Item LPP06 - REPORTS - 6/10/21



NORTH SYDNEY COUNCIL REPORTS

NSLPP MEETING HELD ON 6/10/21

SECTION 4.55 APPLICATION REPORT

Attachments:

1. Site Plan

2. Architectural Plans

3. Original Report dated 4 March 2020

ADDRESS/WARD: 45 Willoughby Street, Kirribilli

APPLICATION No: D398/19/2

PROPOSAL: Section 4.55(2) application seeking modifications to Development

Consent (D398/19) involving changes to pedestrian access arrangements to a heritage item and the relocation of a skylight.

PLANS REF:

Plan Nos.	Rev No	Description of works	Prepared by	Dated
DA 1.1.1	G	Proposed Site + Roof	Filmer Architects	20.07.21
DA 1.1.2	K	Prop. Lower Ground Floor	Filmer Architects	20.07.21
DA 1.1.3	K	Prop. Ground Floor	Filmer Architects	20.07.21
DA 1.1.4	G	Prop. First Floor	Filmer Architects	20.07.21
DA 1.1.5	Н	Prop. Terrace Floor	Filmer Architects	20.07.21
DA 2.1.1	L	North-west Elevation	Filmer Architects	20.07.21
DA 2.1.2	Н	South-east Elevation	Filmer Architects	20.07.21
DA 2.1.3	G	North-east Elevation	Filmer Architects	20.07.21
DA 2.1.4	K	South-west Elevation	Filmer Architects	22.09.21
DA 2.2.1	G	Section A - A	Filmer Architects	20.07.21
DA 2.2.2	L	Section B – B	Filmer Architects	20.07.21
DA 6.1.1	Е	Material Sample Board (1 of 2)	Filmer Architects	20.07.21
DA 6.1.2	Α	Material Sample Board (2 of 2)	Filmer Architects	20.07.21
SK 1A	D	Proposed Gates & Entry Portal	Filmer Architects	20.07.21

OWNER: Sylvia and Stuart Terry

APPLICANT: Filmer Architects

AUTHOR: Robin Tse, Senior Assessment Officer

DATE OF REPORT: 23 September 2021

DATE LODGED: 6 August 2021

RECOMMENDATION: Approval

EXECUTIVE SUMMARY

This application under Section 4.55 of the Environmental Planning and Assessment Act 1979 seeks to modify Development Consent (D398/19) to provide pedestrian access to a heritage listed dwelling via a new staircase within the front garden and the relocation of a skylight.

The application is reported to NSLPP for determination because the proposed modifications involve changes to the approved dwelling access via the side (north-western) elevation as required by the deferred commencement conditions imposed by the Panel. Council's notification of the proposal has attracted one (1) submission in support of the application.

The application has been assessed against the relevant provisions within NSLEP 2013 and NSDCP 2013 and was found to be generally satisfactory. The proposed modifications would result in a development which is substantially the same development as originally approved as the proposal would not materially change the building height, setbacks, bulk and scale of the development as approved in the original DA.

The proposed modifications would not cause a further variation to the LEP maximum building height development standard.

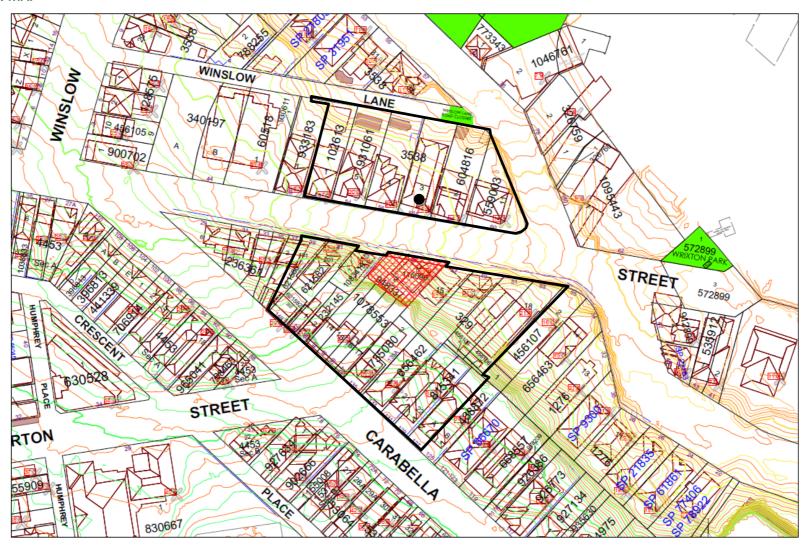
The proposed modifications would result in positive heritage outcomes with the re-instatement of an active use of the original dwelling entrance at the front (north-east elevation) of the dwelling with no material impacts on the landscape setting of the subject site.

The proposed modifications would result in a net increase in landscaped area within the subject site as compared to the original DA approval.

The proposal would have no material adverse impacts on the amenity of the adjoining properties in terms of the loss of significant views, solar access, visual and acoustic privacy.

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

LOCATION MAP

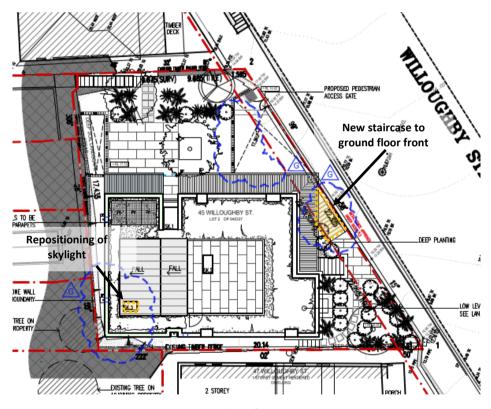


DESCRIPTION OF PROPOSAL

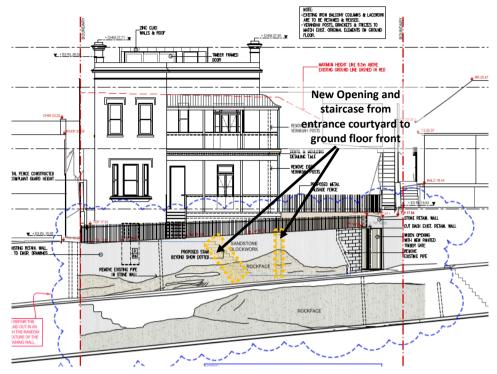
The applicant seeks NSLPP approval for modifications to the approved alterations and additions to an existing heritage listed dwelling including a two-storey rear extension, roof terrace and excavation to create additional accommodation below the dwelling.

The proposed modifications primarily relate to the relocation of the approved pedestrian access to the ground floor of the dwelling from the side (north-western) elevation to the front (north-eastern) elevation via the construction of a new staircase. The proposed modifications involve the following works:

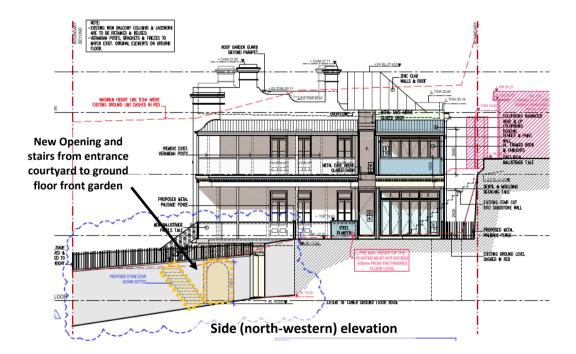
- (a) Construction of a new pedestrian access through a new opening on the approved retaining wall on the eastern side of the approved entrance courtyard on the lower ground floor;
- (b) Construction of a staircase along the front boundary to provide pedestrian access between the lower ground floor entrance courtyard and the ground floor front garden; and
- (c) Deletion of an approved skylight near the south-eastern (rear) of the *approved* two storey addition and the repositioning of an approved skylight (SK 3) over the first floor bathroom.



Site Plan



Front (north-eastern) elevation



Figures 1-3: Proposed modifications

STATUTORY CONTROLS

North Sydney LEP 2013

- Zoning R2 Low Density Residential
- Item of Heritage Yes
- In Vicinity of Item of Heritage Yes (No's 58 & 60 Willoughby Street)

- Conservation Area Yes (Careening Cove Conservation Area)
- FSBL No

Environmental Planning & Assessment Act 1979
SREP (Sydney Harbour Catchment) 2005
SEPP No. 55 – Remediation of Land, and Draft Remediation of Land SEPP
SEPP (Vegetation in Non-Rural Areas) 2017
SEPP (Building Sustainability Index – BASIX) 2004
Draft Environment SEPP
Local Development

POLICY CONTROLS

NSDCP 2013

Sydney Harbour Foreshores and Waterways Area DCP 2005

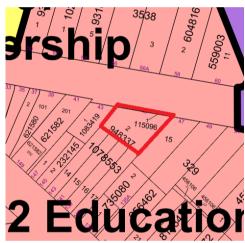


Figure 4: Land Zoning Map

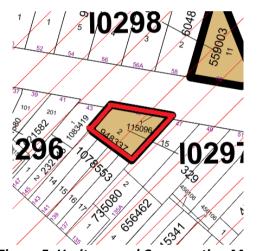


Figure 5: Heritage and Conservation Map

DESCRIPTION OF LOCALITY

The subject site is located on the southern side of Willoughby Street between Carabella and Elamang Streets. The property is irregular in shape with a total area of 315.6sq.m. Currently occupying the site is a two storey heritage listed detached dwelling, which is accessed via a gate at raised footpath level.

The site is relatively flat but elevated above the street by about 5m with a 3.5 - 4 m high cliff along the rear property boundary, beyond which are the rear gardens of the neighbouring properties at Nos. 137 - 143 Carabella Street.

To the southeast of the subject site is a single storey detached dwelling at No. 47 Willoughby Street and a two storey detached dwelling to the north-west at No.43 Willoughby Street. To the southwest at the rear of the subject site is a row of terraced properties at Nos. 137 – 147 Carabella Street.

The locality is predominantly residential with a mixture of single/two storey semi-detached or detached dwellings.



Figure 6: Aerial photograph of the subject site and the surrounding development





Figures 7 & 8: Subject site as seen from Willoughby Street

RELEVANT HISTORY

Previous applications/history

- 3 April 2013 Development Consent (D1/13) was granted under delegated authority for alterations and additions to the existing two storey detached dwelling including a two storey rear addition.
- 5 March 2014 Development Consent (D307/13) was granted by NSIPP for alterations
 and additions to an existing two storey detached dwelling to provide a two storey rear
 addition including a partially covered roof terrace.
- 7 July 2019 Development Application (D88/19) proposing additions and alterations to the dwelling including excavation to create two new levels below the dwelling including a basement carparking area accessed via a new opening from Willoughby Street was withdrawn following advice from Council officers.
- 4 March 2020 A deferred commencement consent (D398/19) was granted by NSLPP for
 alterations and additions to an existing two storey detached dwelling to provide a two
 storey rear extension, roof terrace and excavation to create additional accommodation
 below the dwelling. Specific deferred commencement conditions were imposed by the
 NSLPP requiring various design modifications and the submission of work methods report
 as follows:

Design Modifications and Further Information - Heritage

- AA1. The following modifications and clarification are required:-
 - 1. The proposal is to be amended to delete the staircases from the cellar to the front setback and to provide replacement soft landscape in this area. These stairs may be replaced by a small lightwell (maximum 1 metre x 600mm) to allow some light and ventilation into the proposed cellar.
 - 2. The existing balustrades are to be modified to achieve BCA compliance rather than replaced to retain significant original fabric.
 - 3. The existing 'L' shaped front ground floor verandah shall retain the existing sandstone base (extended for the squared-off verandah corner), and the proposed stair along the northern front boundary shall be deleted. Access to the front door shall be provided but relocated via the western verandah, in the area of new works to the west of the dwelling, from the basement to the ground floor level. This may also include some revision to the basement floor levels and planter box depth (while retaining sufficient soil volume for the proposed tree, which may also include a planter box partly above ground, but no higher than 600mm above finished ground level) without otherwise changing the proposed surrounding ground floor finished levels.
 - 4. First Floor Plan DA 1.1.4 Revision C is to be amended to delete 'Note: New ceilings and ceiling framing to Level 4 as approved under DA307/13.' The note does not point to any specific part of the plans and should be removed.
 - 5. The requirements of Condition C13 (Geotechnical Report).

- 6. An amended landscape plan is required to include:
 - An increased amount of soft landscaping;
 - Replacement of the proposed Lagerstroemia tree in NE corner by a tree selected from Council's Port Jackson plant species list, to reach a mature height of at least 6 metres, with a minimum pot size of 75L; and
 - An additional canopy tree in the western courtyard.

The applicant must submit revised architectural plans and details complying with the requirements of this condition for the written approval of Team Leader Assessments after consultation with Council's Heritage Planner.

(Reasons: To retain original fabric to reduce structural impact to significant elements, and to retain the significance of the building including original front entrance way and balcony, while improving landscaping and rationalising access).

Works Method and Design Report

- AA2. A work methods and design report must be submitted detailing the extent of works affecting the existing rock outcrop and retaining along the Willoughby Street site frontage. The report shall include, but is not limited to the following:
 - (a) Measures/work methods and details to ensure that the proposed excavation within the site will be undertaken in a manner that will involve no removal of the existing natural rock outcrop along the Willoughby Street frontage and removal of the retaining wall along with frontage only where necessary for structural safety reasons;
 - (b) Necessary protective measures for the natural rock outcrop and remaining retaining walls during demolition, excavation and construction stages of the development including contingency plans to underpin, support and permanent stabilise the rock and wall if its structural integrity is found to be compromised by the proposed works, and;
 - (c) Detailed design of the widened opening and new timber gate to access the new studio level including details of materials colours and finishes and the reuse of the excavated sandstone.

The report must be prepared by a suitably qualified person with input from a suitably qualified Geotechnical Engineer. All new sandstone must comprise whole sandstone blocks. Sandstone facing or tiles will not be acceptable.

The applicant must submit the report complying with the requirements of this condition for the written approval of Council's Team Leader Assessments in consultation with Council's Development Engineer and Landscape Officer.

(Reasons: To ensure the protection of existing natural rock features.)

It is noted that Condition AA1(3) specifically required a pedestrian access to the main

dwelling be provided via the side (north-western) elevation of the main dwelling.

• **10 November 2020** – An operative consent was issued following the approval of the plans, information and reports submitted to satisfy the requirements of all deferred commencement conditions.

Current application

- 6 August 2021 The subject S4.55 (2) application (D398/19/2) seeking modifications to the approved development was lodged with Council.
- **20 August to 3 September 2021** The application was notified to adjoining properties and Milson Precinct. One (1) submission in support of the application was received.
- **22 September 2021** The applicant submitted an updated rear elevation to clarify the location of the modified skylight.

REFERRALS

BUILDING

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

HERITAGE

The application was referred to Council's Conservation Planner who provide the following comments:

1. Heritage Status and Significance

The subject property is a circa 1870 Victorian Filigree heritage item and is located within the Careening Cove Conservation Area. The two-storey dwelling is highly elevated above sandstone retaining walls.

The front wall includes sandstone bedrock at the base with sandstone rubble and blockwork which appears to have been repaired and rebuilt at various times. The front entry gate cuts through the wall and leads via a narrow long staircase, to the front entrance of the dwelling.

The corner of the front balcony on both levels has been cut off in a splay as a result of road widening that occurred in circa 1890 and has an unsympathetic additional steel supporting post.

Subject s4.55 Application:

The applicant has provided new documentation in this S4.55 application that provides a clear understanding of the character and materiality of the amended entry proposal. In addition, they have provided sectional and elevational drawings that allow the heritage impacts to be understood, including documentation of the extent of works required to the front boundary wall.

The original application, by comparison, was less detailed and there were elements of uncertainty which resulted in the Planning Panel making design decisions to re-locate the staircase onto the north-western elevation.

2. Heritage Impact Assessment

a) North Sydney LEP 2013 Clause 5.10

The proposal generally satisfies this clause in that the primary façade and the primary form will remain intact, the landscape setting will be improved and the front entry door will re-gain usage. The works will have an acceptable level of impact to the front wall as it will only require a portion to be demolished and reconstructed as part of the approved works in the original DA. This will ensure its long term structural soundness.

b) North Sydney DCP 2013

An assessment of the proposal, with reference to Part B of the North Sydney DCP 2013 has been made with the following elements of the DCP being of note:

13.5.1 Heritage Items – Objective O1 – Ensure changes to heritage items are based on an understanding of the heritage significance of the heritage item - The proposed changes will have the positive benefit because it will re-instating the direct use of the entry stairs and front door as originally designed whereas the existing approval requires pedestrians to arrive onto the verandah of the dwelling and approach the front door from the side rather than using the original stairs at the front. The proposal will also allow the reconstruction of the corner of the building which was cut off when the road was widened circa 1890 and the removal of the structural prop on the ground level.

No objection is raised to the works previously approved under DA307/13 identified in red on the drawings as these have existing consent.

13.5.2 Form, Massing and Scale - Objective O1 To ensure new development has a compatible and complimentary building form and scale to that which characterises the conservation area - The proposed works have negligible impact to the perceived bulk, massing and scale when viewed from the street. The courtyard void will not be visible from the public domain and will therefore have no impact upon the character of the conservation area.

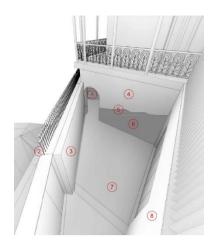


Figure 9: The courtyard entry.
Source: Filmer Architects Material Sample Board

- **13.6.1** General Objectives O1 Ensure that new development is designed to retain and complement the character and significance of the conservation area The proposed works will retain the character of the conservation area.
- 13.6.2 Form, Massing and Scale Objective O1 To ensure new development has a compatible and complimentary building form and scale to that which characterises the conservation area The works will retain the perceived form, massing and scale of the development.
- **13.9.4** Materials Objective O1 To ensure that materials and finishes are consistent with the characteristic elements of the heritage item or heritage conservation areas The materials were resolved in the original DA on the Materials Sample Board Drawing DA 6.1.1 Revision C, drawn by Filmer Architects.
- **13.9.6 Fences Objective O1 To ensure that fences are consistent with the characteristic elements of the heritage item or heritage conservation area** The proposed new painted timber gate is acceptable. The height of the gate is acceptable because it will obscure the contemporary works in the subfloor area of the building from the public domain.
- **13.9.7 Provisions P1 Retain garden settings and any horticultural features which relate to the heritage significance of the heritage item or conservation area** The front setback where visible from the public domain will have a soft garden setting that will contribute to the Heritage Item.
- **P5** Retain original pathways which contribute to established garden settings The existing entry path and staircase provides only low contribution to the garden setting as they are not highly visible elements in the streetscape.

3. Conclusion

The proposal is considered to be generally acceptable subject to the retention of the existing heritage conditions applied on the original DA consent (**D398/19**).

Comment:

The comments from Council's Conservation Planner are noted, particularly the additional details provided for the proposed access staircase linking the lower ground floor entrance courtyard and the ground floor front garden.

It is also noted that a similar proposal in the original application was not supported by Council Officers due to the lack of details and uncertainly about the heritage outcome of the original proposal for the link underneath the main dwelling. The applicant has provided sufficient information to satisfy the requirements of the deferred commencement condition and an operative consent was issued in November 2020.

Furthermore, the applicant has also provided sufficient information and/or plans to satisfy Council's Conservation Planner that the proposed modifications would result in a more positive heritage outcome, such as maintaining the primary form of the heritage listed dwelling and regaining the active use of the original dwelling entry on the front elevation, as compared to the original design. Furthermore, it is noted that the proposed modifications would not adversely affect the landscape setting of the subject site as a whole.

Therefore, the proposal for a linkage along the front property boundary is considered to be acceptable in heritage terms and can be supported.

ENGINEERING

The proposed modifications would require some additional excavation for the construction of a new stairs to provide pedestrian access between the lower ground floor entrance courtyard and the ground floor front garden.

A number of engineering conditions have been imposed in the original development consent requiring the submission of structural certificate for the retaining wall along the street frontage (Condition C4), compliance with geotechnical report/excavation methodology statement (Condition C5) and the submission of geotechnical report (Condition C13).

It is recommended that **Condition C13** be modified to require a further geotechnical report for the additional excavation/earthworks associated with the proposed modifications and **Conditions C4 and C5** be modified to include reference to the additional geotechnical report as required by the modified **Condition C13** to ensure that the structural integrity of the subject site and the adjoining properties (including the retaining wall along the street frontage and Council's footpath) to be maintained.

LANDSCAPING

The proposed staircase connecting the lower ground entrance courtyard and the ground floor front garden would affect the landscape treatments within the front garden. Consequently, a landscape plan has been submitted showing the landscaping treatments for the modified proposal with planting adjacent to the new staircase on the ground level.



Figure 10: Proposed landscape plan (Ground floor)

As indicated earlier in this report, the proposal would have a number of positive heritage outcomes, including an improvement in the landscape setting and the use of the original front entry door. Furthermore, the proposal would result in a net increase in landscaped area as detailed later in this report. Therefore, the proposal is considered to be acceptable.

CONSIDERATION

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

Section 4.55 (2)

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

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

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

The application involves the addition of a staircase providing pedestrian access from the lower ground entrance courtyard and the ground floor front garden as well as the repositioning of a skylight. The proposed modifications would not materially change the overall building height, building envelope, bulk and scale and the use of the approved development. Consequently, the proposal is considered to be "substantially the same".

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

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

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

The application was notified to adjoining properties and the Milson Precinct under section 3.6 of the North Sydney Community Engagement Protocol inviting comment on the proposal. Council received one (1) submission in support of the proposed modifications.

Name/Address	Basis of Submission
Christopher Smith 56A Willoughby Street, Kirribilli	The application is supported as the proposed restoration works for the property would enhance the neighbourhood.

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

MATTERS FOR CONSIDERATION UNDER SECTION 4.15 (Evaluation)

SREP (Sydney Harbour Catchment) 2005

Having regard to the SREP (Sydney Harbour Catchment) 2005 and the Sydney Harbour Foreshores and Waterways Area DCP 2005, the proposed development is not considered to be detrimental to the Harbour and will not unduly impose upon the character of the foreshore given the proposed modifications would not be visible from Sydney Harbour and its foreshores. As such, the development is acceptable having regard to the provisions contained within SREP 2005 and the Sydney Harbour Foreshores and Waterways DCP 2005.

SEPP 55 - Remediation of Land & Draft SEPP

The provisions of SEPP 55 require Council to consider the likelihood that the site has previously been contaminated and to address the methods necessary to remediate the site. The subject site has only previously been used for residential purposes and as such is unlikely to contain any contamination; therefore, the requirements of SEPP 55 and the Draft SEPP have been satisfactorily addressed.

SEPP (Vegetation in Non-Rural Areas) 2017

The State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP) works together with the Biodiversity Conservation Act 2016 and the Local Land Services Amendment Act 2016 to create a framework for the regulation of clearing of native vegetation in NSW.

The SEPP will ensure the biodiversity offset scheme (established under the Land Management and Biodiversity reforms) will apply to all clearing of native vegetation that exceeds the offset thresholds in urban areas and environmental conservation zones that does not require development consent. The proposal meets the objectives of the SEPP because there would be no additional clearance of native vegetation or any materials impacts on bushland (if any) in the vicinity of the subject site.

Draft Environment 2017

This draft SEPP proposes to integrate the provisions of seven (7) SEPPs/SREPs including SREP (Sydney Harbour Catchment) 2005. The majority of the current provisions of SREP (Sydney Harbour Catchment) 2005 would be transferred to the draft SEPP with necessary updates and some amendments. The proposal would not offend the relevant provisions of the draft SEPP given that the modified works would not be highly visible from the Harbour and would have negligible impacts on the scenic quality and the ecology of Sydney Harbour and its foreshores.

SEPP (Building Sustainability Index – BASIX) 2004

The applicant has submitted an updated BASIX Certificate (A359270_02) to incorporate the proposed modifications to the re-location of a skylight. It is recommended that **Condition C26** be modified accordingly.

NORTH SYDNEY LOCAL ENVIRONMENT PLAN 2013

Compliance diagram

Principal Development Standards – North Sydney Local Environmental Plan 2013					
Site Area – 315.6m²	Approved	Proposed	Control	Complies	
Clause 4.3 – Heights of Building	9.58m	8.1m (modified skylight)	8.5m	YES	

1. Permissibility

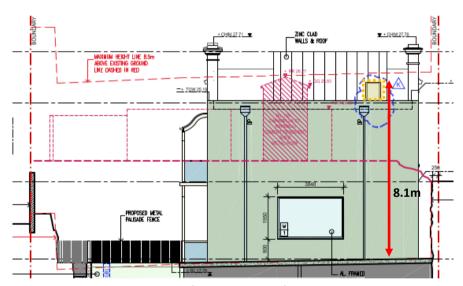
The subject site is zoned R2 Low Density Residential under the provisions of the North Sydney Local Environmental Plan 2013 (NSLEP 2013). The application for modifications to the works associated with a previously approved development for alterations and additions to an existing detached dwelling is a permissible form of development in the R2 (Low Density Residential) Zone with development consent from Council.

2. Objectives of the zone

The proposed modifications generally support the objectives of the zone for the reasons stated throughout this report.

3. Height of Building

The proposed modifications involve the repositioning of a skylight with a maximum height of 8.1m. The height of this modified building element complies with the permissible height limit of 8.5m in accordance with clause 4.3 in NSLEP 2013.



Rear (south-western) elevation

Figure 11: Building height

The proposal would not change the maximum building height of the development at 9.58m as originally approved by NSLPP.

4. Heritage Conservation

The application has been assessed against the relevant heritage objectives and provisions as contained in the North Sydney LEP 2013, particularly Clauses 5.10(1) and 5.10(4) of the North Sydney LEP 2013 and generally found to be satisfactory as indicated in the comments from Council's Conservation Planner earlier in this report.

5. Earthworks

The proposed modifications would require some additional excavation for the construction of a new stairs to provide pedestrian access between the lower ground floor entrance courtyard and the ground floor front garden.

As mentioned earlier in this report, it is recommended that **Condition C13** be modified to require a further geotechnical report for the additional excavation/earthworks associated with the proposed modifications and **Conditions C4 and C5** be modified to include reference to the additional geotechnical report as required by the modified **Condition C13** to ensure that the structural integrity of the subject site and the adjoining properties (including the retaining wall along the street frontage/Council's footpath) would be maintained.

NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013

DEVE	DEVELOPMENT CONTROL PLAN 2013 – Part B Section 1- Residential Development			
		complies	Comments	
1.2 S	ocial Amenity	,		
1.2.1 1.2.2 1.2.3 1.2.4	Population Mix Maintaining Residential Accommodation Affordable Housing Housing for Seniors/Persons with disability	No change	The proposed modifications would not change the population mix and the supply of residential accommodation, including affordable housing, housing for senior/persons with disabilities, within the subject site and its locality.	
1.3 E	nvironmental Criteria			
1.3.1	Topography	Yes	The proposed modifications generally respect the landform of the approved development.	
1.3.6 1.3.7	Views Solar Access	Yes	The proposed modifications would have no material impacts on significant views as seen from the public domain and surrounding properties as well as additional shadowing onto the adjoining properties because the proposal would not materially change the building height and building envelope as approved in the original DA. Furthermore, the proposed works are predominantly located behind the existing retaining wall along the street frontage not causing any material view and shadowing impacts.	
	Acoustic Privacy Visual Privacy	Yes	The proposed modifications involving the new stairs for pedestrian access between the lower ground courtyard and the ground floor front garden is unlikely to cause material privacy impacts on the adjoining residential properties in terms of visual privacy and noise because the new building elements would be located away from these adjoining properties and screened by a masonry retaining wall along the street frontage. The modified skylight on the rear elevation of the site is unlikely to cause material privacy impacts for the adjoining properties given that the skylight would be located above a bathroom and not a habitable room.	

1.4 Q	1.4 Quality built form				
1.4.1		Yes	The proposed modifications would facilitate an active use of the original dwelling entrance and would have no material impacts on the landscape setting for the subject site. The proposal would be consistent with the context of the subject site and its locality.		
1.4.2	Subdivision Pattern	Yes	The proposed modifications would not change the subdivision pattern of the subject site and the surrounding properties within the locality.		
1.4.3	Streetscape	No change	The proposal would have no material impacts on the streetscape given that the relevant conditions relating to the retaining wall along the street frontage would be retained and modified to reflect the changes resulting from the proposed modifications (Condition C4).		
1.4.5	Siting	Yes	The proposed modifications would not change the orientation and siting of the heritage listed dwelling.		
1.4.6	Setbacks - Front - Side - Rear	Yes	The proposed modifications would not change the setbacks of the main dwelling from the front, side and rear property boundaries. The proposed staircase linking the lower ground floor courtyard and the ground floor front garden would be located behind a masonry retaining wall along the street boundary and partially under the north-western corner of the dwelling. The siting and setbacks of the main dwelling would remain unchanged and acceptable in the site circumstances. The proposed repositioning of a skylight would not change the overall building setbacks from the side and rear property boundaries. Furthermore, the proposed skylight would provide a complying 2.7m setback from its nearest side (south-eastern) boundary. Furthermore, the proposal would not change the separation of the main dwelling and buildings within surrounding properties.		
1.4.7	Form Massing Scale Built Form Character	Yes	The proposal would not change the overall form, massing bulk and scale of the approved development. The proposal would generally retain the character of the subject heritage listed dwelling and re-activate the use of the front entry as the main entrance to the Heritage Item which is considered to be a positive heritage outcome as indicated in the comments from Council's Conservation Planner earlier in this report.		

1.4.9 Dwelling Entry Yes As indicated earlier in this report, the re-active original front dwelling entrance is considered positive heritage outcome. Furthermore, the approved entrance via a new the elevated footpath would be unchanged. 1.4.10 Roofs Yes The proposal would not change the roof for approved development. The installation of the	to be a			
the elevated footpath would be unchanged. 1.4.10 Roofs Yes The proposal would not change the roof for	gate off			
	Furthermore, the approved entrance via a new gate off the elevated footpath would be unchanged.			
approved development. The installation of the				
skylight would be subject to the require				
	Condition C18 in the original consent relating to			
1.4.12 Materials Yes The applicant has submitted a revised sch				
(via materials and is considered to be accepta condition) recommended that Condition A4 relating to				
external finishes and materials be modified t				
reference to the subject application.				
1.5 Quality Urban Environment				
1.5.4 Vehicle Access and No change The subject site has no on-site parking. The	•			
Parking modifications do not involve any changes to this	spect of			
the development. 1.5.5 Site Coverage No The proposed modifications would maintain	the site			
1.5.6 Landscape Area & (acceptable coverage of the approved development. The c				
Unbuilt upon area on merit) the level of compliance with DCP's landscaped	_			
	unbuilt upon area requirements are detailed in the table			
Site Area: Approved Proposed Compl				
Site 49.6% 49.6% Yes				
coverage (Max 50%)				
Landscaped 13.6% 14.8% No				
area (Min 30%)				
Un-built 36.8% 35.6% No				
upon area				
(Max 20%)	The proposed staircase to the ground floor front garden would increase the unbuilt upon areas by 2.7sqm. The			
The proposed staircase to the ground floor fro	_			
The proposed staircase to the ground floor fro would increase the unbuilt upon areas by 2.7s applicant has submitted a landscape plan	m. The showing			
The proposed staircase to the ground floor fro would increase the unbuilt upon areas by 2.7s applicant has submitted a landscape plan additional planting /landscaping, replacing pa	m. The showing ed area,			
The proposed staircase to the ground floor fro would increase the unbuilt upon areas by 2.7s applicant has submitted a landscape plan additional planting /landscaping, replacing pa within the front garden and the garden area	m. The showing ed area, ong the			
The proposed staircase to the ground floor fro would increase the unbuilt upon areas by 2.7s applicant has submitted a landscape plan additional planting /landscaping, replacing pa	m. The showing ed area, ong the a total			

			Figure 12: Proposed stairs and new planting It is also noted from Council's Conservation Planner that the proposal would have no material impact on the landscape setting of the subject site in heritage terms. Therefore, the proposed modifictaions are considered to be acceptable.
1.5.7	Excavation	Yes (via condition)	As mentioned earlier in this report, the proposed earthworks/excavation associated with the construction of the proposed stairs to the ground floor front garden can be addressed by modifications to Condition C13 to require a further geotechnical report for the additional excavation/earthworks associated with the proposed modifications and Conditions C4 and C5 to include reference to the additional geotechnical report as required by the modified Condition C13 to ensure that the structural integrity of the subject site and the adjoining properties.
1.5.8 1.5.9	Landscaping Front Gardens	Yes	As mentioned earlier in this report, the applicant has submitted a revised landscape plan showing new planting within the front garden and along the south-western side setback area resulting a net increase in landscaped area by 1.2%. Given that the proposal would have no adverse impacts on the landscape setting of the subject site in heritage terms, the proposal is therefore considered to be acceptable.
1.6	Efficient Use of Resou	rces	
1.6.1	Energy Efficiency	Yes (via condition)	The applicant has submitted an updated BASIX Certificate (A359270_02) to incorporate the proposed modifications to the re-location of a skylight. It is recommended that Condition C26 be modified accordingly.

DCP CHARACTER STATEMENTS - Section 8: Kirribilli Planning Area

8.3 Careening Cove Conservation Area

The proposal has been considered in accordance with the character statement for the Careening Cove Conservation Area within the Kirribilli Planning Area, which is characterised by two storey, late Victorian terraces, single and two storey Federation and Inter-War dwelling houses and residential flat buildings. The proposal is considered to be generally consistent with character statement as discussed throughout this report.

REASONS FOR THE ORIGINAL APPROVAL

Section 4.55 (3) requires the reasons given by the consent authority for the grant of the consent that is sought to be modified. In this case, the reasons for granting the original permission, which is sought through this application to be modified, are set out in the notice of determination of the original DA.

The reasons given by the NSLPP for the deferred commencement approval of the original application are as follows:

- The Panel had regard to the applicant's Clause 4.6 written request to contravene the maximum Building Height development standard within Clause 4.3 of North Sydney Local Environmental Plan 2013 and formed the view that the applicant's written request satisfactorily addressed the required matters within Clause 4.6(3) of the LEP.
- The Panel was satisfied the proposal was consistent with the zone objectives and the objectives of the development standard notwithstanding the non-compliance, and granting consent was in the public interest.
- The Panel notes the proposed height does not detract from the heritage significance of the building, did not significantly vary the approved and commenced Development Application and did not cause any significant amenity impacts on neighbours.
- The restored verandah represents a positive heritage outcome and a public benefit.
- The Panel had concerns regarding the heritage impacts and potential structural impacts upon the dwelling and front boundary wall arising from the proposed excavation for various stairs in the front setback area. Additional terms were included in the Deferred Commencement consent to address this.
- The Panel also noted the non-complying landscaped area and lack of deep soil planting.
 Additional terms were also included in the Deferred Commencement consent to address this.

It is considered that the proposed modifications would be consistent with the above reasons for consent because of the following reasons:

- The proposed modifications would result in a development which is substantially the same development as originally approved as the proposed modifications would not materially change the building height, setbacks, bulk and scale of the development as approved in the original DA;
- The proposed modifications would not cause a further variation to the LEP maximum building height development standard;

- The proposed modifications would result in positive heritage outcomes with the reactivation of the main front entry to the dwelling and no material impacts on the landscape setting of the subject site;
- The proposal would have no material adverse impacts on the amenity of the adjoining properties;
- The concerns relating to heritage impacts and structural integrity of the boundary retaining wall have been addressed with the approval of the deferred commencement conditions and the issue of an operative consent in November 2020; and
- The proposed modifications would result in a net increase in landscaped area within the subject site as compared to the original DA approval.

ENVIF	ENVIRONMENTAL APPRAISAL				
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	N/A			
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			
10.	Section 89 LGA 93 including Clause 12 Consideration of Local Government (Approvals) Regulation 1993	Yes			

PUBLIC INTEREST

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

SUITABILITY OF THE SITE

The proposal would be located in a R2 (Low Density Residential) zone where alterations and additions to an existing detached dwelling to provide pedestrian access is a permissible form of development. Consequently, the proposal is considered to be suitable for the site having regard to the merits of the proposal as described in the above report.

COMMUNITY VIEWS

The application was notified to adjoining properties and the Milson Precinct under section 3.6 of the North Sydney Community Engagement Protocol inviting comment on the proposed modifications. Council received one (1) submission in support of the application.

CONCLUSION & REASONS

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

The proposed modifications would result in a development which is substantially the same development as originally approved as the proposal would not materially change the building height, setbacks, and the visual mass of the development as approved in the original DA.

The proposed modifications would not cause a further variation to the LEP maximum building height development standard.

The proposed modifications would result in positive heritage outcomes with the re-instatement of the main front entry to the Heritage Item with no material impacts on the landscape setting of the subject site.

The proposed modifications would result in a net increase in landscaped area within the subject site as compared to the original DA approval.

The proposal would have no material adverse impacts on the amenity of the adjoining properties in terms of the loss of significant views, solar access, visual and acoustic privacy.

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

RECOMMENDATION

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

THAT the North Sydney Planning Panel exercising the functions of Council approve the modification of development consent D398/19 dated 10 November 2020 in respect of a proposal to alterations and additions to an existing detached dwelling at No. 45 Willoughby Street, Kirribilli under the provisions of Section 4.55 of the Environmental Planning and Assessment Act only insofar as will provide for the following:

1. To modify the development consent (D398/19) and modify conditions A1, A4, C4, C5, C13 and C26 to read as follows:

Development in Accordance with Plans (S4.55 Amendments)

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

Drawing number	Rev	Title	Drawn by	Dated
DA 1.1.1	E	Proposed Site + Roof	Filmer Architects	27/08/2020
DA 1.1.2	F	Proposed Lower Ground Floor	Filmer Architects	27/08/2020
DA 1.1.3	F	Proposed Ground Floor	Filmer Architects	27/08/2020
DA 1.1.4	E	Proposed First Floor	Filmer Architects	27/08/2020
DA 1.1.5	F	Proposed Terrace Floor	Filmer Architects	27/08/2020
DA 2.1.1	G	North-West Elevation	Filmer Architects	27/08/2020
DA 2.1.2	F	South-East Elevation	Filmer Architects	27/08/2020
DA 2.1.3	D	North-East Elevation	Filmer Architects	27/08/2020
DA 2.1.4	F	South-West Elevation	Filmer Architects	27/08/2020
DA 2.2.1	E	Section A - A	Filmer Architects	27/08/2020
DA 2.2.2	F	Section B - B	Filmer Architects	27/08/2020
DA 4.1.2	F	Landscape Plan Lower Ground Floor	Filmer Architects	27/08/2020
DA 4.1.3	G	Landscape Plan Ground Floor	Filmer Architects	27/08/2020
DA 4.1.4	D	Landscape Plan Roof	Filmer Architects	27/08/2020
DA 6.1.1	С	Material Sample Board	Filmer Architects	27/08/2020
SK1A			Filmer Architects	02/09/2020

and endorsed with Council's approval stamp, except as modified by highlighting on the following drawings for D398/19/2:

Plan	Rev	Description of works	Prepared by	Dated
Nos.	No			
DA 1.1.1	G	Proposed Site + Roof	Filmer Architects	20.07.21
DA 1.1.2	K	Prop. Lower Ground Floor	Filmer Architects	20.07.21
DA 1.1.3	K	Prop. Ground Floor	Filmer Architects	20.07.21
DA 1.1.4	G	Prop. First Floor	Filmer Architects	20.07.21
DA 1.1.5	Н	Prop. Terrace Floor	Filmer Architects	20.07.21
DA 2.1.1	L	North-west Elevation	Filmer Architects	20.07.21
DA 2.1.2	Н	South-east Elevation	Filmer Architects	20.07.21
DA 2.1.3	G	North-east Elevation	Filmer Architects	20.07.21
DA 2.1.4	K	South-west Elevation	Filmer Architects	22.09.21
DA 2.2.1	G	Section A - A	Filmer Architects	20.07.21
DA 2.2.2	L	Section B – B	Filmer Architects	20.07.21
DA 4.1.2	G	Landscape Plan	Filmer Architects	20.07.21
		Prop. Lower Ground Floor		
DA 4.1.3	Н	Landscape Plan	Filmer Architects	20.07.21
		Prop. Ground Floor		
DA 4.1.4	E	Landscape Plan	Filmer Architects	20.07.21
		Prop. Terrace Floor		
DA 6.1.1	E	Material Sample Board	Filmer Architects	20.07.21
		(1 of 2)		

DA 6.1.2	А	Material Sample Board (2 of 2)	Filmer Architects	20.07.21
SK 1A	D	Proposed Gates & Entry Portal	Filmer Architects	20.07.21

(Reason:

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

External Finishes & Materials

A4. External finishes and materials must be in accordance with those specified within the approved drawings listed within Condition A1 of this consent (D398/19/2), unless as otherwise modified by Council in writing.

(Reason:

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

Council Embankment and Retaining Wall

C4. The applicant must provide structural certification to Council prior to issue of any Construction Certificate that the proposed works to the sandstone rock face and wall will not undermine the embankment and stability of the rest of wall. If the proposed cut-in does impact upon the structural viability of the wall and embankment, the applicant must undertake all necessary works (design and construction) to ensure the wall is structurally sound.

The applicant must engage a Structural and Geotechnical Engineer to design the wall in accordance with current Australian standards and submit documentation to Council prior to issue of any Construction Certificate. The design shall be consistent with the plans/documentation submitted including the approved plans, Geotechnical Report, dated July 2020, prepared by WITT Consulting and the Excavation Methodology Statement, dated 14 August 2020, prepared by WITT Consulting and the additional geotechnical report required by Condition C13 in this consent. All costs associated with any design and construction work must be borne by the applicant.

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

(Reason: To ensure the protection of existing public infrastructure)

Compliance with Geotechnical Report and Excavation Methodology Statement

C5. The recommendations, implementation program, monitoring program, contingency plans, mitigation measures, design details and the like for the natural rock features along the Willoughby Street (north-eastern) property boundary as contained in the approved plans, Geotechnical Report, dated July 2020, prepared by WITT Consulting and the Excavation Methodology Statement, dated 14 August 2020, prepared by WITT Consulting and the additional geotechnical report required by Condition C13 in this consent must be implemented in full during the relevant stages of demolition, excavation and construction.

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

(Reason: To ensure the protection of existing natural rock features)

Geotechnical Report

- C13. Prior to issue of any Construction Certificate a Geotechnical/Civil Engineering report for the proposed development, including additional works relating to D398/19/2, must be prepared which addresses at a minimum (but is not limited to) the following:
 - a) The type and extent of substrata formations by the provision of a minimum of four (4) representative bore hole logs which are to provide a full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs must be related to Australian Height Datum;
 - b) The appropriate means of excavation/shoring in light of point (a) above and proximity to adjacent property and structures. Potential vibration caused by method of excavation and potential settlements affecting nearby footings/foundations must be discussed and mechanisms to ameliorate any such impacts recommended;
 - c) The proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property, structures and road reserve if nearby (full support must be provided within the subject site);
 - d) The existing groundwater levels in relation to the basement structure, where influenced;
 - e) The drawdown effects on adjacent properties (including road reserve), if any, the basement excavation will have on groundwater together with the appropriate construction methods to be utilized in controlling groundwater. Where it is considered there is the potential for the development to create a "dam" for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path is constructed, artificial drains such as perimeter drains and through drainage may be utilized; and
 - f) Recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

The geotechnical report must be prepared by an appropriately qualified consulting geotechnical/ hydro geological engineer or suitable qualified expert with previous experience in such investigations and reporting.

It is the responsibility of the consulting geotechnical/ hydrological specialist to undertake the appropriate investigations, reporting and specialist recommendations to ensure a reasonable level of protection to adjacent property and structures both during and after construction. The report must contain site-specific geotechnical recommendations and shall specify the necessary hold/inspection points by relevant professionals as appropriate.

The design principles for the geotechnical report are as follows:

- a) no ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure;
- b) no changes to the ground water level are to occur as a result of the development that are sufficient enough to cause an adverse impact to the surrounding property and infrastructure;
- no changes to the ground water level are to occur during the construction of the development that are sufficient enough to cause an adverse impact to the surrounding property and infrastructure;
- vibration is to be minimized or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development;
- e) appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these Design Principles; and
- f) An adverse impact can be assumed to be crack damage as identified within the relevant Australian Standard for determining such damage.

The Geotechnical Report must be prepared in accordance with the recommendations within the Geotechnical Report, dated July 2020, prepared by WITT Consulting, Excavation Methodology Statement, dated 14 August 2020, prepared by WITT Consulting, and in particular the use of rock saws and vibration limits, except for the recommended removal of the whole retaining wall fronting Willoughby Street, which shall not be permitted.

The report, satisfying the requirements of this condition, must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

The professional recommendations, implementation program, monitoring program, mitigation measures and the like contained in the report must be implemented in full during the relevant stages of excavation and construction.

(Reason: To ensure the structural integrity of the subject site and adjoining sites during the excavation process)

BASIX Commitments

C26. Under clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. A359270_02 for the development are fulfilled. Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

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

(Reason:

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

2. To insert a new condition A7 to read as follows:

Terms of Consent (D398/19/2)

- A7. Approval is granted for the following modifications only:
 - (a) Construction of a new pedestrian access through a new opening on the approved retaining wall on the eastern side of the approved entrance courtyard on the lower ground floor;
 - (b) Construction of a staircase along the front boundary to provide pedestrian access between the lower ground floor entrance courtyard and the ground floor front garden; and
 - (c) Deletion of an approved skylight near the south-eastern (rear) of the approved two storey addition and the repositioning of an approved skylight (SK 3) over the first floor bathroom.

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

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

Robin Tse
SENIOR ASSESSMENT OFFICER

Robyn Pearson TEAM LEADER ASSESSMENTS

STEPHEN BEATTIE MANAGER DEVELOPMENT SERVICES

REVISED FOR S4.55 - 21/07/2021

45 WILLOUGHBY ST., KIRRIBILLI LOT 1, DP 115096 & LOT 218, DP 4960

DRAWING LIST:	ISSUE	SCALE	DWG. TITLE
DWG. No	1330E	SCALE	DWG. TITLE
ARCHITECTURAL			
DA - 1.0.0	Н		COVER SHEET
DA - 1.1.1	G	1:100	SITE & ROOF PLAN + BASIX NOTES
DA - 1.1.2 DA - 1.1.3 DA - 1.1.4 DA - 1.1.5	K K G H	1:100 1:100 1:100 1:100	PROPOSED LOWER GROUND FLOOR PLAN PROPOSED GROUND FLOOR PLAN PROPOSED FIRST FLOOR PLAN PROPOSED TERRACE FLOOR PLAN
DA - 2.1.1 DA - 2.1.2 DA - 2.1.3 DA - 2.1.4	L H G H	1:100 1:100 1:100 1:100	NORTH-WEST ELEVATION SOUTH-EAST ELEVATION NORTH-EAST ELEVATION SOUTH-WEST ELEVATION
DA - 2.2.1 DA - 2.2.2	G L	1:100 1:100	SECTION A-A SECTION B-B
DA - 3.1.1	G	1:100	DIAGRAM: PROPOSED SITE COVERAGE, UN-BUILT UPON AREA, LANDSCAPED & DEEP SOIL, PRIVATE OPEN SPACE
DA - 4.1.2 DA - 4.1.3 DA - 4.1.4	B H E	1:100 1:100 1:100	PROPOSED LOWER GROUND FLOOR PLAN PROPOSED GROUND FLOOR PLAN PROPOSED TERRACE FLOOR PLAN
DA - 5.1.1 DA - 5.1.2 DA - 5.1.3	B B B	1:400 1:400 1:400	SHADOW DIAGRAMS: WINTER 21st JUNE - 9.00am, 12.00noon & 3pm SHADOW DIAGRAMS: SPRING EQUINOX 21st SEPTEMBER - 9.00am, 12.00noon & 3pm SHADOW DIAGRAMS: AUTUMN EQUINOX 21st MARCH - 9.00am, 12.00noon & 3pm
DA - 6.1.1 DA - 6.1.2	E A	1:NTS 1:NTS	MATERIAL SAMPLE BOARD (1 OF 2) MATERIAL SAMPLE BOARD (2 OF 2)
SK1A	D	1:20	PROPOSED GATES & ENTRY PORTAL

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 Revision Description
 Date

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 FOR PRELIMINARY
 20.08.19

 FOR DA SUBMISSION
 25.09.19

 FOR DA SUBMISSION
 18.10.19

 REVISED FOR DA SUBMISSION
 29.11.19

 REVISED FOR DA SUBMISSION
 09.12.19

 REVISED FOR DA SUBMISSION
 10.12.19

 REVISED FOR DA SUBMISSION
 30.01.20

27.08.20 20.07.21 STUART & SYLVIA TERRY

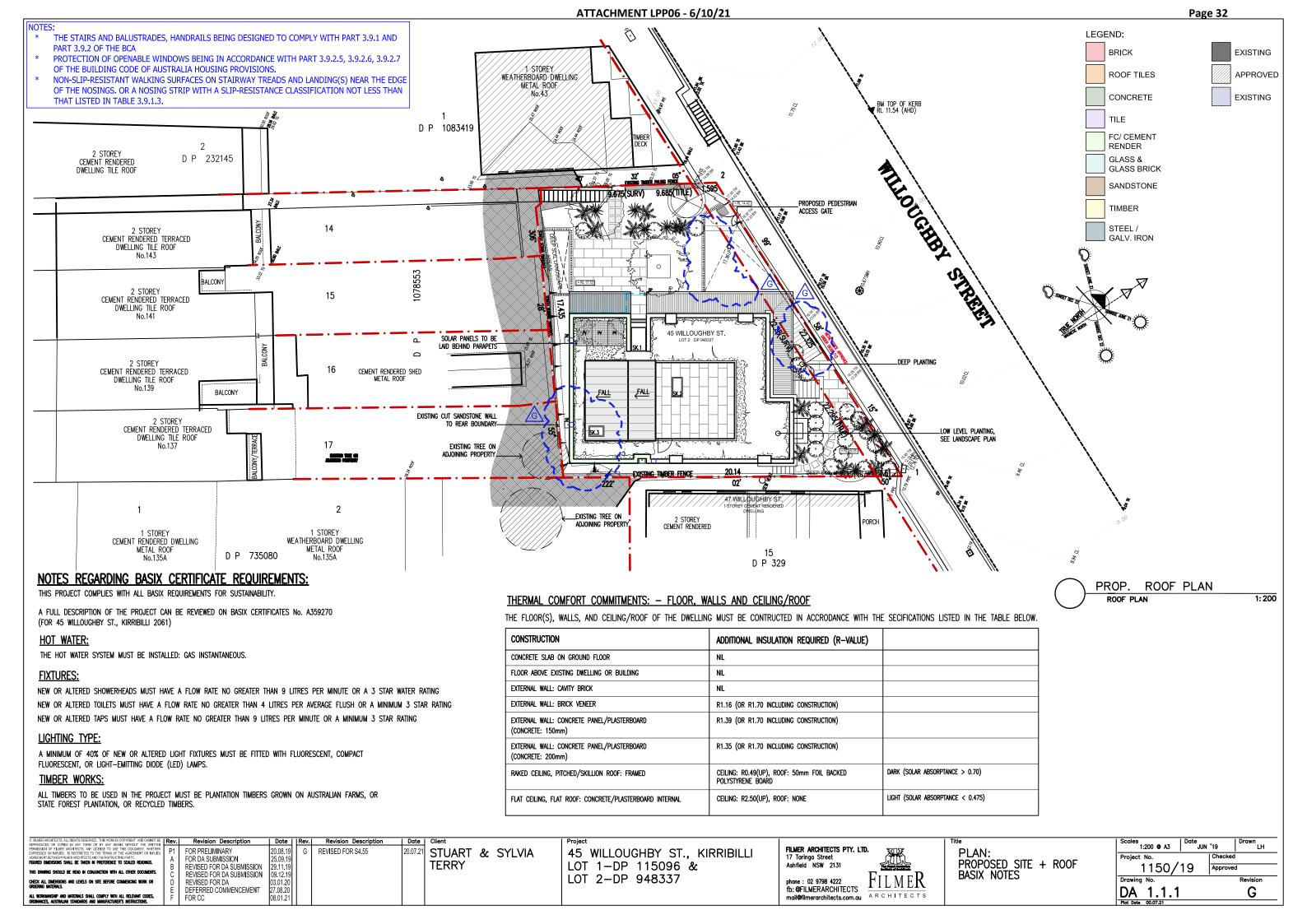
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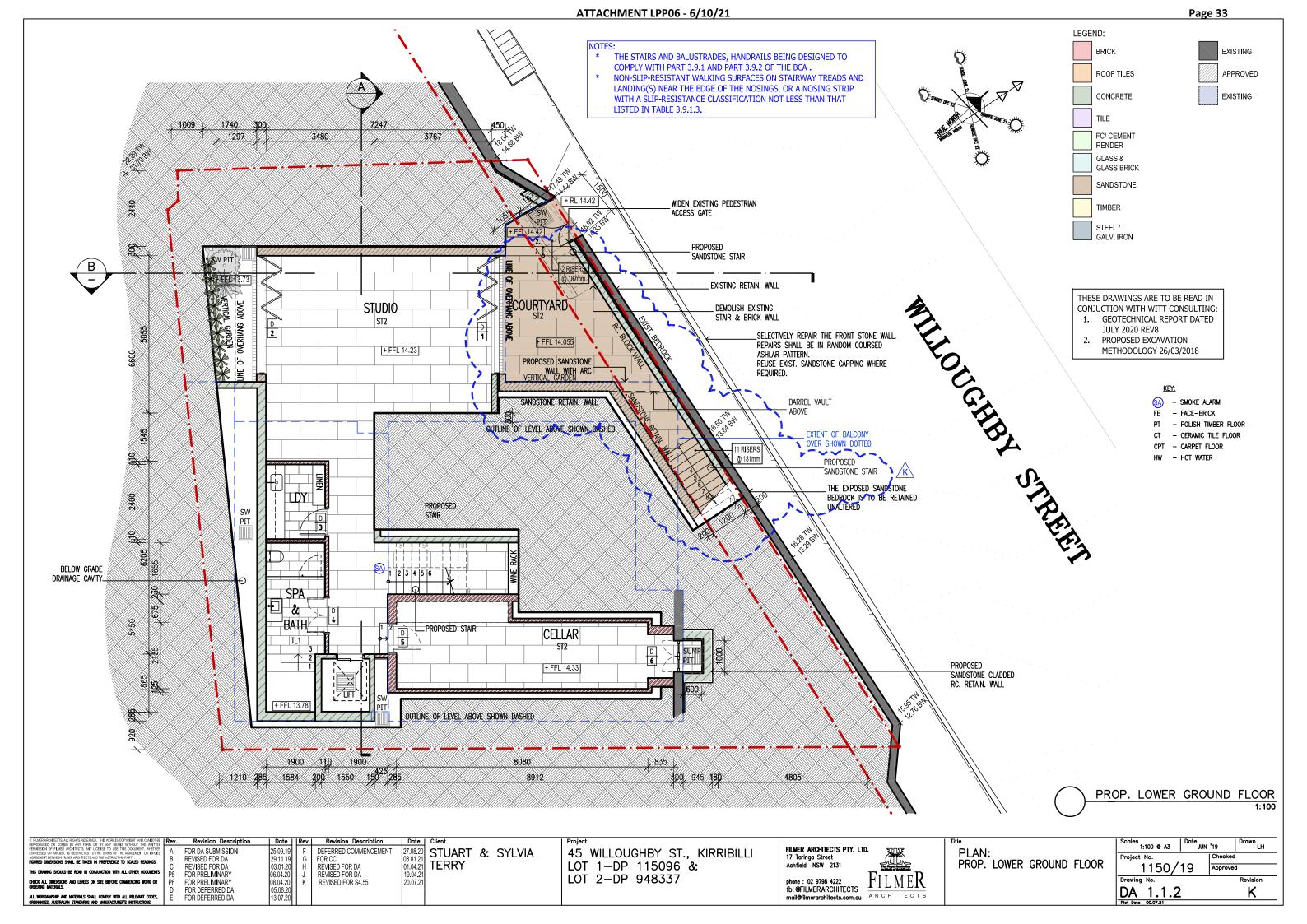
45 WILLOUGHBY ST., KIRRIBILLI LOT 1-DP 115096 & LOT 2-DP 948337

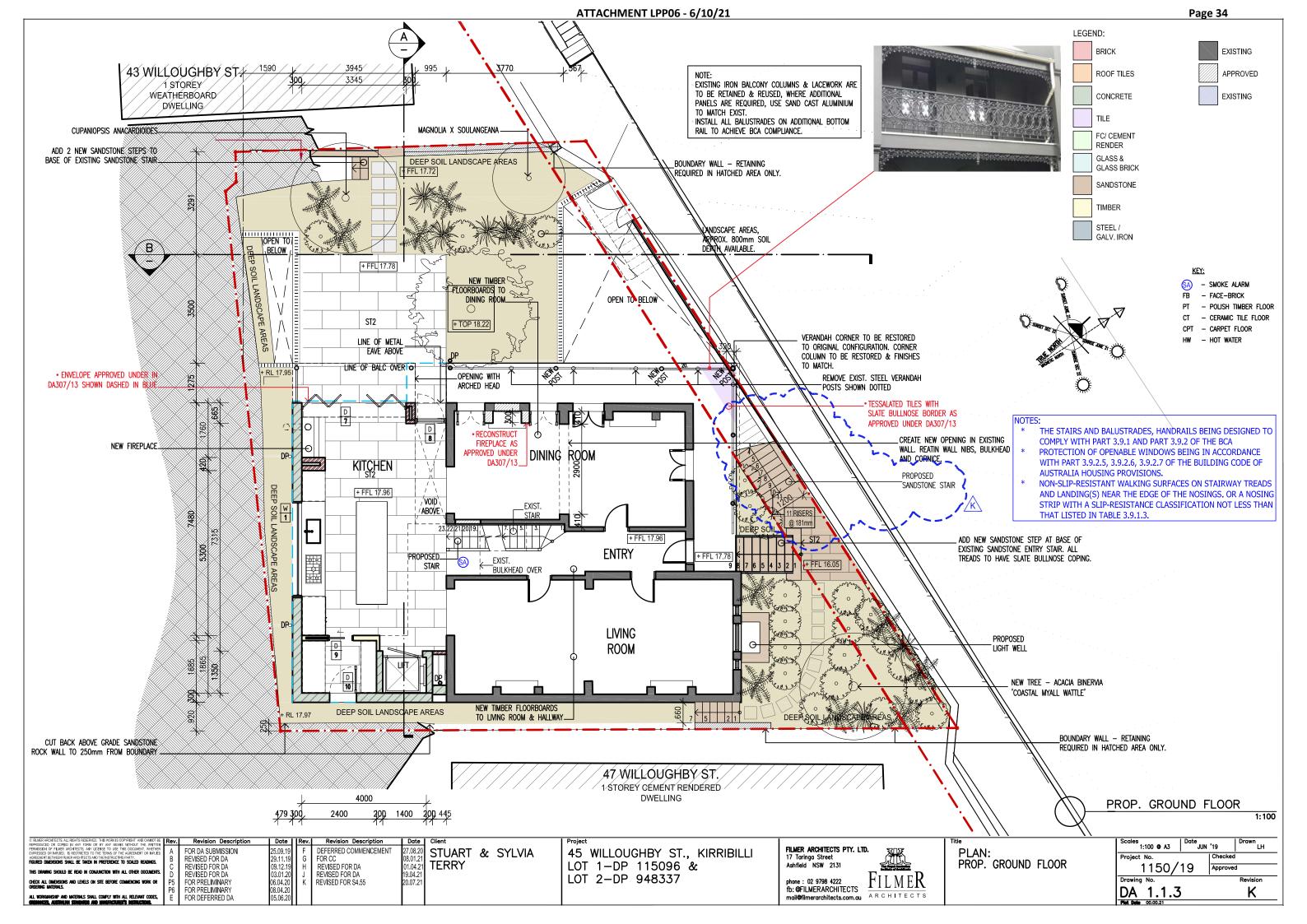


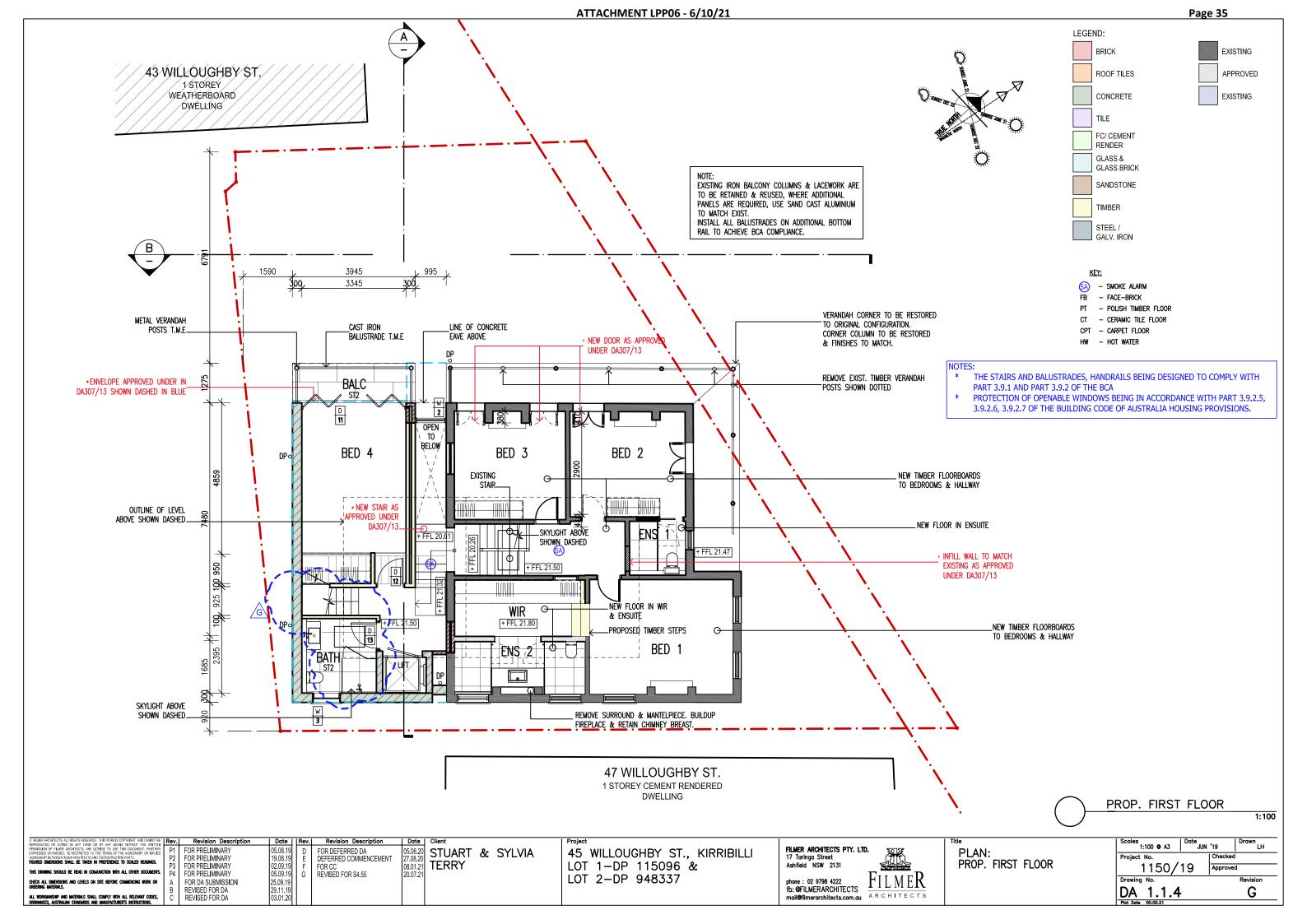
COVER SHEET

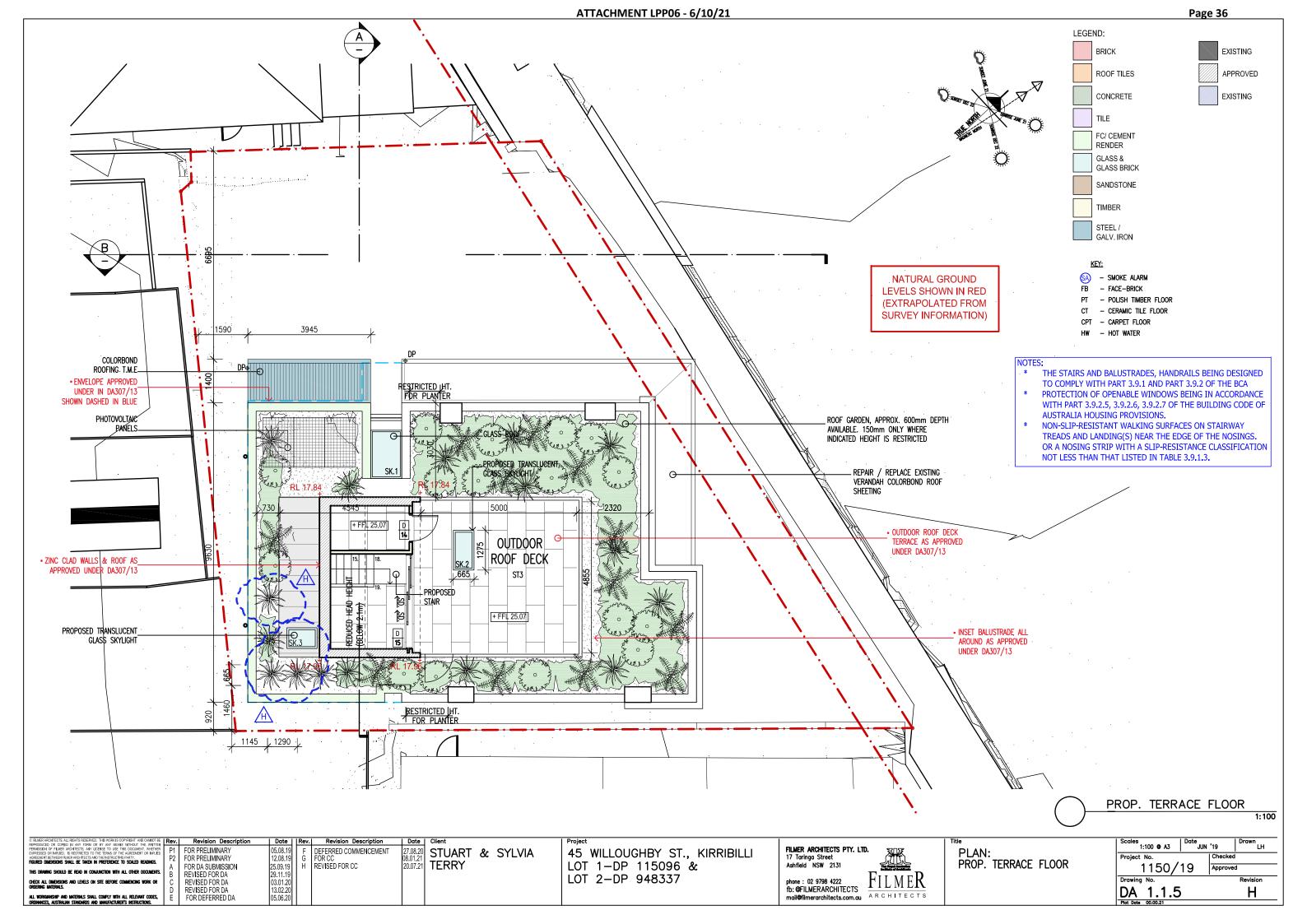
Scales NTS @ A3	Date JUN	'19	Drawn LH
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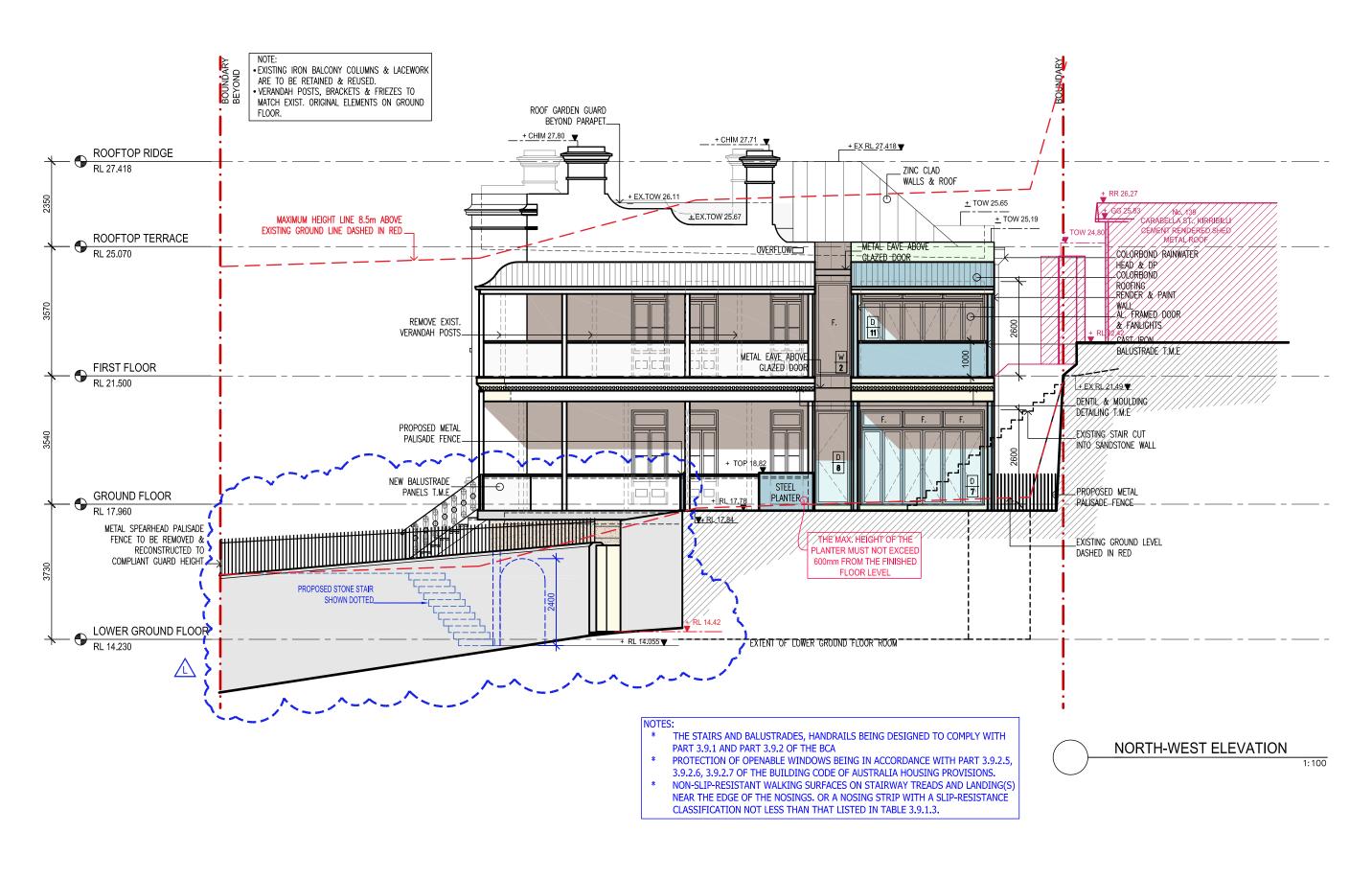












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P1 FOR PRELIMINARY
P2 FOR PRELIMINARY
P3 FOR PRELIMINARY
A FOR DA SUBMISSION
B REVISED FOR DA
C REVISED FOR DA
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Revision Description

| Date | Rev. | Revision Description | 19.08.19 | E REVISED FOR DA | 02.09.19 | F REVISED FOR DA | 05.09.19 | G DEFERRED COMMENCEMENT | 25.09.19 | H FOR CC | 14.10.19 | J REVISED FOR DA | 29.11.19 | K REVISED FOR DA | 03.01.20 | L REVISED FOR S4.55

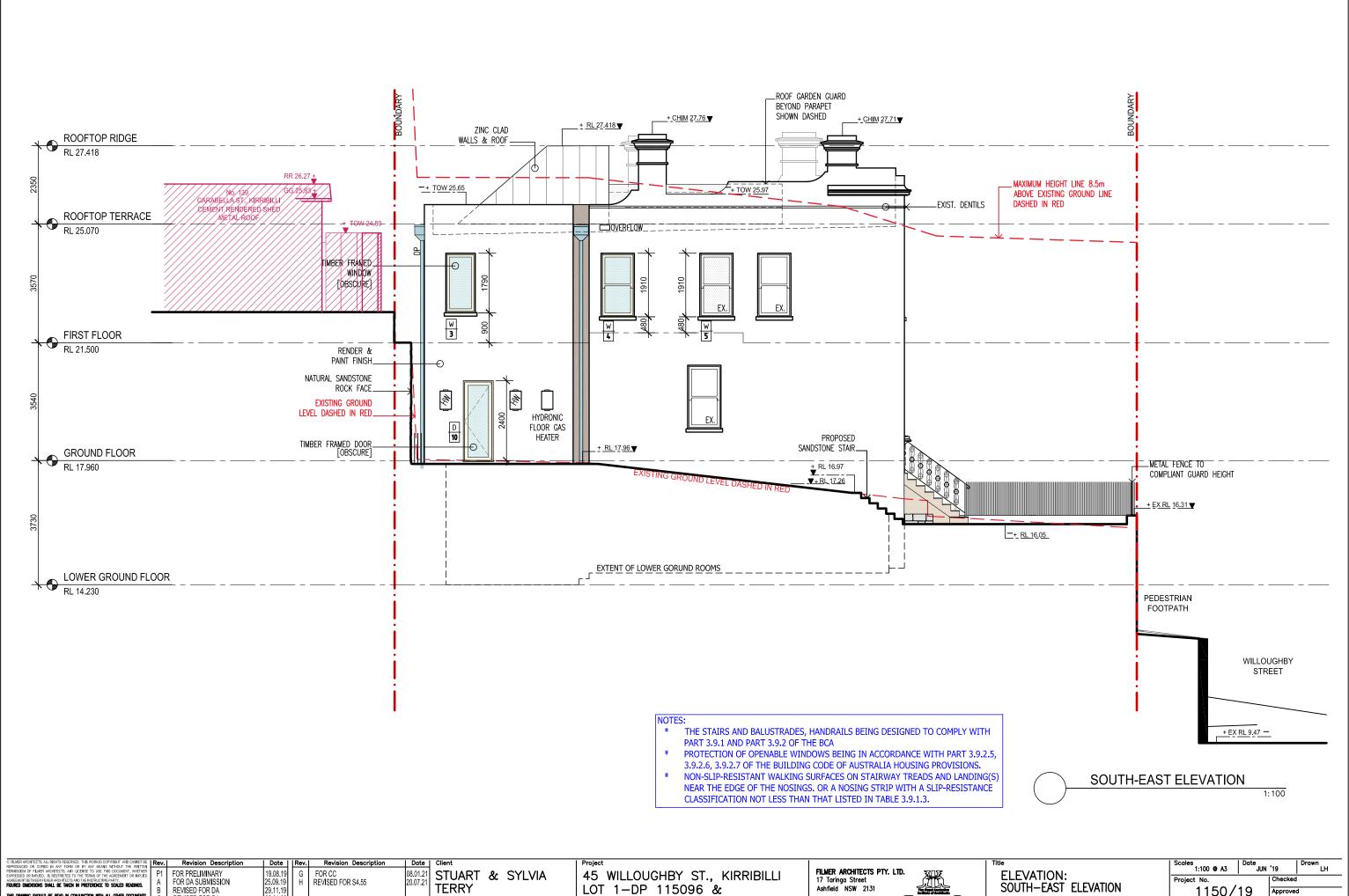
20.01.20 14.02.20 27.08.20 08.01.21 STUART & SYLVIA TERRY 45 WILLOUGHBY ST., KIRRIBILLI LOT 1-DP 115096 & LOT 2-DP 948337 FILMER ARCHITECTS PTY. LTD.

17 Taringa Street
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LOT 1-DP 115096 & LOT 2-DP 948337

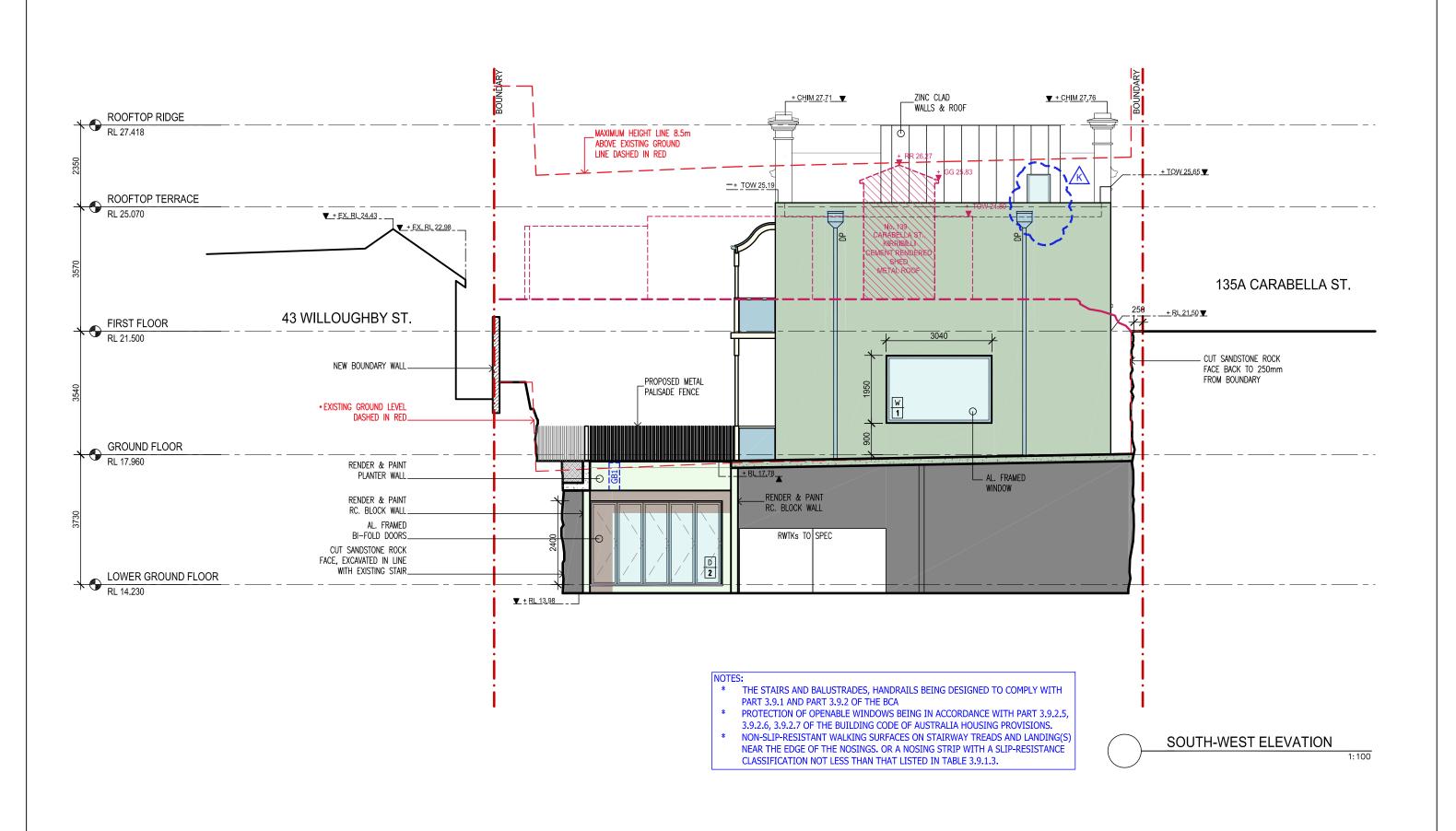
phone: 02 9798 4222 fb: @FILMERARCHITECTS mail@filmerarchitects.com.au

SOUTH-EAST ELEVATION

1150/19 Drawing No.

DA 2.1.2

Plot Date 00.07.21



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19.08.19 25.09.19 14.10.19 29.11.19 03.01.20 20.01.20 27.08.20

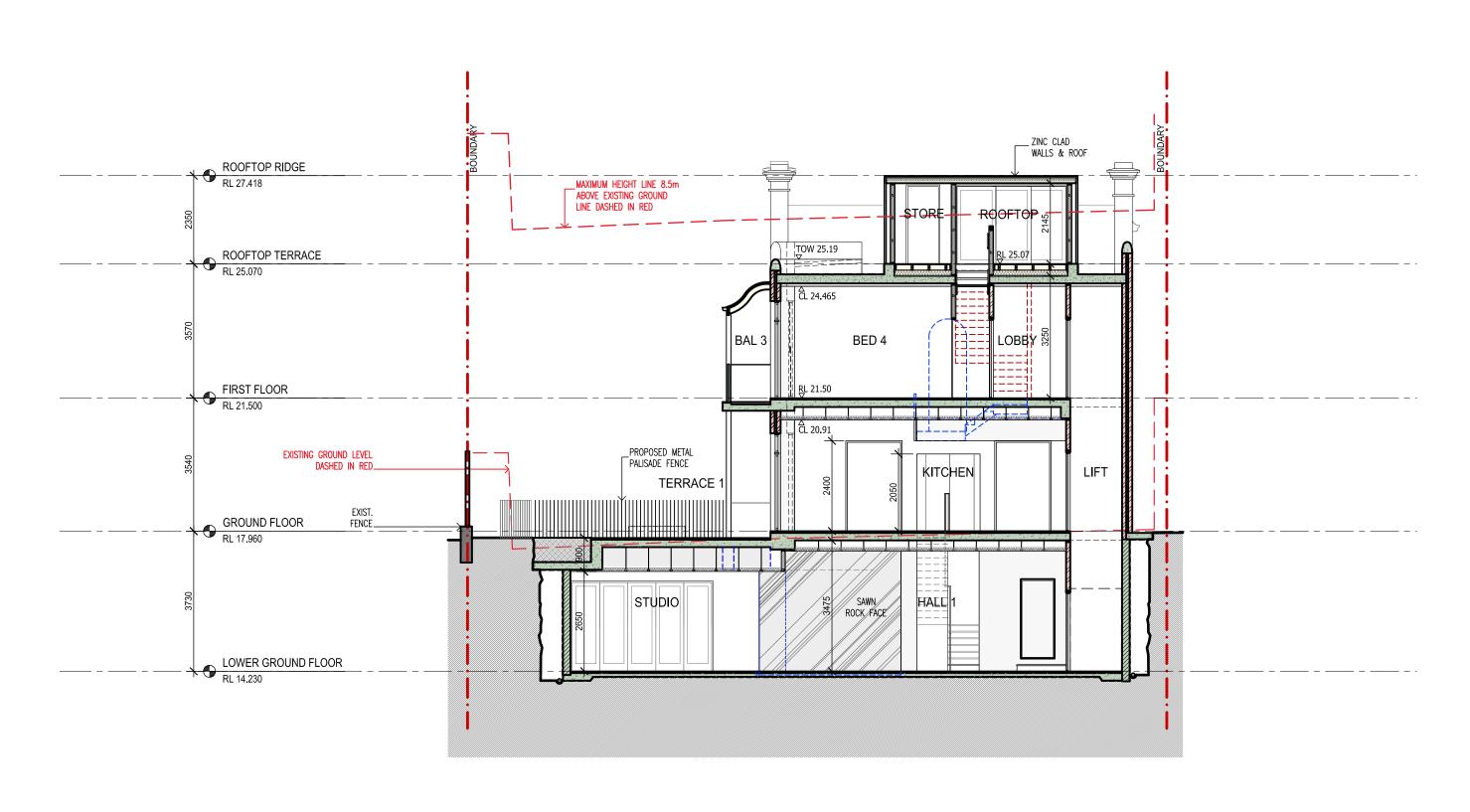
| Date | Rev. | Revision Description 08.01.21 20.07.21 20.09.21 22.09.21 FOR CC STUART & SYLVIA REVISED FOR \$4.55 TERRY REVISED FOR CC REVISED FOR \$4.55

45 WILLOUGHBY ST., KIRRIBILLI LOT 1-DP 115096 & LOT 2-DP 948337

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ELEVATION: SOUTH-WEST ELEVATION

1:100 **©** A3 Date JUN '19 1150/19 DA 2.1.4



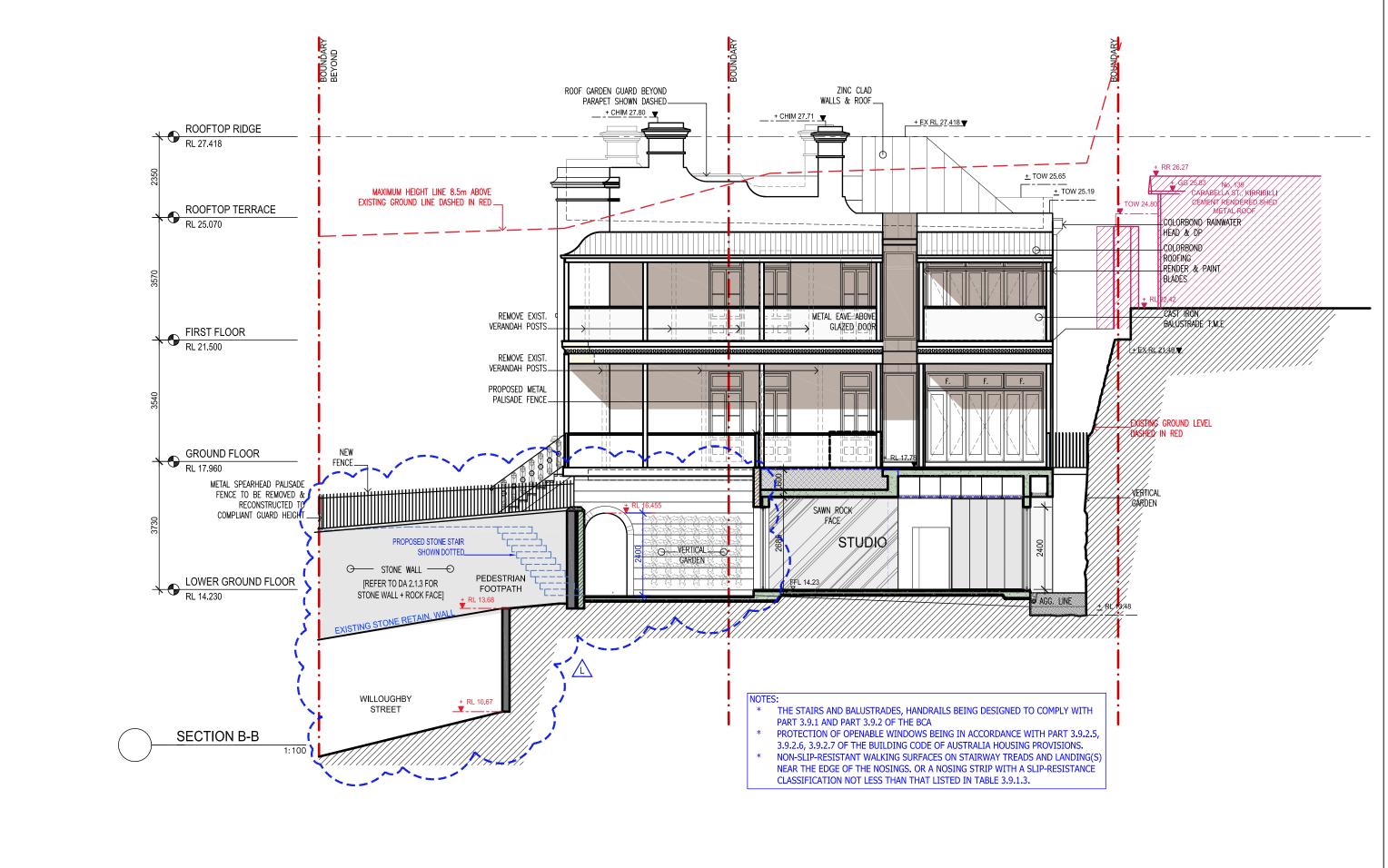
SECTION A - A

NOTES:

- THE STAIRS AND BALUSTRADES, HANDRAILS BEING DESIGNED TO COMPLY WITH PART 3.9.1 AND PART 3.9.2 OF THE BCA
- PROTECTION OF OPENABLE WINDOWS BEING IN ACCORDANCE WITH PART 3.9.2.5,
- 3.9.2.6, 3.9.2.7 OF THE BUILDING CODE OF AUSTRALIA HOUSING PROVISIONS.
 NON-SLIP-RESISTANT WALKING SURFACES ON STAIRWAY TREADS AND LANDING(S) NEAR THE EDGE OF THE NOSINGS. OR A NOSING STRIP WITH A SLIP-RESISTANCE CLASSIFICATION NOT LESS THAN THAT LISTED IN TABLE 3.9.1.3.

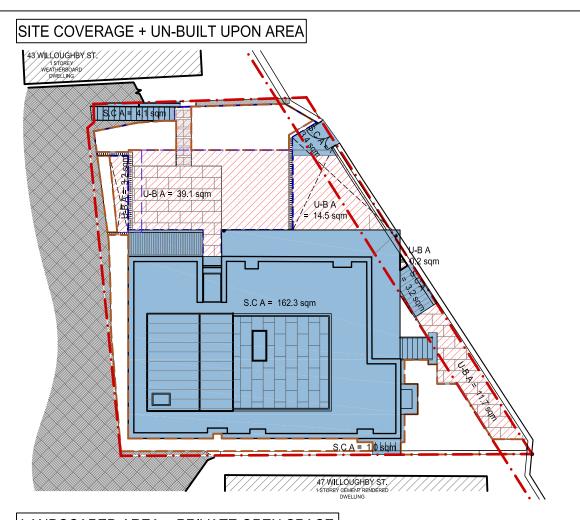
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FIGURED DIMENSIONS SHALL BE TAKEN IN PREFERENCE TO SCALED READINGS. A B	FOR DA SUBMISSION REVISED FOR DA	14.10.19		TERRY	LOT 1-DP 115096 &	Ashfield NSW 2131 SECTION A — A	1150/19 Approved
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ORDERING MATERIALS.	DEFERRED COMMENCEMENT	27.08.20				fb: @FILMERARCHITECTS TID IVI DIX	DA 2.2.1 G
ALL WORKMANSHIP AND MATERIALS SHALL COMPLY WITH ALL RELEVANT CODES, ORDINANCES, AUSTRALIAM STANDARDS AND MANUFACTURER'S INSTRUCTIONS.	FOR CC	08.01.21				mail@filmerarchitects.com.au ARCHITECTS	Plot Date 00.07.21

Page 42



C PLINER ARCHITECTS, ALI Sporting RESEMBLE AND PROBLEM OF AN POWN OR BY ANY POWN

Page 43



NAME	AREA	
SITE AREA	314.5 m ²	
SITE COVERAGE	174.0m² (55%)	max. 50% = 157.25 m ²
UN-BUILT UPON AREA	68.7 m² (22%)	max. 20% = 62.9 m ²
PRIVATE OPEN SPACE	109,8 m² (35%)	min. 40.0 m²
PROP. LANDSCAPED AREA	61.9 m² (19.7%)	min. 30% = 94.5 m²
EXIST. LANDSCAPE AREA	130.0M² (41.3%)	
EXIST. GROUND FLOOR AREA		= 117.0M ²
EXIST. FIRST FLOOR AREA		= 114.2M ²
EXIST, TOTAL FLOOR AREA		= 231,2M ²
EXIST. FSR		= 0.74 TO 1
PROP. LOWER GROUND FLOOI	R AREA	= 103.8M ²
PROP. GROUND FLOOR AREA		= 117.0M ²
PROP. FIRST FLOOR AREA		= 114.2M ²
PROP. TERRACE AREA		= 9.1M ²
PROP. TOTAL FLOOR AREA		= 344.1M ²

= 1.09 TO 1

LEGENDS:

SITE COVERAGE

UN-BUILT UPON AREA LANDSCAPED AREA & DEEP SOIL AREA

PRIVATE OPEN SPACE

SITE COVERAGE AREA = 162.3 sqm + 3.2 sqm + 3.4 sqm + 4.1 sqm + 1.0 sqm

= 174.0 sqm

UN-BUILT UPON AREA = 39.1 sqm + 14.5 sqm + 11.7 sqm + 3.2 sqm + 0.2 sqm

LANDSCAPED AREA + PRIVATE OPEN SPACE



PRIVATE OPEN SPACE AREA = 23.0 sqm + 19.0 sqm + 5.5 sqm + 15.9 sqm + 16.9 sqm + 29.5 sqm

LANDSCAPED AREA = 6.0 sqm + 13.3 sqm + 17.6 sqm + 23.4 sqm + 1.6 sqm

<u>= 61.9 sqm</u>

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Rev. Revision Description FOR PRELIMINARY FOR DA SUBMISSION REVISED FOR DA REVISED FOR DA REVISED FOR DA REVISED FOR DA
DEFERRED COMMENCEMENT

20.08.19 25.09.19 16.10.19 29.11.19 10.12.19

| Date | | Rev. | Revision Description G REVISED FOR \$4.55

Date 20.07.21 STUART & SYLVIA **TERRY**

45 WILLOUGHBY ST., KIRRIBILLI LOT 1-DP 115096 & LOT 2-DP 948337

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PROP. FSR

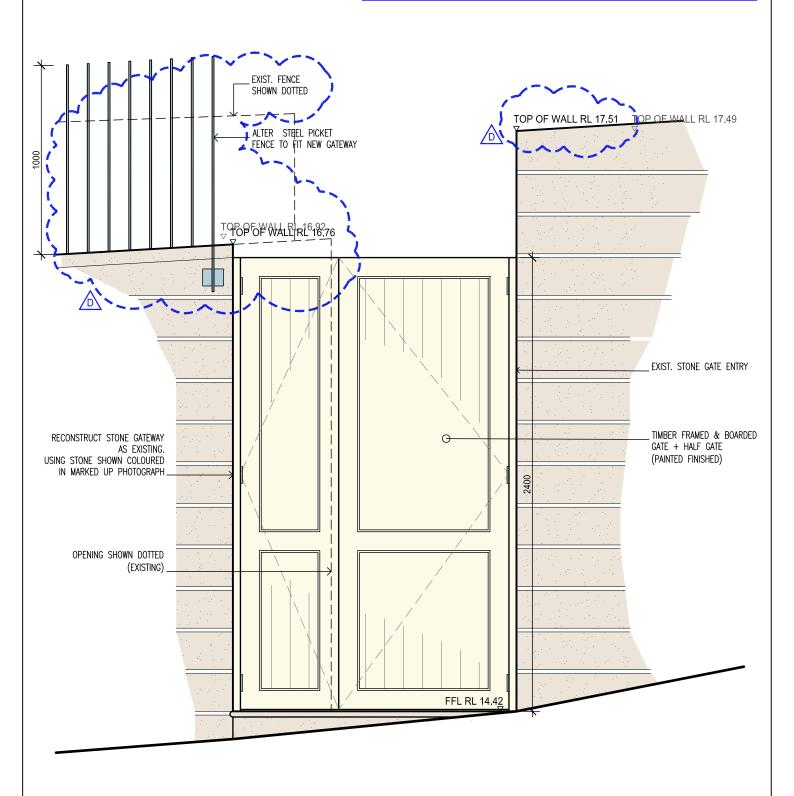
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DIAGRAM: PROPOSED SITE COVERAGE, UN-BUILT UPON AREA, LANDSCAPED & DEEP SOIL, PRIVATE OPEN SPACE

Scales 1:100 @ A3	Date JUN '19	Drawn LH
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Drawing No.		Revision
DA 3.1.1		G
Plot Date 00.07.21		

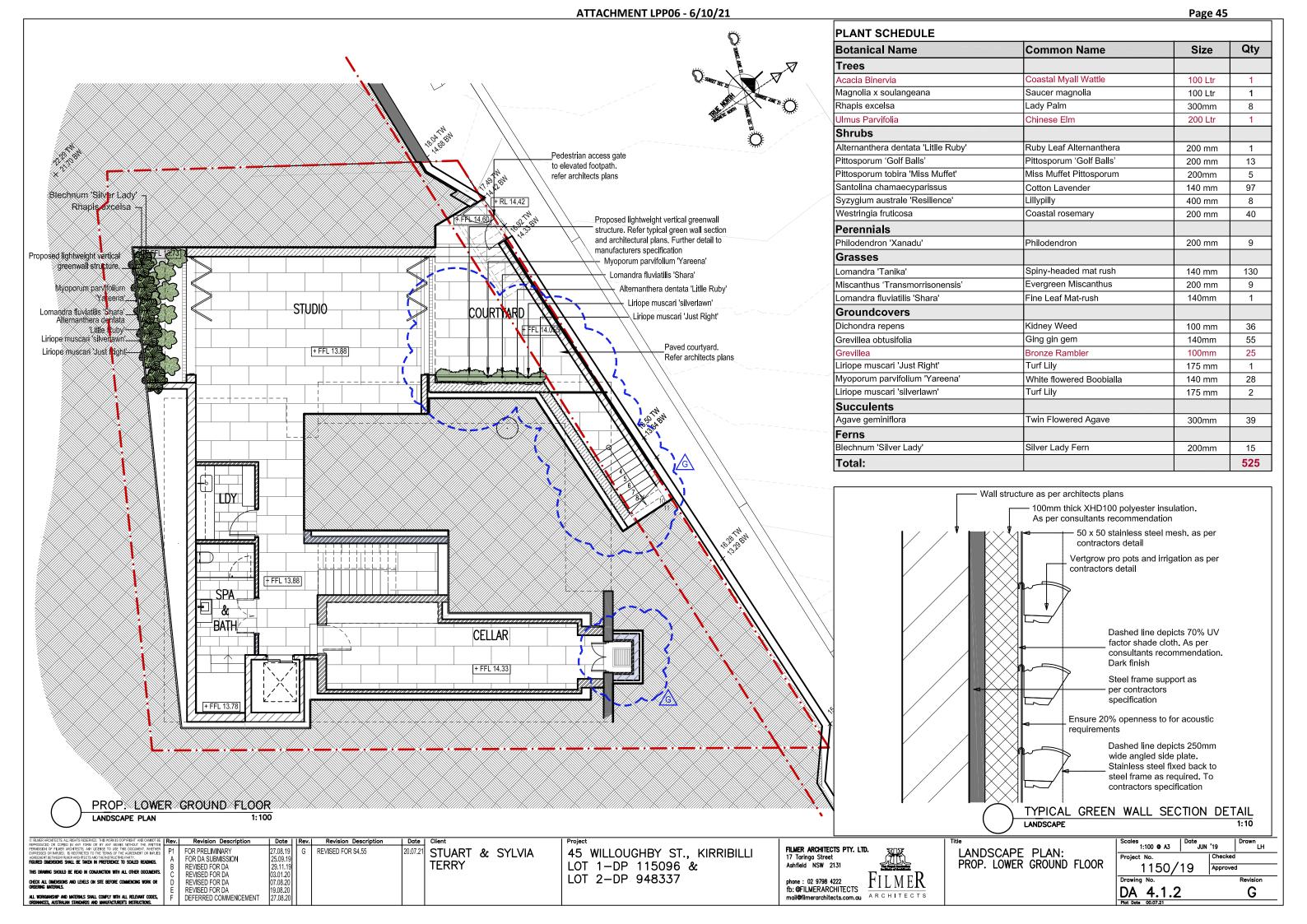
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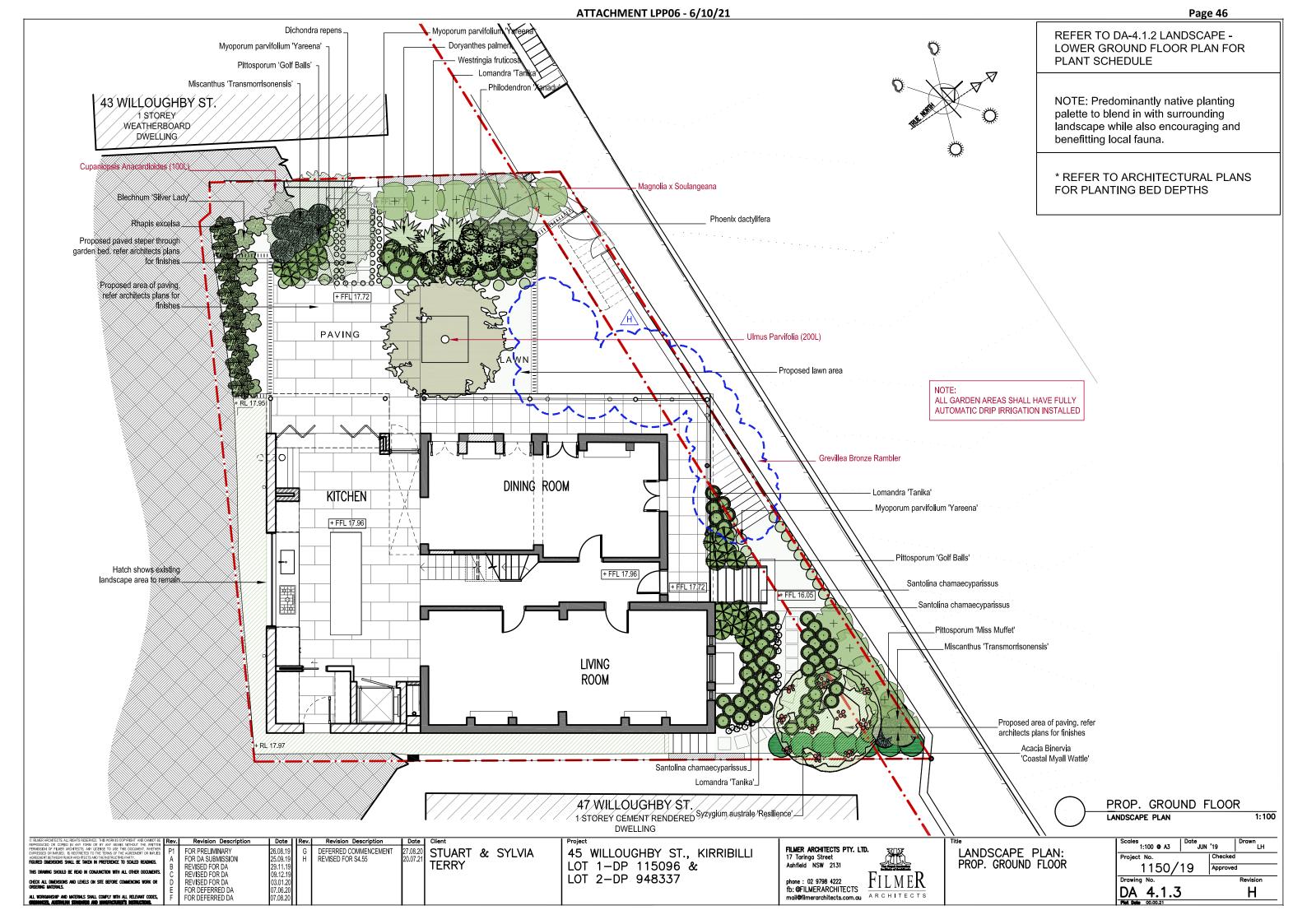
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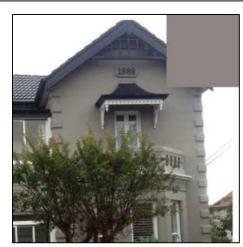


PROPOSED GATES & ENTRY PORTAL

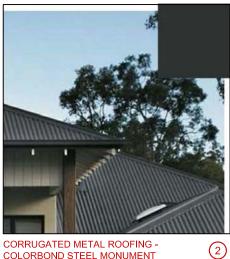
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		NEV.1 OK 04.30	20.07.21	TITLE PROPOSED GATES & ENTRY PORTAL	I TO: OF ILMERARCHITECTS —		SK 1A Plot Date 00.00.21	D Revision







RENDERED BRICK WALL -DULUX COTTON CREAM



CORRUGATED METAL ROOFING -COLORBOND STEEL MONUMENT



ZINC METAL CLADDING ROOF -QUARTZ ZINC GREY

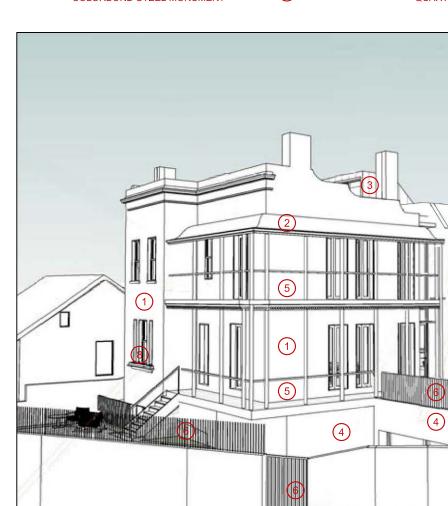


SANDSTONE WALL / FLOOR PAVING





CAST IRON BALUSTRADES -DULUX COLORBOND MONUMENT



(5)



ORNAMENTED PARAPETS & PROJECTING VERANDAH WING WALLS

WINDOW FRAME/SASH -ALUMINIUM FRAMED –DULUX OFF WHITE



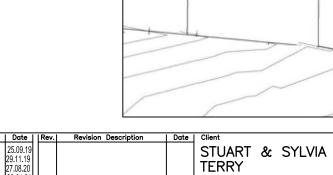
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FOR CC FOR S4.55

CAST IRON RAILING -DULUX COLORBOND MONUMENT



29.11.19 27.08.20 08.01.21 20.07.21

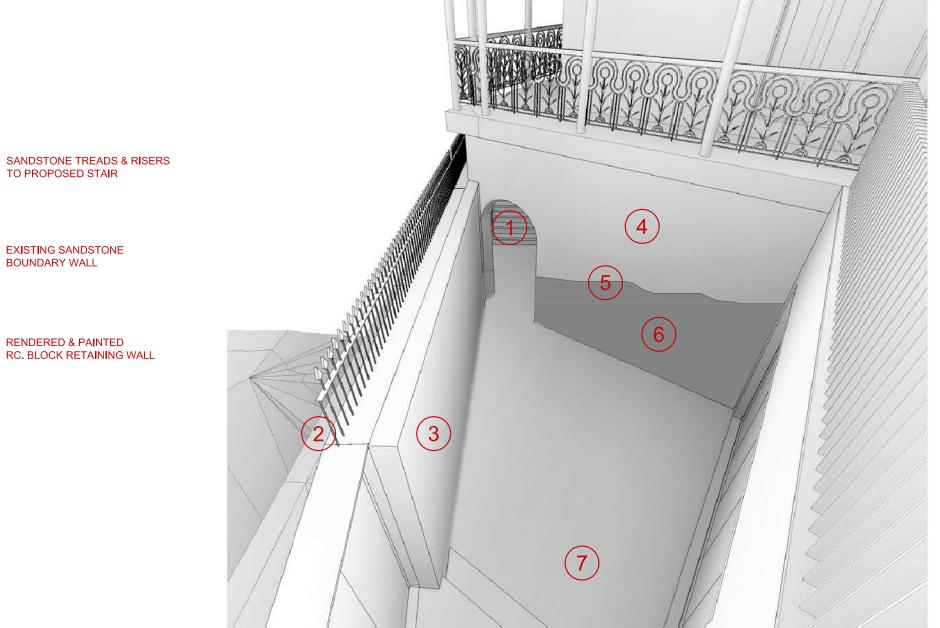


Project	
45 WILLOUGHE	BY ST., KIRRIBILLI
LOT 1-DP 11	5096 &
LOT 2-DP 94	8337



Title		
MATERIAL (1 OF 2)	SAMPLE	BOARD

_	Scales NTS @ A3	Date JUN	'19	Drawn LH
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	Drawing No.			Revision
	DA 6.1.1			E



EXISTING SANDSTONE BOUNDARY WALL

RENDERED & PAINTED RC. BLOCK RETAINING WALL

- RUSTICATED SANDSTONE BLOCKWORK
- LINE OF BEDROCK
- EXPOSED BEDROCK
- SANDSTONE PAVING
- RENDERED & PAINTED WALL

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CHECK ALL DIMENSIONS AND LEVELS ON SITE BEFORE COMMENCING WORK OR		LOT 2-DP 948337	phone: 02 9798 4222 FIIMFR	Drawing No. Revision
ORDERING MATERIALS.			fb: @FILMERARCHITECTS TTL IVI L'IX	1 -
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ODDINATED AND MICEORES SPACE CONFLICT WITH ALL RELEVANT CADES,			mail@filmerarchitects.com.au ARCHITECTS	

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