



NSLPP MEETING HELD ON 06/03/24

Attachments:

1. Site Plan
2. Architectural Plans & Landscape Plans
3. Clause 4.6 Statement (Height of Building & Dual Occupancies)
4. Heritage Impact Statement

ADDRESS: 160 Kurraba Road, Kurraba Point

APPLICATION No: DA 191/23

PROPOSAL: Substantial alterations and additions to an existing residential flat building to change the use to a dual occupancy (attached) with alterations to existing car parking and landscaping

PLANS REF:

Plan No.	Rev No.	Description	Prepared by	Dated
DA-0103	19	Site Plan	SJB Architects	14.02.2024
DA-0301	19	Demolition Floor Plan – Lower Ground	SJB Architects	14.02.2024
DA-0302	19	Demolition Floor Plan - Ground	SJB Architects	14.02.2024
DA-0303	19	Demolition Floor Plan – Level 1	SJB Architects	14.02.2024
DA-0304	19	Demolition Floor Plan – Level 2	SJB Architects	14.02.2024
DA-0305	19	Demolition Floor Plan – Level 2 Mezzanine	SJB Architects	14.02.2024
DA-1001	19	Proposed Floor Plan – Lower Ground	SJB Architects	14.02.2024
DA-1002	19	Proposed Floor Plan – Ground	SJB Architects	14.02.2024
DA-1003	19	Proposed Floor Plan – Level 1	SJB Architects	14.02.2024
DA-1004	19	Proposed Floor Plan – Level 2	SJB Architects	14.02.2024
DA-1005	19	Proposed Floor Plan – Level 2 Mezzanine	SJB Architects	14.02.2024
DA-1401	19	Proposed Elevations North/South/East/West	SJB Architects	14.02.2024
DA-1501	19	Proposed Sections	SJB Architects	14.02.2024

OWNER: Props of SP 15949

APPLICANT: SJB Architects

AUTHOR: Thomas Holman, Senior Assessment Officer

DATE OF REPORT: 16 February 2024

DATE LODGED: 15 June 2023

AMENDED/ADD INFO: 29 September 2023, 1 December 2023 & 15 February 2024

RECOMMENDATION: Approval

EXECUTIVE SUMMARY

This development application seeks consent for internal alterations as well as alterations to the façade and additions to an existing residential property converting four apartments into two apartments thereby changing the use of the site from a residential flat building (RFB) to a dual occupancy (attached).

The development application is reported to the North Sydney Local Planning Panel for determination because the proposed development contravenes a development standard imposed by an environmental planning instrument by more than 10% in accordance with the Ministers Direction “Local Planning Panel Direction – Development Applications” dated 30 June 2020, published to the NSW Planning Portal.

The development proposes a replacement rooftop (Level 2) addition that has a maximum height of 11.5m, being a variation of 35% which does not comply with the maximum permitted height of 8.5m in Clause 4.3 in NSLEP 2013. The contravention of the development standard for height is justifiable and reasonable as the works involve replacement of existing structures at Level 2 which would have negligible amenity impacts on neighbouring properties, would improve the appearance of the building in the street and would result in a reduction in the overall height of the structure. The resulting development would be an improved design compared to the existing rooftop conservatory style addition.

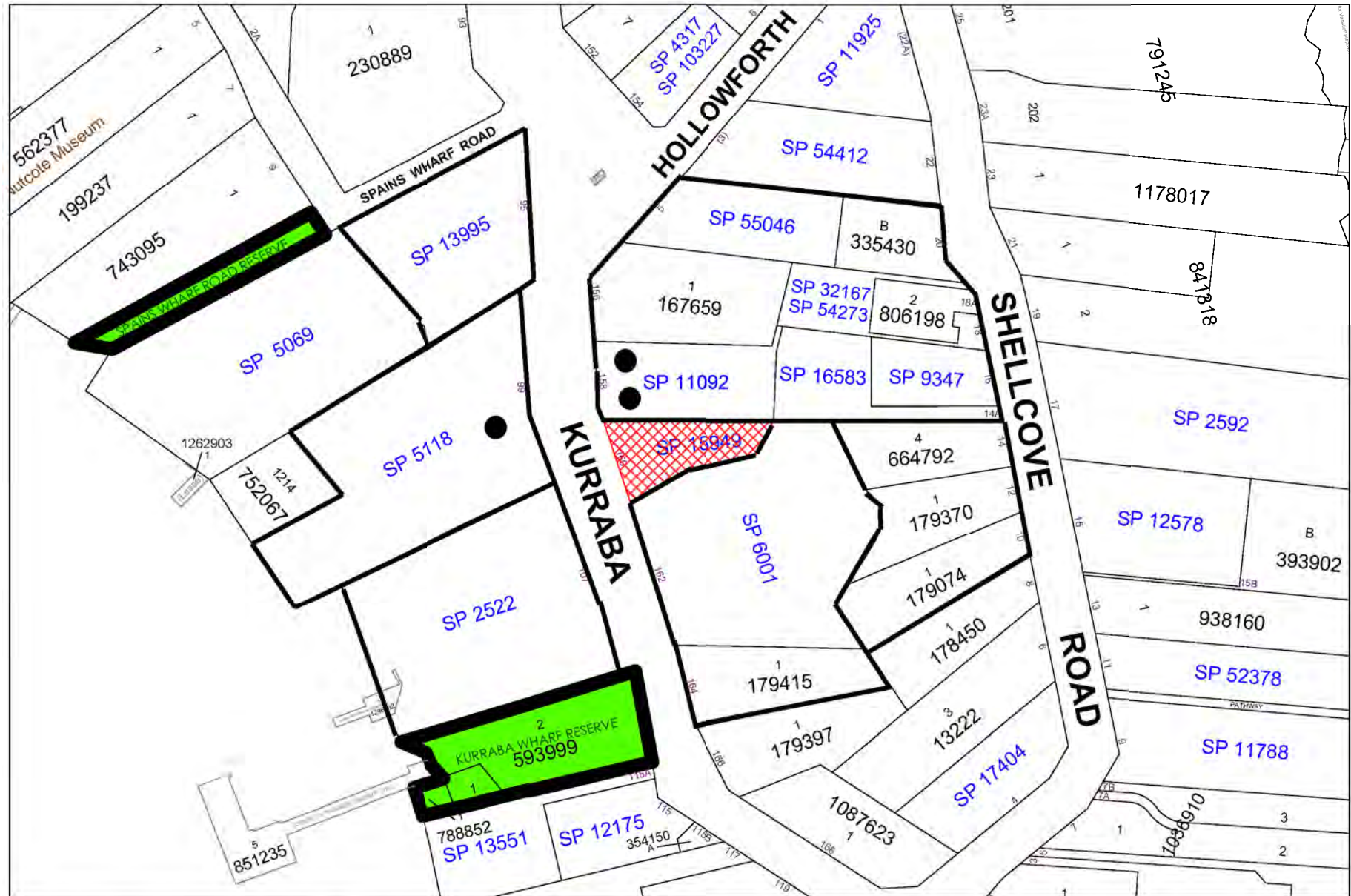
The proposed development seeks to change the use of the site from a RFB to a dual occupancy. The dual occupancy does not comply with Cl. 6.6(1)(a) & (c) because the form of the building will remain not as a dwelling, but an Interwar residential flat building and the existing site area is less than 450 square metres. A written request pursuant to Clause 4.6 in NSLEP 2013 has been provided to address the provisions of Cl. 6.6 which is considered to be well founded because the change of use positively responds to the significance of the site to the surrounding conservation area, the dual occupancy provides an improved level of amenity for residents and adjoining properties area and the change of use will be substantially within the fabric of the existing building conserving the appearance and significant fabric of the building.

The rooftop addition is appropriately designed sympathetic with the Interwar building style and the rooftop addition is an improved outcome for the street and character of the conservation area removing the existing uncharacteristic conservatory style roof addition with operable metal screens.

Council received three (3) submissions and where appropriate conditions of consent are recommended to manage dust emission, noise and vibration during construction and a construction management plan is recommended by condition to ensure appropriate traffic and operational measures are prepared and approved prior to construction.

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

LOCATION MAP



Property/Applicant ● Submitters - Properties Notified

DESCRIPTION OF PROPOSAL

The proposed development seeks substantial internal alterations as well as alterations to the façade and additions to an existing residential property converting four apartments into two apartments thereby changing the use of the site from a residential flat building (RFB) to a dual occupancy (attached). Below is the full extent of works to the property.

Lower Ground Floor – FFL 23.33

- Excavation to the lower ground parking area to accommodate space for provision of 4 x car spaces, 2 x bicycle spaces, storage and waste storage.
- A lift and lift lobby is proposed and external stairs within the southern side setback are to be demolished to be replaced with a pathway.

Ground Floor – FFL 27.62

- Part demolition of internal partitions and construction of new partitions to form a 2 x bed apartment.
- A side addition to the northern side of the building providing pedestrian access to the apartment and additional floorspace.

Level 1 – RL 30.64

- Part demolition of internal partitions and construction of new partitions to form a 4 x bed apartment.
- A side addition to the northern side of the building providing pedestrian access to the apartment and additional floorspace.

Level 2 – RL 33.67

- Demolition of existing rooftop addition to be replaced with a new rooftop addition providing an open space living/kitchen and dining area for the Level 1 apartment (Apartment 2).
- A side addition to the northern side of the building providing pedestrian access to the apartment.

Level 2 Mezzanine / Roof – RL 36.53

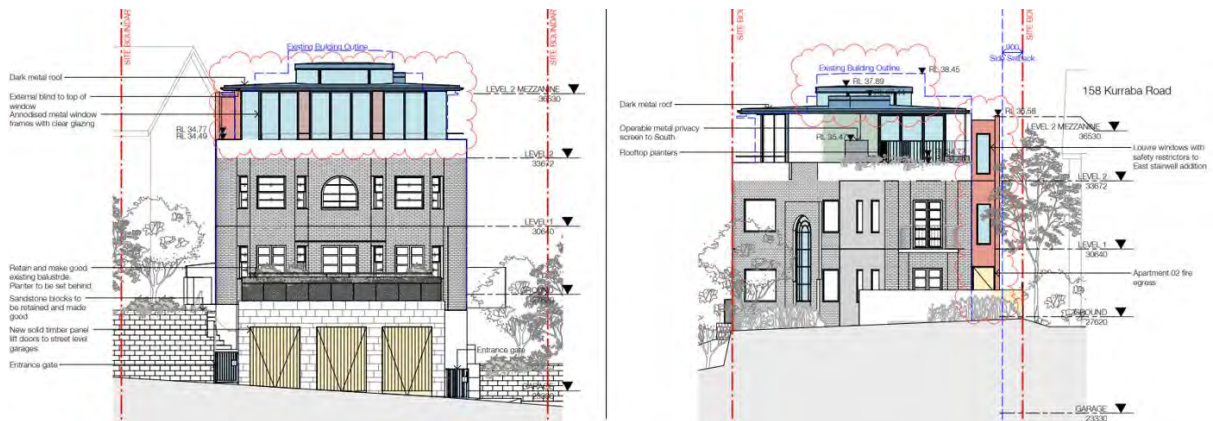
- Construction of a new shallow pitched metal roof, 2 x skylights to the roof and lightwell.

West (Front) Elevation

- Removal of existing metal roller shutter doors and installation of timber panel lift doors.
- Retention of existing metal balustrade and construction of a planter bed set behind with a render finish.
- The rooftop addition will comprise of glazed windows in metal framing and two brick piers are proposed.

East (Rear) Elevation

- Planter to the rear of the roof terrace and a retractable balustrade/screen to the boundaries of the roof terrace.



Figures 1 & 2 – Proposed West Elevation (left) and Proposed East Elevation (right), DA-1401 Rev 19

North (Side) Elevation

- Side addition to comprise of masonry with narrow vertical windows openings (obscure glazed on the ground, first and second floor level.



Figure 3 – Proposed North Elevation, DA-1401 Rev 19

South (Side) Elevation

- Roof terrace is to comprise of a rendered balustrade with retractable 1.8m screen/metal balustrade.
- Extension of the existing arch window.

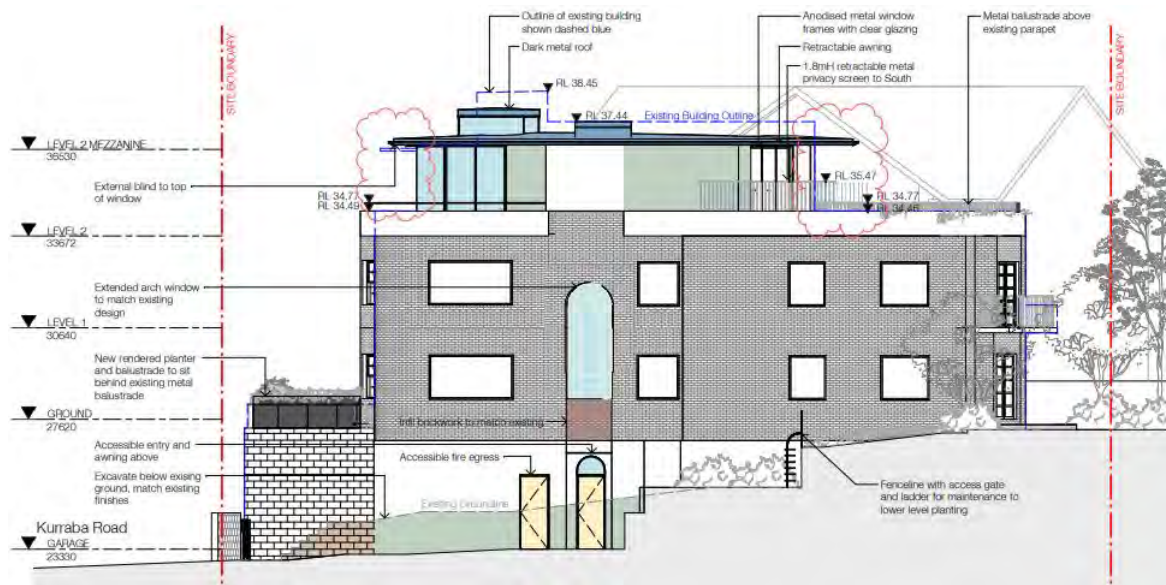


Figure 4 – Proposed South Elevation, DA-1401 Rev 19

Landscaping

- One (1) tree is sought for removal comprising of 1 x *Olea europaea*.
- New landscaping is proposed within the north western and south western corners of the site comprising varied planting of shrubs and groundcovers inclusive of local native planting and 1 x *Cupressus arizonica* will remain in the north western front garden bed.
- Landscaping is proposed within the side southern side setback including feature planting such as 6 x *Cyathia australis* and 1 x *Tristaniopsis laurina*.
- The existing *Murraya paniculata* hedging along the rear boundary is to remain as well as the *Plumeria* within the rear setback of the site. *Syzygium austral* screen planting is proposed along the northern side boundary of the site.

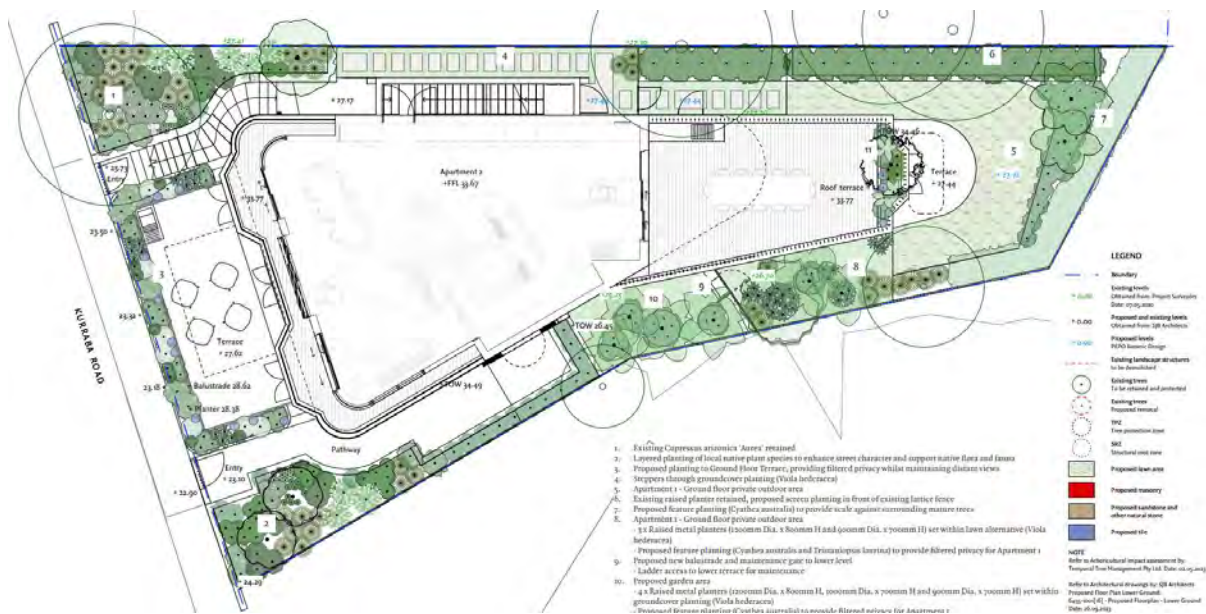


Figure 5 – Proposed Landscape Site Plan, Page 3 dated 29 September 2023

STATUTORY CONTROLS

North Sydney LEP 2013

- Zoning – R3 Medium Density Residential Zone
- Item of Heritage - No
- In Vicinity of Item of Heritage – Yes Local Heritage Item I0658 - 95 Kurraba Road
- Conservation Area – “CA16” Kurraba Point Conservation Area
- FSBL - No

Environmental Planning & Assessment Act 1979

Environmental Planning and Assessment Regulation 2021

SEPP (Biodiversity and Conservation) 2021

- Chapter 2 Vegetation in non-rural areas
- Chapter 6 Water Catchments

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Resilience and Hazards) 2021

- Chapter 4 Remediation of Land

POLICY CONTROLS

NORTH SYDNEY DCP 2013

North Sydney Local Infrastructure Contributions Plan 2020

DESCRIPTION OF LOCALITY

The subject site is legally described as SP 15949 and known as 160 Kurraba Road, Kurraba Point NSW 2089.

The site has a total area of 372.5m² with frontages of 18.9m to Kurraba Road, and 8.31m to the rear boundary. The site is irregular in shape and currently comprises of a three storey residential flat building comprising of four apartments with lower ground parking. The existing setbacks of the site are landscaped with a tree canopy providing screen planting to the rear and northern side boundary and an existing roof terrace provides outdoor amenity to an upper level apartment.



Figures 6-8 – Photos of the Site from Kurraba Road

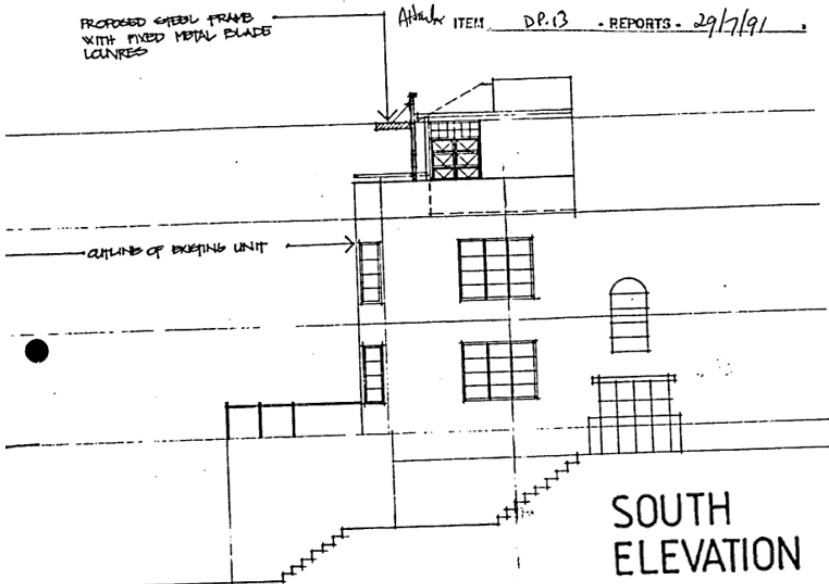
Surrounding development is predominantly residential including single dwellings, attached dwellings and apartment developments, including a number of heritage listed properties. The site is situated within the R3 Medium Density Residential Zone. The site is situated within the CA16 Kurraba Point Conservation Area and is a neutral item.




Figures 9-11 – Land Zoning Map (left), Heritage Map (middle) and Height of Building Map (right)

RELEVANT HISTORY

Previous applications

Date	Action
06/08/1991	<p>Development Application No. 1185/91 proposing the erection of steel framed sunscreens to the rooftop conservatory of 160 Kurraba Road was granted consent on 06 August 1991.</p>  <p>Figure 12 – Approved steel framed sunscreen to rooftop conservatory</p>
22/05/1989	<p>Development Application No. 1053/89 for a conservatory on the roof terrace of the residential flat building at 160 Kurraba Road was approved by Council on 22 May 1989.</p>
16/12/1982	<p>Development Application No. 1271/82 was approved for additions to the existing residential flat building.</p>

	 <p style="text-align: center;">Figure 12a. Subject Site circa 1982.</p>
1949 & 1980	<p>Building Approval No. 140/48 granted consent for the erection of the building and Strata subdivision of the residential flat building into 4 strata lots was approved by Council on 18 August 1980 (P408/160/4).</p>

Current Application

Date	Action
15/06/2023	Development Application lodged on 15 June 2023.
14/07/2023	Application notified to adjoining properties and the Kurraba Precinct between 30 June 2023 and 14 July 2023.
28/08/2023	Site visit was completed by the Assessment Officer and Heritage Officer.
31/08/2023	<p>A preliminary assessment letter was issued to the applicant via the Portal with the following identified issues:</p> <ul style="list-style-type: none"> • Site Coverage – the original site coverage calculation diagram does not calculate the lower ground garage or the proposed lift lobby. The extension within the northern side setback added further site coverage. Amendments were required to limit the building footprint and not increase the beyond the existing site coverage exceedance. • Landscaped Area – the southern side setback comprising of decorative gravel is not landscaped area and the setbacks should be amended to feature landscaped areas such as garden beds, natural grass turf and groundcover. • Side Setback – the three storey side addition with a 1m side boundary setback to the northern side of the building adds to the bulk and scale of the building, reduces separation between buildings and fails to reinforce a characteristic pattern of setbacks. • Visual Privacy & Glazing – the existing arch window to the southern elevation should be frosted/obscure glazed to minimise potential privacy impact to residents of the adjoining RFB at No. 162 Kurraba Road. • Heritage – The existing original decorative metal balustrade to the front terrace should be retained.

	<ul style="list-style-type: none"> • Landscaping – the removal of T1 Cupressus arizonica should be retained, area of gravel replaced with landscaping, sufficient landscaping within the northern side setback shall remain and the new masonry wall to the rear of the site shall not impact upon the SRZ/TPZ of Tree E04 Jacaranda mimosifolia & Tree E05 Viburnum sp.
29/09/2023	<p>The Applicant submitted amended Architectural Plans and Landscape Plans with the following notable amendments:</p> <ul style="list-style-type: none"> • The site coverage and landscaped area calculations were amended pursuant to Council comments and the NSDCP 2013. • The design and scale of the alterations and additions were amended to reduce site coverage and increased landscaped area. • Amendments were made to the design of windows to minimise potential privacy impacts to adjoining properties. • The existing metal balustrade at the front terrace was retained as per requirements of Council’s Heritage Officer. • The Landscape Plan was updated to retain the Cupressus arizonica ‘Aurea’, Morus alba, Jacaranda mimosifolia & Viburnum sp. and more landscaping was proposed to the setbacks of the site.
13/11/2023	<p>The amended application was not accepted by Council pursuant to Cl. 38 of the EP&A Regs 2021. A letter was issued to the Applicant on 13 November 2023 informing that the amended application contained insufficient plans and supporting information and the revised DA must include a full set of architectural plans, Clause 4.6 Requests, and a revised BASIX Certificate.</p>
01/12/2023	<p>Additional information was received by Council on 01 December 2023 comprising a full set of Architectural Plans, Clause 4.6 Requests, and a BASIX Certificate.</p>
18/01/2024	<p>Following further assessment of the application the following outstanding issues were outlined in a letter dated 18 January 2024.</p> <ul style="list-style-type: none"> • Clause 4.3 Height of Buildings – amendments were required to bulk and scale and an additional front setback required for the Level 2 addition. • Clause 6.6 Dual Occupancy – the Clause 4.6 and architectural plans must clearly indicate the full extent of work proposed and the development must satisfy the dual occupancy is substantially within the building fabric of the existing building. • Updated Plans and Shadow Diagrams – the plans and sections must detail the scope of demolition and building fabric to be retained. RL’s of various height exceedances should be shown in an updated Height Plane Diagram. Updated shadow diagram must include the building outline of 162 Kurraba Road and elevational shadow diagrams are required.
14/02/2024	<p>Additional information was received by Council on 14 February 2024 comprising an amended set of architectural plans and amended Clause 4.6 Statements. The scope of amendments included:</p> <ul style="list-style-type: none"> • Shadow Diagrams and Elevational Shadow Diagrams – updated shadow diagrams which includes the building outline of the neighbouring 162 Kurraba Road and elevational shadow diagrams of the affected facades of 162 Kurraba Road. • Level 2 Addition – the Level 2 addition front setback was increased by 0.5m.

	<ul style="list-style-type: none">• Updated Elevations and Sections detailing the detailing the fabric to be retained and removed.• Height Plane Diagram – updated diagram stipulating RLs across the proposed Level 2 structure.
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INTERNAL REFERRALS

BUILDING

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

HERITAGE

The application was referred to Council's Conservation Planner who provided the following advice (*in italics*):

The subject property is a Neutral item located within the Kurraba Point Conservation Area. The site contains an apartment building in the Interwar style that was constructed in the period 1943-1950. The building sits in an elevated position above a heavy sandstone garage with a roof terrace above. The main portion of the building is constructed from exposed brick and it has a later lightweight roof top addition constructed between 1985-1990 which has operable shade devices that alter the streetscape presentation of the upper level. The interior retains the original terrazzo common stair and metal balustrade, however, the majority of the apartments have had their interiors modified with new ceilings and floor finishes.

No objection is raised to the removal of the existing lightweight roof top addition and its replacement with a new more solid addition. The proposed new roof addition has been designed to be sympathetic to the Interwar style of the original building but will be readily interpretable as new works as it will have curved edges. The development will improve the character and streetscape presentation of the building in that the visual prominence of the upper level will be reduced and the visual clutter of the operable screens removed.

The proposed flat roof is consistent with the character of other buildings in the conservation area that are designed in the Interwar style. The northern addition for the new staircase to the upper apartment will not be easily seen from the public domain as a result of the oblique and narrow view corridor between the subject building and its northern neighbour.

No objection is raised to the changes to the interiors as the building is not a scheduled heritage item.

The loss of the original decorative metal balustrade to the front terrace above the garages is not supported however, it is noted that it does not comply with the building code. Its replacement with planters is not supported as these will contribute additional bulk to the street. An alternative solution is recommended.

The materials proposed for the works to the main building are characteristic to the conservation area and include brickwork, rendered and painted finishes and timber framed windows and doors.

The proposed use of stained timber to the garage doors is not supported. A painted finish is requested such that it is sympathetic to the character of materials used in the conservation area.

The proposed works will have negligible to low impact upon the nearby heritage items including 95 Kurraba Rd (House converted to apartments), 115A Kurraba Road (Apartment building) and 168 Kurraba Road (Apartment building)

CONCLUSION

The following amendments are sought:

- *The existing original decorative metal balustrade to the front terrace is to be retained. The planter boxes are to be set behind such that they do not contribute additional bulk to the street but provide the necessary height for safety. The garage doors are to have a painted finish not a stained finish.*

Subject to the resolution of the above, please apply standard conditions:

- A3 *No Demolition of Extra Fabric*
E7 *Removal of Extra Fabric*

Heritage Requirements

C10 Original exposed brickwork is not to be painted. The Certifying Authority must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition prior to the release of the Construction Certificate.

(Reason: To retain the character of the Interwar building)

Planning Comment: Council's Heritage Officer is generally in support of the proposed development noting the primary form of the building, its front façade and garages are retained. The new rooftop addition is supported being designed sympathetic to the Interwar style of the original building and the new rooftop addition will improve the character and streetscape presentation of the building deleting the previously approved steel framed sunscreens approved under Development Application No. 1185/91.

Plans have been amended to include the existing decorative metal balustrade and a planter is to be set behind the metal balustrade. A suitably balanced outcome is achieved whereby the decorative metal balustrade is retained and the planters would not have a material impact to the bulk of the building and provide more landscaping contributing to the streetscape.

The Heritage Requirement condition is supported, however additional wording is recommended to expand on the appropriate painting of the garage doors and also ensure all new windows and doors are to be timber framed. In consultation with Council's Heritage Officer, it was supported to include as part of Condition C10 Heritage Requirements that window frames and doors to be timber being a characteristic built element of the Kurraba Point Conservation Area.

Heritage Requirements

C10 The following heritage requirements are to be met:

- a) Original exposed brickwork is not to be painted.*
- b) The garage doors are to have a painted finish complementary to the exterior colours of the building and surrounding Conservation Area.*
- c) New windows and doors are to be timber framed. The materials used for the existing arched window subject to alterations shall be salvaged and reused where possible and new materials are to match the existing arched window.*

The Certifying Authority must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition prior to the release of the Construction Certificate.

(Reason: To retain the character of the Interwar building)

ENGINEERING

The application has been referred to Council's Senior Development Engineer who raised no objections subject to standard conditions addressing the following matters:

- A dilapidation report is to be prepared to record the condition of public infrastructure to be submitted to the Certifying Authority prior to issue of the Construction Certificate **(Conditions C1)**.
- A Stormwater Management and Disposal Design Plan is requested to be prepared by a qualified drainage design engineer and is to be submitted with the Construction Certificate **(Condition C14)**.
- A Construction and Traffic Management Plan must be prepared to be submitted to Council's Traffic Engineers **(Condition C4)** and
- A driveway crossing permit application must be made to Council prior to issue of any Construction Certificate **(C13 Obtain Driveway Crossing and associated works permit)**.
- A security deposit condition **(Condition C15)** for footpath damage bond of \$8,000.00 due to potential damage to the public infrastructure during construction.

Subject to compliance with the recommended conditions the development is acceptable on engineering grounds.

LANDSCAPING

Council's Landscape Development Officer referral raised concerns with respect to the following matters which need to be addressed:

- *The Landscape Plan prepared by Pepo dated 2/5/23 also shows the removal of T1 Cupressus arizonica 'Aurea' (8x4m). The removal of this tree is not required for the proposed works, its retention is recommended in the arborist report therefore removal of this tree is not supported.*
- *There is an existing landscaped area non compliance which will be further reduced. The areas of gravel within the rear setback are not considered landscaped area and shall be replaced with a chequerboard style pattern of paving interplanted with either Ophiopogon japonicus 'Nana', Dichondra repens, Viola hederaceae or similar, with sections of infill to be the same size as the pavers (400x400mm min).*
- *The removal of existing garden and widening to the side pathway along the northern boundary of the subject site and removal of 1 x Olea europaea raise issues of screening and privacy loss, non-replaceable canopy loss, and loss of landscaping to soften built form. 1 x Morus alba (10x4m) is located across the northern boundary of 160 Kurraba Rd & the southern boundary of 158A Kurraba Rd. This tree is shown for retention but some modification would be required to the path to allow for future growth of this tree or alternative screen planting will be required.*
- *The new masonry wall within the rear setback encroaches within the SRZ/TPZ of Tree E04 Jacaranda mimosifolia & Tree E05 Viburnum sp. and shall be relocated in line with or to the south of existing garden edge in this area. No level change shall be permitted to the north of this wall.*

Planning Comment: amended Landscape Plans seek to retain the Cupressus arizonica 'Aurea' within the north western corner of the site. The previously proposed decorative gravel has been removed and replaced with a lawn area. The removal of 1 x Olea europea to accommodate the side pathway would not impact upon privacy noting the existing side boundary fence will remain.

The *Morus alba* is to remain and conditions of consent are recommended for the retention of this tree (**C17 Protection of Trees, D1 Protection of Trees, E13 Protection of Trees**).

The amended Landscape Plan has relocated the new masonry wall and sensitive construction techniques including hand excavation, flexible location of footings within the TPZ of any protected tree and to ensure that tree roots greater than 40mm will not be impacted or cut as per directions in **Condition D1 Protection of Trees**.

SUBMISSIONS

Original proposal

Council notified adjoining properties and the Kurraba Precinct of the proposed development seeking comment between 30 June 2023 and 14 July 2023. Council received three (3) submissions.

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

Basis of Submissions

- A detailed noise and vibration control plan shall be prepared due to the proposed excavation and proximity of adjoining properties.
- Assurances are required for mitigation measures to prevent dust from construction affecting neighbouring sites.
- The North Elevation proposes large glazing to Level 2 overlooking a living area of an adjoining property.
- Railings to the terrace need to be of a height and angle to ensure privacy.
- Solid paving between the northern side of the building to the existing boundary fence line will cause significant damage to the retained trees on the northern boundary.
- The site plan incorrectly details the location of existing retaining walls on the northern boundary.
- The Mulberry on the northern side boundary should remain as it softens the built landscape and gives fruit every year.
- The Golden Cypress significantly softens the built environment and enhances the landscape and should not be removed.
- Concerns are raised with regards to parking associated with construction limiting the availability of on street parking.
- The parking of equipment in particular skips and excavators on the street poses a hazard to the health and safety of residents and Council should not issue permits for parking of equipment on the street.
- The development will have a significant noise and vibration impact to residents of adjoining properties and strong controls should be implemented regarding operating hours.
- Council should ensure there is no asbestos in the building and mitigation measures are required to minimise dust exposure.
- The development is an amazing refurbishment of a building that is desperately in need of a new life.

Amended Proposal

The applicant submitted amended architectural plans, landscape plans, an amended BASIX Certificate and updated Clause 4.6 Variation Requests in response to Council's preliminary review dated 31 August 2023. The amended plans sought to reduce the size of the northern side addition, reduce glazing, and provide additional obscure glazing, provide additional landscaping and retain a metal balustrade.

The applicant submitted amended architectural plans, shadow diagrams, a Height Plane Diagram and updated Clause 4.6 Variation Requests in response to Council's preliminary review dated 18 January 2024. The amended plans sought to increase the front setback for the Level 2 addition, provide updated shadow diagrams and elevational shadow diagrams, a updated Height Plane Diagram, more detailing of the applicable elevations and sections confirming retention of building fabric and updated Clause 4.6 Statements to justify the contravention of development standards.

Pursuant to s3.6 'Advertisement and Notification requirements for Amended Plans' of the North Sydney Council Community Engagement Protocol the amendments to date do not require further renotification because the amendments will not result in a greater adverse effect to adjoining properties and decreases the application's environmental impact.

CONSIDERATION

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

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

SEPP (Biodiversity and Conservation) 2021

- **Chapter 2 Vegetation in non-rural areas**

Section 2.6 of the Policy specifies that a person must not clear declared vegetation in a non-rural area of the State without consent of Council. The Policy confers the ability for Council to declare vegetation that consent is required in a Development Control Plan. Section 16 of Part B in NSDCP 2013 specifies declared trees for the purpose of the SEPP which includes trees over 5m in height or canopy. The proposed development seeks the removal of an *Olea europaea subs. cuspidata* also known as an African Olive tree. African Olive trees do not require development consent or a tree management permit for removal pursuant to directions in P1, s16.2 'Controls for the Management of Trees and Vegetation' of NSDCP 2013.

SEPP (Biodiversity & Conservation) 2021

- **Chapter 6 Water Catchments**

Having regard to Chapter 6 of the SEPP (Biodiversity and Conservation) 2021 the proposed development is not considered to be detrimental to the Harbour and will not unduly impose upon the character of the foreshore given the site's inland location. The proposed development would not adversely affect the quantity or quality of water entering Sydney Harbour, being a regulated catchment for the purpose of Section 6.6 of the Policy. The application satisfies the requirements of the Policy.

SEPP (Resilience and Hazards) 2021

- **Chapter 4 Remediation of Land**

Chapter 4 of this SEPP requires Council to consider the likelihood that the site has previously been contaminated and to address the methods necessary to remediate the site. The subject site has only previously been used for residential purposes and as such is unlikely to contain any contamination; therefore, the requirements stipulated in Chapter 4 of this SEPP have been satisfactorily addressed.

SEPP (Building Sustainability Index: BASIX) 2004

A valid BASIX Certificate A483385_02 dated 30 November 2023 for the alterations and additions has been submitted with the application to satisfy the Aims of the SEPP. **(See Condition No. C31, G8)**

SEPP Housing 2021

Part 3 'Retention of existing affordable rental housing' of this SEPP applies to a low-rental residential buildings the subject of a development application. A low rental residential building is defined within Cl. 45 of the SEPP as a building that is lawfully used as a residential flat building containing a low-rental dwelling or as a boarding house.

Cl. 46 'Buildings to which Part applies' states Part 3 does not apply to a building approved for subdivision under the Schemes Development Act 2015. The site comprises of a residential flat building comprising of four apartments and although there is a reduction in housing (4 apartments to 2 apartments) the existing development is not defined as low-rental residential building therefore the loss of housing is not subject to consideration under Part 3 'Retention of existing affordable rental housing' for this application.

NORTH SYDNEY LOCAL ENVIRONMENT PLAN (NSLEP 2013)

1. Permissibility

The proposed works is defined as alterations and additions to an existing residential flat building which benefits from existing use rights and change of use to a dual occupancy (attached). A review of historical development consents confirm that the existing RFB would benefit from existing use rights under Section 4.65 – 4.67 of the Environmental Planning and Assessment Act 1979 (as amended). However, the proposed development seeks consent to change the use of the site to a *Dual occupancies (attached)*, being a form of development that is permitted with consent in the zone subject to the design provisions under Clause 6.6 of NSLEP 2013.

Consideration of the provisions of Clause 6.6 of the LEP is provided in detail below.

2. Objectives of the zone

The objectives for the R3 Medium Density Residential Zone are stated below (*in italics*):

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

The proposal is consistent with the relevant objectives of the zone. The proposed works serve the housing needs of the community and would not compromise the natural or cultural amenity of the area. The proposed works would achieve a high level of residential amenity whilst ensuring the amenity of the adjoining properties is also maintained.

Part 4 – Principal Development Standards

Principal Development Standards – North Sydney Local Environmental Plan 2013			
Site Area – 327.5m ²	Proposed	Control	Complies
Clause 4.3 – Heights of Building	Height varies between 9.7m - 11.5m	8.5m	No – supported subject to Clause 4.6
Clause 6.6(1) Dual Occupancies			
(a) Appearance as a dwelling house	Merit	Refer below	No*
(b) Level of attachment to common wall (80%) or common floor to ceiling (80%)	100%	80% (min)	Yes
(c) Minimum lot size – 450m ²	327.5m ²	450m ²	No*
Clause 6.6(2) Dual Occupancies in Conservation Areas			
(a) there is no existing building erected on the land; <u>or</u>	N/A	N/A	N/A
(b) The Dual Occupancy –			
i. situated substantially within the fabric of an existing building; and	Merit (Refer discussion)	Refer below	Yes
ii. conserve the appearance of the existing building, and	Merit (Refer discussion)	Refer below	Yes
iii. conserve the majority of the significant fabric	Merit (Refer discussion)	Refer below	Yes

*Refer to discussion and Clause 4.6 variation request

3. Height of Building

The following objectives for the permissible height limit of 8.5m pursuant to clause 4.3 in NSLEP 2013 are stated below:

- (a) *to promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient,*
- (b) *to promote the retention and, if appropriate, sharing of existing views,*
- (c) *to maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development,*
- (d) *to maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings,*
- (e) *to ensure compatibility between development, particularly at zone boundaries,*
- (f) *to encourage an appropriate scale and density of development that is in accordance with, and promotes the character of, an area.*
- (g) *to maintain a built form of mainly 1 or 2 storeys in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone C4 Environmental Living.*

The proposed works would have various height exceedances that fails to comply with the permissible height limit of 8.5m not in accordance with clause 4.3 in NSLEP 2013. The annotated section below highlights the non-compliance with the height limit. In determining the building height noting the existing ground line and existing part excavated garage to the front of the site consideration was given to the Land and Environment Court judgement in *Merman Investments Pty Ltd v Woollahra Municipal Council [2021] NSWLEC 1582*. To determine the building height points measured from the lowest level of the existing building were measured vertically at every point as per the method established in *Merman Investments Pty Ltd v Woollahra Municipal Council [2021]*.

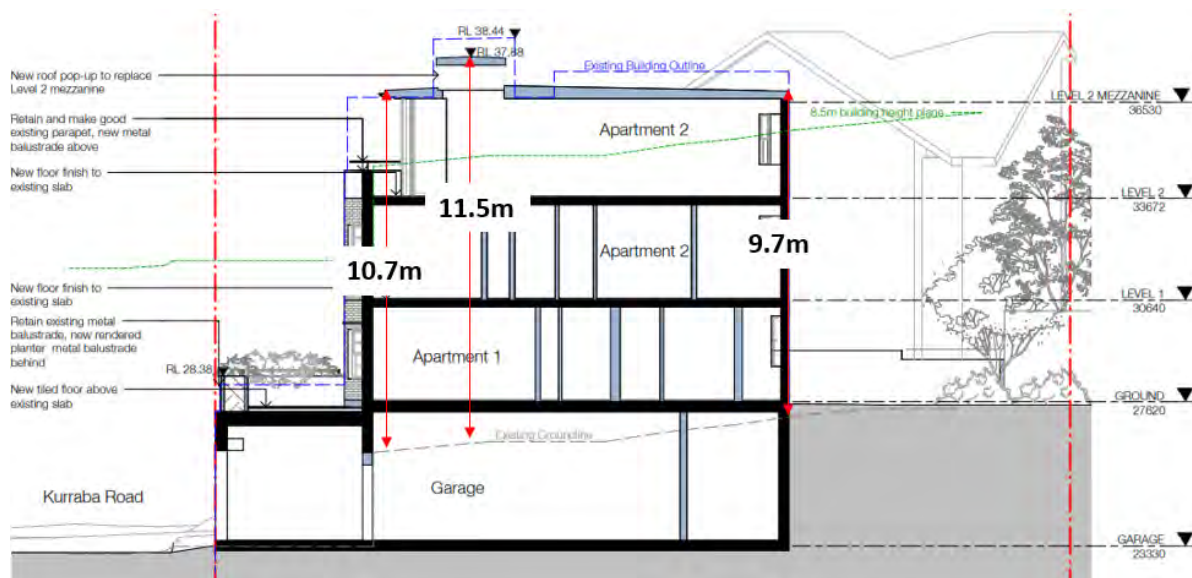


Figure 13 – Annotated Section A detailing various building heights, DA-1501 Rev 19

A written request to justify a contravention of the development standard for height has been submitted (**ATT_3**) and is considered below.

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

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

The subject site contains an existing Inter war building and the bulk of the building will remain apart from demolition of the existing rooftop conservatory to be replaced with a new rooftop addition.

The proposal will have no impact on the existing topography of the site given that the works involve primarily a replacement rooftop addition. The site would maintain its steep topography rising from Kurraba Road to the rear eastern corner. As such, this objective has been achieved by the proposal.

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

The proposed replacement rooftop addition which exceeds the maximum height of building would have no impact on existing views and deletion of the Level 2 rooftop addition would not result in an improved sharing of views for adjoining properties.

A detailed view analysis has been undertaken against the relevant view provision in the DCP table by the Assessment Officer and is detailed below confirming views from neighbouring properties are not adversely affected especially significant water, skyline, and Harbour Bridge views therefore the development is considered to generally satisfy the Objectives and Provisions in s1.3.6 of NSDCP 2013.

158 Kurraba Road – located north of the subject site

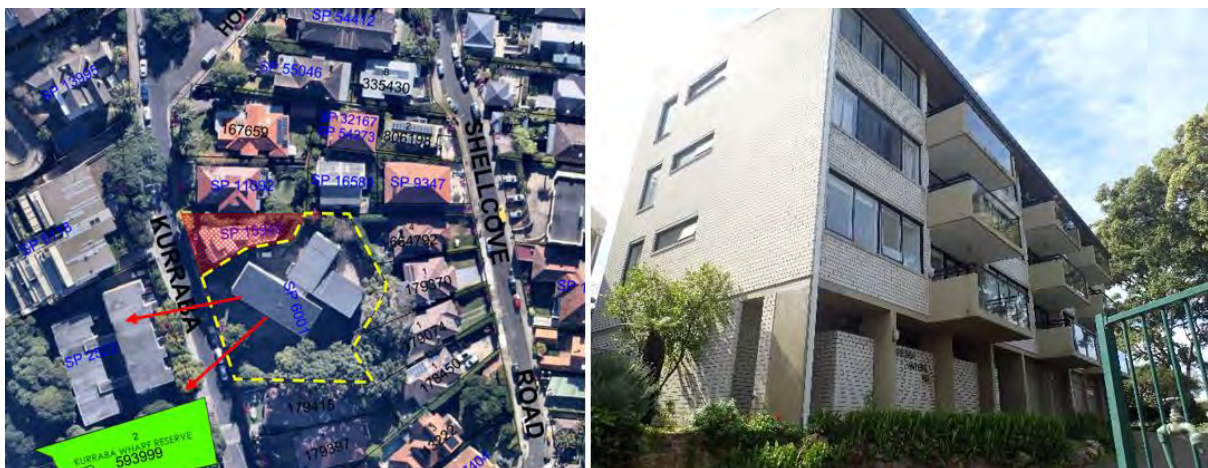
Views from the first floor and second floor principal elevation facing Kurraba Road are towards the City of Sydney skyline, Sydney Harbour and Harbour Bridge. The existing primary views from the front of the property will remain not affected by the proposed development.



Figures 14 - 16 – Annotated aerial map with 158 Kurraba outlined in yellow and arrows indicating views from principal façade (left) and photo of front façade of 158 Kurraba (middle) and views from existing Ground Floor Terrace indicative of unaffected views from neighbouring property (right)

162 Kurraba Road – located south of the subject site

162 Kurraba Road is a three storey RFB with ground level parking and has a principal façade facing Kurraba Road and has views towards the City of Sydney skyline, Sydney Harbour and Harbour Bridge. The existing views for units with windows on the front of the south western elevation will remain not affected by the proposed development.



Figures 17 & 18 - Annotated aerial map with 162 Kurraba outlined in yellow and arrows indicating views from principal façade (left) and front façade detailing windows of units and balconies on the front façade of 162 Kurraba Road with views unimpeded by the development (right)

14 & 16 Shellcove Road – located east of the subject site

14A Shellcove Road has limited existing views and comprises of a Strata subdivided building with limited setbacks and views generally limited to within the curtilage of the site or to adjoining properties.

16 Shellcove Road also has limited views with primary views within the curtilage of the site or to Shellcove Road. The below annotated aerial image details the boundaries of the properties 14A & 16 Shellcove Road and the respective views from the properties.



Figures 19 & 20 - Annotated aerial map with 14A & 16 Shellcove Road outlined in yellow and arrows indicating views from neighbouring properties (left), Photos to the rear of the Level 2 terrace in the direction of 14A & 16 Shellcove Road (middle and right)

In light of the above considerations, the proposed rooftop addition would retain the sharing of existing views between neighbouring properties therefore objective 1(b) of cl. 4.3 in NSLEP 2013 has been achieved by the proposal.

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

The development comprising of a new Level 2 addition generally retains the bulk and scale of the existing building having limited additional shadow impact to adjoining properties. Shadow diagrams confirm at mid-winter additional shadow cast would have an incremental impact to the street at 9am, an improved shadow outcome to the street at midday and no shadow impact at 3pm in mid-winter where shadows cast are at their greatest.



Figures 21 - 23 – 9am Shadow Diagram Midwinter (left), 12pm Shadow Diagram Midwinter (middle) and 3pm Shadow Diagram Midwinter (right)

Hourly elevational shadow diagrams have been prepared for the northern facades of the adjoining RFB at 162 Kurraba Road. Below is a detailed consideration of the shadow impact to the northern aspects of the RFB.



Figure 24 – Annotated Survey Plan detailing various Northern facades of the adjoining 162 Kurraba Road and photos of the relevant facades

Northern aspect No. 1

The northern aspect of 162 Kurraba Road tagged as No. 1 comprises windows that serve bedroom and bathroom windows of units. The elevational shadow diagrams confirm no additional shadow impact at 9am, 10am, at 11am one bathroom window would be impacted upon, at midday two windows would be affected, no impact occurs in the afternoon hours. It is therefore appropriate to consider the building inclusive of the Level 2 addition which exceeds the maximum building height would have a negligible impact to the northern aspect of 162 Kurraba Road.

<p>Existing - 9:00AM</p>	<p>Proposed - 9:00 AM</p>	<p>No additional impact</p>
<p>Existing - 10:00AM</p>	<p>Proposed - 10:00AM</p>	<p>No additional impact</p>

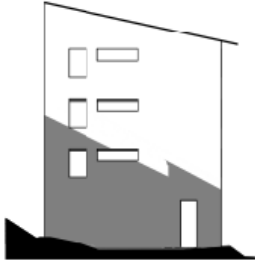
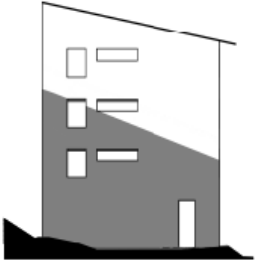
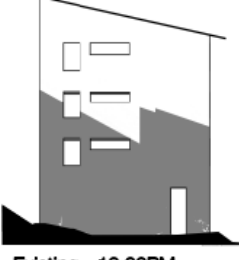

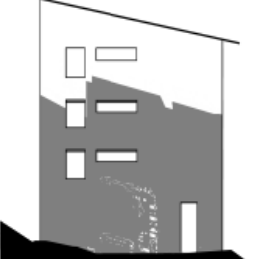

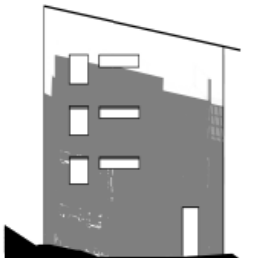




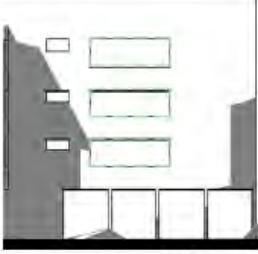

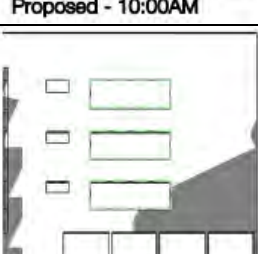
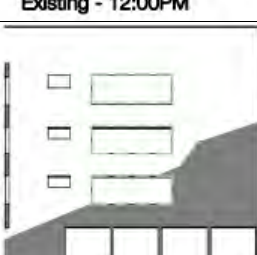
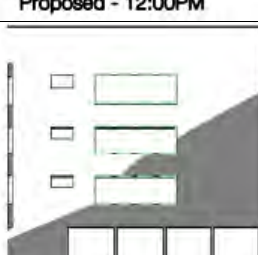


 <p>Existing - 11:00AM</p>	 <p>Proposed - 11:00AM</p>	<p>Impact to 1 bathroom window</p>
 <p>Existing - 12:00PM</p>	 <p>Proposed - 12:00PM</p>	<p>Impact to 1 bathroom and 1 bedroom window</p>
 <p>Existing - 1:00PM</p>	 <p>Proposed - 1:00PM</p>	<p>No additional impact</p>
 <p>Existing - 2:00PM</p>	 <p>Proposed - 2:00PM</p>	<p>No additional impact</p>
 <p>Existing - 3:00PM</p>	 <p>Proposed - 3:00PM</p>	<p>No additional impact</p>

Table 1 – Comparison between Existing and Proposed Elevational Shadow Diagrams to Northern aspect No. 1 of 162 Kurraba Road

Northern aspect No. 2

The northern aspect of 162 Kurraba Road tagged as No. 2 comprises windows that serve kitchen windows of units. The elevational shadow diagrams confirm no additional shadow impact in the morning with marginal impacts in the afternoon hours. It is therefore appropriate to consider the building inclusive of the Level 2 addition which exceeds the maximum building height would have a negligible impact to the kitchen windows of units on the northern aspect of 162 Kurraba Road.

		<p>No additional impact</p>
<p>Existing - 9:00AM</p>	<p>Proposed - 9:00 AM</p>	
		<p>No additional impact</p>
<p>Existing - 10:00AM</p>	<p>Proposed - 10:00AM</p>	
		<p>No additional impact</p>
<p>Existing - 11:00AM</p>	<p>Proposed - 11:00AM</p>	
		<p>No additional impact</p>
<p>Existing - 12:00PM</p>	<p>Proposed - 12:00PM</p>	
		<p>Marginal additional impact to 2 windows</p>
<p>Existing - 1:00PM</p>	<p>Proposed - 1:00PM</p>	

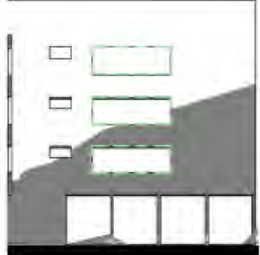
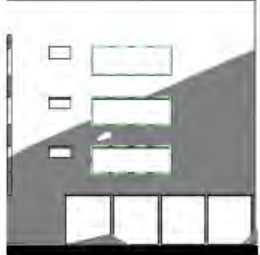
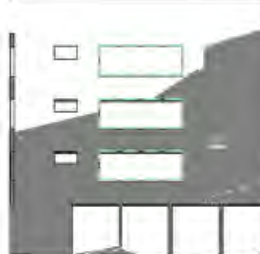

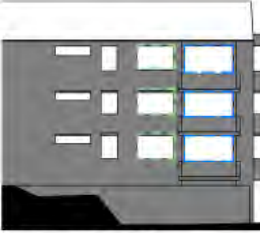
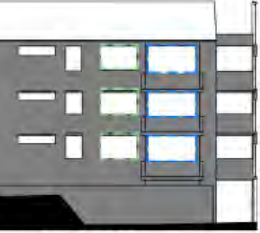
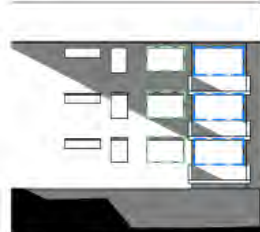
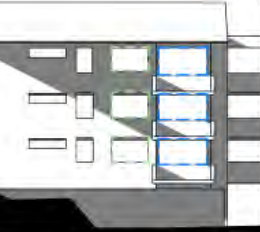
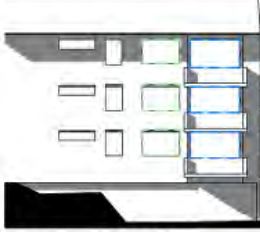
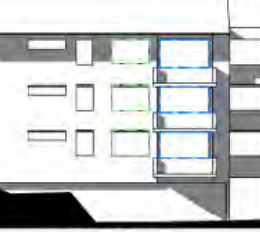
 <p>Existing - 2:00PM</p>	 <p>Proposed - 2:00PM</p>	<p>Marginal additional impact to 1 window</p>
 <p>Existing - 3:00PM</p>	 <p>Proposed - 3:00PM</p>	<p>Marginal additional impact to 2 windows</p>

Table 2 – Comparison between Existing and Proposed Elevational Shadow Diagrams to Northern aspect No. 2 of 162 Kurraba Road

Northern aspect No. 3

The northern aspect of 162 Kurraba Road tagged as No. 2 comprises windows that serve kitchen and living room windows of units. The elevational shadow diagrams confirm no additional shadow throughout the day in midwinter apart from a marginal impact to 1 window at 3pm. The building inclusive of the Level 2 addition would have a negligible impact to the kitchen and living room windows of units on the northern aspect of 162 Kurraba Road.

 <p>Existing - 9:00AM</p>	 <p>Proposed - 9:00 AM</p>	<p>No additional impact</p>
 <p>Existing - 10:00AM</p>	 <p>Proposed - 10:00AM</p>	<p>No additional impact</p>
 <p>Existing - 11:00AM</p>	 <p>Proposed - 11:00AM</p>	<p>No additional impact</p>


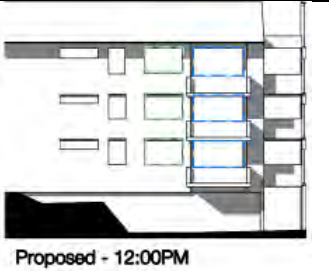



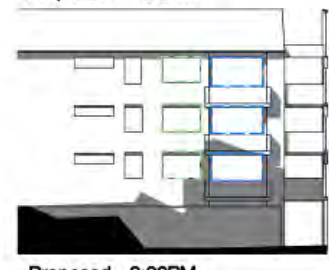

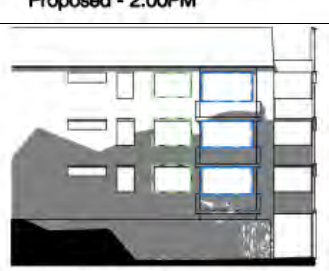
 <p>Existing - 12:00PM</p>	 <p>Proposed - 12:00PM</p>	<p>No additional impact</p>
 <p>Existing - 1:00PM</p>	 <p>Proposed - 1:00PM</p>	<p>No additional impact</p>
 <p>Existing - 2:00PM</p>	 <p>Proposed - 2:00PM</p>	<p>No additional impact</p>
 <p>Existing - 3:00PM</p>	 <p>Proposed - 3:00PM</p>	<p>Marginal additional impact to 1 living room window</p>

Table 3 – Comparison between Existing and Proposed Elevational Shadow Diagrams to Northern aspect No. 3 of 162 Kurraba Road

The development subject to a detailed shadow review confirms solar access to be predominantly maintained to the street and adjoining properties therefore the objective Cl. 4.3(1)(c) is satisfied.

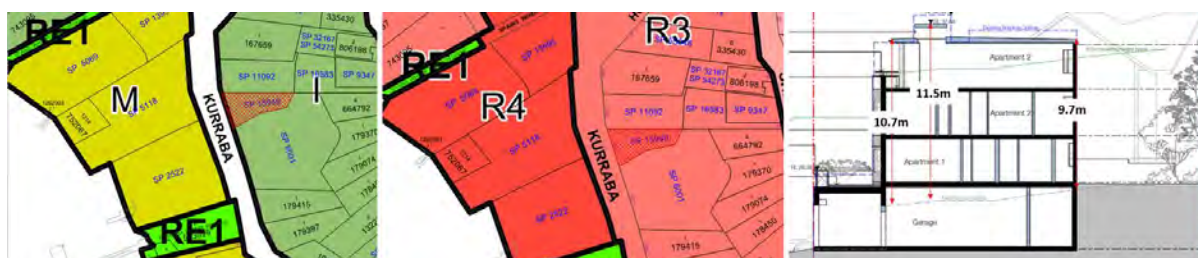
(1)(d) to maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings,

The rooftop addition which is above the maximum building height of 8.5m is designed with minimal window openings to the side elevation with glazing primarily to the front façade providing views of the Sydney Harbour, City of Sydney skyline and Harbour Bridge. Glazed doors are proposed to the rear of the rooftop addition providing an outlook to the rear rooftop terrace.

A condition of consent is recommended providing more prescriptive design requirements for the rooftop terrace privacy screen to manage privacy of adjoining properties **(C27 Privacy)**.

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

The site is located in land zoned R3 Medium Density Residential and is opposite land zoned R4 High Density Residential to the west. The R4 High Density Residential Zone is subject to a maximum height of building of 12m. The development subject to a new rooftop addition has the greatest height exceedance of 11.5m fronting Kurraba Road in part due to the topography of the site. The height of the building with its greatest height exceedance adjoins a R4 High Density Residential Zone with a maximum permitted height of 12m. The development and greatest height exceedance share a compatibility with the R4 Zone to the west.



Figures 25, 26 & 27 – Height of Building Map (left), Land Zoning Map (middle) with site hatched in red and annotated Section A (right)

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

The development seeks primarily internal alterations, excavation to the lower ground floor and a replacement rooftop addition that is predominantly within the envelope of the existing rooftop addition. The development is considered to have a neutral outcome in terms of scale and density and the development would remain similar in style to the existing Interwar residential flat building which is a characteristic building within the Kurraba Road Conservation Area.

(1)(g) to maintain a built form of mainly 1 or 2 storeys in Zone R2 Low Density Residential Zone, Zone R3 Medium Density Residential and Zone C4 Environmental Living.

The existing building presents as three (3) storeys to Kurraba Road not inclusive of the lower ground garages. It is noted the building presents as two (2) storeys to the rear of the site due to the topography of the site which rises steeply from Kurraba Road. The built form of the existing/proposed development as viewed from Kurraba Road is affected from the topography of the site. The development seeks to replace the existing rooftop addition generally respecting the existing building envelope and therefore is supported given both the history of the site and topographical character of the site. This objective has been achieved by the proposal.

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

The applicant's Clause 4.6 written statement has provided sufficient environmental planning grounds to justify the departure from the standard as outlined in Attachment 3.

The proposed maximum building height as shown within **Figure 13** is 11.5m in height measured vertically from existing ground level and exceeds the development standard of 8.5m by 3m (35.29%).

The environmental grounds in support of the height variation prepared by Urbis states that the development meets the relevant zone objectives, the development meets the relevant height of building objectives, and the development has negligible amenity impacts and would not adversely impact on the views, solar access or visual privacy of neighbouring properties. Furthermore, the written request justifies the contravention of the development standard noting that the height of the replacement rooftop addition in part has a reduced height compared to the existing and is an improved design compared to the existing conservatory style addition with metal screening.

Whether the proposed development will be in the public interest?

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

Concluding Remarks

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

4. Heritage Conservation

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

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

Council's Heritage Officer considers the rooftop addition to be appropriately designed sympathetic with the Interwar building style and the rooftop addition is an improved outcome for the street and character of the conservation area removing the existing uncharacteristic conservatory style roof addition with operable metal screens. A Heritage Condition is recommended in accordance with heritage comments to ensure materials and finishes are sympathetic to the significance of the surrounding heritage conservation area. The development therefore satisfies the applicable objectives (1)(a) & (b) of Cl. 5.10 in NSLEP 2013.

5. Dual Occupancies

Clause 6.6(1) includes provisions for dual occupancies generally. The following provisions apply to all dual occupancy development:

- (1) *Development consent must not be granted for the erection of a dual occupancy unless*
 - (a) *the form of the building will appear as a dwelling house, and*
 - (b) *the dwellings in the dual occupancy will be attached by at least 80% of the common wall or 80% of the common floor or ceiling, and*

- (c) *the area of the lot on which the dual occupancy is to be situated is at least 450 square metres.*

Planning Comment: The applicant has provided a written variation request under the provisions of Clause 4.6 which is included at Attachment 3 to this report. The written request seeks variation due to the provisions relating to the external form of the building to appear as a dwelling house and the minimum Lot Area requirement of 450sqm.

Clause 6.6(1) of NSLEP 2013 relates to Dual Occupancies generally and Clause 6.6.(2) relates specifically to proposals for Dual Occupancy development in Conservation Areas. The standards are subject to further provisions outlined at Clause 6.6(2) which are discussed below:

Clause 6.6(1)(a) requires that the proposed dual occupancy have the appearance of a dwelling house. This is addressed in greater detail within the Clause 4.6.

Clause 6.6(1)(b) is satisfied as the proposed dual occupancy would have an adjoining wall/ceiling which is attached by greater than 80%.

Clause 6.6(1)(c) requires a minimum the lot has an area of 450m². The subject site has a total site area of 372.5m² which is less than the minimum lot size.

Clause 6.6.(2) relates specifically to proposals for Dual Occupancy development in Conservation Areas and requires:

(2) *A dual occupancy must not be erected on land that is located within a heritage conservation area or on which a heritage item is located unless—*

- (a) *there is no existing building erected on the land, or*
(b) *the dual occupancy—*
(i) *will be situated substantially within the fabric of an existing building, and*
(ii) *will conserve the appearance of the existing building, as visible from a public place, and*
(iii) *will conserve the majority of the significant fabric of the existing building.*

Consideration

The dual occupancy will be substantially within the fabric of the existing building retaining the core ground and first floor levels with internal alterations required to construct the apartments. The Applicant provided further amended plans including existing/proposed fabric elevations (DA-0501 & DA-0502 Rev 2) confirming the retention of significant fabric and updated sections to confirm the scope of internal works and where possible retention of internal partitions as well as the existing floor slabs of the existing building (DA-1501 Rev 19). It is therefore accepted the change of use will be substantially within the fabric of the existing and conserves the majority of significant building fabric satisfying subclauses b(i) &(iii) of Cl. 6.6 in NSLEP 2013.

Council's Heritage Officer supports the proposed alterations and additions and the resulting appearance of the building. The replacement of the uppermost level is considered to be a positive heritage impact and the significant primary form of the building, its front façade and garages will be retained conserving the primary appearance of the building visible from Kurraba Road satisfying Cl. 6.6(2)(b)(ii) of NSLEP 2013.

The written request to justify a contravention of the development standard for Dual Occupancies (**ATT_3**) is considered below.

Urbis satisfactorily confirm within the written request that Cl. 6.6 of NSLEP 2013 is a development standard capable of being varied under Cl. 4.6 (2) of NSLEP 2013. Cl. 6.6 is not expressly excluded within Cl. 4.6 (8) of NSLEP 2013. Additionally, Cl. 6.6 is a provision of an environmental planning instrument which is appropriately defined as a development standard pursuant to the definition in Cl. 1.4 'Definitions' of the EP&A Act 1979.

Below is consideration of the contravention of the development standard including whether the development meets the objectives of the zone and whether compliance with the development standard is unreasonable or unnecessary and that there are sufficient environmental planning grounds to justify the contravention.

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

In deducing whether compliance is unreasonable or unnecessary the objectives of the R3 Medium Density Residential Zone is considered below noting there are no objectives to be considered within Cl. 6.6 of NSLEP 2013.

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

The proposed development would entail reducing four (4) small apartments with modest amenity to two (2) large apartments with a high level of internal and external amenity and convert the RFB into a permissible use in the zone. Urbis in their written request also notes the development provides improved accessibility to serve the future housing needs of residents.

To provide a variety of housing types within a medium density residential environment.

The development would deliver a 1 x 2 bedroom apartment and 1 x 4 bedroom apartment contributing to a variety of housing types within the zone. Supporting comments in the Cl. 4.6 written request is concurred with that the housing proposed would have a higher amenity than the existing accommodation.

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

Although the development does not provide an alternative use or service to the zone the use of the site for a dual occupancy (attached) does serve residential demand in the zone.

To encourage the development of sites for medium density housing if such development does not compromise the amenity of the surrounding area or the natural or cultural heritage of the area.

The development has been thoroughly assessed against controls concerning privacy, solar access and views and noted for not compromising the amenity of neighbouring properties. The development also provides a positive landscape outcome with additional planting proposed.

To provide for a suitable visual transition between high density residential areas and lower density residential areas.

The use of the site as a dual occupancy (attached) provides a transition between the higher density housing to the west (R4 High Density Residential) and medium to low density housing to the east (R3 Medium and Low Density Residential).

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

A high level of residential amenity is achieved with respective apartments having generous sizes providing internal amenity and private open space ensuring outdoor amenity to residents. The development has also been designed with minimal amenity impact whether from overlooking, overshadowing and view loss maintaining a high level of residential amenity to surrounding dwellings and the public domain.

The written request in support of the proposed dual occupancy although being sited on a lot less than 450m² sufficiently conveys that the non-complaint lot size is capable of accommodating two dwellings and the development reduces the intensity of the land use of the site delivering adequate space for the relevant amenities for the site occupants.

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

It is considered that there are sufficient environmental planning grounds in the circumstances of the case as outlined in the submitted written request seeking to justify the contravention of the development standard.

The environmental grounds in support of the variation to Cl. 6.6(1)(a) & (c) prepared by Urbis states that the development results in a built form that responds positively to the constraints of the site, its significance to the surrounding conservation area and the development would not adversely impact on the views, solar access or visual privacy of neighbouring properties. Furthermore, the written request justifies the contravention of the development standard noting the change of use from a 4 x unit RFB to a dual occupancy (attached) will have a reduced development intensity in terms of traffic and waste generation and the written request sufficiently confirms the use of the site as a dual occupancy can be accommodated within the lot size.

Whether the proposed development will be in the public interest?

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

Concluding Remarks

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

6. Earthworks

The application involves extension of the existing garages at the proposed lower ground floor level and a new lift is proposed to provide access between the lobby and the garage. The supporting Geotechnical Investigation Report prepared by Asset Geotechnical Environmental states extension to the garages will entail 3.5m deep excavation and a maximum excavation of 4m is anticipated for the lift shaft.

The works entail excavation underneath the footprint of the building not affecting natural features or vegetation, no fill is required and due to the location of the excavation not in proximity to the site boundaries the earthworks are unlikely to affect the amenity of adjoining properties.

A condition of consent is recommended by Council's Development Engineer requiring a Geotechnical specialist to undertake the appropriate investigations, reporting and specialist recommendations to ensure protection of adjacent properties and structures during and after construction (C9 Geotechnical Report).

The proposed earthworks associated with the development is considered to generally comply with the matters for consideration in Cl. 6.10(3) and the objective of Cl. 6.10 in NSLEP 2013.

NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013

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

DEVELOPMENT CONTROL PLAN 2013 – Part B Section 1 - Residential Development		
	<i>complies</i>	<i>Comments</i>
1.2 Social Amenity		
1.2.2 Universal Design and Adaptable Housing	Yes	The development application is accompanied by an access assessment report prepared by Jenson Hughes. The access report confirms the apartments will comply with the silver living requirements in the Livable Housing Design Guidelines and that the development complies with relevant provisions in the Disability Discrimination Act 1992, Disability Access to Premises Standards 2010, Clauses E3D7 and F4D5 of the BCA and the NSDCP 2013. The development therefore satisfies the objectives of s1.2.2 of NSDCP 2013 encouraging greater housing choice and enabling residents to age in place.
1.2.3 Maintaining residential accommodation	Supported on merit	The existing RFB comprises of 4 apartments and the proposal seeks internal alterations to form 2 apartments with apartment 1 located on the ground floor and apartment 2 utilising Levels 1 and 2. The development will therefore have a net reduction in housing contrary to P1, s1.2.3 of NSDCP 2013. The development comprising a net reduction in housing is supportable in this instance noting the supporting reasons concerning delivery of two apartments with greater internal and external amenity. It is noted the reduction in housing is minimal in context with the housing supply in the local government area and that plans within the North Sydney Local Housing Strategy (LHS) forecasts sufficient housing provision will be met by 2036.
1.3 Environmental Criteria		
1.3.1 Topography	Yes	Additional excavation is proposed to the lower ground floor underneath the existing building to provide additional parking, storage as well as provision of a lift. Below is an annotated Section detailing the extent of excavation underneath the building.

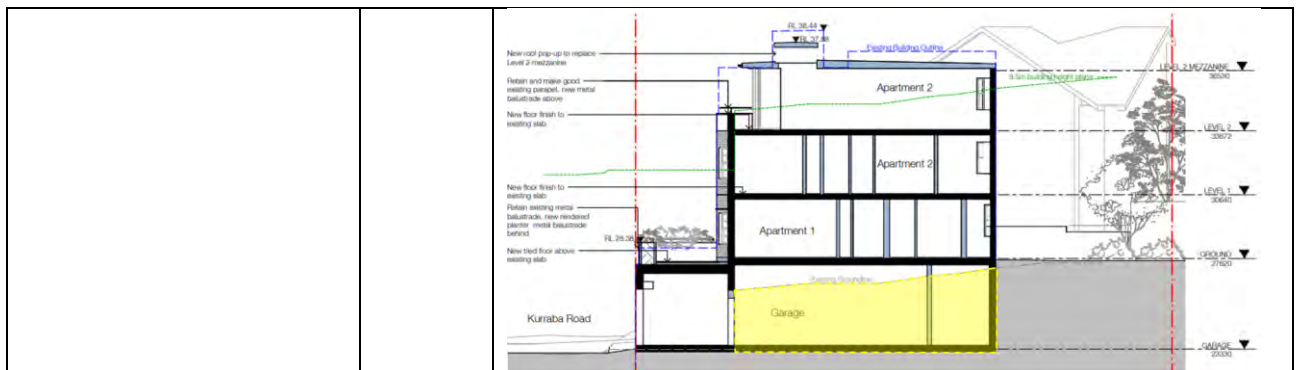


Figure 28 – Annotated Section A detailing extent of excavation, DA-1501 Rev 19

Council’s Development Engineer has recommended a Geotechnical Report is prepared prior to issue of any Construction Certificate to ensure the structural integrity of the subject site and adjoining sites during the excavation process (**C5 Geotechnical Report**).

The bulk of earthworks/excavation are contained under the existing building footprint with removal of existing stairs within the southern setback proposed for a continuous more accessible pathway and minor earthworks will occur to the northern boundary to form a new pathway. Additional conditions of consent are recommended such as a dilapidation report of the neighbouring property No. 158 Kurraba Road (**C1 Dilapidation Survey Private Property**) and a structural adequacy report of the existing building (**C3 Structural Adequacy of Existing Building**).

1.3.2 Bushland	N/A	The site is not located within a bushland buffer.
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1.3.3 Bush Fire Prone Land	N/A	The site is not located on bushfire prone land.
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1.3.4 Foreshore Frontage	N/A	The site does not have a foreshore frontage.
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1.3.6 Views	Yes	The works primarily entail internal alterations to the existing building and replacement of the existing Level 2 rooftop addition maintaining the existing bulk, massing and scale of the building. Below is consideration of potential view impacts to neighbouring properties confirming the development would maintain views of adjoining properties.
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158 Kurraba Road – located north of the subject site

Views from the first floor and second floor principal elevation facing Kurraba Road are towards the City of Sydney skyline, Sydney Harbour and Harbour Bridge. The existing primary views from the front of the property will remain not affected by the proposed development.



Figure 29 – Annotated aerial map with 158 Kurraba outlined in yellow and arrows indicating views from principal facade



Figures 30 & 31 – Photo of front façade of 158 Kurraba and views from existing Ground Floor Terrace indicative of views from neighbouring property (unaffected)

162 Kurraba Road – located south of the subject site

162 Kurraba Road is a three storey RFB with ground level parking and has a principal façade facing Kurraba Road and has views towards the City of Sydney skyline, Sydney Harbour and Harbour Bridge. The existing views for units with windows on the front of the south western elevation will remain not affected by the proposed development.



Figure 32 – Annotated aerial map with 162 Kurraba outlined in yellow and arrows indicating views from principal facade



Figure 33 – Front façade detailing windows of units and balconies on the front façade of 162 Kurraba Road with views unimpeded by the development

14A & 16 Shellcove Road – located east of the subject site

14A Shellcove Road has limited existing views and comprises of a Strata subdivided building with limited setbacks and views generally limited to within the curtilage of the site or to adjoining properties.

16 Shellcove Road also has limited views with primary views within the curtilage of the site or to Shellcove Road. The below annotated aerial image details the

boundaries of the properties 14A & 16 Shellcove Road and the respective views from the properties.



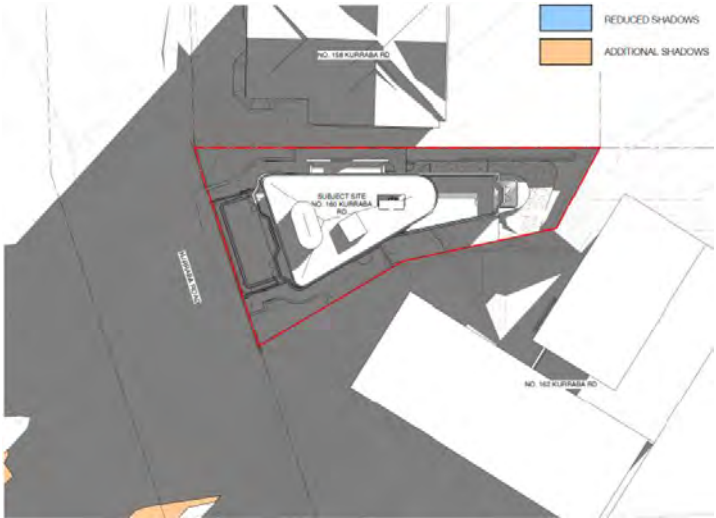

Figure 34 – Annotated aerial map with 14A & 16 Shellcove Road outlined in yellow and arrows indicating views from neighbouring properties.

Below is a photo indicating the roof of 16 Shellcove Road with no views affected by the proposed works to the subject site.



Figure 35 – Photo to the rear of the site from the existing rooftop of 160 Kurraba Road



		<p>Figure 36 – Photo taken from the rear edge of 160 Kurraba Road Level 2 terrace in the direction of 14A & 16 Shellcove Road</p> <p>In summary, the proposed being primarily internal or where additions are proposed they are appropriately sited to not have an impact upon existing views especially significant water, skyline and Harbour Bridge views therefore the development is considered to generally satisfy the Objectives and Provisions in s1.3.6 of NSDCP 2013.</p>
<p>1.3.7 Solar Access</p> <p>Note: an extensive shadow consideration of the development has been prepared within Part 3 ‘Height of Building’ of this report.</p>	<p>Yes</p>	<p>Shadow diagrams are provided confirm at mid-winter additional shadow cast would have an incremental impact to the street at 9am, an improved shadow outcome to the street at midday and no shadow impact at 3pm in mid-winter and insignificant additional shadows to the windows of units at the neighbouring 162 Kurraba Road.</p>  <p>Figure 37 – Proposed Shadows at 9am in midwinter, DA-6003 Rev 19</p>  <p>Figure 38 – Proposed Shadows at midday in midwinter, DA-6003 Rev 19</p>


		 <p>Figure 39 – Proposed Shadows at 3pm in midwinter, DA-6003 Rev 19</p> <p>Shadow diagrams were also provided for the equinoxes confirming a reduction in shadows to Kurraba Road at 9am and minimal incremental increase in shadows cast to the northern side setback parking area of 162 Kurraba Road in the afternoon (not affecting the common open space or private open space of 162 Kurraba Road).</p> <p>In summary, the development will have no material impact having any additional shadow impact to either solar panels, windows of main internal living areas or private/communal open space of adjoining properties satisfying Provision P1, s1.3.7 of NSDCP 2013.</p>
<p>1.3.8 Acoustic Privacy</p>	<p>Yes</p>	<p>It is unclear from a review of the submitted architectural plans where the plant and equipment including air conditioner units are to be located.</p> <p>It is noted plans propose a larger lower ground garage area being the most appropriate location for plant not including air conditioning equipment therefore the following condition will apply – C23 Location of Plant. Additional noise conditions will apply for noise (C24 Noise from Plant and Equipment) and subject to condition F1 – National Construction Code, the proposal is considered to be capable of achieving compliance with required building construction levels to meet acoustic standards. The proposal is considered capable of achieving compliance with the relevant objectives and the provisions of NSDCP 2013.</p>
<p>1.3.9 Vibration</p>	<p>Yes</p>	<p>The site is not adjacent to a road with an annual average daily traffic volume of more than 20,000 vehicles therefore consideration of the likely impact of a road noise or vibration is not required pursuant to Cl. 2.120 'Impact of road noise or vibration on non-road development' in the State Environmental Planning Policy (Transport and Infrastructure) 2021.</p>
<p>1.3.10 Visual Privacy</p>	<p>Yes</p>	<p>Windows</p> <p>West (Front) Elevation</p> <p>The existing windows on the Ground Level and Level 1 will remain with the only additional windows being windows for the new Level 2 roof addition. The windows would provide similar views as per the existing directing views to the Sydney Harbour, Harbour Bridge and City of Sydney skyline.</p>



Figure 40 – Existing views from rooftop Level 2 addition to be replaced

East (Rear) Elevation

A glazed three panel door is proposed to the rear of the rooftop addition providing views primarily to the roof terrace. Glazing is proposed to the three level side addition (stairs) directing views to the rear garden of the site not impacting upon the privacy of adjoining properties.

South (Side) Elevation

The existing arch window to the south side of the property is proposed to be extended. The arch window will remain frosted/obscure glazed as annotated on the Ground Floor Plan to minimise potential privacy impact to residents of the adjoining RFB 162 Kurraba Road.

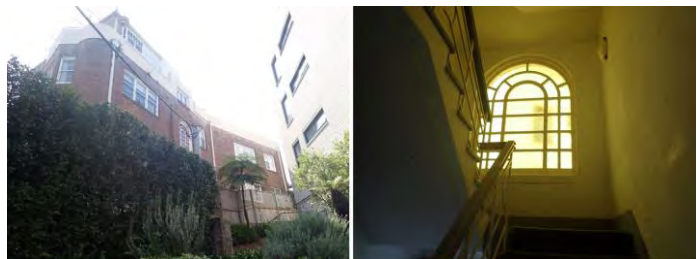


Figure 41 & 42 – Photo of the southern elevation of 160 Kurraba Road and the northern elevation of 162 Kurraba Road and internal photo of the existing arch window

It is noted that the arch window is to serve a study room for Ground Level Apartment 1 and the visual privacy measures also benefit the residents of the apartment.

Additional privacy as per Council’s preliminary feedback was adopted concerning the large glazed window (W43) on the southern side providing outlook to 162 Kurraba Road. The width of the window has been halved and a solid wall constructed ensuring the side window primarily directs views to Kurraba Road and Sydney Harbour and minimise a visual outlook to the windows of the adjoining property at 162 Kurraba Road.



Figure 43 – Annotated Level 2 Floor Plan with south facing window and photo of north western elevation of 162 Kurraba Road

North (Side) Elevation

Privacy measures are sought for the new windows on the northern elevation of the building including the windows that serve the proposed side addition providing pedestrian entry/exit.

The windows that serve the stairs are to comprise of obscured glass as well as any new openings.

The northern elevation of the building is generally restricted to blank walls with modest sized windows proposed not for outlook but to for additional light and ventilation not having an adverse impact to the privacy of the adjoining property 158 Kurraba Road.



Figure 43 – Proposed North Elevation with new works coloured, DA-0502 Rev 2

Apartment 2 Eastern Roof Terrace

The development proposes to retain the Morus alba (Mulberry) located on the northern boundary. The retention of the tree is supported noting the tree provides positive screening to the northern neighbour at 158 Kurraba Road.



Figure 44 – Existing tree planting/screening within the northern side setback including the Mulberry Tree

The existing roof terrace has substantial opportunity for views to the balconies and habitable rooms of the adjoining RFB at 162 Kurraba Road and improvement to the existing privacy of the adjoining property is supported.



Figure 45 – Photo of existing views from rooftop terrace to RFB at 162 Kurraba Road.

It is understood from the Level 2 Floor Plan that a metal privacy screen is proposed to the southern edge above the existing 1m high balustrade to a height of 1.8m above the terrace FFL. However, the metal privacy screen appears to wrap around the entire roof terrace which is considered unnecessary as a means of achieving visual privacy.

The following condition of consent is recommended to ensure the privacy screen is of an appropriate height, not adding to the bulk of the building and appropriately sited to protect the visual privacy of affected units at 162 Kurraba Road whilst providing views from the roof terrace towards the Harbour.

C27. The following privacy devices are to be provided:

- a) A metal privacy screen to the southern edge of the Level 2 terrace in the location annotated and edged in red shown on the Proposed Level 2 Floor Plan (DA-1004 Rev 19) is permitted but the maximum height of the combined balustrade and privacy screen is to have a maximum height of 1.8m above the terrace finished floor level (FFL). A privacy screen is only permitted to the southern edge of the terrace and the privacy screen is to be designed not as a solid privacy screen but as a lightweight louvre/lattice privacy screen.

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

(Reason: To ensure an adequate level of privacy is provided to the adjoining property located at 162 Kurraba Road)

The intent of the above condition is to provide necessary privacy to the most affect balconies of the adjoining 162 Kurraba Road whilst allowing south western views from the rooftop to the Harbour.

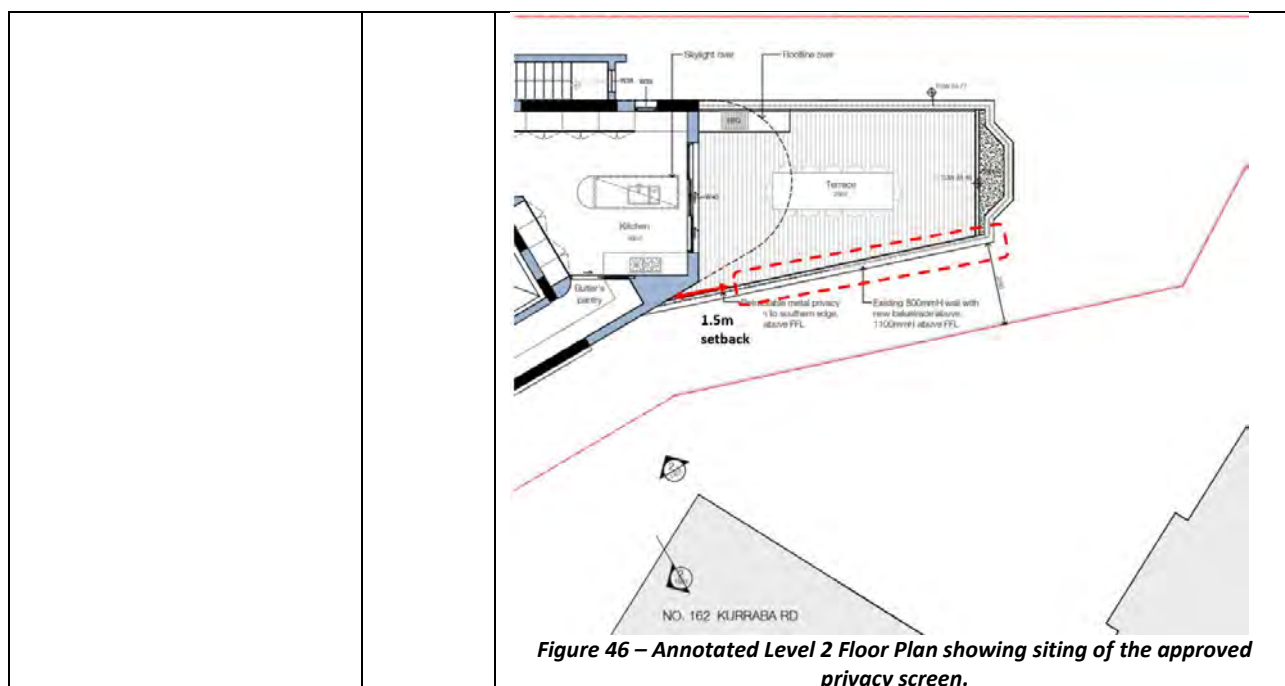



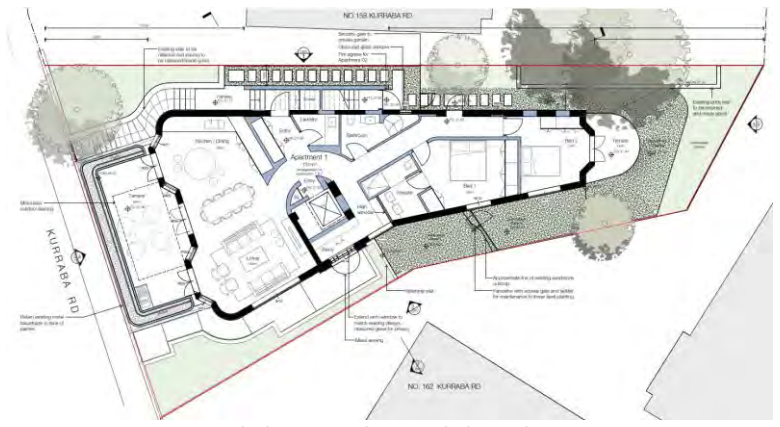
Figure 46 – Annotated Level 2 Floor Plan showing siting of the approved privacy screen.



1.4 Quality built form		
1.4.1 Context	Yes	<p>The proposed development responds to the constraints of the site by minimising any increase in building footprint and delivering a neutral site coverage outcome primarily seeking works within the building footprint or replacing the upper most level.</p> <p>The development also makes a concerted effort in improving landscaping and providing additional planting and ensuring a compliant un-built upon area responding to the opportunity to increase in landscaping.</p> <p>The development also responds to the wider context and surrounding conservation area maintaining the core building and its Interwar character.</p>
1.4.2 Subdivision Pattern	Yes	The proposed work would not alter the existing lot size, shape or orientation of the site.
1.4.3 Streetscape	Yes	<p>A new vehicular crossing is required by Council’s Development Engineer and a recommended condition of consent will require a permit for the vehicular crossing to be submitted to Council for approval prior to Construction Certificate and the requirements for the driveway and associated works are detailed within Condition C13 Obtain Driveway Crossing and associated works permit.</p> <p>There is potential for damage to public infrastructure through the course of construction as well as during construction of the new vehicular crossing, therefore Council’s Development Engineer requires a dilapidation report of the surrounding public infrastructure is prepared (refer to C1 Dilapidation Report Damage to Public Infrastructure) and a corresponding bond for damage and completion of infrastructure works is required (refer to C15 Bond for Damage and Completion of Infrastructure Works).</p> <p>There are no street trees opposite the site on Kurraba Road therefore no tree bond for protection of public trees is required in this instance.</p>
1.4.5 Siting	Yes	The dual occupancy (attached) would remain appropriately sited addressing the street with elevations parallel to the corresponding boundaries of the site in accordance with the provisions in s1.4.5 of the NSDCP 2013.
1.4.6 Setback – Front	Yes	<p>The building maintains the existing front setback and it is noted the rooftop addition is slightly setback compared to the existing rooftop Level 2 addition.</p> <p>The front setback of the building although being located on a bend in Kurraba Road generally is in alignment with the primary facades of adjoining properties.</p>



Figure 47 – Annotated aerial photo with site outlined in yellow and an arc in red detailing the general primary façade setback of properties adjoining Kurraba Road.

<p>1.4.6 Setback – Side</p>	<p>Supported subject to merit assessment</p>	<table border="1"> <thead> <tr> <th>Control</th> <th>Existing</th> <th>Proposed</th> <th>Compliance</th> </tr> </thead> <tbody> <tr> <td colspan="4">Zone R2 (Low Density Residential)</td> </tr> <tr> <td rowspan="2">R2 - 1st storey (Up to 4m) Min 900mm</td> <td>2.3m (North)</td> <td>1.04m - 2.3m (North)</td> <td>Yes</td> </tr> <tr> <td>2.32m – 2.36m (South)</td> <td>2.32m – 2.36m (South)</td> <td>Yes</td> </tr> <tr> <td rowspan="2">R2 - 2nd storey (up to 7m) Min 1.5m</td> <td>2.3m (North)</td> <td>1.04m - 2.3m (North)</td> <td>No</td> </tr> <tr> <td>2.32m – 2.36m (South)</td> <td>2.32m – 2.36m (South)</td> <td>Yes</td> </tr> <tr> <td rowspan="2">R2 - 3rd storey (Greater than 7m) Min 2.5m</td> <td>2.3m (North)</td> <td>1.04m - 2.3m (North)</td> <td>No</td> </tr> <tr> <td>2.36m – 3.04m (South)</td> <td>2.36m – 3.04m (South)</td> <td>Yes</td> </tr> </tbody> </table> <p>The existing building has compliant side setbacks to both the northern and southern side boundaries which is considered a notable feature in controlling the bulk and scale of the building and providing separation to adjoining properties.</p> <p>Part of the development application seeks a three storey side addition to the northern side of the building reducing the setback from 2.3m to 1.04m.</p> <p>The side addition was subject to original concerns during the preliminary assessment of the development application. The side addition has been amended substantially in size to be purely for ease of access to and from the building providing alternative access other than use of the lift.</p> <p>The side addition has been sufficiently reduced in size to minimise the bulk and scale of the addition and minimise an adverse impact to existing landscaping within the northern side setback. Below is a comparison between the originally proposed side addition and amended side addition which evidently shows a minimal increase in bulk and scale, a prioritising in ensuring appropriate building separation and maintenance of landscaping.</p>	Control	Existing	Proposed	Compliance	Zone R2 (Low Density Residential)				R2 - 1 st storey (Up to 4m) Min 900mm	2.3m (North)	1.04m - 2.3m (North)	Yes	2.32m – 2.36m (South)	2.32m – 2.36m (South)	Yes	R2 - 2 nd storey (up to 7m) Min 1.5m	2.3m (North)	1.04m - 2.3m (North)	No	2.32m – 2.36m (South)	2.32m – 2.36m (South)	Yes	R2 - 3 rd storey (Greater than 7m) Min 2.5m	2.3m (North)	1.04m - 2.3m (North)	No	2.36m – 3.04m (South)	2.36m – 3.04m (South)	Yes
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	2.36m – 3.04m (South)	2.36m – 3.04m (South)	Yes																												

		 <p>Figure 48 – Originally lodged Proposed Ground Floor Plan, DA-1002 Rev 14</p>  <p>Figure 49 – Amended Proposed Ground Floor Plan, DA-1002 Rev 19</p> <p>The side addition has been sufficiently amended to not add to the bulk and scale of the building ensures separation between buildings and does not undermine a characteristic pattern of setbacks for residential properties in the R3 Medium Density Residential Zone. Furthermore, the side addition casts no additional shadow to adjoining properties, affects existing views or impacts upon neighbouring privacy. The side addition is therefore supportable satisfying the objectives in s1.4.6 of NSDCP 2013.</p>
<p>1.4.6 Setback – Rear</p>	<p>Yes</p>	<p>The site is an irregular shaped lot not sharing a matching rear setback to adjoining properties. Nonetheless, the development seeks no additions to the rear maintaining the existing building rear setback.</p>
<p>1.4.7 Form Massing Scale</p>	<p>Yes</p>	<p>Provision P4, s1.4.7 of NSDCP 2013 stipulates the finished floor to ceiling heights are to be a minimum of 2.7m and further reductions in floor to ceiling height may be permitted if satisfactory sunlight and ventilation is demonstrated. The proposed rooftop addition has a floor to ceiling height of 2.8m compliant with Provision P4.</p> <p>Provision P5, s1.4.7 of NSDCP 2013 stipulates that façade of buildings which face the street should not be dominated by large expanses of glass and that facades should incorporate smaller door and window openings.</p> <p>The rooftop addition is considered an improvement compared to the existing rooftop addition deleting the previously approved steel framed sunscreens approved under Development Application No. 1185/91 and conservatory addition approved under Development Application No. 1053/89. The proposed roof addition with reduced glazing through the provision of brick piers and modest sized window panes is supported.</p>

		 <p>Figures 50 & 51 – Photomontage of Existing Development (left) and Photomontage of Proposed Development, DA-2501 Rev 19 (right)</p> <p>The Applicant in response to preliminary feedback during the assessment also reduced glazing to the southern side of the rooftop addition to minimise views to the neighbouring 162 Kurraba Road as well as reducing glazing to the southern elevation visible from the streetscape.</p>  <p>Figures 52 & 53 – Annotated Proposed South Elevation, DA-1401 Rev 19 (left) and Photo of Existing Building from Kurraba Road</p> <p>The windows proposed to the front façade and southern side facade visible from Kurraba Road are therefore acceptable in accordance with the directions in Provision P5, s1.4.7 of NSDCP 2013.</p>
<p>1.4.8 Built Form Character</p>	<p>Yes</p>	<p>The building subject to alterations and additions would maintain its Interwar functionalist character defined by simple geometry, plain brick walls, large areas of glass and existing flat roof profile concealed by a parapet. Council’s Conservation Officer considers the roof addition to be sympathetic to the Interwar style of the building. The development therefore is reflective and complementary to the character of the locality (Kurraba Point Conservation Area) where Interwar buildings are part of the conservation areas significance.</p>
<p>1.4.9 Dwelling Entry</p>	<p>Yes</p>	<p>Windows to habitable rooms will remain orientated to the street and the dwelling entry/entry to the site is clearly identifiable therefore the development maintains a sense of address generally compliant with the Objectives and Provisions in s1.4.9 of NSDCP 2013.</p>
<p>1.4.10 Roofs</p>	<p>Yes</p>	<p>The existing building has a flat roof concealed behind a parapet and a rooftop glazed addition with a flat roof. The proposal seeks to demolish the existing rooftop addition and replace with a new rooftop addition with a flat metal roof.</p> <p>The proposed flat roof of the rooftop addition is supported by Council’s Heritage Officer consistent with the character of other buildings in the conservation area that are designed in the Interwar style.</p> <p>The development therefore satisfies Objective O1 and Provision P2 providing a characteristic roof typology that positively relates to architecturally similar buildings in the conservation area.</p>
<p>1.4.12 Colours and Materials</p>	<p>Yes</p>	<p>The bulk of the existing building will remain including masonry elevations and sandstone lower ground floor. The existing parapet is to be painted in an off white colour and new stained timber doors to the garages are proposed.</p> <p>The rooftop addition will comprise of glazed windows, brick piers and a metal roof.</p>

		<p>Council's Conservation Officer is generally supportive of the proposed materials and finishes for the rooftop addition. A condition of consent has been prepared in response to Heritage concerns requiring original brickwork not to be painted and the timber garage doors to have a painted finish rather than stained.</p> <p>The following conditions of consent are recommended:</p> <p>C10. Heritage Requirements C8. Colours, Finishes and Materials (Conservation Areas)</p>
1.4.13 Balconies – Apartments	Yes	<p>The development comprises of two apartments (Ground level Apartment 1 and Level 1 and 2 Apartment 2).</p> <p>The ground level apartment has an existing 25m² terrace facing Kurraba Road and landscaped private open space to the rear of the site.</p> <p>The upper level apartment has a 3m² rear balcony serving Level 1 and a 28m² terrace for Level 2.</p> <p>The existing balconies and terraces are existing and sufficiently integrated into the overall architectural form of the building.</p> <p>The balconies and terraces associated with each apartment provides a functional private open space generally compliant with the Objective and Provisions in s1.4.13 of NSDCP 2013.</p>
1.4.14 Front Fences	Yes	<p>The existing frontage facing Kurraba Road comprising of a sandstone boundary with garage openings, sandstone retaining walls with landscaped front gardens will remain apart from the addition of two entry gates. The entry gates as shown in the Proposed West Elevation (DA-1402 Rev 17) are suitable in height not dominant in context with the street.</p> <p>The retention of the existing sandstone walls that defined the frontage of the site is supported maintaining a characteristic built element within the Kurraba Point Conservation Area.</p>
1.5 Quality Urban Environment		
1.5.3 Safety and Security	Yes	<p>Each apartment would have views of the street from windows and private open space and the entry pathways to the building are not concealed and provide ease of access/entry.</p> <p>Separate entry is provided to residents of each apartment with separate entry from the northern side addition.</p> <p>The building is designed to ensure sufficient safety for people using or visiting the building.</p>
1.5.4 Vehicle Access and Parking	Yes	<p>Alterations are proposed to the lower ground parking area providing four (4) car parking spaces for the dual occupancy (attached).</p> <p>The provision of four spaces for the dual occupancy complies with the maximum parking requirement stipulated in Table B-10.1, s10.2 of NSDCP 2013.</p>

		<p>Provision P16, s1.5.4 of NSDCP 2013 requires the vehicle access width to be 2.5m and this is concurrent with the minimum requirements in AS2890.1.</p> <p>The garage doors have a width of 2.2m and the proposed development seeks to retain the garage door entries albeit provide new timber doors.</p> <p>The existing/proposed doors are noted to have a non-compliance with AS2890.1, however, following discussions with Council’s Development Engineer the garages are existing and the applicant is proposing to remove internal partitions to provide a bit more space for parking. The Development Engineer notes for full compliance with AS2890.1 substantial alterations to the front of the garage is not required and that the existing garage openings is an existing situation and the applicant is not altering much to the ground floor level at the frontage which is a supportable outcome for Council’s Heritage Officer maximising the retention of sandstone which contributes to the appearance of the streetscape and the heritage significance of the Kurraba Point Conservation Area.</p>
<p>1.5.5 Site Coverage</p>	<p>Yes, subject to merit assessment</p>	<p>The proposed development is subject to a maximum site coverage of 45% (167.6m²). A site coverage calculation diagram is submitted as part of the architectural plans confirming the existing site coverage at 207m² (55%) and the proposed site coverage at 200m² (53%).</p> <p>The site subject to alterations and additions seeks to demolish existing external staircases within the southern side setback and internalise the garbage storage area within the lower ground car parking area. The proposed addition to the northern side of the building would add to site coverage but the side addition which has been amended in size would not result in over development of the site and the development controls site density maintaining a neutral outcome in terms of site coverage.</p> <p>Note: It is noted the existing garbage storage area located within the southern setback is calculated as site coverage. The garbage storage area comprises bins in an open unenclosed area and could be defined as un-built upon area.</p> <p>Irrespective of whether the bins are calculated as site coverage or un-built upon the development has sought to minimise additional footprint so as to control site density, increase landscaping and have a neutral site coverage outcome therefore satisfying Objectives O1 – O4 in s1.5.5 of NSDCP 2013.</p>

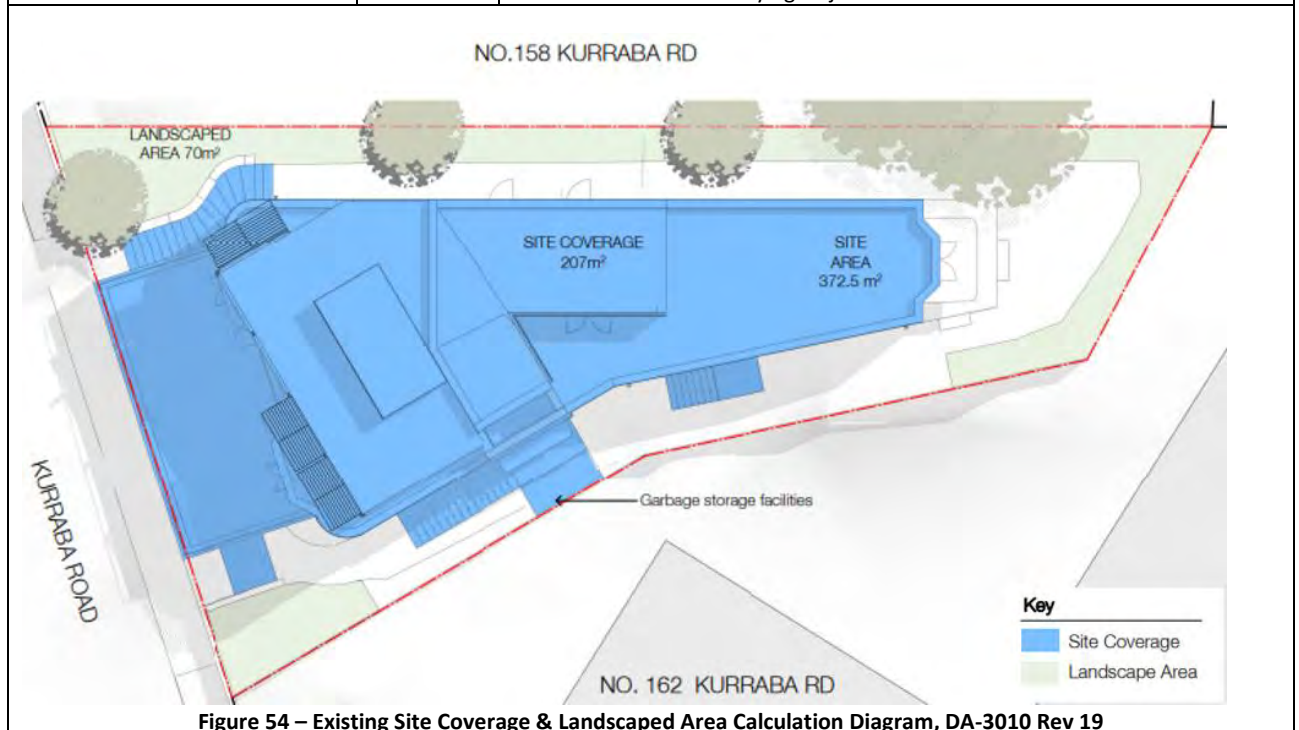


Figure 54 – Existing Site Coverage & Landscaped Area Calculation Diagram, DA-3010 Rev 19

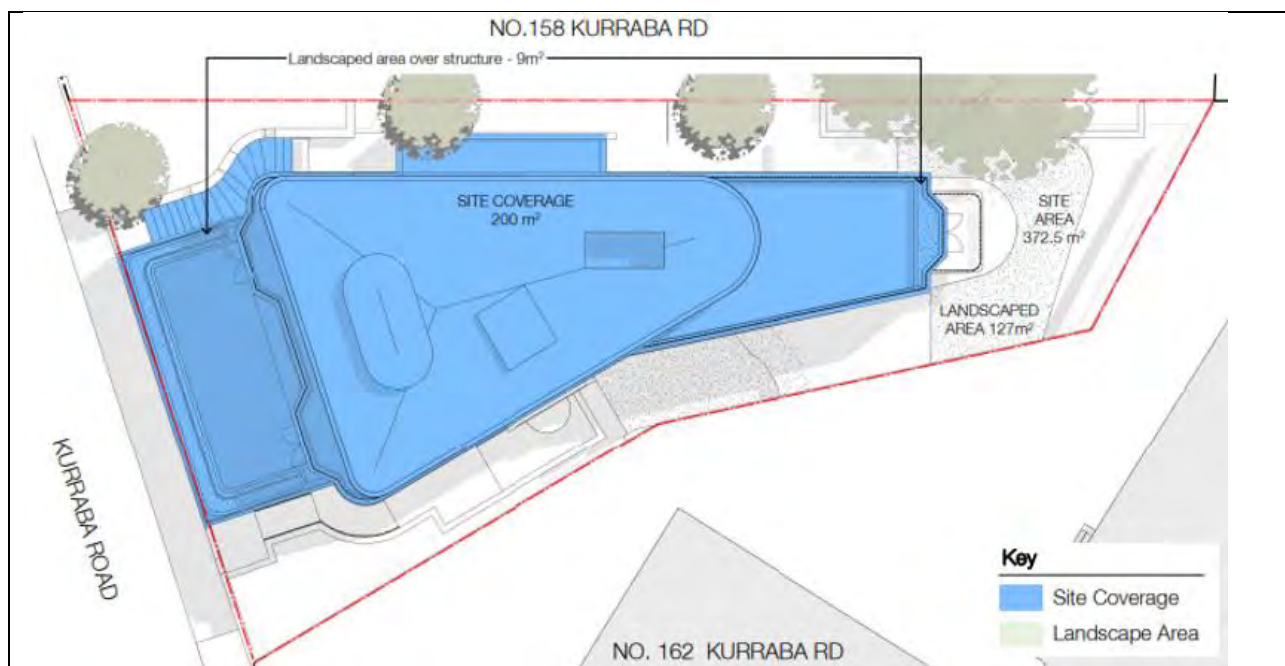


Figure 55 – Proposed Site Coverage & Landscaped Area Calculation Diagram, DA-3010 Rev 19

Note: the accuracy of the calculations was checked by Council in comparing the existing and proposed Site Coverage calculations.

<p>1.5.6 Landscape Area</p>	<p>Yes, subject to merit assessment</p>	<table border="1"> <thead> <tr> <th>Control</th> <th>Existing</th> <th>Proposed</th> <th>Compliance</th> </tr> </thead> <tbody> <tr> <td>Site coverage Max 45%</td> <td>207m² (55%)</td> <td>200m² (53%)</td> <td>No Acceptable subject to merit assessment</td> </tr> <tr> <td>Landscaped area Min 40%</td> <td>70m² (19%)</td> <td>127m² (34%)</td> <td>No Acceptable subject to merit assessment</td> </tr> <tr> <td>Unbuilt-upon area Max 15%</td> <td>95.5m² (26%)</td> <td>45.5m² (12%)</td> <td>Yes</td> </tr> </tbody> </table> <p>The development proposes to increase landscaped areas primarily by establishing more landscaping within the southern side setback and eastern rear setback of the site which is supported.</p> <p>The development would have a net increase in landscaped area of 57m² (15%) which although not compliant with the minimum landscaped area of 40% is a substantial improvement compared to the existing landscaped area and assists in adding a greater landscaped buffer between adjoining properties, contributing to the streetscape and assists in retention and absorption of surface drainage water on site.</p> <p>The additional landscaping and increased landscaped area are a positive outcome generally satisfying the objectives in s1.5.6 of NSDCP 2013.</p>	Control	Existing	Proposed	Compliance	Site coverage Max 45%	207m ² (55%)	200m ² (53%)	No Acceptable subject to merit assessment	Landscaped area Min 40%	70m ² (19%)	127m ² (34%)	No Acceptable subject to merit assessment	Unbuilt-upon area Max 15%	95.5m ² (26%)	45.5m ² (12%)	Yes
Control	Existing	Proposed	Compliance															
Site coverage Max 45%	207m ² (55%)	200m ² (53%)	No Acceptable subject to merit assessment															
Landscaped area Min 40%	70m ² (19%)	127m ² (34%)	No Acceptable subject to merit assessment															
Unbuilt-upon area Max 15%	95.5m ² (26%)	45.5m ² (12%)	Yes															
<p>1.5.7 Landscaping</p>	<p>Yes</p>	<p>The development as amended provides a positive landscape outcome with additional planting within the eastern rear setback, southern side setback and existing trees are to remain apart from 1 x Olea europaea sub. cuspidate 'African Olive'.</p> <p>The site would retain sufficient tree canopy over landscaped areas and the proposed plan schedule provides a variety of plant species including native plants to the North Sydney area.</p>																

		The development is therefore supportable from a landscaping perspective generally meeting the Objectives and Provisions in s1.5.7 of NSDCP 2013.
1.5.8 Front Gardens	Yes	<p>The development will retain the two raised gardens that adjoin Kurraba Road and retain an existing <i>Cupressus arizonica</i> within the north western garden bed.</p> <p>New shrubs, grasses and groundcovers are proposed within the 2 x garden beds including the planting of 2 x <i>Melaleuca armillaris</i> capable of a height of 3-5m.</p> <p>A formalised planter bed is proposed to the Ground Floor front terrace which also softens the built form of the building and complements landscaping within the street.</p> <p>The development generally satisfies the objectives and provisions in s1.5.8 of NSDCP 2013.</p>
1.5.9 Private and Communal Open Space	Yes	<p>The ground floor apartment has access to approximately 80-90m² of private open space to the rear of the site. Although the private open space is not directly accessible from a main living area such as the living room or kitchen/dining area the private open space is appropriately sited to the rear providing a reasonable level of outdoor amenity to residents.</p> <p>Due to Apartment 2 being above ground level private open space is reserved to a rear balcony and a rooftop terrace, however, Apartment 2 above ground private open space is sufficient in size to ensure a reasonable level of outdoor amenity.</p>
1.5.12 Garbage Storage	Yes	<p>The lower ground floor parking area is sufficient in size for bin accommodation and is sited close to the street to allow ease of access to the collection point.</p> <p>The proposed location of the garbage storage area within the lower ground is acceptable.</p>
1.5.13 Site Facilities	Yes	<p>Both apartments have sufficient outdoor space for open air clothes drying, the lower ground floor details the location of the mailboxes located near the entry to the site and ancillary storage facilities are located in the lower ground to serve each apartment.</p> <p>Sufficient site facilities are provided that serve the needs of residents.</p>
1.6 Efficient Use of Resources		
1.6.1 Energy Efficiency	Yes	A valid BASIX certificate has been submitted.

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

The development is considered supportable maintaining significant elements of the site which contributes to the significance of the conservation area including topography, irregular subdivision, the sandstone wall fronting Kurraba Road and both retention of tree canopy and additional landscaping upholds the landscaped “luxuriant character” of the streetscape. The Inter war character of the building would remain and subject to a recommended condition of consent by Council’s Heritage Officer the external materials will be characteristic of the conservation area.

LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN

The subject application has been assessed against the North Sydney Local Infrastructure Contribution Plan 2020 and is subject to payment of s7.12 contributions for the provision of local infrastructure. The proposed change of use and alterations and additions will not accrue a s7.11 contribution because there is no net increase in dwellings on the land. Confirmation of contributions payable in accordance with Council’s Contributions Plan is as follows:

Contribution

Applicable contribution type		
s7.12 contribution details <i>(payment amount subject to indexing at time of payment)</i>	Development cost:	\$2,345,443.00
	Contribution:	\$23,454.00

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

ALL LIKELY IMPACTS OF THE DEVELOPMENT

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

ENVIRONMENTAL APPRAISAL

CONSIDERED

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

SUBMITTERS CONCERNS

The application was notified to adjoining properties and the Kurraba Precinct. Council received three (3) submissions where the following matters were raised:-

- **A detailed noise and vibration control plan shall be prepared due to the proposed excavation and proximity of adjoining properties. Assurances are required for mitigation measures to prevent dust from construction affecting neighbouring sites.**

Response: Conditions of consent are recommended with regards to dust emission/ air quality and noise and vibration to ensure residential amenity is maintained during construction (**E7 Dust Emission and Air Quality & E8 Noise and Vibration**).

- **The North Elevation proposes large glazing to Level 2 overlooking a living area of an adjoining property.**

Response: this comment is noted and the error has been rectified within amended the architectural plans. The Level 2 Floor Plan has been updated to include a glazed curved window to the north western corner directing views primarily to Kurraba Road but and this is detailed accurately in the corresponding Northern Elevation.

- **Railings to the terrace need to be of a height and angle to ensure privacy.**

Response: a privacy condition is recommended to provide further direction on the design of the privacy screen for the Level 2 terrace (**C27 Privacy**).

- **Solid paving between the northern side of the building to the existing boundary fence line will cause significant damage to the retained trees on the northern boundary.**

Response: the Landscape Plan has been sufficiently amended removing the solid paving within the northern setback and retaining trees apart from *1 x Olea europaea sub. cuspidata*. The amended landscape plan proposes greater screen planting along the side boundary comprising of *Syzygium australe* and the solid paving is replaced with stepping stones.

- **The site plan incorrectly details the location of existing retaining walls on the northern boundary.**

Response: no consent is permitted for alterations or siting of the existing sandstone wall along the northern boundary. The retaining walls shall remain not identified for alterations within the architectural plans.

- **The Mulberry on the northern side boundary should remain as it softens the built landscape and gives fruit every year.**

Response: The *Morus alba* 'Mulberry' will remain and conditions of consent as recommended by Council's Landscape Development Officer will apply to ensure its retention and protection during construction and maintenance of landscaping post construction.

- **The Golden Cypress significantly softens the built environment and enhances the landscape and should not be removed.**

Response: the existing *Cupressus arizonica* "Golden Cypress" is to remain and conditions of consent as recommended by Council's Landscape Development Officer will apply to ensure its retention and protection during construction and maintenance of landscaping post construction.

- **Concerns are raised with regards to parking associated with construction limiting the availability of on street parking.**

Response: Conditions of Consent are recommended by Council's Development Engineer concerning parking restrictions and road reserve safety so that kerbside parking is not compromised during construction works (**E1 Parking Restrictions & E2 Road Reserve Safety**).

- **The parking of equipment in particular skips and excavators on the street poses a hazard to the health and safety of residents and Council should not issue permits for parking of equipment on the street.**

Response: Council's Development Engineer has recommended a Construction and Traffic Management Plan to be prepared for consideration by the North Sydney Traffic Committee. The CMP will detail locations of any work zones, unloading and loading points and material storage areas to ensure appropriate measures during all phases of the development to protect residential amenity and prevent inconvenience to the community (**C4 Construction Management Plan**).

- **The development will have a significant noise and vibration impact to residents of adjoining properties and strong controls should be implemented regarding operating hours.**

Response: Conditions of consent are recommended with regards to hours of construction and noise and vibration to ensure residential amenity is maintained during construction (**E15 Construction Hours, E7 Dust Emission and Air Quality & E8 Noise and Vibration**).

- **Council should ensure there is no asbestos in the building and mitigation measures are required to minimise dust exposure.**

Response: appropriate conditions of consent will apply requiring an asbestos material survey (**D7 Asbestos Material Survey**) and if found the removal and disposal is to be undertaken appropriately (**E23 Asbestos Removal & G6 Asbestos Clearance Certificate**).

- **The development is an amazing refurbishment of a building that is desperately in need of a new life.**

Response: it is noted one (1) out of three (3) submissions was in favour of the works.

PUBLIC INTEREST

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

SUITABILITY OF THE SITE

The proposal would be located in a R3 Medium Density Residential Zone where dual occupancies (attached) are a permissible form of development. Consequently, the proposal is considered to be suitable for the site having regard to the merits of the proposal as described in the above report.

CONCLUSION

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

The development proposes a replacement rooftop (Level 2) addition that has a maximum height of 11.5m, being a variation of 35% which does not comply with the maximum permitted height of 8.5m in Clause 4.3 in NSLEP 2013. The contravention of the development standard for height is justifiable and reasonable because the Level 2 has negligible amenity impacts on neighbouring properties and a predominantly reduced height and improved design compared to the existing rooftop conservatory style addition. The written request to vary the development standard demonstrates that compliance with the development standard would be unreasonable and unnecessary in the circumstances of the case and that there are sufficient planning grounds to justify the variation.

The proposed development seeks to change the use of the site from a RFB to a dual occupancy. The dual occupancy does not comply with Cl. 6.6(1)(a) & (c) because the form of the building will remain not as a dwelling but an Interwar residential flat building and the existing site area is less than 450 square metres. The written request made pursuant to Clause 4.6 in NSLEP 2013 is considered to be well founded because the change of use positively responds to the significance of the site to the surrounding conservation area, the dual occupancy provides a high level of residential amenity for residents and adjoining properties area and the change of use will be substantially within the fabric of the existing building conserving the appearance and significant fabric of the building.

The development is appropriately designed sympathetic with the Interwar building style and the rooftop addition is an improved outcome for the street and character of the conservation area removing the existing uncharacteristic conservatory style roof addition with operable metal screens. A Heritage Condition is recommended in accordance with heritage comments to ensure materials and finishes are sympathetic to the significance of the surrounding heritage conservation area.

The proposed development responds to the constraints of the site by minimising any increase in building footprint and delivering a neutral site coverage outcome primarily seeking works within the building footprint or replacing the upper most level. The development has an improved landscaped outcome providing additional planting and ensuring a compliant un-built upon area responding to the opportunity to increase in landscaping within the setbacks of the site as well as on structure planting.

Council received three (3) submissions which included a submission in support of the development. The submissions raised regarding loss of landscaping, the potential adverse impact to neighbouring properties during construction in terms of noise, air pollution and potential loss of street parking during construction. The landscape issues are considered to be satisfied with amended landscape plans retaining all trees apart from one and providing an improved landscape outcome within the setbacks of the site. The content of the submissions has been discussed in this report and where appropriate conditions of consent are recommended to manage dust emission, noise and vibration during construction and a construction management plan is recommended by condition to ensure appropriate traffic and operational measures are prepared and approved prior to construction.

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

HOW WERE THE COMMUNITY VIEWS TAKEN INTO CONSIDERATION?

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

RECOMMENDATION

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

THAT the North Sydney Local Planning Panel, exercising the functions of Council, assume the concurrence of the Secretary of The Department of Planning, Housing, and Infrastructure and invoke the provisions of Clause 4.6 in NSLEP 2013 with regards to the non-compliance with Clause 4.3 & 6.6 of NSLEP 2013 and grant consent to Development Application No. 191/23 for alterations and additions and a change of use from a residential flat building to a dual occupancy (attached) on land at 160 Kurraba Road, Kurraba Point subject to the following site specific and standard conditions.

THOMAS HOLMAN
SENIOR ASSESSMENT OFFICER

DAVID HOY
TEAM LEADER ASSESSMENTS

STEPHEN BEATTIE
MANAGER DEVELOPMENT SERVICES

NORTH SYDNEY COUNCIL
CONDITIONS OF DEVELOPMENT APPROVAL
160 KURRABA ROAD, KURRABA POINT
DEVELOPMENT APPLICATION NO. 191/23

A. Conditions that Identify Approved Plans

Development in Accordance with Plans/Documentation

- A1. The development must be carried out in accordance with the following drawings endorsed with Council's approval stamp and other documentation listed in the table to this clause, or cited by other conditions, and as amended by other conditions of this consent.

Plan No.	Issue	Title	Drawn by	Received
DA-0103	19	Site Plan	SJB Architects	15/02/2024
DA-0301	19	Lower Ground Demolition Floor Plan	SJB Architects	15/02/2024
DA-0302	19	Demolition Floor Plan - Ground	SJB Architects	15/02/2024
DA-0303	19	Demolition Floor Plan – Level 1	SJB Architects	15/02/2024
DA-0304	19	Demolition Floor Plan – Level 2	SJB Architects	15/02/2024
DA-0305	19	Demolition Floor Plan – Level 2 Mezzanine	SJB Architects	15/02/2024
DA-1001	19	Proposed Floor Plan – Lower Ground	SJB Architects	15/02/2024
DA-1002	19	Proposed Floor Plan – Ground	SJB Architects	15/02/2024
DA-1003	19	Proposed Floor Plan – Level 1	SJB Architects	15/02/2024
DA-1004	19	Proposed Floor Plan – Level 2	SJB Architects	15/02/2024
DA-1005	19	Proposed Floor Plan – Level 2 Mezzanine	SJB Architects	15/02/2024
DA-1401	19	Proposed Elevations North/South/East/West	SJB Architects	15/02/2024
DA-1501	19	Proposed Sections	SJB Architects	15/02/2024
2	E	Site Plan and Landscape Ratios	Pepo Pty Ltd	29/09/2023
3	E	Proposed Landscape Concept – Site Plan	Pepo Pty Ltd	29/09/2023
4	E	Proposed Planting Plan – Lower Ground Floor	Pepo Pty Ltd	29/09/2023
5	E	Proposed Planting Plan – Ground Floor	Pepo Pty Ltd	29/09/2023
6	E	Proposed Planting Plan – Level 2	Pepo Pty Ltd	29/09/2023

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

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Plans on Site

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

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

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

No Demolition of Extra Fabric

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

(Reason: To ensure compliance with the approved development)

C. *Prior to the Issue of a Construction Certificate (and ongoing, where indicated)***Dilapidation Report Damage to Public Infrastructure**

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

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

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

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

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

Dilapidation Survey Private Property (Neighbouring Buildings)

- C2. A photographic survey and dilapidation report of adjoining property No. 158 Kurraba Road detailing the physical condition of the property, both internally and externally, including, but not limited to, such items as walls, ceilings, roof, structural members and other similar items, MUST BE submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The survey and report are to be prepared by an appropriately qualified person and a copy to be given to the owner of the adjoining property. A copy of the report is to be provided to Council, if Council is not the Principal Certifier, prior to the issue of any Construction Certificate.

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

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

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

(Reason: Proper management of records)

Structural Adequacy of Existing Building

- C3. A report prepared by an appropriately qualified and practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction shall be submitted to the Principal Certifier for approval prior to issue of any Construction Certificate. The certified report must also include all details of the methodology to be employed in construction phases to achieve the above requirements. The methodology in the certified report must be complied with at all times.

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

Construction Management Program - Local Traffic Committee Approval

- C4. A Construction Management Program prepared by a suitably qualified and experienced traffic consultant must be submitted and approved in writing by North Sydney Council's Traffic Division PRIOR TO THE ISSUE OF ANY Construction Certificate. Any use of Council property will require appropriate approvals prior to any work commencing. At a minimum, the Construction Management Program must specifically address the following matters:
- a) A plan view (min 1:100 scale) of the entire site and frontage roadways indicating:
 - i. Dedicated temporary construction site driveway entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways and footways;
 - ii. The proposed signage for pedestrian management to comply with the relevant Australian Standards, including pram ramps;
 - iii. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
 - iv. The locations of any proposed Work Zones in the frontage roadways (to be approved by Council's Traffic Committee);
 - v. Locations of hoardings proposed;
 - vi. Location of any proposed crane standing areas;
 - vii. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
 - viii. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected; and
 - ix. The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
 - b) A detailed heavy vehicle access route map through the Council area to Arterial Roads. Provision is to be made to ensure through traffic is maintained at all times.
 - c) The proposed phases of works on the site, and the expected duration of each phase.
 - d) How access to neighbouring properties will be maintained at all times and the proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of process.
 - e) The road is not to be used as a waiting area for trucks delivering to or awaiting pick up of materials.

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- f) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising structural engineer and must not involve any permanent or temporary encroachment onto Council's property.
- g) Proposed protection for Council and adjoining properties. Details are to include site fencing and the provision of "B" class hoardings over footpaths and laneways.
- h) A Waste Management Plan. The Waste Management Plan must include, but not be limited to, the estimated volume of waste and method of disposal for the construction and operation phases of the development, design of on-site waste storage and recycling area and administrative arrangements for waste and recycling management during the construction process.

All traffic control work and excavation, demolition and construction activities must be undertaken in accordance with the approved Construction Management Program and any conditions attached to the approved Program. A certificate of compliance with this condition must be obtained from Council's Traffic and Transport engineers.

The certificate and the approved Construction Management Program must be submitted as part of the documentation lodged with the application for approval of a construction certificate.

A copy of the approved Construction Management Program and any conditions imposed on that Program, must be kept on the site at all times and made available to any officer of Council upon request.

Notes:

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

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

Geotechnical Report

- C5. Prior to issue of any Construction Certificate a Geotechnical/Civil Engineering report must be prepared which addresses at a minimum (but is not limited to) the following:
- a) the type and extent of substrata formations by the provision of a minimum of four (4) representative bore hole logs which are to provide a full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs must be related to Australian Height Datum;
 - b) the appropriate means of excavation/shoring in light of point (a) above and proximity to adjacent property and structures. Potential vibration caused by method of excavation and potential settlements affecting nearby footings/foundations must be discussed and mechanisms to ameliorate any such impacts recommended;
 - c) the proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property, structures and road reserve if nearby (full support must be provided within the subject site);
 - d) the existing groundwater levels in relation to the basement structure, where influenced;
 - e) the drawdown effects on adjacent properties (including road reserve), if any, the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater. Where it is considered there is the potential for the development to create a "dam" for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path is constructed, artificial drains such as perimeter drains and through drainage may be utilised; and
 - f) recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

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

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

The design principles for the geotechnical report are as follows:

- a) no ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure;
- b) no changes to the ground water level are to occur as a result of the development that are sufficient enough to cause an adverse impact to the surrounding property and infrastructure;
- c) no changes to the ground water level are to occur during the construction of the development that are sufficient enough to cause an adverse impact to the surrounding property and infrastructure;
- d) vibration is to be minimised or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development;
- e) appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these Design Principles; and
- f) an adverse impact can be assumed to be crack damage as identified within the relevant Australian Standard for determining such damage.

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

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

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

Sediment Control

- C6. Where construction or excavation activity requires the disturbance of the soil surface or existing vegetation, erosion and sediment control techniques, as a minimum, are to be in accordance with the publication *Managing Urban Stormwater: Soils and Construction* (4th Edition, Landcom, 2004) commonly referred to as the "Blue Book" or a suitable and effective alternative method.

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

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

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

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

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

Waste Management Plan

- C7. A Waste Management Plan is to be submitted for approval by the Principal Certifier prior to the issue of any Construction Certificate. The plan must include, but not be limited to:
- a) The estimated volume of waste and method of disposal for the construction and operation phases of the development;

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- b) The design of the on-site waste storage and recycling area; and
- c) Administrative arrangements for waste and recycling management during the construction process.

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

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

Colours, Finishes and Materials (Conservation Areas)

- C8. The finishes, materials and exterior colours shall be complementary to the architectural style of the original building and sympathetic to the character of the Conservation Area. A schedule of finishes, materials and external colours shall be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition prior to the release of the Construction Certificate.

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

Skylight(s)

- C9. Skylight flashing(s) and frame(s) to be coloured to match the roof material. Skylight(s) to sit no higher than 100mm above roof plane when in a closed position. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate.

The Principal Certifier must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To minimise the visual impact of the skylight(s) on the roof plane)

Heritage Requirements

- C10. The following heritage requirements are to be met:

- a) Original exposed brickwork is not to be painted.
- b) The garage doors are to have a painted finish complementary to the exterior colours of the building and surrounding Conservation Area.
- c) New windows and doors are to be timber framed. The materials used for the existing arched window subject to alterations shall be salvaged and reused where possible and new materials are to match the existing arched window.

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The Certifying Authority must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition prior to the release of the Construction Certificate.

(Reason: To retain the character of the Interwar building)

Work Zone

- C11. If a Work Zone is required a Work Zone permit is to be obtained from Council prior to the issue of any Construction Certificate.

Note: For major development an application for work zone permit must be considered by the North Sydney Local Traffic Committee.

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

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

(Reason: Amenity and convenience during construction)

Basement Car Park to Comply with Relevant Standards

- C12. The basement layout must comply with all requirements of Australian Standard AS2890.1. Certification from a suitably qualified and practicing Civil Engineer that the basement design will comply with the requirements of the Australian Standard must be provided to the Principal Certifier for approval prior to issue of any Construction Certificate.

(Reason: To ensure the basement layout complies with relevant standards)

Obtain Driveway Crossing Permit under S.138 Roads Act 1993

C13. A driveway crossing and roads infrastructure works permit to suit the approved off-street parking facilities must be granted by the Council prior to the issue of any Construction Certificate. In order to obtain a permit under S.138 of the Roads Act 1993, an application must be made to Council on the 'Vehicular Access Application' form with payment of the adopted assessment/inspection fees. Council will require civil design construction drawings and certification from the applicant's Civil Engineer to verify design details and enable issue of the permit. The requirements of the permit must be complied with at all times.

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

- a) the vehicular access way must comply with AS 2890.1 and Council's current Vehicular Access Application Guidelines and Specification (gutter bridges not permitted) to ensure that a B85 vehicle will not scrape/strike the surface of the carriageway, layback, vehicular crossing or parking floor;
- b) the width of the vehicular layback must be 9.0 metres (including the wings);
- c) the crossing (between the layback and the property boundary) must be perpendicular on a single straight grade of approximately 4.5%, falling to the back of the layback;
- d) the footpath on Kurraba Road must be reconstructed and are to be transitioned at least 1.5m on both sides or for additional pavement panel, whichever is greater, to ensure uniformity on the footpath;
- e) the gutter levels and road shoulder levels on Kurraba Road must stay unchanged;
- f) the kerb gutter, and 600mm road shoulder wide-strip, adjacent to all new layback and gutter works, on Kurraba Road must be reconstructed, to ensure uniformity in the road reserve;
- g) any twisting of driveway access must occur entirely within the subject property;
- h) all inspection openings, utility services must be adjusted to match the proposed driveway levels;
- i) the design detail has to be provided with vehicular access application and must include sections along centre-line and extremities of the crossing at a scale of 1:25. Sections are to be taken from the centre of the roadway through to the parking area itself and shall include all changes of grade and levels, both existing and proposed;

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- j) a longitudinal section along the footpath property boundary at a scale of 1:50 is required and shall include all changes of grade and levels, both existing and proposed;
- k) the sections must show the calculated clearance to the underside of any overhead structure;
- l) a swept path analysis is required demonstrating that an 85th percentile vehicle can manoeuvre in and out of the garage spaces in accordance with AS 2890.1 2004 "Off Street Parking":
- m) pipelines within the footpath area must be hot dipped galvanized rectangular steel hollow section with a minimum wall thickness of 4.0 millimetres and a section height of 100 millimetres:
- n) any footpath panel on Kurraba Road that is disturbed for the purpose of stormwater connection must be reconstructed as a whole panel.

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

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

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

Stormwater Management and Disposal Design Plan – Construction Issue Detail

- C14. Prior to issue of any Construction Certificate, a site drainage management plan must be prepared by a qualified drainage design engineer. The site drainage management plan must detail the following requirements of North Sydney Council:
- a) Compliance with NCC drainage requirements, Council's Engineering Performance guide and current Australian Standards and guidelines, including the Plumbing Code of Australia (PCA).;
 - b) Stormwater runoff and subsoil drainage generated by the approved development must be conveyed in a controlled manner by gravity to Kurraba Road;

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- c) All sub-soil seepage drainage shall be discharged via a suitable silt arrester pit. Details of all plans certified as being adequate for their intended purpose and compliant with the provisions of AS3500.3.2 by an appropriately qualified and practising civil engineer shall be submitted with the application for a Construction Certificate.
- d) the design and installation of the rainwater tank(s) must comply with BASIX and Sydney Water requirements. Overflow from the tank(s) shall be connected by gravity to the stormwater disposal system;

A site drainage management plan which complies with this condition must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure controlled stormwater management and disposal without nuisance)

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

- C15. Prior to the issue of any Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of \$8,000.00 to be held by Council for the payment of cost for any/all of the following:
- a) making good any damage caused to any property of the Council as a consequence of the doing of anything to which this consent relates,
 - b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and [environmental controls](#)) required in connection with this consent,
 - c) remedying any defects in any such public work that arise within 6 months for major road works and 2 months for vehicular crossing & small associated footpath works, after the work is completed,

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

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

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

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

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

Tree Protection Measures to be shown on Construction Drawings

C16. The tree protection measures contained in the arborist report prepared by Temporal Tree Management, dated 07/03/2023, and as amended to reflect the conditions contained herein, shall be shown clearly on the Construction Certificate drawings. Plans and specifications showing the said tree protection measures must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The Principal Certifier must ensure the construction plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

Protection of Trees

C17. The following tree(s) are required to be protected and retained as part of the development consent in accordance with AS 4970-2009 – Protection of trees on development sites:

Tree No /Species	Location	Height (m)
Cupressus arizonica 'Aurea'	Front north western corner of 160 Kurraba Road	7m
Morus alba	Northern side boundary of 160 Kurraba Road	10m
Jacaranda mimosifolia	Eastern rear setback of 158 Kurraba Road	9m
Viburnum sp.	Eastern rear setback of 158 Kurraba Road	8m
Plumeria sp.	Southern side setback of 160 Kurraba Road	3m
Cyathea sp.	Southern side setback of 160 Kurraba Road	4m

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

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

(Reason: Protection of existing environmental and community assets)

Approval for Removal of Trees

- C18. The following tree(s) are approved for removal in accordance with the development consent:

Tree No /Species	Location	Height (m)
Olea europaea sub. Cuspidata	Northern side setback of 160 Kurraba Road	11m

Removal or pruning of any other tree on the site is not approved, excluding species exempt under Section 16 of the North Sydney DCP 2013.

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

(Reason: Protection of existing environmental and community assets)

Pruning of Trees

- C19. All pruning works shall to the following tree(s) shall be undertaken under the guidance of an appropriately qualified arborist/tree surgeon in accordance with Australian Standard AS 4373-2007 - Pruning of Amenity Trees:

Tree No /Species	Location	Height (m)
Morus alba	Northern side boundary of 160 Kurraba Road	10m
Jacaranda mimosifolia	Eastern rear setback of 158 Kurraba Road	9m
Viburnum sp.	Eastern rear setback of 158 Kurraba Road	8m
Plumeria sp.	Southern side setback of 160 Kurraba Road	3m

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Minor pruning shall be permitted, no more than 10% canopy of any tree shall be removed. Branches shall be tied back rather than pruned where possible, and scaffolding shall be designed to minimise the need for any pruning.

Owner's permission shall be required before any pruning can be permitted where the trunk of any tree is not solely within the boundary of 160 Kurraba Road.

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

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

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

Garbage and Recycling Facilities

C20. Adequate provision must be made for the storage of waste and recyclable material generated by the premises. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure the provision of appropriate waste facilities and to ensure efficient collection of waste by collection contractors)

Chimney/Flue Discharge Location

C21. The height of the chimney/flue must be in accordance with the requirements of the National Construction Code, and any relevant Australian Standard applicable to the type and nature of heating appliance installed.
Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate.

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

Note: If the design of the chimney/flue approved by this consent needs to be altered to achieve compliance with this requirement, an application to modify this development consent may be required, depending on the nature of the changes required.

(Reason: To ensure compliance with appropriate environmental standards and protect residential amenity arising from chimney and flue installations)

Asbestos and Hazardous Material Survey

C22. A report must be prepared by a suitably qualified person in relation to the existing building fabric to be demolished and/or disturbed identifying the presence or otherwise of asbestos contamination and, if asbestos contamination is present, making recommendations as to the work required to safely address the contamination.

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

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

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

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

Location of Plant

C23. All plant and equipment are to be located within the basement of the building and is not to be located on balconies or the roof. Air conditioning equipment that is not within the basement must not be located in a prominent location visible from the streetscape or adjoining properties. Plans and specifications complying with this condition must be submitted to the Principal Certifier for Approval prior to the issue of any Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: Minimise impact on surrounding properties, improved visual appearance and amenity for locality)

Noise from Plant and Equipment

C24. The use of all plant and equipment installed on the premises must not:

(a) Contribute an LAeq(15min) which will cause the total LAeq(15min) from all plant and equipment operating contemporaneously on the site or in the strata scheme or in the mixed strata schemes to exceed the RBL by more than 5dB when measured at the boundary of any affected receiver. The modifying factor adjustments in Section 4 of the EPA Noise Policy for Industry 2017 shall be applied.

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

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

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

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

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

Vibration from Plant and Equipment

C25. The use of all plant and equipment to be installed on the premises must comply with the vibration limits specified in "Assessing Vibration: a technical guideline" issued by the NSW Environment Protection Authority, at the boundary of any affected receiver.

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

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

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

“boundary” includes any window or elevated window of an affected residence.

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

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

Air Conditioners in Residential Premises

C26. The use of any air conditioner installed on the premises must comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulations 2017 and State Environmental Planning Policy (Infrastructure) 2007 and must not:

- (a) emit a noise that is audible within a habitable room in any affected residence (regardless of whether any door or window to that room is open);
 - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or Public Holiday; or
 - (ii) before 7.00am or after 10.00pm on any other day
- (b) cause an LAeq(15min) which exceeds the RBL background noise level by more than 5dB when measured at the boundary of any affected residence. The modifying factor adjustments in Section 4 of the EPA Noise Policy for Industry 2017 will be applied.

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

“boundary” includes any window or elevated window of an affected residence.

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

(Reason: To maintain residential amenity)

Privacy

C27. The following privacy devices are to be provided:

- a) A metal privacy screen to the southern edge of the Level 2 terrace in the location annotated and edged in red shown on the Proposed Level 2 Floor Plan (DA-1004 Rev 19) is permitted but the maximum height of the combined balustrade and privacy screen is to have a maximum height of 1.8m above the terrace finished floor level (FFL). A privacy screen is only permitted to the southern edge of the terrace and the privacy screen is to be designed not as a solid privacy screen but as a lightweight louvre/lattice privacy screen.

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

(Reason: To ensure an adequate level of privacy is provided to the adjoining property located at 162 Kurraba Road)

Section 7.12 Development Contributions

C28. A monetary contribution pursuant to the provisions of Section 7.12 of the Environmental Planning and Assessment Act 1979 is to be paid to Council, in accordance with the North Sydney Council's Contribution Plan, to provide for local infrastructure improvements.

Based on the cost of development at the date of determination, the total contribution payable to Council is \$23,454.00.

Indexation

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

Timing of payment

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

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

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

Security Deposit/Guarantee Schedule

C29. All fees and security deposits/ guarantees in accordance with the schedule below must be provided to Council prior to the issue of any Construction Certificate:

Security Deposit/Guarantee	Amount (\$)
Footpath Damage Bond	\$8,000.00
TOTAL BONDS	\$8,000.00

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Note: The following fees applicable

Fees	
Local Infrastructure Contributions	\$23,454.00
TOTAL FEES	\$23,454.00

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

(Reason: Compliance with the development consent)

BASIX Certificate

C30. Under clause 75 of the Environmental Planning & Assessment Regulation 2021, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. A483385_02 for the development are fulfilled. Plans and specifications complying with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure the proposed development will meet the Government's requirements for sustainability and statutory requirements)

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

D1. All trees that are specifically nominated to be retained by notation on plans or by condition as a requirement of this consent must be maintained and protected during demolition, excavation and construction on the site in accordance with AS4970-2009 (Protection of trees on development sites).

Sensitive construction techniques including hand excavation, pier & beam construction & flexible location of piers/footings shall be used within the TPZ of any protected tree. No roots greater than 40mm shall be cut. No stormwater or any other underground services shall be directed through the TPZ of any protected tree.

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

Temporary Fences and Tree Protection

- D2. All protected trees on-site that are specifically nominated to be retained by notation on plans or by condition as a requirement of this consent must be tagged with luminous tape or the like for purposes of identification prior to demolition, excavation or construction works and must remain so for the duration of works on the site. No materials or builder's waste are to be stored in the vicinity of the nominated tree/trees at any time.

Appropriate fencing or barricades in accordance with AS4970-2009 (Protection of trees on development sites), must be installed to the satisfaction of the Principal Certifier prior to demolition or commencement of any works.

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

Notice of Proposed Work (Remediation Work)

- D3. Notice of proposed work must be given to the Council in accordance with Clause 16 of State Environmental Planning Policy No 55—Remediation of Land.

The following additional information must be submitted with the notice to the Council:

- a) Copies of any preliminary investigation, detailed investigation and remediation action plan for the site; and
- b) Contact details for the remediation contractor and any other party responsible for ensuring compliance of remediation work with regulatory requirements.

Note: 30 days' notice is required for any remediation work. In the case of work required to be carried out immediately under the terms of a remediation order a minimum of two days' notice is required)

(Reason: Protection of the environment, SEPP 55 compliance)

Public Liability Insurance – Works on Public Land

- D4. Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of public land and the undertaking of approved works within Council's road reserve or public land, as approved by this consent. The Policy is to note and provide protection/full indemnification for North Sydney Council, as an interested party. A copy of the Policy must be submitted to Council prior to commencement of any works. The Policy must be valid for the entire period that the works are being undertaken.

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

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

Notification of New Addresses

D5. Prior to the commencement of any building works, an application must be made and written confirmation received from North Sydney Council of the allocated street address (house number) and/ or unit numbers of the completed project.

A plan for the proposed dwelling and unit numbering must be submitted to Council for approval with the application for new addresses. Applications for numbering will be considered in accordance with the *NSW Geographical Names Board* requirements outlined in the document titled '*NSW Addressing User Manual*'.

The approved numbering will be recorded in Council's Land & Property Information database and must be clearly displayed at the property at all times. Council will also notify relevant public authorities and some service providers of the approved addresses (including Australia Post). A list of current authorities and service providers notified by Council will be included in the address approval notice.

These details will be recorded in Council records and must be displayed at the property in accordance with the provisions of the applicable Australian Standard relating to rural and urban addressing. A copy of the allocation confirmation must be submitted to the Principal Certifier with the application for a Construction Certificate.

(Reason: To ensure that Council records are accurate, and that house numbering complies with the requirements of the NSW Geographical Names Board and Council's *Property Addressing Policy*)

Sydney Water Approvals

D6. Prior to the commencement of any works, the approved plans must be submitted to Sydney Water to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The Principal Certifier must ensure that Sydney Water has appropriately stamped the plans before the commencement of building works.

Notes:

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

(Reason: To ensure compliance with Sydney Water requirements)

Asbestos Material Survey

D7. Prior to the commencement of any works, a report must be prepared by a suitably qualified person in relation to the existing building fabric to be demolished and/or disturbed identifying the presence or otherwise of asbestos contamination and, if asbestos contamination is present, making recommendations as to the work required to safely address the contamination.

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

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

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

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

Commencement of Works' Notice

D8. Building work, demolition or excavation in accordance with this development consent must not be commenced until the developer has given at least 2 days notice to North Sydney Council of the person's intention to commence building work, demolition or excavation in accordance with this development consent.

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

E. During Demolition and Building Work**Parking Restrictions**

- E1. Existing public parking provisions in the vicinity of the site must be maintained at all times during works. The placement of any barriers, traffic cones, obstructions or other device in the road shoulder or kerbside lane is prohibited without the prior written consent of Council. Changes to existing public parking facilities/restrictions must be approved by the North Sydney Local Traffic Committee. The Developer will be held responsible for any breaches of this condition and will incur any fines associated with enforcement by Council regulatory officers.

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

Road Reserve Safety

- E2. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works, with no obstructions caused to the said footways and roadways. Construction materials and plant must not be stored in the road reserve without approval of Council. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site.

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

(Reason: Public Safety)

Temporary Disposal of Stormwater Runoff

- E3. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to reasonably manage and control runoff as far as the approved point of stormwater discharge. Such ongoing measures must be to the satisfaction of the Principal Certifier.

(Reason: Stormwater control during construction)

Geotechnical Stability during Works

- E4. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure.

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

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

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

Council Inspection of Public Infrastructure Works

- E5. During the works on public infrastructure reverting to Council's care and control, Council's development engineer may undertake inspections of the works at the following hold points: -

- a) Vehicular access and associated civil works.

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

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

Removal of Extra Fabric

- E6. Should any portion of the existing building, trees, or curtilage of the site which is indicated on the approved plans to be retained be damaged for whatever reason, all the works in the area of the damaged portion are to cease and written notification of the damage is to be given to Council forthwith. No work is to resume until the written approval of Council to do so is obtained. Failure to comply with the provisions of this condition may result in the Council taking further action including legal proceedings if necessary.

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

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Dust Emission and Air Quality

- E7. The following must be complied with at all times:
- (a) Materials must not be burnt on the site.
 - (b) Vehicles entering and leaving the site with soil or fill material must be covered.
 - (c) Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the NSW Department of Housing's 1998 guidelines - Managing Urban Stormwater: Soils and Construction.
 - (d) Odour suppression measures must also be carried out where appropriate so as to prevent nuisance occurring at adjoining properties.

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

Noise and Vibration

- E8. The works must be undertaken in accordance with the "Interim Construction Noise Guideline" published by the NSW Environment Protection Authority, to ensure excessive levels of noise and vibration do not occur so as to minimise adverse effects experienced on any adjoining land.

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

No Work on Public Open Space

- E9. No work can be undertaken within adjoining public lands (i.e., Parks, Reserves, Roads etc) without the prior written consent of Council. In this regard the developer is to liaise with Council prior to the commencement of any design works or preparation of a Construction and Traffic Management Plan.

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

Developer's Cost of Work on Council Property

- E10. The Developer or the person, company or other entity that is acting upon this consent, must bear the cost of all works associated with the development that occurs on Council's property, including the restoration of damaged areas.

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

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No Removal of Trees on Public Property

E11. No trees on public property (footpaths, roads, reserves, etc.) unless specifically approved by this consent shall be removed or damaged during construction including for the erection of any fences, hoardings or other temporary works.

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

Protection of Trees

E12. All trees required to be retained, as part of this consent must be protected from any damage during construction works in accordance with AS4970-2009. All recommendations contained within the tree report prepared by Temporal Tree Management dated 07/03/2023 and amended to reflect the conditions contained herein must be implemented for the duration of the works.

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

Notes:

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

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

Trees to be Removed

E13. All trees on the site must be protected and retained save for those expressly identified below as being approved for removal:

Tree No /Species	Location	Height (m)
Olea europaea sub. Cuspidata	Northern side setback of 160 Kurraba Road	11m

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

Special Permits

- E14. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development must occur entirely on the property.

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

1) **On-street mobile plant**

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

(Reason: Proper management of public land)

2) **Hoardings**

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

(Reason: Proper management of public land)

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

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

(Reason: Proper management of public land)

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4) Kerbside restrictions, construction zones

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

(Reason: Proper management of public land)

Construction Hours (Commercial Core and Mixed-use Zones)

E15. Construction activities and works approved under this consent must be restricted to within the hours stipulated in the following table:

Standard Construction Hours		
Location	Day	Hours
R3 Medium Density Residential Zone	Monday - Friday	7.00am - 5.00pm
	Saturday	8.00am - 1.00pm
	Sunday Public holiday	No work permitted

Construction activities for development approved under this consent must be carried out in accordance with the standard construction hours above, the EPA Noise Policy for Industry 2017 and any Construction Noise Management Plan required under this consent.

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

(Reason: To ensure that works do not interfere with reasonable amenity)

Installation and Maintenance of Sediment Control

E16. Erosion and sediment controls must be installed and maintained at all times in accordance with the Sediment and erosion control plan submitted and approved with the Construction Certificate.

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

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

Sediment and Erosion Control Signage

E17. A durable sign must be erected during building works in a prominent location on site, warning of penalties should appropriate erosion and sedimentation control devices not be maintained. A sign of the type referred to in this condition is available from Council.

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

Site Amenities and Facilities

E18. Where work involved in the erection and demolition of a building is being carried out, amenities which satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements, must be provided and maintained at all times. The type of work-place determines the type of amenities required.

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

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

Health and Safety

E19. All work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements to prepare a health and safety plan. Site fencing must be installed sufficient to exclude the public from the site. Safety signs must be erected that warn the public to keep out of the site and provide a contact telephone number for enquiries.

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

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

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Prohibition on Use of Pavements

- E20. Building materials must not be placed on Council's footpaths, roadways, parks or grass verges, (unless a permit is obtained from Council beforehand). A suitable sign to this effect must be erected adjacent to the street alignment.

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

Plant and Equipment Kept Within Site

- E21. All plant and equipment used in the undertaking of the development/ works, including concrete pumps, wagons, lifts, mobile cranes, hoardings etc, must be situated within the boundaries of the site (unless a permit is obtained from Council beforehand) and so placed that all concrete slurry, water, debris and the like must be discharged onto the building site, and is to be contained within the site boundaries.

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

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

Waste Disposal

- E22. All records demonstrating the lawful disposal of waste must be retained and kept readily accessible for inspection by regulatory authorities such as North Sydney Council and the Environmental Protection Authority.

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

Asbestos Removal

- E23. All demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with National Occupational Health and Safety Commission.

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

Service adjustments

- E24. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the person acting on the consent and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of the development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.

(Reason: To ensure the service requirements are met)

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

National Construction Code

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

(Reason: Prescribed - Statutory)

Home Building Act

- F2. 1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act 1989) for which the *Home Building Act 1989* requires there to be a contract of insurance under Part 6 of that Act must not be carried out unless the Principal Certifier for the development to which the work relates has given North Sydney Council written notice of the contract of insurance being issued and of the following:
- a) in the case of work for which a principal contractor is required to be appointed:
 - i) the name and licence number of the principal contractor, and
 - ii) the name of the insurer by which the work is insured under Part 6 of that Act, or
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

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

(Reason: Prescribed - Statutory)

Appointment of Principal Certifying Authority (PCA)

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

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

Construction Certificate

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

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

Occupation Certificate

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

(Reason: Statutory)

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Critical Stage Inspections

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

(Reason: Statutory)

Excavation/Demolition

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

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

Protection of Public Places

- F8.
- 1) A hoarding and site fencing must be erected between the work site and adjoining public place.
 - 2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
 - 3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
 - 4) Any such hoarding, fence or awning is to be removed when the work has been completed.
 - 5) No access across public reserves or parks is permitted.

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

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

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Site Sign

- F9. 1) A sign must be erected in a prominent position on the site
- a) stating that unauthorised entry to the work site is prohibited;
 - b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
 - c) showing the name, address and telephone number of the Principal Certifier for the work.
- 2) Any such sign must be maintained while to building work or demolition work is being carried out but must be removed when the work has been completed.

(Reason: Prescribed - Statutory)

G. *Prior to the Issue of an Occupation Certificate*

Infrastructure Repair and Completion of Works

- G1. Prior to the issue of any Occupation Certificate any and all works relating to the development:
- a. in the road reserve must be fully completed; and
 - b. to repair and make good any damaged public infrastructure caused as a result of any works relating to the development (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete vehicles) must be fully repaired;

to the satisfaction of Council Engineers at no cost to Council. Council's development engineer must be contacted to arrange inspections of the completed works in the Public Domain.

(Reason: Maintain quality of Public assets)

Certification – Civil Works

- G2. An appropriately qualified and practicing Civil Engineer must certify to the Principal Certifier that the vehicular crossing and associated works and road works were constructed in accordance with this consent and any approval for works in the road reserve issued by the Council. A copy of the certificate must be submitted to Council (if it is not the Principal Certifier), upon completion of the development works and prior to the issue of an Occupation Certificate.

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(Reason: Compliance with the Consent)

Damage to Adjoining Properties

- G3. All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.

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

Utility Services

- G4. All utility services shall be adjusted to the correct levels and/or location/s required by this consent, prior to issue of an occupation certificate. This shall be at no cost to Council.

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

Notification of New Address Developments

- G5. Prior to any Occupation Certificate being issued, the person acting upon this consent must comply with the following: -

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

(Reason: To ensure that Council records are accurate, that house numbering complies with the requirements of Council's House Numbering Policy and to assist emergency services.)

Asbestos Clearance Certificate

- G6. For building works where asbestos based products have been removed or altered, an asbestos clearance certificate signed by an appropriately qualified person (being an Occupational Hygienist or Environmental Consultant) must be submitted to and approved by the Principal Certifier (and a copy forwarded to Council if it is not the Principal Certifier) for the building work prior to the issue of any Occupation Certificate, the asbestos clearance certificate must certify the following: -

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

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

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

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

Certification of Tree Condition

- G7. Prior to the issue of an Occupation Certificate, a report prepared by an appropriately qualified person (being an arborist or the like) must be submitted to the Principal Certifier, describing the health of the tree(s) specifically nominated below: -

Tree No /Species	Location	Height (m)
Cupressus arizonica 'Aurea'	Front north western corner of 160 Kurraba Road	7m
Morus alba	Northern side boundary of 160 Kurraba Road	10m
Jacaranda mimosifolia	Eastern rear setback of 158 Kurraba Road	9m
Viburnum sp.	Eastern rear setback of 158 Kurraba Road	8m
Plumeria sp.	Southern side setback of 160 Kurraba Road	3m
Cyathea sp.	Southern side setback of 160 Kurraba Road	4m

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

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

BASIX Completion Certificate

- G8. In accordance with Section 45 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, prior to issuing a final occupation certificate the Principal Certifier must provide a BASIX completion receipt.

(Reason: To ensure compliance with the Regulations)

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House Numbering (Dwellings)

- G9. Prior to any Occupation Certificate being issued an application must be made to North Sydney Council for written confirmation, or allocation, of the street address(es) or apartment number(s) for the completed project in accordance with Council's Property Addressing Policy. These are the numbers that will be recorded in Council records and must be displayed at the property in accordance with the provisions of AS/NZS 4819:2011.

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

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

Landscaping

- G10. The landscaping shown in the approved landscape plan numbered 2-11 prepared by Pepo Pty Ltd dated 29/09/2023 and received by Council on 29/09/2023 must be completed prior to the issue of any Occupation Certificate.

(Reason: To ensure compliance)

Compliance with Certain conditions

- G11. Prior to the issue of any Occupation Certificate C10 Heritage Requirements must be certified as having been implemented on site and complied with.

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

I. On-Going / Operational Conditions**Maintenance of Approved Landscaping**

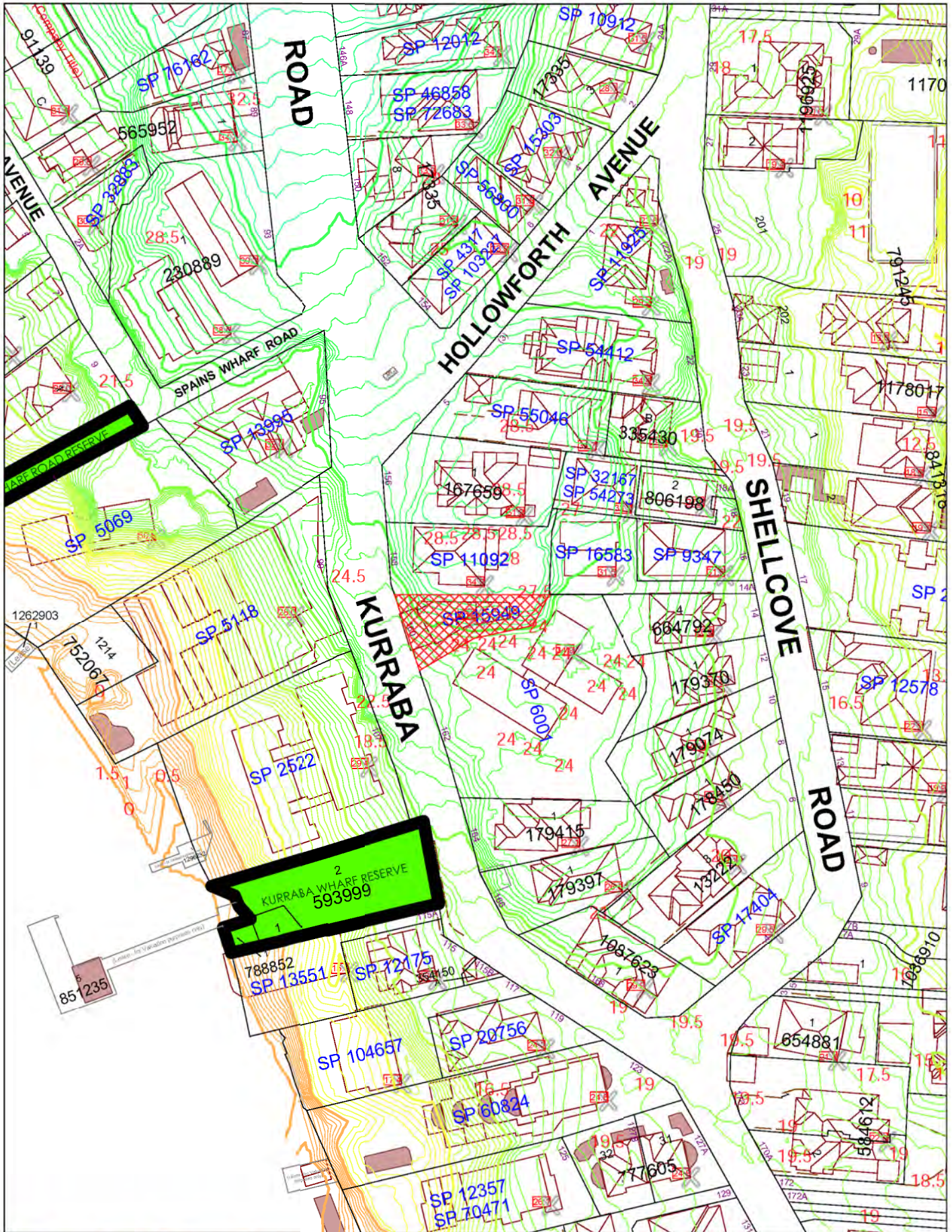
- I1. The owner of the premises at 160 Kurraba Road is to maintain the landscaping approved by this consent generally in accordance with drawing number/s 01-06 prepared by Pepo Pty Ltd dated 29/09/2023.

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

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

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



North Sydney Council

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Further details can be obtained by calling (02) 9536 8100 or e-mail mapping@northsydney.nsw.gov.au.

Scale: 1:1200 approx.



SJB Architects



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Kurraba Point

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Project Number: 6455

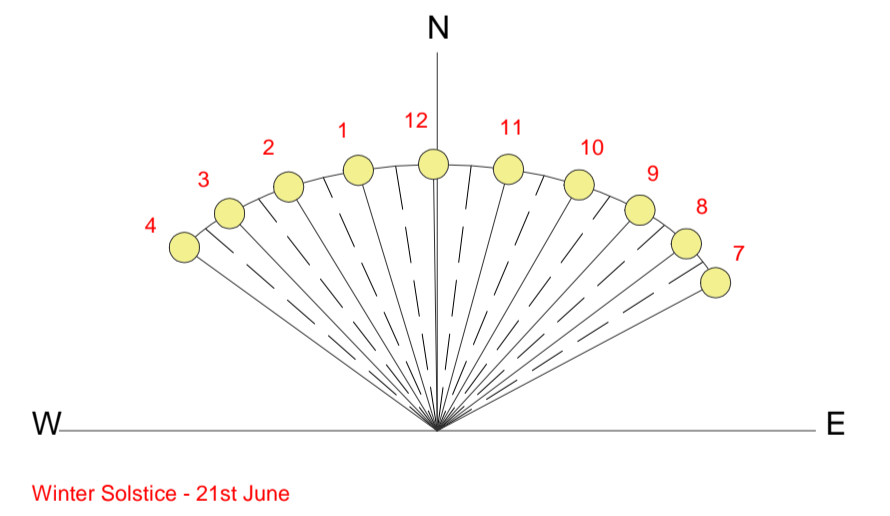
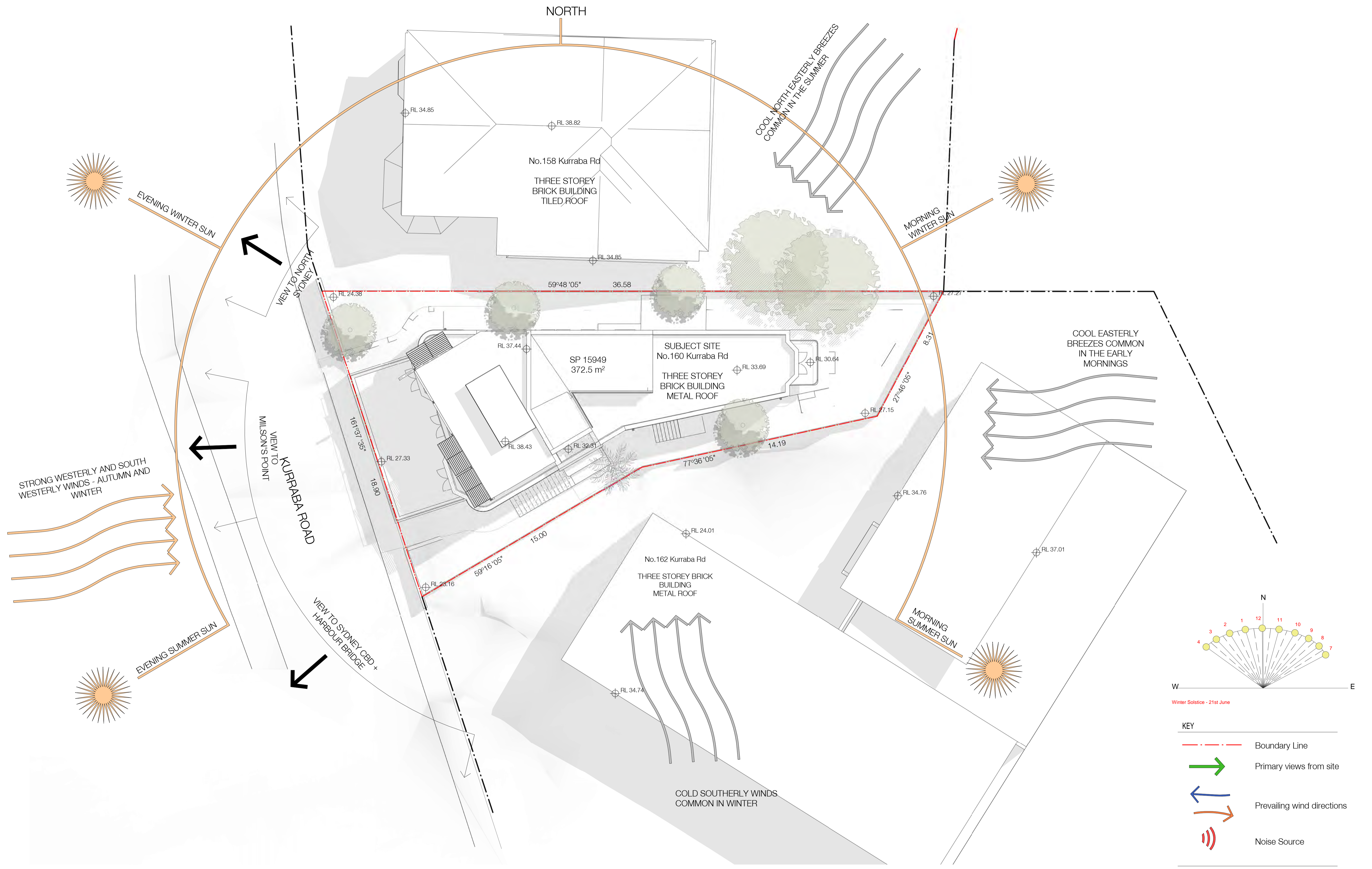
Date: 14.02.2024

Client: Chris Lane and Brett Morris

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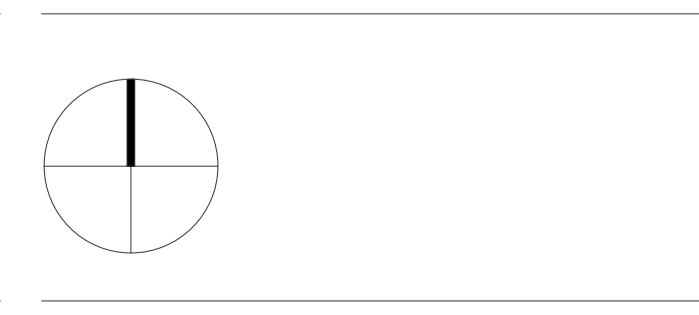


KEY

- - - - - Boundary Line
- Primary views from site
- ← Prevailing wind directions
- ⊙ Noise Source

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Nominated Architects: Adam Haddow-7188 | John Pradel-7004



Rev	Date	Revision	By	Chk.
10	28.09.2022	Pre-DA Revised	SS	GS
11	05.12.2022	For Information	SS	GS
12	17.02.2023	SKETCH	SS	GS
13	21.04.2023	DA DRAFT	SS	GS
14	02.05.2023	DA SUBMISSION	SS	GS
15	09.08.2023	REVISED SUBMISSION	SS	GS
16	29.09.2023	REVISED SUBMISSION	SS	VJ
17	21.11.2023	SITE COVERAGE REDUCTION	SS	GS
18	08.02.2024	DA SUBMISSION - Facade Setback	SS	GS
19	14.02.2024	DA RE-SUBMISSION - FACADE SETBACK + ELEVATION DIAGRAMS	SS	GS

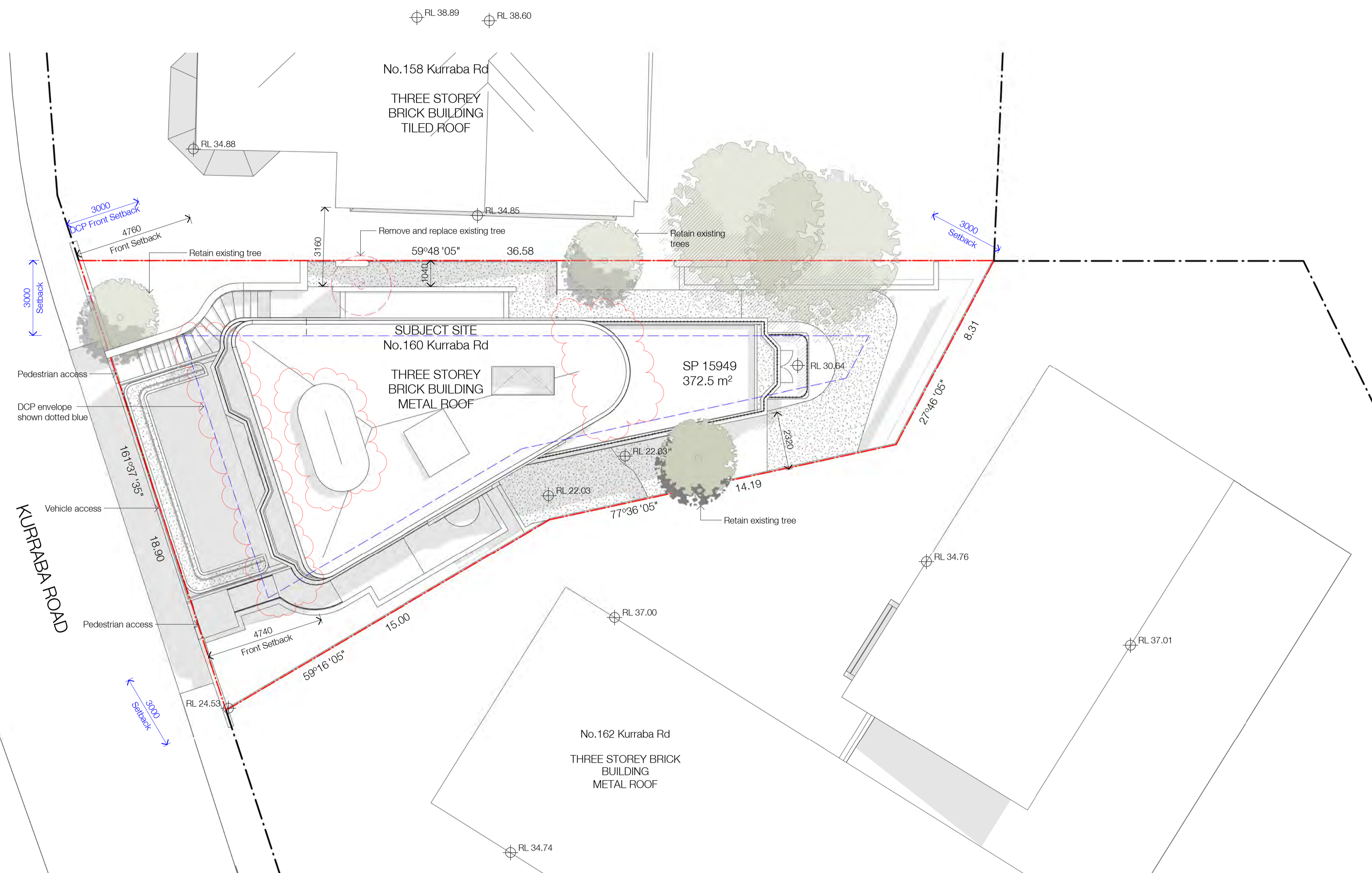
Client	Project
Chris Lane and Brett Morris	160 Kurraba Road Kurraba Point
	Site Analysis

Date	Scale	Sheet Size
14.02.2024	As indicated	@ A1
Drawn	Chk.	Job No.
NJ	GS	6455
Drawing No.		Revision
DA-0102		/ 19

Client	Project
Chris Lane and Brett Morris	160 Kurraba Road Kurraba Point
	Site Analysis

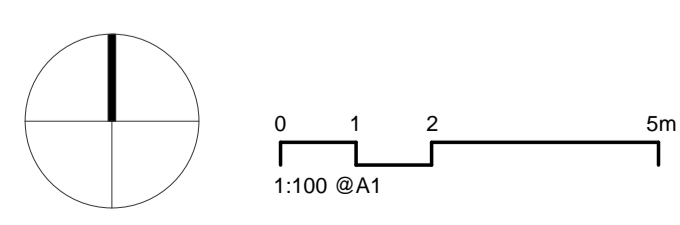
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14.02.2024	As indicated	@ A1
Drawn	Chk.	Job No.
NJ	GS	6455
Drawing No.		Revision
DA-0102		/ 19





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Nominated Architects: Adam Haddow-7188 | John Pradel-7004



Rev	Date	Revision	By	Chk.
10	28.09.2022	Pre-DA Revised	SS	GS
11	05.12.2022	For information	SS	GS
12	17.02.2023	SKETCH	SS	GS
13	21.04.2023	DA DRAFT	SS	GS
14	02.05.2023	DA SUBMISSION	SS	GS
15	09.08.2023	REVISED SUBMISSION	SS	GS
16	29.09.2023	REVISED SUBMISSION	SS	VJ
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19	14.02.2024	DA RE-SUBMISSION - FACADE SETBACK + ELEVATION DIAGRAMS	SS	GS

Client
Chris Lane and Brett Morris

Project
160 Kurraba Road
Kurraba Point

Drawing Name
Site Plan

Date
14.02.2024

Scale
1 : 100

Sheet Size
@ A1

Drawn
NJ

Chk.
GS

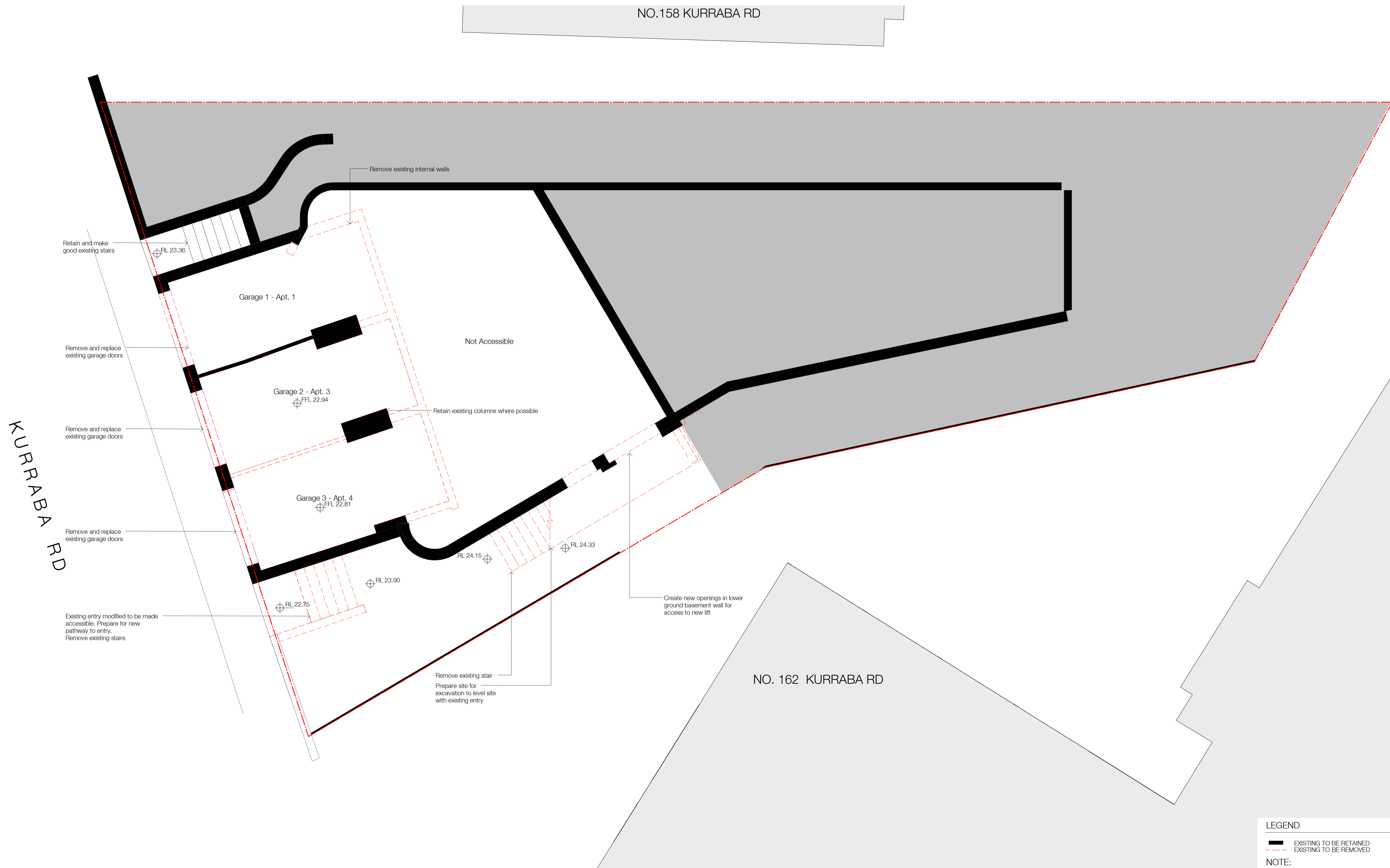
Job No.
6455

Drawing No.
DA-0103

Revision
/ 19

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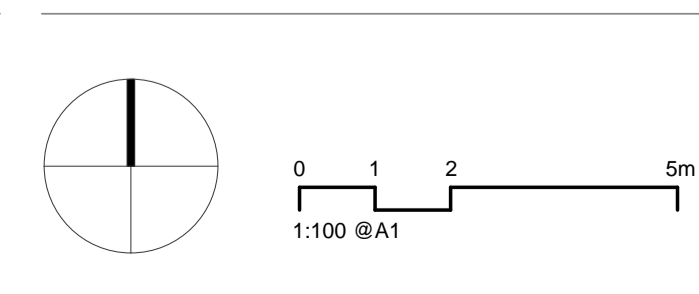
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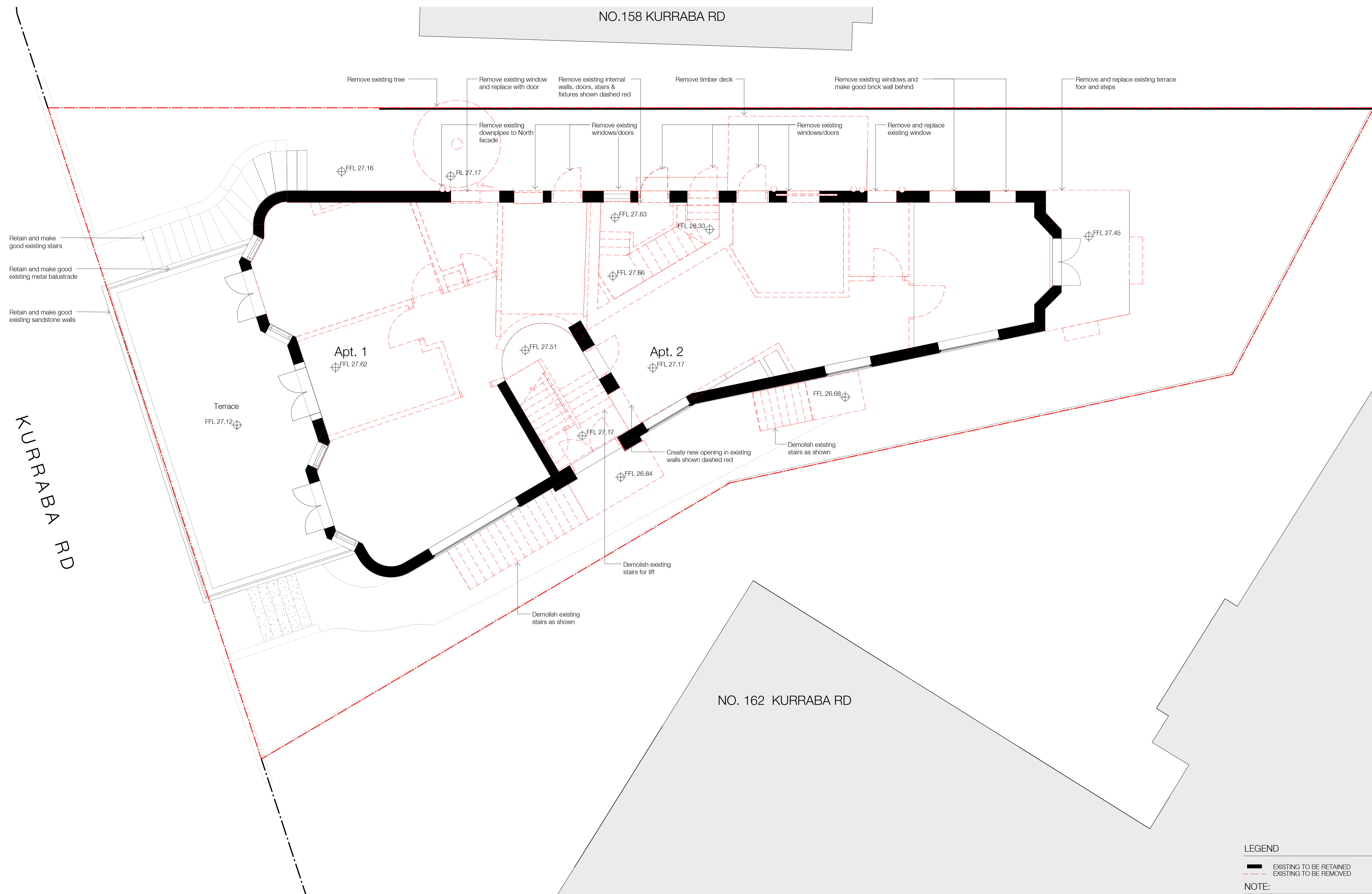
Client
Chris Lane and Brett Morris

Project
160 Kurraba Road Kurraba Point

Date	Scale	Sheet Size
14.02.2024	As indicated	@ A1

Drawn	Chk.	Job No.
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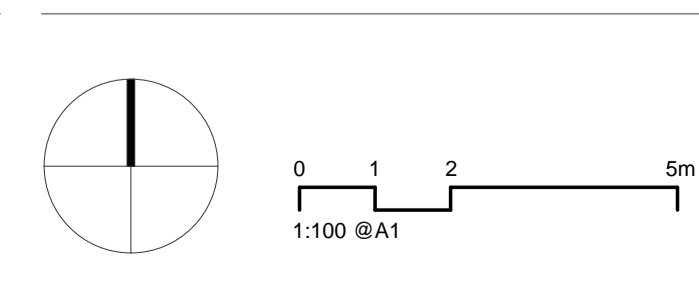
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Client
Chris Lane and Brett Morris

Project
160 Kurraba Road
Kurraba Point

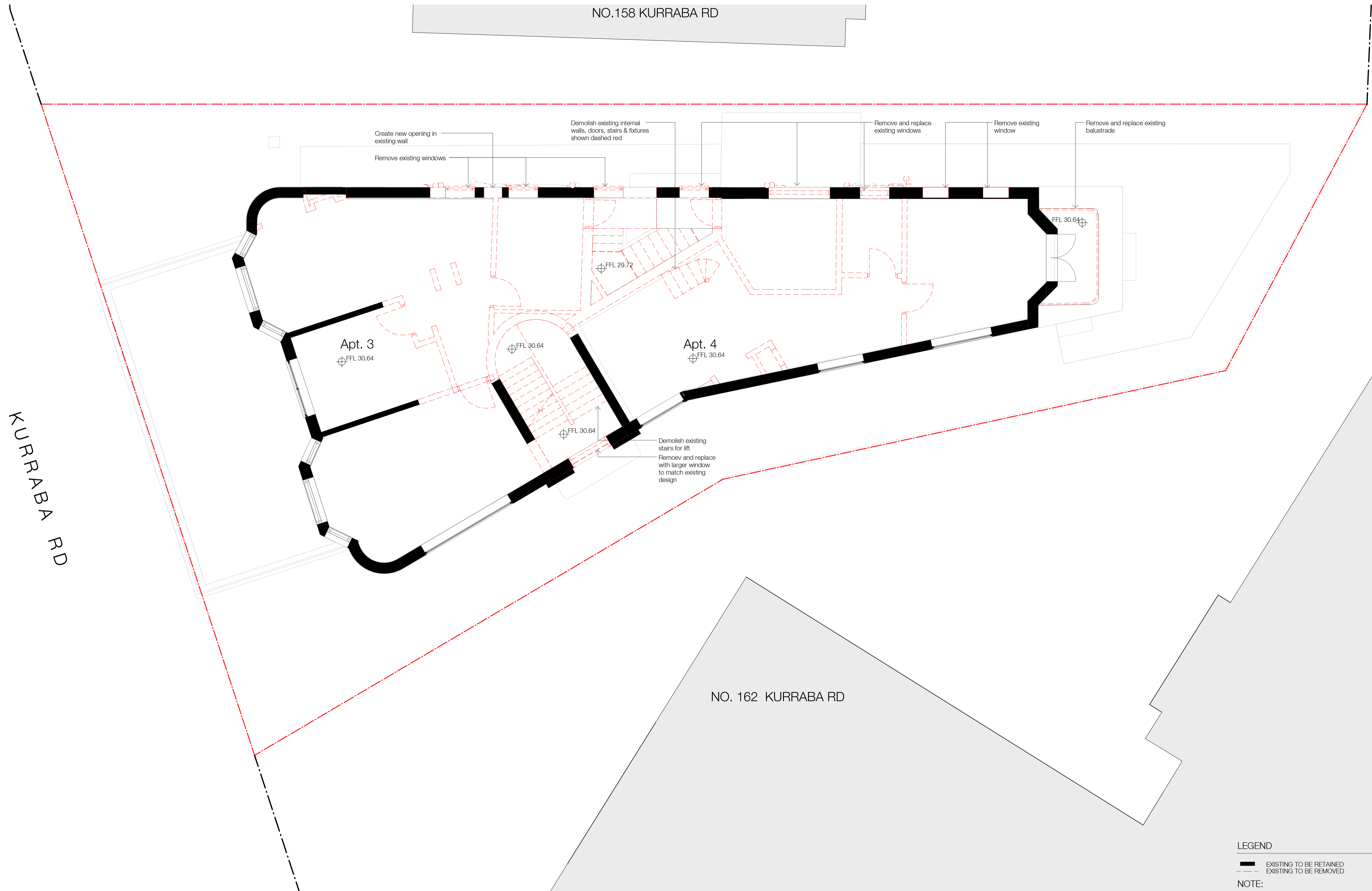
Date
14.02.2024
Scale
As indicated
Sheet Size
@ A1

Drawing Name
Demolition Floorplan - Ground

Drawn
SS
Chk.
GS
Job No.
6455
Revision
/ 19

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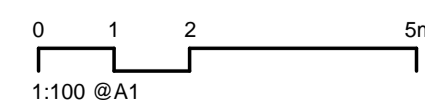
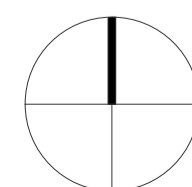
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19	14.02.2024	DA RE-SUBMISSION - FACADE SETBACK + ELEVATION DIAGRAMS	SS	GS

Client
Chris Lane and Brett Morris

Project
160 Kurraba Road
Kurraba Point

Drawing Name
Demolition Floorplan - Level 1

Date
14.02.2024

Scale
As indicated

Sheet Size
@ A1

Drawn
SS

Chk.
Checker

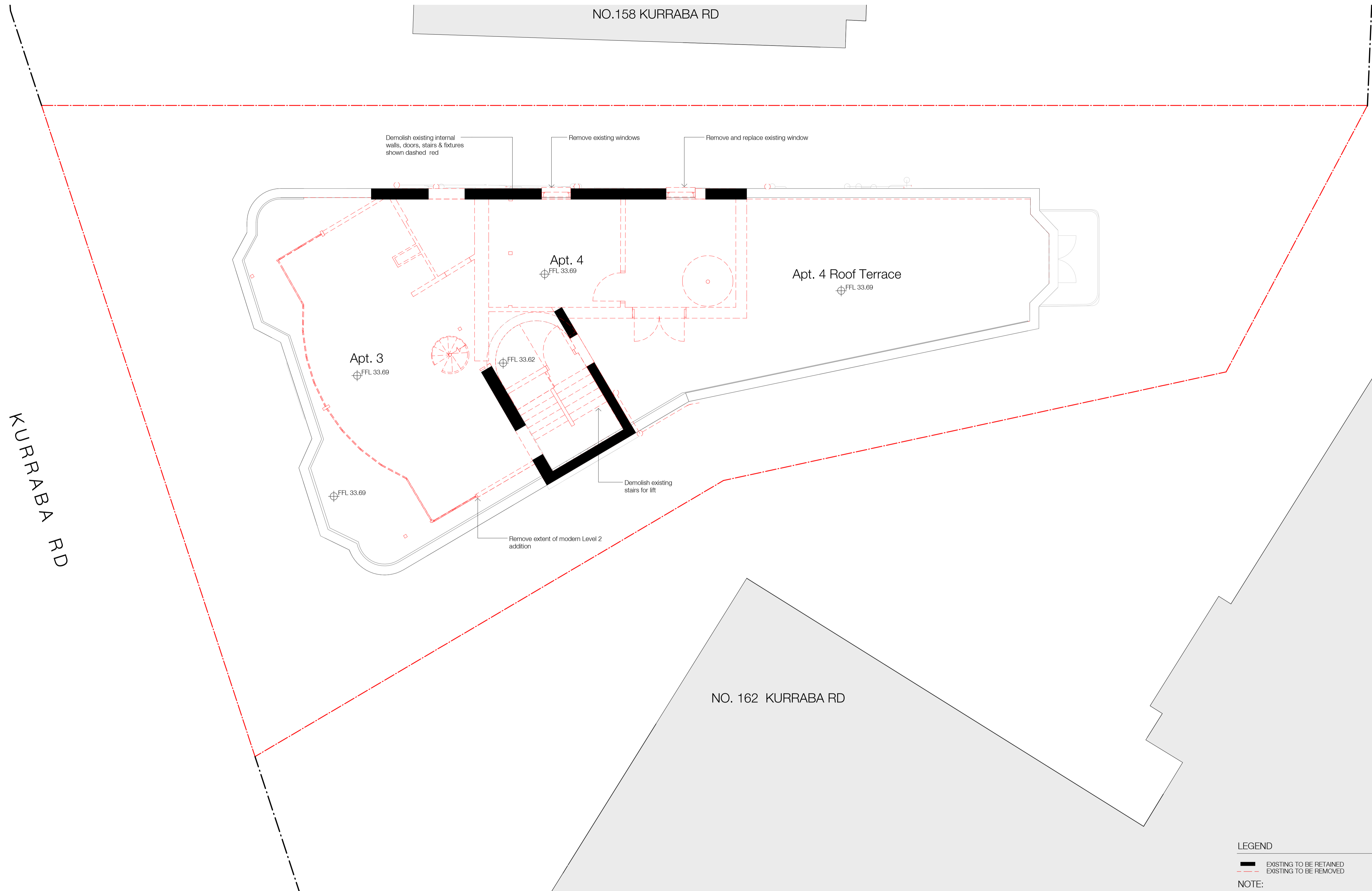
Job No.
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Drawing No.
DA-0303

Revision
/ 19

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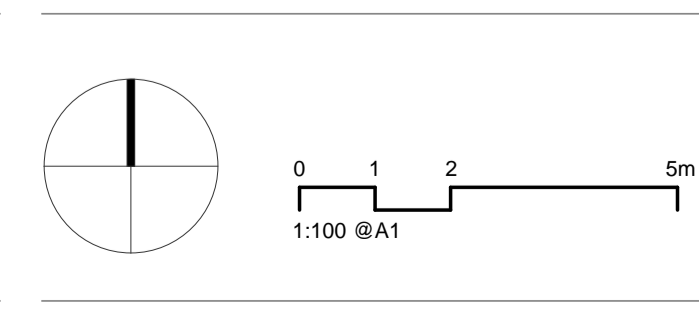
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19	14.02.2024	DA RE-SUBMISSION - FACADE SETBACK + ELEVATION DIAGRAMS	SS	GS

Client
Chris Lane and Brett Morris

Project
160 Kurraba Road
Kurraba Point

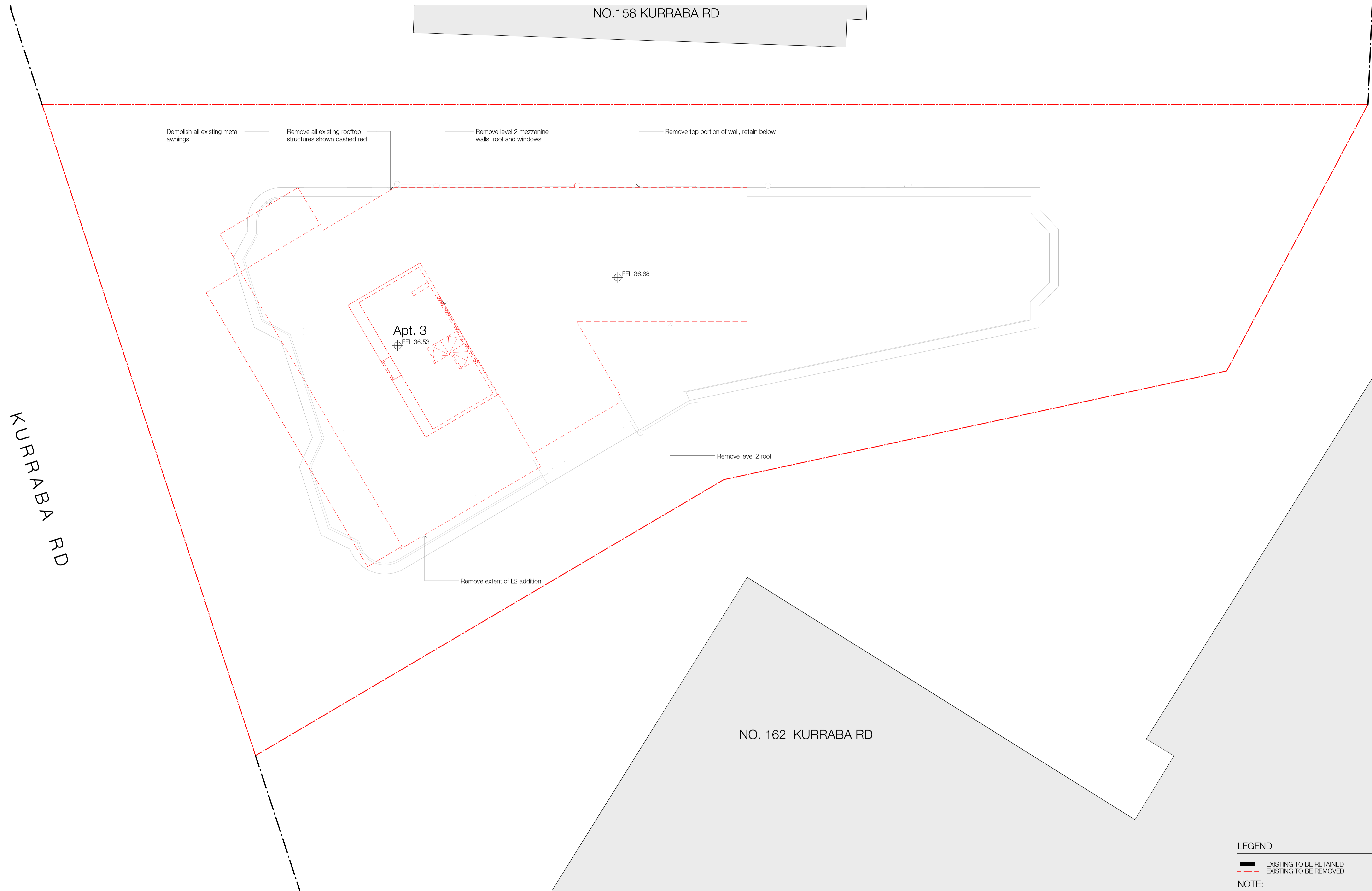
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14.02.2024
Scale
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Sheet Size
@ A1

Drawing Name
Demolition Floorplan - Level 2

Drawn
SS
Chk.
GS
Job No.
6455
Drawing No.
DA-0304
Revision
/ 19

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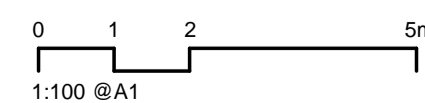
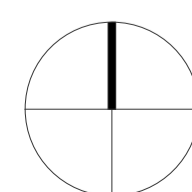
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16	29.09.2023	REVISED SUBMISSION	SS	VJ
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18	08.02.2024	DA SUBMISSION - Facade Setback	SS	GS
19	14.02.2024	DA RE-SUBMISSION - FACADE SETBACK + ELEVATION DIAGRAMS	SS	GS

Client

Chris Lane and Brett Morris

Project

160 Kurraba Road
Kurraba Point

Drawing Name

Demolition Floorplan - Level 2 Mezzanine

Date

14.02.2024 As indicated

Drawn

SS

DA-0305

Scale

As indicated

Chk.

GS

Sheet Size

@ A1

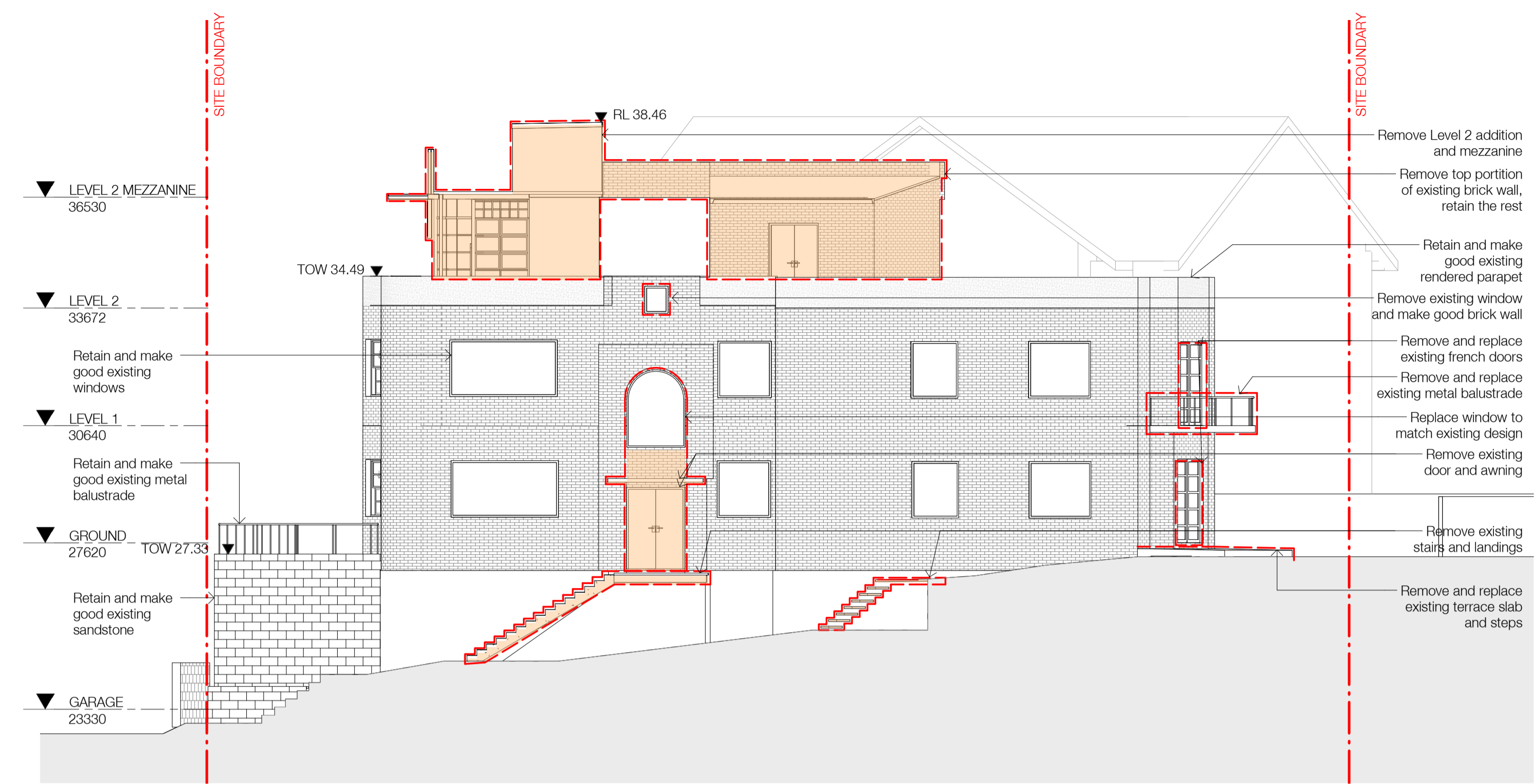
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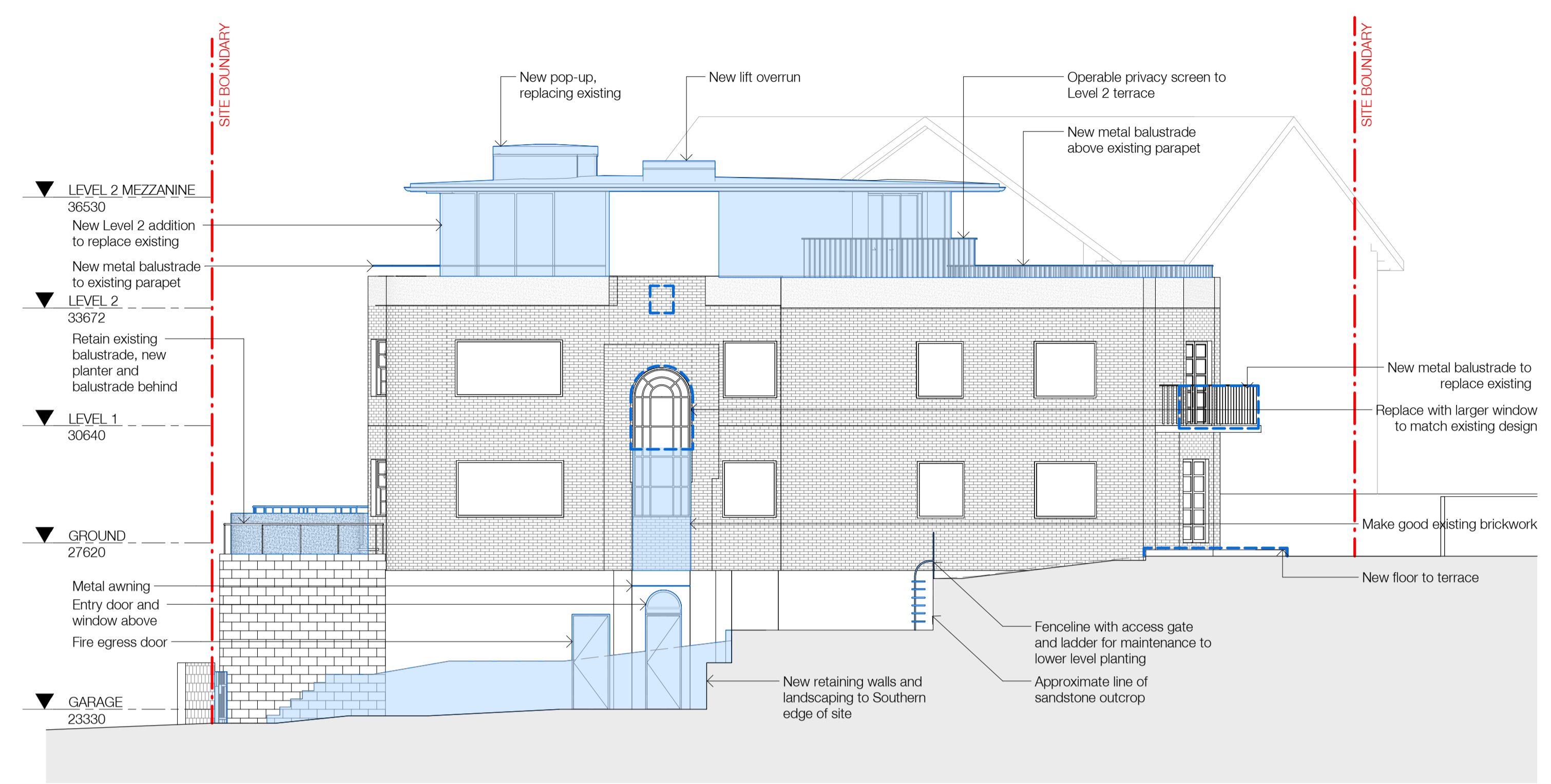
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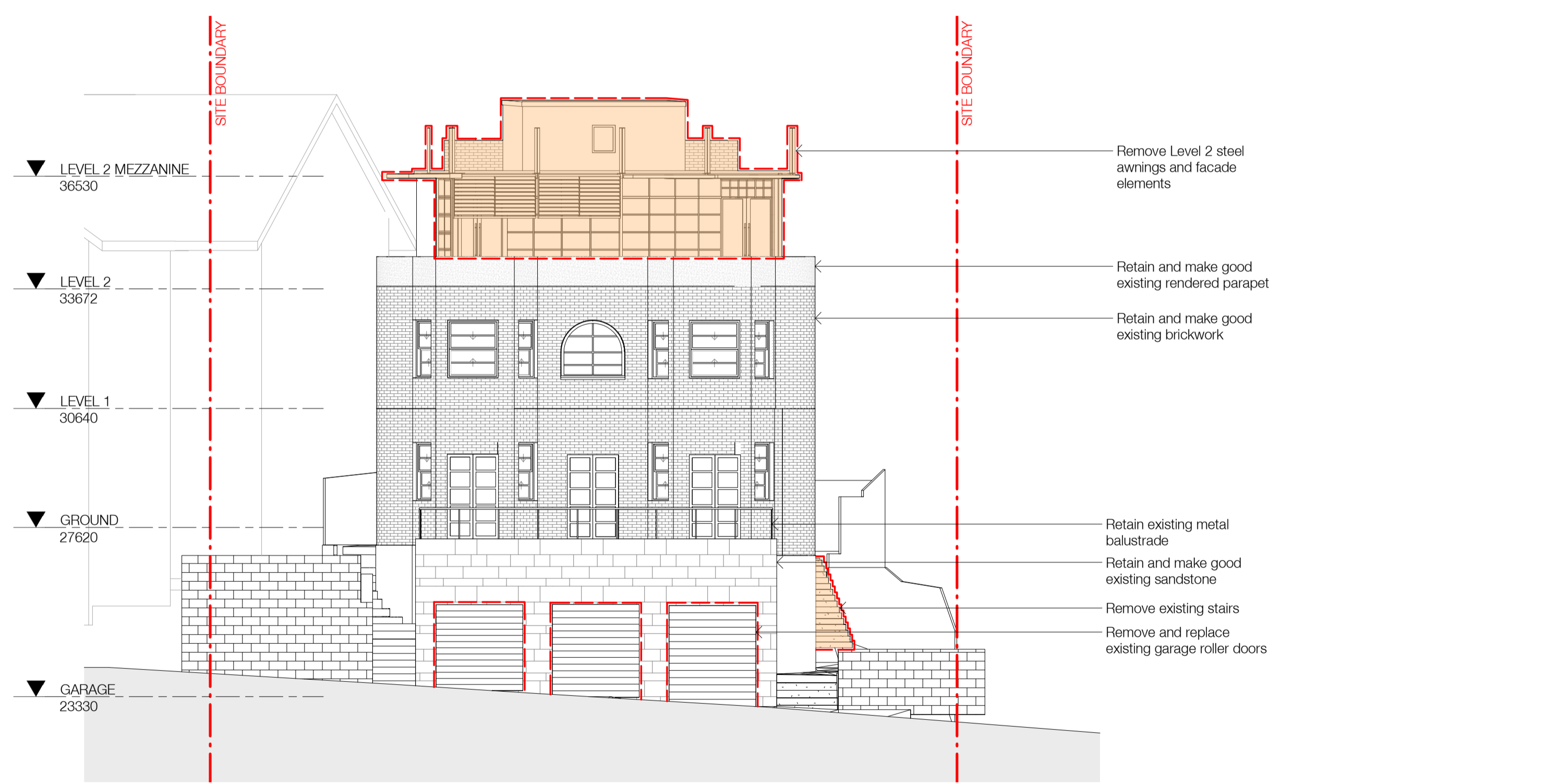




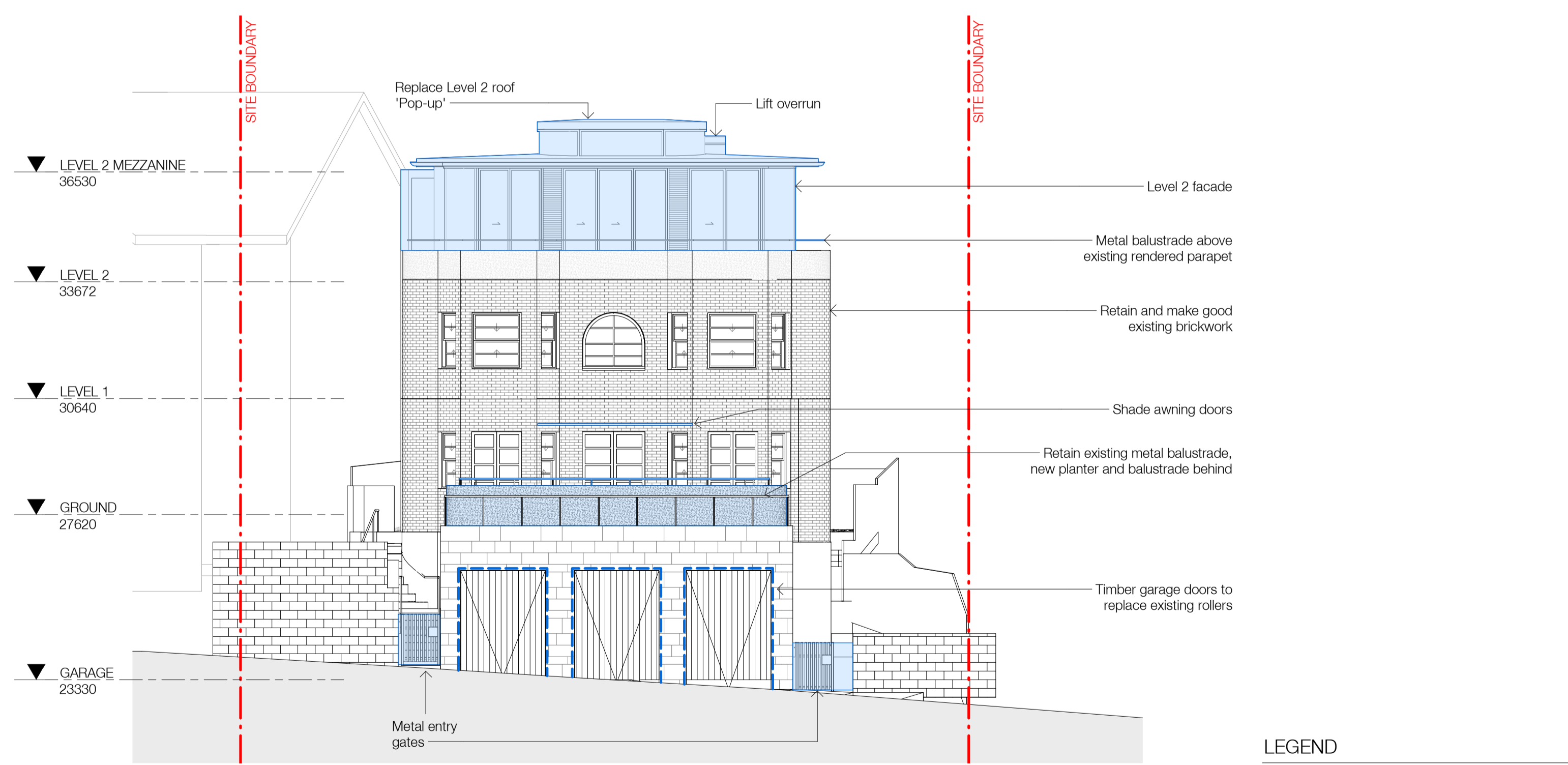
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2 South Elevation - Proposed
1 : 100



3 West Elevation - Existing
1 : 100



4 West Elevation - Proposed
1 : 100

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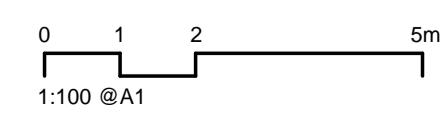
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1	08.02.2024	DA SUBMISSION - Facade Setback	SS	GS
2	14.02.2024	DA RE-SUBMISSION - FACADE SETBACK + ELEVATION DIAGRAMS	SS	GS

Client
Chris Lane and Brett Morris

Project
**160 Kurraba Road
Kurraba Point**

Drawing Name
Diagram - Existing Fabric and Changes

Date
14.02.2024

Scale
1 : 100

Sheet Size
@ A1

Drawn
SS

Chk.
GS

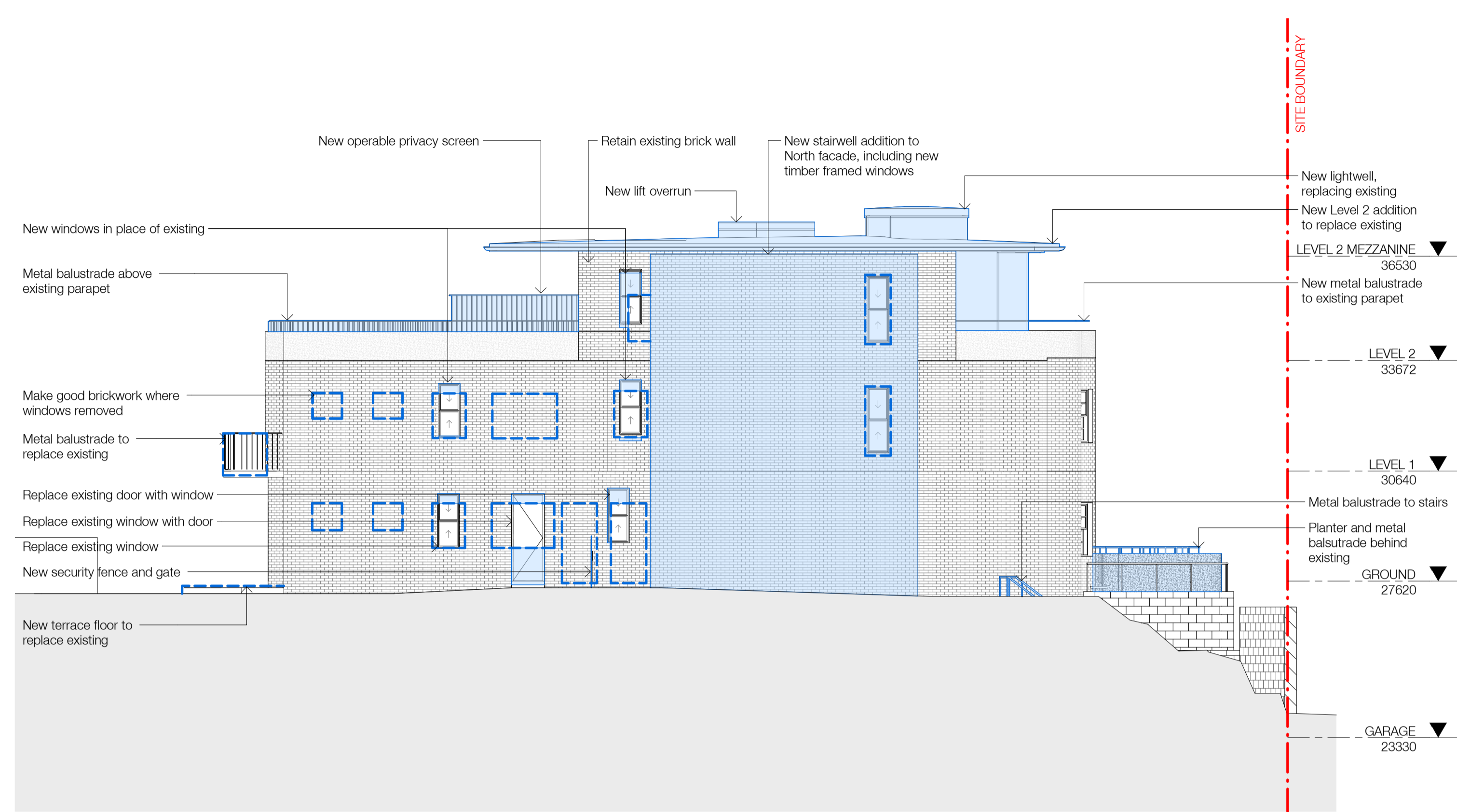
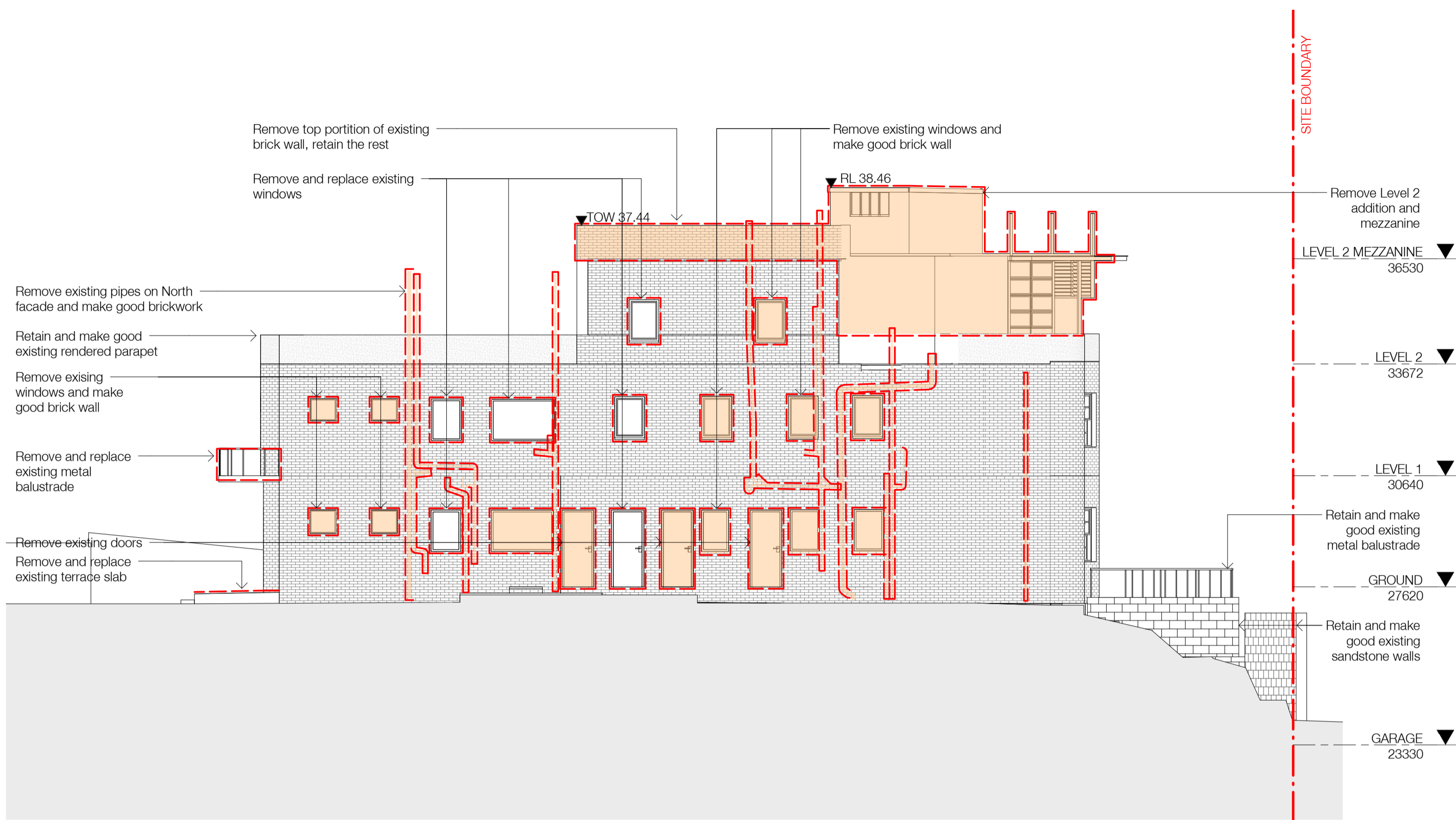
Job No.
6455

Drawing No.
DA-0501

Revision
/ 2

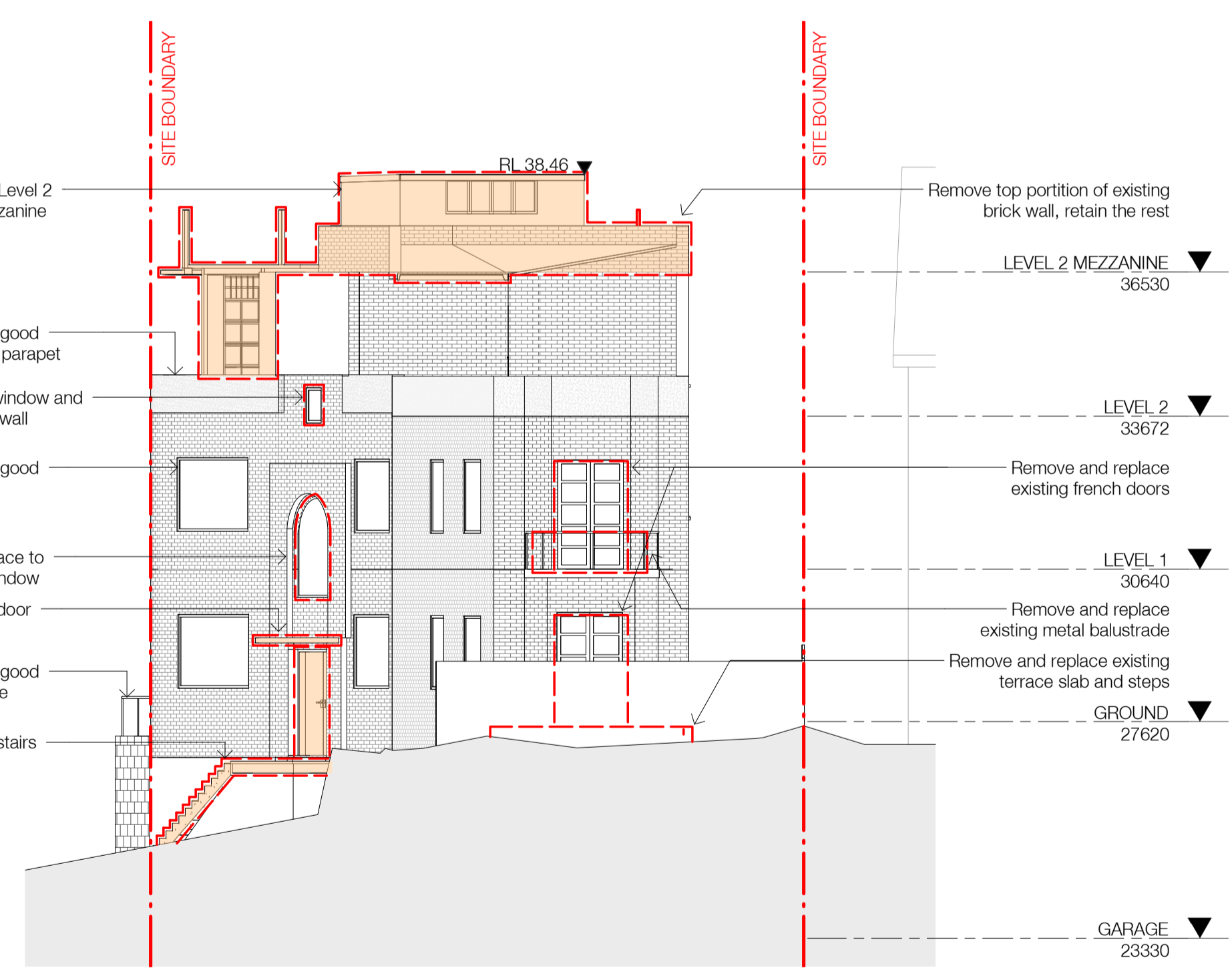
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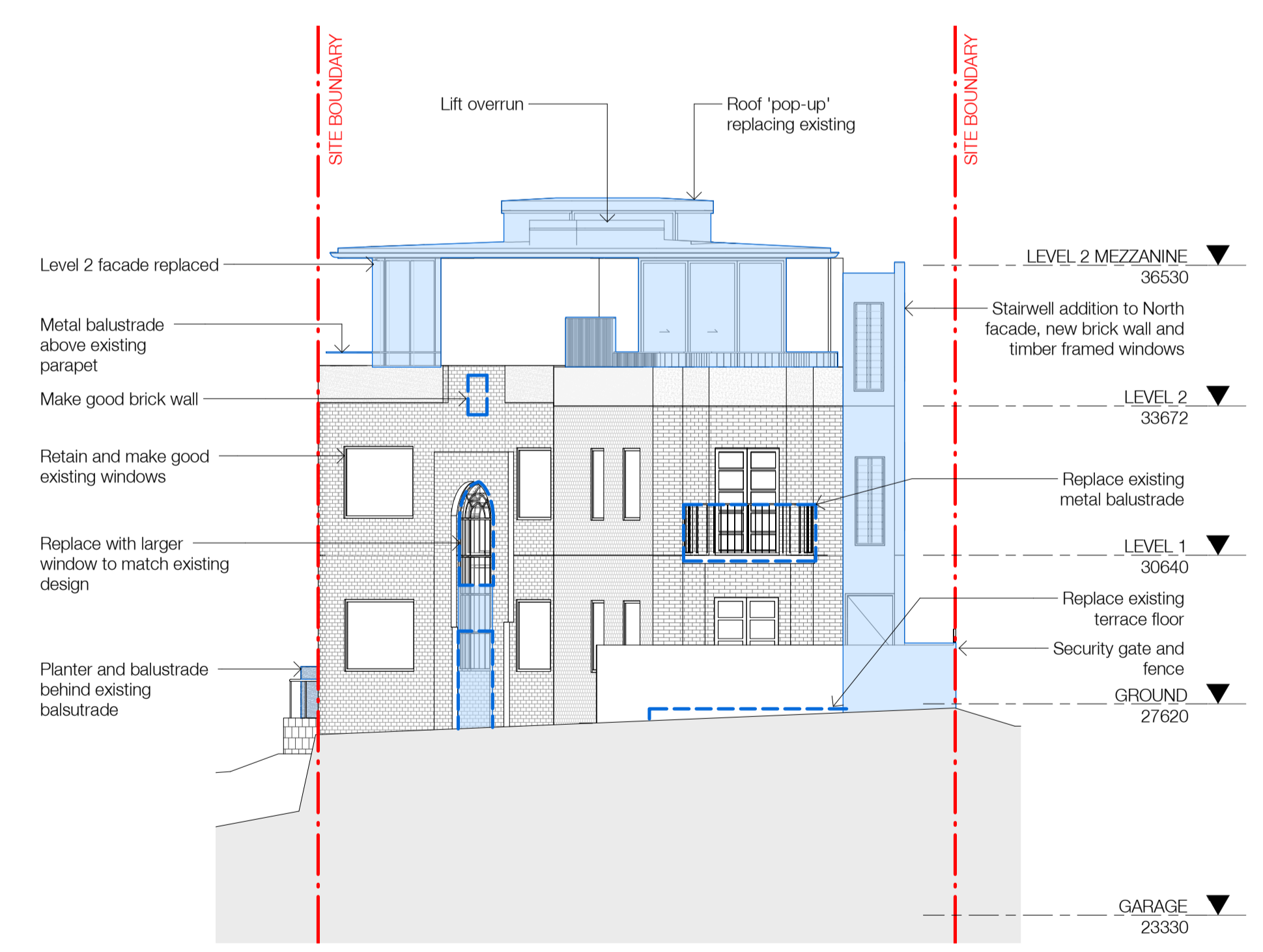


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 1 : 100

2 North Elevation - Proposed
 1 : 100



3 East Elevation - Existing
 1 : 100



4 East Elevation - Proposed
 1 : 100

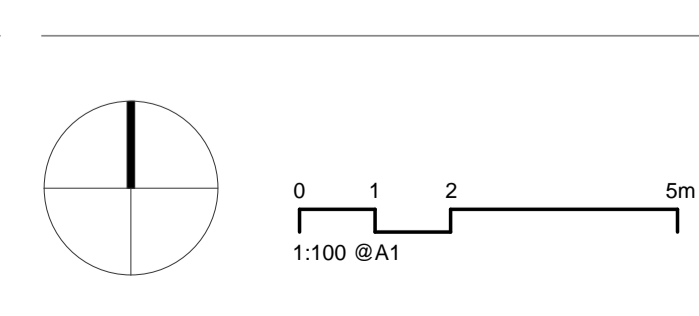
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- EXISTING FABRIC TO BE REMOVED
- EXISTING FABRIC TO BE REPLACED
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- REPLACE EXISTING FABRIC

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Client
 Chris Lane and Brett Morris

Project
 160 Kurraba Road
 Kurraba Point

Drawing Name
 Diagram - Existing Fabric and Changes

Date
 14.02.2024

Scale
 1 : 100

Sheet Size
 @ A1

Drawn
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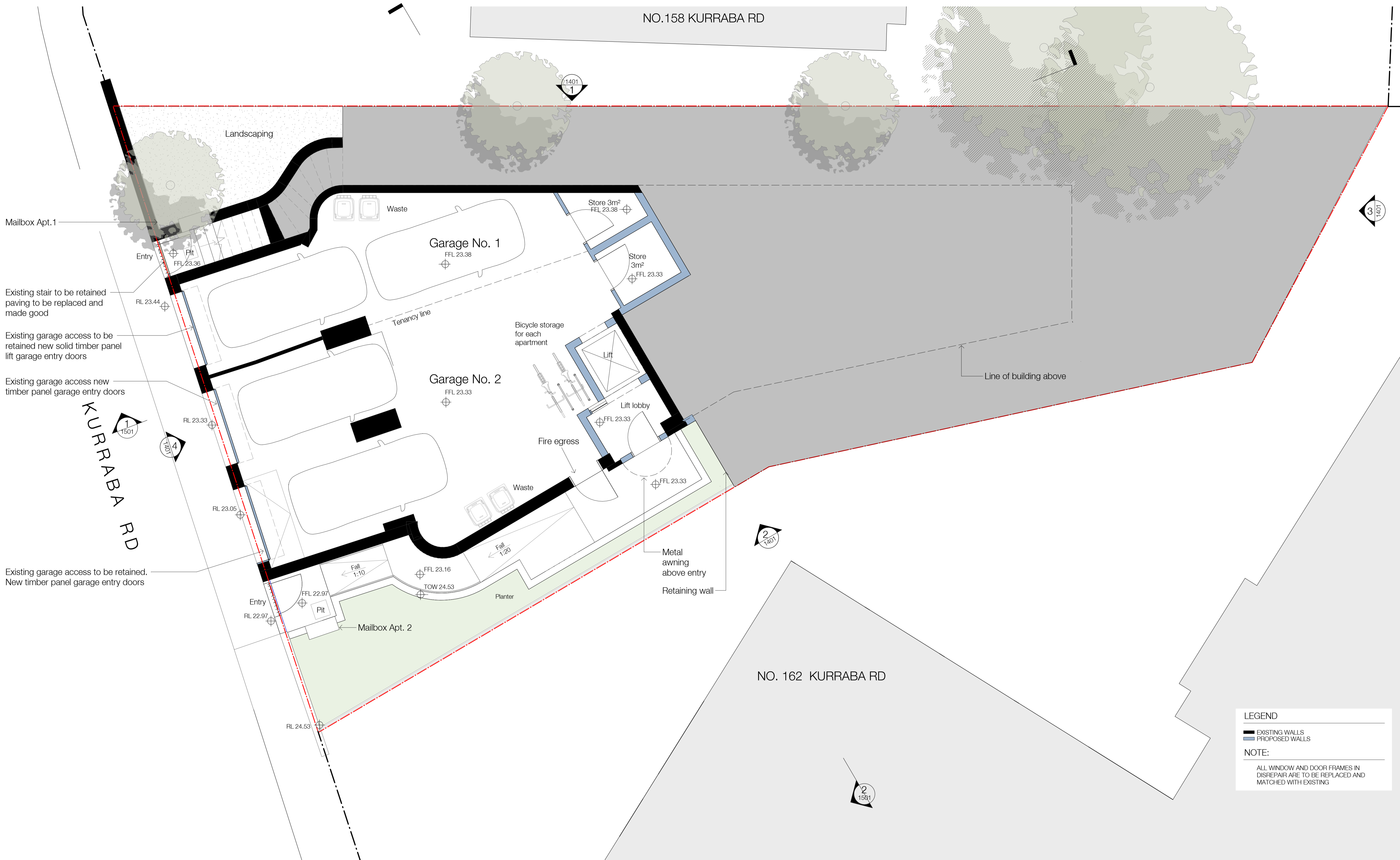
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Job No.
 6455

Drawing No.
 DA-0502

Revision
 / 2

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Existing stair to be retained
paving to be replaced and
made good

Existing garage access to be
retained new solid timber panel
lift garage entry doors

Existing garage access new
timber panel garage entry doors

Existing garage access to be retained.
New timber panel garage entry doors

LEGEND

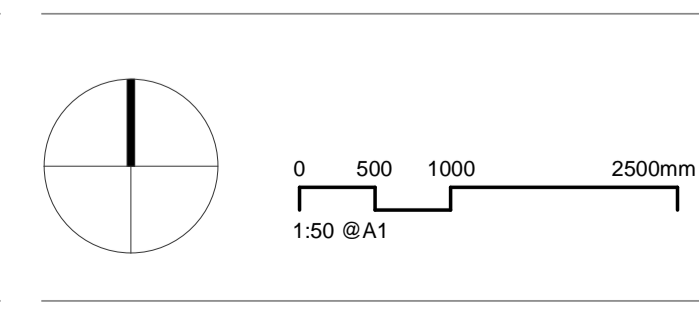
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- █ PROPOSED WALLS

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19	14.02.2024	DA RE-SUBMISSION - FACADE SETBACK + ELEVATION DIAGRAMS	SS	GS

Client
Chris Lane and Brett Morris

Project
**160 Kurraba Road
Kurraba Point**

Drawing Name
Proposed Floorplan - Lower Ground

Date
14.02.2024

Scale
As indicated

Sheet Size
@ A1

Drawn
SS

Chk.
GS

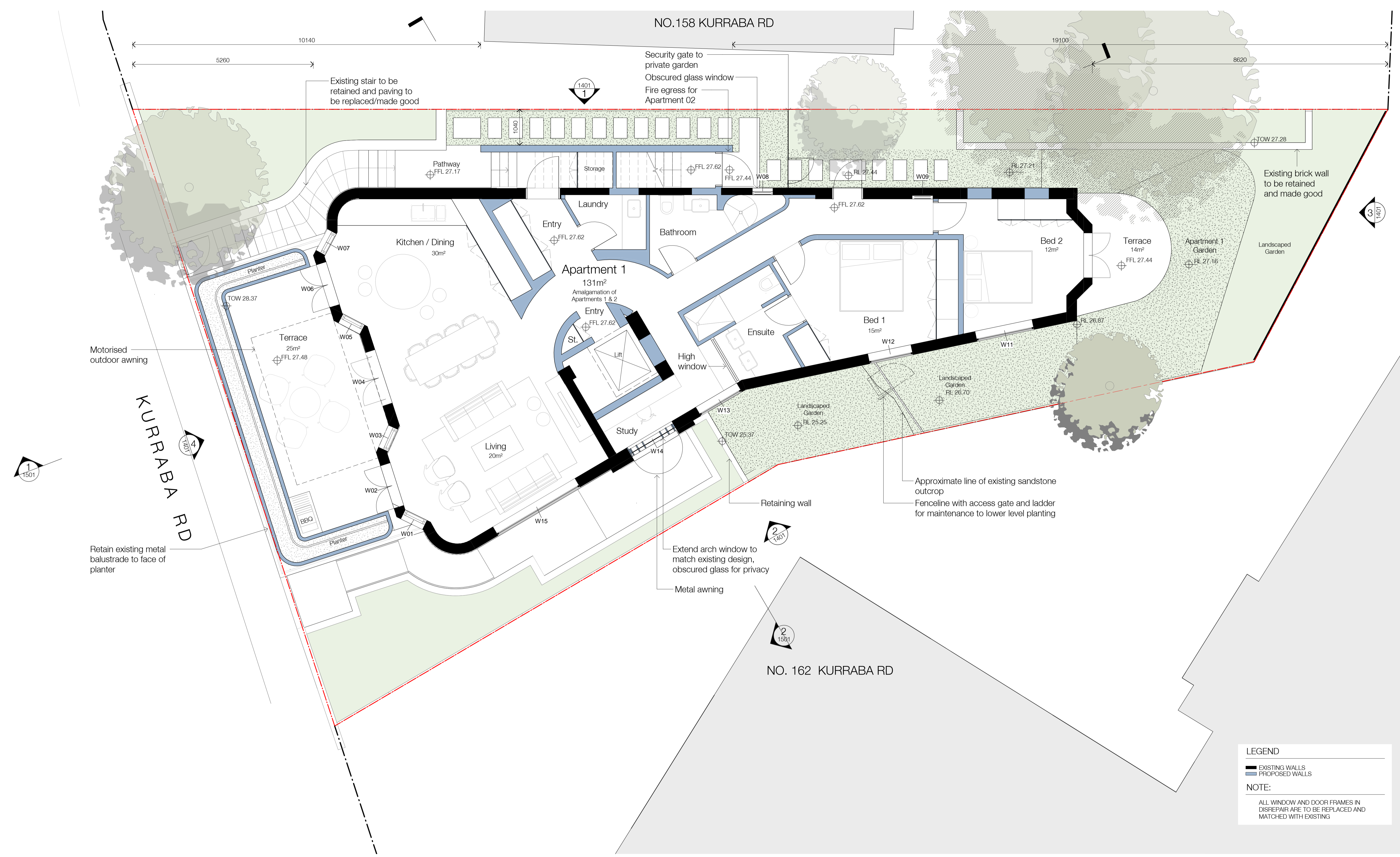
Job No.
6455

Drawing No.
DA-1001

Revision
/ 19

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LEGEND

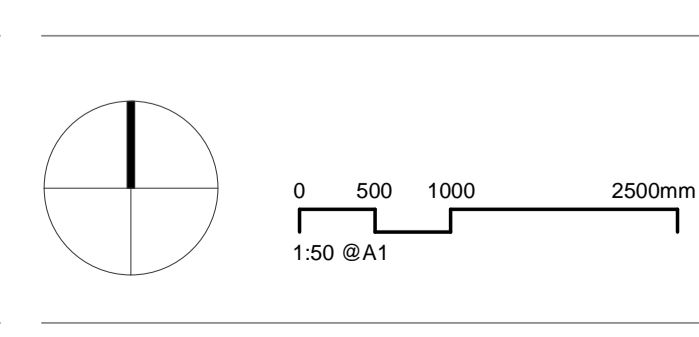
- EXISTING WALLS
- PROPOSED WALLS

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Nominated Architects: Adam Haddow-7188 | John Pradel-7004



Rev	Date	Revision	By	Chk.
10	28.09.2022	Pre-DA Revised	SS	GS
11	05.12.2022	For Information	SS	GS
12	17.02.2023	SKETCH	SS	GS
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14	02.05.2023	DA SUBMISSION	SS	GS
15	09.08.2023	REVISED SUBMISSION	SS	GS
16	29.09.2023	REVISED SUBMISSION	SS	VJ
17	21.11.2023	SITE COVERAGE REDUCTION	SS	GS
18	08.02.2024	DA SUBMISSION - Facade Setback	SS	GS
19	14.02.2024	DA RE-SUBMISSION - FACADE SETBACK + ELEVATION DIAGRAMS	SS	GS

Client	Project
Chris Lane and Brett Morris	160 Kurraba Road Kurraba Point
	Drawing Name Proposed Floorplan - Ground

Date	Scale	Sheet Size
14.02.2024	As indicated	@ A1
Drawn	Chk.	Job No.
SS	GS	6455
Drawing No.		Revision
DA-1002		/ 19

Client	Project
Chris Lane and Brett Morris	160 Kurraba Road Kurraba Point
	Drawing Name Proposed Floorplan - Ground

Date	Scale	Sheet Size
14.02.2024	As indicated	@ A1
Drawn	Chk.	Job No.
SS	GS	6455
Drawing No.		Revision
DA-1002		/ 19





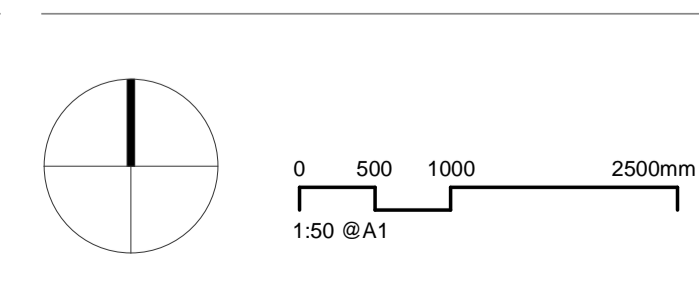
LEGEND

- █ EXISTING WALLS
- █ PROPOSED WALLS

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19	14.02.2024	DA RE-SUBMISSION - FACADE SETBACK + ELEVATION DIAGRAMS	SS	GS

Client
 Chris Lane and Brett Morris

Project
 160 Kurraba Road
 Kurraba Point

Drawing Name
 Proposed Floorplan - Level 1

Date
 14.02.2024

Scale
 As indicated

Sheet Size
 @ A1

Drawn
 SS

Chk.
 GS

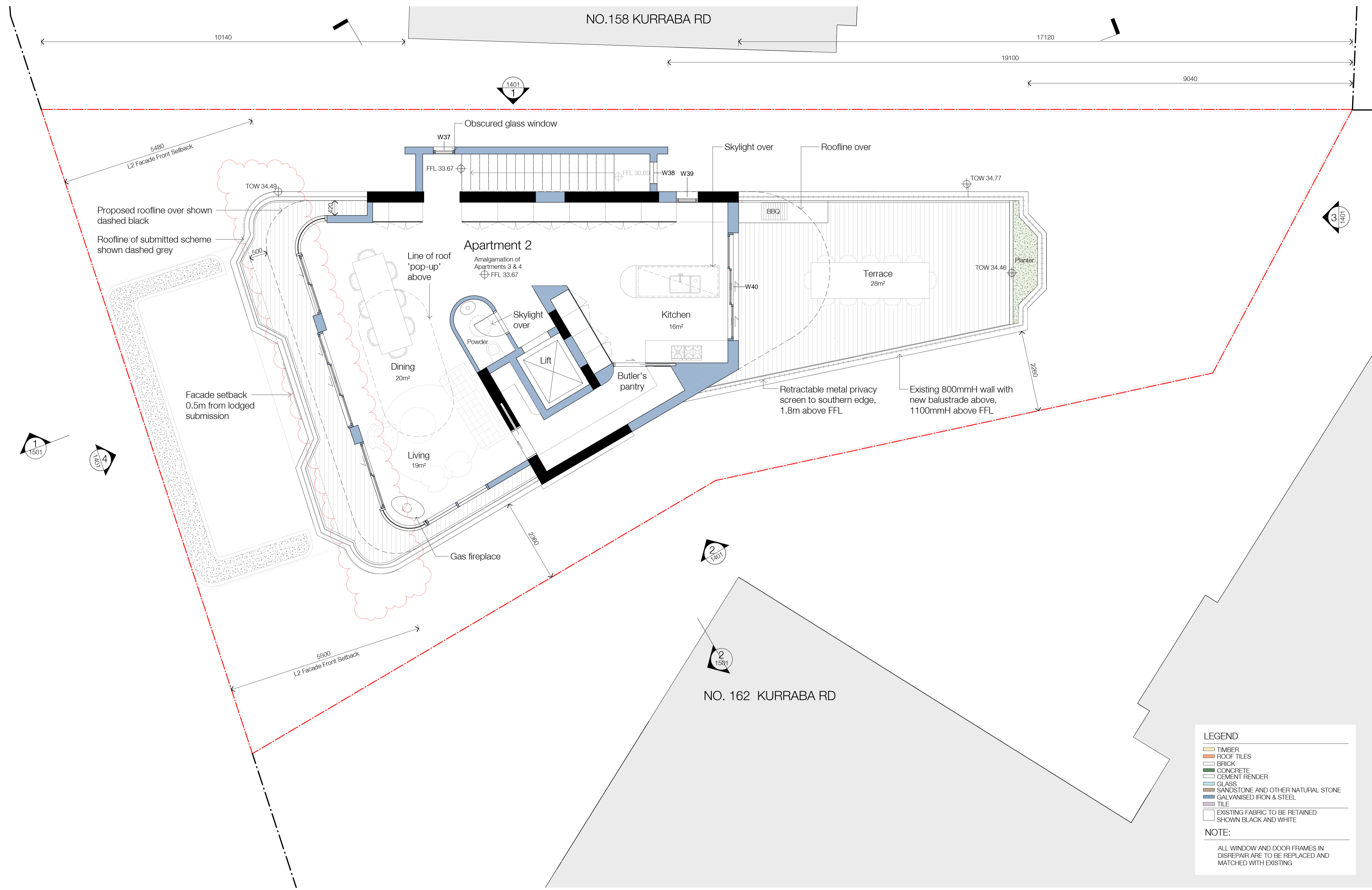
Job No.
 6455

Drawing No.
 DA-1003

Revision
 / 19

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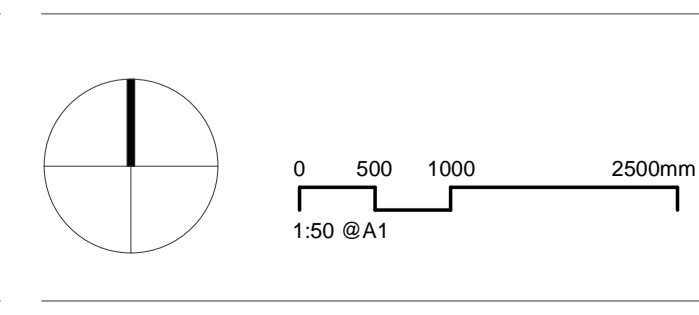
- TIMBER
- ROOF TILES
- BRICK
- CONCRETE
- CEMENT RENDER
- GLASS
- SANDSTONE AND OTHER NATURAL STONE
- GALVANISED IRON & STEEL
- TILE
- EXISTING FABRIC TO BE RETAINED SHOWN BLACK AND WHITE

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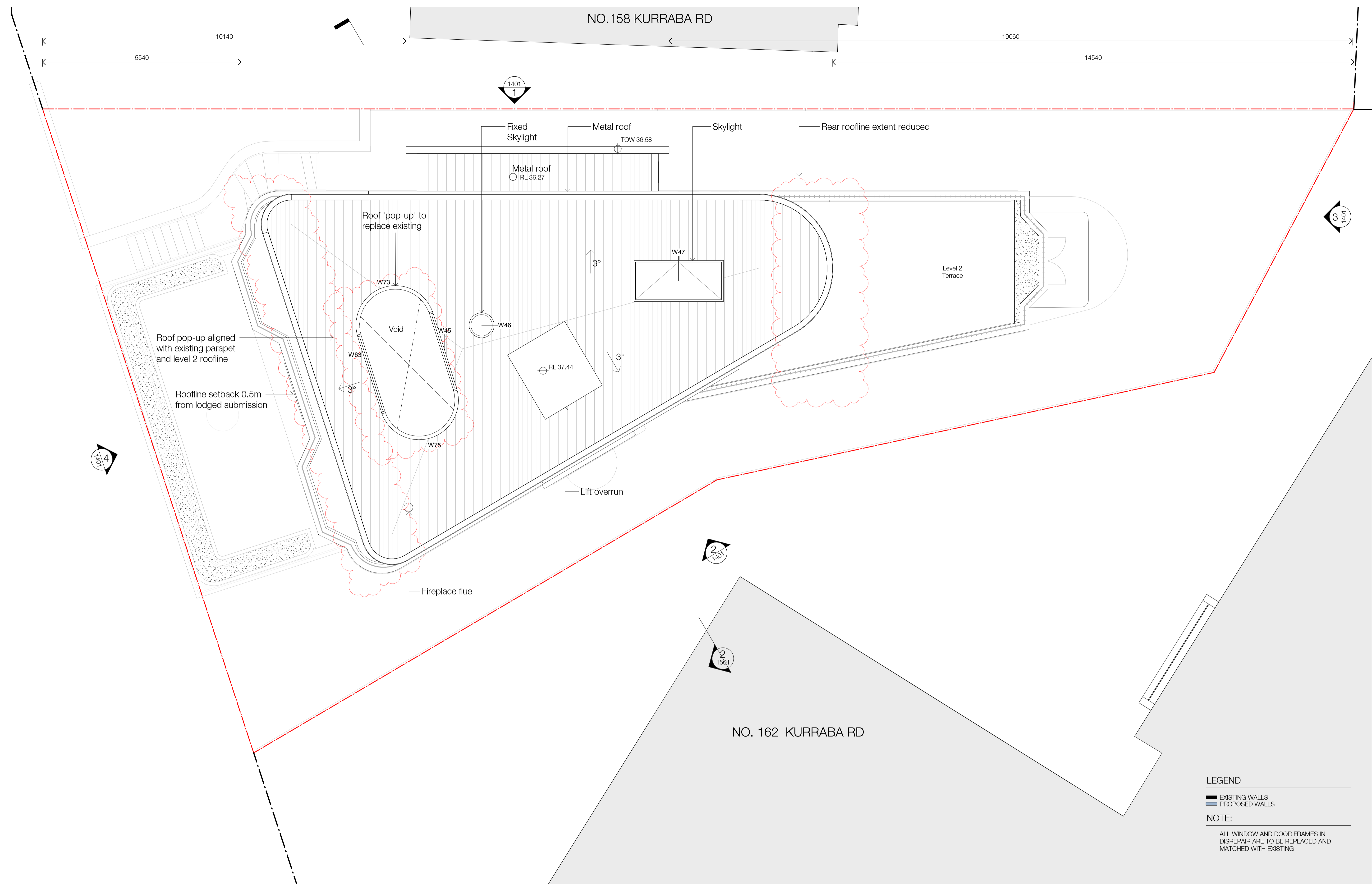
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18	08.02.2024	DA SUBMISSION - Facade Setback	SS	GS
19	14.02.2024	DA RE-SUBMISSION - FACADE SETBACK + ELEVATION DIAGRAMS	SS	GS

Client	Project
Chris Lane and Brett Morris	160 Kurraba Road Kurraba Point
	Proposed Floorplan - Level 2

Date	Scale	Sheet Size
14.02.2024	1:50	@ A1
Drawn	Chk.	Job No.
SS	GS	6455
Drawing No.		Revision
DA-1004		/ 19

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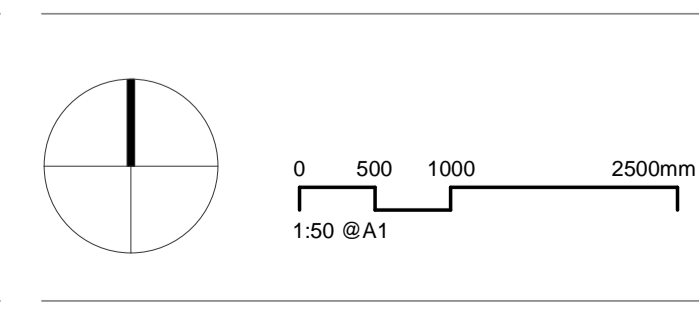
- EXISTING WALLS
- PROPOSED WALLS

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18	08.02.2024	DA SUBMISSION - Facade Setback	SS	GS
19	14.02.2024	DA RE-SUBMISSION - FACADE SETBACK + ELEVATION DIAGRAMS	SS	GS

Client
Chris Lane and Brett Morris

Project
160 Kurraba Road
Kurraba Point

Drawing Name
Proposed Floorplan - Level 2 Mezzanine

Date 14.02.2024
Scale As indicated
Sheet Size @ A1

Drawn SS
Chk. GS
Job No. 6455

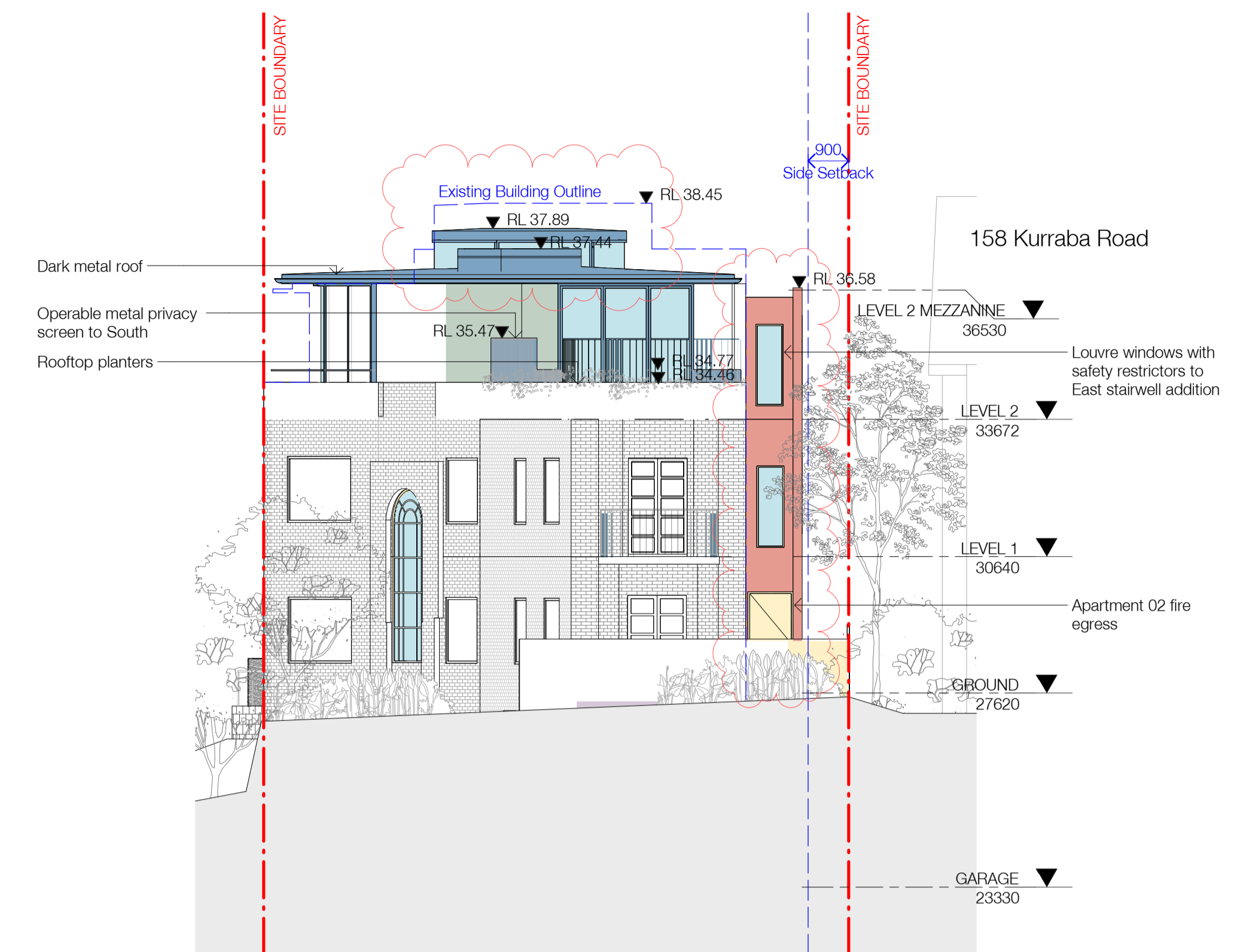
DA-1005 / 19

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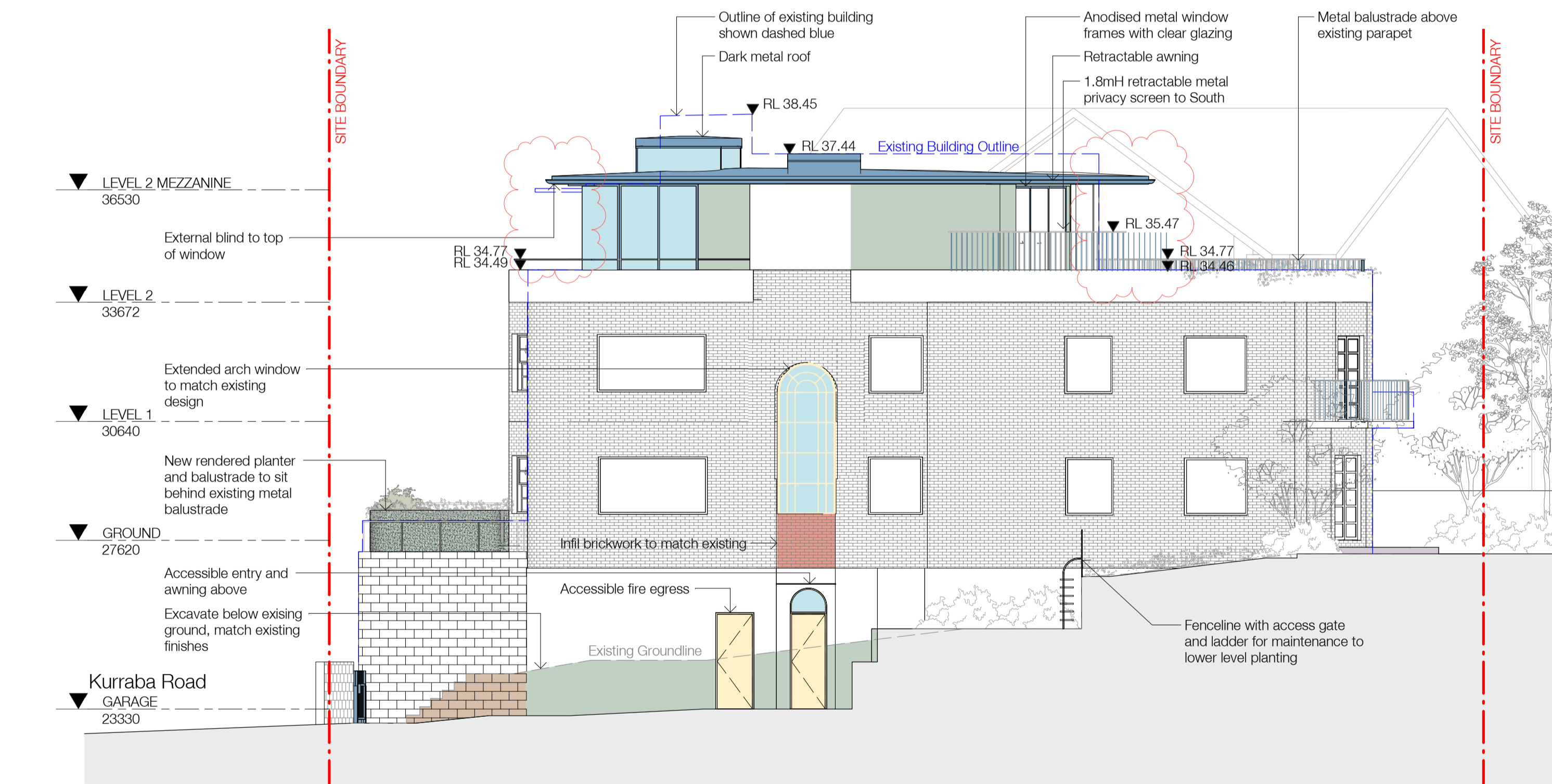




1 Proposed North Elevation
1 : 100



3 Proposed East Elevation
1 : 100



2 Proposed South Elevation
1 : 100

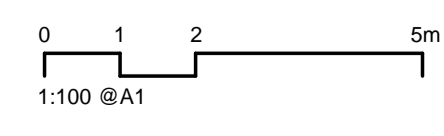


4 Proposed West Elevation
1 : 100

- LEGEND**
- TIMBER
 - ROOF TILES
 - BRICK
 - CONCRETE
 - CEMENT RENDER
 - GLASS
 - SANDSTONE AND OTHER NATURAL STONE
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14	02.05.2023	DA SUBMISSION	SS	GS
15	09.08.2023	REVISED SUBMISSION	SS	GS
16	29.09.2023	REVISED SUBMISSION	SS	VJ
17	21.11.2023	SITE COVERAGE REDUCTION	SS	GS
18	30.01.2024	SKETCH - L2 Setback	SS	GS
19	14.02.2024	DA RE-SUBMISSION - FACADE SETBACK + ELEVATION DIAGRAMS	SS	GS

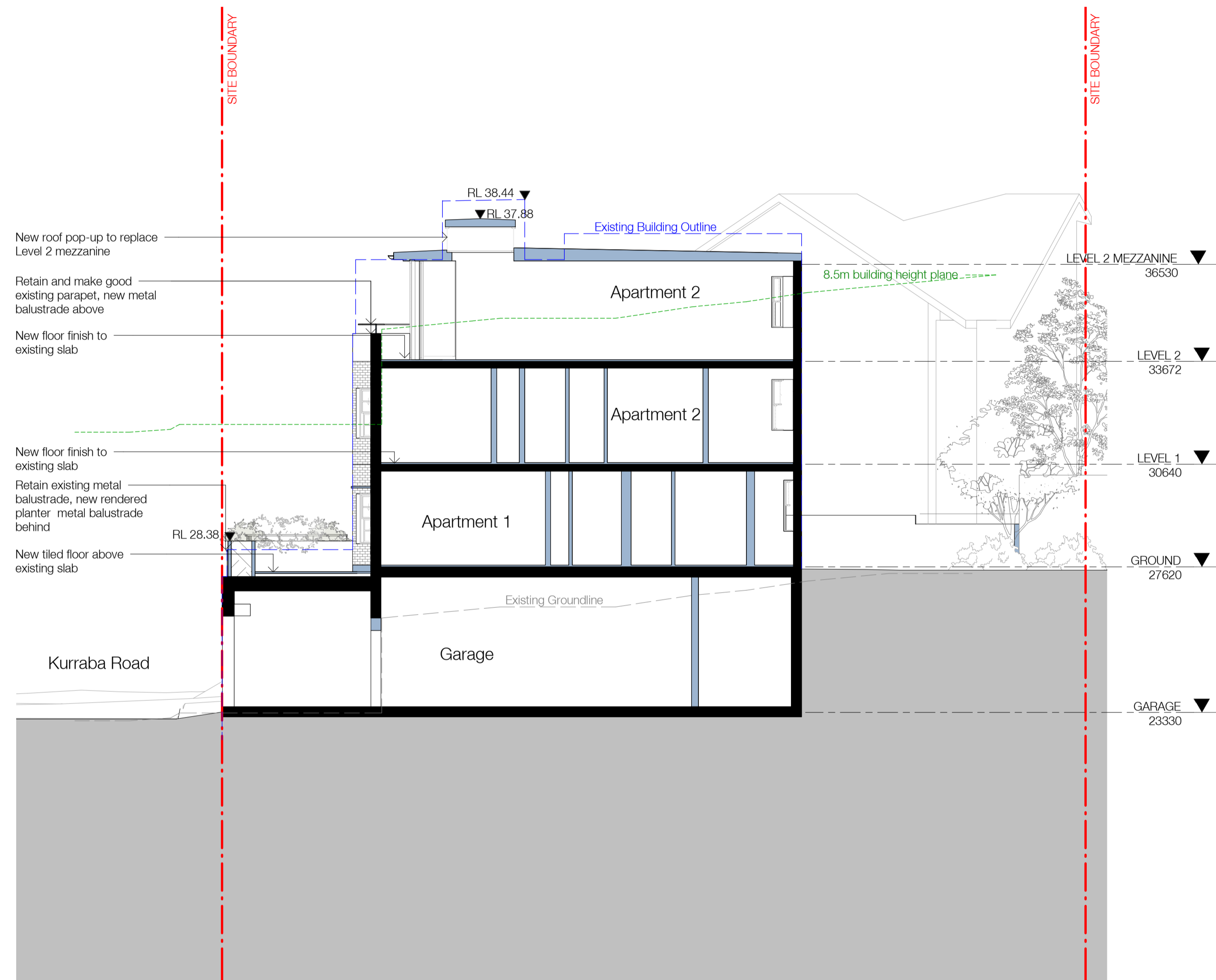
Client
Chris Lane and Brett Morris

Project
160 Kurraba Road
Kurraba Point

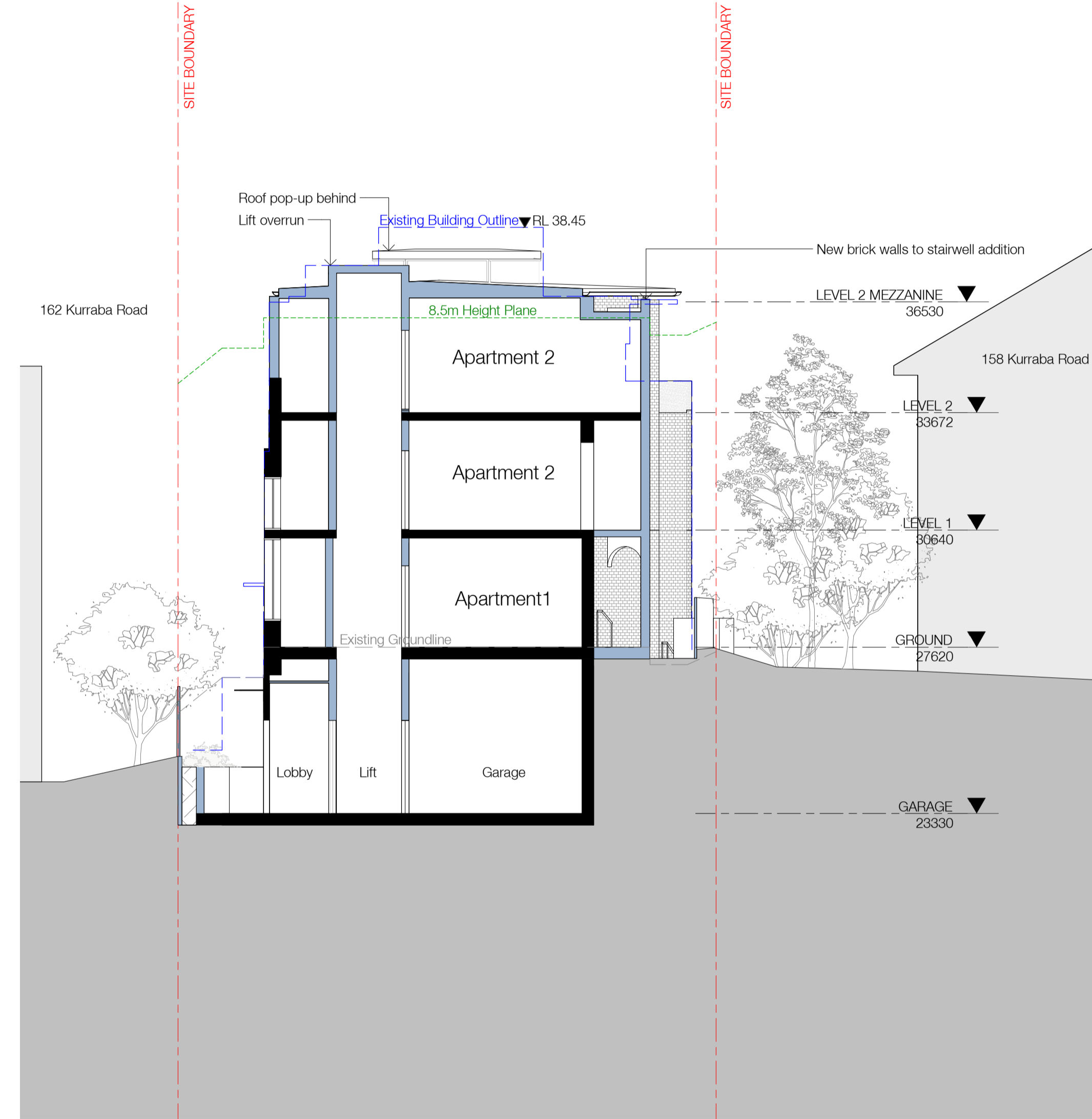
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14.02.2024
Scale
1 : 100
Sheet Size
@ A1
Drawn
SS
Chk.
GS
Job No.
6455
Drawing No.
DA-1401
Revision
/ 19

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1 Section A
1 : 100



2 Section B
1 : 100

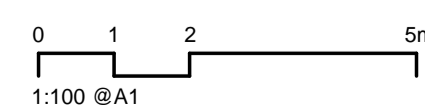
LEGEND

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16	29.09.2023	REVISED SUBMISSION	SS	VJ
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18	08.02.2024	DA SUBMISSION - Facade Setback	SS	GS
19	14.02.2024	DA RE-SUBMISSION - FACADE SETBACK + ELEVATION DIAGRAMS	SS	GS

Client
Chris Lane and Brett Morris

Project
160 Kurraba Road
Kurraba Point

Drawing Name
Proposed Sections

Date
14.02.2024

Scale
1 : 100

Sheet Size
@ A1

Drawn
SS

Chk.
GS

Job No.
6455

Drawing No.
DA-1501

Revision
/ 19

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BR01
NEW BRICKWORK



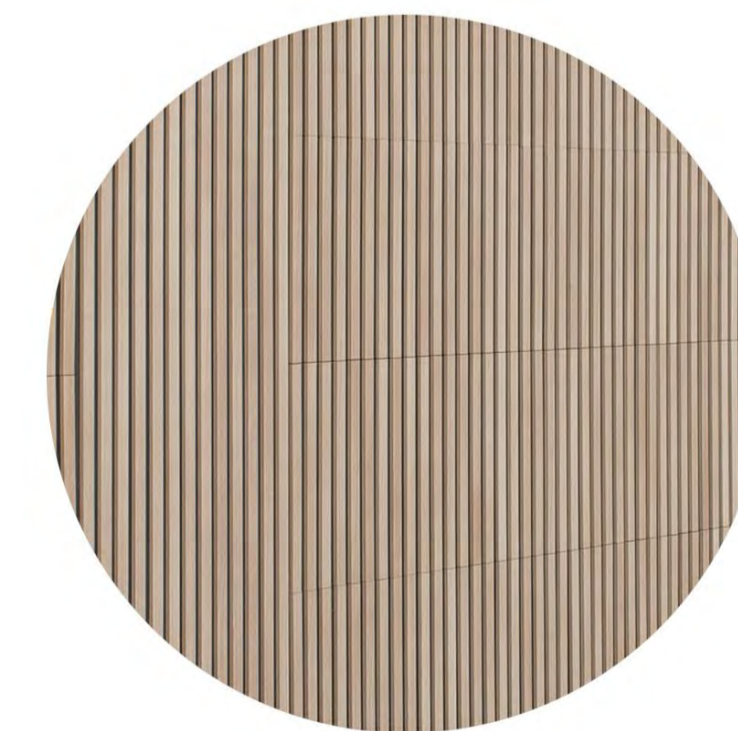
PT01
OFF-WHITE PAINT



CO01
OFF-WHITE RENDER
WITH PT01 FINISH



TMB01
STAINED TIMBER



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19	14.02.2024	DA RE-SUBMISSION - FACADE SETBACK + ELEVATION DIAGRAMS	SS	GS

Client
Chris Lane and Brett Morris

Project
160 Kurraba Road
Kurraba Point

Drawing Name
External Finishes Schedule

Date	Scale	Sheet Size
14.02.2024		@ A1
Drawn	Chk.	Job No.
SS	GS	6455
Drawing No.		Revision
DA-2001		/ 19

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PHOTOGRAPH - EXISTING



PHOTOMONTAGE - AS LODGED



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Client
 Chris Lane and Brett Morris

Project
 160 Kurraba Road
 Kurraba Point

Drawing Name
 Photomontages - Existing, Lodged, Proposed

Date	Scale	Sheet Size
14.02.2024		@ A1
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SS	GS	6455
Drawing No.		Revision
DA-2501		/ 19

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Client
Chris Lane and Brett Morris

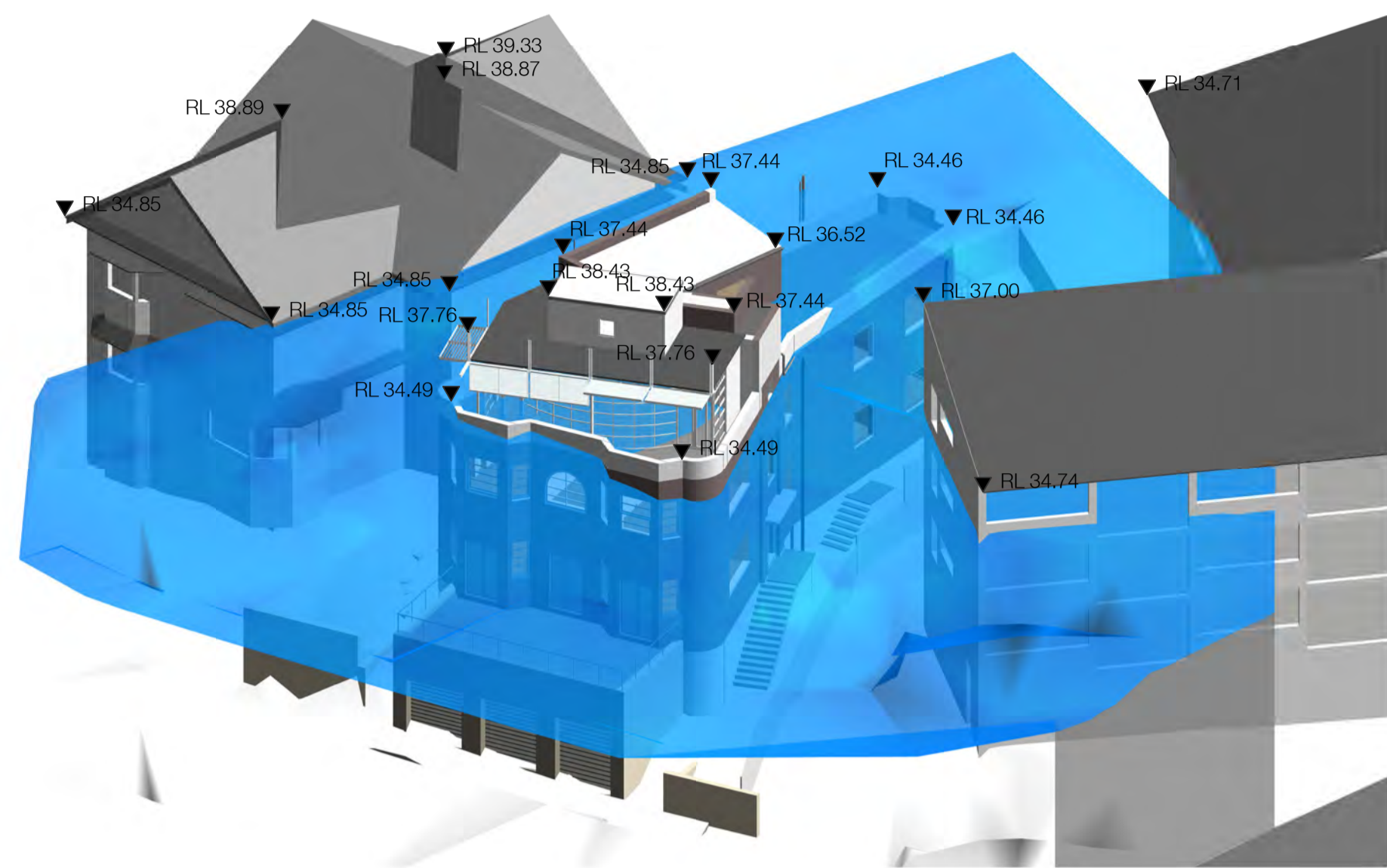
Project
**160 Kurraba Road
 Kurraba Point**

Drawing Name
Photomontage - Proposed

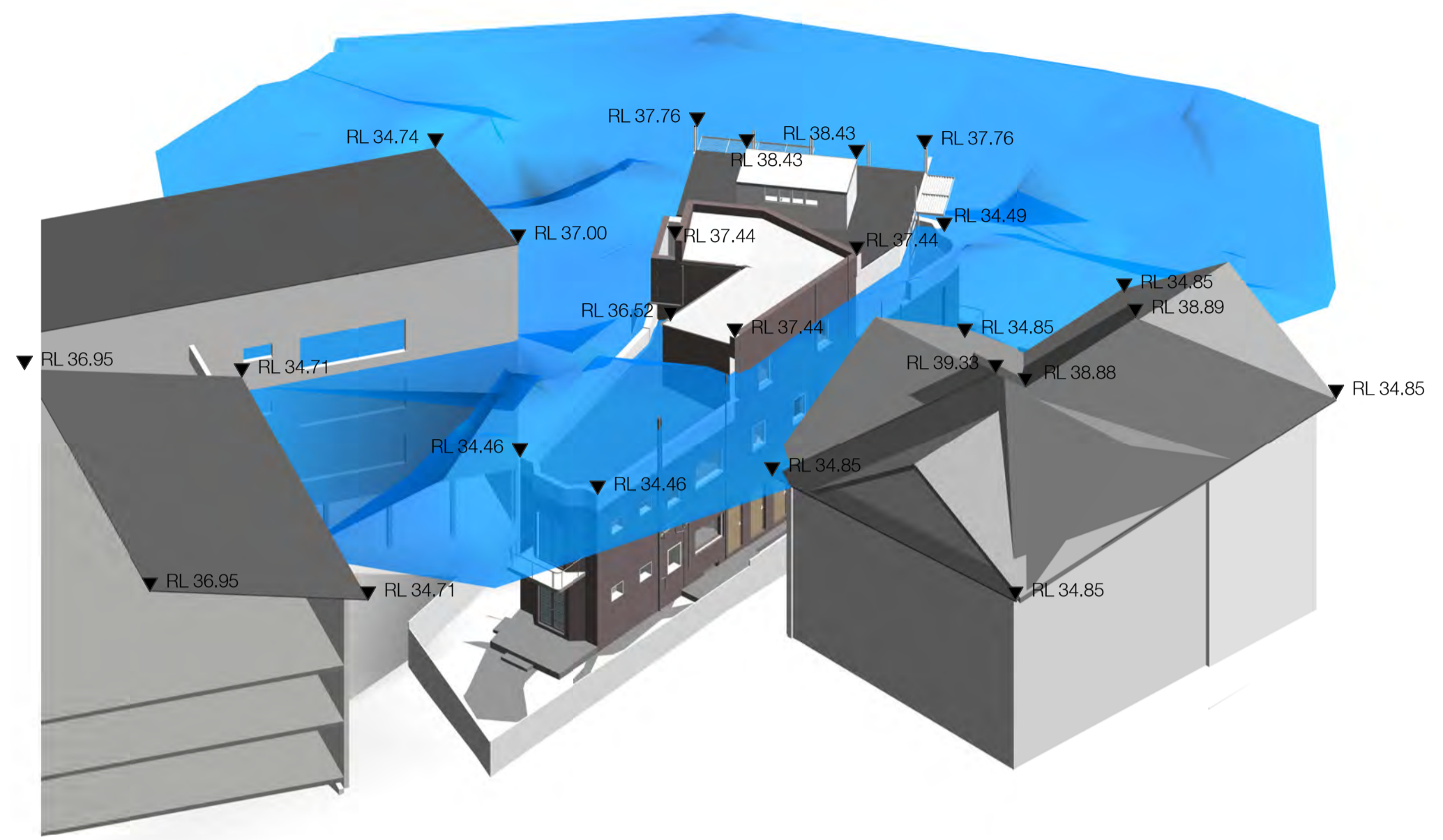
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SS	GS	6455
Drawing No.		Revision
DA-2502		/ 19

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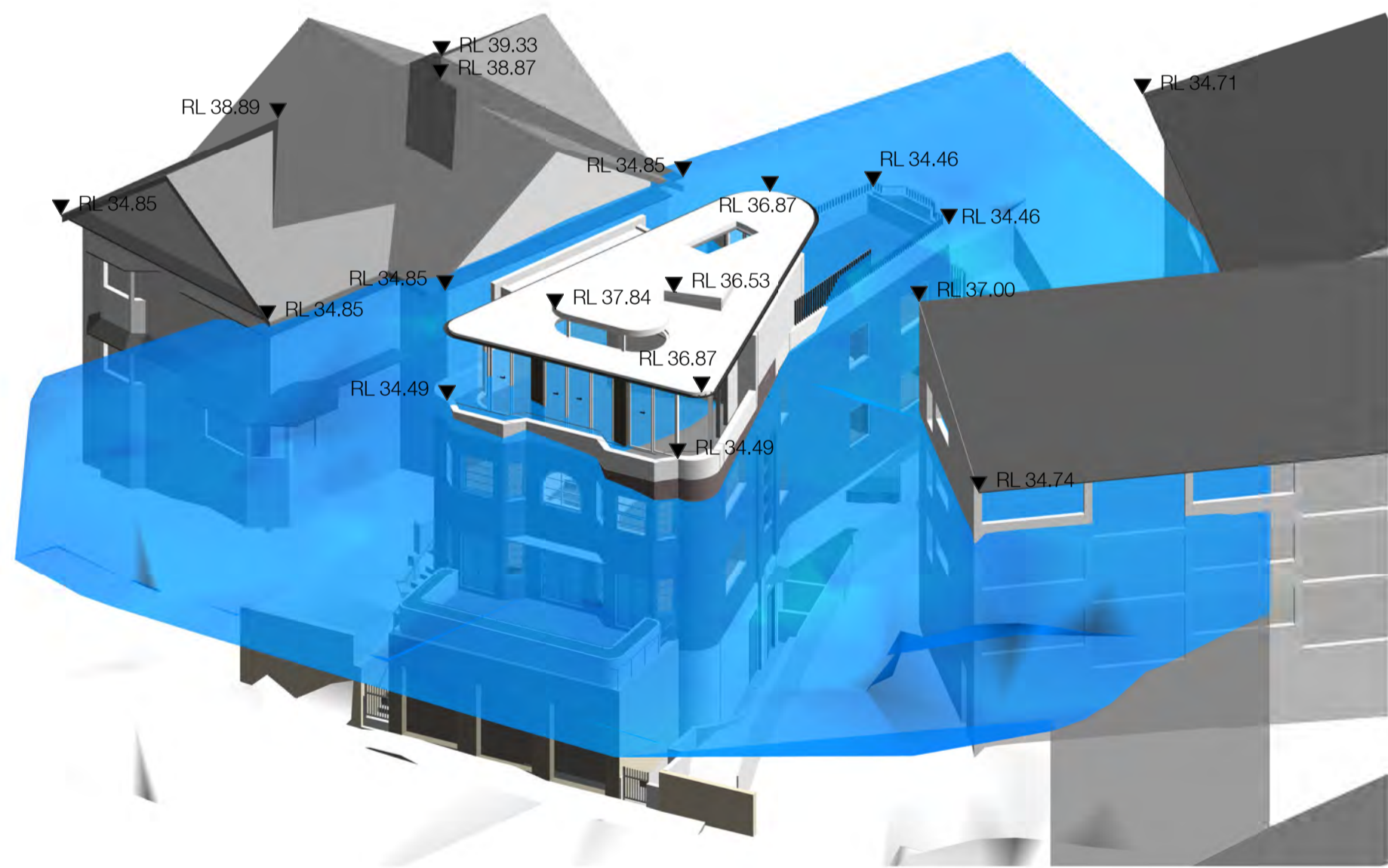




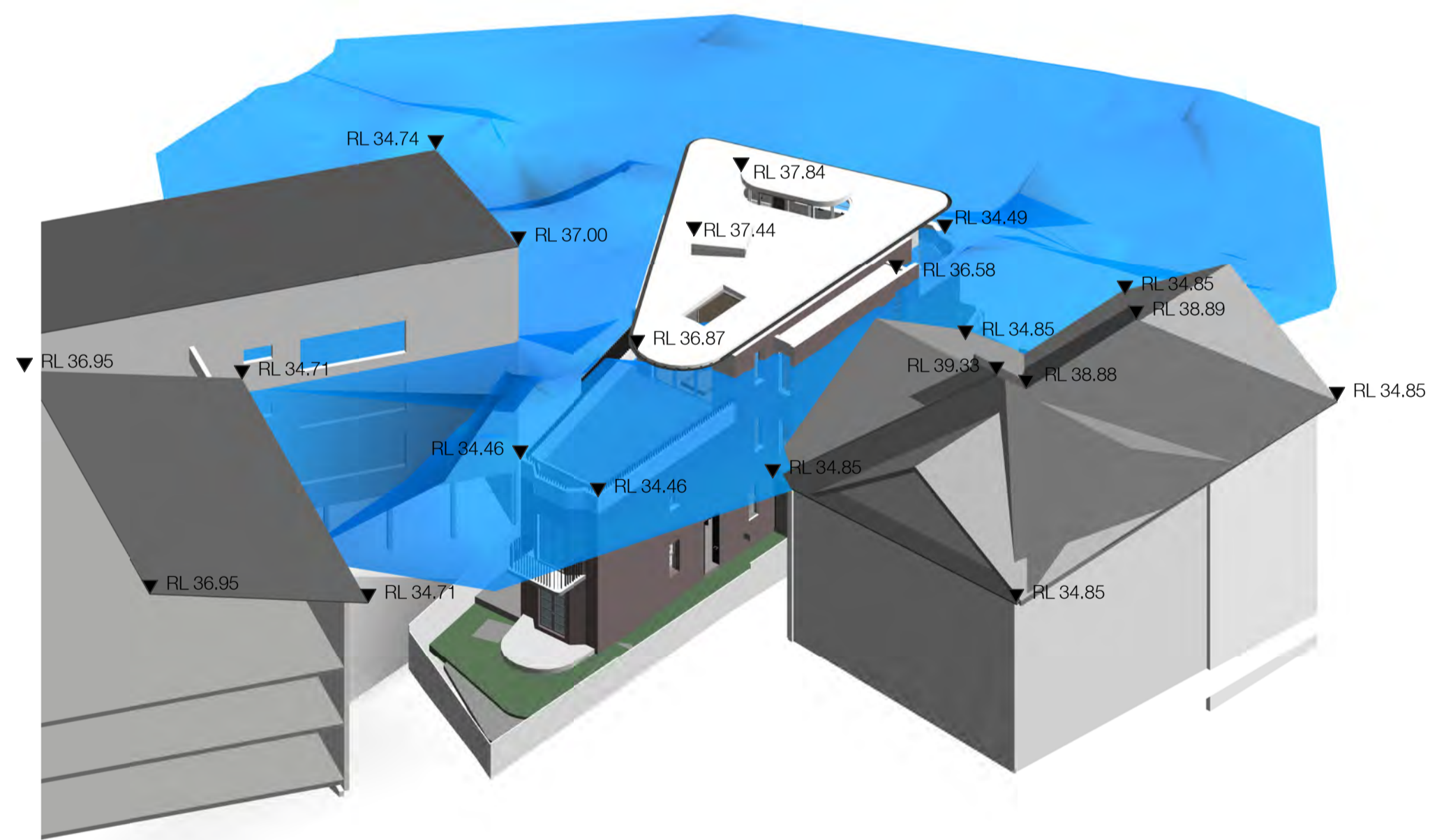
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3 Height Plane - Rear - Existing
Height plane of 8.5m

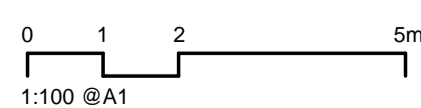


22 Height Plane - Front - Proposed
Height plane of 8.5m



44 Height Plane - Rear - Proposed
Height plane of 8.5m

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18	14.02.2024	DA RE-SUBMISSION - FACADE SETBACK + ELEVATION DIAGRAMS	SS	GS

Client
Chris Lane and Brett Morris

Project
160 Kurraba Road
Kurraba Point

Drawing Name
Height Plane Diagrams

Date
14.02.2024

Scale
@ A1

Drawn
SS

Chk.
GS

Job No.
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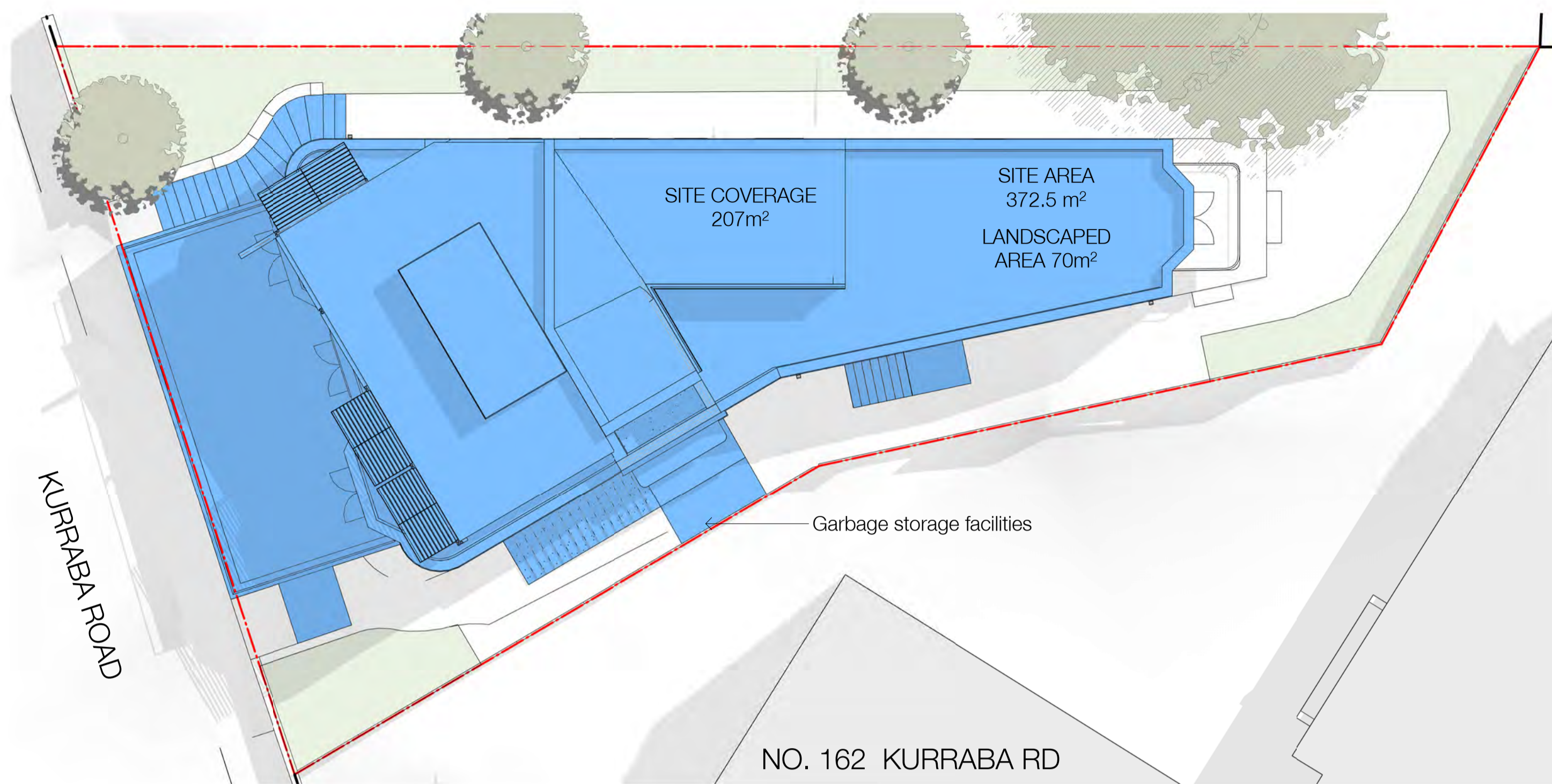
Drawing No.
DA-3001

Revision
/ 18

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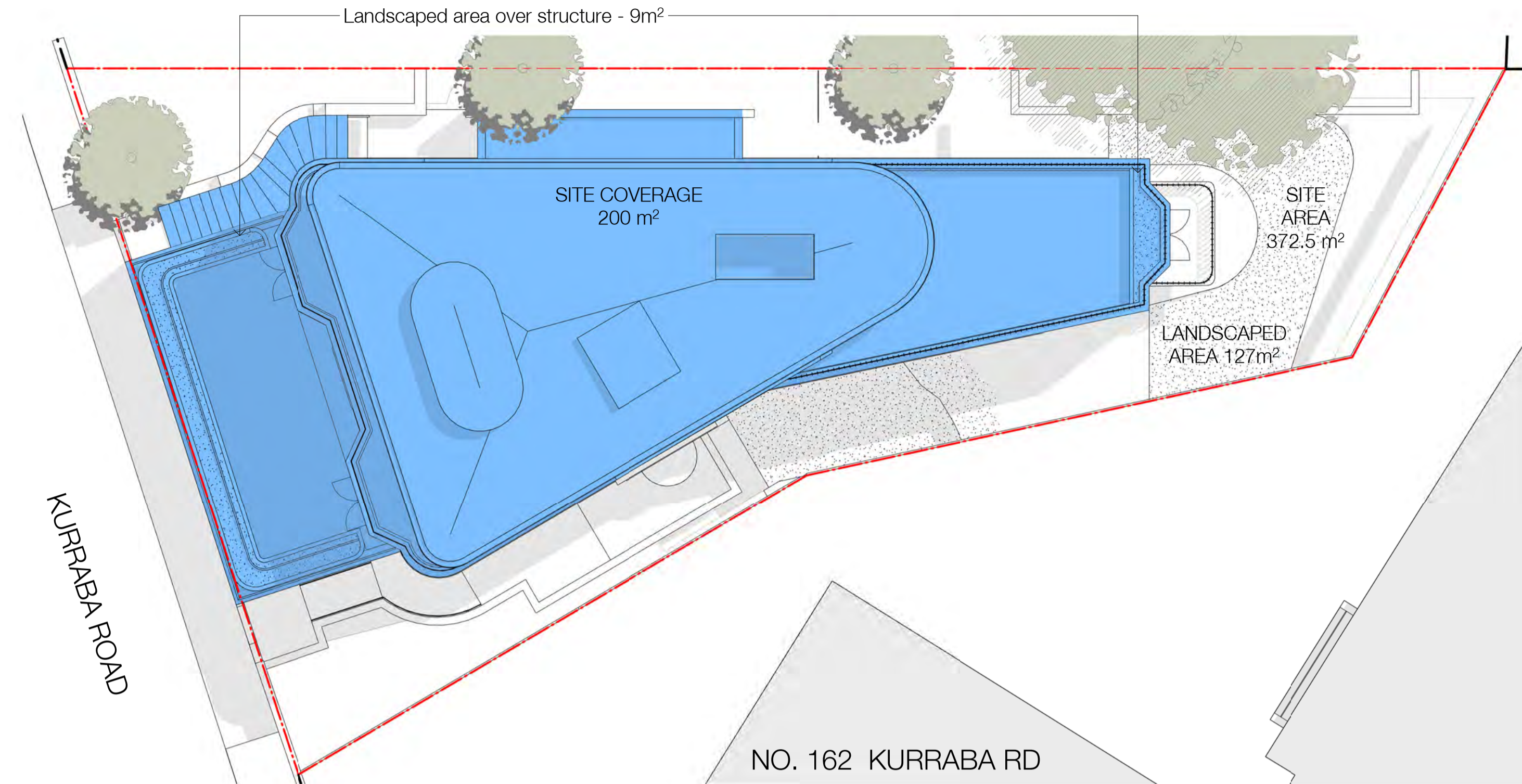


NO.158 KURRABA RD



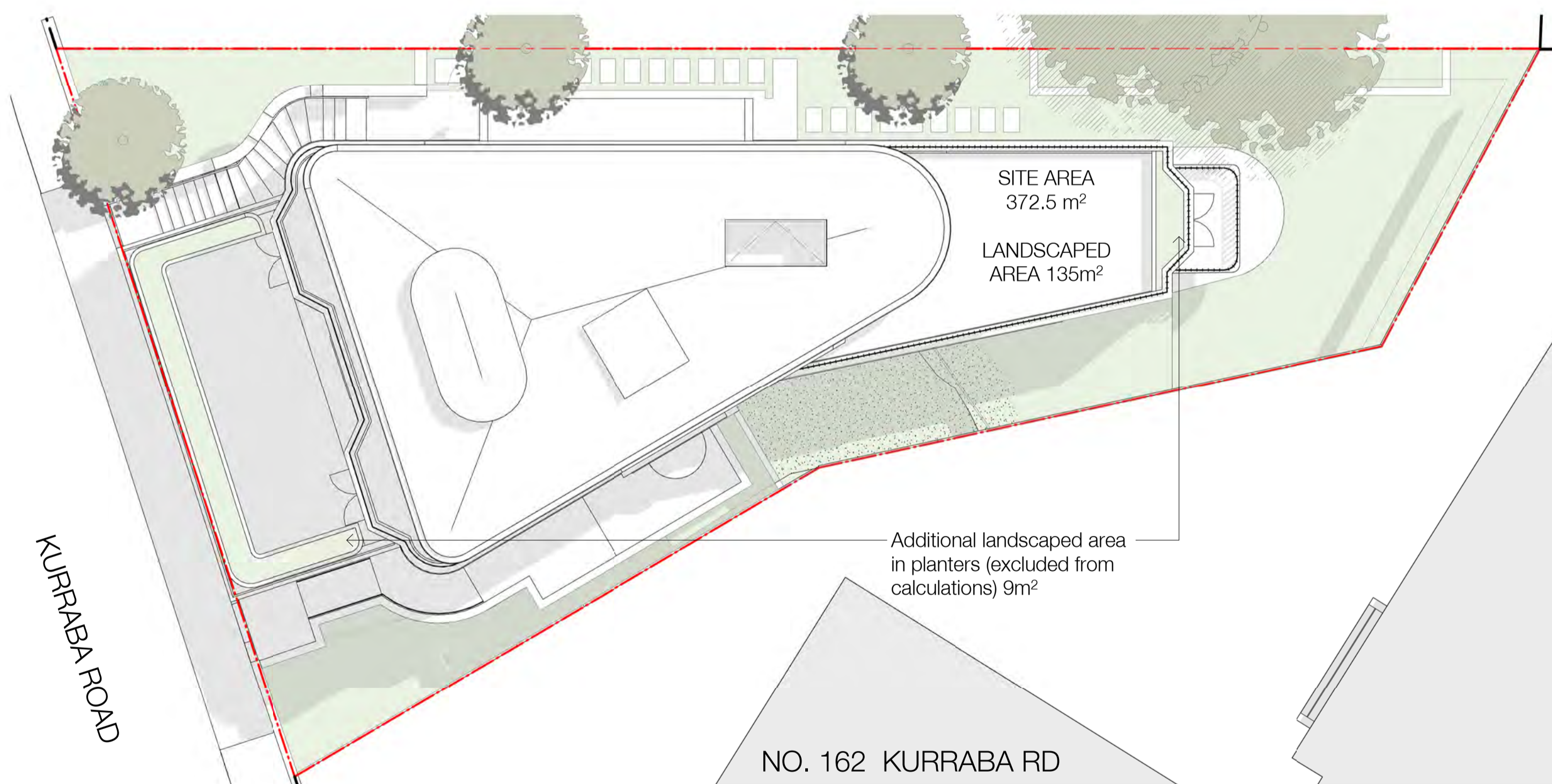
1 Areas Plan - Existing
1 : 100

NO.158 KURRABA RD



2 Site Coverage - Proposed
1 : 100

NO.158 KURRABA RD



3 Landscaped Area - Proposed
1 : 100

Site Coverage

Site Area	372.5m ²
Site Coverage - DCP	168m ² (45%)
Site Coverage - Existing	207m ² (55%)
Site Coverage - As lodged	217m ² (58%)
Site Coverage - Proposed (ammended)	199m ² (53%)

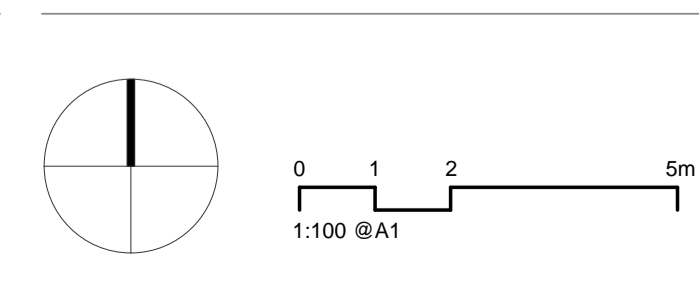
Landscape Area

Site Area	372.5m ²
Landscape Area - DCP	149m ² (40%)
Landscape Area - Existing	70m ² (19%)
Landscape Area - Proposed (ammended)	127m ² (34%)

Key

- Site Coverage
- Landscape Area

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Nominated Architects: Adam Haddow-7188 | John Pradel-7004



Rev	Date	Revision	By	Chk.
10	28.09.2022	Pre-DA Revised	SS	GS
11	05.12.2022	For Information	SS	GS
12	17.02.2023	SKETCH	SS	GS
13	21.04.2023	DA DRAFT	SS	GS
14	02.05.2023	DA SUBMISSION	SS	GS
15	09.08.2023	REVISED SUBMISSION	SS	GS
16	29.09.2023	REVISED SUBMISSION	SS	VJ
17	21.11.2023	SITE COVERAGE REDUCTION	SS	GS
18	08.02.2024	DA SUBMISSION - Facade Setback	SS	GS
19	14.02.2024	DA RE-SUBMISSION - FACADE SETBACK + ELEVATION DIAGRAMS	SS	GS

Client
Chris Lane and Brett Morris

Project
160 Kurraba Road
Kurraba Point

Drawing Name
Site Coverage Calculations

Date
14.02.2024

Scale
1 : 100

Sheet Size
@ A1

Drawn
SS

Chk.
GS

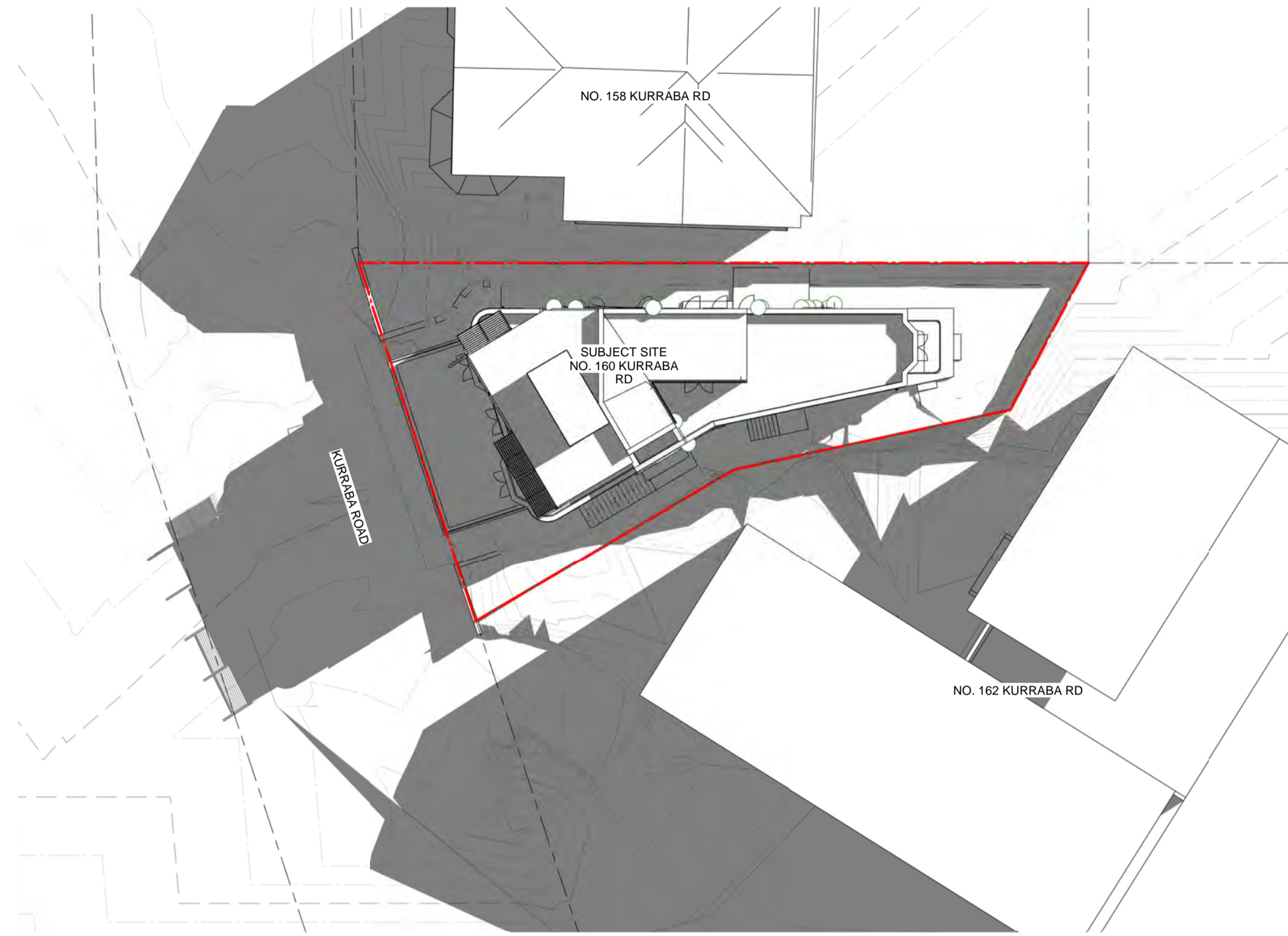
Job No.
6455

Drawing No.
DA-3010

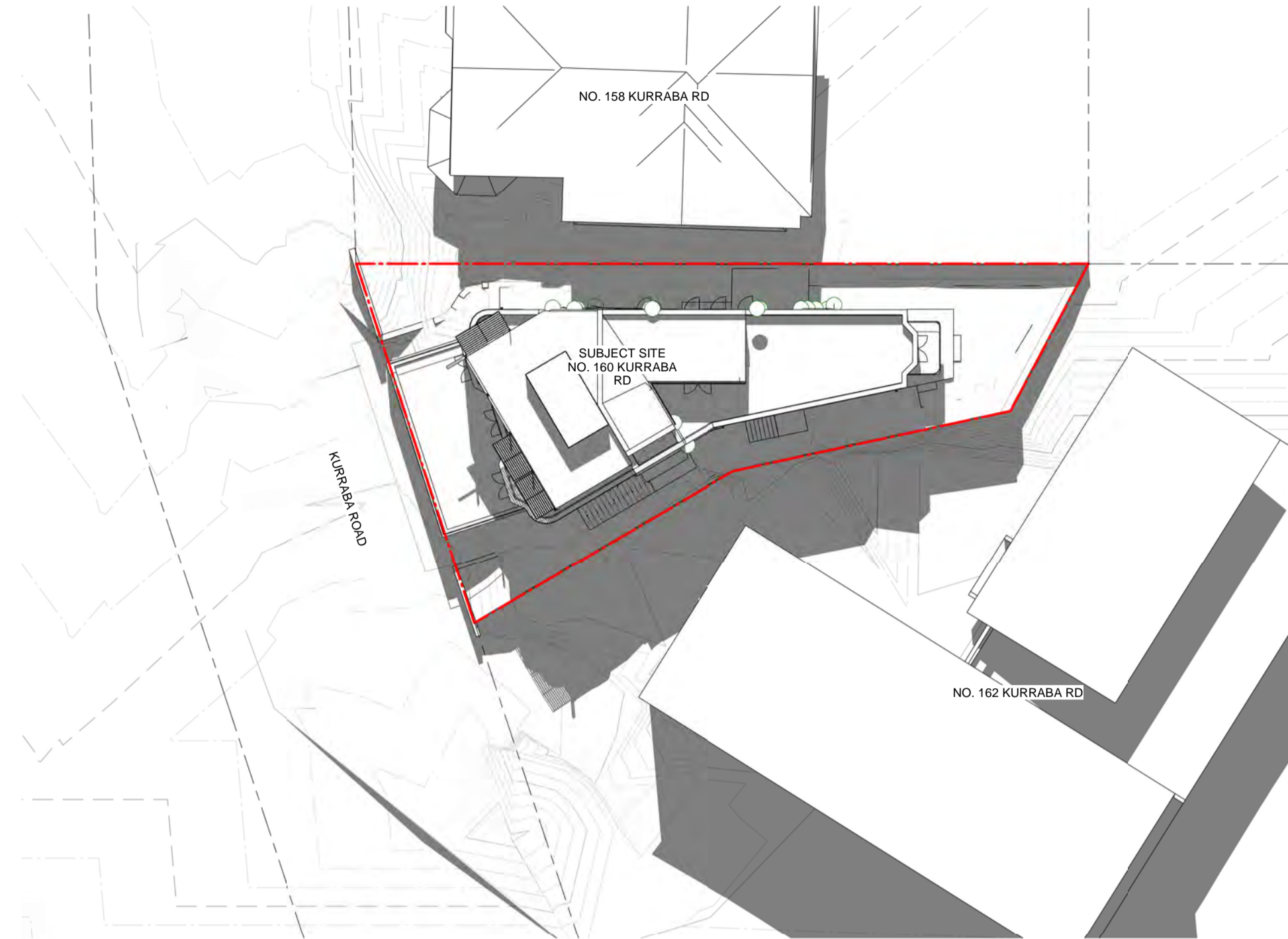
Revision
/ 19

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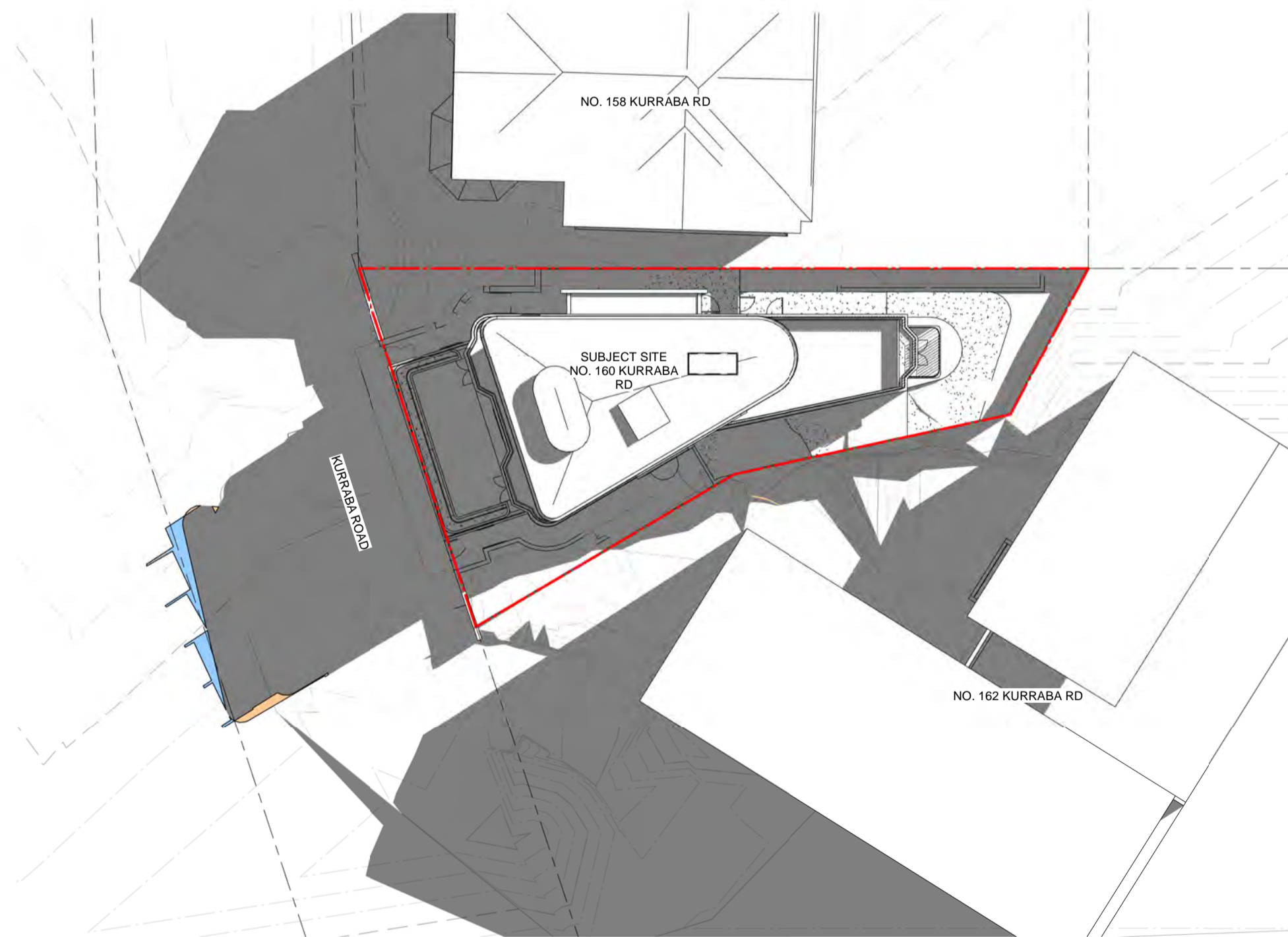
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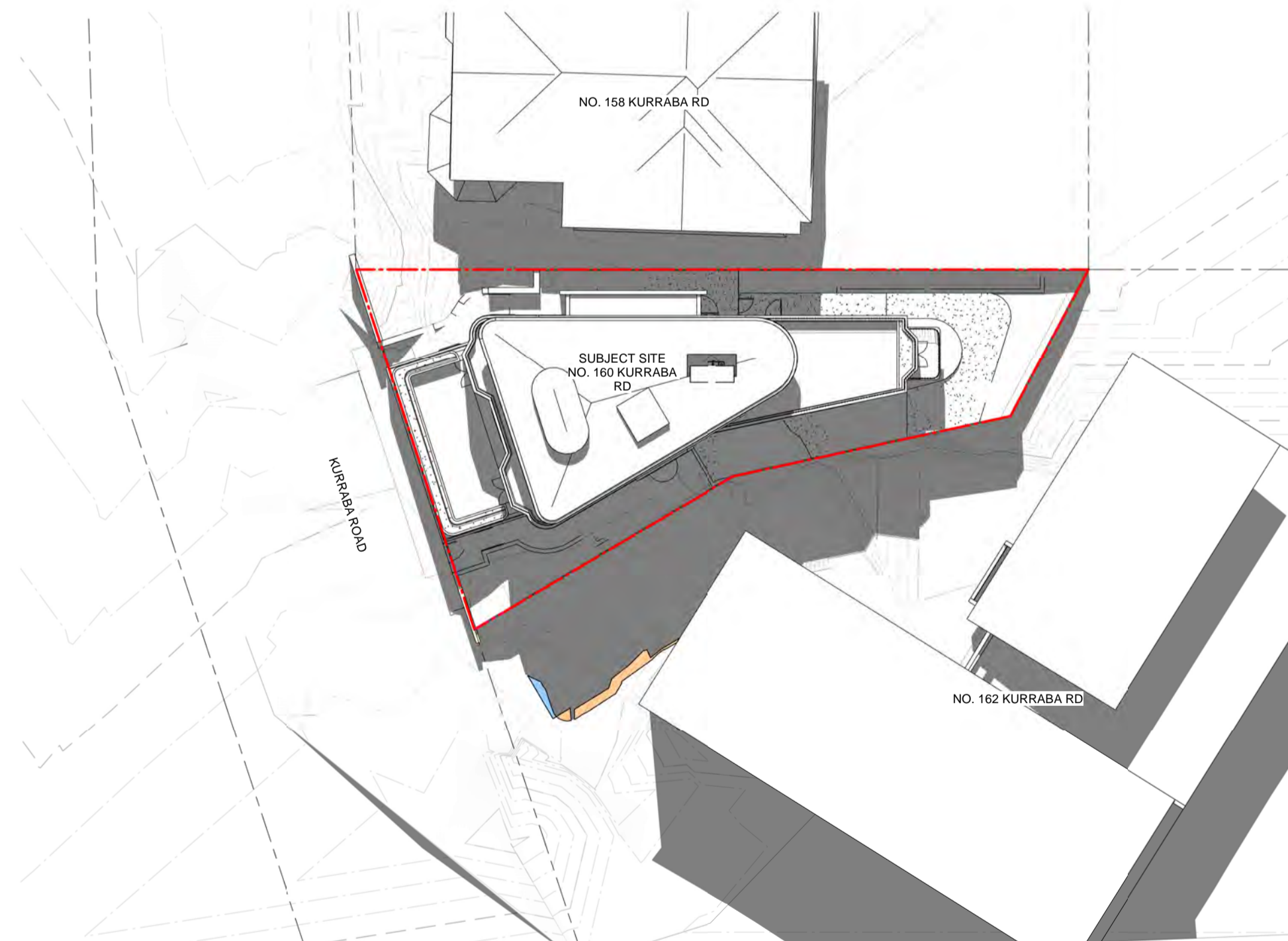
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5 Existing Shadows 3PM
1 : 250



2 Proposed Shadows 9AM
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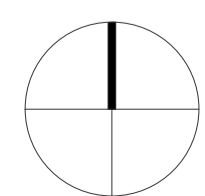
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1 : 250



6 Proposed Shadows 3PM
1 : 250

REDUCED SHADOWS
ADDITIONAL SHADOWS

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0 1 2 5m
1:100 @A1

Rev	Date	Revision	By	Chk.
10	28.09.2022	Pre-DA Revised	SS	GS
11	05.12.2022	For Information	SS	GS
12	17.02.2023	SKETCH	SS	GS
13	21.04.2023	DA DRAFT	SS	GS
14	02.05.2023	DA SUBMISSION	SS	GS
15	09.08.2023	REVISED SUBMISSION	SS	GS
16	29.09.2023	REVISED SUBMISSION	SS	VJ
17	21.11.2023	SITE COVERAGE REDUCTION	SS	GS
18	08.02.2024	DA SUBMISSION - Facade Setback	SS	GS
19	14.02.2024	DA RE-SUBMISSION - FACADE SETBACK + ELEVATION DIAGRAMS	SS	GS

Client
Chris Lane and Brett Morris

Project
160 Kurraba Road
Kurraba Point

Drawing Name
Shadow Diagram September Equinox -
9am,12pm,3pm

Date
14.02.2024

Scale
As indicated

Sheet Size
@ A1

Drawn
SS

Chk.
GS

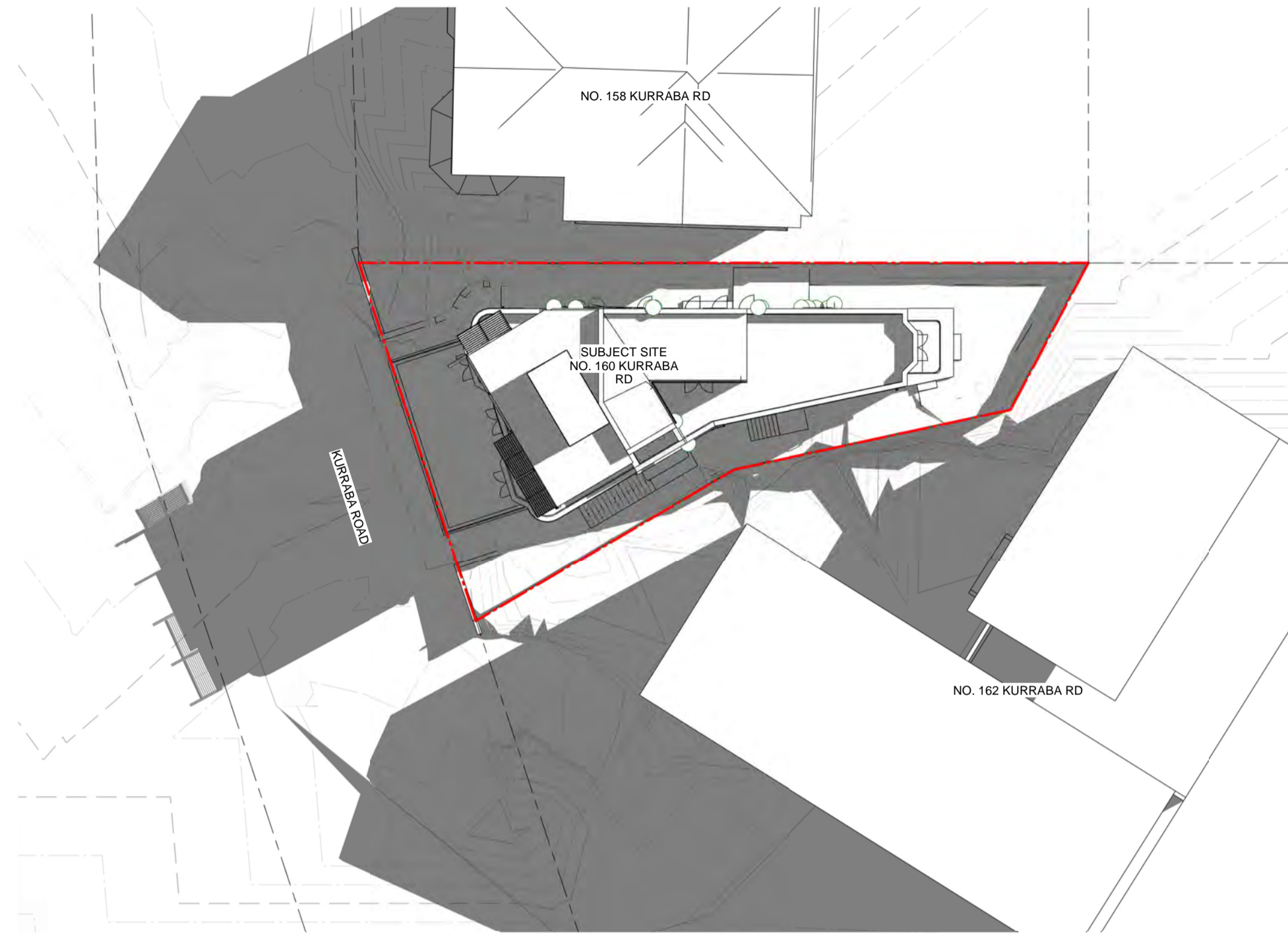
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Drawing No.
DA-6001

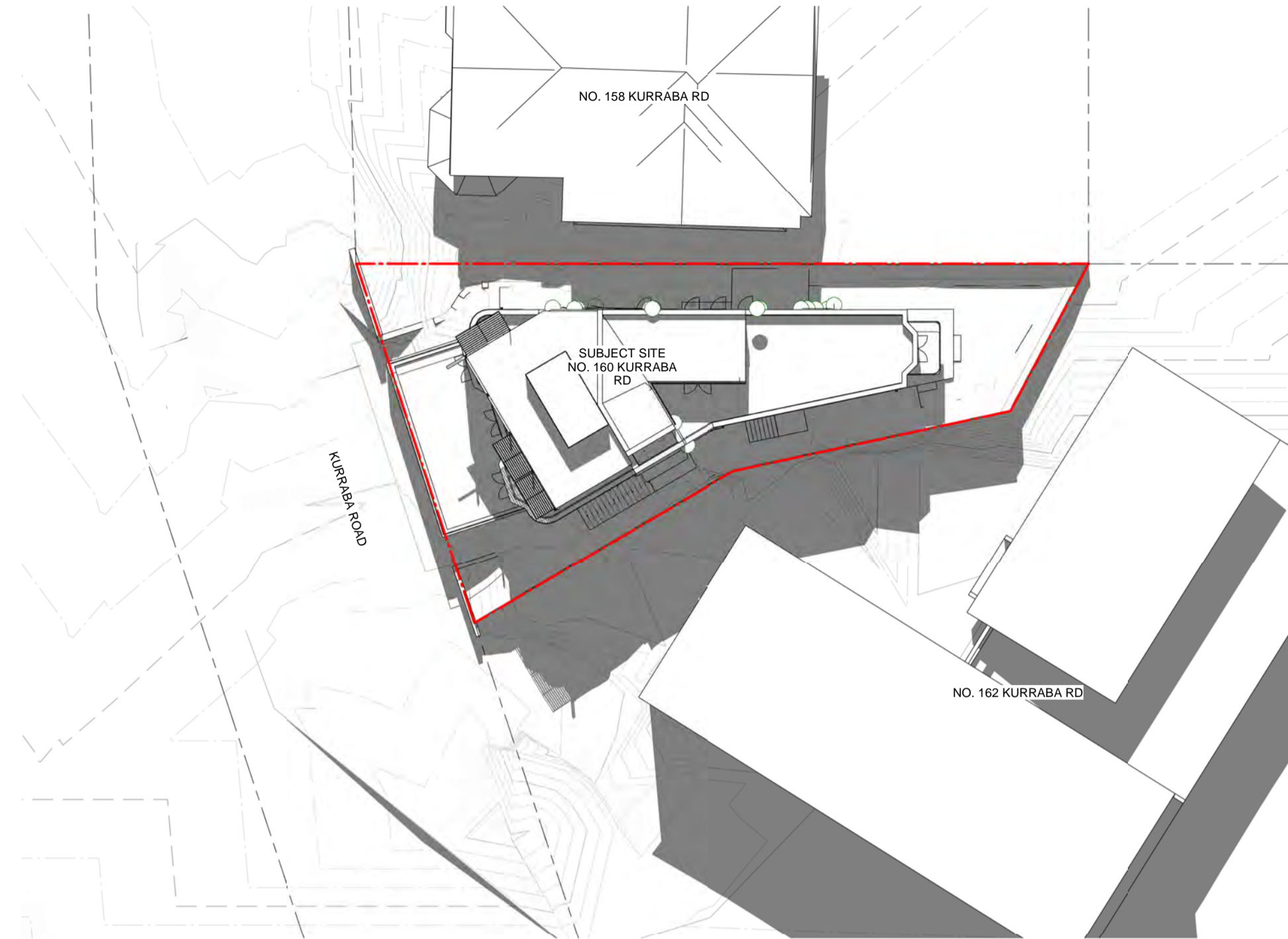
Revision
/ 19

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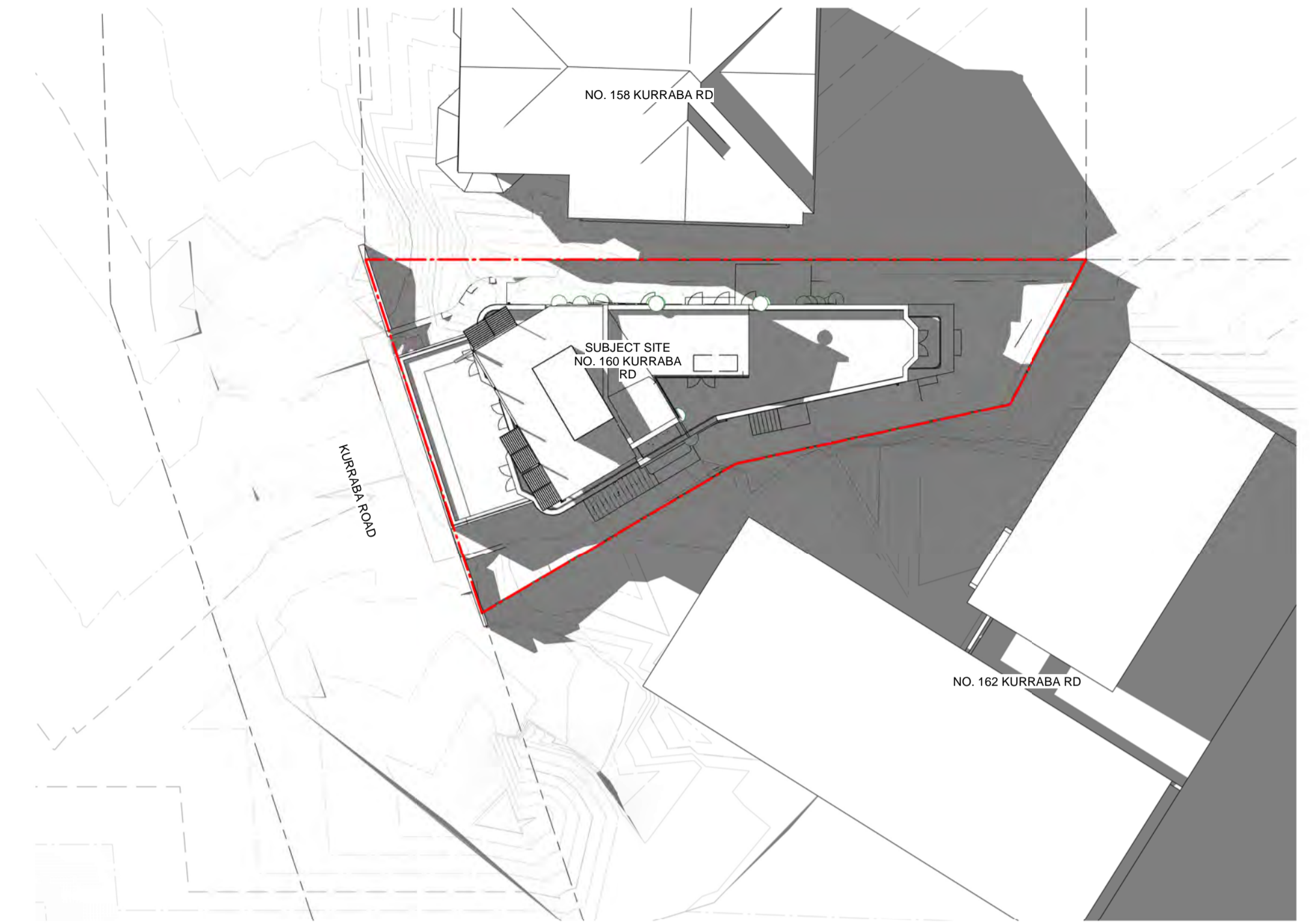




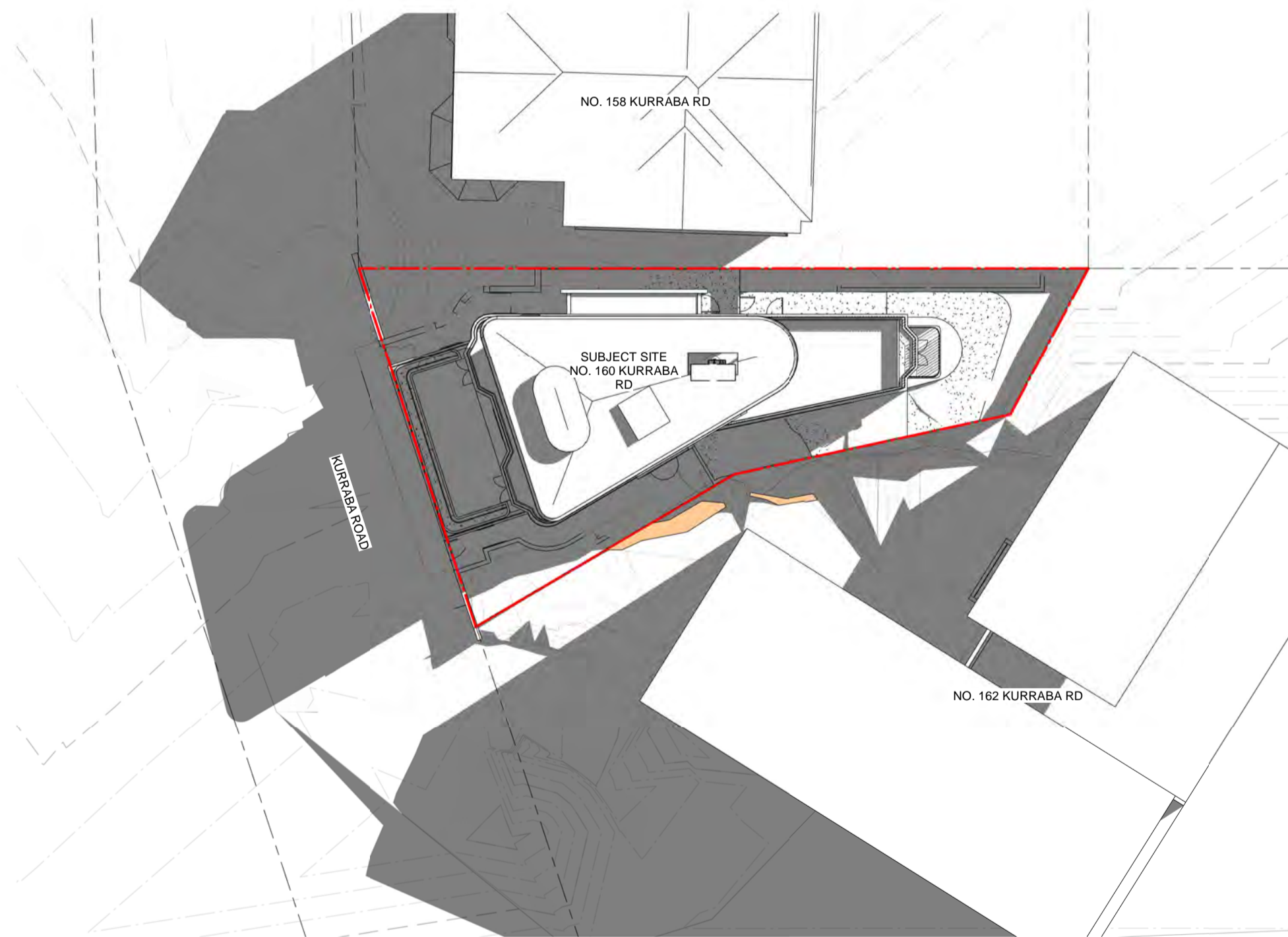
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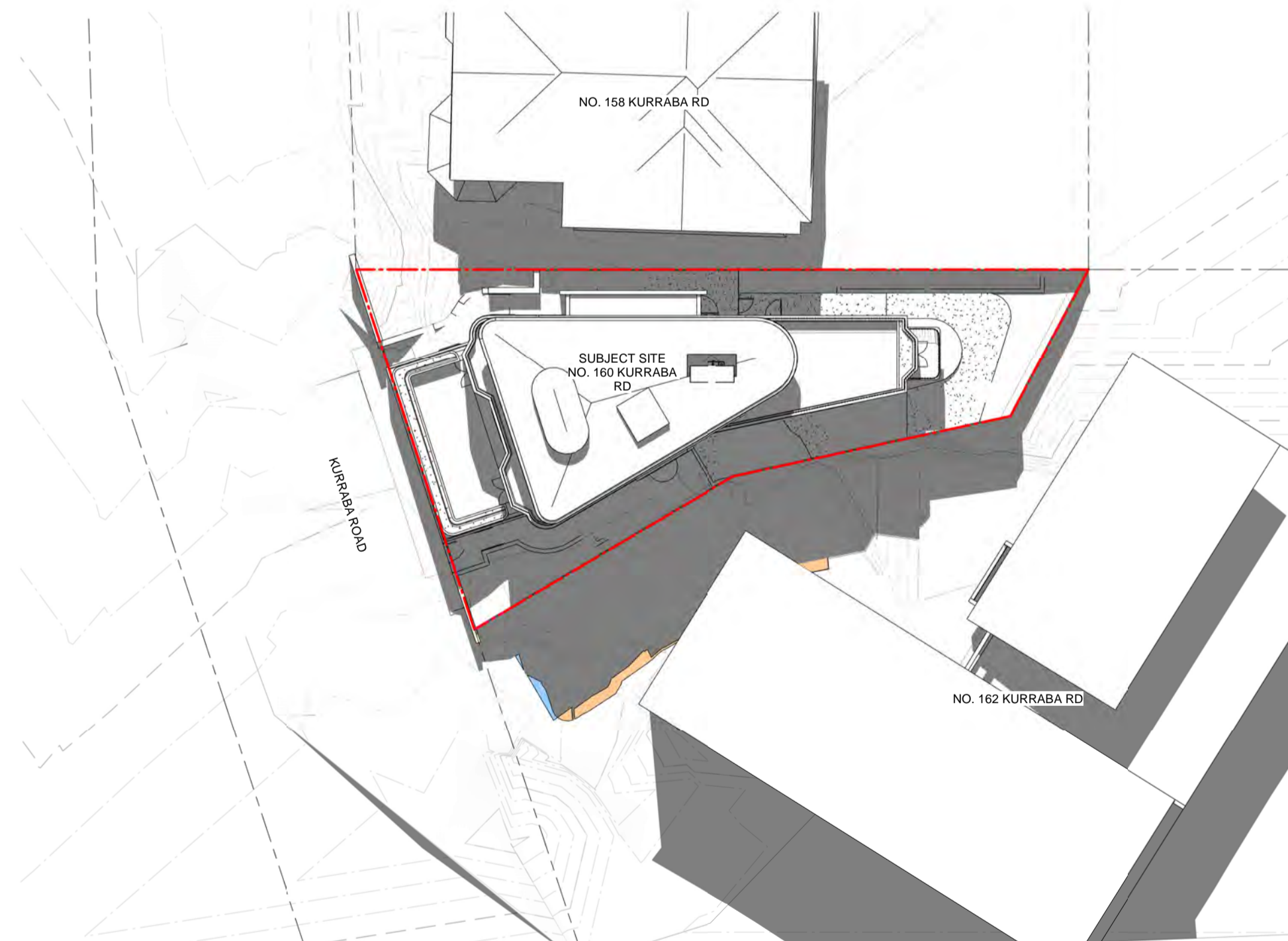
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2 Proposed Shadows 9AM
1 : 250



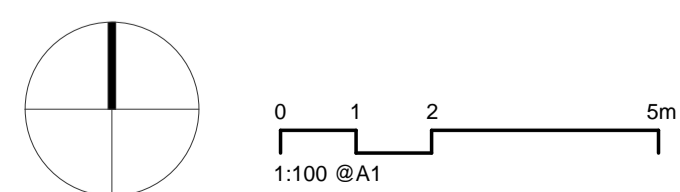
4 Proposed Shadows 12PM
1 : 250



6 Proposed Shadows 3PM
1 : 250

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ADDITIONAL SHADOWS

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16	29.09.2023	REVISED SUBMISSION	SS	VJ
17	21.11.2023	SITE COVERAGE REDUCTION	SS	GS
18	08.02.2024	DA SUBMISSION - Facade Setback	SS	GS
19	14.02.2024	DA RE-SUBMISSION - FACADE SETBACK + ELEVATION DIAGRAMS	SS	GS

Client
Chris Lane and Brett Morris

Project
160 Kurraba Road
Kurraba Point

Drawing Name
Shadow Diagram March Equinox -
9am,12pm,3pm

Date
14.02.2024

Scale
As indicated

Sheet Size
@ A1

Drawn
SS

Chk.
GS

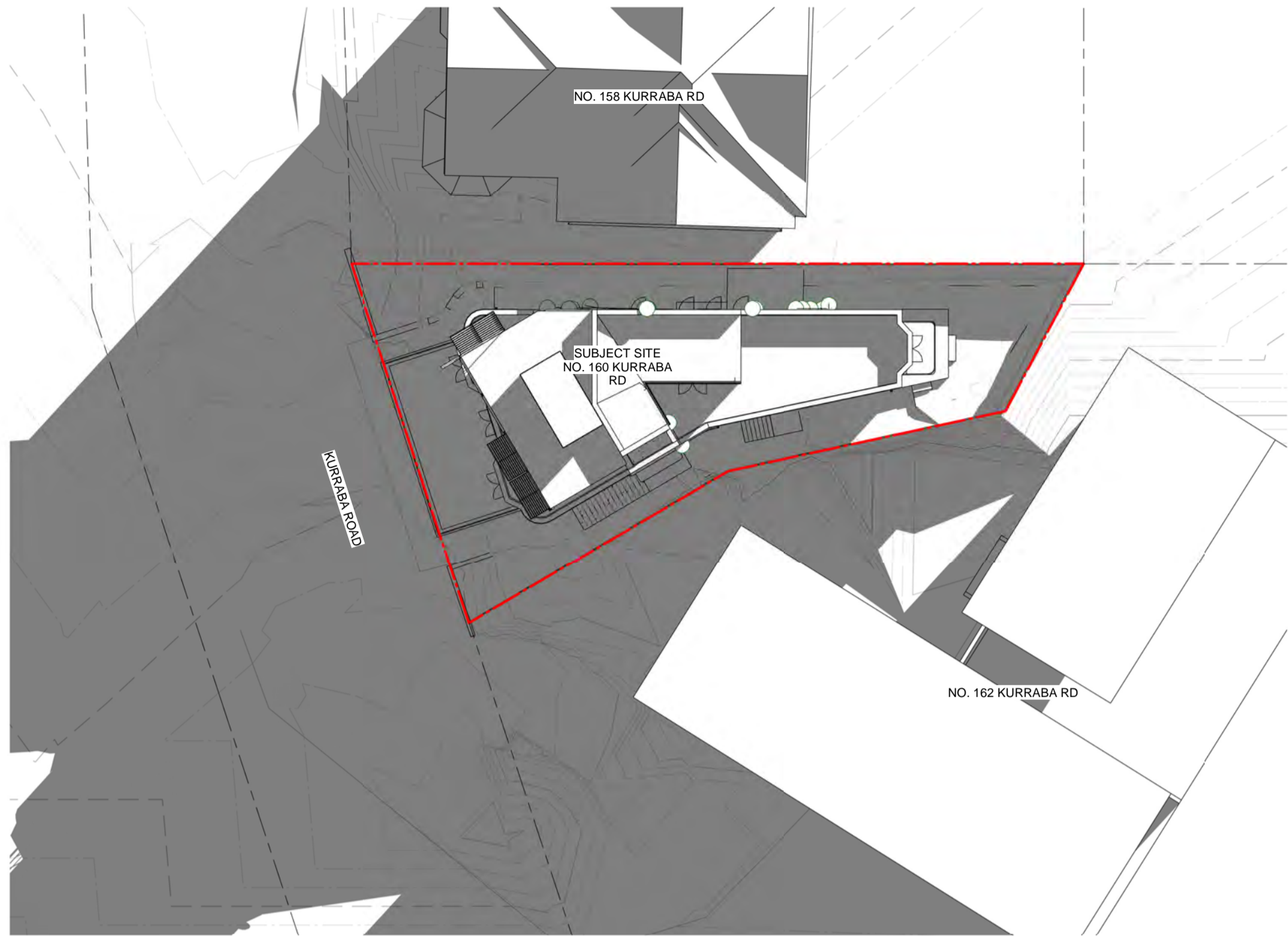
Job No.
6455

Drawing No.
DA-6002

Revision
/ 19

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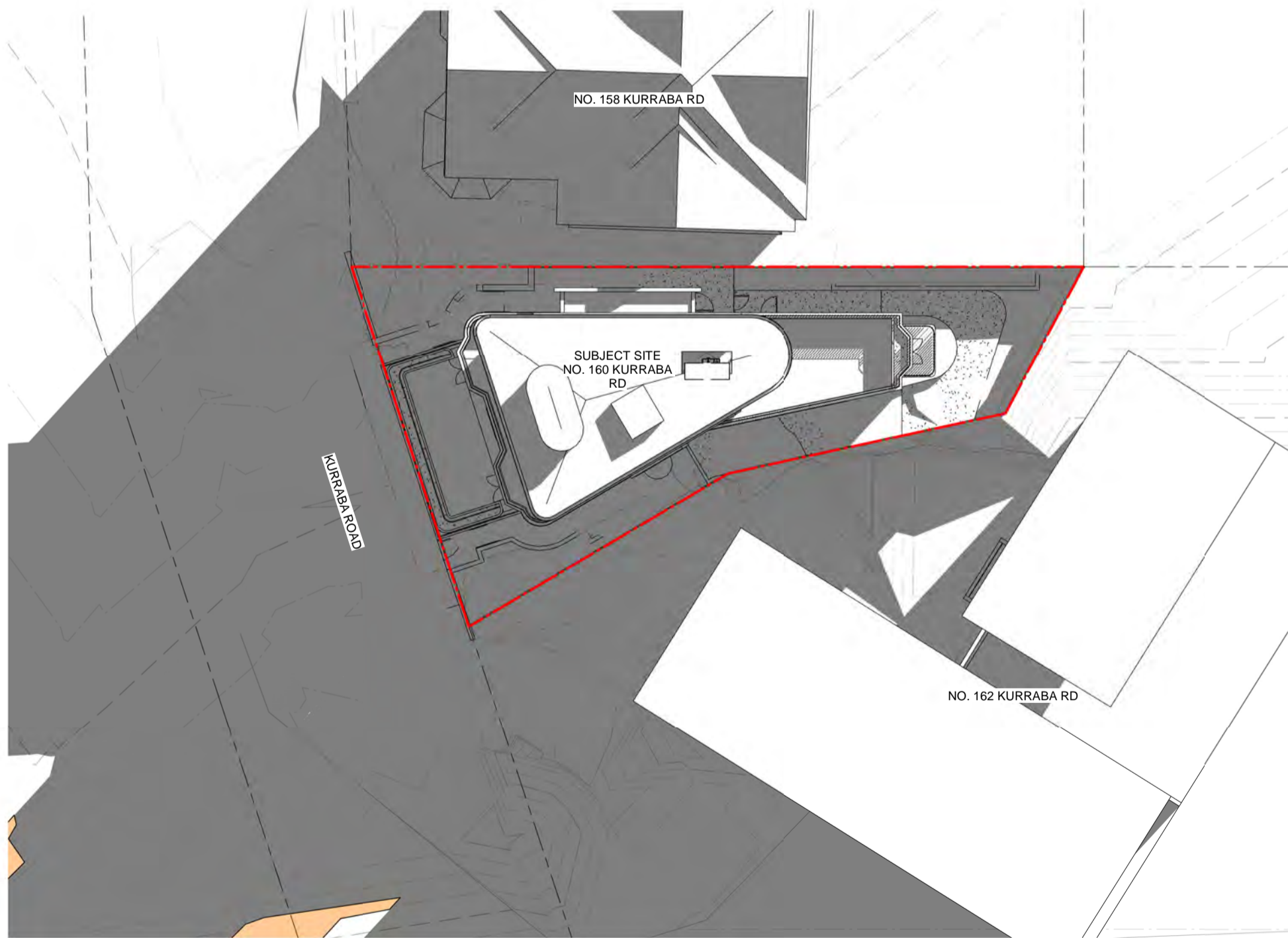
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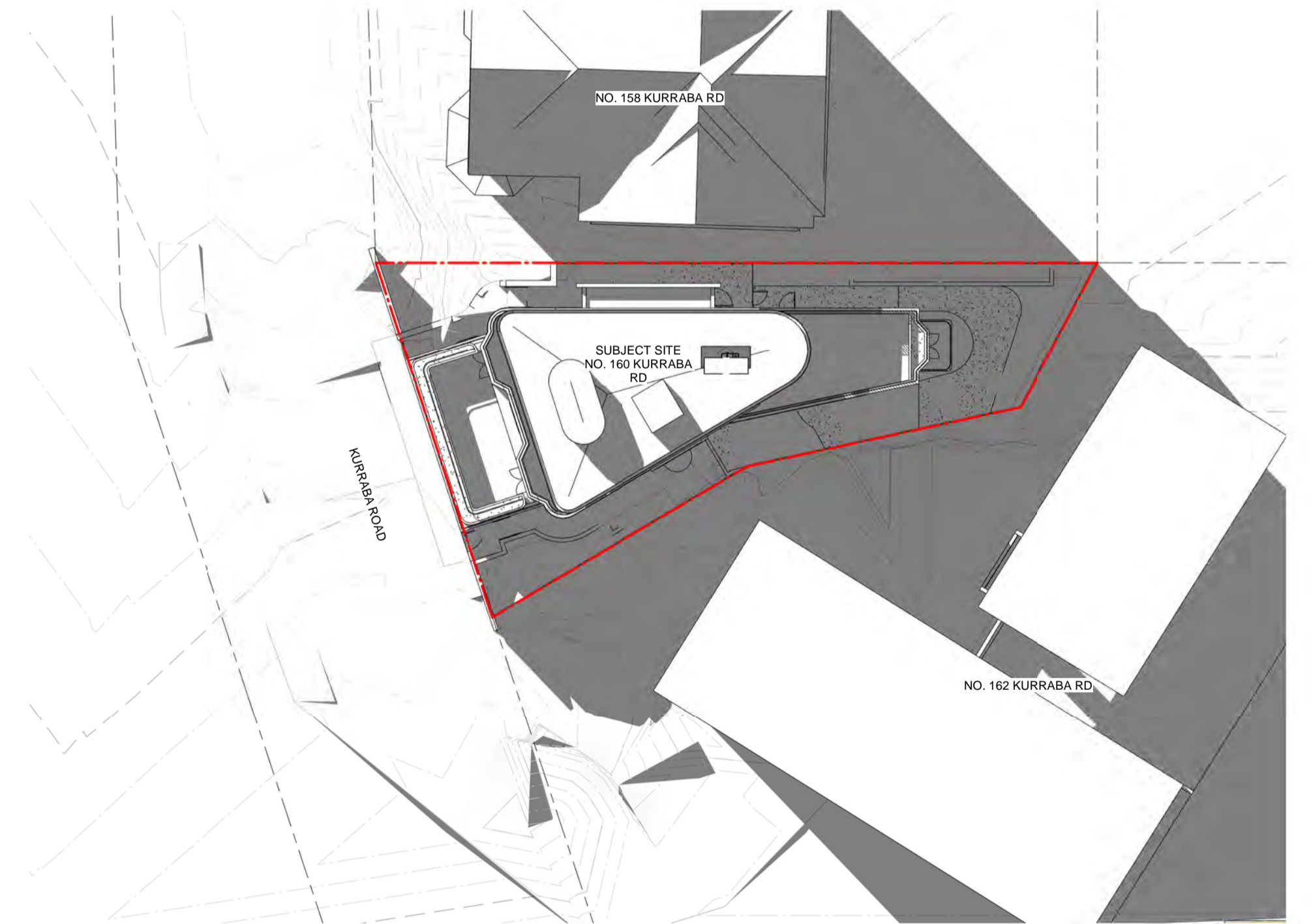
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2 Proposed Shadows 9AM
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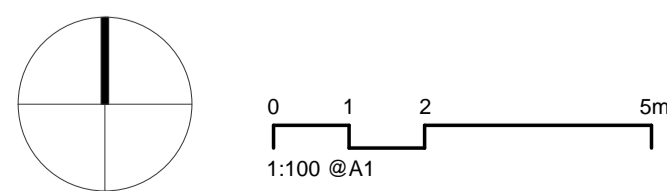
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1 : 250



6 Proposed Shadows 3PM
1 : 250

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Nominated Architects: Adam Haddow-7188 | John Pradel-7004



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10	28.09.2022	Pre-DA Revised	SS	GS
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13	21.04.2023	DA DRAFT	SS	GS
14	02.05.2023	DA SUBMISSION	SS	GS
15	09.08.2023	REVISED SUBMISSION	SS	GS
16	29.09.2023	REVISED SUBMISSION	SS	VJ
17	21.11.2023	SITE COVERAGE REDUCTION	SS	GS
18	08.02.2024	DA SUBMISSION - Facade Setback	SS	GS
19	14.02.2024	DA RE-SUBMISSION - FACADE SETBACK + ELEVATION DIAGRAMS	SS	GS

Client
Chris Lane and Brett Morris

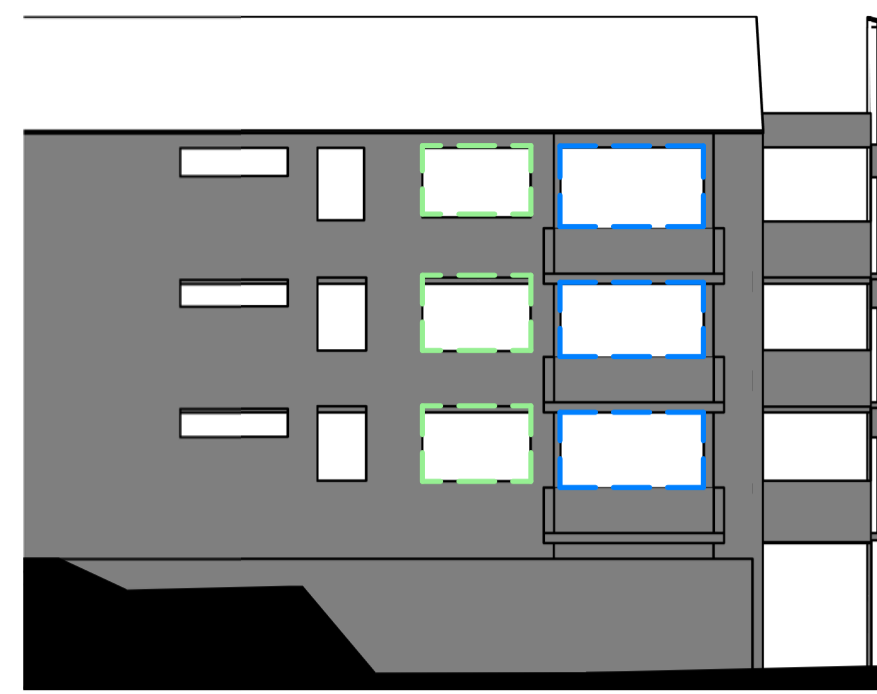
Project
160 Kurraba Road
Kurraba Point

Drawing Name
Shadow Diagram Midwinter- 9am,12pm,3pm

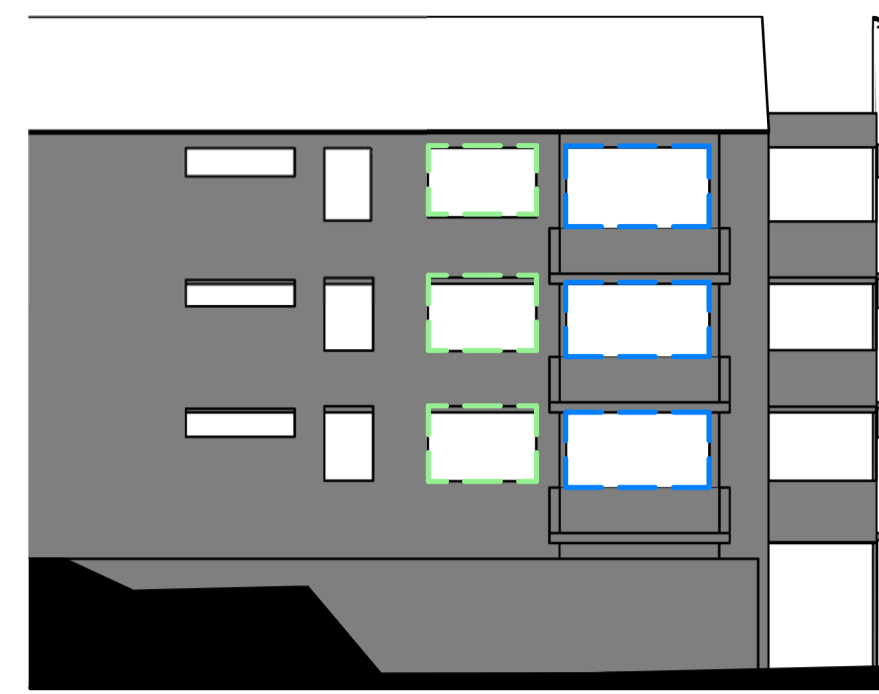
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14.02.2024	1 : 250	@ A1
Drawn	Chk.	Job No.
SS	GS	6455
Drawing No.	Revision	
DA-6003	/ 19	

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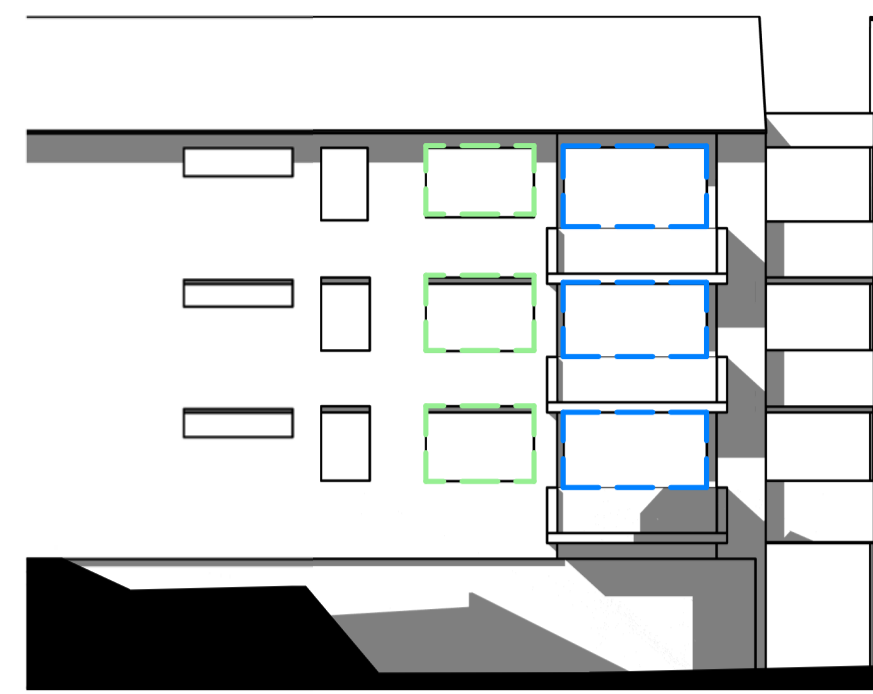




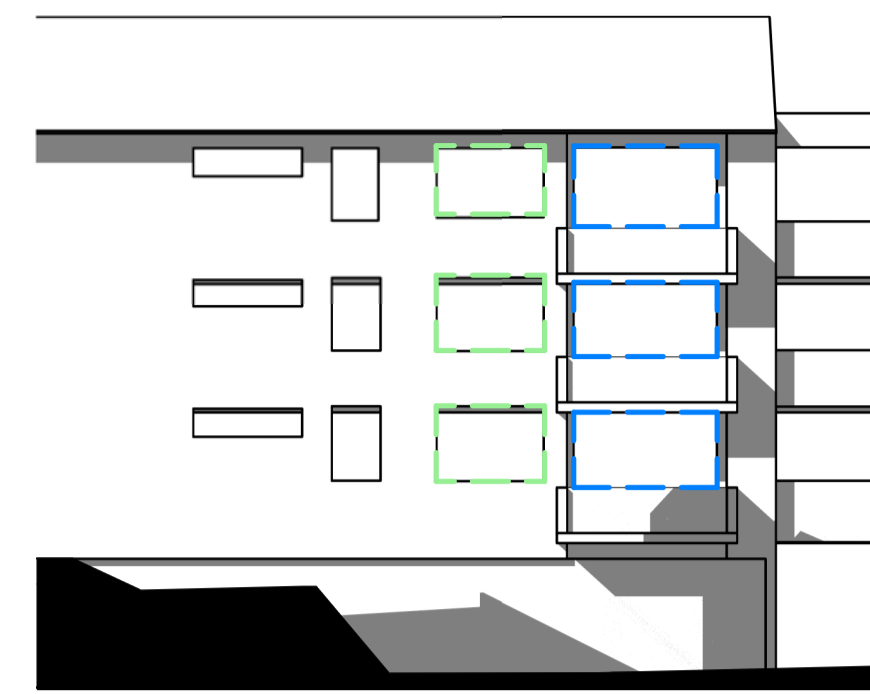
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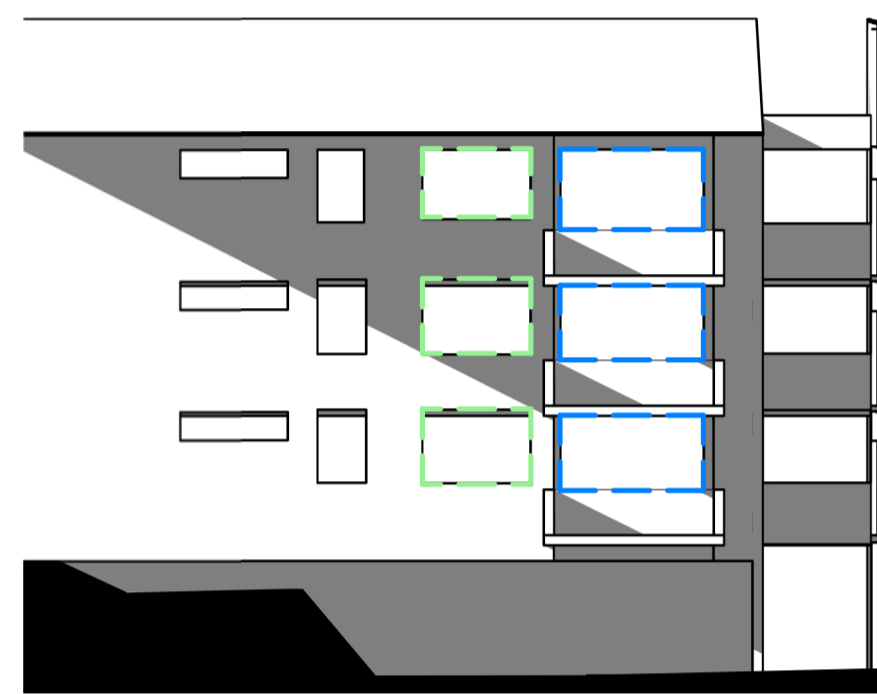
Proposed - 9:00 AM



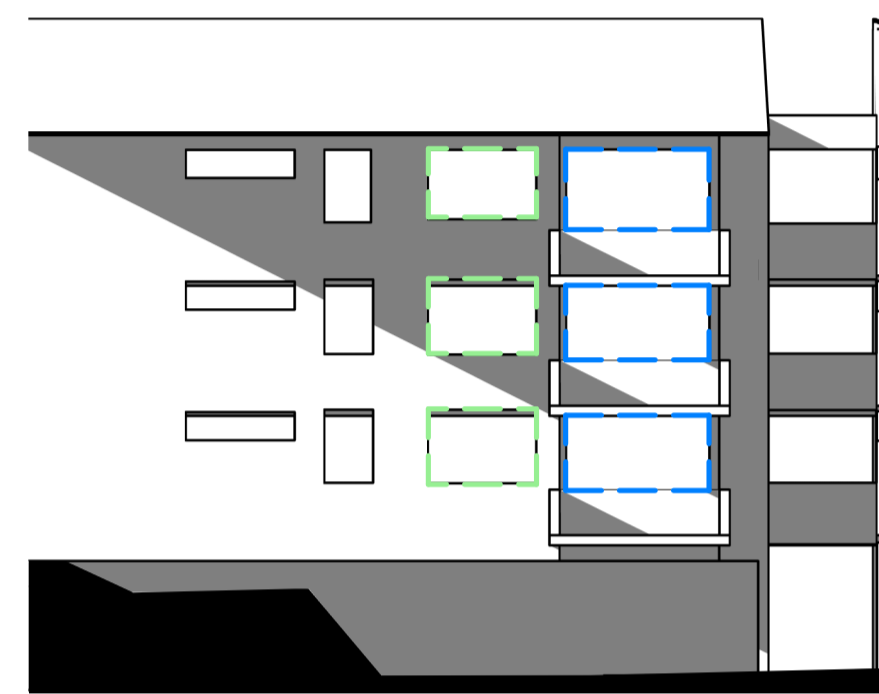
Existing - 1:00PM



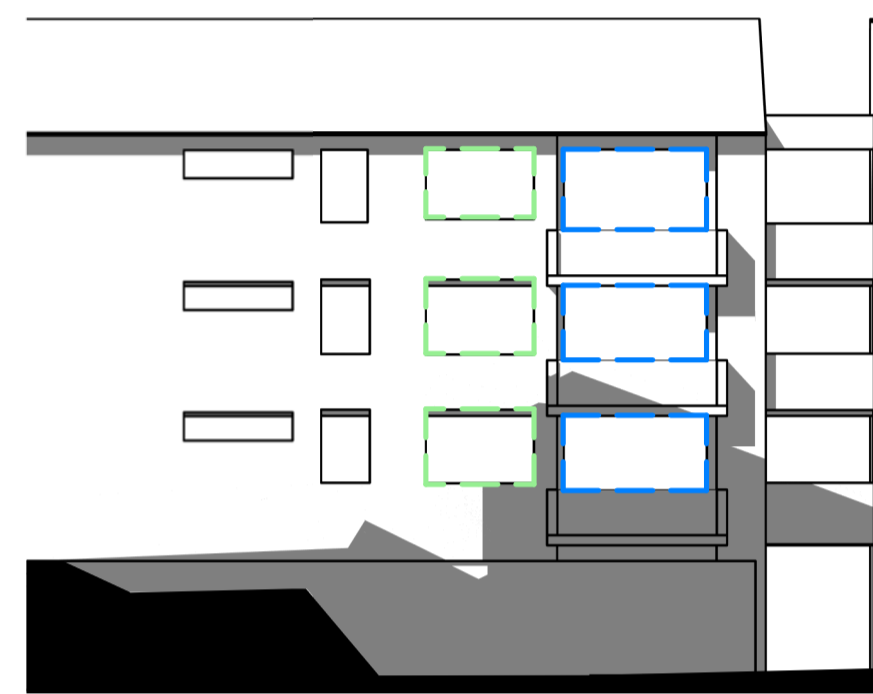
Proposed - 1:00PM



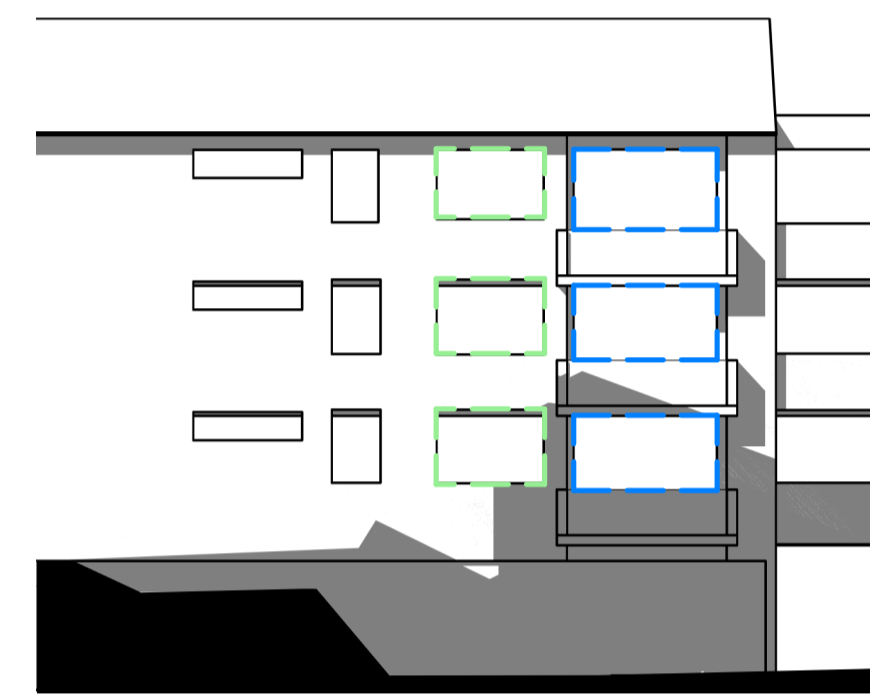
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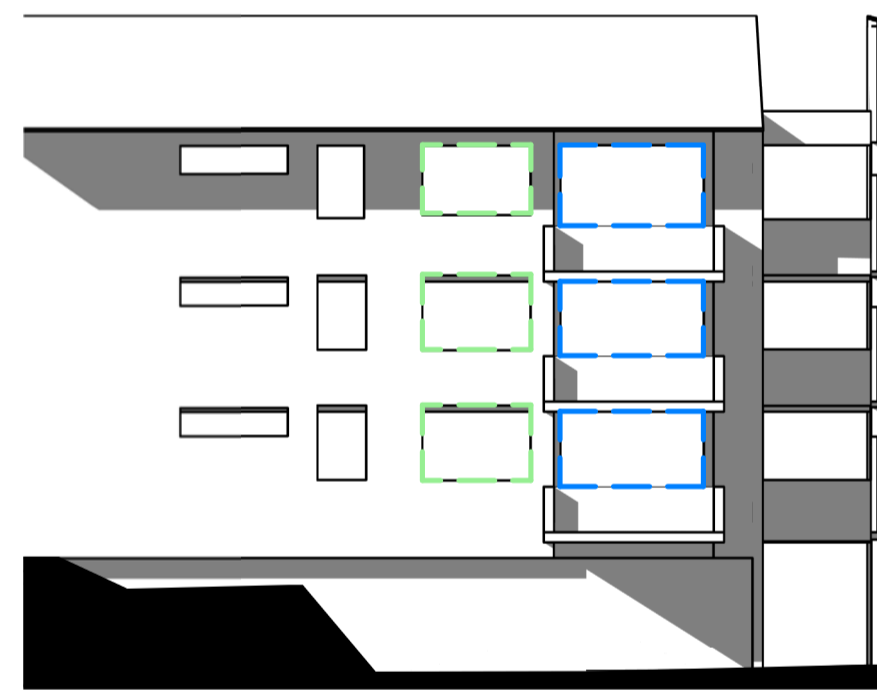
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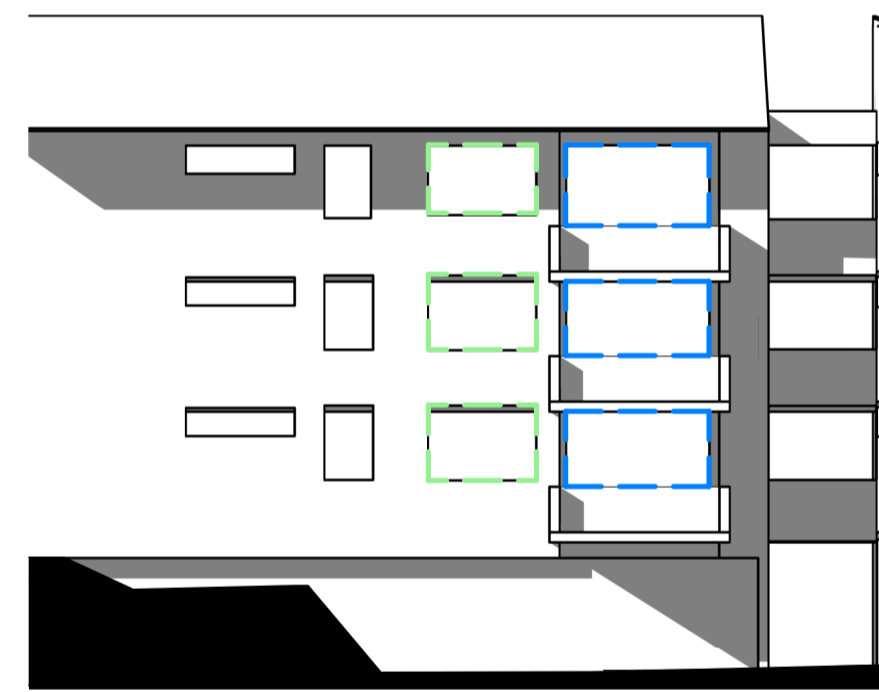
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Proposed - 2:00PM



Existing - 11:00AM



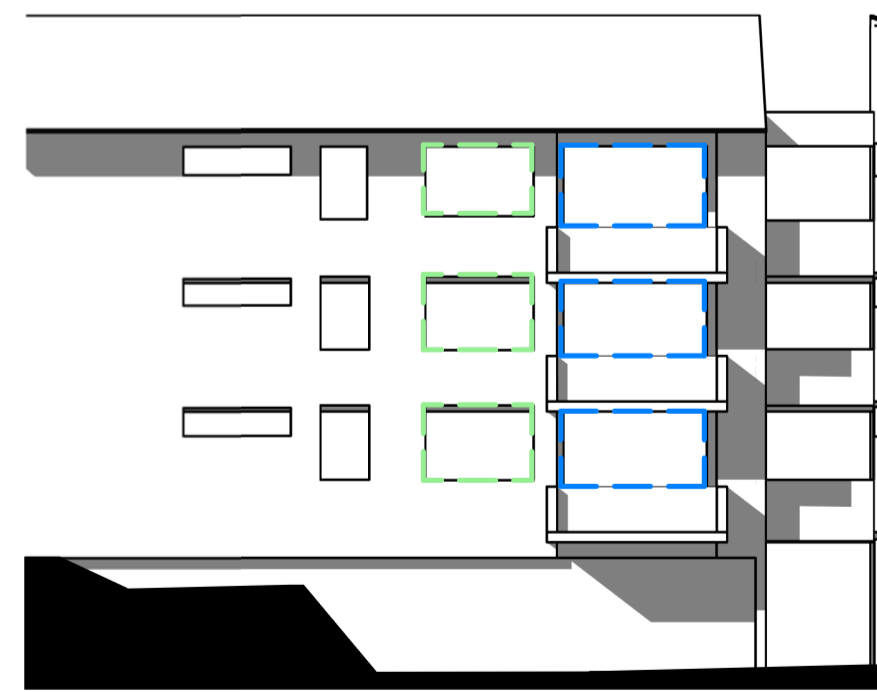
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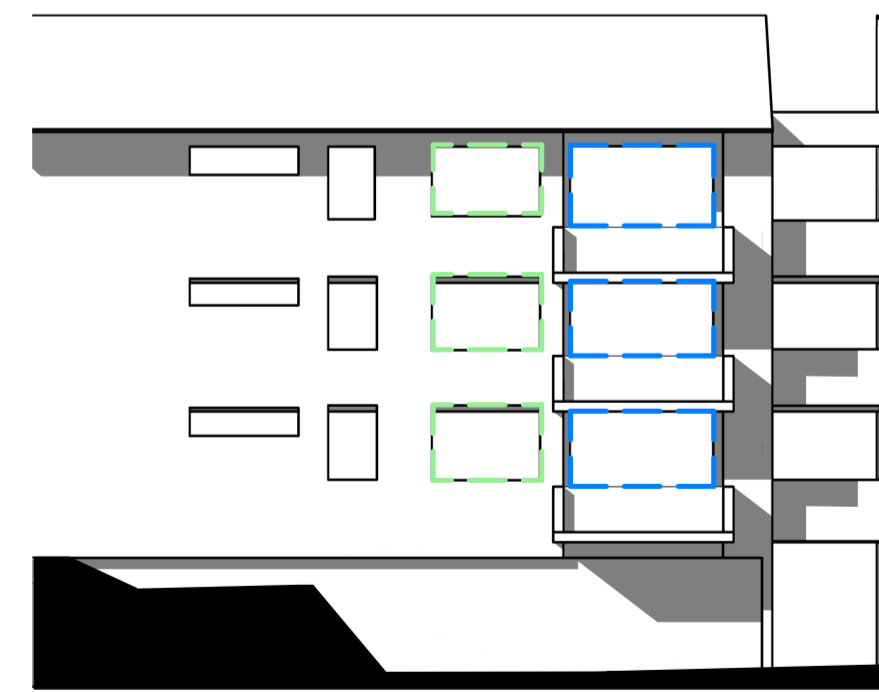
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Proposed - 3:00PM

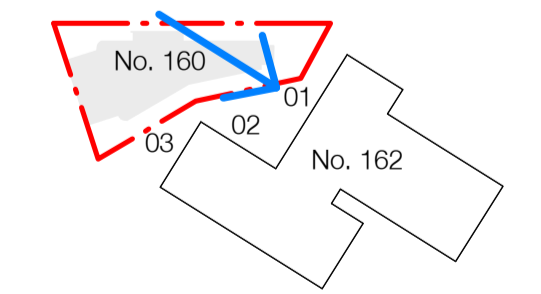


Existing - 12:00PM



Proposed - 12:00PM

KEYPLAN - NUMBERED VIEWS



- LEGEND**
- LIVING ROOM WINDOWS
 - KITCHEN WINDOWS
 - BEDROOM, BATHROOM WINDOWS
 - SHADOWS

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Nominated Architects: Adam Haddow-7188 | John Pradel-7004

Rev	Date	Revision	By	Chk.
1	14.02.2024	DA RE-SUBMISSION - FACADE SETBACK + ELEVATION DIAGRAMS	SS	GS

Client
Chris Lane and Brett Morris

Project
160 Kurraba Road
Kurraba Point

Drawing Name
Elevational Shadows - 162 Kurraba Road - View 01

Date
14.02.2024

Scale
1 : 100

Sheet Size
@ A1

Drawn
SS

Chk.
GS

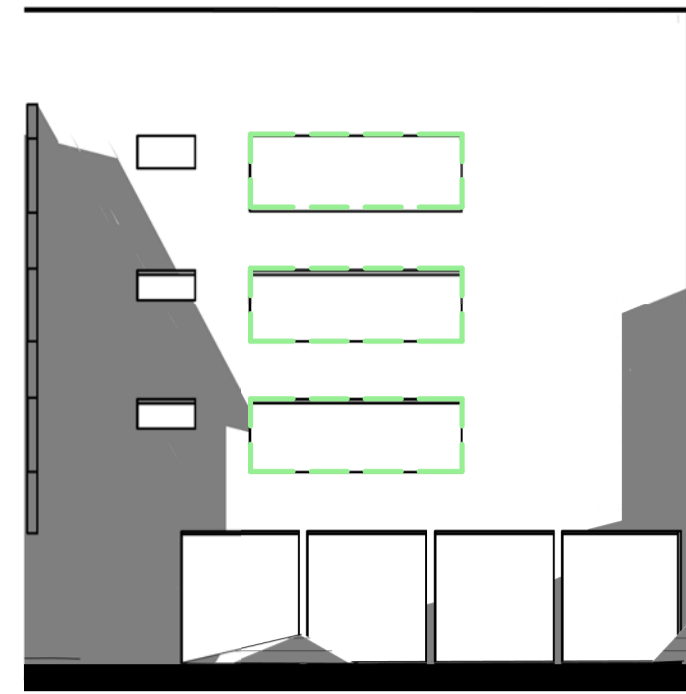
Job No.
6455

Drawing No.
DA-6501

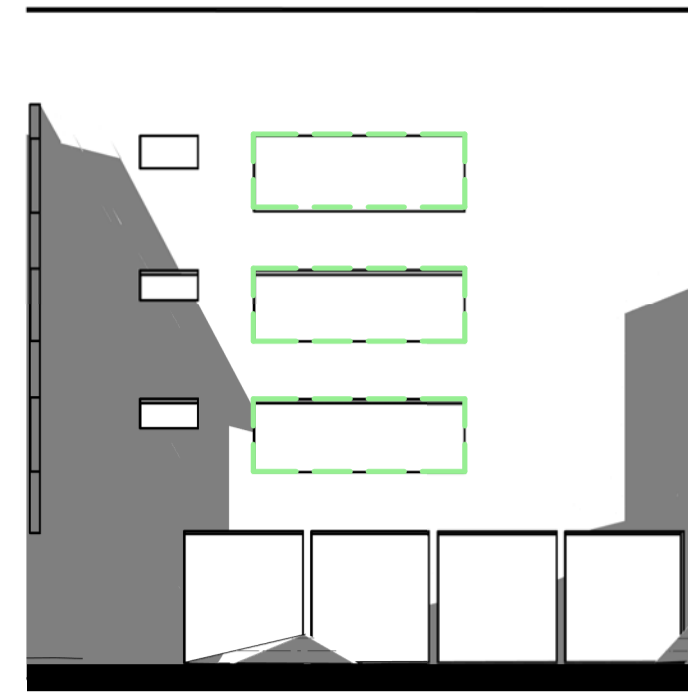
Revision
/ 1

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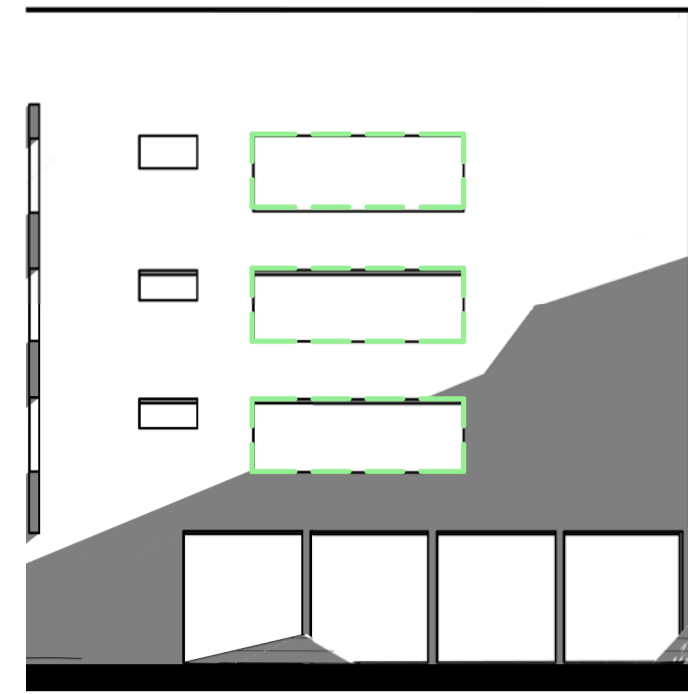




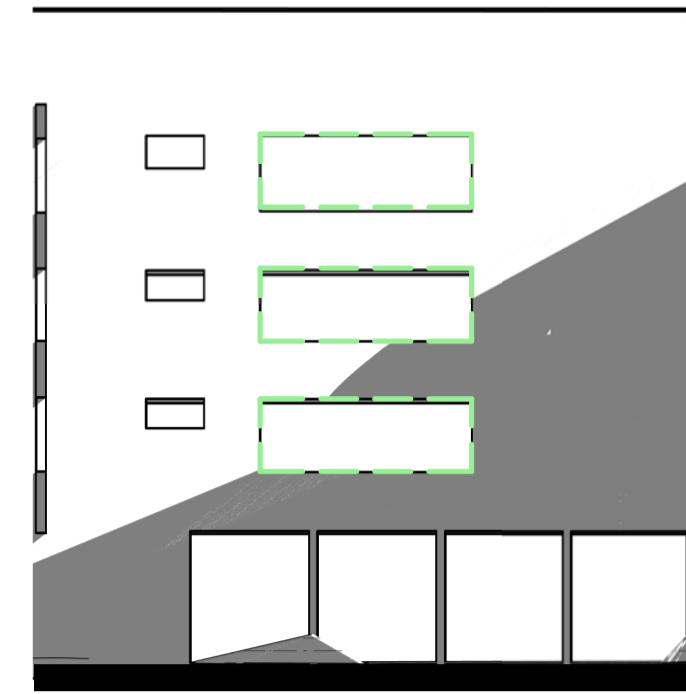
Existing - 9:00AM



Proposed - 9:00 AM



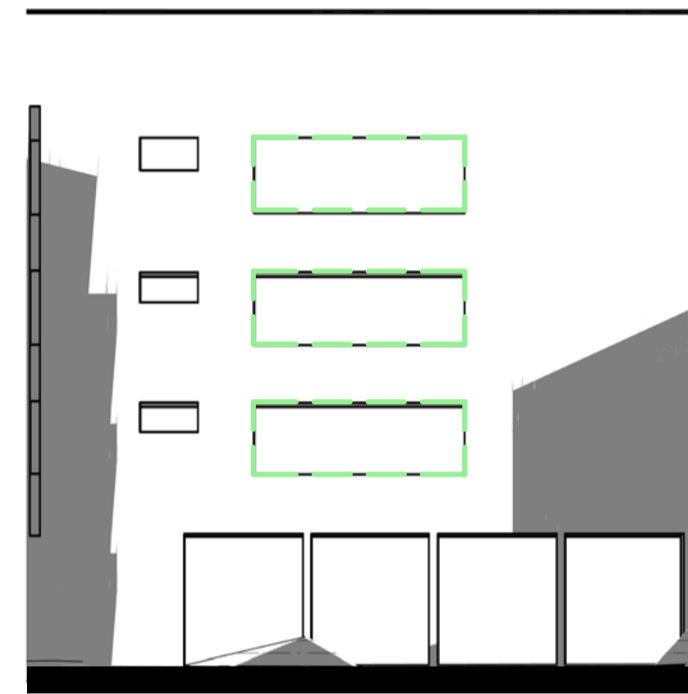
Existing - 1:00PM



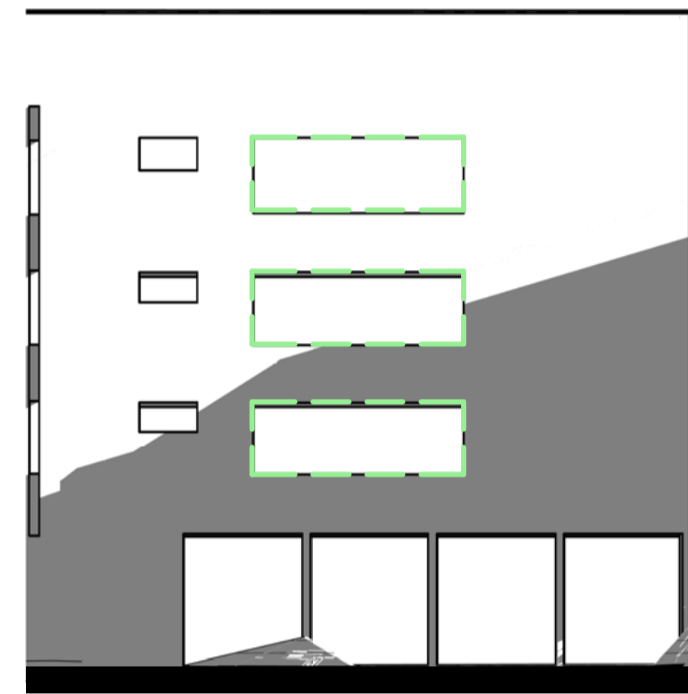
Proposed - 1:00PM



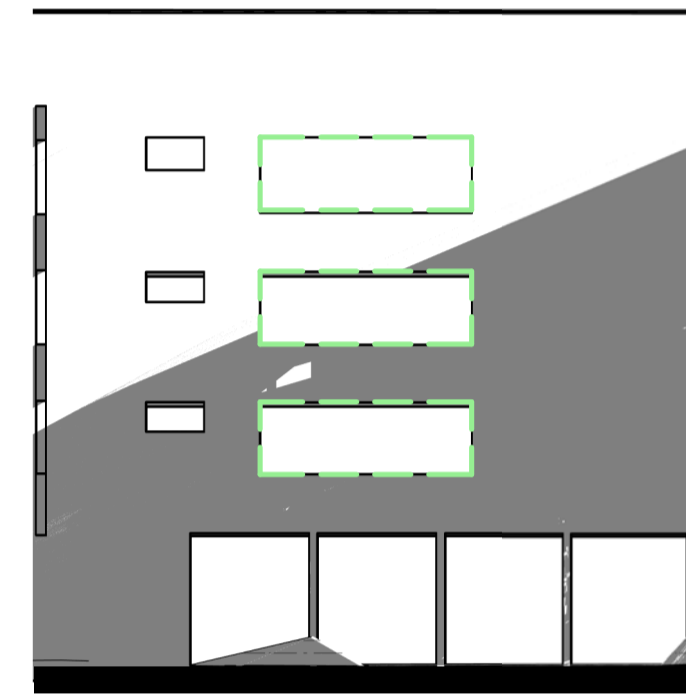
Existing - 10:00AM



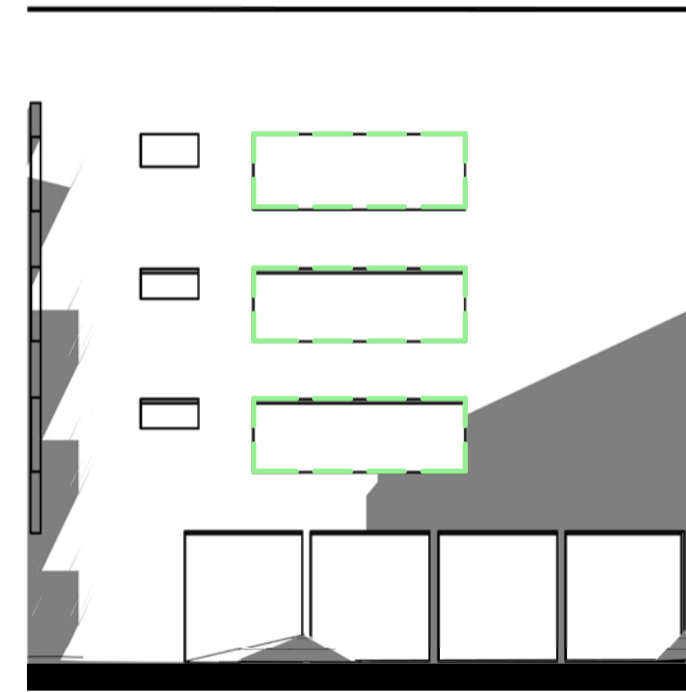
Proposed - 10:00AM



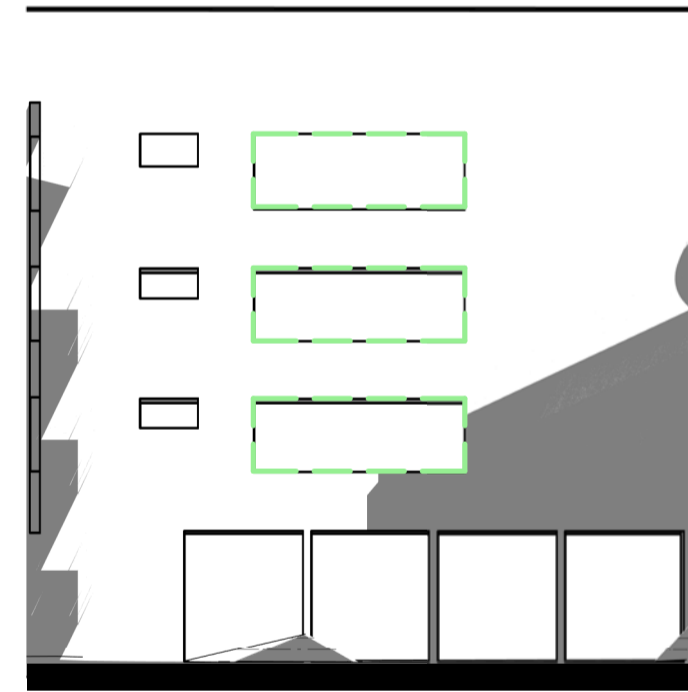
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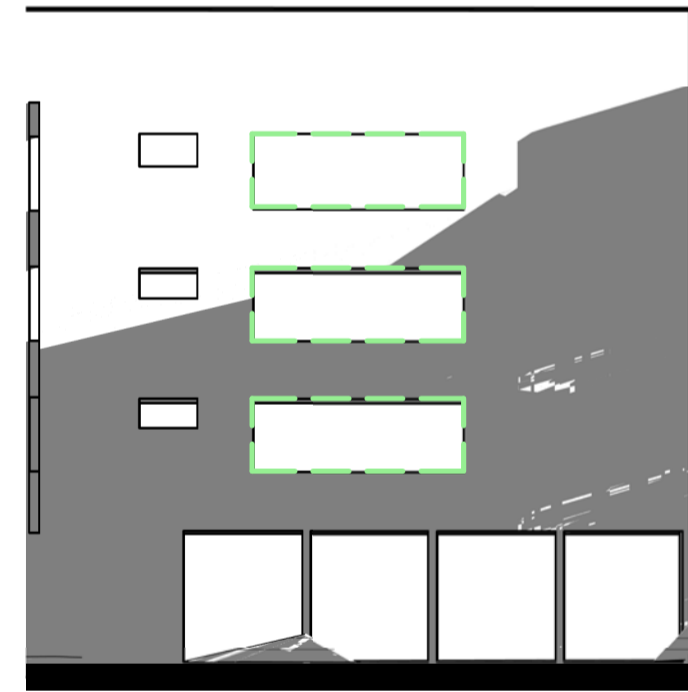
Proposed - 2:00PM



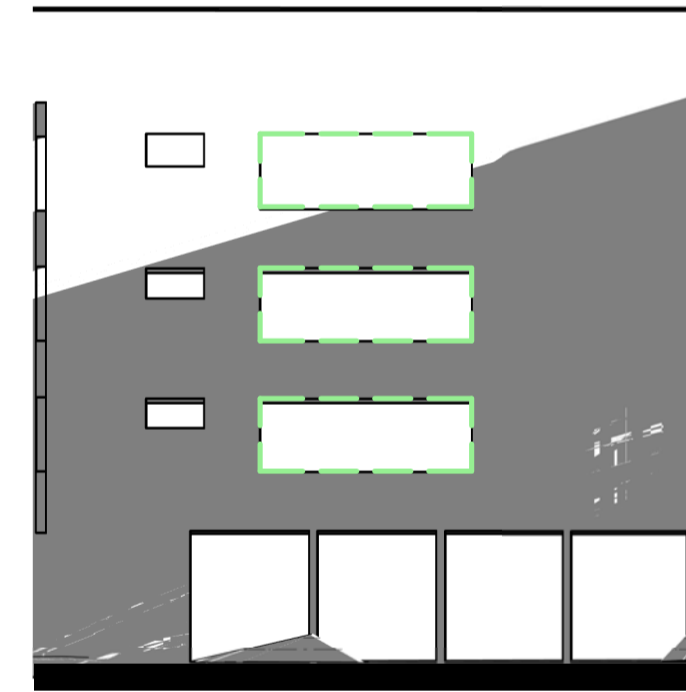
Existing - 11:00AM



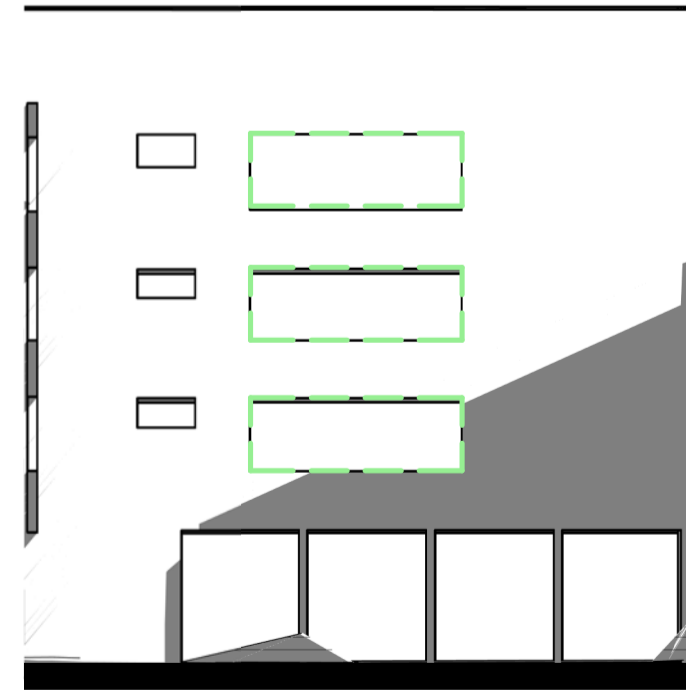
Proposed - 11:00AM



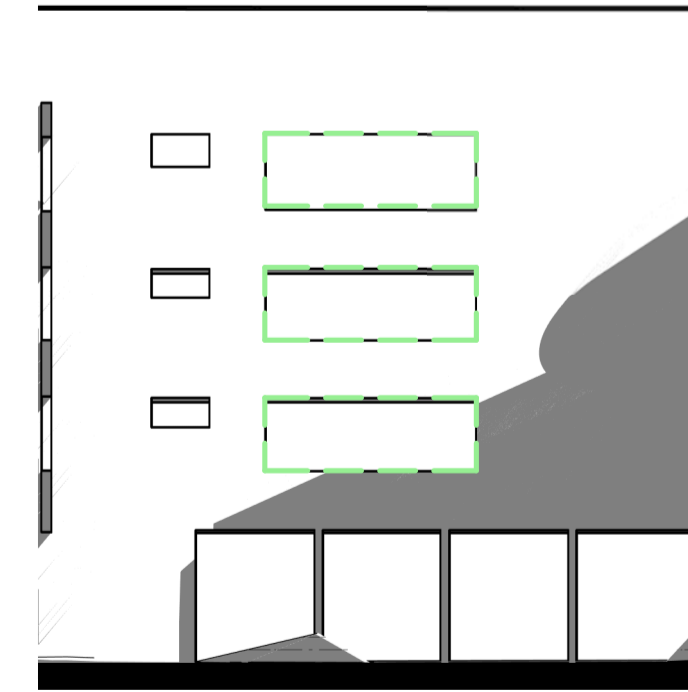
Existing - 3:00PM



Proposed - 3:00PM

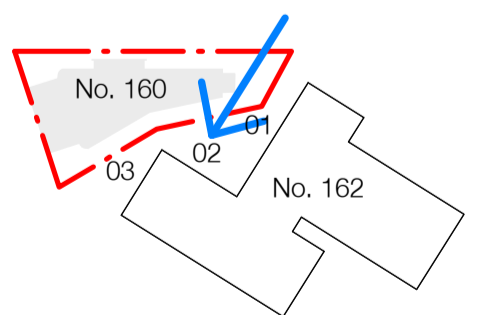


Existing - 12:00PM



Proposed - 12:00PM

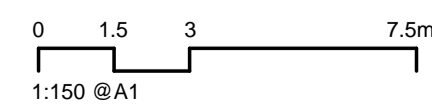
KEYPLAN - NUMBERED VIEWS



LEGEND

- LIVING ROOM WINDOWS
- KITCHEN WINDOWS
- BEDROOM, BATHROOM WINDOWS
- SHADOWS

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Nominated Architects: Adam Haddow-7188 | John Pradel-7004



Rev	Date	Revision	By	Chk.
1	14.02.2024	DA RE-SUBMISSION - FACADE SETBACK + ELEVATION DIAGRAMS	SS	GS

Client
Chris Lane and Brett Morris

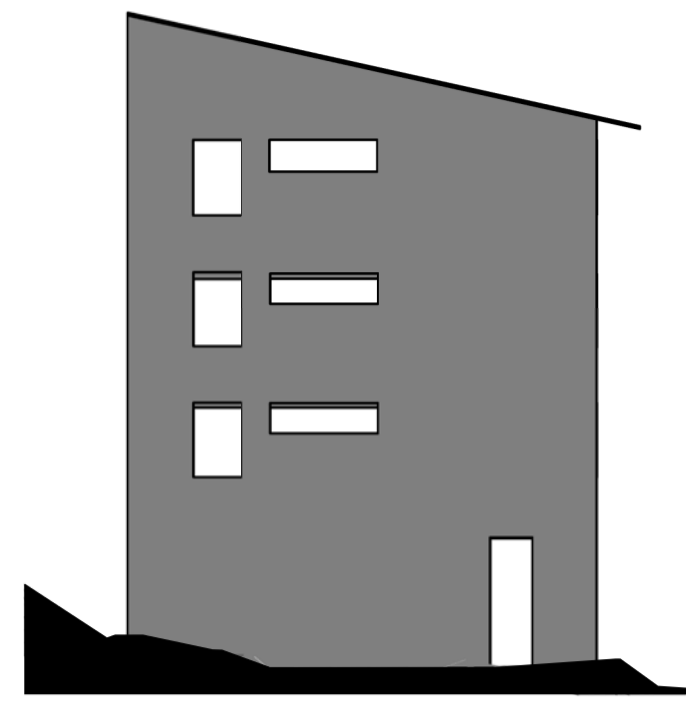
Project
160 Kurraba Road
Kurraba Point

Drawing Name
Elevational Shadows - 162 Kurraba Road - View 02

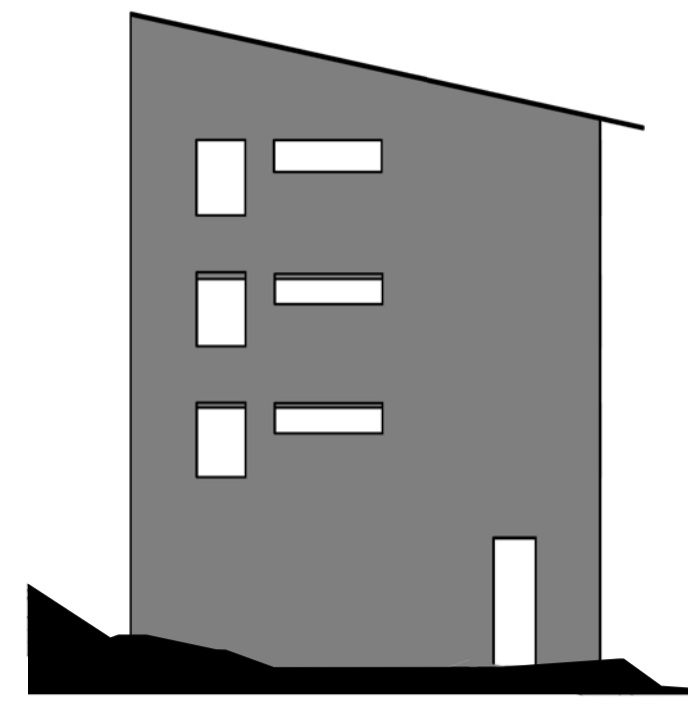
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Scale
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Drawn
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Chk.
GS
Job No.
6455
Drawing No.
DA-6502
Revision
/ 1

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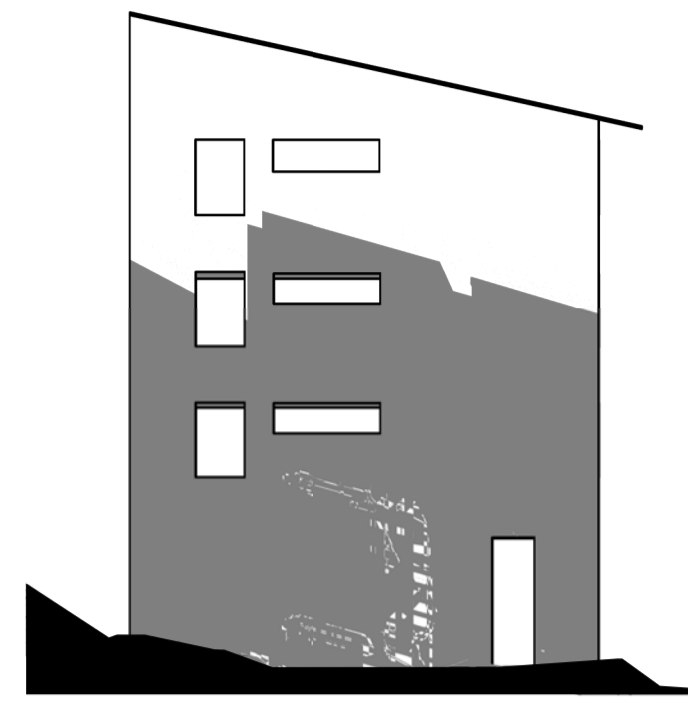




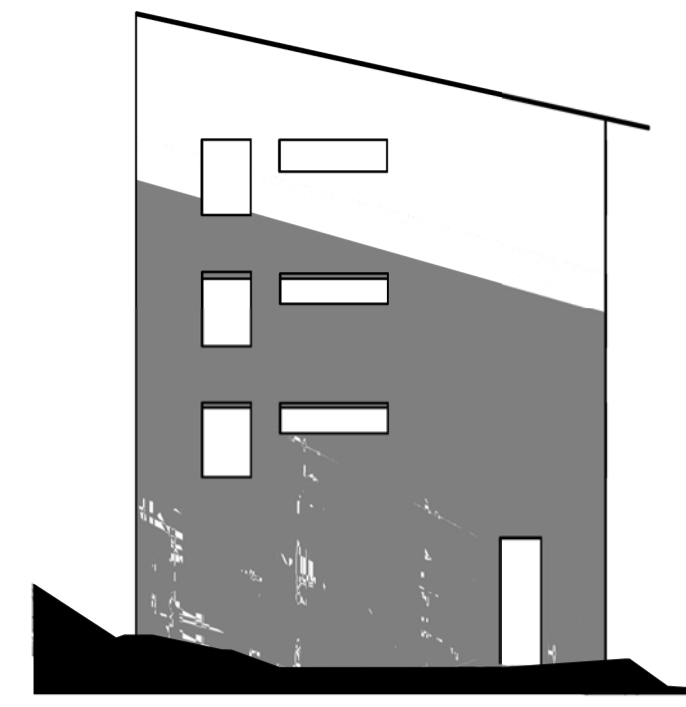
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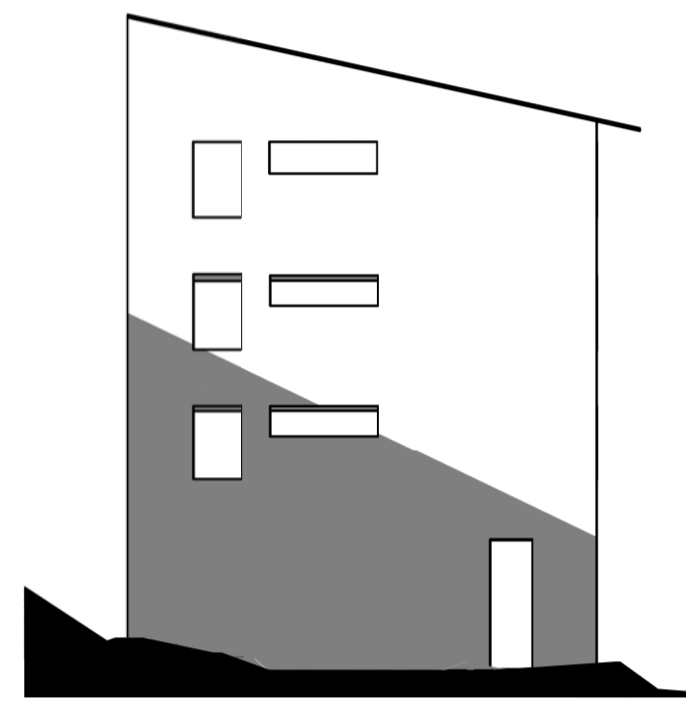
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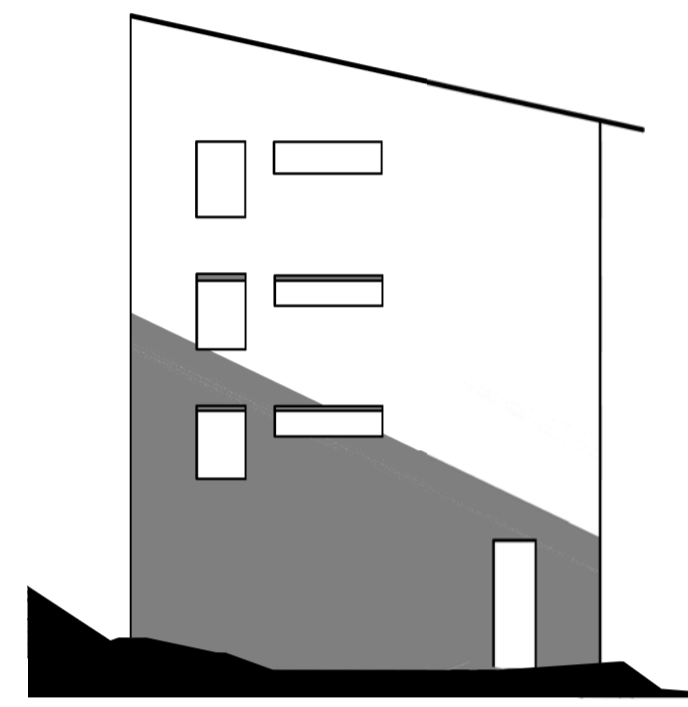
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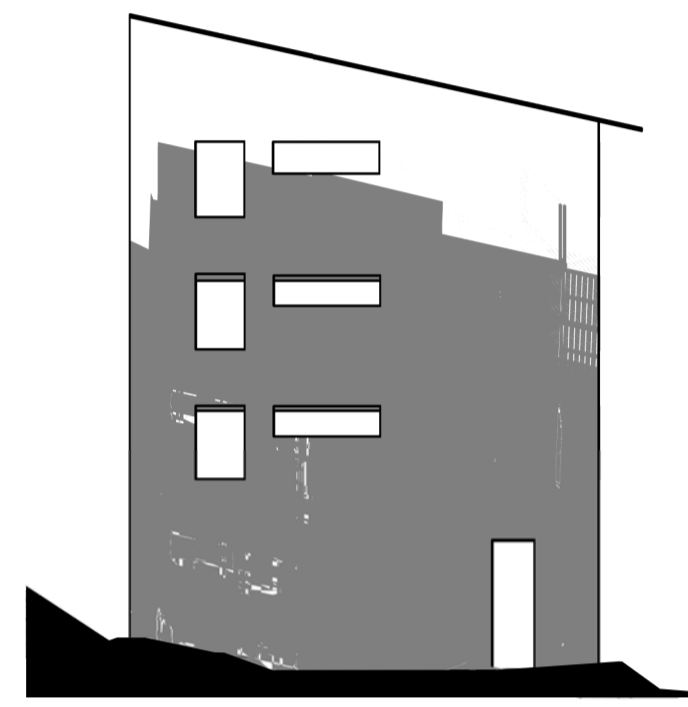
Proposed - 1:00PM



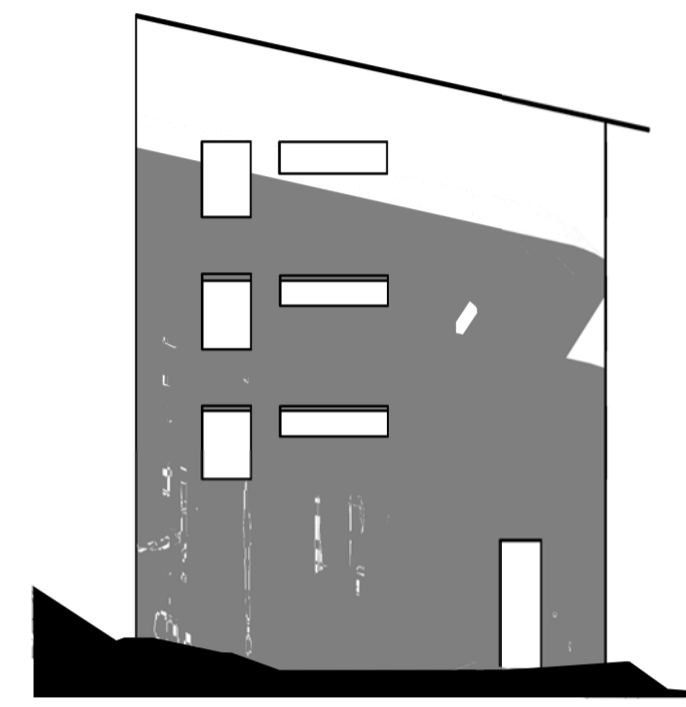
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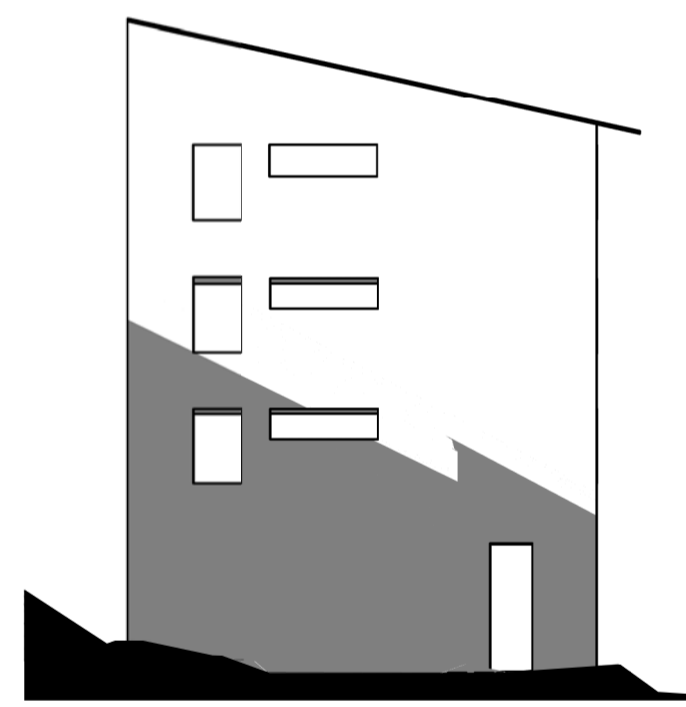
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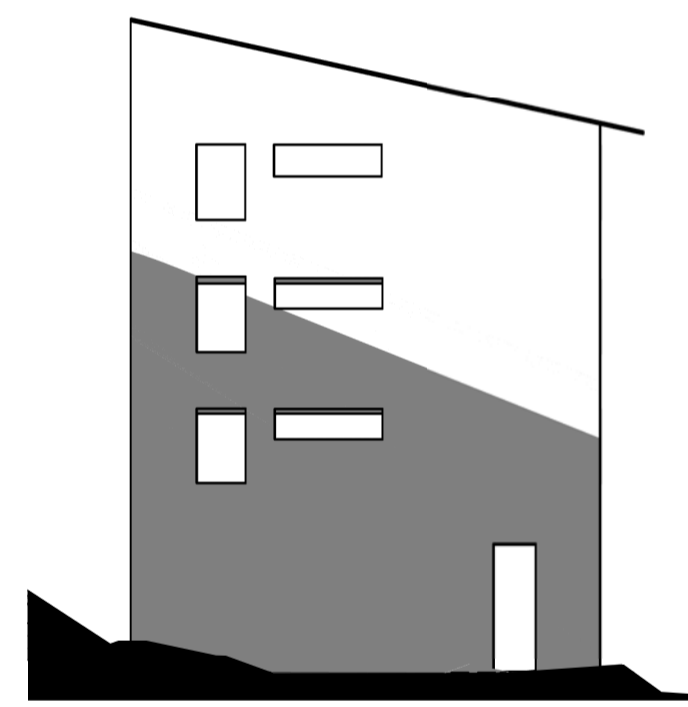
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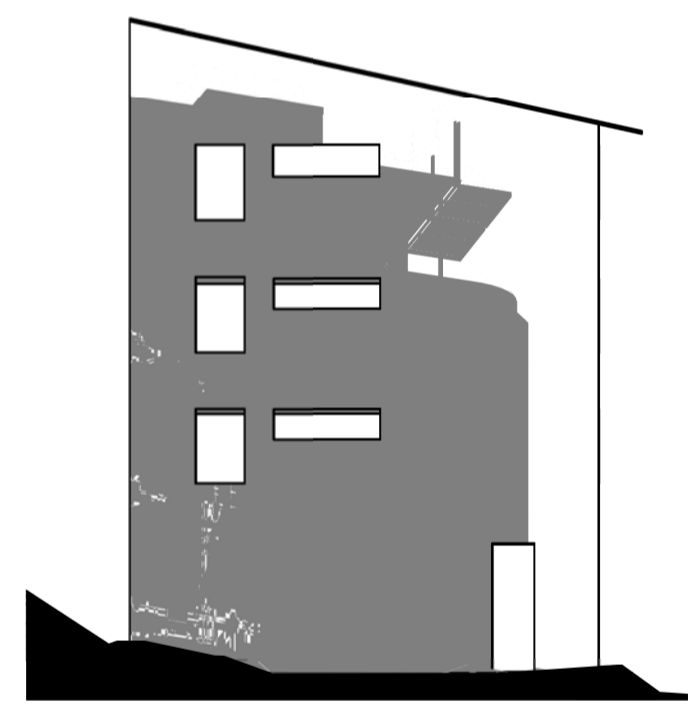
Proposed - 2:00PM



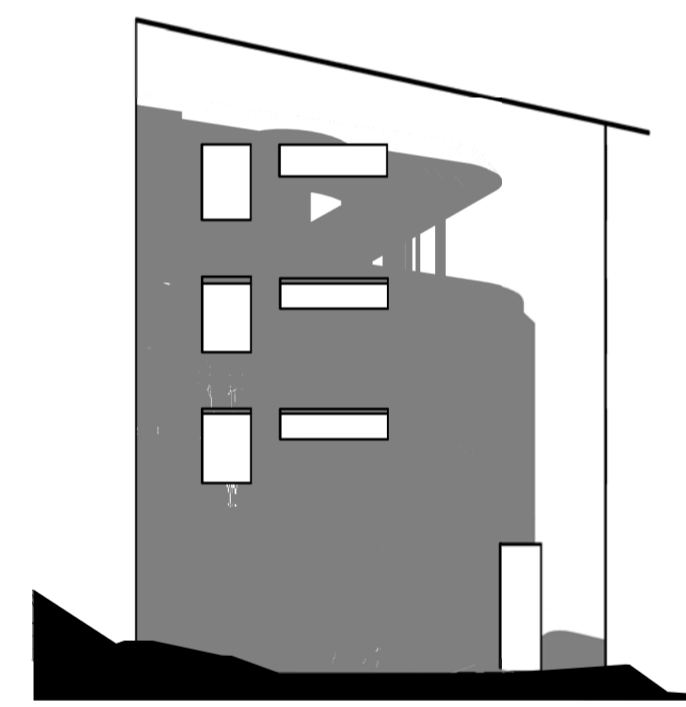
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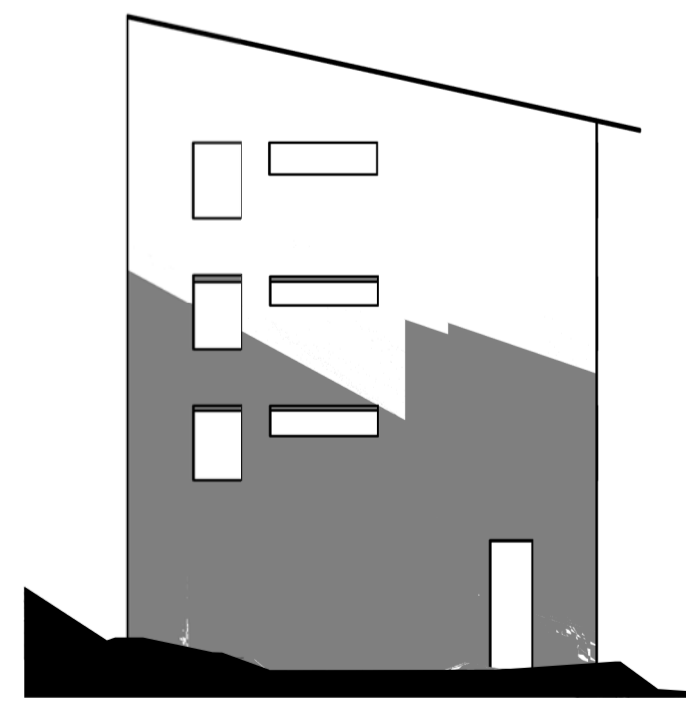
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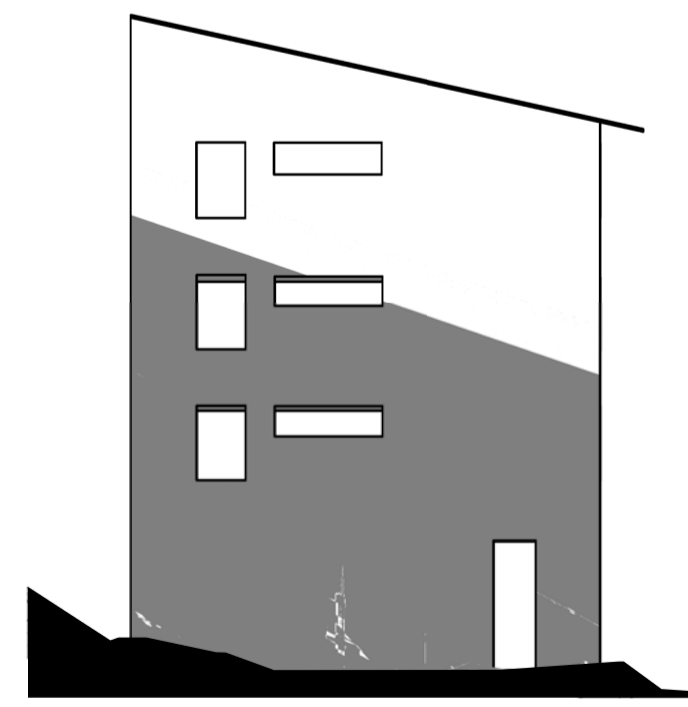
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Proposed - 3:00PM

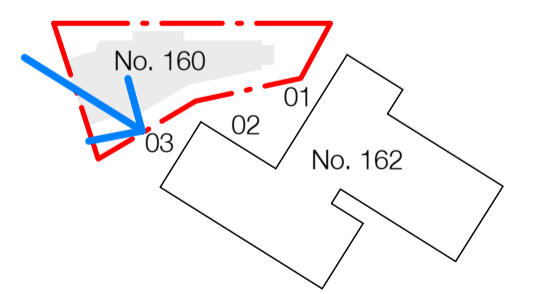


Existing - 12:00PM



Proposed - 12:00PM

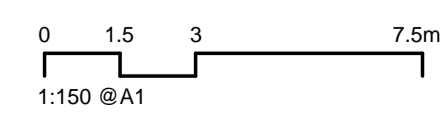
KEYPLAN - NUMBERED VIEWS



LEGEND

- ▭ LIVING ROOM WINDOWS
- ▭ KITCHEN WINDOWS
- ▭ BEDROOM, BATHROOM WINDOWS
- SHADOWS

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 Nominated Architects: Adam Haddow-7188 | John Pradel-7004



Rev	Date	Revision	By	Chk.
1	14.02.2024	DA RE-SUBMISSION - FACADE SETBACK + ELEVATION DIAGRAMS	SS	GS

Client
 Chris Lane and Brett Morris

Project
 160 Kurraba Road
 Kurraba Point

Drawing Name
 Elevational Shadows - 162 Kurraba Road - View 03

Date
 14.02.2024

Scale
 1 : 100

Sheet Size
 @ A1

Drawn
 SS

Chk.
 GS

Job No.
 6455

Drawing No.
 DA-6503

Revision
 / 1

SJB Architects
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 Surry Hills NSW
 2010 Australia
 T 61 2 9380 9911
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Development Application Landscape Drawings



Drawing List	Page no.	Scale	Revision
Cover Sheet	1	N/A	E
Proposed Site Plan	2	1:100 @ A3	E
Landscape Ratios	2	1:100 @ A3	E
Proposed Landscape Concept - Site Plan	3	1:100 @ A3	E
Proposed Planting Plan - Lower Ground Floor	4	1:100 @ A3	E
Proposed Plant Schedule	4	N/A	E
Proposed Planting Plan - Ground Floor	5	1:100 @ A3	E
Proposed Planting Plan - Level 2	6	1:100 @ A3	E
Proposed Plant Palette - Lower Ground and Ground Floor - Front Garden	7	N/A	E
Proposed Plant Palette - Ground Floor - Rear Garden and Level 2	8	N/A	E
Planting Specifications	9	1:20 @ A3	E
Planting Specifications	10	1:20 @ A3	E
Planting and Landscape Specification Notes	11	N/A	E



160 Kurraba Road, Kurraba Point

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LDI Member 894

Client:
Chris Lane & Brett Morris

Date:
29 September 2023

Drawing Name:
Cover Sheet

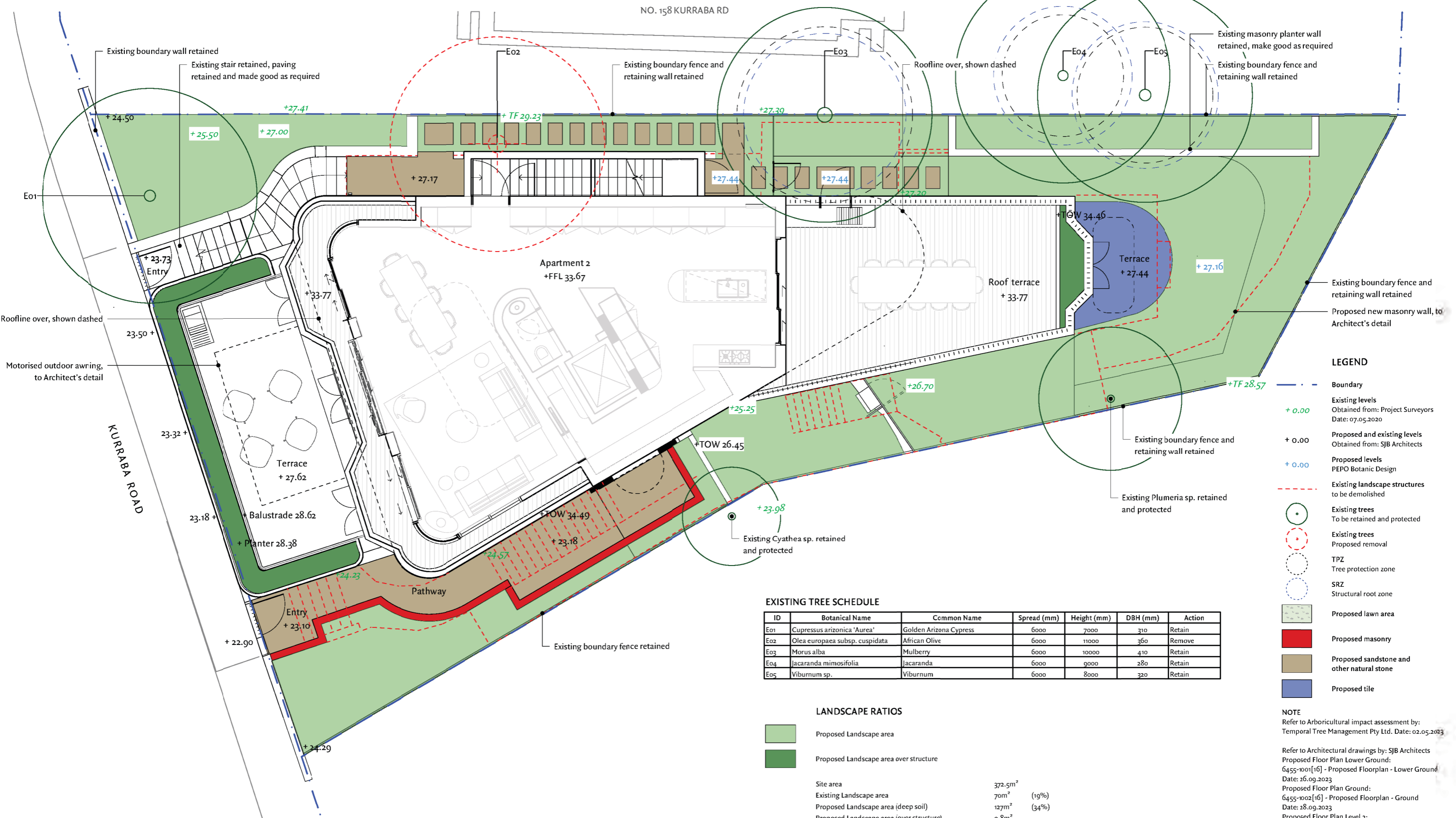
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Page:
#1

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LEGEND

- Boundary
- Existing levels
Obtained from: Project Surveyors
Date: 07.05.2020
- Proposed and existing levels
Obtained from: SJB Architects
- Proposed levels
PEPO Botanic Design
- Existing landscape structures to be demolished
- Existing trees
To be retained and protected
- Existing trees
Proposed removal
- TPZ
Tree protection zone
- SRZ
Structural root zone
- Proposed lawn area
- Proposed masonry
- Proposed sandstone and other natural stone
- Proposed tile

EXISTING TREE SCHEDULE

ID	Botanical Name	Common Name	Spread (mm)	Height (mm)	DBH (mm)	Action
Eo1	Cupressus arizonica 'Aurea'	Golden Arizona Cypress	6000	7000	310	Retain
Eo2	Olea europaea subsp. cuspidata	African Olive	6000	11000	360	Remove
Eo3	Morus alba	Mulberry	6000	10000	410	Retain
Eo4	Jacaranda mimosifolia	Jacaranda	6000	9000	280	Retain
Eo5	Viburnum sp.	Viburnum	6000	8000	320	Retain

LANDSCAPE RATIOS

Site area	372.5m ²	
Existing Landscape area	70m ²	(19%)
Proposed Landscape area (deep soil)	127m ²	(34%)
Proposed Landscape area (over structure)	9.8m ²	
Landscape area required	149m ²	(40%)

NOTE
Refer to Arboricultural impact assessment by: Temporal Tree Management Pty Ltd. Date: 02.05.2023

Refer to Architectural drawings by: SJB Architects
Proposed Floor Plan Lower Ground:
6455-1001[16] - Proposed Floorplan - Lower Ground
Date: 26.09.2023
Proposed Floor Plan Ground:
6455-1002[16] - Proposed Floorplan - Ground
Date: 28.09.2023
Proposed Floor Plan Level 2:
6455-1004[16] - Proposed Floorplan - Level 2
Date: 28.09.2023

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1:100 @ A3

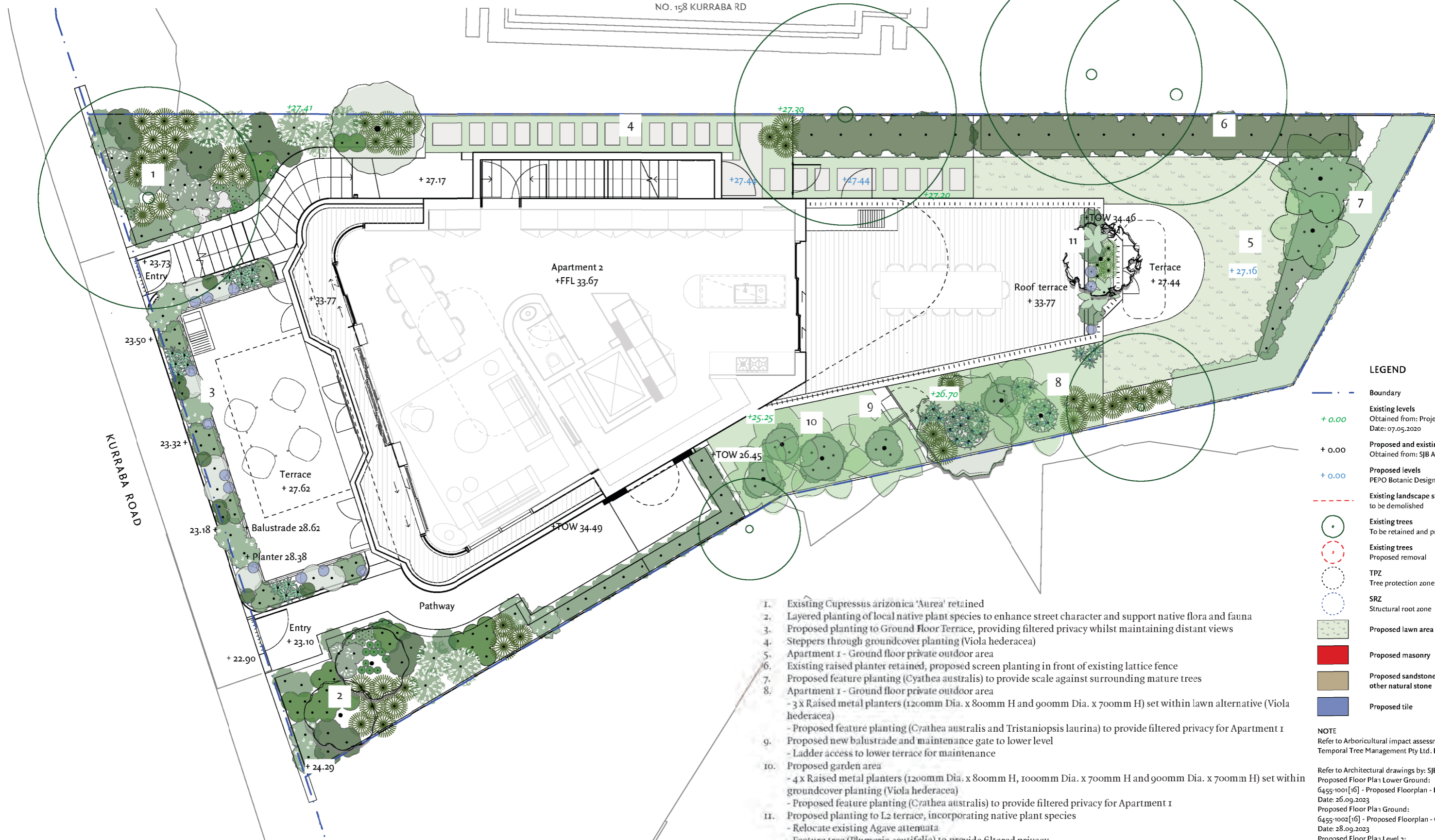
1 PROPOSED SITE PLAN
Scale 1:100



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NOT FOR CONSTRUCTION	Client: Chris Lane & Brett Morris	Drawing Name: Site Plan and Landscape Ratios	Drawn/Checked: ER/NC
Nicola Cameron LDI Member 894	Date: 29 September 2023	Scale: 1:100 @ A3	Page: #2
	REVISION E		

I warrant that this drawing is a true and correct representation of the information provided to me by the client and that I have not been provided with any information that would cause me to believe that the information provided to me is incorrect or incomplete. I warrant that this drawing is a true and correct representation of the information provided to me by the client and that I have not been provided with any information that would cause me to believe that the information provided to me is incorrect or incomplete.



- LEGEND**
- Boundary
 - Existing levels
Obtained from: Project Surveyors
Date: 07.05.2020
 - + 0.00
Proposed and existing levels
Obtained from: SJB Architects
 - + 0.00
Proposed levels
PEPO Botanic Design
 - Existing landscape structures
to be demolished
 - Existing trees
To be retained and protected
 - Existing trees
Proposed removal
 - TPZ
Tree protection zone
 - SRZ
Structural root zone
 - Proposed lawn area
 - Proposed masonry
 - Proposed sandstone and
other natural stone
 - Proposed tile

- I. Existing *Cupressus arizonica* 'Aurea' retained
2. Layered planting of local native plant species to enhance street character and support native flora and fauna
3. Proposed planting to Ground Floor Terrace, providing filtered privacy whilst maintaining distant views
4. Steppers through groundcover planting (*Viola hederacea*)
5. Apartment 1 - Ground floor private outdoor area
6. Existing raised planter retained, proposed screen planting in front of existing lattice fence
7. Proposed feature planting (*Cyathea australis*) to provide scale against surrounding mature trees
8. Apartment 1 - Ground floor private outdoor area
- 3 x Raised metal planters (1200mm Dia. x 800mm H and 900mm Dia. x 700mm H) set within lawn alternative (*Viola hederacea*)
- Proposed feature planting (*Cyathea australis* and *Tristaniopsis laurina*) to provide filtered privacy for Apartment 1
9. Proposed new balustrade and maintenance gate to lower level
- Ladder access to lower terrace for maintenance
10. Proposed garden area
- 4 x Raised metal planters (1200mm Dia. x 800mm H, 1000mm Dia. x 700mm H and 900mm Dia. x 700mm H) set within groundcover planting (*Viola hederacea*)
- Proposed feature planting (*Cyathea australis*) to provide filtered privacy for Apartment 1
- II. Proposed planting to L2 terrace, incorporating native plant species
- Relocate existing *Agave attenuata*
- Feature tree (*Plumeria acutifolia*) to provide filtered privacy

NOTE
Refer to Arboricultural impact assessment by:
Temporal Tree Management Pty Ltd. Date: 02.05.2023

Refer to Architectural drawings by: SJB Architects
Proposed Floor Plan Lower Ground:
6455-1001[16] - Proposed Floorplan - Lower Ground
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Proposed Floor Plan Ground:
6455-1002[16] - Proposed Floorplan - Ground
Date: 28.09.2023
Proposed Floor Plan Level 2:
6455-1004[16] - Proposed Floorplan - Level 2
Date: 28.09.2023

1 PROPOSED LANDSCAPE CONCEPT - SITE PLAN
Scale 1:100



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29 September 2023

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Drawing Name:
Proposed Landscape Concept - Site Plan

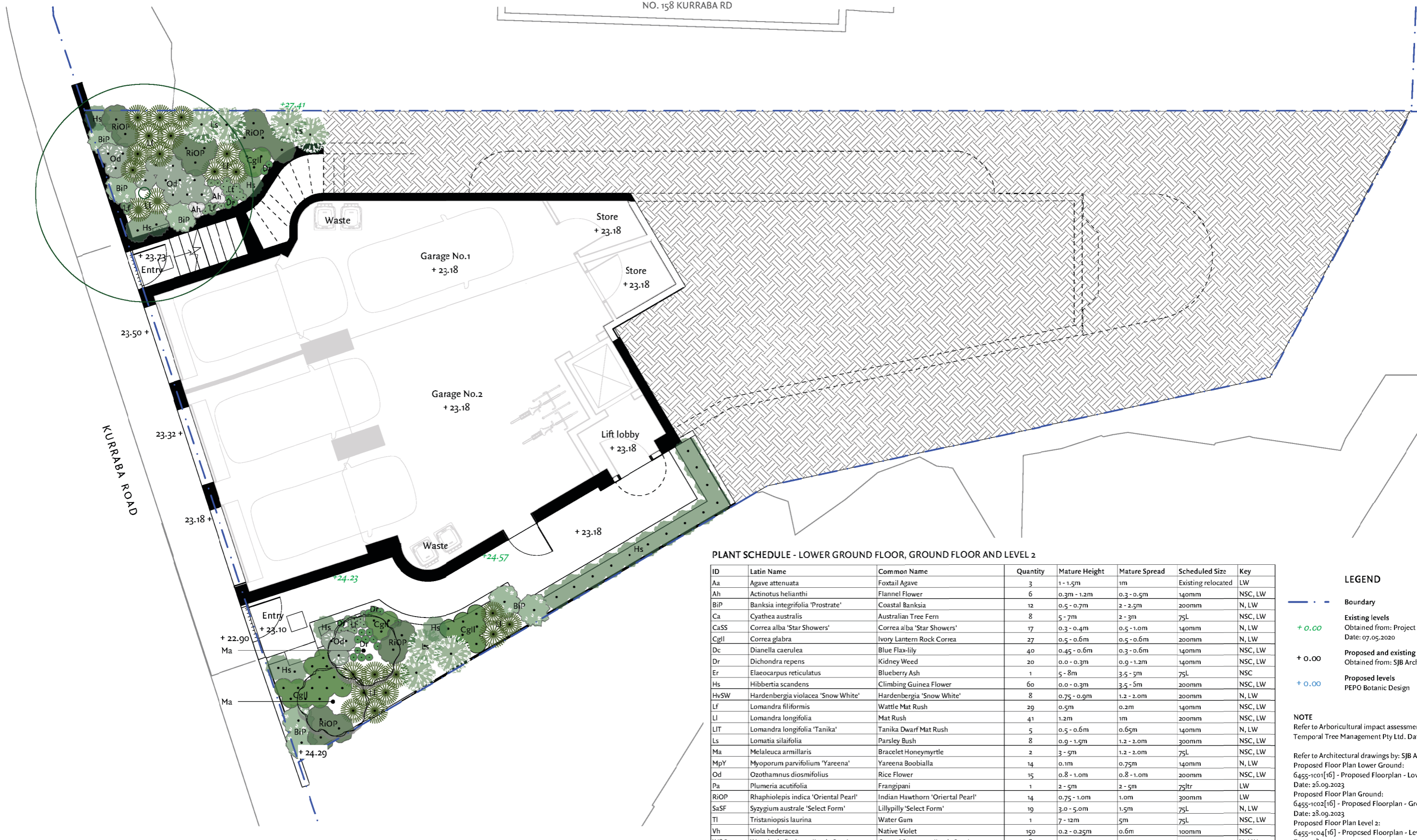
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1 PROPOSED PLANTING PLAN - LOWER GROUND FLOOR
Scale 1:100

PLANT SCHEDULE - LOWER GROUND FLOOR, GROUND FLOOR AND LEVEL 2

ID	Latin Name	Common Name	Quantity	Mature Height	Mature Spread	Scheduled Size	Key
Aa	Agave attenuata	Foxtail Agave	3	1 - 1.5m	1m	Existing relocated	LW
Ah	Actinotus helianthi	Flannel Flower	6	0.3m - 1.2m	0.3 - 0.5m	140mm	NSC, LW
BiP	Banksia integrifolia 'Prostrate'	Coastal Banksia	12	0.5 - 0.7m	2 - 2.5m	200mm	N, LW
Ca	Cyathea australis	Australian Tree Fern	8	5 - 7m	2 - 3m	75L	NSC, LW
CaSS	Correa alba 'Star Showers'	Correa alba 'Star Showers'	17	0.3 - 0.4m	0.5 - 1.0m	140mm	N, LW
Cgll	Correa glabra	Ivory Lantern Rock Correa	27	0.5 - 0.6m	0.5 - 0.6m	200mm	N, LW
Dc	Dianella caerulea	Blue Flax-lily	40	0.45 - 0.6m	0.3 - 0.6m	140mm	NSC, LW
Dr	Dichondra repens	Kidney Weed	20	0.0 - 0.3m	0.9 - 1.2m	140mm	NSC, LW
Er	Elaeocarpus reticulatus	Blueberry Ash	1	5 - 8m	3.5 - 5m	75L	NSC
Hs	Hibbertia scandens	Climbing Guinea Flower	60	0.0 - 0.3m	3.5 - 5m	200mm	NSC, LW
HvSW	Hardenbergia violacea 'Snow White'	Hardenbergia 'Snow White'	8	0.75 - 0.9m	1.2 - 2.0m	200mm	N, LW
Lf	Lomandra filiformis	Wattle Mat Rush	29	0.5m	0.2m	140mm	NSC, LW
LI	Lomandra longifolia	Mat Rush	41	1.2m	1m	200mm	NSC, LW
LIT	Lomandra longifolia 'Tanika'	Tanika Dwarf Mat Rush	5	0.5 - 0.6m	0.65m	140mm	N, LW
Ls	Lomatia silaifolia	Parsley Bush	8	0.9 - 1.5m	1.2 - 2.0m	300mm	NSC, LW
Ma	Melaleuca armillaris	Bracelet Honey Myrtle	2	3 - 5m	1.2 - 2.0m	75L	NSC, LW
MpY	Myoporum parvifolium 'Yareena'	Yareena Boobialla	14	0.1m	0.75m	140mm	N, LW
Od	Ozothamnus diosmifolius	Rice Flower	15	0.8 - 1.0m	0.8 - 1.0m	200mm	NSC, LW
Pa	Plumeria acutifolia	Frangipani	1	2 - 5m	2 - 5m	75ltr	LW
RIOP	Rhaphiolepis indica 'Oriental Pearl'	Indian Hawthorn 'Oriental Pearl'	14	0.75 - 1.0m	1.0m	300mm	LW
SaSF	Syzygium australe 'Select Form'	Lillypilly 'Select Form'	19	3.0 - 5.0m	1.5m	75L	N, LW
TI	Tristaniopsis laurina	Water Gum	1	7 - 12m	5m	75L	NSC, LW
Vh	Viola hederacea	Native Violet	150	0.2 - 0.25m	0.6m	100mm	NSC
WfjG	Westringia fruticosa 'Jervis Gem'	Coastal Rosemary 'Jervis Gem'	8	1.5m	1.0m	300mm	N, LW

KEY
NSC Native plant of the North Sydney Council area
N Native plant
LW Low water requirements

LEGEND

- Boundary
- Existing levels
Obtained from: Project Surveyors
Date: 07.05.2020
- + 0.00 Proposed and existing levels
Obtained from: SJB Architects
- + 0.00 Proposed levels
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NOTE
Refer to Arboricultural impact assessment by:
Temporal Tree Management Pty Ltd. Date: 02.05.2023

Refer to Architectural drawings by: SJB Architects
Proposed Floor Plan Lower Ground:
6455-1c01[16] - Proposed Floorplan - Lower Ground
Date: 26.09.2023
Proposed Floor Plan Ground:
6455-1c02[16] - Proposed Floorplan - Ground
Date: 28.09.2023
Proposed Floor Plan Level 2:
6455-1c04[16] - Proposed Floorplan - Level 2
Date: 28.09.2023

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LDI Member 894

Client:
Chris Lare & Brett Morris

Date:
29 September 2023

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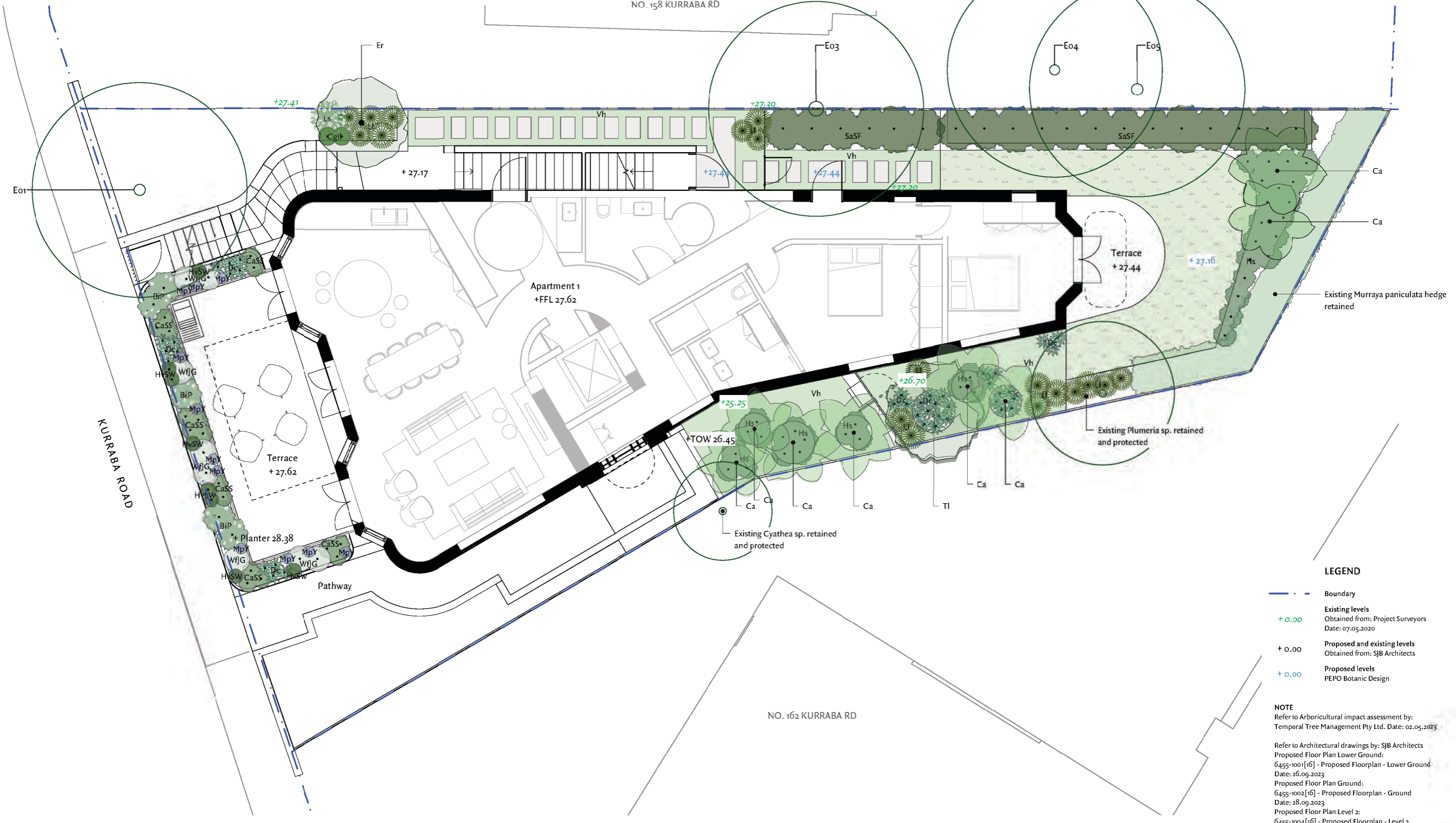
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Proposed Planting Plan - Lower Ground Floor

Scale:
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1 PROPOSED PLANTING PLAN - GROUND FLOOR
Scale 1:100

LEGEND

- Boundary
- + 0.00 Existing levels
Obtained from: Project Surveyors
Date: 07.05.2020
- + 0.00 Proposed and existing levels
Obtained from: SJB Architects
- + 0.00 Proposed levels
PEPO Botanic Design

NOTE
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Refer to Architectural drawings by: SJB Architects
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6455-1004[16] - Proposed Floorplan - Level 2
Date: 28.09.2023

0 1 2 4M
1:100 @ A3



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Drawing Name:
Proposed Planting Plan - Ground Floor

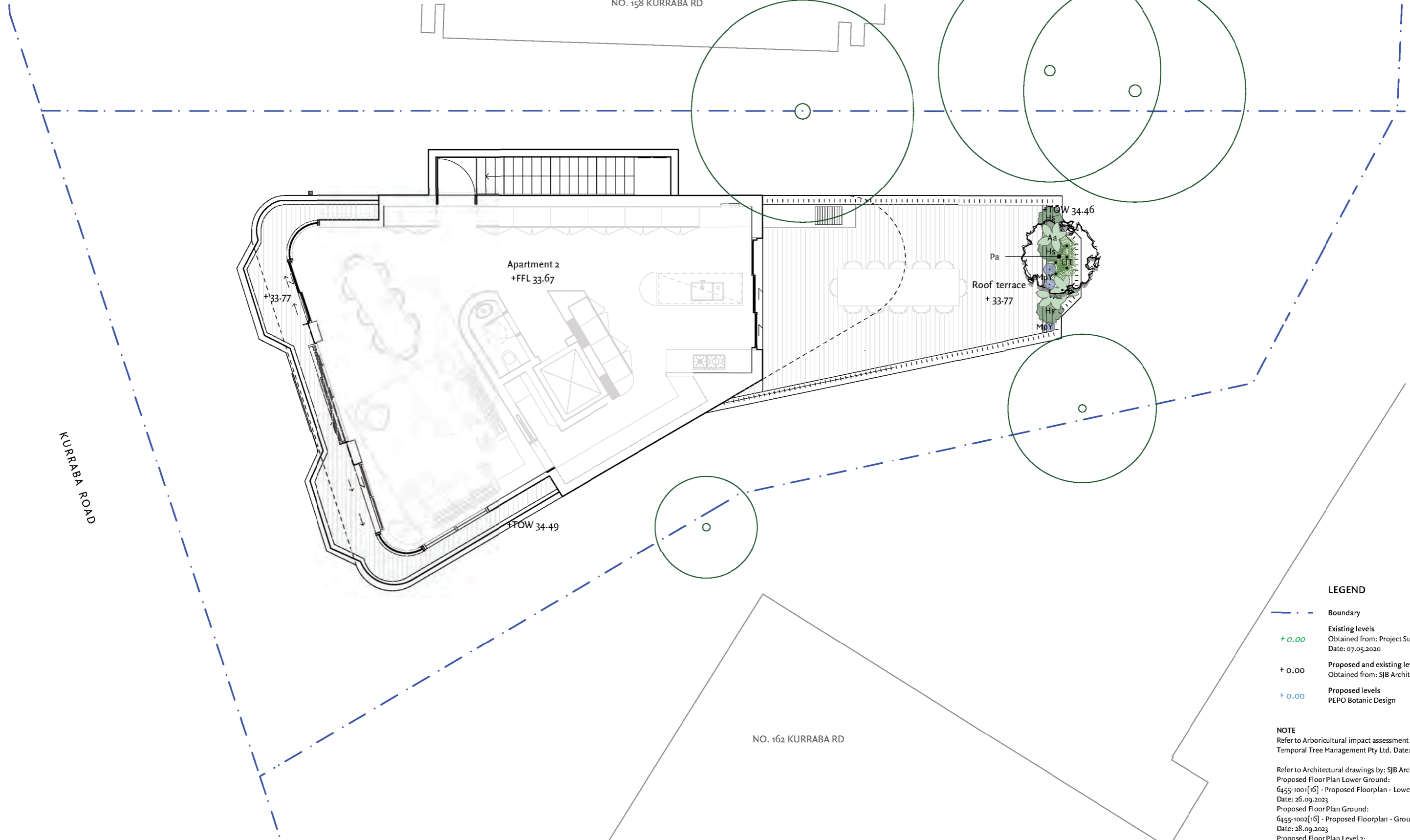
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NO. 158 KURRABA RD



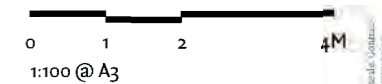
1 PROPOSED PLANTING PLAN - LEVEL 2
 Scale 1:100

LEGEND

- - - Boundary
- + 0.00 Existing levels
Obtained from: Project Surveyors
Date: 07.05.2020
- + 0.00 Proposed and existing levels
Obtained from: SJB Architects
- + 0.00 Proposed levels
PEPO Botanic Design

NOTE
 Refer to Arboricultural impact assessment by:
 Temporal Tree Management Pty Ltd. Date: 02.05.2023

Refer to Architectural drawings by: SJB Architects
 Proposed Floor Plan Lower Ground:
 6455-1001[16] - Proposed Floorplan - Lower Ground
 Date: 26.09.2023
 Proposed Floor Plan Ground:
 6455-1002[16] - Proposed Floorplan - Ground
 Date: 28.09.2023
 Proposed Floor Plan Level 2:
 6455-1004[16] - Proposed Floorplan - Level 2
 Date: 28.09.2023



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Client:
 Chris Lane & Brett Morris

Date:
 29 September 2023

Drawing Name:
 Proposed Planting Plan - Level 2

Scale:
 1:100 @ A3

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Proposed Plant Palette - Lower Ground and Ground Floor - Front Garden



Ma	<i>Melaleuca armillaris</i>	Od	<i>Ozothamnus diosmifolius</i>	Ls	<i>Lomatia silaifolia</i>	Ll	<i>Lomandra longifolia</i>	HvSW	<i>Hardenbergia violaceae</i> 'Snow White'	CaSS	<i>Correa alba</i> 'Star Showers'
BiP	<i>Banksia integrifolia</i> 'Prostrate'	Er	<i>Elaeocarpus reticulatus</i>	Lf	<i>Lomandra filiformis</i>	Hs	<i>Hibbertia scandens</i>	WfJG	<i>Westringia fruticosa</i> 'Jervis Gem'	Dc	<i>Dianella caerulea</i>
Ah	<i>Actinotus helianthi</i>	RiOP	<i>Rhipiolepis indica</i> 'Oriental Pearl'	Cgll	<i>Correa glabra</i> 'Ivory Lantern'	Dr	<i>Dichondra repens</i>	MpY	<i>Myoporum parvifolium</i> 'Yareena'		



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Client:
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Date:
29 September 2023

Drawing Name:
Proposed Plant Palette - Lower Ground and Ground Floor

Scale:
N/A

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Page:
#7

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Proposed Plant Palette - Ground Floor - Rear Garden



Hs Hibbertia scandens



Dc Dianella caerulea



Ll Lomandra longifolia



SaSF Syzygium australe 'Select Form'



Ca Cyathea australis

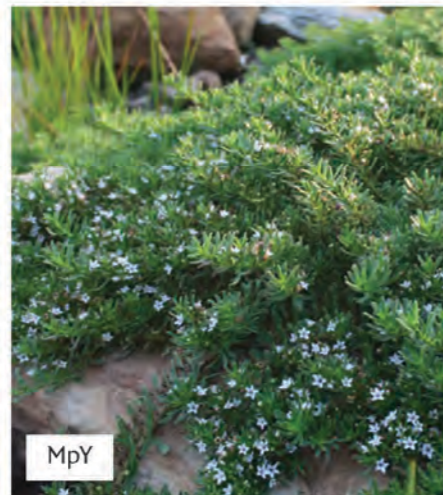


Tl Tristaniopsis laurina

Proposed Plant Palette - Level 2



Vh Viola hederacea



MpY Myoporum parvifolium 'Yareena'



Hs Hibbertia scandens



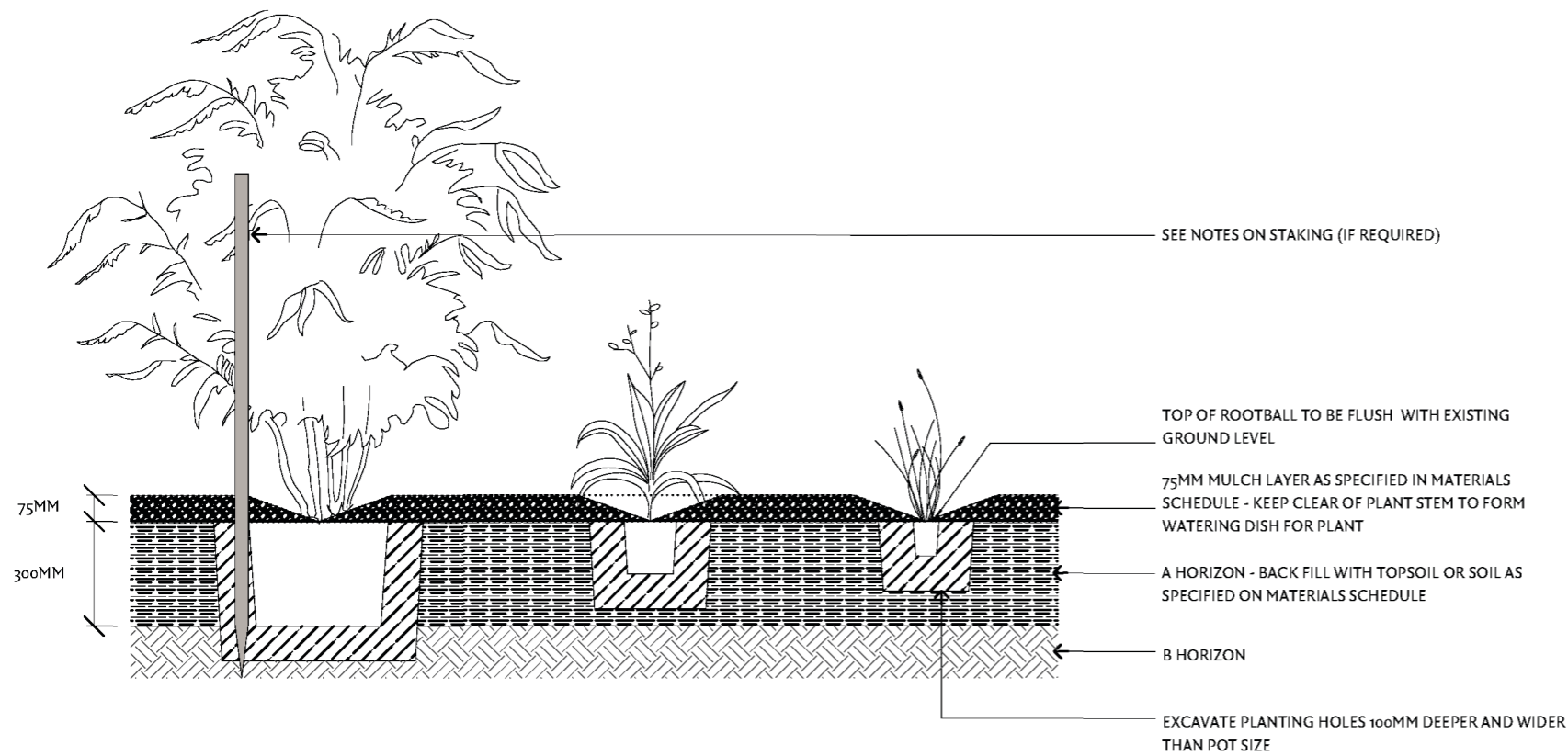
LIT Lomandra longifolia 'Tanika'



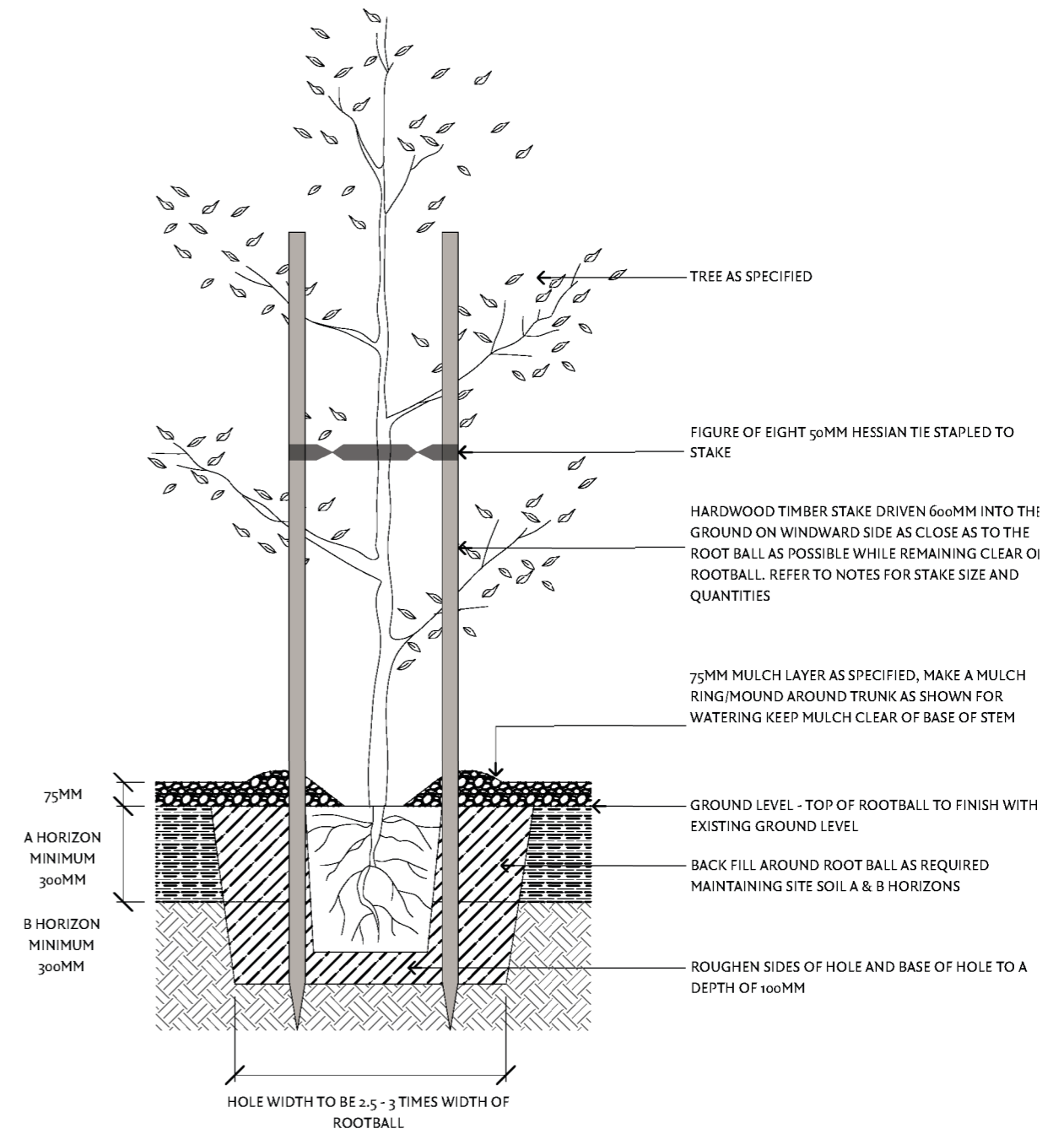
Aa Agave attenuata (existing relocated)



Pa Plumeria acutifolia



1 PLANTING DETAIL - ON GRADE 45L AND UNDER
Scale 1:20



2 PLANTING DETAIL - ON GRADE 75L AND OVER
Scale 1:20



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Client:
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Date:
29 September 2023

Drawing Name:
Planting Specifications

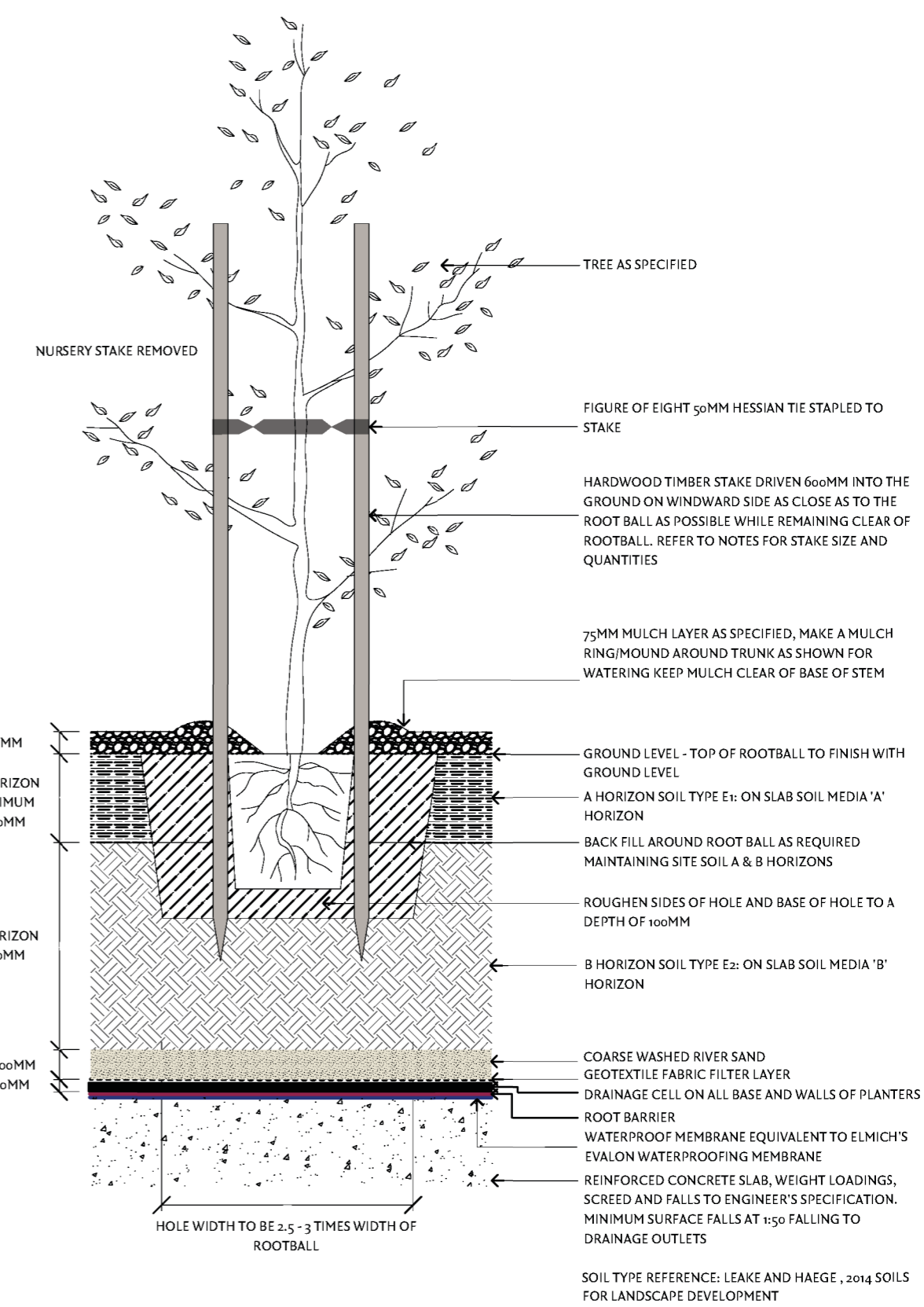
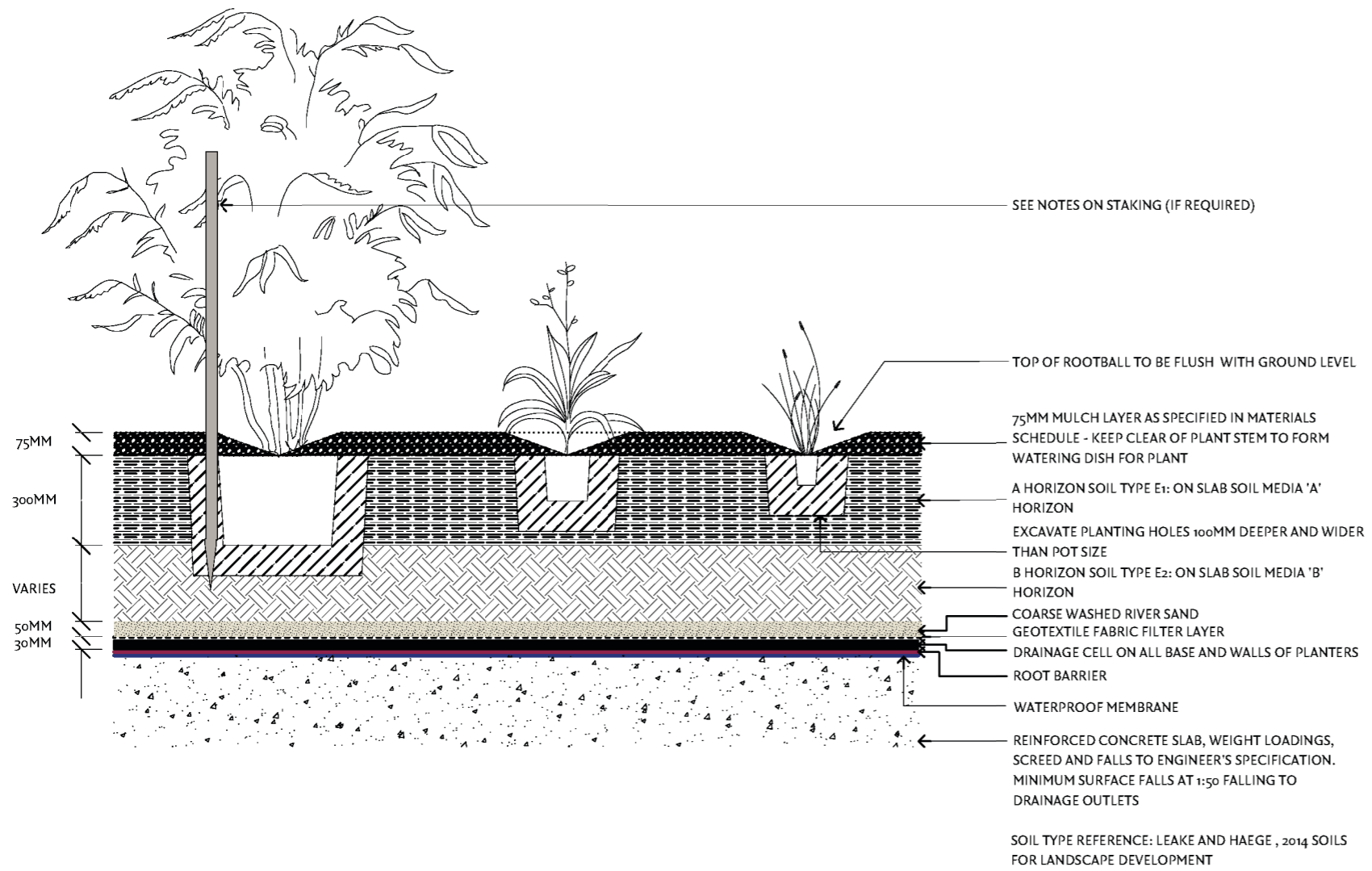
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1 PLANTING DETAIL - ON SLAB 45L AND UNDER
Scale 1:20

2 PLANTING DETAIL - ON SLAB 75L AND OVER
Scale 1:20



160 Kurraba Road, Kurraba Point

Pepo Pty Ltd | 203/212-218 Bondi Road, Bondi NSW 2026 | 02 93491220

NOT FOR CONSTRUCTION

Nicola Cameron
LDI Member 804

Client:
Chris Lane & Brett Morris

Date:
29 September 2023

Drawing Name:
Planting Specifications

Scale:
1:20 @ A3

Drawn/Checked:
ER/NC

Page:
#10

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Figured dimensions shall take precedence over scale. Contractors must verify all dimensions on job before commencing work on any drawings. This drawing is prepared by computer.

PLANTING NOTES

Details are to be read in conjunction with the specifications and drawings. All plants must conform to the species, size and quantities indicated on the landscape plan and plant schedule. Plant quality to be Natspec. Only use plants with the following characteristics: large healthy root systems with no evidence of root curl or pot bound restriction or damage; vigorous; well established; free from pests and disease and good form; consistent with species or variety. Take care to ensure foliage, branches, trunks and root crowns are not damaged before, during or after planting.

PLANTING:
Planting should be carried out using accepted horticultural practices.

Planting holes for plants smaller than 45L are to be a minimum of 100mm larger than the planting pot in all directions. Planting holes for plants larger than 75L are to be 2.5 - 3 times the width and the same depth as the rootball - the bottom 150mm of the hole should be roughened to allow for drainage.

Thoroughly soak the rootball of tree with fresh water before taking off pot or bag. If the planting soil is dry then the planting hole is also to be filled with water and allowed to drain away completely.

If north point is marked on a tree, ensure orientation is correct with north marking to the north. The top of rootball is to finish flush with top of soil level.

Apply 250g of slow release fertiliser to the top of the soil around the rootball. Fertiliser type: pelletised poultry manure as supplied by dynamic lifter.

At completion of planting, all beds shall be mulched to a depth of 75mm. Mulch is to be sloped towards plants stems but shall be kept back 50mm from the stems to prevent collar rot. Create a mulch ring approximately 300mm from the trunk. Remove any small stakes, ties and labels. Water the rootball thoroughly after planting.

STAKING PROCESS:
Stake to be hardwood, straight and pointed at one end. Drive firmly into ground 600mm deep, as close to the rootball (but not through) as possible.

For plants > 2.5m high: 3 stakes per plant, each 50 x 50 x 2400mm. Approx 1800mm to remain above ground.
For plants 1 - 2.5m high: 2 stakes per plant, each 50 x 50 x 1800mm. Approx 1000mm to remain above ground.

LANDSCAPE SPECIFICATION NOTES

SERVICES
Prior to commencement of landscape works, the landscape contractor is to establish and clearly mark the positions of all above and below service lines and protect them from damage during construction.

SITE CLEARING
Trees to be removed shall be stump ground and all spoil/rubbish be removed from site. Holes (e.g. as a result of plant removal) and uneven soil levels may be patched using topsoil as specified below.

TREE PROTECTION
Tree protection measures are to be in accordance with Australian Standard AS4970-2209 - Protection of Trees on Development Sites. All trees to be retained are to be identified and fenced off prior to demolition and construction works commencing, or any heavy machinery entering the site. Tree protection fencing is to be established to create an exclusion zone around the tree at the distance from the trunk specified as the tree protection zone (TPZ) or as specified on the landscape plan. Once erected, these areas are to be maintained as 'no go' zones to limit trafficking through the TPZ and avoid inadvertent mechanical damage by construction vehicles and equipment during the construction period. TPZ fencing is to remain in place until soft landscaping works commence as a part of the final stage of works.

If access or relocation of protective fencing is required (e.g. to allow for the demolition of existing structures, it must be with the approval and supervision of a qualified arborist. Tree protection fencing is to be constructed of temporary security fencing (or similar), securely fixed to block bases. No holes are to be dug for fence construction unless outside the specified TPZ. Tree protection fencing is to be a minimal height of 1800mm and is to be secure to deter entry.

At least one weatherproof sign per side is to be attached to TPZ fencing and is to clearly state: "Tree protection zone. Entry restrictions apply. Do not remove fence. Contact the contractor if entry is required. No excavating or trenching. No storage or waste of materials" and is to have the contractor's and arborist's contact details.

The ground within the TPZ (both fenced and unfenced) is to be maintained with a 501-00mm layer of coarse mulch/woodchips. Woodchips should be well composted and be kept away (300mm) from the trunk of the tree. The ground surface is to be thoroughly wet immediately before the installation of the mulch. Unless under water restrictions, irrigation is to be provided to all trees from December to March inclusive. A weed control program is to be implemented for these mulched zones.

Any root and branch pruning required is to be done by the appointed site arborist and to be in accordance with Australian Standard AS4373-2007. If a root diameter greater than 20mm is encountered during site works, they should be cleanly pruned by hand and never removed from the ground by machinery. The site arborist is to regularly inspect trees to be retained and carry out remedial works as required to ensure the health of the trees and if necessary install additional protection for trunks, branches and roots.

- The following protection requirements apply throughout the development process:
- no heavy machinery is to enter the TPZ without the permission of the site arborist (emergency vehicles excepted)
 - existing levels must be maintained and no trenching or removal of soil is to take place within the TPZ
 - there is to be no fill installed greater than 100mm within TPZ
 - all existing vegetation within the TPZ is to be removed by hand
 - no trenched services are to enter or pass through the TPZ. If services are required they are to be bored beneath the root zone to a depth approved by the site arborist
 - no fuel, oil or chemicals shall be stored in the TPZ
 - no storage of material, equipment or building works shall take place in the TPZ
 - all machinery is to be kept clear of tree canopies to avoid damage to the tree crown
 - if there is any damage to the trees either above or below ground, the site arborist is to be contacted immediately to underake remedial actions
 - any changes to the building or landscape design which alter the surface or below ground works within the TPZ are subject to approval by the site arborist before commencement of works considers detrimental to plant growth, before proceeding with work.

WEED ERADICATION
All weeds shall be thoroughly removed prior to new planting. All vegetative material, including roots and rhizomes of non-woody perennials and woody suckering weeds, is to be removed or appropriately controlled using chemical means. The stumps of non-suckering woody perennials are to be stump ground. All vegetative material shall be appropriately disposed of offsite in a manner which will not allow their re-establishment elsewhere. Any chemical controls are to be used in accordance with manufacturer's instructions and standard occupational health and safety procedures. Care must be taken to ensure that all trees to be retained are not damaged during weed removal. This also implies that any herbicides used are suitable for use around the vegetation to be retained.

SETOUT
All setout to be approved by Landscape Architect prior to construction. Where no centres are shown for planting, space plants evenly to best fill the beds shown. Refer to architect's and engineer's drawings for precise information regarding paving, finished levels, fences and drainage details.

SOIL
Where possible, existing top soil is to be stockpiled for re-use. Where imported soil is to be used, the soil is to meet the specification types shown on the plans and is to be installed in accordance with the soil specification (usually in layers). The landscape contractor is to provide a certificate from the soil supplier that it meets the soil specification type. Contractors must not unduly compact or contaminate the new or existing soil in planting areas. This may be achieved by fencing off proposed and completed planting areas so vehicles/people do not drive or walk over the soil. Crushed rock, concrete spillage and any other materials that would be restrictive to plant growth should be removed from the proposed site of any planting beds. The existing ground level is not to be raised around the root zones of trees to be protected and any preparation of existing soil is to be done by hand only to preserve the health of the tree.

PAVING SLABS
All existing and new slabs are to be installed with waterproofing protective layer/sealant to ensure new paving /stone is not subject to material and/or liquids detrimental to the longevity of the paver/stone.

STONE
It is the responsibility of the paving/tiling contractor to ensure they are following the installation specifications detailed by the stone supplier. This includes the sealing of slabs and the appropriate application of stone sealant outlined in the installation specification notes.

DRAINAGE
Refer to hydraulic engineer's drawings for drainage details. Notify Landscape Architect of all soil or drainage conditions encountered during planting operations which the contractor

IRRIGATION
An approved irrigation system is to be supplied to all garden beds. It is the responsibility of the contractor to ensure that all irrigation meets manufacturer's specifications. The system is to be connected to mains supply.

PLANT ESTABLISHMENT
During the plant establishment period (12 weeks from the date of practical completion) the landscape contractor shall make good all defects in his/her scope of works, as well as rectifying any defects that become apparent in the work under normal use, providing that irrigation has been installed and plants have been supplied by the contractor. This shall include, but not be limited to watering, fertilising, weeding, tree ties, pruning, pest and disease control, cultivation and replacement of any plants that fail with plants of the same species and size.

RETAINING WALL
All retaining walls to have agricultural drainage lines with free washed blue metal around to connect to street stormwater. Grates indicated on plans to connect to street stormwater. Walls to engineer's detail.



160 Kurraba Road, Kurraba Point
Pepo Pty Ltd | 203/212-218 Bondi Road, Bondi NSW 2026 | 02 93491220

NOT FOR CONSTRUCTION	Client: Chris Lane & Brett Morris	Drawing Name: Planting and Landscape Specification Notes	Drawn/Checked: ER/NC
Nicola Cameron LDI Member 894	Date: 29 September 2023	REVISION E	Page: # 11
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URBIS

CLAUSE 4.6 - HEIGHT OF BUILDING | 160 KURRABA ROAD, KURRABA POINT

Prepared for
CHRIS LANE AND BRETT MORRIS
14 February 2024

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

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Project Code	P0040615
Report Number	FINAL

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We acknowledge, in each of our offices, the Traditional Owners on whose land we stand.

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1. INTRODUCTION

This Clause 4.6 Variation Request (**'the Request'**) has been prepared on behalf of Chris Lane and Brett Morris (**'the applicant'**) and accompanies a Development Application (**'DA'**) for alterations and additions at 160 Kurraba Road, Kurraba Point (**'the site'**).

The Request seeks an exception from the maximum 'Height of Building' (**HOB**) prescribed for the site under clause 4.3 of *North Sydney Local Environmental Plan 2013 (NSLEP 2013)*. The variation request is made pursuant to clause 4.6 of NSLEP 2013.

The application seeks development consent for internal floorplate upgrades and external additions at the existing residential apartment building. The proposal seeks to improve the built design of the building and its integration within the Kurraba Point heritage conservation area (**HCA**). The proposal will also modernise the accessibility and internal amenities of the building.

The variation to the HOB provision arises from the existing building exceeding the HOB. The proposed alterations and additions seek to reduce the maximum building height; however, portions of the building will remain above the HOB plane.

This report should be read in conjunction with the Statement of Environmental Effects (**SEE**) prepared by Urbis Pty Ltd (dated 01 June 2023), accompanying design and technical documentation as well as the Response to RFI letters prepared by Urbis Pty Ltd (dated 29 September 2023 and 14 February 2024).

The following sections of the report include:

- **Section 2:** description of the site and its local and regional context, including key features relevant to the proposed variation.
- **Section 3:** brief overview of the proposed development as outlined in further detail within the SEE and accompanying drawings.
- **Section 4:** identification of the development standard which is proposed to be varied, including the extent of the contravention.
- **Section 5:** outline of the relevant assessment framework for the variation in accordance with clause 4.6 of the LEP.
- **Section 6:** detailed assessment and justification of the proposed variation in accordance with the relevant guidelines and relevant planning principles and judgements issued by the Land and Environment Court.
- **Section 7:** summary and conclusion.

2. SITE CONTEXT

The street address is 160 Kurraba Road, Kurraba Point. The key features of the site are summarised in the following table and location plan included in **Figure 1**.

Table 1 Site Description

Feature	Proposed
Street Address	160 Kurraba Road, Kurraba Point
Legal Description	SP 15949
Site Area	372.5m ²
Site Dimensions	18.9m primary frontage to Kurraba Point to the east 8.3m rear frontage to the west

The site currently accommodates a three storey, heavily modified Inter-war era residential apartment building. This building has been constructed to integrate into the natural topography of the site, sloping from the east down to the Kurraba Road boundary at the west.

The three storey apartment building is setback and elevated from the Kurraba Road frontage and garage structure. Access to the building is currently offered from outdoor steps and pathways that travel along the north and south boundaries, next to the garage structure. These lead up to the existing, common internal stairways at the north and south ends of the building that provide access to the individual apartments.

The existing apartment building features two distinct elements, a two storey face brick and rendered base brick structure as well as a contemporary addition at the third storey with aluminium framed glazing. The contemporary addition also features a mezzanine level which protrudes above the third storey, this space being accessible from a spiral staircase. Across the three levels, the existing building currently accommodates four residential apartments.

The site is not identified as either a heritage item or a contributory item within the HCA. However, the existing building's inter-war era elements are characteristic of the historic buildings across the conservation area. The existing, 3rd storey structure detracts from the historic character if the period elements of the existing building.

Figure 1 Aerial Photograph



Figure 2 Existing Development



Picture 1 View from North-West

Source: Google 2022



Picture 2 View from South-West

Source: Google 2022



Picture 3 Existing West Elevation

Source: SJB Architects

2.1. SURROUNDING CONTEXT

The site is located within the Kurraba Point HCA. The conservation area is predominantly comprised of low to medium density residential developments, including 3 and 4 storey residential apartment buildings interspersed with freestanding individual dwellings. These buildings include Federation, Edwardian, Victorian developments, inter-war dwelling houses and 1930s residential flat buildings.

The locality is surrounded by the waterfront further to south, east and west (as seen in **Figure 3**) with the Sydney Harbour located further to the south-west. The locality features undulating topography with slopes towards the water at Neutral Bay and Shell Cove, the existing buildings and roads following the contour lines of the area. Kurraba Road generally slopes downwards from north to south and also slopes downwards towards the waterside to the west. The existing developments were built and orientated to respond to the site topography and provide views to the surrounding waterside.

The surrounding developments include the following:

- **North:** An existing three storey duplex is located to the north of the site at 158 Kurraba Road. The building is identified as a contributory item to the HCA. The duplex features a similar lot layout to 160 Kurraba Road with a garage structure interfacing Kurraba Road, the residential dwelling being substantially setback and elevated from the road.

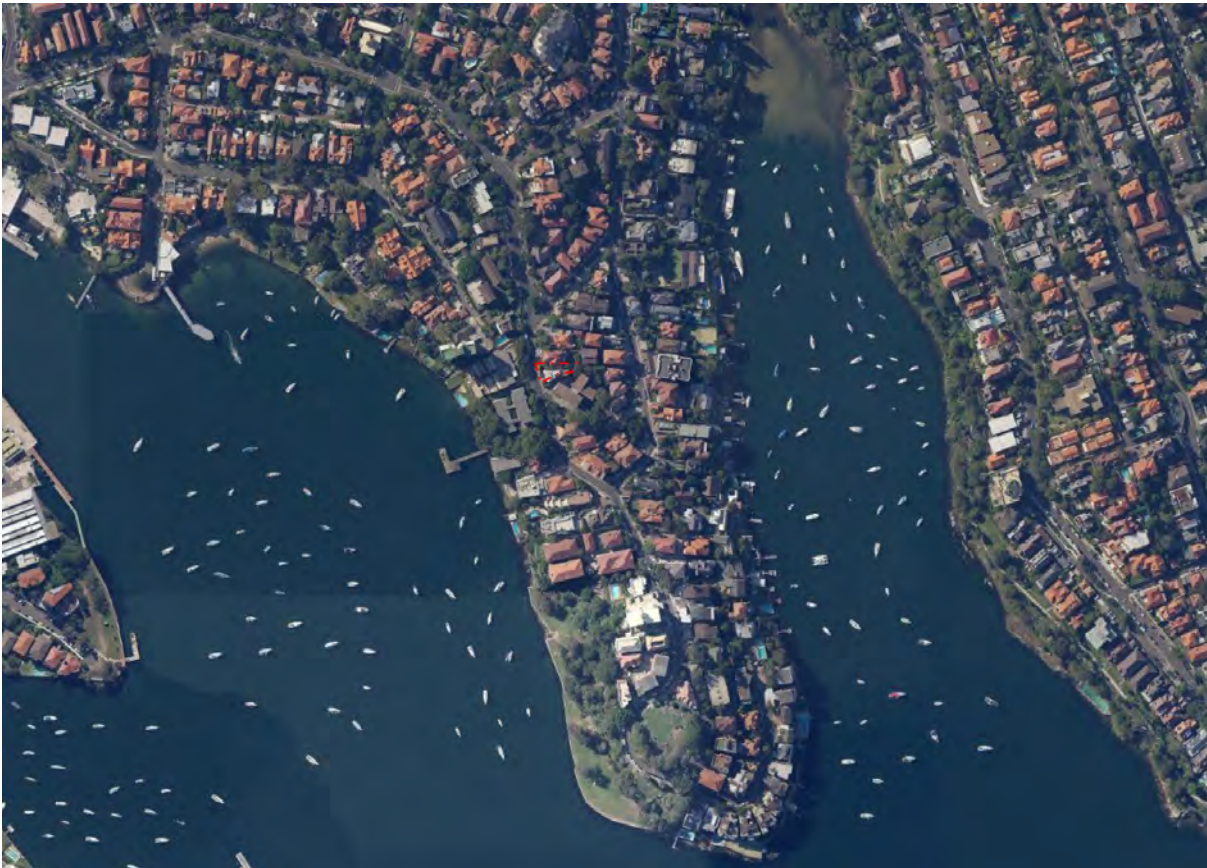
The property located further north of the site at 156 Kurraba Road is a low-density residential dwelling.

- **South / East:** a modern, four-storey residential apartment complex is located at 162 Kurraba Road interfacing with the south and east boundaries of the site. The apartment complex is substantially setback to the north and west boundaries. This accommodates direct views towards the 160 Kurraba's south façade.
- **North-East:** a duplex building adjoins the site to the north-east.

- **West:** Kurraba Road fronts the site to the west. Further west are a number of recessed apartment buildings which are at a lower elevation due to the sloped nature of the locality.

The areas further south and east of the site and 162 Kurraba Road feature low density single dwellings. The properties further south-west of the site (8, 10, 12, 14 Shellcove Road) have been identified to be a series of interwar brick bungalow houses. These residential dwellings range from 1-2 storeys and feature rear courtyard areas. It is noted that the modern apartment building at 162 Kurraba Road interface and overlook these properties.

Figure 3 Location Aerial



Source: Sixmaps 2022

Figure 4 Surrounding Context



Picture 4 158 Kurraba Road

Source: Google 2022



Picture 5 162 Kurraba Road

Source: Google 2022



Picture 6 Properties to the West

Source: Google 2022



Picture 7 Interwar Houses to East

Source: Google 2022

3. PROPOSED DEVELOPMENT

3.1. SUMMARY OF PROPOSED DEVELOPMENT

This Clause 4.6 Variation Request has been prepared to accompany a DA for alterations and additions to the existing residential apartment building. The proposal seeks to improve the building's accessibility, amenity as well as its integration with the HCA. The proposal will also deliver a dual occupancy residential offering across the updated building layout .

A detailed description of the proposed development is provided in the Statement of Environmental Effects prepared by Urbis Pty Lt, with updates to the proposal detailed within the Response to RFI letters prepared by Urbis Pty Ltd (dated 29 September 2023 and 14 February 2024). Refer to the latest architectural plans prepared by SJB for further details on the proposed development. A summary of the key features of the proposed development is provided below:

- **Level 2 Re-Development:** the proposal seeks to redevelop the existing, contemporary level 2 structure (3rd storey) which is located on top of the period, inter-war structure. The proposed level 2 redevelopment will feature a streamlined, contemporary design that will better integrate with the period building and will feature a lower the maximum building height (reduction from 13.355m to 13.06m).
- **Residential Dwelling Offering:** the proposal seeks to update the internal floorplan. This will result in the conversion of the existing residential apartment configuration into a dual occupancy (the proposal will reduce the number of dwellings from 4 into 2).
- **Building Accessibility:** the proposed dual occupancy will update the accessibility of the existing building to align with current building standards. This will be facilitated with a new ramp, lift and fire stair. The upgraded accessibility is proposed to be installed through additions to the north and south ends of the building.
- **Car Parking:** the proposed development will deliver four car parking spaces This will be accommodated within the existing garage structure. It is proposed that the existing area for car parking will be appropriately expanded through excavation works into the slope of the site.
- **Historic Restoration Works:** proposed development also includes will repair, cleaning and minor façade treatment works that will help preserve and maintain the overall presentation and character of the period building structure.
- **Landscape Works:** updated landscape works are proposed in the outdoor areas surrounding the building.

Figure 5 3D Render of Proposed Development



Source; SJB Architects

3.2. LEVEL 2 ALTERATION

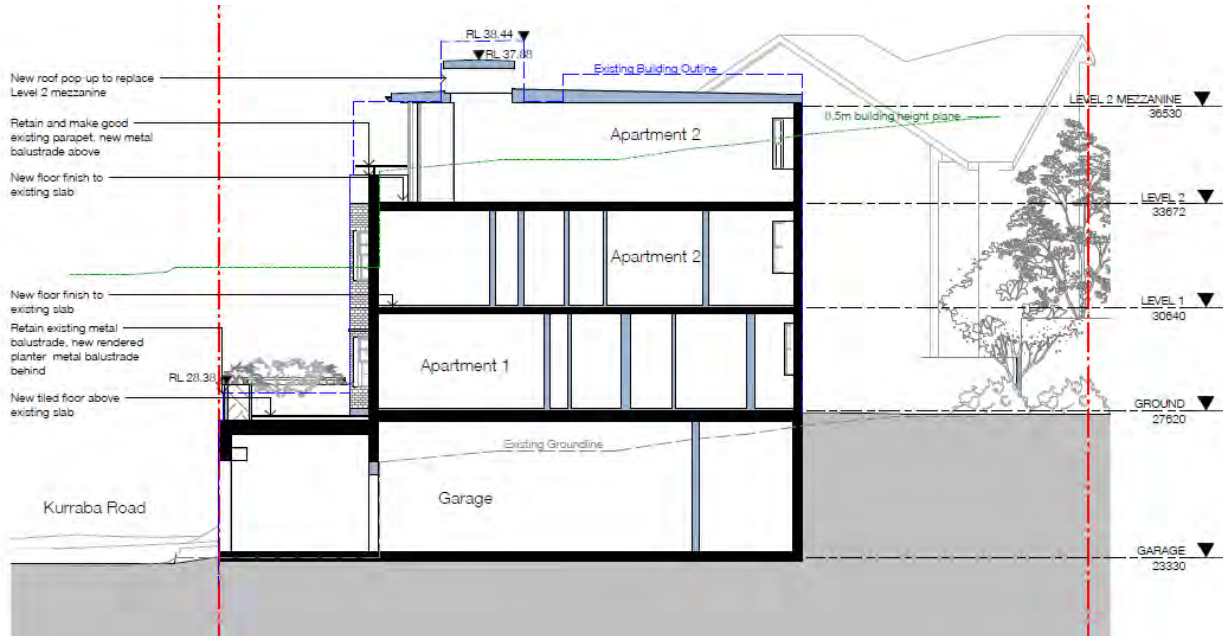
The existing, level 2 structure is proposed to be redeveloped. The key elements of the proposed level 2 redevelopment include the following:

- Remove the existing, intrusive level 2 structure.
- Replace the existing, intrusive level 2 structure with a new development that will better integrate and complement the historic, period elements of the existing building. This is through:
 - A streamlined built form design (fewer protrusions and removal of the complicated awnings/louvre design at the existing level 2 structure).
 - Straightened alignment so that the level 2 structure aligns with the period building structure.

- Reduced scale and dominance of the level 2 structure when viewed from Kurraba Road. This is through a reduced building height and increased front (west) setback.
- A new flat, metal roof with skylights at level 2. The proposed level 2 roof skylight will be comprised of a void with an elevated cover, providing natural lighting and ventilation to the proposed living area below.

The proposed maximum building height, in relation to the existing building and sloped topography, is demonstrated in **Figure 6** below.

Figure 6 Proposed Development, Existing Building (blue outline) and HOB Plane (green outline)



Source: SJB Architects

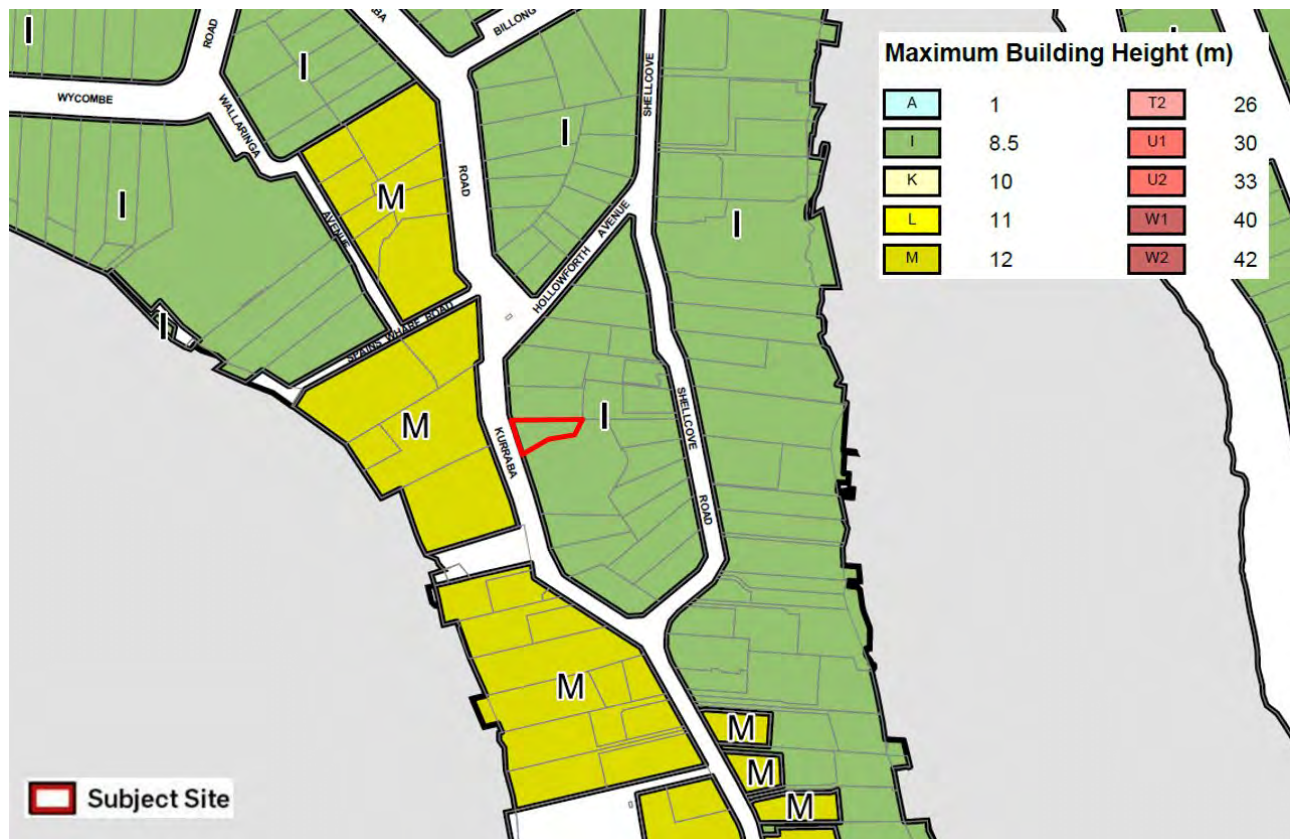
4. VARIATION OF HEIGHT OF BUILDING STANDARD

This section of the report identifies the development standard which is proposed to be varied, including the extent of the contravention. A detailed justification for the proposed variation is provided in **Section 6** of the report.

4.1. DEVELOPMENT STANDARD

The site is subject to a maximum height of building control under the NSLEP 2013 of 8.5m (refer **Figure 7**).

Figure 7 Maximum Building Height



Source: NSLEP 2013

The Dictionary of the NSLEP 2013 defines building height as:

building height (or height of building) means

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

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

4.2. PROPOSED VARIATION TO HEIGHT OF BUILDING STANDARD

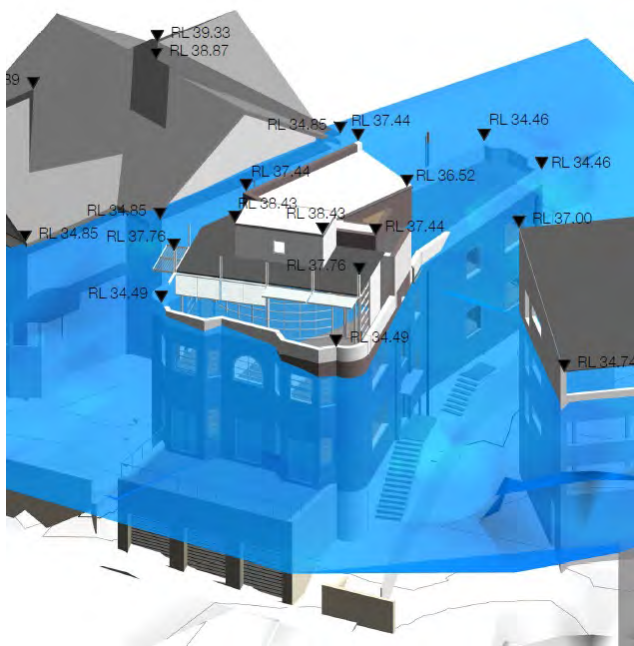
The following table provides an overview of the proposed exceedance of the 8.5m height plane in comparison to the existing building. This demonstrates how the proposal represents a reduction to the maximum HOB by 0.63m.

Table 2 Existing and Proposed Height Variation

Item	Height (RL & metres)	Variation to HOB Control
Existing, Maximum Building Height	RL38.45	5.2m
Proposed Maximum Building Height	RL37.82	4.57m

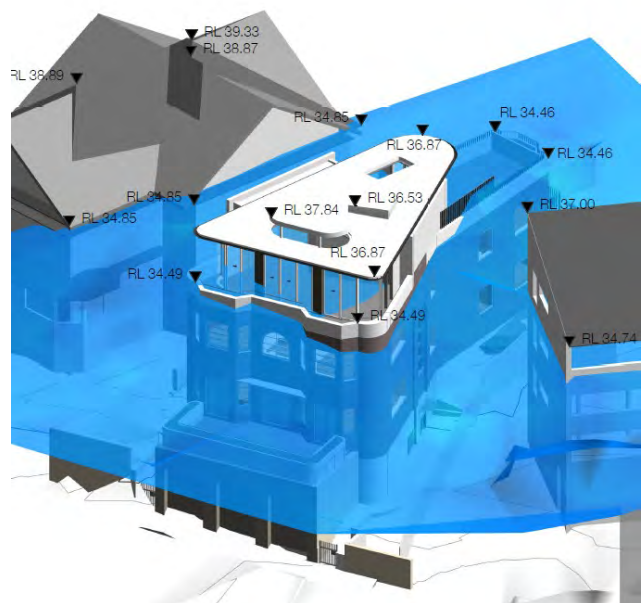
Further to the reduction of the maximum HOB, the proposed change to the height across different areas of the level 2 structure is demonstrated in the 3D HOB plane diagram as seen in **Figure 8** below. The 3D HOB plane diagram also demonstrates the elements of the existing and proposed building that exceed the 8.5m HOB plane.

Figure 8 3D Height of Building Plane (Existing and Proposed)



Picture 8 Existing - HOB Plane

Source: SJB Architects]



Picture 9 Proposed - HOB Plane

Source: SJB Architects

5. RELEVANT ASSESSMENT FRAMEWORK

Clause 4.6 of NSLEP 2013 includes provisions that allow for exceptions to development standards in certain circumstances. The objectives of clause 4.6 of NSLEP 2013 are:

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

Clause 4.6 provides flexibility in the application of planning provisions by allowing the consent authority to approve a DA that does not comply with certain development standards, where it can be shown that flexibility in the particular circumstances of the case would achieve better outcomes for and from the development.

In determining whether to grant consent for development that contravenes a development standard, clause 4.6(3) requires that the consent authority to consider a written request from the applicant that seeks to justify the contravention of the development by demonstrating:

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

Clause 4.6(4)(a) requires the consent authority to be satisfied that the applicant's written request adequately addresses each of the matters listed in clause 4.6(3). The consent authority should also be satisfied that that the proposed development will be in the public interest because it is consistent with the objectives of the standard and the objectives for development within the zone in which it is proposed to be carried out.

Clause 4.6(4)(b) requires the concurrence of the Secretary to have been obtained. In deciding whether to grant concurrence, subclause (5) requires that the Secretary consider:

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

The concurrence of the Secretary can be assumed to have been granted for the purpose of this variation request in accordance with the Department of Planning Circular PS 18–003 'Variations to development standards', dated 21 February 2018. This circular is a notice under section 64(1) of the Environmental Planning and Assessment Regulation 2000 and provides for assumed concurrence. A consent granted by a consent authority that has assumed concurrence is as valid and effective as if concurrence had been given.

The Secretary can be assumed to have given concurrence if the matter is determined by an independent hearing and assessment panel or a Sydney district or regional planning panel in accordance with the Planning Circular.

This clause 4.6 request demonstrates that compliance with the height of building prescribed for the site in clause 4.3 of NSLEP 2013 is unreasonable and unnecessary, that there are sufficient environmental planning grounds to justify the requested variation and that the approval of the variation is in the public interest because it is consistent with the development standard and zone objectives.

In accordance with clause 4.6(3), the applicant requests that the HOB development standard be varied (subject to the applicant's position that such a request should not actually be necessary).

6. ASSESSMENT OF CLAUSE 4.6 VARIATION

The following sections of the report provide a comprehensive assessment of the request to vary the development standards relating to the height of buildings development standard in accordance with clause 4.3 of the NSLEP 2013.

Detailed consideration has been given to the following matters within this assessment:

- *Varying development standards: A Guide*, prepared by the Department of Planning and Infrastructure dated August 2011.
- Relevant planning principles and judgements issued by the Land and Environment Court.

The following sections of the report provides detailed responses to the key questions required to be addressed within the above documents and clause 4.6 of the NSLEP 2013.

6.1. IS THE PLANNING CONTROL A DEVELOPMENT STANDARD THAT CAN BE VARIED? – CLAUSE 4.6(2)

The HOB prescribed by clause 4.3 of NSLEP 2013 is a development standard capable of being varied under clause 4.6(2) of NSLEP 2013.

The proposed variation is not excluded from the operation of clause 4.6(2) as it does not comprise any of the matters listed within clause 4.6(6) or clause 4.6(8) of NSLEP 2013.

6.2. IS COMPLIANCE WITH THE DEVELOPMENT STANDARD UNREASONABLE OR UNNECESSARY IN THE CIRCUMSTANCES OF THE CASE? – CLAUSE 4.6(3)(A)

Historically, the most common way to establish a development standard was unreasonable or unnecessary was by satisfying the first method set out in *Wehbe v Pittwater Council* [2007] NSWLEC 827. This method requires the objectives of the standard are achieved despite the non-compliance with the standard.

This was recently re-affirmed by the Chief Judge in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 at [16]-[17]. Similarly, in *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7 at [34] the Chief Judge held that “establishing that the development standards is an established means of demonstrating that compliance with the development standard is unreasonable or unnecessary”.

This Request addresses the first method outlined in *Wehbe v Pittwater Council* [2007] NSWLEC 827. This method alone is sufficient to satisfy the ‘unreasonable and unnecessary’ requirement.

An applicant does not need to establish all of the tests. It may be sufficient to establish only one way, although if more ways are applicable, an applicant can demonstrate that compliance is unreasonable or unnecessary in more than one way.

- ***The objectives of the standard are achieved notwithstanding non-compliance with the standard*** (the first method in *Wehbe v Pittwater Council* [2007] NSWLEC 827 [42]-[43])

The specific objectives of the HOB as specified in clause 4.3 of NSLEP 2013 are detailed in **Table 2** overleaf. An assessment of the consistency of the proposed development with each of the objectives is also provided.

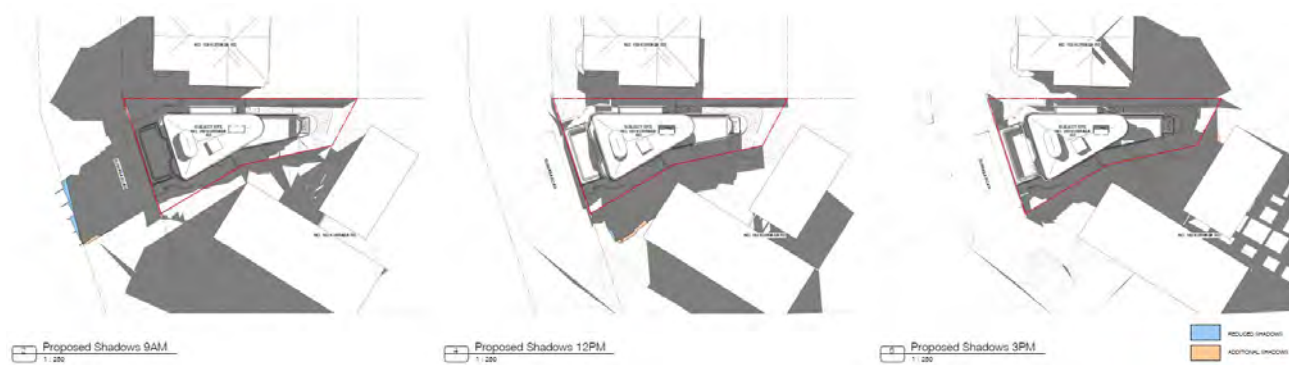
Table 3 Assessment of Consistency with Clause 4.3 Objectives

Objectives	Assessment
<p><i>(a) to promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient,</i></p>	<p>The proposed building form and level 2 structure retains the general layout of the existing building, conforming with the sloped landform at the site. This includes maintaining the stepped setbacks across the garage structure, period building and the redeveloped level 2 structure.</p> <p>Additionally, the redeveloped, level 2 addition is proposed to feature an increased front setback as well as an improved alignment with the period structure below. As such, the proposal will deliver a more pronounced, stepped design that aligns with the natural gradient of the site.</p>
<p><i>(b) to promote the retention and, if appropriate, sharing of existing views,</i></p>	<p>Vistas and views towards Sydney Harbour are an important feature of the character of the area. The proposal will not result in any adverse impacts to existing views as:</p> <ul style="list-style-type: none"> ▪ The proposed level 2 redevelopment will feature an increased front setback. As such, the proposal will not result in any adverse view impacts towards the Sydney Harbour when viewed from 158 Kurraba Road or 162 Kurraba Road. ▪ Due to the sloped nature of the site, views from the neighbouring properties at 14 Shellcove Road as well as 99 and 107 Kurraba Road are already obstructed by the existing building. The proposed redevelopment at level 2 will not result in any impacts to the views to Sydney Harbour from these properties. <p>Further details of view impacts is provided at Section 7.2 of the SEE. Otherwise, the proposed development will retain the sharing of existing views within the area.</p>
<p><i>(c) to maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development,</i></p>	<p>A solar access diagram has been prepared by SJB Architects which models any overshadowing impacts generated by the proposed level 2 addition during the Winter Solstice. This demonstrates that the proposal will only result in minor overshadowing across the following areas:</p> <ul style="list-style-type: none"> ▪ Minor additional overshadowing on Kurraba Road. ▪ Minor additional overshadowing on the front and side hardstand areas and vegetated areas at 162 Kurraba Road. ▪ Minor overshadowing on the northern façades of 162 Kurraba Road. <p>Figure 9 below demonstrates the minor scale of the additional overshadowing that would be generated to the public domain and open space areas.</p> <p>Figure 10 below demonstrates the overshadowing generated on the facades at 162 Kurraba Road. The additional overshadowing on the west (front) end of the north façade will only impact windows to bedroom and bathroom areas (not, main internal living areas). While there is some overshadowing generated on the windows at the east (rear) end of the north façade (which feature living room areas), these windows will achieve at least 3 hours of sunlight during the winter solstice (between</p>

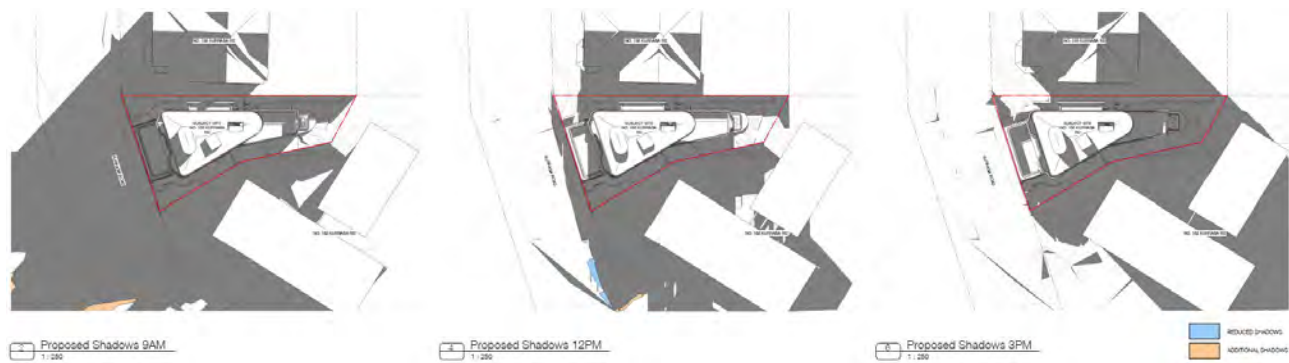
Objectives	Assessment
	<p>9.00am and 3.00pm). As such, the proposal is compliant with the solar access controls under Part B, Section 1, Control 1.37 of the North Sydney DCP 2013.</p> <p>With consideration of the minor nature of the additional overshadowing generated, the proposal maintains an appropriate level of solar access to the neighbouring dwellings and public domain.</p>
<p><i>(d) to maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings,</i></p>	<p>The proposed level 2 redevelopment will generally facilitate views consistent with the existing building. With regard to the privacy of the neighbouring residential development at 162 Kurraba Road, to the south, the Level 2 Floor Plan has been updated in accordance with the comment provided by Council as part of the RFI response. Additional notations have been included in the latest plans which clearly indicate that the privacy screen will be 1.8m high. This will appropriately minimise potential for direct view to No. 162 Kurraba Road from the level 2 terrace.</p> <p>As such, the proposed level 2 addition will not result in any adverse impacts to the privacy of neighbouring dwellings.</p>
<p><i>(e) to ensure compatibility between development, particularly at zone boundaries,</i></p>	<p>The proposed development is consistent with the built form and land uses within the medium density, residential zoned area.</p>
<p><i>(f) to encourage an appropriate scale and density of development that is in accordance with, and promotes the character of, an area,</i></p>	<p>The proposed development will be of an appropriate scale and density with the character of the area as:</p> <ul style="list-style-type: none"> ▪ The proposed development will retain a 3-storey built form. This is consistent with the mix of low to medium density buildings within the area and aligns with the built form character of the area. ▪ The level 2 redevelopment is proposed to deliver a more sympathetic outcome with the existing period building structure. The proposal will feature an increased front (west) setback at level 2 and a more simplified building design, improving the prominence of the period building within the HCA. The level 2 redevelopment is also proposed to feature a more recessed roof eaves compared to the existing, protruding louvres and shades. As such, while the proposed level 2 addition is located above the 8.5m HOB plane, it will better integrate the existing building with the character and scale of the area. ▪ As demonstrated in Figure 11, the proposed north additions, which extend up to level 2, are appropriately setback and thus, will not be clearly visible from Kurraba Road. As such, it will result in minimal impacts to the scale and density of the overall building within the area. Figure 11 also demonstrates the improved visual design and integration of the level 2 structure with the period characteristics of the building.

Objectives	Assessment
<p>(g) to maintain a built form of mainly 1 or 2 storeys in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone E4 Environmental Living.</p>	<p>As such, the proposed development works located above the height of building plane will deliver an improved development design that supports the character of the HCA.</p> <p>The proposed 3-storey built form is consistent with the existing development. This will deliver a built form that aligns with the varied built form across the surrounding area which features buildings from 1 to 4 storey structures.</p>

Figure 9 Additional & Reduced Shadows Generated by Proposal



Picture 10 Proposed Overshadowing – March Equinox

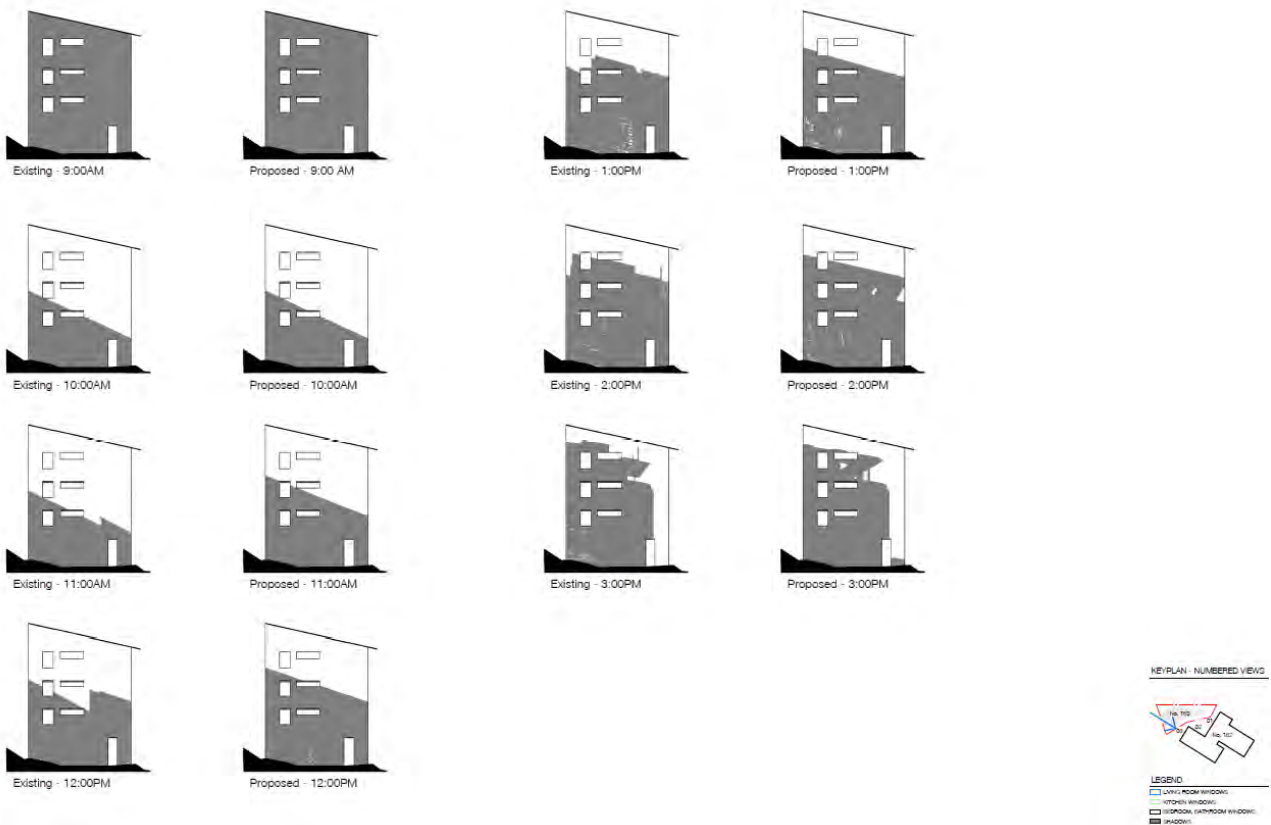


Picture 11 Proposed Overshadowing – Mid-Winter

Source: SJB Architects

Figure 10 Elevational Shadow Diagrams (Blue Outline: windows to main, internal living areas)





Source: SJB

Figure 11 Existing and Proposed Street View – 3D Render



Picture 12 Existing Street View

Source: SJB Architects



Picture 13 Proposed Street View

Source: SJB Architects

The objectives of the development standard are achieved, notwithstanding the non-compliance with the standard in the circumstances described in this variation report.

- **The underlying object or purpose would be undermined, if compliance was required with the consequence that compliance is unreasonable** (the third method in *Wehbe v Pittwater Council* [2007] NSWLEC 827 [42]-[43] as applied in *Linfield Developments Pty Ltd v Cumberland Council* [2019] NSWLEC 131 at [24])

Not relied upon.

- **The burden placed on the community (by requiring strict compliance with the FSR standard) would be disproportionate to the (non-existent or inconsequential) adverse consequences attributable to the proposed non-compliant development** (cf *Botany Bay City Council v Saab Corp* [2011] NSWCA 308 at [15]).

Not relied upon.

6.3. ARE THERE SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS TO JUSTIFY CONTRAVENING THE DEVELOPMENT STANDARD? – CLAUSE 4.6(3)(B)

The Land & Environment Court judgment in *Initial Action Pty Ltd v Woollahra Council* [2018] NSWLEC 2018, assists in considering the sufficient environmental planning grounds. Preston J observed:

“...in order for there to be 'sufficient' environmental planning grounds to justify a written request under clause 4.6, the focus must be on the aspect or element of the development that contravenes the development standard and the environmental planning grounds advanced in the written request must justify contravening the development standard, not simply promote the benefits of carrying out the development as a whole; and

...there is no basis in Clause 4.6 to establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development”

For the reasons outlined earlier, there are sufficient environmental planning grounds to justify the variation to the development standard because:

- The proposal results in a built form that responds positively to the constraints of the site. Both the existing period building and the level 2 structure exceed the maximum building height due to the sloped nature of the site. The proposal will feature a reduced building height compared to the existing building and will deliver an improved scale and integration with the character of the period building and the surrounding area.
- The proposed development (including the minor height exceedances) will not result in any adverse overshadowing impacts to the neighbouring, residential developments and will not result in any adverse impacts to the existing, public and tenacity views provided across the area. Of note, the proposal will not result in any impacts on views towards the Sydney Harbour nor will it result in any significant overshadowing impacts to open space areas or main, internal living areas. The proposal will generally facilitate the same views as the existing building and thus, will not result in any additional visual privacy impacts to neighbouring, residential properties.
- The proposed height variation does not hinder the proposals consistency with the zoning objectives (see **Table 4** below) and the HOB objectives (see **Table 3** above).

Based on the above, it has been demonstrated that there are sufficient environmental planning grounds to justify the proposed height of building non-compliance in this instance.

6.4. HAS THE WRITTEN REQUEST ADEQUATELY ADDRESSED THE MATTERS IN SUB-CLAUSE (3)? – CLAUSE 4.6(4)(A)(I)

Clause 4.6(4)(a)(i) states that development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3).

Each of the sub-clause (3) matters are comprehensively addressed in this written request, including detailed consideration of whether compliance with a development standard is unreasonable or unnecessary in the circumstances of the case. The written request also provides sufficient environmental planning grounds,

including matters specific to the proposal and the site, to justify the proposed variation to the development standard.

6.5. IS THE PROPOSED DEVELOPMENT IN THE PUBLIC INTEREST? – CLAUSE 4.6(4)(B)(II)

Clause 4.6(4)(a)(ii) states development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied the proposal will be in the public interest because it is consistent with the objectives of the development standard and the objectives for the zone.

The consistency of the development with the objectives of the development standard is demonstrated in **Table 3** above. The proposal is also consistent with the land use objectives that apply to the site under NSLEP 2013. The site is located within the R3 zone. The proposed development is consistent with the relevant land use zone objectives as outlined in **Table 4** below.

Table 4 Assessment of Compliance with Land Use Zone Objectives

Objective	Assessment
To provide for the housing needs of the community within a medium density residential environment.	The proposed development will continue to provide residential housing at the site while also providing improved amenity and accessibility. The elements of the development that contribute to the height contravention, including the portions of the existing period building, will be used for the purposes of housing only.
To provide a variety of housing types within a medium density residential environment.	The proposed development will deliver updated housing supply within the medium density residential building.
To enable other land uses that provide facilities or services to meet the day to day needs of residents.	Not applicable.
To encourage the development of sites for medium density housing if such development does not compromise the amenity of the surrounding area or the natural or cultural heritage of the area.	The proposed level 2 redevelopment will facilitate an improved integration with the existing period building and the overall heritage conservation area. As detailed in Section 7.3 of the SEE and the attached Heritage Impact Statement, the proposed redevelopment of the level 2 addition will result in positive to neutral environmental impacts in comparison to the existing building.
To provide for a suitable visual transition between high density residential areas and lower density residential areas.	The proposed alterations and additions will maintain the stepped built form established across the existing building which appropriately responds to the sloped nature of the area and neighbouring buildings.
To ensure that a high level of residential amenity is achieved and maintained.	The proposed development seeks to improve the amenity and accessibility of the residential dwellings at the subject site. As detailed in Section 6.2 of this variation request, the proposed alterations and additions will not result in any

Objective	Assessment
	significant, adverse environmental impacts and will maintain a high level of amenity across the surrounding dwellings and the public domain. This is as the proposed development, including the level 2 redevelopment, will not result adverse visual privacy or view impacts and acceptable overshadowing impacts to the surrounding tenancies or public domain.

6.6. HAS THE CONCURRENCE OF THE PLANNING SECRETARY BEEN OBTAINED? – CLAUSE 4.6(4)(B) AND CLAUSE 4.6(5)

The Secretary can be assumed to have concurred to the variation under Department of Planning Circular PS 18–003 ‘Variations to development standards’, dated 21 February 2018. This circular is a notice under 64(1) of the *Environmental Planning and Assessment Regulation 2000*.

The Secretary can be assumed to have given concurrence as the matter will be determined by an independent hearing and assessment panel or a Sydney district or regional planning panel in accordance with the Planning Circular.

The matters for consideration under clause 4.6(5) are considered below.

- **Clause 4.6(5)(a) – does contravention of the development standard raise any matter of significance for State or regional environmental planning?**

The proposed non-compliance with the HOB will not raise any matter of significance for State or regional environmental planning. It has been demonstrated that the proposed variation is appropriate based on the specific circumstances of the case and would be unlikely to result in an unacceptable precedent for the assessment of other development proposals.

- **Clause 4.6(5)(b) - is there a public benefit of maintaining the planning control standard?**

The proposed development achieves the objectives of the HOB and the land use zone objectives despite the technical non-compliance. The proposed variation will facilitate the redevelopment of the existing building and is required for any works across the existing period building as well as the existing level 2 structure. The variation to the standard will facilitate the intended improvements to the existing building and will therefore improve the amenity and historic integration of the building into the area. This will deliver an improved built form outcome within the locality.

There is no material impact or benefit associated with strict adherence to the development standard and there is no compelling reason or public benefit derived from maintenance of the standard.

- **Clause 4.6(5)(c) – are there any other matters required to be taken into consideration by the Secretary before granting concurrence?**

Concurrence can be assumed, however, there are no known additional matters that need to be considered within the assessment of the clause 4.6 variation request prior to granting concurrence, should it be required.

7. CONCLUSION

For the reasons set out in this written request, strict compliance with the height of building standard contained within clause 4.3 of NSLEP 2013 is unreasonable and unnecessary in the circumstances of the case. It is reasonable and appropriate to vary the height of the building to the extent proposed for the reasons detailed within this submission and as summarised below:

- Due to the sloped nature of the site, the existing period building and level 2 addition exceed the 8.5m HOB plane. The proposed redevelopment of the level 2 addition will reduce the maximum building height. The contravention of the HOB plane:
 - Will deliver a more sympathetic outcome with the existing period building structure. Additionally, the redeveloped, level 2 addition is proposed to feature an increased front setback as well as an improved alignment with the period structure below. The proposed level 2 structure will deliver a stepped form that aligns with the sloped nature of the area and is consistent with the height and density of residential buildings in the area.
 - Will result in minimal environmental impacts, including visual privacy, overshadowing and view impacts, notably, the proposal will not impact views to the Sydney Harbour from the surrounding areas. The proposal will result in negligible, additional overshadowing to the surrounding open space and will not compromise the required solar access for neighbouring, main, internal living areas.
- Strict compliance with the development standard is unreasonable and unnecessary as the objectives of Clause 4.3 of the NSLEP 2013 and the R3 Medium Density Residential zone are achieved.
- There are sufficient environmental planning grounds to justify contravening the development standard for maximum HOB; there will be minimal environmental impacts stemming from the contravention of development standards.

For the reasons outlined above, the clause 4.6 request is well-founded. The development standard is unnecessary and unreasonable in the circumstances, and there are sufficient environmental planning grounds that warrant contravention of the standard. In the circumstances of this case, flexibility in the application of the HOB should be applied.

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**CLAUSE 4.6 – DUAL
OCCUPANCY | 160
KURRABA ROAD,
KURRABA POINT**

Prepared for
CHRIS LANE AND BRETT MORRIS
14 February 2024

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

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Project Code	P0040615
Report Number	FINAL

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1. INTRODUCTION

This Clause 4.6 Variation Request (**'the Request'**) has been prepared on behalf of Chris Lane and Brett Morris (**'the applicant'**) and accompanies a Development Application (**'DA'**) for alterations and additions at 160 Kurraba Road, Kurraba Point (**'the site'**).

The Request seeks an exception from the 'Dual Occupancy' provisions prescribed for the site under clause 6.6(1)(a) & (c) of *North Sydney Local Environmental Plan 2013 (NSLEP 2013)*. The variation request is made pursuant to clause 4.6 of NSLEP 2013.

The application seeks development consent for internal floorplate upgrades and external additions to an existing residential apartment building. The proposal seeks to improve the built design of the building and its integration within the Kurraba Point heritage conservation area (HCA). The proposal will also modernise the accessibility and internal amenities of the building. The alterations and additions will update the residential dwelling offering within the building and convert the defined use from a *residential apartment* building to a *dual occupancy* development.

The variation to the Dual Occupancy provisions arises from the proposed change of use of the existing, residential apartment building to a dual occupancy. The existing lot and building design does not comply with the Dual Occupancy provisions.

This report should be read in conjunction with the Statement of Environmental Effects (**SEE**) prepared by Urbis Pty Ltd (dated 01 June 2023) as well as the Response to RFI letters prepared by Urbis Pty Ltd (dated 29 September 2023 and 14 February 2024).

The following sections of the report include:

- **Section 2:** description of the site and its local and regional context, including key features relevant to the proposed variation.
- **Section 3:** brief overview of the proposed development as outlined in further detail within the SEE and accompanying drawings.
- **Section 4:** identification of the development standard which is proposed to be varied, including the extent of the contravention.
- **Section 5:** outline of the relevant assessment framework for the variation in accordance with clause 4.6 of the LEP.
- **Section 6:** detailed assessment and justification of the proposed variation in accordance with the relevant guidelines and relevant planning principles and judgements issued by the Land and Environment Court.
- **Section 7:** summary and conclusion.

2. SITE CONTEXT

The street address is 160 Kurraba Road, Kurraba Point. The key features of the site are summarised in the following table and location plan included in **Figure 1**.

Table 1 Site Description

Feature	Proposed
Street Address	160 Kurraba Road, Kurraba Point
Legal Description	SP 15949
Site Area	372.5m ²
Site Dimensions	18.9m primary frontage to Kurraba Point to the east 8.3m rear frontage to the west

The site currently accommodates a three storey, heavily modified Inter-war era residential apartment building. This building has been constructed to integrate into the natural topography of the site, sloping from the east down to the Kurraba Road boundary at the west.

The three storey apartment building is setback and elevated from the Kurraba Road frontage and garage structure. Access to the building is currently offered from outdoor steps and pathways that travel along the north and south boundaries, next to the garage structure. These lead up to the existing, common internal stairways at the north and south ends of the building that provide access to the individual apartments.

The existing apartment building features two distinct elements, a two storey face brick and rendered base brick structure as well as a contemporary addition at the third storey with aluminium framed glazing. The contemporary addition also features a mezzanine level which protrudes above the third storey, this space being accessible from a spiral staircase. Across the three levels, the existing building currently accommodates four residential apartments.

The site is not identified as either a heritage item or a contributory item within the HCA. However, the existing building's inter-war era elements are characteristic of the historic buildings across the conservation area. The existing, 3rd storey structure detracts from the historic character if the period elements of the existing building.

Figure 1 Aerial Photograph



Figure 2 Existing Development



Picture 1 View from North-West

Source: Google 2022



Picture 2 View from South-West

Source: Google 2022



Picture 3 West Elevation

Source: SJB Architects

2.1. SURROUNDING CONTEXT

The site is located within the Kurraba Point HCA. The conservation area is predominantly comprised of low to medium density residential developments, including 3 and 4 storey residential apartment buildings interspersed with freestanding individual dwellings. These buildings include Federation, Edwardian, Victorian developments, inter-war dwelling houses and 1930s residential flat buildings.

The locality is surrounded by the waterfront further to south, east and west (as seen in **Figure 3**) with the Sydney Harbour located further to the south-west. The locality features undulating topography with slopes towards the water at Neutral Bay and Shell Cove, the existing buildings and roads following the contour lines of the area. Kurraba Road generally slopes downwards from north to south and also slopes downwards towards the waterside to the west. The existing developments were built and orientated to respond to the site topography and provide views to the surrounding waterside.

The surrounding developments include the following:

- **North:** An existing three storey duplex is located to the north of the site at 158 Kurraba Road. The building is identified as a contributory item to the HCA. The duplex features a similar lot layout to 160 Kurraba Road with a garage structure interfacing Kurraba Road, the residential dwelling being substantially setback and elevated from the road.

The property located further north of the site at 156 Kurraba Road is a low-density residential dwelling.

- **South / East:** a modern, four-storey residential apartment complex is located at 162 Kurraba Road interfacing with the south and east boundaries of the site. The apartment complex is substantially setback to the north and west boundaries. This accommodates direct views towards the 160 Kurraba's south façade.
- **North-East:** a duplex building adjoins the site to the north-east.

- **West:** Kurraba Road fronts the site to the west. Further west are a number of recessed apartment buildings which are at a lower elevation due to the sloped nature of the locality.

The areas further south and east of the site and 162 Kurraba Road feature low density single dwellings. The properties further south-west of the site (8, 10, 12, 14 Shellcove Road) have been identified to be a series of interwar brick bungalow houses. These residential dwellings range from 1-2 storeys and feature rear courtyard areas. It is noted that the modern apartment building at 162 Kurraba Road interface and overlook these properties.

Figure 3 Location Aerial



Source: Sixmaps 2022

Figure 4 Surrounding Context



Picture 4 158 Kurraba Road

Source: Google 2022



Picture 5 162 Kurraba Road

Source: Google 2022



Picture 6 Properties to the West

Source: Google 2022



Picture 7 Interwar Houses to East

Source: Google 2022

3. PROPOSED DEVELOPMENT

This Clause 4.6 Variation Request has been prepared to accompany a DA for alterations and additions to the existing residential apartment building. The proposal seeks to improve the building's accessibility, amenity as well as its integration with the HCA. The proposal will also deliver a dual occupancy residential offering across the updated building layout .

A detailed description of the proposed development is provided in the Statement of Environmental Effects prepared by Urbis Pty Lt, with updates to the proposal detailed within the Response to RFI letters prepared by Urbis Pty Ltd (dated 29 September 2023 and 14 February 2024). Refer to the latest architectural plans prepared by SJB for further details on the proposed development. A summary of the key features of the proposed development is provided below:

- **Level 2 Re-Development:** the proposal seeks to redevelop the existing, contemporary level 2 structure (3rd storey) which is located on top of the period, inter-war structure. The proposed level 2 redevelopment will feature a streamlined, contemporary design that will better integrate with the period building and will feature a lower the maximum building height (reduction from 13.355m to 13.06m).
- **Residential Dwelling Offering:** the proposal seeks to update the internal floorplan. This will result in the conversion of the existing residential apartment configuration into a dual occupancy (the proposal will reduce the number of dwellings from 4 into 2).
- **Building Accessibility:** the proposed dual occupancy will update the accessibility of the existing building to align with current building standards. This will be facilitated with a new ramp, lift and fire stair. The upgraded accessibility is proposed to be installed through additions to the north and south ends of the building.
- **Car Parking:** the proposed development will deliver four car parking spaces This will be accommodated within the existing garage structure. It is proposed that the existing area for car parking will be appropriately expanded through excavation works into the slope of the site.
- **Historic Restoration Works:** proposed development also includes will repair, cleaning and minor façade treatment works that will help preserve and maintain the overall presentation and character of the period building structure.
- **Landscape Works:** updated landscape works are proposed in the outdoor areas surrounding the building.

Figure 5 3D Render of Proposed Development



Source; SJB Architects

4. VARIATION OF DUAL OCCUPANCY STANDARDS

This section of the report identifies the development standard which is proposed to be varied, including the extent of the contravention. A detailed justification for the proposed variation is provided in **Section 6** of the report.

4.1. DEVELOPMENT STANDARD

This Clause 4.6 Variation seeks variation to Clause 6.6(1)(a) & (c) of NSLEP 2013. As detailed in **Section 3** above, the proposal will redevelop the existing residential apartment building into a dual occupancy (attached).

The Dictionary of the NSLEP 2013 defines dual occupancy (attached) as:

dual occupancy (attached) means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

As the proposed development seeks to reconfigure the existing building as to provide 2 dwellings, the following provisions are applicable to the site under Clause 6.6 of the NSLEP 2013:

6.6 Dual occupancies

(1) Development consent must not be granted for the erection of a dual occupancy unless—

(a) the form of the building will appear as a dwelling house, and

(b) the dwellings in the dual occupancy will be attached by at least 80% of the common wall or 80% of the common floor or ceiling, and

(c) the area of the lot on which the dual occupancy is to be situated is at least 450 square metres.

(2) A dual occupancy must not be erected on land that is located within a heritage conservation area or on which a heritage item is located unless—

(a) there is no existing building erected on the land, or

(b) the dual occupancy—

(i) will be situated substantially within the fabric of an existing building, and

(ii) will conserve the appearance of the existing building, as visible from a public place, and

(iii) will conserve the majority of the significant fabric of the existing building.

4.2. PROPOSED VARIATION TO DUAL OCCUPANCY PROVISIONS

As the proposed development seeks to re-use the existing residential apartment building as a dual occupancy and retain the bulk of the historic, inter-war building structure, the existing lot and building form will vary from the provisions under Clause 6.6(1)(a) & (c). As such, this development seeks approval for variation from these dual occupancy provisions. The following table breaks down the proposed development's compliance with the dual occupancy provisions:

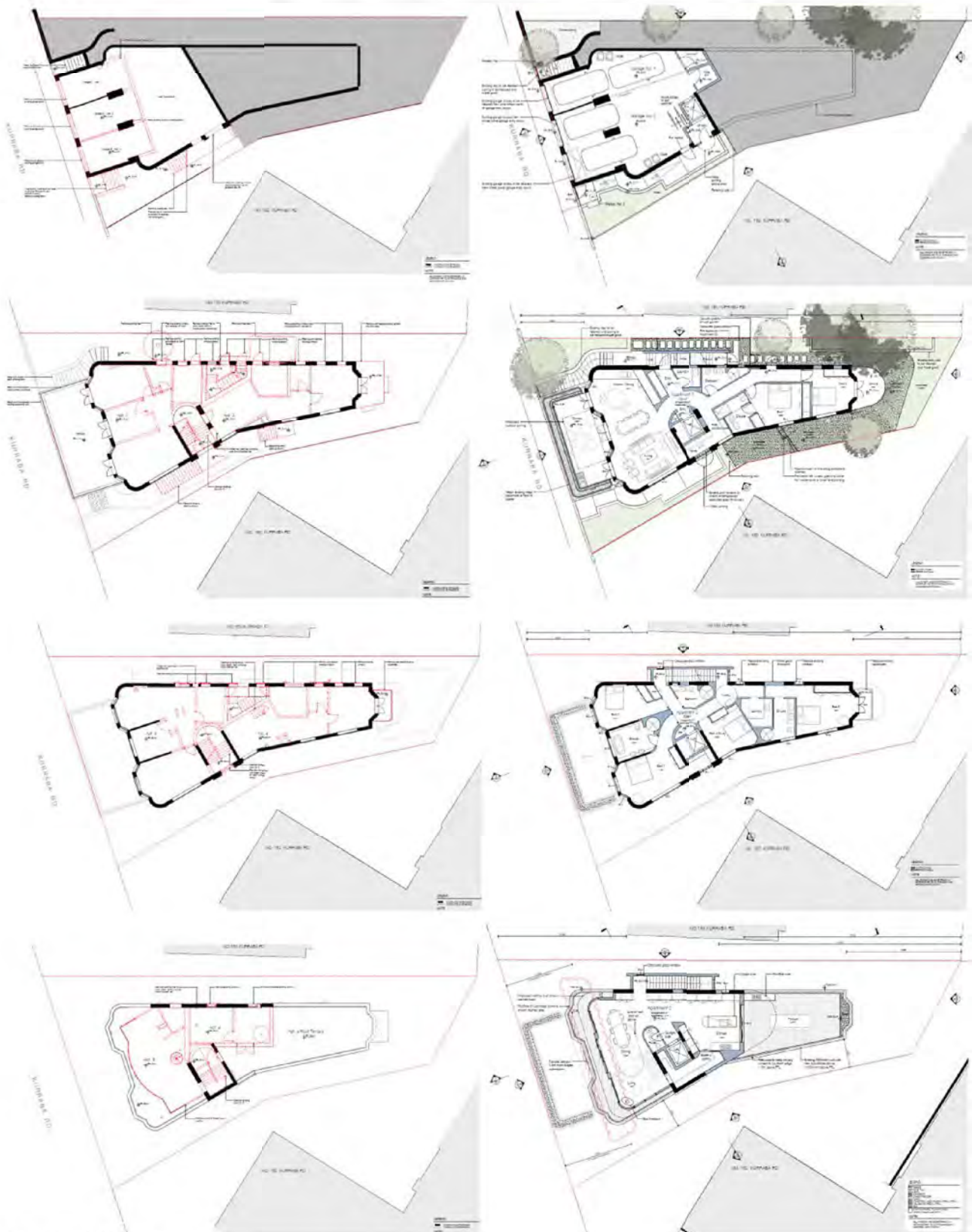
Table 2 Clause 6.6 Variations

Provision	Proposed (comment)	Complies
(1) Development consent must not be granted for the erection of a dual occupancy unless—		
(a) the form of the building will appear as a dwelling house, and	<p>The proposed development includes the conversion existing residential apartment building, including the historic inter-war structure, into a dual occupancy. As such, the proposed development will retain a similar building form as the existing building form and will not have the appearance of a conventional dwelling house.</p> <p>The proposal will retain the existing building form and does not seek to alter the building to have a conventional dwelling house appearance as to protect the historic character of the building within the HCA.</p> <p>Additionally, this proposal has been prepared to be consistent with the requirements of Clause 6.6, subclause 2(b) detailed below. The proposal has been prepared to deliver of a dual occupancy substantially within the fabric of an existing building. The proposal will also conserve the appearance of the existing building, as visible from a public place, and will conserve the majority of the significant fabric of the existing building. As such, the proposal does not have a conventional dwelling house appearance.</p>	No – Refer to comment
(b) the dwellings in the dual occupancy will be attached by at least 80% of the common wall or 80% of the common floor or ceiling, and	<p>The proposed dwellings in the dual occupancy will be attached by more than 80% of the common floor/ceiling. The connection between the two dwellings is demonstrated in the section drawing provided at Figure 7 below.</p>	Yes
(c) the area of the lot on which the dual occupancy is to be situated is at least 450 square metres.	<p>The existing lot has an area of 372.5 square metres. The historic lot size and building scale established across the inter-war building is a-typical for medium density residential apartment buildings (existing) or dual occupancies (proposed). The proposal does not seek to alter the lot size.</p>	No – Refer to comment
(2) A dual occupancy must not be erected on land that is located within a heritage conservation area or on which a heritage item is located unless—		

Provision	Proposed (comment)	Complies
(a) there is no existing building erected on the land, or	The proposed development does not include the erection of a new building and involves alterations and additions to the existing period building within the heritage conservation area.	N/A
<p>(b) the dual occupancy—</p> <p>(i) will be situated substantially within the fabric of an existing building, and</p> <p>(ii) will conserve the appearance of the existing building, as visible from a public place, and</p> <p>(iii) will conserve the majority of the significant fabric of the existing building.</p>	<p>The proposed alterations and additions to the existing building will retain and situate the dual occupancy within existing period fabric. The existing/demolition and proposed floor plans (refer to the attached Architectural Plans) clearly delineate the scope of existing fabric proposed to be retained or altered. An extract comparison is provided in Figure 6 below. The Section drawings at Figure 7 below also demonstrates the scope of the existing internal fabric proposed to be retained. The elevation drawings provided at Figure 8 clearly delineates the elements of the existing external fabric that are proposed to be retained or altered.</p> <p>Additional commentary is provided below against the relevant architectural extracts. Ultimately, the proposal will conserve the majority of the existing building façade as well as the significant fabric elements of the of the existing period building.</p> <p>The current level 2 addition detracts from the period elements of the building. The proposal will deliver a responsive level 2 addition that will better integrate with the historic values of the inter-war period building, replacing the existing, unsympathetic level 2 addition. As such, the proposal will conserve and improve the appearance of the existing period structure as visible from a public domain.</p> <p>While the proposal does seek to largely replace the existing internal fabric, the Heritage Impact Statement prepared by Weit Phillips (J5119) identifies that the internal elements are of low integrity as they have been subject to continuous upgrades over its lifespan. The HIS concludes that the interiors of the building are not recognized as significant. As such, the proposal will largely conserve the significant fabric of the existing building.</p>	Yes

Figure 6 below provides a clear visual comparison between the existing and proposed floor plans. The dark, black outlined areas are portions of the existing fabric that are proposed to be retained. As demonstrated in these floor plans, the bulk of the period, building façade will be retained to accommodate the proposed dual occupancy. The internal fabric proposed to be demolished has is confirmed in the Heritage Impact Statement prepared by Weit Phillips (J5119) to be of low integrity and is not significant. The proposal seeks to update the internal fabric elements to meet the contemporary, residential standards.

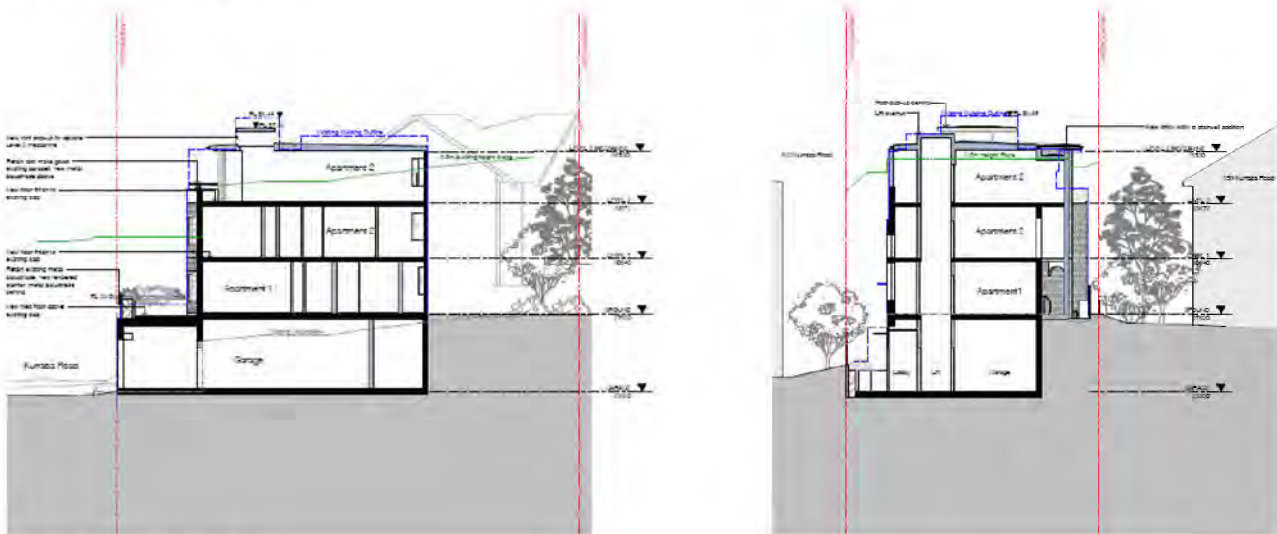
Figure 6 Existing / Demolition Floor Plans and Proposed Plans (lower ground, ground, level 1 and level 2)



Source: SJB Architects

Figure 7 below are the proposed sections. This also demonstrates the elements of the existing building fabric proposed to be retained (in dark, black outline) with new elements in blue.

Figure 7 Proposed Sections



Source: SJB Architects

Figure 8 below are the elevations drawings of the existing and proposed development. This includes clear, colour-coded delineation of the existing elements proposed to be demolished (shaded/outlined in red), new elements (shaded/outlined in blue) and existing fabric elements to be retained (no shading/outline).

These elevation drawings demonstrate that the bulk of the existing, period building facades will be retained to accommodate the proposed dual occupancy. Substantial external changes are across level 2 and the addition at the north elevation. However, the proposed level 2 addition has been designed to better integrate with the historic values of the inter-war period building, replacing the existing, unsympathetic level 2 addition. The north addition is significantly setback from the front setback and thus, will not be clearly visible from Kurraba Road. As such, the proposed level 2 development will conserve and improve the appearance of the existing period structure and the north addition will not significantly change the appearance of the existing building, as visible from the public domain. This is shown in the 3D render provided at **Figure 9** below.

Figure 8 Existing and Proposed Facades.





Source: SJB Architects

Figure 9 Existing and Proposed Street View – 3D Render



Picture 8 Existing Street View

Source: SJB Architects



Picture 9 Proposed Street View

Source: SJB Architects

5. RELEVANT ASSESSMENT FRAMEWORK

Clause 4.6 of NSLEP 2013 includes provisions that allow for exceptions to development standards in certain circumstances. The objectives of clause 4.6 of NSLEP 2013 are:

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

Clause 4.6 provides flexibility in the application of planning provisions by allowing the consent authority to approve a DA that does not comply with certain development standards, where it can be shown that flexibility in the particular circumstances of the case would achieve better outcomes for and from the development.

In determining whether to grant consent for development that contravenes a development standard, clause 4.6(3) requires that the consent authority to consider a written request from the applicant that seeks to justify the contravention of the development by demonstrating:

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

Clause 4.6(4)(a) requires the consent authority to be satisfied that the applicant's written request adequately addresses each of the matters listed in clause 4.6(3). The consent authority should also be satisfied that that the proposed development will be in the public interest because it is consistent with the objectives of the standard and the objectives for development within the zone in which it is proposed to be carried out.

Clause 4.6(4)(b) requires the concurrence of the Secretary to have been obtained. In deciding whether to grant concurrence, subclause (5) requires that the Secretary consider:

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

The concurrence of the Secretary can be assumed to have been granted for the purpose of this variation request in accordance with the Department of Planning Circular PS 18–003 'Variations to development standards', dated 21 February 2018. This circular is a notice under section 64(1) of the Environmental Planning and Assessment Regulation 2000 and provides for assumed concurrence. A consent granted by a consent authority that has assumed concurrence is as valid and effective as if concurrence had been given.

The Secretary can be assumed to have given concurrence if the matter is determined by an independent hearing and assessment panel or a Sydney district or regional planning panel in accordance with the Planning Circular.

This clause 4.6 request demonstrates that compliance with the dual occupancy provisions prescribed for the site in clause 6.6(1)(a) & (c) of NSLEP 2013 is unreasonable and unnecessary, that there are sufficient environmental planning grounds to justify the requested variation and that the approval of the variation is in the public interest because it is consistent with the development standard and zone objectives.

In accordance with clause 4.6(3), the applicant requests that the dual occupancy development standards be varied (subject to the applicant's position that such a request should not actually be necessary).

6. ASSESSMENT OF CLAUSE 4.6 VARIATION

The following sections of the report provide a comprehensive assessment of the request to vary the development standards relating to the NSLEP 2013 in accordance with clause 6.6(1)(a) & (c) of NSLEP 2013.

Detailed consideration has been given to the following matters within this assessment:

- *Varying development standards: A Guide*, prepared by the Department of Planning and Infrastructure dated August 2011.
- Relevant planning principles and judgements issued by the Land and Environment Court.

The following sections of the report provides detailed responses to the key questions required to be addressed within the above documents and clause 4.6 of the NSLEP 2013.

6.1. IS THE PLANNING CONTROL A DEVELOPMENT STANDARD THAT CAN BE VARIED? – CLAUSE 4.6(2)

The dual occupancy standards prescribed by clause 6.6(1)(a) & (c) of NSLEP 2013 is a development standard capable of being varied under clause 4.6(2) of NSLEP 2013.

The proposed variation is not excluded from the operation of clause 4.6(2) as it does not comprise any of the matters listed within clause 4.6(6) or clause 4.6(8) of NSLEP 2013.

6.2. IS COMPLIANCE WITH THE DEVELOPMENT STANDARD UNREASONABLE OR UNNECESSARY IN THE CIRCUMSTANCES OF THE CASE? – CLAUSE 4.6(3)(A)

Historically, the most common way to establish a development standard was unreasonable or unnecessary was by satisfying the first method set out in *Wehbe v Pittwater Council* [2007] NSWLEC 827. This method requires the objectives of the standard are achieved despite the non-compliance with the standard.

This was recently re-affirmed by the Chief Judge in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 at [16]-[17]. Similarly, in *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7 at [34] the Chief Judge held that “establishing that the development standards would not cause environmental harm and is consistent with the objectives of the development standards is an established means of demonstrating that compliance with the development standard is unreasonable or unnecessary”.

This Request addresses the first method outlined in *Wehbe v Pittwater Council* [2007] NSWLEC 827. This method alone is sufficient to satisfy the ‘unreasonable and unnecessary’ requirement.

An applicant does not need to establish all of the tests. It may be sufficient to establish only one way, although if more ways are applicable, an applicant can demonstrate that compliance is unreasonable or unnecessary in more than one way.

- ***The objectives of the standard are achieved notwithstanding non-compliance with the standard*** (the first method in *Wehbe v Pittwater Council* [2007] NSWLEC 827 [42]-[43])

The NSLEP 2013 does not nominate specific objectives for the dual occupancy standards under Clause 6.6. Notwithstanding this, a review of case law and precedence for dual occupancy developments has been carried out to establish a series of relevant considerations that can be reasonably applied in the absence of specific objectives under NSLEP 2013. In selecting the below considerations, a review of relevant caselaw, specific to dual occupancy developments was carried out. This included a review the following:

- *Naddaf v Parramatta City Council* [2020] NSWLEC 1254
- *Altisse Pty Limited v Lane Cove Council* [2015] NSWLEC 1029

An assessment of the proposal against these relevant considerations is provided below. This demonstrates that the proposal will not result in any adverse environmental impacts and the intended dual occupancy development will align with the built form characteristics of the area.

Relevant Consideration 1 - Maintain the appropriate density, character and development pattern within a residential area.

The proposed dual occupancy will be located within an existing apartment building which is identified as a contributory item within the Kurraba Point HCA, which is characterised by a variety of medium density-built forms.

The proposed maintenance of the historic building form will result in an appropriate built form and building design outcome as:

- The proposed alterations and additions will retain the built form character of the contributory building within the HCA. As concluded in Heritage Impact Statement prepared by Weit Phillips (J5119), the proposal has been prepared to preserve the existing historical, architectural characteristics of the inter-war style structure and is sympathetic to the original style of the building.
- The medium density residential zoned area and local neighbourhood character is characterised by a variety of built forms. This includes other residential apartment buildings in addition to dwelling houses. The area is not characterised by low density houses only. The proposed development will deliver a building style that will integrate with the established building styles in the area.
- While the development does not feature a conventional, dwelling house design for a dual occupancy, the proposal has respected and worked largely within the envelope of the existing building structure. The proposed development will deliver an acceptable built form outcome and will not result in any adverse environmental impacts. The proposed development will not result in any adverse overshadowing impacts to the neighbouring, residential developments (refer to the Shadow Diagrams prepared by SJB Architects) and will not result in any adverse impacts to the existing, public and tenacity views provided across the area (for details, refer to **Section 7.2** of the SEE). Of note, the proposal will not result in any impacts on views towards Sydney Harbour nor will it result in any significant overshadowing impacts to open space areas or main, internal living areas. The proposal will generally facilitate the same views as the existing building and thus, will not result in any additional visual privacy impacts to neighbouring, residential properties.
- The proposed delivery of an a-typical design compared to a conventional, dual occupancy design will not result in any adverse impacts to the character or amenity of the area.

Relevant Consideration 2 - ensure that lots have sufficient area to comfortably accommodate two smaller, attached dwellings and maintain the amenity for future residents and neighbours. Maintain a consistent subdivision, development patterns and residential density.

As the proposed dual occupancy will re-use the existing residential apartment building, the lot size is appropriate as:

- The proposal will reduce the intensity of the land use at the site. The existing lot size has been demonstrably capable of accommodating multiple dwellings at the site with consideration of the parking, infrastructure and private open space requirements. The proposed dual occupancy at the lot will deliver adequate space for the relevant amenities for the site occupants.
- The existing lot size has sufficient width to accommodate the proposal.
- The lot-size will deliver a streetscape and subdivision outcome which is compatible with the established character and development pattern across the locality.
- The contravention of the minimum lot size control will be entirely imperceptible from Kurraba Road. While the proposed dual occupancy development will feature some alterations and additions, they will result in positive to neutral impacts to the public domain and will result in an acceptable built form outcome.
- The non-compliant lot size will not be responsible for any increased external amenity impacts. The proposal responds to the site constraints and opportunities and is sensitive to the natural and built elements of the environment. It does not alter the existing lot size.
- The proposed re-use of the existing, contributory apartment building will not be perceived as a typical dual occupancy. Additionally, the historic lot size and building scale established across the inter-war building is a-typical for medium density residential apartment buildings (existing) or dual occupancies (proposed). The proposed dual occupancy, which will be a reduction in intensity of land use at the constrained site, as well as the contravention of the lot size control is not considered to establish an undesirable precedent.

6.3. ARE THERE SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS TO JUSTIFY CONTRAVENING THE DEVELOPMENT STANDARD? – CLAUSE 4.6(3)(B)

The Land & Environment Court judgment in *Initial Action Pty Ltd v Woollahra Council* [2018] NSWLEC 2018, assists in considering the sufficient environmental planning grounds. Preston J observed:

“...in order for there to be 'sufficient' environmental planning grounds to justify a written request under clause 4.6, the focus must be on the aspect or element of the development that contravenes the development standard and the environmental planning grounds advanced in the written request must justify contravening the development standard, not simply promote the benefits of carrying out the development as a whole; and

...there is no basis in Clause 4.6 to establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development”

There is an absence of environmental harm arising from the contravention and positive planning benefits arising from the proposed development as outlined in detail above. These include:

- The proposal results in a built form that responds positively to the constraints of the site. The proposed built form will deliver an improved design and character which is still consistent with the scale of the existing building and the built form pattern of the surrounding area.
- The proposed dual occupancy development design will not result in any adverse overshadowing or view impacts to the neighbouring, residential developments and will not result in any adverse impacts to the existing, public and tenant views provided across the area.
- The proposed building design will facilitate a reduced development intensity at the site. As such, the development will not result in any adverse traffic and waste generation impacts.
- The proposed building design has been prepared with a stormwater management plan. Accordingly, the proposed development will not result in any adverse water quality or quantity impacts.
- The proposed dual occupancy development within the existing lot size will not result in any adverse biodiversity impacts.

Based on the above, it has been demonstrated that there are sufficient environmental planning grounds to justify the proposed dual occupancy non-compliance in this instance.

6.4. HAS THE WRITTEN REQUEST ADEQUATELY ADDRESSED THE MATTERS IN SUB-CLAUSE (3)? – CLAUSE 4.6(4)(A)(I)

Clause 4.6(4)(a)(i) states that development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3).

Each of the sub-clause (3) matters are comprehensively addressed in this written request, including detailed consideration of whether compliance with a development standard is unreasonable or unnecessary in the circumstances of the case. The written request also provides sufficient environmental planning grounds, including matters specific to the proposal and the site, to justify the proposed variation to the development standard.

6.5. IS THE PROPOSED DEVELOPMENT IN THE PUBLIC INTEREST? – CLAUSE 4.6(4)(B)(II)

Clause 4.6(4)(a)(ii) states development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied the proposal will be in the public interest because it is consistent with the objectives of the development standard and the objectives for the zone.

The consistency of the development with the objectives of the development standard is demonstrated in **Table 3** above. The proposal is also consistent with the land use objectives that apply to the site under

NSLEP 2013. The site is located within the R3 zone. The proposed development is consistent with the relevant land use zone objectives as outlined in **Table 3** below.

Table 3 Assessment of Compliance with Land Use Zone Objectives

Objective	Assessment
To provide for the housing needs of the community within a medium density residential environment.	The proposed development will continue to provide residential housing at the site while also providing improved amenity and accessibility. The proposed retention of the existing building form will allow the intended dual occupancy to be delivered while maintaining the historic period building and the medium density scale, consistent with the area.
To provide a variety of housing types within a medium density residential environment.	The proposed development seeks to provide high quality, dual occupancy housing within the medium density residential building.
To enable other land uses that provide facilities or services to meet the day to day needs of residents.	Not applicable.
To encourage the development of sites for medium density housing if such development does not compromise the amenity of the surrounding area or the natural or cultural heritage of the area.	As detailed in Section 6.2 of this variation request, the proposed variations will not result in any adverse environmental impacts. As detailed in Section 7.3 of the SEE and the Response to RFI, the proposed development will result in positive to neutral environmental impacts in comparison to the existing building.
To provide for a suitable visual transition between high density residential areas and lower density residential areas.	The proposed dual occupancy will maintain the stepped built form established across the existing building which appropriately responds to the sloped nature of the area and the RL of the neighbouring buildings.
To ensure that a high level of residential amenity is achieved and maintained.	The proposed development seeks to improve the amenity and accessibility of the residential dwellings at the subject site. As detailed in Section 6.2 of this variation request, the proposed alterations and additions will result in positive environmental outcome and will maintain a high level of residential amenity across the surrounding dwellings and the public domain. This is as the proposed development, including the level 2 redevelopment, will not result in any adverse visual privacy, overshadowing or view impacts to the surrounding tenancies or public domain.

6.6. HAS THE CONCURRENCE OF THE PLANNING SECRETARY BEEN OBTAINED? – CLAUSE 4.6(4)(B) AND CLAUSE 4.6(5)

The Secretary can be assumed to have concurred to the variation under Department of Planning Circular PS 18–003 'Variations to development standards', dated 21 February 2018. This circular is a notice under 64(1) of the *Environmental Planning and Assessment Regulation 2000*.

The Secretary can be assumed to have given concurrence as the matter will be determined by an independent hearing and assessment panel or a Sydney district or regional planning panel in accordance with the Planning Circular.

The matters for consideration under clause 4.6(5) are considered below.

- **Clause 4.6(5)(a) – does contravention of the development standard raise any matter of significance for State or regional environmental planning?**

The proposed non-compliance with the dual occupancy provisions will not raise any matter of significance for State or regional environmental planning. It has been demonstrated that the proposed variation is appropriate based on the specific circumstances of the case and would be unlikely to result in an unacceptable precedent for the assessment of other development proposals.

- **Clause 4.6(5)(b) - is there a public benefit of maintaining the planning control standard?**

The proposed development achieves the objectives of the dual occupancy and the land use zone objectives despite the technical non-compliance.

There is no material impact or benefit associated with strict adherence to the development standard and there is no compelling reason or public benefit derived from maintenance of the standard.

- **Clause 4.6(5)(c) – are there any other matters required to be taken into consideration by the Secretary before granting concurrence?**

Concurrence can be assumed, however, there are no known additional matters that need to be considered within the assessment of the clause 4.6 variation request prior to granting concurrence, should it be required.

7. CONCLUSION

For the reasons set out in this written request, strict compliance with the dual occupancy standards contained within clause 6.6(1)(a) & (c) of NSLEP 2013 is unreasonable and unnecessary in the circumstances of the case. It is reasonable and appropriate to vary the dual occupancy standards to the extent proposed for the reasons detailed within this submission and as summarised below:

- The existing site is constrained by the historic lot size and the site features a historic, period building within the Kurraba Point Heritage Conservation Area. The proposed dual occupancy design within the existing lot will not result in any adverse impacts and is considered to be an appropriate land use and development design in the area as:
 - The proposed dual occupancy will retain the historic building form and will deliver an improved design outcome that will better integrate with the historic values of the inter-war period building. The proposal has been prepared to deliver of a dual occupancy substantially within the fabric of an existing building. The proposal will also conserve the appearance of the existing building, as visible from a public place, and will conserve the majority of the significant fabric of the existing building.
 - The local area features a variety of built form scales ranging from dwelling houses to medium density residential apartment buildings. The proposed dual occupancy building design will continue to integrate with the existing character of the area.
 - The proposed dual occupancy within the established lot size will not be responsible for any increased, external amenity impacts and the contravention of the minimum lot size will be imperceptible from Kurraba Road.
 - The proposed re-use of the existing, contributory apartment building will not be perceived as a typical dual occupancy and the contravention of the lot size control is not considered to establish an undesirable precedent.
- Strict compliance with the development standard is unreasonable and unnecessary as the objectives of Clause 6.6 of the NSLEP 2013 and the R3 Medium Density Residential zone are achieved.
- There are sufficient environmental planning grounds to justify contravening the development standard for dual occupancy standards; there will be minimal environmental impacts stemming from the contravention of development standards.

For the reasons outlined above, the clause 4.6 request is well-founded. The development standard is unnecessary and unreasonable in the circumstances, and there are sufficient environmental planning grounds that warrant contravention of the standard. In the circumstances of this case, flexibility in the application of the dual occupancy standards should be applied.

DISCLAIMER

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HERITAGE IMPACT STATEMENT



Development Application

No. 160 Kurraba Road, Kurraba Point

June 2023 | J5119

**Weir
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Realestate.com.au

We acknowledge that the land on which we live, learn and work as the traditional country of the Gadigal people of the Eora Nation. We acknowledge these traditional owners of this land and acknowledge their living cultures and the unique roles they have played in maintaining life, language, and culture in this region. We pay respect to their Elders past, present and emerging and all Aboriginal people.

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1 INTRODUCTION

1.1 Preamble

This Heritage Impact Statement (HIS) has been prepared in conjunction with a Development Application for alterations and additions to the existing building at 160 Kurraba Road, Kurraba Point.

The site is located within the North Sydney Council Area. The principal planning control for the site is the *North Sydney Local Environmental Plan 2013* (LEP 2013). The site is located within the Kurraba Point Heritage Conservation Area as defined by Schedule 5 Part 2 of the *LEP 2013*. Under Part 5.10 of the *LEP 2013*:

Under Part 5.10 of this plan:

(4) Effect of proposed development on heritage significance
The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) Heritage assessment
The consent authority may, before granting consent to any development:

(a) on land on which a heritage item is located, or
(b) on land that is within a heritage conservation area, or
(c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

This statement has been prepared at the request of the owner of the site and accompanies plans prepared by SJB.

1.2 Authorship and Acknowledgements

This statement was prepared by Anna McLaurin, B.Envs (Arch), M.Herit.Cons, MURP and James Phillips, B.Sc.(Arch.), B.Arch., M.Herit.Cons.(Hons), of Weir Phillips Heritage and Planning.

1.3 Limitations

The history contained in this statement was prepared using readily available resources.

No Aboriginal or historical archaeology was carried out on the site.

1.4 Methodology

This assessment has been prepared with reference to the *NSW Heritage Manual update Statements of Heritage Impact* (2002) and with reference to the Council planning controls listed under Section 1.6.

1.5 Physical Evidence

Images are from readily available desktop websites as referenced. A site visit was undertaken in May 2023.

1.6 Documentary Evidence

Collins Brothers & Co. Ltd, *Neutral Bay*, c.1911. North Sydney Heritage Database.

Goulburn Evening Penny Post "OBITUARY" (NSW : 1881 - 1940) 4 November 1924: 2 (EVENING). Web. 3 May 2023 <<http://nla.gov.au/nla.news-article99284565>>.

Kenny, E., *Plan of Part of A. Thrupp's 700 acre Grant....*, 5 January, 1915. NSW LPI DP 70051.

Plan of the Parish of Willoughby, County of Cumberland, 187?, National Library of Australia.

Royal Australian Historical Society. (1918). Journal and proceedings Retrieved May 3, 2023, from <http://nla.gov.au/nla.obj-599748530> p.50

State Library of NSW, Kurraba Point Subdivision Plans, various.

The Sydney Morning Herald "REAL ESTATE." (NSW : 1842 - 1954) 11 July 1925: 8. Web. 3 May 2023 <<http://nla.gov.au/nla.news-article16221834>>.

1.6.1 Historic Plans and Photographs

Aerial Photograph of Cremorne Point (1943). SIX Maps.

Parish Map of Willoughby, County of Cumberland (n.d.). NSW LPI.

Searle, E. W. Aerial view of Cremorne Point, Sydney Harbour, ca. 1935 : , 1920. Web. 3 May 2023 <<http://nla.gov.au/nla.obj-142021579>>

1.6.2 Planning Documents

- *North Sydney Development Control Plan 2013.*
- *North Sydney Local Environmental Plan 2013.*

1.7 Site Location

No. 160 Kurraba Road, Kurraba Point is located on the eastern side of Kurraba Road (Figure 1). The site is identified as SP 15949.



Figure 1: Location Map the site. The site is outlined in red.
SIX Maps, 2023.

2 HISTORICAL DEVELOPMENT OF THE SITE

2.1 Original Occupation

While this history does not include an assessment of Aboriginal heritage, it is acknowledged that the Cammeraiagal and the Wallumedegal, part of the larger Ku-ring-gai speaking group, who occupied an area from North Head inland to the Hawkesbury River and north to Lake Macquarie, are traditionally recognised as the original occupants of the North Sydney and Mosman areas.¹

2.2 Thrupp's Grant

In his *An Account of the English Colony in New South Wales*, published at the end of the eighteenth century, David Collins refers to the 'North Shore' of Sydney Harbour, a designation that remains to this day. From 16 January 1793, successive colonial governors granted land outside the declared boundaries of the township of Sydney in order to open up the land and augment the colony's food supplies. The North Shore was located well outside these boundaries.

The North Shore of Sydney Harbour was left essentially undisturbed by the early Colonists. Beyond use for timber getting and the collection of shells for lime, the area was largely ignored until a series of land grants was made in 1794. These early land grants of 25 or 30 acres, in the area of present-day Artarmon, were made to discharged soldiers. Evidence indicates that most of these grants were not taken up but were traded or abandoned for

¹ See National Parks and Wildlife Service, Sydney Harbour Federation Trust, Mosman Council and Metropolitan Local Aboriginal Land Council, *Aboriginal Heritage Study of the Mosman Local Government Area, Final Report: Volume 4: Public Document, September 2005*; Stanton Library Local Studies Heritage Leaflet Series, *Aboriginal Tribes of the Lower North Shore*, NSW, Stanton Library, 2001 (update).

more profitable land elsewhere.

The subject property stands on land which was part of a 700 acre land grant made to Alfred Thrupp, the son-in-law of the Naval Officer and Collector of Customs, Captain Piper (Figure 2). Thrupp arrived in New South Wales in 1814 and married Sarah Piper soon after. Piper is said to have acquired the grant from Governor Macquarie for his son-in-law as a wedding present in 1814. The grant, however, was not officially assigned to Thrupp until 22 July, 1830, when done so under the hand of Governor Darling. The grant was officially known as Portion 352 in the Parish of Willoughby, County of Cumberland.² The grant was described as being

*'...bound on the South by the waters of Port Jackson, and by sixteen chains along Robertson's Northern Boundary; on the east by a line bearing North, seventy six chains; on the North by a west line of twenty three chains fifty links to a Gully, and by that Gully and the waters of Middle Harbour; and on the west by a South line of seventy chains to a Creek in a Gully, and by that Creek to Neutral Bay.'*³

Kurraba Point was originally known as Thrupp's Point.

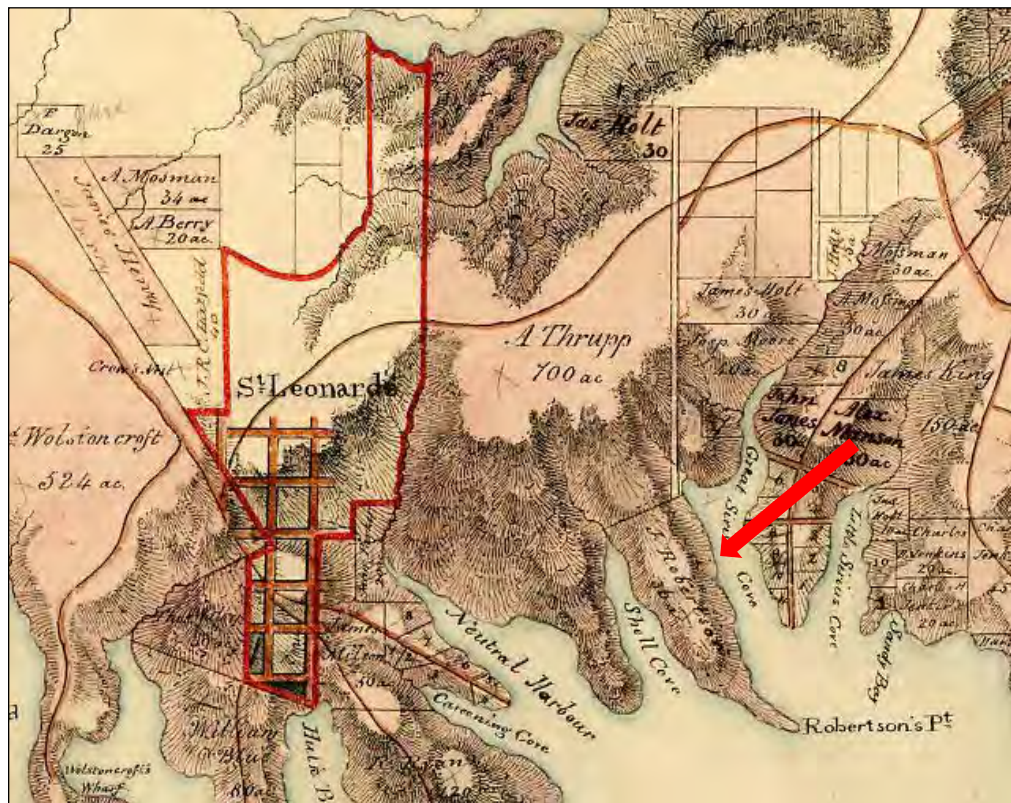


Figure 2: Detail, Parish of Willoughby, County of Cumberland, NSW (n.d.).
NSW LPI

Some development occurred on Thrupp's North Shore land prior to the official grant. In 1828, the Surveyor General noted the presence of a small cottage, referred to as *Thrupp's Cottage*, on eight acres of cleared land. The Thrupps had, however, left for Tasmania in

² Crown Grant, Serial 28, Folio 7. NSW LPI.

³ *Ibid.*

1817 and there is no evidence to suggest that they ever occupied their North Shore grant.

It is clear that Captain Piper retained an interest in Thrupp's grant. The grant was listed among his assets transferred to Sydney businessmen Daniel Cooper in payment of outstanding debts in 1828. Parts of Thrupp's grant, including the subject property, would remain in the hands of Daniel Cooper and his heirs well into the twentieth century. Thrupp's grant is sometimes referred to as 'Cooperville.'

2.3 Cooper Leaseholds and the Beginning of Development

By 1830, the Milson, Campbell, Blue, Robertson, Berry/ Wollstonecraft and Cooper families controlled much of the land comprising the present-day North Sydney Council area.

Residential subdivision in the present-day North Sydney area began at Neutral Bay in 1831 when Cooper leased an area of the foreshore near *Thrupp's Cottage* to James McLearn. *Thrupp's Cottage*, McLearn's house *Craignathan* and a small stone cottage called *Clee Villa* (built in 1832) remained the only dwellings in the Neutral Bay/Cremorne area until the further leases were granted in the 1850s. A quarry operated on Kurraba Point in the 1840s.

In November 1853, Daniel Cooper bequeathed Thrupp's grant to 'James Cooper and Daniel Cooper the younger...for the benefit and favour' of his nephew John Cooper. The Cooper trustees mostly leased land on 99-year leases; freehold sales and lease conversion occurred at a later date.

uring the mid-nineteenth century, many North Shore residents were prominent merchants or colonial administrators who, in the absence of a public ferry service, had independent means of crossing the harbour. Their often-substantial waterfront mansions were only made possible by the complementary growth of working people able to obtain local employment. Many of these residents and early services were clustered in the two government townships: at St. Leonards (gazetted in 1838) and North Sydney (gazetted 1854).

With the encouragement of government supported town plans, infrastructure slowly developed. The establishment of the first all-passenger service between Milsons Point and Circular Quay in 1861 stimulated progress over the following period. While the completion of Military Road in 1873 did much to draw development towards Neutral Bay, Cremorne and Mosman from North Sydney, the Cooper Estate remained largely un-developed.

Local government came to the area in the 1860s and 1870s when three borough councils were established. In 1890, the three councils were amalgamated to form the Municipality of North Sydney.

Thrupp had arrived in New South Wales in 1814, where he married Sarah Piper, daughter of John Piper, after whom Point Piper is named. The grant had been promised by Governor Lachlan Macquarie in 1814, however, was not formalised until 1830. By this time, Thrupp and his family had departed to live in Tasmania and there is no evidence to suggest that they ever occupied their North Shore grant.

2.4 The Monastery Estate Subdivision

The “Monastery” was a fine residence (not an actual Monastery) built by Robert Palmer Abbott in the 1850s. It was named “The Monastery” on account of the family of Abbott’s living in it.⁴ An extract from the land title indicates the original extent of the estate. By 1918 it was noted that the dwelling was:

“Greatly altered and stands upon much curtailed land”⁵

In 1924, the site continued to be occupied as a residence when the well-known resident Mr. William Percy Faithful passed away in May at the age of 80. Mr. Faithful was a respected entrepreneur and landowner who had managed numerous plantations. Several obituaries dedicated to Mr. Faithful recounted an incident from his youth, during which he and his family were held up by the notorious bushranger Ben Hall and subsequently engaged in a gunfight near Goulburn.⁶



Figure 3: The extent of the original “Monastery Estate”.
NSW LPI Vol. 2346 Fol. 5

⁴ Royal Australian Historical Society. (1918). Journal and proceedings Retrieved May 3, 2023, from <http://nla.gov.au/nla.obj-599748530> p.50

⁵ Ibid.

⁶ “OBITUARY” Goulburn Evening Penny Post (NSW : 1881 - 1940) 4 November 1924: 2 (EVENING). Web. 3 May 2023 <<http://nla.gov.au/nla.news-article99284565>>.

In 1925 "The Monastery" was sold by Raine and Horne for £6,500.⁷ The estate was subsequently subdivided into several lots. The subject site was not part of the subdivision and occurred to the south of Lot 6. See Figure 4.

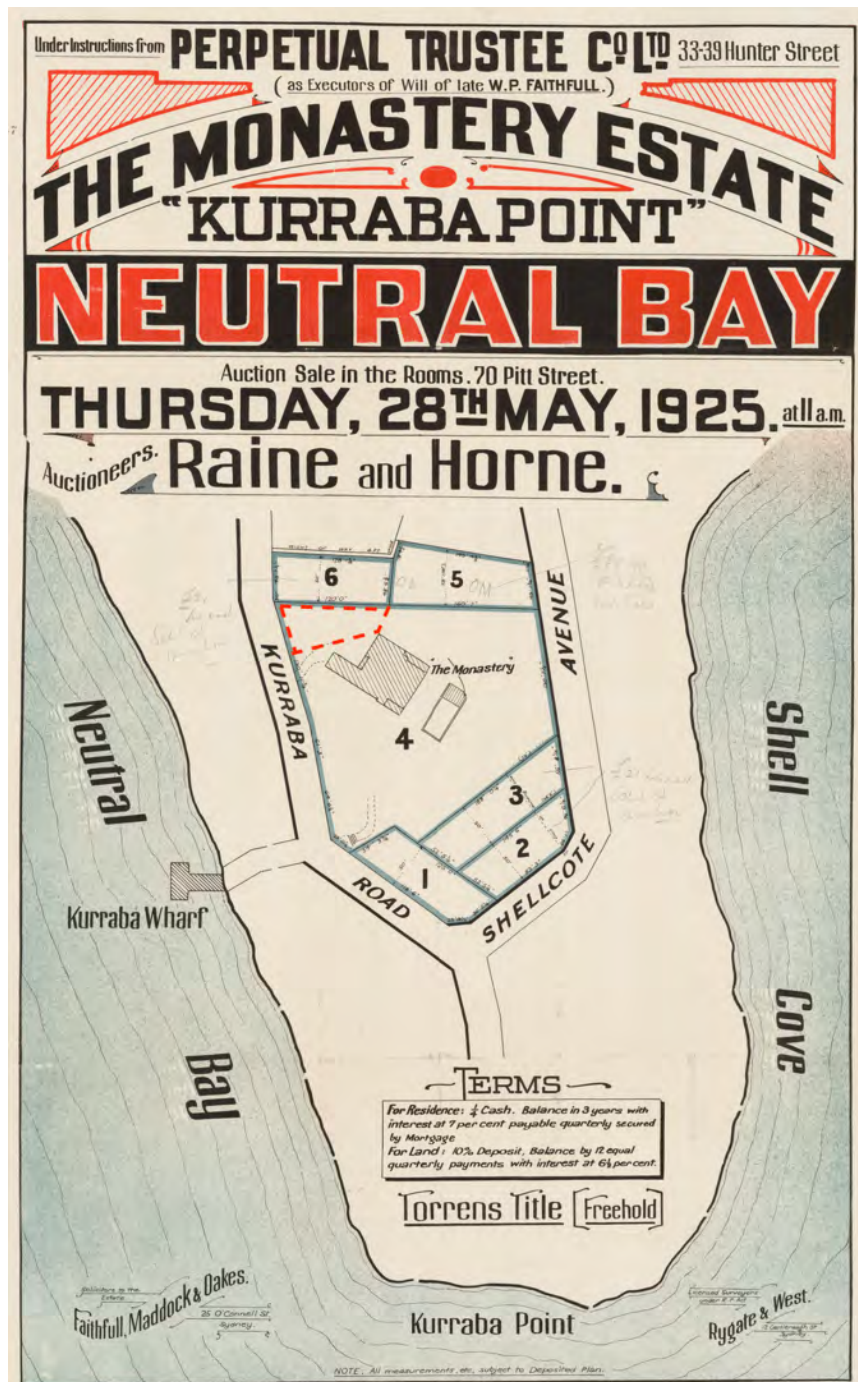


Figure 4: 1925 subdivision of "The Monastery" Estate Subdivision. The site was subdivided in the 1940s. The red outline indicates the site.

SLNSW FL9046766

⁷ "REAL ESTATE." The Sydney Morning Herald (NSW : 1842 - 1954) 11 July 1925: 8. Web. 3 May 2023 <<http://nla.gov.au/nla.news-article16221834>>.

An aerial photograph taken in 1936 illustrates “the Monastery” and the dwelling adjoining the site to the north the blue arrow indicates the site location prior to its construction. “The Monastery” was demolished between 1965-1969. See Figure 5.



Figure 5: The Subject site prior to its construction. The “Monastery” is located in the background.

Searle, E. W. Aerial view of Cremorne Point, Sydney Harbour, ca. 1935 : , 1920. Web. 3 May 2023 <<http://nla.gov.au/nla.obj-142021579>>

A comparison of aerial photographs taken in 1943 and 1950 indicate that the building was constructed during the period between these years. The building had an additional level constructed on top of the flat building between 1985 and 1990. See **Figure 6** and **Figure 7**.



Figure 6: 1943 aerial showing no development on the site.



Figure 7: 1950 showing the development on the site.

3 SITE ASSESSMENT

3.1 The Site

The site comprises set on an irregularly shaped lot on the northern side of Kurraba Road. For the following, refer to Figure 8, an aerial photograph over the site, and to the survey that accompanies this application.



Figure 8: Aerial photograph of the site. The site is outlined in red.
SIX Maps, 2023

The building on site is a heavily modified Inter-war era Residential Flat Building. At the Kurraba Road frontage the building is dominated by a sandstone block garage with brick detailing and cream coloured roller shutter doors.

The building is three-levels constructed from face brick with a rendered base. There is a lightweight upper level addition with screens which was constructed in the 1990s. The lower portion of the building to the western (primary) elevation is symmetrical in form, with two faceted bays flanking a central curved arch window. The lower levels contain timber framed French doors, which provide access to the terrace above the garage. The upper levels contain timber framed double hung sash windows.



Figure 9: The site from Kurraba Road.



Figure 10: View looking north towards the site.



Figure 11: The site from the Ground Floor deck.

3.2 The Surrounding Area

3.2.1 *The General Area*

The general area of the site is residential in character, with predominantly substantial, freestanding one and two storey dwellings on large allotments, refer to Figure 12, an aerial photograph of the site and its surrounds.



Figure 12: Aerial photograph of surrounding area. The red arrow points to the subject site.

SIX Maps, 2023

3.2.2 *Kurraba Road*

Kurraba Road is a narrow road, carrying two lanes of traffic in a north/south direction. The elevated topography provides views to Sydney Harbour. Due to the topography of the landscape, there is a noticeable step down from the residences on the western side of Kurraba Road to those on the eastern side. Typically, garages and carparking are at street level.

To the immediate north is two story Inter-war dwelling, constructed in a similar style to the subject site. To the south, on the former “Monastery” grounds is a contemporary apartments complex. On the opposite side of Kurraba Road, are several modern apartment complexes which are set into the site slope.

See Figure 13 to Figure 14.



Figure 13: Looking south along Kurraba Road.



Figure 14: Looking north along Kurraba Road.

4 ASSESSMENT OF SIGNIFICANCE

4.1 Summary of Statutory Heritage Listings

No. 160 Kurraba Road, Kurraba Point:

- Is located within the Kurraba Point Conservation Area under Schedule 5, Part 2 of the *North Sydney LEP 2013*. It is ranked “neutral” by the North Sydney DCP 2013.
- Is not listed as a heritage item under Schedule 5, Part 1 of the *North Sydney LEP 2013*.
- Is not listed as a State heritage item under the auspices of the *NSW Heritage Act 1977*.

4.1.1 Kurraba Point Conservation Area

The *North Sydney DCP 2013* provides the following Statement of Significance for the Conservation Area:

The Kurraba Point Conservation Area is significant:

- As an early harbourside suburb that has retained significant elements of its major 19th century development phase with good examples of later periods of development including some fine inter war flat buildings.*
- For the large number of architecturally distinguished homes, some that have a strong relationship with the water and include the works of B.J. Waterhouse, Jefferson Jackson and Walter Liberty Vernon.*
- For its irregular subdivision pattern with irregular street pattern and widths that allied to the topography and plantings and mature trees add to a high quality luxuriant character.*

4.1.2 Neutral Item Definition under DCP 2013

Neutral items are not defining, but do not detract from the overall character of a conservation area. They often represent the original era of development and may display the predominant architectural style.

The focus for neutral items is how the building appears in the street and public domain. The intention is to achieve a neutral or improved built outcome by removing previous unsympathetic alterations, or adding features that are characteristic of an area.

4.2 Heritage Items within the Vicinity of the Site

Refer to Figure 15 which shows heritage items within the vicinity of the site. In this plan, heritage items are coloured brown and numbered and Conservation Areas are hatched red and numbered. The subject site is coloured blue.



Figure 15: An extract from the NSW Planning Portal showing heritage items in relation to the site. The site is outlined in yellow.

For the following, 'within the vicinity' has been determined with reference to physical proximity, existing and potential view corridors and the nature of the proposed works.

4.2.1 State Listings

There are no State heritage items under the auspices of the *NSW Heritage Act 1977* within the vicinity of the site.

4.2.2 Local Listings

There is one heritage item within the vicinity of the site under Schedule 5, Part 1 of the *LEP 2013*:

- 95 Kurraba Road Kurraba Point, Item No. I0658

This item is located to the northwest of the site on the opposite side of the site. Due to the topography of the area the western side of Kurraba Road, sits significantly lower than the subject site. There are limited views between the site and item due to the difference in topography and orientation of the site. See Figure 16.



Figure 16: 95 Kurraba Road Kurraba Point from Kurraba Road.

4.3 View Corridors

The principal view corridor towards the proposed dwelling on the site is from directly outside of it on Kurraba Road. There are secondary view corridors on approach along Kurraba Road in both directions which will be slightly obscured by the existing site vegetation.

Refer to Figure 17 to Figure 19 which illustrate view corridors.



Figure 17: Looking south along Kurraba Road towards the site.



Figure 18: The view from directly outside of the site.



Figure 19: Looking north along Kurraba Road.

4.4 Integrity

The existing building has a mixed level of integrity. The building was built in the immediate post-war years and therefore is not technically an “Inter-war” era building, despite its obvious stylistic references to other apartment buildings constructed during that period. The proposed rooftop addition constructed between 1985 and 1990 overwhelms and

detracts from the building. This addition was constructed prior the recognition of the significance of the inter-war style apartment building as an architectural typology worthy of protection. Internally, the various apartments are of low integrity which have been continually upgraded to suit modern living standards.

The ranking of “neutral” contribution within the HCA is therefore consistent with the level of integrity of the building.

5 THE PROPOSAL

The Scope of works should be read in conjunction with drawings SJB Architecture and the survey which accompanies the application.

- **Level 2 Re-Development:** the proposal seeks to redevelop the existing, contemporary level 2 addition (3rd storey), located on the rooftop of the existing inter-war building. The updated level 2 addition will lower the maximum building height from 13.355m to 13.06m.
- **Residential Dwellings:** alterations to the internal floorplan. This will reuse the existing residential apartment into a dual occupancy as it revises the residential offering from 4 dwellings to 2 dwellings across the 3 building levels.
- **Building Accessibility:** the proposed dual occupancy will update the accessibility of the existing building to align with contemporary standards. This will be facilitated with a new ramp, lift and fire stair. The updated accessibility is proposed to be installed through additions to the north and south ends of the building.
- **Car Park:** the proposed development will deliver 4 car parking spaces (1 additional space compared to the 3 spaces facilitated by the existing carpark). This will be accommodated within the existing, lower ground carpark which will be expanded through excavation works into the slope of the site.
- **Historic Restoration Works:** proposed development will feature several repair, cleaning and minor façade updates that will maintain the overall presentation and character of the period building.
- **Landscape Works:** ancillary landscape works are proposed in the outdoor areas surrounding the building to facilitate the proposed alterations and additions.

6 EFFECT OF WORK

6.1 Methods of Assessment

The following is a merit-based assessment. It does not consider compliance or otherwise with Council’s numerical controls except where non-compliance would result in a heritage impact. Refer to the Statement of Environmental Effects that accompanies this application. The following assessment is made with an understanding of the objectives and controls provided by the *North Sydney LEP 2013* and the *North Sydney DCP 2013*.

6.2 Effect of Work on Conservation Area

The proposed alterations and additions to No. 160 Kurraba Road, Kurraba Point will have an acceptable impact on the Kurraba Point HCA for the following reasons:

- Works will improve the contribution of the Inter-war style building to the surrounding streetscape by reducing the prominence of the Third Floor addition which currently overwhelms the original form of the flat building. The proposed

replacement addition will align with the parapet including the curved corners to better relate to the building below. The setback of the addition as well as the lightweight glass construction makes the addition appear more recessive than the existing form.

- The proposed lightweight addition to the north will not be highly visible from the streetscape owing to the angle of the lot, the setback from the primary elevation, the difference in height between the street and building and the narrowness of the northern setback between the buildings. Where visible it will read as a sympathetic contemporary addition to an Inter-war style flat building. The design of the vertical mullions has been expressed to correspond with the alignment of the façade, it can reinforce the relationship between the existing building and new addition.
- The proposed replacement of the roller shutter doors and the conservation and cleaning of the sandstone blockwork will enhance the building's contribution to the HCA, as the current condition and appearance detract from the surrounding area.
- The proposed replacement of the existing balustrade above the existing garage with rendered brick wall. This will provide the occupants of the Ground Floor apartment with a greater level of privacy. The visual impact is proposed to be mitigated through the introduction of planter boxes to soften the masonry wall edge.
- The proposed works seek to retain the contributory characteristics of the building to the locality i.e., brick detailing, the sandstone base, and timber framed windows. The proposed modifications to the primary elevation are more sympathetic to the original style of the building and will preserve its Inter-war era characteristics.
- The surrounding context comprises a mixed immediate streetscape, including modern and Inter-war period buildings, with mostly Inter-war era residential flat buildings. View corridors on approach towards the site in either direction along Kurraba Road is dominated by modern residential flat buildings to the south and large dwellings to the north. The proposed works are in character with the surrounding context and will not detract from the existing streetscape.
- There will be no change to the existing subdivision pattern of the site.

6.3 Assessment against the North Sydney DCP 2013

6.3.1 Part 13.6.1 General Objectives

Control	Response
P1 Development should reflect the bulk, mass, scale, orientation, curtilage and	There are no contributory items to either side of the site. Due to the bulk of

<p>setbacks of surrounding heritage and contributory items.</p>	<p>intervening development the proposal will not be overtly visible from any heritage or contributory items. Where visible it will read as a well-mannered contemporary addition that reflects the bulk, scale, orientation, and setbacks of the existing Inter-war style flat building on site.</p>
<p>P2 Development should recognise and complement the predominant architectural scale and form of the area.</p>	<p>The proposal will replace the existing modern rooftop structure with a lighter weight and recessive addition. The addition will be of lower scale than the previous addition and will be set further back than the current addition. The proposed addition adopts a flat roof form which is compatible with the Inter-war style of the building.</p>
<p>P3 Do not obstruct existing views in the public domain, including slot views over and between buildings as these provide connection and contribute to the context of the area's location.</p>	<p>No view or slot views towards the site will be impacted by the proposal. The proposal will essentially replace the existing built form with a contemporary structure.</p>
<p>P4 Reinstate characteristic and decorative features to contributory items where alterations and additions are proposed. This could include reinstatement of verandahs and balconies, joinery, chimneys, fences or window detailing.</p>	<p>There are no characteristic decorative features to be reinstated on site. The proposal will undertake restoration works to the front façade and will repair timber framed windows.</p>
<p>P5 Achieve a neutral outcome to neutral items or improved outcome to neutral items which were constructed in the core period of development by:</p> <ul style="list-style-type: none"> (a) respecting original or characteristic building patterns in terms of bulk, form, scale and height; (b) minimising changes to original and characteristic features; (c) removing unsympathetic and uncharacteristic changes and/or; (d) reinstating characteristic details where there is physical or documentary evidence. 	<p>a) The proposal will respect the existing subdivision pattern of the site. The existing west facing orientation will be retained. The proposed circulation addition to the north will be set back behind the primary elevation to ensure it does not dominate the primary elevation. This addition adopts rendered masonry appearance (similar to the rendered parapet line) to complement the existing materiality of the existing building.</p> <p>b) The proposal will retain the existing two-level Inter-war style flat building on site. There will be minimal alterations to the primary elevation to facilitate the proposed addition.</p>

	<p>c) The proposal will remove the domineering later addition to the roof and introduce a recessive addition which is more respectful of the prevailing form. This allows the Inter-war Flat Building to be the principal built element on site.</p> <p>d) There are no characteristic details proposed to be reinstated.</p>
<p>P6 Achieve an improved outcome to uncharacteristic items by removing the uncharacteristic or intrusive element or incorporating changes to improve the contextual design and visual impact of the site.</p>	<p>The proposal will remove the intrusive rooftop addition and replace it with a sympathetic modern addition. This addition relates better contextually to the Inter-war Flat building by:</p> <ul style="list-style-type: none"> • The addition has been set back further from the parapet to increase the primacy of the flat building in the streetscape. • The design of the vertical mullions have been expressed to correspond with the alignment of the façade, it can reinforce the relationship between the existing building and new addition. • The current parapet is visible on all sides to ensure that its visual prominence is maintained, while the new addition is placed behind it as a subservient element.
<p>P7 Respond to characteristic building alignments by not building forward of the established or characteristic front setback.</p>	<p>The proposed addition will sit behind the existing parapet line of the existing Inter-war Flat building. The proposed side addition, will sit behind the existing from façade to retain the primacy of the existing building.</p>
<p>P8 Repeat any consistent pattern of side and rear setbacks of heritage and contributory items in the vicinity of the site.</p>	<p>n/a</p> <p>There are no consistent patterns of existing side setbacks of contributory or heritage items in the vicinity.</p>

<p>P9 New work may adopt a contemporary character, provided the development is not likely to have a detrimental impact on the characteristic built form of the area, particularly in terms of bulk, scale, height, form or materials.</p>	<p>The proposed addition adopts a contemporary lighter-weight character to correspond to the heavier massing of the Inter-war style flat building.</p> <p>Following pre-DA comments the solid to void ratio of the addition has been increased to better relate to the existing heavier masonry massing of the item.</p>
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6.3.2 Part 13.6.3 Roofs

Control	Response
<p>P1 Roof form, pitch and materials are to be compatible with heritage and contributory items in the conservation area, as identified in the relevant character area statement (refer to Part C of the DCP).</p>	<p>The proposed addition adopts a contemporary flat roof profile, replacing the existing flat roof on site. The character statement for the HCA indicates that flat roofs are characteristics to Inter-war style flat building.</p>

6.3.3 Part 13.6.3 Additional storeys and levels

Control	Response
<p>P1 Additional storeys or upper level additions are not supported in heritage conservation areas.</p>	<p>The proposal will replace an existing upper level addition. No additional levels are proposed.</p>
<p>P2 Despite P1, the consent authority may permit an additional storey or upper level addition, but only if the applicant can demonstrate:</p> <p>(a) that the resultant building will exhibit a similar scale to that in the vicinity of the site, and</p> <p>(b) that the design respects the heritage characteristics of the area.</p> <p>(c) that the additional storey does not alter the form or scale of any heritage or contributory items.</p>	<p>The proposed project aims to replace the current rooftop addition with a new design that is in keeping with the existing building's scale. The new addition features a simple yet elegant design, with a combination of masonry and glass, and a flat roof that fits well with the Inter-war architectural style of the surrounding area. Importantly, there will be no negative impact on any nearby contributory or heritage items, as they are appropriately separated from the proposed works.</p>

P3 Typically, additions should be set back behind the main roof lines and should be located substantially within the existing roof.	The proposed addition is set behind the parapet line of the Inter-war style flat building.
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Part 13.10.5 Apartment Buildings

Control	Response
P1 Major changes to the scale and form of apartment buildings should not occur where the additional floor space would compromise the heritage significance of the existing building or surrounding area.	The proposed addition will replace the current rooftop addition, and it is expected to be an architectural improvement for the building. The new design takes a more considerate and unobtrusive approach to the existing building, creating a more sympathetic and recessive addition that better complements the overall aesthetic of the structure.
P2 Alterations and additions are to respond to the articulation and rhythm of the existing building through the repetition of significant features that occur at regular intervals	The design of the vertical mullions have been expressed to correspond with the alignment of the façade, it can reinforce the relationship between the existing building and new addition.
P3 Retain original or significant window and opening patterns. New openings are to respect this pattern and not introduce new patterns of window or door openings.	Existing window opening on the primary elevation are retained.
P4 External awnings, hoods and other overhanging devices that will detract from the buildings form are not permitted.	No external awnings or hoods are proposed.
P5 Incorporation of lifts should be designed to minimise impacts on significant spaces and fabric within the building.	The interiors of the building are not recognized as significant.

7 CONCLUSION

This Heritage Impact Statement has been prepared in conjunction with a Development Application for alterations and additions to No. 160 Kurraba Road, Kurraba Point. The building is not listed as a heritage item but is located within the Kurraba Point Conservation Area where it has a designated “neutral” contribution to the HCA.

The proposed works aim to enhance the contribution of the Inter-war style building to the surrounding streetscape and preserve its historical and architectural characteristics. The replacement addition and modifications to the primary elevation are designed to better relate to the building below and retain its Inter-war style characteristics to the locality. The proposed changes are sympathetic to the original style of the building and will not detract from the existing streetscape. The conservation and cleaning of the sandstone blockwork and the replacement of the roller shutter doors will improve the building's contribution to the HCA. The proposed works are in keeping with the surrounding context and will enhance the building's contribution within the locality.

The proposed works fulfil the aims and objectives of the *LEP 2013* and the *DCP 2013* by improving the quality and diversity of housing options in Kurraba Point HCA while respecting the heritage significance of the area in which it lies.