

DRAWING LIST

SK000	LEVEL 0 PLAN	1:200 @ A3	1:100 @ A1
SK001	LEVEL 1 PLAN	1:200 @ A3	1:100 @ A1
SK002	LEVEL 2 PLAN	1:200 @ A3	1:100 @ A1
SK003	LEVEL 3 PLAN	1:200 @ A3	1:100 @ A1
SK004	LEVEL 4 PLAN	1:200 @ A3	1:100 @ A1
SK005	ROOF PLAN	1:200 @ A3	1:100 @ A1
SK006	NORTH WEST ELEVATION	1:200 @ A3	1:100 @ A1
SK007	SOUTH EAST ELEVATION	1:200 @ A3	1:100 @ A1
SK008	SOUTH WEST ELEVATION	1:200 @ A3	1:100 @ A1
SK009	NORTH EAST ELEVATION	1:200 @ A3	1:100 @ A1
SK010	SECTION A-A	1:200 @ A3	1:100 @ A1
SK011	SECTION B-B	1:200 @ A3	1:100 @ A1
SK012	SECTION C-C	1:200 @ A3	1:100 @ A1
SK013	SECTION D-D	1:200 @ A3	1:100 @ A1
SK014	SECTION E-E	1:200 @ A3	1:100 @ A1
SK015	SECTION F-F	1:200 @ A3	1:100 @ A1

Assessor # 20420	Certificate # 0003413465	Issued: 210420					
Thermal Performance Specifications							
<small>These are the Specifications upon which the Certified Assessment is based. If details included in these Specifications vary from other drawings, or written specifications, these Specifications shall take precedence. If only one specification option is detailed for a building element, that specification must apply to all instances of that element for the project. If alternate specifications are detailed for a building element, the location and extent of alternate specifications must be detailed below and/or clearly indicated on referenced documents.</small>							
Windows	Product ID	Glass	Frame	U value	SHGC	Area MF	Detail
Single glazed		Clear	Aluminium	6.70	0.70		As per plans
Skylights	Product ID	Glass	Frame	U value	SHGC	Area MF	Detail
<small>Window and skylight U and SHGC values, if specified, are according to AMAC 2005. Alternate products or specifications may be used if their U value is lower, and the SHGC value is less than 10% higher or lower, than the U and SHGC values of the product specified above.</small>							
External walls	Construction	Insulation	Colour - solar abs.	Detail			
Cavity brick		R1.6	Medium	As per plans			
Internal walls	Construction	Insulation	Detail				
Plasterboard		None	As per plans.				
Floors	Construction	Insulation	Covering	Detail			
Concrete		None	Varies	As per plans.			
Ceilings	Construction	Insulation	Detail				
Plasterboard		R2.5/None	As per plans. Upper level/where adjoins exterior insulation only				
Roof	Construction	Insulation	Colour - solar abs.	Detail			
Metal		Foil + R1.0	Dark	As per plans.			
Window cover	Internal (curtains)	External (awnings, shutters, etc)		Detail			
As plans							
Fixed shading	Eaves (width - inc. gutters, ht above windows)	Location					
As plans - eaves/soffits/louvers	As plans - eaves/soffits/louvers as shown						
Overshadowing	Overshadowing structures	Overshadowing trees					
NA							
Orientation, Exposure, Ventilation and Infiltration							
Orientation of nominal north:	0	Living area open to entry:	Y	Ventilated skylights:	N		
Terrain category:	Suburban	Doors separate living areas:	N	Open fire, unflued gas heat:	N		
Roof ventilation:	Unventilated	Stair open to heated areas:	Y	Ventled downlights:	N		
Cross ventilation:	Standard	Seals to windows and doors:	Y	Wall and ceiling vents:	N		
Subfloor:	Ground/Enclosed	Exhaust fans without dampers:	N				



	Certificate no.:	0003413465
	Assessor Name:	Damian O'Toole
	Accreditation no.:	20420
	Certificate date:	21 Apr 2020
Dwelling Address: 5 BAY VIEW ST LAVENDER BAY, NSW 2060		
www.nathers.gov.au		

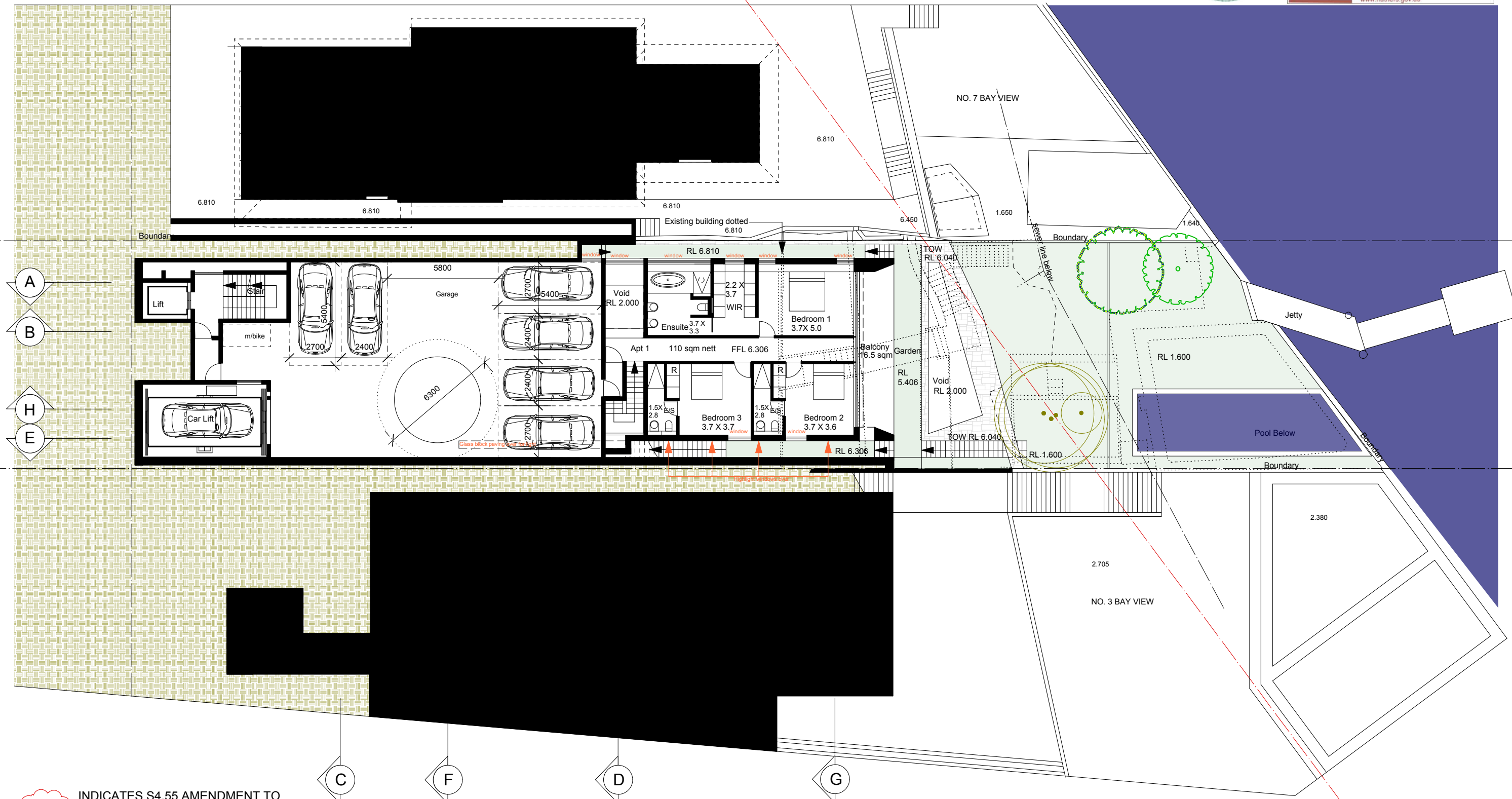



INDICATES S4.55 AMENDMENT TO AMEND CONDITION & REMOVE STEP IN ROOF OVER ENTRY LOBBY

MCK ARCHITECTS STUDIO 401, 104 COMMONWEALTH STREET SURRY HILLS NSW 2010 TEL 02 9211 4146	PROPOSED APARTMENTS AT 5 BAY VIEW STREET LAVENDER BAY FOR YOLANDA CAMUGLIA	COVER SHEET	0 1 2 3 4 5 6 7 8 9 10	SKC
			28 SEPTEMBER 2020	
		DRAWN - MC	JOB NO. 1911	



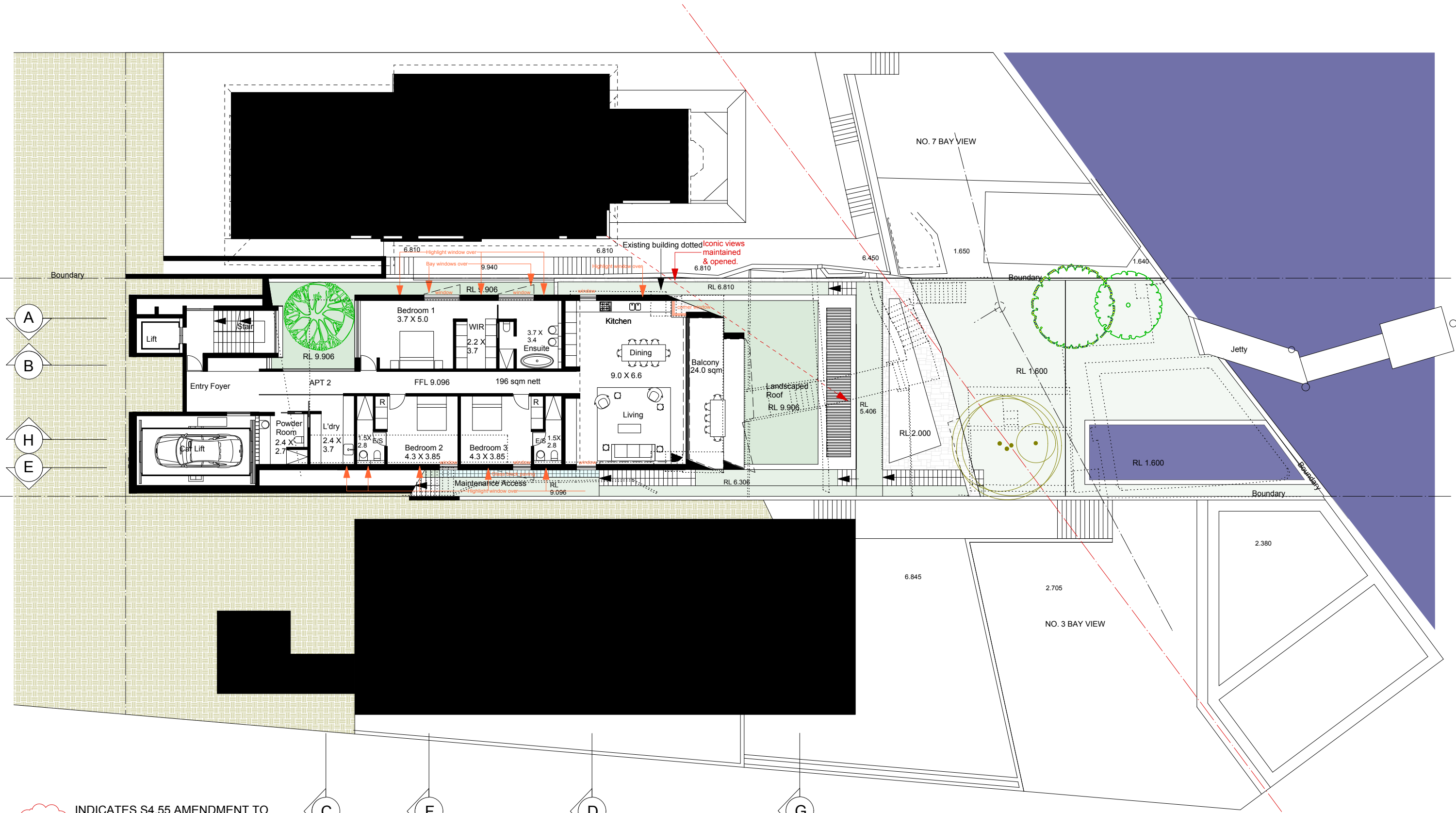
Certificate no.: 0003413465
 Assessor Name: Damian O'Toole
 Accreditation no.: 20420
 Certificate date: 21 Apr 2020
 Dwelling Address:
 5 BAY VIEW ST
 LAVENDER BAY, NSW
 2060
 www.nathers.gov.au




 INDICATES S4.55 AMENDMENT TO AMEND CONDITION & REMOVE STEP IN ROOF OVER ENTRY LOBBY
 NO CHANGES PROPOSED IN THIS DRAWING

NOTES ADDED 200408 AT COUNCILS REQUEST

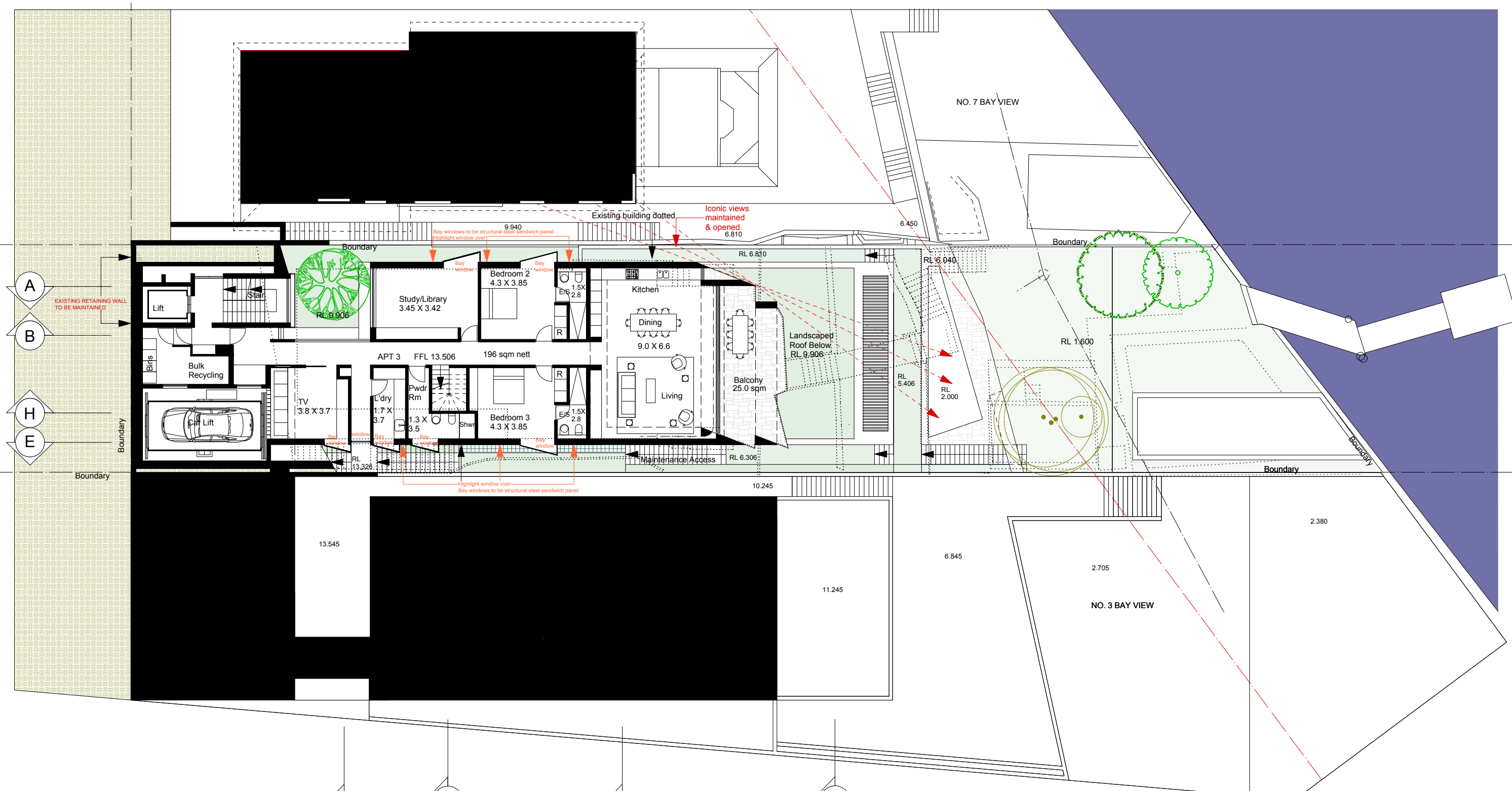
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			1:200 @ A3; 1:100 @ A1	28 SEPTEMBER 2020	
			DRAWN - MC	JOB NO. 1911	




 INDICATES S4.55 AMENDMENT TO AMEND CONDITION & REMOVE STEP IN ROOF OVER ENTRY LOBBY
 NO CHANGES PROPOSED IN THIS DRAWING

NOTES ADDED 200408 AT COUNCILS REQUEST

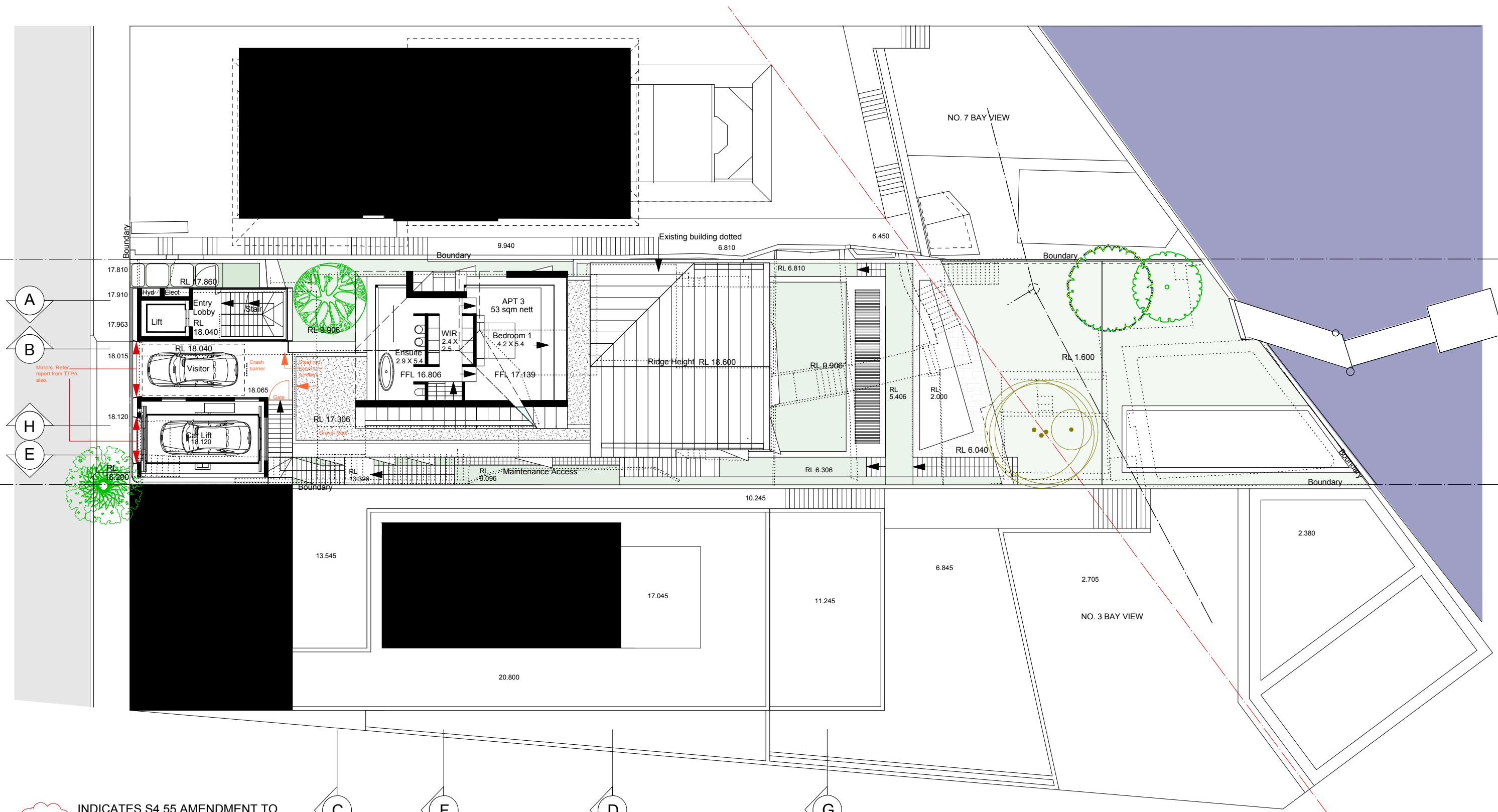
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			1:200 @ A3; 1:100 @ A1	28 SEPTEMBER 2020	
			DRAWN - MC	JOB NO. 1911	



 INDICATES S4.55 AMENDMENT TO AMEND CONDITION & REMOVE STEP IN ROOF OVER ENTRY LOBBY
 NO CHANGES PROPOSED IN THIS DRAWING

NOTES ADDED 200408 AT COUNCILS REQUEST

MCK ARCHITECTS STUDIO 401, 104 COMMONWEALTH STREET SURRY HILLS NSW 2010 TEL 02 9211 4146		PROPOSED APARTMENTS AT 5 BAY VIEW STREET LAVENDER BAY FOR YOLANDA CAMUGLIA	LEVEL 3 PLAN		SK03
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			DRAWN - MC	JOB NO. 1911	



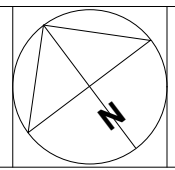
A
B
H
E

C
F
D
G

INDICATES S4.55 AMENDMENT TO AMEND CONDITION & REMOVE STEP IN ROOF OVER ENTRY LOBBY
NO CHANGES PROPOSED IN THIS DRAWING

NOTES ADDED 200408 AT COUNCILS REQUEST

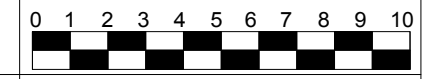
MCK ARCHITECTS
STUDIO 401, 104 COMMONWEALTH STREET
SURRY HILLS NSW 2010 TEL 02 9211 4146



**PROPOSED APARTMENTS AT 5 BAY VIEW STREET LAVENDER BAY
FOR YOLANDA CAMUGLIA**

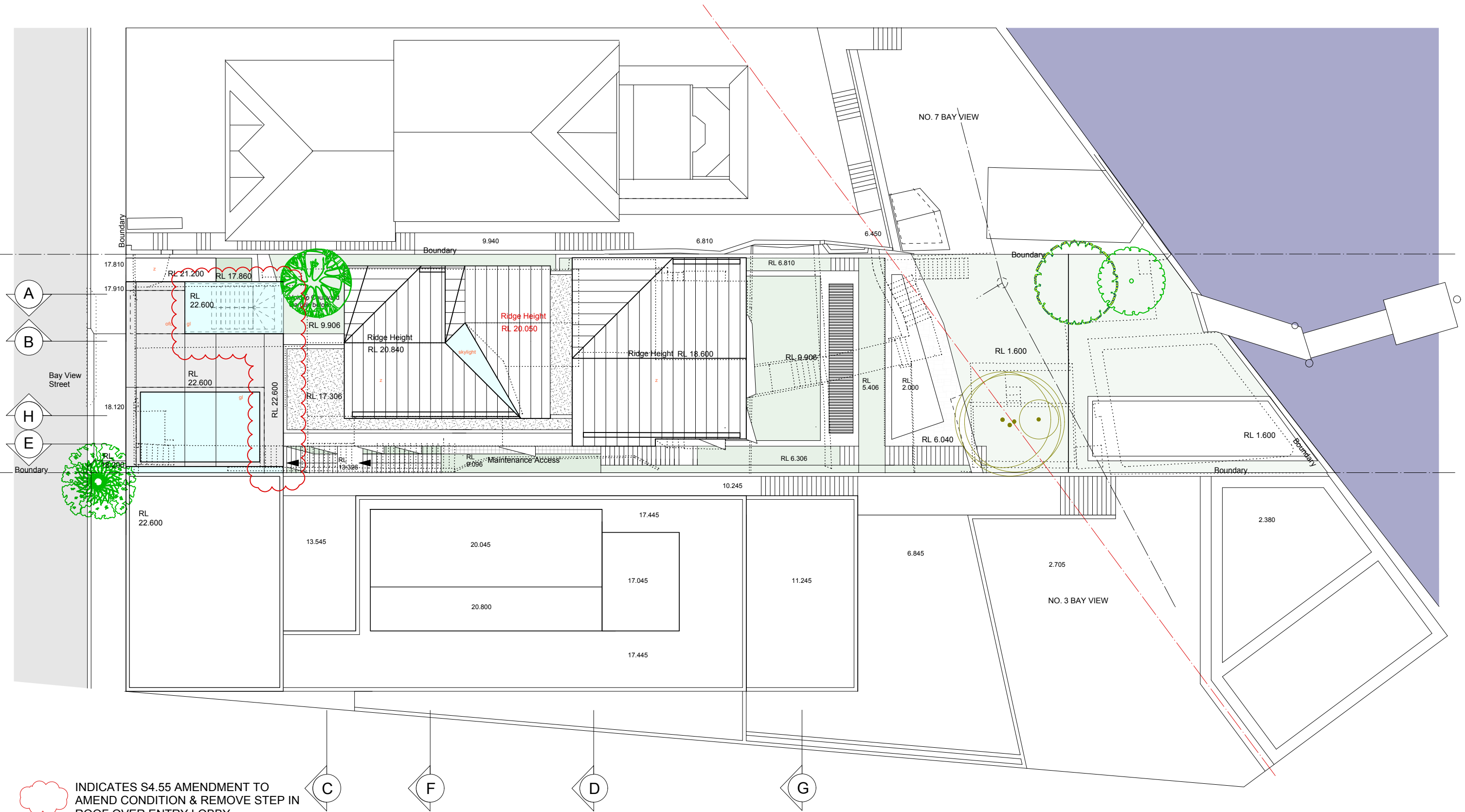
LEVEL 4 PLAN


1:200 @ A3; 1:100 @ A1
DRAWN - MC



28 SEPTEMBER 2020
JOB NO. 1911

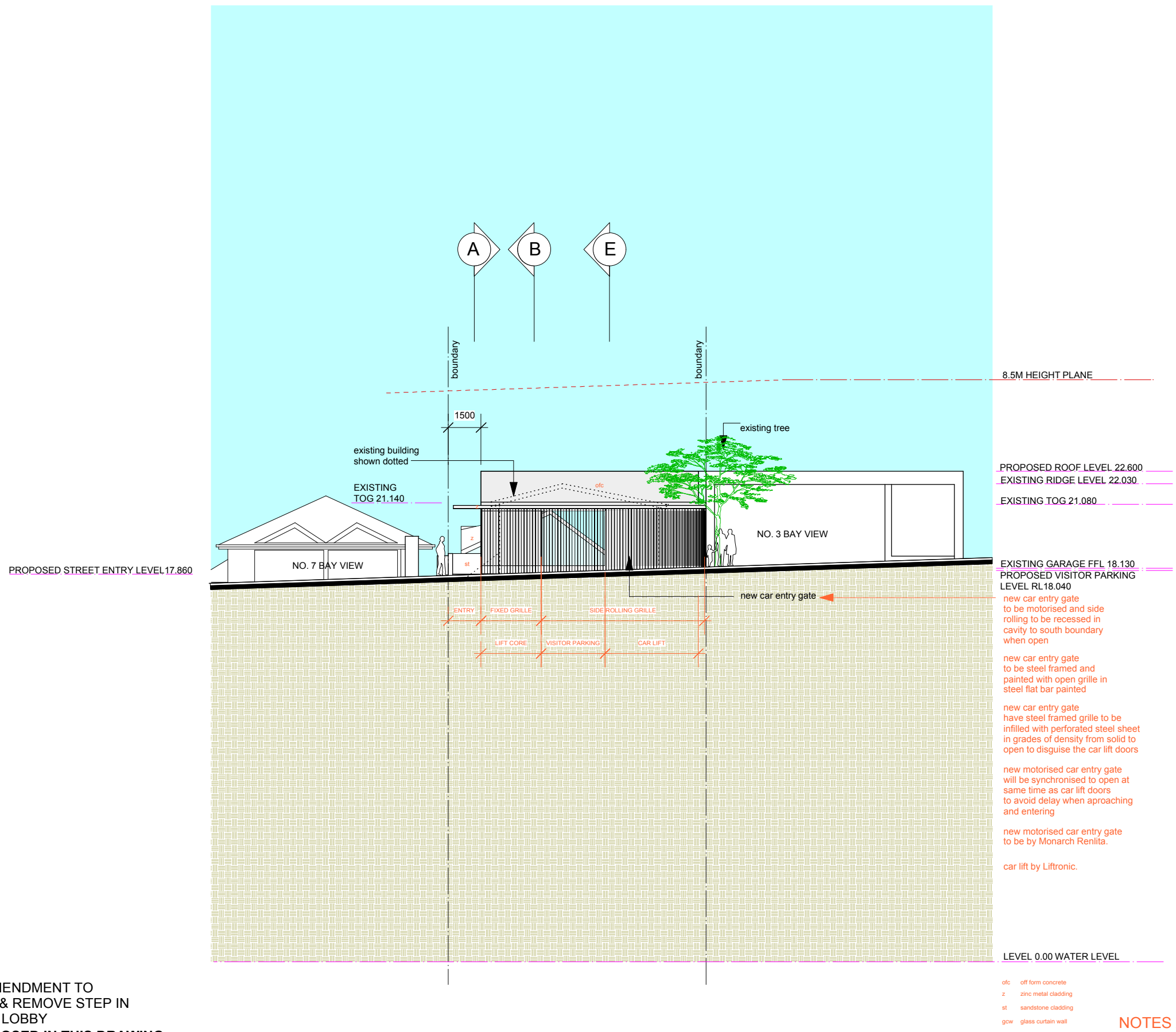
SK04



 INDICATES S4.55 AMENDMENT TO AMEND CONDITION & REMOVE STEP IN ROOF OVER ENTRY LOBBY

NOTES ADDED 200408 AT COUNCILS REQUEST

MCK ARCHITECTS STUDIO 401, 104 COMMONWEALTH STREET SURRY HILLS NSW 2010 TEL 02 9211 4146		PROPOSED APARTMENTS AT 5 BAY VIEW STREET LAVENDER BAY FOR YOLANDA CAMUGLIA	ROOF PLAN		SK05
			1:200 @ A3; 1:100 @ A1	28 SEPTEMBER 2020	
			DRAWN - MC	JOB NO. 1911	

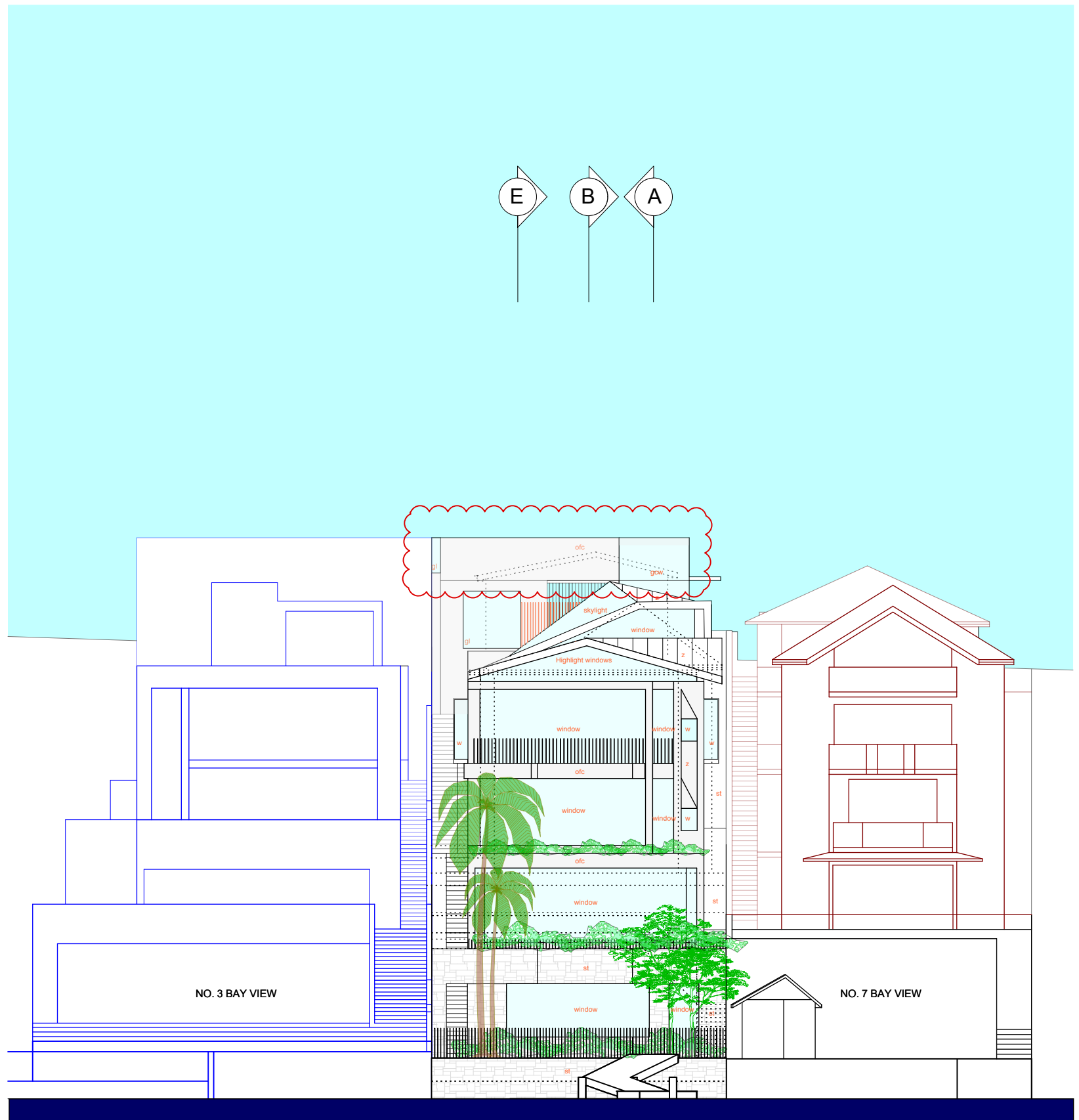


INDICATES S4.55 AMENDMENT TO AMEND CONDITION & REMOVE STEP IN ROOF OVER ENTRY LOBBY
NO CHANGES PROPOSED IN THIS DRAWING

ofc off form concrete
 z zinc metal cladding
 st sandstone cladding
 gcw glass curtain wall

NOTES ADDED 200408 AT COUNCILS REQUEST

MCK ARCHITECTS STUDIO 401, 104 COMMONWEALTH STREET SURRY HILLS NSW 2010 TEL 02 9211 4146	PROPOSED APARTMENTS AT 5 BAY VIEW STREET LAVENDER BAY FOR YOLANDA CAMUGLIA	NORTH-WEST ELEVATION		SK06
		1:200 @ A3; 1:100 @ A1	28 SEPTEMBER 2020	
		DRAWN - MC	JOB NO. 1911	



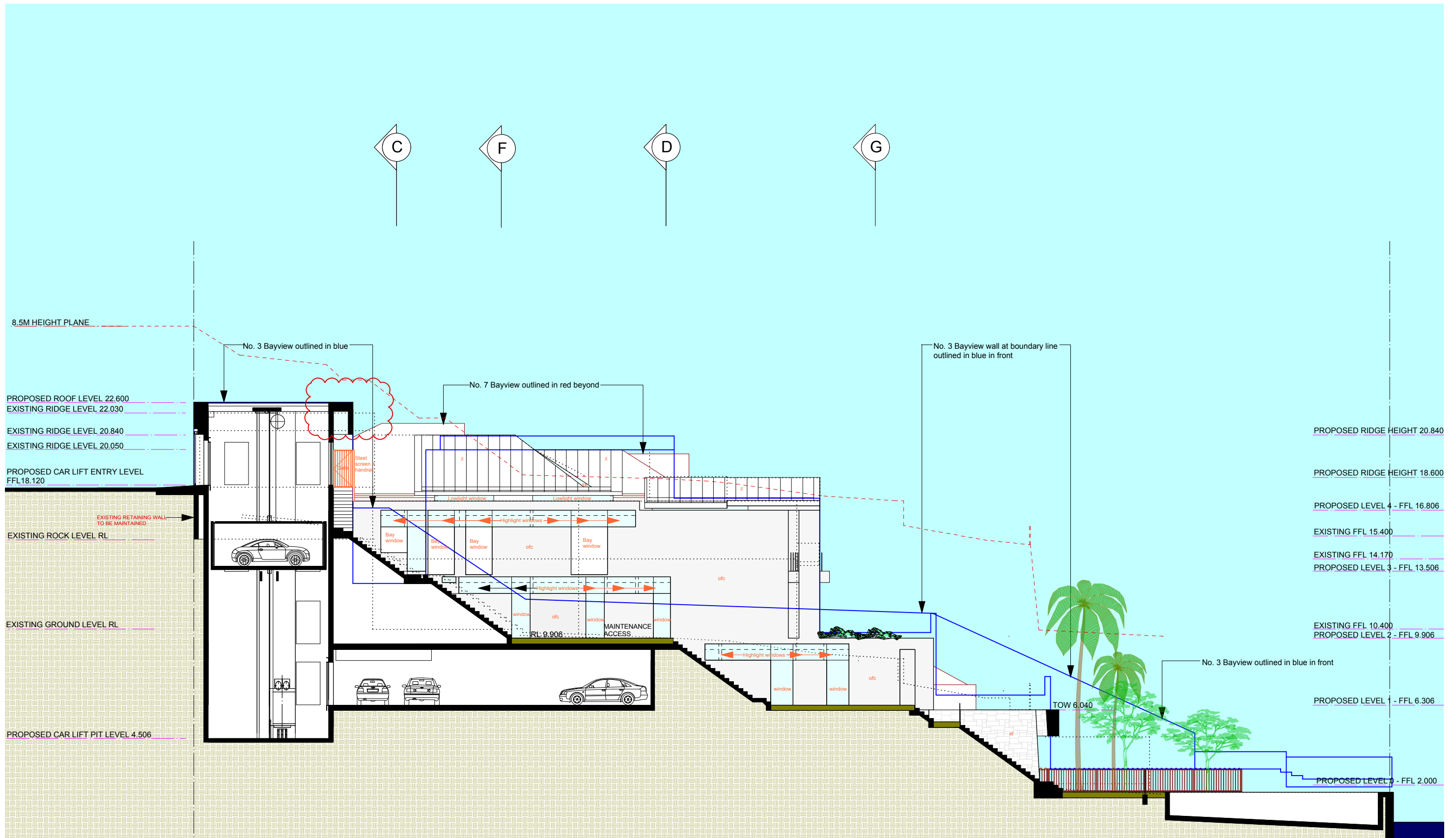
- PROPOSED ROOF HEIGHT 22.600
- PROPOSED RIDGE HEIGHT 20.840 EXISTING RIDGE HEIGHT 20.840
- PROPOSED RIDGE HEIGHT 18.600 EXISTING RIDGE HEIGHT 18.600
- PROPOSED LEVEL 4 - FFL 16.806
- PROPOSED LEVEL 3 - FFL 13.506
- PROPOSED LEVEL 2 - FFL 9.906
- PROPOSED LEVEL 1 - FFL 6.306
- PROPOSED LEVEL 0 - FFL 2.000
- WATER LEVEL RL 0.000

INDICATES S4.55 AMENDMENT TO AMEND CONDITION & REMOVE STEP IN ROOF OVER ENTRY LOBBY

- ofc off form concrete
- z zinc metal cladding
- st sandstone cladding
- gcw glass curtain wall

NOTES ADDED 200408 AT COUNCILS REQUEST

MCK ARCHITECTS STUDIO 401, 104 COMMONWEALTH STREET SURRY HILLS NSW 2010 TEL 02 9211 4146	PROPOSED APARTMENTS AT 5 BAY VIEW STREET LAVENDER BAY FOR YOLANDA CAMUGLIA	SOUTH-EAST ELEVATION 1:200 @ A3; 1:100 @ A1 DRAWN - MC	 28 SEPTEMBER 2020 JOB NO. 1911	SK07
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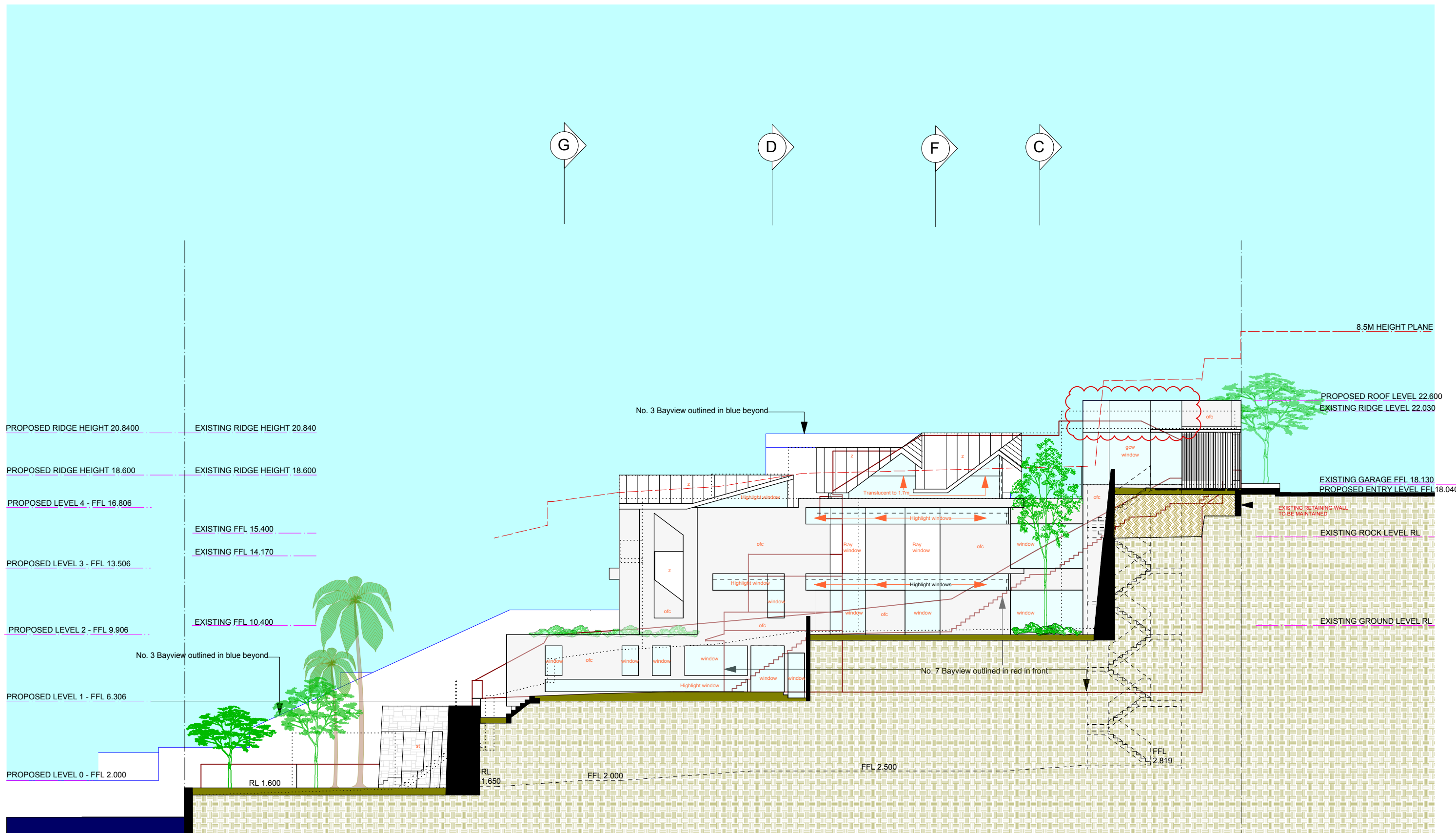


INDICATES S4.55 AMENDMENT TO AMEND CONDITION & REMOVE STEP IN ROOF OVER ENTRY LOBBY

ofc off form concrete
 z zinc metal cladding
 st sandstone cladding
 gow glass curtain wall

NOTES ADDED 200408 AT COUNCILS REQUEST

MCK ARCHITECTS STUDIO 401, 104 COMMONWEALTH STREET SURRY HILLS NSW 2010 TEL 02 9211 4146	PROPOSED APARTMENTS AT 5 BAY VIEW STREET LAVENDER BAY FOR YOLANDA CAMUGLIA	SOUTH-WEST ELEVATION	0 1 2 3 4 5 6 7 8 9 10	SK08
		1:200 @ A3; 1:100 @ A1	28 SEPTEMBER 2020	
		DRAWN - MC	JOB NO. 1911	



INDICATES S4.55 AMENDMENT TO AMEND CONDITION & REMOVE STEP IN ROOF OVER ENTRY LOBBY

o/c off form concrete
z zinc metal cladding
st sandstone cladding
gow glass curtain wall

NOTES ADDED 200408 AT COUNCILS REQUEST

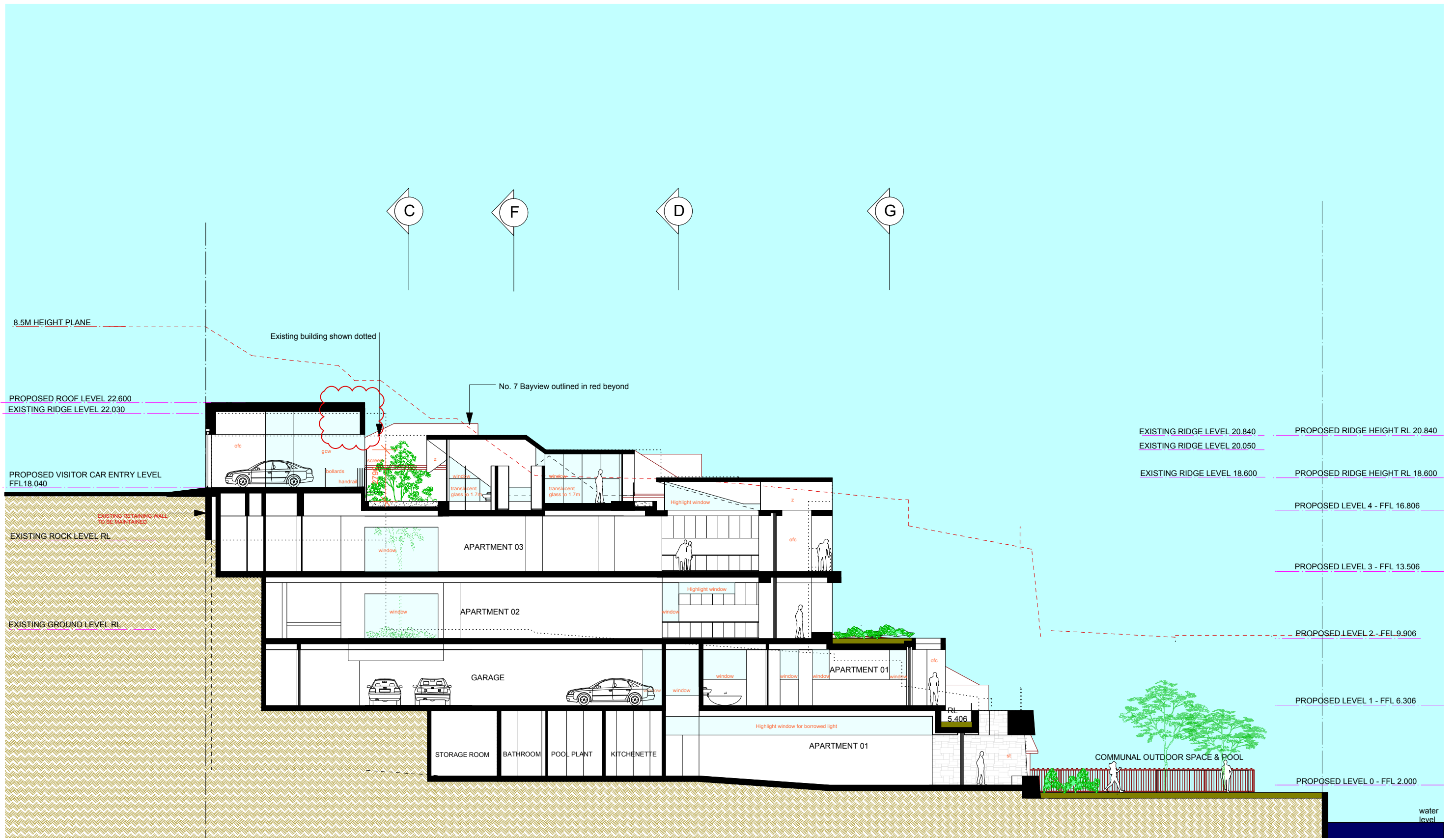
MCK ARCHITECTS STUDIO 401, 104 COMMONWEALTH STREET SURRY HILLS NSW 2010 TEL 02 9211 4146	PROPOSED APARTMENTS AT 5 BAY VIEW STREET LAVENDER BAY FOR YOLANDA CAMUGLIA	NORTH-EAST ELEVATION	0 1 2 3 4 5 6 7 8 9 10 	SK09
		1:200 @ A3; 1:100 @ A1	28 SEPTEMBER 2020	
		DRAWN - MC	JOB NO. 1911	



INDICATES S4.55 AMENDMENT TO AMEND CONDITION & REMOVE STEP IN ROOF OVER ENTRY LOBBY

NOTES ADDED 200408 AT COUNCILS REQUEST

MCK ARCHITECTS STUDIO 401, 104 COMMONWEALTH STREET SURRY HILLS NSW 2010 TEL 02 9211 4146	PROPOSED APARTMENTS AT 5 BAY VIEW STREET LAVENDER BAY FOR YOLANDA CAMUGLIA	SECTION A-A	0 1 2 3 4 5 6 7 8 9 10	SK10
		1:200 @ A3; 1:100 @ A1	28 SEPTEMBER 2020	
		DRAWN - MC	JOB NO. 1911	



INDICATES S4.55 AMENDMENT TO AMEND CONDITION & REMOVE STEP IN ROOF OVER ENTRY LOBBY

NOTES ADDED 200408 AT COUNCILS REQUEST

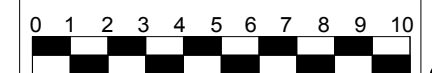
MCK ARCHITECTS
STUDIO 401, 104 COMMONWEALTH STREET
SURRY HILLS NSW 2010 TEL 02 9211 4146

**PROPOSED APARTMENTS AT 5 BAY VIEW STREET LAVENDER BAY
FOR YOLANDA CAMUGLIA**

SECTION B-B

1:200 @ A3; 1:100 @ A1

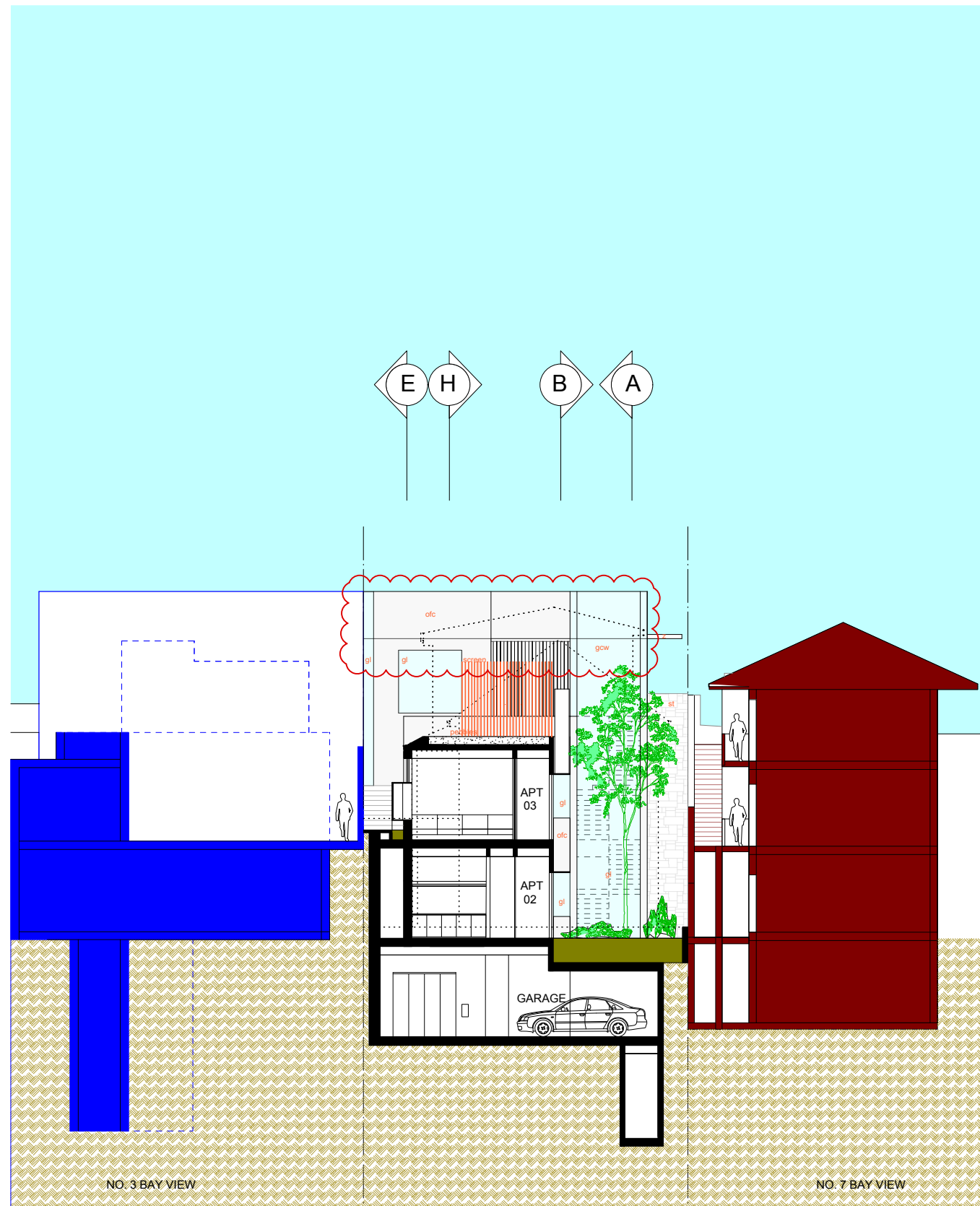
DRAWN - MC



28 SEPTEMBER 2020

JOB NO. 1911

SK11



PROPOSED ROOF LEVEL RL 22.600
 EXISTING RIDGE LEVEL RL 22.030

PROPOSED ENTRY LOBBY LEVEL RL 18.040
 PROPOSED ROOF LEVEL RL 17.306

EXISTING FFL 14.150
 PROPOSED LEVEL 3 - FFL 13.506

EXISTING FFL 10.450
 PROPOSED LEVEL 2 - FFL 9.906

PROPOSED COURTYARD LEVEL 9.906

PROPOSED LEVEL 1 - FFL 6.306

PROPOSED LEVEL 0 - FFL 2.000

ofc off form concrete
 z zinc metal cladding
 st sandstone cladding
 gcw glass curtain wall
 gl glass

NOTES ADDED 200408 AT COUNCILS REQUEST
 NOTE: RED BUBBLES INDICATE CHANGES DATED 16 APRIL 2020

INDICATES S4.55 AMENDMENT TO
 AMEND CONDITION & REMOVE STEP IN
 ROOF OVER ENTRY LOBBY

Relocation of storage room to Level O from Level 1

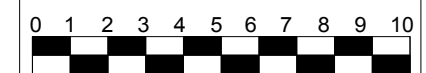
MCK ARCHITECTS
 STUDIO 401, 104 COMMONWEALTH STREET
 SURRY HILLS NSW 2010 TEL 02 9211 4146

**PROPOSED APARTMENTS AT 5 BAY VIEW STREET LAVENDER BAY
 FOR YOLANDA CAMUGLIA**

SECTION C-C

1:200 @ A3; 1:100 @ A1

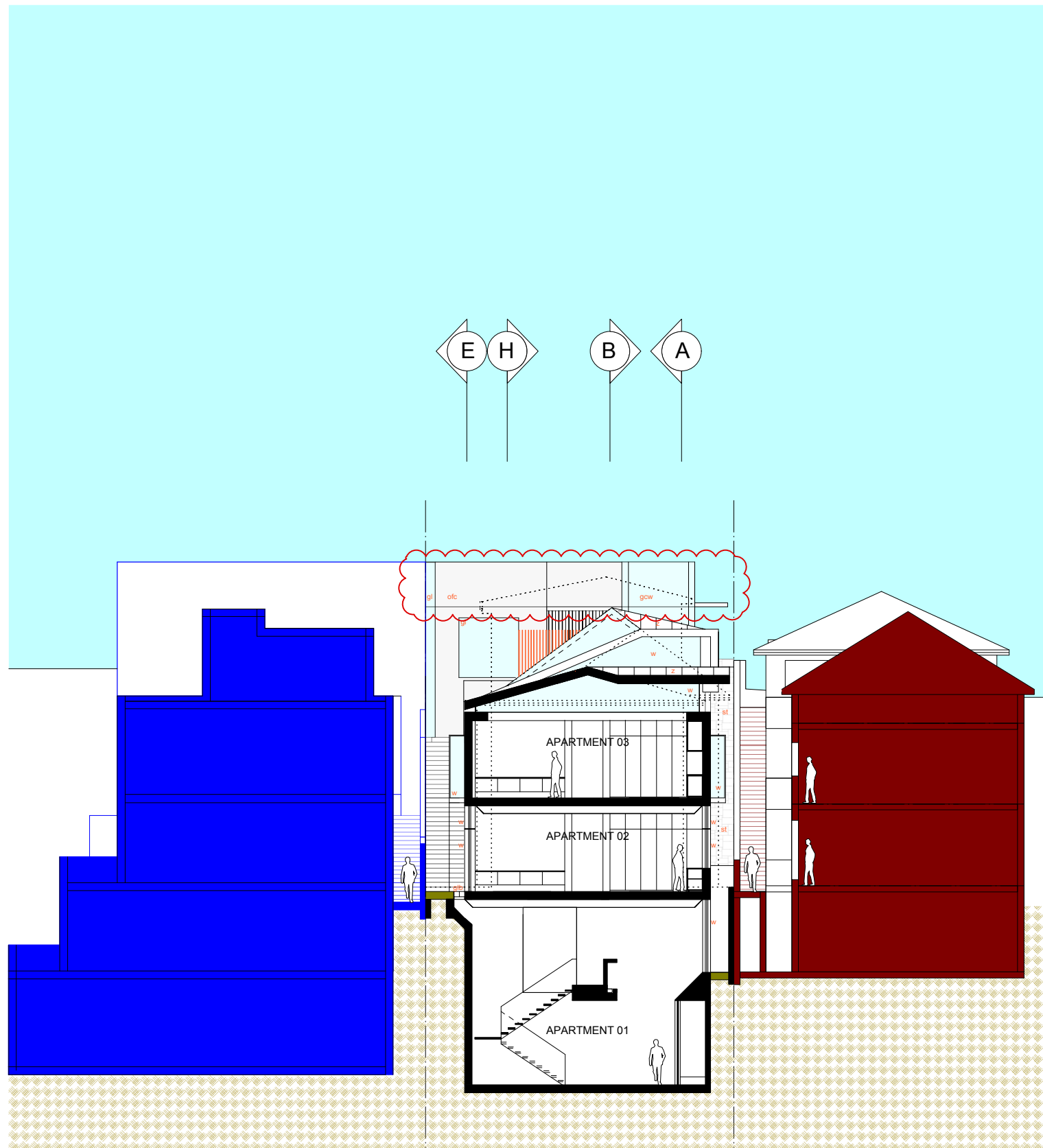
DRAWN - MC



28 SEPTEMBER 2020

JOB NO. 1911

SK12



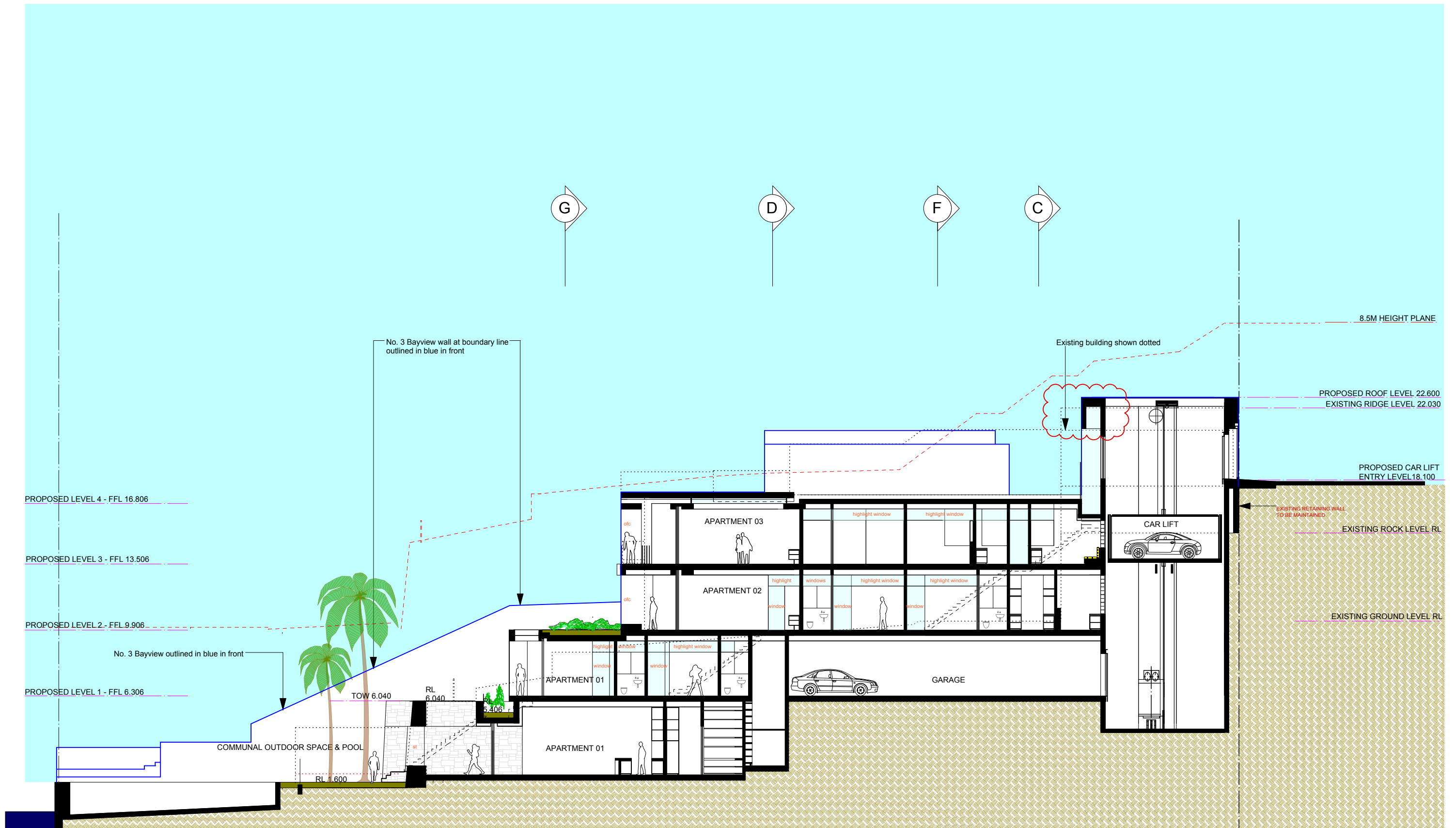
	PROPOSED ROOF LEVEL RL 22.600
	EXISTING RIDGE LEVEL RL 22.030
EXISTING RIDGE HEIGHT RL 20.840	PROPOSED RIDGE HEIGHT RL 20.840
EXISTING RIDGE HEIGHT RL 18.600	PROPOSED RIDGE HEIGHT RL 18.600
PROPOSED TOP OF WALL RL 16.806	PROPOSED LEVEL 4 - FFL 16.806
	EXISTING FFL 14.150
	PROPOSED LEVEL 3 - FFL 13.506
PROPOSED GROUND LEVEL 10.485	EXISTING FFL 10.450
	PROPOSED LEVEL 2 - FFL 9.906
	PROPOSED LEVEL 1 - FFL 6.306
	PROPOSED LEVEL 0 - FFL 2.500
	PROPOSED LEVEL 0 - FFL 2.000

INDICATES S4.55 AMENDMENT TO AMEND CONDITION & REMOVE STEP IN ROOF OVER ENTRY LOBBY

ofc off form concrete
 z zinc metal cladding
 st sandstone cladding
 gow glass curtain wall
 gl glass

NOTES ADDED 200408 AT COUNCILS REQUEST

MCK ARCHITECTS STUDIO 401, 104 COMMONWEALTH STREET SURRY HILLS NSW 2010 TEL 02 9211 4146	PROPOSED APARTMENTS AT 5 BAY VIEW STREET LAVENDER BAY FOR YOLANDA CAMUGLIA	SECTION D-D	0 1 2 3 4 5 6 7 8 9 10	SK13
		1:200 @ A3; 1:100 @ A1	28 SEPTEMBER 2020	
		DRAWN - MC	JOB NO. 1911	



INDICATES S4.55 AMENDMENT TO AMEND CONDITION & REMOVE STEP IN ROOF OVER ENTRY LOBBY

ofc off form concrete
 z zinc metal cladding
 st sandstone cladding
 gow glass curtain wall
 gl glass

NOTES ADDED 200408 AT COUNCILS REQUEST

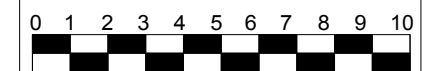
MCK ARCHITECTS
 STUDIO 401, 104 COMMONWEALTH STREET
 SURRY HILLS NSW 2010 TEL 02 9211 4146

**PROPOSED APARTMENTS AT 5 BAY VIEW STREET LAVENDER BAY
 FOR YOLANDA CAMUGLIA**

SECTION E-E

1:200 @ A3; 1:100 @ A1

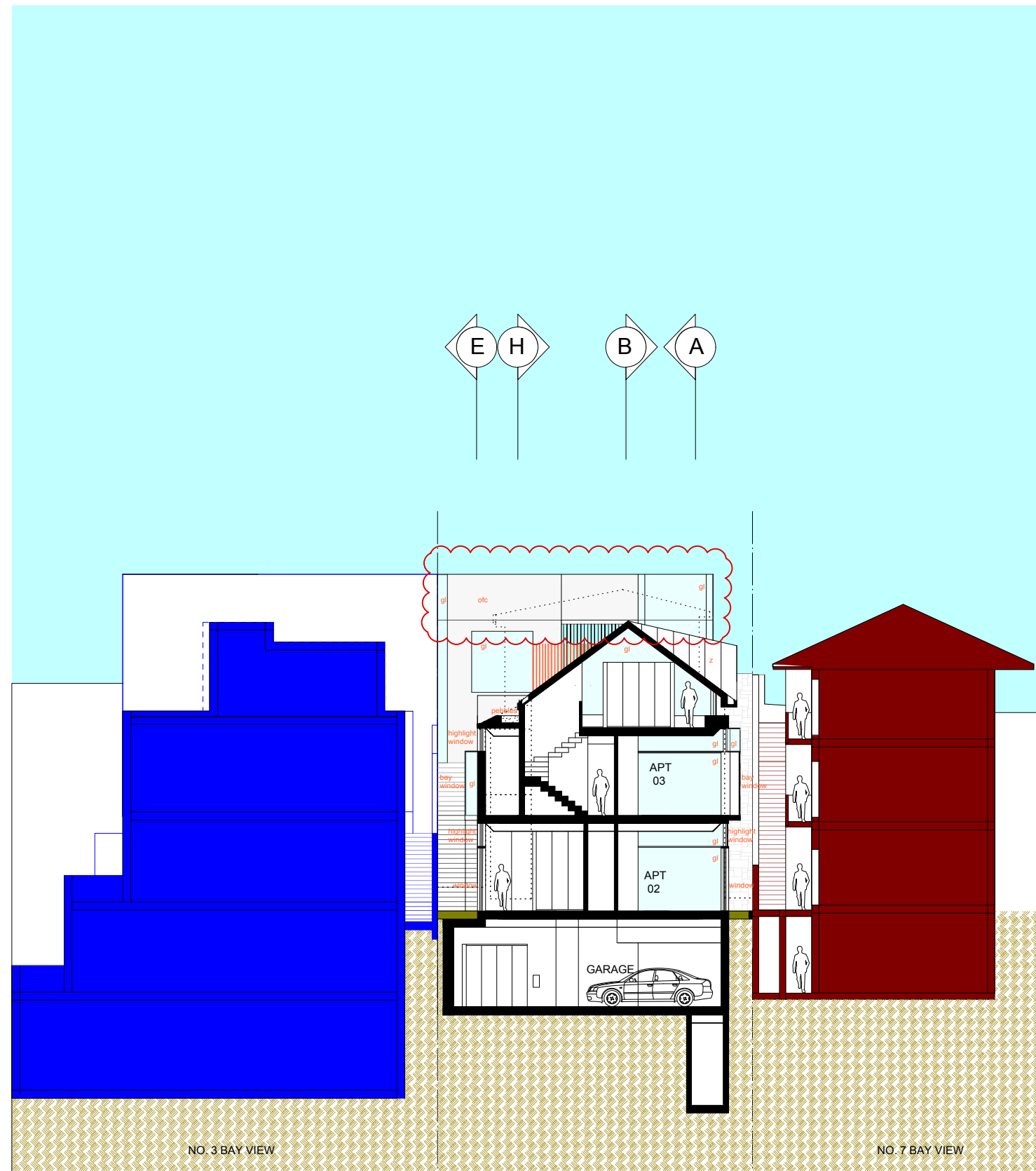
DRAWN - MC



28 SEPTEMBER 2020

JOB NO. 1911

SK14



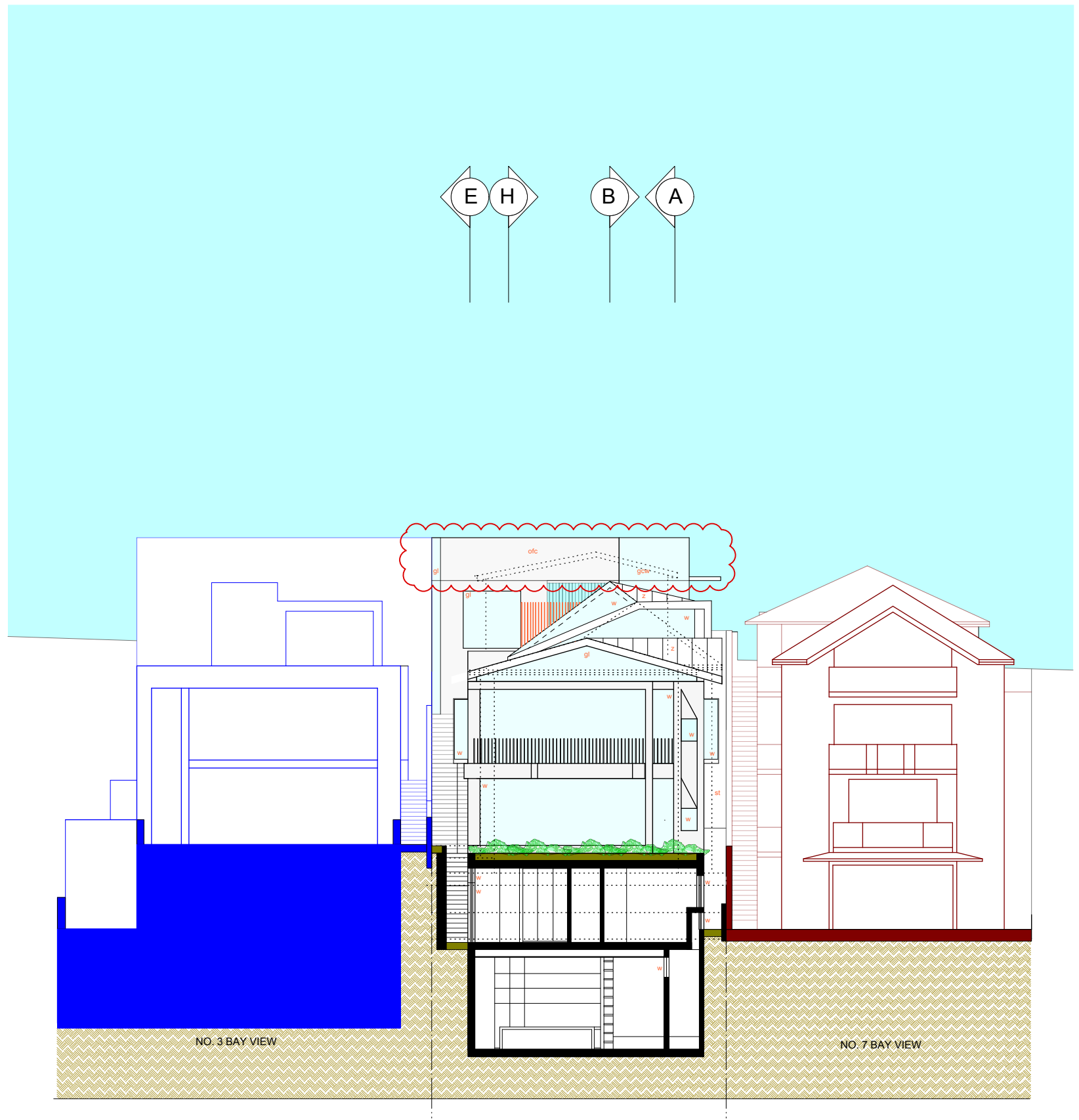
PROPOSED PARAPET HEIGHT RL 22.025	PROPOSED ROOF LEVEL RL 22.600
EXISTING RIDGE HEIGHT RL 20.840	EXISTING RIDGE LEVEL RL 22.030
EXISTING RIDGE HEIGHT RL 18.600	PROPOSED RIDGE HEIGHT RL 20.840
	PROPOSED WALL HEIGHT RL 18.600
	PROPOSED GARAGE LEVEL FFL 17.875
	PROPOSED STREET ENTRY LEVEL RL 17.820
	PROPOSED LEVEL 4 - FFL 16.806
	EXISTING FFL 14.150
	PROPOSED LEVEL 3 - FFL 13.506
	EXISTING FFL 10.450
	PROPOSED LEVEL 2 - FFL 9.906
	PROPOSED LEVEL 1 - FFL 6.306
	PROPOSED LEVEL 0 - FFL 1.650

INDICATES S4.55 AMENDMENT TO AMEND CONDITION & REMOVE STEP IN ROOF OVER ENTRY LOBBY

- ofc off form concrete
- z zinc metal cladding
- st sandstone cladding
- gow glass curtain wall
- gl glass

NOTES ADDED 200408 AT COUNCILS REQUEST

MCK ARCHITECTS STUDIO 401, 104 COMMONWEALTH STREET SURRY HILLS NSW 2010 TEL 02 9211 4146	PROPOSED APARTMENTS AT 5 BAY VIEW STREET LAVENDER BAY FOR YOLANDA CAMUGLIA	SECTION F-F	0 1 2 3 4 5 6 7 8 9 10	SK15
		1:200 @ A3; 1:100 @ A1	28 SEPTEMBER 2020	
		DRAWN - MC	JOB NO. 1911	



- PROPOSED ROOF HEIGHT 22.600
- PROPOSED RIDGE HEIGHT 20.840 EXISTING RIDGE HEIGHT 20.840
- PROPOSED RIDGE HEIGHT 18.600 EXISTING RIDGE HEIGHT 18.600
- PROPOSED LEVEL 4 - FFL 16.806
- PROPOSED LEVEL 3 - FFL 13.506
- PROPOSED LEVEL 2 - FFL 9.906
- PROPOSED LEVEL 1 - FFL 6.306
- PROPOSED LEVEL 0 - FFL 2.000
- WATER LEVEL RL 0.000

INDICATES S4.55 AMENDMENT TO AMEND CONDITION & REMOVE STEP IN ROOF OVER ENTRY LOBBY

- ofc off form concrete
- z zinc metal cladding
- st sandstone cladding
- gow glass curtain wall
- gl glass

NOTES ADDED 200408 AT COUNCILS REQUEST

NOTE: RED BUBBLES INDICATE CHANGES DATED 16 APRIL 2020

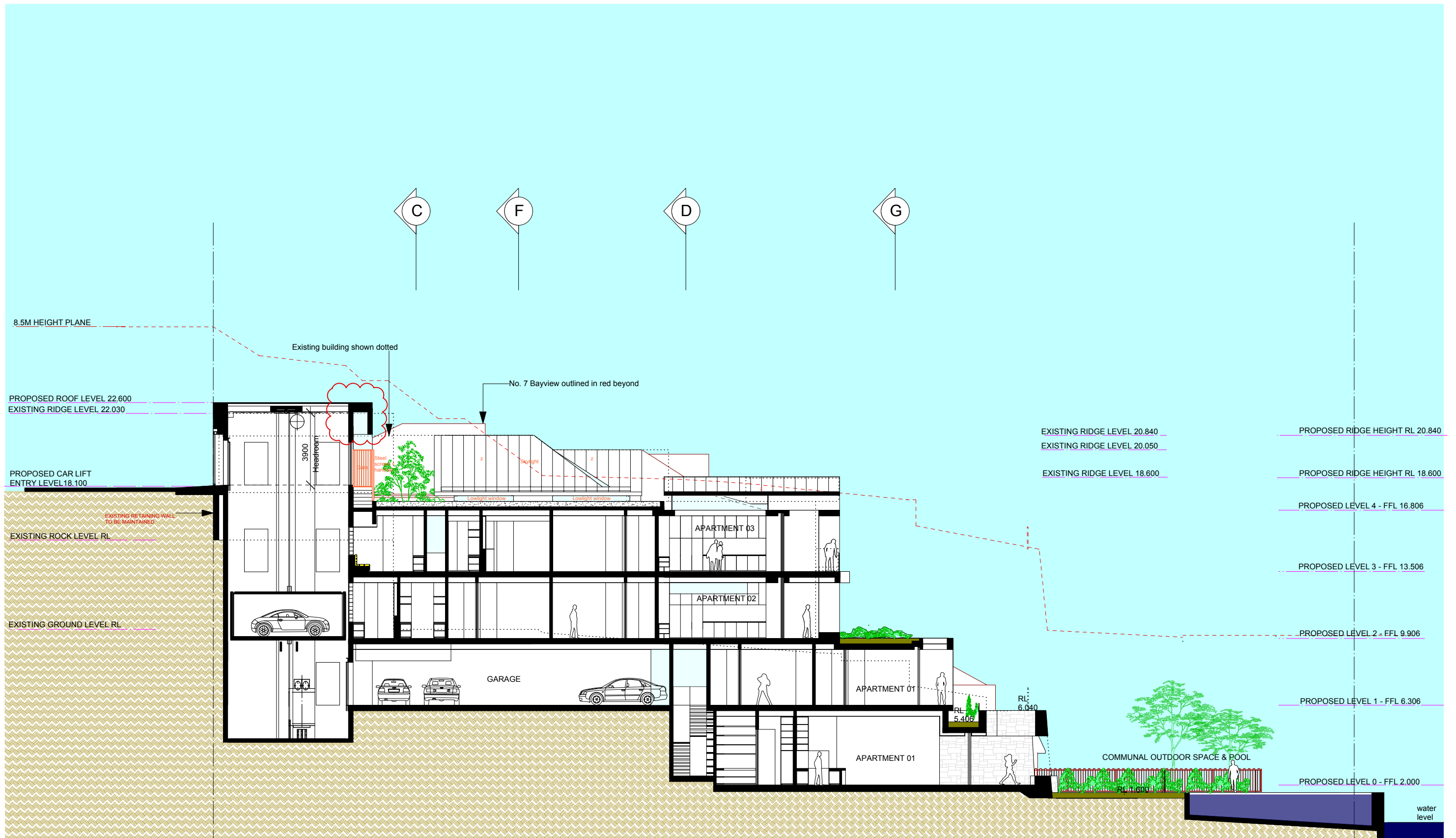
MCK ARCHITECTS
 STUDIO 401, 104 COMMONWEALTH STREET
 SURRY HILLS NSW 2010 TEL 02 9211 4146


PROPOSED APARTMENTS AT 5 BAY VIEW STREET LAVENDER BAY FOR YOLANDA CAMUGLIA

SECTION G-G
 1:200 @ A3; 1:100 @ A1
 DRAWN - MC

0	1	2	3	4	5	6	7	8	9	10
28 SEPTEMBER 2020										
JOB NO. 1911										

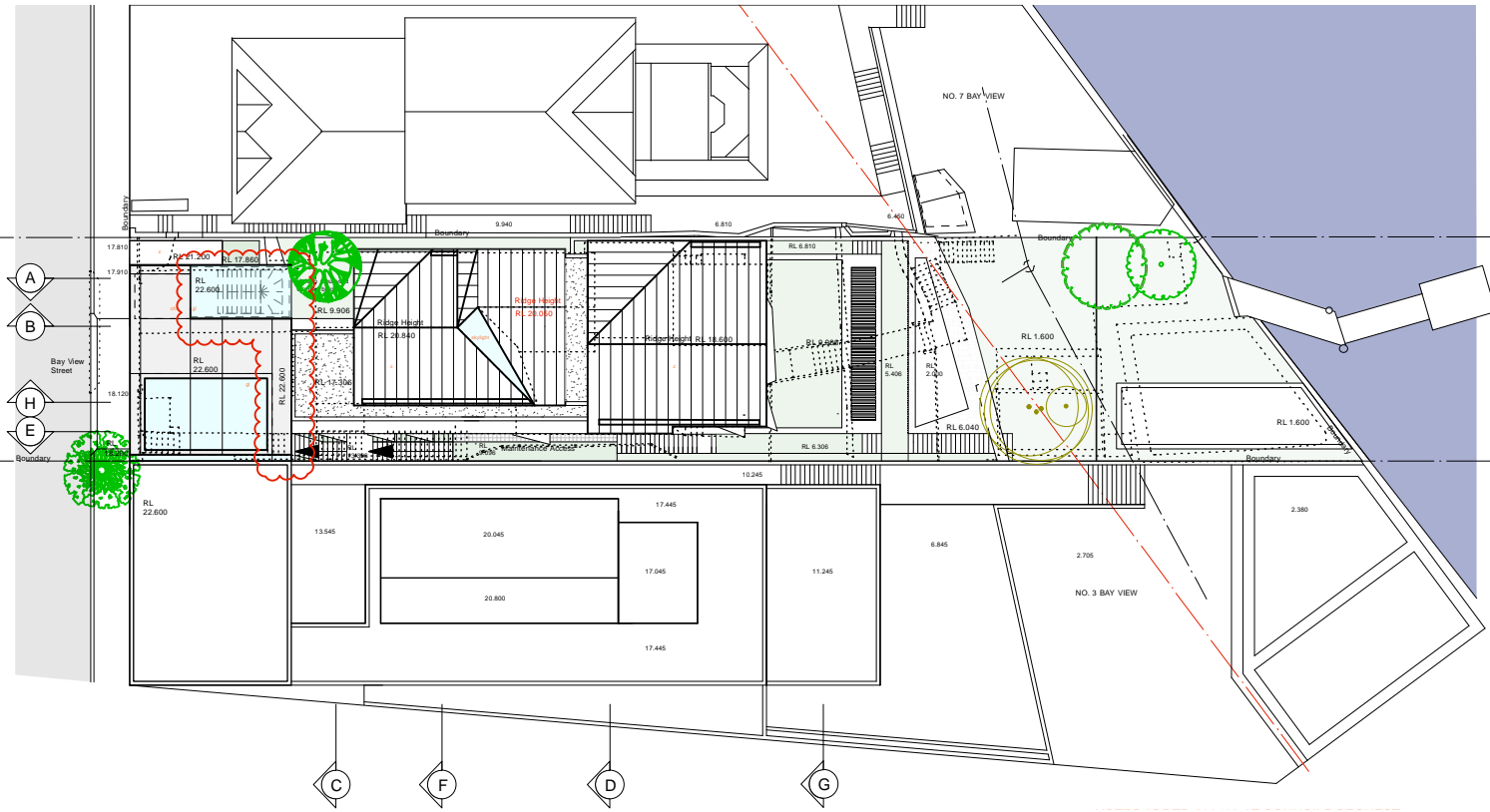
SK16



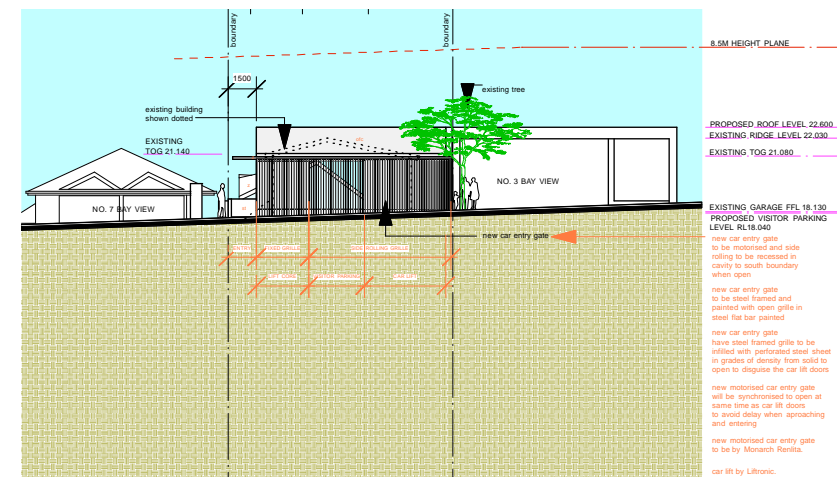
 INDICATES S4.55 AMENDMENT TO AMEND CONDITION & REMOVE STEP IN ROOF OVER ENTRY LOBBY

NOTES ADDED 200408 AT COUNCILS REQUEST

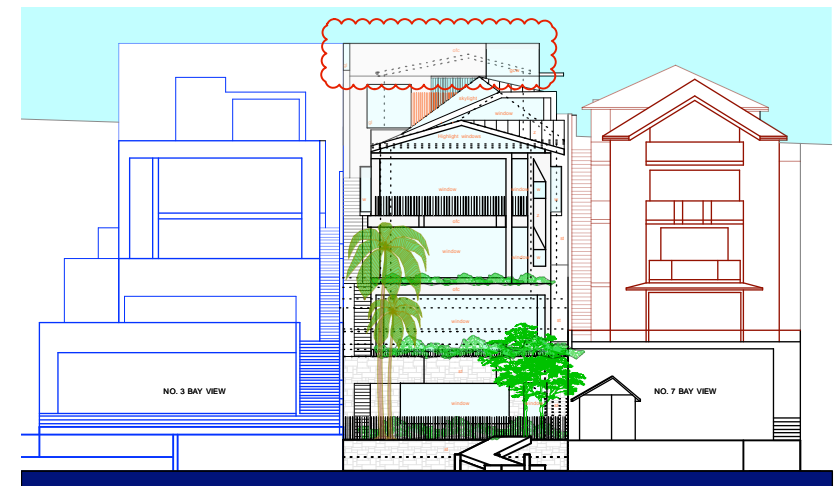
MCK ARCHITECTS STUDIO 401, 104 COMMONWEALTH STREET SURRY HILLS NSW 2010 TEL 02 9211 4146	PROPOSED APARTMENTS AT 5 BAY VIEW STREET LAVENDER BAY FOR YOLANDA CAMUGLIA	SECTION H-H	0 1 2 3 4 5 6 7 8 9 10	SK17
		1:200 @ A3; 1:100 @ A1	28 SEPTEMBER 2020	
		DRAWN - MC	JOB NO. 1911	



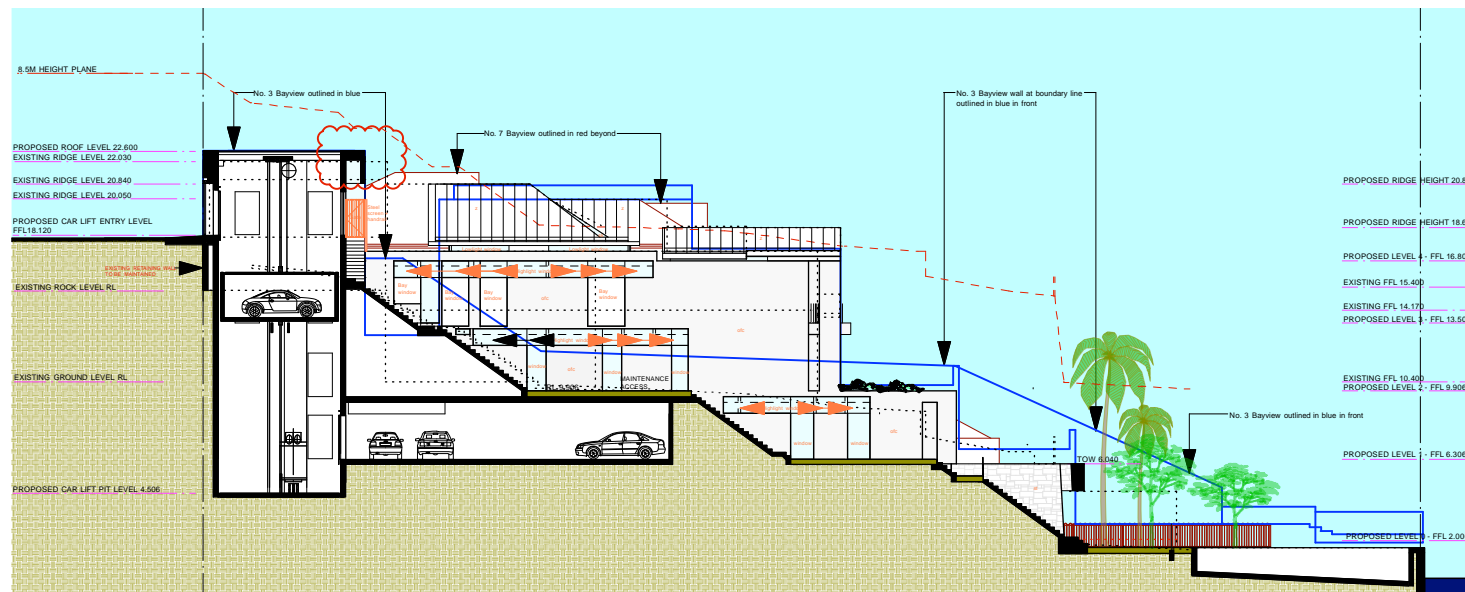
ROOF PLAN



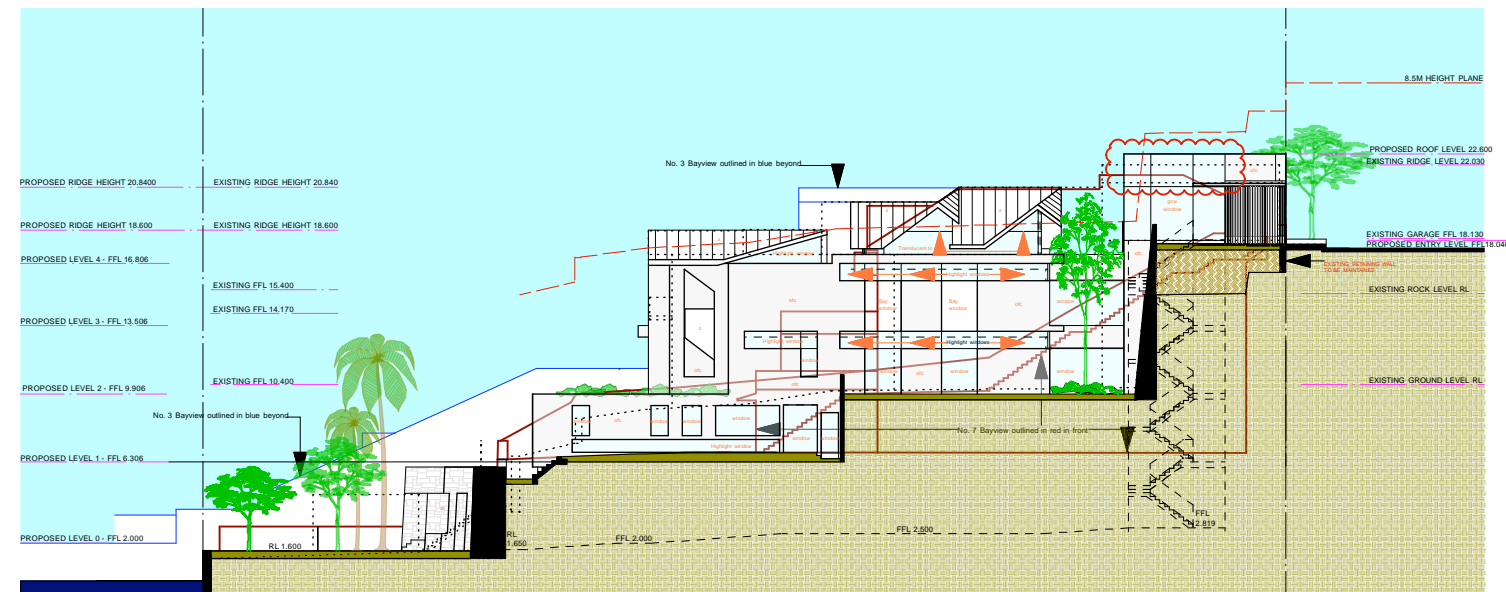
NORTH WEST ELEVATION



SOUTH EAST ELEVATION



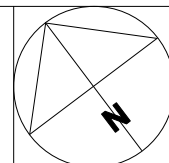
SOUTH WEST ELEVATION



NORTH EAST ELEVATION

INDICATES S4.55 AMENDMENT TO AMEND CONDITION & REMOVE STEP IN ROOF OVER ENTRY LOBBY

MCK ARCHITECTS
STUDIO 401, 104 COMMONWEALTH STREET
SURRY HILLS NSW 2010 TEL 02 9211 4146



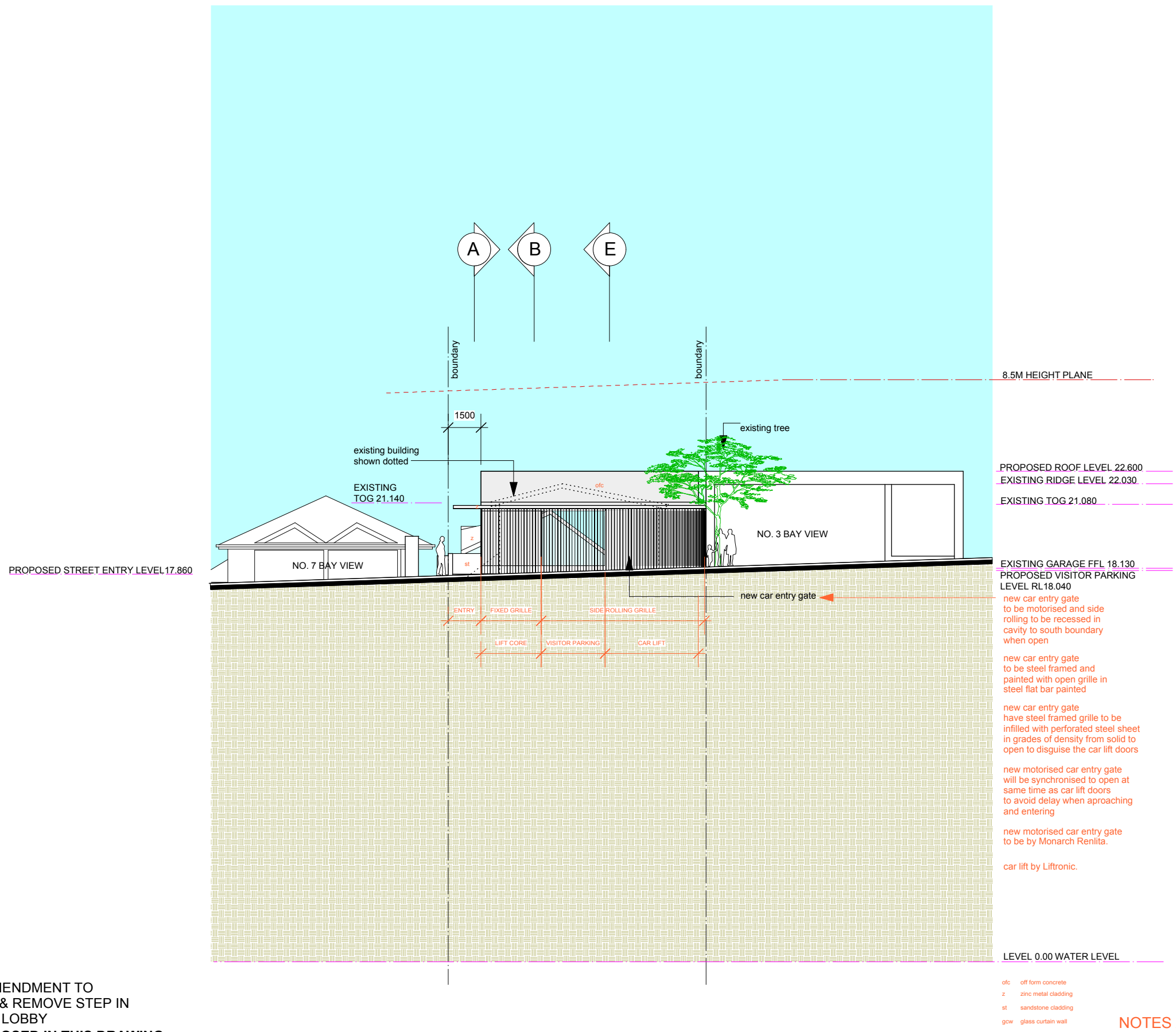
PROPOSED APARTMENTS AT 5 BAY VIEW STREET LAVENDER BAY
FOR YOLANDA CAMUGLIA

NOTIFICATION SHEET

1:400 @ A3
 DRAWN - MC

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28 SEPTEMBER 2020										
JOB NO. 1911										

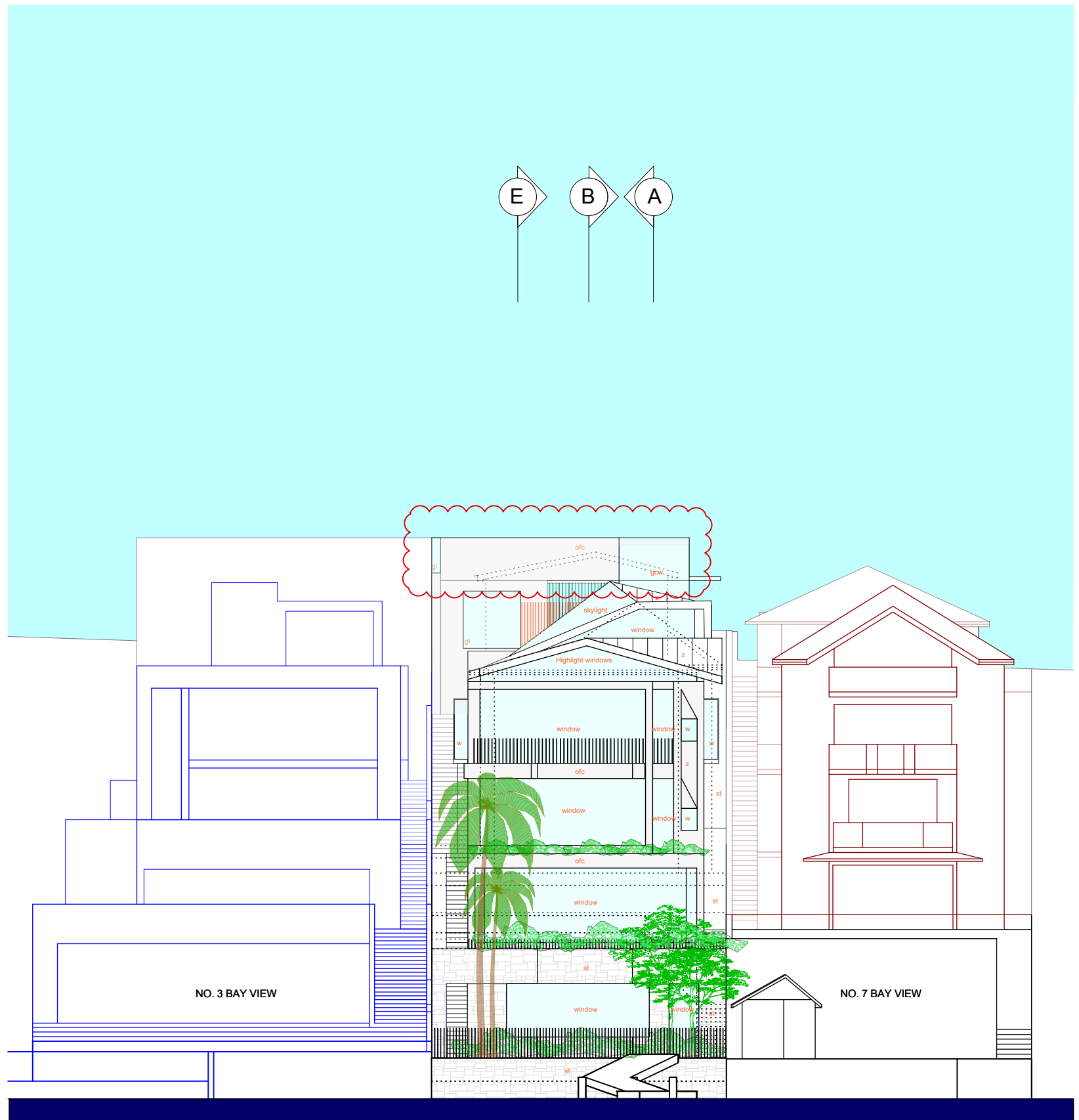
SK25



NOTES ADDED 200408 AT COUNCILS REQUEST

INDICATES S4.55 AMENDMENT TO AMEND CONDITION & REMOVE STEP IN ROOF OVER ENTRY LOBBY
NO CHANGES PROPOSED IN THIS DRAWING

MCK ARCHITECTS STUDIO 401, 104 COMMONWEALTH STREET SURRY HILLS NSW 2010 TEL 02 9211 4146	PROPOSED APARTMENTS AT 5 BAY VIEW STREET LAVENDER BAY FOR YOLANDA CAMUGLIA	NORTH-WEST ELEVATION		SK06
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		DRAWN - MC	JOB NO. 1911	



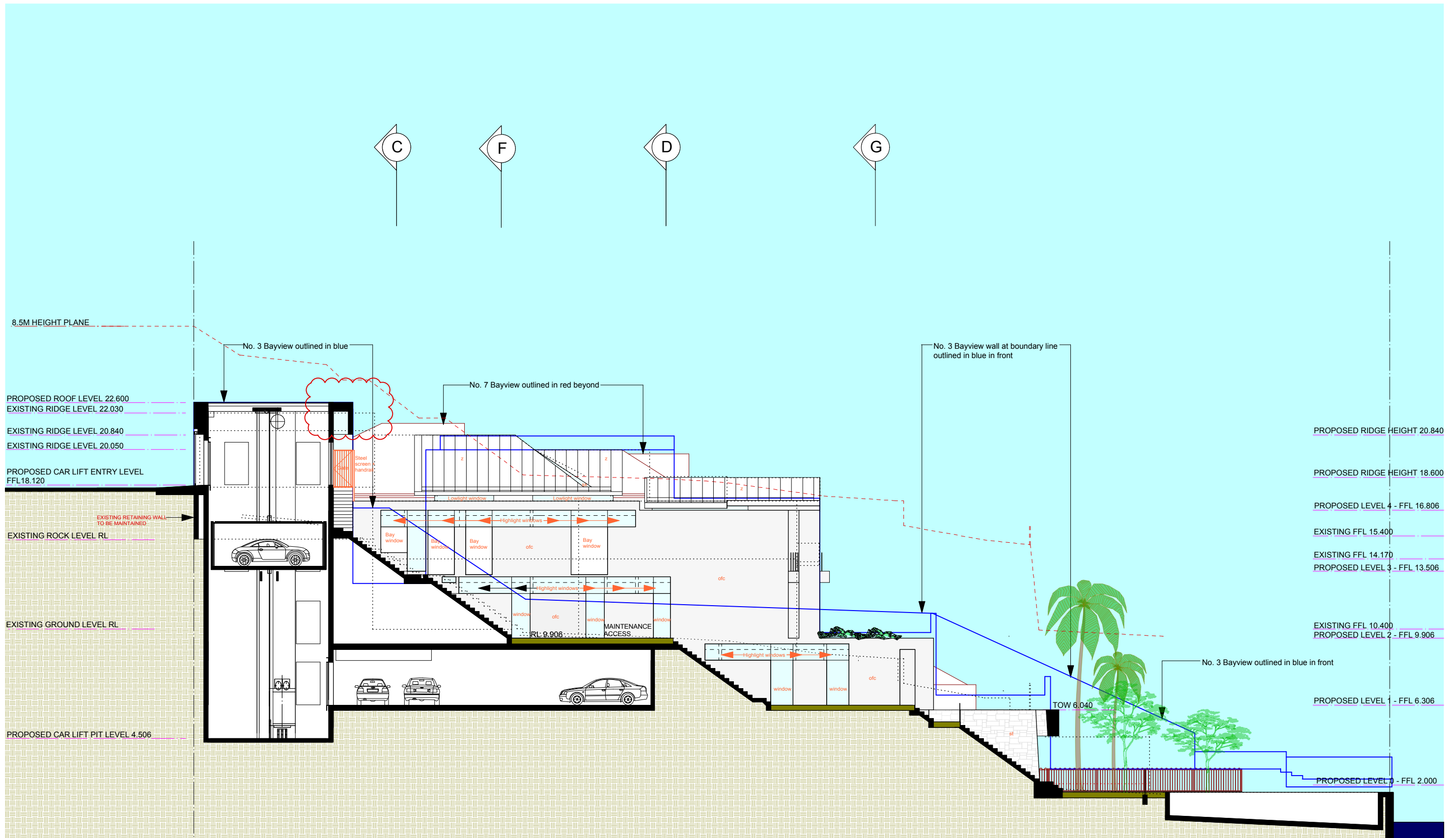
- PROPOSED ROOF HEIGHT 22.600
- PROPOSED RIDGE HEIGHT 20.840 EXISTING RIDGE HEIGHT 20.840
- PROPOSED RIDGE HEIGHT 18.600 EXISTING RIDGE HEIGHT 18.600
- PROPOSED LEVEL 4 - FFL 16.806
- PROPOSED LEVEL 3 - FFL 13.506
- PROPOSED LEVEL 2 - FFL 9.906
- PROPOSED LEVEL 1 - FFL 6.306
- PROPOSED LEVEL 0 - FFL 2.000
- WATER LEVEL RL 0.000

INDICATES S4.55 AMENDMENT TO AMEND CONDITION & REMOVE STEP IN ROOF OVER ENTRY LOBBY

ofc off form concrete
 z zinc metal cladding
 st sandstone cladding
 gcw glass curtain wall

NOTES ADDED 200408 AT COUNCILS REQUEST

MCK ARCHITECTS STUDIO 401, 104 COMMONWEALTH STREET SURRY HILLS NSW 2010 TEL 02 9211 4146	PROPOSED APARTMENTS AT 5 BAY VIEW STREET LAVENDER BAY FOR YOLANDA CAMUGLIA	SOUTH-EAST ELEVATION		SK07
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		DRAWN - MC	JOB NO. 1911	

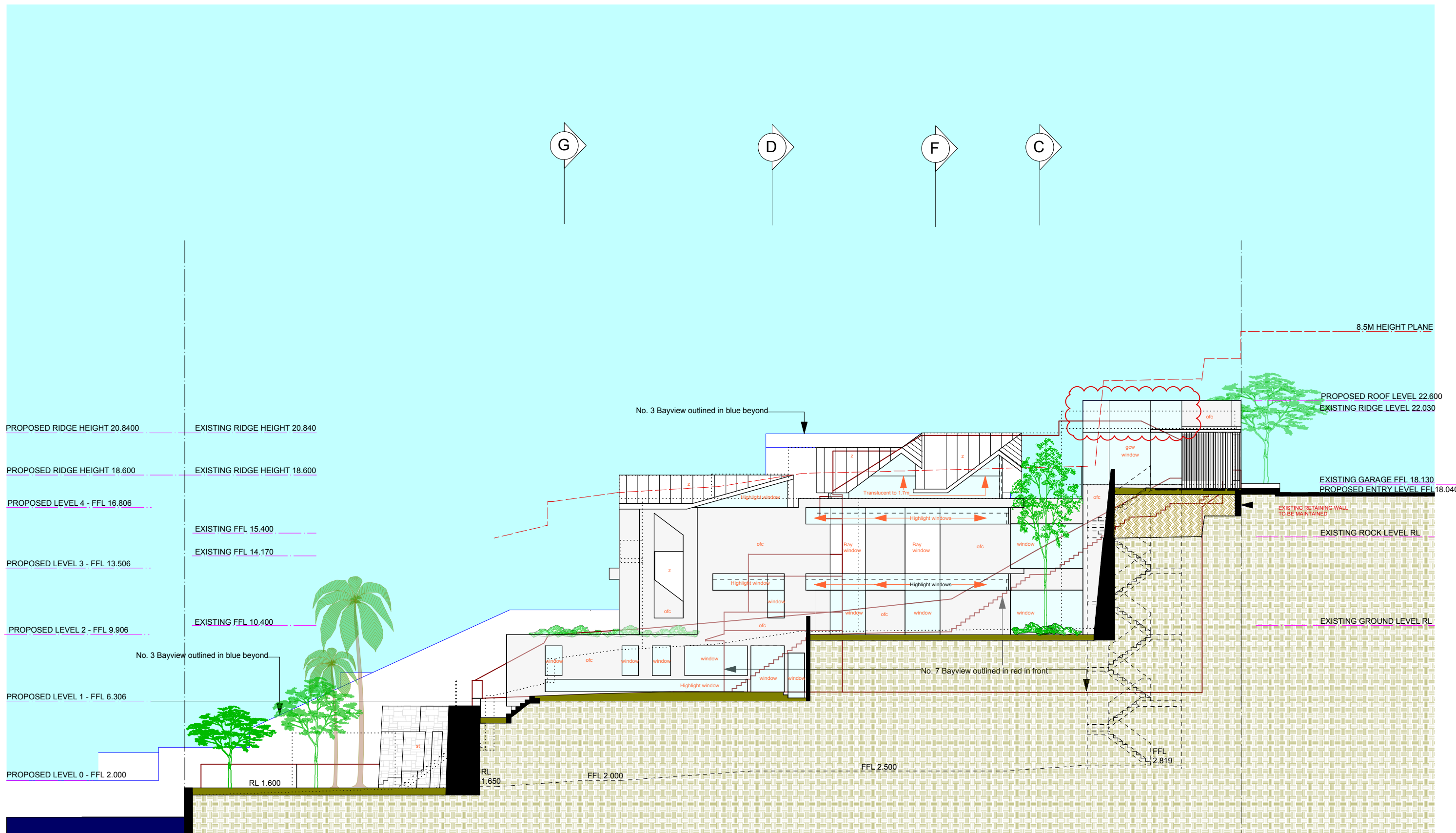


NOTES ADDED 200408 AT COUNCILS REQUEST

INDICATES S4.55 AMENDMENT TO AMEND CONDITION & REMOVE STEP IN ROOF OVER ENTRY LOBBY

- ofc off form concrete
- z zinc metal cladding
- st sandstone cladding
- gow glass curtain wall

MCK ARCHITECTS STUDIO 401, 104 COMMONWEALTH STREET SURRY HILLS NSW 2010 TEL 02 9211 4146	PROPOSED APARTMENTS AT 5 BAY VIEW STREET LAVENDER BAY FOR YOLANDA CAMUGLIA	SOUTH-WEST ELEVATION	0 1 2 3 4 5 6 7 8 9 10	SK08
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		DRAWN - MC	JOB NO. 1911	



INDICATES S4.55 AMENDMENT TO AMEND CONDITION & REMOVE STEP IN ROOF OVER ENTRY LOBBY

ofc off form concrete
 z zinc metal cladding
 st sandstone cladding
 gow glass curtain wall

NOTES ADDED 200408 AT COUNCILS REQUEST


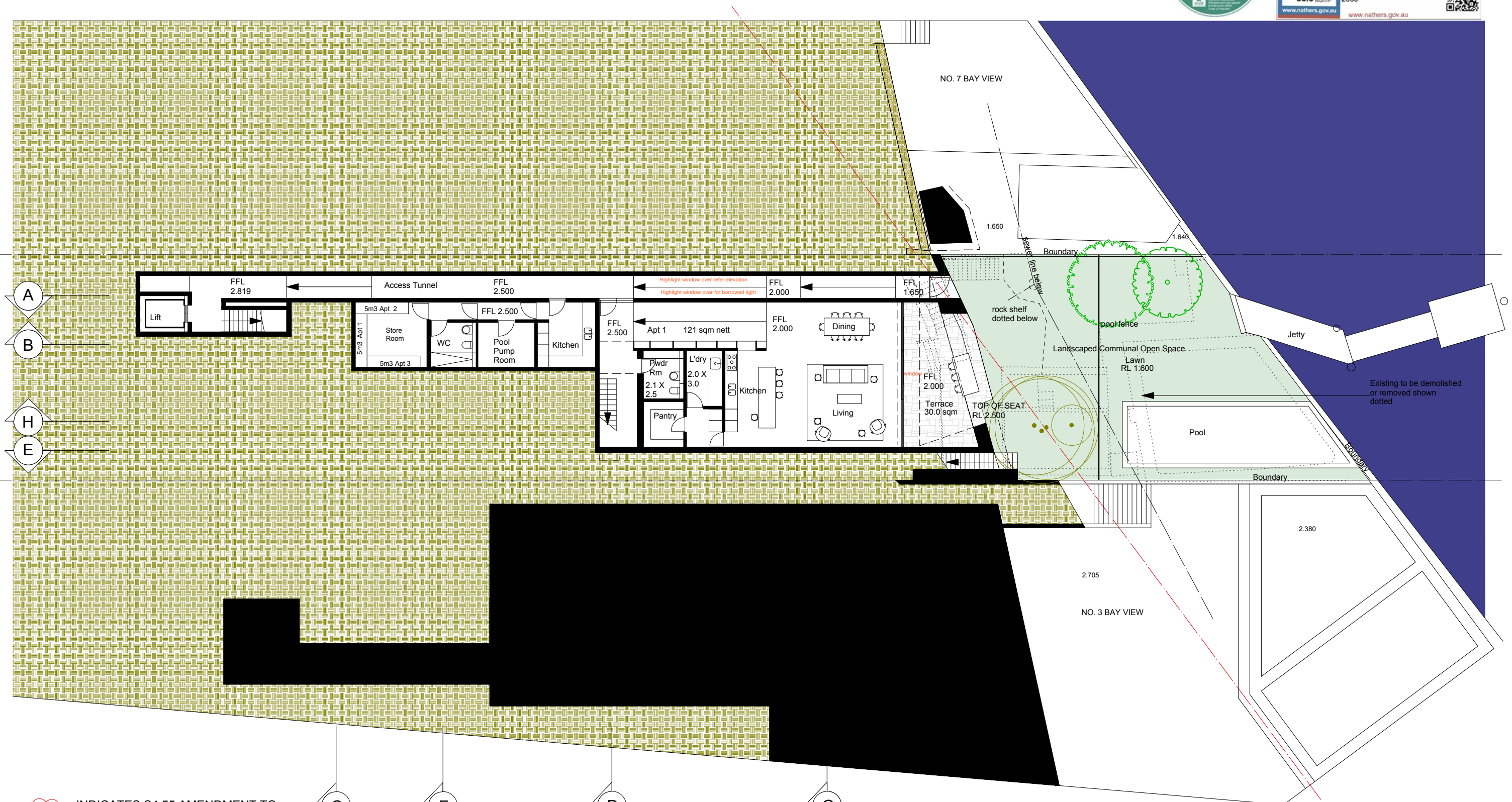
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		DRAWN - MC	JOB NO. 1911	




Certificate no.: 0003413465
 Assessor Name: Damian O'Toole
 Accreditation no.: 20420
 Certificate date: 21 Apr 2020
 Dwelling Address: 5 BAY VIEW ST
 LAVENDER BAY, NSW
 2060

6.2
 NATIONWIDE HOUSE ENERGY RATING SCHEME
 38.0 MJ/m²

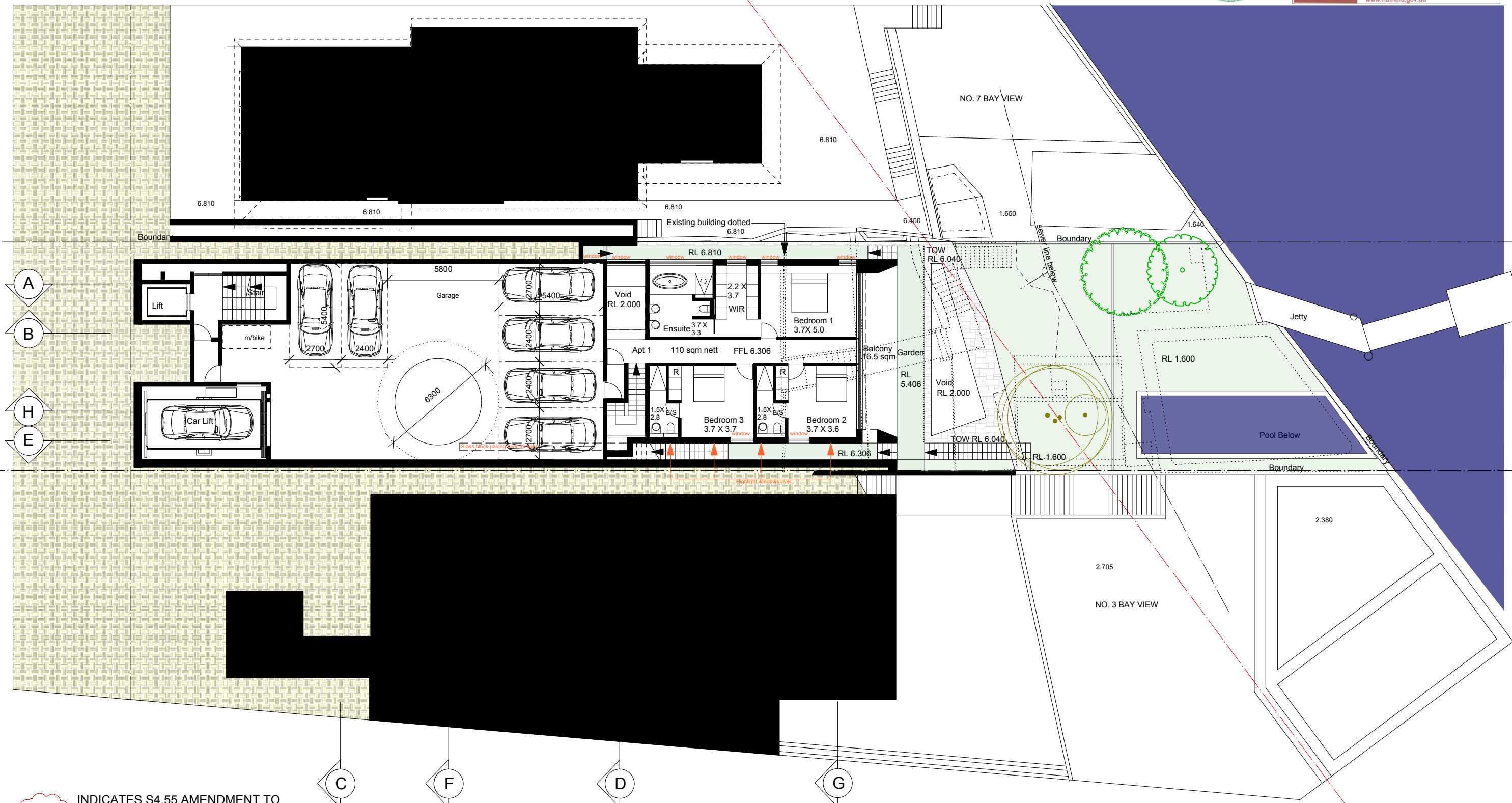
www.nathers.gov.au

 INDICATES S4.55 AMENDMENT TO AMEND CONDITION & REMOVE STEP IN ROOF OVER ENTRY LOBBY
 NO CHANGES PROPOSED IN THIS DRAWING

NOTES ADDED 200408 AT COUNCILS REQUEST

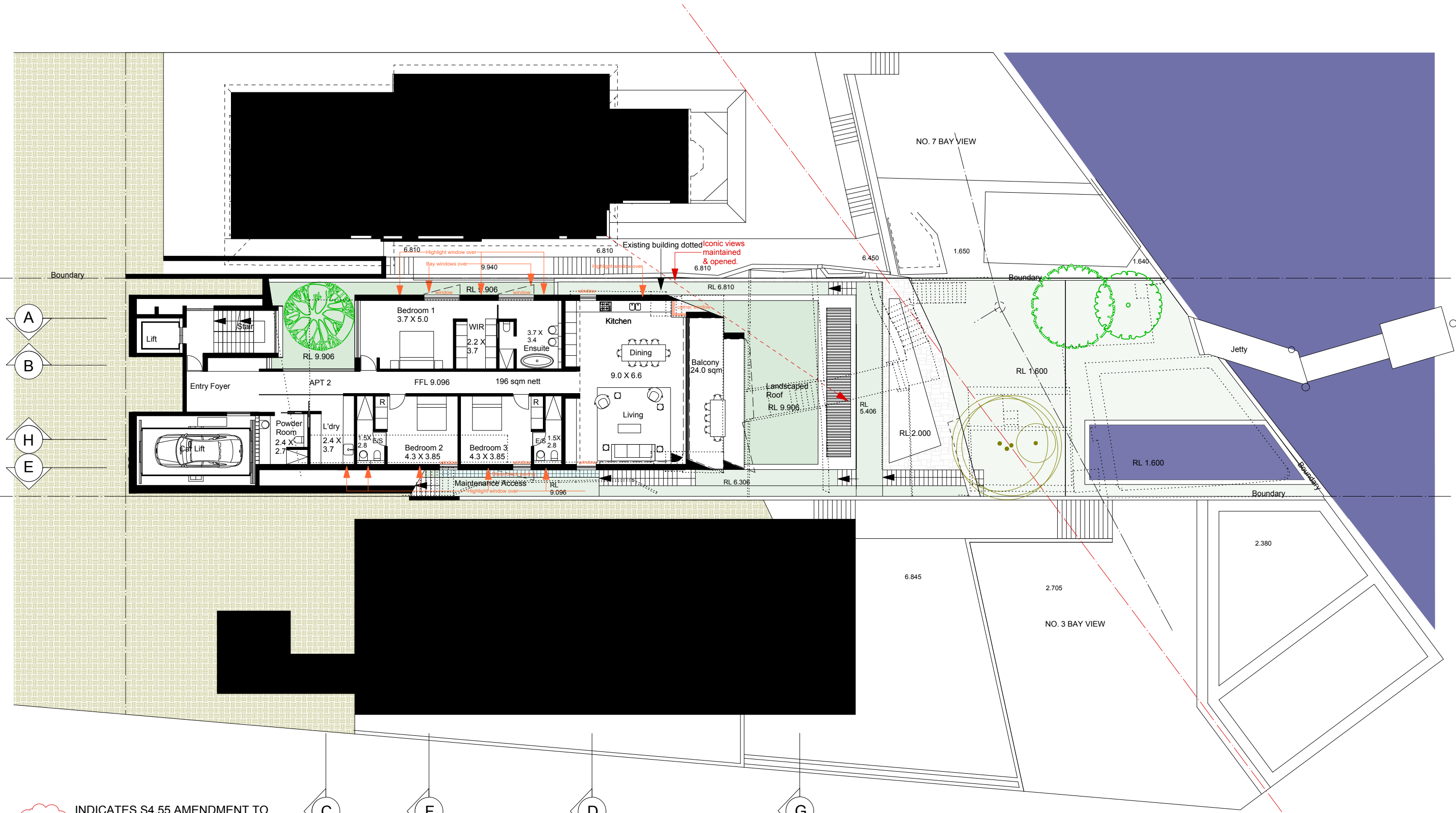
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				DRAWN - MC		JOB NO. 1911		




INDICATES S4.55 AMENDMENT TO AMEND CONDITION & REMOVE STEP IN ROOF OVER ENTRY LOBBY
 NO CHANGES PROPOSED IN THIS DRAWING

NOTES ADDED 200408 AT COUNCILS REQUEST

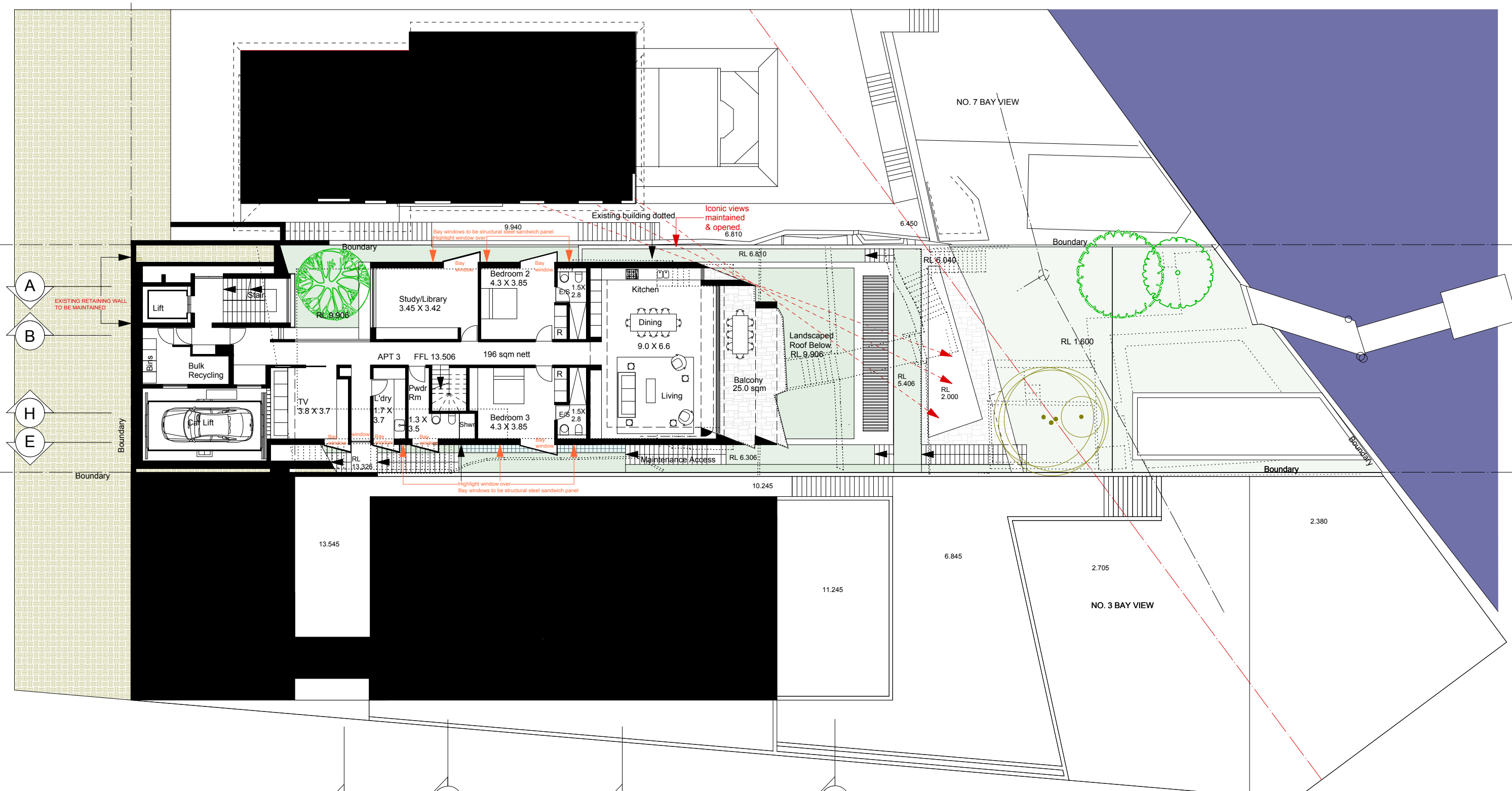
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			DRAWN - MC	JOB NO. 1911	



 INDICATES S4.55 AMENDMENT TO AMEND CONDITION & REMOVE STEP IN ROOF OVER ENTRY LOBBY
 NO CHANGES PROPOSED IN THIS DRAWING

NOTES ADDED 200408 AT COUNCILS REQUEST

MCK ARCHITECTS STUDIO 401, 104 COMMONWEALTH STREET SURRY HILLS NSW 2010 TEL 02 9211 4146		PROPOSED APARTMENTS AT 5 BAY VIEW STREET LAVENDER BAY FOR YOLANDA CAMUGLIA		LEVEL 2 PLAN		SK02
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		JOB NO. 1911				



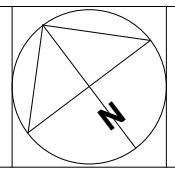
A
B
H
E

C
F
D
G

INDICATES S4.55 AMENDMENT TO AMEND CONDITION & REMOVE STEP IN ROOF OVER ENTRY LOBBY
NO CHANGES PROPOSED IN THIS DRAWING

NOTES ADDED 200408 AT COUNCILS REQUEST

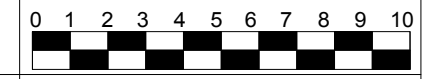
MCK ARCHITECTS
STUDIO 401, 104 COMMONWEALTH STREET
SURRY HILLS NSW 2010 TEL 02 9211 4146



PROPOSED APARTMENTS AT 5 BAY VIEW STREET LAVENDER BAY FOR YOLANDA CAMUGLIA

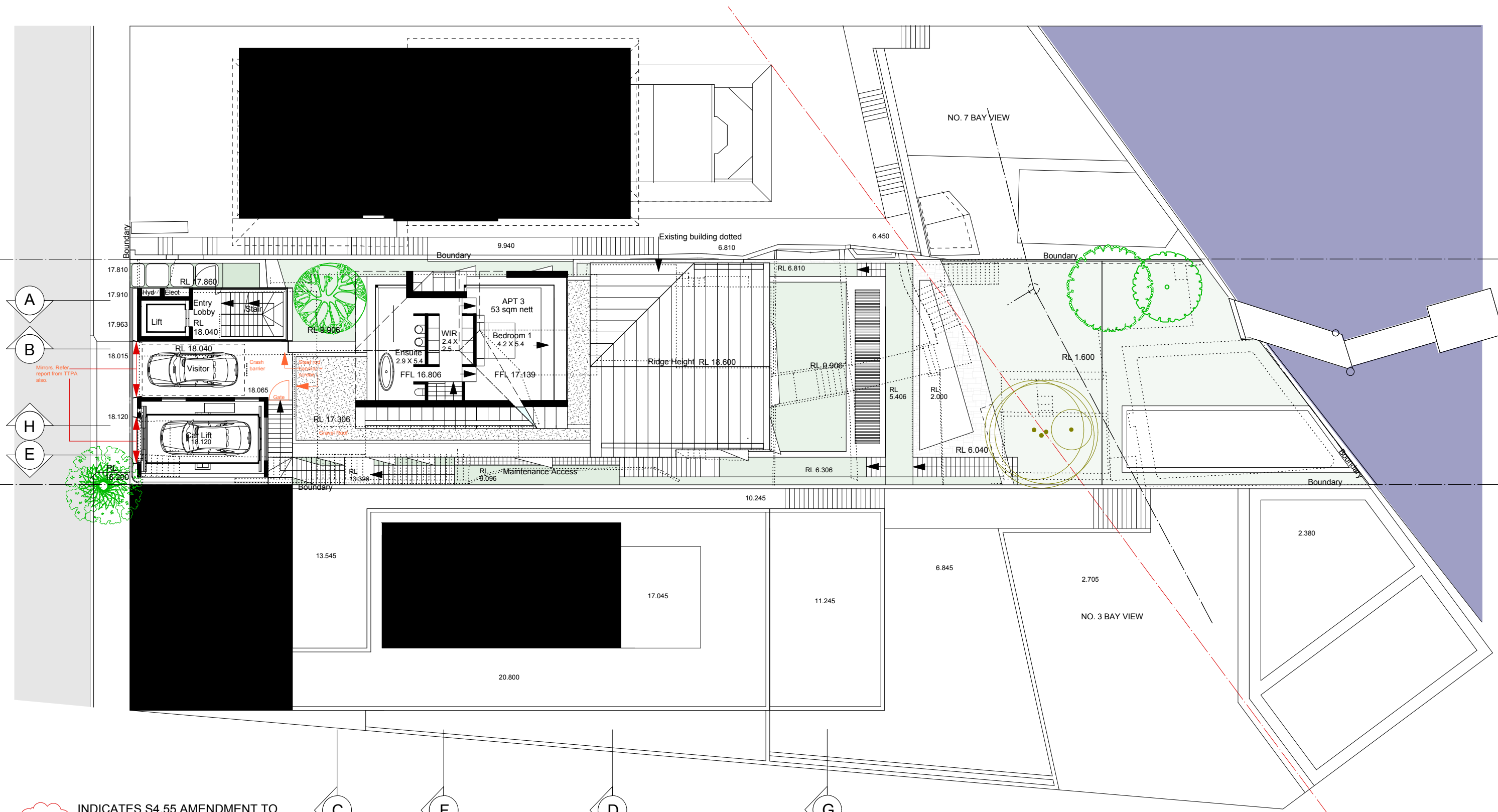
LEVEL 3 PLAN


1:200 @ A3; 1:100 @ A1
DRAWN - MC



28 SEPTEMBER 2020
JOB NO. 1911

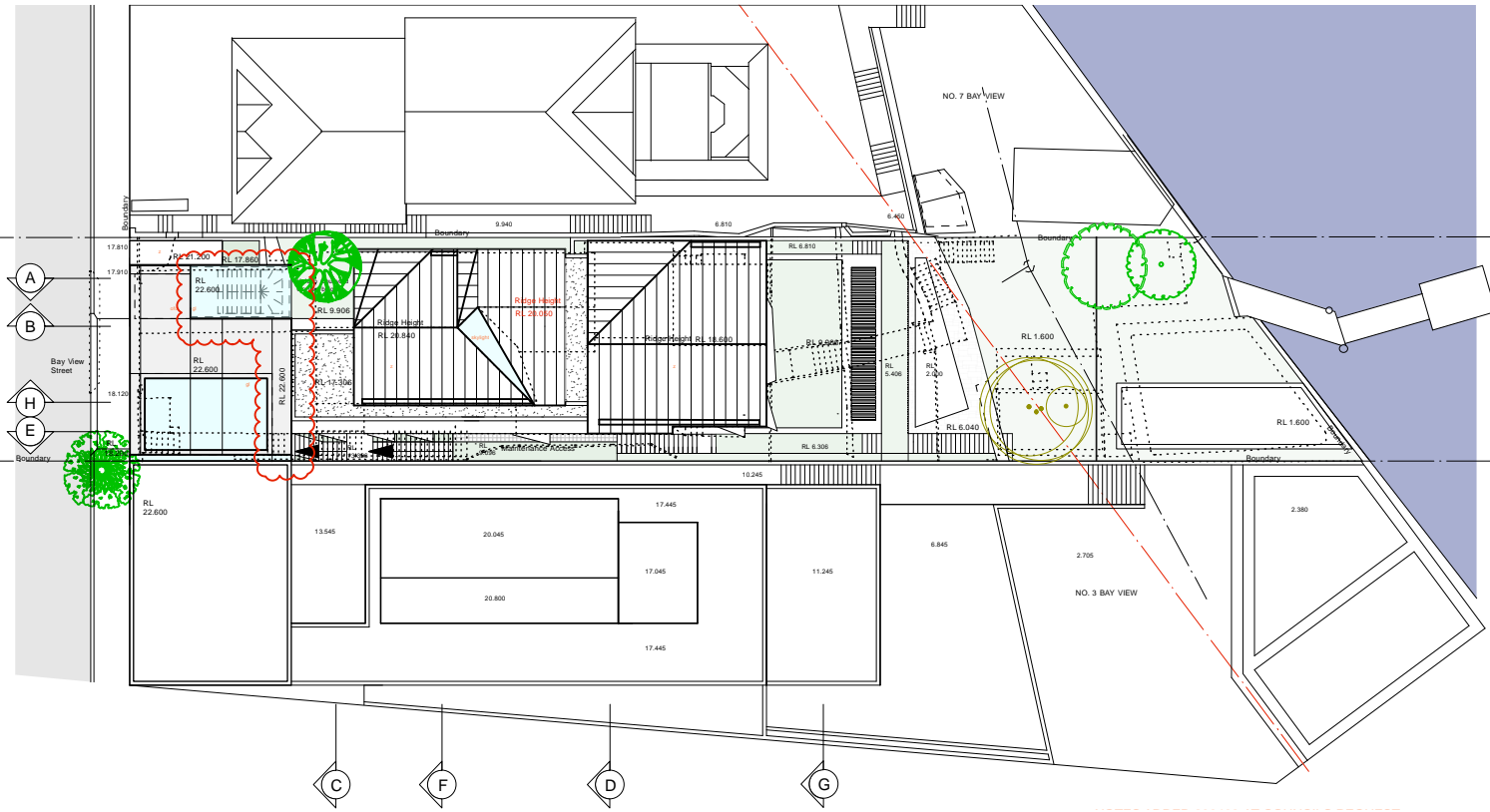
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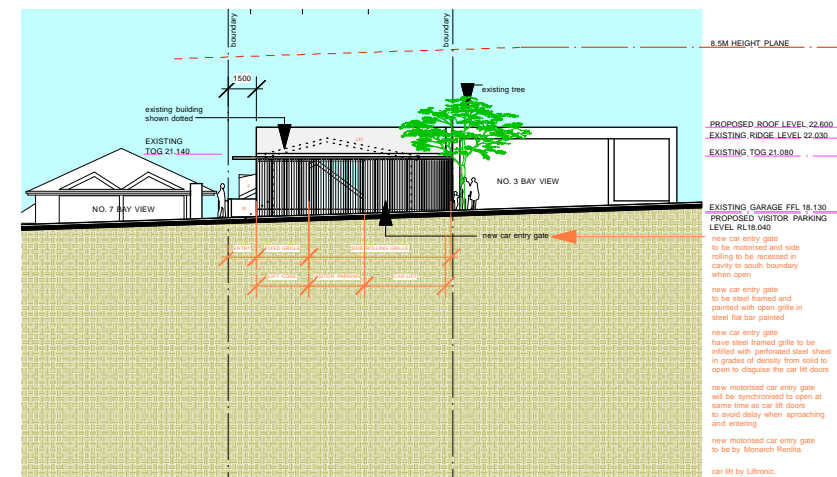
 INDICATES S4.55 AMENDMENT TO AMEND CONDITION & REMOVE STEP IN ROOF OVER ENTRY LOBBY
 NO CHANGES PROPOSED IN THIS DRAWING

NOTES ADDED 200408 AT COUNCILS REQUEST

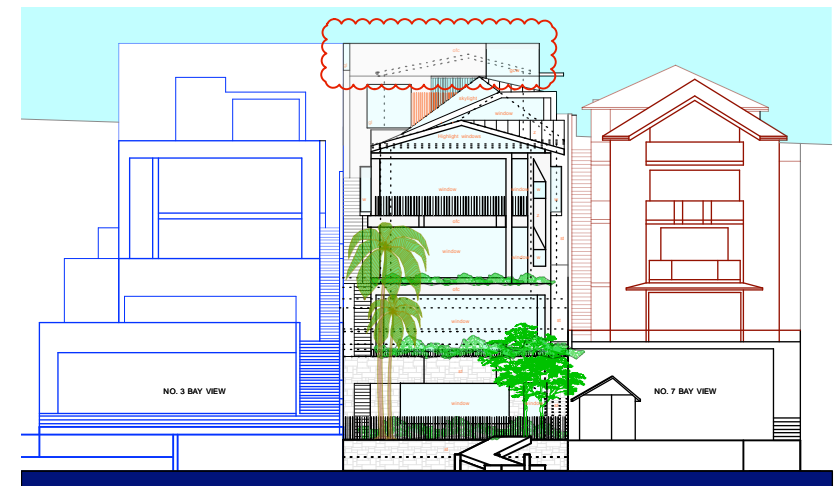
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			DRAWN - MC	JOB NO. 1911	



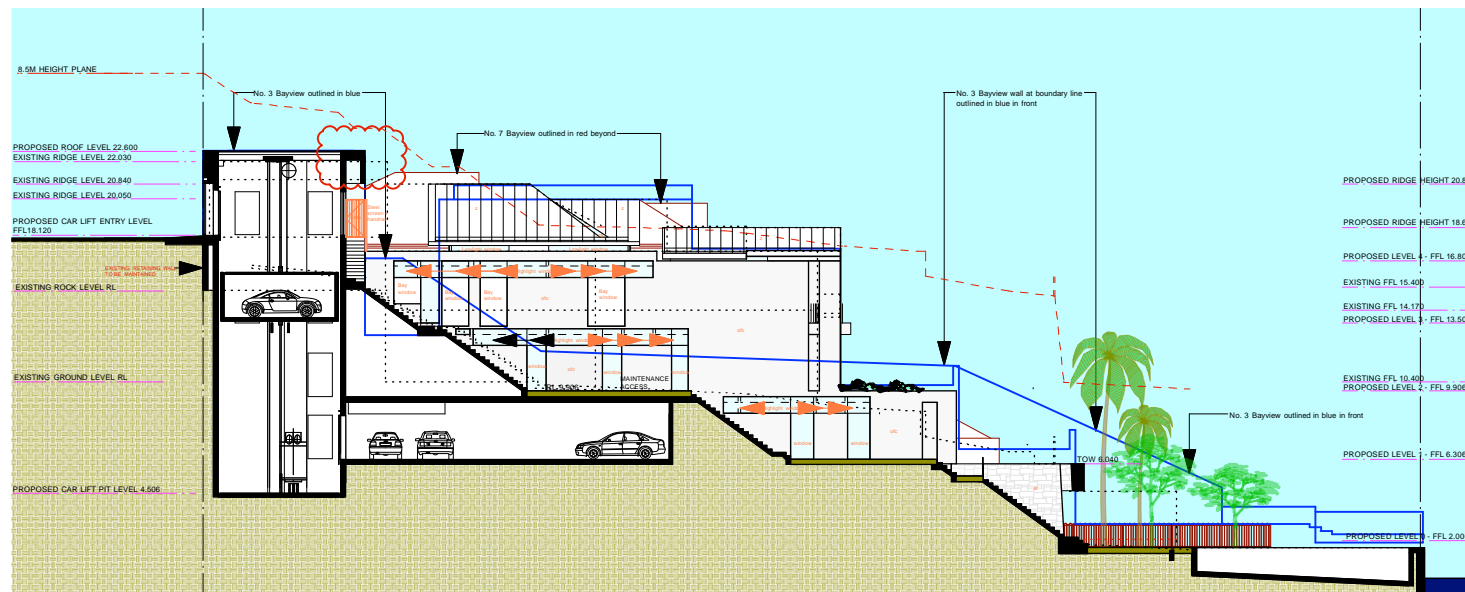
ROOF PLAN



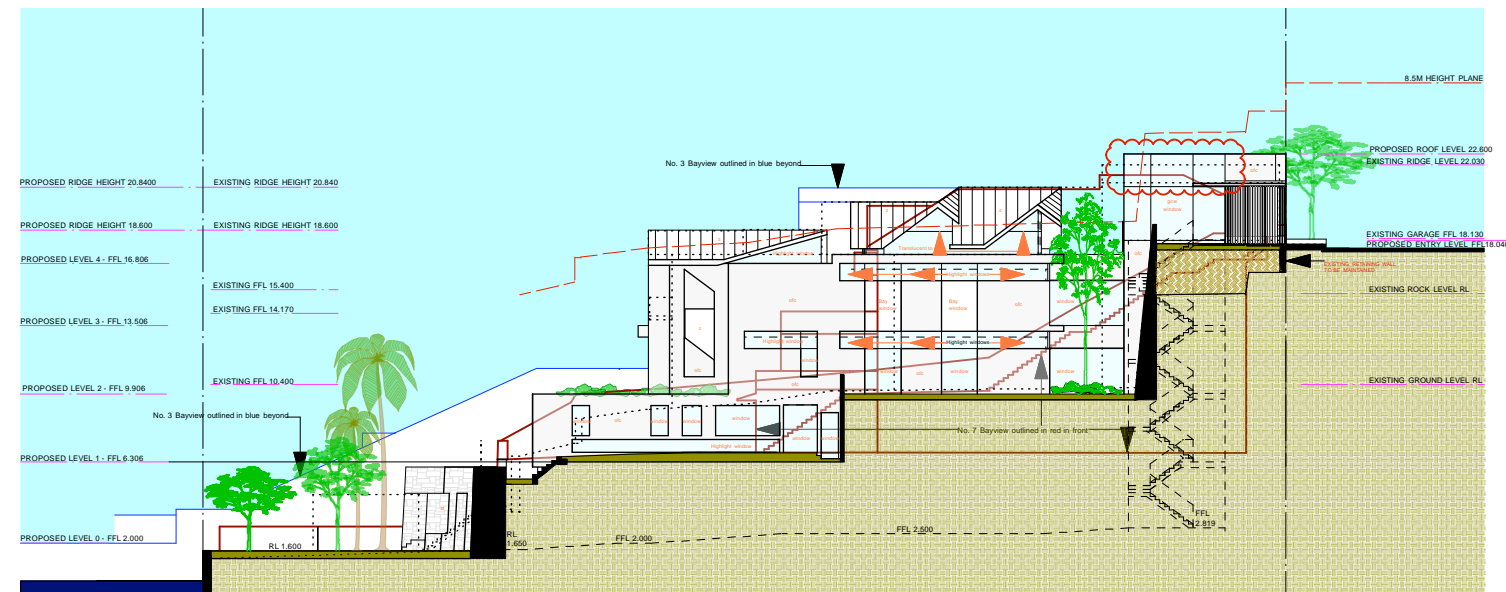
NORTH WEST ELEVATION



SOUTH EAST ELEVATION



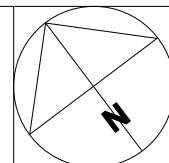
SOUTH WEST ELEVATION



NORTH EAST ELEVATION

INDICATES S4.55 AMENDMENT TO AMEND CONDITION & REMOVE STEP IN ROOF OVER ENTRY LOBBY

MCK ARCHITECTS
STUDIO 401, 104 COMMONWEALTH STREET
SURRY HILLS NSW 2010 TEL 02 9211 4146



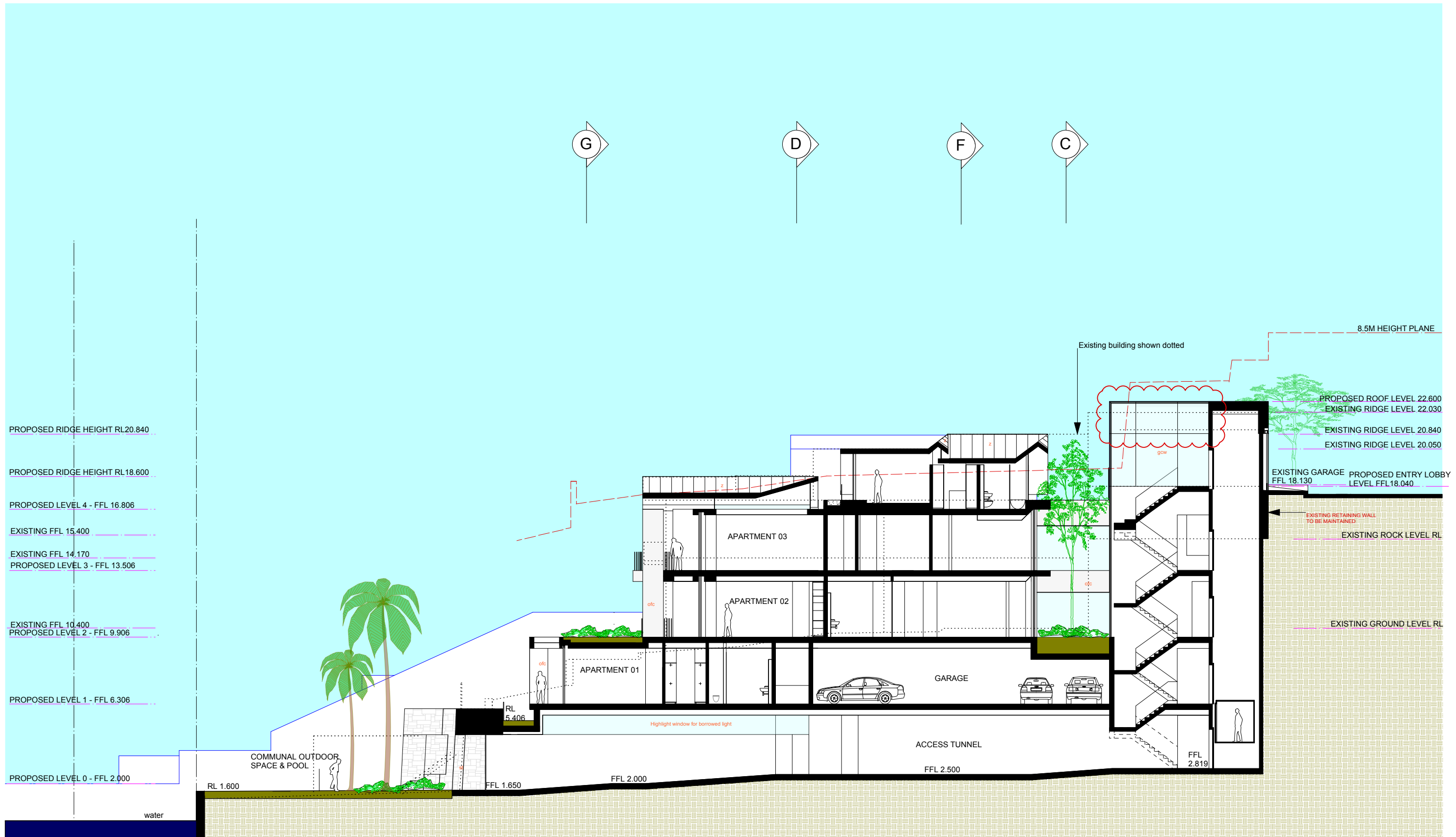
PROPOSED APARTMENTS AT 5 BAY VIEW STREET LAVENDER BAY
FOR YOLANDA CAMUGLIA

NOTIFICATION SHEET

1:400 @ A3
 DRAWN - MC

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28 SEPTEMBER 2020										
JOB NO. 1911										

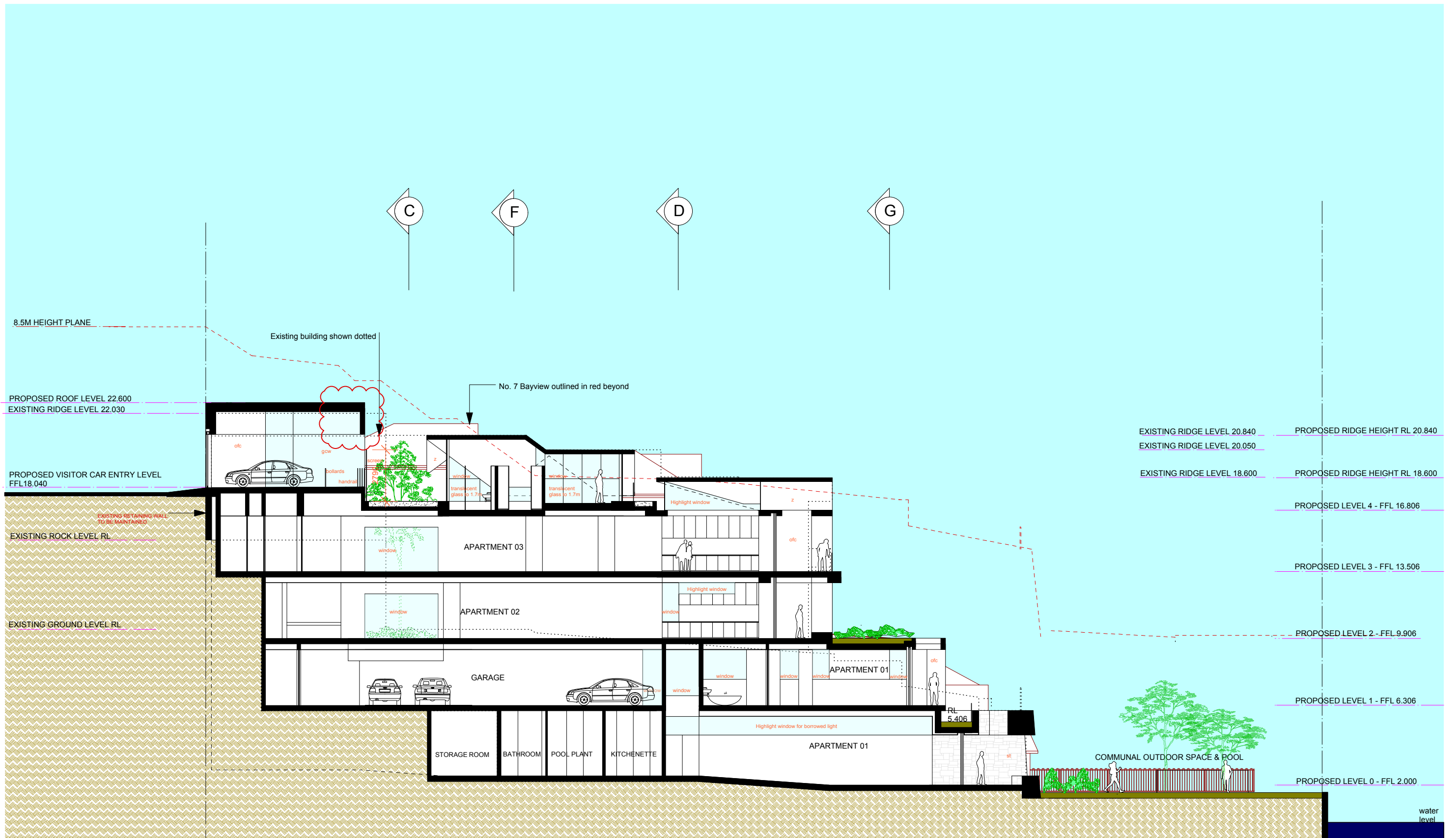
SK25



INDICATES S4.55 AMENDMENT TO AMEND CONDITION & REMOVE STEP IN ROOF OVER ENTRY LOBBY

NOTES ADDED 200408 AT COUNCILS REQUEST

MCK ARCHITECTS STUDIO 401, 104 COMMONWEALTH STREET SURRY HILLS NSW 2010 TEL 02 9211 4146	PROPOSED APARTMENTS AT 5 BAY VIEW STREET LAVENDER BAY FOR YOLANDA CAMUGLIA	SECTION A-A	0 1 2 3 4 5 6 7 8 9 10	SK10
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INDICATES S4.55 AMENDMENT TO AMEND CONDITION & REMOVE STEP IN ROOF OVER ENTRY LOBBY

NOTES ADDED 200408 AT COUNCILS REQUEST

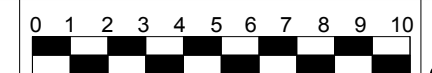
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STUDIO 401, 104 COMMONWEALTH STREET
SURRY HILLS NSW 2010 TEL 02 9211 4146

**PROPOSED APARTMENTS AT 5 BAY VIEW STREET LAVENDER BAY
FOR YOLANDA CAMUGLIA**

SECTION B-B

1:200 @ A3; 1:100 @ A1

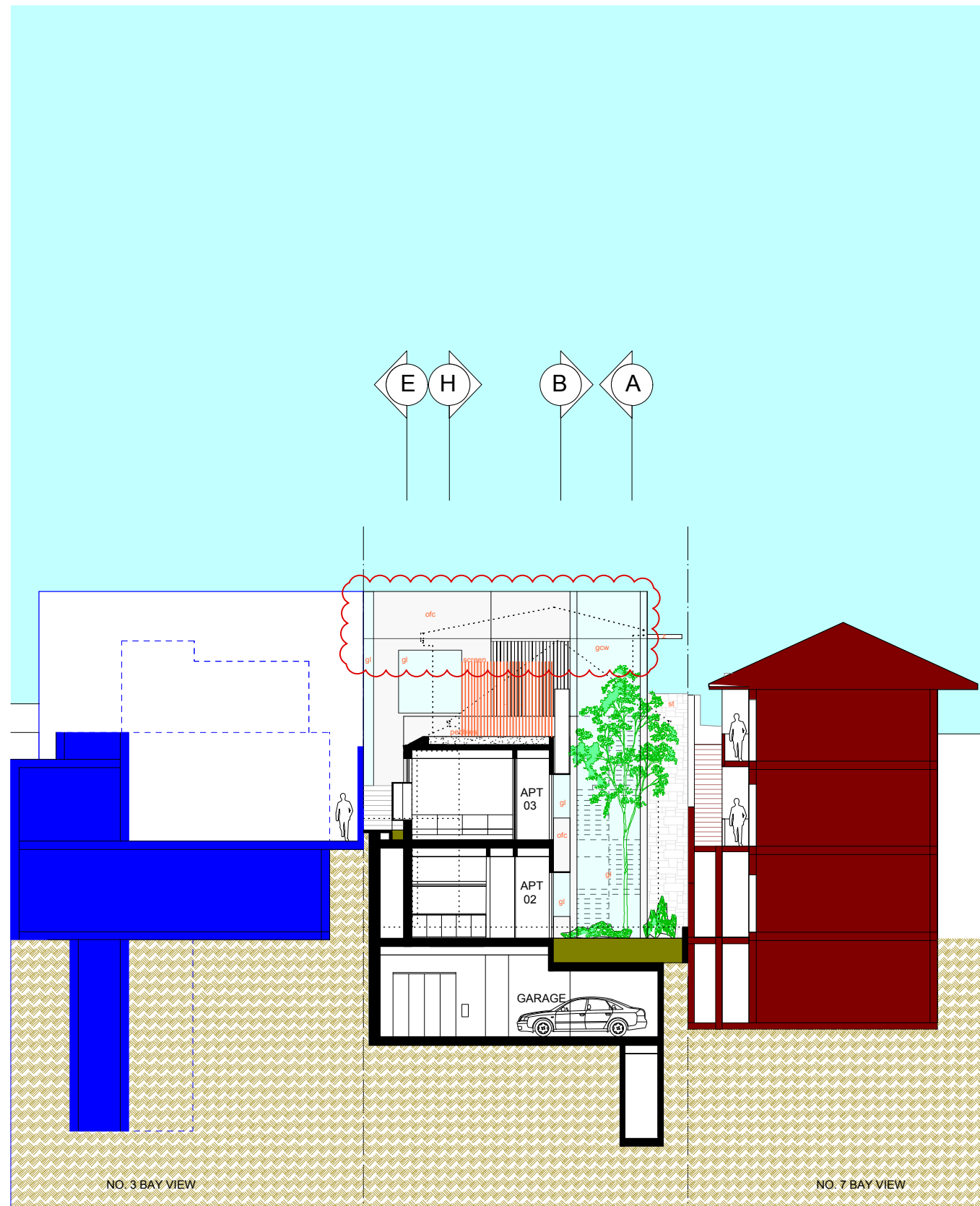
DRAWN - MC



28 SEPTEMBER 2020

JOB NO. 1911

SK11



- PROPOSED ROOF LEVEL RL 22.600
- EXISTING RIDGE LEVEL RL 22.030
- PROPOSED ENTRY LOBBY LEVEL RL 18.040
- PROPOSED ROOF LEVEL RL 17.306
- EXISTING FFL 14.150
- PROPOSED LEVEL 3 - FFL 13.506
- EXISTING FFL 10.450
- PROPOSED COURTYARD LEVEL 9.906
- PROPOSED LEVEL 2 - FFL 9.906
- PROPOSED LEVEL 1 - FFL 6.306
- PROPOSED LEVEL 0 - FFL 2.000

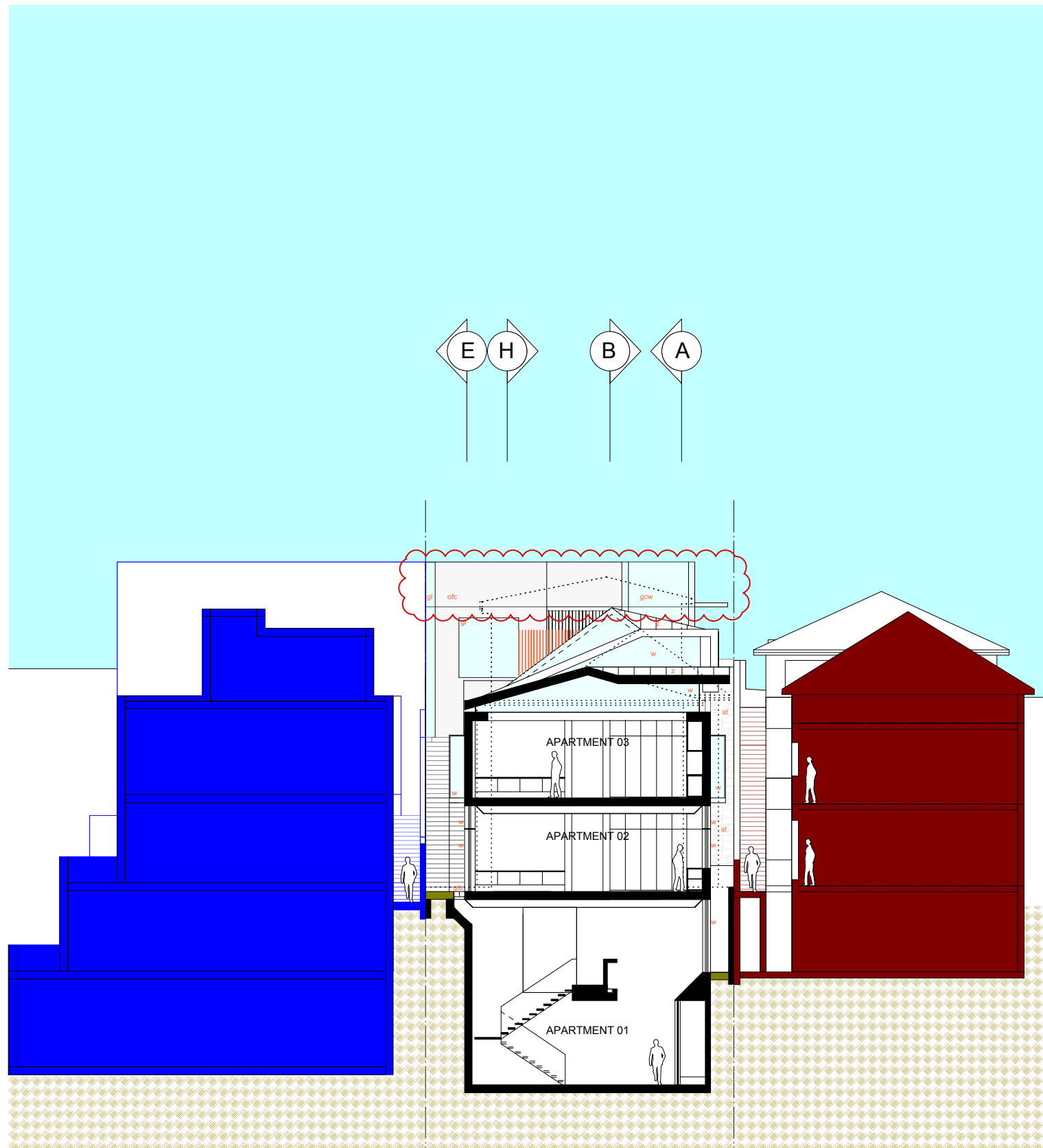
- ofc off form concrete
- z zinc metal cladding
- st sandstone cladding
- gcw glass curtain wall
- gl glass

NOTES ADDED 200408 AT COUNCILS REQUEST
 NOTE: RED BUBBLES INDICATE CHANGES DATED 16 APRIL 2020

INDICATES S4.55 AMENDMENT TO
 AMEND CONDITION & REMOVE STEP IN
 ROOF OVER ENTRY LOBBY

Relocation of storage room to Level O from Level 1

MCK ARCHITECTS STUDIO 401, 104 COMMONWEALTH STREET SURRY HILLS NSW 2010 TEL 02 9211 4146	PROPOSED APARTMENTS AT 5 BAY VIEW STREET LAVENDER BAY FOR YOLANDA CAMUGLIA	SECTION C-C	0 1 2 3 4 5 6 7 8 9 10	SK12
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		DRAWN - MC	JOB NO. 1911	



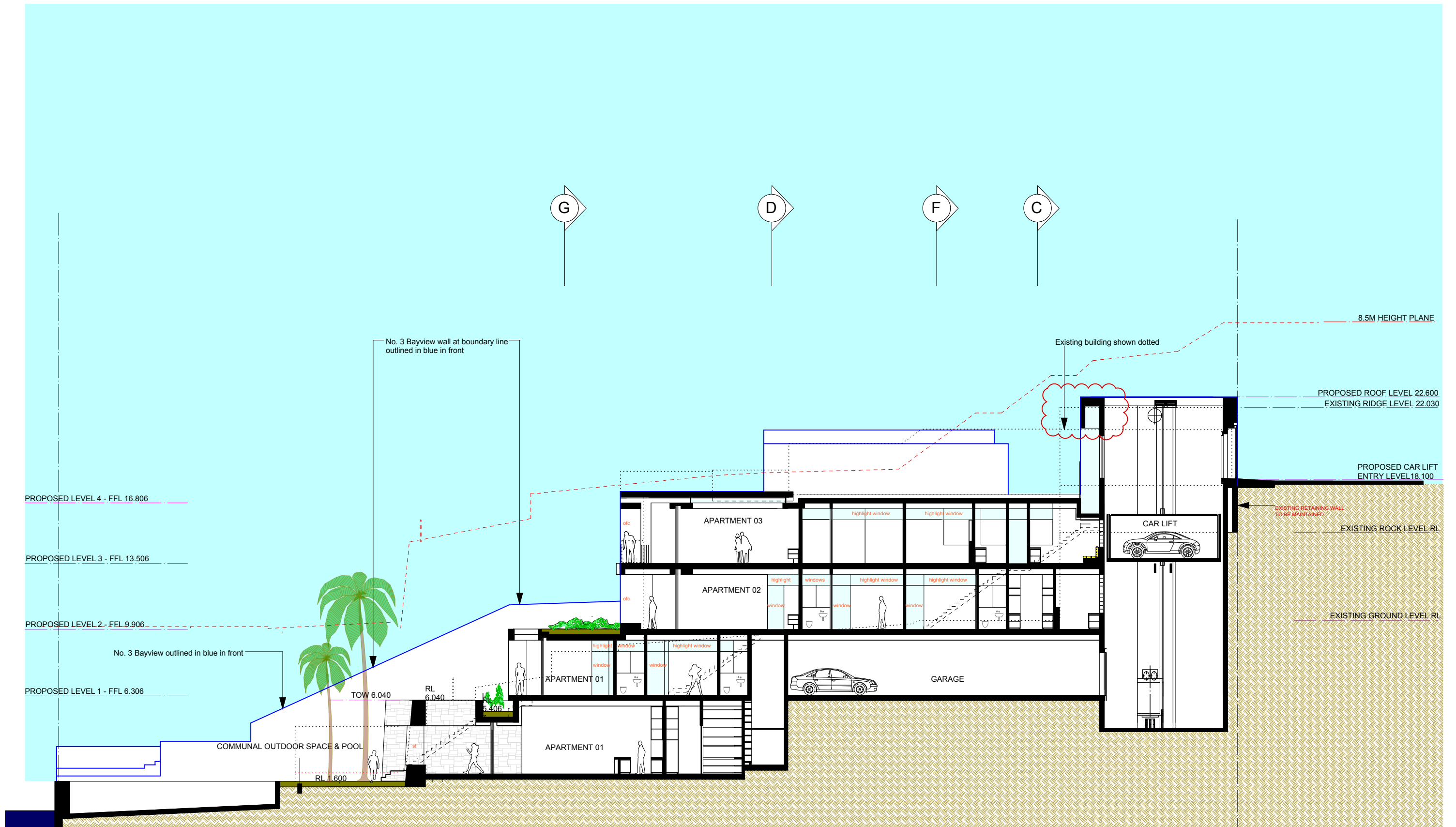
	PROPOSED ROOF LEVEL RL 22.600
	EXISTING RIDGE LEVEL RL 22.030
EXISTING RIDGE HEIGHT RL 20.840	PROPOSED RIDGE HEIGHT RL 20.840
EXISTING RIDGE HEIGHT RL 18.600	PROPOSED RIDGE HEIGHT RL 18.600
PROPOSED TOP OF WALL RL 16.806	PROPOSED LEVEL 4 - FFL 16.806
	EXISTING FFL 14.150
	PROPOSED LEVEL 3 - FFL 13.506
PROPOSED GROUND LEVEL 10.485	EXISTING FFL 10.450
	PROPOSED LEVEL 2 - FFL 9.906
	PROPOSED LEVEL 1 - FFL 6.306
	PROPOSED LEVEL 0 - FFL 2.500
	PROPOSED LEVEL 0 - FFL 2.000

INDICATES S4.55 AMENDMENT TO AMEND CONDITION & REMOVE STEP IN ROOF OVER ENTRY LOBBY

- ofc off form concrete
- z zinc metal cladding
- st sandstone cladding
- goc glass curtain wall
- gl glass

NOTES ADDED 200408 AT COUNCILS REQUEST

MCK ARCHITECTS STUDIO 401, 104 COMMONWEALTH STREET SURRY HILLS NSW 2010 TEL 02 9211 4146	PROPOSED APARTMENTS AT 5 BAY VIEW STREET LAVENDER BAY FOR YOLANDA CAMUGLIA	SECTION D-D	0 1 2 3 4 5 6 7 8 9 10	SK13
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		DRAWN - MC	JOB NO. 1911	

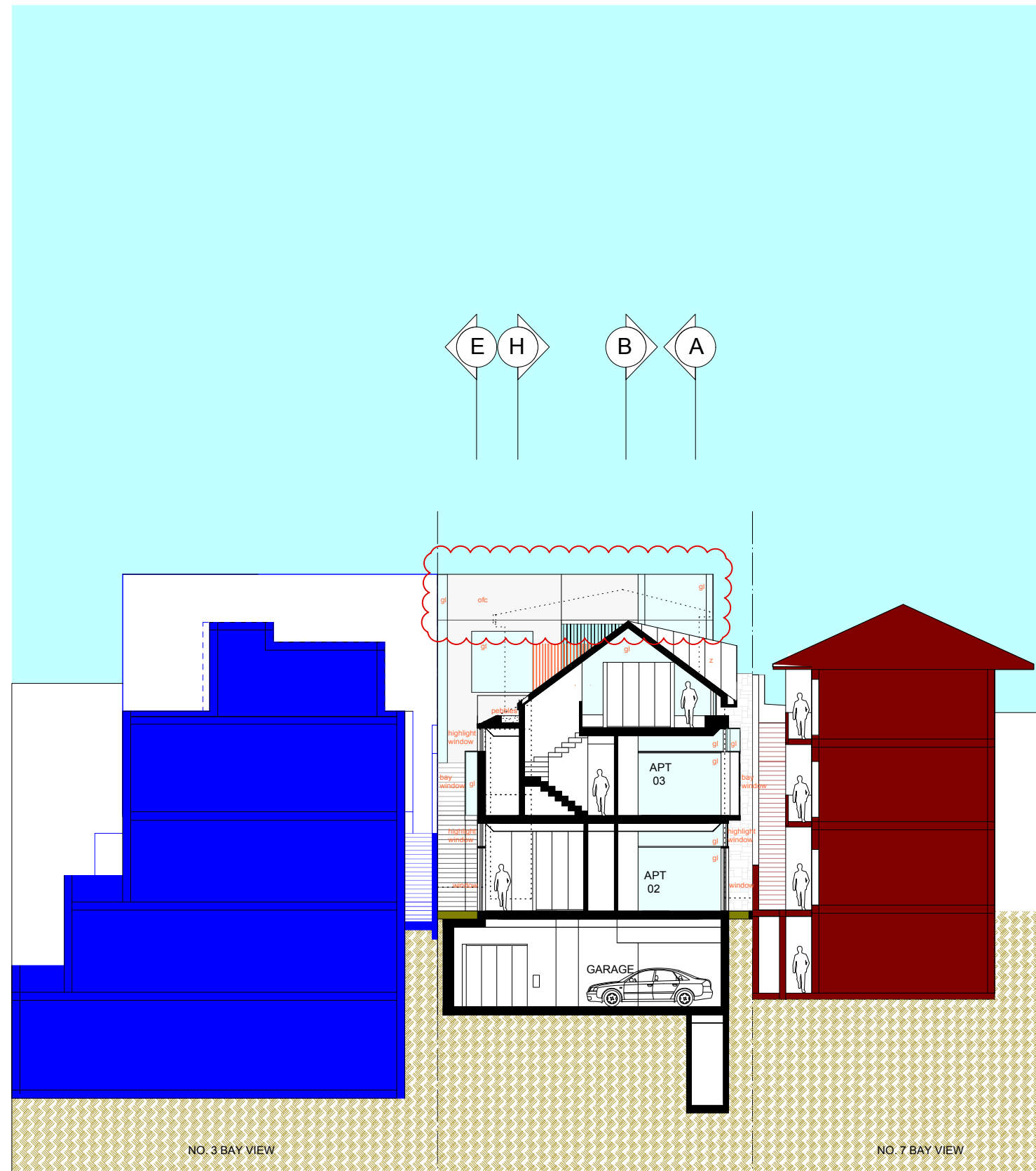


INDICATES S4.55 AMENDMENT TO AMEND CONDITION & REMOVE STEP IN ROOF OVER ENTRY LOBBY


- ofc off form concrete
- z zinc metal cladding
- st sandstone cladding
- gcv glass curtain wall
- gl glass

NOTES ADDED 200408 AT COUNCILS REQUEST

MCK ARCHITECTS STUDIO 401, 104 COMMONWEALTH STREET SURRY HILLS NSW 2010 TEL 02 9211 4146	PROPOSED APARTMENTS AT 5 BAY VIEW STREET LAVENDER BAY FOR YOLANDA CAMUGLIA	SECTION E-E 1:200 @ A3; 1:100 @ A1 DRAWN - MC	<div style="display: flex; align-items: center;"> <div style="width: 100px; height: 15px; border: 1px solid black; margin-right: 5px;"></div> <div style="display: flex; justify-content: space-between; width: 100px; font-size: 8px;"> 012345678910 </div> </div> 28 SEPTEMBER 2020 JOB NO. 1911	SK14
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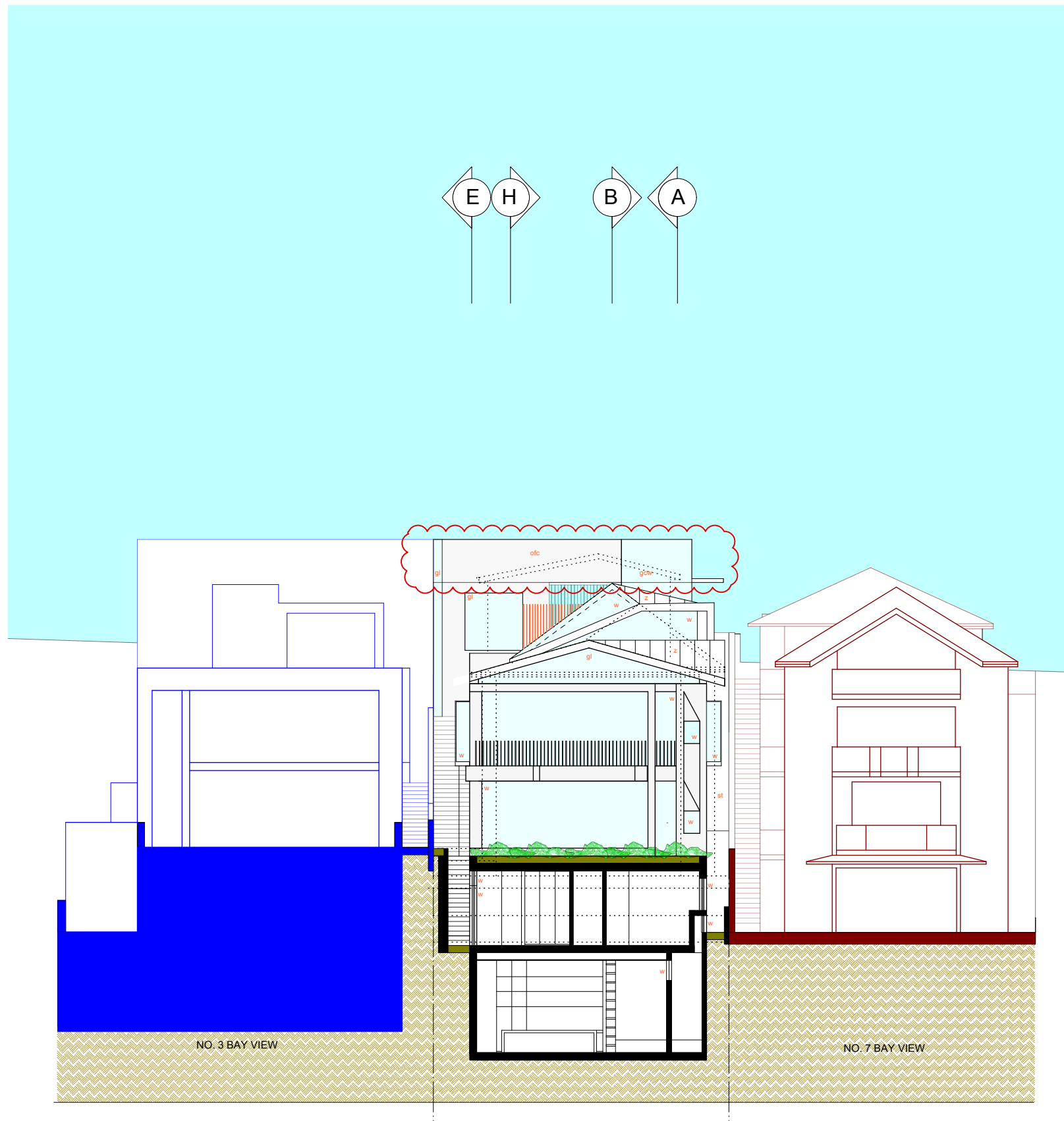
PROPOSED PARAPET HEIGHT RL 22.025 PROPOSED ROOF LEVEL RL 22.600
 EXISTING RIDGE HEIGHT RL 20.840 EXISTING RIDGE LEVEL RL 22.030
 EXISTING RIDGE HEIGHT RL 20.840 PROPOSED RIDGE HEIGHT RL 20.840
 EXISTING RIDGE HEIGHT RL 18.600 PROPOSED WALL HEIGHT RL 18.600
 PROPOSED GARAGE LEVEL FFL 17.875
 PROPOSED STREET ENTRY LEVEL RL 17.820
 PROPOSED LEVEL 4 - FFL 16.806
 EXISTING FFL 14.150
 PROPOSED LEVEL 3 - FFL 13.506
 EXISTING FFL 10.450
 PROPOSED LEVEL 2 - FFL 9.906
 PROPOSED LEVEL 1 - FFL 6.306
 PROPOSED LEVEL 0 - FFL 1.650

 INDICATES S4.55 AMENDMENT TO
 AMEND CONDITION & REMOVE STEP IN
 ROOF OVER ENTRY LOBBY

ofc off form concrete
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 gow glass curtain wall
 gl glass

NOTES ADDED 200408 AT COUNCILS REQUEST

MCK ARCHITECTS STUDIO 401, 104 COMMONWEALTH STREET SURRY HILLS NSW 2010 TEL 02 9211 4146	PROPOSED APARTMENTS AT 5 BAY VIEW STREET LAVENDER BAY FOR YOLANDA CAMUGLIA	SECTION F-F	0 1 2 3 4 5 6 7 8 9 10	SK15
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		DRAWN - MC	JOB NO. 1911	



- PROPOSED ROOF HEIGHT 22.600
- PROPOSED RIDGE HEIGHT 20.840 EXISTING RIDGE HEIGHT 20.840
- PROPOSED RIDGE HEIGHT 18.600 EXISTING RIDGE HEIGHT 18.600
- PROPOSED LEVEL 4 - FFL 16.806
- PROPOSED LEVEL 3 - FFL 13.506
- PROPOSED LEVEL 2 - FFL 9.906
- PROPOSED LEVEL 1 - FFL 6.306
- PROPOSED LEVEL 0 - FFL 2.000
- WATER LEVEL RL 0.000

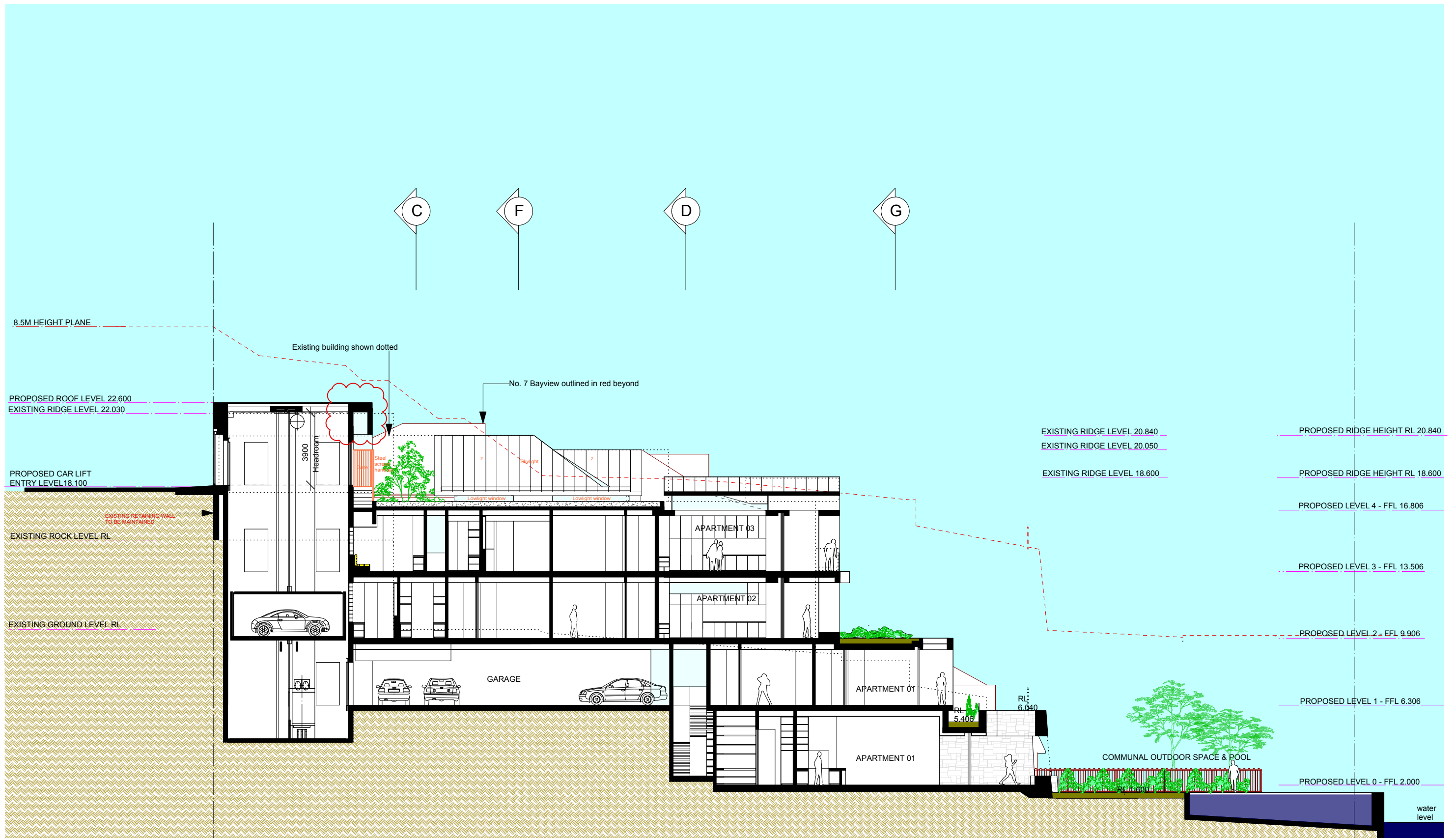
ofc off form concrete
 z zinc metal cladding
 st sandstone cladding
 gocw glass curtain wall
 gl glass


NOTES ADDED 200408 AT COUNCILS REQUEST

NOTE: RED BUBBLES INDICATE CHANGES DATED 16 APRIL 2020

INDICATES S4.55 AMENDMENT TO
 AMEND CONDITION & REMOVE STEP IN
 ROOF OVER ENTRY LOBBY

MCK ARCHITECTS STUDIO 401, 104 COMMONWEALTH STREET SURRY HILLS NSW 2010 TEL 02 9211 4146	PROPOSED APARTMENTS AT 5 BAY VIEW STREET LAVENDER BAY FOR YOLANDA CAMUGLIA	SECTION G-G 1:200 @ A3; 1:100 @ A1 DRAWN - MC	 28 SEPTEMBER 2020 JOB NO. 1911	SK16
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 INDICATES S4.55 AMENDMENT TO AMEND CONDITION & REMOVE STEP IN ROOF OVER ENTRY LOBBY

NOTES ADDED 200408 AT COUNCILS REQUEST

MCK ARCHITECTS STUDIO 401, 104 COMMONWEALTH STREET SURRY HILLS NSW 2010 TEL 02 9211 4146	PROPOSED APARTMENTS AT 5 BAY VIEW STREET LAVENDER BAY FOR YOLANDA CAMUGLIA	SECTION H-H	0 1 2 3 4 5 6 7 8 9 10	SK17
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		DRAWN - MC	JOB NO. 1911	

Statement of Environmental Effects
S4.55 Modification to Approved
Demolition of the Existing Building
and Construction of a New
Residential Flat Building
5 Bay View Street, Lavender Bay

September 2020

Mersonn Pty Ltd
20 Wylde Street
Potts Point NSW 2011

Contents

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1.0 Introduction

This report has been prepared on behalf of Yolanda Camuglia by Mersonn Pty Ltd and is submitted to North Sydney Council in support of a S4.55 amendment application for the demolition of the existing residential flat building and the construction of a new residential flat building at 5 Bay View Street, Lavender Bay (Lot 2 DP 167089).

A development application DA No:55/19 was lodged with North Sydney Council on 1 March 2019. Development application 55/19, sought approval for the demolition of the majority of existing structures on site (with the exception of the pool and associated foreshore works), and construction of an 6 storey residential flat building containing five apartments (containing 2 x 2 bedroom units and 3 x 3 bedroom apartments), with car stacker for seven cars, at No.5 Bay View Street, Lavender Bay as well as ancillary works to existing seawall, pool renovations, landscaping and stormwater works. The applicant filed a Class 1 appeal against the deemed refusal of the DA on 28 August 2019.

S34 Conference was held on 9 April 2020 and an amended proposal was provided in response to the Statement of Facts and Contentions. The amendments primarily comprised a reduction from five apartments to three apartments. The provision of a car lift and the introduction of basement parking with a reduction from nine to six cars.

During the discussions further amendments were undertaken which comprise the lowering of the roof on the basis of a submission received from the owner of 8 Bay View Street objecting to the loss of view of Lunas Park. Due to the early COVID 19 restrictions the planning experts were unable to access the property at 8 Bay View Street to properly assess the view impacts in accordance with the Land and Environment Court's Planning Principle and had to rely on a single photograph provided by the owner of the property.



Photograph received from 8 Bay View Street

This process led to the imposition of a condition of consent in the following terms;

Plans on Site

A2. The following design amendment must be made to the drawings referred to in condition A1:

The overall roof ridge height and surrounding parapet for the structures at Bay View Street level comprising the car lift, visitor's car space roof over and pedestrian entry lift and stairwell are to be reduced in height by 630 mm or not exceed a maximum RL of 22.00.

Plant structures on the roof required for the proper operation of the car lift are exempted from this requirement.

Plans and elevations demonstrating compliance with this condition MUST BE submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

(Reason: To ensure views are preserved to surrounding properties)

The amended proposal was approved by the Land and Environment Court 3 September 2020.

Following the receipt of the approval, the applicant has researched the approval for 8 Bay View Street and previous submissions received from that property and is of the view that the photograph is not an accurate representation of the view impact.

The applicant has been through the plans for 8 Bay View Street as lodged with Council and positioned their balcony in our model as well as going through a few publicly available documents that contain drawings of the harbour outline and the approximate outline, plan and elevation of the Crystal Palace at Luna Park. The photograph provided by the neighbour appears to be taken at a lower height than that required by the Land and Environment Court's Planning Principle . Possibly 1m above the FFL of the ground floor terrace. Note the balustrade in the photo is at the edge of the planter which is a step down (approximately 300mm) from the terrace level.

Consequently, it is considered appropriate that a S4.55 be submitted to reinstate the original roof form, and that the planning experts then utilise the process to undertake a properly executed view assessment in accordance with the Land and Environment Court's Planning Principle.

This Statement has been prepared pursuant to Section 4.12 of the Environmental Planning and Assessment Act, 1979 and Clause 50 of the Environmental Planning and Assessment Regulation, 2000. The purpose of this document is to describe the existing improvements on the site, detail the proposed development, review the applicable planning regime relating to the proposal, assess the degree of compliance and examine the environmental effects of the development when measured against the Evaluation Criteria prescribed under Section 4.15(1) of the Environmental Planning and Assessment Act, 1979. In respect of the assessment of the proposal, where impacts are identified, measures proposed to mitigate any harm to environmental amenity have been addressed in this report.

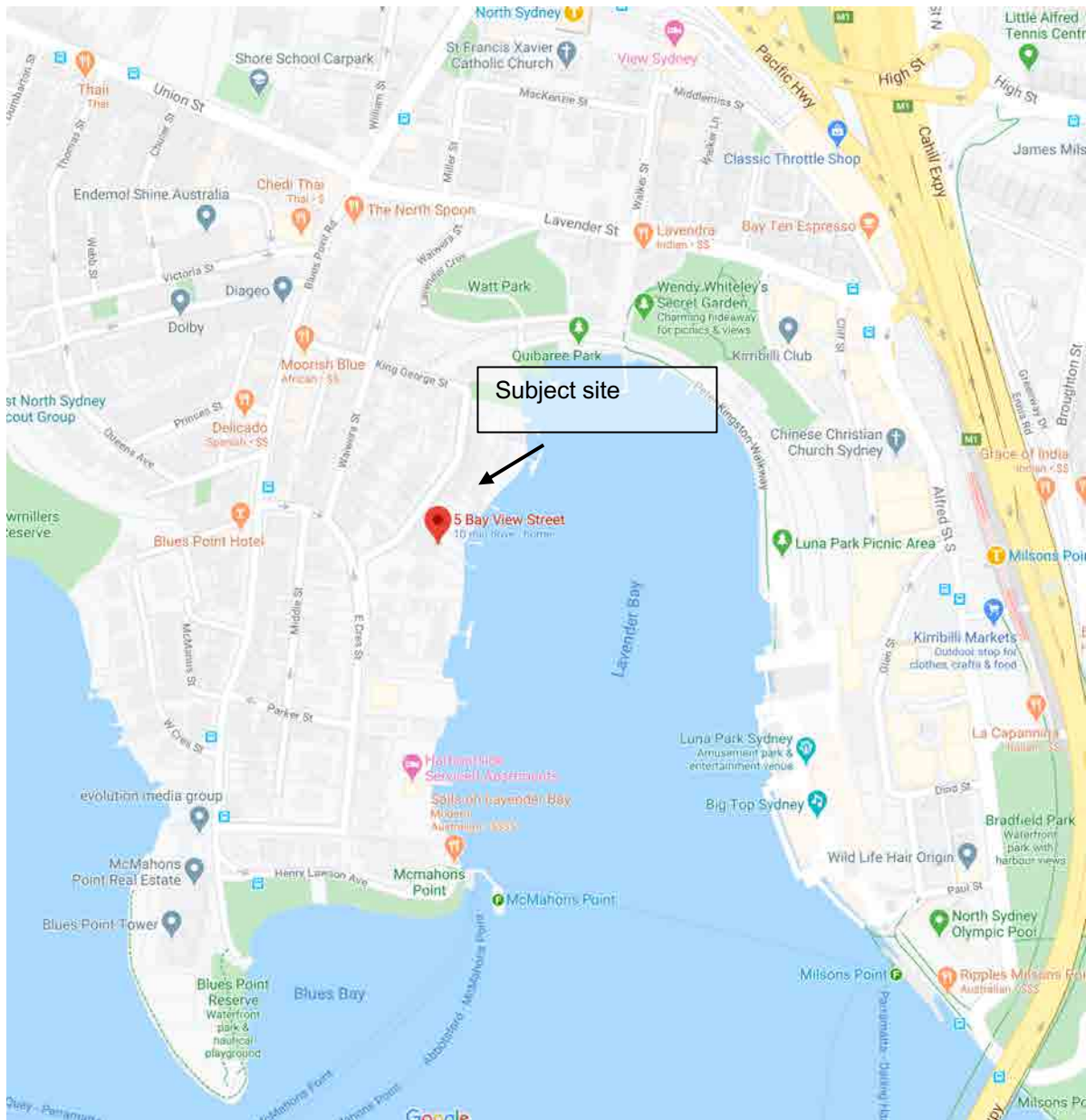
This report should be read in conjunction with:

- Amended Architectural plans prepared by MCK Architects;
- Amended Shadow diagrams prepared by MCK Architects;
- Survey Plan prepared by Hill and Blume Surveyors Pty Ltd;



Source: RPData 2020

2.0 The Site and Context



Location Plan

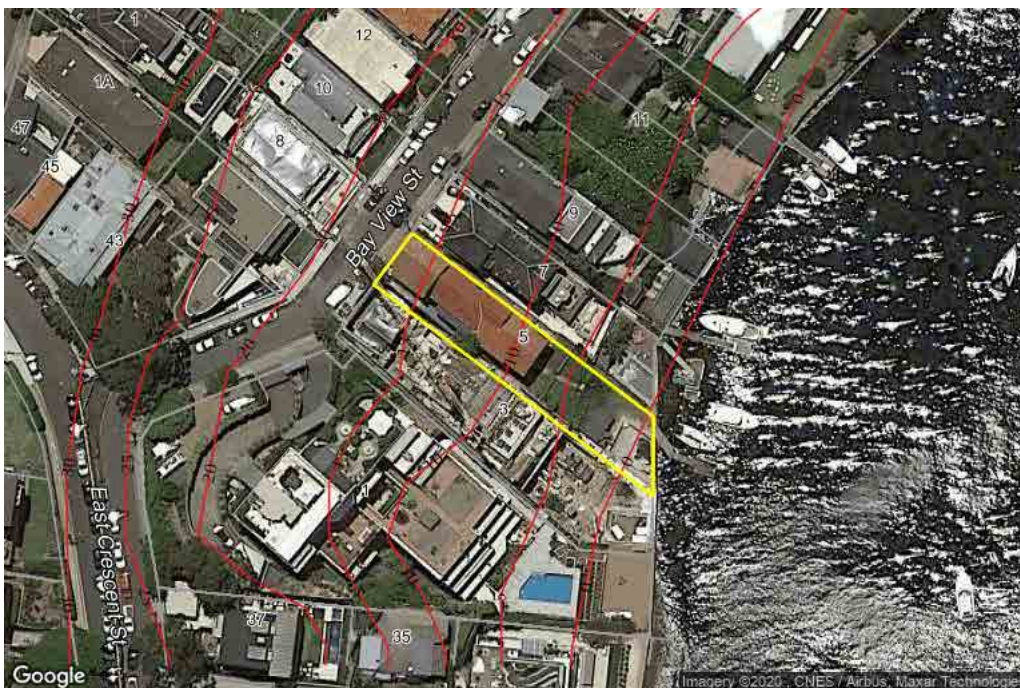
Source: GoogleMaps 2020

The site is located approximately 0.9km south of the North Sydney CBD and within 100m of Blues Point Road shopping strip. The immediate area is characterised by large single dwellings, attached dwellings and semi-detached dwellings interspersed with larger medium density residential flat buildings. The Harbour

Bridge and Opera House are directly opposite the site to the east across Lavender Bay. The buildings tend to step down the slope obtaining views to the east of Lavender Bay, the Harbour, Luna Park, Harbour Bridge and the Opera House and the foreshore reserves.

The land falls steeply to the east with the street pattern generally following the contours. This creates a series of terraces up slope generally retained above the street and offering views to the east. The subject site is located on the eastern side of Bay View Street south of the intersection with King George Street. The site has its frontage to Bay View Street and backs onto Lavender Bay to the rear.

The subject site is set below Bay View Street and is currently reached by a large external concrete stair between the building and the street. A substantial rock shelf and series of retaining walls and benched terraces occupy the site from the street frontage to the foreshore. It is apparent that the site has been significantly excavated and modified over time to accommodate the existing building. Similarly, the neighbouring sites have seen significant excavation and modification both historically and over the recent past.



Site with 5m contour overlay Source: RPData 2020



Site with 5m contour overlay Source: RPData 2020

The subject site is legally described as Lot 2 DP 167089 and is known as 5 Bay View Street, Lavender Bay. The site has an area of approximately 717.2m² and is regular in shape.

The site has an western boundary to Bay View Street of approximately 11.885m and an eastern boundary to the foreshore of approximately 11.885m. The common northern boundary is approximately 56.330m and the common southern boundary is 65.075m.

The land falls from west to east across the site from RL17.64 to RL0.93 (around 16.71m). A three storey free-standing residential flat building, containing six units, of masonry construction currently occupies the lot.



Subject site prior to construction of 3 Bay View Street with the site excavation of 7 Bay View Street apparent.

Source: RPData 2020

The adjoining property to the north (7 Bay View Street) is a four storey residential flat building with a pitched roof stepping down from the street frontage. The building is similarly oriented to the east towards the views with extensive terraced landscaped gardens and private open space to the rear. The building is built with a 900mm - 1500mm setback for the common boundary with the common steps and walkway on the boundary with the subject site.



View west towards 7 Bay View Street interface.



View north-west towards 7 Bay View Street interface.



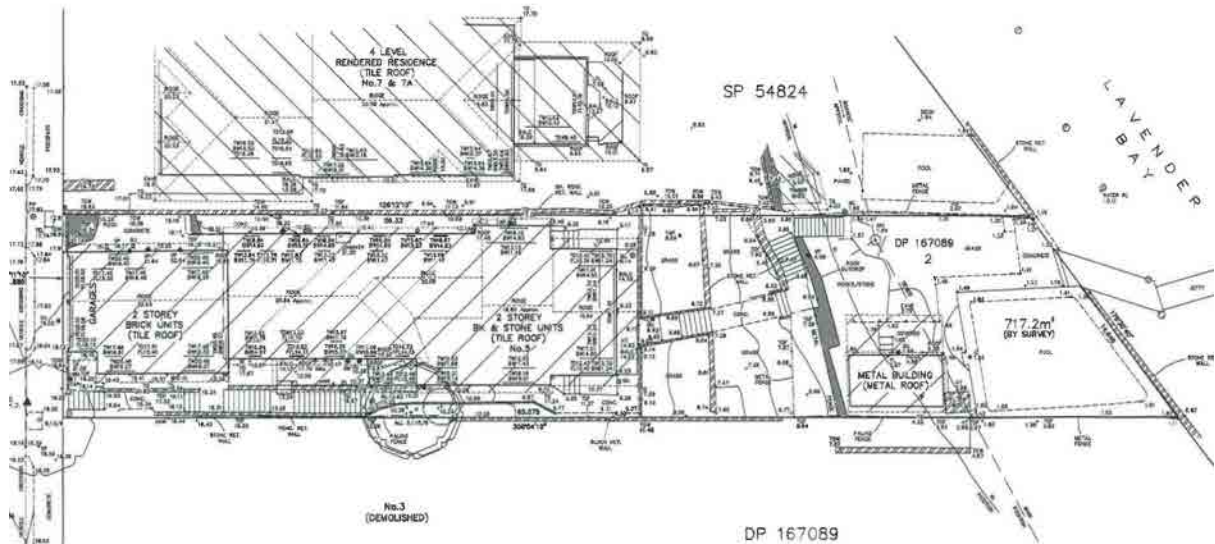
View west towards 7 Bay View Street interface showing the excavated lower level below the ground level of the subject site.

The rear garden is excavated below the subject site and mostly screened by an extensive boundary wall and the level change between the sites. A number of

windows are located on the southern elevation which have cross-views across the subject site.



View east from the street frontage towards 7 Bay View Street interface showing the excavated lower level below the ground level of the subject site.



Extract Hill and Blume Survey 2018

The adjoining property to the south (3 Bay View Street) is a four level dwelling currently under construction.

The dwelling has a flat roof, stepping down from the street frontage, and is similarly oriented to the east towards the views with extensive terraced landscaped gardens and private open space to the rear. The building is built with a 900mm - 1500mm setback for the common boundary with the steps and walkway on the boundary with the subject site.

The rear garden is excavated below the subject site and mostly screened by an extensive boundary wall and the level change between the sites. A central Courtyard between the dwelling and garage is also excavated below the subject site and mostly screened by an extensive boundary wall. A number of windows are located on the northern elevation which look towards the subject site.



View west of the interface with 3 Bay View Street.



View south-west of the interface with 3 Bay View Street showing extensive boundary walls.



View south-west of the interface with 3 Bay View Street showing extensive boundary walls and northern windows.

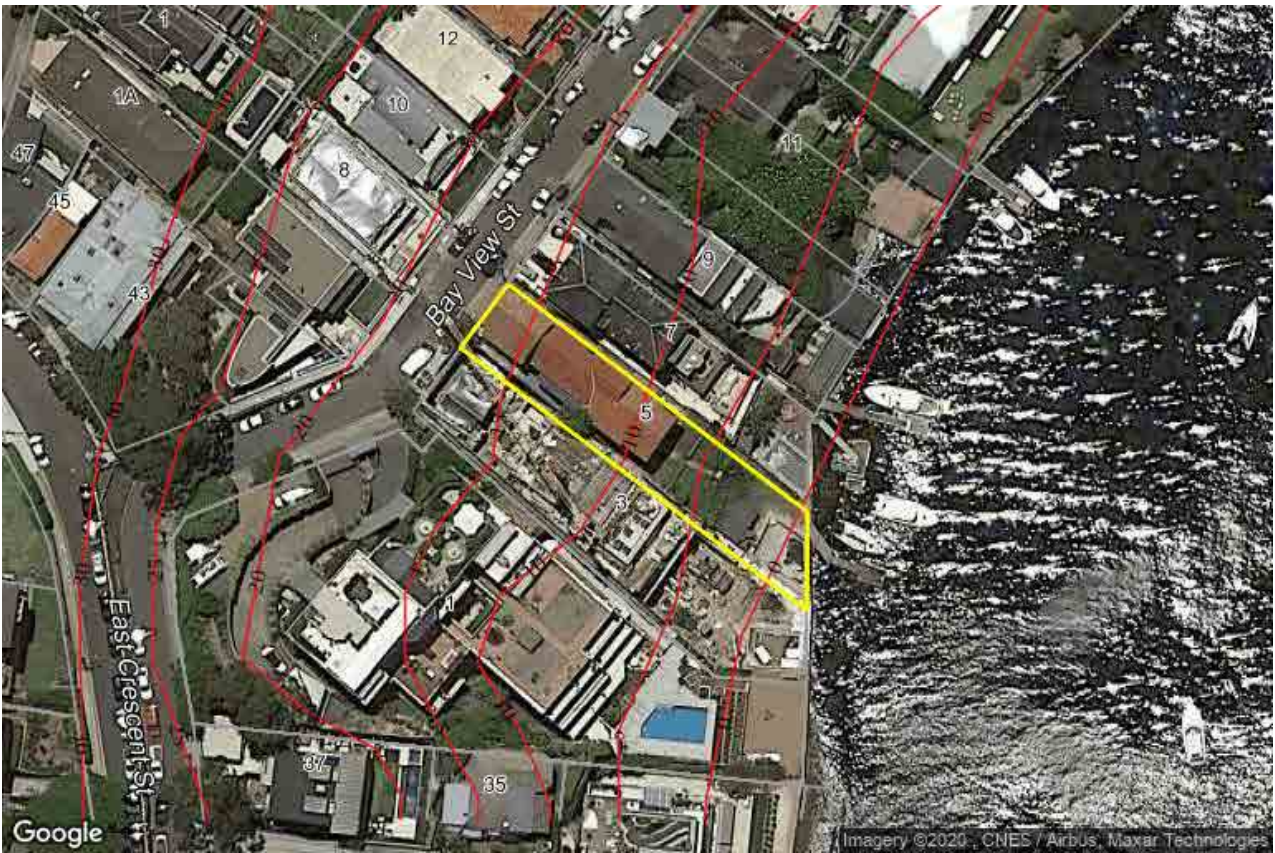


View east of the interface with 3 Bay View Street showing extensive boundary walls and northern windows.

The subject site addresses two different frontage conditions. Bay View Street is oriented north-south with a significant level change between the buildings on the west (high) side and the buildings on the east (low) side. The buildings almost all face east to benefit from the elevated position and the Harbour and City views.

To the east the subject site fronts Lavender bay and steps down the site to the foreshore.

The buildings on the west (high) side are generally 5 – 10m above the level of Bay View Street and present two to three storeys. This is in contrast to the buildings on the east (low) side which present as single storey structures to the street. This affords the buildings on the west side an elevated position and the Harbour and City views over the top of the subject site.



Site aerial Source: RPData 2020

3.0 Approved Development

A development application DA No:55/19 was lodged with North Sydney Council on 1 March 2019. Development application 55/19, sought approval for the demolition of the majority of existing structures on site (with the exception of the pool and associated foreshore works), and construction of an 6 storey residential flat building containing five apartments (containing 2 x 2 bedroom units and 3 x 3 bedroom apartments), with car stacker for seven cars, at No.5 Bay View Street, Lavender Bay as well as ancillary works to existing seawall, pool renovations, landscaping and stormwater works. The applicant filed a Class 1 appeal against the deemed refusal of the DA on 28 August 2019.

S34 Conference was held on 9 April 2020 and an amended proposal was provided in response to the Statement of Facts and Contentions. The amendments primarily comprised a reduction from five apartments to three apartments. The provision of a car lift and the introduction of basement parking with a reduction from nine to six cars.

During the discussions further amendments were undertaken which comprise the lowering of the roof on the basis of a submission received from the owner of 8 Bay View Street objecting to the loss of view of Lunas Park. Due to the early COVID 19 restrictions the planning experts were unable to access the property at 8 Bay View Street to properly assess the view impacts in accordance with the Land and Environment Court's Planning Principle and had to rely on a single photograph provided by the owner of the property.



Photograph received from 8 Bay View Street

This process led to the imposition of a condition of consent in the following terms;

Plans on Site

A2. The following design amendment must be made to the drawings referred to in condition A1:

The overall roof ridge height and surrounding parapet for the structures at Bay View Street level comprising the car lift, visitor's car space roof over and pedestrian entry lift and stairwell are to be reduced in height by 630 mm or not exceed a maximum RL of 22.00.

Plant structures on the roof required for the proper operation of the car lift are exempted from this requirement.

Plans and elevations demonstrating compliance with this condition MUST BE submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

(Reason: To ensure views are preserved to surrounding properties)

The amended proposal was approved by the Land and Environment Court 3 September 2020.

4.0 Proposed Amendment

This section should be read in conjunction with the amended architectural plans prepared by MCK Architects.

In summary the amended development proposes:

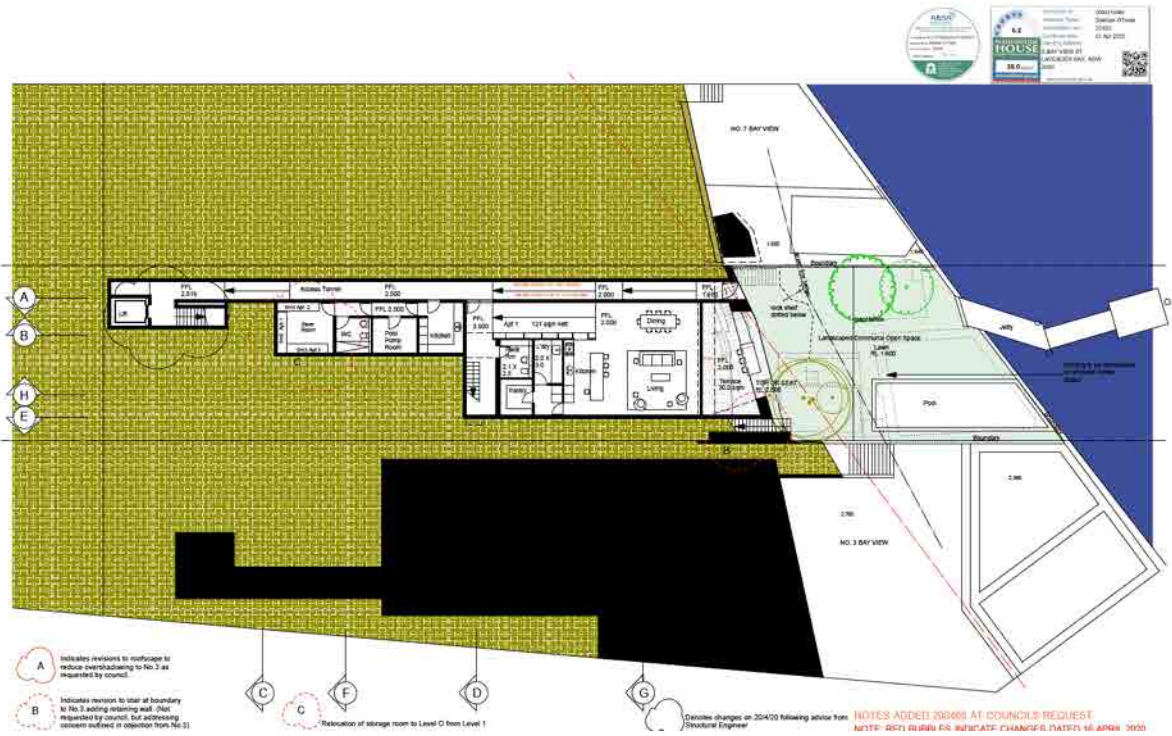
- Remove step in roof;
- Delete condition A2;

~~A2. The following design amendment must be made to the drawings referred to in condition A1:~~

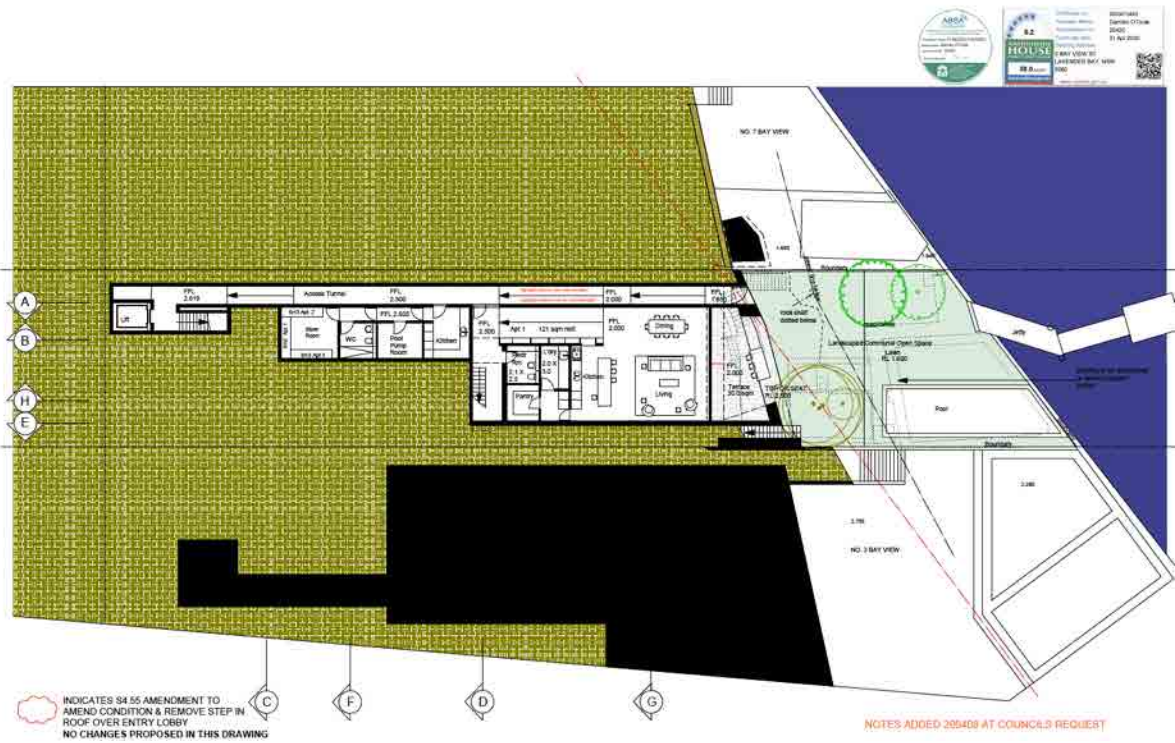
~~The overall roof ridge height and surrounding parapet for the structures at Bay View Street level comprising the car lift, visitor's car space roof over and pedestrian entry lift and stairwell are to be reduced in height by 630 mm or not exceed a maximum RL of 22.00.~~

Detail Description

Level 0



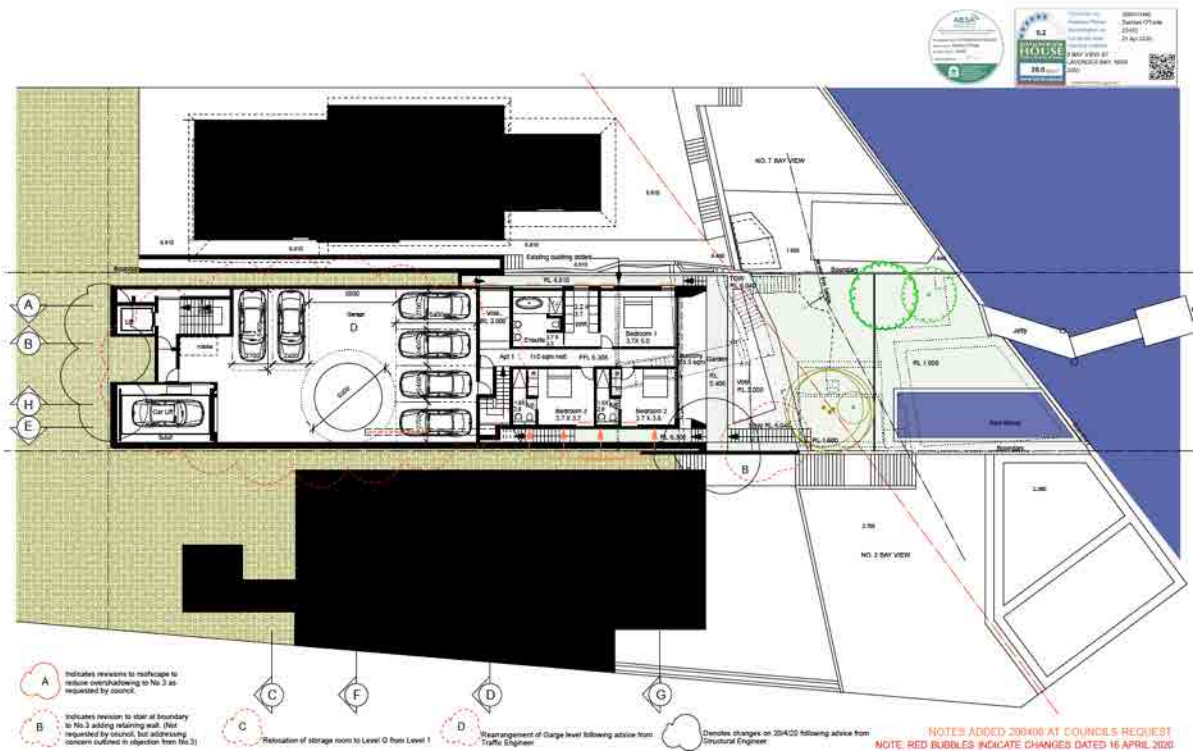
Approved Level 0



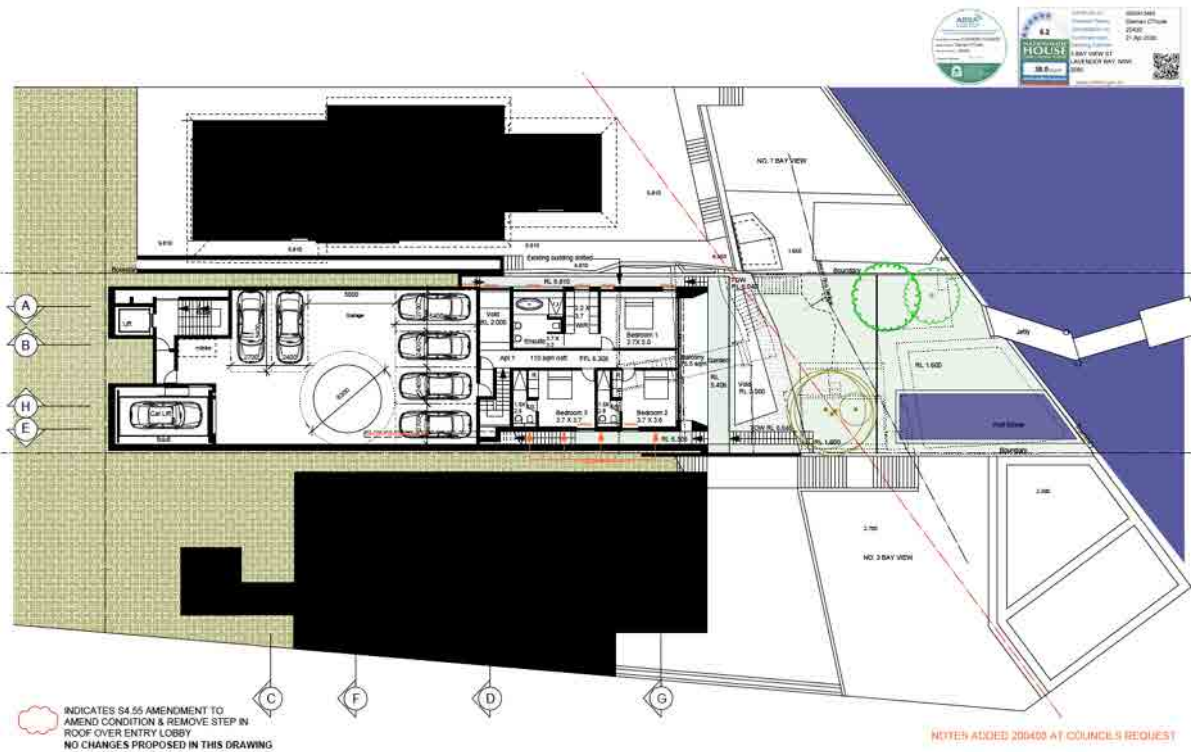
Proposed S4.55 Level 0

- No change

Level 1



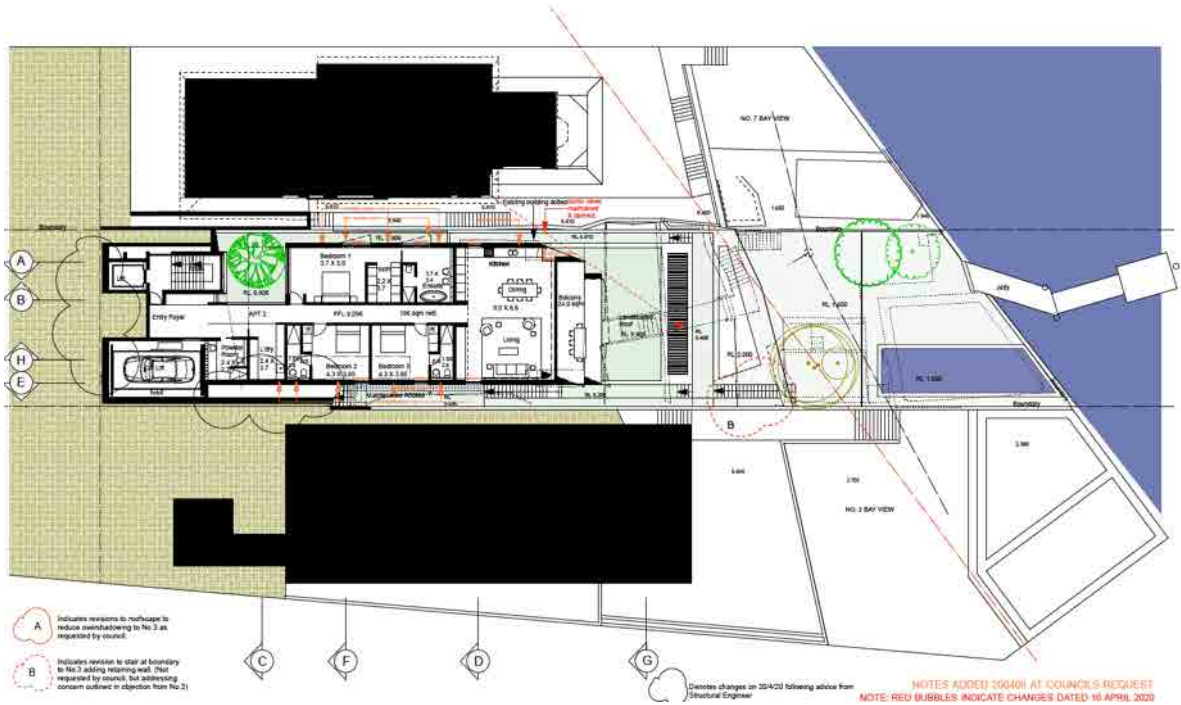
Approved Level 1



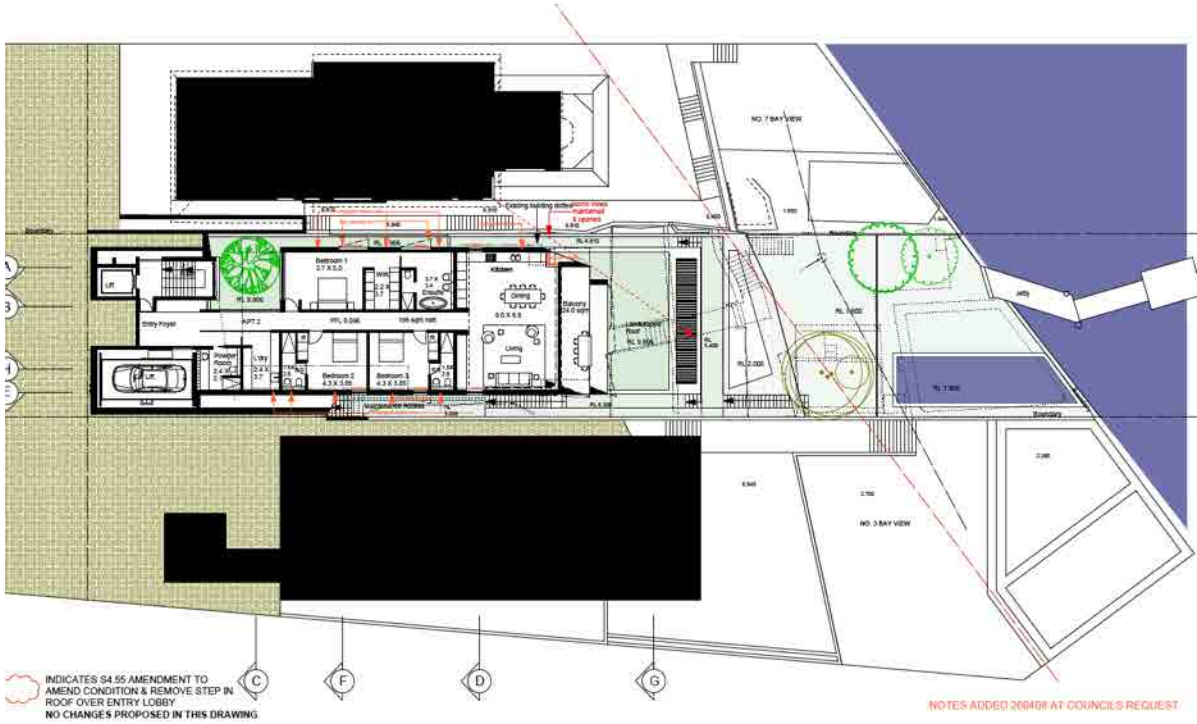
Proposed S4.55 Level 1

- No change

Level 2



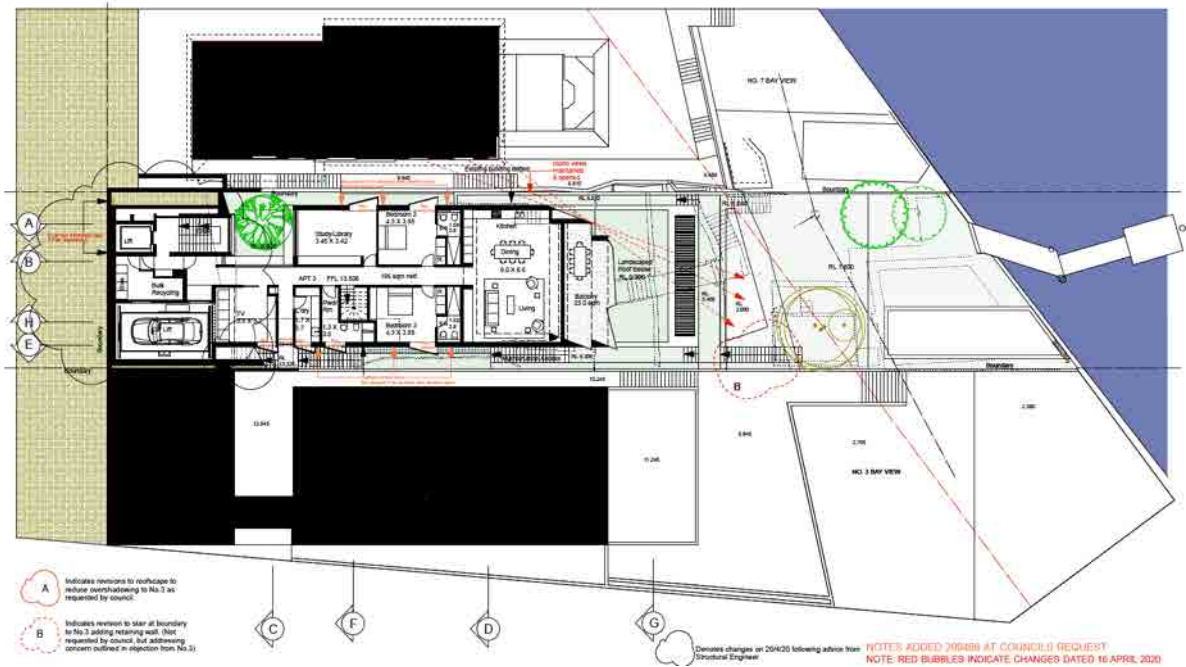
Approved Level 2



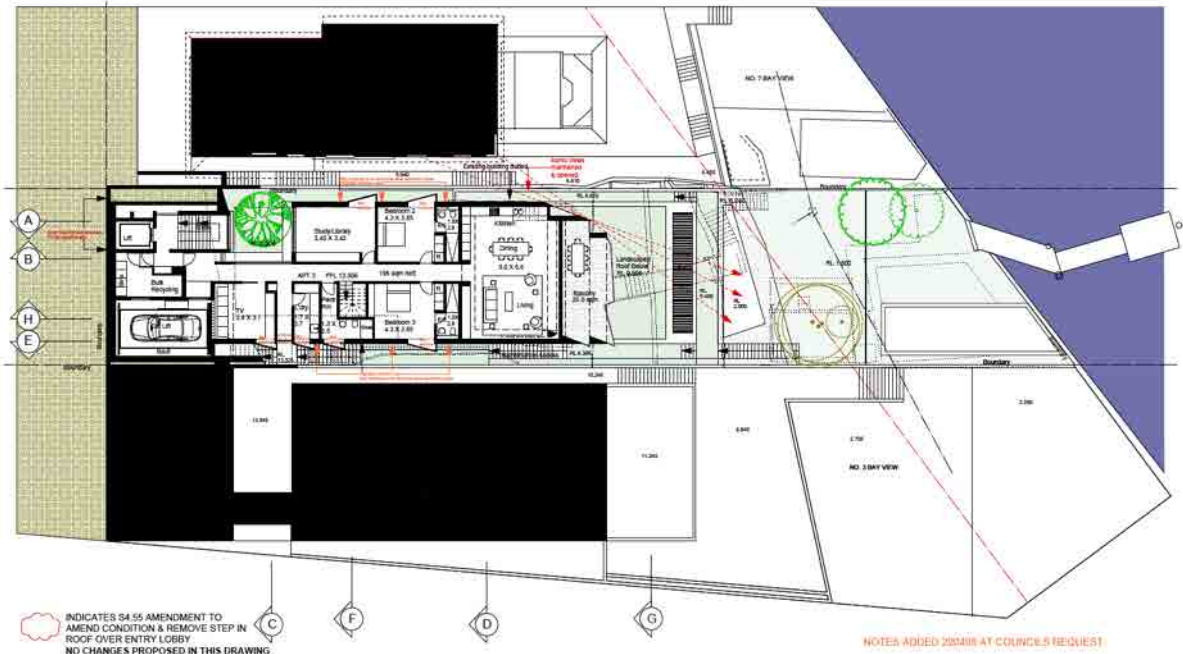
Proposed S4.55 Level 2

- No change;

Level 3



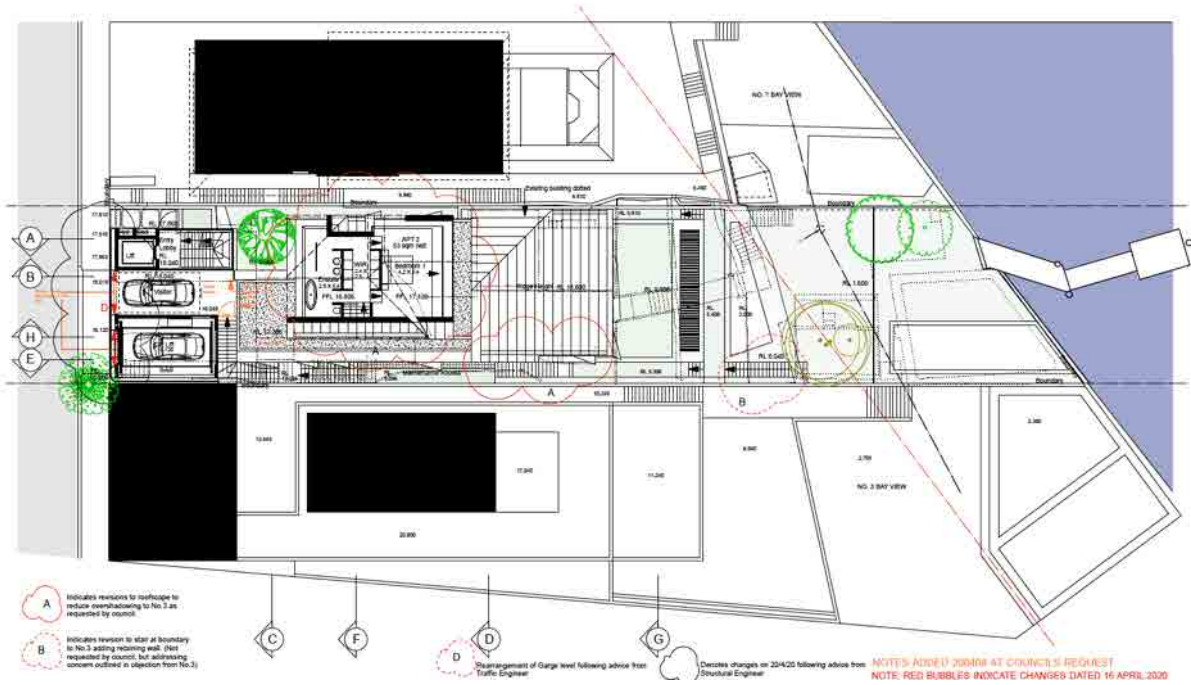
Approved Level 3



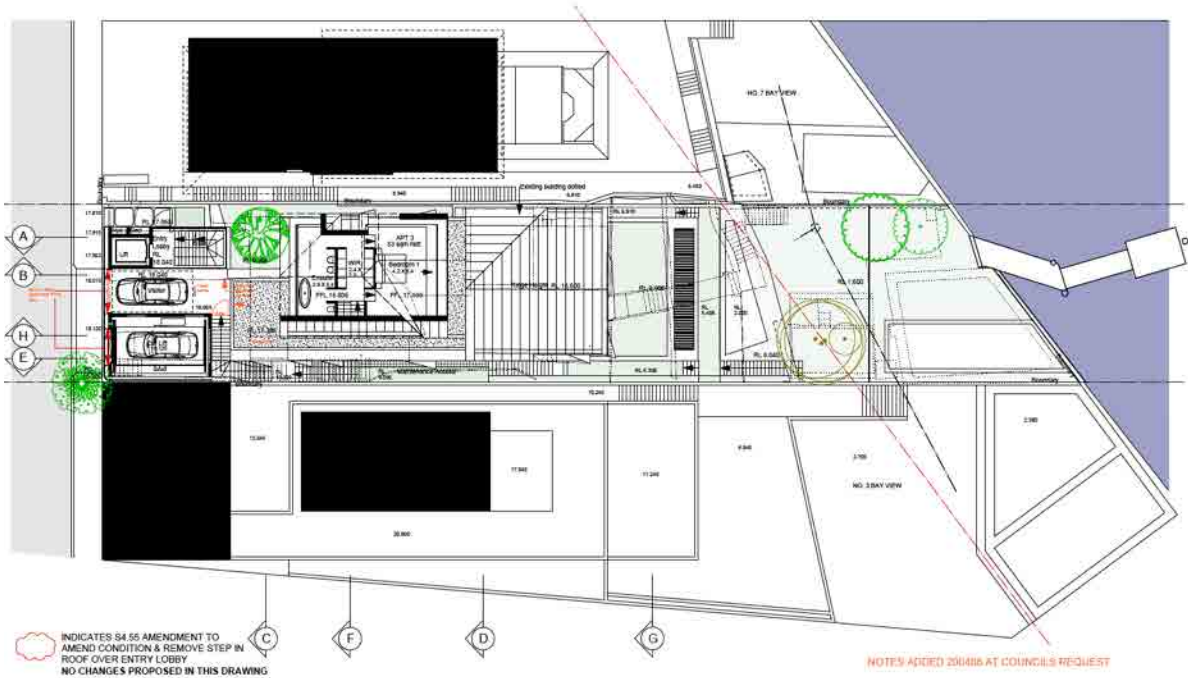
Proposed S4.55 Level 3

- No change;

Level 4



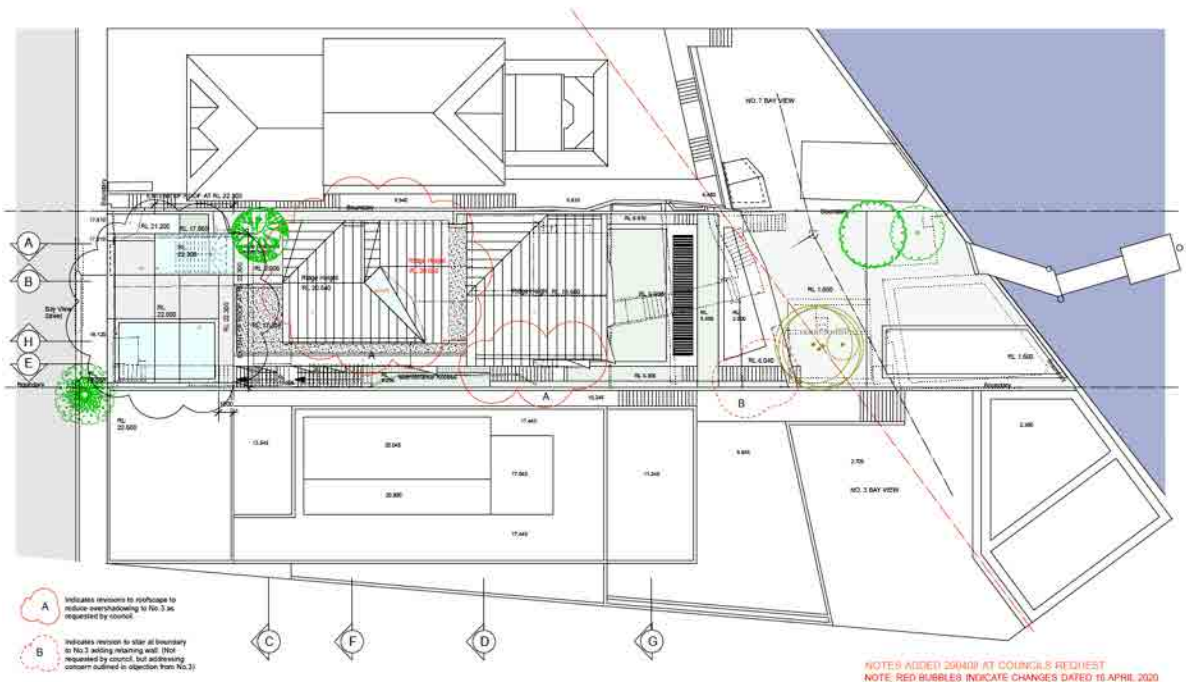
Approved Level 4



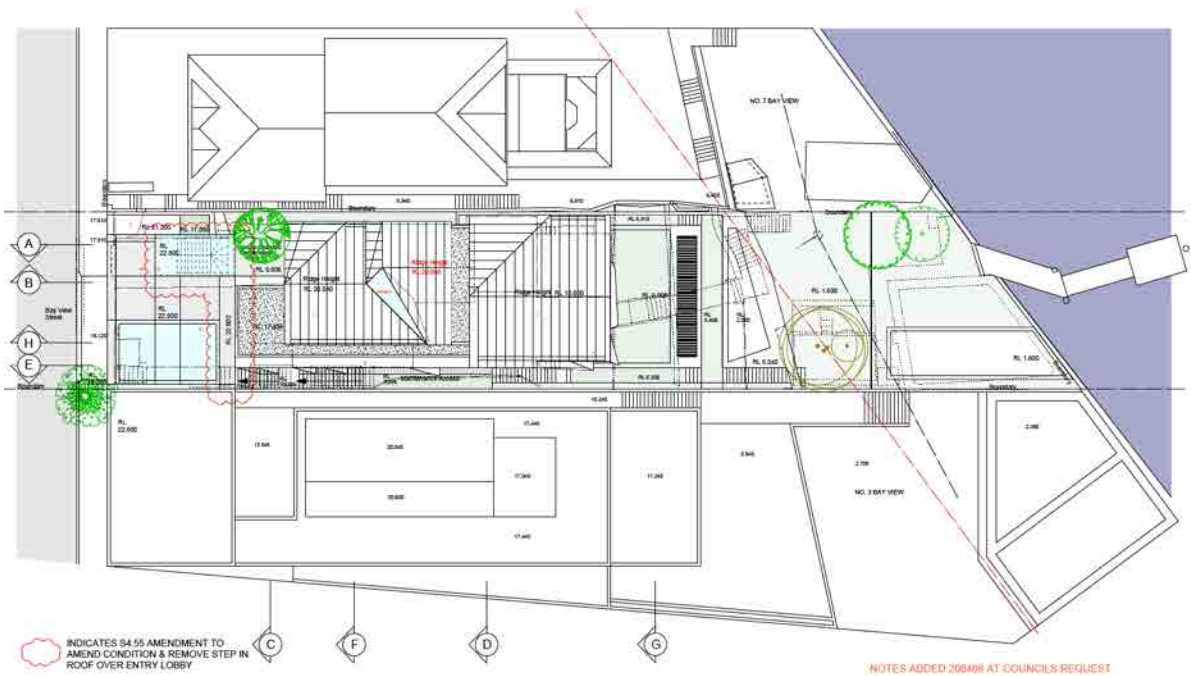
Proposed S4.55 Level 4

- No change;

Roof Plan



Approved Roof Plan

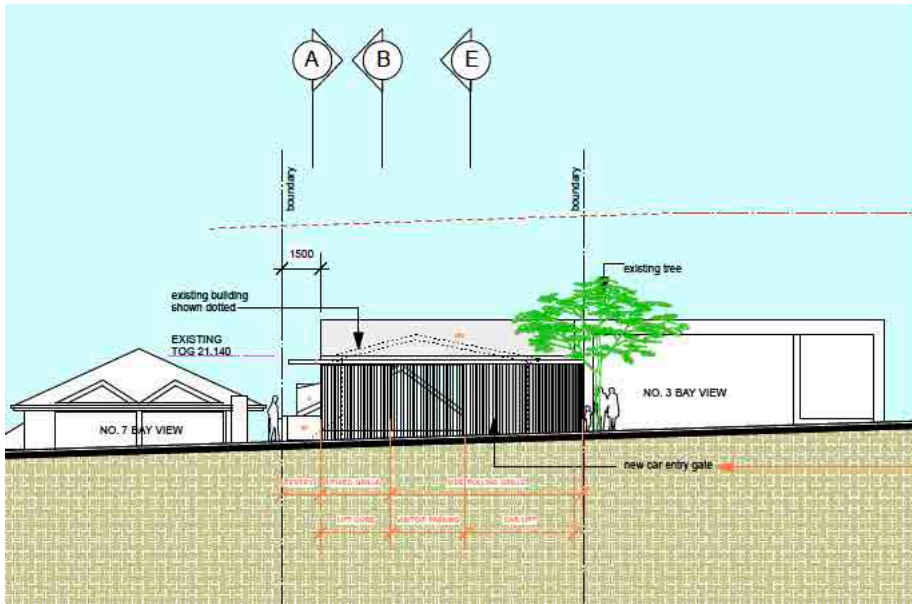


Proposed S4.55 Roof Plan

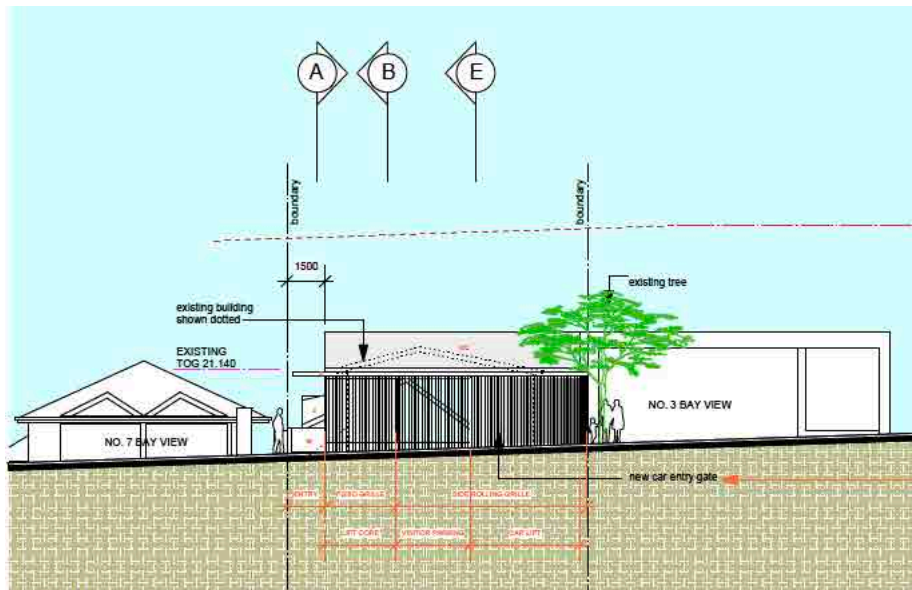
Proposed Roof Plan Amendments

- Remove step in roof;
- Delete condition A2.

North-West Elevation



Approved Development



Proposed S4.55

South-East Elevation

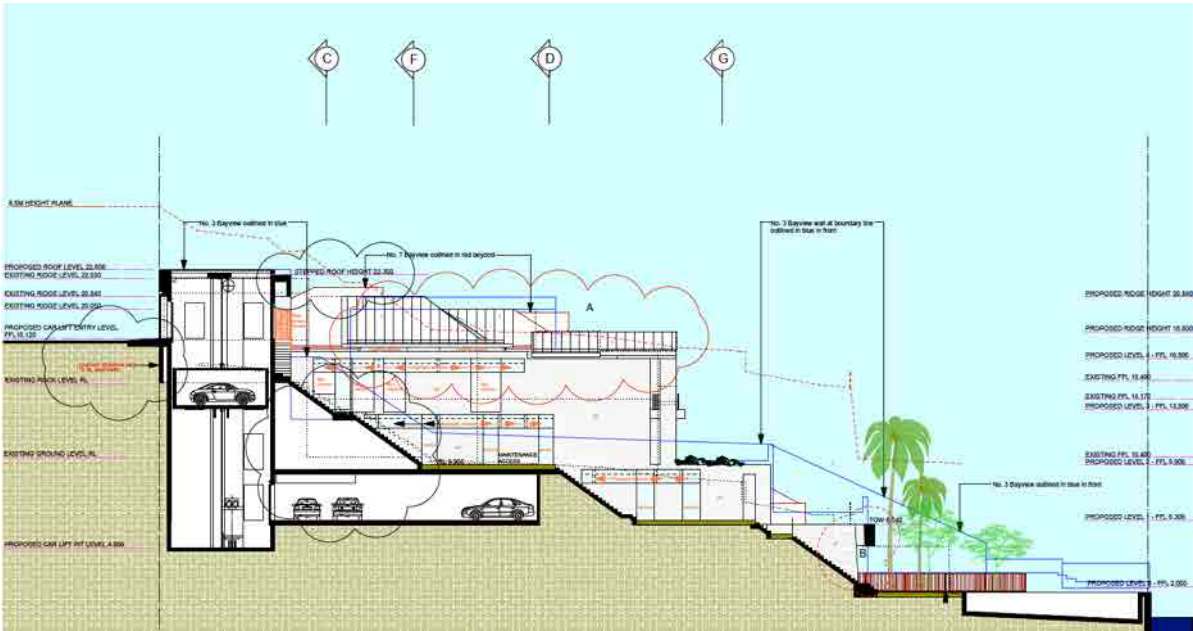


Approved Development

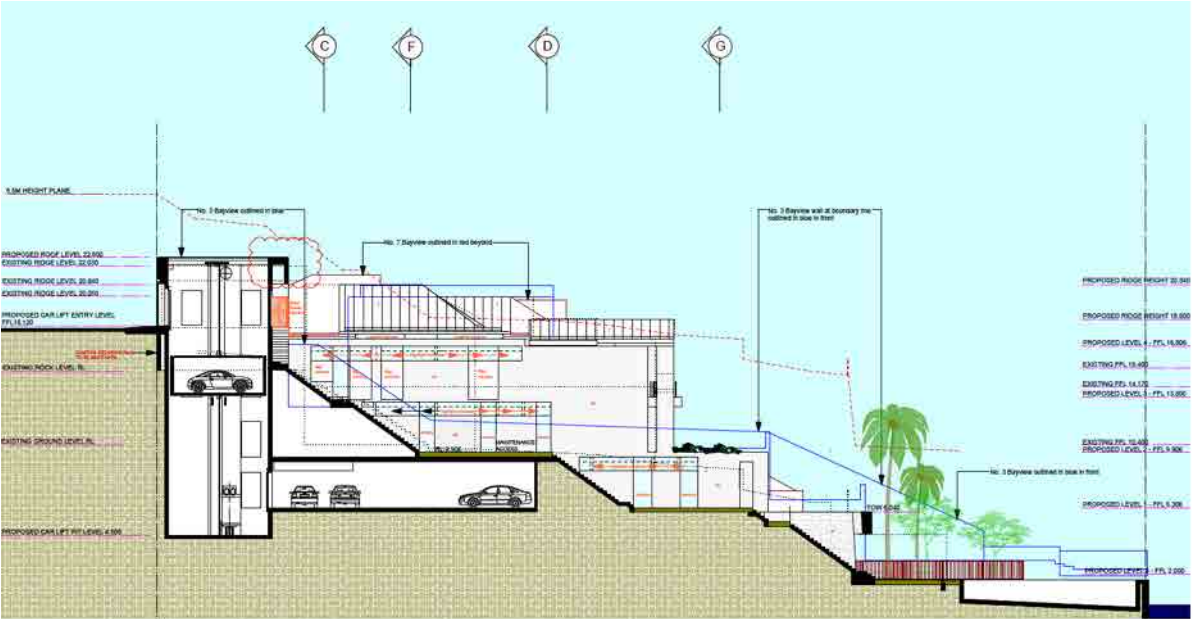


Proposed S4.55

South-West Elevation

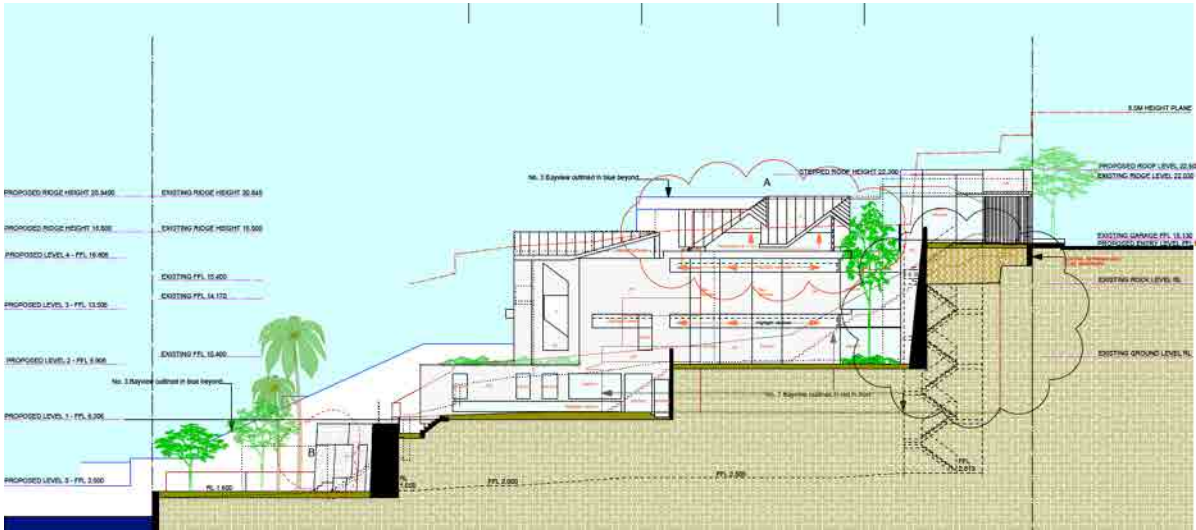


Approved Development



Proposed S4.55

North-East Elevation

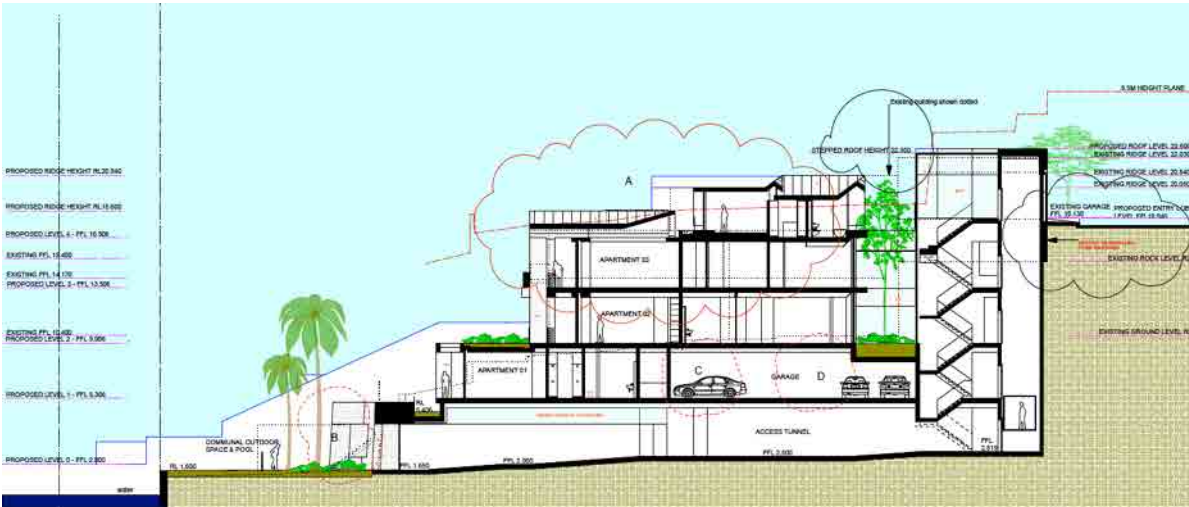


Approved Development



Proposed S4.55

Section AA

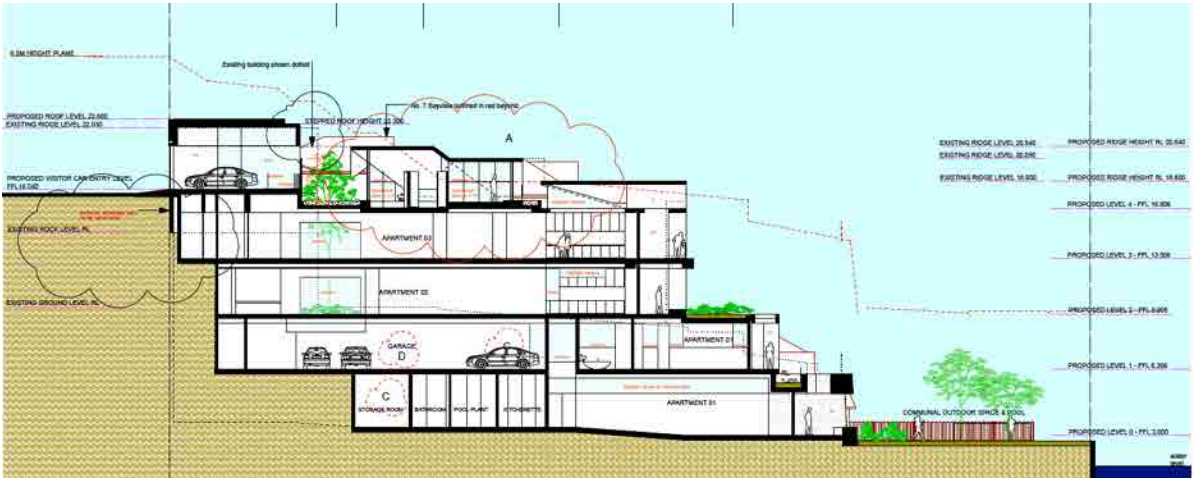


Approved Development

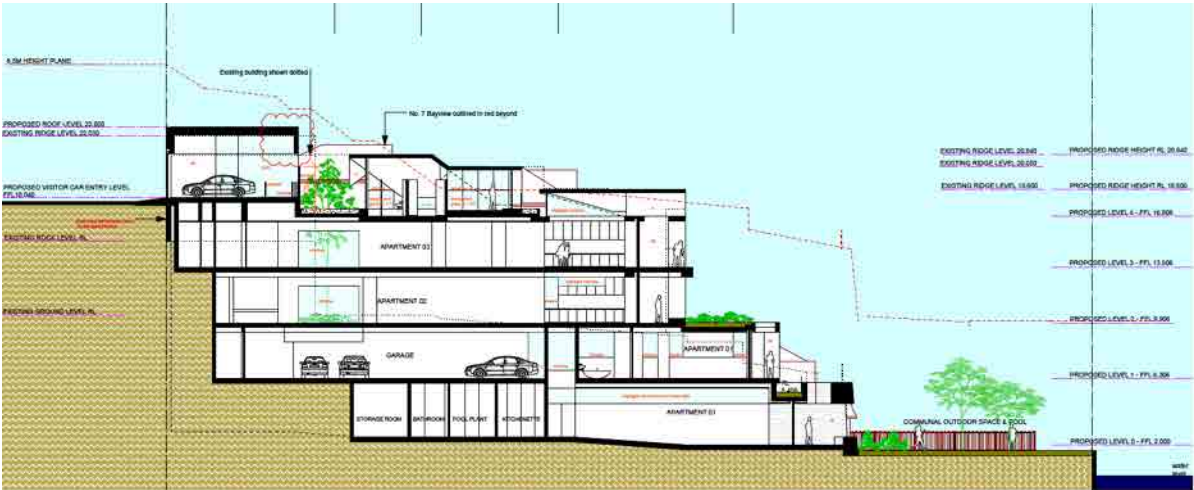


Proposed S4.55

Section BB



Approved Development

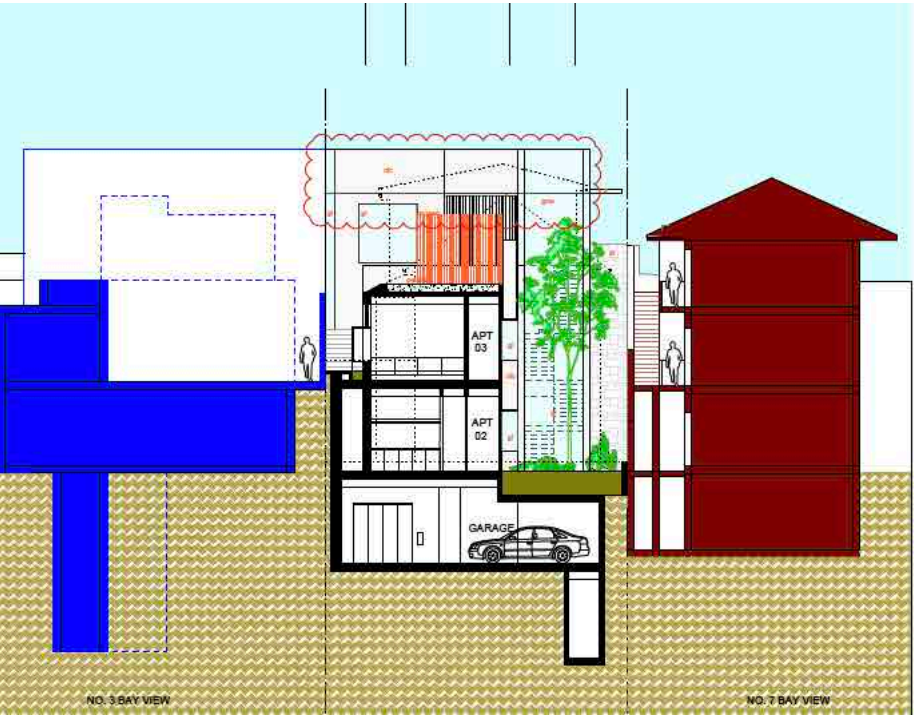


Proposed S4.55

Section CC

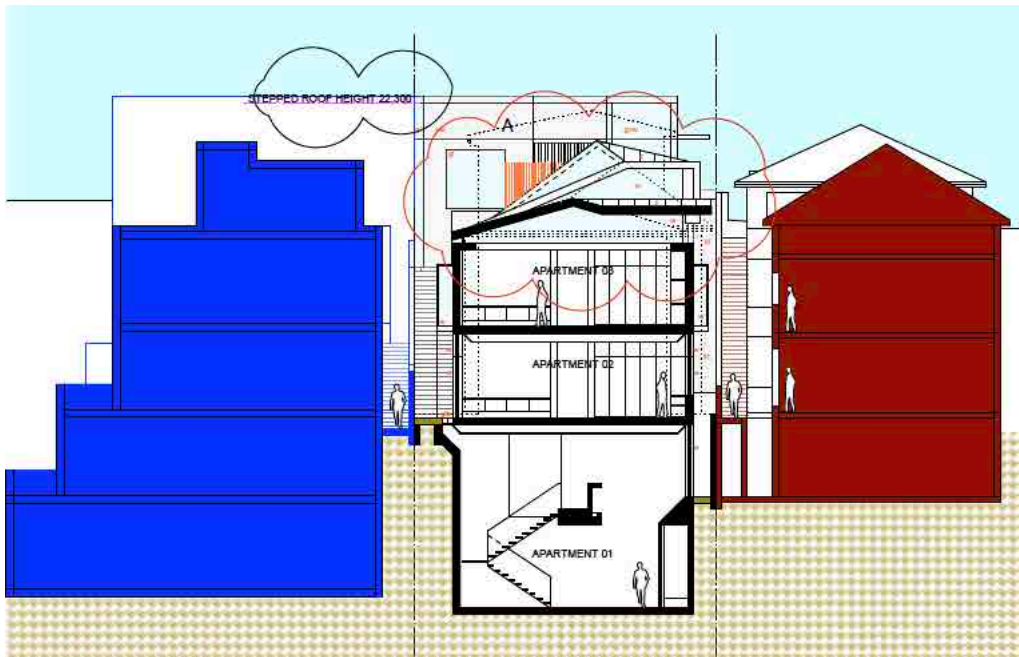


Approved Development

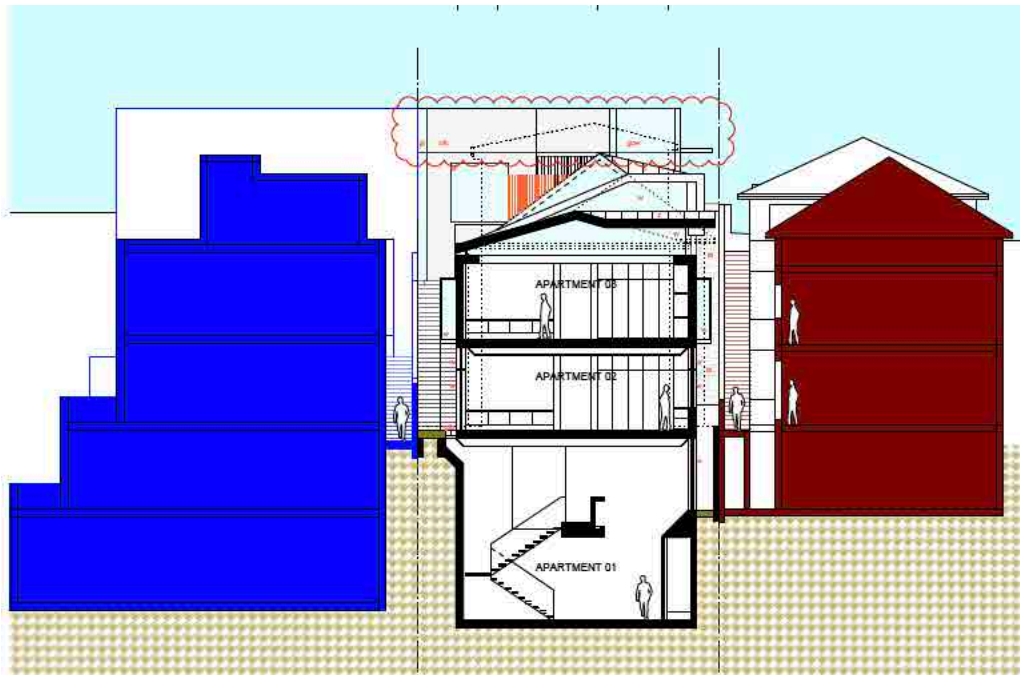


Proposed S4.55

Section DD



Approved Development



Proposed S4.55

5.0 Planning Controls

The proposed development has been assessed against the relevant requirements and guidelines set by North Sydney Council. These are contained within the:

- SEPP 55 - Remediation Of Land
- SEPP (BASIX) 2004
- North Sydney Local Environmental Plan (LEP) 2013
- North Sydney Development Control Plan (DCP) 2013

5.1 SEPP 55 - Remediation Of Land

Clause 7 (1) (A) of SEPP 55 requires Council to consider whether the land is contaminated. The subject site has an extended history of residential use. It is considered unlikely that any contamination would exist on the land.

5.2 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX Assessment was submitted with the development application and confirms that the proposal is committed to environmental sustainability measures. This aspect is unchanged by the proposed amendments.

5.3 North Sydney Local Environmental Plan 2013

The subject site is Zoned R3 –Medium Density Residential. The specific objectives of the *zone are:*

Zone R3 Medium Density Residential

1 Objectives of zone

- *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.*

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Attached dwellings; Boarding houses; Child care centres; Community facilities; Dual occupancies (attached); Dwelling houses; Group homes; Home-based child care; Hostels; Information and education facilities; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing

4 Prohibited

Any development not specified in item 2 or 3

The proposed development defined as a residential flat building is prohibited in the R3 Medium density zone. The existing residential flat building provides existing use rights on which the proposal relies to rebuild.

The proposal is assessed under the relevant clauses of this LEP in the table below.

TABLE 1: Compliance with North Sydney LEP 2013

4.3 Height of buildings

(1) The objectives of this 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 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.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

(2A) Despite subclause (2), the height of the street elevation of any building on land in Zone R2 Low Density Residential that is also within a heritage conservation area must not exceed 5.5 metres unless any adjoining buildings with the same street frontage are at least 2 storeys high.

(2B) Despite subclauses (2) and (2A), the maximum height of a building on land in the following zones with a site area of less than 230 square metres (excluding the area of any access handle, access way or right of carriageway) must not exceed 5.5 metres:

(a) Zone R2 Low Density Residential,

(b) Zone R3 Medium Density Residential,

(c) Zone R4 High Density Residential.

(2C) Despite subclause (2), development consent may be granted to development on land identified as Land in St Leonards on the Exceptions to Development Standards Map if the height of a building (excluding plant rooms and other similar structures) will exceed the maximum height shown for the land on the Height of Buildings Map by no more than 3 metres.

8.5m

The existing residential flat building exceeds the 8.5m height control with a height of 10.45454m as a result of previous site excavation which modified the slope of the land to accommodate the existing

building.

The approval matches the height of the existing building with a height of 10.454m. This aspect is unchanged by the proposed amendments.

4.4 Floor space ratio

(1) The objectives of this clause are as follows:

- (a) to ensure the intensity of development is compatible with the desired future character and zone objectives for the land,
- (b) to limit the bulk and scale of development.

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

The subject site has no FSR control.

5.6 Architectural roof features

(1) The objectives of this clause are as follows:

- (a) to permit variations to maximum building height standards for roof features of visual interest, and
- (b) to ensure that roof features are decorative elements and that the majority of the roof is contained within the maximum building height standard.

(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.

(3) Development consent must not be granted to any such development unless the consent authority is satisfied that:

(a) the architectural roof feature:

- (i) comprises a decorative element on the uppermost portion of a building, and
- (ii) is not an advertising structure, and
- (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and

-
- (iv) will cause minimal overshadowing, and
 - (b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

The proposed development does not propose any architectural roof features.

5.9 Preservation of trees or vegetation

(1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.

(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.

Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:

- (a) development consent, or
- (b) a permit granted by the Council.

(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.

(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:

-
- (a) that is or forms part of a heritage item or that is within a heritage conservation area, or
 - (b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance,
 - unless the Council is satisfied that the proposed activity:
 - (c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and
 - (d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

Note. As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.

- (8) This clause does not apply to or in respect of:
 - (a) the clearing of native vegetation:
 - (i) that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003*, or
 - (ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or
 - (b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or
 - (c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or
 - (d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying and Spatial Information Act 2002*, or
 - (e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

Note. Permissibility may be a matter that is determined by or under any of these Acts.

(9) [Not adopted]

The proposal does not require the removal of any significant trees. The palm trees which exist on the site are proposed to be retained and transplanted.

This aspect is unchanged by the proposed amendments.

5.10 Heritage conservation

Note. Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.

(1) Objectives

The objectives of this clause are as follows:

- (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.

(2) Requirement for consent

Development consent is required for any of the following:

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):
 - (i) a heritage item,
 - (ii) an Aboriginal object,
 - (iii) a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,
- (c) disturbing or excavating an archaeological site while

knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,

(d) disturbing or excavating an Aboriginal place of heritage significance,

(e) erecting a building on land:

(i) on which a heritage item is located or that is within a heritage conservation area, or

(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,

(f) subdividing land:

(i) on which a heritage item is located or that is within a heritage conservation area, or

(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

(3) When consent not required

However, development consent under this clause is not required if:

(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:

(i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and

(ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or

(b) the development is in a cemetery or burial ground and the proposed development:

(i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and

(ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an

Aboriginal place of heritage significance, or

(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or

(d) the development is exempt development.

(4) Effect of proposed development on heritage significance

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) Heritage assessment

The consent authority may, before granting consent to any development:

(a) on land on which a heritage item is located, or

(b) on land that is within a heritage conservation area, or

(c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) Heritage conservation management plans

The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(7) Archaeological sites

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies):

(a) notify the Heritage Council of its intention to grant consent, and

(b) take into consideration any response received from the

Heritage Council within 28 days after the notice is sent.

(8) Aboriginal places of heritage significance

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
- (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

(9) Demolition of nominated State heritage items

The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:

- (a) notify the Heritage Council about the application, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(10) Conservation incentives

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and

(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and

(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

The subject site is not identified as being located within a heritage conservation area and is not a heritage item and is not in the visual catchment of the proximate adjoins heritage items.

6.10 Earthworks

(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

(2) Development consent is required for earthworks unless:

- (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or
- (b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.

(3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:

- (a) the likely disruption of, or any detrimental effect on:
 - (i) drainage patterns and soil stability in the locality of the development, and
 - (ii) natural features of, and vegetation on, the site and adjoining land,
- (b) the effect of the development on the likely future use or redevelopment of the land,
- (c) the quality of the fill or the soil to be excavated, or both,
- (d) the effect of the development on the existing and likely amenity of adjoining properties,

-
- (e) the source of any fill material and the destination of any excavated material,
 - (f) the likelihood of disturbing Aboriginal objects or relics,
 - (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
 - (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Note. The *National Parks and Wildlife Act 1974*, particularly section 86, deals with harming Aboriginal objects.

The proposal seeks to undertake excavation predominantly below the building. The excavation will be setback from all frontages of the site and site boundaries to ensure the stability above. Appropriate measures will be adopted in accordance with Council's requirements to ensure that the stability of adjoining properties are not compromised by the proposal. A report by JK Geotechnics is submitted with the application addressing these provisions and recommends that the proposal is satisfactory.

This aspect is unchanged by the proposed amendments.

It can be seen from the table that the proposal complies with the relevant provisions of the LEP and the objectives of those provisions, where relevant.

4.4 North Sydney Development Control Plan 2013

The proposed development is assessed under the relevant controls of DCP 2013 as follows:

North Sydney DCP 2013

Part B

Section 1 – Residential Development

1.2 Social Amenity

1.2.1 Population Mix

Objectives

O1 To provide a mixed residential population in terms of age, gender, household type and size, education, income and employment, and including households with children, households on low to moderate incomes, households with aged or disabled persons.

O2 To ensure that dwelling yield achieves a density that contributes to energy efficient design and residential amenity.

O3 To encourage the provision of adaptable housing in new developments so that residents can age in place.

O4 To enable residents to age in place.

Provisions

P1 Achieve a dwelling yield that is consistent with Council's Residential Development

Strategy (2009), being approximately:

(a) 240m² gross site area per attached dwelling or multi-

dwelling housing, or

(b) 90m² gross site area per apartment within a residential flat building.

P2 Multi-dwelling housing and residential flat buildings containing less than 20 dwellings must include, at least two of the following dwelling types:

(a) studio;

(b) 1-bedroom;

(c) 2-bedroom; and

(d) 3-bedroom.

P3 Despite P2 above, no more than 55% of all dwellings must comprise a combination of both studio and 1-bedroom dwellings.

P4 Residential flat buildings containing 20 or more dwellings should provide a mix of dwelling sizes in accordance with Table B-1.1.

P5 Variations to the dwelling mix within P3 or P4 will not be considered, unless the applicant can adequately demonstrate by an authoritative analysis of current and future market demand that the suggested mix is not reasonable.

P6 A minimum of 15% of dwellings in multi-dwelling housing and residential flat buildings that contain more than 5 dwellings must comprise adaptable housing, and be designed and constructed to a minimum Class C Certification under AS 4299 – Adaptable Housing.

P7 Where adaptable housing is to be provided, the adaptable housing components must:

(a) be integrated into the overall design of the development, and not be isolated; and

(b) not use a different standard of materials and finishes to the remainder of the building.

P8 Where adaptable dwellings are proposed, those dwellings must be clearly identified as such on the submitted development application plans.

P9 Provide indoor and outdoor spaces that meet the needs of different population groups and build flexibility into communal space to meet changing needs.

The approval provides three apartments consistent with these density provisions.

This aspect is unchanged by the proposed amendments.

1.2.2 Maintaining residential accommodation

Objectives

O1 To ensure that developments do not result in the loss of residential accommodation.

Provisions

P1

Development, whether it comprises new buildings or alterations/additions to existing buildings, should ensure that the existing residential density on site is not reduced (i.e. that the number of dwellings, or the number of rooms/bed spaces in a boarding house, that existed on the site is not reduced).

The approval reduces the existing dwelling numbers in order to improve the amenity of the offering to achieve contemporary standards.

This aspect is unchanged by the proposed amendments.

1.2.3 Affordable housing

Housing is considered affordable when households that are renting or purchasing are able to pay their housing costs and still have sufficient income to meet other basic needs such as food, clothing, transport, medical care and education.

Individuals working in key services on low-to-moderate incomes are finding it increasingly difficult to find affordable housing close to their work places. Over

time, these individuals may choose not to work in high cost areas that are too far from their accommodation. By increasing access to affordable housing, we work towards integrated and sustainable communities that function in a way that benefits the whole community.

Affordable housing can be provided by both the government and private sectors. More information about affordable housing can be obtained from the Department of Planning's website.

Objectives

O1 To prevent the loss affordable housing within the LGA and displacement of socially disadvantaged groups.

O2 To encourage the provision of adaptable housing in new developments.

Provisions

P1 Development must avoid the loss of low cost accommodation in accordance with the provisions of the Affordable Rental Housing SEPP. Where a loss occurs, the applicant will be required to pay a monetary contribution for the replacement of affordable housing.

P2 New affordable housing may be provided in accordance with the provisions of the Affordable Rental Housing SEPP.

The existing residential flat building does not fall within the definition of affordable housing.

Rental records have been provided which includes full rental ledgers of all units, demonstrating that all rents have been above the median rent levels and the SEPP therefore does not apply.

This aspect is unchanged by the proposed amendments.

1.2.4 Housing for Seniors and Persons with a Disability

Not relevant.

1.3 ENVIRONMENTAL CRITERIA

1.3.1 Topography

Objective

O1 To ensure that the natural topography and landform are maintained.

Provisions

P1 Development should not result in the ground level (finished) being greater than 500mm above or below ground level (existing).

P2 Habitable rooms (not including bathrooms, laundries and storerooms) should be located above ground level (existing).

P3 New development should not result in the removal or covering of rock outcrops, overhangs, boulders, sandstone platforms or sandstone retaining walls.

P4 Excavation should not occur within 1m of any property boundary. Where excavation is required within 500mm of a property boundary, Council must not grant development consent unless it is satisfied that the proposed excavation will not result in adversely impacting upon the structural integrity of adjoining properties.

Note: In order to satisfy Council that the level of excavation is acceptable, it is recommended that applicants submit appropriate details from a structural engineer.

P5 The depth of soil around buildings must be sufficient to sustain trees as well as shrubs and smaller scale gardens.

The proposal retains the existing rock walls on the foreshore and repairs and rebuilds them where required consistent with these provisions.

Appropriate measures will be adopted in accordance with Council's requirements to ensure that the stability of adjoining properties are not compromised by the proposal. A report by JK Geotechnics is submitted with the application addressing these provisions and recommends that the proposal is satisfactory.

This aspect is unchanged by the proposed amendments.

1.3.2 Properties adjoining bushland

Objectives

O1 To ensure that development located within proximity of land zoned *E2 – Environmental Conservation* is compatible with long term conservation and management of Council's Bushland reserve system in accordance with Council's Bushland Plan of Management and other relevant legislation and policies.

Provisions

P1 Development on properties in proximity to bushland must be consistent with the requirements of Part B: Section 15 - *Bushland* of the DCP.

Note: Refer to the Bushland Buffer Map in Appendix 4 to this DCP to determine if the subject property is located in proximity to bushland.

P2 Maintain existing ground levels on land adjoining land zoned *E2 – Environmental Conservation*.

Not applicable

1.3.3 Properties on Bush Fire Prone Land

Not applicable

1.3.4 Properties with a foreshore frontage

Objectives

O1 To promote a scale and form of development that enhances the scenic, environmental and cultural qualities of the foreshore.

O2 To ensure that development considers coastal processes, such as sea level rise.

O3 To ensure development is consistent with Council's *Foreshore Access Strategy*.

Provisions

P1 Development on land adjacent to the foreshore must be designed with regard to sea level rise.

Note: Further information about sea level rise can be obtained from the Department of Planning (www.planning.nsw.gov.au).

P2 Development must be on land adjacent to the foreshore must be designed with

regard to the provisions of *SREP (Sydney Harbour Catchment) 2005* and *Sydney Harbour Foreshores and Waterways Area DCP (2005)*.

P3 Development must not alienate public access to foreshores by the location of foreshore structures.

P4 Mature trees or significant landscaping should not be removed in order to locate foreshore structures.

P5 Sea walls, rock outcrops or sandstone platforms should not be removed or covered in order to locate foreshore structures.

P6 Minimise disturbance of existing, surface and underground drainage to minimise run-off into the water.

P7 In accordance with Part B: Section 15 – *Bushland* and Part B: 16 – *Tree and Vegetation Management* of the DCP, preserve existing trees and vegetation where-ever feasible and replace any tree or vegetation removed or damaged as part of development.

P8 Natural materials and colours should be used that blend with the water, foreshore sandstone and vegetation, for any foreshore structure.

P9 Avoid the use of large areas of blank, hard or reflective surfaces.

P10 Buildings or structures must respect the topographical features of the site.

The approval has a scale and form that enhances the scenic, environmental and cultural qualities of the foreshore responding to the adjoining properties and desired future character.

The approval takes account of sea level rise with the habitable areas located above RL2.0.

This aspect is unchanged by the proposed amendments.

1.3.5 Visual Impact - Access

Objectives

O1 To minimise adverse visual effects as viewed from the harbour.

Provisions

P1 Landscaping should be used to soften the appearance of structures such

as inclinator.

P2 Structures such as inclinator should be recessed below the ground level (existing).

P3 The use of pathways and graded ramps is preferable to the use of inclinator for access. Where inclinator are to be used, they must be minimised in length.

Not applicable.

1.3.6 Views

Due to North Sydney's sloping topography and proximity to Sydney Harbour, views and vistas comprise special elements that contribute to its unique character and to the amenity of both private dwellings and the public domain.

New development has the potential to adversely affect existing views. Accordingly, there is a need to strike a balance between facilitating new development while preserving, as far as practicable, access to views from surrounding properties.

When considering impacts on views, Council will generally not refuse a development application on the grounds that the proposed development results in the loss of views, where that development strictly complies with the building envelope controls applying to the subject site.

Objectives

O1 To protect and enhance opportunities for vistas and views from streets and other public places.

O2 To protect and enhance existing views and vistas from streets and other public spaces.

O3 To provide additional views and vistas from streets and other public spaces where opportunities arise.

O4 To encourage view sharing as a means of ensuring equitable access to

views from dwellings, whilst recognising development may take place in accordance with the other provisions of this DCP and the LEP.

Provisions

P1 Development should be designed such that views from streets and other public places, as identified in the relevant area character statement (refer to Part C of this DCP), are not unreasonably obstructed.

P2 Development should be designed so as to minimise loss of views from surrounding properties and to maintain or create views from other buildings or public places.

P3 Ensure that existing and proposed dwellings will have an outlook onto trees and sky.

P4 Where a proposal is likely to adversely affect views from either private or public land, Council will give consideration to the Land and Environment Court's Planning Principle for view sharing established in *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140. The Planning Principle is available to view on the Land and Environment Court's website (www.lawlink.nsw.gov.au/lec).

Amendments were undertaken which comprise the lowering of the roof on the basis of a submission received from the owner of 8 Bay View Street objecting to the loss of view of Lunas Park. Due to the early COVID 19 restrictions the planning experts were unable to access the property at 8 Bay View Street to properly assess the view impacts in accordance with the Land and Environment Court's Planning Principle and had to rely on a single photograph provided by the owner of the property.



Photograph received from 8 Bay View Street

This process led to the imposition of a condition of consent in the following terms;

Plans on Site

A2. The following design amendment must be made to the drawings referred to in condition A1:

The overall roof ridge height and surrounding parapet for the structures at Bay View Street level comprising the car lift, visitor's car space roof over and pedestrian entry lift and stairwell are to be reduced in height by 630 mm or not exceed a maximum RL of 22.00.

Plant structures on the roof required for the proper operation of the car lift are exempted from this requirement.

Plans and elevations demonstrating compliance with this condition MUST BE submitted to the Certifying Authority for approval prior to the issue of any

Construction Certificate.

(Reason: To ensure views are preserved to surrounding properties)

The amended proposal was approved by the Land and Environment Court 3 September 2020.

Following the receipt of the approval, the applicant has researched the approval for 8 Bay View Street and previous submissions received from that property and is of the view that the photograph is not an accurate representation of the view impact.

The applicant has been through the plans for 8 Bay View Street as lodged with Council and positioned their balcony in our model as well as going through a few publicly available documents that contain drawings of the harbour outline and the approximate outline, plan and elevation of the Crystal Palace at Luna Park. The photograph provided by the neighbour appears to be taken at a lower height than that required by the Land and Environment Court's Planning Principle . Possibly 1m above the FFL of the ground floor terrace. Note the balustrade in the photo is at the edge of the planter which is a step down (approximately 300mm) from the terrace level.

Consequently, it is considered appropriate that a S4.55 be submitted to reinstate the original roof form, and that the planning experts then utilise the process to undertake a properly executed view assessment in accordance with the Land and Environment Court's Planning Principle.

1.3.7 Solar access

Objectives

O1 To ensure that all dwellings have reasonable access to sunlight and daylight.

Provisions

P1 Developments should be designed and sited such that solar access at the

winter solstice (21st June) provides a minimum of 3 hours between the hours of 9.00am and 3.00pm to:

- (a) any solar panels;
- (b) the windows of main internal living areas;
- (c) principal private open space areas;
and
- (d) any communal open space areas located on the subject property and any adjoining residential properties.

Note: Main internal living areas excludes bedrooms, studies, laundries, storage areas.

P2 Despite P1 above, living rooms and private open spaces for at least 70% of dwellings within a residential flat building should receive a minimum of 2 hours of solar access between the hours of 9.00am and 3.00pm at the winter solstice (21st June).

Full shadow diagrams and axonometrics have been prepared demonstrating compliance with solar access requirements for the occupants of the subject site and the adjoining properties.

1.3.8 Acoustic privacy

Objective

O1 To ensure all residents are provided with a reasonable level of acoustic privacy.

Control

P1

New dwellings shall be designed and constructed to comply with the criteria

specified in Table B-1.2 for all noise intrusion from external noise sources (including mechanical services noise from within the development itself), with windows and doors closed:

P2 Where multiple dwellings are provided within the same building, the building shall be designed and constructed to comply with the requirements in Table B-1.3 regarding acoustic insulation of walls and floors.

P3 An acoustic report prepared by a certified acoustic consultant must be submitted and address the requirements to P1 where the proposal involves the construction of 4 or more new dwellings.

P4 Buildings are to be designed and rooms positioned to reduce noise transmission within and between dwellings.

P5 Bedrooms should be designed so that wardrobes provide additional sound buffering between rooms within the dwelling or between adjoining dwellings over and above the requirements in P2 above.

P6 Windows and doors should be located away from external noise sources, or buffers used where separation cannot be achieved.

P7 Materials with low noise penetration properties should be used where practical.

P8 Locate bedrooms and private open spaces away from noise sources such as garages, driveways, mechanical equipment and recreation areas.

P9 Mechanical equipment, such as pumps, lifts or air conditioners should not be located adjacent to bedrooms or living rooms of dwellings on adjoining properties.

P10 Where dwellings are located on busy roads the following construction techniques are to be considered for incorporation into the design of the development to reduce traffic noise within the dwelling:

- (a) cavity brick walls;
- (b) double glazing;
- (c) solid core doors;

- (d) concrete floors; and

- (e) recessed balconies.

P11 Where possible, avoid the use high brick fences on busy roads. High fences present a harsh and bland appearance to the street, obstruct views from the footpath to gardens and dwelling entries, reduce amenity for pedestrians and reduce casual surveillance of the street. Try to reduce acoustic impacts through other acoustic reduction measures.

P12 Development on land which is on or is within 100m of a railway corridor, a road corridor for a freeway, a tollway, a transit way or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RTA) must consider the requirements of the DoP's *Development Near Rail Corridors and Busy Roads – Interim Guideline* (19 December 2008) in accordance with cl.87(2) and cl.102(2) of *SEPP (Infrastructure) 2007*. An acoustic report may be required to be prepared to demonstrate compliance with this Guideline and the acoustic requirements within cl.87(3) and cl.102(3) of the *SEPP (Infrastructure) 2007*.

The proposal is has been designed to meet the acoustic provisions of this clause. The proposal is not on a busy road or in a high noise environment. The residential flat building will be constructed to meet the acoustic requirements.

This aspect of the approval is unchanged by the proposed amendment.

1.3.9 Vibration

Not applicable

1.3.10 Visual privacy

Objectives

O1

To ensure that existing and future residents are provided with a reasonable level

of visual privacy.

Provisions

Building Separation

P1 Provide visual separation between any non-residential use and dwellings.

P2 Residential flat buildings are to provide adequate separation between habitable rooms, balconies and non-habitable rooms, consistent with SEPP 65. The relevant building separation distances are reproduced in Table B-1.4.

Windows

P3 Locate windows to avoid direct or close views into the windows, balconies or private open space of adjoining dwellings.

P4 Where windows are located with a direct outlook to windows of an adjacent dwelling, the windows must be provided with a minimum sill height of 1.5m, or use fixed obscure glazing or other privacy devices.

P5 Provide suitable screening structures to minimise overlooking from proposed dwellings to the windows, balconies or private open space of adjacent dwellings, to windows, balconies or private open space of dwellings within the same development.

Decks, Patios and Terraces

P6 Limit the width and depth of any deck, patio or terrace located greater than 1m above ground level (existing) where privacy and loss of views is an issue and consider using screen devices where relevant.

P7 Private or communal open spaces such as terraces, patio, gardens and the like are not permitted on rooftops or garage roofs.

P8 Despite P7 above, private or communal open spaces on roofs may be considered, but only if:

- (a) the space is designed such that there is no potential for existing or future overlooking of the space and subsequent noise and privacy

issues;

(b) the space is setback at least 1m from the extent of the external enclosing walls to the floor level below; and

(c) the space does not exceed 50% of the floor area of the storey immediately below or 18m², whichever is the lesser; and

(d) there is no other appropriate ground level space for outdoor recreation off a primary living room.

The proposal utilizes the boundary screening to maintain levels of privacy between the dwellings at the ground level and lower levels.

Where the living rooms are provided with balconies and terraces these have enclosing walls to ensure privacy to the adjoining dwellings.

This aspect of the approval is unchanged by the proposed amendment.

1.4 Quality Built Form

1.4.1 Context

Objectives

O1 To ensure that the site layout and building design responds to the existing characteristics, opportunities and constraints of the site and within its wider context (adjoining land and the locality).

The proposal responds to its context and follows the form and siting of the existing residential flat building and adjoining buildings.

This aspect of the approval is unchanged by the proposed amendment.

1.4.2 Subdivision pattern

Objectives

O1 To ensure that the characteristic subdivision pattern remains apparent, even if lots are subdivided or amalgamated.

Provisions

P1 Maintain lot sizes, shape and orientation identified in the relevant area character statement (refer to Part C of the DCP), or if not identified in the relevant area character statement, that are characteristic of the area.

P2 Design and locate buildings to reinforce the characteristic subdivision pattern in the neighbourhood (i.e. walls of buildings are generally built parallel to the property boundaries).

P3 Where lots have been amalgamated, the bulk of larger buildings must be articulated through the use of bays or indents on the original lot line.

P4 Residential flat buildings using single-aisle parking should not be constructed on lots with a street frontage of less than 15m. If double-aisle parking is proposed, lots should have a street frontage of not less than 18m.

The proposal does not change the original subdivision pattern.

1.4.3 Streetscape

Objectives

O1 To ensure that footpaths, kerb and guttering and street trees contribute to a consistent streetscape.

Provisions

P1 All works within the road reserve must be undertaken in accordance with the *North Sydney Council Performance Guide* (refer to Part B: Section 20 – *Public Infrastructure*).

P2 All existing sandstone kerb and guttering must be retained and maintained.

P3 Existing street trees are to be retained and protected by avoiding excavation or building within the drip line of the tree (refer to Part B: Section 16 - *Tree and Vegetation Management*).

P4 Plant new trees of the same species that are present in the street, or in accordance with guidelines or strategies adopted by Council.

P5 Maintain a nature strip on-street if one exists.

The proposal does not include works which effect the public domain.

1.4.4 Laneways

Objectives

O1 To ensure that laneways are functional, attractive, safe and comfortable places for use by residents as part of their public space and pedestrian network.

Provisions

P1 Where a laneway is the principal frontage to a property, dwellings are to address the lane (i.e. do not conceal the front façade of such buildings behind high walls, fences or garages).

P2 The height of buildings facing laneways should respect the width of the lane (i.e. a one storey building generally provides the most appropriate scale). A two storey building ancillary to the main dwelling may be permitted adjacent to the laneway, but only if:

- (a) the laneway does not comprise the site's primary frontage; and
- (b) the building does not result in any adverse impacts in terms of visual and acoustic privacy, overshadowing, heritage and an area's character.

P3 Where a site has a sole frontage to a laneway, any 2 storey component of a building must be set back at least 10m from the laneway boundary.

P4 Dwellings addressing laneways are to be provided with a reasonable level of privacy through design and landscaping (e.g. the use of obscure glazing and medium height shrubs that partially obscure windows).

P5 Where car parking is only capable of being located at the boundary to the

laneway, only open car spaces or carports will be permitted (i.e. roller doors are not permitted).

P6 No more than 50% of the width of a laneway frontage may be allocated for car accommodation of any kind, or car park entrances.

P7 Front fences are to be softened by planting trees and shrubs that hang over or through fences.

P8 Existing trees on land that abut the laneway should be retained.

P9 All new and rebuilt fences and structures (including car parking spaces) must be setback 1.2m from the laneway frontage. This setback is to be landscaped with appropriate low maintenance plants.

Not applicable

1.4.5 Siting

Objectives

O1 To maintain the characteristic building orientation and siting.

Provisions

P1 Buildings are to be sited in accordance with that described in the relevant area character statement (refer to Part C of this DCP), or if not identified in the relevant area character statement sited to relate to neighbouring buildings.

P2 Site buildings within a single building form, addressing the street.

P3 Orient each external wall parallel to the corresponding boundary of the site, unless another orientation is characteristic.

The building is sited as a single form, stepping down the site with the walls addressing the site frontages and boundaries.

This aspect of the approval is unchanged by the proposed amendment.

1.4.6 Setbacks

Objectives

O1 To reinforce the characteristic pattern of setbacks and building orientation within the street.

O2 To control the bulk and scale of buildings.

O3 To provide separation between buildings.

O4 To preserve the amenity of existing dwellings and provide amenity to new dwellings in terms of shadowing, privacy, views, ventilation and solar access.

Provisions

Front

P1 The front setback must match the alignment of the primary facades of buildings on adjoining properties. Where different setbacks occur, the average of the setbacks of those primary facades is to be used.

Side

P2 Building setbacks are to comply with the requirements set out in Table B-1.5.

P3 Despite P2 above, Council may grant consent to a development with a 0m setback to a side boundary. However, Council must not grant consent, unless the applicant has satisfactorily addressed the questions identified in the Land and Environment Court Planning Principle Building to the side boundary in residential areas established in

Galea v Marrickville Council [2003] NSWLEC 113 and consideration has been given to that statement. The Planning Principle is available to view on the Land and Environment Court's website (www.lawlink.nsw.gov.au/lec). The relevant questions are summarised as follows:

- (a) Is the street characterised by terrace housing? Building to the boundary is only considered appropriate in streets where the existing form of development is characterised by attached dwellings, semi detached dwellings and multi dwelling housing (e.g. villas and townhouses).

(b) What is the height and length of the wall on the boundary? The length and height of any wall built to the boundary should be minimised to limit any adverse impacts in terms of overshadowing and visual privacy.

(c) Has the applicant control over the adjoining site(s) or the agreement of their owners? Unrestricted access should be made to all components of a building which is built to the boundary to ensure that those components can be adequately maintained over its life.

(d) What are the impacts on the amenity and/or development potential of adjoining sites? It must be adequately demonstrated above all else that building to the boundary will not result in any adverse amenity impacts or development potential of adjoining sites.

(e) Are there arrangements in place for the maintenance of the wall or gutters? Access and maintenance arrangements should be in place before a development application is assessed by Council to avoid disputes later on.

P4 Where possible, side setbacks should match those on adjoining properties, or, if adjoining properties are not characteristic, with setbacks identified in the relevant area character statement.

Rear

P5 Provide rear building setbacks that match those on adjoining properties, or, if adjoining properties are not characteristic, with setbacks identified in the relevant area character statement.

1.5m and 3.5m BHP for side and rear boundaries

The proposal increases the existing street setbacks on the northern portion of the by demolishing the garage and external stairs. The side setbacks to the north and south are increased to 1500mm, consistent with the provisions of this clause and the context. The proposal is considered to be characteristic and compatible to the bulk and scale of its context.

The proposal provides a 16m - 25m rear setback which is the character of its location and provides a setback consistent with each of its neighbours.

This aspect of the approval is unchanged by the proposed amendment.

1.4.7 Form, massing and scale

Objectives

O1 To ensure the size of new buildings are consistent with surrounding, characteristic buildings and they are not significantly larger than characteristic buildings.

Provisions

P1 The height of buildings is not to exceed that stipulated within cl.4.3 to NSLEP 2012.

P2 Where applicable, the number of storeys within a building should be consistent with that identified in the relevant area character statement (refer to Part C of this DCP).

P3 The finished floor height of the ground floor level should not exceed 1m above ground level (existing), measured vertically at any point.

P4 Finished floor to ceiling heights are a minimum of 2.7m. A lesser height may be permitted by Council, but only where the applicant can satisfactorily demonstrate that the dwelling is capable of receiving satisfactory natural daylight and ventilation (e.g. shallow apartments with large amounts of window area).

P5 Facades of buildings which face any public street should not be dominated by large expanses of glass (i.e. facades should incorporate smaller door and window openings, so that glass does not dominate the façade).

P6 Ancillary buildings (e.g. garages, carports, garden sheds, etc) are a much smaller scale than the residential building.

P7 Residential flat buildings should use a pitched roof form to reflect the prevailing roof typology or that identified in the relevant area character statement (refer to Part B of the DCP).

P8 Despite P7 above, Council may consider approval of a residential flat buildings

with a flat roof, but only where:

(a) the development complies with the height requirements under P1 above;
and

b) where the top-most storey has been setback to comply with a 36 degree angle back from the top edge of the storey located immediately below (refer to Figure B-1.4).

The proposal is consistent with the controls and character statement.

This aspect of the approval is unchanged by the proposed amendment.

1.4.8 Built form character

Objectives

O1 To ensure that the design of new buildings reflects and reinforces, or is complementary to, the existing character of the locality.

Provisions

General

P1 Where a building is part of a uniform group of buildings of similar character, locate any additions or alterations to the rear and not visible from the street or any public place.

Council may permit alterations and additions to the front of a building, but only where those alterations and additions contribute to, or are sympathetic to the character of those buildings.

P2 Where a building is to be located amongst buildings having a consistent façade, repeat the size, location and proportions of window, door openings and other distinctive features such as roof form.

P3 Balconies are to be incorporated within the building envelope.

P4 Where alterations and additions are proposed to any residential accommodation relying on existing use rights, they must not result in the:

- (a) material loss of views from other properties or public places, or
- (b) material overshadowing of other properties or public places, or
- (c) material loss of privacy to other properties, or

-
- (d) increasing of the overall building height, or
 - (e) landscaped area of the development being below the requirements set out in the DCP, or further decrease the landscaped area where the landscaped area is already below the requirements of the DCP, or
 - (f) site coverage of the development exceeding the requirements set out in this DCP or further increase the site coverage where the site coverage is already above the requirements of this DCP.

Attached Dwellings / Multi-dwelling Housing

P5 The layout of the development must not result in a gun-barrel form (e.g. long perpendicular driveways flanked by dwellings).

P6 Where practical, each dwelling should be provided with an individual entrance from a public street or public place.

P7 Developments should invoke a traditional row housing form fronting the street.

Residential Flat Buildings

P8 Building facades should be modulated in plan and elevation and articulated to reduce the appearance of the building's bulk and to express the elements of the building's architecture.

The proposal is not located amongst buildings with a consistent form or of similar character.

This aspect of the approval is unchanged by the proposed amendment.

1.4.9 Dwelling entry

Objectives

O1 To provide a sense of address.

O2 To provide safe access to dwellings and security for residents.

Provisions

P1 The front door of dwellings and at least one window to a habitable room must be oriented to the street.

P2 Dwelling entries should be clearly identifiable from the street, have adequate lighting and have direct access from the street frontage (e.g. do not conceal or substantially recess dwelling entries).

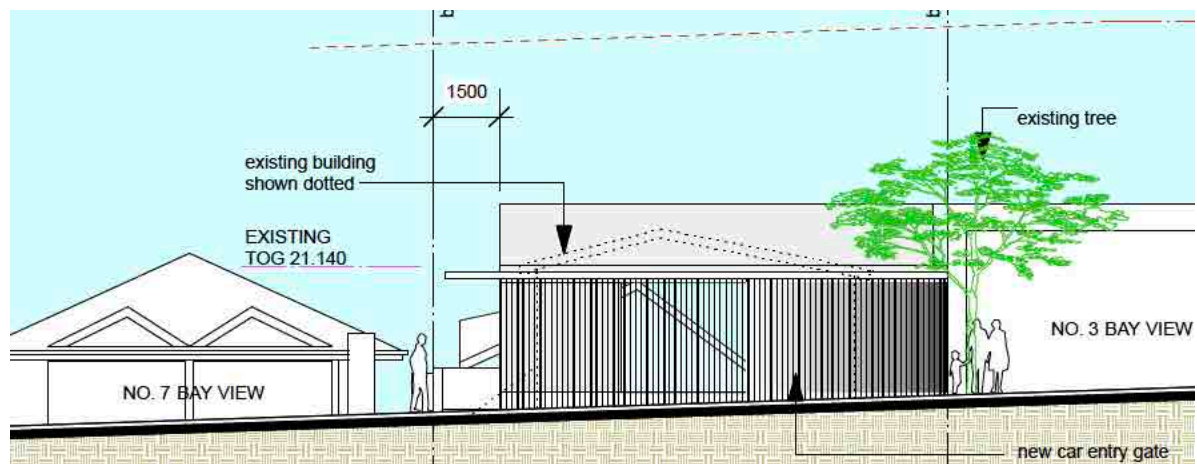
P3 Street numbering must be clearly visible from the primary street frontage.

P4 In multi-dwelling developments, each dwelling must be clearly marked by number and indicate at communal entry points (e.g. a stair or lift lobby) the numbers of the dwellings that are accessed from that entry point.

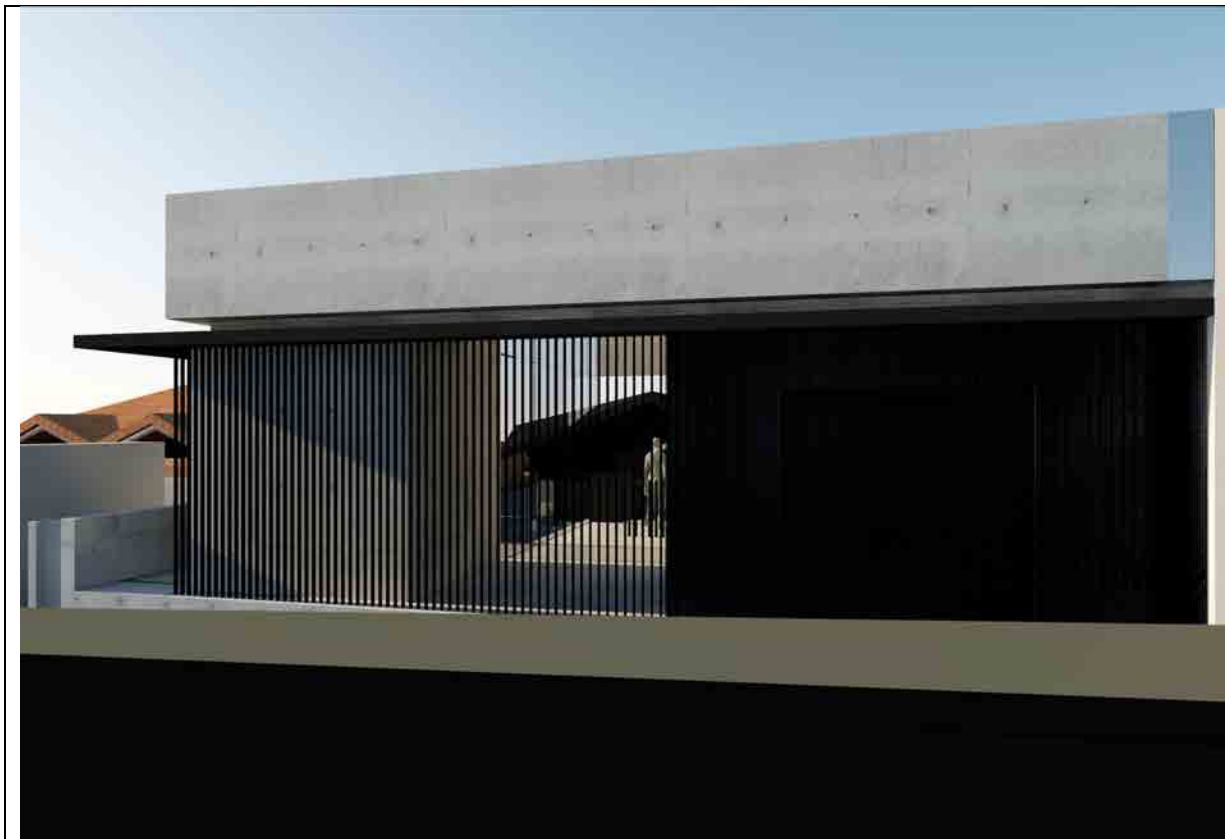
P5 Where multiple external dwelling entries are provided to a single building, the building should be detailed or articulated so that individual dwellings can be easily identified from the street and avoid unintentional entry.

P6 Multi-dwelling developments should provide disabled access through the principal entrance to the building, in accordance with Part B: Section 12 – Access to this DCP.

The proposal provides a clearly identifiable street entry and habitable rooms addressing the street.



West Elevation opening to Bay View Street



This aspect of the approval is unchanged by the proposed amendment.

1.4.10 Roofs

Objectives

O1 To ensure the provision of a characteristic roof typology through the use of similar forms, shapes and materials.

Provisions

P1 Buildings should incorporate a pitched roof, except where another roof form is identified in an area character statement (refer to Part C of this DCP) for the neighbourhood, or as being compatible with the characteristic roof form for the neighbourhood.

P2 Roofs should be similar in form and utilise similar materials to those identified in the relevant area character statement (refer to Part C of the DCP), or if not identified in the relevant area character statement that positively relates neighbouring buildings.

P3 Roofs should be pitched generally between 25 degrees and 36 degrees, and preferably within the lower end of this range at an angle of 27-28 degrees.

P4 Despite P3 above, Council may grant consent to a building with a roof pitch less than 25 degrees to maintain views or to correspond with a particular building design.

P5 Flat or skillion roofs may be considered, where they are provided to the rear of buildings and not seen from the primary street frontage.

P6 Use terracotta tiles, slate or corrugated iron where appropriate.

P7 Avoid locating solar panels on the street elevation of a roof. They should be located towards the rear of the property as far as possible.

P8 Minimise roof projections and internalise roof access.

P9 If an attic is proposed, it must not exceed more than 50% of the floor area of the storey, immediately below.

The proposal provides a pitched roof form which is stepped down the site to promote view sharing and following the form of the roof of the existing building and its neighbours. The roof above the entry level is flat to provide for view sharing with the properties to the west on the high side of Bay View Street.

1.4.11 Dormers

The roof line of a building is one of its most dominant features and it is important that any proposal to change the shape, pitch cladding or ornament of a roof is very carefully considered. This is particularly important within heritage conservation areas, where the change to one property can have an adverse effect on the appearance or character of a whole street.

Traditionally, dormers were conceived and constructed as part of the original building design, but many have been added at a later date to allow the better use of attic space. Whether by design or accident, dormers were usually accommodated without generally upsetting the balance of the roof. Recently however, dormers have been incorporated with the sole purpose of maximising of

floor space as the primary consideration.

Objectives

O1 To ensure that the location, design, pitch and scale of any dormer is appropriate to the building and roof form to which it is attached, is in character with the area and does not result in any negative impacts on the amenity of adjoining properties.

Provisions

P1 Dormers must be appropriate to the style of building to which it is attached.

P2 Dormers must not be placed on the street elevation of a building.

P3 Despite P1, Council may permit a dormer on the street elevation of a building, but only where it can be adequately demonstrated that:

(a) it will not result in any significant impacts on privacy to adjoining properties;

(b) it will not detract from the coherence of the streetscape;

(c) surrounding properties have dormers visible from the street; and

Note: For the purpose of this subsection, surrounding properties are defined as those properties in the immediate vicinity which are visible when standing opposite the subject building.

(d) it will not result in any adverse impacts to significance of any heritage item of heritage conservation area.

P4 A dormer's style should reflect that which is characteristic in the neighbourhood.

P5 Dormers must not have a roof pitch exceeding 36 degrees.

P6 Dormers will not be permitted, if it results in the need to alter the pitch or ridge height of the roof to accommodate the dormers.

P7 Dormers must not exceed a height of more than 1.5m from its base to its ridge.

P8 Dormers must not comprise more than 1/3 of the width of the roof plane upon

which they are placed.

P9 Dormers must be contained within the relevant building envelope applying to the land.

P10 Dormers must not project above any part of the ridge of the roof plane to which the dormer is attached.

P11 Balconies are not permitted off dormers which are located on any street elevation, excluding rear laneways. Balconies off dormers may only be considered in any other instance, providing there are no privacy impacts.

P

12 The sides of dormers must not contain glass.

Not applicable.

1.4.12 Colours and materials

Objectives

O1 To ensure new buildings reflect and reinforce the existing and desired character of a locality.

Provisions

P1 Buildings should use colours, finishes and materials identified in the relevant area character statement (refer to Part C of the DCP), if provided.

P2 Natural colours and muted and earth tones should be used for major areas of the building, such as walls and roof, with stronger colours restricted to smaller features, such as window frames, doors and decorative features.

P3 Avoid the extensive use of reflective glass, reflective metal and plastics on the exterior of buildings.

P4 Buildings should incorporate a high proportion of masonry to glass as follows - if a vertical or horizontal line is drawn in any position on any façade it should not pass over more than 50% of glass, or 75% of clear opening and glass.

P5 Solar panels should be integrated into dwelling design where possible.

The proposal adopts finishes and materials which are characteristic of the locality and consistent with the area character statement. The proposal is consistent with the provisions of this clause.

This aspect of the approval is unchanged by the proposed amendment.

1.4.13 Balconies - Apartments

Objectives

O1 To ensure the provision of functional private open space for apartments.

Provisions

P1 Apartments must be provided with at least one balcony with a minimum depth of 2m and a minimum area of 8m² (n.b. best practice standard for balcony size is 15% of the floor area of the apartment).

P2 If an apartment is not provided with a balcony, the size of the apartment should be increased by a minimum of 8m² (i.e. the apartment size being increased by the minimum balcony size).

P3 Balconies must be incorporated within building envelope (as specified by setbacks and or building height plane) and should not be located on roofs, podiums or be cantilevered.

P4 Balconies should be integrated into the overall architectural form and detail of the building.

P5 No balconies, verandahs or the like are to project over the public domain.

P6 Where a proposal involves the conversion of an existing commercial building, and that commercial building's envelope does not comply with the setback and/or building envelope controls for the site, any new balcony must not project beyond the existing building's envelope.

P7 Balconies should not be enclosed.

P8 Notwithstanding P7, Council may permit the enclosure of a balcony, but only if:
(a) the building is predominantly characterised by enclosed balconies; or
(b) if the building is not predominately characterised by enclosed balconies, subject to the approval of a balcony strategy for the building.

P9 A balcony strategy should:

(a) include details outlining the size, scale and choice of materials of the proposed enclosure/s); and

(b) be adopted by the body corporate before being submitted to Council.

The proposal provides compliant balconies to each of the proposed apartments.

This aspect of the approval is unchanged by the proposed amendment.

1.4.14 Front fences

This subsection of the DCP applies to fences which are located between the front property boundary and the street elevation of the building.

Objectives

O1 To ensure that front fences contribute to a characteristic pattern of fences.

O2 To enable causal surveillance of the public domain, minimising the potential for criminal activities to occur.

O3 To provide visual and acoustical privacy.

O4 To minimise their dominance on the street and contribute to a garden setting.

Provisions

P1 Front fences and side fences located between the street frontage and its respective building line are not to exceed 1m in height. Where sites have a dual street frontage, consideration may be given to higher side fences to provide privacy.

P2 Fences should be designed and constructed with materials similar to those identified in the relevant area character statement (refer to Part C of the DCP), if provided.

P3 The design of the fence should not obscure views of the building and garden areas from the street.

P4 Transparent fences (i.e. comprising no more than 50% solid construction – measured vertically across its entire length) must not exceed 1.5m in height, unless otherwise indicated in this DCP.

P5 Solid fences (e.g. masonry, lapped and capped timber, brushwood) must not exceed 1m in height, unless otherwise indicated in this DCP.

P6 Despite P4 and P5 above, Council may permit a higher fence in the following instances:

(a) Where the scale and or heritage value of the property are appropriate for a higher fence, Council may allow a fence up to 1.5m in height but only where that part of the fence over 1.2m is of open construction.

(b) Where traffic noise is likely to cause an adverse impact on the privacy of the residence, Council may permit a fence up to 1.8m in height of solid construction

on land fronting the following streets:

P7 Fences should incorporate setbacks from the boundary of the site and be articulated to minimise their visual impact.

P8 Must not reduce the significance of any heritage item or heritage conservation area.

P9 Soften the appearance of solid fences by:

(a) providing a continuous landscaped area of not less than 600mm wide on the street side of the fence or

(b) the use of openings, variation in colour, texture or materials to create visual interest.

P10 Match the height of transparent fences (such as metal grille) to the characteristic height in the street.

The front masonry wall is extended to the north in the same form and materials consistent with the area character statement.

This aspect of the approval is unchanged by the proposed amendment.

1.5 Quality Urban Environment

1.5.1 High quality residential accommodation

Objectives

O1 To provide a high level of internal amenity for those who reside in the building.

Provisions

P1 Dwellings within multi dwelling housing or residential flat buildings must be designed

to provide the following minimum internal areas:

(a) Studio 40m²

(b) 1 bedroom 50m²

(c) 2 bedrooms 80m²

(d) 3+ bedrooms 100m²

P2 Include courtyards, balconies and gardens as the principal open space area for residents.

P3 Communal corridors must have a minimum width of 2m to facilitate movement (i.e. no right angled corners).

P4 No more than 10 dwellings are to be accessible from a single common lobby space.

P5 Avoid the use of double loaded corridors.

P6 The depth of a habitable room from a window, providing light and air to that room, must not exceed 10m.

P7 Apartments must provide a minimum width of 4m. An apartment's width should increase relative to an increase in its depth.

P8 The depth of a single aspect apartment must not exceed 8m from a window.

P9 The habitable space serviced by a window is no more than 10 times the glazed area of the window.

P10 At least 60% of apartments are to be provided with cross ventilation (i.e. window openings that face different directions. Refer to Figures B-1.5 – B-1.8).

For apartments with no cross ventilation, ceiling fans must be provided.

P11 The amount of glazing on eastern and western elevations is to be minimised and incorporate external shading devices.

The proposal meets these requirements with all units cross ventilated. Communal open space is provided on the foreshore with an accessible path of travel.

This aspect of the approval is unchanged by the proposed amendment.

1.5.2 Lightwells and Ventilation

Objectives

O1 To ensure that dwellings are provided with sufficient natural solar access and ventilation, where the provision through conventional means (i.e. windows) is adversely restricted or compromised.

Provisions

P1 Council does not support the use of lightwells for the provision of light and ventilation to dwellings. However, Council may consent to the use of lightwells, but only if the following criteria are satisfactorily met:

(a) the lightwell does not provide the primary source of natural daylight and ventilation to any habitable room of a dwelling within the development; and

(b) the dimensions of the lightwell comply with the building separation requirements set out in P5 to s.1.3.10 to Part B of the DCP (e.g. if non-habitable rooms face into a lightwell under 12m in height, the lightwell should measure 6m x 6m in plan); and Part B Page B1-25

(c) the lightwell is directly connected at ground level to streets or lanes in buildings greater than 30m in height to allow air movement in the lightwell; and

(d) all building services (e.g. utility installations, pipes, cabling and the like) are concealed and not overlooked by principal living rooms or bedrooms; and

(e) the lightwell is fully open to the sky.

P2 Despite P1(b) above, a lesser dimension may be considered, but only if it can be satisfactorily demonstrated that acoustic privacy, visual privacy and daylight access to all dwellings can be provided.

P3 Alternative methods of ventilation of dwellings may be considered, but only if it can be satisfactorily demonstrated that there is no impact on privacy, noise, and fire safety.

P4 If an alternative method of ventilation is proposed, submit a ventilation report by a certified ventilation consultant in accordance with the AS 1668, which recommends that the minimum natural cross ventilation rate of airflow should be 60L/s and the minimum removal of excess heat should be 10 air changes per hour, to provide reasonable comfort to occupants.

The proposed internal courtyard has been raised in height and increased in dimension to meet these provisions.

This aspect of the approval is unchanged by the proposed amendment.

1.5.3 Safety and security

Objectives

O1 To ensure a high level of personal safety for people who use or visit the building.

Provisions

P1 Maximise views of the street and dwelling entries and communal areas within the development (from dwelling entries, windows and balconies).

P2 Limit the number of dwellings sharing one entry or lobby to 10 dwellings.

P3 Maintain sight lines along pathways (i.e. avoid blind corners or hiding places).

P4 Use design, materials and features (such as street furniture, pavers, fencing and landscaping) to clearly distinguish public, communal and private domains.

P5 In public areas, use materials that discourage vandalism (i.e. non-porous surfaces such as glazed ceramics or treated masonry).

P6 Install locks on doors and windows, viewers to doors.

P7 Roller shutters should not be installed on windows or doors.

P8 Provide lighting to communal areas (laundries, garbage storage, pathways, lobbies,

car parking areas and stairwells).

P9 Locate shared facilities in areas that will be well used.

The proposal has been designed to meet the CEPTED principles and provides security and passive surveillance. The proposal complies with this provision.

This aspect of the approval is unchanged by the proposed amendment.

1.5.4 Vehicular Access and Car Parking

Objectives

- O1 To provide adequate on-site car parking for residents.
- O2 To ensure adequate access for all vehicles.
- O3 To maintain garden settings.
- O4 To minimise adverse visual impacts on the appearance of the street or building.

Provisions

Quantity

P1 Comply with the parking requirements within Part B: Section 10 – Car Parking and Transport to this DCP.

Location

P2 All parking associated with multi dwelling housing and residential flat buildings must be provided underground (i.e. within a basement).

P3 All parking for attached dwellings, detached dwellings, dual occupancies or semidetached dwellings must not be provided underground, unless site conditions dictate that this is the only or most appropriate solution for parking provision.

P4 Where security doors/gates are proposed, an intercom system to facilitate visitor/service access to underground parking areas must be provided.

P5 Design accessways, driveways and parking areas to:

- (a) enable vehicles to enter the parking space or garage in a single turning movement;
- (b) enable vehicles to leave the parking space in no more than two turning movements;
- (c) enable vehicles to avoid queuing on public roads;
- (d) comply with AS 1428.2 Design for Access and Mobility; and
- (e) comply with the requirements of vehicular crossings and driveways as set out in

s.20.4 to this Part of the DCP.

P6 Parking areas must be designed to enable cars to enter and leave the site in a forward direction.

P7 Driveway and pedestrian access must be separated.

P8 The use of car spaces within a development is restricted to the occupiers of that development.

P9 Visitor car parking spaces must be designated as common property.

P10 Garages, carports or other like parking structures must not be located between the primary street frontage and the primary street façade of the building.

P11 A single car parking space (i.e. not within a garage, carport or other structure) may be located between the primary street frontage and the primary street façade of the building, but only if:

(a) no other on-site parking exists or is possible;

(b) no rear laneway exists to provide vehicle access from the laneway rather than from the street;

(c) no demolition or partial demolition of the property is required to cater for the space;

(d) any excavation required is minimal in comparison to the area of the parking space;

(e) on-street parking is constrained by commuter parking and/or RTA clearways;

(f) the parking space is uncovered;

(g) porous materials are used for the parking space's surface;

(h) landscaped area complies with the minimum requirements under s.1.5.5 to this Part of the DCP, or if it is already less than the minimum requirement, the landscaped area is not further reduced;

(i) adequate space to fit vehicles within the property boundary exists to avoid overhang onto the footpath;

(j) it complies with AS 2890.1.

Access

P12 Provide vehicular access, directly from a public road, to any allotments to be created by subdivision.

P13 Where site has frontages to both a street and a rear laneway, vehicular access should be provided from the laneway rather than the street.

P14 Do not compromise streetscape, building form and landscaped area, or heritage significance through the provision of vehicle access.

P15 Where there is no parking on an original lot, and on-site parking is not characteristic, do not introduce vehicle access from the street.

P16 Limit the width of vehicle access to 2.5m and locate to one side of the property, or to side or rear of the building if possible.

P17 Provide a minimum of 5.5m between gates or doors to parking areas and the

boundary to allow a car to stand within the property boundary while the gates/doors are opening.

P18 If security gates/doors are to be used, provide an intercom to allow access for visitors.

P19 Set back any development, including fences, at least 1.2m from a boundary with a laneway to provide adequate turning space.

P20 Widen the laneway, as required, for attached dwelling development or residential flat buildings.

The parking arrangements are provided by lift to a basement consistent with these provisions. An at grade visitor space is provided.

This aspect of the approval is unchanged by the proposed amendment.

1.5.5 Site Coverage

Objectives

O1 To ensure that development is balanced and in keeping with the optimum capacity of the site with no over development.

O2 To ensure that development promotes the existing or desired future character of the neighbourhood.

O3 To control site density.

O4 To limit the building footprint so as to ensure adequate provision is made for landscaped area and private open space.

Provisions

P1 Maximum site coverage must be in accordance with Table B-1.6.

45%

P2 For the purposes of P1, the following items are considered to constitute site coverage:

(a) buildings as defined by the EPandA Act 1979;

(b) garages and carports;

(c) sheds;

(d) enclosed / covered balconies, decks, pergolas and the like;

(e) swimming pools, spa pools and the like;

(f) other structures including:

(i) permanent BBQ structures;

(ii) cabanas;

(iii) external staircases;

(iv) gazebos;

(v) greenhouse/glasshouse;

(vi) plant rooms;

(vii) rainwater tanks;

(viii) ramps;

(ix) garbage storage facilities.

However, site coverage excludes:

(g) any basement;

(h) any part of an awning that is outside the subject site;

(i) any eaves;

(j) unenclosed balconies, decks, pergolas and the like;

(k) paving and patios (porous and non-porous);

(l) driveways and car stand areas (porous and non-porous);

(m) water features; or

(n) anything else defined as landscaped area.

The existing residential flat building has a site coverage of 46% (330m²). This is non-compliant with the controls but is consistent with the character of the area. The proposal improves the site coverage at 50% (365m²) which is in excess of 450% site coverage requirement by 43m². This is ostensibly within the area of the Level 0 accommodation which is below ground level but it is proposed to landscape this existing element to ameliorate its impact and allow infiltration of rainwater.

This aspect of the approval is unchanged by the proposed amendment.

1.5.6 Landscape Area

Objectives

O1 The specific objectives of the landscaped area controls are to:

(a) promote the character of the neighbourhood;

(b) provide useable private open space for the enjoyment of residents;

(c) provide a landscaped buffer between adjoining properties;

(d) maximise retention and absorption of surface drainage water on site;

(e) minimise obstruction to the underground flow of water;

(f) promote substantial landscaping, including trees which will grow to a minimum height of 15m;

(g) control site density;

Part B

- (h) minimise site disturbance;
- (i) contributes to streetscape and amenity; and
- (j) allows light to penetrate between buildings.

Provisions

P1 Provide minimum landscaped area and maximum un-built upon areas must be in accordance with Table B-1.7.

Landscaped area 40% (min) Un-built upon area 15% (max)

P2 For the purposes of P1,

(a) Landscaped area is considered to comprise all parts of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved areas; and

(b) the following items are considered to constitute un-built upon area:

- (i) any part of a basement which does not comprise site coverage;
- (ii) unenclosed balconies, decks, pergolas and the like;
- (iii) paving and patios (porous and non-porous);
- (iv) driveways and car stand areas (porous and non-porous); or
- (v) water features.

However, un-built upon area excludes:

- (vi) anything else defined as site coverage; or
- (vii) anything else comprising landscaped area.

Note: To ensure that landscaped areas satisfactorily meet the objectives of the control, they should have a soil depth in excess of 300mm.

P3 Avoid creating landscaped areas that are broken into a series of small fragmented unusable areas.

P4 Establish a significant landscaped setting for pathways and paved areas.

P5 Use planting to create a buffer against cold winter winds (generally westerly), or to direct cooling breezes in summer (generally north easterly), into living areas of dwellings.

P6 Locate driveways and pathways at least 500mm from common boundaries.

P7 Provide screen planting, including trees, within the 1.5m setback from the common boundary.

P8 Retain existing mature vegetation and trees and show what measures are to be implemented to protect this vegetation during construction (refer to Part B:

Section 16

– Trees and Vegetation Management of the DCP).

P9 Vegetation and landscape elements should be selected and designed to avoid overshadowing existing solar panels or roof spaces which are capable of accommodating solar panels.

P10 Use pervious materials or stepping stones where pathways are incorporated within side setbacks.

The existing residential flat building has a landscaped area of 22.7% (163m²). This is non-compliant with the controls. The proposal improves the landscaped area to reach compliance at 39% (277m²) which is short of 40% requirement by 9m². The proposal is significantly improved from the existing and consistent with the context in this aspect.

The existing residential flat building has an un-built upon area of 30% (220m²). This is non-compliant with the controls. The proposal improves the un-built upon area to reach compliance at 15% (112m²) which is consistent the maximum of 15% requirement.

This aspect of the approval is unchanged by the proposed amendment.

1.5.7 Excavation

Objectives

O1 To retain existing vegetation and allow for new substantial vegetation and trees.

O2 To minimise the adverse effects of excavation on the amenity of neighbouring properties.

O3 To minimise excavation and site disturbance so as to retain natural landforms, natural rock faces, sandstone retaining walls and the like and to retain natural water runoff patterns and underground water table and flow patterns.

O4 To ensure the structural integrity of adjoining properties.

Provisions

P1 Development that includes excavation must not be carried out unless:

(a) the development is in accordance with and promotes the objectives to this subsection; and

(b) land stability of the site and adjoining land is preserved; and

(c) the natural drainage patterns of the land and catchment will not be disrupted; and

(d) adverse effects on other properties are avoided or minimised.

P2 Consent must not be granted to a development for the purposes of attached dwelling, dual occupancy, dwelling house or semi-detached dwelling where any associated garage or car parking is located in a basement.

P3 Notwithstanding P2, Council may grant consent to a dwelling house, dual occupancy, attached dwelling or semi-detached dwelling incorporating a basement garage or car parking, but only where it can be demonstrated:

(a) that the development satisfies the objectives of this subsection; and

(b) that the entire basement is located entirely within the footprint of the building above; and

(c) there is no alternative location on the site to accommodate the required level of car parking.

P4 Consent must not be granted to a development for the purposes of multi dwelling housing or residential flat buildings in any residential zone, where the excavation for any associated garages, car parking, plant rooms or ancillary storage and access thereto exceeds 70% of the site area.

P5 Where practical,

(a) a minimum of 50% of the un-excavated area should be located at the rear of the site. Sites with dual or rear lane frontages, this area may be relocated to allow buildings to address the secondary frontage.

(b) a minimum of 30% of the unexcavated area should be located within the front setback.

(c) a minimum 1.5m wide strip of landscaped area should be located along at least one side boundary. A minimum 1.5m wide strip should be provided along both boundaries where the site width permits.

P6 Basement car parks where permitted, must not extend to the full width of a site.

The proposal development has the excavation for any associated garages, car parking, plant rooms or ancillary storage and access thereto below 70% of the site area consistent with these provisions.

The proposal has well in excess of the 50% of the unexcavated site area to the rear.

A 1500mm landscaped strip is located along the northern boundary.

This aspect of the approval is unchanged by the proposed amendment.

1.5.9 Front gardens

Objectives

O1 To maximise water infiltration on a site.

O2 To soften the built form.

Provisions

P1 The entire front setback must not be paved or concreted.

P2 Where car parking and driveways are located in the front yard, use the minimum amount of paving as practicable.

P3 Allow private gardens to merge with those adjoining and support the landscape character of the area.

P4 Plant trees and shrubs that will hang over or through fences.

P5 Complement the existing landscape character of the street, including street planting undertaken through Council's Street Tree Strategy (refer to Part B: Section 16 – Tree and Vegetation Management to the DCP).

P6 Design front gardens that will soften and complement the view of buildings from the street and surrounding properties.

P7 Avoid medium height, dense planting around dwelling entries.

Not applicable.

1.5.10 Private and Communal Open Space

Objectives

O1 To ensure residents are provided with a reasonable level of outdoor amenity.

O2 To ensure private open space is of sufficient size to be useable.

Provisions

P1 Must provide minimum private open space areas in accordance with Table B-1.8.

25m² at ground level

3 bed 20m²

P2 Usable private open space areas should be located to the rear or over the northern portion of the site to maximise privacy and solar access.

P3 Where private open space areas are to be provided at ground level, it must have a minimum dimension of 4m, or a minimum dimension of 2m where provided above ground level.

P4 Private open spaces should be located such that they are directly accessible

off a main living area of the dwelling.

P5 In addition to the requirements of P1, multi-dwelling developments are encouraged to provide communal open space areas to encourage social interaction.

Notes: It is considered best practice to provide communal open space areas in the order of 25% to 30% of the site area. A reduction in this requirement could be considered acceptable where private open spaces in excess of the minimum requirements are provided.

Ground floor communal open space satisfies the requirement being 190.5m² or 26%.

This aspect of the approval is unchanged by the proposed amendment.

1.5.11 Swimming pools and spas

Objectives

O1 To minimise the visual impact of swimming pools and spas.

O2 To minimise the acoustic impacts on residents of adjoining properties.

O3 To minimise the use of potable water supplies.

Provisions

P1 Pools, spas and any associated structures (such as pool coping levels, surrounding decks and the like) are not to exceed 500mm above ground level (existing).

Compliance with this requirement requires the applicant to illustrate the proposed RLs against spot RL's provided on the site survey plan.

P2 The application must be accompanied by cross section plans of the proposed pool through both axis demonstrating proposed finished levels of the pool and surrounds in relation to existing ground levels, the boundaries of the site, and the ground levels (existing) on adjacent sites.

P3 Pools and any associated structure must be set back a minimum of 1.2m from any property boundary.

P4 Pools and any associated structures must be set back a minimum of 6m from any habitable room within a dwelling on an adjoining property.

P5 Where illumination of the pool is proposed, use low level lighting only and direct away from adjoining properties.

P6 Locate any associated pool equipment in close proximity to the principal dwelling.

P7 A water tank must be installed and be of sufficient capacity to ensure that the

pool can be topped up to the manufacturer's recommended level without the need to rely on potable water supplies. This requirement is over and above any additional requirements associated with P3, P4 and P5 to s.1.6.9 to this Part of this DCP relating to water conservation and water tanks. The tank must be fed by down pipes from a minimum of 50m² of roof area of the dwelling on the site. The size of the water tank must be provided in accordance with that specified in Table B-1.9.

P8 A pool cover must be installed where a proposed development includes a swimming pool or spa.

The proposed pool satisfies these requirements being located at ground level within the foreshore area.

This aspect of the approval is unchanged by the proposed amendment.

1.5.12 Tennis courts

Objectives

O1 To minimise adverse effects on residents of adjoining properties.

Provisions

P1 Must be setback a minimum of 1.5m from any property boundary.

P2 Must be setback a minimum of 6m from any habitable room of a dwelling on an adjoining property.

P3 A landscape screen should be provided between a tennis court and adjoining properties and the colour of any associated fencing should be black to blend with landscaping and to minimise disruption to views.

P4 Must not be floodlit.

P5 All stormwater run-off must drain to Council's stormwater system.

P6 The surface of the tennis court should not be located more than 500mm above or below ground level (existing).

Not applicable

1.5.13 Garbage storage

Objectives

O1 To minimise any adverse effects on residents and the wider community by ensuring that adequate garbage storage and holding areas are provided which are conveniently accessible for residents and garbage contractors.

Waste Receptacles

P1 On-site garbage storage areas must be provided which are capable of accommodating at least the number of garbage and recycling bins indicated in Table B-1.10.

1 x 60l and 1 x 240l

P2 Notwithstanding the rates to P1, Council may permit a reduction in the number of bins required, but only if a garbage compactor is required or proposed to be incorporated within the development.

P3 All multi-dwelling developments containing a lift must provide:

(a) a garbage chute leading to a central garbage storage room that has a waste compaction unit attached with a minimum compaction ratio of at least 2:1; and

(b) a recycling room with a minimum dimension of 1.5m square on each level of the building with at least one point of access to the garbage chute, which is provided with either:

(i) shelving appropriate to hold a minimum of 4 x 50 litre recycling crates;

or

(ii) space to accommodate 1 x 140 litre bin.

for the separate collection of recyclable materials.

P4 Multi-dwelling developments which do not contain a lift, but propose to incorporate a garbage chute, must comply with the requirements of P3(a) and P3(b).

P5 A garbage storage area should be located within 2m of the street boundary.

P6 Notwithstanding P4 above, a garbage storage area may be located anywhere on a site, but only if a garbage collection area, capable of accommodating all of the required bins for the entire development is located within 2m of the street boundary.

Location

P7 If the garbage storage area is to be the collection point, provide clear and unimpeded access that is no more than 2m from the street boundary entrance to the site.

P8 Ensure that the garbage storage area is easily accessible from all parts of the building and from the collection area.

P9 Locate and design garbage storage areas to complement the streetscape.

P10 Ensure garbage/recycling bins will not be visible from the street in the garbage storage area.

P11 Where possible integrate garbage storage areas with the building.
P12 Do not place structures for garbage storage areas that are more than 1m high on the boundary or within the front building line.
P13 Garbage facilities are to be designed and constructed in accordance with Council's Waste Facility Guide (refer to Appendix 3 of this DCP).

The garbage facilities are provided on Level 3 in accordance with these provisions.

This aspect of the approval is unchanged by the proposed amendment.

1.5.14 Site facilities

Objectives

O1 To ensure that site facilities are unobtrusive, integrated into developments, provide for needs of residents and reduce impact of development on the environment.

Provisions

P1 Provide open air clothes drying facilities in a sunny location, which is adequately screened from streets and public places and receives no less than 2 hours of direct sun per day.

P2 Provide a lockable mailbox, for each dwelling, close to the main pedestrian entry to the dwelling or building.

P3 Provide no more than one telecommunications/TV antenna per residential building.

P4 Provide ancillary storage facilities within residential flat buildings at the rates outlined in Table B-1.11 and linked to each dwelling through provisions of the relevant Strata Plan (at least 50% within the apartment).

The residential flat building is provided with site facilities and storage consistent with the controls.

This aspect of the approval is unchanged by the proposed amendment.

1.5.15 Servicing of new lots

Objectives

O1 To ensure new lots are adequately serviced.

Provisions

P1 Applicant's must demonstrate how the site is to be serviced for gas, water, electricity, drainage, sewerage, telephone and storm water removal, including any

easements that need to be created and practical access for long term maintenance.

P2 All new allotments must provide gravity drainage to the nearest street gutter or interallotment drainage system.

Not applicable.

1.6 Efficient use of Resources

1.6.1 Energy efficiency

Objectives

O1 To ensure that developments minimise their use of non-renewable energy resources.

Provisions

P1 A BASIX Certificate is required to be submitted with all residential development types nominated under SEPP (Building Sustainability Index: BASIX) 2004.

Note: BASIX assessments and certificates can be obtained on-line at www.basix.nsw.gov.au

P2 Where alterations affect more than half the total volume of the original building (measured over the roof and the external walls), achieve the targets in s.1.6 to this Section of the DCP for the whole of the building.

P3 Consider the following issues when assessing the energy rating of buildings and whether any of these issues prevent the achievement of the energy ratings:

- (a) orientation or shape of the block;
- (b) existing overshadowing due to either the surrounding terrain or existing development;
- (c) topography, geology or geo-technical constraints preclude energy saving design such as slab-on-ground construction;
- (d) conflict with requirements or guidelines in relation to privacy, area character, building design, bulk and scale or heritage considerations set out in the LEP or the DCP.

P4 Where the proposed development involves the installation of any of the following:

- (a) hotwater systems;
- (b) clothes drier;
- (c) dishwasher;
- (d) fixed air conditioning systems (including reverse cycle systems);

(e) fixed heating systems;
they must have a minimum energy star rating of 3.5 stars.

See submitted BASIX certification

1.6.2 Passive solar design

Objectives

O1 To ensure that site layout and building orientation allows for maximum solar access to dwellings, especially to living areas, and are adapted to local climatic conditions and prevailing site characteristics.

Provisions

P1 To achieve maximum solar access orient the building within 20° west of north to 30° east of north.

P2 Adapt site layout and building orientation to local climatic conditions and prevailing site characteristics, such as existing overshadowing, planting and slope.

P3 Locate the main daytime living areas (e.g. family, dining and meal rooms) on the northern side of dwellings.

P4 Orient the long axis or length of the building to the northerly aspect.

P5 Ensure windows of living areas that face north will receive at least three hours of sunlight between 9am and 3pm over a portion of their surface during the winter solstice.

The site is east facing and slopes down to the east providing the residential flat building with a good northern aspect. The design of the building has taken this into account in order to adapt the site layout and orientation of the building to the local climatic conditions.

This aspect of the approval is unchanged by the proposed amendment.

1.6.3 Thermal Mass and Insulation

Thermal mass is the ability of a material to absorb heat energy. Materials like concrete, bricks and tiles are deemed to have a high thermal mass, as they require a lot of heat energy to change their temperature. Lightweight materials such as timber have low thermal mass. More thermal mass results in more even range in inside air temperature. Appropriate use of thermal mass throughout your home can make a big difference to comfort and heating and cooling bills.

Thermal mass is not a substitute for insulation. Thermal mass stores and re-radiates heat whereas insulation stops heat flowing into or out of the building. A high thermal mass material is not generally a good thermal insulator.

Insulation acts as a barrier to heat flow and is essential to keep your home warm in winter and cool in summer. A well-insulated and well designed home will provide year-round comfort, cutting cooling and heating bills by up to half. This, in turn, will reduce greenhouse gas emissions.

Objectives

O1 To achieve more even, year-round average temperature, making the dwelling more comfortable to live in and resulting in less demand for artificial heating or cooling.

Provisions

P1 To maximise natural heating, provide flooring that will absorb heat from the winter sun

(i.e. A concrete slab floor on the ground offers the best thermal massing properties, whilst timber floors have minimal performance in terms of thermal mass. Dark coloured tiles laid over a concrete slab is the most desirable covering in terms of maximising the performance of thermal mass in a dwelling).

P2 To maximise natural cooling, protect thermal mass from summer sun with shading and insulation. Allow cool night breezes and air currents to pass over the thermal mass, drawing out all the stored energy.

P3 Incorporate masonry walls and insulated walls and ceilings to contribute to the effectiveness of thermal mass.

P4 Thermal insulation is used in the roof, walls and floor.

P5 Thermal insulation complies with AS 2627: Part 1-1993.

P6 Use bulk or reflective insulation, or a combination of both, to achieve the required insulation value.

The proposal provides for thermal mass and insulation consistent with the provisions of this clause.

This aspect of the approval is unchanged by the proposed amendment.

1.6.4 Natural ventilation

Ventilation is essential for good health and prevention of condensation. However, the lack of natural ventilation can cause discomfort for occupants and waste energy if artificial ventilation is installed.

Objectives

O1 To ensure that dwellings are designed to provide all habitable rooms with direct access to fresh air and to assist in promoting thermal comfort for

occupants.

O2 To reduce energy consumption by minimising the use of mechanical ventilation, particularly air conditioning.

Provisions

P1 Locate windows and openings in line with each other on opposing walls and with prevailing breezes.

P2 Provide ceiling fans for use in summer (fans produce a cooling air movement that is preferable to letting in the hot daytime air).

The residential flat building is naturally ventilated for all apartments.

This aspect of the approval is unchanged by the proposed amendment.

1.6.5 Building design

The most effective way to keep the sun's heat out of a house is to use adequate shading.

External shading, such as eaves and pergolas, is much more effective than internal shading, such as curtains and blinds, in keeping the sun out of a building or room. In winter it is important to allow the sun in to warm the inside of the dwelling.

Objectives

O1 Building design maximises benefits of solar access during winter and minimizes overheating during summer.

Provisions

P1 Eaves on north facing walls should completely shade any glazing on that wall from October to late February. To calculate the extent of eaves overhang, draw a section and extend a line from the base of the window at 70° . The outer edge of the eaves should reach this line.

P1 Consideration should be given to using north facing pergolas to shade walls and windows (deciduous vines can be trained over the pergola to provide effective cooling in warm weather).

P2 Where a north facing pergola contains fixed louvres, space and orient the

louvres so that a line between the top of one blade and the bottom of the next makes an angle of 70°.

P3 Angle louvres to correspond to the lowest altitude angle the sun reaches at noon in winter (31° in Sydney).

P4 Provide adjustable awnings, shutters and external louvres on east and west facing windows.

P5 Where main living areas are oriented northwards, aim to achieve a glazed area of 30% of the dwelling's floor area in this direction.

P6 East and west facing glazing should be minimised and fully shaded at the summer solstice.

P7 South facing glazing should be kept to a minimum to reduce winter heat losses.

The building has been designed with due regard to these provisions.

This aspect of the approval is unchanged by the proposed amendment.

1.6.6 Colours and materials

Colours and materials can be used to absorb or reflect heat from the sun. Dark colours tend to absorb the sun's rays whereas light colours are more reflective. There is little advantage in using dark external colours to absorb heat in winter. However, the use of lighter colours, particularly on the roof area and on east and west facing walls, are particularly advantageous during summer to reflect the sun's heat. Glare effects and streetscape issues need to be considered when choosing external colours.

Objectives

O1 To maximise the energy efficiency of dwellings.

Provisions

P1 Buildings should use lighter coloured materials and finishes on main external parts of the building.

The building materials have been selected with due regard to these provisions.

This aspect of the approval is unchanged by the proposed amendment.

1.6.7 Hotwater systems

Objectives

O1 To ensure the most efficient water heating methods are used to assist in the reduction of greenhouse gas emissions and use of non-renewable resources.

Provisions

P1 Must comply with the minimum energy star rating identified in P4 to s.1.6.1 to this Part of the DCP.

P1 New hotwater systems installed in dwellings must not solely rely on electrical mains power to heat the water (n.b. sole electrical hotwater systems are to be phased out by 2012).

P2 Install solar powered water heaters on any residential development. Solar powered water heaters may be either gas or electrically boosted, but boosting should be limited to a maximum of 50% of total heating requirement with the remainder of heating requirements achieved through solar gain.

P3 Where it can be demonstrated that insufficient solar access is available for a solar powered system install a heat pump or natural gas system.

P4 Locate solar cells, heat pumps or any associated structures so as to as avoid impact on the aesthetics of a building, the streetscape, or heritage significance of a building or conservation area.

P5 Centralise solar or heat pump hot water systems in larger scale residential flat buildings or attached dwelling developments, to achieve economies of scale.

P6 Where it can be demonstrated that the installation of a low greenhouse gas emission water heating system would require additional expenditure which is not cost-effective over a five year period other systems may be considered.

The building has been designed with due regard to these provisions.

1.6.8 Water conservation

Objectives

O1 To minimise the use of potable water.

Provisions

P1 A BASIX Certificate is required to be submitted with all residential development types nominated under SEPP (Building Sustainability Index: BASIX) 2004. Note: BASIX assessments and certificates can be obtained on-line at www.basix.nsw.gov.au

P2 Consideration is to be given to incorporation of grey-water and black-water reticulation systems.

P3 Where the proposed development involves the installation of new:

- (a) shower roses;
 - (b) taps for use over a basin, ablution trough, kitchen sink or laundry tub;
 - (c) flow restrictors;
 - (d) toilets;
 - (e) white goods, such as clothes washers or dishwashers;
- they must have a WELS rating of 3.5 stars or higher.

P4 Rainwater tanks are to be installed in accordance with the exempt development requirements under SEPP (Exempt and Complying Development Codes) 2008.

P5 Install a stormwater tank where this will not affect amenity, views and other requirements of this section of the DCP.

The building has been designed with due regard to these provisions.

1.6.9 Stormwater retention

Objectives

O1 To minimise off-site localised flooding or stormwater inundation.

Provisions

P1 Use site contouring and landscaped areas to increase on-site infiltration of stormwater.

P1 Grade land around structures to divert surface water to the street and clear of

existing and proposed structures and adjoining premises.

P2 Do not construct over any registered easement without the approval of the body benefiting from the easement.

P3 Do not construct within 3m of a sewer/water main without the prior approval of the relevant service authority.

P4 Provide and implement a soil and water management Site Work Plan which ensures minimum soil erosion and maintenance of downstream water quality. The Site Work Plan outlines practices to control runoff, mitigate soil erosion and trap pollutants before these can reach downslope lands and receiving waters. The Plan shall be in accordance with the guidelines set by the Environment Protection Authority,

Department of Land and Water Conservation and Council's adopted Erosion Sedimentation Control Policy

The building has been designed with due regard to these provisions.

Section 9 Lavender Bay Planning Area

The following statement identifies the existing character and the desired future outcome for development in the Lavender Bay Planning Area.

The Lavender Bay Planning Area is a diverse area reflected by the very wide range of land uses occurring within the Area, including a mixture low, medium and high density residential accommodation, commercial premises, light industry, education establishments, places of worship and public recreational facilities. Many of these land uses are located in a leafy setting with strong links to Sydney Harbour and are often associated with landmark buildings such as Graythwaite, the Shore School and St Peter's Church.

The Planning Area is noted for its historical character arising from the retention of much of its original subdivision pattern and good examples of largely intact mid 19th century and early 20th Century buildings. Blues Point Road in McMahons Point is a popular village centre enjoyed by local residents and visitors to the area with its outdoor cafes, galleries and small specialty shops.

A large portion of the Education Precinct is located in the Planning Area, which consists of landmark educational establishments such as the Australian Catholic University (ACU), the Sydney Church of England Grammar School (Shore) and North Sydney Demonstration School and supports a growing student population

and workforce of teaching and support staff.

Milsons Point is on the shores of Sydney Harbour and consists of a large concentration of mixed residential and commercial towers located at the base of the Sydney Harbour Bridge, surrounded by landmarks such as Luna Park, Bradfield Park and North Sydney Pool.

Development within the Planning Area should result in:

- any residential growth being in accordance with the Residential Development Strategy, with high density residential accommodation mainly being accommodated within the mixed use zone at Milsons Point, with no substantial change in the other residential and light industrial areas.
- a wide range of single household residential types being distributed in a number of distinctive built forms/landscape areas, including purpose-built student accommodation to support the functioning of the Education Precinct.
- any retail premises being of a scale to cater to the local community and which provide a balance between basic (e.g. food and groceries) and recreational (e.g. cafes and galleries) needs.
- the conservation of features which positively contribute to the local identity.
- a vibrant and engaging Education Precinct with high quality built form, safe pedestrian networks and a range of formal and informal public spaces for students to study, socialise and engage with the local community. and where:

Function

- the community centre is in an accessible location and provides a meeting place for the local community and is part of North Sydney's network of community and cultural centres.
- non-residential uses such as public recreation, schools, light industrial, places of public worship, railway and shops coexist peacefully with the residential character.
- public open space areas are utilised by local residents and the wider regional population for a variety of social and recreational activities.
- access to the Harbour foreshores is improved with pedestrian links from Luna Park to the public reserve in Munro Street, Waverton Park and Smoothey Park.
- public transport, cycling, and walking are the preferred means of transport.
- through traffic is discouraged from using the already overloaded road network and commuter parking managed through parking schemes.
- local identity, icons and heritage are conserved.

-
- Luna Park is a public recreational and amusement park, enjoyed by local, regional and international users, that is easily accessed by public transport.
 - the boardwalk adjacent to Luna Park on the foreshore is always accessible to the general public maintaining links to the wharf, other landing facilities and adjoining foreshore land.
 - local identity, icons and heritage are preserved.
 - man-made features such as the railway and pedestrian cuttings through the approach to Sydney Harbour Bridge are maintained as local landmarks that are important to the community.

Environmental Criteria

- the remaining natural foreshores are conserved with improved pedestrian access to the foreshore.
- public open space is protected from the adverse effects of development – such as stormwater runoff, spread of introduced plants and weeds, and visual impact of structures.
- both residential and non-residential land uses minimise noise and air pollution.
- solar access is maximised to open space areas in public and private domains.
- natural features (rock formations, trees) are conserved and maintained.
- major views from Luna Park, lookouts, and other vantage points are not obscured by structures or landscaping.

Quality Built Form

- any development that occurs reflects and reinforces the existing distinctive built form/landscape areas and distribution of accommodation types.
- buildings in Milsons Point are designed to preserve views and prevent wind tunnels.
- there is adequate open space within Luna Park for passive recreation and free movement within the park.
- the character, bulk and scale of new development within Luna Park complement the original features of Luna Park and enhance its appearance when viewed from within and Sydney Harbour.
- development within Luna Park is complementary to redevelopment of adjacent SRA land.
- there is an appropriate built form on the foreshore to maintain the significance of Sydney Harbour.

Quality Urban Environment

- traffic flows are managed to promote pedestrian amenity and there are improved pedestrian links between Kirribilli and Milsons Point.
- through traffic is discouraged to prevent traffic congestion.
- development promotes the safety of people that is enhanced by good street lighting.
- public open space provides recreational opportunities and acts as a buffer to the high density development.
- the demand for on-street parking is managed by allowing only appropriate levels of development.
- backyards are used for a variety of activities particularly for families with children and for practical and recreation needs of residents in residential flat buildings.

Efficient Use of Resources

- stormwater is retained for reuse on site.
- existing buildings are maintained and adaptively reused to prevent unnecessary waste of building materials.

Public Domain

- buildings and street furniture are compatible with unique features of Milsons Point including Luna Park, the Olympic Pool and Sydney Harbour.
- street furniture and landscaping, outdoor advertising in McMahons Point and Kirribilli respect the historical character of the area.
- educational establishments are oriented to the public domain to provide increased surveillance and activation.
- streetscape improvements within the Education Precinct occur in accordance with the North Sydney Centre Public Domain Strategy and Education Precinct Public Domain Masterplan.

The building has been designed with due regard to these provisions.

9.6 McMahons Point Neighbourhood

9.6.1 Significant Elements

Land Use

P1 Predominantly residential accommodation.

Topography

P2 Steep falls from Middle Street down to the foreshores of Lavender Bay.

P3 Terraced land adjacent to foreshore.

P4 Vertical sandstone cuttings to Henry Lawson Avenue Steep falls occur adjacent to Forsyth Park.

Natural Features

P5 Lavender Bay frontage.

Views

P6 The following views and vistas are to be preserved and where possible enhanced:

(a) District views from most properties to Sydney Harbour and beyond.

(b) Views to Lavender Bay from King George Street Lookout (80), Extensive views to Sydney Harbour from East Crescent Reserve Lookout (81), Lloyd Rees Lookout (82).

Identity / Icons

P7 Lavender Bay.

P8 Continuous sea wall to Lavender Bay.

Subdivision

P9 Residential flat buildings: 700m² - 800m²

P10 Other residential accommodation: 230m² to 450m²

Streetscape

P11 Split carriageways separated by sandstone walls and double rail timber fences.

P12 Low rendered masonry fences to the lower side of the street.

P13 Sandstone retaining walls to the high side of the street interrupted by garages built to the boundary.

P14 Buildings generally setback a minimum from the boundary with a skewed alignment to respective street frontage.

P15 Fully paved verges with limited landscaping.

Public transport

P16 Development should capitalise on the Area's high level of accessibility to high frequency public train, bus and ferry services.

9.6.2 Desired Future Character

Diversity

P1 Medium density residential accommodation comprising attached dwellings and multidwelling housing within the northern portion of the Area, according to zone.

P2 High density residential accommodation comprising of residential flat buildings

concentrated within the southern portion of the Area, according to zone.

9.6.3 Desired Built Form

Form, massing and scale

P1 Development is to generally conform with the provisions contained within Part B – Development Controls of the DCP.

Setback

P2 Properties located on the foreshore have setbacks of 15m or greater from the shore line.

Materials, colours

P3 Buildings are constructed of timber, sandstone, face brick, masonry and/or painted render.

The building has been designed with due regard to these provisions.

6.0 Environmental Planning Assessment

Section 4.15(1) of the Environmental Planning and Assessment Act 1979 as amended specifies the matters which a consent authority must consider when determining a development application.

6.1 s.4.15(1)(a)(i) the provision of any Environmental Planning Instrument (EPI) Consideration of SEPP 55, SEPP (BASIX) 2004 and Local Environmental Plan 2013 are discussed under Section 4.

6.2 s.4.15(1)(a)(ii) the provision of any draft Environmental Planning Instruments
Not applicable to this application.

6.3 s.4.15(1)(a)(iii) any development control plan
Consideration of Development Control Plan 2013 is discussed under Section 4.

6.4 s.4.15(1)(a)(iv) any matters prescribed by the regulations
Not applicable to this application.

6.5 s.4.15(1)(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

- Context and Setting

The locality is characterised by buildings set above the street and stepping down the slope to preserve views. The proposal responds to this context.

- Access, Transport and Traffic

Parking for 6 cars is to be contained within the basement and 1 at grade visitor space..

- Public Domain

The proposal does not affect the public domain with the redevelopment of the site by utilising existing driveway and footpath.

- Utilities

The existing utilities are considered appropriate for the proposed development.

- Heritage

The site is not a heritage item and is not within the visual catchment of proximate heritage items.

- Other Land Resources

Not applicable to this application.

- Water

The water requirements of the proposal are considered appropriate given the location and current access to services.

- Soils

The excavation is proposed to be guided by the JK Geotechnics report. This aspect of the approval is unchanged by the proposed amendment.

- Air and Microclimate

It is considered that the proposal will not give rise to any significant air or microclimate impacts.

- Flora and Fauna

There is no significant flora or fauna on the site which will be affected by the proposal.

- Waste

The garbage/recycling storage area is proposed to be located in the building and will enable easy access to the street collection point. This aspect of the approval is unchanged by the proposed amendment.

- Energy

The proposal includes a number of energy saving design features. The design enables cross ventilation and natural daylight to penetrate all levels. (see BASIX Assessment).

- Noise and Vibration

Construction will be conducted in a manner that will minimise the impact of noise and vibration. After construction the development is not expected to have any noise of vibration impacts.

- Natural Hazards

No known site contamination has been identified.

- Technological Hazards

Not applicable to this application.

- Safety, Security and Crime Prevention

Casual surveillance to the street is possible from habitable rooms and balconies located at the front of the residential flat building. Appropriate security devices will be installed throughout the residential flat building.

- Social Impact in the Locality

The proposal is not expected to have an adverse social impact on the locality, as the proposal will upgrade the existing residential flat building.

- Economic Impact in the Locality

Employment opportunities will be provided during the construction phase to the benefit of the local building sector, and the proposal will increase the value of the subject site.

- Site Design and Internal Design

The proposal draws on guidelines set out in the planning instruments to reinforce positive elements of urban form. The proposal incorporates open plan living, where the primary living areas of the residential flat building open up to outdoor areas of private open space. The proposal has been designed in keeping with the orientation of the site, and measures have been taken in order to create the best possible outcome within the constraints of the site. Therefore it is considered that the proposal is an appropriate development solution to the use of the site.

- Construction

The building process will be managed to minimise disruption to the local community and the environment. However some noise is inevitable during the construction phase and this will be managed in accordance with Council's standards. The design of the development proposal has focused on durable renewable materials with low maintenance requirements.

- Cumulative Impacts

The subject allotment is generously sized, shaped and orientated to accommodate the proposed development. It is anticipated that the proposed residential flat building will have an acceptable level of cumulative effects.

6.6 s.4.15(1)(c) suitability of the site for development

Having regard to the location of the proposal, the site will adequately accommodate the proposed development.

6.7 s.4.15(1)(d) submissions made in accordance with the Act or the Regulations

The Consent authority will need to consider the submissions received in response to the public exhibition of the proposed development.

6.8 s.4.15(1)(e) the public interest

There are no known Federal and/or state Government policy statements and/or strategies other than those discussed in this report that are of relevance to this particular case. We are not aware of any other circumstances that are relevant to the consideration of this development application.

7.0 Matters For Consideration Under Section 4.55.

Section 4.55 of the Environmental Planning and Assessment Act, 1979 (the Act) confers on a consent authority the power and discretion to modify a consent granted under the Act.

The relevant provisions of the Act state:

“Modification of consent authorities of consents granted by the Court

*4.55 Modification by consent authorities of consents granted by the Court
(cf previous s 96AA)*

- (1) A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the Court and subject to and in accordance with the regulations, modify the development consent if:*
- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
 - (b) it has notified the application in accordance with:*
 - (i) the regulations, if the regulations so require, and*
 - (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*
 - (c) it has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person, and*
 - (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*
- (1A) 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.

(1B) (Repealed)

(1C) The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.

(2) After determining an application for modification of a consent under this section, the consent authority must send a notice of its determination to each person who made a submission in respect of the application for modification.

(3) The regulations may make provision for or with respect to the following:

(a) the period after which a consent authority, that has not determined an application under this section, is taken to have determined the application by refusing consent,

(b) the effect of any such deemed determination on the power of a consent authority to determine any such application,

(c) the effect of a subsequent determination on the power of a consent authority on any appeal sought under this Act.

(4) (Repealed)

It is acknowledged that Section 4.55 prescribes a distinct test to be applied and if a development as modified fails the test, which the development, as modified is not substantially the same as the original development (as subsequently amended), then the modification application must fail.

The matters prescribed under Section 4.55 are addressed below.

Section 4.55(1)(a)- Substantially the Same Development

The nature of Section 4.55 of the Act anticipates that there is likely to be some change between an originally proposed (and approved) development and a modified one.

The decision of *North Sydney Council – v – Michael Standley & Associates Pty Ltd*, (97 LGERA 433, 12 May 1998, Mason P), added to the understanding of the appropriateness of permitting modification as follows:

“Parliament has therefore made it plain that a consent is not set in concrete – it has chosen to facilitate the modifications of consents, conscious that such modifications may involve beneficial cost savings and / or improvements to amenity.”

In contemplating a consent for modification, it is the degree of change, which determines whether the consent authority has the power to approve a modification or whether there is no such power where the application fails to pass the threshold test under Section 4.55(1)(b) of the Act.

The main consideration under Section 4.55(1)(b) is what constitutes “*the same development*” and what are the parameters defining “*substantially*”.

In the case of *Vacik Pty Limited and Penrith Council (unreported 24 February 1992, Stein J)*, the Court held that substantially means “*essentially or materially or having the same essence*” and that the substance of determining these matters rests with a comparative analysis between the consent being varied and the modification and this approach is supported by the decision of Bignold J in *Moto Projects (No 2) Pty Ltd and North Sydney Council (NSWLEC 280, Appeal 10741A of 1997, 17/12/99)*.

The modification arises from the early COVID 19 restrictions where the planning experts were unable to access the property at 8 Bay View Street to properly assess the view impacts in accordance with the Land and Environment Court’s Planning Principle and had to rely on a single photograph provided by the owner of the property.

It is considered appropriate that a S4.55 be submitted to reinstate the original roof form, and that the planning experts then utilise the process to undertake a properly executed view assessment in accordance with the Land and Environment Court’s Planning Principle.

The proposal clearly indicate the retention of the “*essential*” form, character, design, height, footprint, and use of the development. Further, it is evident that the implications of the modified proposal are such that the development is unlikely to result in any adverse impact upon any adjoining properties or the locality

generally. There will be no significant increase in overshadowing, loss of views or privacy.

In summary, it is concluded that there is no basis for not characterising the modified development as one, which is substantially the same as that approved.

Section 4.55(1)(b), (c) and (d)-Notification

The provisions of Section 4.55(1)(b), (c) and (d) require that the application for modification should be notified (in accordance with the regulations) and that any submission made should be considered.

Accordingly, it is requested that the Council, as the consent authority, notify the modified application if required and address any submissions received during the notification period.

Section 4.55(1A)

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. This has been considered in Section 6 above and is considered satisfactory.

8.0 Conclusion

This report has been prepared on behalf of Yolanda Camuglia by Mersonn Pty Ltd and is submitted to North Sydney Council in support of a S4.55 amendment application for the demolition of the existing residential flat building and the construction of a new residential flat building at 5 Bay View Street, Lavender Bay (Lot 2 DP 167089).

A development application DA No:55/19 was lodged with North Sydney Council on 1 March 2019. Development application 55/19, sought approval for the demolition of the majority of existing structures on site (with the exception of the pool and associated foreshore works), and construction of an 6 storey residential flat building containing five apartments (containing 2 x 2 bedroom units and 3 x 3 bedroom apartments), with car stacker for seven cars, at No.5 Bay View Street, Lavender Bay as well as ancillary works to existing seawall, pool renovations, landscaping and stormwater works. The applicant filed a Class 1 appeal against the deemed refusal of the DA on 28 August 2019.

S34 Conference was held on 9 April 2020 and an amended proposal was provided in response to the Statement of Facts and Contentions. The amendments primarily comprised a reduction from five apartments to three apartments. The provision of a car lift and the introduction of basement parking with a reduction from nine to six cars.

During the discussions further amendments were undertaken which comprise the lowering of the roof on the basis of a submission received from the owner of 8 Bay View Street objecting to the loss of view of Lunas Park. Due to the early COVID 19 restrictions the planning experts were unable to access the property at 8 Bay View Street to properly assess the view impacts in accordance with the Land and Environment Court's Planning Principle and had to rely on a single photograph provided by the owner of the property.

This process led to the imposition of a condition of consent in the following terms;

Plans on Site

A2. The following design amendment must be made to the drawings referred to in condition A1:

The overall roof ridge height and surrounding parapet for the structures at Bay View Street level comprising the car lift, visitor's car space roof over and pedestrian entry lift and stairwell are to be reduced in height by 630 mm or not exceed a maximum RL of 22.00.

Plant structures on the roof required for the proper operation of the car lift are exempted from this requirement.

Plans and elevations demonstrating compliance with this condition MUST BE submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

(Reason: To ensure views are preserved to surrounding properties)

The amended proposal was approved by the Land and Environment Court 3 September 2020.

Following the receipt of the approval, the applicant has researched the approval for 8 Bay View Street and previous submissions received from that property and is of the view that the photograph is not an accurate representation of the view impact.

The applicant has been through the plans for 8 Bay View Street as lodged with Council and positioned their balcony in our model as well as going through a few publicly available documents that contain drawings of the harbour outline and the approximate outline, plan and elevation of the Crystal Palace at Luna Park. The photograph provided by the neighbour appears to be taken at a lower height than that required by the Land and Environment Court's Planning Principle . Possibly 1m above the FFL of the ground floor terrace. Note the balustrade in the photo is at the edge of the planter which is a step down (approximately 300mm) from the terrace level.

Consequently, it is considered appropriate that a S4.55 be submitted to reinstate the original roof form, and that the planning experts then utilise the process to undertake a properly executed view assessment in accordance with the Land and Environment Court's Planning Principle.

The proposal clearly indicate the retention of the “*essential*” form, character, design, height, footprint, and use of the development. Further, it is evident that the implications of the modified proposal are such that the development is unlikely to result in any adverse impact upon any adjoining properties or the locality generally. There will be no significant increase in overshadowing, loss of views or privacy.

In summary, it is concluded that there is no basis for not characterising the modified development as one, which is substantially the same as that approved.

The proposal has been designed in accordance with Council's policies and planning instruments and will make a positive contribution to the neighbourhood business locality. The proposal also addresses the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979. It will deliver a suitable and appropriate development to Neutral Bay and is worthy of approval.

Statement of Environmental Effects prepared by:

Name: Andrew Darroch of Mersonn Pty Ltd
Qualification: BA (Enviro. Sc.) Master City and Regional Planning
Grad. Dip Urban Estate Management MPIA, MEPLA,
MPCA
Address: 20 Wylde Street, Potts Point

In respect of the following S4.55 Application:

Land to be developed: 5 Bay View Street, Lavender Bay
Proposed development: Amendment to roof form and deletion of Condition A2
of approved construction of a new residential flat
building.

Declaration: I declare that I have prepared this Statement and to
the best of my knowledge:

1. The Statement has been prepared in accordance
with clause 4.12 of the EP and A Act and Clause
50 of the EP and A Regulations.
2. The Statement contains all available information
that is relevant to the environmental assessment
of the development to which this Statement
relates, and
3. That the information contained in the Statement is
neither false nor misleading.



Signature:
Name: Andrew Darroch
Date: September 2020

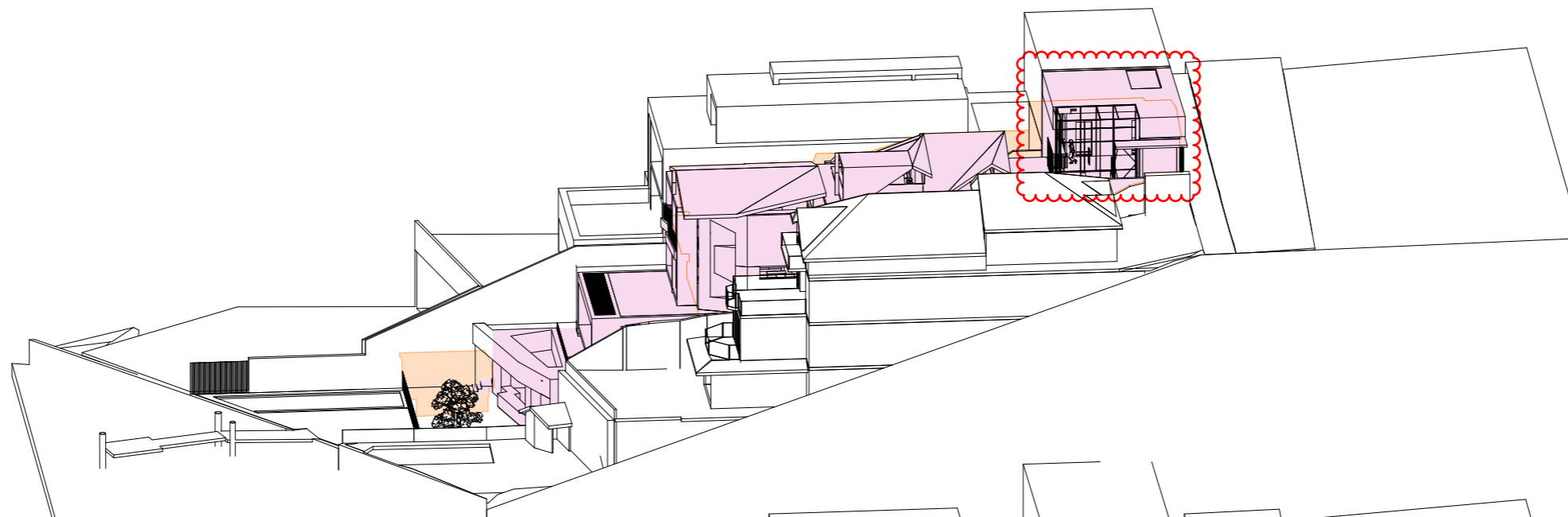
Schedule of Amendments

The proposed amendments comprise:

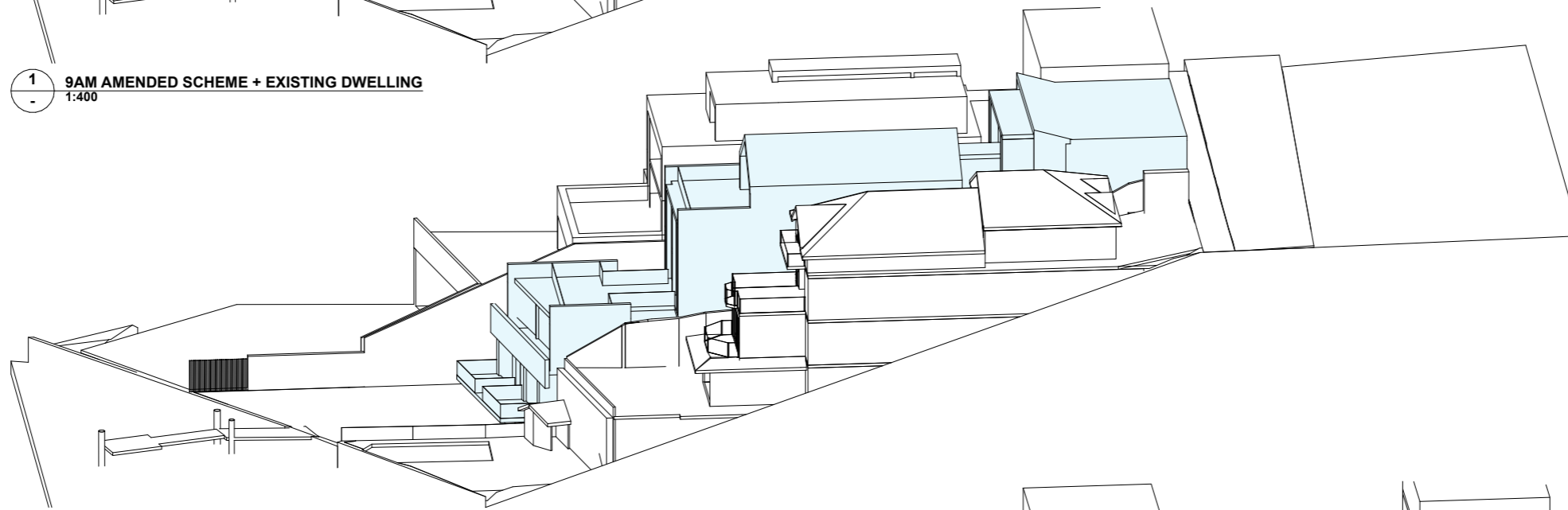
- Remove step in roof;
- Delete condition A2;

~~A2. The following design amendment must be made to the drawings referred to in condition A1:~~

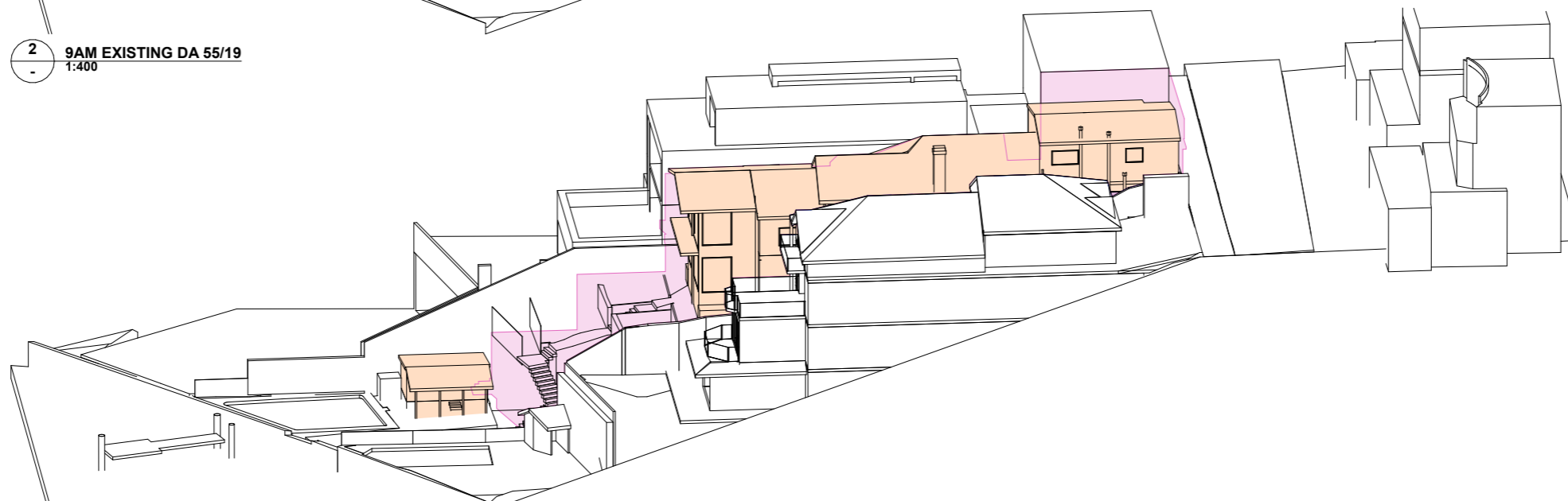
~~The overall roof ridge height and surrounding parapet for the structures at Bay View Street level comprising the car lift, visitor's car space roof over and pedestrian entry lift and stairwell are to be reduced in height by 630 mm or not exceed a maximum RL of 22.00.~~



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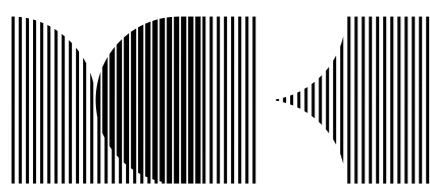


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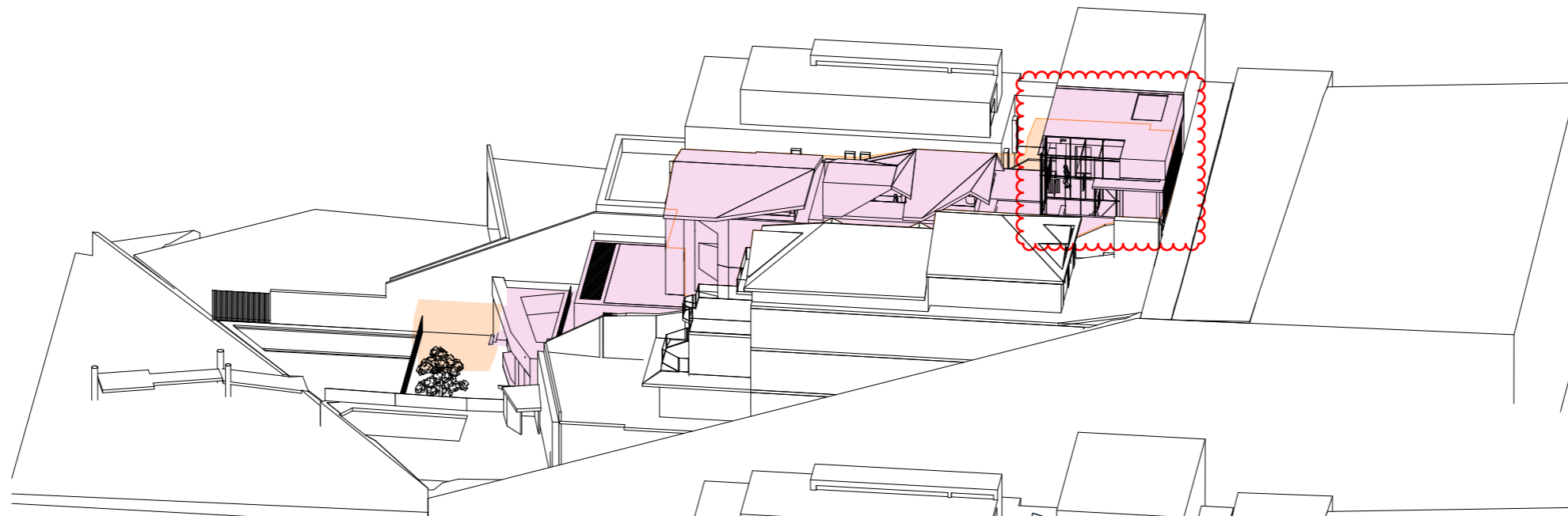


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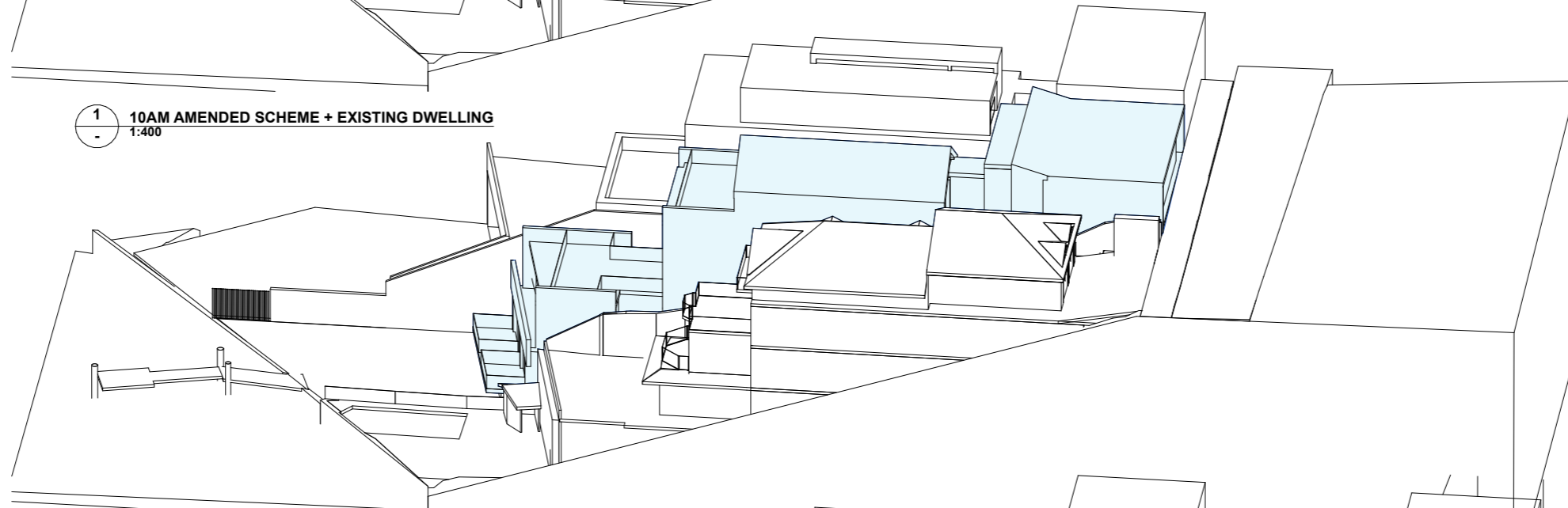
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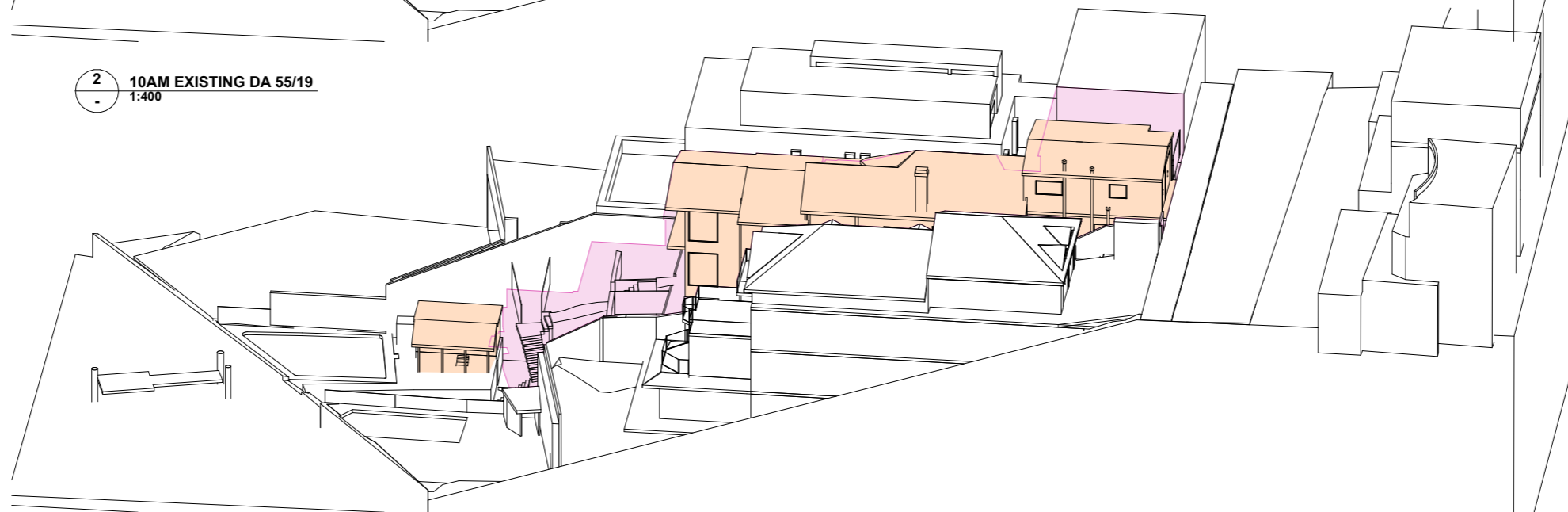
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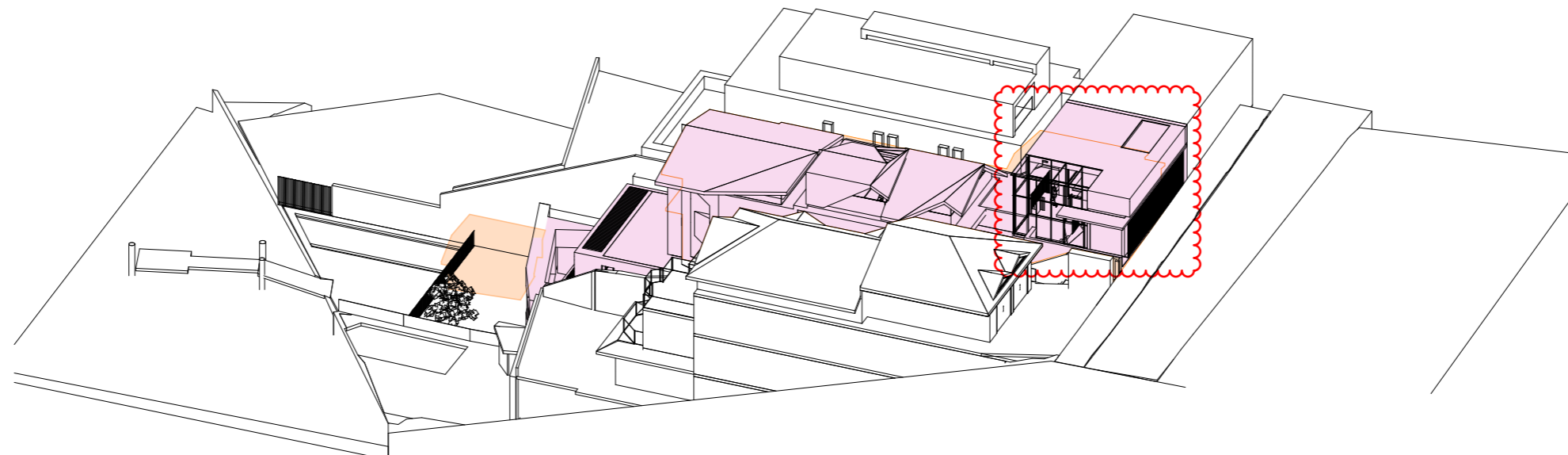


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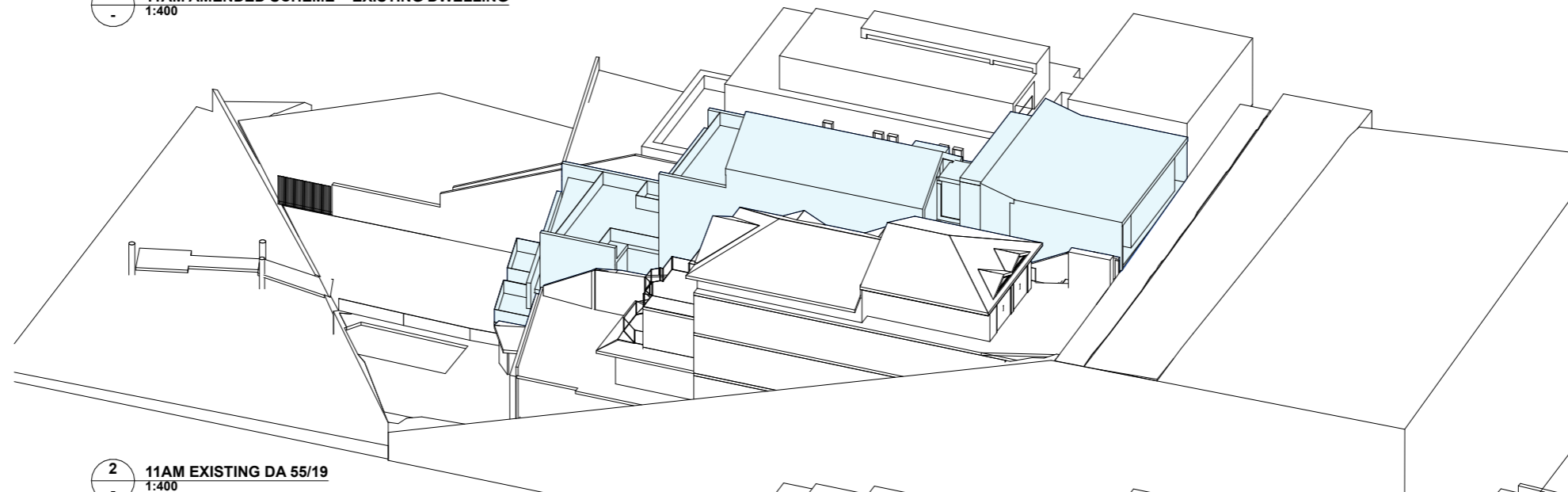
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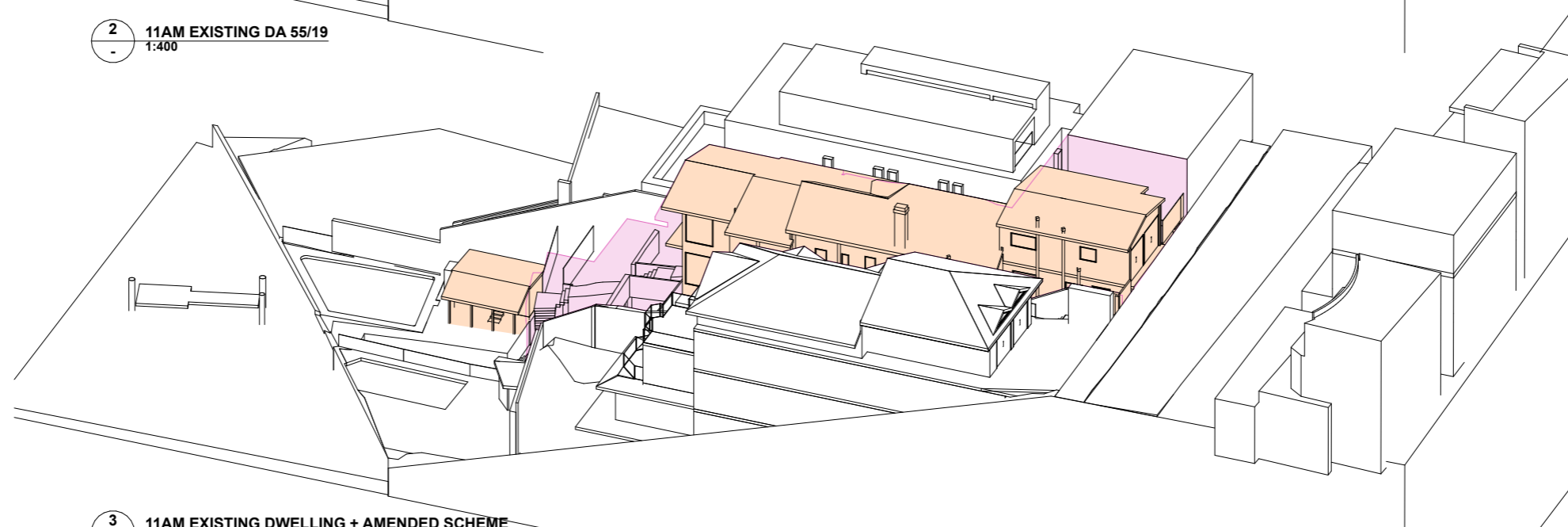
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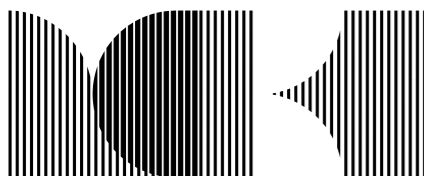


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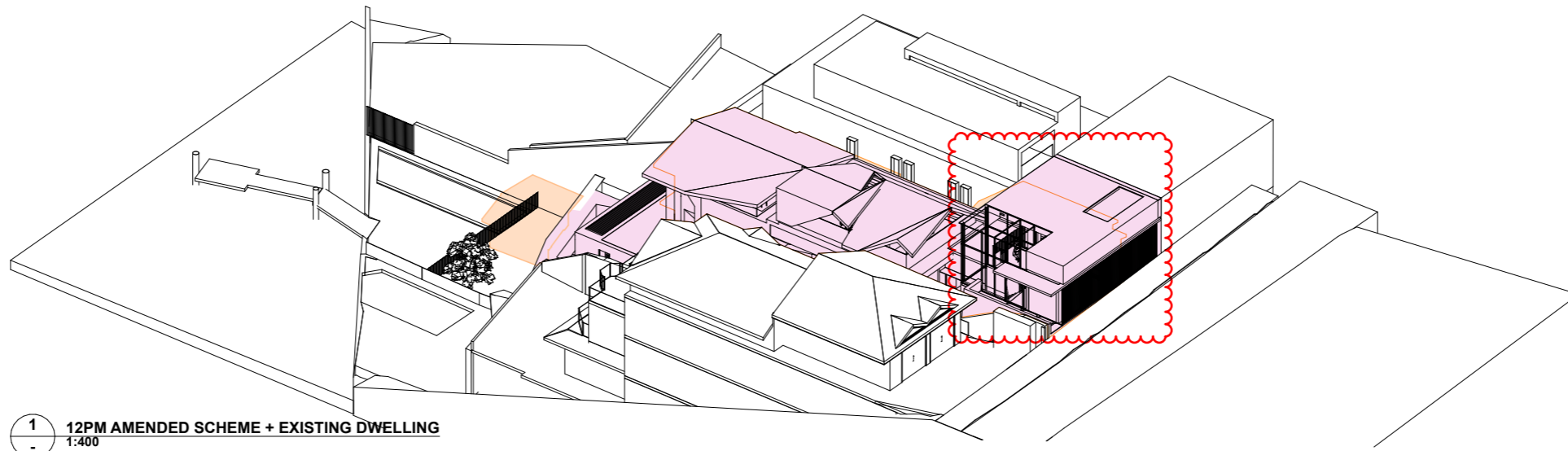


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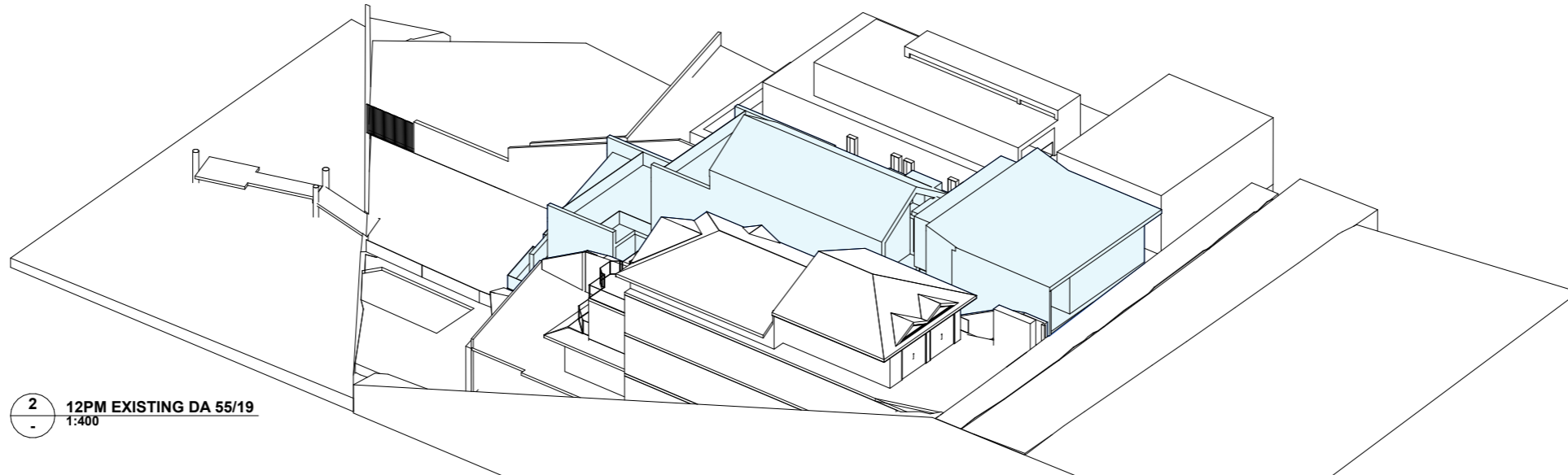
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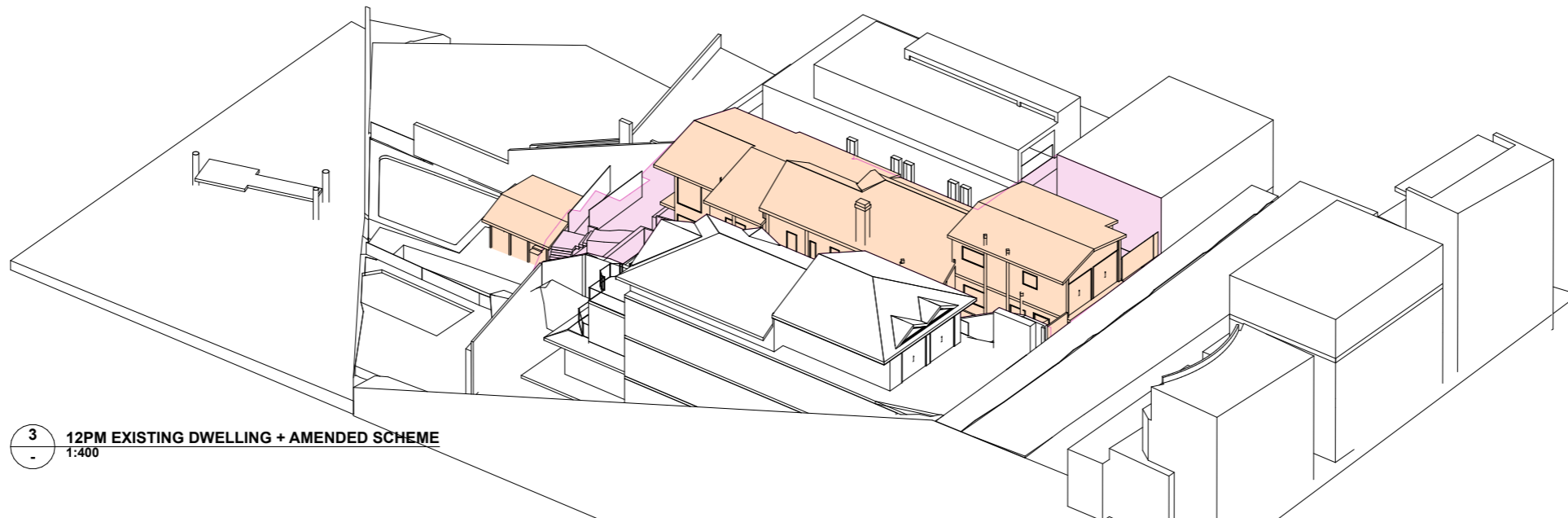
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2 12PM EXISTING DA 55/19
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3 12PM EXISTING DWELLING + AMENDED SCHEME
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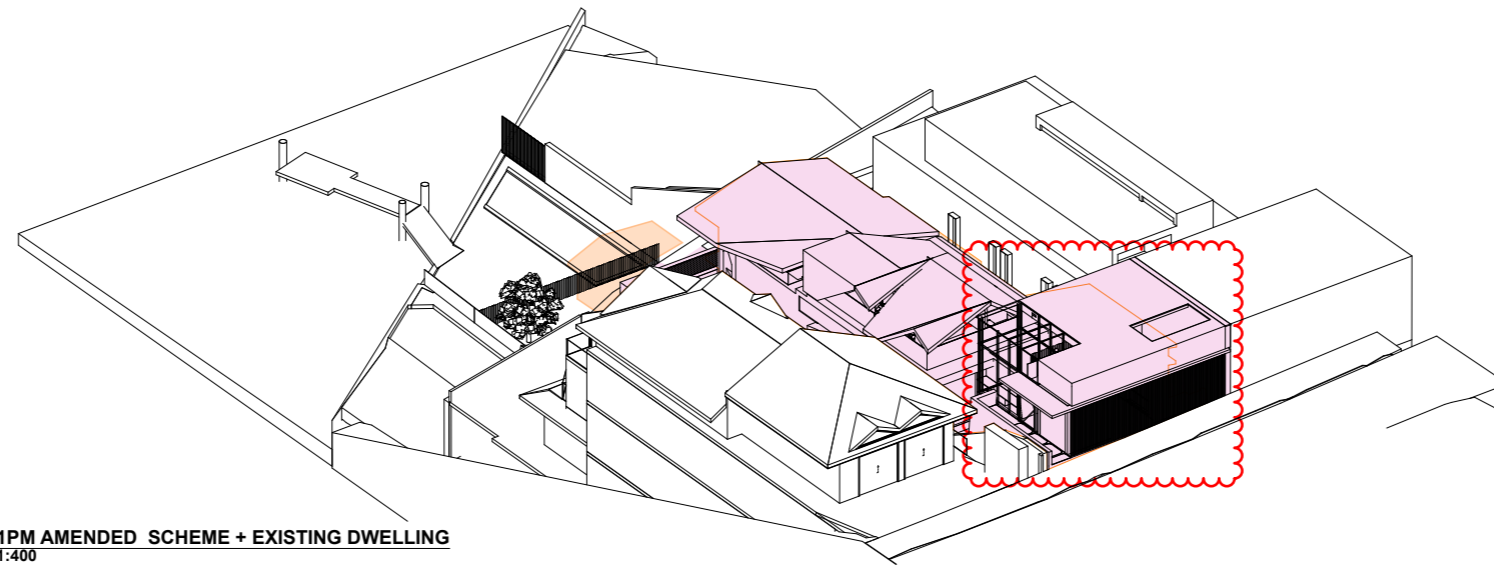


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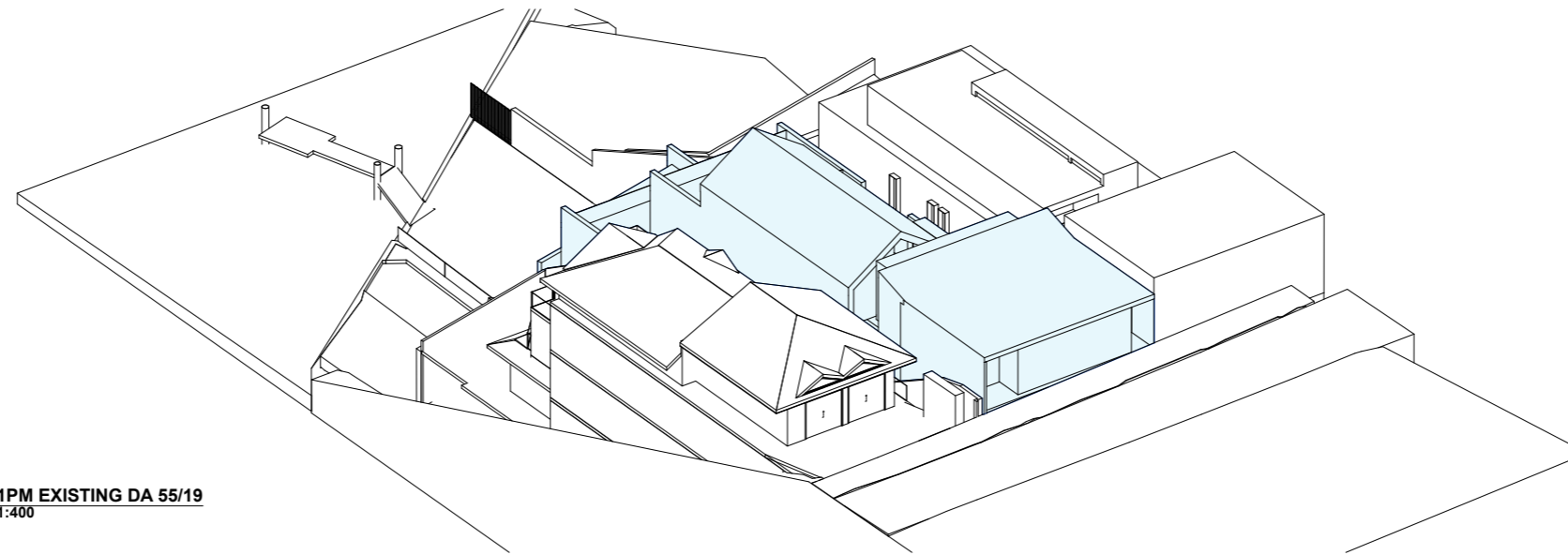
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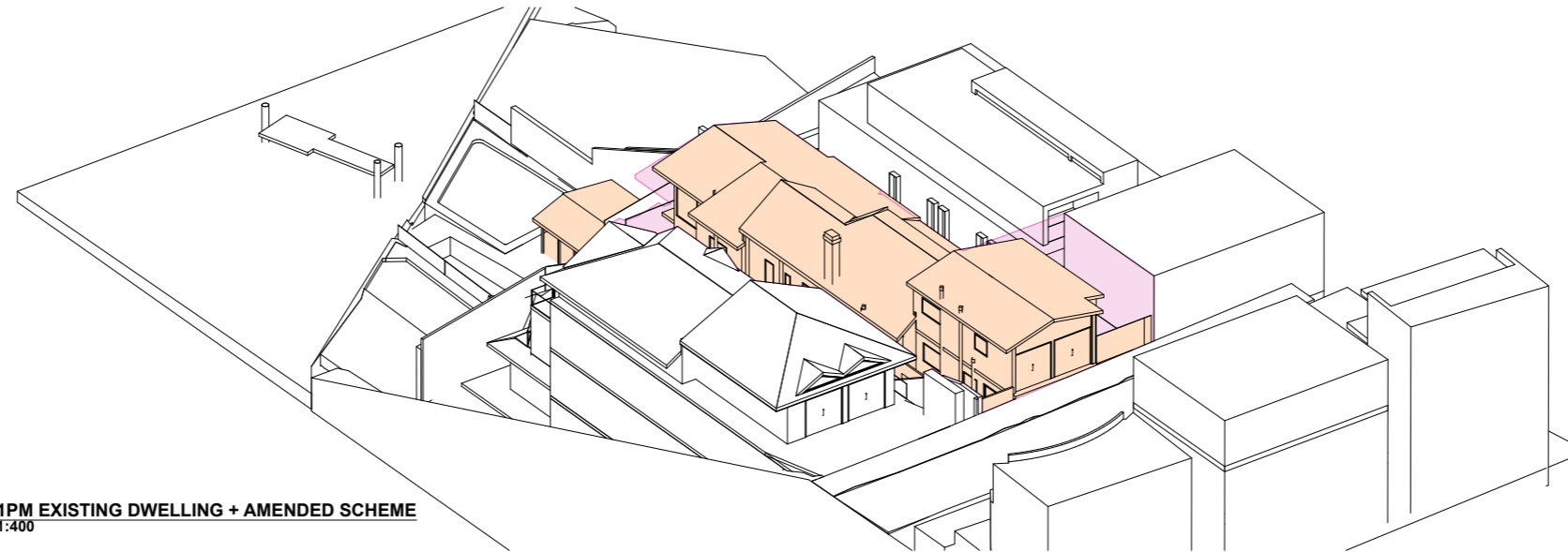
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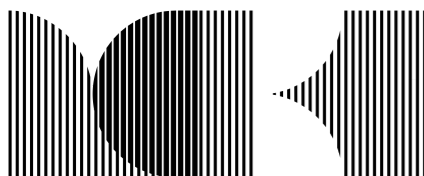


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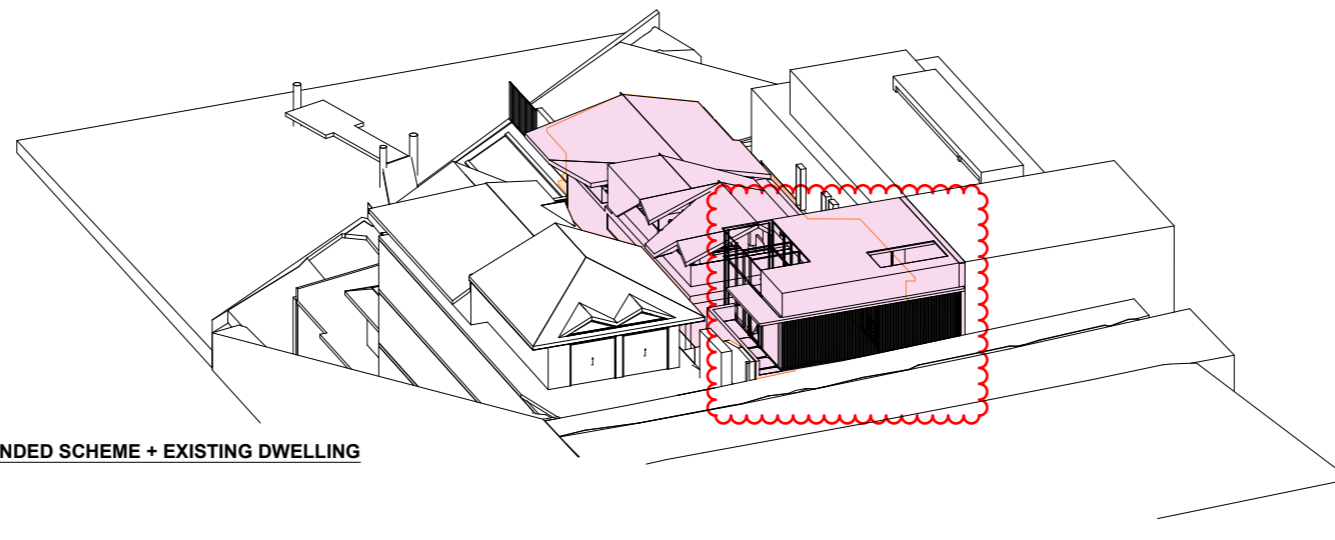


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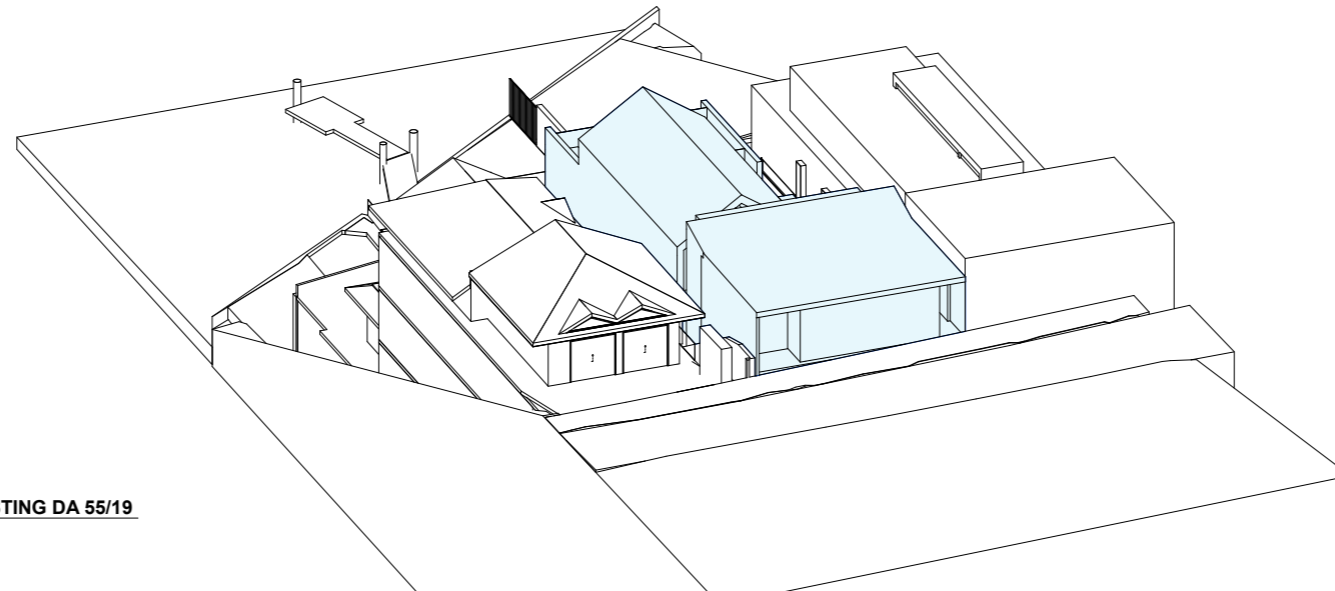
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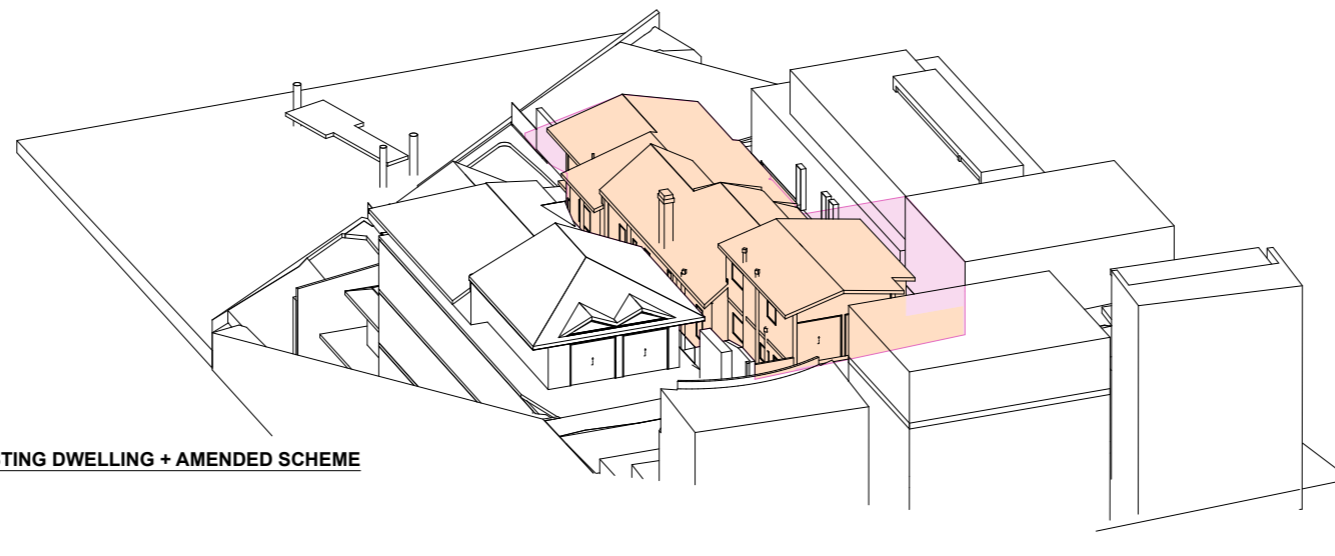
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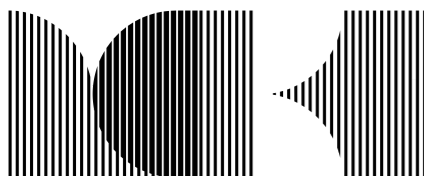


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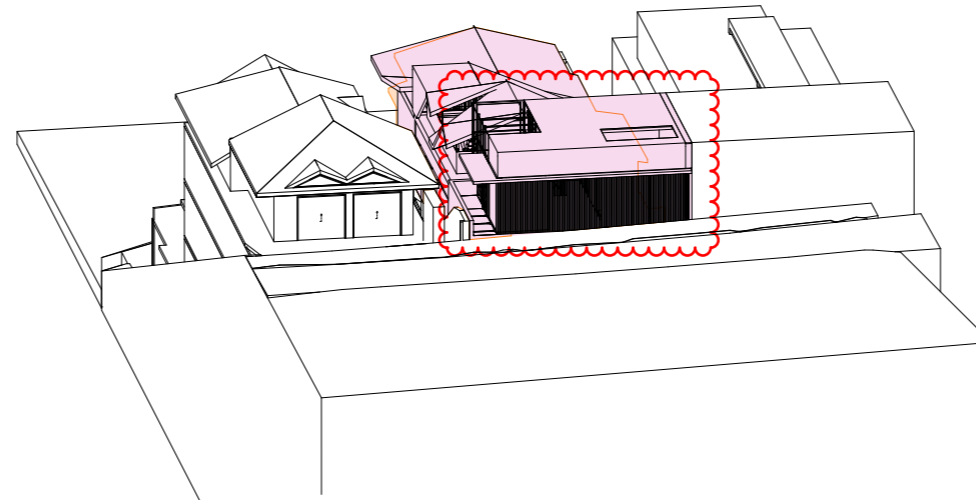


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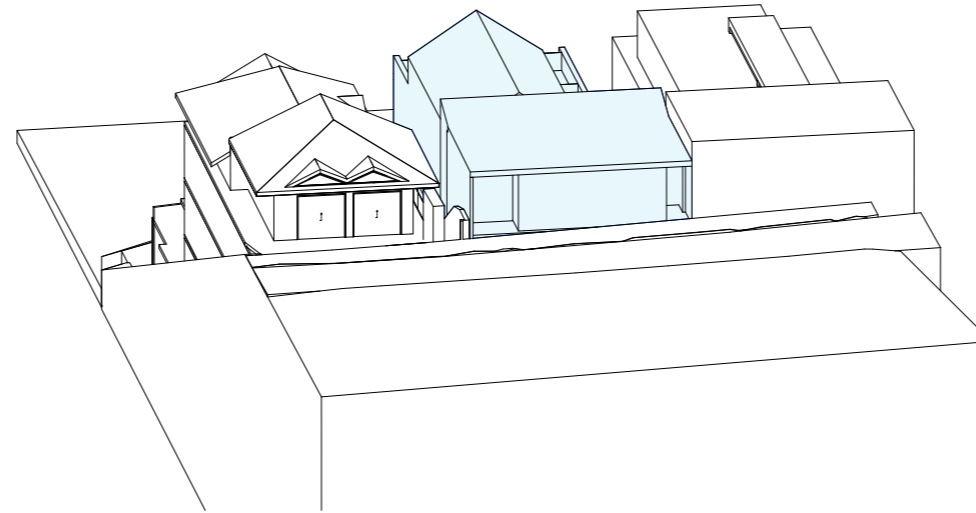
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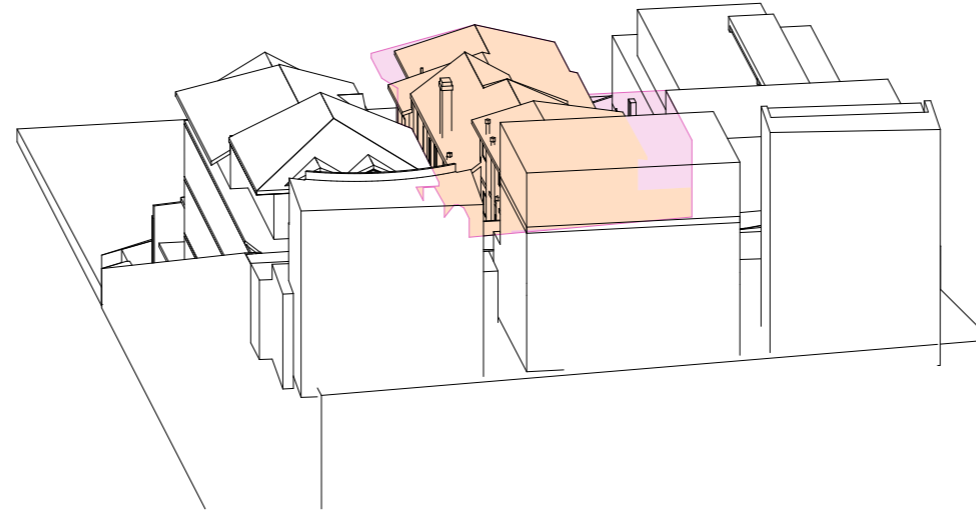
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1 3PM AMENDED SCHEME + EXISTING DWELLING
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2 3PM EXISTING DA 55/19
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3 3PM EXISTING DWELLING + AMENDED SCHEME
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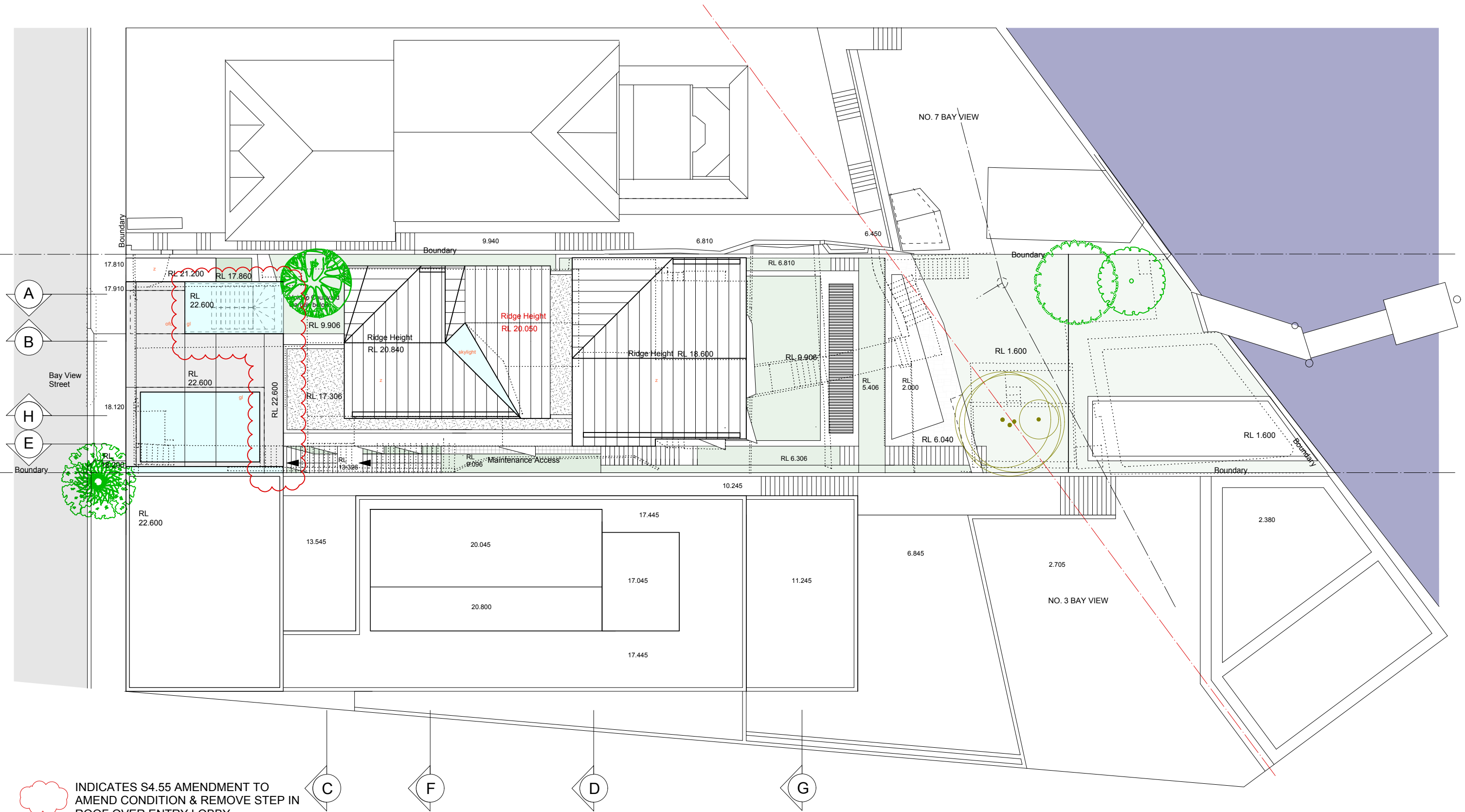



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PRINT DATE AND TIME: Thursday, 19 November 2020, 2:19 pm

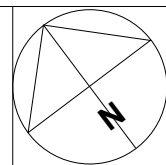
PROJECT CAMUGLIA	REVISION		DATE	19/11/20	DRAWING PROPOSED 3pm SHADOW DIAGRAM	DRAWING NO. 7.13	REVISION 02
	REV ID	ISSUE DATE	DESCRIPTION	PROJECT NO.			
5 BAY VIEW STREET LAVENDER BAY NORTH SYDNEY NSW 2060 AUSTRALIA	01	18/12/19	FOR LAND AND ENVIRONMENT COURT	DRAWN BY			
	02	19/11/20	S4.55 SUBMISSION	CHECKED BY			



 INDICATES S4.55 AMENDMENT TO AMEND CONDITION & REMOVE STEP IN ROOF OVER ENTRY LOBBY

NOTES ADDED 200408 AT COUNCILS REQUEST

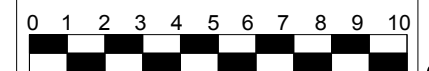
MCK ARCHITECTS
 STUDIO 401, 104 COMMONWEALTH STREET
 SURRY HILLS NSW 2010 TEL 02 9211 4146



**PROPOSED APARTMENTS AT 5 BAY VIEW STREET LAVENDER BAY
 FOR YOLANDA CAMUGLIA**

ROOF PLAN

1:200 @ A3; 1:100 @ A1
 DRAWN - MC



28 SEPTEMBER 2020
 JOB NO. 1911

SK05