



**NSLPP MEETING HELD ON 06/08/2025**

**Attachments:**

1. Architectural Plans
2. Clause 4.6
3. Landscape Plans

**ADDRESS/WARD:** 17 Bridge End, Wollstonecraft

**APPLICATION No:** DA273/24

**PROPOSAL:** Demolition of all structures and the replacement of three residential apartment buildings containing a total of 12 dwellings with a single residential flat building containing 22 Units

**PLANS REF:** Refer to attachment 1

**OWNER:** Owners Corporation 17 Bridge End, Wollstonecraft CP/-/SP15367

**APPLICANT:** Linfield Developments Pty Ltd

**AUTHOR:** Damon Kenny – Executive Assessment Planner

**DATE OF REPORT:** 22 July 2025

**DATE LODGED:** 7 November 2024

**AMENDED:** 9 April 2025

**RECOMMENDATION:** Refusal

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## EXECUTIVE SUMMARY

The Applicant seeks development consent from the North Sydney Local Planning Panel (NSLPP) for demolition of all structures and the replacement of three residential apartment buildings containing a total of 12 dwellings with a single residential flat building containing 22 Units on land at 17 Bridge End, Wollstonecraft.

**The application is reported to the North Sydney Local Planning Panel for determination as the proposal seeks a contravention to a development standard by more than 10% and has attracted more than 10 submission by way of objection.**

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

The proposed development seeks a variation to the development standard relating to height (Clause 4.3). The NSLEP identifies a maximum height control of 12m. The building is proposed to have a maximum building height of 15.675m, which exceeds the maximum building height by 2.76m, a variation of 30.6% to the development standard.

A written request has been submitted pursuant to Clause 4.6 in *NSLEP 2013* however, it fails to demonstrate that compliance with the development standard is both unreasonable and unnecessary in the circumstances and that there are sufficient environmental planning grounds to justify the contravention.

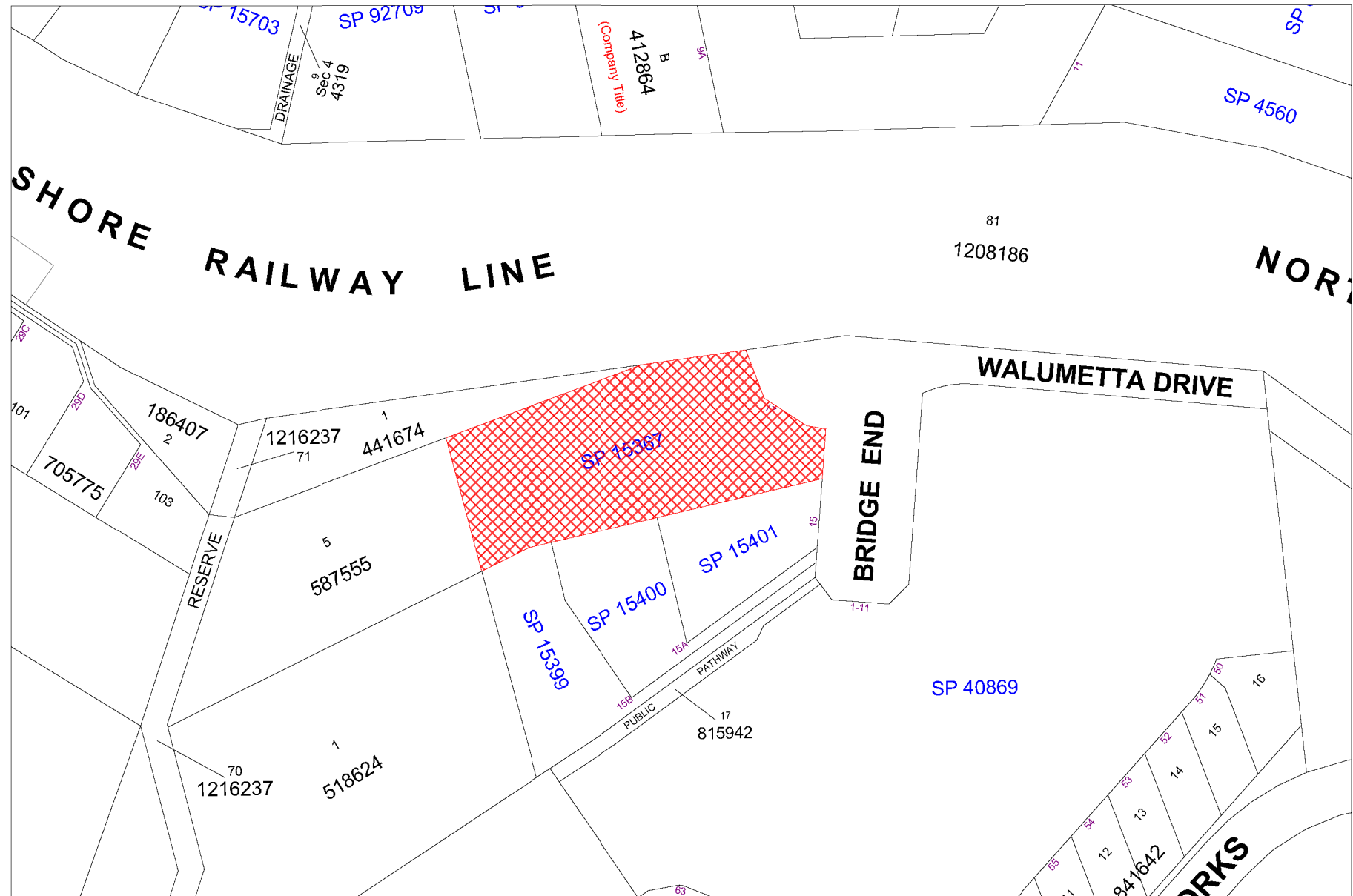
The development application has been assessed against the North Sydney Local Environmental Plan 2013, North Sydney Development Control Plan 2013 and the relevant State Planning Policies and generally found not to be satisfactory.

The proposed development is considered to result in a built form in proportion to landscaped area which is inconsistent with the desired character of the locality. This is predominately predicated on non-compliances with site coverage and landscaped area. These non-compliances, combined with the lack of accurate information, not only results in a development which is out of character, but also does not allow for a thorough and robust assessment of the application. As outlined in this Report, the site coverage and landscaped area controls seek to manage the density of built form on the subject site, where no FSR standard applies.

The application has attracted a number of unique submissions raising particular concerns regarding building height, setbacks, landscaped area and site coverage, misleading or incorrect plans and documentation, traffic impacts and safety, construction traffic and safety, excavation impacts, stormwater impacts, privacy, solar impacts and view loss.

The assessment of the proposal has considered the concerns raised in the submissions as well as the performance of the application against Council's planning requirements. Following this assessment and having regard to the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended), the application is recommended for **refusal**.

# LOCATION MAP



## DESCRIPTION OF PROPOSAL

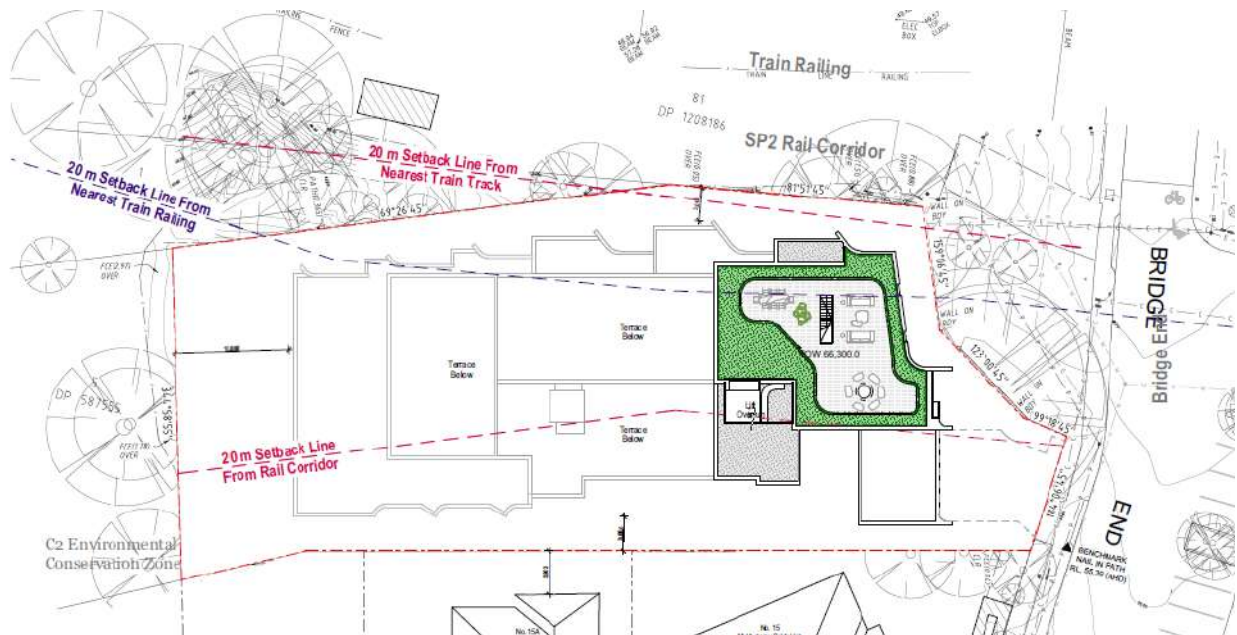
The development application seeks consent for demolition of all structures and the replacement of three residential apartment buildings containing a total of 12 dwellings with a single residential flat building containing 22 Units on the site at 17 Bridge End, Wollstonecraft. Specifically, the proposal comprises:

- Demolition of existing structures
- Basement 2
  - 12 parking spaces, inclusive of 2 accessible spaces and 7 visitor spaces.
  - 1 carwash space co-located with a visitor space
  - Storage areas associated within units Bin Room
  - Hydraulic pump room Services
  - Two stair wells Two Lift Cores
  - Two Car lifts
- Basement 1
  - 14 parking spaces, inclusive of 3 accessible spaces
  - Storage areas associated within units
  - Services
  - Main Switch Room
  - Main Communications Room
  - Bulky Waste Room
  - One stair well
  - One lift core
  - Two Car lifts
  - Direct access to rear ground level apartments
- Basement 1 – rear ground level
  - 2 apartments with terrace private open space with the following mix:
    - 1 x 2 bedroom apartment
    - 1 x 3 bedroom apartments
  - Lobby providing access to communal open space at rear and basement 1
  - One stair well
  - One lift core
- Lower ground – basement
  - 9 parking spaces, inclusive of 3 accessible spaces
  - 28 bicycle parking spaces
  - Storage areas associated within units
  - Services
  - One stair well
  - One lift core
  - Two Car lifts
  - Direct access to rear ground level apartments
- Lower ground – rear level
  - 3 apartments with the following mix:
    - 2 x 2 bedroom apartments, with one having ground level courtyard private open space and the other a balcony



- 1 x 3 bedroom apartments with balconies
  - Lobby providing access to units, basement and air conditioning.
  - One stair well
  - One lift core
  - Services and waste chutes
- Ground floor
  - Two Car lifts
  - Fire tank
  - Total 6 apartments
    - 4 x 2 bedroom apartments
    - 2 x 3 bedroom apartments
  - Bin room
  - Car lift service area and cores
  - 2 Lift cores
  - 2 Fire stairs
  - Service storage areas
  - Waste chutes
- Upper ground floor
  - Driveway and car lifts with intercom access
  - Main entry pedestrian entry and lobby
  - Services
  - Two stair wells
  - Two Lift Cores
  - 7 residential apartments with the following mix:
    - 4 x 2 bedroom apartment, with balcony
    - 2 x 3 bedroom apartment with balcony
- Level 1
  - Lobby area 1 with access to 3 apartments as follows:
    - 1 x 1 bedroom apartment, with balcony
    - 1 x 2 bedroom apartment, with balcony
    - 1 x 3 bedroom apartment, with balcony
  - Lobby area 2 with access to 1 x 3 bedroom apartment with terrace private open space and balcony
  - Services (in each lobby)
  - Two stair wells (1 per lobby)
  - Two Lift Cores (1 per lobby)
  - Waste chutes in each lobby area
- Level 2
  - Lobby area
  - Communal open space
  - Services
  - One Lift Core
  - 1 x 3 bedroom apartment with terrace and balconies and internal stairwell to rooftop open space

- Roof
  - Private rooftop terrace with Level 2 apartment
  - Lift overrun and screening



**Figure 1: Site Plan**



**Figure 2: Photomontage as viewed from Bridge End**

## STATUTORY CONTROLS

### North Sydney LEP 2013

- Zoning – R4 – High Density Residential
- Cl 4.3 – Building height – 12m (max.)
- Cl 5.10 – Heritage conservation
  - Items of heritage – No
  - In Vicinity of item of heritage – No
  - Conservation area – No
- Cl 5.21 – Flood affected land – No
- Cl 6.9 – Foreshore building line – No
- Cl 6.10 – Earthworks – Applicable
- Cl 6.12 – Residential flat buildings – Applicable

### Environmental Planning & Assessment Act 1979

### Environmental Planning and Assessment Regulation 2021

### SEPP (Transport and Infrastructure) 2021

### SEPP (Biodiversity and Conservation) 2021

### SEPP (Resilience and Hazards) 2021

### SEPP (Sustainable Buildings) 2022

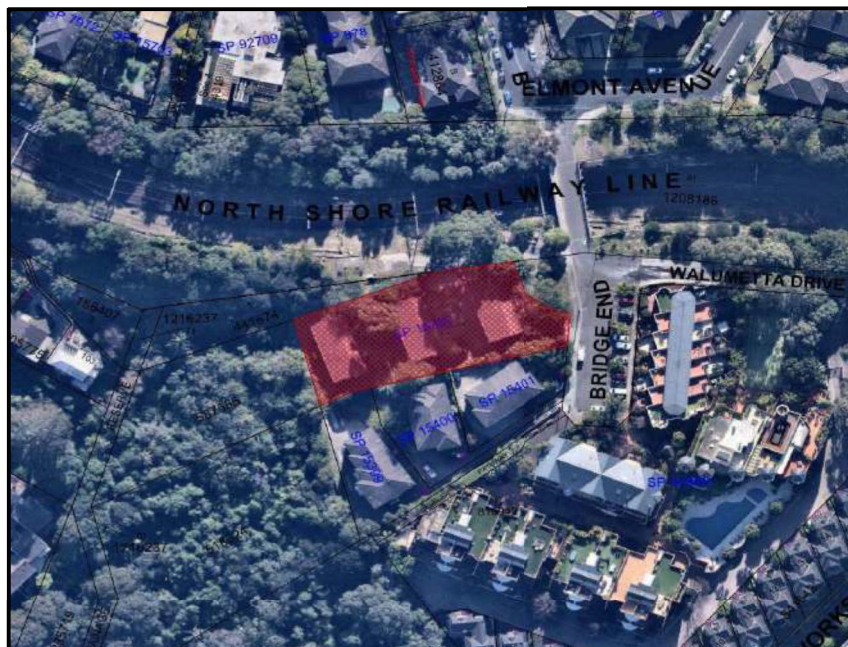
## POLICY CONTROLS

### North Sydney Development Control Plan 2013

### North Sydney Local Infrastructure Contributions Plan 2020

## DESCRIPTION OF LOCALITY

The subject site is legally described as SP 15367 and is commonly known as No. 17 Bridge End, Wollstonecraft. It is an irregular shaped allotment, situated on the western side of Bridge End, immediately adjoining the railway line to the north and bushland reserve (Badangi Reserve) to the west.



**Figure 3: Aerial photo showing subject site (shaded in red hatched) and surrounding properties**

The subject site contains a three (3) individual, low-rise 2-storey residential flat buildings with undercroft parking spaces. These properties are accessed via a long driveway parallel and adjacent to the southern boundary. An in-ground swimming pool is situated near the norther boundary, between the first and second building (refer to Figure 9).

The site has a substantial fall of approximately 10.86m from the Bridge End interface to the rear (western) boundary. Whilst the existing buildings, pool and driveway occupy much of the premises – the site features a number of soft landscaping and canopy trees interspersed between the buildings, within the front setback and along the perimeters.

The subject site is within land zoned R4 and does not contain nor adjoin any heritage items and conservation areas. As mentioned, the western edge of the site adjoins a highly vegetated bushland reserve called Badangi Reserve (zoned C2 – Environmental Conservation) that features predominantly Angophora Foreshore Forest and Blackbutt Gully Forest communities. Consequently, the site is situated on bushfire prone land – buffer zone and bushland buffer area – buffer area A.

## RELEVANT HISTORY

### Previous Applications

Date	Action
21/08/2023	Pre-lodgement meeting held

### Current Application

Date	Action
7/11/2024	The subject development application was lodged with Council.
11/11/24	The application was notified as per Council's Community Participation Plan. The notification period ended on 13/12/2024.
6/03/2025	A Request for Information (RFI) Letter was sent to the Applicant via the Planning Portal.
9/04/2025	The Applicant submitted additional information via the Planning Portal.
1/05/2025	The amended plans and information was notified as per Council's Community Participation Plan. The notification period ended on 30/05/2025.
09/05/2025	The Applicant submitted additional information via the Planning Portal to address Sydney Trains matters.

## INTERNAL REFERRALS

### WASTE

The application was referred to Council's Waste Officer who reviewed the application and provided conditions of consent.

### ENGINEERING

The application was referred to Council's Development Engineer who reviewed the application and raised no objection subject to conditions of consent.

## **TRAFFIC**

The application was referred to Council's Traffic Engineer who reviewed the application and raised no objection subject to conditions of consent.

## **BUSHLAND**

The application was referred to Council's Bushland Management Coordinator who reviewed the application and raised the following.

### ***"General comments***

*The bulky scale of the amended development remains unresolved and is still considered an unsympathetic design considering its proximity to Badangi Reserve.*

### ***Landscape Plan***

*Upon review of the amended Landscape Plan, it is apparent that the plan remains non-compliant with provisions outlined in NSDCP 2013 (Part B, Section 15.3.3 Bushland) for developments located within the Bushland Buffer Area A (properties located within 100m of C2 zoned bushland).*

*Whilst species selection for the planting schedule is now mostly comprised of appropriate endemic species, no details of plant quantities are provided, nor the specific planting location for individual species / group plantings. This information is required in order to make an informed assessment of the amended landscape plan.*

*Furthermore, whilst the rear building setback has been amended to accommodate the required 10m bushland buffer zone, this zone retains a narrow, linear band of plantings on the property boundary adjoining lawn. This design does not meet the intent of NSDCP 2013 Section 15.3.3 P1 "Developments located within Area A as shown on the Bushland Buffer Map (refer to Appendix 4) that are required to incorporate a 10m wide vegetated buffer to bushland boundaries must submit a landscape plan to Council showing that the buffer will be vegetated using 100% local native species (as listed on Council's website). Landscape plan design should be species diverse and incorporate a range of vegetative layers that enhance the habitat value of the landscaped area for local wildlife."*

*According to the amended Landscape Plan, the 10m bushland buffer zone located on the western property boundary is dominated by turfed communal open space. This area of the proposed landscaping is devoid of structurally complex and species diverse plantings that would achieve the objective of enhanced habitat value for local wildlife. Consideration should be given to this element of the DCP provision which can, with good design, be met alongside bushfire mitigation requirements and the provision of open, grassy areas."*

## LANDSCAPING

Council's Landscape Development Officer evaluated the application and raised the following

*"The proposed development is not supported noting the following site conditions and impacts:*

- Landscape ratio is grossly under-compliant. The applicant's claims that LS on structure should be included in calculations is not accepted., neither is the suggestion that adjoining open space/reserves contribute to landscaping so reduce need for site compliance.*
- Plans provided are vague and lack detail. Levels are not shown in critical areas (notably not close enough or clear enough within the TPZ of T33 Norfolk Island Pine. Arborist Report does not quantify level of impact to T33 (or other trees) and states that no canopy pruning (T33) is likely. It is considered that when level changes, landscaping and associated works are considered, the level of impact to this tree is likely to be far greater than suggested, and canopy pruning may well be required for this and other trees when scaffolding, rig piling and other associated construction is assessed.*
- Landscape Plan includes contradictory plant nomination between drawings & schedule, species are not shown on drawings. Plans show "planting" beneath low decking – a completely unacceptable inclusion.*
- Bushland referral comments suggest non-compliance with appropriate species*
- Levels are unclear with regard proposed planter boxes on northern boundary, and it appears these plans may not have been assessed by arborist for impact to adjacent trees.*
- SW still appears to be proposed to discharge into bushland, which, as previously advised, remains unacceptable.*
- The level of replacement planting proposed in no way compensates for that which will be both directly and indirectly lost."*

**Planners comment:** For the above reasons the application cannot be supported, therefore the application is recommended for refusal.

## ABORIGINAL HERITAGE

The application was referred to Aboriginal Heritage Officer who reviewed the application and raised no objection subject to conditions of consent.

## EXTERNAL REFERRALS

### DESIGN EXCELLENCE PANEL

Council's Design Excellence Panel (DEP) considered the application at its meeting on 11 February 2025. The Panel provided the following comments:



***"Discussion, Comments & Recommendations:***

***Principle 1 – Context and Neighbourhood Character***

- 1. The Panel recognises the area around the subject site has a character which is predominantly landscape driven with low-to-medium residential forms. The Panel appreciates that the subject site has a steep fall of land from front to the rear boundary approximately by 7.5m.*
- 2. The proposed 3 storey form creates an appropriate presentation to Bridge End, however the applicant's strategy of locating additional density to the rear (while keeping away from the street) creates issues which are further discussed in this DEP Report.*
- 3. In summary, the proposal represents overdevelopment of the subject site due to its exceedance beyond the Council's statutory planning requirements and guidance offered within the NSW ADG including but not limited to – site coverage, landscaped area, rear setback from the environmental conservation zone, building separation distance from the southern side boundary, and other fundamental ADG criteria.*
- 4. As part of the site planning strategy, the Panel recommends that a clear rear setback of 10m, as required from the environmental conservation zone, should be provided in the proposal, and the setback should be free from any balconies or permanent structures.*
- 5. Furthermore, a minimum 6m building separation is required based on Part 3F of the ADG and in its current configuration – the proposed 3m setback creates potential visual and privacy impacts on the southern neighbours. Additionally, solar amenity currently enjoyed by the southern neighbours appears to be negatively impacted. The Panel recommends a consistent 6m separation should be applied across the southern interface where spaces such as living rooms, bedrooms, balconies, common corridors, kitchen or dining areas are configured to address the side boundary.*

***Principle 2 – Built Form and Scale***

- 1. The Panel does not support subterranean habitable spaces within residential apartment developments in North Sydney LGA. The applicant should demonstrate quality of amenity achieved within Basement 1 and Lower Ground levels by documenting multiple short sections across the subject site and showing existing natural ground levels on the subject site and the adjoining properties.*
- 2. Any retaining walls required along the side boundaries should be shown on both – architectural plans, sections and landscape architecture drawings. Additionally, a suitably qualified engineer should review and prepare drawings confirming the extent of cut and fill at the subject site.*
- 3. The Panel recognises the proposed floor-to-floor heights appear to be problematic and needs to be increased (to 3.15m to 3.2m) to achieve the minimum 2.7m floor-to-ceiling height within habitable areas consistent with the Inner West DCP (for co-living) and NSW ADG Part 5C (for apartments), whilst achieving compliance with drainage, waterproofing and insulation requirements arising from the Design & Practitioners Act 2020 and the relevant NCC provisions.*

4. *The Panel finds the proposed rooftop landscaped terraces create potential cross-viewing conflicts within low-medium density area like Wollstonecraft. The applicant should ensure such rooftop terraces serve communal benefit rather than privatised spaces for a few individuals. It is recommended that the level 3 rooftop private open space is deleted. It sits over the height control, and appears out of character with the area and may result in privacy concerns.*
5. *Furthermore, size of the rooftop gardens should be rationalised by allowing adequate planting to the perimeter, to avoid potential cross viewing conflicts with the neighbours in the vicinity. As part of the revised architectural drawings, the applicant should provide cross sections confirming that direct sight-lines from rooftop communal open spaces to the neighbours are avoided.*
6. *The Panel notes the extent of basement perimeter in the north eastern corner appears to be problematic for retaining the existing street trees. Trees proposed to be retained or removed should be accurately shown on the floor plans. Existing and proposed finished ground RLs need to be provided around the perimeter on all floor plans at approximately 5m intervals so that application can be properly assessed, A suitably qualified arborist review whether these any significant trees are impacted and necessary strategies including reduction of basement outline should be considered by the applicant.*
7. *The fire stairs should be designed to encourage day to day resident movement through the building. The eastern fire stairs should connect directly to the Upper Ground Floor lobby. A suitably qualified NCC specialist should review the designs as part of this development application stage. The air conditioning covering the eastern staircase should be relocated so that natural ventilation and daylight is provided to the staircase on all floors.*
8. *Although not an ADG matter, the Panel discussed about the high number of larger units (54% compared to 10-20% required) seemed to be creating the circulation split in the building and the complexity of having a second service core. Having a continuous corridor (like the entry level on upper ground), would allow for a more centralised lift core, direct common access to the garden, while benefitting with view to the west (by splitting the 2 rear west facing units and a 3rd communal open space on level 1 with a smaller terrace to U501. The applicant should investigate whether these strategies could be incorporated into their revised scheme.*

### **Principle 3 – Density**

1. *The Panel expects that greater density should be supplemented by greater amenity at the subject site. The proposed density should not supported in this instance until the recommendations offered in this report are thoughtfully incorporated and/or addressed by the applicant.*

### **Principle 4 – Sustainability**

1. *The Panel expects the proposal to achieve the minimum targets for solar access and natural cross ventilation consistent with the guidance offered within Part 4A Solar and daylight access and Part 4B Natural ventilation of the ADG, and Council should satisfy itself with detailed assessment for consistency with the relevant ADG criteria.*



2. *The applicant should provide detailed 3D views from sun angle in mid-winter, to confirm 2 hours direct solar access is available within the proposal to meet the Part 4A ADG criteria.*
3. *Additionally, any loss of solar access currently enjoyed by the southern neighbours should be investigated and justified by the proposal.*
4. *Council should satisfy itself that the following sustainability recommendations for delivering beyond the minimum BASIX requirements are incorporated by the applicant:*
  - a. *Ceiling fans to all living rooms and bedrooms as a low energy alternative.*
  - b. *Provision of a rainwater tank to allow collection, storage and reuse within the site.*
  - c. *Inclusion of an appropriate photovoltaic system to power common areas within the building.*
  - d. *Full electrification of the development including all mechanical and hot water systems, domestic and commercial cooking, and the ability for all residents to charge electric vehicles in the car park.*

#### **Principle 5 – Landscape**

1. *Revised landscape architectural drawings should be developed to ensure consistency with the Panel's recommendations. The Panel notes that the recommended additional setback/separation along the southern interface provides additional landscaped design opportunities for creating small-medium sized trees and shrubs to enhance the interface to the neighbours.*

#### **Principle 6 – Amenity**

1. *The Panel notes that the northern apartments create an indirect address to the northern boundary and the applicant is avoiding potential noise and amenity conflicts by directly addressing the railway line. The Panel encourages the applicant to revisit their approach to ensure the internal amenity and quality of outlook from these apartments is not diminished while incorporating the required noise attenuation measures for fenestration and balcony/wintergarden designs.*

#### **Principle 9 – Aesthetics**

1. *The Panel briefly discussed the architectural expression of the proposal and considers that all 4 elevations do not need to have the same treatment and materiality. The street elevation currently appears industrial and will benefit from further fine grain refinement suitable to the 3 storey pedestrian-friendly scale.*
2. *Revised 2D and 3D architectural drawings should propose a more practical location for A/C condensers and other mechanical equipment. The Panel prefers the condensers are not located within the balconies (unless thoughtfully screened) or anywhere visually apparent from the public domain.*

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

**Conclusion:**

*Recognising its independent and advisory-only role, the Panel does not support the proposal and as part of this review. The Panel further expects the applicant amends the proposal to incorporate and/or address the recommendations offered in this report, and a second-time review opportunity should be considered as part of the DA stage."*

**Planners comment:** refer below for assessment against SEPP (Housing) Design Principals.

**AUSGRID**

The application was referred to Ausgrid in accordance with Clause 2.48 of State Environmental Planning Policy (Transport and Infrastructure) 2021. Comments were received from Ausgrid on 10 December 2024 advising no objection is raised to the proposed development.

**SYDNEY TRAINS**

The application was referred to Sydney Trains in accordance with SEPP (Transport and Infrastructure) 2021, s2.98(2) and s2.99. Sydney Trains requested further information on 3 December 2024, at the time of preparing this report concurrence has not been provided.

**NSW RURAL FIRE SERVICE**

The application was referred to the NSW Rural Fire Service in accordance with Environmental Planning and Assessment Act - s.4.14(1A). NSW RFS provided recommended conditions of consent.

**ABORIGINAL HERITAGE OFFICE**

The application was referred to the Aboriginal Heritage Office who reviewed the application and raised no objection subject to conditions of consent.

**SUBMISSIONS**

**Original proposal**

On 11 November 2024, Council notified adjoining properties and the Wollstonecraft Precinct Committee of the proposed development seeking comment between 29 November 2024 to 13 December 2024.

The issues raised in the submissions are 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](https://www.northsydney.nsw.gov.au/Building_Development/Current_DAs) and are available for review by NSLPP members.

### **Amended Proposal**

The applicant submitted amended plans that were renotified to adjoining properties and the Wollstonecraft Precinct Committee on 1 May 2025, seeking comment between 16 May 2025 to 30 May 2025. A total of 33 Submissions were received.

### **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:

#### **SEPP (Biodiversity and Conservation) 2021**

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

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

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

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

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

Insufficient information was provided to enable Councils Landscape Development Officer to adequately assess the impacts on trees to be retained, therefore the provisions of the SEPP cannot be satisfied.

##### **Chapter 6 – Water Catchments**

Having regard to Chapter 6 of the SEPP (Biodiversity and Conservation) 2021 the proposed development is not considered to be detrimental to the Harbour and will not unduly impose upon the character of the foreshore given the site's location away from the harbour/foreshore. The proposal would not be visible from Sydney Harbour and would have no material affect the quantity or quality of water entering Sydney Harbour as well as the ecology of the harbour and its foreshores. The application satisfies the requirements of the Policy.

#### **State Environmental Planning Policy (Transport and Infrastructure) 2021**

The following chapters are relevant to the proposal:

## **Chapter 2 Infrastructure**

Chapter 2 aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, providing greater flexibility in the location of infrastructure and service facilities, allowing development of surplus government owned land, identifying environmental assessment categories and matters to be considered in assessments, and providing for consultation with relevant public authorities.

### **Clause 2.48 Determination of development applications—other development**

The application was referred to Ausgrid pursuant to clause 2.48 of the SEPP. No objection was received from Ausgrid.

### **Clause 2.98 - Development adjacent to rail corridors**

This section applies to development on land that is in or adjacent to a rail corridor, if the development:-

- (a) is likely to have an adverse effect on rail safety, or
- (b) involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or
- (c) involves the use of a crane in air space above any rail corridor, or
- (d) is located within 5 metres of an exposed overhead electricity power line that is used for the purpose of railways or rail infrastructure facilities.

Before determining a development application for development to which this section applies, the consent authority must:-

- (a) within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor, and
- (b) take into consideration—
  - (i) any response to the notice that is received within 21 days after the notice is given, and
  - (ii) any guidelines that are issued by the Planning Secretary for the purposes of this section and published in the Gazette.

At the time of preparing this report concurrence has not been provided, however a request for additional information was provided to the applicant on 3 December 2024 whereby the applicant provided additional information.

### **Clause 2.99 - Excavation in, above, below or adjacent to rail corridors**

This clause requires development that involves the penetration of ground to a depth of at least 2m below ground level (existing) and within 25m (measured horizontally) of a rail corridor, the consent authority must give written notice of the application to the rail authority for the rail corridor to assess its impact.

In deciding whether to provide concurrence, the rail authority must take into account:

- (a) the potential effects of the development (whether alone or cumulatively with other development or proposed development) on—

- (i) the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and
  - (ii) the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and
- (b) what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects

At the time of preparing this report concurrence has not been provided, however a request for additional information was provided to the applicant on 3 December 2024 whereby the applicant provided additional information.

This matter is of determinative weight.

#### **Clause 2.100 - Impact of rail noise or vibration on non-rail development**

This section applies to residential accommodation that is on land adjacent to a rail corridor and that the consent authority considers is likely to be adversely affected by rail noise or vibration.

If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:-

- (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10.00 pm and 7.00 am,
- (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

The proposal includes a noise assessment report prepared by Acoustic Logic who have made a detailed assessment of rail noise and vibration impacts and concluded that subject to the mitigation measures being implemented, the proposal is satisfactory. Further, if the application was supported conditions would be provided to ensure the proposal complies.

#### **SEPP (Resilience and Hazards) 2021**

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

#### **SEPP (Sustainable Buildings) 2022**

The applicant submitted amended plans on 9 April 2025 reducing the total number of apartments from 25 to 22, an amended BASIX Certificate was not submitted therefore the provisions of the SEPP have not been satisfied. Accordingly, the application is recommended for refusal.

## **SEPP (Housing) 2021**

### **Chapter 4 Design of residential apartment development**

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

#### **Principle 1: Context and neighbourhood character**

#### **Principle 2: Built form and scale**

#### **Principle 3: Density**

The proposal represents overdevelopment of the subject site due to its exceedance beyond the Council's statutory planning requirements including site coverage, landscaped area, structures within the bushland buffer zone and the failure to respond to the natural topography of the site. Further, the subterranean habitable spaces within the development do not afford reasonable amenity for future occupants.

#### **Principle 4: Sustainability**

An amended BASIX certificate was not provided. The certificate lodged with the application is invalid as a result of the amended plans, therefore the application fails to satisfy this principle.

#### **Principle 5: Landscape**

The proposal fails to comply with the landscaped area in control (NSCP 2013) resulting in an inappropriate outcome for the site which fails to promote the character of the neighbourhood, fails to provide a landscaped buffer between adjoining properties and does not provide a buffer between bushland areas and development.

#### **Principle 6: Amenity**

The extent of cut proposed to accommodate the rear apartments diminishes the internal amenity and quality of outlook.

#### **Principle 7: Safety**

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

#### **Principle 8: Housing diversity and social interaction**

The proposed development provides a mix of 1 bed , 2 bed and 3 bed apartments, with a range of unit sizes which would contribute to the diversity of residents. The proposal also includes eight (8) adaptable apartments. The common areas including the internal circulation spaces and the communal open space areas would provide an opportunity for social interaction between the residents.

## Principle 9: Aesthetics

As mentioned in the DEP minutes the street elevation appears industrial and would benefit from further fine grain refinement suitable to the 3 storey pedestrian-friendly scale. The amended plans have failed to respond appropriately and the building still appears industrial.

## Apartment Design Guide (ADG)

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

Amenity	Design Criteria	Comment	Compliance
<b>2F - Building Separation</b>	<p>Minimum separation distances for buildings are:</p> <p>Up to four storeys (approximately 12m):</p> <ul style="list-style-type: none"> <li>12m between habitable rooms/balconies (6m to boundary)</li> <li>9m between habitable and non-habitable rooms (4.5m to boundary)</li> <li>6m between non-habitable rooms (3m to boundary)</li> </ul>	<p>The proposal is generally setback 6m from the southern adjoining property.</p> <p>Bed 2 of apartments 101, 201, 301 and 401 have a minor encroachment of 500mm within the 6m setback.</p> <p>The minor encroachment are considered acceptable as they will not have adverse amenity impacts.</p> <p>The car lift is located 2.5m from the southern property boundary, this is considered acceptable.</p> <p>The building is setback greater than 6m from the western boundary.</p> <p>A minimum setback of 3m is provided to the northern boundary. This is considered acceptable as it adjoins rail network. Additional tracks are not likely in the short term.</p>	No, however acceptable on merit
<b>3D- Communal Open Space</b>	Communal open space has a minimum area equal to 25% of the site.	The proposal requires 554m <sup>2</sup> of communal open space and provides 563 m <sup>2</sup> of communal open space. This is 25 % of the site area.	Yes
	Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter).	Complies	Yes
	Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting.	Communal Open Space is provided at ground level and rooftop terrace. This provides a diversity of spaces for residents	Yes
	Communal open space is designed to maximise safety	Location and design of communal areas maximises safety.	Yes
<b>3E – Deep Soil Zones</b>	<p>Deep soil zones are to meet the following minimum requirements:</p> <ul style="list-style-type: none"> <li>3m minimum width</li> <li>Minimum 7% of the site area</li> </ul>	The proposal provides a deep soil zone of 274m <sup>2</sup> (12.3%).	Yes
	Deep soil zones should be located to retain existing significant trees and to allow for the development of healthy root systems, providing anchorage and stability for mature trees.	The deep soil zones have been located to ensure the retention and continued health of existing established trees	Yes

<b>3F - Visual privacy</b>	<p>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <p>6m (between habitable rooms and balconies to boundaries) 3m (between non-habitable rooms)</p>	<p>The proposal is generally setback 6m from the southern adjoining property.</p> <p>Bed 2 of apartments 101, 201, 301 and 401 have a minor encroachment of 500mm within the 6m setback.</p> <p>The minor encroachment are considered acceptable as they will not have adverse amenity impacts.</p> <p>The car lift is located 2.5m from the southern property boundary, this is considered acceptable as will not have adverse amenity impacts.</p> <p>The building is setback greater than 6m from the western boundary.</p> <p>A minimum setback of 3m is provided to the northern boundary. This is considered acceptable as it adjoins rail network.</p>	No, however acceptable on merit
<b>3G – Pedestrian Access &amp; Entries</b>	<p>Building entries and pedestrian access connects to and addresses the public domain</p> <p>Access, entries and pathways are accessible and easy to identify</p>	The main pedestrian access is from Bridge End with an egress path located adjacent to the vehicular entrance	Yes
<b>3H – Vehicle Access</b>	<p>Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes</p>	Located accordingly	Yes
<b>3J – Bicycle and Car parking</b>	<p>For development in the following locations:</p> <ul style="list-style-type: none"> <li>on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or</li> <li>on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre</li> </ul> <p>the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less</p> <p>The car parking needs for a development must be provided off street</p> <p>Parking and facilities are provided for other modes of transport</p>	The Council's DCP are the relevant controls applicable to this assessment	Yes, the maximum residential spaces are numerically compliant.
<b>3J-2</b>	<p>Conveniently located and sufficient numbers of parking spaces should be provided for motorbikes and scooters.</p>	Provided in accordance with minimum rates of DCP.	Yes



	Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas.	Provided in accordance with minimum rates of DCP.	Yes
	Conveniently located charging stations are provided for electric vehicles, where desirable.	Should the application be supported a condition of consent would be imposed	Yes
<b>4A - Solar and daylight access</b>	Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas	77% of apartments living rooms and private open space receive a minimum 2 hours solar access.	Yes
	A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm in midwinter.	9% of apartments will receive no direct sunlight	Yes
<b>4B-1 - Natural ventilation</b>	All habitable rooms are naturally ventilated  The building's orientation maximises capture and use of prevailing breezes for natural ventilation in habitable rooms	complies	Yes
<b>4B-2</b>	The layout and design of single aspect apartments maximises natural ventilation	The layout maximises natural ventilation.	Yes
<b>4B-3</b>	The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents  At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building.	68% of apartments are naturally cross ventilated	Yes
<b>4C - Ceiling Heights</b>	Ceiling height achieves sufficient natural ventilation and daylight access - Minimum 2.7m (habitable rooms), 2.4m for second floor where it does not exceed 50% of the apartment area.	The development is designed so that apartments have a minimum 2.7m floor to ceiling height compliant with the minimum ceiling height in Design Criteria 1 of Objective 4C-1  The floor to floor heights are a minimum 3.2m	Yes
<b>4D 1 - Apartment size and layout</b>	Apartments are required to have the following minimum internal areas:  Studio = 35sqm 1 bedroom = 50sqm 2 bedroom = 70sqm 3 bedroom = 90sqm  The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5sqm each.	The apartments achieve the minimum internal area requirements.	Yes

	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms	Every habitable window has window openings larger than 10% of the room area.	Yes
<b>4D 2 - Apartment size and layout</b>	<ol style="list-style-type: none"> <li><i>Habitable room depths are limited to a maximum of 2.5 x the ceiling height</i></li> <li><i>In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window</i></li> </ol>	Whilst some apartments slightly exceed this provision by approximately 1.5m, there is adequate provision of light and ventilation	No, acceptable on merit
<b>4D 3- Apartment size and layout</b>	<ol style="list-style-type: none"> <li><i>Master bedrooms have a minimum area of 10m<sup>2</sup> and other bedrooms 9m<sup>2</sup> (excluding wardrobe space).</i></li> <li><i>Bedrooms have a minimum dimension of 3m (excluding wardrobe space).</i></li> </ol>	<p>Master bedrooms have an area greater than 10m<sup>2</sup></p> <p>Minimum dimension of 3m</p>	Yes
	<ol style="list-style-type: none"> <li><i>Living rooms or combined living/dining rooms have a minimum width of:</i> <ul style="list-style-type: none"> <li><i>3.6m for studio and 1 bedroom apartments.</i></li> <li><i>4m for 2 and 3 bedroom apartments.</i></li> </ul> </li> </ol>	All apartments comply with the minimum. .	Yes
<b>4E - Private open space and balconies</b>	<p><i>All apartments are required to have primary balconies as follows:</i></p> <ul style="list-style-type: none"> <li><i>Studio apartments - 4m<sup>2</sup>.</i></li> <li><i>1 bedroom apartments - 8m<sup>2</sup>, minimum depth 2m</i></li> <li><i>2 bedroom apartments 10m<sup>2</sup> minimum depth 2m</i></li> <li><i>3+ bedroom apartments 12m<sup>2</sup> minimum depth 2.4m</i></li> </ul> <p><i>The minimum balcony depth to be counted as contributing to the balcony area is 1m</i></p>	All apartments achieve compliance with the minimum size and depth	Yes
	<i>For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m<sup>2</sup> and a minimum depth of 3m</i>	Complies	Yes
	<i>Primary private open space and balconies are appropriately located to enhance liveability for residents.</i>	Balconies are located off living rooms.	Yes
	<i>Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.</i>	Private open space and balconies have been integrated into the building.	Yes
	<i>Private open space and balcony design maximises safety.</i>	Complies	Yes
<b>4F - Common circulation and spaces</b>	<ol style="list-style-type: none"> <li><i>The maximum number of apartments off a circulation core on a single level is eight.</i></li> </ol>	No more than six (6) apartments are provided to any one core on a single level.	Yes

<b>4G -Storage</b>	<p><i>In addition to storage in kitchens, bathrooms and bedrooms the following is provided:</i></p> <p><i>Studio apartments- 4m<sup>3</sup></i>  <i>1 bedroom apartments- 6m<sup>3</sup></i>  <i>2 bedroom apartments- 8m<sup>3</sup></i>  <i>3+bedroom apartments- 10m<sup>3</sup></i></p> <p><i>At least 50% of storage is to be located within the apartment.</i></p>	<p>Each unit is provided with sufficient storage space with at least 50% located in individual units.</p> <p>The remaining is located in a dedicated secure location within the basement.</p>	Yes
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## NORTH SYDNEY LOCAL ENVIRONMENT PLAN (NSLEP 2013)

### 1. Aims of Plan

Clause 1.2 Aims of North Sydney LEP 2013 read as follows (our underline):

- (1) *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 application proposed the construction of a residential flat buildings which is permissible in the zone. There are key elements which result in adverse impacts to the surrounding locality, primarily non-compliance with site coverage and landscape area, and inadequate information to properly assess the application. The proposal is not supported for these reasons.

The site coverage is excessive and landscaping deficient which results in the scale and appearance of the development being incompatible with the desired character of the area.

Insufficient information has been submitted with the application to assess potential impacts on solar access to adjoining buildings, impacts on trees and existing and proposed ground levels.

## **2. Permissibility**

The site is zoned R4 High Density Residential, development for the purpose of a residential flat building permissible with consent in this zone.

## **3. Objectives of the zone**

The planning objectives of the R4 High Density Residential zone and comments with consideration to the proposal are provided below:

- *To provide for the housing needs of the community within a high density residential environment.*

The proposed residential flat buildings includes twenty two (22) apartments which will meet the housing needs of the community.

- *To provide a variety of housing types within a high density residential environment.*

The proposed residential flat building includes 1 x 1 bedroom, 10 x 2 bedroom and 11 x 3 bedroom apartments which will provide for an appropriate variety in the zone.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposal will not be antipathetic to other facilities meeting the day to day needs of residents.

- *To encourage the development of sites for high density housing if such development does not compromise the amenity of the surrounding area or the natural or cultural heritage of the area.*

The proposal includes high density housing. However, the site coverage and landscaped area controls are not satisfied. Controls for landscaped area and site coverage are intended to manage the density of development in the zone where no FSR standard applies. Non-compliance compromises the amenity of the locality, namely in terms of balancing built form with landscaping and un-built upon areas.

- *To ensure that a reasonably high level of residential amenity is achieved and maintained.*

The extent of cut proposed to accommodate the rear apartments diminishes the internal amenity and quality of outlook. Insufficient information has been submitted with the application to assess potential impacts on solar access to adjoining buildings, impacts on trees and existing and proposed ground levels. Therefore, the consent authority cannot be satisfied that a reasonably high level of residential amenity is achieved and maintained.

#### Part 4 – Principal Development Standards

<b>COMPLIANCE TABLE Principal Development Standards North Sydney Local Environmental Plan 2013</b>			
	<b>Proposed</b>	<b>Control</b>	<b>Complies</b>
Clause 4.3 – Height of Building	15.675m	12m	No – see discussion under this section
Clause 6.10 – Earthworks	The proposed earthworks are not considered to have a detrimental impact upon the adjoining properties or land within the vicinity of the site.  In addition, appropriate conditions of consent would be imposed should the application be supported.	The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land	Yes

#### Clause 4.3 Height of buildings

The proposed development seeks a variation to the development standard relating to height (Clause 4.3). The NSLEP identifies a maximum height control of 12m. The application seeks a maximum building height of 15.675m which exceeds the 12m development standard by 3.65m or 30.6% at its highest point.

The applicant has submitted a written request pursuant to Clause 4.6 of NSLEP 2013 (Attachment 2). A detailed assessment of the Clause 4.6 request to vary the building height development standard has been undertaken below.

#### Clause 4.6 Exceptions to development standards Assessment of variation to Clause 4.3 Height of Buildings

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

*“Building height (or height of building) means:*

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

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

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

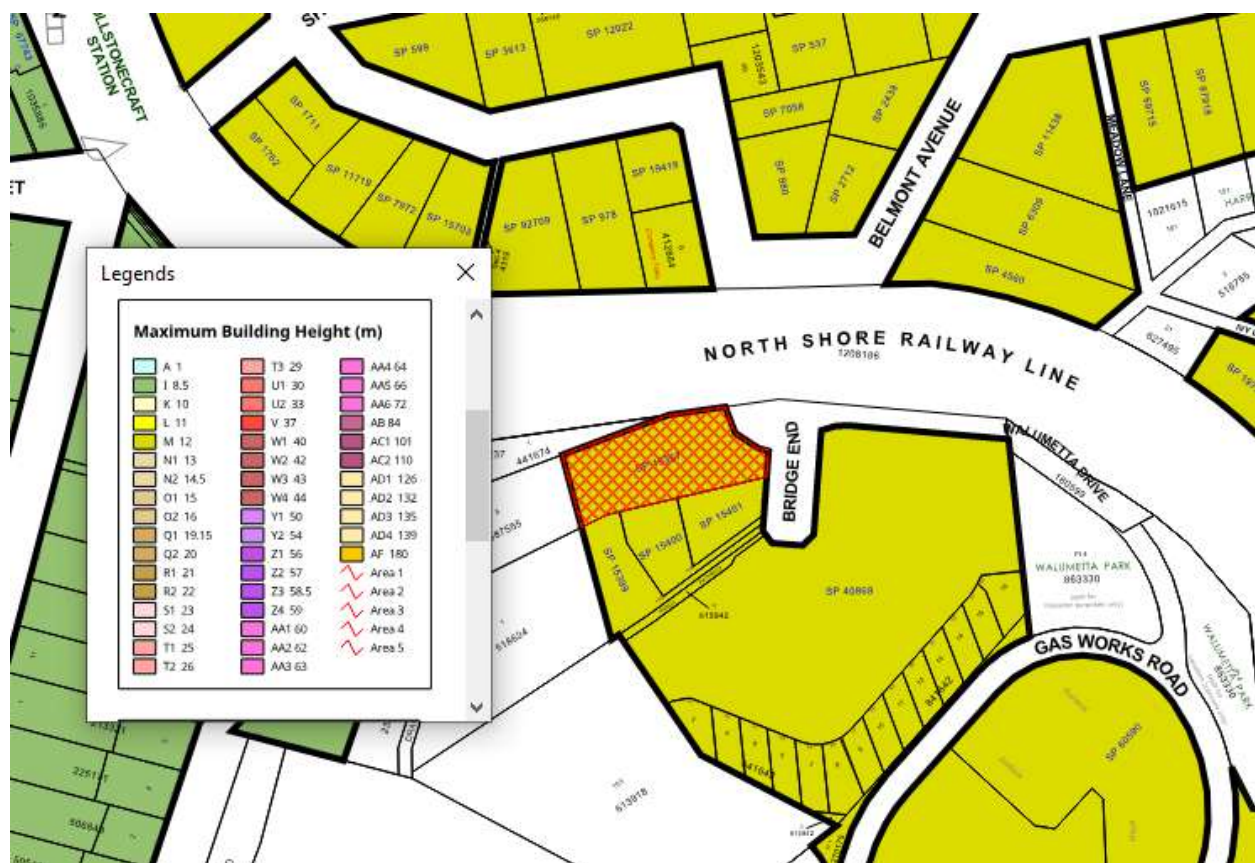
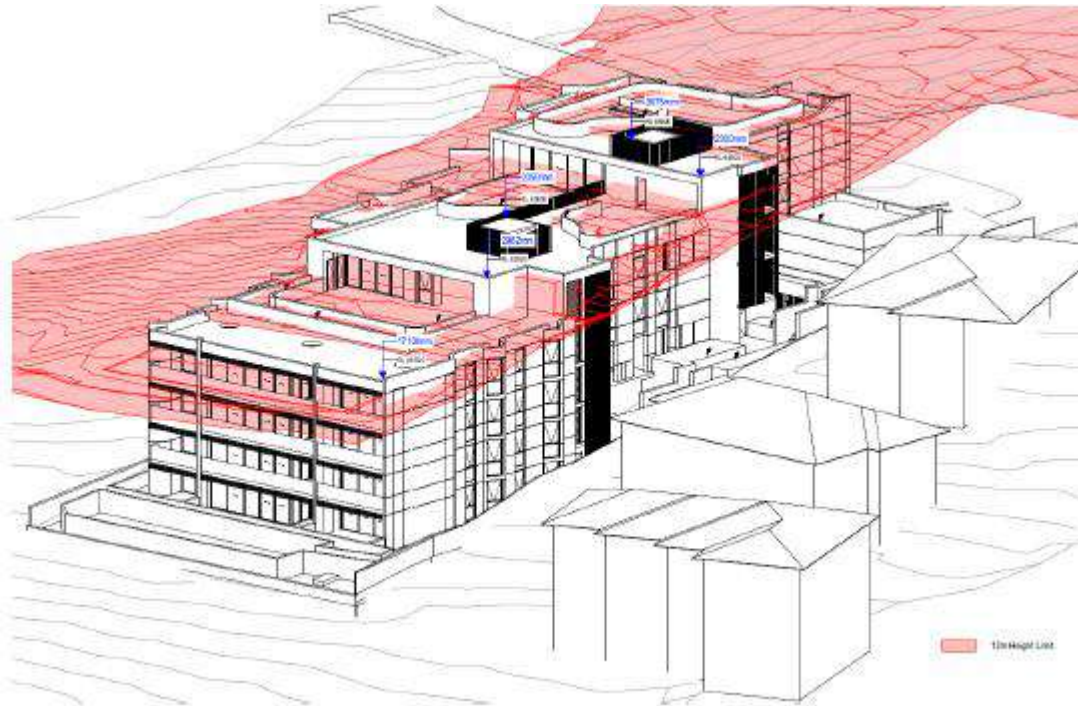
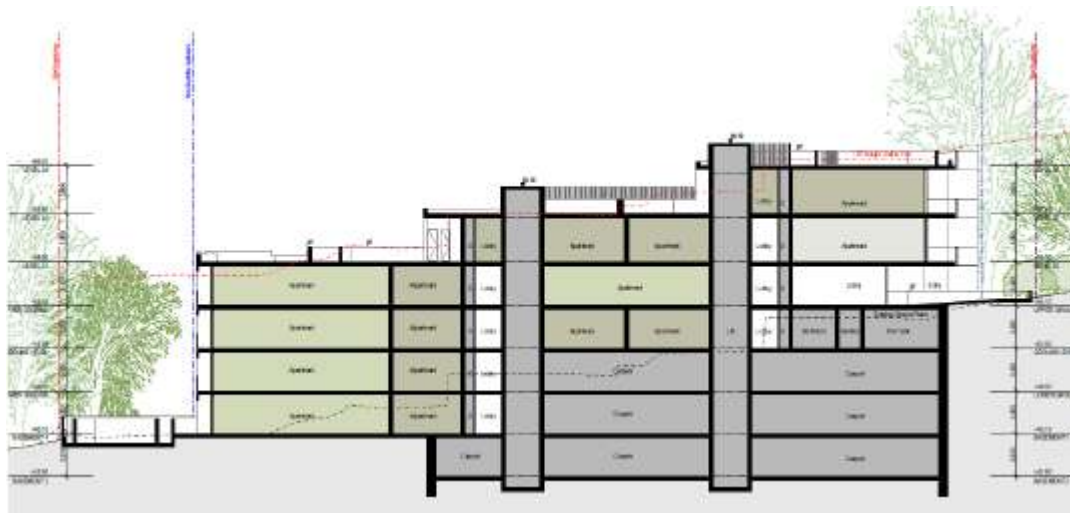


Figure 4: Maximum Building height map with subject site identified cross hatched in red.

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



**Figure 5: Height plane diagram showing the arse of the proposed building that exceed the maximum building height.**



**Figure 6: Section of building showing the 12m maximum height limit and proposed building outline**

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

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

Clause 4.6(3) states that:

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

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard”*

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

***Is the planning control in question a development standard?***

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

***What are the underlying objectives of the development standard?***

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

- (a) to promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient,*
- (b) to promote the retention and, if appropriate, sharing of existing views,*
- (c) to maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development,*
- (d) to maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings,*
- (e) to ensure compatibility between development, particularly at zone boundaries,*
- (f) to encourage an appropriate scale and density of development that is in accordance with, and promotes the character of, an area,*
- (g) to maintain a built form of mainly 1 or 2 storeys in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone C4 Environmental Living.*

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

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

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

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



The judgment goes on to state that:

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

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

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

The Clause 4.6 statement was prepared having regard to the recent court cases and their judgements. Of the methods above the applicant has applied method 1.

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

**Applicants comments:**

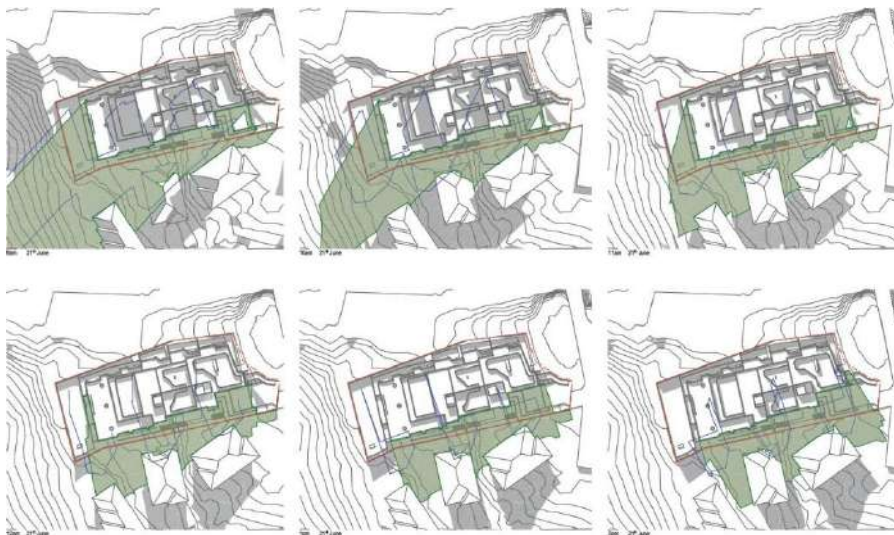
*The proposal, despite the numerical non-compliance identified, remains consistent with the objectives based on the following:*

*In relation to objective (a), the proposal steps with the slope of the lands and follows the natural gradient as shown in the plan extract below. This cross section shows that the height exceedance is due to the slope of the site, with earlier terracing of the existing land form contributing to the current breach. Note as per the section above the building is stepped to follow the natural topography of the site – but point encroachments through parts of the building where it steps are evident and largely unavoidable in achieving a suitable design response on a sloping site.*

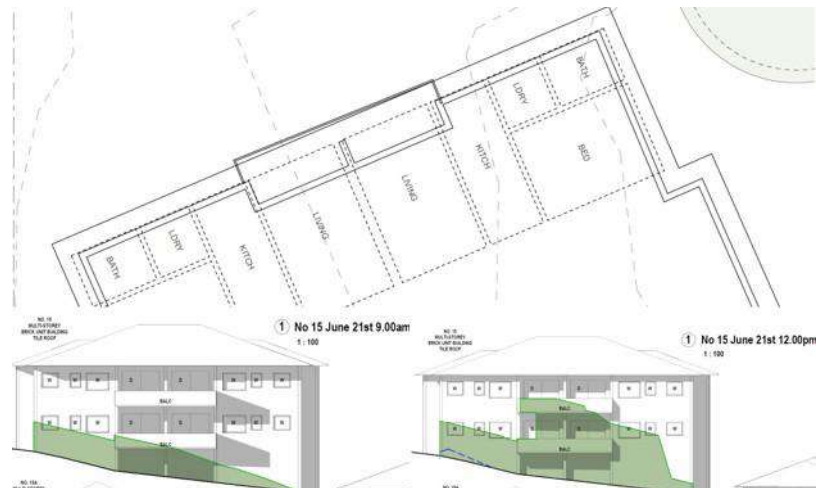


*In relation to objective (b), the proposal is compliant with the 12 m height limited when viewed from Bridge End and no views are blocked or impeded. The proposal does facilitate the sharing of views from within the development and therefore meets this objective.*

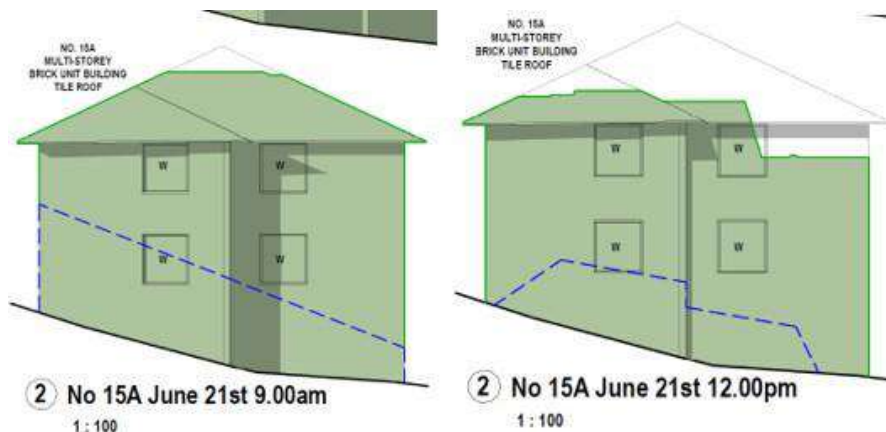
*In relation to objective (c), the proposal does not have a detrimental shadow impact on adjacent dwellings to the south as shown in the elevation analysis and shadow diagrams attached and reproduced below.*



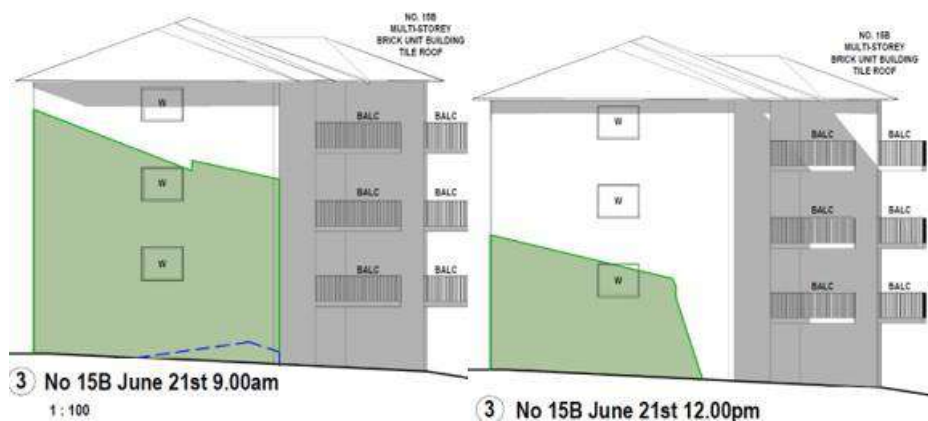
*15 Bridge End (Elevation 1) will receive a minimum of 2 hours solar access between 9 AM and 12 AM at 21 June. As shown in the figure overleaf, the layout of unit 15 has a bathroom, laundry and kitchen along with a balcony and living room on the façade where shadow is cast. Of these areas, only the living room and balcony can be considered as either habitable space or as recreational space. The living room and balcony of 15 Bridge End will receive at least 2 hours solar access between 9am and 12 noon on 21 June which complies with daylight access standards and is therefore acceptable.*



*15A Bridge End (Elevation 2) has no shadowing to its balconies, with shadow contained to the side elevation. Therefore, living areas and private open space is not overshadowed at any time and daylight access is maintained.*



*15B Bridge End (Elevation 3) has no shadowing to its balconies, with shadow contained to the side elevation between 9AM and 12 noon. Therefore, living areas and private open space is not overshadowed at any time and daylight access is maintained.*



*In terms of public reserves and streets, there is no shadow impact. Likewise, future development can prepare a compliance apartment building in terms of solar access.*

*In relation to objective (d), the proposal provides appropriate separation to ensure that privacy to the southern neighbouring dwellings are maintained. Living spaces and communal open spaces are mostly orientated to the rear, with privacy screens, with windows orientated to the west through the use of a scalloped façade. Privacy is therefore maintained to the southern neighbours in terms of acoustic and visual amenity.*

*Objective (e) is particularly relevant as the site is not at a zone boundary- however the built form being 3-4 storeys is compatible with development in the locality noting the adjoining 3 storey with pitched roof apartment buildings, means that there is a compatibility in terms of heights with existing and desired future character.*

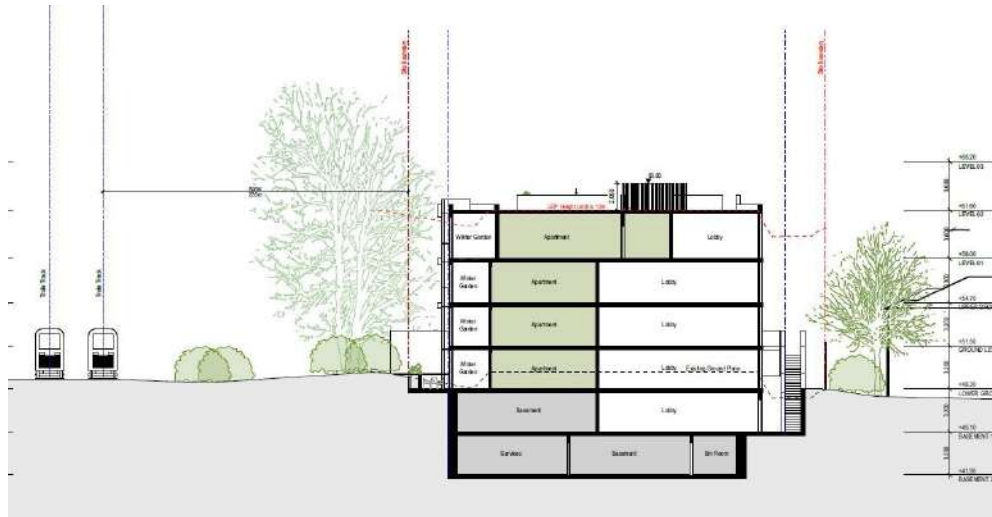
*In relation to objective (f), the proposal provides an appropriate building form that is consistent with the desired future character of the locality and is reflective of the objectives for the zone and locality generally. The proposal is consistent with the intended maximum height limit for the locality established by building heights under the future mid-rise housing reforms.*

*Likewise, the building is consistent with the broader character of the area through a building height of 4 storeys, which steps down with the slope.*

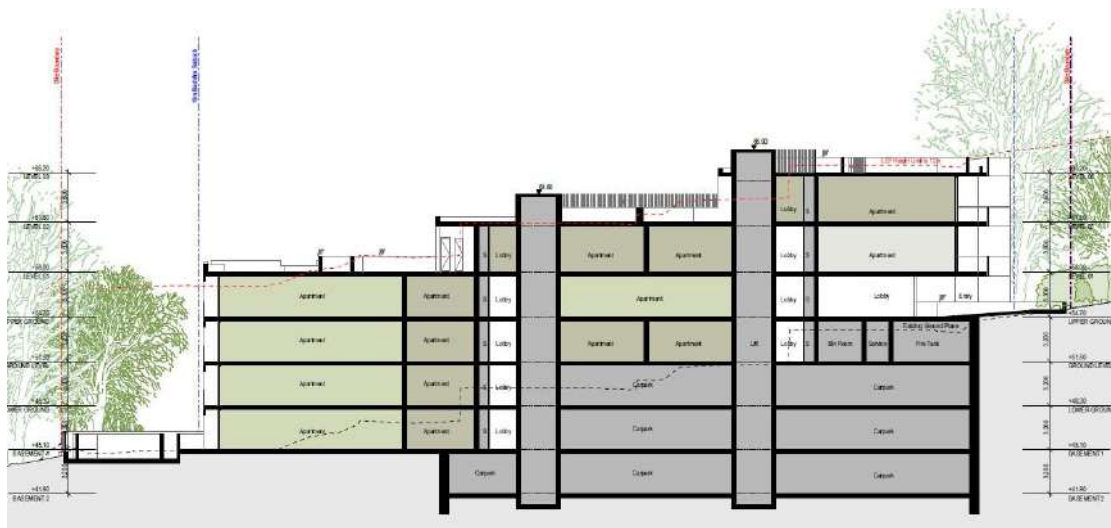
*Whilst there is a height exceedance, this is not perceptible as the building steps with the site and is compliant at its street frontage and most areas*



*Viewed from the street, the proposal fits comfortably within the height limit, with the tallest part recessive.*



*This cross section from the rear of the site shows that the height exceedance is largely restricted to the lobby and wintergarden areas.*



*This cross section shows that the height exceedance is due to the slope of the site, with earlier terracing contributing to the current breach.*

*The variation exceedance is 3.675m and as shown in the above images is not perceptible. From the street, the proposal appears as a compliant 12 m building, with the non-compliance only arising due to the sites slope and apparent benching for the current building platforms. Therefore, the exceedance will be largely imperceptible from the public domain or surrounding properties due to the recessed nature of the roof structure and the central location of the lift over-run elements. Likewise, all habitable areas comply with the 12 m height limit, with areas on non-compliance limited to outdoor areas (communal and private open spaces), common lobby areas, and rooftop screening devices, including around the lift overrun.*

*The future character will be set by the mid-rise housing reforms which are anticipated to apply a 17.5 m height limit over the subject site. The proposal is fully compliant with the 17.5m height limit and is therefore consistent with the current and desired future character.*



**Refinement 8 – Recalibrate the FSR and Height mid-rise standards**

- For 6 storey mid-rise, change FSR to 2.2:1, height to 22m for residential flat buildings and 24m for shop top housing and introduce a maximum of 6 storeys
- For 4 storey mid-rise, change FSR to 1.5:1, height to 17.5m and introduce a maximum of 4 storeys

(Source: NSW Government, *Low-and Mid-Rise housing Policy Refinement Paper*, 29 April 2024)

- *Objective (g) does not apply.*

*As outlined above the proposal remains consistent with the underlying objectives of the control and as such compliance is considered unnecessary or unreasonable.*

**Planners comments:**

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

<b>Objective</b>	<b>Demonstration</b>
<b>4.3 Height of Buildings</b>	
<b>1. The objectives of this clause are as follows -</b>	
<i>a) to promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient,</i>	The proposal has been designed to step with the slope of the lands and follows the natural gradient
<i>(b) to promote the retention and, if appropriate, sharing of existing views,</i>	<p>In the request for further information sent to the applicant on 6 March 2025, it was requested the applicant respond to submitters concerns. A concern was raised from 17/7 Belmont Ave, Wollstonecraft regarding view loss. The applicant failed to address this concern.</p> <p>As such a complete and comprehensive assessment cannot be carried out, therefore the consent authority cannot be satisfied that the proposal satisfies this objective.</p>
<i>(c) to maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development,</i>	<p>Revised shadow diagrams were not submitted with the amended plans; therefore, an assessment cannot be carried out.</p> <p>The shadow diagrams submitted with the original application demonstrated that the proposal would have an adverse impact on the private open spaces of no.15 Bridge End.</p> <p>The consent authority cannot be satisfied that the proposal satisfies this objective.</p>

<i>(d) to maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings,</i>	The proposal incorporates appropriate building separation to safeguard the privacy of the adjoining southern dwellings. Living areas and communal open spaces are primarily oriented toward the rear of the site and are supported by privacy screening, while windows are predominantly directed westward through the implementation of a scalloped façade design.
<i>(e) to ensure compatibility between development, particularly at zone boundaries,</i>	<p>The proposal is zoned R4 High Density Residential Development. Surrounding the development is zoned R4 and C2 Environmental Conservation to the west.</p> <p>The R4 zone encourage residential development with residential flat buildings being a permissible use. The contravention does not alter the compatibility of the proposal with the adjoining sites.</p>
<i>(f) to encourage an appropriate scale and density of development that is in accordance with, and promotes the character of, an area,</i>	<p>The proposal is inconsistent with the established character within the area. The exceedance will inhibit the delivery of development consistent with the North Cremorne Planning Area (Gasworks Neighbourhoods).</p> <p>The proposal fails to comply with the site coverage and landscape controls resulting in a development that substantially increases the density.</p>
<i>(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.</i>	N/A. The subject site is zoned R4 High Density Residential.

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

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

**Applicants comments:**

*In Initial Action, Preston CJ observed that in order for there to be “sufficient” environmental planning grounds to justify a written request under clause 4.6 to contravene a development standard, the focus must be on the aspect or element of the development that contravenes the development standard, not on the development as a whole.*

*The following points demonstrate that sufficiently environmental planning grounds exist to justify contravening the height development standard and further demonstrates that the height departure does not give rise to any environmental impacts. Council can be satisfied that the proposal is an appropriate design response for the subject site for the following reasons:*

- *The height exceedance is largely due to the slope of the site, which creates areas of non-compliance in a largely complying design. The elements over the height limit are setback from the street frontage, meaning that the height variation is not noticeable from the public domain, with the highest point centrally located. Given the topography of the site with it sloping significantly to the rear, the minor height breach is unnoticeable, and if not for earlier terracing of the site, the proposal would comply.*
- *All habitable areas of the building are below the maximum height limit, meaning the departure is limited to elements other than the habitable floor space. This demonstrates that the proposal is a suitable design response to the site and not a means of achieving greater yield on the site.*
- *The lift over-run exceedance arises from the need to provide lift access to all levels of the building and these are necessary for accessibility and to meet BCA standards.*
- *Provision of rooms that achieve compliance with minimum floor to ceiling heights required under the Apartment Design Guide, where the slope of the land creates a minor partial non compliance*
- *The need to provide access to the rooftop communal open space, which necessitates a lift overrun and screening.*

*Overall, the minor departure enables a better design outcome, consistent with the following Objects of the Environmental Planning and Assessment Act 1979:*

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

*Therefore, the current proposal is a preferred outcome from an environmental planning perspective and demonstrates that there is merit in varying the height control to achieve a better design response on the site which demonstrates sufficient environmental planning grounds to support the departure. For these reasons, and the additional reasoning set out below, the height departure reflects a specific design response for the site. It is noted that and the proposal meets all other relevant key planning controls. Hence the height breach is not a means of attempting to achieve greater density on the site but to provide a suitable balance between urban design outcomes, building height and necessary building elements.*



**Planners comments:**

*The planning grounds established by the Applicant are not considered sufficient to justify contravening the development standard. The amenity impacts associated with the non-compliance have not been fully considered in terms of view loss and overshadowing to adjoining properties. The scale and size of the building will be inconsistent consistent with the future and desired character of the area. This effect is increased by the proposals failure to adequately address site and landscape area controls discussed in the DCP compliance section of this report. While an argument could be made to rely on the low and mid rise housing reforms for building height, it is necessary to consider other controls outside these reforms to assess the appropriateness of development.*

*The proposed development is considered to not to satisfy the following objectives of the building height development standard for the reasons stated above:*

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

It is considered that the Clause 4.6 Statement lodged with the application fails to address all the information required pursuant to Clause 4.6 and the statement is not considered to be well founded as there are not sufficient environmental planning grounds to justify contravening the standard given that in this case the proposal fails to satisfy the objectives of the zone and development standard (Clause 4.3, building height control).

**NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013**

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

<b>Part B, Section 1: Residential Development</b>		
<b>Control</b>	<b>Compliance</b>	<b>Comments</b>
<b>1.2 Social amenity</b>		
<b>Population Mix</b>	Yes - merit	The proposal provides for 1 x 1 bedroom apartment, 10 x 2 bedroom and 11 x 3 bedroom apartments within the residential flat buildings and therefore satisfies this requirement.
<b>Maintaining residential Accommodation</b>	Yes	The existing dwelling mix on site is 12 x 2 bedroom apartments. The proposal includes 22 apartments.
<b>Universal Design and Adaptable Housing</b>	Yes	The proposed development provides 5 adaptable apartments and is therefore compliant.
<b>1.3 Environmental criteria</b>		
<b>Topography</b>	No	Insufficient information was provided to properly assess the complete extent cut and fill proposed. The proposal includes a significant amount of artificial terracing of the site.  The proposal is contrary to the following objectives:

		<p>O1 To ensure that the natural topography and landform are maintained.</p> <p>O2 To retain existing vegetation and allow for new substantial vegetation and trees.</p> <p>O3 To minimise the adverse effects of excavation on the amenity of neighbouring properties.</p> <p>O4 To minimise excavation and site disturbance so as to retain natural landforms, natural rock faces, sandstone retaining walls and the like and to retain natural water runoff patterns and underground water table and flow patterns.</p> <p>O6 To minimise adverse effects of adjoining transport infrastructure.</p>
<b>Bushland</b>	No	The development is inconsistent with requirements of Part B: Section 15 - Bushland of the DCP. Refer below.
<b>Bush Fire Prone Land</b>	Yes	The application was referred to the NSW Rural Fire Service who raised no objection to the proposal and provided conditions of consent
<b>Views</b>	No	In the request for further information sent to the applicant on 6 March 2025, it was requested the applicant respond to submitters concerns. A concern was raised from 17/7 Belmont Ave, Wollstonecraft regarding view loss. The applicant failed to address this concern.
<b>Solar access</b>	No	<p>Revised shadow diagrams were not submitted with the amended plans; therefore, an assessment cannot be carried out.</p> <p>The shadow diagrams submitted with the original application demonstrated that the proposal would have an adverse impact on the private open spaces of no.15 Bridge End.</p>
<b>Acoustic privacy</b>	Yes	Noise in addition to that expected from typical domestic activities is not anticipated. Should the application be supported conditions would be imposed to ensure acoustic privacy is maintained.
<b>Vibration</b>	Yes	An Acoustic & Vibration Assessment was submitted with the application which provides recommendations to ensure satisfactory outcomes are achieved with regards to impacts to internal amenity. Standard conditions can be imposed.
<b>Visual privacy</b>	Yes	<p>The proposed development will not result in unreasonable or adverse privacy impacts.</p> <p>The proposal predominately complies with the site setback controls for boundaries shared with residential neighbours.</p> <p>Where there is an encroachment, it pertains to a bedroom where the window is angled away from the adjoining development.</p>
<b>1.4 Quality built form</b>		
<b>Context</b>	No	There are a number of unresolved matters which do not represent an appropriate contextual response, including non- compliances with site coverage and landscaped area, rear setback to bushland.

		As such, the proposal is not in keeping with the desired future character of the area.
<b>Streetscape</b>	No	As mentioned in the DEP minutes, the proposal presents an industrial appearance to the street.
<b>Siting</b>	Yes	The proposal maintains the characteristic building orientation and siting.
<b>Setback – front</b>	Yes	The provides a consistent setback within the street.
<b>Setback – side</b>	Yes (merit)	Refer to ADG assessment.
<b>Setbacks – rear</b>	Yes	The rear setback is 10m and complies.
<b>Form, massing and scale</b>	No	The proposal is non-compliance with site coverage, landscaped area, rear setback which results in a density of development which is greater than that anticipated on the subject site.
<b>Built form character</b>	No	As mentioned above, the proposal results in a density of development which is greater than that anticipated on the subject site.
<b>Dwelling Entry</b>	Yes	The building entry is clearly distinguishable and well defined.
<b>Roofs</b>	Yes	Flat roofs are proposed, which are appropriate with regard to the building typology and character of the locality. The contemporary architectural character is well-suited to the provision of flat roofing and will not result in any adverse impact. Furthermore, the roof forms have included some green roofing to soften the built form and useable open space to improve amenity.
<b>Materials</b>	Yes	The proposed building colours and materials are satisfactory and suitable for the proposed building design and surrounding locality.
<b>Balconies – Apartments</b>	Yes	All balconies comply with the minim area and dimensions.
<b>1.5 Quality urban environment</b>		
<b>High Quality Residential Accommodation</b>	Yes	The apartments sizes, balconies and layouts meet the minimum requirements as outlined under 1.5.1 of NSDCP.
<b>Safety and Security</b>	Yes	The proposal is generally acceptable as it pertains to safety and security of the development. This includes well defined entries, casual surveillance and delineation of public and private spaces.
<b>Vehicle Access and Parking</b>	Yes	The proposal complies with the maximum parking requirements, including bicycle parking. Parking spaces are accessed via car lift.
<b>Site Coverage 45% Maximum</b>	No	<p>The proposal has a site coverage of 55%. The non-compliance with site coverage combined with non-compliance with landscaped area result in an overdevelopment of the site.</p> <p>The proposal is contrary to the following objectives:</p> <p>O1 To ensure that development is balanced and in keeping with the optimum capacity of the site with no over development.</p> <p>O2 To ensure that development promotes the existing or desired future character of the neighbourhood.</p> <p>O3 To control site density.</p> <p>O4 To limit the building footprint so as to ensure adequate provision is made for landscaped area and private open space.</p>

<b>Landscape Area 40% minimum</b>	No	<p>The application provides a landscaped area of 26.8%, significantly deficient of the 40% minimum required. For the reasons stated above the proposal cannot be supported.</p> <p>The proposal is contrary to the following objectives:</p> <ul style="list-style-type: none"> <li>(a) promote the character of the neighbourhood;</li> <li>(c) provide a landscaped buffer between adjoining properties;</li> <li>(d) maximise retention and absorption of surface drainage water on site;</li> <li>(e) minimise obstruction to the underground flow of water;</li> <li>(f) promote substantial landscaping, that includes the planting of trees that when mature will have significant canopy cover;</li> <li>(g) control site density;</li> <li>(h) minimise site disturbance;</li> <li>(i) contributes to streetscape and amenity;</li> <li>(k) encourage the provision of space for biodiversity conservation and ecological processes; and</li> <li>(l) provide a buffer between bushland areas and development.</li> </ul>
<b>Un-built upon area 15% Maximum</b>	Yes	A maximum un-built upon area of 15% is provided. The proposed development is compliant with this requirement.
<b>Landscaping</b>	No	<p>For the reasons stated in Councils Landscape Development Officers referral response the proposal cannot be supported.</p> <p>The proposal is contrary to the following objectives:</p> <p>O1 Landscaping and planting satisfies minimum performance standards and is sustainable and appropriate to the site.</p> <p>O3 To encourage biodiversity conservation and ecological processes.</p> <p>O4 To provide a buffer between bushland and development.</p>
<b>Front Gardens</b>	Yes	The proposal includes adequate landscaping in the front garden areas and is considered acceptable.
<b>Private and Communal Open Space</b>	Yes	The proposal complies with 1.5.9
<b>Garbage Storage</b>	Yes	See previous comments in relation to Waste Management which is considered satisfactory subject to conditions.
<b>1.6 Efficient Use of Resources</b>		
<b>Energy Efficiency</b>	No	An invalid BASIX certificate has been submitted with the application.
<b>Passive Solar Design</b>	Yes	The development will perform adequately in this regard.
<b>Natural Ventilation</b>	Yes	The proposed development comprises an adequate number of openings that provide natural ventilation to all habitable rooms within the building.
<b>Stormwater Management</b>	Yes	The proposed stormwater management is acceptable and supportable, subject to recommended conditions of consent.

<b>Waste Management and Minimisation</b>	Yes	A waste management plan is provided, which adequately details the management of waste generated from demolition and construction works.
<b>Green Roofs</b>	Yes	The proposal includes the provision of green roofing and planting on structures. This will contribute to improving amenity of occupants, aesthetics of the development and improve the green network in the locality.
<b>Part B Section 15 - Bushland</b>		
<b>15.2 Building Siting and Design</b>		
<b>Siting and Design</b>	No	<p>The development is setback a minimum of 10m from the bushland boundary, however this zone retains a narrow, linear band of plantings on the property boundary adjoining lawn. is dominated by turfed communal open space. This area of the proposed landscaping is devoid of structurally complex and species diverse plantings that would achieve the objective of enhanced habitat value for local wildlife.</p> <p>The proposal is contrary to the following objectives O1 To minimise any impacts of development on nearby bushland.</p> <p>O2 To ensure landscaping protects and enhances North Sydney's urban biodiversity.</p>
<b>Bushland and Bushfire Hazard Management</b>	Yes	Subject to condition to proposal is capable of complying
<b>Materials and colours</b>	Yes	the proposal colours and materials are considered appropriate.
<b>15.3 Landscaping and Stormwater Management</b>		
<b>Weeds</b>	Yes	Should the application be supported conditions would be imposed to ensure no noxious plantings.
<b>Landscaping design</b>	No	No details of plant quantities have been provided, nor the specific planting location for individual species / group plantings.
<b>Indigenous vegetation</b>	No	As above
<b>Stormwater run-off and soil erosion</b>	Yes	The proposed stormwater management is acceptable and supportable, subject to recommended conditions of consent.
<b>Cultural Resources</b>	Yes	Should the application be supported conditions would be imposed to satisfy this provision.

### Waverton/Wollstonecraft Planning Area – Part C of the DCP

The Site is located within the North Cremorne Planning Area (Gasworks Neighbourhoods), and the NSDCP 2013 outlines the following:

- P1 Future development of should maintain the existing character of the area with no substantial increase in density.
- P2 Development to step down to follow topography of the land.
- P3 Development should be designed to not disrupt water views from neighbouring properties.

The proposal fails to comply with the site coverage and landscape controls resulting in a development that substantially increases the density.

The proposal includes a significant amount of artificial terracing of the site, failing to step down to follow topography of the land.

As previously mentioned in the request for further information sent to the applicant on 6 March 2025, it was requested the applicant respond to submitters concerns. A concern was raised from 17/7 Belmont Ave, Wollstonecraft regarding view loss. The applicant failed to address this concern.

## **LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN**

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

### **S7.11 Contribution**

Open space and recreation facilities:	\$108,206.45
Public domain:	\$60,235.33
Active transport:	\$3,438.00
Community facilities:	\$21,733.77
Plan administration and management:	\$2,895.16
<b>Total:</b>	<b>\$196,508.70</b>

Should the application be supported conditions requiring the payment of contributions at the appropriate time would be included.

## **HOUSING & PRODUCTIVITY CONTRIBUTION**

On 1 October 2023 the Housing and Productivity Contribution was introduced by the NSW Government. The contribution is required to contribute towards State-provided infrastructure and replaces the Special Infrastructure Contribution in areas where this applied.

Part 2, Division 1, Clause 5 of the Order outlines what residential development would trigger a contribution if development consent was granted.

2. *In this order, residential development means any of the following –*

- a. *subdivision of land (other than strata subdivision) on which development for the purposes of residential accommodation is permitted with development consent by an environmental planning instrument applying to the land (residential subdivision),*
- b. *medium or high-density residential development,*
- c. *development for the purposes of a manufactured home estate.*

Pursuant to the Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024, the proposal for *high-density residential development* therefore the Housing Productivity Contribution applies.

Should the application be supported a condition of consent would be imposed requiring the payment of the Housing Productivity Contribution.

## **ALL LIKELY IMPACTS OF THE DEVELOPMENT**

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

<b>ENVIRONMENTAL APPRAISAL</b>	<b>CONSIDERED</b>
1. Statutory Controls	Yes
2. Policy Controls	Yes
3. Design in relation to existing building and natural environment	Yes
4. Landscaping/Open Space Provision	Yes
5. Traffic generation and Carparking provision	Yes
6. Loading and Servicing facilities	yes
7. Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.)	Yes
8. Site Management Issues	Yes
9. All relevant S4.15 considerations of Environmental Planning and Assessment (Amendment) Act 1979	Yes

## **SUBMITTERS CONCERNS**

The application was notified on two (2) occasions to adjoining properties and the Wollstonecraft Precinct Committee. Council received a total of thirty three (33) submissions where the following matters were raised.

Many of the issues raised have been considered in other parts of this report and where relevant are addressed below.

- *Building height*
- *Non-compliance with NSLEP and NSDCP*
- *Site coverage and unbuilt-upon area*
- *Solar access*
- *Setbacks*
- *Character*
- *Views*
- *Privacy*
- *Noise*
- *Streetscape character*
- *Built form character*
- *Massing and scale*

- *Landscape treatment*
- *Tree removal and protection*

These matters are addressed above in this report.

- *Construction impacts, noise, traffic and loss of car parking*

Construction works are temporary, should the application be supported conditions would be imposed to manage site construction and associated activities and to minimise impacts on adjoining land.

- *Damage to adjoining buildings*
- *Excavation*

Should the application be supported standard conditions would be imposed to ensure dilapidation reports are prepared for adjoining development, shoring is provided to protect adjacent property, if required, and preparation of a suitably detailed geotechnical report.

- *Noise pollution from Proposed Car Lifts*

Should the application be supported conditions would be imposed to ensure to minimise noise generated from the proposed car lifts.

- *Traffic and car parking*

The proposed development complies with the maximum permitted parking rates in Section 10.2 of Part B in NSDCP 2013. The proposal is unlikely to give rise to any significant additional congestion.

- *Inadequate information*

Inadequate information has been provided to enable a complete and comprehensive assessment. The application is recommended for refusal as a result.

- *Bushfire threat and the increased number of dwellings will also create egress issues in the event of a bushfire*

The application was referred to the NSW RFS who raised no objection subject to conditions of consent.

- *Lack of Consultation: The decision to remove T33 was made without consultation with residents currently living in the surrounding area.*

The application was notified in accordance with Council Community Engagement policy. No decision has been made as to the fate of T33 at this time.

- *Reduced real estate value*

No evidence was submitted to substantiate this claim which in any case is a matter not for consideration in the assessment of a development application.



## **PUBLIC INTEREST**

The proposal is considered not to be in the public interest for the reasons stated throughout this report.

## **SUITABILITY OF THE SITE**

The proposal would be located in a R4 High Density Residential zone where residential flat buildings are a permissible form of development. For the reasons as described above in this report, the proposal is not considered to be suitable for the site.

## **HOW WERE THE COMMUNITY VIEWS TAKEN INTO CONSIDERATION?**

The subject application was notified to adjoining properties and the Wollstonecraft Precinct Committee on two separate occasions, where a number of issues were raised that have been addressed in this report.

## **CONCLUSION**

The development application has been assessed against the North Sydney Environmental Plan 2013 and the North Sydney Development Control Plan 2013 and the relevant State Planning Policies and is generally found to be not satisfactory.

The proposed development is considered to result in a built form in proportion to landscaped area which is inconsistent with the desired character of the locality. This is predominately predicated on non-compliances with site coverage and landscaped area. These non-compliances, combined with the lack of accurate information, not only results in a development which is out of character, but also does not allow for a thorough and robust assessment of the application. As outlined in this Report, the site coverage and landscaped area controls seek to manage the density of built form on the subject site, where no FSR standard applies.

The written requests made pursuant to Clause 4.6 Departure to development standards in NSLEP 2013 fails to demonstrate that compliance with the development standard is both unreasonable and unnecessary in the circumstances and that there are sufficient environmental planning grounds to justify the variation.

Issues of the bulk and scale of the development as illustrated by non-compliance with the landscape area and site coverage controls and the failure of the cl4.6 submission are of determinative weight.

The application has attracted a number of unique submissions raising particular concerns regarding building height, setbacks, landscaped area and site coverage, misleading or incorrect plans and documentation, traffic impacts and safety, construction traffic and safety, excavation impacts, stormwater impacts, privacy, solar impacts and view loss.

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

## **RECOMMENDATION**

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

**THAT** the North Sydney Local Planning Panel exercising the functions of Council as the consent authority, resolve to refuse Development Application No. 273/24 for demolition of all structures and the replacement of three residential apartment buildings containing a total of 12 dwellings with a single residential flat building containing 22 Units on land at 17 Bridge End, Wollstonecraft, for the following reasons:

**1. The proposed development fails to satisfy Clause 1.2(2) Aims in Part 1 of the North Sydney Local Environmental Plan 2013**

- a) The application does not demonstrate the development will enhance the amenity of the community and environment and is inconsistent with Clause 1.2(2)(a);
- b) The application exceeds the maximum site coverage and is deficient in landscaped area resulting in an overdevelopment of the site which is incompatible with the desired future character of the area and inconsistent with Clause 1.2(2)(b)(i);
- c) The application fails to ensure that new development does not adversely affect residential amenity in terms of view sharing and is inconsistent with Clause 1.2(2)(c)(i);
- d) The application fails to maintain and protect natural landscapes, topographic features and existing ground levels and is inconsistent with Clause 1.2(2)(e)(i); and
- e) The application fails to protect the natural qualities of North Sydney and does not ensure that development does not adversely affect its significance and is inconsistent with Clause 1.2(2)(f).

**2. The proposed development does achieve the objectives of the zone**

- a) The proposal does not satisfy the objectives of the R4 High Density Residential zone as:
  - i. The proposed residential flat building does not demonstrate that a reasonably high level of amenity to the neighbouring properties are achieved, particularly in relation to solar access and view loss impacts; and
  - ii. The proposed residential flat building compromises the natural landscaped character of the area as the development does not satisfy the relevant built form controls as required within the R4 zone.

**3. The proposed development does achieve the objectives of the height of buildings development standard**

- a) The proposal does not satisfy the following objectives of the R4 High Density Residential zone:
  - i. (b) to promote the retention and, if appropriate, sharing of existing views
  - ii. (c) to maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development

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

**4. The proposed development fails to satisfy the provisions of Clause 4.6**

- a) The Clause 4.6 request has not adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case or that there are sufficient environmental planning grounds to justify the contravention of the development standard.

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

- a) O1, O2, O4, O6 and P1, P3, P4, P6 of Part B, Section 1.3.1 Topography in NSDCP 2013
- b) O1 and P1 of Part B, Section 1.3.2 Properties in proximity to bushland in NSDCP 2013
- c) O2 and P2, P4 of Part B, Section 1.3.6 Views in NSDCP 2013;
- d) O1 and P1 of Part B, Section 1.3.8 Solar Access in NSDCP 2013;
- e) O1 and P1 of Part B, Section 1.4.1 Context in NSDCP 2013;
- f) O1 and P3 of Part B, Section 1.3.8 Streetscape in NSDCP 2013;
- g) O1 and P1 of Part B, Section 1.4.7 Form, massing and scale in NSDCP 2013;
- h) O1 and P8 of Part B, Section 1.4.8 Built form character in NSDCP 2013;
- i) O1, O2, O3, O4 and P1 of Part B, Section 1.5.5 Site Coverage in NSDCP 2013;
- j) O1 and P1, P2 of Part B, Section 1.5.6 Landscape Area in NSDCP 2013.
- k) O1, O3 and P1, P2, P7 of Part B, Section 1.5.7 Landscaping in NSDCP 2013;
- l) O2 and P1, P2, P6 of Part B, Section 15.2.1 Siting and design in NSDCP 2013;
- m) O1 and P1, P4, P7 of Part B, Section 15.3.2 Landscape design in NSDCP 2013; and
- n) P1, P2, P2 of Part C, Section 10.4.2 Desired built form in NSDCP 2013;

**6. The application does not satisfy the provision of State Environmental Planning Policy (Housing) 2021**

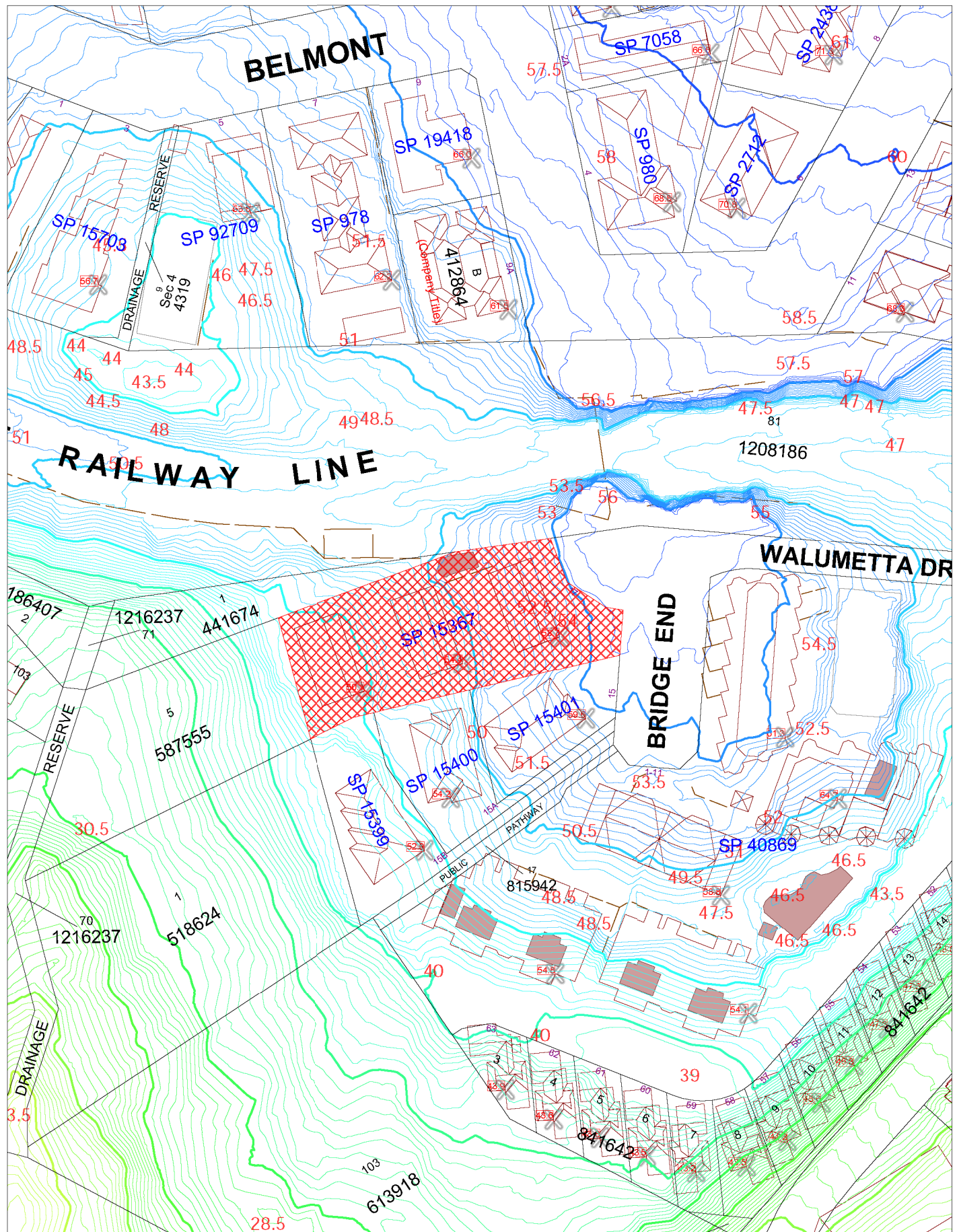
- a) The application does not satisfy the provisions of SEPP (Housing) 2021, specifically, Schedule 9 Design principles for residential apartment development:
  - i. Principle 1: Context and neighbourhood character, Principle 2: Built form and scale and Principle 3: Density as the proposal represents overdevelopment of the subject site due to its exceedance beyond the Council's statutory planning requirements including site coverage, landscaped area, structures within the bushland buffer zone and the failure to respond to the natural topography of the site. Further, the subterranean habitable spaces within the development do not afford reasonable amenity for future occupants.
  - ii. Principle 4: Sustainability as an amended BASIX certificate was not provided.
  - iii. Principle 5: Landscape as The proposal fails to comply with the landscaped area in control (NSCP 2013) resulting in an inappropriate outcome for the site which fails to promote the character of the neighbourhood, fails to provide a landscaped buffer between adjoining properties and does not provide a buffer between bushland areas and development.
  - iv. Principle 9: Aesthetics as the street elevation appears industrial and would benefit from further fine grain refinement suitable to the 3 storey pedestrian-friendly scale.

- 7. The application does not satisfy the provision of State Environmental Planning Policy (Biodiversity and Conservation) 2021**
  - a) The application does not satisfy the provisions of SEPP (Biodiversity and Conservation) 2021, specifically, Chapter 2 Vegetation in non-rural areas as insufficient information was provided to enable assessment for the protection and retention of trees.
- 8. The application does not satisfy the provision of State Environmental Planning Policy (Sustainable Buildings) 2022**
  - a) The application does not satisfy the provisions of SEPP (Sustainable Buildings) 2022, specifically, Chapter 2 Standards for residential development—BASIX as an invalid BASIX certificate was provided.
- 9. The application does not satisfy the provision of State Environmental Planning Policy (Transport and Infrastructure) 2021.**
  - a) The application does not satisfy the provisions of SEPP (Transport and Infrastructure) 2021, specifically, Clause 2.99 in that the consent authority cannot be satisfied that:
    - (a) the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:-
      - (i) the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and
      - (ii) the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and
    - (b) what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.
- 10. Not considered to be in the public interest or suitable for the subject site.**
  - a) The proposed development is not considered suitable for the subject site nor in the public interest and does not satisfy Section 4.15(e) of the Environmental Planning and Assessment Act 1979 (as amended) due to a lack of information to enable a thorough assessment.

**DAMON KENNY**  
**EXECUTIVE PLANNER**

**STEPHEN BEATTIE**  
**MANAGER DEVELOPMENT SERVICES**

---



## 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](mailto:mapping@northsydney.nsw.gov.au).

Scale: 1:1200 approx.





# 17 Bridge End, Wollstonecraft Development Application



Perspective View From Bridge End

## Drawing List

DRAWING NAME	Rev
DA000	Cover Page
DA001	Project Summary
DA002	BASIX/NatHERS Commitments
DA100	Site Plan
DA101	Demolition Plan
DA102	Site Analysis 1/2
DA103	Site Analysis 2/2
DA104	Existing Condition
DA200	Basement 2 Plan
DA201	Basement 1 Plan
DA202	Lower Ground Plan
DA203	Ground Floor Plan
DA204	Upper Ground Floor Plan
DA205	Level 1 Plan
DA206	Level 2 Plan
DA207	Roof Plan
DA300	North Elevation
DA301	South Elevation
DA302	East Elevation
DA303	West Elevation
DA304	Section A
DA305	Section B
DA306	Material Pallet
DA307	Perspective 1
DA308	Perspective 2
DA400	Shadow Impact - March 21
DA401	Shadow Impact - June 21
DA402	Shadow Impact - June 21
DA403	Shadow Impact - September 21
DA404	EOTS
DA405	EOTS
DA406	Solar Access
DA407	Cross Ventilation
DA408	Adaptable Unit Diagram
DA409	Pre and Post Adaptable Units 1
DA410	Pre and Post Adaptable Units 2
DA411	Storage Calculation
DA412	Building Height Compliance
DA413	DCP Compliance
DA414	Comparisons to Existing
DA501	Notification Plan
DA502	Notification Plan
DA503	Notification Plan

Project Summary

Address	:	17 Bridge End, Wollstonecraft NSW 2065
Site Area	:	2215 sqm
Land Use	:	R4 - High Density Residential:

LEP Compliance

	Control	Proposed
Gross Floor Area	:	N/A3550sqm
Height Control	:	12 MPartially Compliant

DCP Compliance

	Control	Proposed
Site Coverage	:	996.2 sqm ( 45% )1105.3 sqm ( 49.9% )
Landscape Area	:	886 sqm ( 40% )1001 sqm ( 45.2% )
Un Built upon Area	:	332.3 sqm ( 15% )332 sqm ( 15% )

Unit Mix

	1 BED	2 BED	3 BED	Total
Total	:	11045%	1150%	22100%

ADG Compliance

	Control	Proposed
Solar Calculation	:	15.4 units ( 70% )17 Units ( 77% )
Cross Vent Calculation	:	13.2 units ( 60% )15 Units ( 68% )
Deep Soil	:	115.1 Sqm ( 7% )274 sqm ( 12.36% )
Communal Open Space	:	554 sqm ( 25% )649 sqm ( 29% )

Adaptable & Livable

	Control	Proposed
Adaptable	:	5 units (20%)5 units (20%)
Livable	:	22 units ( 100% )22 units ( 100% )

Parking

Cars	No.	Rate	Control	Proposed
RFB				
1B	1	1	1	1
2B	10	1	10	10
3B	11	1.5	17	17
4B	0	1.5	0	0
Visitor		0.25	6	6
TOTAL			34	34
Adaptable		20%	5	8
Car wash Bay			1	1

Rev	Date	By	Chk	Description
A	18/07/2024	JH	XD	Issue For DA
B	18/08/2025	DF	DR	Council RFR Response

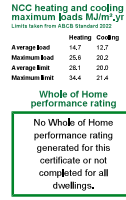
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David Raudersm R942

DKO

Project Name	17 Bridge End
Project Address	17 Bridge End, Wollstonecraft, NSW 2065

Project Number	13395
Drawing Name	Project Summary
Scale	A1:1
Date	7/10/2025

Client	LFD Developments	Drawing Number	DA001
		Revision	B

**BASIX<sup>TM</sup> Report**  
Building Sustainability Index www.basix.nsw.gov.au

Project summary		
Project name	9718 - 17 Bridge End Wollstonecraft	
Street address	17 BRIDGE END WOLLSTONECRAFT 2009	
Local Government Area	NORTH SYDNEY	
Plan type and plan number	Deposited Plan 15367	
Lot No.	CP	
Section no.	-	
No. of residential flat buildings	1	
Residential flat buildings no. of dwellings	25	
Multi-dwelling housing no. of dwellings	0	
No. of single dwelling houses	0	
Project score		
Water	40	Target 40
Thermal Performance	Pass	Target Pass
Energy	62	Target 61
Materials	<62	Target n/a

**2.0 NatHERS & BASIX COMMITMENTS - APARTMENTS****2.1 WATER**

<b>WELS Water Rating</b>	<ul style="list-style-type: none"><li>4 star rated (&gt;4.5 but &lt;= 6 L/min) showerheads to all showers</li><li>4 star rated toilets</li><li>4 star rated taps to Kitchen</li><li>4 star rated taps to Bathrooms / Ensuites</li><li>3 star dishwasher</li></ul>
--------------------------	---

**2.2 THERMAL COMFORT**

<b>External Colours</b>	<ul style="list-style-type: none"><li>Mixture of Light (SA&lt;0.475) &amp; Medium (0.475&lt;SA&lt;0.7) to walls and roof - Refer architectural Colour Schemes for further details</li></ul>				
<b>Floor Coverings</b>	<ul style="list-style-type: none"><li>Timber flooring to Living, Dining &amp; Kitchen areas</li><li>Carpet to Bedrooms</li><li>Tile flooring to all wet areas</li></ul>				
<b>Ceiling Penetrations</b>	<ul style="list-style-type: none"><li>Seal downlights and all exhaust fans to rangehood, Bathrooms, Ensuites &amp; Laundry</li></ul>				
<b>Insulation</b>	The following insulation commitments apply to all apartments: <ul style="list-style-type: none"><li>External Walls - R2.0 bulk insulation</li><li>Intertenancy Walls - R2.0 insulation to AAC ("Hebel" or similar)</li><li>Ceilings &amp; Floors (abutting neighbouring apartment) – R1.3 insulation (55mm)</li><li>Ceilings (exposed roof) – R2.0 insulation + R1.79 XPS (50mm polystyrene to roof)</li></ul>				
<b>Glazing to Windows and Doors</b>	Aluminium framed glazing conditions vary throughout the development and are summarised below. Refer to Table 1. Glazing / Insulation Commitments & Thermal Summary below. <table><tr><th>Single Glazing (SG) - low-e</th><th>Double Glazing (DG) - clear/air fill/low-e</th></tr><tr><td><ul style="list-style-type: none"><li>sliding &amp; fixed panels U=5.4, SHGC=0.58 (SHGC +/- tolerance 0.55 – 0.61)</li><li>awning, swing &amp; bi-fold doors U=5.4, SHGC=0.49 (SHGC +/- tolerance 0.47 – 0.51)</li></ul></td><td><ul style="list-style-type: none"><li>sliding &amp; fixed panels U=4.3, SHGC=0.53 (SHGC +/- tolerance 0.50 – 0.56)</li><li>awning &amp; fixed panels U=4.3, SHGC=0.47 (SHGC +/- tolerance 0.45 – 0.49)</li></ul></td></tr></table>	Single Glazing (SG) - low-e	Double Glazing (DG) - clear/air fill/low-e	<ul style="list-style-type: none"><li>sliding &amp; fixed panels U=5.4, SHGC=0.58 (SHGC +/- tolerance 0.55 – 0.61)</li><li>awning, swing &amp; bi-fold doors U=5.4, SHGC=0.49 (SHGC +/- tolerance 0.47 – 0.51)</li></ul>	<ul style="list-style-type: none"><li>sliding &amp; fixed panels U=4.3, SHGC=0.53 (SHGC +/- tolerance 0.50 – 0.56)</li><li>awning &amp; fixed panels U=4.3, SHGC=0.47 (SHGC +/- tolerance 0.45 – 0.49)</li></ul>
Single Glazing (SG) - low-e	Double Glazing (DG) - clear/air fill/low-e				
<ul style="list-style-type: none"><li>sliding &amp; fixed panels U=5.4, SHGC=0.58 (SHGC +/- tolerance 0.55 – 0.61)</li><li>awning, swing &amp; bi-fold doors U=5.4, SHGC=0.49 (SHGC +/- tolerance 0.47 – 0.51)</li></ul>	<ul style="list-style-type: none"><li>sliding &amp; fixed panels U=4.3, SHGC=0.53 (SHGC +/- tolerance 0.50 – 0.56)</li><li>awning &amp; fixed panels U=4.3, SHGC=0.47 (SHGC +/- tolerance 0.45 – 0.49)</li></ul>				

**2.3 ENERGY**

<b>Hot Water System</b>	<ul style="list-style-type: none"><li>All apartments connected to central hot water system<ul style="list-style-type: none"><li>refer to section 3.2 Central Services for details</li></ul></li></ul>
<b>Heating &amp; Cooling</b>	<ul style="list-style-type: none"><li>Ceiling fans to Living Room and Master Bedroom (Bedroom 1)</li><li>All apartments connected to central hot water system<ul style="list-style-type: none"><li>refer to section 3.2 Central Services for details</li></ul></li></ul>
<b>Ventilation</b>	<ul style="list-style-type: none"><li>Ducted ventilation to min. one Bathroom - manual switch on/off</li><li>Ducted rangehood to Kitchen - manual switch on/off</li><li>Ducted ventilation to Laundry - manual switch on/off</li></ul>
<b>Fluorescent or LED Lighting</b>	<ul style="list-style-type: none"><li>Apartments must be primarily lit (minimum 80% of light fittings) by compact fluorescent, fluorescent and LED lamps</li></ul>
<b>Natural Light</b>	<ul style="list-style-type: none"><li>Natural lighting allowed for to Kitchens where applicable<ul style="list-style-type: none"><li>refer architectural drawings for further details</li></ul></li></ul>
<b>Appliances &amp; Design Enhancements</b>	<ul style="list-style-type: none"><li>3 star rated dishwasher</li><li>2 star rated clothes dryer</li><li>Gas cooktop &amp; electric oven</li><li>Indoor or sheltered clothes drying line (balcony)</li></ul>

**2.4 MATERIALS**

<b>Floor Types</b>	<ul style="list-style-type: none"><li>Suspended concrete slab above habitable zones</li></ul>	<ul style="list-style-type: none"><li>2,864.2m<sup>2</sup></li></ul>
<b>External Wall Types</b>	<ul style="list-style-type: none"><li>Pre-cast concrete, steel framing, plasterboard</li></ul>	<ul style="list-style-type: none"><li>1,669m<sup>2</sup></li></ul>
<b>Internal Wall Types</b>	<ul style="list-style-type: none"><li>Plasterboard on steel</li><li>75mm AAC core, steel framing - intertenancy</li></ul>	<ul style="list-style-type: none"><li>2,330m<sup>2</sup></li><li>1,706m<sup>2</sup></li></ul>
<b>Ceiling &amp; Roof Types</b>	<ul style="list-style-type: none"><li>Concrete slab, plasterboard internal</li></ul>	<ul style="list-style-type: none"><li>1,158m<sup>2</sup></li></ul>
<b>Glazing Types</b>	<ul style="list-style-type: none"><li>Aluminium framed windows and doors</li></ul>	<ul style="list-style-type: none"><li>766.2m<sup>2</sup></li></ul>

**3.0 BASIX COMMITMENTS - COMMON AREAS & CENTRAL SYSTEMS****3.1 COMMON AREAS**

The following is a summary of ventilation & lighting requirements to all relevant common areas.

Common Area	Ventilation	Lighting
<b>Car park areas</b>	<ul style="list-style-type: none"><li>supply &amp; exhaust</li><li>carbon monoxide + VSD fan</li></ul>	<ul style="list-style-type: none"><li>light-emitting diode (LED)</li><li>time clock and motion sensor</li></ul>
<b>Lifts</b>	<ul style="list-style-type: none"><li>no mechanical ventilation</li></ul>	<ul style="list-style-type: none"><li>light-emitting diode (LED)</li><li>connected to lift call button</li></ul>
<b>Main Switch room &amp; Main Comms</b>	<ul style="list-style-type: none"><li>no mechanical ventilation</li></ul>	<ul style="list-style-type: none"><li>light-emitting diode (LED)</li><li>manual on / manual off switch</li></ul>
<b>Bin Rooms</b>	<ul style="list-style-type: none"><li>exhaust only</li></ul>	<ul style="list-style-type: none"><li>light-emitting diode (LED)</li><li>motion sensor</li></ul>
<b>Pump Rooms</b>	<ul style="list-style-type: none"><li>no mechanical ventilation</li></ul>	<ul style="list-style-type: none"><li>light-emitting diode (LED)</li><li>manual on / manual off switch</li></ul>
<b>Fire Stairs</b>	<ul style="list-style-type: none"><li>no mechanical ventilation</li></ul>	<ul style="list-style-type: none"><li>light-emitting diode (LED)</li><li>manual on / manual off switch</li></ul>
<b>Lobby - all</b>	<ul style="list-style-type: none"><li>no mechanical ventilation</li></ul>	<ul style="list-style-type: none"><li>light-emitting diode (LED)</li><li>time clock and motion sensors</li></ul>

**3.2 CENTRAL SERVICES**

The following is a summary of BASIX commitments of all relevant central services and facilities.

Central System	Type	Specification
<b>Central Hot Water System</b>	<ul style="list-style-type: none"><li>gas instantaneous</li></ul>	<ul style="list-style-type: none"><li>internal piping insulation</li><li>R1.0 (38mm)</li></ul>
<b>Central Air-Conditioning System</b>	<ul style="list-style-type: none"><li>Variable refrigerant volume units</li></ul>	<b>COOLING</b> <ul style="list-style-type: none"><li>gas driven compressor</li><li>air cooled condenser</li><li>low-COP &lt; 0.9</li></ul> <b>HEATING</b> <ul style="list-style-type: none"><li>gas driven compressor + air sourced evaporator</li><li>low-COP &lt; 1.2</li></ul>
<b>Lifts</b>	<ul style="list-style-type: none"><li>Gearless traction with V V V F motor</li></ul>	n/a

Rev	Date	By	Chk	Description
A	18/07/2024	JH	XD	Issue For DA

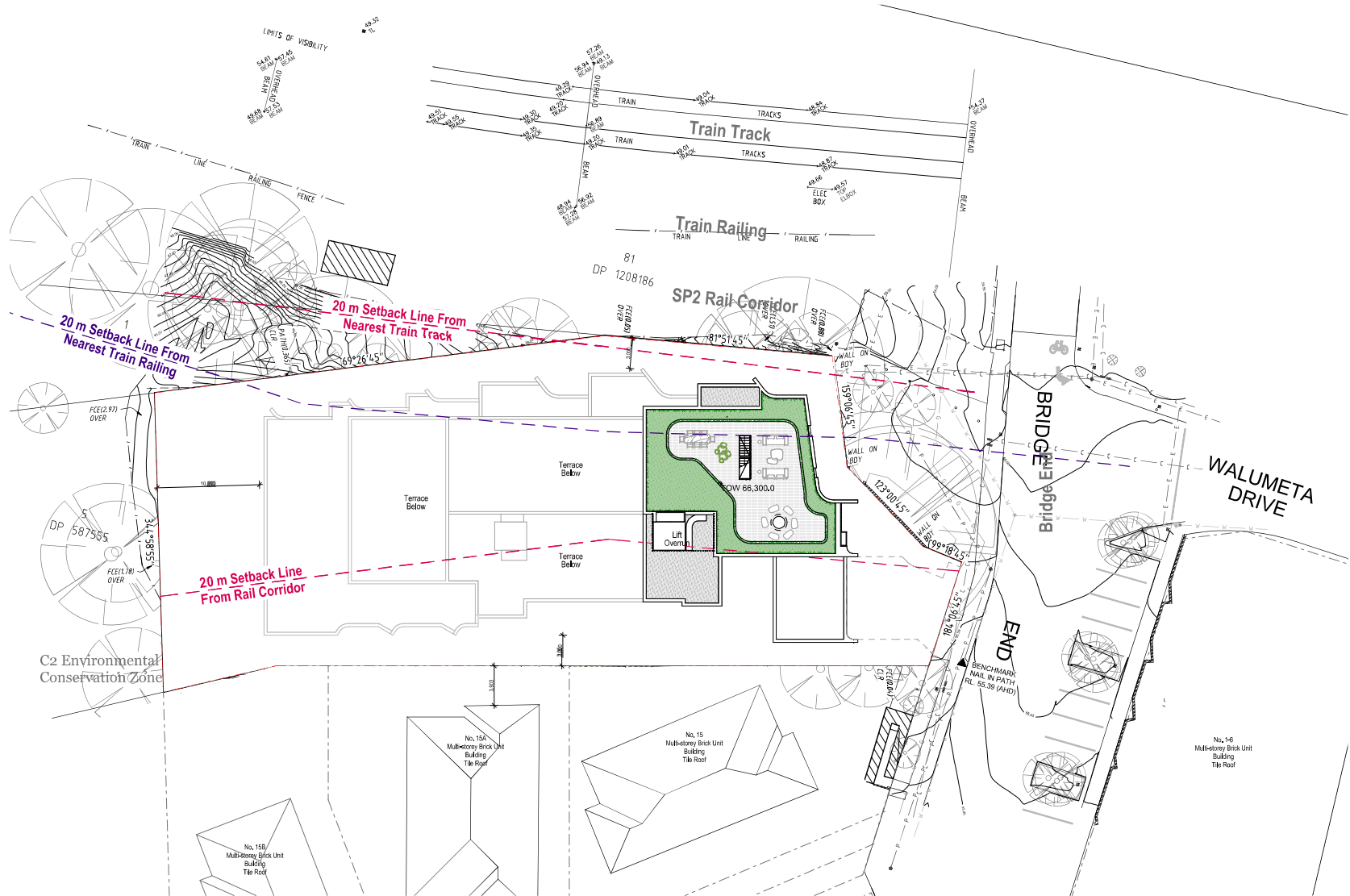
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DKO

Project Name  
Project Address  
17 Bridge End  
17 Bridge End  
Wollstonecraft, NSW  
2009  
Client  
LFD Developments

Project Number  
Drawing Name  
Scale  
Date  
13395  
BASIX/NatHERS Commitment  
#14  
2/08/2024  
Drawing Number  
Revision  
DA002  
A





Rev	Date	By	Chk	Description
A	18/07/2024	JH	XD	Issue For DA

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Project Name  
 Project Address

17 Bridge End  
 17 Bridge End  
 Wollstonecraft, NSW  
 2035

Client

LFD Developments

Project Number  
 Drawing Name  
 Scale  
 Date

13395  
 Site Plan  
 1:2000 (A1)  
 2/08/2024

Drawing Number  
 Revision  
**DA100**  
**A**



Trees to be removed	Built form removed
Trees to be retained	Paving to be removed

Rev	Date	By	Chk	Description
A	18/01/2024	JH	XD	Issue For DA

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David Raudersm R442

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Project Name  
Project Address

17 Bridge End  
17 Bridge End  
Woolloomooloo, NSW  
2006

Client

LFD Developments

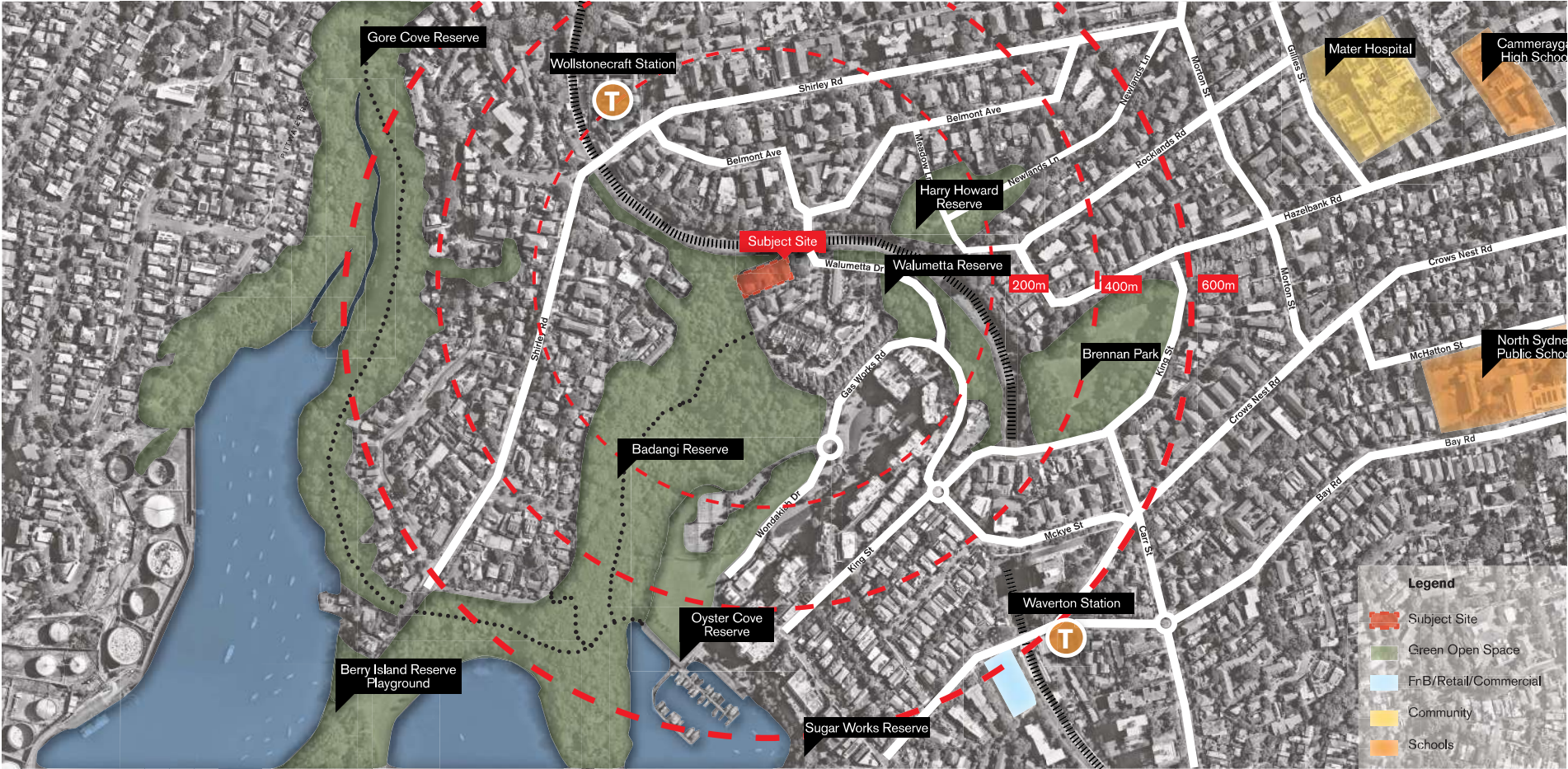
Project Number  
Drawing Name  
Scale  
Date

Drawing Number  
Revision

13395  
Downstream Plan  
1:1000  
2/06/2024

DA101  
A





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A	18/07/2024	JH	XD	Issue For DA

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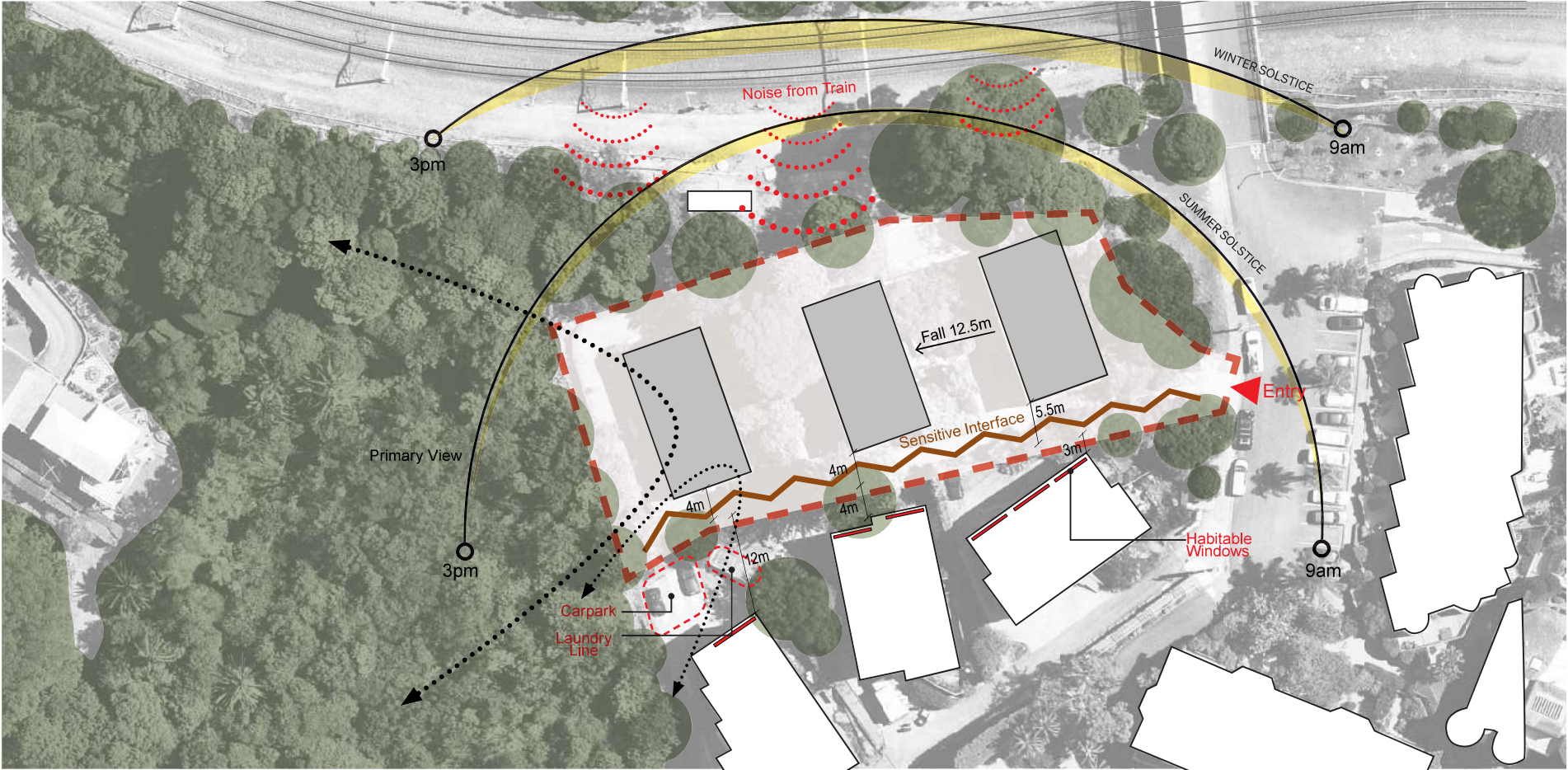
Project Name  
Project Address  
Client

17 Bridge End  
17 Bridge End  
Wollstonecraft, NSW  
2035

LFD Developments

Project Number  
Drawing Name  
Scale  
Date  
13395  
Site Analysis 1/2  
at A1  
2/08/2024  
Drawing Number  
Revision  
**DA102**  
**A**





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Project Name  
Project Address  
Client  
LFD Developments

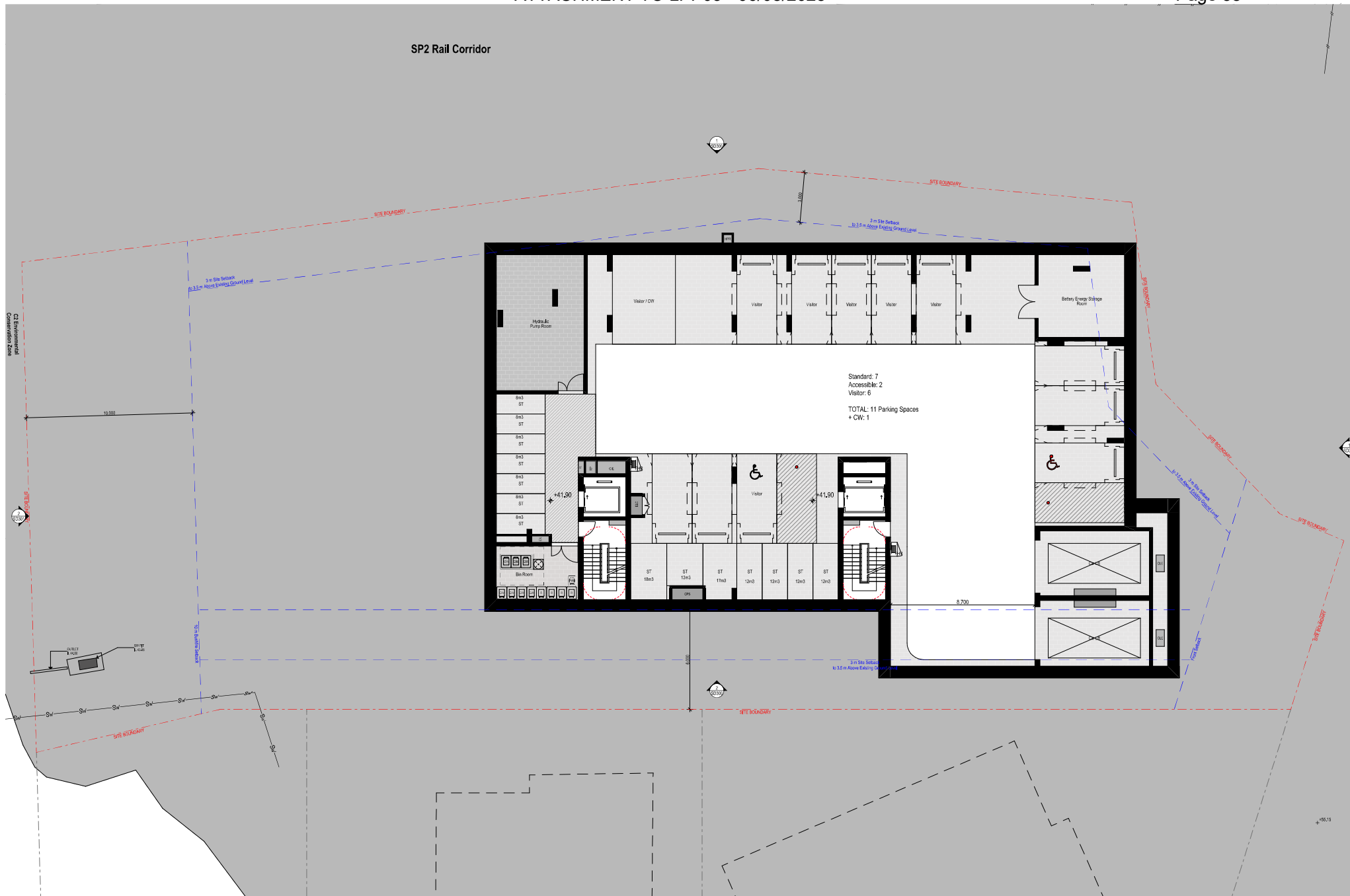
17 Bridge End  
17 Bridge End  
Wollstonecraft, NSW  
2055  
Drawing Name  
Scale  
Date  
Drawing Number  
Revision  
DA103  
A

13395  
Site Analysis 2/2  
04/1  
2/08/2024









Rev	Date	By	Chk	Description
A	10/07/2024	JH	XD	Issue For QA
B	7/04/2025	DF	DR	Control Response

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DKQ

Project Name  
Project Address

17 Bridge End  
17 Bridge End,  
Wollstonecraft, NSW  
2065

LFD Developments

Project Number	13305
Drawing Name	Basement 2 Plan
Scale	1:100@A1
Date	8/04/2025
Drawing Number	<b>DA200</b>
Revision	<b>B</b>



Rev	Date	By	Chk	Description
A	10/07/2024	JH	XD	Issue For DR
B	7/04/2025	DF	DR	Council RH Response

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Project Name  
Project Address

| Client

17 Bridge End  
17 Bridge End,  
Wollstonecraft, NSW  
2065

### LFD Developments

Project Number  
Drawing Name  
Scale  
Date

Drawing No.  
Revision

13305  
Basement 1 Plan  
1:100@A1  
7/04/2025

DA201  
B



Rev	Date	By	Chk	Description
A	18/07/2024	JH	XD	Issue For QA
B	7/04/2025	DC	DR	Council RF Response

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Kees de Klijver 5767  
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Project Name  
Project Address

17 Bridge End  
17 Bridge End,  
Wollstonecraft, NSW  
2065

LFD Developments

Project Number	13395
Drawing Name	Lower Ground Plan
Scale	1:100@A1
Date	7/04/2025
Drawing Number	<b>DA202</b>
Revision	<b>B</b>





Rev	Date	By	Chk	Description
A	18/02/2024	JH	XD	Issue For 3A
B	18/04/2025	DF	DR	Controlled Response

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**DKO**

Project Name  
Project Address  
Client

17 Bridge End  
17 Bridge End  
Woolloomooloo, NSW  
2015  
LFD Developments

Project Number  
Drawing Name  
Scale  
Date  
Drawing Number  
Revision

13395  
Ground Floor Plan  
17/04/2025  
DA203  
B



Rev	Date	By	Chk	Description
A	18/02/2024	AH	XD	Issue For 3A
B	18/04/2025	DF	DR	Council/RFR Response

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**DKO**

Project Name  
Project Address  
Client

17 Bridge End  
Upper Ground Floor Plan  
Scale  
Date

Project Number  
Drawing Name  
Scale  
Date

13395  
Upper Ground Floor Plan  
1:200  
8/04/2025

Drawing Number  
Revision

DA204  
B

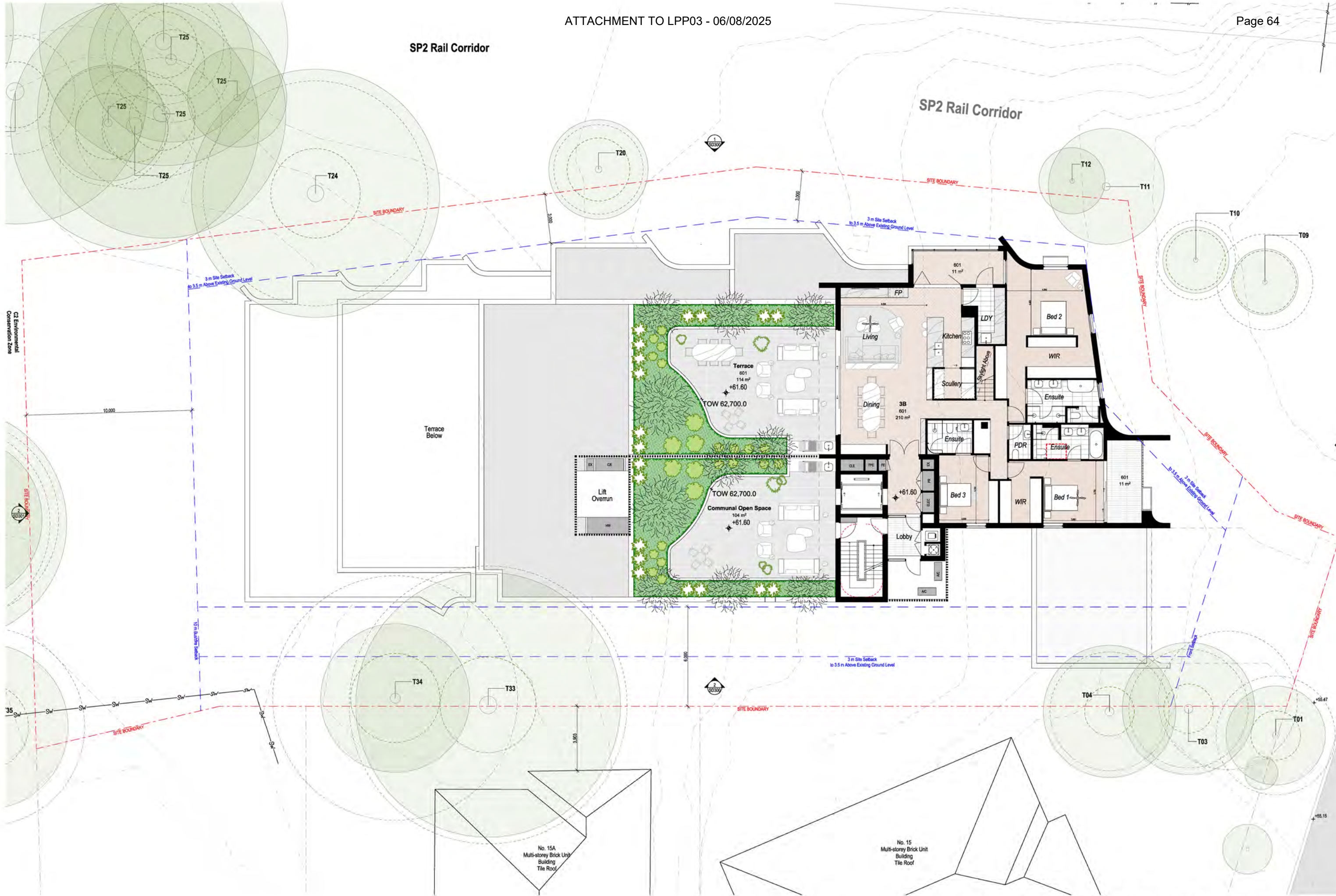


This architectural floor plan illustrates a multi-story residential building, likely a townhouse or apartment complex, situated within a landscaped site. The plan includes the following details:

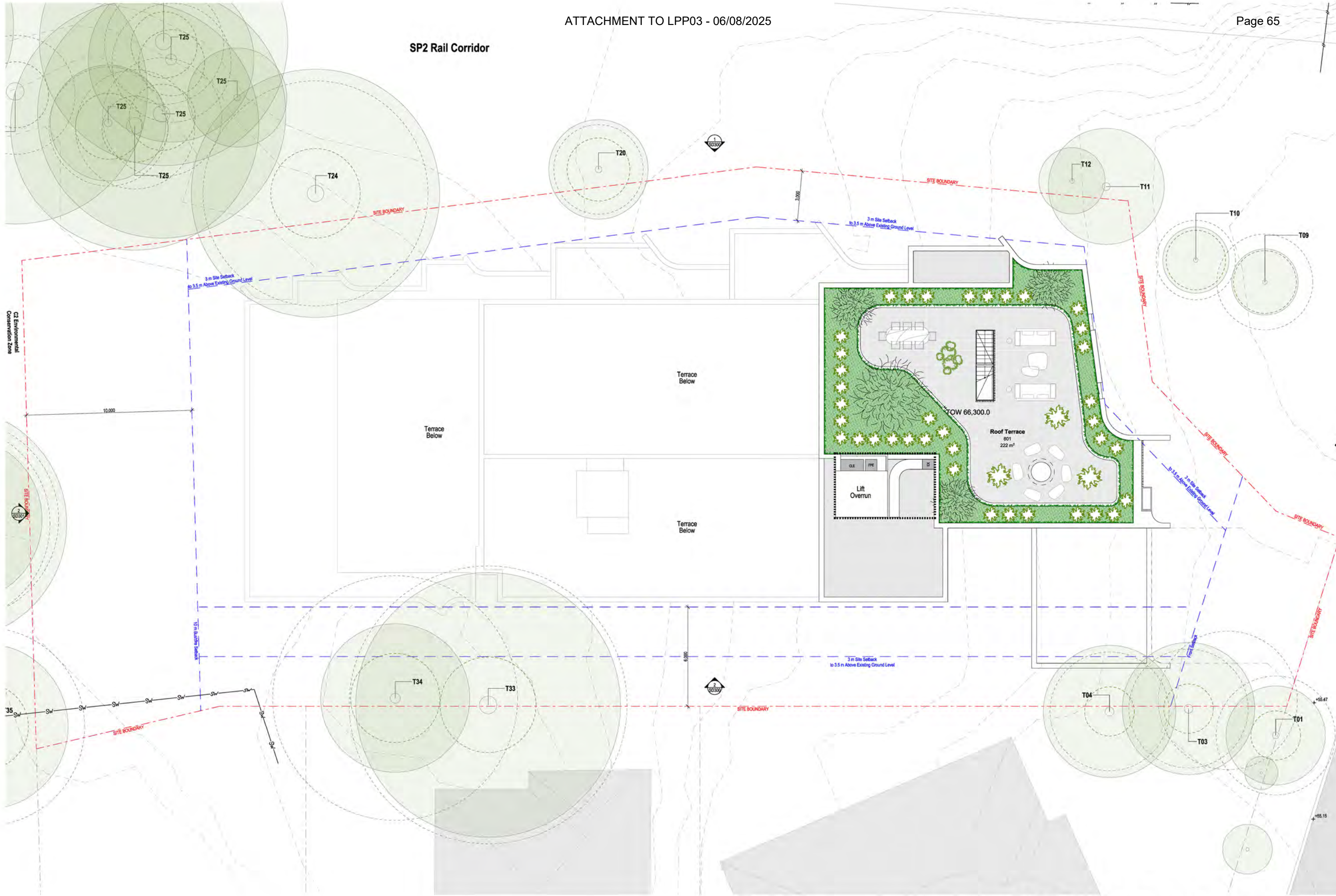
- Site Context:** The building is located adjacent to the "SP2 Rail Corridor" to the north. The site is bounded by a red dashed line labeled "SITE BOUNDARY".
- Landscaping:** The plan features extensive landscaping with numerous trees (labeled T01 through T25) and green spaces. A large green area on the left is labeled "TOW 59,100.0". Another green area on the right is labeled "TOW 59,100.0". A central green area is labeled "TOW 58,400.0".
- Building Layout:** The building is a long, rectangular structure with a central core. It includes a "Roof" section at the top. The plan shows multiple units, each with a "Living" area, "Dining", "Kitchen", "Bath", and "Bed" (Bed 1, Bed 2, Bed 3). Other rooms include "Ensuite", "WIR" (Walk-in Robe), "PDR" (Pantry/Dining Room), "Storage", "Lobby", and "Terrace".
- Room Details:** Specific room areas are labeled, such as "501 16 m²", "502 16 m²", "503 13 m²", "504 11 m²", "505 11 m²", "506 11 m²", "507 11 m²", "508 11 m²", "509 11 m²", "510 11 m²", "511 11 m²", "512 11 m²", "513 11 m²", "514 11 m²", "515 11 m²", "516 11 m²", "517 11 m²", "518 11 m²", "519 11 m²", "520 11 m²", "521 11 m²", "522 11 m²", "523 11 m²", "524 11 m²", "525 11 m²".
- Site Features:** The plan includes a "3 m Site Setback to 3.5 m Above Existing Ground Level" and a "3 m Site Setback to 3.5 m Above Existing Ground Level". A "3 m Site Setback to 3.5 m Above Existing Ground Level" is also indicated. A "3 m Site Setback to 3.5 m Above Existing Ground Level" is also indicated.
- Orientation:** The plan includes a north arrow pointing towards the top right.
- Adjacent Structures:** To the south of the main building, there is a "No. 15A Multi-story Brick Unit Building" and a "No. 15B Multi-story Brick Unit Building".

Project Name	17 Bridge End	Project Number	13305
Project Address	17 Bridge End, Woolstonecraft, NSW 2065	Drawing Name	Level 1 Plan
		Scale	1:100@A1
		Date	7/04/2025
Client	LFD Developments	Drawing Number	<b>DA205</b>
		Revision	<b>R</b>













- EF1**  
Tinted Precast Concrete Panels  
Colour, White
- EF2**  
Tinted Precast Concrete Panels  
Vertical Fluted Pattern  
Colour, White
- EF3**  
Hebel Panels  
Colour, Green
- EF4**  
Aluminum Palisade/ Louvres  
Colour, Green
- EF5**  
Aluminum Window Frames/ Hoods  
Colour, Green
- EF6**  
FC Cladding  
Colour, Green
- EF7**  
Glass, Clear



Rev	Date	By	Chk	Description
A	18/07/2024	JH	XD	Issue For DA

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Kees de Krijger 5797  
David Randsen 8642



Project Name	17 Bridge End	Project Number	13398
Project Address	17 Bridge End, Wollstonecraft, NSW 2065	Drawing Name	North Elevation
Client	LFD Developments	Scale	1:100 @ A1
		Date	2/08/2024
		Drawing Number	DA300
		Revision	A





**EF1**  
Tinted Precast Concrete Panels  
Colour, White

**EF2**  
Tinted Precast Concrete Panels  
Vertical Fluted Pattern  
Colour, White

**EF3**  
Hebel Panels  
Colour, Green

**EF4**  
Aluminum Palisade/ Louvres  
Colour, Green

**EF5**  
Aluminum Window Frames/ Hoods  
Colour, Green

**EF6**  
FC Cladding  
Colour, Green

**EF7**  
Glass, Clear

KEY PLAN



Rev	Date	By	Chk	Description
A	18/07/2024	JH	XD	Issue For DA

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Koon de Keijzer 5707  
David Randerson 8642



Project Name:  
Project Address:

17 Bridge End  
17 Bridge End,  
Wollatoncraft, NSW  
2065

Project Number:  
Drawing Name:  
Scale:  
Date:

13305  
South Elevation  
1:1000 @ A1  
2/08/2024

Client:

LFD Developments

Drawing Number  
Revision

DA301  
A





**EF1**  
Tinted Precast Concrete Panels  
Colour, White

**EF2**  
Tinted Precast Concrete Panels  
Vertical Fluted Pattern  
Colour, White

**EF3**  
Hebel Panels  
Colour, Green

**EF4**  
Aluminum Palisade/ Louvres  
Colour, Green

**EF5**  
Aluminum Window Frames/ Hoods  
Colour, Green

**EF6**  
FC Cladding  
Colour, Green

**EF7**  
Glass, Clear

KEY PLAN



Rev	Date	By	Chk	Description
A	18/07/2024	JH	XD	Issue For DA

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Koon de Keijzer 5797  
David Rauderson 8642

**DKO**

Project Name:  
Project Address:

17 Bridge End  
17 Bridge End,  
Wollatoncraft, NSW  
2065

Project Number  
Drawing Name  
Scale  
Date

13345  
East Elevation  
C:1000/A1  
2/08/2024

Client:

LFD Developments

Drawing Number  
Revision  
**DA302**  
**A**





- EF1  
Tinted Precast Concrete Panels  
Colour, White
- EF2  
Tinted Precast Concrete Panels  
Vertical Fluted Pattern  
Colour, White
- EF3  
Hebel Panels  
Colour, Green
- EF4  
Aluminum Palisade/ Louvres  
Colour, Green
- EF5  
Aluminum Window Frames/ Hoods  
Colour, Green
- EF6  
FC Cladding  
Colour, Green
- EF7  
Glass, Clear



Rev	Date	By	Chk	Description
A	18/07/2024	JH	XD	Issue For DA

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Kees de Krijger 5797  
David Rauderson 8642



Project Name:  
Project Address:

17 Bridge End  
17 Bridge End,  
Wollatoncraft, NSW  
2065

Project Number  
Drawing Name  
Scale  
Date

13305  
West Elevation  
1:1000 @ A1  
2/08/2024

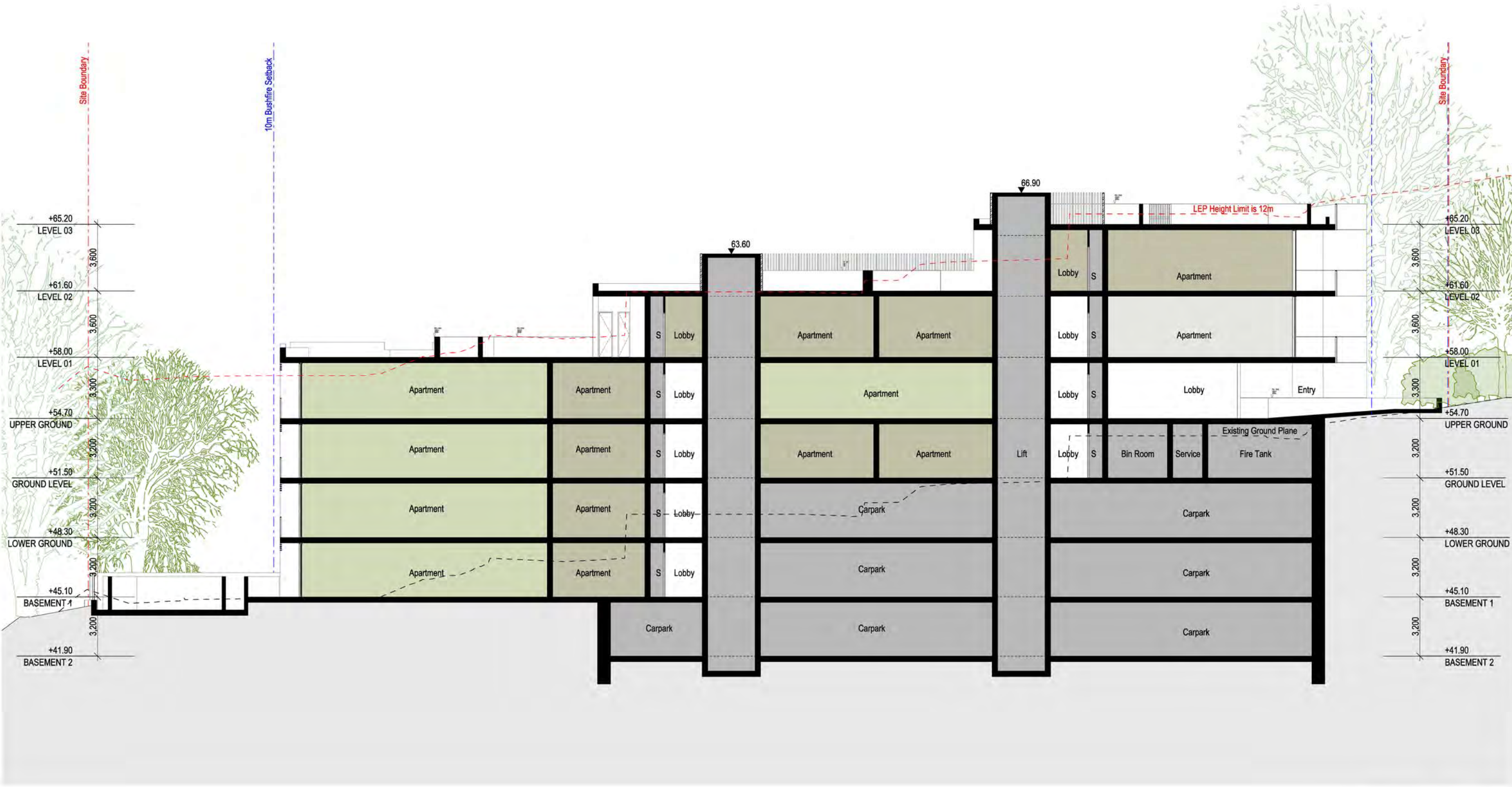
Client:

LFD Developments

Drawing Number  
Revision

DA303  
A





Rev	Date	By	Chk	Description
A	18/07/2024	JH	XD	Issue For DA

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ABN: 8406706690  
NSW: Nominated Architects  
Kase de Keijzer 5707  
David Randerson 8642

**DKO**

Project Name  
Project Address

17 Bridge End  
17 Bridge End,  
Wollatoncraft, NSW  
2065

Project Number  
Drawing Name  
Scale  
Date

13305  
Section A  
1:100 @ A1  
2/08/2024

Client: LFD Developments

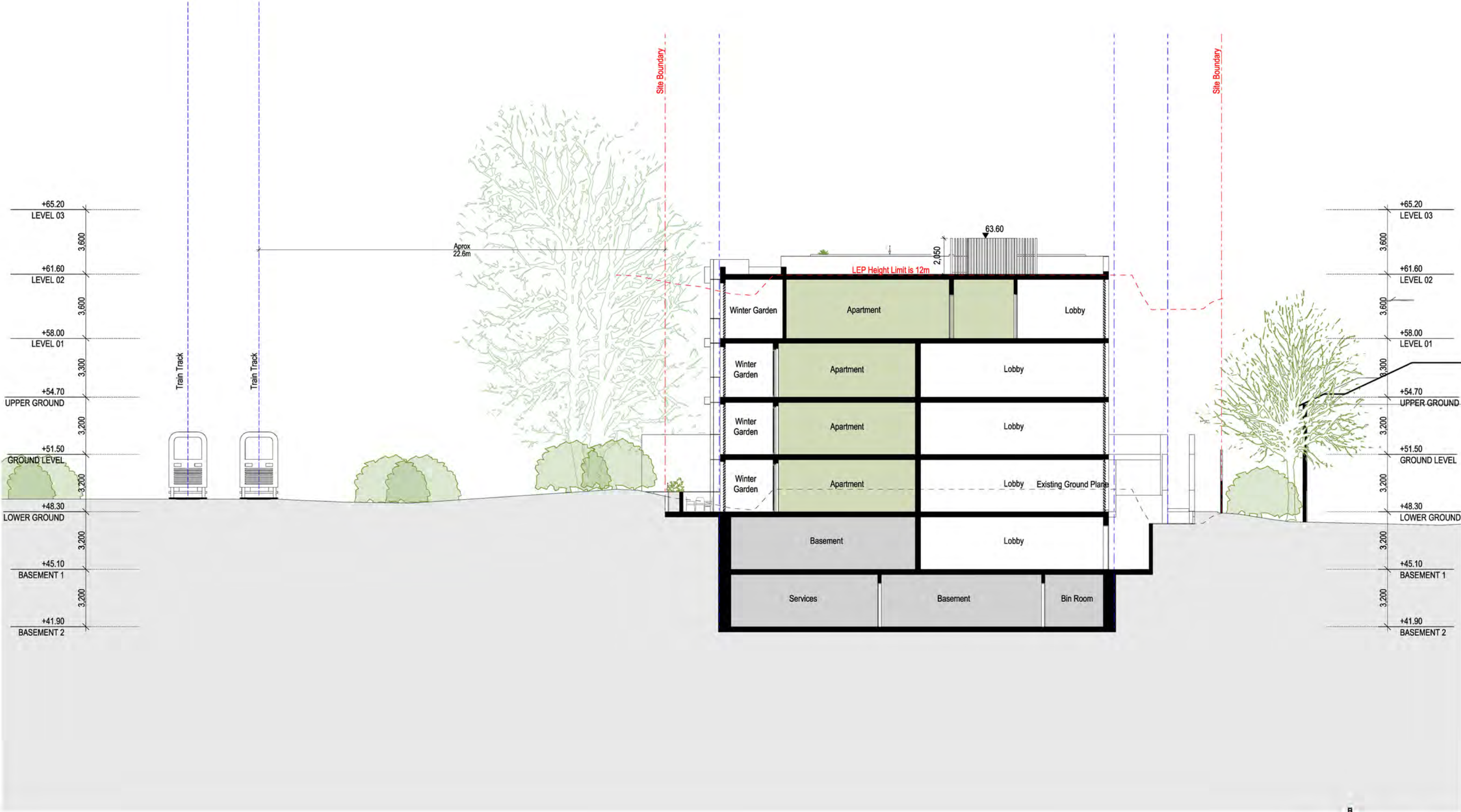
Drawing Number  
Revision

DA304  
A

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Document Set ID: 10177570  
Version: 1, Version Date: 04/10/2024





Rev	Date	By	Chk	Description
A	18/07/2024	JH	XD	Issue For DA
B	7/04/2025	DF	DR	Council RFI Response

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Kees de Krijger 5797  
David Randerson 8642

**DKO**

Project Name  
Project Address

17 Bridge End  
17 Bridge End,  
Wollatoncraft, NSW  
2065

Project Number  
Drawing Name  
Scale  
Date

13305  
Section B  
1:1000 A1  
7/04/2025

Client: LFD Developments

Drawing Number  
Revision

DA305  
B





**EF1**  
Tinted Precast Concrete Panels  
Colour, White



**EF2**  
Tinted Precast Concrete Panels  
Vertical Fluted Pattern  
Colour, White



**EF3**  
Hebel Panels  
Colour, Green



**EF4**  
Aluminum Palisade/ Louvres  
Colour, Green



**EF5**  
Aluminum Window Frames/ Hoods  
Colour, Green



**EF6**  
FC Cladding  
Colour, Green



**EF7**  
Glass, Clear





Perspective View From Bridge End

Rev	Date	By	Chk	Description
A	19/07/2024	JH	XD	Issue For DA



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David Randerson 8642



Project Name  
Project Address

17 Bridge End  
17 Bridge End,  
Wollstonecraft, NSW  
2065

Project Number  
Drawing Name  
Scale  
Date

13305  
Perspective 1  
@A1  
2/08/2024

Client

LFD Developments

Drawing Number  
Revision

DA307  
A





Perspective Elevation

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Version: 1, Version Date: 04/10/2024

Rev	Date	By	Chk	Description
A	19/07/2024	JH	XD	Issue For DA

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David Randerson 8642



Project Name  
Project Address

17 Bridge End  
17 Bridge End,  
Wollstonecraft, NSW  
2065

Project Number  
Drawing Name  
Scale  
Date

13305  
Perspective 2  
@A1  
2/08/2024

Client

LFD Developments

Drawing Number  
Revision

DA308  
A





9am 21<sup>st</sup> March



12pm 21<sup>st</sup> March



3pm 21<sup>st</sup> March

Existing shadow Proposed shadow

Rev	Date	By	Chk	Description
A	18/07/2024	JH	XD	Issue For DA

Building Janus by Parc Architectes  
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Kees de Keijzer 5797  
David Rauderson 8642

DKO

Project Name  
Project Address

17 Bridge End  
17 Bridge End  
Wollatoncraft, NSW  
2065

Project Number  
Drawing Name  
Scale  
Date

13308  
Shadow Impact - March 21  
1/A1  
2/08/2024

Client:

LFD Developments

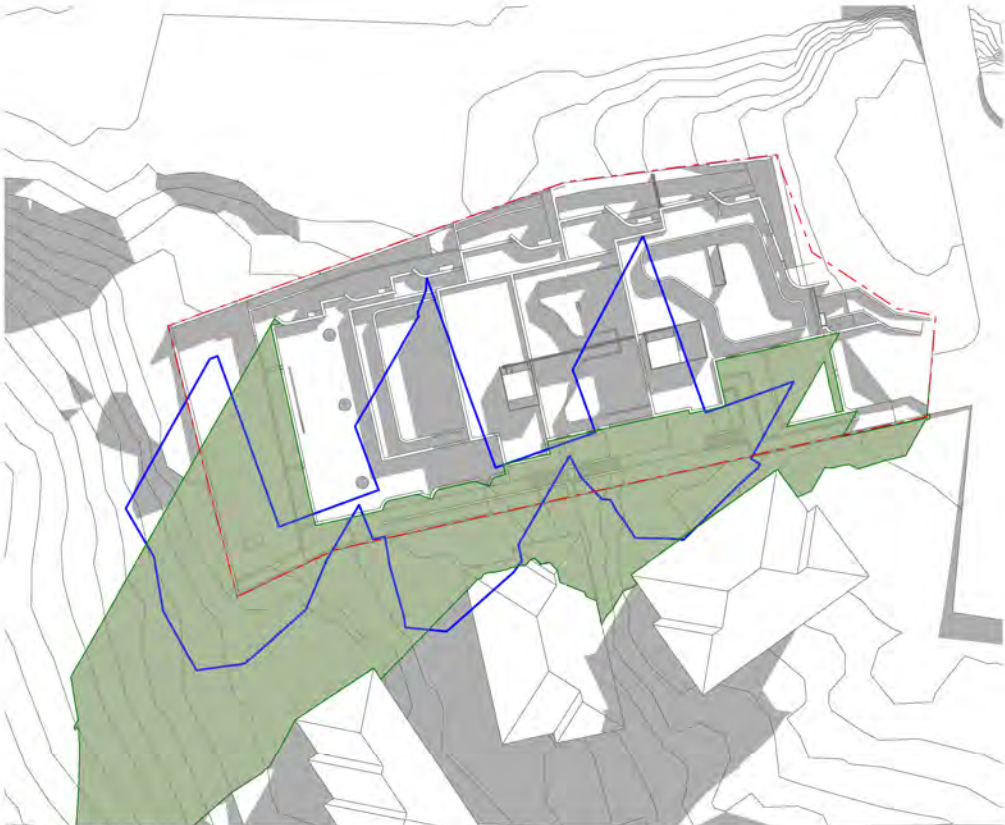
Drawing Number  
Revision

DA400  
A





9am 21<sup>st</sup> June



10am 21<sup>st</sup> June



11am 21<sup>st</sup> June



12pm 21<sup>st</sup> June



1pm 21<sup>st</sup> June



2pm 21<sup>st</sup> June

--- Existing shadow    Proposed shadow

Rev	Date	By	Chk	Description
A	18/07/2024	JH	XD	Issue For DA

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Koor de Keijzer 5767  
David Randerson 8642

**DKO**

Project Name	17 Bridge End	Project Number	13305
Project Address	17 Bridge End, Wollstonecraft, NSW 2065	Drawing Name	Shadow Impact - June 21
Client	LFD Developments	Scale	@A1
		Date	2/08/2024
		Drawing Number	DA401
		Revision	A





Existing shadow Proposed shadow

Rev	Date	By	Chk	Description
A	18/07/2024	JH	XD	Issue For DA

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Kees de Keijzer 5797  
David Randerson 8642

DKO

Project Name  
Project Address

17 Bridge End  
17 Bridge End  
Wollstonecraft, NSW  
2065

Project Number  
Drawing Name  
Scale  
Date

13308  
Shadow Impact - June 21  
1/A1  
21/08/2024

Client:

LFD Developments

Drawing Number  
Revision

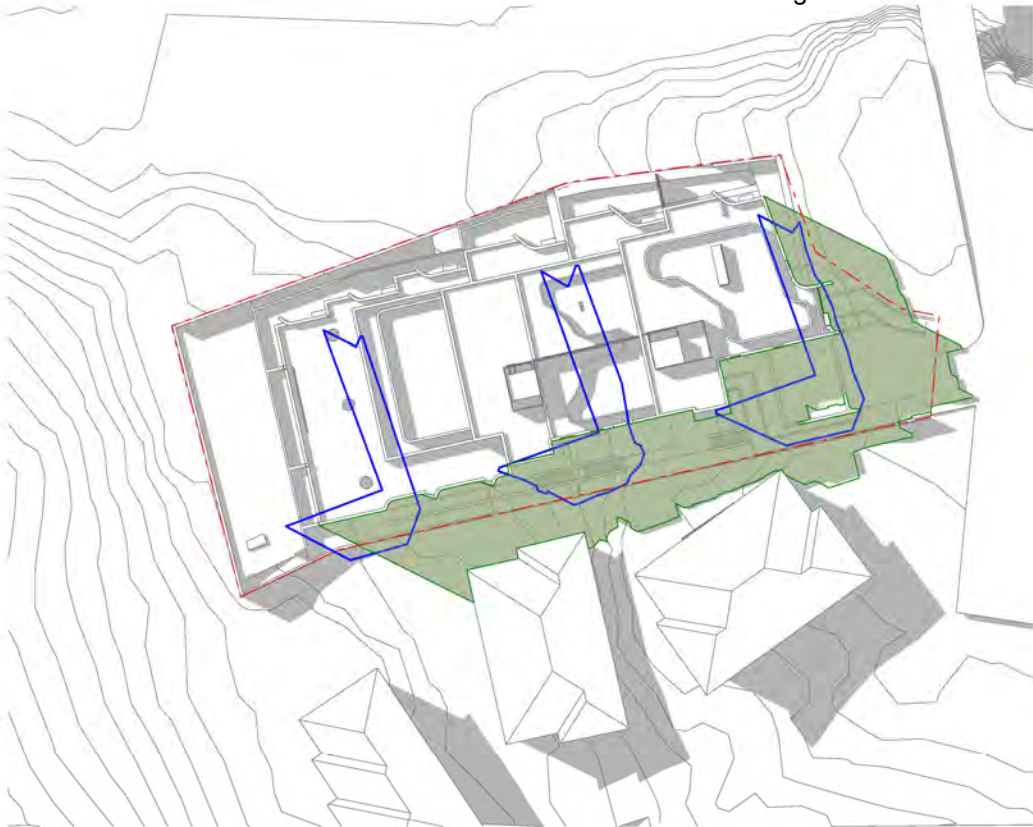
DA402  
A



9am 21<sup>st</sup> September



12pm 21<sup>st</sup> September



3pm 21<sup>st</sup> September

Existing shadow Proposed shadow

Rev	Date	By	Chk	Description
A	18/07/2024	JH	XD	Issue For DA

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David Rauderson 8642

DKO

Project Name	17 Bridge End	Project Number	13308
Project Address	17 Bridge End, Wollatoncraft, NSW 2065	Drawing Name	Shadow Impact - September
Client	LFD Developments	Scale	1/1
		Date	2/08/2024
		Drawing Number	DA403
		Revision	A

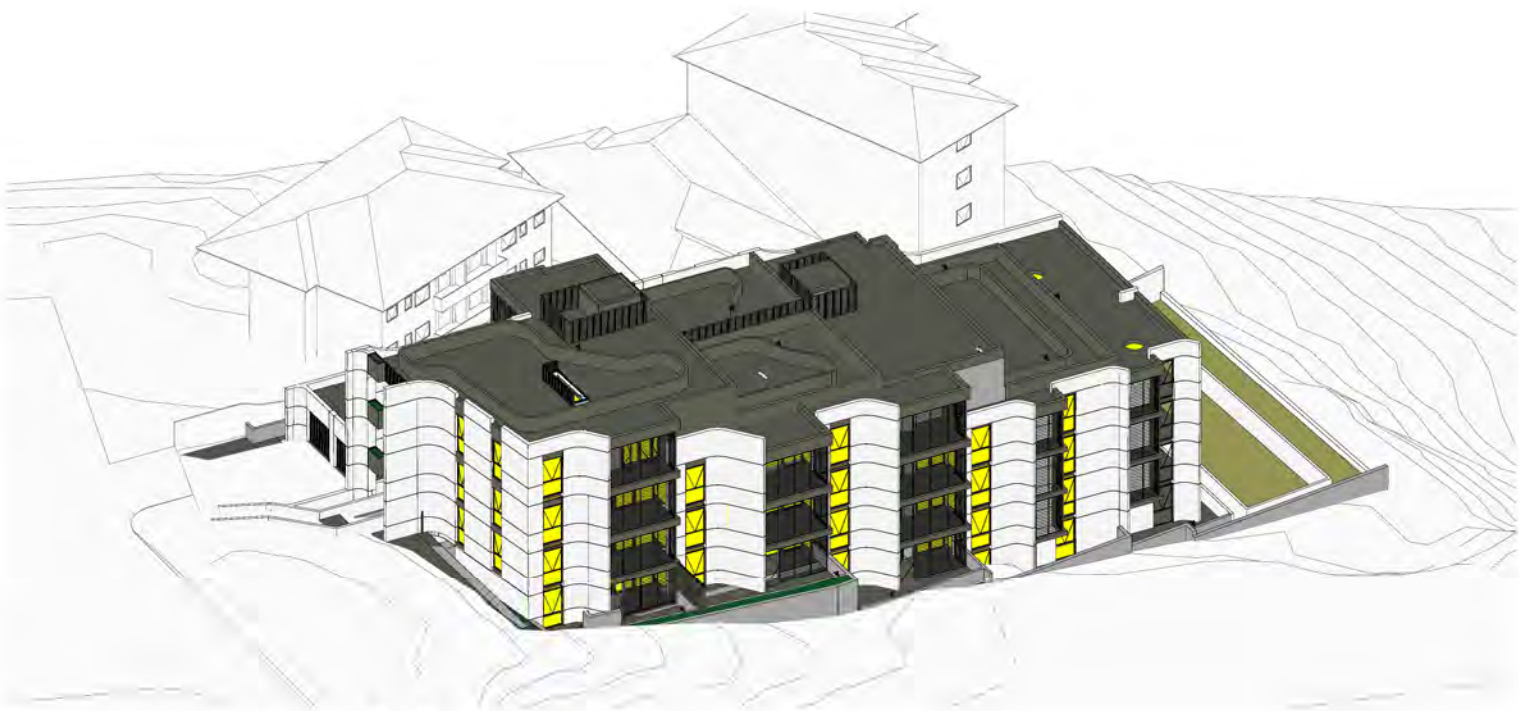




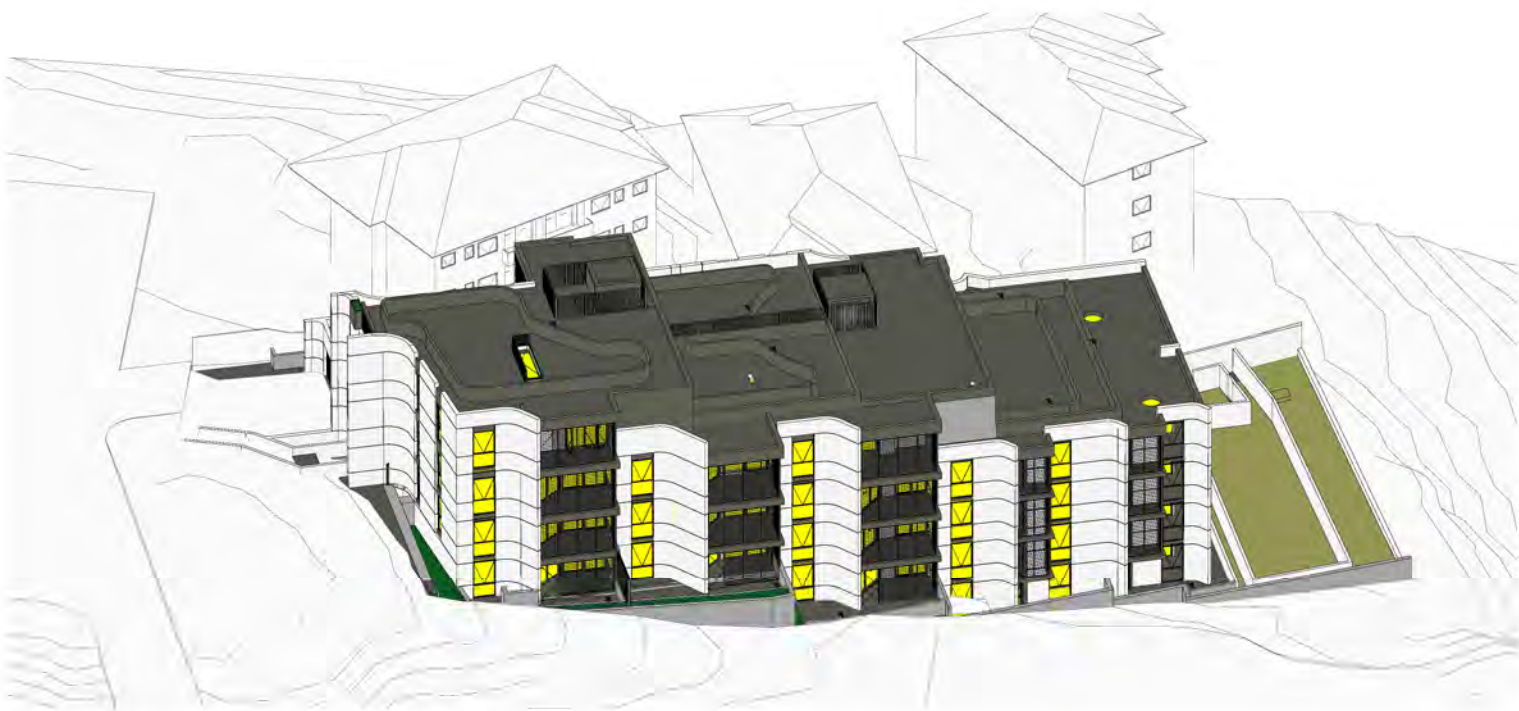
9:00 am  
1:250



10:00 am  
1:250



11:00 am  
1:250



12:00 pm  
1:250

Rev	Date	By	Chk	Description
A	18/07/2024	JH	XD	Issue For DA
B	7/04/2025	DF	DR	Council RFI Response

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NSW: Nominated Architects  
Koor de Keijzer 5767  
David Randerson 8642

**DKO**

Project Name  
Project Address  
17 Bridge End  
Wollstonecraft, NSW  
2065

Client  
LFD Developments

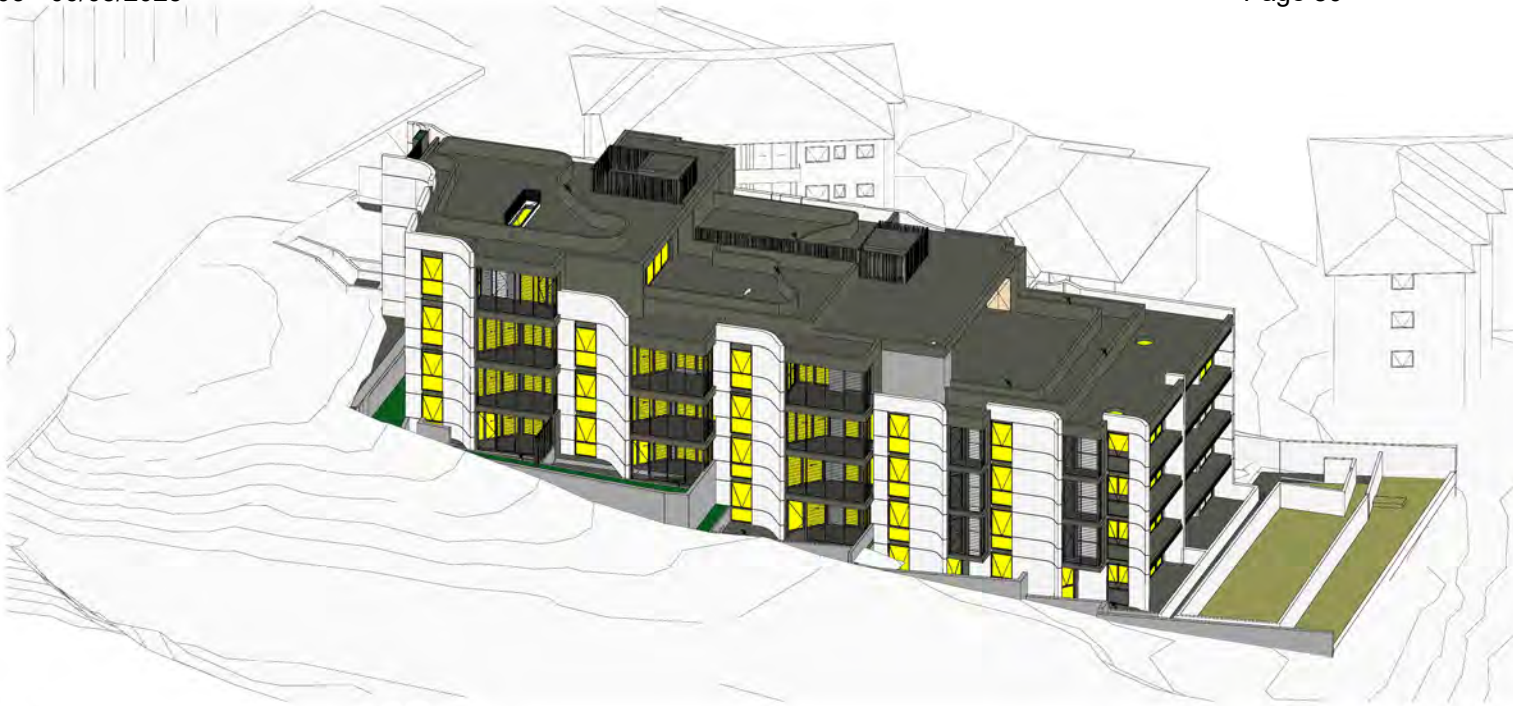
Project Number  
Drawing Name  
Scale  
Date  
13305  
EOTS  
@A1  
7/04/2025

Drawing Number  
Revision  
**DA404**  
**B**





1:00pm  
1/250



2:00pm  
1/250



3:00pm  
1/250

Rev	Date	By	Chk	Description
A	18/07/2024	JH	XD	Issue For DA
B	7/04/2025	DF	DR	Council RFI Response

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NSW: Nominated Architects  
Koor de Keijzer 5797  
David Randerson 8642

**DKO**

Project Name  
Project Address  
17 Bridge End  
Wollatoncraft, NSW  
2065

Client  
LFD Developments

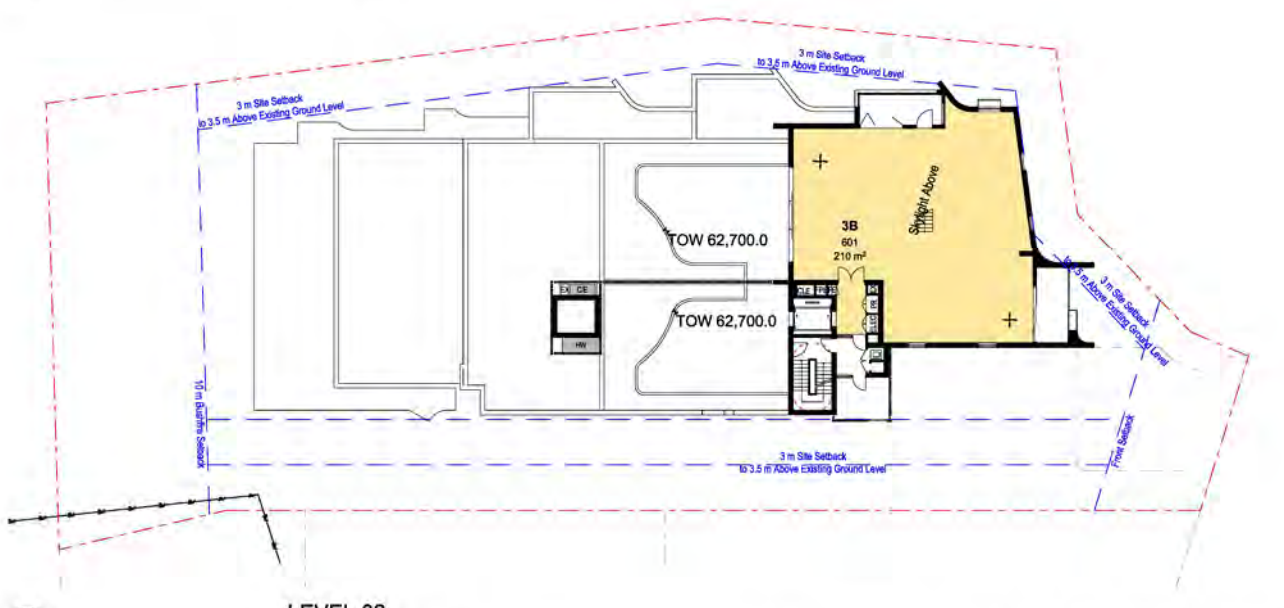
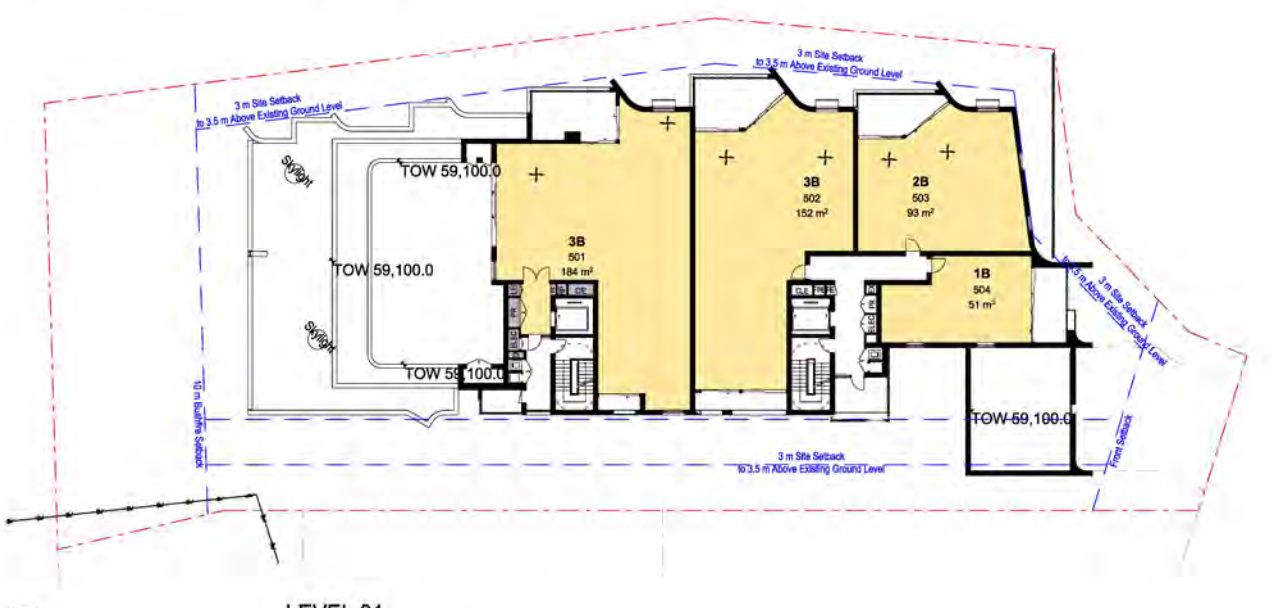
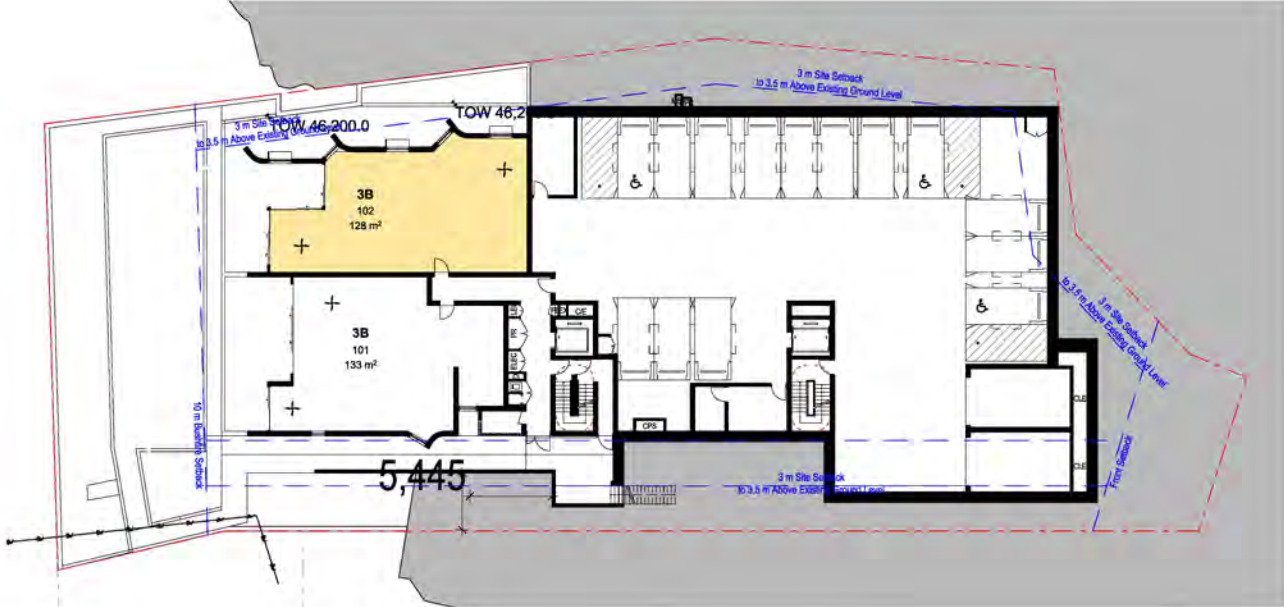
Project Number  
Drawing Name  
Scale  
Date

Drawing Number  
Revision

13305  
EOTS  
@A1  
7/04/2025

**DA405**  
**B**





**Solar Access  
>2 hours**

BASEMENT 1	1
LOWER GROUND	2
GROUND LEVEL	4
UPPER GROUND	5
LEVEL 01	4
LEVEL 02	1

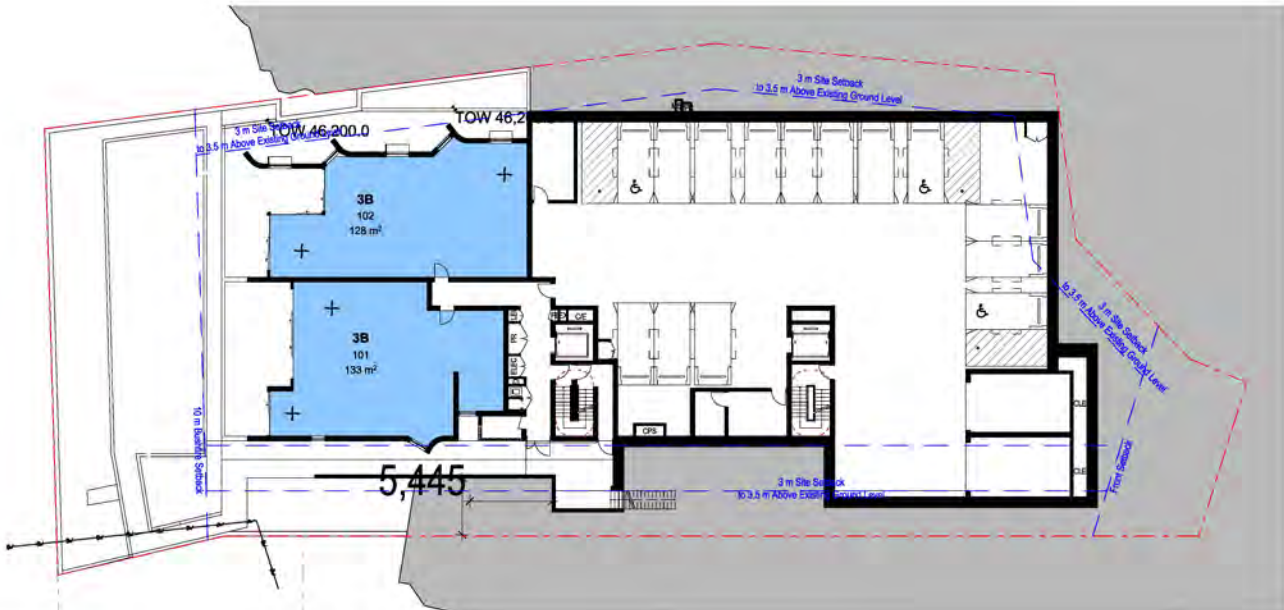
**77% 17**

**Solar Access  
No solar**

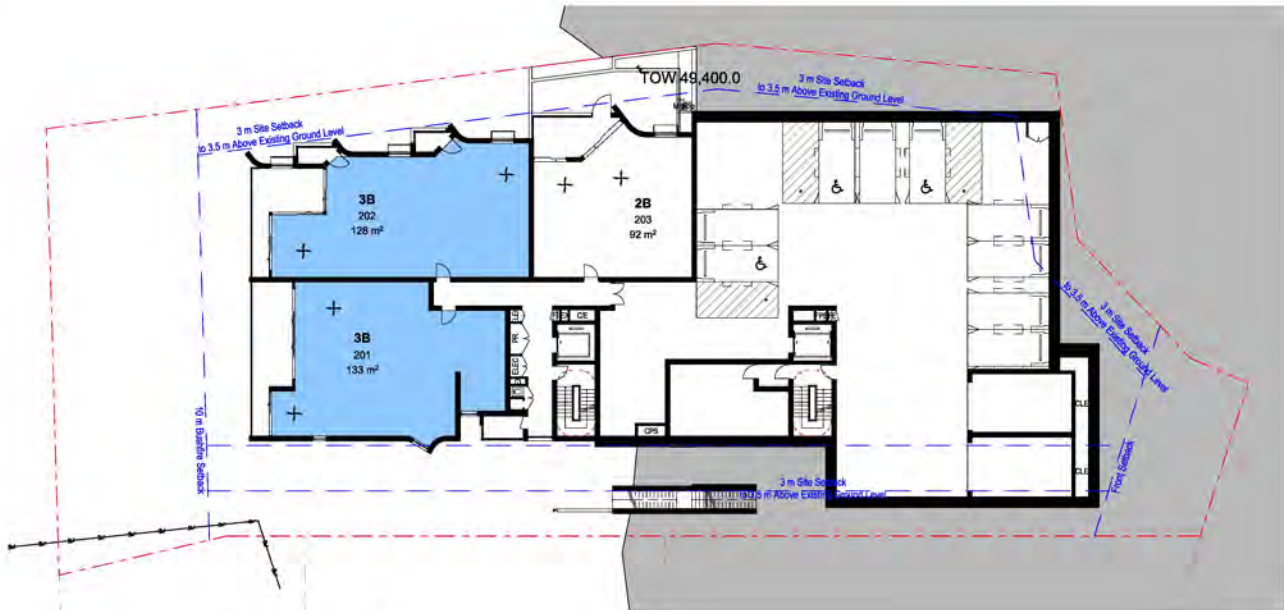
GROUND LEVEL	1
UPPER GROUND	1

**9% 2**





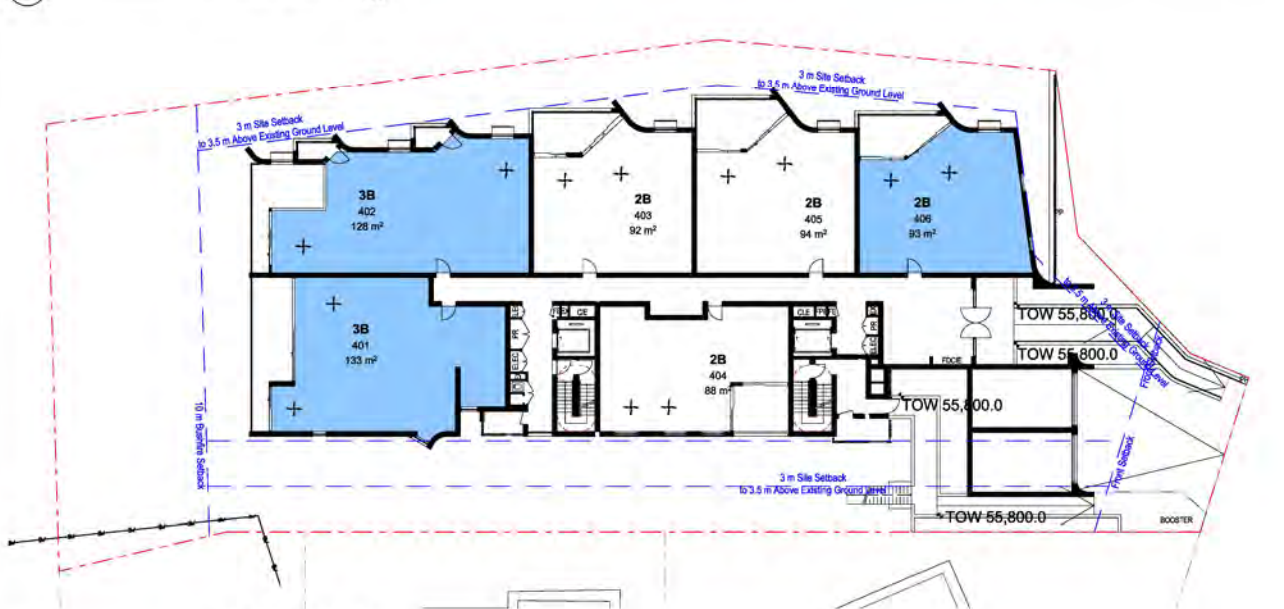
01 BASEMENT 1  
1:250



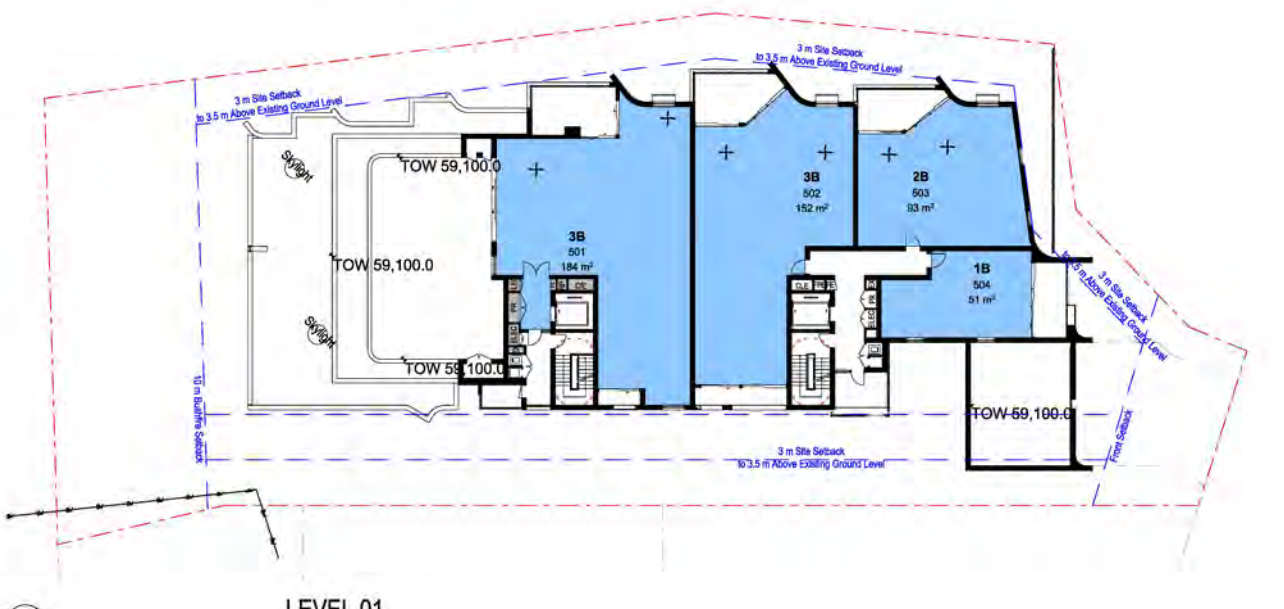
02 LOWER GROUND  
1:250



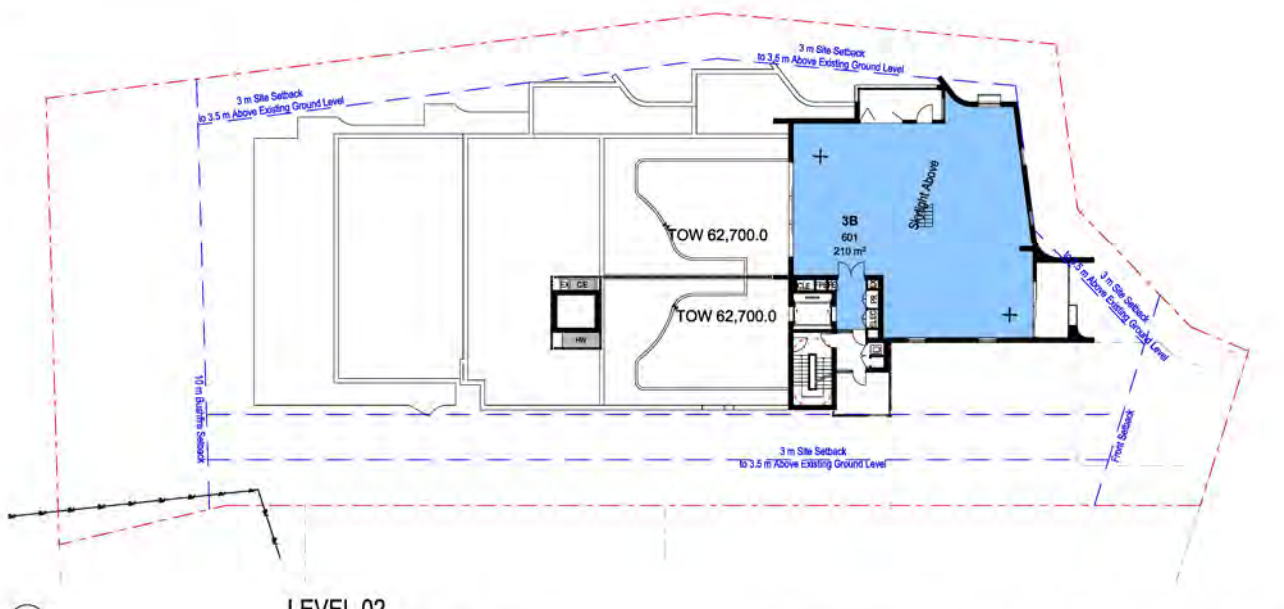
03 GROUND LEVEL  
1:250



04 UPPER GROUND  
1:250



05 LEVEL 01  
1:250



06 LEVEL 02  
1:250

Cross Vent

BASEMENT 1	2
LOWER GROUND	2
GROUND LEVEL	3
UPPER GROUND	3
LEVEL 01	4
LEVEL 02	1

68% 15

Rev	Date	By	Chk	Description
A	18/07/2024	JH	XD	Issue For DA
B	7/04/2025	DF	DR	Council RFI Response

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Kees de Keijzer 5767  
David Randerson 6442

**DKO**

Project Name  
Project Address

17 Bridge End  
Wollstonecraft, NSW  
2065

Project Number  
Drawing Name  
Scale  
Date

13305  
Cross Ventilation  
1:250, 1:11@A1  
7/04/2025

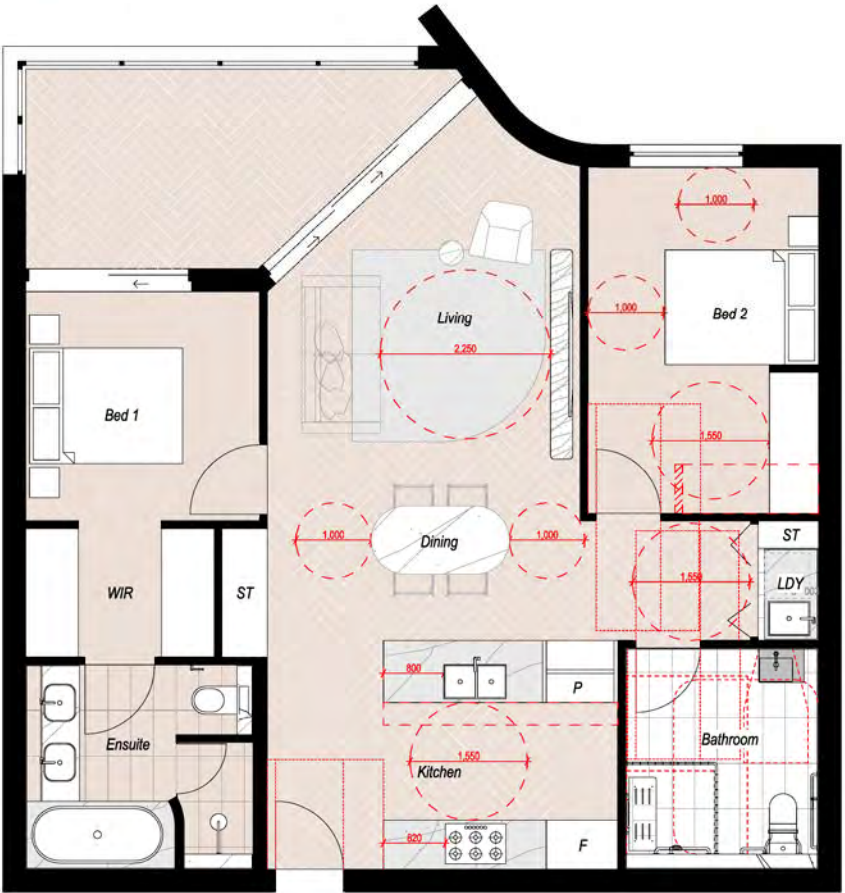
Client

LFD Developments

Drawing Number  
Revision

DA407  
B





Rev	Date	By	Chk	Description
A	18/07/2024	JH	XD	Issue For DA



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ABN: 81936704590  
NSW: Nominated Architects  
Kees de Keijzer 5767  
David Randerson 8642



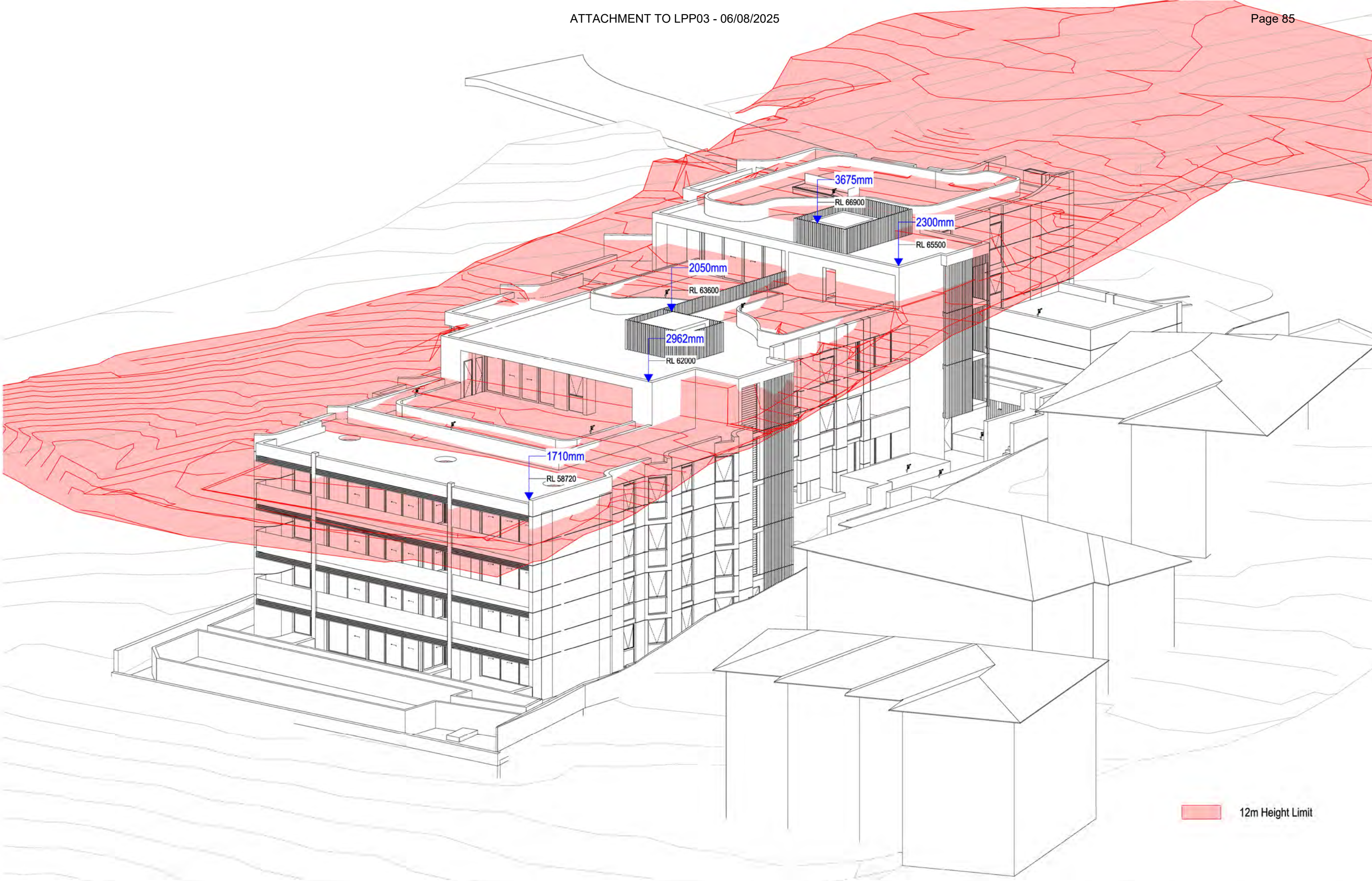
Project Name  
Project Address  
17 Bridge End  
Wollstonecraft, NSW  
2065

Project Number  
Drawing Name  
Scale  
Date  
13305  
Pre and Post Adaptable Unit  
@A1  
2/08/2024

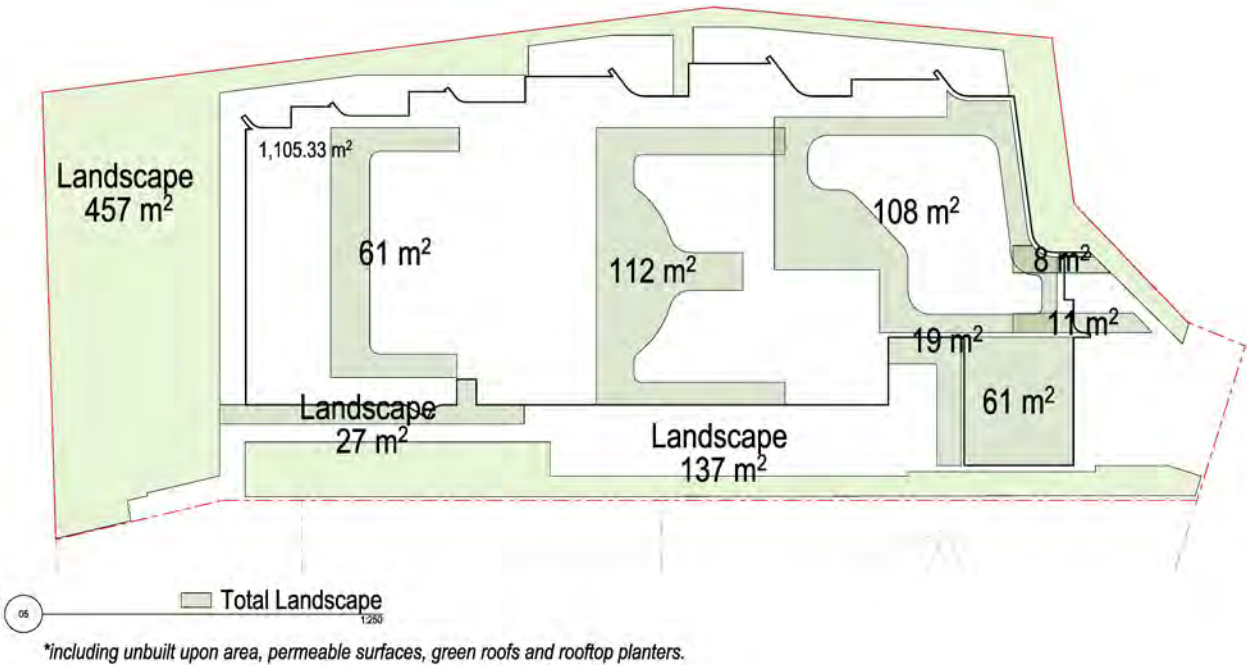
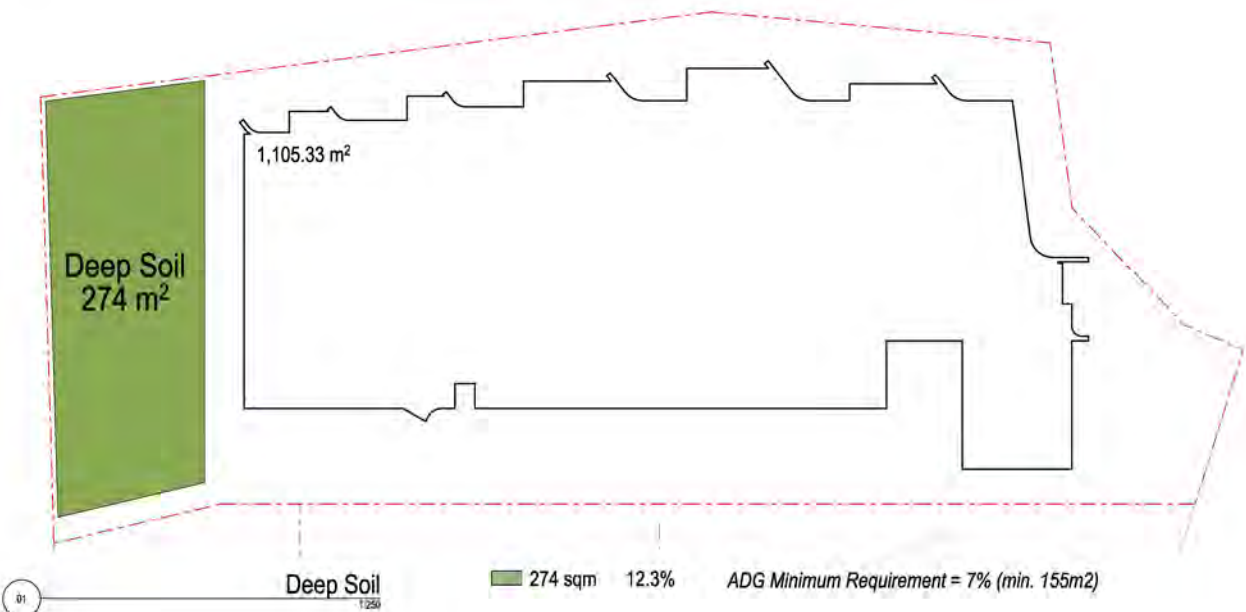
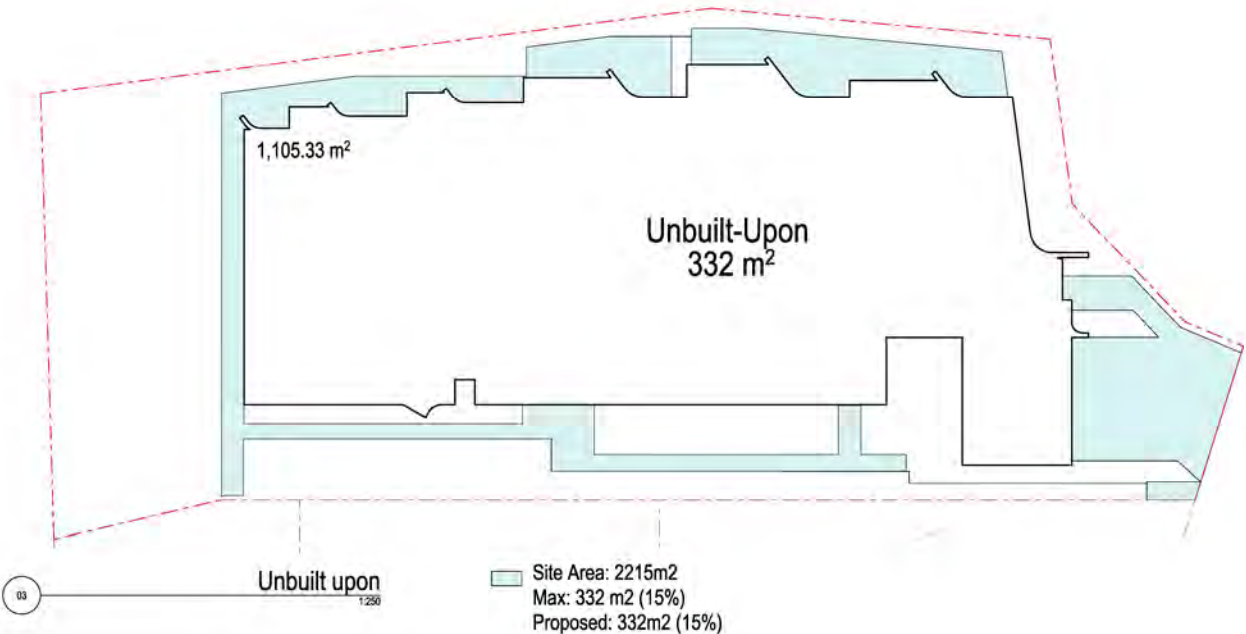
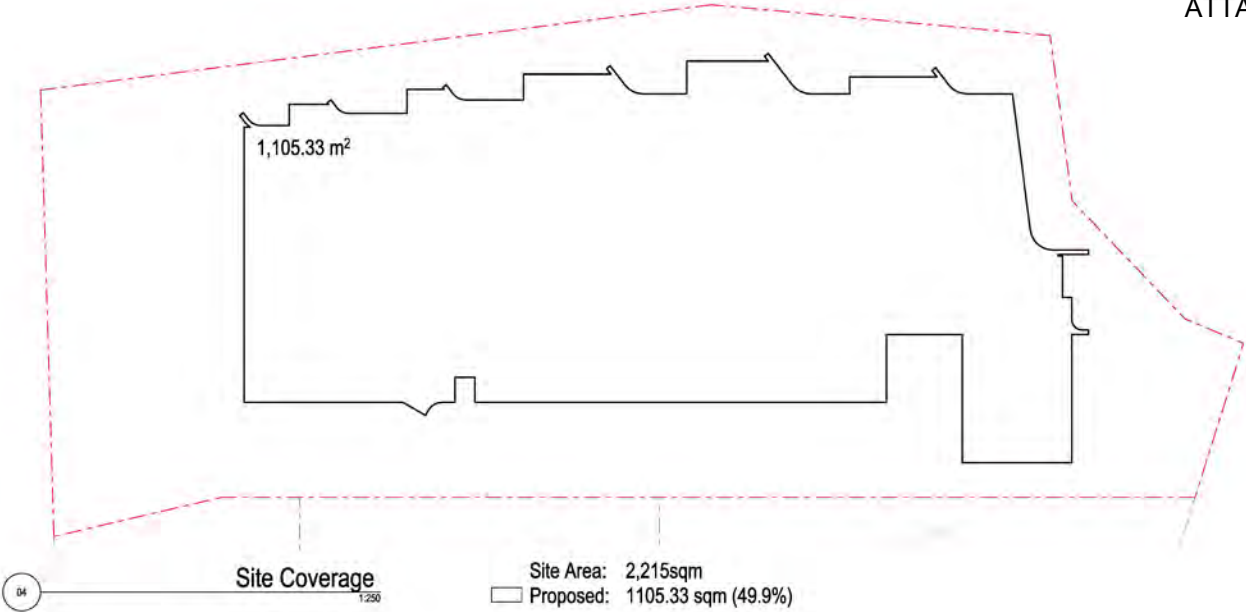
Client  
LFD Developments  
Drawing Number  
Revision  
DA409  
A











\*including unbuilt upon area, permeable surfaces, green roofs and rooftop planters.

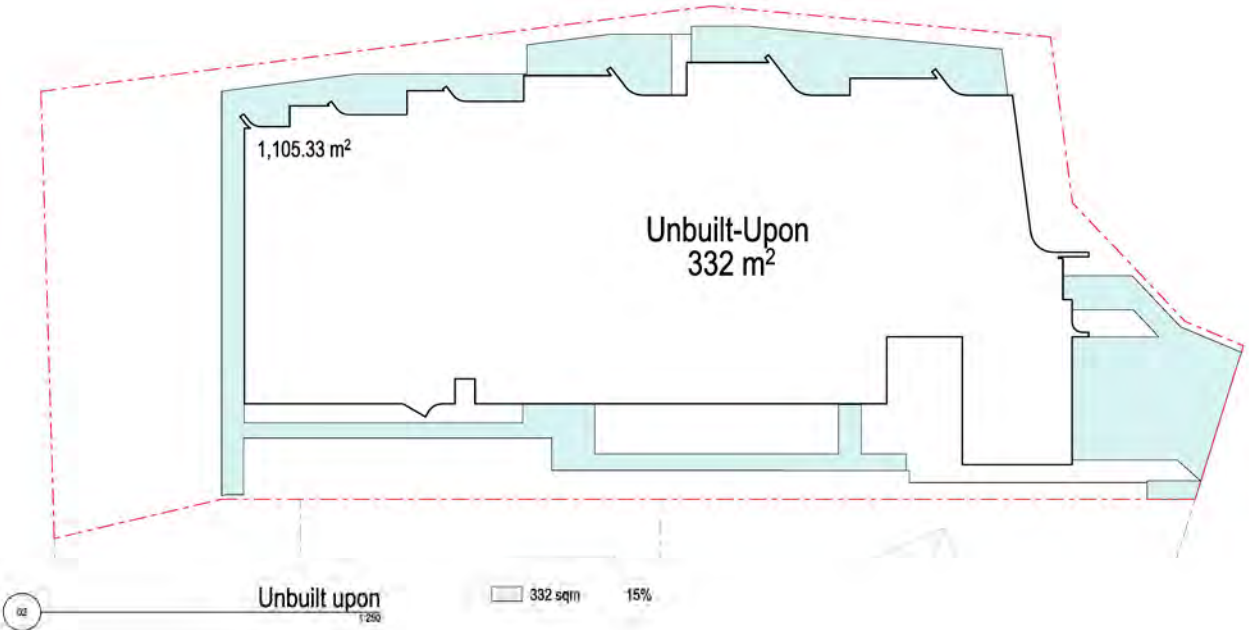
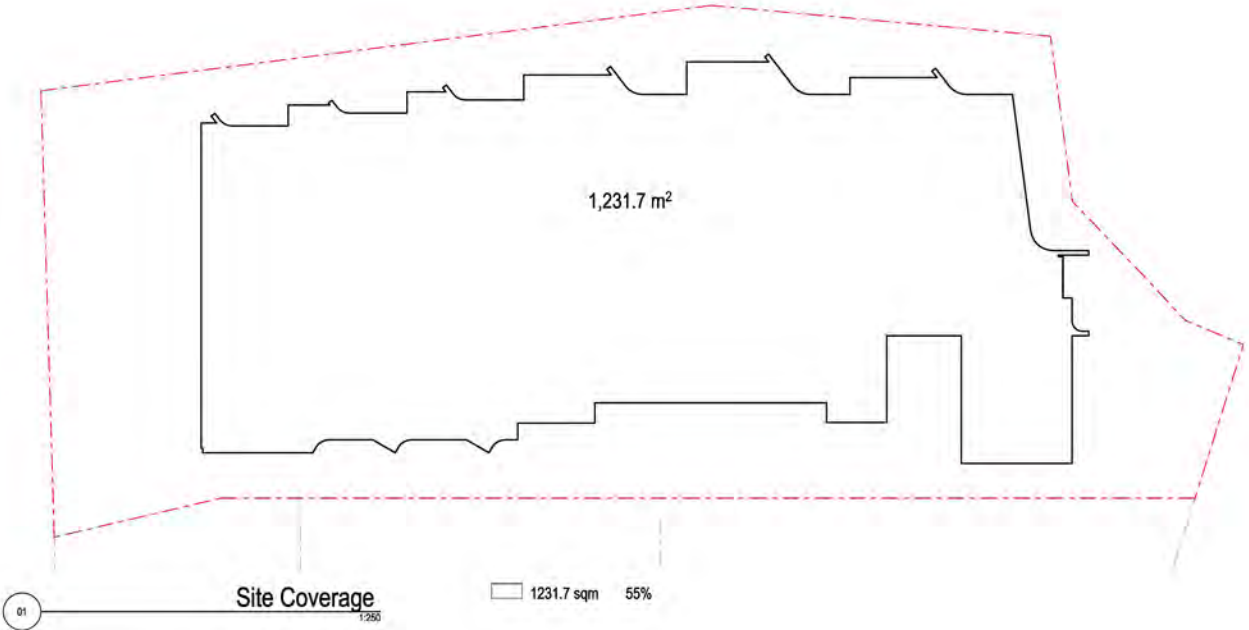
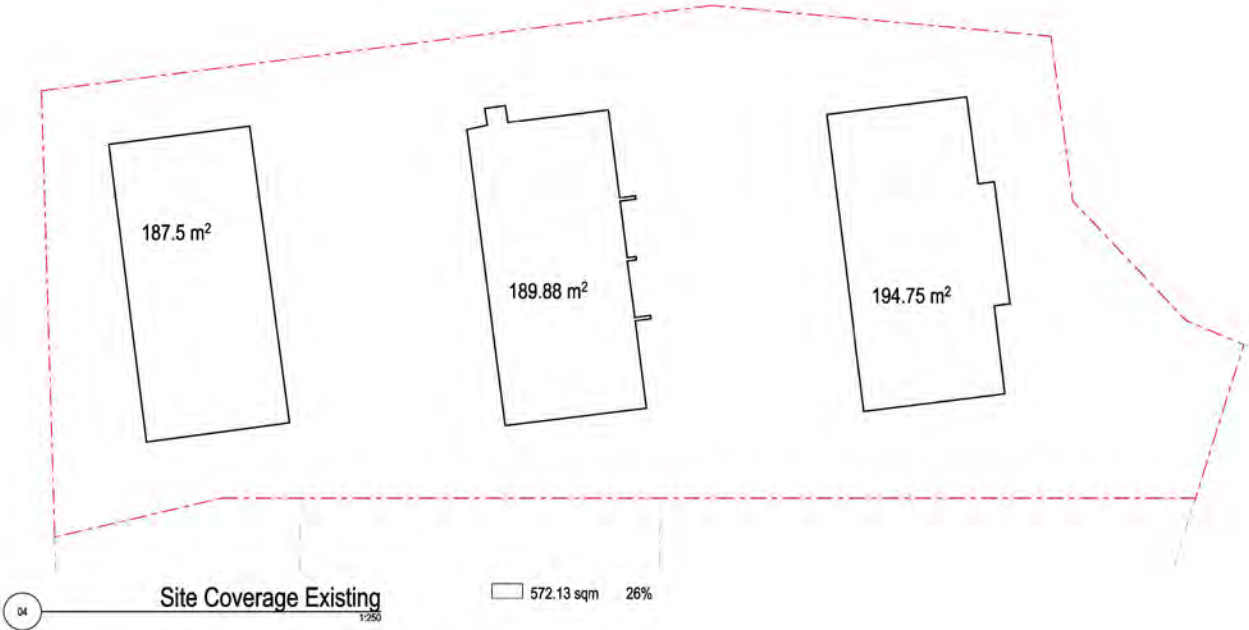
Rev	Date	By	Chk	Description
A	18/07/2024	JH	XD	Issue For DA
B	7/04/2025	DF	DR	Council RFI Response

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Kees de Keijzer 5797  
David Randerson 8642

DKO

Project Name  
Project Address  
Client  
17 Bridge End  
17 Bridge End  
Wollstonecraft, NSW  
2065  
LFD Developments

Project Number  
Drawing Name  
Scale  
Date  
Revision  
13305  
DCP Compliance  
1:250@A1  
7/04/2025  
DA413  
B



Site Area: 2215m<sup>2</sup>

Rev	Date	By	Chk	Description
A	18/07/2025	JH	XD	Issue For DA
B	7/04/2025	DF	DR	Control RFI Response

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**DKO**

Project Name:  
Project Address:

17 Bridge End  
17 Bridge End  
Wollatoncraft, NSW  
2065

Project Number  
Drawing Name  
Scale  
Date

3315  
Comparisons to Existing  
1:250@A3  
7/04/2025

Client: LFD Developments

Drawing Number  
Revision

**DA414**  
**B**





# Clause 4.6 Variation

BUILDING HEIGHT

17 BRIDGE END  
WOLLSTONECRAFT

9 AUGUST 2024

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## CLAUSE 4.6 VARIATION REQUEST

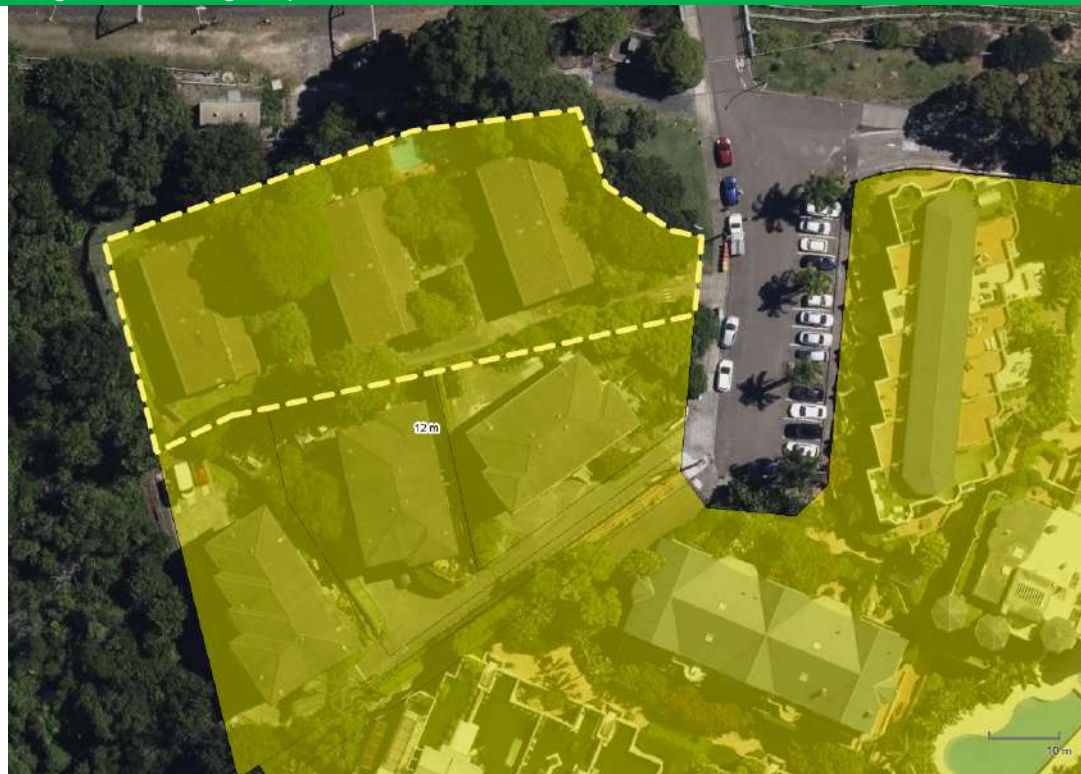
This Cl.4.6 supports a **Development Application** proposing a residential flat building at 17 Bridge End, Wollstonecraft. The proposal seeks approval for the demolition of all structures on site and the replacement of three residential apartment buildings containing a total of 12 dwellings, with a single apartment building containing 25 apartments.

### BUILDING HEIGHT & THE DEPARTURE

The Clause 4.6 Variation Request relates to the height of buildings principal development standard prescribed under Clause 4.3(2) of *North Sydney Local Environmental Plan 2013* (North Sydney LEP 2013).

That Clause stipulates a maximum building height of 12m prescribed for the portion of the site on which the development is proposed as illustrated on the map extract below.

Height of Building Map Extract



The architectural plans that accompany this Clause 4.6 departure illustrate that the proposal seeks a maximum building height of 15.675m, which exceeds the 12m development standard by 3.65m or 30.6% at its highest point.

The table below summarises the variation sought.



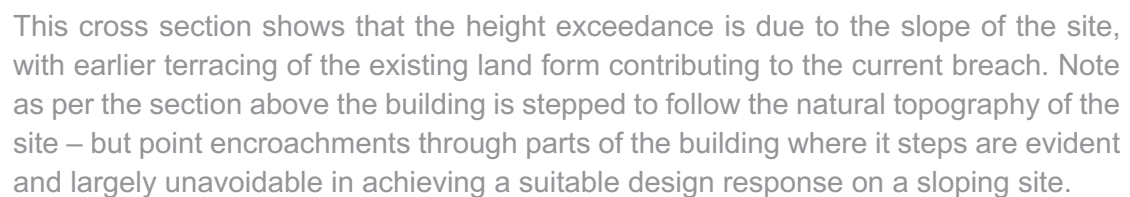
	Height Limit	Variation	Includes
NS LEP 2013	12m	30.6% (3.675m)	<ul style="list-style-type: none"> <li>- Roof</li> <li>- Lift overrun</li> <li>- Rooftop parapet</li> <li>- Rooftop communal open space screening</li> <li>- Lift overrun screening</li> <li>- Various Wall surface areas</li> </ul>

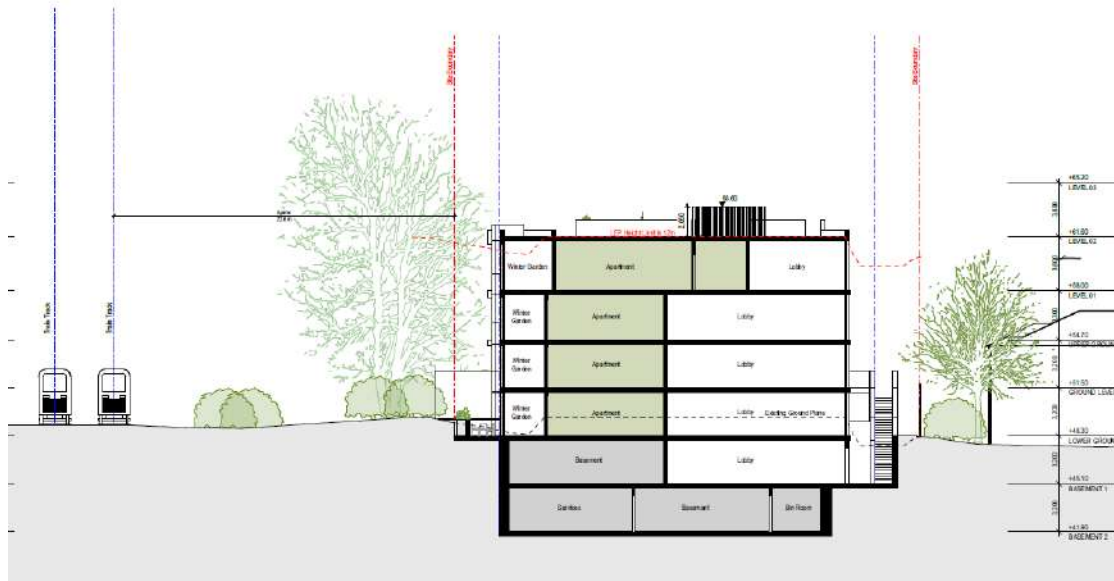
The habitable areas of the building remain below the height limit and the exceedance is due to the function of a number of elements set out below:

- The height exceedance is largely due to the slope of the site, which creates areas of non-compliance in a largely complying design. The elements over the height limit are setback from the street frontage, meaning that the height variation is not noticeable from the public domain, with the highest point centrally located. Given the topography of the site with it sloping significantly to the rear, the minor height breach is unnoticeable, and if not for earlier terracing of the site, the proposal would comply.
- All habitable areas of the building are below the maximum height limit, meaning the departure is limited to elements other than the habitable floor space. This demonstrates that the proposal is a suitable design response to the site and not a means of achieving greater yield on the site.
- The lift over-run exceedance arises from the need to provide lift access to all levels of the building and these are necessary for accessibility and to meet BCA standards.
- Provision of rooms that achieve compliance with minimum floor to ceiling heights required under the Apartment Design Guide, where the slope of the land creates a minor partial non compliance
- The need to provide access to the rooftop communal open space, which necessitates a lift overrun and screening.

For these reasons, and the additional reasoning set out below, the height departure reflects a specific design response for the site. It is noted that and the proposal meets all other relevant key planning controls. Hence the height breach is not a means of attempting to achieve greater density on the site but to provide a suitable balance between urban design outcomes, building height and necessary building elements.

A 3D extract of the extent of departure are provided below that demonstrates the extent of breach and shows the minor nature of that departure.





This cross section from the rear of the site shows that the height exceedance is largely restricted to the lobby and wintergarden areas.



Viewed from the street, the proposal fits comfortably within the height limit, with the tallest part recessive.



## CLAUSE 4.6 OF NORTH SYDNEY LEP 2012

Clause 4.6 of North Sydney LEP 2012 provides that development consent may be granted for development even though the development would contravene a development standard. The objectives of Clause 4.6 are:

- 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.*

The operative provisions of the clause are as follows:

- 3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated 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.*

This document has been prepared in accordance with section 35B of the *Environmental Planning and Assessment Regulation 2021* to address the above requirements.

The key tests or requirements arising under clause 4.6 are as follows:

- That ‘compliance with the standard is unreasonable or unnecessary in the circumstances of the case’ does not always require the applicant to show that the relevant objectives of the standard are achieved by the proposal (Wehbe “test” 1). Other methods are available as per the previous 5 tests applying to SEPP 1, set out in *Wehbe v Pittwater*.
- There are planning grounds to warrant the departure, and these planning grounds are clearly articulated as reasons in arriving at a decision.

An earlier version of clause 4.6, prior to its amendment on 1 November 2023, contained an additional requirement that the development be “in the public interest”, including because it is “consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out”.

This requirement is no longer expressly relevant to clause 4.6 variation requests.



## RELEVANT CASE LAW

Clause 4.6(3)(a) emphasises the need for the proponent to demonstrate how the relevant development standard is unreasonable or unnecessary in the circumstances. The ways in which compliance with a development standard may be held to be “unreasonable or unnecessary” are well established. In *Wehbe v Pittwater Council* [2007] NSWLEC 827 (Wehbe), Preston CJ provided a non-exhaustive list through which an applicant might establish that compliance with a development standard is unreasonable or unnecessary.

While *Wehbe* related to objections made pursuant to State Environmental Planning Policy No. 1 – Development Standards (SEPP 1), in *Initial Action Pty Limited v Woollahra Municipal Council* [2018] NSWLEC 118 (Initial Action) the Court held that the common ways of demonstrating that compliance with a development standard is unreasonable or unnecessary as outlined in *Wehbe* are equally applicable to clause 4.6. Further, in *Initial Action* the Court confirmed that it is not necessary for a non-compliant scheme to be a better or neutral outcome and that an absence of impact is a way of demonstrating consistency with the objectives of a development standard. Therefore, this must be considered when evaluating the merit of the building height departure. The five common methods for demonstrating that compliance with a development standard is unreasonable or unnecessary as outlined in *Wehbe* are:

- 1) Demonstrating that the objectives of the development standard is achieved, despite the noncompliance [42]
- 2) Establishing that the underlying objective or purpose is not relevant and compliance is therefore unnecessary [45]
- 3) Showing that the underlying objective or purpose would be defeated or thwarted if compliance required, confirming that compliance is unreasonable [46]
- 4) Establishing that the standard has been virtually abandoned or destroyed through council's own actions. Therefore given council's granting of consents that depart from the standard, compliance is unnecessary and unreasonable [47]
- 5) Demonstrating that the zoning of the land is unreasonable or inappropriate, meaning that compliance with the development standard is also unreasonable or unnecessary [48]

Of the five common methods above, this Cl.4.6 applies Method 1 of *Wehbe*.

In addition a recent judgement in *Initial Action Pty Ltd v Woollahra Municipal Council* (2018) NSWLEC 118 confirmed that it is not necessary for a non-compliant scheme to be a better or neutral outcome and that an absence of impact is a way of demonstrating consistency with the objectives of a development standard. Therefore this must be considered when evaluating the merit of the building height departure.

## THE VARIATION & DESIGN RESPONSE

The proposal seeks to vary the LEP building height and is limited to the rooftop and lift overrun, parapet and screening elements on the rooftop and with some small areas of the building surface. The architectural plans that accompany this Clause 4.6 departure illustrate that the proposal seeks a maximum building height of 15.675m, which exceeds the 12m development standard by 3.675m or 30.625%.

### CLAUSE 4.6(3) - COMPLIANCE UNREASONABLE AND UNNECESSARY

In accordance with the provisions of Cl.4.6(3)(a) it is considered that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as:

- **The underlying objectives of the control are achieved.**

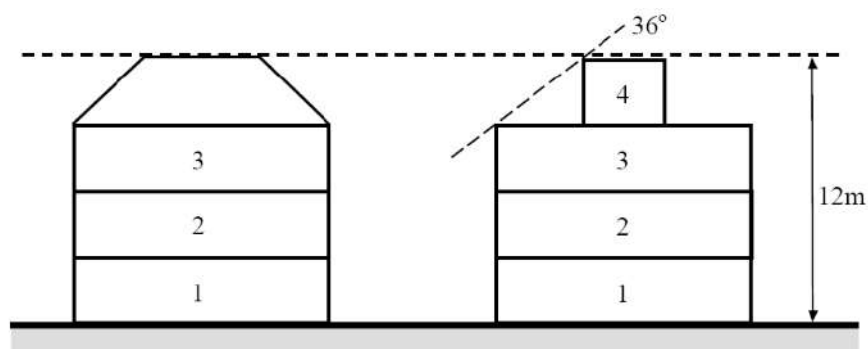
At 15.675m, the proposal is consistent with the character of a 4 storey apartment building with lift overrun and rooftop open space.

The proposal will be in keeping with the character of new apartments delivered across North Sydney, many of which include flat roofs.

Further, the proposal has been designed so that no habitable floor area exceeds the height standard, with the variation being limited to a minor area of the building surface, roof top communal and private open space areas and lift overrun.

It is important to note that where the wall surface exceedances exist, these are largely restricted to non-habitable areas like corridors, wintergardens and balconies.

Minors areas of the wall surface do breach the height limit, however this is due to the provision of 3.2m floor to floor heights and the site slope. A 3.2m floor to floor height is accepted as typical practice, whereas the 12 m height limit would result in 3m floors, and a building that could not be constructed to four storeys, which the DCP anticipates in the figure below for development in a mapped 12m height limit area.





The proposal is consistent with the tenor of Council's submission<sup>1</sup> on building heights regarding the low and mid-rise housing reforms.

Council suggested in their submission that a four storey apartment building should apply a floor to floor height of 3.1m and include a rooftop allowance of 1m. The proposal only exceeds the council recommended 14m height limit due to the provision of rooftop communal open space which requires a lift overrun.

In Wehbe it was set out that compliance can be considered unreasonable or unnecessary where:

*(i) The objectives of the standard are achieved notwithstanding non-compliance with the standard*

It is considered that this approach can be followed in this instance. The objectives of the Height development standard are stated as:

- 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.*

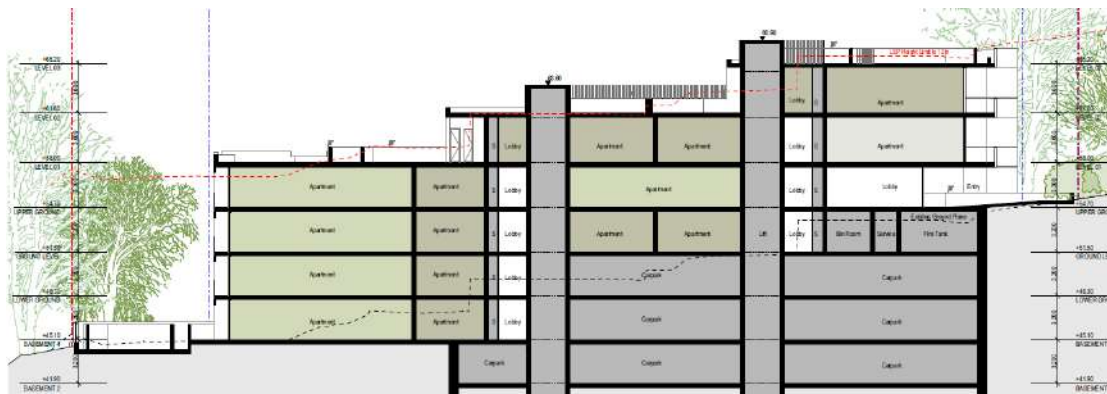
The proposal, despite the numerical non-compliance identified, remains consistent with the objectives based on the following:

In relation to objective (a), the proposal steps with the slope of the lands and follows the natural gradient as shown in the plan extract below. This cross section shows that the height exceedance is due to the slope of the site, with earlier terracing of the existing land form contributing to the current breach. Note as per the section above the building is stepped to follow the natural topography of the site – but point encroachments through parts of the building where it steps are evident and largely unavoidable in achieving a suitable design response on a sloping site.

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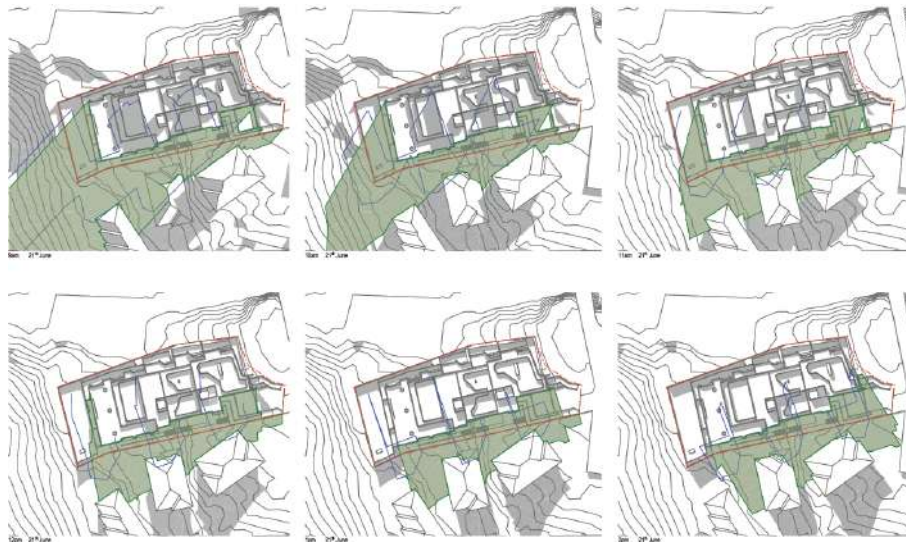
<sup>1</sup> <https://yoursay.northsydney.nsw.gov.au/housing-reform>





In relation to objective (b), the proposal is compliant with the 12 m height limited when viewed from Bridge End and no views are blocked or impeded. The proposal does facilitate the sharing of views from within the development and therefore meets this objective.

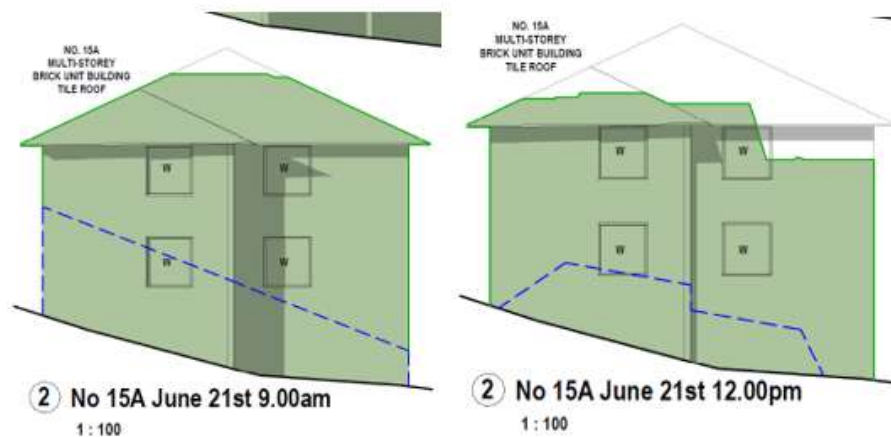
- In relation to objective (c), the proposal does not have a detrimental shadow impact on adjacent dwellings to the south as shown in the elevation analysis and shadow diagrams attached and reproduced below.



15 Bridge End (Elevation 1) will receive a minimum of 2 hours solar access between 9 AM and 12 AM at 21 June. As shown in the figure overleaf, the layout of unit 15 has a bathroom, laundry and kitchen along with a balcony and living room on the façade where shadow is cast. Of these areas, only the living room and balcony can be considered as either habitable space or as recreational space. The living room and balcony of 15 Bridge End will receive at least 2 hours solar access between 9am and 12 noon on 21 June which complies with daylight access standards and is therefore acceptable.

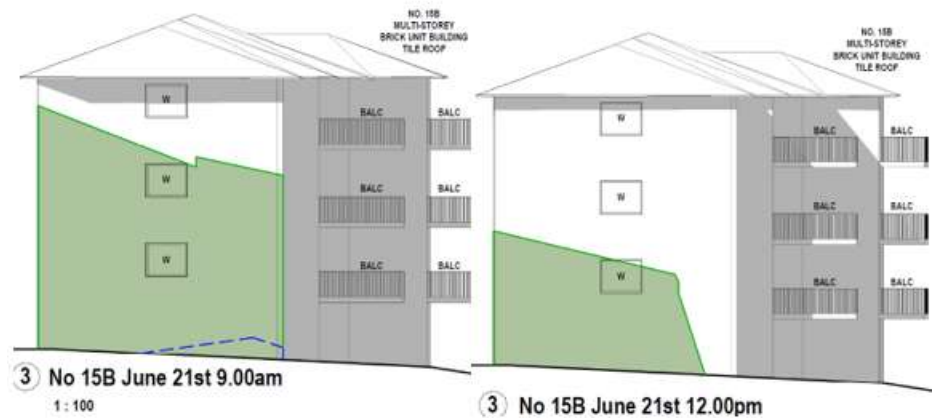


15A Bridge End (Elevation 2) has no shadowing to its balconies, with shadow contained to the side elevation. Therefore, living areas and private open space is not overshadowed at any time and daylight access is maintained.



15B Bridge End (Elevation 3) has no shadowing to its balconies, with shadow contained to the side elevation between 9AM and 12 noon. Therefore, living areas and private open space is not overshadowed at any time and daylight access is maintained.





In terms of public reserves and streets, there is no shadow impact. Likewise, future development can prepare a compliance apartment building in terms of solar access.

In relation to objective (d), the proposal provides appropriate separation to ensure that privacy to the southern neighbouring dwellings are maintained. Living spaces and communal open spaces are mostly orientated to the rear, with privacy screens, with windows orientated to the west through the use of a scalloped façade. Privacy is therefore maintained to the southern neighbours in terms of acoustic and visual amenity.

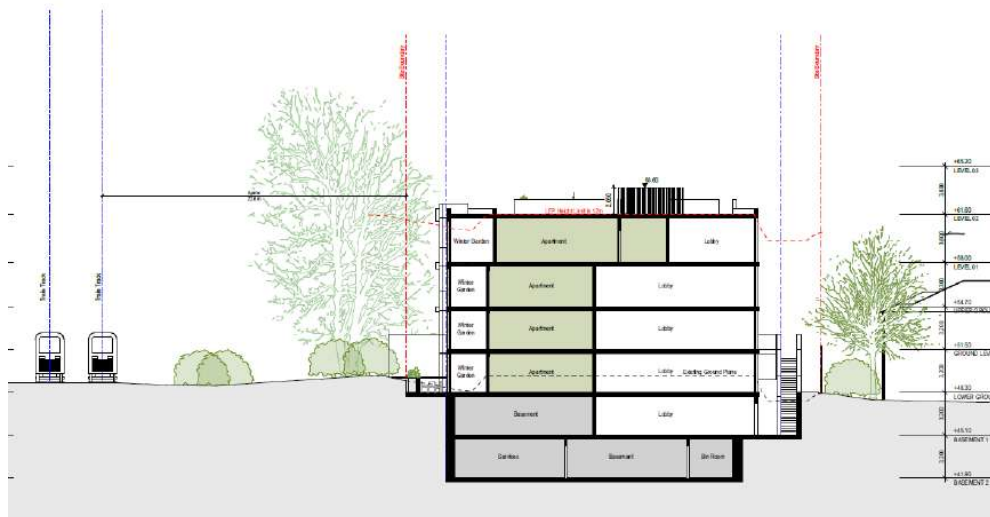
- Objective (e) is particularly relevant as the site is not at a zone boundary- however the built form being 3-4 storeys is compatible with development in the locality noting the adjoining 3 storey with pitched roof apartment buildings, means that there is a compatibility in terms of heights with existing and desired future character.
- In relation to objective (f), the proposal provides an appropriate building form that is consistent with the desired future character of the locality and is reflective of the objectives for the zone and locality generally. The proposal is consistent with the intended maximum height limit for the locality established by building heights under the future mid-rise housing reforms.

Likewise, the building is consistent with the broader character of the area through a building height of 4 storeys, which steps down with the slope.

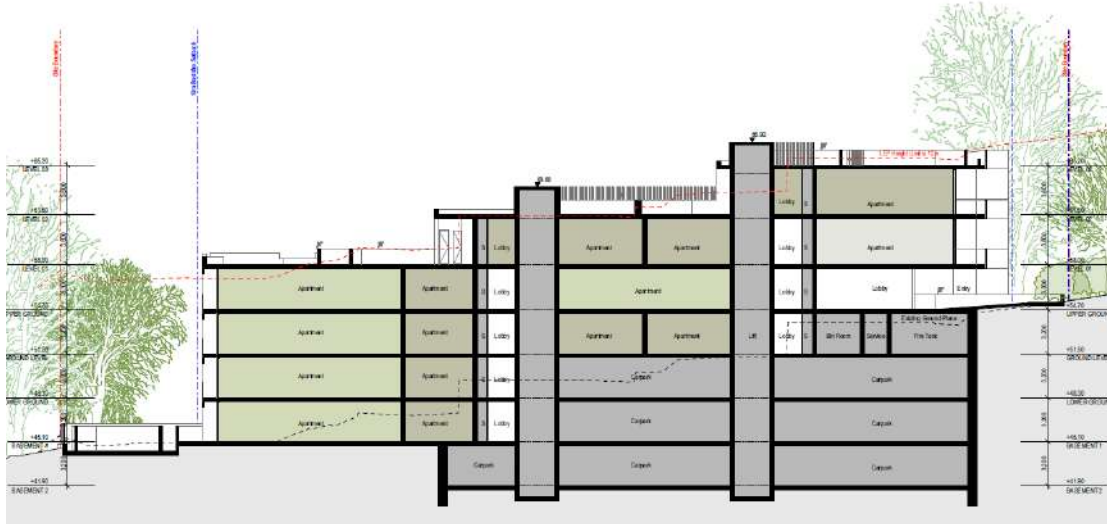
Whilst there is a height exceedance, this is not perceptible as the building steps with the site and is compliant at its street frontage and most areas.



Viewed from the street, the proposal fits comfortably within the height limit, with the tallest part recessive.



This cross section from the rear of the site shows that the height exceedance is largely restricted to the lobby and wintergarden areas.



This cross section shows that the height exceedance is due to the slope of the site, with earlier terracing contributing to the current breach.

The variation exceedance is 3.675m and as shown in the above images is not perceptible. From the street, the proposal appears as a compliant 12 m building, with the non-compliance only arising due to the sites slope and apparent benching for the current building platforms. Therefore, the exceedance will be largely imperceptible from the public domain or surrounding properties due to the recessed nature of the roof structure and the central location of the lift over-run elements. Likewise, all habitable areas comply with the 12 m height limit, with areas on non-compliance limited to outdoor areas (communal and private open spaces), common lobby areas, and rooftop screening devices, including around the lift overrun.

The future character will be set by the mid-rise housing reforms which are anticipated to apply a 17.5 m height limit over the subject site. The proposal is fully compliant with the 17.5m height limit and is therefore consistent with the current and desired future character.

#### Refinement 8 – Recalibrate the FSR and Height mid-rise standards

- For 6 storey mid-rise, change FSR to 2.2:1, height to 22m for residential flat buildings and 24m for shop top housing and introduce a maximum of 6 storeys
- For 4 storey mid-rise, change FSR to 1.5:1, height to 17.5m and introduce a maximum of 4 storeys

(Source: NSW Government, Low-and Mid-Rise housing Policy Refinement Paper, 29 April 2024)

- Objective (g) does not apply.

As outlined above the proposal remains consistent with the underlying objectives of the control and as such compliance is considered unnecessary or unreasonable.



## SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS & DESIGN RESPONSE

In Initial Action, Preston CJ observed that in order for there to be “sufficient” environmental planning grounds to justify a written request under clause 4.6 to contravene a development standard, the focus must be on the aspect or element of the development that contravenes the development standard, not on the development as a whole.

The following points demonstrate that sufficiently environmental planning grounds exist to justify contravening the height development standard and further demonstrates that the height departure does not give rise to any environmental impacts. Council can be satisfied that the proposal is an appropriate design response for the subject site for the following reasons:

- The height exceedance is largely due to the slope of the site, which creates areas of non-compliance in a largely complying design. The elements over the height limit are setback from the street frontage, meaning that the height variation is not noticeable from the public domain, with the highest point centrally located. Given the topography of the site with it sloping significantly to the rear, the minor height breach is unnoticeable, and if not for earlier terracing of the site, the proposal would comply.
- All habitable areas of the building are below the maximum height limit, meaning the departure is limited to elements other than the habitable floor space. This demonstrates that the proposal is a suitable design response to the site and not a means of achieving greater yield on the site.
- The lift over-run exceedance arises from the need to provide lift access to all levels of the building and these are necessary for accessibility and to meet BCA standards.
- Provision of rooms that achieve compliance with minimum floor to ceiling heights required under the Apartment Design Guide, where the slope of the land creates a minor partial non compliance
- The need to provide access to the rooftop communal open space, which necessitates a lift overrun and screening.

Overall, the minor departure enables a better design outcome, consistent with the following Objects of the Environmental Planning and Assessment Act 1979:

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



Therefore, the current proposal is a preferred outcome from an environmental planning perspective and demonstrates that there is merit in varying the height control to achieve a better design response on the site which demonstrates sufficient environmental planning grounds to support the departure.

For these reasons, and the additional reasoning set out below, the height departure reflects a specific design response for the site. It is noted that and the proposal meets all other relevant key planning controls. Hence the height breach is not a means of attempting to achieve greater density on the site but to provide a suitable balance between urban design outcomes, building height and necessary building elements.



## CONCLUSION

Strict compliance with the prescriptive building height requirement is unreasonable and unnecessary in the context of the proposal and its unique circumstances. The proposed development meets the underlying intent of the control and is a compatible form of development that does not result in unreasonable environmental amenity impacts.

The design response aligns with the intent of the control and provides for an appropriate transition to the adjoining properties.

The objection is well founded and considering the absence of adverse environmental, social or economic impacts, it is requested that Council support the development proposal.





17 BRIDGE END  
WOLLSTONECRAFT, NSW 2065

DA LANDSCAPE DOCUMENTATION

DRAWING REGISTER

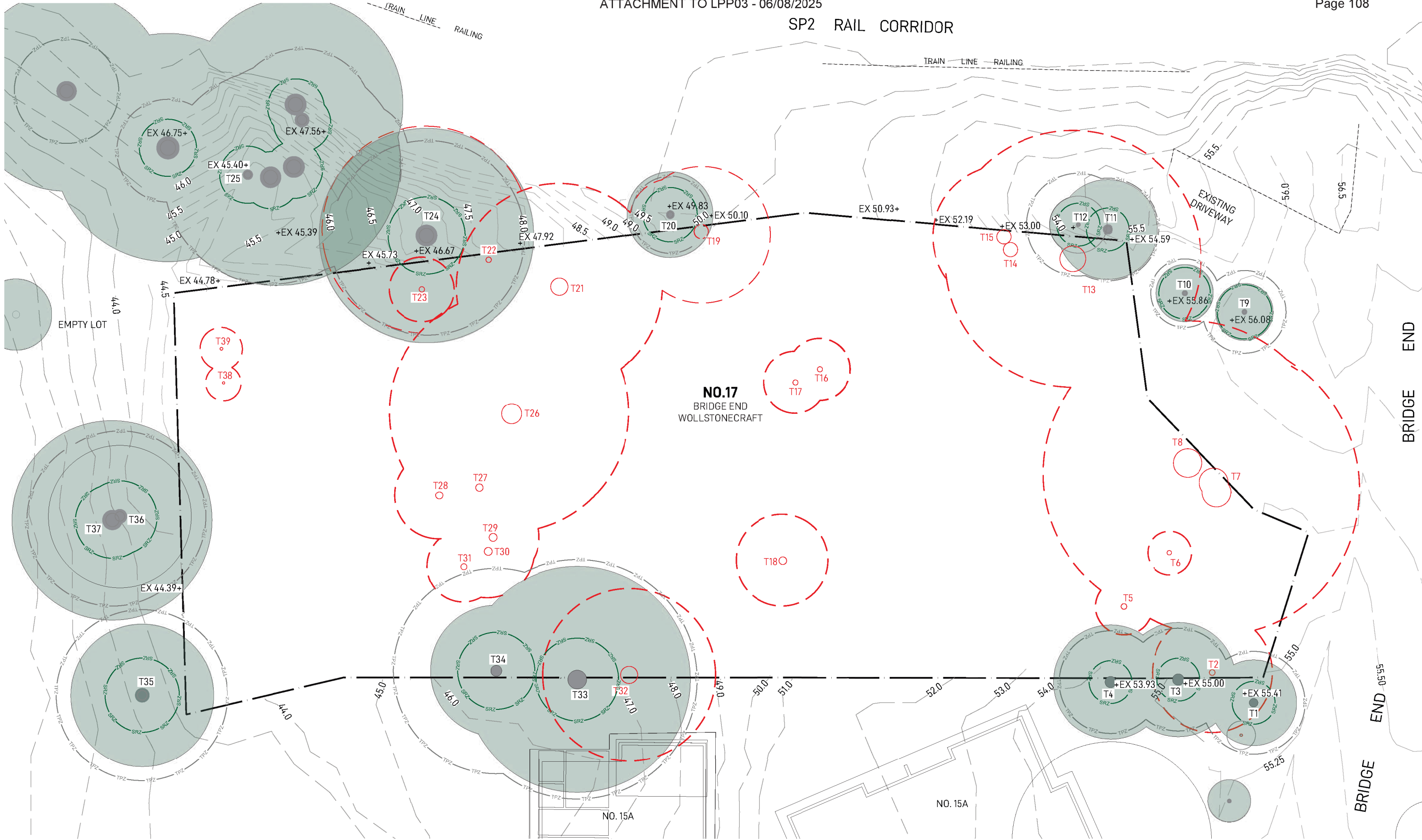
DRAWING NUMBER	DRAWING NAME	SCALE / SIZE
LDA-00	COVER SHEET	N/A
LDA-01	EXISTING TREE SCHEDULE	N/A
LDA-02	EXISTING TREE PLAN	1:250 @ A3
LDA-03	BASEMENT LEVEL 1 LANDSCAPE PLAN	1:250 @ A3
LDA-04	LOWER GROUND LEVEL LANDSCAPE PLAN	1:250 @ A3
LDA-05	GROUND LEVEL LANDSCAPE PLAN	1:250 @ A3
LDA-06	UPPER GROUND LEVEL LANDSCAPE PLAN	1:250 @ A3
LDA-07	LEVEL 1 LANDSCAPE PLAN	1:250 @ A3
LDA-08	LEVEL 2 LANDSCAPE PLAN	1:250 @ A3
LDA-09	ROOF LANDSCAPE PLAN	1:250 @ A3
LDA-10	LANDSCAPE SECTIONS BASEMENT LEVEL 1	1:50 @ A3
LDA-11	LANDSCAPE SECTIONS GROUND FLOOR SOUTH COMMUNAL AREA	1:50 @ A3
LDA-12	LANDSCAPE SECTIONS GROUND FLOOR NORTH BALCONIES	1:50 @ A3
LDA-13	PLANTING PALETTE	N/A
LDA-14	LANDSCAPE DETAILS	1:20 @ A3

<div>LANDSCAPE ARCHITECT</div> <div>GROUND <b>INK</b></div> <div>LEVEL 4, SUITE 19/56 NERIDAH ST, CHATSWOOD NSW 2067</div> <div>  PH. (02) 9411 3279   WWW.GROUNDINK.COM.AU</div> <div>ABN 55 163 025 456 ACN 163 025 456</div> <div>© GROUND INK PTY LTD THIS DESIGN AND DRAWING IS PROTECTED BY COPYRIGHT.</div>	<div>NOTE</div> <div>VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK. REPORT ALL DISCREPANCIES TO LANDSCAPE ARCHITECT PRIOR TO CONSTRUCTION. FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED DRAWINGS. ALL WORK IS TO CONFORM TO RELEVANT AUSTRALIAN STANDARDS AND OTHER CODES AS APPLICABLE. LOCATION OF UNDERGROUND SERVICES TO BE PROVEN ON SITE AND PROTECTED IF NECESSARY PRIOR TO CONSTRUCTION. DIAL BEFORE YOU DIG. PLANT SPECIES AND QUANTITIES SHOWN ARE INDICATIVE ONLY AND ARE SUBJECT TO CHANGE BASED ON FUTURE PROJECT REQUIREMENTS.</div>	ISSUE	DATE	DESCRIPTION	DRAWN	REVIEW	<div>DRAWING</div> <div>COVER SHEET</div>	DATE	JOB NUMBER	DRAWING NUMBER
		A	23/04/24	DRAFT DA ISSUE	GS	RL/PK		20230612	LDA-00	
		B	03/07/24	COORDINATION	GS	RL/PK		PROJECT 17 BRIDGE END WOLLSTONECRAFT NSW 2065		
		C	05/07/24	COORDINATION	GS	RL/PK				
		D	11/07/24	COORDINATION	GS	RL/PK				
		E	26/07/24	COORDINATION	GS	RL/PK		SCALE N/A	REVISION	
		F	02/08/24	ISSUE FOR DA	SO	RL/PK				
		G	09/04/25	ISSUE FOR DA RFI	MK	RL				G

ID	BOTANIC NAME	COMMON NAME	EXISTING HEIGHT	SRZ (M)	TPZ (M)	PROPOSED ACTION
T1	Nerium Oleander	(Oleander)	4m	1.5m	3.6m	RETAIN
T2	Cupressus sempervirens	(Mediterranean Cypress)	8m	2.3m	4.2m	REMOVE
T3	Olea europea subsp Cuspidata	(African Olive)	5m	1.5m	3.6	RETAIN
T4	Olea europea subsp Cuspidata	(African Olive)	5m	1.5m	3.6m	RETAIN
T5	Melaleuca quinquernervia	(Broad-leaved Paperbark)	6m	N/A	N/A	REMOVE
T6	Callistemon viminalis	(Weeping bottlebrush)	4.5m	1.9m	2.9	REMOVE
T7	Celtis sinensis	(Chinese Hackberry)	14m	3.4m	8.4m	REMOVE
T8	Celtis sinensis	(Chinese Hackberry)	12m	2.5m	5.2m	REMOVE
T9	Callistemon viminalis	(Weeping bottlebrush)	4.5m	1.9m	2.9m	RETAIN
T10	Callistemon viminalis	(Weeping bottlebrush)	4m	1.8m	2.4m	RETAIN
T11	Olea europea subsp Cuspidata	(African Olive)	8m	1.5m	3.6m	RETAIN
T12	Olea europea subsp Cuspidata	(African Olive)	5m	1.5m	3.6m	RETAIN
T13	Lophostemon confertus	(QLD Brush Box)	12m	N/A	N/A	REMOVE
T14	Jacaranda mimosifolia	(Jacaranda)	10m	N/A	N/A	REMOVE
T15	Pittosporum undulatum	(Sweet Pittosporum)	8m	N/A	N/A	REMOVE
T16	Grevillea banksii	(Banks Grevillea)	4m	2m	3m	REMOVE
T17	Callistemon viminalis	(Weeping bottlebrush)	5m	N/A	N/A	REMOVE
T18	Fraxinus griffithii	(Evergreen Ash)	8m	N/A	N/A	REMOVE
T19	Callistemon viminalis	(Weeping bottlebrush)	8m	2.3m	4.8m	REMOVE
T20	Celtis sinensis	(Chinese Hackberry)	6m	1.9m	2.7m	RETAIN
T21	Cupressus leylandii	(Leighton Green Conifer)	14m	3.1m	9.6m	REMOVE
T22	Citrus spp	(Lemon Tree)	2m	N/A	N/A	REMOVE
T23	Callistemon viminalis	(Weeping bottlebrush)	3m	N/A	N/A	REMOVE
T24	Celtis sinensis	(Chinese Hackberry)	12m	2.7m	6.8m	RETAIN
G25	Olea europea subsp Cuspidata Ligustrum lucidum Celtis sinensis	(African Olive) (Broad Leaf Privet) (Chinese Hackberry)	10m	2m	3.6m	RETAIN
T26	Lophostemon confertus	(QLD Brush Box)	12m	N/A	N/A	REMOVE
T27	Photinia glabra 'Rubens'	(Dwarf Photinia)	4m	N/A	N/A	REMOVE
T28	Photinia glabra 'Rubens'	(Dwarf Photinia)	4m	N/A	N/A	REMOVE
T29	Photinia glabra 'Rubens'	(Dwarf Photinia)	4m	N/A	N/A	REMOVE
T30	Photinia glabra 'Rubens'	(Dwarf Photinia)	4m	N/A	N/A	REMOVE
T31	Photinia glabra 'Rubens'	(Dwarf Photinia)	4m	N/A	N/A	REMOVE
T32	Ligustrum lucidum	(Broad Leaf Privet)	8m	1.8m	3.6m	REMOVE
T33	Araucaria heterophylla	(Norfolk Island Pine)	22m	2.9m	8.4m	RETAIN
T34	Phoenix canariensis	(Canary Island Date Palm)	7m	2.7m	7.2m	RETAIN
T35	Celtis sinensis	(Chinese Hackberry)	12m	2.6m	6m	RETAIN
T36	Celtis sinensis	(Chinese Hackberry)	10m	2.6m	6m	RETAIN
T37	Celtis sinensis	(Chinese Hackberry)	12m	2.6m	6m	RETAIN
T38	Bougainvillea spp	(Bougainvillea)	3m	N/A	N/A	REMOVE
T39	Plumeria actiifolia	(Frangipani)	2m	N/A	N/A	REMOVE
Note: tree information sourced from Arboricultural Impact Assessment & Tree Management Plan prepared by Horticultural Management Services dated 8 May 2024.						

<div>LANDSCAPE ARCHITECT</div> <div>GROUND INK</div> <div>LEVEL 4, SUITE 19/56 NERIDAH ST, CHATSWOOD NSW 2067</div> <div>I PH. (02) 9411 3279   WWW.GROUNDINK.COM.AU</div> <div>ABN 55 163 025 456 ACN 163 025 456</div> <div>© GROUND INK PTY LTD THIS DESIGN AND DRAWING IS PROTECTED BY COPYRIGHT.</div>	<div>NOTE</div> <div>VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK. REPORT ALL DISCREPANCIES TO LANDSCAPE ARCHITECT PRIOR TO CONSTRUCTION. FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED DRAWINGS. ALL WORK IS TO CONFORM TO RELEVANT AUSTRALIAN STANDARDS AND OTHER CODES AS APPLICABLE. LOCATION OF UNDERGROUND SERVICES TO BE PROVEN ON SITE AND PROTECTED IF NECESSARY PRIOR TO CONSTRUCTION. DIAL BEFORE YOU DIG. PLANT SPECIES AND QUANTITIES SHOWN ARE INDICATIVE ONLY AND ARE SUBJECT TO CHANGE BASED ON FUTURE PROJECT REQUIREMENTS.</div>	ISSUE	DATE	DESCRIPTION	DRAWN	REVIEW	DRAWING	DATE	JOB NUMBER	DRAWING NUMBER
		A	23/04/24	DRAFT DA ISSUE	GS	RL/PK		EXISTING TREE SCHEDULE	20230612	LDA-01
		B	03/07/24	COORDINATION	GS	RL/PK				
		C	05/07/24	COORDINATION	GS	RL/PK				
		D	11/07/24	COORDINATION	GS	RL/PK		PROJECT 17 BRIDGE END WOLLSTONECRAFT NSW 2065	REVISION	G
		E	26/07/24	COORDINATION	GS	RL/PK				
		F	02/08/24	ISSUE FOR DA	SO	RL/PK				
		G	09/04/25	ISSUE FOR DA RFI	MK	RL				

SP2 RAIL CORRIDOR



LANDSCAPE ARCHITECT  
**GROUND INK**  
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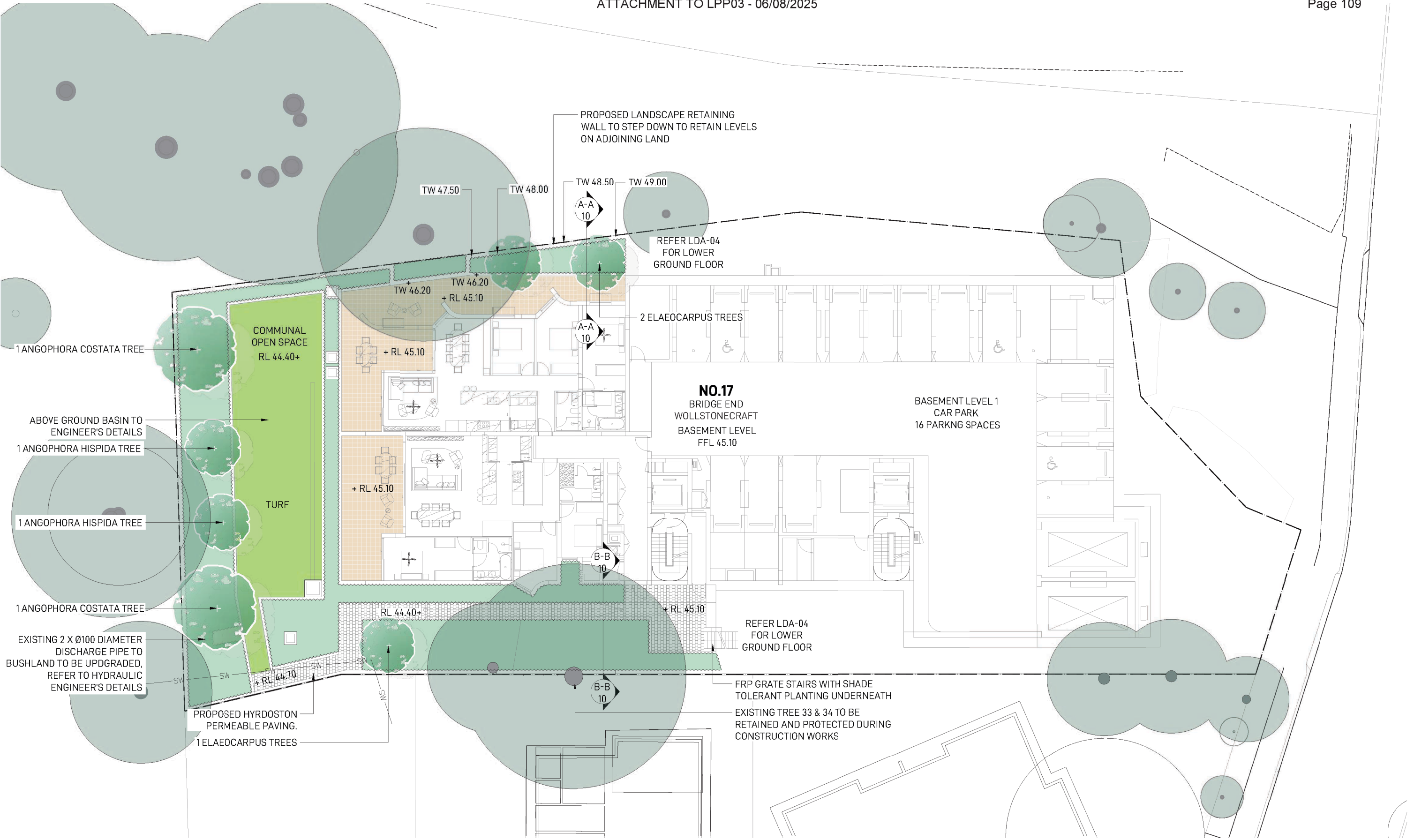
**NOTE**  
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A	23/04/24	DRAFT DA ISSUE	GS	RL/PK
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E	26/07/24	COORDINATION	GS	RL/PK
F	02/08/24	ISSUE FOR DA	SO	RL/PK
G	09/04/25	ISSUE FOR DA RFI	MK	RL

DRAWING  
**EXISTING TREE PLAN**

DATE	JOB NUMBER	DRAWING NUMBER
	20230612	<b>LDA-02</b>
PROJECT <b>17 BRIDGE END</b> WOLLSTONECRAFT NSW 2065		
SCALE 1:250 @ A3		REVISION
0 1 2 3 4M		<b>G</b>





NOTE:  
REFER TO DRAWING LDA-14 FOR PLANT SCHEDULE

LANDSCAPE ARCHITECT

**GROUND INK**

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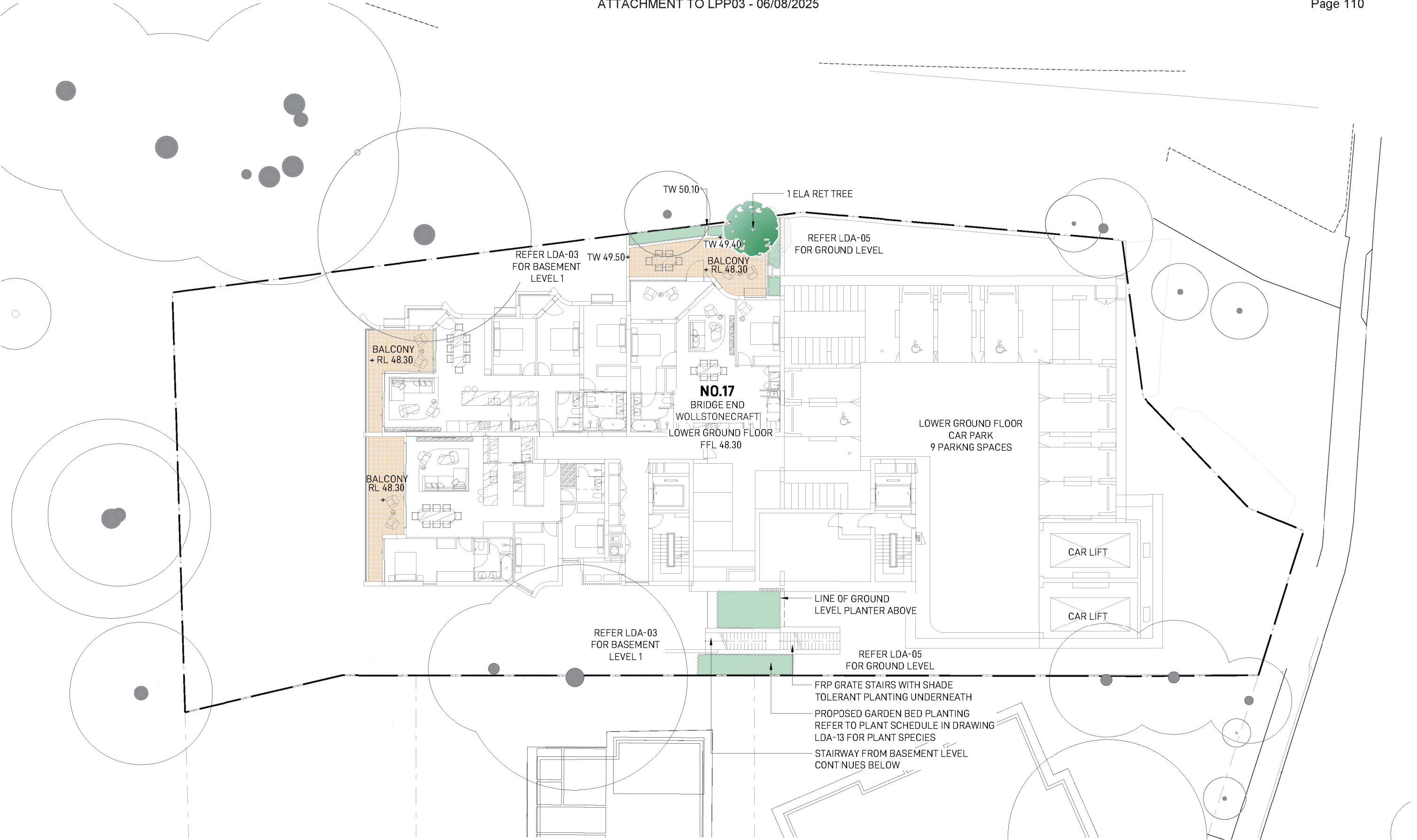
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ISSUE	DATE	DESCRIPTION	DRAWN	REVIEW
A	23/04/24	DRAFT DA ISSUE	GS	RL/PK
B	03/07/24	COORDINATION	GS	RL/PK
C	05/07/24	COORDINATION	GS	RL/PK
D	11/07/24	COORDINATION	GS	RL/PK
E	26/07/24	COORDINATION	GS	RL/PK
F	02/08/24	ISSUE FOR DA	SO	RL/PK
G	09/04/25	ISSUE FOR DA RFI	MK	RL

DRAWING

**BASEMENT LEVEL 1  
LANDSCAPE PLAN**

DATE	JOB NUMBER	DRAWING NUMBER
	20230612	<b>LDA-03</b>
PROJECT <b>17 BRIDGE END</b> WOLLSTONECRAFT NSW 2065		NORTH 
SCALE 1:250 @ A3		REVISION
0 1 2 3 4M		<b>G</b>



NOTE:  
REFER TO DRAWING LDA-14 FOR PLANT SCHEDULE

LANDSCAPE ARCHITECT

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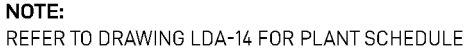
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A	23/04/24	DRAFT DA ISSUE	GS	RL/PK
B	03/07/24	COORDINATION	GS	RL/PK
C	05/07/24	COORDINATION	GS	RL/PK
D	11/07/24	COORDINATION	GS	RL/PK
E	26/07/24	COORDINATION	GS	RL/PK
F	02/08/24	ISSUE FOR DA	SO	RL/PK
G	09/04/25	ISSUE FOR DA RFI	MK	RL

DRAWING

**LOWER GROUND LEVEL  
LANDSCAPE PLAN**

DATE	JOB NUMBER	DRAWING NUMBER
	20230612	<b>LDA-04</b>
PROJECT <b>17 BRIDGE END</b> WOLLSTONECRAFT NSW 2065		NORTH 
SCALE 1:250 @ A3 0 1 2 3 4M		REVISION <b>G</b>



LANDSCAPE ARCHITECT

**GROUND INK**

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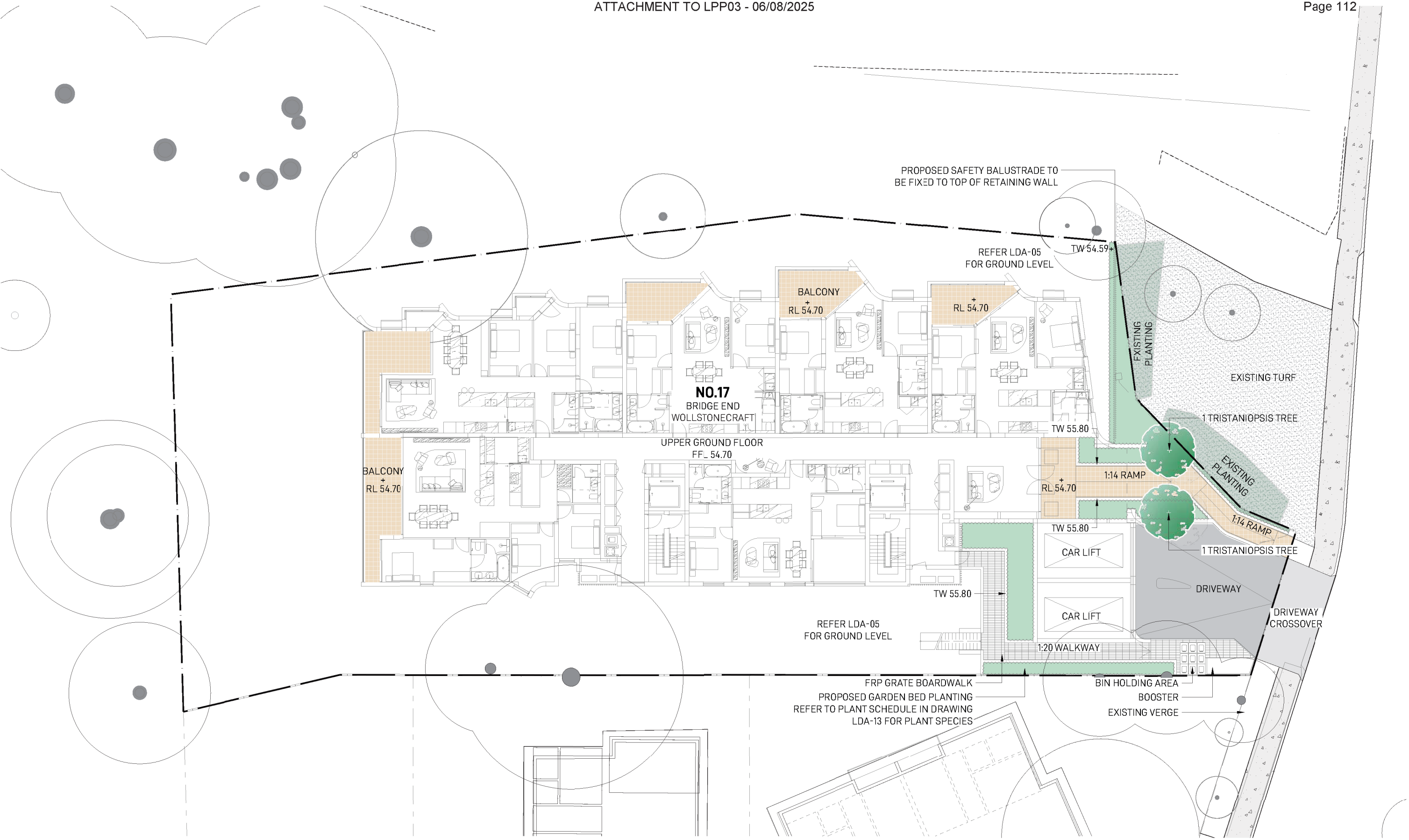
ISSUE	DATE	DESCRIPTION	DRAWN	REVIEW
A	23/04/24	DRAFT DA ISSUE	GS	RL/PK
B	03/07/24	COORDINATION	GS	RL/PK
C	05/07/24	COORDINATION	GS	RL/PK
D	11/07/24	COORDINATION	GS	RL/PK
E	26/07/24	COORDINATION	GS	RL/PK
F	02/08/24	ISSUE FOR DA	SO	RL/PK
G	09/04/25	ISSUE FOR DA RFI	MK	RL

DRAWING

**GROUND LEVEL  
LANDSCAPE PLAN**

DATE	JOB NUMBER	DRAWING NUMBER
	20230612	<b>LDA-05</b>
PROJECT		
<b>17 BRIDGE END</b>		
WOLLSTONECRAFT NSW 2065		
SCALE 1:250 @ A3		REVISION
0	1	2
3	4M	<b>G</b>





NOTE:  
REFER TO DRAWING LDA-14 FOR PLANT SCHEDULE

LANDSCAPE ARCHITECT

**GROUND INK**

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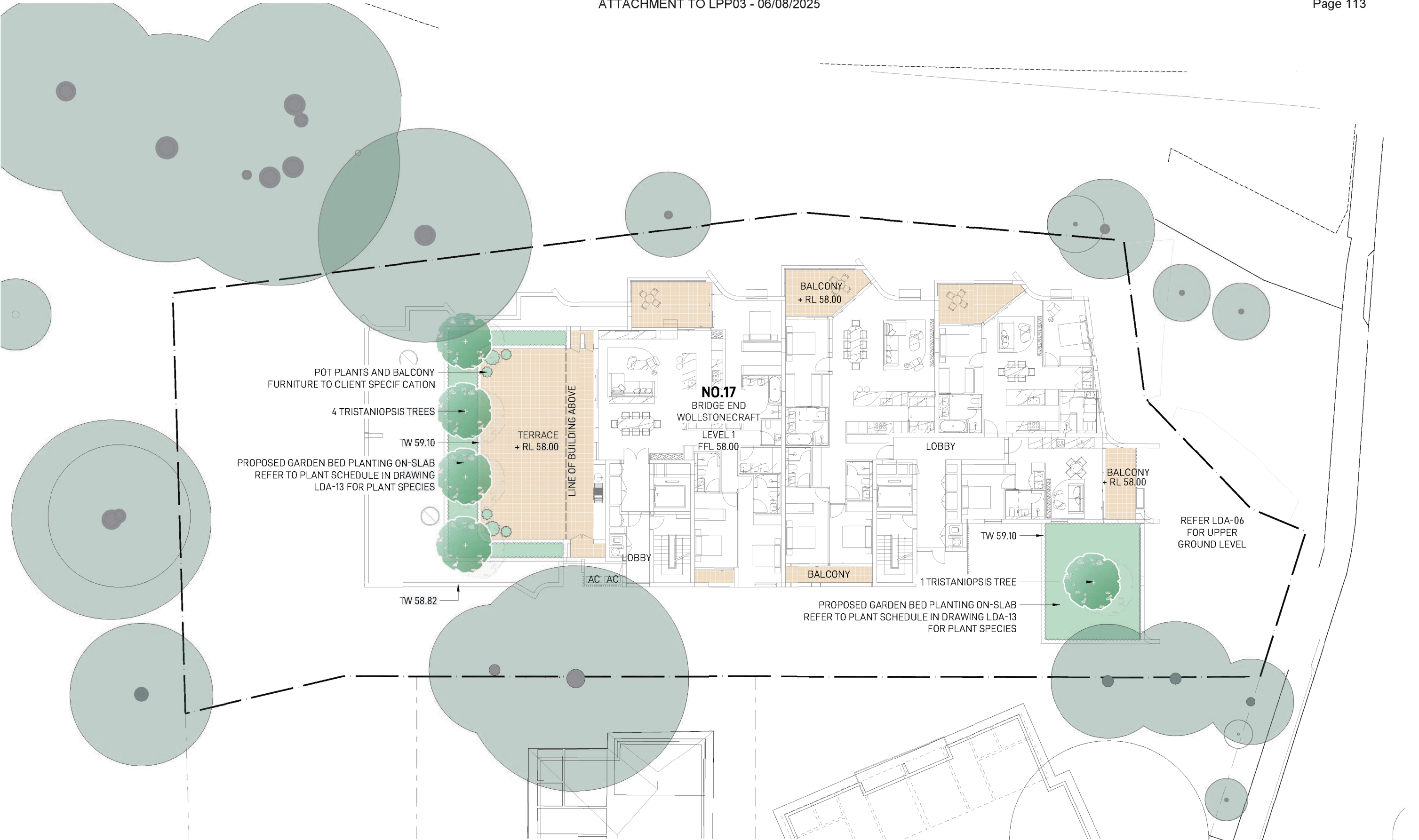
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A	23/04/24	DRAFT DA ISSUE	GS	RL/PK
B	03/07/24	COORDINATION	GS	RL/PK
C	05/07/24	COORDINATION	GS	RL/PK
D	11/07/24	COORDINATION	GS	RL/PK
E	26/07/24	COORDINATION	GS	RL/PK
F	02/08/24	ISSUE FOR DA	SO	RL/PK
G	09/04/25	ISSUE FOR DA RFI	MK	RL

DRAWING

**UPPER GROUND LEVEL  
LANDSCAPE PLAN**

DATE	JOB NUMBER	DRAWING NUMBER
	20230612	<b>LDA-06</b>
PROJECT <b>17 BRIDGE END WOLLSTONECRAFT NSW 2065</b>		
SCALE	1:250 @ A3	REVISION
0 1 2 3 4M		<b>G</b>



NOTE:  
REFER TO DRAWING LDA-14 FOR PLANT SCHEDULE

LANDSCAPE ARCHITECT

**GROUND INK**

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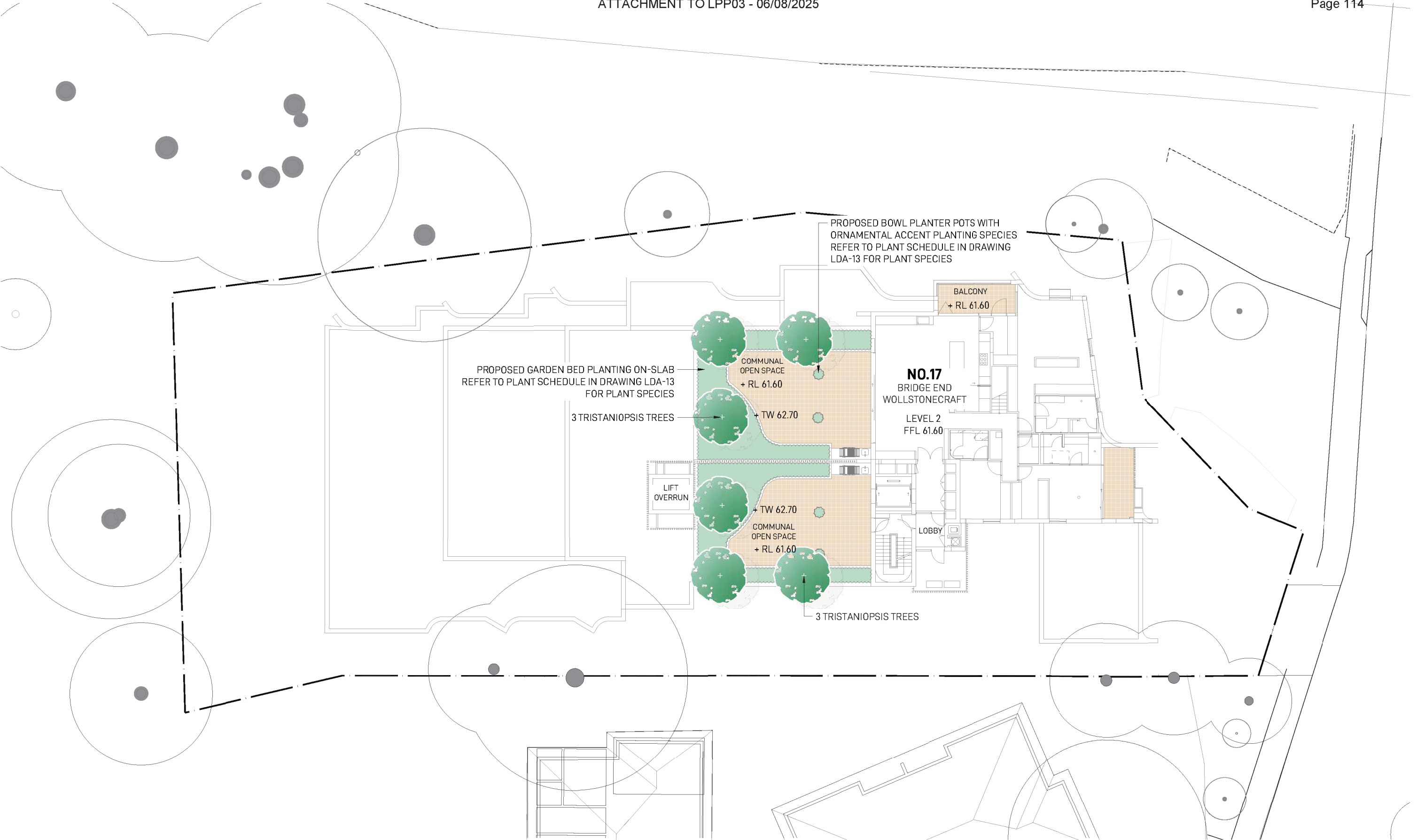
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ISSUE	DATE	DESCRIPTION	DRAWN	REVIEW
A	23/04/24	DRAFT DA ISSUE	GS	RL/PK
B	03/07/24	COORDINATION	GS	RL/PK
C	05/07/24	COORDINATION	GS	RL/PK
D	11/07/24	COORDINATION	GS	RL/PK
E	26/07/24	COORDINATION	GS	RL/PK
F	02/08/24	ISSUE FOR DA	SO	RL/PK
G	09/04/25	ISSUE FOR DA RFI	MK	RL

DRAWING

**LEVEL 1  
LANDSCAPE PLAN**

DATE	JOB NUMBER	DRAWING NUMBER
	20230612	<b>LDA-07</b>
PROJECT <b>17 BRIDGE END WOLLSTONECRAFT</b> NSW 2065		
SCALE 1:250 @ A3		REVISION
0 1 2 3 4M		<b>G</b>



NOTE:  
REFER TO DRAWING LDA-14 FOR PLANT SCHEDULE

LANDSCAPE ARCHITECT

**GROUND INK**

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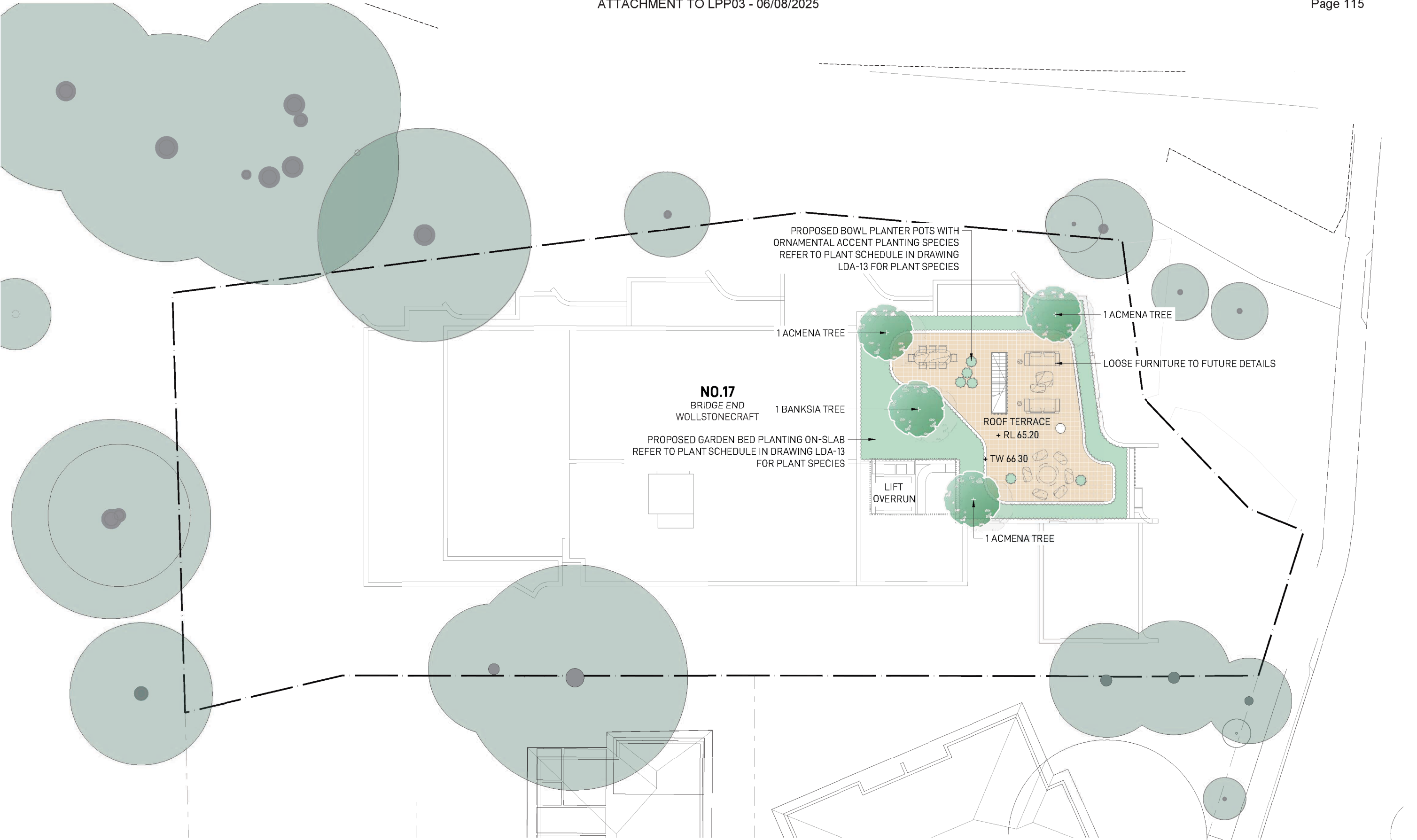
ISSUE	DATE	DESCRIPTION	DRAWN	REVIEW
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B	03/07/24	COORDINATION	GS	RL/PK
C	05/07/24	COORDINATION	GS	RL/PK
D	11/07/24	COORDINATION	GS	RL/PK
E	26/07/24	COORDINATION	GS	RL/PK
F	02/08/24	ISSUE FOR DA	SO	RL/PK
G	09/04/25	ISSUE FOR DA RFI	MK	RL

DRAWING

**LEVEL 2  
LANDSCAPE PLAN**

DATE	JOB NUMBER	DRAWING NUMBER
	20230612	<b>LDA-08</b>
PROJECT <b>17 BRIDGE END</b> WOLLSTONECRAFT NSW 2065		
SCALE 1:250 @ A3		REVISION
0 1 2 3 4M		<b>G</b>





NOTE:  
REFER TO DRAWING LDA-14 FOR PLANT SCHEDULE

LANDSCAPE ARCHITECT

**GROUND INK**

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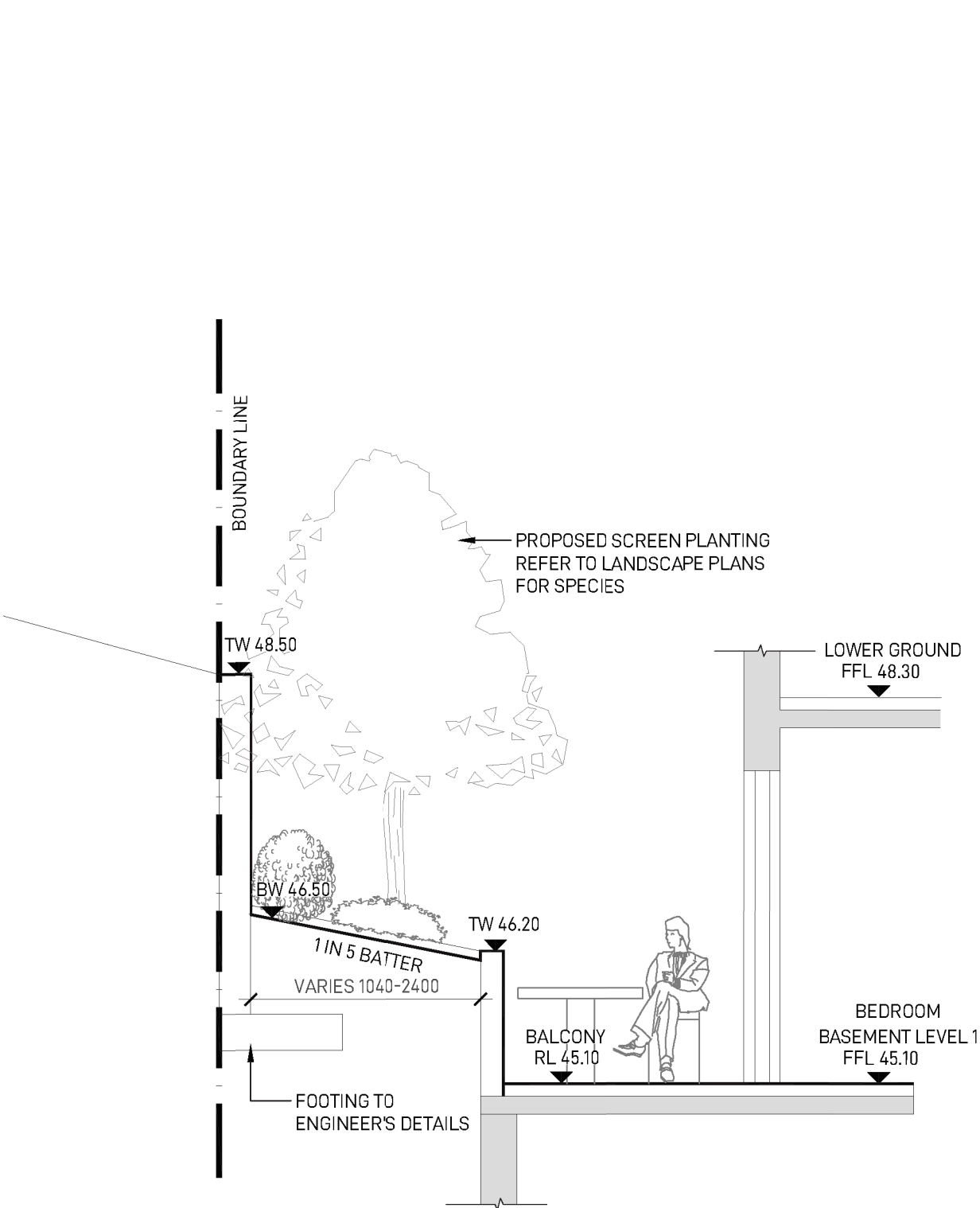
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A	23/04/24	DRAFT DA ISSUE	GS	RL/PK
B	03/07/24	COORDINATION	GS	RL/PK
C	05/07/24	COORDINATION	GS	RL/PK
D	11/07/24	COORDINATION	GS	RL/PK
E	26/07/24	COORDINATION	GS	RL/PK
F	02/08/24	ISSUE FOR DA	SO	RL/PK
G	09/04/25	ISSUE FOR DA RFI	MK	RL

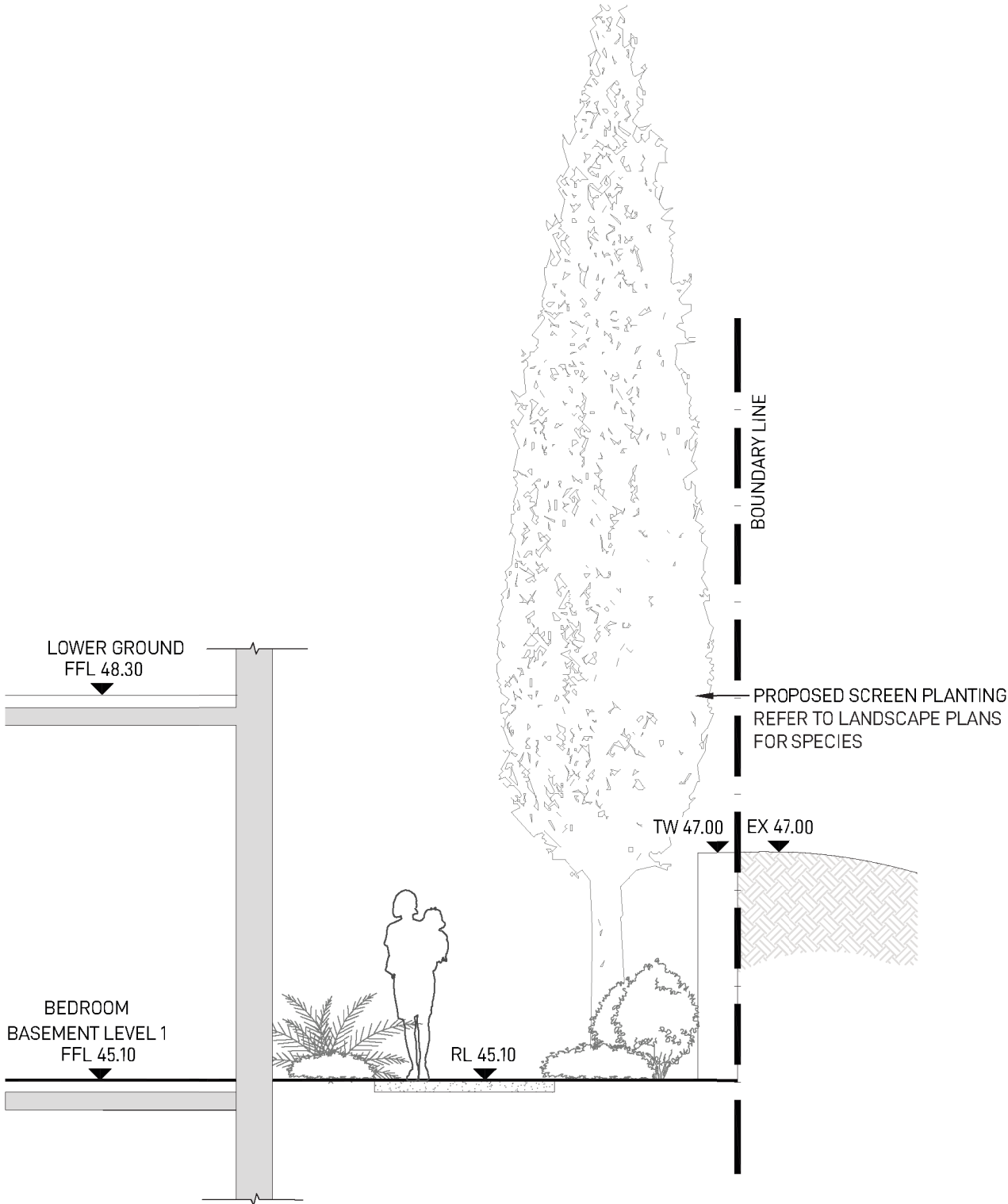
DRAWING

**ROOF  
LANDSCAPE PLAN**

DATE	JOB NUMBER	DRAWING NUMBER
	20230612	<b>LDA-09</b>
PROJECT <b>17 BRIDGE END</b> WOLLSTONECRAFT NSW 2065		
SCALE 1:250 @ A3		REVISION
0 1 2 3 4M		<b>G</b>

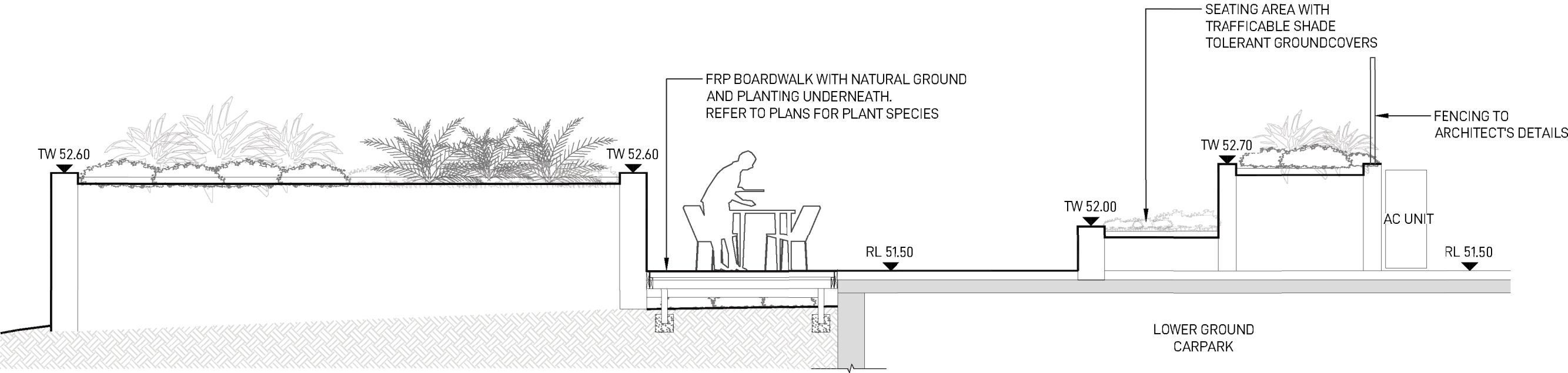


A-A LANDSCAPE SECTION A  
SCALE 1:50



B-B LANDSCAPE SECTION B  
SCALE 1:50

<div>LANDSCAPE ARCHITECT</div> <div>GROUND INK</div> <div>LEVEL 4, SUITE 19/56 NERIDAH ST, CHATSWOOD NSW 2067</div> <div>  PH. (02) 9411 3279   WWW.GROUNDINK.COM.AU</div> <div>ABN 55 163 025 456 ACN 163 025 456</div> <div>© GROUND INK PTY LTD THIS DESIGN AND DRAWING IS PROTECTED BY COPYRIGHT.</div>	<div>NOTE</div> <div>VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK. REPORT ALL DISCREPANCIES TO LANDSCAPE ARCHITECT PRIOR TO CONSTRUCTION. FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED DRAWINGS. ALL WORK IS TO CONFORM TO RELEVANT AUSTRALIAN STANDARDS AND OTHER CODES AS APPLICABLE. LOCATION OF UNDERGROUND SERVICES TO BE PROVEN ON SITE AND PROTECTED IF NECESSARY PRIOR TO CONSTRUCTION. DIAL BEFORE YOU DIG. PLANT SPECIES AND QUANTITIES SHOWN ARE INDICATIVE ONLY AND ARE SUBJECT TO CHANGE BASED ON FUTURE PROJECT REQUIREMENTS.</div>	ISSUE	DATE	DESCRIPTION	DRAWN	REVIEW	<div>DRAWING</div> <div>LANDSCAPE SECTIONS</div> <div>BASEMENT LEVEL 1</div>	DATE	JOB NUMBER	DRAWING NUMBER
		A	23/04/24	DRAFT DA ISSUE	GS	RL/PK		20230612	LDA-10	
		B	03/07/24	COORDINATION	GS	RL/PK		PROJECT 17 BRIDGE END WOLLSTONECRAFT NSW 2065	REVISION G	
		C	05/07/24	COORDINATION	GS	RL/PK				
		D	11/07/24	COORDINATION	GS	RL/PK				
		E	26/07/24	COORDINATION	GS	RL/PK				
		F	02/08/24	ISSUE FOR DA	SO	RL/PK				
		G	09/04/25	ISSUE FOR DA RFI	MK	RL				



C-C LANDSCAPE SECTION C  
SCALE 1:50

LANDSCAPE ARCHITECT  
**GROUND INK**  
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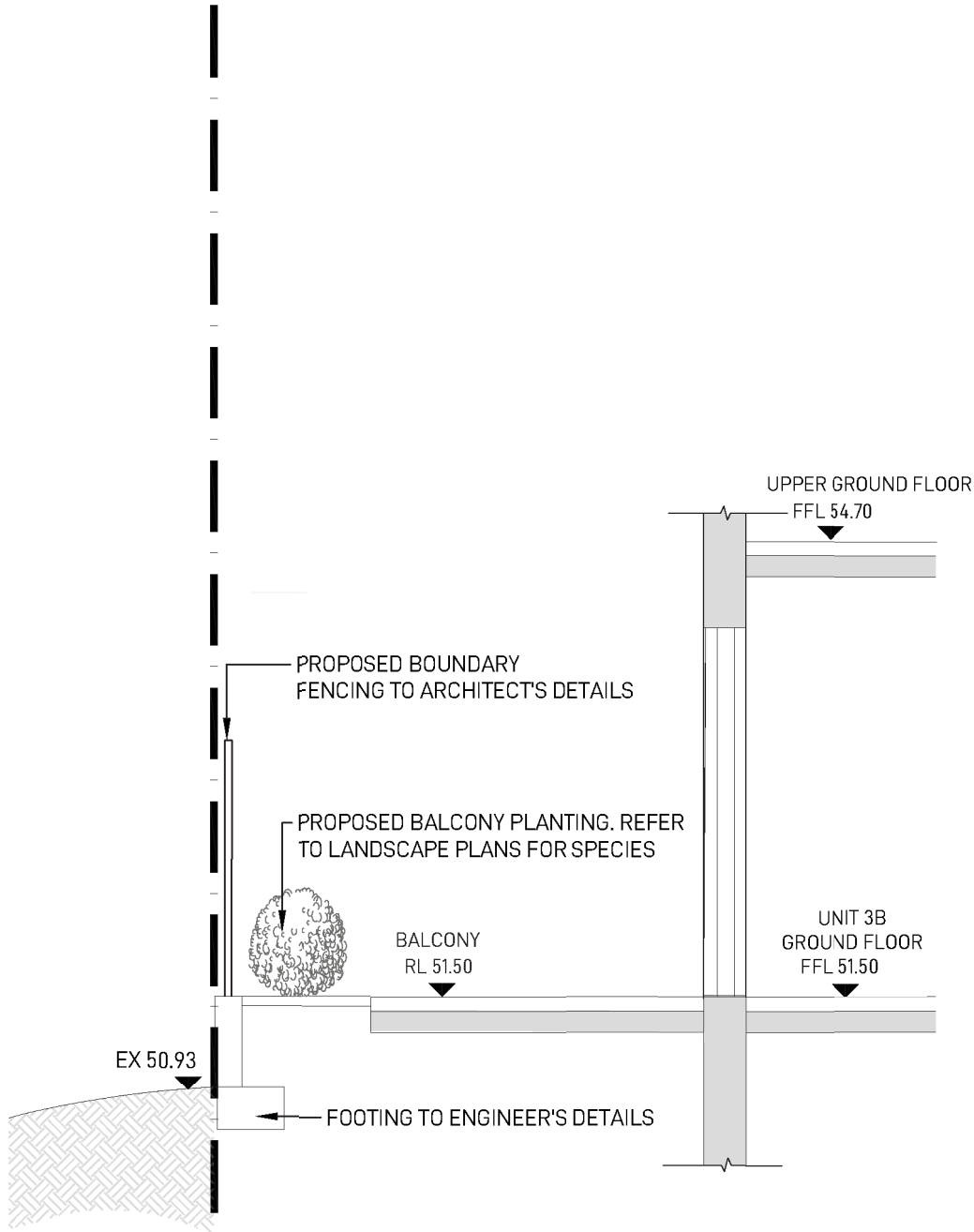
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F	02/08/24	ISSUE FOR DA	SO	RL/PK
G	09/04/25	ISSUE FOR DA RFI	MK	RL

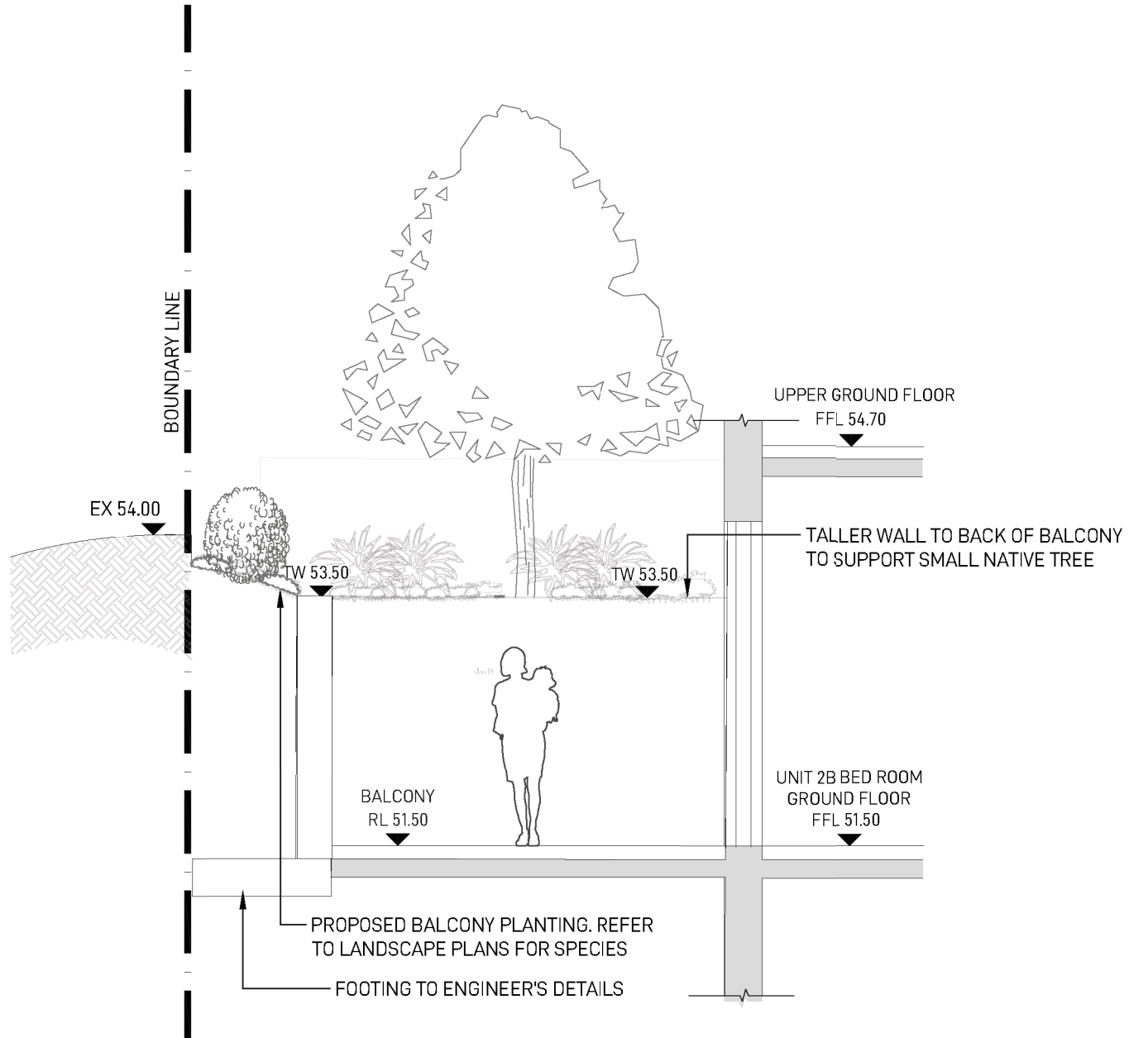
DRAWING  
**LANDSCAPE SECTIONS  
GROUND FLOOR  
SOUTH COMMUNAL AREA**

DATE	JOB NUMBER	DRAWING NUMBER
	20230612	<b>LDA-11</b>
PROJECT <b>17 BRIDGE END</b> WOLLSTONECRAFT NSW 2065		REVISION <b>G</b>





D-D LANDSCAPE SECTION D  
SCALE 1:50



E-E LANDSCAPE SECTIONAL ELEVATION E  
SCALE 1:50

LANDSCAPE ARCHITECT  
**GROUND INK**  
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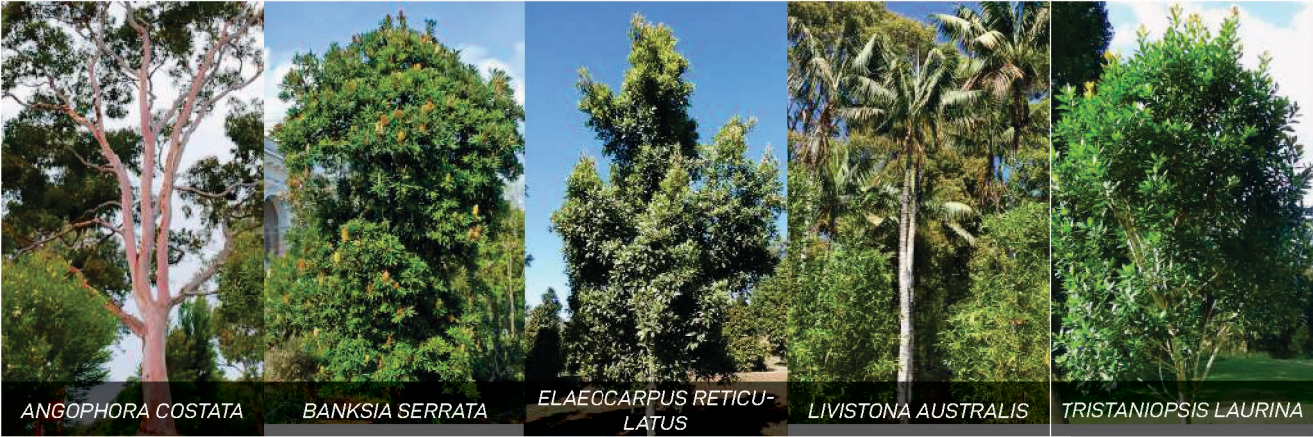
ISSUE	DATE	DESCRIPTION	DRAWN	REVIEW
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E	26/07/24	COORDINATION	GS	RL/PK
F	02/08/24	ISSUE FOR DA	SO	RL/PK
G	09/04/25	ISSUE FOR DA RFI	MK	RL

DRAWING
<b>LANDSCAPE SECTIONS GROUND FLOOR NORTH BALCONIES</b>

DATE	JOB NUMBER	DRAWING NUMBER
	20230612	<b>LDA-12</b>
PROJECT <b>17 BRIDGE END</b> WOLLSTONECRAFT NSW 2065		REVISION
		<b>G</b>



## TREES



## SHRUBS



## GRASSES & GROUNDCOVERS



BOTANICAL NAME	COMMON NAME	HEIGHT	NATIVE	POT SIZE	QUANTITY
TREES					
ACACIA IMPLEXA	HICKORY WATTLE	8M	✓	100L	-
ACMENA SMITHII	LILLY PILLY	3-5M	✓	200L	-
ANGOPHORA COSTATA	SYDNEY RED GUM	10-30M	✓	200L	-
ANGOPHORA FLORIBUNDA	ROUGH-BARKED APPLE	12-30M	✓	200L	-
BANKSIA INTEGRIFOLIA	COAST BANKSIA	5-25M	✓	100L	-
BANKSIA SERRATA	OLD MAN BANKSIA	16M	✓	100L	-
CALLICOMA SERRATIFOLIA	BLACK WATTLE	8M	✓	100L	-
CERATOPETALUM APETALUM	COACHWOOD	25M	✓	100L	-
CERATOPETALUM GUMMIFERUM	CHRISTMAS BUSH	5M	✓	100L	-
ELAEOCARPUS RETICULATUS	BLUEBERRY ASH	3-15M	✓	100L	-
EUCALYPTUS PIPERITA	SYDNEY PEPPERMINT	20M	✓	100L	-
GLOCHIDION FERDINANDI VAR. FERDINANDI	CHEESE TREE	8M	✓	100L	-
GLOCHIDION FERDINANDI VAR. PUBENS	HAIRY CHEESE TREE	6M	✓	100L	-
LIVISTONA AUSTRALIS	CABBAGE-TREE PALM	30M	✓	100L	-
TRISTANIOPSIS LAURINA	WATER GUM	15-20M	✓	200L	-
SHRUBS					
ACACIA LINIFOLIA	FLAX-LEAVED WATTLE	1.5-4M	✓	200MM	-
BACKHOUSIA MYRTIFOLIA	GREY MYRTLE	3M	✓	200MM	-
CALLISTEMON LINEARIS	NARROW-LEAVED BOTTLEBRUSH	1-3M	✓	200MM	-
CORREA REFLEXA	COMMON CORREA	0.5-2M	✓	200MM	-
CROWEA SALIGNA	WILLOW-LEAVED CROWEA	1-1.5M	✓	200MM	-
DODONAEA TRIQUETRA	COMMON HOP BUSH	3M	✓	200MM	-
GREVILLEA LINEARIFOLIA	WHITE SPIDER-FLOWER	1-2M	✓	200MM	-
XANTHORRHOEA ARBOREA	BROAD-LEAF GRASS-TREE	1-2M	✓	200MM	-
GRASSES AND GROUNDVCOVERS					
ADIANTUM AETHIOPICUM	COMMON MAIDENHAIR	0.1-0.45M	✓	140MM	-
DIANELLA CAERULEA	BLUE FLAX LILY	0.5-1M	✓	140MM	-
DIANELLA REVOLUTA	SPREADING FLAX LILY	1M	✓	140MM	-
DICHONDRA REPENS	KIDNEY WEED	0.1M	✓	140MM	-
HARDENBERGIA VIOLACEA	FALSE SARSAPARILLA	3M	✓	140MM	-
IMPERATA CYLINDRICA	BLADY GRASS	0.6-1.2M	✓	140MM	-
KENNEDIA RUBICUNDA	RED KENNEDY PEA	4M LONG	✓	140MM	-
LOMANDRA LONGIFOLIA	SPINY-HEADED MAT-RUSH	1M	✓	140MM	-
LOMANDRA MULTIFLORA	MANY-FLOWERED MAT-RUSH	0.3-0.6M	✓	140MM	-
MICROLAENA STIPOIDES	WEeping GRASS	0.5-0.8M	✓	140MM	-
PLECTRANTHUS PARVIFLORUS	COCKSPUR FLOWER	0.1-0.7M	✓	140MM	-
POA AFFINIS	TUSsock GRASS	1M	✓	140MM	-
PRATIA PURPURASCENS	WHITEROOT	0.15M	✓	140MM	-
THEMEDA AUSTRALIS	KANGAROO GRASS	1-1.5M	✓	140MM	-

## NOTE

SELECTION OF PLANTS ABOVE IS SOURCED FROM SUITABLE VEGETATION COMMUNITIES SUCH AS ANGOPHORA FORESHORE FOREST, BLACKBUTT GULLY FOREST, AND SANDSTONE GALLERY RAINFOREST.

LANDSCAPE ARCHITECT

GROUND iNK

LEVEL 4, SUITE 19/56 NERIDAH ST, CHATSWOOD NSW 2067  
| PH. (02) 9411 3279 | WWW.GROUNDINK.COM.AU  
ABN 55 163 025 456 ACN 163 025 456

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NOTE

VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK. REPORT ALL DISCREPANCIES TO LANDSCAPE ARCHITECT PRIOR TO CONSTRUCTION. FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED DRAWINGS. ALL WORK IS TO CONFORM TO RELEVANT AUSTRALIAN STANDARDS AND OTHER CODES AS APPLICABLE. LOCATION OF UNDERGROUND SERVICES TO BE PROVEN ON SITE AND PROTECTED IF NECESSARY PRIOR TO CONSTRUCTION. DIAL BEFORE YOU DIG. PLANT SPECIES AND QUANTITIES SHOWN ARE INDICATIVE ONLY AND ARE SUBJECT TO CHANGE BASED ON FUTURE PROJECT REQUIREMENTS.

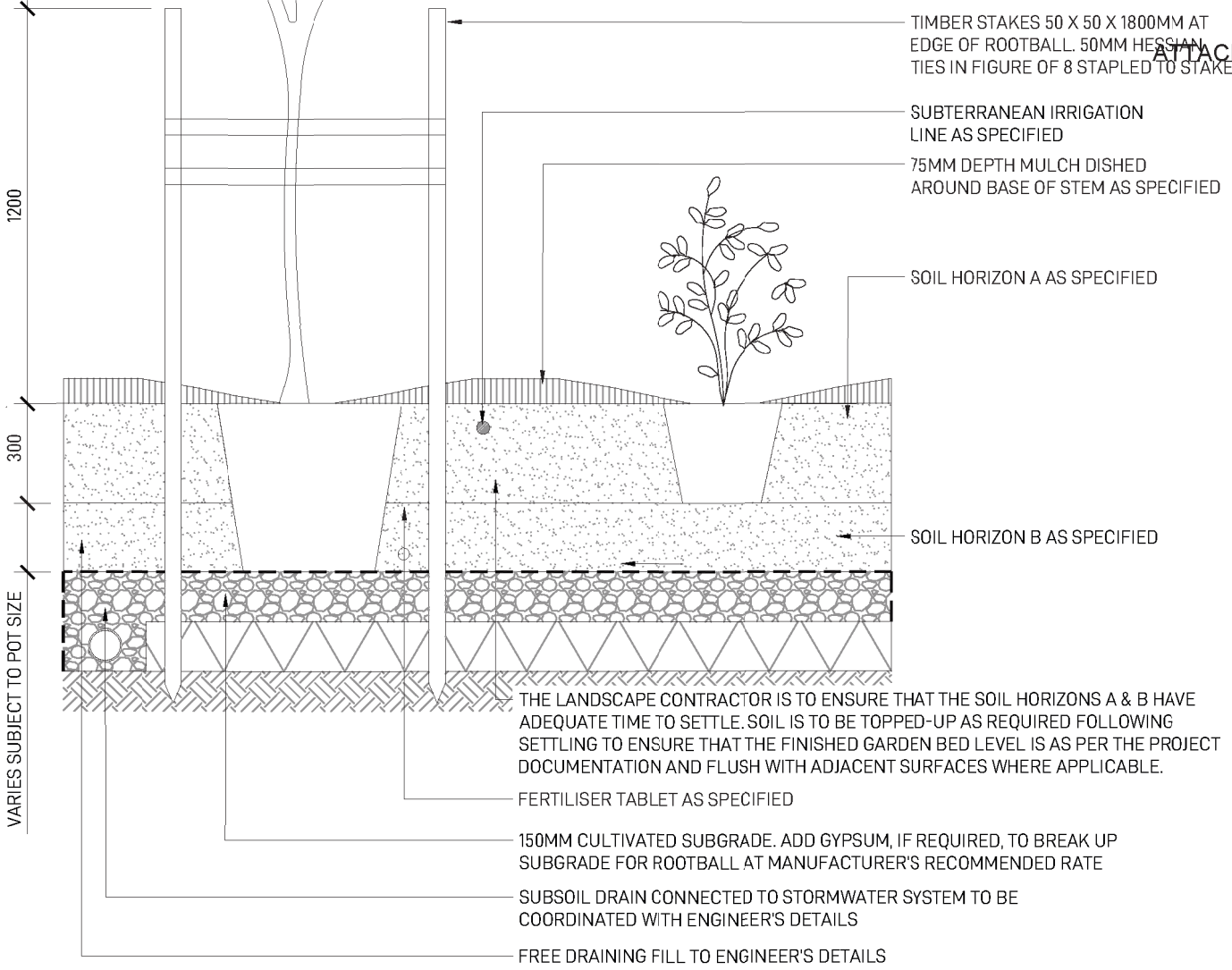
ISSUE	DATE	DESCRIPTION	DRAWN	REVIEW
A	23/04/24	DRAFT DA ISSUE	GS	RL/PK
B	03/07/24	COORDINATION	GS	RL/PK
C	05/07/24	COORDINATION	GS	RL/PK
D	11/07/24	COORDINATION	GS	RL/PK
E	26/07/24	COORDINATION	GS	RL/PK
F	02/08/24	ISSUE FOR DA	SO	RL/PK
G	09/04/25	ISSUE FOR DA RFI	MK	RL

DRAWING

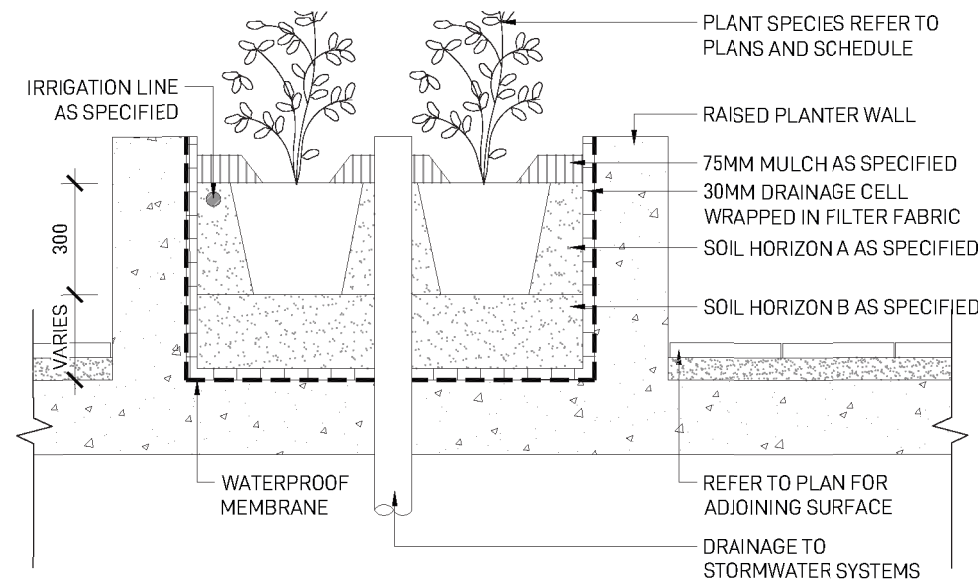
PLANTING PALETTE

DATE	JOB NUMBER	DRAWING NUMBER
	20230612	LDA-13
PROJECT 17 BRIDGE END WOLLSTONECRAFT NSW 2065		
SCALE N/A		REVISION G





**MASS PLANTING**  
TYPICAL SECTION 1:20 @ A3



**ON SLAB PLANTER BOX**  
TYPICAL SECTION 1:20 @ A3

<div>LANDSCAPE ARCHITECT</div> <div>GROUND INK</div> <div>LEVEL 4, SUITE 19/56 NERIDAH ST, CHATSWOOD NSW 2067</div> <div>I PH. (02) 9411 3279   WWW.GROUNDINK.COM.AU</div> <div>ABN 55 163 025 456 ACN 163 025 456</div> <div>© GROUND INK PTY LTD THIS DESIGN AND DRAWING IS PROTECTED BY COPYRIGHT.</div>	<div>NOTE</div> <div>VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK. REPORT ALL DISCREPANCIES TO LANDSCAPE ARCHITECT PRIOR TO CONSTRUCTION. FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED DRAWINGS. ALL WORK IS TO CONFORM TO RELEVANT AUSTRALIAN STANDARDS AND OTHER CODES AS APPLICABLE. LOCATION OF UNDERGROUND SERVICES TO BE PROVEN ON SITE AND PROTECTED IF NECESSARY PRIOR TO CONSTRUCTION. DIAL BEFORE YOU DIG. PLANT SPECIES AND QUANTITIES SHOWN ARE INDICATIVE ONLY AND ARE SUBJECT TO CHANGE BASED ON FUTURE PROJECT REQUIREMENTS.</div>	ISSUE	DATE	DESCRIPTION	DRAWN	REVIEW	<div>DRAWING</div> <div>LANDSCAPE DETAILS &amp; SPECIFICATIONS</div>	DATE	JOB NUMBER	DRAWING NUMBER
		A	23/04/24	DRAFT DA ISSUE	GS	RL/PK		20230612	LDA-14	
		B	03/07/24	COORDINATION	GS	RL/PK		<div>PROJECT</div> <div>17 BRIDGE END</div> <div>WOLLSTONECRAFT NSW 2065</div>		
		C	05/07/24	COORDINATION	GS	RL/PK				
		D	11/07/24	COORDINATION	GS	RL/PK		<div>SCALE 1:20 (A3)</div> <div>00.20.40.60.81m</div> <div>REVISION</div> <div>G</div>		
		E	26/07/24	COORDINATION	GS	RL/PK				
		F	02/08/24	ISSUE FOR DA	SO	RL/PK				
		G	09/04/25	ISSUE FOR DA RFI	MK	RL				