

**NSLPP MEETING HELD ON 01/12/21****Attachments:**

1. Site Plan
2. Architectural Plans
3. Clause 4.6 Statement (Building Heights)

ADDRESS/WARD: 4-6 MacPherson Street, Cremorne**APPLICATION No:** D229/21**PROPOSAL:** Demolition of existing semi-detached dwellings and the construction of a four (4) storey residential flat building containing eleven (11) apartments and basement parking for twelve (12) cars**PLANS REF:**

Plan No.	Rev No.	Description	Prepared by	Dated
DA02	I	Site Analysis	Corben Architects	20/10/21
DA03	I	Basement Plan	Corben Architects	20/10/21
DA04	I	Level 1 Plan	Corben Architects	20/10/21
DA05	I	Level 2 Plan	Corben Architects	20/10/21
DA06	I	Level 3 Plan	Corben Architects	20/10/21
DA07	I	Level 4 Plan	Corben Architects	20/10/21
DA08	I	Roof Plan	Corben Architects	20/10/21
DA09	I	North Elevation	Corben Architects	20/10/21
DA10	I	East Elevation	Corben Architects	20/10/21
DA11	I	South Elevation	Corben Architects	20/10/21
DA12	I	West Elevation	Corben Architects	20/10/21
DA13	I	Section AA	Corben Architects	20/10/21
DA14	I	Section BB	Corben Architects	20/10/21
DA15	I	Section CC	Corben Architects	20/10/21
DA16	I	Section DD	Corben Architects	20/10/21

OWNER: Norbreach Investments Pty Ltd**APPLICANT:** Corben Architects**AUTHOR:** Robin Tse, Senior Assessment Officer**DATE OF REPORT:** 23 November 2021**DATE LODGED:** 26 July 2021**RECOMMENDATION:** Approval

EXECUTIVE SUMMARY

This development application seeks NSLPP approval for demolition of semi-detached dwellings and the construction of a four (4) storey residential flat building containing eleven (11) apartments and basement parking for twelve (12) cars.

The application is reported to North Sydney Local Planning Panel for determination because the proposal is subject to SEPP 65 that requires determination of the application by the Panel as directed by the Minister of Planning, Industry and the Environment.

Notification of the proposal has attracted five (5) submissions raising particular concerns about the bulk and scale of the proposed development, adverse amenity impacts for an adjoining property and traffic impacts. The assessment has considered these concerns as well as the performance of the application against Council's planning requirements.

The proposal has been assessed against the North Sydney LEP 2013 and North Sydney DCP 2013 and SEPP 65 – Design Quality of Residential Flat Building and generally found to be satisfactory.

The variation to the building height development standard is justifiable because the building elements above the LEP maximum building height are unlikely to have material impacts on the overall character of the locality and would not cause material amenity impacts for the adjoining properties in terms of view loss, overshadowing and loss of privacy.

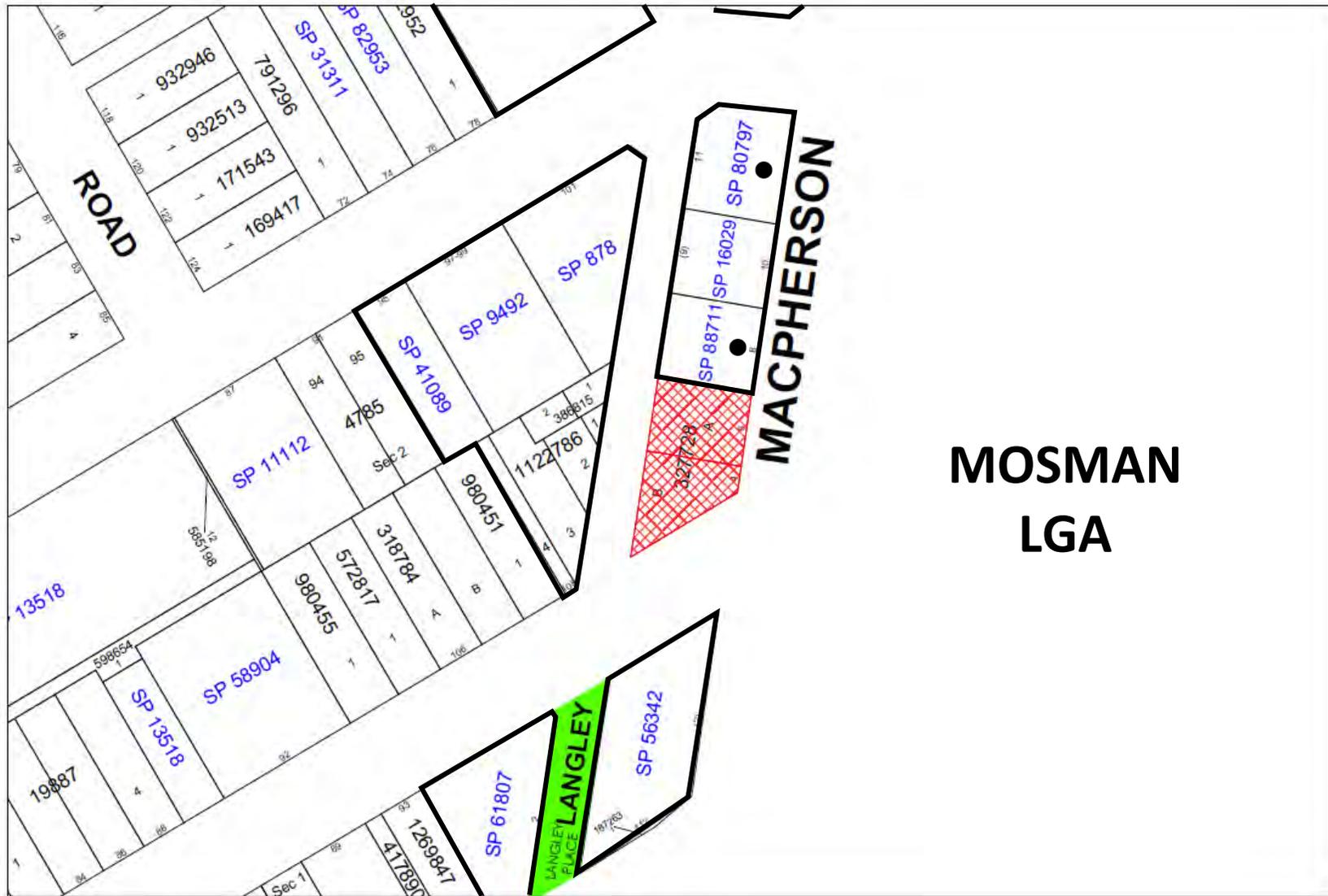
The proposed four storey apartment building is considered to be appropriate in terms of height and built form within a R4 (High Density Residential) zone. Furthermore, the proposal would not result in unacceptable impacts on the amenity of the adjoining properties subject to the imposition of appropriate conditions.

The proposed site coverage, unbuilt upon and landscaped areas are considered to be acceptable because of the increase in landscaping within the subject site as compared to the existing site condition. The additional landscaping would make valuable contribution to streetscape with the provision of a landscaped open space area along the Parraween Street frontage including the retention of an established pine tree.

The issues raised in the submissions received have also been addressed in the report.

Having regard to the merits of the proposal, the application is recommended for approval subject to the imposition of appropriate site specific and standard conditions.

LOCATION MAP



 Property/Applicant ● Submitters - Properties Notified 

**MOSMAN
LGA**

DESCRIPTION OF PROPOSAL

The applicant seeks NSLPP approval for demolition of the existing semi-detached dwellings and the construction of a four storey residential flat building containing eleven (11) apartments and basement parking for twelve (12) cars.

The proposal is summarised as follows:

- **Basement Level** – 12 parking spaces (incl 3 x Visitors & 1 x Accessible)
- **Level 1 (Ground Floor)** – 3 units (1 x 1B 51sqm, 2 x 2B 73sqm/78sqm)
- **Level 2** – 3 units (1 x 1B 54sqm, 2 x 2B 73sqm/78sqm)
- **Level 3** – 3 units (1 x 1B 54sqm, 2 x 2B 73sqm/78sqm)
- **Level 4** – 2 units (1 x 2B 89sqm, 1 x 3B 110sqm)

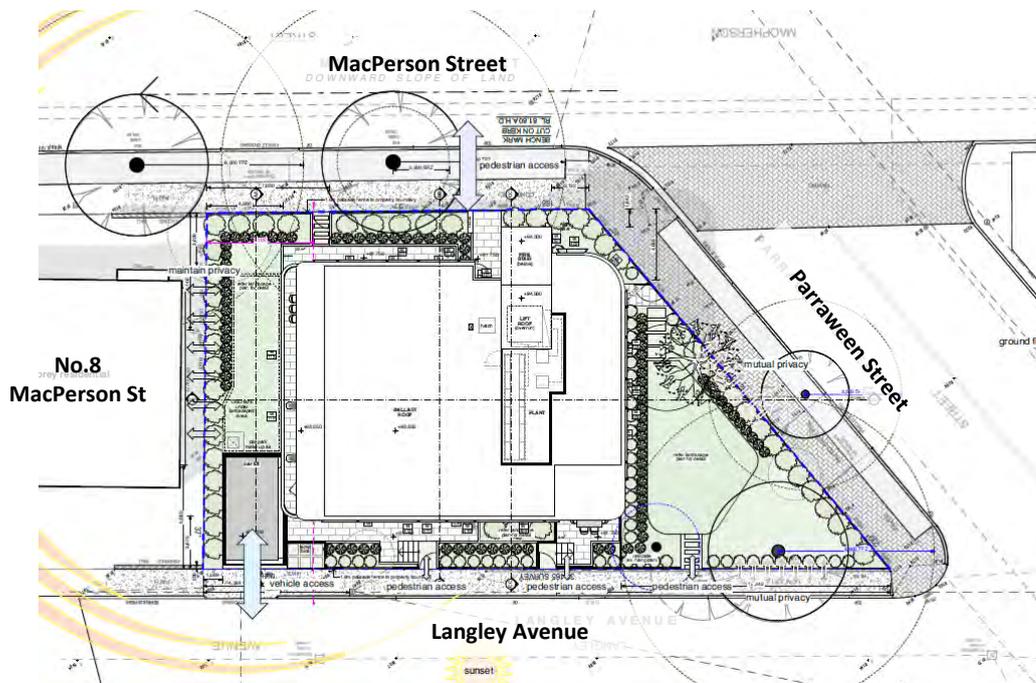
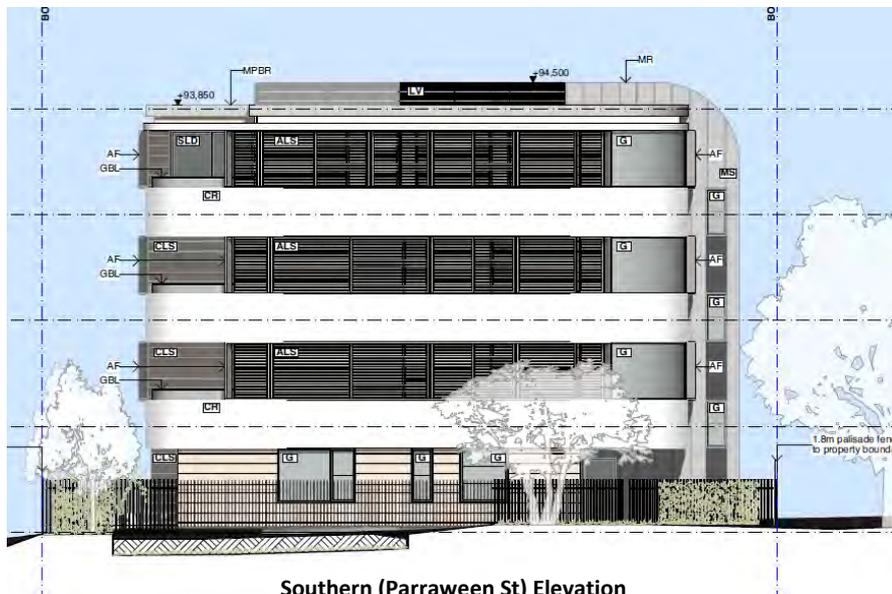


Figure 1: Site Map

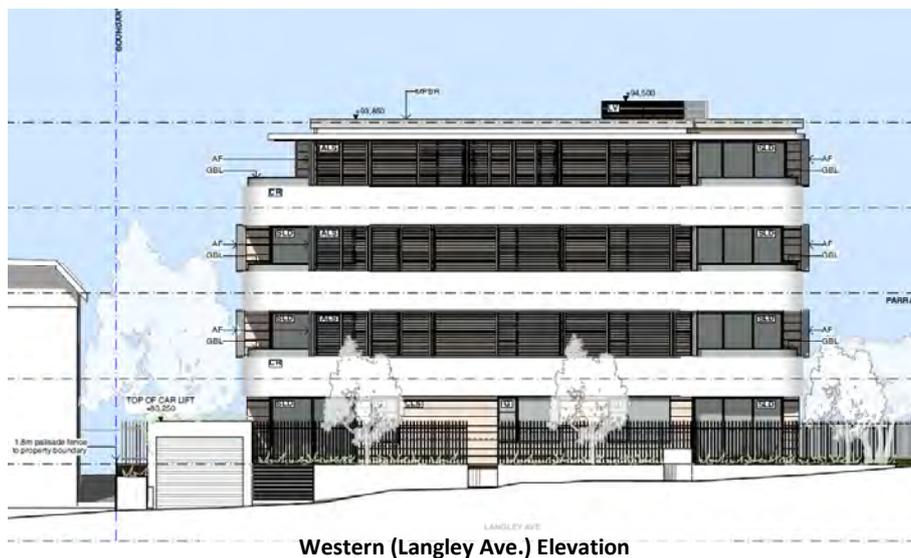




Eastern (MacPherson St) Elevation



Southern (Parrween St) Elevation



Western (Langley Ave.) Elevation

Figures 2 – 5: Proposed Development



Figure 6: Photo Montage

STATUTORY CONTROLS

North Sydney LEP 2013

- Zoning – R4 (High Density Residential)
- Item of Heritage - No
- In Vicinity of Item of Heritage - No
- Conservation Area - No
- Foreshore Building Line – N/A
- Environmental Planning & Assessment Act 1979 (As amended)
- SREP (Sydney Harbour Catchment) 2005
- SEPP No 19—Bushland in Urban Areas
- SEPP 55 – Remediation of Land & Draft SEPP
- SEPP (Affordable Rental Housing) 2009
- SEPP 65 – Design Quality of Residential Apartment Development & ADG
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Infrastructure) 2007
- SEPP (Vegetation in Non-Rural Areas) 2017
- Draft SEPP Environment 2017
- Local Development

POLICY CONTROLS

DCP 2013

Apartment Design Guidelines (ADG)

Sydney Harbour Foreshores & Waterways Area DCP 2005

North Sydney Local Infrastructure Contributions Plan 2020

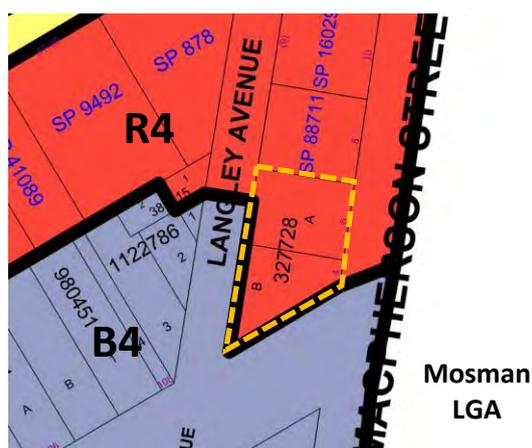


Figure 7: Zoning Map

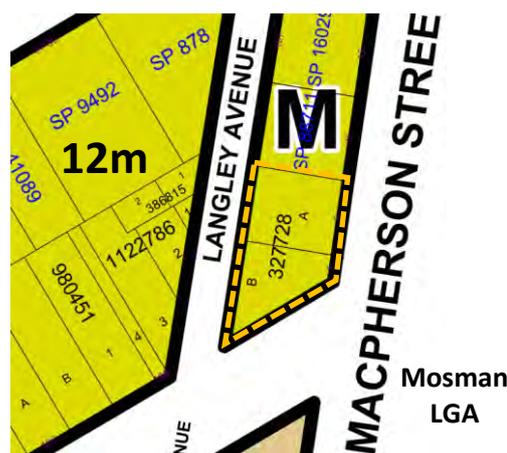


Figure 8: Height Map

DESCRIPTION OF LOCALITY

The subject site is located on the western side of MacPherson Street. The subject site comprises of two allotments at Nos 4 and 6 MacPherson Street, legally known as Lots A and B of DP327728. The subject site has a main street frontage to MacPherson Street to the east and secondary street frontages to Parraween Street to the south and Langley Avenue to the west. The site is rectangular in shape with fall of up to 1.8m from the south-western corner of the property towards the northern property boundary and a total area of 627.8sqm.

Currently, the site is occupied by a pair of single storey semi-detached dwellings with associated outbuildings. It is noted that one of the semi-detached dwelling was previously used as a medical centre but reverted back to a residential use.

The site is located on the eastern end of the North Sydney LGA and is surrounded by other residential/commercial/mixed use buildings with varying heights between one and five storeys. The subject site and properties on the western side of MacPherson Street are located on land zoned R4 (High Density Residential) with a maximum building height of 12m. Properties to the west and south of the subject site across Langley Avenue and Parraween Street are zoned B4 (Mixed Use) with a maximum height limit of 16m.

Immediately adjoining the subject site to the north is a three (3) storey townhouse (multiple dwelling) development at No.8 MacPherson Street.

Across Langley Avenue to the west is Council's Cremorne Child and Family Health Centre at No. 108 Parraween Street. To the south of the subject site across Parraween Street is a five (5) storey shop-top housing (mixed use) building at No. 412 Military Road (aka No.2 MacPherson Street).

To the east across MacPherson Street within Mosman LGA is the rear (secondary) street frontage of a part single/two storey commercial building (being used as a car dealer) at Nos. 418 - 426 Military Road.

It is therefore noted that the subject site is located on land that is surrounded by developments with varying height and building typologies.



Figure 9: Subject Site (Cnr of MacPherson & Parraween Streets)



Figure 10: The Locality

RELEVANT HISTORY

Current Application

- **27 July 2021** – The subject development application (**D229/21**) for demolition of the existing semi-detached dwellings and the construction of a four storey apartment building with basement car park was lodged with Council.

- **6 to 20 August 2021** – The owners of the adjoining properties and the Brightmore Precinct were notified about the application. The notification has attracted three (3) submissions.
- **14 September 2021** – The proposal was considered by Council’s Design Excellence Panel (DEP). Amendments were suggested to improve the proposal.
- **7 October 2021** – A teleconference was held with the applicant to discuss possible amendments to the proposed development in response to the comments from the DEP and Council Officers.
- **22 October 2021** – The applicant submitted amended plans featuring a revised design for the MacPherson Street building entrance and an increase in the height of the proposed apartment building by up to 990mm.
- **5 to 19 November 2021** - The owners of the adjoining properties and the Brightmore Precinct were notified about the amended proposal. The notification has attracted two (2) submissions.

REFERRALS

BUILDING

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

ENGINEERING

The application was referred to Council’s Development Engineer who raised no in-principle objection to the proposal subject to the imposition of appropriate engineering conditions including the requirement for a detailed geotechnical report (**Condition C8**).

TRAFFIC

The application was referred to Council’s Traffic and Transport Engineer who provided the following comments:

Traffic Generation

The proposed development would not have unacceptable traffic implications in terms of road network capacity.

Car Parking – Supply

The proposal would provide a total of 10 parking spaces comprising nine (9) residential parking spaces and one (1) visitor parking space. The proposed car parking provision is compliant with the relevant DCP requirements.

Bicycle Facilities

Development Component		DCP 2013 Rate	DCP 2013 Min. No.	No. Proposed
<i>Residential</i>	<i>Occupants</i>	<i>1/dw x 11dw</i>	<i>11</i>	<i>12</i>
	<i>Visitors</i>	<i>1/10dw x 11 dw</i>	<i>1.1</i>	

The traffic report states that proposed bicycle storage facility will comply with the NSDCP.

Mechanical Car Lift

The traffic report has provided queuing analysis for the proposed car lifts and is considered to be acceptable.

Vehicular Access

The proposed vehicular access would be located on a section of Langley Avenue that is used for a one-way traffic only. It is recommended that a ONE WAY sign to be installed opposite the car lift exit so that future occupants and visitors of the building will be fully aware of the one-way traffic arrangement. The sign is to be installed by Council at the developer's expense.

Recommendations:

It is recommended that the following conditions be imposed:

- 1. All aspects of the carpark comply with the Australian Standard AS2890.1 Off-Street Parking.*
- 2. All aspects of parking spaces for people with disabilities comply with the Australian Standard AS 2890.6.*
- 4. All aspects of the bicycle parking and storage facilities comply with the Australian Standard AS2890.3.*
- 5. The driveway to the site must be designed such that there are minimum sight lines for pedestrian safety as per Figure 3.3 of AS 2890.1.*
- 6. A ONE-WAY sign be installed opposite the car lift exit on Langley Avenue. The developer shall pay for the cost associated with the installation of signage by Council staff.*
- 7. That the developer upgrades the lighting levels on MacPherson Street, Langley Avenue, Parraween Street adjacent to the site, to the appropriate Australian Standard and to the satisfaction of Council.*
- 8. A Construction Management Program be prepared and submitted to Council for consideration by the North Sydney Traffic Committee and approval by Council prior to the issue of a Construction Certificate. Any use of Council property shall require appropriate separate permits/ approvals.*

Comment:

Council Traffic and Transport Officer's comments are noted and generally concurred with. Conditions have been recommended requiring compliance with the relevant Australian Standards for parking within the basement carpark, the installation of signage and the Construction Management Programme (**Conditions B1 and C29**). Whilst the recommended street lighting upgrades are desirable, there is insufficient nexus requiring the applicant to carry out such works.

LANDSCAPING

Currently, there are only two (2) established trees within the subject site, being a 19m high *Araucaria columnaris* (Cooks Pine) and a 6m high *Plumeria acutifolia* (Frangipani). None of the remaining planting within the subject property is more than 5m high.

The applicant has proposed the retention of Cooks Pine and transplanting of the Frangipani as well as the retention/protection of three (3) established street trees on Council's verge along MacPherson and Parraween Streets. In addition, the applicant has submitted a landscape plan proposing the planting of seventeen (17) new trees with a mature height of 5m or more within the subject site.

The application was referred to Council's Landscape Officer who raised no in-principle objection subject to appropriate landscaping conditions.

ENVIRONMENTAL HEALTH

The application was referred to Council's Environmental Health Officer who raised no in principal objection to the proposed development subject to the imposition of appropriate health/environmental protection conditions relating to the submission of an updated acoustic report, hazardous material survey, noise from plant/equipment, construction noise management, soil testing and compliance with the submitted acoustic report (**Conditions C2, C29, C32, E1**)

WASTE MANAGEMENT

The application was referred to Council's Waste Operation and Education Officer who indicated the need for a garbage chute and recycling bin storage on every level; the provision of a temporary bin holding area 2m off the street and separate room for bulky waste storage bins. Standard waste management conditions are also recommended to ensure that the design of waste management facilities would be consistent with the relevant Council requirements.

Comment:

The comments from Council's Waste Operation and Education Officer are noted. The applicant has proposed an area for storage of bulky items within the waste storage room within the basement level. The building does not have a garbage chute and recycling bin storage on each floor. The proposal is considered to be acceptable given that the proposal is a rather modest development with eleven (11) apartments within a constrained footprint. A garbage chute and a separate bulky waste room would be more suitable and practical for a larger apartment development. The other waste management requirements are supported and appropriate conditions are recommended to ensure proper management of waste materials (**Conditions C10, C26, I7**).

DESIGN EXCELLENCE PANEL

Council's Design Excellence Panel considered the proposal on 14 September 2021. The Panel provided qualified support for the proposal, subject to the identified issues, as outlined below, being satisfactorily addressed.

Ground Floor Apartments

- *To achieve four levels and comply with the 12 m. height control and ADG standards in relation to ceiling heights, the ground floor apartments are in part below ground level, resulting in undesirable interface between the windows and the communal space on the south side of the building, and elsewhere. The interface should be improved, noting some consequent minor intrusion into the height control may be acceptable.*

MacPherson Street Building Entrance

- *The location of the main entrance near the corner in Macpherson Street, with 5 steps down to the ground floor is unsatisfactory because it has not provided equitable access. An entrance from Langley Avenue would allow for a more attractive entry, and the option for cars to stop opposite the entrance for drop-off, pick-up. An alternate building entrance located at Langley Avenue should be investigated.*

Communal Open Space

- *The communal space in the original scheme relying on access via the public domain is undesirable. Direct access from the main entrance to the communal area should be provided. Adequate visual and acoustic screening between the communal area and adjacent units should be provided. Consideration should be given to provide a small covered 'gazebo-type' space, with barbeque facilities etc, within the proposed communal space.*

Colours and Materials

- *The proposed colours for the original scheme featuring black and white are inconsistent with the surrounding context that is characterised by warmer tone such as brick.*
- *Consideration should be given to the redesign of the horizontal screens to windows/balconies to facilitate access of sunlight.*

Comments

In addition to the applicant's design responses as indicated on the amended plans, the matters raised by the DEP are addressed as follows:

Ground Floor Apartments

- The applicant has amended the design by raising the building by up to 900mm to improve the amenity for the ground floor apartments. The maximum height of the proposed apartment building would breach the LEP maximum building height limit by 990mm and the applicant has submitted a Clause 4.6 written request seeking variation to the LEP maximum building height standard. The amenity of the revised ground floor units is now acceptable and consideration will be given to the applicant's Clause 4.6 submission later in this report.

MacPherson Street Building Entrance

- The proposed amendments have also resulted in the elevation of the ground floor level and the elimination of the steps from the MacPherson Street entrance to the lift foyer in the original proposal. The design of the revised MacPherson Street building entrance is considered to be acceptable.

Communal Open Space

- The applicant has amended the ground floor design of the proposed apartment building to provide a direct pedestrian access between the lift foyer and the communal open space to the south of the apartment building. The design of the proposed communal open space is considered to be generally acceptable having regard to the landscaping and privacy. A condition is also recommended requiring the provision of a small covered 'gazebo-type' space, with barbeque facilities within the communal open space in response to the comments from the DEP (**Condition C1**).

Colours and Materials

- The applicant has amended the schedule of materials to incorporate terracotta cladding to the base of the building and on the external walls above the spandrels on the upper levels to include a warmer masonry tone on the façade of the proposed building.
- The applicant has indicated that the proposed metal screens to balconies/windows would be operable where adjustments can be made to suit residents needs by sliding the screen.

It is considered that the issues raised by the DEP have been adequately addressed by the amended proposal. The proposal exhibits sufficient design excellence to warrant approval.

EXTERNAL REFERRALS

AUSGRID

The application was referred to Ausgrid, no in-principal objection was raised to the proposal subject to the requirements for compliance with the relevant Ausgrid Network standards/SafeWork NSW Code of Practice during construction and no encroachment of the building to existing Ausgrid infrastructure.

Appropriate conditions of consent are to be imposed in accordance with Ausgrid's recommendations (**Condition C44**).

SYDNEY WATER

The proposal was referred to Sydney Water, where the authority no in-principal objection was raised to the proposal subject to the Section 73 Compliance Certificate and building plans approval process as well as various requirements for the commercial component of the proposed development.

Appropriate conditions of consent are to be imposed in accordance with Sydney Water's recommendation (**Condition C43**).

SUBMISSIONS

Original proposal

The owners of the adjoining properties and the Brightmore Precinct were notified about the application between 6 and 20 August 2021. The notification has attracted three (3) submissions.

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

Basis of Submission

- The proposal may lead to a reduction in the availability of affordable housing if the premises is being used as a boarding house.
- Non-compliance with various SEPP65 requirements including setbacks and minimum apartment size.
- The proposed building setbacks are questionable and inadequate due to incorrect assumptions.
- Non-compliance with DCP requirements including site access, storage areas, deep soil planting.
- Inaccuracies and reference to other projects in the submitted Statement of Environmental Effects.
- Absence of a garbage chute and a compactor room/equipment
- Overlooking of the adjoining property to the north
- Adverse noise impacts from car lift and associated plant equipment.
- Traffic management concerns associated with the proposed car lift.
- The lack of details on fire safety equipment/provision including smoke exhaust system, sprinkler pump room etc.
- Potential damage to the adjoining property to the north resulting from construction/excavation works.
- Concerns raised about an increase in traffic along Langley Avenue resulting from the proposed development.
- Increase signage and proper traffic control for the proposed development during and after construction.

Amended Proposal

The applicant submitted amended plans that were renotified to adjoining properties, previous submitters and the precinct for 14 days between 5 and 19 November 2021. Council received two (2) submissions and the matters raised in submissions are listed below:

Basis of Submission

- The bulk and scale of the proposed development should be consistent with the existing development to the north.
- The footprint of the proposed development may not permit sufficient landscaping and screen planting for privacy protection.
- The proposed building design is inappropriate for a small property.

- Concerns raised about traffic movements, safety and possible congestion along the surrounding streets/intersections.
- The amended plans have not addressed the issues raised in the previous submission; therefore, objection is raised to the proposed development.

CONSIDERATION

The relevant matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended), are assessed under the following headings:

SREP – (Sydney Harbour Catchment) 2005

Having regard to the SREP (Sydney Harbour Catchment) 2005 and the Sydney Harbour Foreshores and Waterways Area DCP 2005, the proposed development is not considered to be detrimental to the Harbour and will not unduly impose upon the character of the foreshore given the subject site is not visible from the harbour as the site is far enough away from the foreshores of Sydney Harbour as to have no impacts on the harbour and its foreshores. As such, the development is acceptable having regard to the provisions contained within SREP 2005 and the Sydney Harbour Foreshores and Waterways DCP 2005.

SEPP 55 – Remediation of Land & Draft

The provisions of SEPP 55 require Council to consider the likelihood that the site has previously been contaminated and to address the methods necessary to remediate the site. The subject site had been used for residential purpose until the construction of the existing commercial building in the 1980s. Therefore, the subject site is unlikely to contain any contamination and the requirements of SEPP 55 and the Draft SEPP have been satisfactorily addressed. A condition is recommended by Council's Environmental Protection Officer requiring the testing of materials excavated from the site (**Condition C3**)

SEPP (Affordable Rental Housing) 2009

The existing buildings on site are not residential flat buildings or boarding houses as defined in the SEPP. Therefore, the SEPP does not apply to the subject proposal.

SEPP (Infrastructure) 2007

The subject site is located away from Military Road, however, the submitted acoustic report recommends specific glazing treatment to provide adequate protection from road noise. Council's Health and Environmental Protection Officer has recommended appropriate conditions requiring compliance with the recommendations of the submitted acoustic report (**Condition C2**).

SEPP – (Vegetation in Non-Urban Areas) 2017

The State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP) works together with the Biodiversity Conservation Act 2016 and the Local Land Services Amendment Act 2016 to create a framework for the regulation of clearing of native vegetation in NSW.

The SEPP will ensure the biodiversity offset scheme (established under the Land Management and Biodiversity reforms) will apply to all clearing of native vegetation that exceeds the offset thresholds in urban areas and environmental conservation zones that does not require development consent. The proposal meets the objectives of the SEPP because the subject site is located within the eastern end of the Cremorne town centre and there would be no clearance of native vegetation or any materials impacts on bushland (if any) in the vicinity of the subject site.

SEPP (Building Sustainability Index: BASIX) 2004

A valid BASIX Certificate (*No. 1219674M_02dated 21 October 2021*) has been submitted with the application to satisfy the Aims of the SEPP. **(Condition No. C40, G16)**

Draft SEPP Environment 2017

This draft SEPP proposes to integrate the provisions of seven (7) SEPPs/SREPs including SREP (Sydney Harbour Catchment) 2005. The majority of the current provisions of SREP (Sydney Harbour Catchment) 2005 would be transferred to the draft SEPP with necessary updates and some amendments. The proposal would not offend the relevant provisions of the draft SEPP due to the nature of the proposed development as the building would not be visible from the Harbour and negligible impacts on the scenic quality and the ecology of Sydney Harbour and its foreshores.

SEPP 65 Design Quality of Residential Apartment Development

The proposal involves the construction of a residential flat building/mixed use development over three (3) storeys and more than 4 dwellings. Consequently, SEPP 65 applies to the application

The primary design principles in the SEPP are discussed as follows:

Principles 1 and 2: Context, Built Form and Scale

The subject site is located within a R4 (High Density Residential) zone and the proposal for a residential flat building development would generally be suitable for the site context and be compatible with the desirable future character for development on the southern side of Waters Neighbourhood immediately to the north of Cremorne Town Centre.

The proposed four storey building generally responds to the height controls for the area and the scale of the proposed building would be consistent with the recent apartment development within the R4 (High Density Residential) zone with a height limit of 12m and the mixed use/shop top housing developments within B4 (Mixed Use) zone on the southern side of Parraween Street with a height limit of 16m.

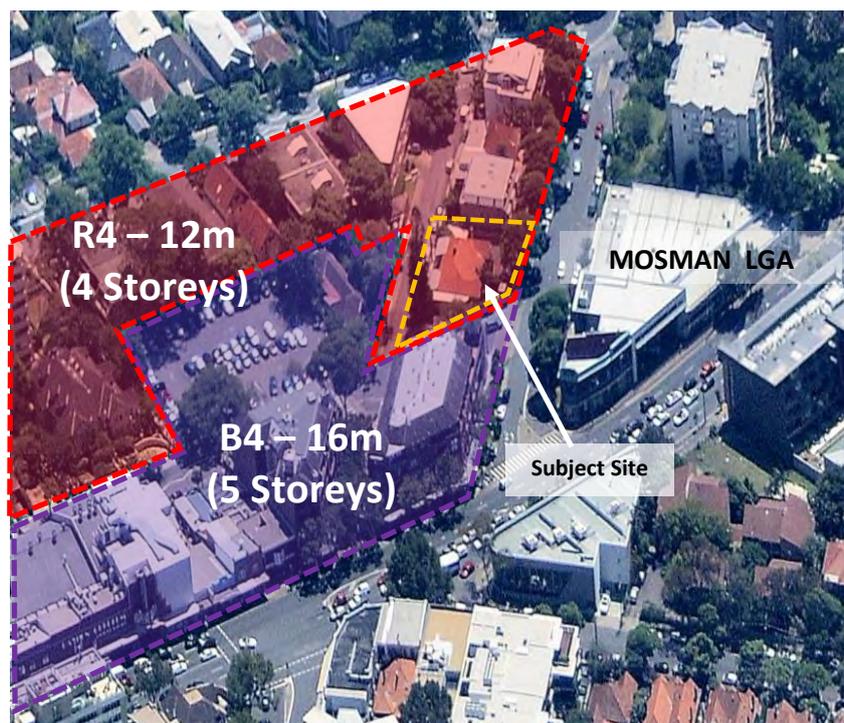


Figure 11: Context, building height and character within the locality

It is also considered that the proposed four storey apartment building, with a stepped profile on the top level on the northern side of the building, is appropriately sited between the mixed use (16m – 5 storey) zone to the south and a three (3) storey townhouse to the north within the R4 (High Density Residential) zone.

The proposal adopts a built form which generally satisfies the relevant development controls relating to height, scale and setbacks. The overall built form of the proposed building is also consistent with other developments within the locality including the 3 storey townhouse development to the north at No.8 MacPherson Street and other nearby apartment buildings.

Principle 3: Density

The subject site is located in close proximity to public transport, shops and services. A total of eleven (11) apartments on the site is considered acceptable as each apartment will receive reasonable levels of internal amenity.

Principle 4: Sustainability

A valid BASIX Certificate was submitted with the application. The proposed development also incorporates sustainable design such as the use of screens and awnings to provide shade and regulate access to daylight for the various parts of the proposed building.

Principle 5: Landscape

The subject site is located within Waters Neighbourhood immediately to the north of Cremorne Town Centre and the design of the proposal would accommodate a large communal open space on the southern side of the subject site including the retention of an existing 19m Cooks Pine tree.

The applicant has provided a landscape design report providing concept designs for landscaping within the proposed development. Council's Landscape Officer has raised no in principle objection to the overall landscaping concepts subject to the imposition of appropriate landscaping conditions.

Principle 6: Amenity

All apartments comply with the ADG requirements to ensure reasonable levels of internal amenity. The building, as amended by the deferred commencement conditions, is appropriately designed and sited to minimise any adverse amenity impacts in terms of the loss of privacy, solar access or views for adjoining properties.

Principle 7: Safety

The proposal would provide secured pedestrian entrances to the lift foyers of the upper level apartments. The building entrance to MacPherson Street would be easily identifiable and provide a good sense of address for the development. Furthermore, the balconies and openings to the lift lobby above the street level would provide additional natural surveillance.

Principle 8: Housing Diversity and Social Dimensions

The proposed development is located within an area with good access to public transport and amenities along Military Road.

The proposal provides a range of apartment sizes which are compliant in terms of their size and amenities with adequate storage areas and accessible facilities. The proposed communal open space will encourage social interaction amongst residents and visitors.

Principle 9: Aesthetics

The applicant has made a number of design changes in response to the comments made by the DEP having regard to the original proposal. The proposed amendments made by the applicant in terms of façade treatments and changes to the MacPherson Street building entrance are considered to be sufficient to address the matters raised by the DEP.

It is concluded that the proposed development is found to be generally consistent with the key SEPP 65 design principles and therefore is supported.

APARTMENT DESIGN GUIDE

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

Amenity	Design Criteria	Comment	Compliance
<p>2F - Building Separation</p>	<p><i>Minimum separation distances for buildings are: Up to four storeys (approximately 12m):</i></p> <ul style="list-style-type: none"> • <i>12m between habitable rooms/balconies (6m to boundary)</i> • <i>9m between habitable and non-habitable rooms (4.5m to boundary)</i> • <i>6m between non-habitable rooms (3m to boundary)</i> 	<p><i>Eastern (MacPherson Street) Elevation</i></p> <p>The proposed building would provide a 3m setback from the eastern (MacPherson Street) property boundary with the exception of the firestair that would provide a setback of 1m from the property boundary.</p> <p>This is considered to be acceptable because the separation between the proposed building and the existing commercial building across Grosvenor Street would be in excess of 20m.</p> <p><i>Western (Langley Avenue) Elevation</i></p> <p>The applicant has proposed a 3m setback from the western (Langley Avenue) property boundary. This aspect of the proposal is considered to be acceptable because the property on the opposite side of Langley Avenue is occupied by Council's Cremorne Child and Family Health Centre and the nearest apartment building (at No.97 Gerard Street) would be in excess of 30m to the north-west from the proposed building.</p> <p><i>Southern (Parraween Street) Elevation</i></p> <p>The proposed building would provide a variable setback, between 2.1m and 12m, from the southern (Parraween Street) property boundary due to the alignment of Parraween Street. The proposed building separation is considered to be acceptable given that the mixed use building on the southern side of Parraween Street would be in excess of 25m from the proposal.</p> <p><i>Northern Elevation</i></p> <p>The applicant has proposed a 4.36m setback from the northern property boundary with the townhouse development at No.8 MacPherson Street. In addition, the top level (Level 4) of the proposed apartment building would provide 6m setback from the property boundary.</p> <p>Furthermore, the windows on the southern elevation of the existing townhouse development at No.8 MacPherson Street are fitted with glass blocks with a minimum building separation of 6m. The proposal is therefore considered to be acceptable.</p> <p>The proposal is therefore considered to be acceptable in this regard.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>(acceptable on merit)</p>
<p>3D- Communal Open Space</p>	<p><i>Communal open space has a minimum area equal to 25% of the site.</i></p>	<p>The applicant has proposed a complying communal area on the southern side of the subject apartment building with a total area of 157sqm outdoor space.</p> <p>The communal space would receive the required minimum 2 hours requirement during mid-winter.</p>	<p>Yes (via condition)</p>

	<p><i>Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)</i></p> <p><i>Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting</i></p> <p><i>Communal open space is designed to maximise safety</i></p>	<p>The design of the communal area would allow for a variety of activities including passive recreation activities with seating. A condition is also recommended requiring the provision of a small 'gazebo-type' open structure (3m x 4m) with some shelter, with barbeque facilities within the communal open space in response to the comments from the DEP (Condition C#).</p>	
3E – Deep Soil Zones	<p><i>Deep soil zones are to meet the following minimum requirements:</i></p> <ul style="list-style-type: none"> • 3m minimum width • Minimum 7% of the site area 	<p>The proposed development would provide a total of 227.9sqm (36%) of deep soil planting area within the building setbacks and the communal open space to the south of the apartment building.</p> <p>The proposal complies with the ADG requirements.</p>	Yes
3F - Visual privacy	<p><i>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</i></p> <p><i>6m (between habitable rooms and balconies to boundaries)</i> <i>3m (between non-habitable rooms)</i></p>	<p>As mentioned above concerning building separation, the proposed building would provide adequate building separation to minimise any visual privacy impacts for the properties across MacPherson Street to the east, Langley Avenue to the west and Parraween Street to the south.</p> <p>A 6m separation is also proposed between the proposed apartment building and the southern building line of the existing townhouse development at No.8 MacPherson Street to the north of the subject site.</p> <p>In addition, the applicant has also proposed operable privacy screens on the northern elevation of the apartment building to provide privacy protection for No.8 MacPherson Street.</p> <p>The proposal is therefore considered to be acceptable having regard to visual privacy.</p>	<p>Yes</p> <p>Yes</p>
3G – Pedestrian Access & Entries	<p><i>Building entries and pedestrian access connects to and addresses the public domain</i></p> <p><i>Access, entries and pathways are accessible and easy to identify</i></p>	<p>The proposal would provide secured and accessible pedestrian entrance to the lift foyers for the upper level apartments via the building entrance off MacPherson Street.</p>	Yes
3H – Vehicle Access	<p><i>Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes</i></p>	<p>The proposed vehicular access to the car lift would be located at the north-western corner of the site off Langley Avenue.</p> <p>Council's Development Engineer and Traffic & Transport Engineer have raised no in-principle objection to the proposal subject to the imposition of appropriate conditions of consent.</p>	Yes (via conditions)

<p>3J – Bicycle and Car parking</p>	<p><i>For development in the following locations:</i></p> <ul style="list-style-type: none"> • <i>on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or</i> • <i>on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less</i> <p><i>The car parking needs for a development must be provided off street</i></p> <p><i>Parking and facilities are provided for other modes of transport</i></p>	<p>The applicant has proposed eleven (11) car parking spaces and bicycle parking facilities within the basement parking area.</p> <p>The subject site is located in close proximity to Military Road with excellent bus services including the B Line to the City and Northern Beaches.</p> <p>The proposal is considered to be generally satisfactory in this regard.</p>	<p>Yes</p>
<p>4A - Solar and daylight access</p>	<p><i>Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas</i></p>	<p>All eleven (11) proposed apartments (100%) would receive a minimum of 2 hours of direct solar access to living spaces and/or balconies.</p>	<p>Yes</p>
<p>4B - Natural ventilation</p>	<p><i>All habitable rooms are naturally ventilated.</i></p> <p><i>The layout and design of single aspect apartments maximises natural ventilation.</i></p> <p><i>The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents – At least 60% of apartments are naturally cross ventilated</i></p>	<p>All eleven (11) proposed apartments (100%) would achieve cross natural ventilation. The proposal therefore complies with the relevant ADG requirement.</p>	<p>Yes</p>

4C - Ceiling Heights	<i>Ceiling height achieves sufficient natural ventilation and daylight access - Minimum 2.7m (habitable rooms), 2.4m for second floor where it does not exceed 50% of the apartment area.</i>	2.7m (minimum)	Yes
4D 1 - 3 - Apartment size and layout	<p><i>Apartments are required to have the following minimum internal areas:</i> 50m² (1B), 70m² (2B), 90m² (3B)</p> <p>All bedrooms have a minimum area of 10 m²</p> <p>All secondary bedrooms have a minimum width of 3m</p> <p>Living rooms have a minimum width of 3.6m (S and 1B) and 4m (2B and 3B)</p> <p>The maximum habitable room depth is 8m from a window</p>	<p>1B: 51m²- 54m² 2B: 73m²- 89m² 3B: 110m²</p> <p>All master bedrooms are suitably sized in excess of 10 m²</p> <p>The secondary bedrooms comply with the minimum width of 3m.</p> <p>1B – 3.6m (min) 2B/3B – 4m (min)</p> <p>All habitable areas would be within 8m from windows.</p>	<p>Yes Yes Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes Yes</p> <p>Yes</p>
4E - Private open space and balconies	<p><i>All apartments are required to have primary balconies as follows:</i></p> <p><i>Studio apartments - 4m²</i></p> <p><i>1 bedroom apartments - 8m², minimum depth 2m</i></p> <p><i>2 bedroom apartments 10m² minimum depth 2m</i></p> <p><i>3+ bedroom apartments 12m² minimum depth 2.4m</i></p> <p><i>The minimum balcony depth to be counted as contributing to the balcony area is 1m</i></p> <p><i>For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m</i></p>	<p>N/A</p> <p>1B – minimum 9m²</p> <p>2B – minimum 10m²</p> <p>3B – minimum 30m²</p> <p>Depth of balconies in excess of 1m</p> <p>The private open space for the 2 bedroom units on the ground floor would be in excess of the minimum 15m² requirement. The private open space for the ground floor 1 bedroom unit would be 13 m². It is considered that the minor variation is acceptable given the smaller size of unit and good access to the adjoining communal space.</p>	<p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No (acceptable on merit)</p>
4F - Common circulation and spaces	<p><i>The maximum number of apartments off a circulation core on a single level is eight</i></p>	<p>A maximum of three (3) apartments served by each circulation core on Levels 1 to 3 and two (2) apartments on Level 4.</p>	<p>Yes</p>

4G -Storage	<i>Studio apartments- 4m3</i> <i>1 bedroom apartments- 6m3</i> <i>2 bedroom apartments- 8m3</i> <i>3+bedroom apartments- 10m3</i>	Proposed storage areas within each type of apartment are summarised as follows: Studio – N/A 1B – minimum 6.14m ² 2B – minimum 8.63m ² 3B – minimum 15.81m ²	N/A Yes Yes Yes
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NORTH SYDNEY LOCAL ENVIRONMENT PLAN (NSLEP 2013)

1. Permissibility

The land affected by the proposed development is zoned R4 (High Density Residential) pursuant to the North Sydney LEP 2013, and development for the purpose of a residential flat building is permissible in the zone with the consent of Council.

2. Objectives of the zone

The objectives of the R4 (High Density Residential) zone are expressed as follows:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage the development of sites for high density housing if such development does not compromise the amenity of the surrounding area or the natural or cultural heritage of the area.*
- *To ensure that a reasonably high level of residential amenity is achieved and maintained.*

The proposed development is generally consistent with the above objectives of the R4(High Density Residential) zone subject to the imposition of conditions, as detailed throughout this report.

Part 4 – Principal Development Standards

Principal Development Standards – North Sydney Local Environmental Plan 2013			
Site Area – 627.8m²	Proposed	Control	Complies
Clause 4.3 – Heights of Building	12.99m	12m	NO (Clause 4.6 variation submitted)

3. Height of Building

Clause 4.3(2) of the LEP 2013 and the LEP building height map specify a maximum building height of 12m for the subject site. The building elements in breach of the LEP building height limit primarily relate to the roof slab, the top section of the fire stairs, the lift overrun, the plant area and the associated screens (650mm high). The maximum building height breach would be 990mm for the top of the north-western edge of the roof slab over the 3 bedroom apartment on Level 4 (Figure 12).



Figure 12: Proposed Development and the LEP Maximum Building Height

Clause 4.6 Exceptions to Development Standards

Clause 4.6 of LEP 2013 specifies that the consent may be granted for development that contravenes a development standard imposed by an environmental planning instrument, in circumstances, where compliance with the standard is unreasonable or unnecessary in the circumstances, and there are sufficient environmental planning grounds to justify contravening the standard.

Given that the proposal involves building elements in breach of the LEP maximum building height development standard, the applicant has submitted a written request for a variation to this development standard pursuant to Clause 4.6(2) of the LEP.

Consideration has been given to the following building height objectives under Clause 4.3(1) of the LEP 2013 and the written request submitted by the applicant seeking variation to the maximum building height development standard.

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

Comment:

The subject site has a slight 1.8m fall along the western (Langley Avenue) property boundary. The design of the proposed development generally respects the landform with the top level (Level 4) further setback from the northern property boundary.

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

Comment:

The proposal would have no view impacts on the commercial property across MacPherson Street to the east and Council's Cremorne Child and Family Health Centre to the west.

The openings on the southern wall of the existing townhouse development to the north of the subject site are fitted with glass blocks, therefore the proposal is unlikely to affect the outlook of this adjoining property.

Consideration has been given to the likely view impacts of the proposed development on the mixed use development to the south at No.2 MacPherson Street.

No. 2 MacPherson Street

Whilst the proposal is unlikely to have impacts on significant views as from the majority of apartments within this five (5) storey mixed use building, the proposed development may affect the views/outlook currently seen from a third floor apartment on the northeastern corner of this mixed use development. Further consideration will be given in the following view assessment based on photos publicly available in accordance with the Tenacity view assessment principle.

Tenacity Planning Principle

An assessment of the impacts of the proposal in accordance with the principles of view sharing established by the Land and Environment Court in *Tenacity Consulting v Warringah* [2004] NSWLEC 140 has been detailed below.

The Four Step Test in respect of Views

The following view assessment has been undertaken in accordance with the four (4) step process adopted by Commissioner Roseth of the NSW Land and Environment Court centering around *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140.

- ***Assessment of views to be affected; and***
- ***Consider from what part of the property the views are obtained.***

No.2 MacPherson Street

There are a number of north facing units within this five (5) storey mixed use development, in particular the units on the northern elevation of the building from the Level 3 and the communal terrace that currently provide a view to the north across Parraween Street over the roof of the subject site and Council's Cremorne Child and Family Health Centre. The view comprises of nearby buildings and vegetation and district views of the northern skyline as indicated in a real estate photo taken within the main living area (**Figure 13**). It is also noted that the roof of the townhouse development at No.8 MacPherson Street is visible from a living room window.



Figure 13: View from the living room/balcony on a Level 3 apartment at No.2 MacPherson Street

The proposed apartment building would cause some obstruction of views/outlook of nearby buildings, vegetation and the northern skyline as seen from the living room window but the impacts on the outlook from the balcony towards the north-west including nearby buildings/vegetation and skyline would be retained due to the slight line from the balcony (**Figure 14**).

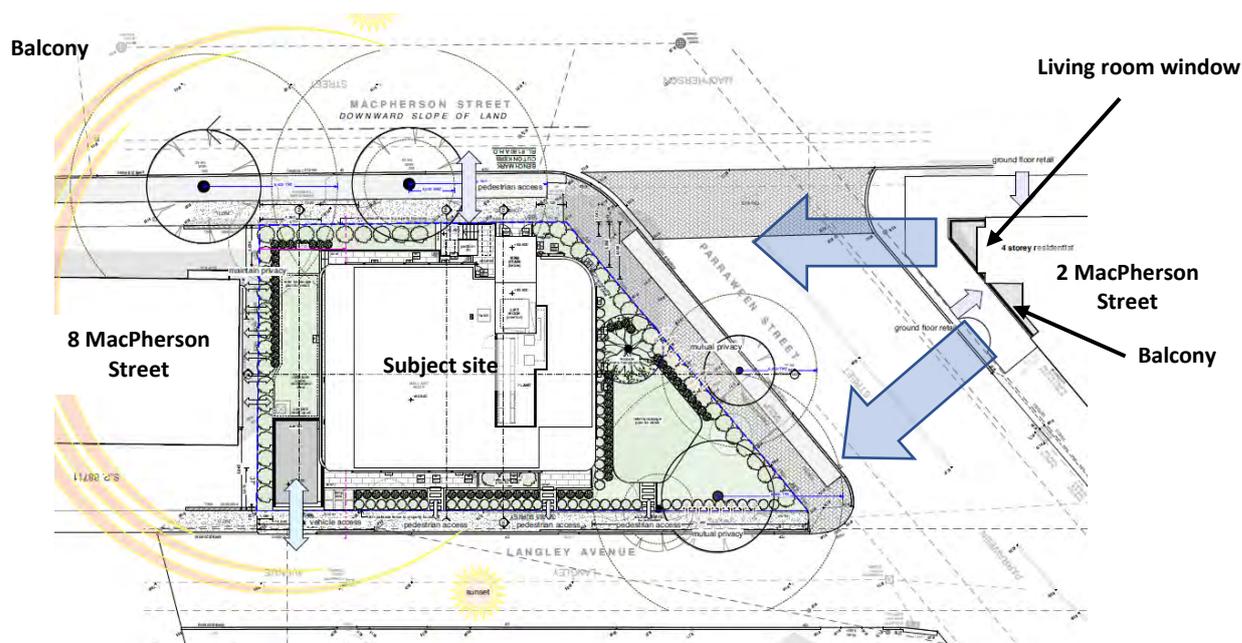


Figure 14: Slight line analysis

- **Assess the extent of the impact in qualitative terms as negligible, minor, moderate, severe or devastating.**
- **Assess the reasonableness of the proposal that is causing the impact.**

Whilst the proposal is likely to cause partial obstructions to nearby buildings/vegetation and district views to the north, it is noted that the southern elevation of the proposed building, would cause some view impacts. However the proposed building generally complies with the LEP maximum building height development standard. Furthermore, there would be no iconic or water views affected by the proposal. It is therefore considered that the extent of view impacts would be minor.

The proposed development is considered to be reasonable in terms of its view impacts to the adjoining properties that is considered to be acceptable in the site circumstances.

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

Comment:

An examination of the solar access diagrams submitted with the application has indicated that the shadows caused by the proposed development would generally fall on the MacPherson and Parraween Streets, Langley Avenue, the commercial property on the eastern side of MacPherson Street and Cremorne Child and Family Health Centre. The proposal would not overshadow any nearby residential properties between 9am and 3pm during mid winter (**Figure 15**).

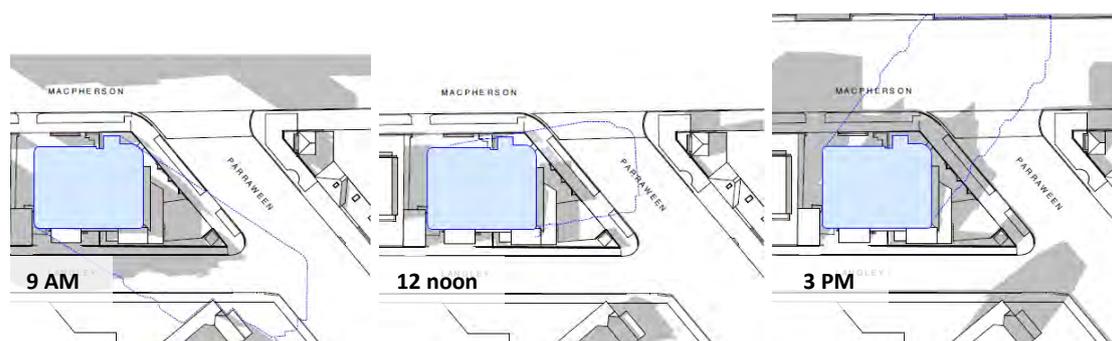


Figure 15: Shadow diagrams (Mid Winter)

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

Comment:

As mentioned earlier in this report, the building elements in breach of the LEP maximum height limit involve the roof slab, the lift overrun and plant area on the roof.

The building elements are unlikely to cause material privacy impacts for nearby residents given that these building elements would not support any activities that would cause privacy impacts.

(e) to ensure compatibility between development, particularly at zone boundaries,
(f) to encourage an appropriate scale and density of development that is in accordance with, and promotes the character of, an area.

Comment:

The height, bulk and scale of the proposed residential flat building development would generally be consistent with other recent residential flat buildings on land zoned R4 (High Density Residential) within the Waters Neighbourhood.

The building elements in breach of the building height development standard relate to the roof slab, the lift overrun, the top of the firestairs and the plant area on the roof. The design, bulk and scale of the proposed building is generally consistent with the character of the surrounding developments within the R4 (High Density Residential) and B4 (Mixed Use) zone to the south of the subject site across Parraween Street.

Therefore, it is considered that these building elements above the LEP building height limit would be appropriate in scale and would not contribute to the density of the proposed development.

That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

Strict compliance with the building height control is considered to be unreasonable and unnecessary as the elements in breach of the height control will not have material impacts on the streetscape or the amenity of adjoining properties.

The building elements over the LEP height limit are generally well integrated to the overall architectural design of the proposed residential flat building. It is also noted that the building elements that breach the LEP building height limit consist of the roof slab, the lift overrun, the top section of the fire stairs and the plant area on the roof instead of residential accommodation. Furthermore, the proposed four storey built form on this site is considered to be generally consistent with the R4 High Density Residential, the adjoining B4 Mixed Use zoning and relevant planning controls.

That there are sufficient environmental planning grounds to justify contravening the development standard.

The building elements over the building height limit, such as the lift overrun and plant area, would provide essential building services having some public benefit. These building elements are setback from the edge of the building in order to minimise their bulk and scale and any amenity impacts on the adjoining properties.

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

The written justification as submitted by the applicant seeking variation to Clause 4.3(2) in NSLEP 2013 is considered to be well founded in the site circumstances. Compliance with the maximum building height control is therefore considered to be unreasonable and unnecessary in the circumstances, as the objectives of the zone and the control are achieved despite the non-compliance.

4. Earthworks

The application involves excavation for a basement carpark so an assessment has been carried out under matters raised in clause 6.10 in NSLEP 2013 as follows:

- Council's Development Engineer has reviewed the stormwater management plan submitted by the applicant and raised no in-principle objection to the proposed excavation works on engineering/drainage grounds subject to the imposition of appropriate engineering conditions.
- The applicant has submitted a geotechnical report to ensure the structural integrity of the adjoining properties. In addition, Council's Development Engineer has recommended a condition requiring the submission of a detailed geotechnical report (**Condition C9**).
- Appropriate conditions are recommended to minimise any noise nuisance associated with the construction works to ensure the amenity of the adjoining properties.

The proposal is considered to be consistent with the provisions of Clause 6.10 of the LEP 2013 subject to the imposition of appropriate conditions.

5. Residential flat buildings

The proposal involves the redevelopment of two allotments within the R4 (High Density Residential) zone and would not result in the isolation of an allotment that contains a single dwelling or dual occupancy with a lot area under 900sqm. It represents the last available sites in this block for redevelopment.

NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013

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

DEVELOPMENT CONTROL PLAN 2013 – Part B Section 1- Residential Development		
	<i>complies</i>	<i>Comments</i>
1.2 Social Amenity		
1.2.1 Population Mix <ul style="list-style-type: none"> • FRB less than 20 dwellings must provide two (2) dwelling types 	Yes	The proposal contains eleven (11) apartments comprising three (3) dwelling types (i.e. 1 bedroom, 2 bedroom and 3 bedroom).
1.2.2 Maintaining Residential Accommodation	Yes	The proposal would increase the supply of residential accommodation within the subject site by nine (9) dwellings because it involves demolition of 2 x semi-detached dwellings for a new residential flat building containing eleven (11) residential units.
1.2.3 Affordable Housing	Yes	The proposal is unlikely to affect the supply of affordable housing within the locality given that there are currently 2 x semi-detached dwellings including one that was previously used as a medical centre and later reverted to a residential use. The applicant has submitted documentary evidence to confirm that the subject dwellings have not been used for any form of affordable housing including a boarding house.
1.2.4 Housing for Seniors/Persons with disability	Yes	The design of the building incorporates an adaptable apartment and accessible features, including accessible parking spaces and a lift to meet the changing needs of the population.
1.3 Environmental Criteria		
1.3.1 Topography	Yes	The subject site has a fall towards the east and the proposed residential flat building features a stepped design to reflect the sloping landform. The applicant has amended the original proposal by raising the ground floor level by 900mm to ensure that the floor level of the ground floor apartments would generally match the existing ground level.
1.3.6 Views	Yes	The proposal has been assessed in accordance with the Tenacity test earlier in this report. The proposal would have no material impacts on significant views as seen from nearby properties. It is noted that the building elements that comply with the LEP building height control would cause some obstructions of views to nearby buildings/vegetation and district views across the subject site to the north as seen from a living room window of a third floor apartment at No. 2 MacPherson Street. However, the district view from the balcony and other living room window of the same apartment towards the north-west would be retained. It is concluded that the view impacts from the proposed development is acceptable.
1.3.7 Solar Access	Yes	As indicated earlier in this report, the proposal would not cause overshadowing of the nearby residential properties between 9am and 3pm during mid winter given that the shadow from the proposed development would generally fall on the surrounding streets and the commercial property to the east of the subject site and the heath centre to the west of the subject site. In addition, all (100%) of the apartments within the proposed development would receive more than two (2) hours of sunlight during mid winter.

<p>1.3.8 Acoustic Privacy</p>	<p>Yes (via condition)</p>	<p>The design and layout results in appropriate acoustic separation between the lift and the bedrooms and living rooms of most residential apartments.</p> <p>The proposed communal open space would be located on the southern side of the subject site away from the townhouse development immediately to the north of the subject site. The mixed use development to south at No.2 MacPherson Street is unlikely to be adversely affected by noise from the use of the communal area because of the separation between the two properties by Parraween Street as well as the background noise levels from the ground floor commercial uses at No.2 MacPherson Street and traffic along Parraween Street.</p> <p>In addition, Council's Environmental Health Protection Officer has recommended site specific and standard conditions relating to the requirement for compliance with the acoustic report, noise levels of plant equipment including the car lift, air conditioners and construction noise management to ensure that the protection of the amenity of the adjoining properties (Conditions C2, C29, C31, C42).</p>
<p>1.3,10 Visual Privacy</p>	<p>Yes (via condition)</p>	<p>As mentioned earlier in this report, the proposed building would provide adequate building separation to minimise any visual privacy impacts for the properties across MacPherson Street to the east, Langley Avenue to the west and Parraween Street to the south.</p> <p>A 6m separation is also proposed between the new apartment building and the southern building line of the existing townhouse development at No.8 MacPherson Street to the north of the subject site. Furthermore, the openings on the southern wall of No.8 MacPherson Street facing the subject site are fitted with glass blocks and the windows/doors of the habitable room are located on the eastern and western elevations of the townhouses away from the proposed development to the south.</p> <p>In addition, the applicant has also proposed operable privacy screens on the northern elevation of the apartment building as well as planting along the northern property boundary to provide privacy protection for No.8 MacPherson Street.</p> <p>The proposal is therefore considered to be acceptable having regard to visual privacy.</p>
<p>1.4 Quality built form</p>		
<p>1.4.1 Context</p>	<p>Yes</p>	<p>The proposed four storey development is considered to be appropriate within the established built form context given its R4 (High Residential Density) zoning.</p>
<p>1.4.2 Subdivision Pattern</p>	<p>Yes (via condition)</p>	<p>The proposal would result in a development over two allotments with street frontages to MacPherson and Parraween Streets and Langley Avenue. It is anticipated that existing allotments would be amalgamated to allow for future strata subdivision. A condition is recommended requiring the amalgamation of the existing allotments. The change to the subdivision pattern is considered to be acceptable as the configuration of the new allotment would be consistent with other apartment and/or mixed use developments along MacPherson Street and other recent apartment building developments on land zoned R4 (High Density Residential) within the Waters Neighbourhood.</p>
<p>1.4.3 Streetscape</p>		<p>Council's Development Engineer has recommended appropriate conditions to maintain the integrity of works to the footpath, kerb, gutter and grass verges and driveway crossings along the street frontages (Condition C17).</p>

		Council's Landscape Development Officer has recommended appropriate conditions requiring the protection of the street trees growing along the MacPherson and Parraween Streets (Condition C21).																
1.4.4 Laneways		<p>Whilst Langley Avenue is not a laneway in name, its dimension, function and character are not dissimilar to other laneways within the locality. However, the proposed development provides adequate setback from Langley Avenue as the property on the opposite side of the carriageway is occupied by a single storey health care centre.</p> <p>Furthermore, the applicant has proposed planting along the Langley Avenue frontage to provide a buffer between the ground floor apartments and the public domain.</p>																
1.4.5 Siting		The siting of the proposed residential flat building, with a north-south orientation parallel to MacPherson Street, is considered to be appropriate given that it would generally be consistent with other apartment and/or mixed use developments within the locality.																
1.4.6 Setbacks – Front – Side & Rear	Yes Yes (via condition)	<p>The proposed front (MacPherson Street) setback of 3m is generally consistent with setbacks of existing developments within the locality having regard to the context and location of the subject site that adjoins the mixed use zone to the south.</p> <p>A compliance table is provided below:</p> <table border="1"> <thead> <tr> <th>Boundary</th> <th>Proposed</th> <th>Control</th> <th>Compliance</th> </tr> </thead> <tbody> <tr> <td>Side - Southern (Parraween St)</td> <td>2m – 12m</td> <td>3.0m BHP (45°)</td> <td>Yes/No* Yes/No</td> </tr> <tr> <td>Side - Northern (No.8 MacPherson St)</td> <td>4.36m</td> <td>3.0m BHP (45°)</td> <td>Yes No</td> </tr> <tr> <td>Rear - Western (Langley Ave)</td> <td>3m</td> <td>1.5m BHP (45°)</td> <td>Yes No</td> </tr> </tbody> </table> <p>* Variable setback due to the alignment of Parraween Street. A complying side property boundary setback is achieved for 80% of the southern building line.</p> <p>It is also noted that the car lift entrance structure would provide a 1m setback from the northern property boundary. This structure would replace an existing garage that is currently built to the property boundary. This aspect of the proposal is considered to be acceptable given that the proposed car lift entrance would provide a 1m setback from the northern property boundary and appropriate conditions are recommended to ensure that the amenity impacts (such as noise nuisance) from the operation of the car lift are to be minimised.</p> <p><u>Non-compliance with building height plane (BHP)</u></p> <p>The proposed development does not strictly comply with the building height plane envelope with the non-compliance with the DCP building height plane controls on the upper levels for the northern, southern (Parraween Street) and western (Rear – Langley Avenue) elevations.</p> <p>The proposed development does not comply with the building height planes for the side (northern and southern) and rear property boundaries. To comply with the building height plane, any development on the subject site is likely to be restricted to three storeys due to the narrowness of the subject site. The height of the building would also be lower than the permissible building height within the zone at 12m.</p>	Boundary	Proposed	Control	Compliance	Side - Southern (Parraween St)	2m – 12m	3.0m BHP (45°)	Yes/No* Yes/No	Side - Northern (No.8 MacPherson St)	4.36m	3.0m BHP (45°)	Yes No	Rear - Western (Langley Ave)	3m	1.5m BHP (45°)	Yes No
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Rear - Western (Langley Ave)	3m	1.5m BHP (45°)	Yes No															

		<p>The elements of the building that are non-compliant with the building height plane are unlikely to materially reduce the amenity of the adjoining properties in terms of privacy, views or solar access.</p> <p>The building is considered to present with an acceptable bulk and scale.</p> <p>The proposed development is likely to achieve the objectives of the setback control despite the numerical non-compliance with the building height plane control.</p>
<p>1.4.7 Form Massing Scale 1.4.8 Built Form Character</p>	<p>Yes (via condition)</p>	<p>The proposed four storey apartment building is considered to be generally compatible with surrounding developments in the R4 (High Density Residential) zone.</p> <p>The building is suitably articulated and adequately setback from the boundaries of the site.</p> <p>The façade treatments with curve masonry spandrels, glazing and operable screens on all elevations are considered to be appropriate to provide visual interest. The building element housing the firestairs provides a feature with contrasting colour and materials.</p> <p>The proposed flat roof design is considered to be acceptable for the subject site having regard to the flat roof form of similar apartment and/or mixed use development nearby.</p>
<p>1.4.9 Dwelling Entry</p>	<p>Yes</p>	<p>The pedestrian entry off MacPherson Street would be highly visible and provides a sense of address and an accessible entrance for the development. This entry would also promote natural surveillance.</p>
<p>1.4.12 Materials</p>	<p>Yes</p>	<p>The applicant has submitted a revised schedule of materials and finishes as part of the amended plans package including terracotta cladding in response to the DEP comments. The proposed materials, colours and finishes are considered to be generally acceptable.</p>
<p>1.4.13 Balconies – Apartments</p>	<p>Yes</p>	<p>Private open space is provided to each of the apartments in the form of balconies or courtyards. The size of the balconies and courtyards are generally compliant with the minimum areas specified in the ADG. The balconies are integrated into the overall architectural form and detail of the building.</p>
<p>1.4.14 Front Fences</p>	<p>Yes</p>	<p>The applicant has proposed masonry planters and aluminum batten fencing along the street frontages of the site. The proposal is considered to be acceptable as this boundary treatment would provide privacy for the resident whilst maintaining a degree of casual surveillance over the public domain.</p>
<p>1.5 Quality Urban Environment</p>		
<p>1.5.1 High Quality Residential Accommodation</p>	<p>Yes</p>	<p>The proposal will provide a high level of residential amenity for the future occupants of the apartments as detailed in the ADG section earlier in this report.</p>
<p>1.5.3 Safety and Security</p>	<p>Yes</p>	<p>The pedestrian entry and lobby off MacPherson Street will ensure safe and secure access is provided to the upper floor apartments. The proposal complies with the DCP with a maximum of three (3) units sharing a lobby.</p> <p>The proposed masonry planter and aluminum batten fencing to the street frontages would provide additional security for the ground floor apartments.</p>
<p>1.5.4 Vehicle Access and Parking</p>	<p>Yes</p>	<p><i>Vehicular Access:</i></p>

		<p>A driveway has been proposed off Young Street to the basement parking. Council’s Development Engineer has raised no objection to the design of the driveway crossing and the engineering aspect of the basement parking subject to the imposition of appropriate engineering conditions.</p> <p><i>Car Parking</i></p> <p>The application proposes fifteen (15) parking spaces within the basement of the development including two (2) visitors spaces and two (2) spaces for motorcycle. The proposal complies with the DCP maximum car parking requirements as demonstrated below:</p> <table border="1" data-bbox="719 613 1404 887"> <thead> <tr> <th>Apartment Type/Nos. Proposed</th> <th>DCP max. parking rate/unit</th> <th>DCP Max. car spaces</th> <th>Proposed</th> <th>Complies</th> </tr> </thead> <tbody> <tr> <td>1 Bedroom – 3</td> <td>1</td> <td>3</td> <td></td> <td></td> </tr> <tr> <td>2 Bedroom – 7</td> <td>1</td> <td>7</td> <td></td> <td></td> </tr> <tr> <td>3 Bedroom – 1</td> <td>1.5</td> <td>1.5</td> <td></td> <td></td> </tr> <tr> <td>Total (Residential)</td> <td></td> <td>11.5</td> <td>10</td> <td>Yes</td> </tr> <tr> <td>Visitors</td> <td>0.25</td> <td>5</td> <td>1</td> <td>No</td> </tr> </tbody> </table> <p>The shortfall for visitors parking is considered to be acceptable given that the subject site is in close proximity to public transport along Military Road.</p> <p><i>Bicycle Parking</i></p> <p>The application proposed twelve (12) bicycle spaces complies with the minimum DCP bicycle parking rates.</p>	Apartment Type/Nos. Proposed	DCP max. parking rate/unit	DCP Max. car spaces	Proposed	Complies	1 Bedroom – 3	1	3			2 Bedroom – 7	1	7			3 Bedroom – 1	1.5	1.5			Total (Residential)		11.5	10	Yes	Visitors	0.25	5	1	No
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Total (Residential)		11.5	10	Yes																												
Visitors	0.25	5	1	No																												
<p>1.5.5 Site Coverage 1.5.6 Landscape Area</p>	<p>No (acceptable on merit and via condition)</p>	<p>The proposal has been assessed against the DCP’s site coverage, unbuilt upon area and landscaped areas requirements as illustrated below:</p> <table border="1" data-bbox="719 1245 1404 1606"> <thead> <tr> <th>Site Area: 627.8m²</th> <th>Existing</th> <th>Proposed</th> <th>Control</th> <th>Complies</th> </tr> </thead> <tbody> <tr> <td>Site Coverage</td> <td>287m² (45.7%)</td> <td>303m² (48.2%)</td> <td>282.5m² (45% Max.)</td> <td>No</td> </tr> <tr> <td>Unbuilt upon Area</td> <td>191m² (30.4%)</td> <td>108.8 m² (17.3%)</td> <td>94.2m² (15% max.)</td> <td>No</td> </tr> <tr> <td>Landscaped Area</td> <td>149.8 m² (23.9%)</td> <td>216 m² (34.5%)</td> <td>251.1 m² (40% min.)</td> <td>No</td> </tr> </tbody> </table> <p>Consideration has been given to the proposal and the non-compliance with the DCP site coverage, unbuilt upon area and landscaped area requirements as follows:</p> <p>The proposed development would increase the site coverage within the subject site by 2.5% as compared to the existing development. It is however noted that a high proportion of the uncovered spaces within the existing site are paved and poorly landscaped.</p> <p>The proposed development would improve compliance with DCP landscaped area and unbuilt upon area requirements as there would be an increase in landscaped area within the property by 67sqm (10.6%) and a reduction in unbuilt upon area by 82sqm (13%).</p> <p>Furthermore, the applicant has proposed soft landscaping within a communal open space to the south of the apartment building and planting areas along the street frontages/northern property boundary.</p>	Site Area: 627.8m ²	Existing	Proposed	Control	Complies	Site Coverage	287m ² (45.7%)	303m ² (48.2%)	282.5m ² (45% Max.)	No	Unbuilt upon Area	191m ² (30.4%)	108.8 m ² (17.3%)	94.2m ² (15% max.)	No	Landscaped Area	149.8 m ² (23.9%)	216 m ² (34.5%)	251.1 m ² (40% min.)	No										
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		<p>In addition, the applicant has proposed soft landscaping above the basement car park/on-site detention tank within the northern building setback area and on the roof of the car lift entrance structure. These areas, with a total area of 60sqm or 9.5% of the site area, are not included in the landscaped area calculation as indicated in the above compliance table.</p> <p>It is considered that the landscape setting of the subject site is generally maintained and the landscaped communal open space, with the retention of the existing 19m high <i>Araucaria columnaris</i> (Cooks Pine), would provide appropriate screening of the proposed apartment building along Parraween Street.</p> <p>Whilst the requirement for a small (3m x 4m) gazebo within the communal open space in Condition C1 would increase the unbuilt upon area by 2%, this would have no material impact on the overall landscape setting and quality of the proposed development and is considered to be acceptable.</p> <p>It is therefore considered that the variations to the DCP site coverage, unbuilt upon area and landscaped area requirements are acceptable under the circumstances.</p>
1.5.7 Excavation		<p>The proposed excavation would comply with the DCP maximum of 70% of the site area. Furthermore, landscape strips have been proposed on the side property boundaries as required by the DCP.</p> <p>Council's Development Engineer has reviewed the stormwater management plan submitted by the applicant and raised no in-principle objection to the proposed excavation works on engineering/drainage grounds subject to the imposition of appropriate engineering conditions.</p> <p>The applicant has submitted a geotechnical report to ensure the structural integrity of the adjoining properties. Council's Development Engineer has recommended that a condition be imposed requiring the submission of a detailed geotechnical report (Condition C8).</p> <p>Appropriate conditions are recommended to minimise any nuisance associated with the construction works to ensure the amenity of the adjoining properties.</p>
1.5.8 Landscaping	Yes (via condition)	<p>As mentioned earlier in this report, Council's Landscape Officer has raised no in-principle objection subject to appropriate landscaping condition including the retention and protection of a number of established trees within the subject site (including the 19m high <i>Araucaria columnaris</i> (Cooks Pine) and on Council's verges along MacPherson and Parraween Streets.</p>
1.5.10 Private and Communal Open Space	Yes	<p>The proposal provides sufficient private open space in the form of either courtyards or balconies for each of the apartments.</p> <p>An accessible communal open space is proposed on the southern side of the proposed apartment building to encourage social interaction amongst residents and visitors. The proposal is therefore considered to be satisfactory in this regard.</p>
1.5.13 Garbage Storage	Yes	<p>The applicant has proposed an area for storage of bulky items within the waste storage room within the basement level. The proposed design includes a combined general waste and bulky waste storage room that is considered to be acceptable given the constrained footprint of the proposed building and the modest number of units proposed.</p>

		<p>The building does not have a garbage chute and recycling bin storage on each floor. However, the proposal is considered to be acceptable given that the proposal is a rather modest development with eleven (11) apartments within a constrained footprint. A garbage chute and a separate bulky waste room would be more suitable and practical for a larger apartment development.</p> <p>The other waste management requirements are supported and appropriate conditions are recommended to ensure proper management of waste materials (Conditions C10, C26, I7).</p>
1.6 Efficient Use of Resources		
1.6.1 Energy Efficiency	Yes	The applicant has submitted a valid BASIX certificate to demonstrate compliance with the relevant energy efficiency requirements.

North Cremorne Planning Area (Waters Neighbourhood) – Part C of NSDCP 2013

The proposal would be generally consistent with Part C of North Sydney DCP 2013 in particular Section 5 of the Character Statement for North Cremorne Planning Area and Section 5.3 for Waters Neighbourhood.

The proposed residential flat building would be compatible with the desired medium to high density development character for the neighbourhood in Section 5.3.2 of the DCP.

LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN

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

Population Increase

Development type	Existing	Proposed	Increase
Residential accommodation	2 x 3B	3 x 1B 7 x 2B 1 x 3B	15.6 persons

Contribution amounts payable

Applicable contribution type		
s7.11 contribution <i>(Net population increase)</i>		
	Open space and recreation facilities:	\$89,130.20
	Public domain:	\$49,616.14
	Active transport:	\$2,831.90
	Community facilities:	\$17,902.22
	Plan administration and management:	\$2,384.75
	Total:	\$161,865.21

Conditions requiring the payment of contributions at the appropriate time are included in the attached conditions (**Condition C38**).

ALL LIKELY IMPACTS OF THE DEVELOPMENT

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

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

SUBMITTERS CONCERNS

The owners of the adjoining properties and the Brightmore Precinct were notified about the original proposal between 6 and 20 August 2021. The notification has attracted three (3) submissions.

The applicant submitted amended plans that were renotified to adjoining properties, previous submitters and the precinct for 14 days between 5 and 19 November 2021. Council received two (2) submissions.

The matters raised in submissions are addressed below:

- ***Non-compliances with various SEPP65 requirements including setbacks and minimum apartment size.***
- ***Non-compliance with DCP requirements including site access, storage areas, deep soil planting.***

Comment:

The proposal has been assessed against the relevant planning instrument, including SEPP 65, North Sydney LEP and DCP and is found generally acceptable. Various minor non-compliances with certain planning controls have been identified and considered throughout this report and conditions have been recommended where appropriate to ensure a desirable development outcome.

- ***The bulk and scale of the proposed development should be consistent with the existing development to the north.***
- ***The proposed building design is inappropriate for a small property.***
- ***The footprint of the proposed development may not permit sufficient landscaping and screen planting for privacy protection.***

Comment:

The subject site is located on land zoned R4 (High Density Residential) where a residential flat building is a form of development permissible within the zone. The design, height, bulk and scale of the proposed development is similar to other apartment developments recent approved/constructed within the locality.

The proposed development would provide additional soft landscaping within the subject site as compared to the existing including a landscaped communal open space on the southern side of the property with the retention of a 19m high pine tree. Additional soft landscaping is also proposed along the street frontage and within the building setback areas. It is therefore considered that the proposal has sufficient landscaping to provide screening of the built form and amenity protection for the adjoining properties.

- ***The proposed building setbacks are questionable and inadequate due to incorrect assumptions.***

Comment:

Consideration has been given to the building setbacks earlier in this report. The proposed building setbacks are considered to be acceptable having regard to the site circumstance with three street frontages and the lack of residential development to the front (east) and rear (west) of the property. It is also noted that the building setbacks from the side property boundaries (northern and southern) are considered to be acceptable in the section of this report that addresses setback requirements under North Sydney DCP 2013.

- ***Overlooking of the adjoining property to the north***

As indicated earlier in this report, the proposed development is unlikely to cause material overlooking of the townhouse development to the north because of the separation between the proposed apartment building and the existing townhouses to the north, the orientation of windows/openings of habitable rooms away from the proposed development and the installation of operable privacy screens on windows/balconies.

- ***Traffic management concerns associated with the proposed car lift.***
- ***Adverse noise impacts from the car lift and associated plant and equipment.***

Comment:

Council's Traffic and Transport engineer has reviewed the proposed development raised no objection to the proposed car lift on traffic management/safety grounds.

Council's Environmental Health Protection Officer has recommended a condition relating to the requirement for compliance with the acoustic report, certification of noise level of plant equipment including the car lift to ensure that the protection of the amenity of the adjoining properties (**Conditions C1**).

- ***Potential damage to the adjoining property to the north resulting from construction/excavation works.***

Comment:

Appropriate condition has been recommended including the requirement for dilapidation surveys and structural adequacy report for the adjoining property to the north and the submission of geotechnical report to ensure the protection and structural integrity of the adjoining property (**Conditions C5, C6, C7, C8**).

- ***Concerns raised about increase in traffic movements, safety and possible congestion along Langley Avenue resulting from the proposed development.***
- ***Increase signage and proper traffic control for the proposed development during and after construction.***

Comment:

Council's Traffic and Transport engineer has reviewed the proposed development and raised no objection to the proposed car lift on traffic management/safety grounds subject to the imposition of appropriate conditions including the installation of appropriate signage along Langley Avenue (**Condition C16(d)**)

- ***The lack of details on fire safety equipment/provision including smoke exhaust system, sprinkler pump room etc.***
- ***Absence of a garbage chute and a compactor room/equipment***

Comment:

The proposed development is required to comply with the relevant fire safety/building requirements in accordance with the National Construction Code (NCC). A condition is imposed accordingly (**Condition F1**).

With regard to the provision of facilities for waste management, the proposed development is considered to be acceptable given its modest scale and the number of units. Appropriate waste management conditions have also been recommended to ensure proper management of waste materials (**Conditions C26**).

- ***The proposal may lead to a reduction in the availability of affordable housing if the premises is being used as a boarding house.***

Comment:

The subject site is being used as residential dwellings and not used as a boarding house. Therefore, the provisions and requirements of SEPP (Affordable Rental Housing) 2009 do not apply to the subject development. Furthermore, the SEPP does not apply to single dwellings.

- ***Inaccuracies and reference to other projects in the submitted Statement of Environmental Effects.***

Comment:

The information submitted with the application was considered to be sufficient to allow a detailed assessment of the proposal.

PUBLIC INTEREST

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

SUITABILITY OF THE SITE

The proposal would be located in a R4 (High Density Residential) zone where residential flat buildings are a permissible form of development. Consequently, the proposal is considered to be suitable for the site having regard to the merits of the proposal as described in the above report.

CONCLUSION + REASONS

The proposal has been assessed against the North Sydney LEP 2013 and North Sydney DCP 2013 and SEPP 65 – Design Quality of Residential Flat Building and generally found to be satisfactory.

The variation to the building height development standard is justifiable because the building elements above the LEP maximum building height are unlikely to have material impacts on the overall character of the locality and would not cause material amenity impacts for the adjoining properties in terms of view loss, overshadowing and loss of privacy.

The proposed four storey apartment building is considered to be appropriate in terms of height and built form within a R4 (High Density Residential) zone. Furthermore, the proposal would not result in unacceptable impacts on the amenity of the adjoining properties subject to the imposition of appropriate conditions.

The proposed site coverage, unbuilt upon and landscaped areas are considered to be acceptable because of the increase in landscaping within the subject site as compared to the existing site condition. The additional landscaping would make a valuable contribution to streetscape with the provision of a landscaped open space area along the Parraween Street frontage including the retention of an established pine tree.

The issues raised in the submissions received have also been addressed in the report.

Having regard to the merits of the proposal, the application is recommended for approval subject to the imposition of appropriate standard and site specific conditions.

HOW WERE THE COMMUNITY VIEWS TAKEN INTO CONSIDERATION?

The owners of the adjoining properties and the Brightmore Precinct were notified about the original proposal between 6 and 20 August 2021. The amended plans were renotified to adjoining properties and the precinct for 14 days between 5 and 19 November 2021. The submissions received within the two notification periods have been considered in this assessment report above.

RECOMMENDATION

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

THAT the North Sydney Local Planning Panel, exercising the functions of Council, as the consent authority, assume the concurrence of the Secretary, Department of Planning, Industry and Environment and invoke the provisions of Clause 4.6 in NSLEP 2013 with regards to the non-compliance with Clause 4.3 of NSLEP 20013 and grant consent to Development Application No. 229/21 for the demolition of the existing buildings and the construction of a residential flat building containing eleven apartments with basement parking and associated landscaping on land at Nos.4-6 MacPherson Street, Cremorne , subject to the attached conditions:-

Communal Open Space

- C1. The design of the communal open space to the south of apartment building must be modified to provide a 'gazebo-type' open structure (3m x 4m) for some shelter, with barbeque facilities and seating nearby to promote social interaction amongst the residents and to promote the use of the communal area.

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

(Reason: To maintain an appropriate level of amenity for adjoining land uses)

Compliance with Acoustic Report

- C2. All recommendations contained in the acoustic report prepared by Acoustic Logic Pty Ltd, dated 10 May 2021, must be implemented during construction, and use of the development as an on-going requirement.

A detailed acoustic review of all mechanical plant (car lift, air conditioning, exhaust systems, fans, laundry, lift etc.) shall be undertaken at CC stage to determine acoustic treatments necessary to control noise level emissions to satisfactory levels to comply with conditions of this consent.

A statement from an appropriately qualified acoustical consultant eligible for membership of the Association of Australasian Acoustical Consultants, certifying that the acoustic mitigation measures outlined in the above stated report and the further detailed acoustic review of all mechanical plant, have been suitably incorporated into the development, and that relevant noise criteria have been satisfied, must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate.

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

(Reason: To maintain an appropriate level of amenity for adjoining land uses)

ROBIN TSE
SENIOR ASSESSMENT OFFICER

ROBYN PEARSON
TEAM LEADER ASSESSMENTS

STEPHEN BEATTIE
MANAGER DEVELOPMENT SERVICES

NORTH SYDNEY COUNCIL
CONDITIONS OF DEVELOPMENT APPROVAL
4-6 MACPHERSON STREET, CREMORNE
DEVELOPMENT APPLICATION NO. 229/21

A. Conditions that Identify Approved Plans

Development in Accordance with Plans/Documentation

- A1. The development must be carried out in accordance with the following drawings and documentation and endorsed with Council's approval stamp, except where amended by the following conditions of this consent.

Plan No.	Rev No.	Description	Prepared by	Dated
DA02	I	Site Analysis	Corben Architects	20/10/21
DA03	I	Basement Plan	Corben Architects	20/10/21
DA04	I	Level 1 Plan	Corben Architects	20/10/21
DA05	I	Level 2 Plan	Corben Architects	20/10/21
DA06	I	Level 3 Plan	Corben Architects	20/10/21
DA07	I	Level 4 Plan	Corben Architects	20/10/21
DA08	I	Roof Plan	Corben Architects	20/10/21
DA09	I	North Elevation	Corben Architects	20/10/21
DA10	I	East Elevation	Corben Architects	20/10/21
DA11	I	South Elevation	Corben Architects	20/10/21
DA12	I	West Elevation	Corben Architects	20/10/21
DA13	I	Section AA	Corben Architects	20/10/21
DA14	I	Section BB	Corben Architects	20/10/21
DA15	I	Section CC	Corben Architects	20/10/21
DA16	I	Section DD	Corben Architects	20/10/21
DA30	I	External Finishes	Corben Architects	20/10/21
C101	C	Landscape Concept Plan	Site Image	22/10/21
C102	C	Landscape General Arrangement Plan	Site Image	22/10/21
C103	C	Planting Plan/Plant Schedule	Site Image	22/10/21
C104	C	Landscape Specification Note	Site Image	22/10/21
C105	C	Landscape Detail	Site Image	22/10/21

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

Plans on Site

- A2. A copy of all stamped approved plans, specifications and documents (including the plans, specifications and documents submitted and approved with the Construction Certificate) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

**4-6 MACPHERSON STREET, CREMORNE
DEVELOPMENT APPLICATION NO. 229/21**

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

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

External Finishes and Materials

A3. External finishes and materials must be in accordance with the submitted schedule drawing numbered DA30, Issue 1, prepared by Corben Architects, dated 20 October 2021, unless otherwise modified by Council in writing.

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

B. *Matters to be Completed before the lodgement of an Application for a Construction Certificate*

Construction Management Program - Local Traffic Committee Approval

B1. A Construction Management Program prepared by a suitably qualified and experienced traffic consultant must be submitted for consideration by the North Sydney Traffic Committee and approved in writing by North Sydney Council's Traffic Division PRIOR TO THE ISSUE OF ANY Construction Certificate. Any use of Council property will require appropriate approvals prior to any work commencing. At a minimum, the Construction Management Program must specifically address the following matters:

- a) A plan view (min 1:100 scale) of the entire site and frontage roadways indicating:
 - i. Dedicated temporary construction site driveway entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways and footways;
 - ii. The proposed signage for pedestrian management to comply with the relevant Australian Standards, including pram ramps;
 - iii. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
 - iv. The locations of any proposed Work Zones in the frontage roadways (to be approved by Council's Traffic Committee);
 - v. Locations of hoardings proposed;
 - vi. Location of any proposed crane standing areas;
 - vii. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
 - viii. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected; and
 - ix. The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.

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- b) A detailed heavy vehicle access route map through the Council area to Arterial Roads. Provision is to be made to ensure through traffic is maintained at all times.
- c) The proposed phases of works on the site, and the expected duration of each phase.
- d) How access to neighbouring properties will be maintained at all times and the proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of process.
- e) The road is not to be used as a waiting area for trucks delivering to or awaiting pick up of materials.
- f) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising structural engineer and must not involve any permanent or temporary encroachment onto Council's property.
- g) Proposed protection for Council and adjoining properties. Details are to include site fencing and the provision of "B" class hoardings over footpaths and laneways.
- h) A Waste Management Plan. The Waste Management Plan must include, but not be limited to, the estimated volume of waste and method of disposal for the construction and operation phases of the development, design of on-site waste storage and recycling area and administrative arrangements for waste and recycling management during the construction process.

All traffic control work and excavation, demolition and construction activities must be undertaken in accordance with the approved Construction Management Program and any conditions attached to the approved Program. A certificate of compliance with this condition must be obtained from Council's development engineers. The certificate and the approved Construction Management Program must be submitted as part of the documentation lodged with the application for approval of a construction certificate. A copy of the approved Construction Management Program and any conditions imposed on that Program, must be kept on the site at all times and made available to any officer of Council upon request.

Notes:

- 1) North Sydney Council's adopted fee for certification of compliance with this condition shall be payable on lodgement, or in any event, prior to the issue of the relevant approval.
- 2) Any use of Council property will require appropriate approvals and demonstration of liability insurances prior to such work commencing.
- 3) Failure to provide complete and detailed information may result in delays. It is recommended that your Construction Management Plan be lodged with Council as early as possible, as **a minimum six (6) weeks' assessment period** is required,

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including referral to the Traffic Committee.

- 4) Dependent on the circumstances of the site, Council may request additional information to that detailed above.

(Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the demolition process in a manner that respects adjoining owner's property rights and residential amenity in the locality, without unreasonable inconvenience to the community)

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

Communal Open Space

- C1. The design of the communal open space to the south of apartment building must be modified to provide a 'gazebo-type' space open structure (3m x 4m) for some shelter, with barbeque facilities and seating nearby to promote social interaction amongst the residents and to promote the use of the communal area.

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

(Reason: To maintain an appropriate level of amenity for adjoining land uses)

Compliance with Acoustic Report

- C2. All recommendations contained in the acoustic report prepared by Acoustic Logic Pty Ltd, dated 10 May 2021, must be implemented during construction, and use of the development as an on-going requirement.

A detailed acoustic review of all mechanical plant (car lift, air conditioning, exhaust systems, fans, laundry, lift etc.) shall be undertaken at CC stage to determine acoustic treatments necessary to control noise level emissions to satisfactory levels to comply with conditions of this consent.

A statement from an appropriately qualified acoustical consultant eligible for membership of the Association of Australasian Acoustical Consultants, certifying that the acoustic mitigation measures outlined in the above stated report and the further detailed acoustic review of all mechanical plant, have been suitably incorporated into the development, and that relevant noise criteria have been satisfied, must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate.

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

(Reason: To maintain an appropriate level of amenity for adjoining land uses)

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No Encroachment onto Adjoining properties

- C3. The proposed works, including but not limited to, excavation and any other associated works, must not encroach onto any adjoining properties.

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

(Reason: To ensure no encroachment onto the adjoining properties)

Dilapidation Report Damage to Public Infrastructure

- C4. A dilapidation survey and report (including photographic record) must be prepared by a suitably qualified consultant which details the pre-developed condition of the existing public infrastructure in the vicinity of the development site. Particular attention must be paid to accurately recording any pre-developed damaged areas so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development. A copy of the dilapidation survey and report is to be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

The developer may be held liable for all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded and demonstrated as pre-existing under the requirements of this condition.

The developer shall bear the cost of carrying out works to restore all public infrastructure damaged as a result of the carrying out of the development, and no occupation of the development shall occur until damage caused as a result of the carrying out of the development is rectified.

A copy of the dilapidation survey and report must be lodged with North Sydney Council by the Certifying Authority with submission of the Construction Certificate documentation.

(Reason: To record the condition of public infrastructure prior to the commencement of construction)

Dilapidation Report Private Property (Excavation)

- C5. A full dilapidation survey and report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavations must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The zone of influence is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.

The dilapidation report and survey are to be prepared by a consulting structural/geotechnical engineer agreed to by both the applicant and the owner of any affected adjoining property.

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All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant **MUST DEMONSTRATE**, in writing, to the satisfaction of Council that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Written concurrence must be obtained from Council in such circumstances.

Note: This documentation is for record keeping purposes only and may be used by the developer or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible.

(Reason: To record the condition of property/i.e., prior to the commencement of construction)

Dilapidation Survey Private Property (Neighbouring Buildings)

- C6. A photographic survey and dilapidation report of adjoining property No. 8 MacPherson Street detailing the physical condition of the property both internally and externally, including, but not limited to, such items as walls, ceilings, roof, structural members and other similar items, **SHALL BE** submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The survey and report are to be prepared by an appropriately qualified person agreed to by both the applicant and the owner of the adjoining property. A copy of the report is to be provided to Council, if Council is not the Certifying Authority, prior to the issue of any Construction Certificate.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

In the event that access for undertaking the photographic survey and dilapidation report is denied by an adjoining owner, the applicant **MUST DEMONSTRATE**, in writing, to the satisfaction of Council that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Written concurrence must be obtained from Council in such circumstances.

Note: This documentation is for record keeping purposes only and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible.

(Reason: Proper management of records)

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Structural Adequacy of Adjoining Properties - Excavation Works

- C7. A report prepared by an appropriately qualified and practising structural engineer detailing the structural adequacy of adjoining property No.8 MacPherson Street, which certifies the ability to withstand the proposed excavation and outlines any measures required to be implemented to ensure that no damage will occur to adjoining properties during the course of the works, must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The measures outlined in the certified report must be complied with at all times.

(Reason: To ensure the protection and structural integrity of adjoining properties in close proximity during excavation works)

Geotechnical Report

- C8. Prior to issue of any Construction Certificate a Geotechnical/Civil Engineering report must be prepared which addresses at a minimum (but is not limited to) the following:
- a) the type and extent of substrata formations by the provision of a minimum of four (4) representative bore hole logs which are to provide a full description of all material from ground surface to 1.0 m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs must be related to Australian Height Datum;
 - b) the appropriate means of excavation/shoring in light of point (a) above and proximity to adjacent property and structures. Potential vibration caused by method of excavation and potential settlements affecting nearby footings/foundations must be discussed and mechanisms to ameliorate any such impacts recommended;
 - c) the proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property, structures and road reserve if nearby (full support must be provided within the subject site);
 - d) the existing groundwater levels in relation to the basement structure, where influenced;
 - e) the drawdown effects on adjacent properties (including road reserve), if any, the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater. Where it is considered there is the potential for the development to create a "dam" for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path is constructed, artificial drains such as perimeter drains and through drainage may be utilised; and

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- f) recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

The geotechnical report must be prepared by an appropriately qualified consulting geotechnical/hydrogeological engineer with previous experience in such investigations and reporting.

It is the responsibility of the consulting geotechnical/hydrological specialist to undertake the appropriate investigations, reporting and specialist recommendations to ensure a reasonable level of protection to adjacent property and structures both during and after construction. The report must contain site-specific geotechnical recommendations and shall specify the necessary hold/inspection points by relevant professionals as appropriate.

The design principles for the geotechnical report are as follows:

- a) no ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure;
- b) no changes to the ground water level are to occur as a result of the development that are sufficient enough to cause an adverse impact to the surrounding property and infrastructure;
- c) no changes to the ground water level are to occur during the construction of the development that are sufficient enough to cause an adverse impact to the surrounding property and infrastructure;
- d) vibration is to be minimised or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development;
- e) appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these Design Principles; and
- f) an adverse impact can be assumed to be crack damage as identified within the relevant Australian Standard for determining such damage.

The report, satisfying the requirements of this condition, must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

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The professional recommendations, implementation program, monitoring program, mitigation measures and the like contained in the report must be implemented in full during the relevant stages of excavation and construction.

(Reason: To ensure the structural integrity of the subject site and adjoining sites during the excavation process)

Sediment Control

- C9. Where construction or excavation activity requires the disturbance of the soil surface or existing vegetation, erosion and sediment control techniques, as a minimum, are to be in accordance with the publication *Managing Urban Stormwater: Soils and Construction* (4th edition, Landcom, 2004) commonly referred to as the "Blue Book" or a suitable and effective alternative method.

A Sediment Control Plan must be prepared and submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate and prior to any works commencing. The Sediment Control Plan must be consistent with the Blue Book and disclose:

- a) All details of drainage to protect and drain the site during the construction processes;
- b) All sediment control devices, barriers and the like;
- c) Sedimentation tanks, ponds or the like;
- d) Covering materials and methods; and
- e) A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.
- f) Methods for the temporary and controlled disposal of stormwater during construction.

All works must be undertaken in accordance with the approved Sediment Control plan.

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

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

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Waste Management Plan

- C10. A Waste Management Plan is to be submitted for approval by the Certifying Authority prior to the issue of any Construction Certificate. The plan must include, but not be limited to:
- a) The estimated volume of waste and method of disposal for the construction and operation phases of the development;
 - b) The design of the on-site waste storage and recycling area; and
 - c) Administrative arrangements for waste and recycling management during the construction process.

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

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

Reflectivity Index of Glazing

- C11. The reflectivity index (expressed as a per centum of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20%. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

Note: The reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement.

(Reason: To ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development)

Roofing Materials - Reflectivity

- C12. Roofing materials must be factory pre-finished with low glare and reflectivity properties to be compatible with the colours of neighbouring buildings. The selected roofing material must not cause a glare nuisance or excessive reflectivity to adjoining or nearby properties. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure that excessive glare or reflectivity nuisance from roofing materials does not occur as a result of the development)

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No External Service Ducts

- C13. Service ducts must be provided within the building to keep external walls free of plumbing, drainage or any other utility installations. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure quality built form of the development)

Work Zone

- C14. If a Work Zone is proposed, an application must be made to the North Sydney Local Traffic Committee to install the 'Work Zone'. A Work Zone permit is required to be issued by the Council prior to the issue of any Construction Certificate.

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

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

(Reason: Amenity and convenience during construction)

Parking Meter Relocation

- C15. All costs associated with relocating the metered parking including all sign changes, parking bay line markings must be paid in full to North Sydney Council prior to issue of any Construction Certificate.

The Certifying Authority must ensure that the specifications submitted, accompanying the issued Construction Certificate, fully satisfy this condition.

(Reason: To ensure the proper management of public land and funds)

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Basement Car Park to comply with relevant standards

- C16. The design of the basement carpark and associated works must comply with all requirements of the Australian Standard AS2890.1 including the following requirements.
- (a) The design of the proposed parking spaces for people with disability must comply with the Australian Standard AS2890.6;
 - (b) The design of bicycle parking and storage facilities must comply with the Australian Standard AS2890.3;
 - (c) The design of the new driveway to the site must comply with the minimum pedestrian sightline safety in accordance with Figure 3.2 of AS2890.1.
 - (d) A "ONE WAY" sign be installed opposite to the car lift exit on Langley Avenue. The applicant/developer shall pay for the cost associated with the installation of the signage by Council staff.

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

(Reason: To ensure compliance with the relevant Australian Standards)

Required Infrastructure Works –Roads Act 1993

- C17. Prior to issue of any Construction Certificate engineering design plans and specifications must be prepared by a qualified civil design engineer. The plans and specifications must be to a detail suitable for construction issue purposes and must provide detail and specification for the following infrastructure works to be completed as part of the development. To obtain the permit, an application must be made to Council on a '*Application to satisfy development consent*' form with payment of the adopted assessment/inspection fees. The responsibility for accuracy of the design fully rests with the designing engineer. All responsibility on implementation and supervision of works specified on design plans fully rests on designing engineer or whoever is chosen to be applicant's engineering representative:

Road Works

- a) Construction of a fully new replacement concrete footpath is required across the entire site frontage in MacPherson Street and Langley Avenue. A longitudinal section is required along the footpath property boundary at a scale of 1:50 extending 5m past the property boundary line. The footpath shall be designed (at a single straight grade of 3% falling to top of kerb) so that it is uniform without showing signs of dipping or rising particularly at entrances.
- b) The redundant layback crossings on all street frontages - MacPherson Street and Langley Avenue and Parraween Street must be reinstated as upright kerb gutter and concrete footpath, grass verge (where applicable) or New Public Domain Style pavers footpath (where applicable).

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- c) The full width – full property frontage road carriageway surface reconstruction in AC14 - 50mm thick is required in Langley Avenue.
- d) Construction of a fully new kerb and gutter is required across the entire site frontage in Langley Avenue at the present levels. A longitudinal section is required along the gutter line (existing and proposed levels), at a scale of 1:50 extending 5m past the property boundary line.
- e) Cross sections at a scale of 1:50 along the centre-line of each access point to the building must be provided and are to show the calculated clearance to the underside of any overhead structure. All the entry points are to comply with the Building Code of Australia (BCA), including disability requirements. The Council approved footpath levels must be accommodated at the building entry points.
- f) Reconstruction of a fully new road shoulder AC10 - 50mm thick at the existing grades towards new kerb & gutter extending to 600 mm out from the gutter alignment and across the redundant laybacks in Parraween Street and MacPherson Street.
- g) The proposed vehicular access way in Langley Avenue must comply with AS 2890.1 and Council's current Vehicular Access Application Guidelines and Specification (gutter bridges not permitted) to ensure that a B85 vehicle will not scrape/strike the surface of the carriageway, layback, vehicular crossing or parking (car lift) floor.
- h) The width of the vehicular layback must be 4.5m (including the wings).
- i) The boundary footpath levels and gutter invert levels must match the existing levels and shall not be altered unless agreed to by Council.
- j) Alignment levels at the boundary have an important impact on the proposed levels for new driveway. The works must not start until confirmation of boundary alignment levels from registered surveyor. Council has the authority to remove any unauthorized works at the cost of the property owner.
- k) The Certifying Authority must ensure that the internal property levels at boundary matches council's confirmed boundary levels.
- l) All inspection openings, utility services must be adjusted to match the proposed driveway levels and location.
- m) The design detail has to be provided with **vehicular access application** and must include sections along centre-line and extremities of the crossing at a scale of 1:25. Sections are to be taken from the centre of the roadway through to the parking area itself and shall include all changes of grade and levels, **both** existing and proposed.
- n) A longitudinal section along the gutter line of Langley Avenue at a scale of 1:50 showing how it is intended to transition the layback with the existing gutter levels and shall include all changes of grade and levels, **both** existing and proposed.
- o) A longitudinal section along the footpath property boundary of Langley Avenue and MacPherson Street at a scale of 1:50 is required and shall include all changes of grade and levels, **both** existing and proposed.
- p) The sections must show the calculated clearance to the underside of any overhead structure.
- q) A swept path analysis is required demonstrating that an 85th percentile vehicle can maneuver in and out of the garage spaces in accordance with AS 2890.1 2004 "Off Street Parking".

Drainage Works

Connection of the site stormwater system must be made directly to a newly constructed grated gully pit (with lintel), to front the site on Langley Avenue. To accommodate this requirement, the following drainage infrastructure works must be carried out on Council property at the Applicants expense:-

- a) Construction of a standard grated gully pit with extended kerb inlet (1.8m lintel) in the kerb fronting the subject site in Langley Avenue. The pit must be constructed in accordance with Councils "Infrastructure Specification for Roadworks, Drainage and Miscellaneous Works".
- b) Construction of a standard junction pit for connection purpose over the existing Council's stormwater line in Langley Avenue. The pit must be constructed in accordance with Councils "Infrastructure Specification for Roadworks, Drainage and Miscellaneous Works".
- c) Construction of a new in-ground connection drainage line under the road carriageway at standard depth. Within the road reserve, pipe shall have a minimum cover of 450mm and have bedding in accordance with Australian Standard AS 3725 – (Loads on buried concrete pipes). The developer shall be responsible for carrying out any service investigations to allow a gravity connection.

Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

The Principal Certifier must not issue a Construction Certificate without the formal written approval of Council (as Roads Authority) under the Roads Act 1993.

The required plans and specifications are to be designed in accordance with North Sydney Council's current documents Infrastructure Specification for Road Works, Drainage and Miscellaneous Works and Performance Guide for Engineering Design and Construction. The drawings must detail existing utility services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. A detailed survey must be undertaken as required. Traffic management is to be certified on the drawings as being in accordance with the documents SAA HB81.1 – 1996 – Field Guide for Traffic Control at Works on Roads – Part 1 and RMS Traffic Control at Work Sites (1998). **Construction of the works must proceed only in accordance with any conditions attached to the Council Roads Act 1993 approval.**

Note: *A minimum of 21 days will be required for Council to assess Roads Act submissions. Early submission is recommended to avoid any delays in obtaining a Construction Certificate. A fee to cover cost of assessment (set out in Council's adopted fees and charges) is payable and Council will withhold any consent and approved plans until full payment of the correct fees. Plans and specifications must be marked to the attention of Council's Development Engineers. In addition, a copy of this condition must be provided, together with a covering letter stating the full address of the property and the accompanying DA number.*

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(Reason: To ensure infrastructure works are designed and constructed to appropriate standards and requirements of the Roads Act 1993)

Stormwater Management and Disposal Design Plan – Construction Issue

C18. Prior to issue of the Construction Certificate, the applicant shall have a site drainage management plan prepared by a qualified drainage design engineer. The site drainage management plan must detail the following requirements of North Sydney Council:

- a) Compliance with BCA drainage requirements, Councils Engineering Performance guide and current Australian Standards and guidelines, such as AS/NZ3500.3.2 1998, National Plumbing and Drainage Code.
- b) Stormwater runoff and subsoil drainage generated by the approved dwellings must be conveyed in a controlled manner by gravity via a junction pit connection to Council's stormwater line in Langley Avenue. When a direct connection to the pit option is implemented then the pipeline within the footpath area shall have a minimum cover of 300mm and within the road reserve (road carriageway), pipe shall have a minimum cover of 450mm.
- c) All redundant stormwater pipelines within the footpath area shall be removed and the footpath and kerb reinstated.
- d) All sub-soil seepage drainage shall be discharged via a suitable silt arrester pit. Details of all plans certified as being adequate for their intended purpose and compliant with the provisions of AS3500.3.2 by an appropriately qualified and practising civil engineer, shall be submitted with the application for a Construction Certificate.
- e) The design and installation of the Rainwater Tanks shall comply with Basix and **Sydney Water** requirements. Overflow from tank shall be connected by gravity to the stormwater disposal system.
- f) Provide subsoil drainage to all necessary areas with pump out facilities if required.

Details demonstrating compliance are to be submitted with the Construction Certificate.

Details demonstrating stormwater works compliance within the road reserve are to be submitted to Council prior to issue of any Construction Certificate.

The Principal Certifier issuing the Construction Certificate must ensure that the approved drainage plan and specifications, satisfying the requirements of this condition, is referenced on and accompanies the Construction Certificate.

(Reason: To ensure controlled stormwater management and disposal without nuisance)

On-Site Stormwater Detention

C19. On site detention must be provided to ensure that the maximum discharge of stormwater collected from the undeveloped site, which would occur during a one-in-five-year storm of one-hour duration is not exceeded. All other stormwater run-off from the site for all storms up to a one-in-twenty-year storm event is to be retained on the site for gradual release to the kerb and gutter or piped drainage system. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.

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For small areas up to 0.5 hectares, determination of the require cumulative storage may be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Runoff Volume 1, 1987 Edition.

Engineering calculations, design and certification complying with this condition must be provided by an appropriately qualified and practising Civil Engineer and submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

(Reason: To ensure appropriate provision is made for the disposal and management of stormwater generated by the development, and to ensure that public infrastructure in Council's care and control is not overloaded)

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

C20. Prior to the issue of any Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of \$226,500.00 to be held by Council for the payment of cost for any/all of the following:

- a) making good any damage caused to any property of the Council as a consequence of the doing of anything to which this consent relates,
- b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with this consent.
- c) remedying any defects in any such public work that arise within six months after the work is completed.

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

The security will be refundable following the expiration of six months from the issue of any final Occupation Certificate or completion of public work required to be completed (whichever is the latest) but only upon inspection and release by Council's Engineers.

Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in circumstances including the following:

- where the damage constitutes a hazard in which case Council may make use of the security immediately;
- the applicant has not repaired or commenced repairing damage within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works;

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- works in the public road associated with the development are to an unacceptable quality; and
- the Certifying Authority must ensure that security is provided to North Sydney Council prior to issue of any Construction Certificate.

(Reason: To ensure appropriate security for works on public land and an appropriate quality for new public infrastructure)

Tree Bond for Public Trees

C21. Prior to the issue of any construction certificate, security in the sum of \$40,000.00 must be provided to Council for the protection of trees in public places, including the making good of any damage caused to such trees. The security is to be provided in accordance with the Schedule below.

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

The security will be refundable following the expiration of 6 months from the issue of any final Occupation Certificate but only upon inspection and release by Council's Landscape Development Officer.

If any tree is removed or damaged Council may deduct from this security the reasonable cost of replacement with a tree of the same species and to a similar stage of growth it would have attained at the completion of the work.

In the case of any tree, which cannot be replaced with a similar specimen, the security for that tree will be forfeited to Council and used to provide replacement street plantings.

SCHEDULE

Tree Species	Location	Bond
T3 <i>Callistemon viminalis</i>	Parraween Street	\$10,000.00
T4 <i>Lophostemon confertus</i>	MacPherson Street	\$20,000.00
T5 <i>Lophostemon confertus</i>	MacPherson Street	\$10,000.00

(Reason: Protection of existing environment public infrastructure, community assets and significant trees)

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Tree Protection Measures to be shown on Construction Drawings

- C22. The tree protection measures contained in the arborist report prepared by Landscape Matrix Pty Ltd, dated 19 July 2021, shall be shown clearly on the Construction Certificate drawings. Plans and specifications showing the said tree protection measures must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure the construction plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure that appropriate tree protection measures are shown on construction drawings)

Protection of Trees

- C23. The following tree(s) are required to be protected and retained as part of the development consent in accordance with AS 4970-2009 - Protection of trees on development sites:

Trees to be Retained	Location	Height (metres)
T1 <i>Plumeria acutifolia</i>	4 MacPherson Street	6m
T2 <i>Araucaria columnaris</i>	4 MacPherson Street	19m
T3 <i>Callistemon viminalis</i>	Parraween Street street tree	6m
T4 <i>Lophostemon confertus</i>	MacPherson Street street tree	11m
T5 <i>Lophostemon confertus</i>	MacPherson Street street tree	12m

Sensitive construction methods including hand excavation, pier and beam, shall be used within the TPZ of any protected tree. No over excavation shall be permitted within the TPZ of any protected tree, nor any SW or other services routed through the TPZ of any protected tree.

Design of hoarding and scaffolding shall be carried out to negate the need for pruning of any trees.

The Arborist Report prepared by Landscape Matrix dated 19/7/21, and the TPMP contained therein, shall be strictly adhered to at all times

(Reason: Protection of existing environmental and community assets)

Pruning of Trees

- C24. All pruning works shall to the following tree(s) shall be undertaken under the guidance of an appropriately qualified arborist/tree surgeon in accordance with Australian Standard AS 4373-2007 - Pruning of Amenity Trees:

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Trees that may require pruning	Location	Height (metres)
T1 <i>Plumeria acutifolia</i>	4 MacPherson Street	6m

Pruning of the tree is only permitted if recommended in the tree transplant plan.

A report detailing the measures to be employed during construction shall be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

All measures required by the said report must be complied with at all times in the carrying out of the development.

(Reason: To ensure the protection and longevity of existing significant trees)

Transplanting of Tree T1

- C25. The existing tree T1 *Plumeria acutifolia* (6m) located within the Langley Ave setback of the subject site, shall be transplanted as indicated, with a tree transplant plan to be prepared for approval prior to the release of the Construction Certificate

Pruning of the tree is only permitted if recommended in the tree transplant plan.

(Reason: To ensure transplant of an existing tree)

Garbage and Recycling Facilities

- C26. An appropriate area must be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. The following requirements must be met:

- a) all internal walls of the storage area must be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;
- b) provision for the separation and storage in appropriate categories of material suitable for recycling;
- c) the storage area must be adequately screened from the street, with the entrance to the enclosures no more than 2 m from the street boundary of the property;
- d) the temporary garbage holding bay on Langley Avenue must be designed to fit a minimum 8 x 240L bins;
- e) garbage enclosures serving residential units are not to be located within areas designated for non-residential uses; and
- f) A Council authorised key is required for any collection rooms needing key access by contractors.

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Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

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

Note: The applicant may wish to discuss bin storage requirements and location with Council's Environmental Services prior to finalisation of the required detail, and a copy of Council's Waste Handling Guide should be obtained for reference purposes before the design is finalised.

(Reason: To ensure the provision of appropriate waste facilities for residents and protect community health, and to ensure efficient collection of waste by collection contractors)

Asbestos Material Survey

C27. A report must be prepared by a suitably qualified person in relation to the existing building fabric to be demolished and/or disturbed identifying the presence or otherwise of asbestos contamination and, if asbestos contamination is present, making recommendations as to the work required to safely address the contamination.

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

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

The report must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the report, and other plans, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

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Location of Plant

C28. The location of plant and equipment, including but not limited to air conditioning equipment is to be located within the basement of the building and is not to be located on balconies or the roof. Plans and specifications complying with this condition must be submitted to the Certifying Authority for Approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

Noise from Plant and Equipment

C29. The use of all plant and equipment installed on the premises must:

- a. Comply with the Project Specific Noise Levels contained in the report prepared by Acoustic Logic Pty Ltd, dated 10 May 2021, pertaining to this development.
- b. Not cause "offensive noise" as defined in the Protection of the Environment Operations Act 1997. "affected receiver" includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation, schools, hospitals, places of worship and parks and such other affected receiver as may be notified by the Council in writing.

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

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

(Reason: To maintain an appropriate level of amenity for adjoining land uses)

Vibration from Plant and Equipment

C30. The use of all plant and equipment to be installed on the premises must comply with the vibration limits specified in "Assessing Vibration: a technical guideline" issued by the NSW Environment Protection Authority, at the boundary of any affected receiver.

A certificate from an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants must be submitted to the Certifying Authority, certifying that all plant and equipment on the site, together with the proposed plant and equipment, operating contemporaneously will comply with the requirements of this condition.

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

“affected receiver” includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation, schools, hospitals, places of worship and commercial premises and such other affected receiver as may be notified by the Council in writing.

“boundary” includes any window or elevated window of an affected residence.

“contemporaneously” means *existing at or occurring in the same period of time* (Macquarie Dictionary 3rd rev. ed. 2004).

(Reason: To maintain an appropriate level of amenity for adjoining land uses)

Air Conditioners in Residential Premises

C31. The use of any air conditioner installed on the premises must comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulations 2017 and State Environmental Planning Policy (Infrastructure) 2007 and must:

- (a) not emit a noise that is audible within a habitable room in any affected residence (regardless of whether any door or window to that room is open);
 - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or Public Holiday; or
 - (ii) before 7.00am or after 10.00pm on any other day
- (b) comply with the Project Specific Noise Levels contained in the report prepared by Acoustic Logic Pty Ltd, dated 10 May 2021, pertaining to this development. “affected residence” includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation and hospitals. “boundary” includes any window or elevated window of an affected residence.

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

(Reason: To maintain residential amenity)

Acoustic Privacy (Residential Apartments)

C32. Noise levels in sole occupancy units of residential apartments must not exceed the following:

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Location	Maximum
Habitable Rooms other than Sleeping Areas	40 LAeq (1hr)
Sleeping Areas	35 LAeq (1hr)

The “Maximum” limits are to apply in any hour of a 24-hour period with the windows of the sole occupancy unit closed.

“habitable room” has the same meaning as in the Building Code of Australia.

A floor separating sole occupancy units shall have a weighted standardised impact sound pressure level $L'_{nT,w}$ not more than 55dB when measured in-situ in accordance with AS ISO 140.7-2006 “Field measurements of impact sound insulation of floors” and rated to AS ISO 717.2-2004 “Rating of sound insulation in buildings and of building elements. Part 2: Impact sound insulation”. This clause shall not apply to the floor of a kitchen, bathroom, toilet or laundry in a residential sole occupancy unit.

Mechanical equipment such as lift plant, air conditioning plant servicing the building and pumps shall not be located immediately adjacent bedrooms.

A statement from an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants, certifying that the acoustic mitigation measures outlined above have been satisfied, must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

(Reason: To comply with best practice standards for residential acoustic amenity)

Noise and Vibration Compliance Certification Prior to Issue of Construction Certificate

- C33. A certificate from an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants, certifying that suitable measures have been incorporated into the development and that the noise criteria contained in the conditions herein have been satisfied, must be provided to the Certifying Authority for approval prior to the issue of any Construction Certificate.

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

(Reason: To maintain an appropriate level of amenity for adjoining land uses)

Mechanical Exhaust Ventilation

- C34. A statement from an appropriately qualified and practising Mechanical Engineer is required detailing how the exhaust ventilation system will be installed in accordance with AS1668. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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(Reason: To ensure compliance with acceptable standards for the construction and operation of mechanical plant)

Provision of Accessible Paths of Travel

C35. The building must be designed and constructed to provide access and facilities in accordance with the Building Code of Australia and Disability (Access to Premises - Buildings) Standards 2010. Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

Notes:

1. If, in complying with this condition, amendments to the development are required, the design changes must be submitted for the approval of Council prior to a Construction Certificate being issued. Approval of a modification application may be required.
2. It is not within Council's power to set aside National legislation which requires the upgrade of buildings to meet modern access standards. Such decisions remain the jurisdiction of the Building Professionals Board Access Advisory Committee who may grant an exemption in certain exceptional circumstances.
3. Information on making an application for an "unjustifiable hardship exemption" under the accessibility standards can be found in the website of the NSW Building Professional Boards at <http://www.bpb.nsw.gov.au/page/premises-standards>.

(Reason: To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards)

Underground Electricity and Other Services

C36. All overhead electricity and other lines (existing and proposed) must be undergrounded from the proposed building on the site to the appropriate power pole(s) or other connection point, in accordance with the requirements of Energy Australia. Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To provide infrastructure that facilitates the future improvement of the streetscape by relocation of overhead lines below ground)

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Adaptable Housing

- C37. Proposed apartment 201 are to be designed with accessible features for disabled persons and must incorporate level entries and wider doorways and corridors, slip resistant surfaces, reachable power points, disabled toilet, and lever door handles and taps. These features are to be designed generally in accordance with the relevant Australian Standard 4299-1995. Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure equity of access and availability of accommodation in the future for an ageing population)

Section 7.11 Contributions

- C38. A monetary contribution pursuant to the provisions of Section 7.11 of the Environmental Planning and Assessment Act 1979 in accordance with the North Sydney Local Infrastructure Contribution Plan 2020 for the public amenities/services detailed in the table below, must be paid to Council .

s7.11 contribution :

Open space and recreation facilities:	\$89,130.20
Public domain:	\$49,616.14
Active transport:	\$2,831.90
Community facilities:	\$17,902.22
Plan administration and management:	\$2,384.75

The total contribution is \$161,865.21

The contribution MUST BE paid prior issue of any Construction Certificate.

The above amount, will be adjusted for inflation by reference to the Consumer Price (All Ordinaries) Index applicable at the time of the payment of the contribution.

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

(Reason: To retain a level of service for the existing population and to provide the same level of service to the population resulting from new development)

Security Deposit/Guarantee Schedule

- C39. All fees and security deposits/guarantees in accordance with the schedule below must be provided to Council prior to the issue of any Construction Certificate:

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Security deposit/ guarantee	Amount (\$)
Street Tree Bond (on Council Property)	\$40,000.00
Infrastructure Damage Bond	\$40,000.00
Drainage Construction Bond	\$6,500.00
Engineering Construction Bond	\$220,000.00
TOTAL BONDS	\$306,500.00
Fees	
Section 7.11 contribution	\$161,865.21
TOTAL FEES	\$161,865.21

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

(Reason: Compliance with the development consent)

BASIX Certificate

C40. Under clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. 1219674M_02, dated 21 October 2021 for the development are fulfilled. Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure the proposed development will meet the Government's requirements for sustainability and statutory requirements)

Outdoor Lighting

C41. All outdoor lighting must comply with, where relevant AS/NZ1158.3:1999 Pedestrian Area (Category P) Lighting and AS4282:1997 Control of the Obtrusive Effects of Outdoor lighting. Details demonstrating compliance with these requirements must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To maintain the amenity of adjoining land uses)

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Remediation

C42. Prior to the release of the Construction Certificate the site must be remediated in accordance with:

- (a) an approved Remedial Action Plan; and
- (b) North Sydney Development Control Plan 2013 - Section 14 - Contamination and Hazardous Building Materials; and
- (c) state Environmental Planning Policy No. 55 - Remediation of Land; and,
- (d) the guidelines in force under the Contaminated Land Management Act.

Within thirty (30) days after the completion of the remediation works, and prior to the issue of any construction certificate, a notice of completion, including validation and/or monitoring report is to be provided to Council. This notice must be consistent with State Environmental Planning Policy No. 55 - Remediation of Land.

Prior to the issue of any Construction Certificate, the validation and/or monitoring report is to be independently audited and a Site Audit Statement issued. A copy of the Site Audit Statement is to be provided to the Certifying Authority and Council (if Council is not the Certifying Authority). The audit is to be carried out by an independent auditor accredited by the Environment Protection Authority. Any conditions recorded on the Site Audit Statement must be complied with at all times.

(Reason: To ensure the land is suitable for its intended purpose)

Sydney Water

C43. The following Sydney Water requirements must be complied with prior to the issue of a Construction Certificate:

- (a) Sydney Water Servicing

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

The proponent is advised to make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.

Applications must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

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(b) Building Plan Approval

The approved plans must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The Sydney Water Tap in™ online self-service replaces our Quick Check Agents as of 30 November 2015.

The Tap in™ service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's Tap in™ online service is available at:
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

(Reason: Compliance with Sydney Water requirements)

Ausgrid

C44. The following Ausgrid requirements must be complied with prior to the issue of a Construction Certificate:

- (a) The design submission must comply with relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice for construction works near existing electrical assets.
- (b) The "as constructed" minimum clearance to Ausgrid's infrastructure must not be encroached by the building development. It also remains the responsibility of the developer and relevant contractors to verify and maintain these clearances on site.

Ausgrid's Network Standards can be sourced from Ausgrid's website, www.Ausgrid.com.au

(Reason: Compliance with Ausgrid requirements)

D. Prior to the Commencement of any Works (and continuing where indicated)

Project Arboriculturist be Engaged

- D1. The applicant must engage an arboriculturist to ensure compliance with the tree protection measures as required in this consent.
- The project arboriculturist shall inspect tree protection measures and certify in writing to the Principal Certifying Authority the measures comply with the approved Tree Protection Plan and as directed by the project arboriculturist before work commences.
 - The project arboriculturist shall provide guidance and oversight of tree protection and management to ensure that the stability and ongoing viability of trees being retained is not compromised.
 - The project arboriculturist must contact the tree pruning contractor and Council's Tree Management Officer (giving at least 2 working days' notice) to arrange a joint site meeting, prior to commencing any pruning, to determine the exact location and extent of pruning that is permissible, with the tree pruning contractor to comply with any instructions issued by Council, acting reasonably.
 - Any pruning must be undertaken by a practicing arborist with a minimum Australian Qualification Framework Level 3 in arboriculture, in accordance with the principles of the Australian Standard AS 4373-2007 'Pruning of Amenity Trees,' and the NSW Work Cover Code of Practice for the Amenity Tree Industry (1998), as well as any instructions issued on site by Council, acting reasonably.
 - The practicing arborist must keep a log of dates and times of when they attended the site, the type of works that were performed, and must form part of the certification required prior to Occupation.

(Reason: To ensure compliance with tree protection measures)

Protection of Trees

- D2. All trees that are specifically nominated to be retained by notation on plans or by condition as a requirement of this consent must be maintained and protected during demolition, excavation and construction on the site in accordance with AS4970-2009 (Protection of trees on development sites). A report containing recommendations, and methods of tree protection prepared by an appropriately qualified person must be provided to the Certifying Authority for approval by an appropriately qualified person prior to commencement of any works on the site. Any recommendations must be undertaken for the duration of works on the site.

(Reason: To ensure compliance with the requirement to retain significant planting on the site)

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Temporary Fences and Tree Protection

- D3. All protected trees on-site that are specifically nominated to be retained by notation on plans or by condition as a requirement of this consent must be tagged with luminous tape or the like for purposes of identification prior to demolition, excavation or construction works and must remain so for the duration of works on the site. No materials or builders' waste are to be stored in the vicinity of the nominated tree/trees at any time.

Appropriate fencing or barricades in accordance with AS4970-2009 (Protection of trees on development sites), not less than the distance shown in the schedule hereunder, must be installed to the satisfaction of the Certifying Authority prior to demolition or commencement of any works and must be maintained for the duration of the works:

Schedule

Trees	Location
T1 <i>Plumeria acutifolia</i>	4 MacPherson Street
T2 <i>Araucaria columnaris</i>	4 MacPherson Street
T3 <i>Callistemon viminalis</i>	Parraween Street street tree
T4 <i>Lophostemon confertus</i>	MacPherson Street street tree
T5 <i>Lophostemon confertus</i>	MacPherson Street street tree

(Reason: To protect the trees to be retained on the site during construction works)

Public Liability Insurance - Works on Public Land

- D4. Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of public land and the undertaking of approved works within Council's road reserve or public land, as approved by this consent. The Policy is to note and provide protection/full indemnification for North Sydney Council, as an interested party. A copy of the Policy must be submitted to Council prior to commencement of any works. The Policy must be valid for the entire period that the works are being undertaken.

Note: Applications for hoarding permits, vehicular crossings etc will require evidence of insurance upon lodgement of the application.

(Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land)

Notification of New Addresses

- D5. Prior to the commencement of any building works, an application must be made and written confirmation received from North Sydney Council of the allocated street address (house number) and/or unit numbers of the completed project.

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To assist Council, a plan for unit numbering should be submitted for concurrence. These details will be recorded in Council records and must be displayed at the property in accordance with the provisions of the applicable Australian Standard relating to rural and urban addressing. A copy of the allocation confirmation must be submitted to the Certifying Authority with the application for a Construction Certificate.

(Reason: To ensure that Council records are accurate, and that house numbering complies with the requirements of Council's House Numbering Policy. Proper house numbering also assists emergency services in readily locating properties)

Sydney Water Approvals

- D6. Prior to the commencement of any works, the approved plans must be submitted to Sydney Water to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The Certifying Authority must ensure that Sydney Water has appropriately stamped the plans before the commencement of building works.

Notes: **Sydney Water Building Plan Approvals** can be obtained from the Sydney Water Tap in™ online service. Building plans must be submitted to the Tap in™ to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met. For further information visit <http://www.sydneywater.com.au/tapin/index.htm> or call 13 000 TAP IN (1300 082 746) for further information.

(Reason: To ensure compliance with Sydney Water requirements)

Commencement of Works' Notice

- D7. Building work, demolition or excavation in accordance with this development consent must not be commenced until the developer has given at least two days' notice to North Sydney Council of the person's intention to commence building work, demolition or excavation in accordance with this development consent.

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

E. During Demolition and Building Work**Parking Restrictions**

- E1. Existing public parking provisions in the vicinity of the site must be maintained at all times during works. The placement of any barriers, traffic cones, obstructions or other device in the road shoulder or kerbside lane is prohibited without the prior written consent of Council. Changes to existing public parking facilities/restrictions must be approved by the North Sydney Local Traffic Committee. The Developer will be held responsible for any breaches of this condition and will incur any fines associated with enforcement by Council regulatory officers.

(Reason: To ensure that existing kerbside parking provisions are not compromised during works)

Road Reserve Safety

- E2. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works, with no obstructions caused to the said footways and roadways. Construction materials and plant must not be stored in the road reserve without approval of Council. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site.

Where public infrastructure is damaged, repair works must be carried out in when and as directed by Council officers (at full Developer cost). Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "Traffic Control Devices for Work on Roads". **If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**

(Reason: Public Safety)

Temporary Disposal of Stormwater Runoff

- E3. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to reasonably manage and control runoff as far as the approved point of stormwater discharge. Such ongoing measures must be to the satisfaction of the Certifying Authority.

(Reason: Stormwater control during construction)

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Service adjustments

- E4. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the person acting on the consent and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of the development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.

(Reason: To ensure the service requirements are met)

Geotechnical Stability during Works

- E5. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure.

Geotechnical aspects of the development work, namely appropriate excavation method and vibration control, support and retention of excavated faces, and hydro geological considerations must be undertaken in accordance with the recommendations of the Geotechnical Engineer and all subsequent geotechnical inspections carried out during the excavation and construction phase.

Approval must be obtained from all affected property owners, including North Sydney Council where rock anchors (both temporary and permanent) are proposed below adjacent private or public property.

(Reason: Ensure appropriate professional are engaged at appropriate stages during construction)

Council Inspection of Public Infrastructure Works

- E6. During the works on public infrastructure reverting to Council's care and control, Council's development engineer may undertake inspections of the works at the following hold points:

- a) Vehicular access; and other road civil works; and
- b) Stormwater works in the Road Reserve.

All works must proceed in accordance with Roads Act 1993 approvals or other permits relating to roads issued by Council. A minimum of 48 hours' notice must be given to Council to book an inspection. Work must not proceed until the works or activity covered by the inspection is approved.

(Reason: To ensure quality of construction joints and connections in the drainage system)

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Progress Survey

- E7. In order to ensure compliance with approved plans, a Survey Certificate, prepared to Australian Height Datum, must be prepared by a Registered Surveyor showing the following:
- a) at the completion of excavation, prior to the placement of any footings, showing the completed level of the excavation and its relationship to the boundaries;
 - b) prior to placement of concrete at the ground floor level, showing the level of the form work and its relationship to boundaries including relevant footpath and roadway levels;
 - c) prior to placement of concrete at each fifth-floor level showing the principal level of the formwork and the intended relationship of the completed works to the boundary;
 - d) prior to roofing, or completion of the highest point of the building showing the anticipated level of the completed work and its relationship to the boundary; and
 - e) at completion, works showing the relationship of the building to the boundary and showing the maximum height of the overall works and the height of the principal roof elements.

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

(Reason: To ensure compliance with approved plans)

Removal of Extra Fabric

- E8. Should any portion of the existing building, trees, or curtilage of the site which is indicated on the approved plans to be retained be damaged for whatever reason, all the works in the area of the damaged portion are to cease and written notification of the damage is to be given to Council forthwith. No work is to resume until the written approval of Council to do so is obtained. Failure to comply with the provisions of this condition may result in the Council taking further action including legal proceedings if necessary.

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

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Dust Emission and Air Quality

E9. The following must be complied with at all times:

- (a) Materials must not be burnt on the site.
- (b) Vehicles entering and leaving the site with soil or fill material must be covered.
- (c) Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the NSW Department of Housing's 1998 guidelines - Managing Urban Stormwater: Soils and Construction.
- (d) Odour suppression measures must also be carried out where appropriate so as to prevent nuisance occurring at adjoining properties.

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

Noise and Vibration

E10. The works must be undertaken in accordance with the "Interim Construction Noise Guideline" published by the NSW Environment Protection Authority, to ensure excessive levels of noise and vibration do not occur so as to minimise adverse effects experienced on any adjoining land.

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

Compliance with Construction Noise Management Plan

E11. All works conducted on site which form part of this development must be carried out in accordance with the submitted Construction Noise Management Plan submitted with the Construction Certificate and all conditions of consent.

(Reason: To ensure noise generating activities are appropriately managed and nearby sensitive receivers protected)

No Work on Public Open Space

E12. No work can be undertaken within adjoining public lands (i.e., Parks, Reserves, Roads etc) without the prior written consent of Council. In this regard the developer is to liaise with Council prior to the commencement of any design works or preparation of a Construction and Traffic Management Plan.

(Reason: Protection of existing public infrastructure and land and to ensure public safety and proper management of public land)

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Developer's Cost of Work on Council Property

E13. The developer must bear the cost of all works associated with the development that occurs on Council's property, including the restoration of damaged areas.

(Reason: To ensure the proper management of public land and funds)

No Removal of Trees on Public Property

E14. No trees on public property (footpaths, roads, reserves, etc.) unless specifically approved by this consent shall be removed or damaged during construction including for the erection of any fences, hoardings or other temporary works.

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

Protection of Trees

E15. All trees required to be retained, as part of this consent must be protected from any damage during construction works in accordance with AS4970-2009. All recommendations contained within the Arboricultural Impact Assessment Report prepared by Landscape Matrix Pty Ltd dated 19 July 2021 must be implemented for the duration of the works.

In the event that any tree required to be retained is damaged during works on the site, notice of the damage must be given to Council forthwith.

Notes:

- a. If the nominated tree is damaged to a significant degree or removed from the site without prior written approval being obtained from Council, the issuing of fines or legal proceedings may be commenced for failure to comply with the conditions of this consent.
- b. An application to modify this consent pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979 will be required to address the non-compliance with any of the conditions of consent relating to the retention of nominated trees, and Council may require tree replenishment.

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

Special Permits

E16. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development must occur entirely on the property.

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The developer, owner or builder may apply for specific permits available from Council's Customer Service Centre for the undermentioned activities on Council's property. In the event that a permit is granted by Council for the carrying out of works, processes, storage of materials, loading and unloading associated with the development on Council's property, the development must be carried out in accordance with the requirements of the permit. A minimum of forty-eight (48) hours' notice is required for any permit:

1) On-street mobile plant

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

(Reason: Proper management of public land)

2) Hoardings

Permits are required to erect Class A and Class B hoardings. If an 'A' Class hoarding is to alienate a section of Council's property, that section will require a permit for the occupation of Council's property.

(Reason: Proper management of public land)

3) Storage of building materials and building waste containers (skips) on Council's property

Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded by Council with no additional notice being given. Storage of building materials and waste containers on open space reserves and parks is prohibited.

(Reason: Proper management of public land)

4) Kerbside restrictions, construction zones

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

(Reason: Proper management of public land)

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Noxious Plants

E17. All lantana, privet, rubber trees, asthma weed, and other declared noxious plants on the site, must be eradicated before the commencement of landscape works.

(Reason: To ensure that plants identified as weed species are not allowed to proliferate or interfere with a quality landscaping outcome)

Construction Hours

E18. Construction activities and works approved under this consent must be carried out only within the hours stipulated in the following table:

Standard Construction Hours		
Location	Day	Hours
All Other Zones	Monday - Friday	7.00 am - 5.00 pm
	Saturday	8.00 am - 1.00 pm
	Sunday, Public holiday	No work permitted

Construction activities for development approved under this consent must be carried out in accordance with the standard construction hours above and any Construction Noise Management Plan required under this consent.

In the event of breach to the approved hours of construction Council take may take enforcement action under Part 9 of the EP&A Act 1979 and in accordance with Council's adopted Compliance and Enforcement Policy.

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

Out-of-Hours' Work Permits

E19. Where it is necessary for works to occur outside those hours allowed by these conditions, an application may be made to Council's Customer Services Centre for a permit to carry out works outside of the approved hours. If a permit is issued the works approved must be carried out in accordance with any requirements specified in the permit. Permits will only be approved if **public safety is at risk**. Applications which seek a variation to construction hours solely to benefit the developer will require the lodgement and favourable determination of a modification application pursuant to the provisions of Section 96 of the Environmental Planning and Assessment Act 1979.

Notes:

- 1) Failure to obtain a permit for work outside of the approved hours will result in on the spot fines being issued, or Council pursuing any action required (including legal proceedings) to have the out of hours work cease, without prior warning.

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- 2) Applications for out of hour's works should be lodged with Council no later than seven (7) calendar days prior to the date of the intended works.
- 3) Examples of activities for which permits may be granted include:
 - the erection of awnings,
 - footpath, road and other infrastructure works which cannot be carried out for public convenience reasons within normal hours,
 - the erection and removal of hoardings and site cranes, and
 - craneage of materials which cannot be done for public convenience reasons within normal working hours.
- 4) Examples of activities for which permits WILL NOT be granted include;
 - extended concrete pours
 - works which are solely to convenience the developer or client, and
 - catch up works required to maintain or catch up with a construction schedule.
- 5) Further information on permits can be obtained from the Council website at www.northsydney.nsw.gov.au.

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

Installation and Maintenance of Sediment Control

- E20. Erosion and sediment controls must be installed and maintained at all times in accordance with the Sediment and erosion control plan submitted and approved with the Construction Certificate.

Erosion and sediment measures must be maintained in accordance with the publication Managing Urban Stormwater: Soils and Construction (4th edition, Landcom, 2004), commonly referred to as the "Blue Book" and can only be removed when development activities have been completed and the site fully stabilised.

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

Sediment and Erosion Control Signage

- E21. A durable sign must be erected during building works in a prominent location on site, warning of penalties should appropriate erosion and sedimentation control devices not be maintained. A sign of the type referred to in this condition is available from Council.

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

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Site Amenities and Facilities

- E22. Where work involved in the erection and demolition of a building is being carried out, amenities which satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements, must be provided and maintained at all times. The type of workplace determines the type of amenities required.

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

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

Health and Safety

- E23. All work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements to prepare a health and safety plan. Site fencing must be installed sufficient to exclude the public from the site. Safety signs must be erected that warn the public to keep out of the site and provide a contact telephone number for enquiries.

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

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

Prohibition on Use of Pavements

- E24. Building materials must not be placed on Council's footpaths, roadways, parks or grass verges, (unless a permit is obtained from Council beforehand). A suitable sign to this effect must be erected adjacent to the street alignment.

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

Plant and Equipment Kept Within Site

- E25. All plant and equipment used in the undertaking of the development/ works, including concrete pumps, wagons, lifts, mobile cranes, hoardings etc, must be situated within the boundaries of the site (unless a permit is obtained from Council beforehand) and so placed that all concrete slurry, water, debris and the like must be discharged onto the building site, and is to be contained within the site boundaries.

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

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

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Imported Fill Material

- E26. The only waste derived fill material that may be received at the development site is:
- a) Virgin excavated natural material (within the meaning of the Protection of the Environment Operations Act 1997); and
 - b) Any other waste-derived material the subject of a resource recovery exemption under cl. 51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material.

Any waste-derived material the subject of a resource recovery exemption received at the development site, must be accompanied by documentation as the material's compliance with the exemption conditions and must be provided to the Certifying Authority on request.

(Reason: To ensure that imported fill is of an acceptable standard for environmental protection purposes)

Waste Disposal

- E27. All records demonstrating the lawful disposal of waste must be retained and kept readily accessible for inspection by regulatory authorities such as North Sydney Council and the Environmental Protection Authority.

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

Asbestos Removal

- E28. All demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with National Occupational Health and Safety Commission.

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

Soil contamination

- E29. Following demolition and removal of demolition debris from the site, an assessment by a suitably qualified environmental consultant is required to be carried out to ensure no visible signs of contamination remaining on the surface.

The findings of this assessment must be provided to the Certifying Authority prior to commencement of excavation works.

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Soil to be excavated and removed from site is to be classified for waste disposal purposes. In the event of any unexpected finds, the following will apply: -

In the event contaminated soil is identified at the site through the soil testing process or otherwise, an Environmental Management Plan /Remedial Action Plan shall be drawn up by a suitably qualified person/environmental consultant detailing the process for excavation, storage and handling, classification, disposal or reuse of disturbed soils on site.

Any soils found to contain contaminants of concern must be classified for disposal purposes, appropriately stored and properly disposed of to a facility licensed to receive that category of waste.

The site will be required to be adequately remediated and validated as being fit for its intended use by a suitably experienced environmental consultant. A notice of completion, including validation is to be provided to Council following removal of any contaminated soils.

A Validation report is required to be completed following the completion of any remediation works. The report is to be provided to the Certifying Authority and Council.

(Reason: To ensure the land is suitable for its intended purpose)

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

National Construction Code

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

(Reason: Prescribed - Statutory)

Home Building Act

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

- a) in the case of work for which a principal contractor is required to be appointed:
 - i) the name and licence number of the principal contractor, and
 - ii) the name of the insurer by which the work is insured under Part 6 of that Act, or

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- (b) in the case of work to be done by an owner-builder:
- (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- 2) If arrangements for doing residential building work are changed while the work is in progress such that the information submitted to Council in accordance with this conditions is out of date, work must cease and no further work may be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

Note: A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

(Reason: Prescribed - Statutory)

Appointment of a Principal Certifying Authority (PCA)

- F3. Building work, demolition or excavation in accordance with the development consent must not be commenced until the developer has appointed a Principal Certifying Authority for the building work in accordance with the provisions of the EP&A Act and its Regulations.

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

Construction Certificate

- F4. Building work, demolition or excavation in accordance with the development consent must not be commenced until a Construction Certificate for the relevant part of the building work has been issued in accordance with the provisions of the EP&A Act and its Regulations.

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

Occupation Certificate

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

(Reason: Statutory)

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Critical Stage Inspections

- F6. Building work must be inspected by the Principal Certifying Authority on the critical stage occasions prescribed by the EP&A Act and its Regulations, and as directed by the appointed Principal Certifying Authority.

(Reason: Statutory)

Commencement of Works

- F7. Building work, demolition or excavation in accordance with this development consent must not be commenced until the developer has given at least two (2) days' notice to North Sydney Council of the person's intention to commence the erection of the building.

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

Excavation/Demolition

- F8. 1) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- 2) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- 3) Demolition work must be undertaken in accordance with the provisions of AS2601- Demolition of Structures.

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

Protection of Public Places

- F9. 1) A hoarding and site fencing must be erected between the work site and adjoining public place.
- 2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- 3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- 4) Any such hoarding, fence or awning is to be removed when the work has been completed.

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- 5) No access across public reserves or parks is permitted.

Note: Prior to the erection of any temporary fence or hoarding over property owned or managed by Council, written approval must be obtained. Any application needs to be accompanied by plans indicating the type of hoarding and its layout. Fees are assessed and will form part of any approval given. These fees must be paid prior to the approval being given. Approval for hoardings will generally only be given in association with approved building works, maintenance or to ensure protection of the public. An application form for a Hoarding Permit can be downloaded from Council's website.

(Reason: To ensure public safety and the proper management of public land)

Site Sign

- F10. 1) A sign must be erected in a prominent position on the site
- a) stating that unauthorised entry to the work site is prohibited;
 - b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
 - c) showing the name, address and telephone number of the Principal Certifying Authority for the work.
- 2) Any such sign must be maintained while to building work or demolition work is being carried out but must be removed when the work has been completed.

(Reason: Prescribed - Statutory)

G. Prior to the Issue of an Occupation Certificate

Infrastructure Repair and Completion of Works

- G1. Prior to the issue of any Occupation Certificate any and all works relating to the development:
- a. in the road reserve must be fully completed; and
 - b. to repair and make good any damaged public infrastructure caused as a result of any works relating to the development (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete vehicles) must be fully repaired;

to the satisfaction of Council Engineers at no cost to Council.

(Reason: Maintain quality of public assets)

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Access to Premises

- G2. Prior to the issue of any Occupation Certificate, a certificate must be prepared an appropriately qualified and practising Civil Engineer certifying that access and facilities for persons with a disability in accordance with the Building Code of Australia and AS Disability (Access to Premises - buildings) Standards 2010 (Premises Standards) has been provided. This certificate must be submitted to, and approved by, the Certifying Authority prior to issue of the Occupation Certificate.

(Reason: Equitable access and facilities for people with a disability)

Noise Certification

- G3. Prior to issue of the any Occupation Certificate a certificate from an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants is to be submitted to, and approved by, the Certifying Authority certifying that the noise and vibration from use of the development complies with the conditions of consent here-in.

(Reason: To ensure acoustic amenity)

Certification - Civil Works

- G4. a) An appropriately qualified and practising Civil Engineer must certify to the Certifying Authority that the stormwater drainage system is constructed in accordance with this consent and the provisions of the applicable Australian Standard. A copy of the certificate must be submitted to Council (if it is not the Certifying Authority) upon completion of the development works and prior to the issue of an Occupation Certificate.
- b) An appropriately qualified and practicing Civil Engineer must certify to the Certifying Authority that the vehicular crossing and associated works and road works were constructed in accordance with this consent and any approval for works in the road reserve issued by the Council. A copy of the certificate must be submitted to Council (if it is not the Certifying Authority), upon completion of the development works and prior to the issue of an Occupation Certificate.

(Reason: Compliance with the Consent)

Works as Executed Drawings and Video

- G5. A works-as-executed survey drawing (W.A.E.) of the completed stormwater drainage system must be obtained. The W.A.E. survey drawing must show the alignment, depth and grade of the stormwater drainage pipelines, pits and ancillary plumbing. The W.A.E. survey drawing must be reviewed by a qualified and practising civil engineer and certification provided to the Certifying Authority that the as-built system achieves the design intent of the plans approved with the Construction Certificate. Certification must be provided with the W.A.E. survey drawing to the Certifying Authority prior to the issue of an Occupation Certificate.

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A copy of the W.A.E. survey drawing, CCTV – video inspection and certification must be submitted to the Council if it is not the Certifying Authority.

(Reason: Compliance with the Consent)

Certification for Mechanical Exhaust Ventilation

G6. Prior to issue of an Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, must be submitted to, and approved by, the Certifying Authority.

(Reason: To ensure compliance with acceptable standards for the construction and operation of mechanical plant)

Utility Services

G7. All utility services shall be adjusted to the correct levels and/or location/s required by this consent, prior to issue of an occupation certificate. This shall be at no cost to Council.

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

Covenant and Restriction (Stormwater Control Systems)

G8. An Instrument pursuant to Sections 88B and 88E of the *Conveyancing Act 1919* and one copy must be submitted to Council in registrable form, providing for:

- a. a restriction as to user and positive covenant as to user as appropriate in favour of North Sydney Council burdening 4-6 MacPherson Street requiring the ongoing retention, maintenance and operation of the stormwater facility (on-site detention, pump-out, charged lines);
- b. North Sydney Council being nominated in the Instrument as the only party authorised to release, vary or modify the Instrument;
- c. the wording on the Instrument making reference to the Council file/s which hold:
 - (a) the Construction plans; and
 - (b) the “Work-as-Executed” (as built) plans;

Upon Council being satisfied as to the terms of the Instrument, North Sydney Council’s official seal will be affixed to these documents, prior to submission to the Land and Property Information Office for registration

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The Instrument creating the restriction and/or covenant under ss 88B and 88E required by this condition of consent must be registered on the Title of the development site prior to the issue of an Occupation Certificate or commencement of use of the site, whichever is the earlier. Typical wording for the Instrument can be sourced from Council's "Specification for the Management of Stormwater".

Evidence of the registration of the instrument referred to in this condition is to be provided to Council prior to the issue of an Occupation Certificate.

All costs associated with the preparation, approval and registration of the Instrument required by this condition of consent must be borne by the person acting on this consent including the reasonable costs of Council in obtaining advice, negotiating the terms or otherwise facilitating the execution and registration of the required Instrument.

(Reason: Compliance and adequate maintenance of drainage system)

Covenant and Restriction (Use of Communal Areas)

G9. An Instrument pursuant to Sections 88B and 88E of the *Conveyancing Act 1919* and one copy must be submitted to Council in registrable form, providing for:

- 1) a restriction as to user and positive covenant in favour of North Sydney Council burdening Nos. 4 – 6 MacPherson Street, Cremorne, restricting the use of the communal areas for residents and guest to be maintained as such and shall only be varied with approval of Council; and
- 2) North Sydney Council being nominated in the Instrument as the only party authorised to release, vary or modify the Instrument.

Upon Council being satisfied as to the terms of the Instrument, North Sydney Council's official seal will be affixed to these documents, prior to submission to the Land & Property Information Office for registration

The Instrument creating the restriction and/or covenant under ss 88B and 88E required by this condition of consent must be registered on the Title of the development site prior to the issue of an Occupation Certificate or commencement of use of the site, whichever is the earlier. Typical wording for the Instrument can be sourced from Council's "Specification for the Management of Stormwater".

Evidence of the registration of the instrument referred to in this condition is to be provided to Council prior to the issue of an Occupation Certificate.

All costs associated with the preparation, approval and registration of the Instrument required by this condition of consent must be borne by the person acting on this consent including the reasonable costs of Council in obtaining advice, negotiating the terms or otherwise facilitating the execution and registration of the required Instrument.

(Reason: Compliance and maintain communal use of the communal area)

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Basement Pump-Out Maintenance

- G10. Prior to issue of an Occupation Certificate a Maintenance Regime must be prepared for the basement stormwater pump-out system and submitted to the Principal Certifying Authority for approval with the Occupation Certificate documentation. The regime must specify that the system is to be regularly inspected and checked by qualified practitioners.

The basement stormwater pump-out system must be maintained in accordance with the approved Maintenance Regime at all times.

(Reason: To ensure future provision for maintenance of the drainage system)

Notification of New Address Developments

- G11. Prior to any Occupation Certificate being issued, the person acting upon this consent must comply with the following: -

- (a) Notify Australia Post of the address(es) as issued by Council and the location in plan form of any secondary, internal addresses, in relation to built public roads. Check Australia Post Website (www.auspost.com.au) to find your nearest Australia Post Delivery Facility.

(Reason: To ensure that Council records are accurate, and that house numbering complies with the requirements of Council's House Numbering Policy. Proper house numbering also assists emergency services in readily locating properties)

Asbestos Clearance Certificate

- G12. For building works where asbestos based products have been removed or altered, an asbestos clearance certificate signed by an appropriately qualified person (being an Occupational Hygienist or Environmental Consultant) must be submitted to and approved by the Certifying Authority (and a copy forwarded to Council if it is not the Certifying Authority) for the building work prior to the issue of any Occupation Certificate, the asbestos clearance certificate must certify the following:

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

The certificate must also be accompanied by tipping receipts, which detail that all asbestos waste has been disposed of at an approved asbestos waste disposal depot. If asbestos is retained on site the certificate must identify the type, location, use, condition and amount of such material.

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Note: Further details of licensed asbestos waste disposal facilities can be obtained from www.epa.nsw.gov.au.

(Reason: To ensure that building works involving asbestos based products are safe for occupation and will pose no health risks to occupants)

Certification of Tree Condition

G13. Prior to the issue of an Occupation Certificate, a report prepared by an appropriately qualified person (being an arborist or the like) must be submitted to the Certifying Authority, describing the health of the tree(s) specifically nominated below:

Trees	Location
T1 <i>Plumeria acutifolia</i>	4 MacPherson Street
T2 <i>Araucaria columnaris</i>	4 MacPherson Street
T3 <i>Callistemon viminalis</i>	Parraween Street street tree
T4 <i>Lophostemon confertus</i>	MacPherson Street street tree
T5 <i>Lophostemon confertus</i>	MacPherson Street street tree

The report must detail the condition and health of the nominated tree(s) upon completion of the works and shall certify that the tree(s) has/have not been significantly damaged during the works on the site and has/have reasonable prospects for survival.

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

Disposal Information

G14. Upon completion of works and prior to occupation, a report including the following information must be provided to Council's Open Space and Environmental Services Department:

- (a) the total tonnage of all waste and excavated material disposed of from the site (including any tipping dockets); and
- (b) the disposal points and methods used.

(Reason: To ensure appropriate disposal methods are undertaken for auditing and inspection purposes)

Sydney Water

G15. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

The final Section 73 Certificate must be submitted to the Certifying Authority prior to release of any linen plan for subdivision or prior to occupation of the development, whichever is the earlier.

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Notes: Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site www.sydneywater.com.au/customer/urban/index, or telephone 13 20 92.

Following application, a 'Notice of Requirements' will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

(Reason: To ensure compliance with the statutory requirements of Sydney Water)

BASIX Completion Certificate

G16. In accordance with Clause 154C of the Environmental Planning and Assessment Regulation 2000, prior to issuing a final occupation certificate the Certifying Authority must apply to the Director-General for a BASIX completion receipt.

(Reason: To ensure compliance with the specified BASIX Certificate)

House Numbering (Dwellings)

G17. Prior to any Occupation Certificate being issued an application must be made to North Sydney Council for written confirmation, or allocation, of the street address(es) or apartment number(s) for the completed project in accordance with Council's Property Addressing Policy. These are the numbers that will be recorded in Council records and must be displayed at the property in accordance with the provisions of AS/NZS 4819:2011.

Note: If apartments are to be sold off the plan, the applicant must have written confirmation from Council of the address and apartment numbering if the apartment number is to be identified on the contract.

(Reason: To ensure that Council records are accurate, and that house numbering complies with the requirements of Council's House Numbering Policy. Proper house numbering also assists emergency services in readily locating properties)

Landscaping

G18. The landscaping shown in the approved landscape plan numbered C101 to C105, all Issue C, all dated 22 October 2021, prepared by Site Image must be completed prior to the issue of any Occupation Certificate.

(Reason: To ensure compliance)

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Damage to Adjoining Properties

- G19. On completion of the development the subject of this consent and prior to the issue of the Occupation Certificate, a report is to be prepared by an appropriately qualified consultant and is to be provided to the Certifying Authority (and a copy to Council if it is not the Certifying Authority) certifying:
- a) whether any damage to adjoining properties has occurred as a result of the development;
 - b) the nature and extent of any damage caused to the adjoining property as a result of the development;
 - c) the nature and extent of works required to rectify any damage caused to the adjoining property as a result of the proposed development;
 - d) the nature and extent of works carried out to rectify any damage caused to the adjoining property as a result of the development; and
 - e) the nature and extent of any agreements entered into for rectification of any damage caused to the adjoining property as a result of the development.

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

All costs incurred in achieving compliance with this condition shall be borne by the developer.

(Reason: To ensure adjoining owner's property rights are protected in so far as possible)

Verification Statement (External Finishes and Materials)

- G20. Prior to the issue of any Occupation Certificate, a verification statement from a qualified designer or architect (preferably the original designer), must be submitted to Council and the Certifying Authority certifying that the external finishes and materials are in accordance with the approved schedule of finishes and materials identified in this consent.

"qualified designer" means a person registered as an architect in accordance with the Architects Act 2003 cf 50(1A) EP&A Regs 2000.

(Reason: To ensure the design quality and finishes for residential flat development)

Unpaved Verge

- G21. The unpaved verge area must be constructed/reconstructed with an appropriate species of grass prior to completion of the works at no cost to Council.

(Reason: To ensure that community assets are presented in accordance with reasonable community expectations)

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Consolidation of Lots

- G22. Prior to the issue of the Occupation Certificate, the lots within Nos.4 and 6 MacPherson Street (Lots A and B, DP DP327728) must be consolidated into one lot. Documentary evidence of consolidation should be provided to the Principal Certifier.

(Reason: To promote orderly development of land)

Compliance with Certain conditions

- G23. Prior to the issue of any Occupation Certificate, Conditions C1, C2, C3 and C29 must be certified as having been implemented on site and complied with.

(Reason: To ensure the development is completed in accordance with the requirements of this consent)

I. Ongoing/Operational Conditions**Communal Open Space**

- I1. The communal open space on the southern side of the subject site must only be used by the residents and their guests of the approved development.

The operating hours of the outdoor communal facilities shall be as follows:

Sunday to Thursday: 7.00am to 10.00pm

Friday to Saturday: 7.00am to 11.00pm

A sign showing the above operating hours must be installed at a highly visible location within the communal area.

The above operating hours must be incorporated in the by-law of any strata plan for the approved development.

(Reason: To restrict the use of the facilities and amenity protection)

Noise and Vibration Impact

- I2. The ongoing use of the premises approved under this consent must comply with all conditions pertaining to noise and vibration specified in this consent.

(Reason: To ensure compliance with the specified levels of noise and vibration and to maintain the amenity of surrounding land uses)

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Parking Station

13. The off-street carparking area must not be used as a public car parking station whether operated for gain or not.

(Reason: Consistency with of the terms of this consent)

Visitors Parking Sign

14. A sign, legible from the street, must be permanently displayed to indicate that visitor parking is available on the site and the visitor car parking spaces must be clearly marked as such.

(Reason: To ensure that visitors are aware that parking is available on site and to identify those spaces to visitors)

Use of Car Parking Spaces

15. Car parking spaces provided must only be used in conjunction with the approved uses contained within the development. Visitor parking facilities must be designated as common property on any strata plan. Visitor parking facilities must not at any time be allocated, sold, licensed or leased for the exclusive use of any owner or occupier or third party and must be retained as Common Property by the owner's corporation for use by building visitors.

(Reason: To ensure that visitor parking is not allocated to building occupants and remains available on an ongoing basis)

Allocation of Spaces

16. The allocation of carparking spaces within the development must be maintained at all times in accordance with the terms of this consent. The allocation of spaces must be maintained in accordance with the following table:

11	Residential
1	Residential - Visitors

Carparking spaces provided must only be used in conjunction with the approved uses contained within the development.

In the case of Strata subdivision any car parking for strata lots for residential purposes must be individually allocated to its corresponding residential strata lot as part of each lot's unit entitlement.

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Visitor parking facilities must be designated as common property on the strata plan. Visitor parking facilities must not at any time be allocated, sold, licensed or leased for the exclusive use of any occupier or owner and must be retained as common property by the owner's corporation for use by building visitors.

(Reason: To ensure that adequate parking facilities to service the development are provided on site)

Waste Collection

17. Waste and recyclable material, generated by this premises, must not be collected between the hours of 10.00 pm and 6.00 am on any day.

(Reason: To ensure the amenity of surrounding properties)

Maintenance of Approved Landscaping

18. The owner of the premises at [No 4-6 MacPherson Street, Cremorne is to maintain the landscaping approved by this consent generally in accordance with drawings numbered C101 to C105, all issue C all dated 22 October 2021, prepared by Site Image.

Any replacement plants required shall be advanced in growth and be selected to maintain the anticipated mature height, canopy density and nature of those plant species as originally approved.

Should it be desired to substitute plants which are not of the same mature height, canopy density and nature (particularly flowering for non-flowering, native for exotic, deciduous for non-deciduous or the reverse of any these) a modification to this consent will be required.

(Reason: To ensure maintenance of the amenity, solar access and views of adjoining properties)

list of abbreviations

A/C	airconditioning	GD	grated drain	TFB	timber- floorboards
AF	aluminium frame	GPO	general purpose outlet	THR	timber- handrail
ALUM	aluminium	GU	gutter	TOF	top of fence
ALS	aluminium screen	HR	hanging rail	TOW	top of wall
AP	access panel	HT	hose tap	TRH	toilet roll holder
AR	architrave	HTR	heated towel rail	TR	tiled roof
AS	adjustable shelf	HWU	hot water unit	TRZO	terrazo
AW	awning window	HDY	hydraulic	TS	timber screen
BAL	balustrade	INT	internal	U/S	underside
BALC	balcony	KIT	kitchen	VB	vapour barrier
BDY	boundary	LAM	laminate	VN	timber veneer
BLWK	blockwork	LDRY	laundry	VP	vent pipe
BS	bath spout	LIN	linen	WB	weatherboards
BSN	basin	LV	louvre	WC	water closet
BWBP	brickwork bagged & painted	LS	louver shutter	WM	washing machine
BWF	brickwork faced	LVB	louvre blind	WPM	water proof membrane
C	concrete	MAT	floor mat	WRC	western red cedar
CBF	concrete- broom finish	MB	metal balustrade		
CLS	cladding system	MC	metal cladding		
COF	concrete- off form	MDF	medium density fibreboard		
CPS	concrete- polished & sealed	ME	mechanical exhaust		
CST	concrete- steel trowel finish	MI	mirror		
COS	check on site	MPBR	membrane pebble ballast roof		
CCTV	closed circuit TV	MR	metal roof		
CFC	compressed fibre cement	MSB	main switch board		
CJ	control joint	MS	metal sheeting		
COL	column	MT	mosaic tile		
CP	chrome plated	MW	microwave		
CPD	cupboard	MX	mixer		
CPT	carpet	Ø	diameter		
CR	cement render	OF	overflow		
CRW	cement render waterproof	P	pantry		
CT	ceramic tile	PAV	paving		
CTP	cooktop	PB	plasterboard		
DCH	drencher	PB/ FR	plasterboard- fire resistant 90/90/90		
DGPO	double general purpose outlet	PBM	plasterboard- moisture resistant		
DH	double hung	PDWR	powder room		
DIN	dining	PLY	plywood		
DP	downpipe	PNT	paint		
DPC	damp proof course	PU	polyurethane		
DRY	Dryer	PV	photo voltaic		
DR	Drawer	PVC	paving concreter		
DW	dishwasher	R	robe		
EDB	electrical switch board	RA	return air		
EGL	existing ground line	RH	rangehood		
EQ	equal	RHS	rectangular hollow section		
EX	existing	RL	reduced level		
EXT	external	RWH	rainwater head		
F	fridge	RWO	rainwater outlet		
FC	fibrous cement sheet	SD	smoke detector		
FCL	finished ceiling level	SH	shutters		
FFL	finished floor level	SHA	shutters automated		
FGL	finished ground level	SHR	shower rose		
FHR	fire hose reel	SK	skirting		
FP	fixed panel	SLD	sliding door		
FR	freezer	SP	set plaster		
FRL	fire resistance level	SPM	set plaster moisture resistant		
FSL	finish structural level	SS	stainless steel		
FS	fixed shelf	ST	stone		
FW	floor waste	STL	steel		
G	glass/ glazing	SWP	sewer pipe		
GBL	glass balustrade	T	timber		
GL	glass- louvre	TB	timber- battens		
GO	glass- obscure	TF	timber- frame		
GALV	galvanised				

drawing list

Development Application Drawing Register		
No.	Drawing Name	Rev.
A3 Cover Sheet		
DA01	Cover Sheet	I
A3 Documentation Sheet		
DA02	Site Analysis	I
DA03	Basement Plan	I
DA04	Level 1 Plan	I
DA05	Level 2 Plan	I
DA06	Level 3 Plan	I
DA07	Level 4 Plan	I
DA08	Roof Plan	I
DA09	North Elevation	I
DA10	East Elevation	I
DA11	South Elevation	I
DA12	West Elevation	I
DA13	Section AA	I
DA14	Section BB	I
DA15	Section CC	I
DA16	Section DD	I
DA17	Numeric Compliance	I
DA18	ADG Compliance	I
DA19	Solar Access Compliance June 21st	I
DA20	Shadow Diagrams June Mid Winter	I
DA20A	Shadow Diagrams March Equinox	I
DA20B	Shadow Diagrams Sept Equinox	I
DA21	Adaptable Plans	I
DA22	Perspectives	I
DA23	Perspectives	I
DA24	Window and Door Schedule 1	I
DA25	Window and Door Schedule 2	I
DA26	Window and Door Schedule 3	I
DA27	Window and Door Schedule 4	I
DA28	Indicative Facade Balcony	I
DA29	Indicative Facade Details	I
DA30	Exterior Finishes	I

BASIX - THERMAL COMFORT REQUIREMENTS

External Walls

Cavity brick/block walls with 25 mm foil faced PIR board fixed to inside face of cavity
Faced externally with light coloured render , plasterboard internally 200 th. Dintel concrete walls to basement

Internal walls

110 & 270 brickwork plasterboard both sides
190 blockwork plasterboard both sides to party walls and service core

Roof

Concrete, medium coloured –pebble ballast with WPM , tiled to balconies above units

Ceilings

Plasterboard with R3 below main concrete roofs, R1.5 below balconies

Floors

Concrete with tiles, carpet or timber. 20 mm PIR board and FC lining to underside of slab above carpark (below Units 101-103)

Windows & Glazed doors

All hinged glazed doors, awning and casement windows –aluminium framed with clear Low E glazing - U value < 4.8 SHGC = 0.51(+10%)
All other glazed doors and windows –aluminium framed with clear Low E glazing
- U value < 4.8 SHGC = 0.59 (+10%)

All external doors and windows to be dark coloured frames and be fitted with draught excluding weather stripping

General

Insulation, services and sealing of the building to be in accordance with BCA NSW 3.12
All exhaust fans to be 160 mm dia. sealed or fitted with dampers exhausting to external walls or through roof
Thermal comfort rating has been done on the general basis of 1 recessed downlight /2.5 m2 and that all downlights are sealed or IC rated. If the final lighting layout varies from this then the rating may need to be redone.

GENERAL BASIX REQUIREMENTS

Landscaping to include min. 60 m2 of low water use or native endemic planting
Central instantaneous gas hot water system – 5.5 stars min.
5 kW PV system

revisions		
rev	date	description
H	20/7/21	Issued for DA
I	20/10/21	Issued for DA

DEVELOPMENT APPLICATION

Macpherson Street Apartments

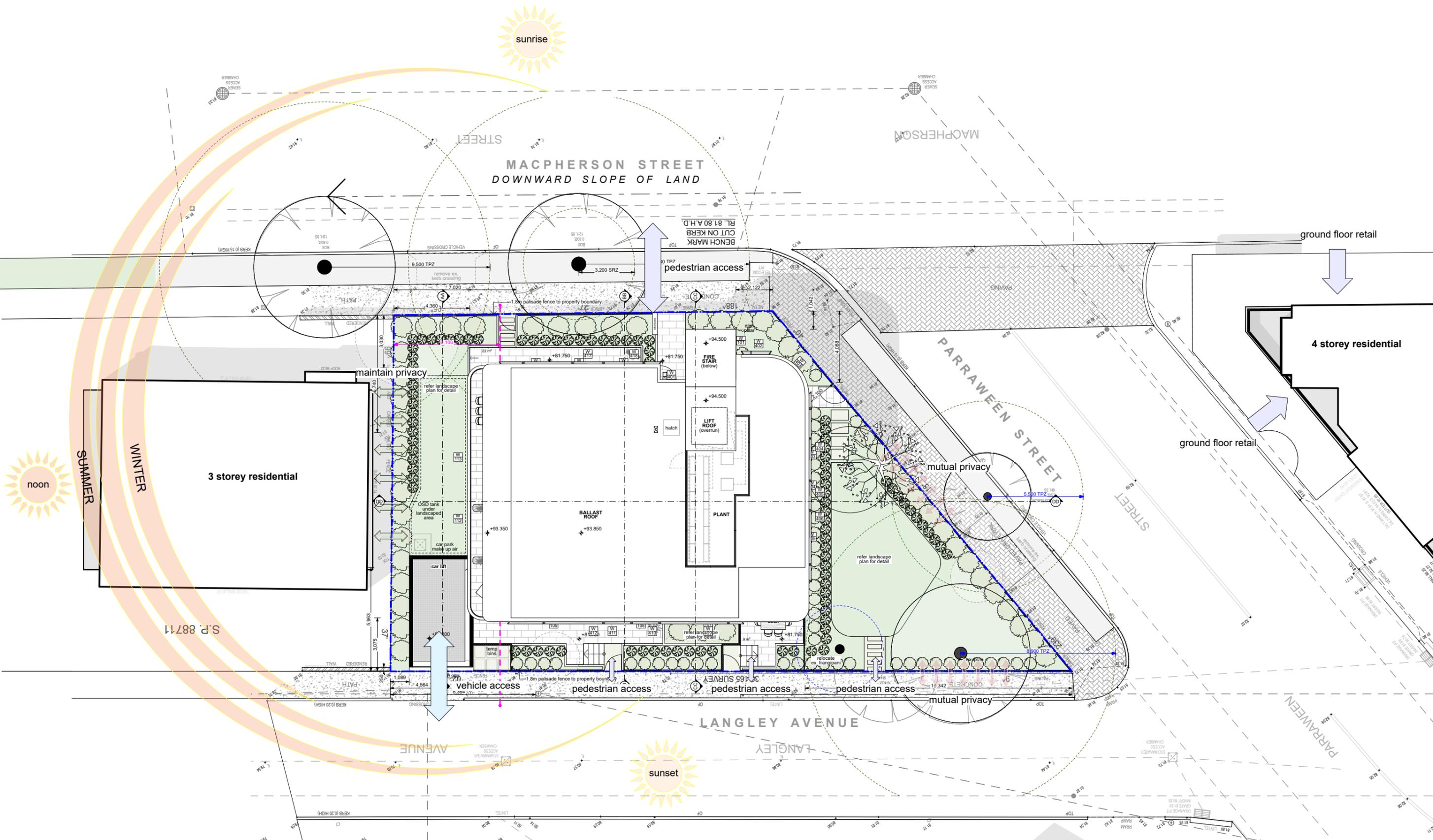
at

4-6 Macpherson Street, CREMORNE

for

Norbeach Investments Pty Ltd

CORBEN ARCHITECTS PO Box 1021 Neutral Bay NSW 2089 Australia 02 9904 2844 mail@corben.com.au corben.com.au Nominated Architect: Philip Corben (Reg No. 4616)	job no.	PERK	dwg no.
	drawn	NW	DA01
	checked	PC	revision
	scale	NTS @A3	I



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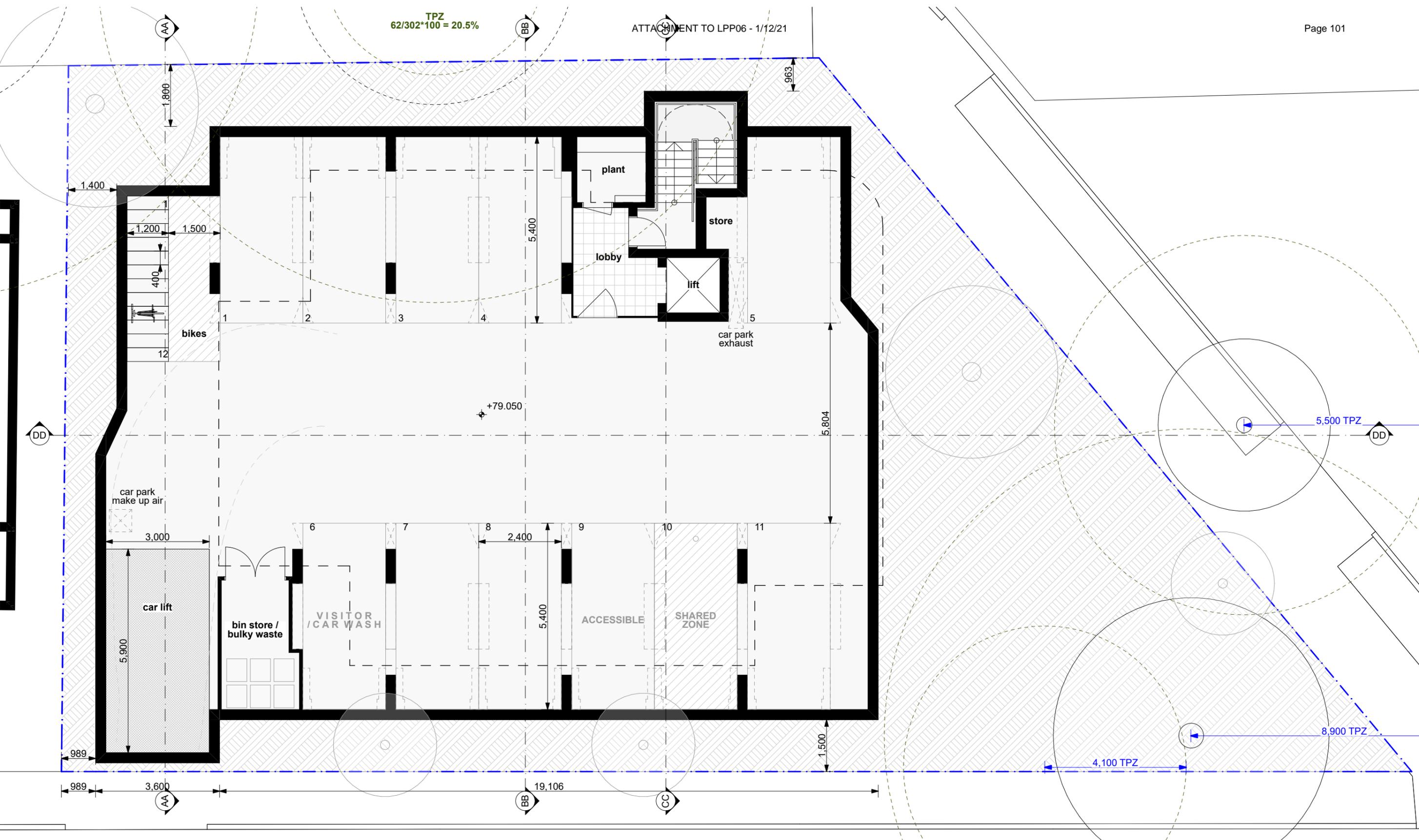
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project Macpherson Street Apartments
address 4-6 Macpherson Street CREMORNE
client Norbeach Investments Pty Ltd

title Site Analysis
issue DEVELOPMENT APPLICATION

job no. PERK
 drawn NW
 checked PC
scale 1:200 @A3

dwg no. DA02
 revision I



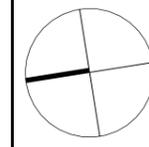
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project Macpherson Street Apartments
address 4-6 Macpherson Street
CREMORNE
client Norbeach Investments Pty Ltd

title Basement Plan
issue DEVELOPMENT APPLICATION

job no.	PERK	dwg no.	DA03
drawn	NW	revision	I
checked	PC		
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ATTACHMENT TO LPP06 - 1/12/21



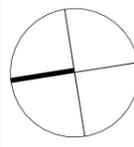
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project Macpherson Street Apartments
address 4-6 Macpherson Street CREMORNE
client Norbeach Investments Pty Ltd

title Level 1 Plan
issue DEVELOPMENT APPLICATION

job no. PERK	dwg no. DA04
drawn NW	revision
checked PC	
scale 1:100 @A3	



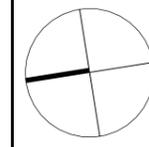
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project Macpherson Street Apartments
address 4-6 Macpherson Street CREMORNE
client Norbeach Investments Pty Ltd

title Level 2 Plan
issue DEVELOPMENT APPLICATION

job no.	PERK	dwg no.	DA05
drawn	NW	revision	I
checked	PC		
scale	1:100 @A3		



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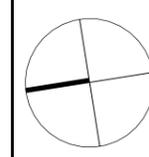
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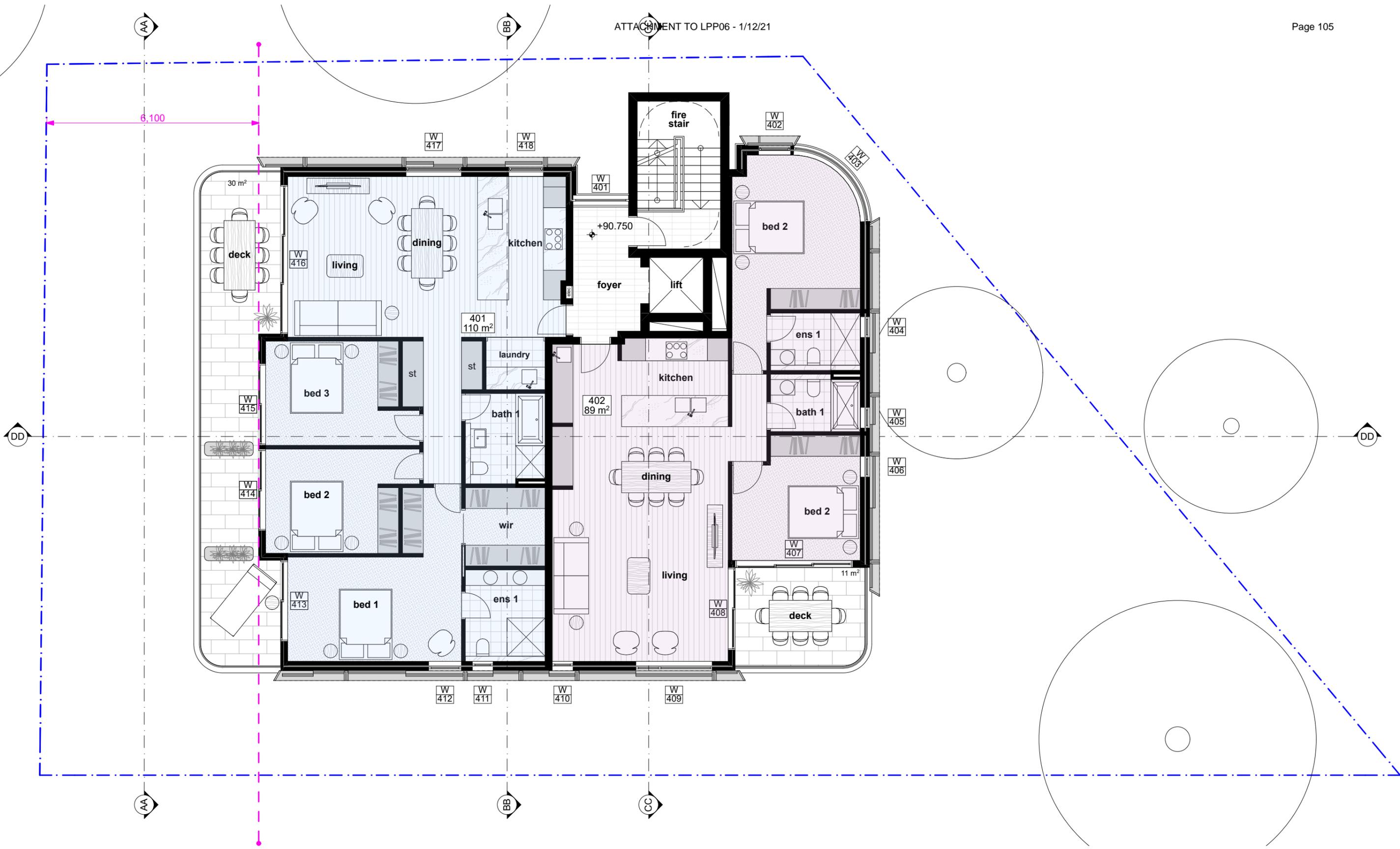
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project Macpherson Street Apartments
address 4-6 Macpherson Street CREMORNE
client Norbeach Investments Pty Ltd

title Level 3 Plan
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drawn	NW	revision	I
checked	PC		
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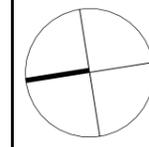
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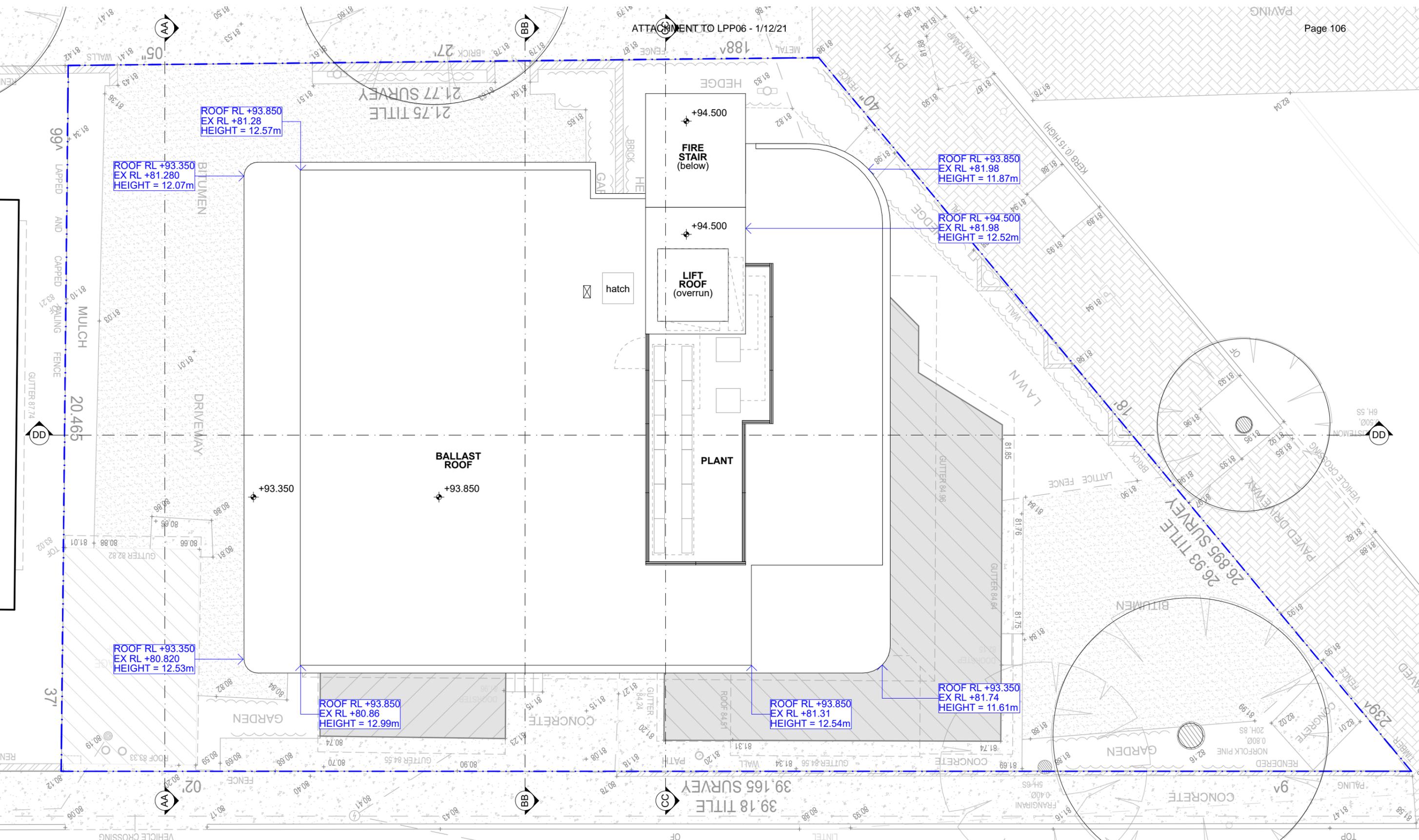
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project Macpherson Street Apartments
address 4-6 Macpherson Street
CREMORNE
client Norbeach Investments Pty Ltd

title Level 4 Plan
issue DEVELOPMENT APPLICATION

job no.	PERK	dwg no.	DA07
drawn	NW	revision	I
checked	PC		
scale	1:100 @A3		



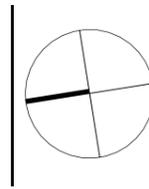
Roof
1:100

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revisions		description
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H	20/7/21	Issued for DA
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notes

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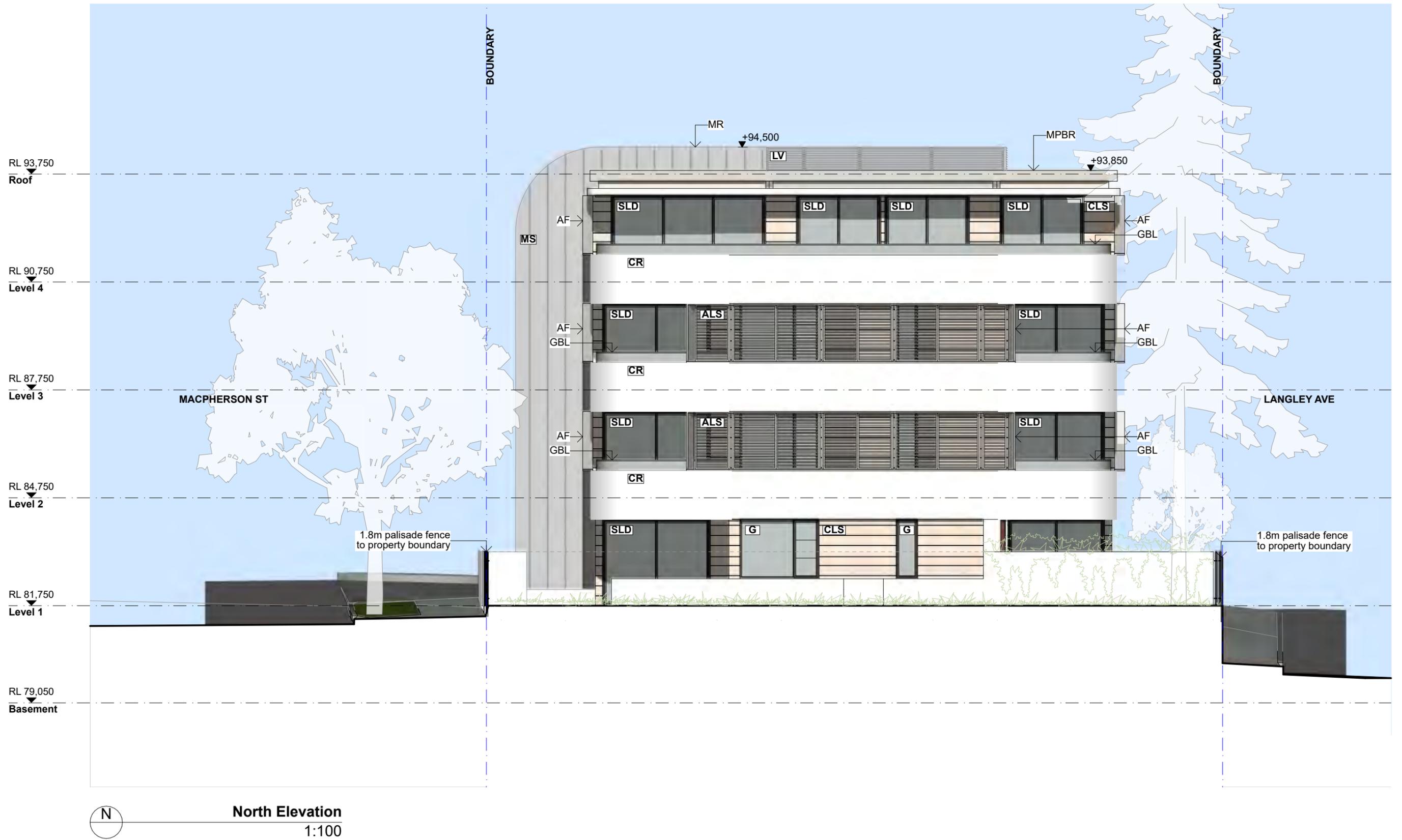
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project Macpherson Street Apartments
address 4-6 Macpherson Street CREMORNE
client Norbeach Investments Pty Ltd

title Roof Plan
issue DEVELOPMENT APPLICATION

job no. PERK
drawn NW
checked PC
scale 1:100 @A3

dwg no. DA08
revision I



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project Macpherson Street Apartments
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client Norbeach Investments Pty Ltd

title North Elevation
issue DEVELOPMENT APPLICATION

job no. PERK
drawn NW
checked PC
scale 1:100 @A3

dwg no. DA09
revision I



E East Elevation
1:100

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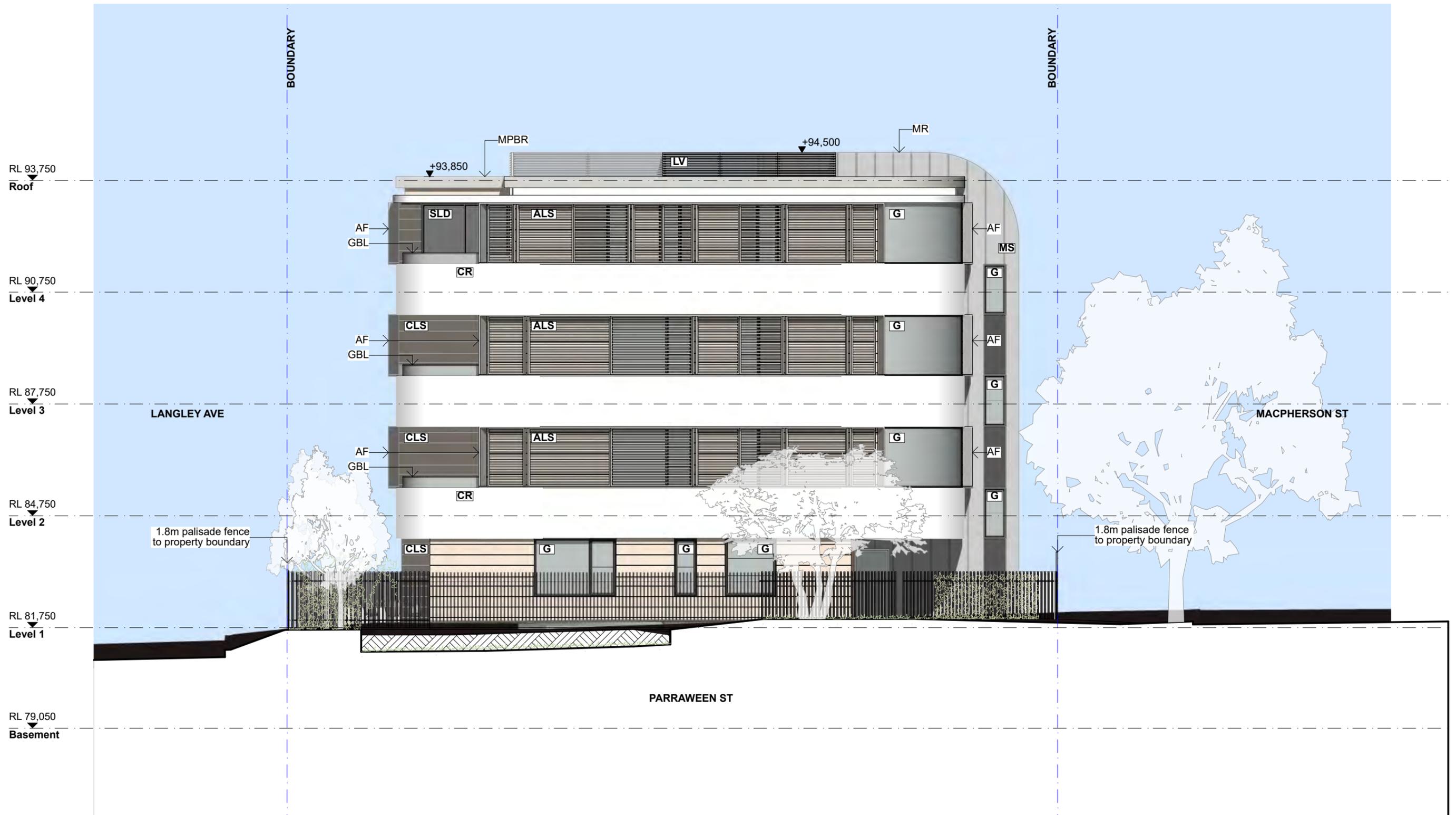
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project Macpherson Street Apartments
address 4-6 Macpherson Street CREMORNE
client Norbeach Investments Pty Ltd

title East Elevation
issue DEVELOPMENT APPLICATION

job no.	PERK	dwg no.	DA10
drawn	NW	revision	I
checked	PC		
scale	1:100 @A3		



S South Elevation
1:100

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I	20/10/21	Issued for DA

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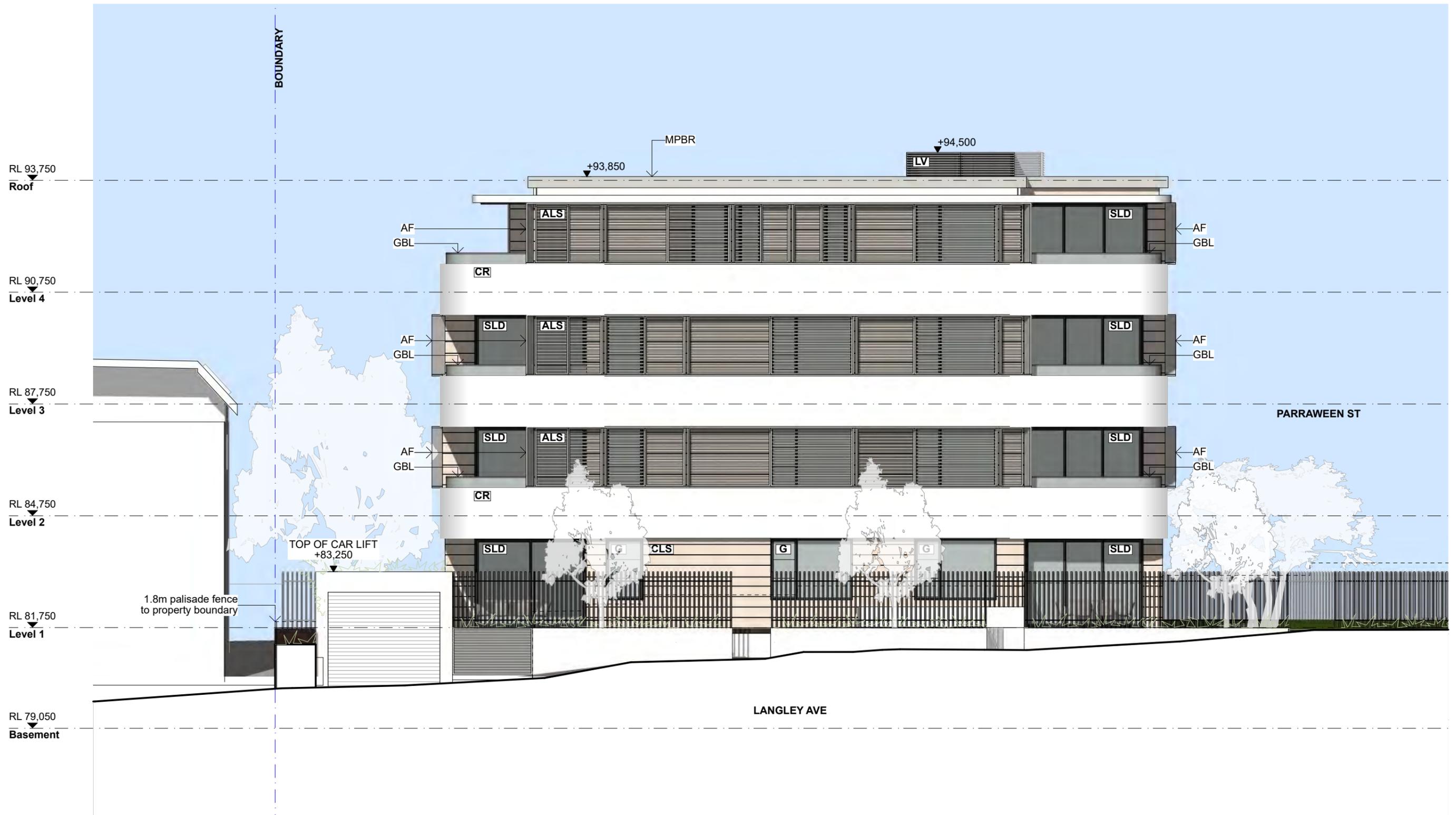
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project Macpherson Street Apartments
address 4-6 Macpherson Street CREMORNE
client Norbeach Investments Pty Ltd

title South Elevation
issue DEVELOPMENT APPLICATION

job no. PERK
 drawn NW
 checked PC
scale 1:100 @A3

dwg no. DA11
 revision I



W **West Elevation**
1:100

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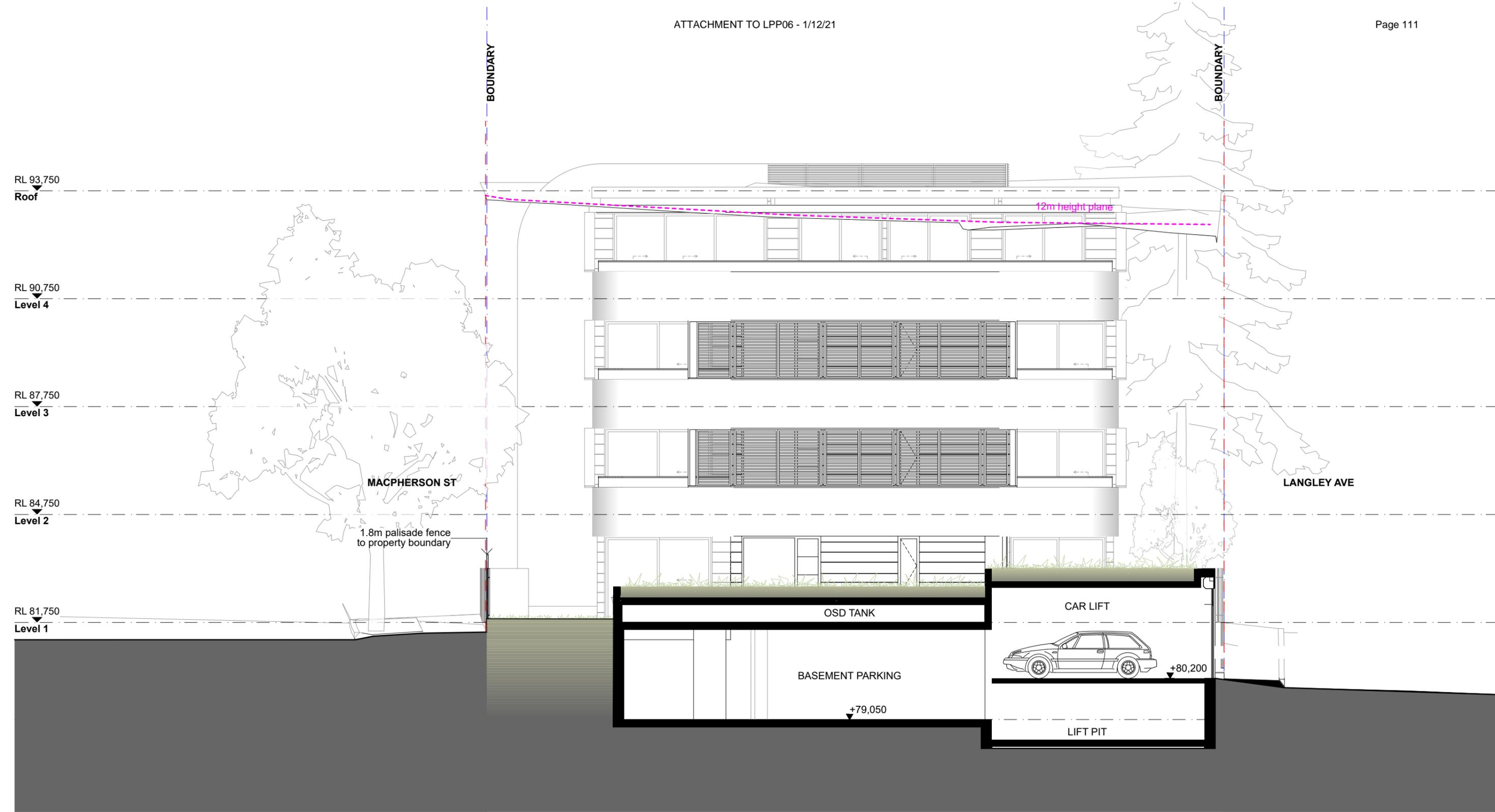
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project Macpherson Street Apartments
address 4-6 Macpherson Street CREMORNE
client Norbeach Investments Pty Ltd

title West Elevation
issue DEVELOPMENT APPLICATION

job no.	PERK	dwg no.	DA12
drawn	NW	revision	I
checked	PC		
scale	1:100 @A3		



A

Section AA
1:100

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I	20/10/21	Issued for DA

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project Macpherson Street Apartments
address 4-6 Macpherson Street CREMORNE
client Norbeach Investments Pty Ltd

title Section AA
issue DEVELOPMENT APPLICATION

job no.	PERK	dwg no.	DA13
drawn	NW	revision	I
checked	PC		
scale	1:100 @A3		



B

Section BB

1:100

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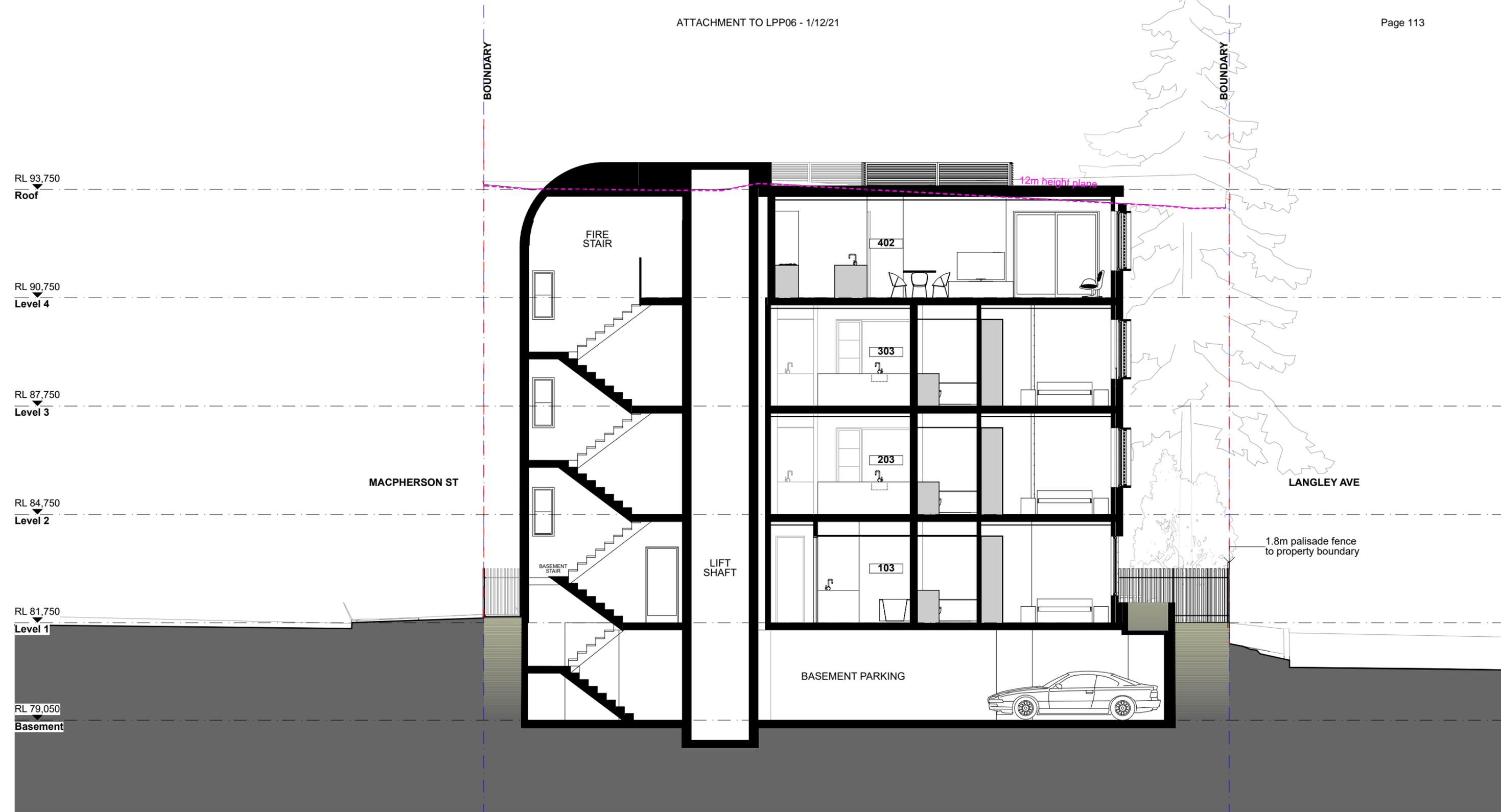
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client Norbeach Investments Pty Ltd

title Section BB
issue DEVELOPMENT APPLICATION

job no. PERK
 drawn NW
 checked PC
scale 1:100 @A3

dwg no. DA14
 revision I



C

Section CC
1:100

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H	20/7/21	Issued for DA
I	20/10/21	Issued for DA

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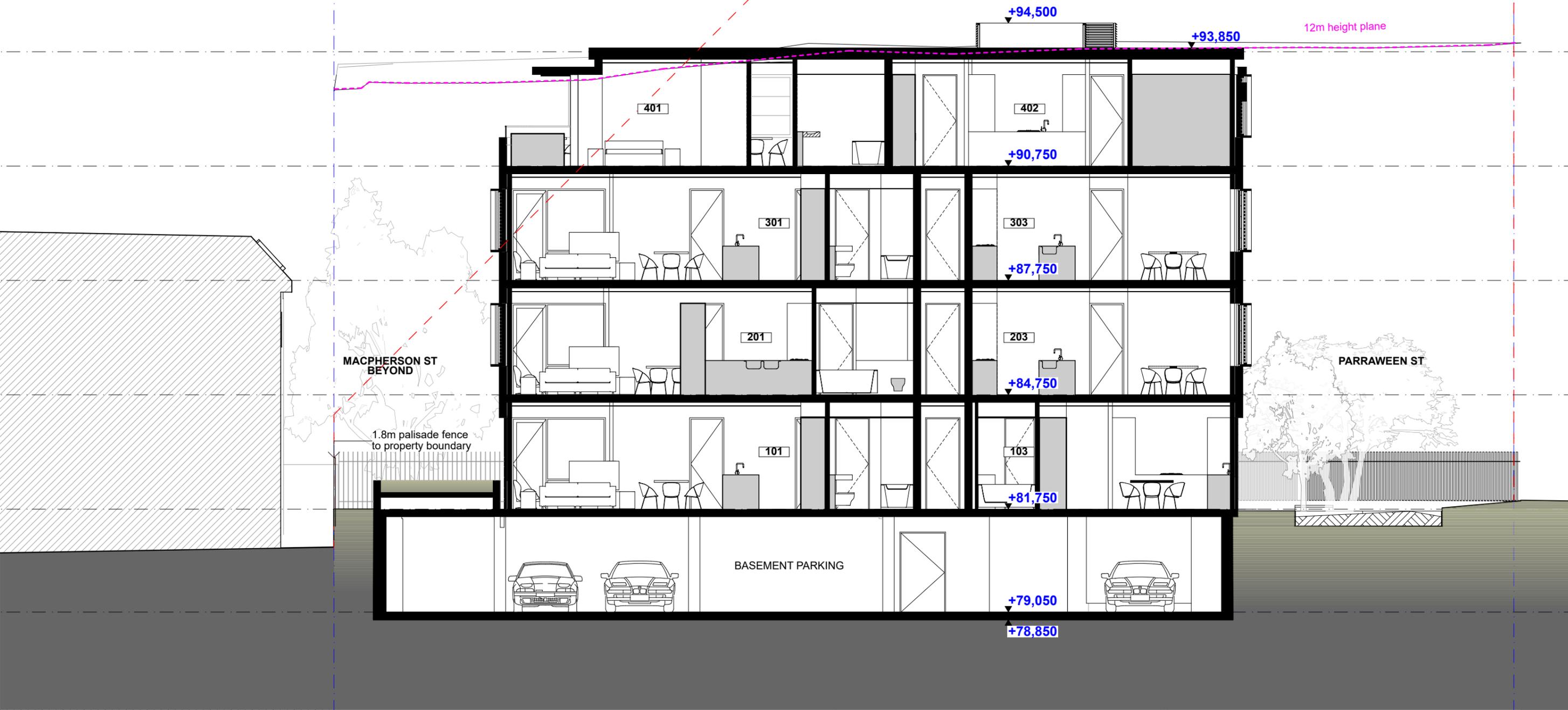
project Macpherson Street Apartments
address 4-6 Macpherson Street
CREMORNE
client Norbeach Investments Pty Ltd

title Section CC
issue DEVELOPMENT APPLICATION

job no.	PERK	dwg no.	DA15
drawn	NW	revision	I
checked	PC		
scale	1:100 @A3		

BOUNDARY

BOUNDARY



D

Section DD
1:100

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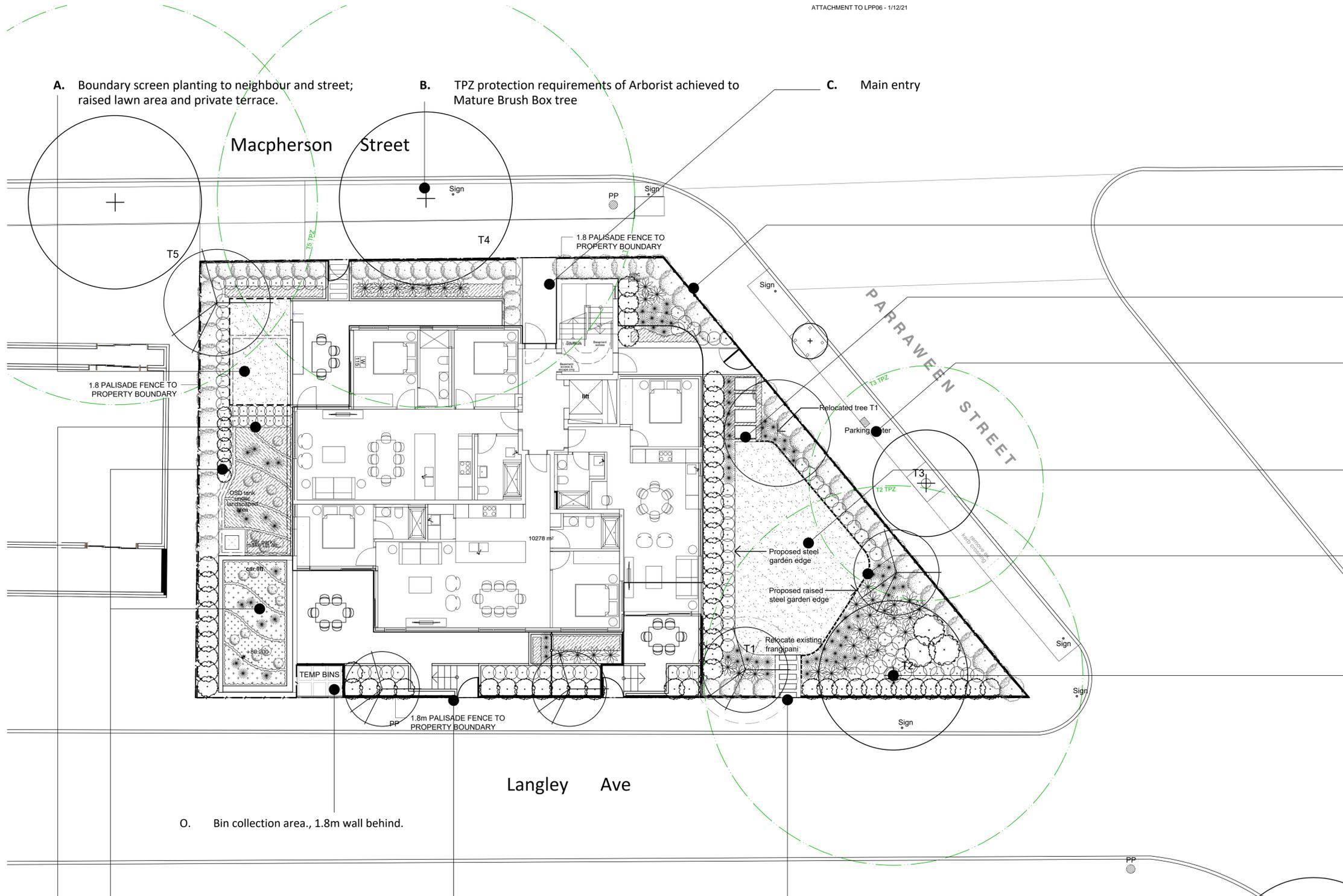
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project Macpherson Street Apartments
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client Norbeach Investments Pty Ltd

title Section DD
issue DEVELOPMENT APPLICATION

job no.	PERK	dwg no.	DA16
drawn	NW	revision	I
checked	PC		
scale	1:100 @A3		



A. Boundary screen planting to neighbour and street; raised lawn area and private terrace.

B. TPZ protection requirements of Arborist achieved to Mature Brush Box tree

C. Main entry

D. Generally, a constrained site with quality landscape setting and high residential amenity

E. Minor level change down into garden concealed by hedge planting through open fence

F. Relocated Frangipanni tree from tight boundary location to garden common open space

G. Existing paved footpath; parking meter; new and existing tree with TPZ protected

H. Common open space amenity lawn enjoys mature trees and feature gardens

I. Raised steel edge to 800mm maximum height as contemporary garden level change

J. Norfolk Island Pine TPZ requirements of Arborist met, incl. level change / low plants below

O. Bin collection area, 1.8m wall behind.

M. Boundary screening, and accent / low maintenance planting above basement drive

L. Activation of lane frontage with access gates, and greening hedge through fencing

K. Common open space secure access 'at grade' and opposite small park across lane

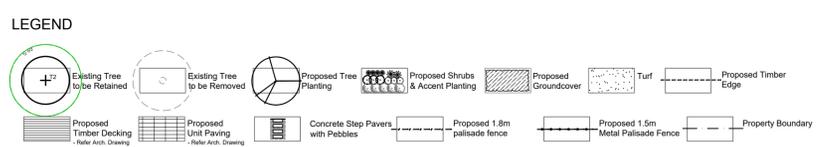
N. OSD tank under, landscape with Groundcovers & turf

NOT FOR CONSTRUCTION

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The contractor shall check and verify all work on site (including work by others) before commencing the landscape installation. Any discrepancies are to be reported to the Project Manager or Landscape Architect prior to commencing work. Do not scale this drawing. Any required dimensions not shown shall be referred to the Landscape Architect for confirmation.

Issue	Revision Description	Drawn	Check	Date
C	Development Application	EN	RS	22.10.2021
B	Development Application	PH	RS	15.07.2021
A	Development Application	PH	RS	16.06.2021



Key Plan:

SITE IMAGE
Landscape Architects
Level 1, 3-5 Baptist Street
Redfern NSW 2016
Australia
Tel: (61 2) 8332 5600
Fax: (61 2) 9698 2877
www.siteimage.com.au

Client:
Steve & David Perks

Project:
Perks Apartments
4 - 6 Macpherson Street
Cremorne

Drawing Name:
Landscape Concept Plan

DEVELOPMENT APPLICATION

Scale: 1:100 @ A1
Job Number: SS21-4699
Drawing Number: 101
Issue: C



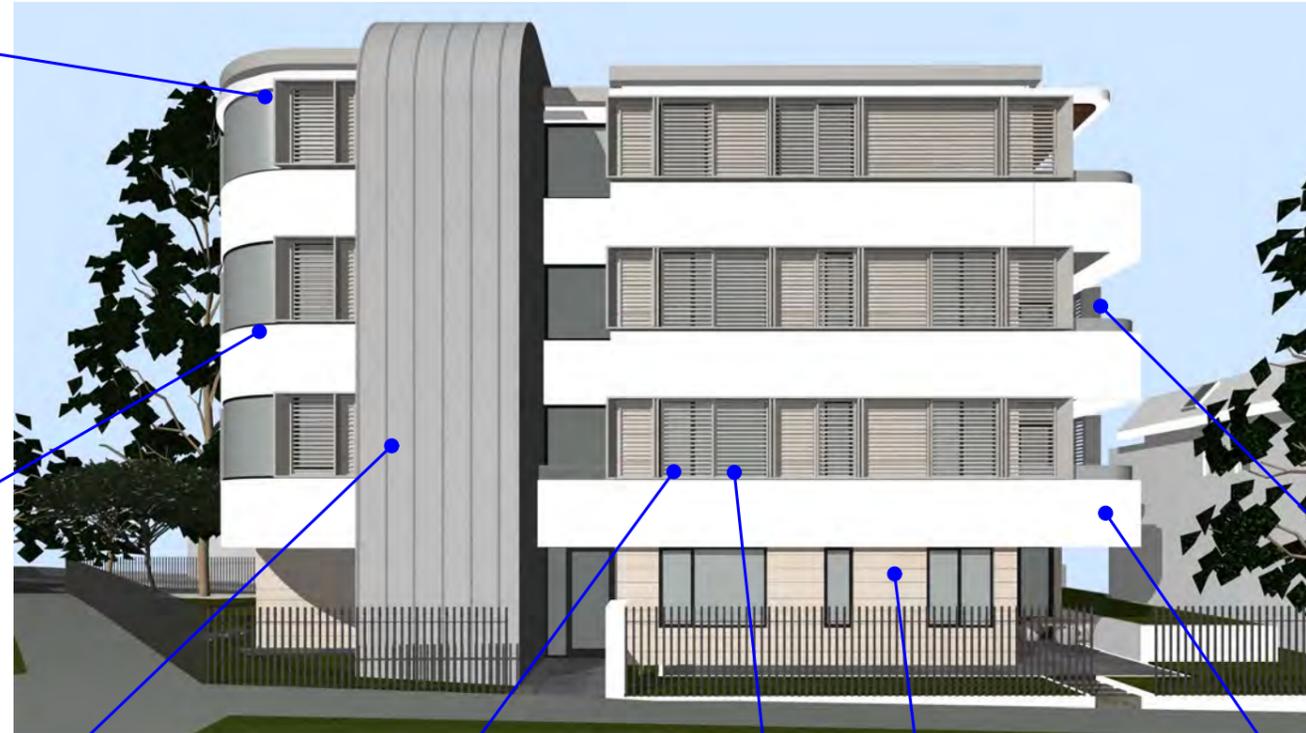
Pebble ballast roof



Black aluminum framed windows & doors



Standing seam metal cladding to stairwell



Aluminium sliding facade screens



Terracotta cladding system



Timber soffit, white render and glass balustrade to balconies



Glass balustrade above white rendered wall

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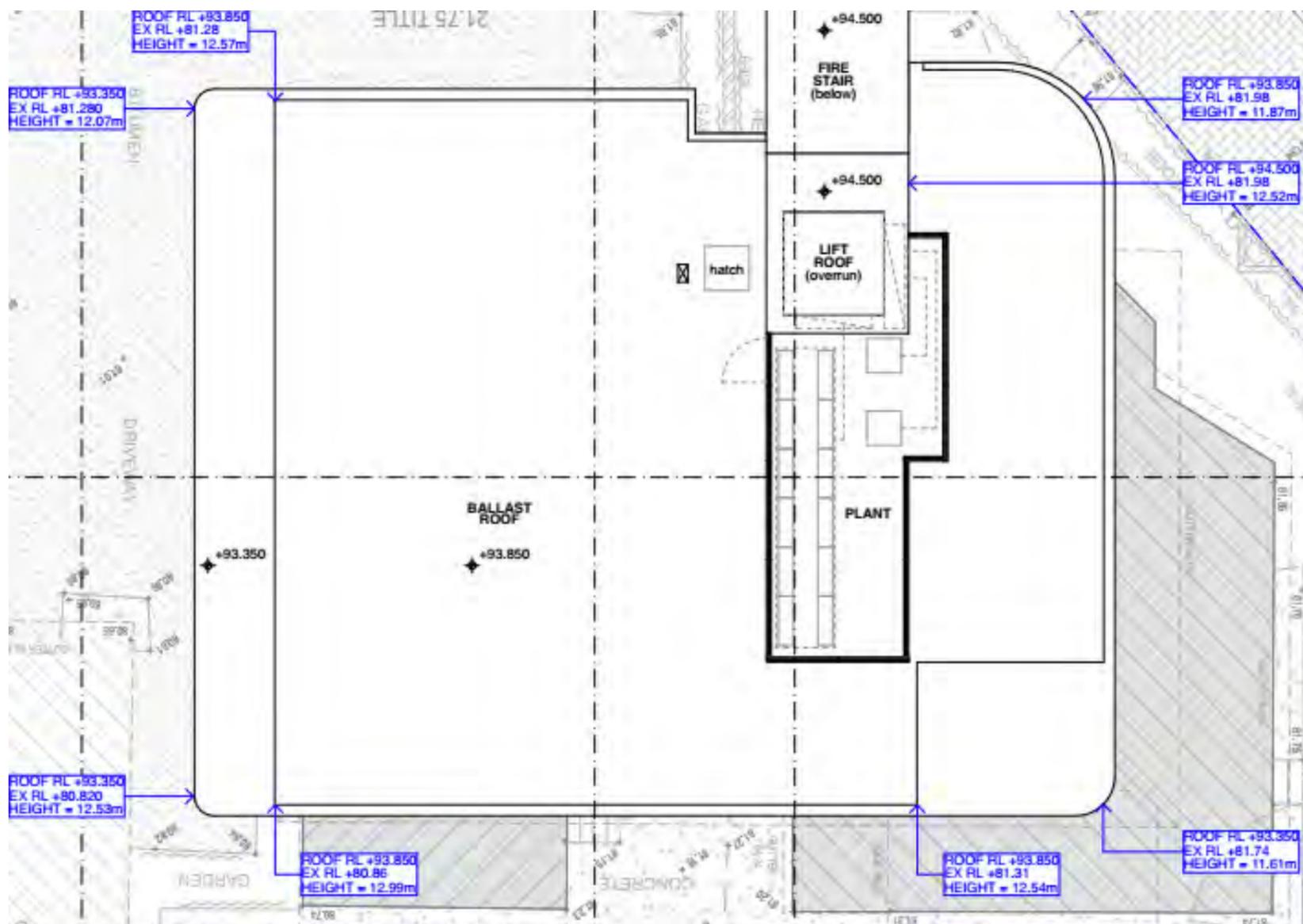
project	Macpherson Street Apartments
address	4-6 Macpherson Street CREMORNE
client	Norbeach Investments Pty Ltd

title	Exterior Finishes
issue	DEVELOPMENT APPLICATION

job no.	PERK	dwg no.	DA30
drawn	NW	revision	I
checked	PC		
scale	NTS @A3		

**REQUEST TO BREACH HEIGHT CONTROL PURSUANT TO CLAUSE 4.6 OF NORTH SYDNEY LEP IN RELATION TO –
4-6 Macpherson Street Cremorne - October 2021**

Clause 4.3 of the *North Sydney Local Environmental Plan 2013 (LEP)* and the relevant map indicates that the site is subject to a 12m height control. The proposal achieves a maximum height of RL94.5m at the lift overrun/fire stair. This is a maximum of 12.52m above existing ground level. The parapet of Level 4 has a maximum height of RL93.85m and the maximum exceedance is at the NW corner of the top level and is 0.99m above the 12m control. The building is only 0.07m above the control at the NE corner and is 0.13-0.39m below the control at the southern edge of the building (see below).



The above breach results from a design change to the proposal which responds to feedback received during the DA assessment process from Council and the Design Excellence Panel. In this regard the Council and the Panel were concerned about the accessibility of the proposed communal open space in the southern part of the site and the Panel were also concerned about the accessibility of the main entry off Macpherson Street and the visual impact of the access which required negotiation of a change in level from the street to the entry. Following discussions with Council, the most suitable manner in which to address these concerns was considered to be raising the building by 900mm. This allows an almost level access to the main entry at Macpherson Street and for the communal open space to be directly accessible from a secondary entry pathway from Parraween Road. It also results in an improved outcome for the amenity of the apartments at the Langley Avenue frontage and provides better surveillance and privacy from the public domain as the floor level of the apartments now sits 4 steps above street level.

Notwithstanding the above, a request to breach the control must be submitted in accordance with Clause 4.6 of the LEP.

The relevant parts of Clause 4.6 of North Sydney LEP 2013 are:

(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

(b) the concurrence of the Secretary has been obtained.

(5) In deciding whether to grant concurrence, the 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

(c) any other matters required to be taken into consideration by the Secretary before granting concurrence.

The purpose of this written request is to satisfy (3)(a) and (b) above and to demonstrate that (4)(a)(ii) and 5(a) and (b) can be satisfied. In preparing this request, regard has been had to the document: "Varying development standards: A Guide (August 2011)" prepared by the NSW Department of Planning & Infrastructure, and to relevant Land Environment Court judgements including the recent judgements of *Al Maha Pty Ltd v Huajun Investments Pty Ltd* [2018] NSWCA 245, by Chief Judge Preston CJ in *Initial Action Pty Ltd v Woollahra Council* [2018] NSWLEC 118 and *Baron Corporation Pty Limited v Council of the City of Sydney* [2019] NSWLEC 61 and *Rebel MH Neutral Bay Pty Ltd v North Sydney Council*. And, most recently, the decision of Chief Justice Preston in *Woollahra Municipal Council v SJD DB2 Pty Limited* [2020] NSWLEC 115.

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

Whilst it was prepared in relation SEPP 1, the Land and Environment Court judgment *Wehbe v Pittwater Council* [2007] NSWLEC 827 (21 December 2007), is referred to in the Four2Five judgment and remains relevant to the consideration of concept of compliance being unreasonable or unnecessary. The DP&I Guide referred to above outlines the following 5 part test used in *Wehbe*:

1. the objectives of the standard are achieved notwithstanding noncompliance with the standard;
2. the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;
3. the underlying objective or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;
4. the development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;
5. the compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.

It should be noted that the Courts have reiterated that it is only necessary to satisfy **one of** these 5 paths, although in some instances more than one may be relevant and achieved.

In regard to the issue here, it is considered that Tests 1 and 3 are applicable.

Test 1

Strict compliance with the development standard for building height in clause 4.3 of the LEP would be unreasonable and unnecessary because the proposal achieves each of the stated objectives of the height control, as noted and commented upon below:

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

Comment – The site would not readily be described as 'sloping land' within the meaning of this objective, as it slopes only minimally along the street frontages being at RL81.73m at the corner of Parraween Road and Langley Avenue and RL80.12m at the northern boundary – a fall of 1.61m and at the corner of Macpherson and Parraween Road the level is 81.98m, falling 0.56m to the northern boundary (RL81.42m). Further the site is small and could not reasonably accommodate any stepping of the built form. This would also complicate accessibility objectives.

The proposed increase in building height has been specifically undertaken to provide a better relationship to the topography in that the building now has its main entry and communal space at a similar level to the street. Notwithstanding, there is some visual stepping of the form to the lower northern boundary with the upper level eave being pulled back from the balcony edge.

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

Comment – The proposal will not result in any material loss of views as detailed in the submitted SEE. The increase in height will not exacerbate this. Therefore this objective is therefore not directly relevant, in accordance with *Baron Corporation Pty Limited v Council of the City of Sydney* [2019] NSWLEC 61 (at 57). In any case, the objective is met.

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

Comment – the proposal does result in some increased overshadowing of the public domain to the south of the site, however this is not significant public space. In any event, that part of the building that causes the overshadowing does not exceed the height limit.



In light of the above, this objective of clause 4.3 of the LEP is achieved.

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

Comment – the non-compliance does not give rise to any privacy issues. The adjoining development to the north only has non-habitable windows which face the subject site. As noted above the proposal will result in improved privacy for the apartments facing Langley Avenue as they now sit 4 steps above the public domain. This will improved surveillance of the public domain whilst improving privacy from the street.

In light of the above, this objective is achieved.

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

Comment – the adjoining land to the east, west and south is zoned B4 zone and in some cases has higher buildings. The proposal is only slightly height than permitted and provides an appropriate transition to this adjoining zone. The land to the north is located in the same R4 zone as the site. The development is of a height than can be generally expected by the controls and the proposal has good setbacks to the northern boundary, allowing area for substantial planting. The apartments are orientated away from this boundary (as is the adjoining dwelling), ensuring compatibility in terms of privacy.

The objectives of the height control are achieved by the proposal.

Test 3

Requiring compliance with the control would thwart achieving the objectives of the height control as maintaining a compliant height would reduce the accessibility of the main entry and require steps to relate to the existing topography and would also reduce the level of privacy for the Langley Avenue apartments which would be required to be below ground level and therefore potentially more overlooked from the public domain.

In view of the above, having regard to Tests 1 and 3 of *Wehbe* enforcing compliance in the circumstances is considered to be unreasonable and unnecessary. Flexibility should be applied, consistent with objective (a) of clause 4.6 of the LEP.

Clause (3)(b) – whether there are sufficient environmental planning grounds to justify contravening the development standard

In addition to the above the following comments are made.

Compliance would result in poorer planning outcomes

As noted above the proposal has been specifically designed to provide a superior planning outcome, consistent with the objective of Clause 4.6 to “*achieve better outcomes for and from development by allowing flexibility in particular circumstances*”. As detailed above strict compliance with the controls would a poorer relationship with the public domain at the main building entry and for the Langley Avenue apartments and would also make access to the communal open space difficult.

Lack of impact

As detailed above and in the SEE, the proposal has very minimal impact on surrounding properties and the level of impact arising from the non-compliance is negligible. This is because the northern-most part of the top level of the building has been setback from the level below and the site boundaries, reducing visual impact. The southern part of the building complies with the height control and therefore overshadowing is not notably exacerbated by the breach of the control.

In view of the above it is considered that there are sufficient environmental planning grounds, specifically related to the subject site, that warrant contravention of the height standard.

As determined in *Randwick City Council v Micaul Holdings Pty Ltd*, and supported by Preston CJ in *Initial Action*, lack of impact is a sufficient ground for allowing a breach of a development standard pursuant to Clause 4.6.

Clause (4)(a)(ii) – whether 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

As noted above the proposal will be consistent with the relevant objectives of the height standard. In relation to the objectives of the subject R4 zoning the following comments are made:

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

Comment – the proposal provides for residential dwellings, consistent with this objective. In doing so, it provides for a mix of dwelling types.

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

Comment – the proposal provides for a mix of apartment types.

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

Comment - NA

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



Comment – as noted above and discussed in detail in the SEE, the amenity of the surrounding area will not be compromised. The proposal will result in new residential dwellings, improved visual quality, and an appropriate relationship with surrounding development, whilst not compromising the amenity of the surrounding area or the natural or cultural heritage of the area.

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

Comment – as noted elsewhere, the residential amenity of adjoining dwellings is maintained by the proposed development.

Similarly, excellent residential amenity will be achieved for the dwellings proposed on the subject site.

In view of the above it is considered that the proposal suitably achieves the objectives of the R4 zone.

Clauses 4.6(4)(b) and 4.6(5)

Clause 4.6(4)(b) – SECRETARY'S CONCURRENCE

In *Initial Action*, Preston CJ noted at [28-29] that:

“Under cl 64 of the Environmental Planning and Assessment Regulation 2000, the Secretary has given written notice dated 21 February 2018, attached to the Planning Circular PS 18-003 issued on 21 February 2018, to each consent authority, that it may assume the Secretary’s concurrence for exceptions to development standards in respect of applications made under cl 4.6, subject to the conditions in the table in the notice.”

It is therefore noted that concurrence is to be assumed, but the relevant matters for consideration are assessed below for completeness.

Clause 5(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning

No, the variation of the height standard is a minor matter and not uncommon. It does not raise any issues at a regional or state level.

Clause 5 (b) the public benefit of maintaining the development standard

For the reasons outlined above there is no public benefit in maintaining the standard. In fact, there will be public benefits in allowing a variation as a better planning outcome will be achieved.

Conclusion

Having regard to the above it is considered that this written request satisfies the requirements of Clause 4.6 and that the consent authority can be satisfied that the proposal also meets the other requirements of Clause 4.6. The proposed contravention of the standard will meet the objectives of Clause 4.6 as it achieves *“better outcomes for and from development by allowing flexibility in particular circumstances”*.

It is considered that the proposal represents a high quality planning outcome for the site.

Brett Brown, Ingham Planning Pty Ltd

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