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# NORTH SYDNEY COUNCIL REPORTS

# **NSLPP MEETING HELD ON 07/05/2025**

**Attachments:** 

1. Site Plan
2. Architectural Plans
3. Clause 4.6

4. Shadow Diagrams

ADDRESS/WARD: 48 Raymond Road, Neutral Bay

APPLICATION No: DA384/24

PROPOSAL: Alterations and additions to existing RFB, including internal and

external changes to all four units.

**PLANS REF:** Refer to Condition A1

OWNER: Props of SP 30338

**APPLICANT**: Mark Hurcum Design Practice Pty Ltd

**AUTHOR**: Rachel Wu, Assessment Officer

**DATE OF REPORT**: 8 April 2025

**DATE LODGED**: 17 December 2024

AMENDED: 4 April 2025

**RECOMMENDATION**: Approval, subject to conditions

# **EXECUTIVE SUMMARY**

This development application seeks consent for the alterations and additions to an existing residential flat building, including internal and external changes to all four units at 48 Raymond Road, Neutral Bay.

The application is reported to the North Sydney Local Planning Panel for determination as the application seeks a variation to a development standard by more than 10%.

Development for the purpose of alterations and additions to a residential flat building is not permitted within the R2 Low Density Residential zone. The subject site has existing use rights under the definitions within s4.65 of the *EP&A Act 1979* (as amended).

The existing building on site was converted from a terrace building to form four units in DA1349/79 approved by Council on 7 August 1979.

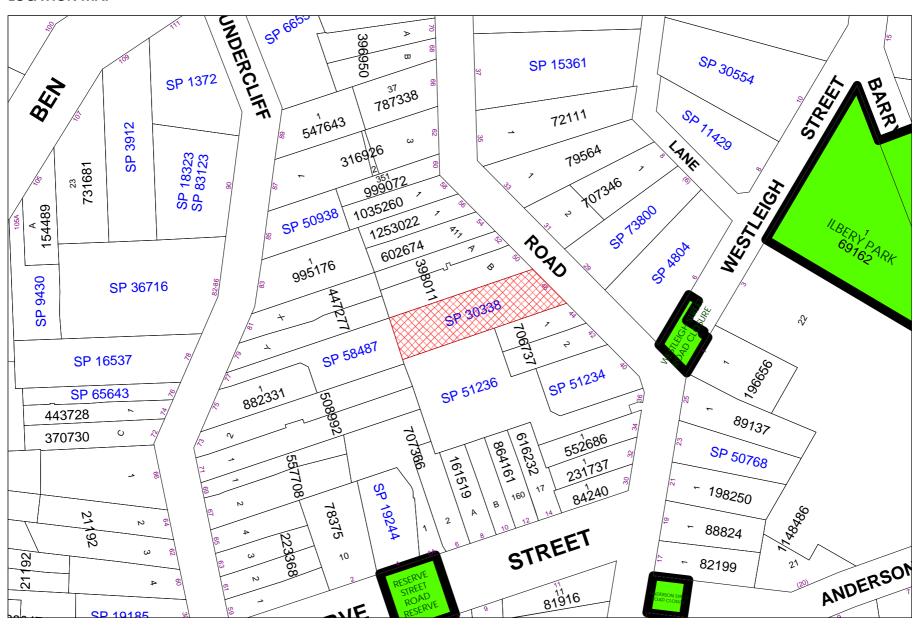
The proposed building results in a non-compliance with the height of buildings development standard in Clause 4.3 of the *North Sydney Local Environmental Plan 2013*. The existing dwelling has a maximum height of 10.2m measured from the finished floor level of the Lower Ground Floor to the roof above the mezzanine. The proposal will maintain the maximum height of 10.2m, which contravenes the maximum height control of 8.5m by 1.7m or 20%. A written request has been submitted pursuant to clause 4.6 in *NSLEP 2013* which demonstrates that compliance with the development standard is unreasonable and unnecessary as the objectives of the standard are achieved notwithstanding the variation, and that there are sufficient environmental planning grounds to justify the variation in the circumstances of the case. The variation would be in the public interest as the proposed development is consistent with the objectives of the standard and the objectives of the R2 Low Density Residential zone.

The external alterations and additions are located to the rear (west) of the subject site.

Notification of the proposal has attracted three (3) submissions raising particular concerns about visual privacy, noise, height non-compliance, overshadowing, excessive bulk and scale, inadequate setbacks and impact to existing vegetation. The assessment has considered these concerns as well as the performance of the application against Council's planning requirements.

Following this assessment the development application is considered to be reasonable in the circumstances and is recommended for **approval** subject to conditions.

# **LOCATION MAP**



Property/Applicant 

Submitters - Properties Notified

#### **DESCRIPTION OF PROPOSAL**

The proposal seeks the alterations and additions to an existing residential flat building including internal and external changes to all four units.

# **Unit 1 (located on Ground Floor)**

- Enclosure of rear porch
- Installation of fixed awning to rear west-facing glass door to comply with BASIX

# **Unit 2 (located on Ground Floor)**

- Enclosure of rear porch
- Construction of similar timber deck at rear to Unit 1
- Construction of pergola on deck to comply with BASIX
- Refurbishment of internal spaces

# Unit 3 & 4 (located on First Floor with Second Floor Mezzanine)

- Enclosure of rear balcony
- Refurbishment of internal spaces
- Extension of terrace roof
- Extension of existing mezzanine by 11.3m<sup>2</sup> and 11.4m<sup>2</sup> respectively
- Replace existing partition screen between the units on the Second Floor with brick wall for improvement to privacy

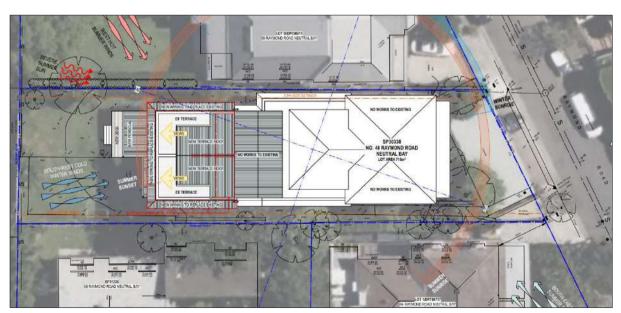


Figure 1: Proposed Site Plan

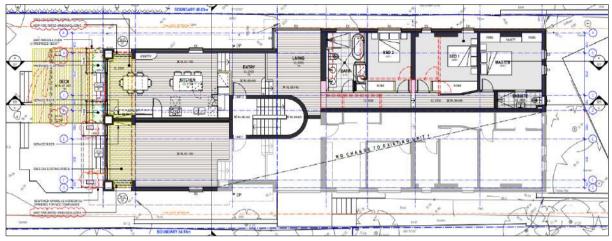


Figure 2: Extract of Ground Floor Unit 1 and Unit 2 showing area of proposed works

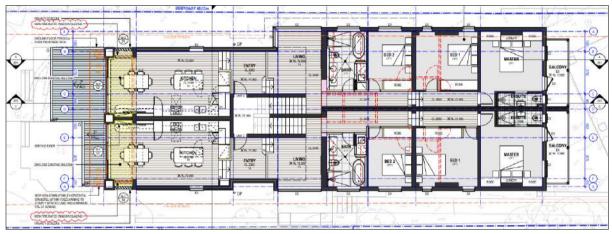


Figure 3: Extract of First Floor of Units 3 and 4 showing area of proposed works

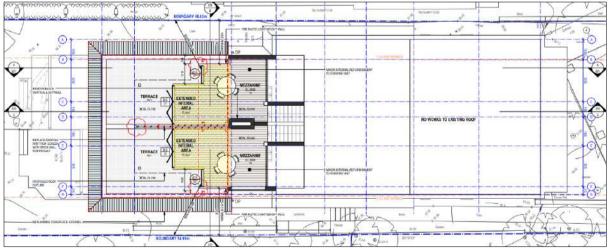


Figure 4: Extract of Second Floor of Units 3 and 4 showing area of proposed works

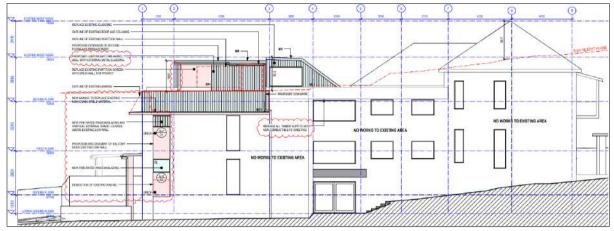


Figure 5: Extract of proposed Southern Elevation at area of proposed works

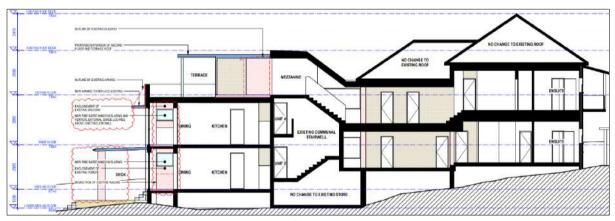


Figure 6: Extract of proposed Long Section

# **STATUTORY CONTROLS**

Environmental Planning & Assessment Act 1979
Environmental Planning and Assessment Regulation 2021
SEPP (Biodiversity and Conservation) 2021
SEPP (Housing) 2021
SEPP (Resilience and Hazards) 2021
SEPP (Transport & Infrastructure) 2021
SEPP (Sustainable Buildings) 2022

North Sydney Local Environmental Plan 2013 (NSLEP 2013)

- Zoning R2 Low Density Residential
- Item of Heritage No
- In Vicinity of Item of Heritage No
- Conservation Area No
- Foreshore Building Line (FSBL) No

**Local Development** 

#### **POLICY CONTROLS**

Housing and Productivity Contribution North Sydney Development Control Plan 2013 (NSDCP 2013) North Sydney Local Infrastructure Contributions Plan 2020

#### **DESCRIPTION OF LOCALITY**

The subject site is legally registered Strata Plan 30338, commonly known as 48 Raymond Road, Neutral Bay. The site is located on the western side of Raymond Road and is rectilinear with an area of 716m<sup>2</sup>. The site has a frontage to Raymond Road of 15.24m and side boundaries of 48.03m (north) and 54.91m (south) respectively. The site slopes down from Raymond Road to the rear yards by approximately 2.8m.

Existing on site is a two-storey brick building with development application approval by Council in 1979 for the conversion from a terrace building to four units under DA1349/79, approved by Council on 7 August 1979. The four units on the site exist as two ground floor units (Unit 1 and Unit 2) and two first floor units (Unit 3 and Unit 4). Located to the Raymond Road frontage is an existing carport and a bin storage brick building. Pedestrian access into the flat building is via a brick path into the entry level/lower ground floor lobby on the southern boundary.

Adjoining the site to the north is a two-storey rendered residence with metal roof at No.50 Raymond Road. To the south of the site are two separate lots adjoining the southern boundary of the subject site. These are No.44 Raymond Road to the east and No.36 Raymond Road, a battle-axe property. No.44 Raymond Road is a two-storey terrace dwelling that forms a semi-detached pair with No.42 Raymond Road. No.36 Raymond Road comprises six townhouses approved in 1978. To the west, adjoining the subject site is No.77 Undercliff Street, consisting of two semi-detached terraces.



Figure 7: Aerial view of subject site highlighted yellow (Source: SixMaps 2025)





Figure 7a (left): Subject site in R2 Low Density Residential zone Figure 8 (right): View to subject site from Raymond Road





Figure 9 (left): View to rear elevation of subject site from Ground Floor rear garden of Unit 1 Figure 10 (right): View to the south from Ground Floor Unit 3 rear porch





Figure 11 (left): View to the rear from First Floor Unit 3 existing Living space Figure 12 (right): View to the rear from First Floor Unit 3 rear balcony



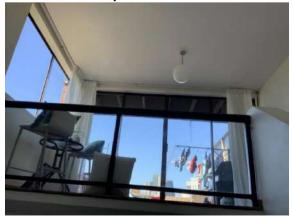


Figure 13 (left): View to the south from First Floor, Unit 3 rear balcony Figure 14 (right): View from Unit 3 stairs to Unit 3 Mezzanine





Figure 15 (left): View back to Unit 3 Mezzanine from rooftop terrace Figure 16 (right): View to the Second Floor rear elevation from rooftop terrace of Unit 3





Figure 17 (left): View to the southwest from rooftop terrace Figure 18 (right): View to the rear from Unit 3 rooftop terrace



Figure 19 (left): View from Unit 3 rooftop terrace to Unit 4 rooftop terrace

# **RELEVANT HISTORY**

# **Previous Applications**

**DA1349/79** approved by Council on 7 August 1979 for proposed alterations and additions to an existing building, including its use as four units, and carparking on site. Conditions include *No.4* 'Planting shall be located along the southern side of the roof terrace to maintain privacy to the adjoining property'.

**Building Application 10/80** approved by Council on 28 November 1980 involving the addition of a new entrance on the side of an existing 2-storey building and construction of a new section for living rooms for four units. The roof of the new addition was approved for use as a patio for the two first floor units.

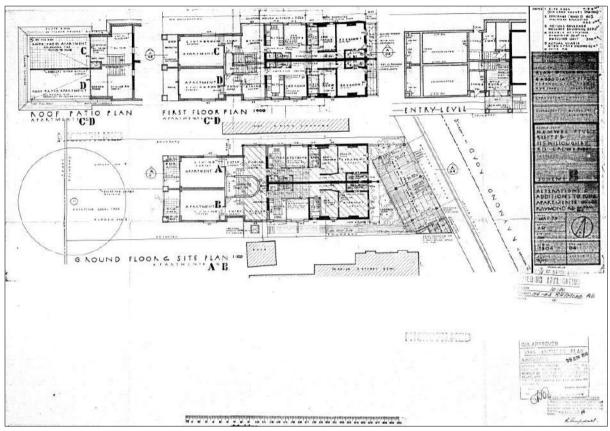


Figure 19a: BA10/80 approved on 28 November 1980

# **Current Application**

Date	Action
17/12/2024	Lodged with Council.
15/1/2025	Referral comments received from Council's Development Engineer.
31/1/2025	The development application was notified to adjoining properties and the Precinct for
	14 days in accordance with the Community Engagement Protocol. The notification
	finished on 14 February 2025. In response to the notification, three (3) submissions
	were received.
7/2/2025	Site inspection completed by Assessment Officer.
20/2/2025	Referral comments received from Council's Landscape Development Officer.
24/2/2025	Referral comments received from Council's Senior Building Surveyor requesting for a
	Fire Safety Upgrade report.
7/3/2025	The Applicant was requested to provide a BCA Fire Safety Upgrade Report to enable
	further comments from Council's Building Surveyor.
2/4/2025	The Applicant submitted a Fire and Life Safety Audit Report on the Planning Portal and
	BCA Compliance plans.
3/4/2025	Council's Building Surveyor provided conditions to be included for determination at
	the end of the report.

Re: 48 Raymond Road, Neutral Bay

4/4/2025	The Applicant submitted Revision B of BCA Compliant Plans and Elevations reflecting
	recommendations within the Fire and Life Safety Audit Report. Council's Building
	Surveyor commented no objection and stated the conditions provided on 3 April 2025
	are sufficient.

#### **INTERNAL REFERRALS**

#### **BUILDING**

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

# **BUILDING/SURVEYING**

The application has been referred to Council's Building Surveyor who provided the following comments:

"The Development Application seeks approval for internal and external alterations and additions to an existing residential flat building.

The building is classified by the NCC BCA as a Class 2 building of Type A construction.

A search of Council's records revealed no recent Annual Fire Safety Statement has been submitted for the building however this will not effect the DA determination.

Given the application includes building works, Clause 62 of the Environmental Planning & Assessment Regulation 2021 is not applicable.

A review of the Drawings accompanying the application revealed that several window openings are located within 3 meters (approx. 900mm) of a fire source feature (side boundaries) therefore the current building is not adequately designed to prevent or restrict the spread of fire. As such, pursuant to Clause 64 of the Environmental Planning & Assessment Regulations 2021 upgrade of the building is required.

To enable further comment is recommended that a Building Code of Australia Report identifying how the building is going to be brought into partial or total compliance with Sections C, D, E and F of the relevant NCC BCA be provided."

**Planning comment:** The Applicant submitted a Fire and Life Safety Audit Report and BCA Compliance plans following Council's request for further information. Council's Building Surveyor is satisfied and recommended a condition to be included in the determination to adopt the strategies within the Fire and Life Safety Audit Report. This is included at the end of the report.

## **ENGINEERING**

The application has been referred to Council's Development Engineer who raised no objections to the proposal. Appropriate condition for infrastructure bond has been recommended at the end of the report.

#### **LANDSCAPING**

The application has been referred to Council's Landscape Development Officer who raised no objections and recommended conditions to be included at the end of the report within the determination.

#### **SUBMISSIONS**

On 31 January 2025, Council notified adjoining properties and the Neutral Precinct of the proposed development seeking comment between 31/1/2025 - 14/2/2025. Council received three (3) submissions. The matters raised in the submissions are listed below:

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 <a href="https://www.northsydney.nsw.gov.au/Building Development/Current DAs">https://www.northsydney.nsw.gov.au/Building Development/Current DAs</a> and are available for review by NSLPP members.

#### **Basis of Submissions**

- Visual Privacy impact from extension of mezzanine
- Visual Privacy impact from ground floor full-height window W02
- Non-compliance with Clause 4.3 of NSLEP 2013
- Non-compliance with R2 zoning
- Noise/acoustic impact from extension of mezzanine
- Inadequate setbacks and excessive bulk and scale
- Reduction in natural light to adjoining property
- Impact to existing vegetation/screen planting
- · Dilapidation and photographic survey
- Management Plan
- Asbestos and demolition
- Impact to City views
- Inconsistent rear setback
- Reflectivity from metal awning replacement of existing tile awning
- Site coverage increase and reduction in landscaped area

# **CONSIDERATION**

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

# **Environmental Planning and Assessment Act 1979 (as amended)**

The subject site is zoned R2 Low Density Residential and development for the purpose of a residential flat building is prohibited in the zone.

Notwithstanding such prohibition, if 'existing use' rights can be satisfactorily established for the land affected by the proposed development, then the consent authority may approve a development application (subject to meeting the relevant requirements applying to existing uses under Sections 4.65 - 4.70 of the *EP & A Act 1979*, the Regulation under the Act, and considering the impacts of the proposal).

# **Environmental Planning and Assessment Regulations 2021**

The proposed development would not offend the relevant provisions/requirements under Sections 162 - 167 of the *EP&A Regulations 2021* in relation to existing use rights. In particular the proposal does not seek significant enlargement of the existing building nor changing the use of the existing building as an apartment building.

It is concluded that the subject site benefits existing use rights because the circumstances of the subject site and the proposed development are generally consistent with Cl. 13. ss 4.65 - 4.70 of the *EP&A Act 1979* and ss 162-167 in Part 7 of *EP&A Regulations 2021*.

# **Section 4.15 Considerations**

The decision of Chief Judge Preston in *Saffioti v Kiama Council* [2018] NSWLEC 57 outlined that the development standards would not derogate from the incorporated provisions of existing use rights and therefore would not prevent their operation.

On this basis, the proposed development should comply with any development standard or be subject to a written request to vary the development standard pursuant to clause 4.6 in *NSLEP 2013*. In addition, it also concluded that the proposed development should be assessed against the relevant DCP provisions as a DCP is not an environmental planning instrument and therefore could not derogate from the incorporated provisions.

Therefore, any future development on the subject site must have regard to the relevant development standards and controls as contained in the relevant EPI, LEP and DCP which are assessed below.

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

# SEPP (Biodiversity and Conservation) 2021

# **Chapter 2 – Vegetation in Non-Rural Areas**

No clearance of trees is proposed within and in the vicinity of the subject site and the proposal is considered satisfactory in this regard.

# **Chapter 6 – Water Catchments**

The provisions of Chapter 6 Water Catchments apply to the subject site which is located within the Sydney Harbour Catchment. The subject site is not located in a foreshore waterways area or adjacent to waterways and it is considered that there is unlikely to be adverse effects on the quality of water by the development and the proposal is satisfactory in this regard.

# SEPP (Resilience and Hazards) 2021

The provisions of Chapter 4 of this SEPP 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 a history of **residential use** and as such is unlikely to contain any contamination. The nature and location of the proposed development (involving alterations and additions to a residential flat building) are such that any applicable requirements of this SEPP have been satisfactorily addressed. Appropriate standard conditions are recommended at the end of the report for Asbestos Survey to be carried out as the building was erected prior to 1979.

# SEPP (Housing) 2021

Chapter 4 *Design of Residential Apartment Development* of this SEPP does not apply to the subject development under Clause 144(3) which states:

# "Clause 144 Application of Chapter

This chapter applies to development only if—

- (a) the development consists of—
  - (i) the erection of a new building, or
  - (ii) the substantial redevelopment or substantial refurbishment of an existing building, or
  - (iii) the conversion of an existing building, and
- (b) the building is at least 3 storeys, not including underground car parking storeys, and
- (c) the building contains at least 4 dwellings."

The subject site consists of two levels and a mezzanine and therefore Chapter 4 does not apply.

# SEPP (Sustainable Buildings) 2022

Valid BASIX Certificates for a dwelling within an existing building has been submitted with the application to satisfy the Aims of the SEPP as follow:

Unit 1: A1775156, dated 28 November 2024 Unit 2: A1775153, dated 28 November 2024 Unit 3: A1775161, dated 28 November 2024 Unit 4: A1775155, dated 28 November 2024

# NORTH SYDNEY LOCAL ENVIRONMENT PLAN (NSLEP 2013)

## 1. Permissibility

The subject site is located within the R2 Low Density Residential zone under the provisions of the North Sydney Local Environmental Plan 2013 (*NSLEP 2013*). Development for the purposes of a residential flat building is not permissible in the zone.

The subject site benefits from existing use rights under the definitions within s4.65 of the *EP&A Act* 1979 (as amended).

The building was erected prior to 1979 and a development application approval under DA1349/79 for proposed alterations and additions to an existing building, including the upgrade of the existing four units was approved by Council on 7 August 1979, prior to the commencement of the *North Sydney Local Environmental Plan 2001* having the effect of prohibiting the use of the land for residential flat building development.

The proposal is carried out only on the land established as an existing use and is satisfactory for assessment in this regard. The site has continued to be occupied as a residential flat building since the development application approval in 1979.

In light of the above, it is considered that the existing development satisfies the definition and the relevant provisions relating to an existing use under Sections 4.65-4.70 of the *EP&A Act 1979*.

# 2. Objectives of the zone

The objectives for an R2 Low Density Residential zone are stated below:

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

The subject site has existing use rights as a residential flat building and the proposal does not seek to significantly expand the bulk and scale of the existing flat building, nor increase the dwelling density on site. The proposal provides for housing needs, improving the building in terms of BASIX compliance and fire safety upgrade, and does not adversely impact on adjoining properties for reasons provided later in the report.

Part 4 – Principal Development Standards

COMPLIANCE TABLE Principal Development Standards North Sydney Local Environmental Plan 2013						
Site Area - 716m <sup>2</sup>	Proposed	Control	Complies			
Clause 4.3 – Heights of Building*	10.2m	8.5m	NO			
			Variation 1.7m or			
	Existing		20%.			
	maximum Height					
	of Building:					
	10.2m					
	(measured					
	vertically from					
	existing ground					
	level)					
Clause 4.4 – Floor Space Ratio	N/A	No FSR control	N/A			
		applicable				

<sup>\*</sup>Refer Clause 4.6 statement below

#### 3. Height of Building

The following objectives for the permissible height limit 8.5m pursuant to clause 4.3 in *NSLEP 2013* are stated below:

- (a) to promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient,
- (b) to promote the retention and, if appropriate, sharing of existing views,
- (c) to maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development,
- (d) to maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings,

- (e) to ensure compatibility between development, particularly at zone boundaries,
- (f) to encourage an appropriate scale and density of development that is in accordance with, and promotes the character of, an area.
- (g) to maintain a built form of mainly 1 or 2 storeys in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone C4 Environmental Living.

The proposed works would have a height of 10.2m that does not comply with the permissible height limit of 8.5m in accordance with clause 4.3 in *NSLEP 2013*. This is calculated from the Lower Ground Floor FFL of the existing storeroom to the proposed roof. The existing site has a maximum height measured to be 10.2m measured from the same location. The proposed works do not exceed the ridge height of the existing building at this location and due to the topography of the subject land is located lower than the front portion of the building fronting Raymond Road.

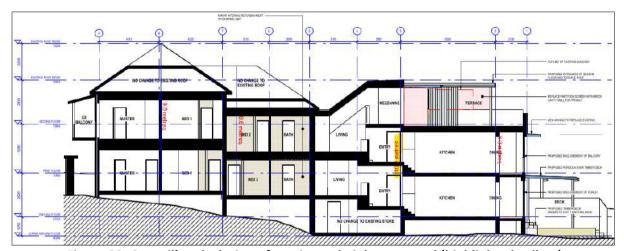


Figure 20: Council's calculation of maximum height proposed (highlighted yellow)

The applicant has submitted a written request pursuant to Clause 4.6 in *NSLEP 2013*. The written request has adequately addressed sub clause (3) and is considered to be in the public interest because it is consistent with the relevant development standard and the objectives of the zone.

# Clause 4.6 Exceptions to development standards

A written request prepared by MHDP Architects dated 6 December 2024 was submitted as part of the application. The written request acknowledges the departure of more than 10% from the development standard.

# Clause 4.6(3) states the following:

- "(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request form the applicant that seeks to justify the contravention of the development standard by demonstration:
  - (a) The compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
  - (b) that there are sufficient environmental planning grounds to justify contravening the development standard."

The written request provided by MHDP Architects dated 6 December 2024 has demonstrated that strict compliance is unreasonable and unnecessary in the circumstances of the case. The written request provides the following reasons:

- The proposed unit renovation is to an existing building that already breaches the height limit
- The proposed works are created entirely below the existing ridge line, therefore not worsening the height non-compliance.
- The proposed works occupy the same existing footprint, therefore not making the building any greater impact on the site.
- The proposed works do not impact on views or privacy.
- The rear second storey is almost entirely imperceptible when viewed from the surrounding area and Raymond Road streetscape.
- The proposed new works to the second storey are further pulled in from within the sides
  of the existing building footprint so it cannot be considered as an intensification of the
  bulk and scale.
- The proposed works is a minor extension of 22.7m<sup>2</sup> (across two units being 11.3m<sup>2</sup> and 11.4m<sup>2</sup> each) and it is unachievable to assume the site will see a backwards development to align with the R2 zone controls.

The written request provides the following environmental planning grounds in support of the request which argues that the exceedance should be granted for the following reasons:

- "• The height of the additional roof in this instance is well below the existing roof ridge and as such does not represent an obtrusive extension of the existing bulk and scale.
- In consideration of this the height and position of the southern edge of the extension was kept in lower than existing as well as pushing 1.4m off the existing alignment. The extension utilises a skillion roof arrangement and a sloping ceiling so that for the new Lounge area to keep it as low as possible. As demonstrated clearly in the elevational shadow diagrams, the additional midwinter shadow falls on wall area of the adjacent building to the south and does not cause a reduction in sunlight to any windows.
- Due the proximity of the development against neighbouring properties and the fall in hillside, there is no view loss resulting from the proposal.
- The top floor mezzanine areas and expansive existing terrace can already overlook neighbouring properties. The proposed works simply utilise these very large open terraces in a different way. There is little likelihood that these works would change the privacy impacts in any way.

The applicant also provided justification for contravening the development standard through the following reasons:

"The extent of additional non-compliance is only for the area beyond the existing awning structure. This is an area of only 22.6 sq.m (across two units = 11.3 sq.m each).

The extension of the existing non-compliance as been proposed as it improves the amenity of the upper units by making a more useful space directly off the roof terrace, as well as making the roof terrace more useful by adding additional roof cover. The existing terraces are large expanse of unroofed area that has very little connection to the rest of the unit.

In order to ameliorate any potential impact resulting from the extension, the new roof pulls in 1.4 from the south side and 1.85m from the north side, immediately after the extent of the existing awnings. While this reduces the useability of the upper living area, it was felt this was important in order to reduce the shadow impact to the neighbour to the south as well as reduce the perceivable bulk and scale. This "pulled-in" roof then continues out to form a usable external covered area for the existing terrace...

The existing residential flat building, constructed in 1979 as an addition to the existing terrace buildings that are still evident today, added the third storey component to the rear of the building. As noted above, existing use rights exist for this development and the works were approved by North Sydney Council at that time. Therefore, the existing third storey component cannot be requested to be removed to return the building to a two-storey component.

It is noted that the third storey component is only mildly visible from surrounding public land. For the main street in front, the building presents only as a two-storey component. The extension of the third-floor component is a minor extension only and as demonstrated above due consideration has been given to reduce the impact of this as much as possible. Considering the above factors: that the third storey is an approved component, that it is only mildly visible, that the building presents from the street as a two storey development and that the works have been carefully designed to reduce any impact, it can be submitted this objective is maintained."

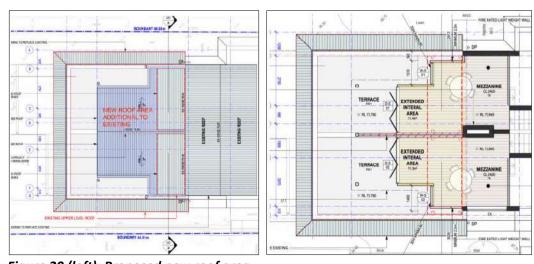


Figure 20 (left): Proposed new roof area
Figure 21 (right): Proposed extended internal area to Mezzanine

The Clause 4.6 submission is considered to be well founded in the circumstances as there are no adverse material impacts that result from this application and that the design new roof pulls in 1.4 from the south side and 1.85m from the north side, immediately after the extent of the existing awnings.

The submission is considered to have demonstrated the achievement of the objectives of the R2 Low Density Residential zone on the basis that the proposal is remains as a two-storey form from Raymond Road and improves amenity for the occupants of the dwelling through BASIX compliance and fire safety upgrades and provide roof cover for the outdoor rooftop terrace, while not adversely impacting view, solar access or privacy for surrounding properties. The proposed works maintain the same height as that existing (10.2m to the roof of the mezzanine) with a lower height for the proposed roof over the rear extension to the west of the mezzanine.

The proposed breach to the building height development standard is unlikely to create any matter of significance for State or regional environmental planning. Furthermore, there is unlikely to be any public benefit in maintaining strict compliance with the building height control.

In conclusion, the written request seeking a variation to the building height control is considered to be well founded, has demonstrated that compliance with the standard is unreasonable and unnecessary in the circumstances of the case and has provided sufficient environmental planning grounds which support the request. While the breach to the building height standard exceeds a 10% variation, it is consistent with the objectives of the building height control and the R2 Low Density Residential zone.

#### 4. Earthworks

The application involves minor surface preparation only and is considered satisfactory against the objectives within Cl6.10 of *NSLEP 2013*.

#### **POLICY CONTROLS**

#### HOUSING AND PRODUCTIVITY CONTRIBUTION

The proposal does not increase the dwelling density on site and does not create new dwellings for the subject site. Consequently, the Housing and Productivity Contribution does not apply.

# **NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013**

The proposal has been assessment under the following heading within NSDCP 2013:

	DEVELOPMENT CONTROL PLAN 2013 – Part B Section 1- Residential Development			
			complies	Comments
1.2	Social Amenity			
1.2.2	Maintaining Accommodation	Residential	Yes	The proposal will maintain the dwelling density on the site being three-bedroom units for all 4 units.
1.3	Environmental (	Criteria		
1.3.1	Topography		Yes	Minor surface preparation only for the rear timber deck for Unit 2 is required.
1.3.6	Views		Yes	The Area Character Statement identifies significant views as views from streets and reserves to Sydney Harbour and beyond, as well as views from specified Lookouts. The proposal does not impact on views from Raymond Road or any reserve to Sydney Harbour as the proposed rooftop extension is sufficiently set back from its side boundaries behind the existing building and therefore will not obstruct any views from the street.

From the subject site and 50 Raymond Road, the visible views are to the North Sydney CBD skyline as opposed to views to Sydney CBD skyline. The North Sydney CBD skyline is not considered to be a significant view. Furthermore, the existing views to the North Sydney CBD skyline is from the First-Floor balcony off the First Floor Bedroom and not a main internal living space. Additionally, the views are taken across side boundaries, which is considered to be more difficult to protect in the Land and Environment Court "View Sharing" principle Tenacity Consulting v Warringah Council. Given the reasons above, it is considered that the proposal is reasonable having regard to the type of view, view across side boundaries, and the design of the proposal encompassed sufficient side setbacks and does not extend out of the existing building footprint.



# 1.3.7 Solar Access

Yes

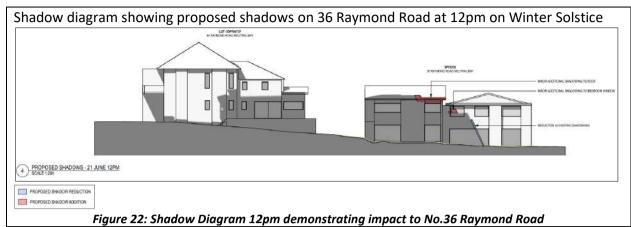
# No.44 Raymond Road

The Applicant provided certified shadow diagrams that demonstrate no additional shadows fall onto No.44 Raymond Road through the subject proposal at winter solstice between 9-3pm.

# No.36 Raymond Road

Minor additional overshadowing occurs between 12pm-3pm to 36 Raymond Road at winter solstice. The shadowing falls onto the roof, wall and a portion of the first-floor bedroom window of 5/36 Raymond Road. No additional overshadowing occurs to the private open space of No.36 Raymond Road.

The proposal is considered satisfactory in this regard.



Shadow diagram showing proposed shadows at 3pm on Winter Solstice



Figure 23: Shadow Diagram 3pm demonstrating impact to No.36 Raymond Road

1.3.8	Acoustic Privacy	Yes	The proposal seeks to enclose approximately 22sqm of the
			open terrace on the rooftop. No change is proposed to expand
			the rooftop terrace and therefore no adverse impacts to
			acoustic privacy is considered likely.
1.3.10	Visual Privacy	Yes	The proposed works take place within the existing building footprint. The rooftop terrace as existing is not proposed to be expanded in form and scale. The subject proposal seeks to enclose approximately 23sqm of the rooftop terrace for the mezzanine extension (refer to <i>Figure 23A</i> , highlighted blue, extended from the existing mezzanine to the west by 3.8m) and extension of the roof for a covered terrace area (highlighted orange, extended a further 2.5m from the proposed mezzanine extension). The proposal does not create greater visual privacy impact where the rooftop terrace is already of a residential use. Furthermore, views from the mezzanine to the west is more likely to be viewed horizontally across at eye level at the North Sydney district views rather than focus downwards and the lower topography of sites further west. At a seated position within the mezzanine extension, it is even more unlikely for the viewer to be capable of looking west past the open terrace parapet and down to the sites that slope down further to the west of the subject
			site.  In terms of visual privacy to neighbours residing in properties north and south of the subject site, the mezzanine extension features no windows facing north and south that will impact
			on its adjoining northern and southern neighbours. The

northern and southern walls of the mezzanine extension are

blank walls of metal cladding only.

The enclosure of the ground and first floor porches and

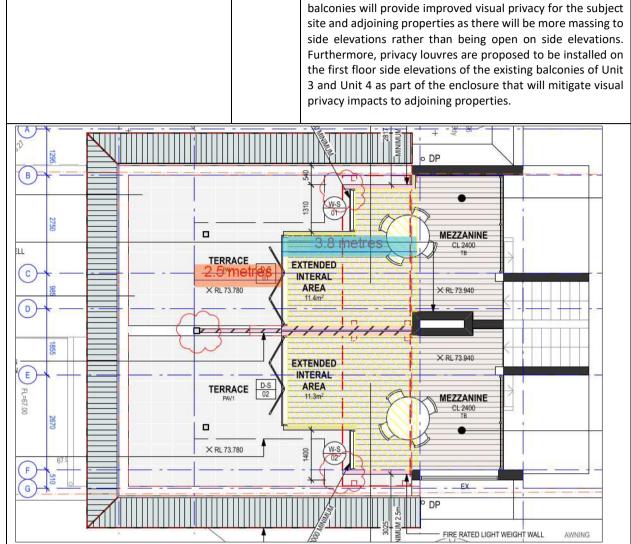


Figure 23A: Measurement of extension of mezzanine (blue) and extension of roof over terrace calculated from the mezzanine extension (orange)

1.4	Quality built form		
1.4.1	Context	Yes	The proposed rear addition does not impact on the building's presentation to Raymond Road as a two-storey building.
1.4.6	Setback – Side	Yes	The minimum setback requirement in an R2 zone for the part of a building that is greater than 7m is 2.5m. The proposed extension works on the rooftop provides 2.5m – 4.3m side setback from the northern and southern lot boundaries that satisfy this requirement.
P5	Rear Setback – Rear	No change	No change is proposed to the rear setback of the building as the proposed works are contained within the existing building footprint.
1.4.7	Form Massing Scale	Yes	The objective of this control is to ensure the size of new buildings are consistent with surrounding, characteristic buildings and they are not significantly larger than characteristic buildings.  The proposed rear extension on the rooftop does not impact on the size of the existing building viewed from Raymond Road and features an L-shape roof profile that mitigates its visibility from the streetscape

O2 To ensure that alterations and additions to or the rebuilding of residential accommodation relying on existing use rights and that existing residential accommodation exceeds the key built form controls applying to that land, that the new development does not result in increased negative impacts on the character of the locality or the amenity of adjoining dwellings.  1.4.10 Roofs  Satisian street in the street impacts on that exist in morth that the new development does not the character of the locality or the amenity of adjoining dwellings.  Yes  Yes			The proposal relying on existing use rights is considered satisfactory against the objectives as the addition is located to the rear and does not impact on the character of the locality due to its maintenance as a two-storey form to the streetscape. The proposal is unlikely to create adverse impacts to adjoining neighbours due to its location within the existing building footprint and setback substantially from the northern and southern boundaries for the mezzanine extension on the rooftop, and the use of privacy louvres on the first-floor side boundaries for the enclosure of the rear balconies.  The proposed new roof to the mezzanine and rear rooftop extension is colorbond steel roof sheeting that is not uncommon as a roof material for rear additions in the locality.  The external finishes proposed for the rear additions include		
		cladding and me	etal roof that a	re considered	nry, glass, metal satisfactory and
1.5 Quality Urban Environment		compatible with	the rear addit	ions in the loc	ality.
1.5.5 Site Coverage	No, Improved	compatible with the rear additions in the locality.  A maximum site coverage of 45% (322.2sqm) is permissible			sqm (51.4%) and the coverage of (6.6sqm), and the coverage of the coverage control satisfactory as coverage control
1.5.6 Landscape Area	Yes	Control Site coverage (max.45%)  Landscaped area (min.40%) Unbuilt- upon area (max.15%)	Sexisting 368.1sqm (51.4%)  N/A  N/A	367.7sqm (51.35%) 304.5sqm (42.5%) 43.8sqm (6.1%)	No, variation of 45.5sqm (6.35%) Yes

		The proposal satisfies the minimum landscape area and maximum unbuilt upon area as per Council's Landscaped Area and Unbuilt-upon area controls.	
1.5.10 Private and Communal Open Space	Yes	A minimum of 25sqm of private open space is required for Unit 1 and Unit 2 located on the Ground Level. Units 1 and 2 retain a private open space of more than 50sqm in their rear garden respectively.	
		A minimum of 20sqm of private open space is required for Units 3 and 4 respectively as they are located above ground. Units 3 and 4 retain a minimum of 21 sqm of private open space on the rooftop respectively.	
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		The proposal is considered satisfactory in this regard.	
1.6 Efficient Use of Resources			
Valid BASIX Certificates for each of the four units have been provided to satisfy the aims of SEPP (Sustainable Buildings) 2022.			

# Part C of North Sydney Development Control Plan 2013

Section 7 – Neutral Bay Planning Area Section 7.2 – Neutral Neighbourhood

The proposal as a site with existing use rights as a residential flat building is not inconsistent with the Area Character Statement as the rooftop extension is considered minor in nature and carefully designed to have increased setbacks from the side boundaries so as to minimise any visibility from Raymond Road. The proposal is considered satisfactory in this regard. The proposal does not obstruct any harbour views.

# LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN

The proposal is subject to Local Infrastructure Contributions in accordance with the North Sydney Local Infrastructure Contributions Plan (as amended). No increase in dwelling density is proposed in the subject development application and therefore \$7.11 contributions do not apply. The estimated cost of works is over \$100,000.00 and consequently \$7.12 contributions apply. Conditions requiring payment of contributions are included in the attached recommended conditions of consent.

The required contribution has been calculated in accordance with the applicable contribution rates as follows:

<b>Applicable Contribution Type</b>		
S7.12 contribution detail	Development cost:	\$ 560,175.00
(payment amount subject to	Contribution:	\$ 5,602.00
indexing at time of payment)		

# **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	YES
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

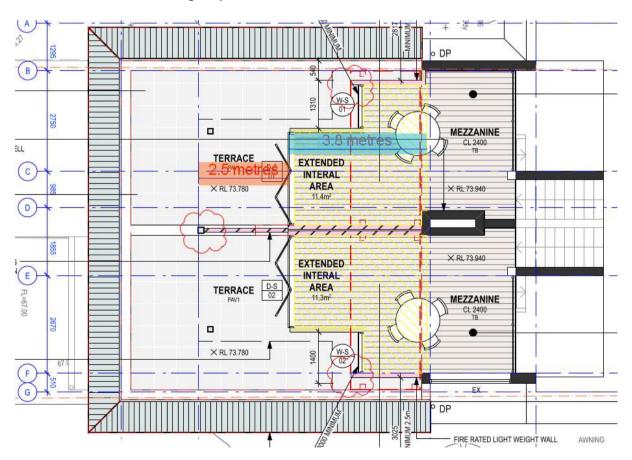
# **SUBMITTERS CONCERNS**

The application was notified to adjoining properties and the Neutral Precinct for 14 days in accordance with the Community Engagement Protocol. Council received three (3) submissions to the proposal. The following matters were raised:-

# • Visual Privacy impact from extension of mezzanine

**Response:** The proposed works take place within the existing building footprint. The rooftop terrace as existing is not proposed to be expanded in form and scale. The subject proposal seeks to enclose approximately 23sqm of the rooftop terrace for the mezzanine extension (highlighted blue, extended from the existing mezzanine to the west by 3.8m) and extension of the roof for a covered terrace area (highlighted orange, extended a further 2.5m from the proposed mezzanine extension). The proposal does not create greater visual privacy impact where the rooftop terrace is already of a residential use. Furthermore, views from the mezzanine to the west is more likely to be viewed horizontally across at eye level at the North Sydney district views rather than focus downwards and the lower topography of sites further west. At a seated position within the mezzanine extension, it is even more unlikely for the viewer to be capable of looking west past the open terrace parapet and down to the sites that slope down further to the west of the subject site.

In terms of visual privacy to neighbours residing in properties north and south of the subject site, the mezzanine extension features no windows facing north and south that will impact on its adjoining northern and southern neighbours. The northern and southern walls of the mezzanine extension are blank walls of metal cladding only.



The enclosure of the ground and first floor porches and balconies will provide improved visual privacy for the subject site and adjoining properties as there will be more massing to side elevations rather than being open on side elevations. Furthermore, privacy louvres are proposed to be installed on the first floor side elevations of the existing balconies of Unit 3 and Unit 4 as part of the enclosure that will mitigate visual privacy impacts to adjoining properties.

# Visual Privacy impact from ground floor full-height window W01 & W02

**Response:** Amended plans submitted to Council reduced the full height windows to smaller windows that have a minimum sill height of 1.5m, complying with Provision P4 within Part B, s1.3.10 of NSDCP 2013 for windows to have a minimum sill height of 1.5m if it has direct outlook into windows of adjacent properties. Despite this, the proposed windows are considered to be an improvement on the visual privacy of adjoining properties as they will enclose the existing rear porches of Unit 3 and 4 whereby there is currently no enclosure.

# • Non-compliance with Clause 4.3 of NSLEP 2013

**Response:** The Applicant has submitted a Clause 4.6 written request seeking a variation to the building height control which is considered to be well founded, has demonstrated that compliance with the standard is unreasonable and unnecessary in the circumstances of the case and has provided sufficient environmental planning grounds which support the request. While the breach to the building height standard exceeds a 10% variation, it is consistent with the objectives of the building height control and the R2 Low Density Residential zone. The proposal does not exceed the maximum height proposed on the site, being 10.2m.

### Non-compliance with R2 zoning

**Response:** The proposal is considered to achieve the objectives of the R2 Low Density Residential zone on the basis that the proposal remains as a two-storey form from Raymond Road and improves amenity for the occupants of the dwelling through BASIX compliance and fire safety upgrades and provide roof cover for the outdoor rooftop terrace, while not adversely impacting view, solar access or privacy for surrounding properties. The proposed works maintain the same height as that existing (10.2m to the roof of the mezzanine) with a lower height for the proposed roof over the rear extension to the west of the mezzanine. The proposal provides for housing and day-to-day needs while maintaining the same level of dwelling density on the site and is therefore considered satisfactory.

# Noise/acoustic impact from extension of mezzanine

**Response:** The proposal does not seek to expand the area of the rooftop terrace nor change its residential use.

#### Inadequate setbacks and excessive bulk and scale

**Response:** Under Part B, s1.4.6 of NSDCP 2013, the minimum setback requirement in an R2 zone for the part of a building that is greater than 7m is 2.5m. The proposed extension works on the rooftop provides 2.5m - 4.3m side setback from the northern and southern lot boundaries that satisfy this requirement. The additional floor area proposed are located entirely within the building footprint. The application seeks alterations and additions to the rear of the building and is strategically designed to minimise bulk and scale and visibility from the streetscape of Raymond Road by its L-shape roof form and setback from side boundaries and therefore considered satisfactory.

# • Reduction in natural light to adjoining property

**Response:** Council's control regarding solar access/overshadowing impact on adjoining properties assesses compliance with based on the achievement of three hours of direct solar access between 9am-3pm at winter solstice, and not the measurement of natural light. The proposal will create minor overshadowing at 12-3pm of winter solstice to the first-floor bedroom of 5/36 Raymond Road to the south of the site but will still allow light in the form of natural light into that bedroom.

## Impact to existing vegetation/screen planting

**Response:** No works are proposed close to the subject boundary that will adversely impact on the existing vegetation of adjoining properties. Minor surface preparation only is proposed at the rear of Unit 2 for the proposed timber deck and pergola, however this will not create a major impact on the root systems of adjoining properties.

# Dilapidation and photographic survey

**Response:** No dilapidation report or photographic survey are considered necessary as the bulk of the proposed works are located within the existing building footprint and are considered minor alterations and additions in nature. The proposed deck and pergola located to the rear of Unit 2 are located a minimum of 2.3m from the northern boundary and furthermore only requires surface preparation and not extensive excavation, thereby unlikely to create adverse impacts on adjoining properties. It is onerous to condition for dilapidation and photographic survey due to the reasons above.

# • Plan of Management

**Response:** Standard conditions regarding construction are recommended at the end of the report. This includes delivery hours, construction hours and construction noise. No plan of management is required for the proposal as it is for alterations and additions and does not constitute major work.

# Asbestos and demolition

**Response:** Standard conditions regarding asbestos survey and clearance are recommended in the report. A standard condition relating to demolition is recommended to ensure all demolition work must be undertaken in accordance with the provisions of AS2601- Demolition of Structures.

# • Impact to City views

**Response:** The Area Character Statement identifies significant views in the Neutral Neighbourhood as views from streets and reserves to Sydney Harbour and beyond, as well as views from specified Lookouts. The proposal does not impact on views from Raymond Road or any reserve to Sydney Harbour as the proposed rooftop extension is sufficiently set back from its side boundaries behind the existing building and therefore will not obstruct any views from the street.

#### • Inconsistent rear setback

**Response:** No change is proposed to the rear setback of the building line measured from the rear lot boundary to the structural built form of the residential flat building.

# • Reflectivity from metal awning replacement of existing tile awning

**Response:** The proposed Colorbond steel roof is common as the roof material for rear additions. It is unlikely that the reflectivity from the proposed roof will create adverse impacts for such a widely used roof material.

# Site coverage increase and reduction in landscaped area

**Response:** The proposed works do not increase existing site coverage. The addition of the deck and pergola at Unit 2 constitute unbuilt-upon area in accordance with the definitions within NSDCP 2013. The landscaped area in the proposal remains compliant with the minimum landscaped area control of 40% of the site area.

#### **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 an R2 Low Density Residential zone where alterations and additions to a residential flat building with existing use rights are a permissible form of development. Consequently, the proposal is considered to be suitable for the site having regard to the merits of the proposal as described in the above report.

# HOW WERE THE COMMUNITY VIEWS TAKEN INTO CONSIDERATION?

The subject application was notified to adjoining properties and the Neutral Precinct for 14 days where a number of issues were raised that have been addressed in this report where appropriate conditions of consent have been recommended to maintain the amenity of adjoining properties.

# **CONCLUSION**

The matters for consideration as outlined in section 4.15(1) of the Act have been satisfied. The proposed development relies on existing use rights as a residential flat building and meets the development standards and relevant provisions of *NSLEP 2013* subject to the written request to vary a development standard made pursuant to Clause 4.6 *Height of buildings* of *NSLEP 2013*.

The written request made pursuant to Clause 4.6 *Departure to development standards* in *NSLEP 2013* demonstrates that compliance with the development standard is both unreasonable and unnecessary in the circumstances and that there are sufficient environmental planning grounds to justify the variation. Approval of the variation would be within public interest.

A total of three (3) unique submissions were received raising objections regarding issues including the proposed height variation, impacts to visual privacy, natural daylight access, views and noise impact.

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

#### **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, assume the concurrence of the Secretary of The Department of Planning, Industry, and Environment and invoke the provisions of Clause 4.6 in *NSLEP 2013* with regards to the non-compliance with Clause 4.3 of *NSLEP 2013* and grant consent to Development Application No. 384/24 for alterations and additions to a residential flat building with existing use rights on land at 48 Raymond Road subject to the following site specific and standard conditions:-

RACHEL WU ASSESSMENT OFFICER ISOBELLA LUCIC TEAM LEADER

STEPHEN BEATTIE
MANAGER DEVELOPMENT SERVICES

# NORTH SYDNEY COUNCIL CONDITIONS OF DEVELOPMENT APPROVAL 48 RAYMOND ROAD, NEUTRAL BAY DEVELOPMENT APPLICATION NO. 384/24

# A. Conditions that Identify Approved Plans

# **Development in Accordance with Plans/Documentation**

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

Plan No.	Rev	Description	Prepared by	Dated
A001	Α	Site Plan	MHDP Architects	November 2024
A131	Α	Demolition Plan – Ground Floor	MHDP Architects	September 2024
A132	Α	Demolition Plan – First Floor	MHDP Architects	September 2024
A133	Α	Demolition Plan – Second Floor	MHDP Architects	September 2024
A134	Α	Demolition Plan - Roof	MHDP Architects	September 2024
A101	С	Ground Floor Plan	MHDP Architects	1/4/25
A102	В	First Floor Plan	MHDP Architects	1/4/25
A103	В	Second Floor Plan	MHDP Architects	1/4/25
A201	В	North Elevation	MHDP Architects	3/4/25
A202	В	South Elevation	MHDP Architects	3/4/25
A203	В	West Elevation	MHDP Architects	10/4/2025
A221	В	Section A	MHDP Architects	10/4/2025
A222	Α	Section B	MHDP Architects	26/11/2024
A223	В	Section C	MHDP Architects	10/4/2025
-	-	Fire & Life Safety Audit Report	Jensen Hughes P/L	1 April 2025

(Reason:

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

# **Plans on Site**

A2. A copy of all plans endorsed with Council's approval stamp, specifications and documents (including the plans, specifications and documents submitted and approved with all Construction Certificates) must be always kept on site and be readily available for perusal by an officer of Council or the Principal Certifier.

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

(Reason:

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

# 48 RAYMOND ROAD, NEUTRAL BAY DEVELOPMENT APPLICATION NO. 384/24

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#### No Demolition of Extra Fabric

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

(Reason: To ensure compliance with the approved development)

#### **External Finishes and Materials**

A4. External finishes and materials must be in accordance with the submitted schedule A201, Rev B, prepared by MHDP Architects and dated 3 April 2025 unless otherwise modified by Council in writing. Substitution of materials must not be undertaken, except where otherwise approved in writing by Council.

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

C. Prior to the Issue of a Construction Certificate (and ongoing, where indicated)

# **Erosion and Sediment Control**

C1. Where any works authorised by this consent require disturbance of the soil surface or existing vegetation, erosion and sediment control techniques, as a minimum, are to be in accordance with the publication, *Managing Urban Stormwater: Soils and Construction*, (4th Edition, Landcom, 2004) commonly referred to as the "Blue Book," or a suitable and effective alternative method.

An Erosion and Sediment Control Plan must be prepared and implemented prior to any works commencing. The Erosion and Sediment Control Plan must be consistent with the Blue Book and disclose:

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

All works must be undertaken in accordance with the approved Erosion and Sediment Control Plan.

# 48 RAYMOND ROAD, NEUTRAL BAY DEVELOPMENT APPLICATION NO. 384/24

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

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

from development sites)

# **Waste Management Plan**

- C2. A Waste Management Plan prepared in accordance with the provisions of Part B Section 19 of *the North Sydney DCP 2013*, must be submitted for approval by the Principal Certifier prior to the issue of the relevant Construction Certificate. The plan must include, but not be limited to:
  - a) The estimated volume of waste and method of disposal for the construction and operation phases of the development;
  - b) The design of the on-site waste storage and recycling area; and
  - c) Administrative arrangements for waste and recycling management during the construction process.

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

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

# Skylight(s)

C3. Skylight flashing(s) and frame(s) to be coloured to match the roof material. Skylight(s) to sit no higher than 100mm above roof plane when in a closed position. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

(Reason: To minimise the visual impact of the skylight(s) on the roof plane)

# **Roofing Materials - Reflectivity**

C4. Roofing materials must be factory prefinished with low glare and reflectivity properties to be compatible with the colours of neighbouring buildings. The selected roofing material must not cause a glare nuisance or excessive reflectivity to adjoining or nearby properties. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

(Reason: To ensure that excessive glare or reflectivity nuisance from roofing materials does not occur because of the development)

# 48 RAYMOND ROAD, NEUTRAL BAY DEVELOPMENT APPLICATION NO. 384/24

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#### **Work Zone**

C5. If a Work Zone is required a Work Zone permit is to be obtained from Council prior to the issue of any Construction Certificate.

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

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

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

(Reason: Amenity and convenience during construction)

# **Maintain Property Boundary Alignment Levels**

C6. Except where otherwise approved by Council, the property boundary alignment levels must match the levels which existed prior to the commencement of works. Plans and specifications which document existing and proposed levels adjacent to the site boundaries and which comply with the requirements of this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

(Reason: To ensure interface between property and public land remains uniform)

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

- C7. Prior to the issue of the relevant Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of \$2,000.00 to be held by Council for the payment of the cost for the following relevant matters:
  - a) making good any damage caused to any property of the Council as a consequence of the doing of anything to which this consent relates,

- completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with this consent,
- c) remedying any defects in any such public work that arise within 6 months after the work is completed, and
- d) Council reserves the right to retain all bonds on infrastructure works relating to the completion of required Infrastructure work for a 12-month defect liability period. Council may elect to provide a lesser period for minor residential work.

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

The security will be refundable following the issue of the relevant Occupation Certificate but only upon inspection and release by Council's Development Engineers or Manager of Development Services.

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

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

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

# **Upgrade of Existing Building - Fire Spread and Safe Egress**

C8. Pursuant to section 64 of the Environmental Planning and Assessment Regulation 2021, aspects of the existing building must be brought into conformity with the National Construction Code (NCC).

Work must be carried out as part of the development so as to upgrade the building to bring it into compliance with the following provisions of the NCC:

a) All recommendations mentioned within Section 5 of the Fire & Life Safety Audit Report No.250721, Revision 1, dated 1 April 2025 prepared by Jensen Hughes.

Plans and specifications showing the upgrading works which must be carried out under this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

#### Note:

- 1) The Principal Certifier issuing the relevant Construction Certificate has no power to remove the requirements to upgrade the existing building as required by this condition.
- Where this condition specifies compliance with the performance requirements of the NCC, the Principal Certifier, subject to their level of accreditation, may be satisfied as to such matters.

(Reason: Application of Regulations relating to Fire and Life Safety)

#### **Tree Bond**

C9. Prior to the issue of any construction certificate, security in the sum of \$1,500.00 must be provided to Council for the protection of trees in public places, including the making good of any damage caused to such trees. The security is to be provided in accordance with the Schedule below.

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

The security will be refundable following the expiration of 6 months from the issue of any final Occupation Certificate but only upon inspection and release by Council's Landscape Development Officer.

If any tree is removed or damaged Council may deduct from this security the reasonable cost of replacement with a tree of the same species and to a similar stage of growth it would have attained at the completion of the work.

In the case of any tree, which cannot be replaced with a similar specimen, the security for that tree will be forfeited to Council and used to provide replacement street plantings.

# **SCHEDULE**

Tree Species	Location	Bond
1 x <i>Callistemon</i> sp. (4x3m)	Council verge in front of 48 Raymond Rd	\$1,500.00

(Reason: Protection of existing environment public infrastructure, community assets and significant trees)

#### **Protection of Trees**

C10. The following tree(s) are required to be protected and retained as part of the development consent in accordance with AS 4970-2009 – Protection of trees on development sites:

Tree	Location	Height
1 x Callistemon sp.	Council verge in front of 46 Raymond Rd	4x3m
1 x Magnolia sp	Front setback 46 Raymond Rd	8x6m
1x Murraya paniculata	Front setback 48 Raymond Rd	6x4m
1 x unspecified tree	Southern bdry-50 Raymond Rd	6x6m

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.

Any tree(s) shown as being retained on the approved plans (regardless of whether they are listed in the above schedule or not) must be protected and retained in accordance with this condition.

(Reason: Protection of existing environmental and community assets)

#### **Asbestos and Hazardous Material Survey**

C11. A report must be prepared by a suitably qualified person in relation to the existing building fabric to be demolished and/or disturbed identifying the presence or otherwise of asbestos contamination and, if asbestos contamination is present, making recommendations as to the work required to safely address the contamination.

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

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

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The report must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

(Reason:

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

#### **Location of Plant**

C12. All plant and equipment (including, but not limited to air conditioning equipment) is to be located within the basement of the building and is not to be located on balconies or the roof. Plans and specifications complying with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

(Reason:

Minimise impact on surrounding properties, improve visual appearance and amenity for locality)

#### **Air Conditioners in Residential Premises**

- C13. The use of any air conditioner installed on the premises must comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulations 2017 and State Environmental Planning Policy (Transport and Infrastructure) 2021 and must not:
  - a) emit a noise that is audible within a habitable room in any affected residence (regardless of whether any door or window to that room is open);
    - i. before 8.00am and after 10.00pm on any Saturday, Sunday or Public Holiday; or
    - ii. before 7.00am or after 10.00pm on any other day
  - b) cause an LAeq(15min) which exceeds the RBL background noise level by more than 5dB when measured at the boundary of any affected residence. The modifying factor adjustments in Section 4 of the Environment Protection Authority Noise Policy for Industry 2017 will be applied.

"affected residence" includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation and hospitals.

"boundary" includes any window or elevated window of an affected residence.

Terms in this condition have the same meaning as in the Noise Guide for Local Government and the Noise Policy for Industry published by the NSW Environment Protection Authority.

(Reason: To maintain residential amenity)

#### **Local Infrastructure Contributions**

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

Based on the cost of development at the date of determination, the total contribution payable to Council is \$5,602.00.

#### **Indexation**

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

#### **Timing of Payment**

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

A copy of the North Sydney Local Infrastructure Contribution Plan 2020 can be viewed at North Sydney Council's Customer Service Centre, 200 Miller Street, NORTH SYDNEY, or downloaded via Council's website at <a href="https://www.northsydney.nsw.gov.au">www.northsydney.nsw.gov.au</a>.

(Reason:

To provide for local infrastructure identified in the *North Sydney Council Local Infrastructure Contributions Plan 2020*)

#### **Security Deposit/Guarantee Schedule**

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

Security Deposit/Guarantee	Amount (\$)
Street Tree Bond (on Council Property)	\$1,500.00
Infrastructure Bond	\$2,000.00
TOTAL BONDS	\$3,500.00

Note: The following fees applicable

Fees	
Section 7.12 Development Contributions:	\$5,602.00
TOTAL FEES	\$5,602.00

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

(Reason: Compliance with the development consent)

#### **BASIX Certificate**

C16. The original BASIX Certificates as follow are required to be updated in accordance with the determined plans.

Unit 1: A1775156, dated 28 November 2024 Unit 2: A1775153, dated 28 November 2024 Unit 3: A1775161, dated 28 November 2024 Unit 4: A1775155, dated 28 November 2024

(Reason: To ensure the proposed development will meet the Government's

requirements for sustainability and statutory requirements)

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

#### **Protection of Trees**

D1. All trees that are specifically nominated to be retained by notation on plans or by condition as a requirement of this consent must be maintained and protected during demolition, excavation and construction on the site in accordance with AS4970-2009 (Protection of trees on development sites). A report containing recommendations, and methods of tree protection prepared by an appropriately qualified person must be provided to the Certifying Authority for approval by an appropriately qualified person prior to commencement of any works on the site. Any recommendations must be undertaken for the duration of works on the site.

Sensitive construction techniques including hand excavation, pier & beam construction & flexible location of piers/footings shall be used within the TPZ of any protected tree. No roots greater than 40mm shall be cut. No stormwater or any other underground services shall be directed through the TPZ of any protected tree.

(Reason: To ensure compliance with the requirement to retain significant planting

on the site)

#### **Protection of Public Trees**

D2. The following tree(s) are required to be protected and retained as part of the development consent in accordance with AS 4970-2009 – Protection of trees on development sites:

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Tree	Location	Protection			
1 x Callistemon sp. (4x3m)	Council verge in front of 48 Raymond Rd	Trunk,	branch	&	root
		protection			

Trunk protection to be installed by first wrapping the stem of the tree in hessian or like material then strapping timber battens over the top. It is recommended that timber battens with the dimensions of length 2000mm, width 75mm and depth 50mm are used. The battens are not to be directly screwed or nailed into the tree.

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: Protection of existing environmental and community assets)

#### **Temporary Fences and Tree Protection**

D3. All protected trees on-site that are specifically nominated as per Condition C10 to be retained by notation on plans or by condition as a requirement of this consent must be tagged with luminous tape or the like for purposes of identification prior to demolition, excavation or construction works and must remain so for the duration of works on the site. No materials or builder's waste are to be stored in the vicinity of the nominated tree/trees at any time.

Appropriate fencing or barricades in accordance with AS4970-2009 (Protection of trees on development sites), not less than the distance shown in the schedule hereunder, must be installed to the satisfaction of the Certifying Authority prior to demolition or commencement of any works and must be maintained for the duration of the works: -

(Reason: To protect the trees to be retained on the site during construction works)

#### **Asbestos Material Survey**

D4. Prior to the commencement of any works, a report must be prepared by a suitably qualified person in relation to the existing building fabric to be demolished and/or disturbed identifying the presence or otherwise of asbestos contamination, and, if asbestos contamination is present, making recommendations as to the work required to safely address the contamination.

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

a) the removal of asbestos must be undertaken by a SafeWork NSW licensed contractor;

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

The report must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

(Reason:

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

#### **Commencement of Works' Notice**

D5. Works in accordance with this development consent must not be commenced until the Applicant has given at least two days' notice to North Sydney Council of the person's intention to commence works in accordance with this development consent.

(Reason:

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

#### E. During Demolition and Building Work

#### **Parking Restrictions**

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

(Reason:

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

#### **Progress Survey**

- E2. In order to ensure compliance with approved plans, a Survey Certificate, to Australian Height Datum, must be prepared by a Registered Surveyor as follows:
  - a) at the completion of the first structural floor level indicating the level of that floor and the relationship of the building to the boundaries;

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- b) at the completed height of the building, prior to the placement of concrete inform work, or the laying of roofing materials; and
- c) at completion, the relationship of the building, and any projections thereto, to the boundaries.

Progress certification in response to points (a) through (c) must be provided to the Principal Certifier for approval at the time of carrying out relevant progress inspections. In the event that such survey information is not provided or reveals discrepancies between the approved plans and the proposed works, all works, save for works necessary to bring the development into compliance with the approved plans, must cease. Works may only continue upon notification by the Principal Certifier to the Applicant that survey information (included updated survey information following the carrying out of works to comply with the approved plans) complies with this condition.

(Reason: To ensure compliance with approved plans)

#### **Removal of Extra Fabric**

E3. Should any portion of the existing building, trees, or curtilage of the site, which is indicated on the approved plans to be retained, be damaged for whatever reason, all the works in the area of the damaged portion are to cease and written notification of the damage is to be given to Council forthwith. No work is to resume until the written approval of Council to do so is obtained. Failure to comply with the provisions of this condition may result in the Council taking further action including legal proceedings if necessary.

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

#### **Dust Emission and Air Quality**

- E4. The following must be complied with at all times:
  - a) Materials must not be burnt on the site.
  - b) Vehicles entering and leaving the site with soil or fill material must be covered.
  - c) Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the NSW Department of Housing's 1998 guidelines Managing Urban Stormwater: Soils and Construction.
  - d) Odour suppression measures must also be carried out where appropriate so as to prevent nuisance occurring at adjoining properties.

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

#### **Noise and Vibration**

E5. The works must be undertaken in accordance with the "Interim Construction Noise Guideline" published by the NSW Environment Protection Authority, to ensure excessive levels of noise and vibration do not occur so as to minimise adverse effects experienced on any adjoining land.

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

#### **Applicant's Cost of Work on Council Property**

E6. The Applicant or the person, company or other entity that is acting upon this consent, must bear the cost of all works associated with the development that occurs on Council's property, including the restoration of damaged areas.

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

#### No Removal of Trees on Public Property

E7. No trees on public property (footpaths, roads, reserves, etc.) unless specifically approved by this consent shall be removed or damaged during construction including for the erection of any fences, hoardings or other temporary works.

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

#### **Protection of Trees**

E8. All trees required to be retained, as part of this consent must be protected from any damage during construction works in accordance with AS4970-2009. All recommendations contained within this consent must be implemented for the duration of the works.

In the event that any tree required to be retained is damaged during works on the site, notice of the damage must be given to Council forthwith.

#### Notes:

- a. If the nominated tree is damaged to a significant degree or removed from the site without prior written approval being obtained from Council, the issuing of fines or legal proceedings may be commenced for failure to comply with the conditions of this consent.
- b. An application to modify this consent pursuant to Section 96 of the Environmental Planning and Assessment Act 1979 will be required to address the non-compliance with any of the conditions of consent relating to the retention of nominated trees, and Council may require tree replenishment.

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

#### **Benchmarks**

E9. All permanent survey markers must be retained, undamaged, and not relocated.

(Reason: Protection of existing environmental infrastructure and community

assets)

#### **Special Permits**

E10. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development must occur entirely on the property.

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

#### 1) On-street mobile plant

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

(Reason: Proper management of public land)

#### 2) Hoardings

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

(Reason: Proper management of public land)

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

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

(Reason: Proper management of public land)

#### 4) Kerbside restrictions, construction zones

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

(Reason: Proper management of public land)

#### **Construction Hours (All Other Zones)**

E11. Construction activities and works approved under this consent must be restricted to within the hours stipulated in the following table:

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

Construction activities for development approved under this consent must be carried out in accordance with the standard construction hours above, the EPA Noise Policy for Industry 2017 and any Construction Noise Management Plan required under this consent. In the event of breach to the approved hours of construction, Council take may take enforcement action under Part 9 of the Environmental Planning and Assessment Act 1979 and in accordance with Council's adopted Compliance and Enforcement Policy.

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

#### **Out-of-hours' Work Permits**

E12. Where it is necessary for works to occur outside those hours allowed by these conditions, an application may be made to Council's Customer Services Centre for a permit to carry out works outside of the approved hours. If a permit is issued, the works approved must be carried out in accordance with any requirements specified in the permit. Permits will only be approved if **public safety is not at risk**. Applications which seek a variation to construction hours solely to benefit the Applicant will require the lodgement and favourable determination of a modification application pursuant to the provisions of section 4.55 of the Environmental Planning and Assessment Act 1979.

#### Note:

1) Failure to obtain a permit for work outside of the approved hours will result in onthe-spot fines being issued, or Council pursuing any action required (including legal proceedings) to have the out-of-hours' work cease, without prior warning.

- 2) Applications for out-of-hours' works should be lodged with Council no later than seven (7) calendar days prior to the date of the intended works.
- 3) Examples of activities for which permits may be granted include:
  - the erection of awnings,
  - footpath, road, and other infrastructure works which cannot be carried out for public convenience reasons within normal hours,
  - the erection and removal of hoardings and site cranes, and
  - craneage of materials which cannot be done for public convenience reasons within normal working hours.
- 4) Examples of activities for which permits WILL NOT be granted include:
  - extended concrete pours
  - works which are solely to convenience the Applicant or client, and
  - catch up works required to maintain or catch up with a construction schedule.
- 5) Further information on permits can be obtained from the Council website at www.northsydney.nsw.gov.au.

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

#### **Site Amenities and Facilities**

E13. Where work involved in the erection and/or demolition of a building is being carried out, amenities which satisfy applicable occupational health and safety and construction safety regulations, including any SafeWork NSW requirements, must be provided and maintained at all times. The type of workplace determines the type of amenities required.

Further information and details can be obtained from the Internet at <a href="www.workcover.">www.workcover.</a>
<a href="mailto:nsw.gov.au">nsw.gov.au</a>

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

#### **Health and Safety**

E14. All work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any SafeWork NSW requirements to prepare a health and safety plan. Site fencing must be installed sufficient to exclude the public from the site. Safety signs must be erected that warn the public to keep out of the site and provide a contact telephone number for enquiries.

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

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

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#### **Prohibition on Use of Pavements**

E15. Building materials must not be placed on Council's footpaths, roadways, parks or grass verges, (unless a permit is obtained from Council beforehand). A suitable sign to this effect must be erected adjacent to the street alignment.

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

#### **Plant and Equipment Kept Within Site**

E16. All plant and equipment used in the undertaking of the development/works, including concrete pumps, wagons, lifts, mobile cranes, hoardings etc., must be situated within the boundaries of the site (unless a permit is obtained from Council beforehand) and so placed that all concrete slurry, water, debris and the like must be discharged onto the building site, and is to be contained within the site boundaries.

Details of Council requirements for permits on public land for standing plant, hoardings, storage of materials and construction zones and the like are available on Council's website at <a href="https://www.northsydney.nsw.gov.au">www.northsydney.nsw.gov.au</a>.

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

#### **Waste Disposal**

E17. All records demonstrating the lawful disposal of waste must be retained and kept readily accessible for inspection by regulatory authorities such as North Sydney Council and the Environment Protection Authority.

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

#### **Asbestos Removal**

E18. All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current SafeWork NSW Asbestos or "Demolition Licence," and a current SafeWork NSW "Class 2 (Restricted) Asbestos Licence" (or equivalent). Removal must be carried out in accordance with National Occupational Health and Safety Commission requirements.

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

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

#### **National Construction Code**

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

(Reason: Prescribed - Statutory)

#### **Home Building Act**

- F2. 1) Building work that involves residential building work (within the meaning and exemptions provided in *the Home Building Act 1989*) for which *the Home Building Act 1989* requires there to be a contract of insurance under Part 6 of that Act must not be carried out unless the Principal Certifier for the development to which the work relates, has given North Sydney Council written notice of the contract of insurance being issued, and of the following:
  - a) in the case of work for which a principal contractor is required to be appointed:
    - i) the name and licence number of the principal contractor, and
    - ii) the name of the insurer by which the work is insured under Part 6 of that Act, or
  - b) in the case of work to be done by an owner-builder:
    - i) the name of the owner-builder, and
    - ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
  - If arrangements for doing residential building work are changed while the work is in progress such that the information submitted to Council in accordance with this condition is out of date, work must cease, and no further work may be carried out unless the Principal Certifier for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

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

(Reason: Prescribed - Statutory)

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#### **Appointment of a Principal Certifier**

F3. Building or excavation works in accordance with the development consent must not be commenced until the Applicant has appointed a Principal Certifier for the building work in accordance with the provisions of the Environmental Planning and Assessment Act 1979 and its Regulation.

(Reason: Statutory, to ensure appropriate safeguarding measures are in place prior

to the commencement of any building or excavation works)

#### **Construction Certificate**

F4. Building or excavation works in accordance with the development consent must not be commenced until the Construction Certificate for the relevant part of the work has been issued.

Note: For clarity, this condition does not apply to demolition of whole buildings and works. A Construction Certificate is not required for these works. Demolition is controlled by AS 2601-2001 - Demolition of Structures. This Australian Standard requires safeguards to be in place before demolition commences, including traffic control and management, which may form part of the Construction Traffic Management Plan. Vegetation may also be removed or cleared unless the development consent requires that specified vegetation must not be removed.

(Reason: Statutory, to ensure appropriate safeguards are in place prior to the commencement of any works)

#### **Occupation Certificates**

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

(Reason: Statutory compliance)

#### **Critical Stage Inspections**

F6. Building work must be inspected by the Principal Certifier at the critical stages prescribed by the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2021, and as directed by the appointed Principal Certifier.

(Reason: Statutory)

#### **Commencement of Works**

F7. Works in accordance with this development consent must not be commenced until the Applicant has given at least two days' notice to North Sydney Council of the intention to commence those works.

(Reason:

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

#### **Excavation/Demolition**

- F8. Excavation and demolition shall be carried out as follows:
  - All excavation and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
  - b) All excavation associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
  - c) Demolition work must be undertaken in accordance with the provisions of AS2601 Demolition of Structures.

(Reason:

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

#### Site Sign

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

(Reason: Prescribed - Statutory)

#### G. Prior to the Issue of an Occupation Certificate

#### **Infrastructure Repair and Completion of Works**

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

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

(Reason: Maintain quality of Public assets)

#### **Damage to Adjoining Properties**

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

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

#### **Utility Services**

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

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

#### **Asbestos Clearance Certificate**

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

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

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

(Reason: To ensure that building works involving asbestos-based products are safe

for occupation and will pose no health risks to occupants)

#### **Certification of Tree Condition**

G5. Prior to the issue of the relevant Occupation Certificate, a report prepared by an appropriately qualified person (being an arborist or the like) must be submitted to the Principal Certifier, describing the health of the tree(s) specifically nominated below:

Tree	Location	Height
1 x Callistemon sp.	Council verge in front of 46 Raymond Rd	4x3m
1 x Magnolia sp	Front setback 46 Raymond Rd	8x6m
1x Murraya paniculata	Front setback 48 Raymond Rd	6x4m
1 x unspecified tree	Southern bdry-50 Raymond Rd	6x6m

The report must detail the condition and health of the nominated tree(s) upon completion of the works, and shall certify that the tree(s) has/have not been significantly damaged during the works on the site, and has/have reasonable prospects for survival.

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

#### **BASIX Completion Certificate**

G6. In accordance with section 45 Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, prior to issuing the relevant Occupation Certificate the Principal Certifier must provide a BASIX completion receipt.

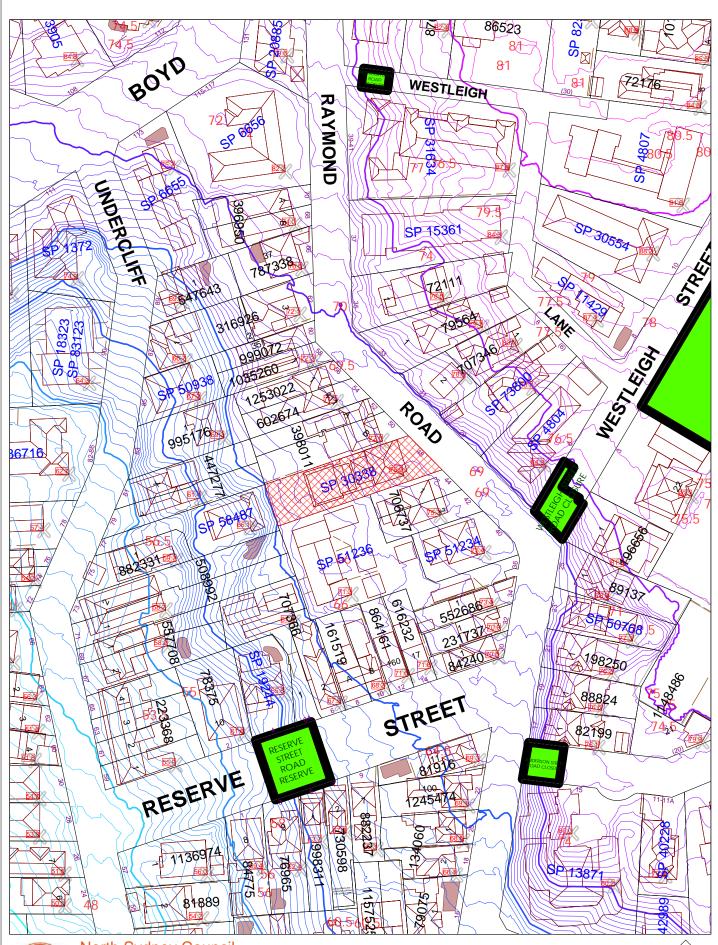
(Reason: To ensure compliance with the Regulations)

#### I. Ongoing/Operational Conditions

#### **Delivery Hours**

11. No deliveries, loading or unloading associated with the premises are to take place between the hours of 10.00pm and 6.00am on any day.

(Reason: To ensure the acoustic amenity of surrounding properties)



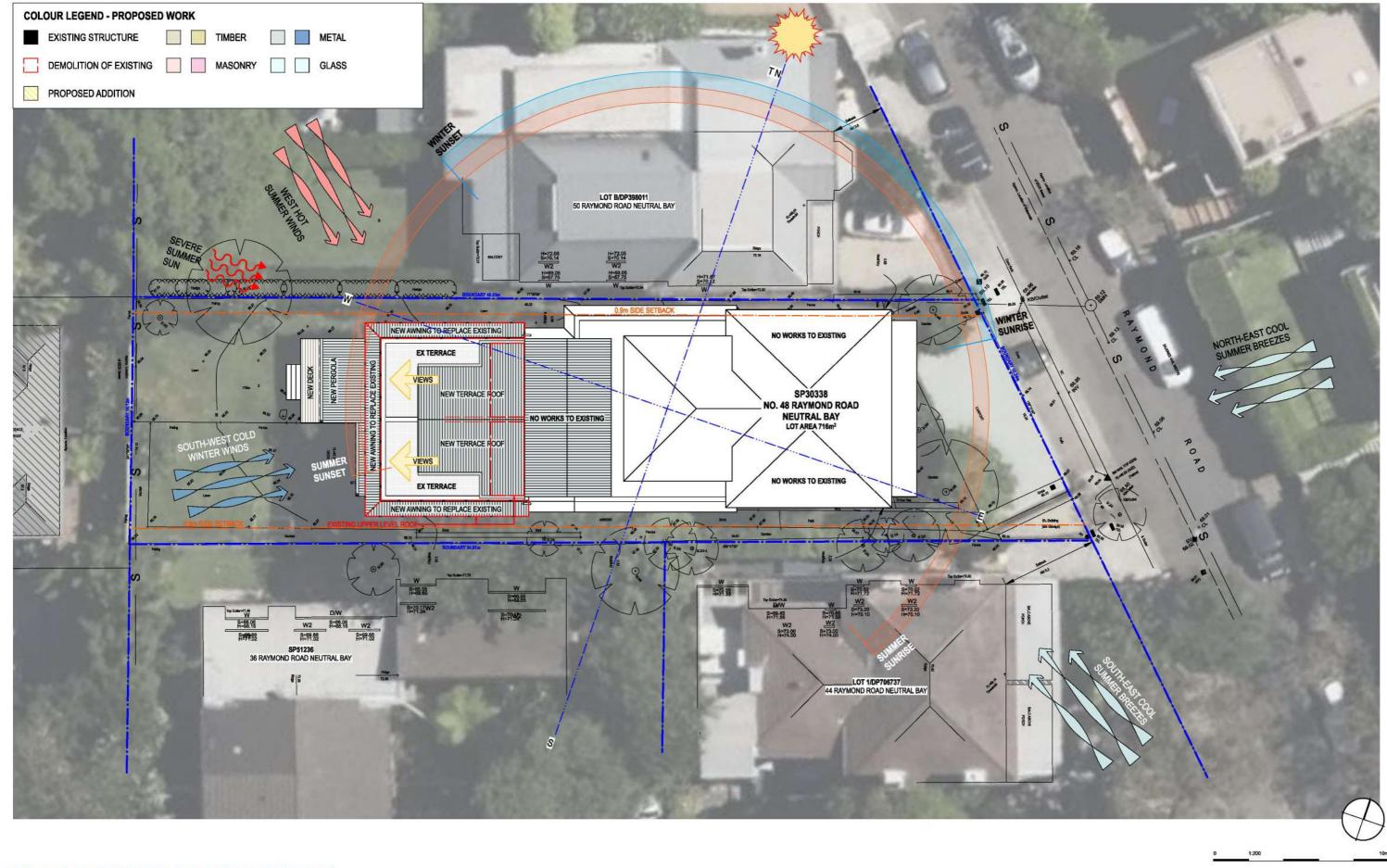


North Sydney Council

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

Scale: 1:1200 approx.



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AMENDHENI
LEVEL 2 / 27 I ALFRED STREET NORTH
NORTH SYDNEY NSW 2060
EMAIL architects@mindp.com.au
TELEPHONE (20) 9955 5008
NSW NOMINATED ARCHITECT
MARK HURCUM - Reg. No. 5605
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ALTERATIONS AND ADDITIONS
48 RAYMOND ROAD NEUTRAL BAY

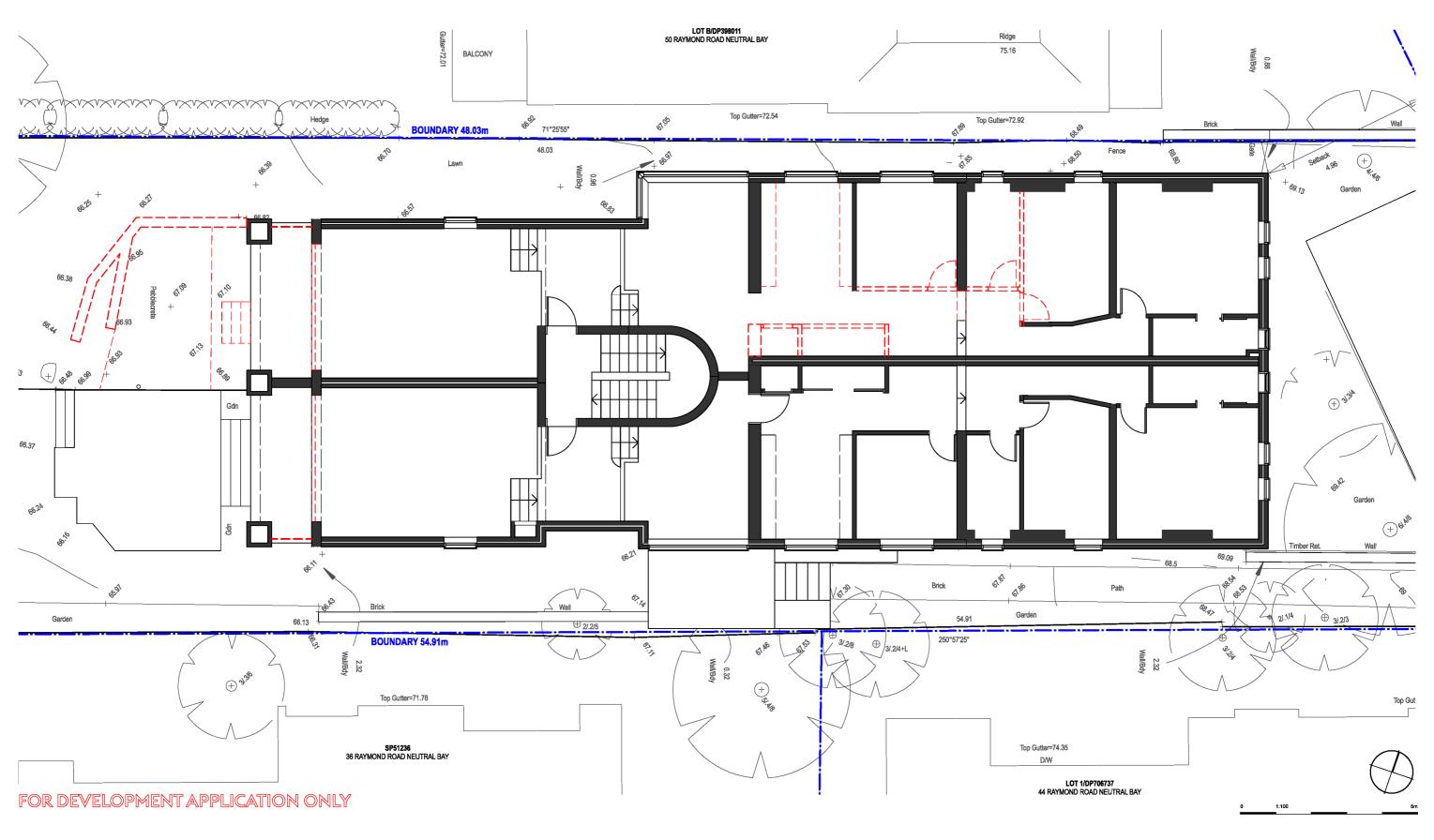
2323 A

1:200 @ A3

**A001 A**NOVEMBER 2024







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LEVEL 2/27.ALFRED STREET NORTH
NORTH SYDNEY NSW 2060
EMAIL architects@mhdp.com.au
TELEPHONE (02) 9955 508
NSW NOMINATED ARCHITECT
MARK HURCUM – Reg. No. 5605
Ø Mark Hurcum Design Practice Pty Limited
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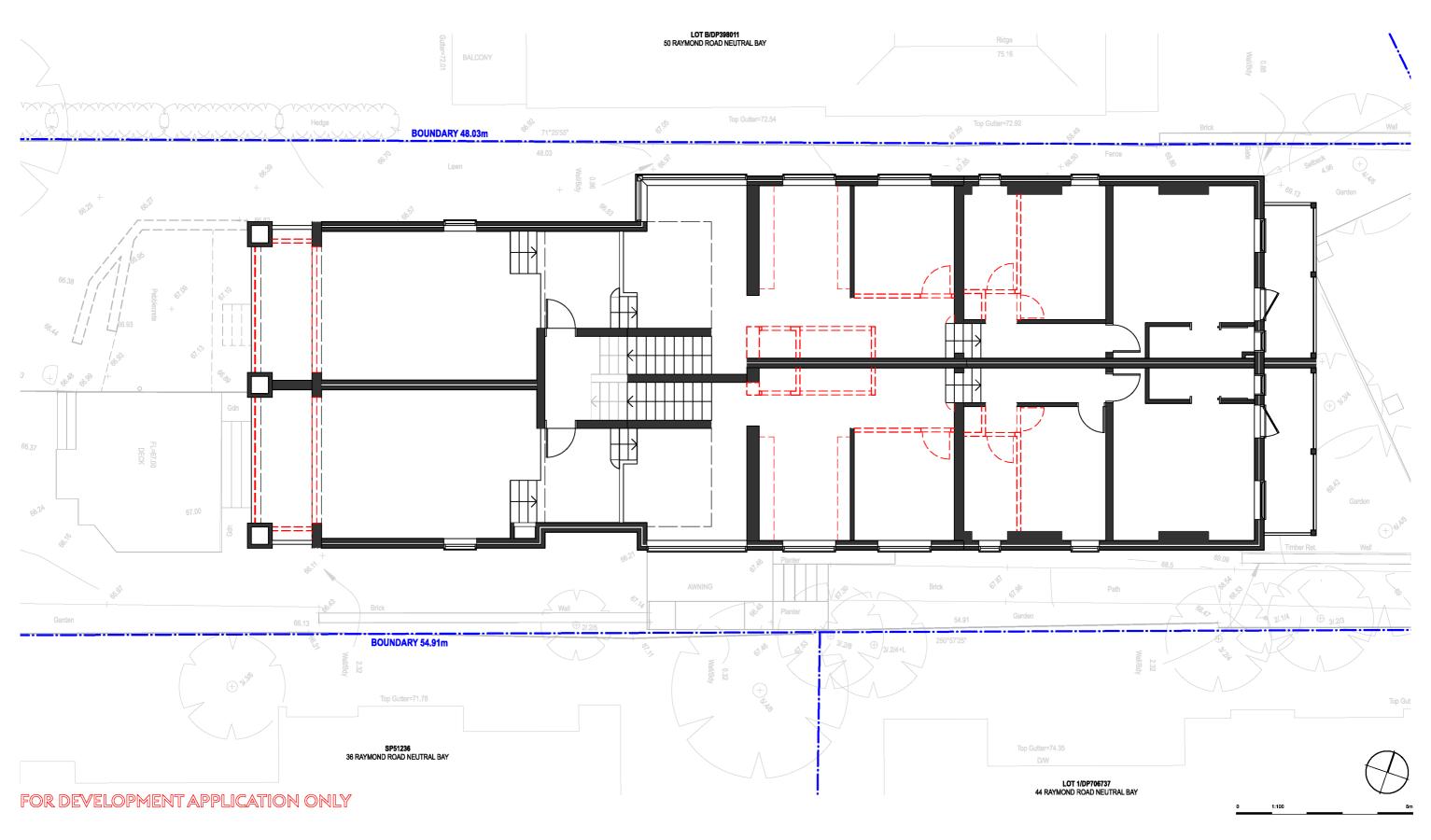
ALTERATIONS AND ADDITIONS
48 RAYMOND ROAD NEUTRAL BAY

DEMOLITION PLAN - GROUND FLOOR

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A131 A
SEPTEMBER 2024





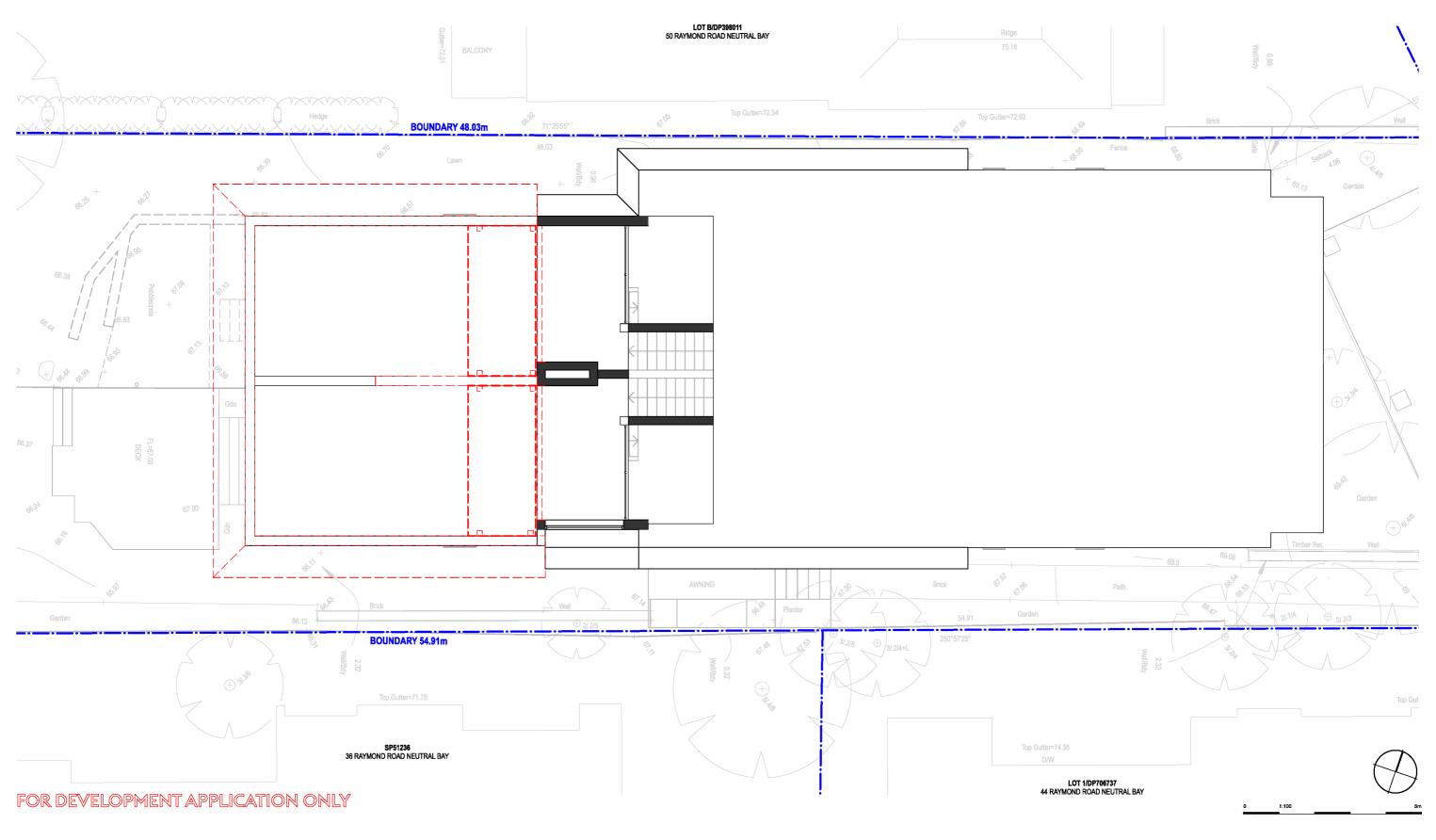
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LEVEL 2/27 ALFRED STREET NORTH
NORTH SYDNEY NSW 2060
EMAIL architects@midp.com.au
FELEPHONE (02) 9955 5608
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**ALTERATIONS AND ADDITIONS 48 RAYMOND ROAD NEUTRAL BAY**  **DEMOLITION PLAN - FIRST FLOOR** 

2323 1:100 @ A3 SEPTEMBER 2024

A132





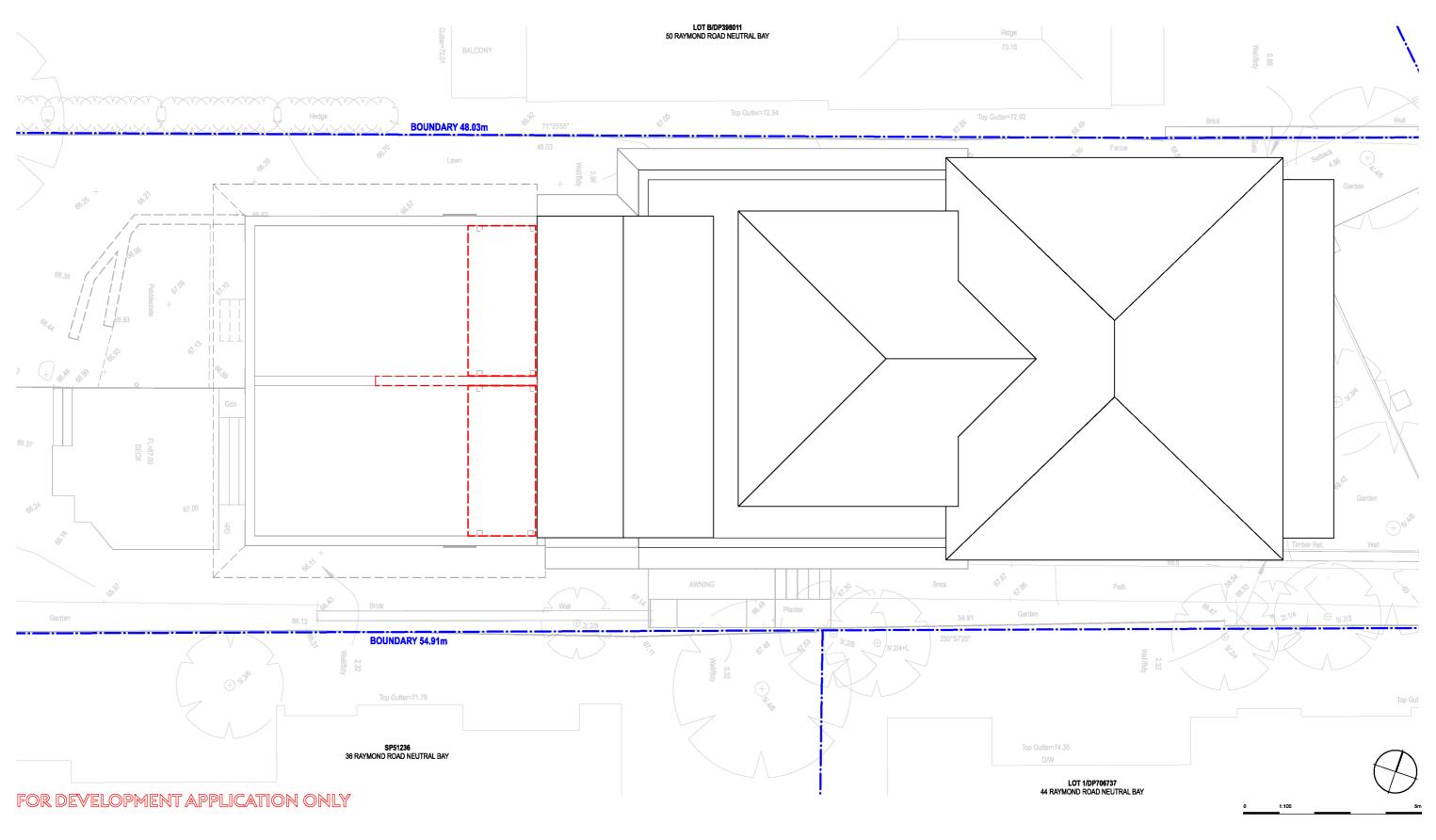
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LEVEL 2/27 ALFRED STREET NORTH
NORTH SYDNEY NSW 2060
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FELEPHONE (02) 9955 5608
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**ALTERATIONS AND ADDITIONS 48 RAYMOND ROAD NEUTRAL BAY**  **DEMOLITION PLAN - SECOND FLOOR** 

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A133





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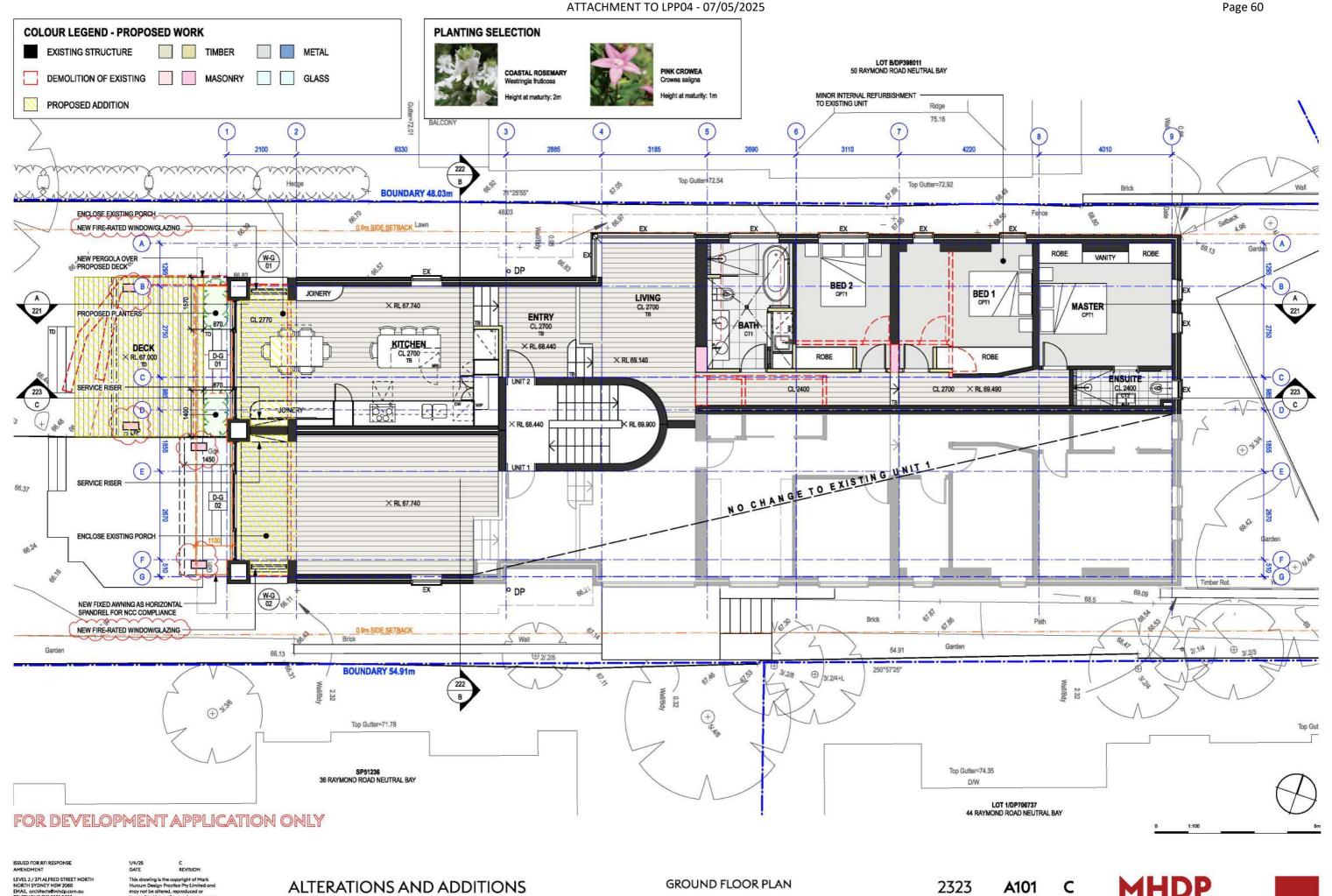
ALTERATIONS AND ADDITIONS
48 RAYMOND ROAD NEUTRAL BAY

**DEMOLITION PLAN - ROOF** 

2323 1:100 @ A3

**A134 A** OCTOBER 2024









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**ALTERATIONS AND ADDITIONS 48 RAYMOND ROAD NEUTRAL BAY**  FIRST FLOOR PLAN

2323

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A102 В SEPTEMBER 2024

LOT 1/DP706737 44 RAYMOND ROAD NEUTRAL BAY



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AMENDMENT

LEVEL 2 / 271 ALERED STREET

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ALTERATIONS AND ADDITIONS
48 RAYMOND ROAD NEUTRAL BAY

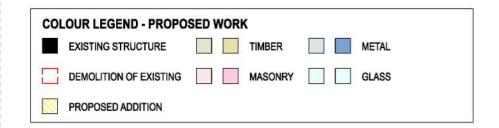
SECOND FLOOR PLAN

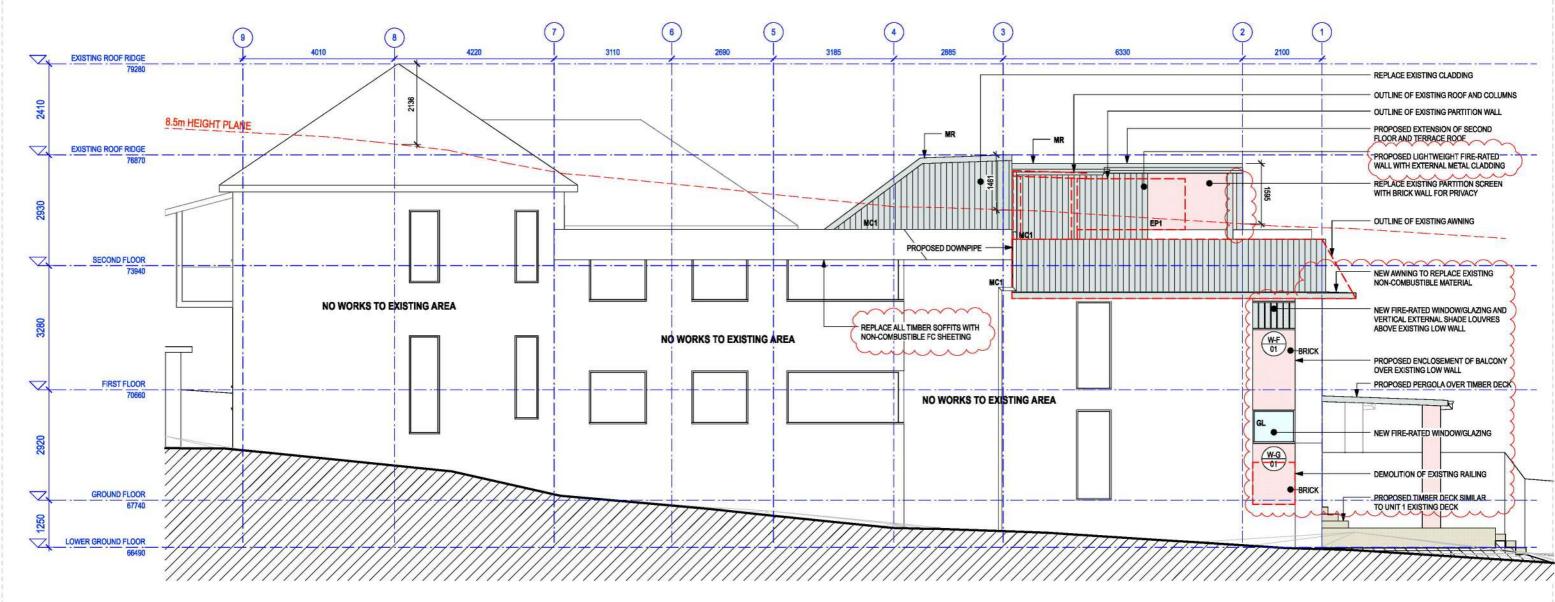
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A103 B
SEPTEMBER 2024







#### **EXTERNAL FINISHES**



BRICK TO MATCH EXISTING



GL ALUMINIUM FRAMED WINDOWS AND DOORS POWDERCOAT MONUMENT



MC1 METAL CLADDING WOODLAND GREY SOLAR ABSORPTANCE 0.70



MR METAL ROOF WOODLAND GREY SOLAR ABSORPTANCE 0.70

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ALTERATIONS AND ADDITIONS
48 RAYMOND ROAD NEUTRAL BAY

NORTH ELEVATION

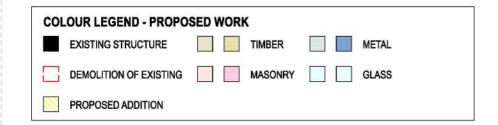
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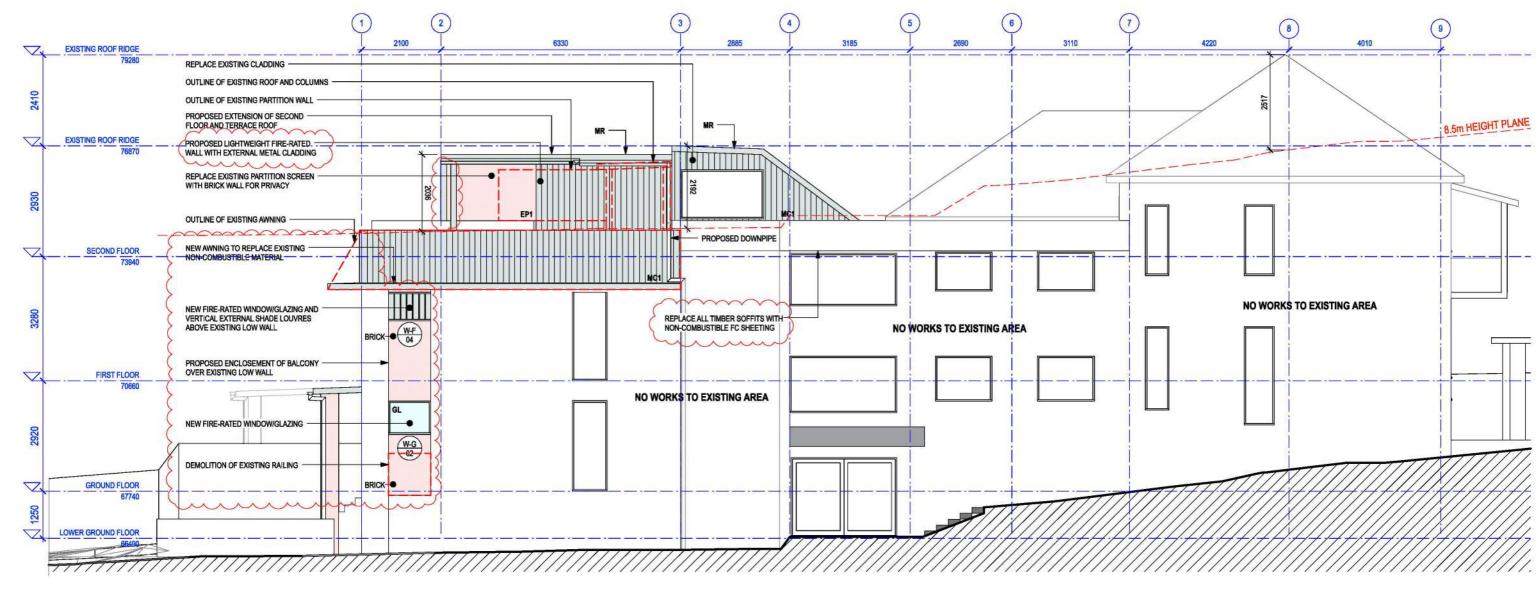
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SEPTEMBER 2024









#### **EXTERNAL FINISHES**



BRICK TO MATCH EXISTING



GL ALUMINIUM FRAMED WINDOWS AND DOORS POWDERCOAT MONUMENT



MC1 METAL CLADDING WOODLAND GREY SOLAR ABSORPTANCE 0.70



MR METAL ROOF WOODLAND GREY SOLAR ABSORPTANCE 0.70

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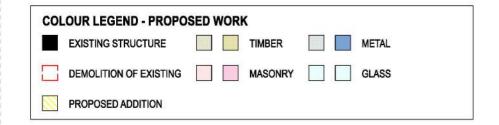
ALTERATIONS AND ADDITIONS
48 RAYMOND ROAD NEUTRAL BAY

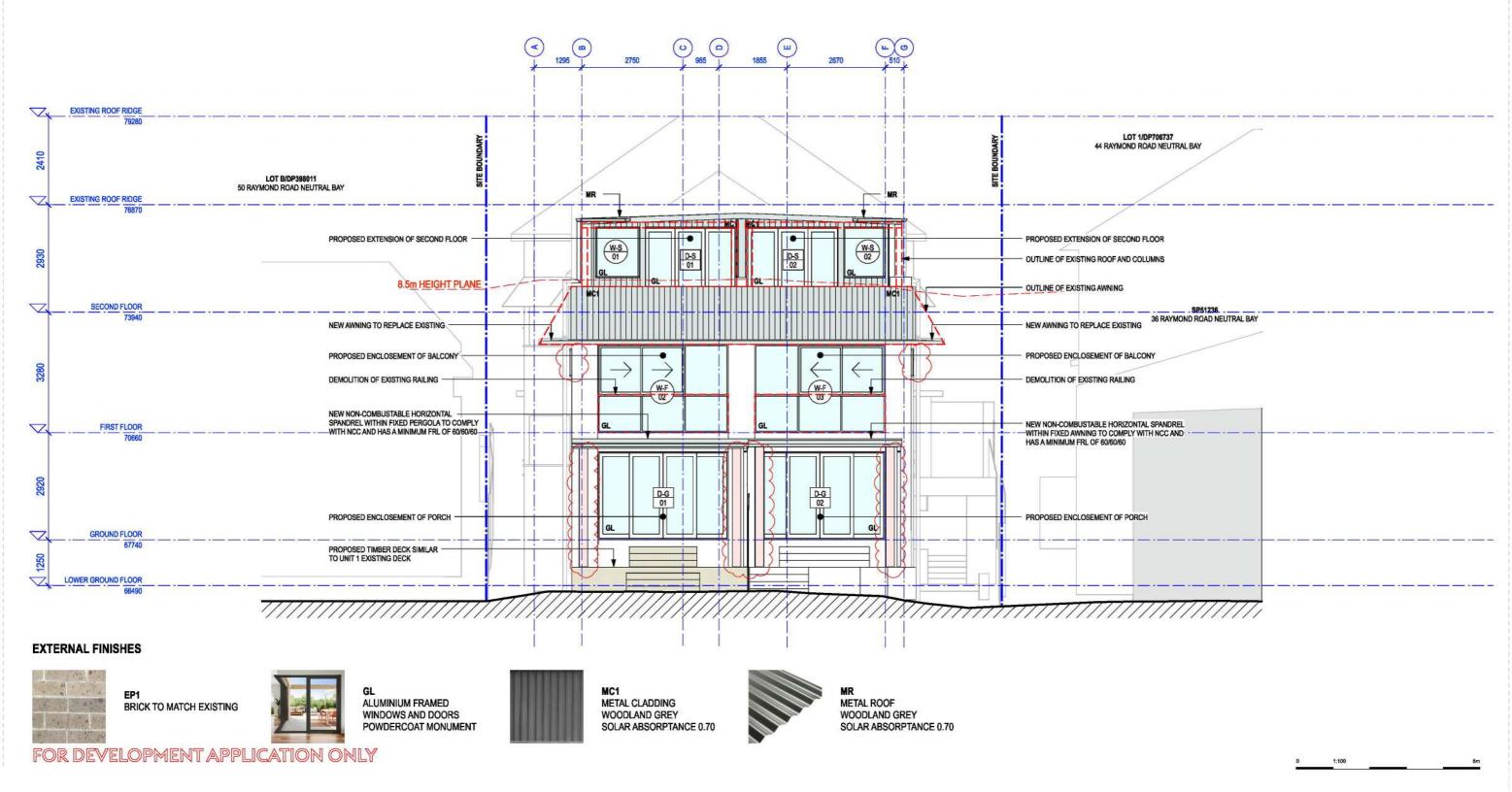
SOUTH ELEVATION

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SEPTEMBER 2024







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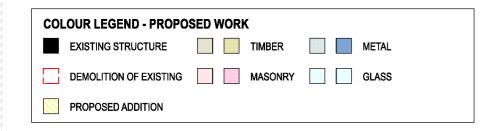
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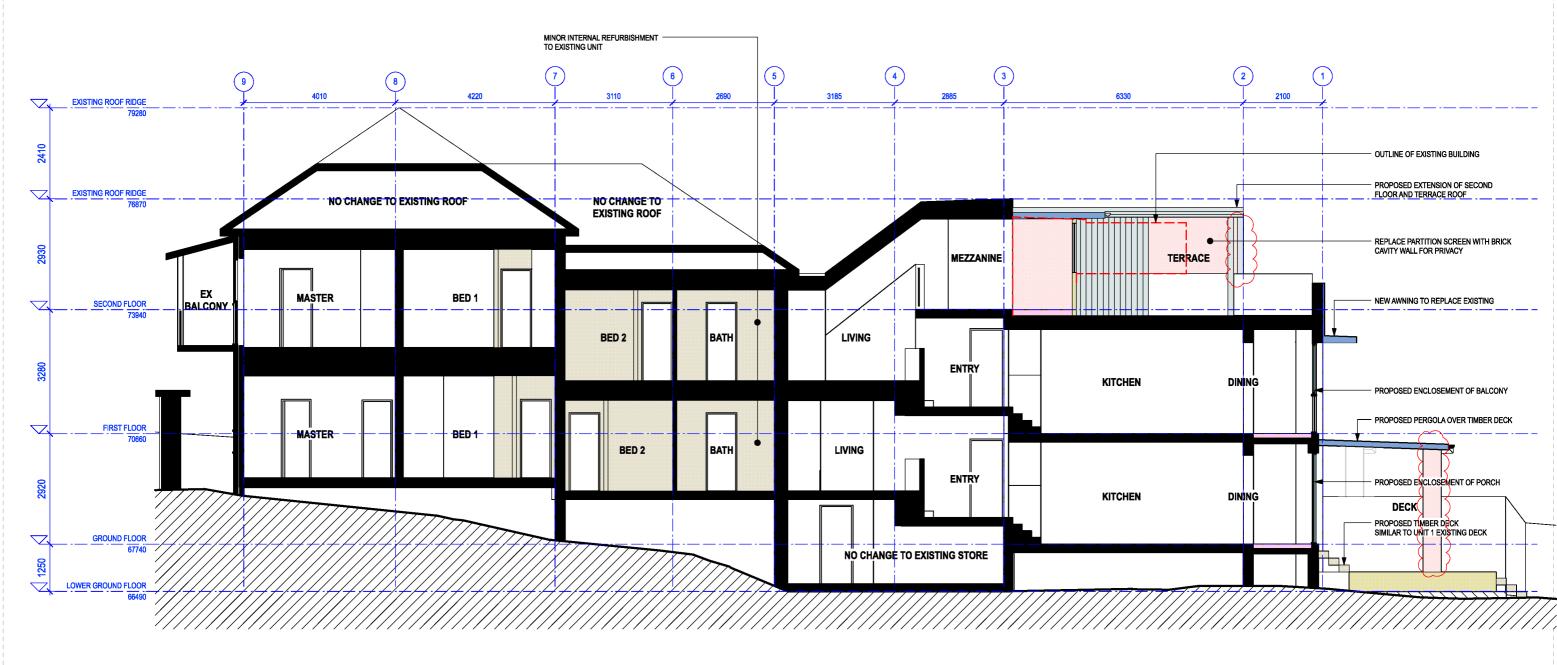
ALTERATIONS AND ADDITIONS
48 RAYMOND ROAD NEUTRAL BAY

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A203 B







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**ALTERATIONS AND ADDITIONS 48 RAYMOND ROAD NEUTRAL BAY**  SECTION A

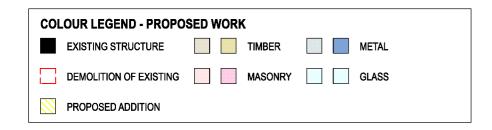
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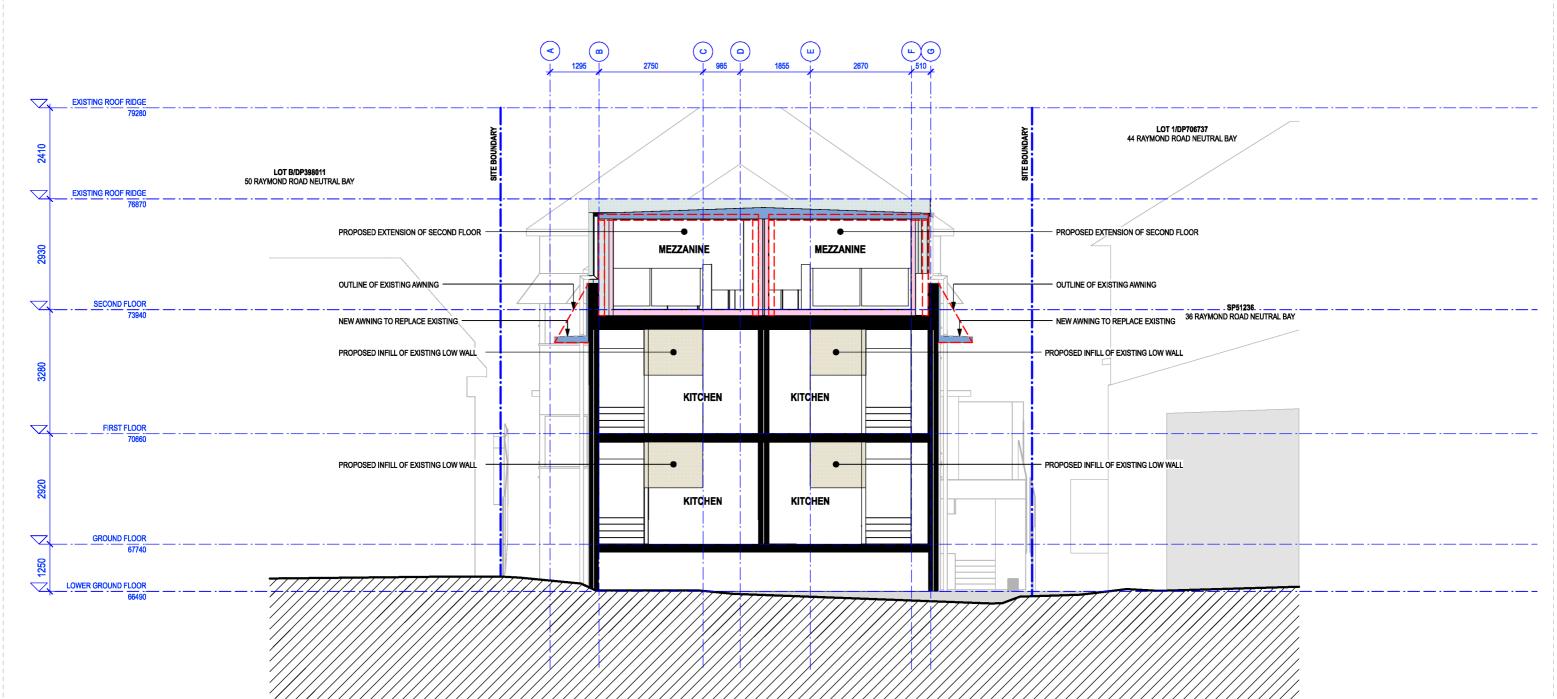
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A221 SEPTEMBER 2024









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**ALTERATIONS AND ADDITIONS 48 RAYMOND ROAD NEUTRAL BAY**  **SECTION B** 

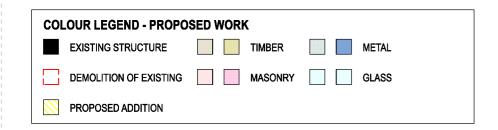
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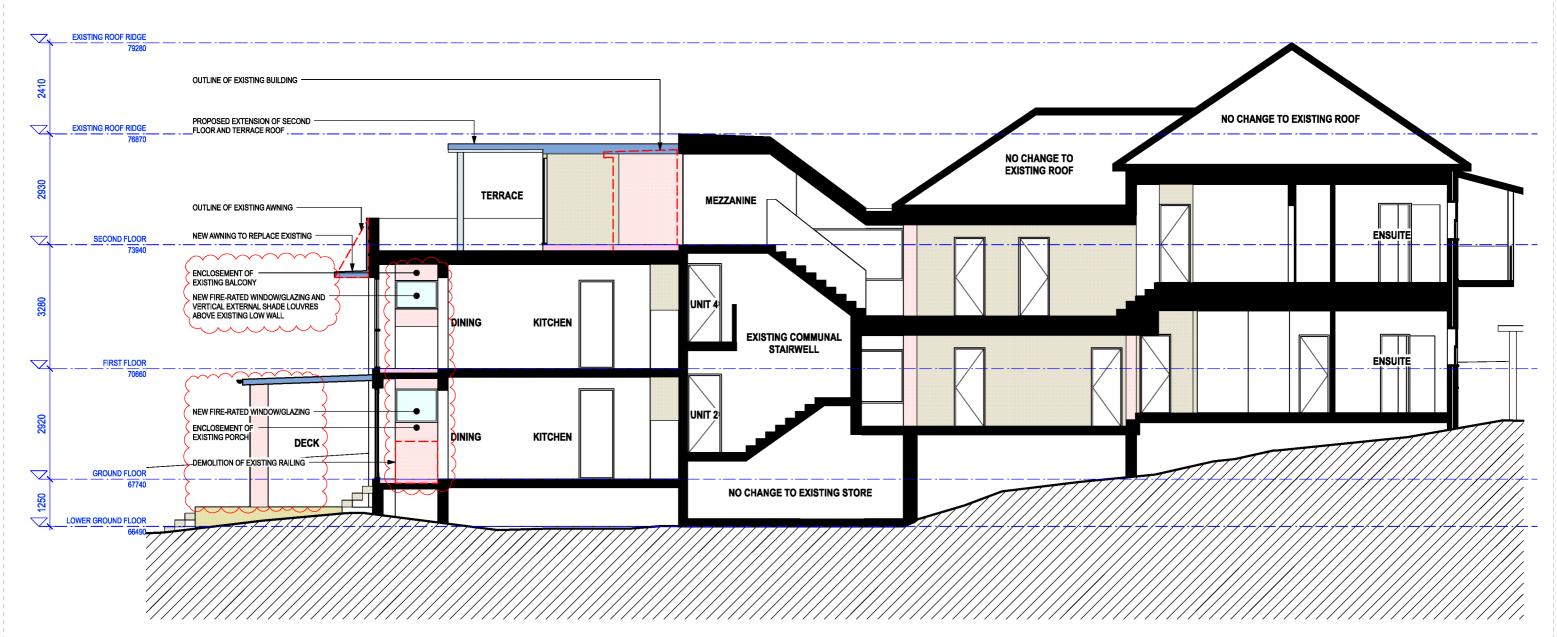
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ALTERATIONS AND ADDITIONS
48 RAYMOND ROAD NEUTRAL BAY

SECTION C

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A223

NOVEMBER 2024





This statement constitutes a request for variation to a development standard, made under subclause 4.6 of North Sydney Local Environmental Plan 2013 for North Sydney Council.

The objectives of Clause 4.6 are as follows:

- (a) To provide an appropriate degree of flexibility in applying certain development standards to particular development,
- (b) To achieve better outcomes for and from development by allowing flexibility in particular circumstances.

For this to occur, the Development Application is to be supported by a written application that compliance with that development standard is unreasonable or unnecessary in the circumstances of the case. This application should be read in conjunction with the accompanying Development Application drawings prepared by MHDP Architects and Statement of Environmental Effects.

#### 1.0 ZONING OF THE LAND

The subject site is zoned R2 Low Density Residential. The works (being alterations and extensions to a residential flat building) do not comply with the zoning however as established in the Statement of Environmental Effects, existing use rights apply to this application. Non-compliance with the zoning cannot be used as a reason for non-approval.

#### 2.0 OBJECTIVES OF THE ZONE

The objectives of the zone are as follows:

- To provide for low-impact residential development in areas with special ecological, scientific, or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- · To ensure that a high level of residential amenity is achieved and maintained.

#### 3.0 STANDARD TO BE VARIED

The standard to be varied is Part 4, Clause 4.3 of LEP 2013, which sets the maximum building height for a building as shown on the Building Height Map.

The maximum building height for 48 Raymond Road Neutral Bay is 8.5 metres. This standard assumes building works added to existing buildings must also comply with the standard.





#### 4.0 OBJECTIVES OF THE DEVELOPMENT STANDARD TO BE VARIED

The objectives that relate to the Building Height standard is found in LEP 2013, Clause 4.3.

The objectives of this clause are as follows:

- (a) to promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient,
- (b) to promote the retention and, if appropriate, sharing of existing views,
- (c) to maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development,
- (d) to maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings,
- (e) to ensure compatibility between development, particularly at zone boundaries,
- (f) to encourage an appropriate scale and density of development that is in accordance with, and promotes the character of, an area,
- (g) to maintain a built form of mainly 1 or 2 storeys in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone E4 Environmental Living.

#### 5.0 EXTENT OF VARIATION TO THE STANDARD

The extent of the non-conformity is described graphically on the North (A201) and South (A202) elevations). These drawings show the non-conformity of both the existing dwelling and the proposed works. This report should be read in conjunction with these drawings.

Maximum possible height: 8.5m (WLEP 2011)

Maximum existing height: 10.6m

Maximum proposed height: 10.6m (unchanged)

Maximum proposed height – new works 10.1m

It is important to note that the existing building exceeds the 8.5m maximum building height. The proposed works do not exceed the ridge height of the existing building.

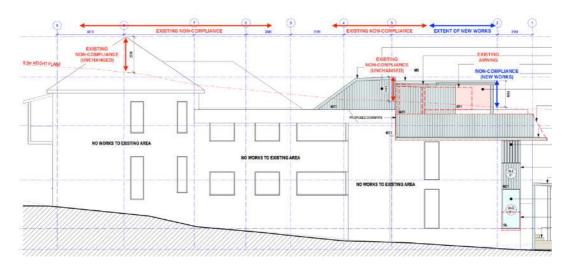
The extent of the existing non-compliance is quite minor – it includes the enclosed area that bounds the stair leading up to and including the upper mezzanine, plus the existing awning roof outside the mezzanine.

The following indicates the height non-compliance.



# MHDP ARCHITECTS

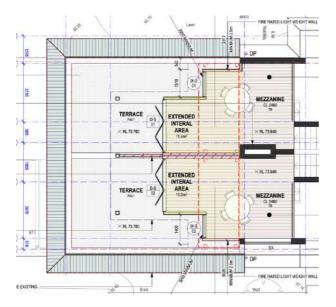
#### CLAUSE 4.6 VARIATION – HEIGHT OF BUILDING ALTERATIONS AND ADDITIONS TO EXISTING FOUR UNIT APARTMENT FOR 48 RAYMOND ROAD NEUTRAL BAY 6 DECEMBER 2024 PAGE 3



The extent of additional non-compliance is only for the area beyond the existing awning structure. This is an area of only 22.6 sg.m (across two units = 11.3 sg.m each)

The extension of the existing non compliance as been proposed as it improves the amenity of the upper units by making a more useful space directly off the roof terrace, as well as making the roof terrace more useful by adding additional roof cover. The existing terraces are large expanse of unroofed area that has very little connection to the rest of the unit.

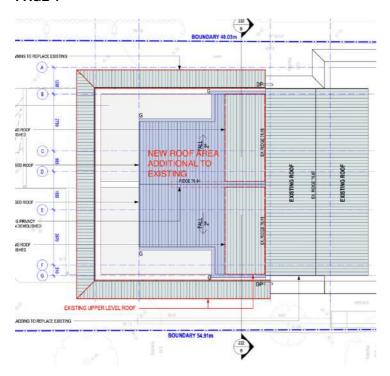
In order to ameliorate any potential impact resulting from the extension, the new roof pulls in 1.4 from the south side and 1.85m from the north side, immediately after the extent of the existing awnings. While this reduces the useability of the upper living area, it was felt this was important in order to reduce the shadow impact to the neighbour to the south as well as reduce the perceivable bulk and scale. This "pulled-in" roof then continues out to form a usable external covered area for the existing terrace. This is demonstrated in the diagram below:





# MHDP ARCHITECTS

# CLAUSE 4.6 VARIATION – HEIGHT OF BUILDING ALTERATIONS AND ADDITIONS TO EXISTING FOUR UNIT APARTMENT FOR 48 RAYMOND ROAD NEUTRAL BAY 6 DECEMBER 2024 PAGE 4



As demonstrated in the shadow diagrams, this has ensured the shadow impact to the southern neighbour is reduced as much as possible. The solar access to neighbouring property 44 Raymond Road remains unchanged.

5/36 Raymond Road has a minor reduction in solar access on the 21 June (winter solstice), only affecting the first floor bedroom. No main internal living areas are amended for existing. Shadowing to the open space areas remain unchanged. Refer to Shadow Diagrams SK13, SK14, SK15, SK16, SK17.

## 6.0 HOW STRICT COMPLIANCE WITH THE DEVELOPMENT STANDARD IS UNREASONABLE OR UNNECESSARY IN THIS PARTICULAR CASE.

Strict compliance with this development standard is unreasonable given, as demonstrated above, the proposed unit renovation is to an existing building that already breaches the height limit. The proposed works are created entirely below the existing ridge line, therefore not worsening the height non-compliance, and it also occupies the same existing footprint, therefore not making the building any greater impact on the site. As demonstrated below, the proposed works do not impact views or privacy.

The rear second storey is almost entirely imperceptible when viewed from the surrounding area. It is possible to glimpse the existing metal-clad stair structure when driving down Raymond Road, but it does not form an obvious element. It is also not perceived much from surrounding neighbouring properties. To maintain this, the new works are pulled in, so that it cannot be considered an intensification of the bulk and scale.





## 6.0 HOW STRICT COMPLIANCE WITH THE DEVELOPMENT STANDARD IS UNREASONABLE OR UNNECESSARY IN THIS PARTICULAR CASE (CONTINUED)

In terms of complying against the desired future character of the area, the building does appear as two storeys, despite third storey component at the rear. This will be maintained by the proposed works. As an existing condition, it is clearly unachievable to assume this site will ever see a backwards development or de-intensification in line with the R2 zoning. Therefore it is unreasonable to return the building to full compliance with the 8.5m height limit.

Considering the very minor extension. It can be argued therefore that the proposal does not cause any negative impacts to the public area or neighbours and that despite the technical non-compliance of the WLEP height control it can be considered appropriate. As such, strict compliance with the control is both unreasonable and unnecessary.

## 7.0 THERE ARE SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS TO JUSTIFY CONTRAVENING THE DEVELOPMENT STANDARD

Clause 4.6 requires the departure from the development standard to be justified by demonstrating that there are sufficient environmental planning grounds to justify contravening the development standard. As demonstrated below, there are no negative impacts resulting from the proposed works: Overshadowing, Privacy and View Loss have all been assessed and found to be no issue.

#### **Bulk and Scale:**

The height control primarily is used to protect against undesirable impacts resulting from an inappropriate bulk and scale. The height of the additional roof in this instance is well below the existing roof ridge and as such does not represent an obtrusive extension of the existing bulk and scale.

#### Overshadowing:

The impact of additional height was considered one of the factors to address due the *possibility* of overshadowing the neighbour. In consideration of this the height and position of the southern edge of the extension was kept in lower than existing as well as pushing 1.4m off the existing alignment. The extension utilises a skillion roof arrangement and a sloping ceiling so that for the new Lounge area to keep it as low as possible. As demonstrated clearly in the elevational shadow diagrams, the additional mid-winter shadow falls on wall area of the adjacent building to the south and does not cause a reduction in sunlight to any windows.

#### View Loss:

Due the proximity of the development against neighbouring properties and the fall in hillside, there is no view loss resulting from the proposal.

#### **Privacy Impacts:**

The top floor mezzanine areas and expansive existing terrace can already overlook neighbouring properties. The proposed works simply utilise these very large open terraces in a different way. There is little likelihood that these works would change the privacy impacts in any way.





#### 8.0 COMPLIANCE WITH THE OBJECTIVES PERTAINING TO STANDARD TO BE VARIED

As demonstrated below, all objectives of the Standard are met.

(a) to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,

Despite the three storey component, the buildings mainly two storey appearance shows that the proposed building's height and scale are consistent with the *existing* character of the locality, even if by current zoning this is technically supposed to be a low-density area. It is clearly unachievable to assume this site or similar neighbouring sites will ever see a backwards development or deintensification will occur that would be in line with the R2 zoning.

The top floor addition is set back from the existing balcony balustrade to reduce its scale when viewed from below.

#### The objective is maintained.

b) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,

While the proposed works to the upper level is well above the immediate adjoining neighbours, that has been an existing condition since 1979. The proposed extension does not change this perception and the fact that the majority of the building always appears as only two storey shows that it is compatible with the surrounding properties.

#### The objective is maintained.

c) to minimise any overshadowing of neighbouring properties,

As noted above, the works do have the potential to overshadow the neighbouring residential flat building, however the existing building already casts shadow onto these units. Most of the windows facing the subject site are bathroom or bedroom windows. A survey of the site and neighbour has been completed and elevational sun shadowing undertaken. As demonstrated clearly in the elevational shadow diagrams, the additional mid-winter shadow falls on wall area of the adjacent building to the south and does not cause a reduction in sunlight to any windows.

The solar access to neighbouring property 44 Raymond Road remains unchanged.

5/36 Raymond Road has a minor reduction in solar access on the 21 June (winter solstice), only affecting the first floor bedroom. No main internal living areas are amended for existing. Shadowing to the open space areas remain unchanged. Refer to Shadow Diagrams SK13, SK14, SK15, SK16, SK17.

As noted above, this potential was recognised early and is the reason for retaining the very low eaves along that side of the extension and pulling it in from the South. This was vindicated by the shadow analysis.

The objective is maintained.





## 8.0 COMPLIANCE WITH THE OBJECTIVES PERTAINING TO STANDARD TO BE VARIED (CONTINUED)

d) to allow for the reasonable sharing of views,

No views are impacted by the proposal

The objective is maintained.

 to encourage buildings that are designed to respond sensitively to the natural topography,

The proposed alteration and addition does not affect the existing conditions of the natural topography.

The objective is maintained.

f) to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.

The proposed dwelling has been designed to minimise any adverse visual impact on the natural environment through a combination of form and materials and sympathetic finishes that respects the surrounding environment. In addition, the subject site is not a heritage item and not located within a heritage conservation area.

The objective is maintained.

g) to maintain a built form of mainly 1 or 2 storeys in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone E4 Environmental Living.

The existing residential flat building, constructed in 1979 as an addition to the existing terrace buildings that are still evident today, added the third storey component to the rear of the building. As noted above, existing use rights exist for this development and the works were approved by North Sydney Council at that time. Therefore the existing third storey component cannot be requested to be removed to return the building to a two storey component.

It is noted that the third storey component is only mildly visible from surrounding public land. For the main street in front, the building presents only as a two storey component. The extension of the third floor component is a minor extension only and as demonstrated above due consideration has been given to reduce the impact of this as much as possible. Considering the above factors: that the third storey is an approved component, that it is only mildly visible, that the building presents from the street as a two storey development and that the works have been carefully designed to reduce any impact, it can be submitted this objective is maintained.

The objective is maintained.





#### 9.0 CONCLUSION

It is submitted that the proposed alterations and additions at 48 Raymond Road are both reasonable and appropriate.

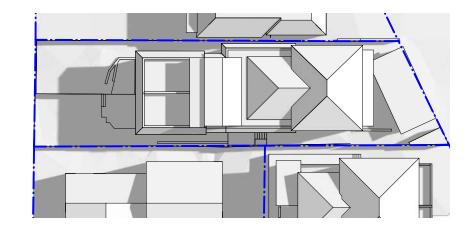
The proposal does not adversely impact the neighbouring properties whilst complying with all objectives of the standard and providing suitable accommodation for the occupants.

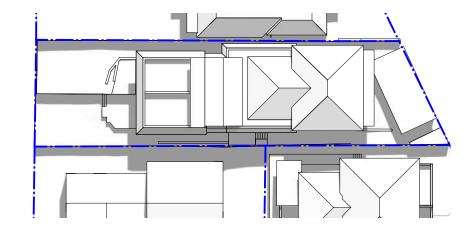
It is submitted that a variation to the maximum height control within North Sydney Council LEP 2013 is appropriate for this project as the non-conformity does not add any specific impact to adjoining or nearby properties whilst complying with all objectives of the standard and providing suitable accommodation for the occupants.

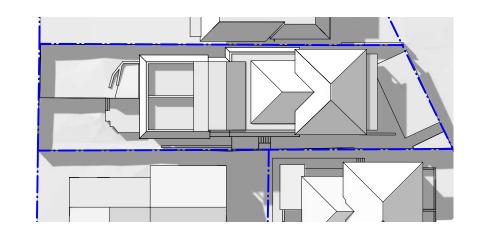
As demonstrated above, strict compliance with this standard can be considered unreasonable and unnecessary. It is to be applied to the small area of non-compliance for this Development Application.

Approval should not therefore be withheld due to the non-compliance of the development standard.

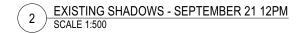




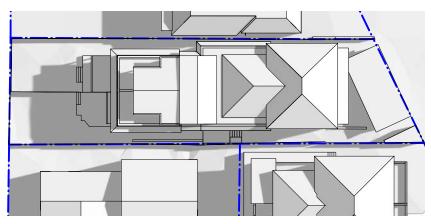




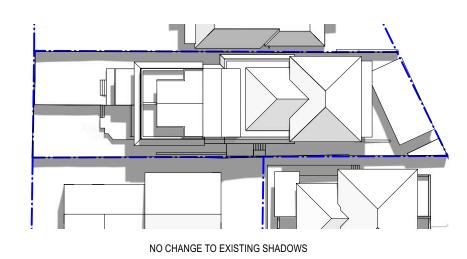
EXISTING SHADOWS - SEPTEMBER 21 9AM SCALE 1:500



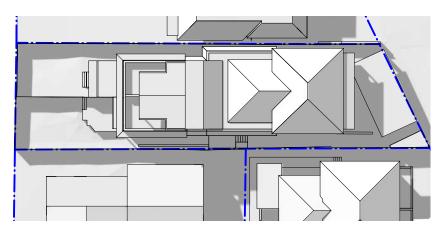
EXISTING SHADOWS - SEPTEMBER 21 3PM SCALE 1:500



NO CHANGE TO EXISTING SHADOWS



PROPOSED SHADOWS - SEPTEMBER 21 12PM SCALE 1:500



NO CHANGE TO EXISTING SHADOWS

PROPOSED SHADOWS - SEPTEMBER 21 3PM SCALE 1:500

PROPOSED SHADOW REDUCTION PROPOSED SHADOW ADDITION

SCALE 1:500

PROPOSED SHADOWS - SEPTEMBER 21 9AM

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LEVEL 2 / 271 ALFRED STREET NORTH NORTH SYDNEY NSW 2060

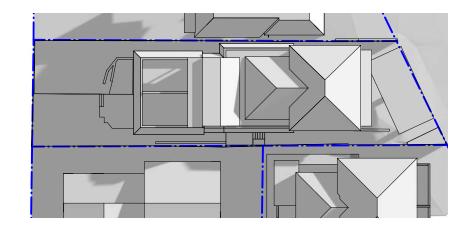
**ALTERATIONS AND ADDITIONS** 48 RAYMOND ROAD NEUTRAL BAY 2323

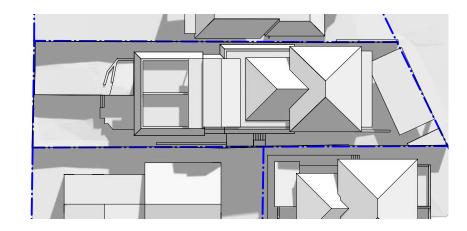
1:500 @ A3

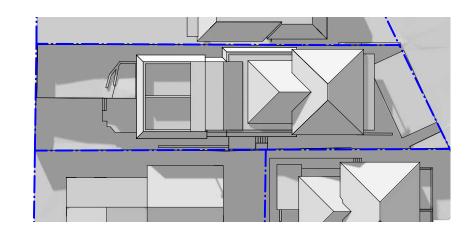
SK13 A

OCTOBER 2024





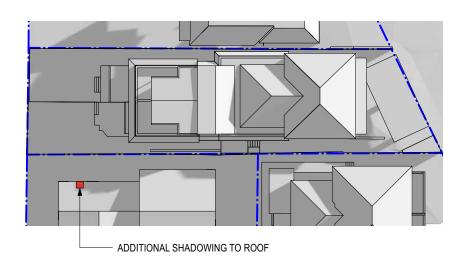




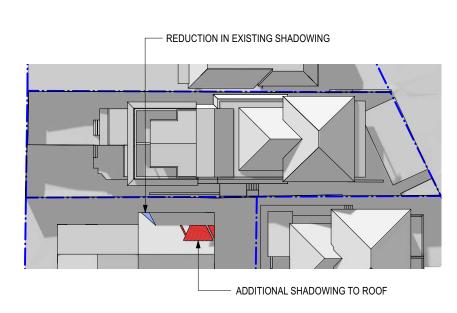
1 EXISTING SHADOWS - 21 JUNE 9AM SCALE 1:500



3 EXISTING SHADOWS - 21 JUNE 3PM SCALE 1:500







PROPOSED SHADOWS - 21 JUNE 9AM SCALE 1:500

PROPOSED SHADOWS - 21 JUNE 12PM SCALE 1:500

6 PROPOSED SHADOWS - 21 JUNE 3PM SCALE 1:500

PROPOSED SHADOW REDUCTION
PROPOSED SHADOW ADDITION

### ISSUED FOR DEVELOPMENT APPLICATION

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Ø Mark Hurcum Design Practice Pty Limited

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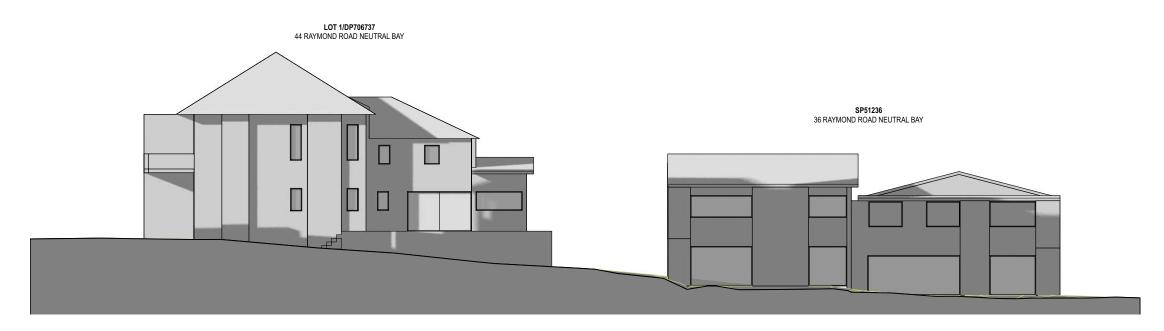


2323 1:500 @ A3 SK14 A

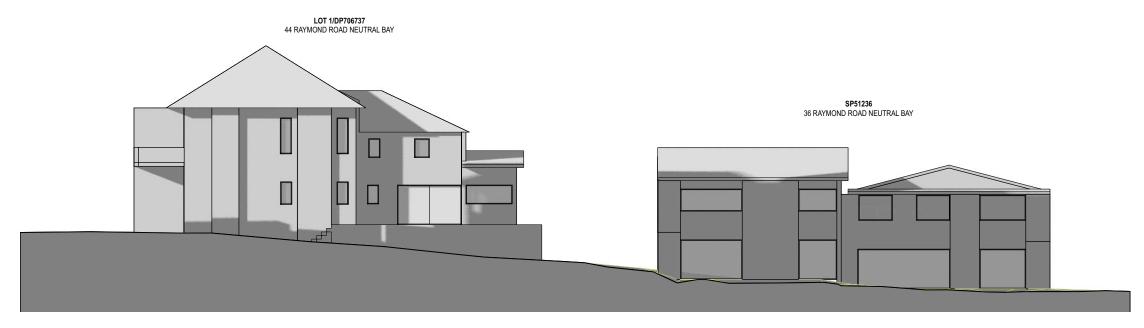
OCTOBER 2024

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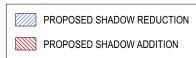


1 EXISTING SHADOWS - 21 JUNE 9AM SCALE 1:200



PROPOSED SHADOWS - 21 JUNE 9AM SCALE 1:200

NO CHANGE TO EXISTING SHADOWS



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LEVEL 2, V21ALFRED STREET NORTH
NORTH SYDNEY NSW 2060
EMAIL architects@mhdp.com.ou
ELELEPHONE (02) 9995 55008
NSW NOMINATED ARCHITECT
NARK HURCUM Design Practice Pty Limited

MARK HURCUM Design Practice Pty Limited

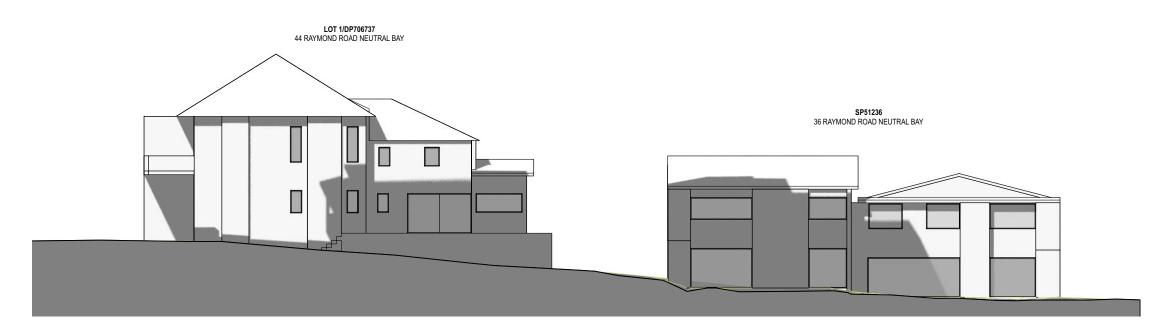
ALTERATIONS AND ADDITIONS
48 RAYMOND ROAD NEUTRAL BAY

2323 1:200 @ A3 SK15 A

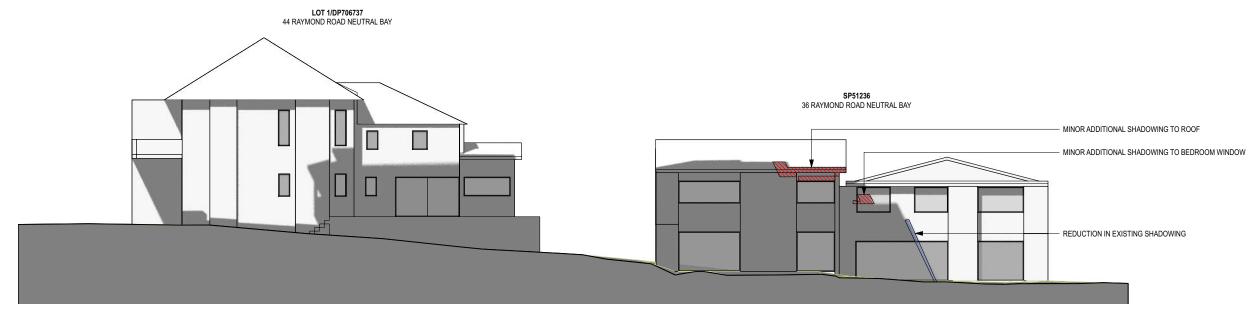
OCTOBER 2024

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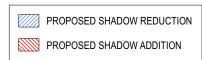




EXISTING SHADOWS - 21 JUNE 12PM SCALE 1:200



PROPOSED SHADOWS - 21 JUNE 12PM SCALE 1:200



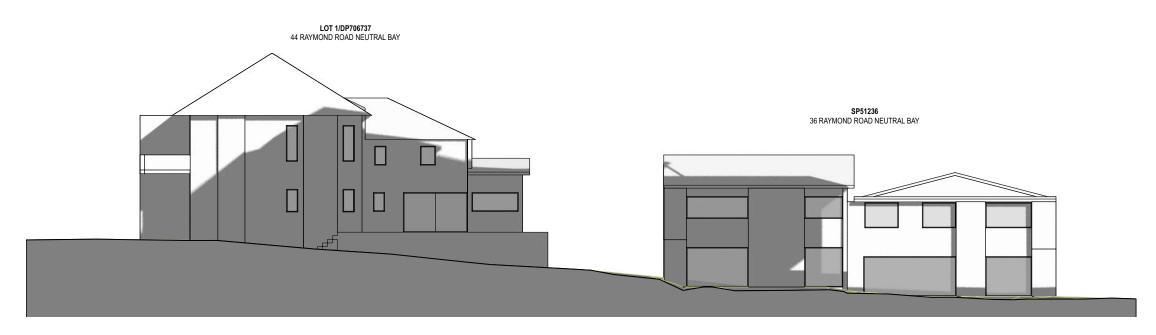
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LEVEL 2 / 271 ALFRED STREET NORTH
NORTH SYDNEY NSW 2060
EMAIL orchitects/emrhop.com.au
TELEPHONE (02) 9955 5608
NSW NOMINATED ARCHITECT
MARK HURCUM - Reg. No. 5605
Ø Mark Hurcum Design Practice Pty Limited

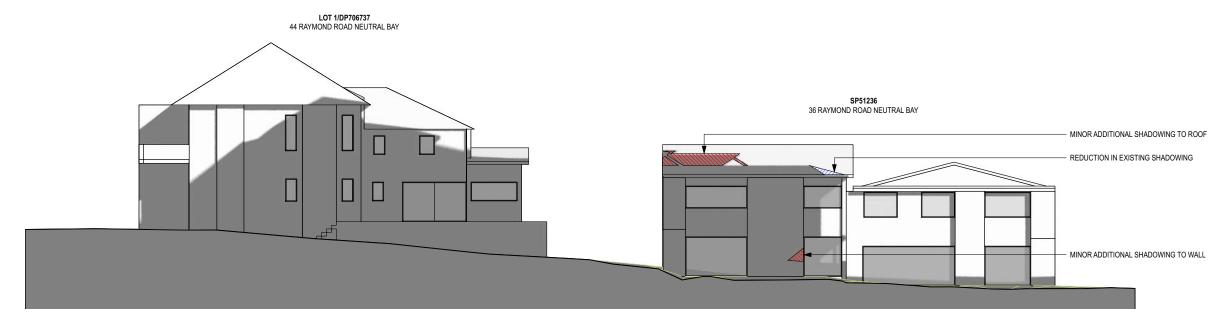
**ALTERATIONS AND ADDITIONS** 48 RAYMOND ROAD NEUTRAL BAY 2323

SK16 A

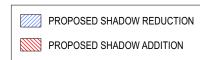




EXISTING SHADOWS - 21 JUNE 3PM SCALE 1:200



PROPOSED SHADOWS - 21 JUNE 3PM SCALE 1:200



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LEVEL 2 / 271 ALFRED STREET NORTH
NORTH SYDNEY NSW 2060
EMAIL architects@mhdp.com.au
TELEPHONE (02) 9955 5608
NSW NOMINATED ARCHITECT
MARK HURCUM - Reg. No. 5605
Ø Mark Hurcum Design Practice Pty Limited

**ALTERATIONS AND ADDITIONS** 48 RAYMOND ROAD NEUTRAL BAY 2323

SK17 A



