



NSLPP MEETING HELD ON 05/02/2025

Attachments:

1. Site Plan
2. Architectural Plans
3. Clause 4.6 Exception to development standard (Height)
4. Heritage Impact Statement

ADDRESS: 47 Union Street, McMahons Point

APPLICATION No: DA 253/24

PROPOSAL: Alterations and additions including a first floor addition and a dormer window

PLANS REF:

Plan No.	Rev	Description	Prepared by	Dated
C1	G	Site Plan	Contour Landscape Architecture	20/09/2024
C2	G	Roof Plan	Contour Landscape Architecture	20/09/2024
C3	G	First Floor Plan	Contour Landscape Architecture	20/09/2024
C4	G	Attic Plan	Contour Landscape Architecture	20/09/2024
C5	G	Rear Elevation	Contour Landscape Architecture	20/09/2024
C6	G	West Elevation	Contour Landscape Architecture	20/09/2024
C7	G	Section AA	Contour Landscape Architecture	20/09/2024
C8	G	Section BB	Contour Landscape Architecture	20/09/2024

OWNER: Dale & Stephanie Kemp

APPLICANT: Contour Landscape Architecture

AUTHOR: Thomas Holman, Senior Assessment Officer

DATE OF REPORT: 2 January 2025

DATE LODGED: 8 October 2024

RECOMMENDATION: Approval subject to conditions

EXECUTIVE SUMMARY

This development application seeks consent for alterations and additions including a first floor addition and a new dormer addition to the rear of the attached dwelling at 47 Union Street, McMahons Point.

The application is reported to the North Sydney Local Planning Panel for determination as the application seeks a variation to a development standard by more than 10%. In accordance with the Ministers Directions the application must be determined by the Local Planning Panel.

The subject application was notified to adjoining properties and the Euroka Precinct inviting comment between 25 October and 8 November 2024. There were no submissions received in response to notification.

The property is identified as a contributory item within the Union, Bank and Thomas Street conservation area (no. CA15) and the application has been referred to Council's Conservation Planner for comment.

The first-floor rear/side addition to the rear wing is supported noting it is characteristic for properties including the existing property to have limited setbacks. The addition does not exacerbate bulk and scale and maintains the amenity of adjoining properties. A condition of consent is recommended for the proposed relocated air conditioner units to the side of the addition requiring the air conditioner units to be sited wholly within the boundaries of the site.

The proposed rear dormer addition is not supported on the basis that the dormer would not be secondary in scale to the main roof, would compromise the character of the existing rear roof form and appearance shared between 47 – 51 Union Street and on the basis that the dormer addition would be visible from the street and surrounding conservation area.

On this basis; the proposed rear dormer would have a detrimental impact upon the significance of the heritage conservation area and is not supported.

The dormer has a height of 10.2m which exceeds the maximum 8.5m height of building having an exceedance of 1.7m or 20%. A written request has been submitted which does not adequately provide sufficient environmental planning grounds for variation of the development standard. The dormer will not be compatible with its surrounds and will have an adverse impact on the heritage significance of the Union, Bank, Thomas Street Conservation Area. The dormer addition is recommended to be deleted subject to condition of consent.

Following this assessment, the development application is considered partially supportable and approval is recommended subject to conditions of consent requiring deletion of the rear dormer and relocation of the air conditioner units wholly within the boundaries of the site.

DESCRIPTION OF PROPOSAL

The development proposes alterations and additions including a first-floor addition and attic dormer extension.

The first-floor addition will extend the usable space within an existing bedroom. The proposed extension shall be located adjacent to the western side boundary increasing the total floor area by 4.2m².

A larger dormer window is proposed to replace the existing rear dormer window to increase the floor area of the attic by 1.2m².

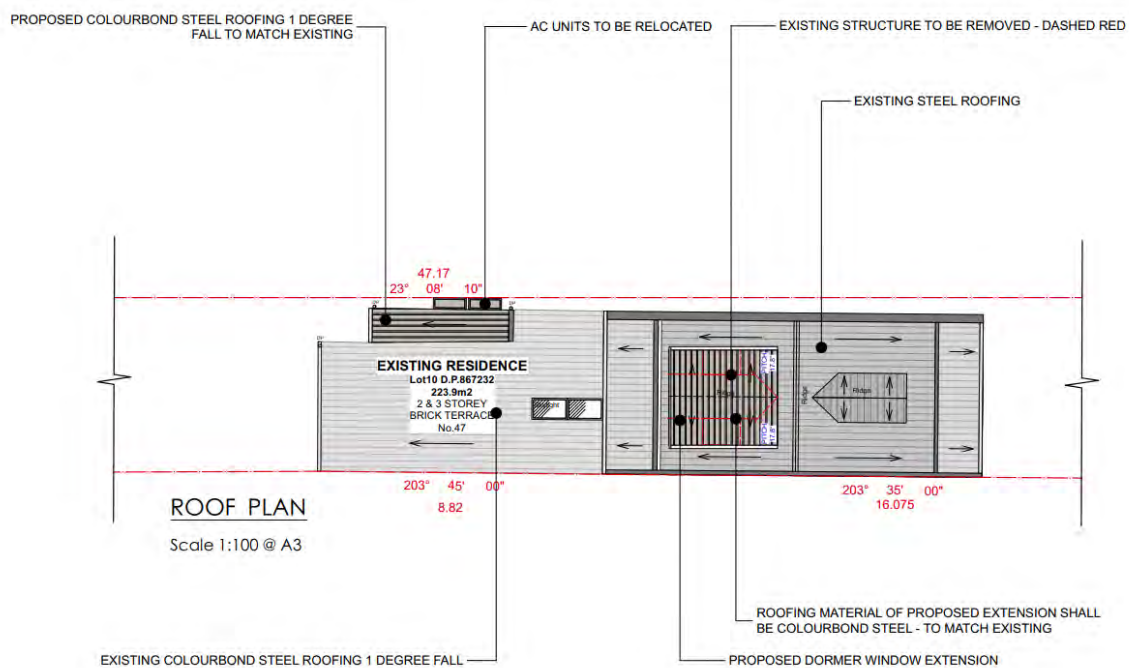


Figure 1 – Roof Plan, Dwg No. C2 Rev G

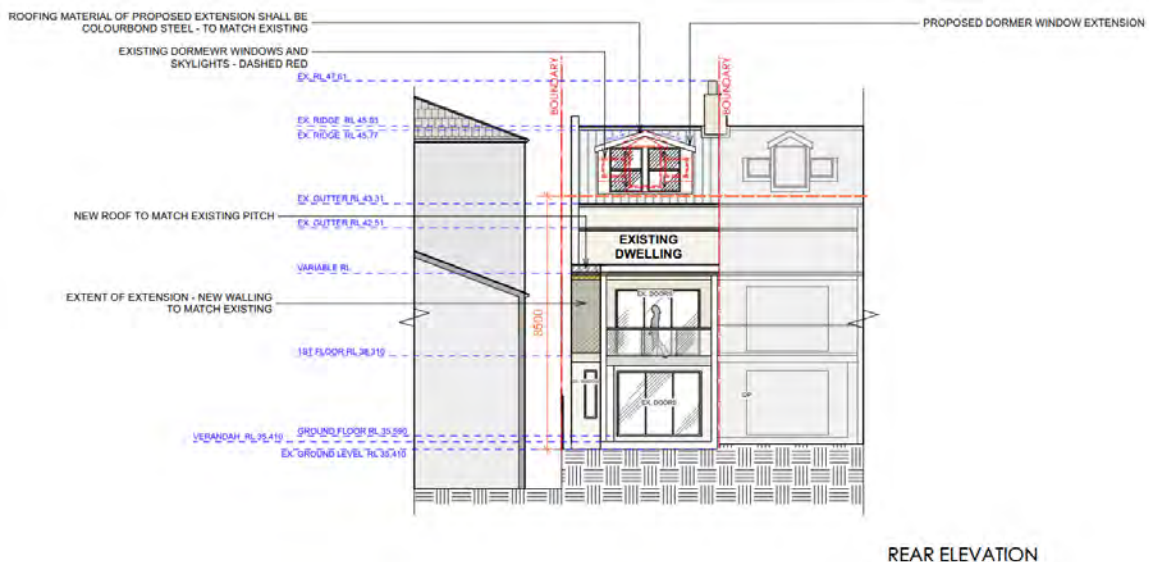


Figure 2 – Rear Elevation, Dwg No. C5 Rev G

STATUTORY CONTROLS

North Sydney LEP 2013

- Zoning – R3 Medium Density Residential Zone
- Item of Heritage - No
- In Vicinity of Item of Heritage – Local Item I0462 50 Dumbarton Street & Local Item 20A Union Street
- Conservation Area - Union, Bank and Thomas Streets Conservation Area “CA15”
- FSBL - No

Environmental Planning & Assessment Act 1979

Environmental Planning and Assessment Regulation 2021

SEPP (Biodiversity and Conservation) 2021

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

SEPP (Sustainable Buildings) 2021

State Environmental Planning Policy (Transport and Infrastructure) 2021

SEPP (Resilience and Hazards) 2021

- Chapter 4 Remediation of Land

POLICY CONTROLS

NORTH SYDNEY DCP 2013

North Sydney Local Infrastructure Contributions Plan 2020

DESCRIPTION OF LOCALITY

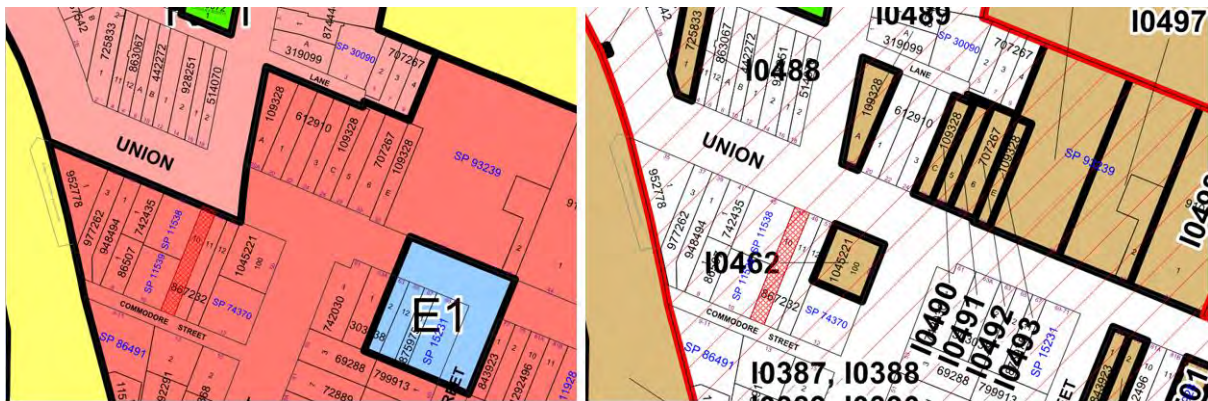
The property is situated on the southern side of Union Street and is part of a townhouse block, consisting of three separate residences. The residence is a two storey rendered brick town house that includes an attic and decorative parapet on the western side of the dwelling roof.

The property principal elevation faces Union Street and the property adjoins Commodore Street to the rear.

The site is situated in the R3 Medium Density Residential Zone with a maximum 8.5m height limit and is situated in the Union, Bank and Thomas Streets Conservation Area.



Figures 3 & 4 – Photo of subject site from the rear Commodore Street (left) and photo of front elevation from Union Street



Figures 5 & 6 – Land Zoning Map (left) and Heritage Map (right) with site hatched in red

RELEVANT HISTORY

Previous Applications

Date	Action
11/10/2016	Complying Development Certificate Application No. Z 43/16 proposing a new laundry attached to the rear of the dwelling was determined for refusal because the site is within a heritage conservation area and the works are not permissible under the Code SEPP 2008.
18/09/1996	Alterations and additions were approved under Building Permit No 96/52 for 47 & 49 Union Street, North Sydney. The works included new dormers to the front north elevation and dormers plus roof lights to the southern roof plane.

Figures 7 & 8 – North and South Elevations subject to dormer additions, BA No. 52/96

Current Application

Date	Action
08/10/2024	Development Application No. 253/2024 was lodged for alterations and additions to a dwelling including first floor addition and dormer window.
08/11/2024	The application was notified to the Euroka Precinct and neighbouring properties between 25/10/2024 – 08/11/2024.
18/11/2024	A site visit was completed by the Assessment Officer and Heritage Officer.
17/12/2024	The Applicant (Contour Landscape Architecture) spoke to the Assessment Officer. The Assessment Officer informally updated the Applicant on the assessment confirming the first floor addition is supportable but the rear dormer is not a supportable outcome.

	Information was provided to the Applicant regarding the likely determination being February via the North Sydney Local Planning Panel (NSLPP). The advice including assessment to date was officer level advice only and it was conveyed that either management or the Panel may have a differing determination on the outcome of the application.
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INTERNAL REFERRALS

BUILDING

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

HERITAGE

The application has been referred to Council's Heritage Team who provided the following comments:

1. Heritage status and significance

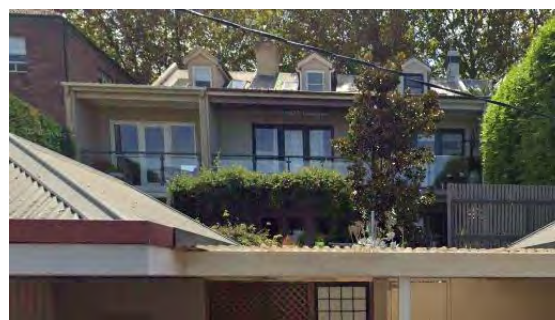
47 Union Street is identified as a contributory item within the Union, Bank and Thomas Street conservation area (no. CA15) which is significant:

- (a) As the largest area of mid to late Victorian buildings in the North Sydney area including a substantial number of individually significant buildings, groups of buildings and unique streetscapes in the local context.*
- (b) For the clarity of its subdivision history that is still clearly seen in variations of road widths between sections of streets and changes of directions of the subdivision pattern in response to the subdivision of earlier estates.*
- (c) For the way development has responded to the topography through stepped building forms and excavation in some locations.*
- (d) For its fine streetscapes with intact rows of Victorian residences, especially in Thomas, Union and Chuter Streets.*
- (e) For its relatively large number of surviving timber residences*

The site is in the close proximity of the heritage item at 50 Dumbarton Street.



Union Street elevation



Commodore Street elevation

A site inspection was carried out on 18 November 2024.

2. Heritage Assessment and Recommendations

An assessment of the proposed works to construct a small first floor rear addition and a larger rear-facing dormer window has been undertaken with regard to the relevant heritage provisions set out in in NSDCP 2013 Part B s13 Heritage and Conservation to ensure the proposal meets with the objectives of NSLEP 2013 Clause 5.10 Heritage conservation.

NSDCP 2013:

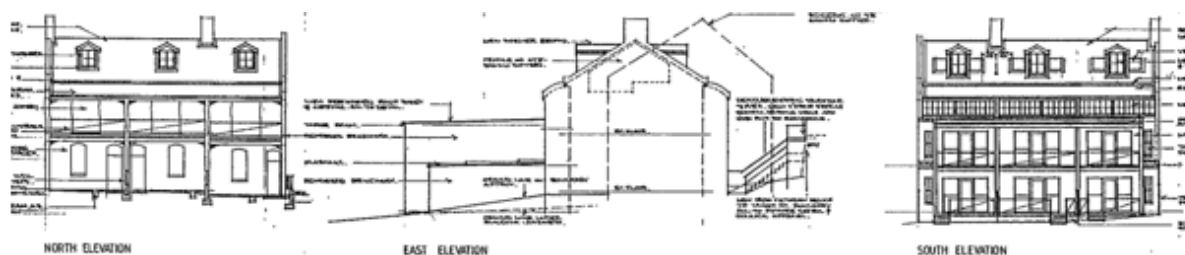
S13.4 Development in the vicinity of heritage items O1

The works are sufficiently removed from direct views to and from the heritage item whereby the significance and setting of the heritage item will not be impacted.

s13.6.1 General Objectives O1/ O2

s13.6.2 Form, massing and scale O1/ O2/ P3/ P5

The subject dwelling is one of a group of three dwellings (no.s 47, 49 and 51 Union Street) that are from the significant period of development relating to the conservation area. The group, designed in the Victorian Filigree style, sit below the street on the southern side of Union Street where the site drops steeply southward to Commodore Street from where the rear elevation is visible in the public domain. Restoration works to the group were carried out in 1996. Missing details were matched with the original and the group were extended to the rear. The work included the provision of single dormer windows to the front and rear roof planes and car ports on the Commodore Street side.



1996 APPROVAL [BA52/96]

The subject dwelling sits to the western end of the group. It is noted that the secondary built element to the rear is set in from the side boundaries of the group. It is recommended that the proposed addition to the first floor be set back from the rear building line and preferably below its overall height to retain the prominence and symmetry of the secondary building element. Whilst it is noted that the first-floor rear facing window services the corridor and stairwell, its retention facilitates natural ventilation and a preference to retain its function as such is to be considered as part of the planning assessment by ensuring the addition of the installation of a wardrobe to the bedroom is off set to enable the window to remain in situ.

s13.9 Controls for Specific building elements – NDCP 2013 Part C: s10.9.7 – over-scaled additions; dormers and conditions to front and side roofs

s13.9.2 Dormer windows

O1 – To ensure that dormer windows do not detrimentally impact upon the significance of heritage items and heritage conservation areas.

P6 – Dormers on the street elevation of a building must not comprise more than 1/3 of the width of the roof plane upon which they are placed.

P12- where side and rear elevation s area visible from the street, dormers are to be similar in scale to front dormers.

The existing dormers are appropriate to the form of the dwelling group being that they have Victorian details and set well within their roof planes. Provisions to have a larger dormer can be considered where they are not going to be visible in the public domain. With respect to the subject site however, the rear of the site is visible in the public domain Commodore Street.

3. Conclusions and Recommendations

With reference to the above, the proposed works are supported in part as per the recommended conditions to ensure the works meet the objectives of NSLEP 2013 Pt 5 Clause 5.10 Heritage conservation:

Non-standard

- i. That the installation of a larger dormer window in the south-facing (rear) roof plane is contrary to the provisions set out in s13.9.2 Dormer windows O1/ P6/ P12 and is to be deleted.*
- ii. That the first-floor rear addition is supported subject to:*
 - being set behind the rear building line of the secondary building element common to the group (no.s 47, 49 and 51) by at least 0.5m and set below its overall form to maintain a subservient relationship to this building element and to protect the visual symmetry of the group,*
 - investigate the retention of the first-floor rear window.*

Standard Conditions

- 1. A3 No Demolition of Extra Fabric*
- 2. C8 Colours, Materials and finishes (Conservation areas)*
- 3. E5 Removal of extra fabric*

Planning Comment: the comments with regard to the dormer addition are agreed with because the existing rear dormer has appropriate detailing and dimensions set well within the rear roof plane of 47 Union Street. The proposed dormer which is larger in size particularly in width is not secondary in scale to the roof contrary to Provision P4, s13.9.2 'Dormer Windows' in NSDCP 2013. The replacement dormer is much wider and squat in appearance compared to the rear southern roof greater than one third of the width of the roof plane contrary to Provision P6, s13.9.2 'Dormer Windows' in NSDCP 2013. The rear of the site is visible from the street adjoining Commodore Street therefore the rear dormer should be similar in scale to the existing front dormer as per directions in P12, s13.9.2 'Dormer Windows' in NSDCP 2013.

The dormer addition therefore cannot be supported proposing a larger dormer not secondary in scale to the roof, compromising the character of the existing rear roof form and appearance shared between 47 – 51 Union Street and the dormer is visible from the street and surrounding conservation area having a detrimental impact upon the significance of the heritage conservation area. The development therefore does not satisfy Objective O1, s13.9.2 in NSDCP 2013.

Additional amendments required by Council's Heritage Officer to the side infill first floor extension are not supported. The extension does not extend to the rear of the balcony and is therefore sufficiently setback to not add substantial bulk to the rear of the terraced dwelling. The removal of the first floor window that serves the hallway is acceptable noting the rear elevation contains sufficient glazing to provide acceptable outlook and ventilation to the property.

ENGINEERING

The application has been referred to Council's Development Engineer who raised no objections subject to required conditions of consent including preparation of a dilapidation report for public infrastructure and the neighbouring 49 Union Street, structural adequacy reports for 49 Union Street and a bond for security for works that may impact upon the footpath.

SUBMISSIONS

The subject application was notified to adjoining properties and the Euroka Precinct inviting comment between 25 October and 8 November 2024. There were no submissions received following notification of the development application.

CONSIDERATION

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

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

SEPP (Biodiversity and Conservation) 2021

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

Section 2.6 of the Policy specifies that a person must not clear declared vegetation in a non-rural area of the State without consent of Council. The Policy confers the ability for Council to declare vegetation that consent is required in a Development Control Plan. Section 16 of Part B in NSDCP 2013 specifies declared trees for the purpose of the SEPP which includes trees over 5m in height or canopy. No trees are sought for removal as part of the development application.

SEPP (Biodiversity & Conservation) 2021

- **Chapter 6 Water Catchments**

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

SEPP (Resilience and Hazards) 2021

- Chapter 4 Remediation of Land

Section 4.6 of the SEPP requires the consent authority to consider whether the land is contaminated, and if so whether the land is suitable for the intended use or any remediations measures required. Council's records indicate that the site has historically been used for residential development and as such is unlikely to contain any contamination. Furthermore, the proposed work requires no excavation not disturbing soils.

SEPP (Sustainable Buildings) 2021

A valid BASIX Certificate (A1752392_02) dated 20 September 2024 for alterations and additions has been submitted to satisfy the Policy. The BASIX Certificate will need revising prior to grant of construction certificate noting the dormer addition is not supportable.

NORTH SYDNEY LOCAL ENVIRONMENT PLAN (NSLEP 2013)

1. Permissibility

The proposed works can be defined as alterations and additions to an attached dwelling. 47 Union Street is one part of three attached dwellings and on its own lot therefore defined as an attached dwelling. Attached dwellings are permitted with consent in the R3 Medium Density Residential Zone.

2. Objectives of the zone

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

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

Although the alterations and additions would maintain a site commensurate to its medium density setting and have no amenity impact there are concerns with the size of the dormer and its adverse impact upon the rear roof slope that is visible from the street and surrounding conservation area.

Part 4 – Principal Development Standards

Principal Development Standards - North Sydney Local Environmental Plan 2013			
Site Area – 223.9m ²	Proposed	Control	Complies
Clause 4.3 - Heights of Building	10.2m (dormer addition)	8.5m	NO

3. Height of Building

The following objectives for the permissible height limit are stated below:

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

The proposed dormer would have a height of 10.2m that fails to comply with the permissible height limit of 8.5m not in accordance with clause 4.3 in NSLEP 2013. Below is an annotated Section detailing the heights of the dormer from the existing ground level.

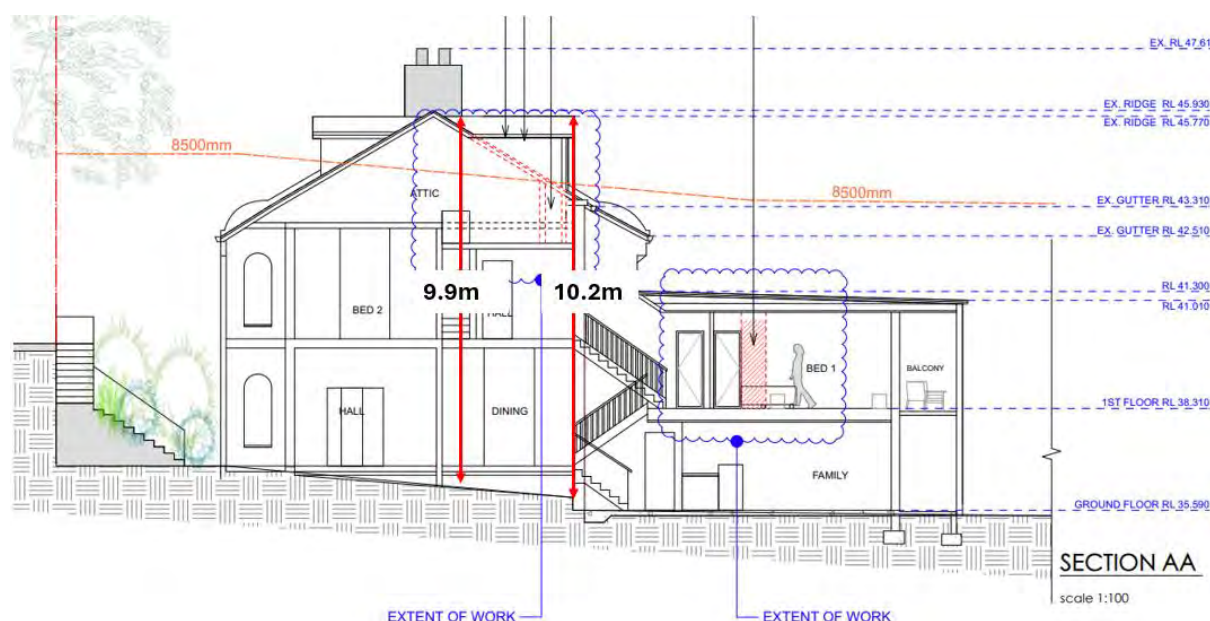


Figure 9 – Annotated Section AA, Dwg No. C7

Under the Minister's Directive this would require the application to be referred to NSLPP for determination because it is sought to construct a dormer addition which departs by more than 10% of the development standard.

Below is a detailed consideration of the justification of the height exceedance primarily against the objectives of cl. 4.3 'Height of Buildings'.

Clause 4.6 – Exceptions to Development Standards.

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

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

The proposed variation from the development standard is assessed against the required tests in Clause 4.6. In addition, in addressing the requirements of Clause 4.6(3), the accepted five possible approaches for determining whether compliances are unnecessary or unreasonable established by the NSW Land and Environment Court in *Wehbe vs Pittwater Council* (2007) LEC 827 are considered.

In respect of the building height standard, the first method in *Wehbe vs Pittwater Council* (2007) is invoked below which considers whether the objectives of the development standard are achieved notwithstanding the non-compliance.

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

The existing dwelling does step with the topography of the site which is shown in the above section. The application seeks to replace an existing dormer with a larger dormer. There is no need to step the development beyond that of the existing.

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

The proposed alterations above the height limit maintain the existing building height, bulk and massing and the dormer does not exceed the existing attached dwelling ridge height therefore having no additional impact on views available from any surrounding dwelling or the public domain.

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

The submitted Clause 4.6 variation request states the proposed alterations will have no impact in terms of overshadowing. Shadow diagrams have not been provided, however the dormer sited on the southern roof plane is unlikely to have an additional shadow impact beyond the subject site.

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

The proposed enlarged dormer would generally provide greater views of the Harbour and City of Sydney skyline with no direct or close views affecting the privacy of residents of adjoining properties.



Figure 10 – Existing outlook from the rear southern dormer

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

The subject site does not share a zone boundary apart to the north which is not subject to alterations and additions. However, the proposed development would not remain compatible with the surrounding development, proposing a dormer that is bulky and dominant conflicting with the appropriately sized dormers on the adjoining 49 & 51 Union Street.

(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 dormer is not compatible with the rear dormers of the attached dwellings at 49 & 51 Union Street and will appear excessive in size on the roof slope undermining the heritage significance of the surrounding Union, Bank, Thomas Street Conservation Area.

Clause 4.6(3)(b) are there sufficient environmental planning grounds to justify the contravention of the development standard?

The written request has provided environmental planning grounds to justify the variation which are briefly summarized below:

- The proposed works are all situated to the rear of the subject residence and not visible from the streetscape.
- The dormer window alteration shall provide greater amenity to the attic space of the residence.

- The design has had regard to the landform, adjoining land uses and potential amenity impacts and good integration and connection with the McMahons Point and Union Street character.

It is considered that there are insufficient environmental planning grounds in the circumstances of the case to justify the contravention of the development standard as the proposed development being the dormer addition is bulky and dominant in context with the attached dwelling southern roof and conflicts with the existing more modestly sized dormers on the attached 49 & 51 Union Street. The dormer addition is not compatible with adjoining development nor promotes the character of the surrounding conservation area.

Clause 4.6(2) Exceptions to development standards

The written request provided by the applicant does not adequately address the matters required by subclause (3) particularly in providing sufficient environmental planning grounds. The dormer will not be compatible with its surrounds and will have an adverse impact on the heritage significance of the Union, Bank, Thomas Street Conservation Area.

Pursuant to subclause (2) it is considered development consent may not be granted for the contravention of a development standard contrary to objectives in subclause (1). The dormer which exceeds the maximum height of building does not merit a degree of flexibility and a better outcome is not achieved proposing an uncharacteristic dominant dormer not promoting the character of the conservation area or compatible with adjoining development.

4. Heritage Conservation

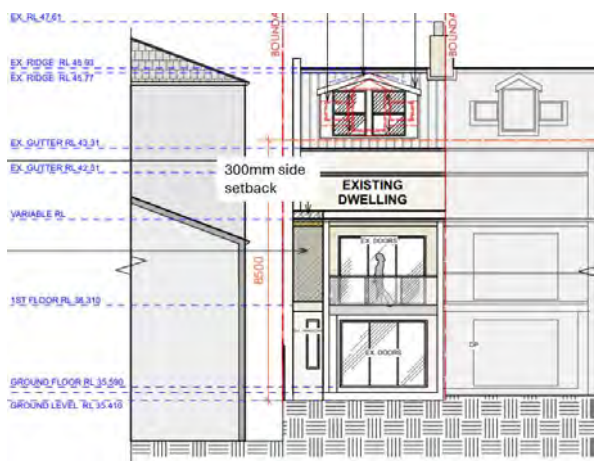
The subject site is a contributory item within the Union, Bank and Thomas Streets Conservation Area. The site is in the vicinity of the heritage items at 26 and 28 Thomas Street. The following planning objectives apply to the site:


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



The dormer would replace an existing dormer. The existing dormer is appropriate to the form of the attached dwellings with Victorian detailing and set well within the roof plane. The replacement dormer which is visible from the street and surrounding conservation area is excessive in scale having an adverse impact on the heritage significance of the conservation area.

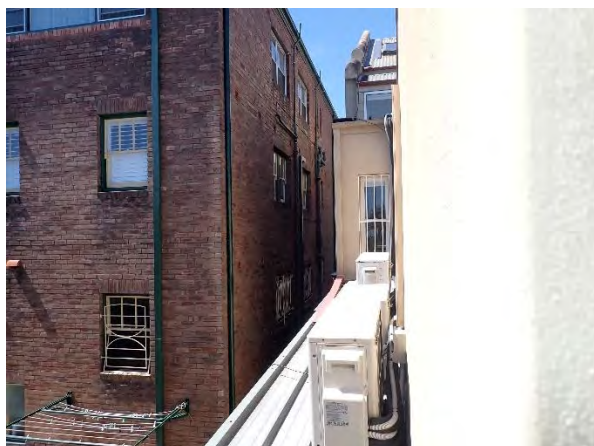
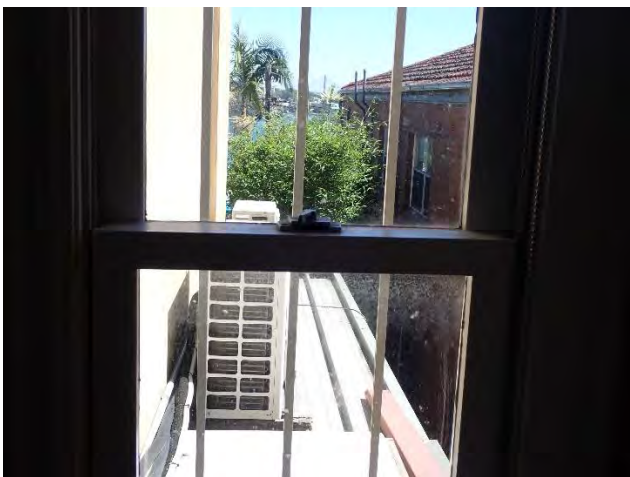
NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013

The above Development Control plan applies to the site, so an assessment has been carried out below:

DEVELOPMENT CONTROL PLAN 2013 - Part B Section 1 - Residential Development		
	<i>complies</i>	<i>Comments</i>
1.3 Environmental Criteria		
The environmental criteria in Section 1 of the DCP has been considered such as topography, views, visual privacy and solar access. The works would not affect the topography of the site and retain a reasonable access to sunlight, views and privacy of adjoining properties. More detailed deliberation of amenity impact is provided in consideration of the variation to Cl. 4.6 request.		
1.4 Quality built form		
1.4.1 Context	No	The replacement dormer does not respond to the character and constraints of the site proposing a dormer which is excessive in scale not secondary in scale to the roof and not complementary to the scale and style of the rear dormers on the adjoining attached dwellings.
1.4.2 Subdivision Pattern	Yes	No alterations are proposed to the lot size, its shape and orientation.
1.4.3 Streetscape	Yes	No work is proposed within the road reserve. During the course of construction there is potential for damage to public infrastructure through the course of construction. Therefore, it is recommended that a dilapidation report of public infrastructure (Condition C1) is prepared and a corresponding bond for damage and completion of infrastructure works (refer to Condition C12) be provided. A standard condition will apply requiring no removal of trees on public property (E10 No Removal of Trees on Public Property).
1.4.5 Siting	Yes	The attached dwelling siting will remain addressing the street with external walls parallel to the corresponding boundary of the site.
1.4.6 Setback - Front	Yes	No works are proposed to the front façade maintaining a similar alignment with adjoining properties.
1.4.6 Setback - Side	Supportable on merit	The existing attached dwelling has a 300mm side setback to the western boundary. The first floor addition would maintain the 300mm setback. 
Figure 11 – Annotated rear elevation detailing a 300mm side setback.		

		<p>The first floor rear/side addition is supportable noting it is characteristic for properties including the existing property to have limited setbacks. The addition does not exacerbate bulk and scale and preserves the amenity of adjoining properties.</p> <p>It is noted existing air conditioner units will be affixed to the side of the addition. A condition of consent will be required to ensure the development inclusive of air conditioner units are sited wholly within the boundaries of the site (Condition C10 AC Units).</p>
<p>1.4.6 Setback - Rear</p>	<p>Yes</p>	<p>No rear addition is proposed, and the rear setback generally aligns with the rear setback of properties to the north of the subject site.</p>
<p>1.4.7 Form Massing Scale</p>	<p>No</p>	<p>Provision P1 in s1.4.7 'Form, massing & scale' of the NSDCP 2013 requires the height of building to not exceed that stipulated within cl. 4.3 of NSLEP 2013.</p> <p>The dormer addition would exceed the maximum 8.5m height of building and a detailed review is provided within this assessment report raising concerns with the dormer addition being too bulky and dominant in context with the attached dwelling southern roof, conflicting with the existing more modestly sized dormers on the attached 49 & 51 Union Street. The dormer addition is not compatible with adjoining development nor promotes the character of the surrounding conservation area.</p>
<p>1.4.8 Built Form Character</p>	<p>No</p>	<p>The alterations and additions are to the rear as per direction in Provision P1. However, the dormer visible from the street and public places is excessive in size and not compatible with dormers on the rear roof on the adjoining attached dwellings and not complementary to the character of the locality (Union, Bank, Thomas Conservation Area).</p> <p>Below is a photo of the rear of the attached row of properties at 47 -51 Union Street as viewed from Commodore Street.</p>  <p><i>Figure 12 – Photo of the rear elevation of the attached dwellings 47-51 Union Street from Commodore Street.</i></p>

		 <p>Figure 13 – Photo of the rear elevation of the attached dwellings 47-51 Union Street from Commodore Street.</p>  <p>Figure 14 – Photo of the rear elevation of the attached dwellings 47-51 Union Street from Dumbarton Street.</p>
<p>1.4.11 Dormers</p>	<p>No</p>	<p>The proposed dormer is not supportable because the design and scale of the dormer is not appropriate to the style of building to which it is attached. The dormer is excessive in scale and its width is not appropriate to the roof form of the attached dwelling.</p> <p>The dormer does not satisfy Provision P1 and Objective O1 in s1.4.11 of NSDCP 2013.</p> <p>The dormer, although located to the rear is visible from Commodore Street and the surrounding conservation area. Due to its dominance in context with the southern roof slope of 47 Union Street the dormer would adversely impact on the heritage significance of the surrounding conservation area contrary to Provision P2, s1.4.11 of NSDCP 2013.</p>
<p>1.4.12 Colours and Materials</p>	<p>Yes</p>	<p>A standard condition of consent can be applied requiring colours, materials and finishes to complement the building and be sympathetic to the character of the conservation area (Condition C8 Colours, Finishes and Materials – Conservation Areas).</p>

1.5 Quality Urban Environment		
1.5.2 Lightwells and Ventilation	Yes	<p>A first floor addition is proposed to increase the size of the first floor bedroom. The extension with a 300mm side setback will remove an existing hallway window.</p> <p>The existing space subject to an addition is not considered a lightwell and the extension would not result in deficient amenity to occupants in terms of solar access or ventilation but instead makes a confined first floor bedroom more usable.</p> <div style="text-align: center;">  <p><i>Figure 15 – Photo of side setback subject to addition</i></p> </div> <div style="text-align: center;">  <p><i>Figure 16 – Hallway window to be removed</i></p> </div>
1.5.4 Vehicle Access and Parking	Yes	No changes are proposed to the existing parking and pedestrian entry.
1.5.5 Site Coverage	Yes	The works affect the existing building footprint not increasing site coverage or reducing landscaped area.
1.5.6 Landscape Area		
1.5.8 Landscaping	Yes	Existing landscaping within the front and rear garden is to remain.
1.6 Efficient Use of Resources		
1.6.1 Energy Efficiency	Yes	A valid BASIX Certificate is included within the application, however the BASIX Certificate will need to be revised prior to construction certificate noting the deletion of the proposed dormer.

Lavender Bay Planning Area (Union, Bank, Thomas Street Conservation Area) – Part C of NSDCP 2013

The site is located within the Union, Bank, Thomas Street Conservation Area therefore the relevant controls in Section 9.10 in Part C of NSDCP 2013 apply.

The existing attached dwelling is a characteristic building of the conservation area being part of a group of terraced Victorian Filigree style properties.

It is noted uncharacteristic elements of the conservation area as stipulated in s9.10.7 includes over scaled additions and dormers to the front and side roofs. The dormer although located to the rear is excessive in scale comparatively with that of the rear roof of the attached dwelling and due to the prominence of the dormer and visibility from the streetscape and conservation area the replacement rear dormer is considered an uncharacteristic addition to the conservation area.

LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN

The subject application has been assessed against the North Sydney Local Infrastructure Contribution Plan 2020 and is subject to payment of contributions towards the provision of local infrastructure. The contributions payable has been calculated in accordance with the Council's Contributions Plan as follows:

Contribution amounts payable

Applicable contribution type		
s7.12 contribution details	Development cost:	\$142,348.20
<i>(payment amount subject to indexing at time of payment)</i>	Contribution: More than \$100,000 and up to and including \$200,000 – 0.5% of that cost	\$712.00

Conditions requiring the payment of contributions at the appropriate time can be included by condition of consent. Although the report proposes a reduction in scale of works and possibly a reduction in costs, a s 7.12 levy is required under the plan for a DA with a cost of works greater than \$100,000.00 based on the cost summary report which accompanies a development application as stipulated in Section 2.3.2 'Cost Summary Report must accompany development application' of the Contributions Plan.

ALL LIKELY IMPACTS OF THE DEVELOPMENT

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

ENVIRONMENTAL APPRAISAL

CONSIDERED

- | | | |
|----|---|-----|
| 1. | Statutory Controls | Yes |
| 2. | Policy Controls | Yes |
| 3. | Design in relation to existing building and natural environment | Yes |

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

SUBMITTERS CONCERNS

The application was notified to adjoining properties and the Euroka Precinct. Council received no submissions following notification.

PUBLIC INTEREST

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

SUITABILITY OF THE SITE

The proposal would be located in a R3 Medium Density Residential Zone where attached dwellings 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.

HOW WERE THE COMMUNITY VIEWS TAKEN INTO CONSIDERATION?

The subject application was notified to adjoining properties and the Euroka Precinct for 14 days where no issues were raised. However, where appropriate as deliberated in the assessment report conditions of consent have been recommended to maintain the amenity of adjoining properties and the conservation area.

CONCLUSION

The proposal was considered under the relevant Environmental Planning Instruments and policies including NSLEP 2013 and NSDCP 2013. The development is supportable in part for instance the first floor side addition is acceptable, however the rear dormer addition is not supported.

The application proposes alterations and additions to an attached dwelling that is a permissible form of development in the R3 Medium Density Residential Zone.

Council's Heritage Officer does not support the dormer addition and this is concurred with because the dormer is not secondary in scale to the roof, compromising the character of the existing rear roof form and appearance shared between 47 – 51 Union Street and the dormer is visible from the street and surrounding conservation area having a detrimental impact upon the significance of the heritage conservation area.

The dormer exceeds the maximum height of building, and a written request has been submitted which does not adequately provide sufficient environmental planning grounds for variation of the development standard. The dormer will not be compatible with its surrounds and will have an adverse impact on the heritage significance of the Union, Bank, Thomas Street Conservation Area. It is recommended that the dormer addition be deleted subject to condition of consent.

The first floor rear/side addition is supportable noting it is characteristic for properties including the existing property to have limited setbacks. The addition does not exacerbate bulk and scale and preserves the amenity of adjoining properties. It is noted existing air conditioner units will be affixed to the side of the addition. A condition of consent is included to ensure the air conditioner units are sited wholly within the boundaries of the site.

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

RECOMMENDATION

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

THAT the North Sydney Local Planning Panel exercising the functions of Council as the consent authority grant consent to Development Application No. 253/2024 for alterations and additions on land at 47 Union Street, McMahons Point. However, the rear dormer addition that invokes the provisions of Clause 4.6 in NSLEP 2013 with regards to the non-compliance with Clause 4.3 is not supported and it is recommended to be deleted subject to a site specific condition of consent.

THOMAS HOLMAN
SENIOR ASSESSMENT OFFICER

DAVID HOY
TEAM LEADER ASSESSMENTS

STEPHEN BEATTIE
MANAGER DEVELOPMENT SERVICES

NORTH SYDNEY COUNCIL
CONDITIONS OF DEVELOPMENT APPROVAL
47 UNION STREET, MCMAHONS POINT
DEVELOPMENT APPLICATION NO. 253/24

A. *Conditions that Identify Approved Plans*

Development in Accordance with Plans/Documentation

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

Plan No.	Rev	Title	Drawn by	Dated
C1	G	Site Plan	Contour Landscape Architecture	20/09/2024
C2	G	Roof Plan	Contour Landscape Architecture	20/09/2024
C3	G	First Floor Plan	Contour Landscape Architecture	20/09/2024
C4	G	Attic Plan	Contour Landscape Architecture	20/09/2024
C5	G	Rear Elevation	Contour Landscape Architecture	20/09/2024
C6	G	West Elevation	Contour Landscape Architecture	20/09/2024
C7	G	Section AA	Contour Landscape Architecture	20/09/2024
C8	G	Section BB	Contour Landscape Architecture	20/09/2024

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

Plans on Site

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

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

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

**47 UNION STREET, MCMAHONS POINT
DEVELOPMENT APPLICATION NO. 253/24**

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No Demolition of Extra Fabric

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

(Reason: To ensure compliance with the approved development)

Terms of Consent

- A4. Approval is granted under Development Application No. DA 253/24 for the following works only:

1. Side/rear extension to the first floor and associated internal alterations and relocation of the AC Units.

No approval is given or implied under this development application for the dormer on the rear southern roof slope.

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

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

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

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

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

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

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

Dilapidation Survey Private Property (Neighbouring Buildings)

- C2. A photographic survey and dilapidation report of adjoining property No. 49 Union Street detailing the physical condition of the property, both internally and externally, including, but not limited to, such items as walls, ceilings, roof, structural members and other similar items, MUST BE submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The survey and report are to be prepared by an appropriately qualified person and a copy to be given to the owner of the adjoining property. A copy of the report is to be provided to Council, if Council is not the Principal Certifier, prior to the issue of any Construction Certificate.

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

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

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

(Reason: Proper management of records)

Structural Adequacy (Semi Detached and Terrace Buildings)

- C3. A report from an appropriately qualified and practising structural engineer, certifying the structural adequacy of the adjoining property No. 49 Union Street which certifies the ability to withstand the proposed works and outlines any measures required to be implemented to ensure that no damage will occur to adjoining premises during the course of the works, must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The measures outlined in the certified report must be complied with at all times.

Under no circumstances shall the party or common wall be extended or altered without the prior written consent of the adjoining owner. Any such extension of the party wall shall be noted on title by way of appropriate easement or Section 88B instrument.

(Reason: To ensure the protection and structural integrity of adjoining properties, and that common law property rights are recognised)

Structural Adequacy of Existing Building

- C4. A report prepared by an appropriately qualified and practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction shall be submitted to the Principal Certifier for approval prior to issue of any Construction Certificate. The certified report must also include all details of the methodology to be employed in construction phases to achieve the above requirements. The methodology in the certified report must be complied with at all times.

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

Sediment Control

- C5. Where construction or excavation activity requires the disturbance of the soil surface or existing vegetation, erosion and sediment control techniques, as a minimum, are to be in accordance with the publication Managing Urban Stormwater: Soils and Construction (4th Edition, Landcom, 2004) commonly referred to as the "Blue Book" or a suitable and effective alternative method.

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

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

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

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

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

Waste Management Plan

- C6. A Waste Management Plan is to be submitted for approval by the Principal Certifier prior to the issue of any Construction Certificate. The plan must include, but not be limited to:
- a) The estimated volume of waste and method of disposal for the construction and operation phases of the development;
 - b) The design of the on-site waste storage and recycling area; and
 - c) Administrative arrangements for waste and recycling management during the construction process.

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

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

Heritage – Dormer

- C7. The proposed dormer on the rear southern roof is not approved and is to be deleted from the plans and are not to be constructed under this consent. The dormer that is not approved is shown clouded in red on the stamped plans.

The Certifying Authority must ensure that the building plans and specifications submitted with the construction certificate satisfy the above condition.

(Reason: To ensure by deletion of the dormer that the heritage significance of the heritage conservation area is conserved)

Colours, Finishes and Materials (Conservation Areas)

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

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

Work Zone

- C9. If a Work Zone is required a Work Zone permit is to be obtained from Council prior to the issue of any Construction Certificate.

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

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

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

(Reason: Amenity and convenience during construction)

Air Conditioning Units

- C10. The air conditioner units to be relocated adjacent to the first floor addition and western side boundary must be wholly contained within the subject site and not encroach into the adjoining property.

The Certifying Authority must ensure that the building plans and specifications submitted with the construction certificate satisfy the above condition.

(Reason: To ensure that the development is designed appropriately within the site)

Stormwater Disposal

- C11. Stormwater runoff generated by the approved development must be conveyed by gravity to the existing site stormwater drainage disposal system. A licensed tradesman shall install plumbing components to achieve this requirement in accordance with the NCC and current plumbing standards and guidelines. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure appropriate provision for disposal and stormwater management arising from the development)

**47 UNION STREET, MCMAHONS POINT
DEVELOPMENT APPLICATION NO. 253/24**

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

- C12. Prior to the issue of any Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of \$5,000.00 to be held by Council for the payment of cost for any/all of the following:
- a) making good any damage caused to any property of the Council as a consequence of the doing of anything to which this consent relates,
 - b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and [environmental controls](#)) required in connection with this consent
 - c) remedying any defects in any such public work that arise within 6 months after the work is completed.
 - d) Council reserves the right to retain all bonds on infrastructure works relating to the completion of required Infrastructure work for a 12-month defect liability period. Council may elect to provide a lesser period for minor residential work.

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

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

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

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

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

Asbestos and Hazardous Material Survey

- C13. A report must be prepared by a suitably qualified person in relation to the existing building fabric to be demolished and/or disturbed identifying the presence or otherwise of asbestos contamination and, if asbestos contamination is present, making recommendations as to the work required to safely address the contamination.

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

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

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

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

Section 7.12 Development Contributions

- C14. A monetary contribution pursuant to the provisions of Section 7.12 of the Environmental Planning and Assessment Act 1979 is to be paid to Council, in accordance with the North Sydney Council's Contribution Plan, to provide for local infrastructure improvements.

Based on the cost of development at the date of determination, the total contribution payable to Council is \$712.00.

Indexation

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

Timing of payment

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

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

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

Security Deposit/Guarantee Schedule

C15. All fees and security deposits/ guarantees in accordance with the schedule below must be provided to Council prior to the issue of any Construction Certificate:

Security Deposit/Guarantee	Amount (\$)
Footpath Damage Bond	\$5,000.00
TOTAL BONDS	\$5,000.00

Note: The following fees applicable

Fees	
Local Infrastructure Contributions	\$712.00
TOTAL FEES	\$712.00

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

(Reason: Compliance with the development consent)

BASIX Certificate

C16. Under clause 75 of the Environmental Planning & Assessment Regulation 2021, it is a condition of this development consent that all the commitments listed in BASIX Certificate No A1752392_02 as amended by conditions within this consent are fulfilled. Plans and specifications complying with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

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

Public Liability Insurance – Works on Public Land

- D1. Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of public land and the undertaking of approved works within Council's road reserve or public land, as approved by this consent. The Policy is to note and provide protection/full indemnification for North Sydney Council, as an interested party. A copy of the Policy must be submitted to Council prior to commencement of any works. The Policy must be valid for the entire period that the works are being undertaken.

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

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

Sydney Water Approvals

- D2. Prior to the commencement of any works, the approved plans must be submitted to Sydney Water to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The Principal Certifier must ensure that Sydney Water has appropriately stamped the plans before the commencement of building works.

Notes:

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

(Reason: To ensure compliance with Sydney Water requirements)

Commencement of Works' Notice

- D3. Building work, demolition or excavation in accordance with this development consent must not be commenced until the developer has given at least 2 days notice to North Sydney Council of the person's intention to commence building work, demolition or excavation in accordance with this development consent.

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

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

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

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

Road Reserve Safety

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

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

(Reason: Public Safety)

Temporary Disposal of Stormwater Runoff

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

(Reason: Stormwater control during construction)

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Council Inspection of Public Infrastructure Works

E4. During the works on public infrastructure reverting to Council's care and control, Council's development engineer may undertake inspections of the works at the following hold points: -

- a) Formwork for layback; kerb/gutter, footpaths

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

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

Removal of Extra Fabric

E5. Should any portion of the existing building, trees, or curtilage of the site which is indicated on the approved plans to be retained be damaged for whatever reason, all the works in the area of the damaged portion are to cease and written notification of the damage is to be given to Council forthwith. No work is to resume until the written approval of Council to do so is obtained. Failure to comply with the provisions of this condition may result in the Council taking further action including legal proceedings if necessary.

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

Dust Emission and Air Quality

E6. The following must be complied with at all times:

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

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

Noise and Vibration

- E7. The works must be undertaken in accordance with the "Interim Construction Noise Guideline" published by the NSW Environment Protection Authority, to ensure excessive levels of noise and vibration do not occur so as to minimise adverse effects experienced on any adjoining land.

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

No Work on Public Open Space

- E8. No work can be undertaken within adjoining public lands (i.e., Parks, Reserves, Roads etc) without the prior written consent of Council. In this regard the developer is to liaise with Council prior to the commencement of any design works or preparation of a Construction and Traffic Management Plan.

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

Developer's Cost of Work on Council Property

- E9. The Developer or the person, company or other entity that is acting upon this consent, must bear the cost of all works associated with the development that occurs on Council's property, including the restoration of damaged areas.

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

No Removal of Trees on Public Property

- E10. No trees on public property (footpaths, roads, reserves, etc.) unless specifically approved by this consent shall be removed or damaged during construction including for the erection of any fences, hoardings or other temporary works.

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

Special Permits

- E11. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development must occur entirely on the property.

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

1) On-street mobile plant

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

(Reason: Proper management of public land)

2) Hoardings

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

(Reason: Proper management of public land)

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

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

(Reason: Proper management of public land)

4) Kerbside restrictions, construction zones

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

(Reason: Proper management of public land)

Construction Hours

E12. Construction activities and works approved under this consent must be restricted to within the hours stipulated in the following table:

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

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

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

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

Installation and Maintenance of Sediment Control

- E13. Erosion and sediment controls must be installed and maintained at all times in accordance with the Sediment and erosion control plan submitted and approved with the Construction Certificate.

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

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

Sediment and Erosion Control Signage

- E14. A durable sign must be erected during building works in a prominent location on site, warning of penalties should appropriate erosion and sedimentation control devices not be maintained. A sign of the type referred to in this condition is available from Council.

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

Site Amenities and Facilities

- E15. Where work involved in the erection and demolition of a building is being carried out, amenities which satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements, must be provided and maintained at all times. The type of work-place determines the type of amenities required.

**47 UNION STREET, MCMAHONS POINT
DEVELOPMENT APPLICATION NO. 253/24**

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

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

Health and Safety

- E16. All work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements to prepare a health and safety plan. Site fencing must be installed sufficient to exclude the public from the site. Safety signs must be erected that warn the public to keep out of the site and provide a contact telephone number for enquiries.

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

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

Prohibition on Use of Pavements

- E17. Building materials must not be placed on Council's footpaths, roadways, parks or grass verges, (unless a permit is obtained from Council beforehand). A suitable sign to this effect must be erected adjacent to the street alignment.

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

Plant and Equipment Kept Within Site

- E18. All plant and equipment used in the undertaking of the development/ works, including concrete pumps, wagons, lifts, mobile cranes, hoardings etc, must be situated within the boundaries of the site (unless a permit is obtained from Council beforehand) and so placed that all concrete slurry, water, debris and the like must be discharged onto the building site, and is to be contained within the site boundaries.

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

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

Waste Disposal

- E19. All records demonstrating the lawful disposal of waste must be retained and kept readily accessible for inspection by regulatory authorities such as North Sydney Council and the Environmental Protection Authority.

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

Asbestos Removal

- E20. All demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with National Occupational Health and Safety Commission.

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

Service Adjustments

- E21. The adjustment or inclusion of any new utility service or facilities must be carried out by an appropriately contractor in accordance with the requirements of the relevant utility authority.

These works shall be at no cost to Council. It is the Applicant's responsibility to contact the relevant utility authorities to ascertain the impacts of the proposal upon utility services prior to the commencement of any work, including demolition (including water, phone, gas and the like).

Council accepts no responsibility for any impact on or influence upon utility services provided by another authority.

(Reason: To ensure the service requirements are met)

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

National Construction Code

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

(Reason: Prescribed - Statutory)

Home Building Act

- F2. 1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act 1989) for which the *Home Building Act 1989* requires there to be a contract of insurance under Part 6 of that Act must not be carried out unless the Principal Certifier for the development to which the work relates has given North Sydney Council written notice of the contract of insurance being issued and of the following:
- a) in the case of work for which a principal contractor is required to be appointed:

- i) the name and licence number of the principal contractor, and
 - ii) the name of the insurer by which the work is insured under Part 6 of that Act, or
- (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- 2) If arrangements for doing residential building work are changed while the work is in progress such that the information submitted to Council in accordance with this condition is out of date, work must cease, and no further work may be carried out unless the Principal Certifier for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

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

(Reason: Prescribed - Statutory)

Appointment of Principal Certifier

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

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

Construction Certificate

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

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

**47 UNION STREET, MCMAHONS POINT
DEVELOPMENT APPLICATION NO. 253/24**

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Occupation Certificate

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

(Reason: Statutory)

Critical Stage Inspections

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

(Reason: Statutory)

Excavation/Demolition

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

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

Protection of Public Places

- F8. 1) A hoarding and site fencing must be erected between the work site and adjoining public place.
- 2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- 3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- 4) Any such hoarding, fence or awning is to be removed when the work has been completed.

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- 5) No access across public reserves or parks is permitted.

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

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

Site Sign

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

(Reason: Prescribed - Statutory)

G. Prior to the Issue of an Occupation Certificate

Infrastructure Repair and Completion of Works

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

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

(Reason: Maintain quality of Public assets)

Damage to Adjoining Properties

- G2. All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.

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

Utility Services

- G3. All utility services shall be adjusted to the correct levels and/or location/s required by this consent, prior to issue of an occupation certificate. This shall be at no cost to Council.

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

Asbestos Clearance Certificate

- G4. For building works where asbestos based products have been removed or altered, an asbestos clearance certificate signed by an appropriately qualified person (being an Occupational Hygienist or Environmental Consultant) must be submitted to and approved by the Principal Certifier (and a copy forwarded to Council if it is not the Principal Certifier) for the building work prior to the issue of any Occupation Certificate, the asbestos clearance certificate must certify the following: -

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

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

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

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

BASIX Completion Certificate

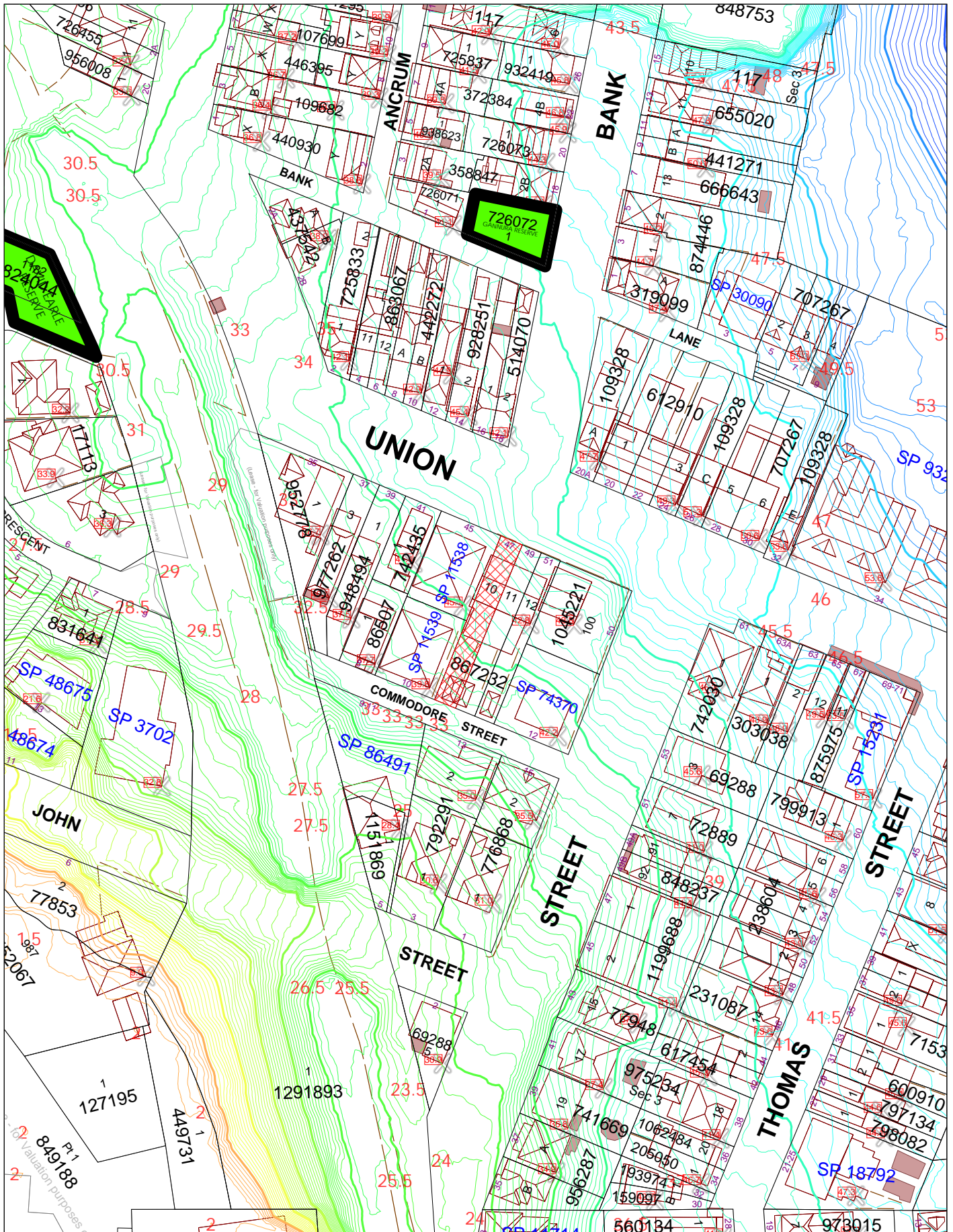
- G5. In accordance with Section 45 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, prior to issuing a final occupation certificate the Principal Certifier must provide a BASIX completion receipt.

(Reason: To ensure compliance with the Regulations)

Compliance with Certain conditions

- G6. Prior to the issue of any Occupation Certificate **Conditions C7 Heritage Dormer and C10 Air Conditioner** Units 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)



North Sydney Council





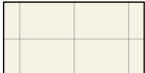


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Further details can be obtained by calling (02) 9936 8100 or e-mail mapping@northsydney.nsw.gov.au.



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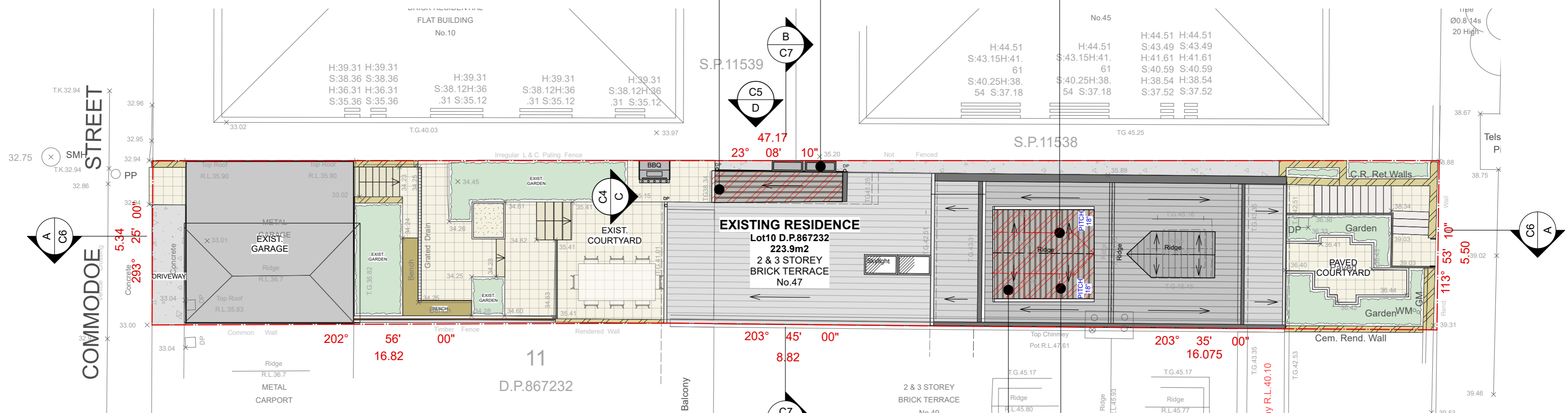
LEGEND

-  CONCRETE SURFACE TREATMENT
-  EXISTING GARDEN AREA
-  EXISTING RETAINING WALL
-  PROPOSED LAWN AREA
-  PAVED SURFACE
-  BOUNDARY LINE
-  POOL FENCING

EXTENT OF PROPOSED WORKS SHOWN HATCHED

AC UNITS TO BE RELOCATED

EXISTING STRUCTURE TO BE REMOVED - DASHED RED



SITE PLAN

Scale 1:100 @ A2

PROPOSED DORMER WINDOW EXTENSION

ROOFING MATERIAL OF PROPOSED EXTENSION SHALL BE COLOURBOND STEEL - TO MATCH EXISTING



PO Box 698 MONA VALE NSW 1660
Tel: 0434 500 705 - AIDL M

PROJECT:
Dale & Stephanie Kemp
47 Union Street, McMahon's,
Point, NSW 2060

NOTES

- All works shall comply with building code of Australia and all relevant Australian standards.
- All works shall be in accordance with development application and construction certificate conditions of consent all levels to ahd.
- Refer to survey information relating to existing site data.
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- Do not scale from drawings.
- Use figured dimensions in preference to scaling.
- Refer all discrepancies to landscape architect for determination.
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07/05/24	E	DA

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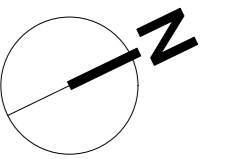
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SITE PLAN

DRAWING NO :
C1

REV: G

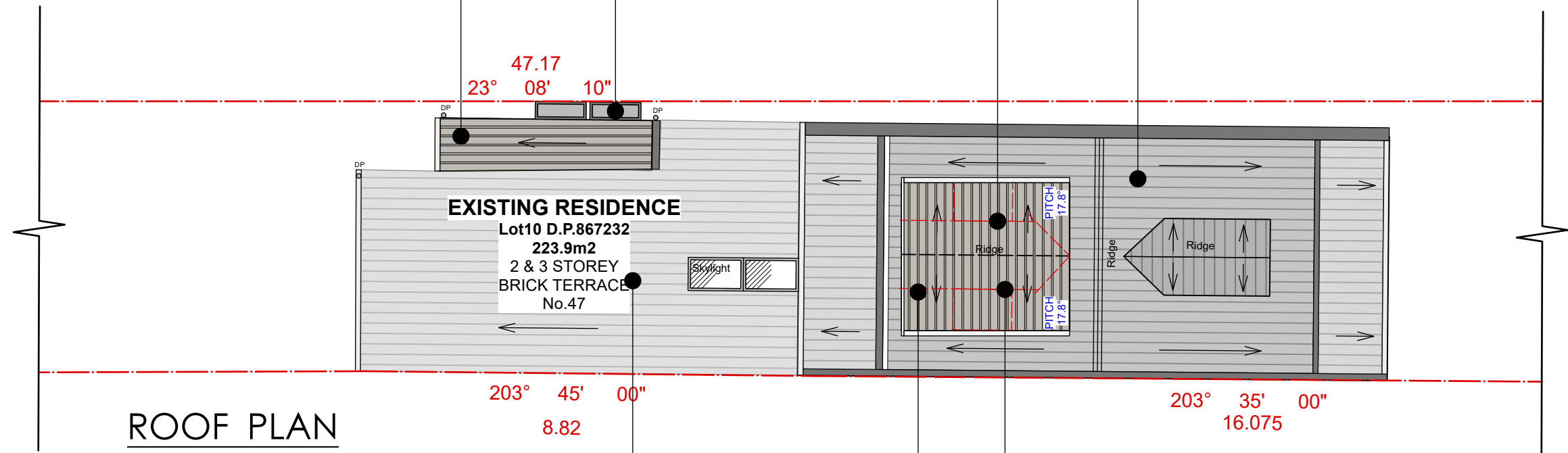


PROPOSED COLOURBOND STEEL ROOFING 1 DEGREE FALL TO MATCH EXISTING

AC UNITS TO BE RELOCATED

EXISTING STRUCTURE TO BE REMOVED - DASHED RED

EXISTING STEEL ROOFING



ROOF PLAN

Scale 1:100 @ A3

ROOFING MATERIAL OF PROPOSED EXTENSION SHALL BE COLOURBOND STEEL - TO MATCH EXISTING

EXISTING COLOURBOND STEEL ROOFING 1 DEGREE FALL

PROPOSED DORMER WINDOW EXTENSION

CONTOUR
LANDSCAPE ARCHITECTURE

PO Box 698 MONA VALE NSW 1660
Tel: 0434 500 705 - AIDLM

PROJECT:
Dale & Stephanie Kemp
47 Union Street, McMahons,
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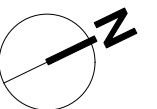
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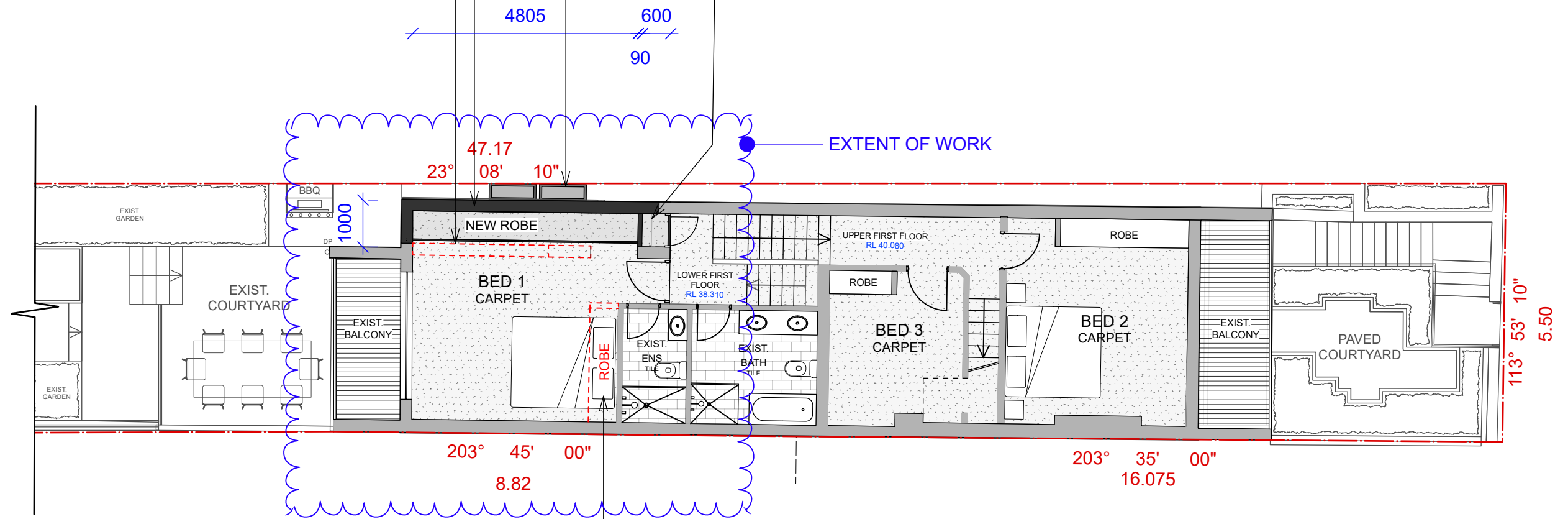
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ROOF PLAN

DRAWING NO :
C2

REV: G



ADJUST EXISTING WALLING TO CREATE DOOR ACCESS TO ROBE
 NEW WALLING TO BE CONSTRUCTED USING DOUBLE BRICK OR BRICK VENEER - TBC
 AC UNITS TO BE RELOCATED
 EXISTING WINDOW TO BE REMOVED AND LINEN CUPBOARD CREATED



EXISTING ROBE TO BE REMOVED - shown dashed red

FIRST FLOOR PLAN

Scale 1:100 @ A3

CONTOUR
LANDSCAPE ARCHITECTURE

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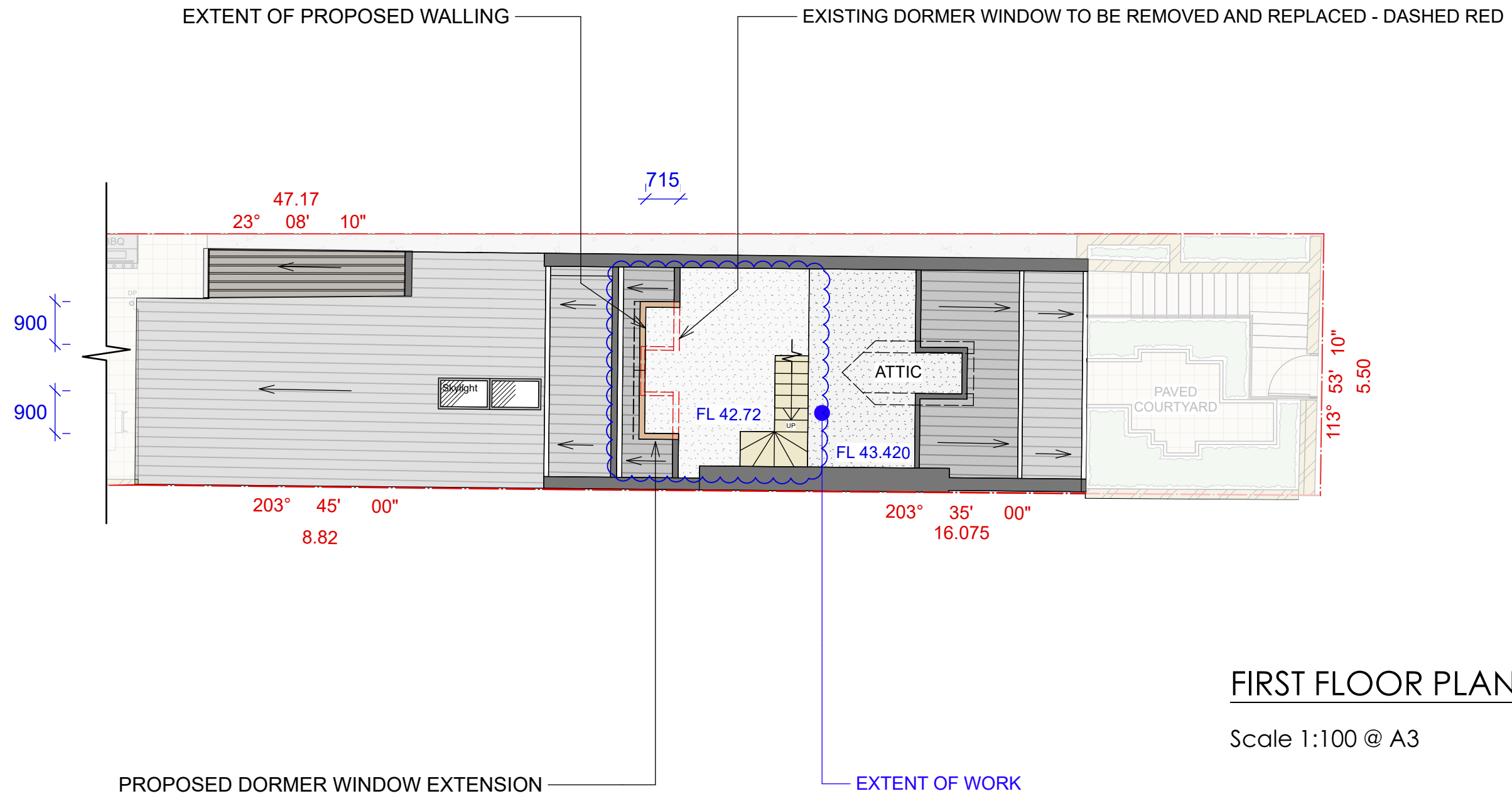
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DATE: 20/09/2024
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DRAWING
FIRST FLOOR PLAN
 DRAWING NO : C3
 REV: G





FIRST FLOOR PLAN

Scale 1:100 @ A3

CONTOUR
LANDSCAPE ARCHITECTURE

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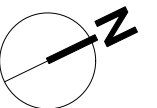
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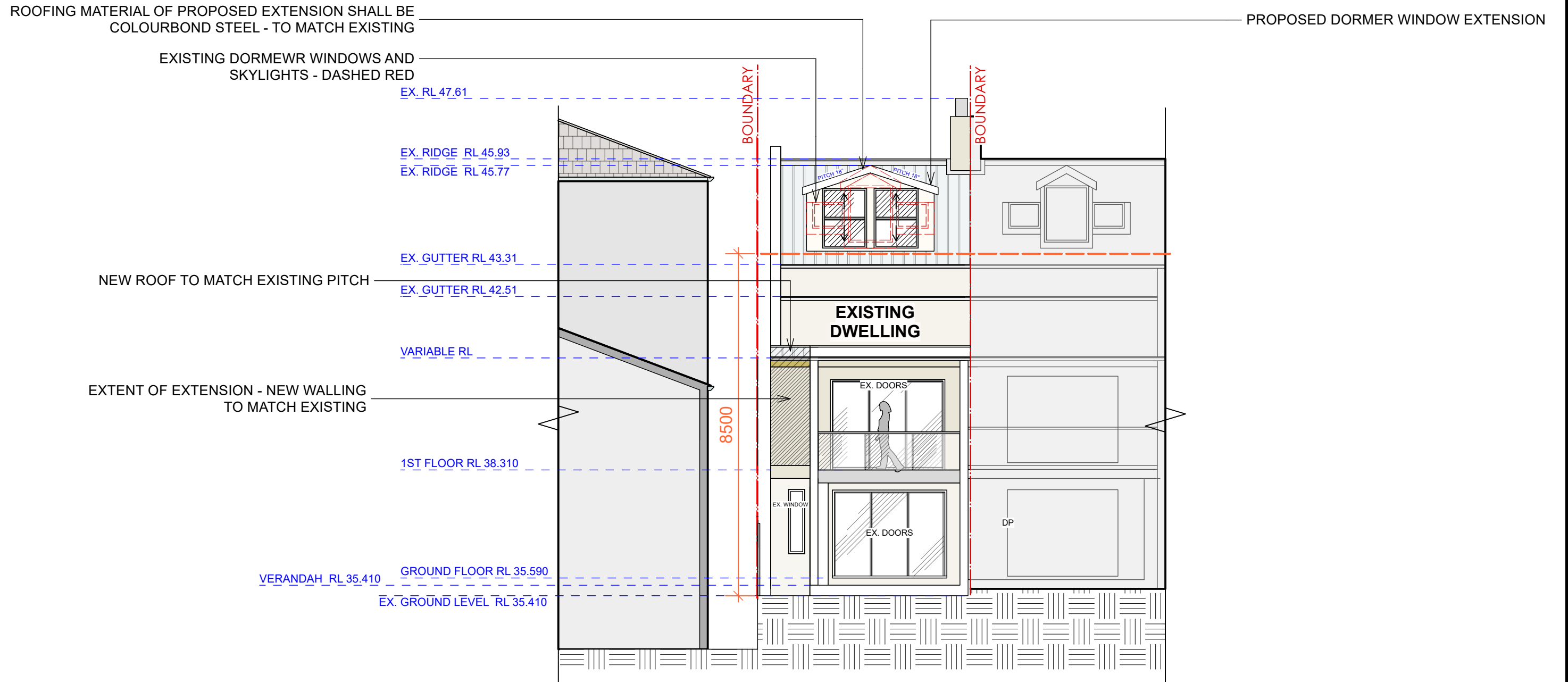
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ATTIC PLAN

DRAWING NO :
C4

REV: G





REAR ELEVATION

scale 1:100

CONTOUR
LANDSCAPE ARCHITECTURE

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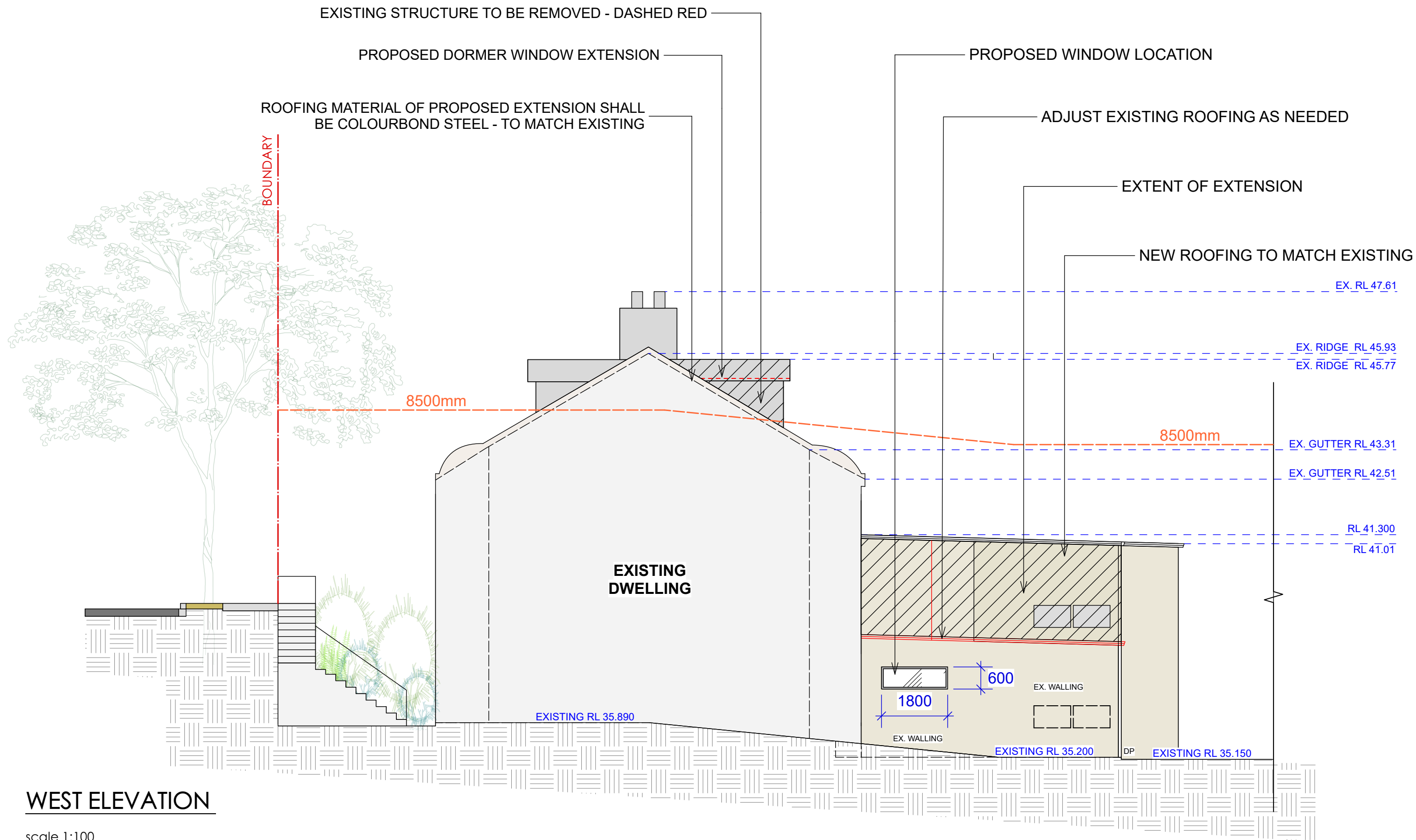
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DRAWN: CC

DRAWING
REAR ELEVATION

DRAWING NO : C5

REV: G



WEST ELEVATION

scale 1:100

CONTOUR
LANDSCAPE ARCHITECTURE

PO Box 698 MONA VALE NSW 1660
Tel: 0434 500 705 - AIDLM

PROJECT:
Dale & Stephanie Kemp
47 Union Street, McMahons,
Point, NSW 2060

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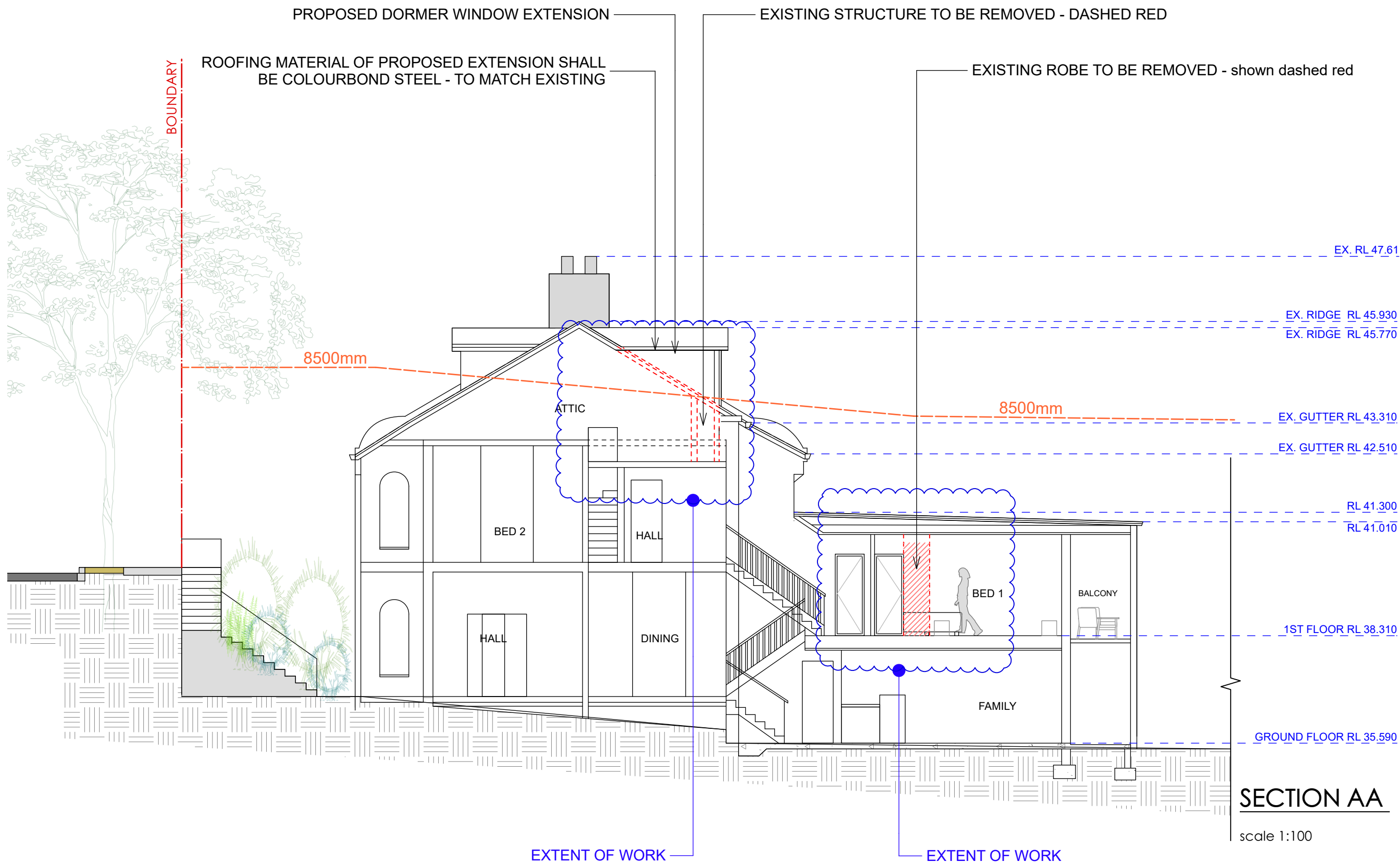
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DRAWING
WEST ELEVATION

DRAWING NO : C6

REV: G



CONTOUR
LANDSCAPE ARCHITECTURE

PO Box 698 MONA VALE NSW 1660
Tel: 0434 500 705 - AIDLM

PROJECT:
Dale & Stephanie Kemp
47 Union Street, McMahons,
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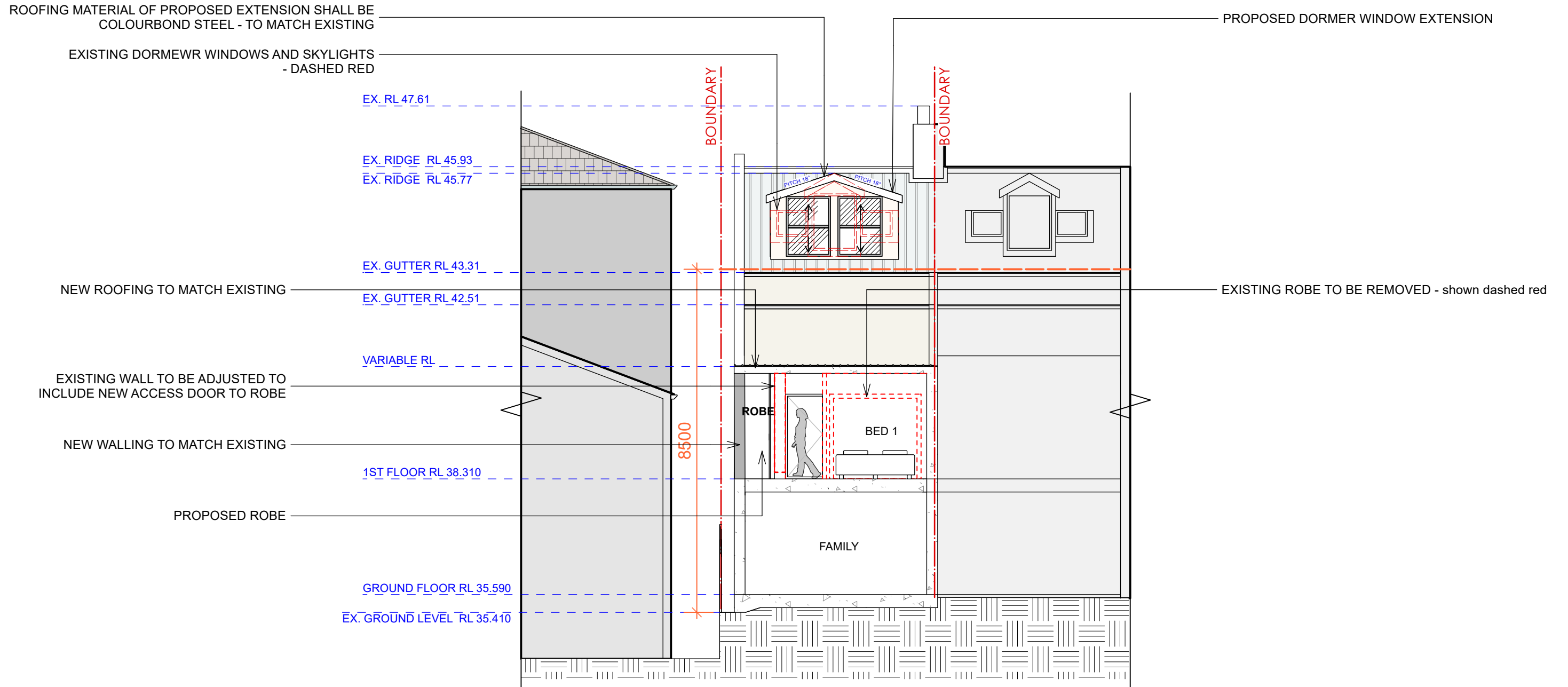
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SECTION AA

DRAWING NO : C7

REV: G

SECTION AA

scale 1:100



SECTION BB

scale 1:100

CONTOUR
LANDSCAPE ARCHITECTURE

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Tel: 0434 500 705 - AIDLM

PROJECT:
Dale & Stephanie Kemp
47 Union Street, McMahons,
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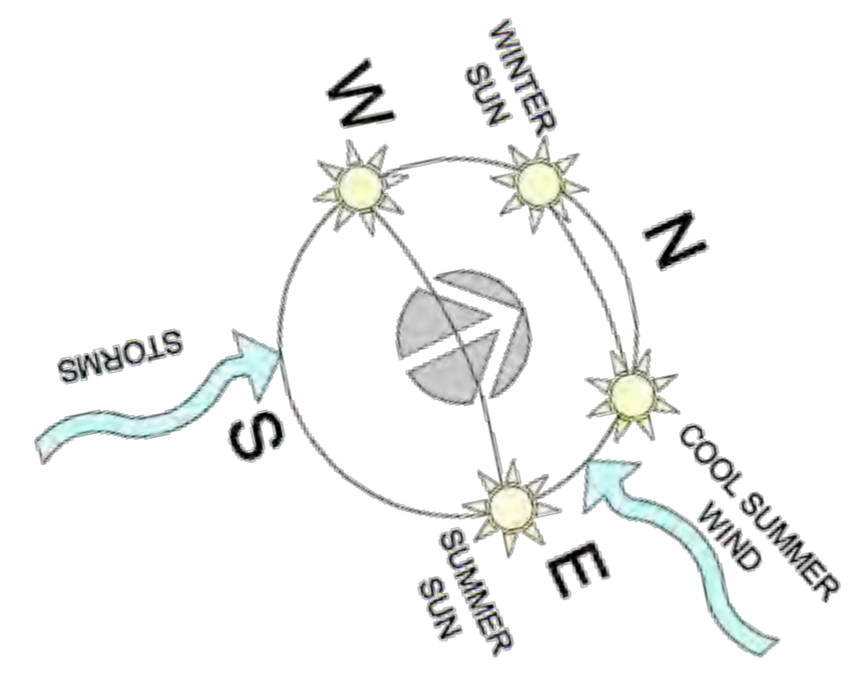
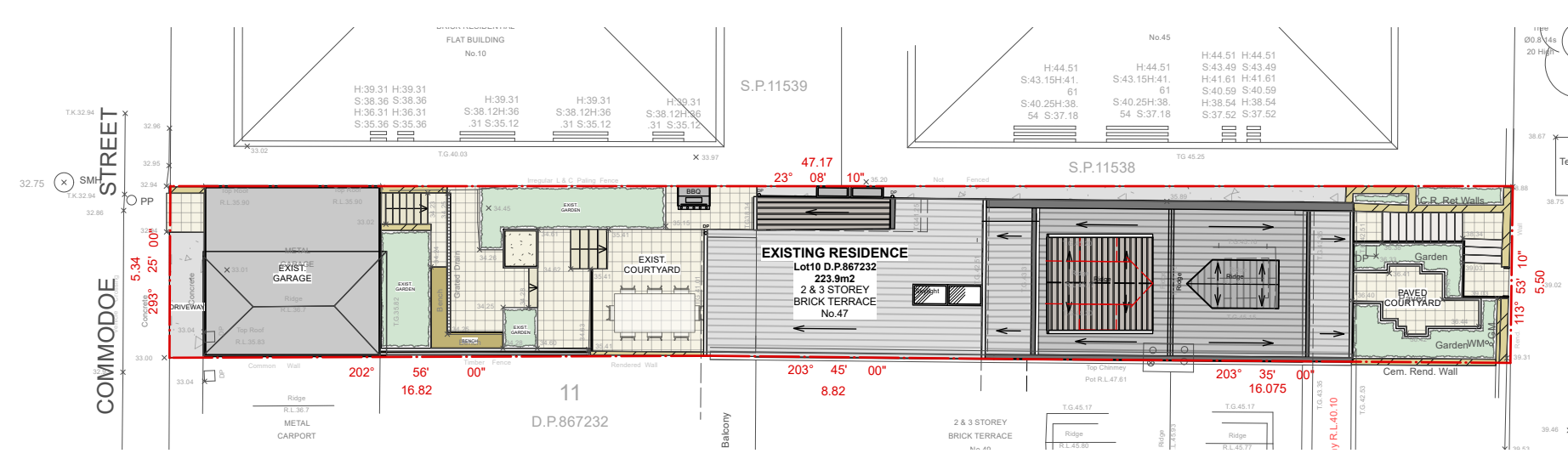
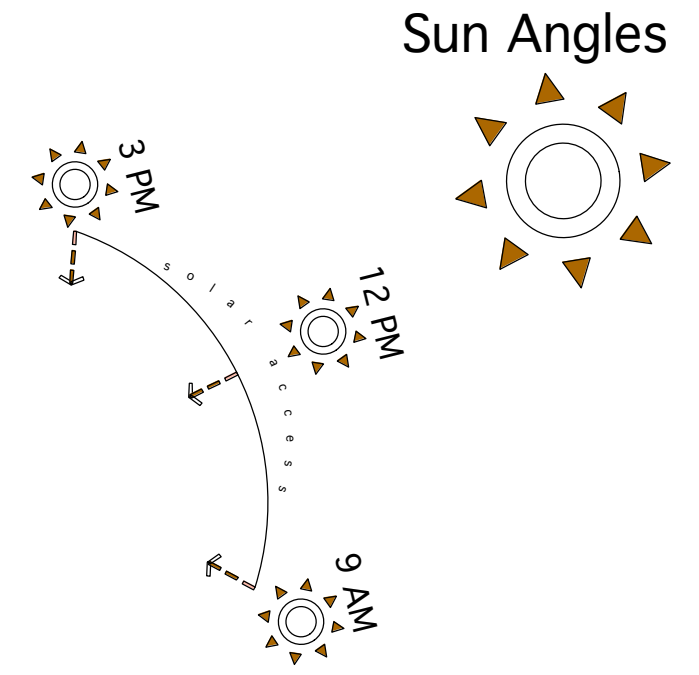
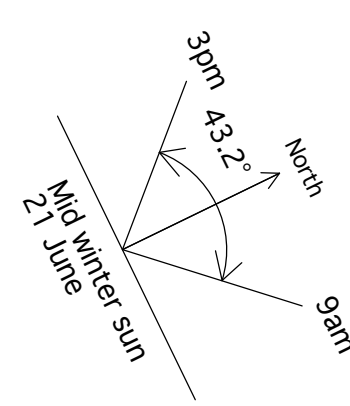
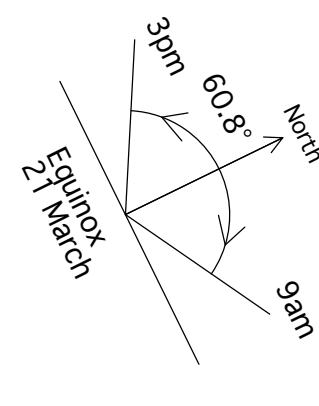
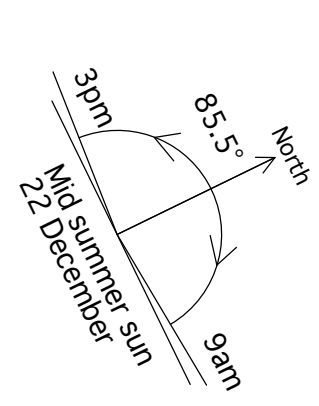
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DRAWN: CC

DRAWING
SECTION BB

DRAWING NO : C8

REV: G



SITE ANALYSIS PLAN

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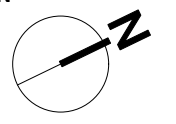
CONTOUR
LANDSCAPE ARCHITECTURE
PO Box 698 MONA VALE NSW 1660
Tel: 0434 500 705 - AIDL M

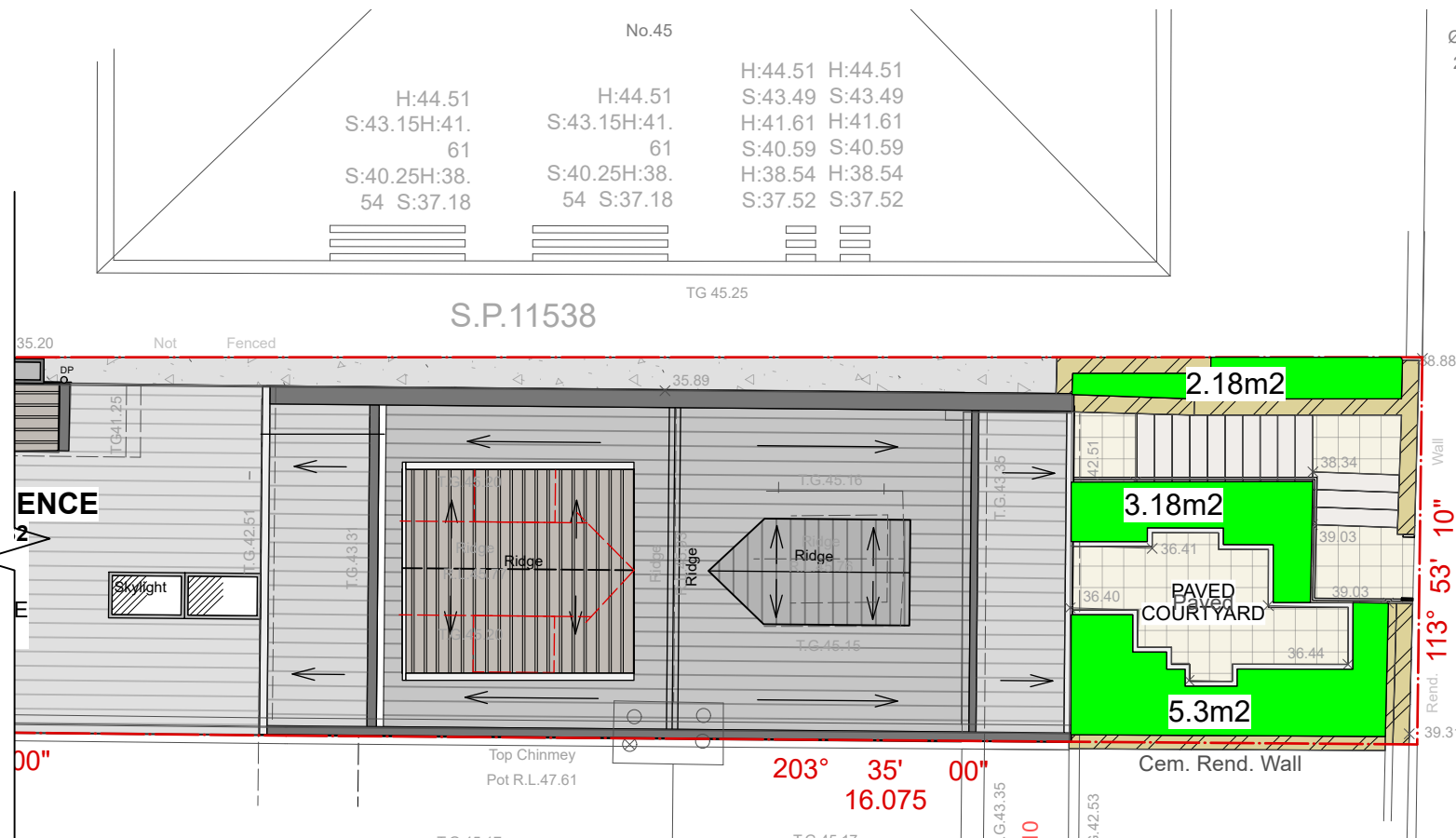
PROJECT:
Dale & Stephanie Kemp
47 Union Street, McMahons,
Point, NSW 2060

NOTES
- All works shall comply with building code of Australia and all relevant Australian standards.
- All works shall be in accordance with development application and construction certificate conditions of consent all levels to and.
- Refer to survey information relating to existing site data.
- Verify all dimensions prior to works.
- Do not scale from drawings.
- Use figured dimensions in preference to scaling.
- Refer all discrepancies to landscape architect for determination.
- This drawing is copyright and must not be retained, copied, used or reproduced in any way without prior written permission of contour landscape architects.

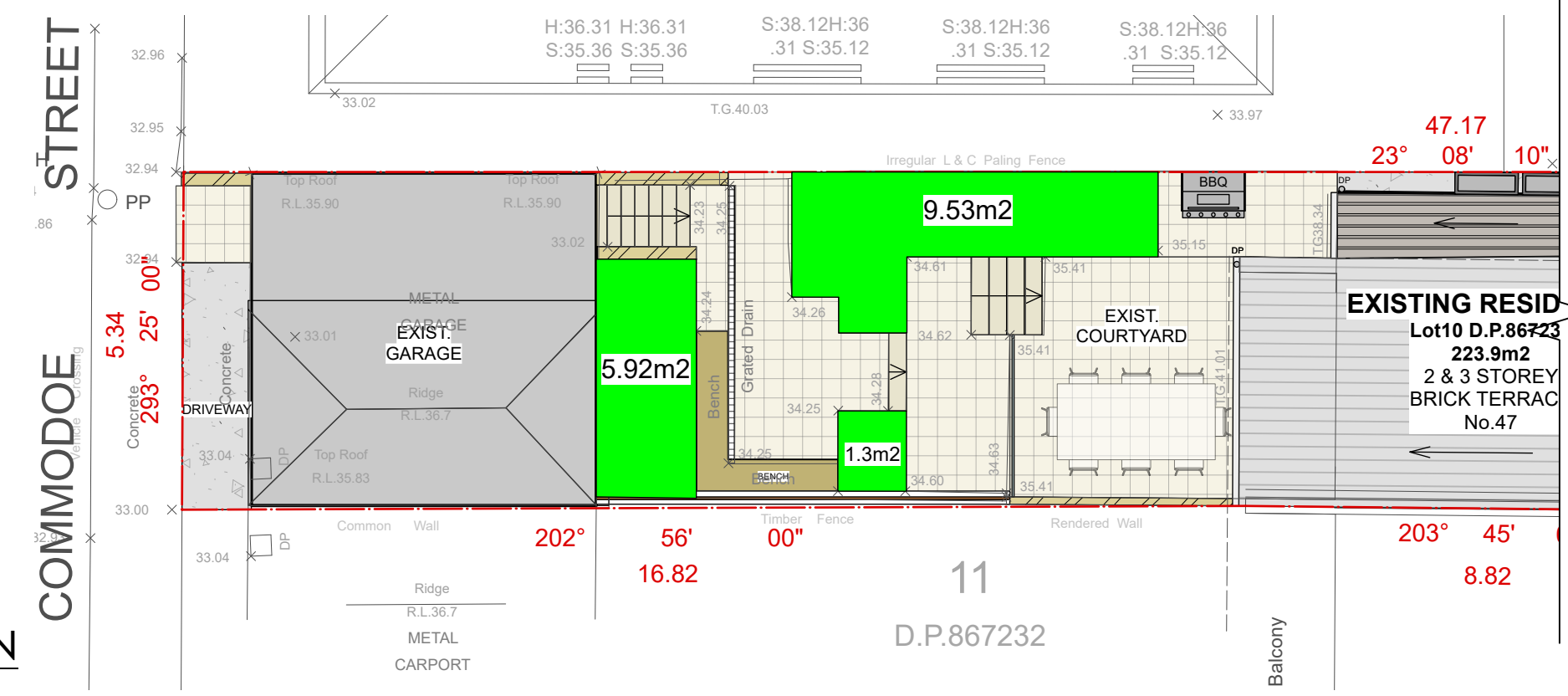
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15/12/23	A	DRAFT 12/07/24 F DA
24/01/24	B	DA 20/09/24 G DA
20/02/24	C	DA
04/03/24	D	DA
07/05/24	E	DA

DATE: 20/09/2024
DRAWING
SITE ANALYSIS PLAN
SCALE: 1:100@A3
DRAWING NO : C-9
DRAWN: CC
REV: G





DEVELOPMENT COMPLIANCE TABLE		
LANDSCAPED AREA		
SITE AREA	224m ²	N/A
MINIMUM LANDSCAPED AREA - 20 %	44.8m ²	N/A
EXISTING LANDSCAPE AREA	27.5m ² 12.2%	YES
PROPOSED LANDSCAPED AREA	27.5m ² 12.2%	YES



LANDSCAPE PLAN
scale 1:100

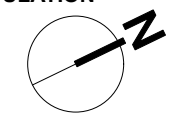
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PO Box 698 MONA VALE NSW 1660
Tel: 0434 500 705 - AIDL

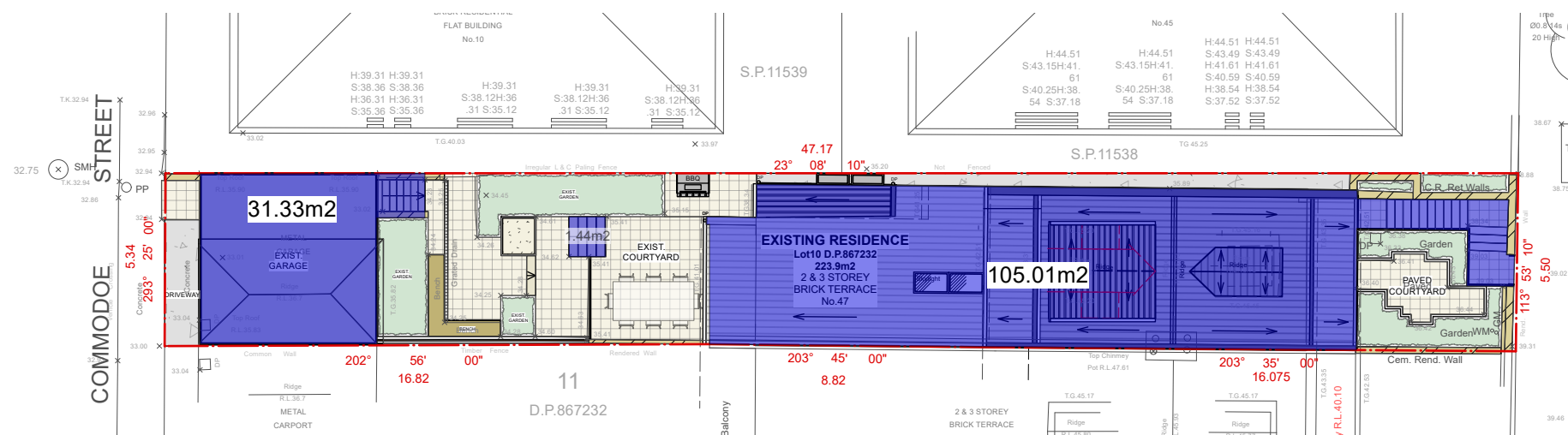
PROJECT:
Dale & Stephanie Kemp
47 Union Street, McMahons,
Point, NSW 2060

NOTES
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04/03/24	D	DA
07/05/24	E	DA

DATE: 20/09/2024
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DRAWING: LANDSCAPE CALCULATION PLAN
DRAWING NO: C-10
REV: G



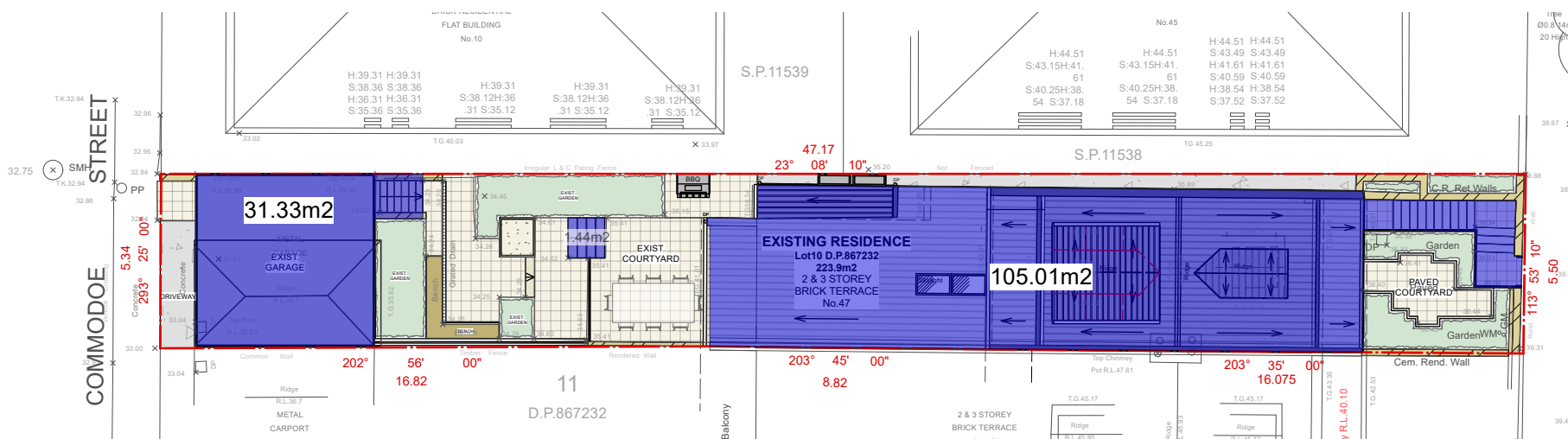


EXISTING SITE COVERAGE

scale 1:200

DEVELOPMENT COMPLIANCE TABLE

SITE COVERAGE		
		COMPLY
SITE AREA	224m²	N/A
MINIMUM LANDSCAPED AREA - 50%	112m²	N/A
EXISTING SITE COVERAGE - 61%	137.78m²	NO
PROPOSED SITE COVERAGE - 61%	137.78m²	NO



PROPOSED SITE COVERAGE *NO CHANGE*

scale 1:200

CONTOUR
LANDSCAPE ARCHITECTURE

PO Box 698 MONA VALE NSW 1660
Tel: 0434 500 705 - AIDLM

PROJECT:
Dale & Stephanie Kemp
47 Union Street, McMahons,
Point, NSW 2060

- NOTES
- All works shall comply with building code of Australia and all relevant Australian standards.
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DATE	REV.	ISSUE			
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20/02/24	C	DA			
04/03/24	D	DA			
07/05/24	E	DA			

DATE: 20/09/2024

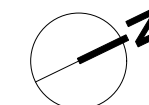
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DRAWN: CC

DRAWING
SITE COVERAGE PLAN

DRAWING NO : C-12

REV: G





Clause 4.6 - Building Height

PROPOSED FIRST FLOOR EXTENSION & ATTIC DORMER WINDOW EXTENSION

47 Union Street, McMahons, Point, NSW 2060

September 2024

Attn: The General Manager of North Sydney Council

RE: NSLEP(2013) - Clause 4.6 - Exceptions to development standards for the proposed development at **47 Union Street, McMahons, Point, NSW 2060.**

Introduction

This variation statement has been prepared in accordance with Clause 4.6 of North Sydney Local Environmental Plan 2013 to accompany the DA which seeks a “PROPOSED FIRST FLOOR EXTENSION & ATTIC DORMER WINDOW EXTENSION” at 47 Union Street, McMahons, Point, NSW 2060 (“the site”).

This document details why development consent should be granted by North Sydney Council, as a refusal to the proposed works would be **unreasonable and unnecessary given the circumstances**.

This document provides **sufficient environmental planning grounds** to **justify the contravention** of the current Height of Buildings **development standard** prescribed by North Sydney Council within the “NSLEP 2013 - Heights of Buildings Map”

Proposed Variation

Clause 4.3 of NSLEP 2013 prescribes the maximum building height for the site and refers to the *Height of Buildings Map*. Building height is defined as:

‘...building height (or height of building) means—

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

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

The relevant maps (HOB_002a) indicates that the maximum building height permitted at the subject site is 8.5m. (*see figure 1*)

The maximum height control is a “development standard” to which exceptions can be granted pursuant to clause 4.6 of the LEP.

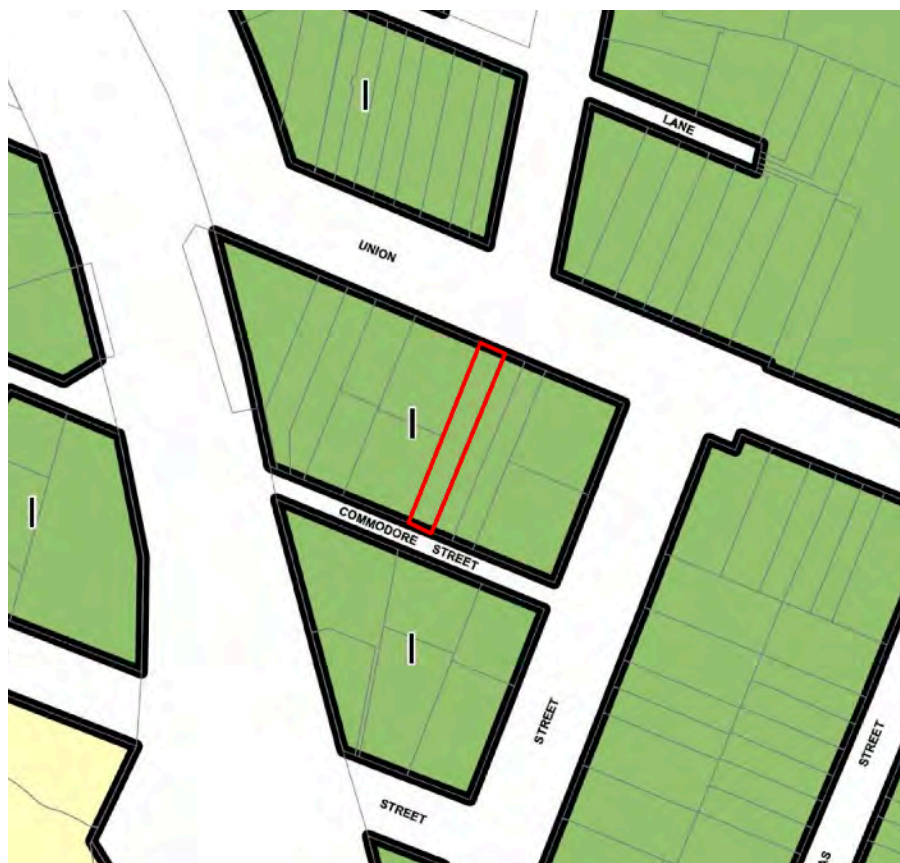


Figure 1 - Extract from Height of Buildings Map (HOB_002A)

PROPOSED VARIATION TO HEIGHT OF BUILDINGS DEVELOPMENT STANDARD

The proposed development has an existing building height of 10.04m from the existing ground level (RL 35.89) to the existing roof ridge (RL45.93) and is therefore non-compliant. The existing non-compliance is a maximum of 1.54m. This measurement is consistent with the definition of building height, in which this is measured from the existing ground level per the findings in *Merman Investments Pty Ltd v Woollahra Municipal Council [2021] NSWLEC158*.

The proposal also contains additional existing non-compliant heights as measured from the existing ground level, as follows:

- 9.53m to the existing roof ridge from front garden;
- 10.17m to the existing dormer roof ridge from existing ground level adj. to western boundary;
- 10.42m to the existing roof ridge from rear garden;

The proposed new dormer will not alter the height of the existing dormer window. The existing dormer window does not comply with the clause for maximum building heights. The applicant seeks to enlarge the existing dormer window with no increase in roof height from the existing RL 45.77. Given the context of the site and existing dwellings surrounding the subject site, refusing the proposed variation would be **unreasonable and unnecessary**.

The proposed first floor extension does not seek to alter the building height above the max. 8.50m, the proposed First Floor extension shall be max. height of 5.9m

As demonstrated above **sufficient environmental planning grounds** have been provided to **justify the contravention** of the current height of buildings **development standard** prescribed by North Sydney Council within the "NSLEP 2013 - Heights of Buildings Map".

A request for a Clause 4.6 Variation is sought and supplied as follows:

Clause 4.6 of the LEP allows for a variation to the requirements of a LEP. The objectives of

Clauses 4.6 are as follows:

(a) to provide an appropriate degree of standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances

Clause 4.6 allows Council to grant development consent to a proposal contrary to a development standard, where it can has been demonstrated:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

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

The objectives for the Height of Buildings in the NSLEP 2013 clause are as follows:

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

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

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

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

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

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

The proposed works are all situated to the rear of the subject residence and not visible from the streetscape. The existing non-compliant building height shall not be altered. The reasons for the height variations are;

- The dormer window alteration shall provide greater amenity to the attic space of the Residence for the occupants.
- The design for the proposed alterations has had regard to the landform, the adjoining land uses and potential amenity impacts and good integration and connection with the McMahons Point and Union Street character.

The proposal consistent with these, taking into account the objectives of the zoning and height clauses of the NSLEP, consideration is requested for a variation to the height control with respect to the subject building for the following reasons:

(a) The proposed alterations and additions are consistent with the zone objectives of providing residential housing that is compatible with the character of the area and has a negligible impact on the amenity of the site itself and in the vicinity that is, the proposed alterations will have no impacts in terms of overshadowing, privacy or visual impacts on neighbouring properties or the locality.

(b) The proposed alterations and additions are consistent with the objectives of the height of buildings standard.

(c) There are sufficient environmental planning grounds to justify contravening the development standard, especially as this height is located underneath the existing ridge line of the main roof and takes the form of a dormer.

(d) That having regard to the above information, compliance with the height standard is unreasonable or unnecessary for this development. It is therefore not considered unreasonable to allow for the proposed works.

The proposed works at 47 Union Street should be exempt from compliance with the development standard as noted above.

Conclusion

As demonstrated above this document provides ample evidence and justification as to why development consent should be granted by North Sydney Council, as a refusal to the proposed works would be **unreasonable and unnecessary given the circumstances**.

Multiple examples have been provided **justify the contravention** of the current Height of Buildings **development standard** prescribed by North Sydney Council within the "NSLEP 2013 - Heights of Buildings Map". Therefore this document satisfies the provisions of Clause 4.6 by providing **sufficient environmental planning grounds** to grant development consent.

HERITAGE IMPACT STATEMENT

FOR

PROPOSED FIRST FLOOR EXTENSION & ATTIC DORMER WINDOW EXTENSION

AT

47 Union Street, McMahon's Point, NSW 2060

September 2024

BY

CONTOUR LANDSCAPE ARCHITECTURE

INTRODUCTION

This Heritage Impact statement accompanies drawings as listed below prepared by Contour Landscape Architecture for submission to Council for a development application for A PROPOSED FIRST FLOOR EXTENSION & ATTIC DORMER WINDOW EXTENSION.

- C-1 SITE PLAN
- C-2 ROOF PLAN
- C-3 FIRST FLOOR PLAN
- C-4 REAR ELEVATION
- C-5 WEST ELEVATION
- C-6 SECTION AA
- C-7 SECTION BB
- C-8 SITE ANALYSIS PLAN
- C-9 LANDSCAPE CALCULATIONS
- C-10 NOTIFICATION PLAN

PROPERTY LOCATION



LEGAL PROPERTY DESCRIPTION

The subject site is identified by formal survey as 47 Union Street McMahons Point, NSW 2060 and legally identified as Lot 10, DP 867232 Local Government Area of North Sydney.

The property is rectangular in shape with a total site area of approximately 224m² (by DP).

PROPERTY DESCRIPTION

The property is situated on the southern side of Union Street and is part of a townhouse block, consisting of three separate residences.

The residence is a two storey rendered brick town house that includes an attic and decorative parapet on the western side of the dwellings roof.

To the East of the subject property is an existing neighbouring residential property of the same size, bulk and site position to the subject residence, to the west there is currently two multi residential buildings. To the south of the subject property lies Commodore Street.

The property has off-street parking in the form of a garage located at rear of the property in the south eastern corner of the lot and accessed via Commodore Street.

The subject property grades up towards the northern boundary from the southern parts of the property.

To the north of the residence is an existing paved courtyard, garden beds and access steps to Union Street. The area to the south of the residence consists of an existing paved alfresco at the floor level of the residence, tired paved recreation areas, bench seating, garden beds and paved access steps giving pedestrian access to the aforementioned garage.

PROPERTY ZONING

The zoning of the property is R3 Medium Density Residential.

The property is zoned within a Heritage Conservation Area.

The property is not within bushfire prone land.

HERITAGE SIGNIFICANCE

The site is located within the "Union, Bank and Thomas Street" Heritage Conversation Area (HCA). It is not listed as an individual item of environment heritage under Schedule 5 of the the North Sydney LEP 2013.

THE PROPOSED DEVELOPMENT

The proposed development consists of a PROPOSED FIRST FLOOR EXTENSION & ATTIC DORMER WINDOW EXTENSION.

APPLICABLE NORTH SYDNEY COUNCIL DCP(2013) CONTROLS

1.1 Introduction

- The aesthetic and cultural characteristics of the LGA such as parks, bushland, foreshore areas and heritage retention.

The proposed works shall have no negative impact on the heritage characteristics in the immediate vicinity off the subject site. The proposed materials shall be sympathetic the to existing dwelling and those to the east of the subject lot.

1.4.11 Dormers - Provision 2 (B)

- Dormers may be permitted, where it can be demonstrated that it will not result in any adverse impacts to the significance of any heritage item or heritage conservation area.

Ample information has been provided as part of this application to demonstrate that the proposed works shall have no adverse impacts to the significance or characteristics of the impacted heritage conservation area in the immediate vicinity off the subject site. The proposed materials shall be sympathetic the to existing dwelling and those to the east of the subject lot.

Part B - 13.1.2 - General Objectives

The general objectives of this Section of the DCP are to:

O1 establish a framework for detailed heritage and conservation planning in North Sydney;

O2 ensure that Aboriginal heritage and archaeology are taken into consideration;

The subject property is not within or in the vicinity of any Aboriginal heritage areas or significant archaeology areas.

O3 ensure that the assessment of applications for works on or in heritage items, heritage conservation areas and in the vicinity of heritage, are based on the identified heritage significance of the heritage item, conservation area, property, location or place;

The NSW Department of plannings Guidelines for assessing places and objects against the Heritage Council of NSW Criteria, lists the subject property as historically significant. Meaning, An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).

O4 ensure that supporting documentation is appropriate to the scale of the proposed works and heritage significance of the heritage item, conservation area, property, location or place;

Ample supporting documentation has been provided as part of this application to demonstrate that the proposed works are of an appropriate scale for the heritage significance of the area. The proposed works shall have no adverse impacts to the

significance or characteristics of the impacted heritage conservation area in the immediate vicinity off the subject site. The proposed materials shall be sympathetic to the existing dwelling and those to the east of the subject lot.

O5 facilitate opportunities to improve the understanding and/or appreciation of the heritage significance of any heritage item, conservation area, property, location or place; and

The proposed works shall use finishes and materials sympathetic to the existing dwelling. Appreciation for the heritage conservation area will therefore be improved as the proposed works will refresh the existing facade, while retaining the original aesthetic of the heritage conservation area.

O6 encourage sustainable development practices through the reuse and recycling of the existing building stock as appropriate.

Where appropriate, materials shall be recycled and reused as part of the proposed works.

IMPACT OF THE PROPOSAL UPON THE HERITAGE VALUE OF THE PROPERTY

The proposed alterations and additions to the Dwelling shall be positioned to the rear of the subject Property and completely screened from the streetscape by the existing Dwelling. No part of the proposed works shall be seen from the streetscape, therefore having no impact on the Heritage significance of the locality.

SUMMARY

The proposed development at **47 Union Street, McMahons Point** will conserve the building's aesthetic and contribution to the streetscape.

It would therefore provide a neutral impact on the heritage values of the "Union, Bank and Thomas Street" Heritage Conversation Area (HCA). We therefore recommend that North Sydney Council view the application favourably on heritage grounds.