



SUPPLEMENTARY BUSINESS PAPER

LOCAL PLANNING PANEL MEETING

**Wednesday 2 October 2024
at 4:00pm**



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SUPPLEMENTARY ITEMS

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1 DA/478/2024 - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE - 31 BOUNDARY ROAD, NORTH EPPING

DA No: DA/478/2024 (Lodged on 16 May 2024)

Description: Alterations and additions to a dwelling house

Property: Lot 7 DP 30286, No. 31 Boundary Road, North Epping

Applicant: Mr Graeme Robert Harding

Owner: Ms Katrina Lorraine Barnett & Mr Graeme Robert Harding

Estimated Value: \$198,000

Ward: C Ward

Clause 4.6 Request: Clause 4.3 Height of Buildings

Submissions: Nil

LPP Criteria: Proposal contravenes a development standard by more than 10%

Author: Charley Wells, A/Senior Town Planner

COI Declaration: No Council staff involved in the assessment of this application have declared a Conflict of Interest.

RECOMMENDATION

- A. THAT the Hornsby Local Planning Panel, exercising the functions of Council as the consent authority, vary Clause 4.3 Height of Buildings Development Standard pursuant to Clause 4.6 of the Hornsby Local Environmental Plan 2013 as the applicants written request has adequately addressed the merits required to be demonstrated by subclause (3) and the proposed development is consistent with the objectives of the standard and the objectives for development within the zone in which the development is proposed to be carried out.
- B. THAT the Hornsby Local Planning Panel, exercising the functions of Council as the consent authority, approve Development Application No. DA/478/2024 for alterations and additions to a dwelling house at Lot 7, DP 30286, No. 31 Boundary Road, North Epping subject to the conditions of consent in Schedule 1 of LPP Report No. LPP23/24.

EXECUTIVE SUMMARY

- The application involves alterations and additions to a dwelling house.
- The proposal does not comply with the Hornsby Local Environmental Plan 2013 (HLEP) with regard to Clause 4.3 'Height of Buildings'. The applicant has made a submission in accordance with Clause 4.6 'Exceptions to development standards' of the HLEP to contravene the maximum 8.5 metre building height development standard. The submission is considered well founded and is supported.
- Nil submissions have been received in respect of the application.
- The application is required to be determined by the Hornsby Local Planning Panel as the proposal would contravene the height of buildings development standard by more than 10 percent.
- It is recommended that the application be approved.

BACKGROUND

The site contains a single storey dwelling with lower ground garage and an inground swimming pool approved under CDP/913/2021 on 5 September 2021.

SITE

The 701.7m² site is located on the south-western side of Boundary Road and contains a two-storey dwelling house and swimming pool.

The site experiences 2.9m of fall towards the rear boundary.

The site is bushfire prone, and an overland flow path runs through the rear south-western corner of the site.

The site does not contain any easements or restrictions.

The site does not contain a heritage item, is not within the vicinity of a heritage item and is not within a heritage conservation area.

PROPOSAL

The application proposes alterations and additions to a dwelling house comprising:

- Demolition of the existing walls, doors, windows, steps and roof.
- Reconfiguration of the ground floor to comprise an entry, living room, three bedrooms, a bathroom, family room, meals, kitchen, pantry and alfresco extension.
- The construction of a first-floor addition that would comprise a master bedroom with ensuite and walk in robe and a bedroom.

The basement floor plan would remain unchanged, and no trees would be removed or impacted by the development.

ASSESSMENT

The development application has been assessed having regard to the Greater Sydney Region Plan - A Metropolis of Three Cities, the North District Plan and the matters for consideration prescribed under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (the Act). The following issues have been identified for further consideration.

1. STRATEGIC CONTEXT

1.1 Greater Sydney Region Plan - A Metropolis of Three Cities and North District Plan

The Greater Sydney Region Plan - A Metropolis of Three Cities has been prepared by the NSW State Government to guide land use planning decisions over the next 40 years (to 2056). The Plan sets a strategy and actions for accommodating Sydney's future population growth and identifies dwelling targets to ensure supply meets demand. The Plan also identifies that the most suitable areas for new housing are in locations close to jobs, public transport, community facilities and services.

The NSW Government will use the subregional planning process to define objectives and set goals for job creation, housing supply and choice in each subregion. Hornsby Shire has been grouped with Hunters Hill, Ku-ring-gai, Lane Cove, Mosman, North Sydney, Ryde, Northern Beaches and Willoughby to form the North District. The Greater Sydney Commission has released the North District Plan which includes priorities and actions for Northern District over the next 20 years.

The identified challenge for Hornsby Shire will be to provide an additional 4,350 dwellings by 2021 with further strategic supply targets to be identified to deliver 97,000 additional dwellings in the North District by 2036.

The proposed development would be consistent with the Greater Sydney Region Plan - A Metropolis of Three Cities and the North District Plan.

2. STATUTORY CONTROLS

Section 4.15(1)(a) requires Council to consider “*any relevant environmental planning instruments, draft environmental planning instruments, development control plans, planning agreements and regulations*”.

2.1 Hornsby Local Environmental Plan 2013

The proposed development has been assessed having regard to the provisions of the Hornsby Local Environmental Plan 2013 (HLEP).

2.1.1 Zoning of Land and Permissibility

The subject land is zoned R2 Low density residential under the HLEP. The objectives of the R2 zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents. The proposed development is defined as subdivision and is permissible in the R2 zone with Council's consent.*

The proposed development is defined as 'dwelling house' and is permissible in the R2 zone with Council's consent.

2.1.2 Height of Buildings

Clause 4.3 of the HLEP provides that the height of a building on any land should not exceed the maximum height shown for the land on the Height of Buildings Map. The maximum permissible height for the subject site is 8.5m. The proposal has a maximum height of 9.964m and does not comply with this provision.

A Clause 4.6 written request has been submitted with the proposal in support of the height contravention, which is discussed in Section 2.1.3 of the report below.

2.1.3 Exceptions to Development Standards

The application has been assessed against the requirements of Clause 4.6 of the HLEP. This clause provides flexibility in the application of the development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tender to hinder the attainment of the objectives of the zone.

The proposal would exceed the 8.5m maximum building height development standard with a proposed height of 9.964m which exceeds the development standard by 1.464m or 17.2%.

The objective of Clause 4.3 Height of Buildings of the HLEP is *"to permit a height of buildings that is appropriate for the site constraints, development potential and infrastructure capacity of the locality"*.

The applicant has made a submission in support of the contravention to the development standard in accordance with Clause 4.6 of the HLEP. Clause 4.6 provides 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.*

In *Initial Action Pty Ltd v Woollahra Municipal Council [2008] NSW LEC 118*, Preston CJ clarified the correct approach to dealing with a written request under Clause 4.6 to justify the contravention of a development standard.

In relation to determining the matter under Clause 4.6(3)(a), the consent authority must be satisfied that the applicant's written request adequately addresses the matter as opposed to the determining

authority making its own judgement regarding whether compliance is unreasonable or unnecessary. Additionally, the clause does not require that a non-compliant development should have a neutral or beneficial effect relative to a compliant development.

In relation to determining the matter under Clause 4.6(3)(b), the environmental planning grounds clause, non-compliant development is not required to result in a '*better environmental planning outcome for the site*' relative to a compliant development. Instead, the requirement is only that there are sufficient environmental planning grounds to justify the development standard contravention.

Council must be satisfied that the written request provided by the applicant under Clause 4.6 addresses both the unreasonable and unnecessary test and demonstrates sufficient environmental planning grounds to justify contravening the development standard. These matters are discussed below.

2.1.3.1 Unreasonable or Unnecessary Clause 4.6(3)(a)

There are five common methods by which an applicant can demonstrate that compliance with a development standard is unreasonable or unnecessary in the circumstances of the development. Initially proposed for objections under clause 6 of SEPP 1 in the decision of *Wehbe v Pittwater Council [2007]* NSWLEC 827 Pearson C summarised and applied these methods to written requests made under Clause 4.6 in *Four2Five Pty Ltd v Ashfield Council [2015]* NSWLEC 1009 [61-62]. These five methods are generally as follows:

1. *The objectives of the development standard are achieved notwithstanding non-compliance with the standard.*
2. *The underlying objective or purpose is not relevant to the development.*
3. *That the objective would be defeated or thwarted if compliance was required.*
4. *That the development standard has been virtually abandoned or destroyed by the Council's own actions in departing from the standard.*
5. *The zoning of the land is unreasonable or inappropriate.*

It is not required to demonstrate that a development meets multiple methods as listed above, and the satisfaction of one can be adequate to demonstrate that the development standard is unreasonable or unnecessary.

The written request prepared by Russel Scott (Project Architect), dated 6 September 2024 provides a detailed assessment of the proposal with respect to the development standard sought to be contravened. The request outlines that the proposed contravention is consistent with the objectives of the height of building development standard and has relied on Test 1 identified by Commissioner Preston in *Wehbe v Pittwater Council 2007* to demonstrate that compliance with the development standard is unreasonable or unnecessary. The justification is considered below:

- *That proposed alterations and additions are reasonable and in keeping with the existing home character, the established form and density of the local vicinity, and in keeping with the low-density character of the zoning.*
- *The only area of non-compliant building height is a portion of the roof over the proposed first floor. Alternative low pitched roof form, or 'cut-out' portion of the roof, which could provide a compliant design solution have been considered and dismissed as the building form and appearance would be poor and detrimental to the location and streetscape.*

- *The proposed design and form fits comfortably into the streetscape and is not more bulky or large in scale. We have amended the proposed additions and alterations by reducing the proposed roof pitch, as well as reduce the floor to ceiling height of the proposed first floor in an effort to minimise the percentage of roof area that contravenes the building height standard.*
- *Assessment of the impact of the additional area of roof height indicates that it will not create any adverse environmental or amenity impacts. In particular:*
 - *No views or view corridors impacted*
 - *No impact on privacy - roof form only variation to height standard*
 - *No additional adverse solar access impacts - overshadowing from the proposed dwelling is cast largely over the subject site, with only the 3pm shadow on the Winter Solstice cast over a small portion of the side/rear yard of neighbouring property 29 Boundary Road.*
- *The existing residence is primarily in a single storey form with undercroft garage and storage area which responds to the topography of the site. Due to the slope of the land (from street frontage down to the south-west rear corner), the existing garage and storage is constructed under the residence and extends back under the residence to a maximum depth of about 1.8m into the ground.*
- *Possible alternatives have been considered to meet the height standard, including a very low pitch roof, or a low pitch 'cut-out' section of roof following the position of basement garage below, but both would be out-of-character and create a poorly articulated residential addition. Due to the slope of site and existing placement of the home, it is also considered that an alternative larger ground floor addition would provide worse amenity and landscaping.*
- *Due to the slope of the site away from the street and the existing undercroft garage and garage door, the proposed new work is visible from the street and forms part of the streetscape but is well articulated and designed for match the existing character of the home, with the new upper floor addition provided with matching windows, articulated walls and pitched roof form.*

Council considers the applicants request to contravene the height development standard is considered well founded for the following reasons:

- The height of a building is defined under HLEP as “*the vertical distance from ground level (existing) to the highest point of the building.*” The site has been subject to previous earthworks to construct the existing dwelling house with under-storey garage and storage rooms.
- The site is constrained by the existing floor to ceiling heights of the dwelling house and the proposed non-compliance would only be limited to a small portion of the roof form due to the existing subfloor area.
- Furthermore, the application generally complies with the requirements for setbacks, site coverage, landscaping, privacy and sunlight access. The application proposes a 2.4m floor to ceiling height for the proposed first floor level and a low pitch roof to minimise the height of the proposed development.

- Alternative extensions to the ground floor may result in a reduction and possible non-compliance with prescribed setbacks and landscaping measures. Further, internal accessibility would be diminished resulting in adverse impacts to residential amenity.
- The first-floor addition would complement the existing dwelling house and the streetscape character.
- The non-compliance would not result in any adverse amenity impacts to adjoining properties.
- The objectives of the standard are achieved notwithstanding non-compliance with the standard.

For the reasons outlined above, it is considered that the written request to contravene the height of building standard adequately demonstrates that the objectives of the building height development standard contained within Clause 4.3 of the HLEP are achieved, notwithstanding non-compliance with the standard.

2.1.3.2 Environmental Planning Grounds - Clause 4.6(3)(b)

In addition to demonstrating that compliance is unreasonable or unnecessary, Clause 4.6(3)(b) requires that there are sufficient environmental planning grounds to justify contravening the development standard. In demonstrating that sufficient environmental planning grounds exist it must be demonstrated that the planning grounds are particular to the circumstances of the development on the subject site (summarised from *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009 [60]).

The applicant provided the following planning grounds for the contravention of the development standard:

- *The non-compliance arises solely from the existing undercroft garage and storage spaces. Using floor levels in this vicinity to limit roof form immediately above, rather than the natural ground levels.*
- *Alternative fully compliant roof responses would provide for a poor design solution not in keeping with the existing character or contributing positively to streetscape.*
- *The request for a 17.2% variation to maximum height - which only affects a portion of the roof area - does not impact on full compliance with the other LEP controls and DCP guidelines. All other controls that limit bulk scale including FSR, area of landscaping and maximum site coverage are met - indicating that the proposed alterations maintain a reasonable low density form.*
- *The proposal is consistent with the objectives of the clause 4.3 height standard in the LEP.*
- *The requested variation to the maximum height standard will have no adverse impact on adjoining residents in relation to overshadowing, views or privacy.*
- *The variation results from particulars of the existing dwelling and site contours and would not establish a precedent for other unjustified non-compliances.*

Council considers that the environmental planning grounds stated within the written request are sufficient with respect to Clause 4.6(3)(b) and that the stated grounds are specific to the proposed development and the circumstances of the development site. It is therefore considered that the written request adequately demonstrates compliance with the clause and is acceptable in this regard.

In demonstrating the unreasonable and unnecessary test, the applicant further established satisfactory environmental planning grounds with respect to the site and the surrounding constraints.

Council is therefore satisfied that Clause 4.6(3)(b) of the HLEP is adequately addressed.

Local Planning Panels constituted under the *Environmental Planning and Assessment Act 1979* exercise consent authority functions on behalf of a Council and are not delegates of Council. Therefore, Local Planning Panels may determine a development application notwithstanding, a numerical non-compliance in excess of 10%.

Accordingly, it is considered that the written request satisfactorily responds to the relevant matters required to be addressed under Clause 4.6(3) and that the Panel, as the consent authority, may rely upon the written request and grant development consent to the development application.

2.1.4 Heritage Conservation

Clause 5.10 of the HLEP sets out heritage conservation provisions for Hornsby Shire. The site does not include a heritage item and is not located in a heritage conservation area. Accordingly, no further assessment regarding heritage is necessary.

2.1.5 Flooding

Clause 5.21 of the HLEP applies to the proposal as Council's 2021 Overland Flow Study identified that an overland flow path runs through the south-western corner of the site. Clause 5.21(2) states:

- (2) *Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—*
- (a) *is compatible with the flood hazard of the land, and*
 - (b) *will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
 - (c) *will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
 - (d) *incorporates appropriate measures to manage risk to life from flood, and*
 - (e) *will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

Further, to Clause 5.21(2) of the HLEP, the prescriptive measure of Part 1.3.3.2-b of the Hornsby Development Control Plan 2024 (HDGP) states that "*the overland flow path should not be built upon and should have minimal planting. Development is required to demonstrate that any overland flow is maintained for 1 in 100 year average recurrence interval (ARI) flood*".

The subject site is not identified as a flood control lot. However, Council's records indicate that there is an overland flow path which drains through the south-western corner of the site. No development is proposed within this area. Accordingly, no further assessment regarding flooding is necessary and the Panel as the consent authority can be satisfied that Clause 5.21 of the HLEP has been addressed.

2.1.6 Earthworks

Clause 6.2 of the HLEP states that consent is required for proposed earthworks on site. Before granting consent for earthworks, Council is required to assess the impacts of the works on adjoining properties, drainage patterns and soil stability of the locality.

The proposed first floor addition does not require any earthworks and no further assessment under Clause 6.2 is necessary.

2.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021

The application has been assessed against the requirements of chapter 6 of State Environmental Planning Policy (Biodiversity and Conservation) 2021.

2.2.1 Chapter 6 Waterways

The site is located within the catchment of Sydney Harbour. The aim of this chapter is to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained. This chapter provides general planning considerations and strategies to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained.

The plan addresses matters related to biodiversity, ecology and environment protection; public access to, and use of, foreshores and waterways; maintenance of a working harbour; interrelationship of waterway and foreshore uses; foreshore and waterways scenic quality; maintenance, protection and enhancement of views and boat storage facilities.

Subject to the implementation of sediment and erosion control measures and stormwater management to protect water quality, the proposal would have minimal potential to impact on the Sydney Harbour Catchment and would comply with the requirements of chapter 6 of the Biodiversity and Conservation SEPP.

2.3 State Environmental Planning Policy (Sustainable Buildings) 2022

The application has been assessed against the requirements of chapter 2 of State Environmental Planning Policy (Sustainable Buildings) 2022 which seeks to encourage the design and delivery of more sustainable buildings.

Chapter 2 sets out the Standards for residential development. The proposal includes a BASIX certificate in accordance with the requirements of the SEPP including the list of commitments to be complied with at the construction stage and during the use of the premises. The BASIX certificate achieves the minimum scores for energy and water use, and thermal performance.

The proposal is acceptable in this regard.

2.4 State Environmental Planning Policy (Resilience and Hazards) 2021

The application has been assessed against the requirements of chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021.

2.4.1 Chapter 4 Remediation of Land

Section 4.6 of the Resilience and Hazard SEPP states that consent must not be granted to the carrying out of any development on land unless the consent authority has considered whether the land is contaminated or requires remediation for the proposed use.

Should the land be contaminated, Council must be satisfied that the land is suitable in a contaminated state for the proposed use. If the land requires remediation to be undertaken to make the land suitable for the proposed use, Council must be satisfied that the land will be remediated before the land is used for that purpose.

An examination of Council's records and aerial photography has determined that the site has been historically used for residential purposes. It is not likely that the site has experienced any significant contamination.

The development and the land are not otherwise mentioned in Section 4.6(4) and accordingly the provisions of Section 4.6(2) are not engaged by the proposal and consent may be granted. The proposal is considered consistent with the provisions of Chapter 4 of the Resilience and Hazards SEPP.

The Panel can be satisfied that the proposed development complies with the provisions of Chapter 4 Remediation of Land of the Resilience and Hazards SEPP.

2.5 Section 3.42 Environmental Planning and Assessment Act 1979 - Purpose and Status of Development Control Plans

Section 3.42 of the *Environmental Planning and Assessment Act 1979* states that a DCP provision will have no effect if it prevents or unreasonably restricts development that is otherwise permitted and complies with the development standards in relevant Local Environmental Plans and State Environmental Planning Policies.

The principal purpose of a development control plan is to provide guidance on the aims of any environmental planning instrument that applies to the development; facilitate development that is permissible under any such instrument; and achieve the objectives of land zones. The provisions contained in a DCP are not statutory requirements and are for guidance purposes only. Consent authorities have flexibility to consider innovative solutions when assessing development proposals, to assist achieve good planning outcomes.

2.6 Hornsby Development Control Plan 2024

The proposed development has been assessed having regard to the relevant desired outcomes and prescriptive requirements within the Hornsby Development Control Plan 2024 (HDPCP). The following table sets out the proposal's compliance with the prescriptive requirements of the Plan:

HDPCP - Part 3.1 Dwelling Houses			
Control	Proposal	Requirement	Complies
Site Area	701.7m ²	N/A	N/A
Building Height	9.964m	8.5m	No
No. storeys	3	max. 2 + attic	No
Site Coverage	34%	max. 50%	Yes
Floor Area	418m ²	380m ²	No
Setbacks			
- Front	7.6m	6m	Yes
- Side			

<i>Ground floor</i>	2.4m	900mm	Yes
<i>First floor</i>	3.1m	1.5m	Yes
- <i>Side</i>			
<i>Ground floor</i>	1.5m	900mm	Yes
<i>First floor</i>	3.4m	1.5m	Yes
- <i>Rear</i>			
<i>Ground floor</i>	13.6m	3m	Yes
<i>First floor</i>	24m	8m	Yes
Landscaped Area (% of lot size)	33%	30%	Yes
Private Open Space			
- <i>minimum area</i>	>24m ²	24m ²	Yes
- <i>minimum dimension</i>	>3m	3m	Yes
Car Parking	2 spaces	2 spaces	Yes

As detailed in the above table, the proposed development has a number of non-compliances with the prescriptive measures within the HDCP which is addressed below. A brief discussion on compliance with relevant performance requirements and Part 1.3 General Controls is also provided below.

2.6.1 Scale

With regards to the height non-compliance, the application is supported by a submission pursuant to Clause 4.6 of the HLEP to contravene the maximum height of buildings development standard, which is discussed in detail under Section 2.1.2 of this report. The submission is considered well founded and is supported.

With regards to the floor area non-compliance, it is noted as follows:

- The 418m² calculation of floor area includes a basement area which comprises 185m². The basement is not highly visible from the public domain.
- There is no outbuilding proposed (100m²) as part of the application as permitted by the DCP.
- The proposed additions have sufficient setbacks to all boundaries.
- The non-compliance to floor area does not result in unreasonable shadow impacts to adjoining properties which will receive a minimum of 3 hours of unobstructed sunlight to their respective private open space areas.
- The additions do not create unreasonable environmental impacts to adjoining development with regard to visual bulk, solar access, amenity or privacy.

In support of the three-storey element of the proposed dwelling house, it is noted that the existing basement floor is not highly visible from the public domain. The first-floor addition would be stepped back resulting in the dwelling to present largely as a two-storey building form.

Furthermore, the application complies with the prescriptive measures for privacy and sunlight access as discussed in the body of this report.

In summary, the proposed development is considered of a height, bulk and scale that is compatible with the surrounding low density residential environment and meets the prescriptive measures of Part 3.1.1 Scale of the HDCP.

2.6.2 Privacy

The desired outcome of Part 3.1.6 Privacy of the HDCP is to encourage “*development that is designed to provide reasonable privacy to adjacent properties.*”

This is supported by the prescriptive measures that state that:

- a. *“Living and entertaining areas of dwelling houses should be located on the ground floor and oriented towards the private open space of the dwelling house and not side boundaries.*
- b. *A proposed window in a dwelling house should have a privacy screen if:*
 - *it is a window to a habitable room, other than a bedroom, that has a floor level of more than 1 metre above existing ground level,*
 - *the window is setback less than 3 metres from a side or rear boundary, and*
 - *the window has a sill height of less than 1.5 metres.*
- c. *A deck, balcony, terrace or the like should be located within 600mm of existing ground level where possible to minimise potential visual and acoustic privacy conflicts.*
- d. *Decks and the like that need to be located more than 600mm above existing ground should not face a window of another habitable room, balcony or private open space of another dwelling located within 9 metres of the proposed deck unless appropriately screened.”*

The ground floor would comprise windows within the office, kitchen (W11), living room (W8) and family room (W9) which would be located more than 1m above existing ground level and would be within 3m of the side boundaries which would not comply with the prescriptive measures. In support of these non-compliances, it is noted that the windows for the office, living room (W8) and family room (W9) within the western elevation would overlook the roof of the adjoining property No. 33 Boundary Road and no privacy impacts are anticipated. The kitchen window would provide natural light to the kitchen adjacent to the benchtop and would have limited privacy impacts.

Privacy concerns are raised regarding the alfresco as it would be located 2.4m above existing ground level which would not comply with the prescriptive measures. The alfresco would be located within 9m of a habitable room window within the dwelling located at the adjoining property No. 29 Boundary Road and a habitable room window within the dwelling located at the adjoining property No. 33 Boundary Road. To address this concern a condition has been recommended requiring a 1.5m high privacy screen located on the east and west elevation of the alfresco, where the side setback is less than 3m.

The first-floor addition would comprise windows within the bedrooms, walk in robe and ensuite. These windows would provide natural light and ventilation to ‘non-habitable’ use rooms (bathrooms) and non-active use rooms (bedrooms) in compliance with Council’s planning guidelines.

Subject to the recommended conditions, the proposal meets the desired outcome of Part 3.1.6 Privacy of the HDCP and is considered acceptable.

2.7 Section 7.12 Contributions Plans

Hornsby Shire Council Section 7.12 Contributions Plan 2019-2029 applies to the development as the estimated costs of works is greater than \$100,000. Should the application be approved, an appropriate condition of consent is recommended requiring the payment of a contribution in accordance with the Plan.

3. ENVIRONMENTAL IMPACTS

Section 4.15(1)(b) of the Act requires Council to consider *“the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality”*.

3.1 Natural Environment

3.1.1 Tree and Vegetation Preservation

The proposed development would not necessitate the removal of any trees from the site.

3.2 Built Environment

3.2.1 Built Form

The proposal would be consistent with residential development within the locality.

3.2.2 Traffic

The proposal is for a single dwelling, and it would not intensify traffic generation.

3.3 Social Impacts

The alterations and additions to a dwelling house result in a positive social contribution by providing for the housing needs of the community within a low-density residential environment.

3.4 Economic Impacts

The alterations and additions to a dwelling house would not have any detrimental economic impact upon the locality.

4. SITE SUITABILITY

Section 4.15(1)(c) of the Act requires Council to consider *“the suitability of the site for the development”*.

The site is considered to be capable of accommodating the proposed development. The scale of the proposed development is consistent with the capability of the site and is considered acceptable.

4.1 Bushfire Risk

The desired outcomes of Part 1C.3.1 Bushfire of the HDCP is to encourage *“development that is located and designed to minimise the risk to life and property from bushfires”* and to encourage *“development that balances the conservation of native vegetation and bushfire protection.”*

A bushfire self-assessment has been submitted with the proposal and has identified that the site is subject to bushfire risk and would have a bushfire attack level (BAL) rating of BAL-12.5. Council has

undertaken a bushfire assessment and concurs with the findings of the self-assessment and BAL rating of 12.5.

Conditions of consent have been recommended requiring construction standards and asset protection zone requirements in accordance with Planning for Bushfire Protection 2019.

The proposal meets the desired outcomes of Part 1C.3.1 Bushfire of the HDCP and is considered acceptable, subject to conditions.

Subject to the recommended conditions, the Panel can be satisfied that the proposed development complies with Section 4.14(1)(a) of the EP&A Act, that the development conforms to the specifications and requirements of the document entitled Planning for Bush Fire Protection 2019 prepared by the NSW Rural Fire Service.

5. PUBLIC PARTICIPATION



Section 4.15(1)(d) of the Act requires Council to consider *“any submissions made in accordance with this Act”*.

5.1 Community Consultation

The proposed development was placed on public exhibition and was notified to adjoining and nearby landowners between 29 May 2024 and 20 June 2024 in accordance with the Hornsby Community Engagement Plan. During this period, Council received nil submissions. The map below illustrates the location of those nearby landowners who were notified that are in close proximity to the development site.



NOTIFICATION PLAN

<ul style="list-style-type: none"> • PROPERTIES NOTIFIED 	<ul style="list-style-type: none"> X SUBMISSIONS RECEIVED 	 PROPERTY SUBJECT OF DEVELOPMENT	
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5.2 Public Agencies

The development application was not referred to any Public Agencies for comment.

6. THE PUBLIC INTEREST

Section 4.15(1)(e) of the Act requires Council to consider “*the public interest*”.

The public interest is an overarching requirement, which includes the consideration of the matters discussed in this report. Implicit to the public interest is the achievement of future built outcomes adequately responding to and respecting the future desired outcomes expressed in environmental planning instruments and development control plans.

The application is considered to have satisfactorily addressed Council’s and relevant agencies’ criteria and would provide a development outcome that, on balance, would result in a positive impact for the community. Accordingly, it is considered that the approval of the proposed development would be in the public interest.

CONCLUSION

The application proposes alterations and additions to a dwelling house.

The development generally meets the desired outcomes of Council's planning controls and is satisfactory having regard to the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

Having regard to the circumstances of the case, approval of the application is recommended.

The reasons for this decision are:



- The request under Clause 4.6 of Hornsby Local Environmental Plan 2013 to contravene the 'Height of Buildings' development standard is well founded. Strict compliance with the development standard is considered unreasonable and unnecessary in the circumstances of the case and sufficient environmental planning grounds have been submitted to justify the contravention to the development standard.
- The proposed development generally complies with the requirements of the relevant environmental planning instruments and the Hornsby Development Control Plan 2024.
- The proposed development does not create unreasonable environmental impacts to adjoining development with regard to visual bulk, solar access, amenity or privacy.
- In accordance with Section 4.14(1)(a) of the *Environmental Planning Assessment Act 1979*, Council is satisfied that the development would conform to the relevant specifications and requirements of Planning for Bushfire Protection 2019.

Note: At the time of the completion of this planning report, no persons have made a Political Donations Disclosure Statement pursuant to Section 10.4 of the Environmental Planning and Assessment Act 1979 in respect of the subject planning application.

CASSANDRA WILLIAMS
Major Development Manager - Development
Assessments
Planning and Compliance Division

ROD PICKLES
Manager - Development Assessments
Planning and Compliance Division

Attachments:

1.  Clause 4.6 Request
2.  Architectural Plans

File Reference: DA/478/2024
Document Number: D08957243

SCHEDULE 1

GENERAL CONDITIONS

ITEM 3

Condition

1. Approved Plans and Supporting Documentation

The development must be carried out in accordance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by Council and/or other conditions of this consent:

Approved Plans

Plan Title	Drawn by	Dated	Council Reference
Ground Floor Plan	Russell Scott Designs	30 August 2024	
First Floor Plan	Russell Scott Designs	30 August 2024	
Basement Floor Plan	Russell Scott Designs	30 August 2024	
Site Plan	Russell Scott Designs	30 August 2024	
Front and Rear Elevation	Russell Scott Designs	30 August 2024	
Side Elevation 1 and Side Elevation 2	Russell Scott Designs	30 August 2024	
Section 1 and Section 2	Russell Scott Designs	30 August 2024	
Door & Window Schedules	Russell Scott Designs	30 August 2024	
Erosion and Sediment Control Plan	Russell Scott Designs	30 August 2024	
Basix Commitments	Russell Scott Designs	30 August 2024	
Proposed Ground Floor Plan	Russell Scott Designs	30 August 2024	
Proposed Basement Floor Plan	Russell Scott Designs	30 August 2024	

Supporting Documentation

Document Title	Prepared by	Dated	Council Reference
Waste Management Plan	N/A	No Date	D08876678
BASIX Certificate No. A1744814	Sophie Scott	23 April 2023	D08876660

Reason: To ensure all parties are aware of the approved plans and supporting documentation that apply to the development.

2. No Clearing of Vegetation

1. Unless otherwise exempt, no vegetation is to be cleared prior to issue of a Construction Certificate.
2. Details demonstrating compliance are to be submitted to the Certifier prior to issue of Construction Certificate.

Reason: To protect vegetation on the site.

3. Amendment of Plans

1. To comply with Councils requirement in terms of privacy, the alfresco as indicated in red on the approved plans must have privacy screening as follows:
 - a. A 1.5-metre-high privacy screen must be erected along the eastern and western elevations of the deck located less than 3m from the side boundary to minimise a direct line of sight to the adjacent properties, known as No. 29 and 33 Boundary Road.
 - b. The screen must have no individual openings more than 30mm wide and have a total of all openings less than 30% of the surface area of the screen.
2. These amended plans must be submitted with the application for the Construction Certificate.

Reason: To require minor amendments to the approved plans and supporting documentation following assessment of the development.

4. Construction Certificate

1. A Construction Certificate is required to be approved by Council or a Principal Certifier prior to the commencement of any construction works under this consent.
2. The Construction Certificate plans must be consistent with the Development Consent plans.

Reason: To ensure that detailed construction certificate plans are consistent with the approved plans and supporting documentation.

5. Section 7.12 Development Contributions

1. In accordance with Section 4.17(1) of the *Environmental Planning and Assessment Act 1979* and the Hornsby Shire Council Section 7.12 Development Contributions Plan 2019-2029, \$990.00 must be paid towards the provision, extension or augmentation of public amenities or public services, based on development costs of \$198,000.
2. The value of this contribution is current as of 4 September 2024. If the contributions are not paid within the financial quarter that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Hornsby Shire Council Section 7.12 Development Contributions Plan and the amount payable will be calculated at the time of payment in the following manner:

$$\text{\$C}_{PY} = \frac{\text{\$C}_{DC} \times \text{CPI}_{PY}}{\text{CPI}_{DC}}$$

Where:

\\$C_{PY} is the amount of the contribution at the date of Payment

\\$C_{DC} is the amount of the contribution as set out in this Development Consent

CPI_{PY} is the latest release of the Consumer Price Index (Sydney - All Groups) at the date of Payment as published by the ABS.

CPI_{DC} is the Consumer Price Index (Sydney - All Groups) for the financial quarter at the date of this Development Consent.

3. The monetary contributions shall be paid to Council:
 - a. Prior to the issue of the Subdivision Certificate where the development is for subdivision; or
 - b. Prior to the issue of the first Construction Certificate where the development is for building work; or
 - c. Prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work; or
 - d. Prior to the works commencing where the development does not require a Construction Certificate or Subdivision Certificate.

Note: Should the cost of works increase at Construction Certificate stage, a revised contribution amount will be calculated in accordance with the Hornsby Shire Council Section 7.12 Development Contributions Plan.

Note: It is the professional responsibility of the Principal Certifier to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.

Note: In accordance with Ministerial Directions, the payment of contribution fees for development with a cost of works of over \$10 million can be deferred to prior to Occupation Certificate.

Note: The Hornsby Shire Council Section 7.12 Development Contributions Plan may be viewed at www.hornsby.nsw.gov.au or a copy may be inspected at Council's Administration Centre during normal business hours.

Note: To arrange a Payment Advice for the monetary contributions, please contact Council's Customer Service Team on 9847 6666.

Reason: To address the increased demand for community infrastructure resulting from the approved development.

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Condition

6. Building Code of Australia

Detailed plans, specifications and supporting information is required to be submitted to the certifying authority detailing how the proposed building work achieves compliance with the National Construction Code - Building Code of Australia. All building work must be carried out in accordance with the requirements of the National Construction Code - Building Code of Australia.

Reason: Prescribed condition - EP&A Regulation section 69(1).

7. Contract of Insurance (Residential Building Work)

Where residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, this contract of insurance must be in force before any building work authorised to be carried out by the consent commences.

Reason: Prescribed condition EP&A Regulation section 69(2).

8. Notification of Home Building Act 1989 Requirements

Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the Principal Certifier for the development to which the work relates (not being Council) has given Council written notice of the following information:

1. In the case of work for which a principal contractor is required to be appointed:
 - a. The name and licence number of the principal contractor; and
 - b. The name of the insurer by which the work is insured under Part 6 of that Act.
2. In the case of work to be done by an owner-builder:
 - a. The name of the owner-builder; and
 - b. If the owner-builder is required to hold an owner-builder's permit under that Act, the number of the owner-builder's permit.

Note: If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the Principal Certifier for the development to which the work relates (not being Council) has given Council written notification of the updated information.

Reason: Prescribed condition EP&A Regulation section 71(2) and (3).

9. Sydney Water Building Plan Approval

The plans must be approved by Sydney Water prior to demolition, excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Any amendments to plans will require re-approval. Please go to [Sydney Water Tap in®](#) to apply.

Note: Sydney Water recommends developers apply for a Building Plan Approval early as to reduce unnecessary delays to further referrals or development timescales.

Reason: To ensure the development complies with the requirements of Sydney Water.

10. Design and Construction - Bushfire Attack Category

New construction must comply with the current Australian Standard AS3959 'Construction of Buildings in Bush Fire-prone Areas' Section 3 and 5 (BAL 12.5) and Planning for Bushfire Protection 2019.

Note: Further information concerning planning for bush fire protection can be found at: www.rfs.nsw.gov.au.

Reason: To ensure buildings are designed and constructed to withstand the potential impacts of bushfire attack.

11. Stormwater Drainage - Dwellings

The stormwater drainage system for the development must be designed for an average recurrence interval (ARI) of 20 years and be gravity drained in accordance with the following requirements:

1. The overflow from the rainwater tank and collected surface water must be disposed of in accordance with AUS-SPEC Specifications (www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions) and the following requirements:
 - a. The trench must be located a minimum of 5 metres from any downstream properties and 1 metre from the side boundaries.
 - b. The trench or trenches must be laid on contour.
 - c. The trench must be a minimum of 0.6 metres wide, 0.6 metres deep and 1 metre long for every 25 square metres of impervious area; and
 - d. Overland flow from the trench must be spread evenly over the site so as not to discharge water in a concentrated manner onto adjoining land.

Or

 - e. The stormwater drainage system must be designed by a qualified hydraulic engineer.

Reason: To ensure appropriate provision for management and disposal of stormwater.

BEFORE BUILDING WORK COMMENCES

Condition

12. Site Sign

1. A sign must be erected in a prominent position on any site on which any approved work involving excavation, erection or demolition of a building is being carried out detailing:
 - a. The name, address, and telephone number of the Principal Certifier.
 - b. the name of the principal contractor (if any) for any demolition or building work and a telephone number on which that person may be contacted outside working hours; and
 - c. Unauthorised entry to the work site is prohibited.
2. The sign must be maintained during excavation, demolition and building work is being carried out and must be removed when the work has been completed.

Reason: Prescribed condition EP&A Regulation, section 70(2) and (3).

13. Protection of Adjoining Areas

A temporary hoarding, fence or awning must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:

1. Could cause a danger, obstruction, or inconvenience to pedestrian or vehicular traffic.

2. Could cause damage to adjoining lands by falling objects; and/or
3. Involve the enclosure of a public place or part of a public place; and/or
4. Have been identified as requiring a temporary hoarding, fence, or awning within the Council approved Construction Management Plan (CMP).

Note: Notwithstanding the above, Council's separate written approval is required prior to the erection of any structure or other obstruction on public land.

Reason: To ensure public safety and protection of adjoining land.

14. Toilet Facilities

1. To provide a safe and hygienic workplace, toilet facilities must be available or be installed at the works site before works begin and must be maintained until the works are completed at a ratio of one toilet for every 20 persons employed at the site.
2. Each toilet must:
 - a. Be a standard flushing toilet connected to a public sewer; or
 - b. Be a temporary chemical closet approved under the *Local Government Act 1993*; or
 - c. Have an on-site effluent disposal system approved under the *Local Government Act 1993*.

Reason: To ensure adequate toilet facilities are provided.

15. Erosion and Sediment Control Measures

Install and maintain adequate sediment and erosion control measures for the duration of all works, until such a time that sediment, sediment laden water or any other material/substance can no longer migrate from the premises. The measures are to be installed and maintained in such a manner as to prevent sediment, sediment-laden water, or any other materials and substances migrating from the site onto neighbouring land, the roadway, waters and/or into the stormwater system, and in accordance with:

- a. The publication *Managing Urban Stormwater: Soils and Construction 2004* (4th edition) - 'The Blue Book'.
- b. *Protection of the Environment Operations Act 1997*; and
- c. The approved plans

Controls are to be monitored and adjusted where required throughout the works to ensure compliance with the above

Note: On the spot penalties may be issued for any non-compliance with this requirement without any further notification or warning. If you are unsure in how to achieve compliance with this condition during works, you may need to engage the services of a suitably qualified environmental, soil or geotechnical consultant to assist.

Reason: To minimise impacts on the water quality of the downstream environment.

16. Bushfire Management - Protection Zones

At the commencement of building works the entire property must be managed as an Inner Protection Area (IPA) as outlined within Appendix 4 of Planning for Bush Fire Protection 2019 and the NSW Rural Fire Service's document *Standards for asset protection zones*.

Note: Further information concerning planning for bush fire protection can be found at: www.rfs.nsw.gov.au.

Reason: To minimise the risk of bushfire attack and provide for emergency services personnel, residents and others assisting firefighting activities.

DURING BUILDING WORK

Condition

17. Hours of Work

1. All work on site (including remediation, demolition, construction, earth works and removal of vegetation), must only occur between 7am and 5pm Monday to Saturday.
2. No work is to be undertaken on Sundays or public holidays.

Reason: To protect the amenity of neighbouring properties.

18. Environmental Management (Air Pollution)

The Applicant must take all reasonable steps to minimise dust generated during all works (including remediation, demolition, earthworks and construction) authorised by this consent. During works, the Applicant must ensure that:

1. Exposed surfaces and stockpiles are suppressed by regular watering.
2. All trucks entering or leaving the site with loads have their loads covered.
3. Trucks associated with the development do not track dirt onto the public road network.
4. Public roads used by these trucks are kept clean; and
5. Land stabilisation works are carried out progressively on site to minimise exposed surfaces.

Reason: To minimise impacts to the natural environment and public health.

19. Council Property

To ensure that the public reserve is kept in a clean, tidy, and safe condition during remediation, demolition and construction works, no building materials, waste, machinery, or related matter is to be stored on the road or footpath.

Reason: To protect public land.

20. Disturbance of Existing Site

During construction works, the existing ground levels of open space areas and natural landscape features, including natural rock-outcrops, vegetation, soil, and watercourses must not be altered unless otherwise nominated on the approved plans.

Reason: To protect the natural features of the site.

21. Landfill Not Permitted

The importation of fill material associated with earthworks, or structural or engineering works, is not permitted as part of this consent.

Reason: To minimise environmental impacts from landform modification.

22. Survey Report

A report(s) must be prepared by a registered surveyor and submitted to the Principal Certifier:

1. Prior to the pouring of concrete at each level of the building certifying that:
 - a. The building, retaining walls and the like have been correctly positioned on the site; and
 - b. The finished floor level(s) are in accordance with the approved plans.

Reason: To ensure buildings are positioned in the approved location and at the correct height.

23. Waste Management

All work must be carried out in accordance with the approved waste management plan.

Reason: To ensure the management of waste to protect the environment and local amenity during construction.

24. Unexpected Finds

Should the presence of asbestos or soil contamination, not recognised during the application process be identified during any stage of works, the applicant must immediately notify the Principal Certifier and Council (compliance@hornsby.nsw.gov.au).

Reason: To ensure the appropriate removal and disposal of contaminated materials.

25. Erosion and Sediment Control

1. Works are not to result in the discharge of sediment and or run-off onto the adjoining properties or public land.
2. The person having the benefit of this consent must ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site.

Note: On the spot penalties may be issued for any non-compliance with this requirement without any further notification or warning.

Reason: To minimise impacts on neighbouring properties and public land.

26. Soil and Water Management (Stockpiles)

1. Stockpiles of topsoil, sand, aggregate, soil or other material shall be protected with adequate sediment controls and must not be located on any drainage line or easement, natural watercourse, footpath or roadway.
2. The storage of stockpiled topsoil, sand, aggregate, soil or other materials must not result in the discharge of sediment or run-off onto the adjoining properties or public land.

Reason: To minimise impacts on the water quality of the downstream environment.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Condition

27. Fulfilment of BASIX Commitments

The applicant must demonstrate the fulfilment of BASIX commitments pertaining to the development.

Reason: Prescribed condition under section 75. EP&A Regulation.

28. Damage to Council Assets

To protect public property and infrastructure, any damage caused to Council's assets as a result of the construction or demolition of the development must be rectified by the applicant in accordance with AUS-SPEC Specifications (www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions). Rectification works must be undertaken prior to the issue of an Occupation Certificate, or sooner, as directed by Council.

Reason: To ensure public infrastructure and property is maintained.

OCCUPATION AND ONGOING USE

Condition

29. Ongoing Bushfire Management

Any requirements relating to bushfire protection must be maintained in perpetuity and landscaping works must:

1. Be of low flammability vegetation species comprising maximum tree cover of less than 30%, and maximum shrub cover less than 20%.
2. Provide courtyards/pathways/lawns/ and/or ground cover plantings without flammable woodchips/mulch in close proximity to the building.
3. Restrict planting in the immediate vicinity of the building which may, over time, and if not properly maintained, come in contact with the building.
4. Not provide planting that forms a continuous canopy to the building (i.e. trees or shrubs be isolated or located in small clusters); and
5. Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown and avoid deciduous species, climbing species or species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies.

Note: Further information concerning planning for bush fire protection can be found at: www.rfs.nsw.gov.au.

Reason: To ensure bushfire protection measures are maintained to protect life and property.

30. Landscaping in Bushfire Prone Areas

Landscaping must comply with the principles of Appendix 4 of Planning for Bush Fire Protection 2019 and the following requirements:

1. Courtyards/pathways/grassed areas/mowed lawns/ or ground cover plantings being provided in close proximity to the building.
2. Restrict planting in the immediate vicinity of the building which may, over time, and if not properly maintained, come in contact with the building.
3. Maximum tree cover should be less than 30%, and maximum shrub cover less than 20%.
4. Planting should not provide a continuous canopy to the building (i.e. trees or shrubs should be isolated or located in small clusters).
5. When considering landscape species, consideration should be given to estimated size of the plant at maturity.
6. Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies.
7. Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown.
8. Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter).
9. Avoid climbing species to walls and pergolas.
10. Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building.
11. Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building.
12. Use of low flammability vegetation species.

Reason: To ensure landscaping is designed and maintained to minimise the risk of bushfire attack to protect life and property.

DEMOLITION WORK

BEFORE DEMOLITION WORK COMMENCES

Condition

31. Site Sign

1. A sign must be erected in a prominent position on any site on which any approved work involving excavation, erection or demolition of a building is being carried out detailing:
 - a. The name, address, and telephone number of the Principal Certifier.
 - b. the name of the principal contractor (if any) for any demolition or building work and a telephone number on which that person may be contacted outside working hours; and

- c. Unauthorised entry to the work site is prohibited.
2. The sign must be maintained during excavation, demolition and building work is being carried out and must be removed when the work has been completed.

Reason: Prescribed condition EP&A Regulation, section 70(2) and (3).

32. Asbestos Removal Signage

Before demolition or remediation work commences involving the removal of asbestos, a standard commercially manufactured sign containing the words 'DANGER: Asbestos removal in progress' (measuring not less than 400mm x 300mm) must be erected in a prominent position at the entry point/s of the site and maintained for the entire duration of the removal of the asbestos.

Reason: To alert the public to any danger arising from the removal of asbestos.

33. Protection of Adjoining Areas

A temporary hoarding, fence or awning must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:

1. Could cause a danger, obstruction, or inconvenience to pedestrian or vehicular traffic.
2. Could cause damage to adjoining lands by falling objects; and/or
3. Involve the enclosure of a public place or part of a public place; and/or
4. Have been identified as requiring a temporary hoarding, fence, or awning within the Council approved Construction Management Plan (CMP).

Note: Notwithstanding the above, Council's separate written approval is required prior to the erection of any structure or other obstruction on public land.

Reason: To ensure public safety and protection of adjoining land.

34. Notice of Commencement for Demolition

At least one week before demolition work commences, written notice must be provided to council and the occupiers of neighbouring premises of the work commencing. The notice must include:

1. Name
2. Address,
3. Contact telephone number,
4. Licence type and license number of any demolition waste removal contractor and, if applicable, asbestos removal contractor,
5. The contact telephone number of council and
6. The contact telephone number of SafeWork NSW (4921 2900).

Note: The written notice to Council can be sent to devmail@hornsby.nsw.gov.au.

Reason: To advise neighbours about the commencement of demolition work and provide contact details for enquiries.

35. Toilet Facilities

1. To provide a safe and hygienic workplace, toilet facilities must be available or be installed at the works site before works begin and must be maintained until the works are completed at a ratio of one toilet for every 20 persons employed at the site.
2. Each toilet must:
 - a. Be a standard flushing toilet connected to a public sewer; or
 - b. Be a temporary chemical closet approved under the *Local Government Act 1993*; or
 - c. Have an on-site effluent disposal system approved under the *Local Government Act 1993*.

Reason: To ensure adequate toilet facilities are provided.

36. Erosion and Sediment Control Measures

Install and maintain adequate sediment and erosion control measures for the duration of all works, until such a time that sediment, sediment laden water or any other material/substance can no longer migrate from the premises. The measures are to be installed and maintained in such a manner as to prevent sediment, sediment-laden water, or any other materials and substances migrating from the site onto neighbouring land, the roadway, waters and/or into the stormwater system, and in accordance with:

- a. The publication *Managing Urban Stormwater: Soils and Construction 2004* (4th edition) - 'The Blue Book'.
- b. Protection of the Environment Operations Act 1997; and
- c. The approved plans

Controls are to be monitored and adjusted where required throughout the works to ensure compliance with the above

Note: On the spot penalties may be issued for any non-compliance with this requirement without any further notification or warning. If you are unsure in how to achieve compliance with this condition during works, you may need to engage the services of a suitably qualified environmental, soil or geotechnical consultant to assist.

Reason: To minimise impacts on the water quality of the downstream environment.

DURING DEMOLITION WORK

Condition

37. Hours of Work

1. All work on site (including remediation, demolition, construction, earth works and removal of vegetation), must only occur between 7am and 5pm Monday to Saturday.
2. No work is to be undertaken on Sundays or public holidays.

Reason: To protect the amenity of neighbouring properties.

38. Demolition

To protect the surrounding environment, all demolition work must be carried out in accordance with Australian Standard AS2601-2001 Demolition of structures and the following requirements:

1. Demolition material must be disposed of to an authorised recycling and/or waste disposal site and/or in accordance with an approved waste management plan; and
2. Demolition works, where asbestos material is being removed, must be undertaken by a contractor that holds an appropriate licence issued by SafeWork NSW in accordance with the Work Health and Safety Regulation 2017 and be appropriately transported and disposed of in accordance with the Protection of the Environment Operations (Waste) Regulation 2014; and
3. On construction sites where any building contains asbestos material, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and measuring not less than 400mm x 300mm must be displayed in a prominent position visible from the street.

Reason: To ensure the appropriate removal and disposal of demolition materials.

39. Handling of Asbestos

While demolition or remediation work is being carried out, any work involving the removal of asbestos must comply with the following requirements:

1. Only an asbestos removal contractor who holds the required class of Asbestos Licence issued by SafeWork NSW must carry out the removal, handling, and disposal of any asbestos material.
2. Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environment Protection Authority to accept asbestos waste; and
3. Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m² or more of asbestos sheeting must be registered with the EPA on-line reporting tool WasteLocate.

Reason: To ensure that the removal of asbestos is undertaken safely and professionally.

40. Environmental Management (Air Pollution)

The Applicant must take all reasonable steps to minimise dust generated during all works (including remediation, demolition, earthworks and construction) authorised by this consent. During works, the Applicant must ensure that:

1. Exposed surfaces and stockpiles are suppressed by regular watering.
2. All trucks entering or leaving the site with loads have their loads covered.
3. Trucks associated with the development do not track dirt onto the public road network.
4. Public roads used by these trucks are kept clean; and
5. Land stabilisation works are carried out progressively on site to minimise exposed surfaces.

Reason: To minimise impacts to the natural environment and public health.

41. Council Property

To ensure that the public reserve is kept in a clean, tidy, and safe condition during remediation, demolition and construction works, no building materials, waste, machinery, or related matter is to be stored on the road or footpath.

Reason: To protect public land.

42. Landfill Not Permitted

The importation of fill material associated with earthworks, or structural or engineering works, is not permitted as part of this consent.

Reason: To minimise environmental impacts from landform modification.

43. Waste Management

All work must be carried out in accordance with the approved waste management plan.

Reason: To ensure the management of waste to protect the environment and local amenity during construction.

44. Unexpected Finds

Should the presence of asbestos or soil contamination, not recognised during the application process be identified during any stage of works, the applicant must immediately notify the Principal Certifier and Council (compliance@hornsby.nsw.gov.au).

Reason: To ensure the appropriate removal and disposal of contaminated materials.

45. Erosion and Sediment Control

1. Works are not to result in the discharge of sediment and or run-off onto the adjoining properties or public land.
2. The person having the benefit of this consent must ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site.

Note: On the spot penalties may be issued for any non-compliance with this requirement without any further notification or warning.

Reason: To minimise impacts on neighbouring properties and public land.

46. Soil and Water Management (Stockpiles)

1. Stockpiles of topsoil, sand, aggregate, soil or other material shall be protected with adequate sediment controls and must not be located on any drainage line or easement, natural watercourse, footpath or roadway.
2. The storage of stockpiled topsoil, sand, aggregate, soil or other materials must not result in the discharge of sediment or run-off onto the adjoining properties or public land.

Reason: To minimise impacts on the water quality of the downstream environment.

- END OF CONDITIONS -

CLAUSE 4.6 VARIATION STATEMENT (Height)

31 Boundary Road, NORTH EPPING NSW 2121

<i>Title Details:</i>	Lot 7 DP 30286
<i>Proposal:</i>	Development Application (DA) for 'Proposed additions and alterations to an existing residential dwelling' – DA/478/2024. PAN-433256
<i>Owner:</i>	Mr. Graeme Harding and Mrs. Katrina Barnett
<i>Consent Authority:</i>	Hornsby Shire Council

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ATTACHMENT 1 - ITEM 3

1. INTRODUCTION

This variation request has been prepared pursuant to Clause 4.6 of the Hornsby Local Environmental Plan 2013 and is provided in support of a Development Application currently lodged with Hornsby Council for proposed additions and alterations to the existing dwelling at 31 Boundary Road, North Epping.

This is a written request to seek an exception to a development standard by way of a Clause 4.6 submission about maximum height requirement of the Hornsby LEP 2013 (HLEP2013).

The proposed alterations and additions include new first floor level addition of bedrooms with an ensuite and walk in wardrobe to the master bedroom, renovated alfresco and small ground floor renovation. An existing basement garage and storage area is located under the existing ground floor.

The development application assessment for this project is being carried out by Hornsby Shire Council.

Clause 4.6 of the Hornsby Local Environmental Plan 2013 (HLEP 2013) permits departures from development standards in certain circumstances. In this case, it is necessary to consider if compliance with the development standard is consistent with the aims of the policy and, in particular, does compliance with the development standard tend to hinder the attainment of the objects specified in section 1.3 of the Environmental Planning and Assessment Act 1979 (EP&A Act) being:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,
- (c) to promote the orderly and economic use and development of land,
- (d) to promote the delivery and maintenance of affordable housing,
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),
- (g) to promote good design and amenity of the built environment,
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,
- (j) to provide increased opportunity for community participation in environmental planning and assessment.

The aims and objectives of Hornsby LEP 2013 Clause 4.6 are as follows:

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

Under Clause 4.6(3) and (4) of the HLEP 2013, states that development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—

- (3)(a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and
 - (3)(b) there are sufficient environmental planning grounds to justify contravention of the development standard.
- (4) The consent authority must keep a record of its assessment carried out under subclause (3).

These matters, along with case law judgements from the NSW Land and Environment Court, are addressed below.

The subject site is located on the Southern side of Boundary Road and has a site width of 17.069m and an area of 701.7m². Existing floor space is measured at 345.689m² and the proposal is for an addition of 78.183m². Existing maximum height is 6.7m above ground or 8.253m from the underside of the existing basement slab (as requested by Council).

The Hornsby Local Environment Plan 2013 (€2013) states in Part 4 Section 4.3(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' which prescribes a maximum building height of 8.5 metres for No. 31 Boundary Road, North Epping.

Council guidelines in the DCP define 'building height' (or height of building) as the vertical distance between ground level (existing) and 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, and a 'basement' is termed by Section 3.1.1 of the HDCP as the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).

Under these DCP definitions, Council defines the existing single storey dwelling with basement garage as not being a 'basement' and that the building height needs to be calculated from the existing excavated garage and storage area floor level.

While the proposed new floor provides a maximum height (as noted on the drawings) of 8.5m when measured as advised by Council, from the underside of the existing basement slab, the proposed alterations and additions provide a maximum 9.964m height – which is a 17.2% variation from the €2013 height control.

Therefore a 17.2% variation to the floor space control is sought in accordance with clause 4.6 of €2013. We provide this submission to address the technical variation to the LEP when height is defined by Council from the DCP.

This statement has been prepared in accordance with the NSW Department of Planning and Environment guidelines and demonstrates that compliance with the height development standard is unreasonable and unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify variation of the standard.

2. ENVIRONMENTAL PLANNING INSTRUMENT DETAILS (HORNSBY LEP 2013)

Clause 4.6 Exceptions to Development standards reflects the content of the standard instrument and requires:

- (1) The objectives of this clause are as follows—
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) 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.
- (4) Development consent must not be granted for development that contravenes a development standard unless:
 - (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest 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, and
 - (f) the concurrence of the Secretary has been obtained.
- (5) In deciding whether to grant concurrence, the Planning Secretary must consider—
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and€ any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if—
 - (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
 - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following—

- (a) a development standard for complying development,
- (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,
- (f) clause 5.4.

(8A) This clause does not allow development consent to be granted for development that would contravene clause 4.4 for a building on land in Zone B2 Local Centre within the Epping Town Centre, identified as “Area 9” on the Floor Space Ratio Map for the following purposes—

- (a) boarding houses,
- (b) group homes,
- € hostels,
- (d) shop top housing,
- € tourist and visitor accommodation
- (f) a mixed-use development comprising a combination of uses specified in paragraphs (a)–€.

(8B) Subclause (8A) and this subclause are repealed at the beginning of 31 July 2024.

3. NSW LAND AND ENVIRONMENT COURT CASE LAW

Several key Land and Environment Court (NSW LEC) judgements have refined the manner in which variations to development standards are required to be approached. The key findings and direction of each of these matters are outlined in the following discussion.

(3.1) Wehbe v Pittwater [2007] NSW LEC 827

The decision of Justice Preston in *Wehbe v Pittwater [2007] NSW LEC 827* (expanded on the findings in *Winten v North Sydney Council*), identified 5 ways in which the applicant might establish that compliance with a development standard is unreasonable or unnecessary. It was not suggested that the five ways were the only ways that a development standard could be shown to be unreasonable or unnecessary.

The five ways outlined in *Wehbe* include:

1. The objectives of the standard are achieved notwithstanding non-compliance with the standard (First Way).
2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary (Second Way).
3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable (Third Way).
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 (Fourth Way).
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 would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone (Fifth Way).

In the *Micaul* decision Preston CJ confirmed that the requirements mandated by SEPP 1 (as discussed in *Wehbe*) are only relevant in demonstrating that compliance with a development standard is unreasonable or unnecessary for the purpose of Clause 4.6(3)(a).

(3.2) Four2Five Pty Ltd v Ashfield Council [2015] NSW LEC

In the matter of *Four2Five Pty Ltd v Ashfield Council [2015] NSW LEC*, initially heard by Commissioner Pearson, upheld on appeal by Justice Pain, it was found that an application under Clause 4.6 to vary a development standard must go beyond the five (5) part test of *Wehbe v Pittwater [2007] NSW LEC 827* and demonstrate the following:

1. Compliance with the particular requirements of Clause 4.6, with particular regard to the provisions of subclauses (3) and (4) of the LEP;
2. That there are sufficient environment planning grounds, particular to the circumstances of the proposed development (as opposed to general planning grounds that may apply to any similar development occurring on the site or within its vicinity);
3. That maintenance of the development standard is unreasonable and unnecessary on the basis of planning merit that goes beyond the consideration of consistency with the objectives of the development standard and/or the land use zone in which the site occurs;
4. All three elements of clause 4.6 have to be met and it is best to have different reasons for each but it is not essential.

(3.3) Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7

In *Randwick City Council v Micaul Holdings*, the Court allowed a departure from development standards, provided the processes required by clause 4.6 are followed, a consent authority has a broad discretion as to whether to allow a departure from development standards under clause 4.6, even where the variation is not justified for site or development specific reasons.

Preston CJ noted that the Commissioner did not have to be satisfied directly that compliance with each development standard was unreasonable or unnecessary in the circumstances of the case, but only indirectly by being satisfied that the appellant's written

request had adequately addressed the matter in clause 4.6(3)(a) that compliance with each development standard was unreasonable or unnecessary.

(3.4) Zhang v City of Ryde

Commissioner Brown reiterated that clause 4.6 imposes three preconditions which must be satisfied before the application could be approved:

1. The consent authority must be satisfied that the proposed development will be consistent with the objectives of the zone;
2. The consent authority must be satisfied that the proposed development will be consistent with the objects of the standard which is not met; and
3. The consent authority must be satisfied that the written request demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances and there are sufficient environmental planning grounds to justify contravening the development standard.

It is only if all of these conditions are met that consent can be granted to the application, subject to an assessment of the merits of the application.

The Commissioner applied the now familiar approach to determining consistency with zone objectives by considering whether the development was antipathetic to the objectives.

In contrast to four2five, the reasons relied on to justify the departure from the standards in this case were not necessarily site specific.

(3.5) Action Pty Ltd v Woollahra Municipal Council [2018]

In Action Pty Ltd v Woollahra Municipal Council, the court demonstrated the correct approach to the consideration of clause 4.6 requests, including that the clause does not require that a development that contravenes a development standard, must have a neutral or better environmental planning outcome than one that does not.

STRUCTURE OF CLAUSE 4.6 SUBMISSIONS

In Bringham (Bringham v Canterbury–Bankstown Council [2018] NSWLEC 1406) the Senior Commissioner Dixon emphasised that a 4.6 Request should have the following features:

- it should address each element of clause 4.6(3) in the order that it is read. This checklist approach helps to avoid legal error and ensure that all relevant subclauses are referred to in the written document
- it must make specific reference to the particular subclause being addressed, rather than using a general topic heading
- it should not paraphrase but rather, use the precise wording from the relevant clause when addressing particular considerations in respect of the development
- it should be direct and to the point. The request should not include discussions of irrelevant matters such as the historical case law or comments by a commissioner or judge.

4. GROUNDS FOR VARIATION

The following section addresses the provisions of clause 4.6 of the HLEP 2013 together with principles established in the NSW Land and Environment Court Case Law outlined above.

Clause 4.6(3)(A) - Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case (and is a development which complies with the development standard unreasonable or unnecessary in the circumstances of the case)?

In order to demonstrate that compliance with the development standard is unreasonable or unnecessary, in the circumstances of the case, the Five (5) Part Test established in *Winten v North Sydney Council* and expanded by Justice Preston in *Wehbe v Pittwater* [2007] NSW LEC 827 is considered:

The five ways outlined in *Wehbe* include:

4.1 Five (5) Part Test - *Wehbe v Pittwater*

1. The objectives of the standard are achieved notwithstanding non-compliance with the standard (First Way).

The objectives of the standard are:

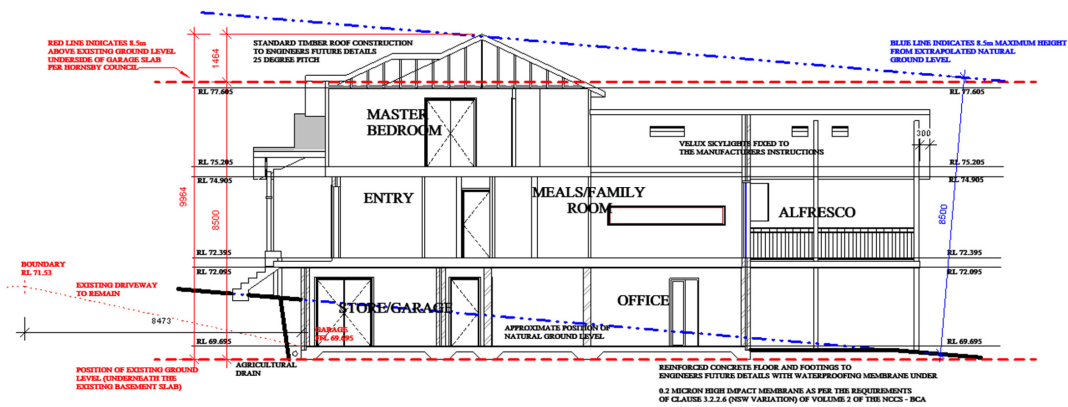
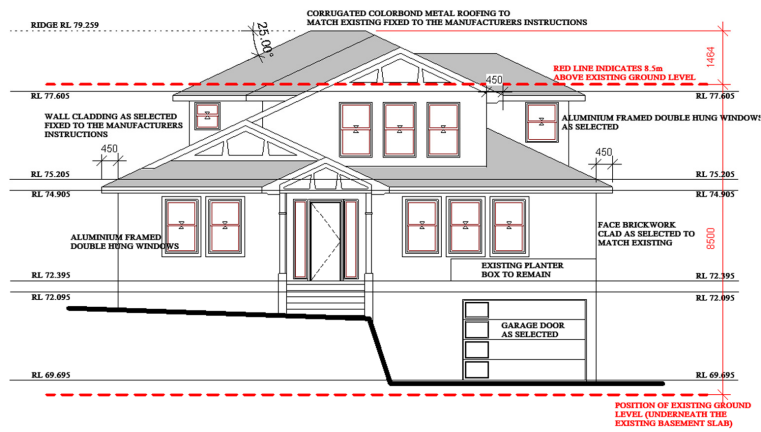
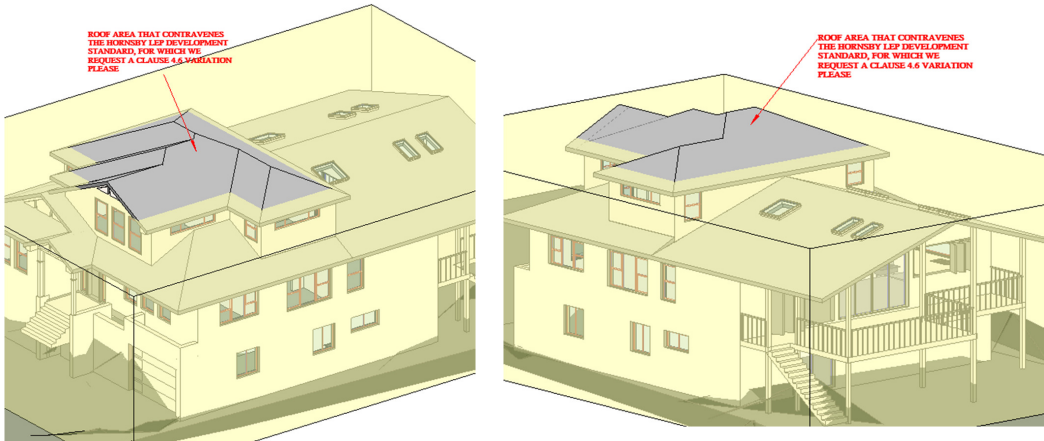
- (a) To permit a height of buildings that is appropriate for the site constraints, development potential and infrastructure capacity of the locality.

This request is for variation to the 8.5m maximum height standard prescribed in the LEP. The existing residence is primarily in a single storey form with undercroft garage and storage area which responds to the topography of the site. Due to the slope of the land (from street frontage down to the south-west rear corner), the existing garage and storage is constructed under the residence and extends back under the residence to a maximum depth of about 1.8m into the ground. We understand Council interprets existing ground level as including the floor of garage, so while the majority of the roof above the new upper floor is below the maximum 8.5m height limit, the area of roof over the proposed first floor additions and alterations is non-compliant with the height limit. The figure below demonstrates the area of roof exceeding the height limit.

Possible alternatives have been considered to meet the height standard, including a very low pitch roof, or a low pitch 'cut-out' section of roof following the position of basement garage below, but both would be awkward and out-of-character and create a poorly articulated residential addition. Due to the slope of site and existing placement of the home, it is also considered that an alternative larger ground floor addition would provide worse amenity and landscaping.

EXTENT OF HEIGHT BREACH

The maximum height limit is 8.5m and the proposed building height of 9.964m, resulting in an exceedance of 1.464m at the roof pitch. The roof portion which exceeds the maximum building height is identified below.



Figures above depict the extent of the non-compliance. The proposal is for a maximum height of building of 9.964m. While the height of building from existing ground levels is a maximum of 8.5m (as shown in blue in the figures above), when calculated from the underside of the existing basement slab the proposed building height is greater – indicated by the red dotted line in the figures above. Measuring from the existing excavated garage and storage area results in a maximum proposed height of 9.964m, which equates to a 17.2% variation to the 8.5m development standard.



31 Boundary Road, North Epping

The proposed new additions and alterations have been designed to provide improved resident amenity within the potential of the site, while maintaining a residential scale that is appropriate to the low-density area. The proposed design also carefully responds to the existing residence with an in-character building form that will sit comfortable in the existing streetscape. The proposal also conforms comfortably with all other controls that limit bulk and scale including FSR, landscaped area and site coverage – thus supporting our submission that is a modest development.

Due to the slope of the site away from the street and the existing undercroft garage and garage door, the proposed new work is visible from the street and forms part of the streetscape, but is well articulated and designed for match the existing character of the home, with the new upper floor addition provided with matching windows, articulated walls and pitched roof form. Removal of the area of height non-compliance over the undercroft garage and storage area would have no effective improvement to the reasonable overshadowing effect - as it would be unchanged by reducing a central portion of the pitched roof.

In relation to streetscape we submit that the proposal is reasonable. Existing front boundary landscaping is to remain to soften the appearance of the proposed additions and alterations with mature plant screening as pictured in the image above. Adjacent homes on either side are one and two storey in form, with several three-storey dwellings on Boundary Road and surrounding streets with basement garage designs and substantial building heights. Neighbouring dwellings of 3-storey form are pictured below, including 42 Boundary Road, 36 Boundary Road, 24 Grayson Road, 19 Marcella Street and 19 Belinda Crescent, North Epping.



19 Marcella Street



19 Belinda Crescent



24 Grayson Road



42 Boundary Road



36 Boundary Road

We submit that the small area of addition height contributes to the delivery of a high quality and better designed residence on the site. Possible variations to the design discussed above which would provide a complying solution would only serve to create a dysfunctional or out-of-character building form on this sloping site. As designed, the proposal provides for orderly development.

The proposal is for alterations and additions and is not anticipated to generate additional vehicle or pedestrian traffic to the street. The site is well serviced with public infrastructure including electricity, water, sewer, and the proposal will not have undue impact on any of these.

We submit that proposed alterations and additions meet the objectives of the Zone R2 Low Density Residential within the constraints of the site, and that the additional height proposed provides for a superior design response worthy of approval.

2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary (Second Way).

This exception to development standards request does not rely on this reason.

3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable (Third Way).

This exception to development standards request does not rely on this reason.

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 (Fourth Way).

This exception to development standards request does not rely on this reason.

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 would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone (Fifth Way).

This exception to development standards request does not rely on this reason.

This clause 4.6 variation request establishes that compliance with the development standard is unreasonable or unnecessary in the circumstances of the proposed development because the objectives of the standard are achieved and accordingly justifies the variation to the height of buildings control pursuant to the First Way outlined in Wehbe.

Thus it is considered that compliance with Clause 4.6(3)(a) is satisfied.

* * * * *

This section responds to the questions provided in Appendix 3 of the NSW Planning & Infrastructure 'guide for varying development standards.'

What is the name of the environmental planning instrument that applies to the land?

Hornsby Local Environmental Plan 2013

What is the zoning of the land?

The subject site is zoned R2: Low Density Residential

What are the objectives of the zone?

- To provide for the housing needs of the community within a low-density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Comment:

We submit that proposed alterations and additions meet the objectives of the Zone R2 Low Density Residential. The proposed alterations and additions will improve the living amenity for the residents, provide much needed additional space within the home and provide for their housing needs while maintaining the low-density residential character of the area.

We submit that the proposed alterations and additions meet all the other controls in relation to bulk and scale including FSR, landscaped area and maximum site coverage, thus clearly demonstrating that this is a reasonable development with bulk and scale conforming to the R2 zoning context.

We submit that there are no statutory zoning or zone objectives that preclude the granting of approval to the proposed development.

What is the development standard being varied?

Building Height – 8.5m maximum

Comment:

Development standards has the following definition under Section 4(1) of the EP&A Act:

“development standards means provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of: (amongst others) (c) the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of a building or work,

Under what clause is the development standard listed in the environmental planning instrument?

Clause 4.3 Height of buildings' of the Hornsby Local Environmental Plan 2013

What is the numeric value of the development standard in the environmental planning instrument?

Maximum Building Height 8.5m – From natural ground level

Refer figure below for extract of the height of building map from the HLEP2013.



HLEP2013 Height of Buildings Map (8.5m)

What is the proposed numeric value of the development standard in your development application?

9.964m

What is the percentage variation between your proposal and the environmental planning instrument?

17.2%

How is strict compliance with the development standard unreasonable or unnecessary in this particular case?

As outlined above, we submit that these proposed alterations and additions are reasonable and in keeping with the existing home character, the established form and density of the local vicinity, and in keeping with the low-density character of the zoning. The proposed design also meets the other relevant planning controls from the LEP and guidelines from the DCP – as detailed in the Statement of Environmental Effects.

The only area of non-compliant building height is a portion of the roof over the proposed first floor. Alternative low pitched roof form, or 'cut-out' portion of the roof, which could provide a compliant design solution have been considered and dismissed as the building form and appearance would be poor and detrimental to the location and streetscape. The proposed design and form fits comfortably into the streetscape and is not more bulky or large in scale. We have amended the proposed additions and alterations by reducing the proposed roof pitch, as well as reduce the floor to ceiling height of the proposed first floor in an effort to minimise the percentage of roof area that contravenes the building height standard.

Assessment of the impact of the additional area of roof height indicates that it will not create any adverse environmental or amenity impacts. In particular:

- No view loss – no views or view corridors impacted
- No impact on privacy – roof form only variation to height standard
- No additional adverse solar access impacts – overshadowing from the proposed dwelling is cast largely over the subject site, with only the 3pm shadow on the Winter Solstice cast over a small portion of the side/rear yard of neighbouring property 29 Boundary Road

We therefore submit that the proposed variation will have negligible adverse impact over a strictly compliance solution. Thus strict compliance with the development standard is unreasonable and unnecessary.

Rather, the proposed alterations design provides for better designed solution that is in character with existing development and conforming to the existing streetscape.

How would strict compliance hinder the attainment of the objects specified in Section 1.3(a) and (c)?

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

1.3 (c) To promote the orderly and economic use and development of land.

Comment:

We submit that the proposed alterations are well designed and provide for orderly development, improved housing and maintain local character and quality of the built environment. Strict compliance in this situation – where a previously excavated garage area is used to define height rather than original natural ground level – would hinder providing a good design solution.

Is the development standard a performance-based control?

We submit that this standard is not a performance-based control, particularly where the entire area of technical non-compliance is caused by defining existing undercroft spaces as natural ground level. In a practical or visible performance sense, the proposed alterations reflect an 8.5m height above ground form. The proposed design is well articulated and steps back above the existing residence to ensure compliance with the natural ground line and natural contours in the vicinity.

Would strict compliance with the standard, in your particular case, be unreasonable or unnecessary? Why?

Yes. Please refer to points above.

Are there sufficient environmental planning grounds to justify contravening the development standard?

Yes, clause 4.6 of the LEP provides for a development standard to be varied providing there are sufficient and compelling arguments based on sound planning rationale provided. Such grounds must be particular to this proposed development. We submit this is the case with the following:

- The non-compliance arises solely from the existing undercroft garage and storage spaces. Using floor levels in this vicinity to limit roof form immediately above, rather than the natural ground levels and trend of contours is unreasonable when these levels have no impact on actual building form.
- Alternative fully compliant roof responses would provide for a poor design solution not in keeping with the existing character or contributing positively to streetscape.
- The request for a 17.2% variation to maximum height – which only affects a portion of the roof area – does not impact on full compliance with the other LEP controls and DCP guidelines.
- All other controls that limit bulk scale including FSR, area of landscaping and maximum site coverage are met – indicating that the proposed alterations maintain a reasonable low density form.
- The proposal is consistent with the objectives of the clause 4.3 height standard in the LEP.
- The requested variation to the maximum height standard will have no adverse impact on adjoining residents in relation to overshadowing, views or privacy.
- The variation results from particulars of the existing dwelling and site contours and would not establish a precedent for other unjustified non-compliances.
- The proposed variation to the height standard does not conflict with any matters of State or regional environmental planning significance, nor does it conflict with any State Planning Policies or Ministerial directives. The significance of the non-compliance is acceptable in the context of the overall development of the broader Hornsby Council area.
- The public benefit would be best served by approval of this application, despite the height variation proposed as doing so provides for a higher quality design outcome which responds suitably to the natural site levels.

5. CONCLUSION

We submit that the proposed non-compliance to the maximum height standard of the HLEP2013 is considered acceptable based on the planning rationale in the variation request.

We submit that this requested variation does not

- hinder the attainment of objectives of 1.3(a) and (c) of the Environmental Planning and Assessment Act 1979
- raise any significant matters in relation to State or Regional Planning
- create any unreasonable precedent
- have any unreasonable impact on the amenity of adjoining properties

We submit that on planning grounds that the proposed additions and alterations are capable of achieving relevant planning LEP and DCP objectives, notwithstanding the height variation requested. As presented here, we submit it is unreasonable and unnecessary to Council to insist on compliance with the 8.5m maximum height standard - measured from existing excavated spaces in this instance.

The proposed development will be in the public interest as the owners of the subject site have advised that they have only had positive feedback from neighbours on all sides of their property who are in support of the proposed development in its current form. The property owners are not aware of any objections.

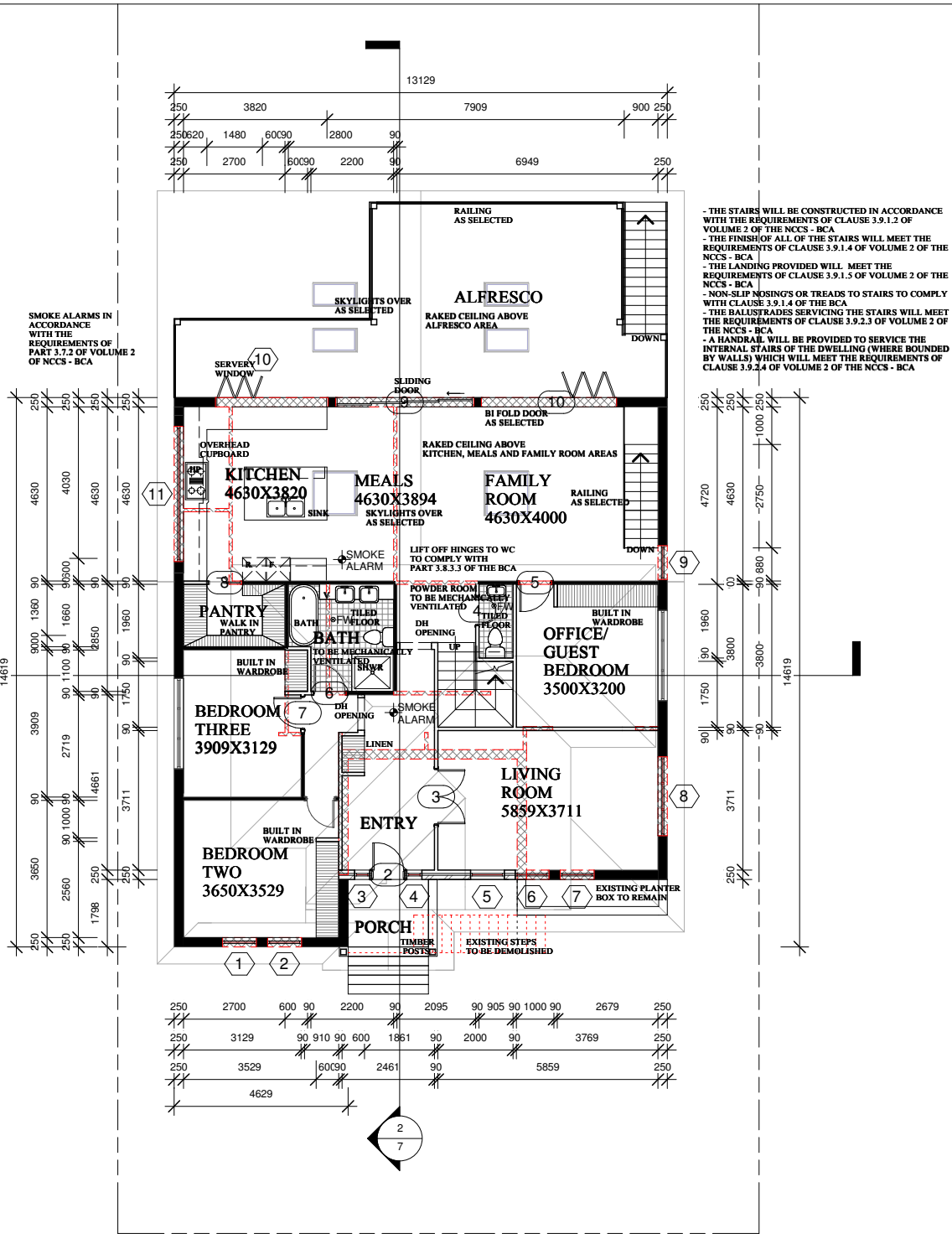
Notwithstanding the variation to the building height development standard, the proposed development is in the public interest. The concerns raised by Council are resolved through this response letter and the DA is worthy of Council's support.

Thank you in advance for your consideration.



Russell Scott
Project Architect
russcott@bigpond.com

Date 6th September 2024

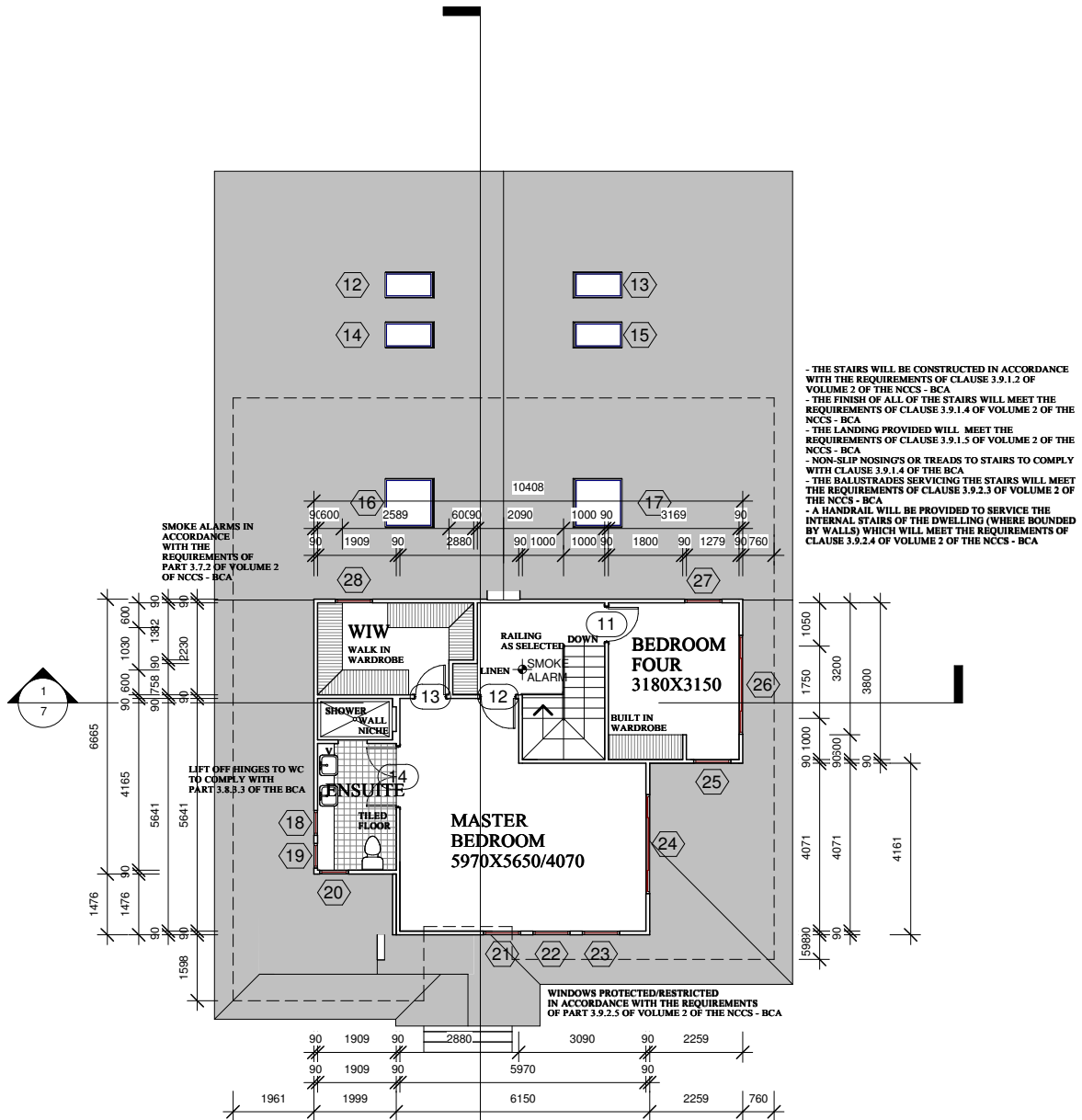


- THE STAIRS WILL BE CONSTRUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF CLAUSE 3.9.1.2 OF VOLUME 2 OF THE NCCS - BCA
- THE FINISH OF ALL OF THE STAIRS WILL MEET THE REQUIREMENTS OF CLAUSE 3.9.1.4 OF VOLUME 2 OF THE NCCS - BCA
- THE LANDING PROVIDED WILL MEET THE REQUIREMENTS OF CLAUSE 3.9.1.5 OF VOLUME 2 OF THE NCCS - BCA
- NON-SLIP NOSINGS OR TREADS TO STAIRS TO COMPLY WITH CLAUSE 3.9.1.4 OF THE BCA
- THE BALUSTRADES SERVICING THE STAIRS WILL MEET THE REQUIREMENTS OF CLAUSE 3.9.2.3 OF VOLUME 2 OF THE NCCS - BCA
- A HANDRAIL WILL BE PROVIDED TO SERVICE THE INTERNAL STAIRS OF THE DWELLING (WHERE BOUNDED BY WALLS) WHICH WILL MEET THE REQUIREMENTS OF CLAUSE 3.9.2.4 OF VOLUME 2 OF THE NCCS - BCA

1 Ground Floor Plan
1 : 100

PROPOSED ADDITIONS AND ALTERATIONS TO DWELLING HOUSE IS TO COMPLY WITH AS 1959-2009 FOR BAL 12.5 CONSTRUCTION

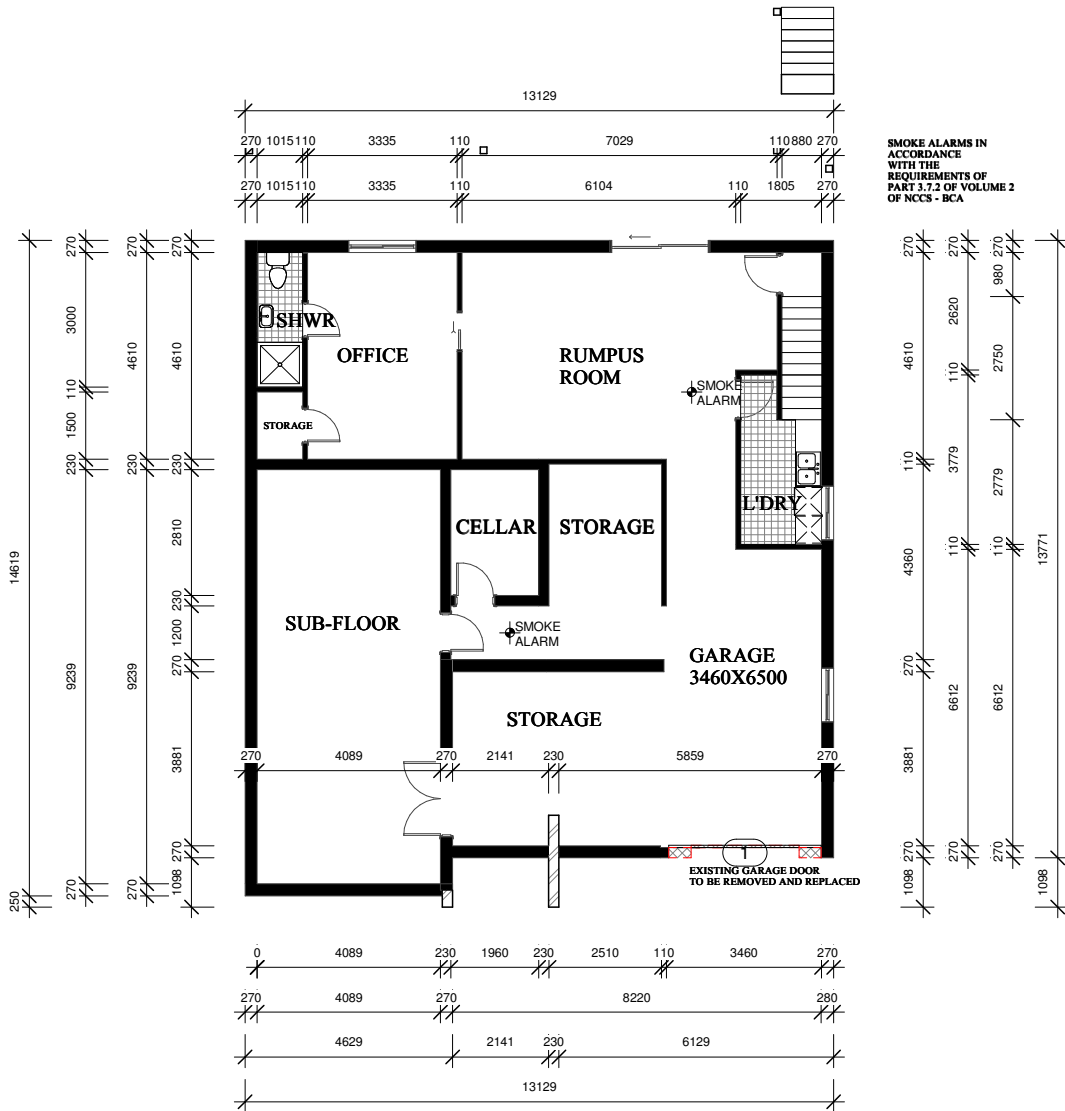
 NORTH	 Russell Scott Designs 2A Crane Road, Castle Hill NSW 2154 Russell: 0411 108 513 russ@rsd.com.au Sophie: 0417 017 183 sophierusscott@gmail.com	Proposed Additions and Alterations to Existing Dwelling at:- Lot 7 DP 30286 31 Boundary Road North Epping NSW 2121 For Mr & Mrs G. Harding	6th September 2024
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1 First Floor Plan
1 : 100

- THE STAIRS WILL BE CONSTRUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF CLAUSE 3.9.1.2 OF VOLUME 2 OF THE NCCS - BCA
- THE FINISH OF ALL OF THE STAIRS WILL MEET THE REQUIREMENTS OF CLAUSE 3.9.1.4 OF VOLUME 2 OF THE NCCS - BCA
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- A HANDRAIL WILL BE PROVIDED TO SERVICE THE INTERNAL STAIRS OF THE DWELLING (WHERE BOUNDED BY WALLS) WHICH WILL MEET THE REQUIREMENTS OF CLAUSE 3.9.2.4 OF VOLUME 2 OF THE NCCS - BCA

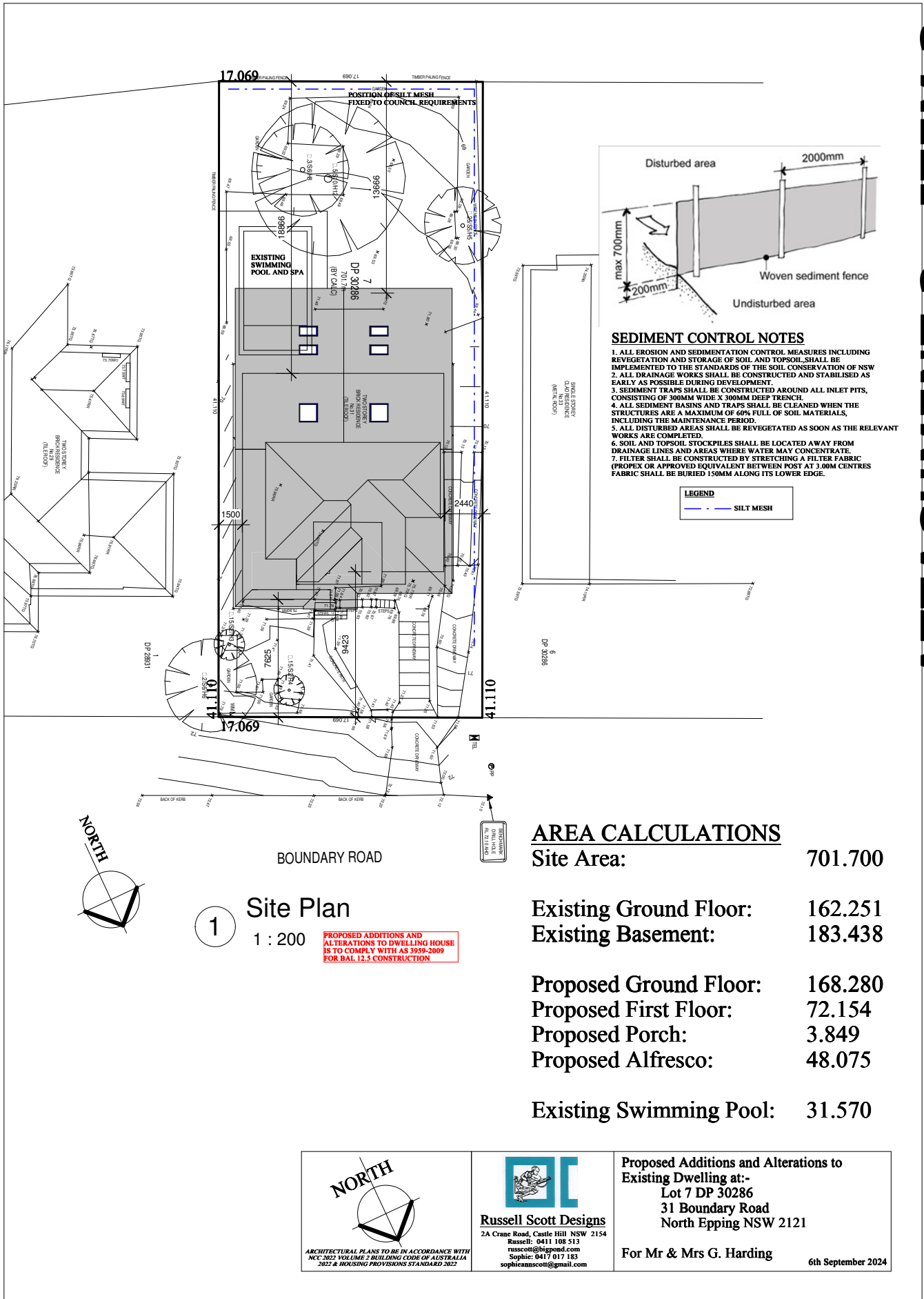
 NORTH	 Russell Scott Designs 2A Crane Road, Castle Hill NSW 2154 Russell: 0411 108 513 russ@rsd.com.au Sophie: 0417 017 183 sophieannscott@gmail.com	<p>Proposed Additions and Alterations to Existing Dwelling at:- Lot 7 DP 30286 31 Boundary Road North Epping NSW 2121</p> <p>For Mr & Mrs G. Harding</p> <p style="text-align: right;">6th September 2024</p>
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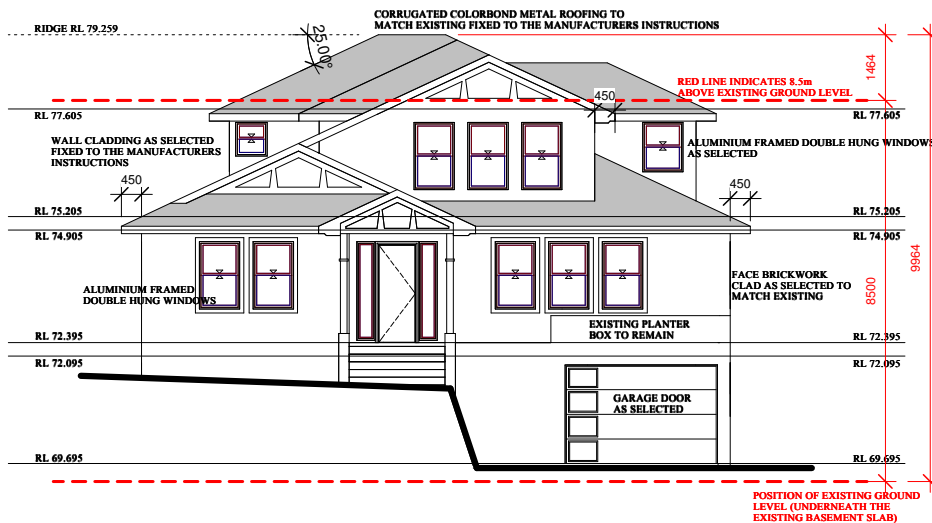


1 Basement Floor Plan
1 : 100

PROPOSED ADDITIONS AND ALTERATIONS TO DWELLING HOUSE IS TO COMPLY WITH AS 3959-2009 FOR BAL 12.5 CONSTRUCTION

 <p>ARCHITECTURAL PLANS TO BE IN ACCORDANCE WITH NCC 2022 VOLUME 2 BUILDING CODE OF AUSTRALIA 2022 & HOUSING PROVISIONS STANDARD 2022</p>	 <p>Russell Scott Designs 2A Crane Road, Castle Hill NSW 2154 Russell: 0411 108 513 russco@bigpond.com Sophie: 0417 017 183 sophiemscott@gmail.com</p>	<p>Proposed Additions and Alterations to Existing Dwelling at:- Lot 7 DP 30286 31 Boundary Road North Epping NSW 2121</p> <p>For Mr & Mrs G. Harding</p> <p style="text-align: right;">6th September 2024</p>
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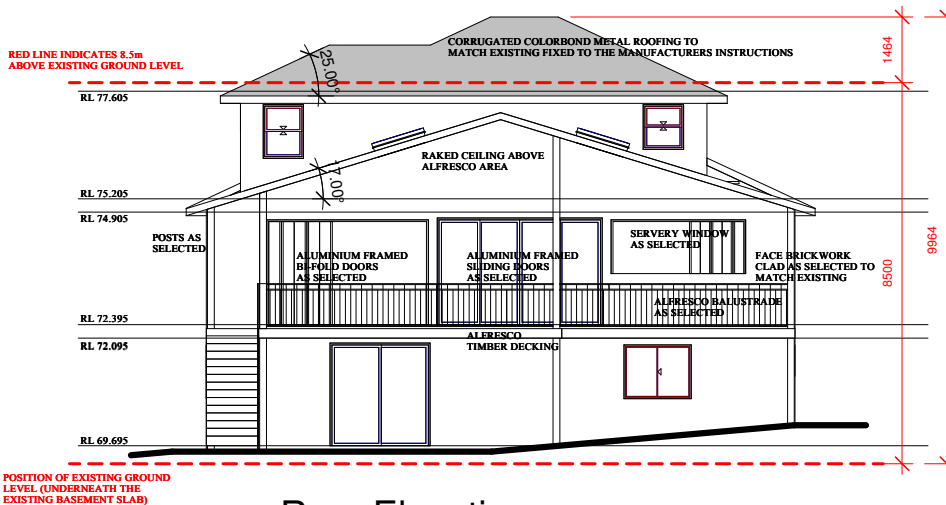




1 Front Elevation

1 : 100

PROPOSED ADDITIONS AND ALTERATIONS TO DWELLING HOUSE IS TO COMPLY WITH AS 3959-2009 FOR BAL 12.5 CONSTRUCTION

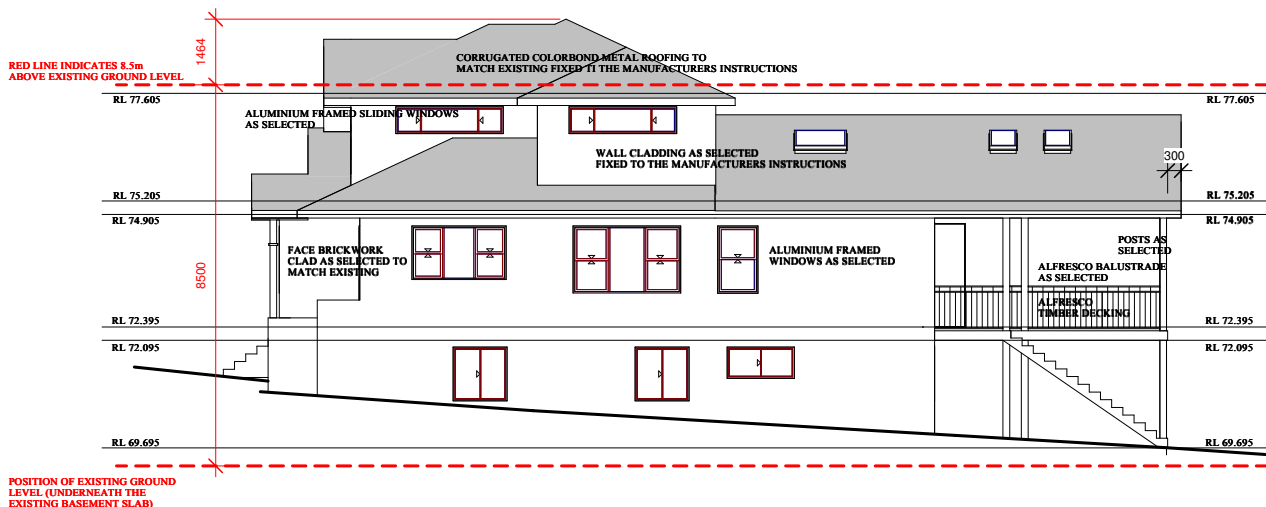


2 Rear Elevation

1 : 100

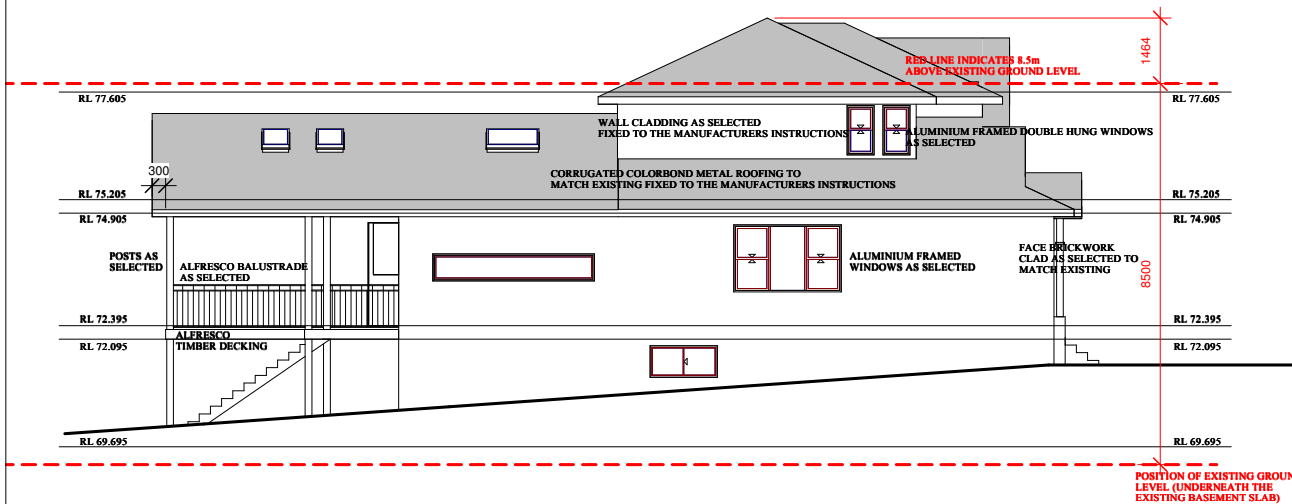
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1 Side Elevation 1
1 : 100

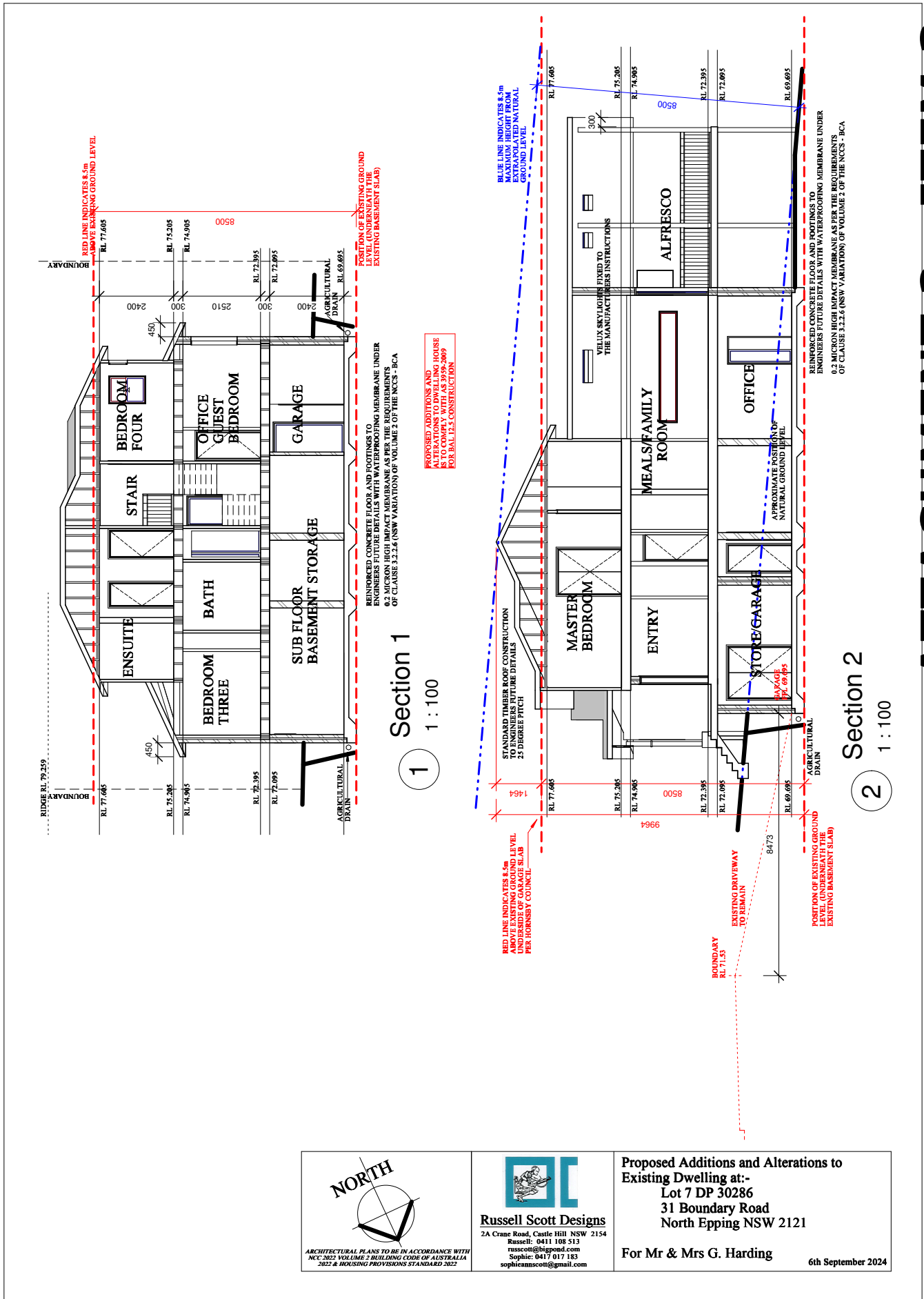
PROPOSED ADDITIONS AND ALTERATIONS TO DWELLING HOUSE IS TO COMPLY WITH AS 3959-2009 FOR BAL 12.5 CONSTRUCTION



2 Side Elevation 2
1 : 100

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ATTACHMENT 2 - ITEM 3

 NORTH	 Russell Scott Designs 2A Crane Road, Castle Hill NSW 2154 Russell: 0411 108 513 russell@russellscottdesigns.com Sophie: 0417 017 183 sophieannscott@gmail.com	Proposed Additions and Alterations to Existing Dwelling at:- Lot 7 DP 30286 31 Boundary Road North Epping NSW 2121 For Mr & Mrs G. Harding 6th September 2024
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DOOR & WINDOW SCHEDULES

Door Schedule				
Mark	Location	Height	Width	Frame Material
1	Garage	2200	3400	Steel
2	Entry	2175	820	Timber
3	Living Room	2040	720	Timber
4	WC	2040	720	Timber
5	Office/Guest Bedroom	2040	820	Timber
6	Bath	2040	820	Timber
7	Bedroom Three	2040	820	Timber
8	Pantry	2040	820	Timber
9	Meals	2340	3600	Aluminium
10	Family Room	2340	3600	Aluminium
11	Bedroom Four	2040	820	Timber
12	Master Bedroom	2040	820	Timber
13	WIW	2040	720	Timber
14	Ensuite	2040	720	Timber

Window Schedule					
Mark	Location	Window Style	Width	Height	Material
1	Bedroom Two	Double Hung	900	1500	Aluminium
2	Bedroom Two	Double Hung	900	1500	Aluminium
3	Entry	Sidelight	400	2200	Timber
4	Entry	Sidelight	400	2200	Timber
5	Living Room	Double Hung	900	1500	Aluminium
6	Living Room	Double Hung	900	1500	Aluminium
7	Living Room	Double Hung	900	1500	Aluminium
8	Living Room	Double Hung	2100	1200	Aluminium
9	Family Room	Double Hung	900	1500	Aluminium
10	Kitchen	Servery	3000	1200	Aluminium
11	Kitchen	Fixed	3600	600	Aluminium
12	Alfresco	Skylight	580	1180	Aluminium
13	Alfresco	Skylight	580	1180	Aluminium
14	Alfresco	Skylight	580	1180	Aluminium
15	Alfresco	Skylight	580	1180	Aluminium
16	Kitchen	Skylight	1140	1180	Aluminium
17	Family Room	Skylight	1140	1180	Aluminium
18	Ensuite	Double Hung	600	1100	Aluminium
19	Ensuite	Double Hung	600	1100	Aluminium
20	Ensuite	Double Hung	700	750	Aluminium
21	Master Bedroom	Double Hung	900	1500	Aluminium
22	Master Bedroom	Double Hung	900	1500	Aluminium
23	Master Bedroom	Double Hung	900	1500	Aluminium
24	Master Bedroom	Sliding	2400	600	Aluminium
25	Bedroom Four	Double Hung	900	1100	Aluminium
26	Bedroom Four	Sliding	2400	600	Aluminium
27	Bedroom Four	Double Hung	900	1200	Aluminium
28	WIW	Double Hung	900	1000	Aluminium

ATTACHMENT 2 - ITEM 3

 <p>NORTH</p> <p><small>ARCHITECTURAL PLANS TO BE IN ACCORDANCE WITH NCC 2022 VOLUME 2 BUILDING CODE OF AUSTRALIA 2022 & HOUSING PROVISIONS STANDARD 2022</small></p>	 <p>Russell Scott Designs 2A Crane Road, Castle Hill NSW 2154 Russell: 0411 108 513 russell@bigpond.com Sophie: 0417 017 183 sophieannscott@gmail.com</p>	<p>Proposed Additions and Alterations to Existing Dwelling at:- Lot 7 DP 30286 31 Boundary Road North Epping NSW 2121</p> <p>For Mr & Mrs G. Harding</p> <p style="text-align: right;">6th September 2024</p>
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9am - Shadow
 1 Diagrams/Site Analysis
 1 : 200

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1 12noon - Shadow Diagrams/Site Analysis
1 : 200

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NORTH

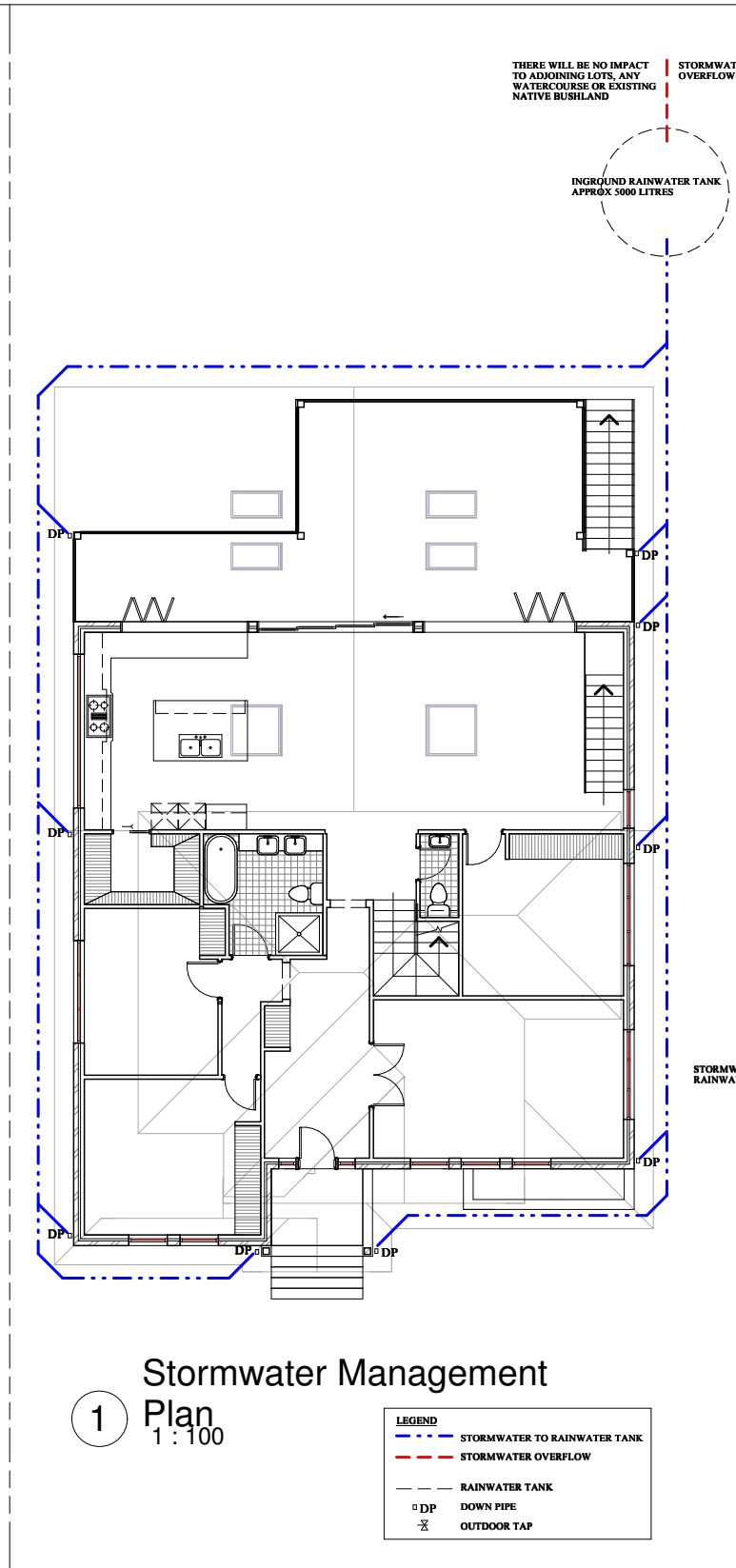
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sophierussellscott@gmail.com

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31 Boundary Road
North Epping NSW 2121

For Mr & Mrs G. Harding

6th September 2024



Stormwater Management

1 Plan 1 : 100

LEGEND	
	STORMWATER TO RAINWATER TANK
	STORMWATER OVERFLOW
	RAINWATER TANK
	DOWN PIPE
	OUTDOOR TAP

NORTH

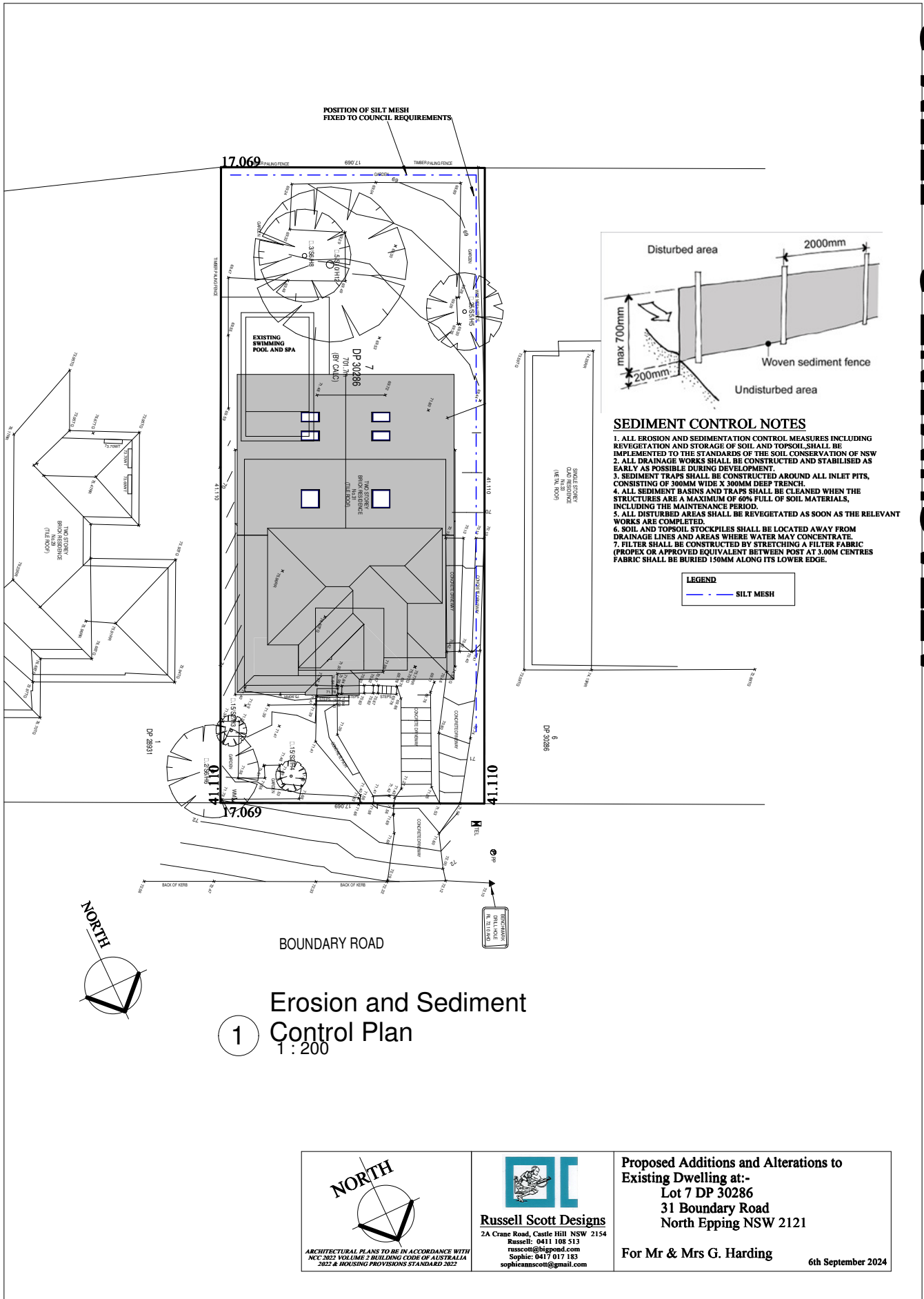
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6th September 2024



NORTH

ARCHITECTURAL PLANS TO BE IN ACCORDANCE WITH
NCC 2022 VOLUME 2 BUILDING CODE OF AUSTRALIA
2022 & HOUSING PROVISIONS STANDARD 2022

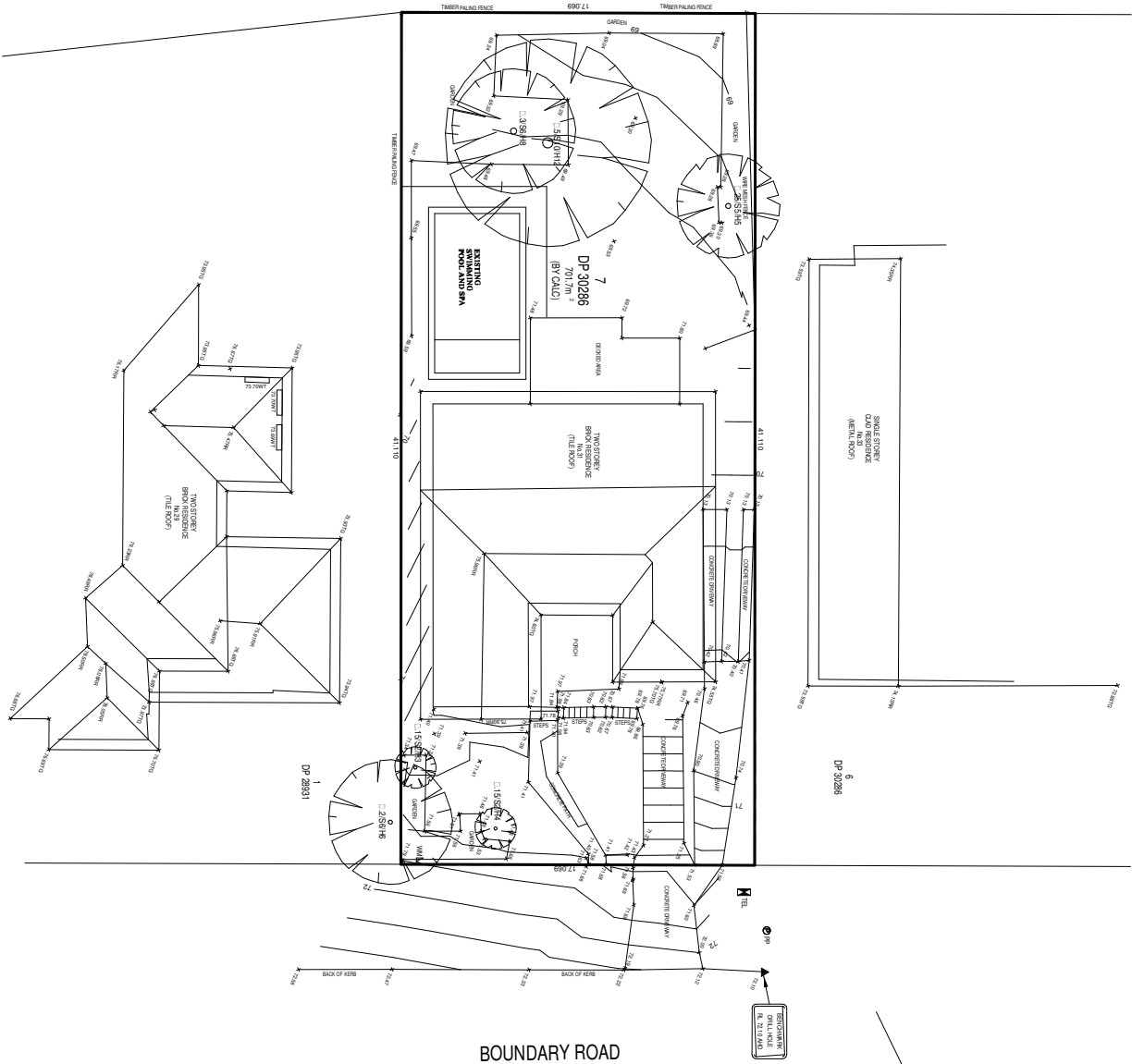
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Lot 7 DP 30288
31 Boundary Road
North Epping NSW 2121

For Mr & Mrs G. Harding

6th September 2024

ATTACHMENT 2 - ITEM 3



1 Contour Plan
1 : 200

NORTH

ARCHITECTURAL PLANS TO BE IN ACCORDANCE WITH
NCC 2022 VOLUME 2 BUILDING CODE OF AUSTRALIA
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For Mr & Mrs G. Harding

6th September 2024

BASIX COMMITMENTS

BASIX Certificate

Building Sustainability Index www.basix.nsw.gov.au

Alterations and Additions

Certificate number: A1744814

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Definitions" dated 10/09/2020 published by the Department. This document is available at www.basix.nsw.gov.au

Secretary
Date of issue: Tuesday, 23 April 2024
To be valid, this certificate must be submitted with a development application or lodged with a complying development certificate application within 3 months of the date of issue.



Project address	
Project name	31 Boundary Road, North Epping
Street address	31 BOUNDARY ROAD NORTH EPPING 2121
Local Government Area	Hornsby Shire Council
Plan type and number	Deposited Plan DP30286
Lot number	7
Section number	NA
Project type	
Dwelling type	Dwelling house (detached)
Type of alteration and addition	The estimated development cost for my renovator work is \$50,000 or more, and does not include a pool (and/or spa).
NA	NA
Certificate Prepared by (please complete before submitting to Council or PCA)	
Name / Company Name:	Sophie Scott
ABN (if applicable):	

Fixtures and systems

Hot water

The applicant must install the following hot water system in the development: gas instantaneous.

Show on DA Plans	Show on CC-CDC Plans & specs	Certifier Check
✓	✓	✓

Lighting

The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting diode (LED) lamps.

Show on DA Plans	Show on CC-CDC Plans & specs	Certifier Check
✓	✓	✓

Fixtures

The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating.

Show on DA Plans	Show on CC-CDC Plans & specs	Certifier Check
✓	✓	✓

The applicant must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating.

Show on DA Plans	Show on CC-CDC Plans & specs	Certifier Check
✓	✓	✓

The applicant must ensure new or altered taps have a flow rate no greater than 9 litres per minute or minimum 3 star water rating.

Show on DA Plans	Show on CC-CDC Plans & specs	Certifier Check
✓	✓	✓

Construction

Insulation requirements

The applicant must construct the new or altered construction (floors, walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that additional insulation is not required where the area of new construction is less than 2m². (3) Insulation specified is not required for parts of altered construction where insulation already exists.

Show on DA Plans	Show on CC-CDC Plans & specs	Certifier Check
✓	✓	✓

Construction	Additional insulation required (R-value)	Other specifications
floor above existing dwelling or building	nil	N/A
external wall: framed weatherboard, fibro, metal clad	R1.30 (or R1.70 including construction)	
external wall: brick veneer	R1.16 (or R1.70 including construction)	
flat ceiling, pitched roof	ceiling: R2.50 (upp), roof: full/sarking	medium (solar absorbance 0.475 - 0.70)
raked ceiling, pitched/skillion roof: framed	ceiling: R2.50 (upp), roof: full/sarking	medium (solar absorbance 0.475 - 0.70)

Show on DA Plans	Show on CC-CDC Plans & specs	Certifier Check
✓	✓	✓

Glazing requirements

Windows and glazed doors

The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door.

The following requirements must also be satisfied in relation to each window and glazed door:

Each window or glazed door with standard aluminium or timber frames and single clear or toned glass may either match the description, or have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Transmission Rating Council (NTRC) conditions.

Each window or glazed door with improved frames, or pyrolytic low-e glass, or clear/air gap/clear glazing, or toner/air gap/clear glazing must have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Transmission Rating Council (NTRC) conditions. The description is provided for information only. Alternative systems with complying U-value and SHGC may be substituted.

For projections described in millimetres, the leading edge of each rave, pergola, verandah, balcony or awning must be no more than 500 mm above the head of the window or glazed door and no more than 2400 mm above the sill.

Pergolas with polycarbonate roof or similar translucent material must have a shading coefficient of less than 0.35.

Pergolas with fixed battens must have battens parallel to the window or glazed door above which they are situated, unless the pergola also shades a perpendicular window. The spacing between battens must not be more than 50 mm.

Show on DA Plans	Show on CC-CDC Plans & specs	Certifier Check
✓	✓	✓

Skylights

The applicant must install the skylights in accordance with the specifications listed in the table below.

The following requirements must also be satisfied in relation to each skylight:

Each skylight may either match the description, or have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below.

Skylights glazing requirements

Skylight number	Area of glazing inc. frame (m ²)	Shading device	Frame and glass type
S1	0.68	no shading	timber, low-E internal/argon filled clear external, (or U-value: 2.5, SHGC: 0.456)
S2	0.68	no shading	timber, low-E internal/argon filled clear external, (or U-value: 2.5, SHGC: 0.456)
S3	0.68	no shading	timber, low-E internal/argon filled clear external, (or U-value: 2.5, SHGC: 0.456)
S4	1.34	no shading	timber, low-E internal/argon filled clear external, (or U-value: 2.5, SHGC: 0.456)
S5	1.34	no shading	timber, low-E internal/argon filled clear external, (or U-value: 2.5, SHGC: 0.456)

Show on DA Plans	Show on CC-CDC Plans & specs	Certifier Check
✓	✓	✓

Glazing requirements

Windows and glazed doors glazing requirements

Window/door number	Orientation	Area of glass including frame (m ²)	Overshadowing height (m)	Overshadowing distance (m)	Shading device	Frame and glass type	Show on DA Plans	Show on CC-CDC Plans & specs	Certifier Check
W1	NE	1.35	0	0	eave/verandah/pergola/balcony >=450 mm	aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)	✓	✓	✓
W2	NE	1.35	0	0	eave/verandah/pergola/balcony >=450 mm	aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)	✓	✓	✓
W3	NE	0.88	0	0	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)	✓	✓	✓
W4	NE	0.88	0	0	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)	✓	✓	✓
W5	NE	1.35	0	0	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)	✓	✓	✓
W6	NE	1.35	0	0	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)	✓	✓	✓
W7	NE	1.35	0	0	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)	✓	✓	✓
W8	NE	2.52	0	0	eave/verandah/pergola/balcony >=450 mm	aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)	✓	✓	✓
W9	NW	1.35	0	0	eave/verandah/pergola/balcony >=450 mm	aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)	✓	✓	✓
W10	SW	3.6	0	0	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)	✓	✓	✓
W11	SE	2.16	0	0	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)	✓	✓	✓
W12	SE	0.66	0	0	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)	✓	✓	✓
W13	SE	0.66	0	0	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)	✓	✓	✓
W14	NE	0.66	0	0	eave/verandah/pergola/balcony >=450 mm	aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)	✓	✓	✓
W15	NE	1.62	0	0	eave/verandah/pergola/balcony >=450 mm	aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)	✓	✓	✓
W16	NE	1.02	0	0	eave/verandah/pergola/balcony >=450 mm	aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)	✓	✓	✓
W17	NE	1.02	0	0	eave/verandah/pergola/balcony >=450 mm	aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)	✓	✓	✓
W18	NW	1.44	0	0	eave/verandah/pergola/balcony >=450 mm	aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)	✓	✓	✓
W19	NW	1.44	0	0	eave/verandah/pergola/balcony >=450 mm	aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)	✓	✓	✓
W20	NE	1.35	0	0	eave/verandah/pergola/balcony >=450 mm	aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)	✓	✓	✓
W21	SW	1.08	0	0	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)	✓	✓	✓
W22	SW	0.67	0	0	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)	✓	✓	✓
D9	SW	8.42	0	0	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)	✓	✓	✓
D10	NW	8.42	0	0	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)	✓	✓	✓

NORTH

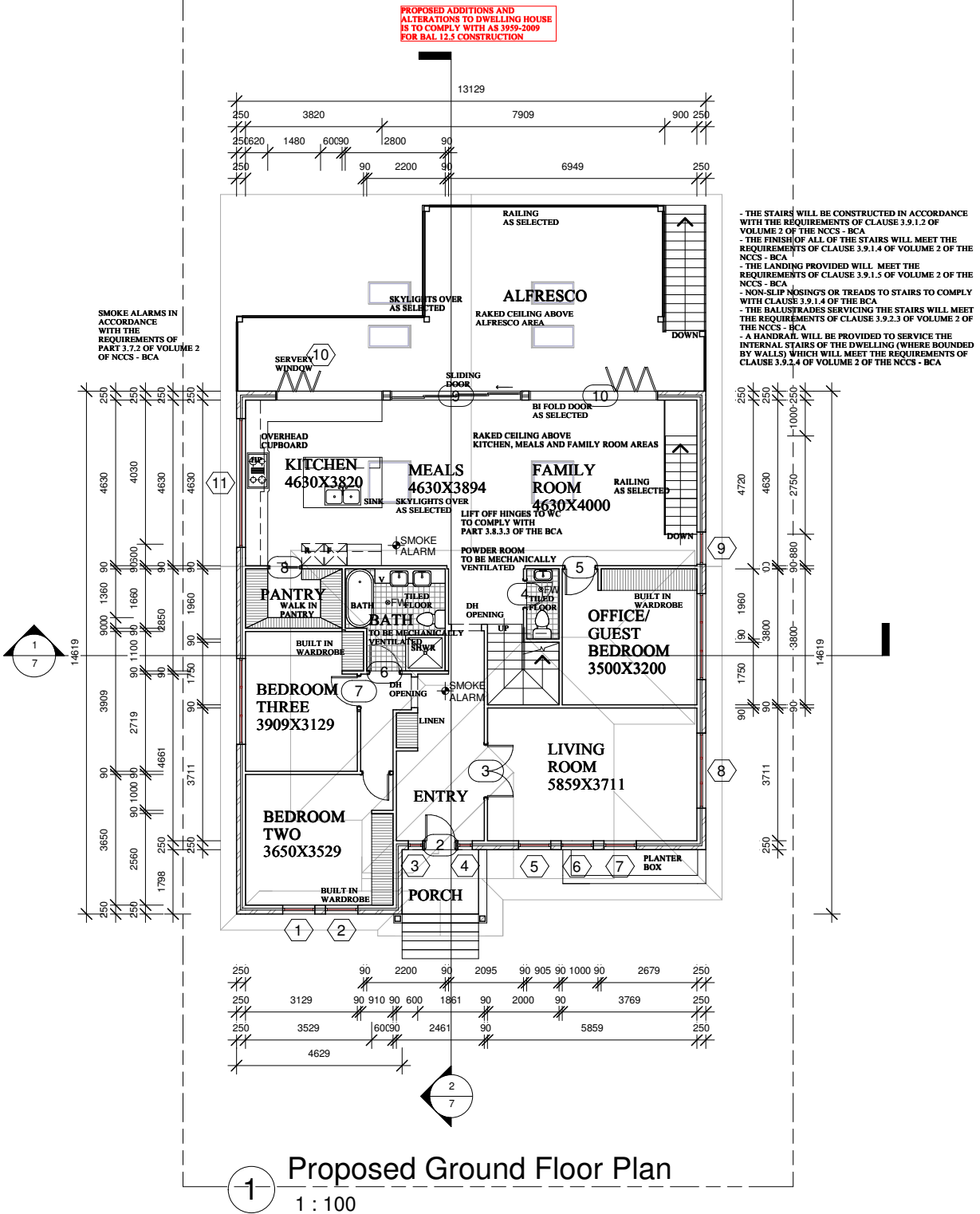
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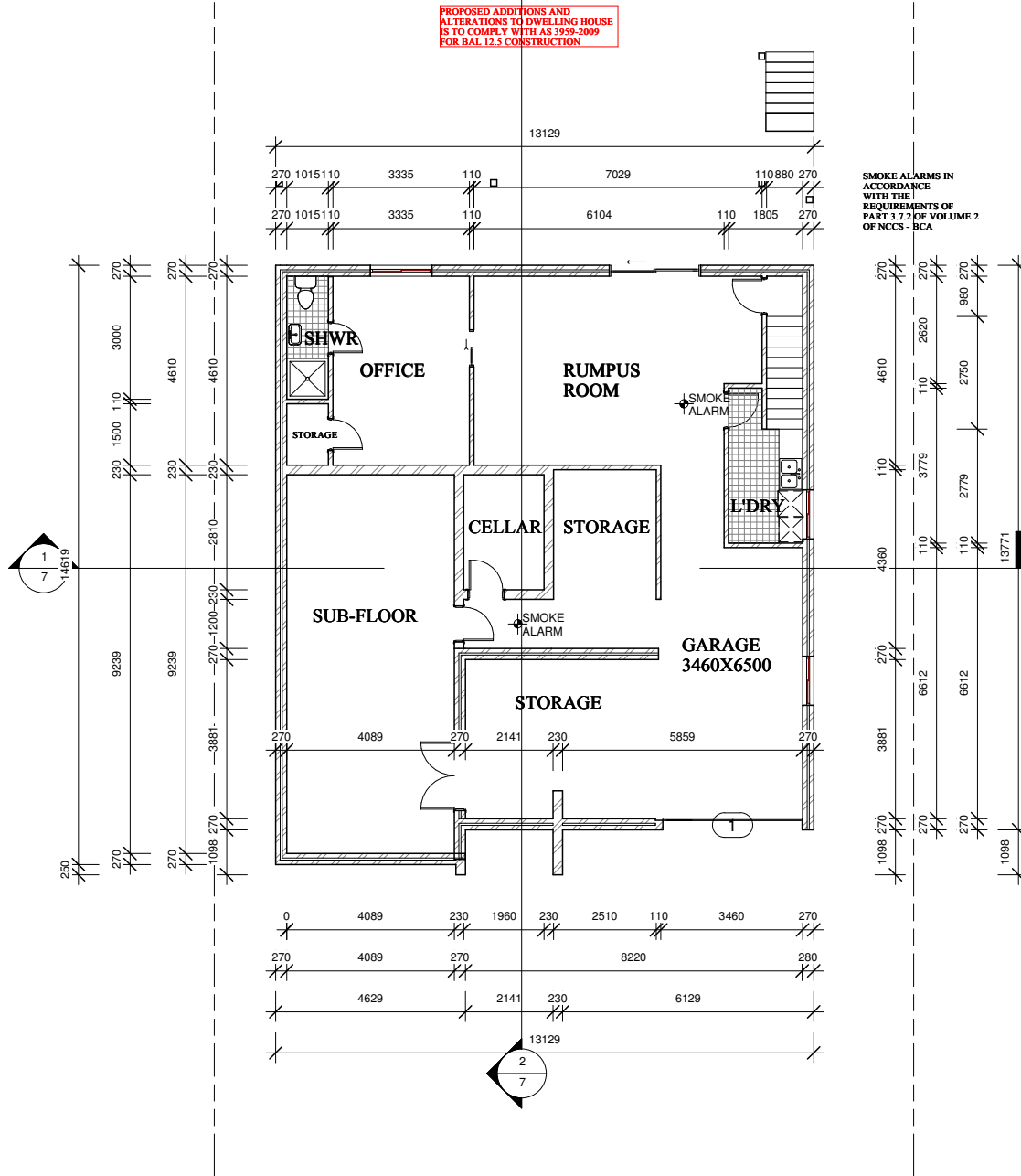
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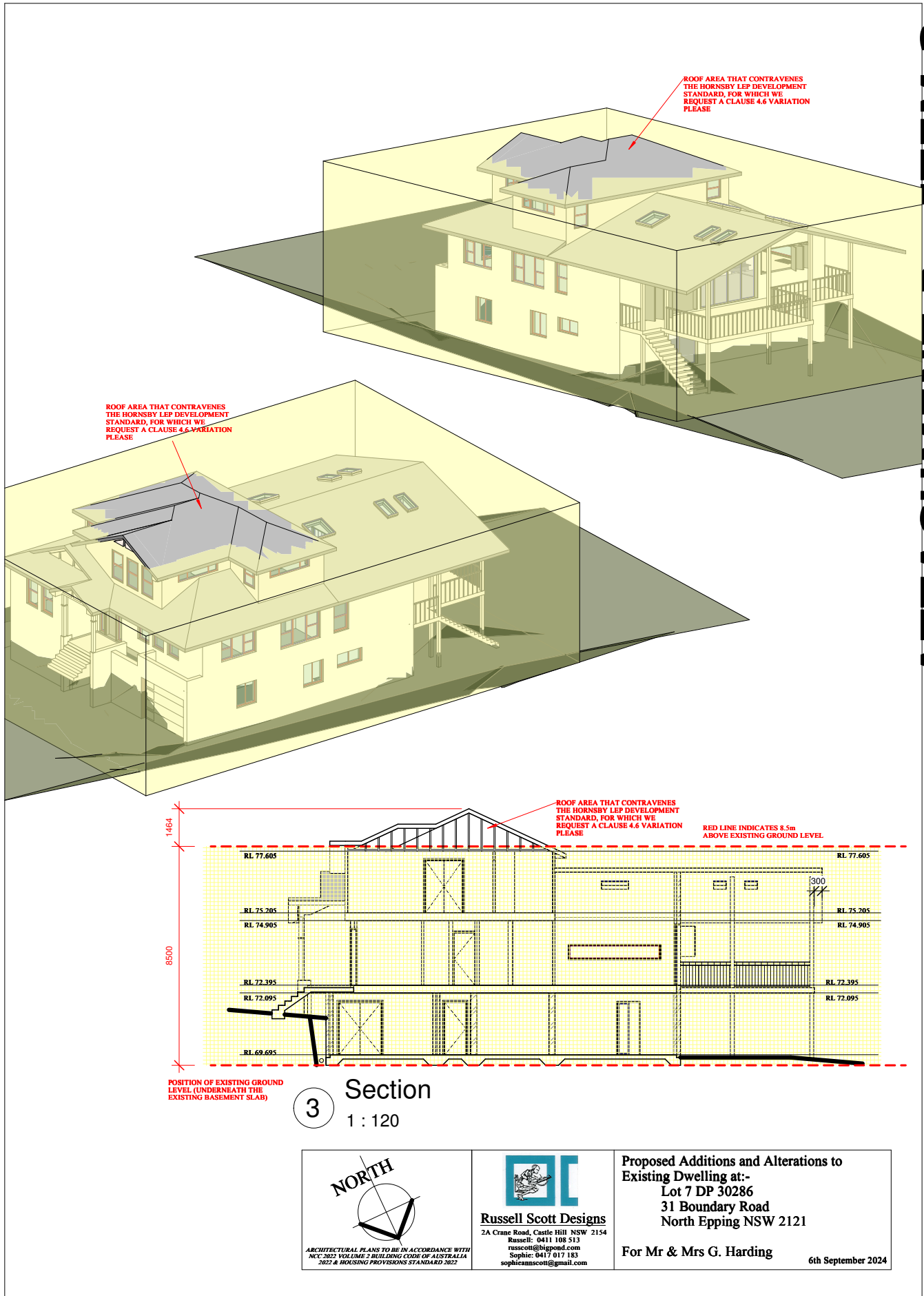


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1 Proposed Basement Floor Plan 1 : 100

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ARCHITECTURAL PLANS TO BE IN ACCORDANCE WITH
NCC 2022 VOLUME 2 BUILDING CODE OF AUSTRALIA
2022 & HOUSING PROVISIONS STANDARD 2022

Russell Scott Designs
2A Crane Road, Castle Hill NSW 2154
Russell: 0411 108 513
russell@bigpond.com
Sophie: 0417 017 183
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Proposed Additions and Alterations to Existing Dwelling at:-
Lot 7 DP 30286
31 Boundary Road
North Epping NSW 2121

For Mr & Mrs G. Harding

6th September 2024