

ATTACHMENTS

LOCAL PLANNING PANEL MEETING

Wednesday 24 September 2025

at 11:00 AM



TABLE OF CONTENTS

REPORTS

1	LPP22/25	DA/825/2025 - Torrens Title Subdivision of One Lot Into Two - 21 Berowra Road, Mount Colah	
	Attachment 1:	Clause 4.6 Written Request	2
	Attachment 2:	Subdivision Plan	16
	Attachment 3:	Architectural Plans	17
2	LPP23/25	DA/478/2024/A - Section 4.55(2) Application to Modify Approved Alterations and Additions to Dwelling - 31 Boundary Road, North Epping	
	Attachment 1:	Clause 4.6 Written Request	26
	Attachment 2:	Addendum to Clause 4.6 Written Request	42
	Attachment 3:	Structural Engineer's Statement	44
	Attachment 4:	Architectural Plans	45

ATTACHMENT/S

REPORT NO. LPP22/25

ITEM 1

1. CLAUSE 4.6 WRITTEN REQUEST

2. SUBDIVISION PLAN

3. ARCHITECTURAL PLANS

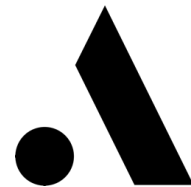
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Clause 4.6 Variation to Development Standards (Cl.4.1 – Minimum Subdivision Lot Size)

21 Berowra Road, Mount Colah NSW 2079

Proposed Subdivision into Two (2) Torrens Title Lot and Construction of
New Driveway and Hardstand Car Space



OVERVIEW

Clause 4.6 exists within the Hornsby Local Environmental Plan 2013 (*HLEP2013*) and the standard Instrument to allow for consideration of variations specific to development standards contained within the LEP. Given the large and varied demographic and topographic within NSW differing variations are allowed within LEP's to allow for exceptions of development standards.

The objectives of the 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.*

It is requested that a Clause 4.6 variation at 21 Berowra Road, Mount Colah is considered by council when considering Clause 4.1 Minimum subdivision lot size. The variation of the minimum subdivision lot size will result in an improved planning outcome when compared to the existing requirement of 500 sqm. The variation of 12.6% still allow the development to achieve the underlying purpose of the standard.

PROPOSED DEVELOPMENT	
PROPOSAL	Proposed Subdivision into Two (2) Torrens Title Lot and Construction of New Driveway and Hardstand Car Space
PROPERTY	21 Berowra Road, Mount Colah NSW 2079
	Lot 36 / C / DP 2052
LOCAL GOVERNMENT AREA	The Council of the Shire of Hornsby
CLIENT	Pawan Neupane
DATE	11/06/2025
PROJECT NUMBER	AA389

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CLAUSE 4.6 VARIATION TO DEVELOPMENT STANDARDS

4.6	Exceptions to development standards	
	(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 to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that— (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.
	(4)	The consent authority must keep a record of its assessment carried out under subclause (3).
	(5)	(Repealed)
	(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 C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 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)	(Repealed)
	(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 <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i> applies or for the land on which such a building is situated, (c) clause 5.4, (caa) clause 5.5.

ATTACHMENT 1 - ITEM 1

	(8A)	(Repealed)
	(8B)	(Repealed)

This application therefore submits a written request, as detailed below, seeking to justify the contravention of Clause 4.1 of *HLEP2013*. The NSW Department of Planning and Infrastructure has provided guidance on how to prepare Clause 4.6 variations, this document has been based on these guidelines.

1. Describe the site

The subject site is located at 21 Berowra Road, Mount Colah, and is legally described as Lot 36 in DP 2052. The site comprises approximately 962.8 sqm and is rectangular in shape with a gentle slope from rear to front. It has a primary frontage to Berowra Road along the eastern boundary and is surrounded by established low-density residential development on all sides.

The site currently contains a single-storey dwelling positioned toward the front of the lot. As part of the proposal, a new driveway and hardstand car space will be constructed along Berowra Road to provide compliant off-street parking for the retained dwelling. The land is fully serviced and located within the R2 Low Density Residential zone, within a neighbourhood characterised by detached dwellings on varied lot sizes, including multiple lots under 500 sqm in close proximity to the site.

Vehicle access is via the driveway on Gray Street.

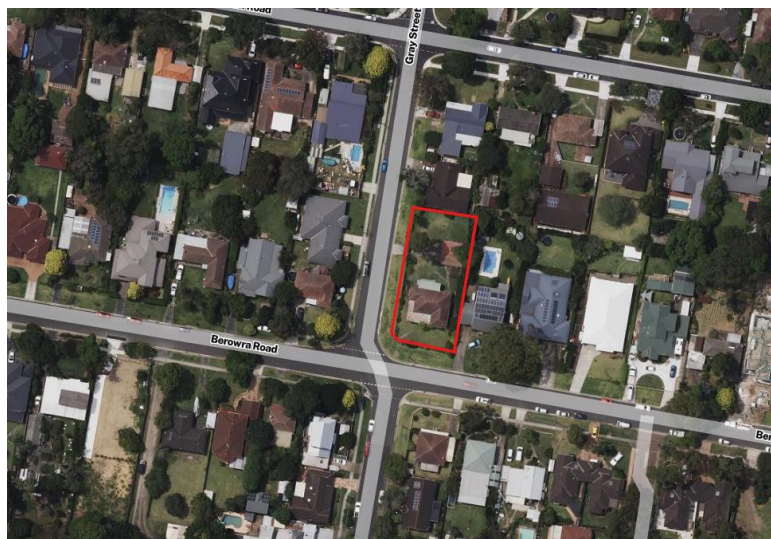


Figure 1: Aerial photograph of the subject site and immediate surrounding (Explorer)

2. Describe the proposed development

The proposed development is for the subdivision into two (2) Torrens Title lot and the construction of new driveway and hardstand car space.

The two (2) Torrens title subdivision lots proposed are as follow:

- Proposed Lot A: 525 sqm
- Proposed Lot B: 437 sqm

Please refer to the Architectural Drawing Set for further details on the work.

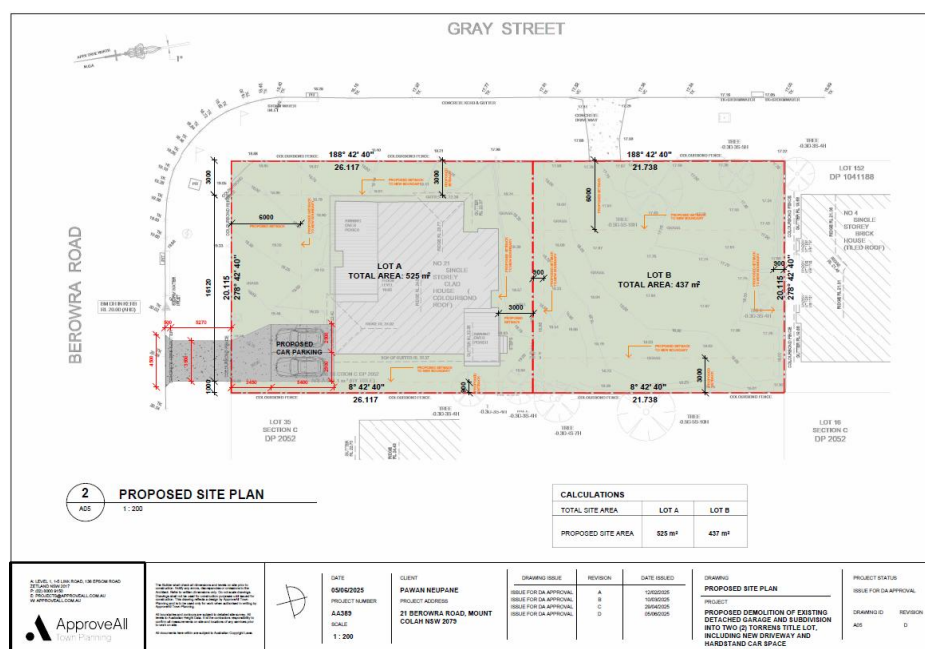


Figure 2: Proposed Site Plan

3. What is the environmental planning instrument/s you are seeking to vary?

Hornsby Local Environmental Plan 2013

4. What is the site's zoning

The site is zoned R2 – Low Density Residential.

5. Identify the development standard to be varied

Clause 4.1 (3) of the minimum subdivision lot size.

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Minimum subdivision lot size	
4.1	<p>The objectives of this clause are as follows—</p> <p>(a) to provide for the subdivision of land at a density that is appropriate for the site constraints, development potential and infrastructure capacity of the land,</p> <p>(b) to ensure lots are of sufficient size to accommodate development consistent with development controls,</p> <p>(c) to ensure new subdivisions reflect characteristic lot sizes and patterns of the area,</p> <p>(d) to ensure lots are large enough to protect cultural and natural features, including heritage items, heritage conservation areas, vegetation, habitats and waterways.</p>
	<p>(2) This clause applies to a subdivision of any land shown on the <i>Lot Size Map</i> that requires development consent and that is carried out after the commencement of this Plan.</p>
	<p>(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the <i>Lot Size Map</i> in relation to that land.</p>
	<p>(3A) If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle must not be included in calculating the lot size, except in the following zones—</p> <p>(a) Zone RU1 Primary Production,</p> <p>(b) Zone RU2 Rural Landscape,</p> <p>(c) Zone RU4 Primary Production Small Lots,</p> <p>(d) Zone C3 Environmental Management.</p>
	<p>(4) This clause does not apply in relation to the subdivision of any land—</p> <p>(a) by the registration of a strata plan or strata plan of subdivision under the <i>Strata Schemes Development Act 2015</i>, or</p> <p>(b) by any kind of subdivision under the <i>Community Land Development Act 2021</i>.</p>

6. Identify the type of development standard

Numerical

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

The minimum subdivision lot size for the subject site is **500 sqm**.

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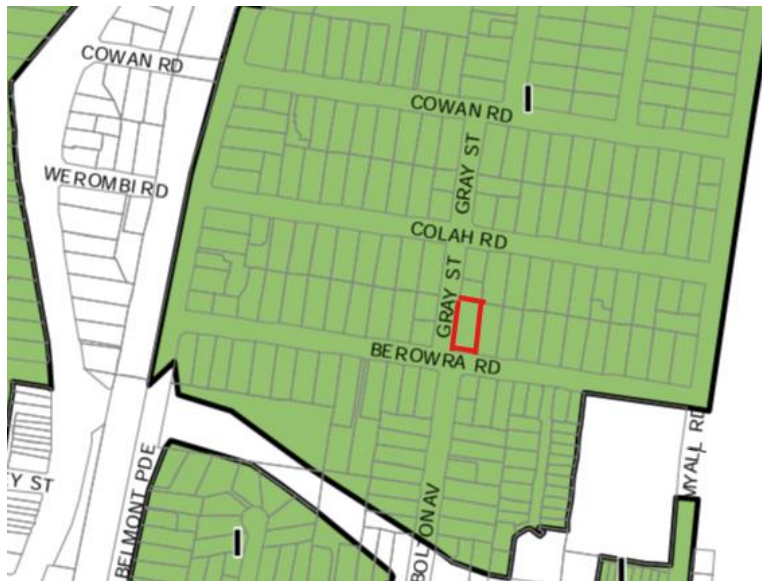


Figure 3: Hornsby LEP 2013 Lot Size Map (Sheet LSZ_017)

8. What is the difference between the existing and proposed numeric values? What is the percentage variation (between the proposal and the environmental planning instrument)?

Minimum Subdivision Lot Size			
Lot number	Minimum subdivision lot size	Proposed subdivision lot size	Percentage Variation
Lot A	500 sqm	525 sqm	0%
Lot B	500 sqm	437 sqm	12.6%

9. Visual representation of the proposed variation (if relevant)

Refer to Figure 2: Proposed subdivision plan

10. How is the compliance with the development unreasonable or unnecessary in the circumstances of this particular case?

- a. Are the objectives of the development standard achieved notwithstanding the non-compliance? (Give details if applicable)

The objective of this clause is:

- (a) to provide for the subdivision of land at a density that is appropriate for the site constraints, development potential and infrastructure capacity of the land,

Comment: The proposed subdivision results in Lot A (525 sqm) and Lot B (437 sqm), with Lot B representing a 12.6% variation from the 500 sqm minimum. Despite the

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numerical departure, the subdivision reflects a low-impact, site-responsive outcome that is appropriate to the physical constraints, residential context, and servicing capacity of the land. Both lots are capable of supporting compliant residential development consistent with the objectives of the R2 Low Density Residential zone.

The proposal does not introduce additional development or intensify land use but rather facilitates an orderly subdivision of an existing allotment to enable housing diversity and land tenure flexibility. The site is fully serviced and located within an established residential area where a range of lot sizes already exist, including several nearby properties well below the 500 sqm threshold. These include 19 Berowra Road (approx. 446 sqm), 20 Berowra Road (approx. 300 sqm), 22 Berowra Road (approx. 400 sqm), and 14 Bolton Avenue (approx. 385 sqm), illustrating a clear pattern of varied lot sizes in the locality.

Although the subdivision of 19 Berowra Road was approved in 2013 under the previous Hornsby LEP, the resulting lot configuration has become an integrated part of the local character. It supports the argument that sub-500 sqm lots are already present and functioning well in the immediate area. The current proposal aligns with that established pattern and provides a practical planning outcome suited to the infrastructure and development potential of the site. In this context, strict application of the minimum lot size standard would be unnecessary and would prevent a logical and contextually appropriate subdivision.



Figure 4: NSW Spatial Viewer image of subject site and immediate surrounding, depicting lot boundaries

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(b) to ensure lots are of sufficient size to accommodate development consistent with development controls,

Comment: The proposed lots have been designed to ensure they can accommodate development that is compliant with the Hornsby Development Control Plan 2024 (HDCP), particularly the provisions under Part 3.1 (Dwelling Houses) and Part 6.2 (Subdivision). The creation of Lot B (437 sqm) includes sufficient site area, frontage, and dimensions to enable a future dwelling that meets the required setbacks, private open space, and parking standards.

As part of the subdivision, the existing detached garage is to be demolished, and a new hardstand car space and driveway will be constructed for the retained dwelling on proposed Lot A. This satisfies the on-site parking requirement under Section 3.1.7 of the HDCP, which mandates that parking for dwelling houses be provided behind the front building line and accessed via a paved driveway with a 0.5 metre side boundary setback.

The subdivision layout also achieves the minimum setback controls specified in Table 6.2.1-c of Part 6 of the HDCP. Proposed development envelopes on both lots can comply with the required 6 metre front setback, 0.9 metre side setbacks, and 3 metre rear setback. Additionally, each lot can accommodate a minimum 24m² principal private open space area and meets the minimum landscaped area requirement of 20% for lots under 600 sqm.

Table 6.2.1-c: Minimum Boundary Setbacks

Setbacks	Minimum Building Envelope Setback
Front boundary (primary frontage)	6m to local roads and 9m to designated roads, except for the following: <ul style="list-style-type: none"> on local roads, where an existing setback of 7.6m or greater exists, it may be necessary to conform to this setback to maintain the streetscape character, and 3m to Brooklyn Road, Brooklyn, and 9m to roads in Cherrybrook
Waterfront Setback	See Clause 6.1 of HLEP Foreshore Building Line Map
Secondary boundary (corner lots)	3m
Setbacks from internal accessways	5.5m to a garage/carport
Side boundary	0.9m
Rear boundary	3m

Figure 5: Table 6.2.1-c: Minimum Boundary Setbacks extracted from HDCP2023

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Given that all essential development controls relating to dwelling layout, private open space, landscaping, parking and setbacks can be achieved, the proposed lot sizes are sufficient for development consistent with the planning framework. The variation to the 500 sqm minimum does not compromise the ability to deliver a compliant and functional residential outcome.

(c) to ensure new subdivisions reflect characteristic lot sizes and patterns of the area,

Comment: The proposed subdivision at 21 Berowra Road is entirely consistent with the prevailing lot structure and pattern of the local neighbourhood. Within the immediate vicinity along both Berowra Road and nearby Bolton Avenue, there are multiple residential allotments that fall well below the 500 sqm minimum, yet continue to function effectively as low-density residential properties as discussed earlier which clearly establish that smaller lot sizes are not an anomaly but rather a recognised feature of this part of Mount Colah.

The subdivision pattern in this locality is already diverse in terms of lot dimensions, and the proposed layout reinforces that character without creating an undesirable precedent or intensifying development. The two proposed lots, 525 sqm and 437 sqm sit comfortably within the existing urban grain, with the narrower lot still achieving a functional layout and compliant design outcomes. Importantly, this is not a subdivision seeking to significantly reduce lot sizes to enable new dwellings on undersized land; rather, it proposes a modest, logical division of land that aligns with how the surrounding neighbourhood has already developed.

In this context, the proposed subdivision at 21 Berowra Road is not an exception but an extension of the existing pattern. It continues the rhythm of lot sizes in the street and respects the area's established residential scale. The proposal supports housing diversity and reflects the way this part of Mount Colah has evolved, meeting the strategic aims of the LEP while maintaining neighbourhood character.

(d) to ensure lots are large enough to protect cultural and natural features, including heritage items, heritage conservation areas, vegetation, habitats and waterways.

Comment: The subject site is not affected by any identified cultural or natural features that require protection under the Hornsby Local Environmental Plan 2013 or other planning instruments. There are no heritage listings, mapped conservation areas, significant vegetation, or nearby watercourses affecting the land.

As such, the proposed lot sizes are sufficient to maintain the environmental integrity of the site. The variation to the minimum lot size standard does not pose any risk to environmental or cultural values, and the objective of Clause 4.1(d) is therefore achieved by default.

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- b. *Are the underlying objectives or purpose of the development standard not relevant to the development? (Give details if applicable)*

Comment: In this case, strict application of the minimum lot size standard is not directly relevant to the planning outcome sought. The control is intended to ensure new lots are capable of supporting appropriate residential development in line with site constraints, servicing capacity and local character. However, the proposal does not introduce any new built form or additional dwellings. It seeks only to formalise a low-impact subdivision that remains compatible with the surrounding lot configuration.

The proposed lot sizes are consistent with the established subdivision pattern along Berowra Road, which already includes multiple lots well under 500 sqm. For example, 19 Berowra Road was subdivided in 2013, creating a new allotment of approximately 446 sqm. While that approval occurred under the previous LEP, the resulting built form and urban grain have since become part of the area's prevailing character.

The smaller proposed lot (437 sqm) is functional, well-designed and capable of accommodating a compliant residential dwelling. It maintains access, amenity and appropriate site layout consistent with local planning controls. As such, while the intent of the lot size standard remains relevant in principle, its strict numerical application in this case is not necessary to achieve sound planning outcomes, and is therefore not directly applicable to the circumstances of this proposal.

- c. *Would the underlying objective or purpose be defeated or thwarted if compliance was required? (Give details if applicable)*

Comment: Yes, requiring strict compliance with the minimum lot size in this instance would undermine the broader purpose of the control. The intent of Clause 4.1 is to ensure subdivision occurs at a density suitable for the site's context, infrastructure capacity, and surrounding character. In this case, the site is fully serviced, capable of accommodating compliant development on both proposed lots, and situated in a locality where numerous nearby properties fall below the 500 sqm threshold.

Forcing compliance would prevent a modest, well-considered subdivision that reflects the established lot pattern of the area, despite the fact that the proposal meets all other planning and design objectives. The smaller proposed lot (437 sqm) is functional, appropriately designed, and introduces no adverse environmental or amenity impacts. Denying the application on the basis of a numerical shortfall alone would result in a less efficient and less flexible planning outcome, contrary to the objectives of Clause 4.6 and the orderly use of residential land.

Therefore, strict adherence to the development standard in this case would defeat the standard's intended purpose, which is to guide sensible and context-sensitive development—not to impose a blanket prohibition where no planning harm exists.

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- d. *Has the development standard been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard? (Give details if applicable)*

Comment: There is evidence that Hornsby Council has accepted variations to the minimum lot size standard in certain contexts, particularly where the resulting lots are compatible with the surrounding subdivision pattern and demonstrate site-specific merit. While it cannot be said that Clause 4.1 has been entirely abandoned, the pattern of development in this part of Mount Colah suggests a flexible and pragmatic approach to its application.

Multiple lots within the immediate area, including 19, 20 and 22 Berowra Road and 14 Bolton Avenue, are all under the 500 sqm minimum and were lawfully created through previous approvals. Although some, such as 19 Berowra Road, were approved under the former LEP, the resulting subdivision pattern has been reinforced over time through subsequent development and remains consistent with the prevailing built form.

These outcomes indicate that Council has not applied the 500 sqm control as an absolute threshold, and has previously supported lot sizes below the minimum where the subdivision produces no adverse impacts and remains consistent with the character of the locality. The acceptance of such lots as part of the current urban form supports the view that rigid application of Clause 4.1 is not always required to achieve good planning outcomes. In this case, the proposed variation continues that established pattern and does not undermine the strategic intent of the control.

Is the zoning of the land unreasonable or inappropriate so that the development standard is also unreasonable or unnecessary? (Give details if applicable)

Comment: Not applicable.

It is to note that not all 5 conditions listed above a) – e) must be satisfied for a Clause 4.6 written request. Satisfaction of one condition is sufficient. The purpose of this written request is focusing on the objectives of the development standard and how they are achieved notwithstanding the non-compliance of this proposal, as well as the many precedence of similar development approved for an 'under-sized' lot.

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

Yes, there are sufficient environmental planning grounds to justify the proposed contravention of the minimum lot size development standard in this case. The variation is modest, well-considered, and responds directly to the site's characteristics, infrastructure capacity, and surrounding development context.

1. Site-responsive and consistent with local character

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The subject site is located in a well-established residential area where a variety of lot sizes exist, including several lots under 500 sqm within close proximity. The proposed subdivision continues this pattern without disrupting the prevailing urban form. The new lot configuration achieves compatible scale, street presence, and functionality, aligning with the existing development fabric of Berowra Road and surrounding streets.

2 Appropriately scaled future development

While the proposal will facilitate a new dwelling on the undersized lot, this future development will be subject to separate assessment and will need to demonstrate compliance with applicable planning and design controls. The lot has sufficient area, dimensions and access to support a dwelling of suitable scale without adverse impacts on neighbouring properties or local amenity. The modest variation in lot size does not compromise the ability to achieve appropriate outcomes in terms of setbacks, private open space, landscaping, and parking.

3. Efficient and orderly use of zoned, serviced land

The subject site is located within the R2 Low Density Residential zone and is fully connected to essential services including water, sewer, stormwater, and electricity. The proposed subdivision facilitates a logical and efficient use of residential land by enabling a modest infill development that aligns with the zone's intent to support low-density housing. The proposal also includes the construction of a new hardstand car space and driveway for the retained dwelling on proposed Lot A, ensuring that on-site parking is maintained in accordance with Council's requirements. This integrated design ensures the continued functionality of both lots post-subdivision, demonstrating that the land can accommodate future development without placing additional burden on local infrastructure or streetscape character.

4. Reinforcement of established subdivision pattern

The existing subdivision pattern along Berowra Road includes several lots well under 500 sqm, demonstrating that the proposed layout is not out of character. The subdivision at 19 Berowra Road, although approved under the former LEP, resulted in a lot configuration that has contributed to the current local pattern. The proposed lot sizes maintain this rhythm and do not set an undesirable precedent.

5. No adverse environmental or ecological impacts

The subject site does not contain or adjoin any heritage items, riparian corridors, sensitive vegetation or mapped ecological constraints. The subdivision will not result in the loss of natural

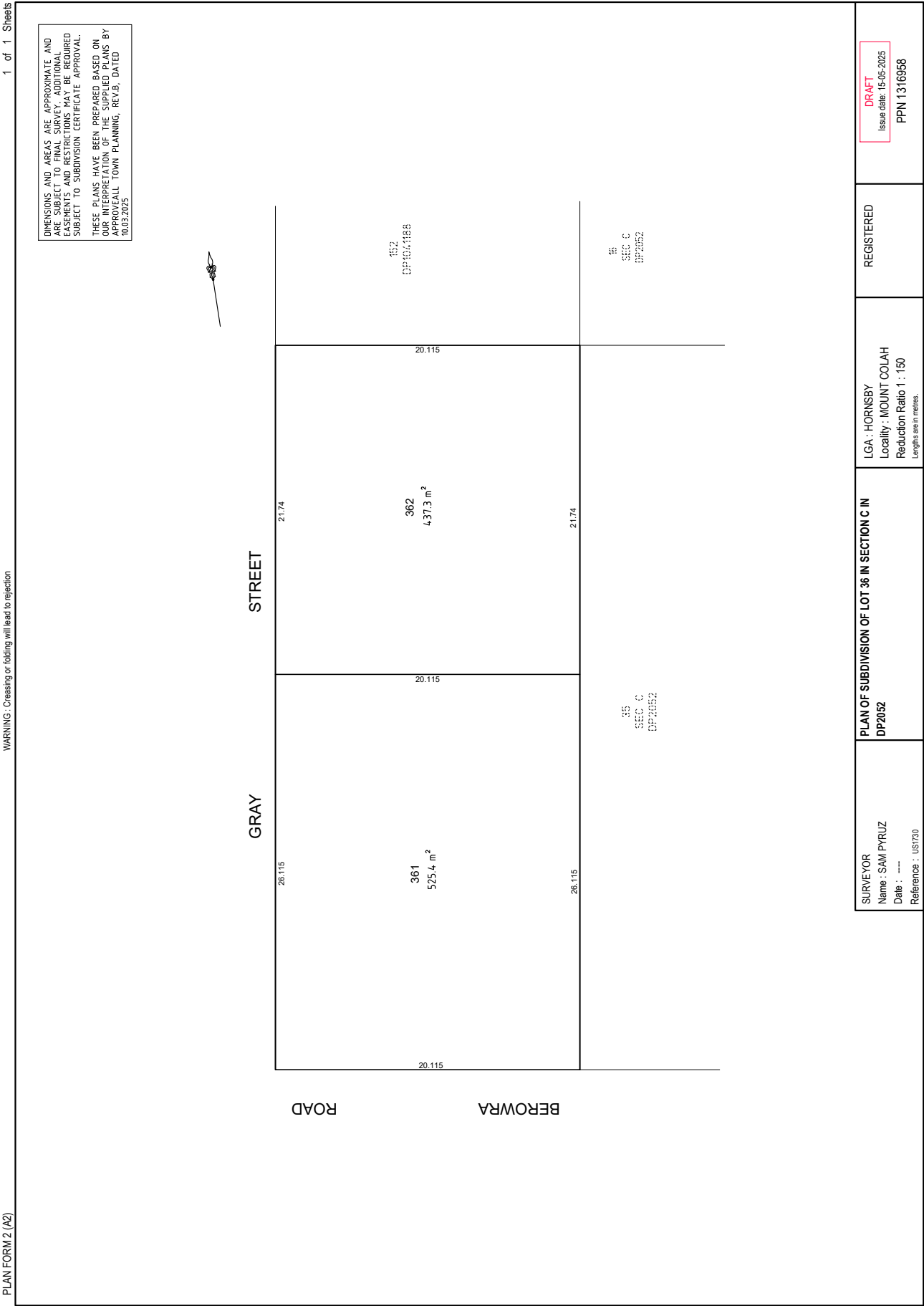
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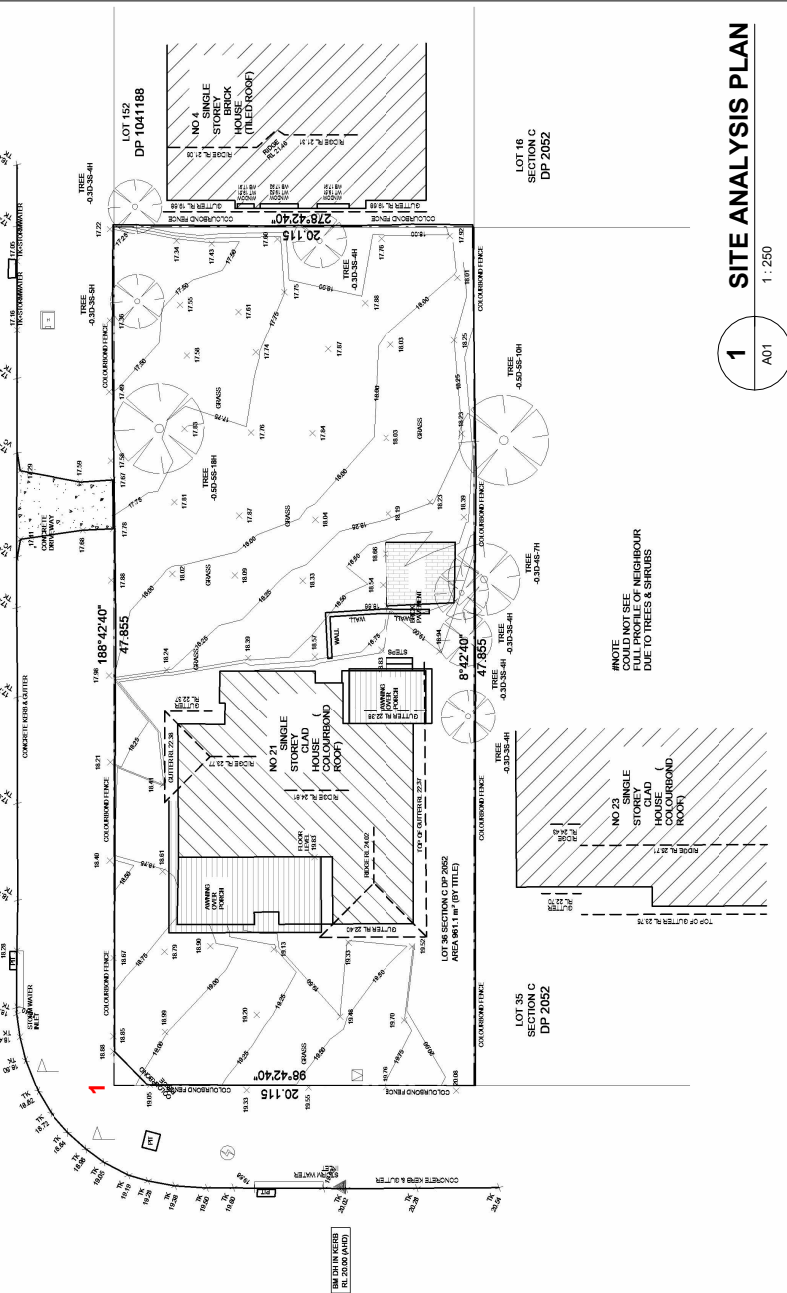
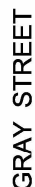
features or impact upon any environmental assets, and stormwater can be managed appropriately on both lots.

In summary, the proposed variation to the minimum lot size control is supported by strong environmental planning grounds. It delivers a context-sensitive and low-impact subdivision outcome that is consistent with strategic planning objectives, maintains local character, and enables appropriate future development within an existing urban setting.

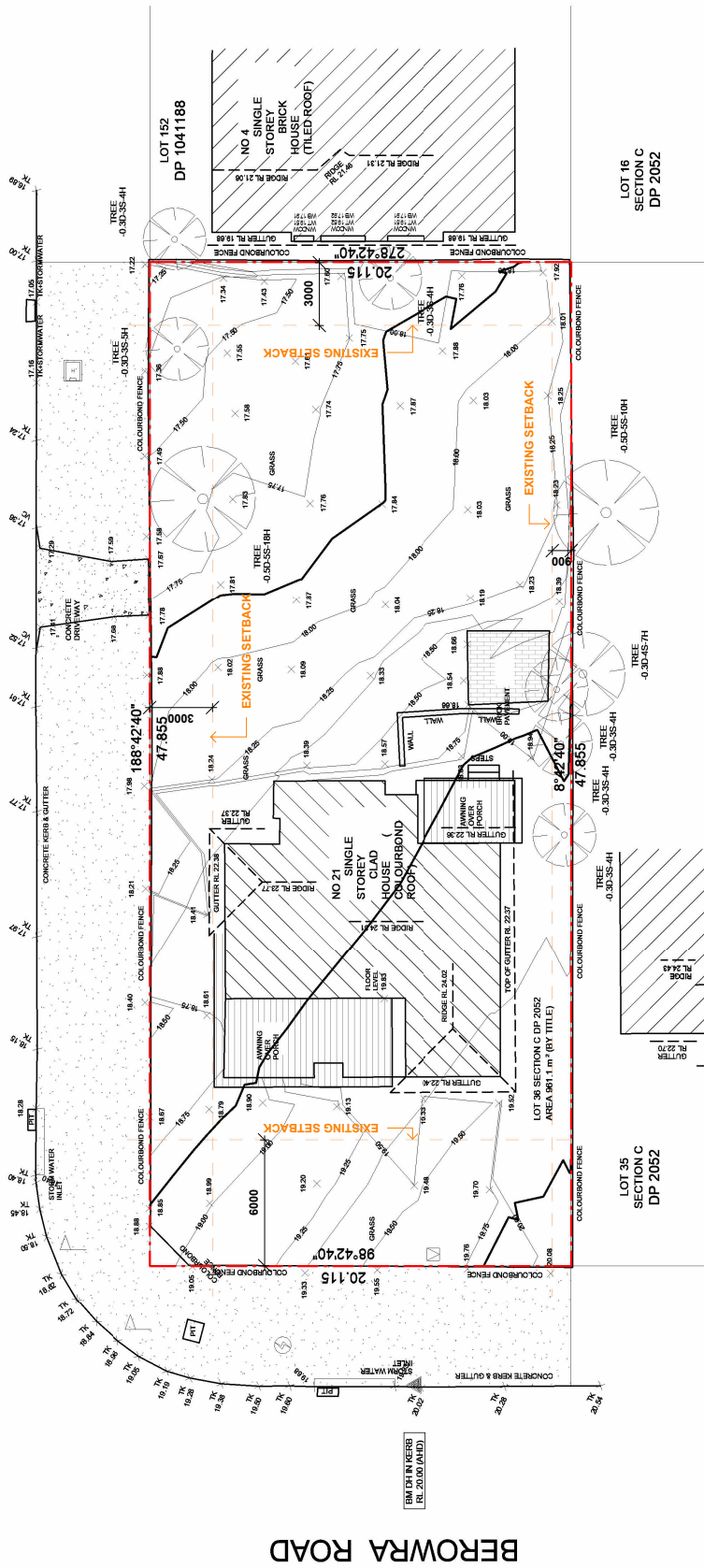
ATTACHMENT 1 - ITEM 1



ATTACHMENT 3 - ITEM 1

[illegible]

GRAY STREET



1 EXISTING SITE PLAN
A02 1:200

<div><div><div>A LEVEL 1.5 BM FROM ROAD, 108 (FROM ROAD) P 102 0000 0150 W 102 0000 0150 W 102 0000 0150 W 102 0000 0150</div><div><div>ApproveAll</div><div>Town Planning</div></div></div></div>	<p>The Matter and plans, all drawings and details on this plan, are the property of ApproveAll Town Planning Pty Ltd. No part of this plan, or any part thereof, may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage or retrieval system, without the prior written permission of ApproveAll Town Planning Pty Ltd. All rights reserved. All documents have either been subject to a copyright law.</p>	<p>DATE 23/06/2025 PROJECT NUMBER AA389 SCALE 1:200</p>	<p>CLIENT PAWAN NEUPANE PROJECT ADDRESS 21 BEROWRA ROAD, MOUNT COLAH NSW 2079</p>	<p>DRAWING ISSUE ISSUE FOR DA APPROVAL ISSUE FOR DA APPROVAL ISSUE FOR DA APPROVAL ISSUE FOR DA APPROVAL</p>	<p>REVISION A B C D E</p>	<p>DATE ISSUED 12/02/2025 10/03/2025 28/04/2025 12/06/2025 23/06/2025</p>	<p>DRAWING EXISTING SITE PLAN PROJECT PROPOSED SUBDIVISION INTO TWO (2) FORFENS TITLE LOT AND DRIVEWAY CONSTRUCTION OF DRIVEWAY AND HARVEST AND CAR SPACE</p>	<p>PROJECT STATUS ISSUE FOR DA APPROVAL DRAWING ID A02 REVISION E</p>

ATTACHMENT 3 - ITEM 1

BEROWRA ROAD



DEMOLITION PLAN

(1)

1 : 200

[illegible]

ATTACHMENT 3 - ITEM 1

GRAY STREET

TO KERB OUTLET

STORMWATER DOWNPIPE

STORMWATER PIPE

BEROWRA ROAD

LOT 35
SECTION C
DP 2052

LOT 21
SINGLE
STOREY
CANAL
HOUSE
COLOURBOND
ROOF

LOT 4
SINGLE
STOREY
CANAL
HOUSE
COLOURBOND
ROOF

LOT 16
SECTION C
DP 2052

1 EXISTING STORMWATER AND DRAINAGE PLAN

1:200

A04

A LEVEL 1.15 BM FROM ROAD, 108 (FROM ROAD)
P 102 0000 0150
W 102 0000 0150
W 102 0000 0150



The Author and/or owner of this plan and/or map is not responsible for any errors or omissions in the plan and/or map, or for any consequences arising from the use of the plan and/or map, or for any loss or damage of any kind, whether direct or indirect, arising from the use of the plan and/or map.



DATE
23/06/2025
PROJECT NUMBER
AA389
SCALE
1:200

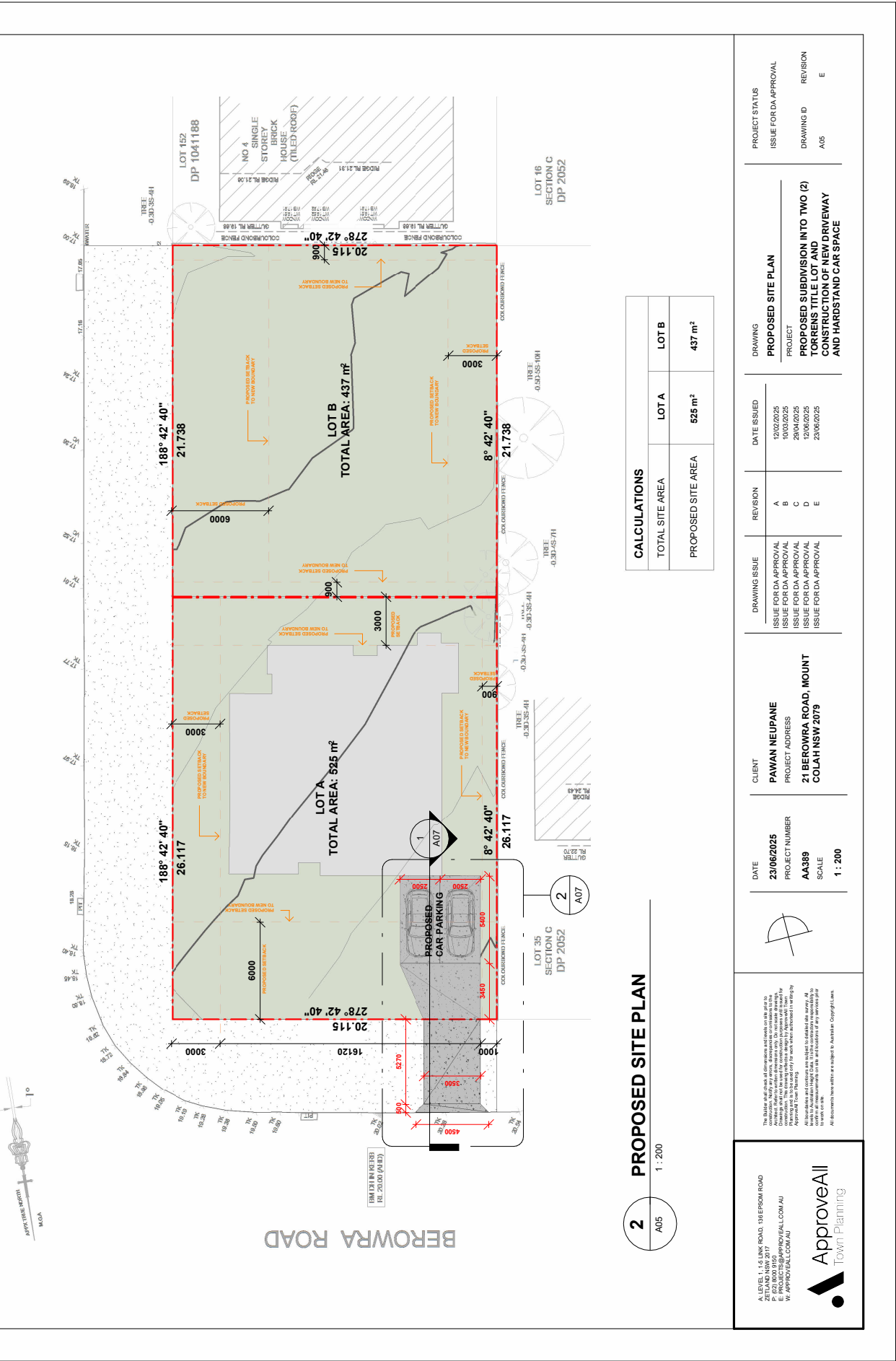
CLIENT
PAWAN NEUPANE
PROJECT ADDRESS
21 BEROWRA ROAD, MOUNT
COLAH NSW 2079

DRAWING ISSUE	REVISION	DATE ISSUED
ISSUE FOR DA APPROVAL	A	12/02/2025
ISSUE FOR DA APPROVAL	B	10/03/2025
ISSUE FOR DA APPROVAL	C	28/04/2025
ISSUE FOR DA APPROVAL	D	12/06/2025
ISSUE FOR DA APPROVAL	E	23/06/2025

DRAWING
EXISTING STORMWATER AND DRAINAGE
PLAN
PROPOSED SUBDIVISION INTO TWO (2)
FORBES TITLE LOT AND DRIVEWAY
CONSTRUCTION OF NEW DRIVEWAY
AND HARVEST AND CAR SPACE

PROJECT STATUS
ISSUE FOR DA APPROVAL
DRAWING ID
A04
REVISION
E

ATTACHMENT 3 - ITEM 1



ATTACHMENT 3 - ITEM 1

IN THE EVENT OF A STORM, ALL ESTABLISHED CONTROLS ARE TO BE ASSESSED & THE HYDRAULIC ENGINEER & ARCHITECT ARE TO BE NOTIFIED IMMEDIATELY OF ANY DOWNSTREAM SEDIMENTATION

	TEMPORARY CONSTRUCTION EXIT. REFER TO DETAIL
	TRADE WASTE RECEIPTABLE LOCATION
	PROVISION AREA FOR STOCKPILING OF MATERIALS AREA FOR STORING EXCAVATED MATERIAL
	2.1M HIGH STEEL FRAMED CYCLONE CONSTRUCTION FENCE & SILT FENCE. REFER TO DETAIL



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Applying Town Planning

The Builder shall check all dimensions and levels on site prior to commencing work. All dimensions shall be taken from the Approved Drawings. Refer to written dimensions only. Do not scale drawings. Drawings shall not be used for construction purposes until they have been approved by the Council. The following indicates a design by Approved Town Planning Consultants Pty Ltd. Any other design may be required by Approved Town Planning.

All boundaries and conditions are subject to detailed site survey. All claims to Australian Heritage Data. If the dimensions are found to be incorrect, the Builder shall be responsible for any additional costs incurred to confirm all measurements on site and locations of any services prior to work on site.

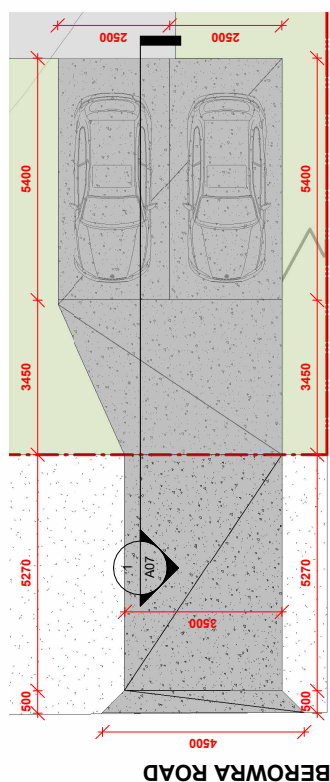
All documents herein are subject to Australian Copyright Laws.



Diagram illustrating the construction of a steel framed cyclone fence system. The fence height is 2100mm. The base is 600mm wide and 100mm high. The fence is 1000mm high. The diagram also shows a 'CONSTRUCTION SITE' and a 'FLOW' direction. Labels include: STEEL FRAMED CYCLONE CONSTRUCTION FENCE, 2100, 1000, 600, 100, CONSTRUCTION SITE, FLOW, DO NOT DISTURB EXISTING SURFACE, BOM 3/4 OR EQUIVALENT, STAR PICKETS, REINFORCING.

TEMPORARY CONSTRUCTION EXIT

[illegible]



DRIVEWAY PLAN

[illegible]

ATTACHMENT 3 - ITEM 1

ATTACHMENT/S

REPORT NO. LPP23/25

ITEM 2

- 1. CLAUSE 4.6 WRITTEN REQUEST**
- 2. ADDENDUM TO CLAUSE 4.6 WRITTEN REQUEST**
- 3. STRUCTURAL ENGINEER'S STATEMENT**
- 4. ARCHITECTURAL PLANS**

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

Table of Contents

1.	INTRODUCTION	3
2.	ENVIRONMENTAL PLANNING INSTRUMENT DETAILS (HORNSBY LEP 2013)	5
3.	NSW LAND AND ENVIRONMENT COURT CASE LAW	7
4.	GROUND FOR VARIATION TO DEVELOPMENT STANDARD	9
5.	CONCLUSION	16

ATTACHMENT 1 - ITEM 2

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 Brigham (Brigham 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.

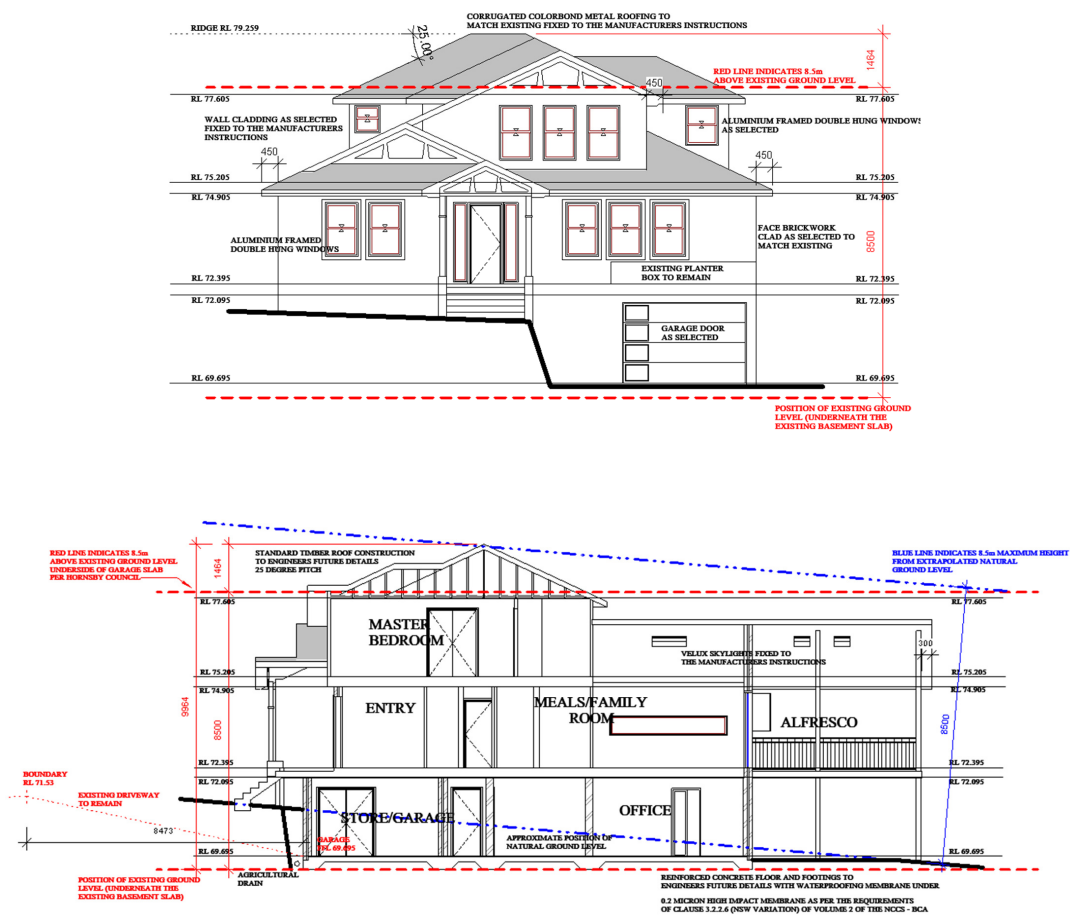
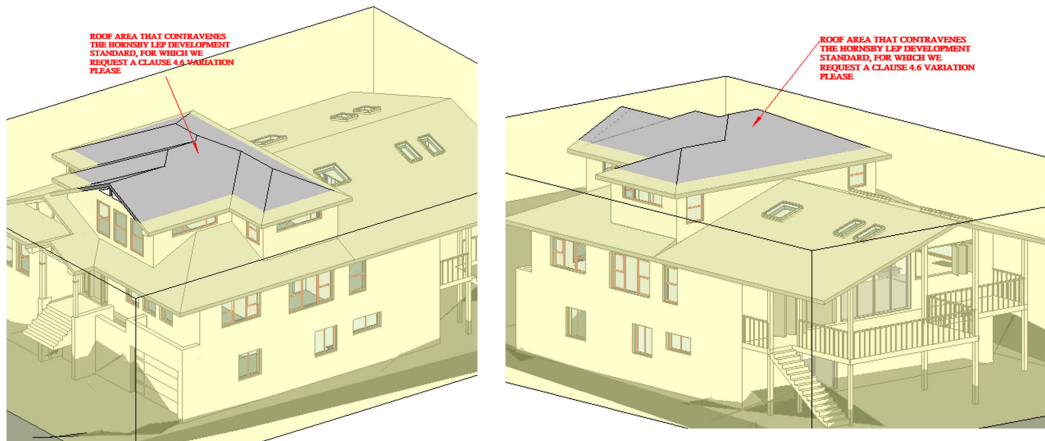
This request is for variation to the 8.5m maximum height standard prescribed in the LEP. The existing residence is primarily in a single storey form with undercroft garage and storage area which responds to the topography of the site. Due to the slope of the land (from street frontage down to the south-west 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.

ATTACHMENT 1 - ITEM 2



Figures above depict the extend 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
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Date 6th September 2024

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10th September 2025

Subject: 4.55 Modification Application

Approved DA: DA/478/2024 PAN-433256, Approved 2nd October 2024

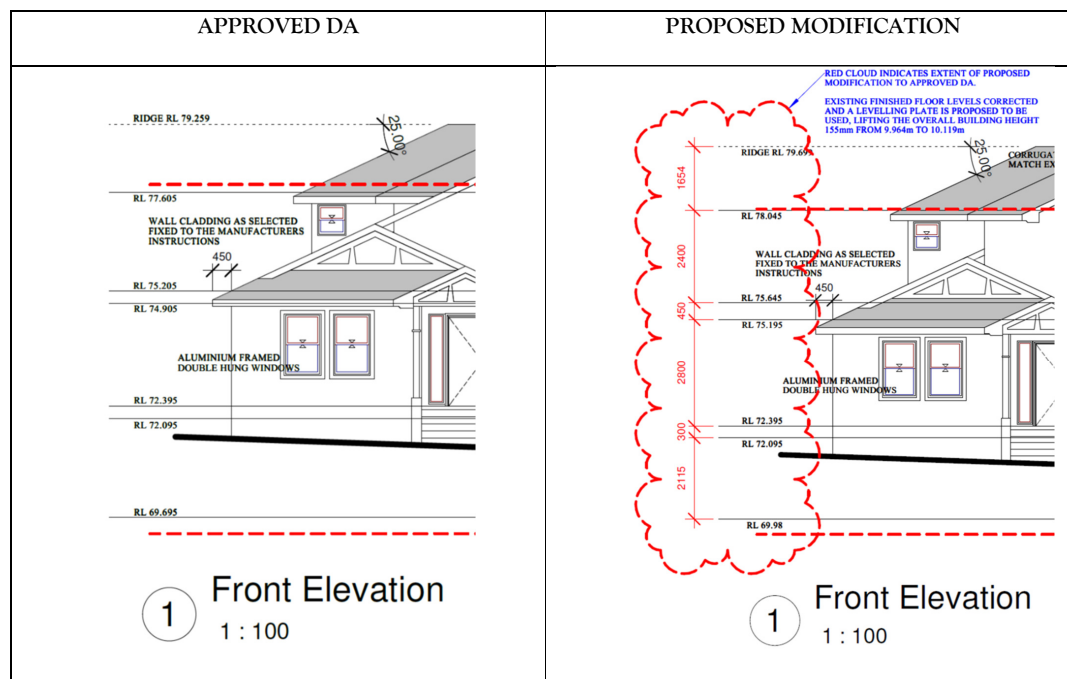
Property Address: 31 Boundary Road, North Epping NSW 2121

Legal Description: Lot 7 DP 3028631

To whom it may concern,

DA consent for the redevelopment of the site at 31 Boundary Road, North Epping was granted by Hornsby Council last year. The builder is preparing to commence construction, but has noticed an error within the lodged plans approved by Hornsby Council. We wish to apply to Hornsby Council for a 4.55 modification DA as outlined below-

- We propose to amend the existing finished floor levels (FFLs) and floor to ceiling heights of the existing dwelling as indicated on the architectural plans accompanying this application



The existing dwelling is comprised of a front element consisting of the original bedrooms, bathroom, living room and kitchen with a floor to ceiling height measuring 2.8m. There is previous additions and alterations added to the rear of the original dwelling, consisting of a new bedroom and living room. This area has a floor to ceiling height of 2.4m as indicated on the original plans. The approved DA seeks to add first floor accommodation over the front/original component of the existing dwelling with the 2.8m ceiling height, and a new open kitchen/meals/family room to the rear with a raked ceiling. As such, we request the floor to ceiling levels be corrected as indicated above. Further to this, the builder has observed that the floor to ceiling of the basement garage area was not as indicated and we request this be corrected as indicated.

- The builder intends to use a leveling plate over the existing ground floor ceiling construction, increasing the ceiling to floor allowance between the existing ground floor and proposed first floor addition from 300mm to 450mm, and adding 150mm to the overall building height. The slab between the existing ground and first floor is to be increased in size to 450mm
- In reference to the Structural Engineers letter dated 9th September, it has been recommended that the best option to overcome issues with the existing uneven wall frames and ceiling joists was to place blocking between the existing ceiling joists in order to increase the strength of the lower floor top plate and then place the new joist between the ceiling joist. The new floor joists will increase thickness between ceiling and floor by 150mm to the proposed 450mm. As such, we are seeking a variation of the development standard
- Factoring in the FFL/ceiling height corrections and addition of the 150mm leveling plate, the overall height of the building is to increase from 9.964m (approved DA) to 10.119m. The approved floor to ceiling levels of the proposed first floor addition will remain unchanged and floor to ceiling heights of the basement and ground floor of the dwelling are to remain as existing.

The amendments to the approved DA sought in this 4.55 modification application do not seek to modify any previous conditions and will pose a negligible impact on adjoining properties or the environment than what was approved with the original DA.

Thank you in advance for your attention and consideration

Kind regards,



Sophie Scott
0417 017 183



ABN 41 154 140 002

P.O. Box 7063
Baulkham Hills NSW 2153Suite 316, 5 Celebration Drive
Bella Vista NSW 2153

Ph: (02) 8883 2891

Email: info@mearesconsulting.com.au

9 September 2025

Mr Graeme Harding

Dear Sir/Madam,

RE: TIMBER FRAMING INSPECTION**LOCATION: LOT 7 DP 30286, 31 BOUNDARY RD NORTH EPPING**

Reference is made to a site inspection carried out at the above address and the requirements for changing the support for the new first floor extension

The following was considered

- The uneven existing wall frames and the need to support the new joists
- Existing ceiling joists size

Based on the above the best option was to place blocking between the existing ceiling joists, to increase the strength of the lower floor top plate then place the new joist between the ceiling joist. The new floor joists will increase thickness between ceiling and floor by 150mm

If you have any further questions, please do not hesitate to contact me.

Yours Sincerely,

Meares Consulting**PATRICK MEARES**BE, Grad Dip LGE MIEAust CPEng (#120459)
EngExec NER APEC Engineer IntPE(Aus)

STRUCTURAL | DRAINAGE | CIVIL

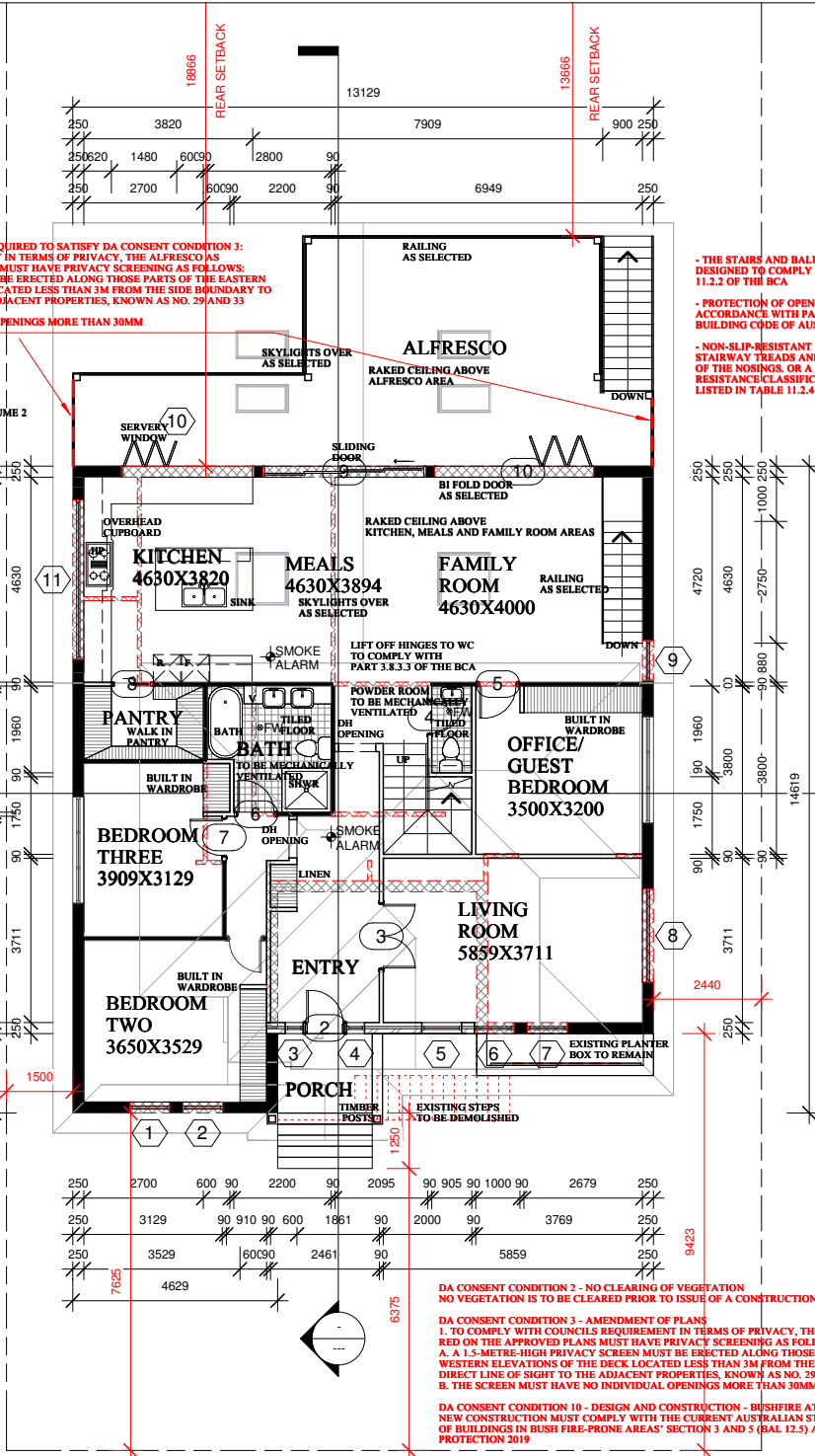
**DA/478/2024 Approved by
Hornsby Shire Council
2nd October 2024**

**Footprint and layout to
remain unchanged from
approved DA**

RED LINE INDICATES PRIVACY SCREEN AS REQUIRED TO SATISFY DA CONSENT CONDITION 3:
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:
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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

SMOKE ALARMS IN
ACCORDANCE
WITH THE
REQUIREMENTS OF
PART 3.7.2 OF VOLUME 2
OF NCCS - BCA

- THE STAIRS AND BALUSTRADES, HANDRAILS BEING
DESIGNED TO COMPLY WITH PART 11.2.1 AND PART
11.2.2 OF THE BCA
- PROTECTION OF OPENABLE WINDOWS BEING IN
ACCORDANCE WITH PART 11.3.7 & 11.3.8 OF THE
BUILDING CODE OF AUSTRALIA HOUSING PROVISIONS.
- NON-SLIP-RESISTANT WALKING SURFACES ON
STAIRWAY TREADS AND LANDINGS NEAR THE EDGE
OF THE NOSINGS, OR A NOSING STRIP WITH A SLIP-
RESISTANCE CLASSIFICATION NOT LESS THAN THAT
LISTED IN TABLE 11.2.4



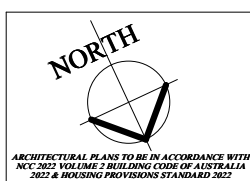
1 Ground Floor Plan
1 : 100

DA CONSENT CONDITION 2 - NO CLEARING OF VEGETATION
NO VEGETATION IS TO BE CLEARED PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE.

DA CONSENT CONDITION 3 - AMENDMENT OF PLANS
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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

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



**Proposed Additions and Alterations to
Existing Dwelling at:-
Lot 7 DP 30286
31 Boundary Road
North Epping NSW 2121**

For Mr & Mrs G. Harding

10th September 2025

ATTACHMENT 4 - ITEM 2

DA/478/2024 Approved by
Hornsby Shire Council
2nd October 2024

Footprint and layout to
remain unchanged from
approved DA

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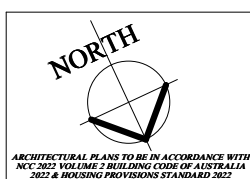
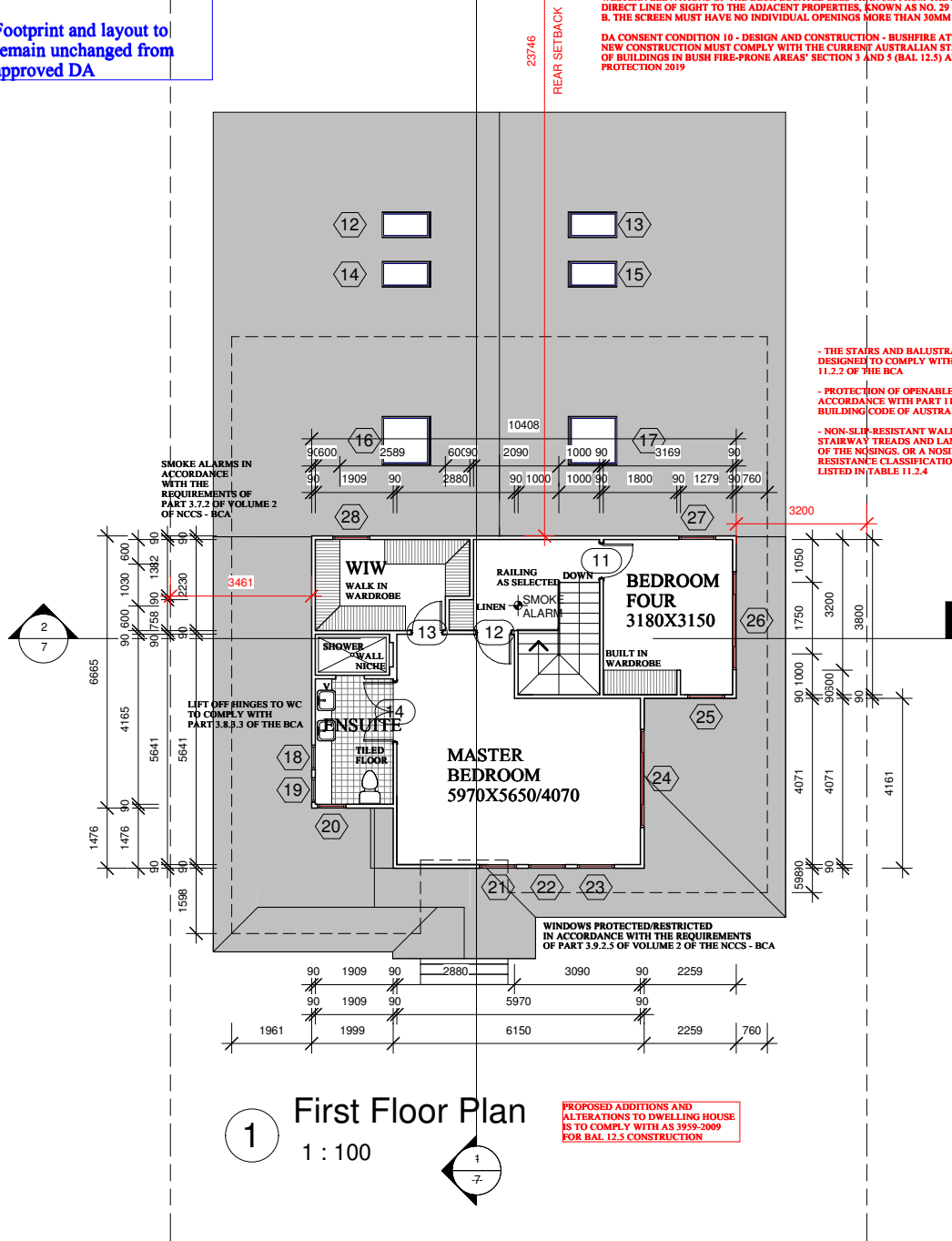
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Proposed Additions and Alterations to
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For Mr & Mrs G. Harding

10th September 2025

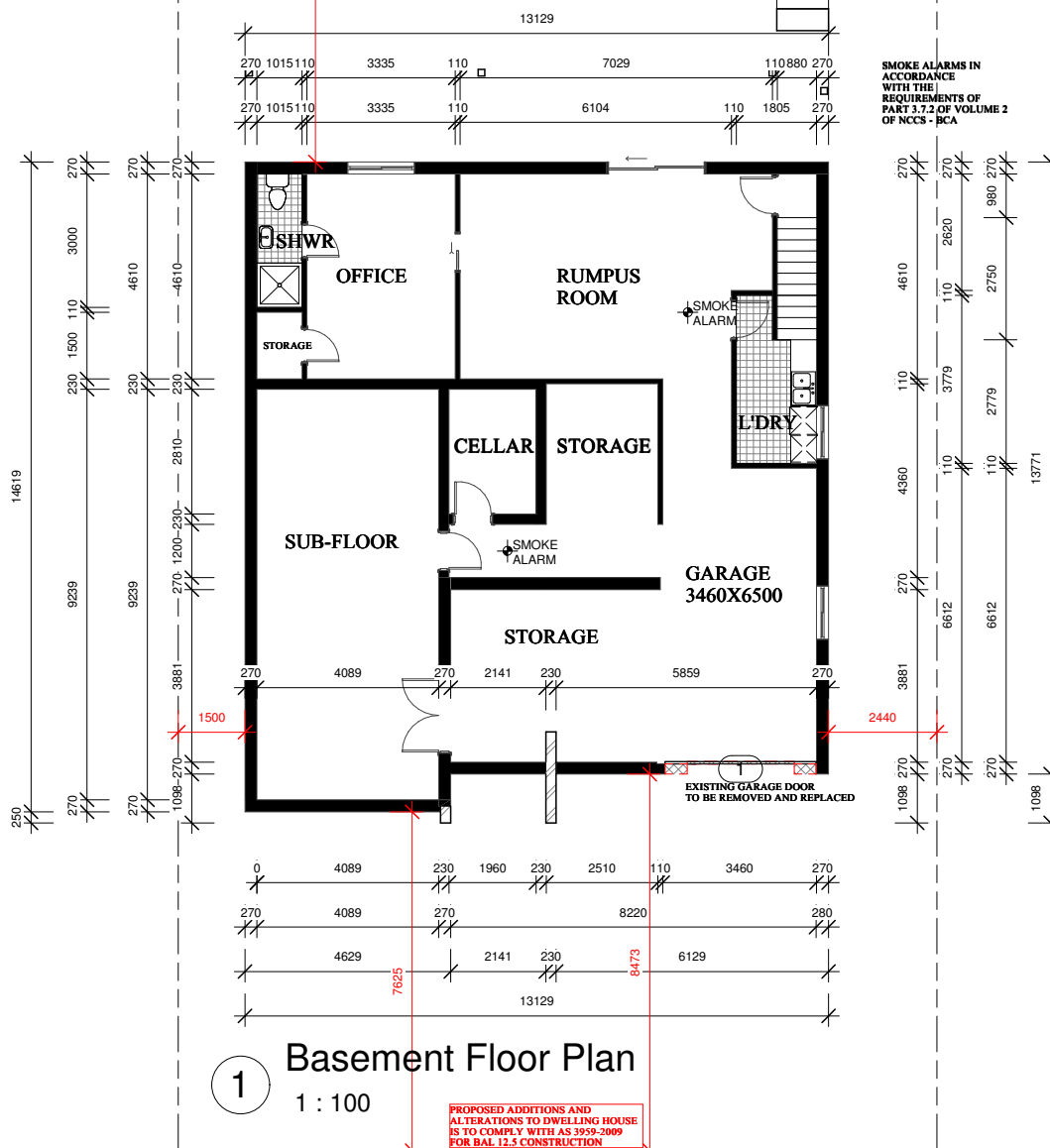
ATTACHMENT 4 - ITEM 2

ATTACHMENT 4 - ITEM 2

Footprint and layout to remain unchanged from approved DA

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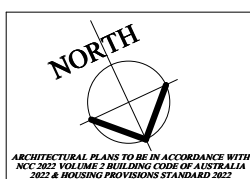
SMOKE ALARMS IN ACCORDANCE WITH THE REQUIREMENTS OF PART 3.7.2 OF VOLUME 2 OF NCCS - BCA



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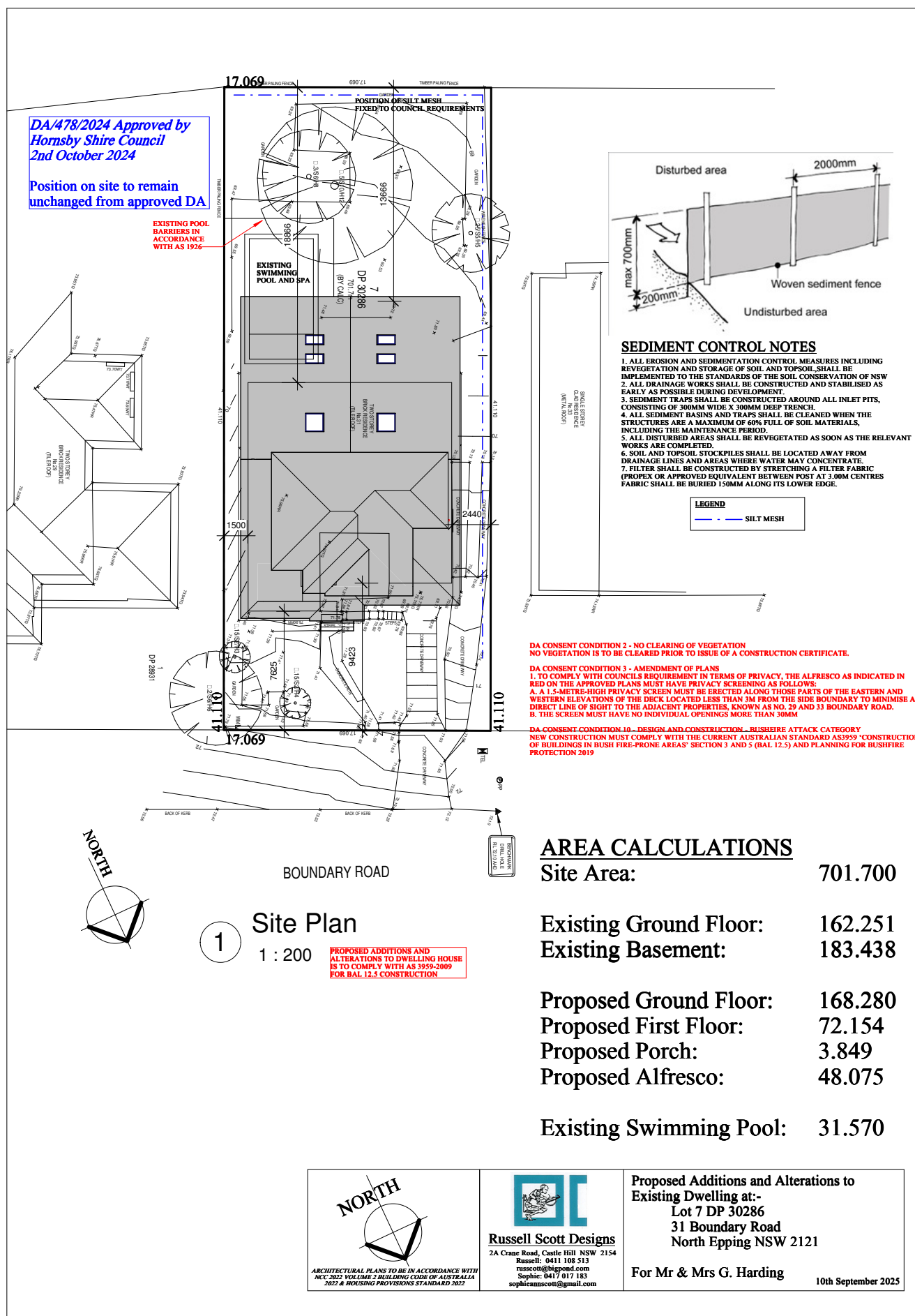


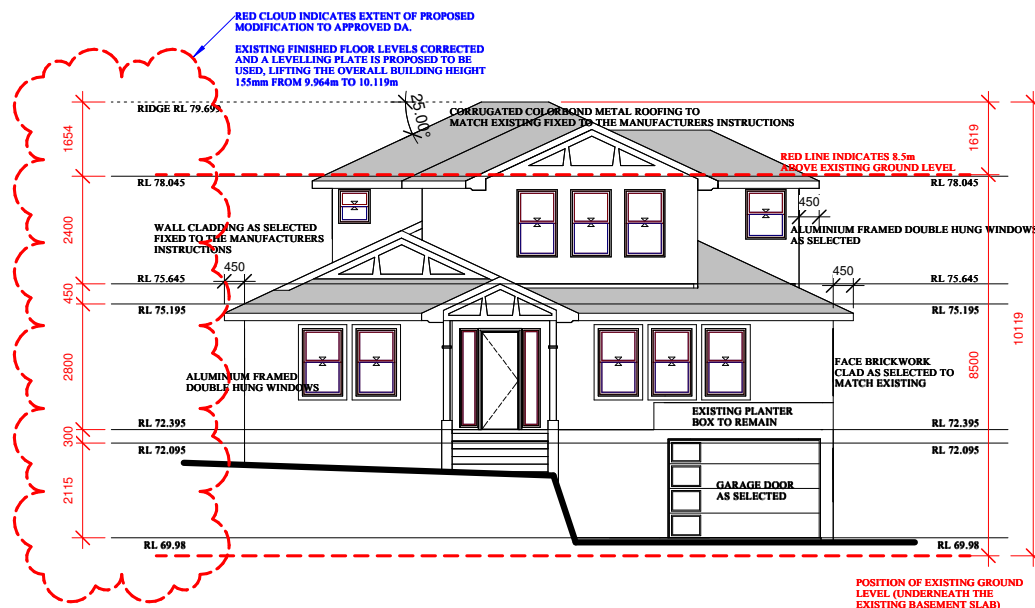
Russell Scott Designs
2A Crane Road, Castle Hill NSW 2154
Russell: 0411 108 513
russcott@bigpond.com
Sophie: 0417 017 183
sonhicanascott@gmail.com

**Proposed Additions and Alterations to
Existing Dwelling at:-
Lot 7 DP 30286
31 Boundary Road
North Epping NSW 2121**

For Mr & Mrs G. Harding

10th September 2025





1 Front Elevation

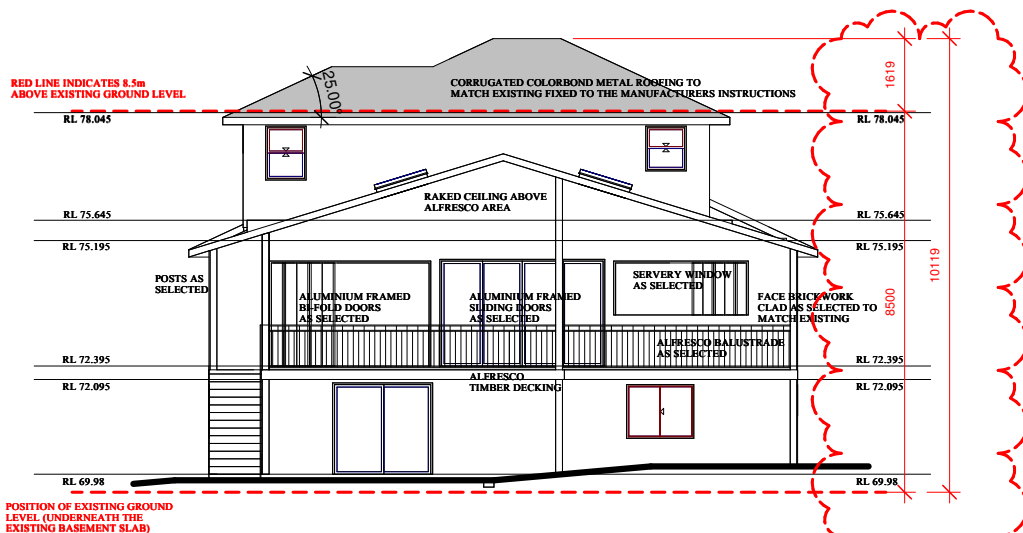
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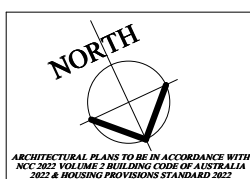
2 Rear Elevation

1 : 100

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

RED CLOUD INDICATES EXTENT OF PROPOSED MODIFICATION TO APPROVED DA.

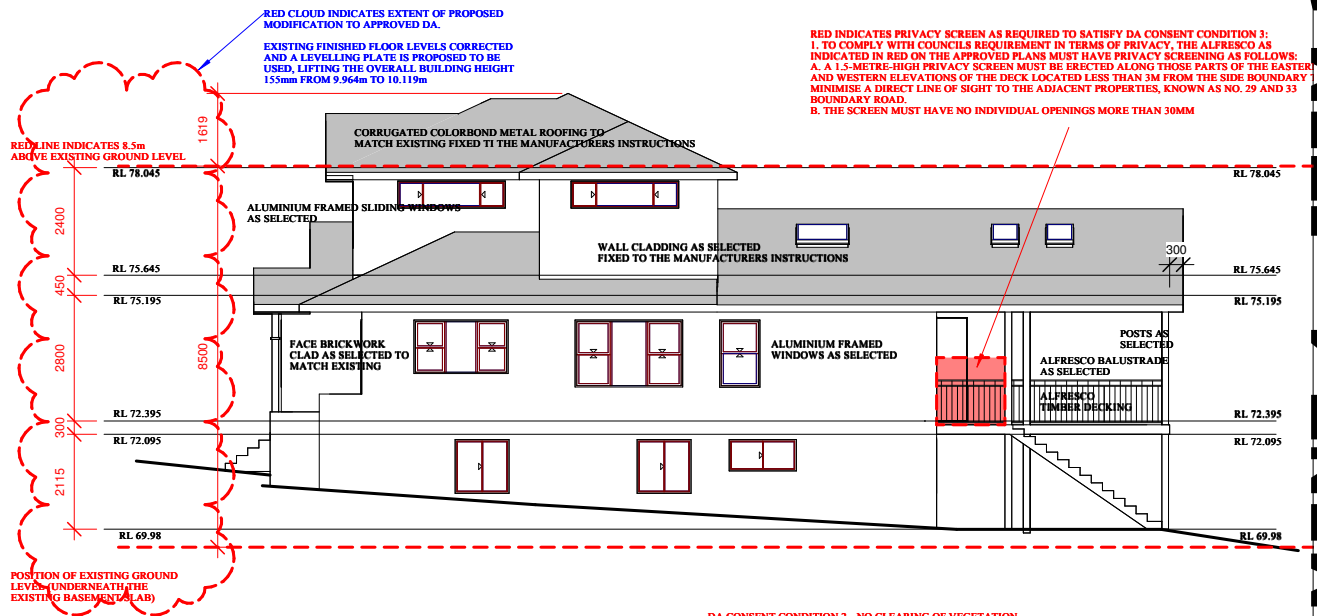
EXISTING FINISHED FLOOR LEVELS CORRECTED AND A LEVELLING PLATE IS PROPOSED TO BE USED, LIFTING THE OVERALL BUILDING HEIGHT 155mm FROM 9.964m TO 10.119m



Proposed Additions and Alterations to
Existing Dwelling at:-
Lot 7 DP 30286
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North Epping NSW 2121

For Mr & Mrs G. Harding

10th September 2025



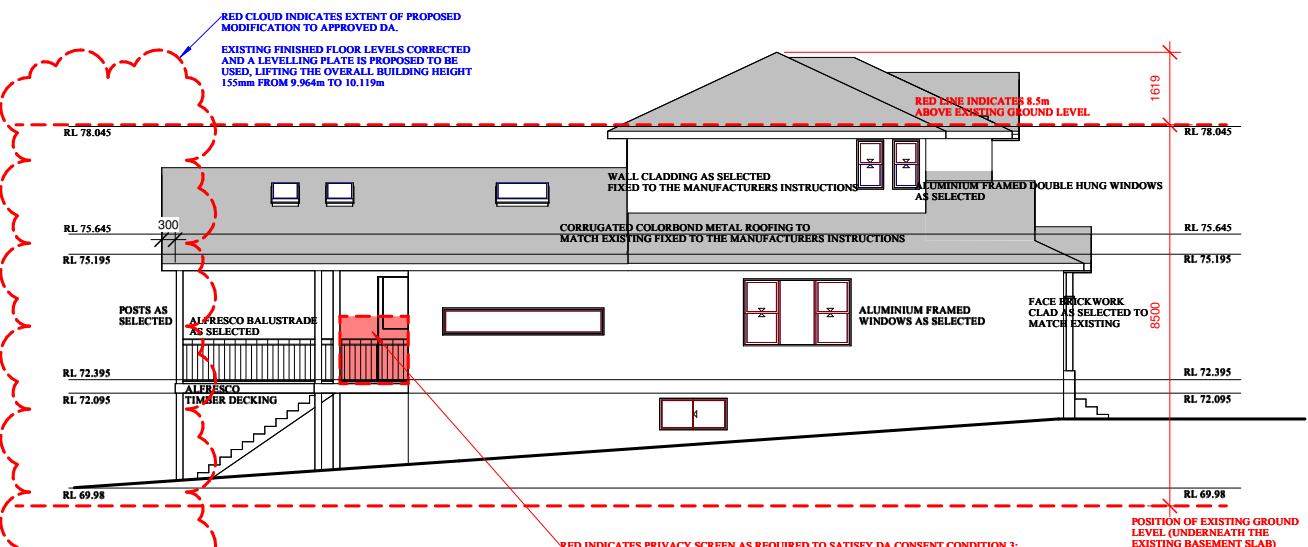
1 Side Elevation 1
1 : 100

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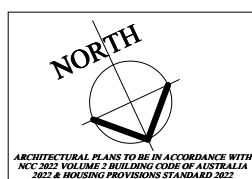
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2 Side Elevation 2
1 : 100

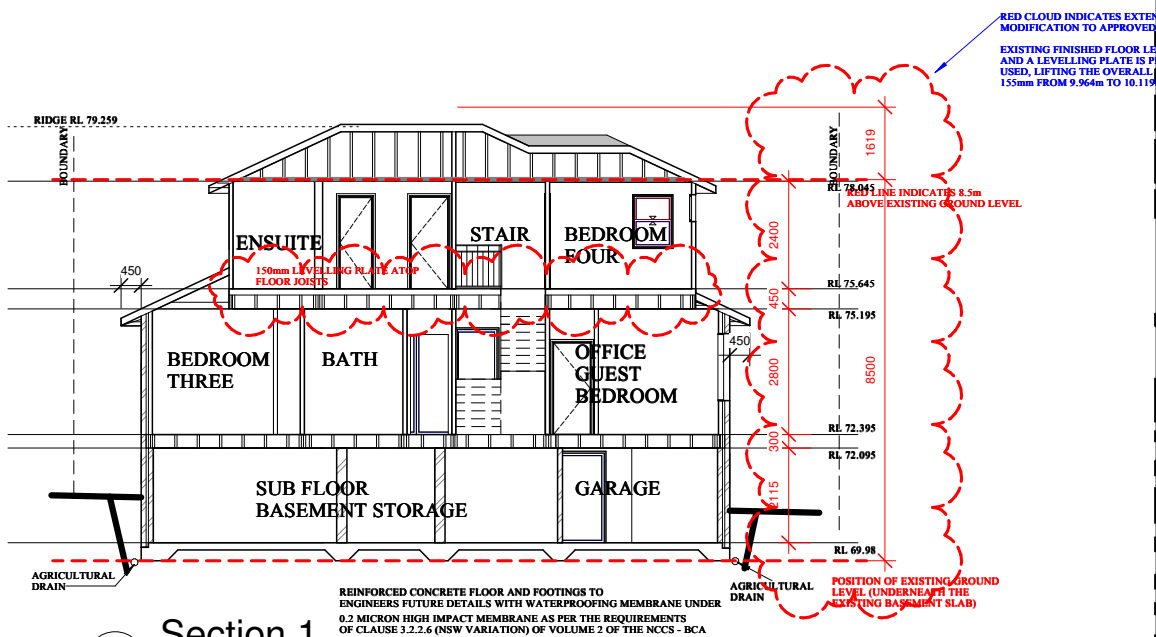
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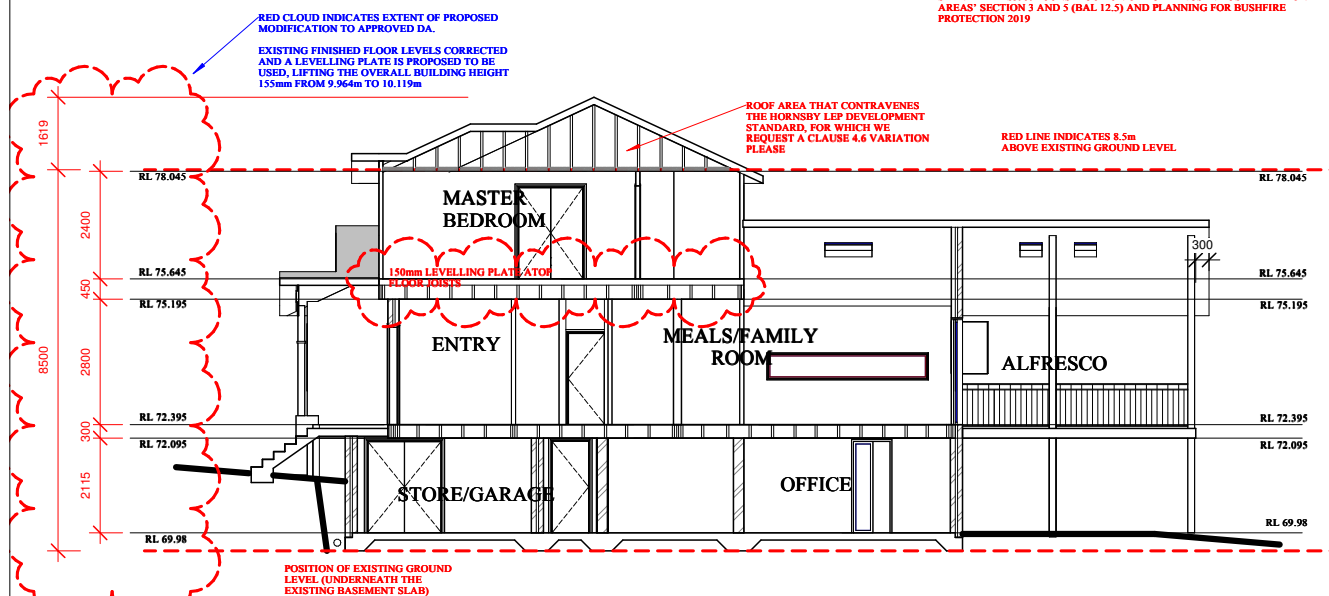
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North Epping NSW 2121

For Mr & Mrs G. Harding

10th September 2025



2 Section 1
1 : 100



1 Section 2
1 : 100

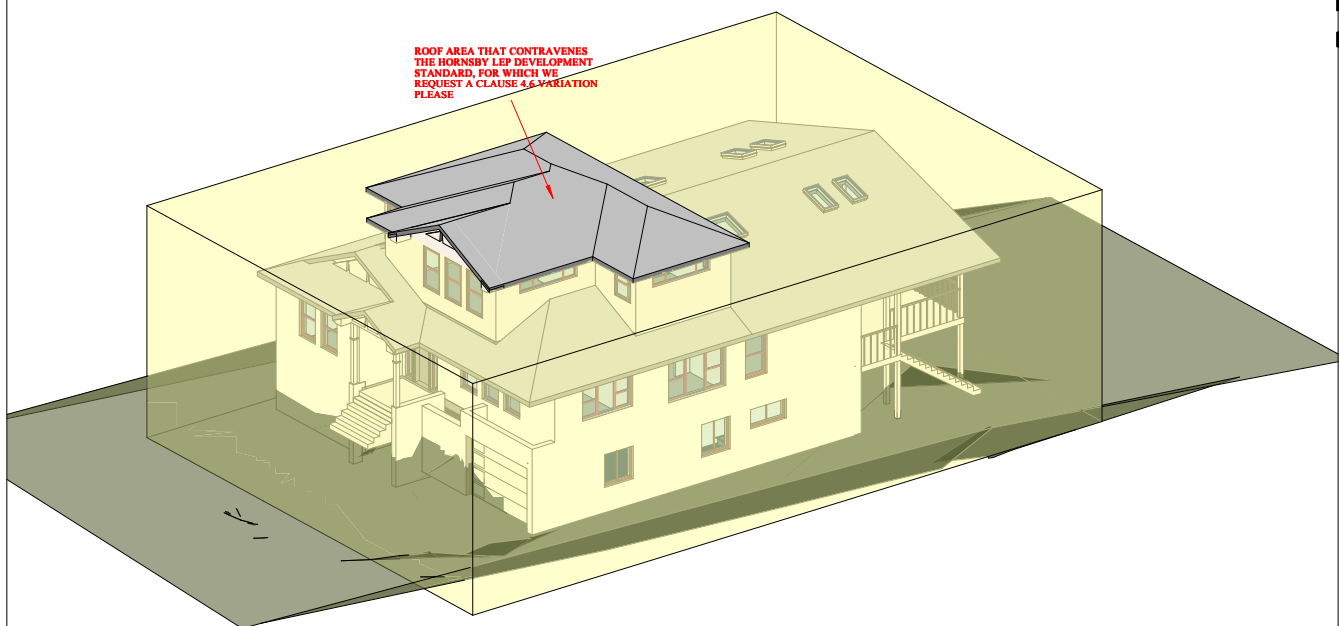
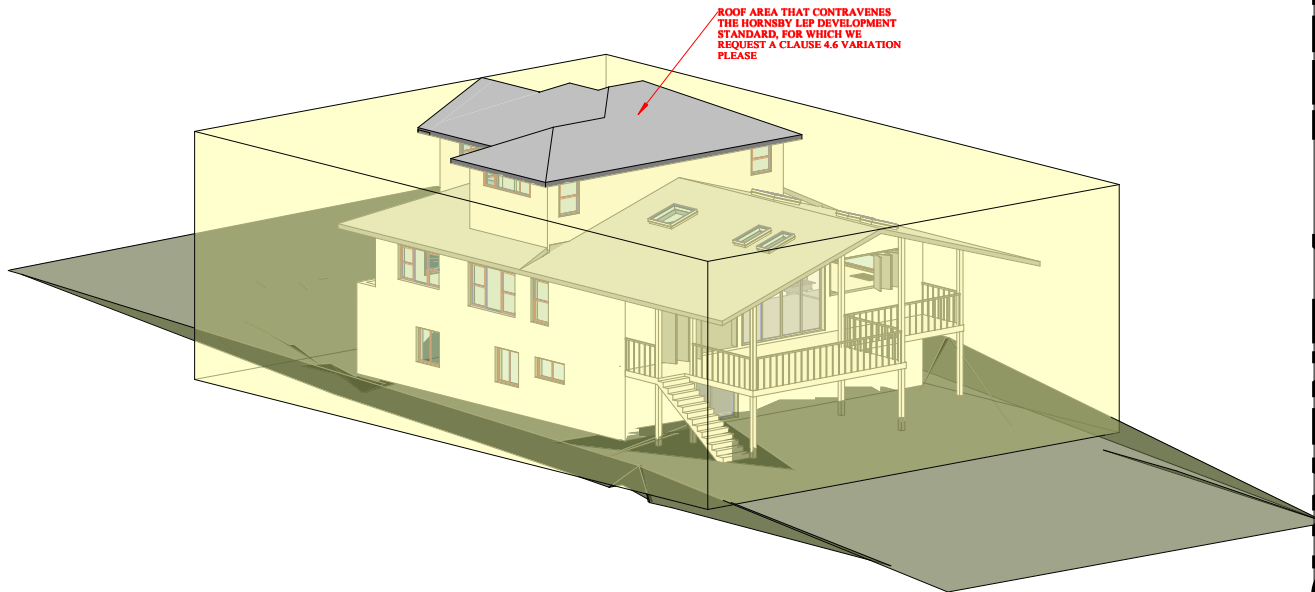


Proposed Additions and Alterations to
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North Epping NSW 2121

For Mr & Mrs G. Harding

10th September 2025

ATTACHMENT 4 - ITEM 2



 <p>NORTH</p> <p><small>ARCHITECTURAL PLANS TO BE IN ACCORDANCE WITH NCV 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 russcott@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 10th September 2025</p>
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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

 <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 <small>2A Crane Road, Castle Hill NSW 2154 Russell: 0411 108 513 russcott@bigpond.com Sophie: 0417 017 183 sophiescott@gmail.com</small></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;">10th September 2025</p>
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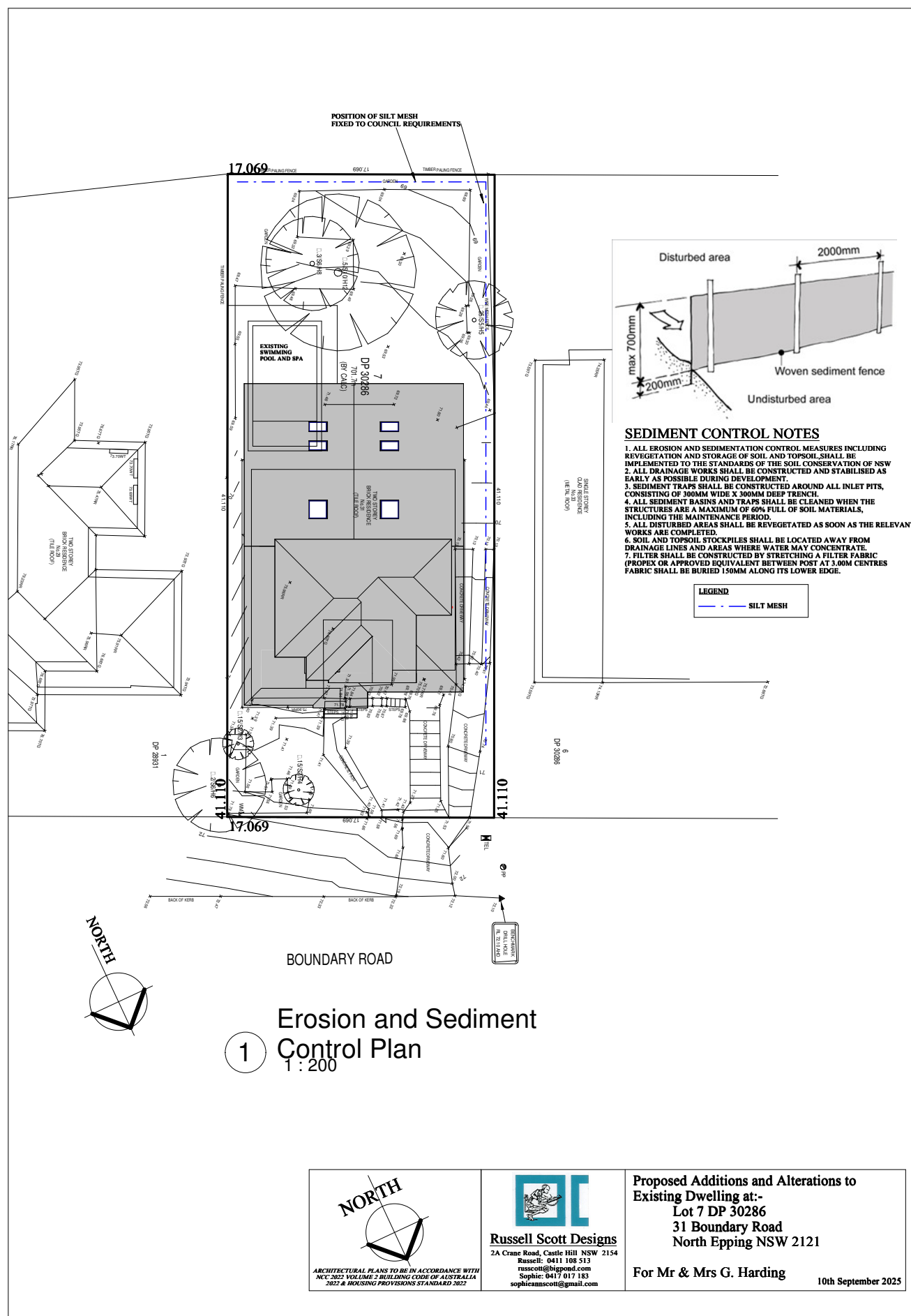


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BASIX COMMITMENTS

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	N/A
Project type	
Dwelling type	Dwelling house (detached)
Type of alteration and addition	The estimated development cost for my renovation work is \$50,000 or more, and does not include a pool (and/or spa).
N/A	N/A
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.

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.

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.

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.

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.

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. (If insulation specified is not required for parts of altered construction where insulation already exists.

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)	medium (solar absorbance 0.475 - 0.70)
flat ceiling, pitched roof	ceiling: R2.50 (up), roof: full/sarking	medium (solar absorbance 0.475 - 0.70)
raked ceiling, pitched/skillion roof: framed	ceiling: R2.50 (up), roof: full/sarking	medium (solar absorbance 0.475 - 0.70)

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 tinted 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 Fenestration Rating Council (NFRC) conditions.

Each window or glazed door with improved frames, or pyrolytic low-e glass, or clear/anti-gap/low-e glazing, or tinted/anti-gap/low-e 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 Fenestration Rating Council (NFRC) conditions. This 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 eave, 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.

Glazing requirements

Skylights

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

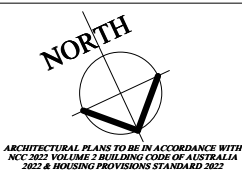
The following requirements must also be satisfied in relation to each skylight:

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)

Glazing requirements						Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
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		
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	NW	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	2.18	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	1.62	0	0	eave/ verandah/ pergola/balcony >=450 mm	aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)		
W17	NE	1.62	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)		



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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
10th September 2025