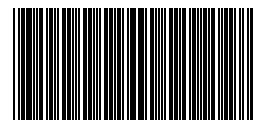




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Expert Report

COURT DETAILS

Court	Land and Environment Court of NSW
Division	Class 1
Registry	Land and Environment Court Sydney
Case number	2021/00101973

TITLE OF PROCEEDINGS

First Applicant	Dreric Pty Limited
First Respondent	North Sydney Council ABN 32353260317

FILING DETAILS

Filed for	Dreric Pty Limited, Applicant 1
Legal representative	ANTHONY DOYLE SATTLER
Legal representative reference	
Telephone	0424545861

ATTACHMENT DETAILS

In accordance with Part 3 of the UCPR, this coversheet confirms that both the Lodge Document, along with any other documents listed below, were filed by the Court.

Expert Report (169-21 - A SEE 101 Blues Point Road McMahon's Point October 2021.pdf)

[attach.]

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR MEDICAL ADMINISTRATION FACILITIES AS ANCILLARY USE TO AN APPROVED
MEDICAL CONSULTING ROOMS**

LOCATED AT

101 BLUES POINT ROAD, McMAHONS POINT

FOR

DR ERIC LIM



**Prepared
December 2020
(As revised October 2021)**

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1.0 Introduction

This Statement of Environmental Effects accompanies architectural details prepared by Peter Princi Architects, Drawings No's E01, DA01 – DA08, dated 15 October 2021 to detail proposed alterations an existing building at **101 Blues Point Road, McMahon's Point**.

The proposal was the subject of a Development Application to North Sydney Council (DA8/21) which is currently the subject of proceedings in the Land and Environment Court – Case Number 2021/00101973.

This revised statement considers amended architectural plans prepared by Peter Princi Architects and dated 15 October 2021.

The revised architectural plans include amendments to the architectural set originally considered by Council in the assessment of DA8/21 and propose the following schedule of amendments:

Schedule of Amendments:

- Removal of upper floor over the approved health consulting rooms and internal stair access
- Reinstatement of unauthorised opening between the approved health consulting rooms and the remainder of the building
- New internal opening connecting approved health consulting rooms to the dwelling
- Amended roof over eastern additions
- Amended roof over entry
- Conservation of chimney stacks
- Repainting of external façade and windows and doors to the approved health consulting rooms
- Altered garage size
- Retention of sandstone to east wing
- Reinstatement of sandstone to Bedroom 2
- Amended bathrooms
- Laundry to lower level
- Amended kitchen layout
- Removal of window to southern wall of east wing (will be internal)
- Amended front fence and gates
- Re-roofing of existing roofs

Development Application No. 519/11 for alterations and additions to the existing dwelling was court approved on 23 December 2011. The works subject of this approval were not carried out, and the consent has lapsed.

Development Application No. 271/19 for “*Use and fit out as medical consulting rooms with hours of 8am-6pm (Monday to Friday); 8am – 1pm (Saturday) and new awning*” was approved by Council under delegated authority with the Notice of Determination dated 5 December 2019.

Development Application No. 271/19/2 was lodged with Council on 20 August 2020, which seeks to modify DA 271/19 to provide for: *“To modify Consent No 271/19 with regard to change the location of door to medical consulting rooms; internal changes; reconstruction of existing chimney.”* This application was approved by Council under delegated authority with the Notice of Determination dated 21 January 2021.

This Statement reviews the proposed development by assessing the relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, (as amended) including:

- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *North Sydney Local Environmental Plan 2013*
- *North Sydney Development Control Plan 2013*

2.0 Property Description & Surrounding Locality

The subject allotment is described as **101 Blues Point Road, McMahon's Point**, being Lot 1 within Deposited Plan 216475 and is zoned B1 Neighbourhood Centre under the North Sydney Local Environmental Plan 2013.

The site is on the north-eastern corner of Blues Point Road and East Crescent Street. The site is irregular in shape, with a front, western boundary to Blues Point Road measuring 6.84m and a secondary frontage to East Crescent Street of 21.64m. The northern and eastern boundaries measure 20.56m (total) and 12.16m. The total site area is 238.7m².

The site is currently developed with a rendered brick and stone mixed-use development comprising a dwelling and commercial shopfront.

The site has a gentle slope towards the south-east, with a fall of approximately 1m across the site. The stormwater on site is directed to the street gutter in Blues Point Road and East Crescent Street.

The details of the site are indicated on the Survey Plan prepared by Stutchbury Jaques Pty Ltd, Reference No. 10505/19 dated 25 June 2019, which accompanies the DA submission. The existing development is listed as heritage item (No. I0411) and is also noted as being within a heritage conservation area (C13 McMahon's Point North) under Schedule 5 of the NSLEP 2013.

A Conservation Management Strategy has been prepared by Colin Israel, dated 30 September 2021 and will be discussed in further detail within this submission.

The existing development in the vicinity is characterised by a mix of late 19th and early 20th century building styles, along with newer contemporary development.

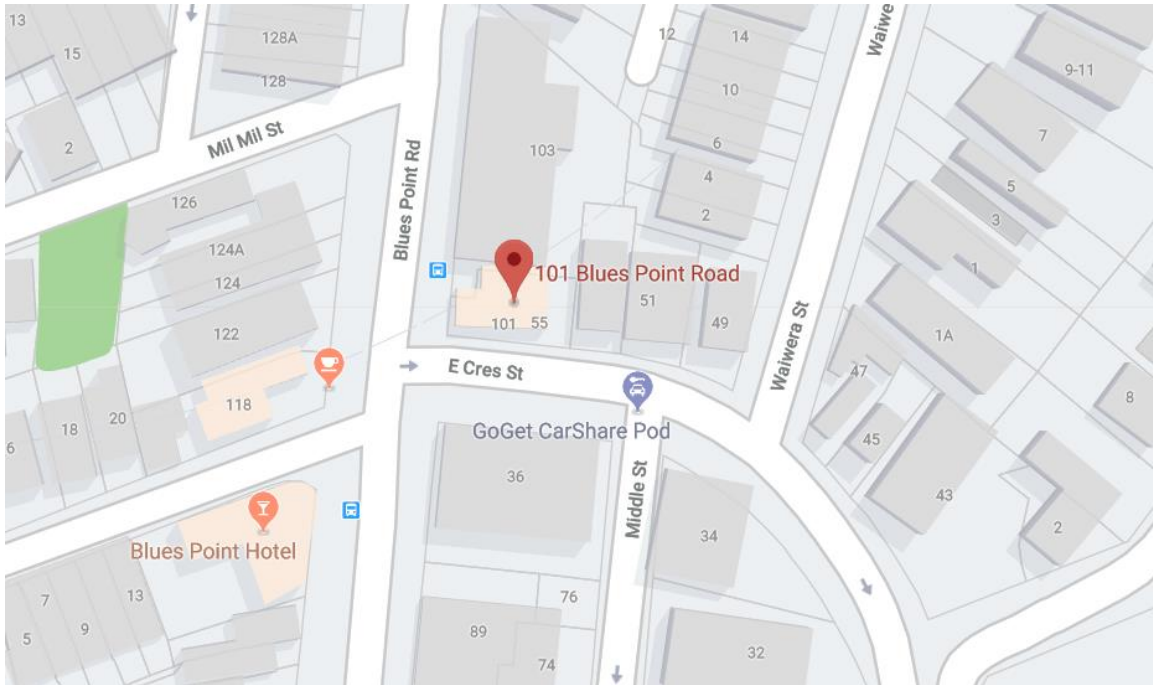


Fig 1: Location sketch
(Source: Google Maps)

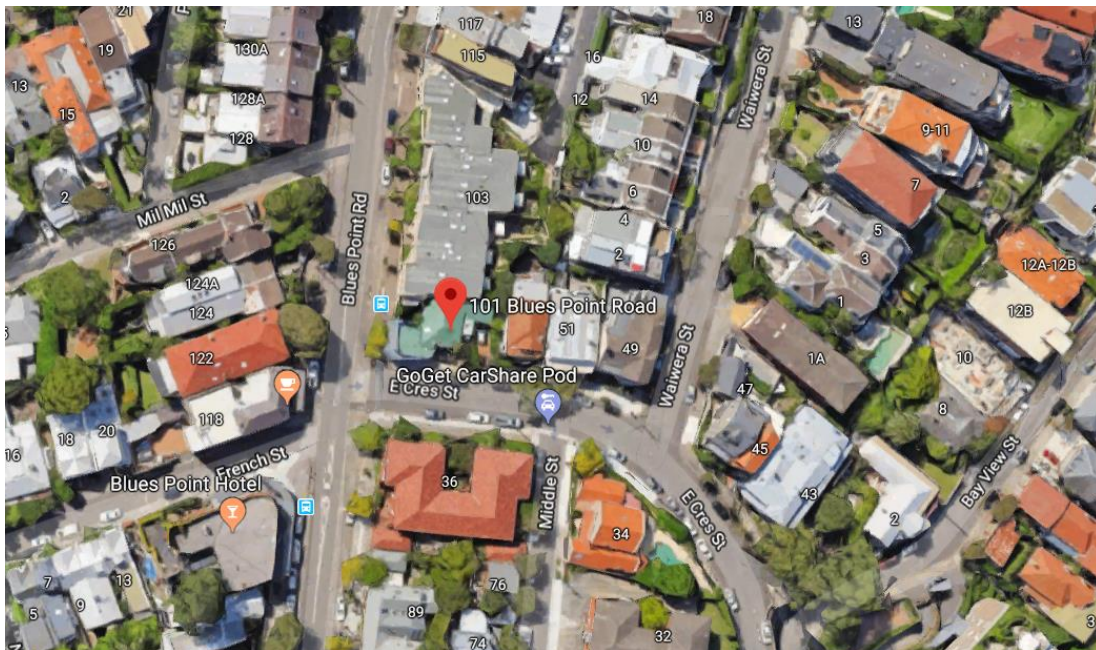


Fig 2: Aerial view of subject locality
(Source: Google Maps)



Fig 3: View of subject site, looking north-east from the intersection of Blues Point Road & East Crescent Street



Fig 4: View of subject site, looking east along East Crescent Street



Fig 5: View of subject site, looking east from Blues Point Road



Fig 6: View of subject site, looking north-west from East Crescent Street

3.0 Proposed Development

As detailed within the accompanying architectural plans prepared by Peter Princi Architects dated 15 October 2021, the proposal seeks approval for alterations to the approved health consulting rooms and the existing dwelling.

The proposed alterations and additions comprise the following:

Garage Level

- Alterations and additions to the existing garage level
- New internal stair from the garage level to the Ground Floor Level
- New bin storage area
- New laundry

Ground Floor Plan

- Internal alterations and additions to approved health consulting rooms
- Alterations and additions to the existing dwelling to provide for three bedrooms, two bathrooms, with pantry and kitchen with pantry, open plan living and dining
- Entry and stairs from East Crescent Street

External Works

- New rendered finish to the existing external walls
- New timber door and window openings concrete driveway
- Minor external landscape works to provide for additional garden area to the East Crescent Street frontage
- New front fence with pedestrian and driveway entry gates to East Crescent Street

The external colours and finishes have been selected to complement the existing building on the site and have been detailed in the DA plans.

The development indices for the proposal are:

Site Area:	239.2m²
Permissible floor area	1:1 or 238.7m ²
Existing Floor Area	145m ²
Proposed Floor Space Ratio:	0.752:1 or 180m ²
Proposed Site Coverage:	185m ² or 77.3%
Proposed Landscaped Area:	29m ² or 12.1%
Proposed Un-Built Upon Area:	84.8m ² or 44%

4.0 Zoning and Development Controls

4.1 State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 – Remediation of Land and in particular Clause 7(1)(a) suggests that a consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

Given the history of residential use of the land, the site is not considered to be subject to contamination and further investigation is not required at this stage.

4.2 North Sydney Local Environmental Plan 2013

The land is zoned B1 Neighbourhood Centre under the provisions of the North Sydney LEP 2013.

The proposal seeks to provide for alterations and additions to the building to provide for alterations to the existing approved health consulting rooms and additions and alterations to the existing dwelling and are permissible in the B1 zone with the consent of Council.

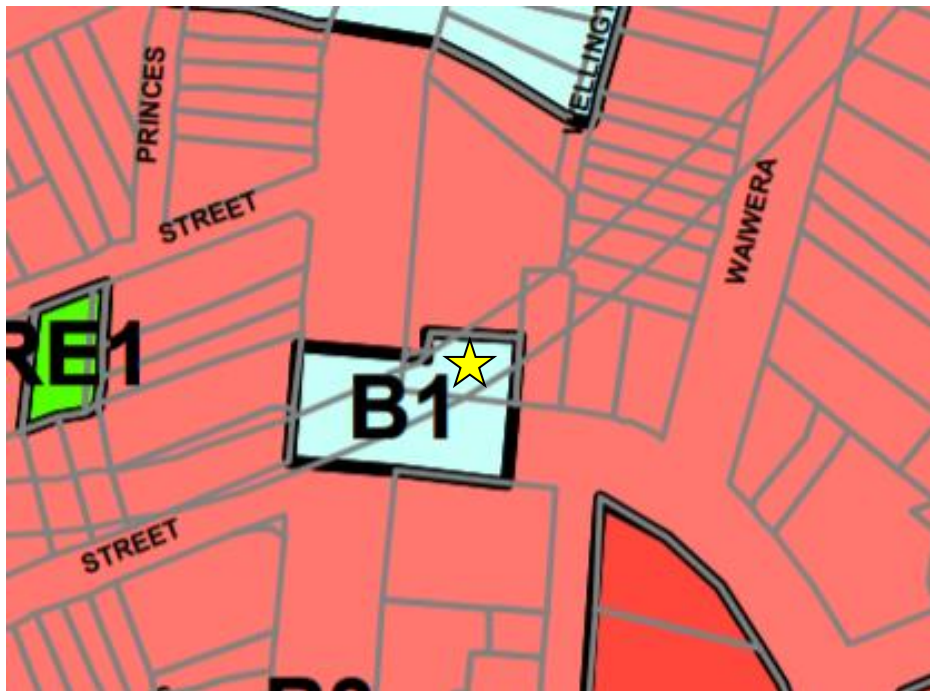


Fig 7: Extract of North Sydney Local Environmental Plan 2013

The proposed development is consistent with the zone objectives, which are noted as:


- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.
- To encourage active street life while maintaining high levels of residential amenity.
- To encourage development for the purpose of shop top housing.

It is considered that the proposed alterations and additions to the approved health consulting rooms and dwelling will be consistent with the desired future character of the surrounding locality for the following reasons:

- The proposal will be consistent with and complement the existing varied development within the locality.
- The proposed development respects the scale and form of existing development in the vicinity and therefore compliments the locality.
- The proposal provides for alterations and additions to an existing approved health consulting rooms that support the medical requirements of the local community within a built form which maintains the existing scale of the current building with equitable sharing of views and solar access for the neighbouring properties.
- The additions and alterations to the existing dwelling are compatible with the style and scale of the existing development on the site and which reinforces the residential component of the development in its context.
- The proposal maintains the existing commercial use and the residential uses, which will continue to serve the needs of people who live and work in the locality.
- The setbacks are compatible with the existing surrounding development and comply with the North Sydney DCP setback requirements.

North Sydney Local Environmental Plan 2013 Compliance Table

CONTROL	LEP REQUIREMENT	PROPOSED	COMPLIANCE
Clause 2.1 Land use zone B1 Neighbourhood Centre	Mixed use development is permissible in the zone with the consent of council.	Proposal seeks to provide for minor alterations to the existing approved health consulting rooms and additions and alterations to the existing dwelling, which are permissible in the zone	Complies
Clause 4.3 Building Height	(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map, being 8.5m.	Maximum proposed height is 6.7m and complies with this control.	Complies
Clause 4.4 Floor Space Ratio	Floor Space Ratio identified on the map as 1:1	The development provides for a total floor area of 180m ² or a FSR of 0.752:1 which complies with Council's controls.	Complies
Clause 5.10 Heritage conservation		The existing dwelling on the site is listed as a heritage item (No. I0411), and the site is also noted as being	Complies

CONTROL	LEP REQUIREMENT	PROPOSED	COMPLIANCE
		<p>within a heritage conservation area (C13 McMahons Point North) under Schedule 5 of the NSLEP 2013.</p>  <p>Fig 8: Extract of North Sydney Local Environmental Plan 2013</p> <p>The proposed works involve minor alterations to the existing approved health consulting rooms and additions and alterations to the existing dwelling. The proposal is therefore not considered to detract from the significance of the item or conservation area.</p> <p>A Conservation Management Strategy (CMS) has been prepared by Colin Israel dated 30 September 2021 and accompanies this submission.</p>	

4.3 North Sydney Development Control Plan

Council's DCP provides the primary control for development within the locality. The design has been prepared to have regard for the numerical controls of Council's DCP, together with the design principles and guidelines detailed within the DCP.

The applicable areas of the DCP are summarised as:

Site Area 238.7m²

CONTROL	PROPOSED	COMPLIANCE
PART B - SECTION 1 RESIDENTIAL DEVELOPMENT		
1.3 Environmental Criteria		
1.3.1 Topography Development should not result in the ground level (finished) being greater than 500mm above or below ground level (existing).	Proposed finished ground level for garage <500mm below existing ground level (approximately 0.37m).	Complies
Habitable rooms (not including bathrooms, laundries and storerooms) should be located above ground level (existing).	All habitable rooms will be located above existing ground level.	Complies
New development should not result in the removal or covering of rock outcrops, overhangs, boulders, sandstone platforms or sandstone retaining walls.	Proposal will not see the removal of any important natural features.	Complies
Excavation should not occur within 1m of any property boundary. Where excavation is required within 500mm of a property boundary, Council must not grant development consent unless it is satisfied that the proposed excavation will not result in adversely impacting upon the structural integrity of adjoining properties.	No excavation of the site proposed. The works will be carried out in accordance with the advice of the consulting Structural Engineer, and will therefore not result in adverse impacts on the structural integrity of adjoining properties.	Complies – on merit
The depth of soil around buildings must be sufficient to sustain trees as well as shrubs and smaller scale gardens.	Deep soil areas available which are capable of accommodating a variety of vegetation.	Complies

CONTROL	PROPOSED	COMPLIANCE
<p>1.3.2 Properties in proximity to bushland</p> <p>Development on properties in proximity to bushland must be consistent with the requirements of Part B: Section 15 - Bushland of the DCP.</p>		<p>N/A</p>
<p>1.3.6 Views</p> <p>Design buildings so as to minimise loss of views from surrounding properties.</p>	<p>The subject and adjoining properties currently receive limited local views.</p> <p>The development has been designed to ensure that equitable access to the available views is maintained for the neighbouring properties.</p> <p>The proposed new works will see alterations and additions to the existing ground floor level of the building, with the site maintaining a one and two storey form which is consistent with the height and size of the surrounding development. Views past and over the site will be maintained for properties in the area.</p>	<p>Complies</p>
<p>1.3.7 Solar Access</p> <p>Design and site development so as to allow solar access to any solar panels, the main internal living areas and principal private open space areas of the subject property and adjoining properties, for a minimum of three hours between the hours of 9.00am and 3.00pm during winter solstice (21st June).</p>	<p>The proposal maintains a modest bulk and scale, which will ensure that neighbouring properties will continue to receive appropriate solar access throughout the day.</p>	<p>Complies</p>

<p>1.3.8 Acoustic Privacy Buildings are to be designed and rooms positioned to reduce noise transmission within and between dwellings.</p> <p>Mechanical equipment, such as pumps, lifts or air conditioners should not be located adjacent to bedrooms or living rooms of dwellings on adjoining properties.</p>	<p>The works are a low scale medical and residential use and therefore no adverse acoustic impacts are expected arise as a result of the proposed modest alterations to the dwelling.</p> <p>There will be no new noise generating equipment.</p>	<p>Complies</p>
<p>1.3.10 Visual Privacy Locate windows to avoid direct or close views into the windows, balconies or private open space of adjoining dwellings</p> <p>Provide minimum sill heights of 1.5m to windows with a direct outlook to windows of an adjacent dwelling – alternatively use fixed obscure glazing or other privacy devices.</p> <p>Limit the width and depth of any deck, patio or terrace located greater than 1m above ground level (existing) where privacy and loss of views is an issue and consider using screen devices where relevant.</p>	<p>The proposed alterations are not considered to result in any significant privacy impacts on neighbouring properties.</p> <p>No window openings are provided in the eastern wall of the dwelling, facing No 53 East Crescent Street which therefore maintains appropriate level of privacy between the properties.</p> <p>Accordingly, the proposal is not considered to result in any privacy impacts for occupants of the site or neighbouring properties.</p>	<p>Complies</p>
<p>1.4 Quality Built Form</p>		
<p>1.4.1 Context Compatible with the contextual surroundings.</p>	<p>The proposed design is appropriate and compatible with the surrounding context. The site is located in a neighbourhood centre, comprising a mix of medium density residential environment and small scale commercial land uses.</p> <p>The proposed alterations and additions to an existing building are consistent with the scale and form of other dwellings in the immediate locality.</p>	<p>Complies</p>

<p>1.4.3 Streetscape</p> <p>Ensure that footpaths, kerb and guttering and street trees contribute to a consistent streetscape.</p>	<p>The proposed works will be consistent with the existing Blues Point Road streetscape.</p>	<p>Complies</p>								
<p>1.4.4 Laneways</p> <p>The height of buildings facing laneways should respect the width of the lane (i.e. a one storey building generally provides the most appropriate scale).</p>	<p>N/A</p>	<p>N/A</p>								
<p>1.4.5 Siting</p> <p>Site buildings within a single building form, addressing the street. Orient each external wall parallel to the corresponding boundary of the site, unless another orientation is characteristic.</p>	<p>The orientation of the various elevations addresses the relevant boundaries.</p>	<p>Complies</p>								
<p>1.4.6 Setbacks</p> <p>Front</p> <p>The front setback must match the alignment of the primary facades of buildings on adjoining properties. Where different setbacks occur, the average of the setbacks of those primary facades is to be used.</p> <p>Building setbacks are to comply with the requirements set out in Table B-1.5.</p> <table><tr><th colspan="2">Minimum Setback Requirement</th></tr><tr><td>1st storey (up to 4m)</td><td>900mm</td></tr><tr><td>2nd storey (up to 7m)</td><td>1.5m</td></tr><tr><td>3rd storey or higher (greater than 7m)</td><td>2.5m</td></tr></table>	Minimum Setback Requirement		1st storey (up to 4m)	900mm	2nd storey (up to 7m)	1.5m	3rd storey or higher (greater than 7m)	2.5m	<p>Proposed new works follow the existing building line of the dwelling. Proposed front building line in keeping with adjoining properties.</p> <p>The setback of the existing building to the eastern northern boundaries will be unchanged.</p> <p>The objectives of this control read as follows:</p> <p><i>O1 to reinforce the characteristic pattern of setbacks and building orientation within the street.</i></p> <p><i>O2 to control the bulk and scale of buildings.</i></p> <p><i>O3 to provide separation between buildings.</i></p> <p><i>O4 to preserve the amenity of existing dwellings and provide amenity to new dwellings in</i></p>	<p>Complies</p> <p>Complies</p>
Minimum Setback Requirement										
1st storey (up to 4m)	900mm									
2nd storey (up to 7m)	1.5m									
3rd storey or higher (greater than 7m)	2.5m									

	<p><i>terms of shadowing, privacy, views, ventilation and solar access.</i></p> <p>The proposal is generally considered to reinforce the pattern of setbacks within the locality.</p> <p>Having regard for the nature of existing surrounding development, the bulk and scale of the proposed development is considered to be appropriate.</p> <p>The proposal provides suitable separation between buildings, and will maintain the amenity of the subject and adjoining properties.</p> <p>The proposal is consistent with the objectives of this provision and is therefore considered acceptable on merit.</p>	
Rear setback – same or average of adjoining properties	<p>The proposal is a corner site and therefore does not present a rear setback.</p> <p>The position of the existing building relative to the boundaries of the site will be unchanged.</p>	Complies
<p>1.4.7 Form, Massing and Scale</p> <p>The size of new buildings is consistent with surrounding, characteristic buildings and is not significantly larger than characteristic buildings.</p>	<p>The proposed new works are complementary in bulk and scale in keeping with the style, character and bulk of other developments in the immediate vicinity.</p>	Complies
The finished floor height of the ground floor level should not exceed 1m above ground level (existing), measured vertically at any point.	N/A – no change to existing ground floor level	N/A
Finished floor to ceiling heights are a minimum of 2.7m.	All new ceiling heights are at least 2.7m.	Complies

1.4.8 Built form character Balconies are to be incorporated within the building envelope.	New small front balcony/deck facing East Crescent Street proposed and is incorporated within the building envelope.	Complies
1.4.9 Dwelling Entry The entry of any dwelling is readily apparent from the street and conveys a sense of address. Safe access to dwellings and security for residents	The entry point is on East Crescent Street and is easily identifiable.	Complies
1.4.10 Roofs Use a similar roof pitch, form and materials to those in the character statement or if not identified in the character statement that relates neighbouring buildings. Flat or skillion roofs may be considered, where they are provided to the rear of buildings and not seen from the primary street frontage	The proposed roof form is consistent with the roof form specified within the Area Character Statement for the McMahons Point North Conservation Area.	Complies
1.4.12 Colours & Materials Colours and material used in new buildings reflect and reinforces the existing character of the locality.	The proposed works incorporates a mix of sandstone flagging and rendered masonry and metal roofing in colours to harmonise with the existing building finishes.	Complies
1.4.14 Front Fences Front fences and side fences located between the street frontage and its respective building line are not to exceed 1m in height. Transparent fences (i.e. comprising no more than 50% solid constructions – measured vertically across its entire length) must not exceed 1.5m in height, unless otherwise indicated in this DCP. Solid fences (e.g. masonry lapped and capped timber, brushwood) must not exceed 1m in height, unless otherwise indicated in this DCP.	The proposal seeks to retain the existing front fence with new metal gates to be provided in place of the existing gates. The transparency and form of the existing fence remains unchanged.	Complies

1.5 Quality Urban Environment		
1.5.3 Safety and Security Ensure a high level of personal safety for people who use or visit the building	The residence is orientated towards the Blues Point Road/ East Crescent Street intersection with easily identifiable access. The habitable room windows within the front elevation will overlook the street frontage to allow for casual surveillance of visitors and to the street.	Complies
1.5.4 Vehicular Access & Car Parking Design access ways, driveways and parking areas to: <ul style="list-style-type: none"> a) enable vehicles to enter the parking space or garage in a single turning movement; b) enable vehicles to leave the parking space in no more than two turning movements; c) enable vehicles to avoid queuing on public roads; d) comply with AS 1428.2 Design for Access and Mobility; and e) Comply with the requirements of vehicular crossings and driveways as set out in s.20.4 to this Part of the DCP. Parking areas must be designed to enable cars to enter and leave the site in a forward direction.	The existing garage will be maintained and extended to allow for waste storage areas within the garage. The development is supported by a Traffic and Parking Impact Assessment prepared by ParkTransit Australia Pty Ltd, dated 20 October 2020. The parking assessment confirms that two car spaces are considered sufficient to handle a project parking demand and the works do not generate any increase in safety risk to pedestrians or drivers as a result of the access and parking configurations.	Complies
Driveway and pedestrian access must be separated.	Additionally, the Assessment suggests that the proposed development not negatively impact on the current traffic conditions	Complies
The use of car spaces within a development is restricted to the occupiers of that development.	Proposed pedestrian access to the entry to the medic facilities directly from the public footpath	Complies
Where site has frontages to both a street and a rear laneway, vehicular	The car space will serve the occupants of the subject site only.	N/A

<p>access should be provided from the laneway rather than the street.</p> <p>Limit the width of vehicle access to 2.5m and locate to one side of the property, or to side or rear of the building if possible.</p> <p>Provide a minimum of 5.5m between gates or doors to parking areas and the boundary to allow a car to stand within the property boundary while the gates/doors are opening.</p>	<p>N/A</p> <p>Proposed vehicle access located on one side of property.</p> <p>A proposed garage door is to be provided however there is inadequate room to allow for vehicle standing within the site.</p>	<p>Complies</p> <p>N/A</p>												
<p>1.5.5 Site Coverage</p> <p>Maximum site coverage for detached dwellings, semi detached dwellings and attached dwellings are listed in the table below.</p> <table> <tr> <th>Lot size (m²)</th> <th>Site Coverage (Max)</th> </tr> <tr> <td>0-229</td> <td>60%</td> </tr> <tr> <td>230-499</td> <td>50%</td> </tr> <tr> <td>500-749</td> <td>40%</td> </tr> <tr> <td>750-999</td> <td>35%</td> </tr> <tr> <td>1000+</td> <td>30%</td> </tr> </table>	Lot size (m ²)	Site Coverage (Max)	0-229	60%	230-499	50%	500-749	40%	750-999	35%	1000+	30%	<p>The proposed site coverage is to increase from 170m² to 185m² or 77.34%, however it is also notable that the proposed landscaped area will increase from 3.7% to 12.2%, with an improved landscape treatment for the site to provide for better screening opportunity to the proposed built form.</p> <p>The Objectives of Council’s site coverage control are:</p> <p><i>Objectives</i></p> <p><i>O1 To ensure that development is balanced and in keeping with the optimum capacity of the site with no over development.</i></p> <p><i>O2 To ensure that development promotes the existing or desired future character of the neighbourhood.</i></p> <p><i>O3 To control site density.</i></p> <p><i>O4 To limit the building footprint so as to ensure adequate provision is made for landscaped area and private open space.</i></p>	<p>Complies - on merit</p>
Lot size (m ²)	Site Coverage (Max)													
0-229	60%													
230-499	50%													
500-749	40%													
750-999	35%													
1000+	30%													

	<p>The proposed works include additions and alterations to the existing building at the current ground floor level which maintain a one and two storey form.</p> <p>The surrounding development is predominantly two storeys and the small alterations to the existing building will be compatible with the scale of all of the immediate corner sites and the wider pattern in the locality.</p> <p>Additionally, the extent of the proposed building footprint is also compatible with the treatment of the corner sites in the immediate vicinity.</p> <p>The modest scale maintained by the development will ensure that the site will not appear to be overdeveloped and given the building maintains a compatible height and scale, the development will be consistent with the existing and future character of the neighbourhood.</p> <p>The proposal will see an increase in the available landscaped area, which will allow for further planting opportunity to assist in screening the built form.</p>										
<p>1.5.6 Landscaped Area Provide minimum landscape area and minimum un-built upon area in accordance with the table below.</p> <table> <tr> <th>Lot Size</th><th>Landscape</th><th>Un-built upon</th></tr> <tr> <td>0-229</td><td>20%</td><td>20%</td></tr> <tr> <td>230-499</td><td>30%</td><td>20%</td></tr> </table>	Lot Size	Landscape	Un-built upon	0-229	20%	20%	230-499	30%	20%	<p>The proposed landscaped area is 29m² or 12.2% which does not comply with this provision, however the extent of the landscaping is significantly increased from the existing landscaped area of 9m² or 3.7%.</p> <p>The landscaping is improved through the removal of</p>	Complies
Lot Size	Landscape	Un-built upon									
0-229	20%	20%									
230-499	30%	20%									

500-749	40%	20%	unnecessary paving in the introduction of additional garden areas.	
750-999	45%	20%		
1000+	50%	20%		
1.5.6 Un-built Upon Area (max) The following items are considered to constitute un-built upon area: <ol style="list-style-type: none"> any part of a basement which does not comprise site coverage; unenclosed balconies, decks, pergolas and the like; paving and patios (porous and non-porous); driveways and car stand areas (porous and non-porous); or water features. 			Proposed un-built upon area is 56m ² or 23%, which does not comply with the control. The variation to the landscaped area and un-built upon area controls are existing, and the proposal sees an additional 20m ² of landscaping. The objectives of this control read as follows: <ul style="list-style-type: none"> <i>(a) promote the character of the neighbourhood;</i> <i>(b) provide useable private open space for the enjoyment of residents;</i> <i>(c) provide a landscaped buffer between adjoining properties;</i> <i>(d) maximise retention and absorption of surface drainage water on site;</i> <i>(e) minimise obstruction to the underground flow of water;</i> <i>(f) promote substantial landscaping, that includes the planting of trees that when mature will have significant canopy cover;</i> <i>(g) control site density;</i> <i>(h) minimise site disturbance;</i> <i>(i) contributes to streetscape and amenity;</i> <i>(j) allows light to penetrate between buildings;</i> <i>(k) encourage the provision of space for biodiversity conservation and ecological processes; and</i> <i>(l) provide a buffer between bushland areas and development.</i> 	

	<p>The proposed alterations to the existing building will complement existing surrounding development and contribute to the character of the Blue Point Road streetscape.</p> <p>The proposal provides suitable areas of landscaping and plantings which soften the built form.</p> <p>The proposal will maintain appropriate solar access to adjoining properties.</p> <p>Accordingly, the proposal is considered to be in keeping with the objectives of this provision, and whilst providing a minor variation, is worthy of support.</p>	
<p>1.5.8 Landscaping</p> <p>Avoid works which are to occur within the drip line of any tree that has a height greater than 6m, or a girth greater than 1m, measured 1m above the base of the tree.</p> <p>Where a development proposes to incorporate plant containers, they should have a minimum diameter of 110mm and a minimum depth of 135mm.</p>	<p>The proposal will not see the removal of any significant vegetation, with one small, introduced tree along the eastern boundary to be removed, with the opportunity being maintained for further supplementary planting within the site as required.</p>	Complies
<p>1.5.8 Front Gardens</p> <p>Front gardens are provided with soft landscaping. Plants and trees in front gardens contribute to the garden setting.</p>	<p>The existing landscaping within the front setback will be retained enhanced, with perimeter planting along the southern edge of the East Crescent Street frontage to contribute to the garden setting.</p>	Complies

<p>1.5.10 Private and Communal Open Space</p> <p>Lot size 0-299m² Min area at ground level 40m²</p> <p>Usable private open space areas should be located to the rear or over the northern portion of the site to maximize privacy and solar access.</p> <p>Where private open space areas are to be provided at ground level, it must have a minimum dimension of 4m, or a minimum dimension of 2m where provided above ground level.</p>	<p>The site currently does not incorporate any private open space for the dwelling. The proposed works do not result in the removal of existing private open space and the current arrangements within site will be maintained.</p>	<p>Complies – on merit</p>
<p>1.5.13 Garbage Storage</p> <p>On-site garbage storage areas must be provided which are capable of accommodating general domestic waste.</p>	<p>The proposal provides for bin storage within the garage. These may be readily taken to the street for collection.</p>	<p>Complies</p>
<p>1.6 Efficient use of Resources</p>		
<p>1.6.1 Energy efficiency and use of Resources</p> <p>Introduced by the NSW Government, BASIX, the Building Sustainability Index, ensures homes are designed to use less potable water and be responsible for fewer greenhouse gas emissions by setting energy and water reduction targets for house and units.</p>	<p>See attached BASIX certificate.</p>	<p>Complies</p>

PART B - SECTION 10 - CAR PARKING AND TRANSPORT		
<p>10.2.1 Adequate onsite parking provisions</p> <p>Provide adequate on-site car parking provision for residents and neighbourhood businesses.</p> <p>Provide one parking space for dwellings with 1-2 bedrooms.</p> <p>Provide two parking spaces for dwellings with 3 or more bedrooms.</p>	<p>2 parking spaces provided within the proposed garage which will serve as parking associated with the dwelling. The proposal will not see any substantial intensification of the existing approved health consulting rooms.</p> <p>The site's constraints in terms of its small size and the form of the existing dwelling preclude the provision of two off street spaces. As the site is conveniently located to public transport and the North Sydney Commercial Centre, the extent of the parking is considered to be suitable in this instance. The additional car space will assist in easing the on-street parking congestion in the immediate area.</p>	<p>Complies</p>

PART B – SECTION 13 HERITAGE AND CONSERVATION		
<p>13.4 Development in the vicinity of heritage items</p> <p>Respect and respond to the curtilage, setbacks, form, scale and style of the heritage item in the design and siting of new work.</p>	<p>The proposed alterations and additions to existing building are sensitive to the conservation area and heritage item. The proposed complementary roof form, along with the selected colours and finishes, will be sensitive to the subject heritage item and will not detract from the significance of the conservation area.</p>	<p>Complies</p>
<p>Maintain significant public domain views to and from the heritage item.</p>	<p>The proposal will not impact on any views from the public domain to the subject heritage item.</p>	<p>Complies</p>
<p>Ensure compatibility with the orientation and alignment of the heritage item.</p>	<p>The setbacks and orientation of the proposed ground floor additions are consistent with the adjoining heritage item.</p>	<p>Complies</p>
<p>Provide an adequate area around the heritage item to allow for its interpretation.</p>	<p>The proposed ground floor additions provides a compatible form which relates to the existing ground floor building line, and is considered to allow for interpretation of the heritage item.</p>	<p>Complies</p>
<p>Retain original or significant landscape features that are associated with the heritage item or that contribute to its setting.</p>	<p>The proposal will not see the removal of any significant landscape features. The existing landscaping within the front setback will be retained, with new plantings to be provided along the northern side boundary, which will contribute to the landscaped setting.</p>	<p>Complies</p>
<p>Protect and allow interpretation of archaeological features (as appropriate and relevant).</p>	<p>N/A – the proposal will not impact on any archaeological features.</p>	<p>N/A</p>

13.5.2 Form, massing and scale Maintain the massing, form and scale of heritage items and buildings in conservation areas and ensure that alterations and additions are consistent with the original building character.	The current building is noted as a heritage item and in accordance with the Conservation Management Strategy prepared by Colin Israel dated 30 September 2021, the works are considered to be an acceptable development of the existing building.	N/A
Roof Maintain characteristics of roof form and finishes.	The proposed new roof form is compatible with the style and form of the existing dwelling and compliments the existing heritage characteristics of the dwelling.	N/A
PART B - SECTION 17 - SEDIMENT AND EROSION CONTROL		
17.2.2 Sediment and Erosion Prevent excessive sediment and erosion during construction.	Appropriate sediment and erosion control will be provided during construction.	Complies
PART B - SECTION 18 - STORMWATER MANAGEMENT		
18.2.2 Stormwater Drainage New and reconstructed storm water drainage systems should be designed and constructed to a minimum standard that complies with the technical requirements of the North Sydney Council Performance Guide and Infrastructure Specification Manual.	The new roof areas will be connected to the existing system which directs stormwater to the street gutter in East Crescent Street	Complies
PART B - SECTION 19 - WASTE MANAGEMENT CONTROL		
19.1.1 Waste Management Attach a waste management plan to a development application.	All recyclable building materials will be re-used, with construction waste to be minimised. All waste will be disposed of to an approved waste recycling facility.	Complies

PART C - SECTION 9 – LAVENDER BAY PLANNING AREA

9.7 McMahons Point North Conservation Area

9.7.6 Characteristic built elements

Siting

Forward on lot with larger rear garden.
Consistent setbacks.

The general siting of the existing building, together with the one and two storey scale of the building relates well to the surrounding development

Complies

Form, massing and scale

Single storey detached and attached dwellings.
Two storey attached dwellings.
Two storey commercial development with parapets to the street.

The proposal is in keeping with the existing and desired future character of the McMahons Point North Conservation Area, and is in keeping with the provisions of this clause.

Roofs

Pitched between 30 and 45 degrees with some use of parapets to the street, skillion roofs to rear extensions.

Materials

Walls: Timber weatherboards, sandstone face brick, rendered brick.
Roofs: Slate, terracotta tiles, corrugated metal.

Windows and doors

Mid to late Victorian, Federation and Edwardian. Timber

Fences

Low sandstone, brick and timber palisade. Metal palisade on sandstone plinths.

Car accommodation

Located off rear lanes.

5.0 Matters for Consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979

5.1 The provisions of any environmental planning instrument

The proposal is subject to the provisions of the North Sydney Local Environmental Plan 2013 and the relevant supporting Council policies. It is considered that the provisions of this environmental planning instrument have been satisfactorily addressed within this report and that the proposal achieves compliance with its provisions.

There are no other environmental planning instruments applying to the site.

5.2 Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

There are no draft instruments that are relevant to the proposal.

5.3 Any development control plan

The development has been designed to comply as far as possible with the requirements of the North Sydney Development Control Plan 2013.

The development respects the streetscape character objectives of the DCP and will provide a cohesive and sympathetic addition to the site which will make a positive contribution to the area.

5.4 Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

No matters of relevance are raised in regard to the proposed development.

5.5 Any matter prescribed by the regulations that apply to the land to which the development relates.

No matters of relevance are raised in regard to the proposed development.

5.6 The likely impacts of that development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality.

It is considered that the proposal, which seeks consent for the construction of alterations and additions to an existing approved health consulting rooms and the existing dwelling, which will not impact upon the amenity of adjoining properties or upon the character of the surrounding area is reasonable. It is considered that the resultant development is compatible with and will complement the character of the area.

The proposal is considered to be well designed having regard to the relevant provisions of the Council's LEP and Council's Codes and Policies, in particular the North Sydney DCP.

5.7 The suitability of the site for the development

The subject land is currently zoned B1 Neighbourhood Centre under the North Sydney Local Environmental Plan 2013 and is considered suitable for the proposed development.

The subject site does not exhibit any significant constraint to the construction of the proposed development.

5.8 Any submissions made in accordance with this Act or the regulations

This is matter for Council in the consideration of this proposal.

5.9 The public interest

The proposal will not impact upon the environment, the character of the locality or upon the amenity of adjoining properties and is therefore considered to be within the public interest

6.0 Conclusion

The principal objective of this development is to provide for the proposed construction of alterations and additions to the existing approved health consulting rooms and the existing dwelling.

By maintaining our neighbours amenity and by complementing the existing style and character of the streetscape, the stated objectives of the North Sydney Development Control Plan have been satisfied.

As the proposed development will not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining allotments, the issue of Development Consent under the delegation of Council is requested.

VAUGHAN MILLIGAN

Town Planner

Grad. Dip. Urban and Regional Planning (UNE)