



**NSLPP MEETING HELD ON 05/03/2025
SECTION 4.55 APPLICATION REPORT**

Attachments:

1. Architectural Plans
2. View Analysis
3. Shadow Diagrams
4. Approved Development Consent

ADDRESS/WARD: 184 Kurraba Road, Kurraba Point

APPLICATION NO: DA 266/23/3

PROPOSAL: Section 4.55(2) modification to amend DA 266/23 for alterations and additions to an existing dwelling house, including part demolition/excavation works, an additional level, landscaping, tree removal and associated works

PLANS REF:

Plan No.	Issue date/Rev	Description	Prepared by	Dated
2401.7.1	-	Site Plan – Proposed	Antonio Caminiti Design P/L	20/1/2025
2401.7.3	-	Lower Ground floor – (Games) Plan		3/10/2024
2401.7.4	-	Lower Ground floor – (Bar Room) Plan		3/10/2024
2401.7.5	-	Ground Floor Plan		3/10/2024
2401.7.6	-	First Floor Plan		3/10/2024
2401.7.7	-	Second Floor Plan		20/1/2025
2401.7.8	-	Second Floor – Garage Footbridge		7/7/2024
2401.7.9	-	Roof Plan		7/7/2024
2401.8.1	-	West Elevation		7/7/2024
2401.8.2	-	North Elevation		9/10/2024
2401.8.3	-	East Elevation		7/7/2024
2401.8.4	-	South Elevation		7/7/2024
2401.9.1	-	Section B-B		3/10/2024
2401.11.1	-	Material Selections		20/1/2025

OWNER: Maryann Beregi

APPLICANT: Maryann Beregi

AUTHOR: Jeremy Swan, Consultant Town Planner

DATE OF REPORT: 10 February 2025

DATE LODGED: 7 November 2024

AMENDED: 20 January 2025

SUBMISSIONS Two (2)

RECOMMENDATION: Approval subject to conditions

EXECUTIVE SUMMARY

The North Sydney Local Planning Panel (NSLPP) granted consent to DA266/3 on 6 December 2023 for alterations and additions to an existing dwelling house, including part demolition/excavation works, an additional level, landscaping, tree removal and associated works at 184 Kurraba Road, Kurraba Point.

This s.4.55(2) modification application seeks consent for alterations and additions to the development approved under DA266/23.

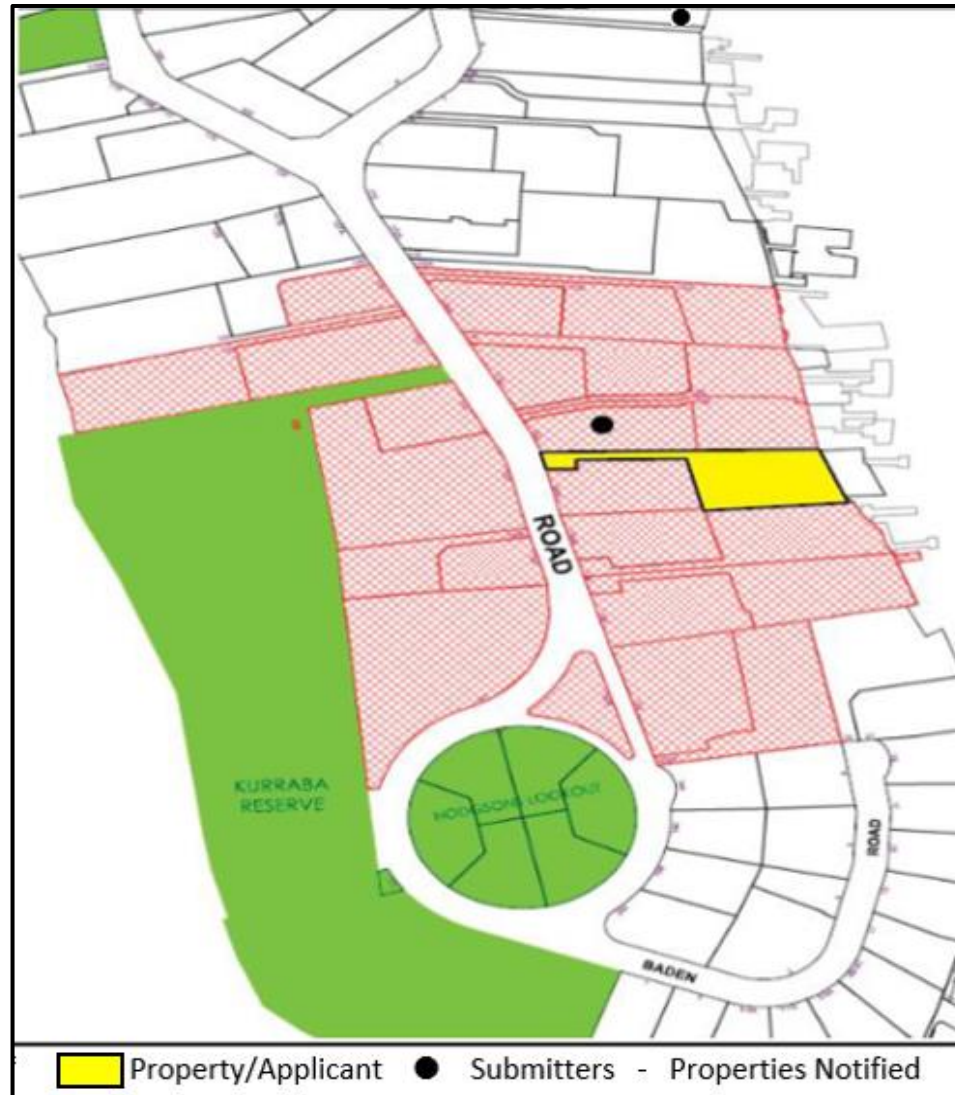
The application is reported to the North Sydney Local Planning Panel for determination as the wand the modifications include amendments to conditions of development consent that were amended / added by the NSLPP.

A total of two (2) submissions were received raising objections in relation to privacy and overlooking impacts generated by the enlarged first floor balcony, insufficient information in relation to the extent of the balcony extension, overshadowing, materiality and tree retention/removal, the potential for the development to be converted to units and the proposal comprising an overdevelopment of the site that is visually out of character with Kurraba Point.

The key issues in the assessment of this Modification Application are the view impacts of the proposed changes to the built form and privacy impacts generated by the introduction of a balcony on the first floor level.

The Modification Application was assessed against relevant State Planning Polices, as well as Council policies including the North Sydney Local Environmental Plan 2013 (NSLEP 2013) and North Sydney Development Control Plan 2013 (NSDCP 2013). Following this assessment and having regard to the provisions of S4.15(1) of the *Environmental Planning & Assessment Act 1979*, it is recommended that the proposed development be approved, subject to conditions, for the reasons as set out in this report.

LOCATION MAP



DESCRIPTION OF PROPOSAL

Development consent is sought for the following amendments to the approved development:

Lower Ground Floor – Bar Room

- Amendments to the structural columns as a result of a structural engineering review.

Lower Ground Floor – Family Room

- Amendments to the structural columns as a result of a structural engineering review.

Ground Floor

- Extension of the family room into the approved terrace by 2.7m and revision of the northern side elevation window.
- Relocation of the dining room door further east and increase to the dining room floor area.
- Minor internal changes in response to a structural engineering review.

First Floor

- Deletion of the approved awning and the addition of a new trafficable balcony along the eastern elevation comprising a width of 1.2m with a metal balustrade.
- Amalgamation of bedrooms 1 and 5 into a single bedroom and relocation of the ensuite.
- Revision of the internal laundry/utility room layout.
- Revision and reduction in size of the northern side elevation windows.

Second Level

- Reconfiguration of bedroom to delete the wardrobe and relocate bathroom 2 along the northern side elevation, incorporating a 4.115m side setback.

Amendments are sought to the following conditions of consent:

- *A1. Development in Accordance with Plans/Documentation* – it is requested that this condition be amended to reflect the revised Architectural Plans.
- *C12. Privacy Measures* – it is requested that this condition be deleted, on the basis that the required amendments have been incorporated into the proposed Architectural Plans.

STATUTORY CONTROLS

- North Sydney LEP 2013
 - Zoning – R2 Low Density Residential
 - Maximum Building Height – 8.5m
 - Floor Space Ratio – Not Applicable
 - Foreshore Building Line – Yes
 - Item of Heritage - No
 - In Vicinity of Item of Heritage – Items: I0668 and I0667
- SEPP (Biodiversity and Conservation) 2021
 - Chapter 2 – Vegetation in non-rural areas
 - Chapter 6 – Water Catchment

- SEPP (Resilience and Hazards) 2021
 - Chapter 2 – Coastal Management
 - Chapter 4 – Remediation of Land
- SEPP (Sustainable Buildings) 2022

POLICY CONTROLS

- North Sydney DCP 2013
- North Sydney Local Infrastructure Contributions Plan 2020

DESCRIPTION OF SITE & LOCALITY

The subject site is known as no. 184 Kurraba Road, Kurraba Point and is legally identified as Lot 3 DP 508566. The subject site has a frontage of 6.095m to Kurraba Road and is battle-axe allotment with an access handle of approximately 38.3m. The site has the following dimensions:

- Northern Boundary: 74.065m
- Southern Boundary: 38.74m
- Eastern Boundary: 19.505m
- Western Boundary: 6.095m to Kurraba Road and 17.695m to no. 184A Kurraba Road (Lots 1, 2 and CP / SP21324)

The subject site has a total site area of 826.5m² including the access handle, and a site area of 705.62m²; excluding the access handle. The topography of the site slopes steeply away from Kurraba Road towards Shell Cove by approximately 24m. The existing development on the subject site consists of a one-to-three storey dwelling with a hipped-gabled tile roof that steps down the slope of the site.

The land owner also occupies the adjoining lot to the east (Lot 1, DP 581841) which contains an inground swimming pool, pontoon and mooring facility. It is noted that the owner has entered a lease agreement with Transport for NSW for this portion of land and no works are proposed on that lot.

The site has also entered a 99-year lease with the adjoining lot, no. 184A Kurraba Road (SP21324) and occupies an easement to which contains a garage and provides access for the subject site.

The subject site is situated within a mixed residential area characterised by a mix of multi storey dwellings and existing and new apartment buildings. Located to the north of the site, sits a one-to-three storey dwelling at no. 178B Kurraba Road and to the immediate south of the site currently consists of a one-to-three storey dwelling at no. 186 Kurraba Road.

To the north-west of the site, and adjoining the common driveway, is a 5-storey residential flat building undergoing redevelopment and transformation from a former dual occupancy, which sits on no. 182 Kurraba Road, on higher land than the subject site. West of the subject site sits a two-to-three storey strata titled dual occupancy on no. 184A Kurraba Road, on higher land than the subject site.

The site is zoned R2 Low density pursuant to the NSLEP 2013 with adjoining sites to the west having a R4 High Density zoning.

The site has a maximum permitted building height of 8.5m pursuant to subclause 4.3(2) in NSLEP 2013 with adjoining sites to the west having a building height of 12m.

The subject site is not listed as a heritage item and does not sit within a Heritage Conservation Area under the North Sydney LEP 2013. However, the site is of close proximity to heritage items I0668 and I0667 and the Kurraba Point Heritage Conservation Area which are locally significant.

An aerial map of the site is provided below:



Figure 1: Aerial Map with the site outlined in red (Source: NearMap, 2025)

CHECKING OF PLANS

This application has been checked to ensure that the changes being sought are the only changes included in the submitted plans.

RELEVANT HISTORY

Previous Applications

Date	Action
6 December 2023	NSLPP granted consent to DA266/23 for alterations and additions to an existing dwelling house, including part demolition/excavation works, an additional level, landscaping, tree removal and associated works at 184 Kurraba Road, Kurraba Point.

Current Application

Date	Action
7 November 2024	A s.4.55(2) application was lodged for alterations and additions to the development approved under DA266/23.

29 November 2024 – 13 December 2024	The application was notified in accordance with Council’s Community Engagement Protocol. A total of two (2) submissions were received during the notification period.
14 January 2025	<p>A 14-day request for additional information letter was issued to the Applicant requesting clarification/additional information relating to:</p> <ul style="list-style-type: none"> • Tree removal; • Roof materiality; • Second floor balcony dimensions; • Implementation of privacy screens along the northern and southern elevations of the proposed first floor balcony; • Shadow diagrams; • Front building façade; and • Formal response to the objections received during the notification period.
20 January 2025	<p>Additional information was received from the Applicant comprising:</p> <ul style="list-style-type: none"> • Response letter; • Amended Site Plan; • Amended Materials Selection Plan; • Amended Second Floor Plan; and • Shadow Diagrams.

SUBMISSIONS

The Application was notified in accordance with Council’s Community Engagement Protocol. The two (2) submissions received raised the following issues regarding the proposed modifications to the consent, summarised and considered below:

Matter	Consideration
The modified/enlarged first floor balcony would allow for persons to stand at the northern-most edge, enabling direct overlooking of neighbouring properties.	Agree. A condition of consent has been recommended requiring the installation of 1.6m high privacy screens to the northern and southern elevations of this balcony.
The modified balcony has not been fully highlighted on the Architectural Plans – the balcony should be clearly shaded and outlined.	The extent of proposed modified works has been clearly identified.
The Level 1 balcony should incorporate obscure screens to a height of 1.2m to mitigate privacy impacts and ensure consistency with the DCP controls.	Agree, A condition has been included in the recommended conditions.
No shadow diagrams have been provided to demonstrate the overshadowing impacts of the proposed modifications relative to the original approval.	The applicant has provided shadow diagrams that demonstrates that there will be no additional adverse impact.

<p>Insufficient information has been provided in relation to the proposed materials associated with the modified proposal; a revised materials and finishes schedule should be provided.</p>	<p>A revised materials and finishes schedule has been provided.</p> <p>In addition, a condition of consent has been recommended requiring an amended Western Elevation Plan to be provided, prior to the issue of a Construction Certificate, that incorporates articulation to the external western wall of the relocated bathroom, through variations in materials and colours.</p>
<p>Insufficient information has been provided in relation to tree retention/removal relative to the original approval. In particular, clarification is sought as to whether Tree 5 ('T5') an '<i>Acer palmatum</i>' Japanese Maple is proposed to be removed under the modification.</p>	<p>No trees are proposed to be removed. The applicant has clarified that the Site plan (high-level view) erroneously depicts T5 as dashed, the floor plans correctly depict T5 as being retained.</p> <p>To remove any doubt, an additional condition has been imposed ensuring T5 is to be retained.</p>
<p>The proposal does not show the line of sight from the proposed development northwards.</p>	<p>The applicant has provided a view analysis which is considered sufficient to allow for the assessment of the modification.</p>
<p>The 6-storey development is an overdevelopment of the site that is visually out of character with Kurraba Point.</p>	<p>The proposed modification does not seek to increase the height of the development. The site is a sloping site and subject to conditions not considered an overdevelopment of the site or visually out of character with Kurraba Point.</p>
<p>The proposal has the potential to be converted to units through a staged development by the owner.</p>	<p>There is no evidence this is the case. The approved development is a single dwelling, should the owner seek anything different this would need to be the subject of a separate DA or if works are undertaken without Council approval, compliance action can be taken.</p>
<p>There is a potential conflict of interest with the owner of the property.</p>	<p>The application has been assessed by an independent town planner and Local Planning Panel.</p>

REFERRALS

INTERNAL REFERRALS

ENGINEERING

The application has been referred to Council's Development Engineer who provided the following comments:

No alterations to existing conditions required. The request to remove Condition C12 (b) is deemed satisfactory as the proposed works to the driveway and turning bay have been removed from the plans.

TRAFFIC

The application has been referred to Council's Transport Engineer who provided the following comments:

The application is not expected to have any impacts on traffic or parking.

EXTERNAL REFERRALS

No external referrals were required.

CONSIDERATION

Council is required to assess the s.4.55(2) application having regard to the following matters:

Section 4.55 (2)

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

Section 4.55 (3)

- (3)** *In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.*

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

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

The proposed modifications have been considered against the provisions of s.4.55(2)(a) and having regard to relevant caselaw, which sets out the circumstances where modified development can be regarded as substantially the same development.

- 1. *Whether the proposed development is essentially, materially, or has the same essence as the original development. (Vacik Pty Ltd v Penrith City Council [1992] NSWLEC 8)***

The essence of the consent as originally granted was for alterations and additions to an existing dwelling house, including part demolition/excavation works, an additional level, landscaping, tree removal and associated works.

From a whole of development perspective, the Modification Application proposes minor changes that are consistent with the overall scale of the development. The changes taken together, would retain the essence of the original approval, that is; the resulting development would remain a dwelling house.

The essence of the original consent would therefore be maintained.

- 2. *“An appreciation qualitative as well as quantitative, of the developments being compared in their proper context” (Moto Projects No 2 Pty Ltd v North Sydney Council C [1999] NSWLEC 280).***

A qualitative and quantitative comparison can provide indicative guidance whether the original and proposed development are substantially the same.

Qualitative changes could include a differing architectural style or loss of privacy, whereas quantitative changes include increased building height or gross floor area. Any comparison completed should bear in mind Preston CJ’s conclusion in Realize Architecture: “The opinion of satisfaction that s 4.55(2)(a) requires is that the two developments being compared are substantially the same development, not that either the quantitative features or the qualitative features of the two developments are substantially the same.”

In quantitative terms, the proposed changes to the approved development are minor, acknowledging that the majority of the changes are contained within the existing approved building footprint. The proposed changes would result in a marginal numerical increase to the approved gross floor area; as a result of the ground floor level extension of the Family and Dining rooms to the east and the relocated bathroom on the second floor level. The modifications sought do not deviate from the approved maximum building height. When considered in totality, the quantitative features of the development as modified, remain substantially the same to those of the approved development.

The qualitative features of the approved development are enhanced as a result of the proposed modifications, namely, the reduction in size of the second floor level balcony; to achieve compliance with Condition C12.(a) of DA266/23. The proposed first floor level balcony will facilitate the provision of additional private open space off habitable rooms, with privacy impacts to be mitigated by the installation of 1.2m high privacy screens along the northern and southern elevations of the balcony. The lower ground floor amendments will improve the structural integrity of the building, with minimal changes to the approved built form.

The qualitative and quantitative aspects of the development, having regard to overall height, bulk, and scale, views, solar access, noise, and privacy will remain substantially the same as those of the approved development. The development as modified is substantially the same as the development for which consent has been granted under DA266/23.

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

The proposal did not require referral to another public authority.

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

As outlined above, the application has been notified and further consultation undertaken. Matters raised by submissions have been considered in this assessment.

4. *Consideration of reasons for the granting of consent to the development application*

Reasons for the Panel granting consent were:

The Panel determines on a merits assessment the development, as shown in the amended plans, is satisfactory and that the adverse impacts on both the natural and built environment are minimized and acceptable. The Panel concurs with the independent consultant's assessment that the view impacts are minimal and limited to a confined area.

With respect to the extension of the driveway/turning area the Panel notes this is beyond the boundary of the site the subject of the development application and therefore is not approved. Furthermore, on a merits assessment the impacts on the adjoining property are unreasonable.

Assessment:

Matters identified in the above reasoning have been considered:

Natural and Built Environment Impacts

The proposed modifications are minor in nature and do not generate any additional natural or built environment impacts to those assessed under DA266/23.

View Impacts

The view impacts generated by the proposed modifications are considered negligible; given the minor nature of the changes to the built form, which achieve compliance with the maximum building height and building setbacks. There is no substantiative change to views compared to that approved under DA266/23 and the development as modified is considered acceptable.

Driveway Turning Area

The plans have been amended to address condition C12(b), as imposed by the NSLPP, by deleting the driveway and turning bay.

Matters for consideration prescribed by s. 4.15 of the Act are considered below.

MATTERS FOR CONSIDERATION – s. 4.15 EP&A Act

SEPP Biodiversity and Conservation 2021

Chapter 2 – Vegetation in Non-Rural Areas

DA266/23 approved the removal of three trees on site, in accordance with the recommendations of the endorsed Arboricultural Impact Assessment and conditions of consent were imposed requiring replacement planting.

No change is proposed to the approved extent of tree removal.

Chapter 6 – Water Catchments

Chapter 6 to this SEPP applies to land mapped as Foreshores and Waterways. The site is within the mapped Foreshores and Waterways Area. The proposed modifications are minor in nature and do not alter the previously assessed impacts of the development on the Sydney Harbour Catchment.

SEPP Resilience and Hazards 2021

Chapter 2 – Coastal Management

The provisions of Chapter 2 to SEPP (Resilience and Hazards) 2021 applies to Coastal Management and aims for:

- managing development in the coastal zone and protecting environmental assets;
- providing a framework to guide land use decisions; and
- mapping coastal management areas.

The proposed modifications are minor in nature and do not alter the previously assessed impacts of the development on coastal management, as assessed under DA266/23.

Chapter 4 – Remediation of Land

The proposed modifications do not alter the suitability of the site for the development, having regard to contamination, as assessed under DA266/23.

SEPP (Sustainable Buildings) 2022

The application is accompanied by a valid revised BASIX Certificate dated 23 August 2024, to satisfy the aims of the SEPP.

NORTH SYDNEY LOCAL ENVIRONMENT PLAN 2013

1. Permissibility

The proposed works comprise alterations and additions to a dwelling house. Dwelling houses are permissible with consent in the R2 Low Density Residential zone that applies to the site.

2. Objectives of the zone

The objectives for the R2 zone are stated below:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage development of sites for low density housing, including dual occupancies, if such development does not compromise the amenity of the surrounding area or the natural or cultural heritage of the area.*
- *To ensure that a high level of residential amenity is achieved and maintained.*

The modifications proposed do not alter the approved development's consistency with these objectives. The development as modified would remain consistent with the objectives of the zone. The proposed modifications have been designed in a manner that mitigates amenity impacts on adjoining properties in terms views, privacy and solar access. The development as amended will continue to deliver housing to meet the needs of the community, within the established low density residential environment.

Principal development standards

Principal Development Standards – North Sydney Local Environmental Plan 2013				
	Approved	Proposed	Control	Complies
Clause 4.3 – Heights of Building	9.16m (Bettar Approach) 11.27m (Merman Approach)	9.16m (Bettar Approach) 11.27m (Merman Approach)	8.5m	No – however, no change is proposed to the maximum building height as approved under DA266/23.

Principal Development Standards – North Sydney Local Environmental Plan 2013				
	Approved	Proposed	Control	Complies
Clause 5.10 – Heritage Conservation	-	-	The site is in proximity to heritage items I0668 and I0667 and the Kurraba Point Heritage conservation Area which are locally significant.	The proposed modifications are predominantly internal and minor and do not significantly alter the overall form and scale of the approved built form. The proposed modifications will not detract from the heritage significance of items and conservation areas in proximity to the site, as assessed under DA266/23.
Clause 6.9 – Limited Foreshore Building Line	-	-	Development consent required to works within the foreshore area.	N/A - DA266/23 did not involve any works within the foreshore area. The proposed modifications do not encroach on the foreshore area.
Clause 6.10 – Earthworks	-	-	Earthworks require consent.	No change is proposed to the approved extent of earthworks.
Clause 6.13 – Vehicle Access	-	-	Development for the purposes of a driveway and vehicular crossing within a road reserve associated with a permissible use in an adjoining zone may be carried out with development consent.	No change is proposed to the approved vehicular access.

NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013

The proposed modifications have been assessment under the following relevant headings within the NSDCP 2013:

Part B Section 1- Residential Development		
Control	Complies	Comments
1.3 Environmental Criteria		
1.3.5 Visual Impact - Access	Yes	No change is proposed to the approved access arrangements of the development.
1.3.6 Views	Yes	Refer to the discussion provided below this table.
1.3.7 Solar Access	Yes	Shadow Diagrams were provided in response to Council's request for additional information which demonstrate that the proposed modifications do not generate any additional overshadowing impacts on adjoining properties. The additional overshadowing generated by the modifications is minor and does not impact the solar amenity of the site or adjoining properties.
1.3.8 Acoustic Privacy	Yes	The proposed development is unlikely to result in any acoustic impacts above those assessed under DA266/23.

Part B Section 1- Residential Development		
Control	Complies	Comments
1.3.10 Visual Privacy	Acceptable	<p>The majority of the proposed modifications are internal and would not materially impact the privacy of surrounding properties. Visual privacy concerns relating to the addition of the trafficable balcony on the first floor level are proposed to be mitigated by the imposition of a condition requiring the installation of 1.6m high privacy screens to the northern and southern elevations of this balcony.</p> <p>Of note, the second floor level balcony has been reduced in size to achieve compliance with Condition C12.(a) of DA266/23.</p>
1.4 Quality built form		
1.4.3 Streetscape	Yes	A condition of consent has been recommended requiring an amended Western Elevation Plan to be provided, prior to the issue of a Construction Certificate, that incorporates articulation to the external western wall of the relocated bathroom, through variations in materials and colours.
1.4.5 Siting	Yes	The proposed modifications generally maintain the approved siting.
1.4.6 Setbacks	Acceptable	<p>No change is proposed to the approved building setbacks, with the exception of the following amendments:</p> <ul style="list-style-type: none"> The family room extension on the ground floor level proposes a rear setback of 6.69m to the eastern boundary. The relocated bathroom on the second floor level proposed a setback of 4.115m to the side northern boundary and a setback of 15.6m to the western front property boundary. <p>The proposed setbacks are minor and considered acceptable on merit as they do not generate any additional privacy or overlooking impacts to those as assessed under DA266/23.</p>
1.4.7 Form Massing Scale	Acceptable	The proposed modifications to the approved built form are minor and are generally contained within the approved building footprint. The relocated bathroom on the second floor level has been sited and designed to align with the existing northern side elevation and to sit within the approved roof line.
1.4.8 Built Form Character	Yes	The proposed modifications to the built form are minor in nature and maintain consistency with the approved built form character.
1.4.9 Dwelling Entry	Yes	No change is proposed to the approved dwelling entry.
1.4.10 Roofs	Acceptable	A Material Selections Plan has been provided in response to Council's request for additional information which clarifies that the roof will comprise a non-reflective Colorbond Matt Finish in Windspray.

Part B Section 1- Residential Development		
Control	Complies	Comments
1.4.12 Colours and Materials	Yes	A Material Selections Plan has been provided. A condition of consent has been recommended requiring an amended Western Elevation Plan to be provided, prior to the issue of a Construction Certificate, that incorporates articulation to the external western wall of the relocated bathroom, through variations in materials and colours.
1.5 Quality Urban Environment		
1.5.4 Vehicle Access and Parking	Yes	No change is proposed to the approved vehicular access and parking arrangement.
1.5.5 and 1.5.6 Landscape Area and Site Coverage (lot size 500-749m ²) (Table B-1.7)	Yes	The proposed modifications do not alter the approved site coverage.
1.5.7 Landscaping	Yes	No change is proposed to the approved landscape area and design.
1.5.8 Front Gardens	Yes	No change is proposed to the approved front landscaping.
1.5.9 Private and Communal Open Space	Yes	The proposed modifications will result in the development providing in excess of the required minimum 50m ² of POS.
1.6 Efficient Use of Resources		
1.6.1 Energy Efficiency	Yes	The application is accompanied by a valid revised BASIX Certificate.
Part B Section 16 – Tree & Vegetation Management		
16.2 Control for the management of trees and Vegetation	Yes	No change is proposed to the approved extent of tree removal.
Part B Section 18 Stormwater Management		
18.2 Requirements	Yes	No change is proposed to the approved stormwater management measures.
Part B Section 19 Waste Minimisation & Management		
19.4 Waste Facilities and Management	Yes	No change is proposed to the approved waste management measures.

Part C – Section 6 – South Cremorne Planning Area of the NSDCP 2013

The subject site is located within the Kurraba Point South Neighbourhood of the South Cremorne Planning Area. The character statement characterises land uses within the area as predominately residential accommodation with passive and active recreational land uses. The area falls from the ridge along Kurra Road down to foreshores with natural features comprising of low topographic profile and steady slopes, retained edges, some small jetties and boatsheds, mixed with natural shoreline and Natural vegetation, varying degrees of private landscaping of native and introduced species. Expansive views are enjoyed down Sydney Harbour as a key icon along with Hodgson lookout.

The streetscape is defined by narrow carriageways, tall, rendered masonry retaining walls built to street frontages and with buildings being generally setback a minimum from the boundary with a skewed alignment to respective street frontages.

The desired built form controls envisage buildings that address both the street, as well as the foreshore and sites that permit front setbacks with adequate soft landscaping. The preferred materials and finishes include muted colours and non-reflective materials, such as brick and timber to ensure the scenic and environmental qualities are enhanced.

The proposed modifications are minor in nature and not determinately impact on existing views of the foreshore and other associated water views. The development has been designed to appropriately address the foreshore; noting it does not have a direct frontage to Kurraba Road. The development as modified would maintain suitable provision of landscaping along the north, south and west portion of the site to soften and screen the development when viewed from surrounding development. Furthermore, the development incorporates suitable materials and finishes of that desired in the Kurraba Point South Neighbourhood of the South Cremorne Planning Area.

View Loss

Clause 1.3.6 of NSDCP includes specific controls relating to views noting that there is a need to strike a balance between facilitating new development while preserving, as far as practicable, access to view from surrounding properties.

Control P4 states:

“Where a proposal is likely to adversely affect views from either public or private land, Council will give consideration to the Land and Environment Court’s Planning Principles for view sharing established in Rose Bay Marina Pty Ltd v Woollahra Municipal Council and anor [2013] NSWLEC 1046 and Tenacity Consulting v Warringah Council [2004] NSWLEC 140.”

In respect of view from private land, Tenacity includes the following 4 step assessment of views.

Step 1 - *The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*

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

Step 3 - The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

Step 4 - The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

A View Analysis accompanies the modification application, which has utilised the same methodology and photos that informed the analysis for DA266/23.

Comment – The internal modifications that are wholly contained within the approved building footprint do not have any impact on the views as approved under DA266/23. The ground floor level extension of the Family room to the east is not discernible and does not alter the view impacts as approved. The only component of the development as modified which creates a visible increase to the building envelope is the relocated Bathroom on the second floor level. The addition proposes a compliant side setback, which aligns with the approved northern elevation and has been designed to sit within the approved second floor level roofline.

This building envelope increase does not generate any additional view loss impacts to those assessed under DA266/23 on 201/182 Kurraba Road, 101/182 Kurraba Road, G01/182 Kurraba Road and 176 Kurraba Road. The view analysis demonstrates that the addition will have a minor impact on the view from Kurraba Street, however, this impact is considered minor and acceptable.

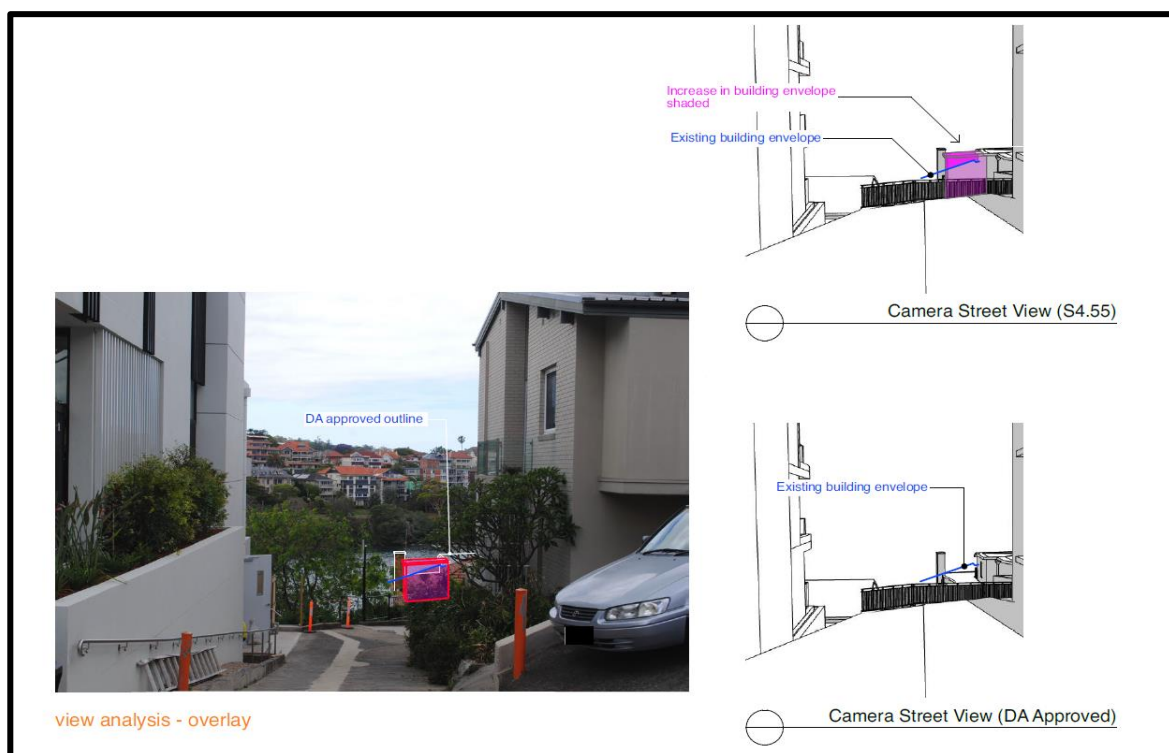


Figure 2: View Analysis extract showing view from Kurraba Street (Source: antonio caminiti architect, 2024)

Conclusion

Having undertaken the above view loss analysis and assessment in accordance with Tenacity, the view impacts generated by the proposed modifications are considered negligible; given the minor nature of the changes to the built form, which achieve compliance with the maximum building height and building setbacks. There is no substantive change to views compared to that approved under DA266/23 and the development as modified is considered acceptable.

LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN

The modified development does not require the adjustment of the contribution payable per the original consent, the estimated cost not changing.

ENVIRONMENTAL APPRAISAL

CONSIDERED

- | | | |
|----|---|-----|
| 1. | Statutory Controls | Yes |
| 2. | Policy Controls | Yes |
| 3. | Design in relation to existing building and natural environment | Yes |
| 4. | Landscaping/Open Space Provision | Yes |
| 5. | Traffic generation and Carparking provision | Yes |
| 6. | Loading and Servicing facilities | Yes |

7.	Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.)	Yes
8.	Site Management Issues	N/A
9.	All relevant s. 4.15 (1) considerations of <i>Environmental Planning and Assessment Act 1979</i>	Yes

PUBLIC INTEREST

The proposal is in the public interest for reason it is substantially the same as the approved development (subject to conditions), and the impacts of the development as proposed to be modified are satisfactory subject to conditions.

SUITABILITY OF THE SITE

For the same reason as above, the site is suitable for the modified proposal.

CONCLUSION & REASONS

The subject application is consistent with the originally approved development application and s.4.55 of the *EP&A Act 1979*. The proposed modifications do not result in any unreasonable amenity impacts to adjoining properties or the surrounding area, subject to the recommended conditions of consent. The proposed modifications are also consistent with the reasons for development consent being granted to the original development application.

Having regard to the provisions of section 4.55 & 4.15(1) of the *Environmental Planning and Assessment Act 1979*, the development as proposed to be modified is substantially the same development as originally consented to. The application is therefore recommended for **approval subject to conditions**.

RECOMMENDATION

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

THAT the North Sydney Planning Panel exercising the functions of Council approve the modification to amend DA266/3 for alterations and additions to an existing dwelling house, including part demolition/excavation works, an additional level, landscaping, tree removal and associated works at 184 Kurraba Road, Kurraba Point under the provisions of Section 4.55 of the Environmental Planning and Assessment Act as detailed below:

Amend Condition A1. as follows:

Development in Accordance with Plans/Documentation

- A1. The development must be carried out in accordance with the following drawings and documentation and endorsed with Council's approval stamp, except where amended by the following conditions of this consent.

Drawing No.	Rev	Description	Prepared by	Dated
Architectural Plans				
2205.4.2	-	Stormwater Drainage Plan – Proposed	Antonio Caminiti Design P/L	10/08/2023
2205.6.0	-	-3 Lower Ground (1500) Pool Plan – Demolition		10/8/2023
2205.6.1	-	-2 Lower Ground (7300) Plan – Demolition		10/8/2023
2205.6.2	-	-1 Lower Ground (10030) Plan – Demolition		10/8/2023
2205.6.3	-	Ground Floor (13260) Plan – Demolition		10/8/2023
2205.6.4	-	First Floor (16370) Plan – Demolition		10/8/2023
2205.6.5	-	Roof Plan – Demolition		10/8/2023
2205.6.6	-	Garage Level Plan – Demolition		10/8/2023
2205.7.1	-	Site Plan – Proposed		17/11/2023
2401.7.1	-	Site Plan – Proposed		20/1/2025
2205.7.2	-	Lower Ground Floor – (Pool) Plan		17/11/2023
2205.7.3	-	Lower Ground Floor – (Games) Plan		17/11/2023
2401.7.3	-	Lower Ground floor – (Games) Plan		3/10/2024
2205.7.4	-	Lower Ground Floor – (Bar Room) Plan		17/11/2023
2401.7.4	-	Lower Ground floor – (Bar Room) Plan		3/10/2024
2205.7.5	-	Ground Floor Plan		17/11/2023
2401.7.5	-	Ground Floor Plan		3/10/2024
2205.7.6	-	First Floor Plan		17/11/2023
2401.7.6	-	First Floor Plan		3/10/2024
2205.7.7	-	Second Floor Plan		17/11/2023
2401.7.7	-	Second Floor Plan		20/1/2025
2205.7.8	-	Second Floor – Garage Footbridge Plan		17/11/2023
2401.7.8	-	Second Floor – Garage Footbridge		7/7/2024
2205.7.9	-	Roof Plan		17/11/2023
2401.7.9	-	Roof Plan		7/7/2024
2205.8.1	-	West Elevation		17/11/2023
2401.8.1	-	West Elevation		7/7/2024
2205.8.2	-	North Elevation		17/11/2023
2401.8.2	-	North Elevation		9/10/2024
2205.8.3	-	East Elevation		17/11/2023
2401.8.3	-	East Elevation		7/7/2024
2205.8.4	-	South Elevation		17/11/2023
2401.8.4	-	South Elevation		7/7/2024
2205.8.5	-	East Elevation (Towards Garage)		17/11/2023
2205.9.1	-	Section A-A		17/11/2023
2205.9.2	-	Section B-B		17/11/2023
2401.9.1	-	Section B-B		3/10/2024
2205.9.3	-	Section C-C		17/11/2023
2205.9.4	-	Section D-D		17/11/2023
2205.10.1	-	BASIX Requirements		10/8/2023
2205.11.1	-	Material Selections		10/8/2023
2401.11.1	-	Material Selections	20/1/2025	

L01/1-K26714	A	Landscape Planting Plan	Michael Siu Landscape Architects	26/10/2023
Documents				
-	-	Request to Contravene the Building Height Standard (Clause 4.6)	Perica & Associates Urban Planning Pty Ltd	21/11/2023
A500038 A500038_02	-	BASIX Certificate	Antonio Caminiti Design P/L	05/07/2023 23/08/2024
-	1	Arboricultural Impact Assessment	Treeism Arboricultural Services	07/2023

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

Amend Condition C12. as follows:

Privacy Measures

C12. The following privacy measures are to be incorporated into the development prior to the issue of a Construction Certificate.

- ~~(a) The size of the upper balcony on the second floor level is to be reduced in size to a maximum of 18m² and is not to project beyond the northern wall of the upper wall of the upper level extension.~~
- ~~(b) The proposed works to the driveway and turning bay are to be deleted and do not form part of the approval of this application for the subject site.~~
- (c) 1.6m high privacy screens are to be provided to the northern and southern elevations of the balcony on the first-floor level.**

(Reason: To maintain visual amenity and privacy between the subject dwelling and adjoining properties ~~and to remove works outside the description of the subject site Furthermore, the height of the extended driveway works are over 3 metres above natural ground in part and would have unreasonable impacts on the adjoining property)~~

Insert Condition C25. as follows:

Western Elevation

C25. The western building elevation is to be amended to articulate the external western wall of the relocated bathroom on the second-floor level, through variations in materials and colours.

(Reason: To enhance the presentation of the development to Kurraba Street)

Insert Condition C26. As follows:

Tree Retention

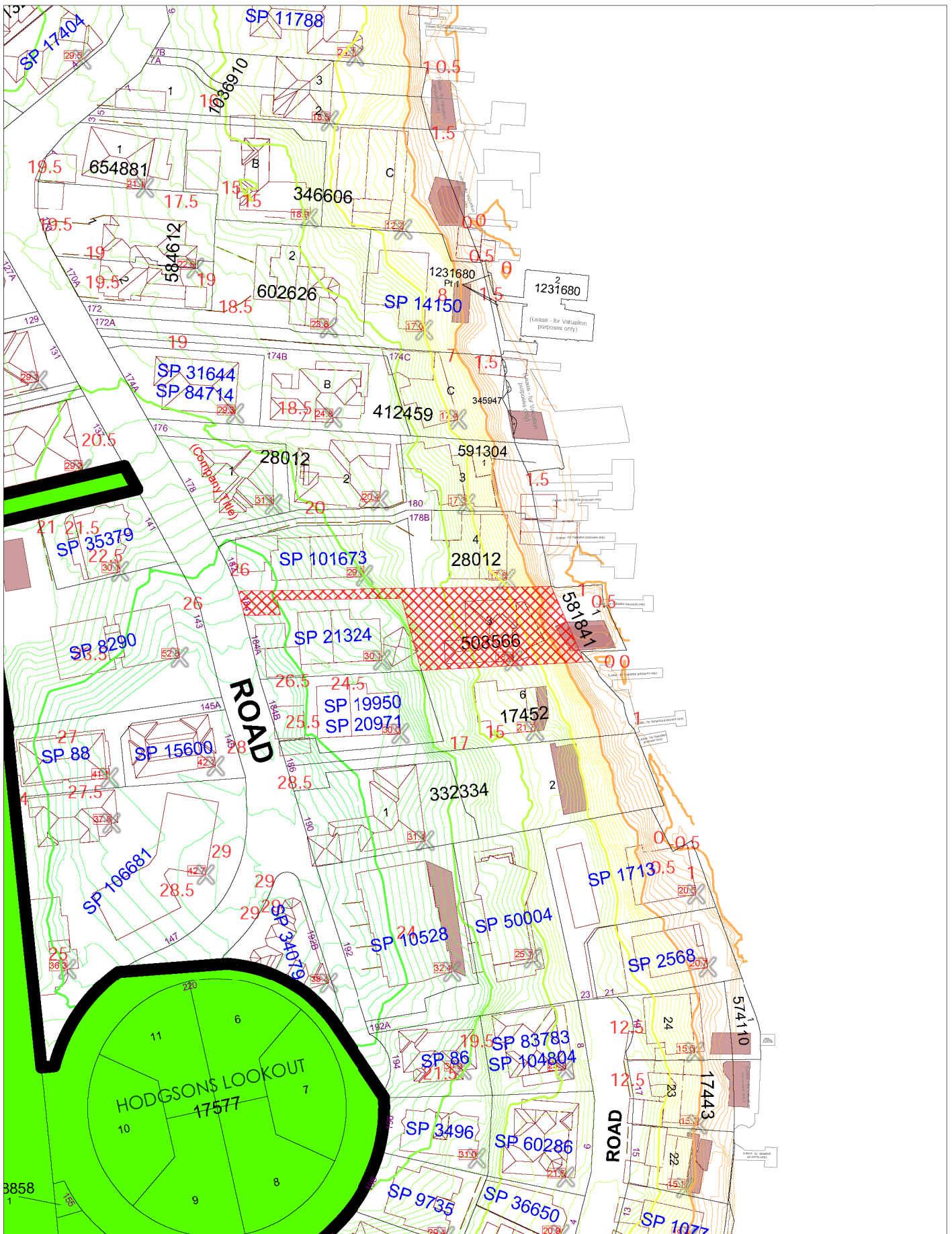
C26. Tree T5 an '*Acer palmatum*' Japanese Maple is to be retained.

(Reason: To enhance the existing landscape)

Jeremy Swan
CONSULTANT TOWN PLANNER

Luke Harvey
DIRECTOR CORPORATE SERVICES

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



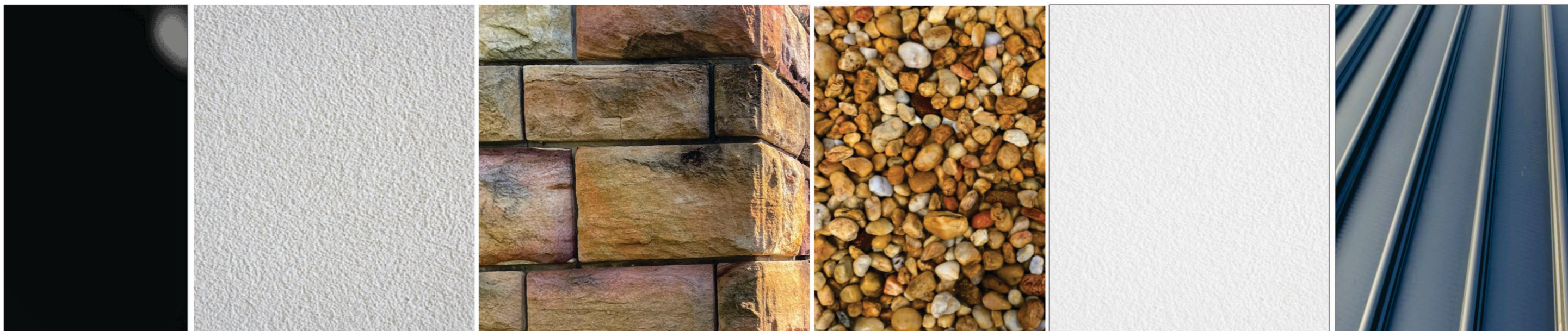
North Sydney Council

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

Scale: 1:1200 approx.





1 2 3 4 5 6

- 1 Metal windows and doors
Powdercoat **Black**
- 2 Walls - Masonry Rendered and Painted
Dulux **Natural White** Bathroom Walls - Masonry Rendered and Painted
Dulux **Natural White**
- 1 Steel balustrade
Dulux **Black**
- 3 Stone
Existing Sandstone
- 4 Roof top covering
Decorative Pebbles
- 5 Concrete - Painted
Dulux **Natural White**
- 6 Roof Sheetting - Colorbond Matt Finish (Non - Reflective)
Colorbond - **Windspray**

Material Finishes
1:100

S4.55 APPLICATION

3 E
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A3

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VIC No. 20208

Client
MaryAnn Beregi

Project
Alterations and Additions to Residence

184 Kurraba Road
Kurraba Point NSW
2089
Lot 3 D.P. 508566

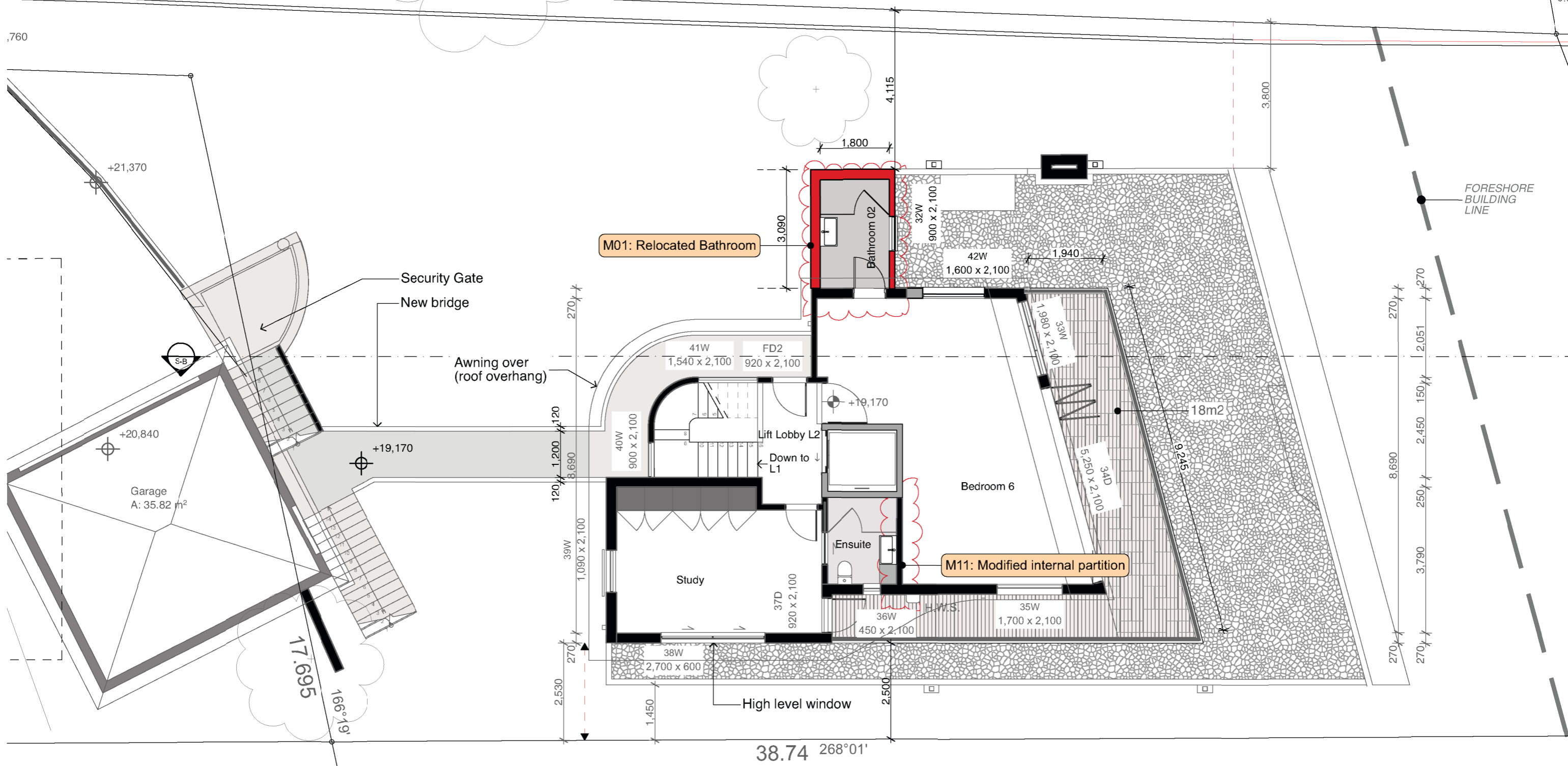
Drawing Title:
MATERIALS - Material Selections

Material Finishes



Status
For Approval

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@A3		
Project No.	Drawing No.	Revision No.
2401	2401.11.1	
Plot Date:	20/1/2025	3:28 pm



2. Second Floor Level (19170)
1:100

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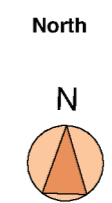
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184 Kurraba Road
Kurraba Point NSW
2089
Lot 3 D.P. 508566

Drawing Title:
PLANS - PROPOSED S4.55 - Second Floor Plan
Second Floor Level (19170)



Status For Approval	Scale 1:100	Date 20/1/2025
Project No. 2401	Drawing No. 2401.7.7	Revision No.
Plot Date: 20/1/2025		3:55 pm

S4.55 APPLICATION

182

178B

Existing Shadow
Proposed Shadow

Shadow Legend

184A

184

186

01

Shadow Study 21 June at 0900h
1:200

S4.55 APPLICATION

North

N



Status
For Approval

Scale
1:200, 1:100
Date
20/1/2025

@A3
Project No. 2401
Drawing No. 2401.15.1
Revision No.

Plot Date: 20/1/2025 3:29 pm

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184 Kurraba Road
Kurraba Point NSW
2089
Lot 3 D.P. 508566

Drawing Title:
SHADOW DIAGRAMS (Proposed) - 21 June 0900 Proposed

Shadow Study 21 June at 0900h, Shadow Legend

3 E
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Existing Shadow
Proposed Shadow

Shadow Legend

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Shadow Study 21 June at 1200h
1:200

S4.55 APPLICATION

North

N



Status
For Approval

Scale
1:200, 1:100
Date
20/1/2025

Project No.	Drawing No.	Revision No.
2401	2401.15.2	

Plot Date: 20/1/2025 3:29 pm

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184 Kurraba Road
Kurraba Point NSW
2089
Lot 3 D.P. 508566

Drawing Title:
SHADOW DIAGRAMS (Proposed) - 21 June 1200 Proposed

Shadow Study 21 June at 1200h, Shadow Legend

182

ATTACHMENT TO LPP05 - 05/03/25

178B

Existing Shadow
Proposed Shadow

Shadow Legend

184A

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186

03

Shadow Study 21 June at 1500h
1:200

S4.55 APPLICATION

North

N



Status
For Approval

Scale
1:200, 1:100
Date
20/1/2025

@A3

Project No.	Drawing No.	Revision No.
2401	2401.15.3	

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Kurraba Point NSW
2089
Lot 3 D.P. 508566

Drawing Title:
SHADOW DIAGRAMS (Proposed) - 21 June 1500 Proposed

Shadow Study 21 June at 1500h, Shadow Legend

182

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Existing Shadow
Proposed Shadow

Shadow Legend

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Shadow Study 21 Sept at 0900h
1:200

S4.55 APPLICATION



Status
For Approval

Scale
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Date
20/1/2025

Project No.	Drawing No.	Revision No.
2401	2401.15.4	

Plot Date: 20/1/2025 3:29 pm

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2089
Lot 3 D.P. 508566

Drawing Title:
SHADOW DIAGRAMS (Proposed) - 21 Sept 0900 Proposed

Shadow Study 21 Sept at 0900h, Shadow Legend

182

178B

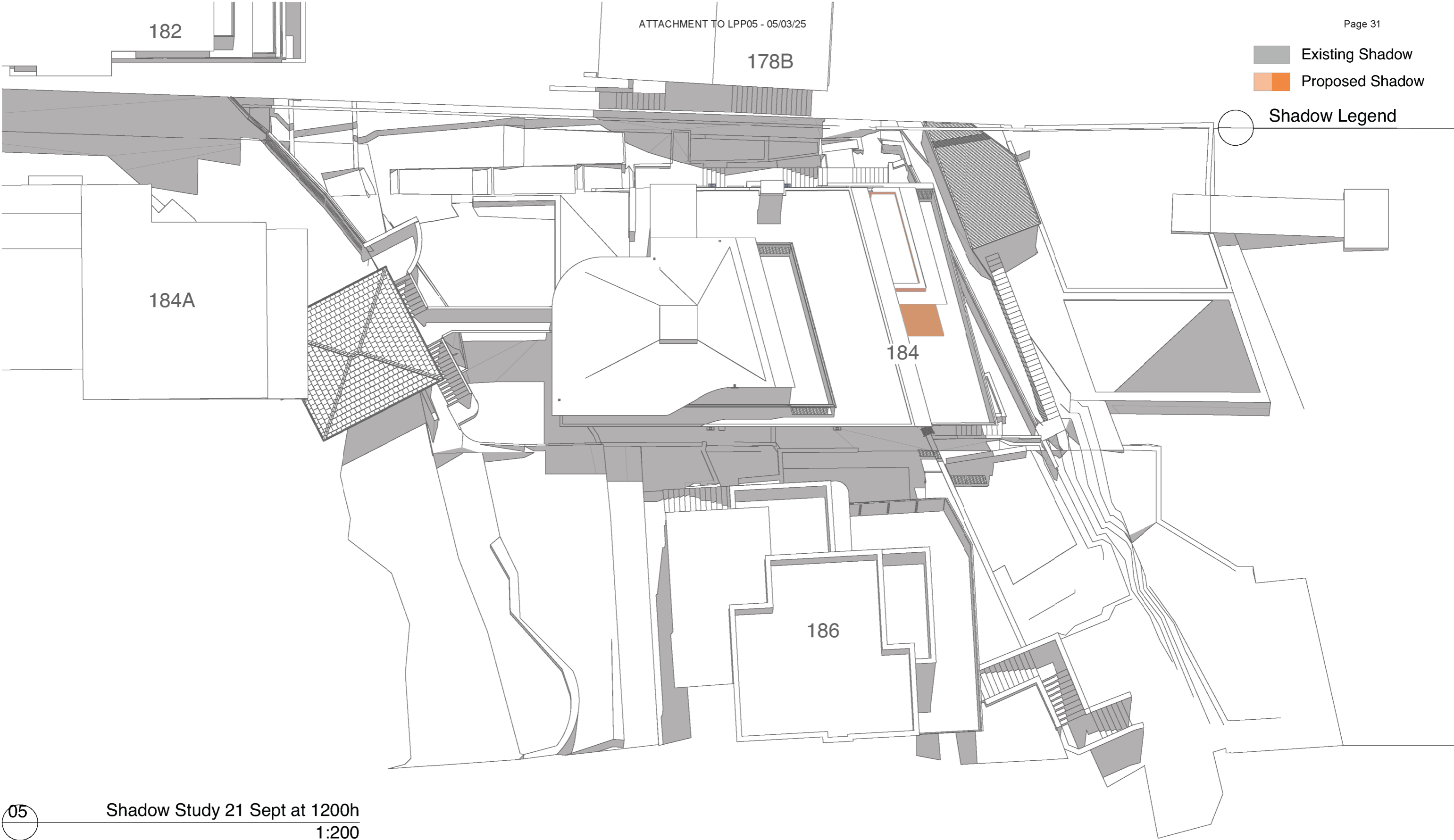
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Shadow Legend

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05

Shadow Study 21 Sept at 1200h
1:200

S4.55 APPLICATION

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2089
Lot 3 D.P. 508566

Drawing Title:
SHADOW DIAGRAMS (Proposed) - 21 Sept 1200 Proposed

Shadow Study 21 Sept at 1200h, Shadow Legend



Status
For Approval

Scale	Date	
1:200, 1:100	20/1/2025	
@A3		
Project No.	Drawing No.	Revision No.
2401	2401.15.5	
Plot Date:	20/1/2025	3:29 pm

Existing Shadow
Proposed Shadow

Shadow Legend

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06

Shadow Study 21 Sept at 1500h
1:200

S4.55 APPLICATION



Status
For Approval

Scale
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Date
20/1/2025

Project No.	Drawing No.	Revision No.
2401	2401.15.6	

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184 Kurraba Road
Kurraba Point NSW
2089
Lot 3 D.P. 508566

Drawing Title:
SHADOW DIAGRAMS (Proposed) - 21 Sept 1500 Proposed

Shadow Study 21 Sept at 1500h, Shadow Legend

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Existing Shadow
Proposed Shadow

Shadow Legend



07

Shadow Study 21 Mar at 0900h
1:200

S4.55 APPLICATION

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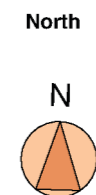
Client
MaryAnn Beregi

Project
Alterations and Additions to Residence

184 Kurraba Road
Kurraba Point NSW
2089
Lot 3 D.P. 508566

Drawing Title:
SHADOW DIAGRAMS (Proposed) - 21 March 0900 Proposed

Shadow Study 21 Mar at 0900h, Shadow Legend



Status
For Approval

Scale	Date	
1:200, 1:100	20/1/2025	
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Project No.	Drawing No.	Revision No.
2401	2401.15.7	
Plot Date:	20/1/2025	3:29 pm

182

178B

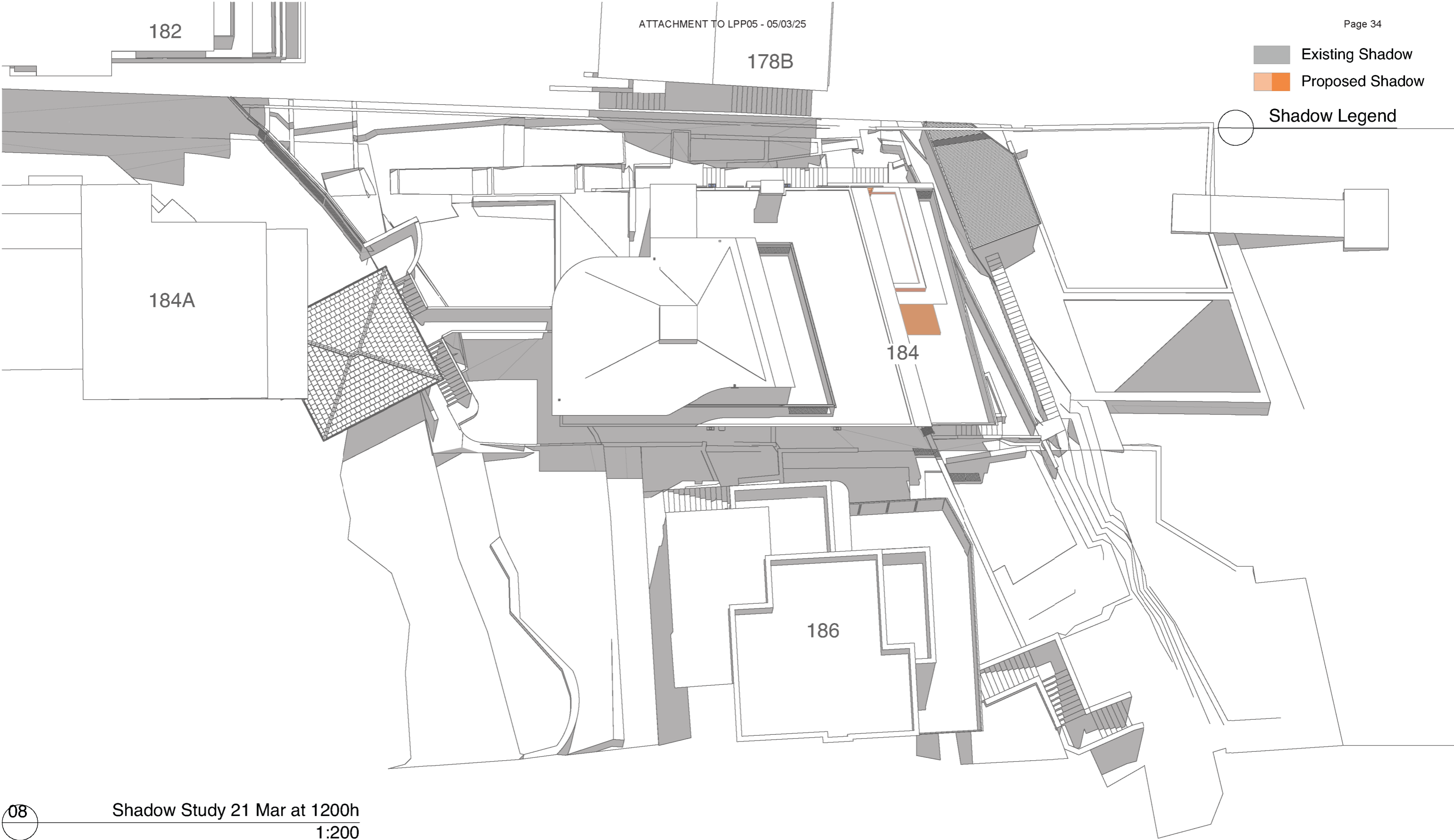
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Proposed Shadow

Shadow Legend

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08

Shadow Study 21 Mar at 1200h
1:200

S4.55 APPLICATION



Status
For Approval

Scale
1:200, 1:100
Date
20/1/2025

Project No.	Drawing No.	Revision No.
2401	2401.15.8	

Plot Date: 20/1/2025 3:29 pm

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Alterations and Additions to Residence

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Lot 3 D.P. 508566

Drawing Title:
SHADOW DIAGRAMS (Proposed) - 21 March 1200 Proposed

Shadow Study 21 Mar at 1200h, Shadow Legend

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182

ATTACHMENT TO LPP05 - 05/03/25

178B

Existing Shadow
Proposed Shadow

Shadow Legend

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09

Shadow Study 21 Mar at 1500h
1:200

S4.55 APPLICATION



Status
For Approval

Scale
1:200, 1:100
Date
20/1/2025

Project No.	Drawing No.	Revision No.
2401	2401.15.9	

Plot Date: 20/1/2025 3:29 pm

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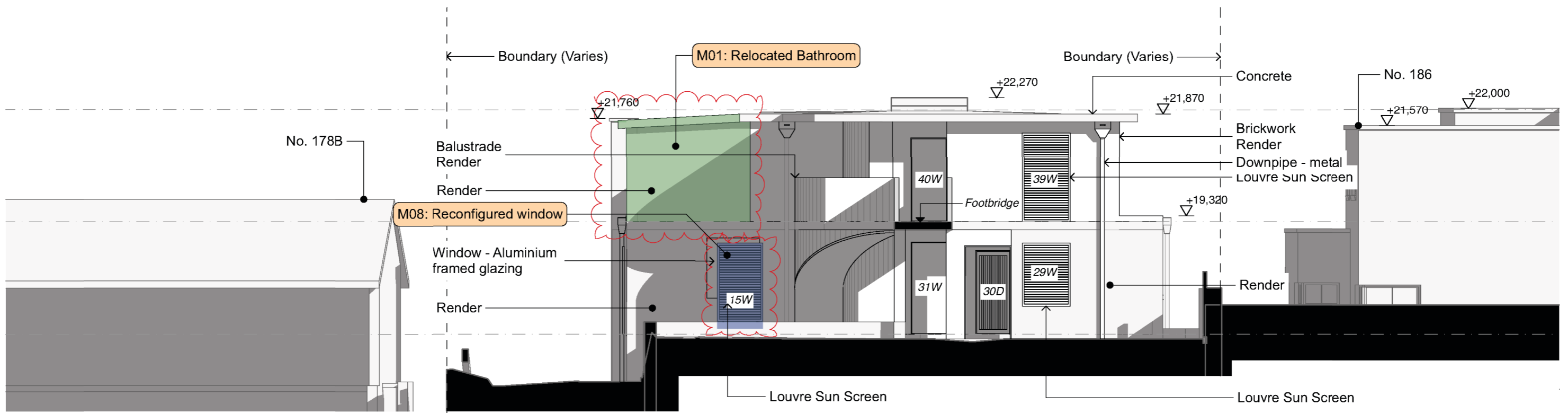
Client
MaryAnn Beregi

Project
Alterations and Additions to Residence

184 Kurraba Road
Kurraba Point NSW
2089
Lot 3 D.P. 508566

Drawing Title:
SHADOW DIAGRAMS (Proposed) - 21 March 1500 Proposed

Shadow Study 21 Mar at 1500h, Shadow Legend



E-01

West Elevation
1:100

S4.55 APPLICATION

3
2
1
A3

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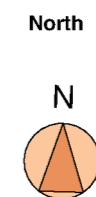
Client
MaryAnn Beregi

Project
Alterations and Additions to Residence

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Kurraba Point NSW
2089
Lot 3 D.P. 508566

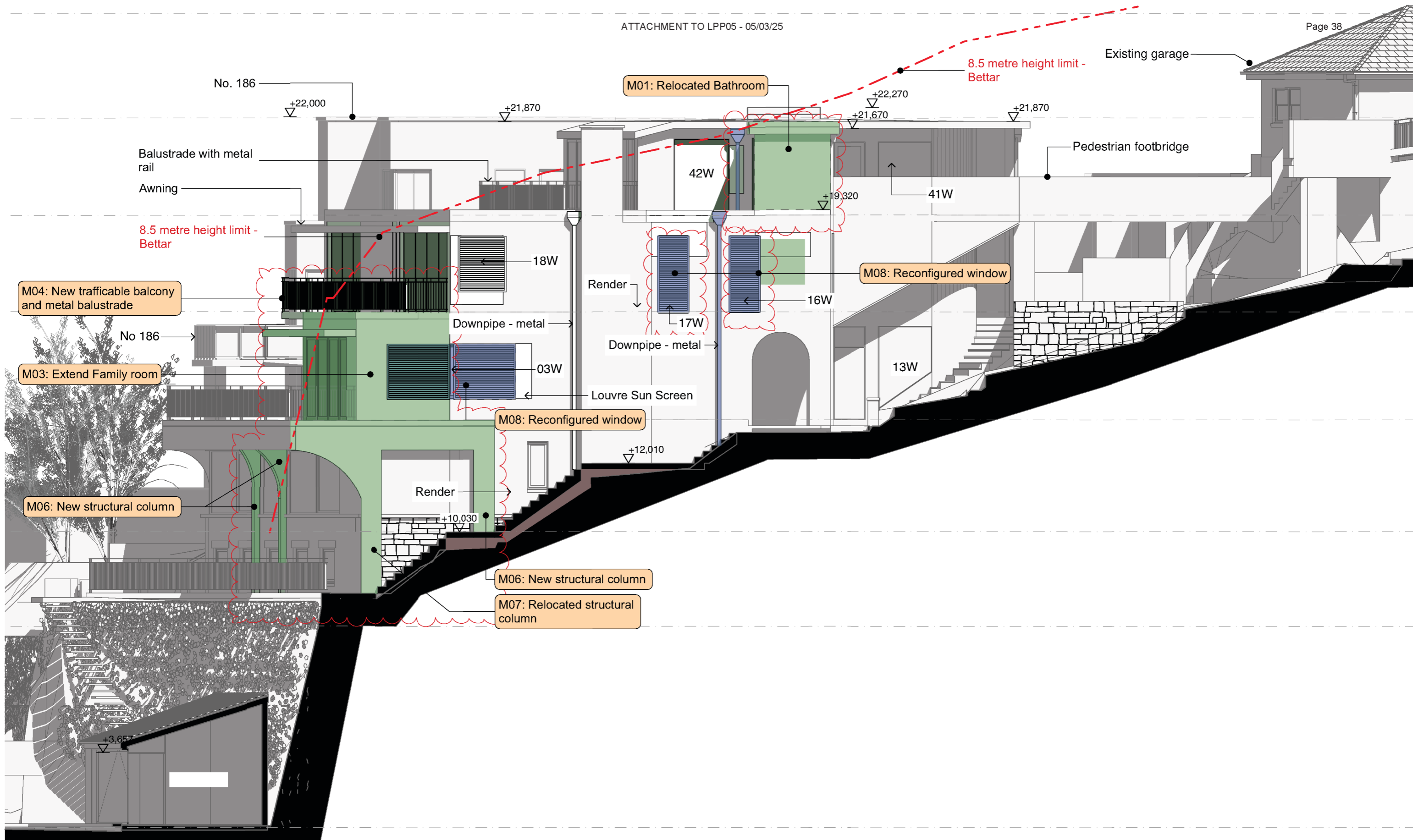
Drawing Title:
ELEVATIONS - PROPOSED S4.55 - West Elevation

West Elevation



Status
For Approval

Scale	Date	
1:100	7/7/2024	
@A3		
Project No.	Drawing No.	Revision No.
2401	2401.8.1	
Plot Date:	7/7/2024	3:33 pm



E-02 North Elevation 1:100

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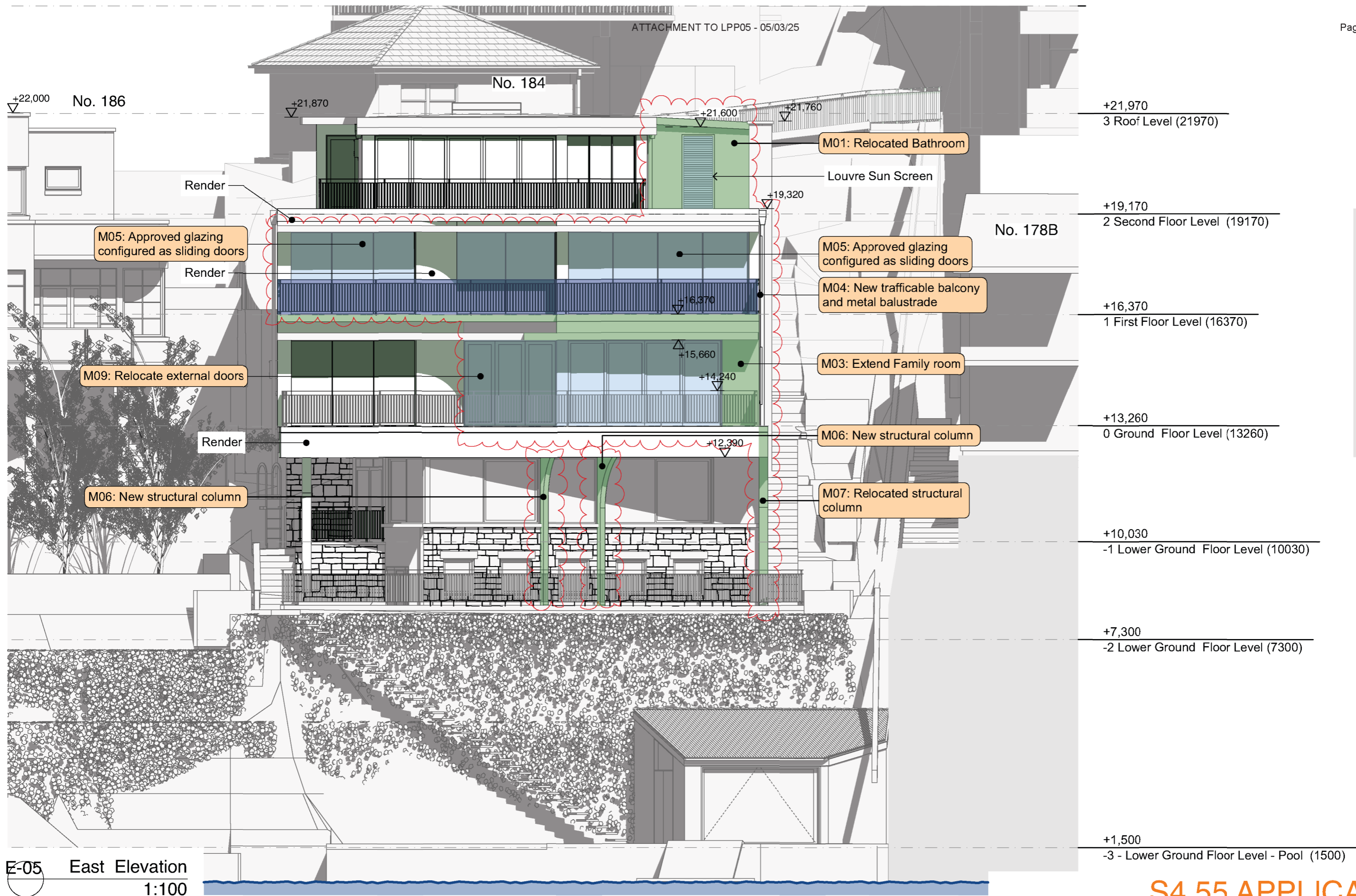
Client
 MaryAnn Beregi

Project
 Alterations and Additions to Residence
 184 Kurraba Road
 Kurraba Point NSW
 2089
 Lot 3 D.P. 508566

Drawing Title:
 ELEVATIONS - PROPOSED S4.55 - North Elevation
 North Elevation

S4.55 APPLICATION

North For Approval	Status For Approval	Scale 1:100 @A3	Date 9/10/2024
		Project No. 2401	Drawing No. 2401.8.2
		Revision No.	
		Plot Date: 9/10/2024	5:29 pm



S4.55 APPLICATION

3
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A3

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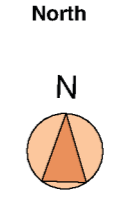
Nominated Architect
Antonio Caminiti
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NSW No. 9696
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VIC No. 20208

Client
MaryAnn Beregi

Project
Alterations and Additions to Residence

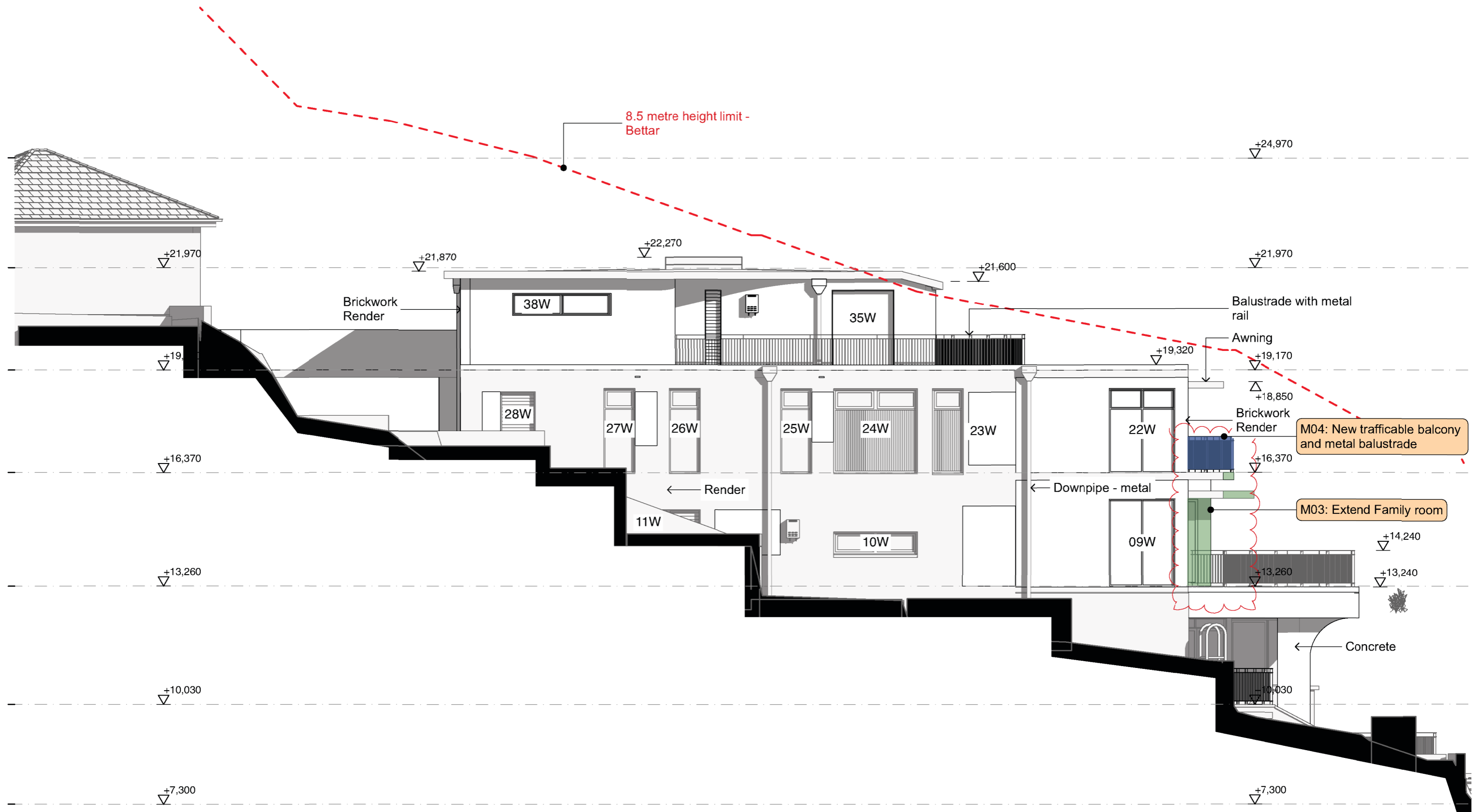
184 Kurraba Road
Kurraba Point NSW
2089
Lot 3 D.P. 508566

Drawing Title:
ELEVATIONS - PROPOSED S4.55 - East Elevation
East Elevation



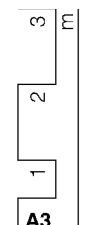
Status
For Approval

Scale	Date	
1:100	7/7/2024	
@A3		
Project No.	Drawing No.	Revision No.
2401	2401.8.3	
Plot Date:		7/7/2024 3:33 pm



E-04 South Elevation
1:100

S4.55 APPLICATION



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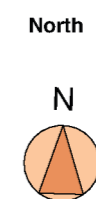
Client
MaryAnn Beregi

Project
Alterations and Additions to Residence

184 Kurraba Road
Kurraba Point NSW
2089
Lot 3 D.P. 508566

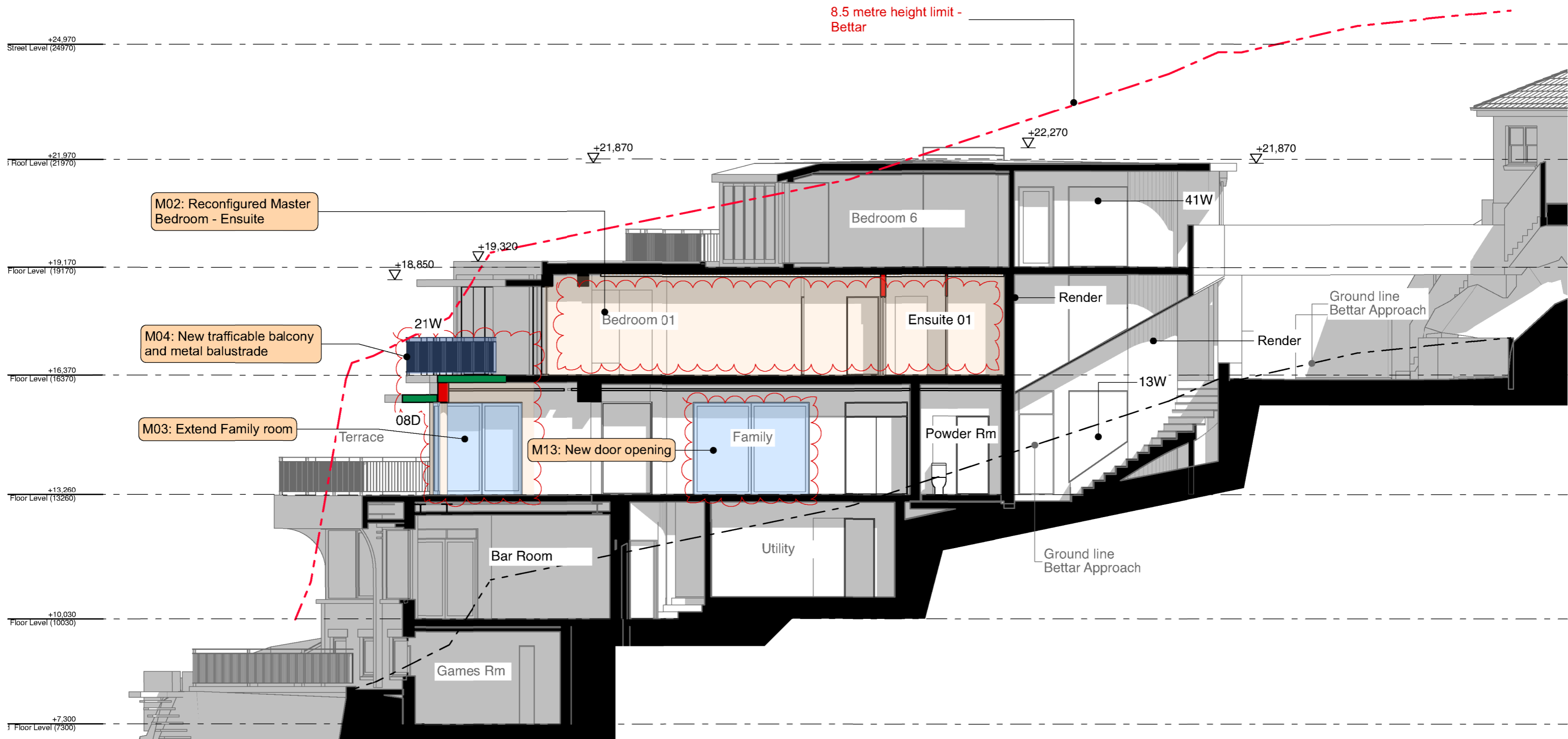
Drawing Title:
ELEVATIONS - PROPOSED S4.55 - South Elevation

South Elevation



Status
For Approval

Scale	Date	
1:100	7/7/2024	
Project No.	Drawing No.	Revision No.
@A3 2401	2401.8.4	
Plot Date:	7/7/2024	3:34 pm



Section BB
1:100

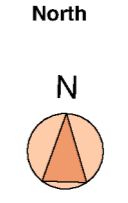
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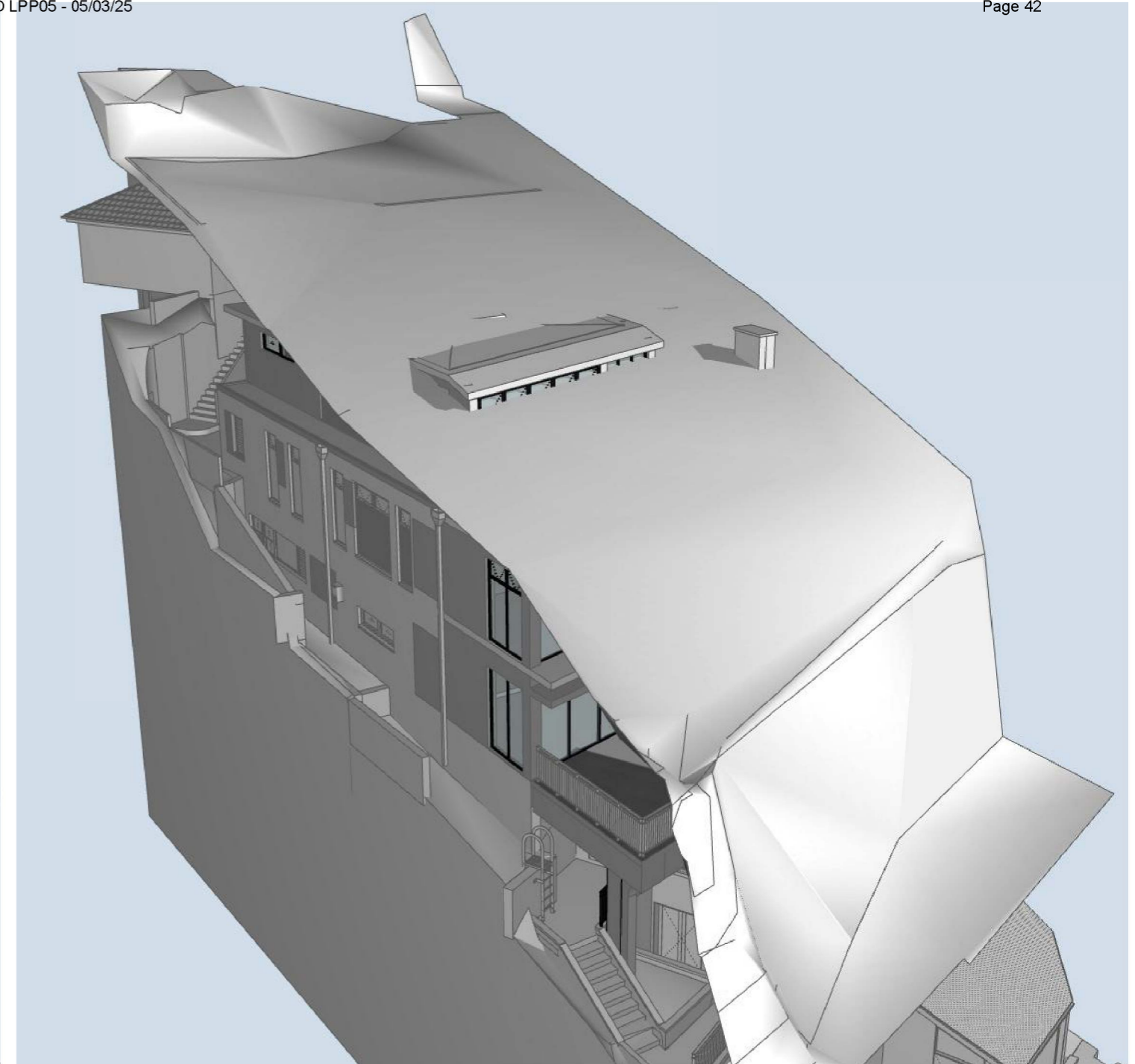
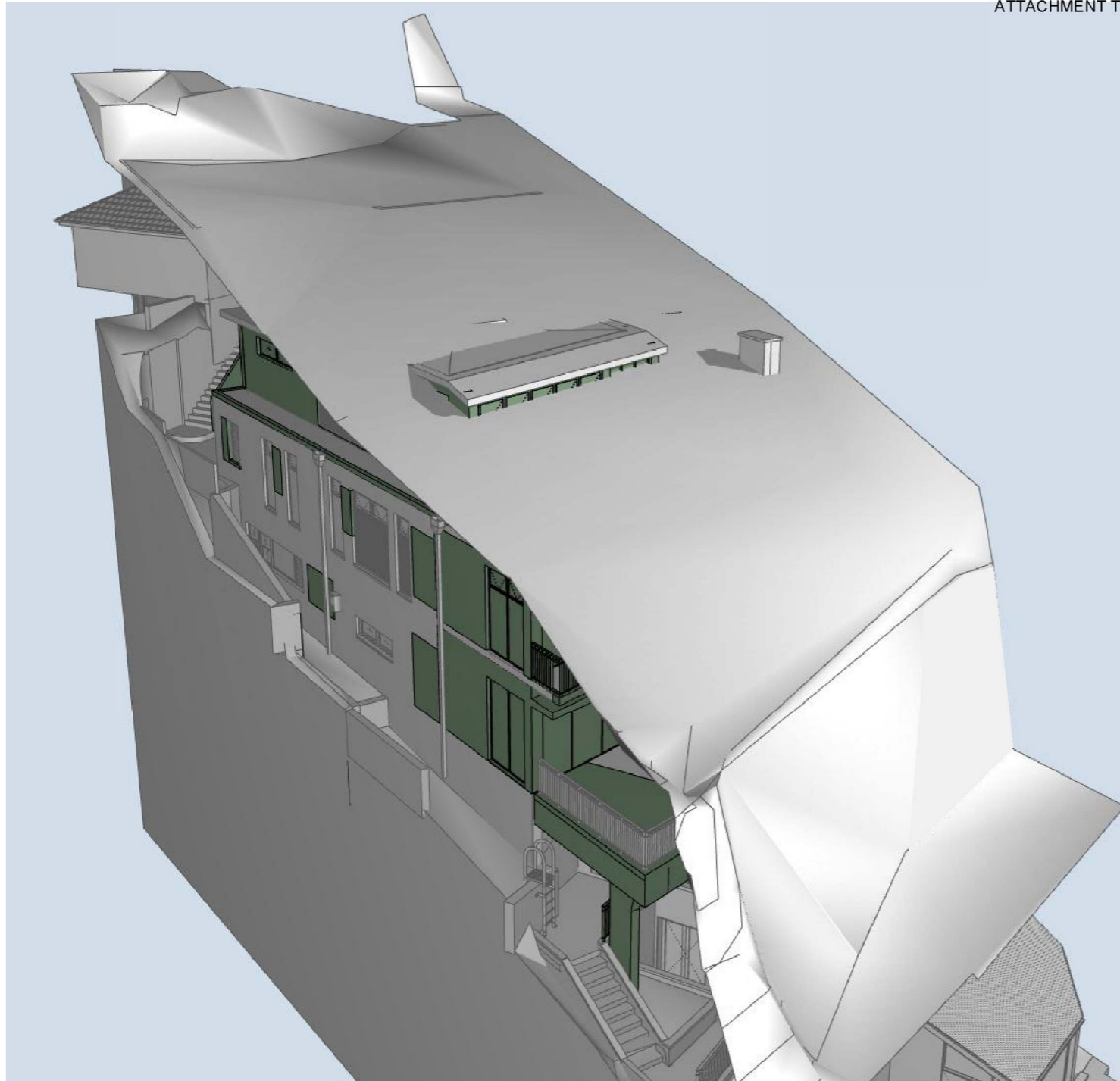
Project
Alterations and Additions to Residence
184 Kurraba Road
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Drawing Title:
SECTION - PROPOSED S4.55 - Section B-B
Section BB



Status For Approval	Scale 1:100 @A3	Date 3/10/2024
Project No. 2401	Drawing No. 2401.9.1	Revision No.
Plot Date: 3/10/2024		6:13 pm

S4.55 APPLICATION



⊙ s455 Height Plane Modelling

⊙ DA Approved Height Plane Modelling

S4.55 APPLICATION

3
2
1
A3

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2089
Lot 3 D.P. 508566

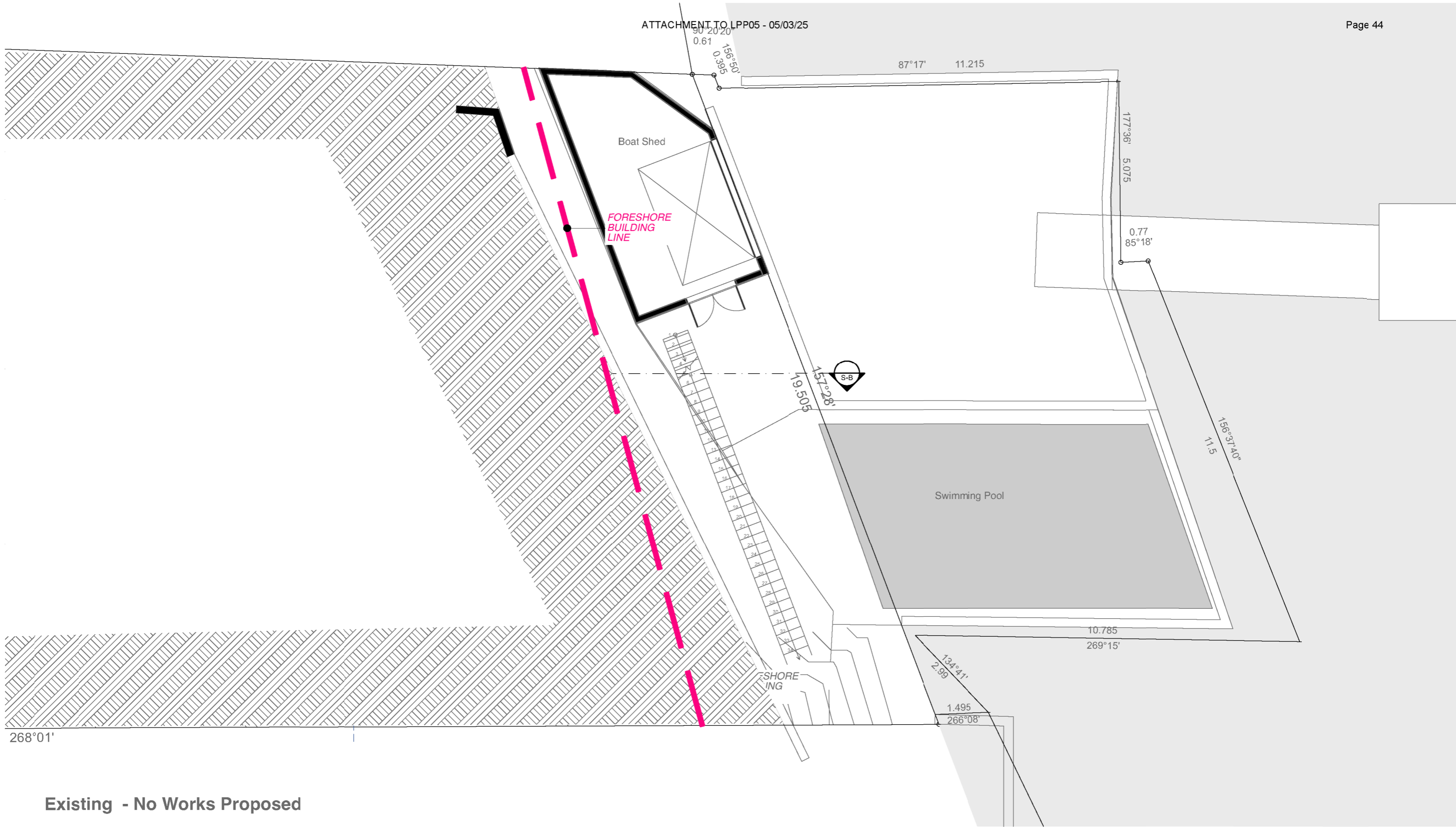
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HEIGHT PLAN - 3D MODELLING - S4.55 - Height Plane

s455 Height Plane Modelling, DA Approved Height Plane Modelling



Status
For Approval

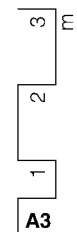
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@A3		
Project No.	Drawing No.	Revision No.
2401	2401.18.1	
Plot Date:	7/7/2024	6:56 pm



Existing - No Works Proposed

-3. Lower Ground Floor Level - Pool (1500)
1:100

S4.55 APPLICATION



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Project
Alterations and Additions to Residence

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2089
Lot 3 D.P. 508566

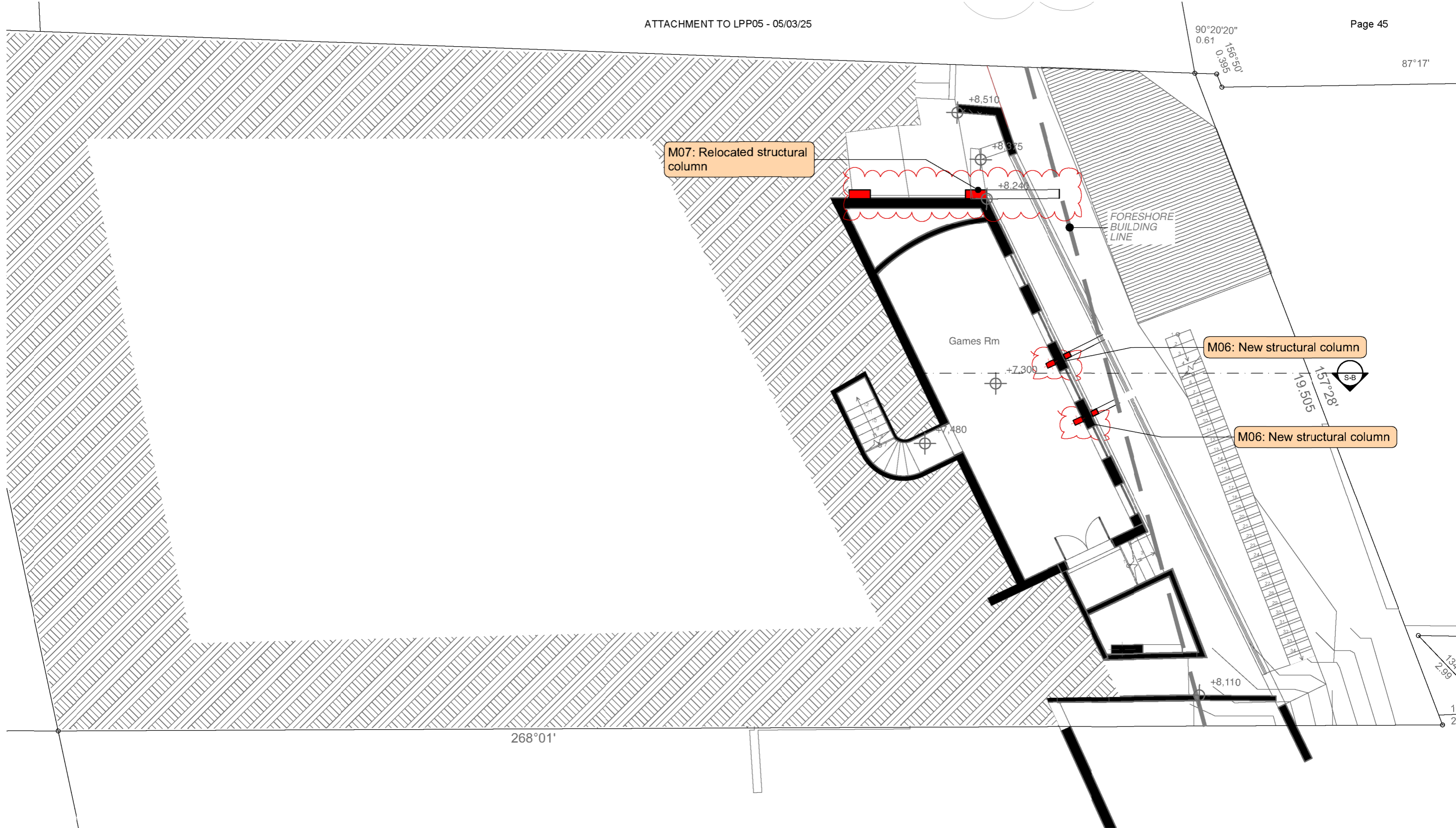
Drawing Title:
PLANS - PROPOSED S4.55 - Lower Ground Floor - (Pool) Plan

- Lower Ground Floor Level - Pool (1500)



Status
For Approval

Scale	Date	
1:100	7/7/2024	
Project No.	Drawing No.	Revision No.
@A3 2401	2401.7.2	
Plot Date:	7/7/2024	3:32 pm



-2. Lower Ground Floor Level (7300)
1:100

S4.55 APPLICATION

3
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A3

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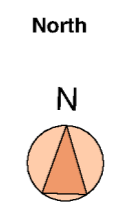
Client
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Alterations and Additions to Residence

184 Kurraba Road
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2089
Lot 3 D.P. 508566

Drawing Title:
PLANS - PROPOSED S4.55 - Lower Ground Floor - (Games) Plan

Lower Ground Floor Level (7300)

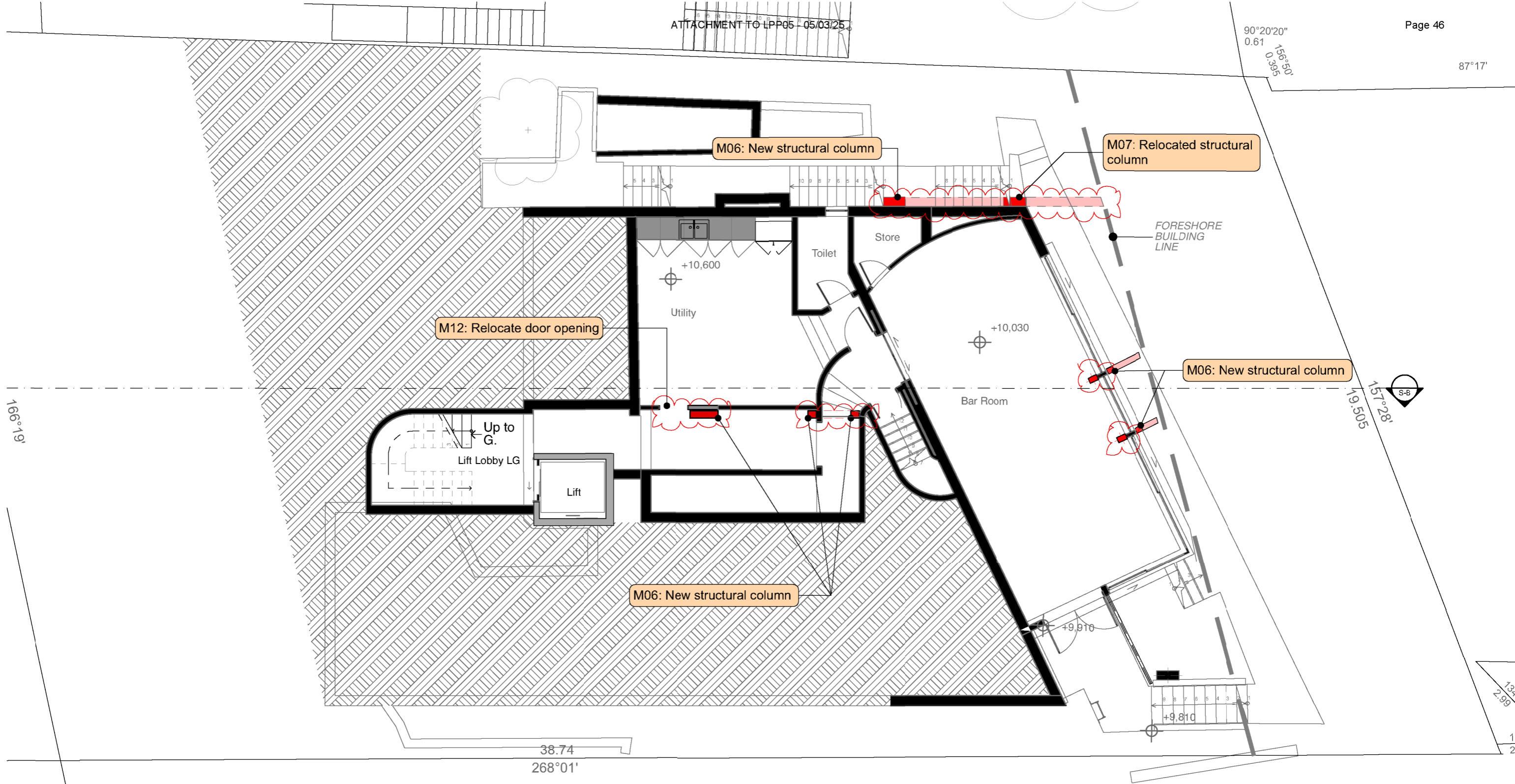


Status
For Approval

Scale	Date	
1:100	3/10/2024	
@A3		
Project No.	Drawing No.	Revision No.
2401	2401.7.3	
Plot Date:	3/10/2024	6:37 pm

90°20'20"
0.61
156°50'
0.335

87°17'



-1. Lower Ground Floor Level (10030)
1:100

S4.55 APPLICATION

3
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A3

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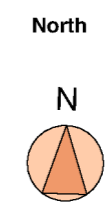
Nominated Architect
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NSW No. 9696
DEP. 0000096
VIC No. 20208

Client
MaryAnn Beregi

Project
Alterations and Additions to Residence

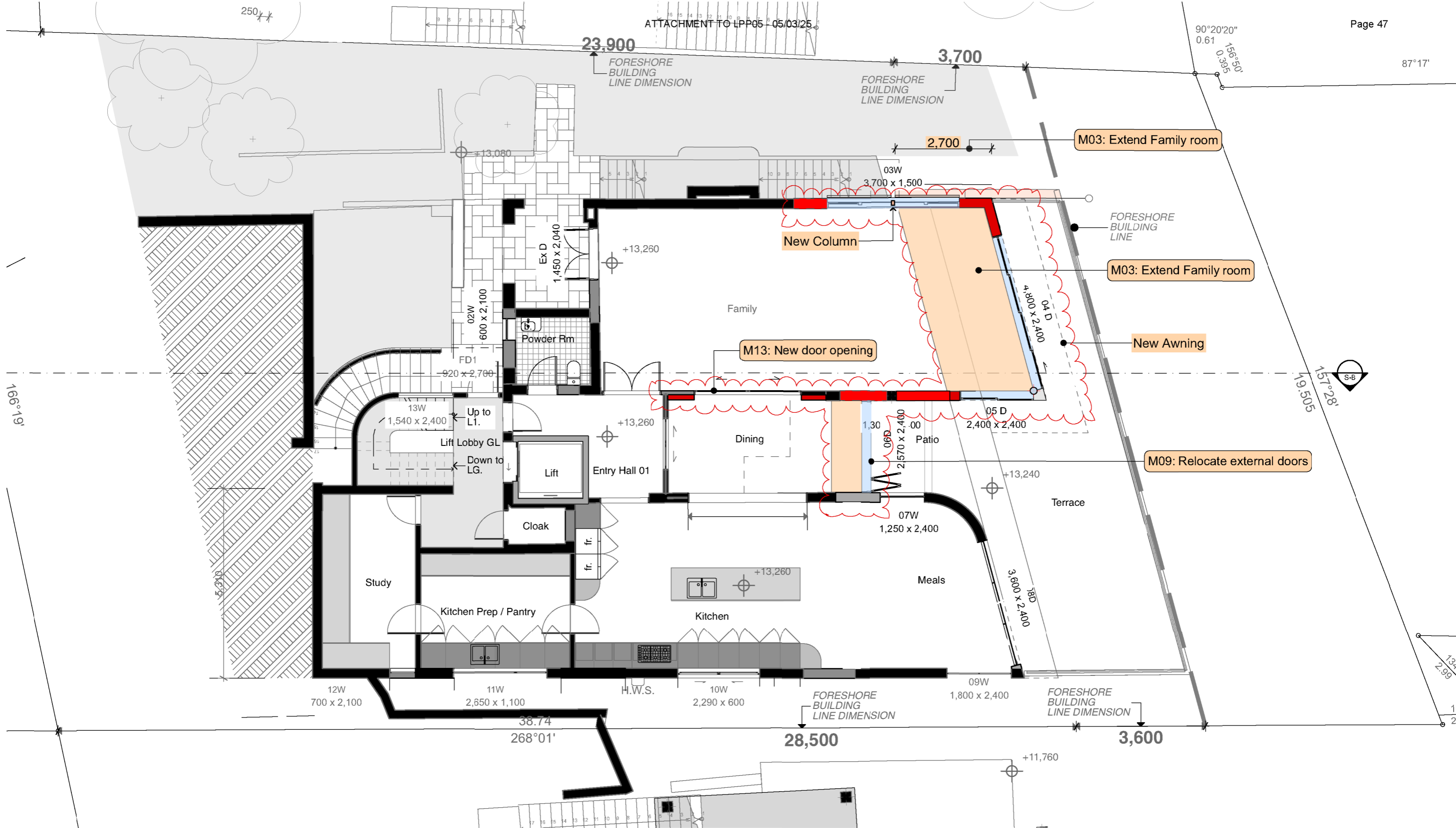
184 Kurraba Road
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2089
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Drawing Title:
PLANS - PROPOSED S4.55 - Lower Ground Floor - (Bar Room)
Plan
Lower Ground Floor Level (10030)



Status
For Approval

Scale	Date	
1:100	3/10/2024	
Project No.	Drawing No.	Revision No.
2401	2401.7.4	
Plot Date:		3/10/2024 6:37 pm



0. Ground Floor Level (13260)
1:100

S4.55 APPLICATION

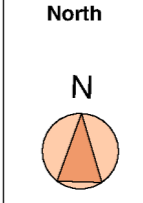
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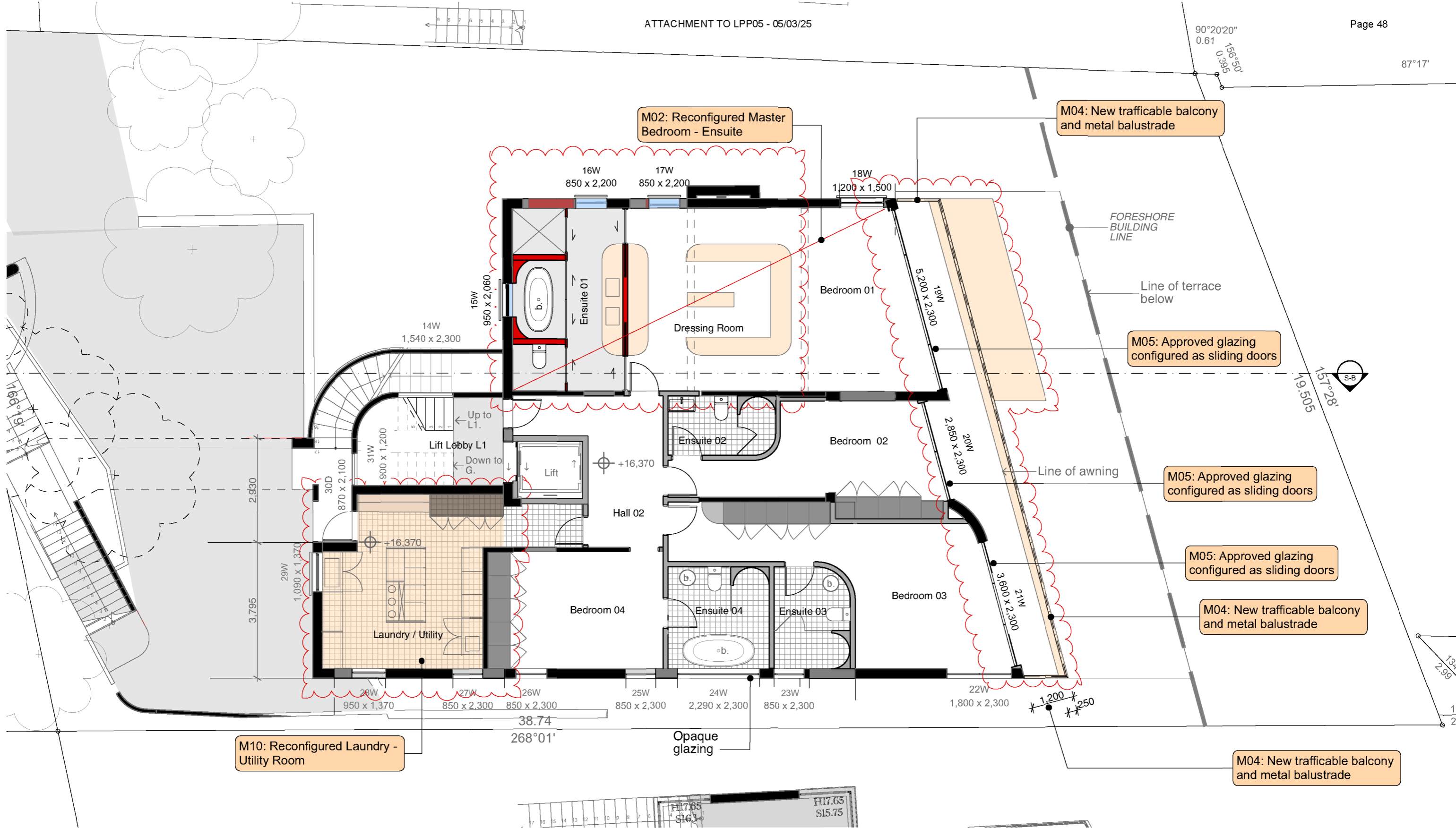
Client
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Alterations and Additions to Residence
184 Kurraba Road
Kurraba Point NSW
2089
Lot 3 D.P. 508566

Drawing Title:
PLANS - PROPOSED S4.55 - Ground Floor Plan
Ground Floor Level (13260)



Status For Approval	Scale 1:100	Date 3/10/2024
Project No. 2401	Drawing No. 2401.7.5	Revision No.
Plot Date: 3/10/2024		6:37 pm



1. First Floor Level (16370)
1:100

S4.55 APPLICATION

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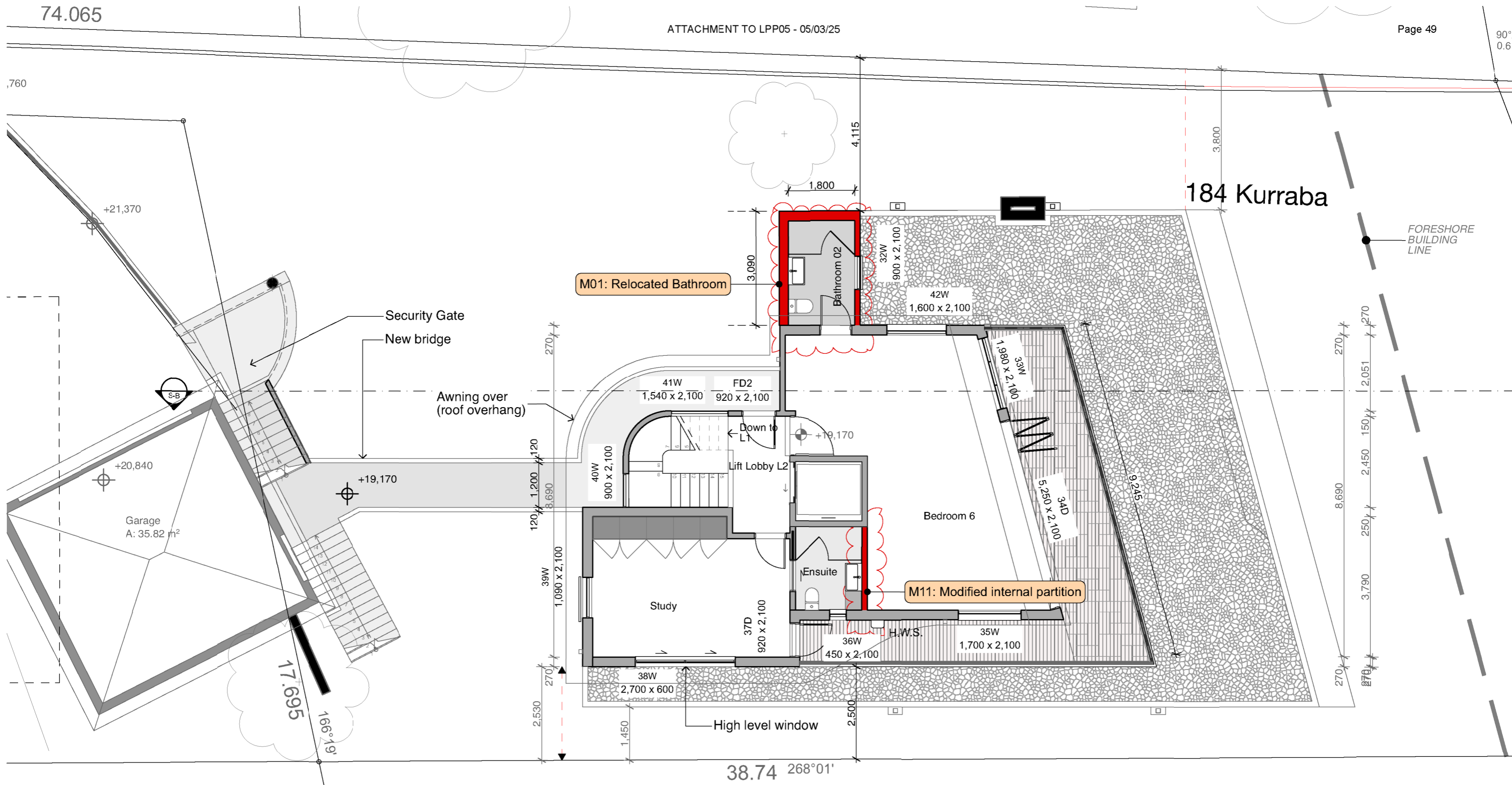
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Alterations and Additions to Residence
184 Kurraba Road
Kurraba Point NSW
2089
Lot 3 D.P. 508566

Drawing Title:
PLANS - PROPOSED S4.55 - First Floor Plan
First Floor Level (16370)

North	Status For Approval	Scale 1:100	Date 3/10/2024
		Project No. 2401	Drawing No. 2401.7.6
		Revision No.	
		Plot Date: 3/10/2024	6:37 pm



2. Second Floor Level (19170)
1:100

3
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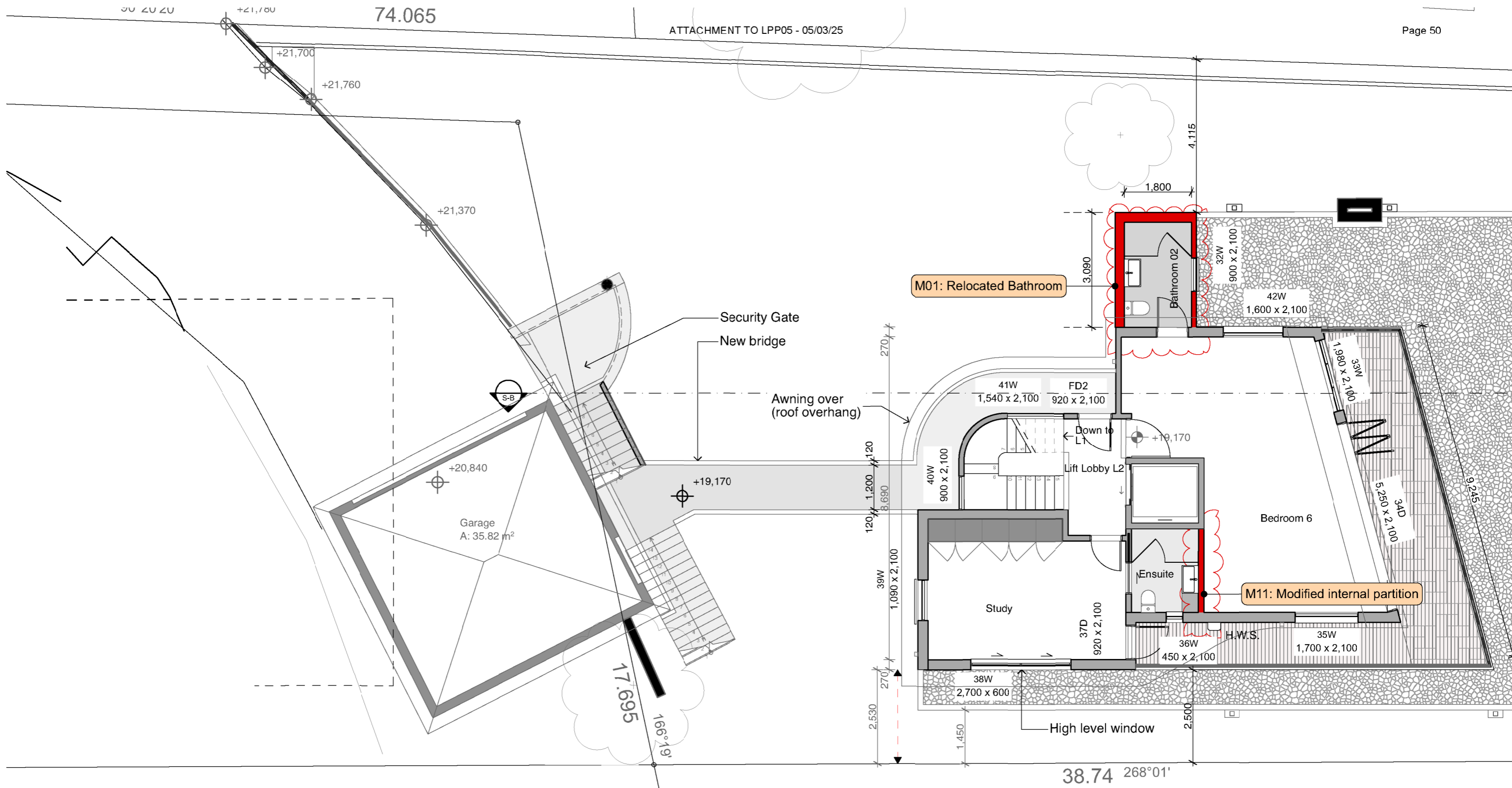
Client
MaryAnn Beregi

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Alterations and Additions to Residence
184 Kurraba Road
Kurraba Point NSW
2089
Lot 3 D.P. 508566

Drawing Title:
PLANS - PROPOSED S4.55 - Second Floor Plan
Second Floor Level (19170)

S4.55 APPLICATION

North N 	Status For Approval	Scale 1:100	Date 7/7/2024
Project No. 2401	Drawing No. 2401.7.7	Revision No.	
Plot Date: 7/7/2024	3:32 pm		



2. Second Floor Level (19170)
1:100

S4.55 APPLICATION

3
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A3

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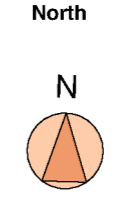
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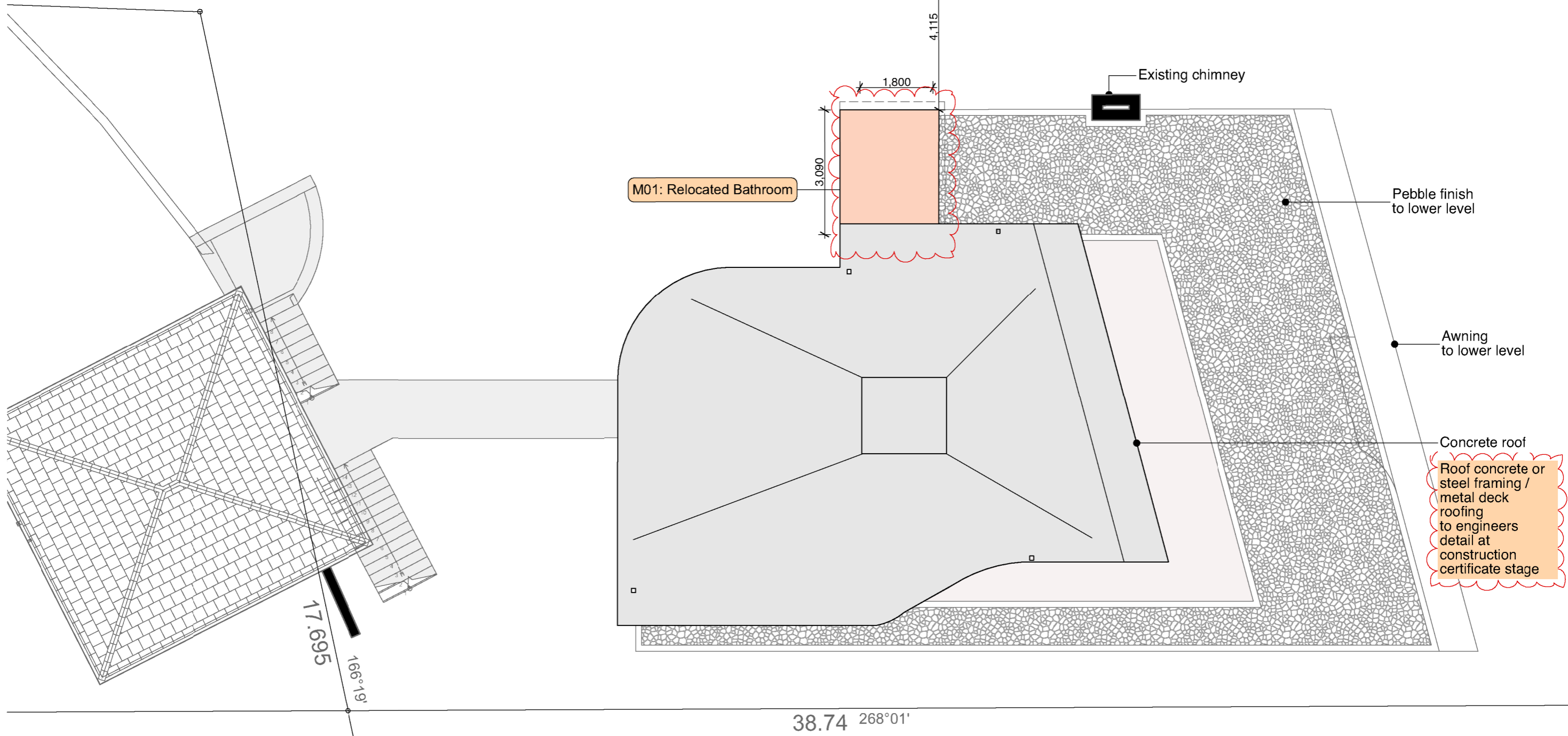
Project
Alterations and Additions to Residence
184 Kurraba Road
Kurraba Point NSW
2089
Lot 3 D.P. 508566

Drawing Title:
PLANS - PROPOSED S4.55 - Second Floor - Garage Footbridge Plan
Second Floor Level (19170)



Status
For Approval

Scale	Date	
1:100	7/7/2024	
Project No.	Drawing No.	Revision No.
2401	2401.7.8	
Plot Date:	7/7/2024	3:32 pm



2.

Roof Level Plan
1:100

S4.55 APPLICATION

3
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A3

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184 Kurraba Road
Kurraba Point NSW
2089
Lot 3 D.P. 508566

Drawing Title:
PLANS - PROPOSED S4.55 - Roof Plan

Roof Level Plan

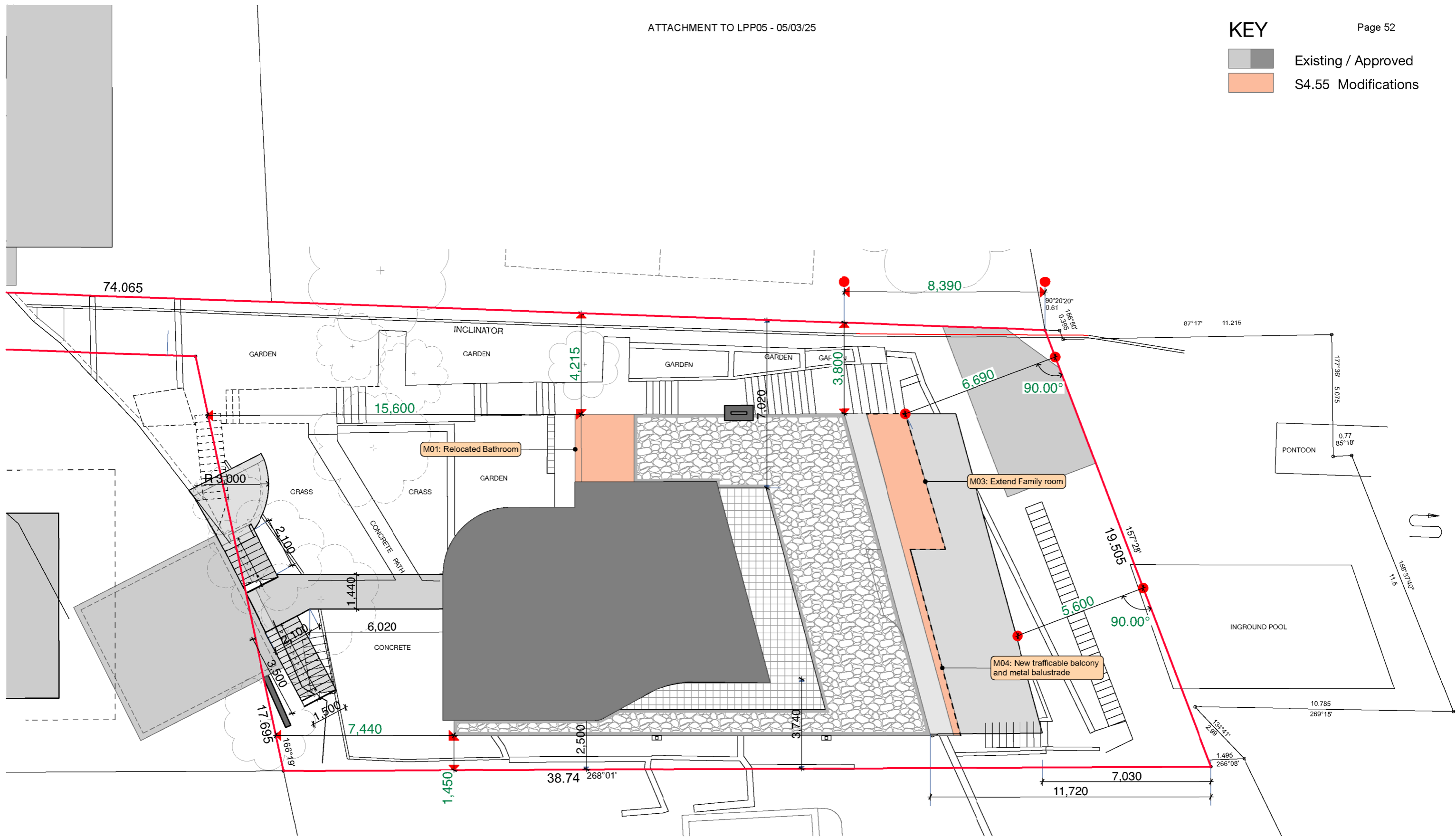


Status
For Approval

Scale	Date	
1:100	7/7/2024	
@A3		
Project No.	Drawing No.	Revision No.
2401	2401.7.9	
Plot Date:		7/7/2024 3:32 pm

KEY

- Existing / Approved
- S4.55 Modifications



2. Site Plan - Proposed
1:150

S4.55 APPLICATION

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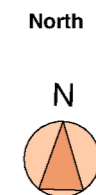
Client
MaryAnn Beregi

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Drawing Title:
PLANS - PROPOSED S4.55 - Site Plan - Proposed

Site Plan - Proposed



Status
For Approval

Scale	Date	
1:150	7/7/2024	
@A3		
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Request for Additional Information

Modification Application DA 226/23/3 – 184 Kurraba Road, Kurraba Point

Planning

- 1. The Proposed Site Plan shows Trees T2, T3 & T5 to be removed (dashed line). The endorsed Arboricultural Impact Assessment identifies these trees for retention. Clarification is required as to whether these trees are to be retained/removed. If the trees are now proposed to be removed, an amended Arboricultural Impact Assessment and amended Landscape Plan are to be provided.**

Response:

While the Proposed Site Plan erroneously shows T5 with a dashed line, this tree is to be retained. Notably, all other architectural schedules submitted accurately depict T5 with a hard line. Please find attached a corrected Proposed Site Plan showing T5 with a hard line.

Trees T2 and T3 are correctly shown on the Proposed Site Plan and all other architectural schedules with dashed lines. These trees are to be removed in accordance with the endorsed Arboricultural Impact Assessment and Development Consent.

- 2. The endorsed Roof Level Plan approved a concrete roof. The amended Roof Level Plan denotes the roof as comprising “concrete or steel framing / metal deck roofing to engineers detail at construction certificate stage.” The proposed roof materiality is to be clarified. If the approved concrete roofing is to be changed, details of the revised roof materiality and colour are to be provided in an amended materials and colours schedule.**

Response:

The roof material may either be concrete or metal, subject to clarification from the engineer. An amended materials schedule has been prepared and is attached showing a non-reflective matt finish Colorbond roof material.

- 3. The second floor level balcony area is not dimensioned on the Architectural Plans. This area is required to be shown to demonstrate compliance with condition no. C.12(a), which is proposed to be deleted.**

Response:

Please find attached an amended architectural schedule for the Second Floor Level showing dimensions for the balcony.

- 4. Privacy screens are required to be provided along the northern and southern elevations of the proposed balcony on the first floor level to mitigate privacy impacts on the adjoining properties. Amended Floor and Elevation plans are required that incorporate the screens, including details of material and colour.**

Response:

The balcony is of very limited use, being a 1.2 metre deep east-facing Juliet-style balcony servicing bedrooms. There is significant separation from the northern boundary with the edge of the balcony set back 3.8 metres from the boundary.

There will be no privacy impacts resulting from the proposed balcony as existing and proposed windows and balconies already provide the same views across neighbouring properties. Please see photographs below demonstrating the existing circumstances:



Photo 1: View from existing level 1 bedroom to the north towards 178B Kurraba Road.



Photo 2: View from existing ground level terrace to the north towards 178B Kurraba Road.



Photo 3: View from existing ground floor living room to the north towards 178B Kurraba Road.



Photo 4: View from centre of existing ground level terrace to the north towards 178B Kurraba Road



Photo 5: View from existing first level bedroom to the south towards 186 Kurraba Road



Photo 6: View from existing first level balcony to the south towards 186 Kurraba Road



Photo 7: View from existing ground level terrace to the north towards 186 Kurraba Road



Photo 8: View from existing ground level dining room to the south across 186 Kurraba Road

- 5. Amended Shadow Diagrams are required to be provided that identify the approved extent of overshadowing and any additional overshadowing generated by the proposed modifications; as also raised in the submissions.**

Response:

Please find attached amended shadow diagrams showing no additional overshadowing generated by the proposed modification.

- 6. The relocated bathroom on the second floor level will result in the addition of a blank wall along the front western building elevation which will impact the streetscape. Details of the wall materiality and colours and how this addition integrates with the approved front elevation are to be provided. The integration of the addition is to have regard to the controls at Part B Sections 1.4.8 (Built Form Character) and 1.4.12 (Colours and Materials) of the North Sydney Development Control Plan 2013.**

Response:

The amended materials schedule attached shows that external wall of the second level bathroom will be the same colour as the approved western façade. This colour is similar to that of 182 Kurraba Road (Residential Flat Building to the north west) and will be consistent with the existing streetscape.

Submissions

Overall comment on the submissions:

Two submissions were received. One from a resident of 11 Shellcove Road, Kurraba Point and one from SJB Planning on behalf of the Strata committee at 182 Kurraba Road.

11 Shellcove Road is an apartment building with 10 individual apartments which is located more than 125 metres to the north of the subject property. The view to 11 Shellcove Road from the subject property is obstructed by numerous buildings and trees in between the two properties.

182 Kurraba Road is a residential flat building with four individual flats. The property is located to the north-west of the subject site. Each of the four flats at 182 Kurraba Road has a balcony that directly overlooks down onto the subject property from significant heights above the subject property. The balconies in particular affect neighbouring amenity and privacy.

The modified/enlarged first floor balcony would allow for persons to stand at the northernmost edge, enabling direct overlooking of neighbouring properties.

Response:

This has been addressed above.

There is no prospect of “overlooking” of 182 Kurraba Road. 182 Kurraba Road is a 5-storey residential flat building which is located much higher than the proposed balcony. The floor level of the proposed balcony is RL 16.37. The floor level of the lowest balcony at 182 Kurraba Road with an uninterrupted view line (Unit 101 as shown in the submission) is at RL 24.53 which is 8.16 metres higher than the proposed balcony. The view line from Unit G01, the unit below Unit 101, is interrupted by the roof line of 178B Kurraba Road, which is the property to the north of the subject site. Furthermore, the eastern façade of 182 Kurraba Road is quite distant, being some 31 metres from the proposed balcony.

It should also be noted that there is no precedent for balcony screens in the vicinity. 182 Kurraba Road was approved and constructed without any screens on the southern edge of balconies for any apartments above ground level. Unscreened balconies and living area windows provide direct overlooking of living areas of the duplex apartments at 184A Kurraba Road (to the west of the subject site) and views into 184 Kurraba Road.

The modified balcony has not been fully highlighted on the Architectural Plans – the balcony should be clearly shaded and outlined.

Response:

The DA documentation submitted clearly identifies the modification. The extension of the approved concrete “awning” structure to the east is shaded orange, with the proposed balustrade depicted in dark blue on the elevation drawings for transparency.

The Level 1 balcony should incorporate obscure screens to a height of 1.2m to mitigate privacy impacts and ensure consistency with the DCP controls.

Response:

This has been addressed above.

No shadow diagrams have been provided to demonstrate the overshadowing impacts of the proposed modifications relative to the original approval.

Response:

Amended shadow diagrams were not provided in the modification application as there is no additional overshadowing generated by the proposed modifications.

In response to the submission and for clarification, shadow diagrams are attached which show that the proposed modification results in no additional overshadowing.

While the amended diagrams have been provided, we note that this can be contrasted with the process for modifications at the submitter's property (182 Kurraba Road). Modification 4 at 182 Kurraba Road involved an extension to the building envelope to accommodate a 1.6m deep awning extension across the eastern façade, with considerable shadowing impacts across our property. SJB Planning, who have written this submission on behalf of the property owners at 182 Kurraba Road, were themselves retained by the developer of 182 Kurraba Road in the Land and Environment Court process for the modification. No shadow diagrams were provided for this modification and SJB Planning happily accepted this situation in its advocacy on behalf of their client.

Insufficient information has been provided in relation to the proposed materials associated with the modified proposal; a revised materials and finishes schedule should be provided.

Response:

A revised materials and finishes schedule has been provided.

Insufficient information has been provided in relation to tree retention/removal relative to the original approval. In particular, clarification is sought as to whether Tree 5 ('T5') an 'Acer palmatum' Japanese Maple is proposed to be removed under the modification. Trees are shown dashed for removal that were not approved.

Response:

No changes are being made to the existing consent regarding tree removal or retention. While the site plan (high-level view) erroneously depicts T5 as dashed, the floor plans correctly depict T5 with a hard line denoting that the tree is to be retained.

There is no change to the approved landscape plan and existing consent conditions relating to trees. Both documents clearly show the retention of tree T5. In any case, a revised Proposed Site Plan has been provided further clarifying that tree T5 is to be retained.

The proposal does not show the line of sight from the proposed development northwards.

Response:

As noted above the submitter's property is located more than 125 metres to north of the subject site and, notwithstanding the great distance, there will be no prospect of overlooking from proposed modified structure. Intervening buildings and vegetation obscure any view of 11 Shellcove Road.

The submitter is likely mistaken. The photograph attached to the submission is not from anywhere on the subject site but is taken from Unit 101 of the existing residential flat building at 182 Kurraba Road. This is to the northwest of 184 Kurraba Road and is at a level more than 8 metres above any proposed modified structure at 184 Kurraba Road capable of providing a view to the north.

The 6-storey development is an overdevelopment of the site that is visually out of character with Kurraba Point.

Response:

This application is for a minor modification to an approved DA. The modification does not propose any change in the number of levels at 184 Kurraba Road and is for a single dwelling consistent with the site's R2 zoning.

The proposal has the potential to be converted to units through a staged development by the owner.

Response:

This application is for minor modification to an approved DA. The modification does not propose any change in the number of levels at 184 Kurraba Road and is for a single dwelling consistent with the site's R2 zoning.