NSLPP MEETING HELD ON 25/06/2025

Attachments:
1. Site Plan
2. Architectural Plans
3. Clause 4.6 Statement
4. View Loss Assessment
5. Survey Plan

ADDRESS/WARD:	65 Victoria Street, McMahons Point 2060 (E)
APPLICATION No:	27/25
PROPOSAL:	Alterations and additions to an existing semi-detached dwelling
PLANS REF:	Refer to Condition A1
OWNER:	Leanne Marie Misener & Anthony Joseph Markey
APPLICANT:	Barr Property & Planning
AUTHOR:	Rachel Wu, Assessment Officer
DATE OF REPORT:	26 May 2025
DATE LODGED:	3 March 2025
RECOMMENDATION:	Approval, subject to conditions

EXECUTIVE SUMMARY

This development application seeks approval for alterations and additions to an existing semi-detached dwelling and is reported to North Sydney Local Planning Panel for determination as the application has received more than 10 submissions.

Notification of the proposal has attracted eighteen (18) submissions raising particular concerns about iconic view impact, visual and acoustic privacy, shadow impact, lack of building separation, insufficient and inadequate Clause 4.6, bulk and scale, uncharacteristic design with streetscape, impact on heritage items in vicinity; and low level of landscape ratio for subject site. The assessment has considered these concerns as well as the performance of the application against Council's planning requirements.

The subject site forms a pair of semi-detached dwellings with No.63 Victoria Street to the west which was approved under DA6/24 for alterations and a first-floor addition. Under Part C of NSDCP 2013, the desired future character of the subject locality 'McMahons Point Business Precinct' in terms of residential dwellings is for 'modern medium density attached dwellings and some 3-4 storey inter-war and post war residential flat buildings according to zone". Furthermore, the desired built form is for "Attached dwellings have symmetrical facades". The proposal is consistent with the scale and density envisaged in the area and seeks a highly symmetrical front façade to No.63 Victoria Street.

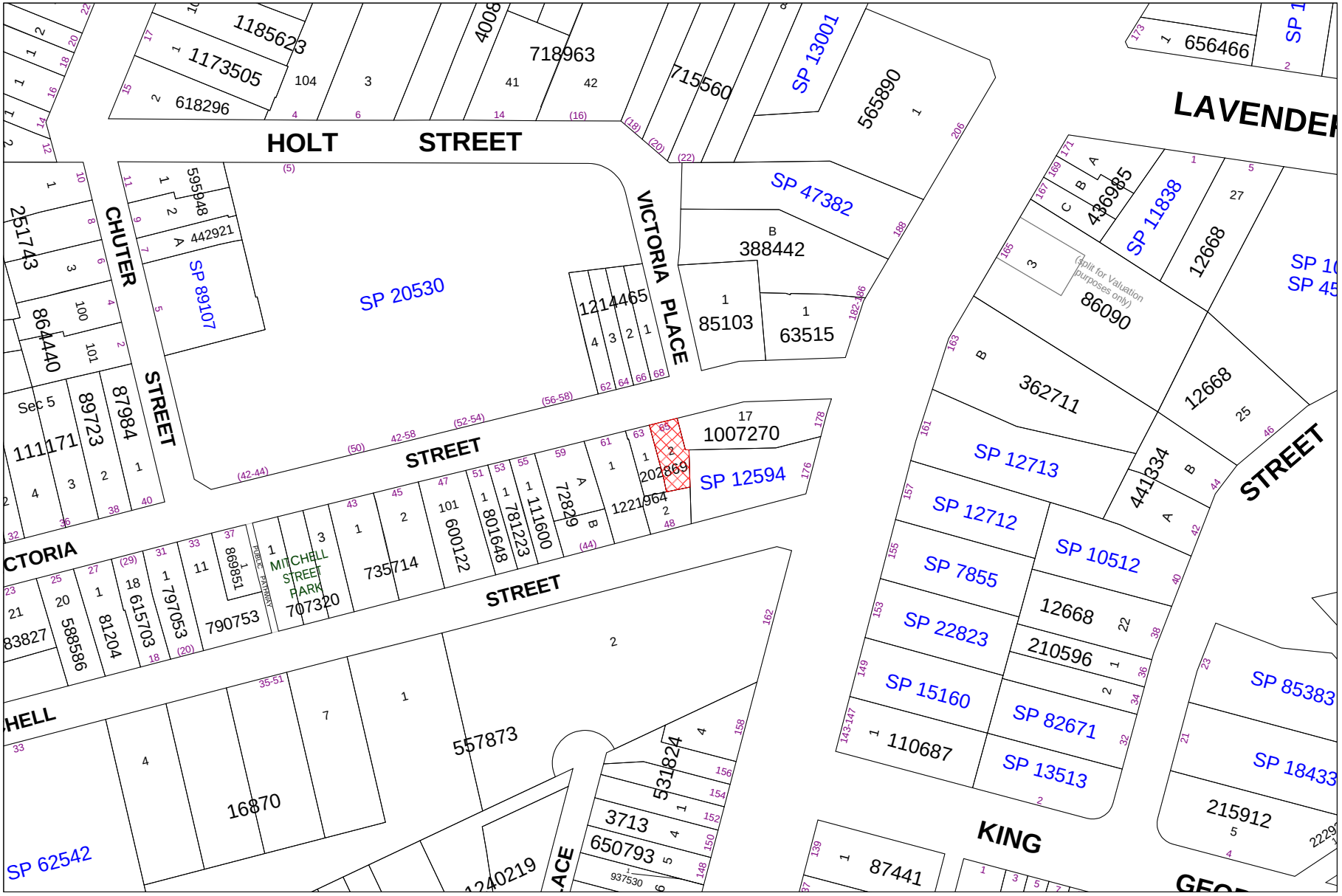
The subject site is not a heritage item, nor a contributory item, nor is it located within a conservation area. However, it is located opposite a group of Victorian style heritage-listed terraces located at No.62-68 Victoria Street, specifically No.66 and No.68 Victoria Street; a two-storey weatherboard heritage-listed dwelling to the south of the subject site at 48-50 Mitchell Street; a two-storey stone and brick heritage-listed restaurant to the east at No.178 Blues Point Road, with covered roof terrace and outdoor seating on the Blues Point Road frontage; and a heritage-listed apartment complex named Clifton Flats, containing four units to the southeast at No.176 Blues Point Road. Council's Conservation Planner raised no objections to the proposal subject to recommended conditions located at the end of the report regarding the proposed arched entry to match the height of that approved at No.63 Victoria Street under DA6/24, and for the roofing to be a traditional corrugated profile roofing.

The streetscape reflects a highly urbanised character with modern attached housing and low-rise Interwar residential flat buildings and some light industrial and commercial buildings, within narrow streets and limited street tree plantings. The surrounding locality has views to the water and foreshore (Balls Head Bay and Lavender Bay) and distant views of North Sydney and Sydney CBD's and Sydney Harbour (including the Sydney Harbour Bridge) – particularly along Mitchell Street and Victoria Street. The subject site is situated lower than the properties to the immediate north due to the sloping topography and higher than the developments to the south. An assessment of the proposal against the principle of Tenacity found the view impacts to No.62-68 Victoria Street, and dwellings on Holt Street to be reasonable.

The proposed height is 8.97m from the existing lower ground floor level (RL44.13) to the proposed roof (RL53.10). The variation is 0.47m (5.5%) above the maximum height of building control under Clause 4.3 of *NSLEP 2013*. The Applicant has submitted a Clause 4.6 to support the proposal.

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

LOCATION MAP



Property/Applicant ● Submitters - Properties Notified

DESCRIPTION OF PROPOSAL

The proposed development is for alterations and additions to an existing semi-detached dwelling at 65 Victoria Street, McMahons Point. The proposed development includes the following works:

- Demolition works:
  - o Internal demolition to lower ground and ground floor
  - o External demolition to:
    - ▪ Ground floor front balcony and associated structural supports.
    - ▪ Ground floor and lower ground floor rear walls
- Internal alterations to lower ground and ground floor
- External alterations for:
  - o Ground floor front balcony, balustrade, steel supports and sloped apron awning.
  - o Ground floor rear bathroom extension
- Addition of first floor including:
  - o Internal living areas
  - o Front Juliette balcony
  - o Curved dormer to front façade
  - o Vaulted roof design
  - o Landscaped planter box

Figure 1: Proposed street elevation (north)

Figure 2: Proposed southern elevation (rear)

Figure 3: Proposed Eastern Elevation

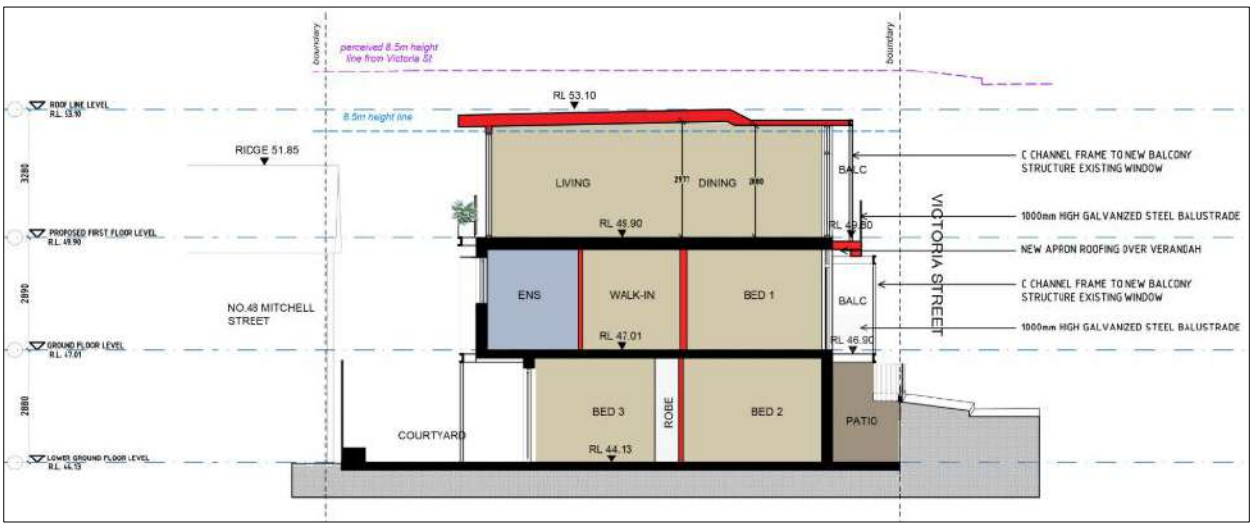


Figure 4: Proposed Long Section

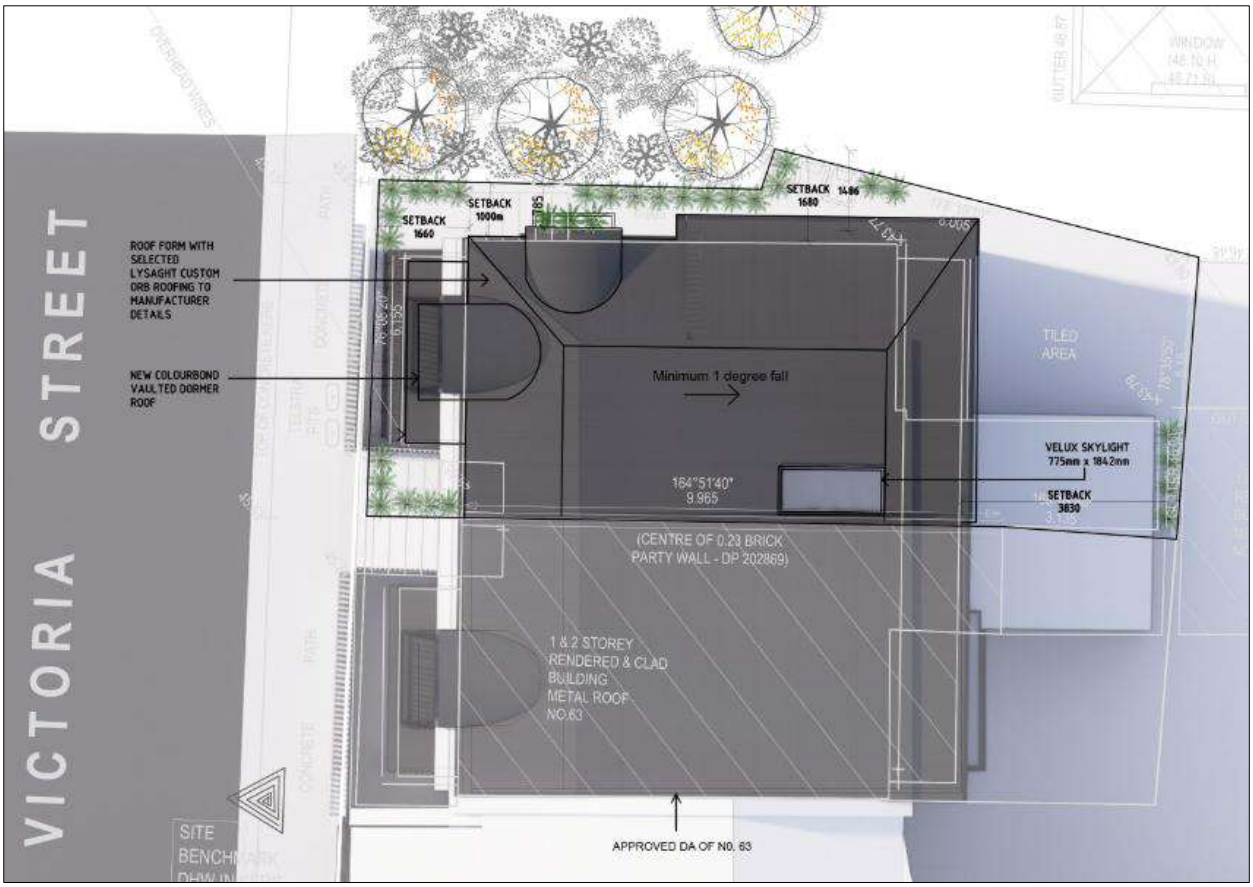


Figure 5: Proposed Roof Plan

STATUTORY CONTROLS

Environmental Planning & Assessment Act 1979 (as amended)
Environmental Planning & Assessment Regulation 2021
SEPP (Biodiversity and Conservation) 2021
SEPP (Sustainable Buildings) 2022
SEPP (Resilience and Hazards) 2021

North Sydney Local Environmental Plan 2013 (NSLEP 2013)

- Zoning – E3 Productivity Support
- Item of Heritage – No
- Conservation Area - No
- In Vicinity of Item of Heritage - Yes, rear boundary of site adjoins heritage item I0480 (No. 48-50 Mitchell Street 'house') and across the road from heritage items I0511, I0512, I0513 and I0514 (No.'s 62, 64, 6 and 68 Victoria Street 'house'); adjoining to the east heritage item I0421 (No.178-180 'restaurant'); adjoining to the southeast heritage item I0420 (No.176 Blues Point Road 'Clifton Flats')
- Foreshore Building Line - No
- Local Development

POLICY CONTROLS

Housing Productivity Contribution

The Ministerial Order for Housing Productivity Contribution came to effect on 1 July 2024. The order applies to land that includes the Greater Sydney Region in which North Sydney Council is located. The proposal does not involve the creation of a new dwelling lot. Therefore, the application is not subject to a contribution in accordance with Clause 7 of the *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2024*.

North Sydney Development Control Plan 2013 (NSDCP 2013)
North Sydney Local Infrastructure Contributions Plan 2020

DESCRIPTION OF LOCALITY

The subject site is legally identified as Lot 2 in DP202869, commonly referred to as No.65 Victoria Street, McMahons Point. The site is irregular in shape and located to the south of Victoria Street with an area of 88.5sqm as stipulated in the deposited plan. The site has a frontage of 6.155m and shares a party wall with No.63 Victoria Street to the west. The two dwellings form a semi-detached pair that is symmetrical. Existing on site is a one and two storey rendered and clad building with metal roof with paving at the rear. No vehicular parking exists on site. The site has a fall of approximately 1.5m from the northeast corner to the southeast corner of the site.

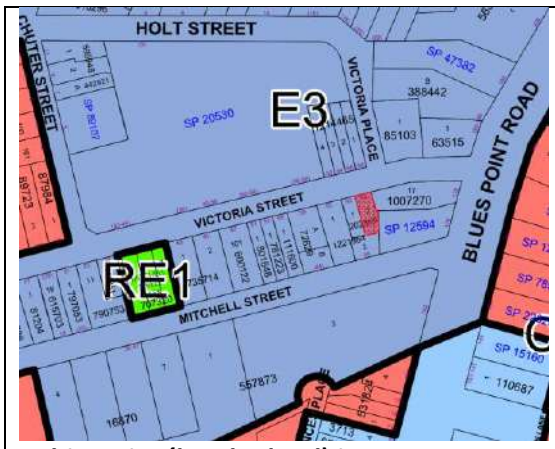
The immediate locality features a diverse range of land uses from light industrial, retail and commercial uses scattered amongst medium-high density residential properties. The streetscape reflects a highly urbanised character with modern attached housing and low-rise Interwar residential flat buildings and some light industrial and commercial buildings, within narrow streets and limited street tree plantings. The surrounding locality has views to the water and foreshore (Balls Head Bay and Lavender Bay) and distant views of North Sydney and Sydney CBD's and Sydney Harbour (including the Sydney Harbour Bridge) – particularly along Mitchell Street and Victoria Street.

The urbanised and built-up character and medium-high density of the locality is reinforced by the irregular subdivision pattern, boundary-to-boundary (attached) nature of built forms, high (minimum 80%) site coverage and limited boundary setbacks (0-2m) of buildings. The subject site's setting is unique in that a number of residential properties along Mitchell Street and Victoria Street have been designed with elevated living areas or balconies or roof terraces or a combination of the three (3) components, to take advantage of the distant views and vistas situated to the south/south-east/south-west.

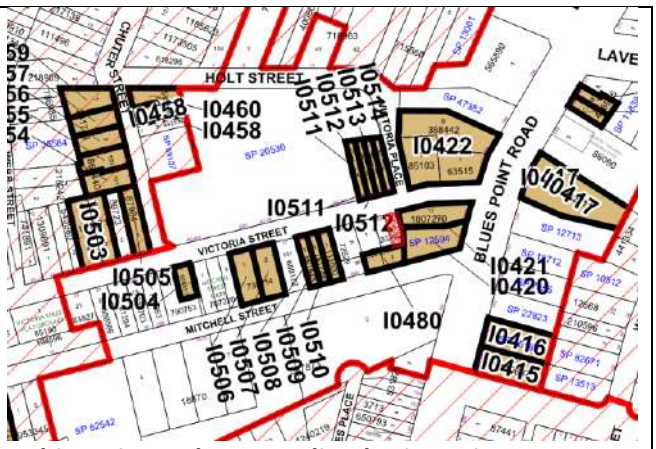
The site is surrounded and adjoined by the following residential properties:

- Front: No. 62, 64, 66, 68 Victoria Street (attached heritage terrace dwellings).
- Rear: No. 48-50 Mitchell Street (heritage dwelling house).
- East-adjoining: No. 178-180 Blues Point Road (Restaurant, heritage built form,).
- Southeast-adjoining: No.176 Blues Point Road (heritage residential flat building "Clifton Flats").
- West-adjoining: No. 63 Victoria Street (semi-detached dwelling).

Figure 6: Subject site (marked with arrow) (Source: Nearmap 2025)



Subject site (hatched red) in E3 zone



Subject site and surrounding heritage item

RELEVANT HISTORY

A Pre-DA meeting was held on 24 September 2024 regarding a similar proposal. Council's meeting minutes raised concerns regarding impact from height non-compliance including view loss, solar access (no shadow diagrams provided), non-compliance with landscaped area, use of planter boxes on the first floor to soften the built form, non-compliance with private open space, and visual privacy.

Regarding visual privacy, the Applicant was advised:

> *"The rear elevation of the subject site fronts the private open space/courtyard of No.48-50 Mitchell Street. The Applicant is recommended to install visual privacy devices such as that conditioned in the approval for 63 Victoria Street under DA6/24 including fixed obscure or frosted glass privacy screens or fixed timber louvre/lightweight/lattice privacy screens attached to the southern balustrade off the first-floor addition to a minimum height of 1.2m above floor level."*

Regarding view loss, the Applicant was advised:

> *"Residential dwellings in the immediate vicinity that are likely to be affected by the proposal in this regard are No.62 – 68 Victoria Street, McMahons Point. The Applicant is advised to submit a view loss analysis addressing the four-step assessment process within Tenacity Consulting v Warringah Council [2004] NSWLEC 140 to support the proposal.*
>
> *The Applicant is advised that photographs included in the view loss analysis must include details of the location and position that the photograph was taken from, focal length of the camera, and detail the existing and proposed views impacted by the proposal from No.62-68 Victoria Street.*
>
> *Views of the northern pylon and the deck should be regarded as significant and potentially iconic views of the Sydney Harbour Bridge.*
>
> *Council considers that the proposal is likely to have at least a severe impact on the first-floor balcony views of No.62-68 Victoria Street. Insufficient information has been provided at this stage to provide conclusive advice on the current proposal. The Applicant is required to provide a detailed view loss analysis for the proposal as a development application."*

Regarding the built form character, Council states in the minutes that the proposal retains elements of the front façade to maintain symmetry and consistency in its street presentation, including the timber picket fence, curved doorway entry, and sloped awning and is therefore satisfactory in this regard.

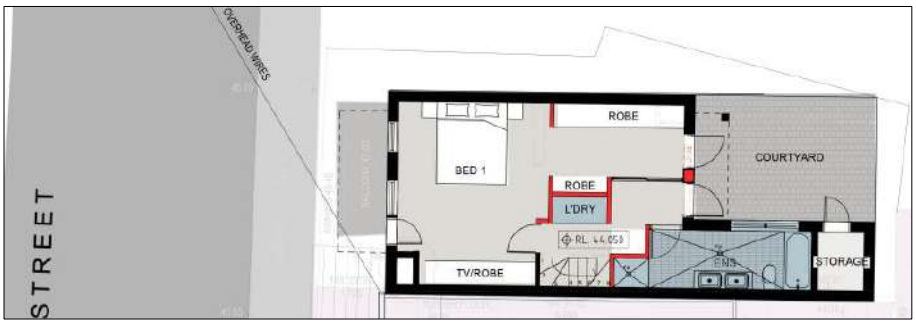


Figure 7: Proposed Lower Ground Floor

Figure 8: Proposed Ground Floor

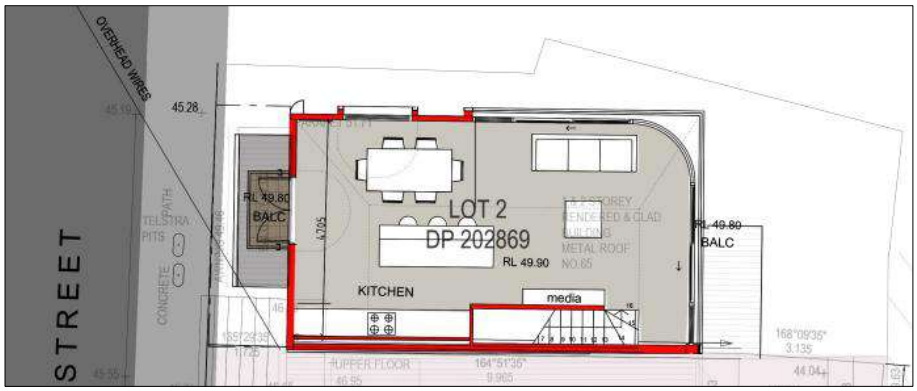


Figure 9: Proposed First Floor

The subject DA27/25 incorporates planter boxes on the first floor eastern and southern elevations as advised within the Pre-DA meeting.

<u>Previous applications</u>

DA1769/81 (BA863/81) granted approval on 8 January 1982 for alterations and additions to an existing terrace house.

<u>Previous applications in Vicinity of Site</u>

<u>DA357/22 – No. 63 Victoria Street, McMahons Point</u>

On 2 August 2023, the North Sydney Local Planning Panel refused development application DA357/22 at its meeting. This application sought approval for alterations and additions to an existing semi-detached dwelling including a new roof terrace

The Panel was not persuaded, based on the plans and information submitted, that the proposal on a merits assessment warrants approval. The Panel was of the opinion that a form which retains the existing parapet, removes the first floor balcony on the street frontage and sets back a first floor addition behind the existing parapet, would be more consistent with the DCP provisions, in particular Part B 1.4.8 and Part C 9.2.3.

The Panel also considered that a roof top terrace situated above the height plane would be inappropriate and have unreasonable amenity impacts.

DA6/24 – No. 63 Victoria Street, McMahons Point

DA6/24 granted **approval** by Council under delegated authority on 3 July 2024 for alterations and additions to an existing semi-detached dwelling. The development application did not require determination by the Local Planning Panel as there were less than 10 submissions and the breach of Clause 4.3 development standard was 0.55m (6.5%), less than 10%. The reason for approval was as follows:

> *"The development application has been assessed against the North Sydney Environmental Plan 2013 and the North Sydney Development Control Plan 2013 and is generally found to be satisfactory. The proposed development provides an appropriate, acceptable and reasonable design and planning outcome for the subject site that demonstrates appropriate consistency and adequate compatibility with the streetscape and character of the immediate locality and that will result in reasonable impacts on neighbouring properties and the environment.*
>
> *With regard to the potential impacts upon the amenity of adjoining properties and the unique context of the site, subject to conditions, the development application is considered to be satisfactory and is recommended for approval.*
>
> *Council received a total of five (5) submissions from individual properties and the Precinct Committee that raised concerns and issues relating to bulk and scale, impacts associated with amenity, privacy and solar access, variations to provisions and controls under Council policy, uncharacteristic built form, and impacts on streetscape. These concerns and issues have been discussed in this report and are addressed with appropriate conditions of consent.*
>
> *Having regard to the provisions of Section 4.15(1) of the Environmental Planning and Assessment Act 1979, the proposed development will not result in significant, adverse material impacts to adjoining properties and, on the environment, including those relating to view loss, amenity and privacy. As such, the application is recommended for* ***approval****."*

Conditions imposed in the consent include:

> *"**Roofing***
>
> *C1. Traditional corrugated profile metal roof sheeting is to be used, not that illustrated on the Schedule of Materials. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate.*
>
> *The Principal Certifier must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition.*
>
> *(Reason: To be sympathetic to the character and palette of materials used on nearby heritage items)*

Privacy

C15. The following privacy devices are to be provided:

a) Fixed obscure or frosted glass privacy screens or fixed timber louvre/lightweight/lattice privacy screens shall be incorporated and/or attached to the southern balustrade off the first- floor addition to a minimum height of 1.2m above floor level.

b) Fixed obscure or frosted glass privacy screens is to be provided to the ground floor bathroom window.

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 ensure an adequate level of privacy is provided to adjoining property located at 50 Mitchell Street)

Removal of Extra Fabric

G6. Should any portion of the existing building, trees, or curtilage of the site which is indicated on the approved plans to be retained be damaged for whatever reason, all the works in the area of the damaged portion are to cease and written notification of the damage is to be given to Council forthwith. No work is to resume until the written approval of Council to do so is obtained. Failure to comply with the provisions of this condition may result in the Council taking further action including legal proceedings if necessary.

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

Figure 9a: Approved Northern (Front) Elevation under DA6/24

Figure 9b: Approved Southern Elevation under DA6/24

Figure 9c: Approved Eastern Elevation under DA6/24

<u>DA403/07 – No. 55 Victoria Street, McMahons Point</u>

On 24 April 2008, Council granted consent to application DA403/07 under delegated authority. This application sought approval for the alterations and additions to an existing dwelling including internal reconfiguration, façade changes and extension at second floor level (refer to Figures 10 and 11).

Council records indicated that a construction certificate was received by Council on 17 September 2010, for works approved under DA403/07.

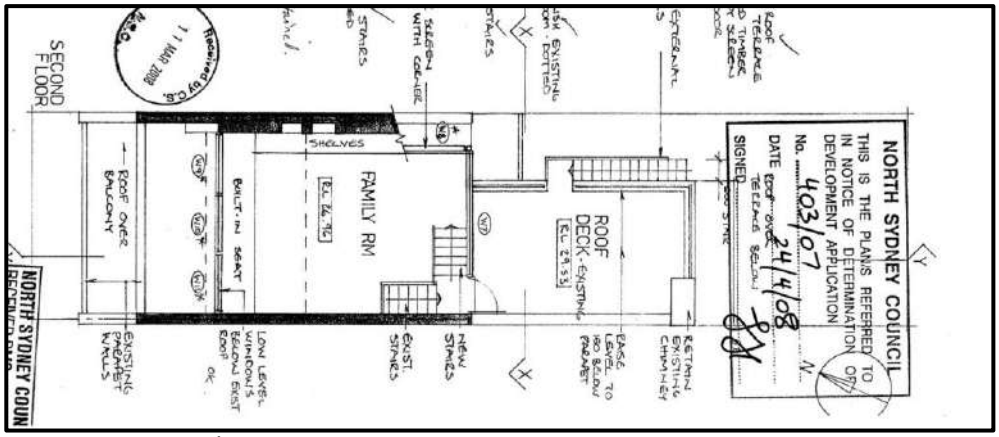


Figure 10: 2nd floor plan (showing roof terrace) of approved development

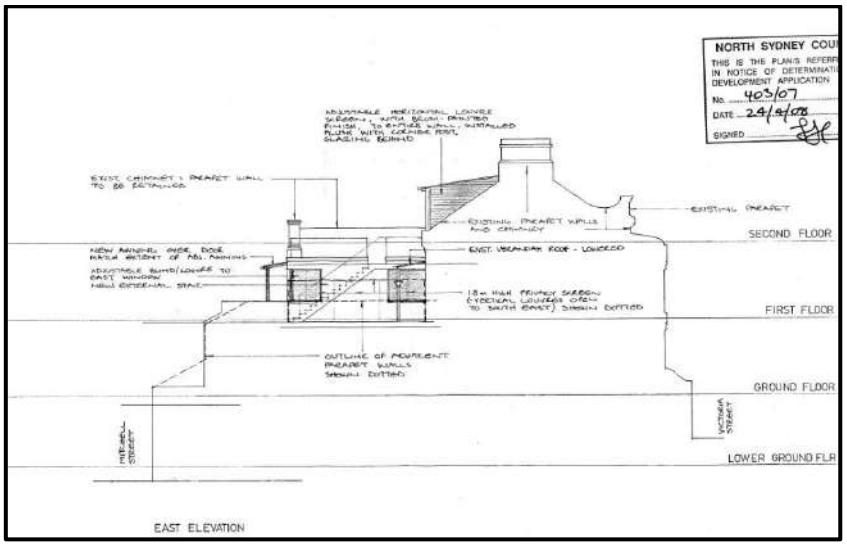


Figure 11: East elevation of approved development

<u>DA142/11 and subsequent modifications – No. 47 Victoria Street, McMahons Point</u>

On 17 October 2011, Council granted deferred commencement consent to application DA142/11 at its meeting. This application sought approval for the demolition of an existing commercial building and the construction of a 4-storey residential dwelling. The approved development involved a new roof terrace accessed off the 3rd storey.

On 25 June 2013, Council granted consent to modification application DA142/11/2 under delegation (refer to Figure 12). This application sought approval for modifying the approved 4-storey dwelling including deletion of the approved office component, changes to the internal layout, fenestration changes and the extension of the outdoor terrace on the second floor.

Council records indicate that final occupation certificate was received by Council on 12 October 2017, for works approved under DA142/11 and the subsequent modification.

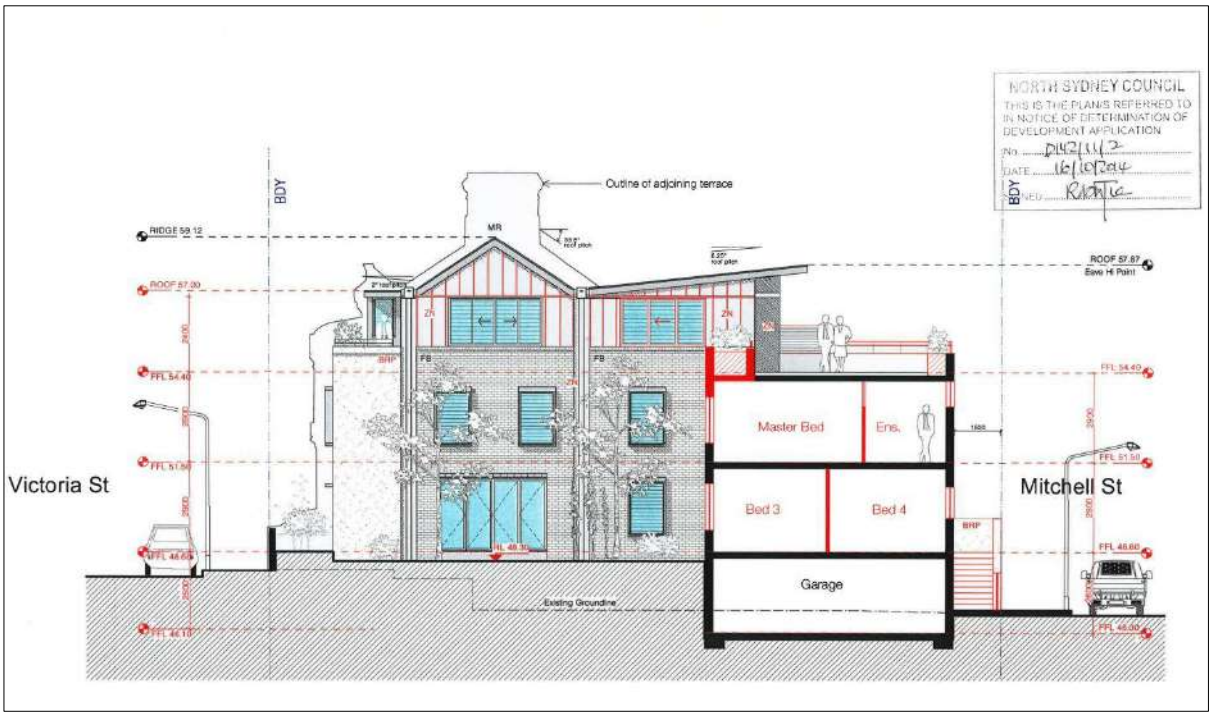


Figure 12: West elevation of approved development under DA142/11/2

<u>DA433/12 and subsequent modifications – No.'s 62-68 Victoria Street, McMahons Point</u>
(opposite the subject site)

On 19 August 2013, Council granted consent to application DA433/12 at its meeting. This application sought approval for alterations and additions to four (4) terraces and land subdivision into four (4) lots and included a rear 2-storey addition to each terrace, a roof deck over the front portion of each dwelling, a central courtyard within each dwelling and a single garage at the rear of each of the dwellings (refer to Figures 13 and 16).

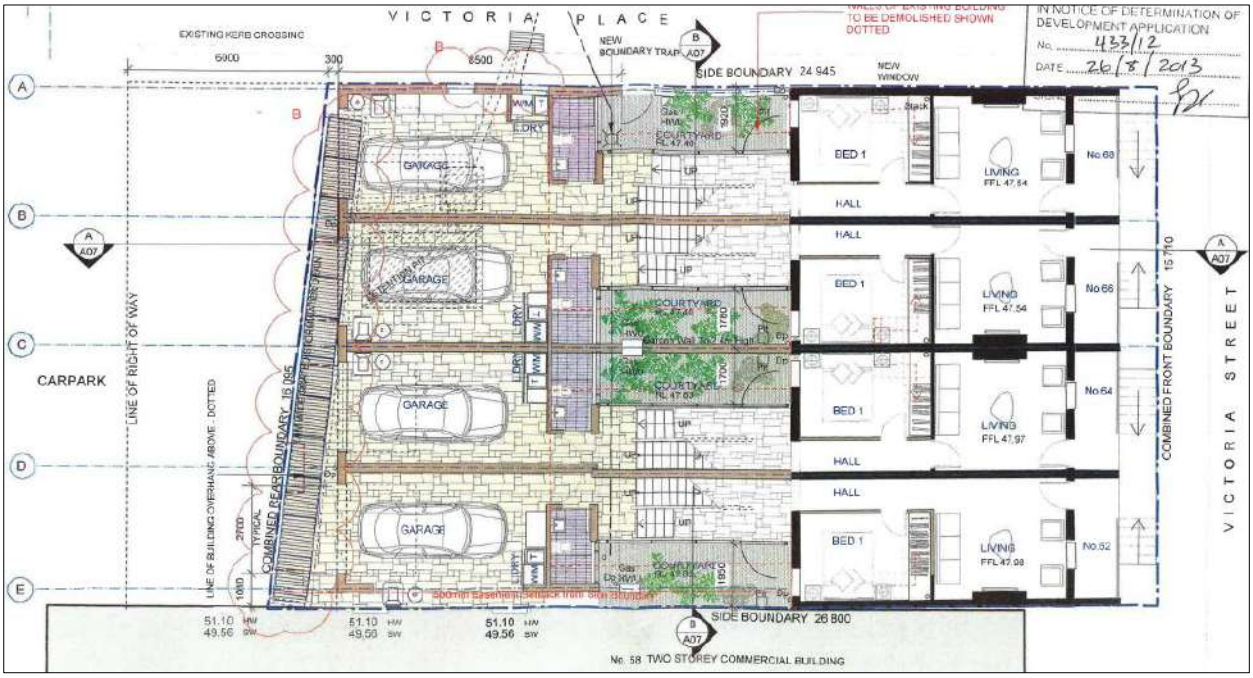


Figure 13: Approved Site and Ground Floor Plan

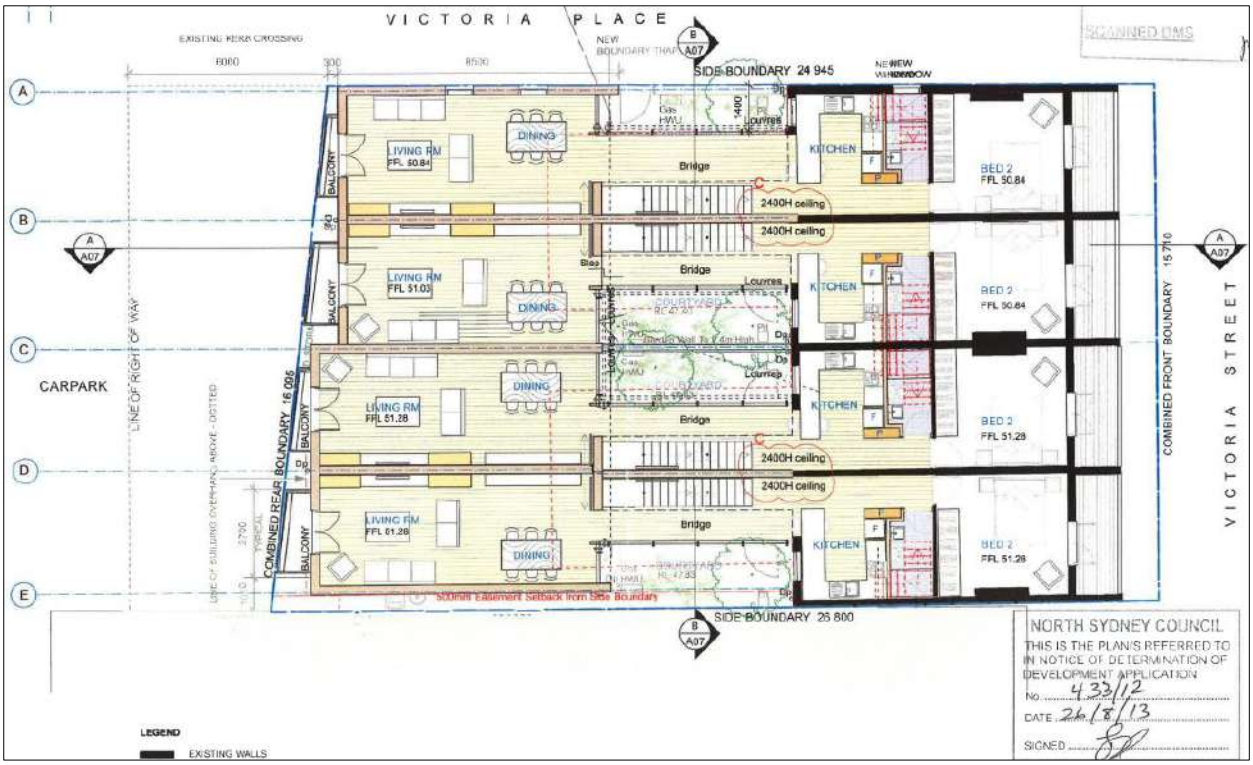


Figure 14: Approved First Floor Plan under DA433/12

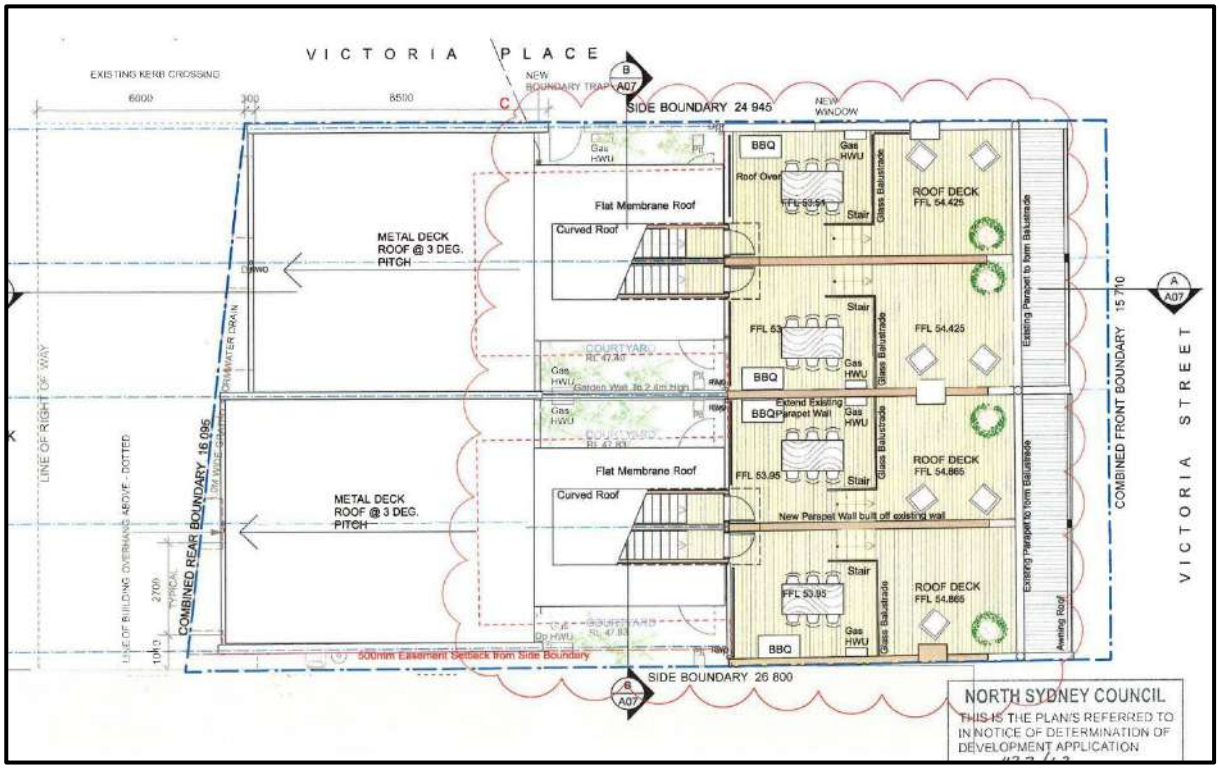


Figure 15: Approved roof and outdoor terrace (deck) level with dining and BBQ area for existing attached residences

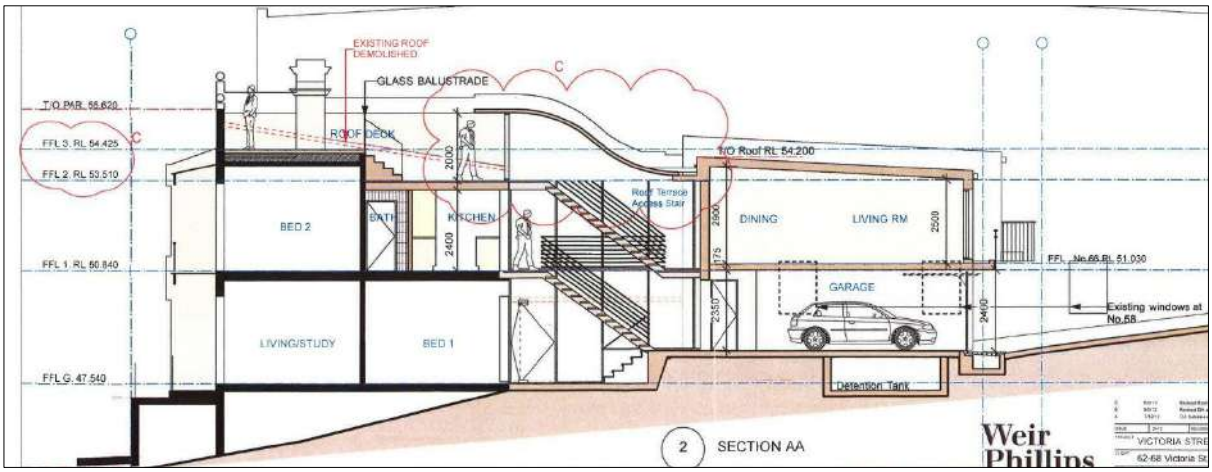


Figure 16: Long section of approved development

On 25 November 2014, Council received modification application DA433/12/2. This application was rejected due to insufficient information and inadequate plans.

On 31 July 2015, Council granted consent to modification application DA433/12/3 under delegated authority. This application sought approval to modify the approved alterations and additions including changes to kitchens, roofing, deletion of balconies and extension of study windows (refer to Figures 17-18).

On 22 October 2015, Council granted consent to modification application DA433/12/4 under delegated authority. This application sought approval to modify consent condition C24 (eastern stair enclosure height) and consent condition G6 (Height) to modify the approved roof height of the eastern stair enclosure to increase it by 130mm.
On 18 April 2016, Council granted consent to modification application DA433/12/5 under delegated authority. This application sought approval to modify consent conditions C7 and E8a to retain the existing vehicular crossing.

Council records indicate that a final occupation certificate was received by Council on 3 May 2016, for works approved under DA433/12 and subsequent modifications.

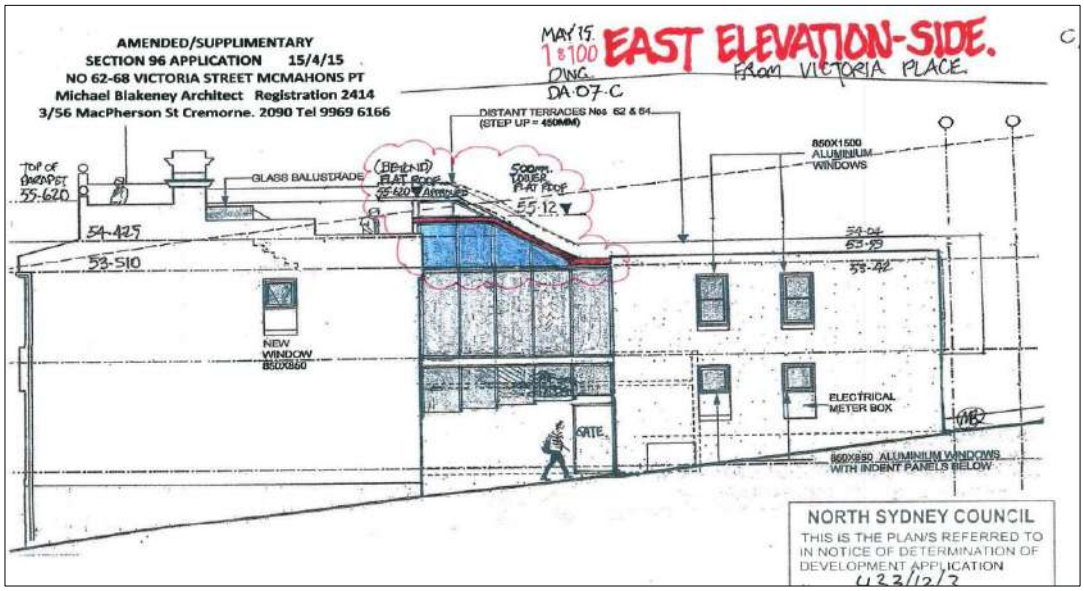


Figure 17: East elevation of approved modification

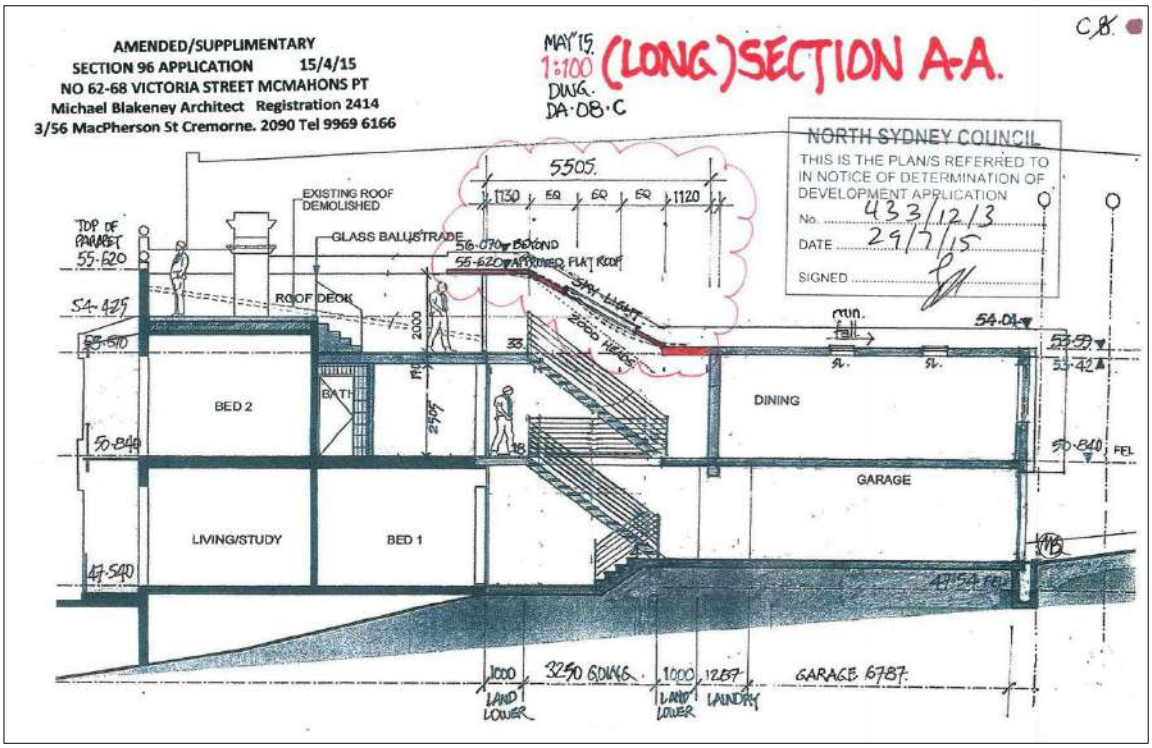


Figure 18: Long section of approved modification

DA74/15 – No. 51 Victoria Street, McMahons Point

On 3 July 2015, the North Sydney Independent Planning Panel granted consent to application DA74/15 at its meeting. This application sought approval for alterations and additions to an existing terrace dwelling including a new roof terrace (refer to Figure 19).

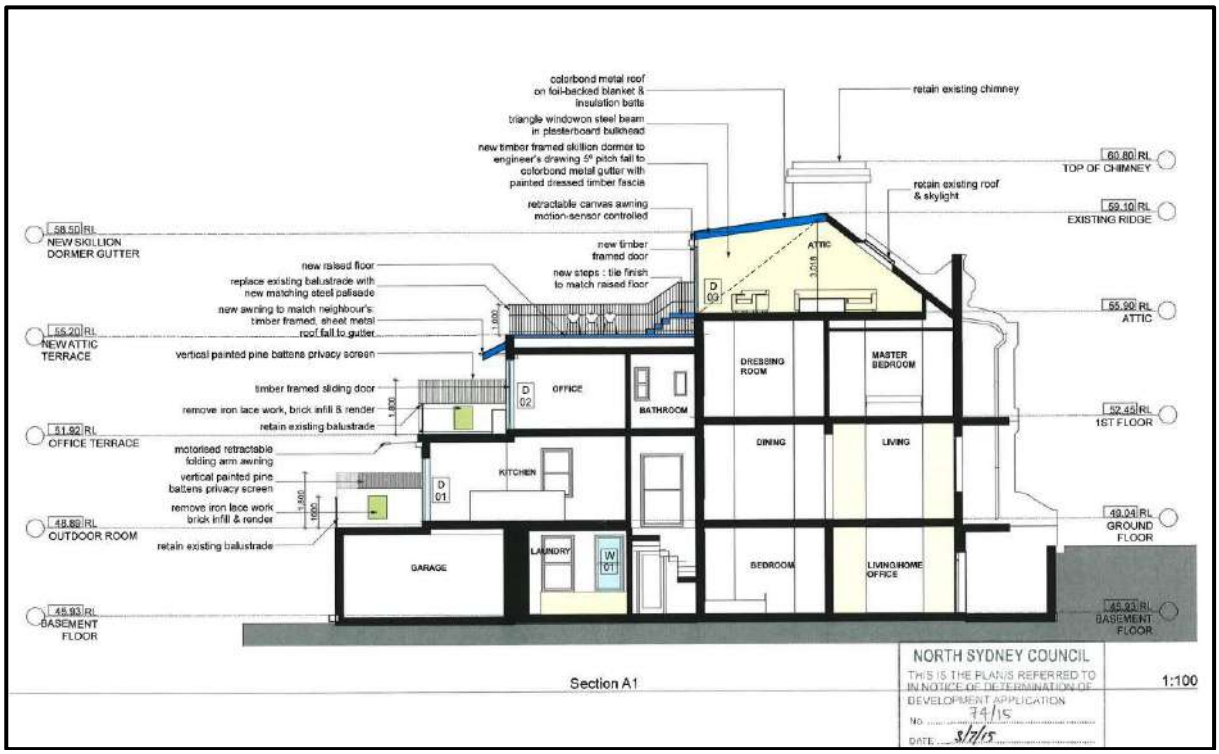


Figure 19: Long section of approved development

Council records indicated that a construction certificate was received by Council on 25 February 2016, for works approved under DA74/15.

Current Application

Date	***Action***
3/3/2025	Lodged with Council.
28/3/2025	STC issued to Applicant for a view impact assessment and photomontage for 62 Victoria Street to support the proposal.
8/5/2025	View Assessment Addendum received from the Applicant.
23/5/2025	Site inspection conducted by Assessment Officer and Conservation Planner.

INTERNAL REFERRALS

Building

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

HERITAGE

The proposed works the subject of this application was referred to Council's Conservation Planner who provided the comments below:

> *"The subject property is a not a scheduled heritage item and is not located in a conservation Area. It is however, located opposite a group of Victorian style heritage-listed terraces located at 62-68 Victoria Street and there is a two storey weatherboard heritage- listed dwelling/workshop to the south of the subject site at 48-50 Mitchell Street.*
>
> ***HERITAGE ASSESSMENT***
>
> *The proposed development will have a sympathetic scale and massing to the nearby heritage items. It will also have almost a symmetrical appearance with the approved works on the attached semi at 65 Victoria Street, resulting in a streetscape that has matching pairs of dwellings. The heritage significance, curtilage and setting of the nearby heritage items will therefore be satisfactorily retained.*
>
> *The front façade will be similar to that of the attached semi 63 Victoria Street and will include an arched front entry door and narrow front verandah. Both of these features are reflective of the Victorian style. The proposed arched balconied dormer will be similar to that at 61 Victoria Street and that approved arched dormer on the attached semi. It is noted however, that the proposed arched entry is taller than that approved at 63 Victoria Street and it suggested that they match.*
>
> *No objection is raised to the proposed interior modifications as the property is not a heritage item.*

The heritage items located opposite have views of the Sydney Harbour Bridge and city skyline. The view loss assessment will be undertaken by the Assessment Planner.

The proposal therefore satisfies clause 5.10 in NSLEP 2013 and Part B Section 13 in NSDCP 2013."

Planning comment: Council's Conservation Planner provided conditions to be imposed under the grant of consent. This is included at the end of the report and includes the requirement for a traditional corrugated profile metal roof sheeting to be used that is not illustrated on the submitted schedule of materials, and for the arched entry to the dwelling to match the height of the similar entry at 63 Victoria Street as approved under DA6/24.

ENGINEERING

The proposed works the subject of this application was referred to Council's Development Engineer who raised no objections to the proposal and that the stormwater is proposed to connect into the existing system. Appropriate conditions are recommended and included at the end of the report for imposition under the grant of consent.

LANDSCAPING

SUBMISSIONS

On **28 March – 11 April 2025**, Council notified adjoining properties and the Euroka Precinct of the proposed development. Council received 18 submissions. The matters raised in the submissions are listed below:

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

Basis of Submissions

- Visual Privacy
- Acoustic privacy
- Overshadowing to 48 Mitchell Street
- Noise impact
- Lack of Building separation
- Height non-compliance creates overshadowing and view impact
- Clause 4.6 not well founded based on lack of skilful design and cumulative impacts
- Amenity impact
- Bulk and scale
- Uncharacteristic with streetscape
- Materials and colours uncharacteristic
- View Impact (iconic views)
- Precedent not a reason for approval (also stated in NSLPP for 63 Victoria Street)
- Impact on heritage items in proximity of site
- Impact on conservation area heritage significance
- Sky view taken away from Ground floor living room of 66 Victoria Street
- Low level of landscaped area and permeable surfaces

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:

NORTH SYDNEY LOCAL ENVIRONMENT PLAN (NSLEP 2013)

1. Permissibility

The proposed works can be defined as alterations and additions to an existing semi-detached dwelling in an E3 Productivity Support zone and are permissible in the zone with development consent.

Delegations of Power - NSLPP

On 30 June 2020, the Minister for Planning and Public Places issued Directions under Section 9.1 of the EP&A Act relating to the establishment of Local Planning Panels (LPPs) within Metropolitan Sydney to require the referral and determination of certain development applications by LPP. The 2020 Directions updated previous directions from 2018 concerning the establishment of LPPs.

> *"**Schedule 1***
>
> ***2. Contentious Development***
>
> *Development that:*
>
> *(a) in the case of a council having an approved submissions policy - is the subject of the number of submissions set by that policy, or*
> *(b) in any other case- is the subject of **10 or more unique submissions** by way of objection."*

The development application elicited more than 10 unique submissions by way of objection and therefore is to be determined by the North Sydney Local Planning Panel under the EP&A Act 1979.

2. Objectives of the zone

The objectives for an **E3 Productivity Support** zone are stated below:

- *"To provide a range of facilities and services, light industries, warehouses and offices.*
- *To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres.*
- *To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity.*
- *To provide for land uses that meet the needs of the community, businesses and industries but that are not suited to locations in other employment zones.*
- *To provide opportunities for new and emerging light industries.*
- *To enable other land uses that provide facilities and services to meet the day to day needs of workers, to sell goods of a large size, weight or quantity or to sell goods manufactured on-site.*
- *To encourage a mix of lower-scale housing types.*

- *To permit development that is compatible with the scale, intensity and character of the surrounding residential area."*

The proposed development aligns with the zoning objectives, particularly the second, seventh, and eighth objectives.

For the second objective, the proposed residential alterations are compatible with the surrounding commercial land uses and do not compete with the uses in the local or commercial center.

For the seventh objective, the development retains the semi-detached dwelling, which is a lower-scale housing type, consistent with the zone's intent to encourage such housing types.

For the eighth objective, the development will appear as a two-storey dwelling at street level, with the existing lower ground floor located below the road reserve. The design, materials, and height integrate with the scale, intensity, and character of the streetscape.

Part 4 – Principal Development Standards

The proposal has been assessed against the principal development standards applicable to the development under *NSLEP 2013* as follows:

Principal Development Standards – North Sydney Local Environmental Plan 2013			
Site Area – 88.5m²	**Proposed**	**Control**	**Complies**
Clause 4.3 – Heights of Building	8.97m	8.5m	NO Variation 0.47m or 5.5%

**Refer to Clause 4.6 statement below*

3. Height of Building

The proposed works would have a height of 8.97m that fails to comply with the permissible height limit of 8.5m in accordance with clause 4.3 in *NSLEP 2013*. The proposed height is 8.97m from the existing lower ground floor level (RL44.13) to proposed roof (RL53.10). The variation is 0.47m (5.5%) above the maximum height of building control under Clause 4.3 of *NSLEP 2013*.

While a symmetrical form and design to No.63 Victoria Street may be created by lowering the whole development by 0.5m which will assist in achieving compliance with Clause 4.3 and mimic the lowering of height of approximately 0.5m (Refer to Figure 20A below) between the parapet of No.62-64 Victoria Street terraces with No.66-68 Victoria Street terraces, it is not a good amenity outcome for the inhabitants on the subject site as the Lower Ground Floor as existing already consists of subterranean conditions with less light through the windows.

A detailed discussion regarding the proposed height breach and its assessment against Clause 4.6 of the NSLEP 2013 are contained below.

Clause 4.6 Exceptions to development standards

A written request prepared by *Barr Planning*, dated 3 February 2025 was submitted as part of the application. The written request acknowledges the departure of 0.47m (5.5%) from the development standard.

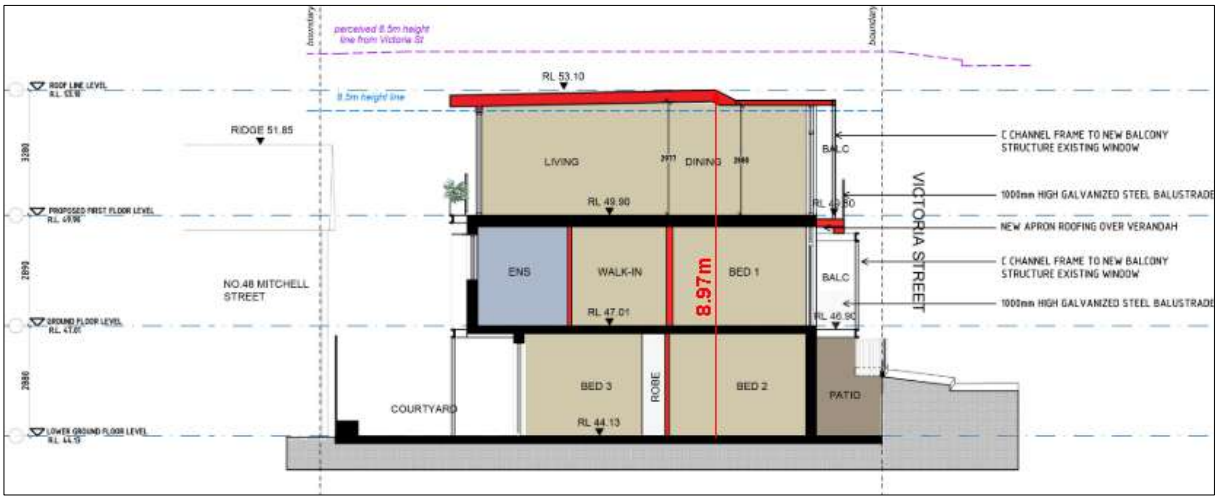


Figure 20: Maximum height of 8.97m proposed

Clause 4.6(3)(a) Is compliance with the development standard unreasonable and unnecessary in the circumstances of the case?

For reference the objectives of the development standard are as follows:

Clause 4.3 of the *NSLEP 2013*

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

- *(a) to promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient,*
- *(b) to promote the retention and, if appropriate, sharing of existing views,*
- *(c) to maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development,*
- *(d) to maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings,*
- *(e) to ensure compatibility between development, particularly at zone boundaries,*
- *(f) to encourage an appropriate scale and density of development that is in accordance with, and promotes the character of, an area,*
- *(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 written request provided by *Barr Planning*, dated 3 February 2025 has demonstrated that strict compliance is unnecessary in the circumstances of the case. The written request demonstrates consistency with all objectives of the development standard and the relevant E3 zone, as well as provided sufficient environmental planning grounds in support of the request for the height exceedance.

Council's evaluation and consideration of the proposed development, having regard to the objectives of the development standard, is summarised below.

(a) to promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient

The proposed development introduces a new first floor to the current semi-detached residence. The proposal retains the existing lower ground floor and ground floor levels, with the proposed first floor within the existing building footprint. There is existing heavy excavation on site for the Lower Ground Level which is approximately 1.7m below the natural ground level of the Victoria Street road reserve. The proposal seeks surface preparation only and is considered to satisfy this objective.

(b) to promote the retention and, if appropriate, sharing of existing views

A detailed assessment of the view impacts has been undertaken and included in the DCP table below. The view loss assessment addresses Tenacity principles and it is considered that the view impact to No.62-68 Victoria Street and properties along Holt Street are reasonable based on the subject proposal. The view impacts to the properties above are considered negligible to minor, with only the first floor bedroom front balcony view considered to be a minor-moderate impact due to the height non-compliance of the roof plane blocking the central part of the northern pylon of the harbour bridge. Despite this, the composition of the harbour bridge remain visible, and expansive views from the rooftop terrace private open space for No.62 Victoria Street remains available. Furthermore, the Area Character Statement for the locality states the desired future character of the area to be modern, medium density attached dwellings and the desired built form to be symmetrical facades to attached dwellings. On balance, it is considered that the proposal provides a reasonable sharing of existing views.

(c) to maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development.

A detailed analysis on overshadowing impacts is provided below (refer to DCP section). It has been demonstrated that the extent of overshadowing impacts on existing developments, is reasonable and acceptable. The highly urbanised character within narrow streets, and the streetscape with modern attached housing, low-rise Interwar residential flat building, light industrial and commercial buildings, as well as the north-south orientation of the subject site on a sloping topography towards the east and south, means that solar access to streets are difficult to maintain. Due to the existing taller developments to the west of the subject site, there is already overshadowing onto Mitchell Street at different times during the winter solstice (Refer to shadow diagrams in DCP table). The proposed development is considered acceptable regarding this objective.

(d) to maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings

The unique context and heavily built-up urbanised setting of the subject site as well as the occurrence of commercial buildings, elevated living areas, balconies and roof terraces and established views throughout the vicinity are such that some privacy and overlooking impacts are to be anticipated. The proposal seeks to incorporate planter boxes on the First Floor southern and eastern elevations and highlight windows on the Ground Floor eastern elevation. Further visual privacy strategies are included in the recommended conditions at the end of the report including the conversion of the proposed sliding doors on the First Floor to windows with a minimum 1.5m sill height, and for the proposed planter boxes outside of the sliding doors to be raised accordingly. The proposal subject to conditions, ensures visual and acoustic privacy are provided to the subject site and adjoining properties.

(e) to ensure compatibility between development, particularly at zone boundaries

This objective is not highly relevant as the subject site is not within a zone boundary. The proposed development will retain the existing use of the site as a residential dwelling and does not introduce any incompatibility of land use with adjoining development types.

(f) to encourage an appropriate scale and density of development that is in accordance with, and promotes the character of, an area

The proposed development includes the addition of a first floor to the existing residential dwelling, resulting in a two-storey appearance from the street. This is visually consistent with the scale and density of other two-storey residential developments in the area, including those at 62-68 Victoria Street on the opposite side. In line with the Character Statement for the McMahons Point Business Precinct in Section 9.2.2 of the NSDCP 2013, which envisions 'modern medium density attached dwellings' and the desired built form to be 'attached dwellings have symmetrical facades', the proposed development aligns with the desired future character in both scale, density and symmetry with the approval for No.63 Victoria Street granted under DA6/24.

While a symmetrical form and design to No.63 Victoria Street may be created by lowering the whole development by 0.5m which will assist in achieving compliance with Clause 4.3 and mimic the lowering of height of approximately 0.5m (Refer to Figure 20A below) between the parapet of No.62-64 Victoria Street terraces with No.66-68 Victoria Street terraces, it is not a good amenity outcome for the inhabitants on the subject site as the Lower Ground Floor as existing already consists of subterranean conditions with less light through the windows.

The proposal is considered to achieve this objective.

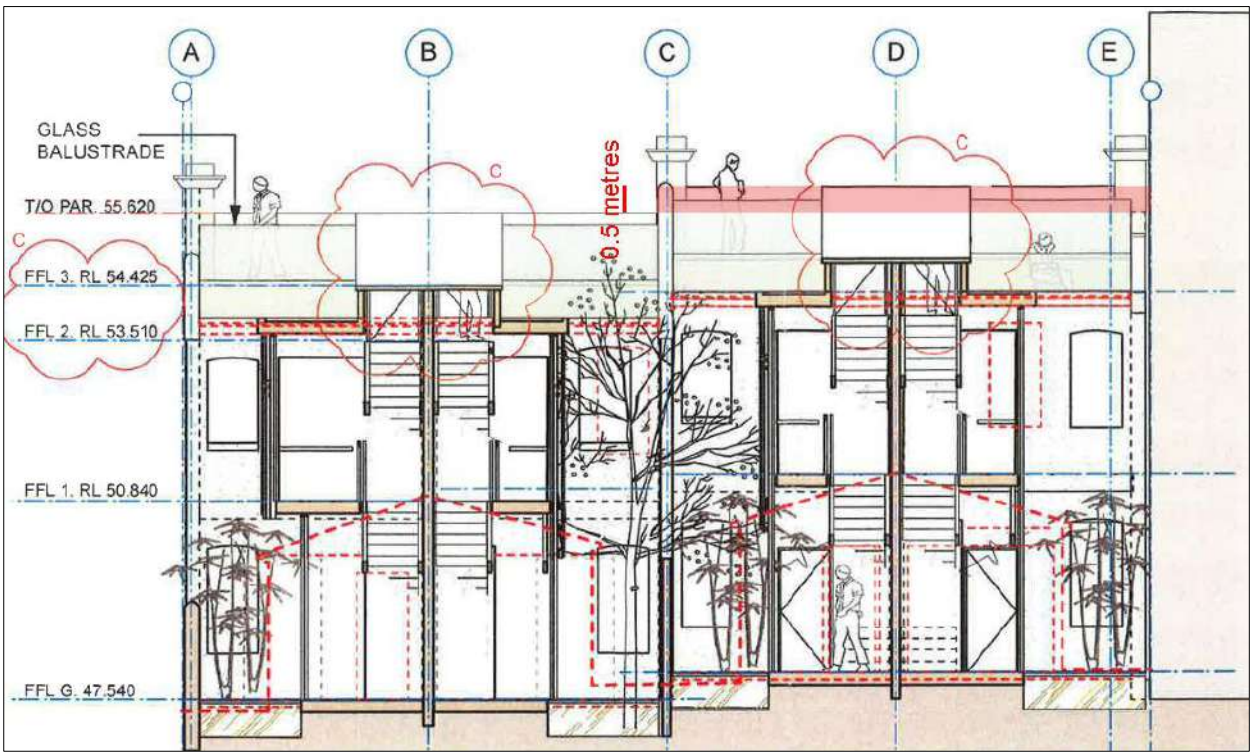


Figure 20A: Step down of No.66-68 Victoria Street (left pair of terraces) from No.62-64 Victoria Street (right pair of terraces) by approximately 0.5m (highlighted red).

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

Although not explicitly applicable, the proposal will present as a two-storey development from the street, maintaining consistency with the character of neighbouring residential dwellings in the area.

In light of this, despite exceeding the height limit, the proposed development meets the objectives of Clause 4.3. Therefore, strict compliance with the development standard is considered unreasonable or unnecessary.

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

The proposal promotes context-appropriate development by offering high-quality architectural design that responds to the streetscape. The development height follows the downward sloping topography from west to east, reflecting the natural landform. It enhances the amenity of the existing residential dwelling by improving solar access and ventilation to the main living and dining areas.

An assessment of the proposal's impact on streetscape character is provided later in this report within the DCP table. The development will present as a two-storey semi-detached dwelling, symmetrical with the approval granted under DA6/24 for No.63 Victoria Street, consistent with the Character Statement for the McMahons Point Business Precinct detailed in Section 9.2.2 of the NSDCP 2013 for 'modern medium density attached dwellings', and for the desired built form to be 'attached dwellings have symmetrical facades'.

Visual and acoustic privacy impacts from the proposed first floor openings are considered to be minor subject to the recommended conditions at the end of the report.

Solar access impacts from the proposal are assessed in detail within the DCP table below and is considered satisfactory as the proposed shadows either fall within existing shadows on site or fall onto the public road of Mitchell Street and the commercial office building at 162 Blues Point Road.

A detailed assessment later in this report (DCP table) demonstrates that the development will not result in adverse view impacts. The view impacts on properties at 62-66 Victoria Street have been assessed against the principles of Tenacity, showing that the impacts will be negligible to minor.

The height variation of 0.47m in this application is due to the retention of the existing Lower Ground Floor level minimising excavation and the retained height alignments of the front façade (roof, arched dormer, awning and entry steps) with that of No.63 Victoria Street to create a mirrored semi-detached dwelling pairing. The alignment of maximum RL for attached and semi-detached dwelling within the street is common and is visible in No.62-68 Victoria Street and No.51-55 Victoria Street and should not warrant refusal.

Conclusion

As discussed above, the written request provided by the Applicant adequately addresses the matters required by subclause (3). The Applicant's written request demonstrates that compliance with the development standard is unreasonable or unnecessary and provides sufficient environmental planning grounds.

Part 5 – Miscellaneous Provisions

4. Earthworks (Clause 6.10)

Surface preparation only is proposed for the subject proposal and therefore satisfies the objectives of clause 6.10 in *NSLEP 2013*.

5. Heritage Conservation (Clause 5.10)

The following planning objectives apply to the proposed development:

(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.

The proposed development has been assessed by Council's Conservation Planner against the objectives under Clause 5.10. The proposal satisfies these objectives and any impacts on nearby heritage items are not considered detrimental or adverse. The proposed development satisfies the heritage conservation provisions under Clause 5.10. Please refer to comments from Council's Conservation Planner within the report and the recommended conditions at the end of the report.

NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013

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

DEVELOPMENT CONTROL PLAN 2013 – Part B Section 1- Residential Development		
	complies	***Comments***
1.2 Social Amenity		
1.2.2 Maintaining Residential Accommodation	Yes	The proposed development does not result in the loss of residential accommodation. It will maintain the existing use of the site as a semi-detached dwelling.
1.3 Environmental Criteria		
1.3.1 Topography	Yes	Surface preparations only are proposed for the site. Appropriate conditions are recommended by Council's Development Engineer that are included at the end of the report.
1.3.6 Views	Yes – see view loss analysis below	The proposed development will result in some view loss impacts to the neighbouring terraced residences at No.'s 62, 64, 66 and 68 Victoria Street. The most prominent and existing views from these properties are wide and distant water/land, CBD and horizon-skyline views, some of which are of the North Sydney and Sydney CBD's, Sydney Harbour foreshore, Lavender Bay and Balls Head Bay. These views are generally taken over several property boundaries and exist due to the current open outlooks and gaps and sloping topography of the immediate locality. The complete retention and sharing of all current views that primarily rely on open gaps and vistas created from less developed or underdeveloped properties over property boundaries is not considered feasible nor achievable in all circumstances.

		An assessment against the Tenacity test is provided below. The Applicant provided a thorough view loss analysis – which was reviewed and considered by Council in addition to undertaking an independent view loss assessment (see below). See below Council's detailed view loss assessment against the Tenacity test for affected properties.

Context

The northern side of Victoria Street generally sits at a higher elevation than the southern side of this street. Conversely, Mitchell Street is lower than Victoria Street. The subject site is situated lower than the properties to the immediate north due to the sloping topography and staggered and built-up development pattern of the immediate locality (refer to Figure 21-22 below). The residential terraced housing at No.'s 62, 64, 66 and 68 Victoria Street has existing views over the subject site that will be impacted by the proposed introduction of a new first floor and roof terrace above the current 2-storey residence.

As mentioned, the immediate locality features a number of existing distant views and vistas of the North Sydney and Sydney CBD's, Sydney Harbour foreshore as well as Lavender Bay and Balls Head Bay. The subject site's setting and context are unique in that a number of residential properties along Mitchell Street and Victoria Street are designed with elevated living areas or balconies or roof terraces or a combination of the three (3) components, to take advantage of the distant views and vistas situated to the south/south-east/south-west (refer to Figure 22). It is noted that due to the elevated position of No.'s 62, 64, 66 and 68 Victoria Street (compared to the subject site), the views from the neighbours' respective roof terraces are negligibly affected by the proposal. As such, these high-quality views are substantially retained and preserved. The only other high-quality views affected by the proposal are associated with the first-floor balconies and bedrooms that face Victoria Street. In general, these views are reliant on the retained gaps and form, bulk and scale of any redevelopment within the subject site and other sites below Victoria Street. The commercial building at No. 162 Blues Point Road has a minimum RL of 53.21 and the proposed development has a maximum RL of 53.10.

The above context has been considered in detail as part of the view loss assessment.

Figure 21: South-east view and 3-D image of immediate locality showing subject site (highlighted yellow) and affected properties at No. 62-68 Victoria Street (highlighted red). Source: Google Maps

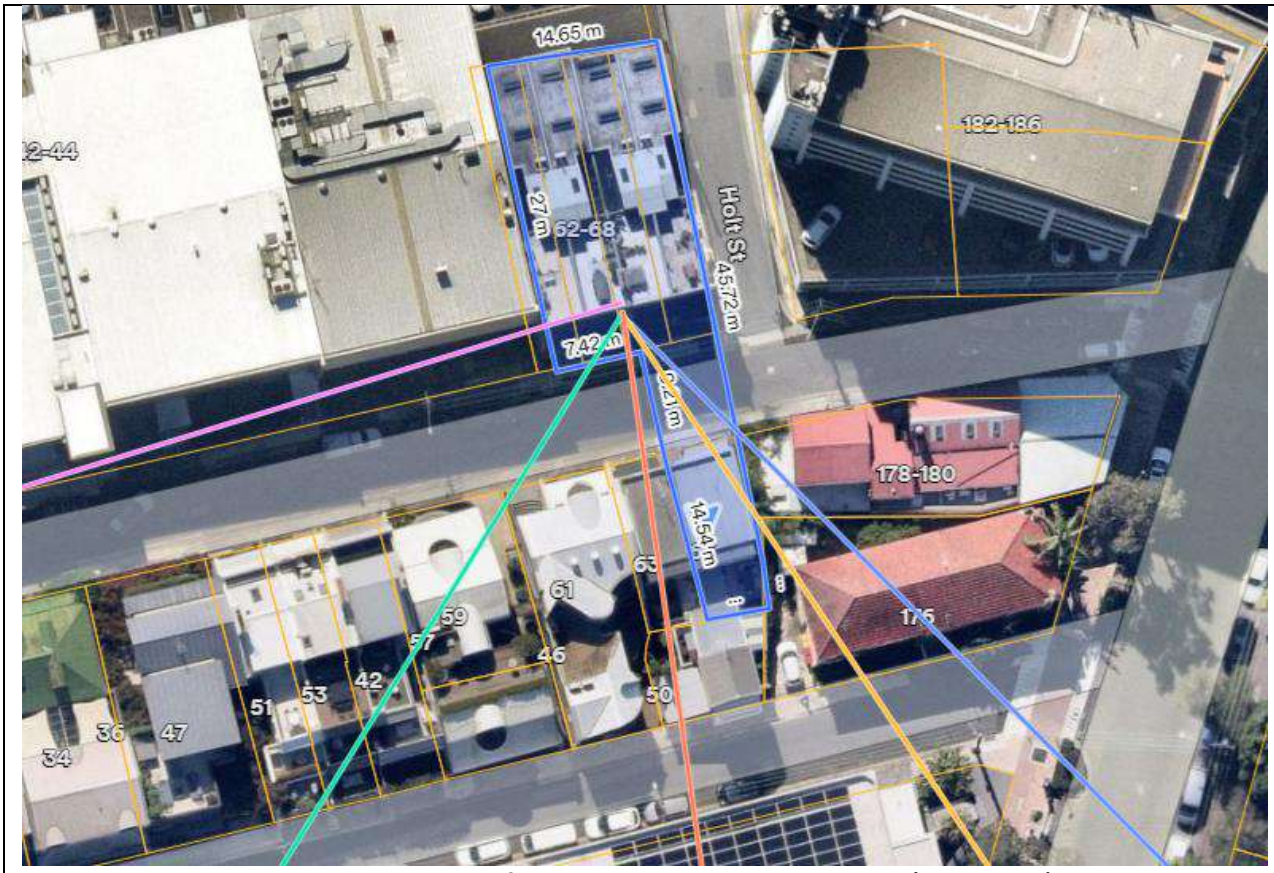


Figure 22: Location map of subject site and 62-68 Victoria Street (shaded blue).
Primary views/vistas: Sydney Harbour (direction of orange line from southwest to southeast); Sydney City CBD (south to southeast); Lavender Bay and Sydney Harbour Bridge Northern Pylon (direction of blue line), Balls Head Bay (direction of green line), Berry's Bay (direction of pink line). Affected views by the subject site are generally to the south/south-east/south-west. Source: Near Maps 2023

<u>Affected properties</u>
The neighbouring properties that have objected to the proposal and have raised concern regarding view loss are indicated on Figure 40 and are as follows:

- No.'s 62, 64, 66 and 68 Victoria Street, McMahons Point (marked green below)
- 14 Holt Street, McMahons Point (marked with blue outline)

The subject site is shaded orange below.

Figure 23: Identification of submissions regarding view impact to city skyline and iconic views to Harbour Bridge and Opera House. (Source: SixMaps 2025)

A view loss assessment against the Tenacity test is provided below.

The Tenacity test requires an assessment of view loss to be undertaken in the following four (4) steps:
Step 1: Assessment of views to be affected. Water views are valued more highly than land views. Iconic views (for example, of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views. For example, a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

Step 2: Consider from what part of the property the views are obtained. For example, the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic

Step 3: Assess the extent of impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

Step 4: Assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the Applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

The following is a view loss assessment against the Tenacity test.

Views from first floor bedroom and front-facing balcony (**No. 62 Victoria Street**)
Step 1: Wide and distant views of North Sydney and Sydney CBD's, and Sydney Harbour including iconic views of the Sydney Harbour Bridge consisting of the bulk of the northern pylon. Views are generally partial, somewhat obstructed by existing built forms and trees.
Step 2: Views over property boundaries of the subject site and some properties along the southern side of Victoria Street. Views can be either standing or sitting – but typically, the optimal views are taken from standing positions.
Step 3: Minor-Moderate, view taken from balcony off a bedroom. Composition of the Sydney Harbour Bridge remains visible. Expansive views outlined in Step 1 still available from rooftop terrace which is the primary private open space on the site and outdoor 'living' space.
Step 4: The impacts are considered reasonable. While a symmetrical form and design to No.63 Victoria Street may also be created by lowering the whole development by 0.5m to achieve compliance, which will mimic the set down of No.62-64 Victoria Street terraces with No.66-68 Victoria Street terraces, it is not a good amenity outcome for the inhabitants on the subject site as the Lower Ground Floor as existing already consists of subterranean conditions with less light through the windows.

Assessment: The potential view loss impacts are considered acceptable and reasonable noting the iconic views to the harbour bridge and those identified in Step 1 remain visible off a 'living' space that is also the main private open space on site.

Figure 24: Image showing outline of proposal and approved neighbouring development at 63 Victoria Street (yellow line), compliant envelope (blue line), and height exceedance of Proposal (red fill) as viewed from the first-floor balcony of 62 Victoria Street. (Source: CMS Surveyors.)

Figure 25: Photomontage showing proposed view as seen from standing position of First-floor front balcony of 62 Victoria Street. Photomontage includes the approved development at 63 Victoria Street. Compliant envelope shown in blue line, height exceedance of Proposal shown in red fill. Source: CMS Surveyors.

<u>Views from roof terrace (No. 62 Victoria Street)</u>

Step 1: Wide and distant views of North Sydney and Sydney CBD's, and Sydney Harbour including iconic views of the Sydney Harbour Bridge. View are mostly whole views.
Step 2: Views over property boundaries of the subject site and some properties along the southern side of Victoria Street. Views can be either standing or sitting – but typically, the optimal views are taken from standing positions.
Step 3: Negligible impacts.
Step 4: There are no view loss impacts as the existing views of the CBD's and Sydney Harbour from the roof terrace are preserved.

Assessment: The potential view loss impacts are considered acceptable and reasonable.

Figure 26: Image from Realestate.com for the subject site showing whole views to the harbour bridge and opera house, North Sydney CBD, CBD views, and harbour views accessed from the rooftop terrace of No.62 Victoria Street.

Views from first floor bedroom and front-facing balcony (**No. 64 Victoria Street**)

Step 1: Wide and distant views of North Sydney and Sydney CBD's, and Sydney Harbour including iconic views of the Sydney Harbour Bridge consisting of the bulk of the northern pylon. Views are generally partial, somewhat obstructed by existing built forms and trees.
Step 2: Views over property boundaries of the subject site and some properties along the southern side of Victoria Street. Views can be either standing or sitting – but typically, the optimal views are taken from standing positions.
Step 3: Minor, view taken from balcony off a bedroom. Views outlined in Step 1 still available from rooftop terrace which is the primary private open space on the site and outdoor 'living' space.
Step 4: The impacts are considered reasonable.

Assessment: The potential view loss impacts are considered acceptable and reasonable noting the majority of the composition of the iconic views to the harbour bridge, including the arch and the northern pylon and even some of the deck/roadway remains as visual markers that confirm the icon's presence and location. It should also be noted that the views identified in Step 1 remain visible as whole views off a 'living' space in the form of the rooftop terrace that is also the main private open space on site. As the layout of the terraces are the same on the rooftop level across No.62-68 Victoria Street based on DA433/12 and aerial view (Figure 22), it is likely that the same whole views are afforded at the height of the rooftop terrace across No.62-68 Victoria Street. The potential view loss impacts are considered acceptable and reasonable.

Figure 27: Photomontage showing proposed view as seen from standing position of First-floor front balcony of 64 Victoria Street. Photomontage includes the approved development at 63 Victoria Street under DA6/24. LEP height plane shown in yellow dotted line. Source: CMS Surveyors.

Views from roof terrace (No. 64 Victoria Street)

Step 1: Wide and distant views of North Sydney and Sydney CBD's, and Sydney Harbour including iconic views of the Sydney Harbour Bridge. View are mostly whole views.
Step 2: Views over property boundaries of the subject site and some properties along the southern side of Victoria Street. Views can be either standing or sitting – but typically, the optimal views are taken from standing positions.
Step 3: Negligible impacts.
Step 4: There are no view loss impacts as the existing views of the CBD's and Sydney Harbour from the roof terrace are preserved.

Assessment:
As the layout of the terraces are the same on the rooftop level across No.62-68 Victoria Street based on DA433/12 and aerial view (Figure 28), it is likely that the same whole views are afforded at the height of the rooftop terrace across No.62-68 Victoria Street. The potential view loss impacts are considered acceptable and reasonable.

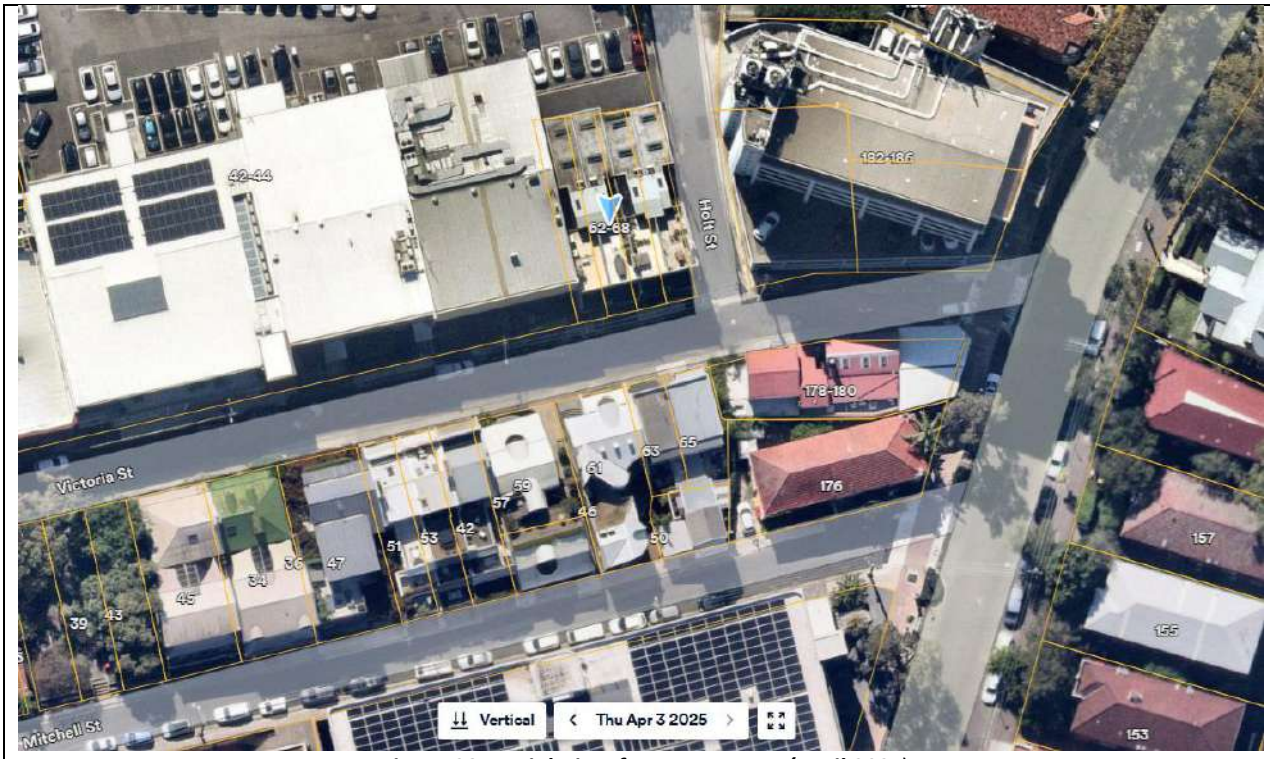


Figure 28: Aerial View from Nearmaps (April 2025)

<u>Views from first floor bedroom and front-facing balcony (**No. 66 Victoria Street**)</u>

Step 1: Wide and distant views of North Sydney and Sydney CBD's, and Sydney Harbour including iconic views of the Sydney Harbour Bridge consisting of the bulk of the northern pylon. Views are generally partial, somewhat obstructed by existing built forms and trees.
Step 2: Views over property boundaries of the subject site and some properties along the southern side of Victoria Street. Views can be either standing or sitting – but typically, the optimal views are taken from standing positions.
Step 3: Minor, view taken from balcony off a bedroom. Views outlined in Step 1 still available from rooftop terrace which is the primary private open space on the site and outdoor 'living' space.
Step 4: The impacts are considered reasonable.

Assessment:
The potential view loss impacts are considered acceptable and reasonable noting the majority of the composition of the iconic views to the harbour bridge, including the arch and the northern pylon and even some of the deck/roadway remains as visual markers that confirm the icon's presence and location. It should also be noted that the views identified in Step 1 remain visible as whole views off a 'living' space in the form of the rooftop terrace that is also the main private open space on site. As the layout of the terraces are the same on the rooftop level across No.62-68 Victoria Street, based on the photo of the rooftop terrace views visible from No.62 Victoria Street in the assessment above, it is likely that the same whole views are afforded at the height of the rooftop terrace across No.62-68 Victoria Street.

Figure 29: Photomontage showing proposed view as seen from standing position of First-floor front balcony of 66 Victoria Street. Photomontage includes the approved development at 63 Victoria Street under DA6/24. LEP height plane shown in yellow dotted line. Source: CMS Surveyors.

Views from roof terrace (No. 66 Victoria Street)
Step 1: Wide and distant views of North Sydney and Sydney CBD's, and Sydney Harbour including iconic views of the Sydney Harbour Bridge. View are mostly whole views.
Step 2: Views over property boundaries of the subject site and some properties along the southern side of Victoria Street. Views can be either standing or sitting – but typically, the optimal views are taken from standing positions.
Step 3: Negligible impacts.
Step 4: There are no view loss impacts as the existing views of the CBD's and Sydney Harbour from the roof terrace are preserved.

Assessment: As the layout of the terraces are the same on the rooftop level across No.62-68 Victoria Street based on DA433/12 and aerial view, it is likely that the same whole views are afforded at the height of the rooftop terrace across No.62-68 Victoria Street. The potential view loss impacts are considered acceptable and reasonable.

Views from first floor bedroom and front-facing balcony (**No. 68 Victoria Street**)
Step 1: Wide and distant views of North Sydney and Sydney CBD's, and Sydney Harbour including iconic views of the Sydney Harbour Bridge consisting of the bulk of the northern pylon. Views are generally partial, somewhat obstructed by existing built forms and trees.
Step 2: Views over property boundaries of the subject site and some properties along the southern side of Victoria Street. Views can be either standing or sitting – but typically, the optimal views are taken from standing positions.
Step 3: Negligible, view taken from balcony off a bedroom. Iconic view of Harbour Bridge not affected. View to Sydney CBD affected. All views outlined in Step 1 are still available from rooftop terrace which is the primary private open space on the site and outdoor 'living' space.
Step 4: The impacts are considered reasonable.

Assessment: The potential view loss impacts are considered acceptable and reasonable noting that the existing partial iconic view of Harbour Bridge are not affected through the proposal. While partial views to Sydney CBD are affected from the first floor balcony, it should be noted that the views identified in Step 1 remain visible as whole views off a 'living' space in the form of the rooftop terrace that is also the main private open space on site. As the layout of the terraces are the same on the rooftop level across No.62-68 Victoria Street, based on the photo of the rooftop terrace views visible from No.62 Victoria Street in the assessment above, it is likely that the same whole views are afforded at the height of the rooftop terrace across No.62-68 Victoria Street.

Figure 30: Photomontage showing proposed view as seen from standing position of First-floor front balcony of 66 Victoria Street. Photomontage includes the approved development at 63 Victoria Street under DA6/24. LEP height plane shown in yellow dotted line. Source: CMS Surveyors.

Views from roof terrace (No. 68 Victoria Street)

Step 1: Wide and distant views of North Sydney and Sydney CBD's, and Sydney Harbour including iconic views of the Sydney Harbour Bridge. View are mostly whole views.
Step 2: Views over property boundaries of the subject site and some properties along the southern side of Victoria Street. Views can be either standing or sitting – but typically, the optimal views are taken from standing positions.
Step 3: Negligible impacts.
Step 4: There are no view loss impacts as the existing views of the CBD's and Sydney Harbour from the roof terrace are preserved.

Assessment:
As the layout of the terraces are the same on the rooftop level across No.62-68 Victoria Street based on DA433/12 and aerial view, it is likely that the same whole views are afforded at the height of the rooftop terrace across No.62-68 Victoria Street. The potential view loss impacts are considered acceptable and reasonable.

Views from properties on Holt Street

Assessment:
The proposal has a maximum height of RL53.10. No.62-68 Victoria Street has a minimum parapet height of RL55.62, with No.66 and 68 Victoria Street (directly opposite the subject site) consisting of a roof parapet higher than RL55.62 (Refer to Figure 31). Buildings further to the west of the terraces are higher than No.62-68 Victoria Street and therefore the proposal is unlikely to adversely affect significant views as they would already be blocked by the taller developments on the northern side of Victoria Street (Refer to Figure 32).

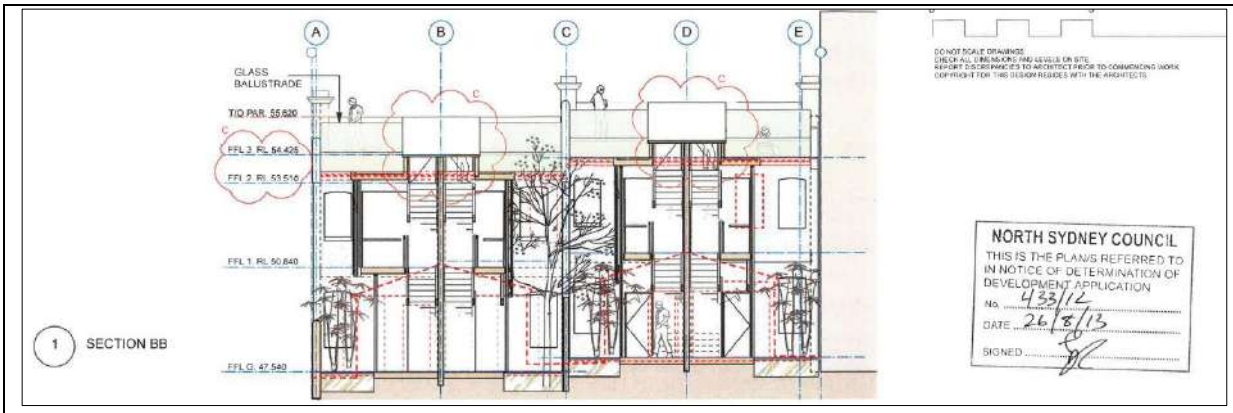


Figure 31: DA433/12 approved section for No.62-68 Victoria Street

Figure 32: View towards the western developments next to No.62-68 Victoria Street.

1.3.7	**Solar Access** • More than 3 hours between 9am – 3pm	No Merit	*Future occupants* The proposed development will result in sufficient solar access for future occupants within the internal living areas through the openings on the northern, eastern and southern elevations. Given the southern orientation of the private open space, this area will not receive sufficient solar access, however the first floor addition does not create additional overshadowing to the rear private open space from existing. The private open space in the form of front northern balconies receive solar access every hour between 9am-3pm on winter solstice. Due to the constraints of the site in terms of its north-south orientation, small lot size, comparing what is existing and proposed, it is considered that the proposal has merits despite the non-compliance with 3 hours of solar access to the private open space at winter solstice.

Neighbouring properties

176 Blues Point Road is unaffected by the proposal on the subject site (shaded blue in Figure 33 below) between 9am-1pm at winter solstice which still maintains existing solar access to the windows of Lot 1 and Lot 3 (circled red in Figure 33 below) on the western elevation as well as northern elevation.

Figure 33: Windows on western elevation of 176 Blues Point Road

178-180 Blues Point Road retains a minimum of three hours of solar access at winter solstice.

48 Mitchell Street (rear of subject site and No.63 Victoria Street) is shown below in Figure 34. It has a high site coverage with the private open space located to the northwest corner in the form of a courtyard on the Ground Floor and a balcony to the first floor. During winter solstice, the courtyard is already in shadow from 9am-3pm.

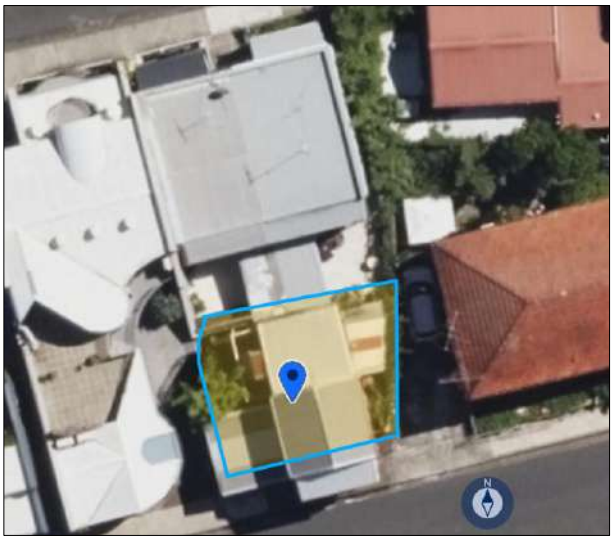
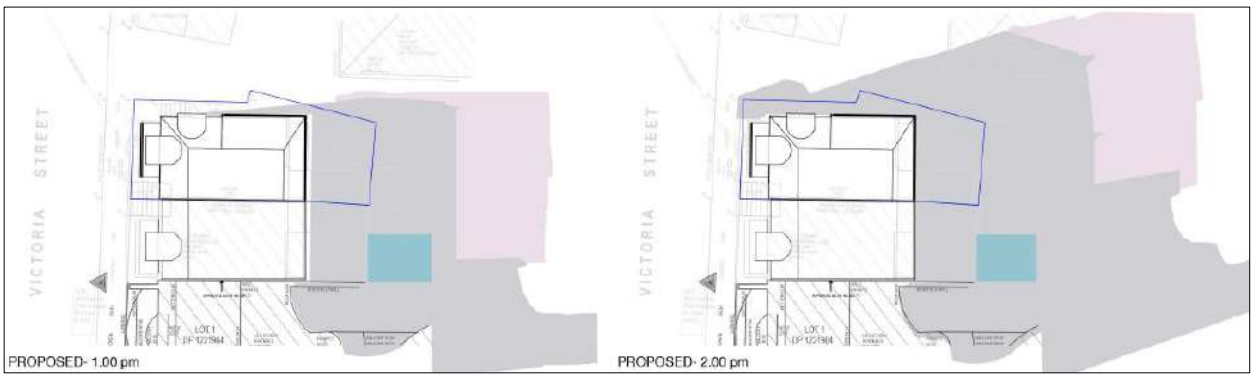
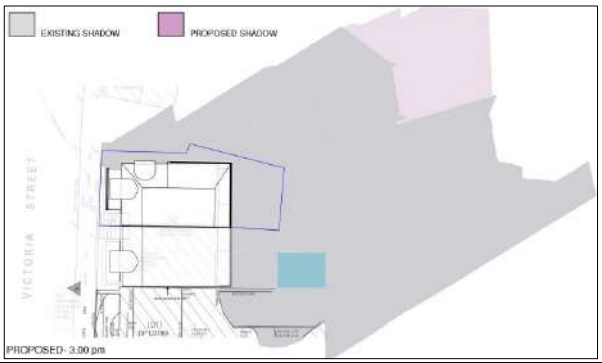


Figure 34: Adjoining dwelling (No.48 Mitchell Street) to the rear of subject site. Source: SixMaps 2025

		View from Mitchell Street to 48 Mitchell Street: ***Figure 35: Adjoining dwelling (No.48 Mitchell Street) southern elevation (front elevation)*** ***Figure 36: Adjoining dwelling (No.48 Mitchell Street). View from southwest of 48 Mitchell Street.***
Shadows diagrams at winter solstice 9-3pm showing bulk of the courtyard and first-floor balcony of 48 Mitchell Street (highlighted blue) consist of existing shadows (grey) created by subject site and vicinity sites. Additional shadowing created by the proposal (pink) are located on the public road of Mitchell Street and may extend to the commercial office building at 162 Blues Point Road.		





1.3.8 Acoustic Privacy	Yes	The subject site is located in a unique, urbanised and built-up context with the occurrence of roof terraces/balconies/elevated living areas in the immediate locality. To mitigate exacerbation of amenity impacts, a condition is recommended for the first floor southern elevation doors to be amended as windows with a minimum sill height of 1.5m in conjunction with the proposed planter boxes.

1.3.10 Visual Privacy	Yes demonstrates merit and consistency with the site context/setting	**Ground Floor eastern elevation**: Windows are highlight windows located at a sill height of 1.8m or approx. RL48.81, higher than the western ground floor window of 176 Blues Point Road which has a maximum window height of RL48.1. Satisfactory. **Ground Floor southern elevation**: Windows to ensuite and toilet face the rear blank wall of 48-50 Emmett Street only. Satisfactory as is. **First Floor Easter Elevation Dormer:** A condition is recommended for the proposed 1m high glass balustrade outside the eastern elevation dormer door to be 1.2m high obscure or frosted glass balustrade for visual privacy of adjoining properties as well as subject site. Applicant has proposed planter boxes 400mm wide to be installed beyond the balustrade which will provide some visual privacy to the private open space of 176 Blues Point Road to the north of the apartment building. A condition is recommended for the proposed plant species to be capable of reaching a minimum of 1m in height. **First Floor Sliding Doors (Eastern and Southern Elevation)** A condition is recommended for the proposed First Floor southern and eastern elevation glazed sliding doors to the Living Space to be amended as windows with a minimum sill height of 1.5m measured from the First-Floor finished floor level. The planter boxes proposed outside of these locations are to be raised accordingly to the sill height. This recommended condition mitigates visual privacy impact as well as noise and acoustic privacy impact to the subject site and the existing dense nature of the site and surrounds, especially No.176 Blues Point Road, which contains first-floor windows on the northern and western elevations. The proposed first floor level on the subject site is located on RL49.90. With the minimum sill height of 1.5m, the minimum height of the windowsill is RL51.40. The top of the First Floor western elevation window at Unit 3 of No.176 Blues Point Road is RL48.10. The height difference between the two would therefore be 3.3m and is considered reasonable in terms of visual privacy, along with the proposed planter boxes. During the site inspection, it is noted that there are at least three windows to the northern elevation of No.176 Blues Point Road that are not included in the survey. These windows appear to have the same height at the top of the windows as the First-Floor western elevation window of Unit 3. Without the actual RL of these windows not indicated in the submitted survey, for the purposes of this assessment, the top of window height will be taken as the height of the gutter at RL48.87. The height difference between the gutter height and the conditioned 1.5m window sill heights for the first floor southern and eastern elevation (excluding eastern dormer), is 2.53m. The proposal subject to the recommended conditions is considered to satisfactorily address the visual privacy impacts of the existing and potential future residents of the subject site and adjoining properties.

		First Floor northern elevation: A condition is recommended at the end of the report for the proposed First Floor northern glass door to be amended to provide obscure glazing from a minimum height of 1.2m (measured from the First-Floor finished floor level) to the bottom edge of the transom. The proposed transom window may be obscure to match the door or remain as clear glazing. No change is recommended for this northern door to be fixed as the proposed balcony area of 1.5sqm is unlikely to be intensively used and that visual privacy impact works both ways and suitable strategies should be considered by both the subject site and sites on the northern side of Victoria Street. The proposed recommendations are considered a reasonable outcome in the urban, dense setting of the locality.

Figure 37: View to No.176 Blues Point Road from Ground Floor Study Area of subject site. Existing windows located on First Floor northern and western elevations of No.176 Blues Point Road highlighted in blue.

1.4 Quality built form		
1.4.1 Context	Yes	The design, aesthetic, presentation and built form of the proposed development are considered appropriate and in context with the surrounding area.
1.4.3 Streetscape	Yes Compatible	The proposed development utilises features in the streetscape (arched dormers and entry) to provide a design that is compatible to 59 and 61 Victoria Street and approval for 63 Victoria Street (DA6/24); and a first floor addition design compatible with 61 Victoria Street and the numerous first floor terraces (62-68 Victoria Street opposite the site and 51-55 Victoria Street to the west of the site).
1.4.5 Siting	Yes As existing	
1.4.6 Setback *O1 To reinforce the characteristic pattern of setbacks and building orientation within the street.*		The setback requirement for the *Desired Built Form* in the locality as prescribed in Part C, s9.2.3 states: ***Front:*** Between 0-2m on Victoria and Mitchell Streets ***Side:*** Between 0-2m on Victoria and Mitchell Streets

O2 To control the bulk and scale of buildings. *O3 To provide separation between buildings.* *O4 To preserve the amenity of existing dwellings and provide amenity to new dwellings in terms of shadowing, privacy, views, ventilation and solar access.*	***Front:*** Yes ***Rear:*** Yes ***Side:*** All levels **Eastern boundary setback** satisfy the 0m-2m setback prescribed in ACS **Western boundary setback** Yes, achieves objectives despite 0m setback from western boundary due to party wall	No change is proposed to the front and rear setbacks from the proposal. ***Eastern Boundary Setback*** ***Lower Ground Floor***: Same as existing (0.789m – 1.68m) ***Ground Floor:*** Same as existing (1.09m – 1.68m) ***First Floor:*** 0.3m (southeastern corner of planter box) - 1.2m (to planter box) ***Western Boundary Setback*** Nil setback on all levels as there is a party wall on the Lower Ground and Ground Level. For the first floor, the party wall on the side of 63 Victoria Street has been approved in DA6/24, and the subject proposal seeks to construct the party wall within its own boundary. Appropriate conditions are included at the end of the report recommended by Council's Development Engineer. Reinforces the development pattern and setbacks featured in the existing semi-detached dwelling, and within Victoria Street.
P1 **Front setback** • To match adjoining properties. **P5** **Rear Setback – Rear** • To match adjoining properties. **P8** **Building Separation**	Yes Existing Yes Existing Yes Subject to conditions	Matching existing front setback on subject site and No.63 Victoria Street as a pair of semi-detached dwellings. The first floor and its rear-facing balcony has been appropriately aligned with the established rear building line. The amenity of existing dwelling as a result of the subject proposal is considered reasonable subject to recommended conditions at the end of the report.
1.4.7 **Form Massing Scale**	Yes	The proposed form, density and scale of the proposed development are reflective of the area character statement of the locality and comparable to surrounding properties and will therefore, not detract from prevailing architecture and streetscape character of the vicinity. No change is proposed to the floor to ceiling height of the existing lower ground floor (2.6m approx.) and ground floor (2.5m) within the proposal. The proposed first floor has a floor to ceiling height of 2.88-2.977m which is considered satisfactory to allow for solar access and ventilation within a 'living' space. The option to drop down the roof by the height non-compliance of close to half a metre will compromise the symmetry with the approved development under DA6/24 for No.63 Victoria Street, compromise the amenity of the living space, and contravene the minimum floor to ceiling height of 2.7m as stated in this section of the DCP.
1.4.8 **Built Form Character**	Yes	The site is situated in an urban context that includes a mix of commercial and residential uses. The design takes into account the row of symmetrical terraces directly across the subject site by mirroring the approved design of the semi-detached dwelling at 63 Victoria Street (DA6/24) and the similar design elements in the form of arched dormer and entry, low at No.61 and No.59 Victoria Street to the west of the site.

		The proposal aligns with the Character Statement for the McMahons Point Business Precinct in Section 9.2.2 of the NSDCP 2013, which states the desired future character of the locality consisting of *'modern medium density attached dwellings'* and the desired built form to be *'attached dwellings have symmetrical facades'*. The proposed development aligns with the desired future character in both scale, density and symmetry with the approval for No.63 Victoria Street granted under DA6/24.
1.4.9 Dwelling Entry	Yes	Acceptable subject to condition recommended at the end of the report for the arched entry to the dwelling to match the height of the similar entry at 63 Victoria Street as approved by DA 6/24.
1.4.10 Roofs	Yes	Part C of the DCP does not prescribe a specific roof form for the site. The roof pitch and angle have been designed to complement and align with the roofline of the approved DA6/24 design for 63 Victoria Street and No.61 Victoria Street while stepping back from the street frontage to reduce bulk and scale.
1.4.11 Dormers *O1 To ensure that the location, design, pitch and scale of any dormer is appropriate to the building and roof form to which it is attached, is in character with the area and does not result in any negative impacts on the amenity of adjoining properties.*	Yes	The proposed dormers to the northern and eastern elevations complement the curved dormers of the adjoining developments at 59 and 61 Victoria Street, approved dormer at 63 Victoria Street under DA6/24, and the dormer at 44 Mitchell Street. The design of the development also takes inspiration from the arched doorways of the existing dwelling and 63 Victoria Street. The dormer has a height of approximately 2.8 meters and will serve as a glazed doorway from the first floor to the Juliette balcony at the front of the dwelling, ensuring sufficient headroom consistent with the floor-to-ceiling height. The dormer will include a Juliette balcony covering an area of approximately 1.5m². This small-scale balcony will not result in adverse privacy impacts. The proposed dormers are considered to be compatible with the character of the locality and satisfactory against the assessment of amenity impacts within the DCP table subject to recommended conditions regarding the eastern elevation balustrades and plant species selection for the planter boxes on the eastern elevation to mitigate visual privacy impacts.
1.4.12 Materials	Yes	Consistent with the approval for DA6/24 for 63 Victoria Street and uses recessive colours that complement the finishes of adjoining developments within the Victoria Street streetscape.
1.4.14 Front Fences	N/A	No change proposed.
1.5 Quality Urban Environment		
1.5.5 Site Coverage	No Merit	The maximum site coverage permissible under s1.5.5 of NSDCP 2013 is 60%. The existing site coverage is 65.6%. The minor increase in site coverage by approximately 3.7sqm is due to the proposed planter boxes on the first floor only. This increase in area is converted from the existing unbuilt upon area which is paving and provides landscaping elements that also behave as a visual privacy strategy that is considered to have merit.

1.5.6 Landscape Area

No Condition recommended

Site Area: 88.5sqm

Control	Existing	Proposed	Compliance
Site coverage (max.60% or 53.1sqm)	58.1sqm (65.6%)	61.8sqm (69.8%)	No Variation 8.7sqm (9.8%)
Landscaped area (20% or 17.7sqm minimum)	6.6sqm (7.5%)	6.6sqm (7.5%)	No Variation 11.1sqm
Unbuilt-upon area (20% or 17.7sqm maximum)	23.8 (26.9%)	20.1 (22.7%)	No Variation 2.4sqm (2.7%)

A condition is recommended at the end of the report for the tiled paving in the rear yard to be removed for permeable paving or landscaping only. The tiled area at the rear is measured to be approximately 19.6sqm which will allow for landscaped area compliance is condition is imposed.

Landscaped Area calculations
Proposed Landscaped area (Light green)
Extent of unbuilt upon area recommended for permeable paving or landscaping at the rear (blue hatched 13.8sqm)

1.5.10 Private and Communal Open Space

- Private open space at ground level – 4m min dimension & 2m above ground level
- Must be provided off living areas

O1 To ensure residents are provided with a reasonable level of outdoor amenity.
O2 To ensure private open space is of sufficient size to be useable.

No Improved

Control – lot size	Proposed	Compliance
Dwellings		
Up to 499m² – 40m	29.4sqm	No Variation 10.6sqm

The subject site is constrained by its small area of 88.5sqm and does not have sufficient private open space as existing. The proposed private open space is approximately 29.4sqm composed of the rear yard and the porch and front balconies on all levels. The rear private open space has a minimum dimension of 4m.

		Despite the technical non-compliance, the proposal provides a greater area of private open space than that existing by approximately 3.9sqm resulting from the first floor front balcony. The proposal satisfies the objectives of this control by ensuring residents are provided with a sufficient size of private open space that is useable and a reasonable level of outdoor amenity.
1.5.13 Garbage Storage	Yes	
1.6 Efficient Use of Resources		
1.6.1 Energy Efficiency	Yes	The applicant has provided a BASIX Certificate in support of the development application which requires suite of energy efficiency measures such as: A condition is imposed to ensure that the measures contained within the BASIX Certificate are undertaken at all stages of the development process.
1.6.2 Passive Solar Design	Yes	The development will perform adequately in this regard.
1.6.4 Natural Ventilation	Yes	The proposed development comprises an adequate number of openings that provide natural ventilation to all habitable rooms within the building.
1.6.8 Stormwater Management	Yes	Engineer's comments confirmed acceptance of the design.
1.6.9 Water Management and Minimisation	Yes	A waste management plan is provided, which adequately details the management of waste generated from demolition and construction works.

Relevant Planning Area – Part C of NSDCP 2013

Section 9 – Lavender Bay Planning Area
Section 9.2 – McMahons Point Business Precinct

The site is within the Lavender Bay Planning Area – specifically, the McMahons Point Business Precinct, to which, Part C, Section 9.2 of the DCP applies. A review against the relevant controls and provisions under this section confirms that the proposed development may be regarded as generally congruent with the established and desired future character and built form of the area and is acceptable and responsive to the character statement.

The proposed development involves alterations to an existing semi-detached dwelling, aligning with the anticipated mix of developments for the precinct's future character. This future character envisions 'modern medium density attached dwellings,' which is compatible with the proposal.

Characterised as a semi-detached dwelling, the development forms part of a pair of dwellings at 63 and 65 Victoria Street. The project will retain elements of the front façade to maintain symmetry and consistency in its street presentation, including the timber picket fence, curved doorway entry, dormer and ground floor balcony balustrades, and sloped apron awning. Additionally, the proposal includes an additional floor that preserves the existing built form while clearly distinguishing the new addition.

The building's façade will retain its existing painted render finish on the external walls. The new floor will feature a corrugated roof finish that complements the roof material and finish of the adjoining building at 61 Victoria Street and the approval for 63 Victoria Street under DA6/24. The development's materials are compatible with the mixed architectural style and design within the streetscape of Victoria Street.

LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN

The subject application has been assessed against the North Sydney Local Infrastructure Contribution Plan 2020 and is subject to the payment of contributions towards the provision of local infrastructure. The subject proposal increases the dwelling mix from two bedrooms to three bedrooms, however, a Section 7.12 levy is applicable in this development application as the higher value between s7.11 and s7.12 contributions apply according to the contribution plan. Therefore, the proposal has been calculated in accordance with the plan as follows:

Applicable Contribution Type		
s7.12 contribution detail	Development cost:	$ 822,000.00
(payment amount subject to indexing at time of payment)	Contribution:	**$ 8,220.00** (1% of development cost)

Conditions requiring payment of contributions are included in the attached recommended conditions of consent.

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	N/A
7.	Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.)	YES
8.	Site Management Issues	YES
9.	All relevant Section 4.15(1) considerations of *Environmental Planning and Assessment Act 1979 (amended)*	YES

SUBMITTERS CONCERNS

The application was notified to adjoining properties and the Euroka Precinct. Council received 18 submissions where the following matters were raised:-

- ***Visual Privacy***

Response: The proposed development is unlikely to create adverse visual privacy impacts to adjoining properties and the subject site subject to the recommended conditions at the end of the report. A condition is recommended for the proposed 1m high glass balustrade to be 1.2m high obscure or frosted glass balustrade along with the Applicant's proposed planter boxes 400mm wide to be installed beyond the balustrade which will provide some visual privacy to the private open space of 176 Blues Point Road to the north of the apartment building. A condition is recommended for the proposed plant species within the planter boxes located on the First Floor eastern and southern elevations to be capable of reaching a minimum of 1m in height.

- ***Acoustic privacy/Noise***

Response: The proposed development is considered acceptable in terms of acoustic privacy impacts and the condition recommended for the proposed built form to comply with the construction guidelines of the National Construction Code. Given the unique, urbanised and built-up context and setting of the site and surrounds and the occurrence of roof terraces/balconies/elevated living areas in the immediate locality, acoustic privacy is considered to have been addressed satisfactorily.

- ***Overshadowing***

Response: The proposed development at winter solstice 9-3pm creates overshadowing onto shadows already existing from the current built structures on site, with additional shadowing located on the public road of Mitchell Street and extending up to the expansive commercial office building at 162 Blues Point Road.

- ***Lack of Building separation***

Response: The constraints of the site and adjoining dwellings provide limited building separation as a result of the small lot sizes in a dense, urban setting. The proposed first floor addition is located within the existing building footprint, conditions are recommended at the end of the report that ensures visual and acoustic privacy impacts are mitigated to satisfy the Visual Privacy objectives to which *Building Separation* falls under within the DCP.

- ***Height non-compliance***

Response: The Clause 4.6 statement provided by *Barr Planning*, dated 3 February 2025 has demonstrated that strict compliance with the Clause 4.3 Height of Buildings development standard is unreasonable and unnecessary in the circumstances of the case. The written request demonstrates consistency with all objectives of the development standard and the relevant E3 zone, as well as provided sufficient environmental planning grounds in support of the request for the height exceedance. The proposal is considered to have merit and justified in its non-compliance and considered to be satisfactory.

- ***Clause 4.6 not well founded***

Response: The Clause 4.6 statement provided by *Barr Planning*, dated 3 February 2025 has demonstrated that strict compliance with the Clause 4.3 Height of Buildings development standard is unreasonable and unnecessary in the circumstances of the case. The written request demonstrates consistency with all objectives of the development standard and the relevant E3 zone, as well as provided sufficient environmental planning grounds in support of the request for the height exceedance. The proposal is considered to have merit and justified in its non-compliance and considered to be satisfactory.

- ***Bulk and scale***

Response: The proposed form, density and scale of the proposed development are reflective of surrounding properties comprised of larger commercial buildings and terrace dwellings and will therefore not detract from the prevailing bulk and scale of the architecture within the streetscape.

- ***Character***

Response: The proposed development has taken the existing streetscape into account to ensure compatibility with the surrounding character. The immediate locality features a diverse range of land uses, including light industrial, retail, commercial, and residential, as well as various architectural styles such as 1970s to 1990s commercial buildings, late 1800s Victorian terraces, and worker cottages. This diversity results in an absence of a cohesive architectural style or streetscape character.

The proposed development utilises features in the streetscape (arched dormers and entry) to provide a design that is compatible to developments on the southern side of Victoria Street including 59 Victoria Street, 61 Victoria Street and approval for 63 Victoria Street (DA6/24).

- ***Materials and colours uncharacteristic***

Response: The proposed materials and recessive colours complement the finishes of adjoining developments within the Victoria Street streetscape.

- ***View Impact (iconic views)***

Response: A comprehensive assessment on the view impact to No.62-68 Victoria Street was carried out for the proposal based on the view assessment principle of *Tenacity*. The view impacts are to the first floor balconies of No.62-66 Victoria Street. No.62 Victoria Street is assessed as having a minor-moderate view impact to the iconic and significant views identified, and No.64-66 Victoria Street have minor impacts. Based on the Tenacity assessments demonstrating that view impacts to these spaces are off a bedroom and not a 'living' room, and the availability of whole views from the rooftop terraces across these properties (which are also the 'living' space and 'private open space' of these properties), it is considered that the proposal's view impact is considered reasonable in the dense urban setting and the ability for a more skilful design to improve the views obtained from these balconies are unlikely given the Area Character Statement's desired built form (NSDCP 2013, Part C, s9.2.3) for attached dwellings to have symmetrical facades, creating a symmetrical presentation of the proposal's front façade with that of the approval for No.63 Victoria Street under DA6/24.

While a symmetrical form and design to No.63 Victoria Street may be created by lowering the whole proposed development by 0.5m which will assist in achieving compliance with Clause 4.3 and mimic the lowering of height of approximately 0.5m (Refer to Figure 20A below) between the parapet of No.62-64 Victoria Street terraces with No.66-68 Victoria Street terraces, it is not a good amenity outcome for the inhabitants on the subject site as the Lower Ground Floor as existing already consists of subterranean conditions with less light through the windows.

An assessment of the view impact to properties on Holt Street is also undertaken. As the properties to the northern side of Victoria Street is higher than the subject site by at least 2.5m, it is considered that view impact is unlikely as any views would have already been blocked by the taller developments on the northern side of Victoria Street.

- ***Precedent not a reason for approval***

Response: The proposed built form presents as a 2-storey terrace residence with a lower ground floor (below street level) that is not uncommon on the southern side of Victoria Street. The proposal is considered satisfactory and reasonable as it incorporates elements within the streetscape to provide compatibility and achieves the desired future character and desired built form of the locality identified within Part C of NSDCP as 'McMahons Point Business District'. The subject proposal has been assessed on its merits as well as what is existing in the streetscape and locality. The Clause 4.6 has addressed the height non-compliance as unreasonable and unnecessary and achieves the objectives of the height of building development standard and the E3 Productivity Support zone.

- ***Impact on heritage items in proximity of site***

Response: The proposal has been referred to Council's Conservation Planner who raised no objections to the proposal. The subject site is not located within a conservation area.

- ***Sky view taken away from Ground floor living room of 66 Victoria Street***

Response: No.66 Victoria Street is classified as a single dwelling and not a dual occupancy therefore impact to sky view shall be assessed based on the whole of the property. Sky view is still visible from the first floor and roof top as well as rear open space of No.66 Victoria and therefore the proposal is considered satisfactory in this regard.

- ***Low level of landscaped area and permeable surfaces***

Response: A condition is recommended at the end of the report for the rear tiled paving to be removed to comprise permeable paving or landscaped area only which will satisfy the objectives of the NSDCP 2013 for Part B, s1.5.6 *Landscaped Area* and the minimum landscaped area required for the site which is 20%.

PUBLIC INTEREST

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

SUITABILITY OF THE SITE

The proposal would be located in an E3 Productivity Support zone where alterations and additions to an existing semi-detached dwelling are a permissible form of development. Consequently, the proposal is considered to be suitable for the site having regard to the merits of the proposal as described in the above report.

CONCLUSION + REASONS

The development application has been assessed against the *North Sydney Environmental Plan 2013* and the North Sydney Development Control Plan 2013 and is generally found to be satisfactory. The proposed development provides an appropriate, acceptable and reasonable design and planning outcome for the subject site that demonstrates appropriate consistency and adequate compatibility with the streetscape and character of the immediate locality and that will result in reasonable impacts on neighbouring properties and the environment. While strict compliance with the building height standard could be insisted upon, the retention of available whole views from main living rooftop terrace of No.62-68 Victoria Street is considered a reasonable outcome for these sites and the proposal in a dense urban setting based on the view sharing principle of *Tenacity*, and also allow for the alignment of the proposed development with the desired future character and built form of the locality as prescribed in the Area Character Statement.

With regard to the potential impacts upon the amenity of adjoining properties and the unique context of the site, subject to conditions, the development application is considered to be satisfactory and is recommended for approval.

Council received a total of eighteen (18) submissions from individual properties and the Precinct Committee that raised concerns and issues relating to bulk and scale, impacts associated with amenity, privacy and solar access, variations to provisions and controls under Council policy, uncharacteristic built form, and impacts on streetscape. These concerns and issues have been discussed in this report and are addressed with appropriate conditions of consent.

Having regard to the provisions of Section 4.15(1) of the *Environmental Planning and Assessment Act 1979*, the proposed development will not result in significant, adverse material impacts to adjoining properties and, on the environment, including those relating to view loss, amenity and privacy. As such, the application is recommended for ***approval*** subject to appropriate standard and site specific conditions.

HOW WERE THE COMMUNITY VIEWS TAKEN INTO CONSIDERATION?

The subject application was notified to adjoining properties and the Euroka Precinct for 14 days where a number of issues were raised that have been addressed in this report where appropriate conditions of consent have been recommended to maintain the amenity of adjoining properties and the character of the streetscape and the McMahons Point Business Precinct locality as identified within Part C, NSDCP 2013.

RECOMMENDATION

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

THAT the North Sydney Local Planning Panel, exercising the functions of Council, assume the concurrence of the Secretary of The Department of Planning, Industry, and Environment and invoke the provisions of Clause 4.6 in *NSLEP 2013* with regards to the non-compliance with Clause 4.6 and grant consent to Development Application No. 27/25 for alterations and additions to an existing semi-detached dwelling on land at 65 Victoria Street, McMahons Point subject to the following site specific and standard conditions:-

Roofing

C18. Traditional corrugated profile metal roof sheeting is to be used, not that illustrated on the approved Schedule of Materials. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To be sympathetic to the character and palette of materials used on nearby heritage items).

Arched Entry

C19. The arched entry to the dwelling on the front elevation is to match the height (RL) of the arched entry into No.63 Victoria Street as approved by DA6/24. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To be sympathetic to the streetscape and maintain symmetry as desired within the Area Character Statement under NSDCP Part C, s9.2.)

Landscaped Area or Permeable Paving

C20. The rear yard with existing paving of approximately 13sqm is to be removed and converted into landscaped area or permeable paving to maximise retention and absorption of surface drainage water on site.

(Reason: To ensure compliance with objectives and provisions of NSDCP 2013, Part B, Section 1.5.6 *Landscaped Area*)

First Floor Eastern Elevation Dormer Balustrade

C21. The proposed First Floor balustrades external to the eastern elevation dormer door is to be amended from 1m high glass balustrades to a minimum height of 1.2m above finished floor level. The glass balustrade is to be obscure or frosted glass only.

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 ensure an adequate level of visual privacy is provided to the subject site, and adjoining property at 176 Blues Point Road)

First Floor Eastern and Southern Elevation Planter Box Species

C22. The proposed First Floor Eastern and Southern Elevation planter boxes are to contain species that are capable of obtaining a minimum height of 1m.

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 ensure an adequate level of privacy is provided to the subject site and adjoining properties at No.176 and 178 Blues Point Road)

First Floor South and Eastern Elevation Sliding Doors

C23. All glazed openings on the proposed First Floor southern and eastern elevations represented in the approved plans as sliding doors are to be amended as windows with a minimum sill height of 1.5m measured from the First-Floor finished floor level. The planter boxes proposed outside of these locations are to be raised accordingly to match the sill height of the windows.

The glazed openings and planter boxes mentioned above do not include the glazed door and transom beneath the eastern elevation dormer.

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 ensure an adequate level of visual privacy, acoustic privacy, and noise mitigation is provided to the subject site and adjoining dwellings at No.176 Blues Point Road and 48 Mitchell Street, as well as future residents on adjoining sites)

First Floor Northern Door Glazing

C24. The proposed First Floor northern glass door is to be amended to provide obscure glazing from a minimum height of 1.2m (measured from the First-Floor finished floor level) to the bottom edge of the transom. The proposed transom window may be obscure to match the door or remain as clear glazing.

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 alleviate potential visual privacy impact between the subject site's First Floor Living Space and No.64-68 Victoria Street)

RACHEL WU
ASSESSMENT OFFICER

ISOBELLA LUCIC
TEAM LEADER ASSESSMENTS)

STEPHEN BEATTIE
MANAGER DEVELOPMENT SERVICES

NORTH SYDNEY COUNCIL
CONDITIONS OF DEVELOPMENT APPROVAL
65 VICTORIA STREET, MCMAHONS POINT
DEVELOPMENT APPLICATION NO. 27/25

A. Conditions that Identify Approved Plans

Development in Accordance with Plans/Documentation

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

Plan No.	Rev	Description	Prepared by	Dated
DM01	A	Demolition Plan – Existing Lower Ground Level	Urbanistica	29/5/2025
DM02	A	Demolition Plan – Existing Ground Level	Urbanistica	29/5/2025
DA01	A	Lower Ground Floor Plan	Urbanistica	16/1/2025
DA02	A	Ground Floor Plan	Urbanistica	16/1/2025
DA03	A	First Floor Plan	Urbanistica	16/1/2025
DA04	A	Roof Plan	Urbanistica	16/1/2025
DA05	A	North and South Elevations	Urbanistica	16/1/2025
DA06	A	East Elevation	Urbanistica	16/1/2025
DA07	A	Section AA	Urbanistica	16/1/2025
M01	A	Exterior Material Finishes	Urbanistica	16/1/2025

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

Plans on Site

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

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

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

No Demolition of Extra Fabric

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

(Reason: To ensure compliance with the approved development)

External Finishes and Materials

A4. External finishes and materials must be in accordance with the submitted schedule prepared by Urbanistica, Drawing M01, Revision A, dated 16 January 2025 and registered by Council on 5 February 2025, unless otherwise modified by Council in writing or by condition.

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

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

Dilapidation Report Damage to Public Infrastructure

C1. A dilapidation survey and report (including photographic record) must be prepared by a suitably qualified consultant which details the predeveloped condition of the existing public infrastructure in the vicinity of the development site. Particular attention must be paid to accurately recording any infrastructure damaged before development commences, so 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 the relevant Construction Certificate.

The developer 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 developer 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 construction)

Structural Adequacy (Semi-detached and Terrace Buildings)

C2. A report from an appropriately qualified and practising structural engineer, certifying the structural adequacy of the adjoining property No. 63 Victoria Street which certifies its ability to withstand the proposed works and outlines any measures required to be implemented to ensure that no damage will occur to adjoining premises during the works, must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The measures outlined in the certified report must be complied with at all times.

Under no circumstances shall the party or common wall be extended or altered without the prior written consent of the adjoining owner. Any such extension of the party wall shall be noted on title by way of appropriate easement or section 88B instrument.

(Reason: To ensure the protection and structural integrity of adjoining properties, and that common law property rights are recognised)

Structural Adequacy of Existing Building

C3. A report prepared by an appropriately qualified and practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction shall be submitted to the Principal Certifier for approval prior to issue of the relevant Construction Certificate. The certified report must also include all details of the methodology to be employed in construction phases to achieve the above requirements. The methodology in the certified report must be complied with at all times.

(Reason: To ensure the structural integrity of the building is maintained)

Erosion and Sediment Control

C4. 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.

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

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

Waste Management Plan

C5. A Waste Management Plan prepared in accordance with the provisions of Part B Section 19 of *the North Sydney DCP 2013,* must be submitted for approval by the Principal Certifier prior to the issue of the relevant Construction Certificate. The plan must include, but not be limited to:

a) The estimated volume of waste and method of disposal for the construction and operation phases of the development;

b) The design of the on-site waste storage and recycling area; and

c) Administrative arrangements for waste and recycling management during the construction process.

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

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

Skylight(s)

C6. Skylight flashing(s) and frame(s) to be coloured to match the roof material. Skylight(s) to sit no higher than 100mm above roof plane when in a closed position. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

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

Work Zone

C7. If a Work Zone is required a Work Zone permit is to be obtained from Council prior to the issue of any Construction Certificate.

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

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

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

(Reason: Amenity and convenience during construction)

Maintain Property Boundary Alignment Levels

C8. Except where otherwise approved by Council, the property boundary alignment levels must match the levels which existed prior to the commencement of works. Plans and specifications which document existing and proposed levels adjacent to the site boundaries and which comply with the requirements of this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

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

Stormwater Disposal

C9. Stormwater runoff generated by the approved development must be conveyed by gravity to the existing site stormwater drainage disposal system. A licensed tradesman shall install plumbing components to achieve this requirement in accordance with the NCC and current plumbing standards and guidelines. 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 appropriate provision for disposal and stormwater management arising from the development)

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

C10. Prior to the issue of the relevant Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of $5,000.00 to be held by Council for the payment of the cost for the following relevant matters:

a) making good any damage caused to any property of the Council as a consequence of the doing of anything to which this consent relates,
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,
c) remedying any defects in any such public work that arise within 6 months after the work is completed, and
d) Council reserves the right to retain all bonds on infrastructure works relating to the completion of required Infrastructure work for a 12-month defect liability period. Council may elect to provide a lesser period for minor residential work.

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

The security will be refundable following the 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)

Asbestos and Hazardous Material Survey

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

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

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

b) all removal must be in strict accordance with the requirements of the SafeWork NSW in relation to the removal, handling and disposal of material containing asbestos and any Work Safe Australia requirements.

c) during the removal of any asbestos a sign stating "DANGER ASBESTOS REMOVAL IN PROGRESS" must be erected in a visible position at the boundary of the site; and

d) Waste disposal receipts must be provided to the Principal Certifier as proof of correct disposal of asbestos laden waste.

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

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

Location of Plant

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

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

Noise from Plant and Equipment

C13. The use of all plant and equipment installed on the premises must not:

a) Contribute an LAeq(15min) which will cause the total LAeq(15min) from all plant and equipment operating contemporaneously on the site or in the strata scheme or in the mixed strata schemes to exceed the RBL by more than 5dB when measured at the boundary of any affected receiver. The modifying factor adjustments in **Fact Sheet C** of the *NSW Environment Protection Authority Noise Policy for Industry 2017* shall be applied.

b) 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 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)

Air Conditioners in Residential Premises

C14. The use of any air conditioner installed on the premises must comply with the requirements of *the Protection of the Environment Operations (Noise Control) Regulations 2017* and *State Environmental Planning Policy (Transport and Infrastructure) 2021* and must not:

a) emit a noise that is audible within a habitable room in any affected residence (regardless of whether any door or window to that room is open);

i. before 8.00am and after 10.00pm on any Saturday, Sunday or Public Holiday; or
ii. before 7.00am or after 10.00pm on any other day

b) cause an LAeq(15min) which exceeds the RBL background noise level by more than 5dB when measured at the boundary of any affected residence. The modifying factor adjustments in Section 4 of *the Environment Protection Authority Noise Policy for Industry 2017* will be applied.

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

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

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

(Reason: To maintain residential amenity)

Local Infrastructure Contributions

C15. A monetary contribution pursuant to the provisions of section 7.12 of *the Environmental Planning and Assessment Act 1979* is to be paid to Council, in accordance with the North Sydney Council's Local Infrastructure Contributions Plan, to provide for local infrastructure improvements.

Based on the net increase in demand for infrastructure at the date of determination, the total contribution payable to Council is $**8,220.00**.

Indexation

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

Timing of Payment

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

A copy of *the North Sydney Local Infrastructure Contribution Plan 2020* can be viewed at North Sydney Council's Customer Service Centre, 200 Miller Street, NORTH SYDNEY, or downloaded via Council's website at www.northsydney.nsw.gov.au.

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

Security Deposit/Guarantee Schedule

C16. 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 ($)**
Footpath Damage Bond	$5,000
TOTAL BONDS	**$5,000**

Note: The following fees applicable

Fees	**Amount ($)**
Local Infrastructure Contributions (s7.12)	$8,220.00
TOTAL FEES	**$8,220.00**

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

(Reason: Compliance with the development consent)

BASIX Certificate

C17. The original BASIX Certificate No. *A1781892*, dated *3 February 2025* is required to be updated in accordance with the stamped plans and conditions of consent.

Under section 75 of the *Environmental Planning and Assessment Regulation 2021*, it is a condition of this development consent that all the commitments listed in updated BASIX Certificate 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)

Roofing

C18. Traditional corrugated profile metal roof sheeting is to be used, not that illustrated on the approved Schedule of Materials. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To be sympathetic to the character and palette of materials used on nearby heritage items).

Arched Entry

C19. The arched entry to the dwelling on the front elevation is to match the height (RL) of the arched entry into No.63 Victoria Street as approved by DA6/24. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To be sympathetic to the streetscape and maintain symmetry as desired within the Area Character Statement under NSDCP Part C, s9.2.)

Landscaped Area or Permeable Paving

C20. The rear yard with existing paving of approximately 13sqm is to be removed and converted into landscaped area or permeable paving to maximise retention and absorption of surface drainage water on site.

(Reason: To ensure compliance with objectives and provisions of NSDCP 2013, Part B, Section 1.5.6 *Landscaped Area*)

First Floor Eastern Elevation Dormer Balustrade

C21. The proposed First Floor balustrades external to the eastern elevation dormer door is to be amended from 1m high glass balustrades to a minimum height of 1.2m above finished floor level. The glass balustrade is to be obscure or frosted glass only.

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 ensure an adequate level of visual privacy is provided to the subject site, and adjoining property at 176 Blues Point Road)

First Floor Eastern and Southern Elevation Planter Box Species

C22. The proposed First Floor Eastern and Southern Elevation planter boxes are to contain species that are capable of obtaining a minimum height of 1m.

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 ensure an adequate level of privacy is provided to the subject site and adjoining properties at No. 176 and 178 Blues Point Road)

First Floor South and Eastern Elevation Sliding Doors

C23. All glazed openings on the proposed First Floor southern and eastern elevations represented in the approved plans as sliding doors are to be amended as windows with a minimum sill height of 1.5m measured from the First-Floor finished floor level. The planter boxes proposed outside of these locations are to be raised accordingly to match the sill height of the windows.

The glazed openings and planter boxes mentioned above do not include the glazed door and transom beneath the eastern elevation dormer.

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 ensure an adequate level of visual privacy, acoustic privacy, and noise mitigation is provided to the subject site and adjoining dwellings at No.176 Blues Point Road and 48 Mitchell Street, as well as future residents on adjoining sites)

First Floor Northern Door Glazing

C24. The proposed First Floor northern glass door is to be amended to provide obscure glazing from a minimum height of 1.2m (measured from the First-Floor finished floor level) to the bottom edge of the transom. The proposed transom window may be obscure to match the door or remain as clear glazing.

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 alleviate potential visual privacy impact between the subject site's First Floor Living Space and No.64-68 Victoria Street)

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)

Asbestos Material Survey

D2. Prior to the commencement of any works, a report must be prepared by a suitably qualified person in relation to the existing building fabric to be demolished and/or disturbed identifying the presence or otherwise of asbestos contamination, and, if asbestos contamination is present, making recommendations as to the work required to safely address the contamination.
Any demolition works or other works identified in the report as having to be carried out must be carried out in accordance with the recommendations of the report and the following:

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

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

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

Commencement of Works' Notice

D3. Works in accordance with this development consent must not be commenced until the Applicant has given at least two days' notice to North Sydney Council of the person's intention to commence works in accordance with this development consent.

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

E. During Demolition and Building Work

Parking Restrictions

E1. Existing public parking provisions in the vicinity of the site must be maintained at all times during works. The placement of any barriers, traffic cones, obstructions, or other device in the road shoulder or kerbside lane is prohibited without the prior written consent of Council. Changes to existing public parking facilities/restrictions must be approved by the North Sydney Local Traffic Committee. The 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)

Road Reserve Safety

E2. 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. 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 accessways fronting the construction site.

Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers (at full Applicant 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)

Temporary Disposal of Stormwater Runoff

E3. During construction, stormwater runoff must be disposed of 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)

Progress Survey

E4. In order to ensure compliance with approved plans, a Survey Certificate, to Australian Height Datum, must be prepared by a Registered Surveyor as follows:

a) at the completion of the first structural floor level indicating the level of that floor and the relationship of the building to the boundaries;

b) at the completed height of the building, prior to the placement of concrete inform work, or the laying of roofing materials; and

c) at completion, the relationship of the building, and any projections thereto, to the boundaries.

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

(Reason: To ensure compliance with approved plans)

Removal of Extra Fabric

E5. Should any portion of the existing building, trees, or curtilage of the site, which is indicated on the approved plans to be retained, be damaged for whatever reason, all the works in the area of the damaged portion are to cease and written notification of the damage is to be given to Council forthwith. No work is to resume until the written approval of Council to do so is obtained. Failure to comply with the provisions of this condition may result in the Council taking further action including legal proceedings if necessary.

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

Dust Emission and Air Quality

E6. 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

E7. The works must be undertaken in accordance with the "Interim Construction Noise Guideline" published by the NSW Environment Protection Authority, to ensure excessive levels of noise and vibration do not occur so as to minimise adverse effects experienced on any adjoining land.

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

No Removal of Trees on Public Property

E8. 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)

Benchmarks

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

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

Special Permits

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

The 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:

1) **On-street mobile plant**

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

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.

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.

4) **Kerbside restrictions, construction zones**

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

(Reason: Proper management of public land)

Construction Hours (All Other Zones)

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

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

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

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

Out-of-hours' Work Permits

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

Note:

1) Failure to obtain a permit for work outside of the approved hours will result in 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-hours' works should be lodged with Council no later than seven (7) calendar days prior to the date of the intended works.

3) Examples of activities for which permits may be granted include:
   - the erection of awnings,
   - footpath, road, and other infrastructure works which cannot be carried out for public convenience reasons within normal hours,
   - the erection and removal of hoardings and site cranes, and
   - craneage of materials which cannot be done for public convenience reasons within normal working hours.

4) Examples of activities for which permits WILL NOT be granted include:
   - extended concrete pours
   - works which are solely to convenience the Applicant or client, and
   - catch up works required to maintain or catch up with a construction schedule.

5) Further information on permits can be obtained from the Council website at www.northsydney.nsw.gov.au.

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

Installation and Maintenance of Erosion and Sediment Controls

E13. 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

E14. 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

E15. Where work involved in the erection and/or demolition of a building is being carried out, amenities which satisfy applicable occupational health and safety and construction safety regulations, including any SafeWork NSW requirements, must be provided and maintained at all times. The type of workplace determines the type of amenities required.

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

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

Health and Safety

E16. All work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any SafeWork NSW requirements to prepare a health and safety plan. Site fencing must be installed sufficient to exclude the public from the site. Safety signs must be erected that warn the public to keep out of the site and provide a contact telephone number for enquiries.

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

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

Prohibition on Use of Pavements

E17. 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

E18. All plant and equipment used in the undertaking of the development/works, including concrete pumps, wagons, lifts, mobile cranes, hoardings etc., must be situated within the boundaries of the site (unless a permit is obtained from Council beforehand) and so placed that all concrete slurry, water, debris and the like must be discharged onto the building site, and is to be contained within the site boundaries.

Details of Council requirements for permits on public land for standing plant, hoardings, storage of materials and construction zones and the like are available on Council's website at www.northsydney. nsw.gov.au.

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

Waste Disposal

E19. All records demonstrating the lawful disposal of waste must be retained and kept readily accessible for inspection by regulatory authorities such as North Sydney Council and the Environment Protection Authority.

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

Asbestos Removal

E20. All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current SafeWork NSW Asbestos or "Demolition Licence," and a current SafeWork NSW "Class 2 (Restricted) Asbestos Licence" (or equivalent). Removal must be carried out in accordance with National Occupational Health and Safety Commission requirements.

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

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

National Construction Code

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

(Reason: Prescribed - Statutory)

Home Building Act

F2. 1) Building work that involves residential building work (within the meaning and exemptions provided in *the Home Building Act 1989*) for which *the Home Building Act 1989* requires there to be a contract of insurance under Part 6 of that Act must not be carried out unless the Principal Certifier for the development to which the work relates, has given North Sydney Council written notice of the contract of insurance being issued, and of the following:

a) in the case of work for which a principal contractor is required to be appointed:

i) the name and licence number of the principal contractor, and
ii) the name of the insurer by which the work is insured under Part 6 of that Act, or

b) in the case of work to be done by an owner-builder:

i) the name of the owner-builder, and
ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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 condition, sufficient evidence that the person has complied with the requirements of that Part.

(Reason: Prescribed - Statutory)

Appointment of a Principal Certifier

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

(Reason: Statutory, to ensure appropriate safeguarding measures are in place prior to the commencement of any building or excavation works)

Construction Certificate

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

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

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

Occupation Certificates

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

(Reason: Statutory compliance)

Critical Stage Inspections

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

(Reason: Statutory)

Commencement of Works

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

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

Excavation/Demolition

F8. Excavation and demolition shall be carried out as follows:

a) All excavation and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

b) All excavation associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

c) Demolition work must be undertaken in accordance with the provisions of AS2601 - Demolition of Structures.

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

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 to building work or demolition work is being carried out but must be removed when the work has been completed.

(Reason: Prescribed - Statutory)

G. Prior to the Issue of an Occupation Certificate

Damage to Adjoining Properties

G1. 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)

Infrastructure Repair and Completion of Works

G2. Prior to the issue of the relevant Occupation Certificate, any and all works relating to the development:

a) in the road reserve must be fully completed; and
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)

Utility Services

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

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

Asbestos Clearance Certificate

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

a) the building/land is free of asbestos; or
b) the building/land has asbestos that is presently deemed safe.

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)

Height

G5. Upon completion of the works and prior to the issue of the relevant Occupation Certificate the RL of the development measured at 53.10 must be surveyed and certified by an appropriately qualified and practising surveyor as compliant with the maximum approved levels in accordance with the plans within Condition A1. This survey and certification must be submitted to the Principal Certifier with the application for the relevant 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)

BASIX Completion Certificate

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

(Reason: To ensure compliance with the Regulations)

Landscaping

G7. The landscaping/permeable cited in Condition C20 must be completed prior to the issue of the relevant Occupation Certificate..

(Reason: To ensure compliance; To ensure compliance with NSDCP 2013 Landscaped Area controls)

Damage to Adjoining Properties

G8. On completion of the development the subject of this consent and prior to the issue of the relevant Occupation Certificate, a report is to be prepared by an appropriately qualified consultant and is to be provided to the Principal Certifier (and a copy to Council if it is not the Principal Certifier) certifying:

a) whether any damage to adjoining properties has occurred as a result of the development;
b) the nature and extent of any damage caused to the adjoining property as a result of the development;
c) the nature and extent of works required to rectify any damage caused to the adjoining property as a result of the proposed development;
d) the nature and extent of works carried out to rectify any damage caused to the adjoining property as a result of the development; and
e) the nature and extent of any agreements entered into for rectification of any damage caused to the adjoining property as a result of the development.

The report and certification must reference the dilapidation survey and reports required to be provided to the Principal Certifier in accordance with this consent.

A copy of the report and certification required by this condition must be submitted to Council with the relevant Occupation Certificate. All costs incurred in achieving compliance with this condition shall be borne by the Applicant.

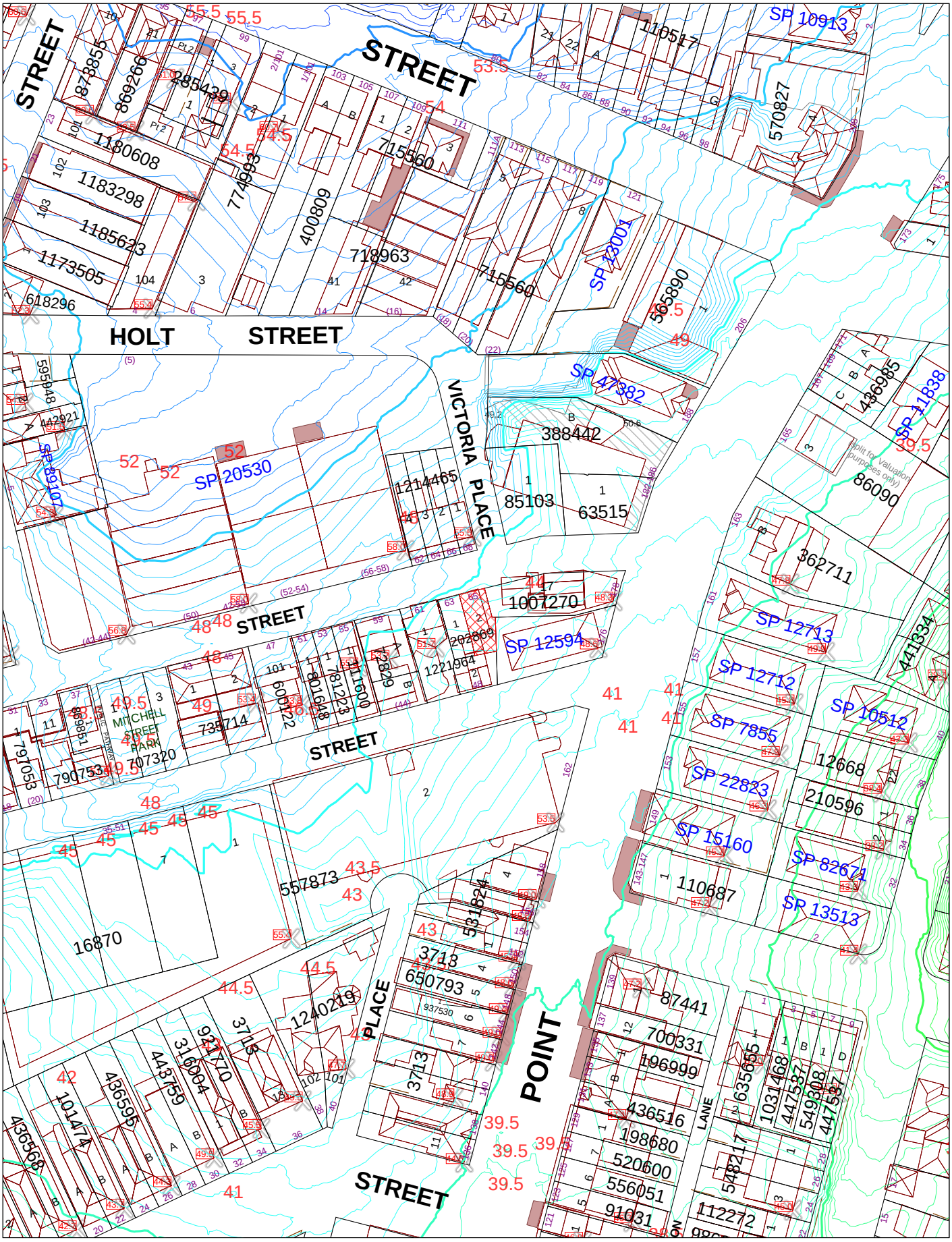
(Reason: To record the condition of adjoining properties prior to completion of the development and to facilitate claims against damage)

I. Ongoing/Operational Conditions

Maintenance of Approved Landscaping

I1. The owner of the premises at No. 65 Victoria Street, McMahons Point is to maintain the landscaping/permeable paving approved by this consent generally in accordance with Condition C20.

(Reason: To ensure compliance; To ensure compliance with NSDCP 2013 Landscaped Area controls)



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

Scale: 1:1200 approx.

GFA

AREA CALCULATION (INDICATIVE ONLY)	
SITE AREA	90.4 SQM
LOWER GROUND	41 SQM
GROUND	39 SQM
FIRST	38 SQM
TOTAL	1.30 : 1

PRELIMINARY: FOR DISCUSSION PURPOSES ONLY

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Contractor/builder shall measure on site necessary fixtures for implementation and appropriately to fit. All electrical and services work shall be finalised prior to the commencement of each stage of the project (i.e. prior to the pouring of each individual slab). The contractor shall verify with the client and all consultants drawings, other than architectural and advise where it is appropriate to implement those services according to their respective trades and Council's satisfaction. All work must be carried out in a workmanlike manner according to the construction practices of the Australian Standards and Regulations and to Council's consent or principal certifying authority.

REVISION

Issue	Description	Date
A	Issue for Development Applciation	16/01/2025

Reg No.: DEP0002254
BILL MITSOULAS-RAIA
Nominated Architect- Reg No.7129
Architect & Design Practitioner

URBANISTICA Pty Ltd
PAUL MAZZA-Assoc.RAIA.MPIA.
Director
Urban Designer & Design Practitioner

Project:
DEVELOPMENT APPLICATION

ALTERATIONS & ADDITIONS
65 Victoria Street, McMahons Point Lot 2 in DP 202869

Client: Leanne Misener & Tony Markey

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Drawing Title
AREA CALCULATIONS

0 1 2 5m

Project No:	23/583	Sheet Size:	A1/A3
Date:	16/01/2025	Drawn By:	CMJ
Scale:	NTS	Status:	DA

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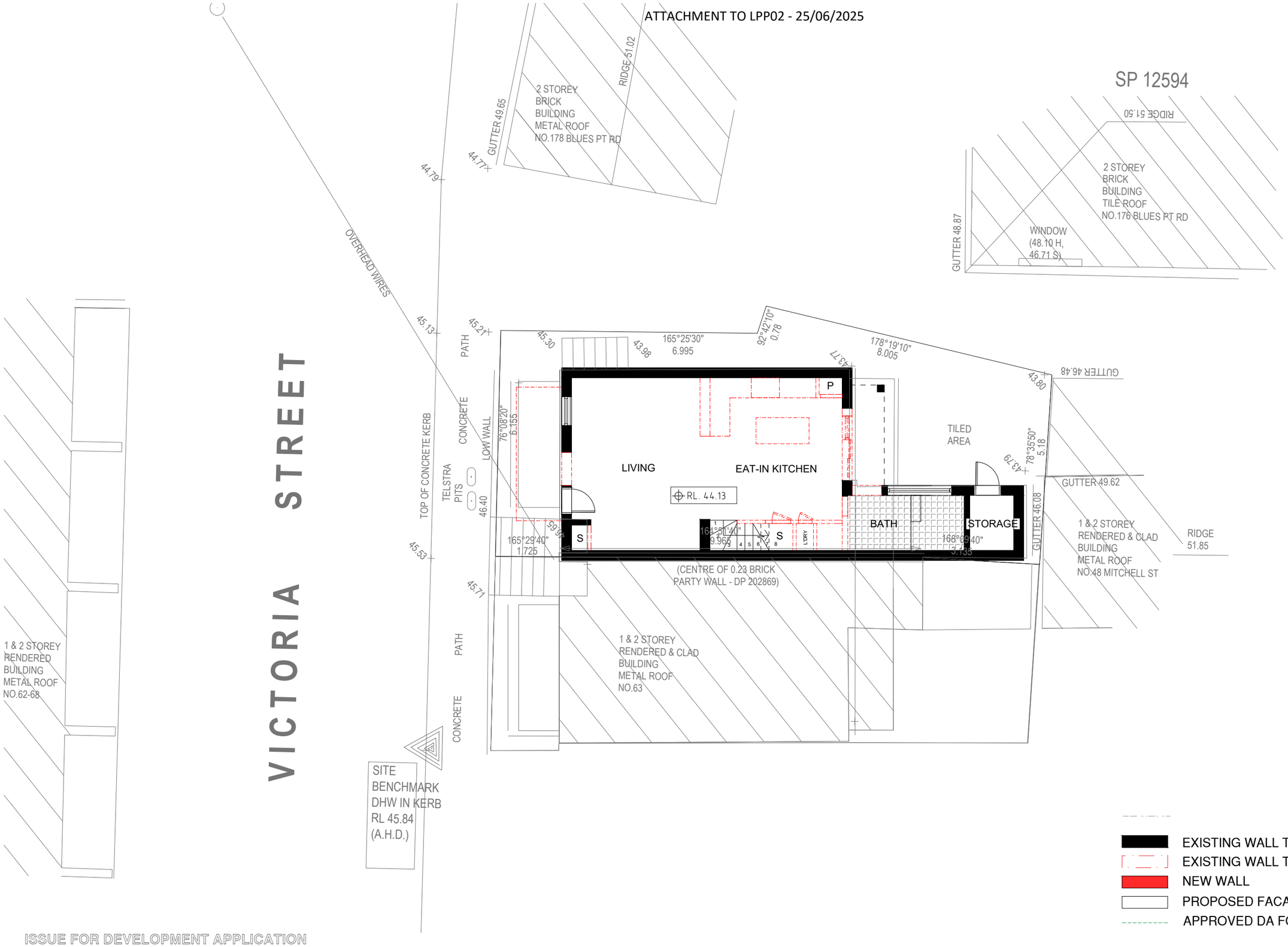
DA00
REV. A



ISSUE FOR DEVELOPMENT APPLICATION

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REVISION

Issue	Description	Date
A	Additional Information	29/05/2025

Reg No.: DEP0002254
BILL MITSOULAS-RAIA
Nominated Architect- Reg No.7129
Architect & Design Practitioner

URBANISTICA Pty Ltd
PAUL MAZZA-Assoc.RAIA,MPIA.
Director
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Client: Leanne Misener & Tony Markey

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Drawing Title
DEMOLITION PLAN - EXISTING LOWER GROUND LEVEL

Project No:	23/583	Sheet Size:	A3
Date:	29/05/2025	Drawn By:	PR-H
Scale:	1:50@A1 / 1:100@A3	Status:	DA

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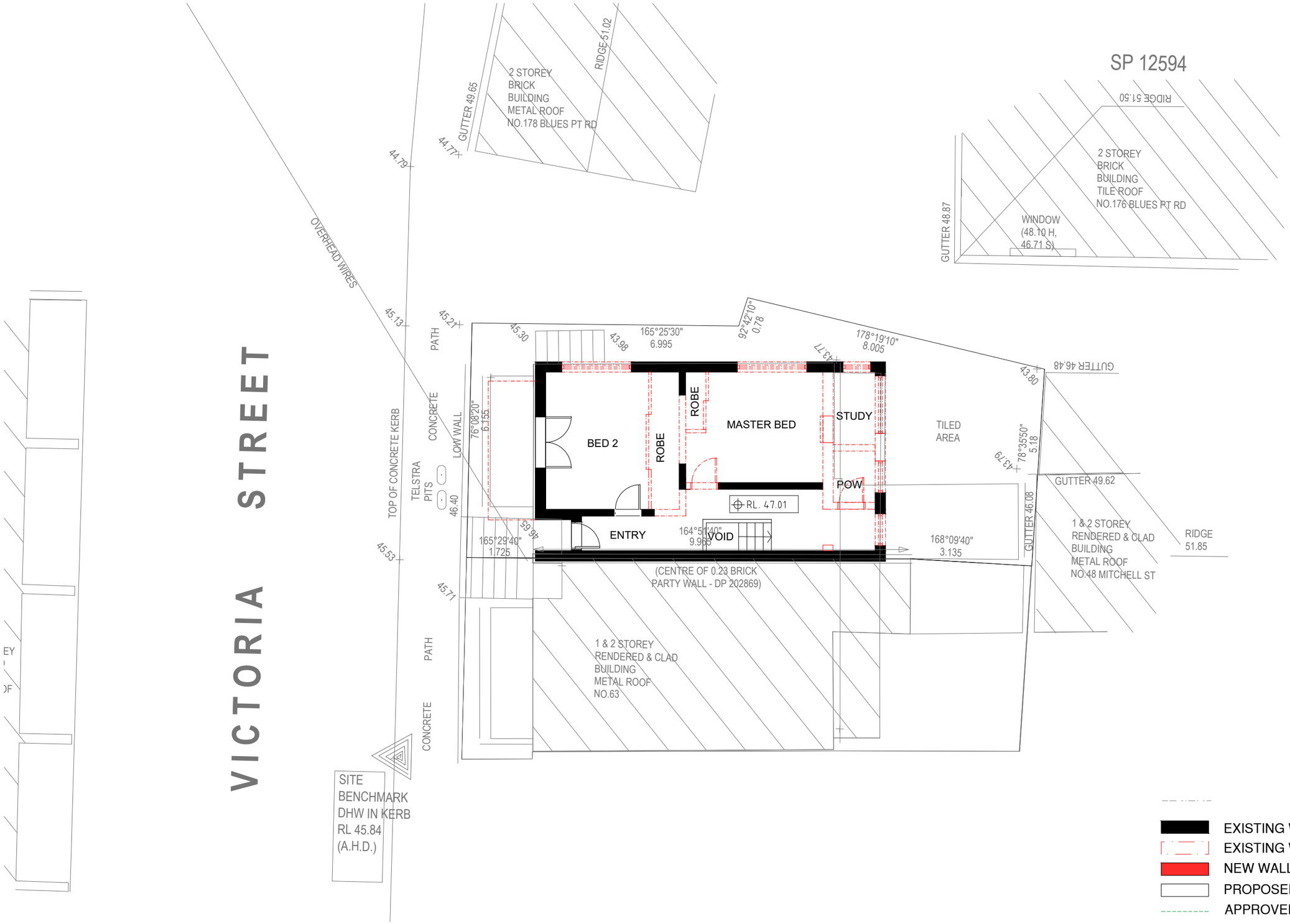
0 1 2 5m

DM01
REV. A



ISSUE FOR DEVELOPMENT APPLICATION

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REVISION

Issue	Description	Date
A	Additional Information	29/05/2025

Reg No.: DEP0002254
BILL MITSOULAS-RAIA
Nominated Architect- Reg No.7129
Architect & Design Practitioner

URBANISTICA Pty Ltd
PAUL MAZZA-Assoc.RAIA,MPIA.
Director
Urban Designer & Design Practitioner

Project:
DEVELOPMENT APPLICATION
ALTERATIONS & ADDITIONS
65 Victoria Street, McMahons Point Lot 2 in DP 202869

Client: Leanne Misener & Tony Markey

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Drawing Title
DEMOLITION PLAN - EXISTING GROUND LEVEL

Project No:	23/583	Sheet Size:	A3
Date:	29/05/2025	Drawn By:	PR-H
Scale:	1:50@A1 / 1:100@A3	Status:	DA

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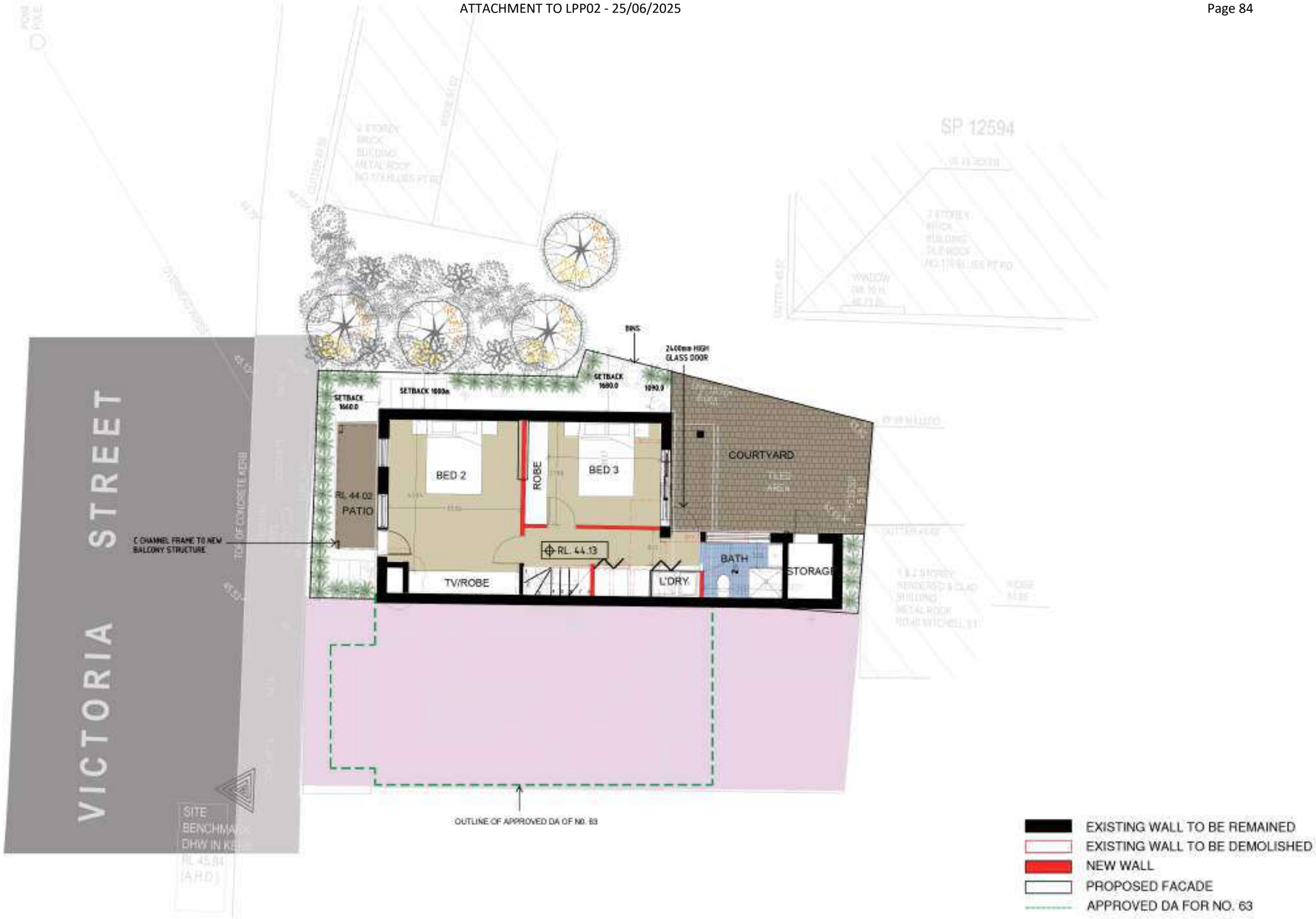
0 1 2 5m

DM02
REV. A



PRELIMINARY: FOR DISCUSSION PURPOSES ONLY

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REVISION		
Issue	Description	Date
A	Issue for Development Application	16/05/2025

File No.: DA2025/0234
ALL RIGHTS ARE HELD
Nominated Architect: Reg No.7128
Architect & Design Practitioner

URBANISTICA Pty Ltd
FORM. NAOTA JAMES KAMARA
Director
Urban Designer & Design Practitioner

Project:
DEVELOPMENT APPLICATION
ALTERATIONS & ADDITIONS
65 Victoria Street, McMahons Point Lot 2 in DP 202869

Client: Lindsay Millward & Tony Marley

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Drawing Title
LOWER GROUND FLOOR PLAN

Project No	21083	Sheet Size	A1/A3
Date	16.05.2025	Drawn By	CMJ
Scale	1:100@A1 / 1:150@A3	Status	DA
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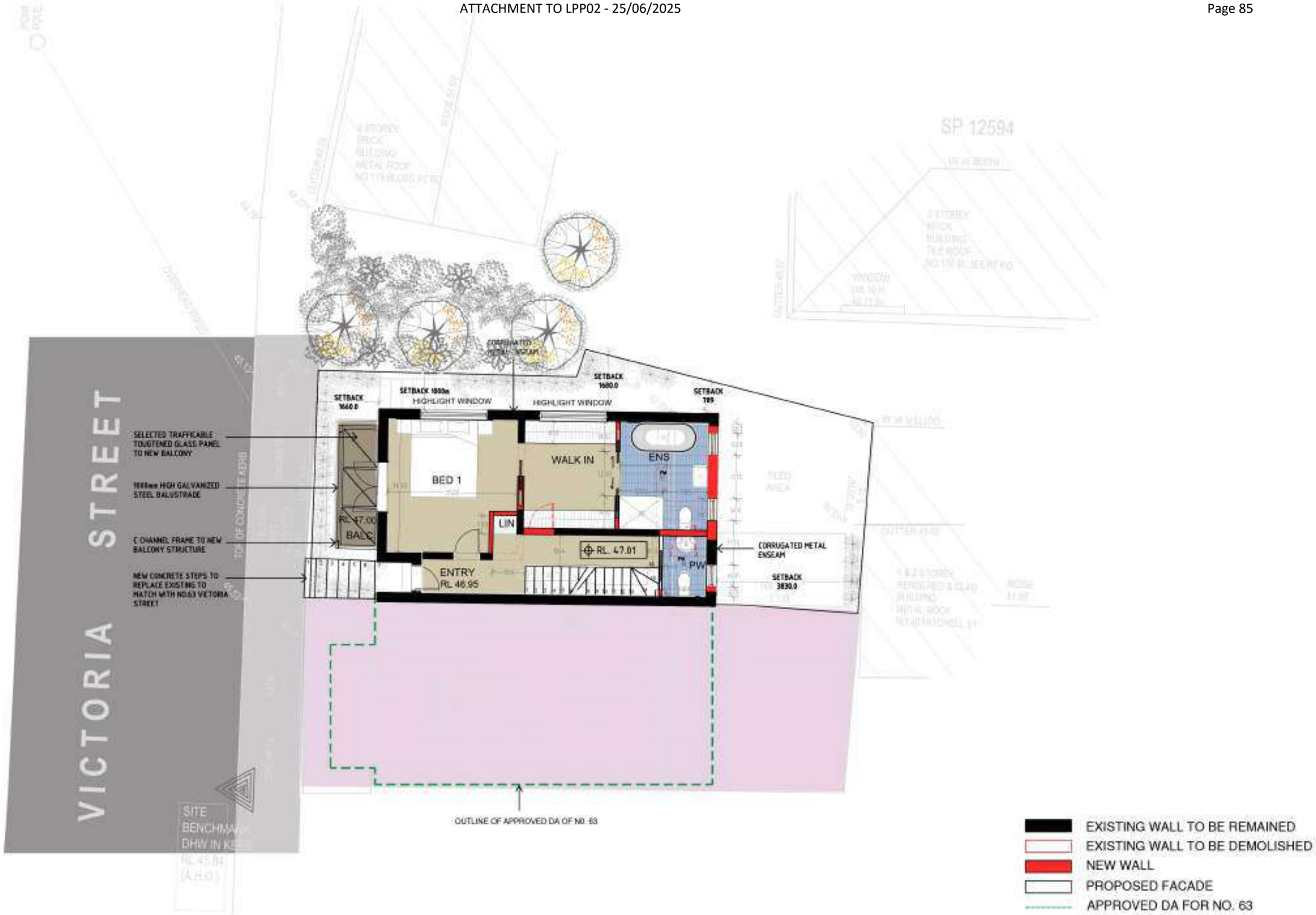
DA01
REV. A



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REVISION

Issue	Description	Date
A	Issue for Development Application	16/05/2025

URBANISTICA Pty Ltd

Project:
DEVELOPMENT APPLICATION
ALTERATIONS & ADDITIONS
65 Victoria Street, McMahons Point Lot 2 in DP 202869

Client: Lindsay Maxwell & Tony Marley

P (02) 9909 2131 | Suite 7 Level 1,
E omeoff@urbanistica.com.au | 357 Military Road,
W urbanistica.com.au | Mosman NSW 2088

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Drawing Title
GROUND FLOOR PLAN

Project No	21083	Sheet Size	A1/A3
Date	16/05/2025	Drawn By	CMJ
Scale	1:100@A1 / 1:100@A3	Status	DA
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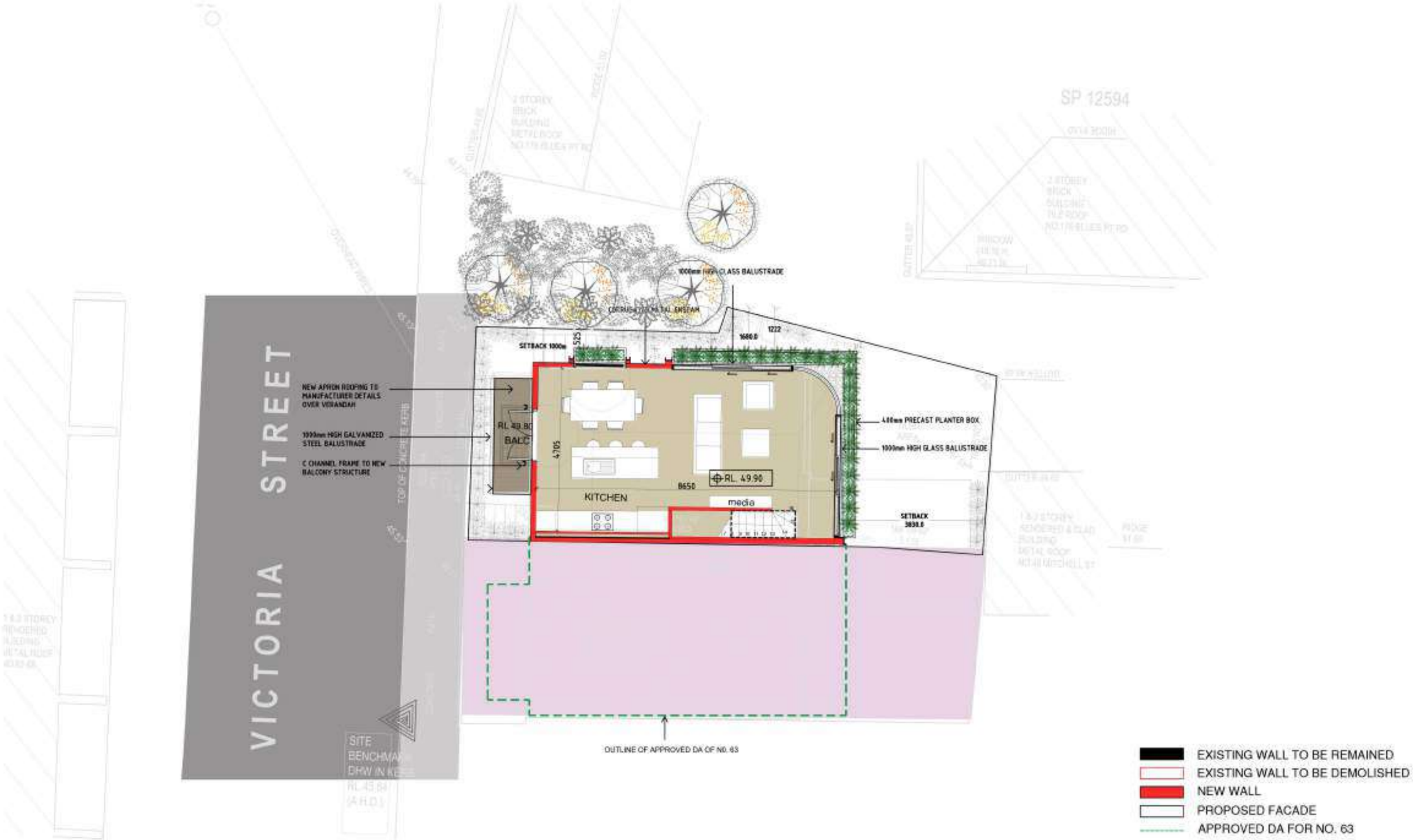
DA02
REV. A



PRELIMINARY: FOR DISCUSSION PURPOSES ONLY

REVISION		
Issue	Description	Date
A	Issue for Development Application	16/05/2025

URBANISTICA Pty Ltd

Project:
DEVELOPMENT APPLICATION
ALTERATIONS & ADDITIONS
65 Victoria Street, McMahons Point Lot 2 in DP 202869

Client: Lisanne Maxwell & Tony Marley

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W urbanistica.com.au | Mosman NSW 2088

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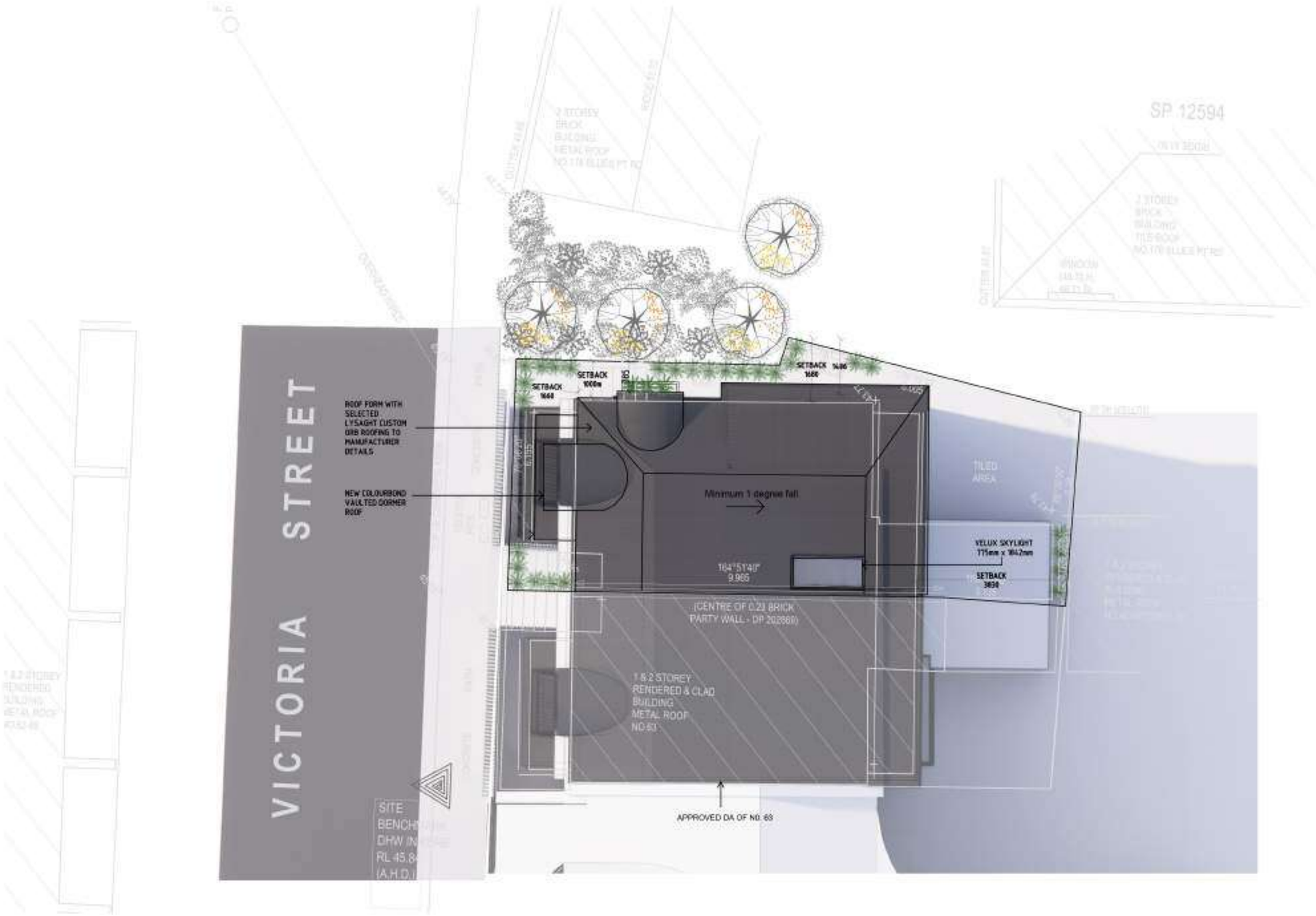
Drawing Title
FIRST FLOOR PLAN

DA03
REV. A



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REVISION		
Issue	Description	Date
A	Issue for Development Application	16/05/2025

URBANISTICA Pty Ltd
Director
Urban Designer & Design Practitioner
Nominated Architect: Greg
No.7128
Architect & Design Practitioner

Project:
DEVELOPMENT APPLICATION
ALTERATIONS & ADDITIONS
65 Victoria Street, McMahons Point Lot 2 in DP 202869

Client: Lisanne Mikkanen & Tony Marley

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E omcoff@urbanistica.com.au | 357 Military Road,
W urbanistica.com.au | Mosman NSW 2088

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Drawing Title
ROOF PLAN
LOT NO.65 WITH APPROVED LOT NO.63

Project No	21161	Sheet Size	A3
Date	16.05.2025	Drawn By	CBU
Scale	1:100@A1 / 1:150@A3	Status	DA
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DA04
REV. A

NORTH ELEVATION

SOUTH ELEVATION

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REVISION

Issue	Description	Date
A	Issue for Development Application	16/05/2025

File No.: DA6/24 | 65 & 67 McMahons Point Road, Mosman Architect: Ray Bu 7128 | Architect & Design Practitioner

URBANISTICA Pty Ltd | ACN: 164 214 444 | ABN: 43 164 214 444 | Director: Urban Designer & Design Practitioner

Project:

DEVELOPMENT APPLICATION

ALTERATIONS & ADDITIONS

65 Victoria Street, McMahons Point Lot 2 in DP 202869

Client: Lindsay Maxwell & Tony Marling

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Drawing Title

NORTH AND SOUTH ELEVATIONS

HYBRID OPTION 2

Project No	23/003	Sheet Size	A3 H.S
Date	16/05/2025	Drawn By	CMJ
Scale	1:100@A1 / 1:150@A3	Status	DA
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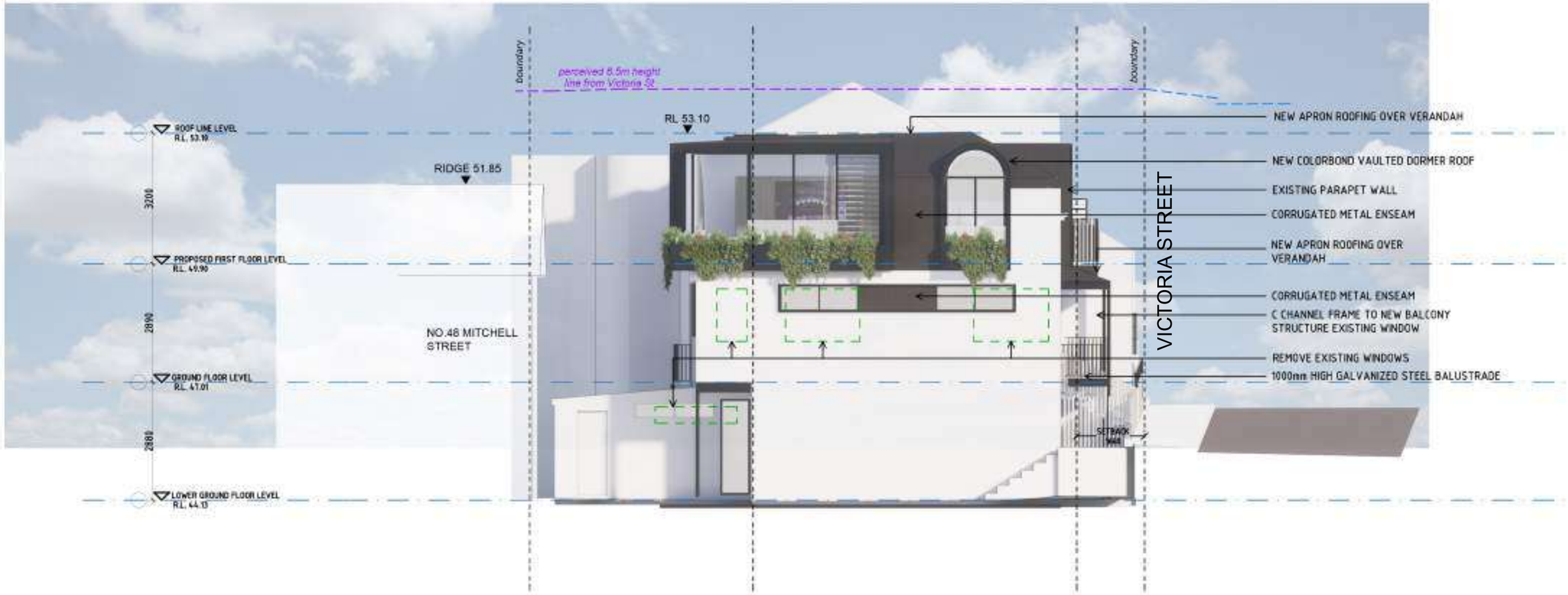
0 1 2 4m

DA05_A

REV. A



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REVISION

Issue	Description	Date
A	Issue for Development Application	16/05/2025

File No.: DA2025/0224
65-67 McMahons Road
McMahons Reserve Ring
No.7-24
Architect & Design Practitioner

URBANISTICA Pty Ltd
ABN: 94 003 414 444 ACN: 003 414 444
Director
Urban Designer & Design Practitioner

Project:
DEVELOPMENT APPLICATION
ALTERATIONS & ADDITIONS
65 Victoria Street, McMahons Point Lot 2 in DP 202869

Client: Lisanne Mikanet & Tony Marley

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Drawing Title
EAST ELEVATION

Project No	23/003	Sheet Size	A3 (x2)
Date	16/05/2025	Drawn By	CMJ
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0 1 2 4m

DA06
REV. A

EXISTING WALL TO BE REMAINED
EXISTING WALL TO BE DEMOLISHED
NEW WALL
PROPOSED FACADE

PRELIMINARY: FOR DISCUSSION PURPOSES ONLY

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REVISION

Issue	Description	Date
A	Issue for Development Application	16/05/2025

File No.: DP2025/234
Nominated Architect: Filip Mazza
Reg. No. 7348
Architect & Design Practitioner

URBANISTICA Pty Ltd
ABN: 94 073 444 444
Director
Urban Designer & Design Practitioner

Project:
DEVELOPMENT APPLICATION
ALTERATIONS & ADDITIONS
65 Victoria Street, McMahons Point Lot 2 in DP 202869

Client: Lindsay Maxwell & Tony Marley

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Drawing Title
SECTION AA

Project No.	21083	Sheet Size	A1/A3
Date	16/05/2025	Drawn By	CMJ
Scale	1:100@A1 / 1:100@A3	Status	DA
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DA07
REV. A

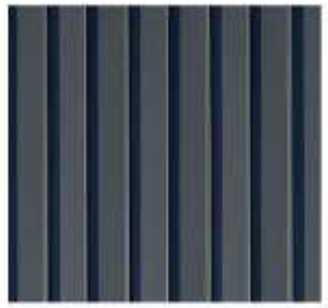
A. SELECTED CORRUGATED METAL ROOF

B. - MONUMENT COLOUR POWDERCOADED FRAME WINDOWS & DOORS

C - SELECTED 1000MM HIGH METAL BALUSTRADE RAIL OVER VERTICAL METALLIC RAILS

D. HORIZONTAL ALUMINIUM BATTENS & SHUTTERS TIMBER FINISH-LOOK

E. RENDER FINISH & DULUX SELECTED WHITE PAINT FINISH.



F. SELECTED LYSAGHT ENSEAM METALIC CLADDING. COLOR: MONUMENT

LEGEND

- (A) SELECTED CORRUGATED METAL ROOF COLOR:MONUMENT
- (B) SELECTED POWERCOATED ALUMINIUM FRAMED WINDOWS/ DOORS - MONUMENT
- (C) SELECTED 1000MM HIGH METAL BALUSTRADE RAIL OVER VERTICAL METALLIC RAILS
- (D) SELECTED FIXED/ SLIDE HORIZONTAL METALLIC BATTEN PRIVACY SCREENS SYSTEM
- (E) SELECTED EXTERIOR DULUX VIVID WHITE PAINT FINISH OR EQUIVALENT
- (F) SELECTED LYSAGHT ENSEAM METALIC CLADDING COLOR:MONUMENT

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REVISION

Issue	Description	Date
A	Issue for Development Application	16/05/2025

File No. DP/000/024
BA Lic 4B Nominated Architect Reg No. 5128
Architect & Design Practitioner

URBANISTICA Pty Ltd
ABN. 94424 444 434/ACN 076
Director
Urban Designer & Design Practitioner

Project:
DEVELOPMENT APPLICATION
ALTERATIONS & ADDITIONS
65 Victoria Street, McMahons Point Lot 2 in DP 202869

Client: Lisanne Maxwell & Tony Marley

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Drawing Title
EXTERIOR MATERIAL FINISHES

Project No	21/021	Sheet Size	A3 (A3)
Date	16/05/2025	Drawn By	CBU
Scale	NTS	Status	DA

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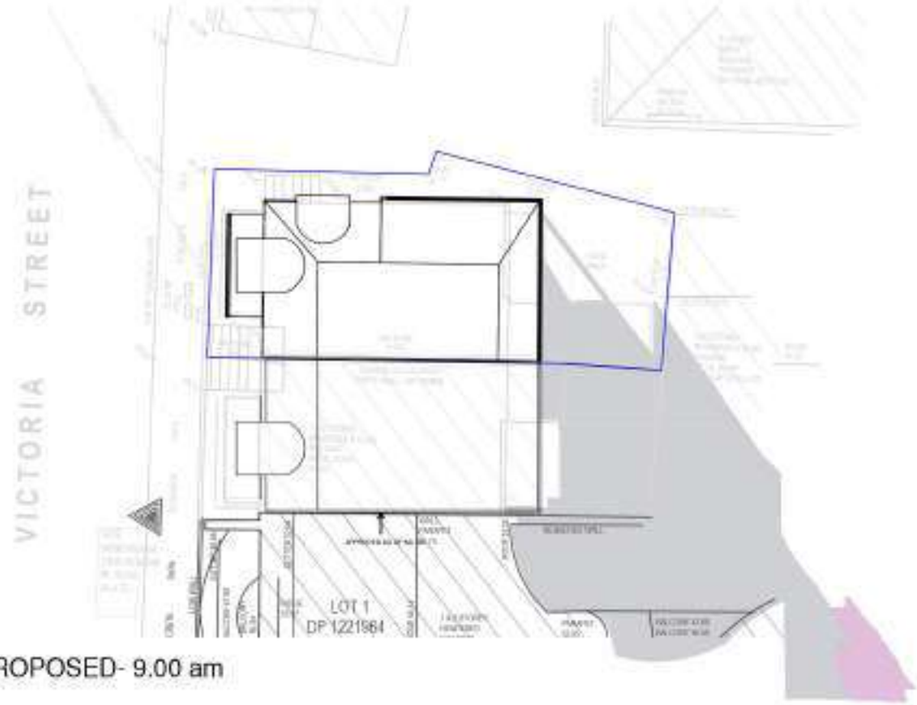
M01
REV. A

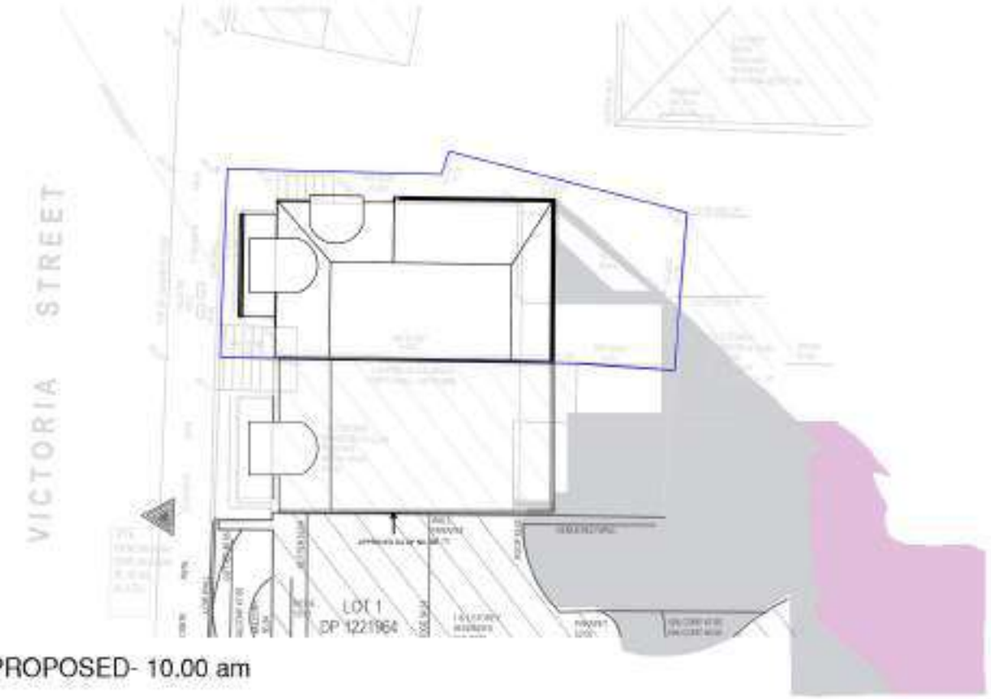
Legend:

EXISTING SHADOW

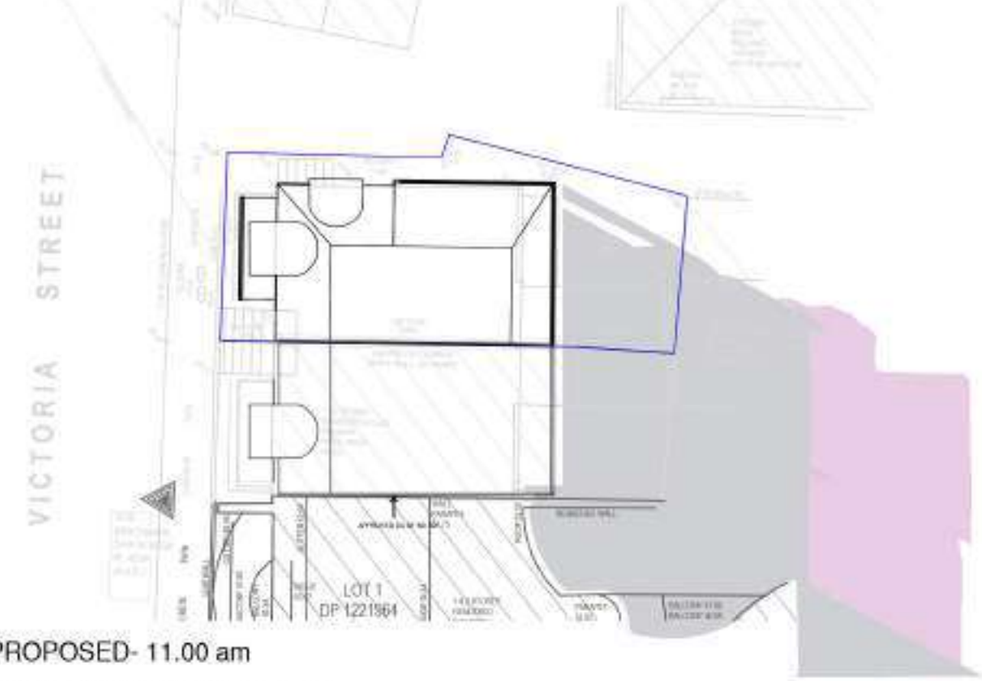
PROPOSED SHADOW



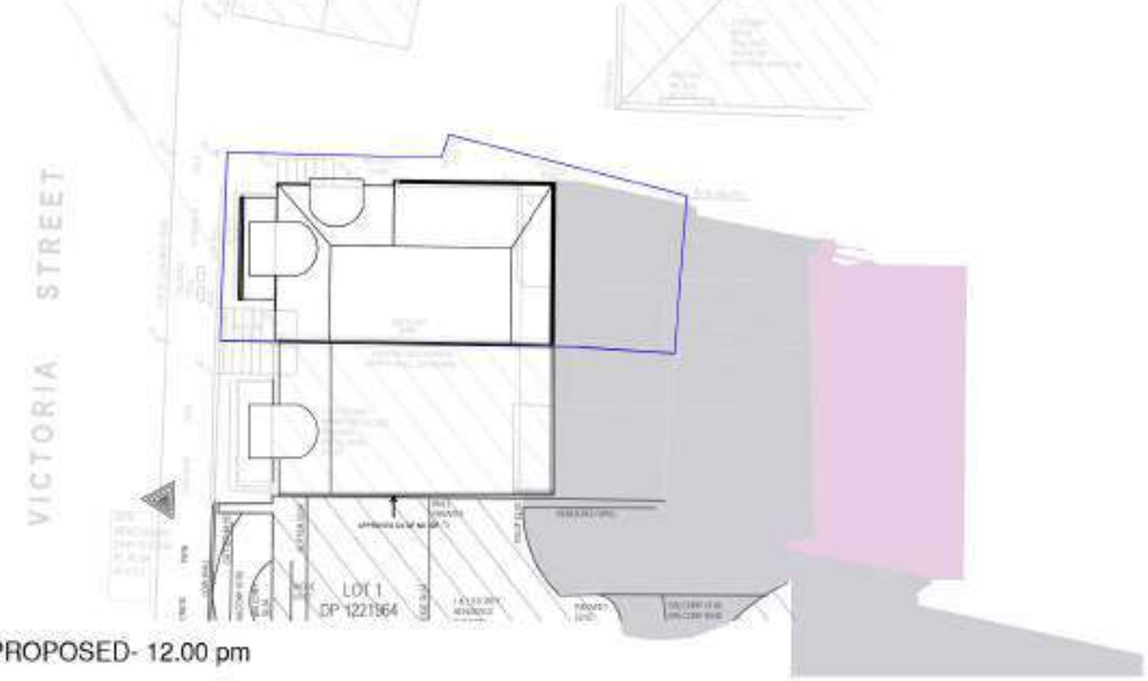
PROPOSED- 9.00 am



PROPOSED- 10.00 am



PROPOSED- 11.00 am



PROPOSED- 12.00 pm

ISSUE FOR DEVELOPMENT APPLICATION

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REVISION

Issue	Description	Date
A	Issue for Development Application	02/05/2025
B	Issue for Development Application	28/05/2025

File No.: DP/00/2024
Nominated Architect: Reg No. 7148
Architect & Design Practitioner

URBANISTICA Pty Ltd
ABN: 94 614 444 444
Director
Urban Designer & Design Practitioner

Project:
DEVELOPMENT APPLICATION
ALTERATIONS & ADDITIONS
65 Victoria Street, McMahons Point Lot 2 in DP 202869

Client: Lorraine Milsome & Tony Markey

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E omeoff@urbanistica.com.au | 357 Military Road,
W urbanistica.com.au | Mosman NSW 2088

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Drawing Title
PROPOSED SHADOW DIAGRAM
21st June-

Project No	23/001	Paper Size	A0
Date	10/2/2023	Drawn By	BJ
Scale	1:100@A1 / 1:200@A3	Status	DA
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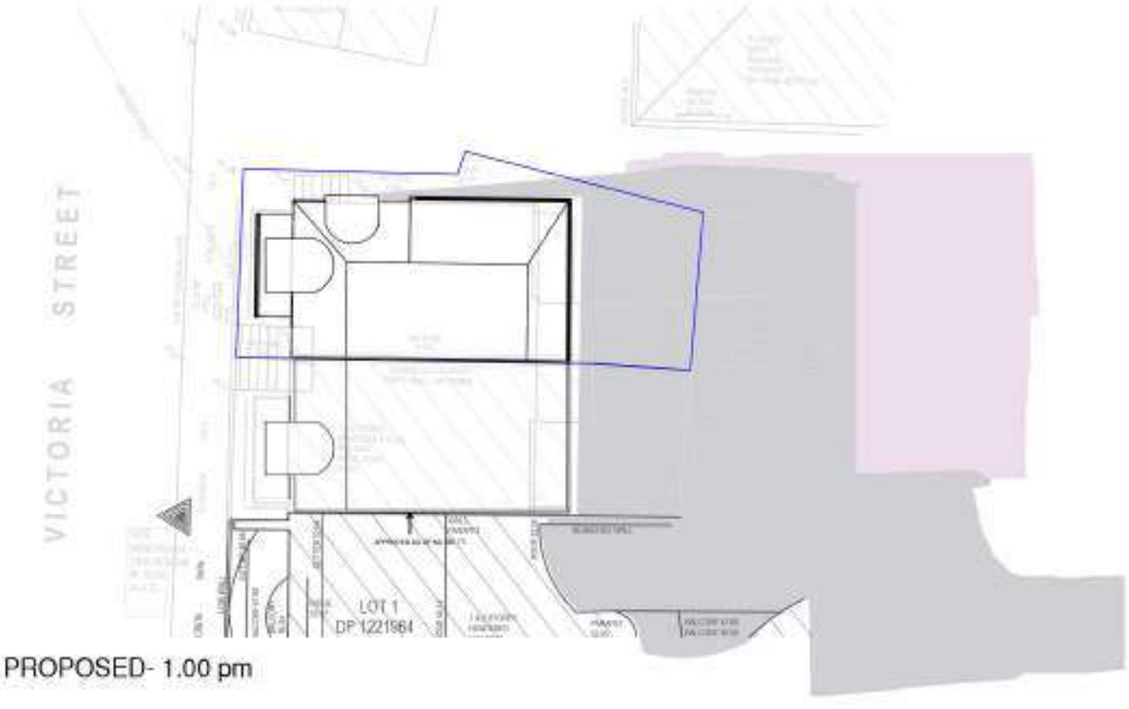
SD01
REV. B

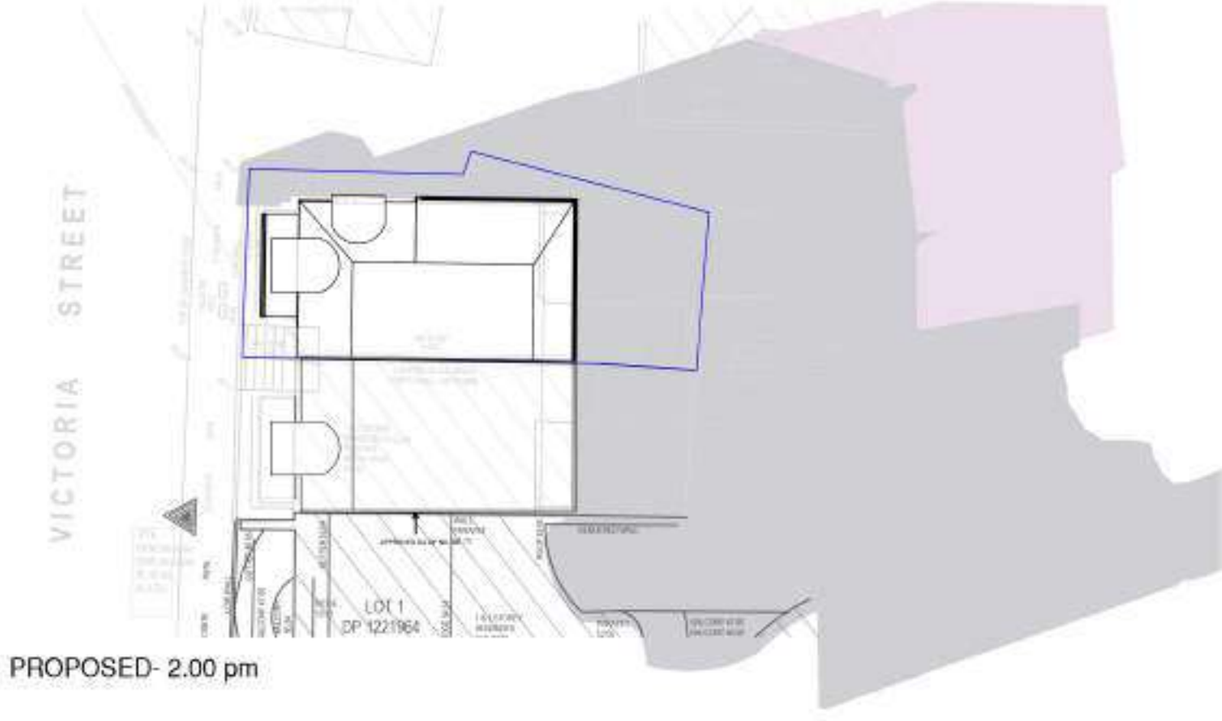
Legend:

EXISTING SHADOW

PROPOSED SHADOW



PROPOSED- 1.00 pm



PROPOSED- 2.00 pm

ISSUE FOR DEVELOPMENT APPLICATION

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REVISION

Issue	Description	Date
A	Issue for Development Application	02/05/2025
B	Issue for Development Application	28/05/2025

URBANISTICA Pty Ltd
Director
Urban Designer & Design Practitioner

Project:
DEVELOPMENT APPLICATION
ALTERATIONS & ADDITIONS
65 Victoria Street, McMahons Point Lot 2 in DP 202869

Client: Lorraine Milsteed & Tony Markey

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E omeoff@urbanistica.com.au | 357 Military Road,
W urbanistica.com.au | Mosman NSW 2088

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Drawing Title
PROPOSED SHADOW DIAGRAM
21st June-

Project No	23/021	Paper Size	A3
Date	15/12/2023	Drawn By	BJ
Scale	1:100@A1 / 1:200@A3	Status	DA
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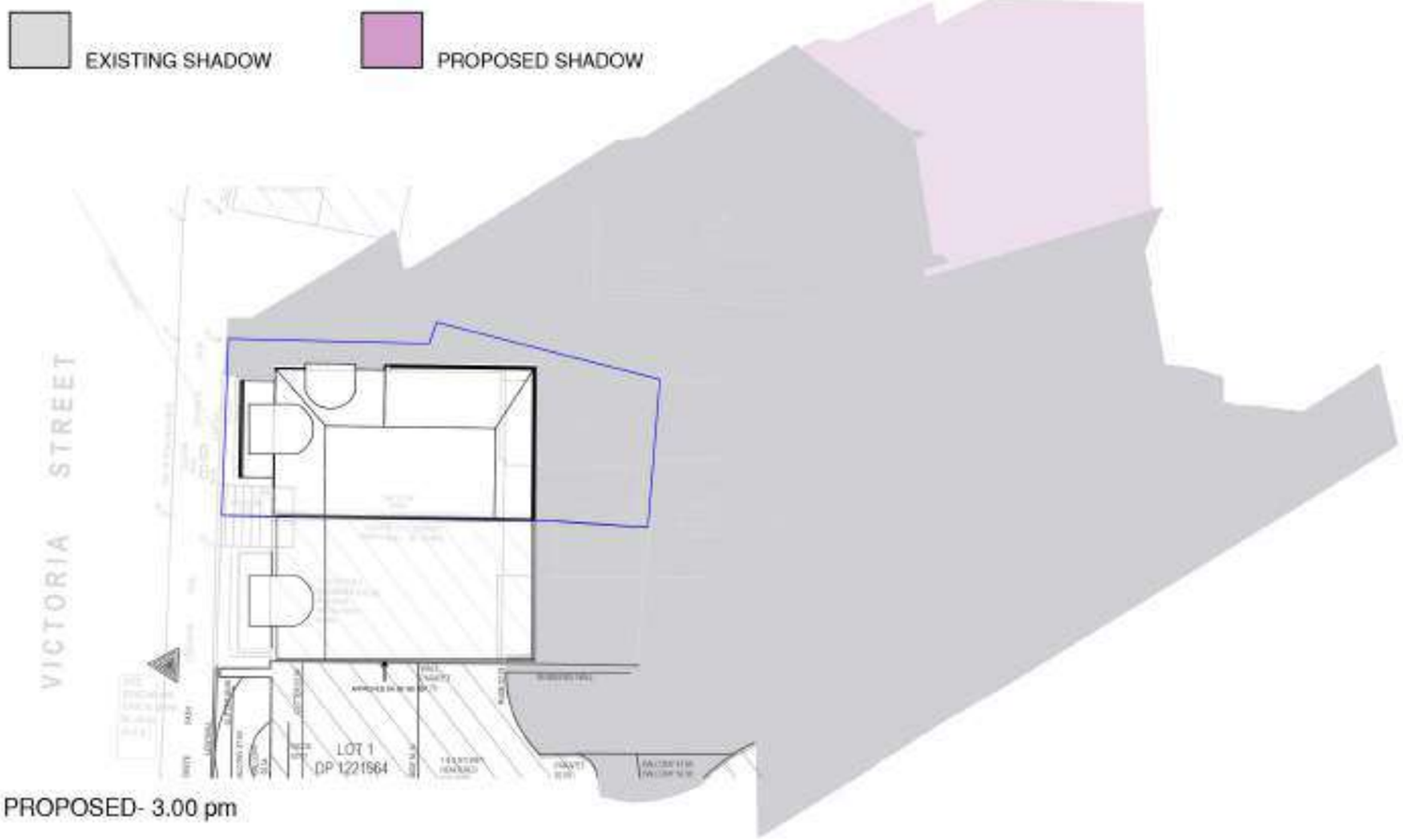
SD02
REV. B

Legend:

EXISTING SHADOW

PROPOSED SHADOW



PROPOSED- 3.00 pm

ISSUE FOR DEVELOPMENT APPLICATION

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REVISION

Issue	Description	Date
A	Issue for Development Application	02/05/2025
B	Issue for Development Application	28/05/2025

URBANISTICA Pty Ltd
Nominated Architect: Reg No. 7126
Architect & Design Practitioner
Director
Urban Designer & Design Practitioner

Project:
DEVELOPMENT APPLICATION
ALTERATIONS & ADDITIONS
65 Victoria Street, McMahons Point Lot 2 in DP 202869

Client: Lorraine Mitchell & Tony Markey

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Drawing Title
PROPOSED SHADOW DIAGRAM
21st June-

Project No	23/021	Sheet Size	A1
Date	15/12/2023	Drawn By	BJ
Scale	1:100@A1 / 1:200@A3	Status	DA

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SD03

REV. B

BARR PLANNING

Clause 4.6 Report

Height of Building

65 Victoria Street, McMahons Point

Prepared by Barr Planning

for Tony Markey and Leanne Misener

June 2025

Document Control

Title:	Clause 4.6 Report
Address:	65 Victoria Street, McMahons Point
Job No.	24NEW0156
Client:	Tony Markey and Leanne Misener

Document Issue

Issue	Date	Prepared by	Reviewed by
Draft 1	31/01/2025	Samuel Liu	Lachlan Rodgers
Client Issue	03/02/2025		
Revised V2	6/06/2025	Samuel Liu	

Signed

Samuel Liu
Senior Planner
BComm, MPlanning, MPIA

Lachlan Rodgers
Associate - Principal Planner
B. Urb.Reg.Plan. MPIA

For queries about this report please contact:

Samuel Liu
sliu@barrplanning.com.au
0402 768 552

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TRADING AS BARR PLANNING
ABN 57 604 341 302

92 YOUNG STREET CARRINGTON NSW 2294
PO BOX 96 CARRINGTON NSW 2294
(02) 4037 2451
BARRPLANNING.COM.AU

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2 Site Description 5
2.1 The Site 5
3 Proposed Development and Compliance with North Sydney Local Environmental Plan 2012 7
3.1 Maximum Height of building Imposed by Clause 4.3 of NSLEP2013 7
3.2 Objectives of the Development Standards 8
4 Clause 4.6 – Exceptions of Development Standards 9
4.1 Objectives of Clause 4.6 9
4.2 Applicability of Clause 4.6 10
4.3 Considerations under Clause 4.6 10
5 Conclusion 16

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Figure 4 Proposed North Elevation. Source: Urbanistica (January 2025) 11
Figure 5 Proposed Section Plan. Source: Urbanistica (January 2025) 11

1 Introduction

1.1 Purpose

This Clause 4.6 Report has been prepared to support a proposed development for alterations and additions to an existing semi-detached dwelling at 65 Victoria Street, McMahons Point. The report has been submitted to support the proposed non-compliance with the height of building development standard pursuant to the North Sydney Local Environmental Plan 2013 (NSLEP 2013).

The height of building for the subject site shown on the relevant NSLEP 2013 Map HOB_002 is 8.5 metres. The proposed height of the building is 8.97 metres resulting in a 5.5% exceedance.

Consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the applicant has demonstrated under NSLEP 2013, Clause 4.6(3) that:

(a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and
(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

An assessment of Clause 4.6 of NSLEP 2013 is provided in the following sections of this report. This Clause 4.6 Report should be read in conjunction with the following documentation submitted with the development application to the NSW Planning Portal:

- Architectural Plans prepared by Urbanistica
- Statement of Environmental Effects prepared by Barr Planning
- View Loss Assessment prepared by Urbis
- View Loss Addendum – 62 Victoria Street, McMahons Point prepared by Urbis

2 Site Description

2.1 The Site

The site is located at Lot 2, DP202869 otherwise known as 65 Victoria St, McMahons Point. The site is rectangular in shape, has an area of 90m^2 and is zoned E3 Productivity Support under the North Sydney Local Environmental Plan (NSLEP 2013). The site has a north to south orientation and contains an existing 2-storey semi-detached dwelling with a Lower Ground Level and rear courtyard, and a Ground Level containing a front balcony.

Figure 1 Aerial View. Source: Adapted from Six Near Map (December 2024)

The site adjoins 63 Victoria Street to the west, 176 and 178 Blues Point Road to the east, and 48 – 50 Mitchell Street to the south (rear boundary) which contains an existing timber weatherboard two storey dwelling. Directly north of the subject site is the row of four terrace dwellings (62-68 Victoria Street) sitting on a higher elevation and consisting of rooftop terraces. It is noted that the aforementioned adjoining development to the north, east and south are all listed as local heritage items under NSLEP 2013.

The site is located in a highly modified urban environment and contains a two-storey semi-detached dwelling. The dwelling occupies an area of approximately 52m^2 which equates to a site coverage of approximately 60%. The existing dwelling forms part of a pair of semi-detached dwellings with the adjoining neighbour to the west located at 63 Victoria Street.

Figure 2 Street View of Site. Source: Author (adapted)

The site is located within the character area identified by Council as the 'McMahons Point Business Precinct' within the Lavendar Bay Planning Area. The immediate locality features a diverse range of land uses from light industrial, retail and commercial uses scattered amongst low-rise interwar residential flat buildings and modern attached housing. The locality is reinforced by the irregular subdivision pattern, boundary-to-boundary attached built forms, high (minimum 80%) site coverage and limited boundary setbacks (0-2m) of buildings.

Due to the diverse range of land uses and architectural styles in the locality, there is an absence of overarching and cohesive architectural style or streetscape character. A high-level review of the streetscape typology is shown in Figure 3 below. The streetscape indicates a mixture of 1970s to 1990s commercial buildings interposed with late 1800s Victorian terraces and worker cottages. The mixture of different architectural styles is a product of the change in land use activities which have occurred over time in what is now known as the 'McMahons Point Business Precinct'.

The surrounding locality has views to the water and foreshore (Balls Head Bay and Lavender Bay) and distant views of North Sydney, Sydney CBD and Sydney Harbour (including the Sydney Harbour Bridge) particularly along Mitchell Street and Victoria Street. The site is also located in vicinity of items of local heritage significance. Local heritage items are located opposite the site at 62-68 Victoria Street and to the south at 48-50 Mitchell Street.

3 Proposed Development and Compliance with North Sydney Local Environmental Plan 2012

The development application proposes alterations and additions to an existing semi-detached dwelling. Specifically, the proposed development comprises partial internal demolition works, internal alterations, external alterations and the addition of a first floor to the building.

3.1 Maximum Height of building Imposed by Clause 4.3 of NSLEP2013

NSLEP 2013 Map HOB_002 map identifies the site as having a maximum height of 8.5 metres as shown in Figure 3 below.

Figure 3 Height of Building Map HOB_002. Source: NSLEP 2013

Clause 4.3(2) of the NSLEP 2013 states that:

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

The NSLEP 2013 specifies a maximum height of 8.5 metres above ground level for the site. The Standard Instrument Principal LEP defines 'building height' as follows:

> ***building height (or height of building)*** *means—*
> *(a) 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*
> *(b) 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.

Where 'ground level (existing)' is defined as follows:

> ***ground level (existing)*** *means the existing level of a site at any point.*

A survey plan has been prepared which identifies the existing level of the site to be 44.13m AHD. The highest point of the proposed development is 53.1m AHD. The proposed development therefore has a height of 8.97 metres above ground level which exceeds the building height development standard by 5.5%.

3.2 Objectives of the Development Standards

Under the Environmental Planning and Assessment Act, 1979 (the EP&A Act) a development standard is defined as:

> *"provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being the provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development".*

The EP&A Act defines a development standard to include height of building. In this respect, the height of building specified in NSLEP 2013 is considered a development standard.

Consistency of the proposed development with the development standard and associated objectives of Clause 4.3 are a key consideration in determining whether to grant consent to a contravention of the development standard. The objectives of Clause 4.3 are outlined in subclause (1):

(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.

Notwithstanding the noncompliance of the development with the development standard, the development is considered to meet the objectives of Clause 4.3. An assessment of this is set out within Section 4 of this report.

4 Clause 4.6 – Exceptions of Development Standards

4.1 Objectives of Clause 4.6

Clause 4.6 of the LEP states the following:

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

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Clause 4.3 is the development standard that relates to the height a development can be built to and Clause 4.6 provides flexibility in the application of this development standard, allowing for improved and consistent development outcomes.

The proposed development will enable the attainment of the relevant objects of the EP&A Act, which are:

(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,

(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,

(c) to promote the orderly and economic use and development of land,

(d) to promote the delivery and maintenance of affordable housing,

(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,

(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),

(g) to promote good design and amenity of the built environment,

(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,

(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,

(j) to provide increased opportunity for community participation in environmental planning and assessment.

This development is most relevant to and meets the aims of object (c), (g) and (h) of the EP&A Act.

Regarding object (c), the proposed development promotes the orderly and economic use and development of land by facilitating alterations and additions to an existing residential dwelling which is a permitted use within the E3 zone.

Regarding object (g), the proposed development promotes good design and amenity of the built environment through the use of carefully considered architectural design which is sympathetic to the existing and surrounding streetscape and minimises impacts to amenity of surrounding development.

Regarding object (h), the proposed development provides alterations to the existing dwelling to which will be designed to comply with the Building Code of Australia and to promote the health and safety of occupants.

4.2 Applicability of Clause 4.6

The development standard in Clause 4.3 is not expressly excluded from the operation of Clause 4.6. Clause 4.6(2), therefore, grants the consent authority the discretion to consent to the proposed development despite the contravention of this development standard.

4.3 Considerations under Clause 4.6

The consent authority's consideration in determining whether to grant consent for development that varies a development standard are outlined in Clause 4.6(3) and 4.6(4) of the LEP. These considerations are addressed below:

Clause 4.6(3)(a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

Having regard for the guidance provided by Preston CJ in *Wehbe v Pittwater Council [2007] NSWLEC 827 (Wehbe),* Wehbe Method 1 has been here utilised to demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances because the objectives of the development standard are achieved notwithstanding the non-compliance with the standard.

The objectives of Clause 4.3 Height of Building are listed below along with an assessment against the objective.

(a) To promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient.

The natural landform and gradient of the landscape slopes downwards from the west to the east and north to south of the subject site. It is noted that the natural gradient and landform beneath the existing dwelling has been altered due to prior development and features a heavily excavated lower ground FFL (RL 44.13m) which is approximately 1.7 metres below the natural ground level of the Victoria Street road reserve. When considering the downward slope on the north-south axis of the site, the proposed development is sited in a manner which steps down in accordance with the natural gradient due to prior excavation. The proposed development also steps down in accordance with the sloped topography from west to east, from RL 54.34m at 61 Victoria Street to RL 53.1m at the subject site as shown in Figure 4 below. When viewed from Victoria Street, the height of the development will be below the perceived 8.5m height line from the street as shown in Figure 4 and 5 below.

Figure 4 Proposed North Elevation. Source: Urbanistica (January 2025)

Figure 5 Proposed Section Plan. Source: Urbanistica (January 2025)

(b) To promote the retention and, if appropriate, sharing of existing views.

A View Loss Assessment has been prepared to assess the view impacts to adjoining residential dwellings located at 64-68 Victoria Street. A View Loss Assessment Addendum has also been prepared to assess the view impacts to 62 Victoria Street and is included in the supporting documentation submitted to the planning portal. The View Loss Assessment and Addendum were prepared to address the *Tenacity* principles and included photomontages displaying the expected view impacts of the proposal. The View Loss Assessment concluded that the height exceedance of the proposed development would result in minor view impacts to 62 and 64 Victoria Street and negligible view impacts to 66 and 68 Victoria Street. The View Loss Assessment concluded that the view loss impact associated with the height exceedance would not have a material effect on the distinctive form of icons, was minor in impact relative to the remaining available view, incorporated an appropriate hipped roof form to mitigate view impacts to adjoining dwellings, and would therefore promote the reasonable retention of views.

(c) To maintain solar access to existing dwellings, public reserves, and streets, and to promote solar access for future development.

Shadow diagrams have been included in the Architectural Plans. The shadow diagrams indicate the potential for solar access impacts to the residential dwelling located at Lot 2, DP1221964 (48-50 Mitchell St) to the south of the site. Notwithstanding this, overshadowing will occur primarily to roof areas and no solar impacts to habitable rooms will occur as there are no existing windows on the northern façade of the dwelling. The existing rear balcony at 48-50 Mitchell Street is not expected to be adversely affected by additional overshadowing due to already being self-shadowed during AM hours, and already overshadowed by development located at 61 and 63 Victoria Street.

The proposed development will facilitate an additional floor which will provide new first floor internal living areas which will promote improved solar access and amenity outcomes on the subject site.

(d) To maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings.

New first floor rear living area windows will generally be oriented to the south and east. South facing windows will not directly look onto any windows of the adjoining dwelling located at 48-50 Mitchell Street as there are no rear facing windows on this dwelling. East facing first floor rear windows will look towards existing commercial development located at 178 Blues Point Road which has no windows directly opposite the proposed development. It is noted that existing development located at 176 Blues Point Road has a first-floor western elevation window. The standing height from the first floor of the proposed development will be approximately RL 51.5m and the sill height of the window located at 176 Blues Point Road is RL 46.7m. No adverse privacy impacts are expected to occur to this window which will be offset and set lower than the new development.

New first floor front balcony windows will look onto windows located opposite Victoria Street located at 66 and 68 Victoria Street. It is noted, however, that this will be consistent with the dormer window approved under DA6/24 which was accepted by Council as reasonable within the existing built up streetscape context of McMahons Point. The front juliette balcony will comprise an area of approximately 1.5m^2, will comprise a small-scale installation and privacy impacts to the street frontage will be minimal.

(e) To ensure compatibility between development, particularly at zone boundaries.

It is noted that the proposed development is not located at a zone boundary. The proposed development will retain the existing use of the site as a residential dwelling and does not introduce any incompatibility of land use with adjoining development types.

(f) To encourage an appropriate scale and density of development that is in accordance with, and promotes the character of, an area.

The proposed development results the addition of a first floor to the existing residential dwelling and will present to the street as two storey dwelling. This is visually congruent with the scale and density of existing two-storey residential development located at 62-68 Victoria and is consistent with the approved development at 63 Victoria Street. Having regard for the Character Statement for the McMahons Point Business Precinct detailed in Section 9.2.2 of the NSDCP 2013, the desired future character is for 'modern medium density attached dwellings'. The proposed development presents a scale and density that is consistent with the desired future local character and is considered compatible with the surrounding properties in the vicinity of the site.

(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.

Whilst explicitly not applicable, the proposal will present to the street frontage as a two storey development which will remain consistent with the character of the neighbouring residential dwellings within the locality.

With respect to the above, notwithstanding the height exceedance, the proposed development satisfies the objectives of Clause 4.3 and as such compliance with the development standard is considered unreasonable or unnecessary.

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

<u>Relevant Local Environmental Plan</u>
Guided by Section 4.15 of the EPA Act, the development is subject to consent in accordance with NSLEP. The development has considered the aims of the NSLEP which are stated below:

(1) This Plan aims to make local environmental planning provisions for land in North Sydney in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.

(2) The particular aims of this Plan are as follows—

(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,

(a) to promote development that is appropriate to its context and enhances the amenity of the North Sydney community and environment,

(b) in relation to the character of North Sydney's neighbourhoods—

(i) to ensure that new development is compatible with the desired future character of an area in terms of bulk, scale, and appearance, and

(ii) to maintain a diversity of activities while protecting residential accommodation and local amenity, and

(iii) to ensure that new development on foreshore land does not adversely affect the visual qualities of that foreshore land when viewed from Sydney Harbour and its tributaries,

(c) in relation to residential development—

i. to ensure that new development does not adversely affect residential amenity in terms of visual and acoustic privacy, solar access, and view sharing, and

ii. to maintain and provide for an increase in dwelling stock, where appropriate,

d. in relation to non-residential development—

i. to maintain a diversity of employment, services, cultural and recreational activities, and

ii. to ensure that non-residential development does not adversely affect the amenity of residential properties and public places, in terms of visual and acoustic privacy, solar access and view sharing, and

iii. to maintain waterfront activities and ensure that those activities do not adversely affect local amenity and environmental quality,

e. in relation to environmental quality—

i. to maintain and protect natural landscapes, topographic features, and existing ground levels, and

ii. to minimise stormwater run-off and its adverse effects and improve the quality of local waterways,

f. to identify and protect the natural, archaeological, and built heritage of North Sydney and ensure that development does not adversely affect its significance,

g. to provide for the growth of a permanent resident population and encourage the provision of a full range of housing, including affordable housing.

The proposal is consistent with the aims of the NSLEP, in particular the following aims:

(a) to promote development that is appropriate to its context and enhances the amenity of the North Sydney community and environment.

The proposal promotes development that is appropriate for its context by providing low density residential alterations consistent with the McMahons Point Business Precinct character statement.

The development responds to the natural landform by generally maintaining downward stepping topography from west to east and north to south. The development enhances the amenity of the existing residential dwelling by improving solar access and ventilation to main living and dining areas.

> *(b)(i) to ensure that new development is compatible with the desired future character of an area in terms of bulk, scale, and appearance*

A detailed assessment of the proposal's consistency within the McMahons Point Business Precinct located in the Lavender Bay Planning Area is provided in the Statement of Environmental Effects prepared by Barr Planning. The development will present as a two-storey semi-detached dwelling and is consistent with the desired future character of the area as identified in Section 9.2.2 of the NSDCP 2013 to accommodate 'modern medium density attached dwellings'.

> *(c)(i) to ensure that new development does not adversely affect residential amenity in terms of visual and acoustic privacy, solar access, and view sharing.*

Visual privacy impacts have been assessed with respect to Clause 4.3(1)(d) above. No adverse privacy impacts will result from the proposed height exceedance.

Solar access impacts have been assessed with respect to Clause 4.3(1)(c) above. No adverse solar access impacts will result to adjoining residential dwellings, and the proposal will improve the solar access outcomes on the subject site by relocating internal living areas from the lower ground floor to the first floor.

Viewing sharing impacts have been Clause 4.3(1)(b) above. A detailed View Loss Assessment and Addendum have been included in the supporting documentation which concludes that the development will result in minor view impacts, which are reasonable and supportable in the built up context and will support the reasonable view sharing outcomes.

> *(g) to provide for the growth of a permanent resident population and encourage the provision of a full range of housing, including affordable housing.*

The proposed development will facilitate an additional bedroom to an existing residential dwelling and will support growth of the permanent residential population in McMahons Point.

With respect to the proposed development, it is considered that the proposal meets the relevant aims of the NSLEP.

<u>Built Form Character</u>

As per Part B1 Residential Development, Section 1.4.8 of the NSDCP 2013, Council seeks to ensure that the design of new buildings reflects and reinforces, or is complementary to, the existing character of the locality. The DCP prescribes that where a building is to be located amongst buildings having a

consistent façade, they are to repeat the size, location and proportions of window, door openings and other distinctive features such as roof form.

63 and 65 Victoria Street present as a symmetrical pair of semi-detached dwellings. The proposed development has been designed to maintain the same height and general roof form as the development approved at 63 Victoria Street under DA 6/24 to achieve a symmetric and coherent presentation to the street. Notwithstanding the minor height exceedance (5.5%), the proposed development will provide a built form that is consistent with the streetscape character and the building height previously approved by Council.

5 Conclusion

The relevant considerations of Clause 4.6 have been discussed above and support the variation of the development standard in this instance. This report has systematically addressed the matters required to be demonstrated by Clause 4.6(3)(a) and 4.6(3)(b). In accordance with the requirements of subclause 4.6(2), development consent may be granted for the proposed development.

URBIS

65 VICTORIA STREET McMAHONS POINT

VIEW SHARING REPORT

PREPARED FOR

LEANNE MISENER

JANUARY 2025

CONTENTS

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EXECUTIVE SUMMARY

Urbis have been engaged to prepare a View Sharing Report (VSR) in relation to potential visual effects and view loss caused by the Development Application for 65 Victoria Street, McMahons Point.

The View Sharing Report is informed by observations, photographic plates and analysis of the 3D architectural model included in certifiably accurate photomontages.

Urbis inspected and documented views at 3 dwellings, at 64, 66 and 68 Victoria Street. Views were inspected and recorded by Urbis from locations in each dwelling as directed by the owner, or their representative, including from different rooms and from seated and standing locations.

High-resolution photographs were documented at those locations, some camera locations were independently surveyed and subsequently selected for the purposes of preparing certifiably accurate photomontages.

The proposal includes minor non-compliances in relation to the LEP height control, where the front elevation of the Proposal extends above the permissible height.

The LEP height plane has been calculated as per the Standard Instrument Principal LEP, based on surveyed existing ground levels (RLs) at or within the subject site boundaries.

The additional height sought is restricted approximately to part of the upper-most storey and roof forms of the 65 Victoria Street building.

Views from 3 dwellings have been selected for photomontages, which provide the basis for a *Tenacity* View Sharing Assessment.

All views modelled are from the first-floor master bedroom balcony of the dwellings.

We note that the proposed development at 65 Victoria Street is highly compatible in terms of scale, form and architectural detail with the approved development at 63 Victoria Street. In our opinion this creates a positive visual effect in the streetscape.

View Impacts 64 Victoria Street

Based on the analysis of photomontages, southeast views from the upper-level of this unit are those potentially most affected, with view impact ratings being minor when considering all relevant factors which include:

- No scenic and highly valued views (in *Tenacity* terms) are available from internal areas and primary living spaces in this dwelling.
- Part of an iconic feature is visible in oblique views from one bedroom only, a wider view to the icon is available from master bedroom balcony.
- The view affected is not 'iconic' that is, the whole composition is not predominantly characterised by features or a composition of high scenic quality, or of whole icons visible in the iconic harbour setting.
- The Proposal mainly results in 'visual change' rather than view loss of any merit, where proposed built form replaces views to existing mid-ground development of low scenic quality.
- The non-compliance (additional height sought) blocks a short, low part of the Sydney Harbour Bridge.
- This loss is minor in qualitative and quantitative terms where the most iconic and unique parts of the Sydney Harbour Bridge (pylons and arch) remain visible and unaffected by the Proposal including the additional height sought.
- As such, the iconic element remains easily perceived, understood and able to be appreciated.
- The additional height sought does not create any significant or unreasonable view loss, view impacts, or view sharing outcomes for this dwelling.

View Impacts 66 Victoria Street

The view impact for this dwelling is negligible.

View Impacts 68 Victoria Street

The view impact for this dwelling is negligible.

Urbis was unable to access No. 62 Victoria Street. In this regard, likely view loss for this dwelling has been interpolated based on analysis in relation to the adjoining dwelling at 64 Victoria Street. It is anticipated that potential view loss for No.62 would be of a limited and low nature.

Conclusion

View loss for the most affected neighbours ranges between negligible (the lowest on the *Tenacity* qualitative rating scale) to minor.

Scenic and highly valued views are available via rooftop terraces for all dwellings assessed and remain available and unaffected by the Proposal. View loss experienced from 64 Victoria Street is primarily caused by low and compliant built form and as such the view loss is contemplated by the relevant controls, there are no significant effects on the overall scenic quality of the composition.

It is unlikely that the Proposal, including the minor height non-compliance, will cause any significant visual effects for any other residents in this area.

The Proposal offers an equitable and reasonable view sharing outcome where existing neighbours retain virtually all of the views they currently enjoy.

01 INTRODUCTION

1.1 PURPOSE OF THE REPORT

Urbis has been engaged by Leanne Misener and Tony Markey to provide a view sharing assessment as part of the Development Application (DA) for 65 Victoria Street, McMahons Point, North Sydney.

This report provides an assessment of the potential visual effects of the Proposal in neighbouring private domain views, informed by on-site observations and accurate photomontages.

1.2 PROJECT UNDERSTANDING

The Proposal is for alterations and additions to an existing 2-storey semi-detached dwelling at No. 65 Victoria Street, McMahons Point, legally described as Lot 2 in DP 202869.

The Proposal involves the following elements:

- Lower Ground Floor (RL44.13 AHD)

  Internal reconfiguration from a Living and Kitchen space to 2 bedrooms, laundry and bathroom

- Ground Floor (RL47.01 AHD)

  Demolition and construction of internal walls for bedroom with walk-in wardrobe and ensuite

- First Floor (RL49.90)

  Construction of a First Floor to incorporate a Kitchen, Dining and Living Space and a front balcony

We note that the only visible change for neighbours is the additional height in relation to the northern elevation of the built form. This height will increase to meet, and provide a complementary and uniform facade presentation to, the approved facade at 63 Victoria Street.

1.3 PROPOSED DEVELOPMENT IN VISUAL TERMS

The site is rectilinear with a frontage of approximately 6m to Victoria Street, a depth of approximately 9m and an approximate area of 88.5m². It has a north-northwest to south-southeast orientation and includes an existing 2-storey semi-detached dwelling with a lower ground level and rear courtyard, and a ground level containing a front balcony.

The Proposal retains much of the ground level facade articulation and proposes an addition of a first storey floor including a front juliette balcony, curved dormer to front facade, and a vaulted roof design which replaces the existing parapet (see **Figures 2 and 3**)

Figure 1 Location map, showing location of subject site in red and immediate surrounding context.

PROPOSED NORTHERN AND SOUTHERN ELEVATIONS – 65 VICTORIA STREET, MCMAHONS POINT

Figure 2 Architectural render - Proposed north elevation | Urbanistica

Figure 3 Architectural render - Proposed south elevation | Urbanistica

02 METHODOLOGY

2.1 PRIVATE DOMAIN INSPECTIONS

Urbis requested access to inspect views at neighbouring dwellings and were granted access to 3 units on 12 November 2024.

Given the limited access to southerly views (including the subject site) from each of the terrace dwellings, a central first floor balcony photograph was selected for modelling and assessment. The following dwellings have been assessed in detail:

- 64 Victoria Street
- 66 Victoria Street
- 68 Victoria Street

Urbis staff inspected and documented views from multiple locations in each dwelling, from standing and seated positions, including places selected or directed by the residents or their representatives.

The selection of views as a basis for assessment against the *Tenacity* planning principle considers the location and room type, alignment, orientation and key composition of the view. In this way, Urbis has identified and assessed potentially the 'most-affected' or 'worst-case' scenario view.

Photomontages have been prepared by Rockhunter Pty Ltd as directed by Urbis and satisfy the LECNSW photomontage policy where each photomontage has been used to inform an assessment against the *Tenacity* planning principle.

POTENTIAL EFFECTS FOR 62 VICTORIA STREET

On the agreed day of inspections and photography No. 62 Victoria Street was not available. In this regard, Urbis have made assumptions about the likely view loss for this dwelling based on inspections, observations and photomontages prepared in relation to the adjoining dwelling at 64 Victoria Street.

We anticipate that potential view loss for No.62 would be of a limited and low nature given that; at more oblique south-easterly orientation no views from internal parts of the dwelling would include the Sydney Harbour Bridge, noting that some of this feature may be visible from the western side of the first-floor master bedroom only.

Potential view loss of any part of the iconic element would only be experienced from the master bedroom balcony.

From the balcony of this dwelling the minor extent of loss, will not block the most recognisable and iconic parts of the Sydney Harbour Bridge, leaving the overall composition able to be perceived.

Urbis consider the likely view impact for 62 Victoria Street to be minor, similar to impacts assessed for 64 Victoria Street.

Figure 4 Inspected terraces at 64, 66 and 68 Victoria Street.

Figure 5 View location map - indicative location of views inspected, surveyed and modelled.

INDICATIVE PRIVATE DOMAIN VIEWS INSPECTED, SURVEYED & MODELLED

Figure 6 Upper-storey balconies inspected, surveyed and selected for modelling, 64, 66 and 68 Victoria Street, McMahons Point.

2.2 VIEW IMPACTS BASED ON PHOTOMONTAGES

The assessment of view impacts is based on an analysis of visual effects (extent of visual change), informed by an analysis of photomontages prepared by Rockhunter Pty Ltd and supplied to Urbis, as well as observations made on site at each dwelling. Photomontages provided on the following pages have been produced to satisfy the Land and Environment Court of New South Wales photomontage policy 2024 (the Policy) – as such the photomontages can be relied on by all parties.

2.3 VIEW ANALYSIS

The photomontages, prepared by Rockhunter Ltd, include a 3D architectural model of the Proposal prepared by Urbanistica.

The architectural model has been geo-located (rotated and aligned with surveyed fixed features in each view) in a virtual 3D model which includes original full frame photographs captured during view inspections from surveyed view locations, surveyed by Altitude Surveys (see **Appendix 2**).

From each dwelling, a direct view to the Proposal has been selected to represent the 'worst case scenario' or view that is likely to be the most affected from that dwelling, or room within a dwelling.

For example in relation to 64, 66 and 68 Victoria Street, the modelled views are those direct views available for residents via the front boundary which will include the north elevation of the Proposal.

The effects of the proposed model are not a view impact for the whole dwelling. The view impact is derived, considering all relevant factors in Steps 1 and 2 of *Tenacity*

DEFINITION OF 'BUILDING HEIGHT' AND CALCULATING THE LEP HEIGHT CONTROL

As per the Standard Instrument Principal LEP, 'building height' is defined as follows:

building height (or height of building) means—
(a) 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
(b) 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.

Where 'ground level (existing)' is defined as follows:

ground level (existing) means the existing level of a site at any point.

The height plane has been calculated based on the RL of the lower ground floor as this is the existing level of the site beneath the building. We are informed that the RL of the existing lower ground level at 65 Victoria Street is RL44.13m AHD (as per the survey plan in **Appendix 2**). The 8.5m height plane is shown as a yellow dotted line, where we refer to built form that sits above the line as 'additional height sought'.

2.4 CERTIFICATION OF PHOTOMONTAGES

The photomontages were prepared by Rockhunter Pty Ltd from data provided by Urbanistica and Altitude Surveys. Photography was undertaken on 12/11/2024 by Urbis.

All photomontages have been prepared in accordance with the Land and Environment Court of New South Wales' policy for the use of photomontages. The method of preparation is outlined in **Appendix 1** of this report.

03 VISUAL CONTEXT

3.1 THE SUBJECT SITE

The description of the existing built form on the site is relevant to assessing existing and proposed views in terms of what is currently available and what may be affected. In this way we consider the existing massing in visual terms so that a comparison can be made against the proposed massing particularly in terms of its height, setbacks and roof forms compared to the existing situation.

An early 20th century flat-roofed, semi-detached brick terrace house occupies the site. The front façade is symmetrical with No.63 Victoria Street, where one is the mirror image of the other for example, abutting curved entry doors, symmetrical timber balustrade details, window placement, parapet detail and apron awnings. Short elevations form the front and rear boundaries (to the north and south), long elevations form the side boundaries (eastern and western).

When considered in plan-view the buildings contain symmetrical floor plates where bedrooms are located on the upper, street-level and living and kitchen are located across the ground level. The buildings are minimally set back from all boundaries and include small courtyards on their southern side.

The underlying topography of the area falls in elevation to the southeast, such that development along Victoria Street is elevated, overlooking development to the south and southeast.

3.2 SURROUNDING VISUAL CONTEXT

The site adjoins No.63 Victoria Street to the west, No.176 and No.178 Blues Point Road to the east, and No.48 – 50 Mitchell Street to the south (rear boundary) which contains a heritage-listed, 2-storey weatherboard dwelling. No.61 and 59 Victoria Street further to the west are 3-storey commercial buildings. Directly north of the subject site is a row of four terrace dwellings (No.62-68 Victoria Street) sitting on a higher elevation and containing rooftop terraces.

This report notes No. 63 (Lot 1, DP202869) is subject to an approval for alterations and additions to an existing semi-detached dwelling, which includes additional height. The approved height of No. 63 is the same hight now being sought in relation to No. 65 Victoria Street and is considered part of the baseline visual context.

The immediate locality features a diverse range of land uses including light industrial, retail and commercial scattered amongst medium to high-density residential properties (**Figures 10 to 15**). Built form within McMahon Point combines modern attached houses, low-rise interwar residential flat buildings (RFBs), townhouses, as well as light commercial and industrial buildings (such as 35-51 Mitchell Street). The streetscape reflects a highly urbanised character, which is reinforced by the irregular subdivision pattern, boundary-to-boundary (attached) nature of built forms, high site-coverage and limited boundary setbacks of buildings. Several residential properties along Mitchell Street and Victoria Street have been designed with elevated living areas or balconies or roof terraces to procure views to the south, south-east and south-west.

Near-distance views are available to the water and foreshore – Balls Head Bay and Lavender Bay – as well as more distant views of North Sydney and Sydney CBD's and Sydney Harbour, including the Sydney Harbour Bridge, particularly along Mitchell Street and Victoria Street.

3.3 EXISTING VIEWS

62-68 Victoria Street are a row of modified terrace houses which have retained their Federation façades – they formally present to Victoria Street with rear access available via Victoria Place. The 2-storey terraces comprise four dwellings, three of which were inspected for this report – No. 64, 66 and 68. All 4 dwellings across both levels may notice some extent of 'visual change' from the southern ground and first-floor room and from a rooftop terrace. The terraces include significant additions to the rear, which accommodate all primary living areas. Kitchen, living and dining rooms include windows either to the north (rear) or towards internal courtyards. Only two rooms per dwelling include a south-facing window to Victoria Street, associated with a ground floor study or bedroom, and first floor master bedroom with terrace.

Views from south-facing, ground-floor bedrooms or study are unlikely to change, given that views are not aligned with the upper parts of the Proposal or with the additional height sought.

Views from inside the first-floor master bedroom are limited due to the narrow central double doors to the balcony, and the alignment with the subject site.

Views form each master bedroom balcony are more expansive and include 65 Victoria street, where the additional height sought will be visible (see **Figures 7 to 9**).

The effects of the Proposal are discussed in relation to each view in **Section 5**.

Figure 7 South-easterly composition from second-storey balcony of No.68

Figure 8 South-easterly composition from upper level of No.64 Victoria St.

Figure 9 South-easterly composition from ground level of No. 66 Victoria St.

SURROUNDING VISUAL CONTEXT

Figure 10 Streetscape detail | Rear of 62-68 Victoria Street, showing extensive rear additions and alternative windows and potential views available from the dwellings.

Figure 11 Streetscape detail | Holt Street residential & commercial development.

Figure 12 Streetscape detail | 63-65 Victoria Street.

Figure 13 Streetscape detail | Development along the south side of Victoria Street, west of the subject site.

Figure 14 Streetscape detail | Development along the north side of the Victoria Street west of the subject site.

Figure 15 Typical view available from rooftop terrace at 64, 66 and 68 Victoria Street.

04 RELEVANT PLANNING PRINCIPLES

4.1 *TENACITY*

View loss or blocking effects refers to the extent to which a new built form blocks an existing view or part of the composition of a view that is currently enjoyed. Where a proposed development is likely to adversely affect views from private land, Council may give consideration to the view sharing Planning Principle established in the Land and Environment Court Tenacity Consulting v Warringah Council [2004] NSWLEC 140 (*Tenacity*).

Tenacity is the most widely used and referenced planning principle in relation to the assessment of impacts on private neighbouring views and view sharing. The planning principle is described by the Court as a statement of a 'desirable outcome' aimed at reaching a planning decision and defines a number of appropriate matters to be considered in making that decision. Therefore, the importance of the principle is in outlining all relevant matters and or the relationships of factors to be considered and is not simply a process of listing features in a composition that may be lost. In other words *Tenacity* is a 'recipe' designed to guide decision making where the end goal is to reach an equitable and reasonable view sharing outcome.

Tenacity includes a four-step threshold test where the steps are sequential and conditional, so that proceeding to further steps is not required if the conditions for satisfying the preceding threshold are not met when considering the quantum and quality of the view loss. Prior to undertaking Step 1 of the assessment, Roseth discusses the notion of view sharing as quoted below.

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

The planning principle states that consideration should be given to the causes of the visual impact and whether they are reasonable in the circumstances. As stated in the preamble to the four-step process of the principle, a development that takes the view away from another may still be considered reasonable.

RATING OF VIEW IMPACTS

Urbis acknowledge that the loss of any view may generate concern for neighbours. However, our experience and approach to rating view impacts for whole dwellings must necessarily be objective. Our analysis removes the subjectivity and personal value that is inevitably and understandably attributed to view loss by residents.

The view impact ratings determined for each dwelling assessed, is based on guidance provided by Senior Commissioner Roseth in *Tenacity.* In creating and applying his own qualitative rating scale of view loss for the dwelling, Roseth reaches a view impact rating of 'severe' for what is, a very significant extent of view loss, of a scenic and highly valued 'whole view', and for virtually all of the dwelling.

A high view impact cannot be reached when the extent of view loss is limited in both qualitative and quantitative terms.

05 PRIVATE DOMAIN VIEWS ANALYSIS

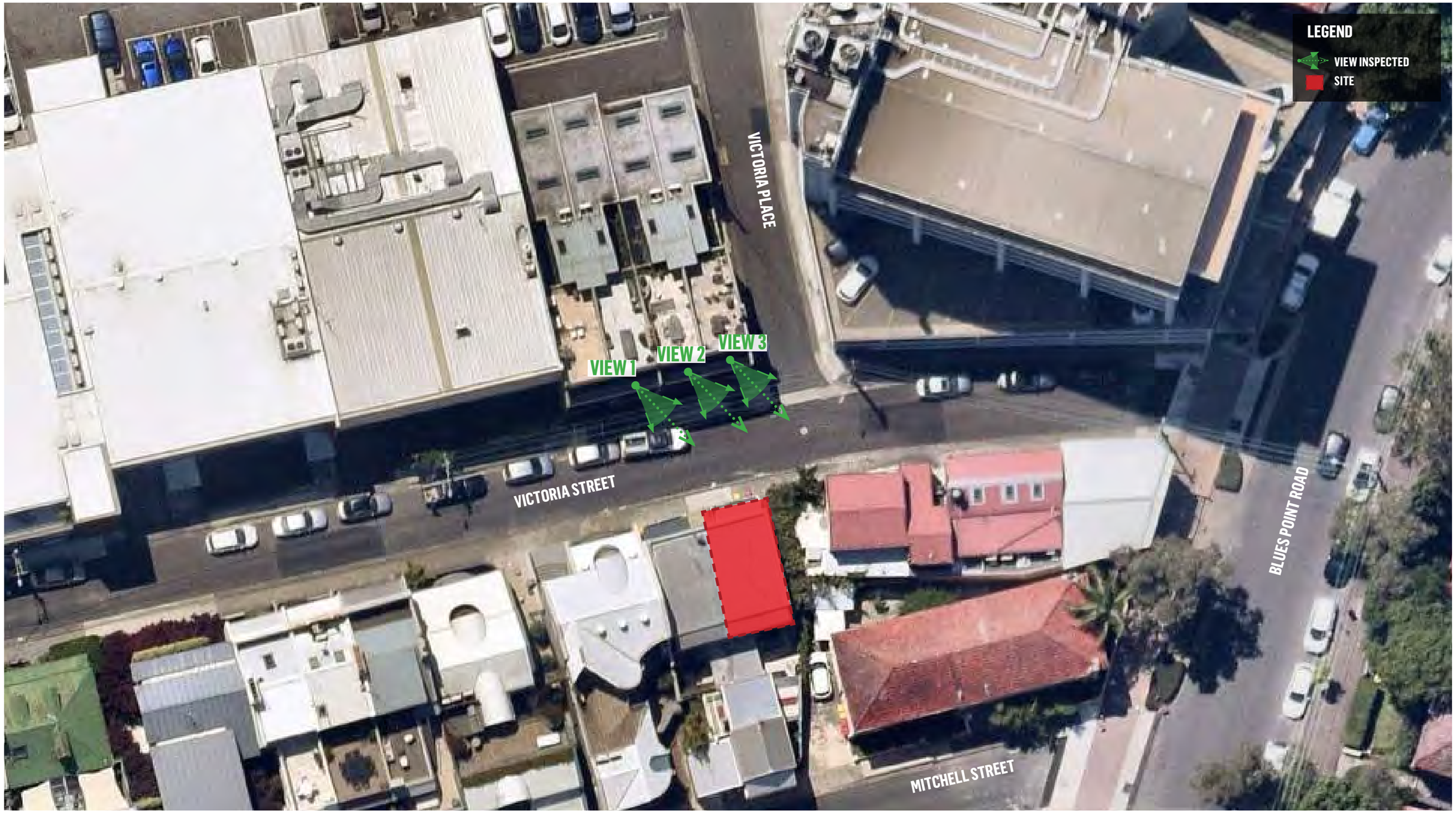


Figure 16 Location map, showing indicative location of view places in green and subject site in red, as well as immediate surrounding context.

VIEW 01 | UNIT 64 MASTER BEDROOM BALCONY VIEW, VICTORIA STREET

Figure 17 Indicative view location in plan, Unit 64 balcony, Victoria St.

Figure 18 Indicative view location is located centrally along front balcony, south elevation, 64 Victoria St.

Figure 19 Existing view south-east from central standing location, master bedroom balcony, 64 Victoria Street.

Figure 20 Proposed view south-east from a central standing location, master bedroom balcony, 64 Victoria Street.

VIEW 01 | UNIT 64 TENACITY ASSESSMENT

Dwelling Address	*Tenacity* Step 1, Existing views to be affected? *The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*	*Tenacity* Step 2, From where are the views available? *The second step is to consider from what part of the property the views are obtained. For example, the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*	*Tenacity* Step 3, View Impact Rating (for whole dwelling) *The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe, or devastating.*	*Tenacity* Step 4. Reasonableness of Impact *The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.*
Unit 64, Victoria Street, McMahons Point, North Sydney.	**Existing Potentially Affected View** This view is only available from the first-floor master bedroom balcony and not from any internal locations. The south-easterly view includes a foreground predominantly characterised by built form (rooftops), including on the subject site, and vegetation. The midground includes parts of the Sydney Harbour Bridge including the northern pylons and the majority of the bridge's arch. The iconic element is visible in the context of foreground development and rooftops, making this a partial view of compromised scenic quality. The composition includes iconic elements which contribute to a scenic and highly valued view as defined in *Tenacity*. **Proposed View** The proposal will introduce new built form to the foreground, predominantly blocking built form and vegetation. The proposal also blocks a minor extent of the Sydney Harbour Bridge sub-road deck structure and a negligible extent of the lower north-west pylon. The extent of the Bridge's arch, including the south-western extent of this view that is currently available, is retained and unaffected. **Effects of Additional Height Sought** The additional height sought blocks a minor additional area of the Sydney Harbour Bridge sub-road deck structure, and part of one pylon. The effects of the non-compliance do not materially affect the intrinsic scenic quality, composition or value of the view given that all mid-ground and background features including iconic elements remain visible and unaffected by the proposal.	• Views towards the site are gained via the front boundary from the first-floor master bedroom balcony. • Views potentially affected are from seated and standing positions.	• **View impact: MINOR** • Views towards the site and proposal are from a bedroom balcony, where people typically spend less waking hours. No (or limited) views are available from inside the dwelling that could be affected by the Proposal. • No internal view from primary living areas are affected by the Proposal or additional height sought. • Highly valued views of similar and more scenic value are available from the rooftop terrace (see **Figure 30**), to the southeast, south, and southwest, and will be unaffected by the Proposal. • When considering the relevant factors in Steps 1 and 2, the view impact for the whole dwelling would be considered **minor.**	The proposal blocks a minor extent of a valued view, relative to the remaining available view. A minor part of the Luna Park Ferris wheel is blocked by lower and fully compliant built form and as such this loss is anticipated by the controls. The view loss is compensated for by the retention of other scenic and valuable views from the rooftop terrace. Effects of the additional height sought are immaterial to the overall impact in qualitative and quantitative terms. The majority of the view loss is contemplated by controls, the extent of loss caused by the non-compliance is limited in qualitative and quantitative terms. The loss of a small part of an iconic element (Sydney Harbour Bridge road deck and sub structure) does not significantly diminish the ability to perceive the icon as a whole, where its most iconic forms, for example pylons and arch, remain visible and unaffected by the proposal. As such the extent of the non-compliance has no material effect on the composition available and no material effect on the overall view impact for the whole dwelling. The hipped roof and curvilinear window openings reveal more of the available view and aim to provide an equitable view sharing outcome. View impacts for the dwelling and overall view sharing outcome, when considering non-compliances are low (minor), reasonable and acceptable. In considering steps 1-4, and all additional relevant factors, the view impact is **reasonable and supportable.**

Table 1 *Tenacity* Assessment 64 Victoria Street, McMahons Point

VIEW 02 | UNIT 66 MASTER BEDROOM BALCONY VIEW, VICTORIA STREET

Figure 21 Indicative view location in plan, Unit 66 balcony, Victoria St.

Figure 22 Indicative view location is located centrally along front balcony, south elevation, 66 Victoria St.

Figure 23 Existing view south-east from central standing location, master bedroom balcony, 66 Victoria Street.

Figure 24 Proposed view south-east from a central standing location, master bedroom balcony, 66 Victoria Street.

VIEW 02 | UNIT 66 TENACITY ASSESSMENT

Dwelling Address	*Tenacity* Step 1, Existing views to be affected? *The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*	*Tenacity* Step 2, From where are the views available? *The second step is to consider from what part of the property the views are obtained. For example, the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*	*Tenacity* Step 3, View Impact Rating (for whole dwelling) *The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe, or devastating.*	*Tenacity* Step 4. Reasonableness of Impact *The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.*
Unit 66, Victoria Street, McMahons Point, North Sydney.	**Existing Potentially Affected View** This view is only available from the first-floor master bedroom balcony and not from any internal locations. The south-easterly view has a foreground predominantly characterised by built form (rooftops), including on the subject site, and vegetation. The midground includes parts of the Sydney Harbour Bridge including the northern pylons and the majority of the bridge's arch, as well as heavily filtered views to part of the Sydney Opera House. The iconic elements are visible in the context of foreground development and rooftops, making this a partial view of compromised scenic quality. **Proposed View** The proposal will introduce new built form to the foreground, blocking built form and vegetation. The Proposal also blocks a minor extent of the Sydney Harbour Bridge structure below the arch. The extent of the Bridge's arch, including the south-western extent of this view that is currently available, is retained and unaffected. The majority of scenic features including the Sydney Harbour Bridge, its northern pylons, the Sydney Opera House, the Luna Park Ferris wheel and small sections of land-water inferface in the background of the view are unaffected. **Effects of Additional Height Sought** The additional height sought blocks a negligible extent of structure below the arch of the Sydney Harbour Bridge, as well as a short section the Sydney CBD. The effects of the non-compliance do not materially affect the intrinsic scenic quality, composition or value of the view given that all mid-ground and background features including iconic elements remain visible and unaffected by the proposal.	• Views towards the site are gained via the front boundary from the first-floor master bedroom balcony. • Views potentially affected are from seated and standing positions.	• **View impact: NEGLIGIBLE** • Views towards the site and Proposal are from a bedroom balcony, where people typically spend less waking hours. No (or limited) views are available from inside the dwelling that could be affected by the Proposal. No internal view from primary living areas are affected by the Proposal or additional height sought. • Highly valued views of similar and more scenic value are available from the rooftop terrace (see **Figures 29** and **31**), to the southeast, south, and southwest, and will be unaffected by the Proposal. • When considering the relevant factors in Steps 1 and 2, the view impact for the whole dwelling would be considered **negligible.**	The proposal blocks a minor extent of a valued view, relative to the remaining available view. Effects of the additional height sought is are immaterial to the overall impact in qualitative and quantitative terms. The view impacts for the dwelling and overall view sharing outcome, when considering non-compliances negligible, reasonable and acceptable. In considering steps 1-4, and all additional relevant factors, the view impact is **reasonable and supportable.**

Table 2 *Tenacity* Assessment 66 Victoria Street, McMahons Point

VIEW 03 | UNIT 68 MASTER BEDROOM BALCONY VIEW, VICTORIA STREET

Figure 25 Indicative view location in plan, Unit 68 balcony, Victoria St.

Figure 26 Indicative view location is located centrally along front balcony, south elevation, 68 Victoria St.

Figure 27 Existing view south-east from central standing location, master bedroom balcony, 68 Victoria Street.

Figure 28 Proposed view south-east from a central standing location, master bedroom balcony, 68 Victoria Street.

VIEW 03 | UNIT 68 TENACITY ASSESSMENT

Dwelling Address	*Tenacity* Step 1, Existing views to be affected?	*Tenacity* Step 2, From where are the views available?	*Tenacity* Step 3, View Impact Rating (for whole dwelling)	*Tenacity* Step 4. Reasonableness of Impact
	The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.	*The second step is to consider from what part of the property the views are obtained. For example, the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*	*The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe, or devastating.*	*The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.*
Unit 68, Victoria Street, McMahons Point, North Sydney.	**Existing Potentially Affected View** This view is only available from the first-floor master bedroom balcony and not from any internal locations. The south-easterly view has a foreground predominantly characterised by built form (rooftops), including on the subject site, and vegetation. The midground includes parts of the Sydney Harbour Bridge including the northern pylons and the majority of the bridge's arch, as well as heavily filtered views to part of the Sydney Opera House. The iconic elements are visible in the context of foreground development and rooftops, making this a partial view of compromised scenic quality. **Proposed View** The proposal will introduce new built form to the foreground, blocking built form within the midground and background. The majority of scenic features including Sydney Harbour Bridge, the Sydney Opera House, the Luna Park Ferris wheel, as well as small sections of land water interface in the background will remain unaffected. **Effects of Additional Height Sought** The additional height sought blocks a small, short section of the Sydney CBD. The effects of the non-compliance do not materially affect the intrinsic scenic quality, composition or value of the view given that all mid-ground and background features including iconic elements remain visible and unaffected by the proposal.	• Views towards the site are gained via the front boundary from the first-floor master bedroom balcony. • Views potentially affected are from seated and standing positions.	• **View impact: NEGLIGIBLE** • Views towards the site and Proposal are from a bedroom balcony, where people typically spend less waking hours. No (or limited) views are available from inside the dwelling that could be affected by the Proposal. No internal view from primary living areas are affected by the Proposal or additional height sought. • Highly valued views of similar and more scenic value are available from the rooftop terrace (see **Figure 15**), to the southeast, south, and southwest, and will be unaffected by the proposal. • When considering the relevant factors in Steps 1 and 2, the view impact for the whole dwelling would be considered **negligible.**	The proposal does not block scenic or highly valued features within the view. Effects of the additional height sought is are immaterial to the overall impact in qualitative and quantitative terms. The view impacts for the dwelling and overall view sharing outcome, when considering non-compliances are negligible, reasonable and acceptable. In considering steps 1-4, and all additional relevant factors, the view impact is **reasonable and supportable.**

Table 3 *Tenacity* Assessment 68 Victoria Street, McMahons Point

ADDITIONAL AND UNAFFECTED VIEWS

Each dwelling has a rooftop terrace from where panoramic views are available in a wide arc from approximately the southeast to the southwest, views from the rooftop terraces are unaffected by the Proposal insofar as sightlines to the following view elements are retained:

Southeast:

- Sydney Harbour Bridge
- Sydney Opera House

South:

- Sydney CBD

Southwest:

- Pyrmont
- parts of the ANZAC Bridge

Figure 29 View southeast (standing) from No.66 roof terrace.

Figure 31 View east (standing) No. 66 from roof terrace (subject site not visible).

Figure 30 View south (standing) from No.64 roof terrace.

Figure 32 View southeast from No.68 first-floor master bedroom (seated).

TENACITY SUMMARY TABLE

DWELLING ADDRESS	VIEW PLACE LOCATION	IMPACT RATING FOR WHOLE DWELLING
64, 66 and 68 Victoria Street, McMahons Point		
UNIT 64	VIEW SOUTHEAST FROM FIRST-FLOOR MASTER-BEDROOM BALCONY	MINOR
UNIT 66	VIEW SOUTHEAST FROM FIRST-FLOOR MASTER-BEDROOM BALCONY	NEGLIGIBLE
UNIT 68	VIEW SOUTHEAST FROM FIRST-FLOOR MASTER-BEDROOM BALCONY	NEGLIGIBLE

Table 4 *Tenacity* Summary Table

06 CONCLUSION

6.1 CONCLUSION

- Three dwellings including 64, 66 and 68 Victoria were inspected, where views from first floor master bedroom balconies were documented and independently surveyed.
- No dwellings have access to views above or beyond the site that are predominantly characterised by icons or a scenic and highly valued whole view.
- A constrained, internal view including part of an isolated iconic feature is available from a first-floor master bedroom at each dwelling.
- One photomontage from the most affected location at each dwelling was selected for modelling to help inform a view impact for each whole dwelling.
- Of the 3 dwellings assessed, view impacts for 1 dwelling were rated as minor and 2 rated as negligible when considering all relevant factors in each step required by *Tenacity*, for the whole dwelling (not just the affected view).
- View loss experienced from 64 Victoria Street is largely caused by low and compliant built form and as such the view loss is contemplated by the relevant controls. Additional view loss caused by the additional height sought, blocks a short section of Harbour Bridge road deck, and less visually significant elements, to an extent that the non-compliance does not materially affect the overall minor view impact rating for the whole dwelling.
- All dwellings have access to scenic and highly valued views from only one location in the dwelling, a negligible part of which is affected. Scenic and highly valued views are available via rooftop terraces for all dwellings assessed and remain available and unaffected by the Proposal.
- View loss is limited in qualitative and quantitative terms for all dwellings, to an extent that the overall view impact is minor (or less), these are low and very low ratings using the *Tenacity* qualitative scale. The impact ratings are supported by summary comments in Step 4 of the *Tenacity* table per dwelling.
- The loss of a small part of an iconic element (Sydney Harbour Bridge road deck structure) does not significantly diminish the ability to perceive the icon as a whole, where its most iconic forms for example pylons and arch remain visible and unaffected by the proposal.
- In summary the majority of the view loss is contemplated by controls, the extent of loss caused by a non-compliance is limited in qualitative and quantitative terms.
- When relevant factors are considered, in our opinion, the view sharing outcome for all neighbours assessed, is reasonable and supportable.

07 APPENDICES

APPENDIX 1
VISUAL ASSESSMENT
PHOTOMONTAGE METHODOLOGY

12/12/24

ROCKHUNTER

Rock Hunter Australia Pty Ltd
85 Monteith Street
Warrawee NSW 2074
Ph 0430 054 111
ABN: 41 141 899 669
www.rockhunter.com.au

Statement on Methodology - Photomontages for 65 Victoria Street, McMahons Point

The computer generated photomontages (Appendix A) were prepared from data provided by Urbanistica (file reference: 002_65 VICTORIA ST_NEW DA (RHINO 5).3dm, dated 3/12/24) and Altitude Surveys (Survey Ref. 24186MGA.dwg, dated 12/11/2024 - Ivan Babic, Registered Surveyor). Photography was undertaken on 12/11/2024, based on metadata supplied with each image. The camera used was a full-frame Canon EOS 6D Mark II, with EF24-105mm lens, according to the accompanying metadata.

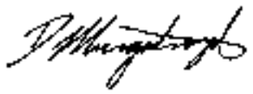
The photomontage images were prepared using Autodesk 3DS MAX 2023 / VRay 7 and Adobe Photoshop 2024, from supplied architectural 3D model and AutoCAD survey data. In addition, ELVIS pointcloud data sourced from the online portal for precise alignment and calibration of virtual cameras, as shown in the wireframes. All photomontages have been prepared in accordance with the Court's policy on the use of photomontages as described in the following link:

https://lec.nsw.gov.au/documents/policy/PPL-15_Policy_Use_of_Photomontages_and_Visualisation_Tools.pdf

I confirm that survey data was used for existing building elements as shown in the wireframes, and to establish an accurate camera location and RL of the camera. Camera locations and RLs were recorded directly by survey.

I have read the expert witness code of conduct (Rule 31.23 of UCPR 2005, Schedule 7) and agree to be bound by it.

Signed



David Murgatroyd
B. Ind Des (UNSW)

Figure 33 Photomontage showing proposed view southeast from Unit 64 master bedroom balcony – standing

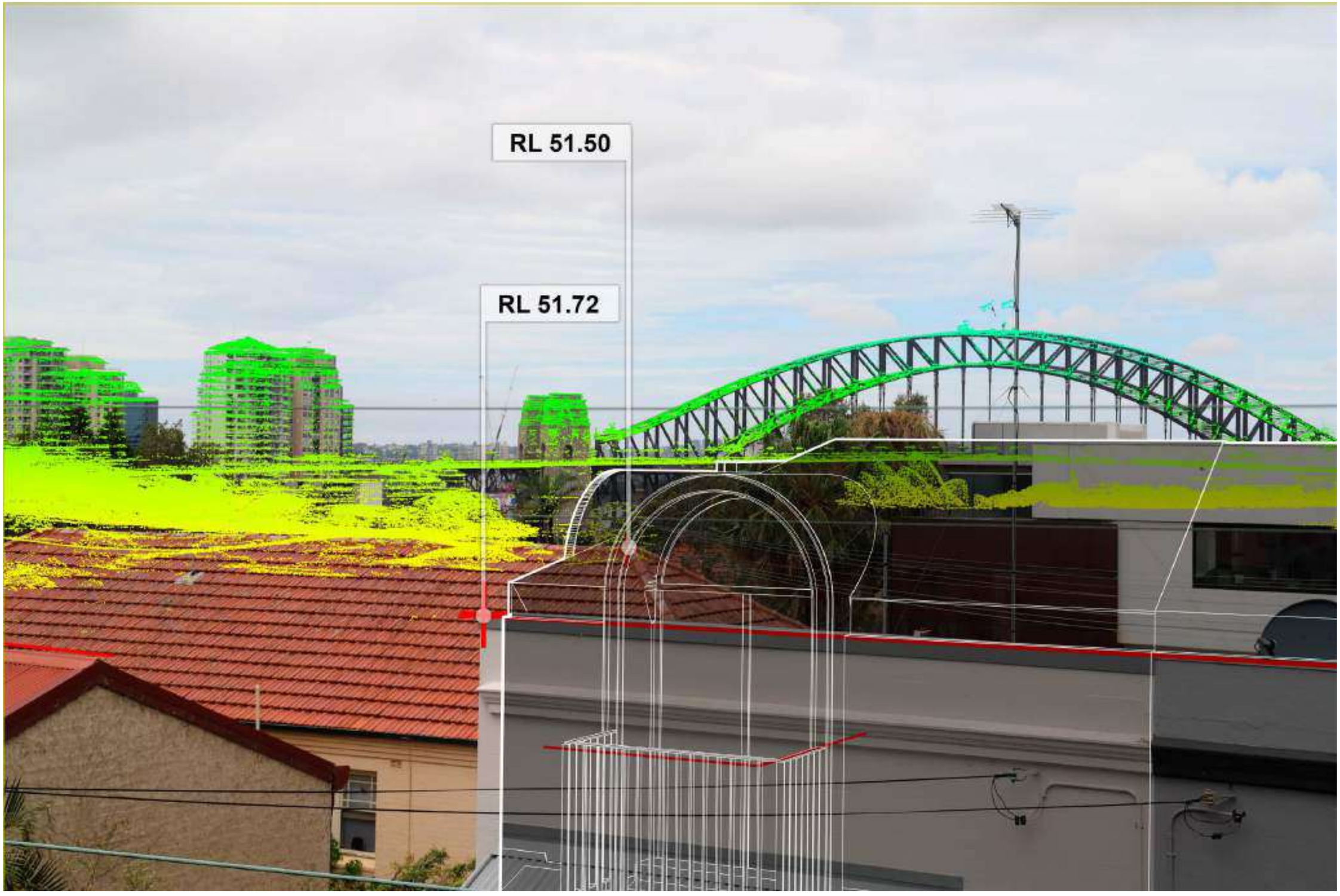


Figure 34 Photomontage showing proposal and alignment wireframes in view southeast from Unit 64 master bedroom balcony – standing

Figure 35 Photomontage showing proposed view southeast from Unit 66 master bedroom balcony – standing

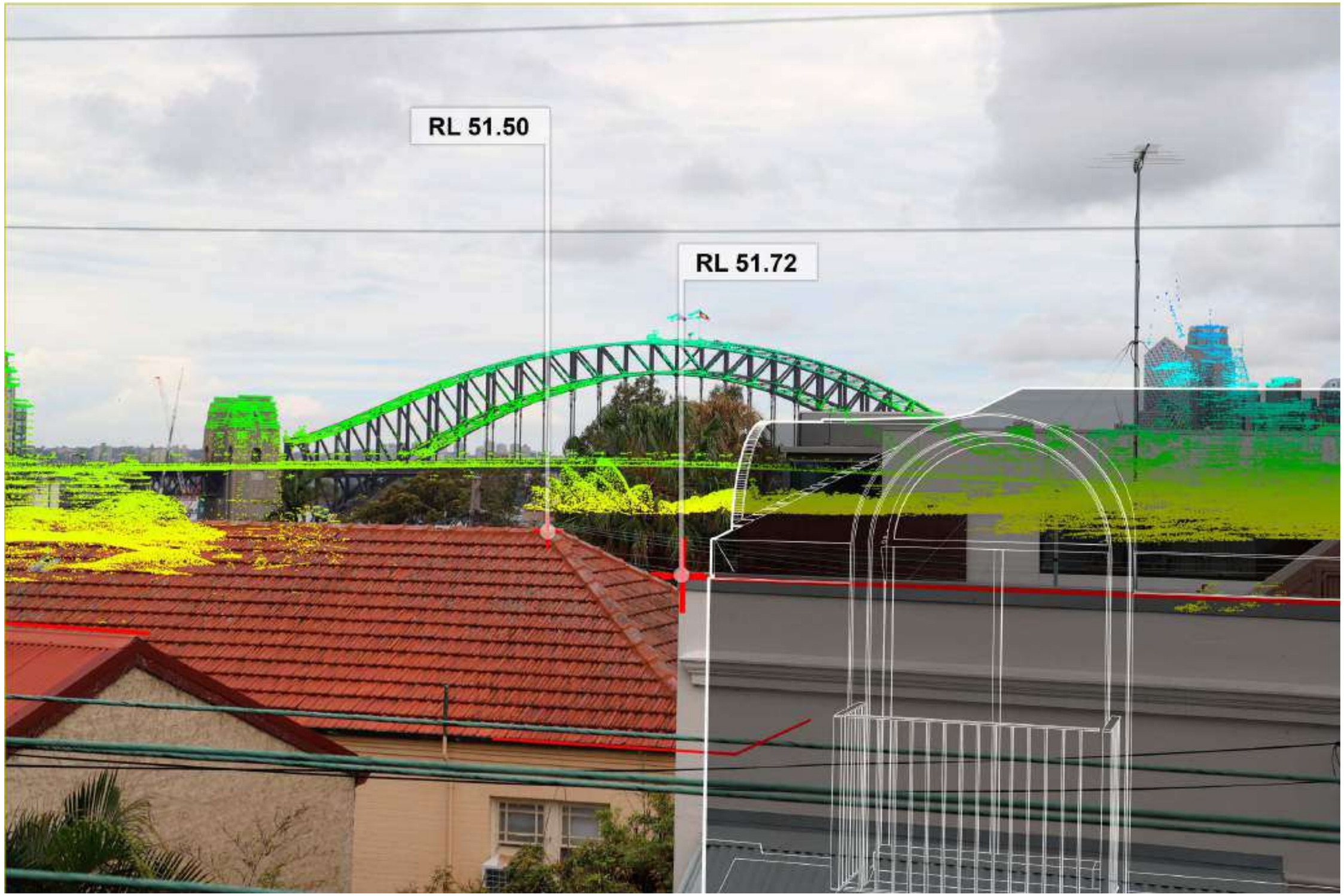


Figure 36 Photomontage showing proposal and alignment wireframes in view southeast from Unit 66 master bedroom balcony – standing

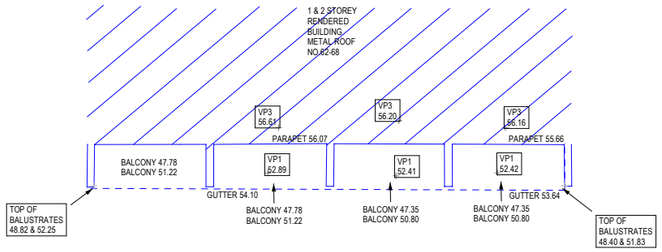
Figure 37 Photomontage showing proposed view southeast from Unit 68 master bedroom balcony – standing

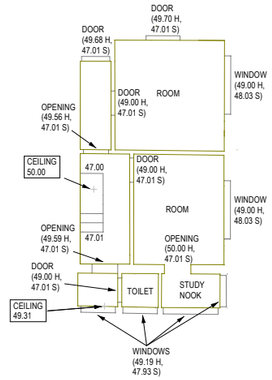
Figure 38 Photomontage showing proposal and alignment wireframes in view southeast from Unit 68 master bedroom balcony – standing

APPENDIX 2
SITE SURVEY

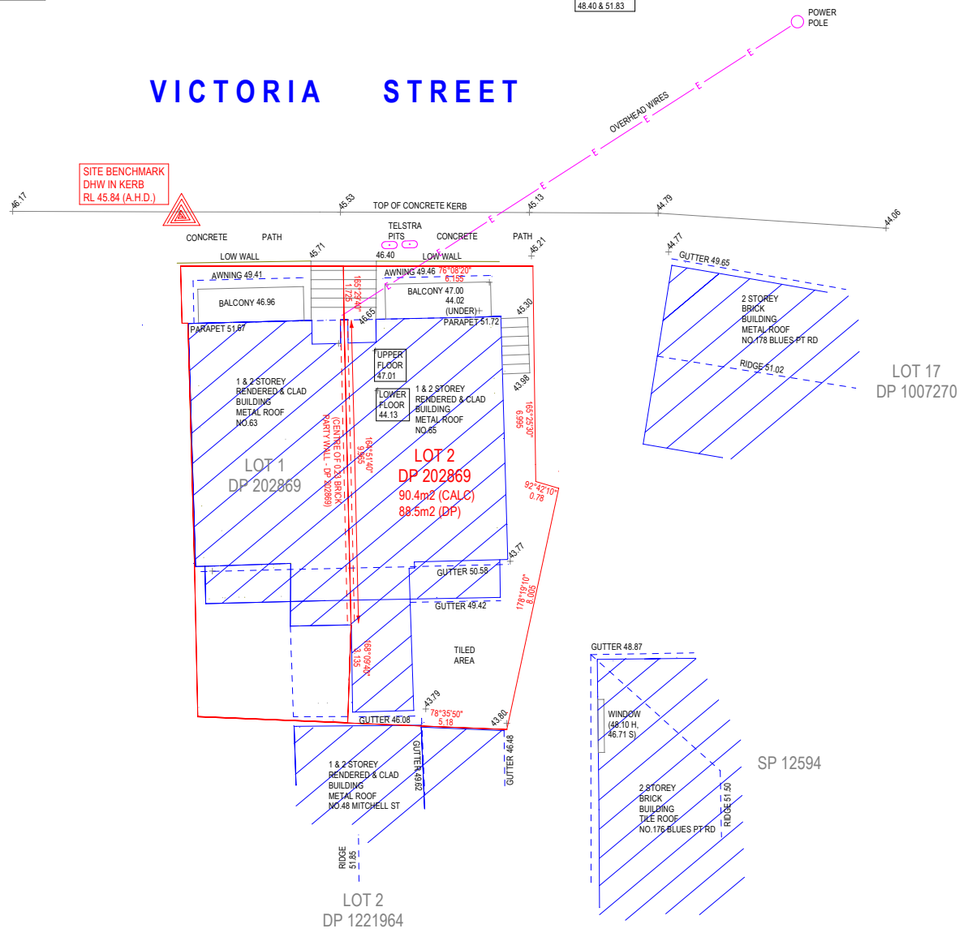
The following survey of 65 Victoria Street was prepared and conducted by Altitude Surveys Ltd and supplied to Urbis.

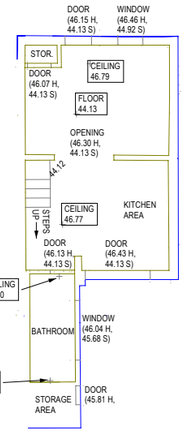
7.0: APPENDIX





INTERNAL LAYOUT OF NO.65 - UPPER LEVEL





INTERNAL LAYOUT OF NO.65 - UPPER LEVEL

NOTES:

1. LEVELS SHOWN ARE TO AUSTRALIAN HEIGHT DATUM. ORIGIN OF RL'S; PM 35766 - RL 42.078 (A.H.D.)
2. BEARINGS ARE ON MGA NORTH AS DERIVED BY DP 1221964
3. NO BOUNDARY SURVEY HAS BEEN COMPLETED. BEARINGS AND DISTANCES HAVE BEEN COMPILED FROM TITLE AND/OR DEED INFORMATION SUPPLIED BY DEPARTMENT OF LANDS NSW.
4. RELATIONSHIP OF IMPROVEMENTS AND DETAIL TO BOUNDARIES IS DIAGRAMMATIC ONLY AND SPECIFIC DETAILS, IF CRITICAL, WILL REQUIRED A FURTHER SURVEY - UNLESS OTHERWISE SHOWN.
5. WARNING: IF IS INTENDED TO ERECT ANY IMPROVEMENTS ALONG OR NEAR BOUNDARIES - EITHER FOR DESIGN OR BUILDING SET OUT - A SET OUT SURVEY SHOULD BE UNDERTAKEN.
6. NO SERVICES OR UNDERGROUND SERVICES SEARCH HAS BEEN UNDERTAKEN. SERVICES SHOWN ARE BASED ON VISIBLE SURFACE INDICATORS EVIDENT AT THE DATE OF SURVEY & ARE CHARTED AS A GUIDE TO THE POSITION & NATURE OF THE SERVICE. ALL SERVICE AUTHORITIES SHOULD BE CONTACTED PRIOR TO ANY DEVELOPMENT.
7. RIDGE, EAVE AND GUTTER HEIGHTS HAVE BEEN OBTAINED BY AN INDIRECT METHOD AND ARE ONLY ACCURATE FOR PLANNING PURPOSES ONLY.
8. ADJOINING BUILDINGS AND DWELLINGS HAVE BEEN PLOTTED FOR DIAGRAMMATIC PURPOSES ONLY AND SPECIFIC DETAILS, IF CRITICAL, WILL REQUIRE FURTHER SURVEY WORK.
9. THE DIAMETER, SPREAD AND HEIGHT OF EACH TREE IS INDICATIVE ONLY AND SPECIFIC DETAILS, IF CRITICAL, WITH REQUIRE FURTHER SURVEY WORK.
10. THIS DETAIL & LEVELS PLAN IS PROVIDED FOR THE PRIVATE & CONFIDENTIAL USE OF THE CLIENT MENTIONED ONLY AND CANNOT BE USED OR RELIED UPON BY ANOTHER PARTY.

NOTES ON SUBJECT TITLE (LOT 2 IN DP 202869)

1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
2 BK 3316 NO 864 CROSS EASEMENTS (S.181B CONVEYANCING ACT, 1919) AFFECTING THE PARTY WALL ON THE COMMON BOUNDARY OF LOTS 1 AND 2 IN DP202869

THIS INFORMATION HAS NOT BEEN INVESTIGATED BY US BUT IS RECOMMENDED THAT IT BE CHECKED BY A SOLICITOR.

IVAN BABIC
NSW REGISTERED SURVEYOR
REGISTRATION NUMBER - 1604

PROJECT : PLAN SHOWING DETAIL & LEVEL SURVEY OVER LOT 2 IN DP 202869 AT NO.65 VICTORIA STREET, MCMAHONS POINT

CLIENT : LEANNE MISENER

DATUM : A.H.D. **DATE :** 12/11/2024

SHEET No. 1 **OF** 1 **SHEETS**

DRAWING No. : 24186

JOB REF : 24186 **SCALE :** 1:100

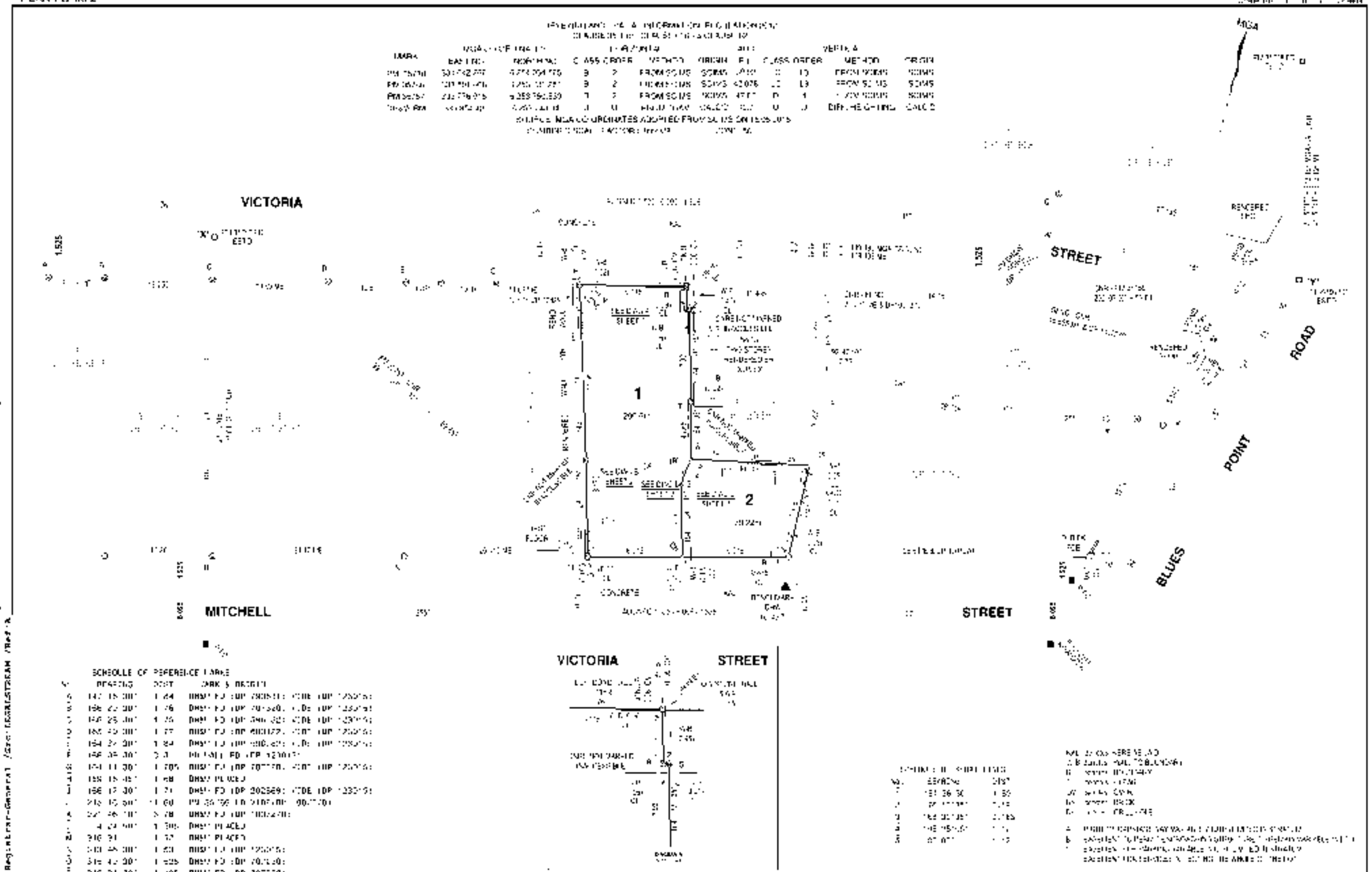
ALTITUDE SURVEYS
PRECISION FROM THE GROUND UP
ABN: 50 624 984 747
PHONE: 0450 85 85 00
EMAIL: ADMIN@ALTITUDESURVEYS.COM.AU
INTERNET: WWW.ALTITUDESURVEYS.COM.AU

PLAN FORM 2

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

MARK	MGA ZONE 56 EASTING	MGA ZONE 56 NORTHING	CLASS	ORDER	METHOD	ORIGIN	ELL	CLASS	ORDER	METHOD	ORIGIN
[illegible]	[illegible]	[illegible]	B	2	FROM SCIMS	SCIMS	[illegible]	[illegible]	[illegible]	FROM SCIMS	SCIMS
[illegible]	[illegible]	[illegible]	B	2	FROM SCIMS	SCIMS	[illegible]	[illegible]	[illegible]	FROM SCIMS	SCIMS
[illegible]	[illegible]	[illegible]	B	2	FROM SCIMS	SCIMS	[illegible]	[illegible]	[illegible]	FROM SCIMS	SCIMS
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	CALC'D	[illegible]	[illegible]	[illegible]	DIFF. HEIGHTING	CALC'D

OUTPUT MGA COORDINATES ADOPTED FROM SCIMS ON [illegible]



SCHEDULE OF REFERENCE MARKS

No.	Bearing	Dist	Mark & Description
[illegible]	[illegible]	[illegible]	[illegible]

No.	Bearing	Dist
[illegible]	[illegible]	[illegible]

Surveyor: BENJAMIN JACKSON Date of Survey: [illegible] Surveyor's Ref: [illegible]	PLAN OF SUBDIVISION OF LOT 1 IN DP 70157 AND LOT 1 IN DP 70313	L.G.A.: NORTH SYDNEY Locality: MILSON'S POINT Surveyor's File: S505/11 S.0 Lands and Property Information	Registered 29.11.2017	DP1221964

PLAN FORM 2 | WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION | ePlan | Sheet No. 2 of 2 Sheets

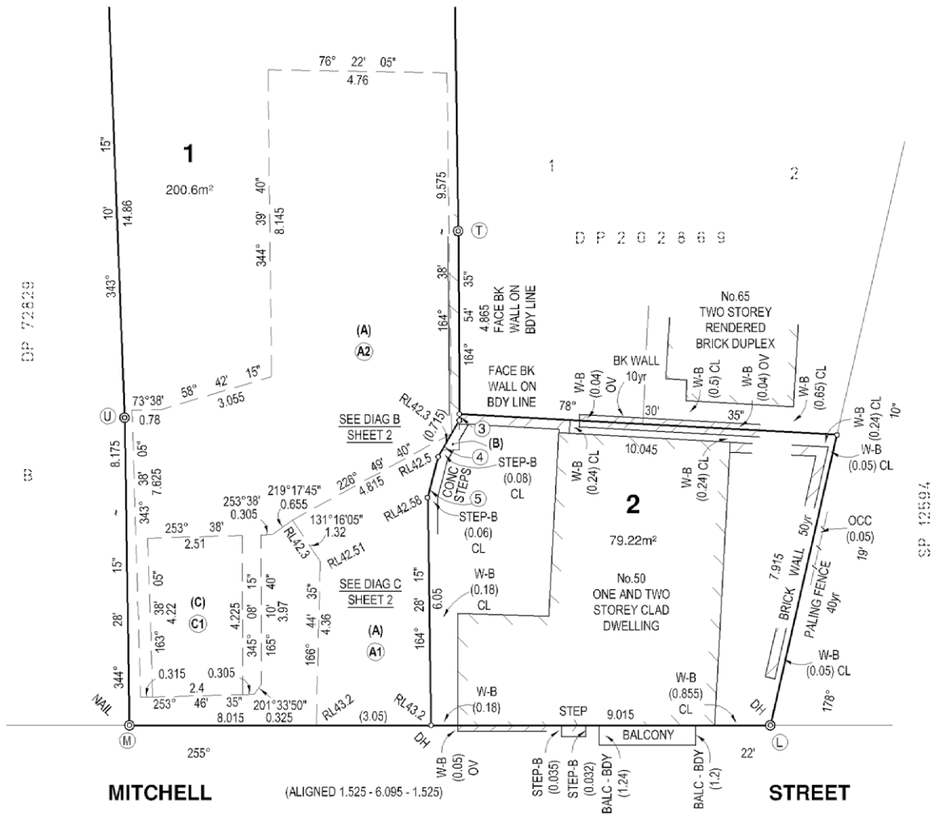


DIAGRAM A

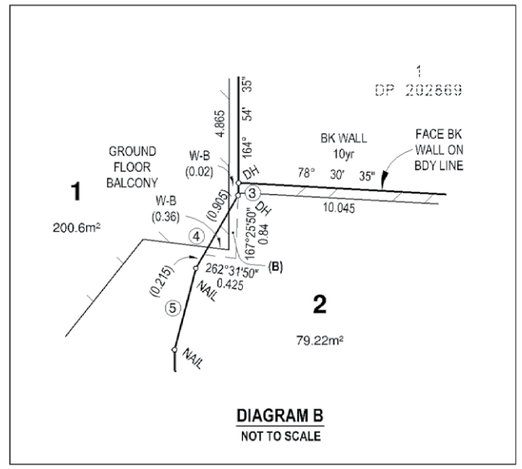


DIAGRAM B
NOT TO SCALE

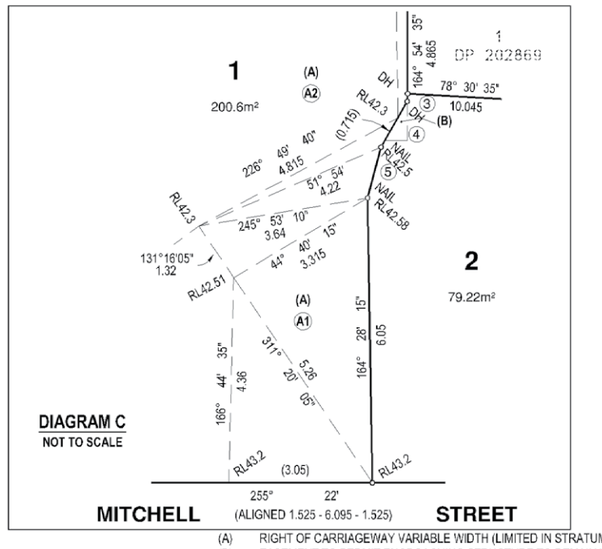


DIAGRAM C
NOT TO SCALE

SCHEDULE OF SHORT LINES		
No.	BEARING	DIST
1	164°36'30"	1.85
2	76°10'35"	0.19
3	168°30'35"	0.165
4	195°25'05"	1.12
5	180°00'	1.12

(A) RIGHT OF CARRIAGEWAY VARIABLE WIDTH (LIMITED IN STRATUM)
(B) EASEMENT TO PERMIT ENCROACHING STRUCTURE TO REMAIN VARIABLE WIDTH
(C) EASEMENT FOR PARKING VARIABLE WIDTH (LIMITED IN STRATUM)
EASEMENT FOR SERVICES AFFECTING THE WHOLE OF THE LOT

(A1) INDICATES RIGHT OF CARRIAGEWAY IS LIMITED IN DEPTH TO THE LEVELS SHOWN AND IN HEIGHT TO 2.3 METRES ABOVE THOSE LEVELS
(A2) INDICATES EASEMENT LIMITED TO THE STRATUM BETWEEN THE HORIZONTAL PLANES AT RL42.3 AND RL44.53
(C1) INDICATES EASEMENT LIMITED TO THE STRATUM BETWEEN THE HORIZONTAL PLANES AT RL42.3 AND RL44.53

KAL denotes KERB AS LAID
W-B denotes WALL TO BOUNDARY
BK denotes BRICK
B denotes BOUNDARY
CL denotes CLEAR
OV denotes OVER
DH denotes DRILL HOLE

Surveyor: BENJAMIN A JACKSON Date of Survey: 15/06/2016 Surveyor's Ref: 5342	PLAN OF SUBDIVISION OF LOT 1 IN DP 783167 AND LOT 1 IN DP 70313	L G A: NORTH SYDNEY Locality: MCMAHONS POINT Subdivision No: S505/11 5.0 Lengths are in metres. Reduction Ratio 1:100	Registered 29.11.2017	DP1221964

10 20 30 40 50 Table of mm 90 100 110 120 130 140

Req:R103510 /Doc:DP 1221964 P /Rev:30-Nov-2017 /NSW LRS /Pgs:ALL /Prt:20-Dec-2021 16:07 /Seq:2 of 5
© Office of the Registrar-General /Src:LEGALSTREAM /Ref:A

URBIS

ANGEL PLACE
LEVEL 8, 123 PITT STREET
SYDNEY NSW 2000

URBIS.COM.AU
Urbis Ltd
ABN 50 105 256 228

8 May 2025

Samuel Liu
Senior Planner
Barr Planning
Via email: sliu@barrplanning.com.au

1. INTRODUCTION

1.1. PURPOSE OF THIS ADDENDUM

This report is an assessment of potential view loss caused by the Development Application (DA27/2025) for 65 Victoria Street, McMahons Point, North Sydney in relation to the dwelling located at 62 Victoria Street. This report is an addendum to the *View Sharing Report* prepared by Urbis, dated January 2025.

1.2. DOCUMENTS REVIEWED AND CONSULTED

The assessment of view loss is informed by an analysis of photomontages prepared by CMS Pty Ltd and supplied to Urbis. In addition we understand the internal floorplate layout of this dwelling given our inspections at neighbouring terrace dwellings.

View loss refers to the extent to which a new built form blocks an existing view or part of the composition of a view that is currently enjoyed. Where a proposal is likely to adversely affect views from private land, Council may give consideration to the view sharing Planning Principle established in the Land and Environment Court Tenacity Consulting v Warringah Council [2004] NSWLEC 140 (*Tenacity*).

Tenacity involves a four-step sequential and conditional process. If the conditions of a preceding step are not met, further steps are unnecessary when assessing the quantum and quality of view loss.

2. 62 VICTORIA STREET

62 Victoria Street is the western-most dwelling in a row of modified terrace houses which formally present to Victoria Street. We understand that this dwelling shares the same internal arrangements as those inspected to the east and assessed in the *Urbis View Sharing Report*. The dwelling is 2-storeys and includes additions to the rear, which accommodate all primary living areas and include windows either to the north (rear) or towards internal courtyards.

Two rooms include south-facing windows and balconies to Victoria Street, associated with bedrooms.

URBIS

2.1. EXISTING VIEWS AVAILABLE

Some extent of 'visual change' maybe be perceived from the southern, ground-floor and first-floor rooms, as well as from a rooftop terrace.

Views from the ground-floor bedroom are unlikely to change, given that views are not aligned with the upper parts of the Proposal or with the additional height sought.

Views from inside the first-floor master bedroom are limited due to the narrow central double doors to the balcony, and the alignment with the subject site.

Views from the balcony are more expansive and include 65 Victoria street, where the additional height sought will be visible. The view affected is only available from the external master bedroom balcony, and as such only one view from this dwelling is affected by view loss.

Expansive views available from the roof top terrace private open space for this dwelling, sit at a higher relative level to the proposal, where access to scenic and highly valued items to the south-east will not be affected.

2.2. PHOTOMONTAGE

Please refer to Appendix 1 for an explanation of the photomontage preparation process undertaken by CMS Surveyors.

Figure 1 *– Existing standing view from upper-level balcony of 62 Victoria Street. Source: 'North Sydney Council Approved DA6/24 Council Assessment Report.'*

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Figure 2 *– Image showing outline of Proposal and approved neighbouring development at 63 Victoria Street (yellow line), compliant envelope (blue line), and height exceedance of Proposal (red fill). Source: CMS Surveyors.*

Figure 3 *– Photomontage showing proposed view including approved development at 63 Victoria Street. Compliant envelope shown in blue line, height exceedance of Proposal shown in red fill. Source: CMS Surveyors.*

URBIS

Figure 4 *– Photomontage prepared by CMS Surveyors showing proposed view including approved neighbouring development at 63 Victoria Street. Compliant envelope shown in blue.*

3. VIEW IMPACT ASSESSMENT

TENACITY ASSESSMENT | UNIT 62 VICTORIA STREET, MCMAHONS POINT, NORTH SYDNEY.

Tenacity Step 1, Existing views to be affected?	*Tenacity* Step 2, From where are the views available?	*Tenacity* Step 3, View Impact Rating (for whole dwelling)	*Tenacity* Step 4. Reasonableness of Impact
Existing Potentially Affected View This view is only available from the first-floor master bedroom balcony and not from any internal locations. The south-easterly view includes a foreground predominantly characterised by built form (rooftops), including on the subject site, and vegetation. The midground includes parts of the Sydney Harbour Bridge including the northern pylons and the majority of the bridge's arch. The iconic element (Harbour Bridge) is visible in the context of foreground development and rooftops, making this a partial view of compromised scenic quality. The composition includes iconic elements which contribute to a scenic and highly valued view as defined in *Tenacity*. **Proposed View** The Proposal will introduce new built form to the foreground, predominantly blocking built form and vegetation. The proposal also blocks the central section of the Sydney Harbour Bridge's northern pylons. The extent of the Bridge's arch, the tops of the northern pylons, as well as the southern and south-western extent of this view that is currently available, is retained and unaffected. **Effects of Additional Height Sought** The additional height sought blocks a minor additional section of the Sydney Harbour Bridge's northern pylons. The effects of the non-compliance do not materially affect the intrinsic scenic quality, composition or value of the view given the majority of mid-ground and background features, including iconic elements, remain visible and minimally affected by the Proposal.	Views towards the site are gained via the front boundary from the first-floor master bedroom balcony. Views potentially affected are from seated and standing positions.	**View impact: MINOR** Views towards the site and proposal are from a bedroom balcony, where people typically spend less waking hours. No (or limited) views are available from inside the dwelling that could be affected by the Proposal. No internal view from primary living areas is affected by the Proposal or additional height sought. Highly valued views of similar and more scenic value are available from the rooftop terrace to the southeast, south, and southwest, and will be unaffected by the Proposal. When considering the relevant factors in Steps 1 and 2, the view impact for the whole dwelling would be considered **minor**.	The Proposal blocks a minor extent of a valued view, relative to the remaining available view. The loss of a small part of an iconic element (a section of the Sydney Harbour Bridge northern pylons) does not significantly diminish the ability to perceive the icon as a whole, where its most iconic forms, for example arch the and the tops of the pylons, remain visible and unaffected by the Proposal. The extent of the non-compliance does not significantly degrade the value of the view and has no material effect on the composition available, the view loss is not sufficient to increase the view impact rating. Effects of the additional height sought are immaterial to the overall impact in qualitative and quantitative terms. The view loss is partly compensated for by the retention of other scenic and valuable views from the rooftop terrace. The effects of lower complying form are inconsequential. The hipped roof and curvilinear window openings reveal more of the available view and aim to provide an equitable view sharing outcome. View impacts for the dwelling and overall view sharing outcome, when considering non-compliances are low (minor), reasonable and acceptable. In considering steps 1-4, and all additional relevant factors, the view impact is **reasonable and supportable**.

URBIS

4. CONCLUSIONS

- View loss experienced from 62 Victoria Street is largely caused by low and compliant built form and as such the view loss is contemplated by the relevant controls.
- View loss caused by the additional height sought blocks a section of the Sydney Harbour Bridge's northern pylons, as well as less visually significant elements, to an extent that the non-compliance does not materially affect the overall view impact rating for the whole dwelling.
- The dwelling does not have access to views above or beyond the site which are predominantly characterised by icons or as a scenic and highly valued whole view. The affected view is largely vernacular where the most visible, distinctive form remains visible and unaffected by the proposal or by the non-compliance.
- Scenic and highly valued views are available via the rooftop terrace and remain available and unaffected by the Proposal.
- The view loss in both qualitative and quantitative terms is limited, the majority of all views available from the dwelling are unaffected, where view loss is experienced from a master bedroom balcony at an oblique angle.
- The view impact for the whole dwelling is minor, reasonable and supportable.

Kind regards,

Jane Maze-Riley
Director
jmazeriley@urbis.com.au

VISUAL IMPACT STUDY

65 VICTORIA STREET MCMAHONS POINT

07.05.2025

Produced for Leanne Misener & Tony Markey

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VISUAL IMPACT STUDY PROCESS

Preamble

CMS Surveyors has been engaged to prepare/verify the following survey-accurate representation of the visual impact of the proposed development. CMS Surveyors have developed this methodology based on sound knowledge of coordinate systems, survey data, 3D modelling software and Photography.

In preparing this documentation to support the Visual Impact Study, CMS Surveyors has collected survey data on site, related this information to a coordinate system, and prepared rendered views from a composition of the design model (as supplied), the 3D Point Cloud and the provided photographs.

Process

The existing building(s) and surrounds are surveyed using a Laser scanner which creates a 'point cloud' consisting of tens of millions of points representing the scene, akin to a 3D photograph. The scan data is related by survey methods to to the Australian Height Datum (AHD) and the Map Grid of Australia (MGA) and the proposed development model has been aligned and referenced to the survey data captured on site, including existing physical features and/or the boundaries of the site.

Calculated Camera Position photomontages:

The camera position is determined using the scanned point cloud data as control points in camera perspective matching software to calculate the position, orientation and characteristics of the physical camera.

The methodology used for scene setup is further described in the images on the right of this page.

View Points and Lens Choice

The field of view of human vision is subject to conjecture and the way an image of a scene is viewed on a flat piece of paper or screen is different to how it is perceived in reality. Due to the many variables in the way a scene may be perceived by the viewer the photomontages are best viewed on site in the position of the camera to be most confident in how the proposed development will look in reality.

Subject to the provisions noted on the following page, the photomontages in this report have been produced in accordance with NSW Land & Environment Court's Policy: Use of Photomontages and Visualisation Tools (17.05.2024)

This report has been produced by Christopher Larmour B. Eng (Surveying and Spatial Information Systems), NSW Registered Surveyor 8786

Christopher Larmour

NSW Registered Surveyor 8786

CMS SURVEYORS

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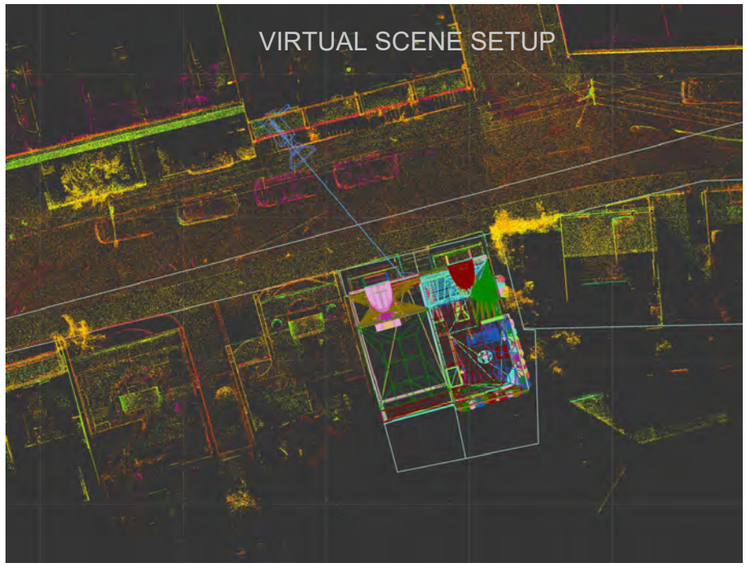
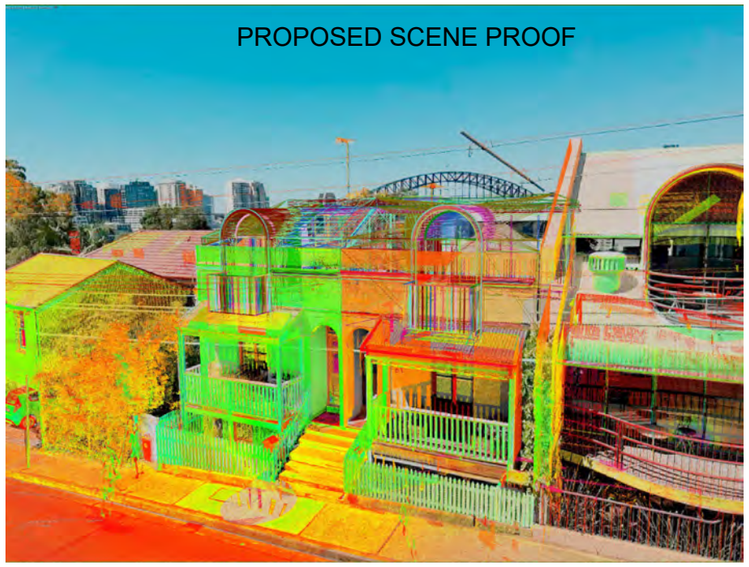


Step 1:

- The existing scene and surrounds is laser scanned on MGA coordinates (Location) and AHD (height).
- Relevant features are captured to position the design correctly within the scene (boundary survey, control points etc).
- The scene is setup in 3D graphics software (Autodesk 3DS Max) combining the point cloud, proposed model, and the provided image(s).

Step 2:

- The virtual camera is created to replicate the actual camera's position and lens characteristics as closely as possible by using the 3D Point Cloud data as control points.
- This 'proof' image (often referred to as a 'wireframe') illustrates the correct alignment of the 3D point cloud data (shown orange-green) with the background photograph proving correct camera location, orientation and lens parameters.



Step 3:

- The proposed development (shown as a wireframe model) is inserted into the scene in the correct spatial location and overlaid onto the photograph to produce the 'proposed scene proof'.

Step 4:

- The scene is rendered at high resolution and, if necessary, re-layered with any foreground objects. Note that colour, lighting/shadows, materials etc is indicative only - please refer to achitectural documentation.

PLAN SHOWING PHOTO LOCATIONS

Notes:

- Any materials or colours shown are indicative only. Refer to Architect's documentation for final materials and finishes.
- This Visual impact study has been produced using a 3D model provided by Paul Mazza at Urbanistica.
  File Ref: 006_NEW DA.3dm supplied by dropbox link 29.04.2025
- The model used has been checked for consistency with DA plans supplied by Samuel Liu via e-mail, 30.04.2025.
  Project Ref 23/583 Plan reference - DA05_A, Date 16.01.2025
- Point Cloud data surveyed 29.04.2025 using a Leica RTC 360 Laser Scanner and survey control has been placed using theodolite measurements.
- Photography Captured/supplied by Others. Using the process shown on sheet 2, the camera location has been calculated as opposed to being measured directly. Similarly, Camera parameters and photo metadata was unavailable and lens characteristics have been determined using camera-matching software.
- Photos have been captured at RLs as shown in the table. *Note that camera height has been estimated based on the calculated position of the camera and the estimated floor level determined by remote survey from the road corridor.
- Retained vegetation as shown in the 'proposed' scenarios may not be representative of the post-construction scene.
- Coordinates provided are on MGA56-GDA2020 and are relative to the Australian Height Datum (AHD). Origin of Coordinates SSM35463, Origin of heights PM35767 (RL47.904)

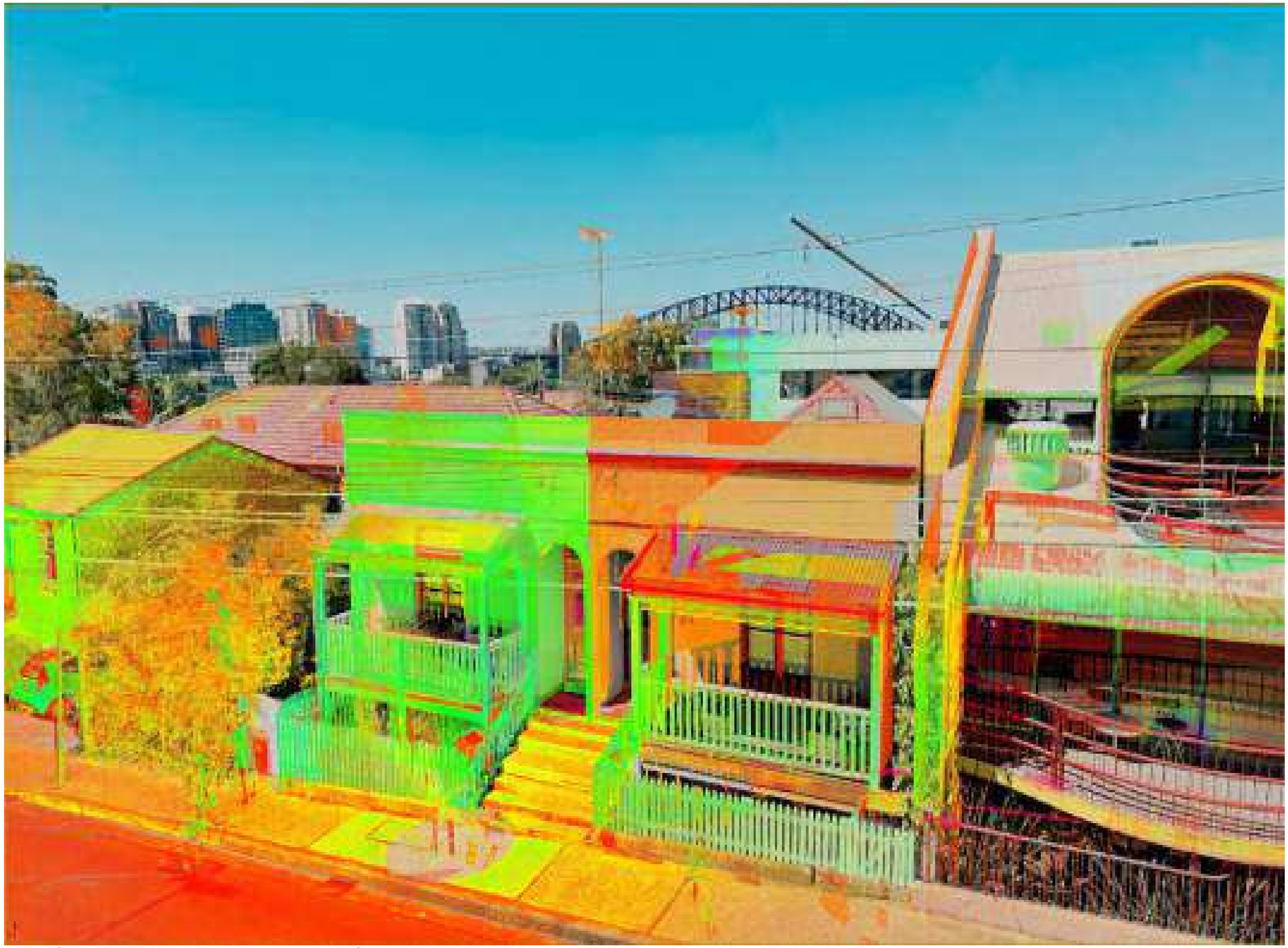
Pt. No.	E	N	RL	Description	Cam Ht.*	FoV°	Remark
1	333836.02	6253776.845	52.67	Calculated Camera 1 Location	1.47	67.4	From No. 62, Standing, Upper Balcony (off bedroom)
101	333845.52	6253765.61	50.83	Calculated Camera 1 Location (Target)			

RENDER SHOWING PROPOSAL IN SCENE

RENDER SHOWING MASS USED FOR 'COMPLIANT ENVELOPE'*

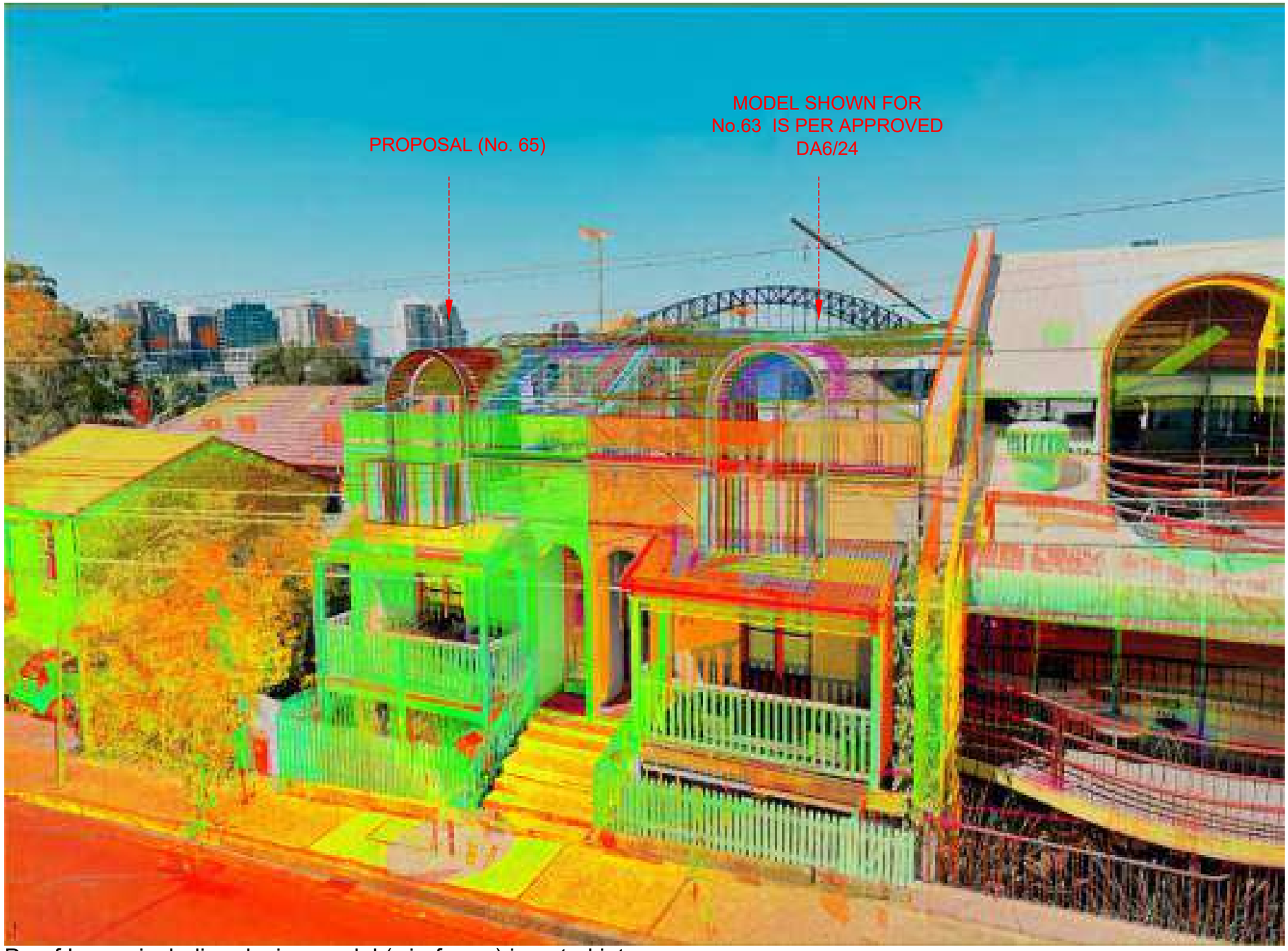
*The 'compliant envelope' shown is per that shown on Urbanistica DA plans; the Blue line/mass represents 8.5m above the existing lower ground floor level (per Altitude Surveys' Detail & level Plan) over the lot

Original image - View from Balcony (off bedroom) of 62 Victoria Street - Image provided by others



Proof Image showing alignment of virtual camera, 3D point cloud data and photo

Note that minor local discrepancies between the location of the point cloud (in the virtual camera) and the actual physical features (in the photograph) are evident in this image. These misalignments are due to distortions in the photograph, likely arising from imperfections in the camera lens & sensor used to capture the provided photograph. For the purposes of this photomontage, good alignment immediately around the proposal's roofline is highest priority; misalignments at the edges of the photograph have no impact on the accuracy of the final photomontage.

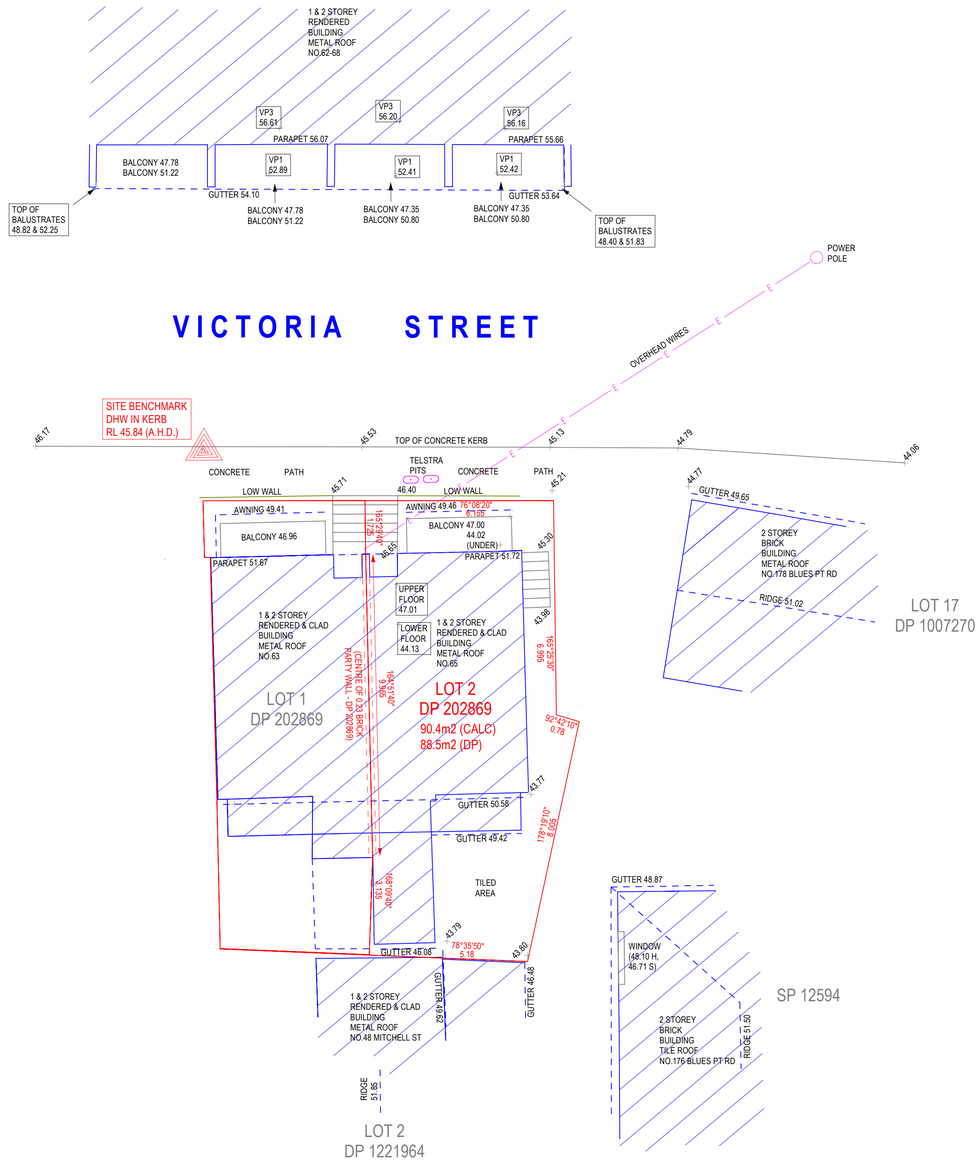


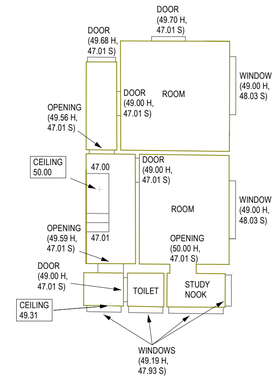
Proof Image including design model (wireframe) inserted into scene

Image showing outline of proposal (shown yellow) and compliant envelope* (shown blue)

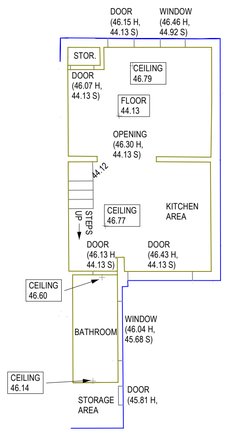
*The 'compliant envelope' shown is per that shown on Urbanistica DA plans; the Blue line/mass represents 8.5m above the existing lower ground floor level (per Altitude Surveys' Detail & level Plan) over the lot

Proposed Scene (including outline of compliant envelope* shown blue)





INTERNAL LAYOUT OF NO.65 - UPPER LEVEL



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1. LEVELS SHOWN ARE TO AUSTRALIAN HEIGHT DATUM. ORIGIN OF RL'S; PM 35766 - RL 42.078 (A.H.D.)
2. BEARINGS ARE ON MGA NORTH AS DERIVED BY DP 1221964
3. NO BOUNDARY SURVEY HAS BEEN COMPLETED. BEARINGS AND DISTANCES HAVE BEEN COMPILED FROM TITLE AND/OR DEED INFORMATION SUPPLIED BY DEPARTMENT OF LANDS NSW.
4. RELATIONSHIP OF IMPROVEMENTS AND DETAIL TO BOUNDARIES IS DIAGRAMMATIC ONLY AND SPECIFIC DETAILS, IF CRITICAL, WILL REQUIRED A FURTHER SURVEY - UNLESS OTHERWISE SHOWN.
5. WARNING: IF IS INTENDED TO ERECT ANY IMPROVEMENTS ALONG OR NEAR BOUNDARIES - EITHER FOR DESIGN OR BUILDING SET OUT - A SET OUT SURVEY SHOULD BE UNDERTAKEN.
6. NO SERVICES OR UNDERGROUND SERVICES SEARCH HAS BEEN UNDERTAKEN. SERVICES SHOWN ARE BASED ON VISIBLE SURFACE INDICATORS EVIDENT AT THE DATE OF SURVEY & ARE CHARTED AS A GUIDE TO THE POSITION & NATURE OF THE SERVICE. ALL SERVICE AUTHORITIES SHOULD BE CONTACTED PRIOR TO ANY DEVELOPMENT.
7. RIDGE, EAVE AND GUTTER HEIGHTS HAVE BEEN OBTAINED BY AN INDIRECT METHOD AND ARE ONLY ACCURATE FOR PLANNING PURPOSES ONLY.
8. ADJOINING BUILDINGS AND DWELLINGS HAVE BEEN PLOTTED FOR DIAGRAMMATIC PURPOSES ONLY AND SPECIFIC DETAILS, IF CRITICAL, WILL REQUIRE FURTHER SURVEY WORK.
9. THE DIAMETER, SPREAD AND HEIGHT OF EACH TREE IS INDICATIVE ONLY AND SPECIFIC DETAILS, IF CRITICAL, WITH REQUIRE FURTHER SURVEY WORK.
10. THIS DETAIL & LEVELS PLAN IS PROVIDED FOR THE PRIVATE & CONFIDENTIAL USE OF THE CLIENT MENTIONED ONLY AND CANNOT BE USED OR RELIED UPON BY ANOTHER PARTY.

NOTES ON SUBJECT TITLE (LOT 2 IN DP 202869)

1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
2 BK 3316 NO 864 CROSS EASEMENTS (S.181B CONVEYANCING ACT, 1919) AFFECTING THE PARTY WALL ON THE COMMON BOUNDARY OF LOTS 1 AND 2 IN DP202869

THIS INFORMATION HAS NOT BEEN INVESTIGATED BY US BUT IS RECOMMENDED THAT IT BE CHECKED BY A SOLICITOR.

IVAN BABIC
NSW REGISTERED SURVEYOR
REGISTRATION NUMBER - 1604
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PROJECT : PLAN SHOWING DETAIL & LEVEL SURVEY OVER LOT 2 IN DP 202869 AT NO.65 VICTORIA STREET, MCMAHONS POINT

CLIENT : LEANNE MISENER

DATUM : A.H.D. **DATE :** 12/11/2024

SHEET No. 1 **OF** 1 **SHEETS**

DRAWING No. : 24186

JOB REF : 24186 **SCALE :** 1:100

ALTITUDE SURVEYS
PRECISION FROM THE GROUND UP
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