

**NSLPP MEETING HELD ON 04/12/2024**
SECTION 4.55 APPLICATION REPORT**Attachments:**

1. Site Plan
2. Architectural/Landscape Plans

ADDRESS/WARD: 9 Undercliff Street, Neutral Bay**APPLICATION NO:** DA 430/21/3**PROPOSAL:** Section 4.55(2) modifications to DA 430/21 for various changes to an approved apartment development**PLANS REF:**

Plan No.	Description	Prepared by	Dated
DA04 Rev D	Level 1 Plan	Corben Architects	10 July 2024
DA05 Rev D	Level 2 Plan	Corben Architects	10 July 2024
DA06 Rev C	Level 3 Plan	Corben Architects	10 July 2024
DA07 Rev C	Level 4 Plan	Corben Architects	10 July 2024
DA08 Rev C	Level 5 Plan	Corben Architects	10 July 2024
DA09 Rev C	Roof Plan	Corben Architects	10 July 2024
DA10 Rev C	South West Elevation	Corben Architects	10 July 2024
DA11 Rev C	North West Elevation	Corben Architects	10 July 2024
DA12 Rev C	North East Elevation	Corben Architects	10 July 2024
DA13 Rev C	South East Elevation	Corben Architects	10 July 2024
DA14 Rev C	Section AA	Corben Architects	10 July 2024
DA15 Rev C	Section BB & CC	Corben Architects	10 July 2024
S4.55.1 Rev C	Landscape Plan	Nelson Thomas	20 February 2024
S4.55.2 Rev C	Planting Plan	Nelson Thomas	20 February 2024

OWNER: QH A1 Pty Ltd**APPLICANT:** QH A1 Pty Ltd c/o Corben Architects**AUTHOR:** Robin Tse, Senior Assessment Officer**DATE OF REPORT:** 22 November 2024**DATE LODGED:** 15 August 2024**RECOMMENDATION:** Approval

EXECUTIVE SUMMARY

This S4.55(2) application seeks consent for modifications to DA 430/21 for various changes to an approved apartment development at No.9 Undercliff Street, Neutral Bay.

The application is reported to the North Sydney Local Planning Panel for determination as the application relates to modifications to a condition (C39) that was previously imposed by the Local Planning Panel in the original DA consent.

The proposed modifications are considered to be generally consistent with the originally approved development application and s.4.55 of the *EP & A Act 1979*.

The proposed modifications, as amended by conditions of consent, would result in a development which is substantially the same development as originally approved in the original DA. The notification of the application has attracted a total of six (6) submissions including four (4) submissions from one household raising concerns about the adverse impacts of the proposal on carparking and landscaping.

The proposed modifications would not result in further non-compliance with the LEP maximum building height development standard because the proposal would generally maintain the overall building height, building envelope, building setbacks, built form, appearance and the use of the approved development.

The proposed modifications would not cause additional adverse amenity impacts for the neighbouring properties.

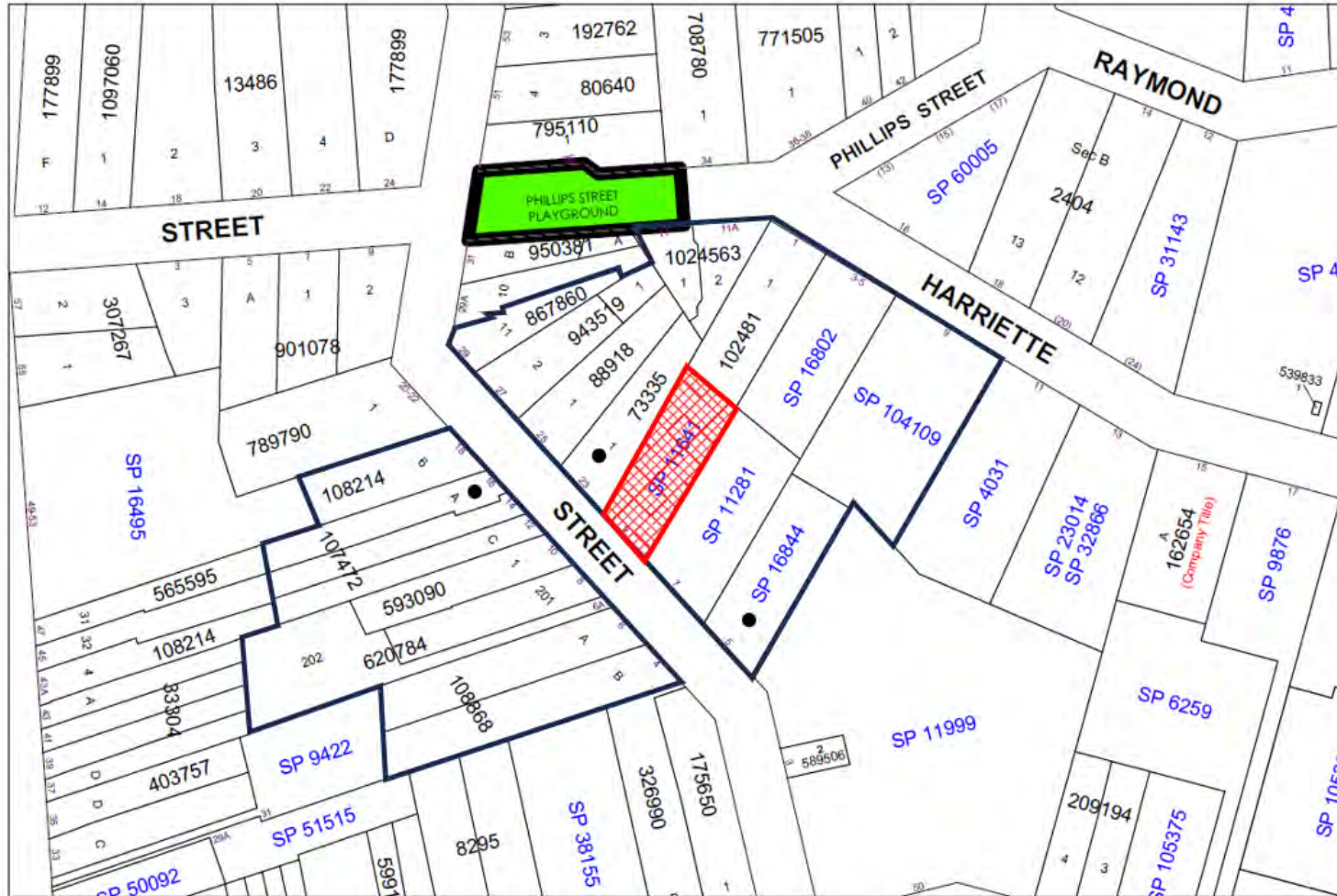
The applicant has submitted architectural and landscape plans addressing the requirements of Condition C39 and the deletion of this condition is considered to be acceptable given that the architectural and the landscaping outcomes would be consistent with the intended outcomes as required by Condition C39.



A new condition requiring the provision of soft landscaping above the fire hydrant/sprinkler pump booster is recommended to reduce the impacts on landscaping and streetscape.

The issues raised in the submission have been addressed in the assessment report.

The proposal was found to be acceptable in the site circumstances and is recommended that the subject Section 4.55(2) application be approved with modifications to existing conditions of consent and addition of new conditions.

LOCATION MAP



 Property/Applicant ● Submitters - Properties Notified 

DESCRIPTION OF PROPOSAL

The subject Section 4.55(2) application seeks to modify development approval DA 430/21 which granted consent for demolition of an existing residential flat building and construction of a four storey residential flat building containing three apartments over basement parking for six cars, and associated works and landscaping.

The proposed modifications are summarised as follows:

Design modifications:

Level 1 (RL40.80):

- Provision of fire hydrant and sprinkler booster pump and associated design changes including replacement of a store room with fire pump room and hydraulic pump, relocation of bin store, amendment to eastern garden between driveway and stairs, relocate store room for Unit 1 and provision of electrical cupboards;
- Provision of separate 1m wide pedestrian path from the street to the entrance door to satisfy BCA/NCC requirements;
- Amend ventilation louvres design and location to provide adequate ventilation for air conditioning units located inside the garage;
- Provision of letterboxes off path to satisfy the requirements of Condition C3;
- Provision of visitor bicycle parking to satisfy the requirements of Condition C19;
- Retaining wall in western setback at front of building to remain in the location as shown on the submitter plans rather than relocated as required by Condition C39; and
- Provision of an enclosure for the fire hydrant/sprinkler pump booters, water meter and bin store within the front building setback.

Level 2 (RL44.90):

- Relocation of entry door to Unit 3 to comply with the relevant NCC requirements;
- Internal layout changes including removal of the family room (to be replaced by Bedroom 3), enlargement of Bedroom 2, provide ensuite for Bedrooms 2 and 3 and changes to the layout of bedroom 1, its ensuite and robe, pantry laundry and WC; and
- Fenestration changes associated with the internal layout changes including:
 - North-west (side) Elevation:
 - Replacement of a sliding door and a bedroom window with a window for Bedroom 2 and an ensuite window.
 - South-east (side) Elevation:
 - Relocation of the ensuite window and laundry windows.

Level 3 (RL48.00):

- Relocation of entry door to Unit 2 to comply with the relevant NCC requirements;
- Internal layout changes including removal of the family room (to be replaced by Bedroom 3), enlarge Bedroom 2, provide ensuite for Bedrooms 2 and 3 and changes to the layout of bedroom 1, its ensuite and robe, pantry laundry and WC and
- Fenestration changes associated with the internal layout changes including
 - North-west (side) Elevation:
 - Reconfiguration of Bedroom 2 window; and

- Replacement of a former bedroom window with an ensuite window.

South-east (side) Elevation:

- Relocation of the ensuite window and laundry windows.

North-east (Rear) Elevation:

- Deletion of Bedroom 3 window.

South-west (Undercliff Street) Elevation:

- Deletion of lobby window.

Level 4 (RL51.10)

- Relocation of entry door to Unit 1 to comply with the relevant NCC requirements;
- Internal layout changes including removal of the family room (to be replaced by Bedroom 4), enlarge Bedroom 3, provide ensuite for Bedrooms 3 and 4;
- Fenestration changes associated with the internal layout changes including in the relocation of the window to Bedroom 3 and the window to its ensuite and changes to windows including deletion of windows to the lobby and Bedroom 4

North-west (side) Elevation:

- Reconfiguration of Bedroom 3 window; and
- Replacement of a bedroom window with an ensuite window.

North-east (Rear) Elevation:

- Deletion of Bedroom 4 window.

South-west (Undercliff Street) Elevation:

- Deletion of lobby window.

Level 5 (RL54.20):

- Modifications to the layout for Bedrooms 1 and 2; and
- Removal of lift access to Level 5 and associated internal layout changes to provide a store room.

Roof (RL58.09):

- Removal of lift overrun from the south-east (side) elevation.

Modifications to conditions:

The applicant has proposed the following changes to the conditions of consent:

- (a) Condition A1 (Development in Accordance with Plans/Documentation) – Amend the condition to reflect the modified plans.
- (b) Condition C3 (Mailboxes) – Amend the condition to reflect the amended location of the letterboxes to read as follows:

Mailboxes

Individual Mailboxes for each apartments and the body corporate are to be incorporated into the design of the ~~front~~ fence.

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

(Reason: To ensure the provision of site facilities in accordance with Section 1.5.13 of Part B in NSDCP 2013.)

(c) Condition C39 (Amendments to Plans) – The applicant seeks deletion of this condition:

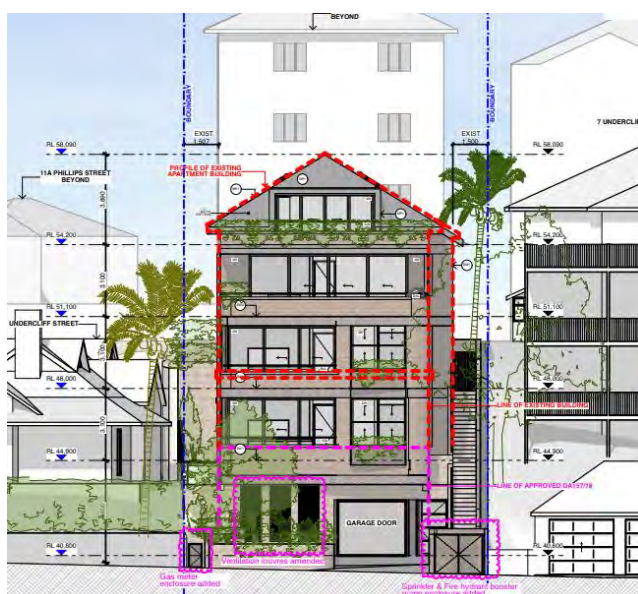
Amendments to Plans

C39. The plans referenced in Condition A1 are to be amended as follows:

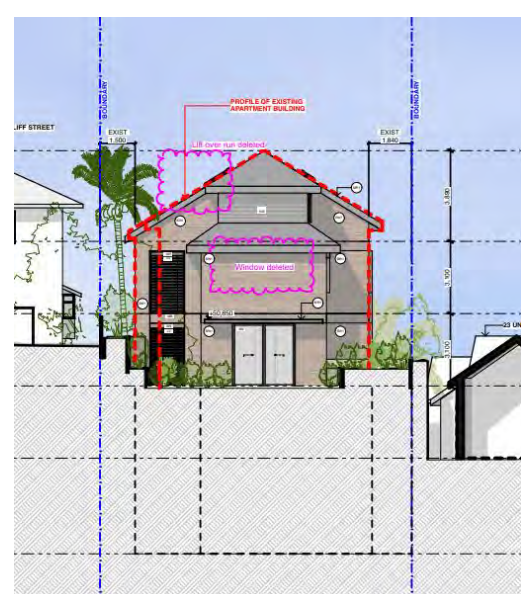
- a) The retaining wall within the northwestern side setback that aligns with the front building line of the basement level (DA04 C) is to be set back an additional 2m behind the front building line to break down the width of the building form as viewed from the street. The area in front of the retaining wall is to be landscaped to soften the built form. Plans and specifications which comply with this condition, including the amended landscape plan approved by Council's Landscape Development Officer, must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

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

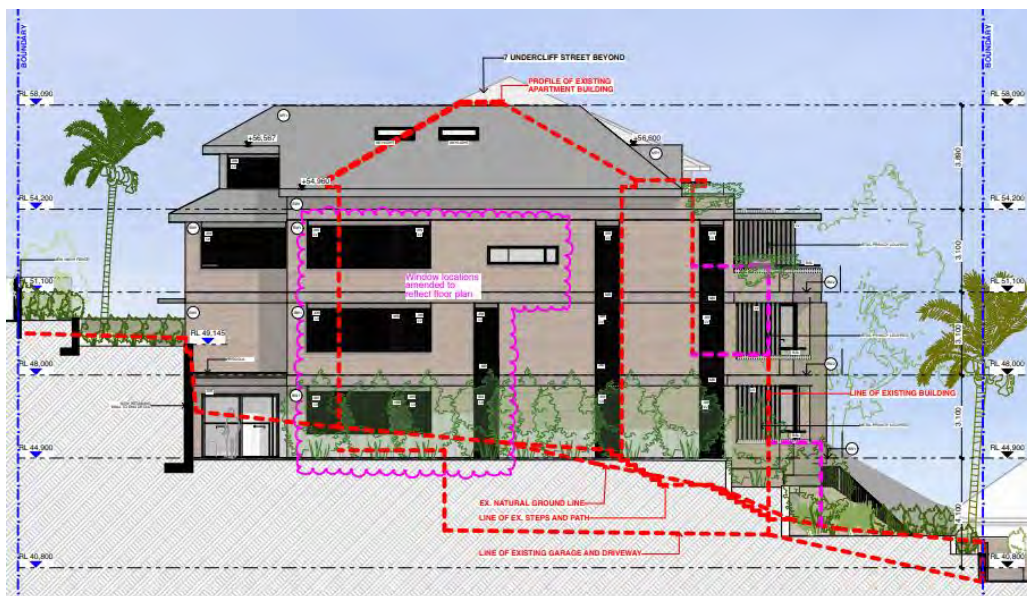
(Reason: To reduce the bulk from the street and provide a more appropriate juxtaposition with the adjoining heritage item)



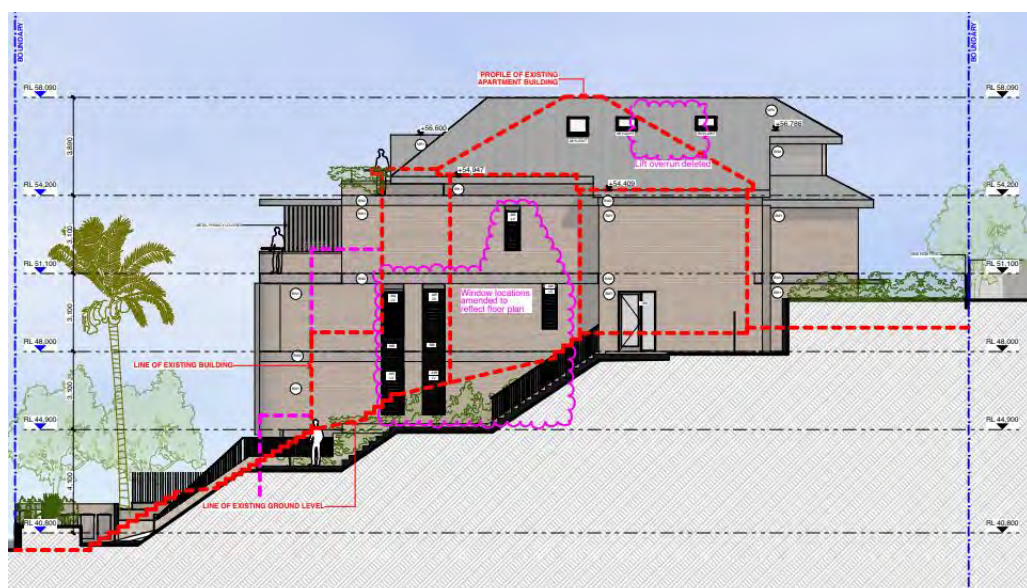
South-west (Undercliff St) Elevation



North-east (Rear) Elevation



North-west (side) Elevation



South-east (side) Elevation

Figures 1 – 4: Proposed Modifications

STATUTORY CONTROLS

North Sydney Local Environmental Plan 2013

- Zoning – R4 High Density Residential Zone
- Item of Heritage – No
- In Vicinity of Item of Heritage – (I0624, I0717, I0718, I0719, I0720, I0725, I0726, I0727, and others)
- Conservation Area – No

Environmental Planning and Assessment Act 1979

SEPP (Resilience and Hazards) 2021

SEPP (Biodiversity and Conservations) 2021

SEPP (Sustainable Buildings) 2022

Local Development

POLICY CONTROLS

North Sydney DCP 2013

North Sydney Local Infrastructure Contribution Plan 2020

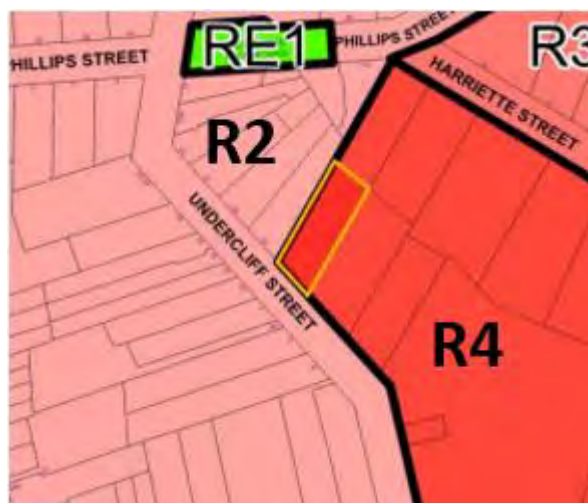


Figure 5: Zoning



Figure 6: Building Height

DESCRIPTION OF LOCALITY

The subject site is legally described as SP11641 and is known as 9 Undercliff Street, Neutral Bay. The site is located on the northeastern (high) side of Undercliff Street between the intersections of Aubin Street to the south and Phillips Street to the north.

The site is a trapezium shape with parallel side boundaries. The site has a 13.4m frontage to Undercliff Street and a depth of between 35.89 and 37.9m, equating to a site area of 489sqm. The land falls from the rear to the front (Undercliff Street) by approximately 10m.

The site is zoned R4 High Density Residential and contains an existing three storey residential flat building comprising three apartments over a lower ground floor garage

The properties located to the southeastern side and rear (northeast) are also zoned R4 High Density Residential and contain residential flat buildings with the exception of the directly adjoining property to the southeast (No. 7 Undercliff Street) which contains an attached dual occupancy.

The subject site adjoins land zoned R2 Low Density Residential to the northwest and south which comprises dwelling houses, semi-detached dwellings and attached dwellings. The directly adjoining property to the northwest (No. 23 Undercliff Street) contains a single storey dwelling house, with a rooms in the roof style first floor addition, which is identified as a Heritage Item and is sited at a lower level than the subject site.

Virtually all the properties located towards the northwest and southwest along Undercliff Street are identified as Heritage Items of local significance in Schedule 5 to *NSLEP 2013*, however, the subject site is not identified as a heritage item or located within a conservation area. The site has a maximum permitted building height of 12m, and the aforementioned R2 Low Density Residential zoned land adjoining the site to the northwest and south has a maximum permitted building height of 8.5 m.



Figure 7: Subject site and the locality



Figure 8: Subject site (Undercliff St Elevation)



Figure 9: Undercliff Street (looking south)



Figure 10: Undercliff Street looking north

RELEVANT HISTORY

A search of Council's records revealed the following relevant development history for the subject sites:

Previous applications

- **14 January 1977** – Registration of strata subdivision of the subject apartment building.
- **19 July 2018** – Development Consent (**D157/18**) was granted under delegated authority for the construction of two front balconies to unit 1 and unit 3 on the ground and second floor levels.
- **7 September 2022** - Development Consent (**D430/21**) was granted by North Sydney Local Planning Panel (NSLPP) for demolition of an existing residential flat building and construction of a four storey residential flat building containing three apartments over basement parking for six cars, and associated works and landscaping.
- **30 August 2024** - A S4.55 (1A) application (**D430/21/2**) seeking modifications to Condition C9 in relation to the timing for the submission of a geotechnical report was approved under delegated authority.

Current application

- **15 August 2024** – The subject Section 4.55(2) modifications (**DA 430/21/3**) for various changes to the approved apartment development was lodged with Council via the Planning Portal.
- **13 to 27 September 2024** – The adjoining property owners and the Hayes Precinct was notified about the application. A total of six (6) submissions were received including four (4) submissions from one household.
- **11 October 2024** – The applicant was requested to submit additional information about the proposed fire hydrant/sprinkler booster pump and boundary fencing.
- **11 November 2024** – The applicant submitted information in response to Council's earlier request for information.

INTERNAL REFERRALS

DESIGN EXCELLENCE PANEL (DEP)

The original DA was considered by the DEP on 18 January 2022. It is noted that the design of the approved development has reasonably addressed the issues raised by the DEP.

It is considered that a referral of the subject application to the DEP is not necessary because the proposed modifications do not materially change the approved development, particularly in terms of the building height, building envelope as well as the overall design/appearance of the apartment development as approved in the original DA.

BUILDING

The application has been referred to Council's Senior Building Surveyor who provided the following comments:

"The Modified Development Application seeks approval internal and external changes to the approved building design under DA430/21 which approved demolition of an existing Residential Flat Building and the construction of a new Residential Flat Building.

The building is classified by the NCC BCA as a class 2 and 7a building of Type A construction.

The application is not accompanied by a BCA (Building Code of Australia) Assessment Report however a review of the proposed Drawings revealed the proposed works can likely comply with the NCC (National Construction Codes) BCA, Volume 1.

It is noted the Hydrant and Fire Pump Room is proposed to be located to the rear of the building and access to the pump room can be obtained from the road via a side pathway. The pump room doorway is required to open either directly to open space or open into an airlock, smoke lobby or fire isolated passageway or stair that has an exit leading to a road or open space. This is a matter for the consideration of the accredited certifier during Construction Certificate assessment stage.

As the building is a new building its construction in accordance with the NCC BCA, Volume 1 is required.

A detailed assessment of compliance with the Building Code of Australia 2022 will be undertaken by an appropriately registered certifier at the Construction Certificate Stage of the proposed development. Additionally, a Fire Safety Schedule is to be prepared by the certifier and accompany the Construction Certificate.

Comment:

Council's Senior Building Surveyor's comments are noted.

The applicant also indicated that the NCC requires sprinkler pumps to be installed for buildings with 4 storeys or above and the booster system is required to ensure sufficient water pressure for the sprinkling system.

Council's Senior Building Surveyor considered that the proposed changes to the locations of certain fire safety equipment are likely to be compliant with the relevant building requirements under the NCC/BCA.

Furthermore, it is noted that NSW Fire and Rescue has the following requirements for the location of booster system:

- (i) At the boundary of the site and within sight of the main entrance of the building;
- (ii) Adjacent to the principal vehicular access to the site; and
- (iii) Located not less than 10 metres from the external wall of any building served.

The proposed location of fire hydrant and sprinkler booster is therefore consistent with the requirements of NSW Fire and Rescue.

Having regard to the above, no objection is raised to proposed modifications subject to the requirement for the development to comply with the relevant NCC/BCA requirements. This requirement has been imposed by way of **Condition F1** in the original development consent and the applicant does not seek changes to this condition.

HERITAGE

The application has been referred to Council's Conservation Planner who provided the following comments:

The subject property is not a scheduled heritage item and is not located in a conservation area. It is however, located in the vicinity of heritage items located at Nos 4 to 22 Undercliff Street (excluding 6A) located opposite and Nos 23 to 25A Undercliff Street located to the north of the subject site.

The proposed modifications are considered to satisfy clause 5.10 of NSLEP 2013 and Part B Section 13 of NSDCP 2013 in that the impact to the nearby heritage items will be low. The streetscape changes are of a minor nature and the majority of the other proposed changes are in locations that will not be viewed in the context and view catchment of the heritage items. No further heritage conditions are required.

In addition, no objection is raised with regard to heritage, to the deletion of condition C39 that requires the re-location of the retaining wall. A stepped retaining wall as indicated on the submitted architectural plans will likely be a less harsh design as compared to a taller retaining wall for the streetscape.

Comment:

Council's Conservation Planner's comments are noted and concurred with.

Further consideration in relation to the proposed deletion of Condition C39 is provided below.

PROPOSED DELETION OF CONDITION C39

Condition C39 requires design modifications to a retaining wall adjacent to the carpark within the side (north-western) building setback to provide an additional setback of 2m behind the front building line. The full condition reads as follows:

Amendments to Plans

C39. *The plans referenced in Condition A1 are to be amended as follows:*

(a) The retaining wall within the northwestern side setback that aligns with the front building line of the basement level (DA04 C) is to be set back an additional 2m behind the front building line to break down the width of the building form as viewed from the street. The area in front of the retaining wall is to be landscaped to soften the built form. Plans and specifications which comply with this condition, including the amended landscape plan approved by Council's Landscape Development Officer, must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

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

(Reason: To reduce the bulk from the street and provide a more appropriate juxtaposition with the adjoining heritage item)

The applicant's justifications for the proposed deletion of Condition of C39 are as follows:

The condition requires the retaining wall aligning with the front of the basement carpark in the western boundary setback to be recessed by 2m. The intention of the condition was to reduce bulk from the street and to appropriately respond to the adjoining heritage item.

However, the setback of the building from the north-western (side) boundary at ground level is significantly larger than at basement level. As such, were the retaining wall to be recessed it would result in a series of stepped retaining walls, with narrow areas for planting, in the order of only 600mm wide compared to 1400mm as proposed in the 2m setback area.

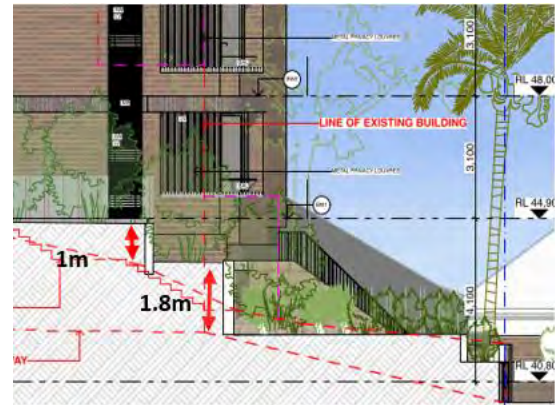
This would reduce planting opportunities in the area and would not achieve the intended streetscape outcome and relationship with the adjoining heritage item.

In support of the application, the applicant has submitted architectural plans showing a design that complies with the requirements of Condition C39. Below is a comparison between the design outcome as required by Condition C39 and that as proposed by the applicant:

As per Condition C39:



Applicant's Proposal:



Figures 11 and 12: North-western elevation

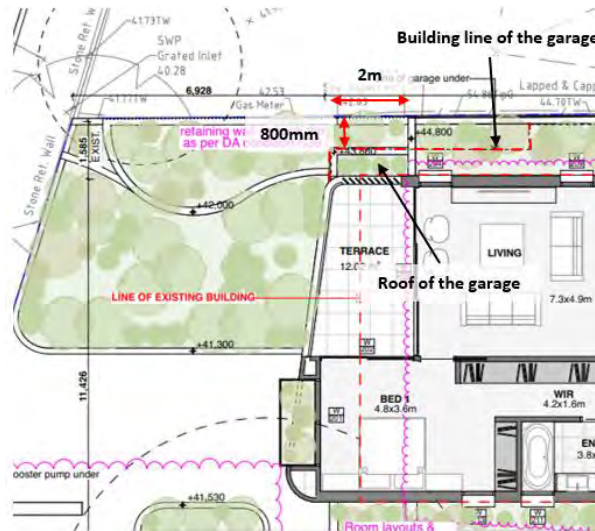


Figure 13: Retaining wall and floor plan (as per Condition C39)

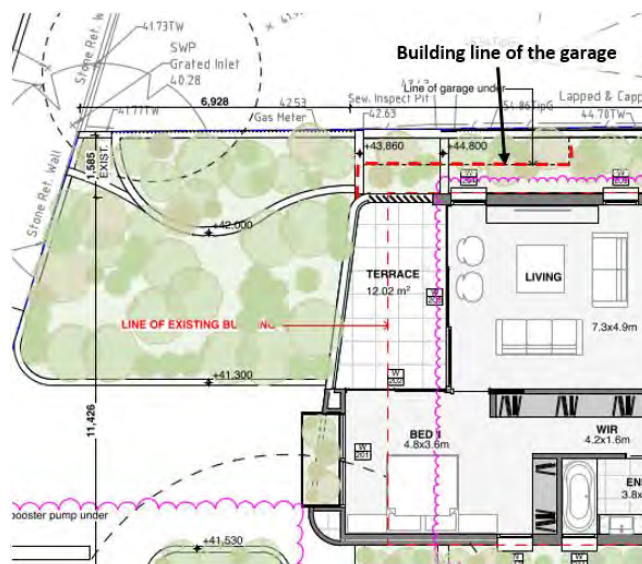


Figure 14: Retaining wall and floor plan (Applicant's proposal)

Condition C39:

The intent of Condition C39 requiring additional setback of the retaining wall is to “reduce the bulk from the street and provide a more appropriate juxtaposition with the adjoining heritage item.” The design amendments would also result in an area for soft landscaping at RL41.975 between the approved apartment building and the property boundary of the adjoining heritage item at No.23 Undercliff Street.

However, the footprint of the approved garage would restrict the size of the area available for soft landscaping at RL41.975 with a maximum width of 800mm between the outer wall of the garage structure and the common property boundary with No. 23 Undercliff Street (**Figure 13**). There would be some scope for soft landscaping on the roof of the garage structure.

Whilst some soft landscaping can be provided within the 800mm wide planting area, this restricted space is unlikely to provide ideal growing conditions for substantial soft landscaping as the condition originally intended due to the narrow width and the shading from the retaining wall along the north-western (side) property boundary. Furthermore, the effectiveness of softening of the building bulk and the impacts on the streetscape are contingent on the provision of substantial soft landscaping to screen the retaining walls and any other building elements that are in close proximity to the property boundary of No.23 Undercliff Street.

Applicant’s Proposal:

The applicant has proposed a stepped terrace within the side (north-western) building setback area with the first terrace at RL43.86 and the top terrace at RL44.80 as shown in **Figures 12 and 14**. Whilst the current proposal is similar to the original DA design, it is considered that the design would provide sufficient landscaping to provide a landscape buffer to soften the built form of the subject development and the heritage item at No.23 Undercliff Street. In particular, the applicant has submitted a landscaped plan showing the planting of 26 x Lilly pilly (*Acmena smithii* ‘Sublime’) with a mature height of 5m along the north-western property boundary and a landscaped front garden adjacent to No.23 Undercliff Street with substantial planting including 2 x Coastal Banksia (*Banksia integrifolia*) with a mature height of 9m and 1 x Bracelet honey myrtle (*Melaleuca armillaris*) with a mature height of 8m (**Figure 15**). In addition, soft landscaping is also proposed on the stepped terrace along the side (north-western) building setback (**Figure 16**).

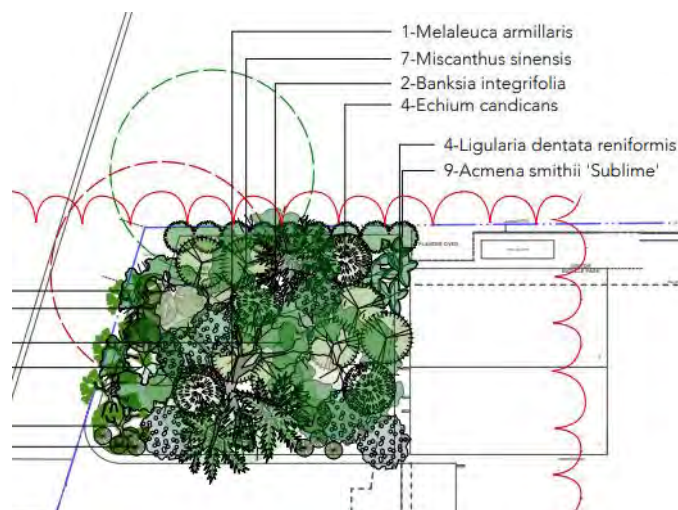


Figure 15: Proposed landscaping within the front garden

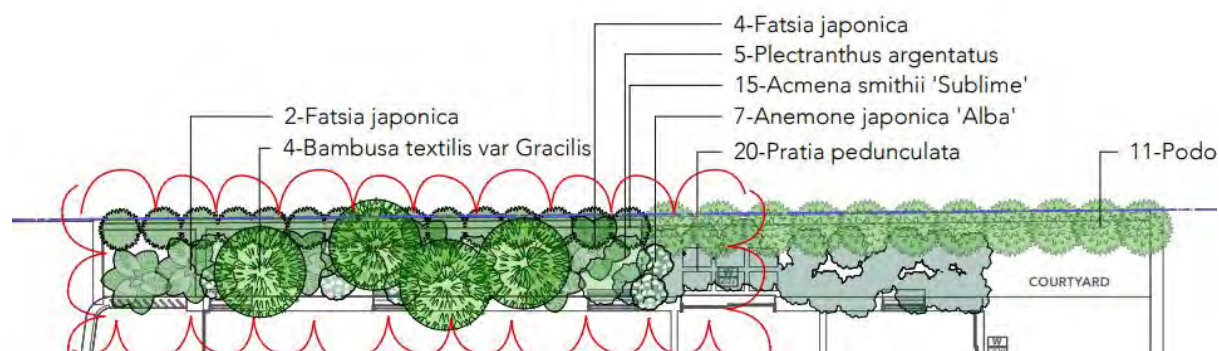


Figure 16: Proposed landscaping along the north-western (side) building setback

Furthermore, the stepped terrace would be screened by the planting within the front garden and along the side property boundary as seen from the street. Therefore, the impacts on the adjoining heritage item at No. 23 Undercliff Street would be minimised.

Council's Conservation Planer has raised no objection to the applicant's proposal seeking the deletion of Condition C39 in heritage terms

It is therefore considered that the applicant's submission, supported by architectural and landscape plans, should achieve an outcome that is generally consistent with the intent of the design amendments as required by Condition C39 and no objection is raised to the proposed deletion of this condition.

ENGINEERING

The application has been referred to Council's Senior Development Engineer who raised no objection to the proposed modifications and no further changes to the engineering conditions that were imposed on the original Development Consent.

LANDSCAPING

The application has been referred to Council's Landscape Development Officer who raised no objections to the application and noted that the applicant has not proposed changes to the tree protection conditions already imposed on the original Development Consent.

SUBMISSIONS

The adjoining property owners and the Neutral Precinct Committee (Hayes Precinct Committee being inactive) was notified about the application between 13 and 27 September 2024. A total of six (6) submissions were received including four (4) submissions from one household. The matters raised in the submissions are listed below:

Basis of Submission

- Adverse impacts on car parking along Undercliff Street due to the proposed increase in the number of bedrooms within the approved apartments.
- The proposed development should provide sufficient parking and should not rely on on-street parking.

- Concerns raised about the impacts on the availability of parking along Undercliff Street due to the proposed increase in the number of bedrooms within the approved development.
- Concerns raised about the reasons/timing and implications of the late design changes involving the proposed hydrant boosters and sprinkling system.
- The loss of landscaping resulting from the addition of hydrant booter along the street frontage.
- Increased car parking demand due to the proposed increase in the number of bedrooms within the approved apartments.
- Enquiry about the fencing along the common side boundaries with Nos 9 and 23 Undercliff Street.
- Concerns raised about the approval process of the original DA.

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.

CONSIDERATION

Council is required to assess the s4.55 application under the EPA Act 1979 (As amended) having regard to the following matters:

Section 4.55 (2)

- (a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) *it has notified the application in accordance with—*
 - (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

Comments are provided on the above matters in section 4.55 (2) as follows:

- (a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*

The subject application seeks various design changes to the approved apartment development. The proposed modifications would not materially change the building height, building envelope, the overall building design, appearance and the use of the development as originally approved. Consequently, the proposal is considered to be “substantially the same”.

(b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*

The proposal did not require any referral to another public authority.

(c) *Whether the application has been notified and, if so, were there any submissions*

The adjoining property owners and the precinct committee was notified about the application between 13 and 27 September 2024. A total of six (6) submissions were received including four (4) submissions from one household. The issues raised in the submissions received are addressed later in this report.

Pursuant to section 4.55 (3) in the EPA ACT 1979 (as amended) Council must also consider the matters that need to be addressed under section 4.15 (Evaluation) and the reasons for the original approval that are considered later in this report.

In addition, 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 & Conservation) 2021

Chapter 2 – Vegetation in Non-Rural Areas

The proposed modifications meet the objectives of the SEPP because there would be no additional clearance of vegetation or any materials impacts on bushland in the vicinity of the subject site.

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 modifications would not be visible from Sydney Harbour and would have no adverse affect on the quantity or quality of water entering Sydney Harbour as well as the ecology of the harbour and its foreshores. The application satisfies the requirements of the Policy.

SEPP (Resilience and Hazards) 2021

- Chapter 4 Remediation of Land

Clause 4.6 of the *SEPP* requires the Consent Authority to consider whether the subject site is contaminated, and if so, what remediation would be required to make the site suitable for the proposed use. The subject site has previously been used for residential dwellings.

Given the historical use, the subject site is unlikely to be contaminated. Appropriate conditions of consent relating to the identification and removal of asbestos have been imposed as part of the original DA approval. The matters for satisfaction in the *SEPP* are therefore considered to be satisfied.

SEPP (Housing) 2021

This Policy does not apply as the proposed development does not meet the criteria in Chapter 4 of the *SEPP*, specifically Clause 144 (3)(c) as the proposed development contains only three dwellings and not four.

SEPP (Sustainable Buildings) 2022

A valid BASIX Certificate (No 1260751M_04) has been submitted with the application to satisfy the Aims of the *SEPP*.

NORTH SYDNEY LOCAL ENVIRONMENT PLAN (NSLEP 2013)

1. Permissibility

The subject site is located on land zoned R4 (High Density Residential).

The proposal does not change the use of the approved development as a residential flat building that is a type of development permissible within a R4 (High Density Residential) zone with consent from Council.

2. Objectives of the zone

The proposed modifications are consistent with the relevant objectives of the zone as indicated throughout the report.

Principal Development Standards

COMPLIANCE TABLE Principal Development Standards North Sydney Local Environmental Plan 2013				
	Approved	Proposed	Control	Complies
Clause 4.3 – Heights of Building	16.08m	16.08m	12m	NO

3. Height of Building

The subject site has a maximum permitted building height of 12m pursuant to clause 4.3(2) in NSLEP 2013. The existing apartment building that is proposed to be demolished has a maximum height of 16.1m measured from the existing, partially excavated, ground level within the existing garage.

The approved development includes a new apartment building that maintains the same overall height (RL) as the existing building together with building elements that are above the LEP maximum building height limit as indicated below:

	Non-compliant Building Element	Control	Height	Variation
A.	Southern end of main ridge	12m	16.08m	33.6%
B.	Northern end of main ridge		13.19m	11.8%
C.	Third floor level balcony roof (SE corner)		14.58m	21.5%
D.	Second floor level balcony roof		12.2m	1.6%



Figure 17: Building elements approved above the LEP building height plane

It is noted that the application does not seek material changes to the building height and building envelope as approved under the original DA. The proposed deletion of the lift overrun would reduce the extent of non-compliance with the LEP maximum building height development standard.

In accordance with the findings by Justice Lloyd in **Gann & Anor v Sutherland Shire Council [2008] NSWLEC 157**, the modification of a development consent pursuant to Section 4.55 (formerly Section 96) which results in a new or modified variation to a development standard, does not require the submission of an objection pursuant to SEPP 1 or a request for variation to the Development Standard under Clause 4.6 of the LEP. In this regard, reference is made to the provisions of S4.55(4) of the Act which distinguishes between the modification of a development consent pursuant to S4.55 and the granting of development consent.

In addition, consideration has been given to the objectives of the LEP building height control and the environmental grounds justifying the proposed building height variation as a measure of the performance of the proposed modifications. These matters have been considered below:

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

The proposed modifications would not materially change the built form of the apartment building and the overall landform within the subject site as originally approved.

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

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

The proposed modifications would not materially change the building height and building envelope as originally approved. Therefore, there would not materially change the impacts of significant views as seen from the adjoining properties and the public domain.

Similarly, the proposed modifications would not result in material changes to the shadowing impacts on the neighbouring properties.

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

There would be no adverse privacy impacts caused by the non-complying elements given the internal floor space is contained within the roof form and no changes to the external screening and other design elements that formed part of the original DA approval to ensure privacy protection.

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

The proposed modifications would not change the build form and overall design of apartment building. The relationship and compatibility with the developments would be maintained as per the original DA approval.

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

The proposed modifications would maintain the overall scale and density of the development as originally approved. The proposal for the conversion of family rooms to bedrooms is unlikely to significantly increase the density of the proposed development/locality because of the small scale nature of the subject development for three (3) apartments. It is considered that the proposed modifications are generally consistent with the established character of the area.

(1)(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.

This objective is not applicable as the subject site is zoned R4 High Density Residential.

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

It is considered that there are sufficient environmental planning grounds to justify the contravention of the development standard given that there would be no material changes to the overall building height and built form of the apartment building as originally approved.

Consequently, the proposed modifications are unlikely to cause material environmental impacts in addition to those associated with the original DA approval.

Concurrence with Minister

The consent authority, but not a delegate due to the variation being greater than 10%, may assume concurrence with the Minister as per the Planning Circular PS 20-002.

Whether the proposed development will be in the public interest?

The proposed modifications are considered to be in the public interest as it has been demonstrated that the proposed modifications are consistent with the objectives of the zone and the objectives of the development standard as discussed above.

Concluding Remarks

As indicated above, there are sufficient planning grounds to justify the modified building elements above the LEP building height limit. The proposed modifications are considered to be in the public interest and are supported in these circumstances.

4. Heritage Conservation

The proposed modifications are considered to satisfy clause 5.10 of NSLEP 2013 and Part B Section 13 of NSDCP 2013 in that the impact to the nearby heritage items will be low. The streetscape changes are of a minor nature and the majority of the other proposed changes are in locations that will not be viewed in the context and view catchment of the heritage items.

5. Earthworks

The proposed modifications would involve minor additional excavation to accommodate the relocated store room for Unit 1, a visitors bicycle parking space and provision of electrical cupboards.

Consideration has been given to the LEP's objectives for earthworks as contained in Clause 6.10(3) of NSLEP 2013. The proposed modifications are unlikely to cause additional disruption nor detrimental effect on drainage patterns, soil stability as well as significant change to the natural features and significant vegetation within the subject site because of the minor nature of the modifications.

Council's Development Engineer considered that the engineering conditions imposed in the original development consent are sufficient to address the additional works proposed.

The proposed excavation work is unlikely to cause adverse impacts on the amenity of the adjoining properties during the construction phase of the proposed development with the imposition of appropriate conditions of consent relating to construction hours, air quality, noise/vibration, health and safety already imposed in the original development consent.

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			
		complies	Comments
1.2 Social Amenity			
1.2.1	Population Mix	No (acceptable on merit)	<p>The DCP requires multi-dwelling/apartment development with fewer than 20 dwelling to provide at least two types of units (being studio, 1 Bedroom, 2 Bedroom and 3 bedroom). The proposed modifications would provide a non-complying 3 x 3 Bedroom units.</p> <p>However, the relatively small scale nature of the proposed development limits the ability to strictly comply with the above DCP requirements. The proposed provision of only larger three and four bedrooms apartments is considered acceptable given the constrained nature of the site, its location, and the development efficiency created by providing single apartment floor plates.</p> <p>In addition, the proposed changes would have negligible impacts on the population mix because the proposed addition of a bedroom within each apartment would result in a net increase of 1.8 persons for the entire development based on the occupancy rate as published in the North Sydney Local Infrastructure Contribution Plan.</p>
1.2.2	Maintaining Residential Accommodation	No change	The proposed modifications would not materially change the supply of residential accommodation, affordable housing and housing for seniors/persons with disability.
1.2.3	Affordable Housing	N/A	
1.2.4	Housing for Seniors/ Persons with disability		
1.3 Environmental Criteria			
1.3.1	Topography	No change	The proposed modifications would not materially change the landform within the subject site as originally approved.
1.3.6	Views	Yes	The proposed modification would not materially change the building height and building envelope of the apartment building as originally approved. Therefore, there would be no additional impacts on significance views as seen from the adjoining properties/public domain nor additional overshadowing of the adjoining properties.
1.3.7	Solar Access		
1.3.8	Acoustic Privacy	Yes	<p>The proposed modifications would have no material impacts on the acoustic privacy of the adjoining properties because the proposal does not involve significant changes to the use and locations of the balconies/outdoor areas.</p> <p>In addition, the proposed pump room would be located within the basement and any noise nuisance resulting from this aspect of the proposal is considered to be minimal.</p> <p>It is also noted that the new pump room will be subject to the requirements of Condition C29 relating to noise from plant and equipment in the original DA consent to ensure the amenity of the adjoining properties.</p>
1.3.10	Visual Privacy	Yes	The proposed modifications are unlikely to cause additional visual privacy impacts for the adjoining properties given that the applicant has proposed louvres on windows located on the side (north-western/south-eastern) elevations.

		Furthermore, the applicant has proposed the deletion of the Levels 3 and 4 windows on the rear (north-eastern) elevation to further reduce overlooking towards the adjoining properties at the rear of the subject site.									
1.4 Quality built form											
1.4.1 Context	Yes	The approved development featuring a pitched roof and masonry external wall is generally consistent with the context of the locality, particularly the properties located within the R4 (High Density Residential) zone. The proposed modifications would not change the overall design and built form of the approved development and is considered to be acceptable in this regard.									
1.4.2 Subdivision Pattern 1.4.5 Siting	No change	The proposed modifications would not change the subdivision pattern/siting and the orientation of the approved development.									
1.4.6 Setback – Side	No change	The proposed modifications do not involve changes to the building setbacks from the side (north-western/south-eastern) property boundaries as originally approved. Given that the proposal would not change the approved building height and building envelope (apart from the deletion of the lift overrun). There would be no material changes to the level of compliance with the DCP building height plane requirements.									
P1 Front setback P5 Rear Setback – Rear	No change	The proposed modifications do not involve changes to the building setback from the front (Undercliff Street) and rear property boundaries as originally approved.									
1.4.7 Form Massing Scale 1.4.8 Built Form Character	Yes	The proposed modifications would not materially change the built form, bulk and scale of the approved apartment development. Furthermore, the design and appearance of the approved development would generally be maintained.									
1.4.9 Dwelling Entry	Yes	The proposed modifications do not change the location of the building entrance. The addition of an entrance footpath would improve pedestrian access to the subject site and a stronger sense of address.									
1.4.10 Roofs	Yes	The proposal does not change the approved pitched roof form. The deletion of the lift overrun is supported as this would reinforce the traditional roof form for the subject development.									
1.4.12 Materials	No change	The applicant has not proposed changes to the materials, colours and finishes as originally approved.									
1.5 Quality Urban Environment											
1.5.1 High Quality Residential Accommodation	Yes	The modified apartments are large in size and achieve the minimum size and dimension requirements. All apartments would achieve natural cross ventilation.									
1.5.3 Safety and Security	Yes	The proposed modifications would maintain the safety and security of the subject site and the surrounding properties.									
1.5.4 Vehicle Access and Parking	Yes	The basement carpark would accommodate a total of six (6) cars that complies with the maximum DCP requirement for car parking within a development on land zoned R4 (High Density Residential) as demonstrated below: <table border="1" data-bbox="783 1693 1398 2056" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Control</th> <th>Requirement/ Proposed</th> <th>Compliance</th> </tr> </thead> <tbody> <tr> <td>Residential Flat Buildings:</td> <td></td> <td></td> </tr> <tr> <td> <ul style="list-style-type: none"> • Studio/1B and 2B units: 1 sp/dwelling • 3B +: 1.5 sp/dwelling • Visitor: 0.25 sp/dwelling (min. 1 space) </td> <td> <ul style="list-style-type: none"> • 3 x 3B = 4.5 spaces • 1 x visitor space (min) • Total 5.5 spaces – round to 6 spaces </td> <td style="text-align: center;">Yes</td> </tr> </tbody> </table> <p>The modified proposal is fully compliant with the DCP maximum parking requirement for an apartment/residential flat building development.</p>	Control	Requirement/ Proposed	Compliance	Residential Flat Buildings:			<ul style="list-style-type: none"> • Studio/1B and 2B units: 1 sp/dwelling • 3B +: 1.5 sp/dwelling • Visitor: 0.25 sp/dwelling (min. 1 space) 	<ul style="list-style-type: none"> • 3 x 3B = 4.5 spaces • 1 x visitor space (min) • Total 5.5 spaces – round to 6 spaces 	Yes
Control	Requirement/ Proposed	Compliance									
Residential Flat Buildings:											
<ul style="list-style-type: none"> • Studio/1B and 2B units: 1 sp/dwelling • 3B +: 1.5 sp/dwelling • Visitor: 0.25 sp/dwelling (min. 1 space) 	<ul style="list-style-type: none"> • 3 x 3B = 4.5 spaces • 1 x visitor space (min) • Total 5.5 spaces – round to 6 spaces 	Yes									

		The proposed modifications do not involve changes to the vehicular access off Undercliff Street as approved in the original DA.																
<p>1.5.5 Site Coverage 1.5.6 Landscape Area</p>		<p>The site has an area of 489.83sqm. Compliance with the site coverage, unbuilt upon area and landscaped area provisions for residential flat buildings is assessed in the table below:</p> <table border="1"> <thead> <tr> <th>Control</th> <th>Approved</th> <th>Proposed</th> <th>Compliance</th> </tr> </thead> <tbody> <tr> <td>Site coverage = Maximum 45%</td> <td>202.6sqm (41.35%)</td> <td>212.8sqm (43.44%)</td> <td>Yes</td> </tr> <tr> <td>Landscaped Area = Minimum 40%</td> <td>181.5sqm (37.05%)</td> <td>175.5sqm (35.83%)</td> <td>No</td> </tr> <tr> <td>Unbuilt Upon Area = Maximum 15%</td> <td>105.8sqm (21.60%)</td> <td>101.53sqm (20.73%)</td> <td>No</td> </tr> </tbody> </table> <p>The modified development complies with the relevant site coverage provision, however there would be further non-compliances with the unbuilt upon area and landscaped area provisions due to the proposed fire hydrant/sprinkler booster pump/bin enclosure and the addition of a pedestrian footpath within the front building setback.</p> <p>It is noted that the basement footprint extending outside of the proposed building footprint and is indicative of the small size of the site. Whilst these areas would technically constitute unbuilt upon area, the soil depth over these basement areas would be between 1.2-3.0m and would provide sufficient soil to support substantial landscaping, particularly within the site setback areas to soften the building form. Should these areas be included as landscaped area, compliance would improve to 46% that satisfy the DCP landscaped area requirement.</p> <p>In addition, a condition is recommended requiring soft landscaping to be provided on the roof of the hydrant/sprinkler booster pump enclosure to further enhance the landscaped quality and streetscape of the proposed development (Condition C40).</p> <p>The remaining unbuilt upon area are limited to the driveway, the side entry path and a small courtyard approved under the original DA as well as the proposed pedestrian footpath within the front building setback. These building elements do not detract from the landscaped setting of the building, or the provision of substantial landscaping planting included trees.</p>	Control	Approved	Proposed	Compliance	Site coverage = Maximum 45%	202.6sqm (41.35%)	212.8sqm (43.44%)	Yes	Landscaped Area = Minimum 40%	181.5sqm (37.05%)	175.5sqm (35.83%)	No	Unbuilt Upon Area = Maximum 15%	105.8sqm (21.60%)	101.53sqm (20.73%)	No
Control	Approved	Proposed	Compliance															
Site coverage = Maximum 45%	202.6sqm (41.35%)	212.8sqm (43.44%)	Yes															
Landscaped Area = Minimum 40%	181.5sqm (37.05%)	175.5sqm (35.83%)	No															
Unbuilt Upon Area = Maximum 15%	105.8sqm (21.60%)	101.53sqm (20.73%)	No															
<p>1.5.8 Landscaping 1.5.9 Front Gardens</p>	Yes (via condition)	<p>The applicant has submitted landscaped plans and no objection has been raised by Council's Landscape Development Officer.</p> <p>Whilst the installation of the fire hydrant/sprinkler booster pump along the street frontage is required by NSW Fire and Rescue, it is considered that the impacts on landscaping/streetscape can be reduce by the requirement for the provision of soft landscaping on roof above the fire hydrant/sprinkler pump enclosure.</p> <p>A condition is recommended accordingly to enhance the streetscape and landscape quality of the proposed development (Condition C40).</p>																
1.5.12 Garbage Storage	Yes	The proposed enclosure within the front building setback is considered to be acceptable in terms of the provision of adequate storage facility for general waste and recyclable materials.																
1.5.13 Site Facilities	Yes (via condition)	The applicant has proposed a minor change to the wording of Condition C3 (Letterbox) to facilitate the provision of the mailboxes along the pedestrian entrance footpath. No objection is raised to this aspect of the proposal given that the proposed location of the mailboxes is easily accessible and consistent with the relevant DCP provision.																

1.6 Efficient Use of Resources		
1.6.1 Energy Efficiency	Yes	The applicant has submitted a valid BASIX Certificate demonstrating compliance with the relevant requirement of <i>SEPP (Sustainable Buildings) 2022</i> .

Neutral Bay Planning Area (Neutral Neighbourhood) – Part C of NSDCP 2013

The proposed modifications would be generally consistent with Part C of North Sydney DCP 2013 in particular Section 7 of the Character Statement for Neutral Bay Planning Area and Section 7.2 for Neutral Neighbourhood.

The proposed modifications would not materially change the overall building height, building envelope, built form, massing and the use of the building as approved in the original DA. Therefore, the proposal maintains consistencies with the desired future character and desired built form for the Neutral Neighbourhood.

LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN 2020

A 7.12 contribution of \$34,760.00 was levied for the original DA because the contribution calculated under Section 7.12 of the Act, being 1% of the development cost, is greater than the contribution calculated under Section 7.11 of the Act. Therefore, Section 7.12 contribution applies in accordance with the provisions of the North Sydney Local Infrastructure Contribution Plan 2020.

The proposed modifications would not significantly increase the contribution calculated under Section 7.11 of the Act. Therefore, the Section 7.12 Contribution as required in the original DA consent still applies.

Housing Productivity Contribution Order

The Ministerial Order for Housing Productivity Contribution came to effect on 1 July 2024.

The order applies to land in that includes the Greater Sydney Region in which North Sydney Council is located.

Part 2 Division 1 Clause 5 outlines that Residential Development triggers a contribution if development consent is granted.

(2) States that Residential Development means any of the following –

- (a) subdivision of land (other than strata subdivision) on which development for the purposes of residential accommodation is permitted with development consent by an environmental planning instrument applying to the land (residential subdivision),*
- (b) medium or high-density residential development,*
- (c) development for the purposes of a manufactured home estate.*

Schedule 1 defines medium or high density residential development as –

medium or high-density residential accommodation means any of the following:

- (a) attached dwellings,*
- (b) build-to-rent housing,*
- (c) dual occupancy,*

- (d) multi-dwelling housing,
- (e) residential flat building,
- (f) semi-detached dwellings,
- (g) seniors living consisting of a group of independent living units,
- (h) shop top housing.

Based on the subject development application, the application is defined as a residential flat building. Schedule 2 outlines exemptions for this contribution, of which remains silent on matters such as the proposed development.

Division 2 clause 7 sets out the base contribution amounts as follows:

Region	HPC class of development	Amount	HPC unit
Greater Sydney	Residential subdivision	\$12,000	new dwelling lot
	Medium or high-density residential development	\$10,000	new dwelling
	Commercial development	\$30	square metre of new GFA
	Industrial development	\$15	square metre of new GFA
Central Coast Illawarra-Shoalhaven	Residential subdivision	\$8,000	new dwelling lot
	Medium or high-density residential development	\$6,000	new dwelling
Lower Hunter	Manufactured home estate	\$6,000	new dwelling site
	Commercial development	\$30	square metre of new GFA
	Industrial development	\$15	square metre of new GFA

Modifications to consents issued prior to commencement of the HPC are exempt from paying the contribution. Where a consent is modified after the commencement of the contribution, the amount will be amended and reflected in the final consent condition. Given the parent consent was issued prior to the commencement of this order, the requirement to levy a contribution by way of condition is not triggered.

Section 4.55 (3) in the EPA ACT 1979 - Consideration of the reasons given by the consent authority for the grant of the consent that is sought to be modified.

The reasons for granting the original DA are as follows:

The Panel carefully considered the concerns of residents in its determination and has formed the view that it will not result in unreasonable impacts on adjoining properties given the R4 High Density Residential zoning and planning framework with consideration against all relevant controls. The clause 4.6 written request to allow for a height exceedance is approved and this is a precondition to the consent.

On a merits assessment the Panel notes from the Assessment Report that the height has the same RL as the existing roof. The R4 High Density Residential zone permits the existing residential flat building to be replaced with another flat building and does not rely on the existing use rights.

The Panel also noted that the front setbacks of the development along Undercliff Street are varied and that the proposed street setback for the subject site is not considered uncharacteristic. Furthermore, the development is compliant with the rear setback control, as well as the site coverage controls.

Although there is additional overshadowing on the adjoining property to the southeast it is generated by that part of the built form that is compliant with Council's height control, and the rear and side setback controls. Furthermore, the additional overshadowing impacts areas that are secondary to the principle living areas and private open space of the adjoining property.

The Panel noted the concerns about excavation and proximity to the heritage item at No. 23 Undercliff Street and in this regard has amended conditions C6, C8 and C9 (f).

The Panel also imposed additional condition C39 to require a reduction in the building mass at ground level to have regard for the heritage item interface. This also entails the need to amend the landscape plan noting also that condition C38 requires additional landscaping to provide a more appropriate landscaped setting for the development. This condition is also amended to require the amended plan to be submitted for the approval of Council's Landscape Development Officer. Consequential amendments are also required to conditions C2 and A4.

The Panel did not agree with the Applicant's request to amend the condition for fixed shutters to be operable. This would require a full assessment of all windows to ensure privacy to adjoining properties.

Consideration has been given to the above reasons and addressed as follows:

- The proposed modifications would not result in further non-compliance with the LEP maximum building height development standard because the proposal would generally maintain the overall building height, building envelope, built form and massing of the approved development;
- The modified development would maintain the approved use as a residential flat building;
- The proposed modifications would not change the building setbacks of the approved building from the front, rear and side property boundaries;
- The proposed modifications would not cause additional adverse amenity impacts for the neighbouring properties including overshadowing;
- There would be no material impacts resulting from the proposed earthworks and the subject application does not involve further changes to Conditions C6, C8 and C9(f);
- The applicant has submitted architectural and landscape plans indicating that the intent of Condition C39 can be met and the deletion of this condition is considered to be acceptable;
- The landscape outcomes of the approved development would be maintained as the applicant has not sought changes to Conditions A4, C2 and C38; and
- A new condition requiring the provision of soft landscaping above the fire hydrant/sprinkler pump booster is recommended to reduce the impacts on landscaping and streetscape.

ALL LIKELY IMPACTS OF THE DEVELOPMENT

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

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

SUBMITTERS CONCERNS

The adjoining property owners and the precinct committee was notified about the application between 13 and 27 September 2024. A total of six (6) submissions were received including four (4) submissions from one household. The matters raised in the submissions are addressed as follows:

- ***Adverse impacts on car parking along Undercliff Street due to the proposed increase in the number of bedrooms within the approved apartments resulting in an increase in parking demand.***
- ***The proposed development should provide sufficient parking and should not rely on on-street parking.***

Comment:

The DCP has a maximum parking requirement for residential flat building at the rate of 1.5 space per 3 bedroom unit. The modified proposal, containing 3 x 3 bedroom units, would require 4.5 parking spaces.

In addition, the DCP has a requirement for visitors parking at 0.25 space per unit.

The total DCP parking requirement would be 5.5 spaces.

A total of six parking spaces would be provided within the carpark and is fully compliant with the DCP's maximum parking requirement.

Furthermore, the proposed changes would have negligible impacts on population/density within the neighbourhood because the addition of a bedroom within each apartment would result in a net increase of 1.8 persons for the entire development based on the occupancy rate as published in the North Sydney Local Infrastructure Contribution Plan.

- **Concerns raised about the reasons/timing and implications of the late design changes involving the proposed hydrant boosters and sprinkling system.**
- **The loss of landscaping resulting from the addition of hydrant booster along the street frontage.**

Comment:

The development consent of the original DA contains a standard condition requiring the development to comply with the relevant requirements of the NCC. The applicant as advised that an assessment was carried out by the applicant's building consultant after the approval of the original DA and identified a sprinkler system is required by the NCC for the subject development (being an apartment building that has four or more storeys).

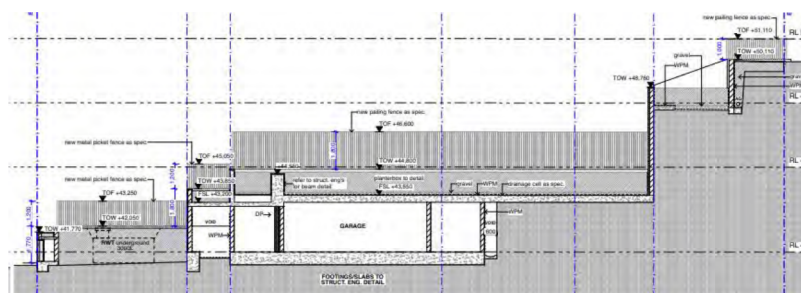
A booster system is also required to ensure sufficient water pressure to support the fire hydrant and sprinklers. The proposed location of fire hydrant and sprinkler booster is also consistent with the requirements of NSW Fire and Rescue.

A condition is recommended requiring the provision of soft landscaping on the roof above the fire hydrant/sprinkler booster pump enclosure to enhance the streetscape and landscape quality of the proposed development (**Condition C40**).

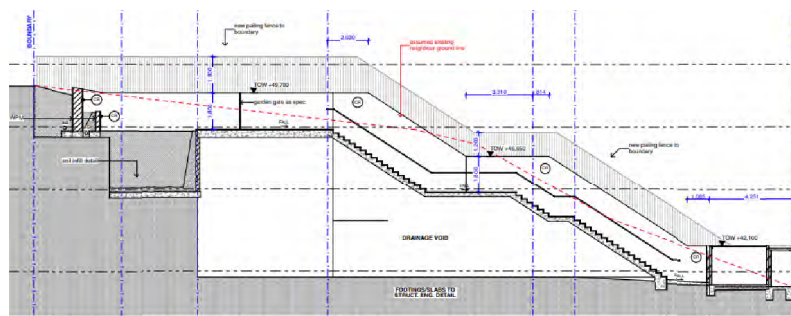
- **Enquiry about the fencing along the common side boundaries with Nos 9 and 23 Undercliff Street.**

Comment:

The applicant has provided indicative drawings showing a new rendered masonry wall topped with a timber wall along the side property boundaries with Nos 9 and 23 Undercliff Street. The applicant has also indicated the willingness to discuss the matter with the owners of the neighbouring properties on the design of boundary fencing.



North-western boundary (No.23 Undercliff St)



South-eastern boundary (No.7 Undercliff St)

Figures 18 & 19: Indicative design of boundary fencing

Whilst no in-principle objection is raised to the indicative design for boundary fencing, the design may be subject to change following discussions with the owners of the neighbouring properties. Therefore, these plans do not form part of the plans to be determined under the current application.

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 on land zoned R4 (High Density Residential) where apartment/residential flat buildings 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 proposed modifications are considered to be generally consistent with the originally approved development application and s.4.55 of the EP & A Act 1979.

The proposed modifications, as amended by conditions of consent, would result in a development which is substantially the same development as originally approved in the original DA.

The proposed modifications would not result in further non-compliance with the LEP maximum building height development standard because the proposal would generally maintain the overall building height, building envelope, building setbacks, built form, appearance and the use of the approved development.

The proposed modifications would not cause additional adverse amenity impacts for the neighbouring properties.

The applicant has submitted architectural and landscape plans addressing the requirements of Condition C39 and the deletion of this condition is considered to be acceptable given that the architectural and the landscaping outcomes would be consistent with the intended outcomes as required by Condition C39.

A new condition requiring the provision of soft landscaping above the fire hydrant/sprinkler pump booster is recommended to reduce the impacts on landscaping and streetscape.

The issues raised in the submissions have been addressed in the assessment report.

The proposal was found to be acceptable in the site circumstances and is recommended that the subject Section 4.55(2) application be approved with modifications to existing conditions of consent and addition of new conditions.

RECOMMENDATION

PURSUANT TO SECTION 4.55 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT the North Sydney Planning Panel exercising the functions of Council approve the modification of development consent **D430/21** dated 7 September 2022 in respect of a proposal for the demolition of an existing residential flat building and construction of a four storey residential flat building with basement parking at No.9 Undercliff Street, Neutral Bay under the provisions of Section 4.55 of the Environmental Planning and Assessment Act only insofar as will provide for the following:

- To modify the conditions of (D430/21) in particular conditions A1, C3, C36 and G15 to read as follows:***

Development in Accordance with Plans (S4.55 Amendments)

- A1. The development being carried out in accordance with the following drawings:

Plan Nos.	Issue	Description	Prepared by	Dated	
DA04	C	Level 1 Plan	Corben Architects	22 August 2022	
DA05	C	Level 2 Plan		25 August 2022	
DA06	B	Level 3 Plan		3 June 2022	
DA07	B	Level 4 Plan		3 June 2022	
DA08	B	Level 5 Plan		3 June 2022	
DA09	B	Roof Plan		3 June 2022	
DA10	B	Southwest Elevation		3 June 2022	
DA11	B	Northwest Elevation		3 June 2022	
DA12	B	Northeast Elevation		3 June 2022	
DA13	B	Southeast Elevation		3 June 2022	
DA14	B	Section AA		3 June 2022	
DA15	C	Section BB & CC		25 August 2022	
D100	A	Landscape Plans		Sticks and Stones	20 May 2022
D101	A	Planting Plan			20 May 2022

and endorsed with Council's approval stamp, except as modified by highlighting on the following drawings for D430/21/3:

Plan No.	Description	Prepared by	Dated
DA04 Rev D	Level 1 Plan	Corben Architects	10 July 2024
DA05 Rev D	Level 2 Plan	Corben Architects	10 July 2024
DA06 Rev C	Level 3 Plan	Corben Architects	10 July 2024
DA07 Rev C	Level 4 Plan	Corben Architects	10 July 2024
DA08 Rev C	Level 5 Plan	Corben Architects	10 July 2024
DA09 Rev C	Roof Plan	Corben Architects	10 July 2024
DA10 Rev C	Southwest Elevation	Corben Architects	10 July 2024
DA11 Rev C	Northwest Elevation	Corben Architects	10 July 2024
DA12 Rev C	Northeast Elevation	Corben Architects	10 July 2024

DA13 Rev C	Southeast Elevation	Corben Architects	10 July 2024
DA14 Rev C	Section AA	Corben Architects	10 July 2024
DA15 Rev C	Section BB & CC	Corben Architects	10 July 2024
S4.55.1 Rev C	Landscape Plan	Nelson Thomas	20 February 2024
S4.55.2 Rev C	Planting Plan	Nelson Thomas	20 February 2024

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

Mailboxes

- C3. Individual Mailboxes for each apartments and the body corporate are to be incorporated into the design of the ~~front~~-fencing and the fire hydrant sprinkler booster pumps/bin storage enclosure within the front building setback.

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 the provision of site facilities in accordance with Section 1.5.13 of Part B in NSDCP 2013.)

BASIX Certificate

- C36. Under clause 75 of the *Environmental Planning and Assessment Regulation 2021*, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. 1260751M_04 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 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 proposed development will meet the Government's requirements for sustainability and statutory requirements)

Compliance with Certain conditions

- G15. Prior to the issue of any Occupation Certificate, Conditions A5, C1, C2, C3, C38 and C40, 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)

2. To insert new conditions A5 and C40 to read as follows:

Terms of Consent (D430/21/3)

- A5. Approval is granted for the following modifications only:

Level 1 (RL40.80):

- Provision of fire hydrant and sprinkler booster pump and associated design changes including replacement of a store room with fire pump room and hydraulic pump, relocation of bin store, amendment to eastern garden between driveway and stairs, relocate store room for Unit 1 and provision of electrical cupboards;
- Provision of separate 1m wide pedestrian path from the street to the entrance door;
- Amend ventilation louvres design and location to provide adequate ventilation for air conditioning units located inside the garage;
- Provision of letterboxes off path;
- Provision of visitor bicycle parking;
- Retaining wall in western setback at front of building to remain in existing location; and
- Provision of an enclosure for the fire hydrant/sprinkler pump booters, water meter and bin store within the front building setback.

Level 2 (RL44.90):

- Relocation of entry door to Unit 3;
- Internal changes to layout including removal of the family room (to be replaced by Bedroom 3), enlargement of Bedroom 2, provide ensuite for Bedrooms 2 and 3 and changes to the layout of bedroom 1, its ensuite and robe, pantry laundry and WC; and
- Fenestration changes associated with the internal layout changes including:
 - North-west (side) Elevation:
 - Replacement of a sliding door and a bedroom window with a window for Bedroom 2 and an ensuite window.
 - South-east (side) Elevation:
 - Relocation of the ensuite window and laundry windows.

Level 3 (RL48.00):

- Relocation of entry door to Unit 2;
- Internal changes to layout including removal of the family room (to be replaced by Bedroom 3), enlarge Bedroom 2, provide ensuite for Bedrooms 2 and 3 and changes to the layout of bedroom 1, its ensuite and robe, pantry laundry and WC and
- Fenestration changes associated with the internal layout changes including
 - North-west (side) Elevation:
 - Reconfiguration of Bedroom 2 window; and
 - Replacement of a former bedroom window with an ensuite window.
 - South-east (side) Elevation:
 - Relocation of the ensuite window and laundry windows.
 - North-east (Rear) Elevation:
 - Deletion of Bedroom 3 window.
 - South-west (Undercliff Street) Elevation:
 - Deletion of lobby window.

Level 4 (RL51.10)

- Relocation of entry door to Unit 1;
- Internal changes to layout including removal of the family room (to be replaced by Bedroom 4), enlarge Bedroom 3, provide ensuite for Bedrooms 3 and 4;

- Fenestration changes associated with the internal layout changes including in the relocation of the window to Bedroom 3 and the window to its ensuite and changes to windows including deletion of windows to the lobby and Bedroom 4
North-west (side) Elevation:
 - Reconfiguration of Bedroom 3 window; and
 - Replacement of a bedroom window with an ensuite window.North-east (Rear) Elevation:
 - Deletion of Bedroom 4 window.South-west (Undercliff Street) Elevation:
 - Deletion of lobby window.

Level 5 (RL54.20):

- Modifications to the layout for Bedrooms 1 and 2; and
- Removal of lift access to Level 5 and associated internal layout changes to provide a store room.

Roof (RL58.09):

- Removal of lift overrun from the south-east (side) elevation.

No approval is given or implied in this consent for any other works, both internal and external, within the subject property.

(Reason: To ensure the terms of the consent are clear.)

Design Modifications (D430/21/3)

- C40. The design of the proposed fire hydrant/sprinkler booster pump and bin storage enclosure within the front building setback shall be modified to provide soft landscaping on the roof over the fire hydrant/sprinkler booster pump to enhance landscaping outcomes and streetscape.

Plans and specifications complying with this condition must be submitted for the written approval of the Manager Development Services 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 enhance landscaping outcome and streetscape.)

3. Deletion of condition C39:

Amendments to Plans

~~C39. The plans referenced in Condition A1 are to be amended as follows:~~

- ~~a) The retaining wall within the northwestern side setback that aligns with the front building line of the basement level (DA04 C) is to be set back an additional 2m behind the front building line to break down the width of the building form as viewed from the street. The area in front of the retaining wall is to be landscaped to soften the built form. Plans and specifications which comply with this condition, including the amended landscape plan approved by Council's Landscape Development Officer, must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.~~

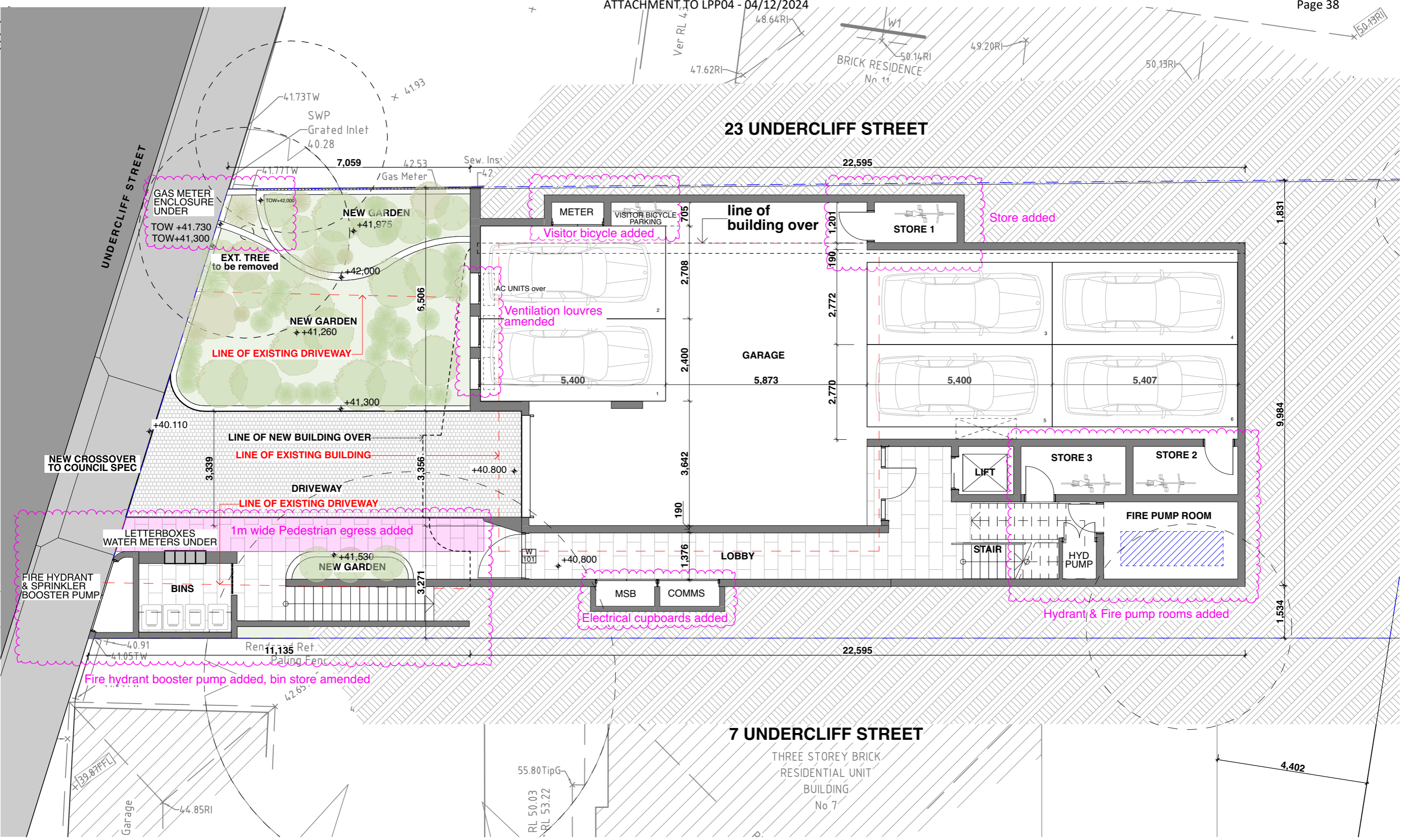
~~The Certifying Authority must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition.~~

~~(Reason: To reduce the bulk from the street and provide a more appropriate juxtaposition with the adjoining heritage item)~~

Robin Tse
SENIOR ASSESSMENT OFFICER

Andrew Beveridge
A/TEAM LEADER ASSESSMENTS

Isobella Lucic
A/MANAGER DEVELOPMENT SERVICES



7 UNDERCLIFF STREET

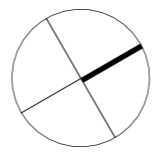
THREE STOREY BRICK
RESIDENTIAL UNIT
BUILDING
No 7

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Version: 1, Version Date: 18/07/2024

revisions		
RevID	Date	Description
D	10/7/2024	SECTION 4.55 ISSUE

notes

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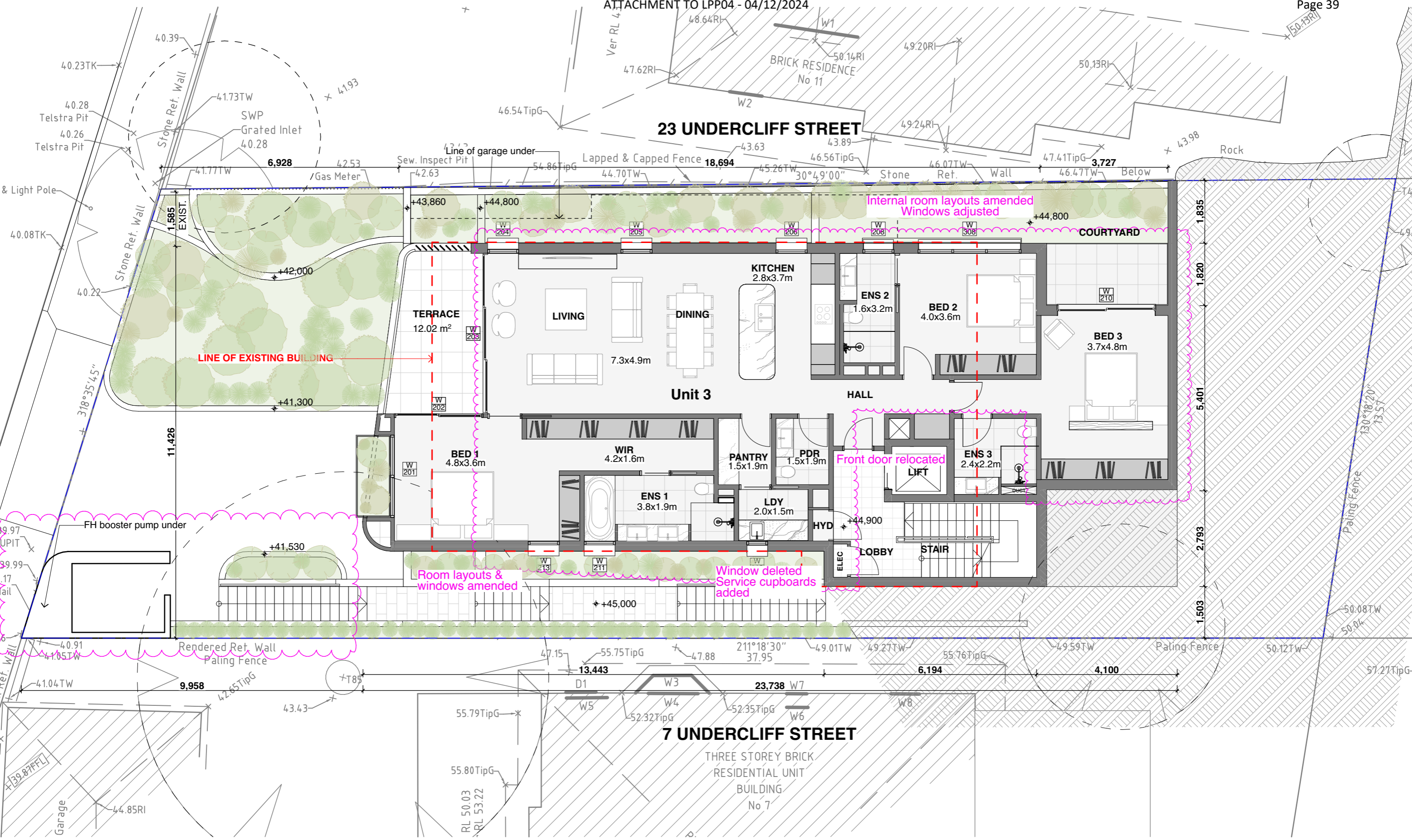
CORBEN ARCHITECTS
PO Box 1021 Neutral Bay NSW 2089
P 02 9904 1844 F 02 9904 1855
mail@corben.com.au www.corben.com.au

project Undercliff Street Apartments
address 9 Undercliff Street Neutral Bay NSW
client QH A1 Pty Ltd

title Level 1 Plan
issue Section 4.55

job no. UNB
drawn NW
checked AV
scale 1:100 @A3

dwg no. DA04
revision D



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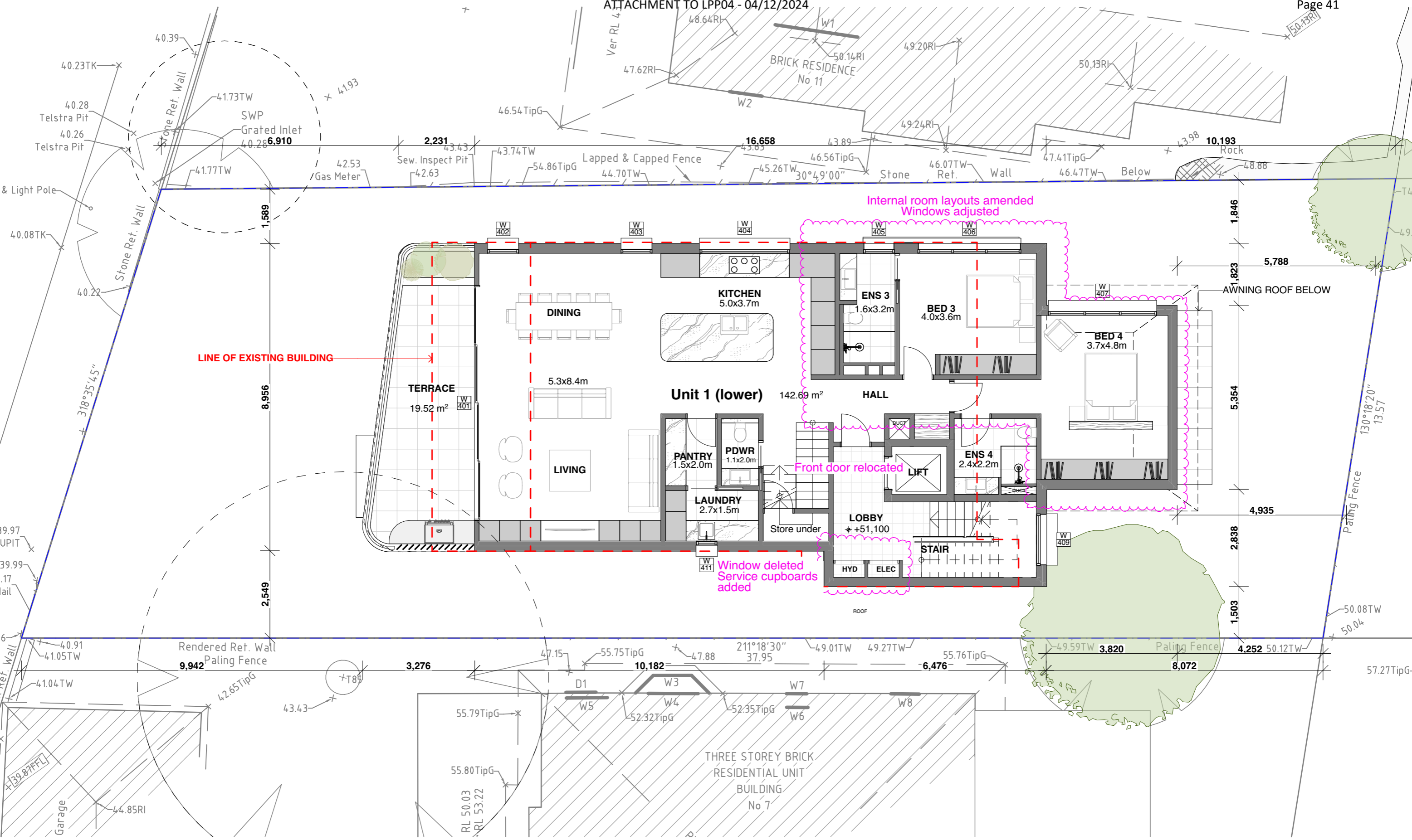
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project Undercliff Street Apartments
address 9 Undercliff Street Neutral Bay NSW
client QH A1 Pty Ltd

title Level 2 Plan
issue Section 4.55

job no. UNB
 drawn NW
 checked AV
 scale 1:100 @A3

dwg no. DA05
 revision
 D



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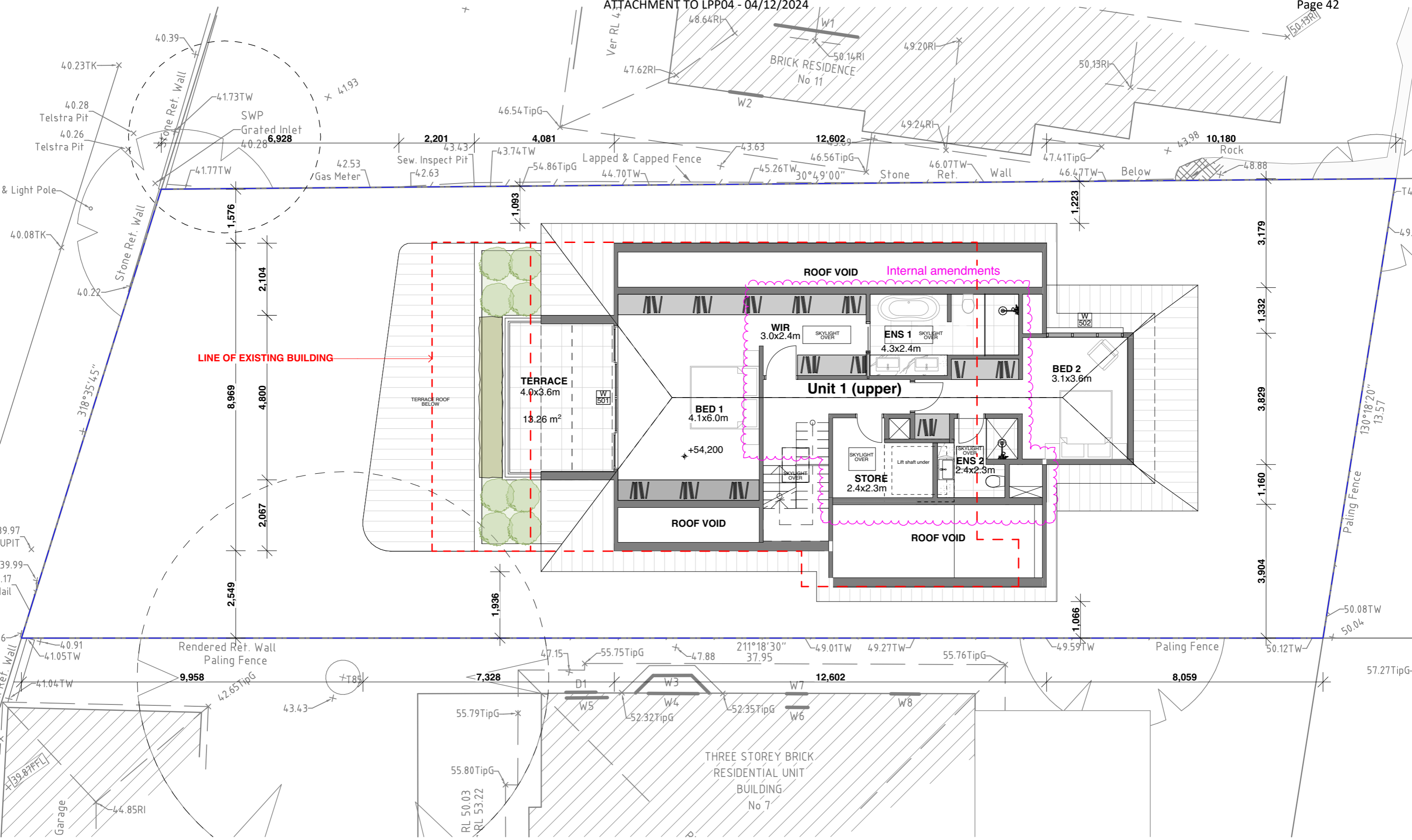
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client QH A1 Pty Ltd

title Level 4 Plan
issue Section 4.55

job no. UNB
drawn NW
checked AV
scale 1:100 @A3

dwg no. DA07
 revision
C



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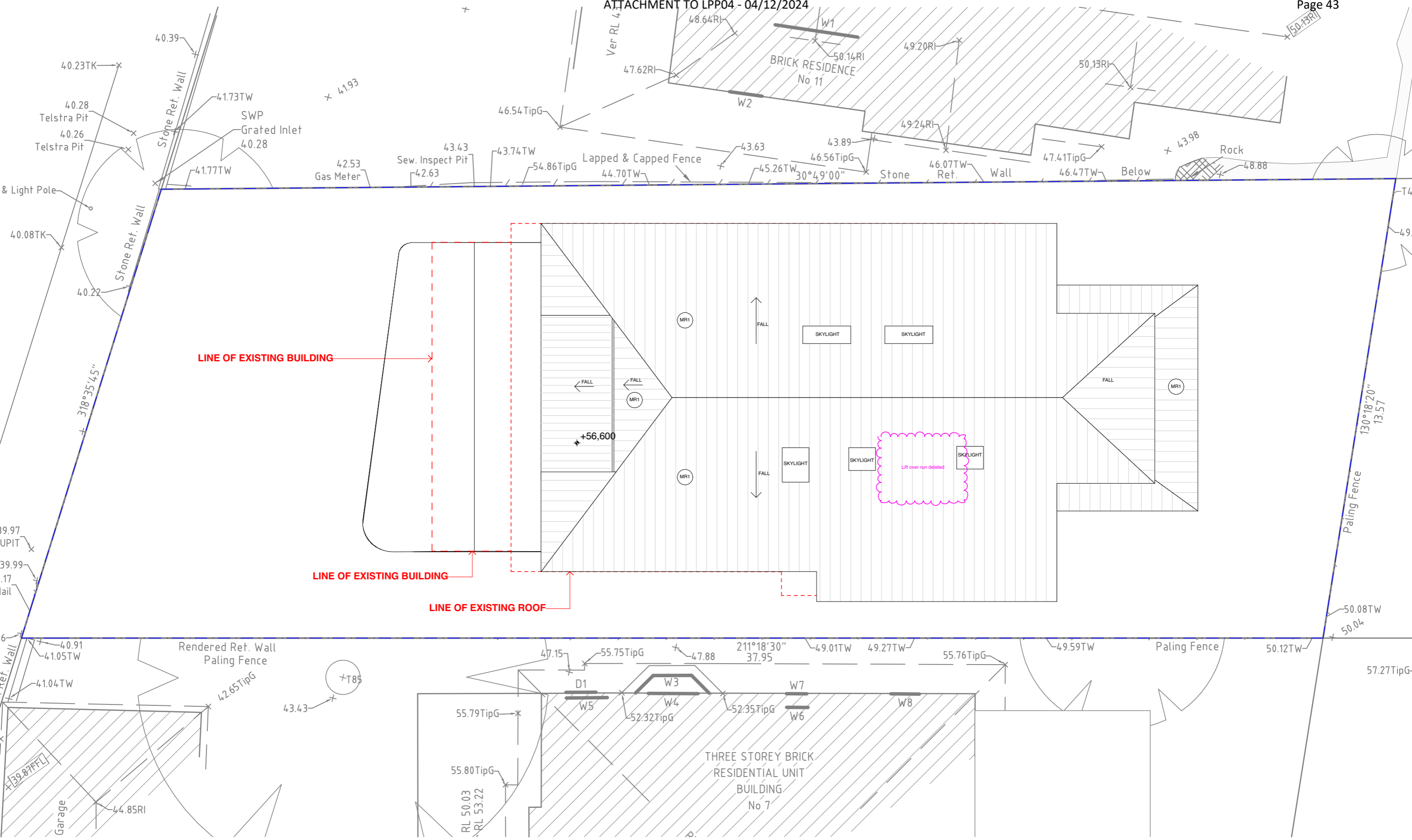
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address 9 Undercliff Street Neutral Bay NSW
client QH A1 Pty Ltd

title Level 5 Plan
issue Section 4.55

job no. UNB
drawn NW
checked AV
scale 1:100 @A3

dwg no. DA08
 revision
C



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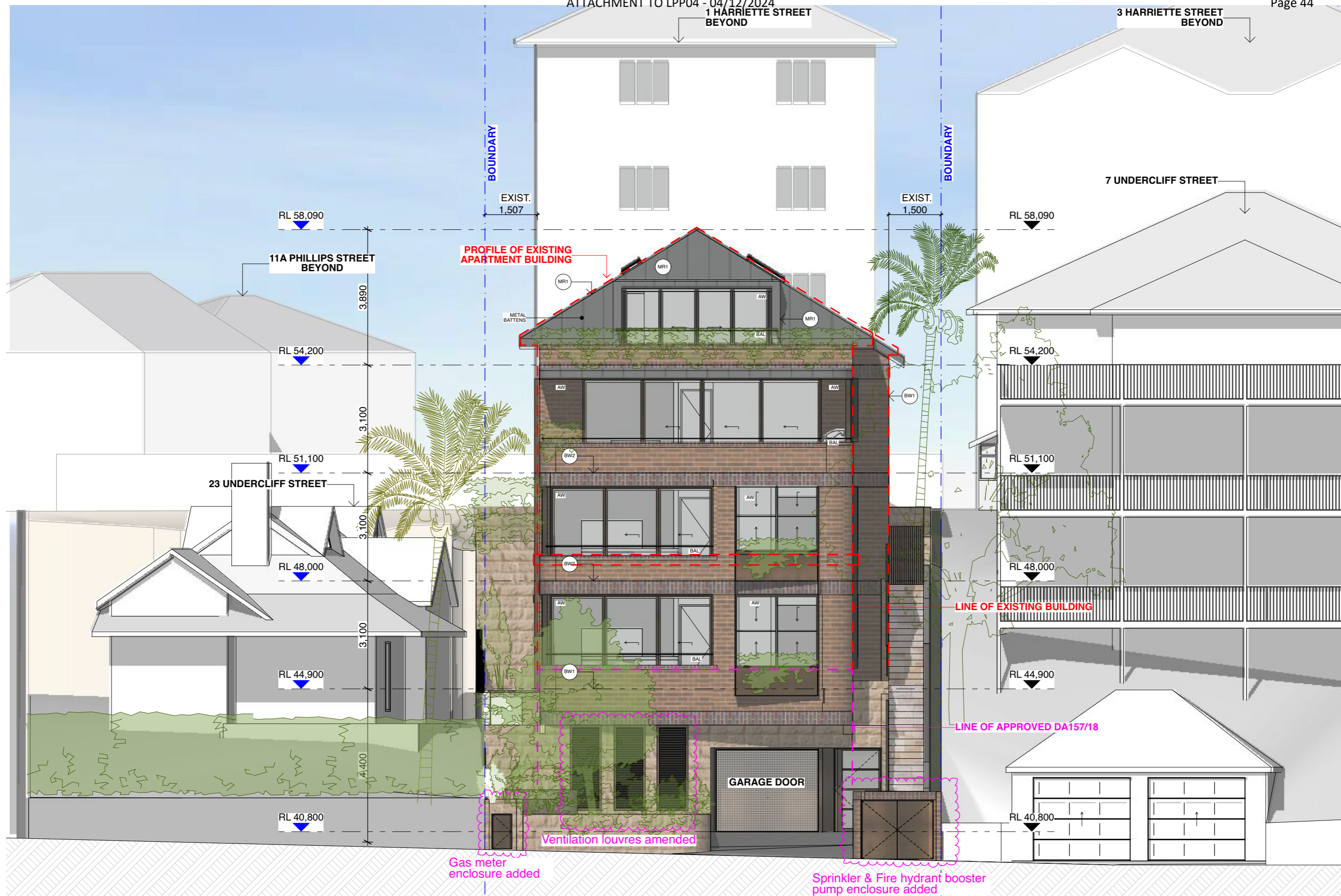
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project Undercliff Street Apartments
address 9 Undercliff Street Neutral Bay NSW
client QH A1 Pty Ltd

title Roof Plan
issue Section 4.55

job no. UNB
 drawn NW
 checked AV
scale 1:100 @A3

dwg no. DA09
 revision
C



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project Undercliff Street Apartments
address 9 Undercliff Street Neutral Bay NSW
client QH A1 Pty Ltd

title South West Elevation
issue Section 4.55

job no. UNB
 drawn NW
 checked AV
scale 1:100 @A3

dwg no. DA10
 revision
C



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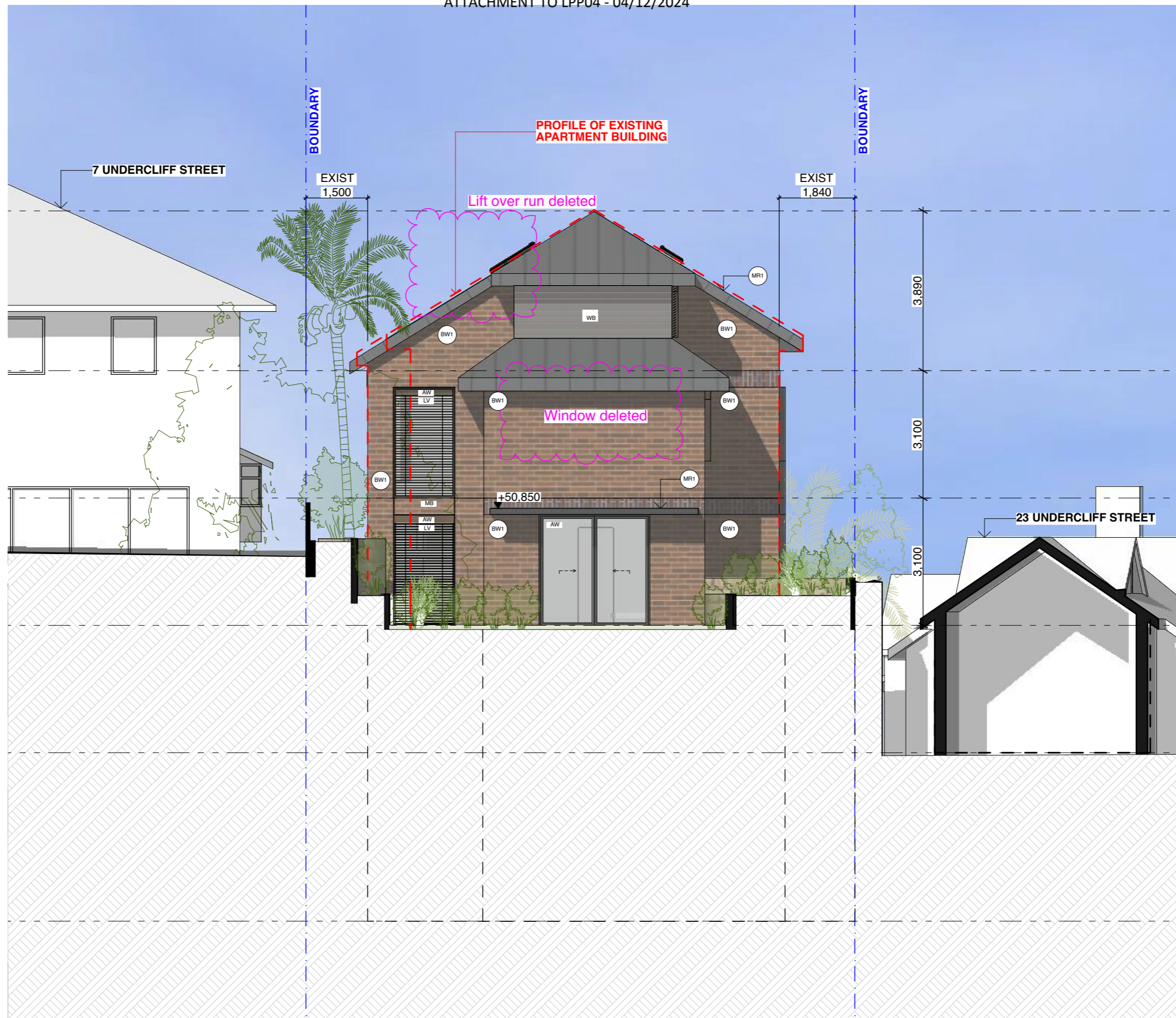
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project Undercliff Street Apartments
address 9 Undercliff Street Neutral Bay NSW
client QH A1 Pty Ltd

title North West Elevation
issue Section 4.55

job no. UNB
 drawn NW
 checked AV
scale 1:100 @A3

dwg no. DA11
 revision
C



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C	10/7/2024	SECTION 4.55 ISSUE

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project Undercliff Street Apartments
address 9 Undercliff Street
 Neutral Bay NSW
client QH A1 Pty Ltd

title North East Elevation
issue Section 4.55

job no. UNB
 drawn NW
 checked AV
scale 1:100
 @A3

dwg no. DA12
 revision
C



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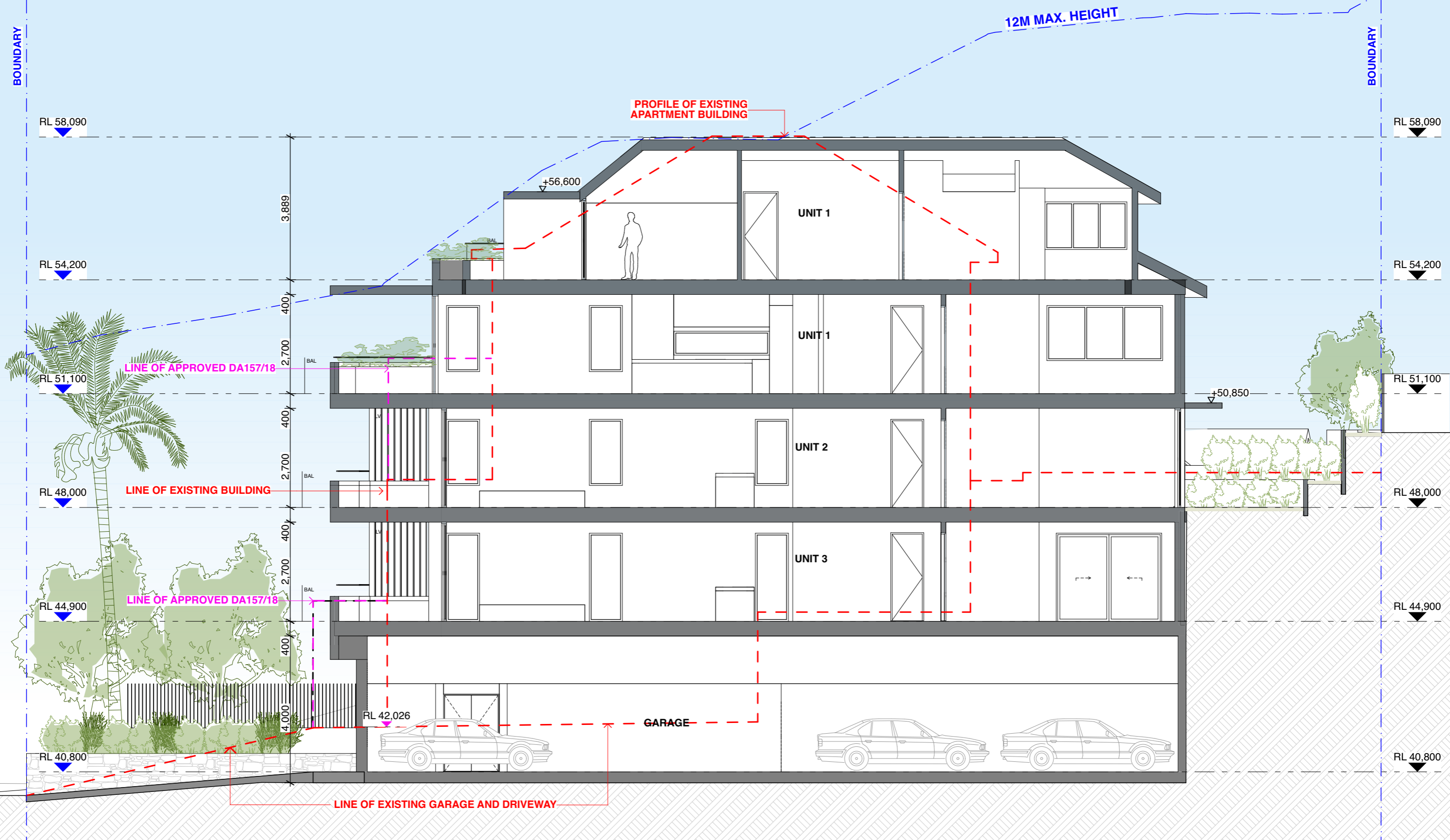
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project Undercliff Street Apartments
address 9 Undercliff Street Neutral Bay NSW
client QH A1 Pty Ltd

title South East Elevation
issue Section 4.55

job no. UNB
 drawn NW
 checked AV
scale 1:100 @A3

dwg no. DA13
 revision
C



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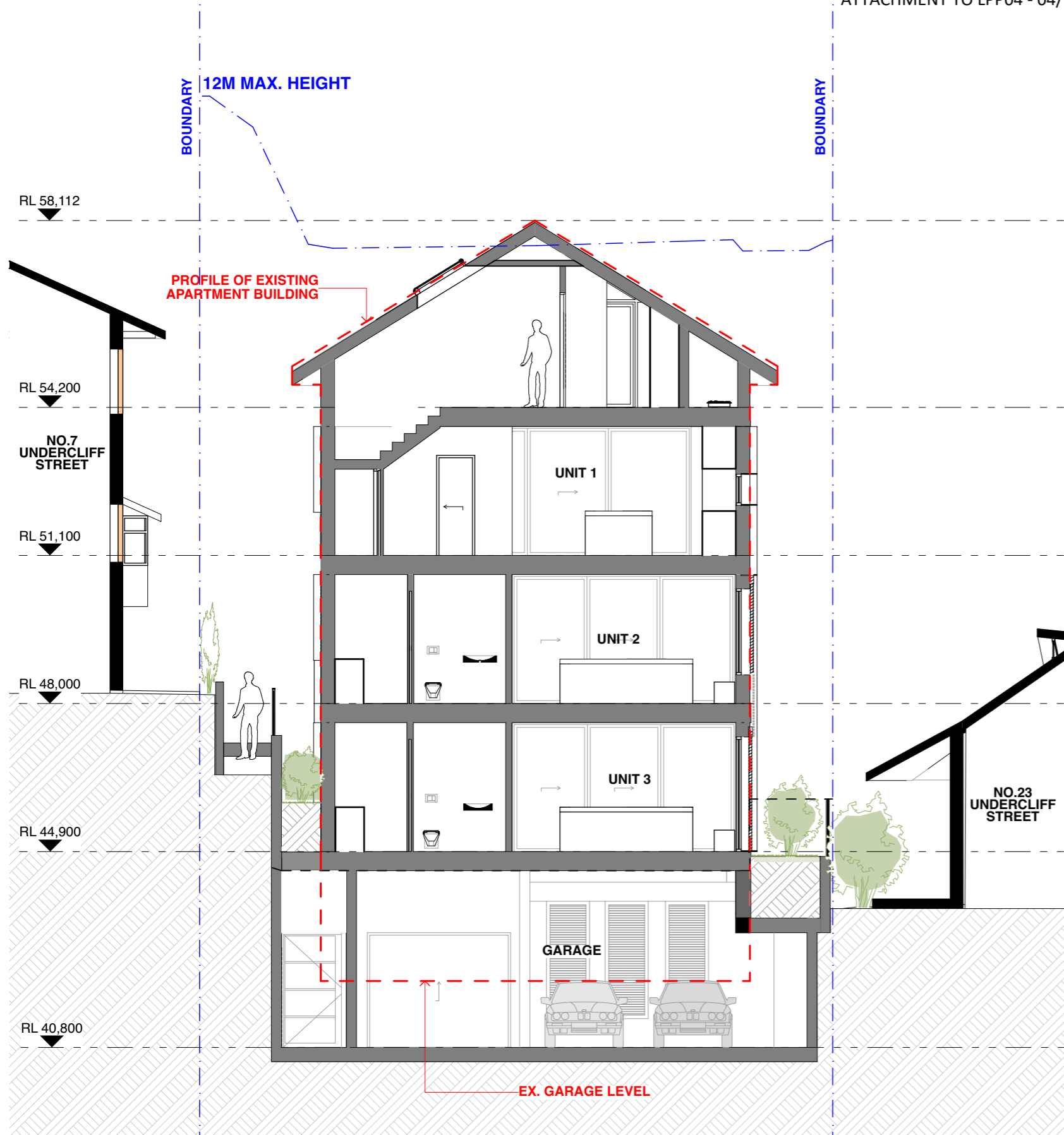
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project Undercliff Street Apartments
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client QH A1 Pty Ltd

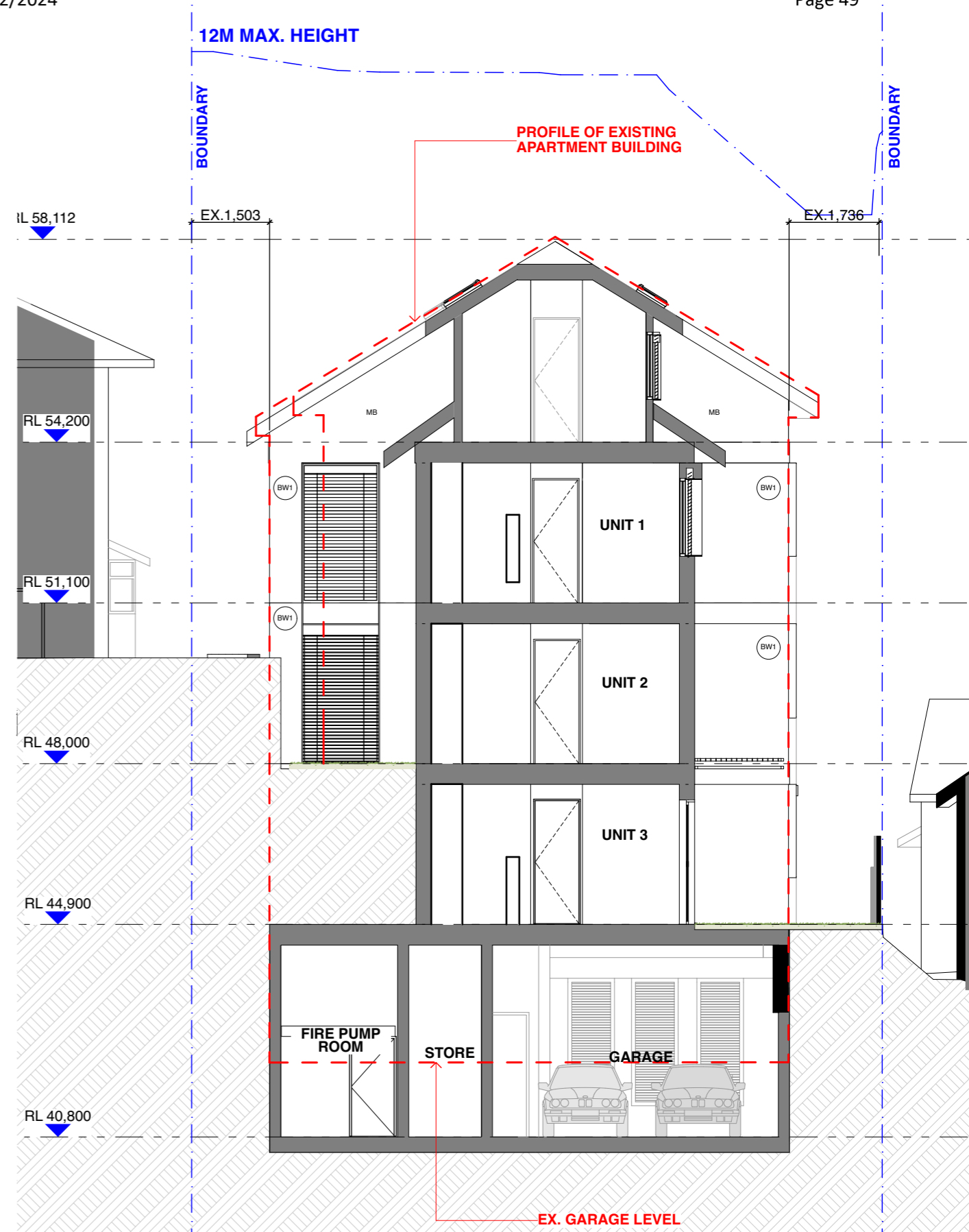
title Section AA
issue Section 4.55

job no. UNB
 drawn NW
 checked AV
scale 1:100 @A3

dwg no. DA14
 revision C



Section BB
1:100



Section CC
1:100

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 Version: 1, Version Date: 18/07/2024

revisions		
RevID	Date	Description
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notes

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project Undercliff Street Apartments
address 9 Undercliff Street Neutral Bay NSW
client QH A1 Pty Ltd

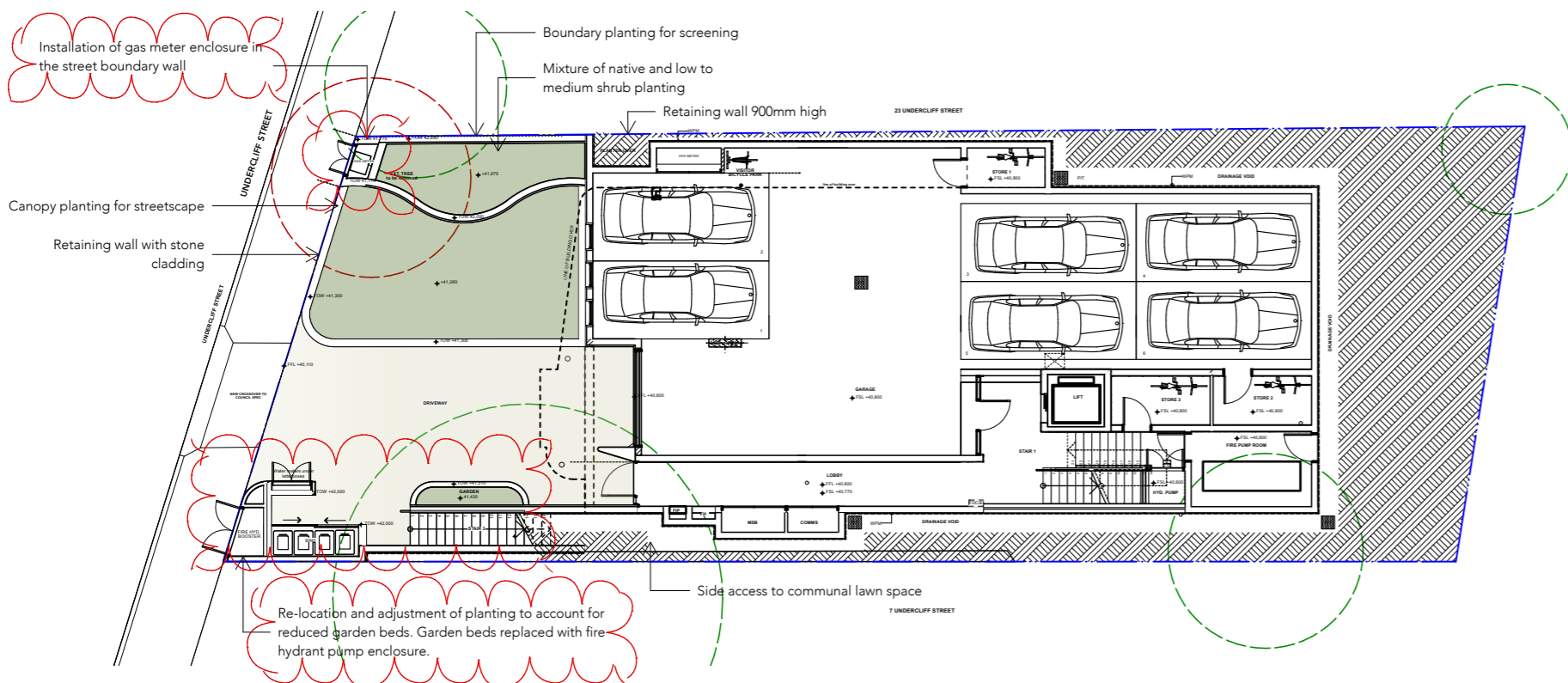
title Section BB & CC
issue Section 4.55

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 checked AV
scale 1:100 @A3

dwg no. DA15
 revision
C

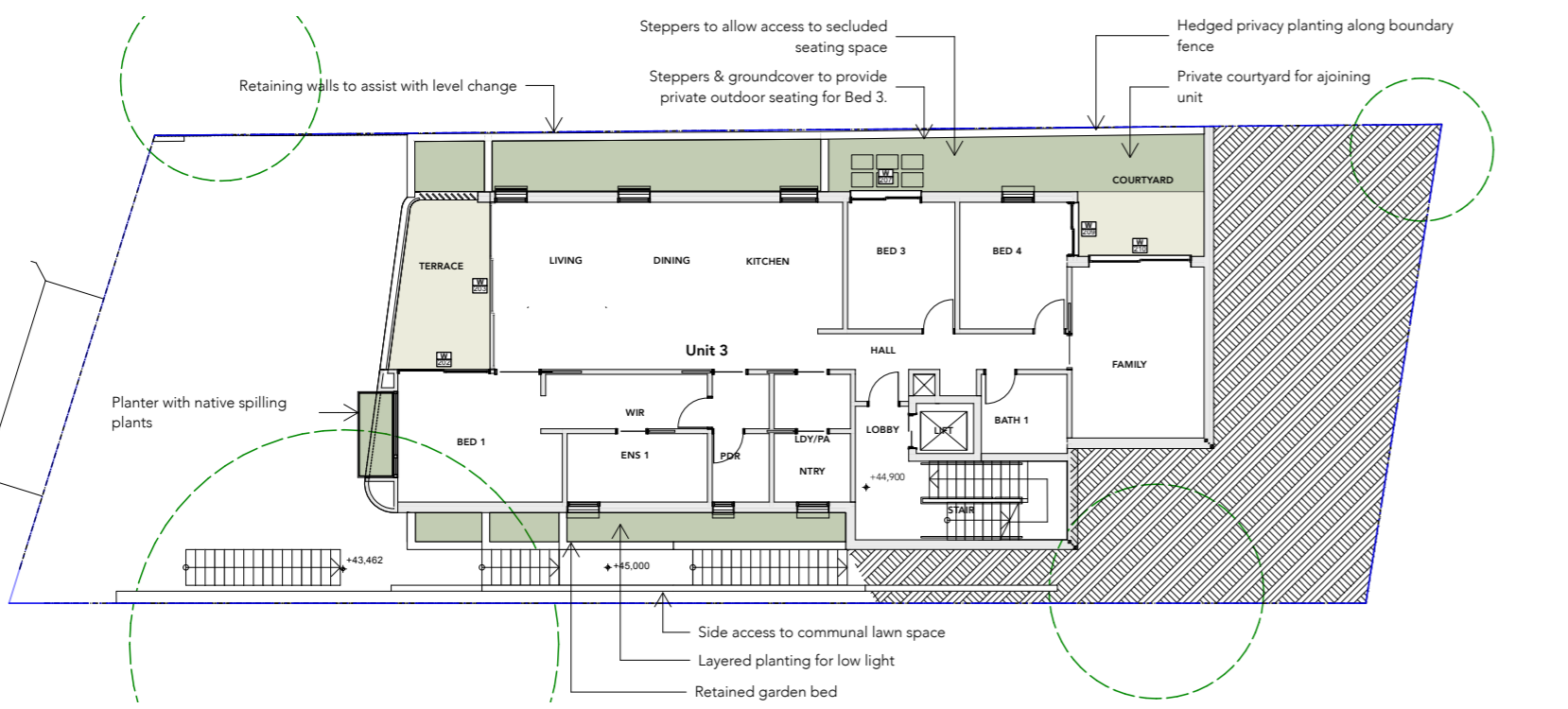
LANDSCAPE PLAN - LEVEL 1 GARAGE

Scale: 1:200



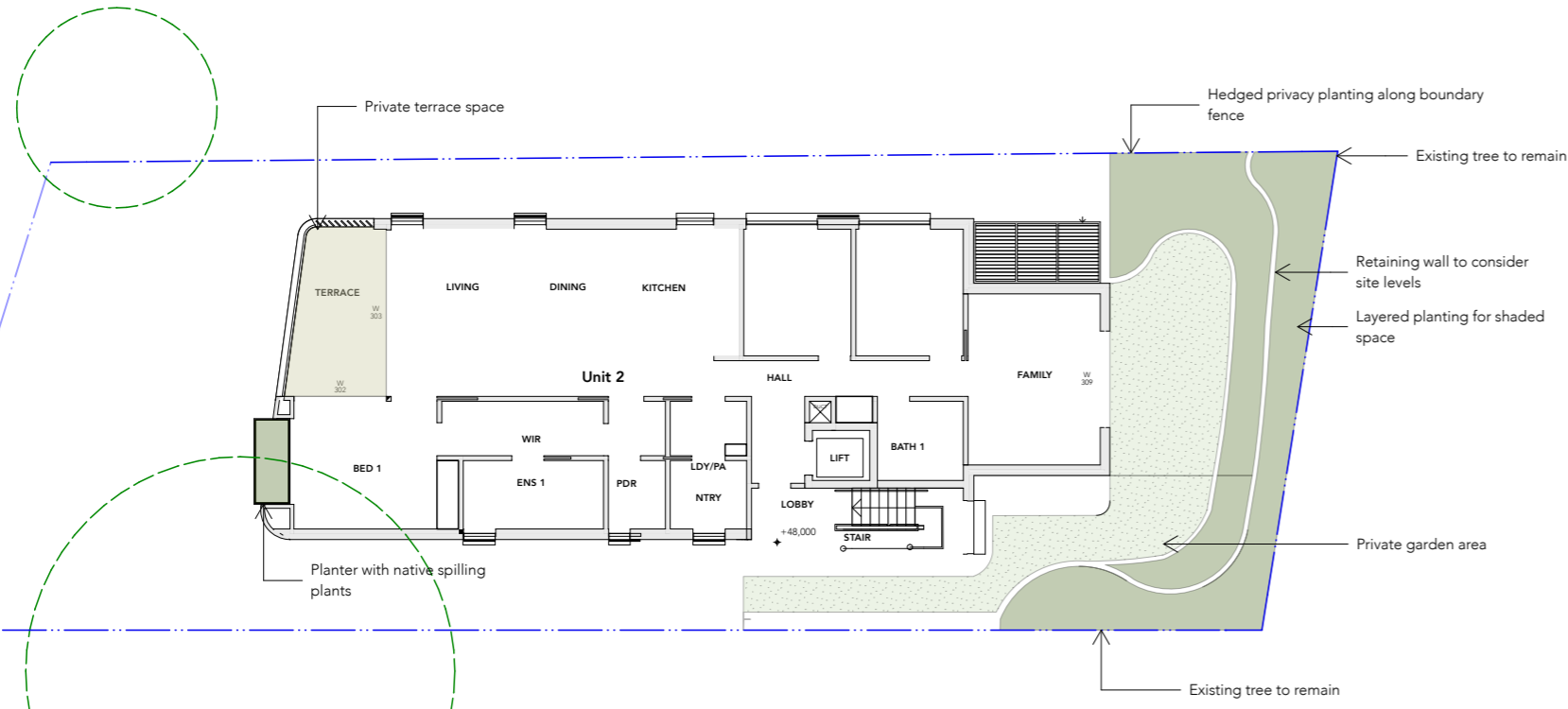
LANDSCAPE PLAN - LEVEL 2

Scale: 1:200



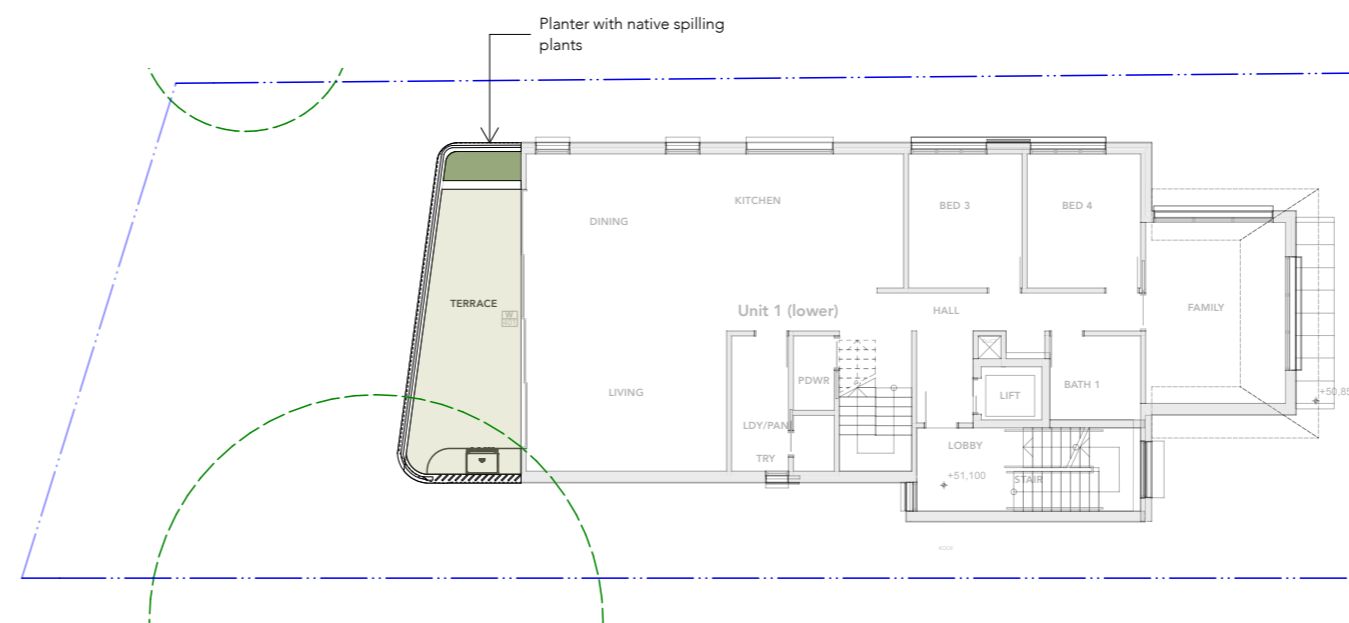
LANDSCAPE PLAN - LEVEL 3

Scale: 1:200



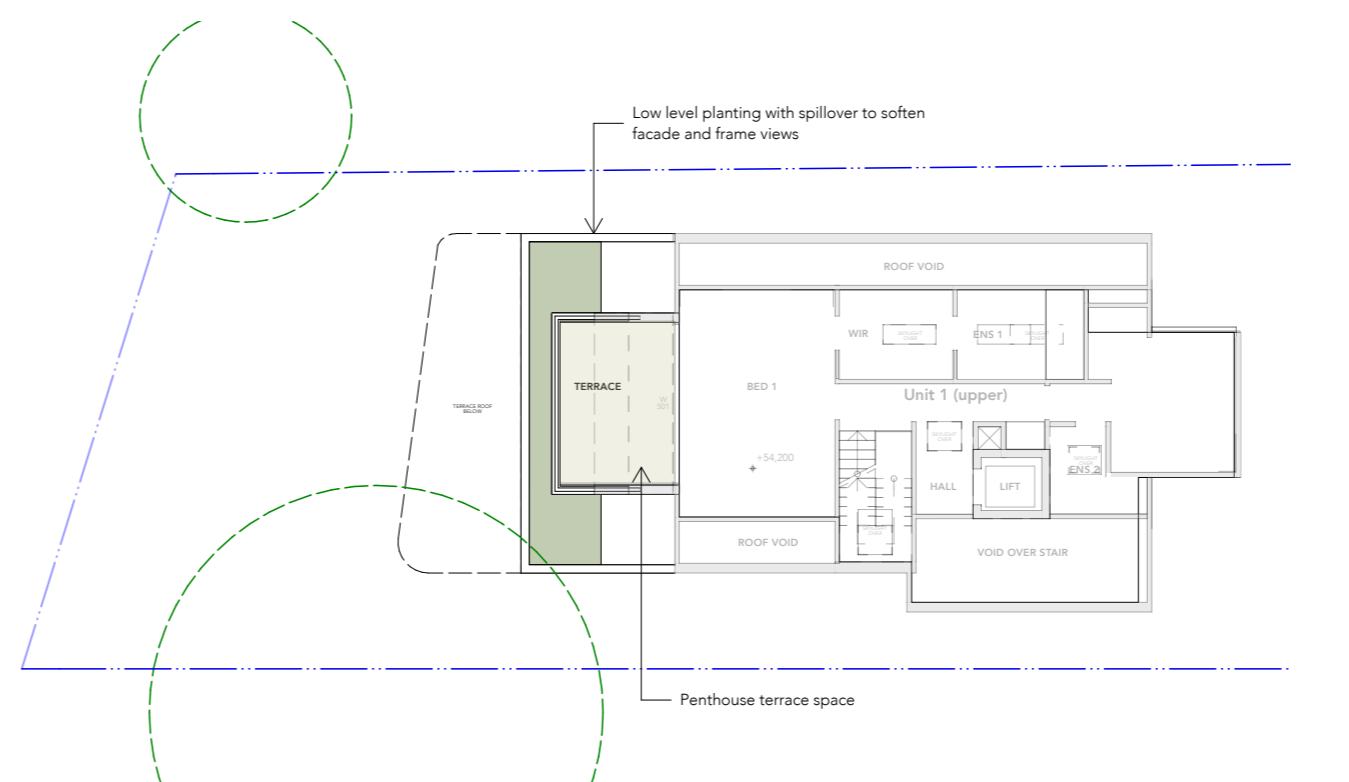
LANDSCAPE PLAN - LEVEL 4

Scale: 1:200

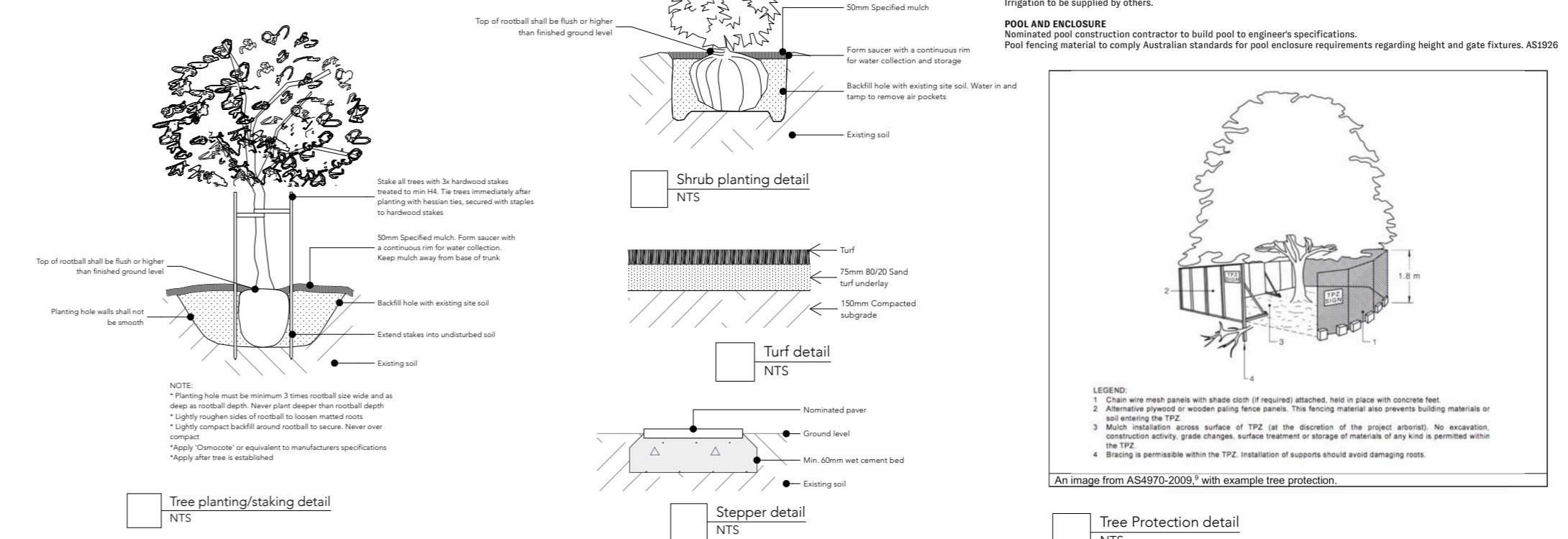


LANDSCAPE PLAN - LEVEL 5 PENTHOUSE

Scale: 1:200



DETAIL DRAWINGS



SITE NOTES

SPECIFICATIONS

GENERAL NOTES
 All landscape drawings are to be read in conjunction with the architect and additional consultants' drawings, specifications, and reports. All public utility services are to be located on site by the contractor prior to the commencement of works. The location, presence and extent of services shown are not guaranteed complete or correct. Performance in the vicinity of underground utilities with care and if necessary, by hand. The contractor bears all responsibility for the works. All services should be accurately located and clearly marked prior to the commencement of any landscape installation. All paving is indicative and to be set out on site. All work to be carried out in accordance with the local council's approval standards and codes. The contractor is to ensure that all the works are carried out in accordance with the workplace health and safety act. Nelson Thomas to review plant material at source prior to purchase and delivery. Exact locations of new plant materials to be set out and approved by Nelson Thomas before installation.

PRELIMINARIES
 The following general information should be considered prior to the commencement of landscape works: landscape plans should be read in conjunction with architectural plans, hydraulic plans, service plans and survey prepared for the proposed development. Installation of all conduits required for irrigation, electrical and other services shall be completed before any commencement of hardscapes works and hardstand pour. All outdoor lighting specified must be installed by a licensed electrician. Irregularities associated with this plan should be brought to the immediate attention of Nelson Thomas. Where any Australian Standard applies for any landscape materials or installation techniques, those standards shall be applied.

SITE PREPARATION
Pollution and sediment control
 The contractor shall take proper precautions to prevent the erosion of soils from the site. Erosion and sediment control barriers shall be set up as required by council and maintained throughout the construction period.

TREE PROTECTION
 Any existing trees and vegetation to be retained shall be preserved and protected from damage of any sort during the execution of landscape works. Root systems of existing plants must not be disturbed. Any nearby site works should be carried out carefully using hand tools. Trees shall not be removed or topped unless specific written approval to do so is given or is indicated on plan. Storage of materials, mixing of materials, vehicle parking, disposal of liquids, machinery repairs and refuelling, site office and sheds shall not occur within three (3) metres of any existing or new trees. Do not stockpile soil, rubble or other debris cleared from the site, or building materials within the drip line of existing or new trees.

SOIL PREPARATION
 All proposed planting areas to be deep ripped to 300mm. Clay soils to be combined with 50-100mm of A.N.L. 'Organic clay breaker'. 75mm depth of A.N.L. 'Organic garden mix' to be imported and combined with 25mm depth of A.N.L. 'Greenlife' compost or approved equivalent. Care to be taken to hand cultivate in any area where existing tree roots exist to preserve health of trees.

TOPSOIL AND SOIL TESTING
 Where possible, site topsoil should be used for garden beds and lawns. Strip the top 100mm layer of vegetation and stockpile on the site. Soil for use in garden bed and lawn areas may then be obtained from the stockpile soil provided the soil is clean and free from unwanted matter such as gravel, clay lumps, grass, weeds, building waste and any materials toxic to plants. The soil must have a PH between 5.5 and 7. Use 100% imported mix as above when site soils run out.

EXCAVATION
 All excavations are to be carried out in a safe manner. No excavations are to be carried out within the 'zone of influence' of any adjacent/surrounding structures. Any excavation works are to include measures to ensure the temporary and long-term stability of any existing structure within its vicinity. During construction, the structure and surrounds shall be always kept stable utilizing temporary shoring, bracing etc.

INSTALLATION
CONCRETE SUB-BASE AND FOOTINGS
 All workmanship and materials shall be in accordance with AS3600. Concrete quality shall be verified by tests and all construction joints shall be located to the approval of the engineer. All concrete is to be cured by keeping the surfaces continuously wet for a period of 3 days followed by the prevention of loss of moisture for a further 7 days. All formworks shall be installed and stripped in accordance with AS3610. All formwork is to be free of debris prior to pouring of concrete. All concrete is to engineer's specifications and inspection.

HARD CONSTRUCTION
 All civil, structural, and hydraulic work associated with this project shall be to consulting engineers' details. All external stairs to be constructed in accordance with clause 02.13 of the building code of Australia. Materials specified include recycled brick, travertine pavers and sandstone blocks. Retaining walls all retaining walls over 600mm to be constructed to engineer's specifications.

RETAINING WALLS
 See CC002 for material selection. Material to be confirmed by client.

PAVING / STEPPERS
 See CC002 for material selection. Paving to be confirmed by client. All paving to be laid to manufacturers recommendations. All paving adjacent to house to have a minimum fall of 1:100 directed away from residence. Sealing of all paving should be a consideration with the supplier.

UTILITY AREA
 New bin storage along north eastern boundary. Clothesline to be positioned rear of property. Refer to drawing for clothesline & bin location.

DRAINAGE
 To intercept rainwater at the bottom of a fall, install a grated surface drain at the edge of the paving. If draining a large area or you are likely to get a lot of silt in the runoff captured by the drain, install a sump or clean-out section between the drain and the stormwater pipe to collect silt and sand. Clean it out periodically.

ADVANCED TREES AND STAKING
 Newly planted advanced trees are to be secured with 3 @ 1.8mm x 22mm x 22mm hardwood stakes with hessian ties to prevent excessive movement. Planting holes for plants are to be large enough to take the root ball with additional space for back fill with soil prepared as specified.

PLANTING AND ESTABLISHMENT
 All plant material shall be planted as soon after delivery as possible. Planting holes for trees and shrubs shall be excavated as detailed and specified. Plant containers shall be removed and discarded. The outer roots shall be gently teased from the soil mass. Immediately set plant in hole and backfill with specified soil mix incorporating the approved fertilizer for each plant type. Ensure that plants are set plumb vertically and root crown is level with finished soil level. Hard water immediately. Substitution of plant species/varieties must be signed off by client or landscape designer.

PLANTING
 If the work to be done includes the provision and installation of grass and/or plants then the Client acknowledges that the grass and/or plants must be maintained by the Owner from the date that the landscape contractor is last on the site to carry out work. The Owner agrees that Nelson Thomas will not be liable for any defect or damage to grass and/or plants unless written notification of any such defect or damage is given to Nelson Thomas within 7 days of landscape contractor last being on site to carry out work. For the avoidance of doubt, the Client acknowledges that grass and plants are highly perishable and deteriorate rapidly in the absence of proper maintenance and that 7 days is sufficient time for the Client to identify any defect or damage and to notify Nelson Thomas of such defect or damage.

TURF
 Turf to be Buffalo sapphire. Turf to be laid on 50mm topsoil over 200mm deep rotary hoed prepared area. Turf areas to be evenly graded. Adequate drainage to be provided under lawn area. Keep irrigated.

MULCHING
 All planting areas, unless otherwise specified to be mulched with A.N.L. 'Droughtmaster' to 50mm deep with catchment dish to be left around base of plants.

FERTILISER
 On completion of work all planting areas are to be fertilised with 'Osmocote pro (8-9m) controlled release fertiliser' which is to be sufficiently watered in.

GARDEN EDGING
 All planter beds adjacent to lawn areas to have flush 3mm ZAM/corten steel.

WEED CONTROL
 Identify weed species and eradicate as per best horticultural practice. Ongoing maintenance plan to be discussed with client.

DRAINAGE AND IRRIGATION NOTES
 Refer to engineer's utility and drainage plans for utility location and drainage information. Requirements for landscape drainage to be confirmed on site unless otherwise shown on the landscape plans. All planter boxes to have drip or spray irrigation. All lawn areas to have pop up rotors. All garden beds to have fixed solid risers with spray locations of irrigation lines, valves, spray heads etc are shown indicatively only and exact location will be nominated by the irrigation provider. Plants require hand watering until established, in addition to irrigation. Irrigation to be supplied by others.

POOL AND ENCLOSURE
 Nominated pool construction contractor to build pool to engineer's specifications. Pool fencing material to comply Australian standards for pool enclosure requirements regarding height and gate fixtures. AS1926

LEGEND:
 1. Clear area mark panels with shade depth (if required) attached. Held in place with concrete feet.
 2. Alternative plywood or wooden piling fence panels. This fencing material also prevents building materials or soil entering the TRZ.
 3. Match installation across surface of TRZ (at the discretion of the project architect). No excavation, construction activity, grade changes, surface treatment or storage of materials of any kind is permitted within the TRZ.
 4. Bracing is permissible within the TRZ. Installation of supports should avoid damaging rotors.

An image from AS4970-2009 with example tree protection.

NELSON THOMAS

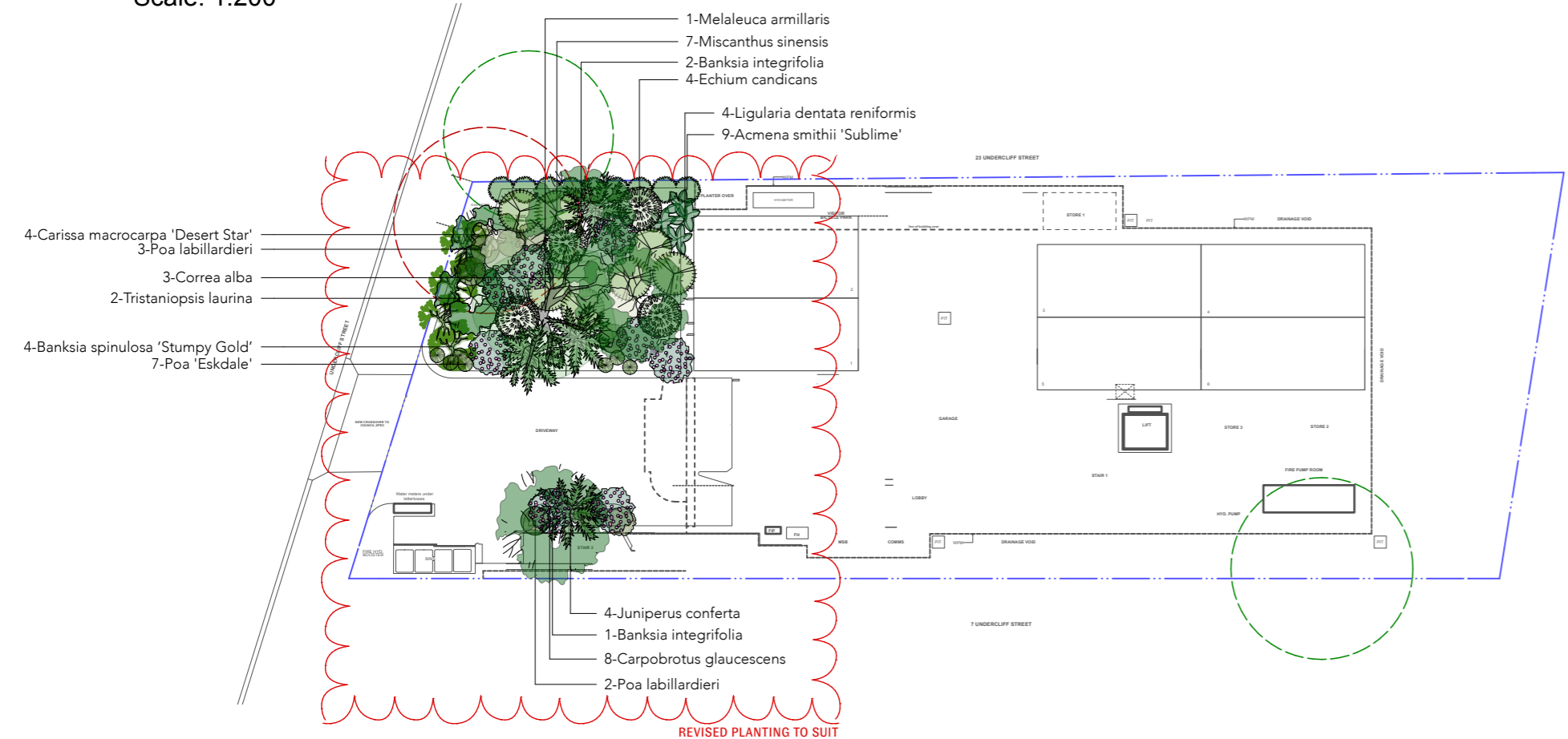
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NOTES:
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 6. All works to comply with relevant Australian Standards & Building Code of Australia
 7. All work to be performed by suitably qualified tradesperson
 8. For application purposes only - NOT FOR CONSTRUCTION UNLESS SPECIFIED
 9. Nelson Thomas must be present for on-site for the positioning of ALL PLANTS.
 10. Contact designer if discrepancies occur between landscape & consultants documents

CLIENT QH A1 PTY LTD C/O CORBEN ARCHITECTS		PROJECT ADDRESS 9 UNDERCLIFF ST		DRAWING TITLE LANDSCAPE PLAN	
DATE DRAWN 20/2/24	DRAWN BY SM	DP NO.	REV # C	SCALE 1:200 @ A2	PROJECT NO. 1266
				SHEET NO. S4.55.1	

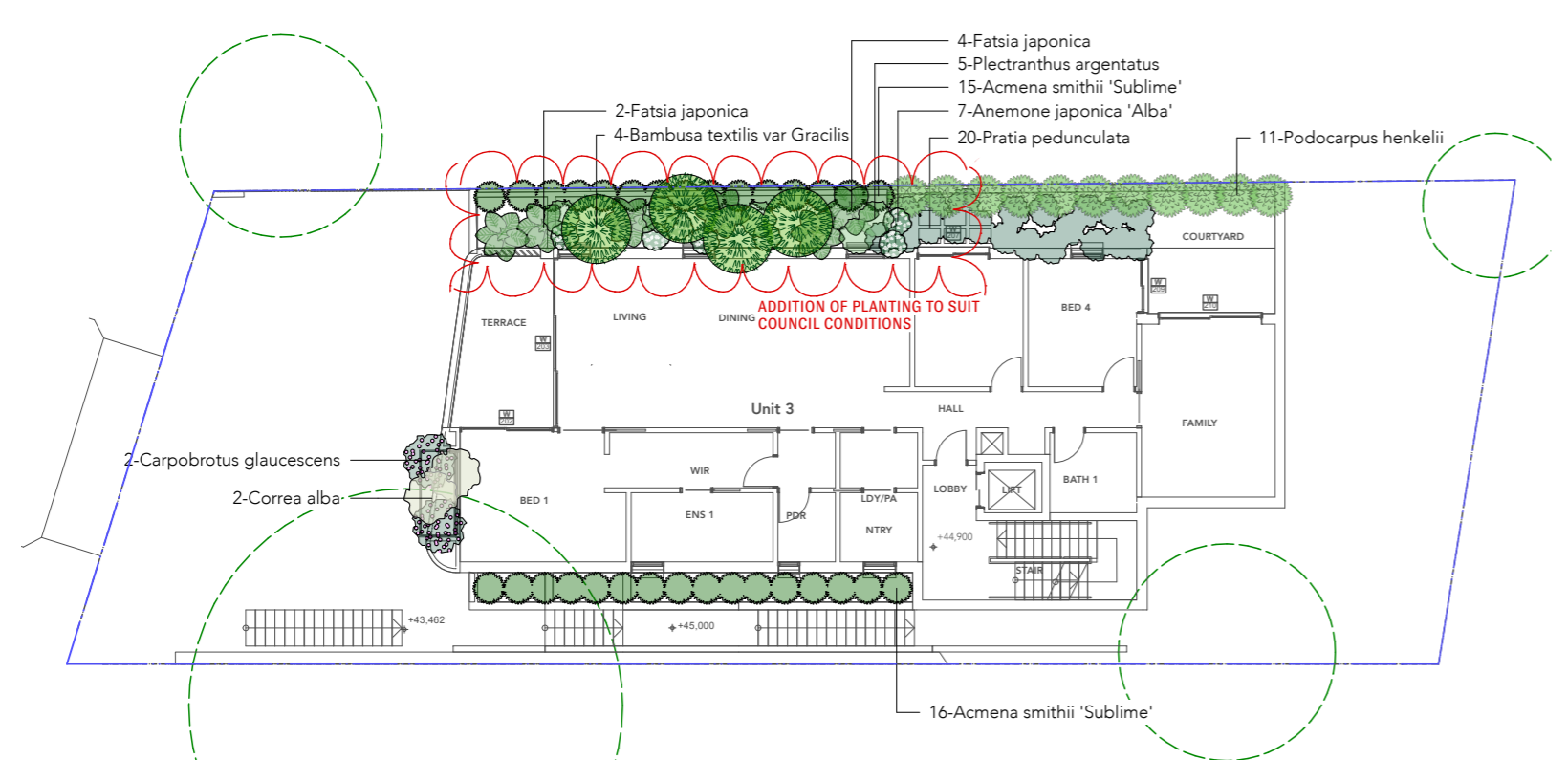
PLANTING PLAN - LEVEL 1 GARAGE

Scale: 1:200



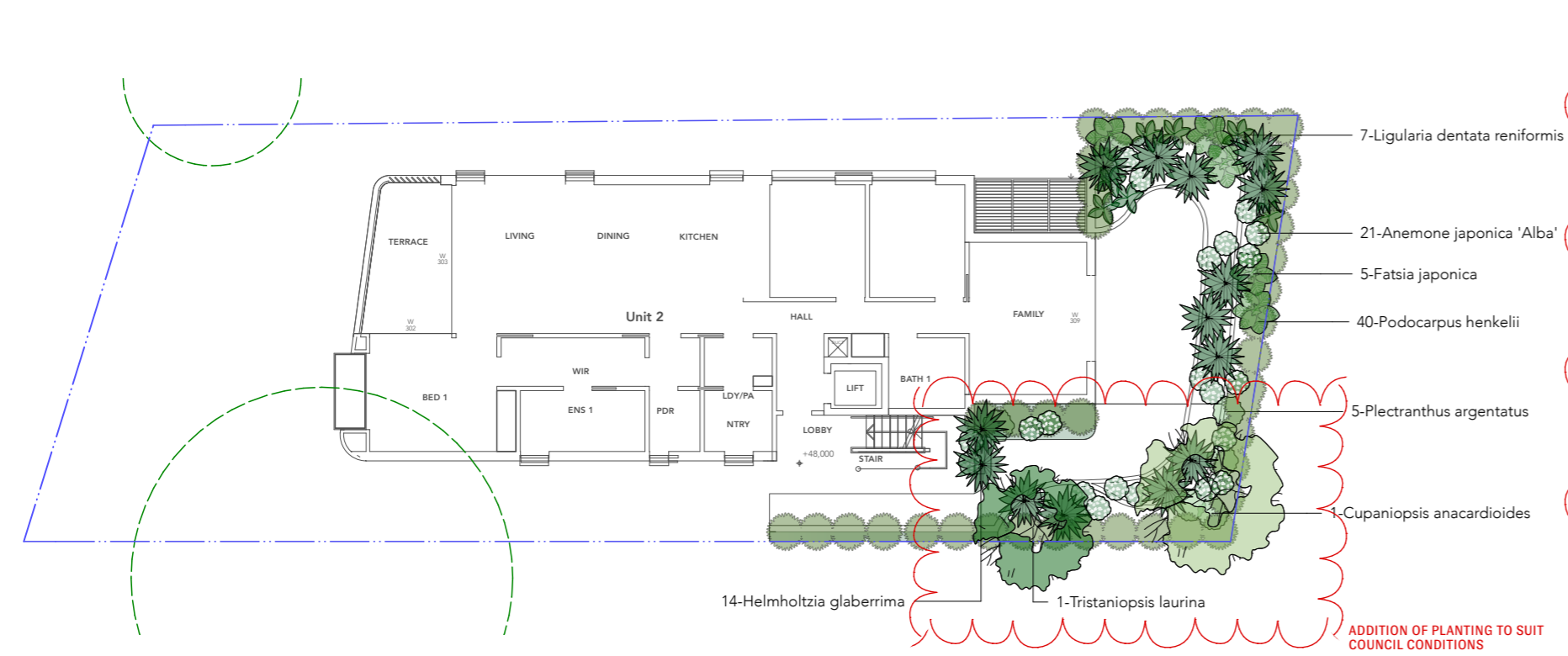
PLANTING PLAN - LEVEL 2

Scale: 1:200



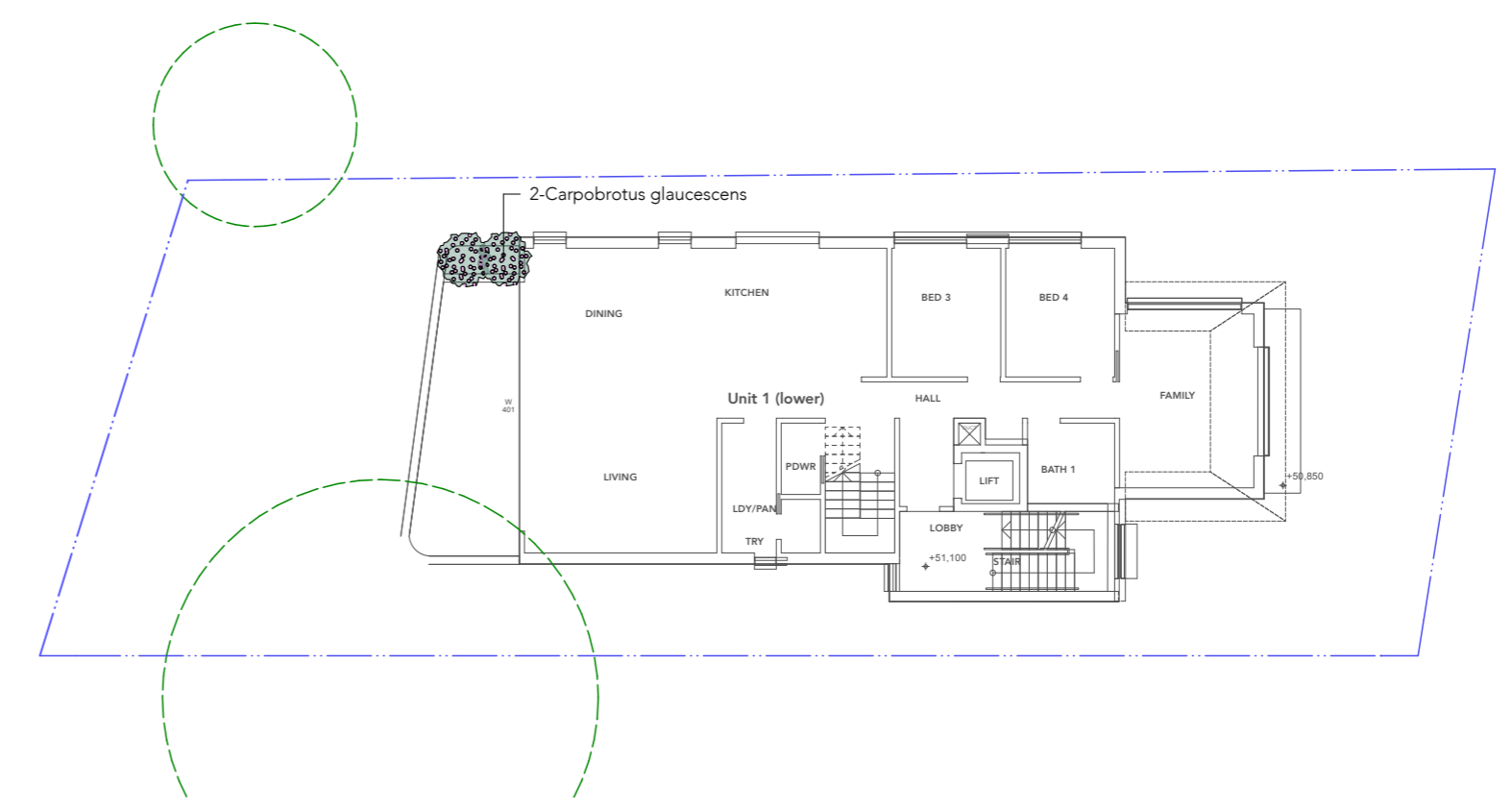
PLANTING PLAN - LEVEL 3

Scale: 1:200



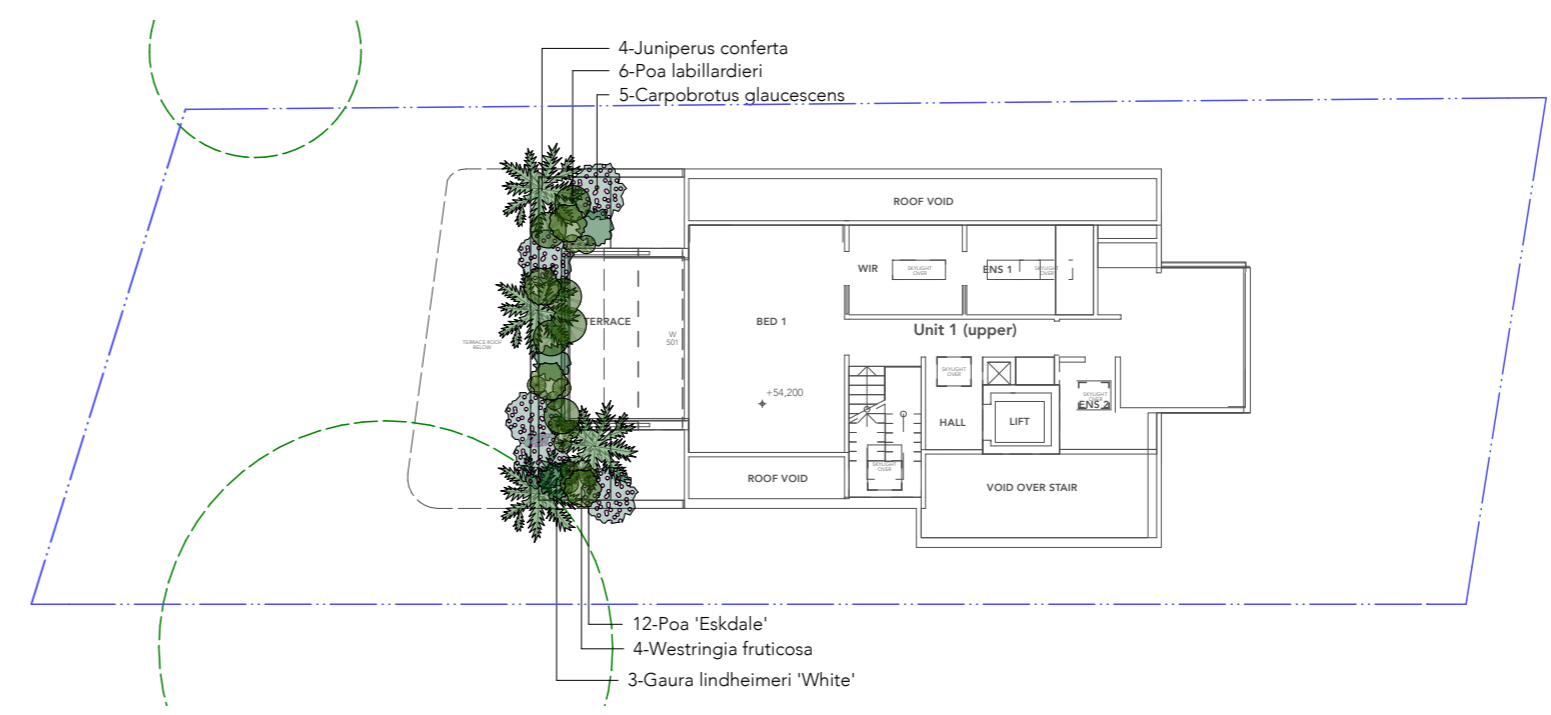
PLANTING PLAN - LEVEL 4

Scale: 1:200



PLANTING PLAN - LEVEL 5 PENTHOUSE

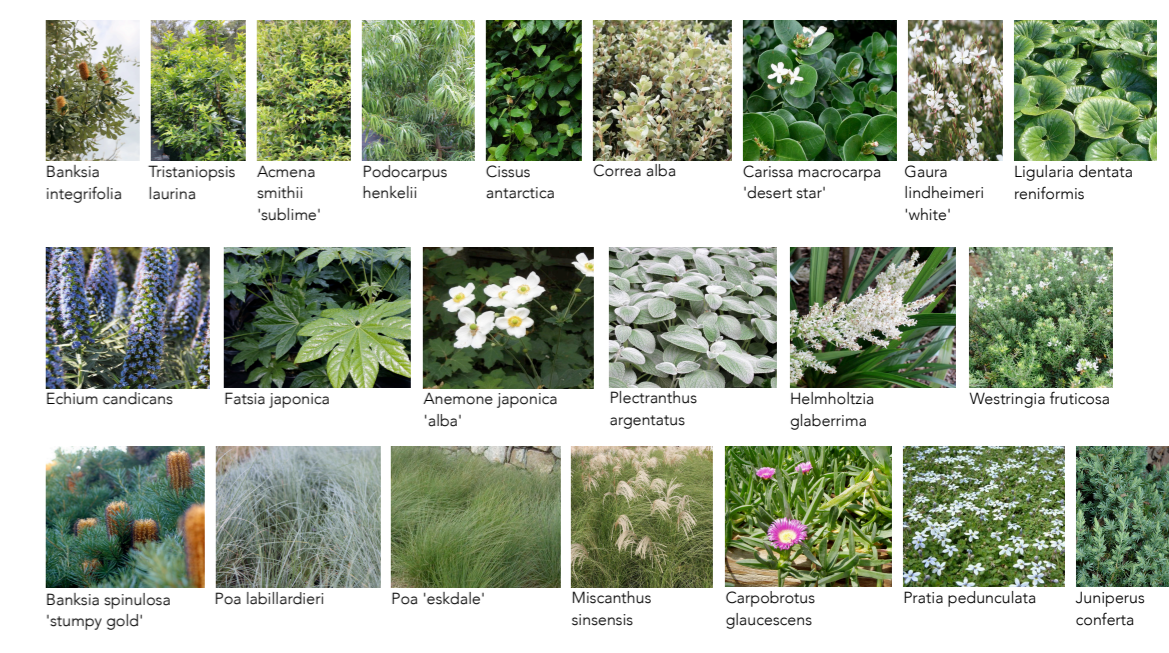
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PLANT SCHEDULE

ID	Qty	Common Name	Botanical Name	Pot Size	Mature Height	Mature Spread	Notes
Trees							
Bi	3	Coastal Banksia	Banksia integrifolia	75L	9000mm	4000mm	Indigenous
Ca	1	Tuckeroo	Cupaniopsis anacardioides	75L	8000mm	5000mm	
Ma-1	1	Bracelet Honey Myrtle	Melaleuca armillaris	150L	8000mm	5000mm	
Pg	51	Yellowwood	Podocarpus henkeli	75L	3000mm	1200mm	
TIL	3	Water Gum Luscious	Tristanopsis laurina	75L	8000mm	4000mm	
Shrubs							
AuS	40	Lillypilly	Acmena smithii 'Sublime'	75L	5000mm	900mm	Native
AJA	28	Japanese Wind Flower	Anemone japonica 'Alba'	200mm	1200mm	800mm	
CmES	4	Natal Plum	Carissa macrocarpa 'Desert Star'	200mm	300mm	300mm	
Coa	7	White Correa	Correa alba	200mm	1500mm	1500mm	Native
Ec	4	Pride of Meidera	Echium candicans	200mm	1000mm	1500mm	
Fja	11	Fatsia	Fatsia japonica	200mm	2500mm	3000mm	
Gl-1	3	White Gaura	Gaura lindheimeri 'White'	200mm	1000mm	1000mm	
Hgma	14	Stream Lily	Helmholtzia glaberrima	200mm	2000mm	1800mm	
Ldr	11	Tractor Seat Plant	Ligularia dentata reniformis	200mm	1000mm	1000mm	
Par	10	Plectranthus argentatus	Plectranthus argentatus	200mm	800mm	1000mm	
Wst	4	Coastal Rosemary	Westringia fruticosa	200mm	1800mm	1000mm	Indigenous
Ground Covers							
Bsgg	4	Banksia Stumpy Gold	Banksia spinulosa 'Stumpy Gold'	140mm	400mm	1000mm	Native
Cg	19	Aussie Rambler	Carpobrotus glaucescens	140mm	300mm	1500mm	Native
Jc	10	Shore Juniper	Juniperus conferta	140mm	350mm	2500mm	
Pp	20	Trailing pratia	Pratia pedunculata	140mm	200mm	900mm	
Grasses							
Bt	4	Slender Weaves Bambi	Bambusa textilis var Gracilis	75L	6000mm	2000mm	
Ms	7	Chinese Silver Grass	Miscanthus sinensis	200mm	1500mm	1500mm	
Pek	19	Tussock Grass	Poa 'Eskdale'	200mm	600mm	500mm	Indigenous
Pil	11	Tussock Grass	Poa labillardieri	200mm	1000mm	1000mm	Indigenous
Total	289						

PLANT IMAGES



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CLIENT
QH A1 PTY LTD C/O
CORBEN ARCHITECTS

DATE DRAWN
20/2/24

DRAWN BY
SM

PROJECT ADDRESS
9 UNDERCLIFF ST

DP NO.

REV #
C

DRAWING TITLE
PLANTING PLAN

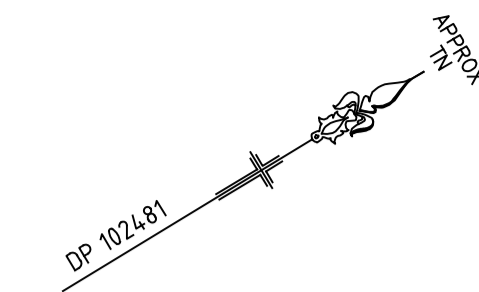
SCALE
1:200 @ A2

PROJECT NO.
1266

SHEET NO.
S4.55.2

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A1 Plan Form



Tree Table			
Tree ID	Trunk Dia	Spread Dia	Height
T 85	1	12	15
T 107	0.4	6	6
T 468	0.3	6	10
T 469	0.2	4	8

Door Schedule		
No	RL Top	RL Bottom
1	49.41	Not Vis.
50	57.35	-
51	57.30	-
52	53.91	-
53	53.94	-

Window Schedule		
No	RL Top	RL Bottom
1	49.77	48.92
2	Not Vis.	44.25
3	52.13	50.89
4	55.42	54.06
5	55.50	54.15
6	52.17	50.96
7	55.43	54.23
8	55.44	54.07
9	53.86	52.58
10	56.83	55.56
11	59.89	58.59
12	62.93	61.63
13	62.92	61.63
14	59.85	58.56
15	56.84	55.55
16	53.86	52.57
50	61.05	-
51	61.03	59.04

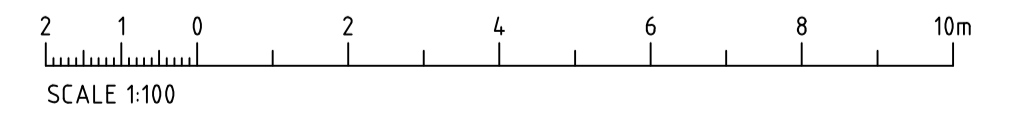
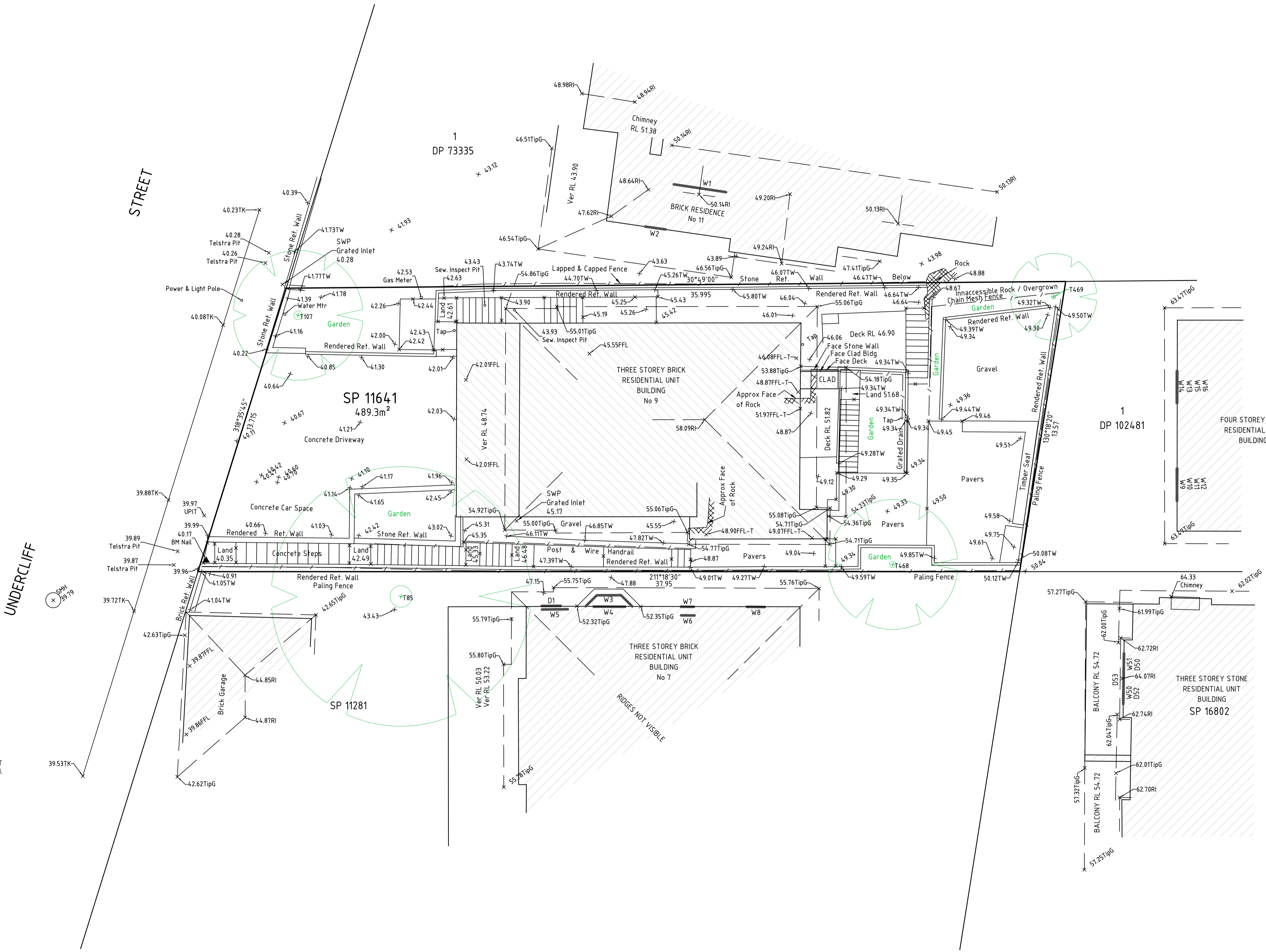
DETAIL SURVEY NOTES

- LEVELS ON AUSTRALIAN HEIGHT DATUM (AHD). ORIGIN OF LEVELS: PM 40809 RL 38.92.
- BOUNDARIES HAVE NOT BEEN SURVEYED. BEARINGS AND DISTANCES ARE BY TITLE ONLY. BOUNDARY LOCATIONS ARE APPROXIMATE ONLY.
- ONLY EXTERNAL PARCEL BOUNDARIES OF STRATA HAVE BEEN SHOWN. INTERNAL STRATA LOT BOUNDARIES ARE NOT SHOWN.
- RELATIONSHIP OF IMPROVEMENTS TO BOUNDARIES IS DIAGRAMMATIC ONLY. CRITICAL OFFSETS SHOULD BE CONFIRMED BY FURTHER SURVEY.
- ONLY SERVICES CLEARLY VISIBLE AT THE TIME OF THE SURVEY HAVE BEEN SHOWN. NO SERVICES SEARCH HAS BEEN CARRIED OUT.
- BOUNDARY BEARINGS HAVE BEEN TAKEN FROM PLANS ON THE PUBLIC RECORD. THEY ARE MAGNETIC MERIDIAN. IF ACCURATE TRUE NORTH IS REQUIRED A FURTHER SURVEY WOULD BE NECESSARY.
- CONTOURS AND/OR 3D MESH HAVE BEEN INTERPOLATED FROM SPOT HEIGHTS AND MAY NOT REPRESENT THE EXACT LEVEL AT ANY PARTICULAR POINT. PREFERENCE SHOULD BE GIVEN TO SPOT LEVELS SHOWN.

LEGEND

- BM DENOTES BENCH MARK
- D1 DENOTES DOOR No 1
- FFL DENOTES FINISHED FLOOR LEVEL
- FFL-T DENOTES APPROX FINISHED FLOOR LEVEL TAKEN AT THE EXTERNAL THRESHOLD (DOOR CLOSED)
- HYD DENOTES HYDRANT
- K DENOTES LEVEL ON INVERT OF KERB
- L DENOTES LEVEL ON INVERT OF PIPE
- LK DENOTES LEVEL ON LIP OF GUTTER
- RI DENOTES LEVEL ON RIDGE OR ROOF
- SMH DENOTES SEWER MANHOLE
- TF DENOTES LEVEL ON TOP OF FENCE
- TipG DENOTES LEVEL ON TIP OF GUTTER
- TK DENOTES LEVEL ON TOP OF KERB
- TW DENOTES LEVEL ON TOP OF WALL
- UPIF DENOTES UNIDENTIFIED PIT
- W1 DENOTES WINDOW No 1
- DENOTES FENCE

T145 DENOTES TREE NUMBER 145 (SEE TABLE FOR DETAILS)
 DENOTES APPROXIMATE SPREAD AND TRUNK DIAMETER OF TREE



REV	DATE	DESCRIPTION
01	2/9/2021	SURVEY UPDATED - EXTRA DETAIL ADDED
00	8/8/2014	ORIGINAL ISSUE



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 f: 02 9531 0068

Project
9 Undercliff Street, Neutral Bay
Being Lots 1, 2, 3 & Common Property in SP 11641

Client
 Parkdev Projects Pty Ltd

Title
Plan Showing Detail & Levels

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Drawing No. 1143AA	Revision 01
Date 8 Aug 2014	Drawn SJM
Sheets 1 of 1	Scale 1:100