

**NSLPP MEETING HELD ON 06/12/23****Attachments:**

1. Amended Architectural Plans
2. Amended Architectural Design Report
3. Amended Traffic Report
4. Amended Heritage Statement
5. Amended Landscape Plan

**ADDRESS/WARD:** 184B, 186 and 190 Kurraba Road, Kurraba Point

**APPLICATION No:** DA 343/22

**PROPOSAL:** Demolition of a dwelling house, two (2) dual occupancies and a swimming pool and construction of two x residential flat buildings and 2 x dual occupancies, with basement parking and access provided by car lifts, associated landscaping and civil works and internal boundary realignment and subdivision.

**PLANS REF:**

Drwg No.	Rev	Title	Drawn By	Dated
A001	7	Project Summary	Koichi Takada Architects	15.08.2023
A011	4	Demolition Plan	Koichi Takada Architects	15.08.2023
A012	10	Site Plan	Koichi Takada Architects	15.08.2023
A101	13	R2 Ground Floor	Koichi Takada Architects	15.08.2023
A102	13	R2 Level 1	Koichi Takada Architects	15.08.2023
A103	13	R2 Level 2	Koichi Takada Architects	15.08.2023
A104	14	R4 Lower Ground	Koichi Takada Architects	15.08.2023
A105	13	R4 Ground	Koichi Takada Architects	15.08.2023
A106	15	R4 Level 1	Koichi Takada Architects	15.08.2023
A107	14	R4 Level 2	Koichi Takada Architects	15.08.2023
A108	13	R4 Level 3	Koichi Takada Architects	15.08.2023
A109	13	R4 Roof	Koichi Takada Architects	15.08.2023
A110	7	Building Height	Koichi Takada Architects	15.08.2023
A200	3	Overall North Elevation	Koichi Takada Architects	15.08.2023
A201	9	Elevation - East	Koichi Takada Architects	15.08.2023
A202	9	Elevation – North	Koichi Takada Architects	15.08.2023
A203	9	Elevation – South	Koichi Takada Architects	15.08.2023
A204	10	Elevation – West	Koichi Takada Architects	15.08.2023
A205	7	Elevation – Building A & C South	Koichi Takada Architects	15.08.2023
A206	6	Elevation – Middle Looking South	Koichi Takada Architects	15.08.2023
A301	8	Section 1 – North Section	Koichi Takada Architects	15.08.2023
A302	8	Section 2 – South Section	Koichi Takada Architects	15.08.2023
A303	8	Section 3 – R4 Zone	Koichi Takada Architects	15.08.2023
A304	8	Section 4 – R2 Zone	Koichi Takada Architects	15.08.2023
A401	6	Combined Site Calculations	Koichi Takada Architects	15.08.2023
A403	4	Landscape & Excavation Area Calculation	Koichi Takada Architects	15.08.2023
A410	6	Height Plane Diagrams – R4 Zone	Koichi Takada Architects	15.08.2023
A411	5	Height Plane Plan – R4 Zone	Koichi Takada Architects	15.08.2023
A412	6	R4 DCP Envelope (Side Boundary)	Koichi Takada Architects	15.08.2023
A414	3	R4 DCP Envelope (Rear Boundary)	Koichi Takada Architects	15.08.2023
A415	6	Height Plane Diagram – R2 Zone	Koichi Takada Architects	15.08.2023
A416	5	Height Plane Plan – R2 Zone	Koichi Takada Architects	15.08.2023
A420	5	Cross Ventilation	Koichi Takada Architects	15.08.2023
A421	5	36 Degree Height Plane Diagrams – R4 Zone	Koichi Takada Architects	15.08.2023
A450	7	Shadow Diagrams – Dec 21 1/2	Koichi Takada Architects	15.08.2023
A451	7	Shadow Diagrams – Dec 21 2/2	Koichi Takada Architects	15.08.2023
A452	7	Shadow Diagrams – June 21 1/2	Koichi Takada Architects	15.08.2023
A453	7	Shadow Diagrams – June 21 2/2	Koichi Takada Architects	15.08.2023
A455	5	Sun Eye View – Dec 21	Koichi Takada Architects	15.08.2023
A456	5	Sun Eye View – June 21	Koichi Takada Architects	15.08.2023
A458	7	GFA Diagrams – Building A & B (R4 Zone)	Koichi Takada Architects	15.08.2023
A459	7	GFA Diagrams – Building C & D (R2 Zone)	Koichi Takada Architects	15.08.2023

A475	7	Pre & Post Adaptable Unit Layout (APT A 001)	Koichi Takada Architects	15.08.2023
A476	7	Pre & Post Adaptable Unit Layout (APT B 001)	Koichi Takada Architects	15.08.2023
A500	4	Material Sample Board	Koichi Takada Architects	15.08.2023
A620	2	DCP Side and Rear Setback – Survey Points	Koichi Takada Architects	15.08.2023
A630	1	Bettar Height Blanket Levels	Koichi Takada Architects	15.08.2023
A650	1	Boundary Sections – Existing Levels	Koichi Takada Architects	15.08.2023
A660	1	Retaining Study	Koichi Takada Architects	15.08.2023
A661	1	Cut & Fill Diagram	Koichi Takada Architects	15.08.2023
A662	1	Floor Plan – View Points	Koichi Takada Architects	15.08.2023
A663	1	Indicative 3D Views	Koichi Takada Architects	15.08.2023

**OWNER:** Kurraba Point Pty Ltd ATF Kurraba Point Road Unit Trust

**APPLICANT:** PB & Co

**AUTHOR:** Jonathan Joseph of Planning Ingenuity

**DATE OF REPORT:** 23 November 2023

**DATE LODGED:** 9 November 2023

**AMENDED:** 15 August 2023

**RECOMMENDATION:** Refusal

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## EXECUTIVE SUMMARY

This development application seeks approval for the demolition of existing structures and construction of two x residential flat buildings, two x dual occupancies, basement parking, landscaping, internal boundary realignment and subdivision. During the assessment process, a Request for Additional Information Letter was issued, in which the proposal was amended. The amended scheme is the subject of this Report. Specifically, the following is proposed:

- Site preparation works, including demolition of existing structures and excavation;
- Construction of two x residential flat buildings containing 1 x 2 bedroom, 4 x 3 bedroom and 1 x 4 bedroom apartments;
- Construction of two x dual occupancies (attached), containing 4 x 3 bedroom dwellings;
- Construction of one level of basement parking below each residential flat building and secure parking garages for each dual occupancy;
- Landscaping and associated works;
- Internal boundary realignment; and
- Subdivision.

Council's notification of the proposal attracted sixty-two (62) submissions raising concern with regard to various non-compliances, including building height, building envelope, setbacks, landscaped area and site coverage, misleading or incorrect plans and documentation, traffic impacts and safety, construction traffic and safety, excavation impacts, stormwater impacts, privacy, solar impacts and view loss.

**Determination of the application by the North Sydney Local Planning Panel is required due to the application receiving 10 or more unique objections.**

The proposed development has been assessed with respect to the objects and relevant Sections of the EP&A Act, as well as the objectives, merit-based provisions, development standards and prescriptive controls of various State Environmental Planning Policies, the North Sydney Local Environmental Plan 2013 and the North Sydney Development Control Plan 2013. Other plans and policies were also considered such as the North Sydney Section 7.11 Contributions Plan.

The development complies with the majority of relevant development standards in North Sydney LEP 2013. However, the proposal seeks a variation to the maximum building height development standard where both the 8.5m and 12m standard applies within the site. The development is generally consistent with the North Sydney DCP, however, there are a number of key non-compliances as discussed in this Report.

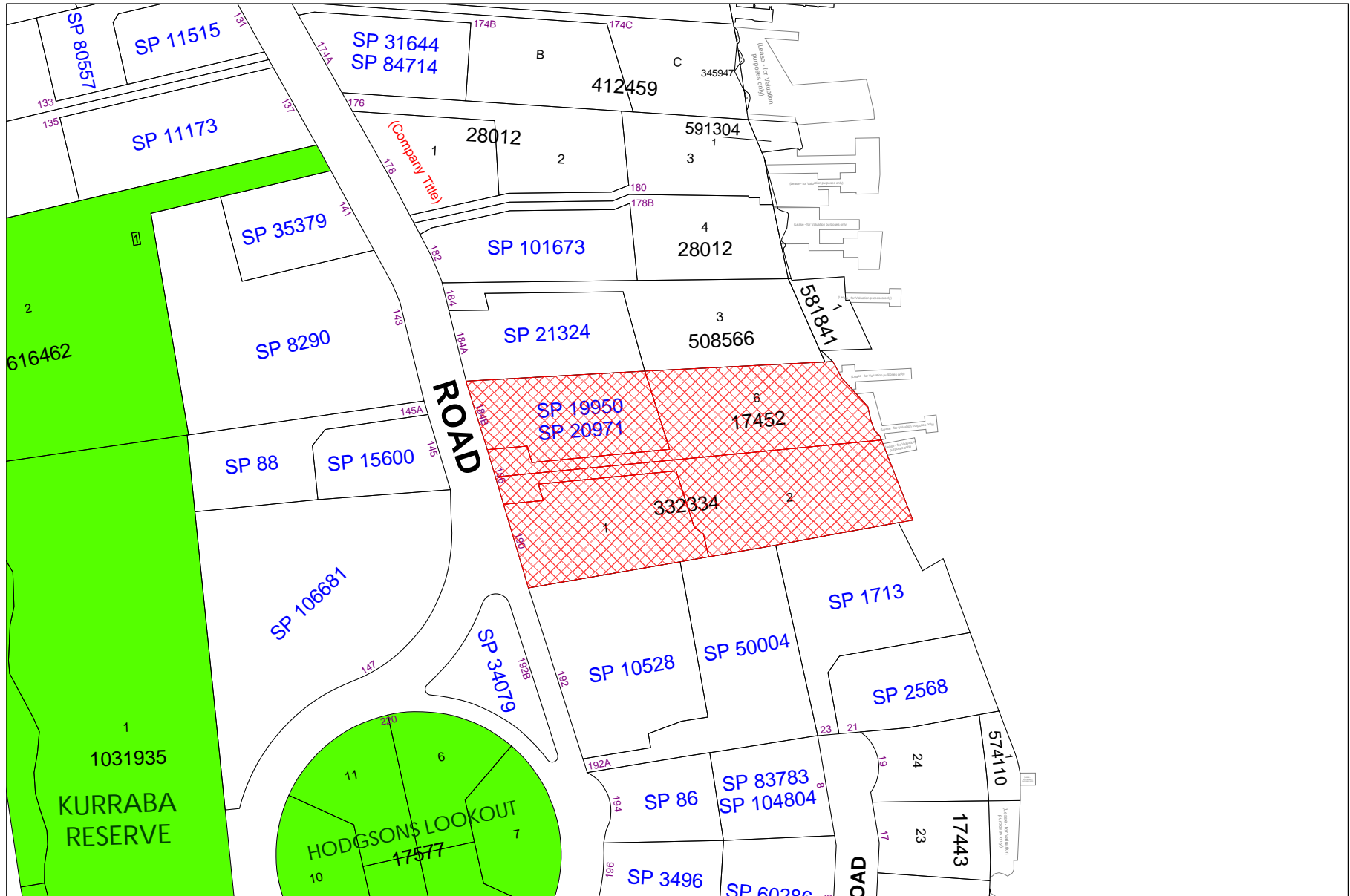
Council's Design Excellence Panel has considered the proposal and the Panel's advice has generally been adopted in the amended development. It is noted that *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development* (SEPP 65) does not apply to the subject development. That is, whilst each residential flat building exceeds three storeys in height, each building does not contain four or more dwellings. As such, SEPP 65 and the Apartment Design Guide (ADG) do not apply.

Whilst the development has been amended following correspondence with Council and this is commended, there remain a number of critical issues which have not been resolved and as such, the application is recommended for **refusal**. These are discussed throughout this Report and are summarised as follows:

- Inconsistency and lack of sufficient information with regards to various requirements of the North Sydney Local Environmental Plan 2013, including building height, heritage, excavation, foreshore area and residential flat buildings;
- Non-compliance and lack of sufficient information as it pertains to site coverage, landscaped area, un-built upon area and incline plane requirements within the North Sydney Development Control Plan 2013;
- Traffic impacts due to the reliance upon on-street waiting bay serving Buildings B and D;
- Extent of excavation is excessive and unacceptable;
- Unresolved heritage issues; and
- Insufficient information to allow for the thorough and robust assessment of matters relating to the application.



**LOCATION MAP**



□ Property/Applicant ● Submitters - Properties Notified

## 1. DESCRIPTION OF PROPOSAL

This development application seeks approval for the demolition of existing structures and construction of two x residential flat buildings, two x dual occupancies, basement parking, landscaping, internal boundary realignment and subdivision at Nos. 184B-190 Kurraba Road, Kurraba Point. Specifically, the following is proposed:

- Site preparation works, including demolition and excavation of existing structures;
- Construction of two x residential flat buildings, including:
  - Building A (North R4 zone) which is four storeys in height and contains 1 x 2 bedroom and 2 x 3 bedroom apartments. This includes one level of basement parking with a total of 5 car spaces, including 4 resident and 1 visitor spaces;
  - Building B (South R4 zone) which is four storeys in height and contains 2 x 3 bedroom and 1 x 4 bedroom apartments. This includes one level of basement parking with a total of 6 car spaces, including 5 resident and 1 visitor spaces;
- Construction of two x dual occupancies (attached), including:
  - Building C (North R2 zone) containing a side-by-side dual occupancy with each dwelling containing 3 bedrooms. This includes two x double garages and roof top terraces;
  - Building D (South R2 zone) containing a side-by-side dual occupancy with each dwelling containing 3 bedrooms. This includes two x double garages and roof top terraces;
- Access to Buildings A/C and Buildings B/D provided via two separate car lifts and easements;
- Landscaping and associated works;
- Internal boundary realignment; and
- Subdivision.



*Figure 1: Photomontage as viewed from Kurraba Road*



**Figure 2: Photomontage as viewed from waterway**



**Figure 3: Kurraba Road Elevation**



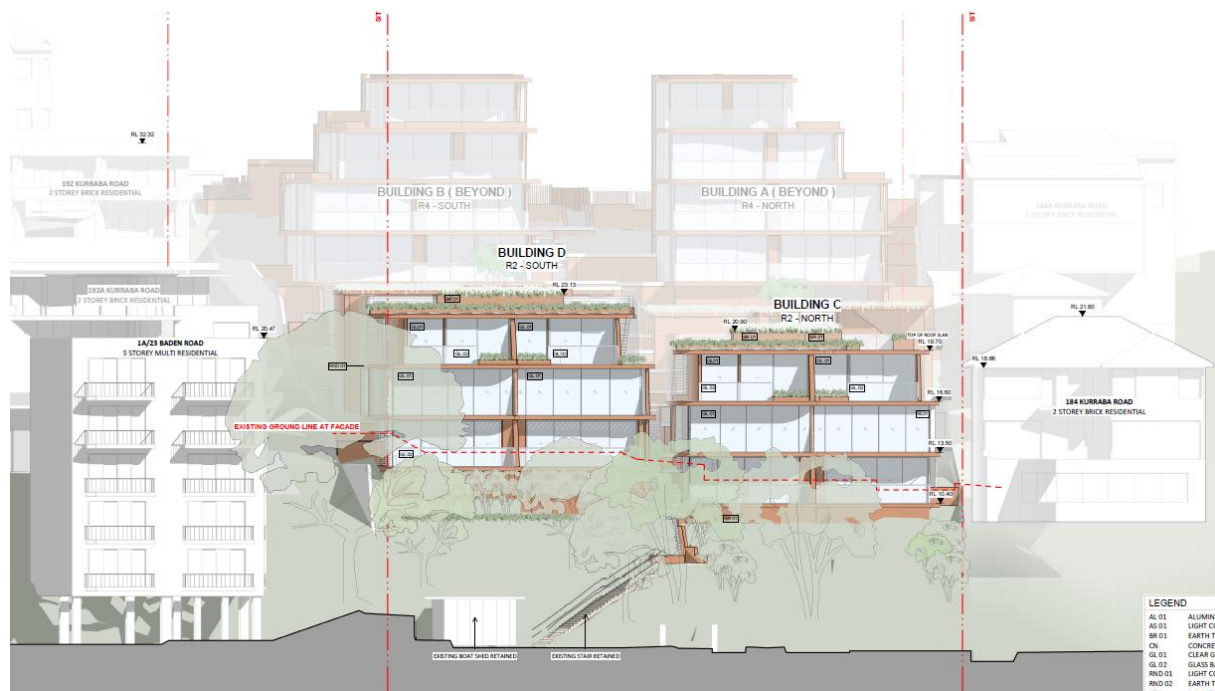


Figure 4: Waterway (Rear) Elevation

## 2. STATUTORY CONTROLS

### North Sydney Local Environmental Plan 2013

- **Zoning** – R4 High Density Residential for land identified as Nos. 184B and 190 Kurraba Road. R2 Low Density Residential for land identified as No. 186 Kurraba Road.
- **Building Height** – R4 High Density Residential land is permitted a maximum building height of 12m. R2 Low Density Residential land is permitted a maximum building height of 8.5m.
- **Floor Space Ratio** – None.
- **Item of Heritage** – No.
- **In Vicinity of Item of Heritage** – The site is within the vicinity of numerous heritage items, including but not limited to I0667 ‘House’ at No. 174B Kurraba Road, I0668 ‘Gingie’ at No. 176 Kurraba Road, I0552 ‘Flat Building’ at 6 Baden Road, I0553 ‘Flat Building’ at 8 Baden Road, I0554 ‘Plaques commemorating Ben Boyd’, and I0669 ‘Site and remains of Port Jackson and Manly Steamship Company depot’.
- **Heritage Conservation Area** – No.

### State Environmental Planning Policies

- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021, noting this is not applicable as discussed in this Report;
- State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (2002 EPI 350), noting this is not applicable as discussed in this Report; and
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.

### Policy Controls

- North Sydney Development Control Plan 2013

### 3. CONSENT AUTHORITY

As this proposal has received more than 10 unique submissions, the consent authority for the purpose of determination of the development application is the North Sydney Local Planning Panel.

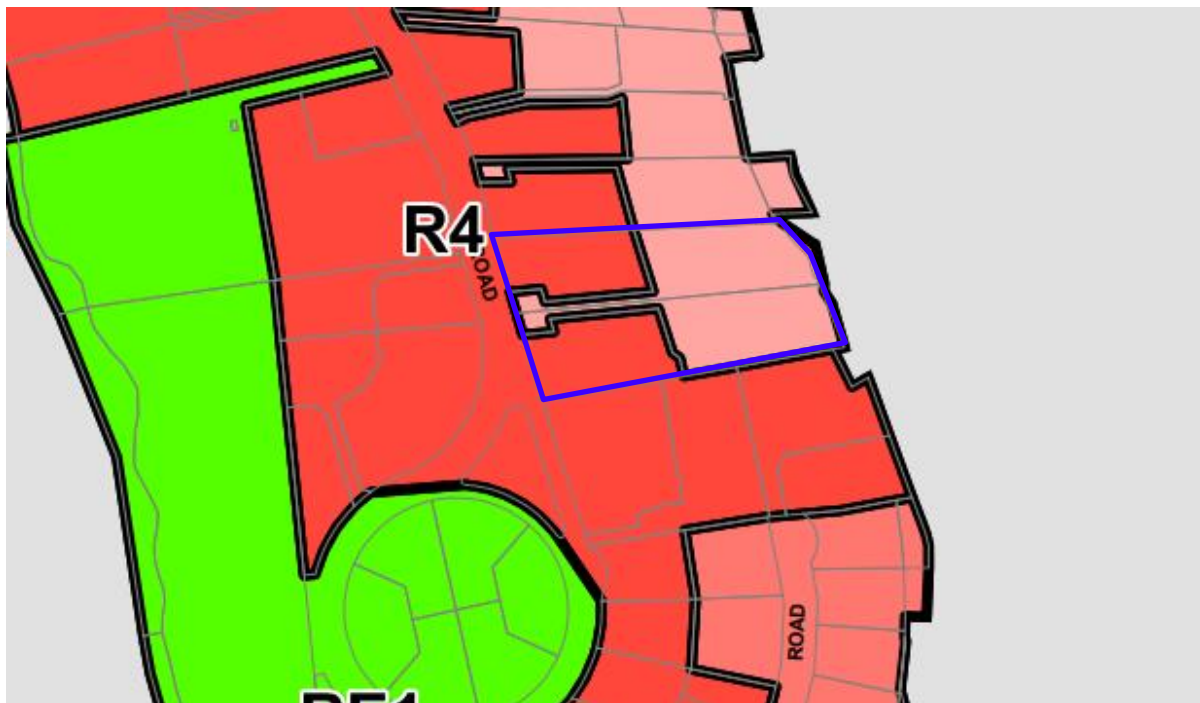
### 4. DESCRIPTION OF SITE AND LOCALITY

#### Subject Site:

The site is known as Nos. 184B, 186 and 190 Kurraba Road, Kurraba Point. It is legally described as follows:

- No. 184B Kurraba Road: SP 19950;
- No. 186 Kurraba Road: Lot 2 in DP 332334 and Lot 6 in DP 17452; and
- No. 190 Kurraba Road: Lot 1 in DP 332334.

The site has a total area of 3,343m<sup>2</sup> and is regular in shape with a splayed frontage to Kurraba Road of 45.665m. The land zoned R4 High Density Residential has an area of 1,414.2m<sup>2</sup>, and the land zoned R2 Low Density Residential an area of 1,929m<sup>2</sup>. The site has an eastern (rear) boundary of approximately 39m shared with the waterway.



*Figure 5: Land Zoning Map (Site edged in blue)*

The site has a fall from the western (front) to eastern (rear) boundary of approximately 27m over the entire length of the site. Where the works are proposed, the site has a fall of approximately 18m from the western to eastern edges of the works footprint. The site also has a minor crossfall from the north-western to south-western corners of the site, along Kurraba Road. An aerial image of the site and surrounds is at **Figure 6**. The subject site contains 33 existing trees throughout, in addition to a number of trees located within the neighbouring allotments and in close proximity to the site boundaries.



**Figure 6: Aerial image of subject site (Site edged in red) (Source: Nearmap Aerial photo dated 3 October 2023)**

No. 184B Kurraba Road contains a two-storey brick dual occupancy with pitched tile roof. The building is located at-grade fronting Kurraba Road and presents to the streetscape as generally single storey, increasing to two storeys at the rear. Within the front setback is a single storey carport and at-grade parking area, with right-of-carriageway easement shared with No. 184A Kurraba Road to the east.

No. 186 Kurraba Road is a battle axe site containing a part two, part three storey rendered dwelling with metal roof and swimming pool adjacent to the waterway. The Kurraba Road frontage is occupied by two detached garage structures (one single and one double), with a driveway and stairs providing access to the dwelling at the rear. The dwelling is surrounded by a variety of landscaping and vegetation, with access provided to the jetty and waterway via existing stairs. A sandstone seawall is located along the length of the property's eastern boundary where it fronts the waterway.

No. 190 Kurraba Road contains an attached, two-storey brick dual occupancy with pitched tile roof. Fronting the public domain are two detached double garages and pedestrian accessways to the individual dwellings comprising the dual occupancy. There is existing vegetation within the setback addressing Kurraba Road and a balcony at the rear of the building.





***Figure 7: Nos. 184B Kurraba Road as viewed from public domain in an easterly direction***



***Figure 8: No. 186 Kurraba Road as viewed from public domain in an easterly direction***





**Figure 9: No. 190 Kurraba Road as viewed from public domain in an easterly direction**



**Figure 10: Subject site as viewed from the waterway (Source: Urbis, View Sharing Report)**

The subject site is burdened by a number of easements. This is shown within the Survey Plan prepared by *LTS* and described as follows:

- A 7m wide right-of-carriageway providing for vehicular access to No. 184b Kurraba Road, and benefitting SP21234 (No. 184A Kurraba Road);
- A 0.915m wide drainage easement along the northern boundary of No. 186 Kurraba Road, benefitting SP 19950 (No. 184B Kurraba Road); and



- A 0.915m wide drainage easement along the southern boundary of No. 186 Kurraba Road, benefitting Lot 1 in DP 332334 (No. 190 Kurraba Road).

### **Surrounding Development:**

The surrounding locality contains an eclectic mix of building types and architectural styles. A number of buildings within the locality are currently under construction or have recently been completed.

Directly to the north-west of the site is No. 184A Kurraba Road, which contains a two-storey dual occupancy development with detached carport. This property relies on an easement within the north-western corner of the site to allow for vehicular access. Directly to the north-east of the site is No. 184 Kurraba Road, which is a battle-axe allotment containing a two storey brick dwelling with a frontage to the waterway and swimming pool below the foreshore building line.

Further to the north is No. 182 Kurraba Road. This property contains a residential flat building subject to a recent approval for substantial alterations and additions to the existing building. DA333/19 granted consent to alterations and additions to result in a five storey building containing 4 x 3 bedroom apartments, an eight-car stacker, excavation and landscaping. The works pertaining to this approval are near completion.

Directly to the south of the subject site are Nos. 192 and 192A Kurraba Road and No. 23 Baden Road. No. 192 Kurraba Road is located to the south-west and contains a two storey multi-dwelling development. No. 192A Kurraba Road is located centrally to the south of the site and contains a three storey residential dwelling. To the south-east is No. 23 Baden Road which contains a six storey residential flat building.

To the west of the site and on the opposite side of Kurraba Road are a series of residential flat building developments. Specifically, No. 143 Kurraba Road contains a nine storey residential flat building with at-grade parking and No. 145 Kurraba Road contains a four storey residential flat building with at-grade parking. South-west of the site is Nos. 147-153 Kurraba Road which is the subject of a recent approval (DA255/19) for the construction of a six storey residential flat building with 25 apartments. Further to the south and west is Hodgsons Lookout Park and Kurraba Reserve.

Directly to the east of the subject site is Shell Cove which forms part of Sydney Harbour.

The site is not located within a Heritage Conservation Area and does not contain any Heritage Items. The site is located within proximity to a number of heritage items, including the following:

- I0667 'House' at No. 174B Kurraba Road;
- I0668 'Gingie' at No. 176 Kurraba Road;
- I0552 'Flat Building' at No. 6 Baden Road;
- I0553 'Flat Building' at No. 8 Baden Road;
- I0554 'Plaques commemorating Ben Boyd'; and
- I0669 'Site and remains of Port Jackson and Manly Steamship Company depot'.

The site is located approximately 1.8km south of the Neutral Bay Town Centre and 2km east of the North Sydney CBD.

## 5. BACKGROUND

The history of the subject development application is summarised below:

<b>9 November 2022</b>	Lodgement of a Development Application (DA343/22) for demolition of a dwelling house, two (2) dual occupancies and a swimming pool and construction of two x residential flat buildings (4 x 3 beds and 2 x 4 beds) and 2 x dual occupancies (4 x 3 beds), with basement parking and access provided by car lifts, associated landscaping and civil works and internal boundary realignment and subdivision.
<b>20 January 2023</b>	DA343/22 was advertised for 21 days until 10 February 2023. A total of forty-two (42) submissions were received during the notification period.
<b>24 January 2023</b>	The application was referred to the Design Excellence Panel. The panel supported the application, subject to the issues they identified being resolved. The issues include setbacks, landscaping, internal amenity and excavation.
<b>13 June 2023</b>	<p>Following a site visit and receipt of the Design Excellence Panel comments, a preliminary assessment of the application was undertaken and a Request for Additional Information Letter (RFI Letter) provided to the Applicant. The issues of the RFI Letter are listed below:</p> <ul style="list-style-type: none"> <li>• Building height;</li> <li>• Foreshore area;</li> <li>• Earthworks and excavation;</li> <li>• Residential flat buildings under Clause 6.12 of NSLEP;</li> <li>• Adaptable housing</li> <li>• Dwelling mix;</li> <li>• Side setbacks and rear setbacks of R2 zone;</li> <li>• Side/rear setbacks and building height plane of R4 zone;</li> <li>• Uppermost incline plane;</li> <li>• Site coverage;</li> <li>• Landscaped and un-built upon area;</li> <li>• Visual privacy;</li> <li>• Dual occupancy private open spaces and roof top terraces;</li> <li>• View loss;</li> <li>• Car parking and traffic;</li> <li>• Materiality and colour;</li> <li>• Heritage;</li> <li>• Subdivision and boundary realignment;</li> <li>• Waste management;</li> <li>• Landscaping;</li> <li>• Insufficient information; and</li> <li>• Matters raised by submissions.</li> </ul>
<b>16 August 2023</b>	The applicant submitted amended plans and consultant documentation. Whilst a number of matters raised in the RFI Letter were adequately addressed by the Applicant, several critical issues were not resolved.
<b>1 September 2023</b>	The amended scheme was re-advertised for 21 days until 22 September 2023. A total of twenty (20) submissions were received during the re-notification period.

## **6. INTERNAL REFERRALS**

### **6.1 Design Excellence Panel**

Council's Design Excellence Panel provided the following advice:

#### **Principle 1: Context and local character**

The context of Kurraba Road is emerging with several residential apartment buildings under construction.

#### **Principle 2: Built form, scale and public domain/ urban design response**

The new building should observe the boundary setback and building envelope requirements of the NSDCP 2013. This could provide a more sympathetic relationship of the new building to the side boundaries, while also benefiting amenity to neighbours. The Panel was particularly concerned at the proximity of the proposed building to 184 Kurraba Rd in the north-east corner.

#### **Principle 3: Density**

The development should provide the minimum landscaped area and comply with the setback controls in NSDCP 2013. There appears no justification not to.

#### **Principle 4: Sustainability, building performance and adaptability**

Consideration is to be given to the microclimate and how the development will perform.

#### **Principle 5: Landscape Integration**

The development should comply with the minimum landscaped area requirement.

Further details are required for the boundary treatment. There is opportunity for attractive landscape along both sides of the site.

Extensive 'greening' of the rooftops, nearly all of which will be overlooked from existing adjacent and nearby residential buildings is recommended.

The central pedestrian access area would benefit from direct activation from dwellings, increase useable green space and additional landscape planting integrated into communal areas.

A landscape design proposal (completed by a registered landscape architect) should be submitted for consideration by the Panel.

#### **Principle 6: Building configuration, planning, and amenity**

The Panel noted that the proposal results in two landlocked buildings on the eastern portion of the site. The Applicant should provide details clarifying how fire trucks will access these properties and how the failure of car lifts would be addressed for residents needing to access their properties.

The building setbacks should comply with NSDCP 2013.

Side setbacks should be increased for both dual occupancies on the lower ground floor to provide better amenity. Any habitable rooms below ground level are not supported.

There appears to be too much emphasis to the external composition which compromises internal amenity. For example, the windows to north facing bedrooms of Buildings A and B do not appear sufficiently large nor well positioned to provide suitable daylighting and outlook. The façade focus also impacts room layout including less useable corridor spaces and long internal hallways in Building A and B.

North facing windows should be increased in size to afford greater solar access and ventilation.

There appears to be an excessive amount of excavation, as much as two levels below ground is indicated on Drawing A203 (South Elevation). Further level details are required to properly assess the impact.

The Panel recommends the proposal satisfy the requirements of the ADG with respect to planning and amenity standards. This would then represent an acceptable level of design quality to the Panel.

**Principle 7: Safety**

Windows should be provided to the street frontage to allow for passive surveillance.

**Principle 8: Housing diversity and social interaction**

Not discussed.

**Principle 9: Architectural expression and materiality**

The material palette and composition is generally well designed. Care should be taken to provide suitable weather protection and landscaping to east and south facing balconies.

**Recommendations to Achieve Design Excellence**

The Panel provides qualified support for the proposal, subject to the identified issues being resolved.

**Planning Comment:** The application was amended in response to the DEP comments and the advice has largely been adopted in the revised design. The proposal is largely considered satisfactory with regard to the advice of the DEP, with the exception of the following:

- **Site Coverage:** As discussed in further detail, the proposal does not comply with the maximum site coverage requirement for each lot; and
- **Landscaped Area:** As discussed in further detail, the proposal does not comply with the minimum landscaped area requirement for each lot;
- **Excavation:** Whilst the extent of excavation has been reduced, there still appears to be a significant amount of excavation centrally between Buildings A and B and this has not been considered in the revised design.

## 6.2 Traffic

Council's Traffic and Transport Engineer does not support the waiting area nominated for the southern car lift servicing Buildings B and D. The proposal seeks to provide an on-street (public roadway area) waiting area. This is not supported as it will result in impacts to the operation of Kurraba Road.

The Traffic and Transport Engineer supports the remainder of the development, which has been amended following the Request for Additional Information Letter. Specifically, the Council Traffic and Transport Engineer notes the following:

- **Traffic Generation:** The proposed development is expected to generate approximately 7 vehicle trips per peak hour compared to a traffic generation of 3 vehicle trips per peak hour from the existing use. Generally, the proposed development will not have unacceptable traffic implications in terms of road network capacity.
- **Parking Provision:** The development proposes a total of 19 parking spaces, including 9 resident spaces for apartments, 8 resident spaces for dual occupancy dwellings and 2 visitor parking spaces. This satisfies Council's DCP.
- **Adaptable Parking Provision:** The proposal includes an accessible parking space for each of the two adaptable apartments, with one accessible space provided in each car parking area, meeting the relevant requirement.
- **Traffic and Access:** An off-street waiting area has been nominated for the northern car lift servicing Buildings A and C. This satisfies the concern about traffic queuing for the northern car lift. As outlined above, the on-street waiting area for Building B and D is not supported.
- **Car Lift Operation:** By default, the car lifts will be set to prioritise any inbound vehicles, with residents able to use a remote control to open the car lift door on approach to the site so as to minimise the chance of queuing on Kurraba Road. This is deemed satisfactory.
- Currently a "No Stopping" zone exists along the frontage of the site, however it is proposed to change the kerbside restriction to "No Parking" to allow a vehicle to temporarily wait in this location in the rare event that both car lifts are already in use when an inbound vehicle arrives. The proposed arrangement does not require a change from the 'No Stopping' restriction to 'No Parking' restriction at the current stage. This is a standard lift manoeuvring in our LGA and it does not warrant a change at the moment. If the issue arises post construction, then it can be looked at as a separate matter.
- **Bicycle Parking:** Council's DCP specifies that all new developments provide on-site, secure bicycle parking facilities. The minimum required bicycle space for residential building is 1 bicycle parking space per 1 dwelling (total of 10) and 1 visitor space per 10 dwelling (total of 1). Therefore, a minimum of 11 on-site, secure bicycle parking is required to be provided. The applicant has reported providing 11 bicycle racks in the Traffic Report and this satisfies the DCP.
- **Construction Management Plan:** CTMP should state that workers are not relying on on-street parking. DA traffic report states that a shuttle bus arrangement is to be provided. Council requires confirmation on the shuttle bus as this is highly recommended as Kurraba Road residents have raised the concern of the amount of workers parking their utes. Concern raised about the HRV can be looked at CTMP stage and can be advised on the size of the truck with swept path.

**Planning Comment:** As outlined above, the proposed development cannot be supported due to the reliance of an on-street waiting bay for Building B and D. This is considered to be an inferior planning and traffic outcome impacting the public road reserve and will result in unfavourable impacts to neighbours and the wider Kurraba Point locality. Reliance on on-street waiting will also have a detrimental impact to the safety and operation of Kurraba Road and is discussed in this Report.

### 6.3 Heritage

Council's Heritage Officer has assessed the amended proposal and does not support the application on the basis of lack of association with Trygve Halvorsen. The following conclusions and recommendations were provided by the Heritage Officer:

*"The site does have a direct association with Trygve Halvorsen and therefore does meet the Criterion B – Associative Significance relating to the former home of Trygve Halvorsen the notable Norwegian-Australian ocean sailor.*

*It is recommended that that reference to and interpretation of the site having an association with Trygve Halvorsen be made as part of the development including an outline on how the interpretation will occur as an integrated part of the development. The interpretation of the place is to be prepared as per the HNSW Information Series for Interpreting Heritage Places and Items: Guidelines."*

The above interpretation was not included in the amended proposal, despite being raised in the Request for Additional Information. As such, the amended proposal cannot be supported in its current form.

It is noted that Council's Heritage Officer supports the amended palette of colours, which utilises a light brown brick responding to the heritage items and conservation areas in the vicinity, and is generally complimentary with the 20<sup>th</sup> Century earthy darker tones of heritage buildings in the locality.

### 6.4 Engineering/Stormwater Drainage

Council's Development Engineer has assessed the proposed development and raised no objection, subject to conditions. The following comments were provided by the Development Engineer:

Traffic Management:

*A large scale of works. CTMP is required and referred to the traffic committee.  
Appropriate conditions shall be imposed in this regard.*

Stormwater:

*Approval from RMS is required to discharge stormwater directly into the Shell Cove (Sydney Harbour). Appropriate conditions shall be imposed in this regard.*

Parking and Access:

*A basement carpark is proposed. Two new vehicular access with car-lifts are proposed. Appropriate conditions shall be imposed in this regard.*

Sediment and Erosion controls

*Appropriate conditions shall be imposed in this regard.*

Excavation and Retaining Walls

*Extensive excavation is proposed. Appropriate conditions shall be imposed in this regard.*

**Planning Comment:** Conditions of consent could be imposed should the development be approved. However, and as detailed in this Report, the development is recommended for refusal.

## 6.5 Landscaping

Council's Landscape Officer has assessed the amended proposal and is willing to support the proposal subject to amendments and conditions.

Of note, the Landscape Officer will only support the removal of T2 Cinnamomum camphora on the basis of it being replaced with a suitable, super advanced species to deliver an improved outcome. The Landscape Officer requires the following amendments:

- 3 x Ficus rubiginosa shown to be planted in the front setback of the subject site shall be 500L minimum pot size
- 1x additional Ficus rubiginosa (500L min pot size) shall be planted in the front setback of the subject site to the north of those already proposed
- 9 x advanced Livistona australis shown to be planted shall have a minimum trunk height of 6m at time of planting
- 6 (approx.) x A. cunninghamiana within the front setback of 190 Kurraba Rd shall be retained and transplanted on site.
- Stormwater is currently shown directed through the TPZ of at least 1 x protected tree. All Stormwater and other underground services shall be redirected outside the TPZ of any protected tree.

**Planning Comment:** Conditions of consent could be imposed should the development be approved. However, and as detailed in this Report, the development is recommended for refusal.

## 6.6 Waste Management

Council's Waste Operations Officer provided comments which have been addressed in the amended scheme. The proposal has been amended as follows to respond to the RFI and is therefore considered acceptable:

- A single waste chute is provided in Buildings A and B;
- A recycling bin (240L) is provided adjacent to each waste chute; and
- Two temporary bin holding areas are provided adjacent to the street frontage for Buildings A and B which will accommodate 8 x 240L bins.

It should be noted that the garbage chute and recycling bin is not provided for Building A, A201. This could be rectified through a condition of consent.

Notwithstanding and as detailed in this Report, the development is recommended for refusal.

## 7. EXTERNAL REFERRALS

### 7.1 Sydney Water

Sydney Water has no objection to the development application. The following response was provided by Sydney Water:

#### **Water Servicing**

- *Potable water servicing should be available via a 150 CACL watermain (laid in 1911) on Kurraba Road.*
- *Amplifications, adjustments, and/or minor extensions may be required.*

#### **Wastewater Servicing**

- *Wastewater servicing should be available via a 150 VC wastewater main (laid in 1955) within the property boundary.*
- *Amplifications, adjustments, and/or minor extensions may be required.*

*This advice is not formal approval of our servicing requirements. Detailed requirements, including any potential extensions or amplifications, will be provided once the development is referred to Sydney Water for a Section 73 application.*

**Planning Comment:** Suitable conditions could be applied if the development were recommended for approval.

### 7.2 Ausgrid

Ausgrid has no objection to the development application. The following response was provided by Ausgrid:

*Ausgrid has no objection to this development application, however the design submission must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice for construction works near existing electrical assets.*

*The "as constructed" minimum clearances to Ausgrid's infrastructure must not be encroached by the building development. It also remains the responsibility of the development and relevant contractors to verify and maintain these clearances on-site.*

**Planning Comment:** Suitable conditions could be applied if the development were recommended for approval.

## 8. SUBMISSIONS

The application was originally notified in accordance with Council policy from 20 January 2023 to 10 February 2023. Following the Request for Additional Information (RFI) Letter and receipt of amended documentation, the application was again notified on 1 September 2023 to 22 September 2023. A total of sixty-two (62) submissions were received in both the original and subsequent notification period.

#### **Basis of Submissions:**

- Excessive building height;
- Non-compliant building envelope;
- Non-compliant setbacks;



- Non-compliant landscaped area and un-built upon area;
- Non-compliant site coverage;
- Permissibility and internal boundary adjustment;
- Misleading or incorrect plans and documentation;
- Methods of calculation;
- Traffic impacts and safety;
- Construction traffic and safety;
- Excavation impacts;
- Stormwater impacts
- Privacy Impacts;
- Solar impacts; and
- View loss.

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

## 9. CONSIDERATION

### Environmental Planning and Assessment Act 1979

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

- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021;
- State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (2002 EPI 350); and
- State Environmental Planning Policy (Building Sustainability Index: BASX) 2004.

### 9.1 SEPP (Resilience and Hazards) 2021

*State Environmental Planning Policy (Resilience and Hazards) 2021* repeals and replaces three former SEPPs related to coastal management, hazardous and offensive development and remediation of land. Of relevance to the proposed development is Chapter 2 Coastal Management and Chapter 4 Remediation of Land.

#### Chapter 2 Coastal Management

Chapter 2 Coastal Management gives effect to the objectives of the *Coastal Management Act 2016* from a land use planning perspective, by specifying how development proposals are to be assessed if they fall within the coastal zone.

The site is mapped under the SEPP as being within the Coastal Environment area and the Coastal Use area.

The *Coastal Management Act 2016* sets out management objectives for land located within the different coastal areas. The SEPP provides for requirements for land within the Coastal Environment area and Coastal Use area and is addressed below. As detailed, the proposal generally satisfies the requirements of Chapter 2. However, due to non-compliances with site coverage and landscaped area, the proposal does not strictly satisfy all the requirements of this chapter.

Table 1 Chapter 2 Coastal Management			
Clause / Control	Requirement	Proposal	Y/N
2.10 Development on land within the coastal environment area	<i>(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:</i>		
	<i>(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,</i>	(a) The development, when complete, will have no adverse impacts on the integrity and resilience of the biophysical, hydrological or ecological environment. Water quality will be maintained through management of stormwater on the site during construction and occupation.	Yes
	<i>(b) coastal environmental values and natural coastal processes,</i>	(b) The development takes place on land that has been previously disturbed. It will have no adverse impact on coastal environmental values or natural coastal processes. Works are located outside the foreshore area.	Yes
	<i>(c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,</i>	(c) The proposal will be appropriately connected to the stormwater system per the Stormwater Plans and will therefore have no adverse impacts on the waterway. Where possible, stormwater will be reused on-site. Sewage and other waste water from the proposal will be piped through the existing sewer network to be treated in the typical manner. The site is not on a coastal lake.	Yes
	<i>(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,</i>	(d) The proposed development will not have any significant impact on native or marine vegetation and habitats and no impacts to undeveloped headlands and rock platforms.	
	<i>(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</i>	(e) The site is private land and no public access is existing or proposed.	Yes
<i>(f) Aboriginal cultural heritage, practices and places,</i>	(f) The site has a long history of disturbance from urban development and use. Therefore, it is unlikely that any Aboriginal cultural heritage items or places will be impacted as a result of the proposal.	N/A	

Table 1 Chapter 2 Coastal Management			
Clause / Control	Requirement	Proposal	Y/N
	<i>(g) the use of the surf zone.</i>	(g) The site is not located adjacent to a surf zone.	N/A
	<p><i>(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:</i></p> <p><i>(a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or</i></p> <p><i>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</i></p> <p><i>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact</i></p>	<p>(a) The development has been designed and sited to avoid adverse impact, as outlined above. The proposed works are setback appropriately from the rear boundary and nearby waterway and will therefore have no impact to the waterway.</p> <p>(b) As above.</p> <p>(c) As above</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
2.11 Development on land within the coastal use area	<p><i>(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:</i></p> <p><i>(a) has considered whether the proposed development is likely to cause an adverse impact on the following:</i></p> <p><i>(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</i></p> <p><i>(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,</i></p> <p><i>(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,</i></p> <p><i>(iv) Aboriginal cultural heritage, practices and places,</i></p>	<p>(a)(i) There is no existing public access to the waterway via the site. This will not be altered as a result of the proposal.</p> <p>(a)(ii) The site will not overshadow, create a wind tunnel or result in any adverse loss of views to or from any public place. Amenity impacts from surrounding developments has been considered elsewhere in this Report.</p> <p>(a)(iii) The proposed development will provide for high quality buildings and result in visual improvements as viewed from the public domain and waterway. As such, the proposed development will not adversely impact on the visual amenity or scenic qualities of the waterway.</p> <p>(a)(iv) The site has already been disturbed by the existing development and use, therefore it is</p>	<p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

<b>Table 1</b> Chapter 2 Coastal Management			
<b>Clause / Control</b>	<b>Requirement</b>	<b>Proposal</b>	<b>Y/N</b>
	<i>(v) cultural and built environment heritage, and</i>	unlikely that any Aboriginal cultural heritage items or places will be impacted as a result of the proposal.  (a)(v) The site does not contain any cultural and built environmental heritage items. However, the site is situated within close proximity to numerous heritage items. See comments from Council's Heritage Officer above which indicate inadequate consideration has been given to the heritage significance of the site and its context.	No
	<i>(b) is satisfied that: (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and</i>	(b)(i) The development has been designed and sited to avoid adverse impact, as outlined above.  (b)(ii) As above.  (b)(iii) As above.	Yes  Yes  Yes
	<i>(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.</i>	(c) The proposed development generally complies with the relevant provisions under NSLEP (noting a height non-compliance) and the NSDCP. However, the non-compliance with site coverage and landscaped area requirements results in (c) not being satisfied as it generates a bulk, scale and size of development which is inconsistent with the locality.	No

#### Chapter 4 Remediation of Land

Chapter 4 of the Resilience and Hazards SEPP 2021 provides planning controls for the remediation of contaminated land and requires an investigation to be made if land contamination is suspected. The site contains existing residential buildings and has been utilised for this purpose for a considerable period of time. It is therefore unlikely to be contaminated. As such, Chapter 4 Remediation of Land is considered to be satisfied.

#### **9.2 SEPP (Biodiversity and Conservation) 2021**

*State Environmental Planning Policy (Biodiversity and Conservation) 2021* commenced on 1 March 2022, repealing and replacing 11 previous SEPPs. Of relevance to the proposed development is Chapter 2 Vegetation in non-rural areas and Chapter 6 Water Catchments.

Chapter 2 Vegetation in Non-rural Areas

Chapter 2 regulates clearing that is not ancillary to development requiring consent. Whereas, clearing that is ancillary to development requiring consent will be assessed as part of the development assessment process. As such, the proposed removal of trees is ancillary to development requiring consent and has been assessed by Council’s Tree and Landscape Officer.

As described in this Report, Council’s Landscape Officer has reviewed the application and has stated their support of the application, subject to specific conditions of consent.

Chapter 6 Water Catchments

Chapter 6 provides aims with respect to the Sydney Harbour Catchment and other catchments including protection, enhancement and maintenance of natural assets, sustainable environments, ecologically sustainable development, culturally rich and vibrant places and accessibility. The subject site is identified within the Sydney Harbour Catchment Map and Foreshore and Waterway Area Map (noting it is not located within a specified zone).

The below table outlines the requirements under Chapter 6 and provides a response with regards to the proposal. As outlined below, the proposal mostly satisfies the requirements of Chapter 6, however, as the development does not comply with the required landscaped area and site coverage requirements, this chapter is not fully satisfied.

<b>Table 2 Chapter 6 Water Catchments</b>			
<b>Clause/ Control</b>	<b>Requirement</b>	<b>Response</b>	<b>Y/N</b>
Division 3 Development in Foreshores and Waterway	<p><i>(1) In deciding whether to grant development consent to development in the Foreshores and Waterways Area, the consent authority must consider the following—</i></p> <p><i>(a) whether the development is consistent with the following principles—</i></p> <p><i>(i) Sydney Harbour is a public resource, owned by the public, to be protected for the public good,</i></p> <p><i>(ii) the public good has precedence over the private good,</i></p> <p><i>(iii) the protection of the natural assets of Sydney Harbour has precedence over all other interests,</i></p> <p><i>(b) whether the development will promote the equitable use of the Foreshores and Waterways Area, including use by passive recreation craft,</i></p> <p><i>(c) whether the development will have an adverse impact on the Foreshores and</i></p>	<p>(a)(i) The proposal will have no impact to Sydney Harbour as a public resource.</p> <p>(a)(ii) The proposal will have no impact to the public usage of Sydney Harbour.</p> <p>(a)(iii) The proposal will have no impact to natural assets of Sydney Harbour.</p> <p>(b) The proposal will have no impact to the equitable use of foreshore and waterway areas. The development will not impact use of the harbour by passive recreational craft.</p> <p>(c) The proposed development will have no impact to the commercial and</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Table 2 Chapter 6 Water Catchments			
Clause/ Control	Requirement	Response	Y/N
	<p><i>Waterways Area, including on commercial and recreational uses of the Foreshores and Waterways Area,</i></p> <p><i>(d) whether the development promotes water-dependent land uses over other land uses,</i></p> <p><i>(e) whether the development will minimise risk to the development from rising sea levels or changing flood patterns as a result of climate change,</i></p> <p><i>(f) whether the development will protect or reinstate natural intertidal foreshore areas, natural landforms and native vegetation,</i></p> <p><i>(g) whether the development protects or enhances terrestrial and aquatic species, populations and ecological communities, including by avoiding physical damage to or shading of aquatic vegetation,</i></p> <p><i>(h) whether the development will protect, maintain or rehabilitate watercourses, wetlands, riparian lands, remnant vegetation and ecological connectivity.</i></p>	<p>recreational use or enjoyment of these spaces.</p> <p>(d) Not applicable.</p> <p>(e) The proposed development is setback appropriately from the waterway and is well above the mean high water mark. The development is not considered to be at any risk from climate change.</p> <p>(f) The proposed development will not reinstate natural areas, native vegetation or natural landforms. Where vegetation is to be removed from the subject site, this will be replaced with landscaping as shown on the Landscape Plan. However, the proposal does not satisfy the landscaped area and site coverage requirements for the site, and is therefore considered to not strictly satisfy (f).</p> <p>(g) As detailed above, the proposal will have no impact to the aquatic environment or species. The proposal does not specifically protect or enhance native species, populations or communities.</p> <p>(h) There are no riparian lands in or near the site.</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>N/A</p>
	<p><i>(2) Development consent must not be granted to development in the Foreshores and Waterways Area unless the consent authority is satisfied of the following—</i></p> <p><i>(a) having regard to both current and future demand, the character and functions of a working harbour will be retained on foreshore sites,</i></p> <p><i>(b) if the development site adjoins land used for industrial or commercial maritime purposes—the development will be</i></p>	<p>a) The proposed dual occupancies and residential flat buildings which are permissible in their respective zones will have no impact on the functions of Sydney Harbour</p> <p>(b) Not applicable.</p>	<p>Yes</p> <p>N/A</p>

Table 2 Chapter 6 Water Catchments			
Clause/ Control	Requirement	Response	Y/N
	<p><i>compatible with the use of the adjoining land,</i></p> <p><i>(c) if the development is for or in relation to industrial or commercial maritime purposes—public access that does not interfere with the purposes will be provided and maintained to and along the foreshore,</i></p> <p><i>(d) if the development site is on the foreshore—excessive traffic congestion will be minimised in the zoned waterway and along the foreshore,</i></p> <p><i>(e) the unique visual qualities of the Foreshores and Waterways Area and its islands, foreshores and tributaries will be enhanced, protected or maintained, including views and vistas to and from—</i></p> <p><i>(i) the Foreshores and Waterways Area, and</i></p> <p><i>(ii) public places, landmarks and heritage items.</i></p>	<p>(c) Not applicable.</p> <p>(d) Not applicable.</p> <p>(e) The development will generally enhance the visual character on the subject site through high quality residential development integrated with landscaping on ground and on structures because it is within a broader urban setting where the foreshore is dominated by multi-storey residential development. Generally, the proposal will not have any negative impacts to the visual qualities of Sydney Harbour. However, as the proposal does not comply with the landscaped area and site coverage requirements for the site, the proposal does not strictly satisfy (e). The deficiency is inconsistent with the landscaped setting anticipated by the planning controls for the locality.</p>	<p>N/A</p> <p>N/A</p> <p>No</p>

### 9.3 SEPP (Precincts – Eastern Harbour City) 2021

*State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021* commenced on 1 March 2022, repealing and replacing previous SEPPs and SREPs. It is noted that the site is not within the area affected by the Sydney Opera House Buffer Zone and therefore no further consideration is required.

### 9.4 SEPP 65 Design Quality of Residential Apartment Development

Clause 4(1)(a)-(c) of SEPP 65 state the following:

- (1) *This Policy applies to development for the purpose of a residential flat building, shop top housing or mixed use development with a residential accommodation component if—*
- (a) *the development consists of any of the following—*
- (i) the erection of a new building,*
  - (ii) the substantial redevelopment or the substantial refurbishment of an existing building,*
  - (iii) the conversion of an existing building, and*

- (b) *the building concerned is at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking), and*
- (c) *the building concerned contains at least 4 or more dwellings*

In accordance with the above, whilst the proposed residential flat buildings satisfy (a)(i) and (b), whereby the development is for the erection of a new building and is at least three storeys or more, each building (Building A and B) does not contain at least 4 dwellings. As such, SEPP 65 (and the Apartment Design Guide) does not apply.

Whilst SEPP 65 does not apply, the application has been considered by the Design Excellence Panel (DEP). As detailed above, the DEP generally supported the proposal. The amended proposal largely responded to the comments of the DEP, with the exception of landscaping and excavation.

## **9.5 SEPP (BASIX) 2004**

SEPP (Building Sustainability Index: BASIX) 2004 applies to the proposed development. In accordance with the provisions of the SEPP, a BASIX Certificate is submitted and confirms that the development (once operational) will comply with the water, thermal comfort and energy efficiency requirements of the policy. The minor amendments made to the development would not prevent the amended development from compliance. As the application is recommended for refusal, an amended BASIX Certificate is not required.

## **9.6 North Sydney Local Environmental Plan 2013**

### **9.6.1 Aims of Plan**

Clause 1.2 Aims of North Sydney LEP 2013 read as follows (our underline):

- (2) *The particular aims of this Plan are as follows—*
  - (aa) *to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
  - (a) *to promote development that is appropriate to its context and enhances the amenity of the North Sydney community and environment,*
  - (b) *in relation to the character of North Sydney's neighbourhoods—*
    - (i) *to ensure that new development is compatible with the desired future character of an area in terms of bulk, scale and appearance, and*
    - (ii) *to maintain a diversity of activities while protecting residential accommodation and local amenity, and*
    - (iii) *to ensure that new development on foreshore land does not adversely affect the visual qualities of that foreshore land when viewed from Sydney Harbour and its tributaries,*
  - (c) *in relation to residential development—*
    - (i) *to ensure that new development does not adversely affect residential amenity in terms of visual and acoustic privacy, solar access and view sharing, and*
    - (ii) *to maintain and provide for an increase in dwelling stock, where appropriate,*
  - (d) *in relation to non-residential development—*



- (i) *to maintain a diversity of employment, services, cultural and recreational activities, and*
  - (ii) *to ensure that non-residential development does not adversely affect the amenity of residential properties and public places, in terms of visual and acoustic privacy, solar access and view sharing, and*
  - (iii) *to maintain waterfront activities and ensure that those activities do not adversely affect local amenity and environmental quality,*
- (e) *in relation to environmental quality—*
- (i) *to maintain and protect natural landscapes, topographic features and existing ground levels, and*
  - (ii) *to minimise stormwater run-off and its adverse effects and improve the quality of local waterways,*
- (f) *to identify and protect the natural, archaeological and built heritage of North Sydney and ensure that development does not adversely affect its significance,*
- (g) *to provide for the growth of a permanent resident population and encourage the provision of a full range of housing, including affordable housing.*

The application proposed the construction of two x residential flat buildings and two x dual occupancies, which are permissible in the zone. Whilst the proposal is of a high quality design, there are key elements which result in adverse impacts to the surrounding locality, primarily non-compliances with site coverage and landscaping and the reliance of on-street waiting areas and a lack of acknowledgement of heritage significance. The proposal is not supported for these reasons. The reliance of on-street waiting areas is inconsistent with Clause 1.2(2)(a) because it will result in a development which is inappropriate with its context and impacts the amenity of the Kurraba Point locality.

The site coverage is excessive and landscaping deficient which results in the scale and appearance of the development being incompatible with the desired character of the area, being inconsistent with Clause 1.2(2)(b)(i).

Insufficient information has been submitted with the application to assess potential impacts on view sharing and therefore it has not been demonstrated that the development will protect the amenity of neighbouring properties as required by Clause 1.2(2)(c)(i).

It is also considered that the proposal will be antipathetic to Clause 1.2(2)(e)(i) where it will not provide a compliant landscaped area and Clause 1.2(2)(f) because it does not recognize the established heritage characteristics of the site (as described by Council's Heritage Officer).

### 9.6.2 Permissibility within the zone

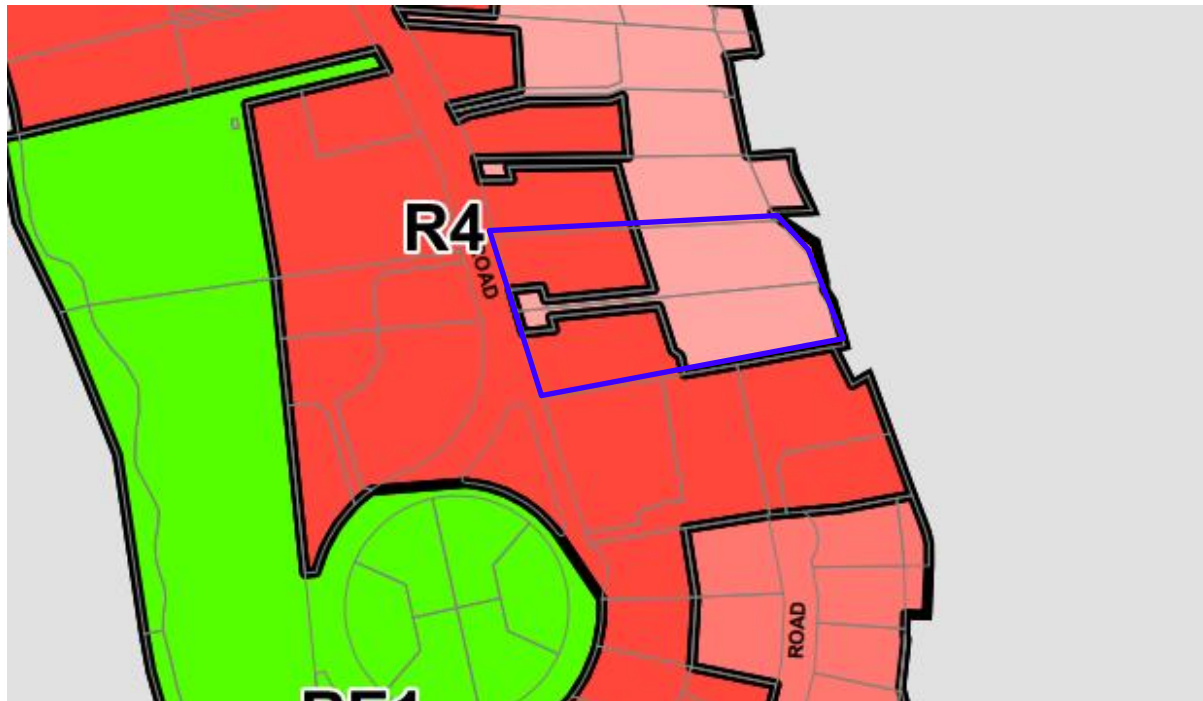


Figure 11: Land Zoning Map (site outlined in blue)

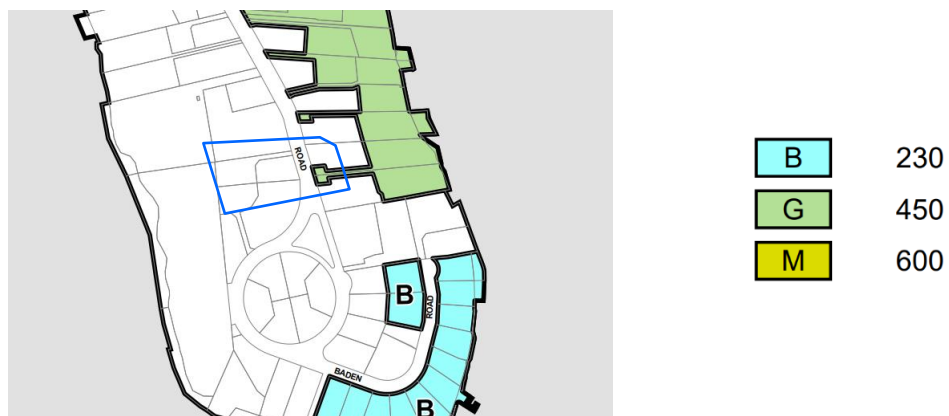


Figure 12: Minimum Lot Size Map (site outlined in blue)

The subject site has a split zoning where both Zone R4 High Density Residential and Zone R2 Low Density Residential apply under the provisions of the *North Sydney Local Environmental Plan 2013* (NSLEP 2013).

In terms of the R4 High Density Residential land, the application proposes two 'residential flat buildings' which are a permissible form of development in the zone. With regards to both the R2 Low Density Residential and R4 High Density Residential zoned land, 'dual occupancies' are a permissible form of development in these zones.

Whilst the proposal seeks to adjust the internal allotment boundaries, it does not modify the zone boundaries. The proposed residential flat buildings are proposed entirely within the R4 zoned land and are therefore permitted with consent. Whilst part of proposed Lot 1 and 2 will be located in the R2 zoned land, no part of the residential flat building is located within the R2 zone.

The proposed dual occupancies are located within both the R2 and R4 zoned land. As detailed above, dual occupancies are permitted with consent in the R2 and R4 zone.

It is noted that terraces and landscaping are located within both the R2 and R4 zoned land. Landscaped works (including terracing) are permitted within both zones and do not result in a prohibition. It is noted that the pedestrian pathway will form part of an easement and can be conditioned so that it only serves the residents of the dual occupancies.

### **9.6.3 Zone R4 High Density Residential**

The planning objectives of the R4 High Density Residential zone and comments with consideration to the proposal are provided below:

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

Comment: The proposed residential flat buildings includes six apartments which will meet the housing needs of the community.

- *Objective: To provide a variety of housing types within a high density residential environment.*

Comment: The proposed residential flat buildings include 1 x 2 bedroom, 4 x 3 bedroom and 1 x 4 bedroom apartments which will provide for an appropriate variety in the zone.

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

Comment: The proposal will not be antipathetic to other facilities meeting the day to day needs of residents.

- *Objective: To encourage the development of sites for high density housing if such development does not compromise the amenity of the surrounding area or the natural or cultural heritage of the area.*

Comment: The proposal includes high density housing. However, the site coverage and landscaped area controls are not satisfied. Controls for landscaped area and site coverage are intended to manage the density of development in the zone where no FSR standard applies. Non-compliance compromises the amenity of the locality.

In terms of cultural heritage, Council's Heritage Officer considers the proposal does not adequately acknowledge the significance of surrounding heritage items, and is therefore unacceptable.

The proposal will compromise the amenity of the surrounding area because it relies on an on-street waiting bay serving Buildings B and D. As discussed in this Report, this is an inferior outcome which compromises the amenity of the Kurraba Point locality and is not in the public interest.

Finally, the proposal seeks approval for a significant amount of excavation, particularly the excavation between Buildings A and B. As such, this objective is not satisfied.

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

Comment: The amended design will achieve a high level of residential amenity for the proposed residential apartments, including solar access and ventilation, access to open space, quality of open space, outlooks and views.

However, insufficient information is provided to ascertain the potential impacts relating to the non-compliances as discussed in this Report.

It is considered that the amenity of the neighbouring and nearby properties will be impacted due to the lack of on-site waiting bays for cars entering the site which will impact traffic flow and livability of neighbouring properties.

As such, the proposal does not satisfy all objectives of the R4 zone.

#### **9.6.4 Zone R2 Low Density Residential**

The planning objectives of the R2 Low Density Residential zone and comments specific to the amended proposal are provided below:

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

Comment: The proposal will provide for two x dual occupancies (attached) which will meet the housing needs of the community within a low density environment.

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

Comment: The proposal will not be antipathetic to other facilities meeting the day to day needs of residents.

- *Objective: To encourage development of sites for low density housing, including dual occupancies, if such development does not compromise the amenity of the surrounding area or the natural or cultural heritage of the area.*

Comment: The amended proposal includes conflicting information regarding the location of built form within the foreshore area, particularly on the submitted Survey Plan. As such, it cannot be resolved as to whether the proposal satisfies this objective. In terms of heritage character, Council's Heritage Officer has advised the proposal does not appropriately relate to the established heritage significance of Trygve Halvorsen and cannot meet this objective.

As discussed above, the reliance on an on-street waiting bay serving Building D (and B) will have an adverse impact to the amenity of the surrounding area and therefore does not satisfy this objective.

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

Comment: The proposal will achieve a high level of residential amenity to the proposed dual occupancy dwellings. Neighbouring properties will also maintain a high level of amenity as discussed in this Report.

As discussed above however, the amenity of neighbouring properties and surrounding residents will be adversely impacted through the reliance of on-street waiting areas and this objective is not strictly satisfied.

As such, the proposal does not satisfy all objectives of the R2 zone.

#### 9.6.5 NSLEP Compliance Table – Summary

NSLEP 2013	Proposed	Control	Complies
Minimum Lot Size	<p>The proposal seeks to adjust the internal allotment boundaries. The proposed will result in the following:            Lot 3: 924m<sup>2</sup>; and            Lot 4: 1,012m<sup>2</sup>.</p> <p>The proposal will not alter the location of the zoning. The rearrangement to allotment boundaries will not impact permissibility as is discussed in this Report.</p> <p>No minimum lot size applies to the R4 zoned land.</p>	450m <sup>2</sup>	Yes
Height (Cl 4.3)	Refer to discussion provided under Section 9.6.6 of this Report.	R4 zone: 12m R2 zone: 8.5m	No. See discussions under Section 9.6.6 of this Report.
FSR (Cl. 4.4)	N/A	N/A	N/A
Heritage Conservation (Cl. 5.10)	The proposal provides for two x residential flat buildings and two x dual occupancies with a contemporary design and materiality.	The site is not identified as a heritage item nor is it within a heritage conservation area.	No. Discussion provided under Section 6.3 of this Report.
Dual Occupancies (Cl. 6.6)	<p>The proposed dual occupancies will have a common wall shared on Level 2 of 86% to 91%.</p> <p>The dual occupancies are located on allotments which exceed 450m<sup>2</sup>.</p>	<p>80% shared common wall or ceiling to ceiling</p> <p>450m<sup>2</sup> lot size for dual occupancy</p>	Yes

NSLEP 2013	Proposed	Control	Complies
Foreshore Area (Cl 6.9)	The architectural plans indicate all works are located outside the foreshore area. However, the Survey Plan (08.07.2023) indicates that part of the built form is located within the foreshore area.	Refer to Section 9.6.6 of this Report.	No. Discussion provided under Section 9.6.6 of this Report.
Residential Flat Buildings (Cl. 6.12)	The neighbouring property to the north-west at No. 184A Kurraba Road has a lot area of approximately 650m <sup>2</sup> with an existing dual occupancy.  The remainder of neighbouring properties to the north or south are zoned R2 Low Density Residential or contain existing residential flat buildings.	No	No. See discussions provided under Section 9.6.8 of this Report.
Vehicular Access (Cl. 6.13)	Driveway crossings are proposed for the development as is permissible in the zone.	Refer to Clause.	Yes.
Airspace Operations (Cl. 6.15)	Maximum RL of 36.5 which does not exceed the Outer Horizontal Surface 156m AHD.	Penetrate Limitation or Operations Surfaces Map	Yes

#### 9.6.6 Clause 4.3 Building Height

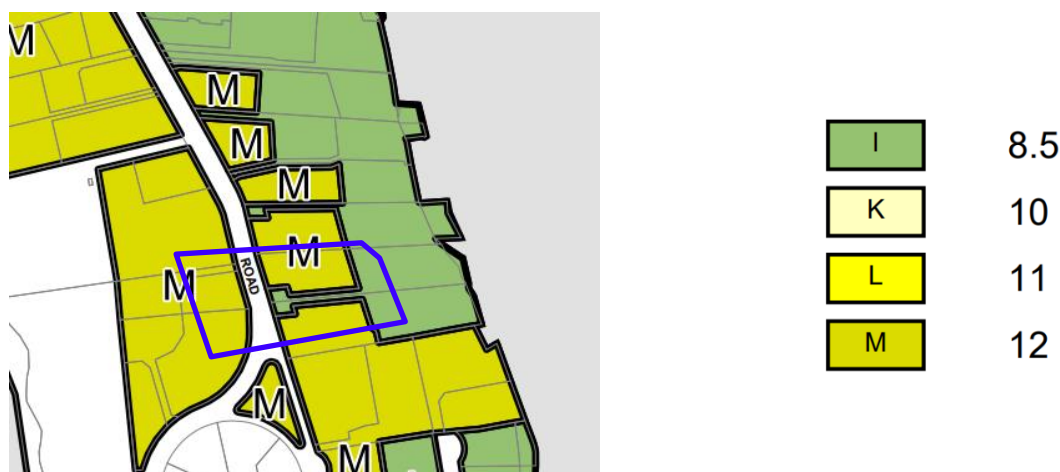


Figure 11: Building Height Map

A maximum building height of 12m (R4 zone) and 8.5m (R2 zone) applies to the subject site.

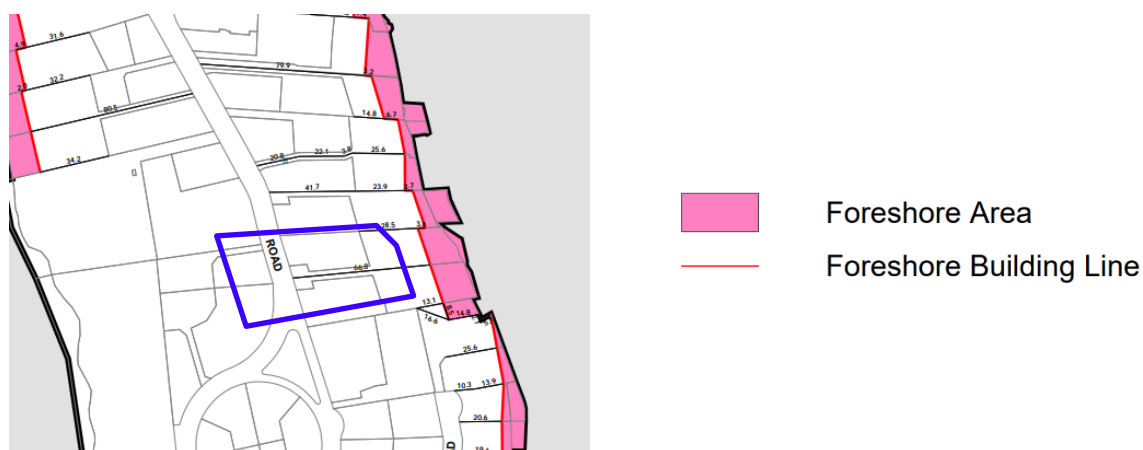
The original information submitted with the DA included the height of the building as measured from the existing excavated floor level, as is consistent with the NSLEP definition of building height. As part of the Request for Additional Information, it was requested that the Applicant provide additional height information which measured the building height from the extrapolated topography, for completeness.

The amended architectural package removed reference to the existing excavated finished floor level, and measured building height on the extrapolated levels. In this regard, the extent of variation as measured from the existing excavated floor level cannot be accurately determined and therefore the extent of variation cannot be assessed.

Whilst the Clause 4.6 Variation identifies that the dual occupancies (R2 zone) will attain a maximum building height of 8.9m as measured from the existing finished floor levels, and the residential flat buildings (R4 Zone) a maximum height of 12.3m from the existing finished floor levels, a thorough assessment cannot be undertaken as the full extent of non-compliance is not shown on the architectural plans and the Clause 4.6 variation request.

In accordance with the above, whilst the non-compliances with building height are relatively minor and are generally acceptable, incorrect information has been provided and the development application cannot be robustly assessed and as such, the proposal in its current form cannot be supported.

### 9.6.7 Clause 6.9 Limited development on foreshore area



**Figure 12: Foreshore Building Line Map (site outlined blue)**

The architectural plans indicate that no works are located within the foreshore area and as such, is consistent with Clause 6.9 of NSLEP. However, the Amended Survey Plan prepared by *LTS Survey* (dated 08 July 2023) indicates that part of the dual occupancies are located within the foreshore area. The inconsistency between the architectural and survey documentation casts doubt as to whether the proposed built form is located outside of the foreshore area.

Accordingly, Clause 6.9 is not satisfied as the proposal does not constitute a development specified under Clause 6.9(2)(a)-(c). That is, the built form located in the foreshore area is not acceptable as:

- The proposal is not for the extension, alteration or rebuilding of an existing building which is wholly or partly in the foreshore area; and
- The proposal does not constitute the erection of a building in the foreshore area as there are no exceptional site features that make it appropriate to do so.

As the DA does not contain sufficient information to assess compliance and no Clause 4.6 Variation has been prepared for the built form located in the foreshore area, the development application cannot be assessed with respect to Clause 6.9 to NSLEP.

### 9.6.8 Earthworks

Pursuant to Clause 6.10(2)(b) of the North Sydney Local Environmental Plan 2013, ancillary earthworks are permissible with development consent. With respect to the above, the proposed earthworks have been assessed against the provisions of Clause 6.10(3) as follows:

Control	Response
<p><i>(a) the likely disruption of, or any detrimental effect on—</i>  <i>(i) drainage patterns and soil stability in the locality of the development, and</i>  <i>(ii) natural features of, and vegetation on, the site and adjoining land,</i></p>	<p>This application has been referred to Council’s Development Engineers who responded in support of the proposal, subject to conditions of consent. The proposal is therefore considered acceptable in this regard.</p> <p>In terms of impact to natural features of the site, the extent of excavation proposed is considered to be excessive. This primarily pertains to the extent of excavation between Buildings A and B, where significant modification to the landform has been proposed. It is considered that the extent of excavation in this part of the site will result in detrimental impacts. Furthermore, insufficient information is provided to determine the extent of excavation in this area and as such, the proposal cannot be supported.</p>
<p><i>(b) the effect of the development on the likely future use or redevelopment of the land,</i></p>	<p>The proposed works will not place any restriction on the current or potential future use of the site for residential purposes. While some disruption may occur during construction works, these could be managed via appropriate conditions recommended by Council’s Development Engineers and are not considered to detrimentally effect the likely future use or redevelopment of this land.</p>
<p><i>(c) the quality of the fill or the soil to be excavated, or both,</i></p>	<p>Appropriate conditions of consent could be implemented relating to the disposal of excavated material, should the application be approved.</p>
<p><i>(d) the effect of the development on the existing and likely amenity of adjoining properties,</i></p>	<p>Appropriate conditions of consent could be implemented as Council’s Development Engineer has determined there will be no impact to adjoining properties or the locality.</p>
<p><i>(e) the source of any fill material and the destination of any excavated material,</i></p>	<p>Appropriate conditions of consent could be implemented relating to excavated material.</p>
<p><i>(f) the likelihood of disturbing Aboriginal objects or relics,</i></p>	<p>Whilst unlikely, appropriate conditions can be imposed requiring the ceasing of works and appropriate care should any aboriginal artefacts be uncovered during the course of construction, should the application be approved.</p>
<p><i>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</i></p>	<p>The proposal is not anticipated to result in any adverse impact to any waterways or catchment areas surrounding the subject site. Council’s Development Engineer has reviewed the application and is in support of the proposal. Should the application be approved, conditions of consent could be implemented.</p>
<p><i>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i></p>	<p>The proposal has been reviewed by Council’s Development Engineer as well as a full assessment against provisions of the North Sydney Local Environmental Plan 2013 and North Sydney Development Control Plan 2013. The proposal is generally considered to be satisfactory in this regard with the exception of the amount of excavation proposed between Buildings A and B.</p>

In accordance with the above, the proposal generally satisfies Clause 6.10 of NSLEP. However, the extent of excavation between Buildings A and B is significant and insufficient information is provided to accurately determine the impact to the natural landform.



### 9.6.9 Clause 6.12 Residential flat buildings

Clause 6.12 applies to the proposal and is reproduced below:

- (2) *This clause applies to land in Zone R4 High Density Residential.*
- (3) *Development consent must not be granted for development for the purposes of a residential flat building if the development will result in a single dwelling house, dual occupancy or semi-detached dwelling being located on adjoining land in Zone R4 High Density Residential unless—*
  - (a) *the adjoining land is at least 900 square metres, or*
  - (b) *the consent authority is satisfied that the adjoining land is land on which development may be carried out for the purposes of a residential flat building.*

No. 184A Kurraba Road to the north contains an existing dual occupancy within an approximate site area of 650m<sup>2</sup>. Clause 6.12 has not been adequately satisfied as no evidence of a Valuation and Letter of Offer has been made to this neighbouring property. As no offer has been evidenced, the consent authority cannot be satisfied that an attempt to amalgamate and redevelop the subject site and neighbouring property has been made as required by Clause 6.12.

This is in accordance with *Karavellas v Sutherland Shire Council* [2004] NSWLEC 251 ('*Karavellas*'). Per *Karavellas*, the first step is to ascertain if amalgamation of the subject site and neighbouring property is feasible. Given No. 184A Kurraba Road will be isolated to the extent that it does not adjoin any other R4 zoned land, the offer to amalgamate is necessary and as such, Clause 6.12 is not satisfied.

It is noted that Feasibility Studies (Drawing Sheet A690-A694) have been prepared by *Koichi Takada Architects*. Whilst these studies demonstrate that the neighbouring property at No. 184A Kurraba Road can be redeveloped to accommodate a residential flat building, no evidence of a genuine offer to amalgamate with the neighbouring property has been provided with the DA. As such, Clause 6.12 has not been completely satisfied and the development cannot be approved in this regard.

### 9.7 North Sydney Development Control Plan 2013 Compliance Table

The proposal has been assessed against the following relevant sections of NSDCP 2013

- **Part B Section 1** – Residential Development
- **Part B Section 10** – Carparking and Transport
- **Part C Section 6.1** – Kurraba Point South Neighbourhood

The proposed development is considered to be generally consistent with the desired character of the locality. However, there are a select number of controls in which the development is inconsistent. More detailed comments are provided throughout the following DCP 2013 Compliance Table.

**9.7.1 NSDCP Part B Compliance Table**

<b>Part B Section 1 – Residential Development</b>		
<b>Control</b>	<b>Complies</b>	<b>Comments</b>
<b>1.2 Social Amenity</b>		
<b>1.2.1 Population Mix</b>	Yes	The proposal provides for 1 x 2 bedroom apartment, 4 x 3 bedroom and 1 x 4 bedroom apartments within the residential flat buildings and therefore satisfies this requirement.  It is noted that the 2 bedroom apartment proposes a bedroom of minimum BCA dimensions and may be more appropriately considered a one bedroom apartment with study.
<b>1.2.2 Universal Design and Adaptable Housing</b>	Yes	The proposed development provides two adaptable apartments within Buildings A and B, A001 and B001 and is therefore compliant.
<b>1.3 Environmental Criteria</b>		
<b>1.3.1 Topography</b>	No	The amended proposal has reduced the excavation around the periphery of the site and building footprints, and is generally acceptable with regards to the extent of excavation and the site edges. However, the proposal seeks approval for significant excavation between the built form of Buildings A and B. The extent of excavation will significantly alter the topography of the land between these built forms and is not supported because it does not satisfy the objectives of 1.3.1 of NSDCP.  The extent of excavation within proximity to the neighbouring properties has been considered by Council's Development Engineer and is considered acceptable.
<b>1.3.2 Bushland</b>	N/A	Not applicable.
<b>1.3.3 Bush Fire Prone Land</b>	N/A	Not applicable.
<b>1.3.4 Foreshore Frontage</b>	No	The architectural plans indicate that proposed development has been designed so that it is not situated within the foreshore area and will have no adverse impacts to the character and natural qualities of this area.  However, the Survey Plan indicates that works are located in the foreshore area. As such, the proposal does not satisfy the requirement of Clause 6.9 of NSLEP and Control 1.3.4 to the DCP.
<b>1.3.6 Views</b>	No	A thorough assessment of view loss against the <i>Tenacity Principles</i> cannot be undertaken as insufficient information has been provided to identify the extent of non-compliance with maximum building height controls, rear setbacks, setbacks from the foreshore building line and incline plane of the R4 zoned land, site coverage and landscaped area requirements.  That is, the development is either non-compliant with NSLEP and NSDCP controls or, has not accurately demonstrated that the proposal is compliant. In this regard, any view loss created by the non-compliant development cannot be considered to satisfy the <i>Tenacity Principles</i> and as such, cannot be supported.  It is also noted that additional submissions have been raised regarding the provision of view loss analysis from

		<p>additional neighbouring properties, including No. 182 Kurraba Road (Units G01, 101, 201 and 301), No. 143 Kurraba Road and No. 145 Kurraba Road. Potential view loss from these properties has not been addressed in the view impact assessment submitted with the development application.</p> <p>As such, the view impacts of the proposal cannot be accurately determined and the application is not supported.</p>
<p><b>1.3.7 Solar Access</b></p>	<p>Yes</p>	<p>The application includes shadow diagrams demonstrating the extent of overshadowing to the neighbouring properties to the south of the subject site.</p> <p>The NSDCP requires that a minimum 3 hours of solar access be provided to neighbouring properties from 9am to 3pm during mid-winter. The shadow diagrams indicate that the properties to the south will be affected throughout mid-winter, however, the western facades will retain solar access from 9am to 12pm which is anticipated to include direct sunlight to the primary openings to living areas and is therefore acceptable.</p> <p>In terms of communal open space of No. 192 Kurraba Road, the proposal will overshadow this area throughout mid-winter. Whilst this will be overshadowed by the proposal, this will not be improved by a compliant built form.</p> <p>As outlined above, it should be noted that insufficient information has been provided as it pertains to building height, rear setbacks and incline plane, site coverage and landscaped area to accurately determine if the the extent of overshadowing impacts to the neighbouring properties is indeed acceptable with consideration to a built form compliant with the relevant controls.</p>
<p><b>1.3.8 Acoustic Privacy</b></p>	<p>Yes</p>	<p>The proposed uses are permissible and anticipated in the zone and as such, the acoustic privacy of neighbouring properties will be appropriately maintained.</p> <p>With regards to the proposed private roof top terraces, these have been designed with considerable setbacks and landscaped planter boxes to protect the aural privacy of future residents and neighbouring properties. These areas are limited in size and are orientated towards to the waterway, thereby mitigating adverse impact.</p> <p>In terms of construction noise, an Acoustic Assessment has been prepared. Conditions of consent could be imposed to appropriately limit noise and vibrations during the construction phase, including the requirement for a construction phase management plan, should the development be approved.</p> <p>Accordingly, the proposal is considered acceptable with regards to acoustic privacy.</p>
<p><b>1.3.10 Visual Privacy</b></p>	<p>Yes</p>	<p>The proposal predominately complies with the site specific setback controls for boundaries shared with residential neighbours and one of the objectives of these</p>

		<p>controls is to ensure reasonable privacy is maintained to surrounding properties.</p> <p>Where openings and private open spaces are oriented to neighbouring properties or between built forms, they include appropriate privacy screens, obscure glazing, blade walls and blank facades. Additional setback and planters are provided to certain components of the development, including the dual occupancy roof top terraces, which further limits the extent of overlooking to neighbouring properties.</p> <p>As such, the proposal is satisfactory with regard to visual privacy.</p>
<b>1.4 Quality built form</b>		
<b>1.4.1 Context</b>	No	<p>The building design is generally consistent with the site specific controls that apply to the site and provides for a high quality development. However, there are a number of unresolved matters which do not represent an appropriate contextual response, including non-compliances with site coverage and landscaped area, traffic implications, excavation, heritage and the like, as discussed in this Report.</p> <p>As such, the proposal is not in keeping with the desired future character of the area.</p>
<b>1.4.2 Subdivision Pattern</b>	Yes	<p>The proposal will seek to adjust the internal lot boundaries as discussed in this Report. The internal adjustments will not result in any uncharacteristic or non-compliant subdivision pattern. As discussed in this Report, the internal boundary adjustments will not result in any permissibility issues.</p>
<b>1.4.3 Streetscape</b>	Yes	<p>Generally, the development provides a high-quality street edge with the provision of landscaping and generally low front boundary treatment.</p>
<b>1.4.5 Siting</b>	Yes	<p>The proposed building is satisfactory with regard to the provisions of Section 1.4.5.</p>
<b>1.4.6 Setbacks Front Setback</b>	Yes	<p>NSDCP states that the front setback must match the alignment of the primary facades of buildings on adjoining properties. The proposed front setback of 10m to the residential flat buildings along Kurraba Road is consistent with the neighbouring properties and therefore acceptable. The provision of detached car lift structures within the front setback is considered acceptable, where this is entirely consistent with the established characteristics and patterns of garages along the front boundaries of neighbouring properties, and as is existing on-site.</p>

	On merit	<p>In terms of the front setback of the dual occupancies to the internal (western) boundary, this is consistent with the neighbouring properties. Where Building C and Building D oppose the northern and southern boundaries (respectively), the built form aligns with the neighbours.</p> <p>It is only the proposed parking structures which extend into the front setback, noting that these align with the revised internal boundary arrangement. These elements are single storey in height and incorporate green roofing, thereby mitigating impacts. Furthermore, they will be concealed from the public domain and will not result in any adverse amenity impacts to neighbouring properties and the streetscape, as discussed in this Report.</p>
<b>Side Setback – R2 Zone</b>	On merit	<p>The proposal is considered acceptable with regards to the side setbacks, as follows:</p> <ul style="list-style-type: none"> <li>- Building C (North): 1.5m on ground and level 1, 2.5m on level 2 and is compliant. It is noted that minor portions of the roof protrude into the 2.5m setback which is acceptable given the minor nature and limited impact.</li> <li>- Building C (South): 1.5m on ground and level 1, 2.1m to 2.5m on level 2, which is predominantly compliant excluding a minor balcony edge on level 2 which does not result in any adverse impact and is therefore acceptable.</li> <li>- Building D (North): 0.9m to 1.5m on ground, 0.8m to 1.5m on level 1 and 1.5m to 3m on level 2, which is predominantly compliant. The non-compliances on level 1 pertain to projected wall elements which provide for articulation and will not impact the amenity of neighbouring properties as obscured glazing can be imposed as a condition of consent, should the development be approved. The 1.5m setback on level three pertains to the roof top terrace access and will not result in any adverse impact due to the provision of privacy screens, as shown on the architectural plans.</li> <li>- Building D (South): 2.5m to 3m on ground and level 1, 3m to 3.3m on level 2 and is compliant.</li> </ul> <p>As outlined above, the proposal is predominantly compliant with the setback requirements with the exception of only minor portions of Buildings C and D as they oppose each other internal to the site. The variations pertain to minor elements which provide for visual articulation and where amenity is concerned, privacy screens and obscure glazing are, or can be, provided.</p>
<b>Rear Setback – R2 Zone</b>	Insufficient information	<p>The proposed dual occupancies provide for a rear setback which aligns with the neighbouring properties and foreshore building line and as such, is considered acceptable as shown in the architectural plans. Note that the survey plan indicates the setback encroaches on the foreshore building line and the inconsistency has not been resolved.</p>

<p><b>Side Setback – R4 Zone</b></p>	<p>On merit</p>	<p>The proposal is considered acceptable with regards to the side setbacks, as follows:</p> <ul style="list-style-type: none"> <li>- Building A (North): Minimum of 3m, with minor encroachments of 2.5m to articulation elements and openings on lower levels , which is acceptable. The proposal is also predominantly compliant with the 45° incline plane requirement (projected at a height of 3.5m above ground), with minor variations to parapet and planter box edges.</li> <li>- Building B (South): Minimum of 3m which is compliant. The proposal also compliant with the 45° incline plane requirement (projected at a height of 3.5m above ground).</li> <li>- Building A (South): 1.4m to 2.2m across all levels as measured from boundary shared with R2 zone which represents a variation. The proposal does not comply with the 45° incline plane requirement.</li> <li>- Building B (North): 3m, with minor encroachment of 2.5m to articulation elements and openings, which is acceptable. The proposal does not comply with the 45° incline plane requirement.</li> </ul> <p>In terms of Buildings A and B as they oppose each other, the proposed setbacks are considered to be acceptable whereby a total separation of 9m is provided between the built forms. This is considered entirely reasonable and will result in an acceptable streetscape outcome and minimal amenity impact to future occupants and as such, is considered acceptable.</p> <p>A detailed assessment of the non-compliances with the incline plane requirements for setbacks from the northern and southern side boundaries cannot be completely without the full context of overall building height analysis.</p>
<p><b>Rear Setback – R4 Zone</b></p>	<p>No</p>	<p>The proposal provides rear setbacks as follows, as measured from the existing rear boundary alignment:</p> <ul style="list-style-type: none"> <li>- Building A: A 2.5m to 5.75m setback is provided to the rear (internal) boundary (existing). The proposal seeks a minor variation to 45° incline plane, as measured from ground level existing, from the existing rear boundary alignment.</li> <li>- Building B: A 1.7m to 4.5m setback is provided to the rear (internal) boundary (existing). The proposal seeks a minor variation to 45° incline plane, from the existing rear boundary alignment.</li> </ul> <p>The proposal seeks minor variations to the incline plane requirement as measured from the existing internal boundaries which is considered acceptable.</p>

		<p>However, the rear setback and incline plane requirement, as measured from the adjusted internal boundary, would be non-compliant with this control. No information or justification is provided. This information is necessary as the proposed dual occupancies have a front setback which is reliant on the adjusted internal boundaries. In this regard, the front and rear setbacks should be applied consistently, from the adjusted internal boundaries and insufficient information has been submitted with the DA to evaluate this matter.</p> <p>It is also noted that the incline plane should be measured from the ground level existing.</p> <p>Whilst it is noted that the residential flat building has been stepped as part of the amended design and this is commended, this matter cannot be thoroughly assessed as insufficient information has been provided as it relates to the existing and modified rear boundary.</p>
<b>Building Separation</b>	Yes	<p>Buildings A and B provide for 9m separation between habitable and non-habitable, blank facades. As the residential flat buildings are four storeys in height as measured from the existing ground level, this is acceptable per Section 1.3.10 of NSDCP.</p>
<b>1.4.7 Form Massing Scale</b>	No	<p>The proposed building form, massing and scale is considered to be generally consistent with the desired future character as set out in the specific LEP and DCP controls for the site.</p> <p>However, and as discussed in further detail below, the proposed residential flat buildings have a flat roof, which does not comply with the 36° incline plane requirement. Whilst not meeting this requirement, the development is designed to predominantly comply with the 45° incline plane requirement (as discussed above) and the stepping of the buildings limits an adverse visual or physical impact.</p> <p>It should be noted however that the non-compliance with site coverage and landscaped area and the lack of quantification of the building height and exceedence result a density of development which is greater than that anticipated on the subject site. As such, is excessive with regards to its bulk and scale. This is discussed in further detail below.</p>
<b>1.4.8 Built Form Character</b>	No	<p>The subject site is zoned both R2 and R4, in which the proposed dual occupancies and residential flat buildings are permissible with the consent.</p> <p>There are certain elements including traffic access and parking, landscaping and site coverage and excavation, which result in a development which negatively impacts the character of the locality.</p>
<b>1.4.9 Dwelling Entry</b>	Yes	<p>The building entries are clearly distinguishable and well defined to all buildings.</p>

		The proposal also includes habitable rooms and openings orientated towards Kurraba Road to for passive surveillance.
<b>1.4.10 Roofs</b>	Yes	The proposed residential flat buildings and dual occupancies have flat roofs, which are appropriate with regard to the building typology and character of the locality. The contemporary architectural character is well-suited to the provision of flat roofing and will not result in any adverse impact. Furthermore, the roof forms have included green roofing to soften the built form and useable open space to improve amenity.
<b>1.4.12 Colours and Materials</b>	Yes	<p>The proposed building colours and materials are satisfactory and suitable for the proposed building design and surrounding locality. The amended development includes light brown brick responding to the vicinity of heritage items and conservation areas, and is generally complimentary with the 20th Century earthy darker tones within the vicinity of the site.</p> <p>It is noted that the proposal includes extensive glazing to the eastern facades of the residential flat buildings and dual occupancies. This is considered acceptable and appropriate in the context of the locality and views afforded in an easterly direction.</p>
<b>1.4.13 Balconies - Apartments</b>	Yes	All apartments are designed with a balcony with a minimum size of 29m <sup>2</sup> and depth of 2m.
<b>1.4.14 Front Fences</b>	Yes	The front fences are satisfactory. They are generally at a height of 1.5m and are of an open construction so that they are transparent and appropriately relate to the character of the locality. A condition of consent could be imposed to ensure the fencing does not exceed a height of 1.5m, if the development is to be approved.
<b>1.5 Quality Urban Environment</b>		
<b>1.5.1 High Quality Residential Accommodation</b>	Yes	<p>The apartments sizes, balconies and layouts meet the minimum requirements as outlined under 1.5.1 of NSDCP. Specifically, all apartments exceed 90m<sup>2</sup>, include private open space balconies and have appropriate depths.</p> <p>It is noted that all apartments and dual occupancies would achieve natural cross ventilation.</p>
<b>1.5.3 Safety and Security</b>	No	<p>The proposal is generally acceptable as it pertains to safety and security of the development. This includes well defined entries, casual surveillance and delineation of public and private spaces.</p> <p>However, the development relies on an on-street waiting bay along Kurraba Road which is considered to result in an adverse traffic safety impact to the general public and is unsatisfactory in terms of pedestrian and vehicular safety.</p>
<b>1.5.4 Vehicle Access and Parking</b>	Yes	<p>The development requires the following parking rates:</p> <ul style="list-style-type: none"> <li>- Building A: 4 resident and 1 visitor space, in which the proposal complies.</li> <li>- Building B: 5 resident and 1 visitor space, in which the proposal complies.</li> <li>- Building C: 4 resident spaces, in which the proposal complies.</li> </ul>



		<p>- Building D: 4 resident spaces, in which the proposal complies.</p> <p>In accordance with the above, the proposal meets the minimum parking requirements for both uses through a combination of basement and at-grade garage parking, which is acceptable. Parking spaces are accessed via car lift structures located within the front setback, which is consistent with the character of developments along Kurraba Road.</p>
	No	<p>The proposal relies on the provision of an on-street waiting area for Buildings B and D, which is not supported and is inconsistent with the 1.5.4 of NSDCP, which seeks to avoid queuing on public roads.</p> <p>The proposal will result in an adverse impact to traffic, vehicular and pedestrian safety of future occupants, neighbouring properties and the general public. It is an inferior design outcome to rely on on-street waiting where there is no suitable justification for not providing a waiting bay on the subject site. That is, there are no site-specific reasons for the provision of an on-street waiting area where the site is suitably sized to accommodate this on-site.</p> <p>Whilst the Applicant has stipulated that two-way traffic can be maintained along Kurraba Road, and the development will have no impact to the operation and capacity of the roadway, it remains that the reliance on an on-street waiting area is an inferior urban outcome and is not in the public interest. To restrict and limit circulation opportunities within the roadway is an inferior solution and does not constitute good design.</p> <p>As such, the proposal cannot be supported. This is consistent with the assessment made by Council's Traffic Engineer as discussed in this Report.</p>
<p><b>1.5.5 Site Coverage</b></p>	No	<p>In sufficient information has been provided to enable the full and thorough assessment of the extent of site coverage.</p> <p>The Applicant has submitted calculations for the entirety of the site area, stipulating that the development should be considered in totality. This approach is not accepted as each allotment should satisfy the relevant site coverage requirements. That is, each building will be viewed as a separate built form, despite the consistency in architectural language, and should not exceed the site coverage requirements for the allotment in which it is situated. Furthermore, the difference in zoning and separation of allotments and built forms elicits separate calculations and a strictly compliant design is anticipated to achieve consistency with surrounding development.</p>

		<p>As part of these calculations, both existing and proposed right-of-carriageways should be excluded from the site area and considered in the calculations. This will also influence the total calculation of site coverage. Furthermore, calculations must be in accordance with the definitions as setout in the DCP. The current calculation plans omit elements such as bin storage areas (front setback), rainwater tanks and building articulation elements, such as protruding windows.</p> <p>When calculated for each allotment, the following site coverage has been estimated in the assessment process (and has not been generated from the digitized version of the architectural plans):</p> <ul style="list-style-type: none"> <li>- R4 North: 50% site coverage, excluding consideration of the existing easement and non-compliant;</li> <li>- R4 South: 48% site coverage and non-compliant;</li> <li>- R2 North: 43% site coverage and compliant;</li> <li>- R2 South: 42.5% site coverage and compliant.</li> </ul> <p>These calculations have not deducted the proposed right-of-carriageways from site area. If these are deducted (and the site area consequently reduced), the extent of non-compliance would be greater.</p> <p>The site coverage requirements set the desired density and built form on the subject site (in the absence of FSR).</p> <p>Given the lack of information pertaining to this matter, the application cannot be recommended for approval and as such, must be refused.</p>
<p><b>1.5.6 Landscaped Area</b></p>	<p>No</p>	<p>In sufficient information has been provided to enable the full and thorough assessment of the extent of site coverage (see above). For the same reasons as outlined above, the landscaped area and un-built upon area calculations cannot be accurately determined for each proposed allotment as separate calculations have not been provided by the applicant.</p> <p>Furthermore, and as also detailed above, both existing and proposed right-of-carriageways should be deducted from the site area and considered in the calculations, which will also influence the total calculation of landscaped and un-built upon area.</p> <p>When calculated for each allotment, the following landscaped area has been estimated in the assessment process (and has not been generated from the digitized version of the architectural plans):</p> <ul style="list-style-type: none"> <li>- R4 North: 32.6% landscaped area and 17.9% un-built upon area, excluding the site area afforded by the existing easement and non-compliant;</li> <li>- R4 South: 40.8% landscaped area and 12% un-built upon area and therefore compliant;</li> <li>- R2 North: 45.2% landscaped area and 10.8% un-built upon area and therefore compliant; and</li> </ul>



<b>1.5.10 Swimming pools and spas</b>	On merit	The proposal includes the provision of roof top spas for the proposal dual occupancy dwellings. Whilst this is located 500mm above ground level, they are setback significantly from the site boundaries and include landscape screening to minimize the privacy impact to adjoining properties. Therefore, the provision of the elevated roof top spas are acceptable given the limited amenity impact and the fact that spas can be installed without consent post the issue of an occupation certificate.
<b>1.5.12 Garbage Storage</b>	Yes	See previous comments in relation Waste Management which is considered satisfactory subject to conditions.  Garbage chutes and recycling bin storage is provided to both residential flat buildings. It is noted that the bin chute and recycling room does not extend to the upper apartment of Building A, however, can be rectified through a condition. In addition, bin storage areas are provided within the basement and temporary holding areas are provided adjacent to the street for the collection of waste.
<b>1.6 Efficient Use of Resources</b>		
<b>1.6.1 Energy Efficiency</b>	Yes	A valid BASIX Certificate has been provided with this Development Application. A new BASIX certificate would be required for the amended proposal if the application were to be approved.
<b>1.6.2 Passive Solar Design</b>	Yes	The proposed residential flat buildings and dual occupancies have been designed and orientated towards the waterway, orientated to the east. Openings on the northern facades are limited to protect the privacy between buildings on-site and to neighbouring properties.  80% of dwellings on-site will receive solar access from 9am to 11am during mid-winter, and 40% from 9am to 12pm, to living areas. This is considered acceptable given the site orientation and views offered towards the waterway.
<b>1.6.4 Natural Ventilation</b>	Yes	All dwellings proposed will achieve natural cross ventilation.
<b>1.6.7 Water Conservation</b>	Yes	A valid BASIX Certificate has been provided with this Development Application. A new BASIX certificate would be required for the amended proposal if the application were to be approved.
<b>1.6.8 Stormwater Management</b>	Yes	Stormwater Plans have been submitted and considered by Council's Development Engineer, who raises no concern regarding the proposal.
<b>1.6.9 Waste Management and Minimisation</b>	Yes	A Waste Management Plan has been submitted and the development considered by Council's Waste Officer. The amended proposal includes waste chutes, recycling bin storage and temporary holding areas to ensure waste minimisation and is considered satisfactory subject to conditions.

<b>1.6.10 Green Roofs</b>	Yes	The proposal includes the provision of green roofing above the dual occupancy and residential flat building components and planting on structures. This will contribute to improving amenity of occupants, aesthetics of the development and improve the green network in the locality.
<b>Part B Section 10 Car Parking and Transport</b>		
<b>10.1 Parking Provision</b>	Yes	<p>The development requires the following parking rates:</p> <ul style="list-style-type: none"> <li>- Building A: 4 resident and 1 visitor space, in which the proposal complies.</li> <li>- Building B: 5 resident and 1 visitor space, in which the proposal complies.</li> <li>- Building C: 4 resident spaces, in which the proposal complies.</li> <li>- Building D: 4 resident spaces, in which the proposal complies.</li> </ul> <p>In accordance with the above, the proposal meets the minimum parking requirements.</p>

### 9.7.2 Part C Area Character Statements – Compliance Table

As detailed, the subject site is located within the South Cremorne Planning Area, Kurraba Point South Neighbourhood.

<b>Part C Section 6 South Cremorne Planning Area, 6.1 Kurraba Point South Neighbourhood</b>		
<b>Control</b>	<b>Complies</b>	<b>Comments</b>
<b>6.1.1 Significant Elements</b>		
<b>Land Use</b>	Yes	The proposal provides for residential accommodation in the form of residential flat buildings and dual occupancy developments which are desired land uses in the locality.
<b>Topography</b>	No	<p>The proposal is mostly responsive to the topography of the site. The development has been amended through the assessment process to reduce the extent of excavation for the building footprints and along the boundaries shared with the neighbouring properties.</p> <p>However, excessive excavation is proposed internally, between Buildings A and B which is not supported and therefore does not optimize the retention of the natural topography.</p>
<b>Natural Features</b>	No	<p>As above, the proposal does not appropriately retain the topography particularly in the area between Buildings A and B.</p> <p>The topography as it adjoins the side boundaries has been terraced and the extent of excavation reduced and is considered acceptable and consistent with the pattern of surrounding development and terracing.</p> <p>In addition, the development does not provide for compliant landscaped area and site coverage as set out in the table above. The non-compliances result in an undesirable impact to the provision of natural vegetation and landscaping and site coverage exceeding the desired character.</p> <p>The proposal will not alter the characteristics of the foreshore area which is dominated by multi-storey residential buildings.</p>

<b>Views</b>	Insufficient information	Insufficient information regarding the degree of height non-compliance means the potential impacts to the views obtained from Kurraba Road towards the waterway and from the public domain cannot be thoroughly assessed.
<b>Identity and Icons</b>	Yes	The development will have no adverse impact to any iconic elements in the immediate and wider locality.
<b>Subdivision</b>	Insufficient information	The internal adjustments to the lot boundaries will not have any adverse impact to the irregular grid pattern which responds to the topography of the land.  The adjustment of the lot boundary between the residential flat building and the dual occupancies results in setbacks that are potentially non-compliant. No justification for this variation has been provided.  The lots adjacent to the foreshore will be retained in terms of shape and pattern despite the minor internal adjustments. However, the ways in which the allocation of private open space within the foreshore area will be delineated has not been clarified in the DA and the potential impacts of any such arrangements on the foreshore area cannot be assessed.
<b>Streetscape</b>	Yes	The built form of the residential flat buildings as they front Kurraba Road is appropriately designed, including street frontage height, setbacks and architectural design. It is noted that the proposal will remove the existing street fronting garages which is an acceptable response for a contemporary development.
<b>Public Transport</b>	Yes	The proposal will facilitate opportunities to use public transport.
<b>6.1.2 Desired Future Character</b>		
<b>Diversity</b>	Yes	The proposal provides for residential flat buildings and dual occupancies which will provide for an appropriate variety of developments in the locality. The proposed building typologies are consistent with the R4 and R2 zoning of the subject site.
<b>6.1.3 Desired Built Form</b>		
<b>Siting</b>	No	The proposed residential flat buildings address Kurraba Road and the dual occupancies address the waterway which is acceptable. It is noted however that the proposal does not satisfy the minimum landscaped area and exceeds the site coverage requirements which ultimately impacts the character of the locality and streetscape and cannot be supported.
<b>Colours and Materials</b>	Yes	The proposed materials are consistent with the character of the locality and supported by Council's Heritage Officer.

## 10. Section 7.11 Contributions

The proposal is subject to Local Infrastructure Contributions in accordance with the North Sydney Local Infrastructure Contributions Plan (as amended). The required contribution, should the development be approved has been calculated in accordance with the applicable contribution rates as follows:

<b>Applicable Contribution Type s.7.11</b>	
Open space and recreation facilities:	\$55,064.46
Public domain:	\$30,652.75
Active transport:	\$1,749.54
Community facilities:	\$11,059.95
Plan administration and management:	\$1,473.30
<b>Total:</b>	<b>\$100,000.00</b>

Conditions requiring the payment of contributions at the appropriate time could be included should the application be worthy of support.

### 11. Site Suitability

The proposed development is considered to have an undesirable outcome to the locality as described in this Report. The site is not considered to be suitable for the proposed development as a result of the various non-compliances as set out in this Report. As such, the application is not considered suitable for the site and is contrary to Section 4.15(c) of the EP&A Act.

### 12. All Likely Impacts Of The Development

All likely impacts of the proposed development have been considered within the context of this report to the fullest extent possible noting insufficient information for some matters including building height, site coverage and landscaped area, setbacks and inclined planes and acknowledgement of heritage significance.

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

### 13. Submissions

The issues raised by the submissions are summarised below and addressed with planning comments:

- *The car lift for Building B and D provides no off-street waiting bay and as such, vehicles will stand on Kurraba Road which will have an adverse impact.*

**Comment:** As discussed in this Report, the reliance upon an on-street waiting area for Buildings B and D is not supported and forms part of the reasons for refusal. This has also been reviewed by Council's Traffic Engineer who does not support the current vehicular access arrangement.

- *Traffic volumes are taken from October 201.*

**Comment:** Revised traffic studies have been submitted. This has been reviewed by Council's Traffic Engineer and the data is deemed acceptable.

- *Traffic volumes and impacts.*

**Comment:** Council's Traffic Engineer has reviewed the application and the development is considered acceptable with regards to traffic volumes and trip generation. Whilst car lifts are proposed, these are deemed appropriate for the subject site however and as is outlined above, the impacts of the on-street waiting bay for Buildings B and D is not supported.

- *Resident and visitor Parking.*

**Comment:** The proposal provides for resident and visitor parking which is consistent with the NSDCP requirements and is therefore acceptable.

- *Safety impacts to pedestrians and vehicles.*

**Comment:** The proposal is considered to be generally acceptable with regards to the safety of pedestrians and vehicles, excluding the impacts created by the on-street waiting bay. Construction impacts could be addressed with a condition of consent, as outlined below.

- *Impact from construction vehicles on infrastructure and traffic.*

**Comment:** Council's Development Engineer has reviewed the application and if the development is to be approved, appropriate conditions of consent can be implemented to ensure the safe and efficient operation throughout the construction process.

- *Impact of removing 'No Stopping Zone' to 'No Parking Zone'*

**Comment:** This is not supported by Council's Traffic Engineer and should the development be approved, this will not be changed.

- *Inappropriate materiality and colour scheme.*

**Comment:** The colour scheme has been amended to better reflect the character of the surrounding locality and is supported by Council's Heritage Officer.

- *Accuracy of information.*

**Comment:** Amended documentation has been submitted which resolves a number of issues regarding the accuracy of documentation. However, there are a number of matters which have yet to be resolved, predicated on insufficient information, and are identified within this Report. They include building height, site coverage, landscaped area, setbacks and incline plane, encroachment upon the foreshore building line and view impacts.



- *Streetscape character and relationship to Kurraba Road.*

**Comment:** The proposed development has been referred to the Design Excellence Panel who are largely in support of the development application. Whilst there are outstanding issues as outlined in this Report, the development form and streetscape presentation is considered to be generally appropriate within the context of Kurraba Point. As outlined in this Report, the materials and colour scheme have been amended to respond to the character of the locality.

- *Building height non-compliance and stepping of built form.*

**Comment:** As discussed in this Report, the extent of non-compliance has been reduced throughout the assessment process. However, insufficient information has been provided to undertake a robust and thorough assessment as it pertains to the measurement of maximum building height. It is also noted that the residential flat buildings have been amended to provide increased setbacks from the rear boundary which is generally supported.

- *Overshadowing.*

**Comment:** The extent of overshadowing is generally acceptable given the orientated of the subject site, aspect of the site and surrounding properties and permitted built form. However, the reasonableness of the extent of overshadowing cannot be quantified without accurate information on the degree of non-compliance with the built form controls including height, setbacks and incline plane.

- *Waste collection.*

**Comment:** The amended proposal provides temporary bin holding areas within the front setback as required by the DCP. This has been reviewed by Council's waste officer who has deemed the proposal acceptable.

- *Extent of excavation and impacts.*

**Comment:** The amended proposal has generally reduced the extent of excavation on the subject site, however, has not resolved the amount of excavation between Buildings A and B which is not supported. It is noted that should the development be approved, appropriate conditions of consent will be imposed to ensure the structural integrity of the public domain and neighbouring properties will be protected.

- *View loss from surrounding properties.*

**Comment:** Amended view loss imagery has been submitted, however and as discussed in this Report, a full and thorough assessment of the view loss impact cannot be undertaken as the extent of non-compliances pertaining to site coverage, landscaped area (including unbuilt upon area), incline plane requirements and building height, have not been provided or accurately quantified. Accordingly, a view loss assessment in accordance with the *Tenacity* Principles cannot be undertaken and the development assessment cannot be satisfactorily completed.

It is also noted that additional objections were received following the resubmission of amended documentation, and view loss analysis was requested from No. 182 Kurraba Road (Units G01, 101, 201 and 301), No. 143 Kurraba Road and No. 145 Kurraba Road.

- *Boundary adjustment and permissibility.*

**Comment:** The boundary adjustment is necessary to allow for the dual occupancies to be entirely contained within a separate allotment. The subdivision layout, lot sizes and lot dimensions are compliant with the Local Environmental Plan and Development Control Plan provisions. Whilst the proposal will adjust the internal boundaries, it will not modify the zoning and will not result in any part of a residential flat building being located within the R2 zone. Dual occupancies are permitted within the R4 zone and the R2 zone. As the adjustment to the internal boundaries will not alter the zoning, no Planning Proposal is required.

- *Permissibility of residential flat buildings, terraces and access.*

**Comment:** The proposal is permissible with consent in the zones. The provision of landscaping and terraces which extend between the zones does not result in a prohibition. That is, the landscaping and terraces are permitted with consent in both zones and do not form part of the dominant use of the residential flat building or dual occupancies.

A condition of consent could be imposed as it relates to the centrally located accessway so that it only serves the dual occupancies and as such, eliminates any jurisdictional hurdle.

- *Clause 6.6 of NSLEP and presentation of dual occupancies.*

**Comment:** The provision of side by side dual occupancies is considered the most efficient use of land. The proposal will present to the public domain and generally appear as a single dwelling through the provision of appropriate design measures. It is noted that the development has been referred to Council's Design Excellence Panel who support the architectural design of the proposal.

- *Foreshore building line.*

**Comment:** Additional information has been provided to accurately depict the foreshore building line. As outlined in this Report, whilst the Architectural Plan indicates that no built form is located in the foreshore area, the Amended Survey Plan is inconsistent.

- *Clause 6.12 of NSLEP and site isolation.*

**Comment:** As discussed in this Report, the application is not supported as the development has no provided evidence of Valuation and Letter of Offers for the neighbouring property at No. 184A Kurraba Road. The amended proposal includes concept diagrams for the neighbouring property which demonstrate that redevelopment can occur independently on the neighbouring site, however, no evidence has been submitted with the application that demonstrates compliance with all requirements of Clause 6.12 to NSLEP.

It is noted that appropriate side setbacks have been provided to the north, including appropriate privacy measures, to ensure the potential for any future development of the adjoining site is not compromised.

- *Subterranean living areas.*

**Comment:** The amended proposal has reduced the extent of excavation and habitable rooms have acceptable finished floor levels relative to the ground levels.

- *Disruption of water flows.*

**Comment:** Council's Development Engineer has reviewed the stormwater management plans for the amended proposal and has deemed the proposal acceptable, subject to conditions of consent should the application be approved.

- *Vibration and construction noise impacts.*

**Comment:** Should the development be approved, conditions of consent can be implemented to ensure vibration and construction noise impacts are appropriately managed.

- *Visual privacy impacts.*

**Comment:** As discussed in this Report, the visual privacy impacts have been appropriately managed through the provision of screening, location and dimensions of windows, sections of blank facades, blade walls, planter boxes and orientation of outlooks from openings. Furthermore, appropriate setbacks have been provided as to reduce the extent of overlooking to the neighbouring properties. The roof top terraces have also been reduced in size and include significant setbacks with planter boxes to edges as to minimise overlooking. Any unscreened openings and balconies to the northern and southern boundaries can include obscure glazing and screening as part of conditions of consent.

- *Rear setbacks and incline plane of R4 Zone.*

**Comment:** As discussed in this Report, the proposal is compliant with the rear setback requirements as measured from the existing internal boundary. In terms of the incline plane, the proposal includes minor variations to the parapet and roof edges. However, the adjustment to internal lot boundaries which are relied upon for compliant setbacks for the dual occupancies have not been addressed in terms of the change to the rear setback for the residential flat buildings. Insufficient information has been provided to justify the setbacks arising from the proposed subdivision. A singular approach to the controls is required and the development is not supported.

- *Bulk, scale and mass.*

**Comment:** The proposal in the current form cannot be supported given the lack of information provided regarding building height, site coverage and landscaped area, as set out in this Report.

- *Pitched roof.*

**Comment:** The provision of a flat roof form is considered reasonable and reflective of the contemporary character of the development. A flat roof will be compatible with the diversity of buildings in the locality and will provide opportunities for green roof treatments.

- *Landscaped area and site coverage.*

**Comment:** As discussed in this Report, the development cannot be supported as it relates to site coverage and landscaped area because insufficient and inaccurate information has been provided to quantify these measures. Any development must comply with these requirements as they set the desired density for the subject site.

- *Tree removal.*

**Comment:** The proposal has been considered by Council's Landscape Officer who is generally in support of the application, subject to amendments and conditions which would be imposed, should the development be approved.

### **Public Interest**

The cumulative effect of the non-compliances with Council's controls and lack of sufficient information, particularly as it relates to building height, site coverage and landscaped area, in addition to the reliance upon on-street waiting areas to serve the development, is considered to be not in the public's interest and contrary to Section 4.15(e) of the *Environmental Planning and Assessment Act 1979*.

### **How the community views were taken into consideration**

The application was notified in accordance with Council Community Engagement Protocol from 20 January 2023 to 10 February 2023 and the amended plans and additional information were re-notified between 1 September 2023 to 22 September 2023. The application is to be referred to the North Sydney Local Planning Panel given the number of submissions received. The submissions have been addressed earlier in the report.

### **Conclusion and Reasons**

The application seeks to demolish the existing structures on-site and construct 2 x residential flat buildings and 2 x dual occupancies with basement and at-grade parking, landscaping, internal boundary adjustment and subdivision.

Insufficient information has been provided with the development application to enable a thorough assessment of the proposal in accordance with Section 4.15 of the EP&A Act, 1979. Specifically, insufficient information has been provided to quantify the full extent of non-compliance with the height of buildings controls, height incline planes, site coverage, landscaped area, treatment of the foreshore area to provide multiple areas of private open space, evidence demonstrating offers of site amalgamation and methods to acknowledge the heritage significance of nearby heritage items.

The proposed development is considered to result in a built form in proportion to landscaped area which is inconsistent with the desired character of the locality. This is predominately predicated on non-compliances with site coverage, landscaped area and un-built upon area. These non-compliances, combined with the lack of information, not only results in a development which is out of character, but also does not allow for a thorough and robust assessment of the application. As outlined in this Report, the site coverage and landscaped area controls seek to manage the density of built form on the subject site, where no FSR standard applies.

The lack of information relating to the measurement of maximum building height and height incline planes prevents a thorough assessment, particularly as it relates to the impacts on surrounding properties such as solar access, privacy and views.

Furthermore, the proposal relies on the provision of an on-street waiting area serving vehicle access to Building B and D. As detailed, this is an unacceptable outcome which will have adverse impacts on the movement of traffic flow and safety of pedestrians and vehicles in this case. It is an inferior planning outcome to impact the general public and public infrastructure and rely on an on-street waiting area in the specific road environment fronting the site. As such, the development cannot be supported.

The proposal does not adequately satisfy various clauses within the NSLEP 2013, including Clause 4.3 Height of buildings, Clause 5.10 Heritage conservation, Clause 6.9 Limited development on foreshore area and Clause 6.12 Residential flat buildings. The proposal is also inconsistent with various sections of NSDCP 2013, including topography and excavation, views, context, rear setbacks and incline plane (R4 High Density Residential zone), form and massing, built form and character, vehicle access and parking, site coverage and landscaped area.

The application has attracted a number of unique submissions raising particular concerns regarding building height, envelope, setbacks, landscaped area and site coverage, misleading or incorrect plans and documentation, traffic impacts and safety, construction traffic and safety, excavation impacts, stormwater impacts, privacy, solar impacts and view loss.

Following this assessment and having regard to the provisions of Section 4.15 of the *Environmental Planning & Assessment Act 1979*, the application is recommended for **refusal**.

### **Recommendation**

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED) **THAT** the North Sydney Local Planning Panel, exercising the functions of Council as the consent authority, refuse Development Application No. 343/22 for the demolition of a dwelling house, two (2) dual occupancies and a swimming pool and construction of two x residential flat buildings and 2 x dual occupancies, with basement parking and access provided by car lifts, associated landscaping and civil works and internal boundary realignment and subdivision, for the following reasons:

- 1. The proposed development fails to satisfy Clause 1.2(2) Aims in Part 1 of the North Sydney Local Environmental Plan 2013**
  - a) The application does not promote a development which enhances the amenity of the community and environment and is inconsistent with Clause 1.2(2)(a);
  - b) The application exceeds the maximum site coverage and is deficient in landscaped area resulting in the development being incompatible with the desired future character of the area and inconsistent with Clause 1.2(2)(b)(i);
  - c) The application fails to ensure that new development does not adversely affect residential amenity in terms of solar access and view sharing and is inconsistent with Clause 1.2(2)(c)(i); and
  - d) The application fails to protect the natural, archaeological and built heritage of North Sydney and does not ensure that development does not adversely affect its significance and is inconsistent with Clause 1.2(2)(f).

**2. The proposed development does achieve the objectives of the zones**

- a) The proposal does not satisfy the objectives of the R2 Low Density Residential zone because:
  - i. The proposed dual occupancies do not satisfactorily acknowledge the heritage significance of heritage items in the vicinity of the site and its setting amongst heritage items;
  - ii. The proposal relies on on-street waiting areas for vehicles entering the site which is detrimental to the safe and efficient movement of vehicles in Kurraba Road.
  
- b) The proposal does not satisfy the objectives of the R4 High Density Residential zone as:
  - i. The proposed residential flat buildings compromise the natural and cultural heritage of the area as the development does not satisfactorily acknowledge the heritage significance of heritage items in the vicinity of the site and its setting amongst heritage items;
  - ii. The proposal relies on on-street waiting areas for vehicles entering the site which is detrimental to the safe and efficient movement of vehicles in Kurraba Road.
  - iii. The site coverage is excessive and the landscaped area insufficient to result in a development compatible with the desired future character of the locality.

**3. The proposed development does not comply with the following provisions pursuant to the North Sydney LEP 2013.**

- a) The development is non-compliant with the maximum building height development standard and Clause 4.3 of NSLEP 2013. The maximum building height has been measured from the extrapolated topography, as opposed to the existing ground level, and is not in accordance with the building height definition. As such, the maximum building height cannot be supported due to the provision of insufficient information to quantify the full extent of the non-compliance.
- a) The development is not consistent with Clause 5.10 Heritage Conservation as the established heritage character of the subject site and direct association with Trygve Halvorsen the notable Norwegian-Australian ocean sailor has not been made. This does not meet Criterion B – Associative Significance in *“Assessing heritage significance - Guidelines for assessing places and objects against the Heritage Council of NSW criteria”* (DPE 2023)
- b) The development does not satisfy Clause 6.9 Limited development in foreshore areas due to the provision of inconsistent information regarding the potential encroachment of buildings beyond the foreshore building line.
- c) The development does not satisfy Clause 6.10 Earthworks as significant excavation is proposed between Buildings A and B.
- d) The development does not satisfy Clause 6.12 Residential flat buildings as it has not been adequately demonstrated that amalgamation has been considered for No. 184A Kurraba Road to the north.

**4. The proposed development does not comply with the following provisions pursuant to the North Sydney DCP 2013.**

- a) Part B, Section 1.3.1 Topography in NSDCP 2013;
- b) Part B, Section 1.3.6 Views in NSDCP 2013;
- c) Part B, Section 1.4.6 Setbacks in NSDCP 2013;
- d) Part B, Section 1.4.7 Form, massing and scale in NSDCP 2013;
- e) Part B, Section 1.4.8 Built form character in NSDCP 2013;
- f) Part B, Section 1.5.4 Vehicular Access and Car Parking in NSDCP 2013;
- g) Part B, Section 1.5.5 Site Coverage in NSDCP 2013; and
- h) Part B, Section 1.5.6 Landscape Area in NSDCP 2013.

**5. The application results in adverse impacts to the safe and efficient movement of traffic and pedestrians and is detrimental to the amenity of the general public and future residents of the development**

- a) The application relies on an on-street waiting area to allow for access to the car lift serving Building B and D. This is not supported.
- b) This will have adverse impacts to the traffic movement and circulation along Kurraba Road.
- c) The reliance upon an on-street waiting bay will also impact the safety of pedestrians and vehicles of both the general public, and future residents on the subject site.

**6. The application does not satisfy the provision of State Environmental Planning Policy (Resilience and Hazards) 2021**

- a) The application does not satisfy the provision of SEPP (Resilience and Hazards) 2021, specifically, Part 2.2 Development controls for coastal management areas, Division 3 Coastal environment area and Division 4 Coastal use area in that the proposal will result in development with excessive site coverage and insufficient landscaped area.
- b) The application does not satisfy the provisions of SEPP (Biodiversity and Conservation) 2021, specifically, Chapter 6 Water catchments in that the development does not protect or enhance terrestrial vegetation.

**7. Insufficient information**

Insufficient information has been provided to allow for the robust and thorough assessment of the application in accordance with Section 4.15 of the EP&A Act, 1979.

**8. Not considered to be in the public interest or suitable for the subject site.**

The proposed development is not considered suitable for the subject site nor in the public interest and does not satisfy Section 4.15(e) of the Environmental Planning and Assessment Act 1979 (as amended).

**JONATHAN JOSEPH**  
**PLANNING INGENUITY**

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Manager's note: This report has been reviewed for quality and completeness only. The content and recommendation is materially unchanged from that of the Independent Assessment Officer

# 184b - 190 KURRABA RD

184b - 190 KURRABA RD, KURRABA POINT, NSW 2089

NOTIFICATION PLAN



SCALE 1:500 @ A3

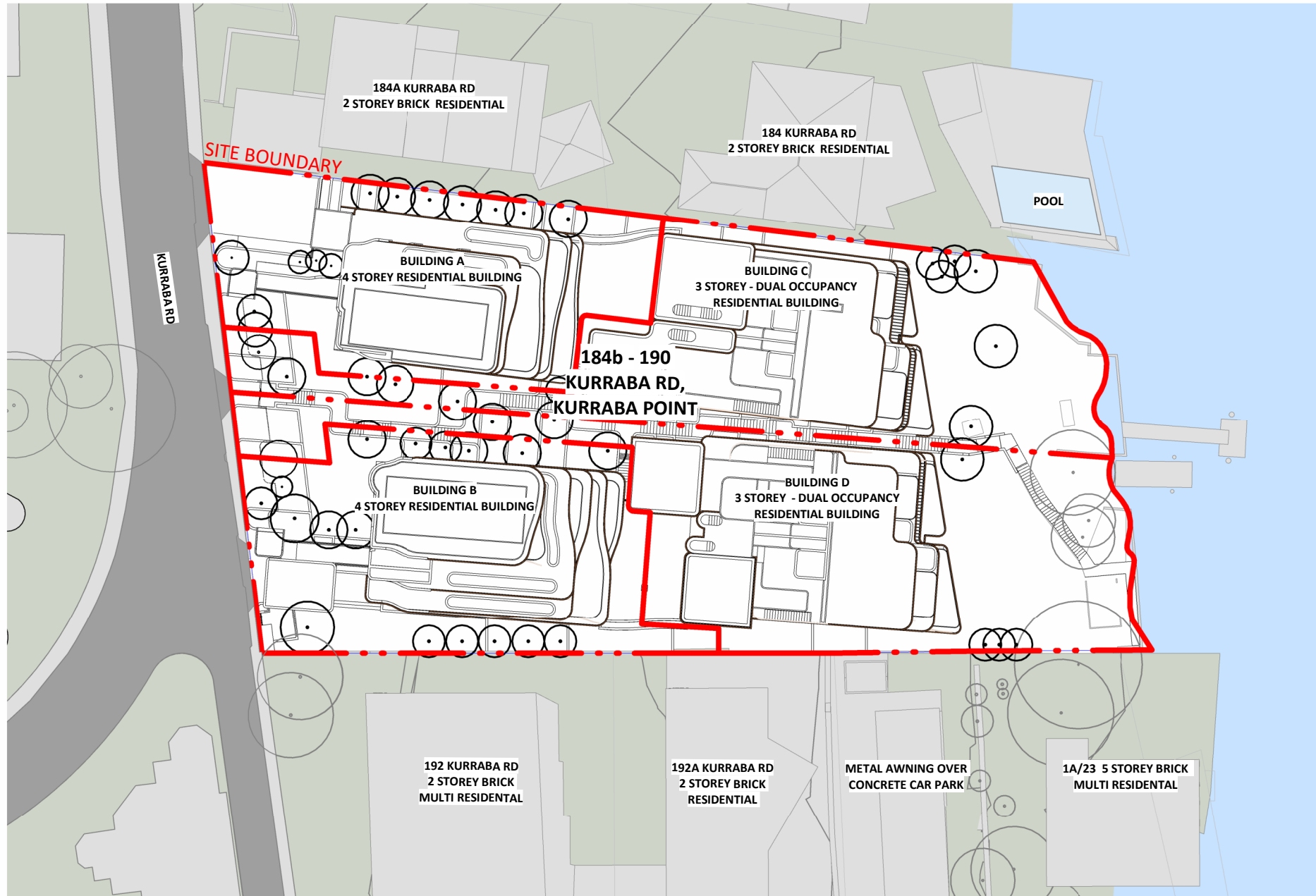
Suite 41 & 42, Level 4  
61 Marlborough Street  
Surry Hills, NSW 2010  
T 02 9698 8510

www.koichitakada.com

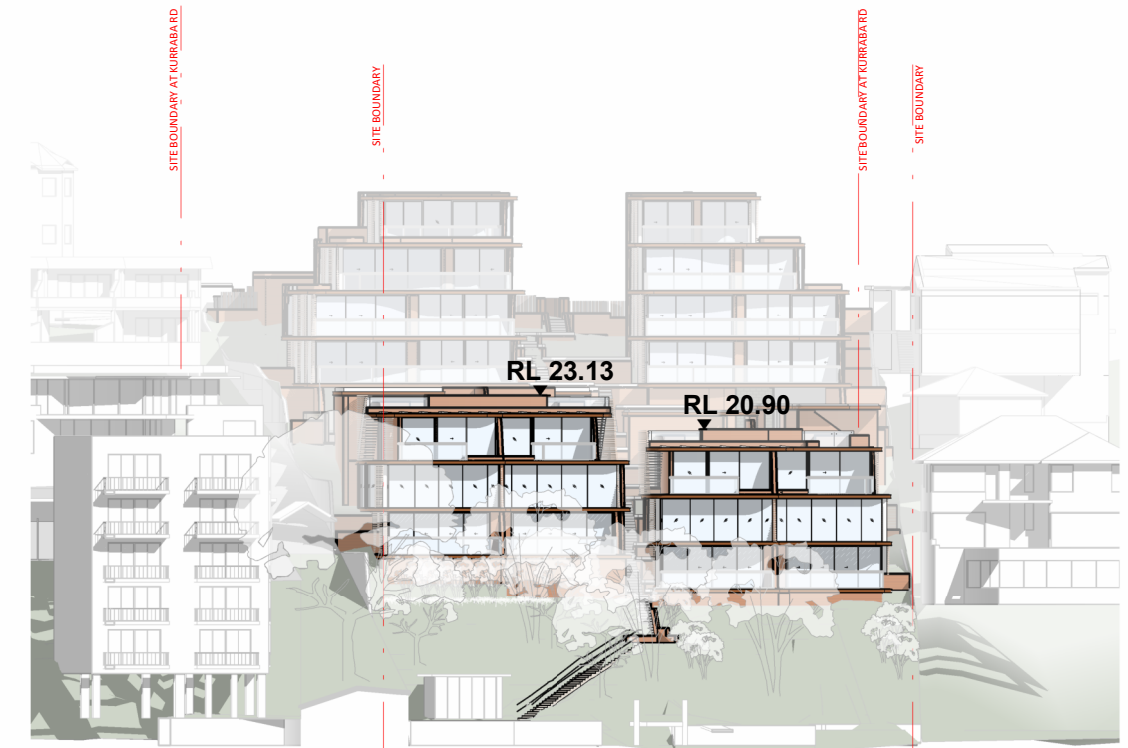
ABN 63 131 365 896  
Nominated Architect:  
Koichi Takada

NSW Architects 6901  
VIC Architects 16179  
QLD Architects 5590

**Koichi  
Takada  
Architects**



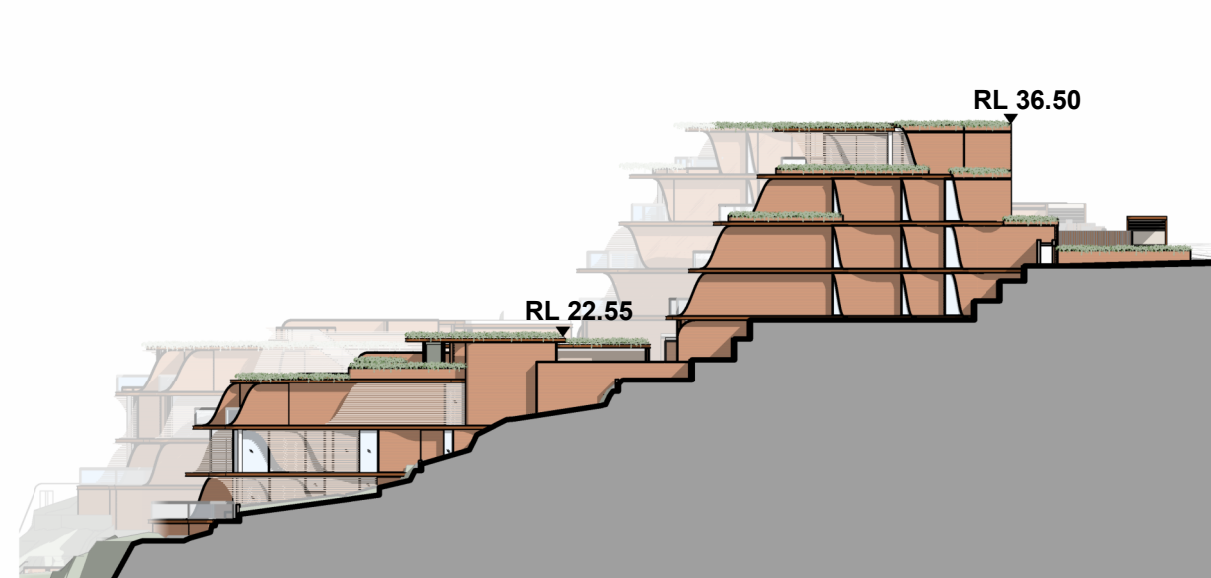
SITE PLAN



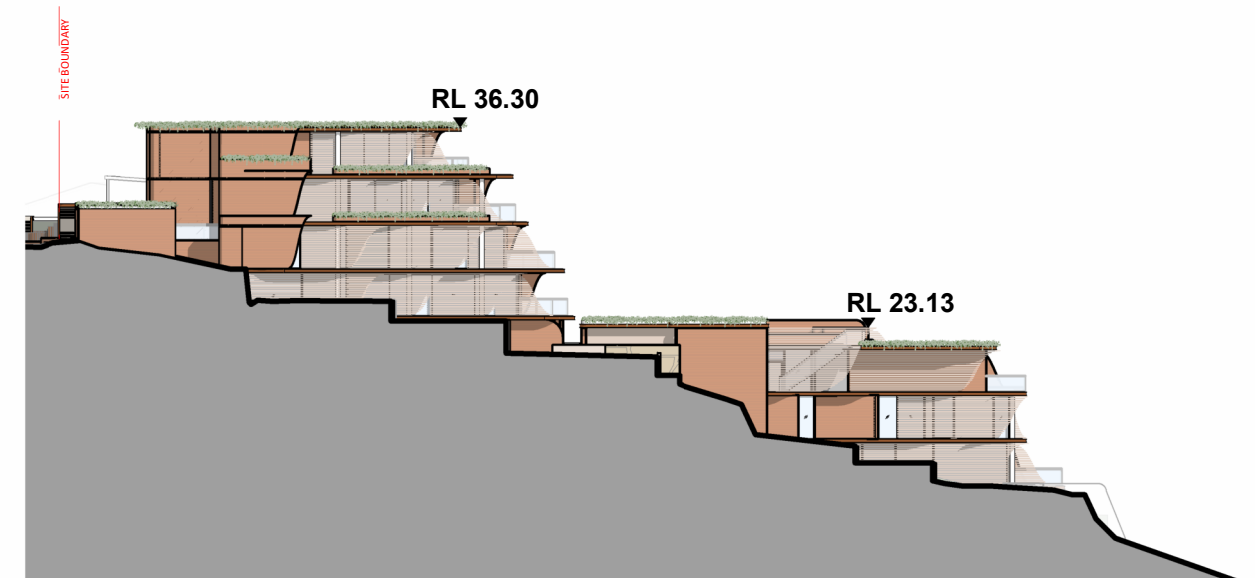
ELEVATION EAST



ELEVATION WEST



ELEVATION NORTH



ELEVATION SOUTH



10 August 2023

Project/File: 300304986

**Edward Bun**  
PB & Co.  
125 Church Street  
BRIGHTON VIC 3186

Dear Edward,

**Reference: 184b-190 Kurraba Road, Kurraba Point – Response to Council Request for Information (RFI)**

Stantec has been engaged by PB & Co. to provide traffic and transport related advice associated with 184b-190 Kurraba Road, Kurraba Point. It is understood that a development application (D343/22) was submitted to North Sydney Council on 9 November 2022, seeking consent for the demolition of existing structures and construction of two dual occupancies and two residential flat buildings with basement parking, landscaping, civil works and internal boundary realignment and subdivision.

Correspondence received from North Sydney Council dated 13 June 2023 seeks clarification on traffic and transport related matters including car parking, accessibility and vehicle queuing.

This letter has been prepared to provide responses to queries raised by Council and should be read in conjunction with the *184b-190 Kurraba Road, Kurraba Point Transport Impact Assessment* prepared by Stantec dated 23 June 2022.

## **North Sydney Council Request for Information**

### **Item 16 – Car Parking**

*Provision 1 of Section 10.2 of Part B in NSDCP 2013 provides the maximum parking rates permitted for a development. The proposed basement parking across both residential flat buildings within the R4 zone exceeds the maximum permitted resident parking rate of 9 spaces, by 3 spaces.*

*The number of parking spaces should be reduced to comply with the maximum permitted rate. As outlined, the parking rates should be calculated across both buildings as has been applied consistently for the remainder of the development.*

*Furthermore, whilst the provision of electric vehicle charging is commended, these must not be provided as a separate parking space. Electric vehicle charging should be provided within the permitted maximum and should be provided to all parking spaces.*

*The visitor parking spaces should be revised to also function as a car wash bay as required by Provision 3 of Section 10.2 of Part B in NSDCP.*

*An accessible parking space is to be specified for each of the adaptable apartments as required above. This should be identified on the submitted plans.*

*Council's parking rates are set as a maximum as they are intended to reduce reliance on motor vehicles and should be complied with in the circumstances.*

Reference: 184b-190 Kurraba Road, Kurraba Point – Response to Council Request for Information

## Response

- It is noted there has been several design changes in order to address the broader comments received from Council. Notably, the yield schedule for Building A originally comprised of three “3 or more bedrooms” units has now been amended to one “studio, 1 to 2 bedroom” unit and two “3 or more bedroom” units.
- The revised yield schedule impacts on the permissible parking provision for the proposed development and the revised maximum provision has been summarised in Table 1.

**Table 1: North Sydney DCP 2013 Car Parking Requirements**

Building	Use	Description	Size	Maximum allowable parking rate	Maximum allowable parking provision
Building A	Residential Flat Building	Studio, 1 to 2 bedrooms	1	1 space / dwelling	1
		3 or more bedrooms	2	1.5 spaces/ dwelling	3
		Visitor	-	0.25 space/ dwelling (min of 1 space)	1
Building B	Residential flat building	3 or more bedrooms	3	1.5 spaces/ dwelling	5
		Visitor	-	0.25 space/ dwelling (min of 1 space)	1
Building C	Dual occupancy dwellings	3 or more bedrooms	2	2 spaces/ dwelling	4
Building D	Dual occupancy dwellings	3 or more bedrooms	2	2 spaces/ dwelling	4
<b>Total</b>					<b>19 spaces</b>

- The calculations indicate that the proposed development generates a maximum permissible parking provision of 19 spaces, including 9 spaces for the apartment residents, eight spaces for the dual occupancy residents and two visitor spaces.
- It is acknowledged that Building A and B are located within the subject site being 184b-190 Kurraba Road, Kurraba Point, and that parking rates are typically applied across both buildings and not calculated independently. However, it is critical to note that this is typically the case as a communal car parking area is provided for the different buildings. Noting that separate car parking areas are provided for Building A and B with no internal connection provided, the two buildings should be treated as independent infrastructure generating independent parking demands. Therefore, it is considered more appropriate to calculate the parking demand for Buildings A and B independently as per the calculations summarised in Table 1.
- The design team has considered Council’s comments relating to electric charging spaces. The proposal has been revised to remove the two electric charging spaces to align with the requirements of Council. Power supply will be available to all parking spaces to facilitate future charging infrastructure.
- The proposal includes an accessible parking space for each of the two adaptable apartments, with one accessible space provided in each car parking area, meeting the relevant requirement.

Reference: 184b-190 Kurraba Road, Kurraba Point – Response to Council Request for Information

## Item 17 – Traffic and Access

*Concerns are raised regarding the proposed vehicular access and queuing arrangement. Currently, no waiting area is provided for either car lift and concerns are raised regarding on-street queuing and the resultant impacts to traffic flow within the locality. This will need to be considered.*

*In addition to the above, the Traffic Impact Assessment prepared by Stantec relies on traffic data from 2018 and should be updated to reflect current traffic within the locality.*

### Response

- Noting Council’s concerns for on-street queuing and resultant impacts to traffic flow, Stantec has nominated waiting areas for the two car lifts associated with the proposed development.
- An off-street waiting area has been nominated for the northern car lift servicing Buildings A and C.
- An on-street waiting area has been nominated for the southern car lift servicing Buildings B and D (as an off-street waiting area is not feasible in this instance). The consolidation of driveways means there is no impact on on-street parking.
- Swept path assessment has been undertaken using a B99 design vehicle (refer to Appendix A) which demonstrates the following:
  - Vehicle is able to manoeuvre into the designated waiting area independent of whether there is an exiting vehicle from the proposed car lifts.
  - Vehicle is able to manoeuvre from the waiting area into the car lifts.
  - Two-way traffic flow is maintained along Kurraba Road with a B99 design vehicle waiting within the nominated waiting area.
- Therefore, noting that the swept path assessment has demonstrated that vehicles are able to exit the proposed car lifts onto Kurraba Road and that two-way traffic flow can be maintained along Kurraba Road whilst vehicles are waiting in the nominated waiting areas, it is expected that the proposed car lifts and its associated waiting areas will not have an impact on the traffic flow along the frontage of the subject site.
- The TfNSW Guide to Traffic Generating Developments 2002 (Guide) details Environmental Capacity as the performance standard to assess the residential streets which are summarised in Table 2.

**Table 2: Environmental Capacity Performance Standards on Residential Streets**

Road Class	Road Type	Maximum Speed (km/h) <sup>1</sup>	Maximum Peak Hour Volumes (veh/h)
Local	Access way	25	100
	Street	40	200 environmental goal 300 maximum
Collector	Street	50	300 environmental goal
			500 maximum

[1] Maximum speed relates to the 85<sup>th</sup> percentile speed in existing areas.

Reference: 184b-190 Kurraba Road, Kurraba Point – Response to Council Request for Information

- Stantec commissioned 7-day tube count commencing Tuesday 18 July 2023 on Kurraba Road located towards the south of Shellcove Road as per the request of Council to obtain updated traffic flow data within the locality. The traffic volumes and 85<sup>th</sup> percentile speed obtained from the traffic counts has been summarised in Table 3, along with the previous (2018) data.

**Table 3: Environmental Capacity Assessment**

Road	Classification	85th Percentile Speed (km/h)	Environmental Goal Threshold (veh/h)	Weekday Average Peak Traffic Volumes (veh/h)
Kurraba Road (2018 data)	Residential local street	~37	200	252
Kurraba Road (2023 data)	Residential local street	~33	200	114

- The data indicates that Kurraba Road traffic volumes have reduced between 2018 and 2023, with current peak hour volumes now within the environmental threshold. Further, it should be noted that these traffic volumes also include at least three construction sites that are currently active along Kurraba Road. It should be noted that these traffic volumes will not be sustained which will likely further reduce the traffic volumes in the local road network and particularly along Kurraba Road.
- The results indicate that Kurraba Road currently operates below the environmental goal of 200 vehicles per hour.
- Noting that the proposed development as well as the approved development located at 147-153 Kurraba Road, Kurraba Point will generate an additional 14 vehicular trips (+10 approved development & +4 proposed development trips), it is anticipated that Kurraba Road will continue to operate below the environmental goal threshold of 200 vehicles per hour and well below the maximum environmental threshold of 300 vehicles per hour.
- Therefore, it is expected that the proposed development is expected to have immaterial impact on the safety and function of the surrounding road network.

### **192 Kurraba Road Owners Corporation Submission to North Sydney Council**

It is understood that North Sydney Council has received a submission from the Owners Corporation of 192 Kurraba Road (Owners Corporation) raising concerns over various issues arising from the proposed development. The Owners Corporation engaged JMT Consulting to undertake a traffic review and has identified traffic and transport related concerns.

The following is a response to the concerns raised by JMT Consulting.

#### **(i) Key Issue (Operational Phase) – Traffic Count Data**

*The traffic data relied upon for the assessment was collected in October 2018 – over four years from today. This data, collected to support the DA for the adjacent site at 147-153 Kurraba Road, does not reflect contemporary traffic conditions on Kurraba Road including a number of ongoing construction projects. The applicant acknowledges in the report that Kurraba Road currently operates above the environmental goal of 200 vehicles per hour, with this not taking into consideration current vehicle activity in the area. The findings of the traffic assessment are reliant upon this outdated traffic information.*

#### **Response**

- Refer to the above response relating to Item 16 – Car Parking raised by North Sydney Council.

Reference: 184b-190 Kurraba Road, Kurraba Point – Response to Council Request for Information

## **(ii) Key Issue (Operational Phase) – Reliance on Vehicle Lifts**

*The proposal relies upon the use of two vehicle lifts to allow cars to enter and exit the basement of the building. Section 10.3.2 of the North Sydney DCP (Provision 2) sets out the conditions where a mechanical car stacker (e.g. car lift) may be considered, those being:*

- (a) That the use of the mechanical stacker will enable a reduced level of excavation to preserve existing significant tree(s) and or natural landscape features on the site;*
- (b) That the site's shape is physically constrained, such that conventional parking arrangements would not enable compliance with the parking provision requirements of this DCP;*
- (c) Where a single car stacker system accommodates more than 10 vehicles within a multi-dwelling housing development, a residential flat building, a mixed use or commercial premises, that car waiting space is provided entirely on the site and adjacent to the mechanical stacker to enable a vehicle to wait while the stacker is in use. The waiting area must be located such that it does not interfere with the ability for a vehicle to enter and leave the stacker, while a car is occupying the waiting area.*

### Response

- Refer to response relating to Item 17 – Traffic and Access raised by North Sydney Council.
- The proposal involves provision of two car lifts which are expected to accommodate 10 or less vehicles within the development. Therefore, Section 10.3.2 Provision 2 (c) of the North Sydney DCP does not necessarily apply to the proposed development. However, to ensure that the traffic flow along the public roadway is not impacted by the proposed development, two waiting areas have been proposed.
- Whilst acknowledging that the waiting area for the southern car lift servicing Buildings B and D is located on-street, the intention of the DCP when requiring that the waiting area be provided entirely on the site and adjacent to the mechanical stacker is to ensure that the traffic flow along the public road is not impacted by the operations of the car lift. The swept path assessment demonstrates that two-way traffic flow can be accommodated whilst a vehicle is waiting in the proposed waiting area for the southern car lift therefore can be considered to meet the intentions of the DCP.

## **(iii) Key Issue (Operational Phase) – Operation of Vehicle Lifts**

*The applicant's traffic report notes that the "95<sup>th</sup> percentile queue for vehicles entering the site in the PM peak hour is expected to be up to one vehicle for each car lift".*

### Response

- Further to the above responses, consideration has been given to the potential impact of the queues during the PM peak hour. The proposed waiting area for the northern car lift servicing Buildings A and C is provided wholly within the site. The proposed waiting area for the southern car lift servicing Buildings B and D is provided on-street however has been nominated in an area where the public roadway widens and can still maintain two-way traffic flow without reliance on change to on-street parking restrictions. The swept path assessment demonstrates that two-way traffic flow can be

Reference: 184b-190 Kurraba Road, Kurraba Point – Response to Council Request for Information

maintained with provision for on-street parking along the western kerbside of Kurraba Road and the proposed waiting area on the eastern kerbside of Kurraba Road.

### **(i) Key Issue (Construction Phase) – Construction Worker Parking**

*The applicant's preliminary Construction Traffic Management Plan (CTMP) notes that up to 60 workers may be on site during peak periods – equating to well over 50 cars travelling to the site. Public transport access is limited and workers, given their requirement to carry tools and other equipment, will drive to the site and attempt to park on Kurraba Road. The site visit carried out in February 2023 confirmed this was the case for the adjacent development at 147-153 Kurraba Road.*

*The preliminary CTMP as well as the SEE notes that "labour-intensive trades (such as formwork) will be expected to make shuttle bus arrangements for their teams from the subcontractor's premises or a convenient off-site location." There is no formal commitment in either document for this to take place, and without an enforcement mechanism (e.g. conditions of consent) workers will continue to drive directly to the site.*

#### Response

- It is acknowledged that on-street parking issues will likely occur for residents should workers be parking on-street throughout the duration of the construction stage as currently being experienced by workers associated with construction sites within the area.
- It should be noted that these construction activities will likely be completed prior to the commence of works associated with the proposed development. Nonetheless, the preliminary Construction Traffic Management Plan proposes to provide a shuttle bus arrangement for the construction team to reduce reliance on private vehicle usage to travel to the site.
- A commitment to engage a shuttle bus service can be provided prior to commencement of works and all workers will be encouraged to use the available service to reduce impact on on-street parking throughout the construction stage.

### **(ii) Key Issue (Construction Phase) – Construction Vehicle Access**

*The preliminary CTMP notes that up to a 12.5m Heavy Rigid Vehicle (HRV) may access the site. As indicated in Figure 4 below however the applicant's swept path analysis indicates that an HRV accessing the site would clash with vehicles parked on the western kerb of Kurraba Road and therefore not have the ability to safely enter the site. Given the constrained width of Kurraba Road smaller trucks will most likely be required to facilitate the construction of the building. In addition, the applicant's swept path analysis has failed to consider the suitability of the southern, one-way section of Kurraba Road to accommodate large trucks. As can be seen in Figure 5 this section of roadway is very narrow, steep and on a bend which would make the safe manoeuvring of heavy vehicles difficult.*

#### Response

- Swept path assessment has been revised using a 12.5 metre HRV. The assessment demonstrates that the HRV is able to enter and exit the site without impacting on the vehicles parked on the western kerb of Kurraba Road.
- It is noted that 147-153 Kurraba Road development is currently under construction and is serviced by up to 12.5 metre HRVs, successfully accessing and circulating via the existing road configuration provided along Kurraba Road.
- The HRV is the largest anticipated vehicle to require access to the site. Smaller vehicles will be used more frequently compared to the HRV, however this will likely be confirmed by the appointed contractor.

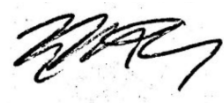
Reference: 184b-190 Kurraba Road, Kurraba Point – Response to Council Request for Information

- Noting the constrained width of Kurraba Road, the appointed contractor is to ensure that appropriate Traffic Guidance Scheme (TGS) and a detailed Construction Traffic Management Plan is prepared prior to commencement of works, as was required for the 147-153 Kurraba Road development.

We trust that the information provided will assist with the assessment of the development. Should you require any further information or would like to discuss any issues, please do not hesitate to contact the undersigned.

Yours sincerely

**Stantec Australia Pty Ltd**



**Jae Jeon**  
Senior Transport Engineer  
Phone: +61 2 8448 1808  
jaewoo.jeon@stantec.com

Reference: 184b-190 Kurraba Road, Kurraba Point – Response to Council Request for Information

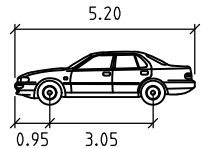
## **Appendix A**                      **Swept Path Assessment**



VEHICLE ENTRY

VEHICLE EXIT

SWEEP PATH KEY		B99	
	VEHICLE CENTRE LINE	Width	: 1.94 meters
	VEHICLE TYRE PATH	Track	: 1.77
	VEHICLE BODY PATH	Lock to Lock Time	: 6.0
	300mm CLEARANCE FROM VEHICLE BODY	Steering Angle	: 34.0
ASSUMED SPEED 5km/h			



INDICATIVE EXTENT OF ON-STREET PARKING

INDICATIVE EXTENT OF ON-STREET PARKING

INDICATIVE WAITING BAY LOCATION

STANDARDS 2004 (AU\_NZ)

STANDARDS 2004 (AU\_NZ)

SURVEY BASE IN GREEN  
DRAWING 51293 001 DT  
REVISION A  
BY LTS LOCKLEY  
DATED 06.05.2021

ARCHITECTURAL BASE IN BLUE  
DRAWING A106  
REVISION 14  
BY KOICHI TAKADA ARCHITECTS  
DATED 31.07.2023



**PRELIMINARY PLAN**  
FOR DISCUSSION PURPOSES ONLY  
SUBJECT TO CHANGE WITHOUT  
NOTIFICATION

**WARNING**  
BEWARE OF UNDERGROUND SERVICES  
THE LOCATIONS OF UNDERGROUND SERVICES ARE  
APPROXIMATE ONLY AND THEIR EXACT POSITION  
SHOULD BE PROVEN ON SITE. NO GUARANTEES  
GIVEN THAT ALL EXISTING SERVICES ARE SHOWN.

DESIGNED  
W.XIE

DESIGN CHECK  
B.MAYNARD

APPROVED BY  
B.MAYNARD

DATE ISSUED  
3 AUGUST 2023

SCALE  
A3 0 1.25 2.5 5 1250

CAD FILE NO.  
300304986\_03\_P5.DWG

190 KURRABA ROAD, KURRABA POINT NSW 2089

GROUND LEVEL  
VEHICLE SWEEP PATH ASSESSMENT

DRAWING NO. 300304986\_03\_01 SHEET 01 OF 02 ISSUE P5

\\AU2019-PPF5501\SHARED\_PROJECTS\300304986\TECHNICAL\_DRAWINGS\300304986\_03\_P5.DWG PLOTTED BY XIE, WILLIAM ON 03/08/2023 AT 15:17



VEHICLE ENTRY

VEHICLE EXIT

INDICATIVE KERB LINE  
INDICATIVE EXTENT OF ON-STREET PARKING

INDICATIVE KERB LINE  
INDICATIVE EXTENT OF ON-STREET PARKING

WIDEN CAR LIFT TO ACCOMMODATE SWEEP PATH



**SWEPT PATH KEY**

- VEHICLE CENTRE LINE
- VEHICLE TYRE PATH
- VEHICLE BODY PATH
- 300mm CLEARANCE FROM VEHICLE BODY

ASSUMED SPEED 5km/h

**B99**

Width	: 1.94	meters
Track	: 1.77	
Lock to Lock Time	: 6.0	
Steering Angle	: 34.0	



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GIVEN THAT ALL EXISTING SERVICES ARE SHOWN.

DESIGNED  
W.XIE

DESIGN CHECK  
B.MAYNARD

APPROVED BY  
B.MAYNARD

DATE ISSUED  
25 JULY 2023

SCALE  
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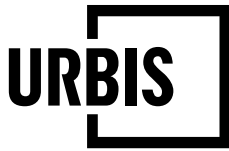
CAD FILE NO.  
300304986\_03\_P5.DWG

190 KURRABA ROAD, KURRABA POINT NSW 2089

**GROUND LEVEL**  
**VEHICLE SWEEP PATH ASSESSMENT**

DRAWING NO. 300304986\_03\_02 SHEET 02 OF 02 ISSUE P5

\\AU2019-PPF501\SHARED\_PROJECTS\300304986\_TECHNICAL\_DRAWINGS\300304986\_03\_P5.DWG PLOTTED BY XIE, WILLIAM ON 07/08/2023 AT 15:17



**ANGEL PLACE  
LEVEL 8, 123 PITT STREET  
SYDNEY NSW 2000**

URBIS.COM.AU  
Urbis Pty Ltd  
ABN 50 105 256 228

4 August 2023

Damon Kenny  
Executive Assessment Planner  
North Sydney Council  
200 Miller Street  
North Sydney NSW 2060

Dear Mr Kenny,

## **RESPONSE TO ADDITIONAL INFORMATION REQUEST D343/22 – HERITAGE - 184B-190 KURRABA ROAD, KURRABA POINT**

Urbis has been engaged by PB&Co to provide the following letter related to 184B-190 Kurraba Road, Kurraba Point (the 'subject site'). We refer to your letter requesting additional information related to development application (DA) 343/22 dated 13 June 2023. It is our understanding that the North Sydney Council is seeking further clarification on the assessed heritage significance of the subject site as outlined below:

### **26. Heritage**

*The proposal does not fully satisfy the objective of NDCP Part B: s13.4 Development in the vicinity of heritage items because the proposed cream colour palette will adversely impact on the setting of the heritage context in the vicinity of the subject site. As such, it is recommended that a contextual analysis of darker earthy tones appropriate to the site context be undertaken and an amended schedule of colours, materials and finishes be submitted for assessment.*

*Additionally, further investigation to clarify and outline why the site at No. 186 Kurraba Road does not meet the Criterion B – Associative Significance relating to the former home of Trygve Halvorsen, the notable Norwegian-Australian ocean sailor, is requested prior to the demolition of the dwelling on the site be undertaken. The investigation is to be completed by a suitably qualified and experienced heritage architect.*

This letter provides further discussion on the above with regards to Urbis' assessment of heritage significance. For further information regarding the existing site context, description, historical overview of nos. 184B and 190 Kurraba Road, and the proposed works, please refer to the Heritage Impact Statement (HIS) prepared by Urbis dated 22 August 2022.

## **HERITAGE LISTING**

The subject site does not include any individually heritage listed items and is not located within a Heritage Conservation Area.

The subject site however is in proximity to the following heritage items:

- 'Gingie' at 176 Kurraba Road, I0668
- 'Site and remains of Port Jackson Steamship Company depot' (archaeological item), I0669
- 'Cremorne Reserve (including Robertson's Point), I0136
- 'Flat Building', I0553

The site is also in the vicinity of the 'Cremorne Point', CA06 Heritage Conservation Area.

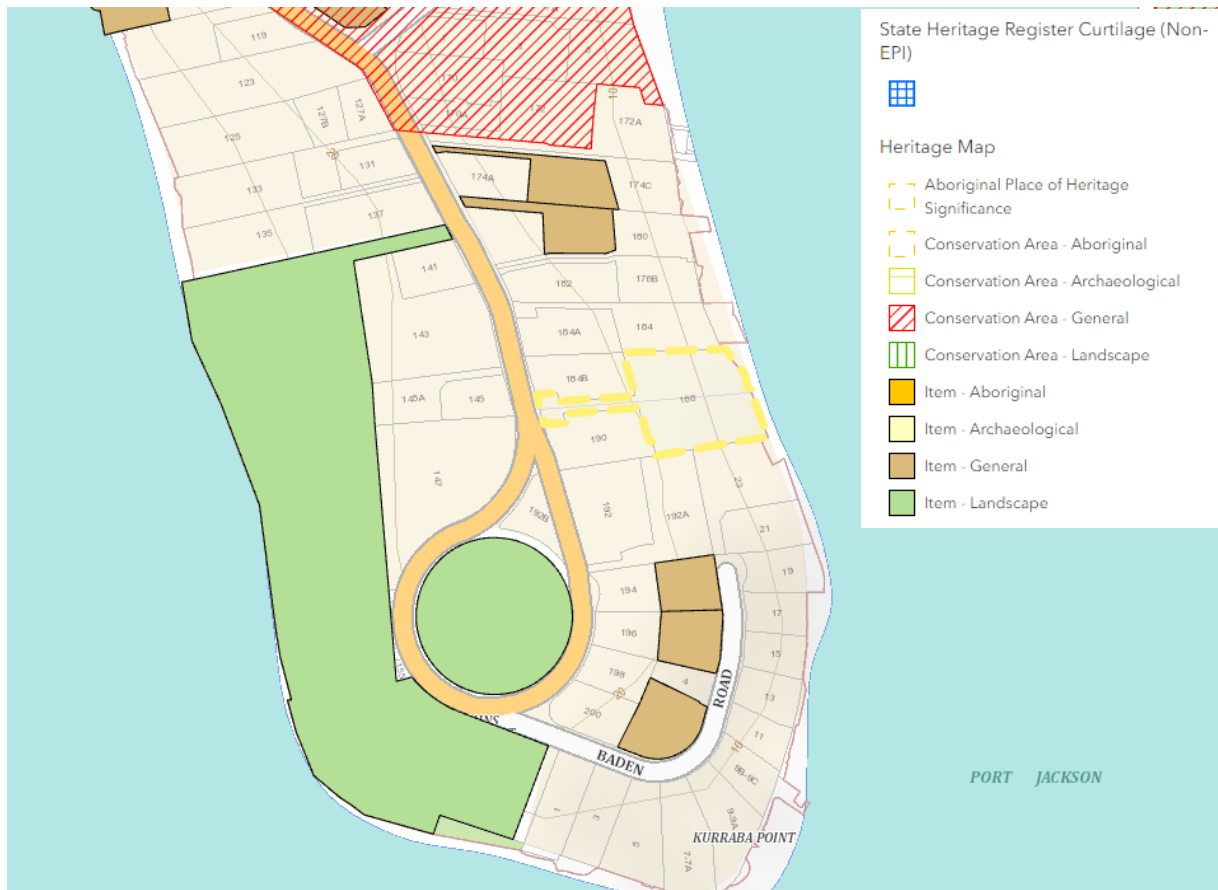


Figure 1 – Subject site (outlined in yellow) within its existing heritage context.

Source: NSW Spatial Viewer, August 2023

## HISTORICAL OVERVIEW OF 186 KURRABA ROAD

In late 1944 Lot 6 of Pockley's land was sold to Trygve Halvorsen, with the settlement and transfer of title finalising on 11 January 1945.<sup>1</sup> The land size was thirty-six and  $\frac{3}{4}$  perches and saw the establishment of the battle-axe lot with driveway and garage space.

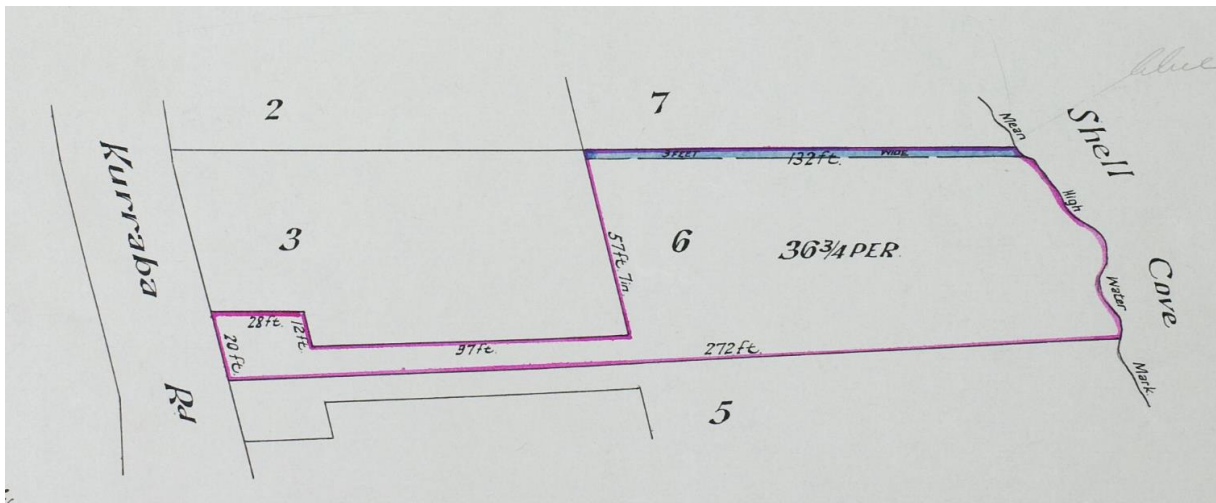


Figure 2 – 186 Kurraba Road as purchased by Trygve Halvorsen, 1945.

Source: Land Registry Services Vol-Fol 5468-30.

Following Halvorsen's purchase of the lot, a three-storey dwelling was constructed, most likely in the mid-to late 1940s, certainly appearing by the 1955 aerial image. The bushland formerly present at the rear yards had been cleared at this time.

Trygve Halvorsen was born in 1920 and is notable as one of the most successful Australian ocean racers in sailing. Along with his brother Magnus, the pair remain record holders in the Sydney to Hobart yacht race and were also distinguished in boat building, yacht design and ocean racing navigation.<sup>2</sup> The brothers won the Sydney to Hobart Yacht Race on five occasions and finished second another five times. Trygve passed away in 2014.

The dwelling was constructed in the Stripped Inter-War Functionalist style, with two key elevations featuring the east and west. It originally featured a large deck across much of the top floor however this was subsequently enclosed during later renovations.

In 1976 the waterfront mansion was purchased by the Halvorsen's for \$198,000. For \$78,000 the adjoining block (vacant at the time) was purchased from Valmai Pratten, a member of the Arnott's family. At this time several renovations were undertaken. Perhaps the most prominent externally was the enclosure of the top floor deck, which was utilised to create several additional upstairs rooms. The remaining interior spaces also received a 1970s renovation at this time, with consultation with the current owner noting that the interior was largely gutted and fabric including flooring, cornices, skirting, corbels, and ceiling roses formed part of their renovations. The pool at 188 Kurraba Road was

<sup>1</sup> Vol-Fol 5468-30

<sup>2</sup> Sailing Hall of Fame, n.d. 'Magnus and Trygve Halvorsen.' *Australian Sailing Hall of Fame*. Accessed online 13/9/2021 at: <https://sailinghalloffame.org.au/inductee/magnus-and-trygve-halvorsen/>



constructed by the owners of 186 Kurraba Road at this time, forming an above ground concrete structure.

Additionally, in c.1980 the kitchen was replaced, and a new kitchen was installed. A new balcony to the east was also extended and tiled at the same time. Finally in 2005 part of the former balcony adjacent to the kitchen was enclosed to create an informal dining space. Additionally, several modifications were made to the dwelling for accessibility and the below-ground floor was converted into a separate unit which could be sublet. This unit was sublet from 2007 onwards.

Table 1 - Land Titles Records and Sales for 186 Kurraba Road

Date	Owner	Source
27 July 1830	Alfred Thrupp	Primary Application 6385
1830	Daniel Cooper	
March 1914	Frederick Partridge	Primary Application 18703 Vol-Fol 2457-97
4 May 1928	Francis Pockley	Vol-Fol 2457-97
11 January 1945	Trygve Halvorsen	Vol-Fol 5468-30
1976	Former owner	CoreLogic RP Data
18 December 2018	Current owner	CoreLogic RP Data



Figure 3 – Aerial imagery of bushland at 186 Kurraba Road, 1943

Source: Dept. of Customer Service Historical Aerials Viewer



Figure 4 – Aerial imagery of 184 and newly built 186, 1955

Source: Dept. of Customer Service Historical Aerials Viewer



Figure 5 – Aerial imagery of 186 and 188, 1986. Note first floor extension.

Source: Dept. of Customer Service Historical Aerials Viewer



Figure 6 – 186 Unit Interior in 2007.

Source: CoreLogic RP Data



Figure 7 - Bedroom of 186 Kurraba Rd, 2007

Source: RP Data

## ASSESSED SIGNIFICANCE

Table 2 - Significance Assessment for 186 Kurraba Road

Criteria	Significance Assessment
<p><b>A – Historical Significance</b></p> <p><i>An item is important in the course or pattern of the local area’s cultural or natural history.</i></p>	<p>186 Kurraba Road is not associated with any major period of historical subdivision or development within Kurraba Point. The existing house is Post-War, dating to the late 1940s and is therefore not associated with</p>

	<p>the significant development of the Kurraba Point area in the Federation period.</p> <p><b>The subject site does not reach the threshold of local significance under this criterion.</b></p>
<p><u>Guidelines for Inclusion</u></p> <ul style="list-style-type: none"> <li>▪ shows evidence of a significant human activity <input type="checkbox"/></li> <li>▪ is associated with a significant activity or historical phase <input type="checkbox"/></li> <li>▪ maintains or shows the continuity of a historical process or activity <input type="checkbox"/></li> </ul>	<p><u>Guidelines for Exclusion</u></p> <ul style="list-style-type: none"> <li>▪ has incidental or unsubstantiated connections with historically important activities or processes <input checked="" type="checkbox"/></li> <li>▪ provides evidence of activities or processes that are of dubious historical importance <input checked="" type="checkbox"/></li> <li>▪ has been so altered that it can no longer provide evidence of a particular association <input checked="" type="checkbox"/></li> </ul>
<p><b>B – Associative Significance</b></p> <p><i>An item has strong or special associations with the life or works of a person, or group of persons, of importance in the local area’s cultural or natural history.</i></p>	<p>The subject site has loose associations with Trygve Halvorsen, Australian legendary ocean racer and winner of the Sydney to Hobart Yacht Race on several occasions.</p> <p>Halvorsen previously lived at 186 Kurraba Road and was likely the original owner and builder of 186 Kurraba Road before selling to the current owner in c.1960. The house has some loose association to Halvorsen, however has been heavily modified as part of 1970s, 1980s, and 2005 renovations by the current owner. There is therefore limited association with Halvorsen remaining at the subject site and the association is not demonstrated to be of particular significance.</p> <p><b>The subject site does not reach the threshold of local significance under this criterion.</b></p>
<p><u>Guidelines for Inclusion</u></p> <ul style="list-style-type: none"> <li>▪ shows evidence of a significant human occupation <input type="checkbox"/></li> </ul>	<p><u>Guidelines for Exclusion</u></p> <ul style="list-style-type: none"> <li>▪ has incidental or unsubstantiated connections with historically important people or events <input checked="" type="checkbox"/></li> </ul>



<ul style="list-style-type: none"> <li>is associated with a significant event, person, or group of persons <input type="checkbox"/></li> </ul>	<ul style="list-style-type: none"> <li>provides evidence of people or events that are of dubious historical importance <input checked="" type="checkbox"/></li> <li>has been so altered that it can no longer provide evidence of a particular association <input checked="" type="checkbox"/></li> </ul>
<p><b>C – Aesthetic Significance</b></p> <p><i>An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area.</i></p>	<p>The dwelling at 186 Kurraba Road is somewhat characteristic as a stripped functionalist residence, however it is not known to have been designed by a significant architect and has furthermore been heavily modified both internally and externally. While the dwelling retains some elements of Functionalist architecture such as curved portico and balcony, however, is not considered a particularly good or representative example of the Functionalist style. Internally, the dwelling has been heavily modified as part of a 1970s renovation and retains many 1970s era features. Elements such as cornices, ceiling roses, and columns were installed in the 1970s as part of a renovation by the current owner. The interior was again modified in the 1980s which resulted in a new kitchen and enclosure of the original upper deck which faced the water. Finally, the dwelling was again extended to the northeast in 2005, and therefore retains little integrity or aesthetic significance.</p> <p><b>The subject site does not reach the threshold of local significance under this criterion.</b></p>
<p><u>Guidelines for Inclusion</u></p> <ul style="list-style-type: none"> <li>shows or is associated with, creative or technical innovation or achievement <input type="checkbox"/></li> <li>is the inspiration for a creative or technical innovation or achievement <input type="checkbox"/></li> <li>is aesthetically distinctive <input type="checkbox"/></li> </ul>	<p><u>Guidelines for Exclusion</u></p> <ul style="list-style-type: none"> <li>is not a major work by an important designer or artist <input checked="" type="checkbox"/></li> <li>has lost its design or technical integrity <input checked="" type="checkbox"/></li> <li>its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded <input checked="" type="checkbox"/></li> </ul>

<ul style="list-style-type: none"> <li>▪ has landmark qualities <input type="checkbox"/></li> <li>▪ exemplifies a particular taste, style or technology <input type="checkbox"/></li> </ul>	<ul style="list-style-type: none"> <li>▪ has only a loose association with a creative or technical achievement <input checked="" type="checkbox"/></li> </ul>
<p><b>D – Social Significance</b></p> <p><i>An item has strong or special association with a particular community or cultural group in the local area for social, cultural or spiritual reasons.</i></p>	<p>The subject site is not known to have any social significance to the local community or identified cultural groups.</p> <p><b>The subject site does not reach the threshold of local significance under this criterion.</b></p>
<p><u>Guidelines for Inclusion</u></p> <ul style="list-style-type: none"> <li>▪ is important for its associations with an identifiable group <input type="checkbox"/></li> <li>▪ is important to a community’s sense of place <input type="checkbox"/></li> </ul>	<p><u>Guidelines for Exclusion</u></p> <ul style="list-style-type: none"> <li>▪ is only important to the community for amenity reasons <input type="checkbox"/></li> <li>▪ is retained only in preference to a proposed alternative <input type="checkbox"/></li> </ul>
<p><b>E – Research Potential</b></p> <p><i>An item has potential to yield information that will contribute to an understanding of the local area’s cultural or natural history.</i></p>	<p>While an archaeological assessment is beyond the scope of this assessment, it is not anticipated that there may be archaeological remains of significance at the subject site.</p> <p><b>The subject site does not reach the threshold of local significance under this criterion.</b></p>
<p><u>Guidelines for Inclusion</u></p> <ul style="list-style-type: none"> <li>▪ has the potential to yield new or further substantial scientific and/or archaeological information <input type="checkbox"/></li> <li>▪ is an important benchmark or reference site or type <input type="checkbox"/></li> </ul>	<p><u>Guidelines for Exclusion</u></p> <ul style="list-style-type: none"> <li>▪ the knowledge gained would be irrelevant to research on science, human history or culture <input checked="" type="checkbox"/></li> <li>▪ has little archaeological or research potential <input checked="" type="checkbox"/></li> <li>▪ only contains information that is readily available from other resources or archaeological sites <input type="checkbox"/></li> </ul>

<ul style="list-style-type: none"> <li>provides evidence of past human cultures that is unavailable elsewhere <input type="checkbox"/></li> </ul>	
<p><b>F – Rarity</b></p> <p><i>An item possesses uncommon, rare or endangered aspects of the local area’s cultural or natural history.</i></p>	<p>The residence at 186 Kurraba Road possesses some elements of stripped Functionalist style and is a Post-War dwelling. This style and era of dwelling would not be considered rare within the North Sydney LGA or Sydney region and the dwelling is not particularly intact.</p> <p><b>Therefore, the subject site does not reach the threshold of local significance under this criterion.</b></p>
<p><u>Guidelines for Inclusion</u></p> <ul style="list-style-type: none"> <li>provides evidence of a defunct custom, way of life or process <input type="checkbox"/></li> <li>demonstrates a process, custom or other human activity that is in danger of being lost <input type="checkbox"/></li> <li>shows unusually accurate evidence of a significant human activity <input type="checkbox"/></li> <li>is the only example of its type <input type="checkbox"/></li> <li>demonstrates designs or techniques of exceptional interest <input type="checkbox"/></li> <li>shows rare evidence of a significant human activity important to a community <input type="checkbox"/></li> </ul>	<p><u>Guidelines for Exclusion</u></p> <ul style="list-style-type: none"> <li>is not rare <input checked="" type="checkbox"/></li> <li>is numerous but under threat <input type="checkbox"/></li> </ul>
<p><b>G – Representative</b></p>	<p>186 Kurraba Road would not be considered a fine example and does not possess the principal characteristics of the Stripped Functionalist style.</p>

<p><i>An item is important in demonstrating the principal characteristics of a class of NSWs (or the local area's):</i></p> <ul style="list-style-type: none"> <li>▪ <i>cultural or natural places; or</i></li> <li>▪ <i>cultural or natural environments.</i></li> </ul>	<p>The dwelling is of limited integrity and has been heavily modified throughout the late 20<sup>th</sup> century.</p> <p><b>Therefore, the subject site does not reach the threshold of local significance under this criterion.</b></p>
<p><b>Guidelines for Inclusion</b></p> <ul style="list-style-type: none"> <li>▪ is a fine example of its type <input type="checkbox"/></li> <li>▪ has the principal characteristics of an important class or group of items <input type="checkbox"/></li> <li>▪ has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique or activity <input type="checkbox"/></li> <li>▪ is a significant variation to a class of items <input type="checkbox"/></li> <li>▪ is part of a group which collectively illustrates a representative type <input type="checkbox"/></li> <li>▪ is outstanding because of its setting, condition or size <input type="checkbox"/></li> <li>▪ is outstanding because of its integrity or the esteem in which it is held <input type="checkbox"/></li> </ul>	<p><u>Guidelines for Exclusion</u></p> <ul style="list-style-type: none"> <li>▪ is a poor example of its type <input type="checkbox"/></li> <li>▪ does not include or has lost the range of characteristics of a type <input type="checkbox"/></li> <li>▪ does not represent well the characteristics that make up a significant variation of a type <input type="checkbox"/></li> </ul>

## STATEMENT OF SIGNIFICANCE

186 Kurraba Road was constructed in the late 1940s by the Norwegian-Australian ocean sailor Trygve Halvorsen, who was the original builder and owner of the dwelling. The house has some loose historic association with Halvorsen; however, this does not remain tangible due to a major 1970s renovation of the dwelling following its sale in c.1960.

The house retains little integrity both externally and internally, with the original late 1940s interior entirely altered throughout successive renovations in the 1970s, 1980s and early 2000s. This included

the enclosure of much of the top floor of the building to create additional internal rooms, an extension adjacent to the kitchen, and the conversion of the below ground level to a separate unit with no original fabric remaining. The exterior has also been altered, with replacement of original windows and doors throughout, the creation of new exterior walls and the east elevation, and the construction of new deck areas.

The dwelling retains some characteristics of a Stripped Functionalist dwelling, however heavily modified and therefore possesses no aesthetic significance. Furthermore, it does not contribute to the streetscape of Kurraba Road due to its siting at the rear of the subject site. Finally, the dwelling is not associated with the significant period of the development within the Kurraba Point area in the early 1900s and therefore does not have historic significance.

## **DISCUSSION**

### **Materials, Colours, and Finishes**

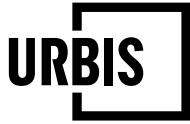
Urbis have reviewed the updated architectural package prepared by Koichi Takada Architects. The updated palette of materials, colours and finishes has addressed the heritage comments provided by North Sydney Council and utilises a light brown brick palette which responds to the vicinity heritage items and conservation areas.

### **Associative Significance**

Whilst it is recognised that 186 Kurraba Road was likely initially constructed for and by Trygve Halvorsen, significant modifications to the dwelling have succeeded in disconnecting the space from Halvorsen's occupation and use of the dwelling. As noted in the historical overview of the site, significant alterations and additions were undertaken to the dwelling during the 1960s and 70s which involved the removal of original features including flooring, cornices, skirting, corbels, and ceiling roses. It is understood that these works removed the original interior and established a contemporary interior, now reflecting the 1970s rather than Halvorsen's time of residence in the 1940s. Similar interior works were carried out again in the 1980s and in following decades. The significant amount of works undertaken to the dwelling have removed any personal inflection that Halvorsen may have incorporated to his former home.

Further, the exterior of the house is also highly modified and whilst it maintains some elements of the Inter-War Functionalist architectural style, it maintains little integrity overall. The subject dwelling does not hold aesthetic significance as an example of Inter-War architecture on its own merit, nor has it been encapsulated by a greater heritage conservation area to date. Halvorsen did not commission any known architect to construct his home and whilst the extent to which Halvorsen's personal taste influenced the style of the house is unknown, it is clear that the alterations and additions undertaken by later owners have diminished the original design intent. The existing condition of the dwelling, both internally and externally, does not demonstrate a continued, tangible link between the property and Halvorsen.

As an evolving place, Kurraba Point, the North Sydney LGA, and Sydney in general encompass layers of history. Every property maintains some level of association with its prior landowners including its Aboriginal land ties, early land grantees, and later phases of urban development. Historical research has not been able to establish a link between Trygve Halvorsen and the North Sydney LGA specifically, beyond his former residence within Kurraba Point. Halvorsen is not a known, significant figure in the course of North Sydney's history. Further, Halvorsen vacated the property prior to the 1980s and moved to another location prior to passing away in 2014 and it is reasonable to assume that his later residences maintain the same level of association with his legacy as the subject site.



Australia has a longstanding history as being a nation that takes pride in our sports achievements. Notwithstanding, this pride does not translate to the memorialisation to all our sportsmen and women and those that are recognised are often for national and/or international contributions, and significance in a sporting community does not necessarily correlate with their place of residence having subsequent heritage significance under the NSW Significance Assessment criteria. Halvorsen continues to be recognised within maritime circles for his successes in sailing though he is never identified as a being North Sydney local.<sup>3</sup>

Overall, whilst Urbis recognises that Trygve Halvorsen is a recognisable figure within sailing circles, the link between Halvorsen and the subject site is incidental and does not meet the criteria for heritage local heritage listing under the *North Sydney Local Environmental Plan 2013* for the reasons identified above.

Should you have any further questions or queries, please do not hesitate to contact the undersigned.

Kind regards,

A handwritten signature in black ink, appearing to read "SA", with a long, sweeping horizontal line extending to the right.

Samara Allen  
Senior Consultant  
+61 2 8233 9980  
sallen@urbis.com.au

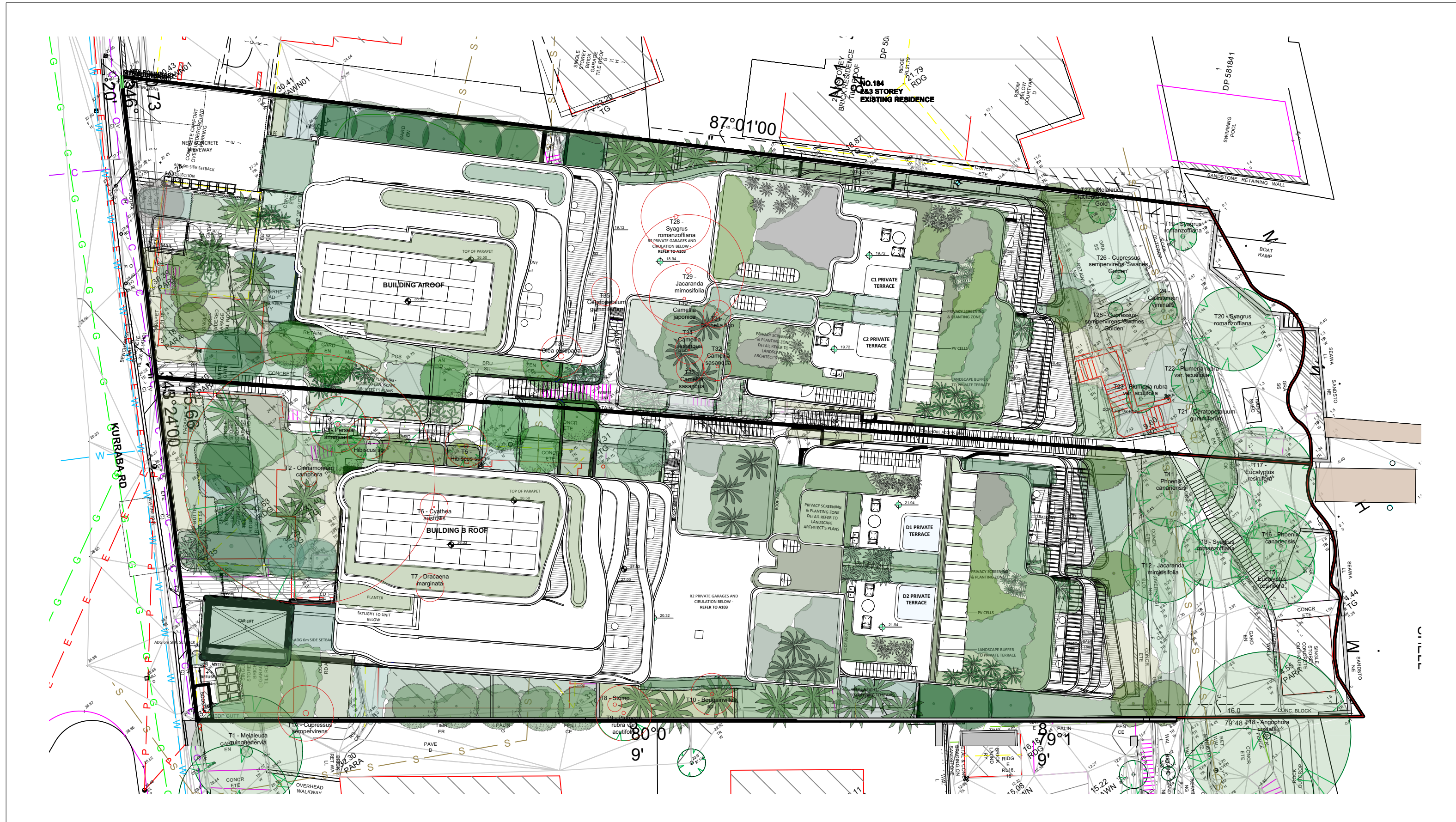
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<sup>3</sup> 'Trygve Halvorsen 1920-2014', Australian National Maritime Museum, accessed August 2023 via <https://collections.sea.museum/people/6724/users/login>



# 190 Kurraba Rd, Kurraba Point

## DEVELOPMENT APPLICATION



### PLANT SCHEDULE

Botanic Name	Common Name	Mature Height	Pot Size	Qty
Agave gypsophila	Gypsum Century Plant	0.7m	300mm	33
Agave weberi	Maguey Liso	1m	400mm	5
Aloe 'Baby Bush Yellow'	Baby Bush Yellow	0.4m	200mm	540
Alpinia nutans	Dwarf Cardamom	1.2m	200mm	217
Banksia integrifolia	Coastal Banksia	5-10m	200Ltr	1
Banksia serrata	Old Man Banksia	3-6m	200Ltr	7
Cissus 'Ellen Danica'	Grape Ivy	0.3m	200mm	402
Correa alba	White Correa	1.2m	200mm	104
Crassula ovata minima	Jade	0.6m	200mm	55
Cyathea australis	Rough Tree Fern	3-7m	100Ltr	12
Delosperma cooperi	Hardy Iceplant	0.1m	200mm	60
Doryanthes excelsa	Gymea Lily	1-3m	300mm	43
Dracaena 'Janet Craig'	Janet Craig	1-3m	200mm	231
Ficinia nodosa	Knobby Club-Rush	0.8-1m	300mm	175
Ficus rubiginosa	Port Jackson Fig	15m	advanced	4
Hibbertia scandens	Guinea Flower	Climber	200mm	564
Howea forsteriana	Kentia Palm	5-12m	advanced	20
Jacaranda mimosifolia	Jacaranda	10-15m	advanced	1
Juniperus horizontalis	Creeping Juniper	0.1-0.3m	200mm	120
Leptospermum laevigatum	Coastal Tea Tree	2-5m	200mm	40
Livistona australis	Cabbage Tree Palm	10-20m	advanced	9
Lomandra sp.	Mat Rush	0.4-1m	200mm	2036
Macrozamia communis	Burrawang	1.5-2m	400mm	8
Magnolia 'Teddy Bear'	Teddy Bear Magnolia	3-6m	200Ltr	2
Monstera deliciosa	Fruit Salad Plant	0.5-1.5m	200mm	316
Pandorea pandorana	Wonga Wonga Vine	Climber	200mm	393
Pennisetum 'Nafra'	Dwarf Fountain Grass	0.6m	200mm	59
Philodendron selkum	Philodendron	1.5-2.5m	300mm	12
Philodendron 'Xanadu'	Xanadu	0.7m	200mm	97
Portulacaria afra	Elephant Bush	2.5-4m	140mm	278
Rhaphiolepis indica	Indian Hawthorn	2-3m	400mm	78
Rhapis excelsa	Lady Palm	4-5m	100Ltr	20
Rhapis excelsa	Lady Palm	4-5m	400mm	73
Rosmarinus prostratus	Prostrate Rosemary	Groundcover	200mm	75
Sansevieria 'Uganda'	Snake Plant	0.6m	200mm	60
Syzygium 'Resilience'	Resilient Lilly Pilly	2-4m	400mm	58
Trachelospermum jasminoides	Star Jasmine	Climber	200mm	24
Tristania 'Luscious'	Luscious Water Gum	4-6m	100Ltr	25
Viola hederacea	Native Violet	0.2m	140mm	325
Westringia fruticosa	Coastal Rosemary	2m	200mm	65
Zamia furfuracea	Carboard Cycad	0.7-1m	400mm	16

Locally Occurring Native Species  
NOTE: 54.33% of proposed plants are native

### GENERAL NOTES:

#### GRAPHIC ILLUSTRATION

Please note that the plant graphics are indicative sizes only and not an accurate representation at time of purchase. Do not scale from drawings. All dimensions in mm unless otherwise stated. Figure dimensions shall take precedence over scale. Contractors must verify all dimensions on site before commencing any work or making shop drawings. All works shall be carried out in accordance with ASA, BCA and Local Government Regulations. This drawing is protected by copyright.

#### SITE PREPARATION

All existing plants marked for retention shall be protected for the duration of works. Remove from site all perennial weeds and rubbish before commencing landscape works.

#### SOILWORKS

Thoroughly cultivate the subsoil to a depth of 200mm. Supply and install to a depth of 300mm quality garden soil mix to all planting beds and 150mm turf underlay to lawn areas.

#### MULCH

Supply and install a 75mm layer of hardwood horticultural grade mulch to all planting beds set down 25mm from adjacent paving or garden edge.

#### MAINTENANCE

All failed or defective plant species to be replaced by landscaper for a 3 months period following completion of work. Further maintenance during and after this period should include watering, weeding, fertilising, pest and disease control, pruning and hedging, reinstatement of mulch and keeping the site neat and tidy.

### GENERAL PLANTING NOTES:

**NOTE:** It is recommended that all plants used be subject to an establishment period. During this period maintenance work carried out will include: watering, mowing, weeding, fertilising, pest and disease control, reseeding, returfing, staking and tying, replanting, cultivating, pruning, hedge clipping, aerating, reinstatement of mulch, top dressing and keeping the site neat and tidy.

**NOTE:** Plants shall be vigorous, well established, of good form consistent with species or variety, not soft or forced, free from disease and insect pests, with large healthy root systems and no evidence of having been restricted in growth or damaged. Root system shall be well balanced in relation to the size of the plant.

**NOTE:** Install 'root barrier' or equivalent to manufacturers specifications to protect nearby structures and services.

**NOTE:** Install temporary drip irrigation system under mulch in tree protection zones and water on allotted days.



LOCATION MAP



Project:  
190 Kurraba Rd, Kurraba Point

Client:  
Kurraba Rd

Dwg no:  
LP01-D1622

Title:  
DA Cover Sheet

Drawn by: Checked: Scale:  
TB NB 1:150 @ A2

Issue: Revision: Date:  
01 E 04.08.2023

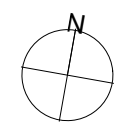
Landscape Design Sydney Tel: (02) 9316 9044  
53 Cranbrook St Fax: (02) 9316 9055  
Botany NSW 2019

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# R2 GROUND LANDSCAPE PLAN

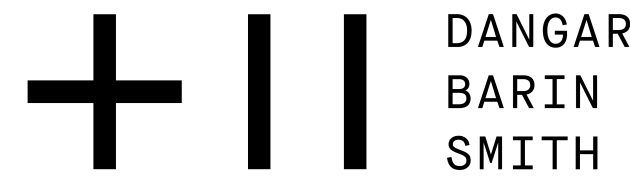


Project: 190 Kurraba Rd, Kurraba Point  
 Client: Kurraba Rd

Dwg no: LP01-D1622  
 Title: R2 G Landscape

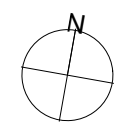
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# R2 LEVEL 2 & R4 BASEMENT LANDSCAPE PLAN



Project: 190 Kurraba Rd, Kurraba Point  
Client: Kurraba Rd  
Dwg no: LP02-D1622  
Title: R2 L2 & R4 Basement Landscape

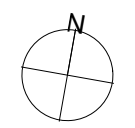
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Issue: Revision: Date: 01 E 04.08.2023

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# R4 LOWER GROUND LANDSCAPE PLAN

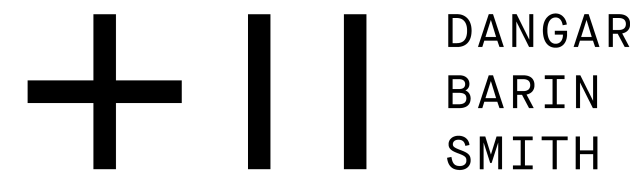


Project: 190 Kurraba Rd, Kurraba Point  
Client: Kurraba Rd

Dwg no: LP03-D1622  
Title: R4 LG/ R2 Roof Landscape

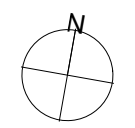
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Issue: Revision: Date: 01 E 04.08.2023

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# R4 GROUND LANDSCAPE PLAN



Project:  
190 Kurraba Rd, Kurraba Point

Client:  
Kurraba Rd

Dwg no:  
LP04-D1622

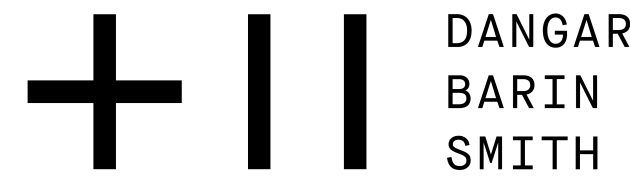
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Issue: Revision: Date:  
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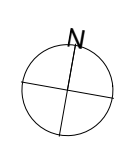
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# R4 LEVEL 1 LANDSCAPE PLAN

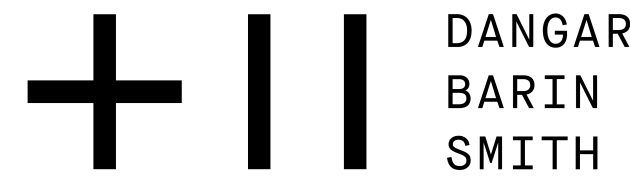


Project: 190 Kurraba Rd, Kurraba Point  
 Client: Kurraba Rd

Dwg no: LP05-D1622  
 Title: R4 L1 Landscape

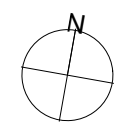
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 TB NB  
 Issue: Revision: Date: 04.08.2023  
 01 E

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# R4 LEVEL 2 LANDSCAPE PLAN



Project:  
190 Kurraba Rd, Kurraba Point

Client:  
Kurraba Rd

Dwg no:  
LP06-D1622

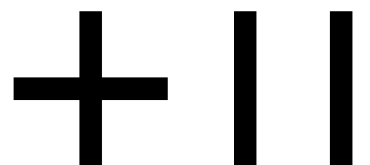
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Issue: 01  
Revision: E  
Date: 04.08.2023

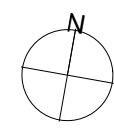
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**DANGAR  
BARIN  
SMITH**

# R4 LEVEL 3 LANDSCAPE PLAN



Project:  
190 Kurraba Rd, Kurraba Point

Client:  
Kurraba Rd

Dwg no:  
LP07-D1622

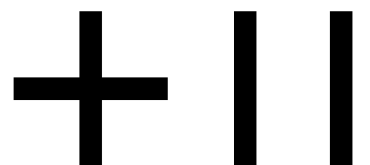
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R4 L3 Landscape

Drawn by: TB  
Checked: NB  
Scale: 1:150 @ A2

Issue: 01  
Revision: E  
Date: 04.08.2023

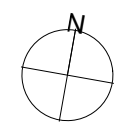
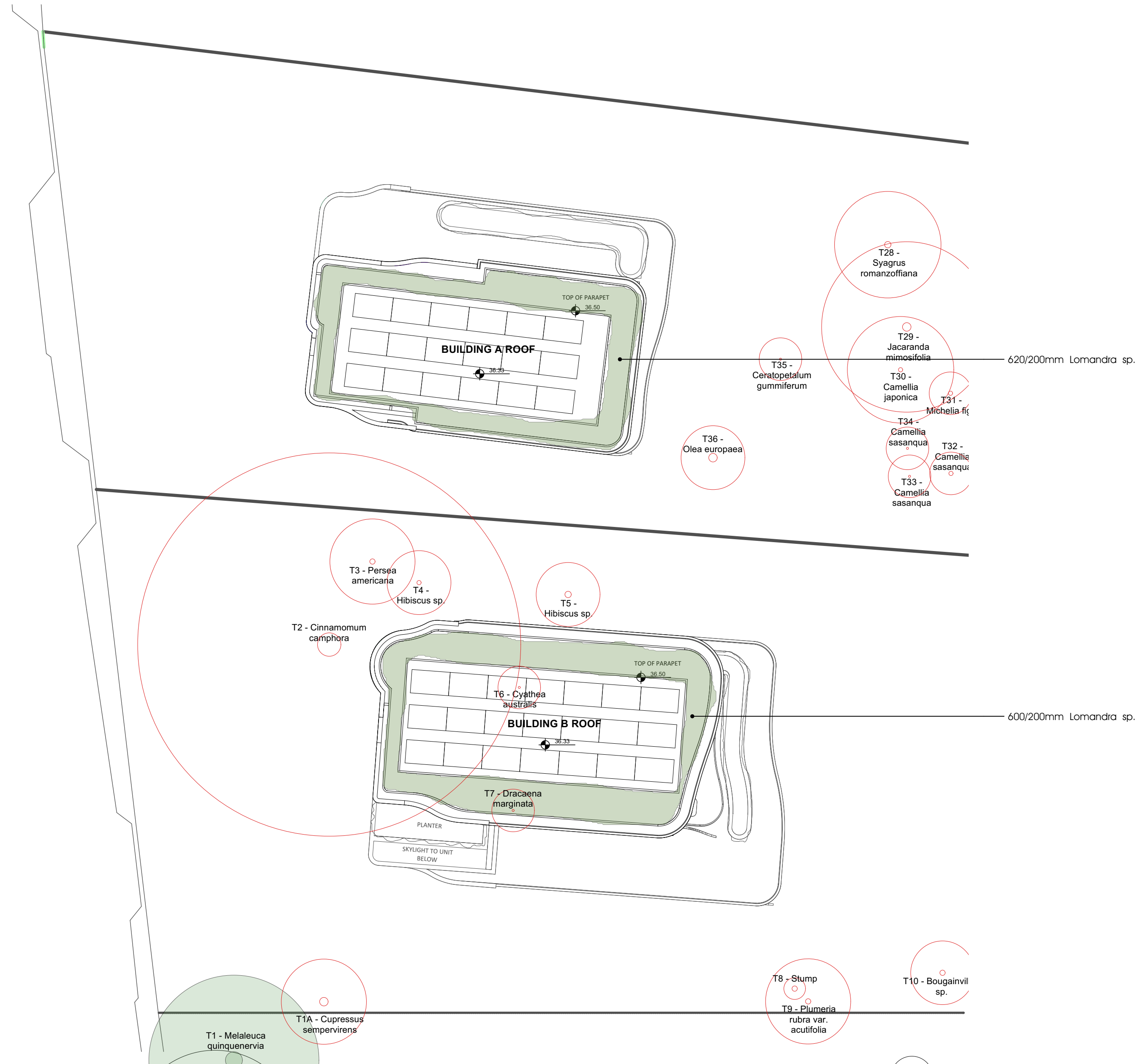
Landscape Design Sydney Tel: (02) 9316 9044  
53 Cranbrook St Fax: (02) 9316 9055  
Botany NSW 2019

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DANGAR  
BARIN  
SMITH

# R4 ROOF LANDSCAPE PLAN



Project:  
190 Kurraba Rd, Kurraba Point

Client:  
Kurraba Rd

Dwg no:  
LP08-D1622

Title:  
R4 Roof Landscape

Drawn by: Checked: Scale:  
TB NB 1:150 @ A2

Issue: Revision: Date:  
01 E 04.08.2023

Landscape Design Sydney Tel: (02) 9316 9044  
53 Cranbrook St Fax: (02) 9316 9055  
Botany NSW 2019

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31 July 2023

Assessment Officer: Damon Kenny  
North Sydney Council

**RE: LANDSCAPE DESIGN STATEMENT FOR 184B-190 KURRABA POINT ROAD, KURRABA POINT**

This letter is to support the landscape development application for the above-mentioned project, in response to the additional information request of DA343/22 – 184B-190 Kurraba Point Road, Kurraba Point.

We believe that the landscape design and planting palette proposed is sympathetic to the surrounding character of Kurraba Point Road and the wider Kurraba Point and Sydney Harbour precinct. The design takes into consideration both the importance of views to the water by surrounding properties and the importance to support North Sydney Council's requirement to ensure visual privacy within the site and from neighbouring properties. This condition was the reason why Dangar Barin Smith had a substantial amount of privacy screening planting on the original application. The updated landscape plans (Revision E, dated 31.07.2023) have been reviewed and modified to satisfy the council's request by maximising plantable areas within setbacks and boundary planter zones.

For the boundary planter zones, a selection of species such as *Syzygium resilience*, *Tristaniopsis 'Luscious'* and *Howea forsteriana* have been proposed to allow for green amenity around the periphery of the buildings. These species have been selected for their ability to provide visual relief between the surrounding properties whilst ensuring the neighbouring lines of site aren't compromised.

Along the foreshore line we have proposed to retain the existing landscape to ensure the original character is maintained. A selection of locally occurring native species including *Pandorea pandorana*, *Lomandra sp.* and *Hibbertia scandens* have been used within the foreshore line as they are sympathetic to the surrounding characteristics of the local foreshore area. The design aims to improve the visual amenity, natural character and encourage biodiversity of flora and fauna in the foreshore area.

Planter sizes have been increased in the R2 dual occupancy roof top terraces to allow for greater buffer between neighbouring and properties on site. Additional quantity of species such as *Correa alba*, *Pandorea pandorana* and *Lomandra sp.*, have been included to the landscape plans (Revision E, dated 31.07.2023). These species have been selected for their ability to provide visual relief without impacting neighbouring views and solar exposure. Planting has also been increased within front setback to soften built form, retain the existing character within the streetscape and maintain the desired lush green sense of arrival.

All planting included within the design has been specified to ensure that key views are not compromised while ensuring the overall landscape compliments and suits the surrounding of Kurraba Road, Kurraba Point and the wider Sydney Harbour precinct environment.

requested

Yours sincerely,

Naomi Barin  
DIRECTOR  
DANGAR BARIN SMITH