

**NSLPP MEETING HELD ON 04/06/2025****Attachments:**

1. Site Plan
2. Architectural Plans Landscape Plan
3. Landscape plan
4. Clause 4.6 Variation Request to Maximum Building Height
5. Survey

ADDRESS/WARD: 93 Kurraba Road, Kurraba Point**APPLICATION NO:** DA128/24 (PAN-442850)

PROPOSAL: Demolition of the existing residential flat buildings, construction of a new residential flat building, excavation and construction of basement, new basement entry from Wallaringa Avenue and new landscaping.

PLANS REF:

Plan No.	Rev	Description	Prepared by	Dated
DA-0001		Cover Page & drawing List	SJB Architects	14.03.2025
DA-0010	17	Location Plan	SJB Architects	14.03.2025
DA-0100	21	Site Plan - Existing	SJB Architects	14.03.2025
DA-0102	21	Site Analysis	SJB Architects	14.03.2025
DA-0301	17	Demolition Plan	SJB Architects	14.03.2025
DA-0302	17	Cut & Fill Plan	SJB Architects	14.03.2025
DA-1001	21	Floor Plan – Basement	SJB Architects	14.03.2025
DA-1002	21	Floor Plan – Lower Ground	SJB Architects	14.03.2025
DA-1003	21	Floor Plan - Ground	SJB Architects	14.03.2025
DA-1004	21	Floor Plan – Level 1	SJB Architects	14.03.2025
DA-1005	21	Floor Plan – Level 2	SJB Architects	14.03.2025
DA-1006	21	Floor Plan – Level 3	SJB Architects	14.03.2025
DA-1007	21	Floor Plan - Roof	SJB Architects	14.03.2025
DA-1401	21	Elevation East – Kurraba Road	SJB Architects	14.03.2025
DA-1402	21	Elevation South-East – Spains Wharf Road	SJB Architects	14.03.2025
DA-1403	21	Elevation South-West – Wallaringa Avenue	SJB Architects	14.03.2025
DA-1405	21	Elevation North	SJB Architects	14.03.2025
DA-1410	21	Elevation East – coloured diagram	SJB Architects	14.03.2025
DA-1411	21	Elevation South-East– coloured diagram	SJB Architects	14.03.2025
DA-1412	21	Elevation South-West– coloured diagram	SJB Architects	14.03.2025
DA-1413	21	Elevation North– coloured diagram	SJB Architects	14.03.2025
DA-1501	21	Section A & B	SJB Architects	14.03.2025
DA-1502	21	Section C & D	SJB Architects	14.03.2025
DA-1503	21	Long Sections E & F	SJB Architects	14.03.2025
DA-1511	21	Section – Typical Façade Detail	SJB Architects	14.03.2025
DA-4401	17	Adaptable Unit 04 + 08	SJB Architects	14.03.2025
DA-4402	17	Adaptable Unit 05 + 09	SJB Architects	14.03.2025

OWNER: Kessef Pty Ltd**APPLICANT:** Gyde**AUTHOR:** Report of Michael Hornery, Executive Assessment Planner**DATE OF REPORT:** 18 May 2025**DATE LODGED:** 27 June 2024**DATE AMENDED:** 20 March 2025**RECOMMENDATION:** Approval

EXECUTIVE SUMMARY

The Applicant seeks development consent from the North Sydney Local Planning Panel (NSLPP) for the demolition of the existing residential flat buildings, construction of a new residential flat building, excavation and construction of basement, new basement entry from Wallaringa Avenue and new landscaping on land identified as No 93 Kurraba Road, Kurraba Point.

The site is zoned R4 High Density Residential under the provisions of North Sydney Local Environmental Plan 2013. The proposal in its amended form now satisfies the R4 zone objectives. The proposed application is for the demolition of existing residential flat buildings and the construction of a residential flat building which is a permitted land use within the R4 High Density Residential zone under NSLEP 2013.

The proposed development seeks a variation to the development standard relating to height (Clause 4.3). The NSLEP identifies a maximum height control of 12m. The building is proposed to have a maximum building height of 14.76m, which exceeds the maximum building height by 2.76m, a variation of 23% to the development standard.

In addition to the redesign and submission of amended plans, a new and updated Clause 4.6 written request has been submitted seeking a variation to the Building Height development standard contained within Clause 4.3 of NSLEP 2013, to justify and support the non-compliance.

The written request has been assessed, and it is considered that the clause 4.6 request 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 is consistent with the objectives of the building height development standard and the objectives of the R4 High Density Residential zone.

The proposed development responds to the topography and the constraints of the site by reducing the site coverage and unbuilt upon area through the redesign and amendments made to the building. The building will be highly articulated, and the massing will be perceived as being broken into four smaller masses that are similar in volume to the large dwellings and Interwar apartment buildings in the area. The perceived scale of the south-western elevation is adequately ameliorated by the stepped form.

The application was twice notified to adjoining properties and the Kurraba Precinct. The first notification was between 12 July and 26 July 2024 and upon receipt of amended plans the development was notified between 18 April and 2 May 2025. Council received in total fifty two (52) submissions over the two notification periods. The concerns raised including the new location of the car park entrance and traffic generation within Wallaringa Avenue, the height and bulk and scale, the loss of on street parking and pedestrian safety.

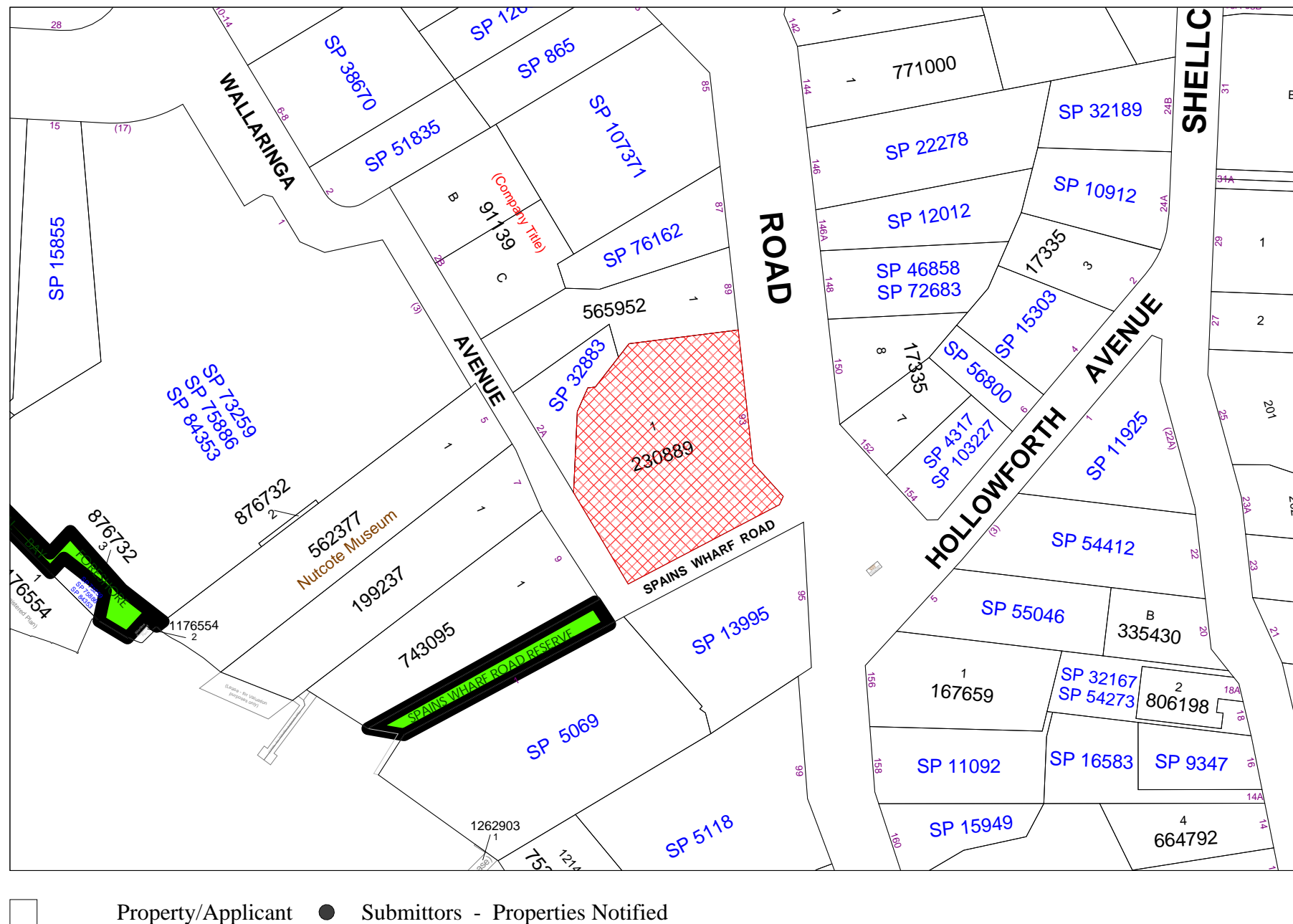
The development application is reported to the North Sydney Local Planning Panel for determination as the proposed development contravenes a development standard imposed by an environmental planning instrument by more than 10%, the development has received 10 submissions by way of objection and is development subject to chapter 4 of SEPP (Housing) in accordance with the Ministers Direction "Local Planning Panels Direction – Development Applications and Applications to Modify Development Consents" dated 6 March 2024, published to the NSW Planning Portal

The proposal has been assessed against the relevant provisions of the retention of existing affordable housing under the SEPP (Housing) 2021 and a monetary contribution of \$988,412.00 is required under Section 48 of the SEPP. A condition of consent is recommended requiring the monetary contribution in accordance with the SEPP to mitigate the loss of low rental housing units as the result of the proposed redevelopment.

The application has been assessed having regard to the Matters for Consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, the provisions of the relevant State Environmental Planning Policies, Local Environmental Plan and Development Control Plans.

The proposal is an appropriate response to the site. As a result, the application is recommended for approval subject to conditions of consent.

LOCATION MAP



DESCRIPTION OF PROPOSAL

An application has been received seeking consent for the Demolition of the existing residential flat buildings and construction of a residential flat building containing 19 apartments (1 x 1 bedroom, 3 x 2 bedroom and 15 x 3 bedroom apartments) with basement parking and tree removal.

A brief breakdown of the proposed development is as follows:

- Demolition of the existing buildings on the subject site.
- Removal of eight (8) trees from the site.
- Construction of a residential flat building as follows:

Basement (RL 20.80)

- 21 car parking spaces with vehicular access from Wallaringa Road including:
 - Four (4) adaptable spaces.
 - Four (4) visitors spaces (including a dual use visitor/car wash bay).
 - One (1) accessible visitor space with adjoining shared zone
 - One (1) loading bay
- Three (3) motorcycle spaces.
- Fire stairs and two (2) lifts.
- Waste room.
- Temporary bin holding room.
- Bulky waste room.
- Comms switch room.
- Hydraulic pump room and meter.
- Waiting bay.
- Bicycle storage
- Storage
- Services

Lower ground floor (RL 23.90)

- One (1) x three (3) bedroom apartments
- One (1) x two (2) bedroom apartment
- Lobby, fire stairs and two (2) lifts
- Fire Pump room and fan room
- 12 car parking spaces including:
 - Two (2) adaptable spaces.
- One (1) motorcycle space.
- Waiting bay
- Bicycle storage
- Hot water plant
- Waste room
- Storage
- RWT and OSD
- Services

Ground floor (RL27.15)

- Three (3) x three (3) bedroom apartments (including two adaptable apartments 04 and 05)
- One (1) x two (2) bedroom apartment
- Indoor Communal space comprising multi purpose room, gym and sauna.
- Outdoor communal open space fronting Wallaringa Avenue.
- Lobby, fire stairs and two (2) lifts
- Car park air intake.
- Waste room
- Accessible WC
- Services

Level 1 (RL30.40) - (Main entry to the residential flat building from Kurraba Rd)

- Four (4) x three (3) bedroom apartments (including two adaptable apartments 08 and 09)
- One (1) x two (2) bedroom apartment
- Lobby, fire stairs and two (2) lifts
- Main pedestrian entry from Kurraba Road
- Waste room
- Services
- Fire hydrant booster and mail boxes on Kurraba Road.

Level 2 (33.65)

- Four (4) x three (3) bedroom apartments
- One (1) x one (1) bedroom apartment
- Lobby, fire stairs and two (2) lifts
- Waste room
- Services
- Retractable awnings to terrace spaces

Level 3 (RL 36.90)

- Three (3) x three (3) bedroom apartments
- Lobby, fire stairs and two (2) lifts
- Waste room
- Access hatch to roof.
- Retractable awnings to terrace spaces

Roof Plan (RL 40.00)

- Lift over run
- Skylights
- Carpark exhaust
- Condensers
- Waste room exhaust
- Access hatch



Figure 1: Photomontage of proposed development as viewed from Kurraba Road.



Figure 2: Photomontage of proposed development as viewed North West from Corner of Kurraba Road and Hollowforth Avenue



Figure 3: Photomontage of proposed development as viewed looking south down Wallaringa Avenue.

STATUTORY CONTROLS

North Sydney LEP 2013

- Zoning – R4 High Density Residential Zone
- Item of Heritage - No
- In Vicinity of Item of Heritage – Yes, in the vicinity of the following heritage items:
 - 95 Kurraba Rd (local item) located to the south of the subject site,
 - 1 Wallaringa Ave (Wallaringa Mansions, a local item),
 - 5 Wallaringa Ave (Nutcote, a garden and an Interwar Mediterranean style house designed by eminent architect BJ Waterhouse which is a state listed item) located to the west of the subject site,
 - 7 Wallaringa Ave (local item) located to the west of the subject site,
 - 9 Wallaringa Ave (local item) located to the west of the subject site,
 - 142 Kurraba Rd (local item) located to the north-east of the subject site,
 - 144 Kurraba Rd (local item) located to the north-east of the subject site,
 - 146 Kurraba Rd (state listed) located to the north-east of the subject site,
 - Site of Former Spains Wharf.
- Heritage Conservation Area – No, however adjoins the Kurraba Point Conservation Area.
- FSBL – No

Environmental Planning & Assessment Act 1979

Environmental Planning and Assessment Regulation 2021

State Environmental planning Policy (Housing) 2021 and the Apartment Design Guide

- Chapter 2 Affordable Housing.
- Chapter 4 Design of residential apartment development

State Environmental planning Policy (Biodiversity and Conservation) 2021

- Chapter 2 Vegetation in non-rural areas.
- Chapter 6 Water Catchments

State Environmental planning Policy (Resilience and Hazards) 2021

- Chapter 4 Remediation of Land

State Environmental planning Policy (Transport & Infrastructure) 2021
- Chapter 2 Infrastructure.

State Environmental planning Policy (Sustainable Buildings) 2022
Foreshore Development

POLICY CONTROLS

North Sydney Development Control Plan 2013 (NSDCP 2013)
North Sydney Local Infrastructure Contributions Plan 2020
Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023
North Sydney Council Community Engagement Protocol

DESCRIPTION OF LOCALITY

The subject development site is known as Lot 1 DP 230889, No 93 Kurraba Road, Kurraba Point.



Figure 4: Aerial view of subject site shown cross hatched in red.

The site is located on the western side of Kurraba Road with secondary frontages to Spains Wharf Road to the south and Wallaringa Road to the west. The site is an irregular shaped allotment to provide for a total site area of 1733m² by DP. The site is bounded by Kurraba Rd to the east, Spains Wharf Road to the south, Wallaringa Road to the west and Wycombe Road to the north west.

Located on the subject development site are two separate four (4) and five (5) storey residential flat buildings containing 15 residential apartments comprising of 12 x 2 bedroom apartments and 3 x 3 bedroom apartments. On-site parking is also provided for these properties, which can be accessed via Spains Wharf Road and also Kurraba Road. The site has a fall from the front of the allotment (eastern boundary) to the rear of the allotment (western boundary) of approximately 7m.



Figure 5: Subject site as viewed from Kurraba Road.



Figure 6: Subject site as viewed from the corner of Wallaringa Avenue and Spains Wharf Road.



Figure 7: Subject site with the vehicular entry from Spains Wharf Road.

Within the immediate vicinity and surrounding area, residential flat buildings of varying scales and sizes are prominent. The site is located within 1km of the Neutral bay Town Centre and within 200 metres of the Kurraba Point ferry wharf.

Surrounding development is predominantly residential including single dwellings, attached dwellings and apartment developments, including a number of heritage listed properties and also adjoins the Kurraba Point Heritage Conservation Area.

To the north of the site are three storey RFBs at 89 Kurraba Road and 2A Wallaringa Avenue, to the east and across Kurraba Road are single and two storey dwelling houses at No 150, 152, and 154 Kurraba Road.

To the south is a two storey strata duplex at No 95 Kurraba Road and to the west are two waterfront dwellings at 7 and 9 Wallaringa Avenue and the multi storey 'Topmost residential flat building to the west and south west.

RELEVANT HISTORY

Previous applications

- Development consent (DA69/10776) was granted for the construction of an apartment development comprising of two buildings with a total of 15 units.
- Development consent was granted for DA69/10776 for the construction of an apartment development comprising two buildings with a total of 15 units.
- Development Application No. 116/13 was approved on 22 July 2013 for Strata subdivision of an existing apartment development. This approval was never commenced.
- A Pre Development meeting was held with Council on 20 September 2023.

Current Application

Date	Action
27 June 2024	Application lodged
2 July 2024	Additional information was requested including the following: <ul style="list-style-type: none"> • SEE is to be updated to include an assessment against the provision of Chapter 2 Part 3 Affordable Housing of the Housing SEPP. • Substation location to be shown (if required).
12 July 2024	The development was notified to adjoining properties and the Cremorne Point Precinct between 12 July and 26 July 2024. Thirty six (36) submissions objecting to the proposal were received.
17 July 2024	Amended SEE submitted to Council including an assessment against the provisions of Chapter 2 Part 3 Affordable Housing of the Housing SEPP.
24 September 2024	<p>The Design Excellence Panel (DEP) Meeting was held via Microsoft Teams with the DEP, the Applicant and Council on 24 September 2024. The review conducted by the Panel have been structured against the 9 Design Quality Principles set out in the SEPP and ADG. This assessment is provided later within this report.</p> <p>The minutes of the meeting were provided to the applicant on 17 October 2024. A summary of the issues raised were also included in a request for amended plans and additional information letter in December 2024.</p>
3 December 2024	<p>A request for additional information was uploaded to the planning portal, as follows:</p> <ul style="list-style-type: none"> • Plans to be amended taking into consideration the comments/recommendations of the Design Excellence Panel (DEP). • Address deficiency with Communal Open Space. • Details and breakdown of storage areas. • Plan of Management for the communal open space. • Additional details to be shown on the architectural plans including dimensions for storage areas, boundary/building setbacks and heights. • Updated calculations for site coverage, landscaped area and unbuilt upon area. • Location of fire hydrant booster and substation (if required). • Address the concerns raised by Councils Heritage Officer. • Address the concerns raised by Council's Traffic Engineer. • Waste management matters.
19 December 2024	Meeting held with applicant, architect and Planning Consultant to discuss the requirements of the request for additional information.

20 March 2025	Amended plans and supporting documentation in response to Councils previous requests for additional information provided as follows: <ul style="list-style-type: none">• Amended architectural plans.• Amended landscape plan.• Letter from applicants Traffic Engineer in response to RFI.• Letter from applicants Waste Consultant in response to RFI.• Letter from applicants Heritage Consultant in response to RFI.• Letter from applicants Planning Consultant in response to RFI.• Letter from Building Services consultant in response to services within the building including the photovoltaic system, design of mechanical systems, electrification and EV charging infrastructure and substation requirements.• Updated and amended Clause 4.6 request for variation to maximum building height.
20 March 2025	Amended plans referred back to Council's Landscape Officer, Waste Officer, Traffic Engineer, Heritage Officer, Environmental Health Officer and Development Engineer for comments and conditions on 20 March 2025.
25 March 2025	Comments and conditions from Councils Development Engineer received in response to the amended plans on 25 March 2025.
26 March 2025	Request for the Clause 4.6 for the variation to the maximum building height be further amended and updated.
1 April 2025	Comments and conditions from Councils Environmental Health Officer received in response to the amended plans on 1 April 2025.
2 April 2025	Comments and conditions from Councils Heritage Officer received in response to the amended plans on 2 April 2025.
10 April 2025	Comments and conditions from Councils Waste Officer received in response to the amended plans on 10 April 2025.
14 April 2025	Comments and conditions from Councils Traffic Engineer received in response to the amended plans on 14 April 2025.
18 April 2025	The amended plans were notified to adjoining properties and the Kurraba Precinct of the amended development seeking comment between 18 April and 2 May 2025. Council received a further sixteen (16) submissions objecting to the proposal.
5 May 2025	Final version of updated and amended Clause 4.6 request for building height submitted.
20 May 2025	Comments and confirmation of conditions from Councils Landscape Officer received in response to the amended plans on 20 May 2025.

INTERNAL REFERRALS

BUILDING

The application was referred to Council's Building Surveyor for comment. The following comments were provided on 2 July 2024:

"The Development Application seeks approval for demolition of existing buildings and the construction of a new residential flat building with basement carparking.

The building is classified by the NCC BCA as a class 2 and 7a building of Type A construction.

The application is supported by a BCA Compliance Statement to Accompany DA Submission dated 6 May 2024 prepared by Jensen Hughes Australia which contains information that the proposed development can comply with the NCC BCA Volume 1 via a combination of satisfying the Deemed to Satisfy provisions of the NCC BCA and use of Performance based/Fire Engineering Solutions.

The DA is also supported by a Fire Engineering Statement dated 8 May 2024 prepared by Voss Grace & Partners which concludes that the proposed Performance Solutions should not result in any material change to building design.

The DA is further supported by an Access Report dated 30 April 2024 prepared by Nest Consulting Group which concludes that the proposed development can comply with the NCC BCA Volume 1 via a combination of satisfying the Deemed to Satisfy provisions of the NCC BCA and use of Performance based Solutions and that the proposed Performance based Solutions will not significantly impact building design.

As the building is a new building its construction in accordance with the NCC BCA Volume 1 is required.

A detailed assessment of compliance with the Building Code of Australia 2022 will be undertaken by an appropriately registered certifier at the Construction Certificate Stage of the proposed development. Additionally, a Fire Safety Schedule is to be prepared by the certifier and accompany the Construction Certificate.

It is recommended the following standard Conditions are imposed.

Standard Condition "F1".

National Construction Code F1

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

(Reason: Prescribed - Statutory)

HERITAGE

The application has been referred to Council's Conservation Planner/ Heritage Officer who provided the following comments on 28 August 2024:

"The subject site is not a scheduled heritage item and is not located in a conservation area. It is however, located in the vicinity of several heritage items including:

- a) 95 Kurraba Rd (local item) located to the south of the subject site,*
- b) 1 Wallaringa Ave (Wallaringa Mansions, a local item) ,*
- c) 5 Wallaringa Ave (Nutcote, a garden and an Interwar Mediterranean style house designed by eminent architect BJ Waterhouse which is a state listed item) located to the west of the subject site ,*
- d) 7 Wallaringa Ave (local item) located to the west of the subject site,*
- e) 9 Wallaringa Ave (local item) located to the west of the subject site,*

- f) 142 Kurraba Rd (local item) located to the north-east of the subject site,*
- g) 144 Kurraba Rd (local item) located to the north-east of the subject site,*
- h) 146 Kurraba Rd (state listed) located to the north-east of the subject site,*
- i) Site of Former Spains Wharf and*
- j) Kurraba Point Conservation Area.*

The proposed demolition of the existing late 1970s flat building is acceptable as it has little heritage significance.

The salvage and re-use of the existing sandstone boundary wall sandstone that dates from the previous c 1894 building on the site, 'Tyddscotte', is acceptable as it requires maintenance. The reconstruction of the wall is supported as the wall adds to the character and setting of the nearby heritage items which utilise sandstone in their construction.

The following comments are made giving regard to the proposed new building:

Form, Massing and Scale- *No objection is made to the form of the building as it will be highly articulated and the massing will be perceived as being broken into four smaller masses that are similar in volume to the large dwellings and Interwar apartment buildings in the area. The scale of the proposed building is similar to the existing building and is acceptable. The perceived scale of the south-western elevation is adequately ameliorated by the stepped form.*

Setbacks- *No objection is raised to the proposed setbacks with regard to the nearby heritage items.*

Materials- *The extensive use of glazing on the south-western elevation will not enhance the character and setting of the nearby heritage items, including the state heritage listed Nutcote at 5 Wallaringa Ave. Clause 5.10 in NSLEP 2013 is therefore not satisfied.*

*The following heritage controls in Part B Section 13.4 of NSDCP 2013 are of note:
Objectives O1 Ensure that new work is designed and sited so as to not detrimentally impact upon the heritage significance of the heritage item and its setting.*

The proposed glazed south-western façade and glazed balustrades are not supported as they will introduce a new contemporary character to the streetscape in which there are several Federation style and Interwar style heritage items.

Provisions P1 Respect and respond to the curtilage, setbacks, form, scale and style of the heritage item in the design and siting of new work.

The proposed south-western façade does not respond to the Interwar and Federation styles of the nearby heritage items in terms of the extensive use of glazing. The proposed use of grey brickwork will not enhance the setting of the heritage items.

*P2 Maintain significant public domain views to and from the heritage item.
Satisfied.*

*P3 Ensure compatibility with the orientation and alignment of the heritage item.
Satisfied.*

*P4 Provide an adequate area around the heritage item to allow for its interpretation.
Satisfied.*

P5 Retain original or significant landscape features that are associated with the heritage item or that contribute to its setting.

Council's Landscape Officer will provide comment on trees and the landscape proposal. The retention of the existing sandstone wall is supported.

P6 Protect and allow interpretation of archaeological features (as appropriate and relevant).

It is unlikely that there will be any archaeological relics as the site due to the degree of disturbance resulting from the original 1894 Federation style dwelling that was constructed on the site and then the existing 1970s flat building.

RECOMMENDATIONS

The following amendments are recommended to ensure that the new development does not detract from the setting and character of the nearby heritage items:

- The extensive use of glazing on the south-west elevation is to be reduced by the introduction of more solid materials to the building façade.*
- The glazed balustrades be replaced with steel palisade or vertically aligned flat steel balustrades.*
- The grey brickwork be replaced with a brown and/ or reddish brown brickwork and the exterior colour scheme be amended sympathetically to suit.*

Subject to the resolution of the above, the following conditions are recommended:

Sandstone

C3.

- a) All works to the stone wall, both dismantling and rebuilding, are to be undertaken by a suitably qualified and experienced stonemason and under the close supervision of a heritage architect or heritage engineer, listed on the NSW Heritage Office Consultant's List (referred hereafter as 'the heritage architect / engineer).*
- b) All blocks that are to be removed from the boundary walls and replaced are to be numbered and replaced in their original location or as near as practicable.*
- c) All sandstone removed from the wall are to be retained on site, and protected from damage, throughout the construction process. The stones are not to be removed from the subject site at any stage.*
- d) Any new sandstone that is required to replace damaged unusable sandstone is to match the existing sandstone blockwork in dimension, texture and colour.*
- e) Any new sandstone elsewhere on the site, other than the boundary walls shall have a rusticated finish.*

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

(Reason: To allow for preservation of cultural resources within the North Sydney Council area)

The applicant provided amended plans and the application was rereferred to Council's Conservation Planner/ Heritage Officer who provided the following comments on 2 April 2025 based on the amended plans and documentation submitted to Council on 20 March 2025:

The balustrade and colour scheme are generally acceptable, however, I note that the material on the Level 3 apartment (penthouse) is not specified on Dwg DA-8211/21 External Finishes.

Please consider applying the following conditions:

External Finishes and Materials

- A3. *External finishes and materials must be in accordance with the submitted schedule dated 14 March 2025, prepared by SJB and received by Council on 20 March 2025 unless otherwise modified by Council in writing. Substitution of materials must not be undertaken, except where otherwise amended by condition or 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)*

Level 3 Apartment Exterior Colour Scheme

- C1. *The exterior colour scheme of the level 3 apartment is to be a pale colour, sympathetic to the approved colour scheme that is visually submissive against the sky. The Principal Certifier must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition prior to the release of the Construction Certificate.*

(Reason: *To reduce the perceived bulk and scale of the building.*)

Balustrades

- C2. *The 100 mm high balustrades as detailed on Drawing DA-1511/21 by SJB dated 14 March 2025 and received at Council on 20 March 2025, shall have a minimum of 50% solid material at the base as measured on the interior side of the balcony. The upper portion may be glazed or utilise steel palisade. The Principal Certifier must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition prior to the release of the Construction Certificate.*

(Reason: *To minimise the visual impact of contemporary reflective materials in the streetscape in the vicinity of the nearby heritage items.*)

ENGINEERING

The application was referred to Council's Senior Development Engineer for comment. He provided his comments on 20 March 2025 with no objection to the proposal subject to the conditions provided.

LANDSCAPING

The proposed development was referred to Councils Landscape Development Officer for comment. The following was raised:

T16 *Lagerstroemia indica* (4x4m) planted in the council verge in front of 93 Kurraba Rd is shown for retention. Given its small size, proximity to driveway, and relatively poor condition, it is considered that a better outcome would be achieved by removing this street tree and requiring the additional planting of 7 x *Melaleuca linarifolia* (75l), equally spaced in the council verge across the Kurraba Rd frontage of the subject site.

The following amendments were required:

- T16 *Lagerstroemia indica* (4x4m) planted in the council verge in front of 93 Kurraba Rd shall be removed.
- 7 x *Melaleuca linarifolia* (75l), shall be planted at equal spacing in the council verge across the Kurraba Rd frontage of the subject site.

No objection was raised to the development and the landscaping proposed subject to the above amendments and the conditions provided.

Upon receipt of the amended plans the proposal was referred back to Council's Landscape Development Officer who advised the draft conditions previously provided were still applicable.

TRAFFIC ENGINEER

The application was referred to Councils Traffic Engineers for comment, final comments were received from Councils Traffic Engineer on 14 April 2025 raising no objection to the proposal subject to the conditions provided. The relevant assessment against the DCP controls and commentary within the referral have been provided below:

Proposed Development

The proposal involves the construction of 19 dwellings comprising of the following:

<i>Dwelling Type</i>	<i>No. of Dwellings</i>
<i>1 bed</i>	<i>1</i>
<i>2 bed</i>	<i>3</i>
<i>3 bed</i>	<i>15</i>
<i>TOTAL</i>	<i>19 (inclusive of 4 adaptable units)</i>

Parking Provision

- ***Car Parking***

Relevant DCP 2013 car parking rates are detailed below.

- *Residential Flat Buildings*

- Studio, 1-2 bedrooms: 1 space per dwelling
- 3+ bedrooms: 1.5 spaces per dwelling
- Visitor: 0.25 space per dwelling (min of 1 space)

The TA has adopted the above rates resulting in a maximum allowable provision of 32 spaces (26.5 resident spaces, 4.75 visitor spaces).

The proposal provides a total of 32 residential car spaces consisting of 27 spaces for residents and 5 spaces for visitors, hence, complies with the DCP 2013. Calculations are detailed below.

Car Parking					
Land Use		Number of Dwellings	Required (Max)	Provided	Difference
Residential	1 bed		1	1	
	2 bed		3	3	
	3 bed	15	22.5		
	Subtotal			27	0
	Visitor	19	5	5	0
	TOTAL	19	32	32	0

The 5 visitor spaces consist of: 3 standard spaces, 1 visitor car wash bay, and 1 accessible space as shown below.

- **Car Wash Bay**

Relevant DCP 2013 car wash bay requirements are detailed below:

- For residential developments containing 4 or more dwellings, a car wash bay is to be provided within the visitor parking area.

The architectural plans show 1 car wash bay located near the visitor parking area, hence, complies with the DCP 2013.

- **Electric Vehicle Parking**

As the proposal relates to a residential development and not a commercial or mixed-use development, the DCP 2013 does not outline any applicable electric vehicle parking requirements.

- **Accessible Car Parking**

Relevant DCP 2013 accessible car parking rates are detailed below.

- Residential: Developments containing adaptable housing must allocate at least one accessible parking space to each adaptable dwelling.

The proposal consists of 4 adaptable units (i.e. 20% of 19 units). Hence, 4 adaptable spaces are proposed which complies with the DCP 2013.

- **Motorcycle Parking**

There is no requirement for motorcycle parking for the proposal since the development is a residential flat building outside of the high accessibility area.

However, the applicant has adopted the following rate to determine the motorcycle parking provision.

- *Residential: 1 space per 10 car spaces.*

Application of above rate on 32 car spaces result in 3.2 motorcycle spaces. The proposal provides a total of 4 motorcycle spaces.

Motorcycle spaces are not necessary, but they have been provided which help to provide a level for flexibility for future residents/visitors.

- **Bicycle Parking**

Relevant DCP bicycle parking rates are detailed below.

- *Residential:*
 - *Occupants: 1 / 1 dwelling*
 - *Visitor/Customer: 1 / 10 dwellings*

Application of the above rates on 19 dwellings results in a minimum of 20.9 bicycle spaces required. In response, per the traffic letter, 19 and 2 bicycle spaces would be provided to residents and visitors respectively, which complies with the DCP 2013.

- **End of Trip Facilities (lockers, changing/shower facilities)**

As the proposal relates to a residential development, no relevant end of trip facilities requirements apply from the DCP 2013.

- **Servicing**

Relevant DCP 2013 servicing and loading requirements are detailed below.

- *Developments containing less than 30 dwellings must provide at least one delivery/service/trade standard parking space. (P2, Section 10.4, DCP 2013)*

The proposal provides 1 servicing bay capable of accommodating a vehicle up to 6.4m SRV which satisfies the DCP 2013.

Traffic Generation

The TA has adopted the following vehicle trip rate:

- *0.5 per dwelling during peak hour*

Per the traffic letter, it outlines that the traffic generation rate contained within the recently released 2024 TfNSW Guide to Transport Impact Assessment (GTIA) is 20% lower than that adopted for the study, confirming a more conservative and robust approach has been undertaken.

- *Medium density residential flat building*
 - o *Smaller units and flats (up to 2 bedrooms)*
 - *Weekday peak hour vehicle trips:* 0.4-0.5 per dwelling
 - o *Larger units and town houses (3 or more bedrooms)*
 - *Weekday peak hour vehicle trips:* 0.5-0.65 per dwelling

Application of the above rate results in the following traffic generation.

Scenario	Site area / dwellings / GFA	Peak hour traffic generation rate		Forecast Traffic Generation	
		AM peak hour	PM peak hour	AM peak hour	PM peak hour
Existing site	15 units	0.50 / unit	0.50 / unit	7.5	7.5
Future site	19 units	0.50 / unit	0.50 / unit	9.5	9.5
Net traffic generation	+ 4 units	0.50 / unit	0.50 / unit	+2	+2

It is evident that the net increase in traffic generation would be 2 vehicle trips per peak hour.

The TA outlines that “this level of traffic generation is considered negligible in the context of the surrounding road network”.

Considering the above, we note that the forecasted traffic generation is supportable.

- **On-street Queuing**

The TA suggests that there will be a traffic light system and waiting bay proposed for access to the lower ground level.

The TA outlines that the traffic lights provided at the vehicle access would be configured in a ‘passive green’ state such that vehicles entering the lower ground level would always be given a green signal on arrival. This will ensure that entering drivers would (generally) not experience any delays, minimising the potential for any on-street queuing to occur. The only exception to this would be if a driver were to enter the lower ground level while a driver was exiting, which is a very low probability event.

Based on the TA’s assessment for the number of waiting bays required, 1 waiting bay has been provided. The TA also outlines that the probability of 1 car stopped in the floor waiting bay whilst the access ramp is in use by another vehicle would be 0.04%.

Noting the above, it is unlikely the proposal would result in significant on-street queuing.

Design Commentary

- 1. Per the traffic letter, there will be a net loss of 1 parking space as a result of the development. This is shown below. The traffic letter justifies this loss by highlighting that the increased off-street parking provision would help reduce the demands for on-street parking associated with the Site.*



I am ok with the net loss of 1 on-street space. Ultimately, a driveway must be created to facilitate vehicle access. Only 1 driveway is proposed.

The proposal offers a higher rate of visitor parking—one space per five apartments—compared to the current development, which provides more than one space per four apartments.

As a result, it is expected that visitors to the new development would predominantly use the designated off-street visitor parking, thereby reducing their reliance for on-street spaces. This would help preserve on-street parking availability for other users in the area.

Preliminary Construction Traffic Management Plan

Comments on the preliminary CTMP are as follows:

- Section 3.2: The applicant should include the following statement: “Heavy vehicles associated with construction will not use North Sydney Council roads located within school zones during school zone times, 8-9:30am and 2:30-4pm.”.*
- Section 3.3: The applicant should include the following statement: “Truck and dog vehicles will not be utilised on North Sydney Council’s roads for the construction of the development.”.*

- *Section 3.6: The applicant should include the following statement: “Proposed construction vehicle routes will be assessed in the detailed Construction Traffic Management Plan (CTMP) to ensure that the largest anticipated vehicle can safely navigate constrained intersections and narrow roads without adversely impacting on-street parking.”.*
- *Section 3.11: The applicant should include the following statement: “Traffic management will consider the “Pedestrian First” principle, meaning all pedestrians will be given priority at all times. Pedestrians may only be held for very short periods to ensure safety during construction vehicle movements.”*
- *The CTMP should include the following statements:*
 - *“For public safety, heavy vehicles will drive in a forward direction only on the public domain.”*
 - *“Traffic guidance schemes (TGS’s) will be prepared for the detailed CTMP.”*
 - *“Should any works zone be proposed, its operation will not breach any NSW Road Rules.” E.g. A works zone must leave at least a 3m wide roadway adjacent to it for other traffic to pass, to align with NSW Road Rule 208. Further, the works zone will be used to facilitate loading and unloading activities only and not to be used for contractor parking, in line with NSW Road Rule 181.”*
 - *“Following CTMP approval, if any works zones or occupation of the road or road-related area is required to assist with construction works, relevant permits will be applied for on Council’s website.”*

The preliminary CTMP proposes to use vehicles up to 12.5m HRVs. It also states that site access is to occur from either Kurraba Road or Wallaringa Avenue. It is unclear as to whether HRVs can be accommodated on Wallaringa Avenue. A full CTMP should be prepared in response to the conditions of consent.

CTMP approval is only granted if the applicant can demonstrate all requirements related to vehicle management and access are met. Applicants are required to demonstrate in their CTMP that all aspects have been investigated. If deviations to requirements are proposed, they must outline why and demonstrate how the alternative approach would be undertaken safely. Safety is the top priority in our CTMP reviews.

Our CTMP reviews require the applicant to provide swept paths to demonstrate the road can accommodate their proposed largest vehicle. of most importance, the applicant must demonstrate how pedestrians would be managed.

If the contractor requires a works zone on the lower section of Wallaringa Avenue for construction, traffic should still be able to pass by since a roadway width of at least 3m can still be provided. this would help avoid on-street queuing. The contractor will be required to park their vehicles in accordance with road rules.”

Councils Traffic Engineer also raised the proposed traffic signalling and the location of the waiting bay within the basement carpark. A condition of development consent that requires a suitably qualified traffic engineer certifies that the design of the basement carpark achieves compliance with AS2890 has been imposed to ensure that this matter complies with the Australian Standard. Certification upon completion is also required.

WASTE MANAGEMENT

The proposal was referred to Council's Waste Officer who provided the following comments:

- "1 Properties with a lift must have a garbage chute and recycling bin on each level or dual garbage and recycling chutes.*
- 2 The residential waste bins need a temporary bin holding area for collection off the street and within 2 meters of the street alignment. The proposed holding bay must fit the minimum 12 x 240L bins. Please check the bin area is 2m from the kerb.*
- 3 Please note only 1 x 1100L bin will be accepted for collection within the entitlement. Council does not provide 1100L bins.*
- 4 There needs to be functional bulky waste storage area to hold household clean up material. This room must be separate to the waste room. The proposed development must adhere to the NSC DCP 2013 Section 19 - Waste Minimisation and Management and Part B: Section 1 - Residential Development requirements.*

A temporary holding bay for collections must be provided of sufficient size to accommodate the required garbage and recycling bins and located within 2 metres from the street boundary.

The following standard conditions will apply to this proposed development:

Condition C10 Waste Management Plan

Condition C39 Garbage and Recycling Facilities

Condition I10 Waste Collection ."

The applicant provided the following comments from their Waste Consultant in response with the amended plans:

"The OWMP does state clearly that this development will have a single chute installed with access on each residential level. The residents will wrap or bag their general waste before placing in the chute. Also, a separate bin cupboard for the storage of 240L MGBs will be provided next to each waste chute for the storage of commingled recyclables. The residents will be responsible for loosely placing their recyclables into the 240L MGBs

The temporary bin holding room as per the plan found on the OWMP is within the 2 metres of the street alignment. As per the advice received from the Council's waste officer, Council can collect waste and recycling presented in 240L, 660L and 1100L bins. Although, Council does only supply 240L bins, the client will purchase 1100L bins for the proposed development. The proposed holding bay does have the capacity to hold the minimum 12 x 240L bins if Council prefers that arrangement. The temporary holding bay as per the plans found within the OWMP is of sufficient size to accommodate the required garbage and recycling bins required for the development. The location of the temporary bin holding room is within 2 metres from the street boundary.

The OWMP has identified a separate room to store bulky waste items."

The amended plans were referred back to Council's Waste Officer who provided the following comments:

"The applicant has provided the correct number of bins and space for the storage of bulky waste items, bin room is in close proximity to the main collection point, bin tug is also available for transportation of bins and bin chute is available on each habitable level, provision for recycle bin is also made available. Therefore, waste is satisfactory."

ENVIRONMENTAL HEALTH OFFICER

The proposal was referred to Councils Environmental Health Officer who raised no objection to the proposal subject to the conditions provided.

DESIGN EXCELLENCE PANEL (DEP)

The application was referred to the Design Excellence Panel (DEP) for comment on 24 September 2024. The Panel provided qualified support for the proposal, subject to issues identified in the report, being addressed. The Design Excellence Panel (DEP) provided a suite of key matters in relation to the design principles under Schedule 9 of SEPP (Housing) 2021 and ADG. These matters were as follows (in italics):

Principle 1 – Context and Neighbourhood Character

- 1. The Panel commends the quality documentation provided by the applicant's team, particularly the architectural drawings, a detailed design verification statement, 3D views, comparative analysis between the existing and proposed buildings, and the DEP presentation. The Panel notes inconsistencies with the section markings on the floor plans and recommends it to be corrected as part of the next revision.*
- 2. The Panel acknowledges the following positive changes made by the applicant following the previous Pre DA discussion with Council:*
 - a. A more diverse mix of apartment typologies*
 - b. Resolution of the topography in relation to the street interface*
 - c. Consideration of an upper level street setback in-line with the Council direction*
 - d. Resolution of potential visual privacy issues*
- 3. The Panel appreciates the applicant has provided a detailed view impact analysis as part of the development application. The Panel did not discuss this in detail with the applicant, however, if there are community submissions on how the development potentially impacts views currently enjoyed from the surrounding properties then further consideration should be made by Council's assessment team.*
- 4. While reviewing the proposal against this principle, the Panel commends the well-crafted, articulated and 'contextualised' architectural form proposed by the applicant.*

Principle 2 – Built Form and Scale

- 1. The subterranean apartments (as reviewed in Section D) were discussed at the meeting, and the Panel supports these as habitable spaces, since these appear to be achieving an acceptable amenity.*
- 2. The Panel discussed the residential cyclists' journey from the street to the basement and recommends a more convenient location for bicycle storage should be offered as part of the revised scheme.*
- 3. The Panel recognises the 'communal offering' for this project to be a pressure-point for the project to be successful. Retention of the large Fig tree is admirable, however, the ground floor communal open space remains undersized and the Panel is not convinced of its quality.*

4. *To alleviate the Panel's concern for the communal offering, the applicant should explore provision of a 'large communal room' possibly within the Ground Floor Plan (refer drawing DA-1003), in addition to the ground floor communal open space. The Panel suggests that the 'amenities, hot water plant room and the condenser deck area' could be relocated elsewhere and potentially replaced by a large communal room along the building perimeter with potential high-level windows from the northeastern wall for daylight and natural ventilation.*
5. *The applicant should further develop a detailed program for the 'communal room' and the Panel suggests functions such as – a gym, a plunge pool and/or a sauna room could be considered.*
6. *Additionally, the applicant should introduce incidental seating spaces within the landscape proposal to promote casual interaction amongst the residents. A recommended location is within the eastern site corner at the pedestrian entry point (refer drawing DA-1004).*
7. *Revised architectural drawings should incorporate long sections demonstrating potential built form impacts of the proposal on the existing heritage items to the south (across Spains Wharf Road) and to the west (across Wallaringa Avenue), subject to Council's further review.*
8. *As part of the deliberation, the Panel extensively discussed the extent of building height exceedance beyond the LEP height plane. The Panel notes that an approximately 13% variation is sought through this development application. The Panel is aware that Council's statutory planning framework does not have a floor space ratio control and mainly relies on height/height planes, amenity and landscape quality outcomes for assessment. Given the significant height breach, the Panel recommends the applicant should incorporate the below-suggested strategies.*
 - a. *The applicant should investigate whether they could lower the floor-to-floor heights (for example from 3,250mm to 3,150mm), to reduce the cumulative height non-compliance. However, the Panel is also aware that the applicant needs to work with the provisions within the NCC and the Design & Building Practitioners Act. Any reduction in floor to floor to heights, it must be demonstrated that a minimum 2.7m ceiling height can still be achieved. A section plan is to be provided confirming this.*
 - b. *If the above cannot be achieved and the impacts of the breach are consequential, then the alternative suggestion is to 'pull back' the south western wall alignment and reduce the extent of encroachment beyond the LEP height plane.*

It is important to note that the Panel does not expect a strict LEP height compliance, rather the intention is that the applicant minimises the extent of height non-compliance wherever possible, to Council's review and satisfaction. Additionally, the applicant should include a much stronger communal offering if a height exceedance and the subterranean habitable areas are supported in this instance.

Principle 3 – Density

1. *The Panel offers in-principle support for the proposed density at the subject site and the applicant should further positively address the recommendations offered in this report.*

Principle 4 – Sustainability

1. *Additionally, Council should satisfy itself that the following sustainability recommendations for delivering beyond the minimum BASIX requirements are incorporated by the applicant:*
 - a. *Ceiling fans to all living rooms and bedrooms as a low energy alternative, with any possible increases in coverage for natural ventilation to take advantage of the site's location and prevailing breezes*
 - b. *Development of a systems-based approach to managing rainwater, stormwater, and water required for irrigation, such that harvested water available to support landscape is optimised. The applicant is particularly encouraged to explore green infrastructure approaches to the OSD requirement*
 - c. *Inclusion of an appropriate photovoltaic system to power common areas within the building.*
 - d. *Full electrification including provision for EV charging points within the basement carpark, and consideration of future electrical demand loads against the proposed sub-station capacity.*
2. *Whilst it was not discussed during the review meeting, the Panel recommends that the applicant demonstrate a suitable design response to projected climate change impacts, including;*
 - a. *Design of mechanical systems to operate in higher ambient temperatures*
 - b. *Ability for residents to maintain thermal safety during extended energy grid failures*
 - c. *Increase in rain deluge and rainwater volumes*
 - d. *Significant increases in high heat temperatures, number of high heat days, and length, severity and frequency of heat events, with particular attention being paid to how the proposed landscape will be maintained.*

Principle 6 – Amenity

1. *The Panel discussed that full compliance against Part 4A "Solar and daylight access" of the ADG is not expected from the proposal since Objective 4A-1 of the ADG accepts a departure where 'significant views' are oriented away from the desired aspect for direct sunlight.*
2. *The Panel appreciates that apartments achieve natural cross ventilation meeting the guidance within Part 4B of the ADG.*
3. *Overall, the Panel appreciates that home-based design principles are applied to residential apartment living and the internal layouts demonstrate desirable amenity is achieved by the proposal.*
4. *The Panel recognises potential privacy conflicts due to the adjacencies of the ground floor communal open space and Apartment 6. The applicant should ensure further necessary architectural and landscape design treatments are incorporated to alleviate visual and acoustic privacy impacts on the residents within the apartment.*
5. *Although it was not discussed at the meeting, the Panel finds location of Bedroom 2 within Apartment 05 to be problematic in achieving daylight, natural ventilation and an acceptable outlook, and recommends the applicant considers reconfiguration to Council's satisfaction.*

Principle 9 – Aesthetics

1. *Developed architectural drawings should fully describe the design intent and include details of each primary façade type in the form of 1:20 sections and elevations (or using appropriate detailed 3D design material) indicating proposed materials, construction systems, balustrade types and fixings, balcony edges, window operation, integrated landscape planter beds, junctions, rainwater and balcony drainage, including any downpipes and similar details within the proposal. Typical wall details to be developed to meet NCC2022 requirements.*

Conclusion:

Recognising its independent and advisory-only role, the Panel does not fully endorse the proposal and only offers an in-principle support as part of this review. The Panel further expects that the applicant amends the proposal to incorporate and/or address the recommendations offered in this report to Council's satisfaction.

The amended plans respond to the Panels advice.

EXTERNAL REFERRALS

AUSGRID

Council notified Ausgrid inviting comments pursuant to section 2.48 of SEPP (Transport and Infrastructure) 2021. Ausgrid consented to the development subject to the following conditions (in italics):

The applicant/developer should note the following comments below regarding any proposal within the proximity of existing electrical network assets.

Ausgrid Underground Cables are in the vicinity of the development.

Special care should be taken to ensure that driveways and any other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.

It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Before You Dig Australia (BYDA)

In addition to BYDA the proponent should refer to the following documents to support safety in design and construction:

SafeWork Australia – Excavation Code of Practice.

Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables.

The following points should also be taken into consideration.

- *Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.*
- *Should ground levels change above Ausgrid's underground cables in areas such as footpaths and driveways, Ausgrid must be notified, and written approval provided prior to the works commencing.*

- *Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.*

Ausgrid Overhead Powerlines are in the vicinity of the development.

The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase.

Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected be entering and leaving the site.

The “as constructed” minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website at www.ausgrid.com.au.

It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer’s cost.

New Driveways – Proximity to Existing Poles

Proposed driveways shall be located to maintain a minimum clearance of 1.5m from the nearest face of the pole to any part of the driveway, including the layback, this is to allow room for future pole replacements. Ausgrid should be further consulted for any deviation to this distance.

New or modified connection

To apply to connect or modify a connection for a residential or commercial premises. Ausgrid recommends the proponent to engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details; <https://www.ausgrid.com.au/Connections/Get-connected> Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances “Working Near Ausgrid Assets - Clearances”. This document can be found by visiting the following Ausgrid website: www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries.

SYDNEY WATER

Sydney Water has reviewed the application based on the information supplied, has raised no objection subject to the following conditions.

“Prior to the issue of an Occupation/Subdivision Certificate:

Section 73 Compliance Certificate A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Our assessment will determine the availability of water and wastewater services, which may require extensions, adjustments, or connections to our mains. Make an early application for the certificate, as there may be assets to be built and this can take some time. A Section 73 Compliance Certificate must be obtained before an Occupation or Subdivision Certificate will be issued. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator. Go to the Sydney Water website or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

Prior to the issue of a Construction Certificate/Complying Development Certificate: Building Plan Approval (including Tree Planting Guidelines)

The plans must be approved by Sydney Water prior to demolition, excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Any amendments to plans will require re-approval. Please go to Sydney Water Tap in® to apply. Sydney Water recommends developers apply for a Building Plan Approval early as to reduce unnecessary delays to further referrals or development timescales.

Tree Planting Certain tree species placed in proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Section 46 of the Sydney Water Act specifies what might occur when there is interference or damage to our assets caused by trees.

For any trees proposed or planted that may cause destruction of, damage to or interference with our work and are in breach of the Sydney Water Act 1994, Sydney Water may issue an order to remove that tree or directly remove it and seek recovery for all loss and associated compensation for the removal. For guidance on types of trees that can cause damage or interference with our assets see Sydney Water webpage Wastewater blockages. For guidance on how to plant trees near our assets, see Diagram 5 – Planting Trees within Sydney Water's Technical guidelines – Building over and adjacent to pipe assets."

SUBMISSIONS

Original Development application

Council notified adjoining properties and the Kurraba Precinct of the proposed development seeking comment between 12 July and 26 July 2024. Council received thirty six (36) submissions objecting to the proposal.

Amended Plans

Council notified adjoining properties and the Kurraba Precinct of the proposed development seeking comment between 18 April and 2 May 2025. Council received a further sixteen (16) submissions objecting to the proposal. The 16 submissions were provided by 14 submitters with two (2) submitters proving two (2) separate unique submissions each.

In total, Council received a total of 52 submissions by way of objection to the proposed development.

Basis of Submissions

- New basement entry to Wallaringa Avenue will result in a reduction of available parking in Wallaringa Avenue and will also increase the amount of traffic.
- Wallaringa Avenue is a narrow, twisting, one way lane which cannot cope with traffic from this development.
- The reduction in parking will impact on the successful operation of the heritage listed 'Nutcote' building.
- All heavy vehicles and all construction access needs to be restricted to Kurraba Road.

- Impacts on pedestrian safety from the location of the new vehicular entry within Wallaringa Avenue and the traffic generated.
- Reduction in parking within Wallaringa Avenue.
- Impact on the fig tree located in the north western corner of the subject site.
- Noise generated from garbage trucks.
- Building height variation should be adhered to.
- Impacts from overshadowing in summer.
- Impacts of noise generated by plant and mechanical services.
- The development only proposes 32 car parking spaces.
- Non-compliance with Councils DCP for setbacks
- Site coverage increase and reduction in landscaping
- Proposed building is an overdevelopment of the site and has unacceptable bulk and scale.
- Disagrees with the comments contained within the heritage report in relation to setbacks, massing and scale.
- Excavation is unacceptable.
- Overshadowing of 95 Kurraba Road.
- Poor amenity for some of the proposed apartments.
- Concerns with increase density from 15 to 19 apartments.

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) Environmental Planning and Assessment Regulation 2021

State Environmental Planning Policy (Biodiversity and Conservation) 2021 Chapter 2 – Vegetation in Non-Rural Areas

Chapter 2 of the SEPP relates to vegetation in non-rural areas which applies to the site.

Chapter 2 regulates clearing of native vegetation on urban land and land zoned for environmental conservation/management that does not require development consent

The aims of this Chapter are to protect the biodiversity values of trees and other vegetation in non-rural areas of the State and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation. This policy is applicable pursuant to Clause 2.3 of the SEPP as the site is within both North Sydney Council and the R4 High Density Residential zone

Section 2.6 of the Policy specifies that a person must not clear declared vegetation in a non-rural area of the State without consent of Council. The Policy confers the ability for Council to declare vegetation that consent is required in a Development Control Plan. Section 16 of Part B in NSDCP 2013 specifies declared trees for the purpose of the SEPP which includes trees over 5m in height or canopy.

The development proposal was assessed by Councils Landscape Development Officer who provided consent and draft conditions for the removal of the following trees:

- T2 *Melaleuca quinquenervia*,
- T4 *Lophostemon confertus* (dead)
- T6 *Lophostemon confertus* (dead)
- T8 *Lophostemon confertus*
- T9 *Lophostemon confertus* (dead)
- T10 *Lophostemon confertus*
- T14 *Banksia serrata*
- T15 *Banksia serrata*
- T16 *Lagerstroemia indica*

T16 *Lagerstroemia indica* is a street tree which is planted in the council verge in front of 93 Kurraba Rd. Following its removal, 7 x *Melaleuca linarifolia* (75l), shall be planted at equal spacing in the council verge across the Kurraba Rd frontage of the subject site.

He has raised no objection to the proposal subject to the draft conditions of consent he has provided.

Chapter 6 – Water Catchments

Having regard to Chapter 6 of the SEPP (Biodiversity and Conservation) 2021 the proposed development is not considered to be detrimental to the Harbour and will not unduly impose upon the character of the foreshore given the site's inland location. The proposed development would not adversely affect the quantity or quality of water entering Sydney Harbour, being a regulated catchment for the purpose of Section 6.6 of the Policy. The application satisfies the requirements of the Policy.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 of this SEPP requires Council to consider the likelihood that the site has previously been contaminated and to address the methods necessary to remediate the site. The subject site has only previously been used for residential purposes and as such is unlikely to contain any contamination; therefore, the requirements stipulated in Chapter 4 of this SEPP have been satisfactorily addressed.

State Environmental Planning Policy (Housing) 2021

Chapter 2 Affordable Housing

Part 3 – Retention of Existing Affordable Housing

This policy requires a consent authority to consider whether there would be a loss of affordable rental housing as a consequence of the proposed development, which involves the demolition of the existing residential flat buildings containing 15 apartments and the construction of a new residential flat building containing 19 apartments. The policy remains applicable as the 2013 consent for Strata Subdivision was not acted upon. An assessment is provided below:

Chapter 2

Part 3 Retention of existing affordable rental housing

Section 45 - Interpretation

A low-rental residential building means a dwelling that was at a rental level no greater than the median rental level, as specified in the Rent and Sales Report, during the relevant period in relation to a dwelling:

- (a) *of the same type, and*
- (b) *with the same number of bedrooms, and*
- (c) *in the same local government area.*

The existing flat buildings contains fifteen residential units, comprising 12 x 2 bedroom apartments and 3 x 3 bedroom apartments. Whilst a development application was approved in 2013 for strata subdivision, the consent was not activated and the building has not previously been strata subdivided and is currently under Torrens title. The applicant has provided the following summary of the most recent rental rates for these units.

The most recent median weekly rental rate for the above unit types in the North Sydney LGA (December 2024 Quarter), as published by the NSW Department of Communities and Justice, is \$850 for 2 bedrooms and \$1250 for 3 bedrooms.

The quarterly rent and sales reports published by the NSW Department of Communities and Justice for the relevant period provides the following data for 2-bedroom and 3 bedroom apartments in the North Sydney LGA.

Median Weekly Rent		
Quarter	2 bedroom median Rent	3 bedroom median rent
June 2019	\$680	\$900
September 2019	\$670	\$950
December 2019	\$750	\$1000
March 2020	\$680	\$975
June 2020	\$620	\$900
September 2020	\$625	\$850
December 2020	\$600	\$860
March 2021	\$600	\$880
June 2021	\$650	\$990
September 2021	\$650	\$935
December 2021	\$650	\$900
March 2022	\$650	\$950
June 2022	\$675	\$990
September 2022	\$700-	\$1,000
December 2022	\$725	\$1,075
March 2023	\$775	\$1,200
June 2023	\$780	\$1,150
September 2023	\$788	\$1,200
December 2023	\$811	\$1,200
March 2024	\$850	\$1,200

Table 1: Median weekly rents over the last 5 years.

The applicant has provided the current weekly rental rate figures for the currently rented apartments (December 2022 and December 2023) as follows:

Unit	Weekly Rent December 2022	Weekly Rent December 2023	Below Median?
Unit 1 (2 bedrooms)	\$690	\$850	Yes
Unit 2 (2 bedrooms)	\$770	\$850	No
Unit 3 (2 bedrooms)	\$675	\$700	Yes
Unit 4 (2 bedrooms)	\$760	\$850	No
Unit 5 (2 bedrooms)	\$630	\$710	Yes
Unit 6 (2 bedrooms)	\$740	\$740	Yes
Unit 7 (3 bedrooms)	\$910	\$990	Yes
Unit 8 (3 bedrooms)	\$910	\$1,100	Yes
Unit 9 (3 bedrooms)	\$1,000	\$1,100	Yes
Unit 10 (2 bedrooms)	Vacant	Vacant	Vacant
Unit 11 (2 bedrooms)	\$720	\$840	Yes
Unit 12 (2 bedrooms)	\$740	\$840	No
Unit 13 (2 bedrooms)	\$710	\$840	Yes
Unit 14 (2 bedrooms)	\$850	\$850	No
Unit 15 (2 bedrooms)	\$850	\$850	No

Table 2: Current weekly rents for the subject site 2022 and 2023.

Based on the figures provided above it appears that nine (9) of the 15 rented apartments within the building (Units 1, 3, 5, 6, 7, 8, 9, 11, and 13) were rented out at a rate below the current weekly rental median for 2 and 3 bedroom apartments in the North Sydney Local Government Area.

Section 46 – Buildings to which Part applies

The subject building is a *low-rental residential building* and is located on land within the Greater Sydney Region.

Section 47 – Reduction of availability of affordable housing

Section 47(1)(a) provides that demolishing the existing buildings to which this part applies requires development consent.

(2) *In determining whether to grant development consent, the consent authority must take into account the Guidelines for the Retention of Existing Affordable Rental Housing, published by the Department in October 2009 and the following –*

(a) *whether the development will reduce the amount of affordable housing in the area,*

Part 3 of the Guidelines for the Retention of Existing Affordable Rental Housing (Guideline) identifies provisions for the retention of existing affordable housing. The Guideline states that a “low rental dwelling” is one rented at or below the median level for that type of unit in that LGA at any time in the 24-month period preceding lodgement of the DA. Median rent levels for the current and previous 12-month periods are published in the “Table of Low Rental Dwellings” on the Housing NSW website.

- (b) *whether there is available sufficient comparable accommodation to satisfy the demand for the accommodation,*

The Sydney rental vacancy rate published by the Real Estate Institute of NSW is used as the benchmark to assess the availability of comparable accommodation. The Guidelines note that: “a vacancy rate of 3% represents a reasonable balance between supply and demand of private rental accommodation”. The most recent Real Estate Institute of NSW Vacancy Rate Survey showed that the rental vacancy rate in December 2023 is 1.8%. The Guidelines then state:

“A Sydney vacancy rate of less than 3% is deemed to indicate that insufficient comparable accommodation is available to mitigate the impact of the development on demand for such accommodation. When that is the case, no weight can be given in assessment of this criteria to information purporting to show a sufficiency of comparable accommodation and no further analysis is required to conclude that sufficient comparable accommodation is not available. Preparation of such information unnecessarily adds to the cost and time involved in preparing and assessing the application.”

For this reason, the application does not seek to demonstrate the existence of adequate comparable accommodation in the locality.

- (c) *whether the development is likely to result in adverse social and economic effects on the general community,*

There are no adverse social and economic effects impacting on the general community resulting from the development.

- (d) *whether adequate arrangements have been made to assist the residents who are likely to be displaced to find comparable accommodation,*

The SEE states that the applicant will work with its property managers to arrange alternative accommodation within its existing portfolio and within the rental roll of the property manager. Where there are suitable availabilities, the residents will have their applications prioritised.

- (e) *the extent to which the development will contribute to a cumulative loss of affordable housing in the local government area,*

This is difficult to quantify, however, the proposed development is likely to contribute to the cumulative loss of affordable housing in the LGA.

As part of the North Sydney Local Housing Strategy (LHS), Council is looking to increase the provision of affordable housing within the LGA. Data is not publicly available to determine if the number of affordable housing dwellings are increasing or declining within the North Sydney local government area and if the proposal will contribute to a cumulative loss.

- (f) *whether the building is structurally sound, including –*
- i. *the extent to which the building complies with relevant fire safety requirements, and*
 - ii. *the estimated cost of carrying out work necessary to ensure the building is structurally sound and complies with relevant fire safety requirements,*

There are no structural components of the existing building that are not structural sound.

- (g) *whether the imposition of an affordable housing condition requiring the payment of a monetary contribution would adequately mitigate the reduction of affordable housing resulting from the development,*

A contribution is calculated below in accordance with section 46 of the SEPP and would require a levy of \$988,312.50 to offset the loss of affordable housing. This figure is consistent with the contribution calculated by the applicant.

- (h) *for a boarding house – the financial viability of the continued use of the boarding house*

The existing and proposed building will be a residential flat building. This clause is not applicable.

Section 48 – Contributions for affordable housing—the Act, s 7.32

The amount of the contribution must be calculated in accordance with the following formula:

$$C = L \times R \times 0.05$$

Where

C = contribution

L = number of bedrooms within a low-rental dwelling and boarding rooms that will be lost by the proposed development.

R = the replacement cost calculated as the average value of the first quartile of sales of strata properties in the local government area in which the development is to take place, as specified in the 4 most recent editions of the Rent and Sales Report.

To Calculate L

Nine (9) apartments (2 bedroom and 3 bedroom apartments) are rented below the median rental rate for the area. As a result, 21 bedrooms would be affected.

$$L=21$$

To Calculate R

The first quartile (25th percentile) median sales price for Strata properties in the North Sydney LGA were as follows.

Rent and Sales Report Period	1 st Quartile Median Sale Price for Strata Properties
December 2024	<i>Not published</i>
September 2024	\$922,000
June 2024	\$950,000
March 2024	\$965,000
December 2023	\$928,000
Average =	\$941,250

Table 3: Median sales price for Strata properties in the North Sydney LGA (Source: NSW Department of Communities and Justice).

(<https://dcj.nsw.gov.au/about-us/families-and-communities-statistics/housing-rent-and-sales/previous-rent-and-sales-reports.html>)

Calculations

$$R = \$941,250.00$$

Therefore, the calculation is as follows.

$$C = L \times R \times 0.05$$

$$C = 21 \times \$941,250 \times 0.05$$

$$C = \$988,312.50$$

A condition of development consent has been imposed as a condition in accordance with s7.32 of the Act.

Chapter 4 Design of residential apartment development

The proposed development involves the construction of a residential flat building that is over three (3) storeys and comprises more than four (4) dwellings. Consequently, Chapter 4 of the SEPP applies to the application. Below is an assessment of the proposed development against the design quality principles contained in Schedule 9 of the SEPP and the Apartment Design Guide (ADG).

Principle 1: Context and neighbourhood character

The proposed development respects the existing context of the area, whilst allowing for an increased scale and density of development for the site as anticipated by the relevant controls, responding to the surrounding context and neighbourhood character. .

When considering the nature of surrounding developments, both existing and approved the proposal aligns with the desired future character of the area and will present a compatible form of development that will complement both the existing and future streetscape context. The proposed use for the site is consistent with the applicable controls and is contextually appropriate.

The use of materials and characteristic built form elements would complement the surrounding development.

Principle 2: Built form and scale

The proposed development follows the slope of the site, running downwards from Kurraba Road to Wallaringa Ave. From Spains Wharf Road, the upper levels are set back to minimise visual appearance from Wallaringa Avenue and Spains Wharf Road. Appropriate setbacks are maintained on all boundaries, with the proposed development maintaining its position within the street frontage of the existing building.

Materiality is used to further articulate the facade and minimise the bulk and scale of the form.

Principle 3: Density

The proposed development would increase the number of apartments from 15 to 19 and includes a mix of dwelling sizes. An increase to the proposed off-street parking, coupled with the significant increase in the quality of landscape and apartment amenity in the proposed development will benefit surrounding residents and the greater Kurraba area.

The subject site is located within the R4 High Density Residential zone and is surrounded by a mixture of residential development typologies. The proposed development would make use of the existing open area at the rear of the site. The density of the proposed development is consistent with the surrounding development character and the extent of development envisaged by Council's controls.

Principle 4: Sustainability

The application was accompanied by a valid BASIX certificate.

Principle 5: Landscape

Existing established trees are prioritised to ensure the viability and endurance of green networks and habitat value. The building itself supports landscaping over its edges on private balconies and terraces. This both allows for visual privacy, amenity and enhances existing habitat for native ecology like insects and birds. Plant species have been selected to suit the location and climate, maximising the use of native species

The existing sandstone wall that wraps around Wallaringa and Spains Wharf Road is utilised as a podium to a series of vibrant gardens that spill over from above. Along Kurraba Road, existing native trees are bolstered by the establishment of shrubs and groundcover, creating a strong landscaped edge and uplifting the public domain

Principle 6: Amenity

The proposed development provides good amenity to the residents of the apartments noting that a high proportion of apartments achieve compliance with the ADG requirements for cross ventilation and solar access. Private open spaces in excess of the ADG have also been provided. The development also provides several external areas of communal open space and an internal communal area comprising of a gym, sauna and multi purpose room. An accessible toilet is provided within close proximity to these areas.

The building provides adequate storage within the apartments and basement areas to accommodate all occupants.

Principle 7: Safety

The proposed development would promote a reasonable level of safety for the residents. The building entries are clearly defined and would be overlooked by the surrounding apartments providing good passive surveillance of these communal areas

Principle 8: Housing diversity and social interaction

The proposed development provide a mix of 1 bed , 2 bed and 3 bed apartments, with a range of unit sizes which would contribute to the diversity of residents. The proposal also includes four (4) adaptable apartments. The common areas including the internal circulation spaces and the communal open space area within the front setback would provide an opportunity for social interaction between the residents.

Principle 9: Aesthetics

The proposed external materials and finishes are generally acceptable. The materials and colours of the proposed development are considered to be high quality and generally compatible with surrounding developments. The materials and finishes are generally supported by the DEP and Council's Heritage Officer.

Apartment Design Guide (ADG)

The proposal has also been assessed against the relevant provisions within the ADG as follows:

Amenity	Design Criteria	Comment	Compliance
2F - Building Separation	<p>Minimum separation distances for buildings are:</p> <p>Up to four storeys (approximately 12m):</p> <ul style="list-style-type: none">• 12m between habitable rooms/balconies (6m to boundary)• 9m between habitable and non-habitable rooms (4.5m to boundary)• 6m between non-habitable rooms (3m to boundary)	<p>The site is a corner lot with boundaries to streets on the eastern, southern and western sides. The site shares a northern boundary with No. 2A Wallaringa Avenue and No 89 Kurraba Road. Separation distances are achieved along Kurraba Road (more than 15m to centre of road) as well as Wallaringa Avenue & Spains Wharf Road (6m from LG-L2 & 9m from L3 to centre of road).</p> <p>A 4.5m setback has been provided to the apartments located adjacent to the northern boundary. Whilst a 6m separation distance is required under the ADG, the measures incorporated into the design of the building and landscaping has minimised the potential for any privacy or amenity impacts.</p>	No, however acceptable on merit

3D- Communal Open Space	Communal open space has a minimum area equal to 25% of the site.	247sqm (26%) (inclusive of indoor and outdoor communal areas).	Yes
	Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter).	Complies	Yes
	Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting.	The amended plans provide an outdoor communal open space in the north-western corner of the allotment at ground level. Also on the ground floor is an indoor communal space comprising a multipurpose room, gym, and sauna. An accessible WC is also provided on the ground floor within close proximity for use for both communal spaces. At Level 1 in the north-eastern corner of the allotment, is a space which provides a landscaped area including seating. This area is located adjacent to the main building entry and letterboxes.	Yes
	Communal open space is designed to maximise safety	Location and design of communal areas maximises safety.	Yes
3E – Deep Soil Zones	Deep soil zones are to meet the following minimum requirements: <ul style="list-style-type: none"> • 3m minimum width • Minimum 7% of the site area 	The proposal provides a deep soil zone of 330m ² (19%).	Yes
	Deep soil zones should be located to retain existing significant trees and to allow for the development of healthy root systems, providing anchorage and stability for mature trees.	The deep soil zones have been located to ensure the retention and continued health of existing established trees, in particular the fig tree located within the north western corner of the site.	Yes
3F - Visual privacy	Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows: 6m (between habitable rooms and balconies to boundaries) 3m (between non-habitable rooms)	Separation distances are achieved along Kurraba Road (more than 15m to centre of road) as well as Wallaringa Avenue & Spains Wharf Road (6m from LG-L2 & 9m from L3 to centre of road). The building achieves 4.5m separation to the northern boundary. The GF and L1 units are sufficiently screened through dense and well positioned landscaping along the boundary. Units on GF to L2 orient their primary views away from the neighbouring unit towards Kurraba Road on the east and the large fig tree with North Sydney skylight behind to the west.	No, however acceptable on merit

		The L3 penthouse unit has an increased setback to the glazing line with planters located along the entire northern edge of the balcony to minimise amenity impacts.	
3G – Pedestrian Access & Entries	Building entries and pedestrian access connects to and addresses the public domain Access, entries and pathways are accessible and easy to identify	The main pedestrian access is from Kurraba Rd with an egress path located adjacent to the vehicular entrance within Wallaringa Avenue.	Yes
3H – Vehicle Access	Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes	The proposed vehicular access point is located off the lowest part of the site via the new basement carpark in Wallaringa Avenue.	Yes
3J – Bicycle and Car parking	<p>For development in the following locations:</p> <ul style="list-style-type: none"> on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre <p>the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less</p> <p>The car parking needs for a development must be provided off street</p> <p>Parking and facilities are provided for other modes of transport</p>	The Council's DCP are the relevant controls applicable to this assessment	Yes, the maximum residential spaces are numerically compliant.
3J-2	Conveniently located and sufficient numbers of parking spaces should be provided for motorbikes and scooters.	Provided in accordance with minimum rates of DCP.	Yes
	Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas.	Provided in accordance with minimum rates of DCP.	Yes
	Conveniently located charging stations are provided for electric vehicles, where desirable.	Condition of consent imposed	Yes

4A - Solar and daylight access	Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas	79% of apartments (15 of 19) living rooms and private open space receive more than 2 hours solar access.	Yes
	A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm in midwinter.	No apartments receive no direct sunlight, although 4/19 apartments receive less than 2 hours.	Yes
4B-1 - Natural ventilation	All habitable rooms are naturally ventilated The building's orientation maximises capture and use of prevailing breezes for natural ventilation in habitable rooms	The units are designed as dual aspect cross through apartments maximising natural cross ventilation.	Yes
4B-2	The layout and design of single aspect apartments maximises natural ventilation	The layout maximises natural ventilation.	Yes
4B-3	The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building.	89% of apartments are naturally cross ventilated	Yes
4C - Ceiling Heights	Ceiling height achieves sufficient natural ventilation and daylight access - Minimum 2.7m (habitable rooms), 2.4m for second floor where it does not exceed 50% of the apartment area.	The development is designed so that apartments have a minimum 2.7m floor to ceiling height compliant with the minimum ceiling height in Design Criteria 1 of Objective 4C-1 The floor to floor heights are 3.25m for the lower ground level up to and including Level 2. Level 3 has a floor to top of roof height of 3.1m however the plans still demonstrate that the 2.7m ceiling height can be achieved.	Yes
4D 1 - Apartment size and layout	Apartments are required to have the following minimum internal areas: Studio = 35sqm 1 bedroom = 50sqm 2 bedroom = 70sqm 3 bedroom = 90sqm The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5sqm each.	The apartments achieve the minimum internal area requirements.	Yes

	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms	Every habitable window has window openings larger than 10% of the room area.	Yes
4D 2 - Apartment size and layout	<ol style="list-style-type: none"> <i>Habitable room depths are limited to a maximum of 2.5 x the ceiling height</i> <i>In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window</i> 	Complies	Yes
4D 3- Apartment size and layout	<ol style="list-style-type: none"> <i>Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space).</i> <i>Bedrooms have a minimum dimension of 3m (excluding wardrobe space).</i> 	<p>Master bedrooms have an area greater than 10m²</p> <p>Minimum dimension of 3m</p>	Yes
	<ol style="list-style-type: none"> <i>Living rooms or combined living/dining rooms have a minimum width of:</i> <ul style="list-style-type: none"> <i>3.6m for studio and 1 bedroom apartments.</i> <i>4m for 2 and 3 bedroom apartments.</i> 	All apartments have a minimum of 4m.	Yes
4E - Private open space and balconies	<p><i>All apartments are required to have primary balconies as follows:</i></p> <ul style="list-style-type: none"> <i>Studio apartments - 4m².</i> <i>1 bedroom apartments - 8m², minimum depth 2m</i> <i>2 bedroom apartments 10m² minimum depth 2m</i> <i>3+ bedroom apartments 12m² minimum depth 2.4m</i> <p><i>The minimum balcony depth to be counted as contributing to the balcony area is 1m</i></p>	All apartments achieve compliance with the minimum size and depth	Yes
	<i>For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m</i>	Complies	Yes
	<i>Primary private open space and balconies are appropriately located to enhance liveability for residents.</i>	Balconies are located off living and dining rooms.	Yes
	<i>Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.</i>	Private open space and balconies have been integrated into the building.	Yes
	<i>Private open space and balcony design maximises safety.</i>	Complies	Yes

4F - Common circulation and spaces	1. <i>The maximum number of apartments off a circulation core on a single level is eight.</i>	No more than five (5) apartments are provided to any one core on a single level.	Yes
	2. <i>For Buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</i>	N/A	N/A
4G -Storage	<p><i>In addition to storage in kitchens, bathrooms and bedrooms the following is provided:</i></p> <p><i>Studio apartments- 4m³</i> <i>1 bedroom apartments- 6m³</i> <i>2 bedroom apartments- 8m³</i> <i>3+bedroom apartments- 10m³</i></p> <p><i>At least 50% of storage is to be located within the apartment.</i></p>	<p>Each unit is provided with sufficient storage space with at least 50% located in individual units.</p> <p>The remaining is located in a dedicated secure location within the basement.</p>	Yes

Section 145 Referral to design review panel for development applications

Section 145 (2) requires the following:

“Before determining the development application, the consent authority must refer the application to the design review panel for the local government area in which the development will be carried out for advice on the quality of the design of the development.”

Section 147 Determination of development applications and modification applications for residential apartment development

Section 147 of SEPP (Housing) 2021 states:

“Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following—

- (a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,*
- (b) the Apartment Design Guide”*
- (c) any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel.”*

The application was referred to the Design Excellence Panel (DEP) for comment on 24 September 2024. The Panel provided qualified support for the proposal, subject to issues identified in the report, being addressed. Those comments are reproduced in the external referral section of this report.

The amended proposal is considered to address the concerns of the Design Excellence Panel.

The application has been referred to Ausgrid under s2.48 of SEPP (Transport and Infrastructure) 2021 who raised no objections to the proposal subject to conditions regarding construction management in the vicinity of overhead powerlines and new driveways to be in proximity to existing poles. The proposal is considered satisfactory in this regard.

A valid BASIX Certificate No 1745351M_02 dated 29 April 2024 for the proposed development has been submitted with the application to satisfy the Aims of the SEPP.

1. Permissibility

2. Objectives of the zone

The subject development site is zoned R4 High Density Residential under the provisions of NSLEP 2013.

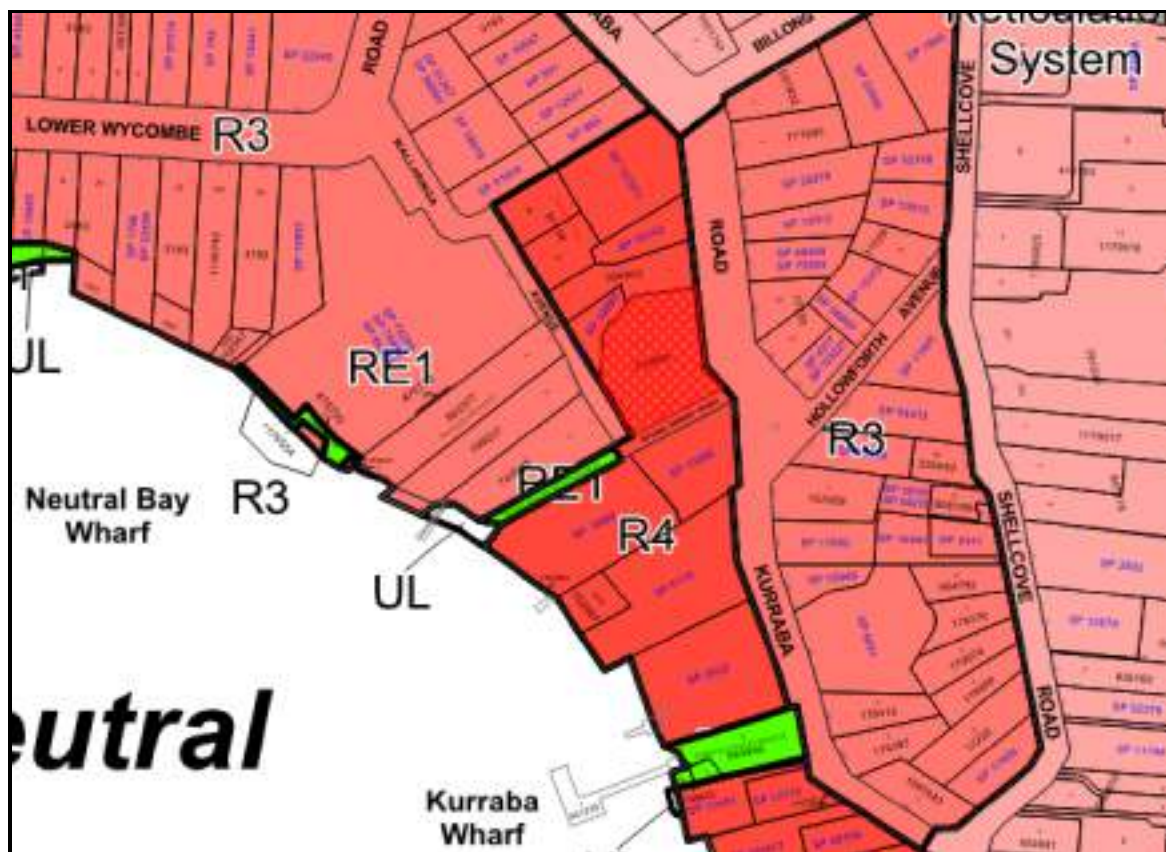


Figure 8: Zoning map showing subject site cross hatched in red and R4 High Density Residential zone.

The objectives for a R4 High Density Residential Zone are stated below:

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

The proposal is consistent with the relevant objectives of the zone as follows:

- The proposed development will continue to provide residential housing at the site whilst also providing improved amenity and accessibility, which is aligned with development within in a high-density zone.
- The proposal is a high-density development which is consistent with the zone objective which requires that high density housing is developed within this zoning.
- The amended proposal will positively contribute to the character of the area and the adjoining Kurraba Point Heritage Conservation area.
- The proposed development maintains a high level of amenity for the adjoining buildings within the R4 High Density zone. The adjoining sites are not unreasonably impacted by the departure to the building height development standard in terms of solar access, overshadowing or privacy.

The following table provides an assessment of the proposal against the relevant LEP Clauses and development standards as follows:

Clause	Standard	Proposal	Complies
Part 2: Permitted or Prohibited Development			
2.2 Zoning of Land to which Plan applies	R4 High Density Residential	Residential Flat building	Yes
2.3 Zone objectives and Land use table	Objectives of zone to be satisfied	The amended proposal satisfies the objectives of the R4 zone.	Yes
2.7 Demolition	Demolition requires development consent.	Consent for demolition is sought.	Yes
Part 4: Principal Development Standards			
4.3 Height of Buildings	Maximum permitted height as per height of building map: 12m	 14.76m Variation of 2.76m (23%)	No, see clause 4.6 submitted.

Note: Clause 4.6 objection has been submitted requesting a variation to the development standard for the maximum building height.			
4.6 Exceptions to Development Standards	A Clause 4.6 variation request has been submitted in relation to the proposed building height.		
Part 5: Miscellaneous Provisions			
5.10 Heritage Conservation	(5) Heritage assessment The consent authority may, before granting consent to any development— (a) on land on which a heritage item is located, or (b) on land that is within a heritage conservation area, or (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.	The subject site is not a scheduled heritage item and is not located in a conservation area. The site is however located within the vicinity of a number of heritage items and Kurraba Point Conservation area. Council’s Heritage Officer has reviewed the amended scheme and raised no objection to the proposal subject to the conditions provided.	Yes
Part 6: Additional Local Provisions			
6.10 Earthworks	The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land	The proposed earthworks are not considered to have a detrimental impact upon the adjoining properties or land within the vicinity of the site. In addition, appropriate conditions of consent have been imposed.	Yes

6.12 Residential Flat Buildings	Development consent must not be granted for development for the purposes of a residential flat building if the development will result in a single dwelling house, dual occupancy or semi-detached dwelling being located on adjoining land in Zone R4 High Density Residential unless the adjoining land is at least 900 square metres or the consent authority is satisfied that the adjoining land is land on which development may be carried out for the purposes of a residential flat building	Site does not immediately adjoin land as such.	Yes
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1. Height of Building

The objectives of the Height of Buildings development standard under Clause 4.3 of NSLEP 2013 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 C4 Environmental Living.*

The proposed development seeks a variation to the development standard relating to height (Clause 4.3). The NSLEP identifies a maximum height control of 12m. The building is proposed to be 14.76m in height to the parapet at roof level which exceeds the maximum building height by 2.76m, a variation of 23% to the development standard. The other portions of the building that exceed the maximum building height include the balustrade at level 3, being 12.27m and the screen around the AC which is 12.56m.

Criteria for approval under Clause 4.6

On 15 September 2023 changes were made to how Clause 4.6 requests were assessed, with these changes taking effect for development applications lodged from 1 November 2023. Clause 4.6 was amended by the Standard Instrument (Local Environmental Plans) Amendment (Exceptions to Development Standards) Order 2023 on 1 November 2023.

The applicant has submitted a written request pursuant to Clause 4.6 of NSLEP 2013 (Attachment 4). A detailed assessment of the Clause 4.6 request to vary the building height development standard has been undertaken below:

Clause 4.6 Exceptions to development standards

Detailed assessment of variation to Clause 4.3 Height of Buildings

Clause 4.3 of the North Sydney Local Environmental Plan 2013 (NSLEP) relates to the maximum permitted building height for a site and refers to the Height of Buildings Map. The relevant map identifies the subject site as having a maximum height of 12m. Building Height is defined as:

“Building height (or height of building) means:

- In relation to the height of a building in metres – the vertical distance from ground level (existing) to the highest point of the building, or*
- In relation to the RL of a building – the vertical distance from the Australian Height Datum to the highest point of the building*

including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.”

The maximum height zones within the immediate area are shown below:



Figure 9: Maximum Building height map (Area shown as M is 12m with the area shown as I being 8.5m) with subject site identified cross hatched in red.

The applicant has provided the following table to identify the locations of the building where the maximum building height has been breached:

Item	Description	Proposed RL	Existing ground level	Resulting building height	Extent of variation
1	Parapet at roof level.	RL 40.30	RL 25.54	14.76m	2.76m / 23%
2	Balustrade at L3	RL 37.54	RL 25.27	12.27m	0.27m / 2.2%
3	Screen around AC	RL 41.22	RL 28.66	12.56m	0.56m / 4.7%

Table 4: The locations of the building where the maximum building height is breached.

These are the parapet on the roof of the building, the top of the balustrade on level 3 of the building and the top of the screen around the proposed air conditioning condenser's on the roof of the building:

The location and extent of the non-compliance is provided in the height plan diagram below:

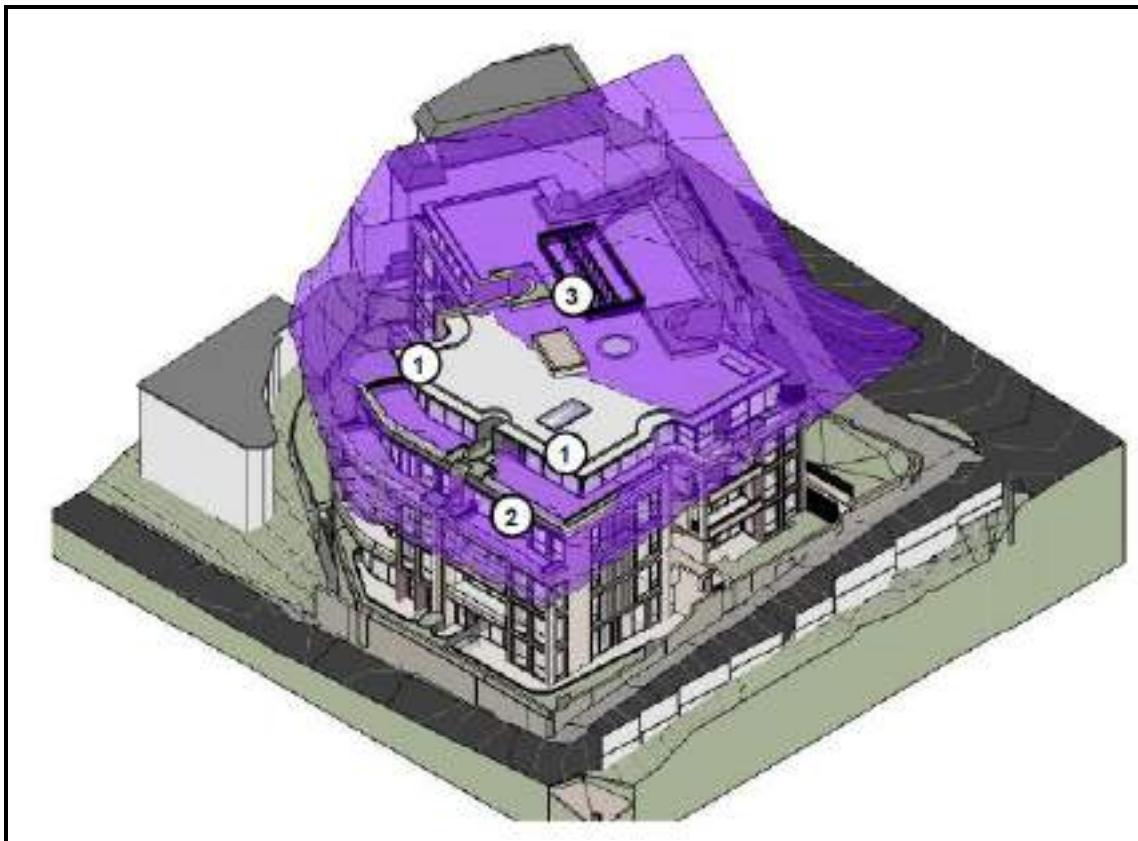


Figure 10: Height plane diagram showing the arse of the proposed building that exceed the maximum building height.

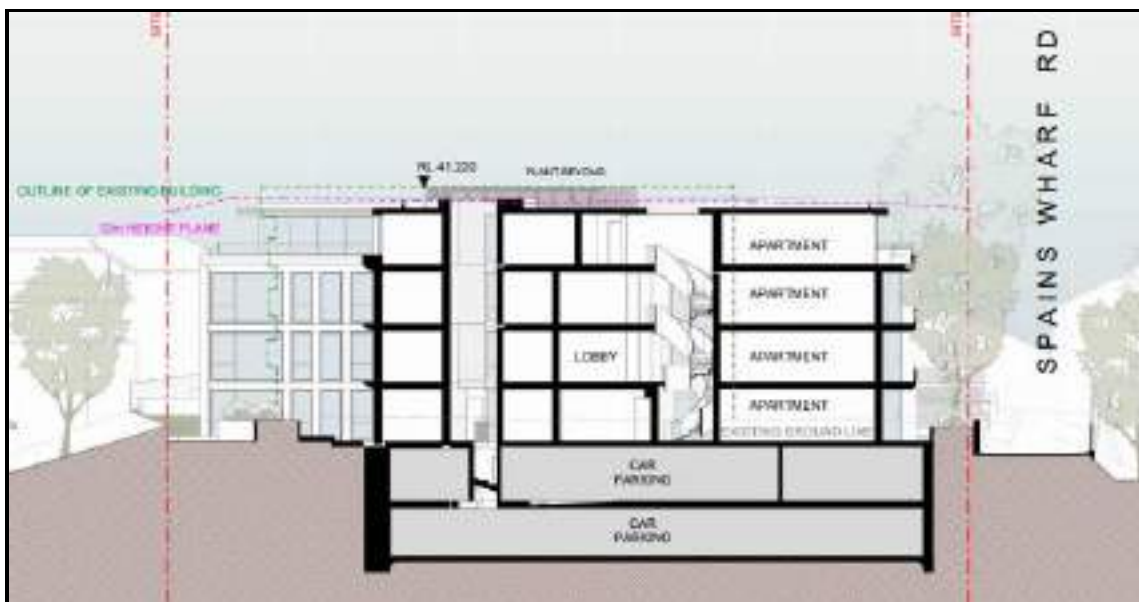


Figure 11: Section of building showing the 12m maximum height limit, existing building outline and proposed building outline (Source: SJB Architects).

The proposed development seeks a variation to the development standard relating to height (Clause 4.3). The NSLEP identifies a maximum building height control of 12m. The building is proposed to be 14.76m in height to the parapet at roof level which exceeds the maximum building height by 2.76m, a variation of 23% to the development standard. The other portions of the building that exceed the maximum building height include the balustrade at level 3, being 12.27m and the screen around the AC which is 12.56m.

Any variation to a statutory control can only be considered under Clause 4.6 – Exceptions to Development Standards of the NSLEP. An assessment of the proposed height against the survey plan levels was conducted to indicate the Applicant's calculations are generally accurate.

Clause 4.6(1) outlines the objectives of the standard which are to *"provide an appropriate degree of flexibility in applying certain development standards to particular development"* and *"to achieve better outcomes for and from development by allowing flexibility in particular circumstances"*.

Clause 4.6(3) states that:

"Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that 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"*

To support the non-compliance, the applicant has provided a request for a variation to Clause 4.3 in accordance with Clause 4.6 of NSLEP 2013. The Clause 4.6 request for variation is assessed as follows:

Is the planning control in question a development standard?

The Height of Buildings control under Clause 4.3 of the North Sydney Local Environment Plan 2013 is a development standard.

What are the underlying objectives of the development standard?

The objectives of the Height of Buildings development standard under Clause 4.3 of NSLEP 2013 are:

- (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.*

Compliance is unreasonable or unnecessary in the circumstances of the case (clause 4.6(3)(a))

There have been several Court cases that have established provisions to assist in the assessment of Clause 4.6 statements to ensure they are well founded and address the provisions of Clause 4.6.

In *Wehbe V Pittwater Council* (2007) NSW LEC 827 Preston CJ sets out ways of establishing that compliance with a development standard is unreasonable or unnecessary. This list is not exhaustive. It states, inter alia:

“An objection under State Environmental Planning Policy 1 may be well founded and be consistent with the aims set out in clause 3 of the Policy in a variety of ways. The most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.”

The judgment goes on to state that:

“The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved. However, if the proposed development proffers an alternative means of achieving the objective strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served).”

Preston CJ in the judgement then expressed the view that there are 5 different ways in which an objection may be well founded and that approval of the objection may be consistent with the aims of the policy, as follows (with emphasis placed on number 1 for the purposes of this Clause 4.6 variation):

- 1. The objectives of the standard are achieved notwithstanding non-compliance with the standard;*
- 2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
- 3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
- 4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
- 5. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard that would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.”*

The Clause 4.6 statement was prepared having regard to the recent court cases and their judgements.

Applicants comment: *"In this section it is demonstrated why compliance with the development standard is unreasonable or unnecessary in the circumstances of this case as required by Clause 4.6(3)(a) of the LEP.*

The Court held that there are at least five (5) different ways, and possibly more, through which an applicant might establish that compliance with a development standard is unreasonable or unnecessary. See Wehbe v Pittwater Council [2007] NSWLEC 827 (Wehbe).

The five (5) ways of establishing that compliance is unreasonable or unnecessary are:

- 1. The objectives of the development standard are achieved notwithstanding non-compliance with the standard; (First Test)*
- 2. The underlying objectives or purpose is not relevant to the development with the consequence that compliance is unnecessary; (Second Test)*
- 3. The objectives would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable; (Third Test)*
- 4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granted consents departing from the standard hence the standard is unreasonable and unnecessary; (Fourth Test) and*
- 5. The zoning of the land is unreasonable or inappropriate. (Fifth Test)*

It is sufficient to demonstrate only one of these ways to satisfy Clause 4.6(3)(a) (Wehbe v Pittwater Council [2007] NSWLEC 827, Initial Action Pty Limited v Woollahra Municipal Council [2018] NSWLEC 118 at [22] and RebelMH Neutral Bay Pty Limited v North Sydney Council [2019] NSWCA 130 at [28]) and SJD DB2 Pty Ltd v Woollahra Municipal Council [2020] NSWLEC 1112 at [31]).

In this case, it is demonstrated that the First Test has been satisfied.

4.1 The objectives of the development standard are achieved notwithstanding non-compliance with the standard.

The following table considers whether the objectives of the development standard are achieved notwithstanding the proposed variation (First Test under *Wehbe*).

Objective	Demonstration
4.3 Height of Buildings	
1. The objectives of this clause are as follows -	
a) to promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient,	<i>The subject site falls approximately 9m from Kurraba Road to Wallaringa Ave at the rear inclusive of an existing stone retaining wall approximately 2m high on the Wallaringa Ave frontage.</i>

	<p><i>The proposal reflects the natural landform and avoids dominating Wallaringa Road by stepping back the two top floors as illustrated in the photomontage in Figure 8 below. As demonstrated in Figure, the resulting building form responds to the 3 storey datum created by the apartment building adjoining the northern boundary of the site while the 2 top floors recede from the street boundary.</i></p>
<div data-bbox="209 613 1350 1400" data-label="Image"> </div> <div data-bbox="204 1411 1121 1442" data-label="Caption"> <p>Figure 3: Photomontage from Wallaringa Ave (Source: Architectural Plans)</p> </div>	
<p><i>(b) to promote the retention and, if appropriate, sharing of existing views,</i></p>	<p><i>The predominant views that may have been impacted from the proposal are from the eastern side of Kurraba Road looking through the site towards Sydney Harbour from a neighbouring residential dwelling. To understand the impact of the proposal, a view comparison has been prepared as part of the Design Statement. Figure 4 and Figure 5 below compare the impact of the proposal against the existing built form.</i></p>



Figure 4 Existing views from 152 Kurraba Road towards Sydney Harbour (Source: Design Statement)

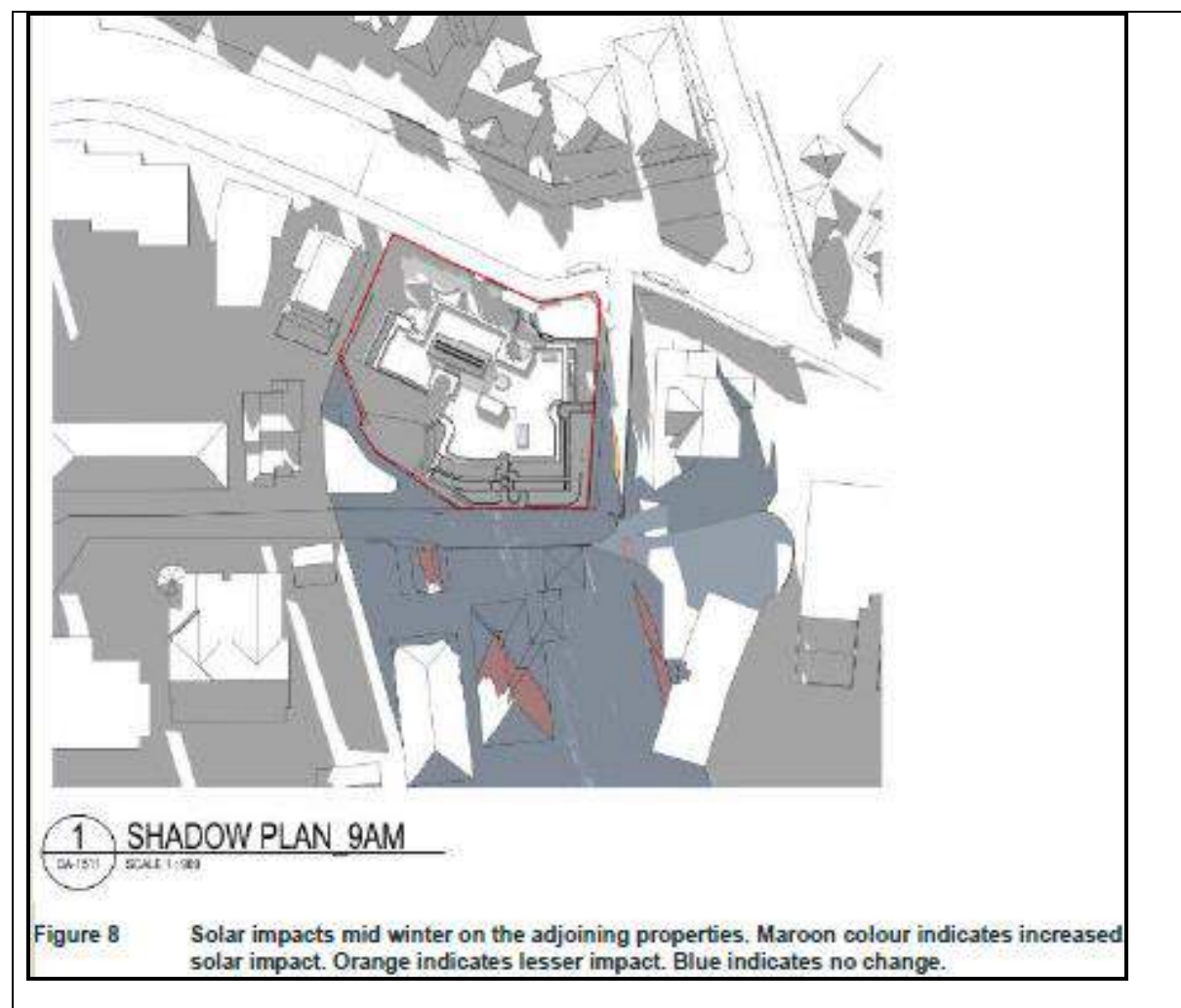


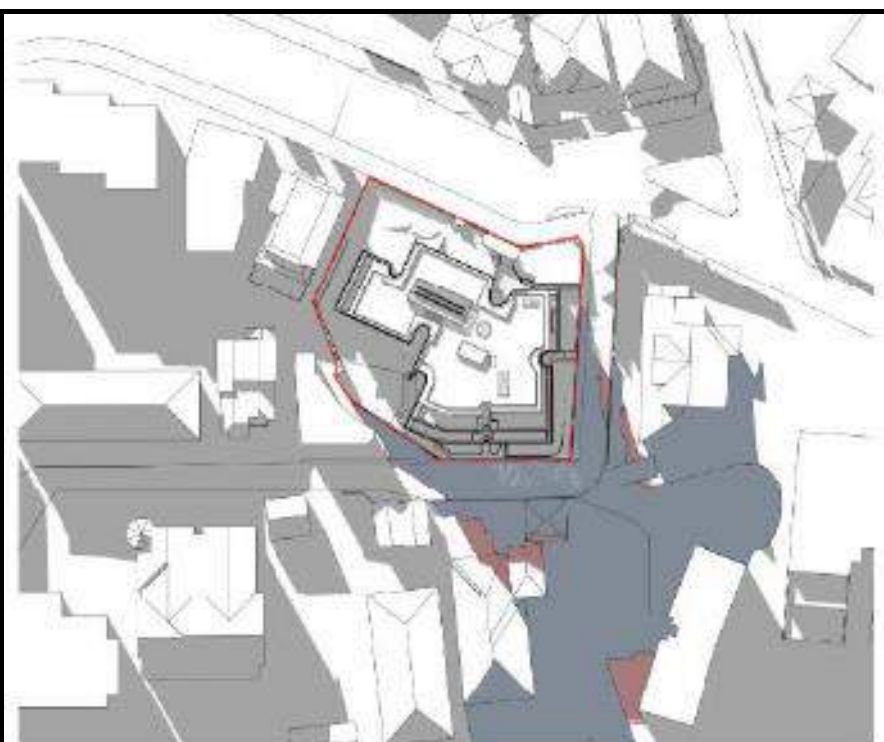
Figure 5 Proposed views from 152 Kurraba Road towards Sydney Harbour (Source: Design Statement)



Figure 6 Existing views through the site towards Sydney Harbour (Source: Design Statement)

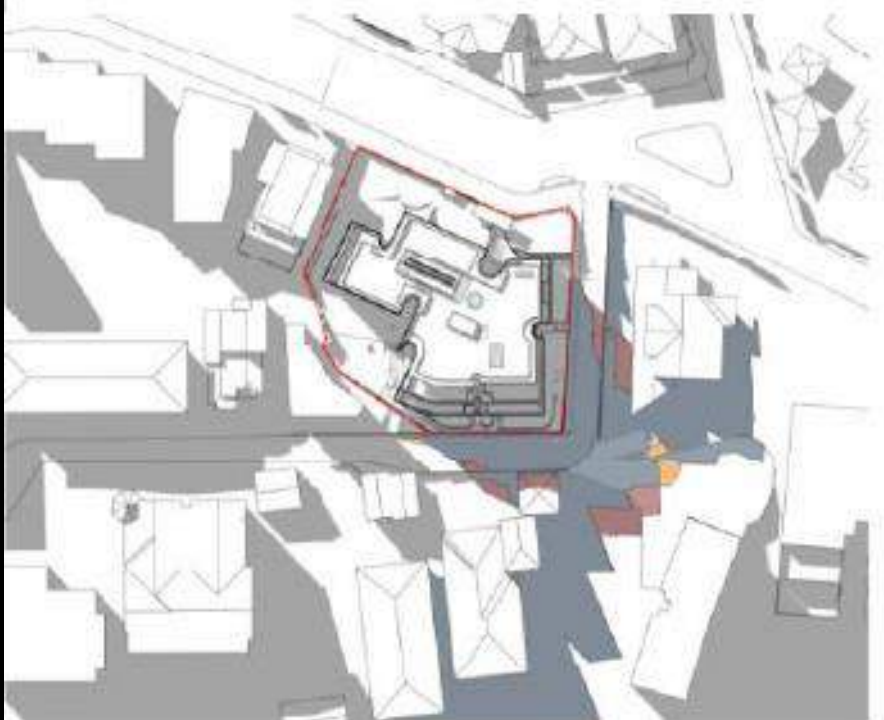
	
<p>Figure 7 Proposed views through the site towards Sydney Harbour (Source: Design Statement)</p>	
<p><i>As identified within Figure 4 to Figure 12, the proposal will have very minimal changes to the view lines passing through the site. Of the buildings immediately east of the proposal, that being 148, 150, 152 and 154 Kurraba Road, all of these buildings are 1 to 2 storey dwellings, none of which had sight lines through or over the site.</i></p>	
<p><i>The height of the proposed building will not impact on the sight lines or views from nearby properties for vantage points along Kurraba Road. Adherence to the control would not alter the visual impacts or view lines through the site.</i></p>	
<p><i>Note that the relocated rooftop plant is not visible from any surrounding vantage points due to its central location on the roof.</i></p>	
<p><i>(c) to maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development,</i></p>	<p><i>The proposal will result in minor shadows being cast on adjoining properties. Figure 8 to Figure 14 below identify the overshadowing impacts on the adjoining properties to the south and west of the proposal.</i></p>





2 SHADOW PLAN 10AM
DA-101 SCALE 1:400

Figure 9 Solar impacts mid winter on the adjoining properties. Maroon colour indicates increased solar impact. Orange indicates lesser impact. Blue indicates no change.



3 SHADOW PLAN 11AM
DA-101 SCALE 1:300

Figure 10 Solar impacts mid winter on the adjoining properties. Maroon colour indicates increased solar impact. Orange indicates lesser impact. Blue indicates no change.

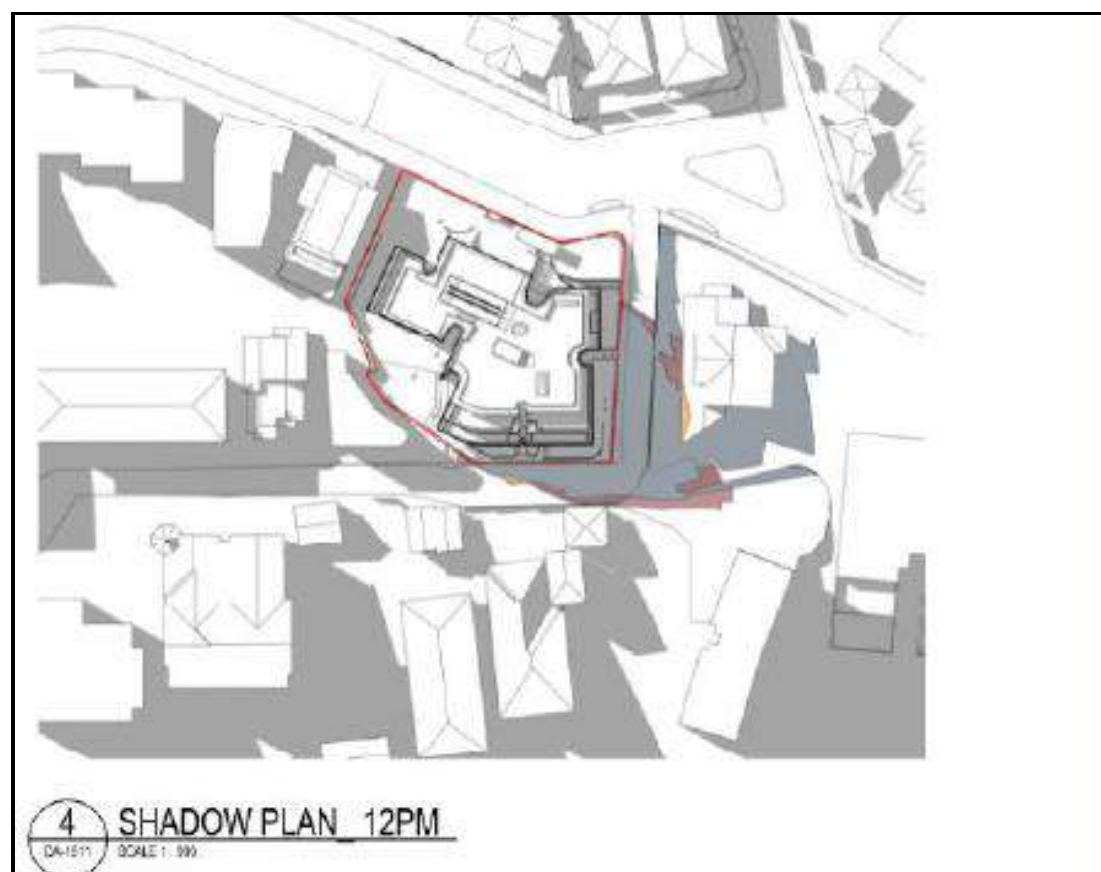


Figure 11 Solar impacts mid winter on the adjoining properties. Maroon colour indicates increased solar impact. Orange indicates lesser impact. Blue indicates no change.

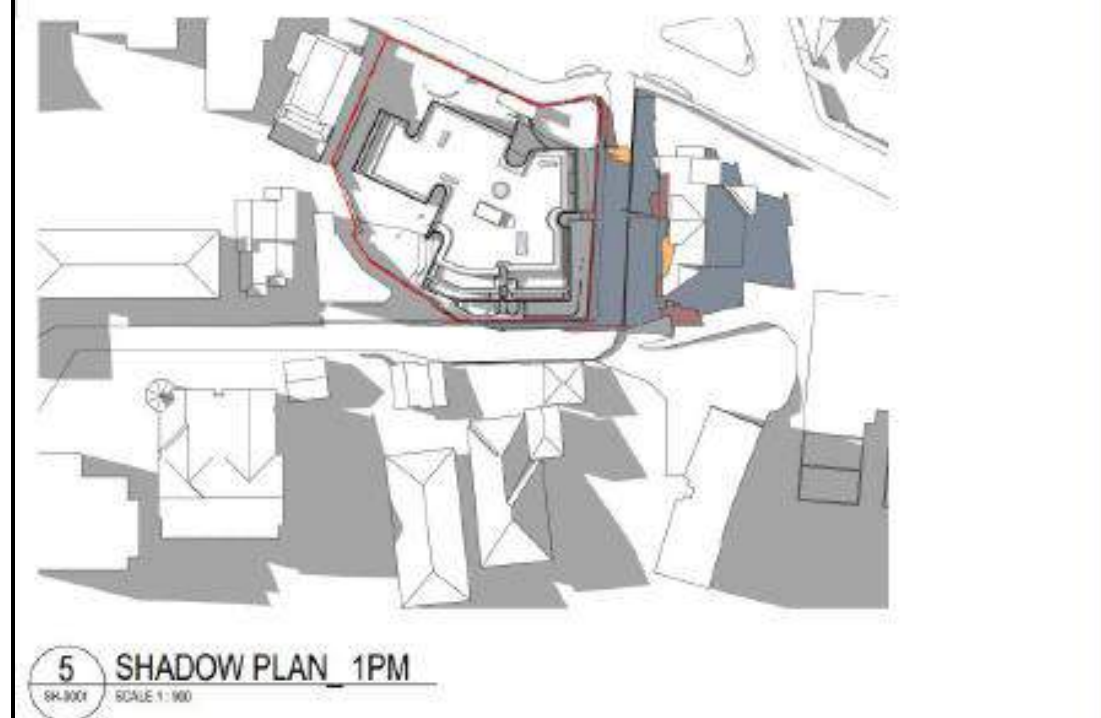
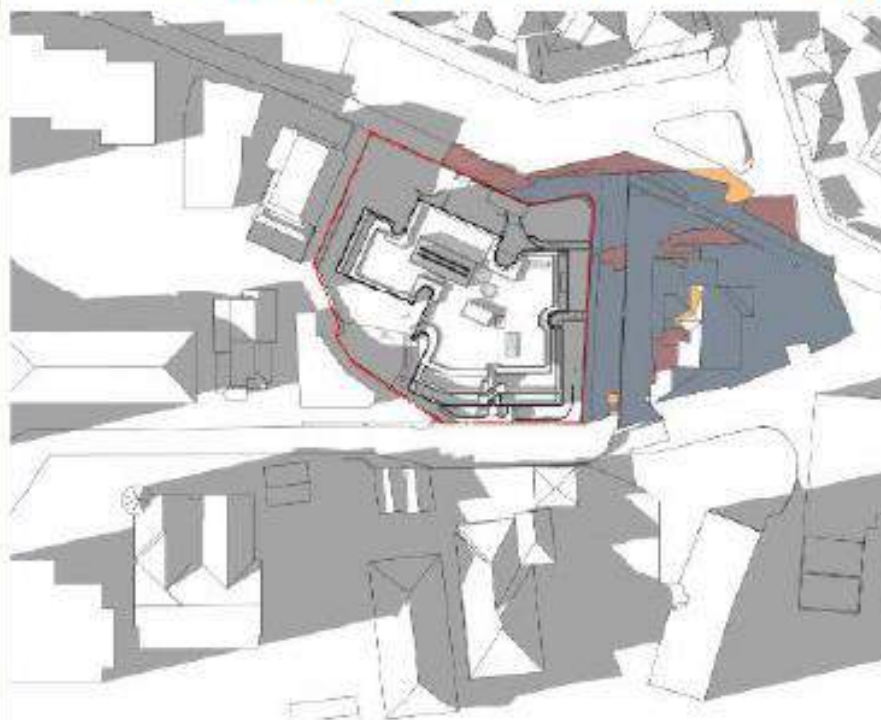


Figure 12 Solar impacts mid winter on the adjoining properties. Maroon colour indicates increased solar impact. Orange indicates lesser impact. Blue indicates no change.



5 SHADOW PLAN 1PM
DA-1511 SCALE 1:500

Figure 13 Solar impacts mid winter on the adjoining properties. Maroon colour indicates increased solar impact. Orange indicates lesser impact. Blue indicates no change.



7 SHADOW PLAN 3PM
DA-1511 SCALE 1:500

Figure 14 Solar impacts mid winter on the adjoining properties. Maroon colour indicates increased solar impact. Orange indicates lesser impact. Blue indicates no change.

The impact of the proposal on the southern and western neighbours is minor and almost all overshadowing is consistent and contained within the shadow envelope of the existing built form.

For neighbouring properties, there is a slight increase in overshadowing to a living room window and private open space of 1/95 Kurraba Road to the south of the proposal, The remainder of the overshadowing impacts to neighbouring properties are contained across roof lines.

95 Kurraba Road comprises an original dwelling subdivided into a 2 lot strata plan. The northern half of the site (on Spains Wharf Road) is referred to as 1/95 Kurraba Rd and the southern half is referred to as 2/95 Kurraba Rd. There is a minor change to the overshadowing of unit 1.

1/95 Kurraba Rd has two distinct courtyards. The northern courtyard runs along Spains Wharf Road and the north eastern courtyard is situated on the corner of Kurraba and Spains Wharf Road. The two courtyards are separated by a significant level change. The large window on the west end of the ground level is for a kitchen and living room.

In regard to the private open space ("POS") of 1/95 Kurraba Rd the following analysis is provided:

- *The POS receives sunlight for the full duration of the day:*
 - *Entire POS from 9-11am*
 - *north east section from 9am-2pm*
 - *north west section from 2-3pm*
- *Parameters used for review:*
 - *North Sydney DCP 1.3.7 – noting 'Principal private open space'*
 - *City of Sydney "Minimising overshadowing of neighbouring apartments' Documentation Guide noting measurement to align with ADG*
 - *ADG 4A-1 design guidance #5: to maximise the benefit of direct sunlight within living rooms and private open spaces, a minimum of 1m² of direct sunlight, measured at 1m above floor level, is achieved for at least 15 minutes.*
- *The proposed building results in a better solar outcome than the permissible envelope*
- *Any additional impact to the POS compared to existing is a result of the allowable LEP height plane and DCP envelope. Where the proposal protrudes out of the height plane, there will be no additional impact on the POS.*

In regard to the living room window, the following analysis is provided:

- *The additional impact between 1-3pm is a result of the allowable LEP height plane and DCP envelope.*
- *The existing building allows solar access until 11:30am, while the proposed allows access until 12:15pm and therefore morning sunlight is improved.*
- *Solar access is maintained for a minimum of 3 hours as required under the North Sydney DCP (clause 1.3.7).*

The proposed approach is consistent with the guidelines of the North Sydney DCP by providing a minimum of 3 hours between the hours of 9.00am and 3.00pm to neighbouring solar panels, windows of main internal living areas, principal private open space areas; and any communal open space areas.

<p><i>(d) to maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings,</i></p>	<p><i>The proposal is surrounded by a number of residential properties with windows and balconies facing the site. Adjoining properties are surrounded by streets on the east, south and western sides, presenting significant separations from adjoining properties. The building separations remove the potential for direct view lines to or from the proposal into neighbouring property's windows and doors. Along the northern aspect of the proposal there is a residential building adjoining the site. To manage the impact with the northern neighbouring property the following design features have been included to minimise privacy impacts:</i></p> <ul style="list-style-type: none"> <i>• an appropriate setback has been incorporated,</i> <i>• The proposal responds to the topography of the site, with much of the building being constructed below the neighbouring property.</i> <i>• Windows and balconies have been orientated where possible to not directly face this neighbour</i> <i>• Significant landscaping has been located within this setback to minimise sight lines.</i> <p><i>The proposal does not create any privacy impacts. Furthermore, the proposed height exceedance does not result in any privacy impacts.</i></p>
<p><i>(e) to ensure compatibility between development, particularly at zone boundaries,</i></p>	<p><i>The proposal is zoned R4 High Density Residential Development. Surrounding the development is a mix of R3 Medium Density Residential and R4 High Density Residential land. Both the R3 and R4 zones encourage residential development with residential flat buildings being a permissible use. The contravention does not alter the compatibility of the proposal with the adjoining sites.</i></p>

<p>(f) <i>to encourage an appropriate scale and density of development that is in accordance with, and promotes the character of, an area,</i></p>	<p><i>The Kurraba Point South Area Character Statement that desired future character of the area is:</i></p> <p><i>P1 Primarily medium to high density residential accommodation, generally comprising attached dwellings, multi dwelling housing and residential flat buildings according to zone.</i></p> <p><i>P2 Limited opportunities for low density housing, generally comprising dwelling houses and dual occupancies.</i></p> <p><i>P3 Any increases in density should be concentrated in the vicinity of Kurraba Wharf.</i></p> <p><i>The proposal is consistent with the desired character of the Kurraba Point South Area as it proposes high density residential accommodation.</i></p> <p><i>The proposal will deliver high density residential flat building concentrated in close proximity to Kurraba Wharf (approximately 200m).</i></p> <p><i>The delivery of the proposal will encourage character consistent with the established character within the area (that being high density residential development). The exceedance will not inhibit the delivery of development consistent with the Kurraba Point South Area Character Statement.</i></p>
<p>(g) <i>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.</i></p>	<p><i>N/A. The subject site is zoned R4 High Density Residential.</i></p>

4.2 The underlying objectives or purpose is not relevant to the development with the consequence that compliance is unnecessary.

The underlying objective or purpose is relevant to the development and therefore is not relied upon.

4.3 The objective would be defeated or thwarted if compliance was required with the consequent that compliance is unreasonable.

The objective would not be defeated or thwarted if compliance was required. This reason is not relied upon.

4.4 *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence the standard is unreasonable and unnecessary.*

While we wouldn't say that the standard has been abandoned by Council, we do note there are numerous examples of similar variations granted on sloping sites.

4.5 *The zoning of the land is unreasonable or inappropriate.*
The zoning of the land is reasonable."

Officers comment: In respect to Prestons CJ judgement the NSW Land and Environment Court and in accordance with a recent decision (Initial Action Pty Ltd v Woollahra Council [2018] NSWLEC 118), the NSW Land and Environment Court has established a "five part test" for consent authorities to consider when assessing a DA proposing a clause 4.6 request for variation (as outlined above). In this case it is considered that the proposal satisfies the five part test for the following reasons

- As previously discussed, the objectives of the height standard are considered to be satisfied despite the non-compliance.
- In this case the underlying objectives of the development standard are achieved notwithstanding non-compliance with the standard by the approval of the building. The building has been designed to generally comply with the height standard, with the non-complying portions, relating predominantly to the parapet at the roof level, the screening around the AC and the balustrade at Level 3. The proposed building will adopt a similar maximum building height RL as the existing building to ensure that any view corridor that exists would not be significantly affected. There will be no significant adverse impacts in terms of view loss, overshadowing or overlooking to adjoining properties
- The R4 High Density zone is an appropriate zoning for the site. The proposed scale of the development is consistent and in keeping with the height for developments within this zone and precinct.

The height control objectives articulate the ultimate function of the establishing the height of buildings. The maximum height for buildings on land is identified on the Height of Buildings Map. As previously described, the maximum building height permitted on the subject site is 12m and the maximum height of the proposed additions to the building is 14.76m. The proposal contravenes the standard, as a result the amount and degree of non-compliance and its resultant impact needs to be considered.

The proposed height of the development is considered to be in keeping with the desired future character of development within the immediate vicinity and surrounding areas.

Clause 4.6(3)(b) are there sufficient environmental planning grounds to justify contravening the standard

Clause 4.6 (3)(b) states that *(b) there are sufficient environmental planning grounds to justify contravening the development standard*

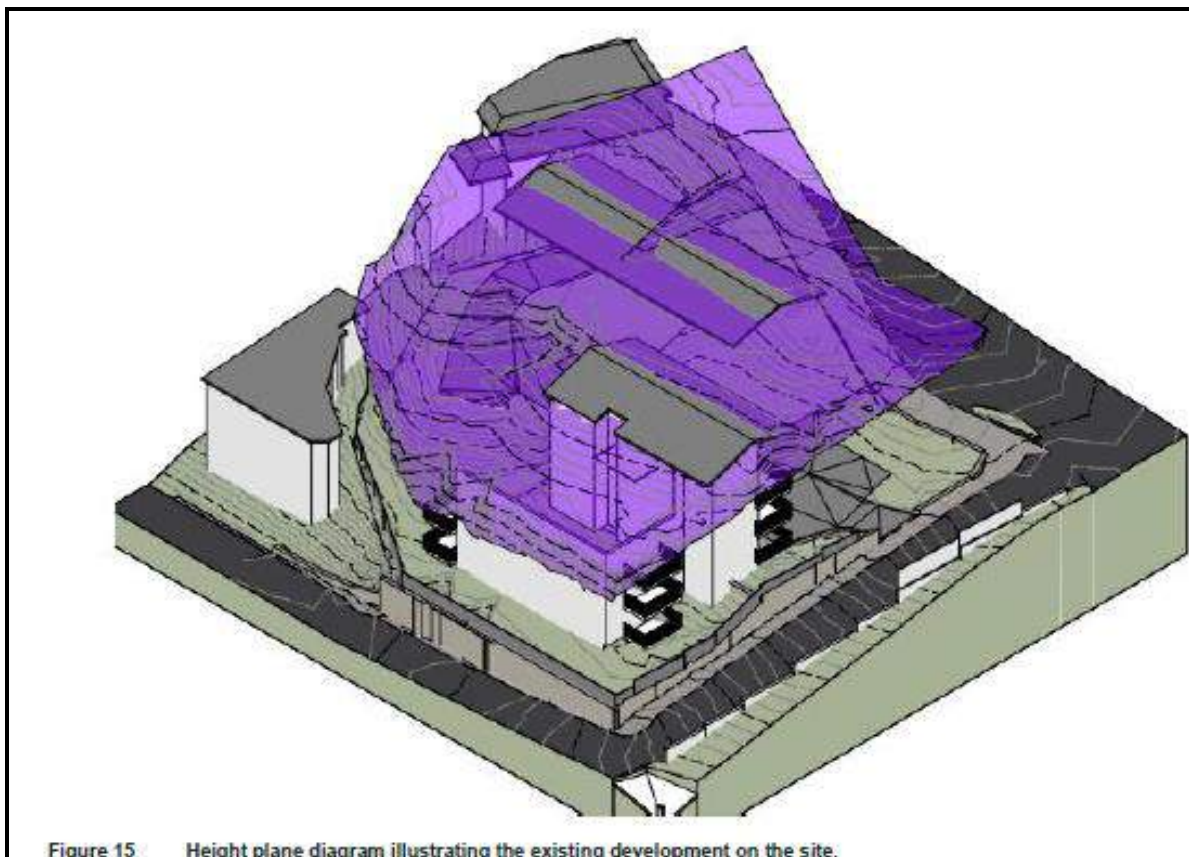
Having regard to Clause 4.6 (3)(b) and the need to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard, it is considered that there is an absence of any negative impacts of the proposed non-compliance on the environmental quality of the locality and amenity of adjoining properties.

Applicants comment: *"In Initial Action Pty Ltd v Woollahra Council [2018] NSWLEC 118, Preston CJ observed that in order for there to be 'sufficient' environmental planning grounds to justify a written request under Clause 4.6 to contravene a development standard, the focus must be on the aspect or element of the development that contravenes the development standard, not on the development as a whole.*

In Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90, Plain J observed that it is within the discretion of the consent authority to consider whether the environmental planning grounds relied on are particular to the circumstances of the proposed development on the particular site.

The environmental planning ground to justify the departure of the Height of buildings development standard are as follows:

- 1. The contravention of the standard does not result in any material adverse environmental impacts to adjoining properties and the proposal has been designed to respond to the existing and desired future built form character of the area.*
- 2. The existing RFB on the site contains a RL higher than the proposal, which also exceeds the height of building standard (illustrated in Figure 15, ensuring that the amenity impacts resulting from the exceedance are consistent with the current impacts.*
- 3. The site has unique features. It is steeply sloping with a 5m fall from the Kurraba Road boundary to the Wallaringa Avenue boundary, it is irregularly shaped and is bounded by public roads along its southern, eastern and western frontages. The proposal is highly influenced by these features. The setbacks along frontages and setting back of the built form to align with the topography of the site minimises amenity impacts on neighbours while addressing each of the 3 street frontages as sought by the NSDCP.*
- 4. The greatest exceedance of the building height control occurs on the trailing edge of the building where the ground level falls away. On the higher part of the site (the Kurraba Road frontage) the building is below the maximum permitted height. As a result, the offending part of the building is hidden behind the compliant part of the building and therefore causes no view loss.*
- 5. The proposed development is compatible with adjoining residential development, is highly articulated and features a mix of materials, colours and landscaping which make it visually sympathetic to neighbouring buildings.*
- 6. The 2 most upper storeys are setback back from the edge of the building to mitigate the visual impact that might otherwise be caused by the height variation. Importantly, the variation to the height of building development standard does not result in any unreasonable impacts to residential amenity, solar access, views or privacy. Accordingly, the proposal achieves objective 1.3 (g) of the EP&A Act, "to promote good design and amenity in the built environment".*
- 7. The proposal, as amended, continues to promote good design and amenity of the built environment, resulting in improved urban design and amenity considerations for both the local community and future occupants of the building.*
- 8. The ground levels below the existing apartment buildings are marginally below the surrounding topography which exaggerates the numerical departure in a non-sensical fashion.*
- 9. The contravention does not detract from the achievement of the objectives of the height of buildings development standard*



For completeness, we note that the size of the variation is not in itself, a material consideration as whether the variation should be allowed. There is no constraint on the degree to which a consent authority may depart from a numerical standard under clause 4.6: GM Architects Pty Ltd v Strathfield Council [2016] NSWLEC 1216 at [85].

In short, Clause 4.6 is a performance-based control, so it is possible (and not uncommon) for variations to be approved in the right circumstances.”

Officers comment: The planning grounds established by the Applicant are considered sufficient to justify contravening the development standard

It is also important to highlight that the extent of the height non-compliance is limited to roof elements and services rather than a full storey, and therefore, visually represents a scale of development which is reasonably anticipated by the current planning controls

The amenity impacts associated with the non-compliance have been considered. The non-complying part of the building has been located within an area where the general footprint of the existing building is located and no higher than the existing building height. There will be no significant adverse impacts in terms of view loss, overshadowing or overlooking to adjoining properties.

The scale and size of the building will be consistent with the future and desired development within the street and immediate area. The proposed development is consistent with the pattern of development emerging within this area.

The proposed development is considered to satisfy the objectives of the building height development standard for the following reasons:

- (a) The development is consistent with the built form envisaged for the immediate area.
- (b) Despite the variation the bulk and scale of the development is compatible with the existing buildings that have been constructed within the immediate vicinity.
- (c) When considered in the context of the development, the maximum roof height RL is consistent with the existing building ensuring that any potential amenity impacts are minimised.
- (d) The height variation will not result in any unreasonable adverse amenity impacts such as overshadowing on neighbouring properties or the public domain.
- (e) The variation to the height would not result in an unreasonable visual impact on neighbouring properties or the streetscape.

The R4 High Density Residential Zone objectives require the development to:

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

The exceedance in the building height control generally satisfies the objectives of the zone for the following reasons:

- The proposed development will continue to provide high density residential housing at the site whilst also providing improved amenity and accessibility, which is aligned with development within in a high density zone.
- The proposal is a high density development which is consistent with the zone objective which requires that high density housing including residential flat buildings are developed within this zoning.
- The amended proposal will positively contribute to the heritage significance of the building and surrounding Kurraba Point Conservation area.
- The proposed development maintains a high level of amenity for the adjoining buildings within the R4 and adjoining R3 Medium density zones. The dwellings are not unreasonably impacted by the departure to the building height development standard in terms of solar access, overshadowing or privacy.

The area of non-compliance is considered to be reasonable and will not establish an undesirable precedent or undermine the objectives of the zone or height control. It will not have any adverse effect on the surrounding locality, which is consistent within the R4 location. The proposal promotes the economic use and development of the land consistent with zone and its purpose.

There will be no adverse amenity or visual impacts generated by the variation, the proposal satisfies the objectives of the zone and the development standard. In this case the justification to vary the height control is considered to be a reasonable and well-founded request.

Conclusion – Assessment of Clause 4.6 Request for Variation

Despite the non-compliance in terms of the height, the proposed variation is considered to be acceptable and satisfies the provisions of Clause 4.6.

The proposed variation satisfies the objectives of the height control as the non-compliant structures, will not be visually dominating. The additional height is considered to be consistent with other developments in the immediate locality and the scale of the development is sympathetic with the existing scale and form of existing adjoining developments.

It is considered that the Clause 4.6 Statement lodged with the application addresses all the information required pursuant to Clause 4.6 and the statement is considered to be well founded as there are sufficient environmental planning grounds to justify contravening the standard given that in this case the proposal satisfies the objectives of the zone and development standard (Clause 4.3, building height control).

10. Heritage Conservation

The subject site is not a heritage item and not located within a heritage conservation area. The subject site is however located within the vicinity of a number of heritage items and just outside the Kurraba Point heritage conservation area under Schedule 5 in NSLEP 2013.



Figure 11: Heritage items (brown) and Heritage Conservation map (red hatching) with subject site cross hatched in red.

The following planning objectives of Clause 5.10 (1) of NSLEP 2013 apply to the site:

- (a) *to conserve the environmental heritage of North Sydney,*
- (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) *to conserve archaeological sites,*
- (d) *to conserve Aboriginal objects and Aboriginal places of heritage significance.*

Council's Heritage Officer reviewed the proposed development and advised that the subject site is not a scheduled heritage item and is not located in a conservation area. It is however, located in the vicinity of several heritage items including:

- a) 95 Kurraba Rd (local item) located to the south of the subject site,
- b) 1 Wallaringa Ave (Wallaringa Mansions, a local item) ,
- c) 5 Wallaringa Ave (Nutcote, a garden and an Interwar Mediterranean style house designed by eminent architect BJ Waterhouse which is a state listed item) located to the west of the subject site ,
- d) 7 Wallaringa Ave (local item) located to the west of the subject site,
- e) 9 Wallaringa Ave (local item) located to the west of the subject site,
- f) 142 Kurraba Rd (local item) located to the north-east of the subject site,
- g) 144 Kurraba Rd (local item) located to the north-east of the subject site,
- h) 146 Kurraba Rd (state listed) located to the north-east of the subject site,
- i) Site of Former Spains Wharf and
- j) Kurraba Point Conservation Area.

The proposed demolition of the existing late 1970s flat building is acceptable as it has little heritage significance.

The salvage and re-use of the existing sandstone boundary wall sandstone that dates from the previous c 1894 building on the site, 'Tyddscotte', is acceptable as it requires maintenance. The reconstruction of the wall is supported as the wall adds to the character and setting of the nearby heritage items which utilise sandstone in their construction.

Consultation with the Heritage Planner confirmed that the changes made to the balustrade and colour scheme are generally acceptable and should the application be approved, heritage conditions were provided.

11. Earthworks

The application involves excavation in association with the with proposed and an assessment has been carried out under matters raised in clause 6.10 in NSLEP 2013.

The excavation will be undertaken to accommodate two levels of basement parking and parts of the lower-level dwellings. As part of the works, the recommendations in the Geotechnical Investigation prepared by EI Australia will need to be adhered to. All excavation will be appropriately undertaken and managed to ensure the stability of the site and that will be minimal impact upon the adjoining sites.

Appropriate conditions of consent have been applied to manage soil stability and structural impact both within the site and adjoining land. The excavation required subject to measures recommended by an appropriately qualified and practising structural engineer will assist in avoiding, minimising, and mitigating against adverse impacts satisfying cl. 6.10 of NSLEP 2013.

NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013

The proposal has been assessed under the following within NSDCP 2013:

DEVELOPMENT CONTROL PLAN 2013 – Part B Section 1 - Residential Development		
Control	complies	Comments
1.2 Social Amenity		
<p>1.2.1 Population Mix</p> <p>Multi-dwelling housing and residential flat buildings containing less than 20 dwellings must include, at least two of the following dwelling types:</p> <p>(a) studio; (b) 1-bedroom; (c) 2-bedroom; and (d) 3-bedroom</p>	Yes	<p>The proposed development provides a mix of 1 bedroom, 2 bedroom and 3 bedroom apartments as follows:</p> <ul style="list-style-type: none"> • 1 x 1 bedroom apartment • 3 x 2 bedroom apartments. • 15 x 3 bedroom apartments.
<p>1.2.2 Universal Design and Adaptable Housing</p> <p>P2 A minimum of 20% of dwellings in multi-dwelling housing and residential flat buildings that contain more than 5 dwellings must comprise adaptable housing, and be designed and constructed to a minimum Class C Certification under AS 4299 – Adaptable Housing</p>	Yes	<p>Four (4) of the 19 apartments are proposed to be adaptable apartments in accordance with the requirements to provide a minimum of 20%.</p> <p>The development incorporates adaptable housing features to enable residents to age in place and ensure greater housing choice for seniors, families and people with disabilities.</p> <p>Most notably the lift provides ease of access to various floor levels satisfying the Objectives in s1.2.2 of NSDCP 2013.</p>
<p>P4 Where universally designed and adaptable dwellings are proposed, those dwellings must be clearly identified as such on the submitted development application plans.</p>	Yes	<p>The plans identify the following apartments as adaptable apartments:</p> <p><u>Ground floor</u></p> <ul style="list-style-type: none"> • Apartment 04 • Apartment 05 <p><u>Level 1</u></p> <ul style="list-style-type: none"> • Apartment 08 • Apartment 09
<p>1.2.3 Maintaining residential accommodation</p>	Yes	<p>The proposed development will result in a total of 19 apartments, an increase of 4 apartments from the existing buildings. The development would not result in a loss of residential accommodation complying with Objective O1, s1.2.3 of</p>

P1 Development, whether it comprises new buildings or alterations/additions to existing buildings, should ensure that the existing residential density on site is not reduced (i.e. that the number of dwellings, or the number of rooms/bed spaces in a boarding house, that existed on the site is not reduced).		NSDCP 2013. The proposal delivers additional housing albeit to a less affordable market.
1.2.4 Affordable Housing P1 Development must avoid the loss of low cost accommodation in accordance with the provisions of the SEPP (Housing) 2021. Where a loss occurs, the applicant will be required to pay a monetary contribution for the replacement of affordable housing..	Yes	Whilst the proposal will result in a loss of low rental dwellings, a contribution has been calculated and is required to be paid.
1.3 Environmental Criteria		
1.3.1 Topography P3 Development should not result in the ground level (finished) being altered greater than 500mm above or below ground level (existing).	No, acceptable on merit	The proposal results in excavation in excess of 500mm however this is due to the topography of the site and that the site falls away considerably towards the rear. The proposal does however achieve the objectives of the clause in that the proposal seeks to retain significant vegetation and also provide a substantial amount of landscaping including shrubs and trees.
P4 Habitable rooms (excluding bathrooms, laundries and storerooms) should not be located more than 1m below ground level (existing) for more than 50% of the room's floor area.	Yes	The apartments that are located within excavated portions of the buildings have been designed to ensure that they will be afforded a suitable amount of solar access and light and ventilation.
P6 The depth of soil around buildings must be sufficient to sustain trees as well as shrubs and smaller scale gardens.	Yes	The depth of soil proposed is sufficient to enable trees as well as shrubs and smaller scale gardens.
P11 Basement car parks, where permitted, must not extend to the full width of a site.	Yes	Basement car park does not extend to the full width of the site.






1.3.2 Properties in proximity to bushland	N/A	The site is not located within the bushland buffer zones.
1.3.3 Properties on Bush Fire Prone Land	N/A	The site is not designated as bush fire prone land.
1.3.4 Properties with a foreshore frontage	N/A	The site is not located within a foreshore area.
1.3.6 Views	Yes	<p>Objective O1 in s1.3.6 of the NSDCP 2013 seeks to protect and enhance opportunities for views from streets and other public places. Provision P2 further states development should be designed to <i>maximise</i> the sharing of views from public places. View consideration is provided within the submitted SEE against s1.3.6 of DCP</p> <p>The buildings to the east located at No 148,150, 152 and 154 Kurraba Road are all single storey and two storey dwelling houses, none of which currently have any sight lines through or over the site (see below existing and proposed at No 150 and 154).</p> 

Figure 12: No 150 Kurraba Road existing and proposed views

		 <p>Figure 13: No 154 Kurraba Road existing and proposed views</p> <p>An assessment of views was also undertaken from No 89 Kurraba Road looking south west across the subject site (see below existing and proposed views).</p>  <p>Figure 14: No 89 Kurraba Road existing and proposed views</p> <p>As identified within the view analysis within the SEE and view impact assessment it can be shown that there is minimal impact upon the current views from the neighbouring properties.</p>
<p>1.3.7 Solar Access</p>	<p>Yes</p>	<p>Shadow diagrams (including elevations) are provided for mid-winter and the equinoxes.</p> <p>A comparison between the existing and proposed mid-winter shadow diagrams does not indicate any significant additional shadow impact to adjoining properties.</p>

		The shadow impact is considered to maintain a reasonable access to sunlight and daylight for adjoining properties in accordance with Objective O1, s1.3.7 of NSDCP 2013.
1.3.8 Acoustic Privacy	Yes	Subject to condition (F1 National Construction Code) the proposal is considered to be capable of achieving compliance with the required building construction levels to meet acoustic standards.
1.3.9 Vibration	N/A	The site is not adjacent to a road with an annual average daily traffic volume of more than 20,000 vehicles therefore consideration of the likely impact of a road noise or vibration is not required pursuant to Cl. 2.120 'Impact of road noise or vibration on non-road development' in the State Environmental Planning Policy (Transport and Infrastructure) 2021.
1.3.10 Visual Privacy P2 Residential flat buildings are to provide adequate separation between habitable rooms, balconies and non-habitable rooms, consistent with SEPP (Housing) 2021	No, however acceptable on merit	See discussion in the ADG assessment table
P3 Locate windows to avoid direct or close views into the windows, balconies or private open space of adjoining dwellings.	Yes	The location of windows and balconies are not considered to have an adverse impact upon the amenity of neighbouring properties.
P6 Limit the width and depth of any deck, patio or terrace located greater than 1m above ground level (existing) where privacy and loss of views is an issue and consider using screen devices where relevant	Yes	Balcony sizes and depths are designed to meet the requirements of the ADG and are appropriately sized for the size of the apartments. In relation to amenity impacts such as views and privacy they are not considered to have an adverse impact in this regard.
1.4 Quality built form		
1.4.1 Context	Yes	The amended building design now provides a suitable and appropriate response to the site noting that there is a reduction in site coverage and unbuilt upon area and an increase in the landscaped area with additional planting provided. The amended proposal is now to the satisfaction of Councils Heritage Officer and consistent with the desired and future character of development within the Cremorne Point Conservation Area and relevant provisions of the area character statement within Part C of NSDCP 2013.s .
1.4.2 Subdivision Pattern	Yes	The proposed work would not alter the existing lot size, shape or orientation of the site.
1.4.3 Streetscape	Yes	
1.4.4 Laneways	N/A	The site does not adjoin a laneway.
1.4.5 Siting	Yes	The siting of the building is consistent with adjoining properties.

<p>1.4.6 Setback – Front</p> <p>P1 The front setback must match the alignment of the primary facades of buildings on adjoining properties. Where different setbacks occur, the average of the setbacks of those primary facades is to be used.</p>	<p>Yes</p>	<p>The proposed front setback is considered to be acceptable and consistent with the alignment of adjoining properties.</p>																								
<p>1.4.6 Setback – Side</p> <p>On land with a height limit of 12m or less 3m; and The building must not exceed a building height plane commencing at 3.5m above ground level (existing) from side boundaries and projected internally to the site at 45 degree (refer to Figure B-1.3).</p>	<p>No, however supported on merit. See discussion below</p>	<table><tr><th>Control</th><th>Existing</th><th>Proposed</th><th>Compliance</th></tr><tr><td colspan="4">Zone R4 High Density Residential</td></tr><tr><td colspan="4">Land with 12m height limit</td></tr><tr><td>3m and BHP</td><td>North 3m</td><td>North 3m</td><td>Yes</td></tr><tr><td>3m and BHP</td><td>North west 3m</td><td>North west 1.5m</td><td>No</td></tr><tr><td>3m and BHP</td><td>South 3m</td><td>South 3m</td><td>Yes</td></tr></table> <div></div> <p>DCP BHP and Apt 09 floor plan showing areas within BHP.</p>	Control	Existing	Proposed	Compliance	Zone R4 High Density Residential				Land with 12m height limit				3m and BHP	North 3m	North 3m	Yes	3m and BHP	North west 3m	North west 1.5m	No	3m and BHP	South 3m	South 3m	Yes
Control	Existing	Proposed	Compliance																							
Zone R4 High Density Residential																										
Land with 12m height limit																										
3m and BHP	North 3m	North 3m	Yes																							
3m and BHP	North west 3m	North west 1.5m	No																							
3m and BHP	South 3m	South 3m	Yes																							
<p><u>Discussion on side setbacks</u></p> <p>The building is generally setback from the side boundaries by a minimum of 3m with the exception of the balconies to Apt 05, 09 and 14 which due to the irregular location of the common boundary are all setback 1.5m from the side boundary adjoining 2A Wallaringa Avenue, with the external wall of the building beyond the 3m setback.</p> <p>These setbacks are not inconsistent with the adjoining buildings given the irregular configuration of the subject site. The proposed building is setback considerably beyond 2A Wallaringa Avenue in the north western part of the site where the proposed communal open space will be and the building has been modulated and articulated to reduce the perceived bulk of the building and provide adequate separate between buildings. It should also be noted that the setbacks do not adversely impact upon the amenity of adjoining buildings in terms of soar access, overshadowing, views or loss of privacy.</p> <p>Whilst failing to meet the building height plane, the breach is only minor and the side setbacks as proposed are considered to be acceptable as mentioned above.</p>																										
<p>1.4.6 Setback – Rear</p> <p>P5 Provide rear building setbacks that match those on adjoining properties, or, if adjoining properties are not characteristic, with setbacks identified in the relevant area character statement</p>	<p>Yes</p>	<p>The rear of the building will be setback 3m from the Wallaringa Avenue boundary, which should be regarded as a secondary street frontage.</p> <p>Having regard to this observation, the proposal is not out of character with the setbacks of buildings on Wallaringa Avenue.</p>																								

P6 Despite P5 above, buildings within the R4 High Density Residential zone: (a) must be setback a minimum of 1.5m from the rear boundary; and (b) where the land is restricted by a height limit: (i) of 12m or less, must not exceed a building height plane commencing at 3.5m above ground level (existing) rear boundary and projected at an angle of 45 degrees internally to the site (refer to Figure B-1.3)	Yes on merit	The proposal provides a rear setback of 3m to Wallaringa Avenue. Whilst not strictly complying with part (b)(i) the proposed setback is considered to be acceptable.
1.4.7 Form, massing & Scale P1 The height of buildings is not to exceed that stipulated within cl.4.3 to NSLEP 2013.	No, however acceptable on merit	The building exceeds the maximum building height It is only a small portion of the building that exceeds the maximum building height with these areas containing the parapet, AC condensers and the lift over run. The overall building height being no higher than the existing building. The development as proposed now satisfies Objective O1, Provisions P1 and P2 in s1.4.7 of NSDCP 2013.
1.4.8 Built form character P8 Building facades should be modulated in plan and elevation and articulated to reduce the appearance of the building's bulk and to express the elements of the building's architecture	Yes	The use of materials and colours, inset balconies and the recessive nature of upper levels provides appropriate modulation and articulation to the building.
1.4.9 Dwelling entry	Yes	The pedestrian entry is clearly identifiable from Kurraba Road. The building entry and pedestrian access is designed to address the public domain.
1.4.10 Roofs	Yes	The RFB is designed with a flat roof which is appropriate to address views of adjoining properties.
1.4.12 Colours and Materials	Yes	Council's Heritage Officer generally accepts the proposed materials and finishes as proposed in the amended plans subject to suitable conditions of consent.
1.4.13 Balconies-Apartments P1 Apartments must be provided with at least one balcony with a minimum depth of 2m and a minimum area of 8m ² (n.b. best practice standard for balcony size is 15% of the floor area ³ of the apartment).	Yes	Balconies vary in size from 8m ² to 22m ² .

P4 Balconies should be integrated into the overall architectural form and detail of the building.	Yes	Balconies have been integrated into the design of the building.
P7 Balconies should not be enclosed.	Yes	Balconies are not enclosed
1.5 Quality Urban Environment		
1.5.1 High Quality Residential Accommodation	Yes	See assessment under the ADG
1.5.3 Safety and Security	Yes	The RFB is considered appropriately designed to ensure a high level of safety for people occupying or visiting the site. The development clearly distinguishes various parts of the site and building for public, communal and private use.
1.5.4 Vehicle Access and Car Parking P1 Comply with the parking requirements within Part B: Section 10 – Car Parking and Transport of the DCP.	Yes	Parking complies with the requirements of Section 10 of the DCP.
P2 All parking associated with multi dwelling housing and residential flat buildings must be provided underground (i.e. within a basement).	Yes	All proposed parking is located within a basement carpark.
P5 Design accessways, driveways and parking areas to: (a) enable vehicles to enter the parking space or garage in a single turning movement; (b) enable vehicles to leave the parking space in no more than two turning movements; (c) enable vehicles to avoid queuing on public roads; (d) comply with AS 1428.2 Design for Access and Mobility; and (e) comply with the requirements of vehicular crossings and driveways as set out in s.20.4 to this Part of the DCP.	Yes	Traffic report submitted with the application has been reviewed by Councils Traffic Engineer. The traffic report demonstrates compliance with the relevant standards. Appropriate conditions of development consent will be imposed requiring compliance with the required standards.

P6 Parking areas must be designed to enable cars to enter and leave the site in a forward direction.	Yes	Have been designed accordingly.
P7 Driveway and pedestrian access must be separated.	Yes	
1.5.5 Site Coverage	No, however acceptable on merit	The proposed development is subject to a maximum site coverage of 45% (779.85m ²). The site coverage of the existing buildings is currently 640m ² (36.9%) A site coverage calculation diagram is submitted as part of the architectural plans confirming the proposed site coverage at 847m ² (48.9%).

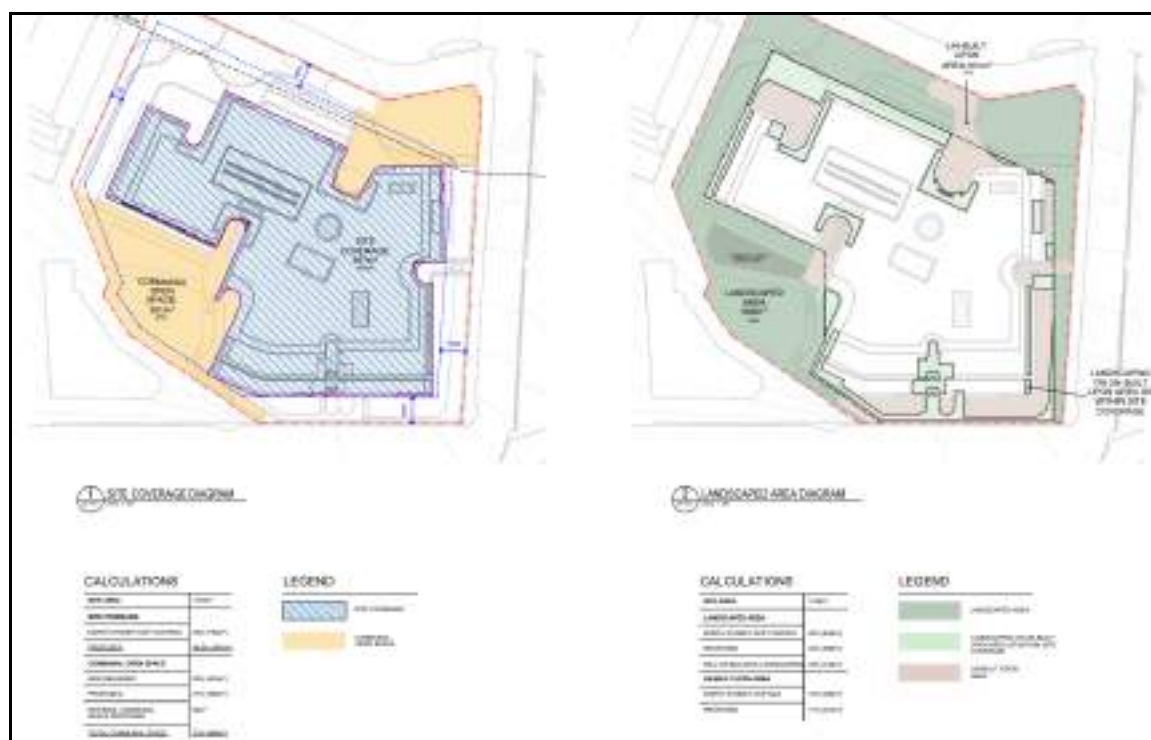


Figure 15 –Site area calculation plan showing the proposed site coverage, unbuilt upon area and landscaped area.

The applicant has provided the following in support of the variations to the site coverage, landscaped and unbuilt upon areas:

“As noted in the RFI, and inferred in section 1.8 of the North Sydney Development Control Plan 2013 (DCP), in the absence of a floor space ratio control, site coverage, landscaped area and unbuilt upon area are key development controls. While the RFI notes that strict compliance is sought to these controls, it needs to be acknowledged that section 1.8 of the DCP provides a framework (a repetition of the former clause 4.6 of the standard instrument) to consider proposals where the circumstances warrant variation of the controls, and section 4.15(3A) of the Environmental Planning and Assessment Act (Act) also requires flexibility to be applied “to allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development”.

The original statement of environmental effects (SEE) sets out the reasons why, in the circumstances of this application, it is appropriate to apply flexibility to the landscaped area and site coverage control. The circumstances include the unusual geometry of the site, the existing development on the site with extensive unbuilt upon areas, the need to address 3 street frontages in the design of any new building and the provision of substantial planting on structure to offset the shortfall of landscaped area as defined by the DCP.

Notwithstanding the variation of the landscaped area, site coverage and unbuilt upon area controls required because of the unique physical attributes of the site, the proposal achieves the objectives as demonstrated in Attachment 1. Importantly, the proposal is consistent with and improves the landscape character of the locality. The Design Report demonstrates that the tree canopy coverage in the locality is 22.9% whereas the proposal achieves tree canopy coverage of 38.9."

The applicant has also provided an assessment against the site coverage objectives as follows:

Objective	Response
<i>To ensure that development is balanced and in keeping with the optimum capacity of the site with no over development.</i>	<i>The development is balanced having regard to the physical characteristics of the site, the achievement of the design objectives of the DCP which among other seek to ensure that buildings address the streets and the high standard of amenity provided in the proposed apartments and communal facilities. Apart from the numerical variation, there are no indications, such as view loss, unreasonable overshadowing or excessive visual bulk and scale, for example, that the proposal is an overdevelopment of the site. To the contrary, the proposal promotes the desired future character of the Kurraba Point South Neighbourhood as described in the DCP</i>
<i>To ensure that development promotes the existing or desired future character of the neighbourhood.</i>	<i>As discussed already, the desired future character of the Kurraba Point South Neighbourhood is described as Primarily medium to high density residential accommodation, generally comprising attached dwellings, multi dwelling housing and residential flat buildings according to zone. The proposal is consistent with the type of development envisaged by the zone and promotes the desired future character by increasing the tree canopy coverage and landscaping and appropriately addressing the 3 street frontages</i>
<i>To control site density. Site density is generally consistent with that envisaged by the R4 zone and the neighbourhood character statement (discussed above).</i>	<i>To control site density. Site density is generally consistent with that envisaged by the R4 zone and the neighbourhood character statement (discussed above).</i>
<i>To limit the building footprint so as to ensure adequate provision is made for landscaped area.</i>	<i>Although the landscape area falls short of the numerical requirement prescribed in the DCP, as demonstrated above the objectives of the control are achieved and, having regard to the unique geometry of the site including multiple street frontages, it is appropriate in the circumstances to apply flexibility to both the landscape area and site coverage controls</i>

Assessment of landscaped area and unbuilt upon area objectives:	
Objective	Response
<i>Promote the character of the neighbourhood</i>	<i>The site is located within the Kurraba Point South Neighbourhood as identified in the DCP. The character of the neighbourhood is described as Primarily medium to high density residential accommodation, generally comprising attached dwellings, multi dwelling housing and residential flat buildings according to zone. Natural features include varying degrees of private landscaping of native and introduced species and the desired built form includes buildings which address the street. The proposal promotes the character (and desired character) of the neighbourhood.</i>
<i>Provide useable open space for the enjoyment of workers Not applicable</i>	<i>Not applicable</i>
<i>Provide a landscaped buffer between adjoining properties.</i>	<i>The proposal includes landscape planting and appropriate building setbacks between properties.</i>
<i>Maximise retention and absorption of surface drainage water on site</i>	<i>The proposal has maximised the retention and absorption of surface drainage water given the physical characteristics of the site.</i>
<i>Minimise obstruction to the underground flow of water</i>	<i>The proposal has minimised obstruction to the underground flow of water given the desirability of locating car parking below ground and ensuring that buildings address the 3 street frontages.</i>
<i>Promote substantial landscaping, that includes the planting of trees that when mature will have significant canopy cover</i>	<i>As demonstrated in the Design Report, the proposal will result in an improved landscape outcome including increased canopy cover (from 38.9% compared to 22.9% in the locality).</i>
<i>Control site density</i>	<i>Site density is generally consistent with that envisaged by the R4 zone and the neighbourhood character statement (discussed above).</i>
<i>Minimise site disturbance</i>	<i>The proposal sits comfortably on the site and the design does not exacerbate site disturbance.</i>
<i>Contributes to streetscape and amenity</i>	<i>The proposal addresses each of the 3 street frontages as sought by the area character statement and in contrast to the existing development. This, in part, gives rise to the need to apply the landscaped area control flexibly.</i>
<i>Allows light to penetrate between buildings</i>	<i>Light penetration between buildings is not compromised due to the orientation of the site and the arrangement of the streets.</i>
<i>Encourage the provision of space for biodiversity conservation and ecological processes</i>	<i>The proposal retains the existing significant tree on the site and increases the area of landscaping on the site (both in deep soil and planting on structure) while almost doubling the area of tree canopy coverage overall (refer Design Report)</i>
<i>Provide a buffer between bushland areas and development Not applicable</i>	<i>Not applicable</i>

1.5.6 Landscape Area	Acceptable on merit	<p>The subject site is required to provide a minimum landscaped area of 40% under the provisions of 1.5.6 of NSDCP 2013. The proposal will result in a reduction in landscaped area from 37.3% to 34%.</p> <p>The table below shows the site coverage, landscaped area and unbuilt upon area.</p> <table><tr><th>Control</th><th>Existing</th><th>Proposed</th><th>Compliance</th></tr><tr><td>Site Coverage Max 45%</td><td>640m² (36.9%)</td><td>847m² (48.9%).</td><td>No</td></tr><tr><td>Landscaped Area Min 40%</td><td>647m² (37%)</td><td>589m² (34%).</td><td>No</td></tr><tr><td>Unbuilt Upon Area Max 15%</td><td>446m² (25.7%)</td><td>301m² (17%)</td><td>No</td></tr></table> <p>Table: Existing and proposed site coverage, landscaped area and unbuilt upon area.</p> <p>Whilst still non-compliant, the quality of landscaping and the amount of quality vegetation across the site is an improvement from the existing situation and in conjunction with the reduction in the site coverage from the originally submitted plans and the significant reduction of unbuilt upon area from the existing, it is considered a positive outcome.</p> <p>The introduction of landscaping on unbuilt upon area and within the site coverage provide an additional 159m², which although not landscaping by definition will assist in softening the built form and is a positive outcome generally satisfying the objectives in s1.5.6 of NSDCP 2013</p>	Control	Existing	Proposed	Compliance	Site Coverage Max 45%	640m ² (36.9%)	847m ² (48.9%).	No	Landscaped Area Min 40%	647m ² (37%)	589m ² (34%).	No	Unbuilt Upon Area Max 15%	446m ² (25.7%)	301m ² (17%)	No
Control	Existing	Proposed	Compliance															
Site Coverage Max 45%	640m ² (36.9%)	847m ² (48.9%).	No															
Landscaped Area Min 40%	647m ² (37%)	589m ² (34%).	No															
Unbuilt Upon Area Max 15%	446m ² (25.7%)	301m ² (17%)	No															
<p><u>Discussion on landscaped area, site coverage and unbuilt upon areas</u></p> <p>The proposed landscape area whilst non-compliant with the DCP control, provides a landscape scheme that will have a significant impact upon the existing site whilst also contributing to the ambience of the immediate area. The landscaping will result in a dense grouping of shrubs and groundcovers in conjunction with the existing and proposed trees creating a cohesive and vibrant landscape that will maintain the character of the Kurraba Point.</p> <p>The design also includes planting at upper levels of the building to continue the landscaping along and up the façades of the building to soften the built form when viewed from the street. The applicant has indicated that approximately 3,296 new plants will be provided resulting in a significant proportion of green space. The proposal will remove the extensive areas of hard paved, which currently exist in the form of the driveway and turning areas which currently provide access from both Kurraba Rd and Spains Wharf Rd.</p> <p>Appropriate justification must be provided when a proposal seeks variations to the landscaping control, site coverage and unbuilt upon area controls. This proposal through the landscape design and built form has been able to demonstrate that the relevant objectives of the landscape, site coverage and unbuilt upon controls have been achieved through an extensive well thought out landscape design and a high quality building which responds to the constraints and topography of the subject site, whilst also ensuring that all three street frontages are suitably addressed. It is noted that the unbuilt upon area will be reduced significantly through this development. The applicant has also provided a detailed assessment of the proposal against the objectives which has been reproduced within this report. The proposal also provides much desired additional housing for the Kurraba Point area.</p> <p>The proposed development is considered to be an appropriate and suitable response to the subject site and will be consistent with the desired and future character of the Kurraba Point area. On balance the variations are supported.</p>																		
1.5.7 Landscaping	Yes	The development has an improved landscaping outcome with new planting which is responsive to the local climatic conditions and is in keeping with the landscape character of the surrounding area.																
1.5.8 Front Gardens	Yes	The front setback is considered sufficiently landscaped.																
1.5.9 Private and Communal Open Space	Yes	<p>All units have access to private open space providing a reasonable level of outdoor amenity to residents which meets the requirements of the clause.</p> <p>Terraces vary from 23.3m² to 56m².</p>																

P1 Must provide minimum private open space areas in accordance with Table B-1.8. 1 bed – 8m ² 2 bed – 10m ² 3 bed – 12m ² Minimum area at ground level of 25m ²		Balconies vary in size from 12m ² to 22m ² , with the exception of the 8m ² balcony for the one (1) bedroom apartment.
P4 Private open spaces should be located such that they are directly accessible off a main living area of the dwelling.	Yes	All balconies and terraces are located off living and dining rooms.
1.5.12 Garbage Storage P1 Each dwelling must be provided with a waste storage cupboard within the kitchen, capable of accommodating at least 2 days of waste and to enable the source separation of garbage, recyclables and compost within separate containers.	Yes	
P2 On-site garbage storage areas must be provided which are capable of accommodating at least the number of garbage and recycling bins indicated in Table B-1.10	Yes	A waste room has been provided within the basement, which is of sufficient size to cater for the required amount of waste and recycling bins.
P6 A garbage storage area should be located within 2m of the street boundary.	Yes	The temporary holding bay as per the plans found within the OWMP is of sufficient size to accommodate the required garbage and recycling bins required for the development. The location of the temporary bin holding room is within 2 metres from the street boundary.
1.5.13 Site Facilities	Yes	The development comprises sufficient site facilities for the needs of the residents such as lockable mailboxes and storage spaces.
1.6 Efficient Use of Resources		
1.6.1 Energy Efficiency	Yes	A valid BASIX Certification has been submitted as part of the development application documentation.

Part B Section 10 – Car Parking and Transport

Part B Section 10 provides car parking and transport controls. If there is a discrepancy between Part B and Part C of the DCP, Part C will always prevail. The following table summarises the proposal against the relevant controls:

DEVELOPMENT CONTROL PLAN 2013 – Part B Section 10 – Car parking and transport									
Provision	Complies	Comments							
10.2 Parking Provision									
10.2.1 Quantity Requirement									
Residential Development									
<p>P1 Provide on-site car parking, not exceeding the maximum rates stated in Table B-10.1. For residential flat buildings in R4 zone:</p> <table border="1"> <tr> <td rowspan="3">All locations other than High Accessibility Area**</td><td>Studio, 1-2 bedrooms</td><td>1 space / dw</td></tr> <tr> <td>3 + bedrooms</td><td>1.5 spaces / dw</td></tr> <tr> <td>Visitor</td><td>0.25 space / dw (min of 1 space)</td></tr> </table> <ul style="list-style-type: none"> 1 x 1 bedroom – 1 space (max) 3 X 2 bedroom – 3 spaces (max) 15 x 3 bedroom – 22.5 spaces (max) Visitor spaces – 4.75 (min) <p>27 spaces (max) for the residential apartments</p>	All locations other than High Accessibility Area**	Studio, 1-2 bedrooms	1 space / dw	3 + bedrooms	1.5 spaces / dw	Visitor	0.25 space / dw (min of 1 space)	Yes	<p>32 car parking spaces have been provided including the visitor's spaces.</p> <p>Car parking has been provided at the maximum rate.</p>
All locations other than High Accessibility Area**		Studio, 1-2 bedrooms	1 space / dw						
		3 + bedrooms	1.5 spaces / dw						
	Visitor	0.25 space / dw (min of 1 space)							
P2 For residential flat buildings, shop-top housing and attached dwellings, on-site car parking provision below maximum rates specified in Table B-10.1 is encouraged where the proposed development has good access to public transport.	Yes	Car parking has been provided at the maximum rate.							
P3 For residential developments containing 4 or more dwellings, a car wash bay is to be provided within the visitor parking area. The car wash bay may comprise a visitor car space. The wash bay is to be adequately drained and connected to the sewer line.	Yes	A visitors/car wash bay has been provided on the basement level.							
P4 The use of car spaces is restricted to the occupiers(s) of a development.	Noted	Should approval be granted a condition of consent can be imposed restricting the use of the car spaces.							
P5 Designate visitor car parking spaces as common property.	Noted	Can be conditioned.							
P6 Developments containing adaptable housing must allocate at least one accessible parking space to each adaptable dwelling.	Yes	Four (4) adaptable spaces have been provided for the four (4) adaptable apartments.							
10.3 Design and Layout									
10.3.1 General									
P1 The size and design of all parking spaces, loading facilities and any associated manoeuvring areas must be in accordance with AS2890.	Yes								
P2 1-2% of all non-residential parking spaces are to be designated for use by the disabled.	Yes	Accessible space has been provided.							
P3 Car parking spaces for people with disabilities or their associates are provided adjacent or close to the principal public entrance in accordance with AS 1428.2.	Yes	Within close proximity to the lift							
P4 Motorcycle parking must have a minimum dimension of 1.2m x 3m.	Yes	The motorcycle spaces do not seem to achieve these measurements. This will be conditioned.							
P5 Council does not support the use of use of turntables for vehicular manoeuvring unless there is no feasible alternative.	N/A	No turntable proposed.							
P6 Where security doors/gates are proposed, an intercom system is to be provided to facilitate visitor/service access to underground parking areas.	Noted								
P7 Where resident parking and non-resident parking is to be provided within the same development, vehicular access to the private residential areas of the parking area is to be restricted through appropriate security measures.	Noted								

10.4 Loading and Servicing Facilities													
P2 Developments containing more than 30 dwellings but less than 60 must provide at least 1 service delivery space, capable of accommodating at least 1 Medium Rigid Vehicle. Development containing less than 30 dwellings must provide at least one delivery/service/trade standard parking space.	Yes	The development provides one servicing bay capable of accommodating a SRV up to 6.4m.											
P5 Height clearances, including access routes to the required loading spaces must comply with Australian Standard AS 2890.2.	Yes												
10.5 Bicycle Parking and Associated Facilities													
<p>P1 All new development is to provide on-site, secure bicycle parking spaces and storage for residential accommodation in accordance with the minimum rates specified in Table B-10.4</p> <table border="1"> <caption>TABLE B-10.4: Minimum Bicycle Parking Rates</caption> <thead> <tr> <th rowspan="2">Development Type</th><th colspan="2">Rate</th></tr> <tr> <th>Occupants</th><th>Visitor / Customer</th></tr> </thead> <tbody> <tr> <td>Residential</td><td></td><td></td></tr> <tr> <td>Residential accommodation</td><td>1 / 1 dwelling</td><td>1 / 10 dwellings</td></tr> </tbody> </table> <p>Occupants – 19 spaces (min) Visitors – 2 spaces (min)</p>	Development Type	Rate		Occupants	Visitor / Customer	Residential			Residential accommodation	1 / 1 dwelling	1 / 10 dwellings	Yes	The proposal meets the minimum bicycle parking spaces by providing 19 occupant spaces and 2 visitors spaces.
Development Type		Rate											
	Occupants	Visitor / Customer											
Residential													
Residential accommodation	1 / 1 dwelling	1 / 10 dwellings											
P2 Bicycle parking facilities are to be additional to other parking requirements.	Yes	Facilities are provided in addition to other parking											
P3 The minimum number of bicycle parking spaces is to be rounded up to the nearest whole number if it is not a whole number.	Noted												
Design													
P5 Design bicycle parking and storage facilities in accordance with the relevant Australian Standards that apply at the time.	Yes												
Location													
P6 Locate private bicycle storage facilities within basement parking levels of the building where provided.	Yes	Located within the basement											

South Cremorne Planning Area (Kurraba Point South Neighbourhood) - Part C of NSDCP 2013

South Cremorne is a green, leafy area sympathetic to its harbourside setting. The design of new buildings is to be sympathetic to the landscape and character of buildings within the locality, complementing existing building forms in respect to massing, composition, materials, colours and maintaining the original subdivision pattern.

The site is located within the Kurraba Point South Neighbourhood. Significant features within this area include predominantly residential accommodation as the main land use with steep falls generally adjacent to the foreshore. Development takes advantage of high levels of access to regular public ferry services from Kurraba Wharf. Views and vistas from streets and reserves to Sydney Harbour are to be preserved where possible.

Below is a consideration of the development against the most relevant controls in the character statement in Part C of the NSDCP 2013.

6.1.2 Desired Future Character

Diversity

- P1** Primarily medium to high density residential accommodation, generally comprising attached dwellings, multi dwelling housing and residential flat buildings according to zone

The proposed development is consistent with P1 of Part C, which seeks for the development of medium to high density developments which includes residential flat buildings.

P3 Any increases in density should be concentrated in the vicinity of Kurraba Wharf.

The subject site is located within close proximity to Kurraba Wharf, which is consistent with this control.

6.1.3 Desired Built form

Siting

P1 Buildings address both the street, as well as the foreshore.

The proposed building addresses all street frontages.

P3 Sites should provide front setbacks to allow for soft landscaping.

The front of the site provides suitable and appropriate landscaping with setbacks consistent with the surrounding buildings.

LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN

The subject application has been assessed against the North Sydney Local Infrastructure Contribution Plan 2020 and is subject to payment of contributions towards the provision of local infrastructure. The development results in an increase of 4 dwellings and as such is subject to a S7.11 contribution. The contributions payable have been calculated in accordance with Council's Contributions Plan as follows:

Population Increase

Development type				
Residential accommodation	Existing	Proposed	Unit	Increase
1 bedroom dwelling	-	1	Dwelling	1 dwelling
2 bedroom dwellings	12	3	Dwelling	-9 dwellings
3 bedroom dwellings	3	15	Dwelling	12 dwellings

Contribution amounts payable

Applicable contribution type	
s7.11 contribution (net population Increase)	Amount
Open space and recreation facilities:	\$42,129.10
Public domain:	\$23,452.02
Active transport:	\$1,338.55
Community facilities:	\$8,461.83
Plan administration and management:	\$1,127.20
Total	\$\$76,508.70

Conditions requiring the payment of contributions at the appropriate time are included in the attached conditions.

HOUSING PRODUCTIVITY CONTRIBUTION

The Ministerial Order for Housing Productivity Contribution came to effect on 1 October 2023. The order applies to land in that includes the Greater Sydney Region in which North Sydney Council is located.

Part 2 Division 1 Clause 5 outlines that 'Residential Development' triggers a contribution if development consent is granted.

Based on the subject development application, the application is defined as a residential flat building Schedule 2 outlines exemptions for this contribution, of which remains silent on matters such as the proposed development. Therefore, a contribution would be applicable should development consent be granted.

The proposal is subject to the following contribution:

Housing and Productivity Contribution	Amount
Housing and productivity contribution (base component)	\$42,842.60
Total housing and productivity contribution	\$42,842.60

A condition of development consent has been recommended requiring payment under the order prior to the issue of the construction certificate.

ALL LIKELY IMPACTS OF THE DEVELOPMENT

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

ENVIRONMENTAL APPRAISAL

CONSIDERED

1.	Statutory Controls	Yes
2.	Policy Controls	Yes
3.	Design in relation to existing building and natural environment	Yes
4.	Landscaping/Open Space Provision	Yes
5.	Traffic generation and Carparking provision	Yes
6.	Loading and Servicing facilities	Yes
7.	Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.)	Yes
8.	Site Management Issues	Yes

- | | | |
|----|---|-----|
| 9. | All relevant S4.15 considerations of Environmental Planning and Assessment (Amendment) Act 1979 | Yes |
|----|---|-----|

SUBMITTERS CONCERNS

The application was twice notified to adjoining properties and the Kurraba Precinct. The first notification was between 12 July and 26 July 2024 and upon receipt of amended plans the development was notified between 18 April and 2 May 2025. Council received in total, fifty two (52) submissions over the two notification periods where the following matters were raised:

- **New basement entry to Wallaringa Avenue will result in a reduction of available parking in Wallaringa Avenue and will also increase the amount of traffic.**

Response: A Transport and Traffic Impact Assessment Report was prepared by JMT Consulting, which accompanied the development application. Whilst one parking space will be lost within Wallaringa Avenue, the amount of on-site parking will be increased from 18 on site spaces to 32 on site spaces, which includes 5 visitors spaces. The extra 14 spaces will assist in reducing the demand for on street parking within the locality.

The Traffic report and assessment has been reviewed Councils Traffic Engineers. Subject to conditions provided they have provided their support for the proposal.

- **Wallaringa Avenue is a narrow, twisting, one way lane which cannot cope with traffic from this development.**

Response: The Traffic report and assessment has been reviewed Councils Traffic Engineers. Subject to conditions provided they have provided their support for the proposal.

- **The reduction in parking will impact on the successful operation of the heritage listed 'Nutcote' building.**

Response: The Traffic report and assessment has been reviewed Councils Traffic Engineers. They have advised that whilst the development will result in the loss of one on street parking spaces, the development will provide on-site parking spaces in accordance with the requirements of the DCP. Subject to conditions provided they have provided their support for the proposal.

- **All heavy vehicles and all construction access needs to be restricted to Kurraba Road.**

Response: This will be subject to the requirements of the Construction Traffic Management Plan (CTMP), which will be reviewed and assessed by Councils Traffic Engineer.

- **Impacts on pedestrian safety from the location of the new vehicular entry within Wallaringa Avenue and the traffic generated.**

Response: The proposal will be subject to a Construction and Traffic Management Plan (CTMP) which will need to be reviewed and approved by Councils Traffic Engineers.

- **Impact on the fig tree located in the north western corner of the subject site.**

Response: The landscape plan and arborist report has been reviewed by Councils Landscape Development Officer. The fig tree is proposed to be retained as part of this development and conditions have been imposed requiring its retention.

- **Noise generated from garbage trucks.**

Response: Conditions of development consent will be imposed to ensure that maximum noise levels are not exceeded.

- **Impacts of noise generated by plant and mechanical services.**

Response: Conditions of development consent will be imposed ensuring that any plant and equipment adheres to maximum requirements.

- **The development only proposes 32 car parking spaces.**

Response: The amount of on-site parking proposed is an increase of 14 spaces from the existing buildings and complies with the maximum parking rates of NSDCP 2013.

- **Non-compliance with Councils DCP for setbacks**

Response: The building has been designed to respond to the site through articulation and modulation with stepping of the building at the upper levels to satisfy the relevant objectives of the DCP.

- **Proposed building is an overdevelopment of the site and has unacceptable bulk and scale.**

Response: The building has been generally designed to take into consideration the requirements of the DCP including the area character statement which encourages the construction of residential flat buildings, increased densities within areas in the vicinity and appropriate setbacks to facilitate soft landscaping. The bulk and scale is consistent with the expectations of the Kurraba Point South Area character statement.

The site coverage has been reduced from the original plans and the amount of landscaping and landscaping upon built upon areas assist in softening the building.

- **Disagrees with the comments contained within the heritage report in relation to setbacks, massing and scale.**

Response: The development and the supporting heritage report has been reviewed by Councils Heritage Officer who has provided her support to the proposal subject to conditions provided.

- **Excavation is unacceptable.**

Response: The development will require excavation to a depth of up to 9.5m below existing ground levels. The application was accompanied by a geotechnical report which undertook a preliminary investigation to assess surface and subsurface conditions to inform geotechnical advice and recommendations. The report concluded that potential impacts could be managed through the construction phase. Conditions of development consent will be imposed accordingly.

- **Overshadowing of adjoining properties and No 95 Kurraba Road.**

Response: The impact of overshadowing as demonstrated by the shadow diagrams indicates that the impact of overshadowing to the southern and western neighbours is minor and is generally contained within the shadowing cast by the existing buildings.

In relation to No 95 Kurraba Rd the shadow diagrams and commentary provided by the applicant indicate that the POS of No 95 will receive sunlight for its entirety between 9-11am, north east section from 9am -2pm and the north west section from 2-3pm.

- **Poor amenity for some of the proposed apartments.**

Response: The subterranean apartments were discussed at the DEP meeting, and the Panel supports these as habitable spaces, as it can be demonstrated that these apartment appear to be achieving an acceptable amenity

- **Concerns with increase in density of apartments from 15 to 19 apartments.**

Response: Whilst the proposal will result in an additional 4 units, the development proposes 32 parking spaces to assist with minimising the use of on street parking spaces.

- **Non-compliance with the Clause 4.3 of NSLEP 2013 - Building height**

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 R4 High Density Residential zone.

- **Increase to site coverage and reduction in landscaped area.**

Response: The proposed development will however result in a significant reduction in the existing amount of unbuilt upon area on the site and will also provide on built landscaping to areas of site coverage to soften the building.

PUBLIC INTEREST

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

SUITABILITY OF THE SITE

The proposal would be located in a R4 High Density Residential Zone where residential flat buildings are a permissible form of development subject to consent. 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 application was twice notified to adjoining properties and the Kurraba Precinct. The first notification was between 12 July and 26 July 2024 and upon receipt of amended plans the development was notified between 18 April and 2 May 2025. Council received in total fifty two (52) submissions over the two notification periods. A number of issues were raised which have been discussed within the body of the report and also where appropriate conditions of consent have been recommended to maintain the amenity of adjoining properties.

CONCLUSION

The proposal has been assessed having regard to the Matters for Consideration under Section 8.2 and Section 4.15 of the Environmental Planning and Assessment Act 1979.

The proposal has been assessed against the provisions of the North Sydney Local Environmental Plan 2013 and North Sydney Development Control Plan 2013. The proposal satisfies the key planning controls in the North Sydney Local Environmental Plan apart from exceeding the building height development standard. A Clause 4.6 Statement has been submitted with the application justifying the variation.

The development proposes a maximum building height of 14.76m, being a variation of 23% which does not comply with the maximum permitted height of 12m in Clause 4.3 in NSLEP 2013. The contravention of the development standard for height is justifiable and reasonable as the additional roof form has negligible amenity impacts on neighbouring properties. The written request to vary the development standard demonstrates that compliance with the development standard would be unreasonable and unnecessary in the circumstances of the case and that there are sufficient planning grounds to justify the variation.

The development is appropriately designed with the revised exterior colours and finishes and the introduction of the 400mm upstand to the Wallaringa Avenue balustrades to reduce the dominance of glazing. The building will be highly articulated, and the massing will be perceived as being broken into four smaller masses that are similar in volume to the large dwellings and Interwar apartment buildings in the area. The perceived scale of the south-western elevation is adequately ameliorated by the stepped form.

The demonstrated non-compliance with site coverage, landscape area and built upon area have been examined. It is observed that the site is an irregular shaped allotment, with three street frontages which falls away steeply to Wallaringa Avenue. The proposed development responds to the constraints of the site by reducing the site coverage and unbuilt upon area through the redesign and amendments made to the building. The development has an improved landscaped outcome by the provision of landscaping to the unbuilt upon areas and increasing the amount of landscaping to that which currently exists on site.

As discussed throughout this report, the proposal is considered to be compatible with the character of the local area. The proposal also satisfies the R4 Low Density Residential zone objectives.

The application was twice notified to adjoining properties and the Kurraba Precinct. The first notification was between 12 July and 26 July 2024 and upon receipt of amended plans the development was notified between 18 April and 2 May 2025. Council received in total fifty two (52) submissions over the two notification periods. The amended proposal is considered to be suitable for the site and the locality and the application is now satisfactory.

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

STATEMENT OF REASONS

The reasons for this recommendation are:

- The proposed development satisfies the objectives of the R4 High Density Residential zone of North Sydney Local Environmental Plan
- The proposed built form, scale and siting of the proposed building will be in keeping with the character of the streetscape and will be consistent with development form that has been approved within the immediate area.
- The proposed development is considered to be compatible with surrounding development and surrounding land uses.
- The proposed development complies with the requirements of the relevant environmental planning instruments except in the height of the development requirement. A Clause 4.6 exception has been submitted in support of the application for the height variation, which is considered to be acceptable having regard to the justification provided in the report above.
- The building will not unreasonably affect the amenity of any immediately adjoining properties in terms of unreasonable overlooking, overshadowing or view loss.
- The proposed development is well considered and sensitively designed so that it will not result in any unreasonable impact on the natural and built environment.
- The proposed development is considered to be compatible with the character of the locality and is capable of existing harmoniously with its surroundings.
- The proposal will provide for an increase in dwelling numbers while not introducing unacceptable impacts on the local area.
- The proposed development is located within the Kurraba Point South Neighbourhood and is consistent with the desired future character of the area by providing a high quality residential flat building that is consistent with adjoining development.

RECOMMENDATION

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

- A. **THAT** the North Sydney Local Planning Panel exercising the functions of Council as the consent authority, assume the concurrence of the Secretary of the Department of Planning, Housing and Infrastructure and invoke the provisions of Clause 4.6 in NSLEP 2013 with regards to non-compliance with Clause 4.3 of NSLEP 2013 and grant consent as the variation sought is considered to be well founded and in the public interest as there will not be any direct or adverse environmental impacts generated by the variation sought.

B. **THAT** pursuant to Section 4.16 (1)(a) of the Environmental Planning and Assessment Act 1979 (as amended), the North Sydney Local Planning Panel grant consent to Development Application No. 128/24 for Demolition of the existing residential flat buildings, construction of a new residential flat building, excavation and construction of basement, new basement entry from Wallaringa Avenue and new landscaping at 93 Kurraba Road, Kurraba Point subject to the following site specific and standard conditions:-

Michael Hornery
EXECUTIVE ASSESSMENT PLANNER

Stephen Beattie
SERVICE UNIT MANAGER DEVELOPMENT SERVICES

NORTH SYDNEY COUNCIL
CONDITIONS OF DEVELOPMENT APPROVAL
93 KURRABA ROAD, KURRABA POINT
DEVELOPMENT APPLICATION NO. 128/24

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 and other documentation listed in the table to this clause, or cited by other conditions, and as amended by other conditions of this consent.

Plan No.	Revision	Description	Prepared by	Dated
DA-0001		Cover Page & drawing List	SJB Architects	14.03.2025
DA-0010	17	Location Plan	SJB Architects	14.03.2025
DA-0100	21	Site Plan - Existing	SJB Architects	14.03.2025
DA-0102	21	Site Analysis	SJB Architects	14.03.2025
DA-0301	17	Demolition Plan	SJB Architects	14.03.2025
DA-0302	17	Cut & Fill Plan	SJB Architects	14.03.2025
DA-1001	21	Floor Plan – Basement	SJB Architects	14.03.2025
DA-1002	21	Floor Plan – Lower Ground	SJB Architects	14.03.2025
DA-1003	21	Floor Plan - Ground	SJB Architects	14.03.2025
DA-1004	21	Floor Plan – Level 1	SJB Architects	14.03.2025
DA-1005	21	Floor Plan – Level 2	SJB Architects	14.03.2025
DA-1006	21	Floor Plan – Level 3	SJB Architects	14.03.2025
DA-1007	21	Floor Plan - Roof	SJB Architects	14.03.2025
DA-1401	21	Elevation East – Kurraba Road	SJB Architects	14.03.2025
DA-1402	21	Elevation South-East – Spains Wharf Road	SJB Architects	14.03.2025
DA-1403	21	Elevation South-West – Wallaringa Avenue	SJB Architects	14.03.2025
DA-1405	21	Elevation North	SJB Architects	14.03.2025
DA-1410	21	Elevation East – coloured diagram	SJB Architects	14.03.2025
DA-1411	21	Elevation South-East– coloured diagram	SJB Architects	14.03.2025

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DA-1412	21	Elevation South-West– coloured diagram	SJB Architects	14.03.2025
DA-1413	21	Elevation North– coloured diagram	SJB Architects	14.03.2025
DA-1501	21	Section A & B	SJB Architects	14.03.2025
DA-1502	21	Section C & D	SJB Architects	14.03.2025
DA-1503	21	Long Sections E & F	SJB Architects	14.03.2025
DA-1511	21	Section – Typical Façade Detail	SJB Architects	14.03.2025
DA-4401	17	Adaptable Unit 04 + 08	SJB Architects	14.03.2025
DA-4402	17	Adaptable Unit 05 + 09	SJB Architects	14.03.2025
DA8211	21	External Finishes	SJB Architects	14.03.2025
Landscape Plans				
DA01-D7323	E	Cover Page	Dangar Barin Smith	17.03.2025
DA02-D7323	E	Ground & Lower Ground Landscape Plan	Dangar Barin Smith	17.03.2025
DA03-D7323	E	Level 1 Landscape Plan	Dangar Barin Smith	17.03.2025
DA04-D7323	E	Level 2 Landscape Plan	Dangar Barin Smith	17.03.2025
DA05-D7323	E	Level 3 Landscape Plan	Dangar Barin Smith	17.03.2025
DA06-D7323	E	Roof Landscape Plan	Dangar Barin Smith	17.03.2025
DA07-D7323	E	Canopy Coverage	Dangar Barin Smith	17.03.2025
DA08-D7323	E	Landscape Area & Communal Open Space	Dangar Barin Smith	17.03.2025
DA09-D7323	E	Details	Dangar Barin Smith	17.03.2025
Reports relied upon				
P23033		Amended Clause 4.6 - Building Height	Gyde	5 May 2025
		Statement of Environmental Effects and Planning report	Gyde	16/07/2024 18/03/2024
-	V02	Design Report	SJB Architects	30/04/2024

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-	V05.2	Design Report – Council RFI response	SJB Architects	19/03/2025
-	V03	Revisions to Design Verification & ADG	SJB Architects	16/05/2025
C000 – C305	01	Civil & stormwater plans	eiaustralia	27/03/2024
-	1	Arboricultural Impact Assessment Report	Temporal Tree Management	08/05/2024
E26191.E01	2	Preliminary Site Investigation Report	eiaustralia	10/05/2024
S23190	0	Fire Engineer statement	Voss Grace + Partners	08/05/2024
118453	R1	BCA Report	Jensen Hughes	06/05/2024
E26191.G03	Rev 2	Preliminary Geotechnical Report	Eiaustralia	02/05/2024
23140.2	2	Accessibility Report	Nest Consulting Group	30/04/2024
J6556	1	Statement of Heritage Impact	Weir Phillips	13/03/2024
J6556_01		Heritage response to RFI	Weir Phillips	12/3/2025
2412		Transport Impact Assessment	JMT Consulting	17/04/24
-	-	Transport – Response to Traffic matters	JMT Consulting	19/02/2025
5429	D	Operational Waste Management Plan	Elephants Foot	08/05/2024
		Waste Response to RFI	Elephants Foot	13/02/2025
301351499	003	Acoustic Report	Stantec	13/05/2024
	A	Survey Plan	Hill & Blume	06/06/2022

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Note: An inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

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

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Plans on Site

- A2. A copy of all plans, specifications and documents (including the plans, specifications and documents submitted and approved with the relevant Construction Certificate) must be kept on site at all times so as to be readily available for perusal by any 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)

External Finishes and Materials

- A3. External finishes and materials must be in accordance with the External finishes schedule Plan drawing No 8211 Rev 21 dated 14 March 2025, prepared by SJB and received by Council on 20 March 2025. Substitution of materials must not be undertaken, except where otherwise amended by condition or approved in writing by Council.

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.

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

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

B. *Matters to be completed before the lodgement of an application for a construction certificate*

Construction Traffic Management Plan

- B1. A Construction Traffic Management Program prepared by a suitably qualified and experienced traffic consultant must be submitted and approved in writing by North Sydney Council's Traffic Division PRIOR TO THE ISSUE OF ANY Construction Certificate. Any use of Council property will require separate approvals prior to any work commencing. At a minimum, the Construction Traffic Management Program must specifically address the following matters:

- a) A plan view (min 1:100 scale) of the entire site and frontage roadways indicating:
 - i. Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction-related vehicles in the frontage roadways;
 - ii. Signage type and location to manage pedestrians in the vicinity;
 - iii. The locations of any proposed Work Zones in the frontage roadways;

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- iv. Locations and type of any hoardings proposed;
 - v. Area of site sheds and the like;
 - vi. Location of any proposed crane standing areas;
 - vii. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
 - viii. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected; and
 - ix. The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
- b) A Traffic Guidance Scheme(s) for the site incorporating the following:
- i. Traffic control measures proposed in the road reserve that are in accordance with the TfNSW publication "Traffic Control at Work Sites Manual" and designed by a person licensed to do so (minimum TfNSW 'red card' qualification).
 - ii. The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.
- c) A detailed description and map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided, detailing light traffic roads and those subject to a load or height limit must be avoided at all times.
A copy of this route is to be made available to all contractors and must be clearly depicted at a location within the site.
- d) A Waste Management Plan in accordance with the provisions of Part B Section 19 of the *North Sydney DCP 2013* must be provided. The Waste Management Plan must include, but not be limited to, the estimated volume of waste and method of disposal for the construction and operation phases of the development, design of on-site waste storage and recycling area and administrative arrangements for waste and recycling management during the construction process;
- e) Evidence of TfNSW concurrence where construction access is provided directly or within 20m of an Arterial and/or Classified Road;
- f) A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements; and
- g) For those construction personnel that drive to the site, the Site Manager shall attempt to provide on-site parking so that their personnel's vehicles do not impact on the current parking demand in the area.

A suitably qualified and experienced traffic engineer or consultant must prepare the Construction and Traffic Management Plan.

All traffic control work and excavation, demolition and construction activities must be undertaken in accordance with the approved Construction Traffic Management Plan and any conditions attached to the approved plan.

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A Construction Traffic Management Plan approval permit must be obtained from Council's Traffic and Transport engineers.

The approval permit and the approved Construction Traffic Management Plan must be submitted as part of the documentation lodged with the application for approval of a construction certificate.

A copy of the approved Construction and Traffic Management Plan must be kept on the site at all times and be made available to any officer of the Council on request.

Note:

- 1) To apply for certification under this condition, an '*Application to satisfy development consent*' must be prepared and lodged with North Sydney Council. North Sydney Council's adopted fee for certification of compliance with this condition must be paid upon lodgement.
- 2) Any use of Council property will require appropriate approvals and demonstration of liability insurances prior to such work commencing.
- 3) Failure to provide complete and detailed information may result in delays. It is recommended that your Construction and Traffic Management Plan be lodged with Council as early as possible.
- 4) Dependent on the circumstances of the site, Council may request additional information to that detailed in the condition above.

(Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the demolition and construction process in a manner that respects adjoining owners' property rights and residential amenity in the locality, without unreasonable inconvenience to the community)

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

Level 3 Apartment Exterior Colour Scheme

- C1. The exterior colour scheme of the level 3 apartment is to be a pale colour, sympathetic to the approved colour scheme that is visually submissive against the sky. The Principal Certifier must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition prior to the release of the relevant Construction Certificate

(Reason: To reduce the perceived bulk and scale of the building)

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Balustrades

- C2. The 1000mm high balustrades as detailed on Drawing DA-1511/21 by SJB dated 14 March 2025 and received at Council on 20 March 2025, shall have a minimum of 50% solid material at the base as measured on the interior side of the balcony. The upper portion may be glazed or utilise steel palisade. The Principal Certifier must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition prior to the release of the relevant Construction Certificate.

(Reason: To minimise the visual impact of contemporary reflective materials in the streetscape in the vicinity of the nearby heritage items)

Sandstone

- C3. In relation to the stone blocks the following is required
- a) All stone blocks within the existing sandstone boundary walls shall be retained and reused for the rebuilding of the new boundary walls.
 - b) All works to the stone wall, both dismantling and rebuilding, are to be undertaken by a suitably qualified and experienced stonemason and under the close supervision of a heritage architect or heritage engineer, listed on the NSW Heritage Office Consultant's List (referred hereafter as 'the heritage architect / engineer').
 - c) All blocks that are to be removed from the boundary walls and replaced are to be numbered and replaced in their original location or as near as practicable.
 - d) All sandstone removed from the wall are to be retained on site, and protected from damage, throughout the construction process. The stones are not to be removed from the subject site at any stage.
 - e) Any new sandstone that is required to replace damaged unusable sandstone is to match the existing sandstone blockwork in dimension, texture and colour.
 - f) Any new sandstone elsewhere on the site, other than the boundary walls shall have a rusticated finish.

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

(Reason: To allow for preservation of cultural resources within the North Sydney Council area)

Dilapidation Report Damage to Public Infrastructure

- C4. A dilapidation survey and report (including photographic record) must be prepared by a suitably qualified consultant which details the pre-developed condition of the existing public infrastructure in the vicinity of the development site. Particular attention must be paid to accurately recording any pre-developed damaged areas so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development. A copy of the dilapidation survey and report is to be submitted to the Principal Certifier for approval prior to the issue of a Construction Certificate for the excavation of the basement.

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The Applicant may be held liable for all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded and demonstrated as pre-existing under the requirements of this condition.

The Applicant shall be responsible for the cost of repairing any public infrastructure damaged during the course of the development. No occupancy of the development shall be permitted until all such damage has been rectified.

A copy of the dilapidation survey and report must be lodged with North Sydney Council by the Principal Certifier with submission of the relevant Construction Certificate documentation.

(Reason: To record the condition of public infrastructure prior to the commencement of any works or construction)

Dilapidation Report Private Property (Excavation)

- C5. A full dilapidation survey and report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavations must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The zone of influence is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.

The dilapidation report and survey are to be prepared by a consulting structural/geotechnical engineer and a copy to be given to the owner of any affected adjoining property.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant MUST DEMONSTRATE, in writing, to the satisfaction of Council that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Written concurrence must be obtained from Council in such circumstances.

Note: This documentation is for record keeping purposes only and may be used by the developer or affected property owners to assist in any action required to resolve dispute(s) over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible.

(Reason: To record the condition of property/ies prior to the commencement of construction)

Shoring for Adjoining Property

- C6. Where shoring for excavation is to be located on or is supporting Council's property, or adjoining private property, engineering drawings certified as being adequate for their intended purpose by an appropriately qualified and practising structural engineer, showing all details, including the extent of encroachment and the method of removal and destressing of shoring elements, must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. A copy of this documentation must be provided to the Council for record purposes.

Note: Approval of engineering drawings for shoring works to be located on adjoining property by the Principal Certifier does not authorise a trespass on private or public land. All relevant permissions/legal rights must be obtained to undertake works on adjoining land.

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

Geotechnical Report

- C7. Prior to issue of the relevant Construction Certificate a Geotechnical/Civil Engineering report must be prepared which addresses at a minimum (but is not limited to) the following:
- a) the type and extent of substrata formations by the provision of a minimum of four (4) representative bore hole logs which are to provide a full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs must be related to Australian Height Datum;
 - b) the appropriate means of excavation/shoring in light of point (a) above and proximity to adjacent property and structures. Potential vibration caused by method of excavation and potential settlements affecting nearby footings/foundations must be discussed and mechanisms to ameliorate any such impacts recommended;
 - c) the proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property, structures and road reserve if nearby (full support must be provided within the subject site);
 - d) the existing groundwater levels in relation to the basement structure, where influenced;

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- e) the drawdown effects on adjacent properties (including road reserve), if any, the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater. Where it is considered there is the potential for the development to create a “dam” for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path is constructed, artificial drains such as perimeter drains and through drainage may be utilised; and
- f) recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

The geotechnical report must be prepared by an appropriately qualified consulting geotechnical/ hydrogeological engineer with previous experience in such investigations and reporting.

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

The design principles for the geotechnical report are as follows:

- a) no ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure;
- b) no changes to the ground water level are to occur as a result of the development that are sufficient enough to cause an adverse impact to the surrounding property and infrastructure;
- c) no changes to the ground water level are to occur during the construction of the development that are sufficient enough to cause an adverse impact to the surrounding property and infrastructure;
- d) vibration is to be minimised or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development;

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- e) appropriate support and retention systems are to be recommended, and suitable designs prepared to allow the proposed development to comply with these Design Principles; and
- f) an adverse impact can be assumed to be crack damage as identified within the relevant Australian Standard for determining such damage.

The report, satisfying the requirements of this condition, must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

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

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

Erosion and Sediment Control

- C8. 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.

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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)

Communal Open Space

C9. A Plan of Management (POM) for use of the communal open space areas (both internal and external) must be submitted to and approved by the Principal Certifier (PC) prior to the issue of any Construction Certificate, with a copy stamped as received by the PC provided to Council. The POM must outline the:

- hours of use of the rooftop communal open space which shall be restricted to between 7am to 10pm;
- maximum number of users at any one time;
- provisions that no amplified music to be played; and
- identify other measures to ensure that the amenity and safety of persons within the development and in nearby existing and future development is maintained.
- Location and type of signage to be installed in the building to notify residents and visitors in respect to the use of this space.
- The approved POM shall be incorporated into the Owners Corporation by-laws in any future Strata subdivision and a sign in the front entry of the building shall be included to ensure the use of this space is monitored and understood by all occupants.

The development must be carried out in accordance with this POM at all times.

(Reason: To ensure residential amenity is maintained and noise impacts are minimised)

Waste Management Plan

C10. A Waste Management Plan prepared in accordance with the provisions of Part B Section 19 of the North Sydney DCP 2013 is to be submitted for approval by the Principal Certifier prior to the issue of any 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)

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Dewatering Management Plan

C11. A Dewatering Management Plan prepared by a suitably qualified environmental consultant must be submitted for approval by the Principal Certifier prior to the issue of any Construction Certificate. The plan must be developed in accordance with Managing Urban Stormwater: Soils and Construction 2004 and include, but not be limited to the following details:

- a) De-watering technique and proposed discharge point
- b) Anticipated dewatering flow rate and total dewatering duration
- c) Controls (e.g. settling tank, silt curtain, flocculation) and method of discharge
- d) Measures and techniques to manage noise, vibration and odour issues.
- e) Measures and techniques to manage geotechnical stability issues
- f) Contingency plan in case of emergency situations
- g) Outline analysis/testing that has been undertaken and how that water quality measures against with 95% protection level trigger values for south-east Australian marine water ecosystems and secondary recreational water as included in the ANZECC (Australian and New Zealand Environmental Conservation Council) Australian and New Zealand Guidelines for Fresh and Marine Water Quality Guidelines 2000.
- h) Confirmation that testing to be carried out by a suitably qualified environmental consultant
- i) Require records of water sample testing to be kept and be available on site, confirming that the water quality released meets the above-mentioned guidelines. All records must be signed by the engaged suitably qualified environmental consultant
- j) Stipulation that the release of water into Council's Stormwater system is to halt immediately where water quality does not meet discharge criteria.
- k) confirmation that testing to be carried out by a suitably qualified environmental consultant
- l) contact details of the engaged suitably qualified environmental consultant

All works must be undertaken in accordance with the approved Dewatering Management plan.

(Reason: To protect the environment from the effects of pollution from development sites)

Reflectivity Index of Glazing

C12. The glazing for windows, walls or roof finishes of the approved development must be factory pre-finished with low glare and reflectivity 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.

Note: The reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement.

(Reason: To ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development)

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Roofing Materials - Reflectivity

- C13. Roofing materials must be factory pre-finished 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 as a result of the development)

No External Service Ducts

- C14. Service ducts must be provided within the new building to keep external walls free of plumbing, drainage or any other utility installations. 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 quality built form of the development)

Work Zone

- C15. If a Work Zone is proposed, an application must be made to the North Sydney Local Traffic Committee to install the 'Work Zone'. A Work Zone permit is required to be issued by the Council prior to the issue of any Construction Certificate.

Note: An application for a works 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 Works 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 developer is required to remove the Work Zone signs and reinstate any previous signs, all at the developer'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)

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Maintain Property Boundary Alignment Levels

- C16. 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.

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

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

Bicycle Storage and Parking

- C17. The bicycle storage and parking areas must comprise of at least 21 bicycle spaces in total consisting of:
- 19 bicycle parking spaces for residents
 - 2 bicycle spaces for resident visitors,

The bicycle storage lockers and bicycle rail shall be designed in accordance with the applicable Australian Standards.

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 promote and provide facilities for alternative forms of transport)

Design Certification – Parking

- C18. A detailed “design” certificate from an experienced and qualified traffic engineer with tertiary qualifications is to be submitted to and approved by the Principal Certifier prior to the issue of a construction certificate confirming the following:
- a) The car parking layout associated with the development (including, driveway grades, headroom clearance turn paths, aisle widths, aisle lengths, waiting bay and parking bay dimensions) shall be in accordance with AS2890.1:2004 and AS2890.6:2022.
 - b) Bicycle parking associated with the development is provided in accordance with AS2890.3 design requirements.
 - c) Driveway access complies with Figure 3.3 of AS2890.1:2004 minimum sight lines for pedestrian safety.

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- d) All vehicles shall enter and exit the premises in a forward direction;
- e) A minimum of 2.5m headroom within disabled car parking spaces in accordance with AS2890.6:2022 design requirements and a minimum of 2.2m in all other areas in accordance with AS2890.1:2004 design requirements.
- f) Motorcycle parking spaces must have a minimum dimension of 1.2m x 3m.

Any departures from the Australian Standards needs to be adequately justified by the qualified traffic engineer.

(Reason: To ensure compliance with relevant standards)

Accessible Parking Spaces to be Provided

- C19. A total of 5 accessible parking spaces (4 adaptable spaces + 1 visitor accessible space) shall be provided as part of the total car-parking requirements.

Consideration must be given to the means of access from the car-parking spaces to adjacent buildings, to other areas within the building and to footpath and roads. All details shall be prepared in consideration of, and construction completed in accordance with applicable Australian Standards to achieve compliance with *the Disability Discrimination Act 1992 (Commonwealth)*. 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 equity of access and appropriate facilities are available for people with disabilities in accordance with Federal legislation)

Basement Car Park to Comply with Relevant Standards

- C20. The basement layout must comply with all requirements of Australian Standard AS2890.1. Certification from a suitably qualified and practicing Civil Engineer that the basement design will comply with the requirements of the Australian Standard must be provided to the Principal Certifier for approval prior to issue of the relevant Construction Certificate.

(Reason: To ensure the basement layout complies with relevant standards)

Car Park and loading dock to Comply with Relevant Standards

- C21. The car park and loading facilities must comply with all requirements of Australian Standard AS2890.1 and AS2890.2. Certification from a suitably qualified and practicing Civil Engineer that the basement design will comply with the requirements of the Australian Standard must be provided to the Principal Certifier for approval prior to issue of the relevant Construction Certificate.

(Reason: To ensure the basement layout complies with relevant standards)

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Sight distance at Access Driveways

- C22. The vehicular accesses must be designed in accordance with AS2890 having consideration for sight distance to pedestrians at the intersection of the vehicular access with the property boundary. 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: Public amenity and safety and appropriate sight distance)

Splayed Corners

- C23. For the purposes of improving sight distance, the vehicular access must have 2.5 m x 2 m splay corners at the intersection of the vehicular access with the property boundary. 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. The Certifying Authority 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: Public amenity and safety and appropriate sight distance)

Car Wash Bay

- C24. At least 1 car wash bay must be provided for the development and is to be provided within the visitor parking area.

(Reason: To provide amenity for occupants and visitors of the development)

Required Infrastructure Works - Roads Act 1993

- C25. Prior to issue of any Construction Certificate engineering design plans and specifications must be prepared by a qualified civil design engineer. The plans and specifications must be to a detail suitable for construction issue purposes and must provide detail and specification for the following infrastructure works to be completed as part of the development. To obtain the permit, an application must be made to Council on a '*Application to satisfy development consent*' form with payment of the adopted assessment/inspection fees. The responsibility for accuracy of the design fully rests with the designing engineer. All responsibility on implementation and supervision of works specified on design plans fully rests on designing engineer or whoever is chosen to be applicant's engineering representative:

Road Works

- a) Construction of a fully new replacement concrete footpath is required across the entire all site frontages. A longitudinal section is required along the footpath property boundary at a scale of 1:50 extending 5m past the property boundary line. The footpath shall be designed (at a single straight grade of 3% falling to top of kerb) so that it is uniform without showing signs of dipping or rising particularly at entrances.

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- b) The boundary footpath levels must match the existing levels and shall not be altered to accommodate the building entrances, unless agreed to by Council.
- c) Construction of a fully new kerb and gutter is required across the entire all site frontages. A longitudinal section is required along the gutter line (existing and proposed levels), at a scale of 1:50 extending 5m past the property boundary line.
- d) Cross sections at a scale of 1:50 along the centre-line of each access point from the footpath to the property boundary/building must be provided and are to show the calculated clearance to the underside of any overhead structure. All the entry points are to comply with the Building Code of Australia (BCA), including disability requirements. The Council approved footpath levels must be accommodated at the building entry points.
- e) Construction of a fully new road shoulder (maximum grade 5% down towards new gutter) extending to 0.6 metres out from the gutter alignment and across the entire development site frontage.

Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of the relevant Construction Certificate.

Certifying Authorities must not issue a Construction Certificate without the formal written approval of Council (as Roads Authority) under the Roads Act 1993.

The required plans and specifications are to be designed in accordance with North Sydney Council's current documents Infrastructure Specification for Road Works, Drainage and Miscellaneous Works and Performance Guide for Engineering Design and Construction. The drawings must detail existing utility services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. A detailed survey must be undertaken as required. Traffic management is to be certified on the drawings as being in accordance with the documents SAA HB81.1 – 1996 – Field Guide for Traffic Control at Works on Roads – Part 1 and RMS Traffic Control at Work Sites (1998). **Construction of the works must proceed only in accordance with any conditions attached to the Council Roads Act 1993 approval.**

Note: A minimum of 21 days will be required for Council to assess Roads Act submissions. Early submission is recommended to avoid any delays in obtaining a Construction Certificate. A fee to cover cost of assessment (set out in Council's adopted fees and charges) is payable and Council will withhold any consent and approved plans until full payment of the correct fees. Plans and specifications must be marked to the attention of Council's Development Engineers. In addition, a copy of this condition must be provided, together with a covering letter stating the full address of the property and the accompanying DA number.

(Reason: To ensure infrastructure works are designed and constructed to appropriate standards and requirements of the Roads Act 1993)

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Obtain Driveway Crossing Permit under S138 Roads Act 1993

C26. A driveway crossing and roads infrastructure works permit to suit the approved off-street parking facilities must be granted by the Council prior to the issue of any Construction Certificate. In order to obtain a permit under S.138 of the Roads Act 1993, an application must be made to Council on the 'Vehicular Access Application' form with payment of the adopted assessment/inspection fees. Council will require civil design construction drawings and certification from the applicant's Civil Engineer to verify design details and enable issue of the permit. The requirements of the permit must be complied with at all times.

The civil design drawings must include the following at a minimum:

- a) The proposed vehicular access ways must comply with AS 2890.1 and Council's current Vehicular Access Application Guidelines and Specification (gutter bridges not permitted) to ensure that a B85 vehicle will not scrape/strike the surface of the carriageway, layback, vehicular crossing or parking floor.
- b) Any redundant layback crossing on any street frontage must be reinstated as upright kerb gutter and concrete footpath.
- c) The width of the proposed vehicular layback must not be more than 10m (including the wings).
- d) The vehicular laybacks must be set square to the kerb.
- e) The crossing (between the layback and the property boundary) must be perpendicular on a single straight grade of approximately 4.5%, falling to the back of the layback.
- f) The boundary footpath levels must match the existing levels and shall not be altered unless agreed to by Council.
- g) Alignment levels at the boundary have an important impact on the proposed levels for new driveway. The works must not start until confirmation of boundary alignment levels from registered surveyor. Council has the authority to remove any unauthorized works at the cost of the property owner.
- h) The Certifying Authority must ensure that the internal property levels at boundary matches council's confirmed boundary levels.
- i) The gutter levels and road shoulder levels on Wallaringa Avenue must stay unchanged.
- j) The kerb gutter, and 600 mm road shoulder wide- strip, adjacent to all new layback and gutter works, on Wallaringa Avenue must be reconstructed, to ensure uniformity in the road reserve.
- k) Any twisting of driveway access to ensure vehicles do not scrape must occur wholly within the subject property.
- l) All inspection openings, utility services must be adjusted to match the proposed driveway levels and location.
- m) The design detail has to be provided with **vehicular access application** and must include sections along centre-line and extremities of the crossing at a scale of 1:25. Sections are to be taken from the centre of the roadway through to the parking area itself and shall include all changes of grade and levels, **both** existing and proposed.

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- n) A longitudinal section along the footpath property boundary at a scale of 1:50 is required and shall include all changes of grade and levels, **both** existing and proposed.
- o) The sections must show the calculated clearance to the underside of any overhead structure.
- p) All details of internal ramps between parking levels are required.
- q) A swept path analysis is required demonstrating that an 85th percentile vehicle can manoeuvre in and out of the garage spaces in accordance with AS 2890.1 2004 "Off Street Parking".

Any footpath panel on Walaringa Avenue that is disturbed for the purpose of stormwater connection must be reconstructed as a whole panel.

The permit must be granted by Council prior to the issue of any Construction Certificate.

All driveway and infrastructure works on the road reserve must be undertaken in accordance with the terms of the permit issued by Council. Inspections by Council will be required as specified. The Principal Certifier issuing the Construction Certificate must ensure that the permit issued by Council is obtained and referenced on and accompanies the Construction Certificate issued.

(Reason: To facilitate appropriate vehicular access to private sites, without disruption to pedestrian and vehicular traffic)

Allocation of Parking

- C27. The number of car parking spaces to be provided for the development shall comply with the table below:

Car Parking Type	Maximum Number of Spaces
Residential car spaces	27 car spaces (including four (4) adaptable spaces).
Visitor's car spaces	5 spaces (including an accessible space and carwash/visitors space).
Delivery/service vehicle parking space	1 space

Details confirming the parking numbers shall be submitted to the satisfaction of the Principal Certifier prior to the issue of the relevant Construction Certificate.

(Reason: To ensure that adequate parking facilities to service the development are provided on site)

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Stormwater Management and Disposal Design Plan - Construction Issue Detail

C28. Prior to issue of the relevant Construction Certificate, a site drainage management plan must be prepared by a qualified drainage design engineer. The site drainage management plan must detail the following requirements of North Sydney Council:

- a) Compliance with BCA drainage requirements, Councils Engineering Performance guide and current Australian Standards and guidelines, such as AS/NZ3500.3.2 1998, National Plumbing and Drainage Code.
- b) Stormwater runoff and subsoil drainage generated by the approved dwellings must be conveyed in a controlled manner by gravity via a direct connection to Council's stormwater gully pit in Wallaringa Avenue. When a direct connection to the pit option is implemented then the pipeline within the footpath area shall have a minimum cover of 300mm.
- c) All redundant stormwater pipelines within the footpath on any street frontage shall be removed and the footpath and kerb reinstated.
- d) Provision is to be made for the collection and disposal in an approved manner of any overland flow entering the subject property, or concentrated as a result of the proposed works.
- e) All sub-soil seepage drainage shall be discharged via a suitable silt arrester pit. Details of all plans certified as being adequate for their intended purpose and compliant with the provisions of AS3500.3.2 by an appropriately qualified and practising civil engineer, shall be submitted with the application for a Construction Certificate.
- f) The design and installation of the Rainwater Tanks shall comply with Basix and **Sydney Water** requirements. Overflow from tank shall be connected by gravity to the stormwater disposal system.
- g) Provide subsoil drainage to all necessary areas with pump out facilities (if required).

A site drainage management plan which complies with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. 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 ensure controlled stormwater management and disposal without nuisance)

On-Site Stormwater Detention

C29. On site detention must be provided to ensure that the maximum discharge from the site does not exceed discharge which would occur during a 1 in 5 year storm for the time of concentration determined for the particular site, for the existing site conditions. All other stormwater run-off from the site for all storms up to the 1 in 100 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.

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Determination of the required cumulative storage must be based on computer modelling e technique such as DRAINS, or any other available model.

Engineering calculations, design and certification complying with this condition must be provided by an appropriately qualified and practicing Civil Engineer and submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

(Reason: To ensure appropriate provision is made for the disposal and management of stormwater generated by the development, and to ensure that public infrastructure in Council's care and control is not overloaded)

Pump Out System Design for Stormwater Disposal

C30. The design of the pump-out system for stormwater disposal will be permitted for drainage of basement areas only, and must be designed in accordance with the following criteria:

- a) The pump system shall consist of two pumps, connected in parallel, with each pump being capable of emptying the holding tank at the rate equal to the rate of inflow for the one-hour duration storm. The holding tank shall be capable of holding one hour's runoff from a one-hour duration storm of the 1 in 20- year storm;
- b) The pump system shall be regularly maintained and serviced, every six (6) months; and
- c) Any drainage disposal to the street gutter from a pump system, must have a stilling sump provided at the property line, connected to the street gutter by a suitable gravity line.

Engineering details demonstrating compliance with these criteria and certified by an appropriately qualified and practising civil engineer shall be provided to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

(Reason: To ensure adequate provision is made for the discharge of sub-surface stormwater from the excavated parts of the site)

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

C31. Prior to the issue of any Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of **\$40,000.00** to be held by Council for the payment of cost for any/all of the following:

- 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;
- b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and [environmental controls](#)) required in connection with this consent; and
- c) Remedying any defects in any such public work that arise within 6 months, after the work is completed.

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- 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 accordance with the schedule contained later in these conditions and must be provided by way of a deposit with the Council; or a guarantee satisfactory to Council (such as a satisfactory 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 six months from the issue of the relevant Occupation Certificate or completion of public work required to be completed (whichever is the latest) 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)

Arborist to be Commissioned

- C32. An experienced AQF Level 5 consulting arborist ("the project arborist") must be commissioned to assist the design development, contract documentation, and overseeing of all works on the site for their duration by undertaking regular inspections of the works in progress and providing advice on tree-related matters.

The project arborist must hold a minimum Australian Qualification Framework Level 5 in Arboriculture, be a registered consulting member of a nationally recognised arboricultural organisation or association, not remove or prune trees in the North Sydney local government area and be engaged before work commences for the duration of site preparation, demolition, construction and landscaping.

The project arborist shall inspect, monitor, supervise, provide recommendations and written reports and certification relating to protection of the trees and compliance with the conditions of consent.

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The contact details of the project arborist shall be advised to council before work commences and maintained up to date for the duration of works. If a new project arborist is appointed details of the new project arborist shall be notified to council within seven days.

Written details of the engagement of the project arborist must be submitted to Council for works prior to issue of the relevant construction certificate and the Principal Certifier prior to the issue of the relevant Construction Certificate.

This condition, and any advice given by the project arborist, do not authorise the carrying out of development or works not in accordance with the development consent.

(Reason: To ensure that all matters relating to trees and the proposed development are properly managed using best practice)

Tree Protection Measures

C33. To ensure the protection of all trees to be retained, the following measures are to be undertaken:

- a) All documentation for the Construction Certificate application must show the site trees to be retained, and retention of the adjoining trees, with their positions and diameters of trunks and crowns (canopies) to be clearly and accurately shown in relation to all levels of the proposed development.
- b) All plans and correspondences must refer to the required compliance with the approved Tree Protection and Management Plan, and clearly show the assigned number of each tree on site, adjoining and Council land.
- c) A Consulting Arboriculturist ("the project arboriculturist"), who holds a minimum Australian Qualification Framework Level 5 in Arboriculture, is a registered consulting member of a nationally recognised arboricultural organisation or association, and who does not remove or prune trees in the North Sydney local government area, shall be engaged before work commences for the duration of site preparation, demolition, construction and landscaping.
- d) The project arboriculturist shall inspect, monitor, supervise, provide recommendations and written reports and certification relating to protection of the trees and compliance with the conditions of consent.
- e) The contact details of the project arboriculturist shall be advised to council before work commences and maintained up to date for the duration of works. If a new project arborist is appointed details of the new project arborist shall be notified to council within 7 days.

(Reason: Tree protection measures)

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Tree Protection Measures to be shown on Construction Drawings

- C34. The tree protection measures contained in the arborist report prepared by Temporal Tree Management dated 8/5/24, as amended by conditions contained herein, shall shown clearly on the Construction Certificate drawings. Plans and specifications showing the said tree protection measures must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Certifying Authority must ensure the construction plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure that appropriate tree protection measures are shown on construction drawings)

Protection of Trees

- C35. 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
<i>T1 Ficus 'Hillii'</i>	NW corner of 93 Kurraba Rd	17x18m
<i>T3 Melaleuca quinquenervia</i>	NE corner of 93 Kurraba Rd	15x6m
<i>T5 Lophostemon confertus</i>	NE corner of 93 Kurraba Rd-sth of drive	14x6m
<i>T7 Lophostemon confertus</i>	Eastern boundary- 93 Kurraba Rd	14x6m
<i>T11 Lophostemon confertus</i>	SE cnr - 93 Kurraba Rd	13x8m
<i>T12 Lophostemon confertus</i>	SE cnr - 93 Kurraba Rd	12x6m
<i>T13 Lophostemon confertus</i>	SE cnr - 93 Kurraba Rd	8x6m

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. 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.

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)

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Approval for Removal of Trees

- C36. The following trees are approved for removal in accordance with the development consent:

Schedule : Trees approved for removal

Tree#	Species	Height	Location
T2	<i>Melaleuca quinquenervia</i>	14x6m	NE corner of 93 Kurraba Rd
T4	<i>Lophostemon confertus (dead)</i>	9x4m	NE corner of 93 Kurraba Rd
T6	<i>Lophostemon confertus (dead)</i>	13x4m	NE corner of 93 Kurraba Rd
T8	<i>Lophostemon confertus</i>	14x8m	Eastern boundary- 93 Kurraba Rd
T9	<i>Lophostemon confertus (dead)</i>	14x8m	SE corner of 93 Kurraba Rd
T10	<i>Lophostemon confertus</i>	11x6m	SE corner of 93 Kurraba Rd
T14	<i>Banksia serrata</i>	8x4m	Southern boundary-93 Kurraba Rd
T15	<i>Banksia serrata</i>	8x4m	Southern boundary-93 Kurraba Rd
T16	<i>Lagerstroemia indica</i>		Council verge in front of 93 Kurraba Rd

Removal or pruning of or damage to any other tree on the site or off site is not approved, excluding species exempt under Council's Tree Preservation Order.

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)

Pruning of Trees

- C37. All pruning works to the following tree(s) shall be undertaken under the guidance of an appropriately qualified arborist/tree surgeon in accordance with Australian Standard AS 4373-2007 - Pruning of Amenity Trees:

Trees that may Require Pruning	Location	Height
<i>T1 Ficus 'Hillii'</i>	NW corner of 93 Kurraba Rd	17x18m
<i>T3 Melaleuca quinquenervia</i>	NE corner of 93 Kurraba Rd	15x6m
<i>T5 Lophostemon confertus</i>	NE corner of 93 Kurraba Rd-sth of drive	14x6m
<i>T7 Lophostemon confertus</i>	Eastern boundary- 93 Kurraba Rd	14x6m
<i>T11 Lophostemon confertus</i>	SE cnr - 93 Kurraba Rd	13x8m
<i>T12 Lophostemon confertus</i>	SE cnr - 93 Kurraba Rd	12x6m
<i>T13 Lophostemon confertus</i>	SE cnr - 93 Kurraba Rd	8x6m

Pruning to *T1 Ficus 'Hillii'* shall be strictly as detailed in the arborist report prepared by Temporal Tree Management dated 8/5/24. No more than 10% canopy of any other protected tree shall be permitted.

All pruning shall be physically supervised by the project arborist.

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A report detailing the measures to be employed during construction shall be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

All measures required by the said report must be complied with at all times in the carrying out of the development.

(Reason: To ensure the protection and longevity of existing significant trees)

Amendments to the Landscape Plan

C38. The landscape plan must be amended as follows to provide an appropriate landscaped setting:

- T16 *Lagerstroemia indica* (4x4m) planted in the council verge in front of 93 Kurraba Road shall be removed.
- 7 x *Melaleuca linarifolia* (75l), shall be planted at equal spacing in the Council verge across the Kurraba Road frontage of the subject site.

An amended landscape plan complying with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier must ensure that the amended landscape plan and other plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To ensure residential amenity)

Garbage and Recycling Facilities

C39. An appropriate area must be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. The following requirements must be met:

- a) all internal walls of the storage area must be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;
- b) provision for the separation and storage in appropriate categories of material suitable for recycling and food organics and garden organics (FOGO);
- c) garbage enclosures serving residential units are not to be located within areas designated for non-residential uses; and
- d) garbage enclosures serving non-residential uses are not to be located within areas designated for dining purposes.
- e) a garbage chute for the residential parts of the building leading to a central garbage storage room that has a waste compaction unit attached with a minimum compaction ratio of at least 2:1; and

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- f) an interim recycling room for the residential parts of the building with a minimum dimension of 1.5m square on each level of the building, with at least one point of access to the garbage chute, which is provided with space to accommodate 1 x 240 litre bin for the separate collection of recyclable materials.

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.

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

Note: The applicant may wish to discuss bin storage requirements and location with Council's Environmental Services prior to finalisation of the required detail, and a copy of Council's Waste Handling Guide should be obtained for reference purposes before the design is finalised.

(Reason: To ensure the provision of appropriate waste facilities for residents and protect community health, and to ensure efficient collection of waste by collection contractors)

Asbestos and Hazardous Material Survey

- C40. 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 WorkCover licensed contractor;
- b) all removal must be in strict accordance with the requirements of the WorkCover Authority 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)

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Noise from Plant and Equipment

C41. The use of all plant and equipment installed on the premises must:

- (a) Comply with the project specific noise criteria contained in Table 4.2.3 of the Stantec report dated 13th May 2024, pertaining to this development.
- (b) Not cause “offensive noise” as defined in the Protection of the Environment Operations Act 1997.

“affected receiver” includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation, schools, hospitals, places of worship, commercial premises and parks and such other affected receiver as may be notified by the Council in writing.

“boundary” includes any window or elevated window of an affected receiver.

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 an appropriate level of amenity for adjoining land uses)

Vibration from Plant and Equipment

C42. The use of all plant and equipment to be installed on the premises must comply with the vibration limits specified in “Assessing Vibration: a technical guideline” issued by the NSW Environment Protection Authority, at the boundary of any affected receiver.

A certificate from an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants must be submitted to the Principal Certifier, certifying that all plant and equipment on the site, together with the proposed plant and equipment, operating contemporaneously will comply with the requirements of this condition.

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

“affected receiver” includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation, schools, hospitals, places of worship and commercial premises and such other affected receiver as may be notified by the Council in writing.

“boundary” includes any window or elevated window of an affected residence.

“contemporaneously” means *existing at or occurring in the same period of time* (Macquarie Dictionary 3rd rev. ed. 2004).

(Reason: To maintain an appropriate level of amenity for adjoining land uses)

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Air Conditioners in Residential Premises

C43. 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
- (a) 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 fact Sheet C of the EPA 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)

Acoustic Privacy (Residential Apartments)

C44. Noise levels in sole occupancy units of residential apartments must not exceed the following:

Location	Maximum
Habitable Rooms other than Sleeping Areas	40 LAeq (1hr)
Sleeping Areas	35 LAeq (1hr)

The “Maximum” limits are to apply in any hour of a 24-hour period with the windows of the sole occupancy unit closed.

“habitable room” has the same meaning as in the National Construction Code.

A floor separating sole occupancy units shall have a weighted standardised impact sound pressure level $L'_{nT,w}$ not more than 55dB when measured in-situ in accordance with AS ISO 140.7-2006 “Field measurements of impact sound insulation of floors” and rated to AS ISO 717.2-2004 “Rating of sound insulation in buildings and of building elements. Part 2: Impact sound insulation.” This clause shall not apply to the floor of a kitchen, bathroom, toilet or laundry in a residential sole occupancy unit.

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Mechanical equipment such as lift plant, air conditioning plant servicing the building and pumps shall not be located immediately adjacent bedrooms.

A statement from an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants, certifying that the acoustic mitigation measures outlined above have been satisfied, must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate.

(Reason: To comply with best practice standards for residential acoustic amenity)

Compliance with Acoustic Report

- C45. The recommendations contained in the acoustic report prepared by Stantec dated 13th May 2024, must be implemented during construction of the development.

A statement from an appropriately qualified acoustical consultant certifying that the acoustic mitigation measures outlined in the above stated report have been suitably incorporated into the development and that relevant noise criteria have been satisfied, must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

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

(Reason: To maintain an appropriate level of amenity for adjoining land uses)

Mechanical Exhaust Ventilation

- C46. A statement from an appropriately qualified and practising Mechanical Engineer is required detailing how the exhaust ventilation system will be installed in accordance with AS1668.

(Reason: To ensure compliance with acceptable standards for the construction and operation of mechanical plant)

Construction Noise Management Plan

- C47. A Construction Noise Management Plan must be prepared by an appropriately qualified acoustical consultant and must include the following:

- (a) Identification of noise affected receivers near to the site.
- (b) A prediction as to the level of noise impact at noise affected receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite.
- (c) Details of work schedules for all construction phases.
- (d) A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the Environment Protection Authority's Construction Noise Guideline.

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- (e) Representative background noise levels should be submitted in accordance with the Interim Construction Noise Guidelines (ICNG).
- (f) Confirmation of the level of community consultation that is to be undertaken by occupants at noise affected receivers likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (g) Confirmation of noise monitoring methodology that is to be undertaken during the noise intensive stages of work including details of monitoring to be undertaken at the boundary of any noise affected receiver.
- (h) The course of action will be undertaken following receipt of a complaint concerning offensive noise.
- (i) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupants at noise affected receivers.
- (j) Details of selection criteria for any plant or equipment that is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on occupants at noise affected receivers and other less intrusive technologies available; and
- (k) Details of site induction to be carried out for all employees and contractors undertaking work at the site.

“affected receiver” includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation, schools, hospitals, places of worship, commercial premises and parks and such other affected receiver as may be notified by the Council in writing.

“boundary” includes any window or elevated window of an affected residence.

The Construction Noise Management Plan must be submitted to the Principal Certifier and a copy provided to Council prior to the issue of the relevant Construction Certificate.

The Construction Noise Management Plan must be complied with at all times.

(Reason: To ensure noise generating activities are appropriately managed and nearby sensitive receivers protected)

Provision of Accessible Paths of Travel

- C48. Access from the pedestrian entry to the premises and access throughout the building be designed and constructed to provide access and facilities in accordance with the Building Code of Australia and Disability (Access to Premises - Buildings) Standards 2010. 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. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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Notes:

1. If, in complying with this condition, amendments to the development are required, the design changes must be submitted for the approval of Council's Manager Development Services prior to a Construction Certificate being issued. Approval of a modification application may be required.
2. It is not within Council's power to set aside national legislation which requires the upgrade of buildings to meet modern access standards. Such decisions remain the jurisdiction of the Building Professionals Board Access Advisory Committee who may grant an exemption in certain exceptional circumstances.
3. Information on making an application for an "unjustifiable hardship exemption" under the accessibility standards can be found on the website of the NSW Building Professional Boards at <http://www.bpb.nsw.gov.au/page/premises-standards>

(Reason: To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards)

Underground Electricity and Other Services

- C49. All electricity and telecommunication provision to the site is to be designed in conjunction with Ausgrid and any other relevant authority. 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. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To provide infrastructure that facilitates the future improvement of the streetscape by relocation of overhead lines below ground)

Adaptable Housing

- C50. The following nominated apartments are to be designed in accordance with the standard adaptable housing AS4299 - 1995.

Schedule of adaptable units

Ground floor
Unit Nos.04 and 08

Level 1
Unit Nos.08 and 09

A report prepared by a suitably qualified consultant must be obtained that demonstrates, to the certifier's satisfaction, that any adaptable dwellings specified in this condition and the approved plans or documents comply with the provisions of AS 4299 Adaptable Housing Standards.

(Reason: To ensure equity of access and availability of accommodation in the future for an ageing population)

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Local Infrastructure Contributions

- C51. A monetary contribution pursuant to the provisions of section 7.11 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 **\$76,508.70**

Indexation

The monetary contribution required under this consent will be indexed at 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 any Construction Certificate for any work approved by this consent.

Deferred Payments will not be accepted.

A copy of the North Sydney Contribution Plan can be viewed at North Sydney Council's Customer Service Centre, 200 Miller Street, North Sydney or downloaded via Council's website at www.northsydney.nsw.gov.au

(Reason: To provide for local infrastructure identified in the North Sydney Council Local Contributions Plan 2020)

Housing and Productivity Contribution

- C52. A housing and productivity contribution (HPC) is required to be made for the approved development. The following payment must be made before the first Construction Certificate.

Housing and Productivity Contribution	Amount
Housing and productivity contribution (base component)	\$42,842.60
Total housing and productivity contribution	\$42,842.60

The HPC must be paid using the NSW planning portal.

At the time of payment, the amount of the HPC is to be adjusted in accordance with the Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2023 (HPC Order).

The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the Environmental Planning and Assessment Act 1979 agrees.

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The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the Environmental Planning and Assessment Act 1979 to the development, or the HPC Order exempts the development from the contribution.

The amount of the contribution may be reduced under the HPC Order, including if payment is made before 1 July 2025.

(Reason: To require contributions towards the provision of regional infrastructure)

Section 7.32 Contributions for affordable housing

- C53. Prior to the issue of the relevant Construction Certificate, the proponent shall make a monetary contribution of **\$988,312.50** to North Sydney Council as a contribution towards providing affordable housing pursuant to Section 7.32(2) of the *Environmental Planning & Assessment Act 1979*, as calculated by Section 48 of the *State Environmental Planning Policy (Housing) 2021*.

The contribution MUST BE paid, and evidence of payment submitted to the Certifying Authority, prior to the issue of the relevant Construction Certificate.

The above amount will be adjusted for inflation by reference to the Consumer Price (All Ordinaries) Index applicable at the time of the payment of the contribution.

(Reason: To mitigate the loss of low-rental accommodation within the State)

Security Deposit/Guarantee Schedule

- C54. 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 (\$)
Engineering Construction Bond	\$40,000.00\$
TOTAL BONDS	\$40,000.00

Note: The following fees are applicable:

Fees	Amount (\$)
Local Infrastructure Contributions	\$76,508.70
TOTAL FEES	\$76,508.70

(Reason: Compliance with the development consent)

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BASIX Certificate

- C55. Under clause 75 of the Environmental Planning & Assessment Regulation 2021, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. 1745351M_02 dated 29 April 2024 for the development are fulfilled. 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: To ensure the proposed development will meet the Government's requirements for sustainability and statutory requirements)

Outdoor Lighting

- C56. All outdoor lighting must comply with, where relevant AS/NZ1158.3:1999 Pedestrian Area (Category P) Lighting and AS4282:1997 Control of the Obtrusive Effects of Outdoor lighting. Details demonstrating compliance with these requirements must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To maintain the amenity of adjoining land uses)

Charging Facility for Electric Vehicles

- C57. The building and basement car park are to be designed so that electric vehicle charging points can be installed at a later time within the basement of the building.

Plans and specifications complying with this condition must be submitted to the Principal Certifier for approval prior to the issue of a Construction Certificate. The Principal Certifier must ensure that the building plans and specification submitted fully satisfy the requirements of this condition.

(Reason: To promote sustainability and energy efficiency)

Services and Fire Hydrant Enclosure

- C58. Prior to the issue of a Construction Certificate for works above ground slab level, the Certifying Authority is to be provided with plans demonstrating that all Services (Gas meter, water meter & fire hydrant and sprinkler booster valves and the like) are enclosed in a manner that complements the building and in accordance with the requirements of EP1.3 & EP1.4 of the BCA.

(Reason: To ensure essential services are appropriately screened)

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

Public Liability Insurance - Works on Public Land

- D1. Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of public land and the undertaking of approved works within Council's road reserve or public land, as approved by this consent. The Policy is to note and provide protection/full indemnification for North Sydney Council, as an interested party. A copy of the Policy must be submitted to Council prior to commencement of any works. The Policy must be valid for the entire period that the works are being undertaken.

Note: Applications for hoarding permits, vehicular crossings etc will require evidence of insurance upon lodgement of the application.

(Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land)

Notification of New Addresses

- D2. Prior to the commencement of any building works, an application must be made and written confirmation received from North Sydney Council of the allocated street address (house number) and/ or unit numbers of the completed project.

A plan for the proposed dwelling and unit numbering must be submitted to Council for approval with the application for new addresses. Applications for numbering will be considered in accordance with the *NSW Geographical Names Board* requirements outlined in the document titled '*NSW Addressing User Manual*'.

The approved numbering will be recorded in Council's Land & Property Information database and must be clearly displayed at the property at all times. Council will also notify relevant public authorities and some service providers of the approved addresses (including Australia Post). A list of current authorities and service providers notified by Council will be included in the address approval notice.

These details will be recorded in Council records and must be displayed at the property in accordance with the provisions of the applicable Australian Standard relating to rural and urban addressing. A copy of the allocation confirmation must be submitted to the Principal Certifier with the application for the relevant Construction Certificate.

(Reason: To ensure that Council records are accurate, and that house numbering complies with the requirements of the NSW Geographical Names Board and Council's *Property Addressing Policy*)

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Sydney Water Approvals

- D3. Prior to the commencement of any works, the approved plans must be submitted to Sydney Water to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The Principal Certifier must ensure that Sydney Water has appropriately stamped the plans before the commencement of building works.

Notes: **Sydney Water Building Plan Approvals** can be obtained from the Sydney Water Tap in™ online service. Building plans must be submitted to the Tap in™ to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met. For further information visit <http://www.sydneywater.com.au/tapin/index.htm> or call 13000 TAP IN (1300 082 746) for further information.

(Reason: To ensure compliance with Sydney Water requirements)

Tree Planting (Sydney Water)

- D4. Certain tree species placed in proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Section 46 of the Sydney Water Act specifies what might occur when there is interference or damage to our assets caused by trees.

For any trees proposed or planted that may cause destruction of, damage to or interference with our work and are in breach of the Sydney Water Act 1994, Sydney Water may issue an order to remove that tree or directly remove it and seek recovery for all loss and associated compensation for the removal.

For guidance on types of trees that can cause damage or interference with our assets see Sydney Water webpage Wastewater blockages. For guidance on how to plant trees near our assets, see Diagram 5 – Planting Trees within Sydney Water's Technical guidelines – Building over and adjacent to pipe assets.

(Reason: To ensure compliance with Sydney Water requirements)

Protection of Trees

- D5. 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

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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)

Tree Protection

D6. The tree protection measures detailed in the approved Tree Protection Management Plan, and as directed by the project arboriculturist, shall be established before work commences.

(Reason: To ensure that the stability and ongoing viability of trees being retained are not compromised; tree protection measures)

Project Arborist Engaged

D7. A project arborist shall be engaged to carry out the following activities.

- a) Inspection of tree protection measures, and written certification to the Principal Certifier that the measures comply with the approved Tree Protection Management Plan, and as directed by the project arborist before work commences.
- b) Provision of guidance and oversight of tree protection and management to ensure that the stability and ongoing viability of trees being retained is not compromised.
- c) Communication with the tree pruning contractor and Council's Tree Management Officer (giving at least two working days' notice) to arrange a joint site meeting, prior to commencing any pruning, to determine the exact location and extent of pruning that is permissible, with the tree pruning contractor to comply with any instructions issued by Council, acting reasonably.
- d) Ensuring all pruning is undertaken by a practising arborist with a minimum Australian Qualification Framework Level 3 in Arboriculture, in accordance with the principles of the Australian Standard AS 4373-2007 'Pruning of Amenity Trees,' and the NSW Work Cover Code of Practice for *the Amenity Tree Industry (1998)*, as well as any instructions issued on site by Council, acting reasonably.
- e) Keeping of a log of dates and times of when they attended the site, and a description of works performed. The log must be included in documentation submitted for the issue of the relevant Occupation Certificate.

(Reason: Tree protection measures)

Temporary Fences and Tree Protection

D8. All protected trees on-site that are specifically nominated to be retained by notation on plans or by a condition 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

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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 Project Arborist prior to commencement of any works and must be maintained for the duration of the works:

Schedule

Tree	Location	Height
<i>T1 Ficus 'Hillii'</i>	NW corner of 93 Kurraba Rd	17x18m
<i>T3 Melaleuca quinquenervia</i>	NE corner of 93 Kurraba Rd	15x6m
<i>T5 Lophostemon confertus</i>	NE corner of 93 Kurraba Rd-sth of drive	14x6m
<i>T7 Lophostemon confertus</i>	Eastern boundary- 93 Kurraba Rd	14x6m
<i>T11 Lophostemon confertus</i>	SE cnr - 93 Kurraba Rd	13x8m
<i>T12 Lophostemon confertus</i>	SE cnr - 93 Kurraba Rd	12x6m
<i>T13 Lophostemon confertus</i>	SE cnr - 93 Kurraba Rd	8x6m

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

Asbestos Material Survey

- D9. 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:

- the removal of asbestos must be undertaken by a WorkCover licensed contractor;
- all removal must be in strict accordance with the requirements of the WorkCover Authority in relation to the removal, handling and disposal of material containing asbestos and any Work Safe Australia requirements;
- 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
- 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 carrying out of any demolition work. The Principal Certifier must ensure that the report, and other plans, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

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Commencement of Works' Notice

- D10. Building work, demolition or excavation in accordance with this development consent must not be commenced until the developer has given at least two days' notice to North Sydney Council of the person's intention to commence building work, demolition or excavation 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 Developer 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)

Potential Contaminated land – unexpected finds

- E2. If unexpected soil and/or groundwater contamination is encountered during any works, all work must cease and the situation must be promptly evaluated by an appropriately qualified experienced and certified environmental consultant. The contaminated soil and/or ground water must then be managed under the supervision of the environmental consultant, in accordance with relevant NSW Environment Protection Authority (EPA) guidelines.

(Reason: To ensure environmental amenity is maintained)

Road Reserve Safety

- E3. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works, with no obstructions caused to the said footways and roadways (other than with the consent of the Council). Construction materials and plant must not be stored in the road reserve without approval of Council. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site.

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Where public infrastructure is damaged, repair works must be carried out in when and as directed by Council officers (at full Developer cost). Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742—3 (1996) "Traffic Control Devices for Work on Roads".

If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

(Reason: Public Safety)

Service Adjustments

- E4. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the person acting on the consent and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of the development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.

(Reason: To ensure the service requirements are met)

Temporary Disposal of Stormwater Runoff

- E5. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to reasonably manage and control runoff as far as the approved point of stormwater discharge. Such ongoing measures must be to the satisfaction of the Principal Certifier.

(Reason: Stormwater control during construction)

Geotechnical Stability during Works

- E6. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure

Geotechnical aspects of the development work, namely appropriate excavation method and vibration control, support and retention of excavated faces, and hydrogeological considerations must be undertaken in accordance with the recommendations of the Geotechnical Engineer and all subsequent geotechnical inspections carried out during the excavation and construction phase.

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Approval must be obtained from all affected property owners, including North Sydney Council where rock anchors (both temporary and permanent) are proposed below adjacent private or public property.

(Reason: Ensure appropriate professional are engaged at appropriate stages during construction)

Compliance with Dewatering Management Plan

- E7. All works conducted on site which form part of this development must be carried out in accordance with the Dewatering Management Plan approved with the Construction Certificate and all conditions of consent.

(Reason: To protect the environment from the effects of pollution from development sites)

Council Inspection of Public Infrastructure Works

- E8. During the works on public infrastructure reverting to Council's care and control, Council's development engineer may undertake inspections of the works at the following hold points:

- a) Formwork for layback, kerb/gutter, footpaths
- b) Pipe connections prior to back filling

All works must proceed in accordance with Roads Act 1993 approvals or other permits relating to roads issued by Council. A minimum of 48 hours' notice must be given to Council to book an inspection. Work must not proceed until the works or activity covered by the inspection is approved.

(Reason: To ensure quality of construction joints and connections in the drainage system)

Progress Survey

- E9. In order to ensure compliance with approved plans, a Survey Certificate, prepared to Australian Height Datum, must be prepared by a Registered Surveyor showing the following: -

- a) at the completion of excavation, prior to the placement of any footings, showing the completed level of the excavation and its relationship to the boundaries;
- b) prior to placement of concrete at the ground floor level, showing the level of the form work and its relationship to boundaries including relevant footpath and roadway levels;
- c) prior to placement of concrete at each floor level above ground floor showing the principal level of the formwork and the intended relationship of the completed works to the boundary;

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- d) prior to roofing, or completion of the highest point of the building showing the anticipated level of the completed work and its relationship to the boundary; and
- e) at completion, works showing the relationship of the building to the boundary and showing the maximum height of the overall works and the height of the principal roof elements.

Progress certifications in response to points (a) through to (e) 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)

Dust Emission and Air Quality

E10. 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

E11. All works must be undertaken in accordance with the "Interim Construction Noise Guideline" published by the Department of Environment and Climate Change NSW dated July 2009, 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)

Compliance with Construction Noise Management Plan

E12. All works conducted on site which form part of this development must be carried out in accordance with the submitted Construction Noise Management Plan approved with the Construction Certificate and all conditions of consent.

(Reason: To ensure noise generating activities are appropriately managed and nearby sensitive receivers protected)

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No Work on Public Open Space

- E13. No work can be undertaken within adjoining public lands (i.e. Parks, Reserves, Roads etc) without the prior written consent of Council. In this regard the developer is to liaise with Council prior to the commencement of any design works or preparation of a Construction and Traffic Management Plan.

(Reason: Protection of existing public infrastructure and land and to ensure public safety and proper management of public land)

Applicant's Cost of Work on Council Property

- E14. The developer 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

- E15. 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

- E16. 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 the tree report prepared by Temporal Tree Management dated 8/5/24, as further amended by conditions contained herein, 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)

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Trees to be Removed

- E17. All trees on the site must be protected and retained save for those expressly identified below as being approved for removal:

Schedule: Trees approved for removal

Tree#	Species	Height	Location
T2	<i>Melaleuca quinquenervia</i>	14x6m	NE corner of 93 Kurraba Rd
T4	<i>Lophostemon confertus</i> (dead)	9x4m	NE corner of 93 Kurraba Rd
T6	<i>Lophostemon confertus</i> (dead)	13x4m	NE corner of 93 Kurraba Rd
T8	<i>Lophostemon confertus</i>	14x8m	Eastern boundary- 93 Kurraba Rd
T9	<i>Lophostemon confertus</i> (dead)	14x8m	SE corner of 93 Kurraba Rd
T10	<i>Lophostemon confertus</i>	11x6m	SE corner of 93 Kurraba Rd
T14	<i>Banksia serrata</i>	8x4m	Southern boundary-93 Kurraba Rd
T15	<i>Banksia serrata</i>	8x4m	Southern boundary-93 Kurraba Rd
T16	<i>Lagerstroemia indica</i>		Council verge in front of 93 Kurraba Rd

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

Benchmarks

- E18. All permanent survey markers must be retained, undamaged, and not relocated.

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

Special Permits

- E19. 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 developer, 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:

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- 1) **On-street mobile plant**
E.g., 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 developer'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)
- 3) **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

- E20. Construction activities and works approved under this consent must be restricted to within the hours stipulated in the following table:

Standard Construction Hours		
Location	Day	Hours
R4 High Density Residential Zone	Monday - Friday	7.00am - 5.00pm
	Saturday	8.00am - 1.00pm
	Sunday Public holiday	No work permitted

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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 & Enforcement Policy.

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

Out-of-hours' Work Permits

- E21. 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 at risk**. Applications which seek a variation to construction hours solely to benefit the developer will require the lodgement and favourable determination of a modification application pursuant to the provisions of Section 4.55 or Section 4.56 of the *Environmental Planning and Assessment Act 1979*.

Notes:

- 1) Failure to obtain a permit for work outside of the approved hours will result in on the 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 hour's 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 developer 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)

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Installation and Maintenance of Sediment Control

- E22. Erosion and sediment controls must be installed and maintained at all times in accordance with the Sediment and erosion control plan submitted and approved with the relevant Construction Certificate.

Erosion and sediment measures must be maintained in accordance with the publication *Managing Urban Stormwater: Soils and Construction* (4th Edition, Landcom, 2004), commonly referred to as the "Blue Book" and can only be removed when development activities have been completed and the site fully stabilised.

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

Sediment and Erosion Control Signage

- E23. A durable sign must be erected during building works in a prominent location on site, warning of penalties should appropriate erosion and sedimentation control devices not be maintained. A sign of the type referred to in this condition is available from Council.

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

Site Amenities and Facilities

- E24. Where work involved in the erection and demolition of a building is being carried out, amenities which satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements, must be provided and maintained at all times. The type of work-place determines the type of amenities required.

Further information and details can be obtained from the Internet at www.workcover.nsw.gov.au.

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

Health and Safety

- E25. All work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority 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.workcover.nsw.gov.au.

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

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Community Information

- E26. Reasonable measures must be undertaken at all times to keep nearby residents informed about the proposed work, such as by way of signs, leaflets, public meetings and telephone contact numbers, to ensure that adjoining residents are aware of the likely duration of the construction works on the site.

(Reason: To ensure that residents are kept informed of activities that may affect their amenity)

Prohibition on Use of Pavements

- E27. 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

- E28. 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 Councils website at www.northsydney.nsw.gov.au.

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

Imported Fill Material

- E29. The only waste derived fill material that may be received at the development site is:
- a) Virgin excavated natural material (within the meaning of the *Protection of the Environment Operations Act 1997*); and
 - b) Any other waste-derived material the subject of a resource recovery exemption under section 92 of the *Protection of the Environment Operations (Waste) Regulation 2014* that is permitted to be used as fill material.

Any waste-derived material the subject of a resource recovery exemption received at the development site, must be accompanied by documentation as the material's compliance with the exemption conditions and must be provided to the Principal Certifier on request.

(Reason: To ensure that imported fill is of an acceptable standard for environmental protection purposes)

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Waste Disposal

- E30. 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 Environmental Protection Authority.

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

Asbestos Removal

- E31. All demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with National Occupational Health and Safety Commission.

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

Service Adjustments

- E32. Where required, the adjustment or inclusion of any new utility service or facilities must be carried out by an appropriate contractor in accordance with the requirements of the relevant utility authority.

These works shall be at no cost to Council. It is the Applicant's responsibility to contact the relevant utility authorities to ascertain the impacts of the proposal upon utility services prior to the commencement of any work, including demolition (including water, phone, gas and the like).

Council accepts no responsibility for any impact on or influence upon utility services provided by another authority.

(Reason: To ensure the service requirements are met)

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

Building Code of Australia

- F1. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

(Reason: Prescribed - Statutory)

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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.
- 2) 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 clause, sufficient evidence that the person has complied with the requirements of that Part.

(Reason: Prescribed - Statutory)

Appointment of Principal Certifier (PC)

- F3. Building work, **demolition** or excavation in accordance with the development consent must not be commenced until the developer has appointed a Principal Certifier for the building work in accordance with the provisions of the EP&A Act and its Regulations.

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

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.

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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 safeguarding measures are in place prior to the commencement of the erection of a building)

Occupation Certificate

- 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 an 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)

Critical Stage Inspections

- F6. Building work must be inspected by the Principal Certifier on the critical stage occasions prescribed by the EP&A Act and its Regulations, and as directed by the appointed Principal Certifier.

(Reason: Statutory)

Commencement of Works' Notice

- F7. Building work, demolition or excavation in accordance with this development consent must not be commenced until the developer has given at least two days' notice to North Sydney Council of the person's intention to commence the building work.

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

Excavation/Demolition

- F8. 1) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- 2) All excavations 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.

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- 3) 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)

Protection of Public Places

- F9. 1) A hoarding and site fencing must be erected between the work site and adjoining public place.
- 2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- 3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- 4) Any such hoarding, fence or awning is to be removed when the work has been completed.
- 5) No access across public reserves or parks is permitted.

Note: Prior to the erection of any temporary fence or hoarding over property owned or managed by Council, written approval must be obtained. Any application needs to be accompanied by plans indicating the type of hoarding and its layout. Fees are assessed and will form part of any approval given. These fees must be paid prior to the approval being given. Approval for hoardings will generally only be given in association with approved building works, maintenance or to ensure protection of the public. An application form for a Hoarding Permit can be downloaded from Council's website.

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

Site Sign

- F10. 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 building work or demolition work is being carried out but must be removed when the work has been completed.

(Reason: Prescribed - Statutory)

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G. *Prior to the Issue of an Occupation Certificate***Infrastructure Repair and Completion of Works**

G1. Prior to the issue of any Occupation Certificate any and all works relating to the development:

- a. In the road reserve must be fully completed; and
- b. 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)

Certification – Carpark

G2. An "as built" certificate from an experienced and qualified traffic engineer with tertiary qualifications is to be submitted to and approved by the Principal Certifier confirming that the design requirements as detailed in the conditions have been met. This must be provided prior to the issue of an Occupation Certificate.

The approved parking must be used exclusively for the car parking as approved for the life of the development.

(Reason: To comply with the relevant standards)

Noise Certification

G3. Prior to issue of the relevant Occupation Certificate a certificate from an appropriately qualified acoustical consultant is to be submitted to, and approved by, the Principal Certifier certifying that the noise and vibration from use of the development complies with the conditions of consent here-in.

(Reason: To ensure acoustic amenity)

Line Marking

G4. A certificate prepared by an appropriately qualified and practising Civil Engineer certifying the construction, paving, line marking and signposting of the parking spaces and loading dock design including the proposed mechanical turntable, in accordance with the approved development plans, appropriate Australian Standards and industry best practice as appropriate must be submitted to, and approved by, the Principal Certifier prior to issue of a relevant Occupation Certificate.

(Reason: To ensure ongoing compliance with this development consent and Australian Standards relating to manoeuvring and access of vehicles)

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Access to Premises

- G5. Prior to the issue of a relevant Occupation Certificate, a certificate must be prepared by an appropriately qualified and practising Civil Engineer certifying that access and facilities for persons with a disability in accordance with the National Construction Code and AS Disability (Access to Premises - buildings) Standards 2010 (Premises Standards) has been provided. This certificate must be submitted to, and approved by, the Principal Certifier prior to issue of a relevant Occupation Certificate.

(Reason: Equitable access and facilities for people with a disability)

Certification – Civil Works

- G6. An appropriately qualified and practising Civil Engineer must certify to the Principal Certifier that the vehicular crossing and associated works and road works were constructed in accordance with this consent and any approval for works in the road reserve issued by the Council. A copy of the certificate must be submitted to Council (if it is not the Principal Certifier), upon completion of the development works and prior to the issue of an Occupation Certificate.

(Reason: Compliance with the Consent)

Certification for Mechanical Exhaust Ventilation

- G7. Prior to issue of an Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems the subject of the Occupation Certificate, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2(a)(iii) of the NCC Building Code of Australia, must be submitted to, and approved by, the Principal Certifier.

(Reason: To ensure compliance with acceptable standards for the construction and operation of mechanical plant)

Damage to Adjoining Properties

- G8. 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)

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Utility Services

- G9. All utility services shall be adjusted to the correct levels and/or location/s required by this consent, prior to issue of an occupation certificate. This shall be at no cost to Council.

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

Covenant and Restriction (Stormwater Control Systems)

- G10. An Instrument pursuant to Sections 88B and 88E of the *Conveyancing Act* 1919 and one copy must be submitted to Council in registrable form, providing for:
- a. a restriction as to user and positive covenant as to user as appropriate in favour of North Sydney Council burdening 93 Kurraba Road requiring the ongoing retention, maintenance and operation of the stormwater facility (on-site detention, pump-out, charged lines);
 - b. North Sydney Council being nominated in the Instrument as the only party authorised to release, vary or modify the Instrument;
 - c. the wording on the Instrument making reference to the Council file/s which hold:
 - i. the Construction plans; and
 - ii. the "Work-as-Executed" (as built) plans;

Upon Council being satisfied as to the terms of the Instrument, North Sydney Council's official seal will be affixed to these documents, prior to submission to the NSW Land Registry Services for registration

The Instrument creating the restriction and/or covenant under ss 88B and 88E required by this condition of consent must be registered on the Title of the development site prior to the issue of the relevant Occupation Certificate or commencement of use of the site, whichever is the earlier. Typical wording for the Instrument can be sourced from Council's "Specification for the Management of Stormwater".

Evidence of the registration of the instrument referred to in this condition is to be provided to Council prior to the issue of the relevant Occupation Certificate.

All costs associated with the preparation, approval and registration of the Instrument required by this condition of consent must be borne by the person acting on this consent including the reasonable costs of Council in obtaining advice, negotiating the terms or otherwise facilitating the execution and registration of the required Instrument.

(Reason: Compliance and adequate maintenance of drainage system)

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Basement Pump-out Maintenance

- G11. Prior to issue of an Occupation Certificate a Maintenance Regime must be prepared for the basement stormwater pump-out system and submitted to the Principal Certifier for approval with the relevant Occupation Certificate documentation. The regime must specify that the system is to be regularly inspected and checked by qualified practitioners.

The basement stormwater pump-out system must be maintained in accordance with the approved Maintenance Regime at all times.

(Reason: To ensure future provision for maintenance of the drainage system)

Section 73 Compliance Certificate

- G12. A section 73 Compliance Certificate under *the Sydney Water Act 1994* must be obtained.

The final section 73 Certificate must be submitted to the Principal Certifier prior to release of any linen plan for subdivision or prior to occupation of the development, whichever is the earlier.

The section 73 Certificate must be submitted to the Principal Certifier prior to the issue of the Strata Certificate. [Delete as appropriate]

Note: Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site www.sydneywater.com.au/customer/urban/index, or telephone 13 20 92.

Following application, a 'Notice of Requirements' will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

(Reason: To ensure compliance with the statutory requirements of Sydney Water)

Notification of New Address Developments

- G13. Prior to the relevant Occupation Certificate being issued, the person acting upon this consent must comply with the following: -

- (a) Notify Australia Post of the address(es) as issued by Council and the location in plan form of any secondary, internal addresses, in relation to built public roads. Check Australia Post Website (www.auspost.com.au) to find your nearest Australia Post Delivery Facility.

(Reason: To ensure that Council records are accurate, that house numbering complies with the requirements of Council's House Numbering Policy and to assist emergency services.)

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Asbestos Clearance Certificate

- G14. 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.

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

- G15. 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 tree(s) specifically nominated below:

Tree	Location	Height
<i>T1 Ficus 'Hillii'</i>	NW corner of 93 Kurraba Rd	17x18m
<i>T3 Melaleuca quinquenervia</i>	NE corner of 93 Kurraba Rd	15x6m
<i>T5 Lophostemon confertus</i>	NE corner of 93 Kurraba Rd-sth of drive	14x6m
<i>T7 Lophostemon confertus</i>	Eastern boundary- 93 Kurraba Rd	14x6m
<i>T11 Lophostemon confertus</i>	SE cnr - 93 Kurraba Rd	13x8m
<i>T12 Lophostemon confertus</i>	SE cnr - 93 Kurraba Rd	12x6m
<i>T13 Lophostemon confertus</i>	SE cnr - 93 Kurraba Rd	8x6m

The report must detail the condition and health of all 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)

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Required Tree Planting

- G16. On completion of works and prior to the issue of the relevant Occupation Certificate, trees in accordance with the schedule hereunder must be planted in Council's nature strip/footpath:

Schedule

Tree Species	Location	Pot Size
7 x <i>Melaleuca linarifolia</i>	council verge in front of 93 Kurraba Rd	75l

The installation of such trees, their current health and their prospects for future survival must be certified upon completion by an appropriately qualified horticulturalist.

Upon completion of installation and prior to the issue of an Occupation Certificate an appropriately qualified horticulturalist must certify that any trees planted in accordance with this condition are healthy and have good prospects of future survival. The certification must be submitted with any application for an Occupation Certificate.

(Reason: To ensure that replacement plantings are provided to enhance community landscaped amenity and cultural assets)

Unpaved Verge

- G17. The unpaved verge area must be constructed/reconstructed with an appropriate species of grass prior to completion of the works at no cost to Council

(Reason: To ensure that community assets are presented in accordance with reasonable community expectations)

Height

- G18. Upon completion of the works and prior to the issue of any Occupation Certificate the RL of the development as approved, must be surveyed and certified by an appropriately qualified and practising surveyor as compliant with the maximum approved levels. This survey and certification must be submitted to the Principal Certifier with the application for an Occupation Certificate and a copy provided to Council (if it is not the Principal Certifier).

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

Final Survey

- G19. Upon completion of the works and prior to the issue of the relevant Occupation Certificate a final survey of the development and site is to be carried out by an appropriately qualified and practising registered surveyor to demonstrate whether the completed works encroach on any public or private property, both above and below the ground.

(Reason: To ensure compliance with the terms of this development consent and identify any encroachments outside the site boundaries.

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BASIX Completion Receipt

- G20. In accordance with Section 45 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, prior to issuing a final occupation certificate the Principal Certifier must provide a BASIX completion receipt.

(Reason: To ensure compliance with the Regulations)

House Numbering (Dwellings)

- G21. Prior to the relevant Occupation Certificate being issued an application must be made to North Sydney Council for written confirmation, or allocation, of the street address(es) or apartment number(s) for the completed project in accordance with Council's Property Addressing Policy. These are the numbers that will be recorded in Council records and must be displayed at the property in accordance with the provisions of AS/NZS 4819:2011.

Note: If apartments are to be sold off the plan, the applicant must have written confirmation from Council of the address and apartment numbering if the apartment number is to be identified on the contract.

(Reason: To ensure that Council records are accurate, and that house numbering complies with the requirements of Council's House Numbering Policy. Proper house numbering also assists emergency services in readily locating properties.)

Landscaping

- G22. The landscaping shown in the approved Landscape Plans prepared by Dangar Barin Smith dated 17 March 2025 must be completed prior to the issue of a relevant Occupation Certificate.

(Reason: To ensure compliance)

Verification Statement (External Finishes and Materials)

- G23. Prior to the issue of a relevant Occupation Certificate, a verification statement from a qualified designer or architect (preferably the original designer), must be submitted to Council and the Principal Certifier certifying that the external finishes and materials are in accordance with the approved schedule of finishes and materials identified in this consent.

"qualified designer" means a person registered as an architect in accordance with the *Architects Act 2003*.

(Reason: To ensure the design quality and finishes for residential flat development)

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Allocation of car parking spaces

- G24. Car parking spaces must be provided and maintained at all times on the subject site. The spaces must be allocated to uses within the building as follows:

Car Parking Type	Maximum Number of Spaces
Residential car spaces	27 car spaces (including four (4) adaptable spaces).
Visitor's car spaces	5 spaces (including an accessible space and carwash/visitors space).
Delivery/service vehicle parking space	1 space

The car parking spaces are to be identified on-site by line-marking and numbering upon the completion of the works and prior to issue of the relevant Occupation Certificate. Car parking spaces provided must only be used in conjunction with the approved uses contained within the development.

In the case of Strata subdivision any car parking for strata lots for residential purposes must be individually allocated to its corresponding residential strata lot as part of each lots' unit entitlement.

Visitor parking facilities must be designated as common property on the strata plan. Visitor parking facilities must not at any time be allocated, sold, licensed or leased for the exclusive use of any occupier or owner and must be retained as common property by the Owners Corporation for use by building visitors.

(Reason: To ensure that adequate parking facilities to service the development are provided on site)

Charging Facility for Electric Vehicles to be provided

- G25. Appropriate provision must be incorporated into the design of car parking areas to allow for the installation of charging facilities for electric vehicles.

Certification confirming that that electric vehicle charging points can be installed at a later time within the basement of the building as required by the Charging Facility for Electric Vehicles condition that electric vehicle charging facilities are capable of being installed in parking areas as required by this condition is to be provided to the Principal Certifier with the Final Occupation Certificate. All costs incurred in achieving compliance with this condition shall be borne by the developer.

(Reason: To promote sustainability and energy efficiency)

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Apartment Noise Attenuation Construction

- G26. A qualified member of the Association of Australasian Acoustical Consultants must certify that construction of the internal party walls ensures that all sound between apartments, sound producing plant, equipment, machinery, mechanical ventilation system or refrigeration systems has sufficient acoustical attenuation, in accordance with any relevant standards or guidelines. Details must be submitted to the Principal Certifier before the issue of the relevant Occupation Certificate.

(Reason: To ensure best practice standards for residential acoustic amenity)

I. *Ongoing/Operational Conditions*

Plan of Management

- I1. The approved development and communal open spaces must be operated in accordance with the approved Plan of Management at all times.

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

Visitors' Parking Sign

- I2. A sign, legible from the street, must be permanently displayed to indicate that visitor parking is available on the site and the visitor car parking spaces must be clearly marked as such.

(Reason: To ensure that visitors are aware that parking is available on site and to identify those spaces to visitors)

Visitors' Parking Facilities

- I3. Visitor parking facilities must be designated as common property on the strata plan. Visitor parking facilities must not at any time be allocated, sold, licensed or leased for the exclusive use of any occupier or owner and must be retained as common property by the Owners Corporation for use by building visitors.

(Reason: To ensure that adequate parking facilities to service the development are provided on site)

Use of Car Parking Spaces

- I4. Car parking spaces provided must only be used in conjunction with the approved uses contained within the development. Visitor parking facilities must be designated as common property on any strata plan. Visitor parking facilities must not at any time be allocated, sold, licensed or leased for the exclusive use of any owner or occupier or third party and must be retained as Common Property by the owners' corporation for use by building visitors.

(Reason: To ensure that visitor parking is not allocated to building occupants and remains available on an ongoing basis)

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Allocation of Spaces

15. The allocation of car parking spaces within the development must be maintained at all times in accordance with the terms of this consent. The allocation of spaces must be maintained in accordance with the following table:

Car Parking Type	Maximum Number of Spaces
Residential car spaces	27 car spaces (including four (4) adaptable spaces).
Visitor's car spaces	5 spaces (including an accessible space and carwash/visitors space).
Delivery/service vehicle parking space	1 space

Car parking spaces provided must only be used in conjunction with the approved uses contained within the development. The 77 public parking spaces are to be operated exclusively by North Sydney Council.

(Reason: To ensure that adequate parking facilities to service the development are provided on site)

Noise and Vibration Impact

16. The ongoing use of the premises approved under this consent must comply with all conditions pertaining to noise and vibration specified in this consent.

(Reason: To ensure compliance with the specified levels of noise and vibration and to maintain the amenity of surrounding land uses)

Loading within Site

17. All loading and unloading operations must be carried out wholly within the confines of the site, at all times and must not obstruct other properties or the public way.

(Reason: To ensure that deliveries can occur safely within the site and does not adversely affect traffic or pedestrian amenity)

Minimum Headroom for Car Parking

18. Minimum headroom clearances must be provided throughout the car parking and loading areas as per AS 2890

(Reason: To ensure compliance with relevant standards and provide appropriate headroom)

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No Illumination

- I9. No consent is given or implied for any form of illumination (other than ground -level lighting, lighting on rooftop/podium level areas to benefit the occupants of those areas and interior lighting) or floodlighting to the building or any sign. A separate development consent must be obtained for any such external floodlighting or illumination of the building, approved sign or site landscaping (unless exempt development).

(Reason: To ensure appropriate forms of signage that are consistent with Council's controls and those that are desired for the locality, and do not interfere with amenity of nearby properties)

Waste Collection

- I10. Waste and recyclable material, generated by this premises must not be collected between the hours of 10pm and 6am on any day.

(Reason: To ensure the amenity of surrounding properties)

Roof Top Lighting

- I11. Lighting on rooftop or podium level areas must not be illuminated between 11:00 pm and 7:00 am. The design and placement of the lighting must:

- (a) be directed away from any residential dwelling;
- (b) not create a nuisance or negatively affect the amenity of the surrounding neighbourhood; and
- (c) comply with AS4282-1997 control of obtrusive effects of outdoor lighting.

(Reason: To ensure residential premises are not affected by inappropriate or excessive illumination)

Maintenance of Approved Landscaping

- I12. The owner of the premises at 93 Kurraba Road is to maintain the landscaping approved by this consent generally in accordance with the approved plans and as modified by conditions of consent.

Any replacement plants required shall be advanced in growth and be selected to maintain the anticipated mature height, canopy density and nature of those plant species as originally approved. Any replaced trees shall conform with AS2303:2018 Tree stock for landscape use and the approved Landscape Plan.

Should it be desired to substitute plants which are not of the same mature height, canopy density and nature (particularly flowering for non-flowering, native for exotic, deciduous for non-deciduous or the reverse of any these) a modification to this consent will be required.

(Reason: To ensure maintenance of the amenity, solar access and views of adjoining properties)

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Ongoing Street Tree Care

113. The 7 x *Melaleuca linearifolia* located in the road reserve shall be watered for a period of six (6) months after the final construction certificate is issued.

The watering shall be approximately 50 litres per week (min), per tree, delivered gently by hose or watering can so that the surrounding soil can absorb the water. Seasol solution is recommended once a month over this period.

Plans and specifications showing the said tree protection measures must be submitted to the Certifying Authority for approval prior to the issue of the relevant Construction Certificate. The Certifying Authority must ensure the construction plans and specifications submitted, referenced on and accompanying the relevant issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure that appropriate tree protection measures are shown on construction drawings)

Landscape Maintenance Plan

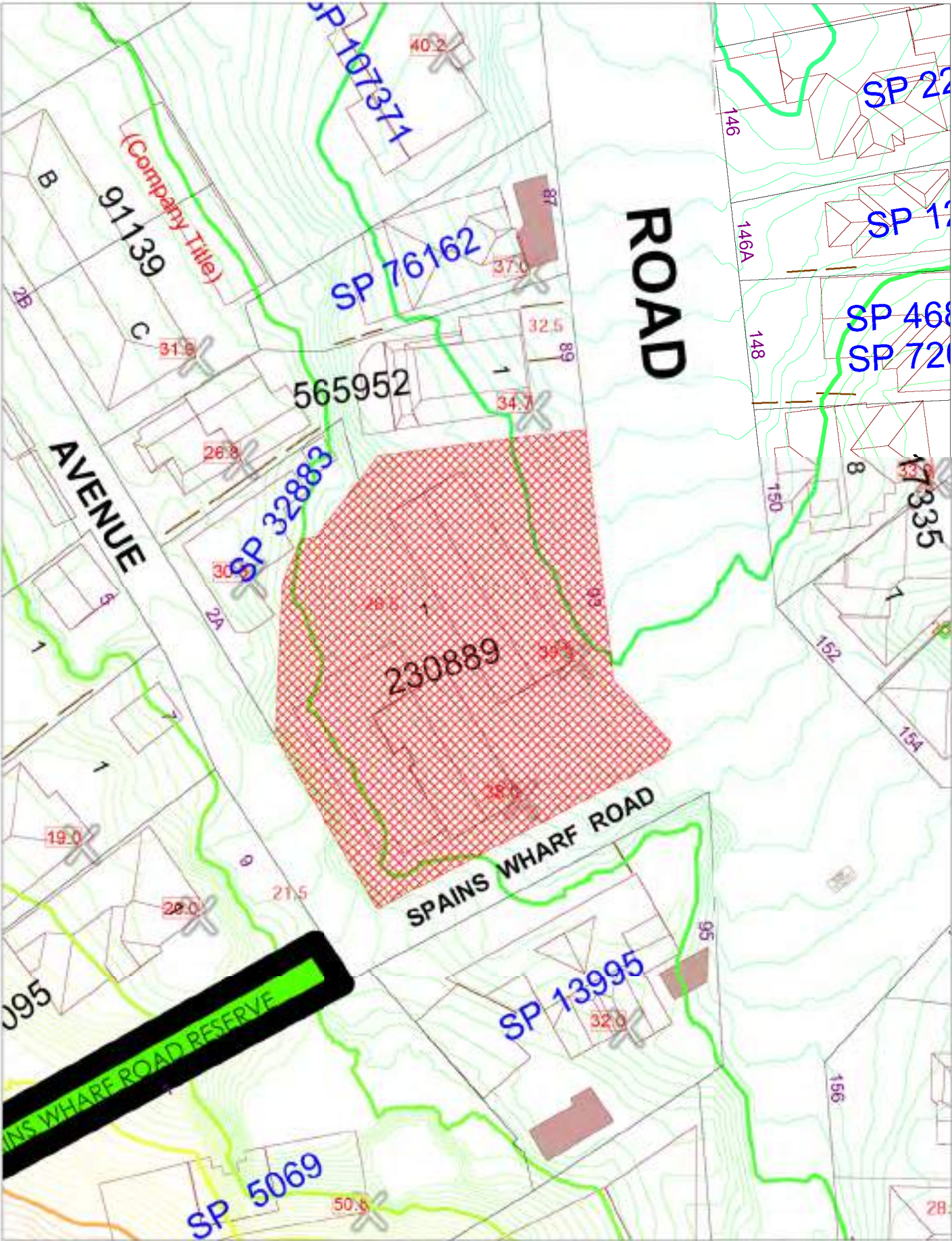
114. A Landscape Maintenance Plan is to be prepared by a qualified horticulturalist to ensure the ongoing viability and vigour of plant species.

The Landscape Maintenance plan is to be prepared having regard for the practicalities of undertaking landscape maintenance are met as well as the retention of the intended aesthetic values of the Landscape Plan, including but not limited to:

- a) Maintenance and usage of irrigation
- b) Mowing schedule
- c) Fertilising schedule
- d) Pruning and trimming schedule
- e) Re-mulching
- f) Replanting schedule
- g) Cleaning of exterior pavements, furniture and lighting
- h) Storage of materials
- i) Disposal of landscape waste
- j) Access of maintenance staff
- k) Use and noise control of power tools
- l) Provision and selection of replacement plants where required

The maintenance requirement by the Landscape Maintenance Plan should be adhered to at all times, for the life of the development.

(Reason: To ensure ongoing health and vitality of landscaping approved by this consent)



SJB Architects

We would like to Acknowledge the Traditional Custodians of the land on which we live and practice. We pay our respects to elders past, present and emerging, whose knowledge has cared for, and will continue to care for Country. We acknowledge that sovereignty was never ceded.



LIST OF CHANGES TO ARCHITECTURAL DRAWINGS IN RESPONSE TO COUNCIL RFI

1. Additional Communal Open Space at L1 in south-east corner of the site
2. Permeability of Communal Open Space at LG in north-west corner of the site
3. Seating elements provided for both Communal Open Spaces
4. Communal Internal Space on LG increased to include Gym, WVC, Sauna. Windows provided in façade for natural daylight and ventilation.
5. Apartment 5, Bedroom 2: Window facing north removed from
6. GF & L1 Apts 04/05/08/09: solid elements introduced to glazed balustrades along Wallaringa Av
7. Basement and LG carparking revisions including:
 - A. Bicycle parking strategy revised to be provided within garages and apartment storage cages + 2no. visitor bicycle parking spaces
 - B. Garage configurations
 - C. Car wash bay
 - D. Waiting bay and traffic signs
8. Waste room & bin holding room revisions
9. Hot water plant moved from GF LG
10. Condenser units moved from GF to Roof
11. Façade colour scheme revised with changes captured on drawings:
 - A. Elevations
 - B. Photomontages
 - C. External finishes
12. Hydrant booster enclosure additional details and finishes
13. Revised calculation for Site Coverage, Unbuilt Upon Area and Landcaped Area
14. Revised GFA calculations
15. Revised drawing annotations to include:
 - A. Setbacks shown on site plan, basement plan and floor plans
 - B. Identification of Heritage Items on Site Plan
 - C. Detailed dimensions for gatehouse and associated structures
16. Additional drawings provided to show:
 - A. Long sections to include surrounding heritage items
 - B. Typical detail wall section
 - C. Storage calculations

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93 KURRABA RD
KURRABA POINT NSW

Country: GAMARAGAL

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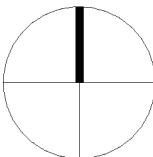


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Drawing Name

LOCATION PLAN



Date 2024-04-26 Scale @ A1 Sheet Size

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LEGEND

- TREE CANOPY
- STRUCTURAL ROOT ZONE
- TREE PROTECTION ZONE
- TREE TRUNK

Client



Project

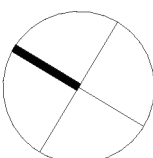
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Country: GAMARAGAL

Drawing Name

SITE PLAN - EXISTING

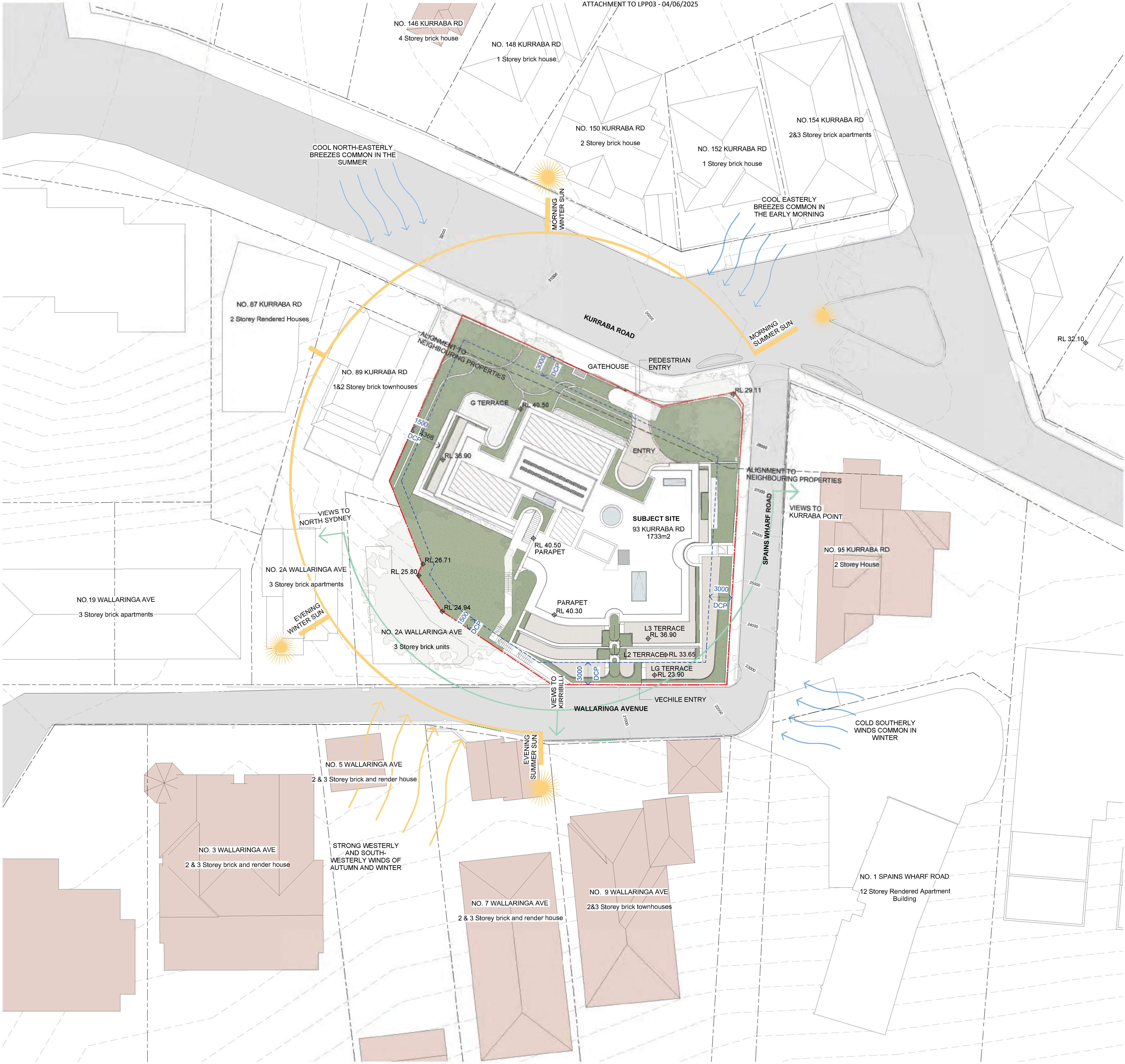


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LEGEND

HERITAGE ITEMS



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SITE ANALYSIS



Date	Scale	Sheet Size
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RC	DM	
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6721	DA-0102	/ 21



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LEGEND

- DEMOLITION WALLS AND ROOFS
- DEMOLITION SLABS

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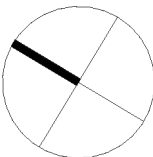
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DEMOLITION PLAN



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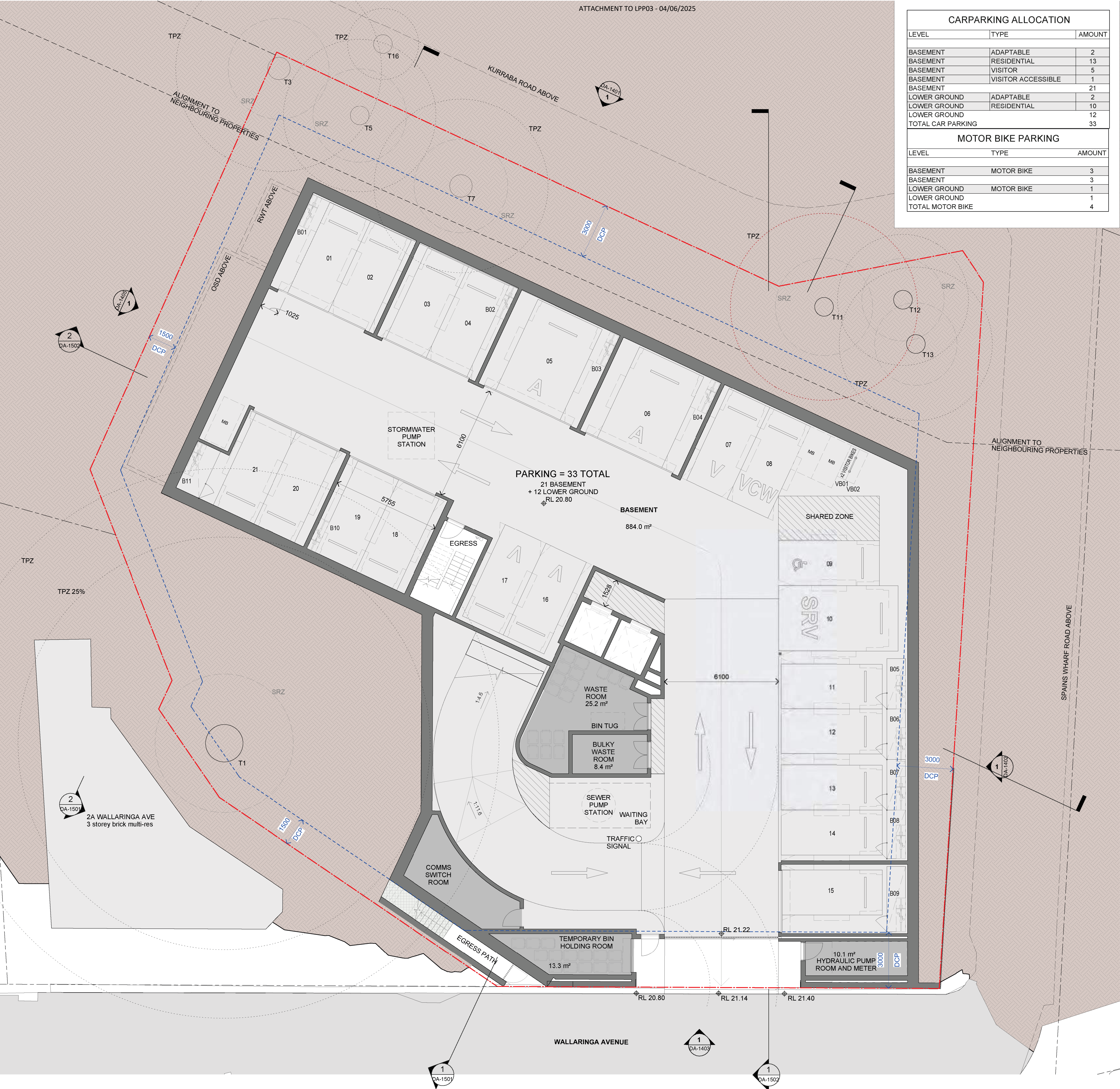
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SG	DM

Job No.	Drawing No.	Revision
6721	DA-0301	/ 17



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CARPARKING ALLOCATION		
LEVEL	TYPE	AMOUNT
BASEMENT	ADAPTABLE	2
BASEMENT	RESIDENTIAL	13
BASEMENT	VISITOR	5
BASEMENT	VISITOR ACCESSIBLE	1
BASEMENT		21
LOWER GROUND	ADAPTABLE	2
LOWER GROUND	RESIDENTIAL	10
LOWER GROUND		12
TOTAL CAR PARKING		33

MOTOR BIKE PARKING		
LEVEL	TYPE	AMOUNT
BASEMENT	MOTOR BIKE	3
BASEMENT		3
LOWER GROUND	MOTOR BIKE	1
LOWER GROUND		1
TOTAL MOTOR BIKE		4

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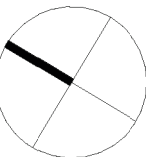


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Drawing Name

FLOOR PLAN - BASEMENT



Date

2025-03-14

Scale

1 : 100

Sheet Size

@ A1

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Chk.

Author

Checker

Job No.

6721

Drawing No.

DA-1001 / 21

Revision



CARPARKING ALLOCATION		
LEVEL	TYPE	AMOUNT
BASEMENT	ADAPTABLE	2
BASEMENT	RESIDENTIAL	13
BASEMENT	VISITOR	5
BASEMENT	VISITOR ACCESSIBLE	1
BASEMENT		21
LOWER GROUND	ADAPTABLE	2
LOWER GROUND	RESIDENTIAL	10
LOWER GROUND		12
TOTAL CAR PARKING		33

MOTOR BIKE PARKING		
LEVEL	TYPE	AMOUNT
BASEMENT	MOTOR BIKE	3
BASEMENT		3
LOWER GROUND	MOTOR BIKE	1
LOWER GROUND		1
TOTAL MOTOR BIKE		4

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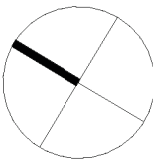


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Drawing Name

FLOOR PLAN - LOWER GROUND



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Drawing Name
FLOOR PLAN - GROUND

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FLOOR PLAN - LEVEL 1

Date Scale Sheet Size

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Drawing Name

FLOOR PLAN - LEVEL 2

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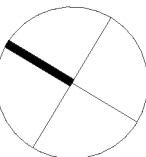


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Country: GAMARAGAL

Drawing Name

FLOOR PLAN - LEVEL 3



Date Scale Sheet Size

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Drawing Name

FLOOR PLAN - ROOF

Date Scale Sheet Size

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Author Checker

Job No. Drawing No. Revision

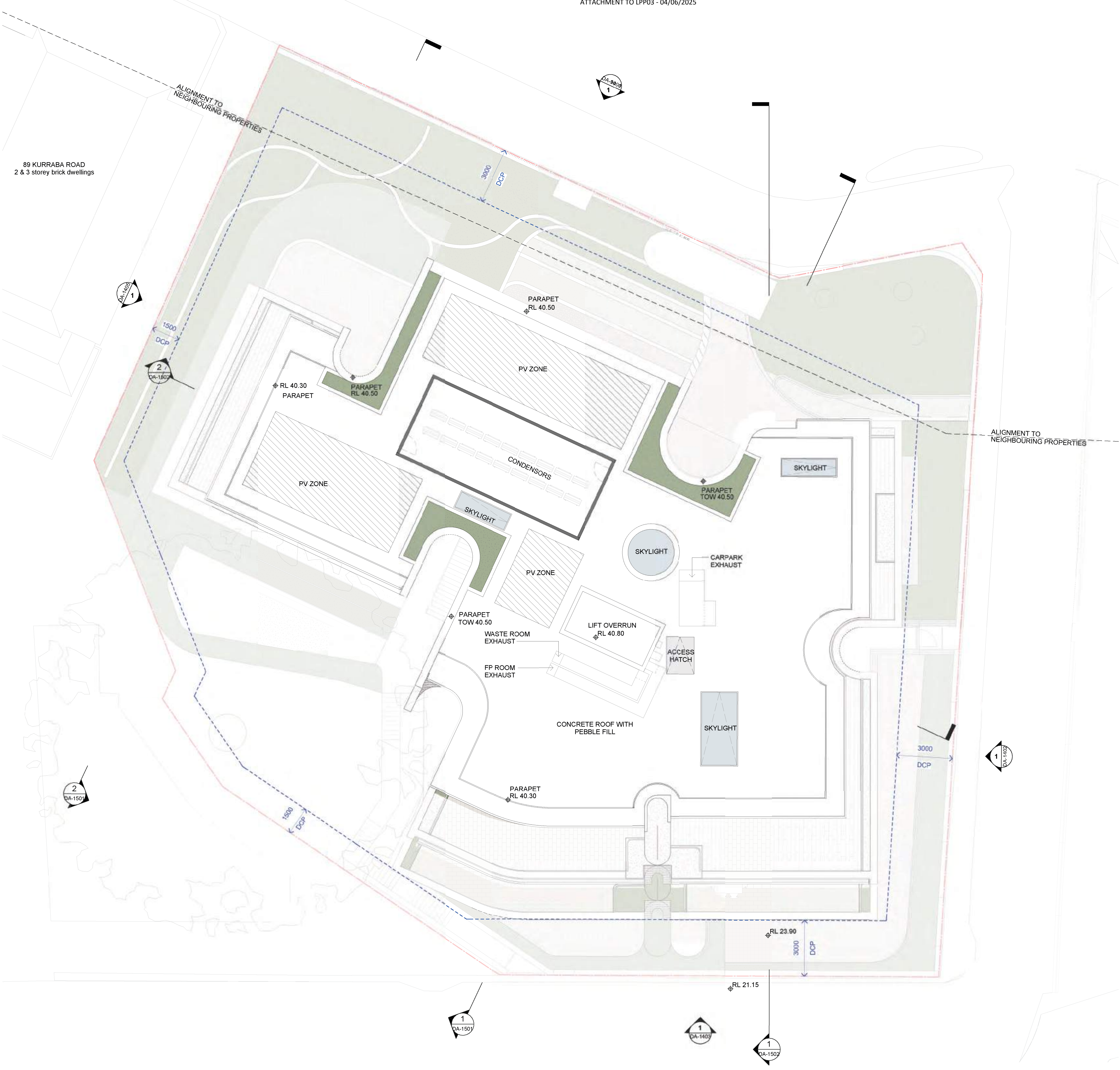
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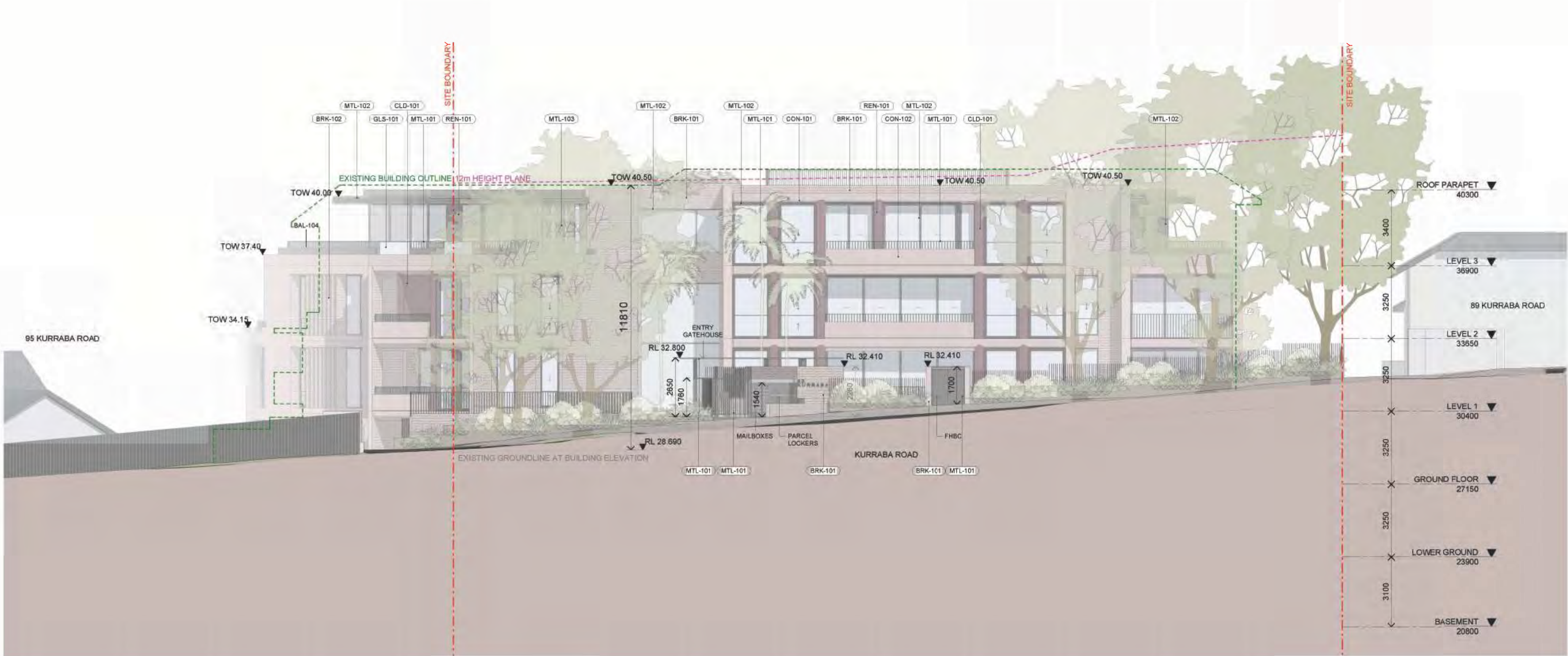


89 KURRABA ROAD
2 & 3 storey brick dwellings



FOR APPROVAL

Rev	Date	Revision	By	Chk
6	2023-12-08	FOR COORDINATION	RC	DM
7	2023-12-22	FOR COORDINATION	RC	DM
8	2024-01-17	FOR COORDINATION	RC	DM
10	2024-01-24	FOR INFORMATION	RC	DM
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15	2024-04-09	FOR INFORMATION	SS	DM
16	2024-04-16	FOR INFORMATION	SS	DM
17	2024-04-26	ISSUE FOR DA	SS	DM
21	2025-03-14	ISSUE FOR DA - COUNCIL RFI	LA	DM



FINISHES

BRK-101	BRICK MASONRY LIGHT RED-BROWN COLOUR STRETCHER BOND
BRK-102	BRICK MASONRY LIGHT RED-BROWN COLOUR STACKED BOND CUSTOM CURVED PROFILE
CLD-101	CERAMIC CLADDING GLAZED DEEP BROWN-RED COLOUR TONE
CLD-201	SANDSTONE WALL EXISTING REUSED & REPOINTED
CON-101	CONCRETE UPSTANDS & SLAB EDGE OFF FORM FINISH CONCRETE STAIN TO MATCH BRK-101
CON-102	CONCRETE SOFFIT OFF FORM FINISH CONCRETE STAIN TO MATCH BRK-101
GLS-101	CLEAR GLAZED BALUSTRADE FRAMELESS TOP RAIL MTL-101 FINISH
MTL-101	METAL DETAILING ANODISED DARK WARM GREY
MTL-102	METAL DETAILING ANODISED DARK WARM GREY
MTL-103	METAL DETAILING ANODISED DARK WARM GREY
REN-101	TEXTURED PLASTER PAINTED CHARCOAL GREY

Client



Project

HFO CAPITAL
93 KURRABA RD
KURRABA POINT NSW
Country: GAMARAGAL

Drawing Name

ELEVATION EAST
KURRABA ROAD

Date	Scale	Sheet Size
2025-03-14	1 : 100	@ A1

Drawn	Chk.
SS	DM

Job No.	Drawing No.	Revision
6721	DA-1401	/ 21

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21	2025-03-14	ISSUE FOR DA - COUNCIL RFI	LA	DM



FINISHES

BRK-101	BRICK MASONRY LIGHT RED-BROWN COLOUR STRETCHER BOND
BRK-102	BRICK MASONRY LIGHT RED-BROWN COLOUR STACKED BOND CUSTOM CURVED PROFILE
CLD-101	CERAMIC CLADDING GLAZED DEEP BROWN-RED COLOUR TONE
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GLS-101	CLEAR GLAZED BALUSTRADE FRAMELESS TOP RAIL MTL-101 FINISH
MTL-101	METAL DETAILING ANODISED DARK WARM GREY
MTL-102	METAL DETAILING ANODISED DARK WARM GREY
MTL-103	METAL DETAILING ANODISED DARK WARM GREY
REN-101	TEXTURED PLASTER PAINTED CHARCOAL GREY

Client



Project

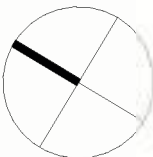
HFO CAPITAL

93 KURRABA RD
KURRABA POINT NSW

Country: GAMARAGAL

Drawing Name

ELEVATION SOUTH EAST
SPAINS WHARF ROAD



Date: 2025-03-14 Scale: 1 : 100 Sheet Size: @ A1

Drawn: Author Chk: Checker

Job No: 6721 Drawing No: DA-1402 Revision: / 21

FOR APPROVAL

Rev	Date	Revision	By	Chk
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7	2023-12-22	FOR COORDINATION	RC	DM
8	2024-01-17	FOR COORDINATION	RC	DM
10	2024-01-24	FOR INFORMATION	RC	DM
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12	2024-02-01	FOR INFORMATION	RC	DM
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15	2024-04-09	FOR INFORMATION	SS	DM
16	2024-04-16	FOR INFORMATION	SS	DM
17	2024-04-26	ISSUE FOR DA	SS	DM
21	2025-03-14	ISSUE FOR DA - COUNCIL RFI	LA	DM



FINISHES

BRK-101	BRICK MASONRY LIGHT RED-BROWN COLOUR STRETCHER BOND
BRK-102	BRICK MASONRY LIGHT RED-BROWN COLOUR STACKED BOND CUSTOM CURVED PROFILE
CLD-101	CERAMIC CLADDING GLAZED DEEP BROWN-RED COLOUR TONE
CLD-201	SANDSTONE WALL EXISTING REUSED & REPOINTED
CON-101	CONCRETE UPSTANDS & SLAB EDGE OFF FORM FINISH CONCRETE STAIN TO MATCH BRK-101
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GLS-101	CLEAR GLAZED BALUSTRADE FRAMELESS TOP RAIL MTL-101 FINISH
MTL-101	METAL DETAILING ANODISED DARK WARM GREY
MTL-102	METAL DETAILING ANODISED DARK WARM GREY
MTL-103	METAL DETAILING ANODISED DARK WARM GREY
REN-101	TEXTURED PLASTER PAINTED CHARCOAL GREY



Project
HFO CAPITAL
93 KURRABA RD
KURRABA POINT NSW
Country: GAMARAGAL
Drawing Name
ELEVATION SOUTH WEST
WALLARINGA AVE

Date	Scale	Sheet Size
2025-03-14	1 : 100	@ A1
Drawn	Chk.	
SS	DM	
Job No.	Drawing No.	Revision
6721	DA-1403	/ 21



FOR APPROVAL

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7	2023-12-22	FOR COORDINATION	RC	DM
8	2024-01-17	FOR COORDINATION	RC	DM
10	2024-01-24	FOR INFORMATION	RC	DM
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16	2024-04-16	FOR INFORMATION	SS	DM
17	2024-04-26	ISSUE FOR DA	SS	DM
21	2025-03-14	ISSUE FOR DA - COUNCIL RFI	LA	DM



FINISHES

BRK-101	BRICK MASONRY LIGHT RED-BROWN COLOUR STRETCHER BOND
BRK-102	BRICK MASONRY LIGHT RED-BROWN COLOUR STACKED BOND CUSTOM CURVED PROFILE
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MTL-103	METAL DETAILING ANODISED DARK WARM GREY
REN-101	TEXTURED PLASTER PAINTED CHARCOAL GREY



Client
Project
HFO CAPITAL
93 KURRABA RD
KURRABA POINT NSW
Country: GAMARAGAL

Drawing Name
ELEVATION NORTH

Date	Scale	Sheet Size
2025-03-14	1 : 100	@ A1
Drawn	Chk.	
SS	DM	
Job No.	Drawing No.	Revision
6721	DA-1405	/ 21

FOR APPROVAL

Rev	Date	Revision	By	Chk.
16	2024-04-16	FOR INFORMATION	SS	DM
17	2024-04-26	ISSUE FOR DA	SS	DM
21	2025-03-14	ISSUE FOR DA - COUNCIL RFI	LA	DM



LEGEND

BRICK	CERAMIC CLADDING	CONCRETE	CEMENT RENDER	METAL	NATURAL STONE	GLASS
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Client



Project

HFO CAPITAL
93 KURRABA RD
KURRABA POINT NSW
Country: GAMARAGAL

Drawing Name

ELEVATION EAST -
COLOURED DIAGRAM

Date	Scale	Sheet Size
2025-03-14	1 : 100	@ A1

Drawn	Chk.
Author	Checker

Job No.	Drawing No.	Revision
6721	DA-1410	/ 21

FOR APPROVAL

Rev	Date	Revision	By	Chk
16	2024-04-16	FOR INFORMATION	SS	DM
17	2024-04-26	ISSUE FOR DA	SS	DM
21	2025-03-14	ISSUE FOR DA - COUNCIL RFI	LA	DM



LEGEND

BRICK	CERAMIC CLADDING
CONCRETE	CEMENT RENDER
METAL	NATURAL STONE
GLASS	

Client



Project

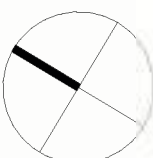
HFO CAPITAL

93 KURRABA RD
KURRABA POINT NSW

Country: GAMARAGAL

Drawing Name

ELEVATION SOUTH EAST
- COLOURED DIAGRAM



Date	Scale	Sheet Size
2025-03-14	1 : 100	@ A1

Drawn	Chk.
Author	Checker

Job No.	Drawing No.	Revision
6721	DA-1411	/ 21

FOR APPROVAL

Rev	Date	Revision	By	Chk
16	2024-04-16	FOR INFORMATION	SS	DM
17	2024-04-26	ISSUE FOR DA	SS	DM
21	2025-03-14	ISSUE FOR DA - COUNCIL RFI	LA	DM



Client



Project

HFO CAPITAL
93 KURRABA RD
KURRABA POINT NSW
Country: GAMARAGAL

Drawing Name

ELEVATION SOUTH WEST
- COLOURED DIAGRAM

LEGEND

- BRICK
- CERAMIC CLADDING
- CONCRETE
- CEMENT RENDER
- METAL
- NATURAL STONE
- GLASS

Date: 2025-03-14 Scale: 1 : 100 Sheet Size: @ A1

Drawn: Author Chk: Checker

Job No. 6721 Drawing No. DA-1412 Revision: / 21

FOR APPROVAL

Rev	Date	Revision	By	Chk
16	2024-04-16	FOR INFORMATION	SS	DM
17	2024-04-26	ISSUE FOR DA	SS	DM
21	2025-03-14	ISSUE FOR DA - COUNCIL RFI	LA	DM



LEGEND

- BRICK
- CERAMIC CLADDING
- CONCRETE
- CEMENT RENDER
- METAL
- NATURAL STONE
- GLASS

Client



Project

HFO CAPITAL
93 KURRABA RD
KURRABA POINT NSW
Country: GAMARAGAL

Drawing Name

ELEVATION NORTH -
COLOURED DIAGRAM

Date 2025-03-14 Scale 1 : 100 Sheet Size @ A1

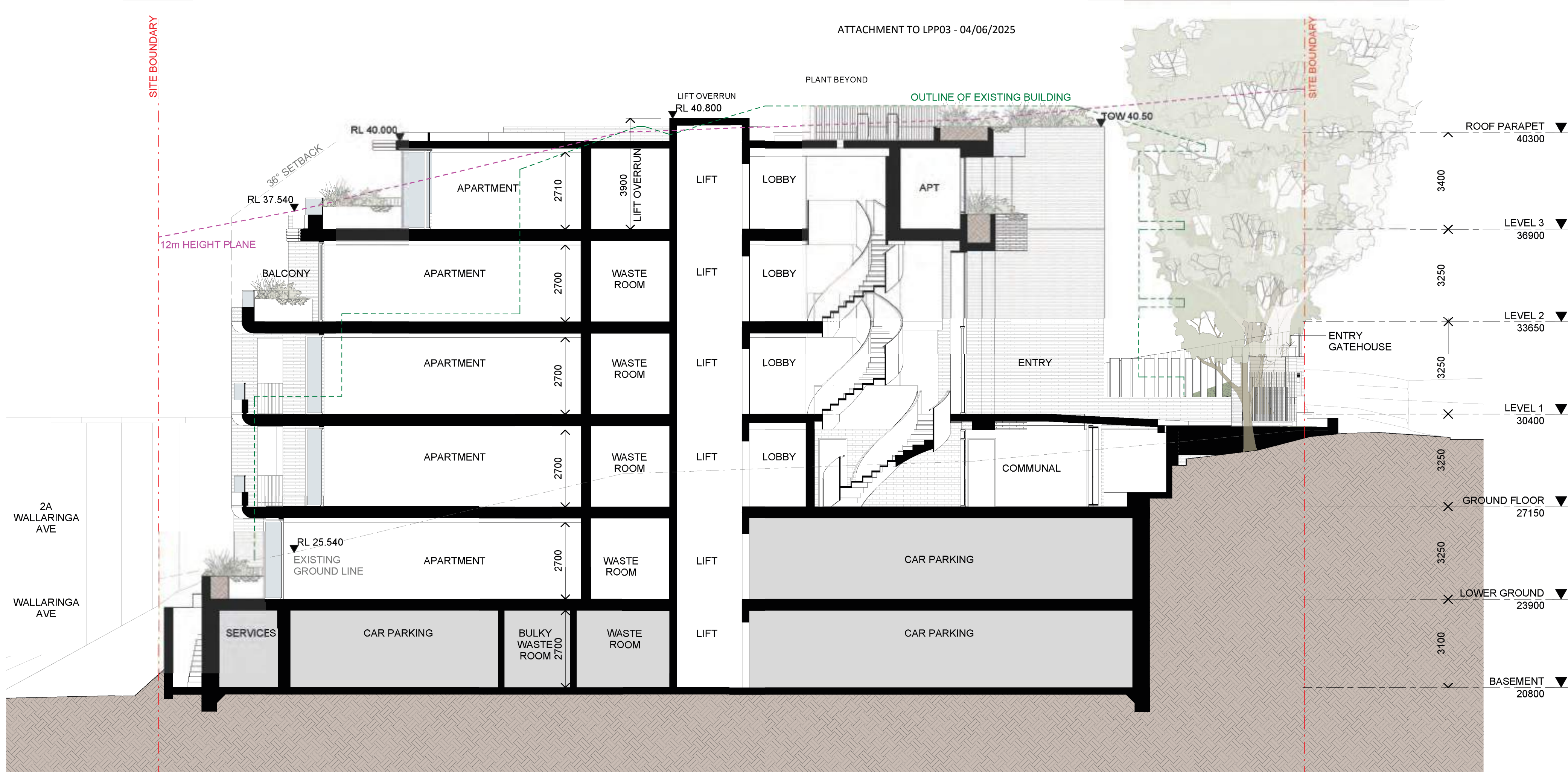
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Job No. 6721 Drawing No. DA-1413 Revision / 21

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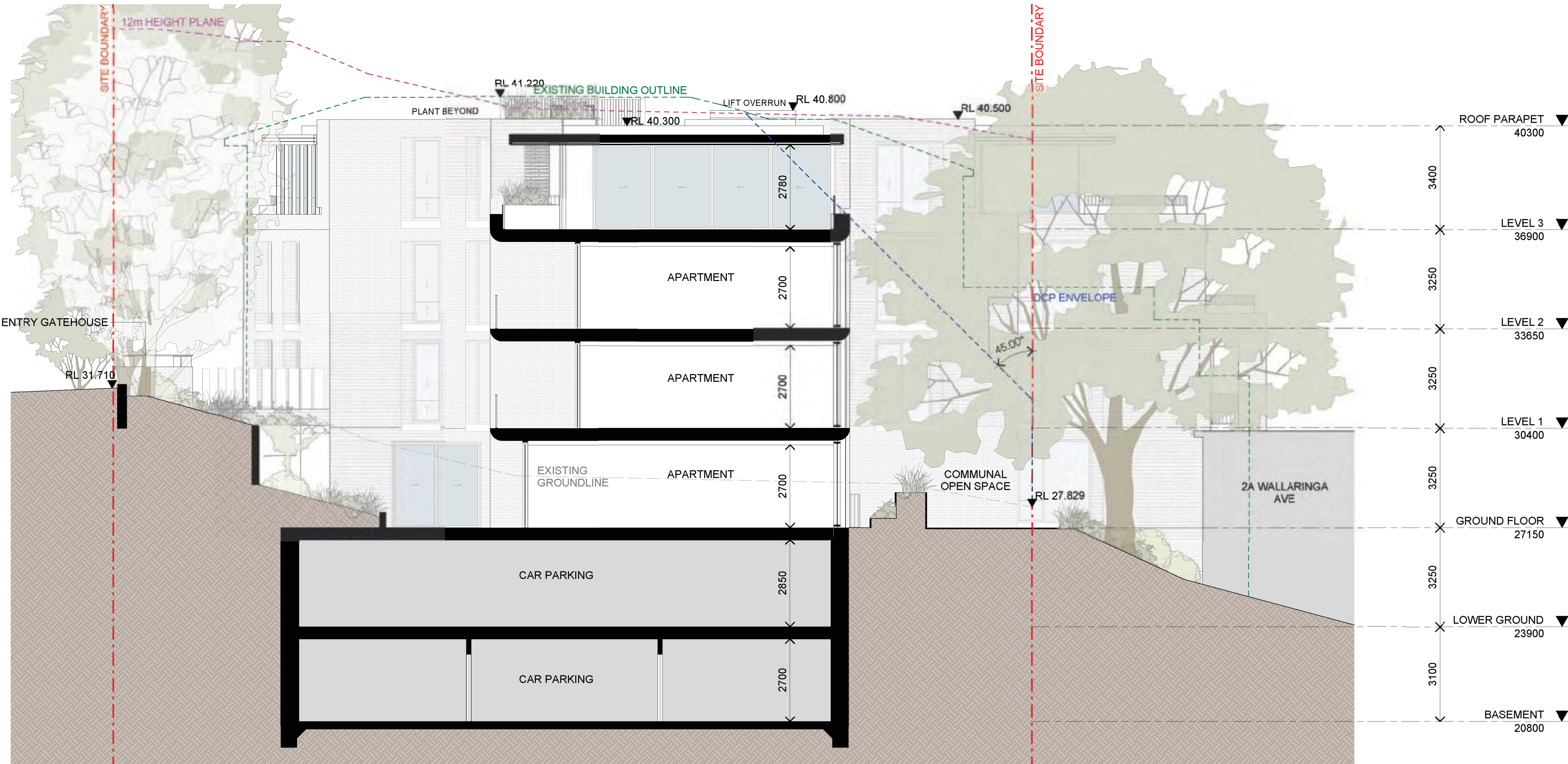
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4	2023-11-24	FOR COORDINATION	RC	DM
5	2023-11-28	FOR COORDINATION	RC	DM
6	2023-12-05	FOR COORDINATION	RC	DM
7	2023-12-22	FOR COORDINATION	RC	DM
8	2024-01-17	FOR COORDINATION	RC	DM
10	2024-01-24	FOR INFORMATION	RC	DM
11	2024-01-25	FOR INFORMATION	RC	DM
13	2024-02-05	FOR INFORMATION	RC	DM
14	2024-03-12	FOR INFORMATION	SS	GS
15	2024-04-09	FOR INFORMATION	SS	DM
16	2024-04-16	FOR INFORMATION	SS	DM
17	2024-04-26	ISSUE FOR DA	SS	DM
21	2025-03-14	ISSUE FOR DA - COUNCIL RFI	LA	DM



1 SECTION
SECTION A

SCALE 1:100



2 SECTION
SECTION B

SCALE 1:100

Client



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KURRABA POINT NSW

Country: GAMARAGAL

Drawing Name

SECTION A & B

Date Scale Sheet Size

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Drawn Chk.

SS RC

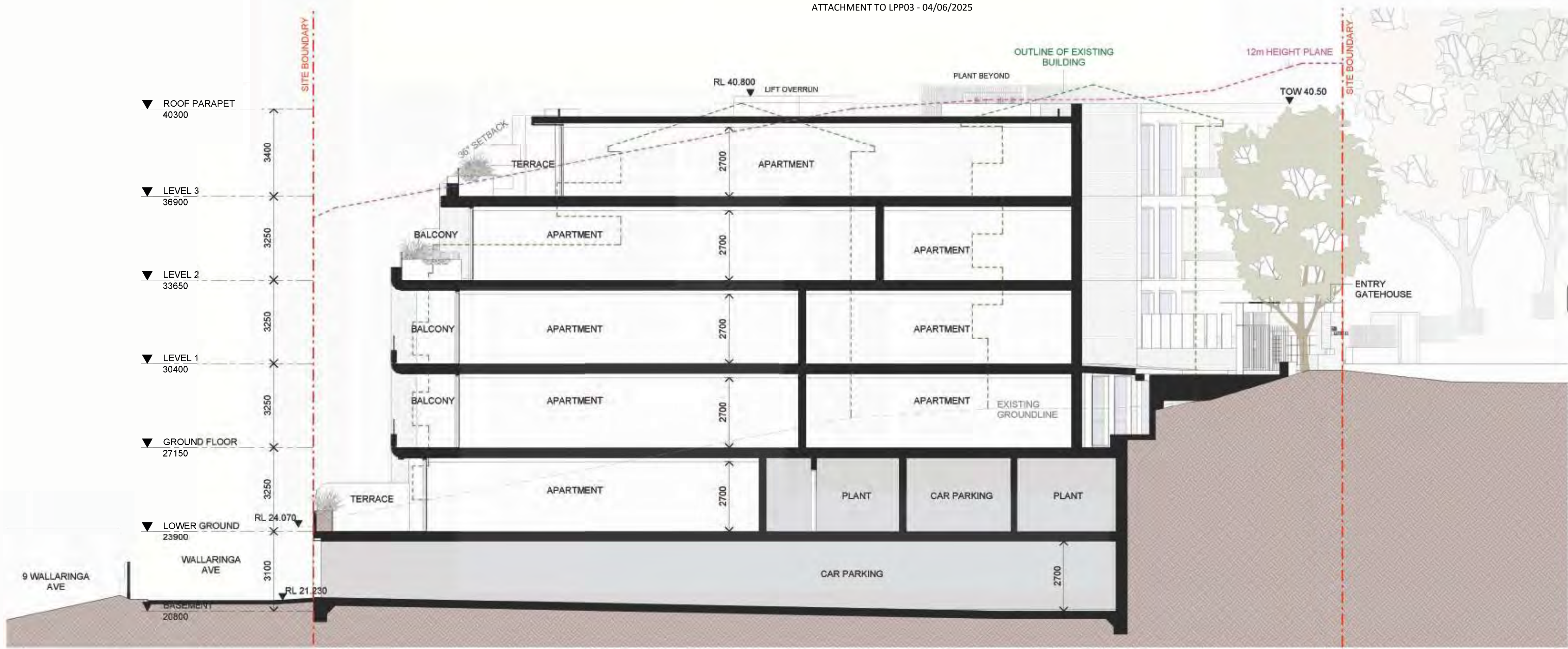
Job No. Drawing No. Revision

6721 DA-1501 / 21

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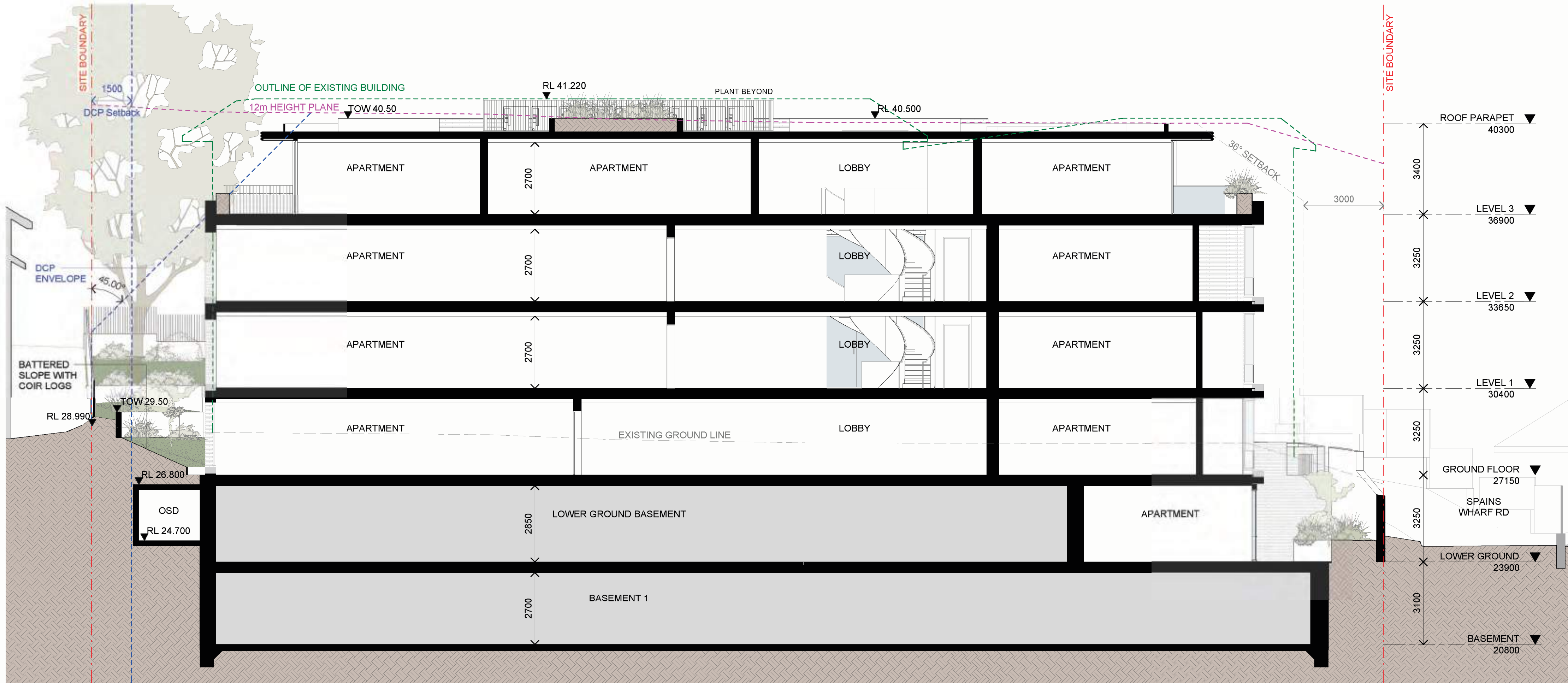
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1 SECTION
SECTION C

SCALE 1:100



2 SECTION
SECTION D

SCALE 1:100

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6	2023-12-05	FOR COORDINATION	RC	DM
7	2023-12-22	FOR COORDINATION	RC	DM
9	2024-01-17	FOR COORDINATION	RC	DM
10	2024-01-24	FOR INFORMATION	RC	DM
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14	2024-03-12	FOR INFORMATION	SS	GS
15	2024-04-05	FOR INFORMATION	SS	DM
16	2024-04-16	FOR INFORMATION	SS	DM
17	2024-04-26	ISSUE FOR DA	SS	DM
21	2025-03-14	ISSUE FOR DA - COUNCIL RFI	LA	DM

Client

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Project

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93 KURRABA RD
KURRABA POINT NSW
Country: GAMARAGAL

Drawing Name

SECTION C & D

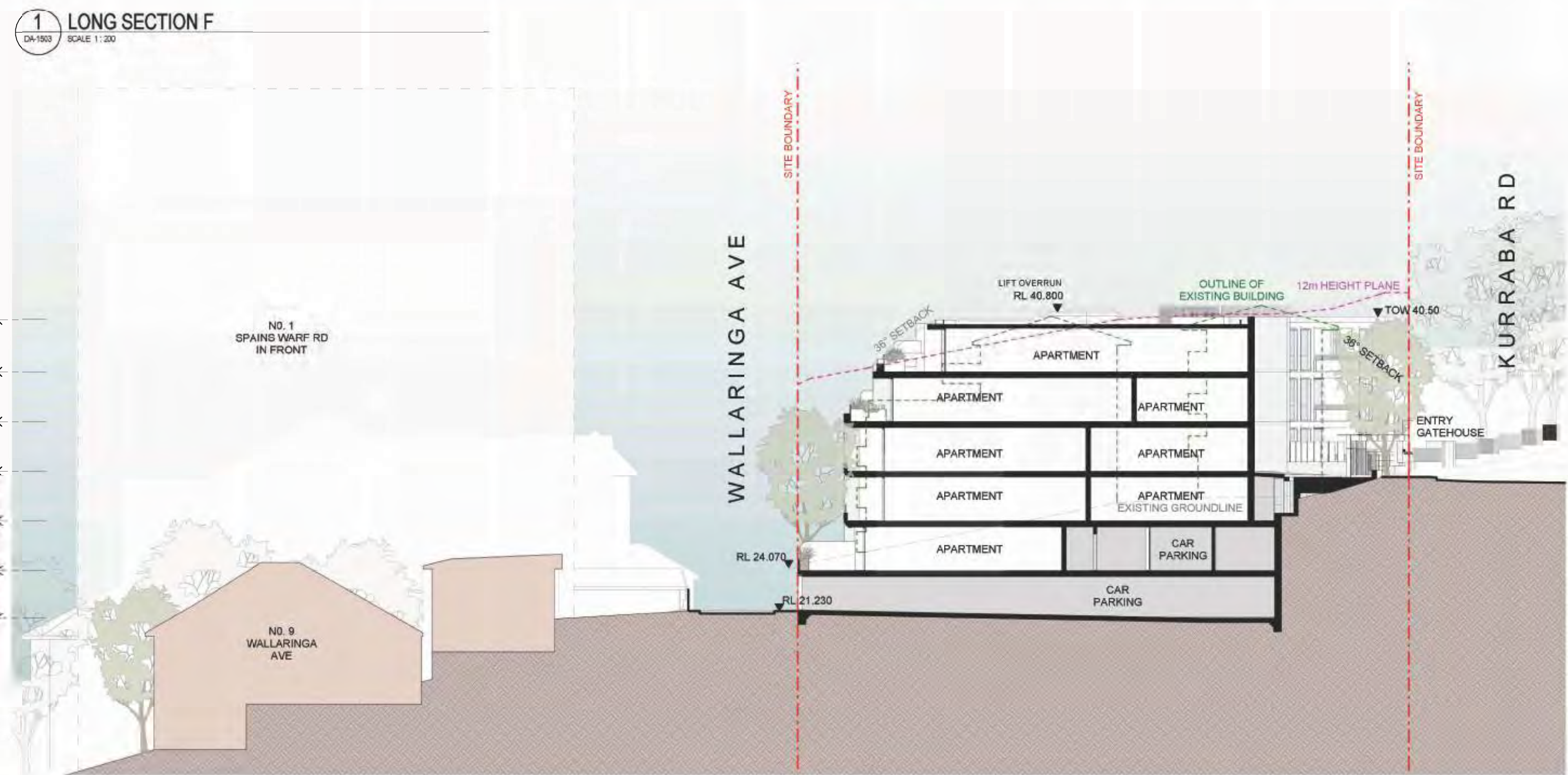
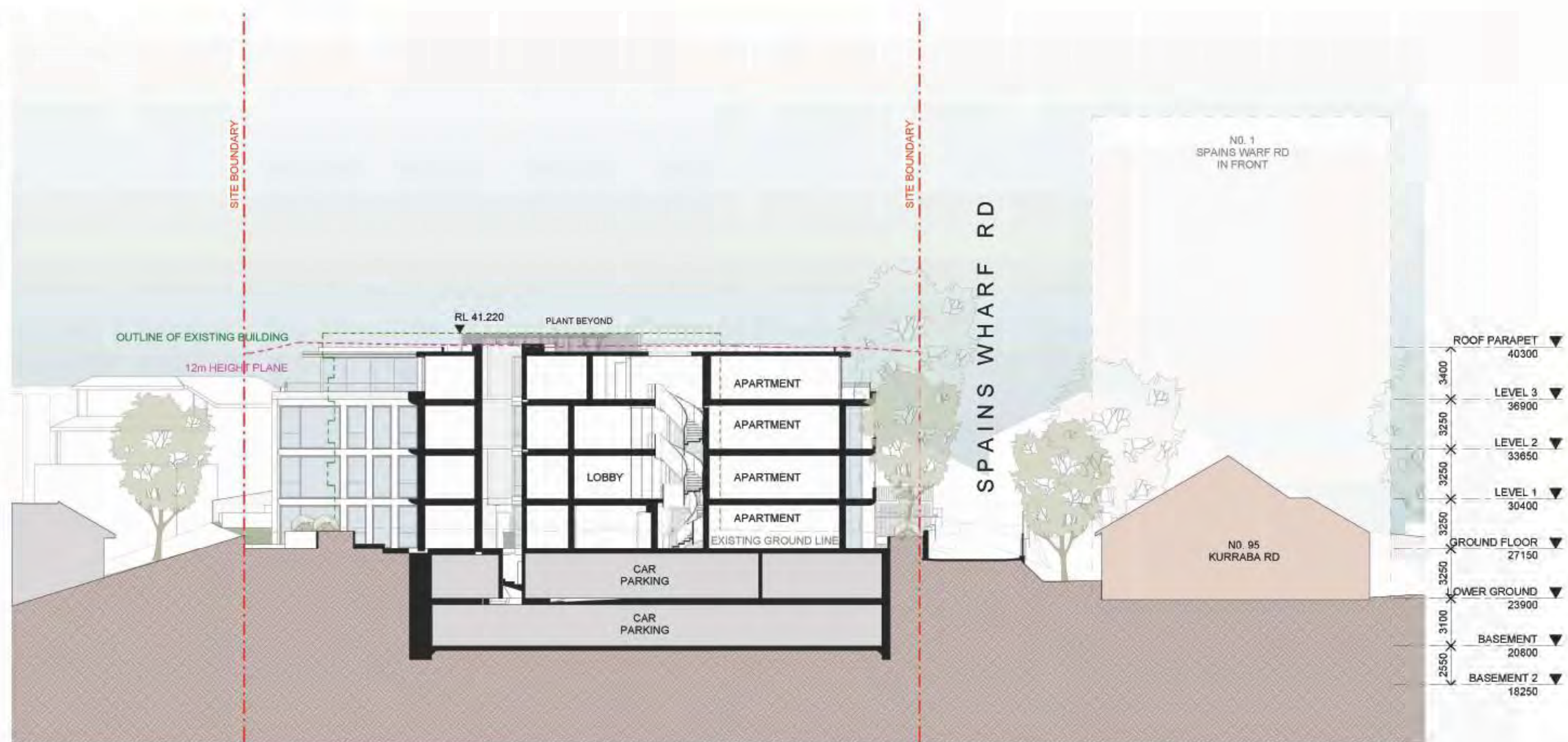
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Drawn Chk.
SS RC

Job No. Drawing No. Revision
6721 DA-1502 / 21

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HERITAGE ITEMS

EXISTING BUILDING OUTLINE

12M HEIGHT PLANE

EXISTING GROUND LINE

Rev	Date	Revision	By	Chk
1	2025-03-14	ISSUE FOR DA - COUNCIL RFI	LA	DM

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Project

HFO CAPITAL

93 KURRABA RD
KURRABA POINT NSW

Country: GAMARAGAL

LONG SECTIONS E & F

Date	Scale	Sheet Size
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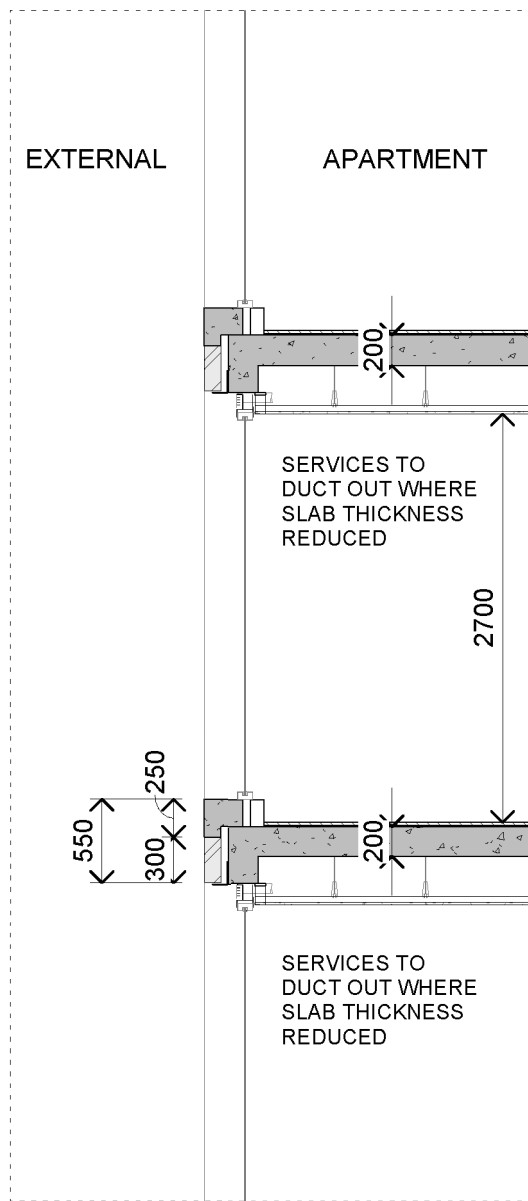
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SS	BC

Job No.	Drawing No.	Revision
3721	DA-1503	/ 21

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Rev	Date	Revision	By	Chk.
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21	2025-03-14	ISSUE FOR DA - COUNCIL RFI	LA	DM
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TYPICAL DETAIL ALONG WINDOWS
AT SOLID FACADE SECTIONS

SCALE 1 : 50

Client



Project

HFO CAPITAL

93 KURRABA RD
KURRABA POINT NSW

Country: GAMARAGAL

Drawing Name

SECTION - TYPICAL FACADE DETAIL

Date	Scale	Sheet Size
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Drawn	Chk.
SS	RC

Job No.	Drawing No.	Revision
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6721 DA-1511 / 21

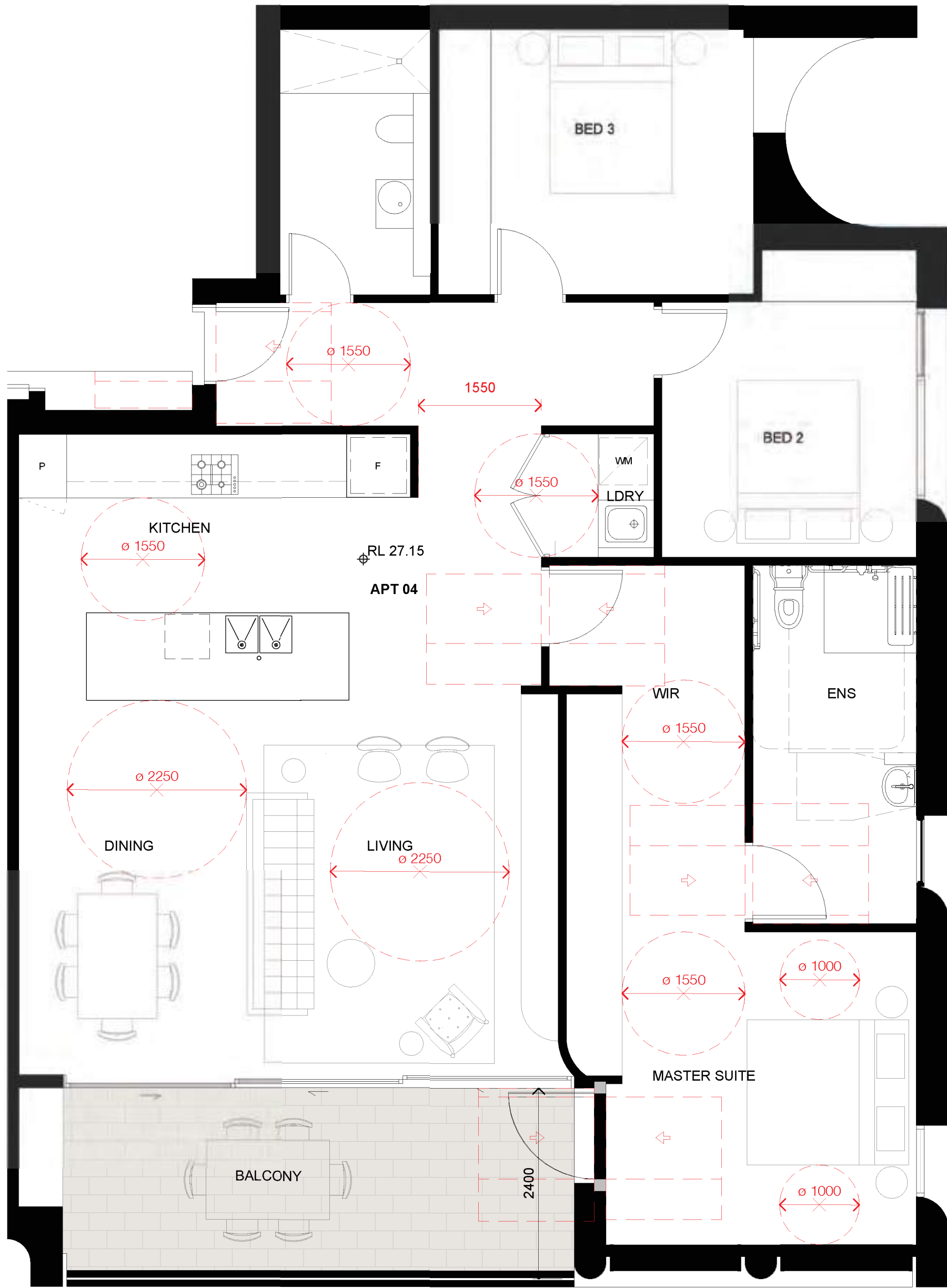
SJB Architects

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Surry Hills NSW
2010 Australia
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1 PLAN
DA-1401 Apartment 04 + 08 - Pre-Adaption SCALE 1 : 50



2 PLAN
DA-1401 Apartment 04 + 08 - Post-Adaption SCALE 1 : 50

ADAPTABLE APARTMENTS	
APARTMENT	LEVEL
APT 04	GROUND
APT 05	GROUND
APT 08	LEVEL 1
APT 09	LEVEL 1
TOTAL ADAPTABLE UNITS	4 Units (20%)
NS DCP MINIMUM ADAPTABLE UNITS	
20% (4 Units)	

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16	2024-04-16	FOR INFORMATION	SS	DM
17	2024-04-26	ISSUE FOR DA	SS	DM

Client



Project

HFO CAPITAL

93 KURRABA RD
KURRABA POINT NSW

Country: GAMARAGAL

Drawing Name

ADAPTABLE UNIT 04+08

Date Scale Sheet Size

2024-04-26 1 : 50 @ A1

Drawn Chk.

SG RC

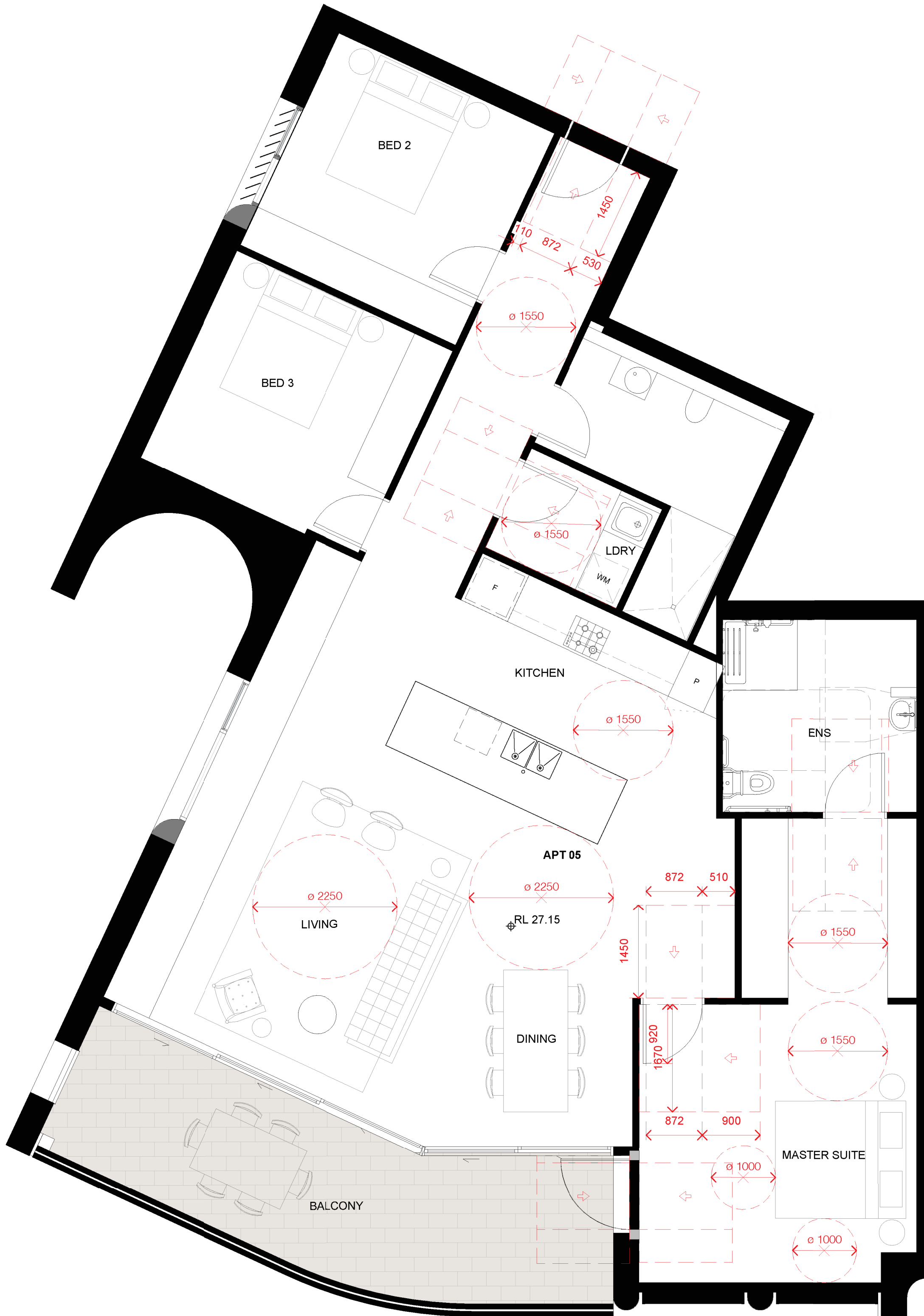
Job No. Drawing No. Revision

6721 DA-4401 / 17



1 PLAN
DA-1401 Apartment 05 + 09 - Pre-Adaption

SCALE 1 : 50



2 PLAN
DA-1401 Apartment 05+09 - Post-Adaption

SCALE 1 : 50

ADAPTABLE APARTMENTS	
APARTMENT	LEVEL
APT 04	GROUND
APT 05	GROUND
APT 08	LEVEL 1
APT 09	LEVEL 1
TOTAL ADAPTABLE UNITS	4 Units (20%)
NS DCP MINIMUM ADAPTABLE UNITS	
20% (4 Units)	

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16	2024-04-16	FOR INFORMATION	SS	DM
17	2024-04-26	ISSUE FOR DA	SS	DM

Client



Project

HFO CAPITAL

93 KURRABA RD
KURRABA POINT NSW

Country: GAMARAGAL

Drawing Name

ADAPTABLE UNIT 05+09

Date Scale Sheet Size
2024-04-26 1 : 50 @ A1

Drawn Chk.
SG RC

Job No. Drawing No. Revision
6721 DA-4402 / 17

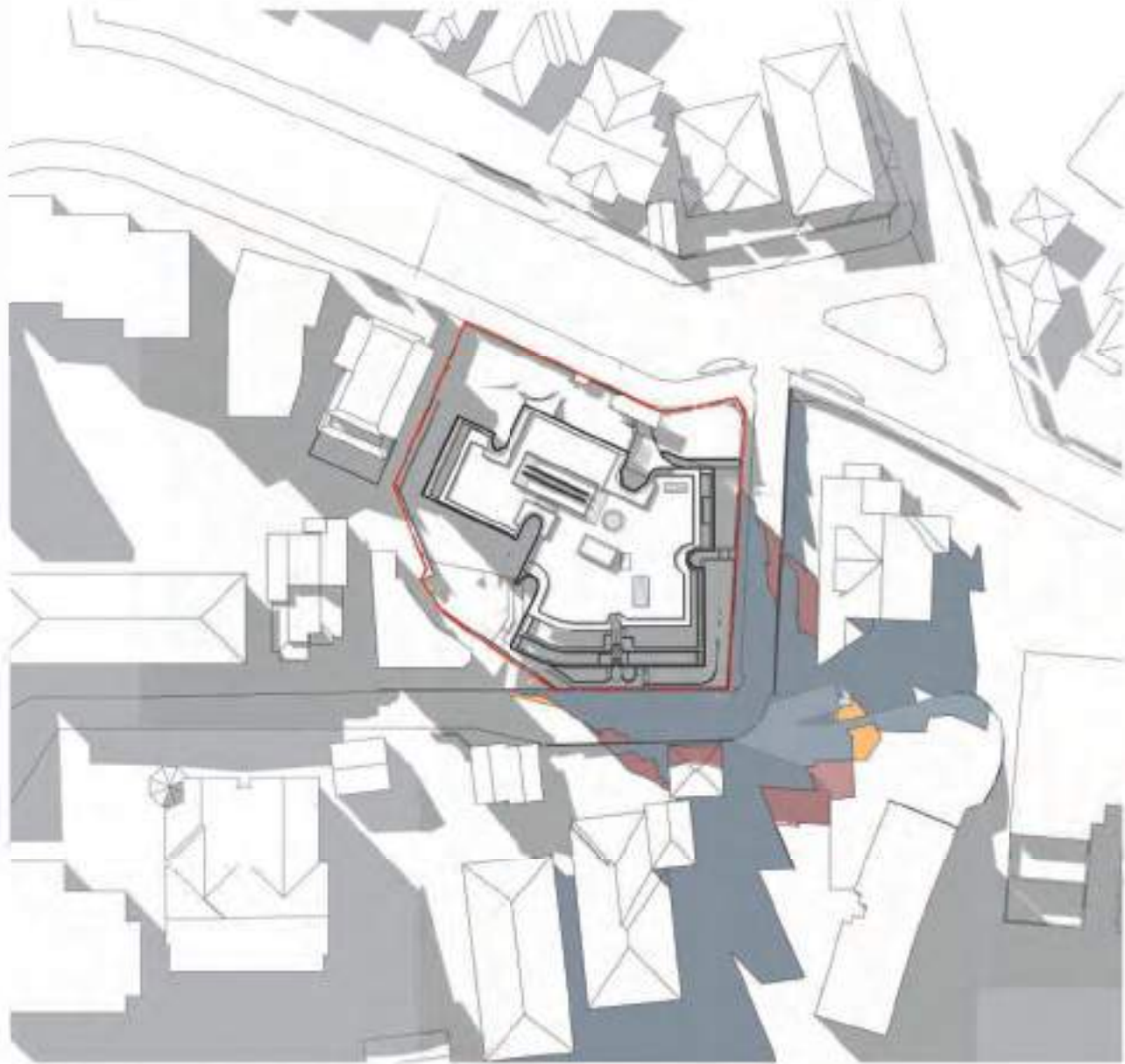




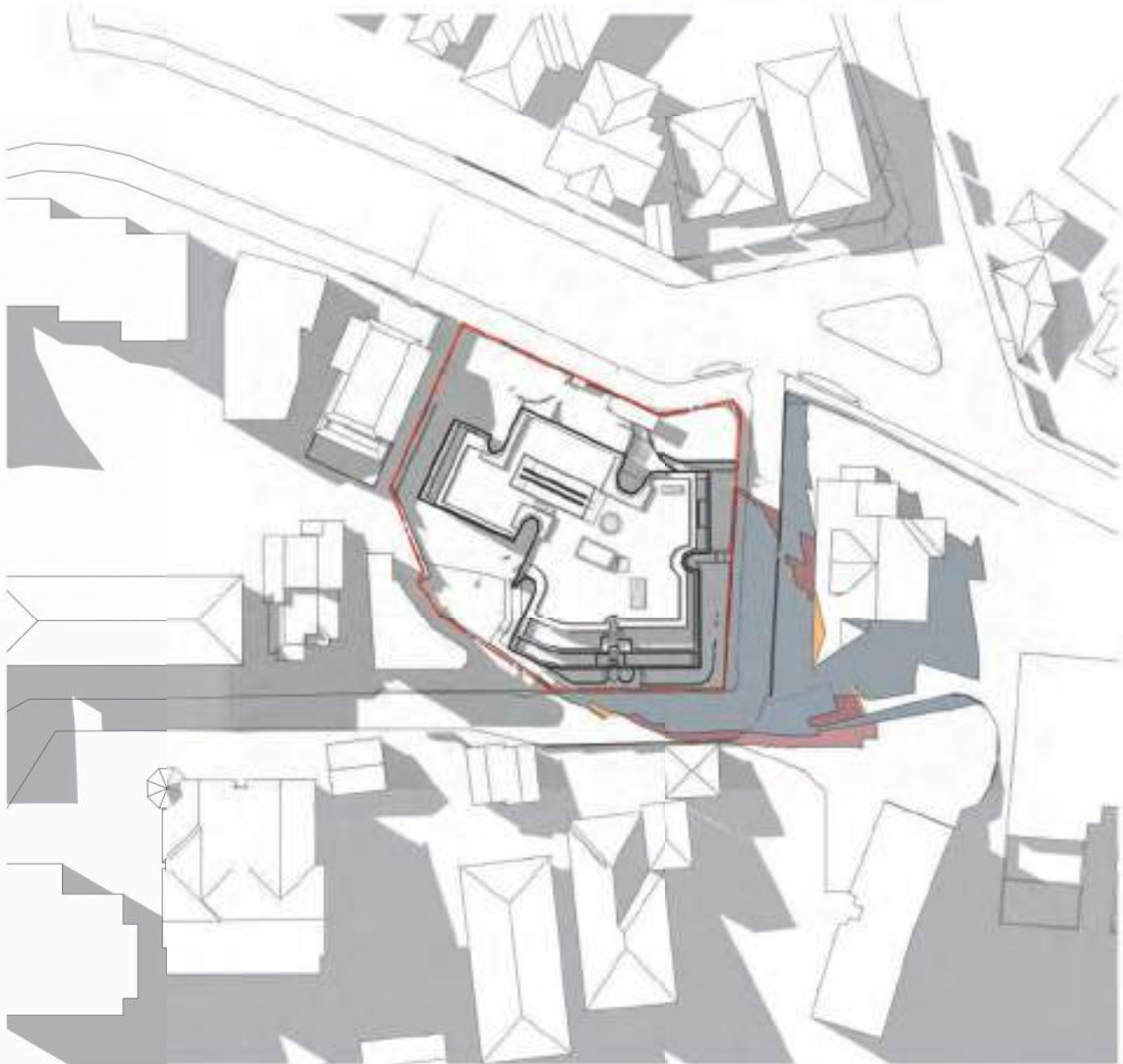
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DA-1511 SCALE 1:900



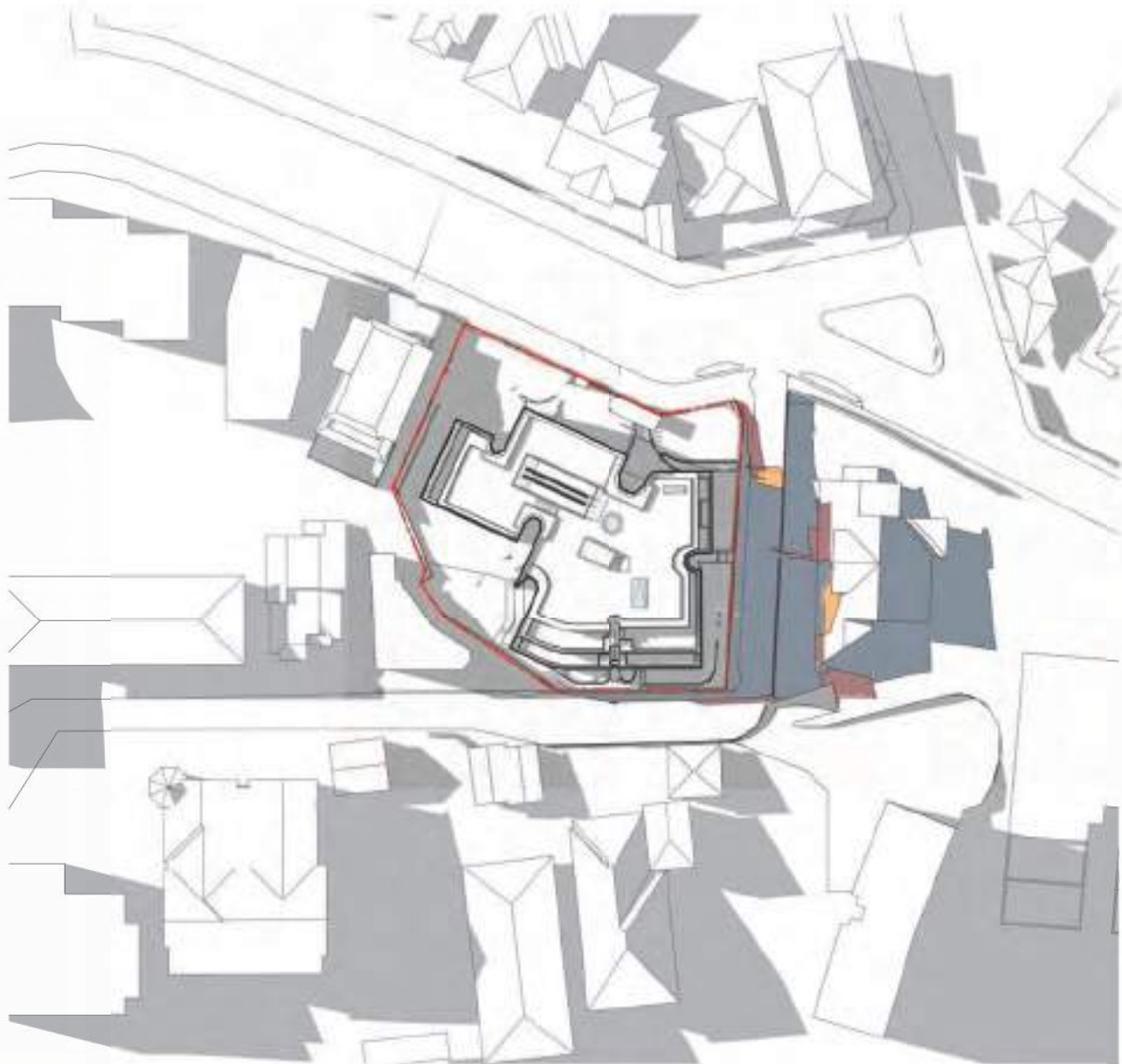
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DA-1511 SCALE 1:900



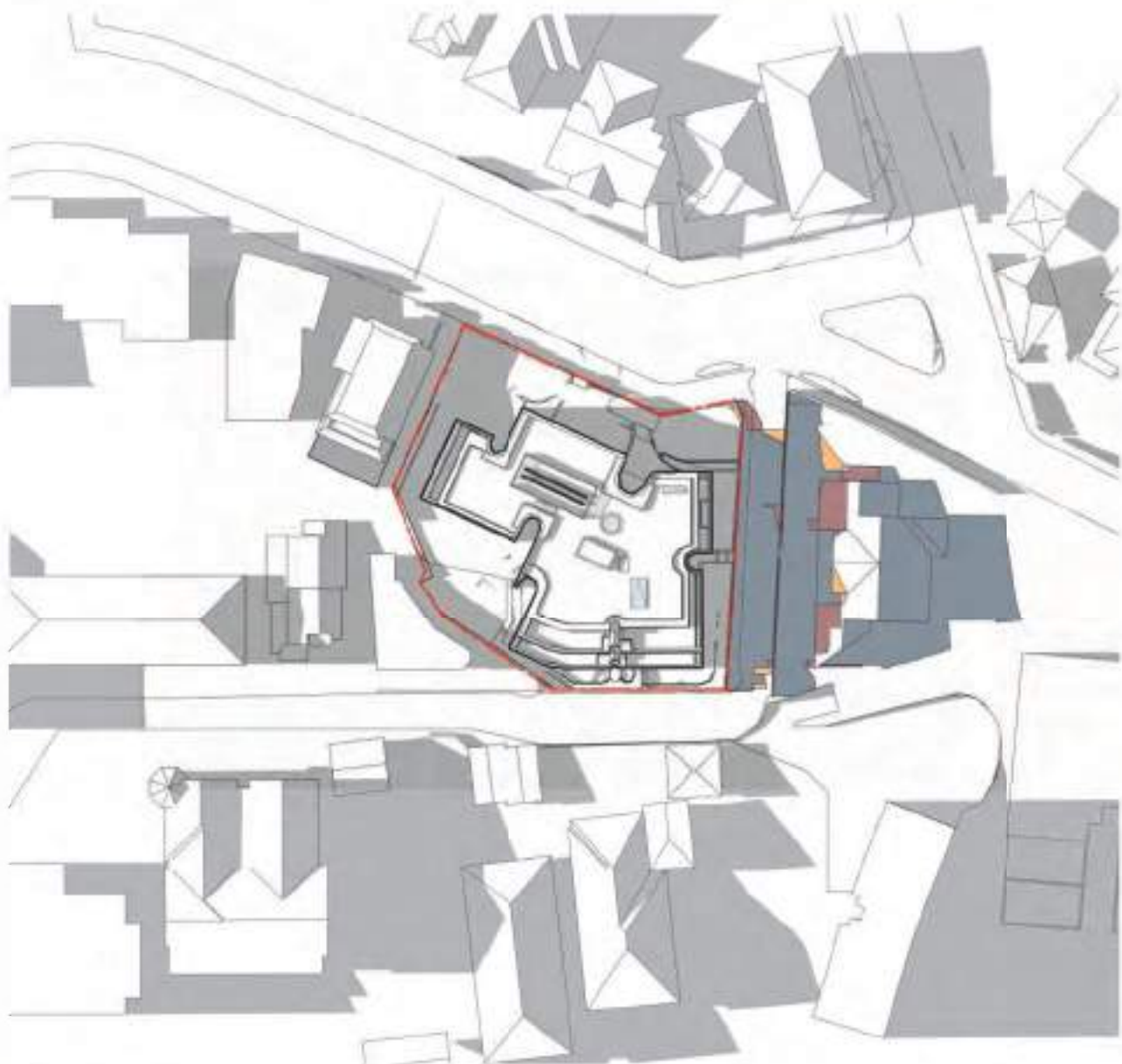
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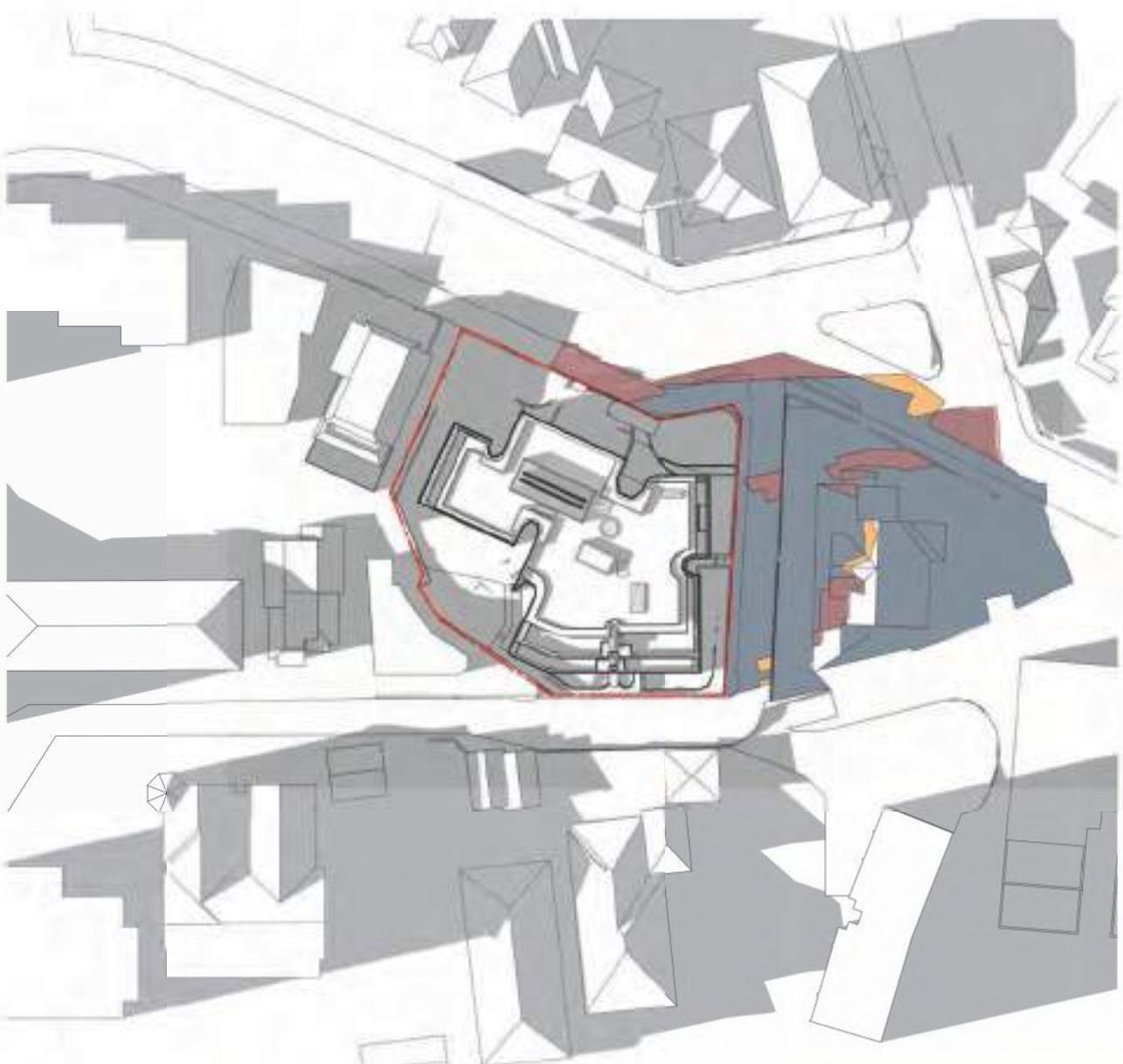
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DA-1511 SCALE 1:900



5 SHADOW PLAN_ 1PM
DA-1511 SCALE 1:900



6 SHADOW PLAN_ 2PM
DA-1511 SCALE 1:900



7 SHADOW PLAN_ 3PM
DA-1511 SCALE 1:900

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Nominated Architects: Adam Haddow-7188 | John Pradel-7004

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Rev	Date	Revision	By	Chk.
7	2023-12-22	FOR COORDINATION	RC	DM
11	2024-01-25	FOR INFORMATION	RC	DM
14	2024-03-12	FOR INFORMATION	SS	GS
16	2024-04-16	FOR INFORMATION	SS	DM
17	2024-04-26	ISSUE FOR DA	SS	DM
21	2025-03-14	ISSUE FOR DA - COUNCIL RFI	LA	DM

LEGEND

- EXISTING SHADOW
- ADDITIONAL SHADOW CAST BY PROPOSED BUILDING ENVELOPE
- REDUCED SHADOW OF PROPOSED BUILDING ENVELOPE

Client



Project

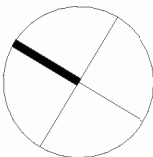
HFO CAPITAL

93 KURRABA RD
KURRABA POINT NSW

Country: GAMARAGAL

Drawing Name

SOLAR ANALYSIS
SHADOW DIAGRAMS



Date 2025-03-14 Scale As indicated Sheet Size @ A1

Drawn SS Chk. DM

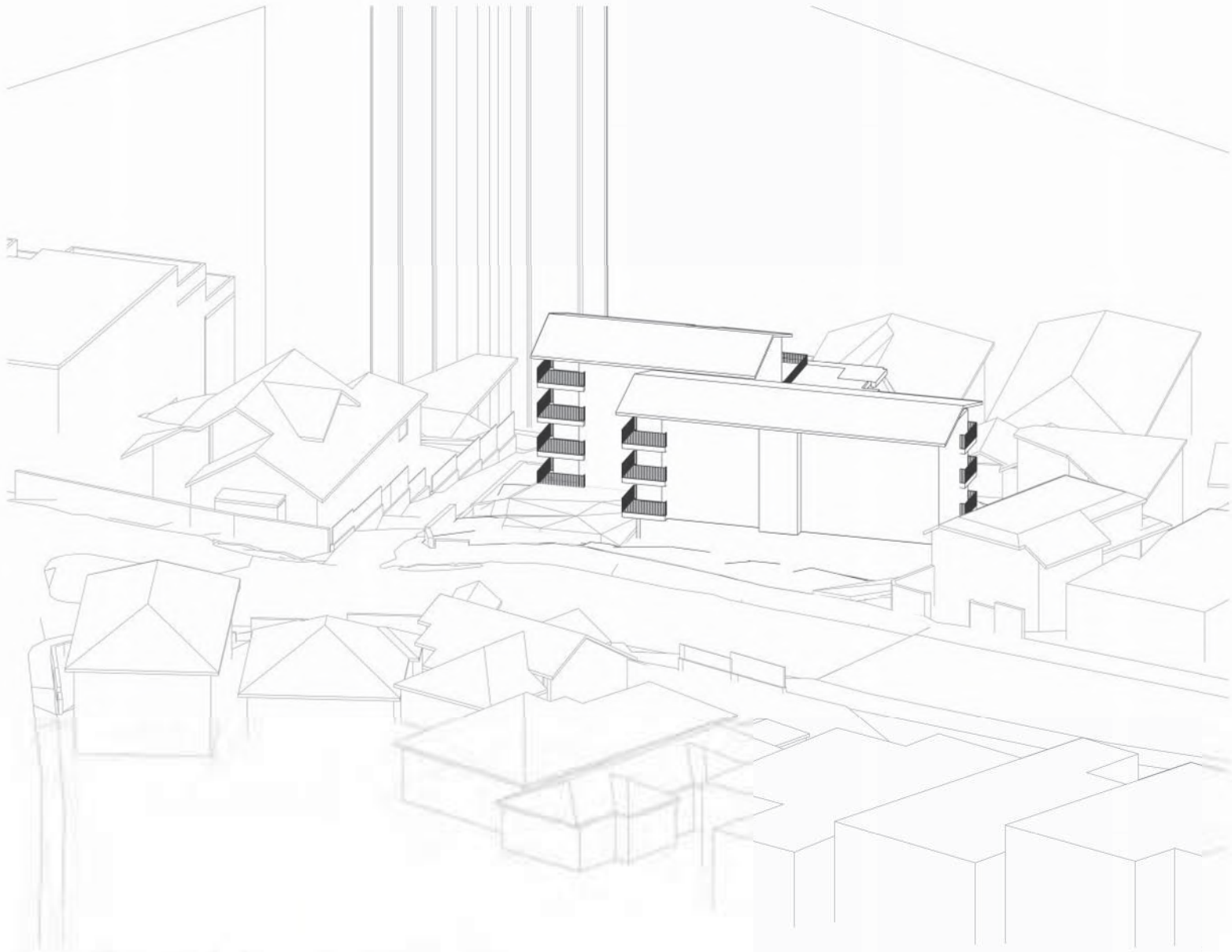
Job No. 6721 Drawing No. DA-8001 Revision / 21

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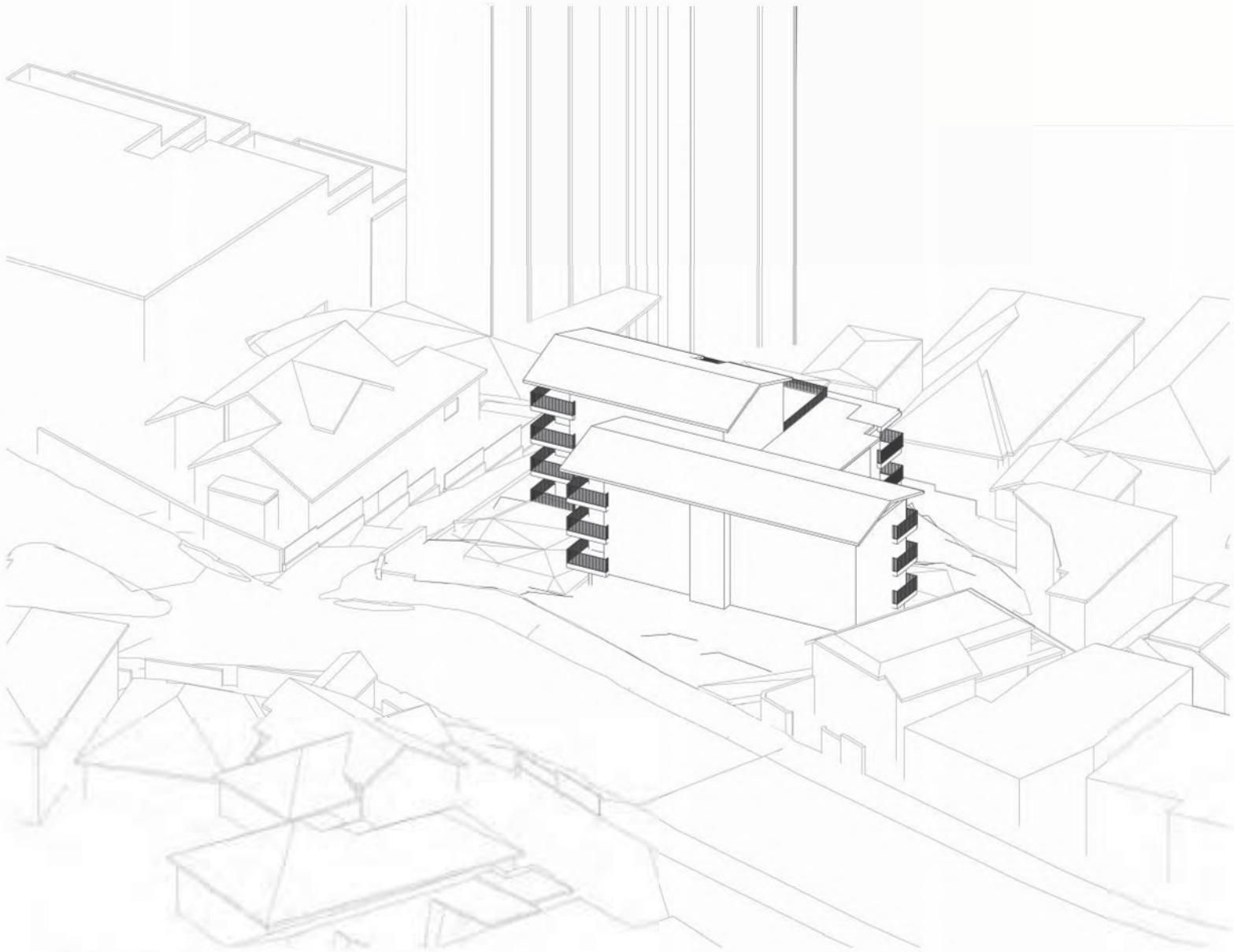
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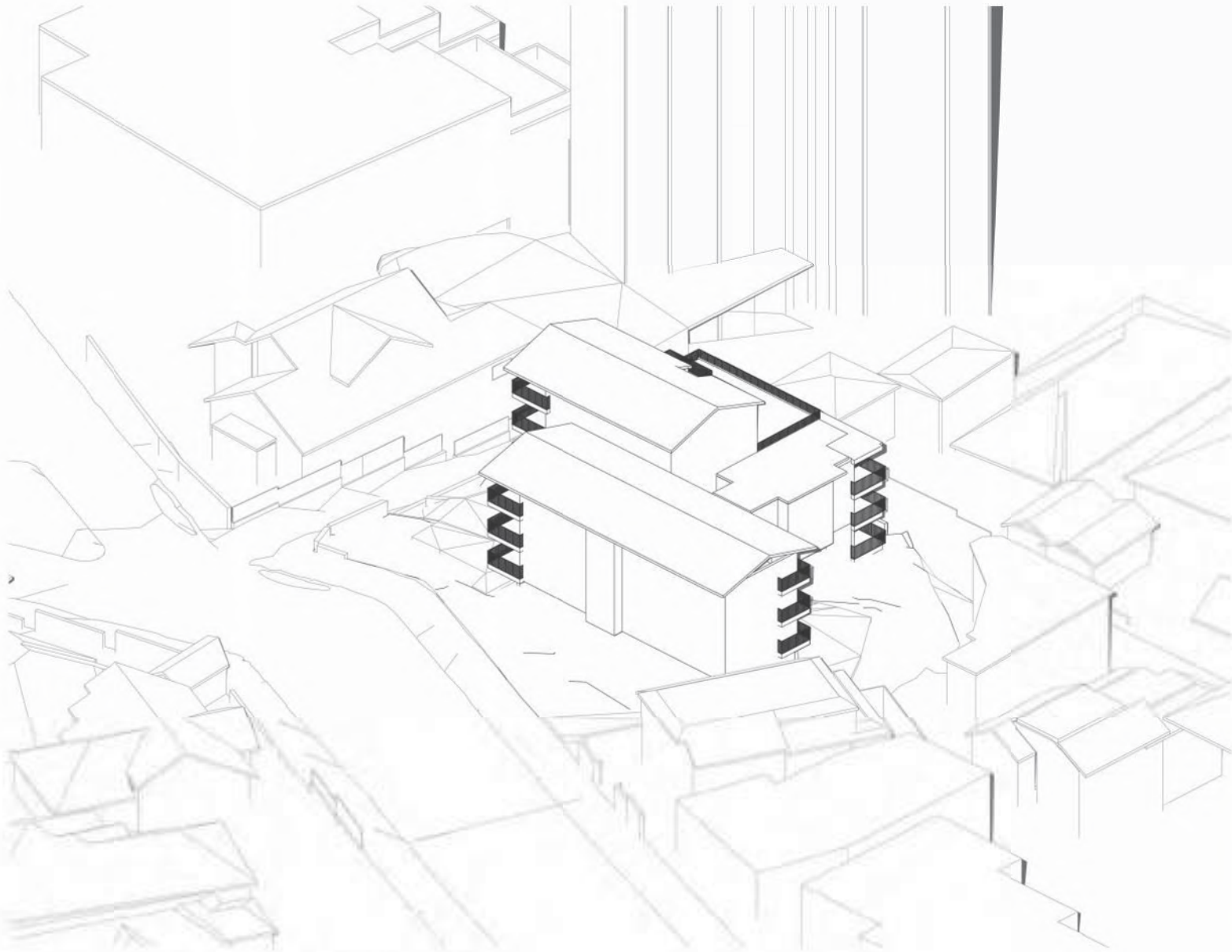
Rev	Date	Revision	By	Chk
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14	2024-03-12	FOR INFORMATION	SS	GS
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17	2024-04-26	ISSUE FOR DA	SS	DM



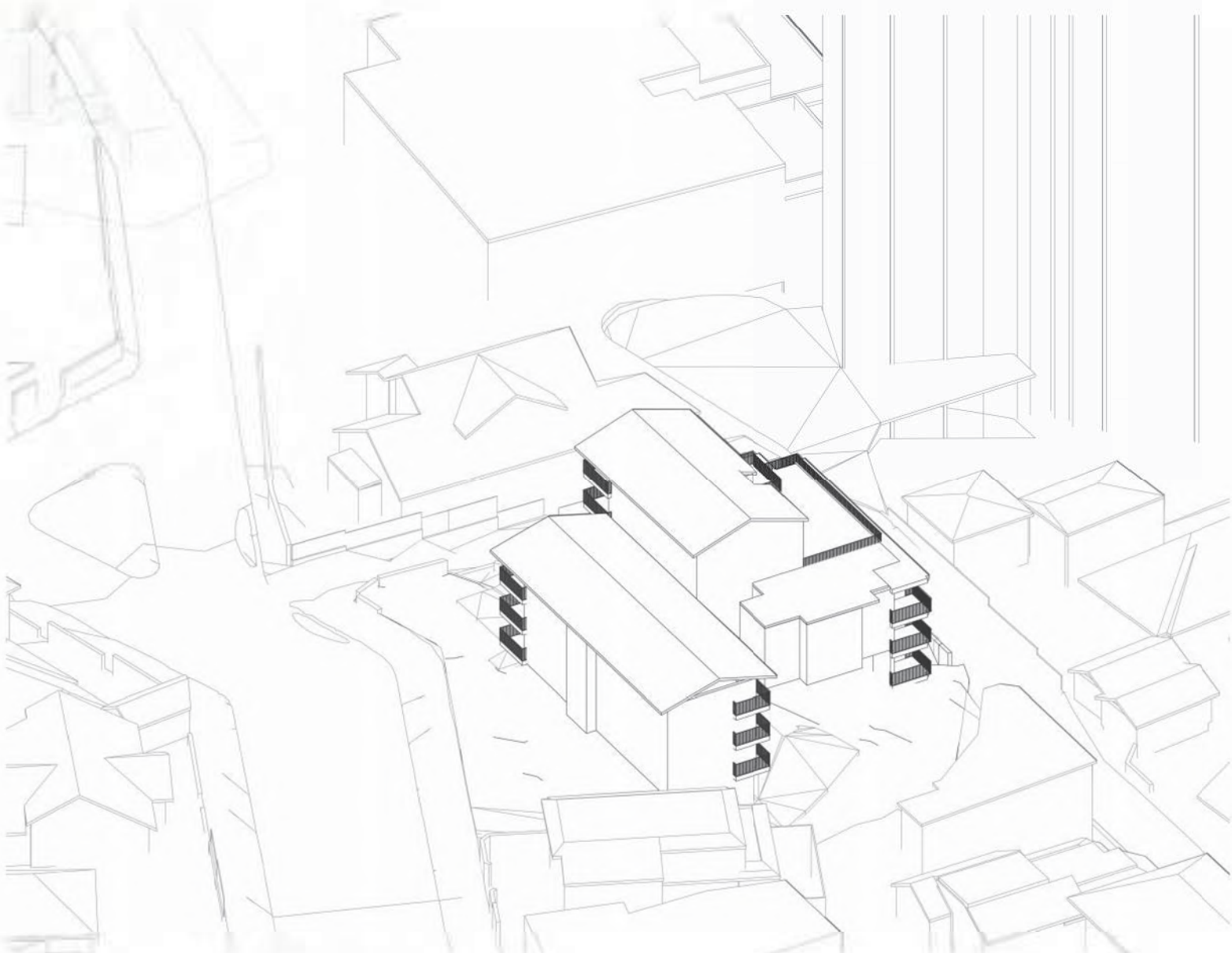
1 View from Sun 9am - Existing
SCALE



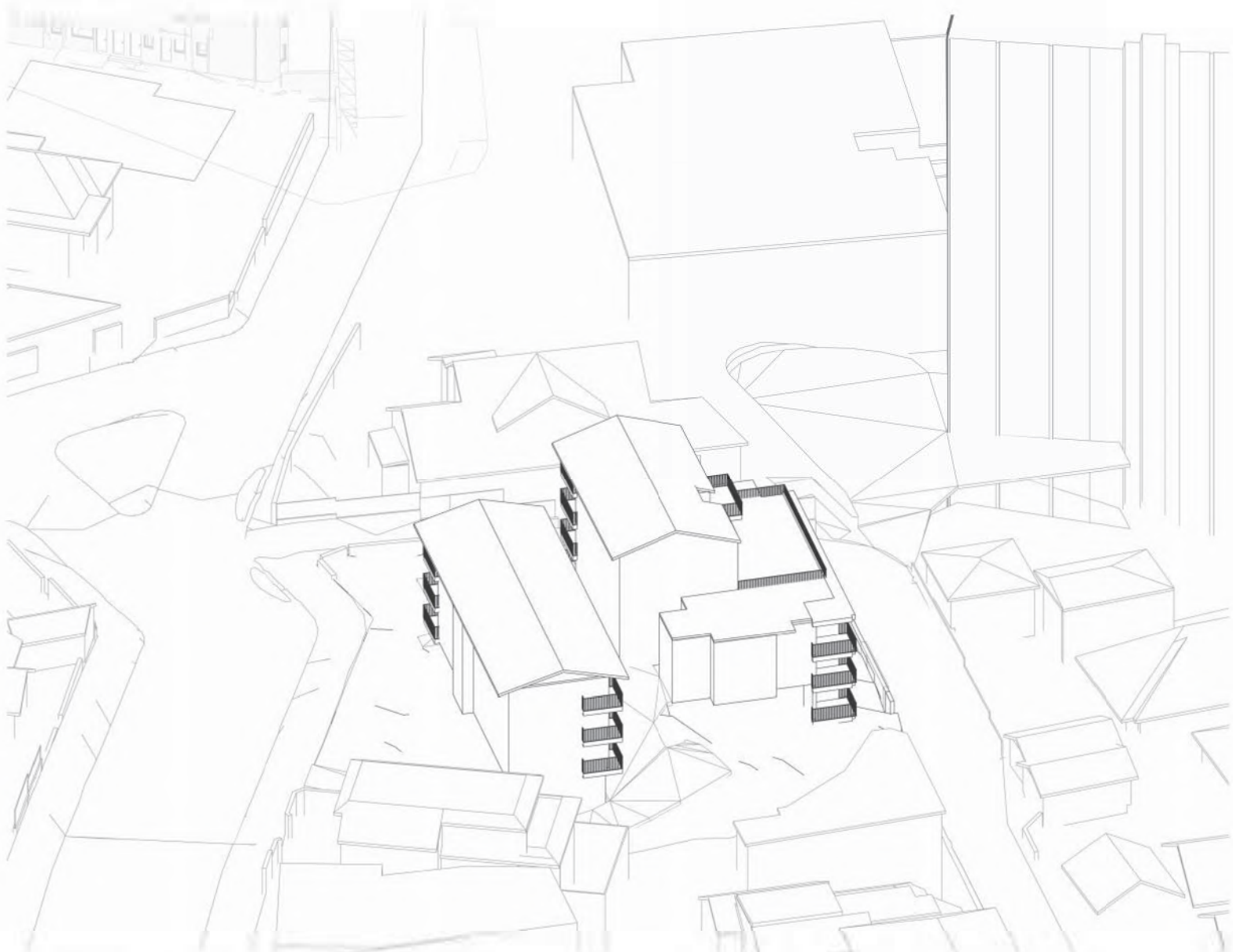
2 View from Sun 10am - Existing
SCALE



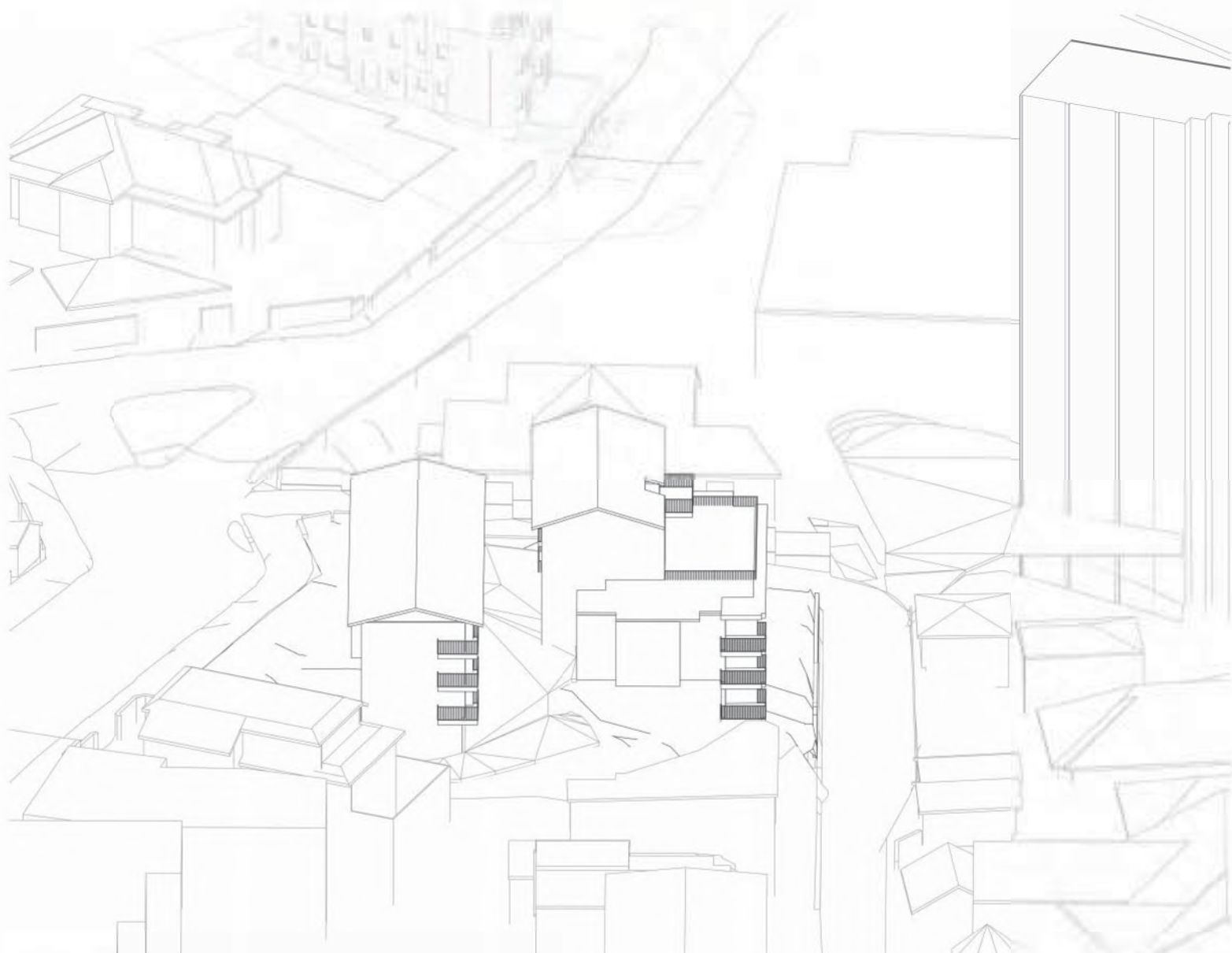
3 View from Sun 11am - Existing
SCALE



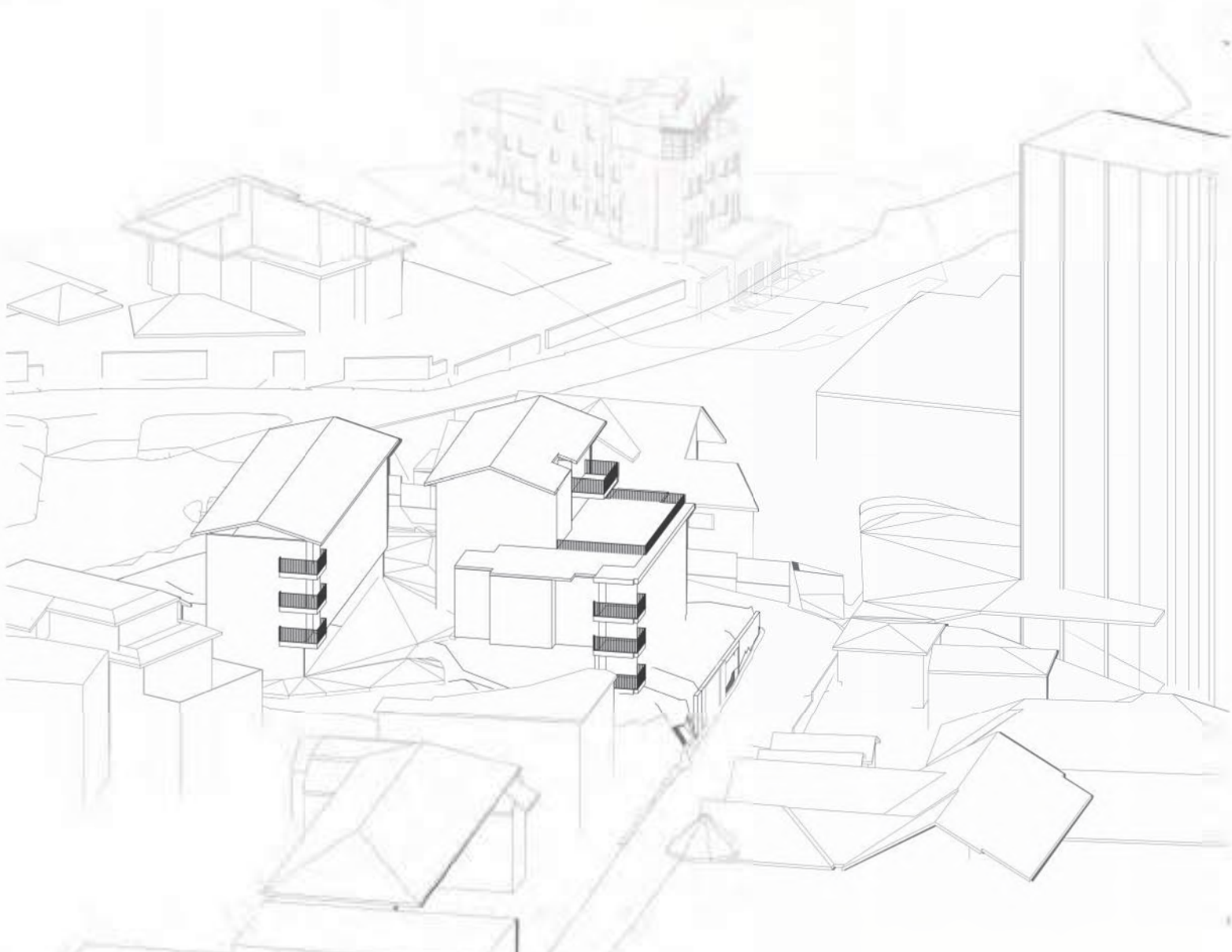
4 View from Sun 12pm - Existing
SCALE



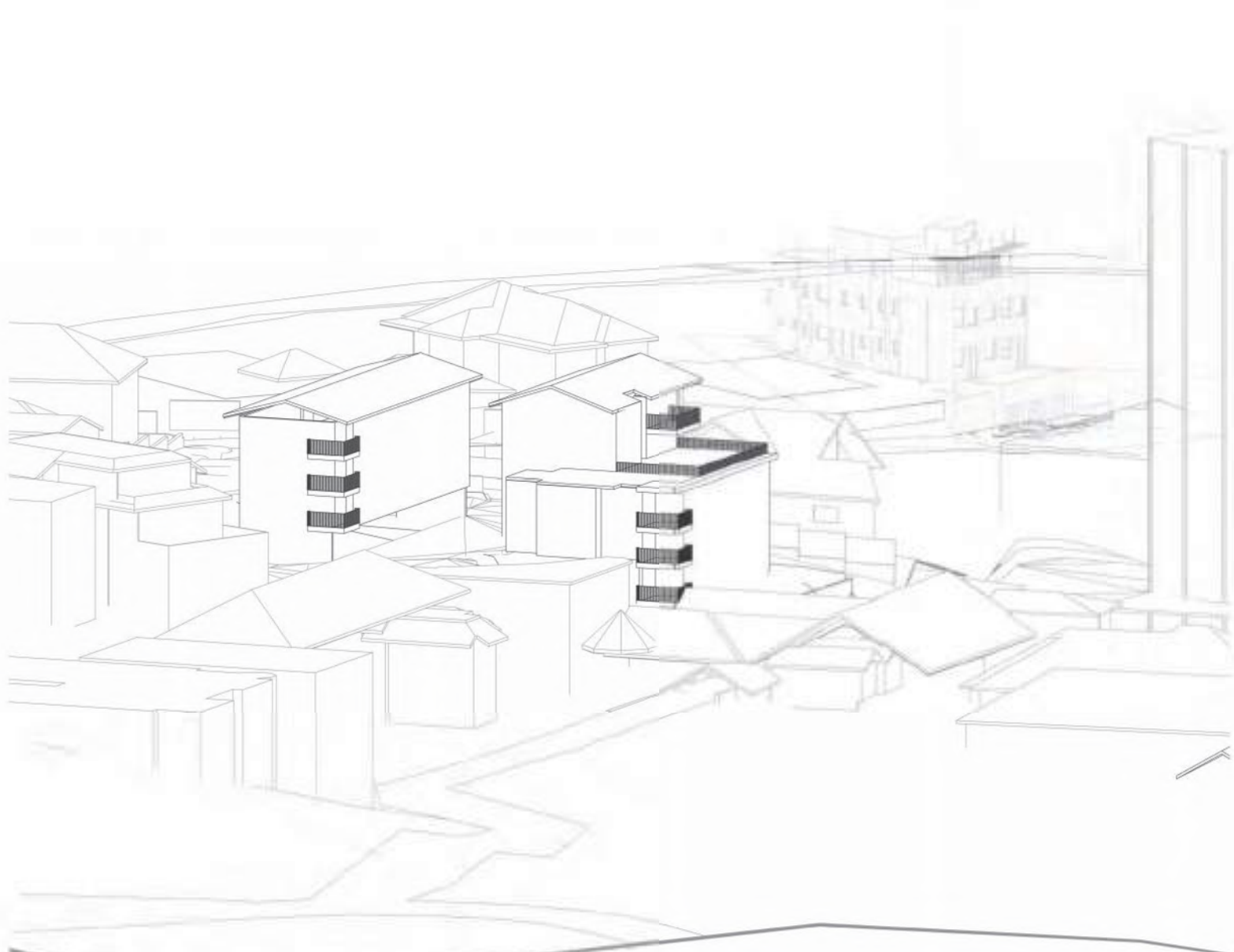
5 View from Sun 1pm - Existing
SCALE



6 View from Sun 2pm - Existing
SCALE



7 View from Sun 3pm - Existing
SCALE



8 Views from Sun 4pm - Existing
SCALE

Client



Project

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Country: GAMARAGAL

Drawing Name

SOLAR ANALYSIS VIEWS
FROM THE SUN -
EXISTING

Date Scale Sheet Size

2024-04-26 @ A1

Drawn Chk.

SS DM

Job No. Drawing No. Revision

6721 DA-8011 / 17

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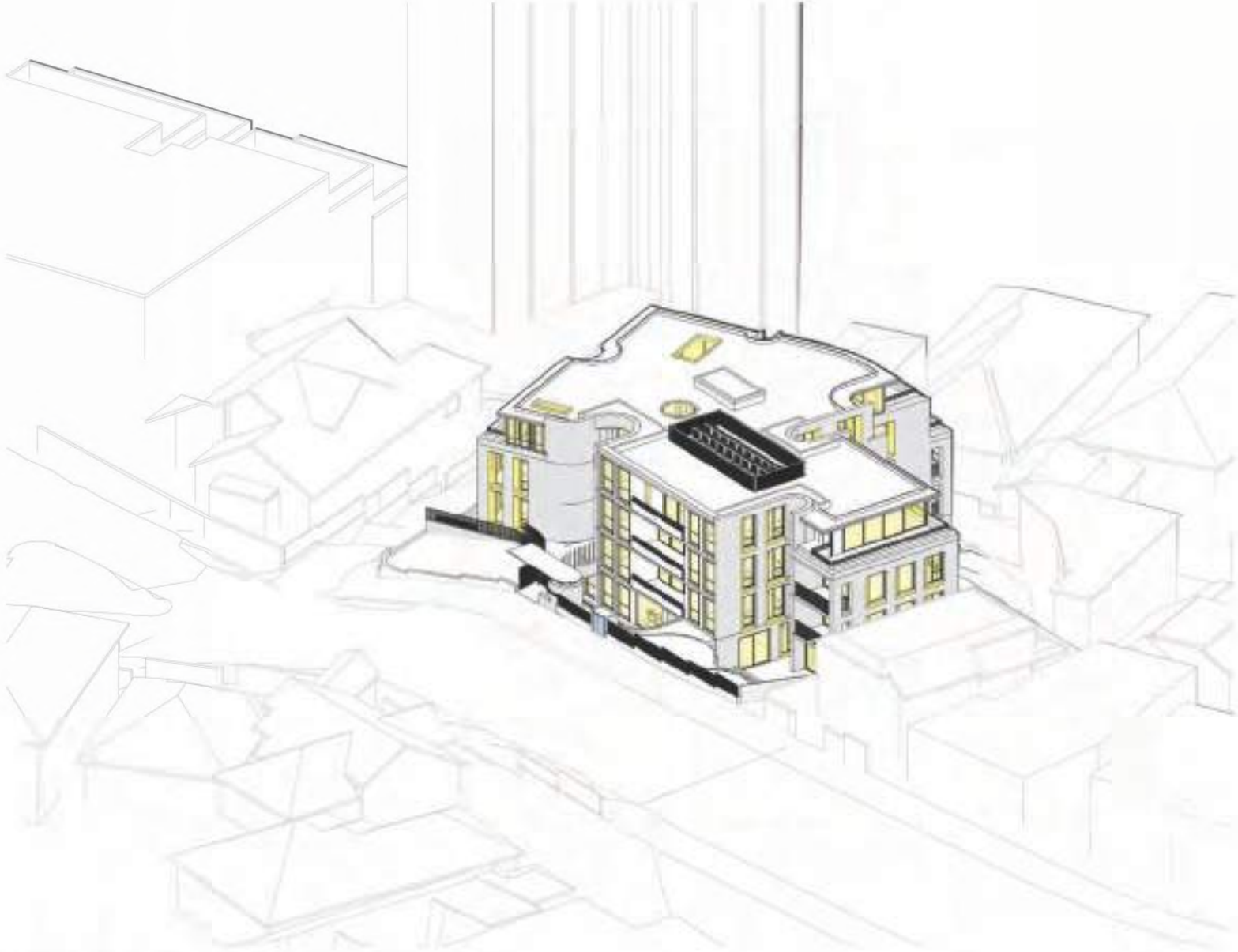
Nominated Architects: Adam Haddow-7188 | John Pradel-7004

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Rev	Date	Revision	By	Chk.
7	2023-12-22	FOR COORDINATION	RC	DM
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21	2025-03-14	ISSUE FOR DA - COUNCIL RFI	LA	DM



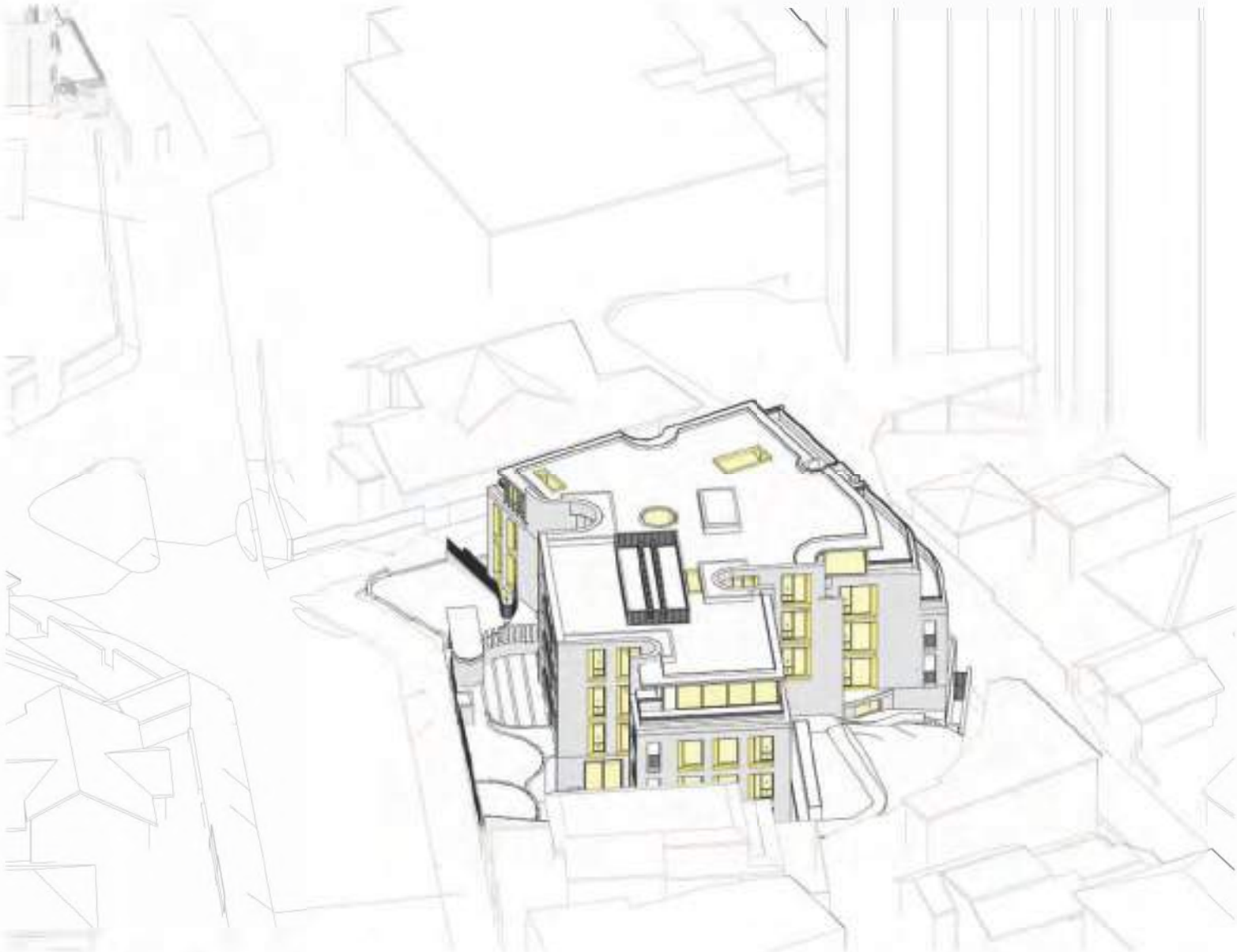
1 View from Sun 9am - Proposed
SCALE



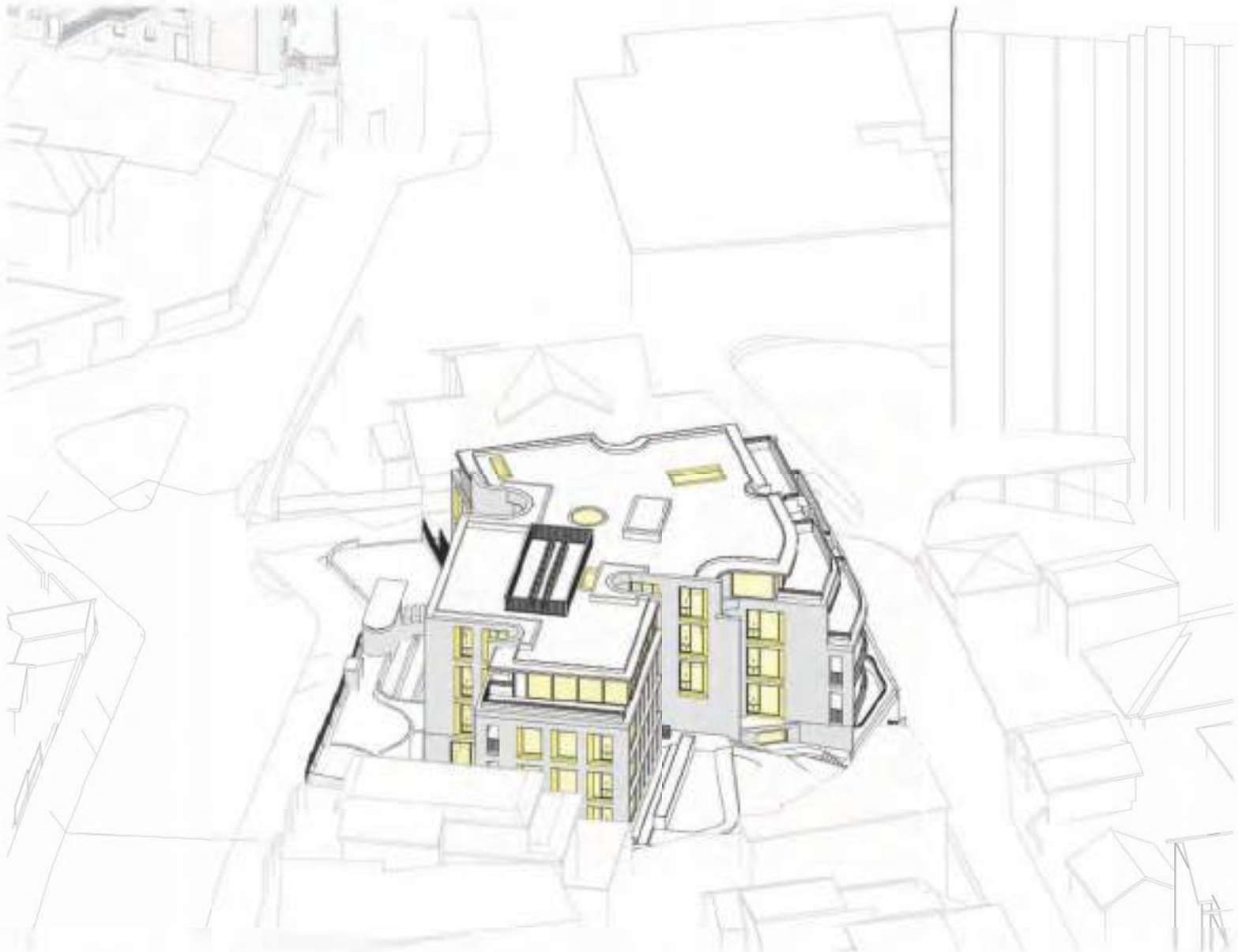
2 View from Sun 10am - Proposed
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3 View from Sun 11am - Proposed
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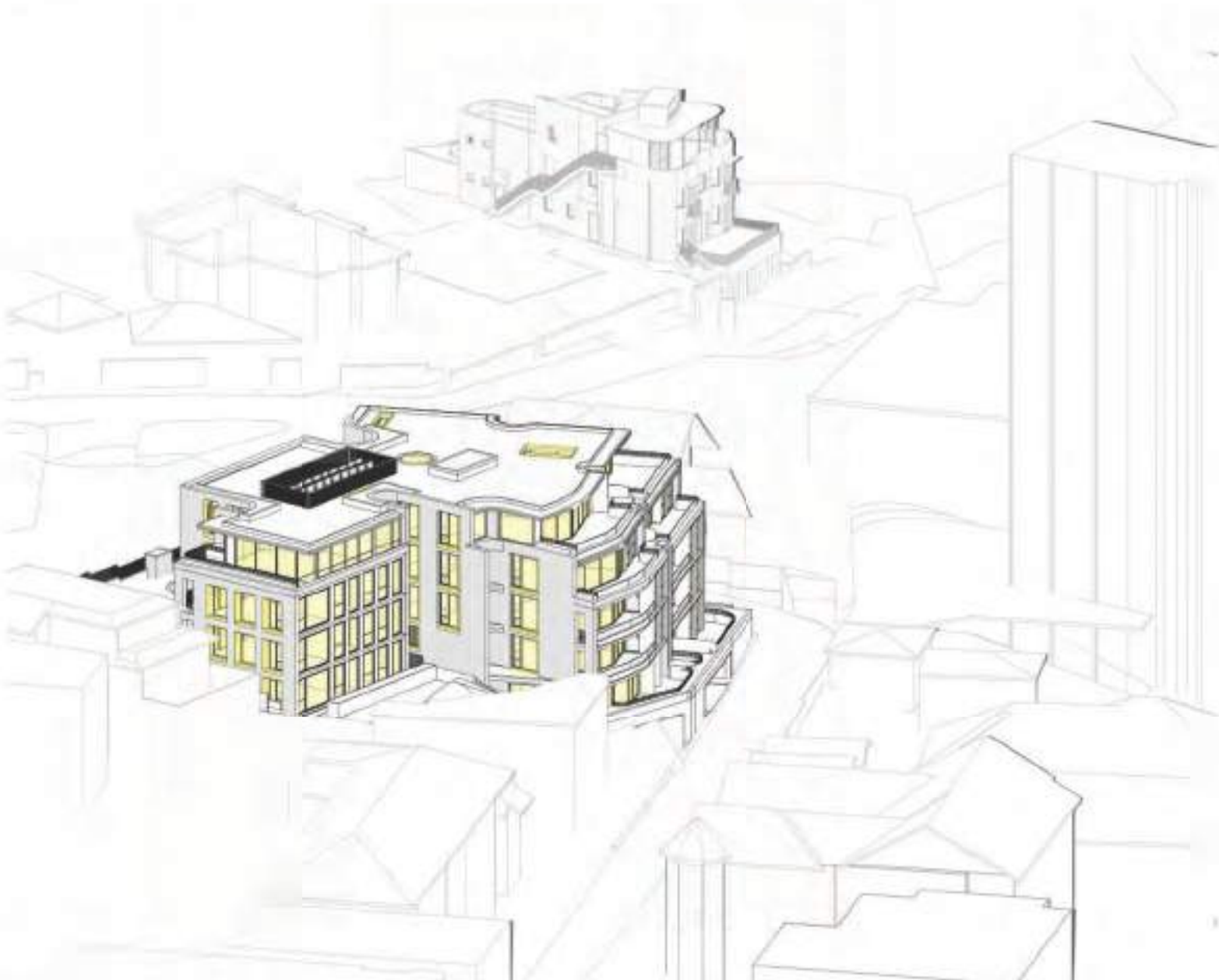
4 View from Sun 12pm - Proposed
SCALE



5 View from Sun 1pm - Proposed
SCALE



6 View from Sun 2pm - Proposed
SCALE



7 View from Sun 3pm - Proposed
SCALE



8 View from Sun 4pm - Existing
SCALE

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Drawing Name

SOLAR ANALYSIS VIEWS
FROM THE SUN -
PROPOSED

Date Scale Sheet Size
2025-03-14 @ A1

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SS DM

Job No. Drawing No. Revision
6721 DA-8012 / 21

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1 LOWER GROUND - SOLAR
DA-1401 SCALE 1 : 500

2 GROUND FLOOR - SOLAR
DA-1401 SCALE 1 : 500

7 LOWER GROUND - CROSS VENT
DA-1401 SCALE 1 : 500

6 GROUND FLOOR - CROSS VENT
DA-1401 SCALE 1 : 500

3 LEVEL 1 - SOLAR
DA-1401 SCALE 1 : 500

4 LEVEL 2 - SOLAR
DA-1401 SCALE 1 : 500

8 LEVEL 1 - CROSS VENT
DA-1401 SCALE 1 : 500

9 LEVEL 2 - CROSS VENT
DA-1401 SCALE 1 : 500

5 LEVEL 3 - SOLAR
DA-1401 SCALE 1 : 500

10 LEVEL 3 - CROSS VENT
DA-1401 SCALE 1 : 500

KEY

- > 2 Hours Direct Sunlight on Winter Solstice
- < 2 Hours Direct Sunlight on Winter Solstice

SOLAR ACCESS		
Solar	Number	%
Achieves 2 Hours - DCP Minimum	13	70
Achieves 2 Hours - Proposed	15	79
Achieves <2 Hours - Proposed	4	21

KEY

- Cross Ventilation
- No Cross Ventilation

CROSS VENTILATION		
Cross Ventilation	Number	%
Achieves Cross-Vent - DCP Minimum	11	60
Achieves Cross Ventilation - Proposed	17	89
Does not achieve Cross Ventilation - Proposed	2	11

Client



Project

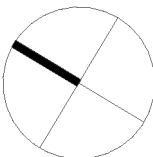
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Drawing Name

SOLAR & CROSS
VENTILATION ANALYSIS

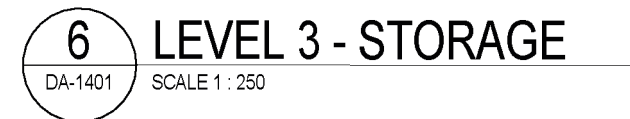
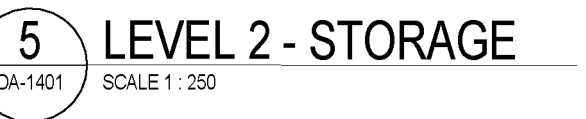


Date 2025-03-14 Scale 1 : 500 Sheet Size @ A1

Drawn RC Chk. DM

Job No. 6721 Drawing No. DA-8021 Revision / 21





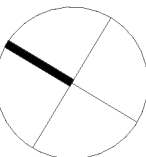
UNIT STORAGE	
Unit/Level	Storage Volume
APT 12	
1BED	(ADG 6m ³)
LEVEL 2	6.35 m ³
APT 13	
3BED	(ADG 10m ³)
LEVEL 2	10.14 m ³
APT 14	
3BED	(ADG 10m ³)
LEVEL 2	10.11 m ³
APT 15	
3BED	(ADG 10m ³)
LEVEL 2	12.63 m ³
APT 16	
3BED	(ADG 10m ³)
LEVEL 2	10.11 m ³

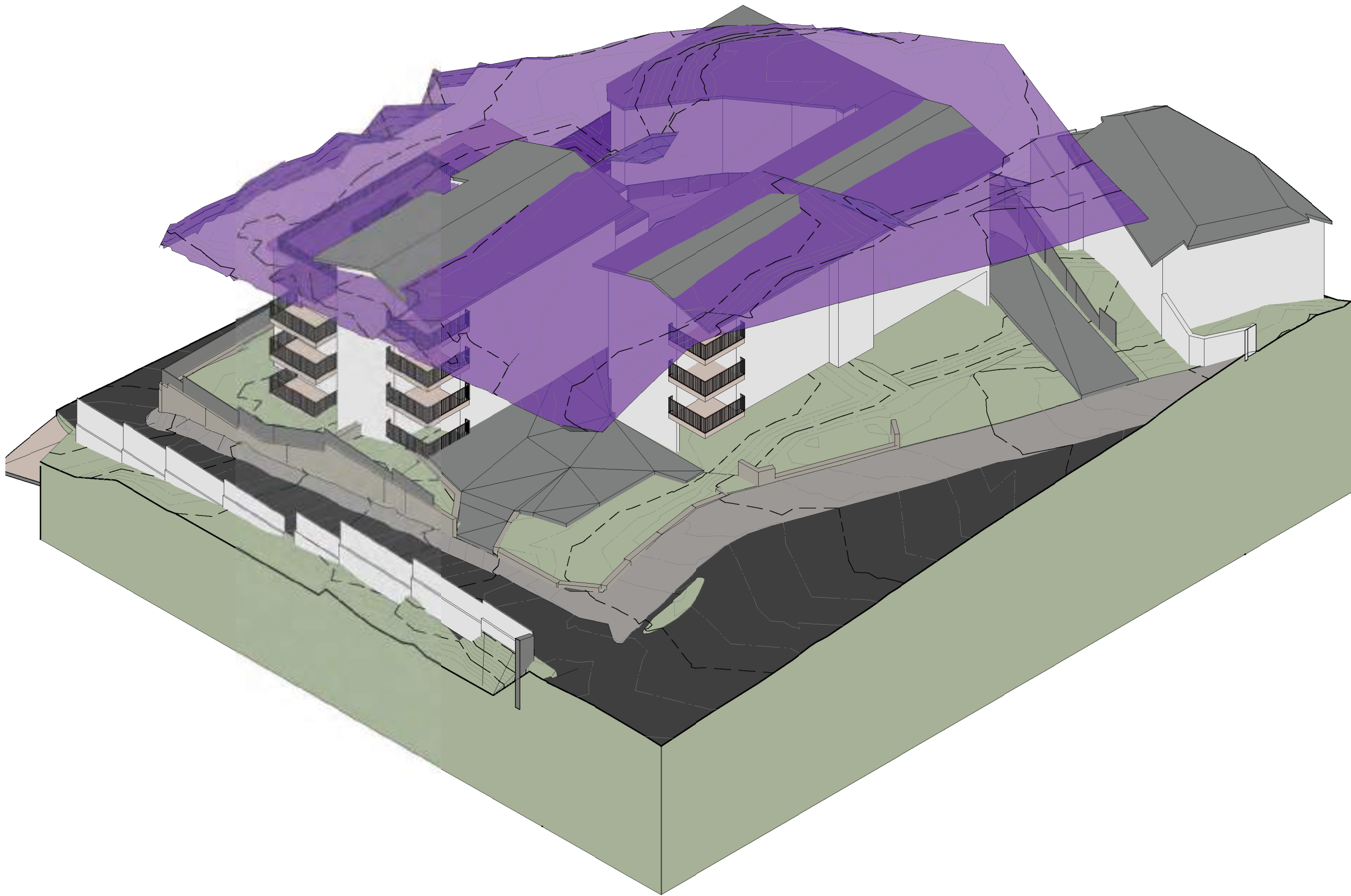
UNIT STORAGE	
Unit/Level	Storage Volume
APT 17	
3BED	(ADG 10m ³)
LEVEL 3	12.93 m ³
APT 18	
3BED	(ADG 10m ³)
LEVEL 3	17.86 m ³
APT 19	
3BED	(ADG 10m ³)
LEVEL 3	15.02 m ³

NOTE: In accordance with objective 4G-1 of the ADG, each unit has sufficient storage within each apartment. The basement storage is above and beyond what is required, and will be allocated to apartments at a later date.

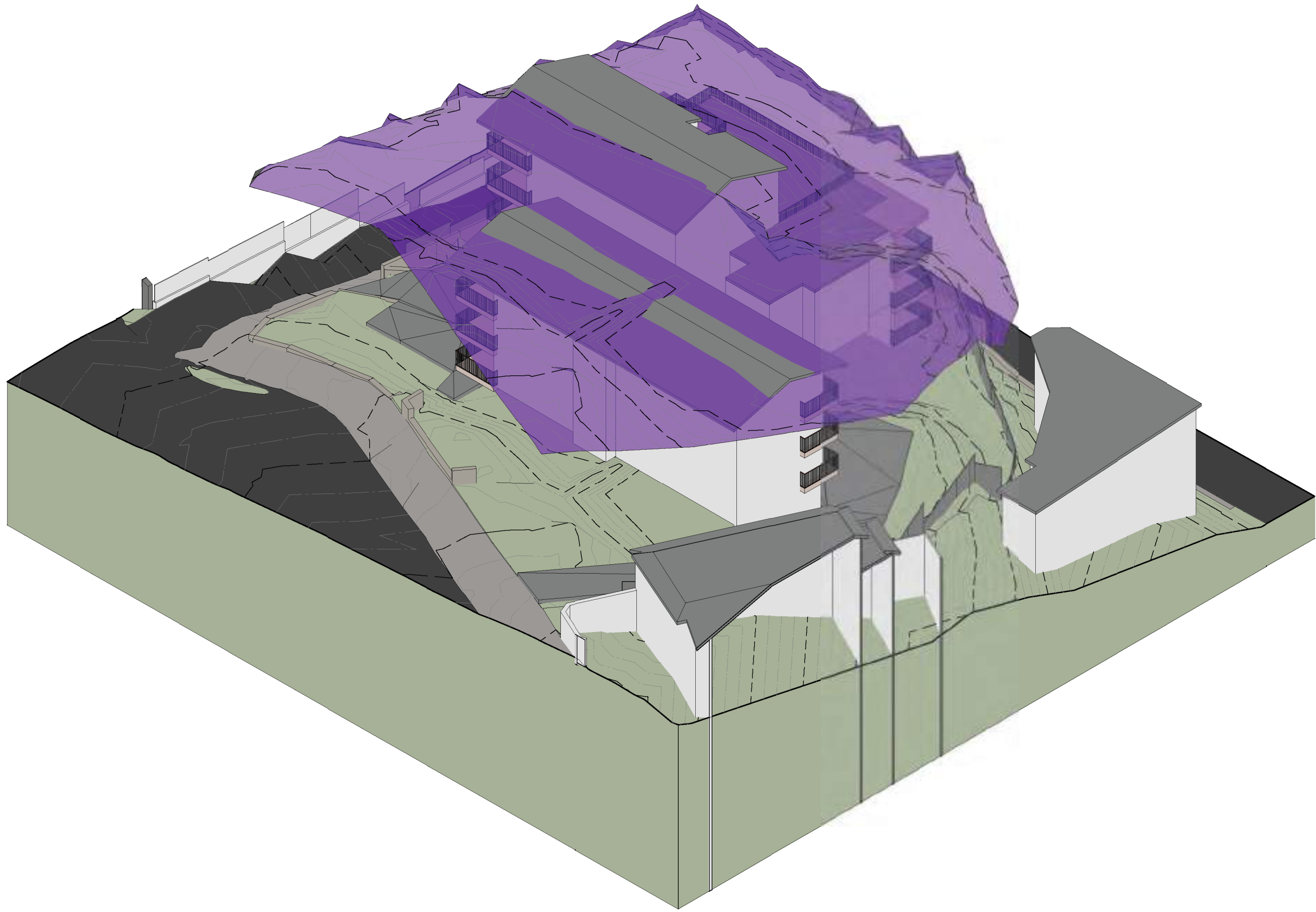
Basement Storage	Apartment Storage	1 Bed	2 Bed	3 Bed
------------------	-------------------	-------	-------	-------

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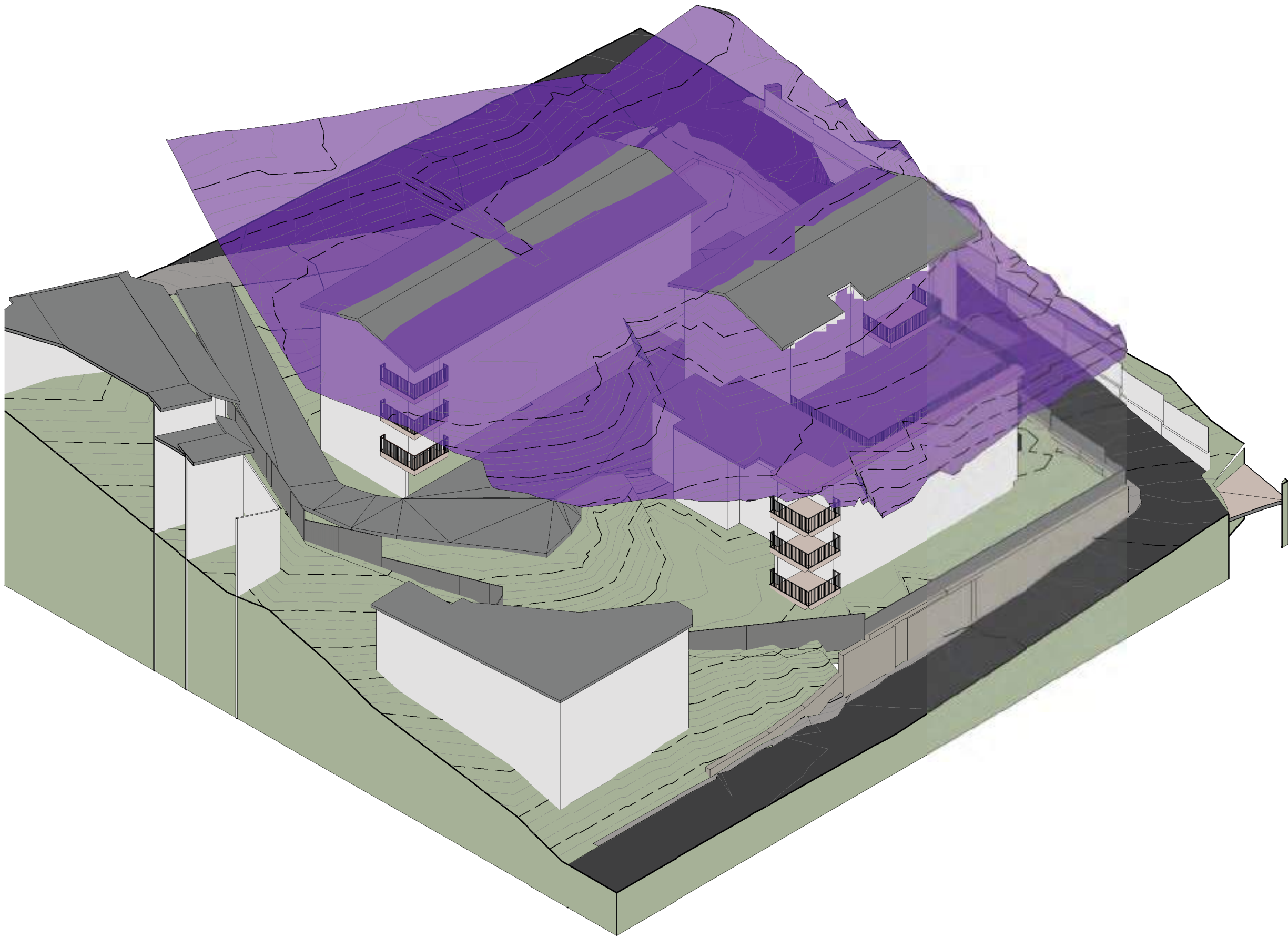




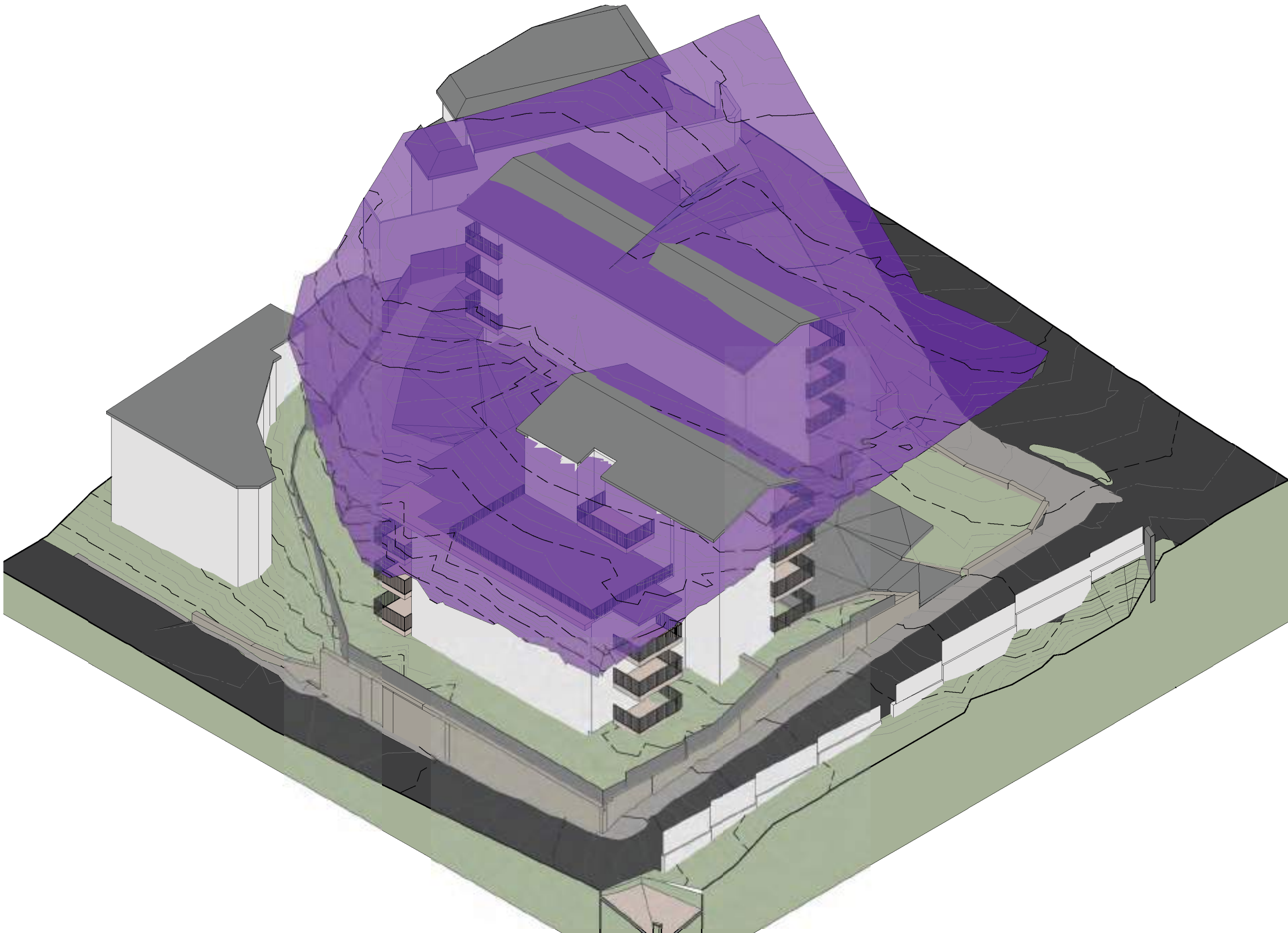
1 LEP Existing Height Plane - SOUTH EAST
@A1



2 LEP Existing Height Plane - NORTH EAST
@A1



3 LEP ExistingHeight Plane - NORTH WEST
@A1



4 LEP Existing Height Plane - SOUTH WEST
@A1

Page 193
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16	2024-04-16	FOR INFORMATION	SS	DM
17	2024-04-26	ISSUE FOR DA	SS	DM

Client



Project

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Country: GAMARAGAL

Drawing Name

LEP HEIGHT PLANE
DIAGRAM - EXISTING

Date 2024-04-26 Scale Sheet Size @ A1

Drawn SG Chk. RC

Job No. 6721 Drawing No. DA-8051 Revision 17

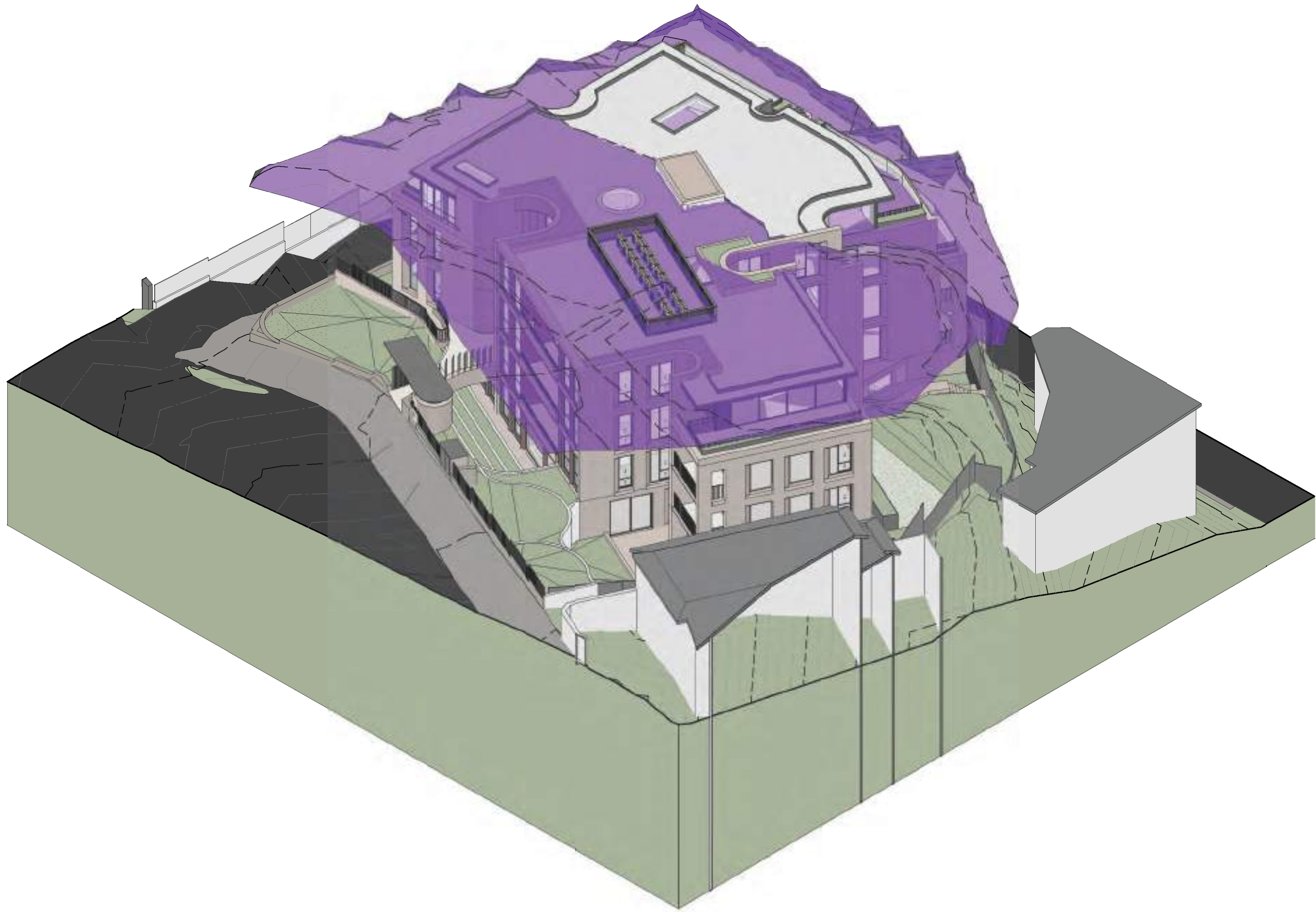
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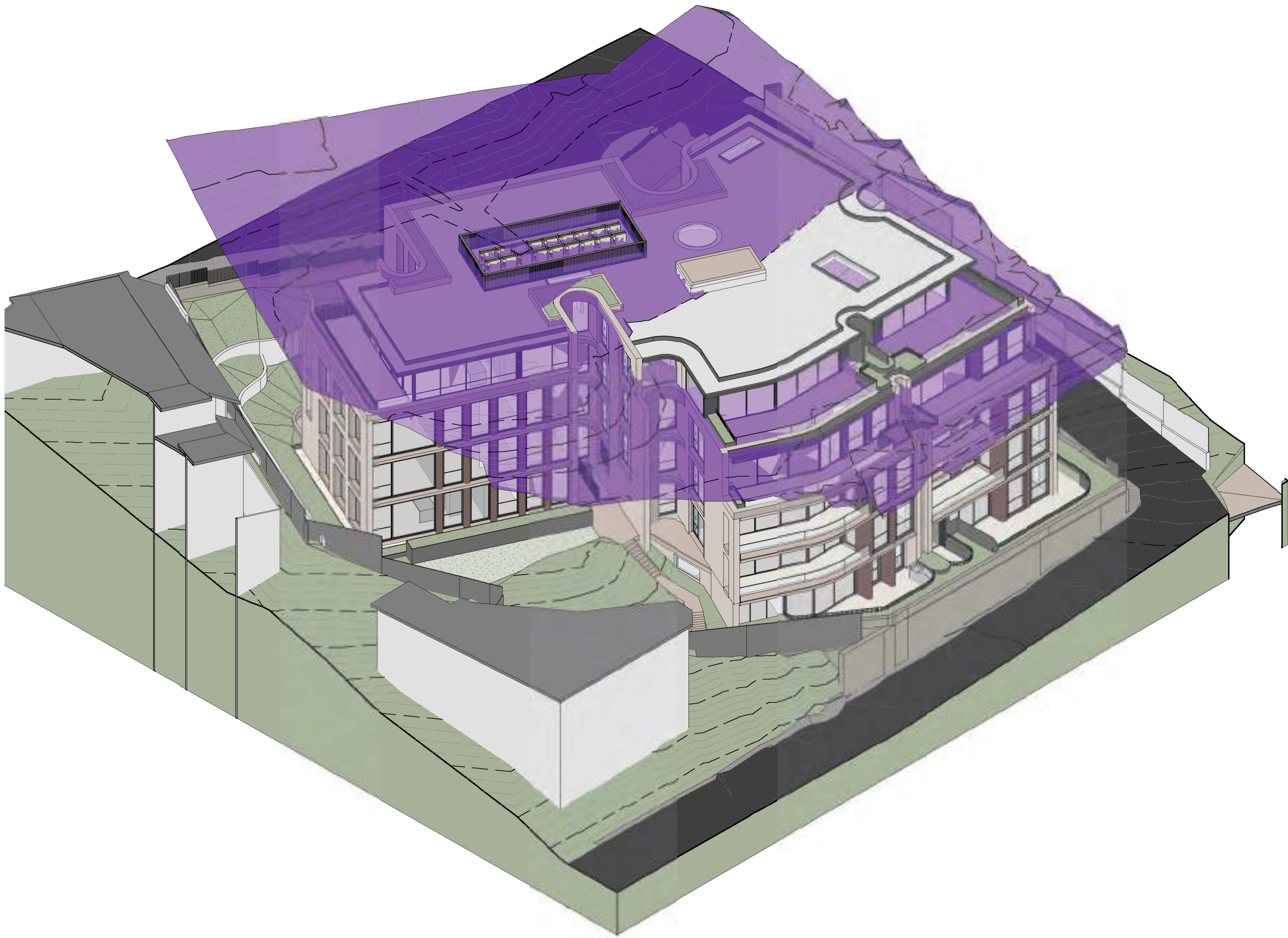




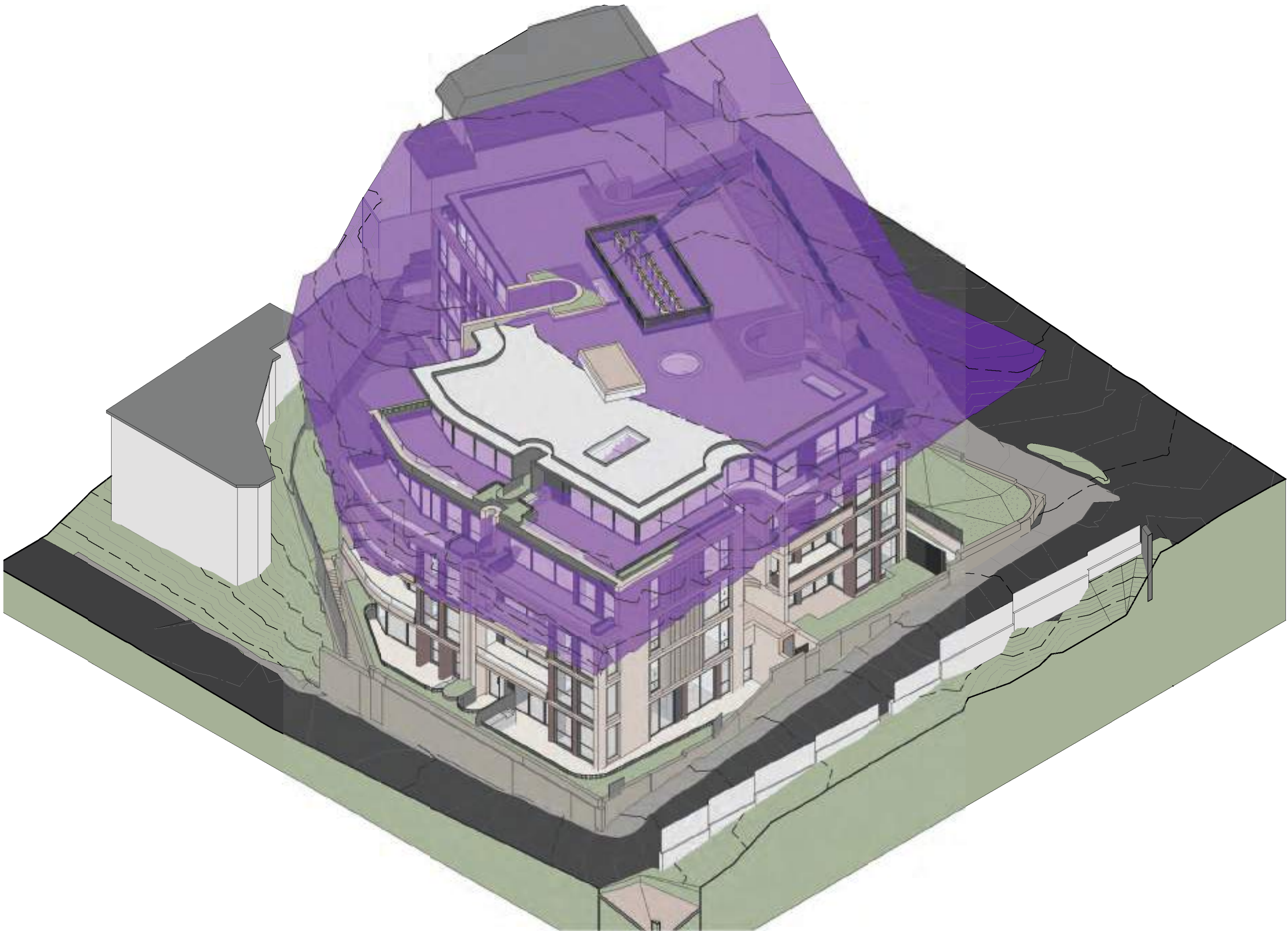
1 LEP Height Plane - SOUTH EAST
@A1



2 LEP Height Plane - NORTH EAST
@A1



3 LEP Height Plane - NORTH WEST
@A1



4 LEP Height Plane - SOUTH WEST
@A1

FOR APPROVAL

Rev	Date	Revision	By	Chk.
1	2023-07-26	FOR INFORMATION	RC	GS
7	2023-12-22	FOR COORDINATION	RC	DM
11	2024-01-25	FOR INFORMATION	RC	DM
14	2024-03-12	FOR INFORMATION	SS	GS
16	2024-04-16	FOR INFORMATION	SS	DM
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Project

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93 KURRABA RD
KURRABA POINT NSW

Country: GAMARAGAL

Drawing Name

LEP HEIGHT PLANE
DIAGRAM - PROPOSED

Date Scale Sheet Size

2025-03-14 @ A1

Drawn Chk.

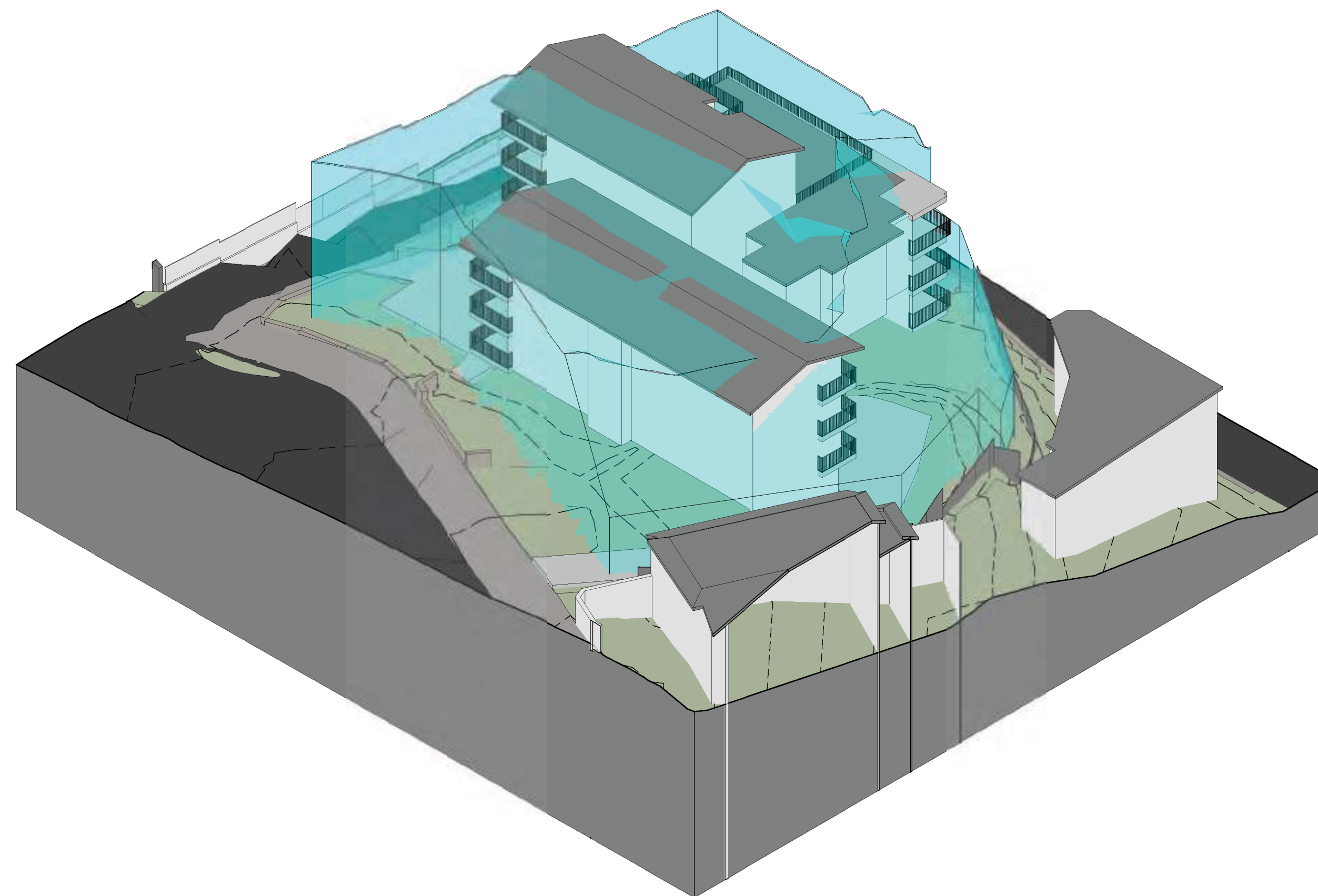
SG RC

Job No. Drawing No. Revision

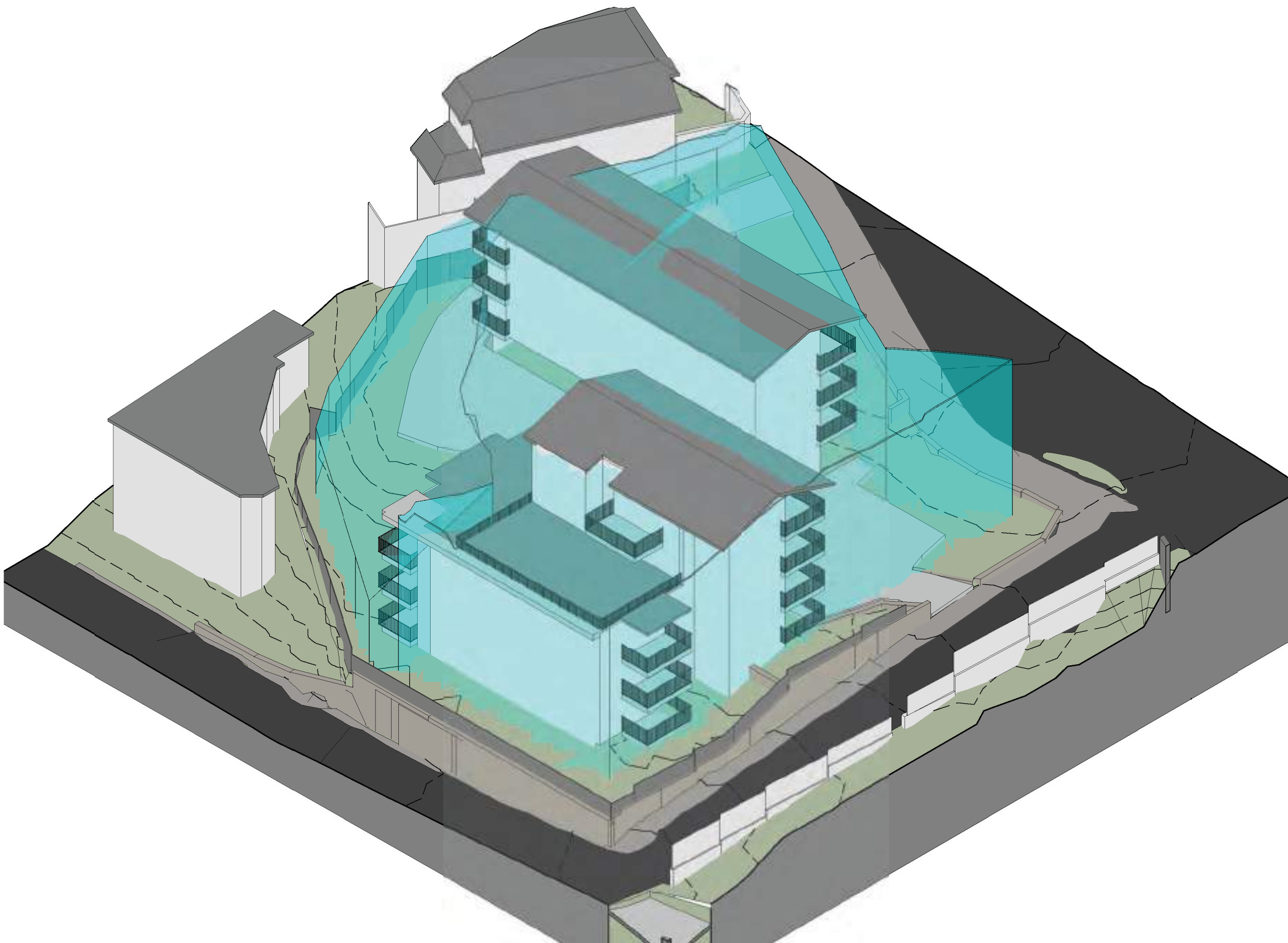
6721 DA-8052 / 21

Nominated Architects: Adam Haddow-7188 | John Pradel-7004

Rev	Date	Revision	By	Chk.
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2 DCP Envelope - Existing Permissable Envelope - NORTH EAST
@A1



4 DCP Envelope - Existing Permissible Envelope - SOUTH WEST
@A1

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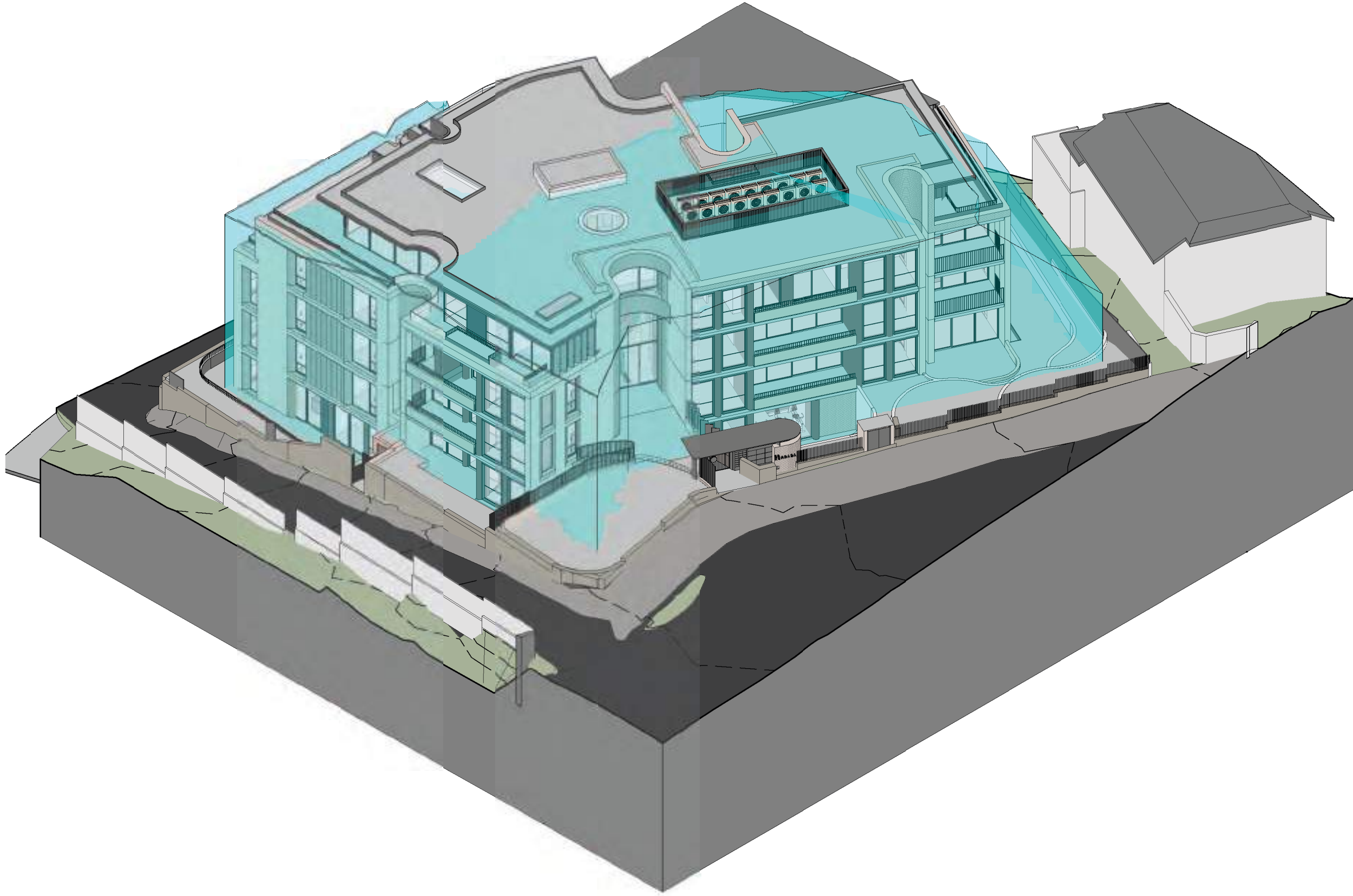
DCP ENVELOPE DIAGRAM
- EXISTING

2024-04-26 @ A1

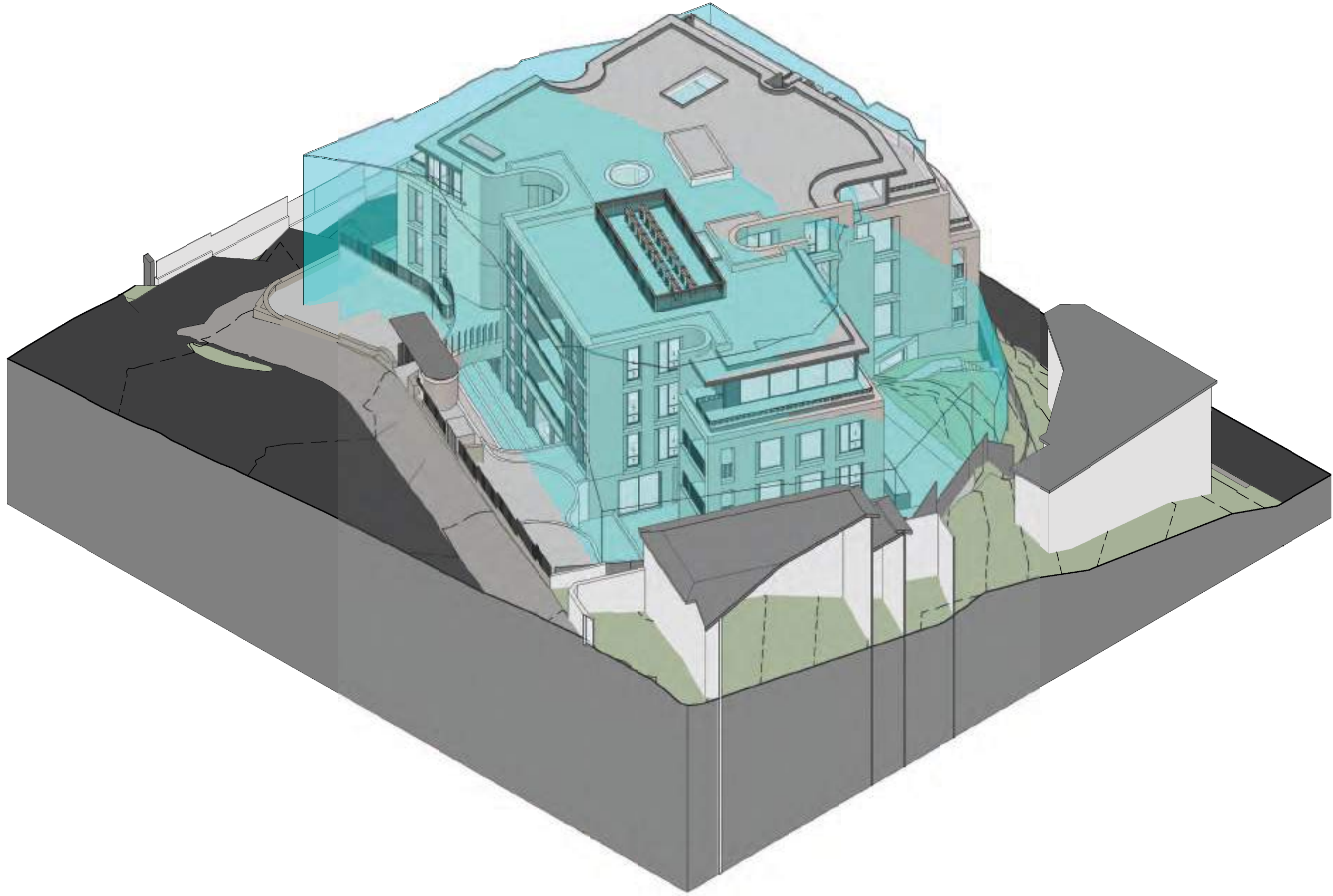
Job No.	Drawing No.	Revision
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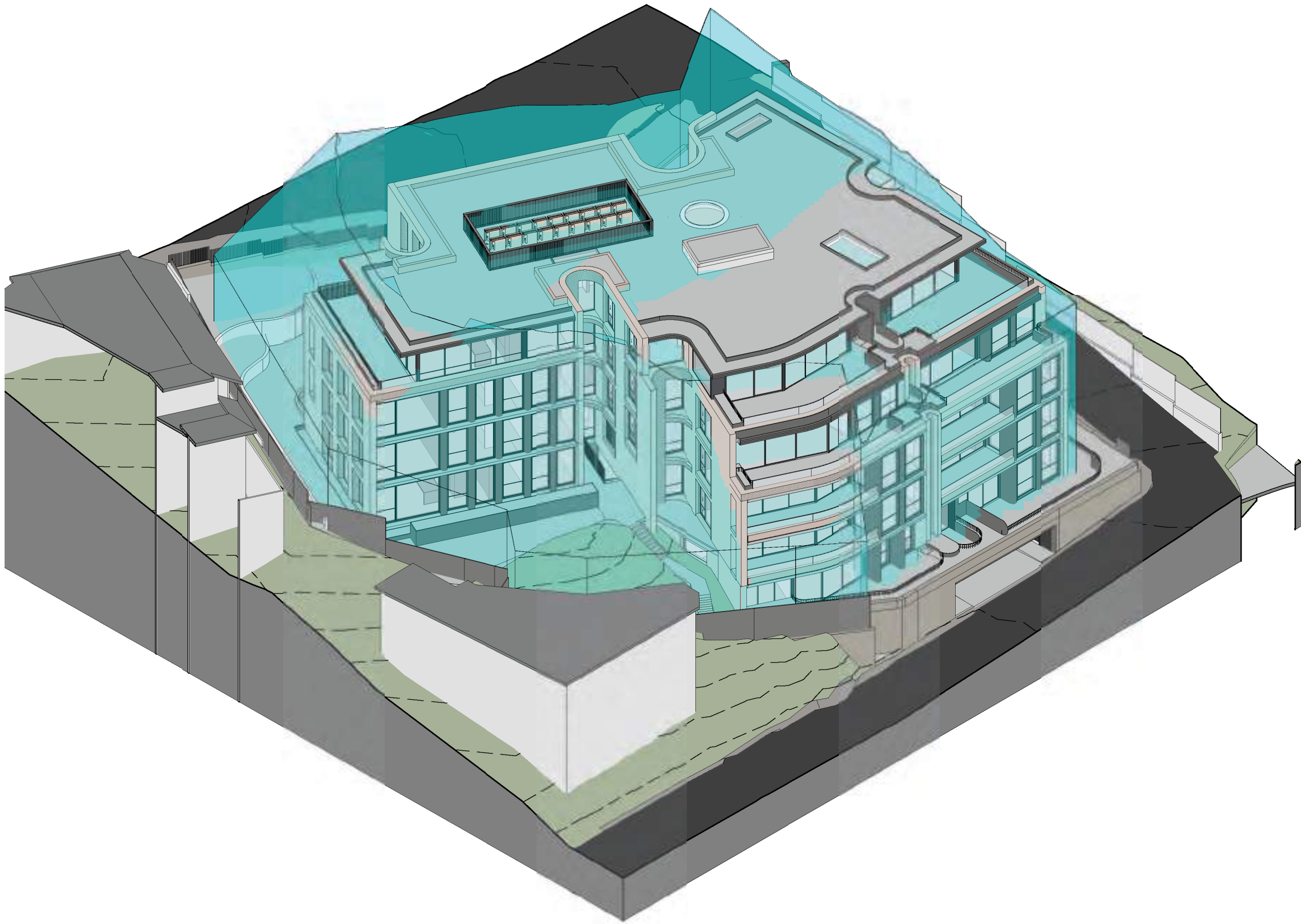
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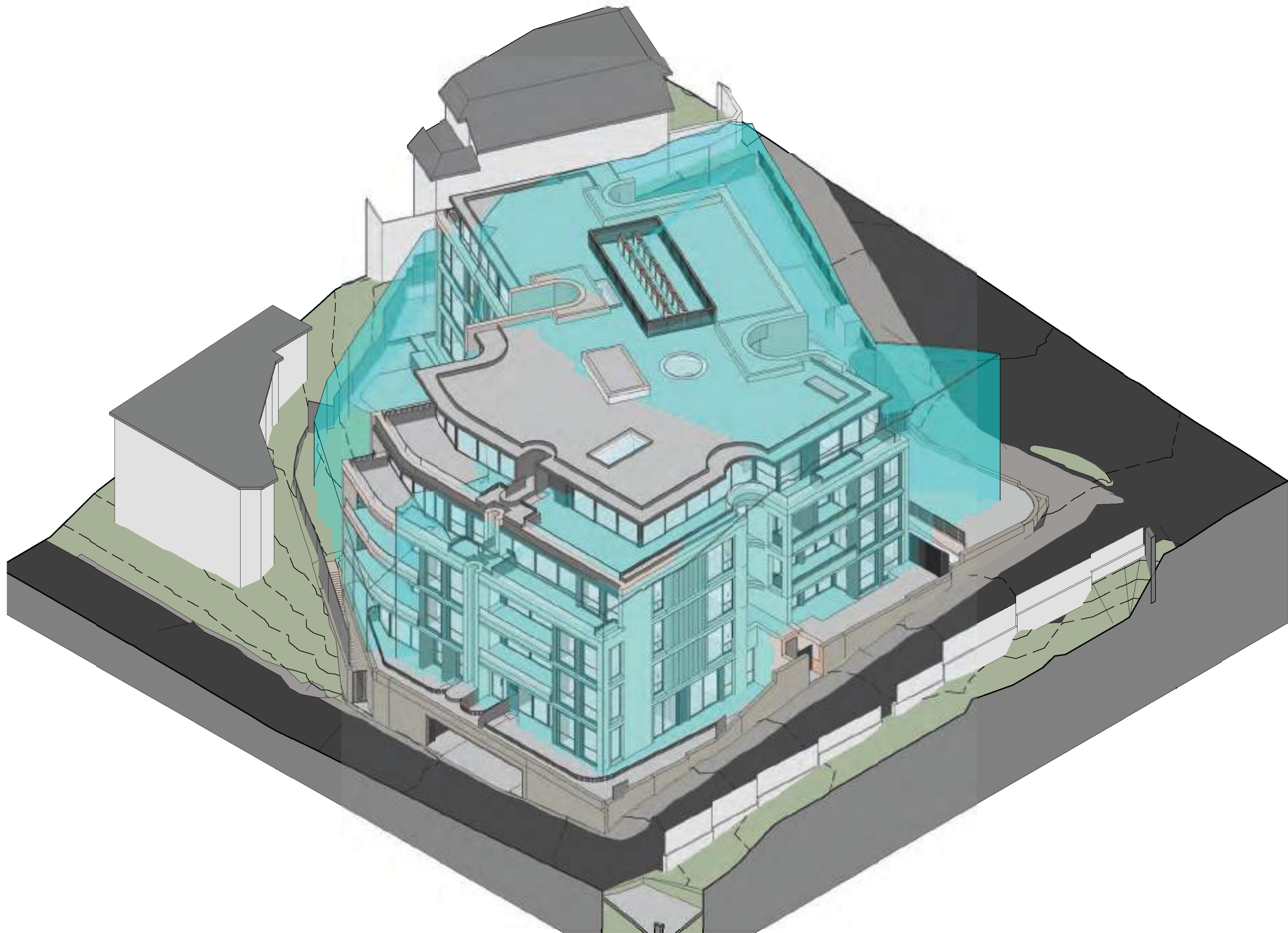
1 DCP Envelope - Permissible Envelope - SOUTH EAST
@A1



2 DCP Envelope - Permissible Envelope - NORTH EAST
@A1



3 DCP Envelope - Permissible Envelope - NORTH WEST
@A1



4 DCP Envelope - Permissible Envelope - SOUTH WEST
@A1

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1	2023-07-26	FOR INFORMATION	RC	GS
11	2024-01-25	FOR INFORMATION	RC	DM
14	2024-03-12	FOR INFORMATION	SS	GS
16	2024-04-16	FOR INFORMATION	SS	DM
17	2024-04-26	ISSUE FOR DA	SS	DM
20	2025-02-12	FOR INFORMATION	LA	DM
21	2025-03-14	ISSUE FOR DA - COUNCIL RFI	LA	DM

Client



Project

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Drawing Name

DCP ENVELOPE DIAGRAM
- PROPOSED

Date 2025-03-14 Scale Sheet Size @ A1

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2	2023-11-09	FOR INFORMATION	RC	DM
7	2023-12-22	FOR COORDINATION	RC	DM
11	2024-01-25	FOR INFORMATION	RC	DM
13	2024-02-05	FOR INFORMATION	RC	DM
14	2024-03-12	FOR INFORMATION	SS	GS
16	2024-04-16	FOR INFORMATION	SS	DM
17	2024-04-28	ISSUE FOR DA	SS	DM
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Drawing Name

GFA CALCULATION

Date2025-03-14Scale1 : 250Sheet Size@ A1

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1 BASEMENT
DA-1401 SCALE 1 : 250

2 LOWER GROUND
DA-1401 SCALE 1 : 250

3 GROUND FLOOR
DA-1401 SCALE 1 : 250

4 LEVEL 1
DA-1401 SCALE 1 : 250

5 LEVEL 2
DA-1401 SCALE 1 : 250

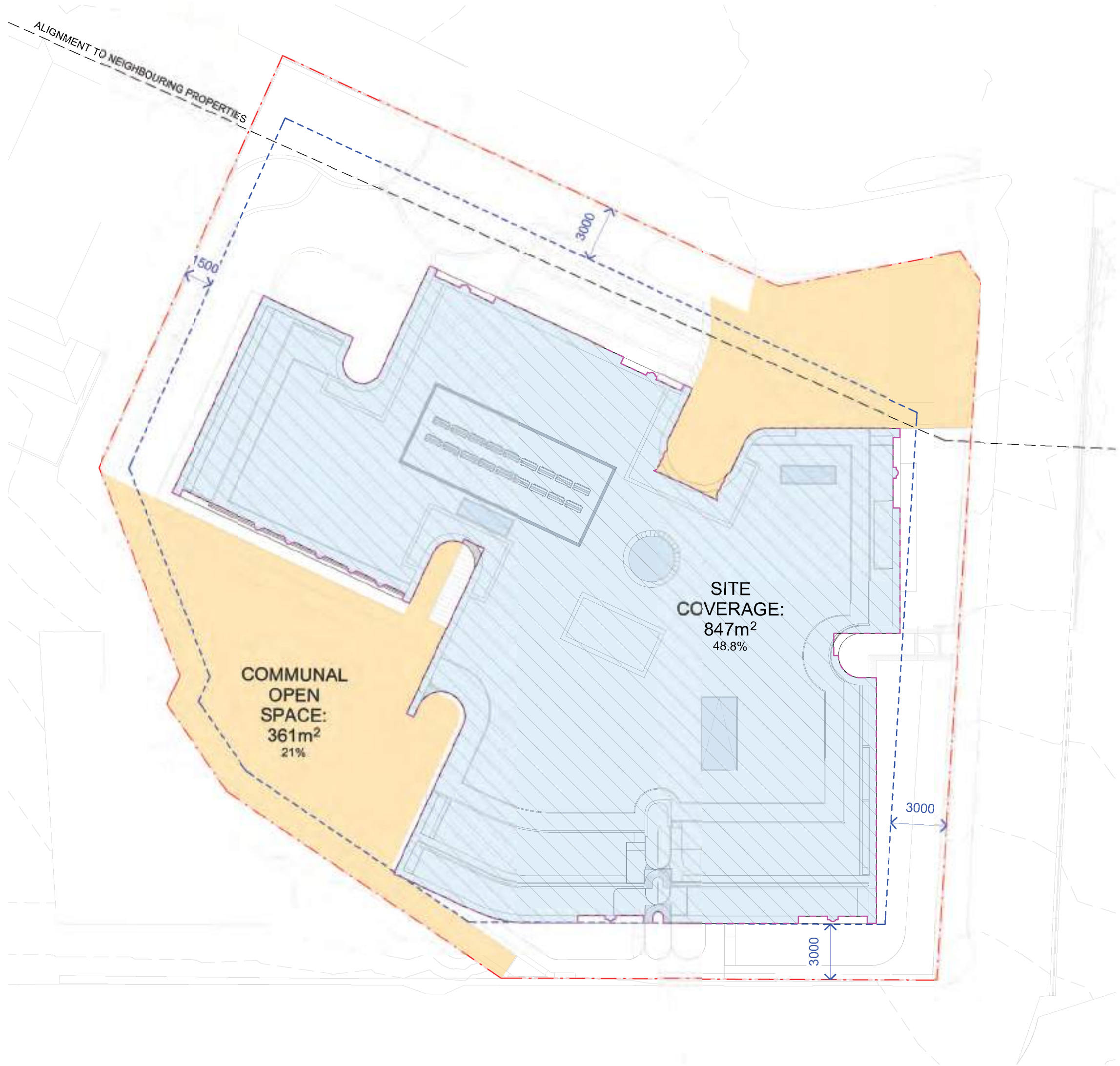
6 LEVEL 3
DA-1401 SCALE 1 : 250

Area Schedule (GFA OPT 04)		
Level	Name	Area
LOWER GROUND	RESIDENTIAL	281 m²
GROUND FLOOR	RESIDENTIAL	716 m²
LEVEL 1	RESIDENTIAL	663 m²
LEVEL 2	RESIDENTIAL	635 m²
LEVEL 3	RESIDENTIAL	524 m²
		2819 m²

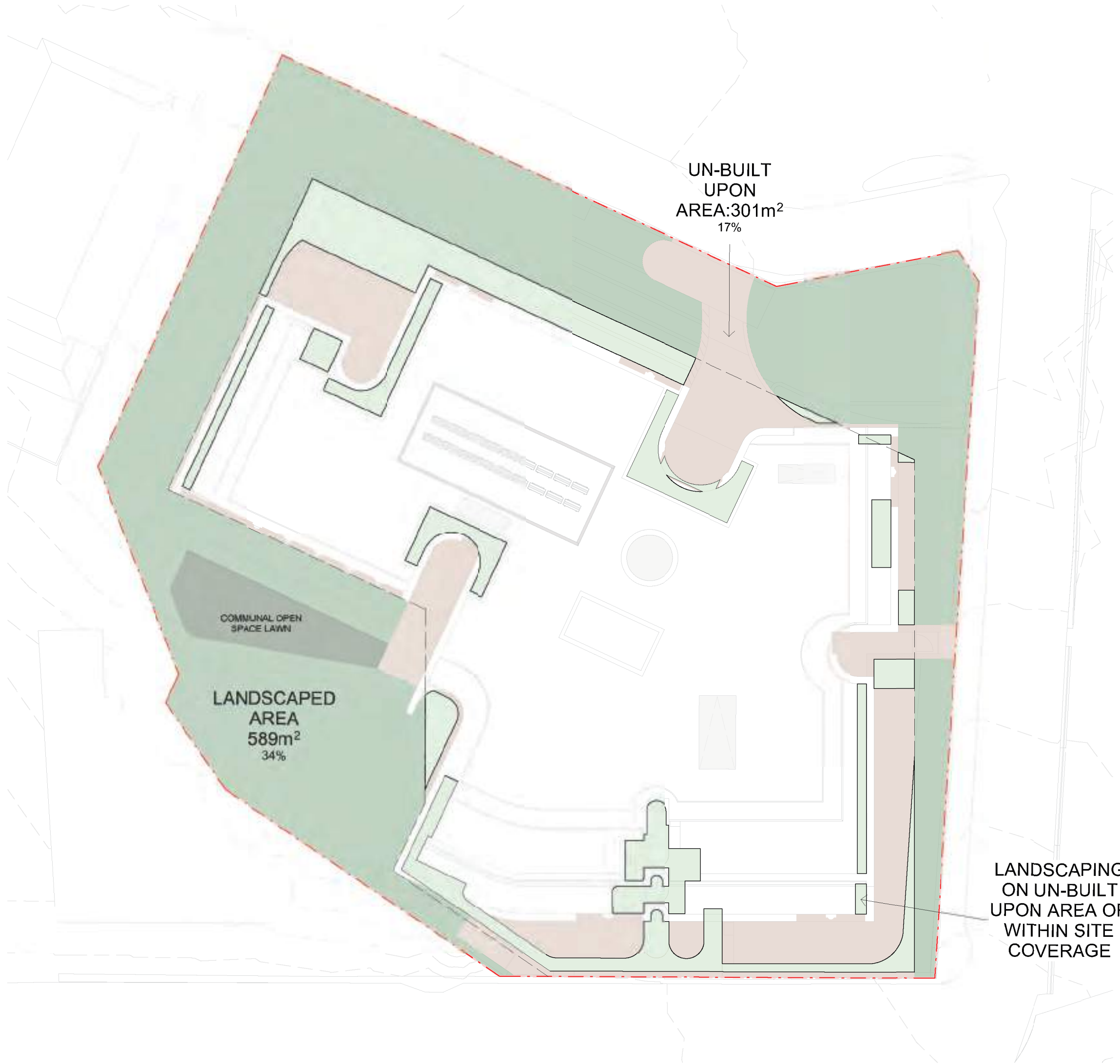
Level	Occupancy	Apartment Area
LOWER GROUND	3 BED	143 m²
LOWER GROUND	2 BED	112 m²
GROUND FLOOR	2 BED	84 m²
GROUND FLOOR	3 BED	136 m²
GROUND FLOOR	3 BED	166 m²
GROUND FLOOR	3 BED	155 m²
LEVEL 1	2 BED	83 m²
LEVEL 1	3 BED	119 m²
LEVEL 1	3 BED	112 m²
LEVEL 1	3 BED	136 m²
LEVEL 1	3 BED	155 m²
LEVEL 2	1 BED	61 m²
LEVEL 2	3 BED	147 m²
LEVEL 2	3 BED	119 m²
LEVEL 2	3 BED	113 m²
LEVEL 2	3 BED	143 m²
LEVEL 3	3 BED	177 m²
LEVEL 3	3 BED	152 m²
LEVEL 3	3 BED	138 m²
Grand total: 19		

FOR APPROVAL

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1 SITE COVERAGE DIAGRAM
DA-1511 SCALE 1 : 200



2 LANDSCAPED AREA DIAGRAM
DA-1511 SCALE 1 : 200

CALCULATIONS

SITE AREA	1733m ²
SITE COVERAGE	
NORTH SYDNEY DCP CONTROL	45% (780m ²)
PROPOSED	48.9% (847m ²)
COMMUNAL OPEN SPACE	
ADG REQUIRED	25% (433m ²)
PROPOSED	21% (368m ²)
INTERNAL COMMUNAL SPACE PROPOSED	96m ²
TOTAL COMMUNAL SPACE	27% (464m ²)

LEGEND

	SITE COVERAGE
	COMMUNAL OPEN SPACE

CALCULATIONS

SITE AREA	1733m ²
LANDSCAPED AREA	
NORTH SYDNEY DCP CONTROL	40% (693m ²)
PROPOSED	34% (589m ²)
INCL ON BUILDING LANDSCAPING	43% (748m ²)
UN-BUILT UPON AREA	
NORTH SYDNEY DCP MAX	15% (260m ²)
PROPOSED	17% (301m ²)

LEGEND

	LANDSCAPED AREA
	LANDSCAPING ON UN-BUILT UPON AREA OR WITHIN SITE COVERAGE
	UN-BUILT UPON AREA

Client



Project

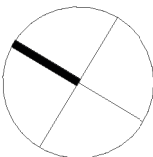
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KURRABA POINT NSW

Country: GAMARAGAL

Drawing Name

SITE COVER &
LANDSCAPE



Date 2025-03-14 Scale 1 : 200 Sheet Size @ A1

Drawn SS Chk. DM

Job No. 6721 Drawing No. DA-8111 Revision / 21



PHOTOMONTAGE VIEW 01
VIEW LOOKING SOUTH STANDING IN FRONT OF 148 KURRABA ROAD

Page 199
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Nominated Architects: Adam Haddow-7188 | John Pradel-7004

FOR APPROVAL

Rev	Date	Revision	By	Chk.
11	2024-01-25	FOR INFORMATION	RC	DM
14	2024-03-12	FOR INFORMATION	SS	CS
16	2024-04-16	FOR INFORMATION	SS	DM
17	2024-04-26	ISSUE FOR DA	SS	DM
21	2025-03-14	ISSUE FOR DA - COUNCIL RFI	LA	DM

Client



Project

HFO CAPITAL
93 KURRABA RD
KURRABA POINT NSW
Country: GAMARAGAL

Drawing Name

PHOTOMONTAGE VIEW 1

Date
2025-03-14

Scale
@ A1

Drawn
SG

Chk.
DM

Job No.
6721

Drawing No.
DA-8201

Revision
/ 21

SJB Architects
Level 2, 490 Crown St
Surry Hills NSW
2010 Australia
T 61 2 9380 9911
www.sjb.com.au





PHOTOMONTAGE VIEW 02
VIEW LOOKING WEST TOWARDS PRINCIPAL ENTRY ON KURRABA AVENUE

Page 200
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Nominated Architects: Adam Haddow-7188 | John Pradel-7004

FOR APPROVAL

Rev	Date	Revision	By	Chk.
11	2024-01-25	FOR INFORMATION	RC	DM
14	2024-03-12	FOR INFORMATION	SS	GS
16	2024-04-16	FOR INFORMATION	SS	DM
17	2024-04-26	ISSUE FOR DA	SS	DM
21	2025-03-14	ISSUE FOR DA - COUNCIL RFI	LA	DM

Client



Project

HFO CAPITAL
93 KURRABA RD
KURRABA POINT NSW
Country: GAMARAGAL

Drawing Name

PHOTOMONTAGE VIEW 2

Date Scale Sheet Size
2025-03-14 @ A1

Drawn Chk.
SG DM

Job No. Drawing No. Revision
6721 DA-8202 / 21

Nominated Architects: Adam Haddow-7188 | John Pradel-7004

Rev	Date	Revision	By	Chk.
-----	------	----------	----	------



HFO CAPITAL

Country: GAMARAGAL

PHOTOMONTAGE VIEW 3

2025-03-14 @ A1

Job No.	Drawing No.	Revision
---------	-------------	----------

SJB Architects





PHOTOMONTAGE VIEW 04
VIEW LOOKING SOUTH STANDING IN FRONT OF 5 WALLARINGA AVENUE

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Nominated Architects: Adam Haddow-7188 | John Pradel-7004

FOR APPROVAL

Rev	Date	Revision	By	Chk.
11	2024-01-25	FOR INFORMATION	RC	DM
14	2024-03-12	FOR INFORMATION	SS	GS
16	2024-04-16	FOR INFORMATION	SS	DM
17	2024-04-26	ISSUE FOR DA	SS	DM
21	2025-03-14	ISSUE FOR DA - COUNCIL RFI	LA	DM

Client



Project

HFO CAPITAL
93 KURRABA RD
KURRABA POINT NSW
Country: GAMARAGAL

Drawing Name

PHOTOMONTAGE VIEW 4

Date
2025-03-14

Scale
@ A1

Drawn
SG

Chk.
DM

Job No.
6721

Drawing No.
DA-8204

Revision
/ 21





PHOTOMONTAGE VIEW 02



BRICK MASONRY

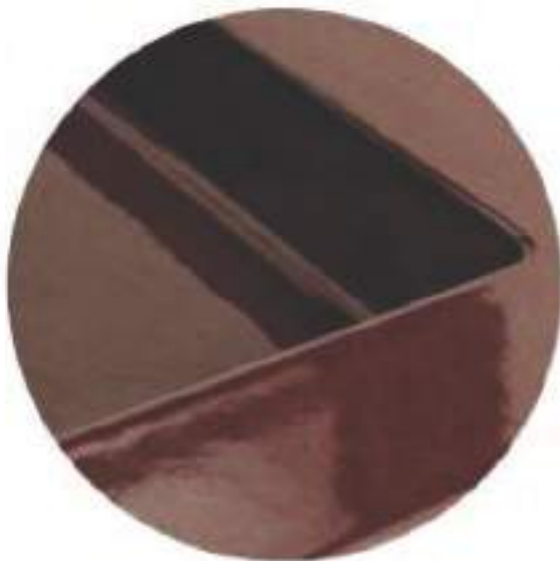
BRK-101
BRK-102

KRAUSE BRICKS

COLOUR| AUTUMN SELECT - LIGHT
RED-BROWN HUES

FORMA| EMPEROR 390 x 45mm &
CUSTOM CURVED FOR BRK-102

BOND | RANDOM BOND



GLAZED CERAMIC CLADDING

CLD-101

COLOUR| CUSTOM

FINISH| GLOSS

LARGE FORMAT CERAMIC PANELS
WITH CURVED ELEMENTS TO
CREATE SEMI-CIRCULAR DETAILING
ALONG FACADE



OFF-FORM CONCRETE

CON-102

COLOUR| STAINED TO MATCH
COLOUR RANGE BRK-101

FINISH| ROUGH

OFF FORM CONCRETE TO BALCONY
WALLS



OFF-FORM CONCRETE

CON-101

COLOUR| STAINED TO MATCH
COLOUR RANGE BRK-101

FINISH| CLEAR SEALER

OFF FORM CONCRETE FINISH TO
ELEMENT INCLUDING BALCONY
SOFFITS AND QUAD SLAB EDGE
DETAIL

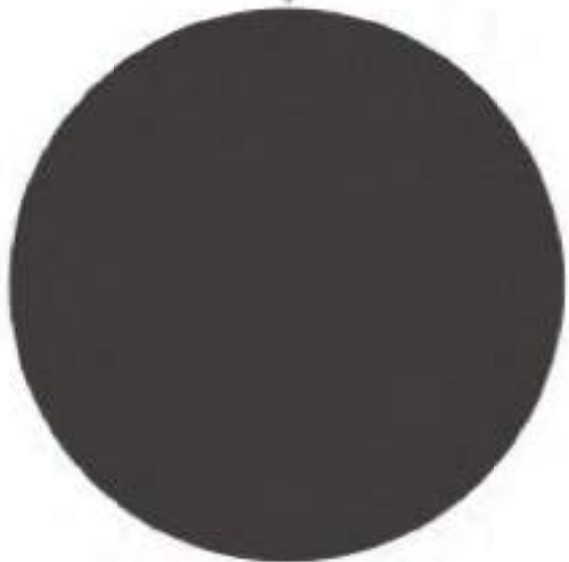


METAL FINISHES

MTL-103

FINISH & COLOUR| POWDERCOATED DULUX
'MAGNETITE FLAT'

METAL DETAIL ELEMENTS



METAL FINISHES

MTL-101

FINISH & COLOUR| POWDERCOATED DULUX
'MAGNETITE FLAT'

METAL ELEMENTS INCLUDE BALUSTRADES AND
WINDOW REVEALS TO FEATURE AREAS AS
NOTED ON DRAWINGS



METAL FINISHES INCL WINDOWS

MTL-102

FINISH & COLOUR| POWDERCOATED DULUX
'MAGNETITE FLAT'

METAL ELEMENTS INCLUDE WINDOW FRAMES
AND REVEALS, BALUSTRADES, PLANTERS AND
PARAPET TRIMS/DETAILING

CLEAR GLAZING IN METAL WINDOW FRAMES



TEXTURED RENDER | PAINT FINISH

REN-101

COLOUR| TO MATCH MTL-101

FINISH | TBC



GLAZED BALUSTRADE

GLS-101

CLEAR GLAZING FRAMELESS
BALUSTRADE | CURVED SECTIONS WILL
NOT BE FACETED

ROUND TOP RAIL IN METAL FINISH
MTL-102



EXISTING SANDSTONE WALL

CLD-201

COLOUR| NATURAL

EXISTING SANDSTONE WALL RETAINED
SALVAGE HERITAGE SANDSTONE
BLOCKS AND REUSE FOR BOUNDARY
WALLING WHERE POSSIBLE
A LIME-BASED MORTAR TO BE USED IN
RECONSTRUCTION

FOR APPROVAL

Rev	Date	Revision	By	Chk.
11	2024-01-25	FOR INFORMATION	RC	DM
14	2024-03-12	FOR INFORMATION	SS	GS
16	2024-04-16	FOR INFORMATION	SS	DM
17	2024-04-26	ISSUE FOR DA	SS	DM
21	2025-03-14	ISSUE FOR DA - COUNCIL RFI	LA	DM

Client



Project

HFO CAPITAL

93 KURRABA RD
KURRABA POINT NSW

Country: GAMARAGAL

Drawing Name

EXTERNAL FINISHES

Date Scale Sheet Size

2025-03-14 @ A1

Drawn Chk.

SG DM

Job No. Drawing No. Revision

6721 DA-8211 / 21

PLANTS SCHEDULE

Botanic Name	Common Name	Mature Height	Fltr. Col.	Qty
Plant Species				
Agave gervilliana	Twin Flowered Agave	0.7m	300mm	7
Agave vivipara	Agave Vivipara	1m	300mm	4
Allocasuarina	Tree Allocasuarina	3-5m	100mm	1
Allocasuarina	Allocasuarina	0.4m	300mm	127
Allocasuarina	Allocasuarina	1.3m	300mm	107
Allocasuarina	Allocasuarina	0.7m	300mm	10
Allocasuarina	Allocasuarina	0.4-1.5m	300mm	100
Allocasuarina	Allocasuarina	0.4-0.6m	300mm	2
Allocasuarina	Allocasuarina	0.4-0.6m	300mm	8
Allocasuarina	Allocasuarina	0.4-0.6m	300mm	4
Allocasuarina	Allocasuarina	0.4-0.6m	300mm	3
Allocasuarina	Allocasuarina	0.4-0.6m	300mm	423
Allocasuarina	Allocasuarina	0.4-0.6m	300mm	100
Allocasuarina	Allocasuarina	0.4-0.6m	300mm	14
Allocasuarina	Allocasuarina	0.4-0.6m	300mm	54
Allocasuarina	Allocasuarina	0.4-0.6m	300mm	12
Allocasuarina	Allocasuarina	0.4-0.6m	300mm	4
Allocasuarina	Allocasuarina	0.4-0.6m	300mm	2
Allocasuarina	Allocasuarina	0.4-0.6m	300mm	40
Allocasuarina	Allocasuarina	0.4-0.6m	300mm	15
Allocasuarina	Allocasuarina	0.4-0.6m	300mm	7
Allocasuarina	Allocasuarina	0.4-0.6m	300mm	7
Allocasuarina	Allocasuarina	0.4-0.6m	300mm	2
Allocasuarina	Allocasuarina	0.4-0.6m	300mm	39
Allocasuarina	Allocasuarina	0.4-0.6m	300mm	25
Allocasuarina	Allocasuarina	0.4-0.6m	300mm	25
Allocasuarina	Allocasuarina	0.4-0.6m	300mm	14
Allocasuarina	Allocasuarina	0.4-0.6m	300mm	24
Allocasuarina	Allocasuarina	0.4-0.6m	300mm	1
Allocasuarina	Allocasuarina	0.4-0.6m	300mm	32
Allocasuarina	Allocasuarina	0.4-0.6m	300mm	32
Allocasuarina	Allocasuarina	0.4-0.6m	300mm	40
Allocasuarina	Allocasuarina	0.4-0.6m	300mm	131
Allocasuarina	Allocasuarina	0.4-0.6m	300mm	234
Allocasuarina	Allocasuarina	0.4-0.6m	300mm	3
Allocasuarina	Allocasuarina	0.4-0.6m	300mm	70
Allocasuarina	Allocasuarina	0.4-0.6m	300mm	122
Allocasuarina	Allocasuarina	0.4-0.6m	300mm	16
Allocasuarina	Allocasuarina	0.4-0.6m	300mm	288
Allocasuarina	Allocasuarina	0.4-0.6m	300mm	46
Allocasuarina	Allocasuarina	0.4-0.6m	300mm	8
Allocasuarina	Allocasuarina	0.4-0.6m	300mm	8
Allocasuarina	Allocasuarina	0.4-0.6m	300mm	14
Allocasuarina	Allocasuarina	0.4-0.6m	300mm	14
Allocasuarina	Allocasuarina	0.4-0.6m	300mm	7
Allocasuarina	Allocasuarina	0.4-0.6m	300mm	56
Allocasuarina	Allocasuarina	0.4-0.6m	300mm	7
Allocasuarina	Allocasuarina	0.4-0.6m	300mm	38
Allocasuarina	Allocasuarina	0.4-0.6m	300mm	14
Allocasuarina	Allocasuarina	0.4-0.6m	300mm	4
Allocasuarina	Allocasuarina	0.4-0.6m	300mm	14
Allocasuarina	Allocasuarina	0.4-0.6m	300mm	123
Allocasuarina	Allocasuarina	0.4-0.6m	300mm	3
Allocasuarina	Allocasuarina	0.4-0.6m	300mm	3
Allocasuarina	Allocasuarina	0.4-0.6m	300mm	34
Allocasuarina	Allocasuarina	0.4-0.6m	300mm	31
Total				1014
Native				1014
Native %				100

LOCATION MAP



GENERAL NOTES

Graphic Illustration
Please note that the plant graphics are indicative sizes only and not an accurate representation at time of purchase. Do not scale from drawings. All dimensions in mm unless otherwise stated. Figure dimensions shall take precedence over scale. Contractors must verify all dimensions on site before commencing any work or making shop drawings. All works shall be carried out in accordance with ASABCA and Local Government Regulations. This drawing is protected by copyright.

Site Preparation
All existing plants marked for retention shall be protected for the duration of works. Remove from site all perennial weeds and rubbish before commencing landscape works.

Soilworks
Thoroughly cultivate the subsoil to a depth of 200mm. Supply and install to a depth of 300mm quality garden soil mix to all planting beds and 150mm turf underlay to lawn areas.

Mulch
Supply and install a 75mm layer of hardwood horticultural grade mulch to all planting beds set down 25mm from adjacent paving or garden edge.

Maintenance
All failed or defective plant species to be replaced by landscaper for a 3 months period following completion of work. Further maintenance during and after this period should include watering, weeding, fertilising, pest and disease control, pruning and hedging, reinstatement of mulch and keeping the site neat and tidy.

GENERAL PLANTING NOTES

Note It is recommended that all plants used be subject to an establishment period. During this period maintenance work carried out will include watering, mowing, weeding, fertilising, pest and disease control, reseeding, re-lining, staking and tying, replanting, cultivating, pruning, hedge dipping, aerating, reinstatement of mulch, top dressing and keeping the site neat and tidy.

Note Plants shall be vigorous, well established, of good form consistent with species or variety, not soft or forced free from disease and insect pests, with large healthy root systems and no evidence of having been restricted in growth or damaged. Root system shall be well balanced in relation to the size of the plant.

Note install "root barrier" or equivalent to manufacturer's specifications to protect nearby structures and services.

Note install temporary drip irrigation system under mulch in tree protection zones and water on allotted days.

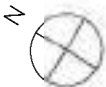
ARBORIST REPORT

Refer to Arboricultural Impact Assessment Report for 93 Kurraba Road, Kurraba Point, prepared by Temporal Tree Management Pty. Ltd. (Dated 28/04/2024) for all information regarding existing trees to be retained and removed.



- KEY:
- Trees to be Retained
 - Trees to be Removed
 - Tree Protection Zone (TPZ)

Figure dimensions shall take precedence over scale. Contractors must verify all dimensions on job before commencing any work or making shop drawings. This drawing is protected by copyright.



Client: HFO Capital
Project Address:
93 Kurraba Road
Kurraba Point, NSW 2089

Dwg no: DA01-D7323
Title: DA
Cover Page

Drawn by:
SM
Issue:
01

Checked:
TS
Revision:
E

Scale:
1:300 @ A3
Date:
17.03.2025

Landscape Design Sydney
53 Cranbrook St, Botany
T (02) 9316 9044
F (02) 9316 9055

KEY:

- Trees to be Retained
- Trees to be Removed
- Tree Protection Zone (TPZ)

GROUND FLOOR

1000mmH mesh fence for compliance

Note: Boundary retaining wall to follow existing ground level

- 2x Mature Howea forsteriana w/ 16x 200mm Philodendron seloum under
- 25x 200mm Alpinia nutans
- 10x 200mm Monstera deliciosa
- 30x 200mm Lomandra tanika
- 40x 200mm Pandorea jasminoides
- 9x 100L Cycas revoluta w/ 70x 200mm Cissus antarctica under
- 9x 400mm Zamia furfuracea

Battered sloped with coir logs

Note: Second retaining wall to be 500mm lower than existing ground level

- 5x 500mm Rhipis excelsa

Gravel maintenance access path

- 17x 200mm Lomandra tanika
- 2x 200L Howea forsteriana w/ 30x 200mm Cissus antarctica under

- 35x 200mm Lomandra tanika

- 7x 500mm Eleocharis acicularis

- 20x 200mm Monstera deliciosa

Mesh fence 1500mmH

- 15x 200mm Monstera deliciosa

- 25x 200mm Euphorbia poliochrysa

- 3x mature Cyathea cooperi w/ 36x 200mm Hibbertia scandens under

- 14x 200mm Spathiphyllum sensation

- 52x 500mm Rhipis excelsa

- 11x 200mm Philodendron seloum

- 100x 200mm Asplenium nidus

- 4x mature Howea forsteriana w/ 300x 140mm Cissus antarctica under

- 3x mature Cyathea cooperi w/ 100x 140mm Cissus antarctica under

- Permeable Stairs

- 14x 200mm Philodendron seloum

- 27x 200mm Senecio jacobsonii

- 2x pots with 40x 200mm Kalimeris tomentosa (20l each)

- 2x 300mm Agave weberi w/ 32x 140mm Juniperus horizontalis under

- 31x 200mm Lomandra tanika

- 2x Mature Howea forsteriana 35x 200mm Crassula gollum under

- 1x Mature Plumeria acutifolia w/ 7x 400mm Zamia furfuracea + 20x 200mm Trachospermum under

- 1x 200mm Bougainvillea sp. (pink)

- 1x Mature Plumeria acutifolia w/ 2x 100L Cycas revoluta + 35x 200mm Rosmarinus huntington carpet under

- 3x Mature Howea forsteriana w/ 25x 400mm Rhipis excelsa under

- 3x 200L Trientalis lucida w/ 30x 200mm Lomandra tanika under

- 3x Mature Howea forsteriana w/ 100x 140mm Cissus antarctica under

- 3x Mature Howea forsteriana w/ 300x 140mm Cissus antarctica under

- 3x Mature Howea forsteriana w/ 300x 140mm Cissus antarctica under

- 3x Mature Howea forsteriana w/ 300x 140mm Cissus antarctica under

- 3x Mature Howea forsteriana w/ 300x 140mm Cissus antarctica under

- 3x Mature Howea forsteriana w/ 300x 140mm Cissus antarctica under

- 3x Mature Howea forsteriana w/ 300x 140mm Cissus antarctica under

- 3x Mature Howea forsteriana w/ 300x 140mm Cissus antarctica under

- 3x Mature Howea forsteriana w/ 300x 140mm Cissus antarctica under

- 3x Mature Howea forsteriana w/ 300x 140mm Cissus antarctica under

- 3x Mature Howea forsteriana w/ 300x 140mm Cissus antarctica under

- 3x Mature Howea forsteriana w/ 300x 140mm Cissus antarctica under

- 3x Mature Howea forsteriana w/ 300x 140mm Cissus antarctica under

- 3x Mature Howea forsteriana w/ 300x 140mm Cissus antarctica under

- 3x Mature Howea forsteriana w/ 300x 140mm Cissus antarctica under



LOWER GROUND FLOOR

KEY:

- Trees to be Retained
- Trees to be Removed
- Tree Protection Zone (TPZ)

- 27x 140mm Muehlenbeckia axillaris
- 7x 500mm Rhipis excelsa
- 10x 100L Syzygium resilience
- 15x 500mm Doryanthes excelsa w/
200x 200mm Trachelospermum
jasminoides under
- Gravel maintenance access path
(500mm wide)
- 1mH mesh fence for compliance
Battered sloped with coir logs
- 2x Mature Howea forsteriana
- 55x 200mm Lomandra katrinus
- 35x 200mm Alpinia nutans
- 18x 200mm Lomandra katrinus
- 24x 300mm Philodendron selloum
- 18x 200mm Lomandra katrinus
- 4x 400mm Syzygium resilience



KEY:

- Trees to be Retained
- Trees to be Removed
- Tree Protection Zone (TPZ)



Figure dimensions shall take precedence over scale.
Contractors must verify all dimensions on job before
commencing any work or making shop drawings. This drawing
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Client: HFO Capital
Project Address:
93 Kurraba Road
Kurraba Point, NSW 2089

Dwg no: DA04-D7323
Title: Level 2
Landscape Plan

Drawn by:
SM
Issue:
01

Checked:
TS
Revision:
E

Scale:
1:100 @ A1
Date:
17.03.2025

Landscape Design Sydney
53 Cranbrook St, Botany
T (02) 9316 9044
F (02) 9316 9055

KEY:

- Trees to be Retained
- Trees to be Removed
- Tree Protection Zone (TPZ)



KEY:

- Trees to be Retained
- Trees to be Removed
- Tree Protection Zone (TPZ)

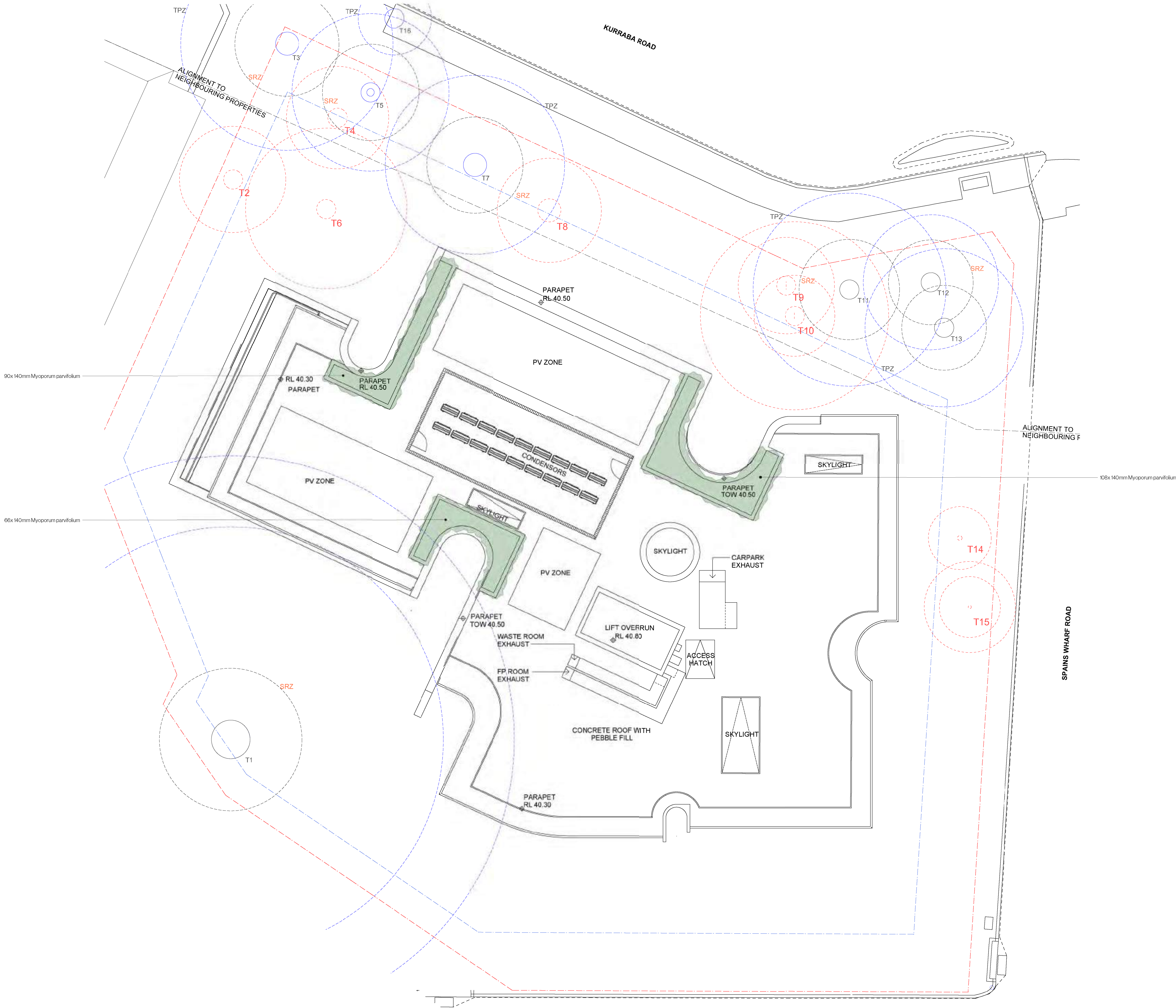


Figure dimensions shall take precedence over scale.
Contractors must verify all dimensions on job before
commencing any work or making shop drawings. This drawing
is protected by copyright.



Client: HFO Capital
Project Address:
93 Kurraba Road
Kurraba Point, NSW 2089

Dwg no: DA06-D7323
Title: Roof
Landscape Plan

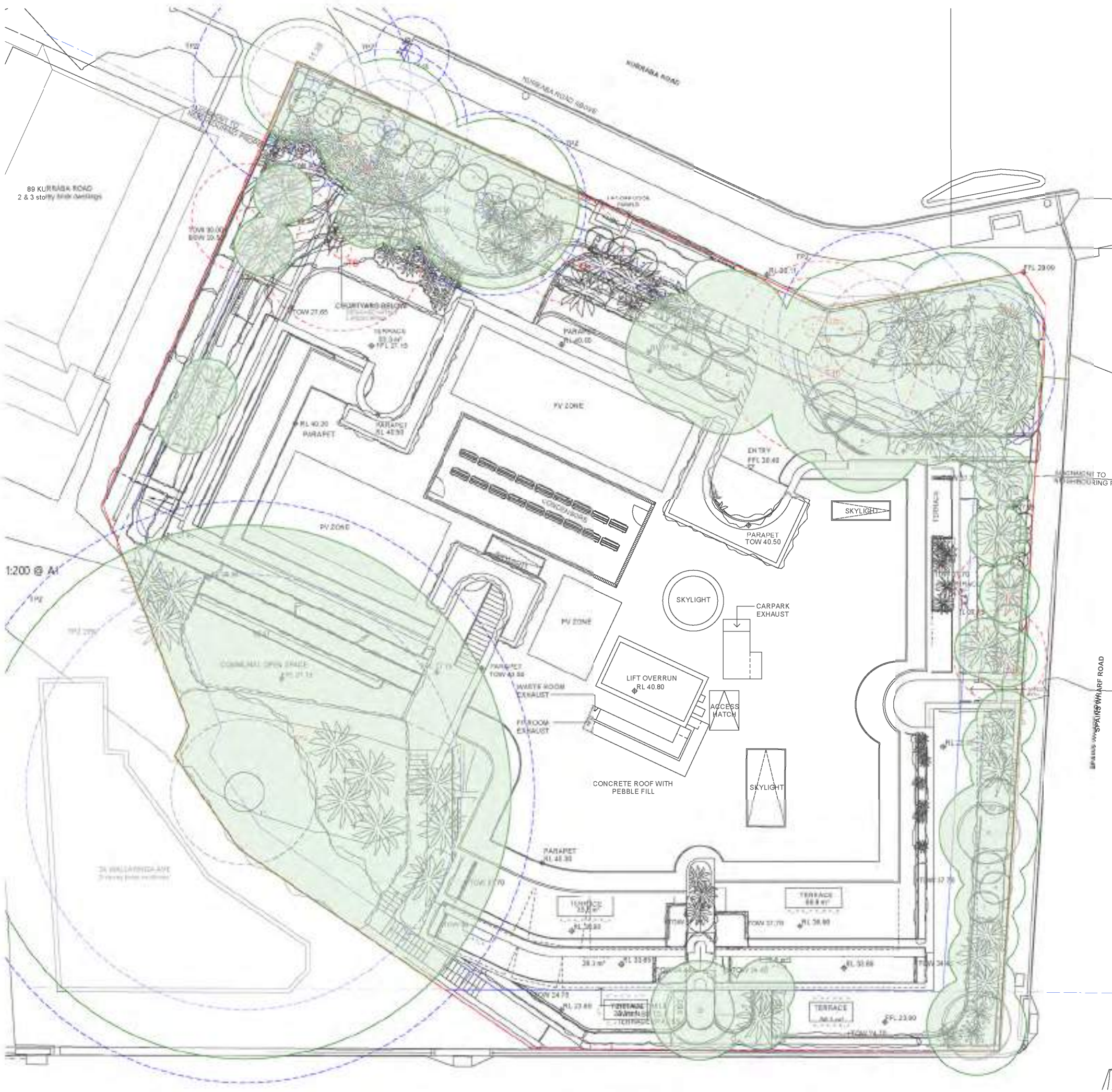
Drawn by:
SM
Issue:
01

Checked:
TS
Revision:
E

Scale:
1:100 @ A1
Date:
17.03.2025

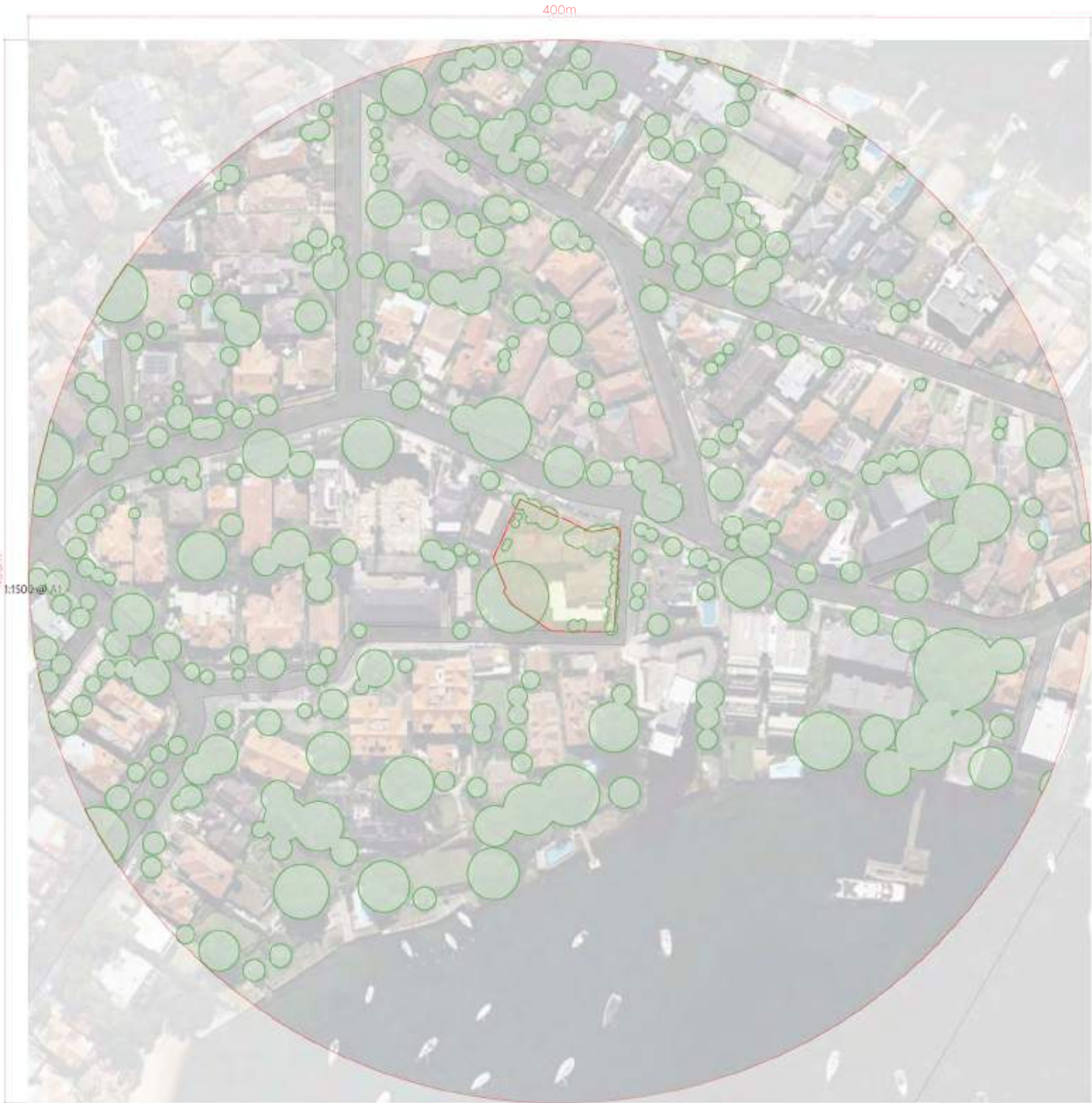
Landscape Design Sydney
53 Cranbrook St, Botany
T (02) 9316 9044
F (02) 9316 9055

- KEY:
- Trees to be Retained
 - Trees to be Removed
 - Tree Protection Zone (TPZ)



PROPOSED CANOPY COVERAGE PLAN
- SITE ONLY

Site area	1733 m ²
Proposed canopy coverage (at maturity)	676 m ²
Percentage of total site achieved	39%



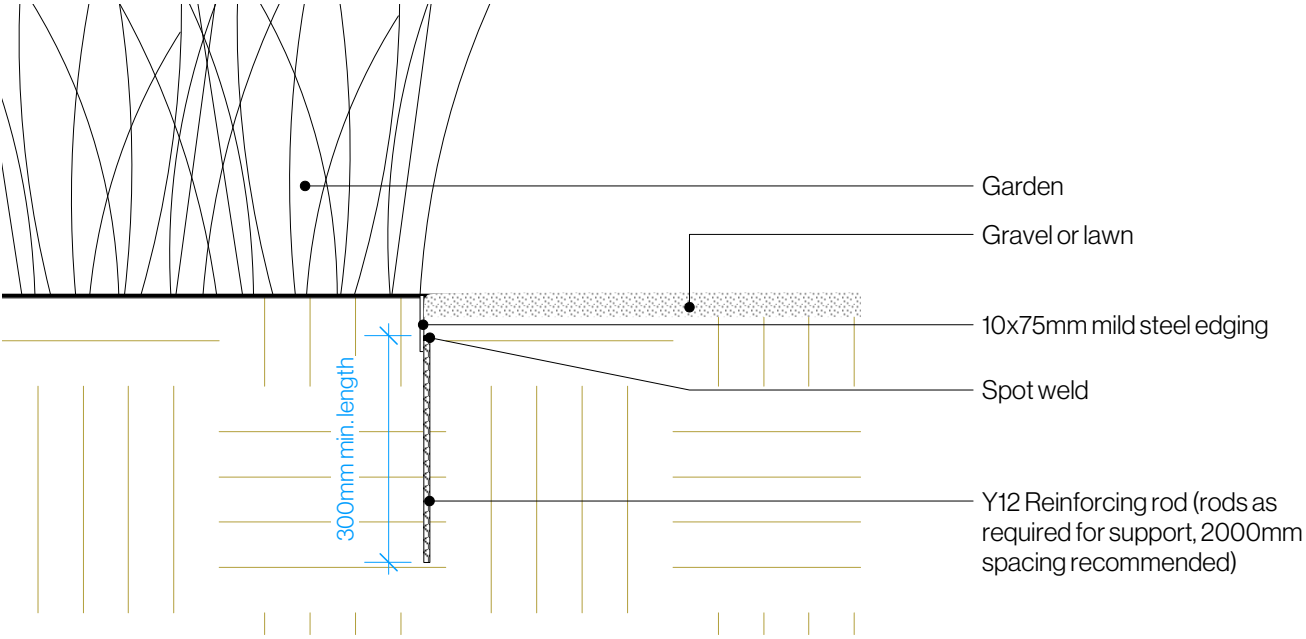
CONTEXT SAMPLE AREA (200M RADIUS) EXISTING CANOPY COVERAGE PLAN

Sample area (excluding site & water)	102751.5 m ²
Existing canopy coverage	23508.8 m ²
Percentage of total sample area	22.9%

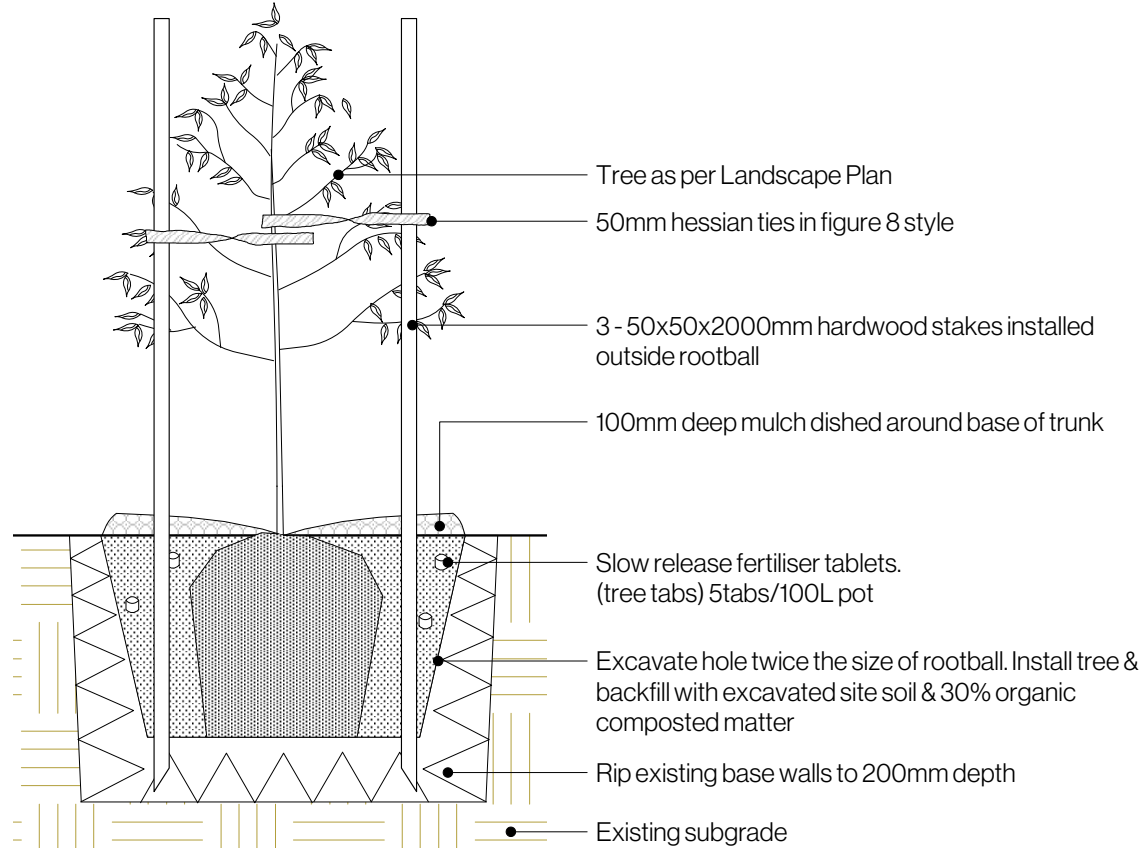


- KEY:
- Trees to be Retained
 - Trees to be Removed
 - Tree Protection Zone (TPZ)

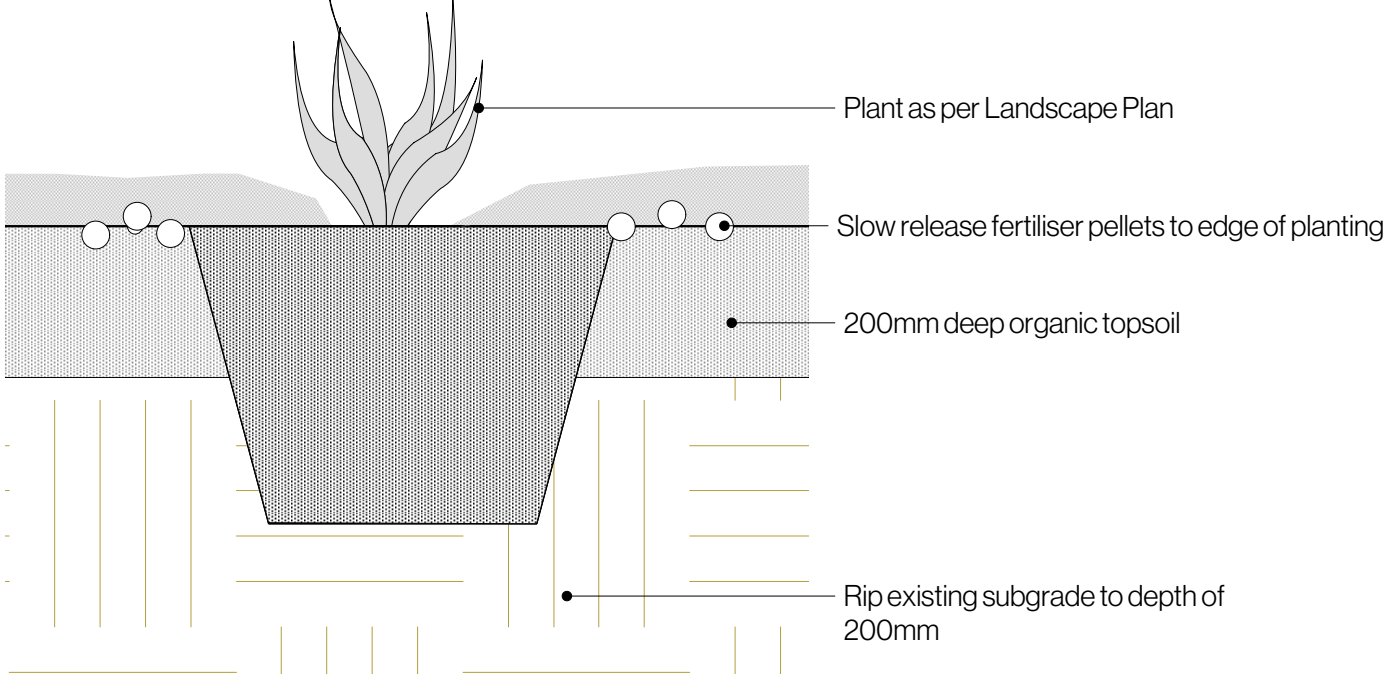




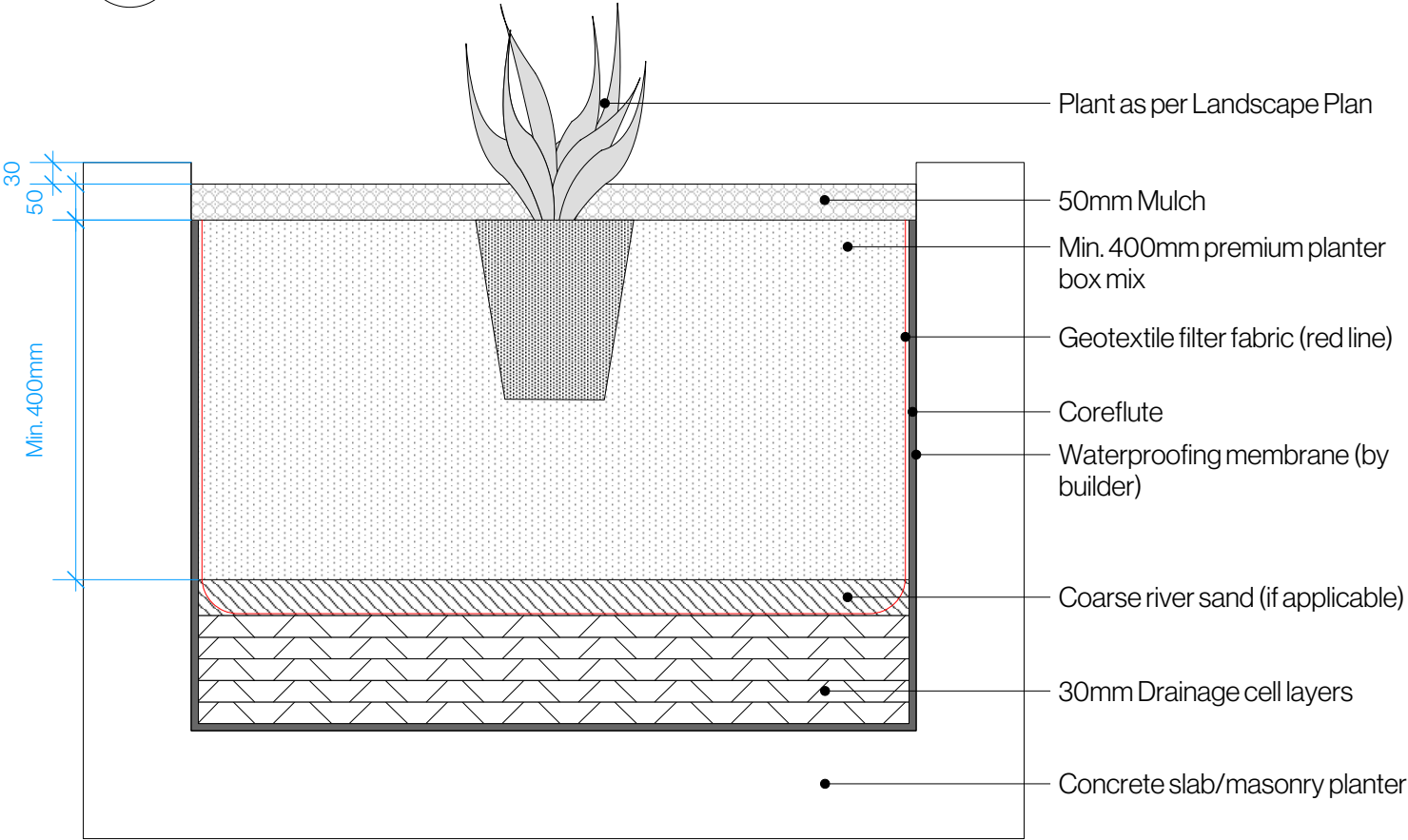
1 Steel Edging Detail
Scale: 1:10



3 Staked Tree in Ground
Scale: 1:25

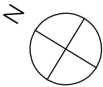


2 Shrub in Ground
Scale: 1:10



4 Planter detail
Scale: 1:10

Figure dimensions shall take precedence over scale.
Contractors must verify all dimensions on job before
commencing any work or making shop drawings. This drawing
is protected by copyright.



Client: HFO Capital
Project Address:
93 Kurraba Road
Kurraba Point, NSW 2089

Dwg no: DA09-D7323
Title: Details

Drawn by:
SM
Issue:
01

Checked:
TS
Revision:
E

Scale:
As shown @ A3
Date:
17.03.2025

Landscape Design Sydney
53 Cranbrook St, Botany
T (02) 9316 9044
F (02) 9316 9055



Monday, 3rd March 2025

North Sydney Council
200 Miller Street
NORTH SYDNEY NSW 2060

To whom it may concern,

RE: LANDSCAPE RESPONSE TO PRELIMINARY ASSESSMENT – REQUEST FOR ADDITIONAL INFORMATION/AMENDED PLANS - DA128/2024/1 93 KURRABA ROAD, KURRABA POINT

This letter is to support the landscape design proposal prepared by Dangar Barin Smith for HFO Capital at the above address and respond to the landscape-related RFIs noted in North Sydney Council's document titled 'Preliminary Assessment - Request for additional information/amended plans', dated 3/12/2024 for 93 Kurraba Road, Kurraba Point 2089 (DA128/2024/1).

Please see landscape-related RFIs below with written responses from Dangar Barin Smith (DBS):

Principle 2 – Built Form and Scale

6. *Additionally, the applicant should introduce incidental seating spaces within the landscape proposal to promote casual interaction amongst the residents. A recommended location is within the eastern site corner at the pedestrian entry point (refer drawing DA-1004).*

To enhance the communal open space on-site, an additional area has been introduced in the northeast corner. This space features incidental seating designed to encourage outdoor gatherings, providing residents with a place to relax and engage with the surrounding landscape. It also serves as a convenient waiting space for visitors. Additionally, a communal seating area near the letterboxes functions as a "space of encounter", where the act of collecting mail naturally fosters opportunities for social interaction. By transforming a routine task into a moment of connection, this space enriches the residential experience and strengthens the sense of community.

The communal space adjacent to the fig tree on the southwest corner of the site has been converted from decking to lawn, increasing permeability and enhancing the site's greenery. This area also includes casual seating, designed to foster social interactions between residents and encourage relaxed outdoor use. Please refer to the diagrammatic plan below of the external communal open spaces (unscaled):





Principle 4 – Sustainability

2. *Whilst it was not discussed during the review meeting, the Panel recommends that the applicant demonstrate a suitable design response to projected climate change impacts, including;*

d. Significant increases in high heat temperatures, number of high heat days, and length, severity and frequency of heat events, with particular attention being paid to how the proposed landscape will be maintained.

Extensive consideration has been given to species selection throughout the landscape design process to address the increasing frequency, severity, and duration of high-heat events. DBS has selected a palette of resilient plant species for 93 Kurraba Road that require minimal maintenance in terms of water and durability against harsh weather conditions. The proposal consists of over 60% native Australian species, which are generally known to be low maintenance and low water use species, well equipped to handle the local climate including high-heat weather events. The use of succulent species has been strategic on balcony planters in particular, ensuring low maintenance and low water use. Approximately 50% of the proposed balcony plantings are various succulent species.

The proposal also includes an array of drought-tolerant species which have the following characteristics to assist in water retention:

- Thick, waxy foliage
- Smaller leaf sizes
- Deep root systems
- Grey coloured foliage

The retention of existing large canopy trees along with the addition of mature trees and Palms contributes to creating large areas of shade for understorey plantings, helping with water retention. The use of mulch throughout the site will also assist with creating an added layer of moisture protection. As part of the future maintenance regime, mulch will be reinstated when necessary to support water holding capacity in the soil.

The irrigation system will be designed to support the proposed landscape at all times, including more extreme conditions in the future, should they arise. Irrigation timers will be set to water at appropriate times of day, with sensors that detect weather conditions such as rain, automatically adjusting the watering schedule accordingly.



Proposed Landscape Enhancements & Ecological Integration

The proposed landscape design significantly enhances the existing site conditions by increasing the amount of quality vegetation across the site. It integrates tall mature trees and dense groupings of shrubs and groundcovers to create a cohesive and immersive landscape that blends with the natural character of Kurraba Point. This ensures the site harmonises with its surroundings while softening the architectural elements with greenery.

The design is intentionally interconnected, with a continuous planted boundary that extends to upper-level planters to maintain visual and ecological continuity. The proposal introduces the addition of 3,296 new plants (as noted on the cover sheet of the landscape plan set DA01-D7323 – DA09-D7323), representing a significant net gain in green space and transforming the site's overall landscape.

At the rear, the landscape design prioritises the retention of the significant *Ficus Sp.*, the site's landmark feature specimen, and replaces the existing bitumen road hardscape with a revitalised green, enhancing biodiversity, permeability and visual appeal.

Streetscape and Existing Landscape Character

The Kurraba Road frontage retains most of the existing mature *Lophostemon confertus* trees. These trees provide an immediate sense of scale and visual softening for the new built form. The render diagram below illustrates both the retained trees and the proposed additional planning, offering a high-level projection of the enhanced landscape:



Existing Streetscape:



Proposed Streetscape (Indicative):



The proposed streetscape planting includes species such as *Betula nigra*, *Syzygium resilience*, *Rhaphiolepis indica* and *Waterhousea floribunda* that complement the existing landscape. The site's green condition is significantly enhanced with the introduction of a densely planted channel along Spains Wharf Road, featuring a dense grove of *Howea forsteriana* coupled with *Eleocarpus reticulatus* and *Tristaniopsis lucious*.

The street character of Kurraba Road denotes a landscape typology that includes large deciduous canopy street trees (*Lagerstroemia indica*, *Gleditsia Sp.*, *Sapium sebiferum*), alongside private gardens with a mix of trees such as Kentia Palms (*Howea Forsteriana*), Canary Island Date Palms (*Phoenix Canariensis*) and Frangipanis (*Plumeria acutifolia*). The proposed design incorporates key elements of this typology, retaining species such as *Howea* and *Plumeria* while introducing feature trees *Betula nigra* at either side of the building entry to visually connect with the street's established deciduous tree canopy coverage. The planting design has also been deliberately developed to ensure the proposed species align both horticulturally and aesthetically with the existing mature *Lophostemon confertus* trees, enhancing cohesion across the site.



Overall Impact & Site Transformation

The existing landscape is poorly maintained, fragmented, and lacks biodiversity, with large areas of bitumen and sparse, uncoordinated plantings. It provides minimal ecological or aesthetic value, failing to integrate with the surrounding environment. In contrast, the proposed design introduces a cohesive, high-quality landscape with diverse, climate-resilient species, enhanced greenery, and structured planting layers. It significantly improves biodiversity, permeability, and visual appeal, transforming the site into a functional, sustainable, and well-integrated green space.

Overall, the landscape design is highly responsive to the local climatic conditions and character of the immediate surrounds of Kurraba Point, Kurraba Road and neighbouring properties whilst significantly improving the quality of landscape compared to existing conditions.

If you require any further information, please contact the office.

Yours sincerely,

Tom Smith
Director, Landscape Architect (BLArch)
DANGAR BARIN SMITH



GYDE

Clause 4.6 Variation Request - Amended

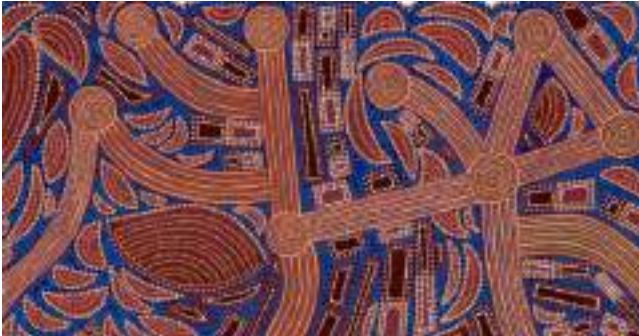
Clause 4.3 Height of buildings
93 Kurraba Road, Kurraba Point

Submitted to North Sydney Council
on behalf of Kessef Pty Limited

5 May 2025

gyde.com.au

Acknowledgment of Country



Towards Harmony by Aboriginal Artist Adam Laws

Gyde Consulting acknowledges and pays respect to Aboriginal and Torres Strait Islander peoples past, present, Traditional Custodians and Elders of this nation and the cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander people. We recognise the deep and ongoing connections to Country – the land, water and sky – and the memories, knowledge and diverse values of past and contemporary Aboriginal and Torres Strait communities.

Gyde is committed to learning from Aboriginal and Torres Strait Islander people in the work we do across the country.

This report was prepared by:

Approver: Stephen Kerr
Author: Robert Bisley
Project: P-23033
Report Version: Final - Amended post lodgement
This report was reviewed by: Stephen Kerr

Disclaimer

This report has been prepared by Gyde Consulting with input from a number of other expert consultants (if relevant). To the best of our knowledge, the information contained herein is neither false nor misleading and the contents are based on information and facts that were correct at the time of writing. Gyde Consulting accepts no responsibility or liability for any errors, omissions or resultant consequences including any loss or damage arising from reliance in information in this publication.

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Glossary and Abbreviations

Term/Acronym	Description
AS	Australian Standards
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
CEMP	Construction Environmental Management Plan
Council	North Sydney Council
CPTED	Crime Prevention through Environmental Design
DA	Development Application
DCP	Development Control Plan
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
The Regulations	Environmental Planning and Assessment Regulations 2021
ESD	Ecologically Sustainable Development
FSR	Floor Space Ratio
GFA	Gross Floor Area
INP	Industrial Noise Policy
LALC	Local Aboriginal Land Council
LEP	Local Environmental Plan
LGA	Local Government Area
NCC	National Construction Code
SEPP	State Environmental Planning Policy
WSUD	Water Sensitive Urban Design

1. Introduction

This amended request that has been prepared in accordance with Clause 4.6 of the North Sydney Local Environmental Plan 2013 (North Sydney LEP) to justify a variation to Clause 4.3 Height of buildings development standard for the accompanying residential flat building development application (DA) following amendments in response to feedback from North Sydney Council.

The development application accompanying this Clause 4.6 variation is seeking to demolish two existing residential flat buildings and construct a new residential flat building at 93 Kurraba Road, Kurraba Point (Subject site). As discussed later within this variation request, the exceedance is largely due to the sloping nature of the site, it is consistent with the existing built form and has been designed to avoid adverse impacts on neighbouring properties.

The objectives of Clause 4.6 are to provide an appropriate level of flexibility in applying a certain development standard to particular development, and to achieve better outcomes for and from development, by allowing flexibility in particular circumstances.

As the following request demonstrates, a better planning outcome would be achieved by exercising the flexibility afforded by Clause 4.6 in the circumstances of this application.

This request has been prepared having regard to the Department of Planning and Environment's Guidelines to Varying Development Standards (November 2023) and various recent decision in the New South Wales (NSW) Land and Environmental Court (LEC) and the NSW Court of Appeals (Appeals Court):

1. That the applicant has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case [clause 4.6(3)(a)]; and
2. That the application has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard [clause 4.6(3)(b)].

This request demonstrates that compliance with the maximum height of buildings development standard is unreasonable and unnecessary in the circumstances of the proposed alterations because the proposed height is consistent with the provisions of the Area Character Statement for Kurraba Point South within the North Sydney Development Control Plan (DCP) 2013 and that there are sufficient environmental planning grounds to justify the variation.

It is therefore considered appropriate in this circumstance to vary the development standard.

2. Standard to be Varied

The standard that is proposed to be varied is the height limit prescribed under Clause 4.3 Height of buildings, clause (2) within the North Sydney LEP.

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

The height limit prescribed within the Height of Building Map for the site is 12m as identified within Figure 1 below.



Figure 1 Height of Building Map with the subject site identified in red (Source: NSW ePlanning Spatial Viewer)

The development standard to be varied is not excluded from the operation of Clause 4.6 of the LEP.

3. Extent of Variation

Building height, according to the NSLEP (and standard instrument), means “*the vertical distance from ground level (existing) to the highest point of the building*”. There have been numerous cases in the Land and Environment Court that have examined the method of measuring building height under this definition, particularly when the existing ground level has been altered.

In *Bettar v Council of the City of Sydney* [2014] NSWLEC 1070 Commissioner O'Neill observed that the measurement of existing ground level in the case of an excavated site can result in an absurd height plane that has no relationship to the context of the site. In *Stamford Property Services Pty Ltd v City of Sydney* [2015] NSWLEC 1189 Commissioner Smithson observed this could lead to different height limits applying to adjoining buildings.

In *Merman Investments Pty Ltd v Woollahra Municipal Council* [2021] NSWLEC 1582 (*Merman*), Commissioner O'Neill reconciled the meaning of ground level (existing) with the potentially absurd height plane that might result by finding that the ground level (existing) within the footprint of an existing building is the extant excavated ground level on the site, and that prior excavation of a site within the footprint of an existing building, which distorts the height of buildings development standard plane overlaid above the site when compared to the topography, can properly be described as an environmental planning ground within the meaning of cl 4.6.

Consistent with the decision in *Merman*, the height of the proposed building has been measured from the extant ground level, and where this gives a result that is not in keeping with the immediate context, is relied upon as an environmental planning ground to justify the variation.

This is relevant in the south western and north eastern corners of the site where the lowest floor of the existing residential flat building and the garage floor is marginally below the nearest corresponding spot levels outside of the building footprint.

The following table identifies the 'building height' at different places on the building according to the 'extant' ground level (determined from the survey) immediately below each place.. These are the parapet on the roof of the building, the top of the balustrade on level 3 of the building and the top of the screen around the proposed air conditioning condensers on the roof of the building. They are identified in Figure 2 below.

Table 1 Building height measured at the location illustrated in Figure 2.

Item	Description	Proposed RL	Existing ground level	Resulting building height	Extent of variation
1	Parapet at roof level.	RL 40.30	RL 25.54	14.76m	2.76m / 23%
2	Balustrade at L3	RL 37.54	RL 25.27	12.27m	0.27m / 2.2%
3	Screen around AC	RL 41.22	RL 28.66	12.56m	0.56m / 4.7%

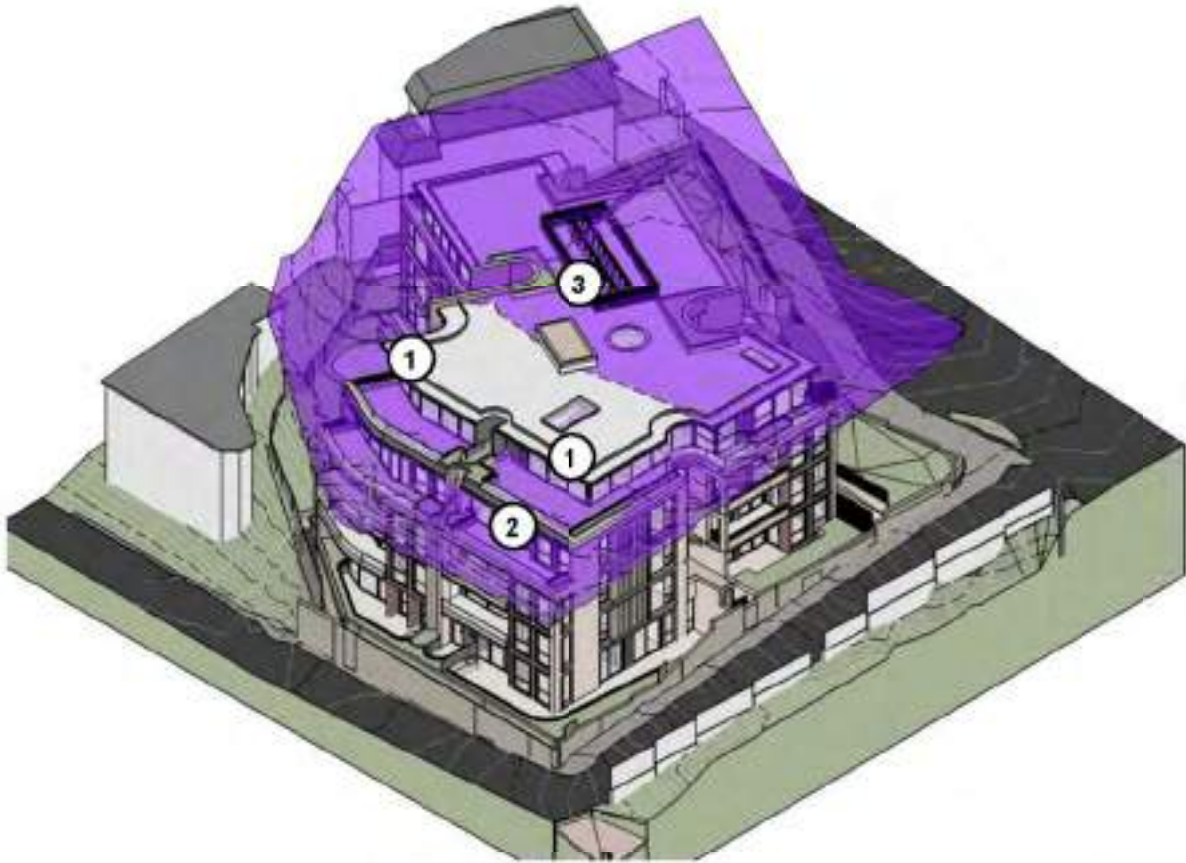


Figure 2 - Height plane diagram illustrating the variations of the height control and the locations referred to in Table 1.

4. Unreasonable or Unnecessary

In this section it is demonstrated why compliance with the development standard is unreasonable or unnecessary in the circumstances of this case as required by Clause 4.6(3)(a) of the LEP.

The Court held that there are at least five (5) different ways, and possibly more, through which an applicant might establish that compliance with a development standard is unreasonable or unnecessary. See *Wehbe v Pittwater Council* [2007] NSWLEC 827 (*Wehbe*).

The five (5) ways of establishing that compliance is unreasonable or unnecessary are:

3. The objectives of the development standard are achieved notwithstanding non-compliance with the standard; (First Test)
4. The underlying objectives or purpose is not relevant to the development with the consequence that compliance is unnecessary; (Second Test)
5. The objectives would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable; (Third Test)
6. The development standard has been virtually abandoned or destroyed by the Council's own actions in granted consents departing from the standard hence the standard is unreasonable and unnecessary; (Fourth Test) and
7. The zoning of the land is unreasonable or inappropriate. (Fifth Test)

It is sufficient to demonstrate only one of these ways to satisfy Clause 4.6(3)(a) (*Wehbe v Pittwater Council* [2007] NSWLEC 827, *Initial Action Pty Limited v Woollahra Municipal Council* [2018] NSWLEC 118 at [22] and *RebelMH Neutral Bay Pty Limited v North Sydney Council* [2019] NSWCA 130 at [28]) and *SJD DB2 Pty Ltd v Woollahra Municipal Council* [2020] NSWLEC 1112 at [31]).

In this case, it is demonstrated that the First Test has been satisfied.

4.1 The objectives of the development standard are achieved notwithstanding non-compliance with the standard.

The following table considers whether the objectives of the development standard are achieved notwithstanding the proposed variation (First Test under *Wehbe*).

Table 2 Consistency with Objectives of clause 4.3 Height of Buildings

Objective	Demonstration
4.3 Height of Buildings	
1. The objectives of this clause are as follows –	
(a) to promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient,	<p>The subject site falls approximately 9m from Kurraba Road to Wallaringa Ave at the rear inclusive of an existing stone retaining wall approximately 2m high on the Wallaringa Ave frontage.</p> <p>The proposal reflects the natural landform and avoids dominating Wallaringa Road by stepping back the two top floors as illustrated in the photomontage in Figure 8 below. As demonstrated in Figure, the resulting building form responds to the 3 storey datum created by the apartment building adjoining the northern boundary of the site while the 2 top floors recede from the street boundary.</p>

Objective	Demonstration
	<div></div> <div>Figure 3: Photomontage from Wallaringa Ave (Source: Architectural Plans)</div>
(b) to promote the retention and, if appropriate, sharing of existing views,	<div><p>The predominant views that may have been impacted from the proposal are from the eastern side of Kurraba Road looking through the site towards Sydney Harbour from a neighbouring residential dwelling. To understand the impact of the proposal, a view comparison has been prepared as part of the Design Statement. Figure 4 and Figure 5 below compare the impact of the proposal against the existing built form.</p></div> <div><div></div><div>Figure 4 Existing views from 152 Kurraba Road towards Sydney Harbour (Source: Design Statement)</div></div>



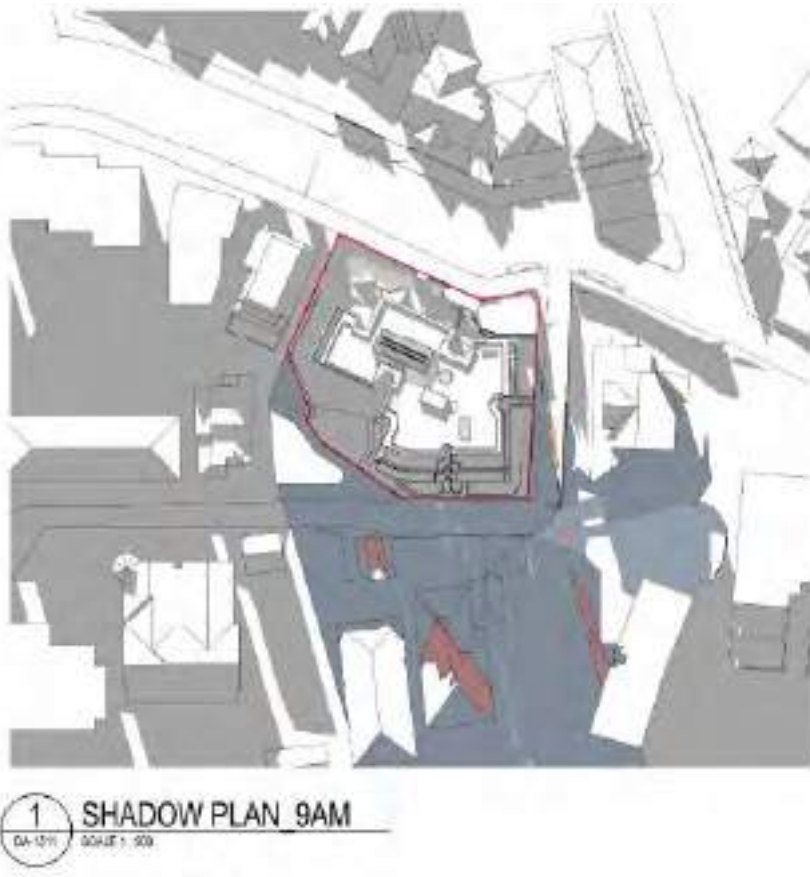
Figure 5 Proposed views from 152 Kurraba Road towards Sydney Harbour (Source: Design Statement)

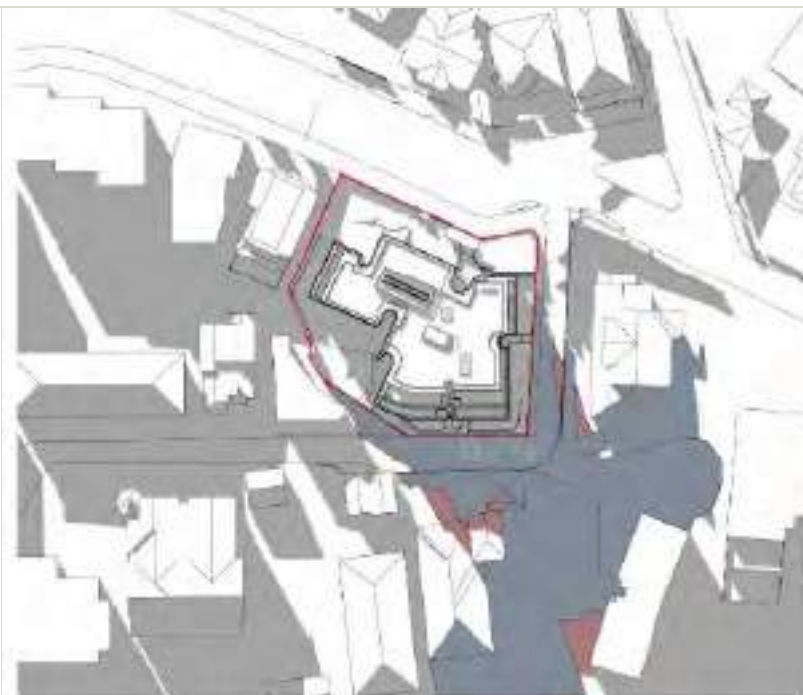


Figure 6 Existing views through the site towards Sydney Harbour (Source: Design Statement)



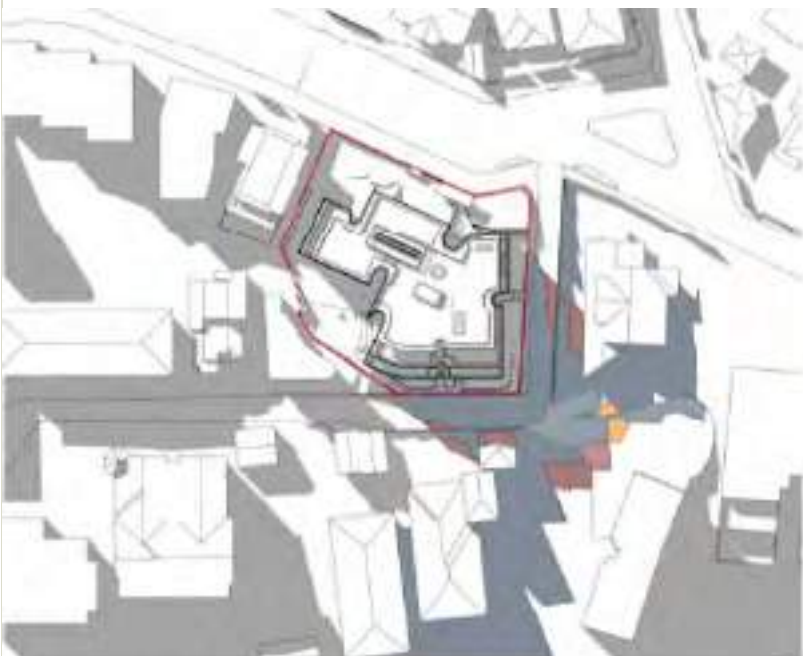
Figure 7 Proposed views through the site towards Sydney Harbour (Source: Design Statement)

Objective	Demonstration
	<p>As identified within Figure 4 to Figure 12, the proposal will have very minimal changes to the view lines passing through the site. Of the buildings immediately east of the proposal, that being 148, 150, 152 and 154 Kurraba Road, all of these buildings are 1 to 2 storey dwellings, none of which had sight lines through or over the site.</p> <p>The height of the proposed building will not impact on the sight lines or views from nearby properties for vantage points along Kurraba Road. Adherence to the control would not alter the visual impacts or view lines through the site.</p> <p>Note that the relocated rooftop plant is not visible from any surrounding vantage points due to its central location on the roof.</p>
<p>(c) to maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development,</p>	<p>The proposal will result in minor shadows being cast on adjoining properties. Figure 8 to Figure 14 below identify the overshadowing impacts on the adjoining properties to the south and west of the proposal.</p>  <p>Figure 8 Solar impacts mid winter on the adjoining properties. Maroon colour indicates increased solar impact. Orange indicates lesser impact. Blue indicates no change.</p>



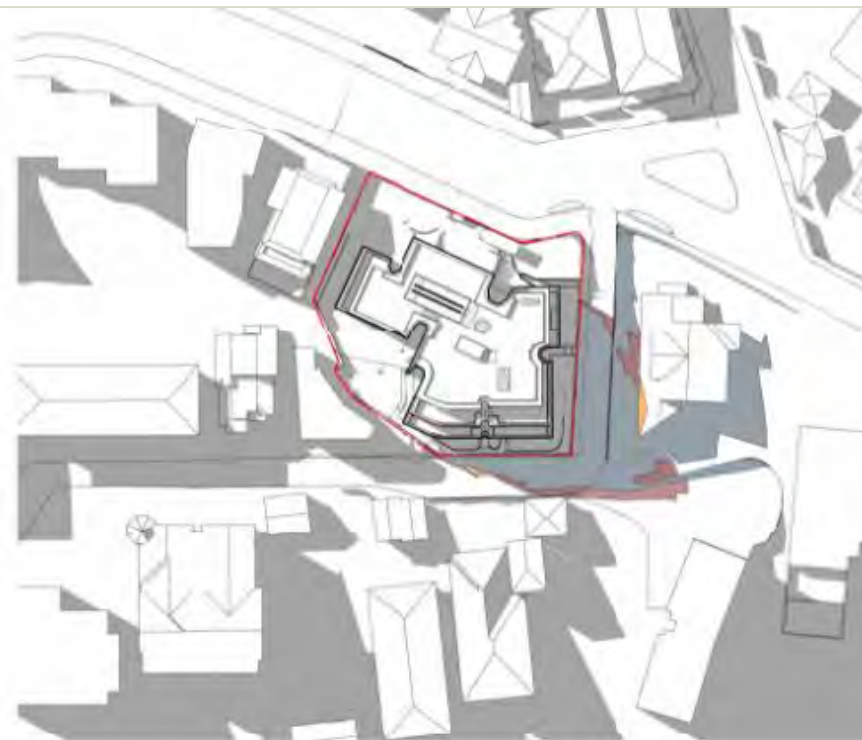
2 SHADOW PLAN 10AM
DA-1011 SCALE 1:500

Figure 9 Solar impacts mid winter on the adjoining properties. Maroon colour indicates increased solar impact. Orange indicates lesser impact. Blue indicates no change.



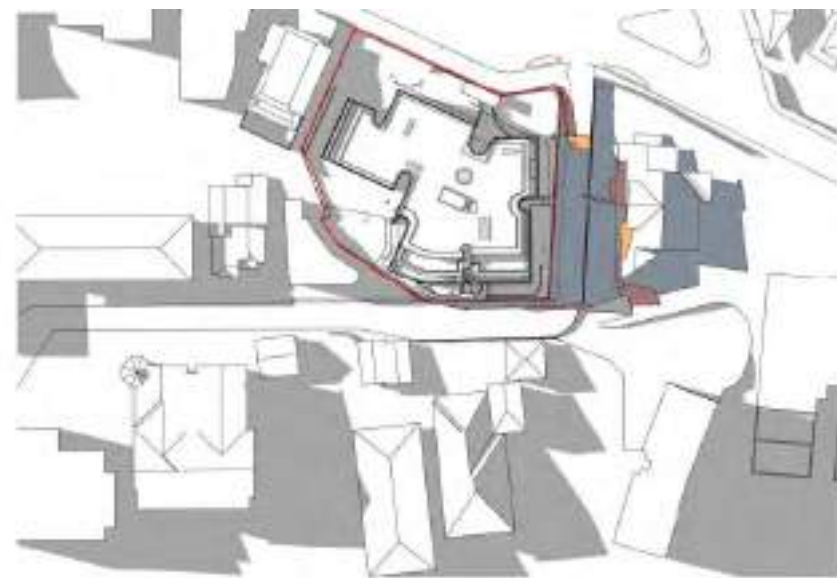
3 SHADOW PLAN 11AM
DA-1011 SCALE 1:500

Figure 10 Solar impacts mid winter on the adjoining properties. Maroon colour indicates increased solar impact. Orange indicates lesser impact. Blue indicates no change.



4 SHADOW PLAN 12PM
DA-1511 SCALE 1:900

Figure 11 Solar impacts mid winter on the adjoining properties. Maroon colour indicates increased solar impact. Orange indicates lesser impact. Blue indicates no change.



5 SHADOW PLAN 1PM
DA-1509 SCALE 1:900

Figure 12 Solar impacts mid winter on the adjoining properties. Maroon colour indicates increased solar impact. Orange indicates lesser impact. Blue indicates no change.

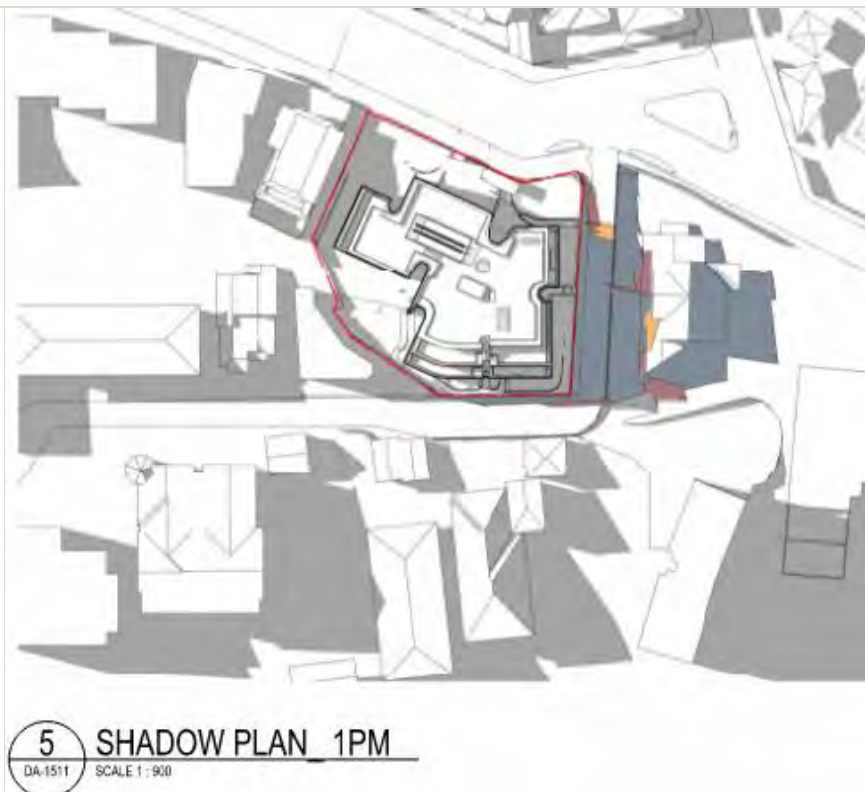


Figure 13 Solar impacts mid winter on the adjoining properties. Maroon colour indicates increased solar impact. Orange indicates lesser impact. Blue indicates no change.



Figure 14 Solar impacts mid winter on the adjoining properties. Maroon colour indicates increased solar impact. Orange indicates lesser impact. Blue indicates no change.

Objective	Demonstration
	<p>The impact of the proposal on the southern and western neighbours is minor and almost all overshadowing is consistent and contained within the shadow envelope of the existing built form.</p> <p>For neighbouring properties, there is a slight increase in overshadowing to a living room window and private open space of 1/95 Kurraba Road to the south of the proposal, The remainder of the overshadowing impacts to neighbouring properties are contained across roof lines.</p> <p>95 Kurraba Road comprises an original dwelling subdivided into a 2 lot strata plan. The northern half of the site (on Spains Wharf Road) is referred to as 1/95 Kurraba Rd and the southern half is referred to as 2/95 Kurraba Rd. There is a minor change to the overshadowing of unit 1.</p> <p>1/95 Kurraba Rd has two distinct courtyards. The northern courtyard runs along Spains Wharf Road and the north eastern courtyard is situated on the corner of Kurraba and Spains Wharf Road. The two courtyards are separated by a significant level change. The large window on the west end of the ground level is for a kitchen and living room.</p> <p>In regard to the private open space ("POS") of 1/95 Kurraba Rd the following analysis is provided:</p> <ul style="list-style-type: none"> • The POS receives sunlight for the full duration of the day: <ul style="list-style-type: none"> – Entire POS from 9-11am – north east section from 9am-2pm – north west section from 2-3pm • Parameters used for review: <ul style="list-style-type: none"> – North Sydney DCP 1.3.7 – noting 'Principal private open space' – City of Sydney "Minimising overshadowing of neighbouring apartments' Documentation Guide noting measurement to align with ADG – ADG 4A-1 design guidance #5: to maximise the benefit of direct sunlight within living rooms and private open spaces, a minimum of 1m² of direct sunlight, measured at 1m above floor level, is achieved for at least 15 minutes. • The proposed building results in a better solar outcome than the permissible envelope • Any additional impact to the POS compared to existing is a result of the allowable LEP height plane and DCP envelope. Where the proposal protrudes out of the height plane, there will be no additional impact on the POS. <p>In regard to the living room window, the following analysis is provided:</p> <ul style="list-style-type: none"> • The additional impact between 1-3pm is a result of the allowable LEP height plane and DCP envelope. • The existing building allows solar access until 11:30am, while the proposed allows access until 12:15pm and therefore morning sunlight is improved. • Solar access is maintained for a minimum of 3 hours as required under the North Sydney DCP (clause 1.3.7). <p>The proposed approach is consistent with the guidelines of the North Sydney DCP by providing a minimum of 3 hours between the hours of 9.00am and 3.00pm to neighbouring solar panels, windows of main internal living areas, principal private open space areas; and any communal open space areas.</p>

Objective	Demonstration
(d) to maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings,	<p>The proposal is surrounded by a number of residential properties with windows and balconies facing the site. Adjoining properties are surrounded by streets on the east, south and western sides, presenting significant separations from adjoining properties. The building separations remove the potential for direct view lines to or from the proposal into neighbouring property's windows and doors.</p> <p>Along the northern aspect of the proposal there is a residential building adjoining the site. To manage the impact with the northern neighbouring property the following design features have been included to minimise privacy impacts:</p> <ul style="list-style-type: none"> • an appropriate setback has been incorporated, • The proposal responds to the topography of the site, with much of the building being constructed below the neighbouring property. • Windows and balconies have been orientated where possible to not directly face this neighbour • Significant landscaping has been located within this setback to minimise sight lines. <p>The proposal does not create any privacy impacts. Furthermore, the proposed height exceedance does not result in any privacy impacts.</p>
(e) to ensure compatibility between development, particularly at zone boundaries,	<p>The proposal is zoned R4 High Density Residential Development. Surrounding the development is a mix of R3 Medium Density Residential and R4 High Density Residential land. Both the R3 and R4 zones encourage residential development with residential flat buildings being a permissible use. The contravention does not alter the compatibility of the proposal with the adjoining sites.</p>
(f) to encourage an appropriate scale and density of development that is in accordance with, and promotes the character of, an area,	<p>The Kurraba Point South Area Character Statement that desired future character of the area is:</p> <p><i>P1 Primarily medium to high density residential accommodation, generally comprising attached dwellings, multi dwelling housing and residential flat buildings according to zone.</i></p> <p><i>P2 Limited opportunities for low density housing, generally comprising dwelling houses and dual occupancies.</i></p> <p><i>P3 Any increases in density should be concentrated in the vicinity of Kurraba Wharf.</i></p> <p>The proposal is consistent with the desired character of the Kurraba Point South Area as it proposes high density residential accommodation.</p> <p>The proposal will deliver high density residential flat building concentrated in close proximity to Kurraba Wharf (approximately 200m).</p> <p>The delivery of the proposal will encourage character consistent with the established character within the area (that being high density residential development). The exceedance will not inhibit the delivery of development consistent with the Kurraba Point South Area Character Statement.</p>

Objective	Demonstration
(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.	N/A. The subject site is zoned R4 High Density Residential.

As demonstrated in Table 2 above, the objectives of Clause 4.3 Height of Buildings development standard.

4.2 The underlying objectives or purpose is not relevant to the development with the consequence that compliance is unnecessary.

The underlying objective or purpose is relevant to the development and therefore is not relied upon.

4.3 The objective would be defeated or thwarted if compliance was required with the consequent that compliance is unreasonable.

The objective would not be defeated or thwarted if compliance was required. This reason is not relied upon.

4.4 The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence the standard is unreasonable and unnecessary.

While we wouldn't say that the standard has been abandoned by Council, we do note there are numerous examples of similar variations granted on sloping sites.

4.5 The zoning of the land is unreasonable or inappropriate.

The zoning of the land is reasonable.

5. Sufficient Environmental Planning Grounds

In *Initial Action Pty Ltd v Woollahra Council [2018] NSWLEC 118*, Preston CJ observed that in order for there to be 'sufficient' environmental planning grounds to justify a written request under Clause 4.6 to contravene a development standard, the focus must be on the aspect or element of the development that contravenes the development standard, not on the development as a whole.

In *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90*, Plain J observed that it is within the discretion of the consent authority to consider whether the environmental planning grounds relied on are particular to the circumstances of the proposed development on the particular site.

The environmental planning ground to justify the departure of the Height of buildings development standard are as follows:

1. The contravention of the standard does not result in any material adverse environmental impacts to adjoining properties and the proposal has been designed to respond to the existing and desired future built form character of the area.
2. The existing RFB on the site contains a RL higher than the proposal, which also exceeds the height of building standard (illustrated in Figure 15, ensuring that the amenity impacts resulting from the exceedance are consistent with the current impacts.
3. The site has unique features. It is steeply sloping with a 5m fall from the Kurraba Road boundary to the Wallaringa Avenue boundary, it is irregularly shaped and is bounded by public roads along its southern, eastern and western frontages. The proposal is highly influenced by these features. The setbacks along frontages and setting back of the built form to align with the topography of the site minimises amenity impacts on neighbours while addressing each of the 3 street frontages as sought by the NSDCP.
4. The greatest exceedance of the building height control occurs on the trailing edge of the building where the ground level falls away. On the higher part of the site (the Kurraba Road frontage) the building is below the maximum permitted height. As a result, the offending part of the building is hidden behind the compliant part of the building and therefore causes no view loss.
5. The proposed development is compatible with adjoining residential development, is highly articulated and features a mix of materials, colours and landscaping which make it visually sympathetic to neighbouring buildings.
6. The 2 most upper storeys are setback back from the edge of the building to mitigate the visual impact that might otherwise be caused by the height variation. Importantly, the variation to the height of building development standard does not result in any unreasonable impacts to residential amenity, solar access, views or privacy. Accordingly, the proposal achieves objective 1.3 (g) of the EP&A Act, "to promote good design and amenity in the built environment".
7. The proposal, as amended, continues to promote good design and amenity of the built environment, resulting in improved urban design and amenity considerations for both the local community and future occupants of the building.
8. The ground levels below the existing apartment buildings are marginally below the surrounding topography which exaggerates the numerical departure in a non-sensical fashion.
9. The contravention does not detract from the achievement of the objectives of the height of buildings development standard

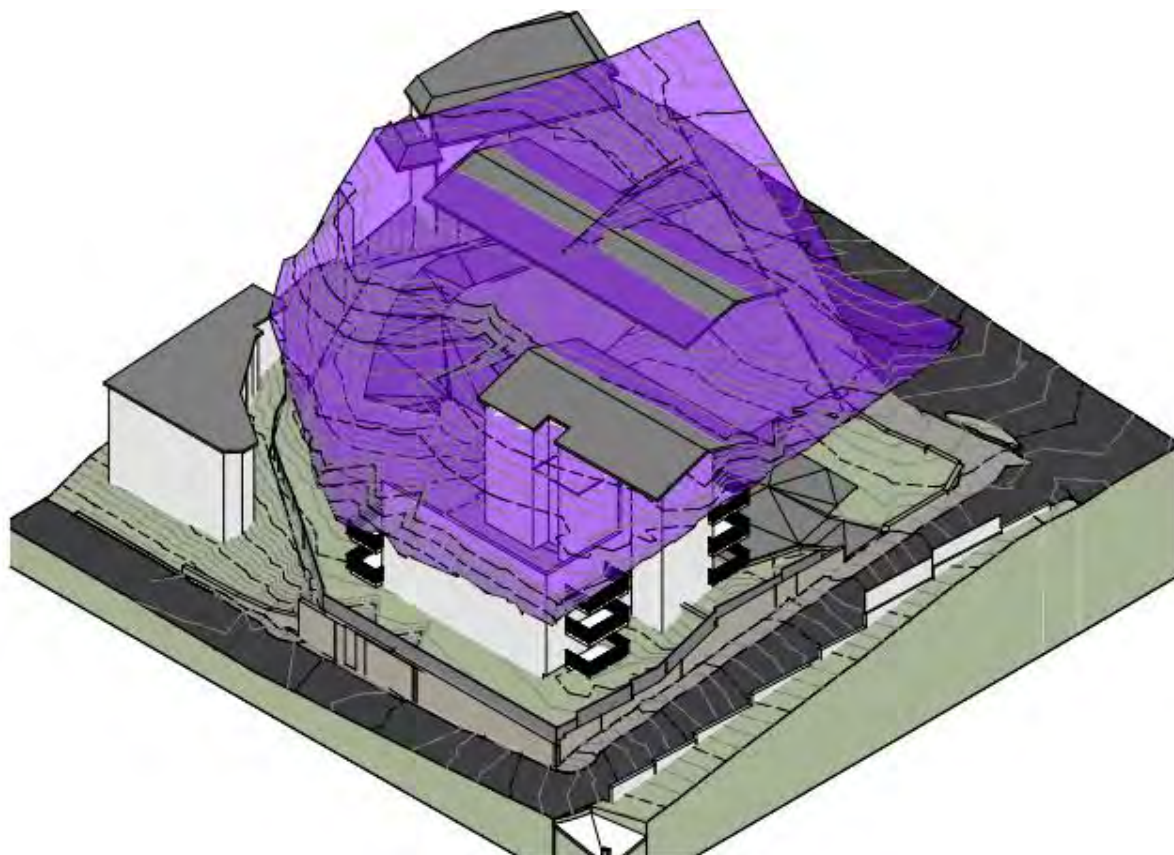


Figure 15 Height plane diagram illustrating the existing development on the site.

For completeness, we note that the size of the variation is not in itself, a material consideration as whether the variation should be allowed. There is no constraint on the degree to which a consent authority may depart from a numerical standard under clause 4.6: *GM Architects Pty Ltd v Strathfield Council [2016] NSWLEC 1216 at [85]*.

In short, Clause 4.6 is a performance-based control, so it is possible (and not uncommon) for variations to be approved in the right circumstances.

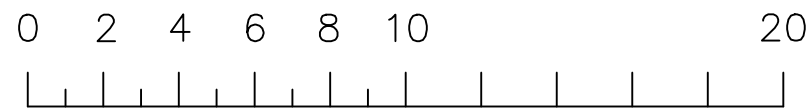
6. Conclusion

This submission requests a variation, under clause 4.6 of the North Sydney LEP 2013, to clause 4.3 Height of buildings development standard which demonstrates that:

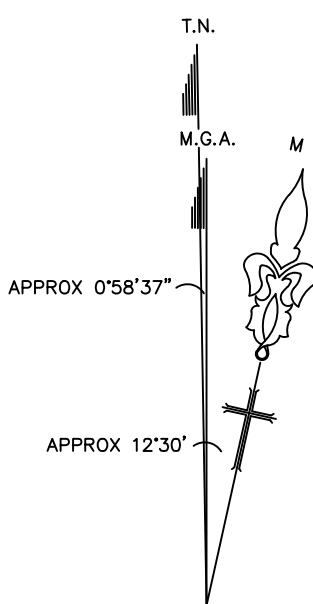
- Compliance with the development standard would be unreasonable and unnecessary in the circumstances of this case;
- There are sufficient environmental planning grounds to justify the contravention.

The consent authority can be satisfied to the above and that the development achieves the objectives of the development standard and is consistent with the objectives of the R4 zone notwithstanding non-compliance with the height of buildings development standard and is therefore in the public interest.

On this basis it is appropriate to exercise the flexibility provided by clause 4.6 in the circumstances of this application and therefore, for the determining authority to support the application for approval.



(A) EASEMENT FOR DRAINAGE 1.22 WIDE - BK 2005 NO.740



LEGEND

Building	BALC	Balcony Height
Walls	BOL	Bollard
Kerb Bottom	BS	Bus Stop
Concrete edge	BW	Bottom of Window
Kerb top	C/Box	Control Box
Barrier	CHIM	Chimney Height
Hedge	ER	Earth Rod
Fence	E/Box	Elec. Control Box
Overhead Powerline	FH	Fire Hydrant
Manholes	FFL	First Floor Level
Survey Station & Name	FL	Ground Floor Level
Bench Mark	GU	Gully
Sapling	GM	Gas Meter
Tree, 12/0.5/10 (Spread/Trunk/Height) Diameter Dia.	GV	Gas Valve
Area Of Undergrowth	HT	Height
Gate	IC	Inspection Cover
IC Inspection chamber	LFL	Lower Floor Level
CL Cover level	MH	Manhole
IL Invert level	PARA	Parapet Height
Inv Ø0.25 Pipe invert (diameter)	PP	Power Pole
GU Gully	SFL	Second Floor Level
Back Gully	SIL	Sewer Inspection Lid
	SP	Sign Post
	SV	Stop Valve
	SVP	Sewer Vent Pipe
	TD	Top of Door
	TDW	Top of Door/Window
	TEL	Telecommunications
	TG	Top of Gutter
	TL	Traffic Light
	TW	Top of Window
	TOF	Top of Fence
	TOW	Top of Wall
	UND	Underside Height
	WM	Water Meter
	W-B	Wall to Boundary
Beam	B	Beam Height
Walls	CH	Ceiling Height
Door	CI	Window Cill Height
Window	FL	Floor Level
	HD	Window Head Height
	HT	Height
	TD	Door Height

NOTES:

1. ALL DIMENSIONS AND LEVELS SHOULD BE CHECKED ON SITE PRIOR TO DESIGN AND CONSTRUCTION.
2. THE INFORMATION ON THIS SURVEY IS TO BE USED FOR DA PURPOSES ONLY.
3. IF THERE IS ANY POINT OR FEATURE (e.g. FLOOR LEVEL, WALL POSITION, ROOF OR RIDGE HEIGHT ETC) CRITICAL TO THE PREPARATION OF DESIGN PLANS OR CONSTRUCTION, THAT POINT OR FEATURE SHOULD BE MADE KNOWN TO US SO ITS ACCURACY CAN BE CONFIRMED PRIOR TO THE COMPLETION OF DESIGN PLANS OF COMMENCEMENT OF CONSTRUCTION.
4. SOME STRUCTURES AND FEATURES ARE APPROXIMATE ONLY. IF USED FOR DESIGN CONFIRMATION OF ACCURACY SHOULD BE CONFIRMED.
5. FENCES ARE APPROXIMATE ONLY UNLESS SPECIFICALLY DIMENSIONED TO BOUNDARY.
6. SURVEY MARKS MUST BE PLACED PRIOR TO CONSTRUCTION OR ERECTION OF FENCES.
7. TREE INFORMATION HAS BEEN SURVEYED FROM GROUND LEVEL AND THEREFORE SHOULD BE TREATED AS APPROXIMATE ONLY. THE EXTENT OF THE CANOPY IS APPROXIMATE AND DIAGRAMMATIC ONLY.
8. STAIR RISES, STEPS AND LANDINGS HAVE NOT BEEN INDIVIDUALLY LOCATED AND ARE DIAGRAMMATIC ONLY.
9. THE RECORDS OF THE SERVICE PROVIDERS HAVE NOT BEEN INVESTIGATED. ONLY THOSE SERVICES THAT ARE VISIBLE AND ACCESSIBLE AT THE DATE OF SURVEY HAVE BEEN SHOWN.
10. SERVICES SHOWN ARE INDICATIVE ONLY. OTHER SERVICES MAY EXIST THAT ARE NOT SHOWN. THEREFORE FIELD CONFIRMATION SERVICE LOCATORS SHOULD BE OBTAINED TO CONFIRM EXACT POSITION AND DEPTH.
11. SITE AREA SHOWN HAS BEEN CALCULATED BY SURVEY.
12. A SITE AND BOUNDARY SURVEY HAS BEEN CARRIED OUT.
13. ORIGIN OF LEVELS IS SSM 21728, RL=35.191 A.H.D.
14. BEARINGS ARE ON M.G.A.

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PROJECT

SHOWING SELECTED LEVELS & DETAIL
AND BOUNDARY IDENTIFICATION SURVEY
OF LOT 1 IN DP 230889 BEING
93 KURRABA ROAD, KURRABA POINT

CLIENT	HFO CAPITAL	REGISTERED SURVEYOR	PAUL CECHELLERO
LGA	NORTH SYDNEY	ID NUMBER:	757
SCALE	1:200	SIGNATURE	<i>P. Cechellero</i>
SURVEY DATE	06/06/2022	DRAWN/PAPER SIZE	AR/A0
		DRAWING No.	63949001A

DATE	REV.	AMMENDMENTS
06/06/22	'A'	FIRST ISSUE