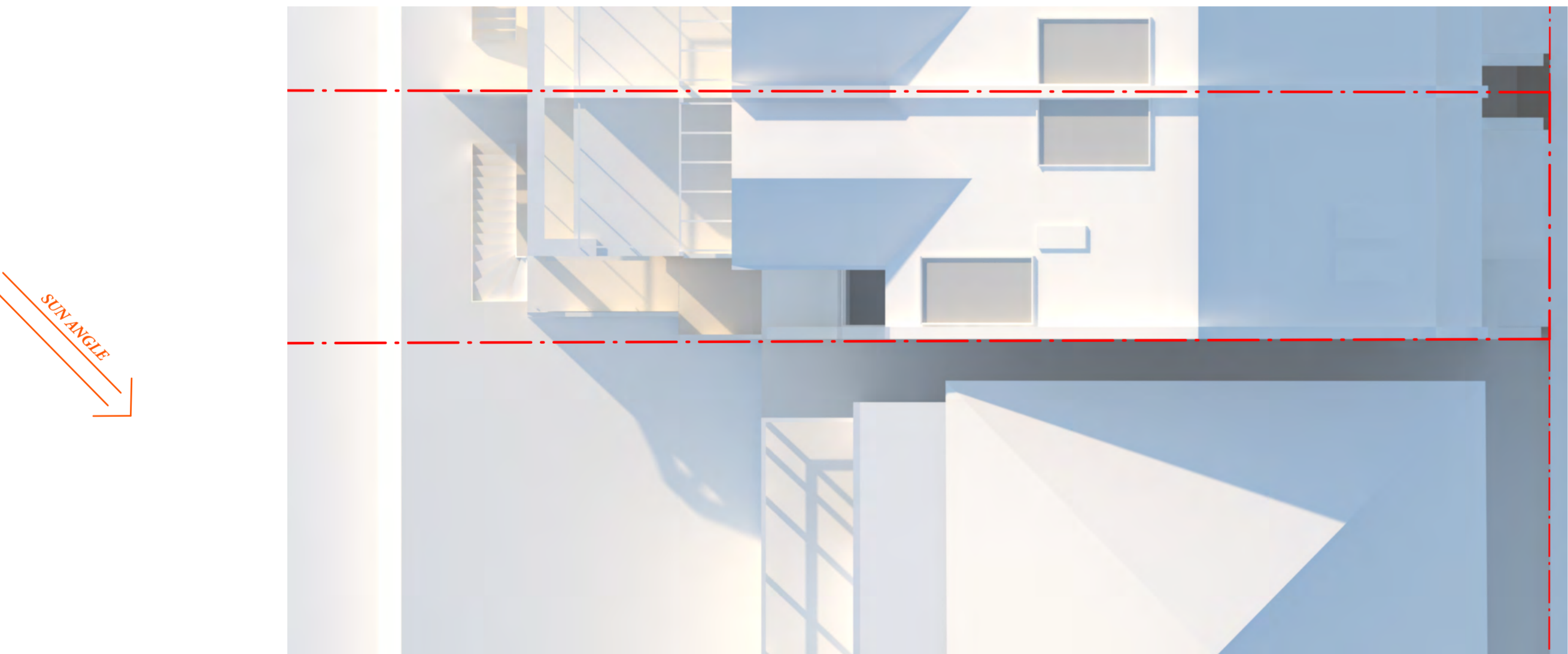
4 PROPOSED SHADOW AT 9AM JUNE 21ST
1:100



2 EXISTING SHADOW AT 12PM JUNE 21ST
1:100



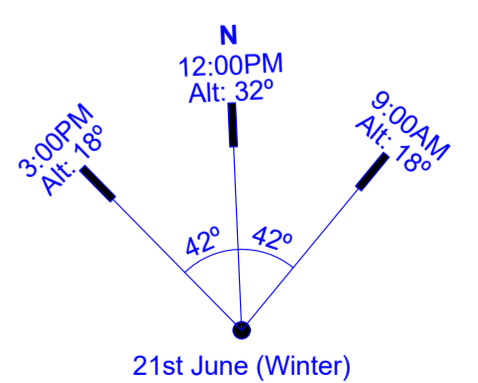
5 PROPOSED SHADOW AT 12PM JUNE 21ST
1:100



3 EXISTING SHADOW AT 3PM JUNE 21ST
1:100



6 PROPOSED SHADOW AT 3PM JUNE 21ST
1:100



Rev	Date	Note
B	13/2/23	Re-issued for DA
A	19/9/22	Issued for DA

General Notes:

- Additional shadow (Blue shaded area)
- Area of sun gain (Yellow shaded area)

KS
KS
By

Reason For Issue:

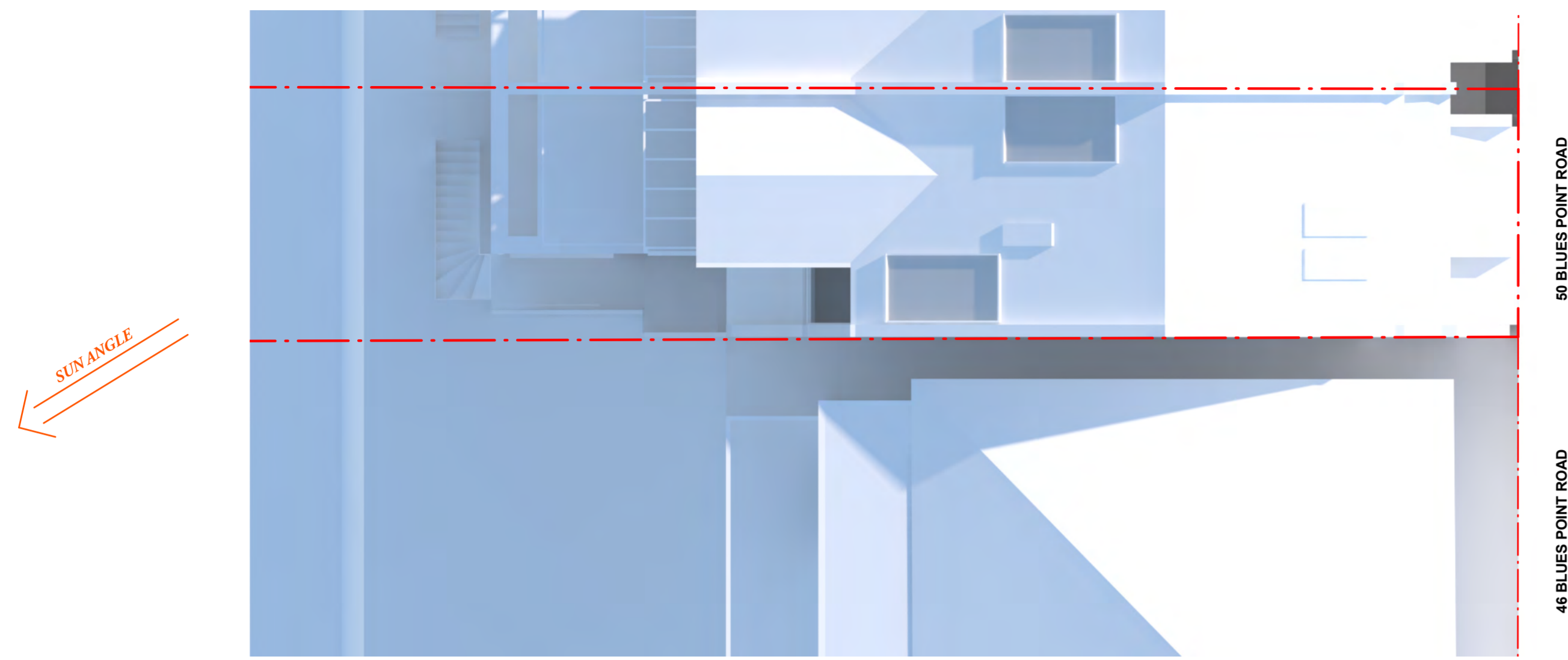
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**SHADOWDIAGRAMS JUNE 21ST
PLANS**
Alterations & Additions
50 Blues Point Road, McMahon's Point
NSW 2060
-North Sydney Council-
For Mr. Philip Redmond

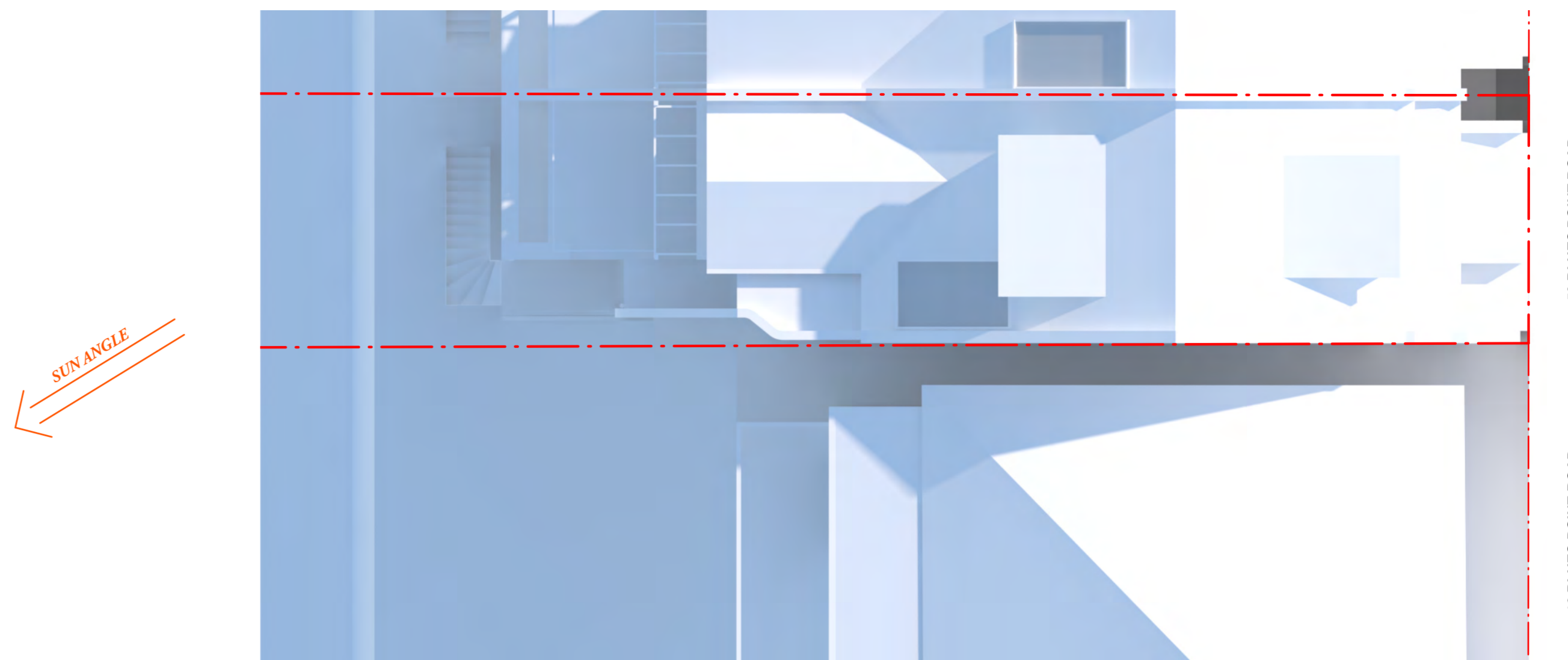
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Project No. 2119	Drawing No. A02-03 DA	Rev No. B
SCALE 1:100@A1	Drawn By KS	Checked By KU



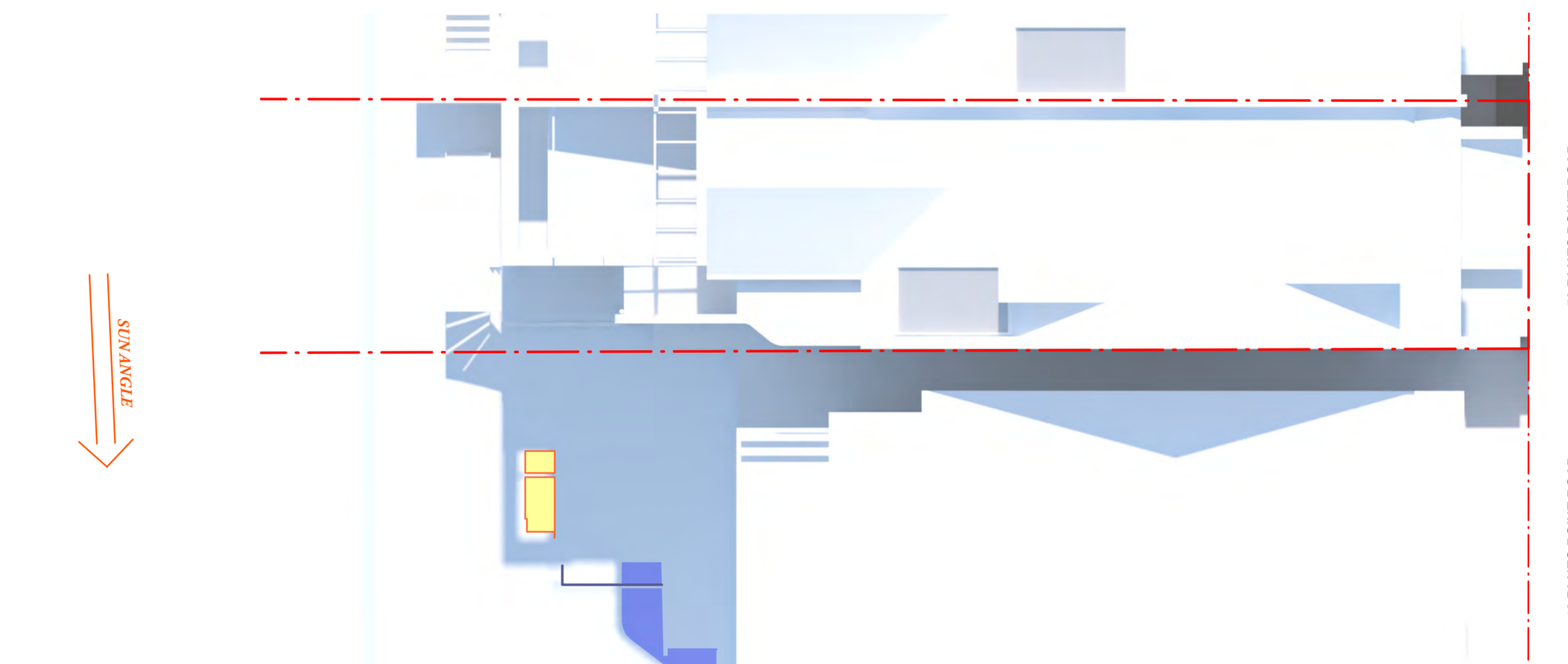
1 EXISTING SHADOW AT 9AM EQUINOXES
1:100



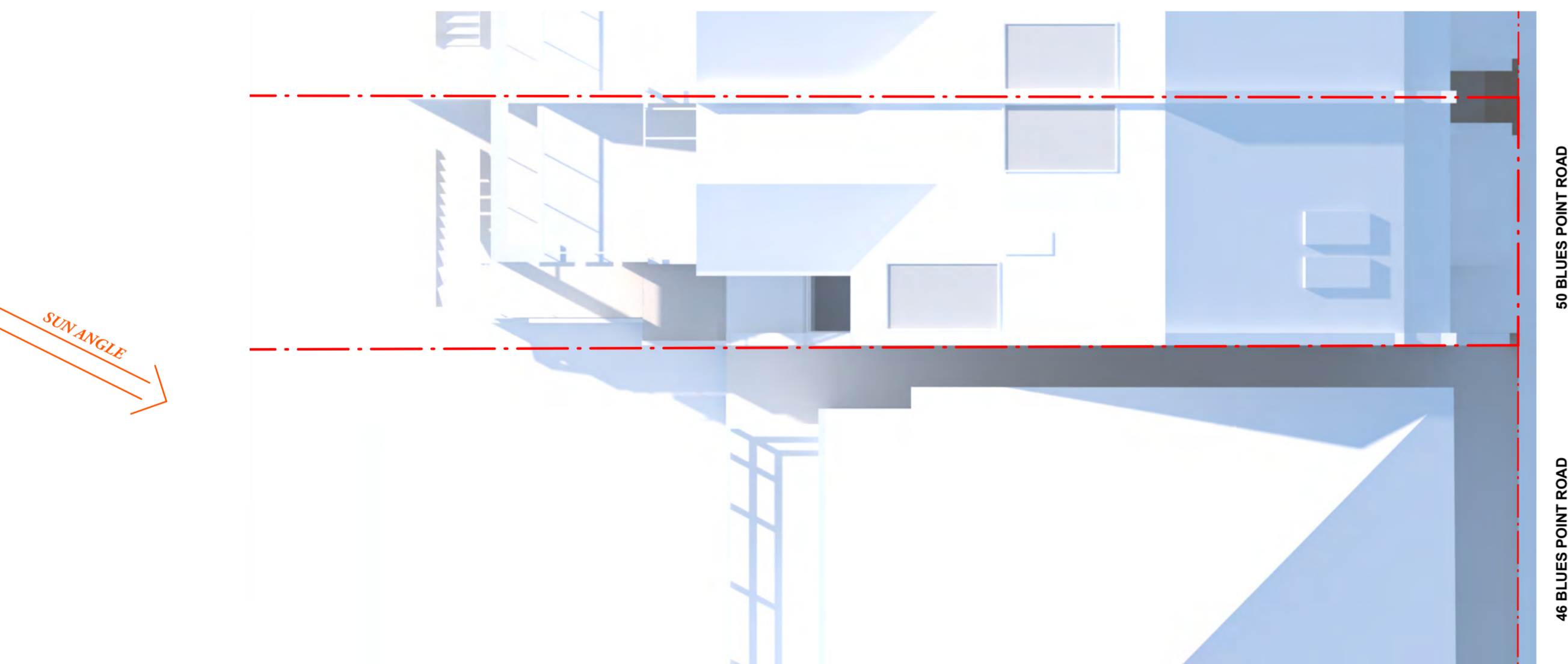
4 PROPOSED SHADOW AT 9AM EQUINOXES
1:100



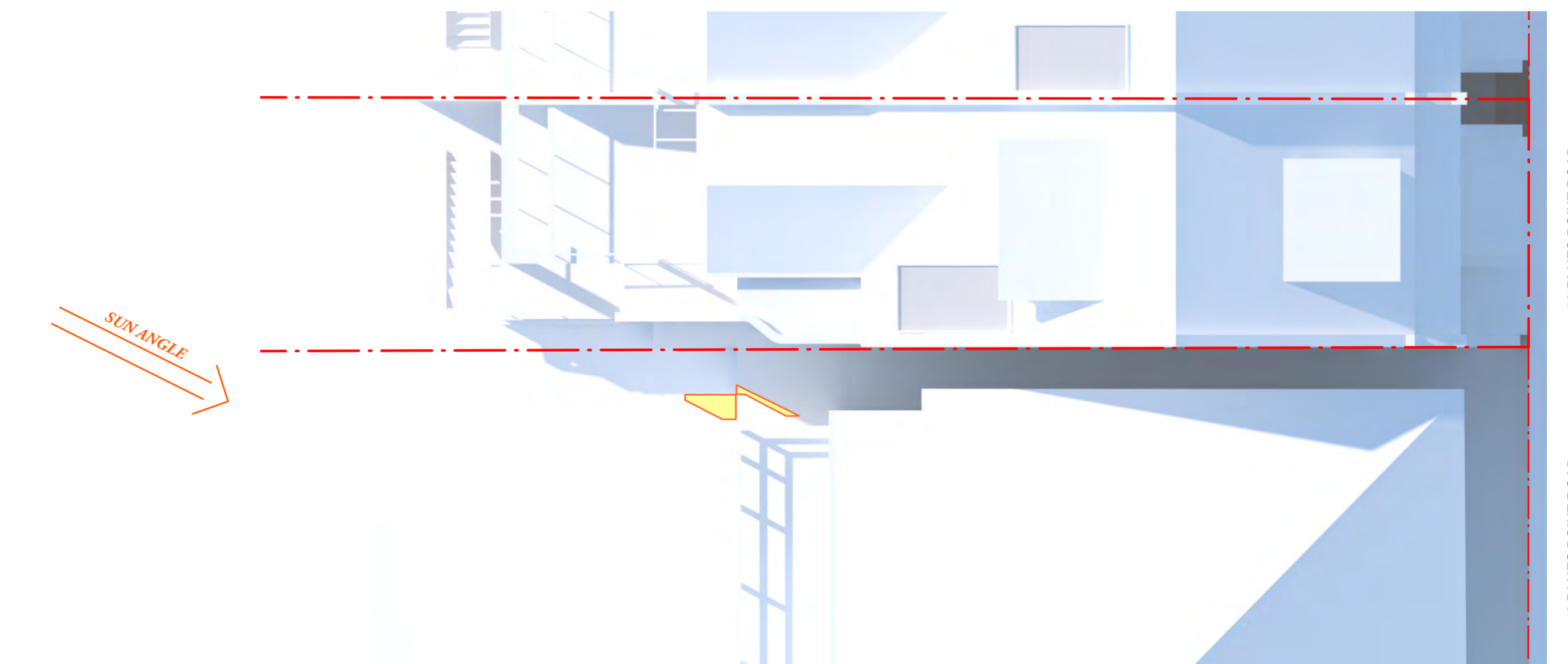
2 EXISTING SHADOW AT 12PM EQUINOXES
1:100



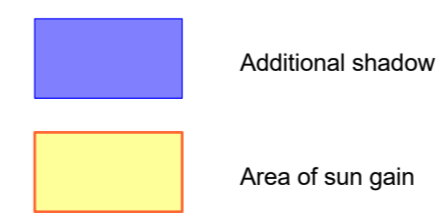
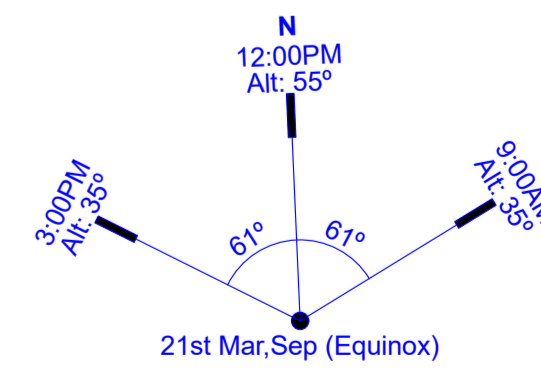
5 PROPOSED SHADOW AT 12PM EQUINOXES
1:100



3 EXISTING SHADOW AT 3PM EQUINOXES
1:100



6 PROPOSED SHADOW AT 3PM EQUINOXES
1:100



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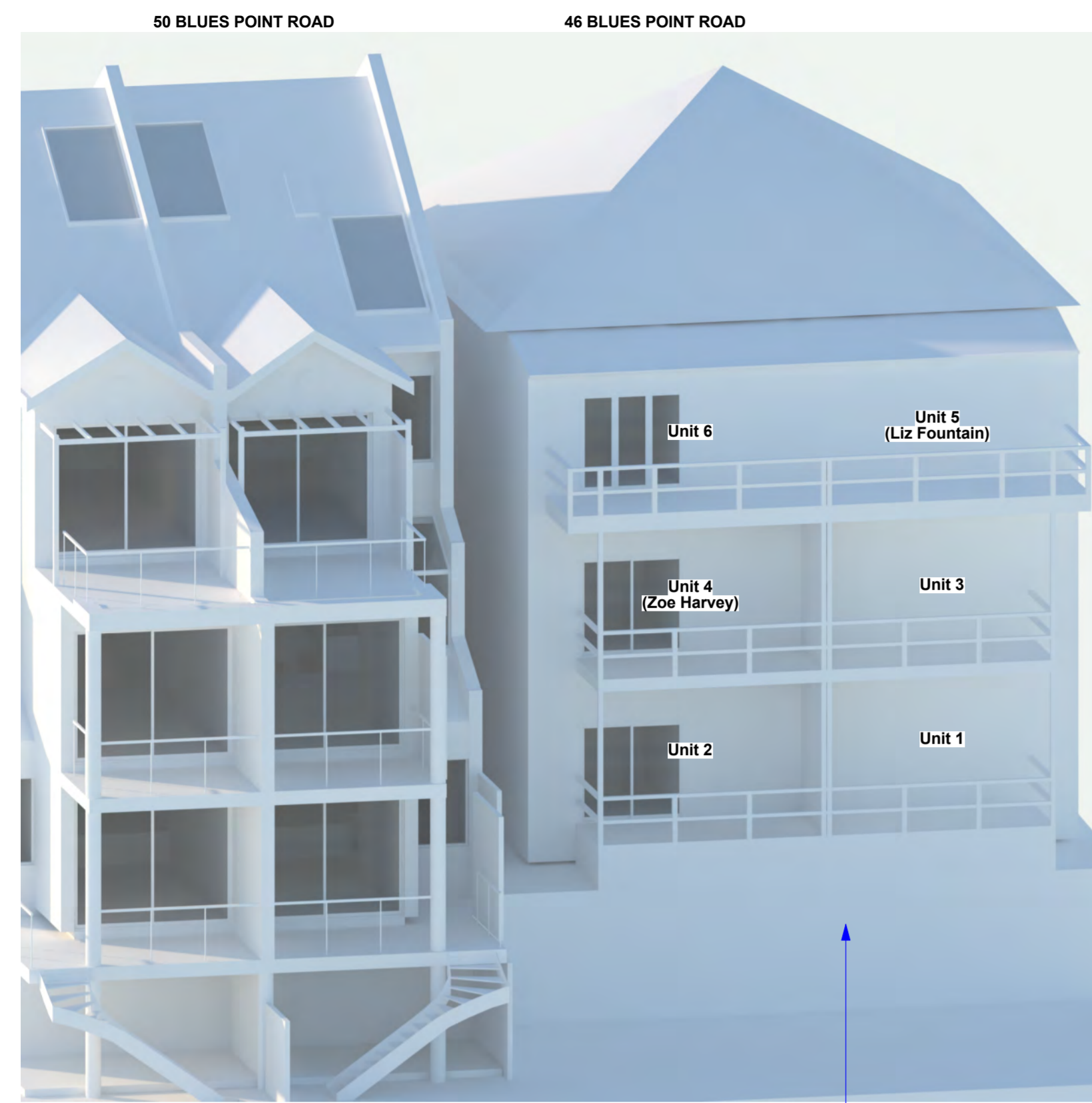
SHADOWDIAGRAMS EQUINOXE PLANS
 Alterations & Additions
 50 Blues Point Road, McMahon's Point
 NSW 2060
 -North Sydney Council-
 For Mr. Philip Redmond

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 PO Box 224, Cammeray 2062
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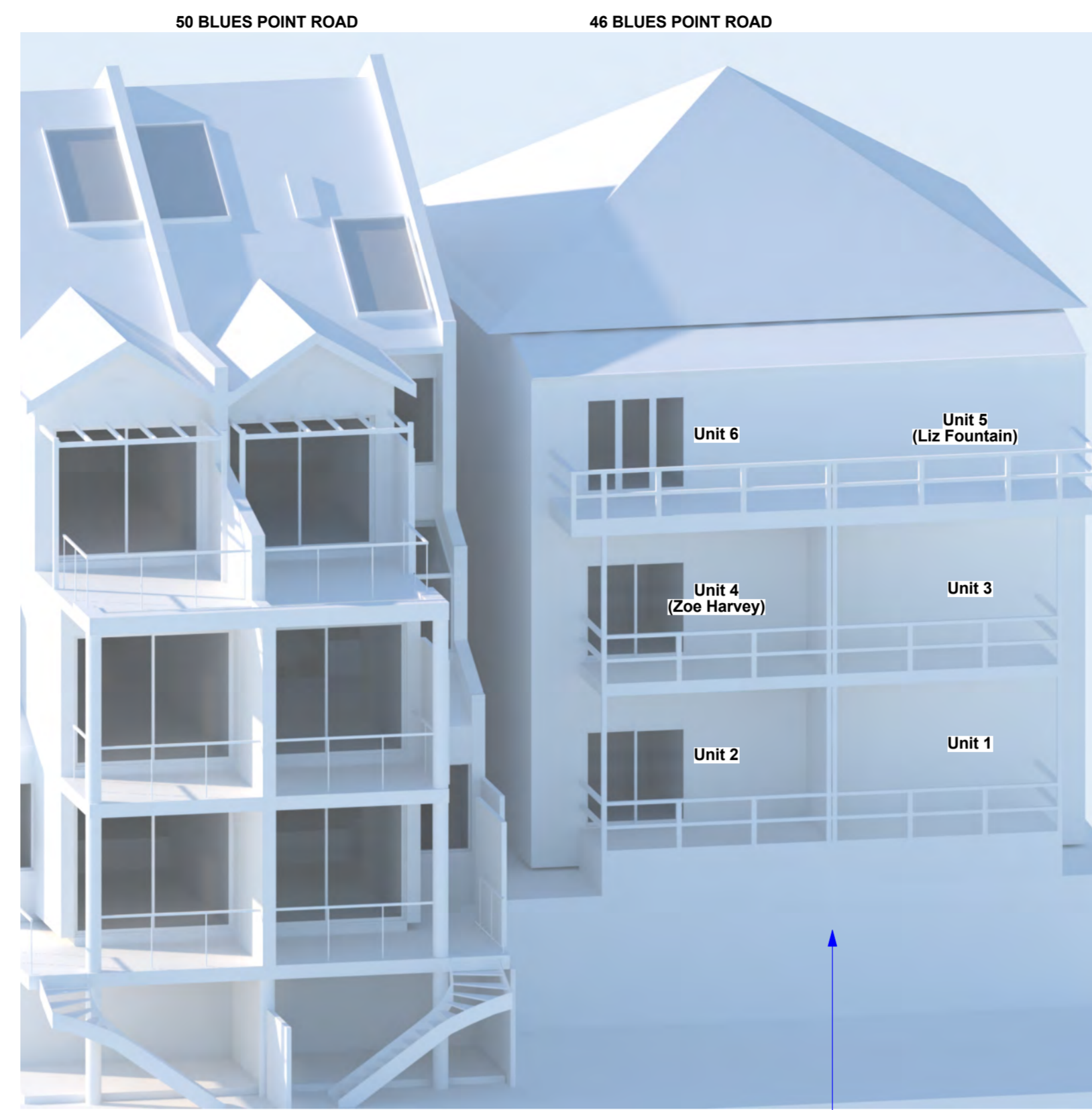
Project No. 2119	Drawing No. A02-01 DA	Rev No. B
SCALE 1:100@A1	Drawn By KS	Checked By KU

Rev	Date	Note
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A	19/9/22	Issued for DA

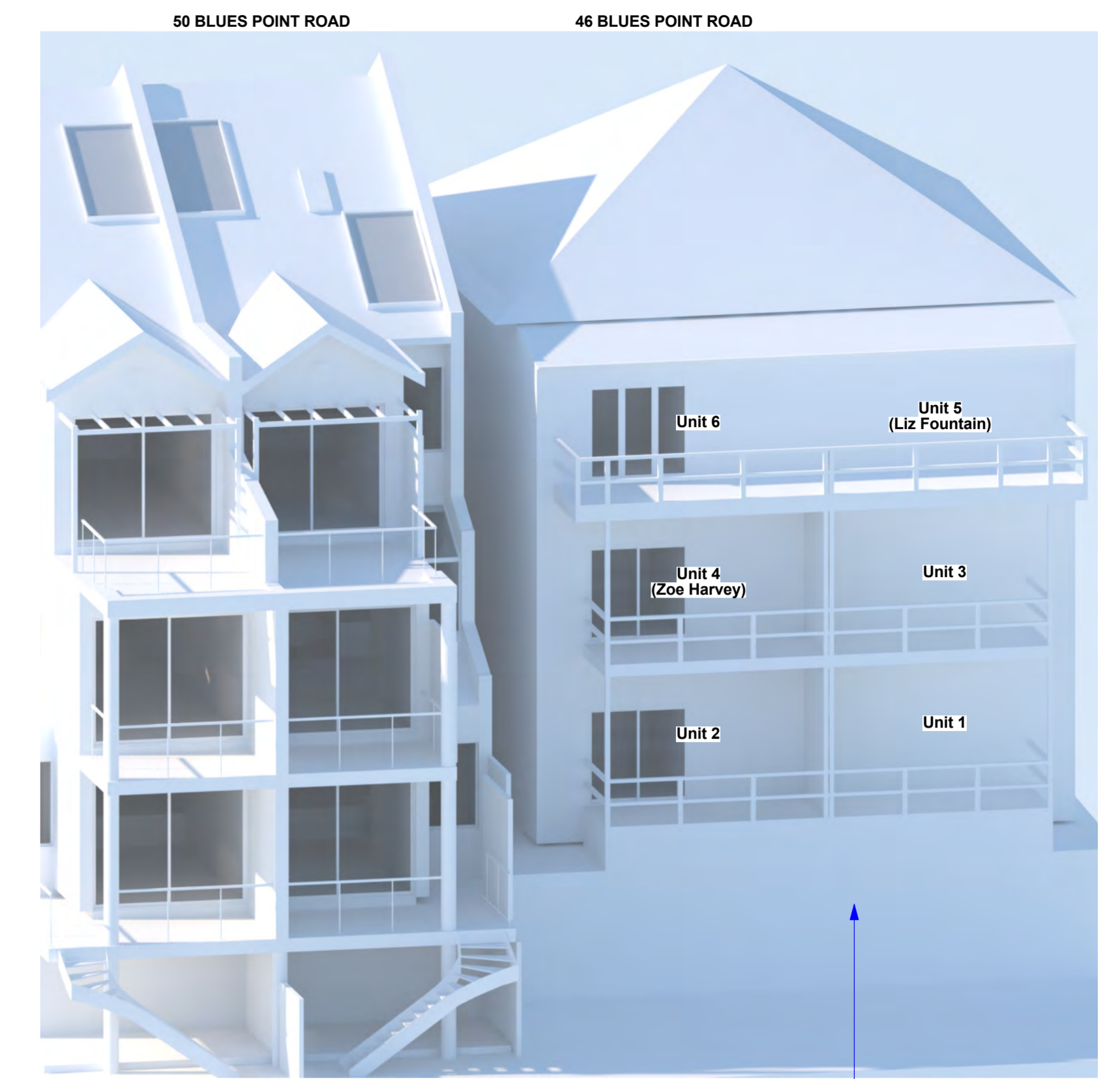
General Notes:	KS
	KS
	By



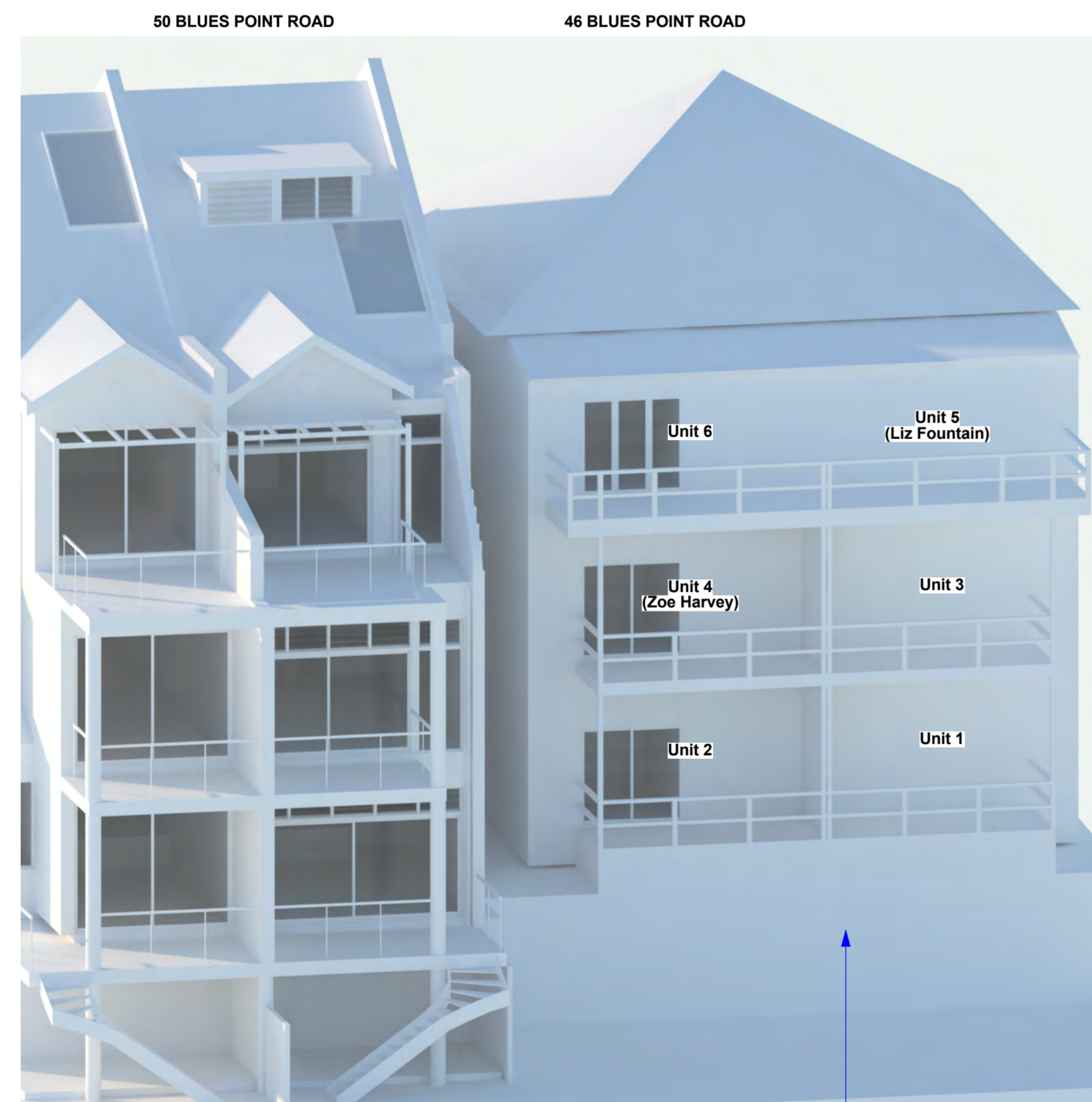
1 EXISTING SHADOW AT JUNE 21ST **9AM**
1:100 Existing shadow on west facing facade



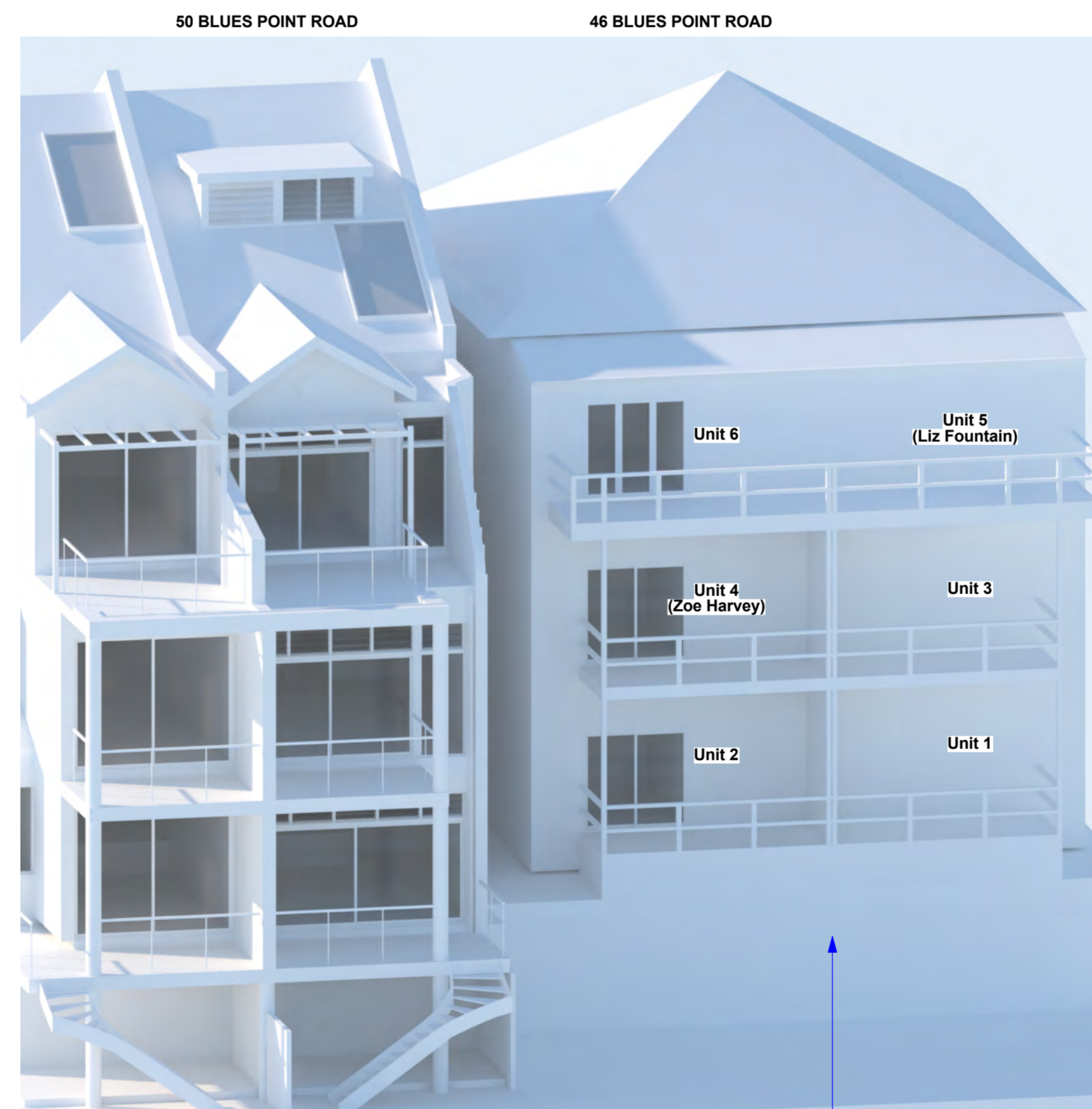
3 EXISTING SHADOW AT JUNE 21ST **10AM**
1:100 Existing shadow on west facing facade



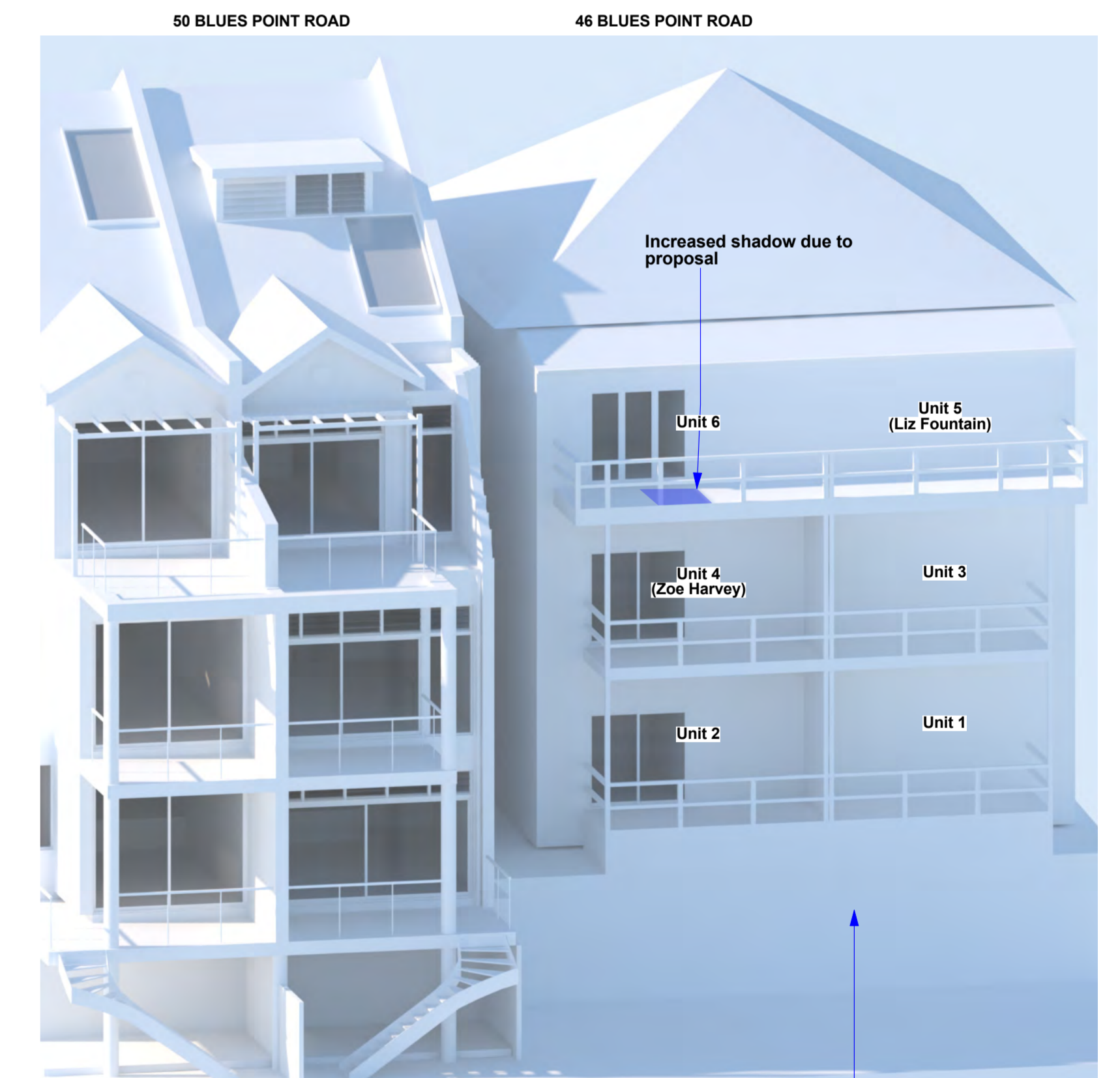
5 EXISTING SHADOW AT JUNE 21ST **11AM**
1:100 Existing shadow on west facing facade



2 PROPOSED SHADOW AT EQUINOXES **9AM**
1:100 Existing shadow on west facing facade



4 PROPOSED SHADOW AT JUNE 21ST **10AM**
1:100 Existing shadow on west facing facade



6 PROPOSED SHADOW AT JUNE 21ST **11AM**
1:100 Existing shadow on west facing facade

General Notes:

- Additional shadow
- Area of sun gain

Reason For Issue:

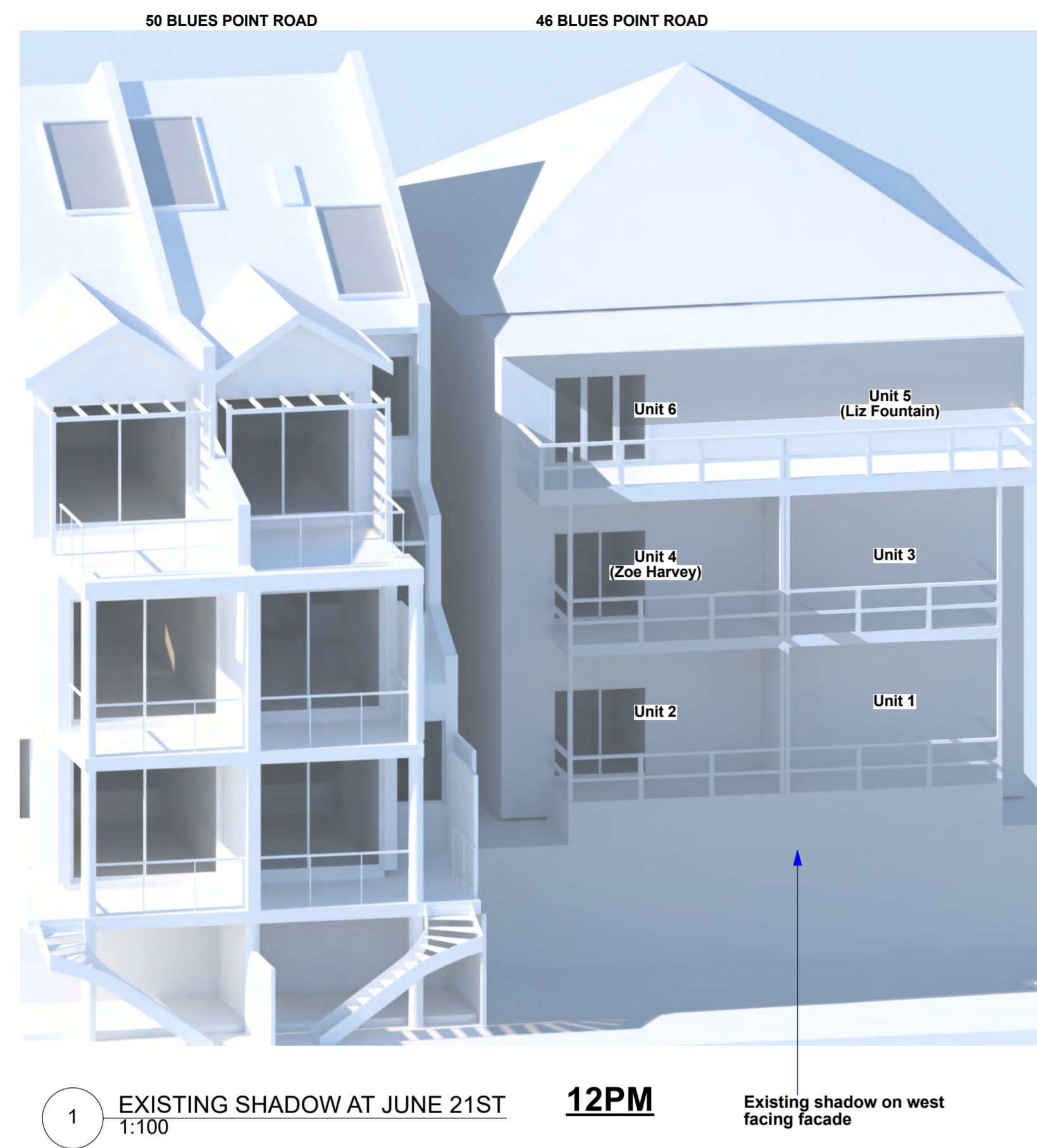
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SHADOWDIAGRAMS JUNE 21ST ELEVATIONS
Alterations & Additions
50 Blues Point Road, McMahon's Point NSW 2060
-North Sydney Council-
For Mr. Philip Redmond

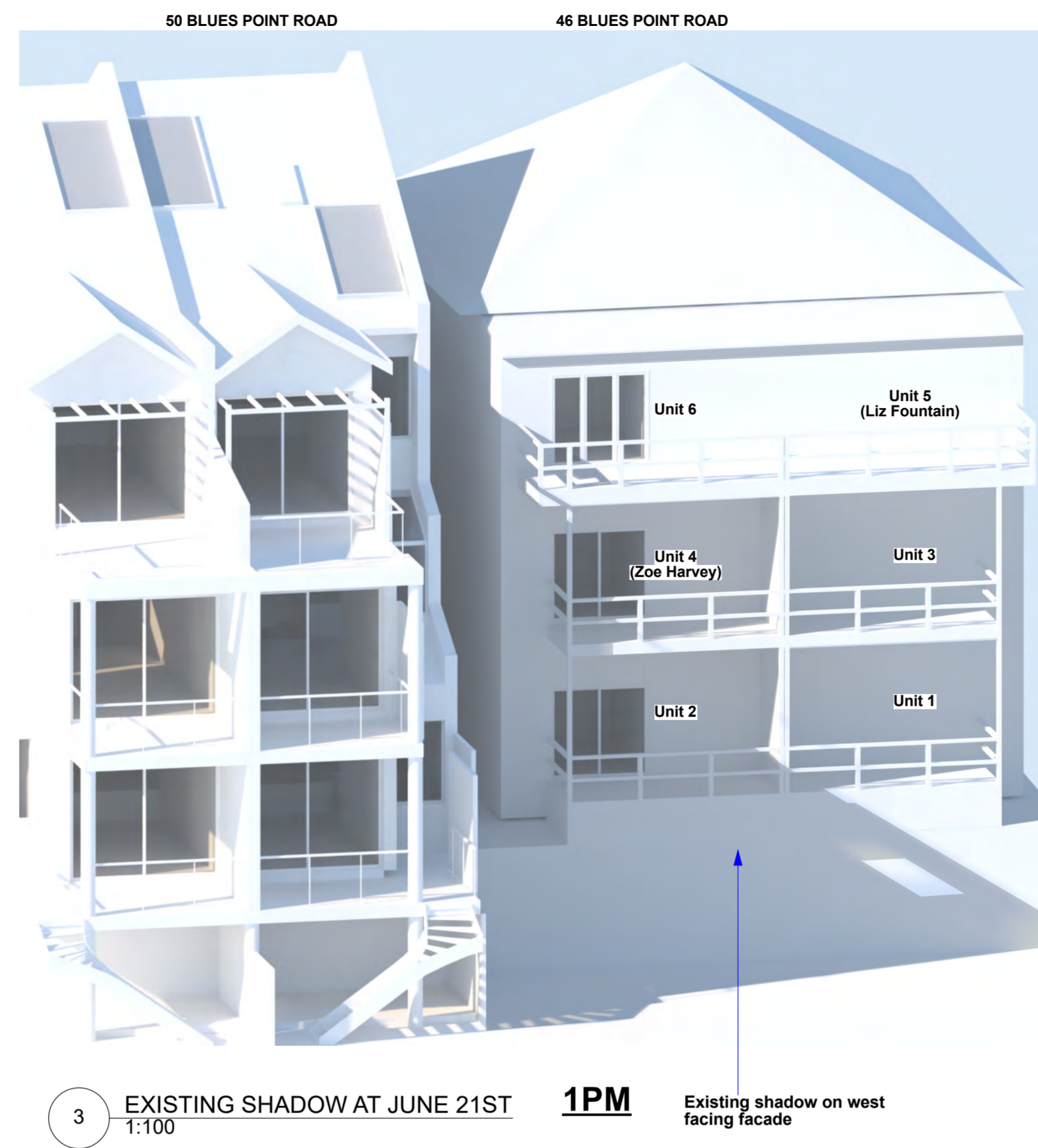
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www.utzsanby.com
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ARCHITECTS

Project No. 2119	Drawing No. A02-04.1 DA	Rev No. A
SCALE 1:100@A1	Drawn By KS	Checked By KU

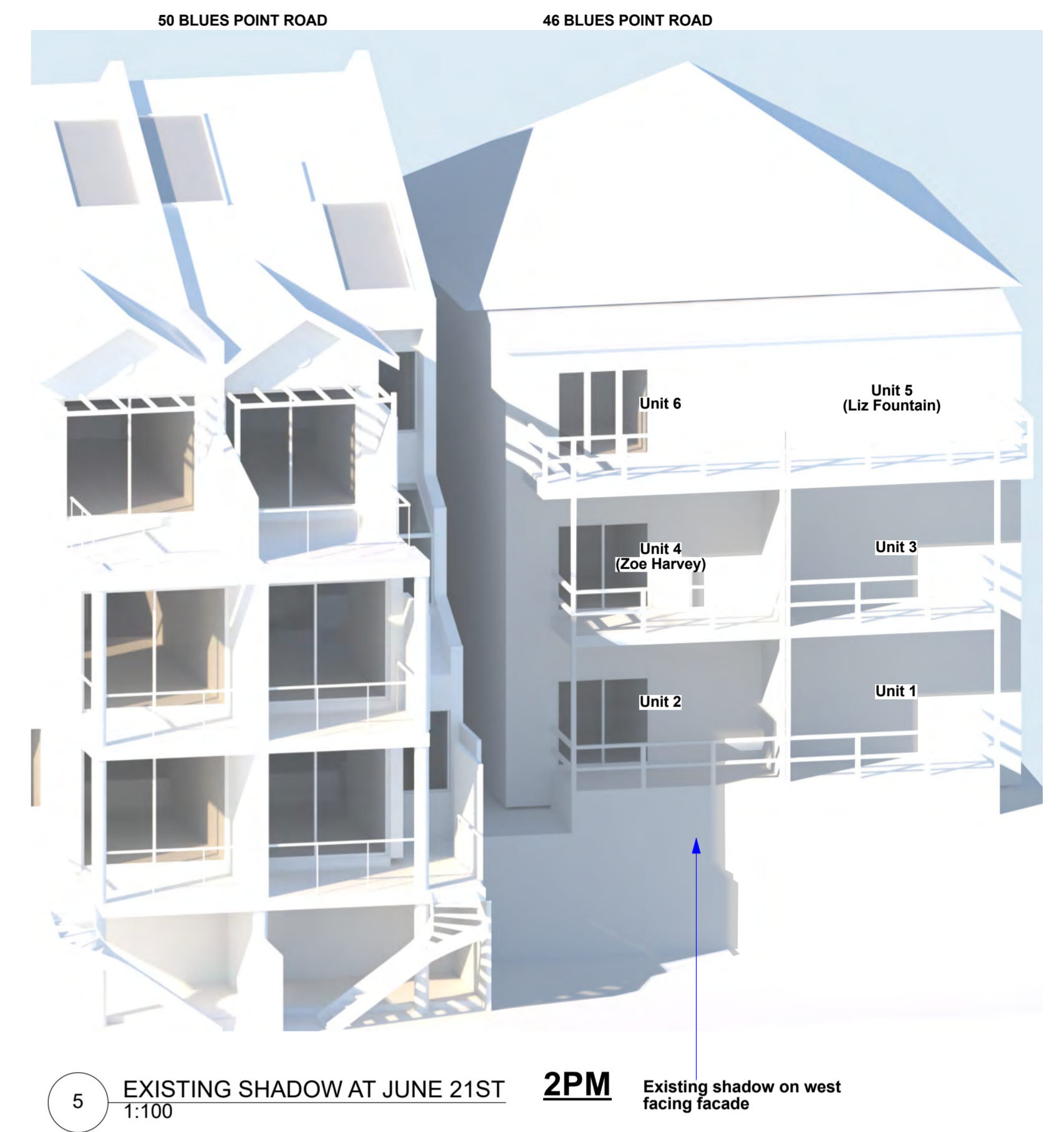
A	13/2/23	Issued for DA	KS
Rev	Date	Note	By



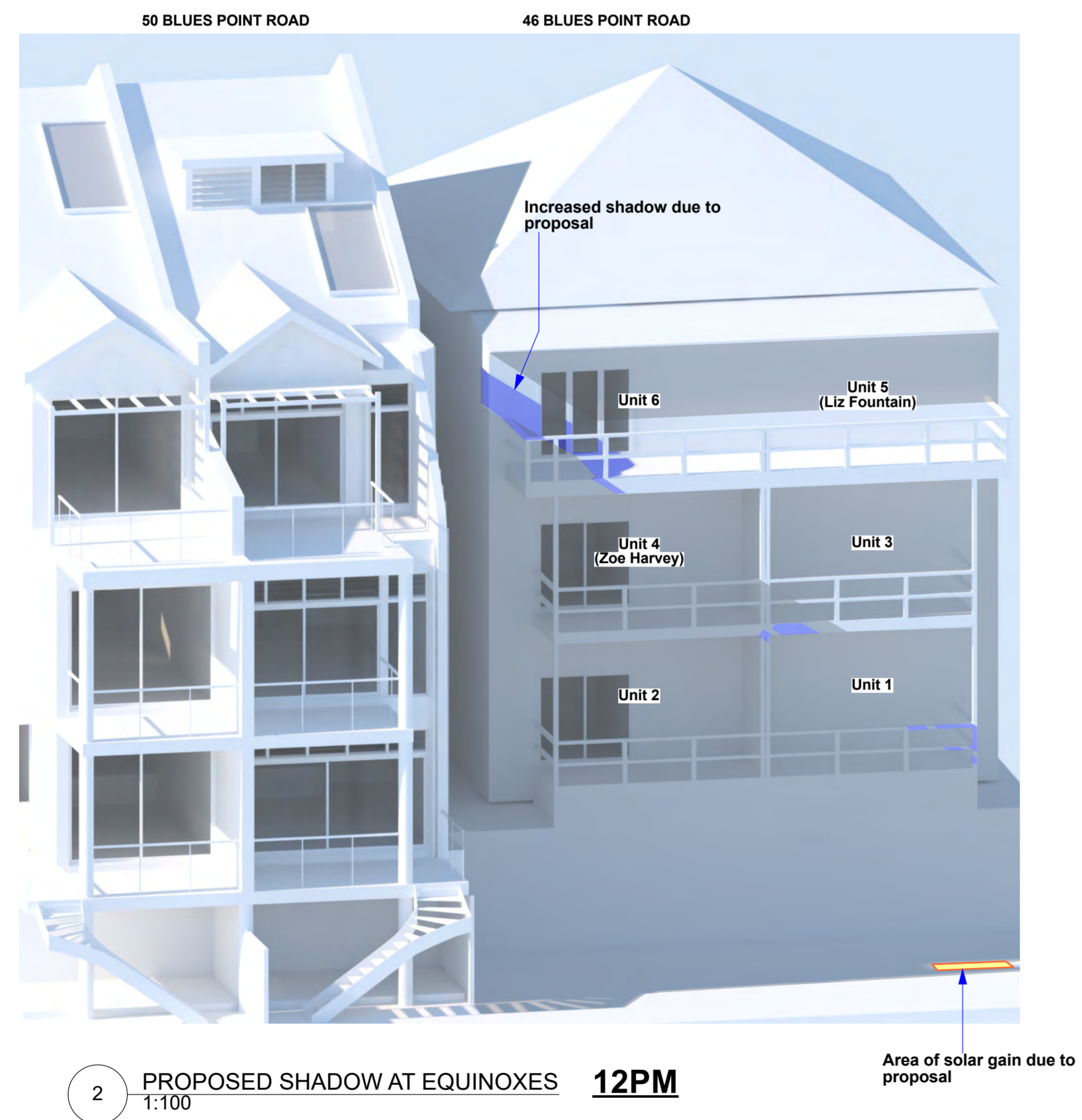
1 EXISTING SHADOW AT JUNE 21ST **12PM**
1:100 Existing shadow on west facing facade



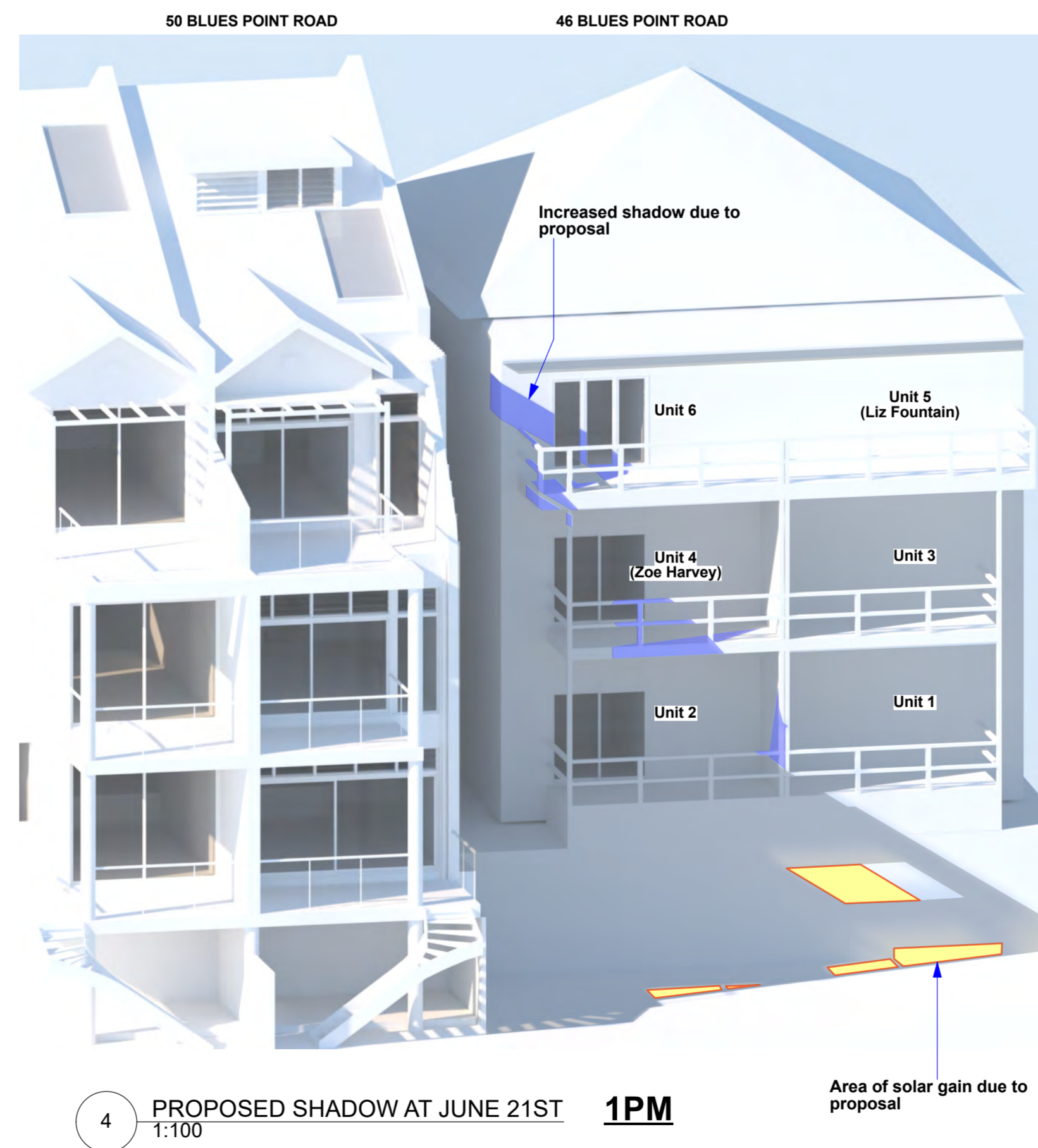
3 EXISTING SHADOW AT JUNE 21ST **1PM**
1:100 Existing shadow on west facing facade



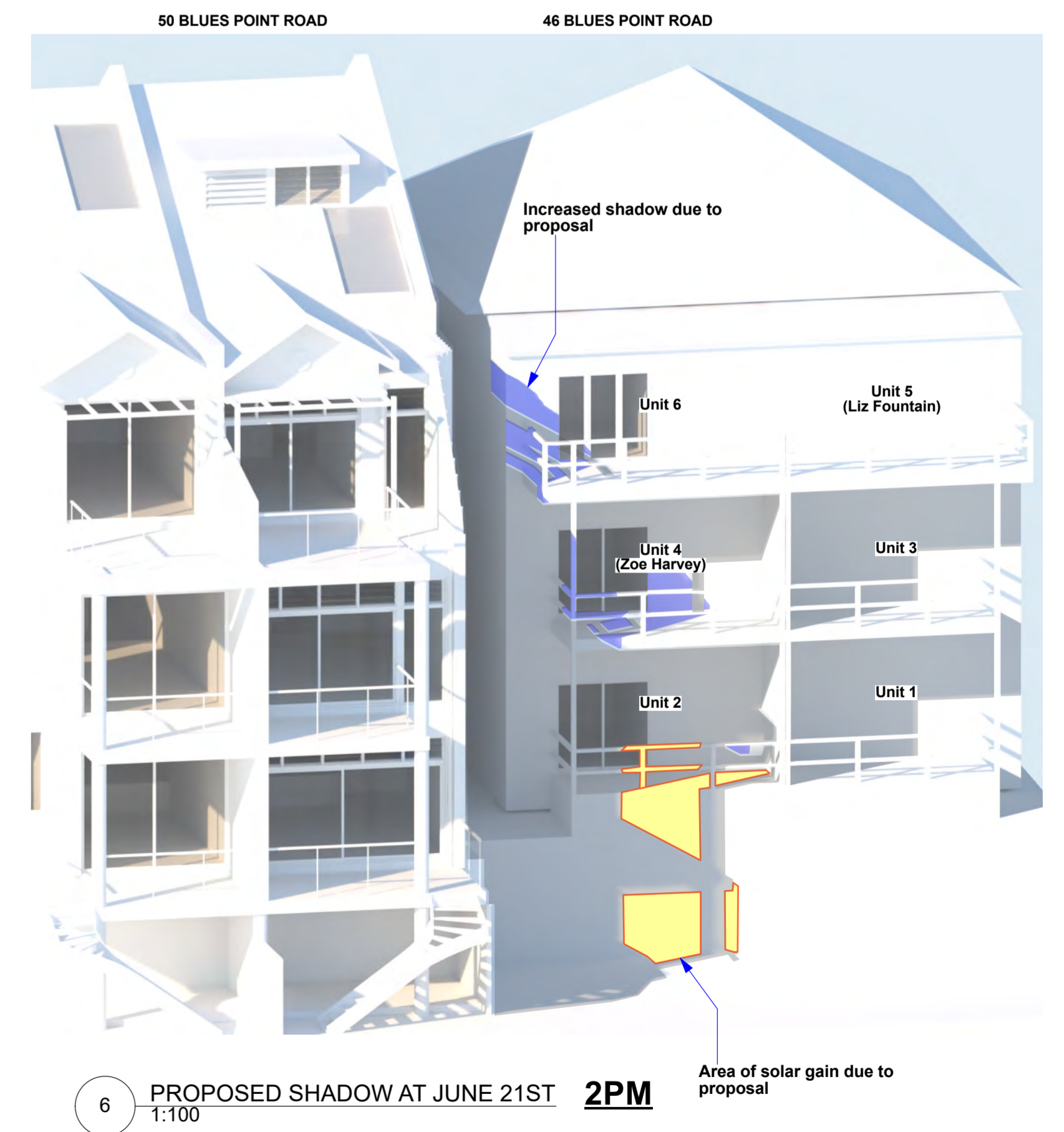
5 EXISTING SHADOW AT JUNE 21ST **2PM**
1:100 Existing shadow on west facing facade



2 PROPOSED SHADOW AT EQUINOXES **12PM**
1:100 Area of solar gain due to proposal



4 PROPOSED SHADOW AT JUNE 21ST **1PM**
1:100 Area of solar gain due to proposal



6 PROPOSED SHADOW AT JUNE 21ST **2PM**
1:100 Area of solar gain due to proposal

Rev	Date	Note	KS
A	13/2/23	Issued for DA	By

General Notes:

Additional shadow

Area of sun gain

Reason For Issue:

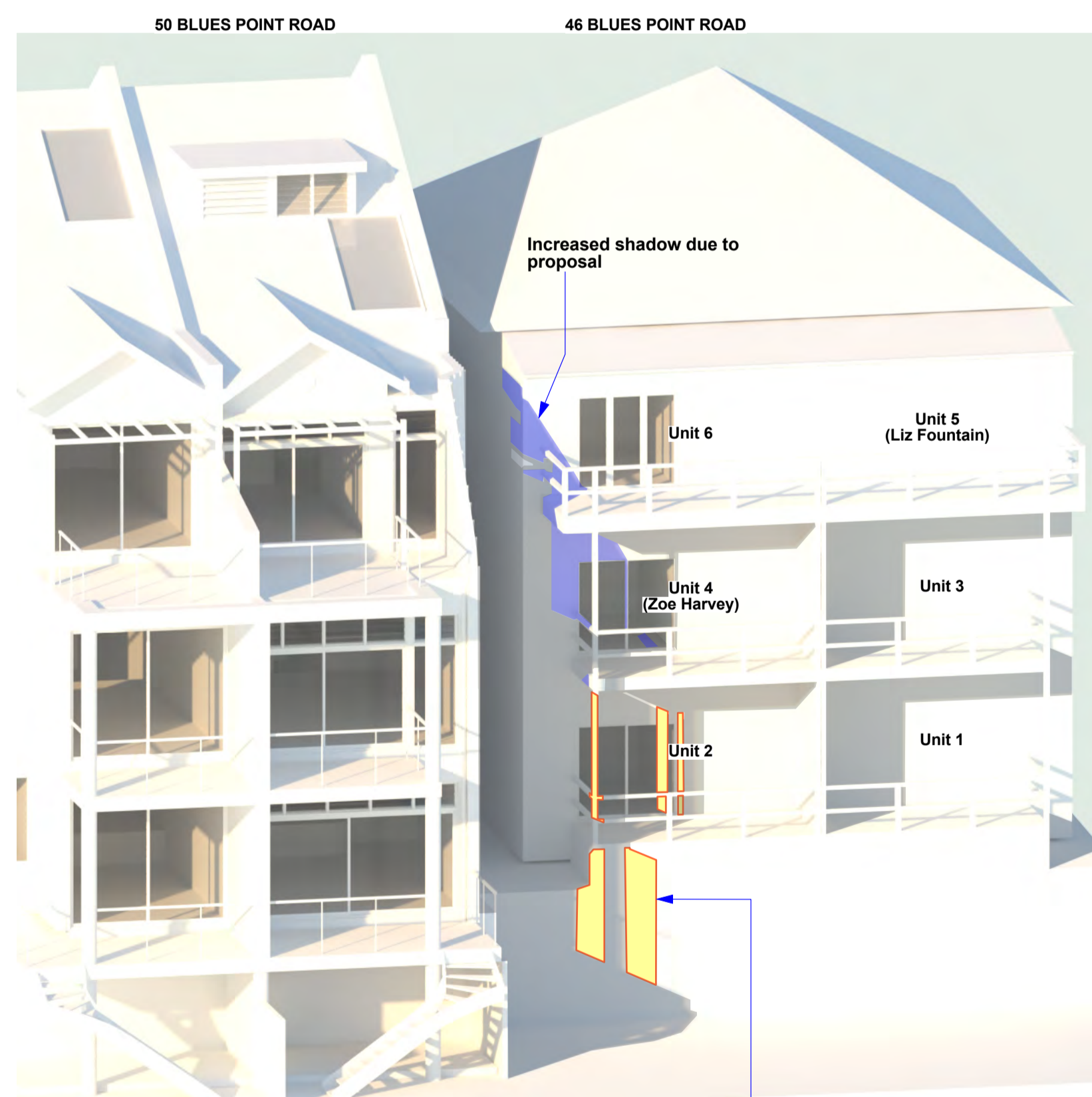
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SHADOWDIAGRAMS JUNE 21ST ELEVATIONS
Alterations & Additions
50 Blues Point Road, McMahon's Point NSW 2060
-North Sydney Council-
For Mr. Philip Redmond

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Project No.	Drawing No.	Rev No.
2119	A02-04.2 DA	A
SCALE	Drawn By	Checked By
1:100@A1	KS	KU



1 EXISTING SHADOW AT JUNE 21ST 1:100 **3PM** Existing shadow on west facing facade



2 PROPOSED SHADOW AT JUNE 21ST 1:100 **3PM** Area of solar gain due to proposal

Rev	Date	Note	By
A	13/2/23	Issued for DA	KS

General Notes:

Additional shadow

Area of sun gain

Reason For Issue:

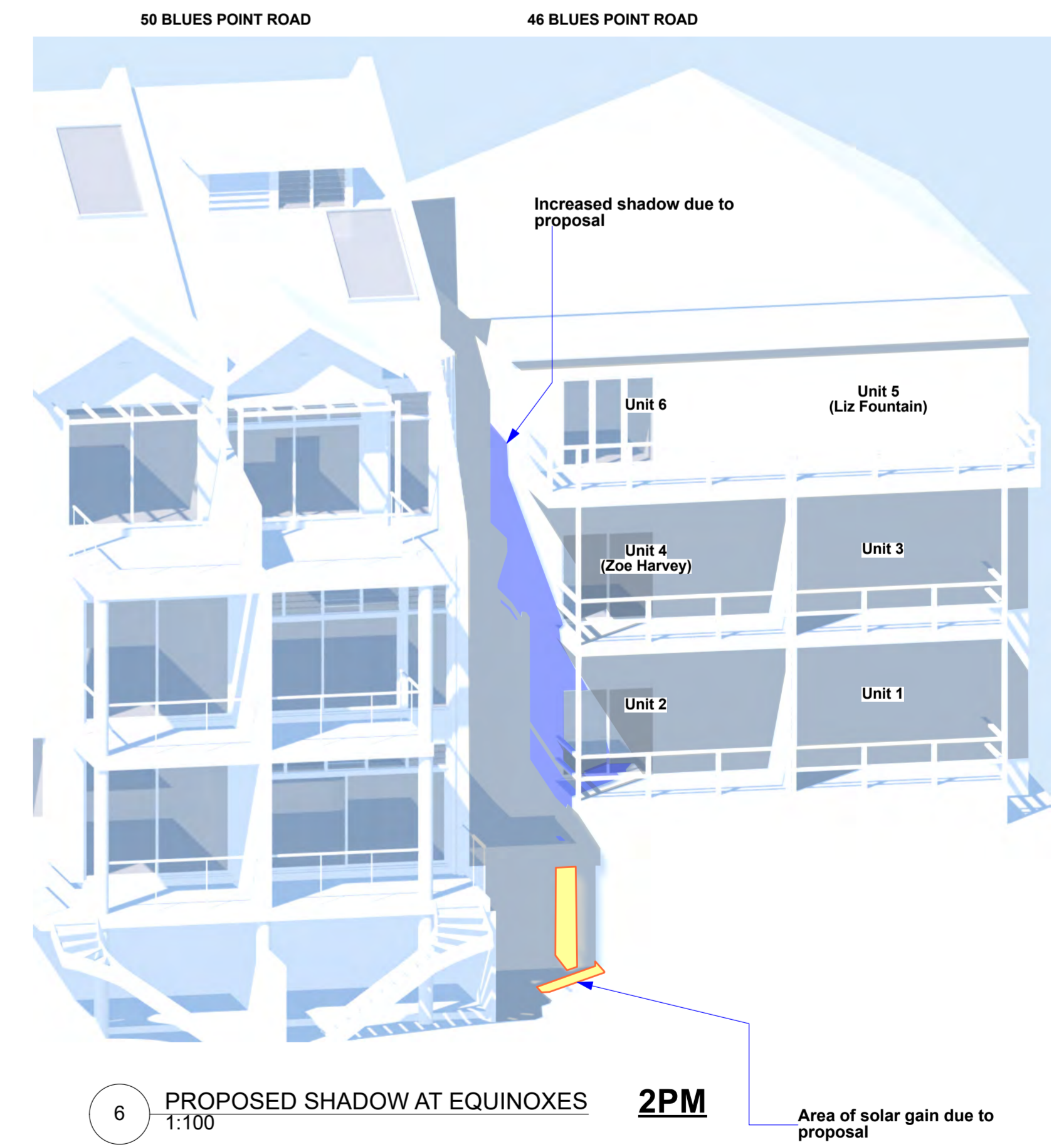
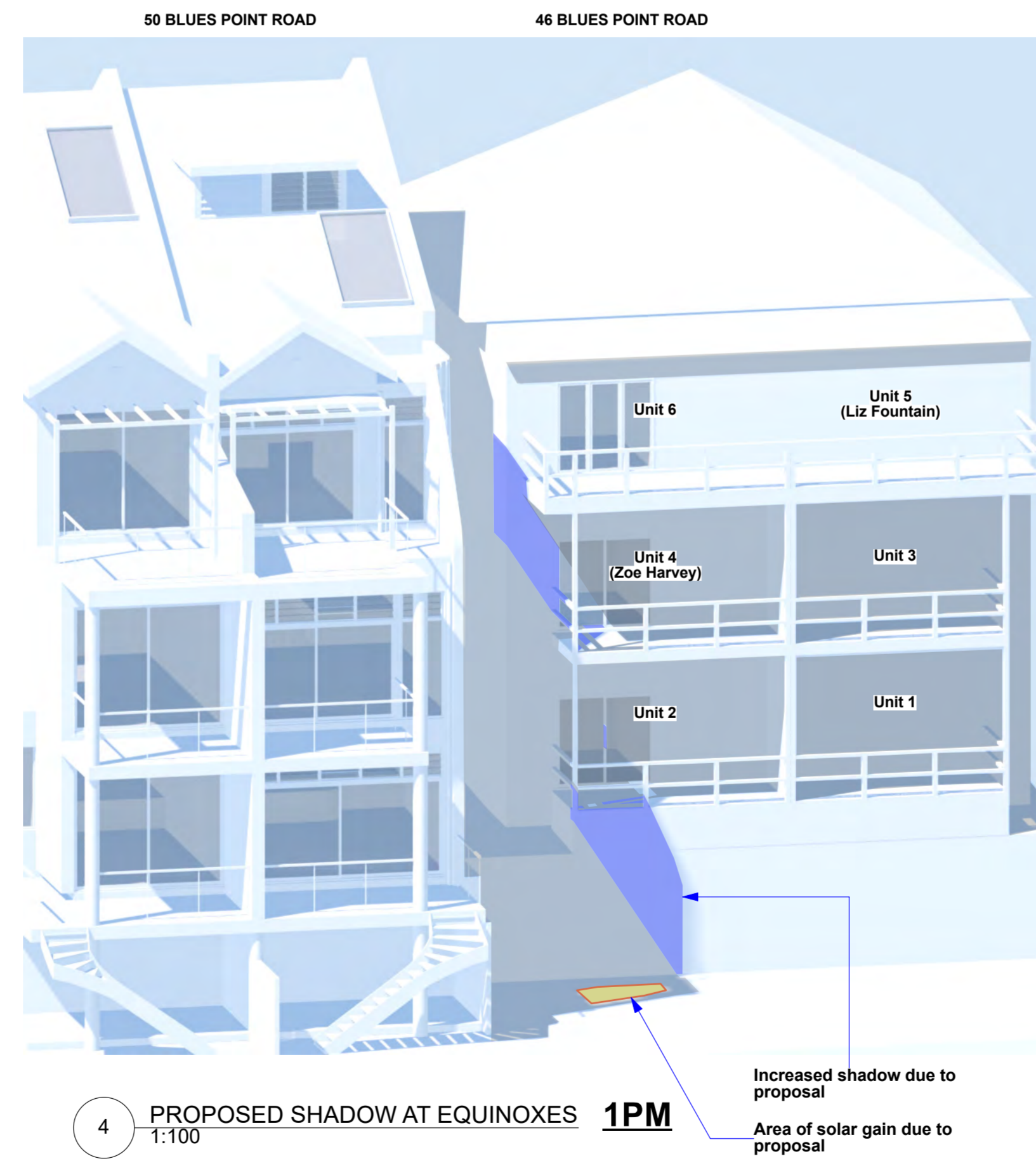
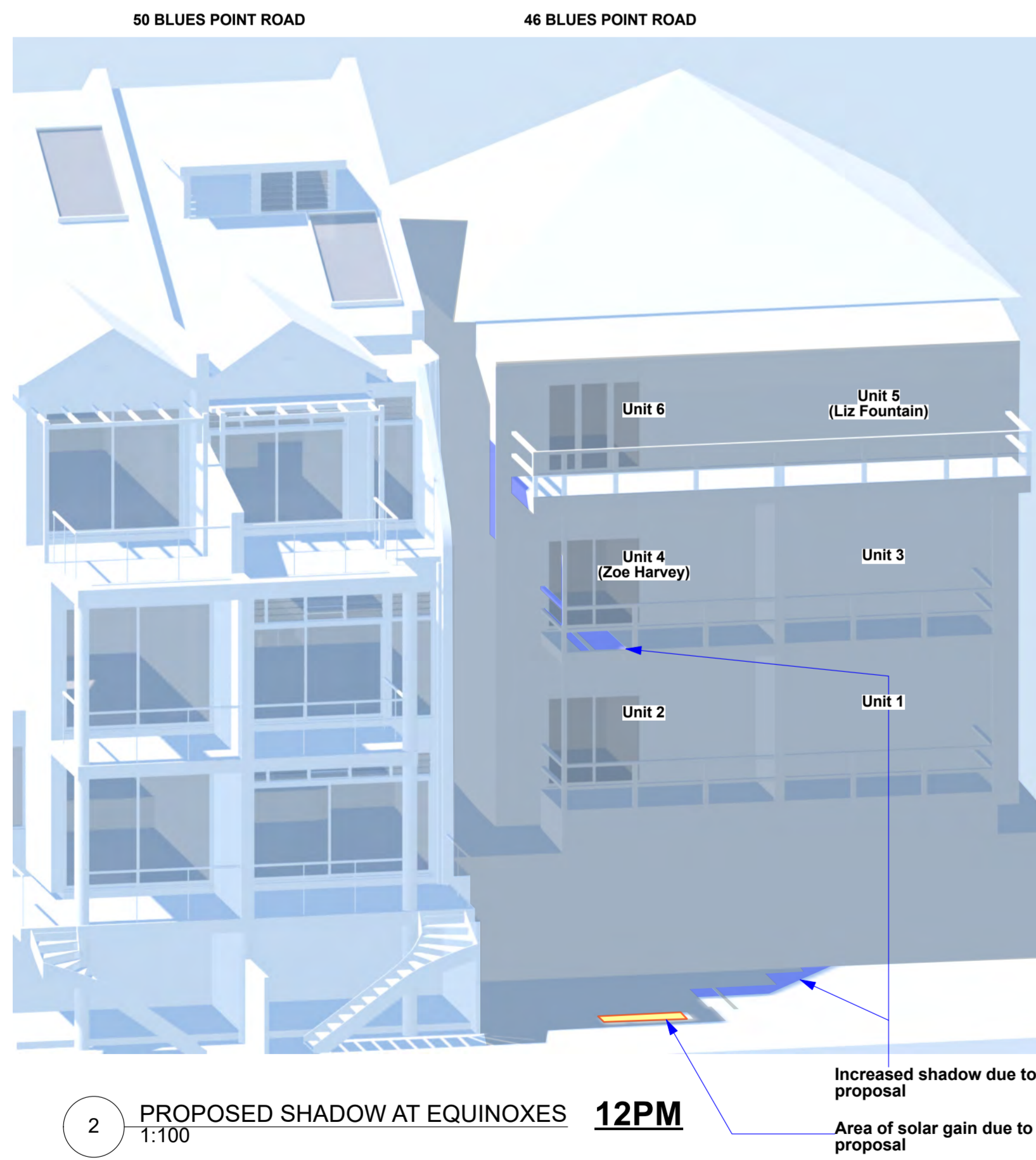
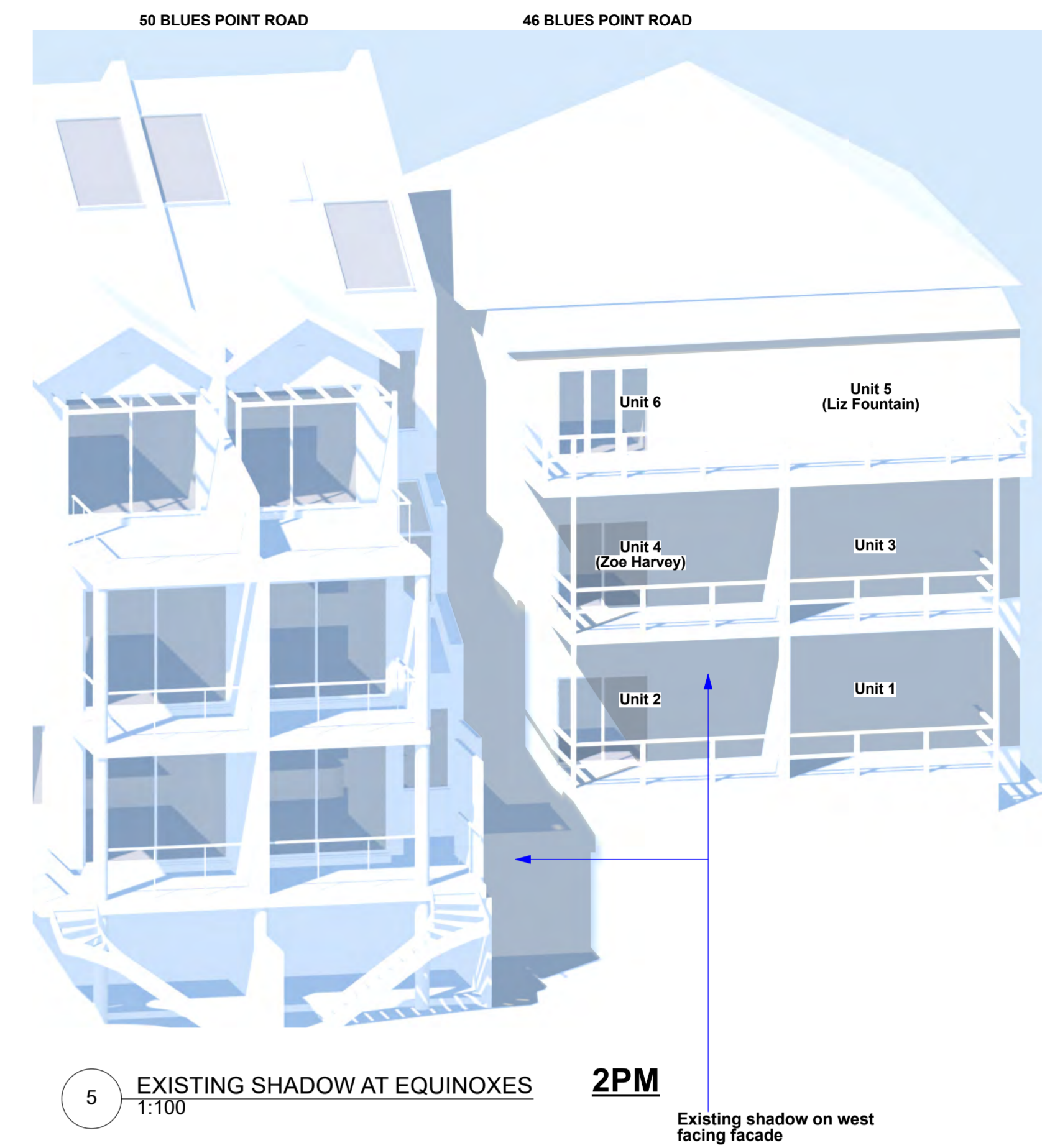
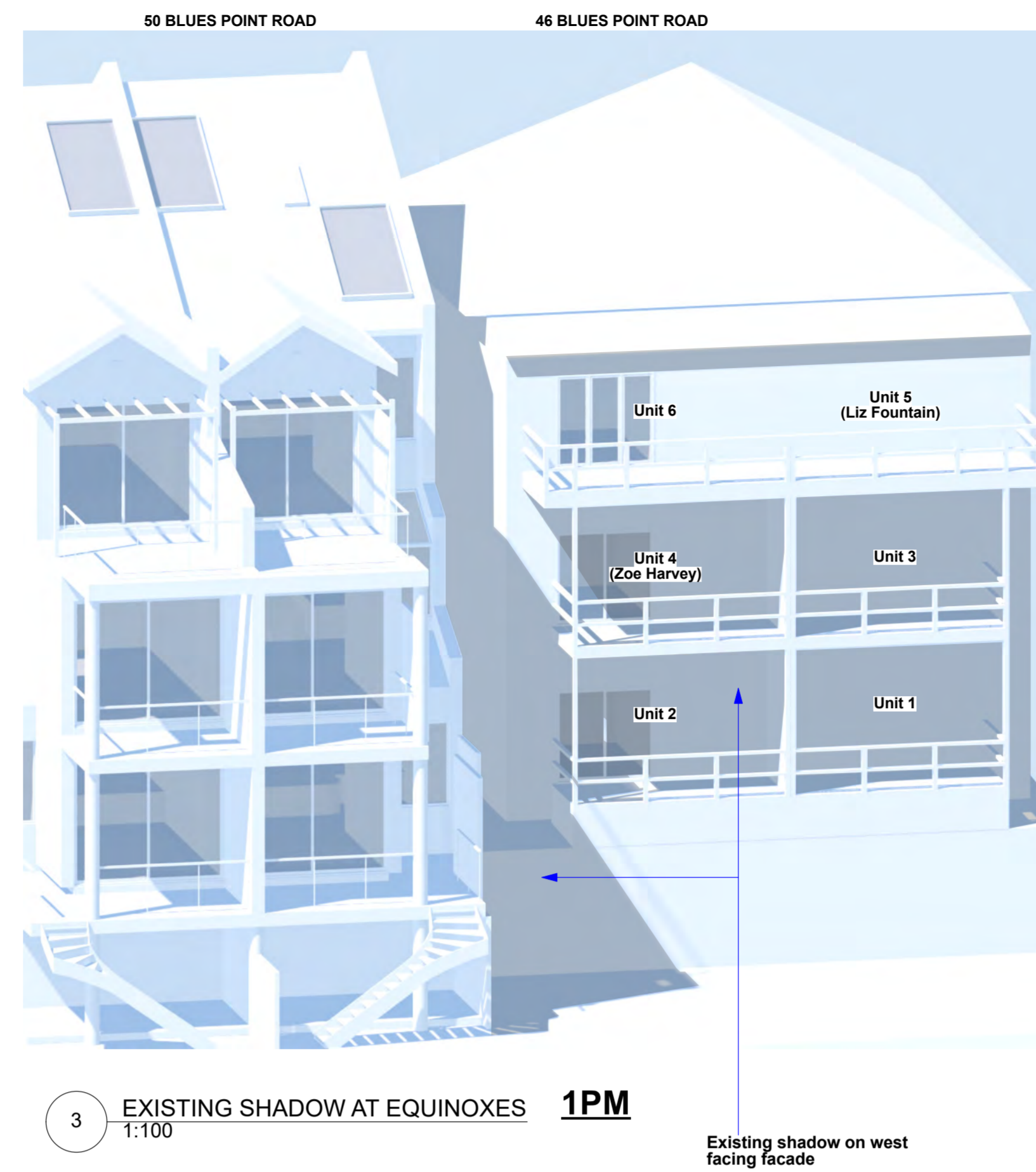
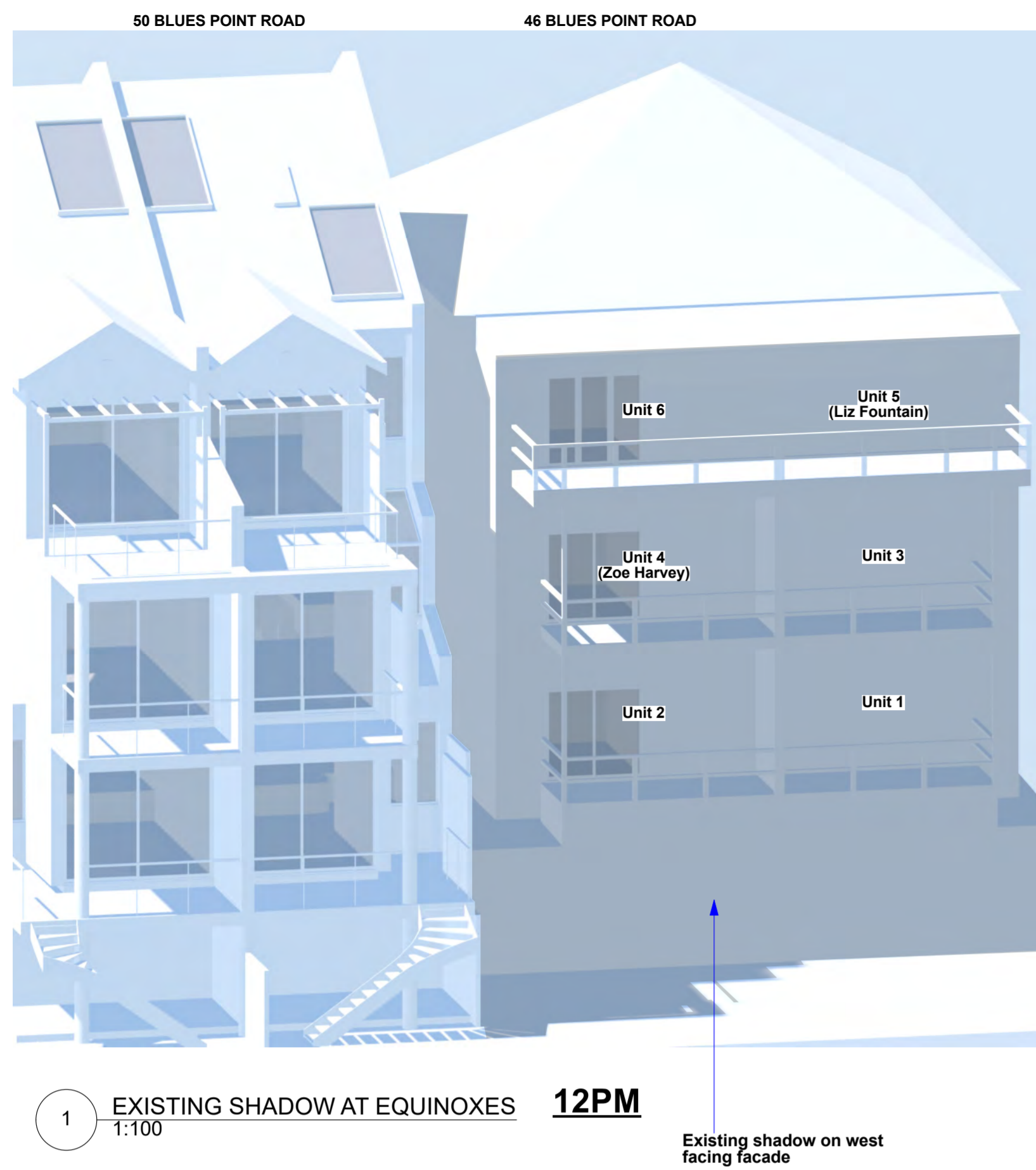
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SHADOWDIAGRAMS JUNE 21ST ELEVATIONS
 Alterations & Additions
50 Blues Point Road, McMahon's Point NSW 2060
-North Sydney Council-
 For Mr. Philip Redmond

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UTZ
SANBY
ARCHITECTS

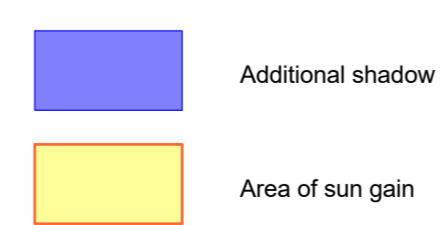
Project No. 2119	Drawing No. A02-04.3 DA	Rev No. A
SCALE 1:100GA1	Drawn By KS	Checked By KU



Rev	Date	Note
A	13/2/23	Issued for DA

General Notes:

KS
By



Reason For Issue:

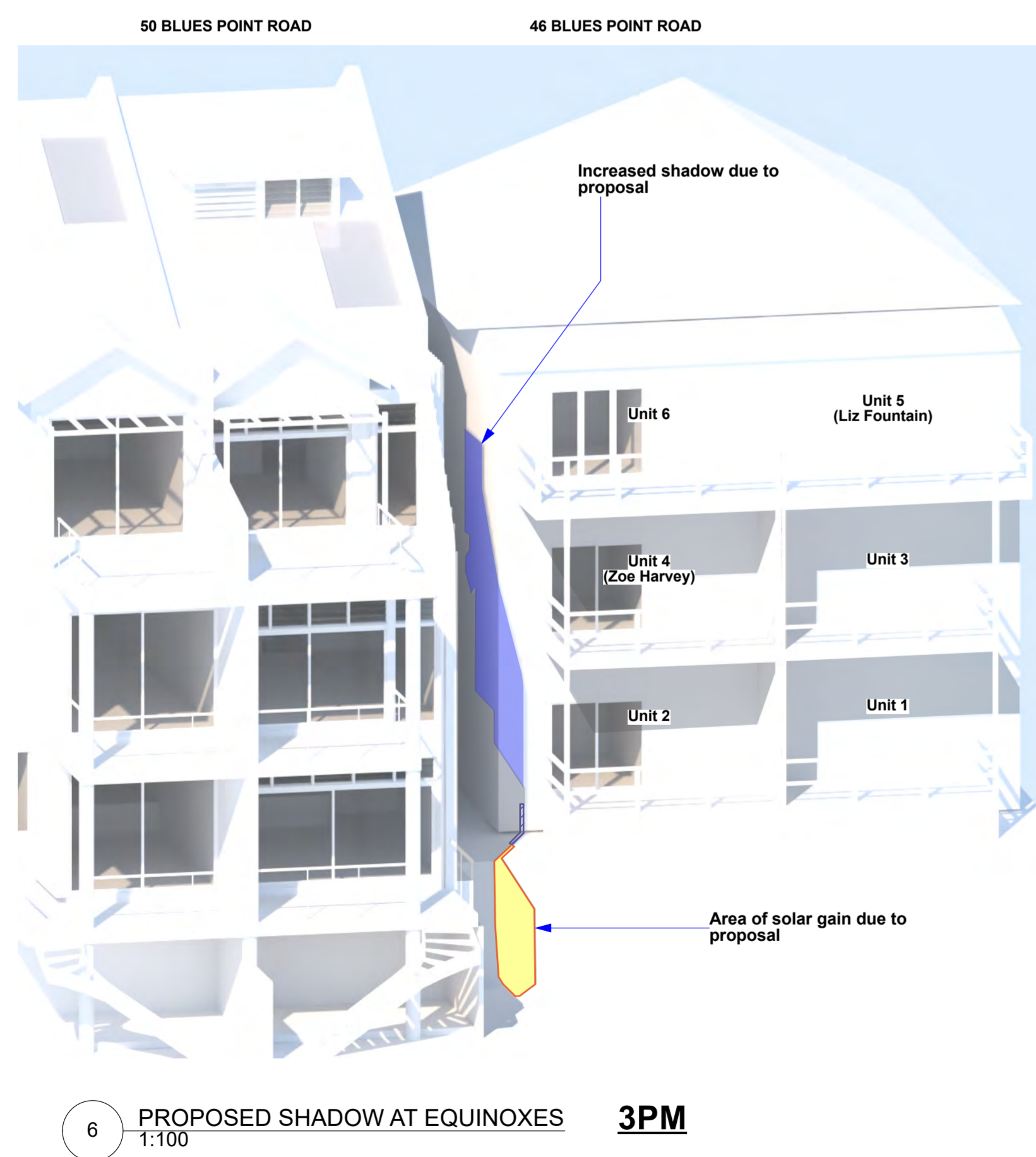
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Project No. 2119	Drawing No. A02-02.2 DA	Rev No. A
SCALE 1:100&A1	Drawn By KS	Checked By KU



General Notes:

- Additional shadow
- Area of sun gain

Reason For Issue:

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Project Address: 50 Blues Point Road McMahons Point NSW 2060
Lot 2 DP748831
Owner: Mr. Philip Redmond

CLAUSE 4.6 OBJECTION

8th September 2022 /Rev B March 2023

Justification under Clause 4.6 of North Sydney Local Environmental Plan 2013 – Exceptions to Development Standards

Clause 4.3 Height of Buildings states:

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

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

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

(2A) If the Height of Buildings Map specifies, in relation to any land shown on that map, a Reduced Level for any building on that land, any such building is not to exceed the Reduced Level.



The Clause operates in conjunction with the Height of Buildings Map, shown on the left. The subject site is within the green area shown on the map. The Maximum Height of Buildings within this area is set at 8.5 metres.

Clause 4.6 states:

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.

Discussion

This existing property is an attached dwelling, substantially rebuilt in the 1980s, within the envelope of the original terrace, but with little of the building fabric and details remaining. It is the southern terrace of a pair which are considered under North Sydney Council definitions to be modern infill development. The existing dwelling exceeds the 8.5m height limit. There is no increase in height to the existing roof resulting from the proposed development.

The Subject site is zoned R3 Medium Density Residential

The Maximum Building Height as noted on the Height of Buildings Map Sheet HB-002 is 8.5m
The subject site is in the McMahons Point South Conservation Area.

The existing dwelling is two-storeys at the street front, with an attic-storey within the roof. The site slopes steeply to the west toward Berrys Bay and has an existing Lower Ground Floor, below street level – which means the existing dwelling exceeds the 8.5m height limit for this site by 62.7%. The neighbouring buildings at 46 Blues Point Rd to the south and 54 Blues Point Rd to the north are both inter-war flat buildings, which also exceed the 8.5m height limit.

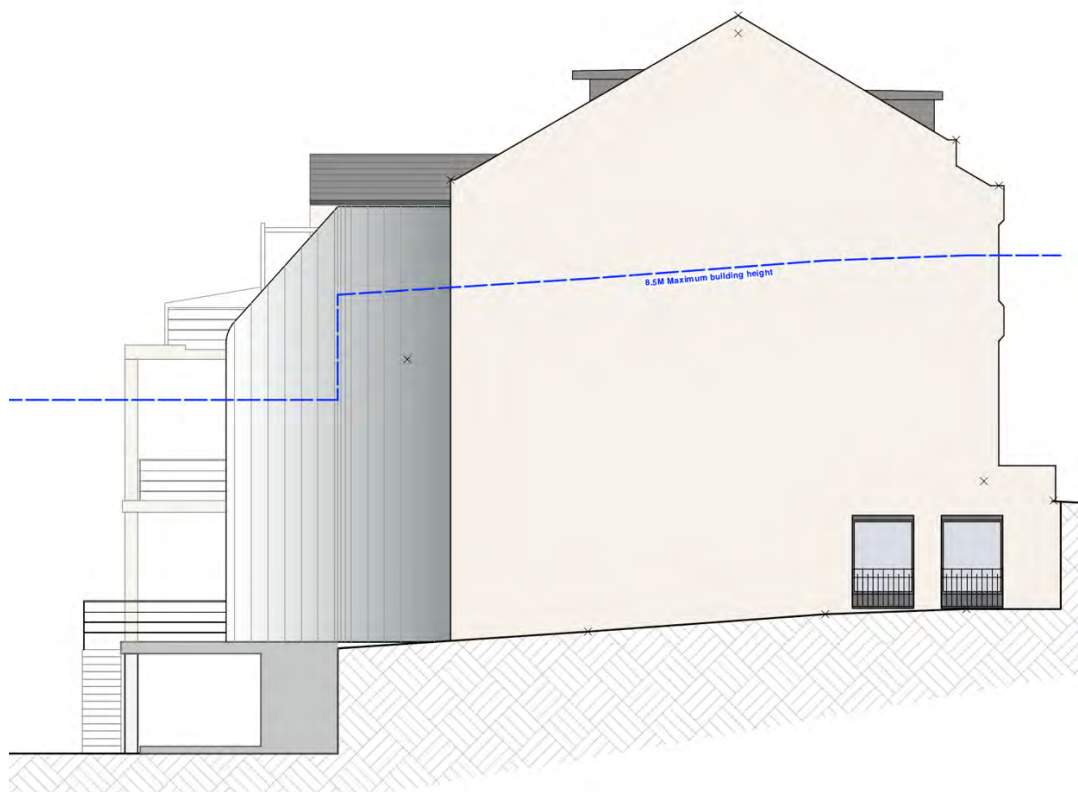
The proposed development seeks to replace the existing skylights on the street front with a single dormer window. This is to facilitate better access to light and ventilation, in all-weather as the existing Attic bedroom can be uninhabitable in summer due to excessive heat. The dormer window will enable much better access to light and ventilation and is consistent with other recent DA Approvals for infill development in this locality such as 51 and 94 Blues Point Road, McMahons Point.

The building is considered neutral and as such the request to add a dormer to the existing attic storey is considered acceptable from a heritage perspective in this instance. The existing building is a highly modified terrace, considered to be uncharacteristic due to the front garage and driveways to both terraces. The proposed alterations and additions have been designed in consultation with a heritage expert.

See letter from heritage consultant Weir Phillips dated 7th February 2023.



View of front of existing dwelling (on left) and the neighbouring flat buildings.



Proposed Alterations and Additions to existing

The diagram above illustrates the extent of the existing non-compliance. At the highest point the ridge of the existing roof is 5600mm above the Maximum Building Height line or 62.7%, shown as the blue dashed line.

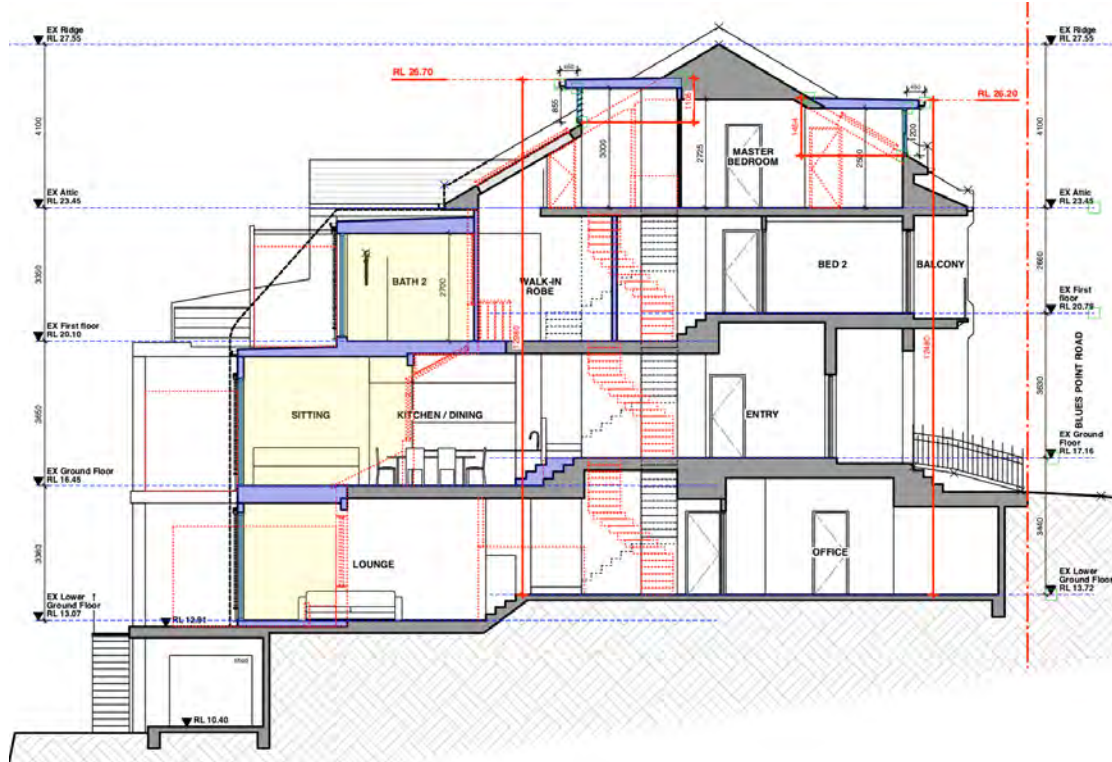
The dwelling has an existing Lower Ground Floor which is largely below street level and the Natural Ground Level at the rear of the building is more than 2 metres below the level at the front street boundary. The gradient across the site is 1:3.3 and can therefore be classed as a steeply sloping site which means the existing dwelling and pitched roof infringes the Maximum Height of Building line as the site drops away to the rear.

The proposal does not alter the main roof line or the ridge height of the existing dwelling but does propose the addition of a dormer window (replacing existing skylights) as part of this development application for the reasons outlined above.

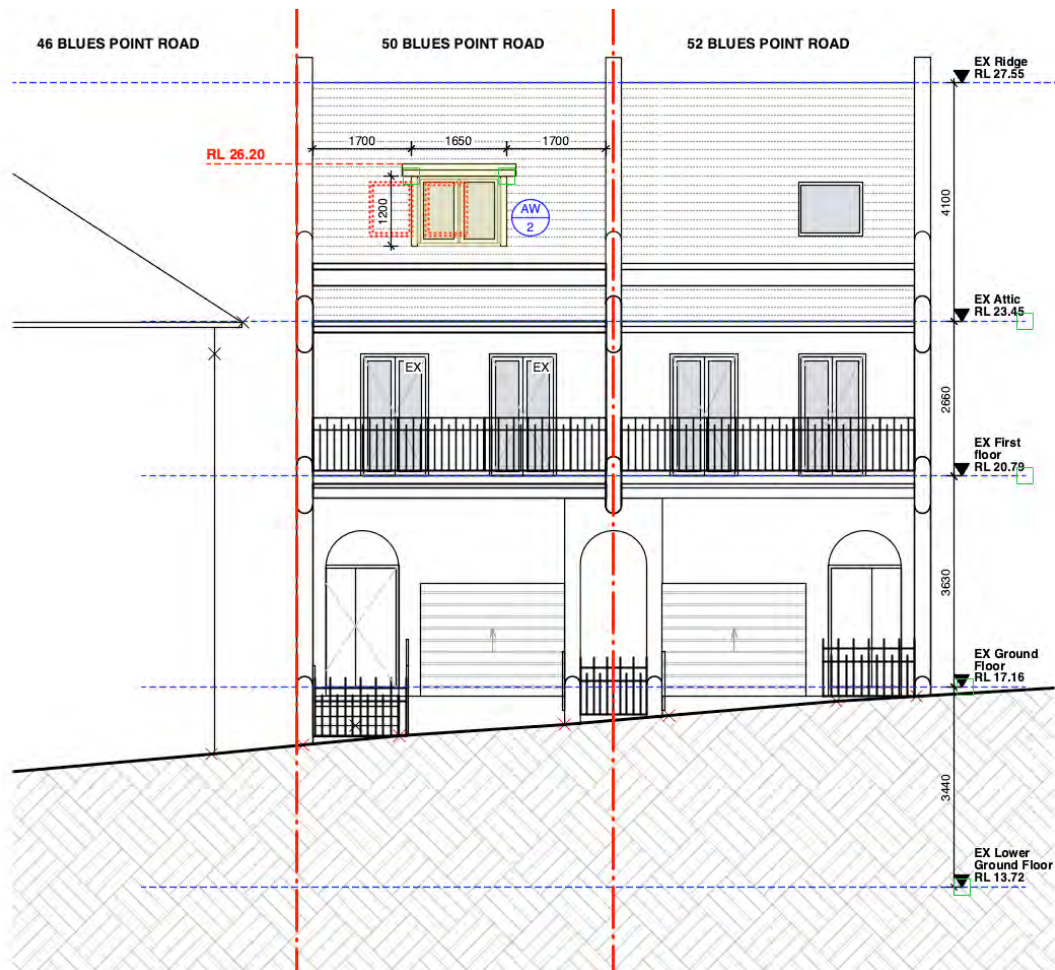
The front dormer has a height of R.L 26.20, measured at 12.48 metres from Natural Ground Level (46.8% above height limit) as shown on Section A01-04 DA Rev E below.

The rear dormer has a height of R.L26.7, measured at 12.98m from Natural Ground Level (52.7% above height limit).

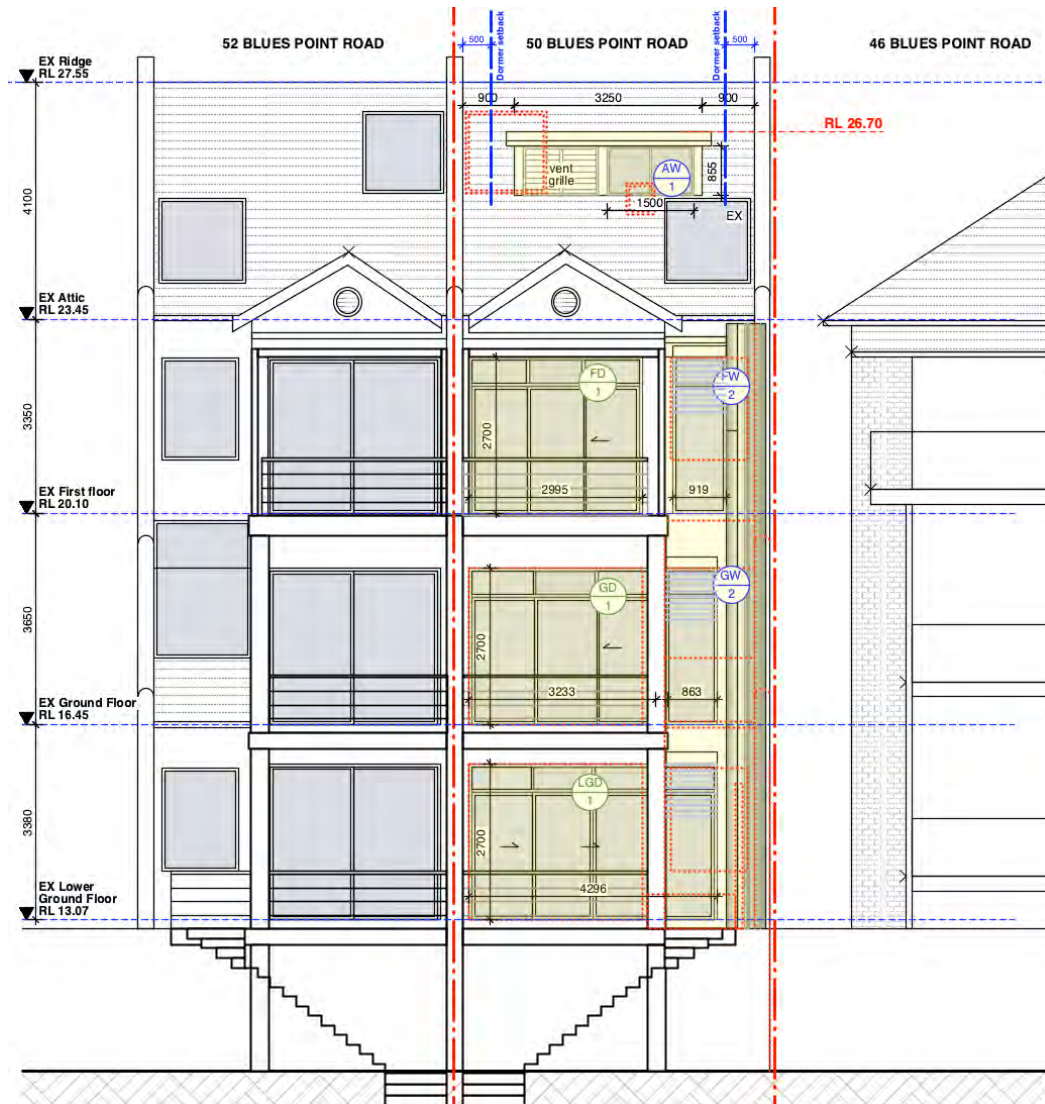
The existing ridge is 13.83m from natural ground level which is 62.7% above the 8.5m height limit. The dormer at the front and rear are well below the existing ridgeline and are subservient to the roof form.



Section A01-04 Rev E



Front elevation A01-03 Rev D



Rear elevation A01-03 Rev D

We will now address each aspect of Clause 4.6 in turn for completeness:

(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.

The current dwelling requires, remedial work to repair leaks and water damage, improved accessibility for the occupants with limited mobility, enhanced natural ventilation of the building and improved sun control. In addressing these issues, the applicant is seeking to add a new lift and would reconfigure and replace the existing internal stair and add an ensuite bathroom at first floor. It is proposed that the kitchen be relocated to the ground floor (from the lower ground level) to assist in accommodating the new lift and reconfigure the stair as well as to improve the overall functionality of the accommodation.

We argue that this Clause 4.6 Objection is available to give the Owner an appropriate degree of

flexibility to be able to remediate and improve the existing dwelling to achieve a better outcome for the development.

- The proposed design will achieve a better outcome in terms of ongoing maintenance and longevity, will provide better glazing and sun control, improve accessibility and function of the existing dwelling.
- It will ensure the additions and existing dwelling is brought up to current standards, will be watertight and will improve the overall energy consumption for the dwelling.
- It will substantially improve accessibility for occupants with limited mobility within the dwelling supporting 'ageing in place' objectives.
- The proposed additions are minor and are within the envelope of the existing dwelling.
- The new southern boundary wall is in keeping with the existing form at the rear, will improve privacy between neighbours and is consistent with the Conservation Area objectives to preserve the built form character of the street.
- It is a better outcome for this development from the standpoint of cost, resources, energy and waste management to allow the Applicant the flexibility to retain the existing structure
- The proposed modifications will improve the overall energy efficiency of the dwelling and reduce the need for mechanical ventilation by providing better cross ventilation, particularly via the dormer windows to the attic storey.
- The proposed front dormer is in proportion with the existing building, not offensive or uncharacteristic and will not impact on the streetscape or views along Blues Point Road.

(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.

The development standard proposed to be contravened, Clause 4.3 Height of Buildings is not 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.

This submission is the written request for consideration by the consent authority, that the compliance with the clause is considered unreasonable and unnecessary in the circumstance of this case as outlined in the discussion below.

To explain why compliance with the development standard is unnecessary in this instance, we will examine all of the stated objectives of Clause 4.3 Height of Buildings and demonstrate compliance with each of them:

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

The proposed development is within the envelope of the existing dwelling. The existing floor levels, ceiling heights and external walls are to remain. There is no change to the existing dwelling in relation to the sloping site. The proposed roof form is consistent with the predominant roof forms in the Conservation Area and with neighbouring dwellings. The existing dwelling is one half of a pair of attached dwellings.



The photo clearly shows that the existing two-storey dwelling is both compatible and in-scale with the neighbouring houses in the locality.

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

The proposed development will not impact any existing views. The proposed development is entirely within the existing building envelope and has minimal impact on existing peripheral views from the northern end of neighbouring balconies. The iconic views are to the west towards Balls Head and are not impacted by the proposed development.

The proposed removal of the existing privacy screens on each level of the subject property will improve the views from neighbouring balconies to the North.



The photo on the left shows the privacy screens on each level of the subject dwelling, taken from neighbouring verandah (unit 4) from southern end of their balcony.

This photo demonstrates the minor impact on any views to

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

The proposed development is oriented East/West and is on the southern side of an attached dwelling.

The shadow diagrams demonstrate that there is very little change to existing shadows at no. 46 Blues Point Road as a result of the proposed development.

Detailed Analysis Below:

Due to the western orientation of the rear facades of No. 50 and 46 additional overshadowing is minimal and are confined to the northern side of the neighbouring apartment building. The southern apartments are not impacted.

Equinox Between 9.00am-12pm

There is no change to shadows affecting the living rooms and bedrooms of apartments on all levels of no. 46 between 9.00am and 12.00pm. A minor increase in shading occurs on the north west corner of the balconies to the Ground and First Floor apartments (4 & 6) only.

Equinox between 1.00-2.00pm

There is a minor increase in shading to a small area of west facing glazing and balconies of the Lower Ground and Ground Floor(4 & 2) apartments on the northern side.

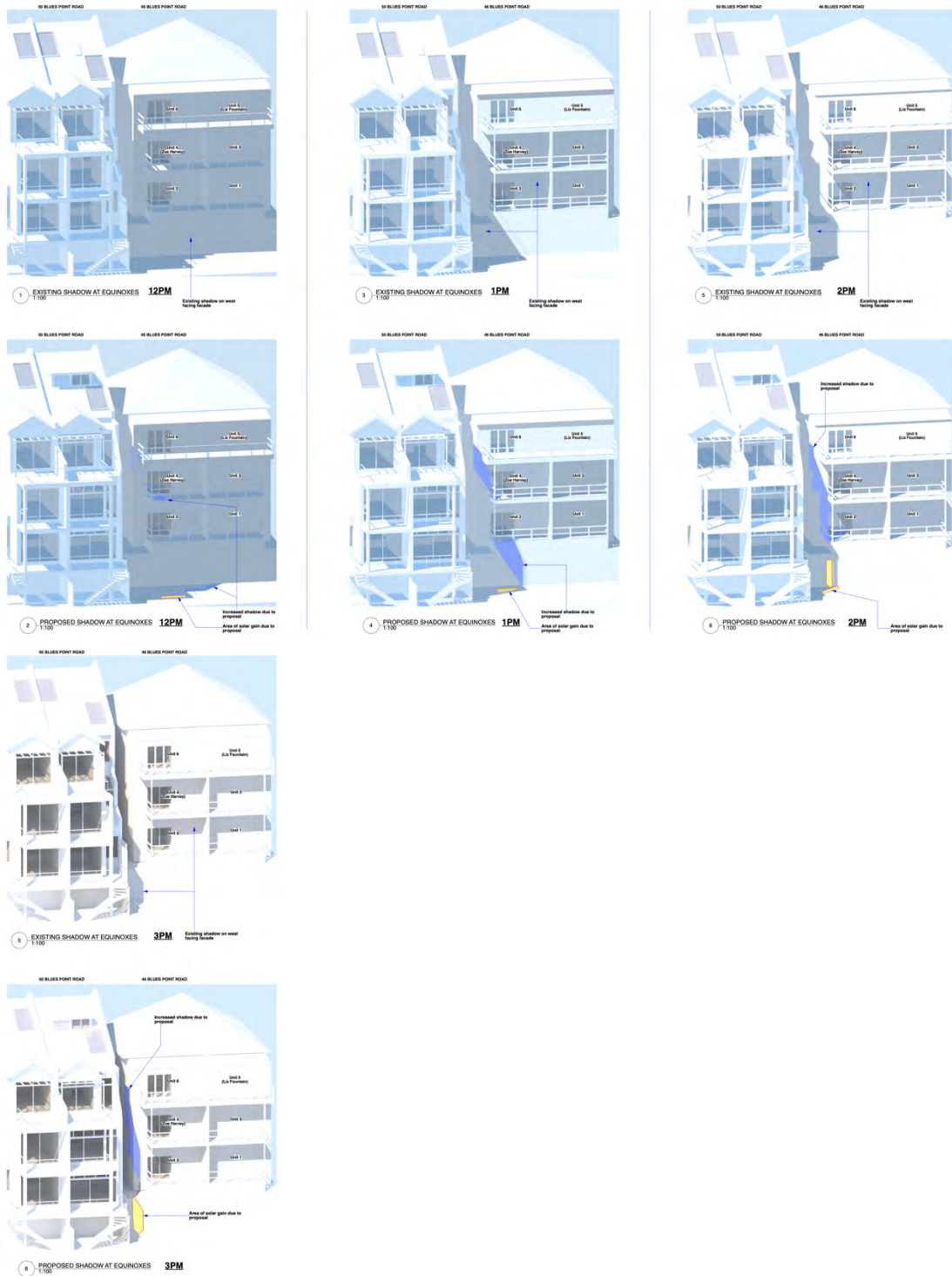
Equinox at 2.00pm

There is some minor overshadowing on the North west balcony on the Lower Ground (No. 2) apartment only.

Equinox at 3.00pm

The shadow falls between the buildings and the neighbours balconies and rear façade are not impacted.





Winter Solstice 9.00am-11.00am

During the winter solstice the neighbouring building is in full shadow between 9.00-11.00am and there is no change to existing shading.

Winter Solstice at 12.00- 1.00pm

At 12 pm the neighbouring building is already in shadow for over 50% of the rear façade. There is a minor increase in shading to the north west corner of the balcony of the upper , First Floor (No.6) apartment.

Winter Solstice at 2.00pm

There is a minor increase in shading to the north west corner of the balcony of the upper, First Floor and Ground floor apartment (No.4 & 6).

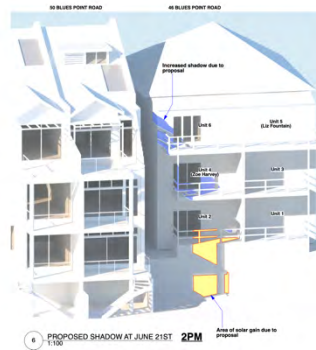
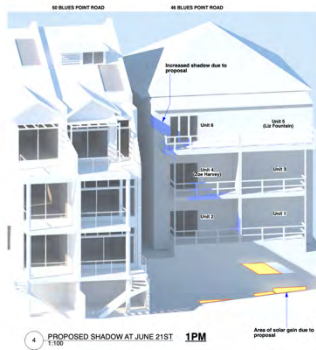
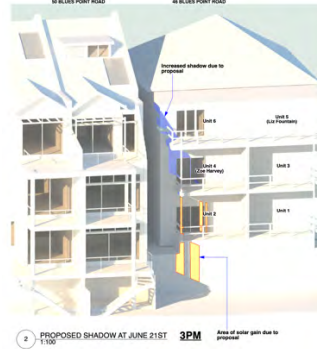
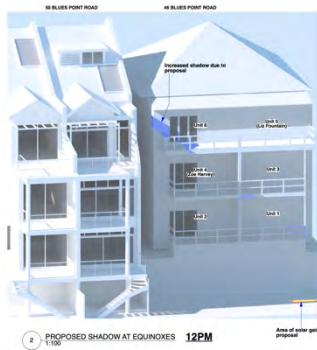
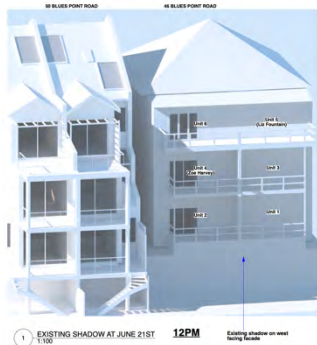
Winter solstice at 3.00pm

There is a minor increase in shading to the north west corner of the balcony of the middle, Ground floor (no.4) apartment.

Winter Solstice 1:00-3:00pm (Solar gain)

The proposed removal of existing privacy screens results in additional daylight to the lower two apartments (units 4 and 2), Basement and garden.





SEE SHADOW DIAGRAMS A02-02.1 – A02-04.3 Rev A

Conclusion

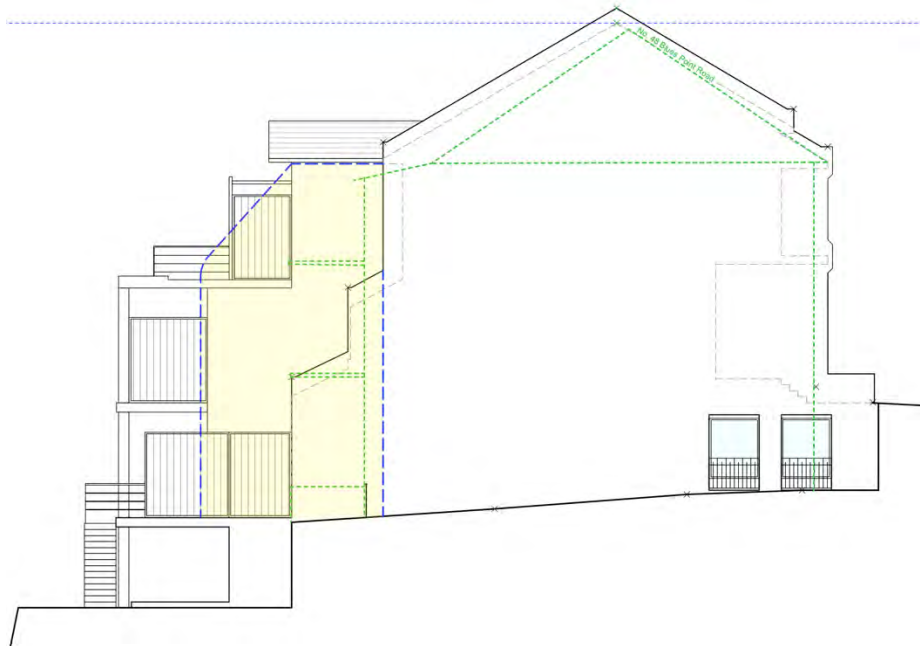
The proposal complies with the objectives of Cl 1.3.7 of the DCP regarding Solar access. The existing apartments at 46 Blues Point Road have an east west orientation and are to the south of the subject site. This means that the rear (west facing) elevation is currently in shadow at these times of year. The proposed addition does not increase the shadow to existing living rooms and bedrooms, and will maintain 3 hours of natural daylight between 12.00pm and 3.00pm on the 21st June.

Overall there is only minor changes to existing overshadowing caused by the proposed development. This occurs on a small portion of the balconies and north west corner of the rear glazing to apartments (No.s 6,4 & 2) located on the northern side of the building and has no impact on the apartments on the southern side (No.s 5,3 & 1).

- The removal of existing privacy screens on all three levels of the existing dwelling will improve access to daylight to the lower apartments (units 4 and 2) as well as the basement and garden between 1.00-3.00pm on 21st June.

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

- The proposed alterations and additions are generally within the existing building envelope.
- The existing walls and window openings to the western elevation will be retained.
- The proposed roof form has no impact on the privacy currently enjoyed by the neighbouring dwellings.
- The proposed rear addition matches the height of the existing privacy screens on the southern side of the subject properties balconies.
- The proposed remodelling of the southern boundary wall will prevent overlooking from neighbouring balconies onto and into the subject property and improve privacy between dwellings.
- There is no change in height or roof form as a result of the proposed development.



Existing building with privacy screens shown in relation to proposed screen wall.

Add proposed underneath.

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

The existing dwelling has a roof form that is a single pitched roof within parapet walls and is consistent with the predominant characteristics of late Victorian and Federation dwellings in the Conservation Area. The proposed dormers to the east and west are below the existing ridgeline and subservient to the existing roof form.

- The proposed front dormer will replace the existing skylights at the street front of the dwelling and follow Council's design guidelines in Section 13 of the DCP and is set back from the sides and follow proportions for an eyelid dormer. This dormer will provide much better amenity for the occupants of the attic bedroom, in terms of access to natural light and ventilation, views and all-weather openable windows.
- The proposed dormer at the rear of the existing dwelling is symmetrical within the existing roof and well below the existing ridgeline and will accommodate the top of the new lift and associated ventilation.
- The new southern boundary wall will improve maintenance of the existing building by removing leaking skylights, glazing and a small roof which cannot be accessed.
- The new southern boundary wall does not affect existing views and will improve privacy between the dwellings.
- There is no change in height or roof form as a result of the proposed development.
- The proposed development is appropriate in scale and design and will result in better amenity for the building now and into the future.



9 BIRDS EYE VIEW

 50 Blues Point Road, McMahons
 Point NSW 2027

The 3-D birds eye view of the proposed development demonstrates the extent of the proposed screen wall in relation to the existing building envelope and the neighbouring building to the south.

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

- The bulk and scale of the proposal is consistent with the surrounding development.
- All existing trees are retained on site.
- The existing dwelling is an attached infill development and is consistent with surrounding development and consistent with the objectives of the Conservation Area in terms of bulk, form and scale.
- The existing building has been heavily altered and despite some original details that have been reproduced, is essential new.
- The alterations and additions are proposed generally within the existing building envelope and does not exceed existing setbacks. There is minimal impact on neighboring dwellings and the streetscape.
- There is no change in height or roof form as a result of the proposed development.

As outlined above, the Proposal achieves all the objectives of Clause 4.3, (a) to (f). We demonstrated that with respect to Clause 4.6 (3) (a), adherence to Clause 4.3 is unnecessary in this instance as the objectives of the standard can be achieved notwithstanding non-compliance with the standard.

With respect to Clause 4.3 (3) (b):

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

We will examine the environmental planning grounds particular to the circumstances of the proposed development in relation to appropriate objectives of Section 1.3 of the EPC Act:

(e) to protect the environment, including the conservation of threatened species of native animals and plants, ecological communities and their habitats,

The proposal retains all existing vegetation on site and does not result in any change to the existing landscape and permeable areas on site.

(g) to promote good design and amenity of the built environment.

The existing building falls short of current standards and energy requirements, existing glazing is inappropriate for the west facing site at the rear and needs to be replaced. Poor roof and skylight design is causing problems of water damage within the house and the building fabric. It is a reasonable design approach to re-design the rear south-western boundary wall to remove the stepped parapet wall, badly designed roof and glazing and replace this with a curved vertical wall that would improve the overall appearance, resolves maintenance issues and provides better interior spaces and functionality for the building.

The proposed improvements in terms of moving the kitchen to the Ground floor, installing a lift and upgrading the staircase to be safer and meet NCC requirements will enable the applicants to age in place.

The improved accessibility will also serve future owners to age in place and make the building suitable for a broader range of occupants.

The owner is seeking to add amenity by increasing cross ventilation, natural light and weather protection. The proposed development is appropriate in scale and design and will result in better amenity for the building now and into the future.

(h) To promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,

It is considered highly appropriate and proper construction to improve the thermal performance of the building and reduce energy consumption. The removal of leaking skylights, fixed glazing and difficult roof junctions that are extremely difficult to access and maintain will improve the performance and facilitate future maintenance of the building fabric. West facing glazing will be improved by better glass and framing systems, external blinds for better solar control, high level louvres to improve natural ventilation. This type of construction will prevent further water damage to the internal rooms and building fabric and will improve the health and safety of the occupants.

In the above discussion we have demonstrated that there are sufficient environmental and planning grounds relevant to this development that justifies a departure from the strict adherence to the development standard in this instance.

In relation to:

(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.

We have demonstrated on the previous pages that the proposed development is consistent with the objectives of Clause 4.3 Height of Buildings and is similar in bulk and scale to other development in the McMahons Point South Conservation Area. We have also demonstrated above within Clause 4.6 (3) (a) that the proposal is consistent with objectives of the particular development standard and with the zone objectives of Zone R3 Medium Density Residential.

Objectives of zone

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

The proposal will be in the public interest not only because of the fulfillment of the objectives but also through promotion of the following:

- The proposal is consistent with the zone objectives described above. The proposal does not change the current medium density pattern, local facilities, communal space and access to foreshore and does not alter the landscaped setting of the site.
- The existing roof form will be maintained and the proposed front and rear dormers are subservient to the existing roof form.
- The Applicant only seeks to develop the subject site to improve accessibility, functional layout, energy consumption and to facilitate future maintenance of the building. This will be in the wider public benefit to reduce reliance on fossil fuel power generation.
- The proposed development is appropriate in scale and design and will result in better amenity for the building now and into the future.
- If approved the development will achieve accommodation commensurate with similar houses in this area.
- The proposal retains and reinforces the semi-detached development that has previously been approved by North Sydney Council and is now an established part of the built fabric that exists along Blues Point Road.

(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.

The contravention raises no matters of State or regional significance. It is considered that where the Proposal is consistent and compatible with the neighbouring sites in terms of its bulk, scale and character and there is no public benefit in maintaining the development standard. No other matters are required to be taken into consideration.

(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.

This is not applicable to the subject site and Application

(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).

The consent authority will keep a record of the determination.

(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.

(d) clause 6.7, to the extent it applies to land identified on the Key Sites Map as Site F or Site G

(caa) clause 5.5.s

The Proposal is not a complying development. The development standard does not arise from regulations in connection with BASIX. The standard does not arise from Clause 5.4 or any of the other exclusions listed.

In this instance it is considered appropriate to make an exception to the Building Height Limit development standard under the provision of Clause 4.6 for the reasons outlined in the preceding discussion.



Signed

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HERITAGE IMPACT STATEMENT Rev A.

1. INTRODUCTION

Statement of Heritage Impact for 50 Blues Point Road within the Lavender Bay Planning Area in the McMahons Point South Conservation Area. The subject property is NOT a heritage item.

This statement forms part of the statement of environmental effects for Alterations and Additions to the above property. These include modification to the rear part of the existing dwelling to improve the functional layout of the existing house, upgrade access in the dwelling to support occupants with limited mobility via the installation of a lift and the redesign and replacement of the internal stair, modifications to improve the thermal performance of the building including replacement of glazing and the addition of sun controls, and general refurbishment of interior.

Ref No. 9.5 McMahons Point South Conservation Area as described in NSC DCP 2013.

**50 Blues Point Road McMahons Point
Prepared by Utz Sanby Architects Pty Ltd
For Mr. Philip Redmond Owner.**



Figure C-9.4 (left):
Circa 1890

Figure C-9.5 (below left):
Circa 1943

Figure C-9.6 (below right):
Circa 2008



2. ASSESSMENT OF SIGNIFICANCE.

The area was first inhabited by the Cammeraygal people of the Eora Nation. The topography of this locality slopes toward the harbour to the south and Berrys Bay to the west. There are expansive views to the west, to Balls Head and across to Balmain and past Goat Island. The area still has significant links with First Nations history, including original rock carvings at Balls Head, preserved indigenous vegetation natural sandstone outcrops, caves and middens – giving us insight to pre-settlement lifestyle and history.

The site at 50 Blues Point Road was originally part of the early grant to William Blue and the Harbour crossing point at Blues Point and the early waterfront industry of Sydney Harbour. Blues Point Road runs north-south along the ridge line connecting North Sydney to the harbour.

The McMahons Point South Conservation area is significant for its connection to Sydney Harbour. The area has a mix of 19th to early 20th century residential development with a mix of Victorian, Federation, 1920s and 1930s housing mixed with some Inter-war residential flat building.

This existing property is an attached dwelling, substantially rebuilt in the 1980s, within the envelope of the original terrace, but with little of the building fabric and details remaining. It is the southern terrace of a pair which is considered under North Sydney Council definitions to be a modern infill development. The subject property is NOT listed as a contributory item to the McMahons Point South Conservation area.

The dwelling has been designed to present the form and massing of a pair of terraced houses and has an existing garage at the front adjacent to the entry. The house is built over 4 levels and is largely concrete and rendered masonry construction. The building needs remedial repairs to glazing, roofing and a new internal stair and lift is proposed to make the dwelling more accessible for occupants. The neighbouring sites are occupied by inter-war flat buildings.

The front façade has a verandah at first floor level and an existing Attic is within the roof space. This renovation proposes the addition of a dormer window to the roof facing the street to facilitate better natural ventilation and access to light and views. The roof is hipped to a pitch of approximately 30 degrees, and is clad with Nu-lock ceramic slate tiles. We have used the Council guide for Dormer Design, Figure B-13.25, for a simple eyelid dormer window.

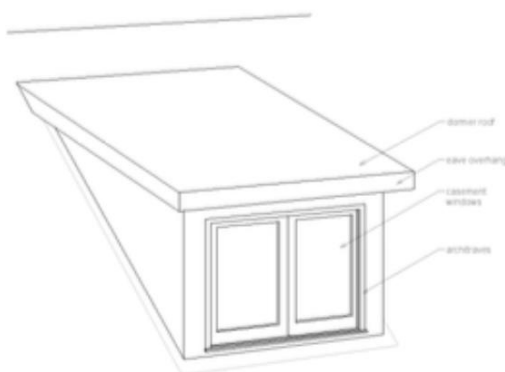


Figure B-13.25

- 5 Suggested dimensions and proportions for an Edwardian
 1 Arts and Crafts eyelid dormer window:
- | | |
|--------------|----------------|
| Height | = 1000mm (max) |
| Width:Height | = 2:1 to 2.2:1 |

This dwelling has an existing single car garage, which is to be retained. As defined in Part B of the DCP the existing building is therefore defined as uncharacteristic:

Uncharacteristic elements

Post-war residential flat buildings and modern infill development; garages to front setback, roof lights and dormers in front and side roof pitches, removal of original detail, garden paving, verandah infills.



Front of existing house from Blues Point Road. (detail)



Neighbouring Inter-war flat buildings either side of existing (on left)



Rear view of existing from waterfront Berrys Bay



View of rear of existing

3. DESCRIPTION OF SCOPE OF WORK

The proposed development is to re-design the rear part of the dwelling to increase the amenity and functionality of the house and rectify existing maintenance issues. The work includes:

1. To carry out remedial work to remove faulty glazing, improve sun control, natural ventilation, accessibility and improve the overall quality of building.
2. To modify the existing living areas to accommodate the addition of a lift and the replacement of the existing internal stair to improve accessibility for occupants with limited mobility.
3. To remove the existing rear stepped masonry wall and complicated glazing detail to facilitate better maintenance of existing roof drainage, boundary walls and glazing.
4. Relocate the kitchen from the lower ground to the ground floor level to facilitate the installation of the lift and the redesigned internal stair.
5. To improve and rectify the existing structure and bring building in line with current building standards.
6. To add a front dormer to increase amenity to the existing attic storey and building as a whole, by improving air flow, natural ventilation and access to daylight in all weather conditions.

4. ASSESMENT OF IMPACT

The proposed alterations and additions comply with Council Controls and Heritage Objectives. The proposed renovation is within the existing envelope of the house and has been designed to maintain the integrity of the existing built form by the following:

- The realigned rear living area is not visible from the public domain and is sympathetic to the form of the existing dwelling and has no increased adverse impact on neighbouring properties.
- The form and massing of the existing house will not be substantially altered by the proposed development. The new side boundary wall is designed to allow better access to maintain the existing building and to simplify the stepped glazed skylights and windows – that are at the end of their lifespan.
- The new windows and doors are largely within existing openings, the proposed modifications will improve the thermal properties of the building and provide better protection from solar heat gain and reduce energy consumption.
- The overall appearance and unity of the front of the dwelling remains as existing. The proposed dormer at the attic level is intended to make this area more habitable, by improving access to natural light and all weather ventilation and to facilitate easier maintenance of the building.
- The proposed cladding to the rear extension, new metal roof over proposed ensuite and replacement of existing glazing will reduce the need for maintenance and improve thermal performance. The proposed development is in keeping with the existing façade and neutral colour scheme. See proposed Finishes schedule.
- There are no views affected by the proposed development. The rear extension is within the existing envelope and replaces the need for some existing privacy screens.
- The proposed development results in a minor increase in floor area, with the main design rationale being to improve the quality of existing living areas, by allowing more natural light and ventilation, managing exposure to western sun, improve ability to maintain the existing building made difficult by the proximity of buildings to the boundaries and the steep sloping site and to accommodate the inclusion of a lift and replacement of the existing internal stairs to facilitate access for occupants with limited mobility.
- The proposed dormer design follows the prototype example of an Edwardian eyelid dormer as shown in Fig B13.25 Heritage and Conservation section of the DCP.
- In consultation with Weir Phillips Heritage and Planning the dormer has been designed to have 2 vertical casement windows of a proportion that is sympathetic to the Conservation area and building form. The eyelid dormer is the predominant form of dormer in the area, toward the lower end of Blues Point Road and appears on a range of building types and styles. It is subservient to the main pitched roof of the dwelling and not deemed to be controversial or unacceptable from a heritage perspective in this instance. The existing building is not an in-tact terrace and is already considered uncharacteristic due to the front garage and driveways on both terraces. It is the opinion of our heritage expert that the proposed dormer will increase the character of the existing dwelling and is a more appropriate form of ventilation and glazing than the existing pair of Velux skylights.



The existing building has an attic storey within the roof at the front of the dwelling. Currently this is served by two skylights, however the room is poorly ventilated and regularly overheats. A dormer would facilitate better cross ventilation, access to natural ventilation and daylight in all weather.

The proposed development seeks to include a new dormer window at the front of the existing roof. The architect has modified the design of the front dormer in consultation with Weir Phillips Heritage Consultants to be centered on the roof and include more traditional casements of a traditional vertical proportion. The design complies with the provisions as set out in Part B13 and P1-P9 of clause 1.4.11 of the DCP

REFERENCES

North Sydney DCP, LEP

Historic references Stanton Library.

Letter from Weir Phillips Heritage and Planning dated 7.02.2023 (attached)

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STATEMENT OF ENVIRONMENTAL EFFECTS

Rev A: Revised 8th Feb 2023

SITE DESCRIPTION AND ZONING

Address:	50 Blues Point Road MCMAHONS POINT NSW 2060
Legal description:	Lot 2, DP 748831
Site Area	281.6 m ²
Land Zoning:	R3 Medium Density Residential
Conservation/Heritage Area:	Yes
Bushfire prone land:	No
Flood Zoning:	No
Foreshore Building Line:	Yes
Acid Sulphate Soil:	Not applicable
Maximum Building Height:	8.5 m
Maximum Floor Space Ratio:	Not applicable

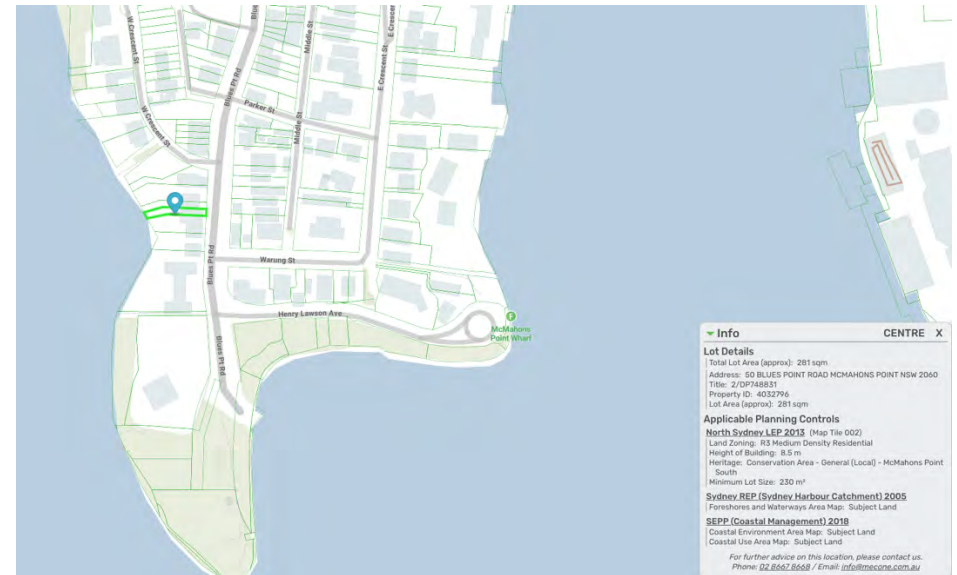
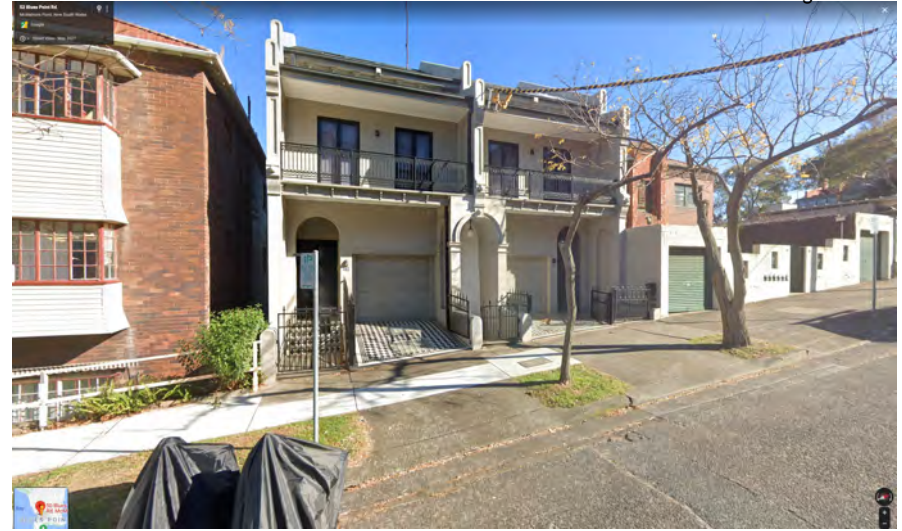


Image 01: Location plan

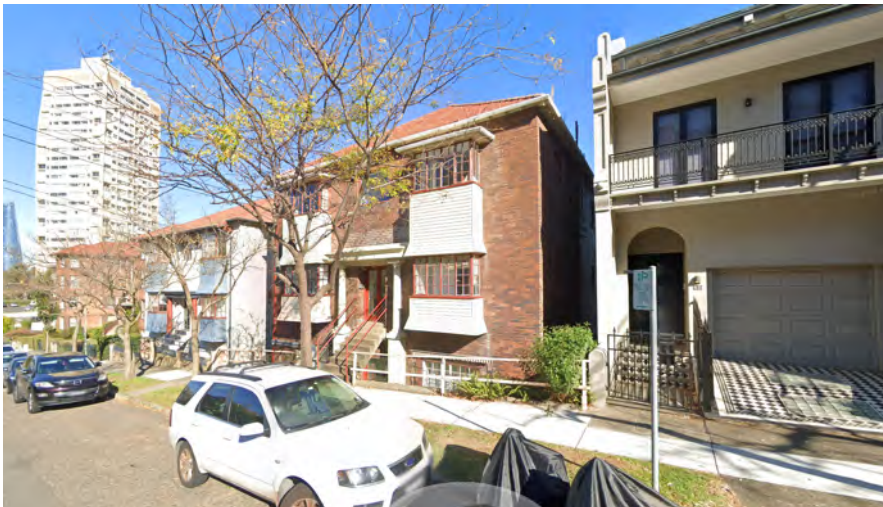
EXISTING BUILDING IMAGES



Aerial view from the satellite image.



Subject property on left (from Blues Point Rd).



Street view showing location of 50 Blues Point Road



Dwellings opposite subject property.



Rear view of 50 Blues Point Road.



THE EXISTING BUILDING

The subject property is described as 50 Blues Point Road being Lot 2, DP. 748831 with a site area of 281.6 m². The property is located on the western side of Blues Point Road and is steeply sloping to the foreshore at Berry's Bay.

The site has a frontage of 5.45 metres to Blues Point Rd with a depth of 48.59 metres to the bottom of the site. The site is narrow and rectangular in shape with a fall of approximately 19 meters across its length.

The site is terraced down to the foreshore with a series of retaining walls and stairs from the back of the existing terrace.

The subject property was substantially re-built in the late 1980s largely within the original buildings envelope. The dwelling is the southern side of a pair of 4-storey terraces with the party wall along its northern boundary. There is a single garage at the front of each dwelling at street level, with a balcony at First Floor level and an Attic storey above. The subject property is a modern infill development with a garage to the front and is NOT listed as a contributory item to the McMahons Point South Conservation area and is NOT a heritage item.

The existing house is concrete and masonry construction, with a pitched slate-look tiled roof. The dwelling has 4 levels including an attic in the roof space and a lower ground level below street level which looks out to the west as the site slopes down toward Berrys Bay.

The house had minor renovations to the Lower Ground level in about 2001 to add windows on the southern elevation.

The precinct is a combination of a number of different dwelling types, with 4 – storey red brick residential flat buildings (circa late 40's-50s) to the northern and southern boundaries of the pair of terraces (no.s 46 and 54 Blues Point Rd). The subject dwelling is the southern side of a pair of terraced houses re-built in the 1980s.

NEIGHBOURING HOUSE IMAGES

Street view of 46 Blues Point Road



Street view of 54 Blues Point Road

NEIGHBOURING HOUSES

The existing dwelling is located in the Lavender Bay Planning Area and is located at the lower end of Blues Point Road.

No.s 46 and 54 Blues Point Road are both 4-storey post-war residential flat buildings.

The topography of the area is a combination of sandstone outcrops and steep sloping sites, that fall toward Sydney Harbour to the south and Berry's Bay to the West. The dwellings immediately opposite the subject property are 4 storeys above Blues Point Road, with garages located immediately opposite.

Neighbours have been consulted extensively during the design process and provided with drawings and view share diagrams. A meeting with the Body Corporate and neighbours was held on zoom on the 25th August 2022 and a subsequent meeting at the subject property was held on the 16th September. *(Letter from applicant to Owners Corporation No. 46 Blues Point Road attached as Appendix to SEE)*

THE PROPOSAL

A brief summary of the proposal is given below:

The existing property is almost 40 years old and has a number of remedial issues, including windows, doors and skylights that need to be replaced, damp issues and leaks and a lack of adequate cross-ventilation, solar shading and accessibility. The proposed application seeks to address these issues as well as improve the functionality and layout of the interior, including installation of a lift, to allow the current owners to age in place.

The refurbishment is largely within the existing building envelope except for a minor addition of floor area to the south/western corner at the rear of the Ground and First Floor.

The existing property has large areas of west facing glazing that are difficult to access and maintain and gets extremely hot in summer. The new addition seeks to rectify this by removing the stepped skylights on the southern side of the building and replace it with a simplified 2-storey curved wall, with metal cladding.

West facing glazing will be shaded externally and will be openable to allow natural ventilation. The existing roof behind the parapet at Ground Floor leaks and cannot be

maintained. The proposal seeks to remove this and to add an ensuite bathroom to the main bedroom at First Floor with access to natural light and ventilation. Currently all bathrooms are internal.

REMEDIAL ISSUES



Ground Floor glazing – cannot be accessed to maintain.



Attic storey with west facing glazing and no openable windows



Existing staircase is non-compliant

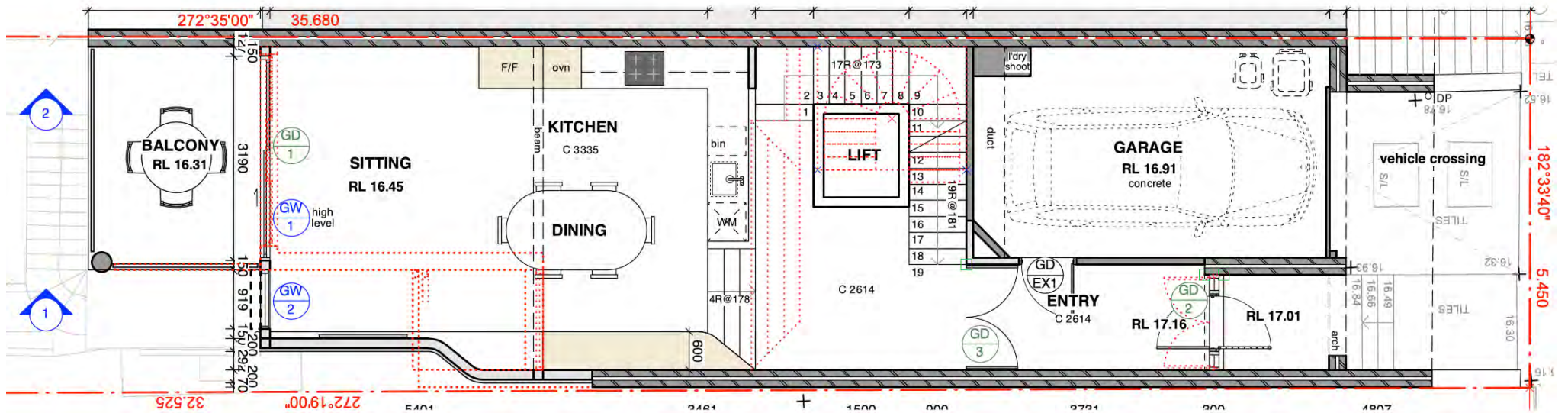


Existing stepped boundary wall, parapet roof and glazing.

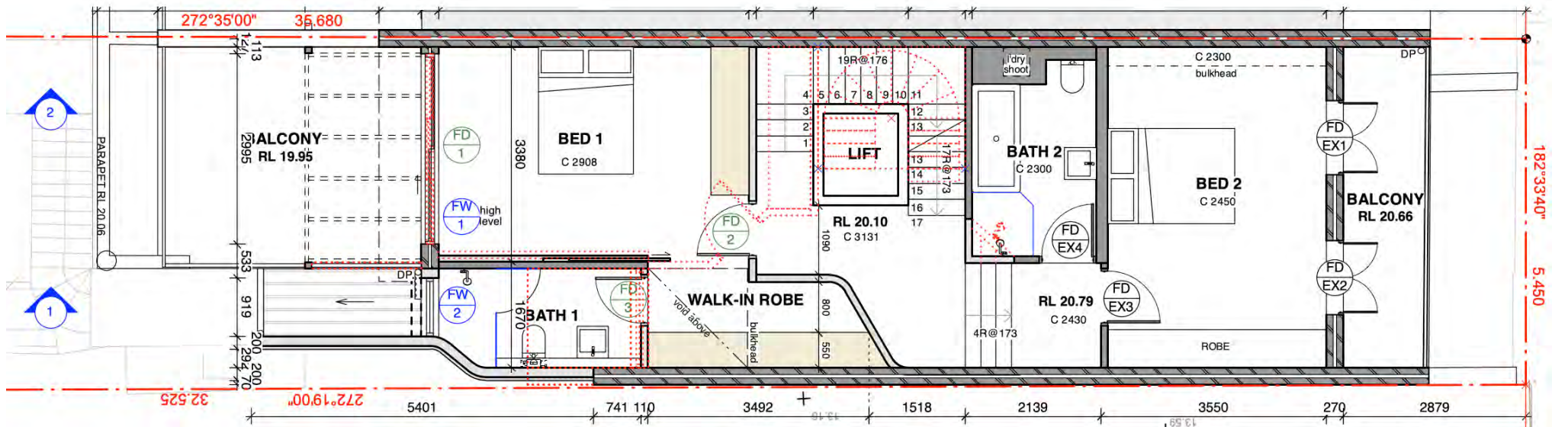
EXISTING BOUNDARY WALL



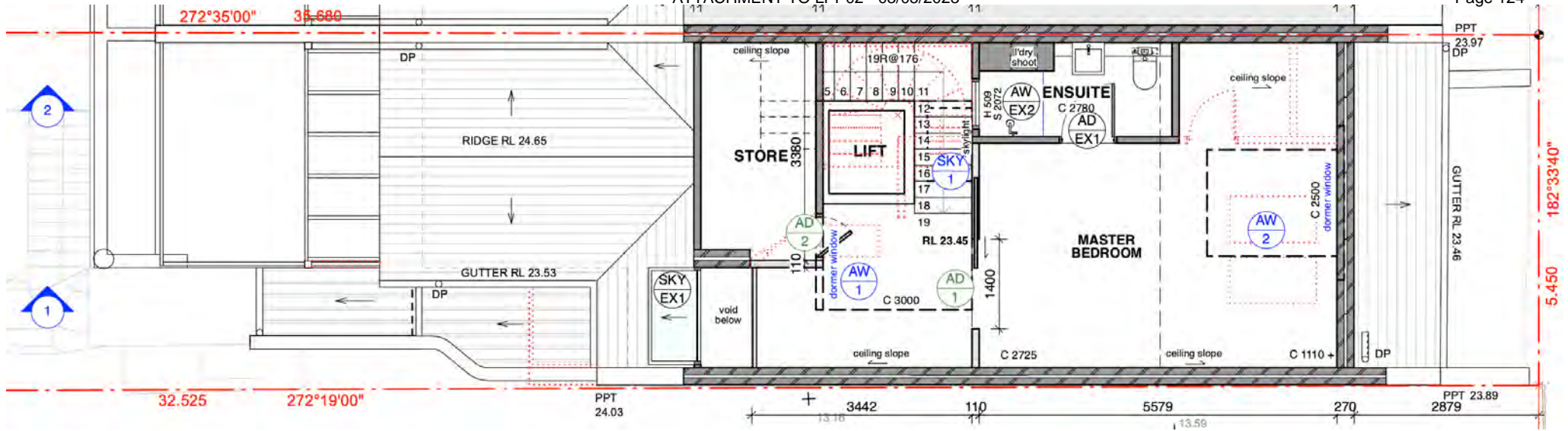
View of existing southern boundary wall from neighbours



Ground Floor Plan



First Floor Plan



Attic Plan

This statement was written with reference to the following:

- North Sydney Local Environmental Plan LEP 2013
- North Sydney Development Control Plan DCP 2013
- State Environmental Planning Policy (Coastal management) 2018
- Sydney Regional Environmental Plan (Sydney harbour catchment)2005

CONTROL	REQUIREMENT	PROPOSAL	COMPLIANCE
4.3 Height of Buildings	(2A) Despite subclause (2), the maximum height of a dwelling house or semi-detached dwelling on land in Zone R3 Medium Density Residential is 8.5 metres. Maximum building height is 8.5m	Existing building height is to be retained. There is no alteration to existing building height. The existing building exceeds the 8.5m height limit and as such a clause 4.6 Objection is included as part of this application.	Does Not Comply
4.4 Floor Space Ratio	(2B) Despite subclause (2), there is no maximum floor space ratio for a dwelling house or semi-detached dwelling on a lot that has an area of 300 square metres or less.	Not applicable	Not Applicable
5.10 Heritage Conservation	Objectives to conserve the environmental heritage of North Sydney	The subject site is a modern infill development within the Lavender Bay Planning Area. Statement of Heritage Impact required.	Applicable
5.11 Bush Fire Hazard	Bush fire hazard reduction work authorized by the Rural Fires Act 1997.	The subject site is not with a Bushfire area	Not Applicable
5.21 Flood Planning	To minimise the flood risk to life and property associated with the use of land.	The subject site is not located in a flood prone area	Not Applicable
6.1 Acid Sulphate soils	The objective is not to disturb expose or drain acid sulphate soils and cause environmental damage	The subject site is not within an acid sulphate	Not Applicable
6.9 Limited Development on Foreshore Area	<p>The objective of this clause is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.</p> <p>Development consent must not be granted for development on land in the foreshore area except for the following purposes—</p> <p>(a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area,</p>	<p>The proposed development is Alterations and Additions to an existing building. The existing dwelling is the southern side of a pair of terrace buildings which are located at the southern end of Blues Point Road. The site slopes steeply down to Berrys Bay at the western boundary. The proposed modifications are within the existing building envelope.</p> <p>The proposed alteration of the southern boundary wall is to remediate problems with leaks, maintenance and accessing gutters, It is an extension of the existing party wall and will not be visible from the foreshore area due to the steep sloping site and existing vegetation.</p> <p>The materials proposed for the extension in the south west corner are of a medium colour and will be matt and non-reflective. The wall is oblique to the western boundary and will be in keeping with the existing building and neighboring dwellings.</p>	COMPLIES

North Sydney Local Environmental Plan LEP 2012- Detailed review

4.3 Height of Buildings.

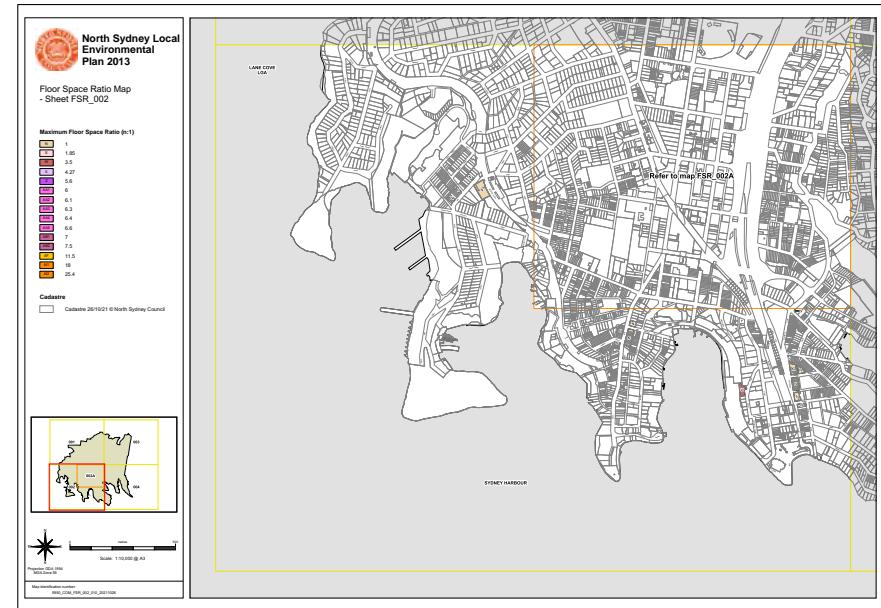


Map showing maximum height of building as area M = 8.5 metres max. LEP 4.3 The maximum height of a dwelling house or semi-detached dwelling on land in Zone R3 Medium Density Residential is 8.5 metres.



View from foreshore

4.4 Floor space ratio




LEP4.4

There is **no maximum floor space ratio** for a dwelling house or semi-detached dwelling in this LGA.

North Sydney Development Control Plan (DCP) 2013

Section 1 Residential Development

This section applies to all new development and alterations and additions for low density forms of housing in North Sydney, being:

CONTROL	CONTROLS	COMMENTS	COMPLIANCE
<p>1.3.4 Properties with a foreshore frontage</p>	<p>Objectives: To promote a scale of development that enhances the scenic, environmental and cultural qualities of the foreshore.</p> <p>Controls: Consider views, sea level rise, landscaping, choice of materials.</p>	<p>The proposed development is largely internal and will not alter the existing building significantly when viewed from Berry's Bay.</p> <p>The proposed alterations and additions have taken into account the objectives as stated and are considered to be improvements in terms of quality of materials, shading from western sun, views from neighbouring properties and foreshore.</p> <p>The metal cladding will be matt and have low reflectivity.</p>	
<p>1.3.5 Visual Impact-Access</p>	<p>Objectives: To minimize adverse visual effects as viewed from the harbour.</p> <p>Controls: Landscaping should be used to soften the appearance.</p>	<p>The proposed development does not alter the existing landscape to the rear of the property and will remain in place. See above.</p> 	<p>COMPLIES</p>



Looking at proposed new boundary wall from neighbouring balcony

Looking at primary view from main living room of neighbours apartment.

The attached photos show the outline in blue of the proposed boundary wall on the southern elevation. The new wall has minimal impact on the views from neighbouring properties, who have been consulted during the design process.

1.3.6 Views

Objectives:

- To protect and enhance opportunities for vistas and views from public places and streets.
- To encourage view sharing from other dwellings.

The primary views from all dwellings is directly to the south/west and west toward Goat Island. The proposed change to the southern wall of the dwelling has been designed so as not to protrude beyond the existing privacy screens. There will be very little change to existing views. At First Floor, the height of the wall on the boundary is below the existing privacy screen. As part of consultation with neighbours, the owners have agreed to remove existing privacy screens on each level, which will improve existing views to the north from No. 46.

COMPLIES

<p>1.3.7 Solar Access</p>	<p>Objectives: To ensure all dwellings have reasonable access to sunlight and daylight.</p> <p>Controls: Developments to be designed and sited to achieve minimum solar access of 3 hours (21st June) between 9.00am and 3.00pm To windows of main living areas. Private open space and communal open space.</p>	<p>The proposed development is oriented East/West and is on the southern side of an attached dwelling.</p> <p>The shadow diagrams demonstrate that there is very little change to existing shadows at no. 46 Blues Point Road as a result of the proposed development.</p> <p>Detailed Analysis Below: Due to the western orientation of the rear facades of No. 50 and 46 additional overshadowing is minimal and are confined to the northern side of the neighbouring apartment building. The southern apartments are not impacted.</p> <p>Equinox Between 9.00am-12pm There is no change to shadows affecting the living rooms and bedrooms of apartments on all levels of no. 46 between 9.00am and 12.00pm. A minor increase in shading occurs on the north west corner of the balconies to the Ground and First Floor apartments (4 & 6) only.</p> <p>Equinox between 1.00-2.00pm There is a minor increase in shading to a small area of west facing glazing and balconies of the Lower Ground and Ground Floor(4 & 2) apartments on the northern side.</p> <p>Equinox at 2.00pm There is some minor overshadowing on the North west balcony on the Lower Ground (No. 2) apartment only.</p> <p>Equinox at 3.00pm The shadow falls between the buildings and the neighbours balconies and rear façade are not impacted.</p>	<p>COMPLIES</p>
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Winter Solstice 9.00am-11.00am

During the winter solstice the neighbouring building is in full shadow between 9.00-11.00am and there is no change to existing shading.

Winter Solstice at 12.00- 1.00pm

At 12 pm the neighbouring building is already in shadow for over 50% of the rear façade. There is a minor increase in shading to the north west corner of the balcony of the upper , First Floor (No.6) apartment.

Winter Solstice at 2.00pm

There is a minor increase in shading to the north west corner of the balcony of the upper, First Floor and Ground floor apartment (No.4 & 6).

Winter solstice at 3.00pm

There is a minor increase in shading to the north west corner of the balcony of the middle, Ground floor (no.4) apartment.

Winter Solstice 1:00-3:00pm (Solar gain)

The proposed removal of existing privacy screens results in additional daylight to the lower two apartments (units 4 and 2), Basement and garden.

Conclusion

The proposal complies with the objectives of Cl 1.3.7 of the DCP regarding Solar access. The existing apartments at 46 Blues Point Road have an east west orientation and are to the south of the subject site. This means that the rear (west facing) elevation is currently in shadow at these times of year. The proposed addition does not increase the shadow to existing living rooms and bedrooms, and will maintain 3 hours of natural daylight between 12.00pm and 3.00pm on the 21st June.

		Overall there is only minor changes to existing overshadowing caused by the proposed development. This occurs on a small portion of the balconies and north west corner of the rear glazing to apartments (No.s 6,4 & 2) located on the northern side of the building and has no impact on the apartments on the southern side (No.s 5,3 & 1). SEE SHADOW DIAGRAMS A02-02.1 – A02-04.3 Rev A SUBMITTED	
1.3.8 Acoustic Privacy	Objectives: To ensure all residents are provided with a reasonable level of acoustic privacy.	The proposed development seeks to improve the acoustic separation between the neighbouring flats to the south by providing a more solid wall to the southern boundary. There is no changes in the proposed living areas and terraces that would have an adverse impact on acoustic privacy.	COMPLIES
1.3.10 Visual Privacy	Objectives: To ensure that existing and future residents are provided with a reasonable level of visual privacy. Controls: Locate windows to avoid direct or close views into windows, balconies or private open spaces. Provide suitable screening structures to minimize overlooking.	The proposed new curved boundary wall on the southern side of the existing building has been designed to provide better separation between neighbouring properties and will improve privacy between the flat building next door and their balconies. Existing privacy screens on terraces at LG and Grd floors are to remain.	COMPLIES
1.4 Quality of Builtform		The proposed development is largely within the existing building envelope.	
1.4.6 Setbacks	i) The front setback must be consistent with the average setbacks of the adjoining dwellings.	Existing front setback of terrace is to be retained. Side Set-backs Existing side set-backs do not comply with this clause.	Not Applicable

	<p>ii) Side</p> <table border="1" data-bbox="492 231 1176 327"> <tr> <td rowspan="3">R3 – Medium Residential Density</td> <td>Attached dwellings; Boarding houses; Dual occupancies; Dwelling houses; Group houses; Multi dwelling housing; Secondary dwellings; Semi-detached dwellings; Seniors housing</td> <td>1st storey (up to 4m)</td> <td>900mm</td> </tr> <tr> <td></td> <td>2nd storey (up to 7m)</td> <td>1.5m</td> </tr> <tr> <td></td> <td>3rd storey or higher (greater than 7m)</td> <td>2.5m</td> </tr> </table> <p>Rear setbacks to match adjoining properties or remain consistent with relevant character statement.</p>	R3 – Medium Residential Density	Attached dwellings; Boarding houses; Dual occupancies; Dwelling houses; Group houses; Multi dwelling housing; Secondary dwellings; Semi-detached dwellings; Seniors housing	1st storey (up to 4m)	900mm		2nd storey (up to 7m)	1.5m		3rd storey or higher (greater than 7m)	2.5m	<p>Proposed</p> <p>The existing building has been designed as a pair of attached dwellings and are built boundary to boundary. A small part of the rear of the building steps in from the southern boundary with a series of privacy screens and terraces on each level. The existing building does not comply with this clause. The proposed development seeks to maintain existing setbacks and to work within the existing building envelope. Rear Setbacks are within the existing building envelope.</p>	
R3 – Medium Residential Density	Attached dwellings; Boarding houses; Dual occupancies; Dwelling houses; Group houses; Multi dwelling housing; Secondary dwellings; Semi-detached dwellings; Seniors housing		1st storey (up to 4m)	900mm									
			2nd storey (up to 7m)	1.5m									
		3rd storey or higher (greater than 7m)	2.5m										
<p>1.4.11 Dormers</p>	<p>Objectives:</p> <p>To ensure the location , design, pitch and scale of any dormer is appropriate to the building and roof form to which it is attached, is in character with the area and does not result in any negative impacts on the amenity of adjoining properties.</p> <p>Controls:</p> <p>P1 Dormers must be appropriate to the style of building to which it is attached, and their style should reflect that which is characteristic of the neighbourhood.</p>	<p>The existing building has an attic storey within the roof at the front of the dwelling. Currently this is served by two skylights, however the room is poorly ventilated and regularly overheats. A dormer would facilitate better cross ventilation, access to natural ventilation and daylight in all weather. The proposed development seeks to include a new dormer window at the front of the existing roof. The architect has modified the design of the front dormer in consultation with Weir Phillips Heritage Consultants to be centered on the roof and include more traditional casements of a traditional vertical proportion. The design complies with the provisions as set out in Part B13 and P1-P9 of clause 1.4.11 of the DCP as follows</p> <p>P1.) The proposed dormer design follows the prototype example of an Edwardian eyelid dormer as shown in Fig B13.25 Heritage and Conservation section of the DCP. In consultation with Weir Phillips Heritage and Planning the dormer has been designed to have 2 vertical casement windows of a proportion that is sympathetic to the Conservation area and building form. The eyelid dormer is the predominant form of dormer in the area, toward the lower end of Blues Point</p>	<p>COMPLIES</p>										

	<p>P2 Dormers may be permitted, where it can be demonstrated that:</p> <p>(a) there will be no significant impacts on privacy to adjoining properties;</p> <p>(b) it will not result in any adverse impacts to the significance of any heritage item or heritage conservation area;</p> <p>Uncharacteristic elements</p> <p>Post-war residential flat buildings and modern infill development; garages to front setback, roof lights and dormers in front and side roof pitches, removal of original detail, garden paving, verandah infills.</p>	<p>Road and appears on a range of building types and styles. It is subservient to the main pitched roof of the dwelling and not deemed to be controversial or unacceptable from a heritage perspective in this instance. The existing building is not an intact terrace and is already considered uncharacteristic due to the front garage and driveways on both terraces. It is the opinion of our heritage expert that the proposed dormer will be a subservient element on the existing dwelling and is a more appropriate form of ventilation and glazing than the existing pair of Velux skylights.</p> <p>P2 a.)The proposed front dormer is to serve an existing attic bedroom, which is currently inadequately ventilated. There is no loss of privacy to any neighbouring dwelling as a result of the proposed dormer.</p> <p>The new dormer will face due east, there is no view into any neighbouring dwelling. The height above natural ground level and location of the dormer is elevated 3 storeys above the street and will only enable distant views.</p> <p>P2 b.) The subject dwelling was re-built in the late 1980s and there is no original building fabric in the existing dwelling. The existing dwelling has a front garage and driveway at Ground floor and under the definition contained in Cl 9.8.7 Area Character Statement in the DCP is not characteristic of the area.</p> <p>The existing building has limited heritage value in this respect and is neither contributory or a heritage item. The subject property is located between two post-war residential flat buildings, to the north and south, and is not part of a terraced row. The proposed dormer will not detract from the character of the area. It will increase the amenity of the existing attic storey and building as a whole via a well-proportioned, weather-proof dormer window than the current pair of skylights.</p>	
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<p>(c) the existing ridge line will be maintained, and any additions will be set below the ridge line;</p> <p>P3 Dormers on the street elevation of a building must not comprise more than 1/3 of the width of the roof plane upon which they are placed, excluding laneways.</p> <p>P4 Rear dormers or roof additions must be set back a minimum of 200mm from the ridge line, 500mm from party walls and 400 mm from the rear wall as shown in Figures B[1]1.31 and B-1.32.</p> <p>P5 Dormers will not be permitted, if it results in the need to alter the pitch or ridge height of the roof to accommodate the dormers.</p> <p>P6 Dormers must not exceed a height of more than 1.5m from its base to its ridge where it faces the street.</p> <p>P7 Dormers must be contained within the relevant building envelope applying to the land.</p> <p>P8 Balconies are not permitted off dormers which are located on any street elevation, excluding rear laneways. Balconies off dormers may only be considered in any other instance, providing there are no privacy impacts.</p> <p>P9 The sides of dormers must not contain glass</p>	<p>P2 c.) There is no change proposed to the existing ridge line. The proposed dormers are set well below the existing ridge.</p> <p>P3.) The proposed dormer is no more than 1/3 of the existing width of the roof plane. Dwg A01-05 DA Rev B</p> <p>P4.) The proposed rear dormer is not visible from the public domain or streetscape in any direction. The drawing below indicates that the required setbacks have been achieved.</p> <p>P5.) Neither the front or rear dormer results in a change to the existing roof pitch or ridge height.</p> <p>P6.) The proposed front dormer is less than 1.5 m from its base to its ridge.</p> <p>P7.) The proposed dormers are well within the boundaries of the subject property.</p> <p>P8.) There are no balconies proposed off the dormers.</p> <p>P9.) The sides of the proposed dormers are to be solid walls with no glazing.</p> <p>Weir Phillips have written independently to Council to argue that the front dormer is sympathetic to the original roof form and does not have an adverse impact on the streetscape or appearance of the building.</p> <p>The proposed dormer will provide better amenity, ventilation, solar access and is considered to be a primary objective of this proposal by the owner/applicant.</p>	
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<p>1.4.12 Colours and materials</p>	<p>Objectives: To ensure new buildings reflect and reinforce the existing and desired character of a locality.</p> <p>Controls: Buildings should use colours, finishes and materials identified in the relevant area character statement.</p>	<p>The existing dwelling has been designed to adhere to the objectives in this clause. The proposed development will not alter the appearance of the building from the front.</p> <p>The modifications at the rear of the existing building are to improve the ability to regularly maintain the building from the southern boundary – which is currently almost impossible to access. The proposed metal cladding will not require regular painting and complies with the clause provisions.</p>	<p>COMPLIES</p>																	
<p>1.5</p>	<p>Quality Urban Environment</p>																			
<p>1.5.5 Site Coverage</p>	<p>Objectives: To ensure development is balanced and is balanced and in keeping with optimum capacity of site. To ensure development promotes desired future character.</p> <p>Controls: P1 Maximum site coverage must be in accordance with Table B-1.6.</p> <table border="1" data-bbox="405 802 1227 1042"> <thead> <tr> <th colspan="3">TABLE B-1.6: Maximum Site Coverage Requirements</th> </tr> <tr> <th>Residential Development Type</th> <th>Lot Size (m²)</th> <th>Site Coverage (max)</th> </tr> </thead> <tbody> <tr> <td rowspan="5">Detached dwelling, semi detached dwelling, attached dwelling (including any secondary dwelling if provided)</td> <td>0-229</td> <td>60%</td> </tr> <tr> <td>230-499</td> <td>50%</td> </tr> <tr> <td>500-749</td> <td>40%</td> </tr> <tr> <td>750-999</td> <td>35%</td> </tr> <tr> <td>1000+</td> <td>30%</td> </tr> </tbody> </table>	TABLE B-1.6: Maximum Site Coverage Requirements			Residential Development Type	Lot Size (m ²)	Site Coverage (max)	Detached dwelling, semi detached dwelling, attached dwelling (including any secondary dwelling if provided)	0-229	60%	230-499	50%	500-749	40%	750-999	35%	1000+	30%	<p>The existing dwelling is a modern infill development, but is in keeping in scale and density with the neighbouring dwellings. The site has 2 storey inter-war flat buildings on either side and does not look out of scale with other development in the southern McMahons Point neighbourhood.</p> <p>The proposed development is largely internal and the modest additions are in scale with the existing and neighbouring dwellings. The increase in floor area is 11.9m² across three levels and is consistent with Council’s objectives.</p> <p>See Dwg A02-05 for calculations</p>	<p>COMPLIES</p>
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<p>1.5.6 Landscape Area</p>	<p>Objectives: Landscaping and planting satisfies minimum performance standards and is suitable and appropriate to the site.</p>	<p>There is no change to the existing landscape area on site. The existing and proposed are well over the minimum requirement.</p> <p>See Dwg A02-05 for calculations.</p>																		

TABLE B-1.7: Minimum Landscaped Area and Un-built Upon Area Requirements				
Residential Development Type	Lot Size (m ²)	Landscaped Area (min)	Un-built Upon Area (max)	
Detached dwelling, semi detached dwelling, attached dwelling (including any secondary dwelling)	0-229	20%	20%	
	230-499	30%	20%	
	500-749	40%	20%	
	750-999	45%	20%	
	1000+	50%	20%	
1.6.	Efficient Use of Resources			COMPLIES
1.6.2 Passive solar design	<p>Objective: To ensure that site layout and building orientation allows for maximum solar access to dwellings, especially to living areas, and are adapted to local climatic conditions and prevailing characteristics.</p> <p>Controls: Provide adjustable awnings, shutters and external louvres on east and west facing windows.</p>		<p>The existing dwelling was built over 30 years ago and is in need of remediation.</p> <p>The proposed development seeks to address the passive environmental performance by, providing external shading devices, replace existing glazed units with high performance glass.</p> <p>Increase natural ventilation with high level louvres.</p> <p>Provide dormer windows to facilitate better thermal comfort for hot air to escape.</p>	COMPLIES
1.6.3 Thermal Mass and Insulation	<p>Objective: To achieve more even, year-round average temperature, making the dwelling more comfortable to live in and resulting in less demand for artificial heating and cooling.</p> <p>Controls: To maximise natural heating and cooling. Incorporate masonry walls and insulated walls. Thermal insulation for roof , walls and floor.</p>		<p>The proposed new solid wall to the rear of the existing dwelling on the southern boundary, will provide the opportunity to better insulate the building and reduce the amount of openings and glass facing neighbours.</p> <p>This wall is to be clad with pre-finished metal cladding with R3 insulation and reflective foil .</p>	COMPLIES
1.6.4 Natural Ventilation	<p>Objective:</p>		<p>The proposed alterations and additions have been designed to significantly improve the existing dwelling in regard to facilitating better natural ventilation .</p>	COMPLIES

	<p>To ensure that dwellings are designed to provide all habitable rooms with direct access to fresh air and assist in promoting thermal comfort for occupants.</p> <p>To reduce energy consumption by minimizing the use of mechanical ventilation.</p> <p>Controls:</p> <p>Locate windows and openings in line with each other on opposing walls and with prevailing breezes.</p> <p>Provide ceiling fans</p>	<p>The existing dwelling is a gun-barrel layout and has poor natural ventilation and an East-West orientation.</p> <p>The proposed changes to existing glazing will provide high level louvres to all west facing rooms. The proposed development will also provide additional louvres at the attic level to allow hot air to escape and to act as a thermal chimney. Better cross ventilation will be provided to the Attic storey by the proposed dormer to the Eastern side of the existing dwelling – to replace existing skylights.</p>	
1.6.8 Stormwater Management	<p>Objectives:</p> <p>To mimic pre-development or natural drainage systems through the incorporation of WSUD on site.</p> <p>To protect watersheds by minimizing stormwater discharge and maximizing water quality.</p>	<p>The proposed development will connect into existing stormwater. There is no increase in roof area or non-permeable surfaces as part of this development and the existing system will not require any modification.</p> <p>The existing stormwater system was designed as part of the rebuild in the late 1980s and meets Councils Stormwater Management Policy.</p> <p>See Dwg A02-05 DA for details.</p>	COMPLIES
Section 13	Heritage and Conservation		
13.1.2	<p>Objectives:</p> <p>establish a framework for detailed heritage and conservation planning in North Sydney;</p> <ul style="list-style-type: none"> - ensure that Aboriginal heritage and archaeology are taken into consideration; - ensure that the assessment of applications for works on or in heritage items, heritage conservation areas and in the vicinity of heritage, are based on the identified heritage significance of the heritage item, conservation area, property, location or place; 		COMPLIES

	<ul style="list-style-type: none"> - ensure that supporting documentation is appropriate to the scale of the proposed works and heritage significance of the heritage item, conservation area, property, location or place; - facilitate opportunities to improve the understanding and/or appreciation of the heritage significance of any heritage item, conservation area, property, location or place; and - encourage sustainable development practices through the reuse and recycling of the existing building stock as appropriate. 		
	<p>Controls: Heritage Impact Statement See HIA attached.</p>	<p>The existing dwelling is an example of modern infill development and is not considered to be a contributory item to the conservation area. The existing dwelling is a neutral item P5 13.6.2</p>	COMPLIES
13.6.2	<p>Controls: Form, massing and scale</p>	<p>The proposed development is in keeping with the form and massing of the existing development. The rear modifications are considered to maintain the integrity of the building form, but to improve the on-going maintenance and functionality of the building. The additions are considered minor in relation to the existing dwelling.</p>	COMPLIES
	<p>Controls: P5 Achieve a neutral outcome to neutral items or improved outcome to neutral items which were constructed in the core period of development by:</p> <ul style="list-style-type: none"> (a) respecting original or characteristic building patterns in terms of bulk, form, scale and height; (b) minimising changes to original and characteristic features; (c) removing unsympathetic and uncharacteristic changes and/or; (d) reinstating characteristic details where there is physical or documentary evidence. 	<p>The existing dwelling will remain as existing to the front. The proposed rear addition is within the existing building envelope and is not visible to the public domain. The proposed rear southern wall will enable better maintenance of the building fabric and increase privacy between neighbouring balconies and the subject property.</p>	COMPLIES

	<p>Controls:</p> <p>P8 Repeat any consistent pattern of side and rear setbacks of heritage and contributory items in the vicinity of the site.</p>	<p>The proposed rear extension of the floor plan toward the southern boundary is well within the existing rear set-back of the existing dwelling. The height of the new wall does not exceed the existing rear privacy screens. The views from neighbouring balconies are not altered.</p>	COMPLIES
	<p>Controls:</p> <p>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.</p>	<p>The proposed rear extension on the southern side of the existing dwelling is considered to be in keeping with the existing and will improve the on-going maintenance of the building. The new rear wall will not be visible from the public domain and will improve the outlook and privacy between the neighbouring flat building to the south. Proposed materials are neutral and will compliment the existing external materials and palette.</p>	COMPLIES
13.9.2	<p>Dormer Windows</p> <p>Objectives: To ensure that dormer windows do not detrimentally impact upon the significance of heritage items and conservation areas.</p> <p>Controls: Council may permit a dormer on the street elevation of a building, but only where it can be adequately demonstrated that:</p> <ul style="list-style-type: none"> (a) it will not result in any adverse impacts to significance of any heritage item or heritage conservation area; (b) it will not result in any significant impacts on privacy to adjoining properties; (c) it will not detract from the coherence of the streetscape; and (d) surrounding properties have dormers visible from the street. 	<p>The proposed dormer on the east facing roof at the front of the existing is to replace existing glazed skylights. The existing attic storey is poorly ventilated and can be uninhabitable in summer without air conditioning. The proposed dormer window will allow for a protected openable window in the existing attic bedroom facilitating better ventilation and light. The proposed dormer is subservient to the roof and setback from eaves and ridgeline in accordance with Councils guidelines. The simplicity of the proposed eyelid dormer was considered to be appropriate for the existing, which is not characteristic of the area</p>	COMPLIES



See Elevation of proposed dormer opposite.

16.1	Tree and Vegetation Management	There is no change to existing landscape as part of this proposal	N/A
18.12	<p>Stormwater Management</p> <p>Objectives:</p> <p>To establish a long term drainage strategy for affected land, that will control stormwater run off from development and minimise nuisance flow onto adjacent land.</p> <p>02 To mimic pre-development or natural drainage systems as much as is possible.</p> <p>03 To improve Council stormwater drainage systems by achieving a high level of compliance with Council's design and construction standards.</p> <p>04 To minimise the impact of new development on the existing stormwater system.</p> <p>05 To minimise the risk of injury to people and damage to private and public property from the effects of stormwater disposal.</p> <p>06 To preserve, conserve and reinstate of heritage kerbs.</p>	<p>The proposed development does NOT result in any increase in roof area or hard surfaces.</p> <p>The new roof drainage will connect into the existing stormwater system.</p> <p>The existing stormwater system meets Councils objectives as stated.</p> <p>See Dwg A02-05 DA</p>	COMPLIES

CONCLUSION

The proposed development has been designed to remediate the existing dwelling and to improve the amenity, thermal performance, natural ventilation, light and sun control of the existing. The proposed work is minor alterations and additions and are largely internal. The proposed addition is not visible from the public domain.

The applicant has consulted with the immediate neighbours on both sides of the subject property and the design process and taken into consideration existing views, privacy, solar access and amenity between buildings.

The proposed development is to a neutral infill building which is not considered to be characteristic of the area. The scale and bulk of the proposed development is in keeping with the existing and within existing setbacks. The height, bulk and scale is considered to be consistent with both the existing and neighbouring buildings and will have minimal impact.

The proposed development is considered to make substantial improvements to the existing dwelling, which include:

- Better accessibility and compliance with current building codes for internal staircase and the addition of a lift.
- Improved thermal performance from replacement of existing degraded glazing, better natural ventilation, insulation and solar control.
- Improved maintenance of existing building by removing poorly considered building elements, leaks and difficult junctions to seal.
- Improved quality of external finishes and materials
- Better visual and acoustic privacy between residential flat building to south and the subject property.
- More functional internal layout, with better access to light, ventilation and views.
- Additional bathroom with access to natural ventilation. Currently all internal bathrooms.
- No changes proposed to existing landscape, trees.
- No changes proposed to existing stormwater, no increase in impervious areas on site.