

NSLPP MEETING HELD ON 01/06/2022

Attachments:

Amended Architectural Plans
 Applicant's HIS & View Analysis
 Independent Heritage Assessment Report
 Design Excellence Panel Minutes

ADDRESS/WARD: 107 High Street, North Sydney

APPLICATION No: DA 281/21

PROPOSAL: Demolition of an existing residential flat building and construction of a

new four storey residential flat building with basement parking,

landscaping and associated works.

PLANS REF:

Drw No.	Rev	Title	Drawn By	Dated
A010	G	Demolition Plan	Mayoh Architects	18/02/2022
A090	Н	Proposed Site Plan	Mayoh Architects	18/02/2022
A101	W	Basement 2 Plan	Mayoh Architects	18/02/2022
A102	Χ	Basement 1 Plan	Mayoh Architects	18/02/2022
A103	CC	Ground Floor Plan	Mayoh Architects	18/02/2022
A104	R	Level 1 Plan	Mayoh Architects	18/02/2022
A105	Z	Level 2 Plan	Mayoh Architects	18/02/2022
A106	Χ	Level 3 (penthouse) Plan	Mayoh Architects	23/12/2021
A107	0	Roof Plan	Mayoh Architects	23/12/2021
A150	N	Elevations - North and South	Mayoh Architects	18/02/2022
A151	N	Elevation West	Mayoh Architects	18/02/2022
A152	L	Elevation East	Mayoh Architects	18/02/2022
A160	Q	Sections (sheet 1)	Mayoh Architects	18/02/2022
A161	Н	Sections (sheet 2)	Mayoh Architects	18/02/2022
A162	Н	Sections (sheet 3)	Mayoh Architects	18/02/2022
A600	F	Exterior Finishes drawing	Mayoh Architects	18/02/2022
LP-01	E	Hardscape Plan	Conzept Landscape Architects	10/03/2022
LP-02	E	Landscape Plan – Level 1	Conzept Landscape Architects	10/03/2022
LP-03	E	Landscape Plan - GF	Conzept Landscape Architects	10/03/2022
LP-04	С	Landscape Plan – balconies	Conzept Landscape Architects	24/02/2022
LP-05	В	Sections	Conzept Landscape Architects	10/02/2022
LP-06	С	Detail and specifications	Conzept Landscape Architects	10/02/2022

OWNER: Owners Corporation SP 3013 c/- Bright & Duggan

APPLICANT: 107 High Street North Sydney Pty Ltd – Damien Kiley

AUTHOR: Annelize Kaalsen of AK Planning

DATE OF REPORT: 23 May 2022

DATE LODGED: 24 September 2021

AMENDED: 23 March 2022

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This development application seeks consent for the demolition all the existing structures on site and construction of a four storey residential flat building comprising ten (10) units, including two basement levels accommodating 18 car spaces (including 3 visitors spaces) and associated landscape works at No. 107 High Street, North Sydney.

The application is reported to the North Sydney Local Planning Panel for determination as the application is a sensitive development to which *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development* applies, and the application attracted more than 10 unique submissions. The application is to be determined by way of a public meeting.

The site zoned R4 High Density Residential and is located within the Careering Cove Conservation Area under the North Sydney LEP 2013, it is also nominated as a neutral item under Section 13 of the North Sydney DCP 2013.

Notification of the proposal attracted **nineteen (19)** unique submissions (including one from the Milsons Precinct). The submissions received raised particular concerns regarding demolition of a neutral item; heritage impacts, view loss, amenity impacts including overshadowing and overlooking, bulk and scale; inconsistency with the streetscape; uncharacteristic built form; uncharacteristic curved roof form; excessive excavation; tree removal, traffic congestion and insufficient on-site parking; construction concerns including geo-technical stability; drainage; dust noise and truck movements.

The Design Excellence Panel did not support the demolition of the neutral item because the replacement building fails to contribute to the improvement and enhancement of the character of the conservation area. Overall, the proposal is not satisfactory having regard to the design criteria specified in the Apartment Design Guide and does not demonstrate design excellence, failing to satisfy the 10 Design Principles of SEPP 65. The inconsistencies with the ADG are considered sufficient grounds for refusal having regard for the cumulative adverse impact on the overall amenity.

The proposal does not satisfy the population mix; views; solar access; context; form massing scale; built form character; roofs; high quality residential accommodation; landscape area; front gardens and heritage conservation controls within the NSDCP 2013.

An independent heritage assessment by Kemp and Johnson Heritage Consultants in principle supports the demolition of the existing building. However, Kemp and Johnson emphasise that demolition **is only** supportable in the circumstances when the "replacement development achieves a built outcome which is compatible with the Careering Cove Conservation Area."

The proposed replacement building results in a four storey built form creating massing which is considered out of scale with the predominantly two storey inter-war residential flat buildings within the immediate area. Moreover, the proposed four storey apartment building with curved elevations and roof form, is inconsistent with the predominant built form character of the immediate streetscape as well as the characteristic built elements of the Careering Cove Conservation Area. As such the demolition is not warranted in the circumstances where the replacement building fails to enhance the character of the conservation area.

Following this assessment and having regard to the provisions of s4.15(1) of the Environmental Planning & Assessment Act 1979, the application is recommended for **refusal** for the reasons as set out in this report.

LOCATION MAP



DESCRIPTION OF AMENDED PROPOSAL

The application seeks approval for the demolition of all existing structures on site and the construction of a four storey residential flat building containing 10 units; excavation to allow basement carparking over two levels comprising 15 residential spaces (incl. 3 disabled spaces) and 3 visitors spaces; tree removal and associate landscaping works.

In more detail the proposed works are as follows:-

Basement 2 (RL10.15)

- Eleven (11) resident parking spaces, including three (3) accessible spaces
- Six (6) storage spaces
- Bulky goods store
- Lift access

Basement 1 (RL13.05)

- Four (4) resident parking spaces and three (3) visitor spaces
- Four (4) storage spaces
- Designated visitor bicycle parking
- Garbage and recycling storage
- Fire hydrant and sprinkler pump room
- Carpark supply fan room
- Lift access

Ground Floor (RL16.50)

- Entry lobby at RL18.0 with stairs and lift
- Three units with private courtyards, ranging in size from 134m² 174m²
- internal lobby

Level 1 (RL19.55)

- Three units with private terraces/loggias, ranging in size from 118m² 144m²
- Access to one internal lobby via lift and stair access

Level 2 (RL22.60)

- Three units with private terraces, ranging in size from 110m² 133m²
- · Access to one internal lobby via lift and stair access

Level 3 (RL25.65)

- One unit 197m² in size with private terrace
- Access to one lobby via lift and stair access

Roof (RL29.00)

- Lift overrun (RL29.50) and carpark exhaust
- Skylight
- Solar panels & a single mechanical exhaust outlet

The proposed development also seeks consent for the removal of 2 trees (being Tree 3 a Coastal Banksia and T11 a Leyland Cypress hedge along the western boundary) as well as the transplanting of two trees (T9 and T10 kentia palm).



Figure 2: Proposed northern / High Street elevation



Figure 3: Proposed eastern / Rear elevation

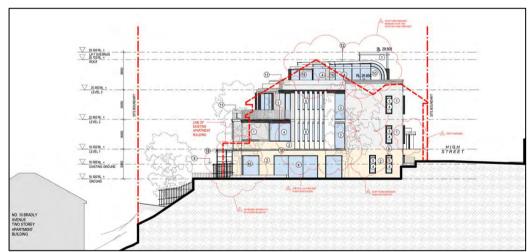


Figure 4: Proposed Eastern elevation

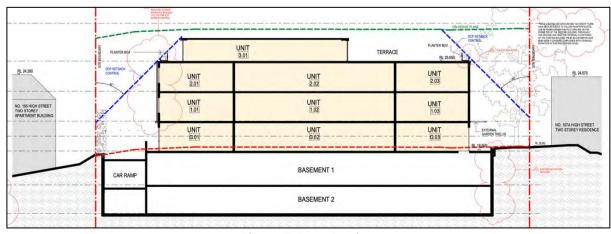


Figure 5: Long Section



Photo 1: Photomontage of proposal as viewed from High Street



Photo 2: Photomontage of proposal as viewed from Milson Park

Summary of development statistics

Element	Proposal
Site Area	1,261.7sqm (as per survey plan)
Total apartment GFA	1,419sqm
Maximum Height	12m
Total Apartments	10
Total adaptable apartments	2
Total parking	Total of 18 spaces
	15 residential
	3 visitors
Basement Storage	10 storage areas (5sqm-18sqm)

STATUTORY CONTROLS

North Sydney LEP 2013

- Zoning R4 High Density Residential zone
- Item of Heritage No
- In Vicinity of Item of Heritage Yes (No. 119 & 123 High Street (I0851 and I0852); No 110 and 118-138 High Street (I0848 and I0859 opposite side of High Street)

Conservation Area – Yes (Careening Cove Conservation Area classified as a Neutral Item).

Environmental Planning & Assessment Act 1979 (as amended)

SEPP (Biodiversity and Conservation) 2021

SEPP (Resilience and Hazards) 2021

SEPP 65 – Design Quality of Residential Apartment Development

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Transport and Infrastructure) 2021

SEPP (Housing) 2021 Local Development

POLICY CONTROLS

North Sydney Development Control Plan 2013 Apartment Design Guide (ADG) Foreshores and Waterways Development Control Plan 2005 North Sydney Local Infrastructure Contributions Plan 2020

DESCRIPTION OF SITE AND SURROUNDING LOCALITY

The subject site is known as No. 107 High Street, North Sydney and is legal described as SP3013 (refer to **Photo 1**). The subject site has an area of 1,261.7sqm with an irregular rectangular shape. The site has the following dimensions: -

- North-eastern boundary fronting High Street: 44m
- Eastern boundary adjoining a dwelling house at No 107A High Street: 24m
- North-Western boundary adjoining a residential flat buildings at No. 105 High Street and No. 3 Hipwood Street: 30m
- Southern boundary adjoining a residential flat buildings at Nos. 4-10 Bradly Avenue: 45m

The site is generally flat at its northern end along High Street, with a moderate fall towards the west. There is a significant fall in topography between the site and the residential flat buildings within Bradly Avenue at the rear. There is an elevational difference of 3-4 metres between the northern and southern boundaries (Survey Plan - **Appendix A**).

The site currently comprises a two storey residential flat building (containing 5 units) fronting High Street, as well as a two storey outbuilding (containing garaging on the upper floor and a single unit on the ground floor) within the southwestern corner.



Figure 6: Aerial view of subject site and surrounding development Source: SIX Maps



Photo 3: Existing building as viewed from High Street



Photo 4: Existing driveway



Photo 5: Existing southern façade and garages on southern boundary



Photo 6: Existing trees

The site is located within a medium density residential area comprising a range of housing typologies. Development to the north of the site on the opposite side of High Street predominantly consists of two storey inter-war dual occupancy dwellings at Nos. 94; 96; 98A and 98 High Street.



Photo 7: Nos. 94 High Street

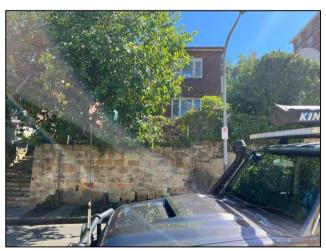


Photo 8: No 96 High Street



Photo 9: 98A and 98 High Street

To the east, the site adjoins No. 107A High Street which contains a two-storey dwelling with the garage having a nil setback to the street.



Photo 10: No 107A High Street

To the south the site adjoins Nos. 4, 6, 8 and 10 Bradly Avenue, which contain two storey interwar residential flat buildings.



Photo 11: No 4 and 6 Bradly Avenue

To the west the site adjoins No. 105 High Street which contains a two-storey residential flat building and No. 3 Hipwood Street.



Photo 12: No 105 High Street



Photo 13: No. 3 Hipwood Street

RELEVANT HISTORY

The history of the subject development application is summarised below: -

24 September 2021	A Development Application (DA281/21) for the demolition of the existing			
24 September 2021	residential flat building and the construction of a new residential flat			
	building, parking, landscaping and associated works was lodged with			
	Council through the NSW Planning portal.			
8 October 2021 to 22	The application was notified to adjoining property owners. A total of			
October 2021	fourteen (14) submissions were received during the notification period.			
12 October 2021	The application was reviewed by the DEP who did not support the			
	application in its current form. In particular, the Panel noted that			
	inadequate justification has been provided to the Panel in relation to the			
	complete demolition of the building. Moreover, the Panel considered that			
	any redevelopment must be an improvement and enhance the character			
	of the conservation area. A number of inconsistencies with the SEPP 65			
	apartment design guide were also raised.			
10 December 2021	A site visit of the site and surrounding properties was conducted.			
23 December 2021	The applicant submitted amended plans in response to the issues raised			
_	by the DEP.			
3 February 2022	Following the site visit and a preliminary assessment of the application as			
	submitted, a letter was provided to the applicant outlining the matters to			
	be addressed. The issues are listed below-			
	Demolition of a neutral item			
	Excavation			
	• View loss			
	Overshadowing			
	Building Height Plane			
	Form massing and scale and built form character			
	Roof form and dormers			
	Materials and finishes			
	Site cover and landscape area			
	Apartment design guide			
	Heritage matters			
	Landscaping and removal of trees			
	Waste design			
	Matters raised by submissions			

23 March 2022	The applicant submitted amended plans increasing the side and rear setbacks; retaining additional trees on site and marginally reducing the basement footprint. The amended plans also included a revised roof form, replacing the original mansard roof with a curved roof, slightly sloped towards the south. New area calculation plans were also submitted.
1 April to 19 April 2022	The amended plans were re-notified. A total of two (2) submissions were received by Council during the re-notification period.
9 May to 23 May 2022	The additional view loss analysis was also re-notified. A total of three (3) submissions were received by Council during the re-notification period.

REFERRALS

Design Excellence Panel

The proposed development was considered by the Design Excellence Panel (DEP) on 12 October 2021 and a full copy of the minutes is attached at **Attachment 4.**

In particular, the Panel noted that inadequate justification has been provided to the Panel in relation to the complete demolition of the building. Moreover, the Panel considered that any redevelopment must be an improvement and enhance the character of the conservation area. A number of inconsistencies with the SEPP 65 apartment design guide were also raised.

Recommendations to Achieve Design Excellence

"The Panel does not support the proposed development in its current form. The applicant needs to address why the existing building is not usable and what alternative outcomes to demolition were considered. Further, any redevelopment must be an improvement and enhance the character of the conservation zone.

An amended proposal should be prepared, satisfactorily addressing the identified issues, as discussed in this report".

Planning Comments

The applicant submitted amended plans and additional information in response to the matters raised by the DEP. In summary the changes/responses are as follows:-

- The roof form was amended from a mansard form to a curved roof which slightly slopes towards the south.
- Increased the height of the level 2 parapet wall. The applicant has submitted that the increase to the parapet wall accentuates the appearance of a 2 storey plus attic built form as seen from High Street. However, the uppermost level is not an attic level, as it has clear wall planes and is not wholly contained within the roof space.
- The dormers to level 3 were removed along the High Street elevation and replaced with windows and new Juliet balconies.
- The front (High Street) elevation includes two recesses, and the lobby and lift shaft has been further setback from High Street.
- The entry foyer is now located at street level with stairs connecting to the ground floor and level 1, however the GL remains at RL16.5.

- The materials have been amended to include a mix of darker face brick as the predominant façade material on all sides. Lighter face bricks have been restricted to detail areas such as the parapet and lift shaft. The sandstone base has been retained for the lower ground level and garden walls.
- A protrusion, as well as balconies on the eastern elevation have been removed allowing a minimum setback of 5.3m with the common boundary.
- Windows to bedrooms in the northeast corner have been relocated to face south via an indent in the façade. Vertical louvres have been added to the living areas along the eastern elevation.
- Windows along the western elevation has been reduced in size whilst living room windows now also includes privacy louvres.
- The existing jacaranda tree on the eastern boundary is now retained. Two additional trees
 originally scheduled for removal are now to be relocated on site.
- The floor to ceiling height in Basement 1 has been lowered by 200mm, thus reducing the depth of excavation.
- A 23sqm planted trellis was added over the driveway ramp.
- A 15sqm waste room was provided on Basement 1 allowing for eight waste bins.
- The rooftop plant, mechanical equipment and air-conditioning units have all been relocated within the basement.
- The site coverage was reduced from 46% to 45%.

Conclusion:

The amended plans are not considered to satisfactorily address the fundamental matters raised by the Design Excellence Panel. Particularly the design options for alternatives to demolition were not presented nor were any alternative apartment typologies considered to better articulate the built form.

The design is not considered to result in an improved amenity outcome for the proposed apartments. Moreover, the proposed built form generally fails to contribute to the improvement and enhancement of the character of the conservation area.

No new issues were identified, and the application was therefore not re-referred to the advisory panel.

Heritage

The proposal was referred to an independent Heritage Planner (Kemp and Johnson Heritage Consultants) whose report is provided within *Attachment 3*.

The heritage report (p6-7) states as follows:-

"Landscaping

Comments on the original DA by Council's Landscape Development Officer were that the most mature and significant trees are along the SE edge of the site and include T1 Leptospermum petersonii (6x5m) (shown for retention), T2 Jacaranda mimosifolia (9x8m) & T3 Banksia integrifolia (6x8m) which were originally shown for removal in the original DA plans. The Council's LDO had then recommended reduction in excavation in this area and retention of trees T2 and T3, in line with pre-DA recommendations. The amended plans have reduced the footprint of the proposed new building and Council's Landscape Development Officer has made the following comment with regard to the revised plans:

The amended proposal is considered to be an improvement on the original proposal, as it allows for T1 & T2 to be retained. T1 & T2 shall be retained and protected in accordance with AS4970, sensitive construction techniques including hand excavation, pier & beam construction, and flexible location of piers and beams shall be used within the TPZ of any protected tree, and existing levels shall be maintained. No roots greater than 40mm shall be cut. No canopy pruning shall be permitted. A project arborist shall be appointed to supervise all works within the TPZ of any protected tree, and shall provide written confirmation of these trees' health, vigour, and likely longevity upon completion of the works. All previous recommendations contained within LDO's earlier comments shall apply.

These comments are supported, and any DA approval should incorporate conditions of consent based on the Council's Landscape Development Officer's recommendations.

Demolition

With heritage conditions of consent as outlined in the Recommendation below, the concept of demolition of the existing building was considered acceptable with particular conditions of consent, both in relation to the original DA and in relation to the revised DA plans, as the existing building is considered to be an 1867-1871 single storey sandstone house which has been subsumed by later development, mostly in the early to mid 20th century, and is of potential archaeological/archival interest only. However, demolition of the existing building is only supportable if the replacement development achieves a built outcome which is compatible with the Careening Cove Conservation Area.

Streetscape and design issues

While the revised plans have reduced the footprint of the proposed new building and allowed for the retention of two of the significant trees previously proposed to be removed, and have increased setbacks at the penthouse level, the revised plans still propose a 4-storey building which is out of scale and incorporates a curved roof form to the penthouse level facing High Street, which is not considered sympathetic to the predominantly inter-war period context of 2-3 storey Inter-war period residential flat buildings.

The focus of the new building design in relation to appearance within the conservation area including from the street and from the public domain, is to ensure a consistent character in relation to materials, bulk, scale and setbacks, similar to buildings which are characteristic of the conservation area. While the revised DA plans are an improvement in various aspects as outlined above, the penthouse level 3 and its roof form remain unsympathetic to the Conservation Area, and it is recommended that plans be further revised to remove the penthouse level 3 from the proposal.

LEP Heritage Controls

The proposal is not considered sympathetic to the CA10 Careening Cove Conservation Area context, and therefore is not considered to comply with objectives 5.10 (1) (a) and (b) of the North Sydney LEP 2013".

In conclusion the independent HIS states as follows:-

"The concept of the demolition of the existing building on the site at 107 High Street, North Sydney, has been considered acceptable in previous heritage comments on the original DA proposal, given the extent of alteration throughout the 20th century of the original circa 1867-1871 single sandstone storey house, which has been subsumed by later development. Given the age and history of the original house, conditions of consent are recommended below for any future consent, with regard to archival photographic recording of the existing building prior to demolition, archaeological investigation/recording during the demolition process, and interpretation of the history of the site.

However, demolition of the existing building should not be permitted unless a replacement development achieves a positive built outcome within the Careening Cove Conservation Area.

In relation to the revised plans for the proposed new building on the site, the 4-storey proposed building is still considered out of scale, has an uncharacteristic roof form to the penthouse level 3 and is also bulky in relation to its immediate context of 2-3 storey inter-war period residential flat buildings. It is therefore recommended that the proposed design be modified to:-

- either remove the 4th level of the proposed building (the proposed penthouse level 3) or introduce more substantial setbacks at the 4th level to reduce the height/visual height of the building; and
- alter the roof form of the penthouse level 3 (if the level is not removed entirely) to eliminate the curved roof form currently proposed facing High Street; and
- Modify the front fence design to comply with comments on the front fence above and the DCP requirements".

Planning Comment

The comments from the independent heritage consultant are noted.

Section 13.8 P5 of the NSDCP 2013, generally does not support demolition of neutral items within Conservation Areas, particularly when buildings are of the core period of the CA and materially contribute to the character of the conservation area. However, it is acknowledged that planning controls do not prohibit demolition following a detailed assessment. Pursuant to P6, "Council may consider the demolition of a neutral item, but only where the applicant can demonstrate:-

- a) the existing building is not capable of adaptation or modification in a way that will reasonably meet contemporary amenity and living standards while also improving the appearance and contribution of the building to the area's character.
- b) that any replacement building improves the contribution of the site to the area's character in terms of form, setbacks, bulk, scale, materials and style.
- c) that sustainability outcomes of the proposed replacement development reasonably justify the change.
- d) that all reasonable alternatives to demolition have been considered".

With respect to **point (a)** the applicant submitted that the existing

With respect to **point (a)** the applicant submitted that the existing building is not capable of adaptation. Based on the structural condition report prepared by Clark Engineering Consultants (dated 2 August 2021), the existing building is not in a suitable condition for habitation. In this regard the Structural engineering report notes:-

"While the building is not in immediate danger of collapse, there are serious structural issues that need to be addressed and rectified without delay if continued occupation of the building is intended.

There is visual evidence of corrosion of reinforcement and spalling of concrete. If untreated such corrosion will eventually lead to collapse of structural elements of the building".

In addition, the applicant submitted that any improvements to the existing building's presentation would not necessarily result in the buildings relative contribution to the Careering Cove Conservation Area. The independent heritage report in principle agrees with this statement, as noted in the heritage comments above, subject to an improved built outcome within the Careening Cove Conservation Area.

With respect to **point (b)** the applicants heritage consultant submitted that:-

"As noted above, Urbis concurs with the findings of the Kemp & Johnson assessment, which supports the proposed demolition of the existing building subject to a compatible replacement building which is compatible with the Careening Cove Conservation Area in which the site is located. Urbis is of the opinion that the replacement building, in its current modified form, demonstrates a high degree of compatibility with the established context of the Conservation Area".

Source: Urbis letter dated 11 March 2022

The independent heritage report does not agree with this statement in that the replacement residential flat building is considered to be out of scale, with an uncharacteristic roof form whilst being bulky in relation to its immediate context of low inter-war period residential flat buildings.

Any replacement building should have an improved conservation outcome, with the built form contributing to the character and significance of the streetscape / public domain and the wider conservation area in terms of form, setbacks, bulk, scale, roof form; materials and style. In this regard, the presentation of the proposed apartment building is not considered consistent with the established characteristics of the built elements of the conservation area.

With respect to **point (c)**, no additional sustainability outcomes other than the BASIX commitments were offered (such as solar arrays and rainwater harvesting).

With respect to **point (d)**, notwithstanding the structural deficiencies the applicant provided no evidence of alternative design options for possible adaptive re-use or retention and restoration of the existing built form, in lieu of the full demolition. It is noted that the onus is on the applicant to demonstrate that reasonable alternatives were considered.

In conclusion, no reasonable alternatives were investigated, and the proposed replacement built form is not considered to be in keeping with the established character of the conservation area and as such demolition is not warranted.

Landscape

The application was referred to Council's landscape officer who noted the following:

"The 3 x most mature and significant site trees are concentrated along the south east edge of the site. T1 Leptospermum petersonii (6x5m) (shown for retention), while T2 Jacaranda mimosifolia (9x8m) & T3 Banksia integrifolia (6x8m) are shown for removal. Council's LDO would prefer an amended plan with reduced excavation in this area, in order to allow retention of T2 & T3, in line with pre-DA recommendations (see below) —

Landscape Comments

-Retention of the mature banksia serrata (8x8m) planted in the south east corner of site and shown for removal should be considered. -An increased front setback and/or increased soft landscaping, including canopy trees, should be considered to reduce bulk and scale and soften the presentation to street. Green walls could also be considered. Anarborist report and detailed landscape plan showing plant species, quantity and pot size, and including canopy trees capable of attaining a mature height of minimum 8m shall be included with any DA lodgement"

The amended landscape plans retain T1 and T2 and in this regard the Landscape Development Officer noted the following:-

- "The amended proposal is considered to be an improvement on original, as it allows for T1 & T2 to be retained.
- T1 & T2 shall be retained and protected in accordance with AS4970, sensitive construction techniques including hand excavation, pier & beam construction, and flexible location of piers and beams shall be used within the TPZ of any protected tree, and existing levels shall be maintained.
- No roots greater than 40mm shall be cut.
- No canopy pruning shall be permitted.
- A project arborist shall be appointed to supervise all works within the TPZ of any protected tree, and shall provide written confirmation of these trees' health, vigour, and likely longevity, upon completion of works.
- All previous recommendations contained within LDO's earlier comments shall apply.

Planning comment

The comments are noted, and appropriate conditions of consent can be imposed should the application be worthy of support.

Engineering

Council's Engineering Officer raised no concerns with the application subject to conditions of consent including a requirement to prepare a Construction and Traffic Management Plan.

Planning Comment

The comments are noted, and appropriate conditions of consent can be included should the application be worthy of support.

Traffic

The application was referred to Councils traffic and transport engineer who had the following comments:-

"Traffic Generation:

I generally concur with the proposed development will not have unacceptable traffic implications in terms of road network capacity.

The net traffic generation for the AM and PM peaks is +4 vehicles per hour.

Parking Provision:

The provision of 18 parking spaces including 3 visitor spaces complies with NSCDCP. Please note with the proposed 3 visitor spaces, a car wash bay is to be provided within the visitor parking area and is to be adequately drained and connected to the sewer line.

Please note, from the provided floor plan there are 3 disabled parking spaces provided, according to NSCDCP 10.2 Parking Provision,

Clause P6 'Developments containing adaptable housing must allocate at least one accessible parking space to each adaptable dwelling.'

Please confirm with the applicant about the number of adaptable housings proposed in the DA and the number of parking spaces to comply with NSCDCP Clause P6.

Cycling Provisions And Facilities:

The provision of 11 bicycle parking spaces including 1 visitor space complies with NSCDCP but bicycle facilities are not in compliance with NSDCP.

According to NSDCP 10.5 Bicycle parking and associated facilities, Clause P4 'Secure bicycle parking facilities are to be provided in accordance with ...' As there was no proposal stated in the report only the architectural plan shows some facilities, therefore, please confirm with the applicant about the proposed bicycle facilities.

Vehicular access/swept path:

I generally concur with the provided B85 and B99 swept paths.

Internal Traffic signal system:

There is no detailed queuing calculation/ confirmation from the applicant indicating the proposed circular roadways/driveways are providing sufficient vehicle storage to ensure that queues of vehicles awaiting service by the installation do not extend beyond the property boundary of the parking facility under normally foreseeable conditions (AS 2890.1 -2004, 3.5 Access to mechanical parking installations).

Loading And Servicing Facilities:

The development does not propose any loading bays as the size of the development is under the threshold of 30 dwellings, however, it is recommended to have a loading bay for a Small Rigid Vehicle.

Conclusion:

It is recommended that the DA be refused until the followings are addressed:

- Bicycle parking facilities
- Vehicle queuing and storage area from the proposed traffic signal system"

Planning Comment

The traffic engineers comments are noted and conditions of consent to address bicycle parking provisions and car wash bays can be included should the application be worthy of support. The applicant is encouraged to note the requirement for queuing calculations to accompany any future application or review of determination application.

Waste

The application was referred to Councils waste department who had the following comments:-

"The waste management plan and facilities for this proposal are not acceptable having regard to Council's requirements for the following reasons.

- 1. Properties with a lift must have a garbage chute and recycling bin on each level
- 2. Recycling bins should be provided on each floor next to the garbage chute
- 3. The residential waste bins need a temporary bin holding area for collection off the street and within 2 meters of the street alignment. The holding bay must be large enough to fit the minimum 8 x 240L bins.
- 4. There needs to be functional bulky waste storage area to hold household clean up material.

The proposed development must adhere to the NSC DCP 2013 Section 19 - Waste Minimisation and Management and Part B: Section 1 - Residential Development requirements. A temporary holding bay for collections must be provided of sufficient size to accommodate the required garbage and recycling bins and located within 2 metres from the street boundary".

The following standard conditions would apply to this proposed development:

Condition C11

Condition C51

Condition 129.

Planning Comment

The comments are noted, and appropriate conditions of consent can be included should the application be worthy of support.

External referral / advice

AUSGRID

The application was referred to Ausgrid for comment, who raised no objections to the proposed development.

Ausgrid noted that as with any proposal, care should be taken with the proximity of existing electrical network assets.

Sydney Water

The following comments were received from Sydney Water:-

"Sydney Water has reviewed the application based on the information supplied and provides the following comments to assist in planning the servicing needs of the proposed development.

Water Servicing

- Potable water servicing should be available via a 100mm CICL watermain (laid in 1933) on High Street.
- Amplifications and/or extensions may be required. Wastewater Servicing
- Wastewater servicing should be available via a 225mm VC wastewater main (laid in 1897) on High Street.
- Amplifications, extensions, and/or adjustments may be required.

This advice is not formal approval of our servicing requirements. Detailed requirements, including any potential extensions or amplifications, will be provided once the development is referred to Sydney Water for a Section 73 application. More information about the Section 73 application process is available on our web page in the Land Development Manual".

Planning comment on external referrals

The comments are noted, and appropriate conditions of consent can be included should the application be worthy of support.

SUBMISSIONS

Original proposal

Council notified surrounding properties in accordance with the Community Engagement Protocol comment between 8 October 2021 until 22 October 2021. Council received nineteen (19) submissions.

Amended Proposal

The applicant submitted amended plans that were re-notified to surrounding properties and the Precinct for 14 days between **1** April and **19** April **2022**. Council received two **(2)** submissions.

Additional view analysis

The applicant submitted additional view analysis that was re-notified to surrounding properties and the precinct for 14 days between **9 May and 23 May 2022**. Council **received three (3) submissions**.

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

Basis of Submissions

- View loss
- Heritage: demolition of a neutral item in a conservation area
- Height; Bulk and scale

- Overshadowing
- Visual and acoustic privacy
- Uncharacteristic built form within streetscape
- Traffic congestion exacerbated and danger during construction
- Excessive excavation
- Not enough parking and on-street parking issues
- Sun reflection
- Height of lift shaft
- Tree protection and removal of trees
- Non-compliance with building separation
- Non-compliance with setbacks
- New built form of little or no contributory value
- Uncharacteristic roof form
- Non-compliance with site cover
- Lack of landscape area and landscaping
- Proposed colours and materials do not reflect existing and desired character of the locality
- Out of character with the CA
- Construction works noise dust
- Geotechnical stability and structural integrity of surrounding
- Stormwater drainage issues will be exacerbated
- Loss of garden / green space
- Lack of infrastructure
- Survey plan omits large lily Pilly's
- Failing to protect the significance of the conservation area

CONSIDERATION

The relevant matters for consideration under Section 4.15(1) of the Environmental Planning and Assessment Act 1979, are assessed under the following headings:

i. SEPP (Resilience and Hazards) 2021 - Chapter 4

The existing building have been used for residential purposes for a long period of time and there is no evidence to suggest that the site is contaminated, therefore the requirements of Chapter 4 have been satisfactorily addressed.

Notwithstanding, should the application be worthy of support conditions of consent could be imposed requiring an asbestos and contaminated materials survey to address the requirements of the SEPP and to protect the long term health of workers on site and ensure the occupants of the future development are not put at risk.

ii. SEPP (Housing) 2021

The proposal involves demolition of the residential flat building containing six (6) strata units.

It is also noted that the provisions relating to the retention of existing rental housing as contained in Chapter 2 Part 3 Clause 46 (1)(a) and (2)(a)of SEPP (Housing) 2021 only apply to low rental residential building not in Strata title (i.e. a residential flat building containing low-rental dwellings or as a boarding house) located within Greater Sydney region.

Given that the existing building is in Strata ownership the provisions of the SEPP in relation to the retention of existing rental housing do not apply.

iii. SEPP (Building Sustainability Index – BASIX) 2004

A valid Multi-Dwelling BASIX Certificate has been provided with the amended plans which meets the requirements of this policy.

iv. SEPP (Transport and Infrastructure) 2021

Schedule 3 – Traffic Generating Development.

The proposed development does not meet the thresholds to be classified as traffic generating development and therefore referral to RMS is not required.

V SEPP (Biodiversity and Conservation) 2021

Chapter 2 – Vegetation in non-rural areas

Under Chapter 2 of this SEPP, which comprises the former SEPP (Vegetation in Non-Rural Areas) 2017, the amended development meets the aims and objectives of the SEPP reducing the number of trees proposed for removal (from 6 to 2 trees) and relocating two other trees. As such the application does not involve significant clearance of existing native vegetation and would have no materials impacts on vegetation in the vicinity of the subject site.

Chapter 10 – Sydney Harbour Catchment

SREP (Sydney Harbour Catchment) 2005 has been consolidated into the new **SEPP (Biodiversity and Conservation) 2021** and the provisions of the former SREP are contained under Chapter 10 of the new SEPP.

The subject site is located within the Foreshore and Waterways Area; however, the subject site is not zoned under the instrument nor is it located within the 'Critical Habitat Map', 'Heritage Map', 'Sydney Opera House Buffer Zone Map', 'Strategic Foreshore Sites', or 'Wetlands Protection Area Map' – refer to **Figure 7** below.

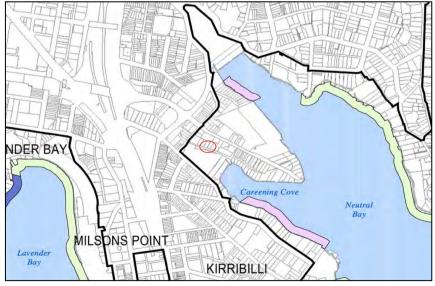


Figure 7: SREP zoning Map (subject site circled in red)

Consideration has been given to the relevant provisions of the SEPP as follows:

Part 10.1 - Preliminary

Clause 10.1 - Aims of Chapter

Comment: Due to the location of the site, the proposed development is considered to maintain the natural foreshore and as such supports the aims of the SEPP regarding the protection of the foreshores and waterways.

Part 10.2 - Planning Principles

Comment: Consideration has been given to the following relevant planning principles and zone objectives contained in the SEPP:

Clause 10.11 Foreshores and Waterways Area - Planning Principles

- "(a) development should protect, maintain and enhance the natural assets and unique environmental qualities of Sydney Harbour and its islands and foreshores",
- "(d) development along the foreshore and waterways should maintain, protect and enhance the unique visual qualities of Sydney Harbour and its islands and foreshores",

Comment: The proposed development is not located close to the foreshore and will not impact on access to the foreshore or the visual quality of the foreshore.

Part 10.3 Foreshore and Waterways Area

Pursuant to Part 10.3 Division 1 Clause 10.13, the provisions of Division 1, only applies to land between the MHWM and a line running parallel to, and 30m to the seaward of, the MHWM. Accordingly, as no work is proposed below (or seaward) for the MHWM, **Division 1 do not** apply.

Part 10.3 Division 2 – Matters for Consideration

Consideration of Division 2 follows within the table below:-

Clause	Comment	Comply
10.18 General	Part 4 (now s4.15) of EP&A Act to be considered – Refer to	Yes
	assessment throughout this report.	
10.19 Biodiversity, ecology	The proposal allows for typical stormwater capture, filtration and	Yes
and environmental	release measures to ensure its stormwater generation does not	
protection	unreasonably affect the health of the Harbour or its foreshores. The	
	site's separation from the Harbour and its placement within the urban	
	context of North Sydney means it will not be visually prominent from	
	any waterway.	
10.20 Public access to and	Due to the location of the site, the proposed development will not	Yes
use of foreshores and	affect public access to the foreshore.	
waterways		
10.21 Maintenance of a	N/A	N/A
working harbor		
10.22 Interrelationship of	N/A	N/A
waterway and foreshore		
uses		
10.23 Foreshore and	The site's separation from the Harbour avoids any impact on the	Yes
waterways scenic quality	scenic quality of the foreshore.	
10.24 Maintenance	The application is not considered to impact on views from Sydney	No
protection and	Harbour, however, it fails to maintain or enhance views to Sydney	
enhancement of views	Harbour– refer to Views under Section 1.3.6 of the NSDCP in this	
	report.	

Iv SEPP No. 65 – Design Quality of Residential Apartment Development

The proposal is assessed below against the Design Quality Principles in Schedule 1 of the Policy.

Principle 1 & 2: Context, Built Form and Scale

The subject site is located within the Careering Cove Conservation Area which is characterised by predominantly 2 storey Inter-war period brick residential flat buildings with pitched roof forms.

The proposed four storey built form is considered to overwhelm the scale of the existing largely two storey buildings. The two symmetrical wings with a central entry along the High Street elevation, with recesses, does very little to alleviate the massing to the street. The proposed curved roof form is not characteristic of the locality and detracts from the intent of the conservation area.

The character and form of the proposed development does not reflect the scale and form of the existing buildings within the conservation area.

The proposed scale is considered to overwhelm not only the street but also the contributory items on Bradly Avenue to the south. The four storey southern façade with upbroken roof line would be overbearing in scale relative to the apartment buildings in Bradly Avenue.

Principle 3: Density

The subject site is located within the R4 High Density Residential zone and is surrounded by two storey residential development typologies. The proposed development allows for a total of ten (10) apartment on the site. The density of the proposed development is considered acceptable.

Principle 4: Sustainability

The application was accompanied by a valid multi-dwelling BASIX certificate.

Principle 5: Landscape

The proposed development does not comply with Council's minimum landscape provision of 40% of the site area, however it does comply with the deep soil planting requirement of 7% in the ADG.

The amended landscape plans have been noted as an approvement by Council's landscape officer. A landscape setting with a large private courtyard at ground level is achieved along the southern boundary. The proposal however does not allow for any communal open space. In addition, the sitting of the building and the sunken courtyards to High Street does not allow for additional landscape interest to the street with reduced amenity to the private open space.

Principle 6: Amenity

70% of the apartment receive a minimum 2 hours of solar access to living rooms and private open space areas which complies with the ADG. However, 30% of apartments do not receive appropriate solar access **contrary to Sec. 4A-1(3) of ADG**, due to the single frontage to the south. The orientation allows for superior views, however, due to the lack of solar access as well as the subterranean bedrooms on the ground floor fronting High Street, the proposal is not considered to achieve good internal amenity.

60% of apartments are naturally cross ventilated in accordance the ADG requirements.

Principle 7: Safety

The proposed development would promote a reasonable level of safety for the residents. The building entry is clearly defined. The proposed fencing for the most part along the High Street frontage has an open design (flat bar steel fencing), except for the north-western corner adjoining the vehicle entry, where a solid 0.6m high sandstone wall with open fencing above is proposed.

Generally, the ADG encourages a change in level from the footpath to a ground floor apartment by up to 1m in order to enhance privacy while allowing casual surveillance of the public domain/street. In this regard, the proposed ground floor of unit 1 will not be able to observe the footpath or the vehicle entry being 850mm below footpath level with a 600mm sandstone wall resulting in a 1.45m barrier. Unit 2 is removed from the footpath by the proposed lobby and unit 3 is 1.73m below the footpath level.

Accordingly, the sunken nature of the proposed ground floor reduces the ability for casual surveillance of the street/footpath; entry lobby and vehicle entry.

Principle 8: Housing diversity and social interaction

The proposed development would increase the number of apartments from 6 to 10 and includes a mix of dwelling sizes but only allows for three bedroom apartment typologies. The proposed 10 x 3 bedroom apartments are generous in size with no affordability or diversity of residents in mind.

The common areas include the internal circulation spaces, however, no communal open space areas are proposed. As such the proposal provides little opportunity for social interaction.

Principle 9: Aesthetics

The amended design allows for external materials and finishes are generally acceptable.

In summary, the amended design is not considered to adequately address the concerns raised by the DEP, especially having regard for amenity, housing diversity; context, built form and scale which is not compatible with surrounding developments given the that the subject site is located within a conservation area. It is concluded that the proposed development is not consistent with the key SEPP 65 design principles and therefore is not supported in its current form.

Apartment Design Guide (ADG)

The proposed development has also been considered against the Apartment Design Guide and as detailed in the table below:

Design Criteria	Comment		
Part 1			
	The proposed four storey apartment building with curved elevations and curved roof form, is inconsistent with the predominant two storey built form character of the immediate streetscape as well as the Careering Cove Conservation Area.	No	

Part 2				
2C- Building Height Consider the height of surrounding buildings that are unlikely to change (such as contributory and heritage items) Development should respond to desired future scale and character.	height p of the Do roof form establish flat build The prop west; ea Street el Although form and characte	cosed building complies with the 12 ursuant to Cl4.3 of the NSLEP 2013. CP built form controls are to provide m within a 12m height control. Thined area, characterised by two and the dings with pitched roof forms. Cosal reads largely as a four storey cost and south and a 3 storey plus revation. In the height complies with the LEF dibulk is not considered to be compared of development within the constitute character established by the left to the considered	Generally, the intent for a three storey plus is is reinforced by the hree storey residential development from the roof form to the High P control the building atible with the existing servation area or the	No
2F - Building Separation	Floor	Habitable room /Balconies	Non-habitable	
Minimum separation distances for		, , , , , , , , , , , , , , , , , , , ,		No
buildings are: Up to four storeys		evation		
 (approx. 12m): 12m between habitable rooms/balconies (6m to boundary) 9m between habitable and non- habitable rooms (4.5m to 	GL L1	7.4m building to building Bedroom = 5.3m to boundary Living room = 6m to boundary 7.4m building to building Bedroom = 5.3m to boundary Living room = 6m to boundary	6m to garage 5.4m to boundary 6m to garage 5.4m to boundary	
boundary)6m between non-habitable rooms (3m to boundary)Additional 3m at zone interface to		7.4m building to building Bedroom = 5.3m to boundary Living room + terrace = 6m to boundary 9.7m building to building	6m to garage 5.4m to boundary 8.3m to garage	
lower density area (R3 zone to the south)		Living room = 7.7m to boundary terrace = 6.8m to boundary	7.7m to boundary	
Aim: ensure that new development is scaled to support the desired future character with appropriate massing and spaces between buildings	GL	No. 105 High St 10m building to building Bedroom = 7m to boundary No. 71 Hipwood St 14.6m building to building Living room = 6.3m to boundary	N/A	Yes
	L1	No. 105 High St 10m building to building Bedroom = 6m to boundary No 71 Hipwood St 14.6m building to building Living room & terrace = 6.3m to boundary		
	L2	No. 105 High St 10m building to building Bedroom = 6m to boundary No 71 Hipwood St 14.6m building to building Living room & terrace = 6.3m to boundary	N/A	
	L3	No. 105 High St 11.3m building to building Bedroom = 8.3m to boundary Terrace = 7.2m to boundary	N/A	

Yes

Re: 107 High Street, North Sydney

South	(Rear) Elevation	
GL	No 4 Bradly Av	N/A
	14m & 8.2m to boundary	
	No. 6 Bradly Av	
	15.4m & 9.6m to boundary	
	No. 8 Bradly Av	
	15m & 6.6m to boundary	
L1	No 4 Bradly Av	N/A
	14m & 8.3m to boundary	
	No. 6 Bradly Av	
	15.4m & 9.6m to boundary	
	No. 8 Bradly Av	
	15m & 6.6m to boundary	
L2	No 4 Bradly Av	N/A
	15.4m & 9.6m to boundary	
	No. 6 Bradly Av	
	15.4m & 9.6m to boundary	
	No. 8 Bradly Av	
	16.8m & 7.4m to boundary	
L3	No 4 Bradly Av	N/A
	17.8m & 12.3m to boundary	
	No. 6 Bradly Av	
	19.2m & 13.4m to boundary	
	No. 8 Bradly Av	
	19.5m & 11.6m to boundary	

The application is considered to not achieve the aims of Section 2F of the ADG as:-

- The proposed scale does not support the existing and desired future character by failing to allow for an appropriate massing and spaces between buildings;
- The proposed building fails to allow for appropriate solar access with 3 units having a single southerly aspect. Although the separation between buildings does not impact on the aspect of units it does raise concern with appropriate internal
- The proposal does not allow for any communal open spaces.

Part 3

3D- Communal Open Space

a minimum of 25% of the site. a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm or 21 June (mid-winter)

Communal open space is designed to allow for a range of activities, respond were privately allocated. to site conditions and be attractive and inviting

Communal open space is designed to maximise safety

Required = minimum 315.4sqm

Proposed = no communal open space provided

All open space is allocated to private courtyards or private open space.

GF private courtyards total 495sgm where only 15sgm private open space per unit is required. It is considered that there is ample space to comply with this control, however, the open space areas

It is acknowledged that the proposed development is relatively small, containing only 10 units with generous private open spaces. In addition, the site is located in closed proximity to a number of public open spaces such as Milson Park (60m), Kesterton Park (350m) and Oberon Park (180m) as well as the HMAS Platypus Submarine base (200m).

It is also acknowledged that the steeply sloping topography discourages an accessible common open space behind the building envelope.

On merit

			ı				1	
					•	e in itself is not conside		
	reason for refusal, however, having regard for the cumulative							
						nsidered to contribute	to the	
					re of the propos			
3E – Deep So						deep soil landscaped are		Yes
Deep soil zoi					-	nent in the ADG. The ext		
						the additional lands	caping	
• 3m minim				rtunities includ	ling medium an	d large sized trees.		
• Minimum		e site area						
3F - Visual p	-			ured to the bo			, l	
Separation b				Boundary	Habitable	Balcony/terrace		
balconies is	-		2	F4	room	CI NI/A	_	
visual privac Minimum re	-			East	GL = 5.3m	GL = N/A		
distances fro	-	-			L1 = 5.37m L2 = 5.45m	L1 = 6m L2 = 6m		
side and rea		_			L2 = 5.45III L3 = 7.7m	L2 = 6111 L3 = 6.8m		
follows:				West	GL = 6.3m	GL = N/A	1	
				VV C3L	L1 = 6.1m	L1 = 6.3m		
Building Height	Habitable	Non-			L2 = 6.1m	L2 = 6.3m		
	rooms and balconies	habitable rooms			L3 = 8.3m	L3 = 7.2m to terrace		
Up to 12m (4	6m	3m		South	GL = 6.8m	GL = N/A	1	
storeys)	OIII	3111			L1 = 7.7m	L1 = 6.6m		
Up to 25m (5-8	9m	4.5m			L2 = 11.4m	L2 = 7.4m		
storeys)					L3 = 15m	L3 = 11.6m		
			bedrometal limite fence accep L1 eas Winds and oppose Winds and oppose General North Units	louvres. The land opportunity and therefore table stern elevation ows within 6 mincludes fixed the country for overstern elevation ows within 6 mincludes fixed ows within 6 mincludes fixed the country for overal privacy discussion elevation	nd robe. The electroom and of for overlooking the non-complet metal louvre rlooking. In metal louvre rlooking. In metal louvre rlooking. In metal louvre rlooking. It was the complet metal louvre rlooking. Cussion:-	mon boundary are to a rensuite and robe includes utdoor terrace is at grad g over the common boupliant setbacks are considered. This window has like the common boundary are to an example of the common	s fixed e with undary idered insuite imited	
			The li	es include pl	· · · · · · · · · · · · · · · · · · ·	ivacy louvres and upper o provide appropriate p		

	L1 living room window includes a fixed privacy louvres but not for the full length of that window. Separation of 8.4m is achieved between the proposed window and No. 107A High Street. A condition of consent to extent the proposed louvre to cover the entire window is possible. However, as the application is recommended for refusal no further consideration is required. Western elevation	On merit
	All windows are in excess of 6m from the common boundary and include fixed privacy louvres minimising opportunities for overlooking.	
	Southern elevation Although the living room spaces fronts the rear, these spaces are elevated above the apartments in Bradly Avenue, looking mostly across existing roof forms. In addition, the separation distance is well over 6m minimising the opportunity for direct overlooking.	
3G – Pedestrian Access & Entries Building entries and pedestrian access connects to and addresses the public domain Access, entries and pathways are accessible and easy to identify	The proposed entry addresses the street and is clearly identifiable. The entry is located at 140mm above the footpath level; however, the Lobby is 1.36m below the footpath level. There is no direct accessible path of travel is available to the internal lobby other than through the lift. There is no allocated space for letter boxes were provided. The lobby, lift, and fire stairs all converge onto this space which is not ideal. The pedestrian entry in itself is not considered a reason for refusal, however, having regard for the cumulative effect on overall amenity, it is considered to contribute to the unsatisfactory nature of the proposal.	No
3H – Vehicle Access Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes	It is acknowledged that the western end is the lowest point of the site. However, the vehicle entry ramp is located 1.2m from the common boundary with No. 105 High Street. Moreover, the proposed driveway/ramp and basement ramp takes up more than half the depth of the western side boundary. The failure to incorporate a driveway directly beneath or even partly beneath the building limits the opportunity for landscape planting between buildings which contributes to the landscaped setting of the conservation area. The proposed vehicle access ramps proximity to the side boundary and its length adds to the visual impact to the streetscape, inconsistent with Objective 3H-1.	No

					1	
3J – Bicycle and Car parking	-			n Milsons Point railway	Yes	
For development in the following		erefore the	parking provis	ions in Council's DCP		
locations:	applies.					
• on sites that are within 800	The proposed development includes 15 parking spaces for					
metres of a railway station or						
light rail stop in the Sydney		-		m permitted number of		
Metropolitan Area; or	parking spaces	parking spaces per dwelling, equating to 15 spaces.				
• on land zoned, and sites within	Additionally 3	additionally, 3 visitor parking spaces complying with the				
400 metres of land zoned, B3	requirement for	-	iking spaces	complying with the		
Commercial Core, B4 Mixed	requirement for	2.5 spaces.				
Use or equivalent in a	Bicycle parking	/ storage is	provided for	11 bicycles within the		
nominated regional centre		_	-	esidents and visitors.		
The minimum car parking requirement for residents and		·				
visitors is set out in the Guide to						
Traffic Generating Developments,						
or the car parking requirement						
prescribed by the relevant						
council, whichever is less.						
Part 4	1					
4A - Solar and daylight access	A total of 7/10	(70%) apart	monts would :	rocoivo adoquato colar	Yes	
Living rooms and private open				receive adequate solar en space areas which	res	
spaces of at least 70% of	complies with t	_		in space areas willcii		
apartments in a building receive a	complies with the	ilis requireme	:III.			
minimum of 2 hours direct	30% of anarth	nents do no	nt receive ann	propriate solar access	No	
sunlight between 9 am and 3 pm				se they have a single	110	
at mid- winter.	frontage to the		i ADG becaus	ic they have a single		
A maximum of 15% of apartments						
in a building receive no direct						
sunlight between 9 am and 3 pm						
at mid-winter						
4B - Natural ventilation	A total of 6/10	(60%) apart	ments are nat	urally cross ventilated	Yes	
At least 60% of apartments are	which complies	with this req	uirement.			
naturally cross ventilated						
4C - Ceiling Heights	The internal ce	iling heights	of the apartm	nents comply with the	Yes	
Minimum 2.7m (habitable rooms),	relevant require	ements.				
2.4m for second floor where it						
does not exceed 50% of the						
apartment area.						
4D 1 - Apartment size and layout					Yes	
Apartments are required to have	Level	Unit	Bed	Unit size		
the following minimum internal	GF	1	3	134sqm		
areas:	GF	2	3	157sqm		
1 be = 50m2	GF	3	3	174sqm		
2 bed = 70m2	L1	4	3	118sqm		
3 bed = 90m2	L1	5	3	135sqm		
Additional bathrooms increase	L1	6	3	144sqm		
Additional bathrooms increase the minimum internal area by	L2	7	3	110sqm		
5m2 each A fourth bedroom and	L2	8	3	117sqm		
further additional bedrooms	hedrooms L2 9 3 133Sqffi					
increase the minimum internal	L3	10	3	197sqm		
area by 12m2 each						
area by 121112 edell		•	_	of apartments comply		
	-		•	e very generous and		
	generally excee	d the require	ments		l	

1. Habitable room depths are limited to a maximum of 2.5 x the ceiling height 2. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window 4D 3- Apartment size and layout Master bedrooms minimum area of 10m2 and other bedrooms 9m2 (excluding wardrobe space) 2. Bedrooms minimum dimension of 3m (excluding wardrobe space) 3. Living rooms or combined living/dining rooms have a minimum width of: • 3.6m for studio and 1 bedroom apartments	All proposed apartments have a maximum room depth of 6m measured to the kitchen. The proposed bedrooms comply with the minimum internal dimensions. Apartments are all generous in size.						
4m for 2 and 3 bedroom apartment4E - Private open space and		Unit	Courtyard /	Min. depth 2m	1	Yes	
balconies		Unit	Balcony (sqm	wiiii. aeptii 2m		162	
All apartments are required to		1	155sqm	GL	1		
have primary balconies as		2	165sqm	GL	1		
follows:		3	175sqm	GL			
Studio apartments = 4m2		4	19sqm	3m	1		
1 bedroom = 8m2, min depth 2m		5	23sqm	2.8m	1		
2 bedroom = 10m2 min depth		6	19sqm	2.8m			
2m		7	20sqm	2.6m			
3+ bedroom = 12m2 min depth 2.4m		8	36sqm	2.6m			
2.4111		9	30sqm	2.8m			
The minimum balcony depth is 1m 2. ground level minimum area of 15m2 and a minimum depth of 3m	Very generous private open space areas are provided to take advantage of views but are predominantly south facing. The proposed private open spaces (balconies) receive less than 3 hours of solar access during mid-winter.				No		
		-	Objective 4E-2.	private open space	s are		
4F - Common circulation and spaces The maximum number of apartments off a circulation core on a single level = 8	A maxi each le are limi	mum of 3 vel which co	apartments are accomplies with this req	essed from the lift courement. Internal con re located in close pro	ridors	Yes	
4G -Storage Studio = 4m3 1 bedroom = 6m3 2 bedroom = 8m3 3+bedroom = 10m3	Storage cages are provided within the basement levels for each udio = 4m3 apartment varying in sized from 3-15sqm. In addition, the apartments provide additional storage. bedroom = 8m3						
4K Apartment Mix A variety of apartment types to be provided	Typical consider the cere the de	centres the current market demands and projected future demographic trends					

	 different cultural and socio-economic groups. The applicant did not provide any supporting information to justify the lack of apartment variety. 	
	The proposal fails to cater for different household types now and into the future inconsistent with Objective 4K-1 .	
	Different apartment types achieve a successful façade composition whilst minimising single aspect apartments and optimising solar access. The proposal is considered to not achieve this objective, being inconsistent with Objective 4K-2	
4L Ground floor apartments Direct street access should be provided to ground floor	Proposed ground floor apartments vary between 850mm to 1.7m below street level with no direct access to the street.	No
apartments	The limited private open space to the street in the form of sunken courtyards limits the opportunity for street frontage activity and casual surveillance of the street, inconsistent with Objectives 4L-1 and 2	

Overall, the proposal is not considered satisfactory having regard to the design criteria specified in the Apartment Design Guide. Most of the inconsistencies with the ADG in itself are not considered a reason for refusal, however, having regard for the cumulative adverse impact on the overall amenity of the proposed development, the application is considered unsatisfactory.

NORTH SYDNEY LOCAL ENVIRONMENTAL PLAN (NSLEP 2013)

1. Aims of Plan

Clause 1.2 Aims of North Sydney LEP 2013 reads as follows:-

- (2) The particular aims of this Plan are as follows—
 - (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,
 - (a) to promote development that is appropriate to its context and enhances the amenity of the North Sydney community and environment,
 - (b) in relation to the character of North Sydney's neighbourhoods—
 - to ensure that new development is compatible with the desired future character of an area in terms of bulk, scale and appearance, and
 - ii. to maintain a diversity of activities while protecting residential accommodation and local amenity, and
 - iii. to ensure that new development on foreshore land does not adversely affect the visual qualities of that foreshore land when viewed from Sydney Harbour and its tributaries,
 - (c) in relation to residential development—
 - to ensure that new development does not adversely affect residential amenity in terms of visual and acoustic privacy, solar access and view sharing, and
 - ii. to maintain and provide for an increase in dwelling stock, where appropriate,
 - (d) in relation to non-residential development—
 - i. to maintain a diversity of employment, services, cultural and recreational activities, and

- ii. to ensure that non-residential development does not adversely affect the amenity of residential properties and public places, in terms of visual and acoustic privacy, solar access and view sharing, and
- iii. to maintain waterfront activities and ensure that those activities do not adversely affect local amenity and environmental quality,
- (e) in relation to environmental quality
 - i. to maintain and protect natural landscapes, topographic features and existing ground levels, and
 - ii. to minimise stormwater run-off and its adverse effects and improve the quality of local waterways,
- (f) to identify and protect the natural, archaeological and **built heritage of North Sydney** and ensure that development does not adversely affect its significance,
- (g) to provide for the growth of a permanent resident population and encourage the provision of a full range of housing, including affordable housing.

The application proposes the demolition of a neutral item building within the Careering Cove Conservation Area. The replacement building is not considered to be in keeping with the established character of the area and will result in adverse impacts on the streetscape and Careering Cove Conservation Area. The proposal is not supported in this regard. The proposal fails to allow for a bulk and scale which is compatible with the existing and desired future character of the area being inconsistent with Clause 1.2(2)(b)(i) and fails to protect and ensure the significance of the built heritage of North Sydney in accordance with Clause 1.2(2)(f).

Moreover, the proposal does not satisfy the aims of the NSLEP 2013, pursuant to **Clause 1.2(2)(c)(i)** as it fails to ensure that new development does not adversely impact on residential amenity in terms of solar access and promoting view sharing.

2. Permissibility within the zone

The site is zoned 'R4 High Density Residential' under the provisions of the North Sydney Local Environmental Plan 2013 refer to **Figure 8** and is located within the Careering Cover Conservation Are under Schedule 5 of the NSLEP 2013 – **Figure 9**.

The proposed demolition of the existing structures and construction of a new residential flat building are a permissible form of development pursuant to Clause 2.7 of the NSLEP 2013, in this zone with development consent from Council.

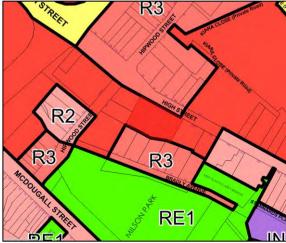


Figure 8: Zoning

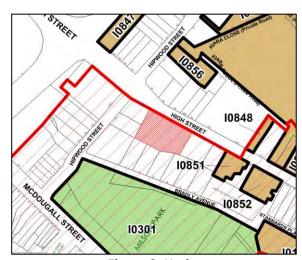


Figure 9: Heritage

3. R4 High Density Residential zone objectives

The objectives of the R4 zone are:-

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high 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 high density housing if such development does not compromise the amenity of the surrounding area or the natural or cultural heritage of the area.
- To ensure that a reasonably high level of residential amenity is achieved and maintained.

The proposed buildings include a mixture of dwelling sizes, however, only providing for three-bedroom apartment types, failing to allow for a variety of housing types within the high density residential environment (dot point 2).

The subject site is located within the Careening Cove Conservation Area and is identified as neutral items which are considered to be part of the desired fabric of the conservation area. The replacement building is not considered to be in keeping with the established character of the Careering Cove Conservation Area, failing to preserve the cultural heritage of the area (**dot point 4**).

The proposed development fails to provide for a high level of residential amenity for the apartments within the subject development and would have an unacceptable impact on the amenity of the surrounding properties in terms of view loss, and overshadowing (dot point 5)

Accordingly, the proposal is inconsistent with the objectives of the R4 zone.

4. Principal Development Standards – Compliance Tables

The application has been assessed against the relevant numeric controls in NSLEP 2013 and DCP 2013 as indicated below.

Clause 4.3 Heights of Building

The maximum permissible building height for the subject site is 12m pursuant to Clause 4.3(2) in NSLEP 2013. The proposed building height as measured to the highest point on the building being the lift overrun is 12m, which is compliant with the maximum building height control. Therefore, the proposed works do not result in a breach to the LEP maximum building height standard. The proposal is therefore supported in this regard.

Clause 5.10 Heritage Conservation

The proposal **is not considered** sympathetic to the CA10 Careening Cove Conservation Area context, and therefore is not considered to comply with objectives 5.10 (1)(a) and (b) and Clause 5.10(4) of the North Sydney LEP 2013 for the reasons as discussed in the independent heritage report.

Clause 6.10 Earthworks

Pursuant to Clause 6.10(2)(b) of the North Sydney Local Environmental Plan 2013, ancillary earthworks contained within the proposal are permissible, however, require development consent. With respect to the above, the proposed earthworks have been assessed against the provisions of Clause 6.10(3) as follows:

Control		Response
dev (ii) veg	any detrimental effect on: drainage patterns and soil bility in the locality of the velopment, and	The application has been referred to Council's Development Engineers, who responded in support of the proposal, subject to conditions of consent. The proposal is therefore considered acceptable in this regard.
b.	The effect of the development on the likely future use or redevelopment of the land,	The proposed works will not place any restriction on the current or potential future use of the site for residential purposes. While some disruption may occur during construction works, these are to be managed via appropriate conditions recommended by Council's Development Engineers and are not considered to detrimentally effect the likely future use or redevelopment of this land.
c.	The quality of the fill or the soil to be excavated, or both.	Appropriate conditions of consent are recommended relating to the disposal of excavated material.
d.	The effect of the development on the existing and likely amenity of adjoining properties.	Conditions have been recommended by Council's Engineer to ensure any environmental impacts on adjoining properties are appropriately managed, including construction traffic management; dilapidation surveys; Geo-Technical reports and stormwater management and disposal design.
e.	The source of any fill material and the destination of any excavated material,	Appropriate conditions can be imposed relating to disposal of excavated material.
f.	The likelihood of disturbing Aboriginal objects or relics.	Whilst unlikely, appropriate conditions can be imposed requiring the ceasing of works and appropriate care should any aboriginal artefacts be uncovered during the course of construction.
g.	The proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area.	The proposal is not anticipated to result in any adverse impact to any waterways or catchment areas surrounding the subject site. The proposal seeks to make use of existing drainage inter-allotment easements as well as new catchment pits at the site, having been reviewed by Council's Engineer, responding in support of the proposal, subject to conditions.
h.	Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	The proposal has been reviewed by Council's Development Engineer as well as a full assessment against provisions of the North Sydney Local Environmental Plan 2013 and North Sydney Development Control Plan 2013. Additionally appropriate conditions have been recommended, discussed within this report, and are considered satisfactory in this instance.

Clause 6.12 Residential Flat Buildings

The proposed development is for the purpose of residential flat buildings on land zoned R4 High Density Residential and therefore this clause applies. The proposed development adjoins R4 zoned land at its eastern and western boundaries. The land to the south is zone R3 Medium Density Residential and not subject to this clause.

The adjoining land to the west, No. 105 High Street, contains a residential flat building and is not subject to this clause, whilst the land to the east, No. 107A High Street, contains a single dwelling and is subject to this clause. The site is approximately 500sqm in size and surrounded on the eastern western and southern boundaries by existing residential flat buildings.

It is considered that No. 107A High Street is capable of being developed for the following reasons:-

- The site is 22m wide and 21m deep and able to accommodate a building footprint whilst providing side and rear setbacks;
- No. 107A's site area is larger than adjoining existing residential flat buildings sites including; No's 4, 6, 8, 10 and 12 Bradly Street, and 105 High Street;
- The subject site currently contains a residential flat building and redevelopment for the same purpose, does not alter the circumstance of No. 107A High Street or its ability to be redeveloped.

Accordingly, the proposal is considered consistent with the objective of the control in retaining the existing situation and not creating a "new" isolated lot. Moreover No. 107A High Street is reasonably capable of development for the purposes of a residential flat building.

POLICY CONTROLS

5. North Sydney DCP 2013

The proposal has been assessed against the following relevant sections of NSDCP 2013

- Part B Section 1 Residential Development
- Part B Section 10 Carparking and Transport
- Part B Section 13 Heritage and Conservation
- Part C Section 8.3 Careening Cove Conservation Area

The proposed development is considered to be generally consistent with the desired character of the locality. More Detailed comments are provided throughout the following DCP 2013 Compliance Table.

DEVELOPMENT CONTROL PLAN 2013 – Part B Section 1- Residential Development				
Control	Complies	Comments		
1.2 Function				
1.2.1 Population Mix	No	P1 requires residential flat buildings with less than 20 units to include, at least two dwelling types. The proposal allows for 10 x three bedroom apartments limiting the population mix within the proposal.		
		The applicant submitted that there is a market need for three-bedroom apartments within the area, "due to many older apartment blocks which contribute to an abundance of 1 and 2 bedroom apartments". In addition the applicant argues that the three-bedroom apartments, are all designed to be flexible to support diverse household types whether that be families, downsizers, couples or mixed households, with units varying from 118 sqm to 198 sqm. No evidence of the claimed over supply of one and two bedroom apartments were provided nor did the application include any demographic analysis supporting the variation to the unit mix.		

The proposed development seeks to demolish six dwellings although wou provide a net increase of four dwellings. Accommodation 1.2.4 Affordable Housing N/A The building is currently in Strata ownership — as such SEPP (Housing) 202 does not apply. 1.3 Environmental Criteria 1.3.1 Topography Yes The proposed finished ground level along the northern boundary (High Street is proposed to be excavated to a maximum of 1.5m below street level which inconsistent with P3 which requires the finished ground level not to be altered more than 500mm above or below existing ground level. Moreover, the proposed bedrooms fronting High Street on the ground flow level are located between 850mm-1.7m below existing ground level for more
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than 50% of the bedrooms floor area, inconsistent with P4 of Section 1.3.1 of the NSDCP. The proposed car ramp is located a minimum of 600mm from the western side boundary inconsistent with P5 of Section 1.3.1 of the NSDCP. It is noted that Council's Development Engineer raised no concern with the proposed excavation subject to conditions of consent. The proposed excavation although not having an adverse effect on the natural topograph results in poor amenity outcomes for the proposed apartments.
1.3.4 Properties with a foreshore frontage N/A The site does not adjoin the foreshore.
1.3.5 Visual Impact N/A The site is not visible from the Harbour.
1.3.6 Views No Refer to discussion below

View Analysis

In order to establish the reasonableness of the potential view loss from Nos 94; 96 & 98B High Street, an assessment against the Land Environment Court planning principles on sharing of views in **Tenacity Consulting v Warringah [2004] NSWLEC 140**, has been undertaken.

The test is applied below.

Step 1 – "The first step is the assessment of views to be affected"

Water views are valued more highly than land views; iconic views are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured. The Harbour Bridge and Opera House are considered iconic views.

The existing views from Nos. 94; 96 & 98B High Street, North Sydney is towards Sydney Harbour (see **Photos 14-18** below) and include views of the Sydney Harbour Bridge and the Milsons Point skyline.



Photo 14: No 94. High Street first floor bedroom/ second living space



Photo 15: No. 96 High Street first floor living room

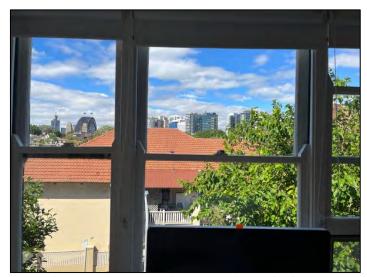


Photo 16: No. 96 High Street primary bedroom



Photo 17: No. 98B ground floor living room



Photo 18: No. 98B first floor primary bedroom

Step 2: "The second step is to consider from what part of the property the views are obtained" The views which may be affected by the proposed development, are obtained from a standing position (eye level) from the first floor living room windows and primary bedrooms of No. 94 and 96 High Street as well as the ground floor living room and first floor primary bedroom of No. 98B High Street.



Photo 19: No. 94 first floor living room widow



Photo 20: No. 96 first floor living and primary bedroom windows



Photo 21: No. 98B ground floor living room and first floor master bedroom windows

Step 3: "The third step is to assess the extent of the impact"

The amended plans resulted in a complying building height and building height plane. In addition, the applicant has undertaken CGI view analysis which demonstrate the extent of the view impact as reproduced in the figures below.

No. 94 High Street

Figure 10 below demonstrates that the amended development will impact on any existing views to the Sydney Harbour Bridge. The proposal will remove the view of the Harbour Bridge and although the existing view may not be considered as a "whole" view (not including the pylons) the loss of the iconic arch view is still considered severe.



Figure 10: View from second living room / bedroom

No. 96 High Street

Figure 11 & 12 below demonstrates that the amended development will impact on existing views to the Sydney Harbour Bridge. The proposal removes views of the pylons; however, it will retain the topmost point of the arch of the Harbour Bridge. The existing view is considered a "whole" view including the pylons and Bridge. The loss of most of the whole iconic view is considered devastating.



Figure 11: View from bedroom



Figure 12: View from living room

No 98B High Street

Figure 13 & 14 below demonstrates that the amended development will not impact on any existing views to the Sydney Harbour Bridge.



Figure 13: View from front courtyard



Figure 14: View from master bedroom

Step 4: "The fourth step is to assess the reasonableness of the proposal that is causing the impact"

The amended proposal complies with the maximum building height and side setbacks controls. However, even with a complying development application, the question should be asked whether a more skilful design or location of structures, could provide the same development potential and reduce the impact on the views of neighbours. In this regard, the proposed four storeys apartment building with a curved roof form is considered inconsistent with the established two and three storey pitched roof form character of the Conservation Area and the immediate locality.

The resultant inconsistent massing impacts on iconic views from No. 94 & 96 High Street. In summary the amended proposal is not considered to allow for reasonable view sharing, being inconsistent with O2 and P2 & P4 of Section 1.3.6 of the NSDCP.

1.3.7	Solar	No	The application is accompanied by shadow diagrams both in plan and elevational					
Access			form.					
			Three of the ten apartments have a sole orientation to the south resulting in more					
			than 15% of the proposed apartments not receiving direct sunlight between 9am and					
			3pm inconsistent with P3.					
			Moreover, most of the proposed apartments have their private open spaces facing					
			south. The proposed ground floor units do have small north facing courtyards,					
			however, shadows by existing developments and the sunken nature of these sp					
			limit direct solar access.					
			A summary of solar access to the private open space is as follows:-					
			GF western unit (G01) solar access between 12 and 3pm					
			 L3 receive some solar access between 12 and 3pm but to less than 50% of the area 					
			 Level 2 western unit (2.01) receive solar access to at least 50% during 3pm only 					
			Accordingly, the proposed private open spaces (balconies) receive less than 3 hours					
			of solar access during mid-winter.					
			With respect to impact to adjoining properties, refer to detailed discussion below.					

In order to establish appropriate solar access, an assessment against the Land Environment Court planning principles established by Senior Commissioner Moore in **The Benevolent Society v Waverley Council [2010] NSWLEC 1082** is demonstrated below:-

1. The ease with which sunlight access can be protected is inversely proportional to the density of development. At low densities, there is a reasonable expectation that a dwelling and some of its open space will retain its existing sunlight. (However, even at low densities there are sites and buildings that are highly vulnerable to being overshadowed). At higher densities sunlight is harder to protect and the claim to retain it is not as strong.

The subject site is located within a high density residential zone with the adjoining (affected) sites being medium density two storey apartment buildings at Nos. 4, 6, 8 & 10 Bradly Avenue. The density of the area in this instance does not affect the sites' "vulnerability to being overshadowed" but rather the topography makes it hard to protect and/or retain 3 hours of solar access during mid-winter to these properties, being much lower than the subject site.

Accordingly, having an expectation to retain 3 hours of sun during the mid-winter period is reasonable, however, considered difficult.

2. The amount of sunlight lost should be taken into account, as well as the amount of sunlight retained.

The shadow diagrams demonstrate the extent of shadowing to the adjoining property to the south (Nos 4, 6, 8, 10 and 12 Bradly Avenue) during the mid-winter (21 June) period. Solar access is summarised below – refer to shadow diagrams for detail.

9am

 Additional shadow as a result of the proposed development falls mainly over existing roof structures with no impact to north facing windows or primary open spaces of the apartments within Bradly Avenue.

12 noon

- Some improved solar access to the first floor units of No. 4 Bradly Avenue is achieved.
- Reduced solar access to first floor units of No. 6 and No. 8 Bradly Avenue.
- No. 8 Bradly Avenue's western and eastern glazed areas receive less than 50% solar access. However, these windows are to kitchens and include additional windows within the side elevations.
- Reduction in solar access to the first floor western unit of No. 10 Bradly Avenue

1:30pm

 During this period Nos. 4 & 6 Bradly Avenue receive no impact. Overshadowing occurs to No. 8 Bradly Avenue's common space. However, there is a reduction in solar access to the first floor eastern units of No. 10 as well as the western and eastern units of No. 12 Bradly Avenue.

3pm

- During this period Nos 4, 6, & 8 Bradly Avenue receive no impact.
- There is a reduction in solar access to the first floor eastern and western units of No. 10 Bradly Avenue.
- During this period the additional overshadowing to No. 12 falls largely over the eave and roof.

In summary

- No. 4 receive increased solar access
- No. 6 reduction of 1 hour of solar access
- No. 8 reduction of 1.5hours of solar access (between 10:30 and 12)
- No. 10 reduction of 2.5hours of solar access at 12 noon and between 1:30 and 3pm
- No. 12 reduction of1hour of solar access at 1:30pm
- 3. Overshadowing arising out of poor design is not acceptable, even if it satisfies numerical guidelines. The poor quality of a proposal's design may be demonstrated by a more sensitive design that achieves the same amenity without substantial additional cost, while reducing the impact on neighbours.

The proposed development complies with the maximum building height and Council's setback controls. The topography of the site falls steeply to the south. The southern elevation has been designed as a stepped façade in order to locate the bulk away from the southern boundary in an attempt to limit overshadowing. In addition, the proposal allows for a flat roof form.

However, the proposal allows for a four storey built form which is inconsistent with the predominantly two and three storey established built form within the immediate locality. It is considered that a more sensitive design that achieves a more consistent built form in terms of storeys, would substantially reduce the impact to the properties in Bradly Avenue.

4. For a window, door or glass wall to be assessed as being in sunlight, regard should be had not only to the proportion of the glazed area in sunlight but also to the size of the glazed area itself. Strict mathematical formulae are not always an appropriate measure of solar amenity. For larger glazed areas, adequate solar amenity in the built space behind may be achieved by the sun falling on comparatively modest portions of the glazed area.

The worst affected windows are located within the first floor of Nos. 6; 8 and 10 Bradly Avenue.

The applicant's solar analysis includes internal floor plans of these units. The diagrams show that No. 6 Bradly Avenue has bedrooms at the northern elevation whilst No. 8 Bradly Avenue has kitchens at the northern elevation and No. 10 Bradly Avenue includes sunrooms or secondary living space – refer to **Figure 15.**

In addition, No. 8 has the benefit of additional windows within the eastern and western elevations affording additional solar access to these spaces. No. 10 primary living spaces are more centrally located within the unit allowing for windows within the eastern and western elevations.

Accordingly, the primary living area of all units remain unaffected by the proposed development, as these spaces receives sunlight from alternative windows.

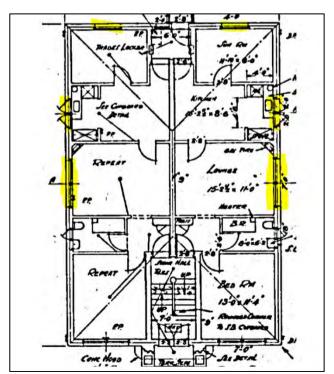


Figure 15: Floor plan of No. 10 Bradly Avenue Source: Walsh Analysis

5. For private open space to be assessed as receiving adequate sunlight, regard should be had of the size of the open space and the amount of it receiving sunlight. Self-evidently, the smaller the open space, the greater the proportion of it requiring sunlight for it to have adequate solar amenity. A useable strip adjoining the living area in sunlight usually provides better solar amenity, depending on the size of the space. The amount of sunlight on private open space should ordinarily be measured at ground level but regard should be had to the size of the space as, in a smaller private open space, sunlight falling on seated residents may be adequate.

The older style apartment buildings do not include balconies (private open spaces), however, the communal open spaces are located towards the rear of the buildings towards the north. The existing situation allows for very little solar access to these spaces.

However, the proposed development reduces solar access to the common spaces of Nos. 8 and 10 Bradly Avenue during the 10:30am mid-winter period. In addition, solar access to the common open spaces of No. 6 at 12 noon and No. 8 at 1:30pm are also reduced.

No. 8 Bradly Avenue being the worst affected only receiving solar access to the common open space at 3pm with the proposal removing at least 1.5 hours of existing solar access. As such the communal open space does not receive the required 2 hours during 9am and 3pm mid-winter.

6. Overshadowing by fences, roof overhangs and changes in level should be taken into consideration. Overshadowing by vegetation should be ignored, except that vegetation may be taken into account in a qualitative way, in particular dense hedges that appear like a solid fence.

The shadow diagrams also demonstrate shadows cast by existing structures and other adjoining buildings.

7. In areas undergoing change, the impact on what is likely to be built on adjoining sites should be considered as well as the existing development.

All of the buildings in Bradly Avenue are contributory buildings within the Careering Cove conservation area and as such are not likely to be re-development.

In conclusion, the proposed duration and quality of the sunlight received to the main living room windows of the apartment buildings along Bradly Avenue is reasonable having regard for:

- the location of living spaces to the south and within the central part of the buildings;
- the amount of "glazed area" within the effected elevation;
- the sunlight available from alternative windows (eastern and western elevation); and
- existing shadows.

Whilst the prescribed solar access is achieved to primary living spaces due to the existing internal layouts, there would be additional overshadowing to the properties to the south (along Bradly Avenue) as a result of the incompatible four storey built form which is not considered reasonable.

Moreover, the application does not maintain reasonable access to sunlight to the common open space of particularly No. 8 Bradly Avenue and the proposed private open space of the subject property, inconsistent with P1(c) and (d) and O1 "solar access" in Part B Section 1.3.7 and O4 "general objectives" in Part B Section 1.1.1 of the NSDCP 2013.

1.3.10 Visual			_	ABLE B-1.4: Building S	Sonaration Requirement	nte							
Privacy	On merit		Building height	Between habitable	Between habitable	Between non-							
			(metres)	rooms and balconies	& non-habitable rooms	habitable rooms							
			Up to 4 storeys (approx. 12m)	12m	9m	6m							
		Pofor to	o ADG Section 2F	accoccment abov	10								
1.4 Quality built fo	rm	Kelel to	ADG SECTION ZF	assessifient abov	/e.								
1.4.1 Context	No	The sui	rounding area co	onsists predomir	nantly of two an	d three storey In	nter-v						
			residential flat b	•	•	•							
		the exi	nsidered that the sting characterist orey inter-war flat	ics, of the Caree	ring Cove Conse	rvation Area's fir	ne gr						
		Refer to	Section 1.4.8 Bu	ilt Form Charact	er below for moi	e detail.							
1.4.3 Streetscape	Yes	kerb an	Council's Development Engineer has recommended conditions ensuring that the kerb and guttering are protected. No public trees are sought to be removed as part of the proposal. The proposal is therefore considered to be acceptable in this										
1.4.5 Siting	Yes		aracteristic build nent raised no co	-	_								
1.4.6 Setbacks -	Yes		sting predominar										
Front						. 6 6 .							
Match the alignment of the primary façade of adjoining buildings		High Street. The proposed development allows for a 2.5m front setback which is considered acceptable as it provides an opportunity for landscaping.											
Setback – Side	Yes	A DCP s	side boundary set	back compliance	table is provide	d below:-							
R4 Zone = 3m				·	·								
and BHP at 3.5m			Elevation	Proposed	Control	Comply							
above EGL from			E Elevation										
side boundaries			GL	3.6m	3m	Yes							
and projected			L1	4.3m		Yes							
internally to the			L2	4.3m		Yes							
site at 45°			L3	6m		Yes							
			W Elevation										
			GL	6.3m	3m	Yes							
			L1	4.8m		Yes							
			L2	4.8m		Yes							
			L3	4.8m		Yes							
		BHP The am	ended plans now	fully comply wit	h the building he	eight envelope.							
	<u> </u>												
Setback – Rear	Yes	Propos	ed = 4.7m measui	red to basement	and GL terrace/	Lourtyaru	Proposed = 4.7m measured to basement and GL terrace/courtyard = 6m to building façade						
Setback – Rear Min 1.5m and	Yes	Propos			and GL terrace/	Lourtyaru							
	Yes	Propos			and GL terrace/	Courtyaru							
Min 1.5m and	Yes	Propose BHP			and GL terrace/t	courtyaru							
Min 1.5m and BHP at 3.5m	Yes	ВНР		ng façade		.our tyar u							
Min 1.5m and BHP at 3.5m above EGL at rear	Yes	ВНР	= 6m to buildi	ng façade		.our tyar u							

1.4.7 Form Massing & Scale 1.4.8 Built Form Character

No

The emphasis of a neutral item within an CA is how the building appears in the street and from the public domain. Specifically new buildings should ensure a consistent character in terms of materials, bulk scale, and setbacks with other significant buildings within the conservation area.

The proposed four-storey building is considered to be inconsistent with the predominant two and three storey scale of existing built forms and is not considered sympathetic to the conservation area – refer to **Photos 22-24** below.



Photo 22: Apartments along Bradly Avenue (predominantly two storeys with low pitched roofs)



Photo 23: No. 115 High Street (two storeys with pitched roof)



Photo 24. No. 105 High Street and No 71 Hipwood Street (two storeys with pitched roof)

P7 of Section 1.4.7 Form massing and scale of the NSDCP, requires residential flat buildings to use a pitched roof forms which reflects the prevailing roof typology of the surrounding area **or** that identified in the relevant area character statement. In this regard, Section 8.3.6 of Part C (characteristic built elements) identifies pitched, hipped and gables roof pitched between 30 and 45 degrees with skillion roof to the rear; and parapets to flat roofed residential flat buildings. Notably, these controls need to be read within the existing context, which is characterised by two and three storey red-brown brick residential flat buildings with pitched roof forms.

The proposed four storey building with a curved roof form is inconsistent with O1 of Section 1.4.8 Built form character which seeks to ensure that the design of new buildings reflects and reinforces, or is complementary to, the existing character of the locality. The resulting built form is significantly larger than the existing characteristic buildings with a scale and massing which is considered to dominate the surrounding spaces – refer to streetscape at **Figure 16.**



Figure 16: Proposed High Street streetscape

Moreover, the proposal does not comply with the concession of P8 where the topmost storey has not been set back to comply with a 36 degree plane from the top edge of the storey located immediately below especially along the High Street elevation.

The independent heritage assessment does not support the proposed built form noting:-

"the revised plans still propose a four-storey building which is out of scale and incorporates a curved roof form to the penthouse level facing High Street, which is not considered sympathetic to the predominantly inter-war period context of two-three storey Inter-war period residential flat buildings".

The proposed replacement building does not complement the character, nor does it result in an improved heritage outcome for the conservation area, inconsistent with P1 of Section 1.4.8. The four storey curved roof built form is unsympathetic to the character of the streetscape and the local context. Accordingly, the proposed development does not satisfy the objectives of **Section 1.4.7 and Section 1.4.8 of the NSDCP**

		development does not satisfy the objectives of Section 1.4.7 and Section 1.4.8 of the NSDCP .
1.4.9 Dwelling Entry	Yes	It is considered that the proposal provides a principal building entrance entry which gives a sense of address and arrival from High Street. Street numbering will be clearly visible from the High Street frontage. Within the building each dwelling will be clearly marked by a number and wayfinding signage. A lift provides an accessible path of travel to all levels of the building.
1.4.10 Roofs	No	P1 requires buildings to incorporate a pitched roof form, except where another roof form is identified in an area character statement, or as being compatible with the characteristic roof form for the neighbourhood. Section 8.3.6 of Part C (characteristic built elements) identifies pitched, hipped and gables roof pitched between 30 and 45 degrees with skillion roof to the rear; and parapets to flat roofed residential flat buildings. Notable, these controls need to be read within the existing context, which is characterised by 2 and 3 storey red-brown brick residential flat buildings with pitched roof forms.

			The proposed curved and flat roof form is more suitable to a contemporary infil development and does not represent the pitched roof forms within the conservation area.							
		Council may grant consent to a building with a roof pitch less than 25 maintain views, however, in this regard it is not the roof form causing impacts but rather the fourth storey.								
		Accordingly, the app	ccordingly, the application fails to satisfy O1 and P1 of Section 1.4.10 of the SDCP.							
1.4.11 Dormers	N/A		he amended plans removed the previously proposed dormers fronting High							
1.4.12 Colours & Materials	Yes	The proposed colour 17 below.	s and materials used	for the proposal are	outlined in the Figure					
		The second	FOR NUMBER 1 STATE OF THE STATE							
			Figure 17: Matei	rials and Finishes						
		The proposed colour	rs and materials are o	considered to be acc	eptable. The use of a					
			_	walls to High Street	is a positive aspect of					
1 4 12 Palaaniaa	Vaa	the external materia		ingall in average of	the mainiment of					
1.4.13 Balconies	Yes	8sqm and minimum		ies well in excess of	the minimum area of					
		Refer to ADG 4E abo	ve for detail.							
Front Fences	Via			nt or open in nature	comprising no more					
	Condition	than 50% solid construction with a maximum height of 1.5m, unless otherwise indicated in this DCP. Part C of the NSDCP, requires a low 900mm sandstone or timber picket front fence.								
				المغموم والجنيد المنيد	l mialiata albana ta a					
		' '			I pickets above to a sandstone wall with					
		_			possible should the					
		application be worth	y of support.							
1.5 Quality Urban	Environment									
1.5.1 High quality	No	Unit size			T					
residential accommodation		Dwelling Type Proposed Control Comply								
accommodation		3 bed 110-197sqm 90sqm yes								
		All apartments include courtyards or balconies, consistent with P2. All above ground communal corridors have a min width of 2m consistent with P3 A maximum three apartments to a single common lobby are proposed.								
		Single Aspect Aparti	ments							
		Three southern aspe		roposed with a dept	th of 10m contrary to					
		P8. 70% of apartments a	are cross ventilated							
		· ·		nowever. 30% do no	t achieve a minimum					
		of 3 hours of solar ac								
		Bedrooms fronting F than 50% of the floo	-		d below EGL for more					

		Generally, all the living spaces face south. Apartments are generous but lack north facing living spaces and balconies. The lack of living spaces to the street result in poor solar access; reduced casual street surveillance and a failure to break up the massing of the proposed building.						
		The application is not considered to provide for a high level of internal amenity for residents, inconsistent with O1 of Section 1.5.1 of the NSDCP.						
1.5.3 Safety and security	Yes	The lack of living spaces to the street results in reduced casual street surveillance. This in conjunction with the sunken nature of the ground level does not lend itself to a high level of personal safety for residents or visitors. Although this may not be a reason for refusal in itself the cumulative impact of the						
1.5.4 Vehicle	Yes			rnal amenity results in de underground car p				
Access and Parking	163	basement, co	onsistent with P2.					
			ccess to the basem mp along the western	nent carpark is prob boundary.	vided via an	entrance		
		A separate d	riveway and pedestria	n access are proposed.				
				have raised no objective the imposition of approximately				
1.5.5 Site Coverage	Yes	A table is provided below demonstrating the applications compliance with the provisions in NSDCP 2013 regarding site coverage, landscaped area and unbuilt upon areas-:						
456 (2004)	No					Ì		
1.5.6 Landscape Area			iite Area .261.7sqm	Proposed	Complies			
& Un-built Area	Yes	S	ite Coverage Max. of 45%	568sqm 45%	Yes			
		N	andscape Area Ain. of 40%	477.5sqm 37.85%	No			
			Jn-built upon area Max of 15%	187sqm 14.8%	Yes			
			•	n did not exclude 29.5s s) from the landscape a		-		
		Although sufficient useable private open space for the enjoyment of residents has been provided, no communal space for social interaction has been allowed for. Moreover, the large driveway and basement entry ramp limits planting along the western boundary, failing to provide for a landscaped buffer between adjoining properties.						
		The sunken courtyards are not considered to contributes to the streetscape and overall streetscape amenity.						
		Any non-cor	mpliance especially i	provisions seek to cont n the circumstances area is not supportabl	of demolition			
		The proposal	does not satisfy P1 or	the objective of Secti	on 1.5.6 of the	NSDCP.		
1.5.7 Landscaping	Yes			no concern subject to a				

		T					
1.5.8 Front gardens	No	A very narrow 1m landscape strip with sunken private courtyards (1m deep) within the front setback area is proposed.					
		Notably the street is characterised with 0m front setbacks / buildings built to the boundary. Notwithstanding the demolition and rebuild affords the opportunity for increased front gardens and appropriate planting to further soften the built form.					
		The application fails to	satisfy O2 of Section 1.5	i.8 of the NSDCP.			
1.5.9 Private and	Yes	POS	Required	Proposed			
communal open		Min. area at GL	25sqm	GF courtyard's in excess of 150sqm each			
50sqm		Min area above GL	3+ bed = 12sqm	All above ground units allows for POS in excess of 19sqm			
		Communal open spac	e pace is proposed contrary	to P5.			
			open space in itself is no nulative lack of overall am	ot a reason for refusal, however, it nenity for residents.			
1.6 Efficient Use of	f Resources						
1.6.1 Energy Efficiency	Yes	As part of the development application documentation, a valid BASIX Certification has been submitted for the multi-dwelling (Certificate Number 1205894M_02)					
		1		entry ramp. A condition of consent igation can be imposed should the			
		application be worthy		igation can be imposed should the			
1.6.8 Stormwater	Yes			er run-off to new catchment pits			
Management	165		₹`	nent easements along the western			
ivianagement				. 8 Bradly Avenue and southern			
			-	es water to be drained via gravity to			
			ater stormwater channel				
				pipe within the easement is to be			
		cleared of any blockag	es and debris.				
				ot sufficient in size, then they must			
		Telephone		applicant's expense. Any disturbed			
		_	tures on neighbouring pr so at the applicant's expe	operties must be restored to their nse.			
		The proposed develop	ment minimises post-dev	velopment stormwater runoff using			
			•	Sydney Water has advised that on-			
		site detention will not be required. Correspondence from Council's Development Engineers in June 2021 confirmed that on-site detention will not be required.					
		Sub-soil drainage will	be installed as per the	direction of the structural / geo-			
				Two sediment pits to filter water			
		before off-site discharge is also proposed.					
		Councils Engineer's re subject to conditions of		design and found it appropriate			
Part B Section 10 C	Carparking a						
10.1 Parking	Yes	Carparking:					
Provision			Max. Required	Proposed			
			1.5 spaces / dwelling 15 spaces	15 spaces			
			D.25 spaces / dwelling 2.5 spaces	3 spaces			
			17.5	18			

			Bicycle Parking:				
			Residential	Required	Proposed		
			Occupants	1 space / dwelling	9 – compliance could be		
				10 spaces achieved via			
			Visitors 1 space / 10 dwelling 2		2		
				1 spaces			
			Total	11	11		
Design	and	Yes	The proposal is consistent with the provisions and objectives outlined in Section				
Layout			10.3 of the NSDCP 2013.				
Part B Secti	on 13 He	ritage and	Conservation				
Heritage	and	No	An independent he	eritage referral/assessment has	been undertaken by Kemp and		
Conservat	ion		Johnson Heritage Consultants (see Attachment 3).				
			The proposed development is inconsistent with the objectives and provisions of the North Sydney DCP 2013 for the reasons explained in the heritage assessment.				

Part C Section 8.3: Kirribilli Planning Area (Careering Cove Conservation Area)

The Careering Cove Conservation Area is characterised by two storey, late Victorian terraces, single and two storey Federation and Edwardian houses and low Inter-War residential flat buildings.

The demolition of the neutral building is supported in principle by the independent heritage assessment, subject to an improved heritage outcome. However, any replacement building needs to ensure that the design reflects and reinforces, or is complementary to, the existing character of the locality.

It is noted that any contemporary response may not necessarily seek to replicate heritage details or the character of heritage buildings in the conservation area but must preserve the heritage significance and integrity with complementary and respectful building form, proportions, scale, style, materials, colours and finishes as well as building alignments.

The proposed four storey replacement residential flat building fails to allow for a complementary and respectful building form, massing and scale. It is considered to overwhelm the surrounding context and is not considered characteristics with regard to the established character of the Conservation Area and the immediate locality. It introduces an inconsistent curved roof form and proposes a fence heights above 900mm. All these elements are inconsistent with the characteristic built elements of the Conservation Area.

LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN

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

Type of contribution	Amount
S7.11 Contribution – increase in the number of dwellings in accordance	
with section 1.3.3 within the Plan (from 6 to 10 units or 11.6 residents)	
Applicable contribution type	
Open space and recreation facilities	\$47,083.72
Public domain	\$26,210.11
Active transport	\$1,495.97
Community facilities	\$9,456.99
Plan administration and management	\$1,259.77
Total	\$85,506.55

Conditions requiring the payment of contributions at the appropriate time can be included should the application be worthy of support.

SITE SUITABILITY

The proposed development is considered to have an undesirable outcome for the conservation area in which the site is located. The site is not considered to be suitable for the proposed development given the replacement building not considered to be consistent with the characteristics of the Conservation Area and the immediate locality. As such the application is considered not suitable for the site, contrary to Section 4.15(c) of the EP&A Act.

ALL LIKELY IMPACTS OF THE DEVELOPMENT

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

ENVIR	ONMENTAL APPRAISAL	CONSIDERED
1.	Statutory Controls	Yes
2.	Policy Controls	Yes
3.	Design in relation to existing building and natural environment	Yes
4.	Landscaping/Open Space Provision	Yes
5.	Traffic generation and Carparking provision	Yes
6.	Loading and Servicing Facilities	N/A
7.	Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.)	Yes
8.	Site Management Issues	Yes
9.	All relevant s4.15 considerations of Environmental Planning and Assessment (Amendment) Act 1979	Yes

SUBMITTERS CONCERNS

The issues raised by the submissions are summarised below and addressed with planning comments:-

View loss

Comment

Refer to view loss analysis within the body of this report. In summary the proposal results in material loss of views from adjoining developments and is recommended for refusal

- Heritage: demolition of a neutral item in conservation area
- New Built form of little or no contributory value
- Failing to protect the significance of the conservation area

Comment

The proposed four storey replacement building with a curved roof form fails to allow for a complementary and respectful building form and scale. It is considered to overwhelm the surrounding context and is not considered to be consistent with the characteristics of the Conservation Area and the immediate locality and is therefore not supported.

bulk and scale

Comment

Refer to Form Massing & Scale within the body of this report. The proposed massing is considered inconsistent with the surrounding area and the CA as a whole and is not supported.

Overshadowing

Comment

Refer to solar access analysis within the body of this report. In summary the proposal does not result in material loss of solar access to the primarily living rooms of adjoining developments. Whilst the prescribed levels of solar access are achieved, there would be additional overshadowing to the properties to the south (along Bradly Avenue) as a result of the incompatible four storey built form which is not considered reasonable and is not supported.

Visual and acoustic privacy

Comment

Refer to privacy analysis within the body of this report. In summary the proposal does not result in a material loss of privacy to adjoining developments.

- Uncharacteristic within the streetscape
- Uncharacteristic roof form

Comment

The proposal is not considered to be consistent with the characteristics of the Conservation Area and the immediate locality and is not supported.

Traffic congestion exacerbated and danger during construction

Comment

Appropriate conditions of consent may be imposed such as a construction traffic management plan during the construction phase, should the application be worthy of support. However, the application is recommended for refusal and no further assessment is made in this regard.

Excessive excavation

Comment

Council's engineers raised no concern with the proposed excavation subject to appropriate conditions of consent. However, the application is recommended for refusal and no further assessment is made in this regard.

Not enough parking and on-street parking issues

Comment

The proposed application complies with the required on-site car parking provision including visitor parking. Noting that Councils parking rates are a maximum rate.

Sun reflection

Comment

The amended plans introduce a darker face brick as the predominant façade material on all sides. It also slightly reduces the amount of glazing along the southern façade. However, the application is recommended for refusal and no further assessment is made in this regard.

Height of lift shaft

Comment

The proposed lift shaft complies with the maximum height of 12m, and this element does not warrant refusal of the application.

Tree protection and removal of trees

Comment

The amended proposal retains the large jacaranda tree and now also proposes the relocation of two other trees. Councils Landscape Development Officer in principle supports the proposed tree removal which is now limited to only two (2) trees.

Non-compliance with building separation

Comment

The amended plans largely comply with the building separation distances required under the ADG with the exception of the eastern elevation. Refer to detail in the ADG assessment above. The proposed scale does not support the existing and desired future character, failing to allow for an appropriate massing and spacing between buildings and is not supported.

Non-compliance with setbacks

Comment

The amended proposal complies with the front, side and rear setback provisions of the NSDCP.

Non-compliance with site cover

Comment

The amended proposal complies with the site cover provision of the NSDCP.

- Lack of landscape area and landscaping
- Loss of garden / green space

Comment

The amended proposal does not comply with the landscape area provision of the NSDCP and is not supported.

Proposed colours and materials does not reflect existing and desired character of locality

Comment

The amended plans have introduced more consistent materials and finishes allowing for a single colour scheme throughout.

Construction works – noise & dust

Comment

Appropriate conditions of consent may be imposed to mitigate noise and dust during the construction phase should the application be worthy of support. However, the application is recommended for refusal and no further assessment is made in this regard.

Geotechnical stability and structural integrity of surrounding

Comment

Council's Development Engineers raised no concern with the proposed excavation subject to appropriate conditions of consent. However, the application is recommended for refusal and no further assessment is made in this regard.

• Stormwater drainage issues will be exacerbated

Comment

Council's Development Engineers raised no concern with the proposed stormwater drainage subject to appropriate conditions of consent. However, the application is recommended for refusal and no further assessment is made in this regard.

Lack of infrastructure

Comment

The application is recommended for refusal and no further assessment is made in this regard.

Survey plan omits large lily Pilly's

Comment

The application is also accompanied by an arborist report and landscape plans which identify the existing trees on the site. The tree survey identifies eleven (11) existing trees on site. Council's Landscape Development Officer raised no concerns with the application and appropriate conditions of consent can be imposed should the application be worthy of support.

PUBLIC INTEREST

The cumulative effect of the non-compliances with Council's controls, particularly the adverse impact on the heritage significance of the Careering Cove Conservation Area and the failure to satisfy the objectives of the 10 principles of SEPP 65; the application is not considered to be in the public's interest contrary to Section 4.15(e) of the Environmental Planning and Assessment Act 1979 (as amended).

HOW THE COMMUNITY VIEWS WERE TAKEN INTO CONSIDERATION

The application was notified in accordance with Council Community Engagement Protocol from 8 October to 22 October 2021 and the amended plans and additional information was re-notified between 1 April and 19 April 2022. The additional view analysis was notified between 9 May 2022 and 23 May 2022. The application is to be referred to the North Sydney Local Planning Panel given the number of submissions received. The submissions have been addressed earlier in the report.

CONCLUSION AND REASONS

The application seeks to demolish a neutral item within the Careering Cove Conservation Area and the construction of a four storey residential flat building with a curved roof form. The independent heritage assessment by Kemp and Johnson Heritage Consultants in principle supports the demolition of the existing neural building subject to "replacement development achieves a built outcome which is compatible with the Careering Cove Conservation Area."

The proposed replacement residential flat building results in a four storey built form creating massing which is considered out of scale with the predominantly two storey inter-war residential flat buildings within the immediate area. Moreover, the proposed four storey apartment building, with curved elevations and curved roof form, is inconsistent with the predominant built form character of the immediate streetscape as well as the Careering Cove Conservation Area. As such the demolition is not warranted in the circumstances where the replacement building fails to enhance the character of the conservation area.

Accordingly, the proposal does not meet the objectives of Clause 5.10 Heritage Conservation under NSLEP 2013 and aims of the NSLEP 2013 which seeks to protect the built heritage of North Sydney and to promote development that is appropriate to its context.

The Design Excellence Panel did not support the demolition of the neutral item having regard for the replacement building failing to contribute to the improvement and enhancement of the character of the conservation area. Overall, the proposal is not satisfactory having regard to the design criteria specified in the Apartment Design Guide and does not demonstrate design excellence, failing to satisfy the 10 Design Principles of SEPP 65. The inconsistencies with the ADG in itself are considered sufficient grounds for refusal having regard for the cumulative adverse impact on the overall amenity, the proposal is considered inappropriate.

The proposal does not satisfy the population mix; views; solar access; context; form massing scale; built form character; roofs; high quality residential accommodation; landscape area; front gardens and heritage conservation controls within the NSDCP 2013.

The application has attracted a total of **nineteen (19)** unique submissions raising particular concerns regarding demolition should not occur; heritage impacts, view sharing, amenity impacts including overshadowing and overlooking, bulk and scale; inconsistent with streetscape / built form character; roof form; excessive excavation; tree removal, traffic congestion and insufficient on-site parking; construction concerns including geo-technical stability; drainage; dust noise and truck movements. These have been discussed within the body of this report.

Following this assessment and having regard to the provisions of Section 4.15 of the *Environmental Planning & Assessment Act 1979*, the application is recommended for **refusal.**

RECOMMENDATION

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED) **THAT** the North Sydney Local Planning Panel, exercising the functions of Council as the consent authority, and **refuse** Development Application No. 281/21 for the demolition of the existing residential flat building and the construction of a new four storey residential flat building, parking, landscaping and associated works, for the following reasons:-

1. The proposed development fails to satisfy Clause 1.2(2) Aims in Part 1 of the NSLEP 2013

Particulars

- a) The application fails to allow for a bulk and scale which is compatible with the existing and desired future character of the area inconsistent with aim 2(b)(i);
- b) The application fails to ensure that new development does not adversely affect residential amenity in terms of solar access and view sharing, inconsistent with aim 2(c)(i); and
- c) The application fails to protect the natural, archaeological and built heritage of North Sydney and ensure that development does not adversely affect its significance, inconsistent with aim 2(f).

2. The proposed development does achieve the objectives of the R4 High Density Residential zone

Particulars

a) The proposed development fails to provide for a variety of housing types within the high density residential environment – dot point 2

- b) The proposed built form is inconsistent with the established and desired character of the Careering Cove Conservation Area dot point 4.
- c) The proposed development would not achieve a reasonably high level of residential amenity given that there are an insufficient proportion of apartments that received adequate solar access to their primary living spaces and outdoor spaces—dot point 5.
- d) The proposed development would not maintain a reasonably high level of residential amenity for surrounding properties given the unreasonable overshadowing and view loss dot point 5.
- 3. The application results in adverse impacts on the significance of the Careering Cove Conservation Area due to its failure to satisfy the heritage requirements of Clause 1.2 and Clause 5.10 of the North Sydney Local Environmental Plan 2013 as well as the heritage requirements of Section 13 the North Sydney Development Control Plan 2013.

Particulars:

North Sydney LEP 2013

- a) Clause 5.10(1) in Part 5 of the NSLEP 2013, specifically objective (a) to conserve the environmental heritage of North Sydney;
- b) Clause 5.10(1) in Part 5 of the NSLEP 2013, specifically objective (b) to conserve the heritage significance of the conservation areas, including associated fabric, settings and views;
- Clause 5.10(4) in Part 5 of the NSLEP 2013, specifically the adverse effect of the proposed development on the significance of the Careering Cove Conservation area;

North Sydney DCP 2013

- d) The proposed development is inconsistent with the objectives or the provisions of Section 13 Heritage and Conservation of the NSDCP 2013, particularly:-
 - Section 13.6.2 Form massing and scale, as the proposal does not compliment the character and significance of the Careering Cove Conservation Area. The four storey scale and curved roof form is unsympathetic to the character and significance of the area inconsistent with O1; O2; P1; P2 and P9;
 - ii. Section 13.6.3 Roofs, as the proposed curved roof form is uncharacteristic and inconsistent the predominant roof forms within the CA, inconsistent with O1 and P1.
 - iii. Section 13.6.6 Infill Development within Conservation areas, as the proposal fails to respond to the setting and character of significant buildings within the immediate vicinity and the CA, inconsistent with O1 and P1;
 - iv. Section 13.8 Demolition, as the application fails to retain buildings which reflect the significance of the character of the CA, failing to satisfy O1; P6(b). In particular, the proposed replacement building is not compatible with the characteristics of the immediate vicinity within the conservation area, which is a distinctive area of two storey, pitched roof inter-war residential flat buildings.

4. The proposed development does not comply with the design principles of State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development and amenity controls outlined in the Apartment Design Guide.

Particulars

- a) Failing to satisfy Principles 1 and 2 Context and Build Form and Scale:
 - i. The proposal is inconsistent with the predominant two storey built form character of the immediate streetscape as well as the Careering Cove Conservation Area, failing to satisfy Section 1B Context.
 - ii. The proposed scale does not support the existing and desired future character, failing to allow for an appropriate massing and spaces between buildings in accordance with Section 2F building separation.
- b) Failing to satisfy Principle 6 Amenity:
 - i. Three (3) of the ten apartments (30%) do not receive sufficient solar access which fails to comply with the design requirement in 4-A of the Apartment Design Guide.
 - ii. The proposal fails to allow for sufficient solar access to the private open spaces of apartment as required in Section 4E of the Apartment Design Guide.
 - iii. Bedrooms fronting High Street on the ground floor is partially below existing ground level with compromised amenity and the sunken courtyards receive limited solar access, inconsistent with Section 4L of the Apartment Design Guide.
- c) Failing to satisfy Principle 8 Housing diversity and social interaction:
 - i. Failing to provide for an apartment mix which caters for different household types inconsistent with Section 4K of the Apartment Design Guide.

5. Uncharacteristic form of development

The proposed four storey replacement residential flat building with curved roof form fails to allow for a complementary and respectful building form and scale. It is considered to overwhelm the surrounding context and is not considered characteristic or in keeping with the established character of the Careering Cove Conservation Area. The proposed development is contrary to the following provisions:

Particulars:

The proposed development is contrary to the following:-

- a) Aims of NSLEP 2013, specifically (2)(b)(i);
- b) Clause 5.10(4) Heritage Conservation of NSLEP 2013;
- c) Objective O1 and Provisions P1 in Part B, Section 1.4.1 Context in NSDCP 2013;
- d) Objective O1 in Part B, Section 1.4.7 Form, massing & scale in NSDCP 2013;
- e) Objective O1 and Provision P1 in Part B, Section 1.4.8 Built form character in NSDCP 2013;
- f) Objective O1 and Provisions P1 in Part B, Section 1.4.10 Roofs in NSDCP 2013; and
- g) Inconsistent with Section 8.3.6 Characteristic built elements in Part C of the NSDCP 2013.

6. The proposed development does not comply with the following provisions pursuant to the North Sydney DCP 2013.

Particulars:

The proposed development is contrary to the following:-

- a) Objective O1 and Provisions P1 in Part B, Section 1.2.1 Population Mix in NSDCP 2013;
- Objective O2 and Provisions P2 and P4 in Part B, Section 1.3.6 Views in NSDCP 2013;
- Objective O1 and Provisions P1 and P3 in Part B, Section 1.3.7 Solar access in NSDCP 2013;
- d) Objective O1 in Part B, Section 1.5.1 High Quality of Residential Accommodation in NSDCP 2013;
- e) Objective O1 and Provisions P1 in Part B, Section 1.5.6 Landscape Area in NSDCP 2013;
- f) Objective O2 and P6 in Part B, Section 1.5.8 Front Gardens in NSDCP 2013;

7. Not considered to be in the public interest or suitable for the subject site.

The proposed development is not considered suitable for the subject site nor in the public interest.

Particulars:

- a) The proposed development would set an undesirable precedent for the Careering Cove Conservation Area and is considered to be unsuitable for the subject site contrary to Section 4.15(c) of the Environmental Planning and Assessment Act 1979 (as amended)
- b) The application raising particular concern about heritage impacts, view sharing, amenity impacts including overshadowing and overlooking, bulk and scale; inconsistent with streetscape / built form character; roof form; excessive excavation; tree removal, traffic congestion and insufficient on-site parking; construction concerns including geo-technical stability; drainage; dust noise and truck movements.
- c) The proposal is not considered to be in the public interest contrary to Section 4.15(e) of the Environmental Planning and Assessment Act 1979 (as amended).

Annelize Kaalsen INDEPENDENT ASSESSMENT

Michael Stephens A/TEAM LEADER ASSESSMENTS

Note by Manager Development Services

This report has been reviewed for content, quality and completeness and is considered to be of appropriate standard for the consideration of the Sydney North Planning Panel. No material alteration has been made to the original drafting of the report and it may be considered an independent assessment of this Development Application.

Stephen Beattie
MANAGER DEVELOPMENT SERVICES

11980

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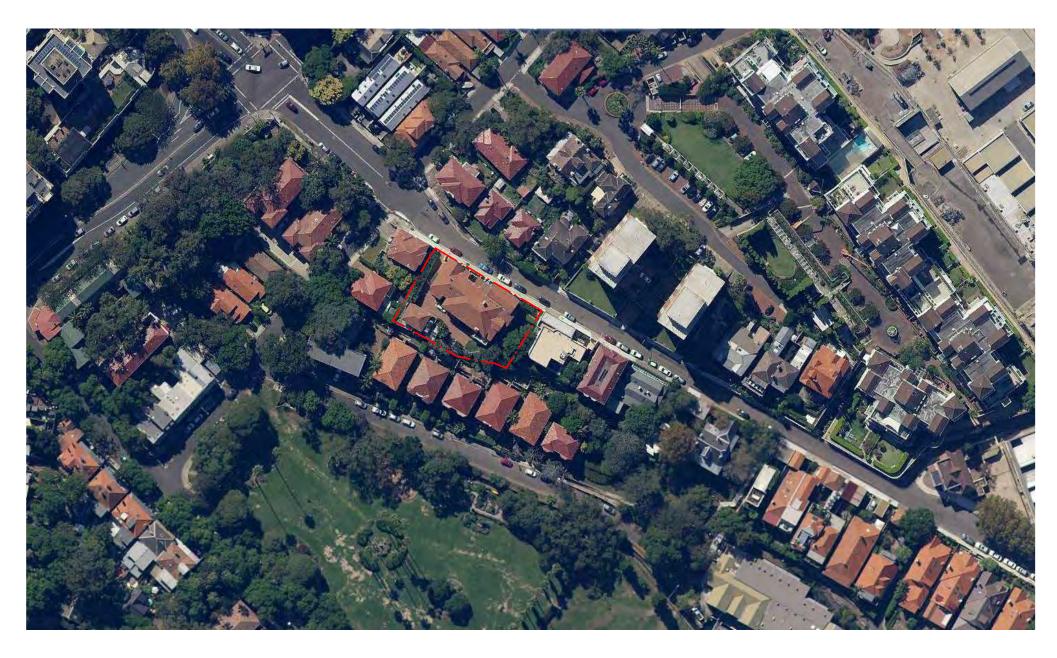
Further details can be obtained by calling (02) 9936 8100 or e-mail

mapping@northsydney.nsw.gov.au.

DEVELOPMENT APPLICATION

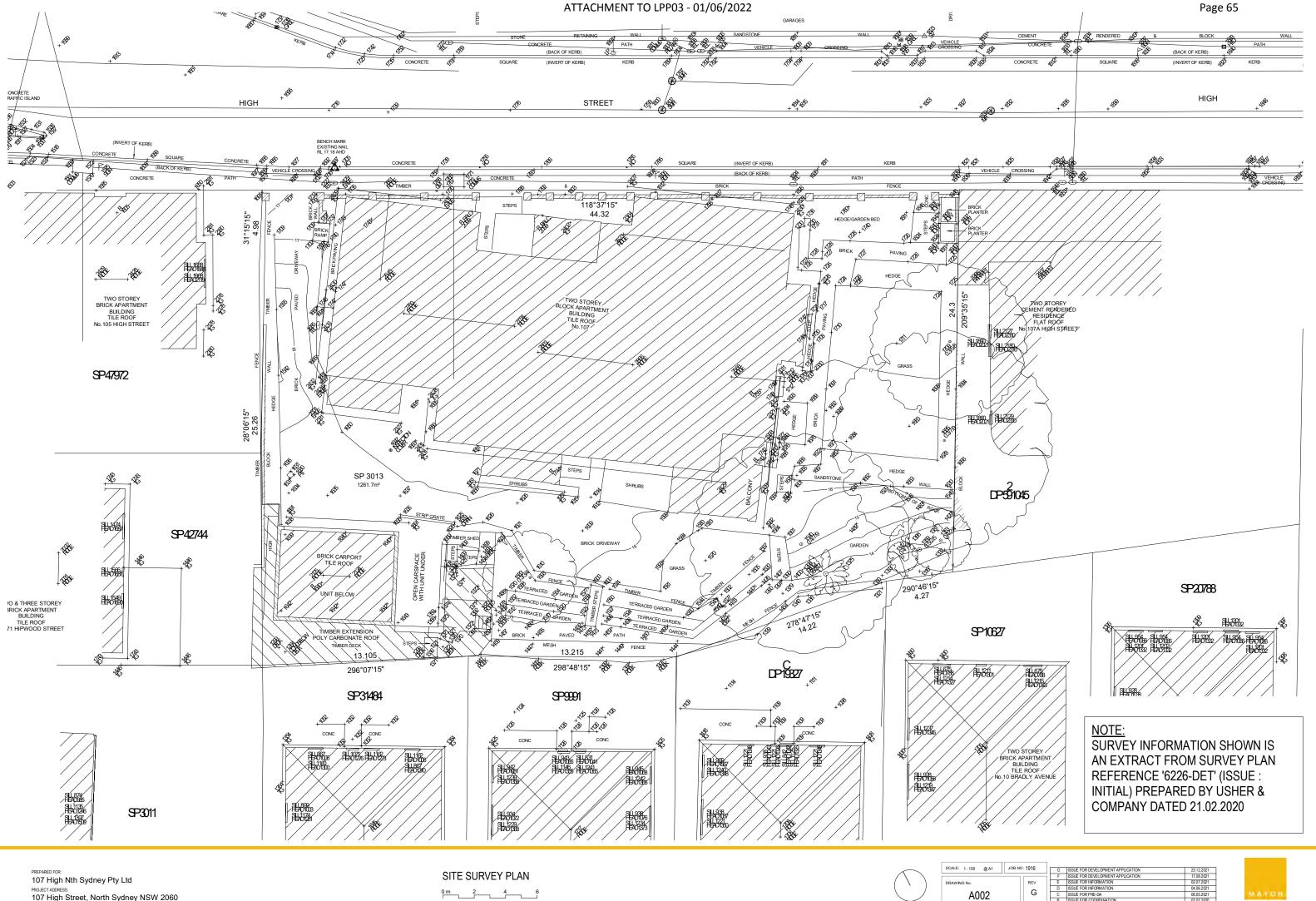
107 HIGH STREET, NORTH SYDNEY

A001	COVER SHEET
	SITE SURVEY PLAN
	SITE ANALYSIS PLAN & SITE PHOTOS
	EXISTING CONTEXT ANALYSIS PLAN
	DEMOLITION PLAN
	PROPOSED SITE PLAN
	BASEMENT 2 PLAN
	BASEMENT 1 PLAN
	GROUND FLOOR PLAN
	LEVEL 1 PLAN
A105	LEVEL 2 PLAN
A106	LEVEL 3 (PENTHOUSE) PLAN
	ROOF PLAN
A150	ELEVATIONS - NORTH AND SOUTH
A151	ELEVATION - WEST
A152	ELEVATION - EAST
A153	ELEVATION - HIGH ST
A160	SECTIONS (SHEET 1)
A161	SECTIONS (SHEET 2)
A162	SECTIONS (SHEET 3)
A400	ADAPTABLE UNITS
A600	EXTERIOR FINISHES DRAWING
A800	SHADOW DIAGRAMS - 21 SEPTEMBER (EQUINOX) - PLAN VIEW
A801	SHADOW DIAGRAMS - 21 SEPTEMBER (EQUINOX) - SOLAR EYE VIEW
A802	SHADOW DIAGRAMS - 21 JUNE (MID-WINTER) - PLAN VIEW
A803	SHADOW DIAGRAMS - 21 JUNE (MID-WINTER) - SOLAR EYE VIEW
A804	SHADOW DIAGRAMS - 21 JUNE (MID-WINTER) - ELEVATION VIEW
A805	SHADOW DIAGRAMS - 21 JUNE (MID-WINTER) - ELEVATION VIEW (CONT.)
A806	SHADOW DIAGRAMS - 21 JUNE (MID-WINTER) - DCP SETBACK ANALYSIS
A900	SITE PLANNING CALCULATIONS
A901	LEP HEIGHT AND DCP SETBACK COMPLIANCE
	SOLAR ACCESS DIAGRAMS
A903	CROSS-VENTILATION DIAGRAMS



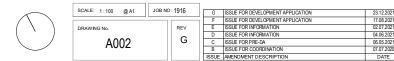




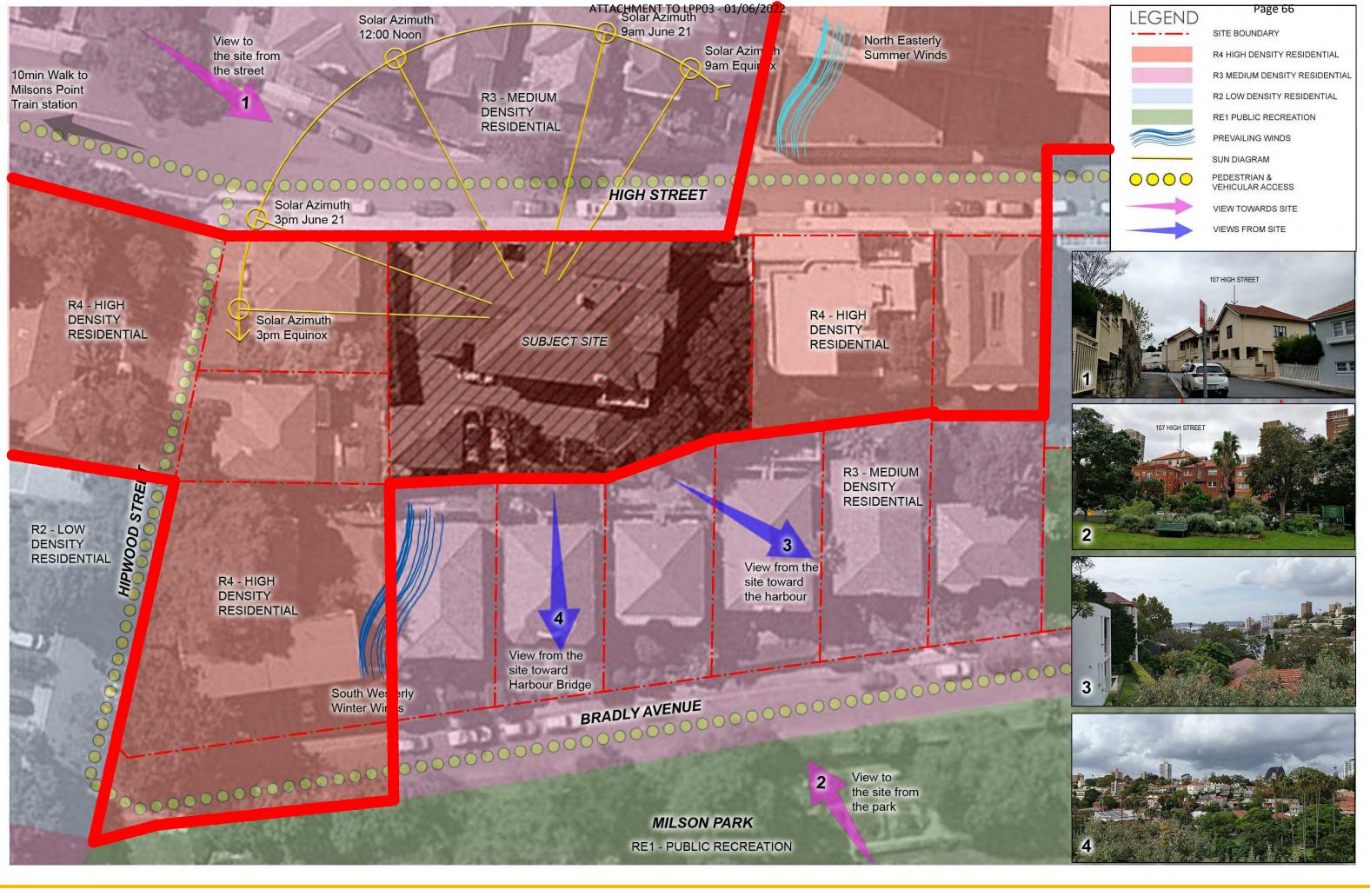


107 High Street, North Sydney NSW 2060





















LEGEND: PLAN

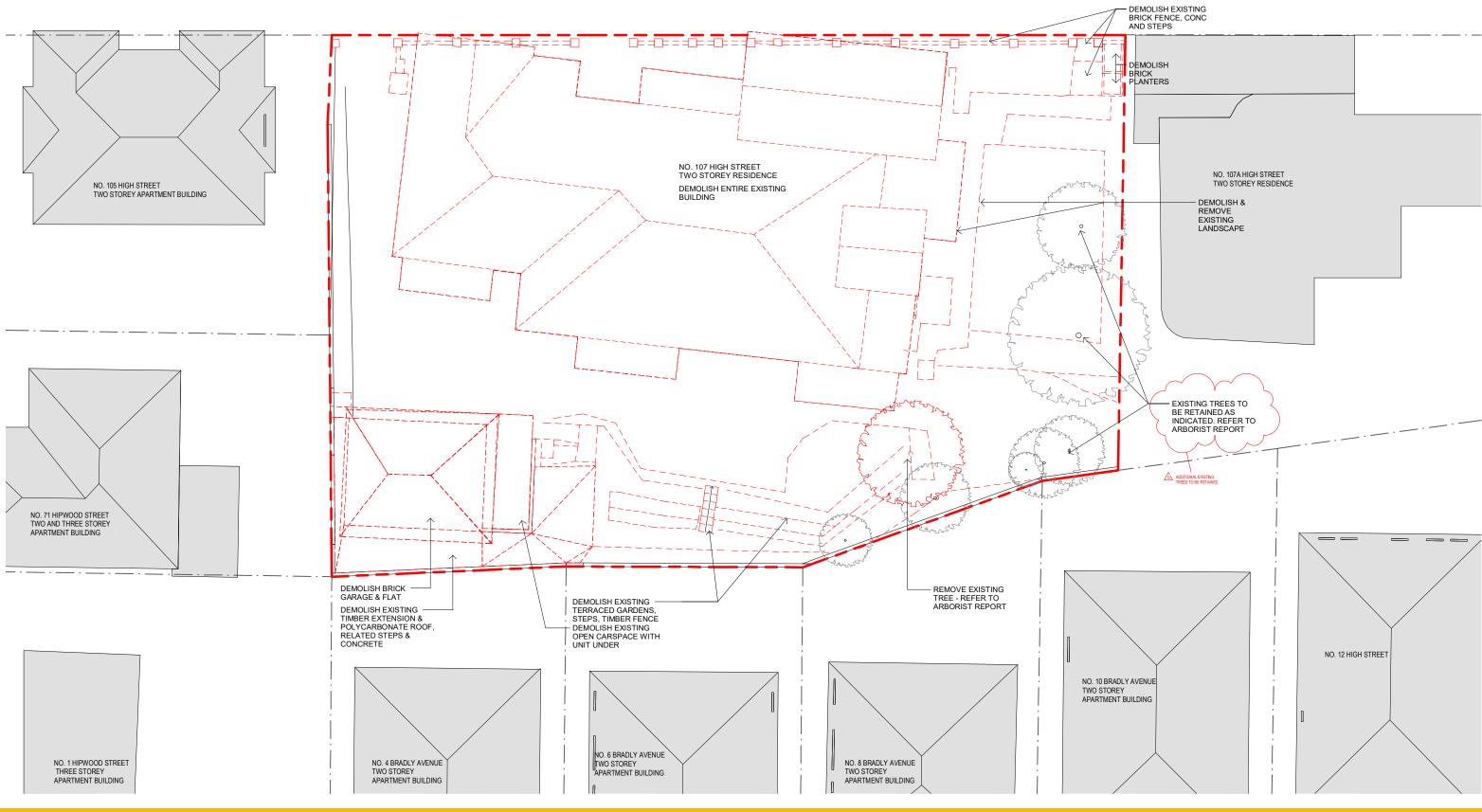


EXISTING TREE TO BE RETAINED

EXISTING TREE TO BE REMOVED

===== EXISTING ITEM TO BE DEMOLISHED



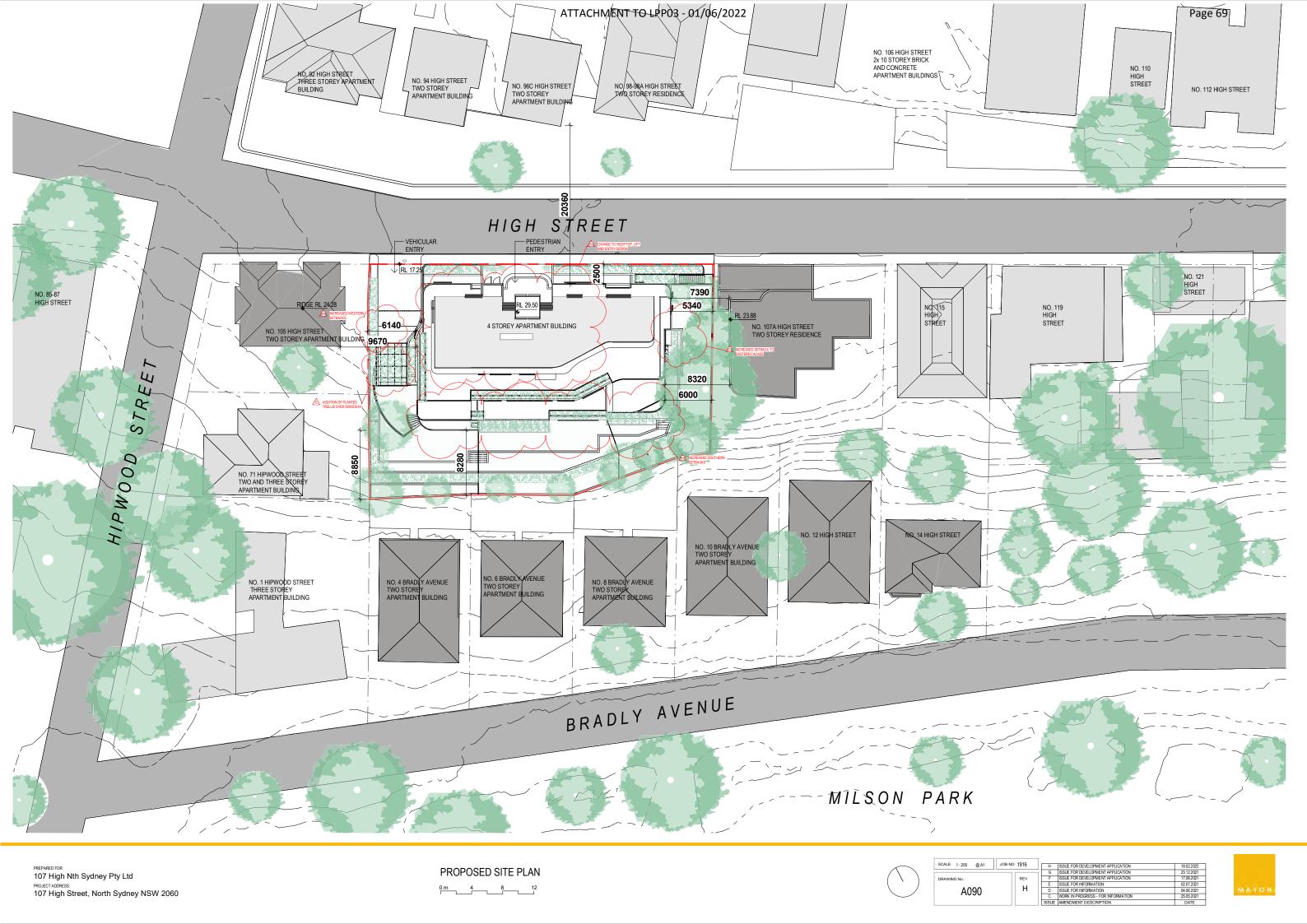


PREPARED FOR: 107 High Nth Sydney Pty Ltd PROJECTADRESS: 107 High Street, North Sydney NSW 2060 DEMOLITION PLAN



ALE: As indicated @ A1	JOB NO: 1916	G	ISSUE FOR DEVELOPMENT APPLICATION	18.02
			ISSUE FOR DEVELOPMENT APPLICATION	23.12
AWING No.	REV	E	ISSUE FOR DEVELOPMENT APPLICATION	17.08
		D	ISSUE FOR INFORMATION	02.07
A010	G	С	ISSUE FOR INFORMATION	04.06
71010		В	ISSUE FOR PRE-DA	06.05
		ISSUE	AMENDMENT DESCRIPTION	DA



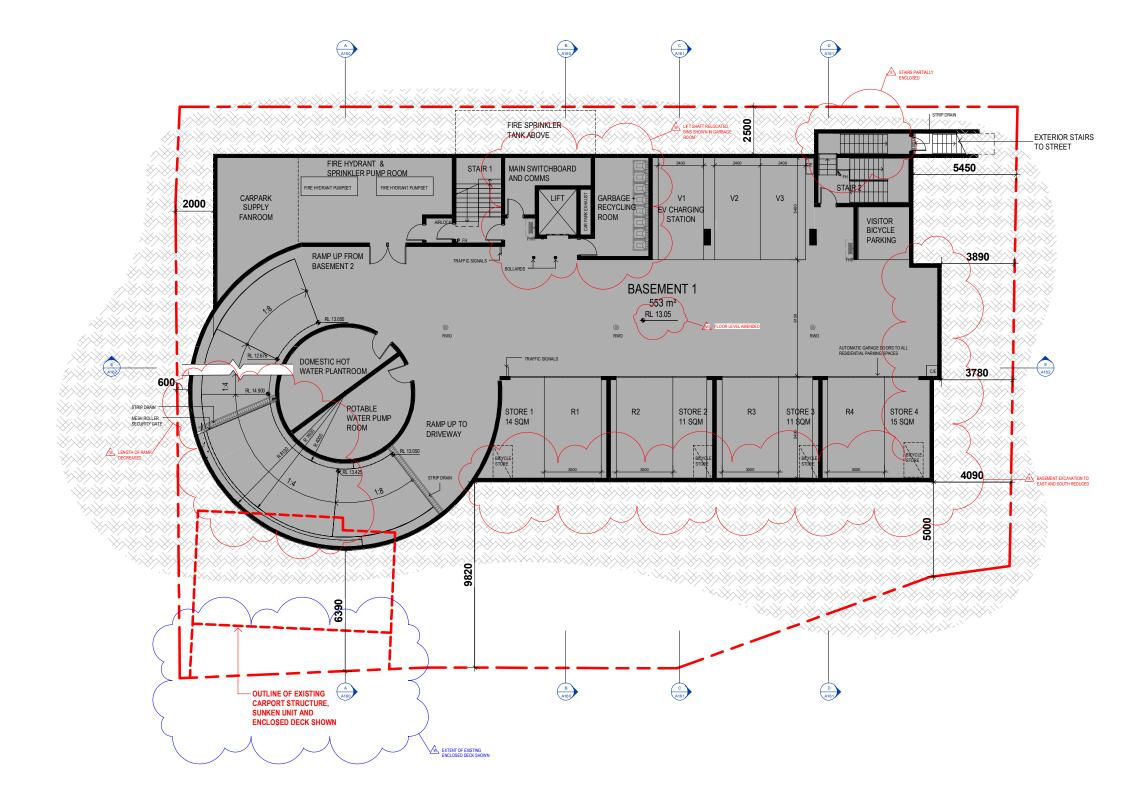












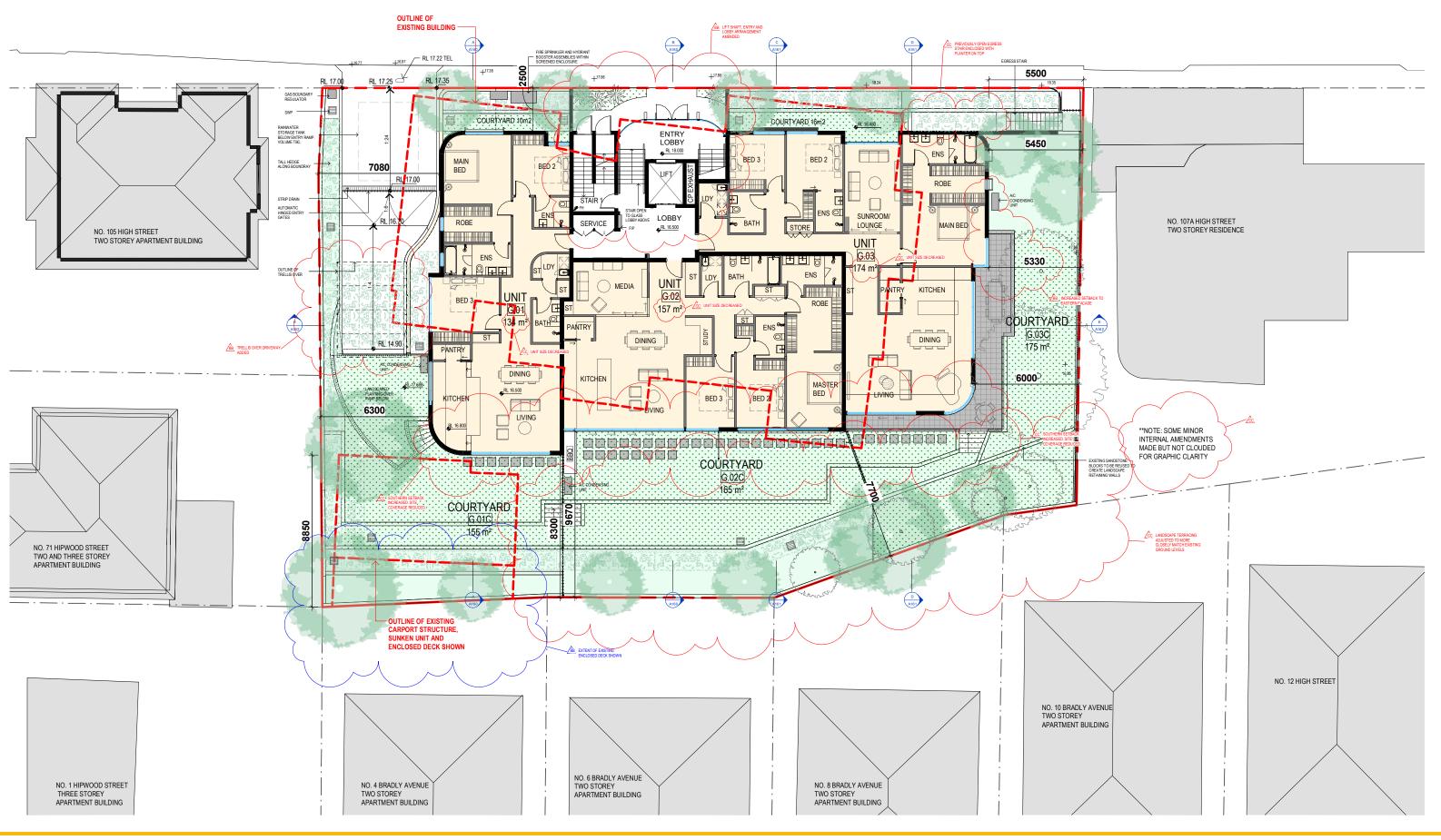






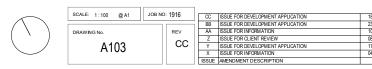


HIGH STREET



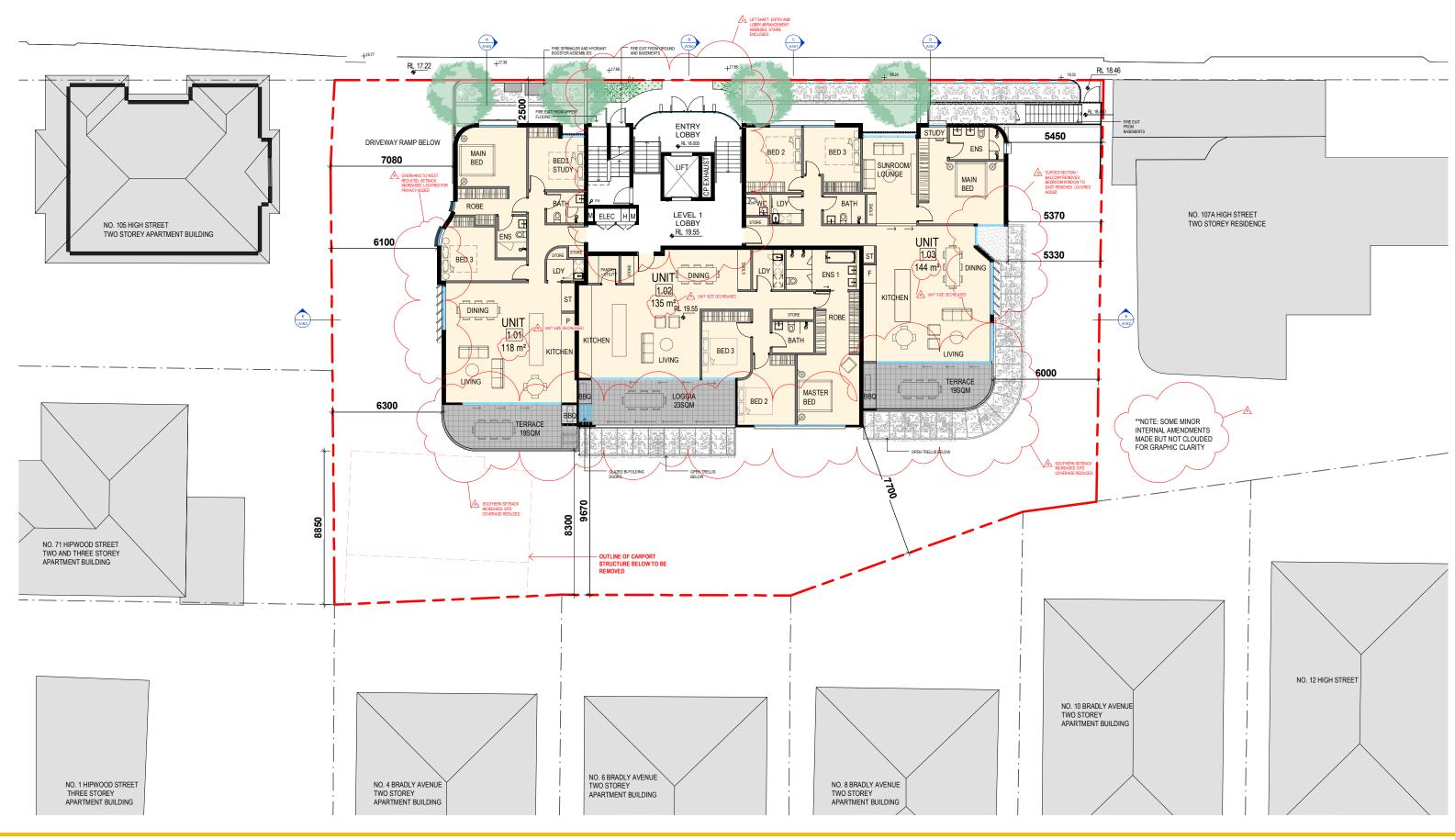
PREPARED FOR: 107 High Nth Sydney Pty Ltd PROJECT ADDRESS: 107 High Street, North Sydney NSW 2060







HIGH STREET



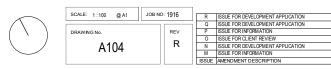
PREPARED FOR:

107 High Nth Sydney Pty Ltd

PROJECT ADDRESS:

107 High Street, North Sydney NSW 2060









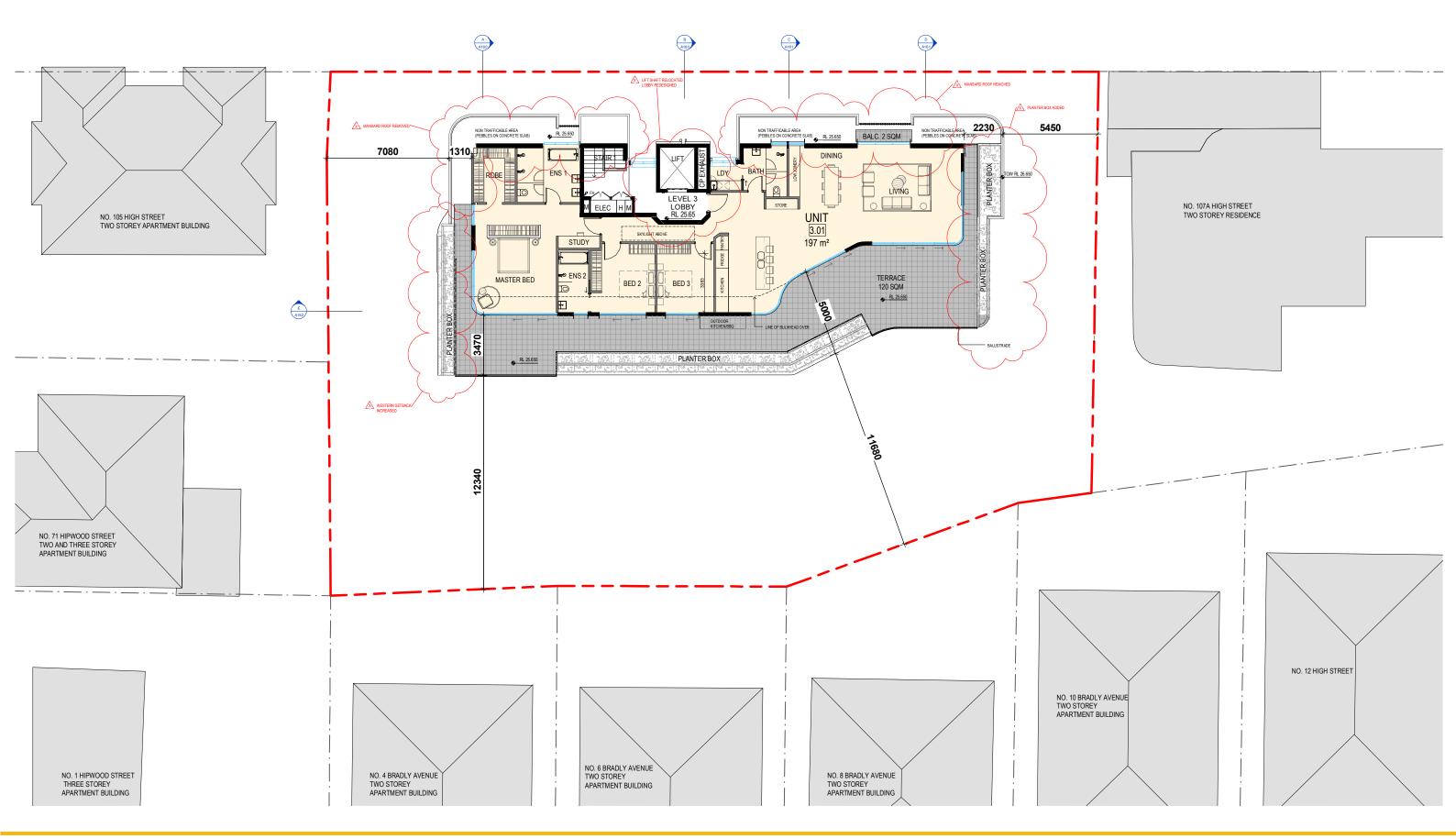
PREPARED FOR: 107 High Nth Sydney Pty Ltd PROJECT ADDRESS: 107 High Street, North Sydney NSW 2060 LEVEL 2 PLAN



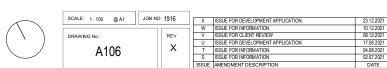
SCALE: 1:100 @ A1	JOB NO: 1916	Z	ISSUE FOR DEVELOPMENT APPLICATION	18.02.2022
		Y	ISSUE FOR DEVELOPMENT APPLICATION	23.12.2021
DRAWING No.	REV	Х	ISSUE FOR INFORMATION	10.12.2021
		W	ISSUE FOR CLIENT REVIEW	08.12.2021
A105		V	ISSUE FOR DEVELOPMENT APPLICATION	17.08.2021
71100		U	ISSUE FOR INFORMATION	04.08.2021
		ISSUE	AMENDMENT DESCRIPTION	DATE



HIGH STREET

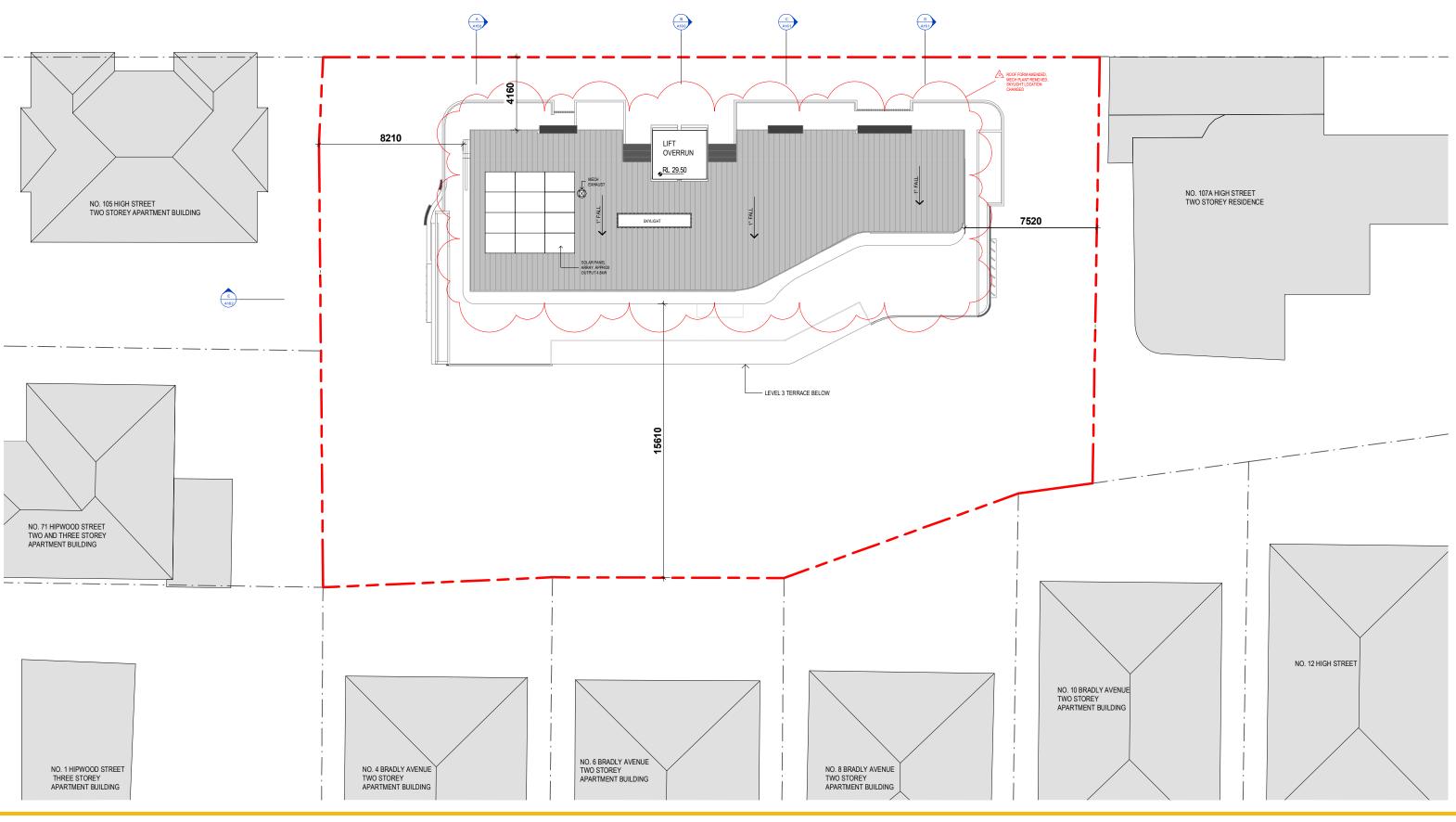


LEVEL 3 (PENTHOUSE) PLAN

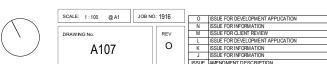




HIGH STREET



PREPARED FOR: 107 High Nth Sydney Pty Ltd PROJECT ADDRESS: 107 High Street, North Sydney NSW 2060 ROOF PLAN





Page 77

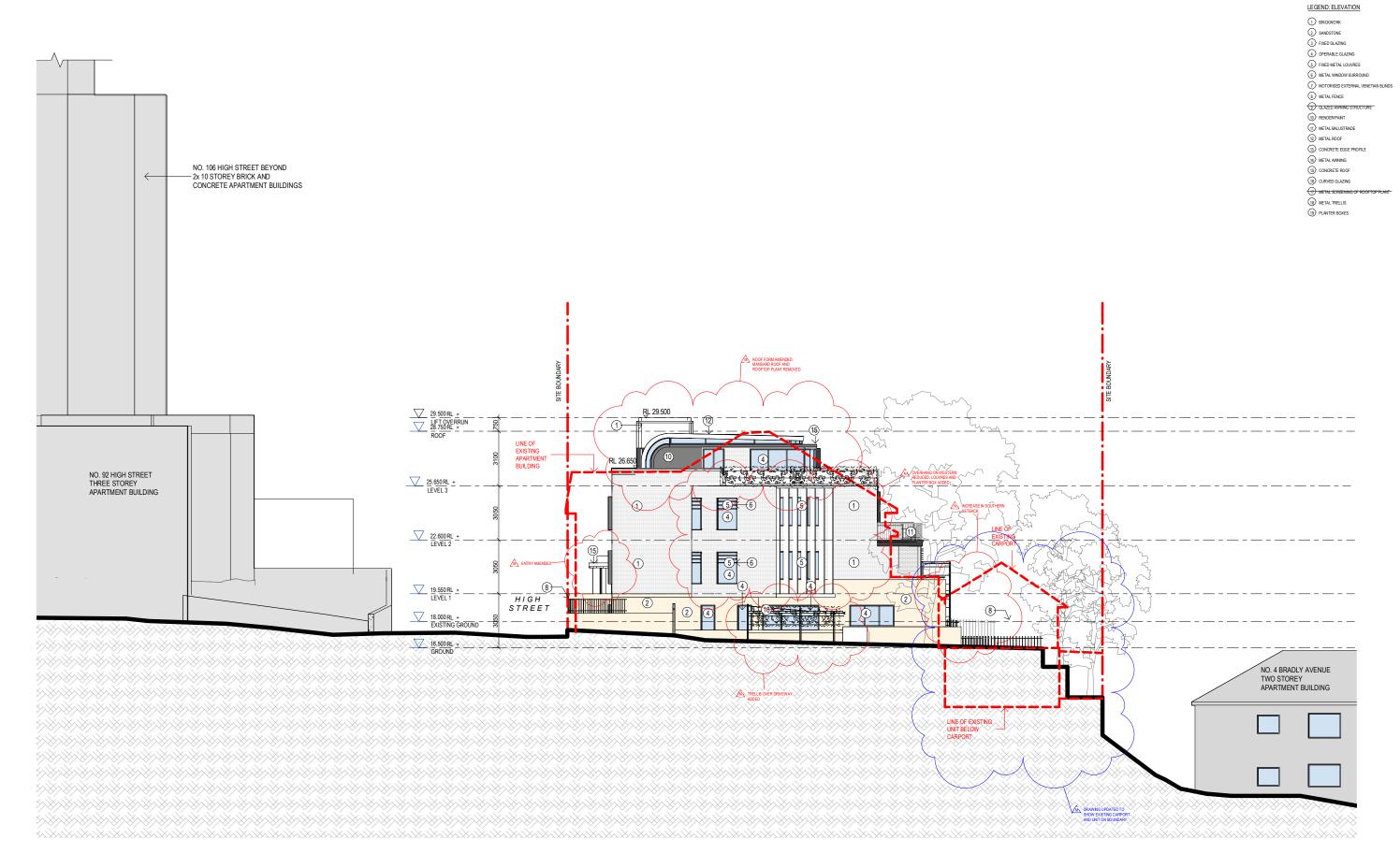
LEGEND: ELEVATION

- 1 BRICKWORK 2 SANDSTONE
- 3 FIXED GLAZING
- OPERABLE GLAZING
- 5) FIXED METAL LOUVRES
- 6 METAL WINDOW SURROUN (7) MOTORISED EXTERNAL VENETIAN BLINDS
- 8 METAL FENCE
- 11) METAL BALUSTRADE
- 12 METAL ROOF
- (13) CONCRETE EDGE PI
- (15) CONCRETE ROOF
- (16) CURVED GLAZING
- 18) METAL TRELLIS
- 19 PLANTER BOXES



NORTH ELEVATION







ELEVATION - WEST

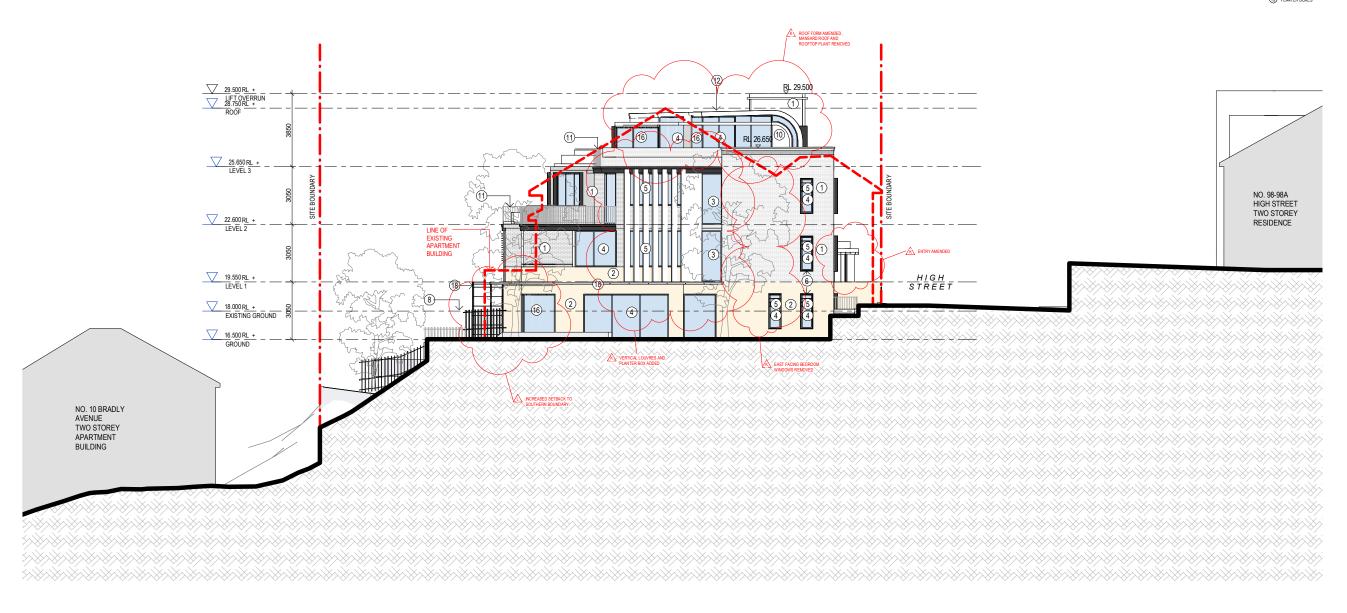
SCALE: 1:100 @ A1	JOB NO: 1916	N	ISSUE FOR DEVELOPMENT APPLICATION	18.02.2022
		M	ISSUE FOR DEVELOPMENT APPLICATION	23.12.2021
DRAWING No.	REV	L	ISSUE FOR INFORMATION	10.12.2021
	l N	K	ISSUE FOR CLIENT REVIEW	08.12.2021
A151	N	J	ISSUE FOR DEVELOPMENT APPLICATION	17.08.2021
/(101			ISSUE FOR INFORMATION	02.07.2021
		ISSUE	AMENDMENT DESCRIPTION	DATE



LEGEND: ELEVATION

- BRICKWORK
 SANDSTONE
 FIXED GLAZING
- OPERABLE GLAZING
- 5 FIXED METAL LOUVRES
- 6 METAL WINDOW SURROUNI
- 7) MOTORISED EXTERNAL VENETIAN BLINDS
- 8 METAL FENCE
- 9 GLAZED AWNING S
- (11) METAL BALUSTRADE 12 METAL ROOF

- (15) CONCRETE ROOF
- (16) CURVED GLAZING
- (19) PLANTER BOXES





ELEVATION - EAST

SCALE: 1:100 @ A1	JOB NO	: 1916	Г	ISSUE FOR DEVELOPMENT APPLICATION	18.02.2022
	$\overline{}$		K	ISSUE FOR DEVELOPMENT APPLICATION	23.12.2021
DRAWING No.		REV	J	ISSUE FOR INFORMATION	10.12.2021
			1	ISSUE FOR CLIENT REVIEW	08.12.2021
A152		L	Н	ISSUE FOR DEVELOPMENT APPLICATION	17.08.2021
71102			G	ISSUE FOR INFORMATION	02.07.2021
			ISSUE	AMENDMENT DESCRIPTION	DATE

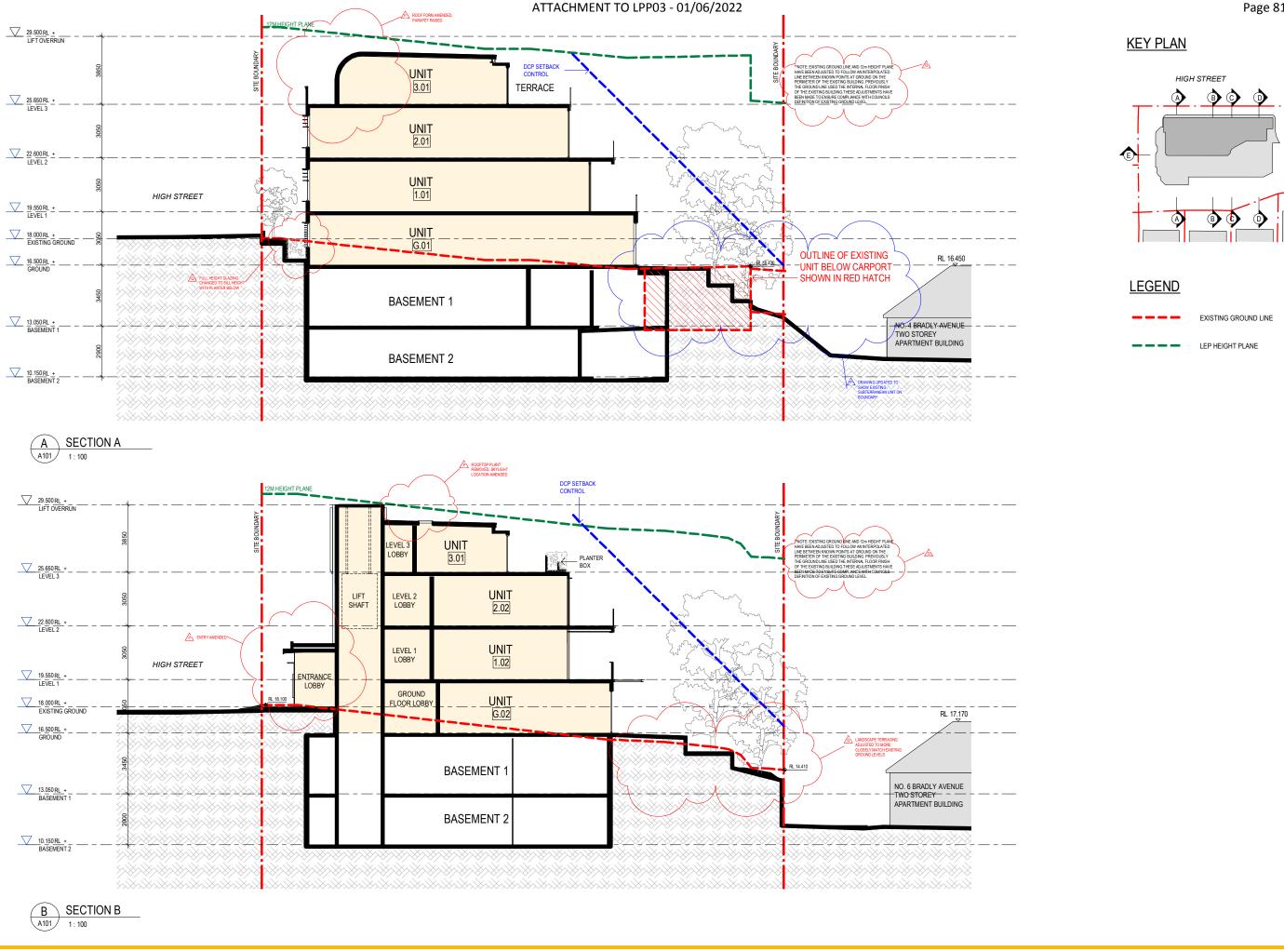




1 STREETSCAPE - HIGH STREET

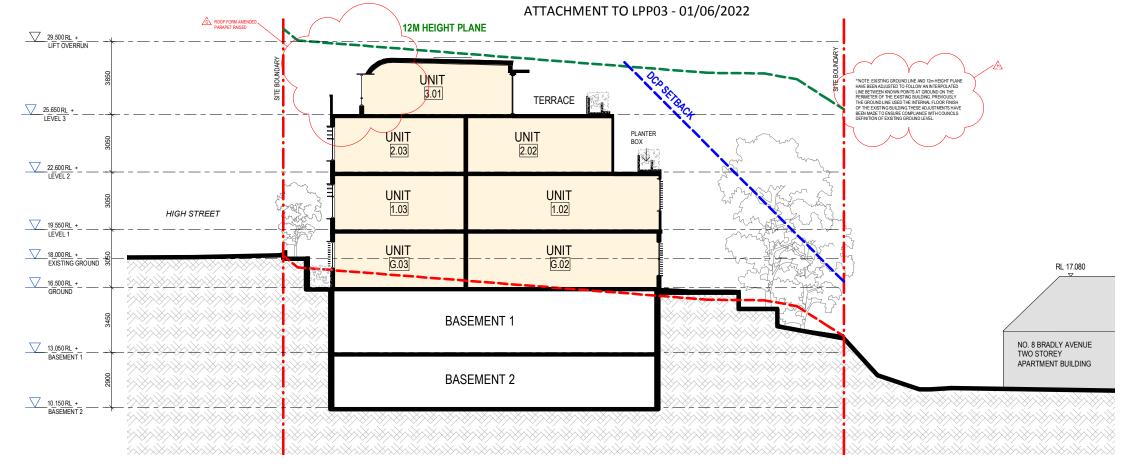
ELEVATION - HIGH ST





SCALE: As indicated @ A1

A160



HIGH STREET

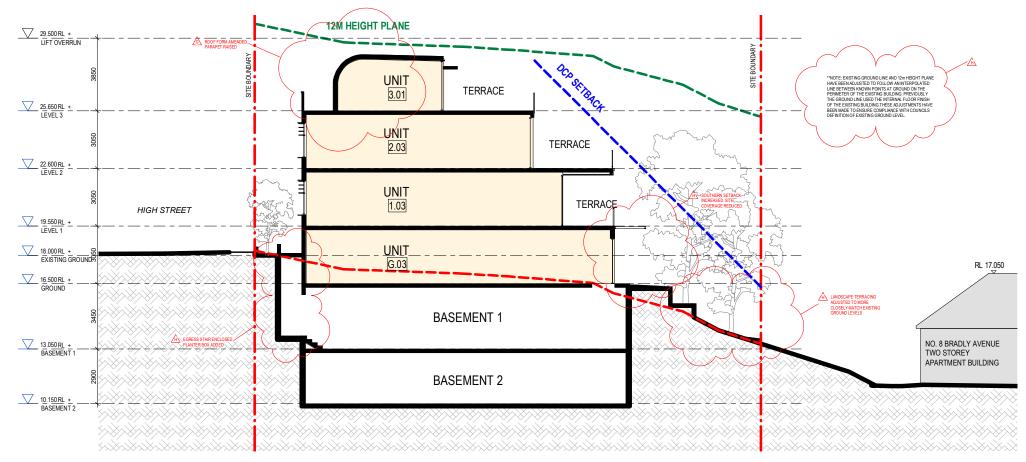
KEY PLAN

<u>LEGEND</u>

EXISTING GROUND LINE

LEP HEIGHT PLANE

C SECTION C
A101 1:100



D SECTION D
1:100

SECTIONS (SHEET 2)



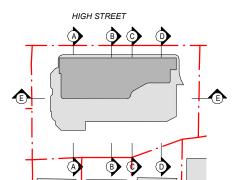


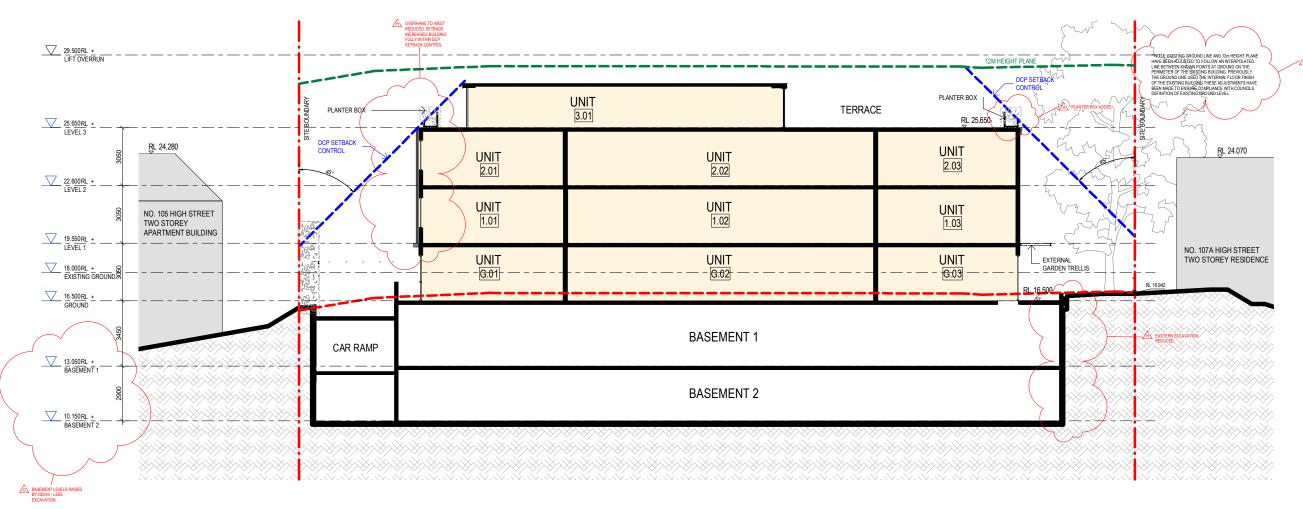
KEY PLAN

EXISTING GROUND LINE

LEP HEIGHT PLANE

LEGEND

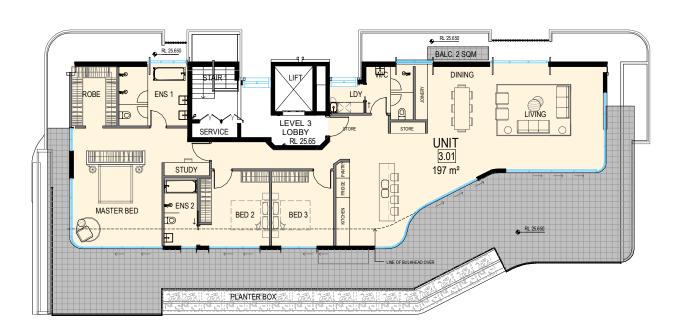




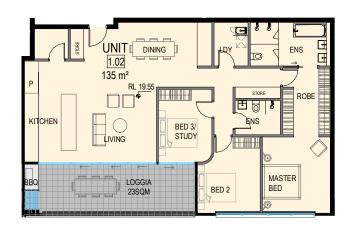
E SECTION E
1:100

SCALE: As indicated @ A1 JOB N	io: 1916	П	ISSUE FOR DEVELOPMENT APPLICATION	18	3.02
		G	ISSUE FOR DEVELOPMENT APPLICATION	23	3.12.
DRAWING No.	REV	F	ISSUE FOR INFORMATION	10	0.12.
		E	ISSUE FOR CLIENT REVIEW	08	3.12.
A162	H	D	ISSUE FOR DEVELOPMENT APPLICATION	17	7.08.
71102		С	ISSUE FOR INFORMATION	02	2.07.
	11	ICCLI	AMENDMENT DESCRIPTION		D 43





1 LEVEL 3 UNIT 3.01- PRE-ADAPTION 1:100



3 LEVEL 1 UNIT 1.02- PRE-ADAPTION 1:100





- INTERNAL WALLS TO BE NON-STRUCTURAL WHERE POST-ADAPTATION CHANGES REQUIRE POSITIONAL ADJUSTMENTS.







SOUTH EAST VIEW



BRICKWORK

RED/BROWN COLOUR FOR ALL FACADES



11. STEEL BALUSTRADE
- VERTICAL MEMBER SPACING <125mm



NORTH WEST VIEW

2. SANDSTONE CLADDING

- DIAMOND SAWN WALL CLADDING

- STANLESS STEEL HIDDEN MECHANICAL FIXING
- CORNER STONES ON CURVE TO RADIUS



12. METAL ROOF CLADDING
-WALL/ROOF CLADDING
-NATURAL ZINC (MATTE) OR EQUIVALENT



FIXED GLAZING
 ALUMINUM FRAMED FIXED GLAZING
 EQUIVALENT TO CAPRAL 400 NARROWLINE
 POWDERGOATED COLOUR MONUMENTY



13. BALCONY PLANTER BOXES



OPERABLE WINDOWS
 -ALUMINIUM FRAMED AWNING AND DOUBLE HUNG WINDOWS
 -EQUIVALENT TO CAPARAL 4000 NARROWINE
 POWDEROCAL TEN COLUMN LINE WAS AND THE POWDER OF THE POWN MEASURE.



14. STEEL TRELLIS



5. FIXED ALUMINIUM LOUVRES
-CONTINUOUS EXTRUDED ALUMINIUM LOUVRES



16. CURVED SILICON JOINTED GLAZING



6/7. MOTORISED LOUVRES IN STEEL BOX FRAME
-TYPICALTO ALL WINDOWS ON ALL FACADES



17. REUSED SANDSTONE RETAINING WALLS
-EXISTING SANDSTONE RECOVERED FROM SITE TO BE RETAINED AND REPURPOSED FOR LANDSCAPE RETAINING WALLS



FLAT BAR STEEL FENCING
 CUSTOM STEEL FENCING



18. FOLDING GLAZED DOORS

-ALIMINIUM FRAMED GLAZED BI-FOLD DOORS
-EQUIVALENT TO CAPRAL ARTISAN FOLDING DOOR



- CUSTOM STEEL AND GLASS AWNING
- HUNG FROM STAINLESS STEEL RODS
- POWDERCOATED MONUMENT



19. SLIDING GLAZED DOORS

-ALUMINIUM FRAMED GLAZED SLIDING DOORS
-EQUIVALENT TO CAPRAL 900 HIGH PERFORMANCE SLIDING DOORS



10. RENDER / PAINT



20. TIMBER SOFFIT LINING

- TIMBER OR TIMBER-LOCK
- EQUIVALENT TO PRODEMA - PRODEX
- COLOUR 'RUSTIK'

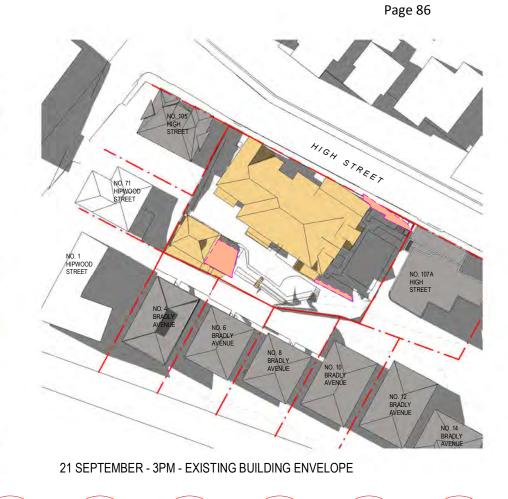




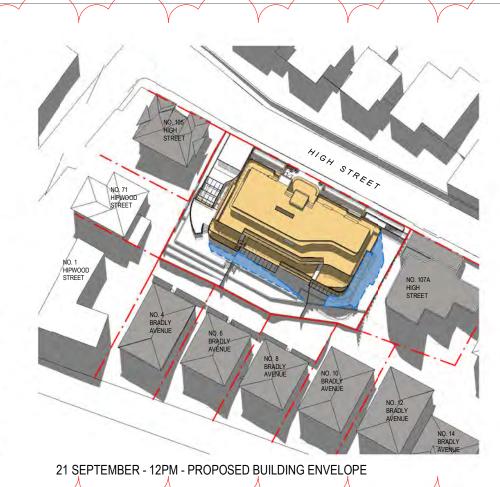


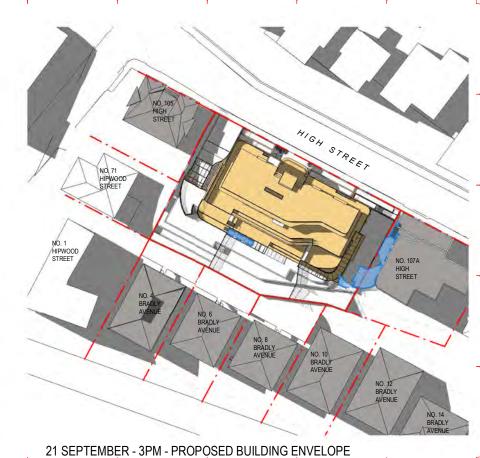


21 SEPTEMBER - 12PM - EXISTING BUILDING ENVELOPE



NO. 10
NO

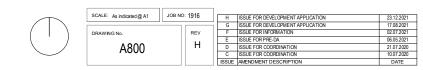






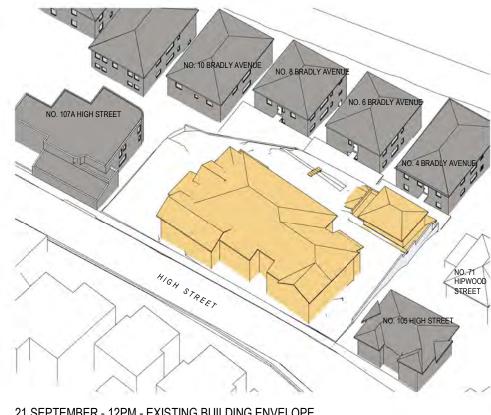








NO. 10 BRADLY AVENUE NO. 10 BRADLY AVENUE NO. 10 BRADLY AVENUE NO. 10 TREET NO. 10

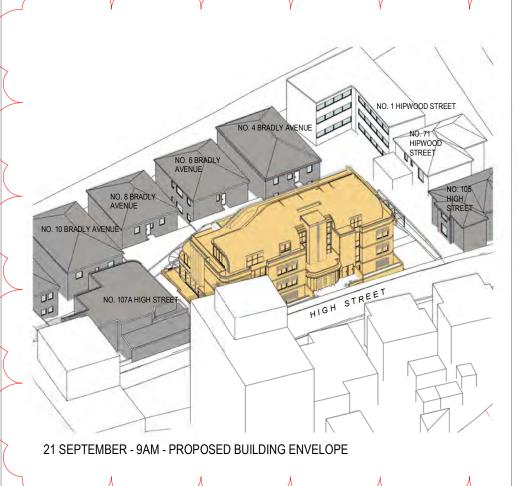


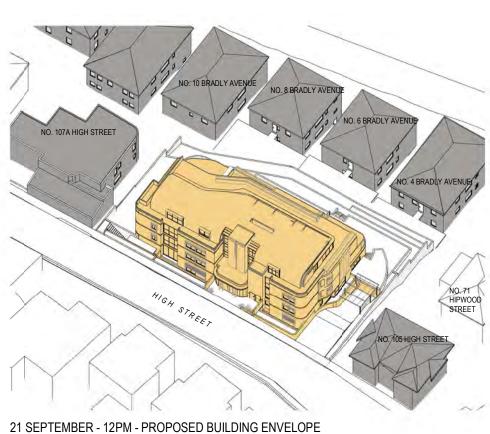
ATTACHMENT TO LPP03 - 01/06/2022



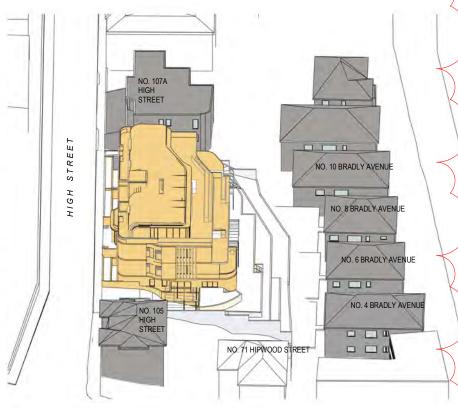
Page 87

21 SEPTEMBER - 12PM - EXISTING BUILDING ENVELOPE 21 SEPTEMBER - 3PM - EXISTING BUILDING ENVELOPE





SHADOW DIAGRAMS - 21 SEPTEMBER (EQUINOX) - SOLAR EYE VIEW



21 SEPTEMBER - 3PM - PROPOSED BUILDING ENVELOPE



SCALE: 1:1 @ A1	JOB NO: 1916		DISSUE FOR DEVELOPMENT APPLICATION	23.12.2021
	1010	G	ISSUE FOR DEVELOPMENT APPLICATION	17 08 2021
	REV	-	ISSUE FOR DEVELOPMENT APPLICATION	02.07.2021
DRAWING No.	KEV	D	ISSUE FOR PRE-DA	06.05.2021
A801	G	C	ISSUE FOR COORDINATION	21.07.2020
HOU I		B	ISSUE FOR COORDINATION	07.07.2020
		ISSUE	AMENDMENT DESCRIPTION	DATE

PREPARED FOR: 107 High Nth Sydney Pty Ltd PROJECT ADDRESS: 107 High Street, North Sydney NSW 2060



NO. 1071
HIPWOOD
STREET

NO. 6
BRADLY
AVENUE

NO. 6
BRADLY
AVENUE

NO. 10
BRADLY
BR



21 JUNE - 9AM - EXISTING BUILDING ENVELOPE

21 JUNE - 3PM - EXISTING BUILDING ENVELOPE



NO. 1
HIPWOOD
STREET

NO. 4
BRADLY
AVENUE

NO. 6
BRADLY
AVENUE



21 JUNE - 9AM - PROPOSED BUILDING ENVELOPE

21 JUNE - 12PM - PROPOSED BUILDING ENVELOPE

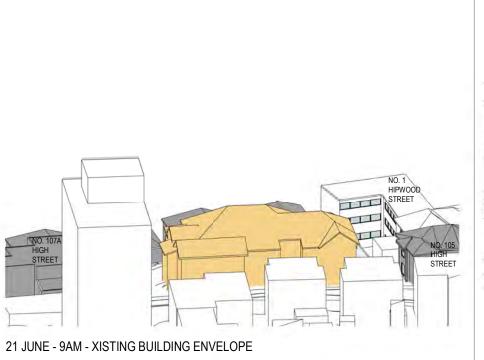
21 JUNE - 3PM - PROPOSED BUILDING ENVELOPE

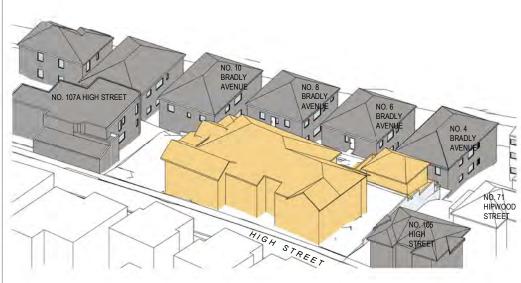












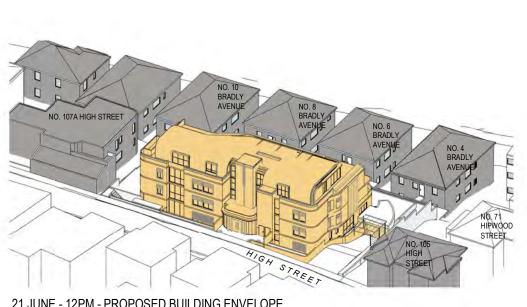
ATTACHMENT TO LPP03 - 01/06/2022

NO. 107A HIGH STREET NO. 8 BRADLY AVENUE NO, 6 BRADLY AVENUE NO. 1 NO. 105 HIGH STREET HIPWOOD STREET 21 JUNE - 3PM - EXISTING BUILDING ENVELOPE

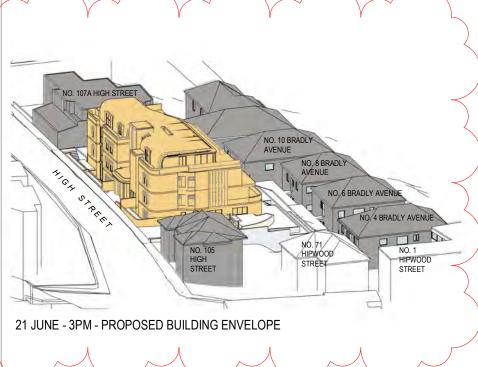
Page 89

21 JUNE - 12PM - EXISTING BUILDING ENVELOPE





21 JUNE - 12PM - PROPOSED BUILDING ENVELOPE



G A803





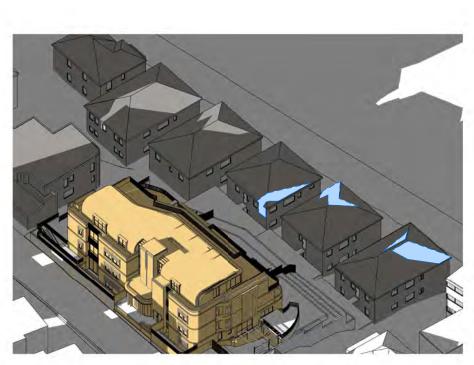


ATTACHMENT TO LPP03 - 01/06/2022

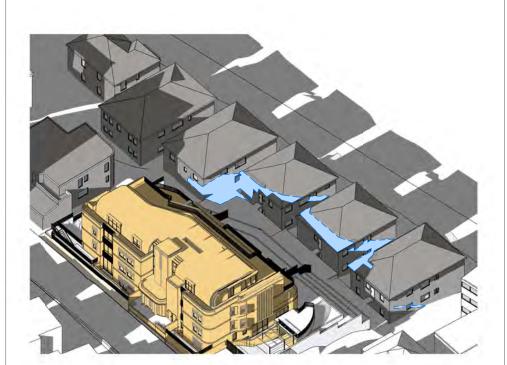
Page 90

EXISTING ELEVATION SHADOWS - 21 June 10.30AM

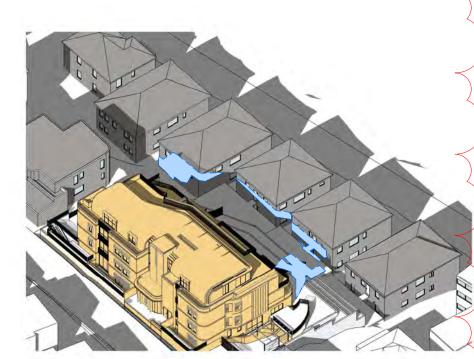
EXISTING ELEVATION SHADOWS - 21 June 12PM



PROPOSED ELEVATION SHADOWS - 21 June 9AM

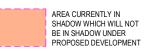


PROPOSED ELEVATION SHADOWS - 21 June 10.30AM



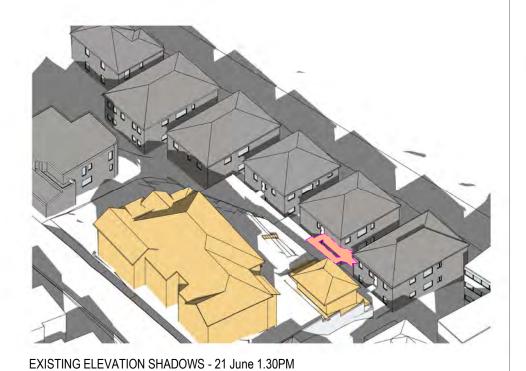
PROPOSED ELEVATION SHADOWS - 21 June 12PM

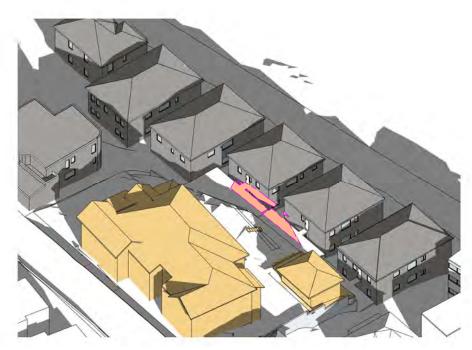
EXTENT OF SHADOW
PROPOSED IN
ADDITION TO
EXISTING SHADOW



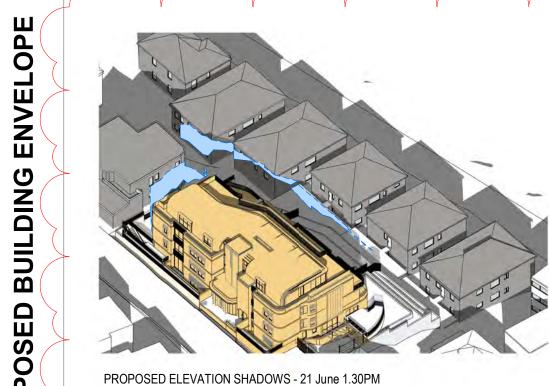


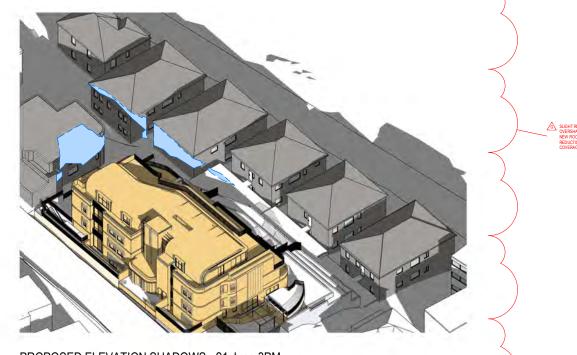






EXISTING ELEVATION SHADOWS - 21 June 3PM





PROPOSED ELEVATION SHADOWS - 21 June 3PM

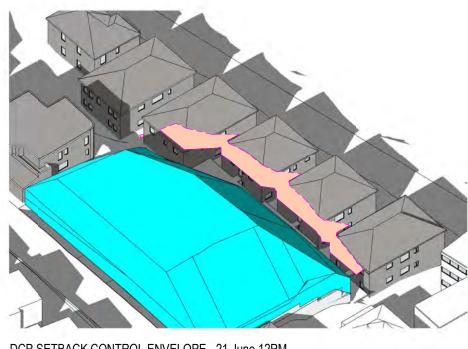
EXTENT OF SHADOW PROPOSED IN ADDITION TO EXISTING SHADOW

AREA CURRENTLY IN SHADOW WHICH WILL NOT BE IN SHADOW UNDER PROPOSED DEVELOPMENT

G A805







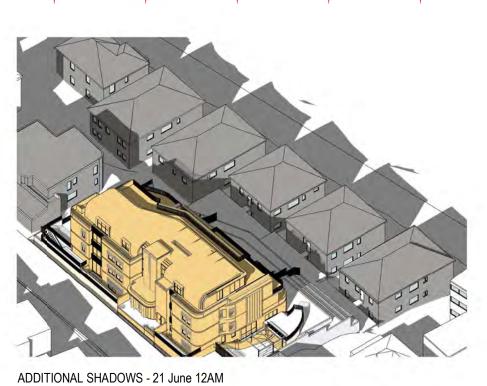
ATTACHMENT TO LPP03 - 01/06/2022

Page 92

DCP SETBACK CONTROL ENVELOPE - 21 June 12PM

DCP SETBACK CONTROL ENVELOPE - 21 June 3PM







ADDITIONAL SHADOWS - 21 June 3PM







GENERAL AREAS	Area in m ²	Colour Legend
Site Area	1262	—·—
Built Area / Site Coverage	568	
Un-Built upon Area	187	
Landscape Area	507	

	\sim			
KEY LEP AND DCP CONTROLS	NUMERIC CONTROL	PROPOSED PLAN	NOTES	
LEP Zoning	R4 - High Density Residential			
LEP Building Height	12 M	-	Complies Refer to DWG A.901	
LEP Heritage	Conservation Area - General		Status : Neutral *	
DCP Site Coverage	Max. 45%	45%	Complies	
DCP Setbacks	1.5m and must not exceed height plane commencing at 3.5m above existing ground level from side boundaries and projected internally at 45°		Minor ner compliance Refer to drawing A901	
DCP Un-Built upon area	Max. 15%	15%	Complies	
DCP Landscape Area	Min. 40%	40%	Complies	

KEY SEPP 65 CONTROLS	NUMERIC CONTROL	PROPOSED PLAN	NOTES
Solar Access - 2 hrs, 21June	70% Min	70%	7/10, Complies
Cross Ventilation	60% Min	70%	7/10, Complies
Units with no direct sunlight 21June	15% Max	30%	Does Not Comply **

MAX CARPARKING REQ'D	3 BED	VISITOR	TOTALS	
Parking Rate	1.5	0.25		
Unit Number	10	10		
Max # Spaces req'd by DCP	15	2.5	17.5	Rounded to 18 spaces
# Spaces on Proposed Plans	15	3	18	Incl. 3 Accessible Spaces

*Refer to Heritage Impact Statement

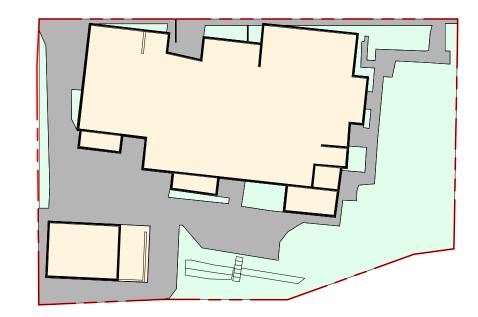
**Non Compliance Justification: Three south facing units, equalling 30% of the total development do not receive direct sunlight between 9am and 3pm at mid winter. This is above the maximum of 15% as stated in Objective 4A-1 of the 2015 Apartment Design Guide. This non compliance can be justified, as the topography slopes down towards the south and as such the choice was made to give these units southerly rather than northely aspects for the following reasons:

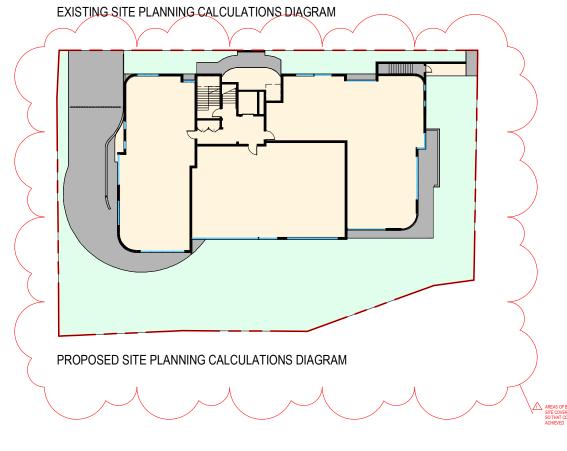
- er than northely aspects for the following reasons:
 Increased amenity to those units as views are visible over the southern neighbours whereas the elevated northern neighbours block all views.
 Increased privacy to those units as overlooking from the north is minimised in the proposed design.
 Increased privacy to neighbours as views from these apartments look over the roofs of neighbours to the south, whereas northern neighbour's living spaces would be visible from north facing windows/balconies.

 Overall 7 out of 10 (70%) of units achive a min of 2hrs of direct sunlight between 9am + 3pm in mid-winter

Refer to Statement of Environmental Effects, SEPP 65 Verification Statement & ADG Compliance Checklist for detail.

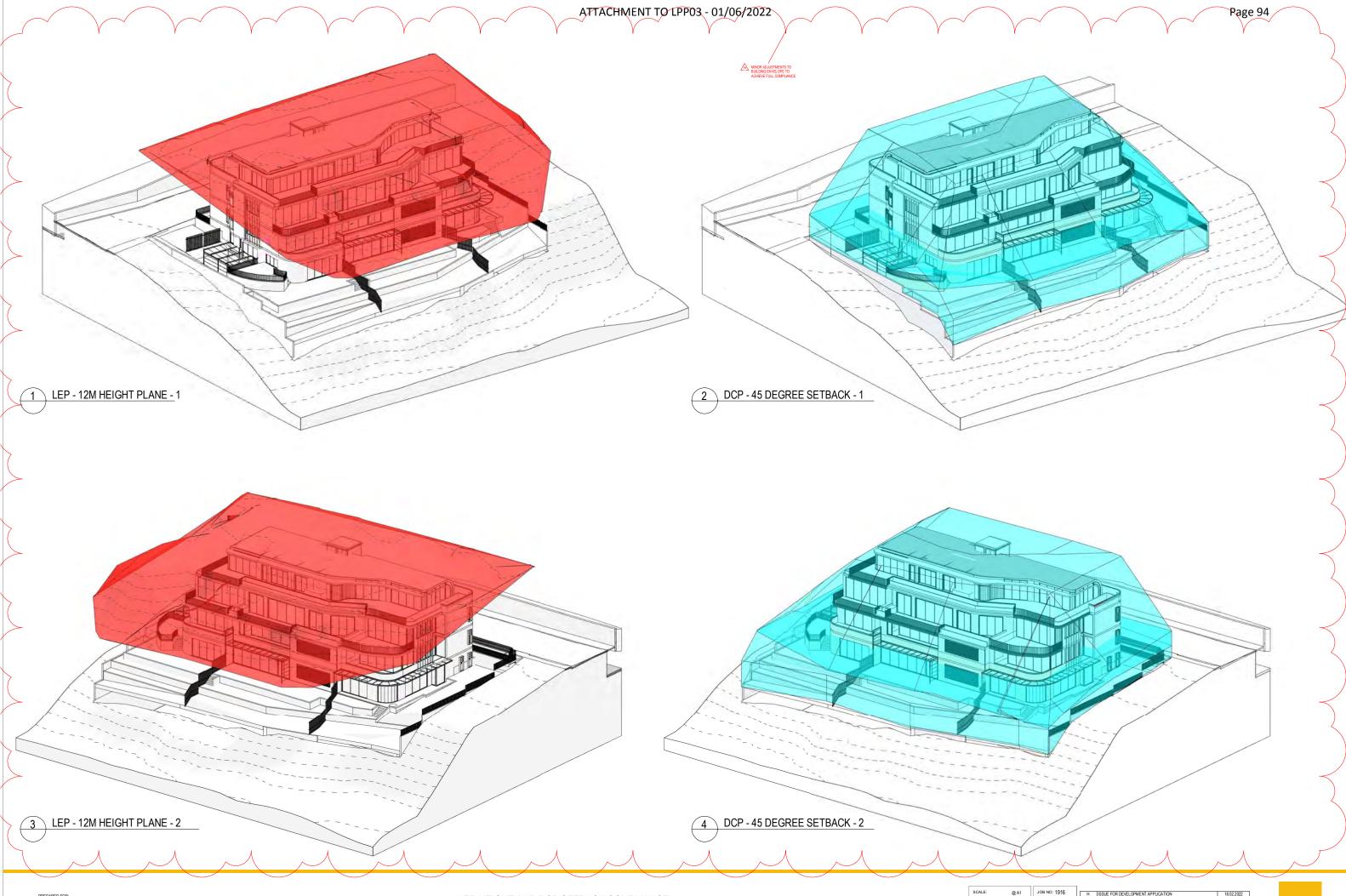
GENERAL AREAS	Colour Legend	EXISTING	PROPOSED	DCP CONTROL
Site Coverage		41%	45%	Max. 45%
Un-Built upon Area		29%	15%	Max.15%
Landscape Area		30%	40%	Min. 40%





SCALE: 1:200 @ A1 JOB NO: 1916

A900



PREPARED FOR: 107 High Nth Sydney Pty Ltd PROJECT ADDRESS: 107 High Street, North Sydney NSW 2060



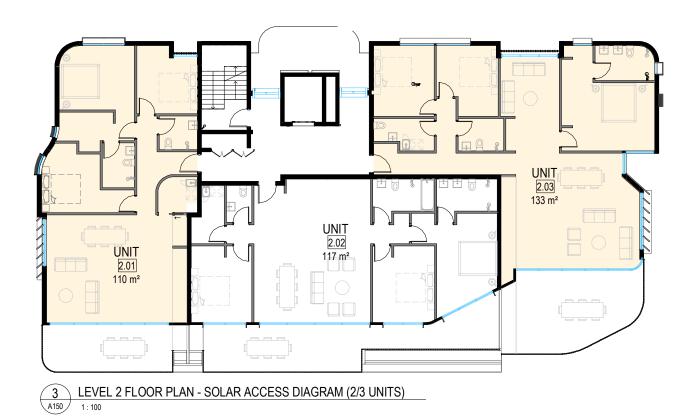
SOLAR ACCESS - 2 HRS ON 21 JUNE	NUMERIC CONTROL	PROPOSED PLAN
PERCENTAGE	70% Min	70%
NUMBER OF UNITS	7/10	7/10

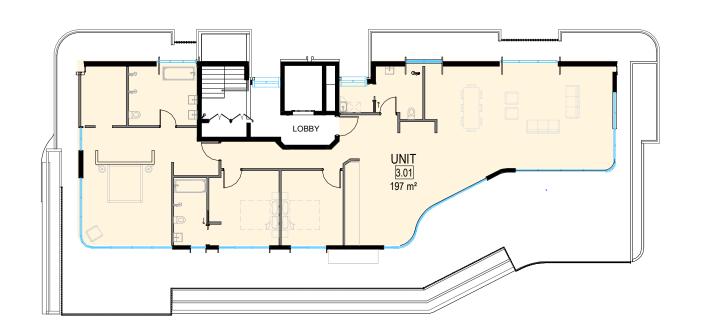




1 GROUND FLOOR PLAN - SOLAR ACCESS DIAGRAM (2/3 UNITS)

2 LEVEL 1 FLOOR PLAN - SOLAR ACCESS DIAGRAM (2/3 UNITS)
1:100

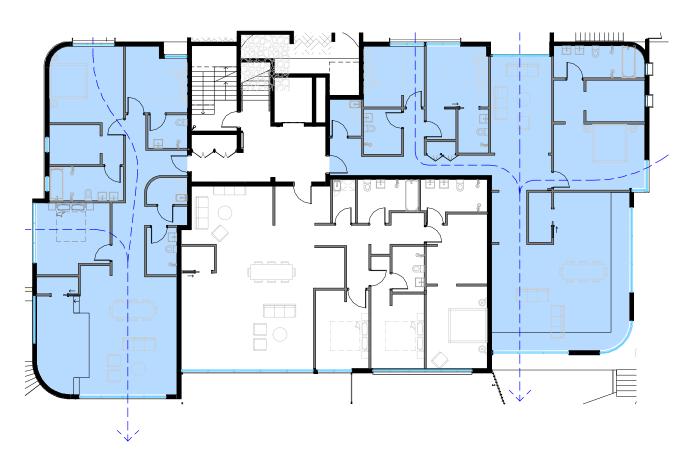




4 LEVEL 3 FLOOR PLAN - SOLAR ACCESS DIAGRAM (1/1 UNITS)
1:100



CROSS VENTILATION REQUIREMENTS	NUMERIC CONTROL	PROPOSED PLAN
PERCENTAGE	60% Min	70%
NUMBER OF UNITS	6/10	7/10



GROUND FLOOR PLAN - CROSS VENTILATION DIAGRAM (2/3 UNITS)

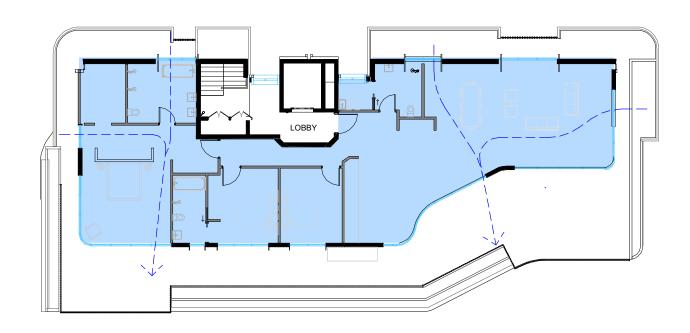
1: 100

3 LEVEL 2 FLOOR PLAN - CROSS VENTILATION DIAGRAM (2/3 UNITS)
1:100





2 LEVEL 1 FLOOR PLAN - CROSS VENTILATION DIAGRAM (2/3 UNITS)
1:100



4 LEVEL 3 FLOOR PLAN - CROSS VENTILATION DIAGRAM (1/1 UNITS)
1:100



SCALE: As indicated @ A1 JOB I	NO: 1916			
	$\overline{}$			
DRAWING No.	REV	D	ISSUE FOR DEVELOPMENT APPLICATION	23.12.2021
		С	ISSUE FOR DEVELOPMENT APPLICATION	17.08.2021
A903	D	В	ISSUE FOR INFORMATION	02.07.2021
71300		A	ISSUE FOR PRE-DA	06.05.2021
		ISSUE	AMENDMENT DESCRIPTION	DATE



ATTACHMENT TO LPP03 - 01/06/2022

1.8m Timber boundary fence

- refer detail

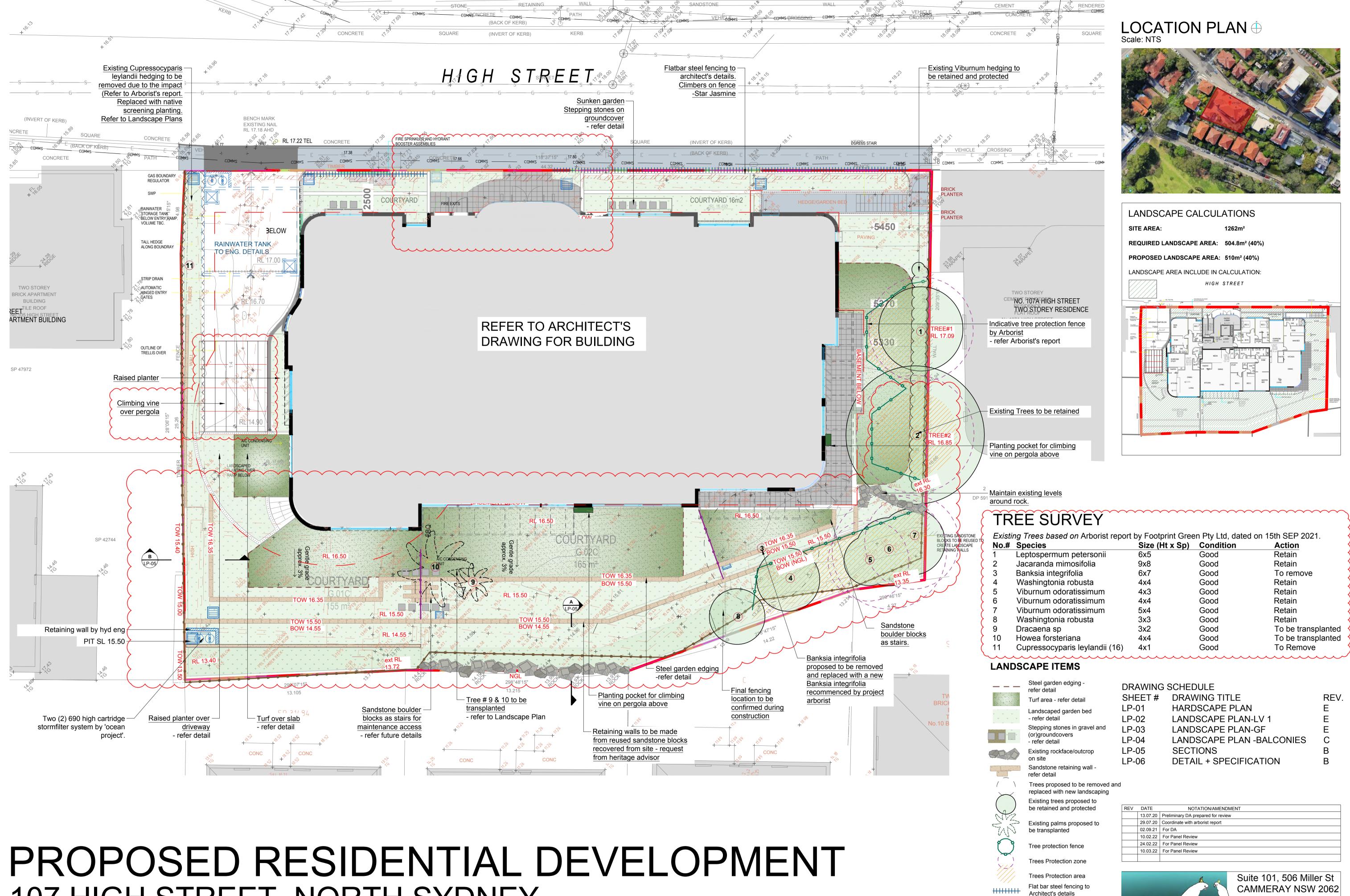
Dividing fence - refer

architectural details

8209 4982

enquiries@conzept.net.au

www.conzept.net.au



107 HIGH STREET, NORTH SYDNEY

DWG No.: LPDA 20 - 282 / 1

LEGEND & SCHEDULE

1. ALL FINAL PLANT QUANTITIES INDICATED ON PLANS SHALL BE CHECKED AND VERIFIED BY SUCCESSFUL LANDSCAPE CONTRACTOR. 2. ANY PLANT SUBSTITUTES REQUIRED DUE TO UNAVAILABILITY SHALL BE RECOMMENDED BY THE LANDSCAPE CONTRACTOR TO BEST MATCH SUBSTITUTED PLANTS AND APPROVED PRIOR TO PURCHASING BY THE

LANDSCAPE ARCHITECT. 3. WORKS CERTIFIED FOR FINAL OCCUPANCY CERTIFICATE ARE TO MATCH APPROVED LANDSCAPE PLANS.

4. LANDSCAPE CONTRACTOR SHALL LOCATE AND AVOID SITE STORM WATER & DRAINAGE SERVICES. LOCATE TREES A MINIMUM 1.25M FROM

5. ALL PLANTING AROUND EXISTING TREES SHALL BE ADJUSTED TO AVOID DAMAGE AND CLASHING WITH SURFACE ROOTS

6. THE NATURE STRIP (STREET FRONTAGE) FOR THE SITE IS PUBLIC LAND, AND ONLY AUTHORIZED WORKS MAY OCCUR HERE. EXISTING CONDITIONS SUCH AS STREET TREES, COUNCIL PLANTING ETC SHALL BE RETAINED AND PROTECTED DURING CONSTRUCTION, UNLESS SPECIFIC APPROVAL HAS BEEN GRANTED FOR NEW WORK IN THIS AREA.

Qty Required: 5

TREES



Botanical Name: Pyrus calleryana 'Capital' Common Name: Ornamental Pear (Exotic) Pot size: Mature H x S: 8m x 4m



Botanical Name: Corymbia ficifolia cvs 'Summer Red', 'Summer Beauty', 'Snowflake' Common Name: Dwarf Flowering Gum (Native) Pot size: **Mature H x S:** 4-7m x 3-6m Qty Required: As noted

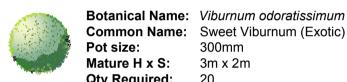


Botanical Name: Elaeocarpus eumundi **Common Name:** Eumundi Quandong (Native) Pot size: **Mature H x S:** 7-11m x 5m **Qty Required:** As noted

SHRUBS AND HEDGES



Botanical Name: Syzygium australe 'Pinnacle' **Common Name:** Pinnacle Lilly Pilly (Native) 300mm Pot size: **Mature H x S:** 6-8m x 1-1.5m **Qty Required:** 9 (This page)



Pot size: 300mm Mature H x S: 3m x 2m Qty Required: 20 **Botanical Name:** Rhaphiolepis indica Common Name: Indian Hawthorn (Exotic)

300mm

300mm

140mm

300mm **Mature H x S:** 1.5m x 1.8m Qty Required: As noted

ACCENT PLANTS Botanical Name: Strelitzia juncea Common Name: Rush-leaved Strelitzia (Exotic)

Mature H x S: 1.5m x 1m **Qty Required:** As noted Botanical Name: Lavandula dentata Common Name: French Lavender (Exotic)

Pot size: Mature H x S: $1m \times 0.8m$ Qty Required:

CLIMBERS

Botanical Name: Trachelospermum Jasminoides Common Name: Star Jasmine (Exotic) Pot size: Tube stock Mature H x S: 0.3m x climbing Qty Required:

Botanical Name: Dichondra argentea 'Silver Falls' Common Name: Silver Falls Dichondra (Exotic) Pot size: Mature H x S: 0.15m x spreading Qty Required: As noted

GROUNDCOVERS

Botanical Name: Liriope muscari 'Evergreen Giant' **Common Name:** Giant Lily Turf (Exotic)

Mature H x S: 0.7m x 0.65m Qty Required:

LANDSCAPE ITEMS

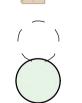
— — Steel garden edging - refer detail

Turf area - refer detail



 refer detail Sandstone retaining wall - refer detail

Stepping stones in groundcover



Trees proposed to be removed and replaced with new landscaping Existing trees proposed to be retained and protected

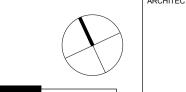
HHHHHH Flat bar steel fencing to Architect's details 1.8m Timber boundary fence

 refer detail Dividing fence - refer architectural details

site. PDPd plans may vary slightly in Scale for that indicated on plans. Report any whether special, consequential, direct or indirect, suffered by you or any other person as a result of your use of this draw © Copyright Sulphurcrest Enterprises Pty Ltd Trading as CONZEPT (ABN: 75 623 405 630) ected by convright. All rights are reserved. Unless permitted Under the Copyright Act 1968, no part of this drawing may in any form or by any under the Copyright Act 1968, no part of this drawing may in any form or by any agreed payments are made in full. We retain the right to Sulphurcrest Enterprises (T/A Conzept) until such time as a means be reproduced, published, broadcast or transmitted without the prior withdraw this information from the assessment process payments are not made following the notification period.

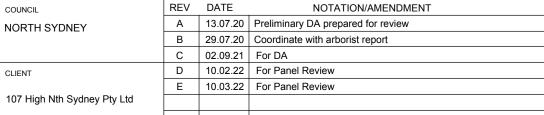








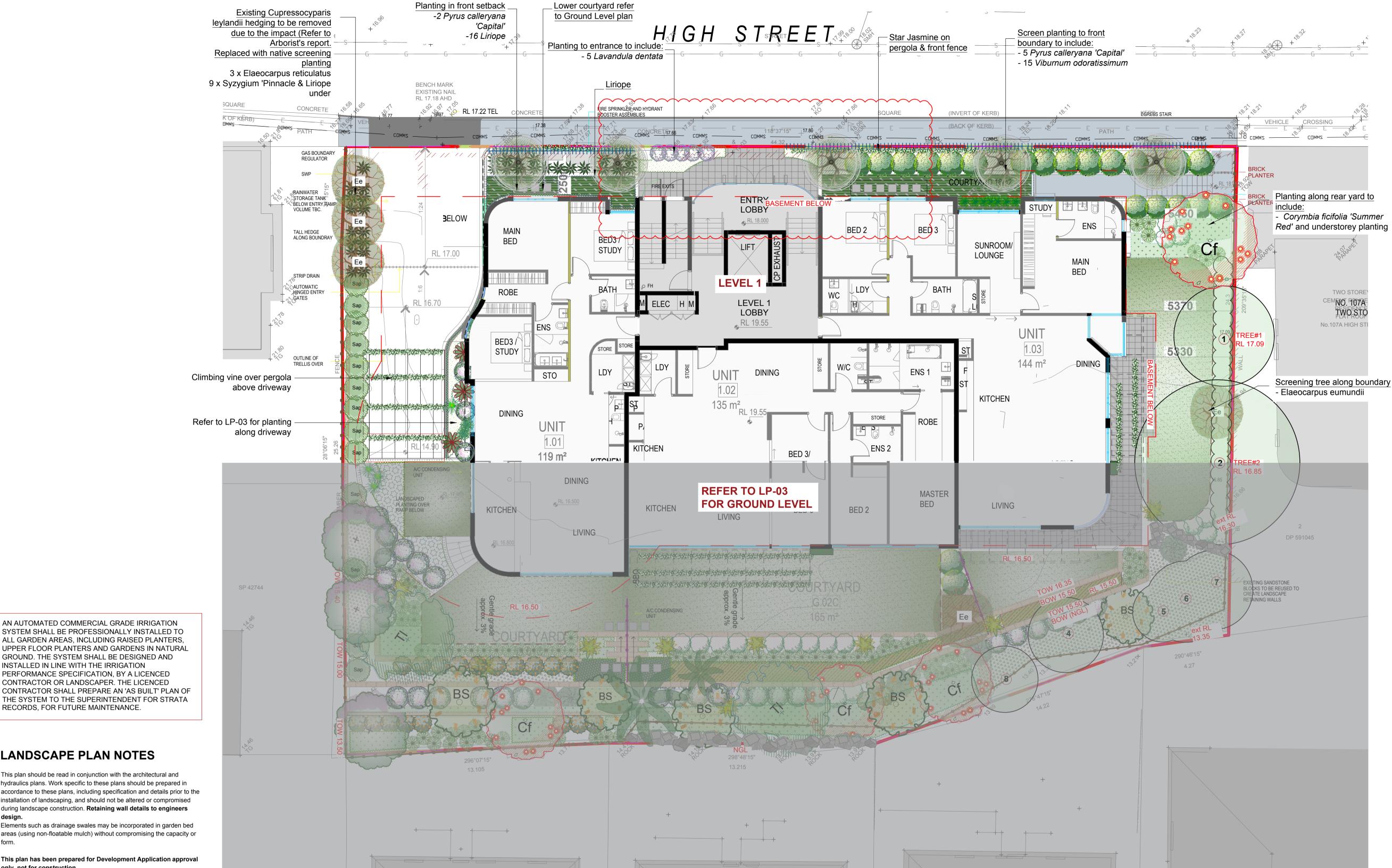




PROPOSED RESIDENTIAL DEVELOPMENT 107 HIGH STREET **NORTH SYDNEY**

LANDSCAPE PLAN -LEVEL 1 (STREET LEVEL) LPDA 20 - 282

DEVELOPMENT APPLICATION 1:100 @ A1 FEB 2022 HECKED: R.F LP-02 E.W/R.H



LANDSCAPE PLAN NOTES

AN AUTOMATED COMMERCIAL GRADE IRRIGATION

SYSTEM SHALL BE PROFESSIONALLY INSTALLED TO

ALL GARDEN AREAS, INCLUDING RAISED PLANTERS,

GROUND. THE SYSTEM SHALL BE DESIGNED AND

PERFORMANCE SPECIFICATION, BY A LICENCED

CONTRACTOR OR LANDSCAPER. THE LICENCED

INSTALLED IN LINE WITH THE IRRIGATION

RECORDS, FOR FUTURE MAINTENANCE.

This plan should be read in conjunction with the architectural and hydraulics plans. Work specific to these plans should be prepared in accordance to these plans, including specification and details prior to the installation of landscaping, and should not be altered or compromised during landscape construction. Retaining wall details to engineers

Elements such as drainage swales may be incorporated in garden bed areas (using non-floatable mulch) without compromising the capacity or

This plan has been prepared for Development Application approval only, not for construction. This plan has been prepared with reference to North sydney Councils

Landscaping Guidelines & requirements. Planting proposed using

the BASIX local plant list and from Sydney Waters "Plant Selector" web site one-drip rated native plants (acceptable for BASIX planting). The Design & location of new letter boxes shall be in accordance with Australia Post's "Requirements for Delivery of Mail to Residential Premises" published Feb '97. All noxious weeds listed in Councils weed lists & located on the site shall be continually removed & suppressed.

Reinstate all boundary fencing in poor condition with Council approved

1.8m fencing to rear of building line, rake to 1m forward of BL. Pollution, sediment & erosion control devices as specified shall be in place, and maintained for the duration of the construction period. Proposed

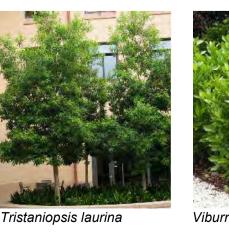
commercially available plant species selected from local planting lists and

excavation near existing established trees to be supervised by arborist. D.A approved landscape plan's are required to be constructed as approved to obtain occupancy certificate. Permeable areas may be indicated to achieve site coverage restrictions & should be

constructed as drawn on this plan.

















Page 98

AILA Associate









Screen planting along driveway

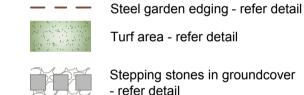
- 3 Elaeocarpus reticulatus

PLANTS AND APPROVED PRIOR TO PURCHASING BY THE LANDSCAPE ARCHITECT GRANTED FOR NEW WORK IN THIS AREA. **TREES Botanical Name:** Banksia serrata Common Name: Old Man Banksia (Native) Pot size: Mature H x S: 5m x 4m Qty Required: Botanical Name: Corymbia ficifolia 'Summer Red' **Common Name:** Dwarf Flowering Gum (Native) Pot size: 75Lt Mature H x S: 5m x 3m Qty Required: **Botanical Name**: *Elaeocarpus eumundi* **Common Name:** Eumundi Quandong (Native) Pot size: Mature H x S: 11m x 5m Qty Required: **Botanical Name**: Elaeocarpus reticulatus **Common Name:** Blueberry Ash (Native) Pot size: **Mature H x S:** 8-10m x 6-7m Qty Required: **Botanical Name:** Tristaniopsis laurina 'Luscious' **Common Name:** Watergum (Native) Pot size: 75Lt **Mature H x S:** 8-12m x 6m Qty Required: **SHRUBS AND HEDGES Botanical Name:** Syzygium australe 'Pinnacle' **Common Name:** Pinnacle Lilly Pilly (Native) 300mm **Mature H x S:** 6-8m x 1-1.5m **Qty Required:** 5 (This page) Botanical Name: Crowea saligna **Common Name:** Pink Crowea(Native) Pot size: 200mm **Mature H x S:** 0.9-1m x 0.9m Qty Required: **Botanical Name:** Hakea sericea **Common Name:** Bushy Needlebush(Native) 200mm Pot size: **Mature H x S:** 2-3m x 2-3m Qty Required: Botanical Name: Banksia spinulosa 'Birthday Candles' **Common Name:** Banksia Birthday Candles (Native) 200mm Pot size: **Mature H x S:** 0.6m x 0.9m Qty Required: 21 **Botanical Name:** Viburnum odoratissimum Common Name: Sweet Viburnum (Exotic) Pot size: 300mm Mature H x S: 3m x 2m **Qty Required:** 7 (this page) Botanical Name: Westringia 'Aussie Box' Common Name: Westringia Aussie Box (Native) 200mm Pot size: **Mature H x S:** 0.9m x 0.9m Qty Required: 33 **ACCENT PLANTS** Botanical Name: Agave 'Blue Glow' Common Name: Blue Glow Agave (Exotic) Pot size: 200mm **Mature H x S:** 0.6m x 0.75m **Qty Required:** Botanical Name: Alcantarea imperialis 'Rubra' **Common Name:** Ruby Imperial Bromeliad (Exotic) 300mm Pot size: **Mature H x S:** 0.8m x 0.9m Qty Required: **Botanical Name:** Doryanthes excelsa Common Name: Gymea Lily (Native) 300mm Pot size: **Mature H x S:** 1.1m x 1m Qty Required: Botanical Name: Lomandra longifollia 'Tanika' Common Name: Dwarf Mat Rush (Native) **Mature H x S:** 0.8m x 0.8m Qty Required: 78 **Botanical Name:** Strelitzia juncea Common Name: Rush-leaved Strelitzia (Exotic) 300mm Pot size: **Mature H x S:** 1.5m x 1m Qty Required: This plan has been prepared with reference to North sydney Councils **Botanical Name:** Sansevieria 'Moonshine' **Common Name:** Moonshine Sansevieria (Exotic) 200mm Pot size: **Mature H x S:** 0.6m x 0.5m Qty Required: AN AUTOMATED COMMERCIAL GRADE IRRIGATION

SYSTEM SHALL BE PROFESSIONALLY INSTALLED TO ALL GARDEN AREAS, INCLUDING RAISED PLANTERS UPPER FLOOR PLANTERS AND GARDENS IN NATURAL GROUND. THE SYSTEM SHALL BE DESIGNED AND INSTALLED IN LINE WITH THE IRRIGATION PERFORMANCE SPECIFICATION, BY A LICENCED CONTRACTOR OR LANDSCAPER. THE LICENCED CONTRACTOR SHALL PREPARE AN 'AS BUILT' PLAN OF THE SYSTEM TO THE SUPERINTENDENT FOR STRATA RECORDS, FOR FUTURE MAINTENANCE.



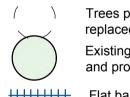
LANDSCAPE ITEMS



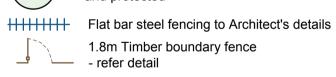
Sandstone retaining wall - refer detail

Mature H x S: 0.3m x climbing

Qty Required: As required



Trees proposed to be removed and replaced with new landscaping Existing trees proposed to be retained and protected



1.8m Timber boundary fence refer detail Dividing fence - refer architectural

LANDSCAPE PLAN NOTES

This plan should be read in conjunction with the architectural and

hydraulics plans. Work specific to these plans should be prepared in accordance to these plans, including specification and details prior to the installation of landscaping, and should not be altered or compromised during landscape construction. Retaining wall details to engineers Elements such as drainage swales may be incorporated in garden bed

areas (using non-floatable mulch) without compromising the capacity or

This plan has been prepared for Development Application approval only, not for construction.

Landscaping Guidelines & requirements. Planting proposed using commercially available plant species selected from local planting lists and the BASIX local plant list and from Sydney Waters "Plant Selector" web site one-drip rated native plants (acceptable for BASIX planting).

The Design & location of new letter boxes shall be in accordance with Australia Post's "Requirements for Delivery of Mail to Residential Premises" published Feb '97. All noxious weeds listed in Councils weed lists & located on the site shall be continually removed & suppressed. Reinstate all boundary fencing in poor condition with Council approved 1.8m fencing to rear of building line, rake to 1m forward of BL. Pollution, sediment & erosion control devices as specified shall be in place, and maintained for the duration of the construction period. Proposed excavation near existing established trees to be supervised by arborist.

D.A approved landscape plan's are required to be constructed as approved to obtain occupancy certificate. Permeable areas may be indicated to achieve site coverage restrictions & should be constructed as drawn on this plan.

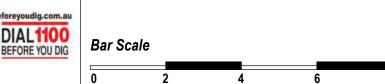


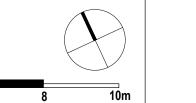
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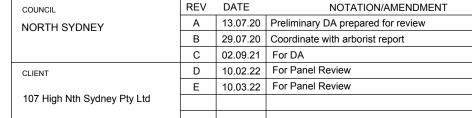




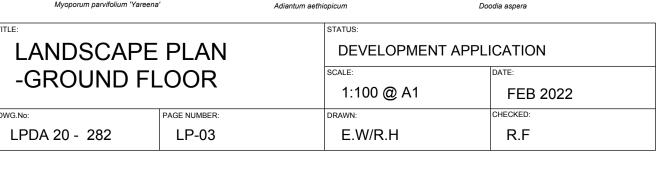












LEGEND & SCHEDULE

1. ALL FINAL PLANT QUANTITIES INDICATED ON PLANS SHALL BE CHECKED AND VERIFIED BY SUCCESSFUL LANDSCAPE CONTRACTOR. 2. ANY PLANT SUBSTITUTES REQUIRED DUE TO UNAVAILABILITY SHALL BE RECOMMENDED BY THE LANDSCAPE CONTRACTOR TO BEST MATCH SUBSTITUTED PLANTS AND APPROVED PRIOR TO PURCHASING BY THE LANDSCAPE ARCHITECT

3. WORKS CERTIFIED FOR FINAL OCCUPANCY CERTIFICATE ARE TO MATCH APPROVED LANDSCAPE PLANS.

4. LANDSCAPE CONTRACTOR SHALL LOCATE AND AVOID SITE STORM WATER & DRAINAGE SERVICES. LOCATE TREES A MINIMUM 1.25M FROM

5. ALL PLANTING AROUND EXISTING TREES SHALL BE ADJUSTED TO AVOID DAMAGE AND CLASHING WITH SURFACE ROOTS 6. THE NATURE STRIP (STREET FRONTAGE) FOR THE SITE IS PUBLIC LAND, AND ONLY AUTHORIZED WORKS MAY OCCUR HERE. EXISTING CONDITIONS SUCH AS STREET TREES, COUNCIL PLANTING ETC SHALL BE RETAINED AND PROTECTED DURING CONSTRUCTION, UNLESS SPECIFIC

Communal Open Space Rooftop Terraces GENERAL NOTE

APPROVAL HAS BEEN GRANTED FOR NEW WORK IN THIS AREA.

BCA & Australian Standards (AS):

Building codes and standards are established on a federal level by the nationally recognised Building Code of Australia (BCA), & these apply to all phases of construction, including balustrade design and specification. Specifically, BCA 2012 Parts 3.9.1 (stairs) and 3.9.2 (balustrades) and Australian Standard 1170.1 cover regulations for balustrades on stairways, balconies, rooftop terraces and other surfaces between levels.

BCA Balustrade Regulations and Standards

A balustrade is defined as a rail and its balusters (posts or other supporting members). BCA regulations state that a balustrade must:

- Be at least 1 metre high as measured from the finished floor;
- Have openings between risers or posts no greater than 125mm; and
- Be able to withstand loads and impacts as determined by AS 1170.1

The height regulation of 1 metre ensures the balustrade is high enough to provide prevention against falling over the balustrade. The openings between risers or posts cannot be greater than 125mm to prevent children from falling between them. Load and impact regulations are designed to ensure balustrades can resist impact or will not collapse when pressure is applied to them from any direction.

Balustrade Safety & Planters

BCA regulations state that the balustrade must be 1 metre or more, higher than the finished floor. On roof-top terraces, planters & furniture are often incorporated in the landscape design. It's important for compliance and safety that these elements do not undermine the safety of Communal Open Space (COS) terraces and rooftops, and the compliance with the BCA and AS's are maintained.

Items to consider are:

- Where planters form the safety balustrade, their internal face must be 1m non-climbable
- Outdoor furniture such as tables, BBQs, and seating shall be fixed and located a minimum 1m away from balustrades
- Where furniture is proposed to be fixed or adjacent to COS terrace planters which form the balustrade, then a compliant handrail will be required to be fixed to the external edge of the planter

A concern for COS areas on rooftops or terrace areas is that the strata will add loose furniture which ultimately could undermine the safety of the installed balustrades. In this case, it shall be the strata bodies responsibility to manage the safety of these areas.

Ultimately, the compliance and safety of the COS areas shall be the responsibility of the builder, and carefully inspected and certified at the Occupation Certificate (OC) stage of the development

Maintenance of COS area

Communal Open Space terrace and rooftop areas are exposed to extremes (wind, sun, and extreme weather) so maintenance is important. The following item should be included or considered:

- All planters shall be structurally water-proofed, with this work certified and periodically inspected. Trades should be closely monitored so they do not subsequently damage completed waterproofing
- All planters shall be irrigated with an automated **system** set on an approved watering pattern. Moisture gauges should be installed in some planters to minimize overwatering
- **Tree Anchors** shall be installed in high wind areas to larger plants, such as palms & small trees
- Compliance for balustrades and handrails should be monitored regularly
- For the maintenance of large rooftop areas and planters without external balustrades, anchoring points for tying off harnesses for landscape maintenance workers are essential

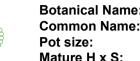


Botanical Name: Agave 'Blue Glow' **Common Name:** Blue Glow Agave (Exotic) 200mm **Mature H x S:** 0.6m x 0.75m



Botanical Name: Carpobrotus 'Aussie Rambler' Common Name: Aussie Rambler Pigface (Native) Pot size: 140mm Mature H x S: 0.25m x spreading

Qty Required: 5/m2 (8m2 total)



Qty Required: 24

Qty Required: 53

Botanical Name: Kalanchoe 'Silver Spoons' Common Name: Kalanchoe (Native) **Mature H x S:** 0.35m x 0.4m

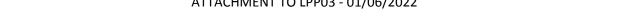


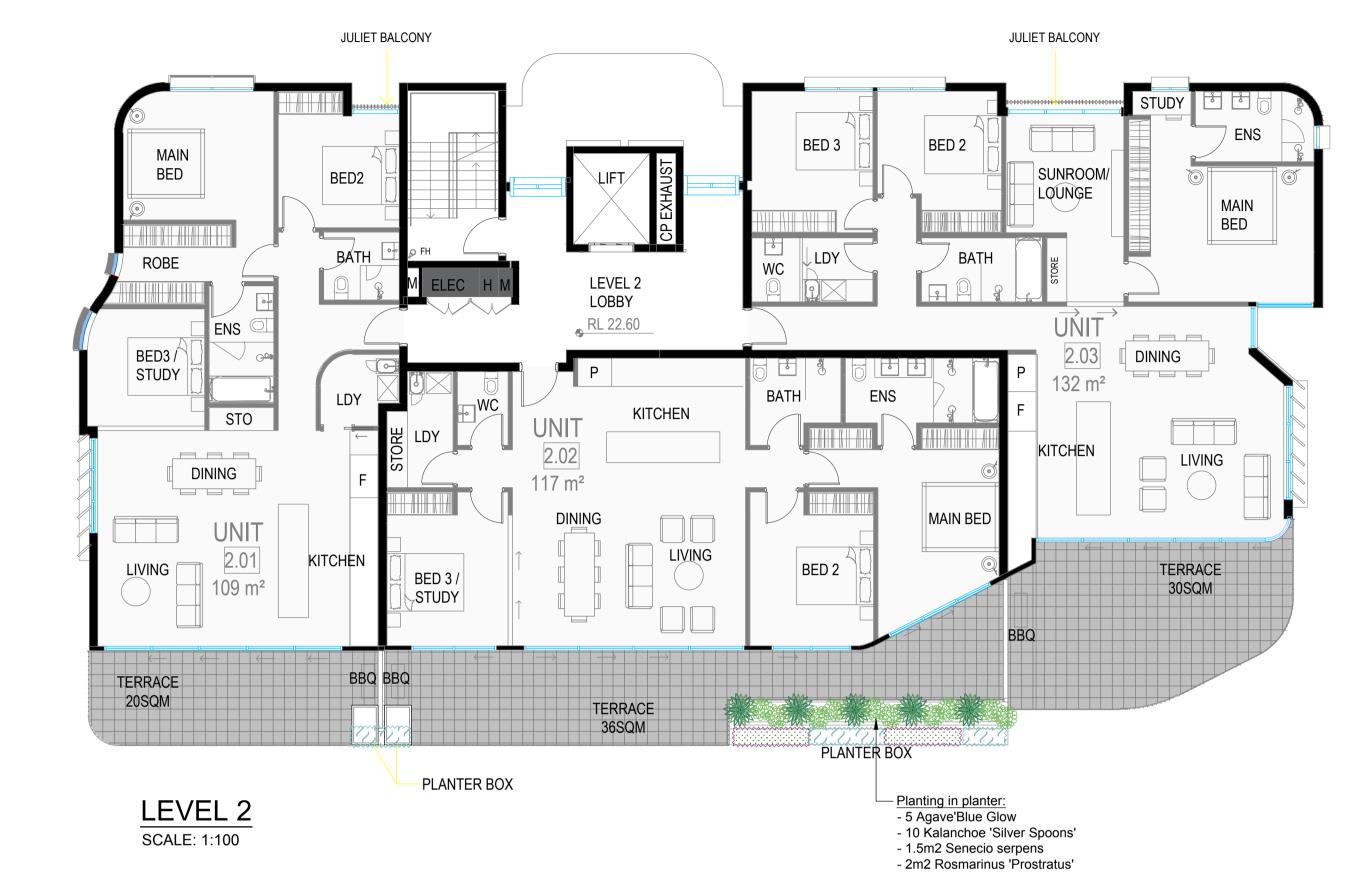
Botanical Name: Senecio serpens Common Name: Blue Chalk sticks (Exotic) Pot size: **Mature H x S:** 0.2m x 0.4m

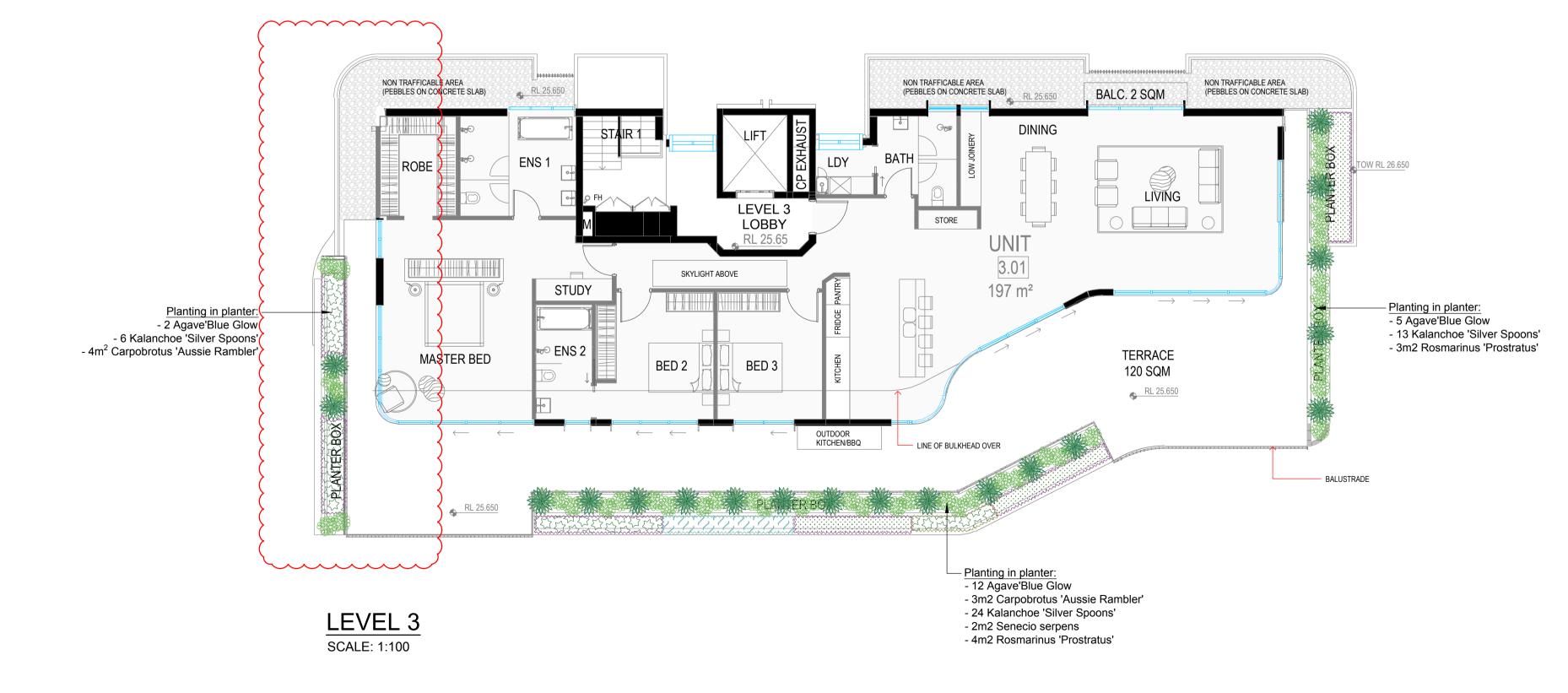
Qty Required: 5/m2 (3.5m2 total)



Botanical Name: Rosmarinus officinalis 'Prostratus' Common Name: Creeping Rosemary (Exotic) 140mm Pot size: Mature H x S: 0.4mm x 1m Qty Required: 5/m2 (9m2 total)











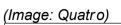








trailing over Succulent garden in tubs.



site. PDF'd plans may vary slightly in Scale for that indicated on plans. Report any whether special, consequential, direct or indirect, suffered by discrepancies to the Landscape Architect before proceeding with the work.

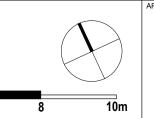
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LANDSCAPE ARCHITEC

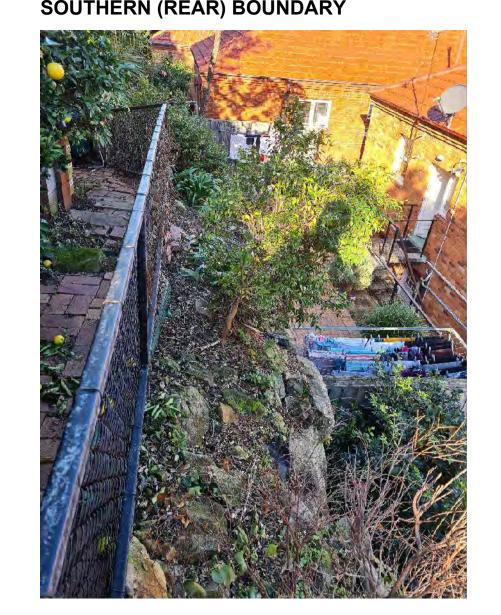


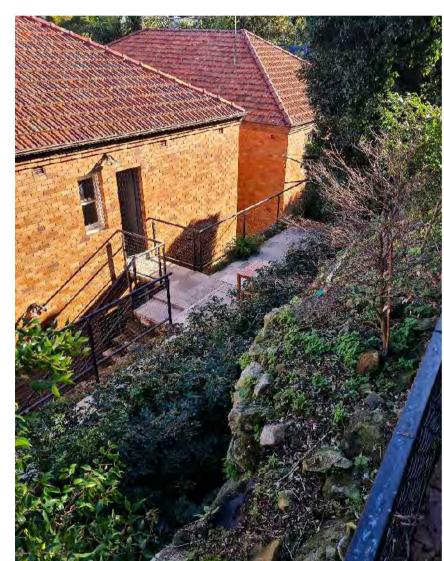
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	С	24.02.22	For Panel Reivew	DEVELOPMENT
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				107 HIGH STREET
7 High Nth Sydney Pty Ltd				NORTH SYDNEY
				NORTHSTUNET

TITLE:		STATUS:			
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Page 100



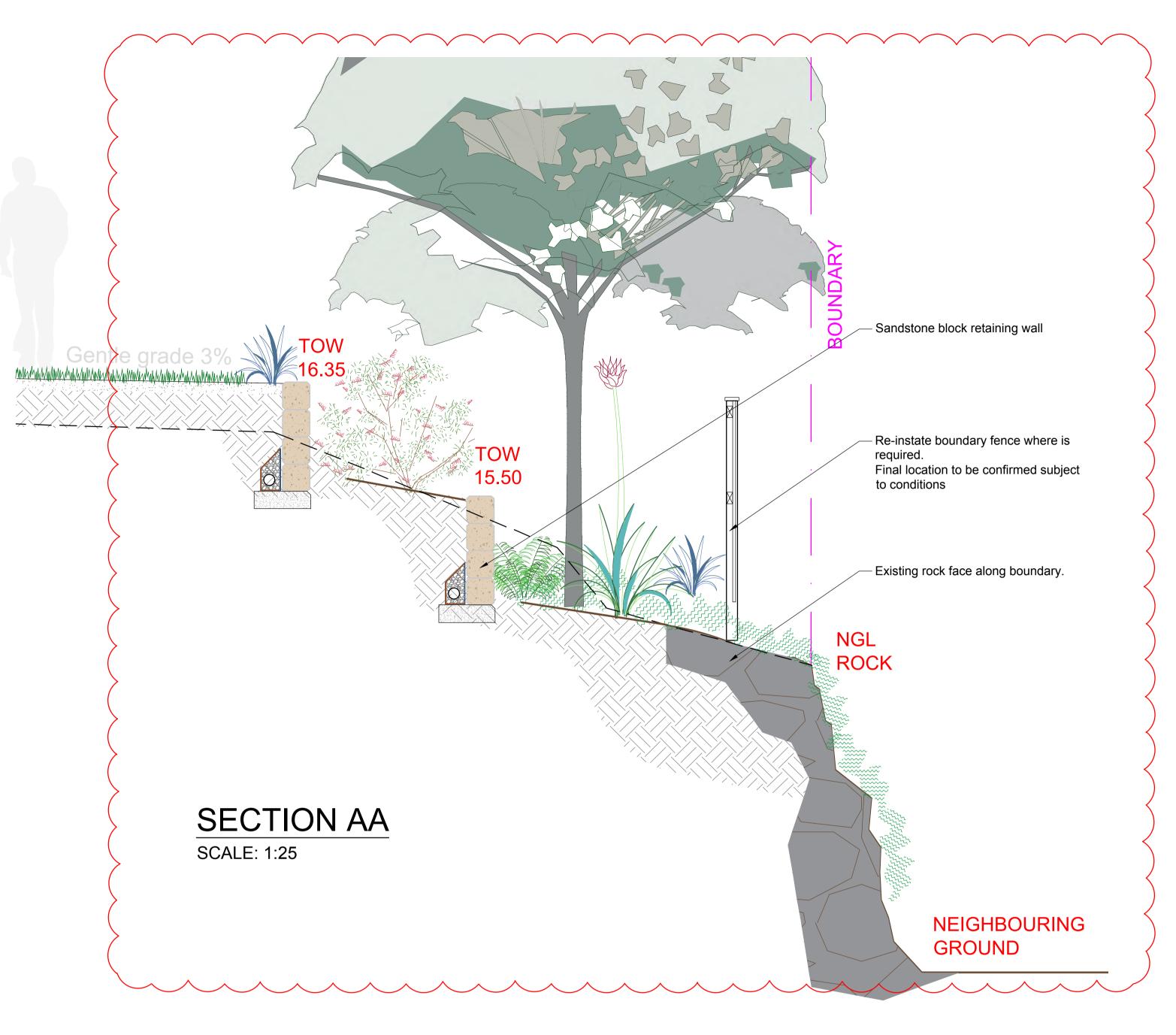






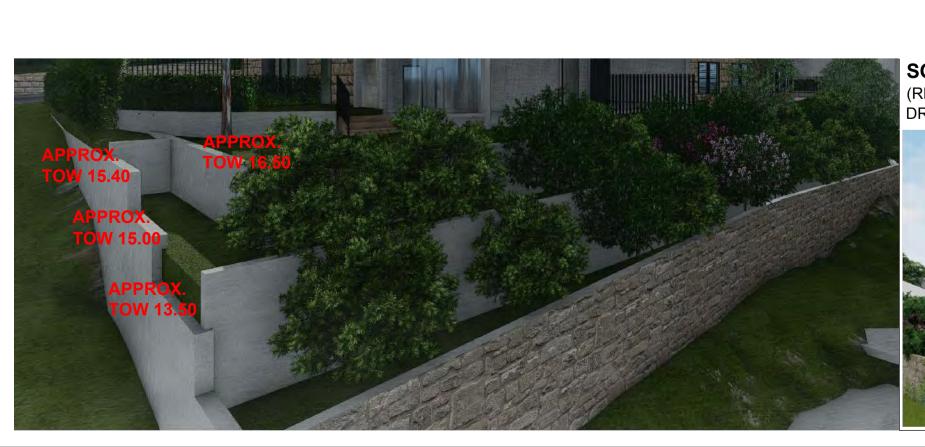






ATTACHMENT TO LPP03 - 01/06/2022





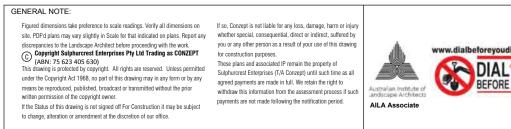


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TOW 16.35

SECTION BB

SCALE: 1:25





DSCAPE ARCHITECT:	
Conzept Contracts	Suit 101, 506 Miller Street, CAMMERAY NSW 2062 Phone: 9922 5312 Fax: 8209 4982 Mob: 0413 861 351 www.conzept.net.au enquiries@conzept.net.au
Lamdseame Ameinitects	enquiries@conzept.net.au

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	COUNCIL	REV	DATE	NOTATION/AMENDMENT	PROJECT:
1	NORTH SYDNEY	Α	20.07.20	Preliminary DA prepared for review	PROPOSE
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	107 High Nth Sydney Pty Ltd				NORTH SY
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SYDNEY	LPDA 20 - 282	LP-05	E.W/R.H	R.F

LANDSCAPE WORK SPECIFICATION

1.01 GENERAL

The following general conditions should be considered prior to the commencement of landscape works: The landscape plans should be read in conjunction with the architectural plans, project arborist's assessment

- hydraulic plans, service plans and survey prepared for the proposed development. All services including existing drainage should be accurately located prior to the commencement of landscape installation. Any proposed tree planting which falls close to services will be relocated on site under the
- instruction of the landscape architect. Installation of conduit for required irrigation, electrical and other services shall be completed prior to the
- commencement of hardscape works and hardstand pours
- All outdoor lighting specified by architect or client to be installed by qualified electrician Anomalies that occur in these plans should be brought to our immediate attention
- Where an Australian Standard applies for any landscape material testing or installation technique, that standard shall be followed.

1.02 PROTECTION OF ADJACENT FINISHES

1.03 PROTECTION OF EXISTING TREES

The Contractor shall take all precautions to prevent damage to all or any adjacent finishes by providing adequate protection to these areas / surfaces prior to the commencement of the Works

Existing trees identified to be retained shall be done in accordance with (AS)4970-Protection of trees on development sites as well as in accordance with the tree protection measures prepared by project arborist.

Where general works are occurring around such trees, or pruning is required, a qualified Arborist shall be engaged to oversee such works and manage tree health. Existing trees designated on the drawing for retention shall be protected at all times during the construction period. Any

soil within the drip-line of existing trees shall be excavated and removed by hand only. No stockpiling shall occur within the root zone of existing trees to be retained.

50mm diameter shall be cut cleanly with a saw. Temporary fencing shall be installed around the base of all trees to be retained prior to the commencement of landscape

Any roots larger in diameter than 50mm shall only be severed under instruction by a qualified arborist. Roots smaller than

works. Where possible this fencing will be located around the drip line of these trees, or a minimum of 3m from the trunk. The fencing shall be maintained for the full construction period.

1.04 EROSION & POLLUTION CONTROL

The Contractor shall take all proper precautions to prevent the erosion of soil from the subject site. The contractor shall install erosion & sediment control barriers and as required by council, and maintain these barriers throughout the construction period. Note that the sediment control measures adopted should reflect the soil type and erosion characteristics of the site.

Erosion & pollution control measures shall incorporate the following:

- Construction of a sediment trap at the vehicle access point to the subject site.

- Sediment fencing using a geotextile filter fabric in the location indicated on the erosion control plan or as instructed on site by the landscape architect

- Earth banks to prevent scour of stockpiles Sandbag kerb sediment traps

- Straw bale & geotextile sediment filter. - Exposed banks shall be pegged with an approved Jute matting in preparation for mass planting

Refer to "Sitewise Reference Kit" as prepared by DLWC & WSROC (1997) for construction techniques

SOIL WORKS

2.01 MATERIALS

Specified Soil Conditioner (Generally to improve site soil)

The specified soil conditioner for site top-soil improvement shall be an organic mix, equal to "Botany Humus", as supplied by ANL. Note that for sites where soil testing indicates toxins or extremes in pH, or soils that are extremely poor, allow to excavate and supply 300mm of imported soil mix.

New gardens & proposed Planting

New garden and planting areas shall consist of a 50/50 mix of clean site soil (refer d) below) and imported "Organic Garden Mix" as supplied by ANL or approved equal. All mixes are to comply with AS 4419 Soils for landscaping & garder use, & AS 4454 Composts, Soil conditioners & mulches.

The specified soil mix for all turf areas shall be a min 75mm layer of imported soil mix consisting of 80% washed river sand (reasonably coarse), and 20% composted organic matter equivalent to mushroom compost or soil conditioner, or other approved lawn top dress

Site topsoil is to be clean and free of unwanted matter such as gravel, clay lumps, grass, weeds, tree roots, sticks, rubbish and plastics, and any deleterious materials and materials toxic to plants. The topsoil must have a pH of between 5.5 and 7. Use 100% imported soil mix when site when site topsoil runs out.

2.02 INSTALLATION (TO GARDEN OUTSIDE OF TREE PROTECTION ZONES OF TREES RECOMMENDED TO BY

Note: No level changes (Cut or Fill), soil ripping within the Tree Protection Zones of trees to be retained

All testing is to be conducted in accordance with AS 1289 Methods for testing soils for engineering purposes. Site soil shall be given a pH test prior to modifying to ensure conditions are appropriate for planting as stated above. Tests shall be taken in several areas where planting is proposed, and the pH shall be adjusted accordingly with sulphur or lime to

Note that a soil test conducted by the "Sydney Soil Lab" or approved equal shall be prepared for all commercial, industrial and multi-unit residential sites. The successful landscape contractor shall implement the recommendations of

b) Set Out of Individual Trees & Mass Planting Areas All individual tree planting positions and areas designated for mass planting shall be set out with stakes or another form

of marking, ready for inspection and approval. Locate all services.

c) Establishing Subgrade Levels outside of tree protection zones of trees to be retained Subgrade levels are defined as the finished base levels prior to the placement of the specified material (i.e. soil

conditioner). The following subgrade levels shall apply: Mass Planting Beds - 300mm below existing levels with specified imported soil mix.

Turf areas - 100mm below finished surface level. Note that all subgrades shall consist of a relatively free draining natural material, consisting of site topsoil placed previously by the Civil Contractor. No builders waste material shall be acceptable.

d) Subgrade Cultivation

Cultivate all subgrades to a minimum depth of 100mm in all planting beds and all turf areas, ensuring a thorough breakup of the subgrade into a reasonably coarse tilth. Grade subgrades to provide falls to surface and subsurface drains, prior to

e) Drainage Works

Install surface and subsurface drainage where required and as detailed on the drawing. Drain subsurface drains to outlets provided, with a minimum fall of 1:100 to outlets and / or service pits.

f) Placement and Preparation of Specified Soil Conditioner & Mixes. Trees in turf & beds - Holes shall be twice as wide as root ball and minimum 100mm deeper - backfill hole with

50/50 mix of clean site soil and imported "Organic Garden Mix" as supplied by ANL or approved equal. Mass Planting Beds - Install specified soil conditioner to a compacted depth of 100mm Place the specified soil conditioner to the required compacted depth and use a rotary hoe to thoroughly mix the conditioner into the top 300mm of garden bed soil. Ensure thorough mixing and the preparation of a reasonably fine tilth

and good growing medium in preparation for planting. Turf Areas - Install specified soil mix to a minimum compacted depth of 75mm.

Place the specified soil mix to the required compacted depth and grade to required finished soil levels, in preparation for planting and turfing.

PLANTING

3.01 MATERIALS

a) Quality and Size of Plant Material

All trees supplied above a 25L container size must be grown and planted in accordance with AS 2303:2018 'TREE STOCK FOR LANDSCAPE USE' Certification that trees have been grown to AS 2303:2018 is to be provided upon request of Council's Tree Management Officer

Above - Ground Assessment:

The following plant quality assessment criteria should be followed: Plant true to type, Good vigour and health, free from pest & disease, free from injury, self-supporting, good stem taper, has been pruned correctly, is apically dominant, has even crown symmetry, free from included bark & stem junctions,

even trunk position in pot, good stem structure Below - Ground Assessment:

Good root division & direction, rootball occupancy, rootball depth, height of crown, non-suckering For further explanation and description of these assessment criteria, refer to Ross Clark's book. All Plant material shall be to the type and size specified. No substitutions of plant material shall be permitted without

written prior approval by the Landscape Architect. No plant shall be accepted which does not conform to the standards

listed above.

Provide min. 3 No. Stakes and ties to all plants identified as trees in the plant schedule. Stakes shall be sound, unpainted, straight hardwood, free of knots and pointed at one end. They shall be 1800mm x 50mm x 50mm Hardwood timber, or as per council specification where is available. Ties shall be 50mm wide hessian webbing material.

Fertilisers shall be approved slow release fertilisers suitable for the proposed planting types. Note that for native plants, specifically Proteaceae family plants including Grevillea species, low phosphorus fertilizers shall be used.

d) Mulch Mulch for general planter bed shall be an approved equal to "Forest Blend" as supplied by ANL. Mulch shall be completely free from any soil, weeds, rubbish or other debris. Mulch for bio-retention/rain garden area where is required shall be non-floatable materials that could include crushed rock, gravel, coarse river sand, scoria or river pebbles. 4-7mm

Turf for project site shall be soft leaf Buffalo or Zoysia macrantha 'Nana' or equivalent unless stated otherwise), free from any weeds and other grasses, and be in a healthy growing condition. Re-turfing to nature strip where is required shall use species that match existing on street.

3.02 INSTALLATION

a) Setting Out All planting set out shall be in strict accordance with the drawings, or as directed. Note that proposed tree planting

located near services should be adjusted at this stage. Notify Landscape Architect for inspection for approval prior to b) Planting

All plant material shall be planted as soon after delivery as possible. Planting holes for trees shall be excavated as detailed and specified. Plant containers shall be removed and discarded, and the outer roots gently teased from the soil mass. Immediately set plant in hole and backfill with specified soil mix, incorporating the approved quantity of fertiliser for each plant type. Ensure that plants are set plumb vertically and root balls set to the consolidated finished grades detailed on the drawings. Compact the backfilled soil and saturate by hand watering to expel any remaining air pockets immediately after planting.

c) Staking and Tying

Staking and tying shall be in strict accordance with the drawings and shall occur immediately following plant placement and soil backfilling. All plants identified as "Trees" on the planting schedule shall be staked with a min. 3 stakes.

d) Mulchina Mulch for general planter bed shall be an approved equal to "Forest Blend" as supplied by ANL. Mulch shall be completely free from any soil, weeds, rubbish or other debris. Mulch for bio-retention/rain garden area where is required shall be non-floatable materials that could include crushed rock, gravel, scoria or river pebbles. 4-7mm screenings or

f) Steel garden edging

Moisten soil prior to the turf being laid. Turf shall be neatly butt jointed and true to grade to finish flush with adjacent surfaces. Incorporate a lawn fertilizer and thoroughly water in. Keep turf moist until roots have taken and sods/rolls cannot be lifted. Keep all traffic off turf until this has occurred. Allow for top dressing of all turf areas. All turf shall be rolled immediately following installation

adjoining turf or gravel mulched areas, and where required. The resultant edge shall be true to line and flush with

adjacent surfaces. However, no edging shall be used within the Structural Root Zone (SRZ) of trees to be retained g) Earth retaining structure All walls which form part of drainage works must be built as detailed by the hydraulic engineer. All walls exceeding

800mm shall be of **not** timber construction materials, construction details to be provided by a qualified engineer. Install

Where is required, the Contractor shall install steel garden edging as detailed on the drawings, to all mass planting beds

wall to suit site levels and to manufacture's specification. HARDSCAPE WORKS

4.01 GENERA

The Contractor shall undertake the installation of all hardscape works as detailed on the drawing, or where not detailed, by manufacturers specification

Paving - refer to typical details provided, and applicable Australian Standards. Permeable paving may be used as a suitable means of satisfying Council permeable surface requirements, while providing a useable, hardwearing, practical surface. In most instances, the client shall nominate the appropriate paving material to be used.

Australian Standards shall be adhered to in relation to all concrete, masonry & metal work. Some details are typical and may vary on site. All hardscape works shall be setout as per the drawings, and inspected and approved by the Landscape Architect prior to installation. All workmanship shall be of the highest standard. Any queries or problems tha arise from hardscape variations should be bought to the attention of the Landscape Architect. Your attention is directed to any obligations or responsibilities under the Dividing Fences Act. 1991 in respect of adjoining property owner/s which may arise from this application. Any enquiries in this regard may be made to the Crown Lands Division on (02) 8836 5332.

IRRIGATION WORKS

5.01 GENERAL (PERFORMANCE SPECIFICATION)

New irrigation systems to planting areas shall be a Commercial Grade Irrigation System conforming to all relevant Australian standards, including AS 3500 & the Electrical Safety Act 2002, Workplace Health & Safety Act 1995, & the latest Sydney Water Code

An automated drip-irrigation system is to be installed to all gardens, planters and lawn areas in accordance with the approved Irrigation Design. This system shall be designed and installed by a qualified and licensed irrigation specialist, to the highest industry

standards and to maximise the efficient usage of water. The Installer is required to obtain all approvals necessary for the completion of works in accordance with the Laws of Australia, Laws of the State of NSW, North Sydney Council By-Laws and Ordinances

· The Landscape Contractor nominated Licensed Irrigation Specialist shall provide irrigation drawings for approval upon

Design Requirements

- The irrigation system shall be installed prior to all planting works. It shall incorporate a commercially available irrigation system, with sub-surface dripper lines to irrigate all gardens, planters and lawn areas. - It shall incorporate a suitable back flow prevention device for the scale of works, an in-line filter, check valves, and suitable high and low density poly hose fittings and PVC piping to achieve flow rates suitable for specified planting. - The irrigation application rate shall not exceed the infiltration rate of the soil or creates run-off.

- The landscape contractor shall check the existing pressure available from the ring mains and size irrigation piping to suit. Supply shall be from local hose cock where available. - All piping and fittings shall be buried 50mm below the finished soil levels in garden and lawn areas, and secured in

position at 500mm centres with galv wire pins. - Size of pipes shall be selected to ensure the working pressure at the end of the line does not decrease by more than

Services Co-ordination:

- Co-ordination required by Landscape Contractor or Project Manager to provide required conduit, pipe work and penetration through slabs and planter walls for water and power provisions - The Landscape Contractor shall be engaged with the Irrigation Specialist to co-ordinate with the Project Manager to identify the preferred service and conduit locations.

- Project Manager and Landscape Contractor to establish area suitable for irrigation control system with required area, power provision and water supply.

Testing & Defects:

Upon completion of installation, the system shall be tested, including:

- Main Line Pressure Test: The main line is pressurised to test for leaks. All valves are shut and the pressure is taken over a determined length of time. - Dripper Pressure Test: Measurement at flushing valves are taken and the pressure gauged to make sure it conforms to the manufacturer recommendations. The inlet pressure is then tested under the same conditions to check it does not

- All components are to be satisfactorily functional and operational prior to approval. Should any defect develop, or the capacity or efficiency of the system decline during the agreed maintenance system, then these faults shall be immediately rectified

- A full 12 month warranty shall be included to cover labour and all parts.

Further Documentation:

- On request, a detailed irrigation performance specification report can be issued. CONSOLIDATION AND MAINTENANCE

6.01 GENERAL

The consolidation and maintenance period shall be 12 months beginning from the approved completion of the specified construction work (Practical Completion). A qualified landscape maintenance contractor shall undertake the required landscape maintenance works. Consolidation and maintenance shall mean the care and maintenance of Contracted works by accepted landscaping or horticultural practices, ensuring that all plants are in optimum growing conditions and appearance at all times, as well as rectifying any defects that become apparent in the contracted works.

This shall include, but not be limited to, the following items where and as required

- Watering all planting and lawn areas / irrigation maintenance.
- Clearing litter and other debris from landscaped areas. • Removing weeds, pruning and general plant maintenance.
- Replacement of damaged, stolen or unhealthy plants. · Make good areas of soil subsidence or erosion • Topping up of mulched areas.
- Spray / treatment for Insect and disease control
- Fertilizing with approved fertilizers at correct rates. Mowing lawns & trimming edges each 14 days in summer or 18 days in winter

superintendent or landscape architect, the responsibility will be signed over to the client.

 Adjusting ties to Stakes · Maintenance of all paving, retaining and hardscape elements

On the completion of the maintenance period, the landscape works shall be inspected and at the satisfaction of the



1. CHAIN WIRE MESH PANELS WITH SHADE CLOTH (IF REQUIRED) ATTACHED, HELD IN PLACE WITH CONCRETE FEET

TYPICAL SETBACK FROM

MULCH OR EQUIVALENT

FREE FROM ALL BUILDER'S

RUBBISH AND DELETERIOUS

MATERIALS. TOPSOIL TO BE

AMELIORATED, MIXED WITH

MIX OR SOIL CONDITIONER/

75mm DEPTH "FOREST BLEND"

50% OF STOCKPILED SITE TOPSOIL

MINIMUM 50% IMPORTED GARDEN

COMPOSTED ORGANIC MATTER -

USE 100% IMPORTED SOIL MIX

WHEN SITE TOPSOIL RUNS OUT

REFER PLANTING PLAN AND

NOMINATED PROPRIETARY TUB

WITH AUTOMATED IRRIGATION

BOULDER.

PLANTERS (450mm - 600mm Ht)

SCHEDULE FOR SPECIES

SECURED ON SLAB TO

ORNAMENTAL PEBBLES

NETTING OR SIMILAR.

DEPTH TO MATCH SLAB

CAST IN BALCONY

DRAINAGE TO ENG.

SCALE: 1:20

SECURED WITH

SELECTED

RECESS.

DETAILS

CONTRACTOR'S DETAILS

LAWN/GARDEN EDGE

SOIL MIX:

SEE SPEC.

SPECIFIED

POT SIZE

300mm DERTH SOIL MIX BLEND

SUBSOIL CULTIVATED TO 100mm

TYPICAL GARDEN PREPARATION DETAIL

(ONLY APPLICABLE FOR PLANTING AREA OUTSIDE TREE PROTECTION

FRAMELESS GLASS OR SELECTED

CONTEMPORARY BALUSTRADE TO MATCH

DEVELOPMENT TO AS & BCA STANDARDS

ZONE OF TREES TO BE RETAINED. NO CHANGES ARE TO OCCUR TO

EXISTING LEVELS, INCLUDING RIPPING/CULTIVATING OF THE SOIL

WITHIN THE TPZ OF TREES TO BE RETAINED ON SITE)

ANTER BOX MI

PLANTER BOX MIX

TYPICAL PLANTER BOX DETAILS

SLAB TO ENG. DETAIL

SCALE 1:20

PLANTING &

2. ALTERNATIVE PLYWOOD OR WOODEN PALING FENCE PANELS. THE FENCING MATERIAL ALSO PREVENTS **BUILDING MATERIALS OR SOIL** ENTERING THE TPZ

3. MULCH INSTALLATION ACROSS SURFACE OF TPZ (AT THE DISCRETION OF THE PROJECT ARBORIST). NO EXCAVATION, CONSTRUCTION ACTIVITY, GRADE CHANGES, SURFACE TREATMENT OR STORAGE OF MATERIALS OF ANY KIND IS PERMITTED WITHIN THE TPZ

4. BRACING IS PERMISSIBLE WITHIN THE TPZ. INSTALLATION OF SUPPORTS TO AVOID DAMAGING ROOTS

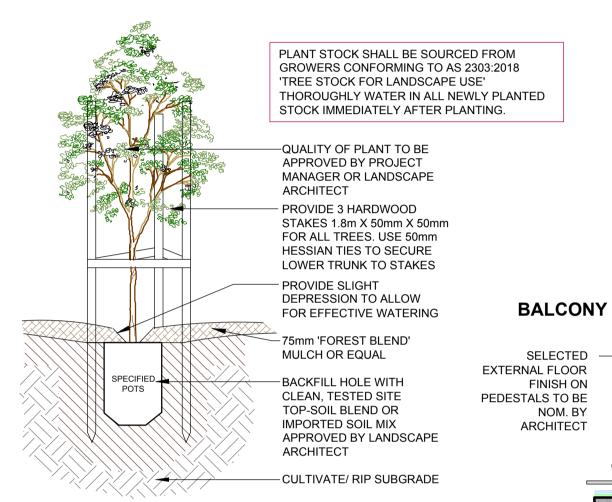
5. PRUNING & MAINTENANCE TO TREE

REFER TO AS 4373-2007 PRUNING OF PROVIDE FENCING AS DETAILED TO ALL TREES PROPOSED TO BE RETAINED ON THE SUBJECT SITE. FENCING TO BE LOCATED TO THE DRIP LINE OF TREES OR AS INDICATED ON PLANS OR DIRECTED

TREE PROTECTION ZONE

ON-SITE BY ARBORIST. NO STOCKPILING WITHIN FENCE PERIMETERS.

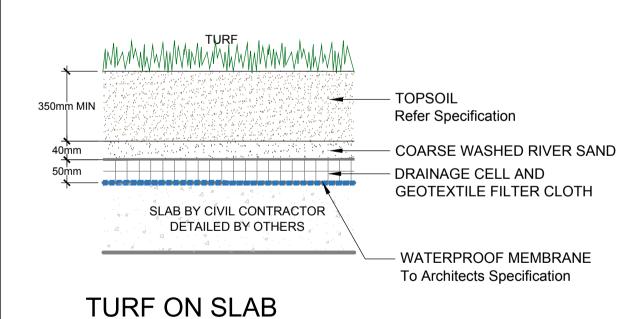
N.T.S

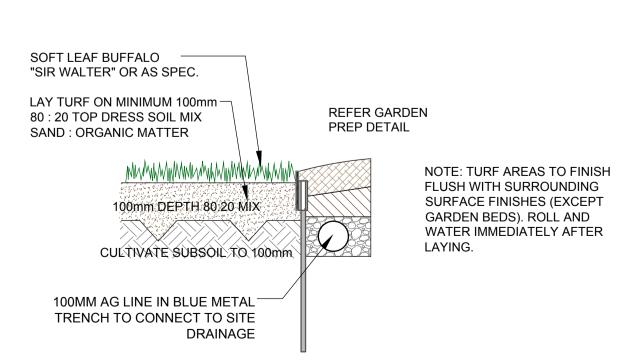


TREE PLANTING DETAIL

1:10

(ONLY APPLICABLE FOR PLANTING AREA OUTSIDE TREE PROTECTION ZONE OF TREES TO BE RETAINED. NO CHANGES ARE TO OCCUR TO EXISTING LEVELS, INCLUDING RIPPING/CULTIVATING OF THE SOIL WITHIN THE TPZ OF TREES TO BE RETAINED ON SITE)





TYPICAL TURF AND STEEL EDGE DETAIL SCALE: 1:10



B 20.07.20 Preliminary DA prepared for review NORTH SYDNEY B 02.09.21 For DA **DEVELOPMENT** C 10.02.22 For Panel Review CLIENT 107 HIGH STREET 107 High Nth Sydney Pty Ltd NORTH SYDNEY

NOTATION/AMENDMENT

TO SPECIFIED DENSITIES AS SHOWN PLANTS AS PER SCHEDULE MASS PLANTING SETOUT

-STAGGERED PLANTING



CLEAN, FREE DRAINING CONSOLIDATED MATERIAL TO REAR OF WALL. NATURAL SAND STONE APPROVED FILTER FABRIC (SIZE TO FUTURE DETAILS) LINER TO REAR OF WALL. PROVIDED 100mm SLOTTED SURFACE FALLS TO PIPE AG-LINE TO BASE OF DRAINAGE TO ENG. DETAILS \ NEW WALLS IN BLUE METAL TRENCH TO DRAIN TO NEW SUMPS / PITS AS SPECIFIED BY HYDRAULIC ENGINEERS. AG-LINE SHALL BE IN APPROVED "SOCK" OR WRAPPED IN FILTER FABRIC TO PREVENT SILTING UP. ALL FOOTINGS TO

TYPICAL SANDSTONE BOULDER WALL **SCALE 1:20**

—|||—|||—|||—|||—|||—|||—|||—|||—|||

MAX 2800 BETWEEN POSTS OR TO SUIT T/P RAILS TO SUIT (Min 3 No) -1.8m HIGH LAPPED AND CAPPED -TREATED PINE FENCE & POSTS SPACED TO SUIT; STEP FENCE AT POSTS TO SUIT NATURAL **GROUND LEVELS** TIMBER SLEEPERS MAY BE — ADDED TO THE BASE OF THE FENCE, AS DETERMINED ON SITE, TO SUIT MINOR LEVEL CHANGES IN NATURAL OR REQUIRED FINISHED LEVELS Where ground levels vary, step fence at posts to suit grades - do not rake fencing. CONCRETE FOOTING TO ENGINEER'S DETAIL.

LPDA 20 - 282

1.8m BOUNDARY LAPPED AND CAPPED T/P TIMBER FENCING

LP-06

SPECIFICATION & DETAIL DEVELOPMENT APPLICATION PROPOSED RESIDENTIAL

AS SHOWN @ A1

E.W/R.H

SEP 2021

R.F

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107 HIGH STREET, NORTH SYDNEY EW SHARING REPORT PREPARED FOR 107 HIGH NTH SYDNEY PTY LTD

URBIS STAFF RESPONSIBLE FOR THIS REPORT:

Associate Director: Jane Maze-Riley Consultant: Piyangi Mallawarachchi

Project Code: P0025773

Report Ref: 01 RPT_View Sharing Report

Version: 02

Report Status: Final for submission

Date: April 2022

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1.0 INTRODUCTION

1.1 PURPOSE OF THIS REPORT

Urbis has been engaged by Lotus Property 107 North Sydney Pty Ltd (107 High Street) to prepare an independent view sharing analysis and report for submission to North Sydney Council, in relation to Development Application No.DA281/2021 submitted in respect of 107 High Street, North Sydney. The view sharing report was requested by Council as stated in Pre-DA meeting minutes which stated that a view loss analysis should be submitted with the application;

"A view loss analysis should be submitted with the development application. A number of apartments on the northern side of High Street and beyond enjoy views, including iconic views, across the subject site and these should be carefully considered and retained where possible. Any breaches of the building height control should be limited and should demonstrate that any new elements above the height control do not result in any material view loss impacts."

The report follows preliminary advice undertaken and provided by Urbis, which identified close neighbouring dwellings at risk of potential view loss and provided view sharing analysis based on a review of CGIs (constructed views).

This report provides updated and detailed view sharing analysis, based on inspections at 94, 96, 98 and 98A High Street and a review of analytical block-model photomontages which include an amended architectural massing. This assessment has been informed by a review of architectural plans prepared by MAYOH Architects, field work observations and an analysis of photomontages prepared by Rock Hunter Australia.

This report is limited to assessment of potential impacts on private domain views and does not consider in any detail the potential effects of the built form proposed on public domain views or streetscape character.

The following documents have been reviewed and considered during the preparation of this report;

- Documented views from dwellings at 94, 96, 98 and 98A High Street, as identified via the submission process.
- Certifiable photomontages prepared by Rock Hunter
- The architectural DA set prepared by Mayoh Architects (including revisions and modifications December 2021 to February 18th February 2022)
- SEE Prepared by Gyde Planning
- · Aerial mapping

- North Sydney LEP, and DCP documentation
- Fieldwork public domain inspections

1.2 PROJECT UNDERSTANDING

The Development Application (DA) is for a residential flat building which includes the demolition of the existing two storey apartment building on the site, and the construction of a new residential flat building. The proposed development includes 10 apartments across 4 levels of residential accommodation, located above two levels of basement.

The DA drawings show that the residential flat building will broadly sit across the width of the site occupying a developable level area close to the road and will present to High Street broadly as a three storey residential flat building with a partly excavated lower storey set below street level.

1.2.1 PROPOSED DEVELOPMENT

Architectural Plans have been amended in response to comments regarding architectural form, massing and detailing proposed by AK Planning (Council's consultant planners) in their Assessment Report dated 16/12/2021. Notwithstanding, these comments were made in relation to the originally submitted DA (September 2021) subsequent to the submission, notable changes were made by Mayoh Architects to the design of the proposed development.

The amended proposed DA in visual terms will occupy a similar location on the site to the existing building and will present to the street as a rectangular form with a flat and curved roof from. In views from High Street, the built form proposed, will appear similar in height and scale to that which currently exists, where the proposed massing shifts slightly to the east compared to the existing building on the site. The height of the proposed flat roof at RL28,750 is only marginally higher than the height of the existing west-east central pitched roof ridge line at RL28,660.

We note that the site is constrained by steep underlying topography, ADG and setback requirements such that the design already includes minimum floor to ceiling heights and structural depths in an effort to minimise the overall height of the proposal.

Setbacks

The proposed development includes a uniform front set back of 2500mm to the built form proposed along the northern boundary. This setback is significantly greater compared to the current arrangement and in relation to neighbouring buildings at 105 and 107A High Street. The front setback is proposed to be filled by courtyards and garden beds.

The proposal includes wide side setbacks, that are also significantly greater in relation to the west and are well within applicable DCP controls in relation to the east. For example at ground level the western setback at the north-west corner is 7080mm approximately 2m greater than currently exists. To the east the setback varies in

width from 5450mm at the northern end to 6000mm at the southern end of the east elevation.

Both side setbacks create potential view corridors in southerly views which are augmented and expanded further, when combined with the side setbacks of adjacent development. The combined setbacks create wide spatial separations between built forms. In this regard the width of the potential view corridor west of the built form proposed is approximately 9670mm and 8320mm to the east. This spatial separation is maintained up to level 2 above which the fourth storey is reduced in size and further setback by 1310mm and 2230 to the west and east respectively.

This additional setback and reduction in the horizontal width of the upper storey north elevation increases the visual permeability through

the site. We note that the east setback includes the retention of existing vegetation on the site where only two trees will be removed as part of the proposed development.

DA set drawing 150 rev N, shows the north and south elevations proposed and that the centrally located lift and over run will create a minor visible projection above the flat roof, which sits within the permissible height controls.

In summary the height, width and scale is similar to the existing building on the site and is fully compliant with relevant building envelope controls which affect potential view loss including the applicable LEP Building Height, DCP Building Height Plane and floor space ratio (FSR).

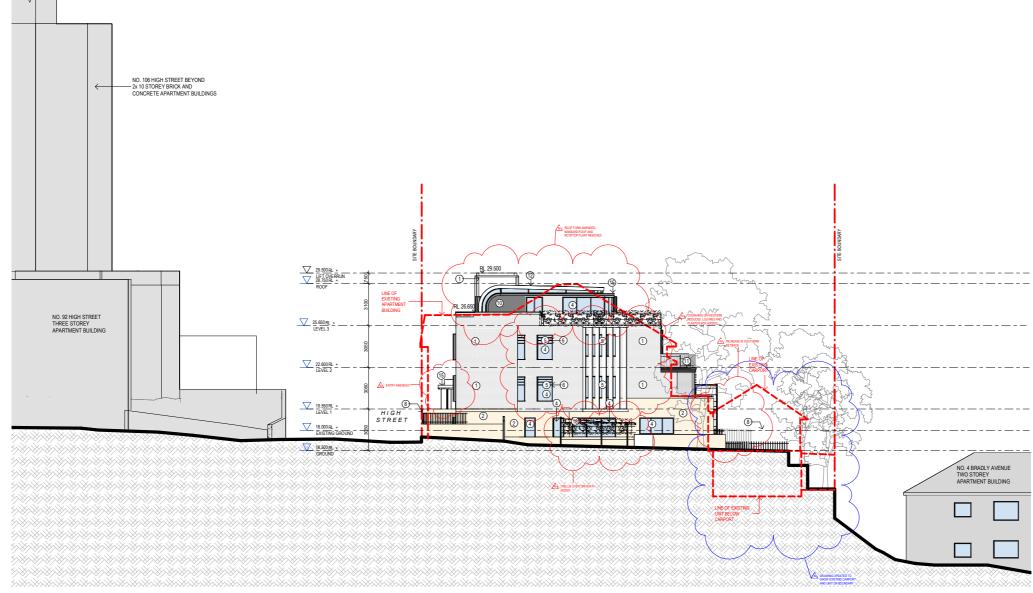


FIGURE 1 UPDATED AMENDED DA SET RESOURCE MAYOH ARCHITECTS 2021

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2.0 VISUAL CONTEXT

2.1 SUBJECT SITE

The site area is 1, 261.4m² and is broadly rectangular in shape and includes a significant cross fall from the north to the south of approximately 5 metres. The existing dwelling on the subject site is a two-storey residential flat building (RFB) which is of Inter-War style and sits at an oblique angle to its northern boundary. The residential flat building presents to High Street as a modulated form as a result of the conversion of the original dwelling to a multi-unit building. The building is connected with a series of tiled and gabled roofs, with the central pitched roof form higher than the roof ridge lines of the other roof forms.

The existing built form is set close to the north site boundary and includes wide side setbacks, where the western setback is approximately 10m wide, free of built features and is predominantly characterised by vegetation.

2.2 SURROUNDING VISUAL CONTEXT AND CHARACTER

The underlying surrounding topography falls in elevation broadly from the north to the south, with development along the north side of High Street set higher relative to the south. Properties located along the north side of High Street in the vicinity of the site are set close to a local ridge line and in this regard are significantly elevated above street level, and above the roof form on the subject site. The northern side of High Street is characterised by street level garaging, retaining walls, where ground levels and accommodation are approximately 2-3m above street level.

High Street is predominantly characterised by a mix of low, medium and high density residential development such as single dwellings interspersed with isolated taller medium-high density residential flat buildings for example at 100 and 106 High Street, at approximately 10 storeys. The visual context surrounding the subject site includes simply massed dwellings and residential flat buildings along the north and higher side of High Street. Development is characterised by a variety of styles and architectural era including Art Deco and Inter-War styles. The height, scale and form of residential development along High Street varies to reflect the built form contemplated by underlying land-use zones and controls.

The subject site is subject to a high density land use zone of R4 as are adjacent residential blocks to the west and east along High Street and south-west at the corner of Bradly Avenue and Hipwood Street. The R3 medium density residential land-use zone applies to blocks immediately south and south-east of the site and as such the built forms surrounding the subject site varies in height and scale to reflect the controls.

The site is at the northern end of the Careening Cove Heritage Conservation Area, as identified in Schedule 5 Part 2 of the North Sydney Local Environmental Plan 2013. The southern side of High Street is the northern boundary of the conservation area. Impacts on the heritage setting and visual curtilage of the HCA in relation to the proposed development are addressed by Urbis Heritage.

2.3 PRELIMINARY VISUAL ASSESSMENT ADVICE

Urbis undertook fieldwork in July 2021 and made observations in relation to the existing visual setting of the site, its spatial arrangement in relation to neighbouring dwellings and the streetscape character. We considered the external visibility of the subject site and the proposed development from private domain locations and provided a preliminary visual assessment regarding our observations.

Based on external observations of dwellings at 105 and 107A High Street our preliminary advice found the following;

105 High Street

Immediate western neighbour. The ground and first floors spring from lower levels relative to the subject site so that views from first floor windows to the south-east and east are unlikely to have access above and beyond existing built form on the site. Notwithstanding the proposed development at 107 High Street may be highly visible in views from this dwelling, it is unlikely to create any significant view impacts having regard to the principles of view sharing outlined in *Tenacity Consulting v Waringah* [2004] NSWLEC 140 ('*Tenancity*') considered in further detail below.

107A High Street

107A adjoins the site to the east. Floor plans for this dwelling that are available online indicate that the majority of windows are included in the south elevation of the dwelling. Notwithstanding the proposed development may be partly visible in oblique south-westerly views from this dwelling, it is unlikely to create any significant impacts on south-easterly or easterly views (in relation to *Tenacity*).

92 High Street

92 High Street is a three storey residential flat building located at the north-east corner of High and Hipwood Streets. The proposed development may cause some minor view impacts in oblique south-easterly views from first floor windows but is unlikely to create any significant or unacceptable view sharing impacts on views from units within this development.

94 High Street

This dwelling broadly aligns with the centre of the subject site where views from the first floor central window may include part of the Sydney Harbour Bridge to the south-west. Potential views to the south and south-east may also be available and potentially affected by taller built form on the site. Potential views to the subject site are oblique to the south-east such that existing views to scenic or iconic features including parts of Sydney Harbour Bridge are unlikely to be affected by the proposed development.

Residential flat buildings further afield

Dwellings located in Kiara Close and residential flat buildings at 100 and 106 High Street either have limited access towards and across the subject site or are sufficiently elevated above the subject site and proposed development so that potential south-easterly or southwesterly views (from 100 High Street) are unlikely to be significantly affected by the height and scale of proposed development.

Based on our observations in relation to dwellings discussed above, in our opinion no further analysis of potential view loss is warranted.

Information about dwellings at 96, 98 and 98a is included in section 3.1.

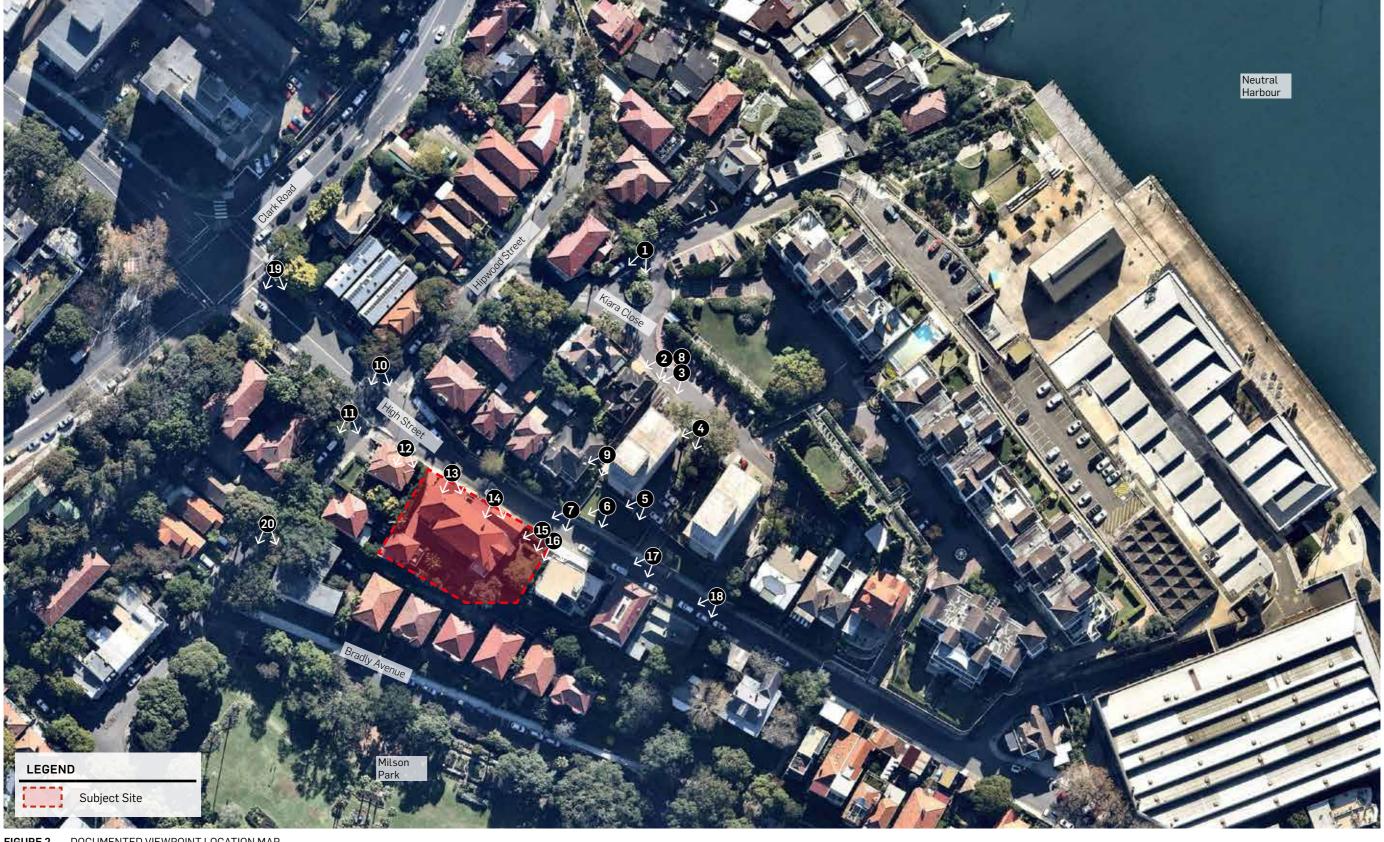


FIGURE 2 DOCUMENTED VIEWPOINT LOCATION MAP



Plate. 1 Residential development north of site on Kiara Close



Plate. 4 View south-west from entry to 100 High Street



Plate. 2 Detail of 2 Kiara Close



Plate. 5 View south-west to subject site from elevated lawn at 106 High Street



Plate. 3 Detail of 100 and 106 High Street from Kiara Close

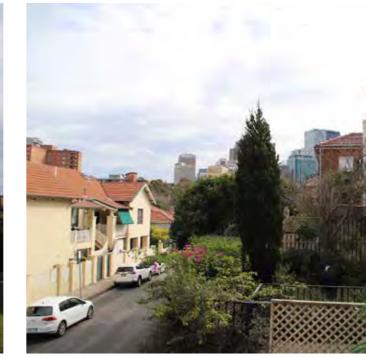


Plate. 6 View west to 98 High Street from elevated lawn at 106 High Street



Plate. 7 View south from south-west corner of the elevated lawn at 100 High street



Plate. 10 View west-south-west from street level between 98 and 100 High Street



Plate. 8 Detail of Residential Flat Buildings at 100 and 106 High Street



Plate. 11 Streetscape detail from north-east corner of Hipwood and High Streets



Plate. 9 Detail of 2 Kiara Close and 110 Hipwood Road



Plate. 12 Streetscape detail of the northern side of High Street including 92, 94, 96 and 100 High Street



Plate. 13 Detail of 92 High Street



Plate. 16 Detail of dual occupancy at 98 High Street



Plate. 14 Detail of 94 High Street



Plate. 17 Detail of southern elevation of 100 and 106 High Street



Plate. 15 Detail of 96 High Street



Plate. 18 Detail of 107A and 107 High Street



Plate. 19 Streetscape detail of the southern side of High Street



Plate. 20 View east from north-east corner of High Street and Clark Road



Plate. 21 RFB on the eastern side of Hipwood Street





Plate. 22 Elevation of 94 High Street

Plate. 23 Elevation of 96 High Street

3.0 RELEVANCE AND INTENT OF TENACITY

The extent and reasonableness of private domain view loss is typically assessed against the Land and Environment Court of New South Wales planning principle outlined in *Tenacity Consulting v Warringah* [2004] NSWLEC 140 - Principles of view sharing: the impact on neighbours (*Tenacity*). This is the most widely used and referenced planning principle in relation to the assessment of view impacts of development on private views.

The planning principle has the objective of achieving a 'desirable outcome' aimed at reaching a planning decision about what is reasonable or not, and defines a number of appropriate matters to be considered in making the planning decision. Therefore, the importance of the principle is in outlining all relevant matters and the relationships of factors to be considered throughout the process and is not simply to describe the features within a view that could be lost. We refer to paragraph 25 of (then) Senior Commissioner Roseth's judgment in *Tenacity* where he states;

"The notion of view sharing is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment. (Taking it all away cannot be called view sharing, although it may, in some circumstances, be quite reasonable.) To decide whether or not view sharing is reasonable, I have adopted a four step assessment".

Tenacity begins with determining the existing composition of views, and includes descriptions of features and characteristics, based on the particulars of that matter, for example water and areas of land-water interface, that are likely to be more valued than others. By describing the nature and predominant composition of the views Tenacity suggests that if there is no substantive view loss in qualitative or quantitative terms, then the threshold for proceeding to Step 1 of the four-step assessment may not be met and in this regard the application of Tenacity may not be required.

If it is determined that the notion of view sharing has been invoked and is relevant, *Tenacity* outlines a four-step process including threshold tests to be met. Our understanding of the intent of the principle is that the steps are sequential and conditional, meaning that proceeding to further steps may not be required if the conditions for satisfying the preceding threshold test are not met. For example, view loss as considered in Step 1 or 2 is negligible in quantitative or qualitative terms if such a view is available across a side boundary from a seated bedroom location or a toilet and no other views/rooms are affected, there may be no utility in applying further steps in the assessment and in this regard, *Tenacity* has no work to do.

Tenacity does not clearly distinguish between extent (quantity) of view loss and in fact dissuades the use of quantifying view loss, but tends to equate view loss with impact, where the significance or importance of the loss is a matter of judgement and consideration of various relevant factors. Therefore, it is important not to conflate the extent of change (quantum of view loss) as shown for example in a photomontage, directly to an impact rating. In this regard we caution the use of photomontages that show view loss in an individual view, given that view loss in isolation, does not equate to an overall view impact.

The underlying intent in *Tenacity* requires the consideration of all relevant factors in reaching an overall view impact rating. Factors include;

- Scenic quality of the view including consideration of the predominant character; its intactness, wholeness or partiality, and whether the composition includes particular features for example 'icons' etc.
- Formal presentation of the dwelling in relation to the proposed development,
- Internal room types and uses for the entire dwelling including view loss in all views from the dwelling and entire residential flat building including those that will be unaffected,
- Ownership of space through or over which a view is gained,
- Remaining view composition,
- · Reasonable development potential of site and,
- Permissibility, compliance and reasonableness in relation to the built form proposed.

In other words the planning principle in *Tenacity* is a method designed to guide assessment and decision making in relation to being able to achieve an equitable view sharing outcome.

3.1 FIELDWORK INSPECTIONS AT DWELLINGS

Urbis requested access to inspect and document views from neighbouring dwellings. A letter of Request is included in Appendix 3.

Request to Access letters prepared by Urbis, were hand delivered by the proponent to the following locations.

Name of Owner	Address in Details	Property type	Number of letter Notes
JEBLON PTY LTD/The resident	96 High Street North Sydney	House	2 sent
KOTRONIS/ The resident	94 High Street North Sydney	House	2 sent
KRISTINA LIM ADRIAN LIM	98 High Street North Sydney	House	1 sent
LIM	98A High Street North Sydney	House	1 sent
CONDON	U11/100 High St North Sydney	Units	1 sent
WILEY	U12/100 High St North Sydney	Units	1 sent
TARGETT	U13/100 High St North Sydney	Units	1 sent
Building management team	100 High St, North Sydney	Building contract	1 sent

Responses were received and access was granted to inspect views at 94, 96 and 98 and 98b (garden only) High Street only.

The author of this report attended identified neighbouring dwellings located along the north side of High Street in March 2022, accompanied by a surveyor to record view place data.

Photographs were captured by Urbis, using a full-frame camera Canon EOS 6D Mark 11. The camera was mounted on a Optex Aluminium

tripod at an approximate height of 1.6m above the floor level and self levelled using the tilt handles and spirit levels on the tripod.

The X, Y and Z coordinates for each view place was captured by Usher and Company Surveying and Land Development Consultants. Data in relation to each view place and visible built forms captured in each photograph are included in Appendix 2.

The original JPGs and each image in its RAW format (minimally processed visual data from the image sensor) were selected and provided to RockHunter specialist Architectural Illustrators for the preparation of the photomontages for analysis. The method used by RockHunter satisfies the Land and Environment Court of New South Wales Photomontage Policy for accuracy.

Residential detail of 94 High Street and 96 High Street

Both buildings spring from elevated ground levels relative to the carriageway separated from it by sandstone retaining walls. They also share a central set of access steps and we note that in response to the underlying topography that the ground level at 96 High Street is elevated above 94 by approximately 700mm. 94 and 96 High Street are two-storey brick and tile post-War era buildings. An analysis of the south elevations, massing, soffit projected brick detailing and roof forms indicate that these are an identical pair of buildings. The buildings are likely to have been constructed at a similar time, possibly by the same builder as they include an identical floor plate and materials. Both southern elevations at 96 and 98 High Street appear to be similarly massed, for example the main south-facing mass is characterised by central sash windows aligned at ground and first floors and the secondary narrow recessed elevation (to the west at 94 and to east at 96) which includes a narrow single south-facing window.

94 High Street is occupied by one dwelling across both floors and as such its internal layout has been modified to vary slightly from the previous floor plate sourced on line and applied to Figure 5. In this regard the first floor window relates to a small room which is used by the current owners as a family room and study. The recessed secondary mass to the east is occupied by the internal stairs where the fixed glazing is coloured allowing for light only rather than views.

Unit 1/96 High Street (first floor)

The internal floor plate of this unit reflects the mirror image of 94 High St as shown in Figure 4. The central southern massing is occupied wholly by the master bedroom which includes a centrally located set of 3 sash windows and a double sash along its eastern elevation.

Views from the master bedroom east elevation double sash window to the south-east include residential development, parts of Sydney Harbour, sections of land-water interface and parts of the eastern suburbs. The view includes part of a distant whole view that is characterised by scenic and highly valued features as defined in *Tenacity*.

The room adjacent and immediately north is a narrow living and sitting room which occupies the recessed east massing and includes a narrow south-facing single sash window. Rooms further north in the dwelling according to notes and observations made on the day of inspection, reflect the internal layout as shown in Figure 3.



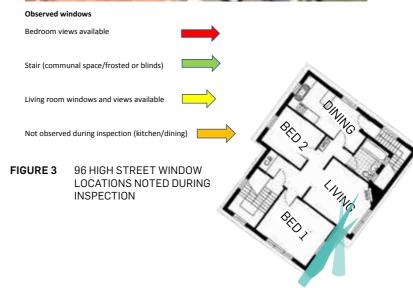
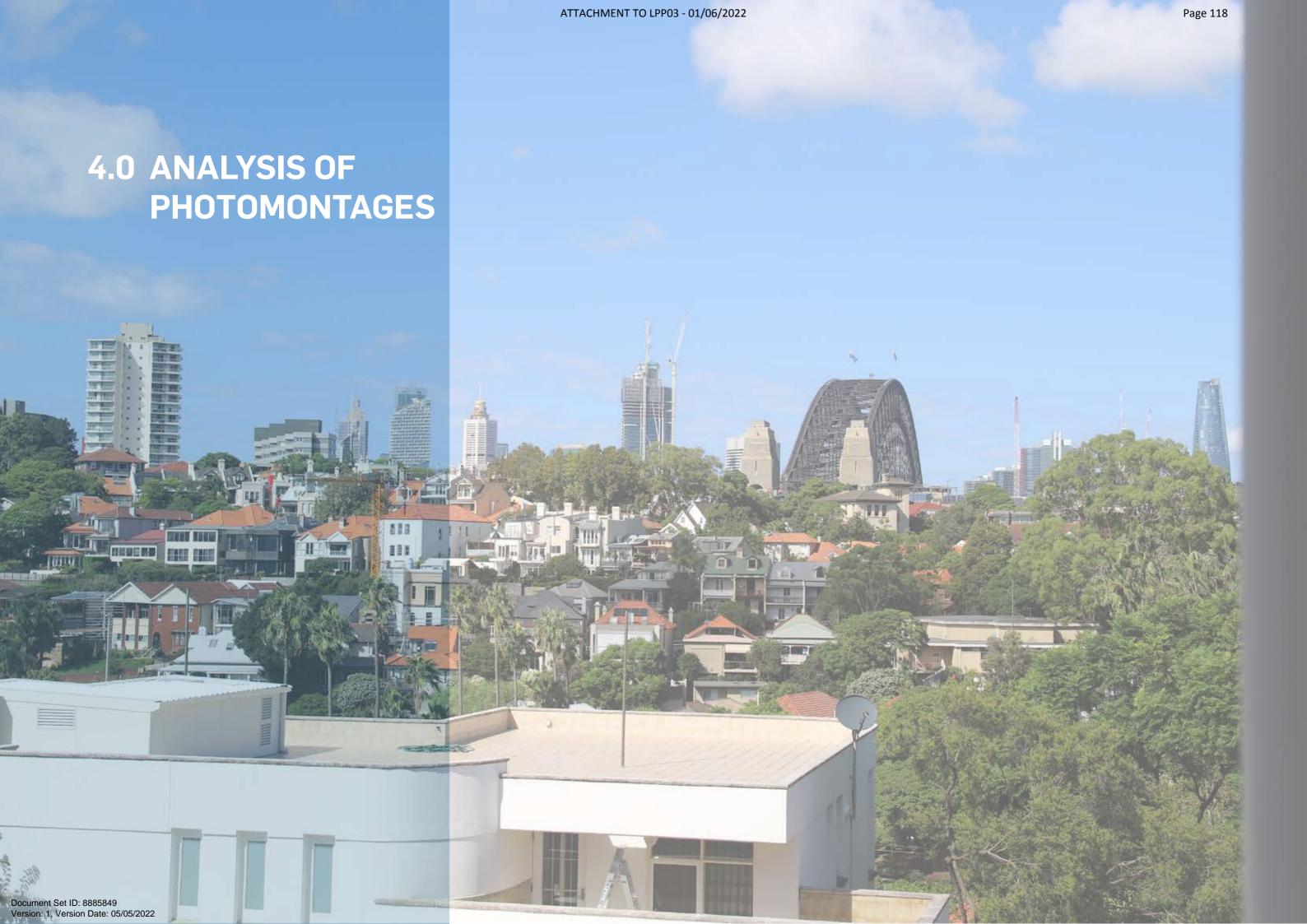


FIGURE 4 96 HIGH STREET FLOOR PLAN VIEWS FROM LIVING ROOM



FIGURE 5 FLOOR PLANS OF THE BUILDINGS IN THE SURROUNDING CONTEXT IN RELATION TO THE PROPOSED SITE



LIVING BED 2

4.1 94 HIGH STREET- FIRST FLOOR STUDY/ FAMILY ROOM





Existing View

Proposed View

EXISTING VIEW

This is an oblique south-easterly view from the north-west corner of the study. The view location was selected by the owner and does not reflect the view south that is available from a central location in front of the window and from other parts of this room, which would include much more of the western setback between the subject site and 105 High Street.

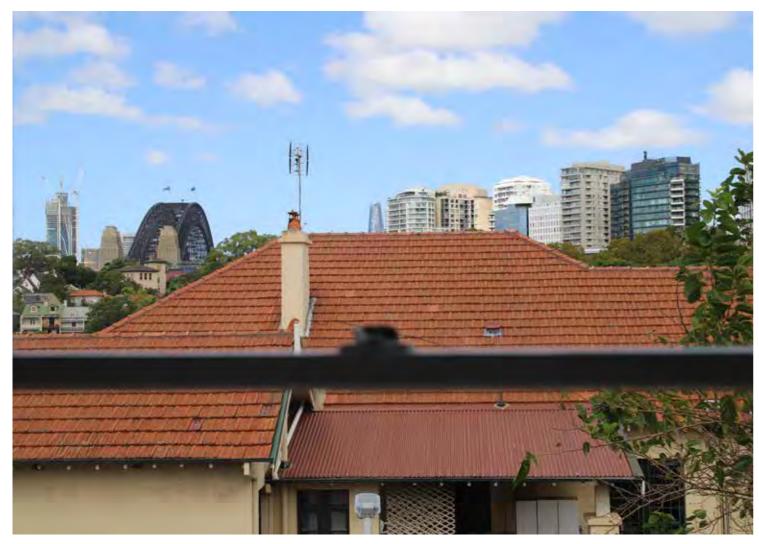
The existing view is predominantly characterised by the existing dwelling on the subject site, vegetation to the south and west and the taller tower forms present in Milsons Point, North Sydney. Notwithstanding a narrow section of the upper part of the arch of the Sydney Harbour Bridge is visible above the roof form at 107 High Street this view is not a whole view that is predominantly characterised by icons, scenic or highly valued compositions as defined in *Tenacity*. The presence of the 'partial end-on' view to the upper part of an isolated icon although notable is not sufficient in our opinion to warrant this view composition as highly valued in *Tenacity* terms.

PROPOSED VIEW

The proposal will introduce a new built form into the foreground of the view, essentially replacing all of the existing built form on the site with new contemporary flat-roofed form. The additional built form predominantly blocks areas of open sky and vegetation including the minor upper section of the arch of the Sydney Harbour Bridge. The built form is set back from the street by an additional 2.5m improving the spatial separation between the buildings, the increased western side setback will improve visual permeability through the site and reveal vegetation to the south west via the wider view corridor. The built form proposed does not block whole views that would be considered as iconic or highly valued in *Tenacity* terms.

The height and width of the proposed envelope sits significantly below and within the permissible envelope and in this regard the level of impacts shown are contemplated by the relevant controls. In our opinion the proposed envelope provides a better view sharing outcome compared to a fully compliant built form as shown by the blue colour block.

4.2 96 HIGH STREET - MASTER BEDROOM





Existing View Proposed View

EXISTING VIEW

This is a southerly standing view from a central location approximately 1m inside the window. This view represents the 'worst-case' view directly towards the site as opposed to views from further west in the bedroom to the south-east that will include the eastern side setback and a distant view of parts of Milson Park and Careening Cove.

The existing view is predominantly characterised by the existing dwelling on the subject site, vegetation and the taller tower forms present in Milsons Point, North Sydney. A narrow section of the wider view includes the upper part of the arch and upper sections of pylons of the Sydney Harbour Bridge. In other words this is not a 'whole view' predominantly characterised by icons, scenic or highly valued features, for example sections of land-water interface as defined in *Tenacity*. We note that access to parts of the Sydney Harbour Bridge is via a central part of the site, across private land, available fortuitously over a single storey built form on the site. Notwithstanding this partial view may be valued by the resident, in our opinion this view composition is not 'iconic' in *Tenacity* terms.

PROPOSED VIEW

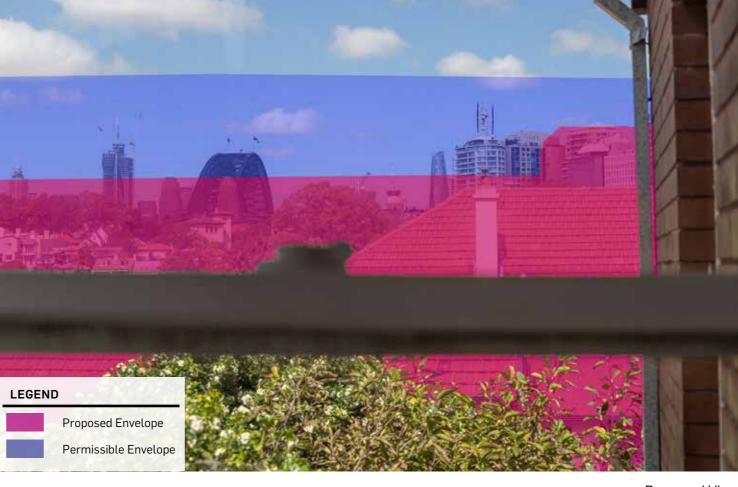
The proposed development will replace the existing pitched roof forms with a contemporary flat roof which will project horizontally to the east to occupy existing open space and under-developed parts of the site. The built form proposed predominantly replaces the existing building on the subject site, tower forms in Milsons Point, vegetation and areas of open sky. The proposed development will also block a partial view to the arch and pylons of the Sydney Harbour Bridge but does not block whole views that would be considered as iconic or highly valued in *Tenacity* terms. The upper part of the Sydney Harbour Bridge arch will remain visible.

The built form is set back from the street by an additional 2.5m improving the spatial separation between the buildings. The height and width of the proposed envelope sits significantly below and within the permissible envelope and in this regard the level of impacts shown are contemplated by the relevant controls. In our opinion the proposed envelope provides an improved view sharing outcome compared to a fully compliant built form as indicated by the blue colour block.

BED 2 LIVING

4.3 96 HIGH STREET - LIVING ROOM





Proposed View

Existing View

EXISTING VIEW

This is a southerly view from the south-east corner of the living room. This view is only available if the viewer stands at the corner of the room and close to the window where this composition is not available from other parts of the room. This view represents the 'worst case' view directly towards the site as opposed to views from this location to the south-east which include the eastern side setback and a distant view of parts of Milson Park and Careening Cove.

The existing view is predominantly characterised by the pitched roof at the eastern end of the site, lower forms and vegetation with the east setback area of the subject site. The background composition includes tower forms present in Milsons Point vegetation, isolated towers in the City of Sydney CBD, low density development across the north facing slopes in Kirribilli and the upper part of the arch and upper sections of pylons of the Sydney Harbour Bridge. In other words this is not a 'whole view' predominantly characterised by icons, scenic or highly valued features such as sections of land-water interface as defined in *Tenacity*. We note that access to parts of the Sydney Harbour Bridge is via a central part of the site, across private land, available fortuitously over a single storey built form on the site. Notwithstanding this partial view may be valued by the resident, in our opinion this view composition is not 'iconic' in *Tenacity* terms.

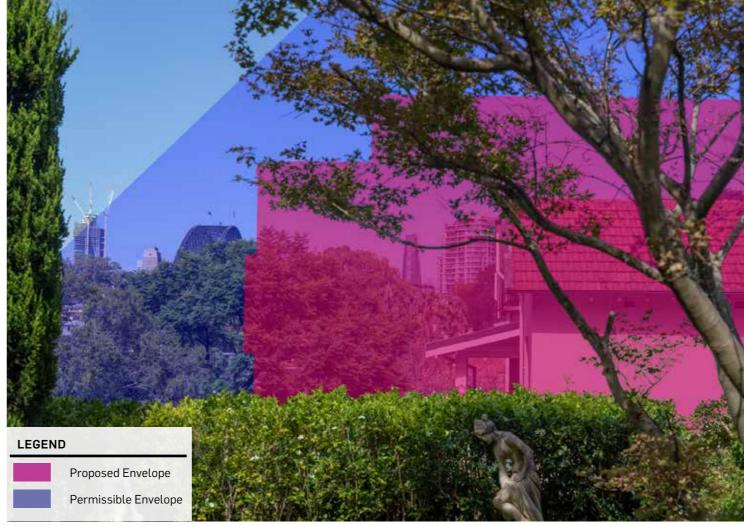
PROPOSED VIEW

The proposed development will replace the existing pitched roof forms with a contemporary flat roof which will project horizontally to the east to occupy existing open space and under-developed parts of the site. The built form proposed predominantly replaces the existing building on the subject site, tower forms in Milsons Point, vegetation and development in Kirribilli and areas of open sky. The proposed development will also block the majority of the partial view to the arch and pylons of the Sydney Harbour Bridge but does not block whole views that would be considered as iconic or highly valued in *Tenacity* terms. The upper part of the Sydney Harbour Bridge arch will remain visible.

The built form is set back from the street by an additional 2.5m improving the spatial separation between the buildings. The height and width of the proposed envelope sits significantly below and within the permissible envelope and in this regard the level of impacts shown are contemplated by the relevant controls. In our opinion the proposed envelope provides an improved view sharing outcome compared to a fully compliant built form as indicated by the blue colour block.

4.4 98A HIGH STREET - GROUND FLOOR EXTERNAL VIEW





Existing View

w Proposed View

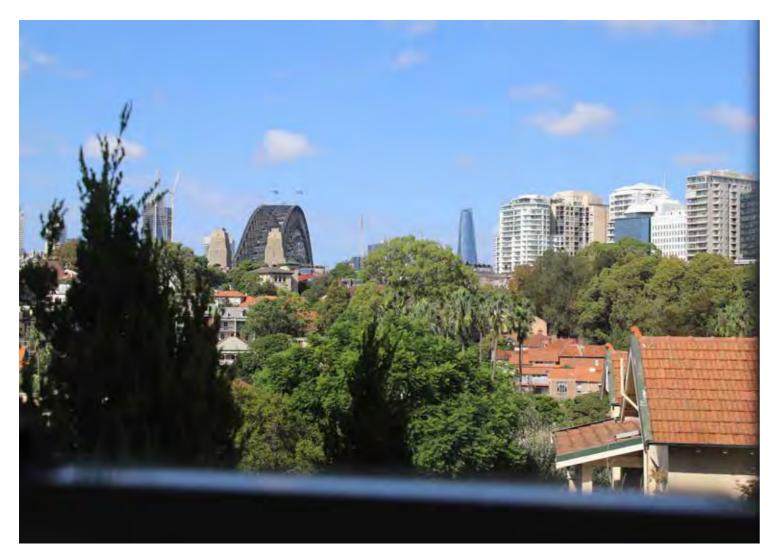
EXISTING VIEW

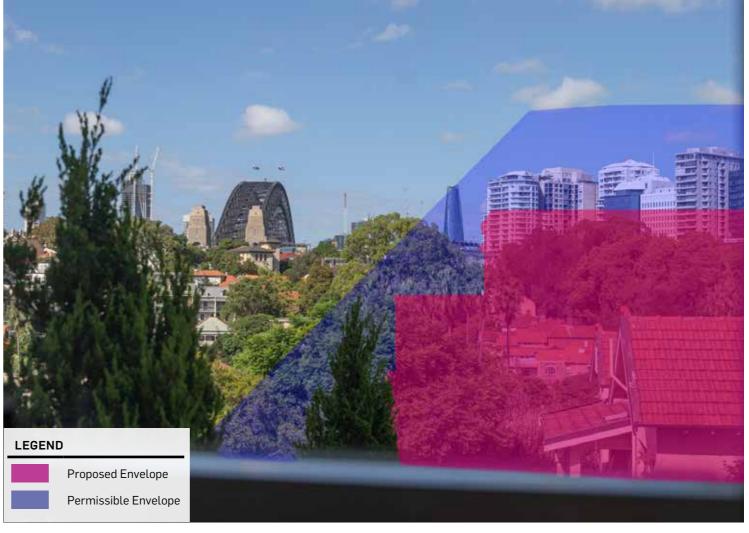
This is a southerly view from the paved entry to the front door of the dwelling. The view available includes areas to the east of the building on the subject site, predominantly characterised by foreground and midground evergreen vegetation and individual isolated buildings within the Sydney CBD. The upper part of the south-easterly pylon and section of the Sydney Harbour Bridge arch is visible above the vegetation. This is not a 'whole view' predominantly characterised by icons, scenic or highly valued features such as sections of land-water interface as defined in *Tenacity*.

PROPOSED VIEW

The proposal will introduce a new built form into the foreground of the view which will block parts of the wider more expansive view to the south. The proposed envelope will replace the existing building and project to the east across undeveloped parts of the site to block vegetation, distant background building development and open areas of sky, leaving all of the parts of the Sydney Harbour Bridge and pylons that are available, unaffected and visible in the view. The built form proposed does not block scenic, iconic or highly valued items or whole views as defined in *Tenacity* terms.

4.5 98A HIGH STREET - FIRST FLOOR **BEDROOM VIEW**





Existing View Proposed View

EXISTING VIEW

This is a southerly view from a central location within the master bedroom. The view available includes areas to the east of the existing hipped roof on the subject site, occupied by foreground and mid-ground vegetation, residential development in Kirribilli, the north piers and end view of the arch of the Sydney Harbour Bridge and to the west tower development located in Milsons Point, North Sydney. The view also includes parts of individual and isolated buildings within the Sydney CBD. The existing view does not include whole views characterised by iconic items or features such as areas of land-water interface that would be considered as highly valued in *Tenacity*.

PROPOSED VIEW

The proposal will introduce new built forms into the foreground of the view which will block parts of the wider more expansive view to the south. The proposed envelope will replace the existing building and project to the east across undeveloped parts of the site to block mid-ground vegetation and background building development and open areas of sky, leaving all of the parts of the Sydney Harbour Bridge and pylons that are available, unaffected and visible in the view. The built form proposed does not block scenic, iconic or highly valued items or whole views as defined in Tenacity terms.

4.6 98 HIGH STREET- FROM EXTERNAL LOCATION CENTRED ON GROUND FLOOR WINDOW



Existing View

EXISTING VIEW

This view is difficult to obtain and is available from standing in the front garden of the dwelling. This view was not selected for modelling given that internal views from living areas to scenic and iconic view compositions are unlikely to be available. This is a southerly view from the paved entry to the front door of the dwelling. The view available includes foreground vegetation, the existing roof form and areas to the east of the building on the subject site and a section of the upper part of the arch of the Sydney Harbour Bridge. This is not a 'whole view' predominantly characterised by icons, scenic or highly valued features such as sections of land-water interface as defined in *Tenacity*.

4.7 ASSESSMENT AGAINST TENACITY

In our opinion assessment against the planning principle outlined in *Tenacity* is relevant when the quantum and quality of view has potential to be material or substantive. The photomontages prepared are useful objective visual aids in informing the extent of potential view loss and show that the proposed development will cause some view loss in relation to views from all seven properties. The extent of view loss varies depending on viewing height, orientation and the presence of intervening vegetation.

Views from 94 and 96 High Street include some individual elements that could be considered as scenic and highly valued and as such the potential view loss as shown satisfies the pre-step test to proceed to apply the Step 1 in *Tenacity*.

However in the case of views from 98 High Street, the scenic composition and value of the views to be lost, are commonly available district views and are not highly valued in *Tenacity* terms. The proposed development has not appropriated the scenic or highly valued features in the view (that is the important parts that require *Tenacity*'s attention) and the concept of view sharing has not been invoked. In this regard in our opinion there is no requirement to apply the planning principle in regard to potential view loss for 98 High Street and as such *Tenacity* has no work to do. Similarly, in our opinion, potential view loss in relation to the garden view from 98A High Street does not meet the pre-step test threshold to proceed to apply the planning principle.

The pre-test threshold to proceed to Step 1 of the planning principle is met for views from the 94 and 96 High Street.

STEP 1 IN TENACITY

Existing views to be affected

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

94 High Street

The proposal predominantly replaces existing built form in the foreground with new built form. The existing composition is described in detail above and includes a partial view of part of an individual icon only, the upper most arch of the Sydney Harbour Bridge. The part of the view that will be lost is minor in quantum and quality and does not, in our opinion meet the threshold test to proceed to Step 2 in *Tenacity*. However, taking a conservative approach we have progressed the assessment of the view impacts in respect of this dwelling.

Unit 2, 96 High Street

The proposal will replace existing built form, residential development and vegetation in the foreground and midground compositions from a bedroom and living room with new built form in the immediate foreground. The existing composition is described in detail above and includes a partial view of part of an individual icon only, the arch and upper parts of the northern pylons of the Sydney Harbour Bridge. Other than in relation to the isolated partial view of the icon, the part of the view to be lost is minor in quantum and quality and does in our opinion not meet the threshold test to proceed to Step2 in *Tenacity*. However, taking a conservative approach we have progressed the assessment of the view impacts in respect of this dwelling.

STEP 2 IN TENACITY

From where are views available?

This step considers from where the affected views are available in relation to the orientation of the building to its land and to the view in question. The second step, quoted, is as follows:

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

94 High Street

The views are available across the front boundary from standing positions only in one part of the upstairs study at 94 High Street.

96 High Street

The views are available across the front boundary from standing and sitting positions of a bedroom and standing positions near the window at south-eastern corner of the living room at 96 High Street.

As a conservative measure we consider that all views assessed meet the threshold test to proceed to Step 3 in *Tenacity*.

STEP 3 IN TENACITY

Extent of impact using *Tenacity* scale

The next step in the principle is to assess the extent of impact, considering the whole of the property and the locations from which the view loss occurs. Step 3 as quoted is:

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

94 High Street

Only one first floor study/ TV room window is affected by potential view loss at this dwelling. No other views from this dwelling are affected by view loss and further, views to the south-west and west towards North Sydney are unaffected by the proposed development.

The view impact for the whole dwelling is rated as **minor**.

96 High Street

Views affected are primarily from the first floor master bedroom and in relation to a more constrained view from a living area. Impacts on views from bedrooms in *Tenacity* are given less 'weight' and more weight in relation to living areas. Views to the east, west and north from other rooms in the dwelling including from the kitchen, dining and a second bedroom are unaffected by the proposed development.

The view impact for the whole dwelling is rated as **moderate**.

Summation

These ratings are conservative, in the low and mid-range when considering the *Tenacity* scale (negligible, minor, moderate, severe or devastating). The threshold test to proceed to Step 4 in *Tenacity* is met given that some view loss will be caused by the proposed development.

STEP 4 IN TENACITY

Compliance and reasonableness of the view impact.

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

Step 4 Tenacity - Urbis Response

The proposed development is fully compliant with all relevant controls and objectives relevant to view loss. Certifiable photomontages show that the proposed development will predominantly block a typical, district view characterised by building development but also a partial view of part of an icon. In our opinion the minor view impact for 94 High Street is reasonable and acceptable given that all view loss is caused by fully compliant proposed development, generating an extent of visual change that is well within the permissible envelope and a resultant view impact that is anticipated by those applicable development controls.

In relation to the view impact for 96 High Street, we are of the same opinion that the conservatively determined moderate view impact is acceptable and reasonable in the circumstances for the following reasons;

- The proposed development does not significantly change the predominant visual character or the view and will improve the spatial arrangement of built forms in the immediate foreground by increasing the front setback to 2.5m along the entire northern boundary.
- The proposed development predominantly blocks a typical district view, characterised by building development and vegetation and does not block part of an iconic view or a whole view that is characterised by scenic and highly valued features, compositions or icons as defined in *Tenacity*.
- 3. The view lost includes a partial view of part of an icon.
- 4. We note that the upper part of the Sydney Harbour Bridge arch will remain available in this and other views from 96 High Street, where its distinctive and recognisable form will remain visible and as such will identify its location and presence in the composition.
- 5. Notwithstanding our conclusions in relation to the acceptability of the view impacts, the second part of the question in Step 4, should be asked and answered as to 'whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours'
- 6. We note that the interpretation of the skilful design question has been determined and accepted in the Court by Commissioner O'Neil in *Arnott v City of Sydney Council* [2015] NSWLEC 1052 (*Arnott*)
- 7. In Arnott, the intent of Tenacity is agreed to mean that the envelope proposed should not be carved out or reduced to directly benefit a particular view, but rather that "the skilful design test is to look for opportunities within the massing and form of the proposal to minimise the impact on views across the site, whilst maintaining the capacity to reasonably develop the site".
- 8. This is evident in Senior Commissioner Roseth's own words at paragraph 29 of the *Tenacity* planning principle where he states

- that, with a complying proposal, the question should be asked, 'whether a more skilful design could provide the applicant with the same development potential and amenity'
- 9. Commissioner O'Neil in *Arnott* also gives significant weight to compliance with relevant controls citing that local residents should be aware of the public consultation process leading to the making of the LEP. In this case the LEP adopts an R4 zone and 12m height limit for the site and as such a development of this height and scale, potentially filling previously undeveloped parts of the site could be sought and is anticipated.
- 10. We note that all views to the arch and pylons of the Sydney Harbour Bridge are available across a central part of the subject site, via privately own land, where fortuitously the view corridor has been available above a single storey form on the site.
- 11. In our opinion the moderate view impact at 96 High Street is reasonable and supportable.

5.0 CONCLUSION

- In visual terms the height, scale and from of the proposed development is highly compatible terms with the predominant built form and visual character of High Street.
- This view sharing report considers the potential impacts on views from the four neighbouring dwellings at 94, unit 1/96, 98 and 98a High Street, in relation to a DA for 107 High Street, North Sydney.
- The extent of potential view loss has been determined based on the analysis of certifiable, accurate photomontages prepared by Rock Hunter Australia.
- View loss of any quantum and value was determined to be low for 98 and 98a High Street to the extent that the application of the *Tenacity* planning principle was in our opinion not relevant or necessary. If view impacts were rated against *Tenacity* in our opinion they would be likely to be rated as negligible at best.
- All view loss identified in this report is caused by a proposed built form that is fully compliant with controls including height and setbacks and in addition a proposal that sits significantly below the applicable height control.
- The extent of visual impacts and the likely level of view loss caused by the proposal is lower and less than the extent of view loss contemplated by the controls.
- For those properties located at 96 and 94 High Street, the existing views to be affected are not whole views characterised by scenic or highly valued features but rather could be described as a commonly available district view which include a partial view to part of an individual icon, that is an end view of the Sydney Harbour Bridge) within a wider district view.

- The overall view impacts were conservatively rated as minor for views from 94 High Street and moderate for views from 96 High Street.
- In Step 4 of *Tenacity*, in our opinion the view impacts were reasonable in the context of full compliance, noting that part of the isolated icon would remain visible, and that to reveal more of the view, by re massing the proposed development as, would unreasonably constrain the development potential and amenity of the site.
- Unreasonable constraints on the development potential of the site and significant assessment-weight regarding view impacts caused by compliant forms, are acknowledged in *Arnott*, as being relevant further considerations in addition to *Tenacity*
- Considering all relevant factors in the assessment of the view impacts, including:
- That in our view the identified view impacts of the proposal are minor and moderate (in respect of certain viewing locations only);
- The proposed development is fully compliant with all height and setback development controls;
- Recognising that the proposal represents a genuine attempt to mitigate view impacts whilst still reasonably realising the development potential of the site and ensuring amenity is not compromised,
- The view impacts and overall view sharing outcomes are considered to be reasonable, equitable and supported by Urbis.