



**NSLPP MEETING HELD ON 05/03/2025**

**Attachments:**  
1. Architectural Plans

**ADDRESS/WARD:**                    4 Alfred Street South, Milsons Point

**APPLICATION NO:**                DA 370/2024

**PROPOSAL:**                        Fit out works associated with Level 3 Kiosk space.

**PLANS REF:**

| Plan No. | Issue date/Rev | Description     | Prepared by                | Dated |
|----------|----------------|-----------------|----------------------------|-------|
| 100      | -              | Equipment Plan  | Sydney Commercial Kitchens | -     |
| 102      | -              | Hydraulic Plan  |                            | -     |
| 103      | -              | Electrical Plan |                            | -     |
| 104      | -              | Elevations      |                            | -     |
| 105      | -              | Elevations      |                            | -     |

**OWNER:**                             North Sydney Council

**APPLICANT:**                        North Sydney Council

**AUTHOR:**                            Jeremy Swan, Consultant Town Planner

**DATE OF REPORT:**                16 February 2025

**DATE LODGED:**                    19 December 2024

**RECOMMENDATION:**            Approval subject to conditions

---

## EXECUTIVE SUMMARY

This development application seeks consent for fit out works within the Level 3 Kiosk space at 4 Alfred Street South, Milsons Point.

**The application is reported to the North Sydney Local Planning Panel for determination as North Sydney Council is the owner of the land. In accordance with the Ministerial Directions, the application must be determined by the Local Planning Panel.**

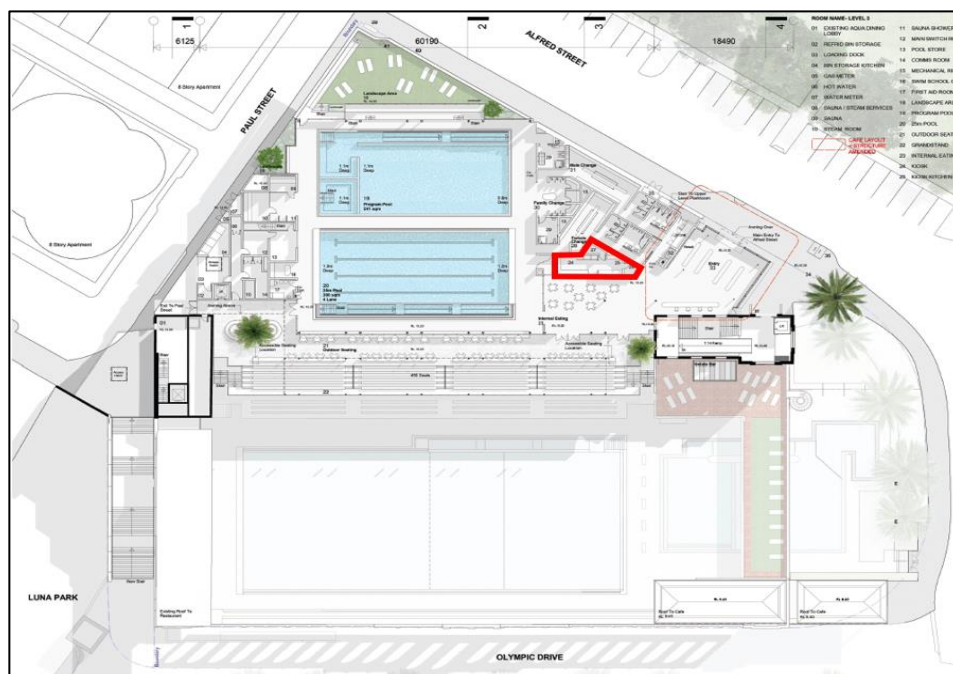
The subject application was not required to be notified to adjoining properties pursuant to Section 3.4.1(a) of the North Sydney Council Community Engagement Protocol which states that development applications for 'alterations and additions to existing buildings where the proposed works will not change the height, external shape or façade of the building' do not require notification.

The subject site includes the North Sydney Olympic Pool, a heritage item of local significance pursuant to Schedule 5 of the North Sydney Local Environmental Plan 2013. The North Sydney Olympic Pool is currently the subject of a redevelopment project which was approved by the Sydney North Planning Panel on 1 July 2020 (DA347/19), which granted consent for alterations and additions to the North Sydney Pool complex across the following land:

- Lot 100 DP 875048;
- Lot 101 DP 880236;
- Lot 102 DP 854064; and
- Lot 103 DP 1007291.

DA347/19 granted consent to a kiosk shell on Level 3 of the building and its use as a café. Consent is sought for the fit-out of this kiosk with this development application.

**Figure 1** below identifies the location of the kiosk on Level 3 of the building, as approved under DA347/19.



**Figure 1: Extract of DA347/2019 endorsed Level 3 Plan showing location of approved kiosk outlined red (Source: Brewster Hjorth Architects, 2020)**

The development application has been assessed against relevant State Planning Policies, as well as Council policies including the North Sydney Local Environmental Plan 2013 (NSLEP 2013) and North Sydney Development Control Plan 2013 (NSDCP 2013). Following this assessment and having regard to the provisions of S4.15(1) of the *Environmental Planning & Assessment Act 1979*, it is recommended that the proposed development be approved, subject to conditions, for the reasons as set out in this report.

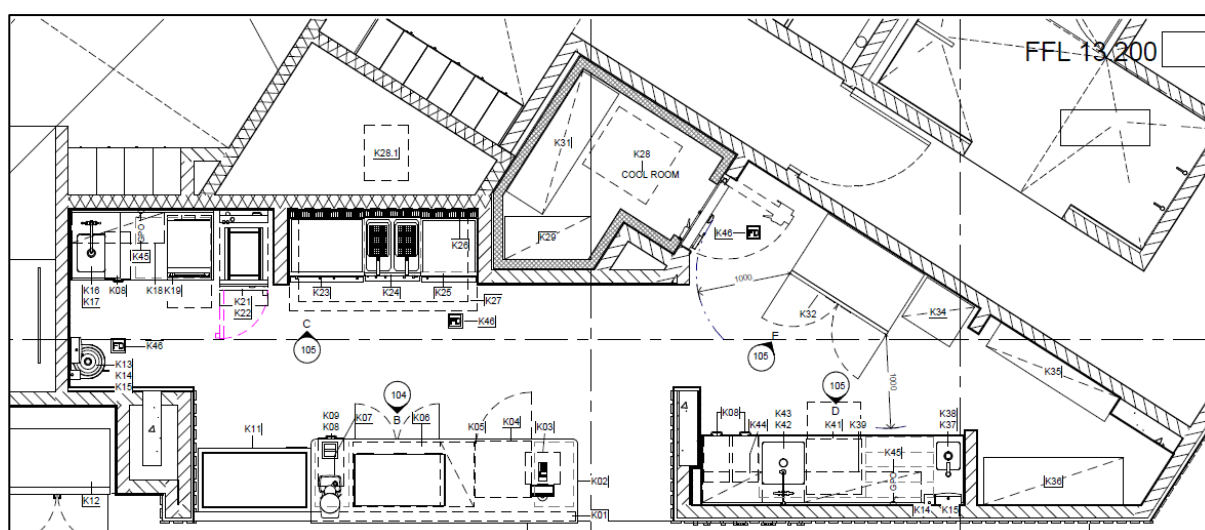
**LOCATION MAP**



## DESCRIPTION OF PROPOSAL

Development consent is sought for the fit-out of the Level 3 kiosk space that was approved under DA347/19 for use as a café. The fit-out works specifically comprise the construction and installation of the following:

- A large freezer and five-tier shelving along the north-eastern wall of the kitchen adjacent to the storage area;
- An induction cook top, fryer, and griddle in line with the canopy along the northern wall;
- A food preparation area along the northern wall, including two-tier fixed shelving above the bench, with services and a dishwashing machine under;
- A serving station along the southern wall comprising a coffee machine, hot display, benchtop, and drinks fridge.



**Figure 2: Extract of Equipment Plan showing proposed fit-out (Source: Sydney Commercial Kitchens, 2024)**

No change is proposed to the hours of operation for the cafe as approved under DA347/19, which are:

- Upper level café internal      5.00am 12.00am      Monday to Sunday
- Upper level café external      7.00am 12.00am      Monday to Sunday

## STATUTORY CONTROLS

- North Sydney LEP 2013
  - Zoning – RE1 Public Recreation
  - Maximum Building Height – Not Applicable
  - Floor Space Ratio – Not Applicable
  - Foreshore Building Line – No
  - Item of Heritage – Yes I10537
  - In Vicinity of Items of Heritage – Items: I0536, I10538, I10540 & I0541
- SEPP (Biodiversity and Conservation) 2021
  - Chapter 6 – Water Catchment

- SEPP (Resilience and Hazards) 2021
  - Chapter 2 – Coastal Management
  - Chapter 4 – Remediation of Land

## POLICY CONTROLS

- North Sydney DCP 2013
- Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005

## DESCRIPTION OF SITE & LOCALITY

The subject site is known as 4 Alfred Street South, Milsons Point and is legally identified as Lot 100 DP 875048, Lot 101 DP 880236, Lot 102 DP 854064 and Lot 103 DP 1007291 and has a total area of 7,099m<sup>2</sup> (excluding the pedestrian ramp on Olympic Drive).

The site has a frontage of 109.84m to Alfred Street South to the north-east, a corner boundary to Alfred Street South / Olympic Drive of 25.92m, a frontage of 84.815m to Olympic Drive to the southwest and a frontage of 69.885m to Paul Street to the north-west. The site shares an irregular boundary of 45.7m with Luna Park to the west.

The subject site includes the North Sydney Olympic Pool, a heritage item of local significance pursuant to Schedule 5 of the North Sydney Local Environmental Plan 2013.

The works the subject of this development application specifically relate to an approved kiosk on Level 3 of the building approved under DA347/19, which is currently under construction.

An aerial map of the site is provided in **Figure 6** below, with the building in which the kiosk is located denoted by red arrow:



**Figure 3: Aerial Map with the site outlined in red and area of the site subject to the proposal outlined yellow (Source: NearMap, 2025)**

## RELEVANT HISTORY

### Previous Applications

| Date        | Action  |
|-------------|---|
| 1 July 2020 | Sydney North Planning Panel granted consent to DA347/19 for alterations and additions to the North Sydney Pool at 4 Alfred Street South, Milsons Point. |

### Current Application

| Date             | Action   |
|------------------|--|
| 19 December 2024 | DA370/2024 was lodged seeking consent for consent for fit out works of a kiosk space, at 4 Alfred Street South, Milsons Point. |

## SUBMISSIONS

The Application was not required to be notified to adjoining properties pursuant to Section 3.4.1(a) of the North Sydney Council Community Engagement Protocol which states that development applications for 'alterations and additions to existing buildings where the proposed works will not change the height, external shape or façade of the building' do not require notification.

## REFERRALS

### INTERNAL REFERRALS

### BUILDING

The application has been referred to Council's Building Surveyor who provided the following comments:

*A detailed assessment of compliance with the Building Code of Australia 2022 will be undertaken by an appropriately registered certifier at the Construction Certificate Stage of the proposed development. Additionally, a Fire Safety Schedule is to be prepared by the certifier and accompany the Construction Certificate.*

Conditions of consent have been recommended to address compliance with the BCA and the provision of a Fire Safety Schedule, prior to the issue of a Construction Certificate.

### HEALTH

The application has been referred to Council's Health Officer who provided the following comments:

*Conditions are recommended to ensure appropriate management of food shops, noise from plant and machinery and other operational noise.*

## **HERITAGE**

The application has been referred to Council's Heritage Officer who advised that the development is satisfactory from a heritage perspective.

## **EXTERNAL REFERRALS**

No external referrals were required.

## **CONSIDERATION**

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

### **SEPP Biodiversity and Conservation 2021**

#### **Chapter 6 – Water Catchments**

Section 6.3 of this SEPP applies to land mapped as Foreshores and Waterways. The site is within the mapped Foreshores and Waterways Area. The proposed works are wholly internal to the building and do not have the potential to adversely affect the quantity or quality of water entering Sydney Harbour; the application satisfies the requirements of the Policy.

### **SEPP Resilience and Hazards 2021**

#### **Chapter 2 – Coastal Management**

The provisions of Chapter 2 to SEPP (Resilience and Hazards) 2021 applies to Coastal Management and aims for:

- managing development in the coastal zone and protecting environmental assets;
- providing a framework to guide land use decisions; and
- mapping coastal management areas.

The proposed works are internal to the building and would not have any impact on the existing access to and along the foreshore or views to the foreshore. The development will not adversely impact the visual amenity and scenic qualities for the coast, Aboriginal cultural heritage or cultural and built environment heritage.

#### **Chapter 4 – Remediation of Land**

A Detailed Site Investigation was undertaken for the subject site and was considered as part of DA347/19, which determined that the site is not precluded from its ongoing use as a recreational swimming pool facility. On this basis, no further contamination investigation is warranted and the site is considered suitable for the proposed development.



## NORTH SYDNEY LOCAL ENVIRONMENT PLAN 2013

### 1. Permissibility

The proposed works comprise the fit-out of an existing kiosk that was approved under DA147/19. Development for the purpose of a 'kiosk' and 'restaurants or cafes' is permissible with consent in the RE1 Public Recreation land use zone that applies to the site.

### 2. Objectives of the zone

The objectives for the RE1 zone are stated below:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To ensure sufficient public recreation areas are available for the benefit and use of residents of, and visitors to, North Sydney.*

The proposed works will facilitate the approved use of the kiosk café on the site for the benefit of residents and visitors to North Sydney. The kiosk is located within the North Sydney Pool redevelopment site and its fit-out aligns with and compliments the overall redevelopment of the site as approved under DA347/19. The works are wholly internal and do not have the potential to impact the existing natural environment.

### Principal development standards

| Principal Development Standards – North Sydney Local Environmental Plan 2013 |          |          |  |   |
|--|----------|----------|--|---|
|  | Approved | Proposed | Control  | Complies  |
| Clause 5.10 – Heritage Conservation  | -        | -        | <p>The site includes a heritage item of local significance - I10537 (North Sydney Pool) and is in the vicinity of the following items:</p> <ul style="list-style-type: none"> <li>• I0536 (Luna Park) – State significance;</li> <li>• I10583 (Bradfield Park) – Local significance;</li> <li>• I10540 (Seawall and wharf site) – Local significance; and I0541 (Sydney Harbour Bridge north pylons – Local significance.</li> </ul> <p>The site is also in the Buffer Zone of the World Heritage Listed Sydney Opera House.</p> | <p>The application is accompanied by a Heritage Impact Statement which relevantly concludes that:</p> <p>The proposed development is part of a new approved building development, therefore, will not have any detrimental impact on the significance of the overall heritage item and heritage items within the vicinity. All works are internal and will not be visible from the public domain, and therefore there are no identified impacts from the proposal on proximate heritage items or the broader curtilage of CA12 North Sydney heritage conservation area.</p> |

| <b>Principal Development Standards – North Sydney Local Environmental Plan 2013</b> |                 |                 |  |  |
|---|-----------------|-----------------|--|--|
|   | <b>Approved</b> | <b>Proposed</b> | <b>Control</b>   | <b>Complies</b>  |
| 6.7 Development in Zone RE1 or Zone RE2   | -               | -               | <p>(2) Development consent must not be granted for development on land to which this clause applies unless the consent authority has considered the following—</p> <p>(a) the need for the proposed development on the land,</p> <p>(b) whether the proposed development is likely to have a detrimental impact on the existing or likely future use of the land,</p> <p>(c) whether the height and bulk of any proposed building or structure has regard to the existing vegetation and topography,</p> <p>(d) whether the proposed development will adversely impact on bushland and remnant bushland,</p> <p>(e) whether the proposed development will adversely impact on stormwater flow,</p> <p>(f) in the case of land in Zone RE1 Public Recreation, whether the proposed development will significantly diminish public access to, and use of, that public recreation area.</p> | <p>The proposed alterations and additions will facilitate the approved use of the kiosk café on Level 3 of the building and would not detrimentally impact the existing or likely future use of the land. The proposed works align with the overall redevelopment of the site as approved under DA347/19. The works are wholly internal and do not alter the existing height and bulk of the building and would not alter the topography or any existing vegetation. The proposed works will not impact any existing public access to and use of the public recreation area.</p> |
|   |                 |                 | <p>(3) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that—</p> <p>(a) the proposed development is consistent with the objectives of the zone of any adjacent land, and</p> <p>(b) the proposed development is not likely to result in any adverse impacts on development that is permissible on any adjacent land.</p>  | <p>The adjoining land to the east, south and west of the site is also zoned RE1. The proposed works are limited to the internal of the approved building on the site and would not be inconsistent with the objectives of the adjoining SP2 Luna Park and MU1 zoned land to the north and north-west. The proposed works will not generate any adverse impacts on development that is permissible in the adjoining SP2 Luna Park or MU1 land use zones.</p>  |
| 2.5 & Schedule 1 - Use of certain land at 4 Alfred Street South, Milsons Point      | -               | -               | <p>Development for the purpose of a recreation facility (indoor), a restaurant or café and a function centre is permitted with development consent on land at North Sydney Pool, 4 Alfred Street South, Milsons Point.</p>   | <p>The proposed fit-out works are to facilitate the approved use of the kiosk café on Level 3 of the building; noting that development for the purpose of 'restaurants and cafes' is permissible with consent in the RE1 land use zone.</p>  |

### NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013

The proposed modifications have been assessment under the following relevant headings within the NSDCP 2013:

| Control   | Complies | Comments   |
|---|----------|--|
| <b>Part B Section 7 - Late Night Trading Hours</b>        |          |  |
| <b>7.3 Trading Hours</b>                                  |          |  |
| <b>7.3.1 Trading Hours</b>                                | Yes      | No change is proposed to trading hours approved for the café under DA347/19.   |
| <b>7.3.3 Acoustic Impacts</b>                             | Yes      | The proposed development comprises the fit-out of the approved kiosk. The use of the kiosk was approved under DA347/19.  |
| <b>Part B Section 11 – Construction Management</b>        |          |  |
| <b>1.5 Quality Urban Environment</b>                      |          |  |
| <b>11.2 Operating Hours, Noise and Vibration</b>          | Yes      | Recommended standard conditions of consent prior to the commencement of works and during works have been imposed to manage construction impacts.   |
| <b>11.3 Public Safety, Amenity and Site Security</b>      |          |  |
| <b>11.3 Air and Dust Management</b>                       |          |  |
| <b>11.5 Erosion and Sediment Control</b>                  |          |  |
| <b>11.6 Waste Management</b>                              |          |  |
| <b>11.7 Traffic Management</b>                            |          |  |
| <b>11.8 Community Information</b>                         |          |  |
| <b>Part B Section 12 - Access</b>                         |          |  |
| <b>12.2.3 Building Code of Australia (BCA)</b>            | Yes      | A standard condition of consent requiring compliance with the BCA has been recommended.  |
| <b>Part B Section 13 – Heritage Conservation</b>          |          |  |
| <b>13.4 Development in the Vicinity of Heritage Items</b> | Yes      | The application is accompanied by a Heritage Impact Statement which concludes that the development will not have any detrimental impact on the significance of the overall heritage item and heritage items within the vicinity; given that the works are wholly internal to the building. |
| <b>13.5 Heritage Items</b>                                | Yes      | See above comment.   |

### Part C – Section 9 – Lavender Bay Planning Area of the NSDCP 2013

The subject site is located within the Milsons Point Town Centre of the Lavender Bay Planning Area and the North Sydney Pool is identified as an icon. The land uses within the centre are identified as comprising predominantly mixed use commercial and residential development, passive and active recreational spaces and major road and railway infrastructure. The natural features comprise an interface with Sydney Harbour, with district views from streets and reserves to Sydney Harbour and beyond. The desired future character relevantly includes the protection and retention of existing heritage items and the provision of a balance between the working and resident populations of the town centre, to ensure an active environment throughout the day.

The proposed works are wholly contained within the approved building and are proposed to facilitate the approved use of the kiosk as a café.

### **SYDNEY HARBOUR FORESHORES AND WATERWAYS AREA DEVELOPMENT CONTROL PLAN 2005**

The site is identified on the maps accompanying this DCP as comprising “urban development with scattered trees” and “grassland”. These areas are identified in this DCP as having low ecological conservation status.

This DCP identifies the site as being within Landscape Character Type 8, being areas that have a high level of built form. The performance criteria for this Landscape Character Type are generally not relevant to the development that is proposed, given the unique nature of the site and the fact that the development comprises minor alterations and additions to an existing building. Notwithstanding, the proposal is not inconsistent with that performance criteria in that the development will not impact existing vegetation and natural features of the foreshore and that it will not impact the maritime uses on the Harbour.

The proposed works are wholly contained within the approved building and are proposed to facilitate the approved use of the kiosk as a café.

| <b>ENVIRONMENTAL APPRAISAL</b>  | <b>CONSIDERED</b> |
|---|-------------------|
| 1. Statutory Controls   | Yes               |
| 2. Policy Controls  | Yes               |
| 3. Design in relation to existing building and environment  | Yes               |
| 4. Landscaping/Open Space Provision   | N/A               |
| 5. Traffic generation and Carparking provision  | N/A               |
| 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 s. 4.15 (1) considerations of<br><i>Environmental Planning and Assessment Act 1979</i>  | Yes               |

### **PUBLIC INTEREST**

The proposal is in the public interest for the reasons stated throughout this report. The proposed fit-out works will facilitate the approved use of the kiosk as a café, which aligns with the current redevelopment works being undertaken to the North Sydney Olympic Pool.

### **SUITABILITY OF THE SITE**

For the same reason as above, the site is suitable for the modified proposal.

### **CONCLUSION & REASONS**

The proposal was considered under the relevant Environmental Planning Instruments and policies including NSLEP 2013 and NSDCP 2013. The development as proposed is supportable.

Having regard to the provisions of section 4.15(1) of the *Environmental Planning and Assessment Act 1979*, the development as proposed is recommended for **approval**, subject to conditions.

### **RECOMMENDATION**

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

**THAT** the North Sydney Planning Panel exercising the functions of Council as the consent authority grant consent to Development Application No. 370/2024 for fit out works of a café kiosk space at 4 Alfred Street South, Milsons Point.

**Jeremy Swan**  
**CONSULTANT TOWN PLANNER**

---

Manager's note: This report has been reviewed for quality and completeness only. The content and recommendation is materially unchanged from that of the Independent Assessment Officer.

**NORTH SYDNEY COUNCIL**  
**CONDITIONS OF DEVELOPMENT APPROVAL**  
**4 ALFRED STREET SOUTH, MILSONS POINT**  
**DEVELOPMENT APPLICATION NO. 370/24**

**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 endorsed with Council's approval stamp and other documentation listed in the table to this clause, or cited by other conditions, and as amended by other conditions of this consent.

| Plan No. | Issue Date/Rev | Description     | Prepared by                | Dated |
|----------|----------------|-----------------|----------------------------|-------|
| 100      | -              | Equipment Plan  | Sydney Commercial Kitchens | -     |
| 102      | -              | Hydraulic Plan  |                            | -     |
| 103      | -              | Electrical Plan |                            | -     |
| 104      | -              | Elevations      |                            | -     |
| 105      | -              | Elevations      |                            | -     |

(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 plans endorsed with Council's approval stamp, 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 Certifier.

All documents kept on site in accordance with this condition must be provided to any officer of the Council or the Principal Certifier 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)

**4 ALFRED STREET SOUTH, MILSONS POINT  
DEVELOPMENT APPLICATION NO. 370/24**

Page 2 of 10

**No Demolition of Extra Fabric**

- A3. Alterations to, and demolition of the existing building shall be limited to that documented on the approved plans.

(Reason: To ensure compliance with the approved development)

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

- C1. A Fire Safety Schedule is to be prepared by the certifier and accompany the Construction Certificate.

(Reason: Fire safety)

**Work Zone**

- C2. If a Work Zone is required a Work Zone permit is to be obtained from Council prior to the issue of any Construction Certificate.

Note: For major development, an application for work zone permit must be considered by the North Sydney Local Traffic Committee.

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 Principal Certifier 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)

**Food Preparation Areas - Plan**

- C3. To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all building work in connection with the occupation or use of the premises for the preparation and storage of food shall be designed and carried out in accordance with the requirements of:

**4 ALFRED STREET SOUTH, MILSONS POINT  
DEVELOPMENT APPLICATION NO. 370/24**

Page 3 of 10

- a) *the Food Act 2003*;
- b) *the Food Regulation*;
- c) Australian Standard 4674-2004;
- d) Council's Food Premises – Design, Construction & Fitout Guide;
- e) Sydney Water Corporation - Trade Waste Section;
- f) *the Protection of the Environment Operations Act 1997* and associated Regulations.

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

The Construction Certificate plans and documentation must incorporate details of the following:

- a) construction, materials and finishes;
- b) installation of fixtures, fittings and equipment;
- c) washing facilities, other facilities and special requirements;
- d) mechanical ventilation and exhaust discharges; and
- e) temperature control

The 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 ensure compliance with acceptable standards for the construction of food premises established under environmental health and safety legislation)

**Garbage and Recycling Facilities**

- C4. Adequate provision must be made for the storage of waste and recyclable material generated by the premises. 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.

(Reason: To ensure the provision of appropriate waste facilities and to ensure efficient collection of waste by collection contractors)

**Noise from Plant and Equipment**

- C5. The use of all plant and equipment installed on the premises must not:
- (a) Contribute an LAeq(15min) which will cause the total LAeq(15min) from all plant and equipment operating contemporaneously on the site or in the strata scheme or in the mixed strata schemes to exceed the RBL by more than 5dB when measured at the boundary of any affected receiver. The modifying factor adjustments in **Fact Sheet C** of the *NSW Environment Protection Authority Noise Policy for Industry 2017* shall be applied.



**4 ALFRED STREET SOUTH, MILSONS POINT  
DEVELOPMENT APPLICATION NO. 370/24**

Page 4 of 10

- (b) 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, elevated window or balcony of a multi-storey 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)

**Mechanical Exhaust Ventilation**

- C6. 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.

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

**D. Prior to the Commencement of any Works (and continuing where indicated)****Sydney Water Approvals**

- D1. 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 Principal Certifier must ensure that Sydney Water has appropriately stamped the plans before the commencement of building works.

Note: **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).

(Reason: To ensure compliance with Sydney Water requirements)

**4 ALFRED STREET SOUTH, MILSONS POINT  
DEVELOPMENT APPLICATION NO. 370/24**

Page 5 of 10

**Commencement of Works' Notice**

- D2. Building work, demolition or excavation in accordance with this development consent must not be commenced until the developer has given at least 2 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)

**No Work on Public Open Space**

- E2. 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 the 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)

**Applicants Cost of work on Council Property**

- E3. The applicant or the person, company or other entity that is acting upon this consent, 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)

**Special Permits**

- E4. 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.

**4 ALFRED STREET SOUTH, MILSONS POINT  
DEVELOPMENT APPLICATION NO. 370/24**

Page 6 of 10

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.

**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.

**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.

**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)

**Service Adjustments**

- E5. Where required, the adjustment or inclusion of any new utility service or facilities must be carried out by an appropriate contractor in accordance with the requirements of the relevant utility authority.

**4 ALFRED STREET SOUTH, MILSONS POINT  
DEVELOPMENT APPLICATION NO. 370/24**

Page 7 of 10

These works shall be at no cost to Council. It is the Applicant's responsibility to contact the relevant utility authorities to ascertain the impacts of the proposal upon utility services prior to the commencement of any work, including demolition (including water, phone, gas and the like).

Council accepts no responsibility for any impact on or influence upon utility services provided by another authority.

(Reason: To ensure the service requirements are met)

**Prohibition on Use of Pavements**

- E6. 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)

**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)

**Appointment of Principal Certifier (PC)**

- F2. Building work, demolition or excavation in accordance with the development consent must not be commenced until the developer has appointed a Principal Certifier 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**

- F3. 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)

**4 ALFRED STREET SOUTH, MILSONS POINT  
DEVELOPMENT APPLICATION NO. 370/24**Page 8 of 10

---

**Occupation Certificate**

- F4. 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 Certifier appointed for the building work can issue an Occupation Certificate.

(Reason: Statutory)

**Critical Stage Inspections**

- F5. Building work must be inspected by the Principal Certifier on the critical stage occasions prescribed by the EP&A Act and its Regulations, and as directed by the appointed Principal Certifier.

(Reason: Statutory)

**Commencement of Works' Notice**

- F6. 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 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)

**G. *Prior to the Issue of an Occupation Certificate*****Utility Services**

- G1. 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)

**Certification for Mechanical Exhaust Ventilation**

- G2. Prior to issue of the relevant 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 National Construction Code, must be submitted to, and approved by, the Principal Certifier.

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

**4 ALFRED STREET SOUTH, MILSONS POINT  
DEVELOPMENT APPLICATION NO. 370/24**

Page 9 of 10

**Food Preparation Areas – Compliance**

G3. Prior to an occupation certificate being issued, the Certifier must verify the premises have been constructed to comply with:

- a) Australian Standard 4674-2004;
- b) Council's Food Premises – Design, Construction & Fitout Guide;
- c) Sydney Water Corporation - Trade Waste Section;

(Reason: To ensure compliance with the food safety standards)

***I. Ongoing / Operational Conditions*****Trade Waste**

I1. Trade wastewater must be disposed of in accordance with the permit requirements of Sydney Water Corporation Ltd, Wastewater Source Control Branch.

(Reason: To ensure compliance with Sydney Water's requirements and protect the environment)

**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)

**Hours of Operation**

I3. The hours of operation are restricted to:

5am to 12.00am, Monday to Sunday – internal  
7am to 12.00am, Monday to Sunday – external

Upon expiry of the permitted hours:

- (a) all restaurant service (and entertainment) must immediately cease;
- (b) no person shall be permitted entry; and

all customers on the premises must be required to leave within the following half hour.

(Reason: To ensure that amenity of the surrounding locality is maintained and hours of operation are consistent with those in surrounding locality)

**4 ALFRED STREET SOUTH, MILSONS POINT  
DEVELOPMENT APPLICATION NO. 370/24**Page 10 of 10

---

**Waste Collection**

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

(Reason: To ensure the amenity of surrounding properties)

**Delivery Hours**

15. No deliveries, loading or unloading associated with the premises are to take place between the hours of 10.00pm and 6.00am on any day.

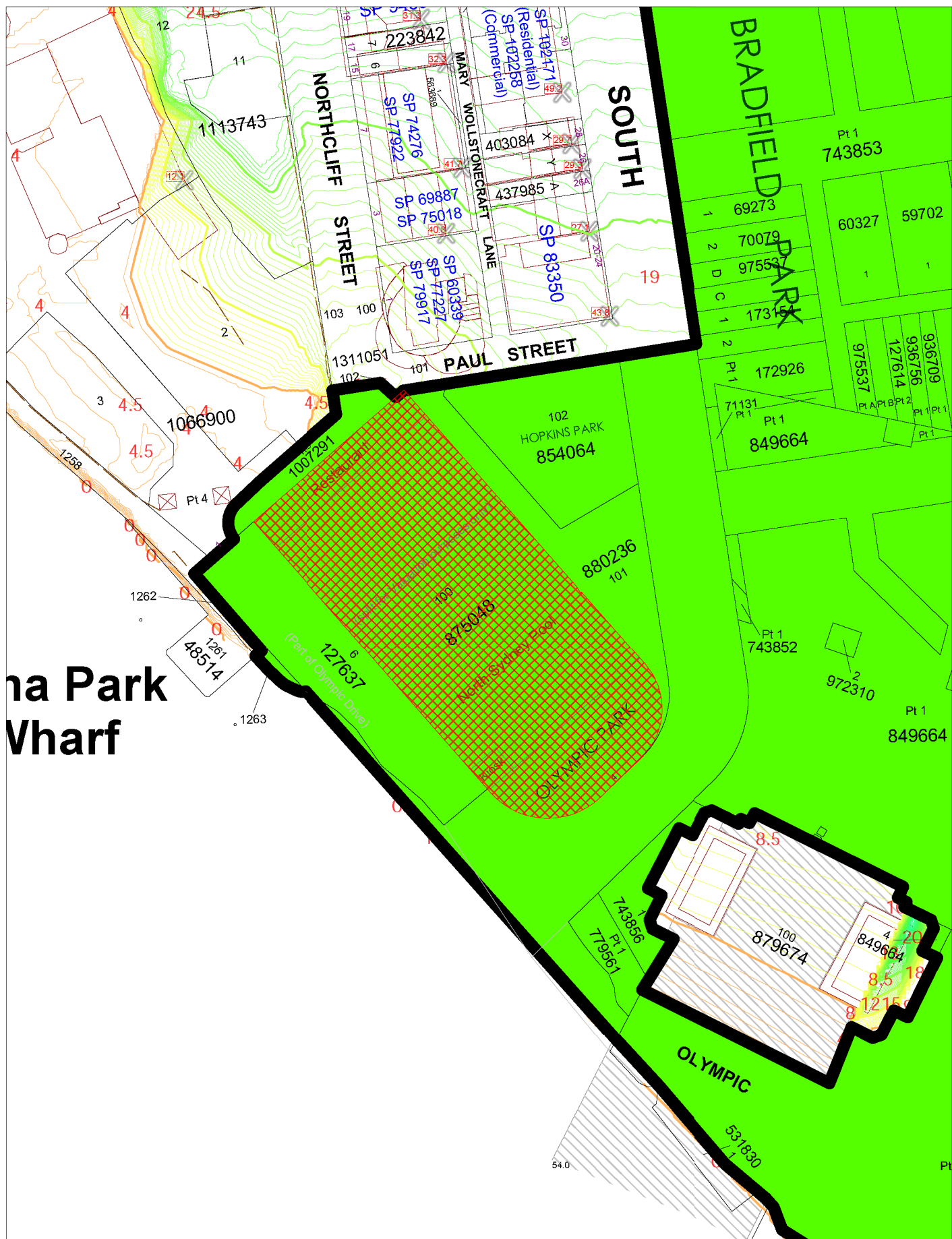
(Reason: To ensure the acoustic amenity of surrounding properties)

**Food business Registration**

16. Prior to the commencement of operation, the food business must notify and register with North Sydney Council in accordance with the Food Act 2003. The food premises registration must be maintained at all times

Note: Council registration forms can be found at <http://www.northsydney.nsw.gov.au>.

(Reason: To ensure compliance with Environmental Health legislation)



na Park  
Vharf



### North Sydney Council

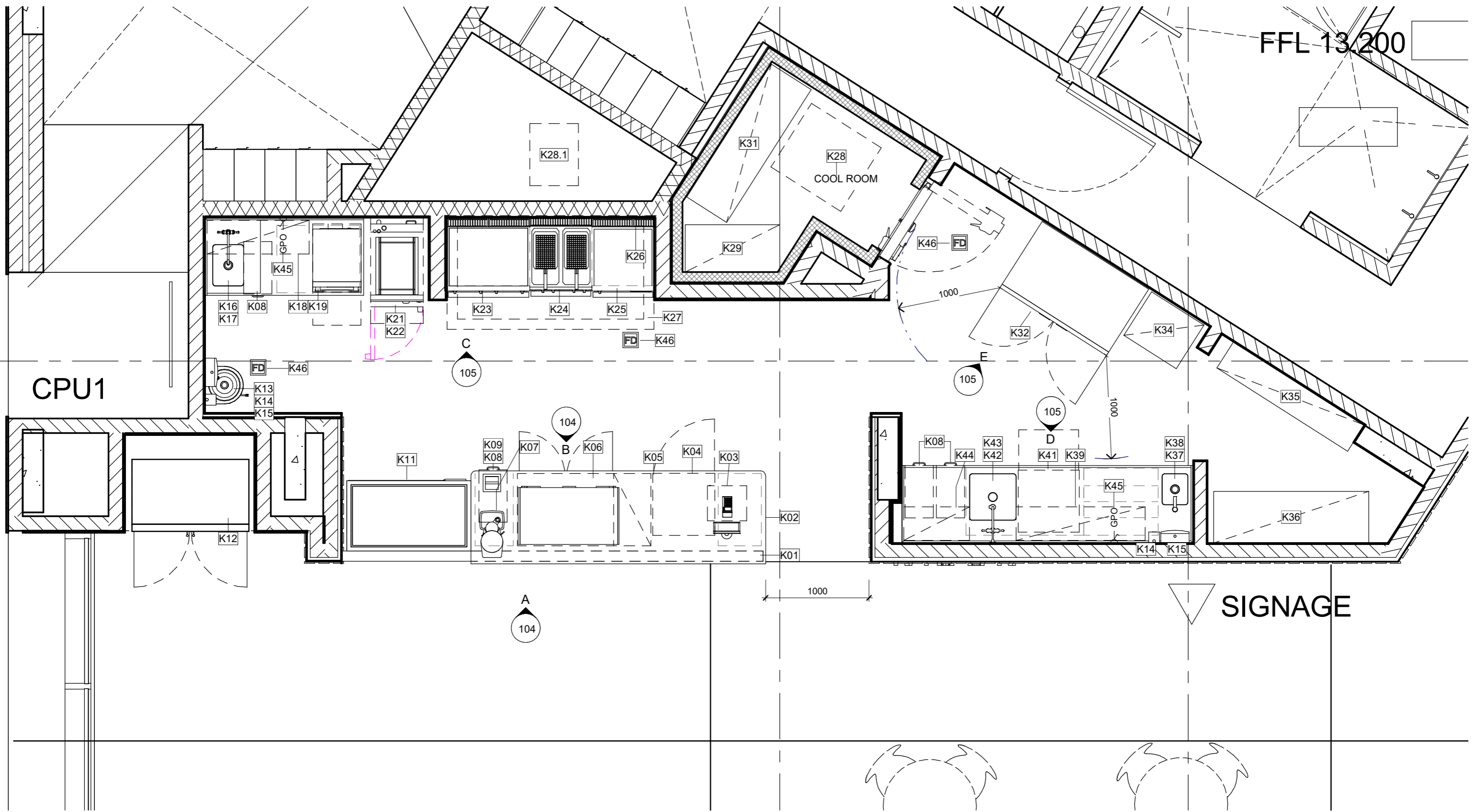
Copyright © North Sydney Council - No part of this map may be reproduced without permission. Commercial decisions should not be made based on information contained in this map without first checking details held by the responsible Government authority.

Further details can be obtained by calling (02) 9936 8100 or e-mail [mapping@northsydney.nsw.gov.au](mailto:mapping@northsydney.nsw.gov.au).

Scale: 1:1200 approx.



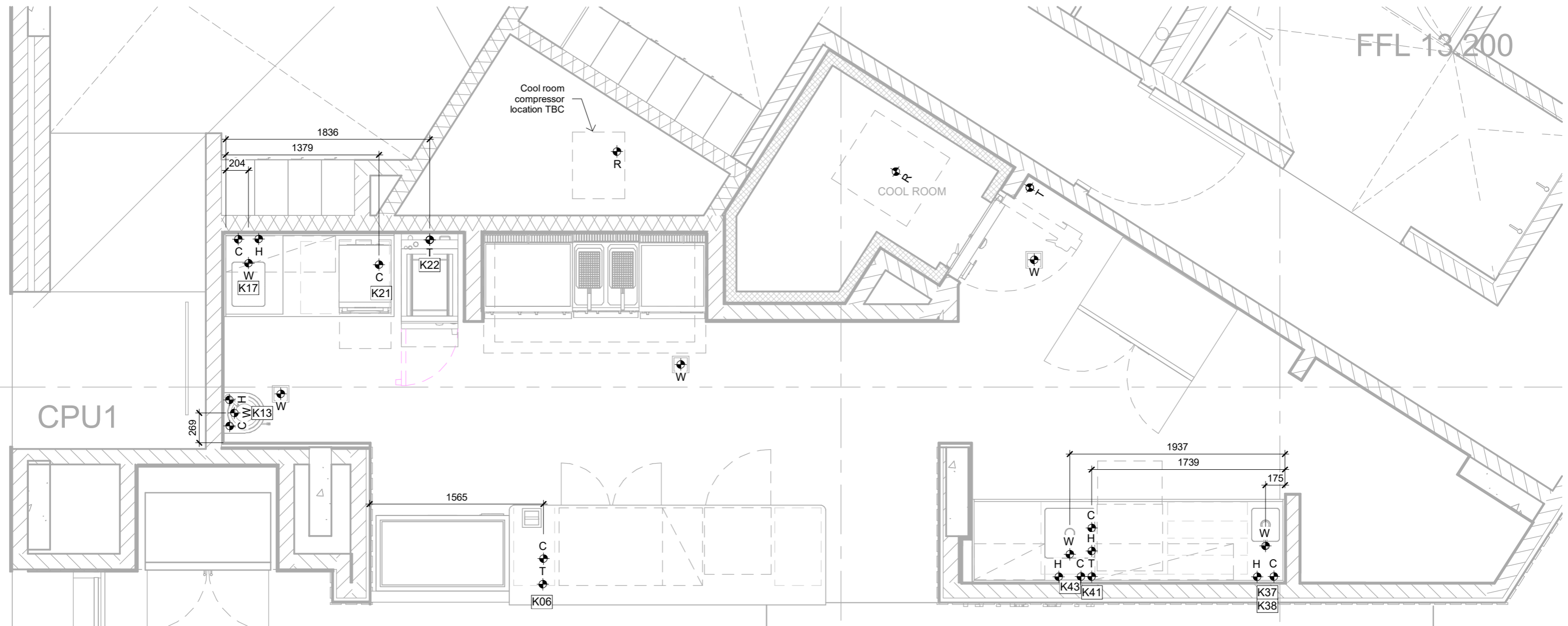




**EQUIPMENT SCHEDULE**

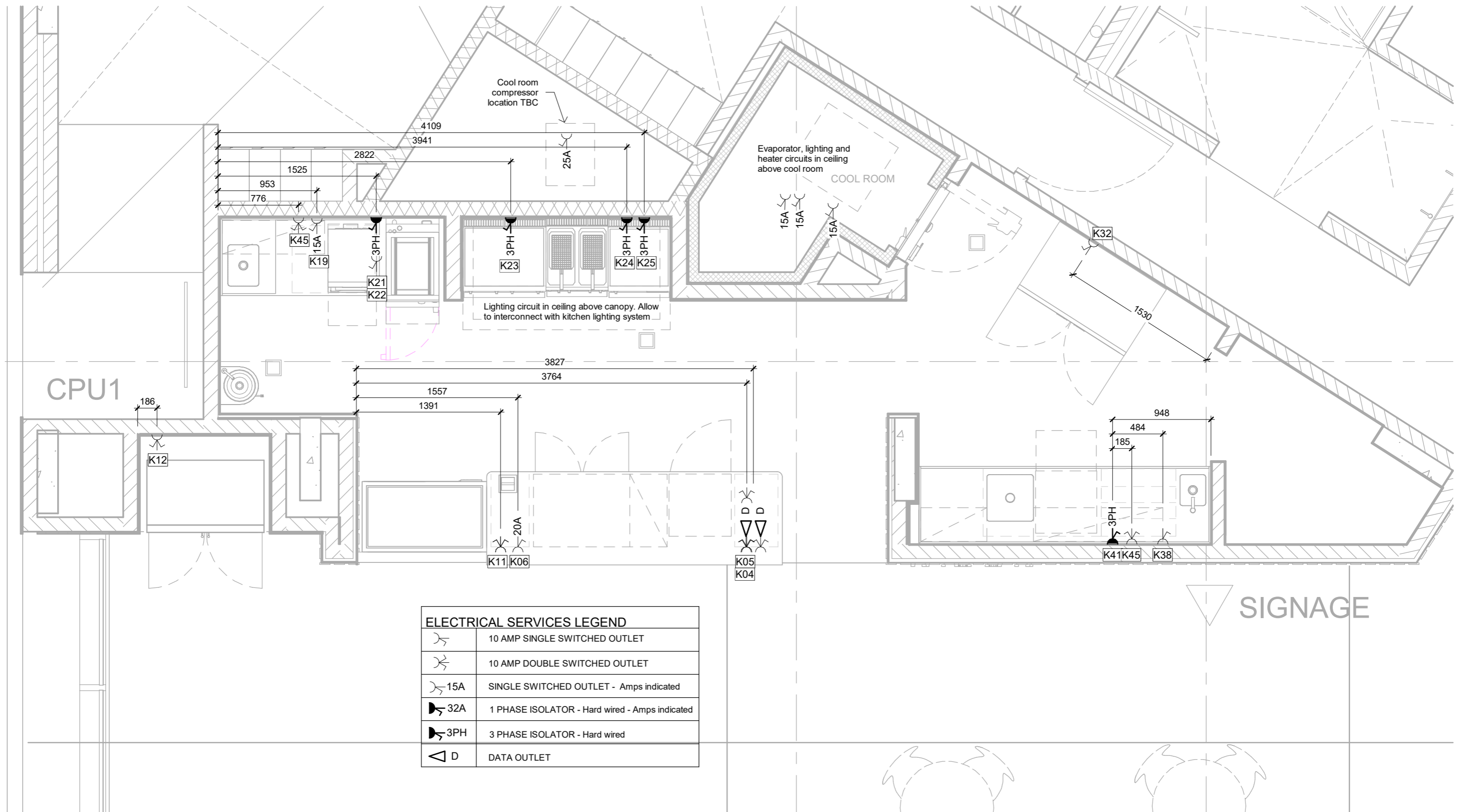
| ITEM  |     |                                   |                     |                      | ELECTRICAL SERVICES                          | GAS SERVICES | WATER SERVICES                  | WASTE SERVICES                 | COMMENTS   |
|-------|-----|-----------------------------------|---------------------|----------------------|--|--------------|---------------------------------|--------------------------------|--|
| NO.   | QTY | DESCRIPTION                       | MANUFACTURER        | MODEL                |  |              |                                 |                                |  |
| K01   | 1   | SERVICES SPINE WALL               | STAINLESS STEEL     | CUSTOM               |  |              |                                 |                                |  |
| K02   | 1   | WORK BENCH                        | STAINLESS STEEL     | CUSTOM               |  |              |                                 |                                |  |
| K03   | 1   | POS                               | CLIENT SUPPLIED     | CLIENT SUPPLIED      | 1P+N+E - 750 AFFL - 240 V - 10 A -           |              |                                 |                                | 2 x 10A DOUBLE OUTLETS + 2 x DOUBLE DATA OUTLETS   |
| K04   | 1   | UNDERCOUNTER FREEZER - SOLID DOOR | SKOPE               | RF6.UBF.1.SD         | 1P+N+E - 450 AFFL - 240 V - 1.0 A - 0.24 kW  |              |                                 |                                |  |
| K05   | 1   | 2 DOOR FRIDGE                     | SKOPE REFRIGERATION | RF7.UBR.2SD          | 1P+N+E - 450 AFFL - 240 V - 4.0 A - 0.96 kW  |              |                                 |                                |  |
| K06   | 1   | 3 GROUP COFFEE MACHINE            | BOEMA CONTI         | CC100                | 1PH+N+E - 750 AFFL - 240 V - 20 A - 4.7 kW   |              | Ø15mm C Stop Cock - 450 AFFL    | Ø40mm - TUNDISH - 150 AFFL     | ALL SERVICES TBC BY SUPPLIER PRIOR TO INSTALLATION   |
| K07   | 1   | COFFEE GRINDER                    | BOEMA               | A230-AG4A            | 1P+N+E - 650 AFFL - 240 V - 10 -             |              |                                 |                                |  |
| K08   | 4   | RUBBISH BIN                       |                     |                      |  |              |                                 |                                |  |
| K09   | 1   | COFFEE KNOCK                      | STAINLESS STEEL     |                      |  |              |                                 |                                |  |
| K10   | 1   | SPARE NUMBER                      |                     |                      |  |              |                                 |                                |  |
| K11   | 1   | HOT FOOD DISPLAY                  | ANVIL AIRE          | NDHV4740             | 1P+N+E - 750 AFFL - 240 V - 5.0 A - 1.1 kW   |              |                                 |                                |  |
| K12   | 1   | 2 GLASS DOOR DISPLAY FRIDGE       | SKOPE REFRIGERATION | TME1000N-A           | 1P+N+E - 2300 AFFL - 240 V - 3.0 A - 0.72 kW |              |                                 |                                |  |
| K13   | 1   | KNEE OPERATED WASH HAND BASIN     | 3 MONKEEZ           | AB-KNEEHB-RTMV       |  |              | Ø15mm H&C Stopcocks - 550 AFFL  | Ø40mm - PLUMBED - 450 AFFL     |  |
| K14   | 2   | LIQUID SOAP DISPENSER             |                     |                      |  |              |                                 |                                |  |
| K15   | 2   | PAPER TOWEL DISPENSER             |                     |                      |  |              |                                 |                                |  |
| K16   | 1   | SINK BENCH                        | STAINLESS STEEL     | CUSTOM               |  |              |                                 | Ø50mm - PLUMBED - 450 AFFL     |  |
| K17   | 1   | HOBBS MOUNT FAUCET 300mm          | 3MONKEES            | T-3MDH12             |  |              | Ø15mm H+C Stop Cocks - 650 AFFL |                                |  |
| K18   | 1   | 2 TIER WALL SHELF                 | STAINLESS STEEL     | CUSTOM               |  |              |                                 |                                |  |
| K19   | 1   | HIGH SPEED OVEN                   | LAINOX              | ORACRS               | 1P+N+E - 1200 AFFL - 240 V - 16A - 3.6 kW    |              |                                 |                                |  |
| K20   | 1   | SPARE NUMBER                      |                     |                      |  |              |                                 |                                |  |
| K21   | 1   | 10 TRAY COMBI OVEN & STAND        | LAINOX              | COEN101R + COEN06/10 | 3P+N+E - 1800 AFFL - 415 V - 23 A - 15.4 kW  |              | Ø 15mm C Stopcock - 700 AFFL    | Ø 40 mm - TUNDISH - 150 AFFL   |  |
| K22   | 1   | CANOPY WITH STEAM CONDENSER       | LAINOX              | CKO061               | 1P+N+E - 2100 AFFL - 240 V - 10 A -          |              |                                 | Ø40mm - TUNDISH - 150 AFFL     |  |
| K23   | 1   | INDUCTION COOKTOP - LEGSET BASE   | BARON               | Q70PC/IND800/70CA V8 | 3P+N+E - 450 AFFL - 240 V - 20 A - 14 kW     |              |                                 |                                |  |
| K24   | 1   | TWIN PAN FRYER                    | BARON               | Q70FRI/E610          | 3P+N+E - 450 AFFL - 415 V - 25 A/P - 18 kW   |              |                                 |                                |  |
| K25   | 1   | GRIDDLE - LEGSET BASE             | BARON               | Q70FT/E605/70CAV6    | 3P+N+E - 450 AFFL - 240 V - 10.5 A - 7.5 kW  |              |                                 |                                |  |
| K26   | 1   | WALL CLADDING                     | STAINLESS STEEL     | CUSTOM               |  |              |                                 |                                |  |
| K27   | 1   | EXTRACTION CANOPY                 |                     |                      | 1P+N+E - 2400 AFFL - 240 V - 10 A -          |              |                                 |                                | LIGHTING CIRCUIT TO CANOPY LIGHTS ( x 1 LAMPS)<br>POWER TO REMOTE EXTRACTION FAN ( LOCATION TBC)<br>FAN CONTROLLER LOCATION TBC BY ELECTRICIAN |
| K28   | 1   | COOL ROOM                         | REFRIGERATION       | CUSTOM               | 1P+N+E - 2400 AFFL - 240 V - 15A -           |              |                                 | Ø 40mm - TUNDISH - 150 AFFL    | POWER TO COOLROOM EVAPORATOR, LIGHT, FLOOR AND DOOR HEATERS.<br>POWER TO REMOTELY LOCATED COMPRESSOR<br>LOCATION TBC                           |
| K28.1 | 1   | REMOTE CONDENSOR                  | KIRBY               | KCM210GS             | 1P+N+E - 1200 AFFL - 240 V - 25 A - 4.8 kW   |              |                                 |                                |  |
| K29   | 1   | 4 TIER SHELVING 457 x 914 x1829   | ARTINOX             |                      |  |              |                                 |                                |  |
| K30   | 1   | SPARE NUMBER                      |                     |                      |  |              |                                 |                                |  |
| K31   | 1   | 4 TIER SHELVING 457 x1524 x1829   | ARTINOX             |                      |  |              |                                 |                                |  |
| K32   | 1   | 2 DOOR UPRIGHT FREEZER            | SKOPE REFRIGERATION | RF7.UPF.2.SD         | 1P+N+E - 2100 AFFL - 240 V - 4.0 A - 0.72 kW |              |                                 |                                |  |
| K34   | 1   | 5 TIER SHELVING 500 x 600 x1800   | ARTINOX             |                      |  |              |                                 |                                |  |
| K35   | 1   | 5 TIER SHELVING 300 x1500 x1800   | ARTINOX             |                      |  |              |                                 |                                |  |
| K36   | 1   | 5 TIER SHELVING 500 x1500 x1800   | ARTINOX             |                      |  |              |                                 |                                |  |
| K37   | 1   | SS SINK 250 x 300 x 200           |                     |                      |  |              |                                 | Ø 50mm - PLUMBED - 470 AFFL    |  |
| K38   | 1   | ELECTRONIC HANDS FREE FAUCET      | 3MONKEEZ            | T-GFHST-M-TV         | 1P+N+E - 750 AFFL - 240 V - 10 A -           |              | Ø15mm H+C Stop Cocks - 650 AFFL |                                |  |
| K39   | 1   | 2 TIER WALL SHELF                 | STAINLESS STEEL     | CUSTOM               |  |              |                                 |                                |  |
| K40   | 1   | SPARE NUMBER                      |                     |                      |  |              |                                 |                                |  |
| K41   | 1   | UNDERCOUNTER GLASS WASHER         | DIHR                | GS50T                | 3P+N+E - 750 AFFL - 415 V - 7.0 A - 5.15 kW  |              | Ø15mm H+C Stopcocks - 650 AFFL  | Ø 50mm - STAND PIPE - 300 AFFL |  |
| K42   | 1   | SINK BENCH                        | STAINLESS STEEL     | CUSTOM               |  |              |                                 | Ø50mm - PLUMBED - 450 AFFL     |  |
| K43   | 1   | HOBBS MOUNT PRE-RINSE             | 3MONKEES            | T-3M53508            |  |              | Ø15mm H+C Stop Cocks - 650 AFFL |                                |  |
| K44   | 1   | 2 TIER WALL SHELF                 | STAINLESS STEEL     | CUSTOM               |  |              |                                 |                                |  |
| K45   | 2   | SPARE 10 A GPO                    |                     |                      | 1P+N+E - 1200 AFFL - 240 V - 10 A -          |              |                                 |                                |  |
| K46   | 3   | FLOOR WASTE                       | BY BUILDER          |                      |  |              |                                 | Ø 80mm - PLUMBED - 0 AFFL      |  |

FFL 13/200

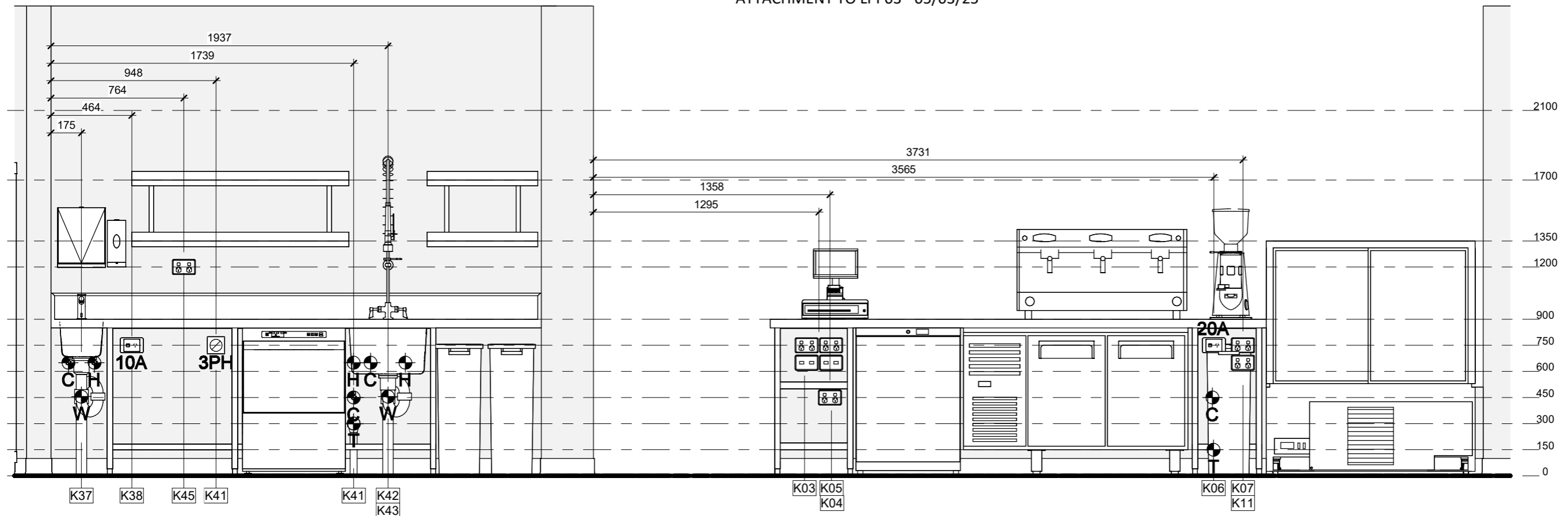


| HYDRAULICS & GAS SERVICES LEGEND |                               |
|----------------------------------|-------------------------------|
|                                  | COLD WATER SUPPLY CONNECTION  |
|                                  | HOT WATER SUPPLY CONNECTION   |
|                                  | PLUMBED WASTE CONNECTION      |
|                                  | TUNDISH WASTE CONNECTION      |
|                                  | GAS SUPPLY CONNECTION         |
|                                  | REFRIGERANT SUPPLY CONNECTION |

NOTE:  
HOT AND COLD WATER, AND GAS SUPPLIES TO BE FITTED WITH ISOLATING VALVES AT CONNECTION POINT



| ELECTRICAL SERVICES LEGEND |  |
|----------------------------|--|
|                            | 10 AMP SINGLE SWITCHED OUTLET                      |
|                            | 10 AMP DOUBLE SWITCHED OUTLET                      |
|                            | 15A SINGLE SWITCHED OUTLET - Amps indicated        |
|                            | 32A 1 PHASE ISOLATOR - Hard wired - Amps indicated |
|                            | 3PH 3 PHASE ISOLATOR - Hard wired                  |
|                            | DATA OUTLET  |

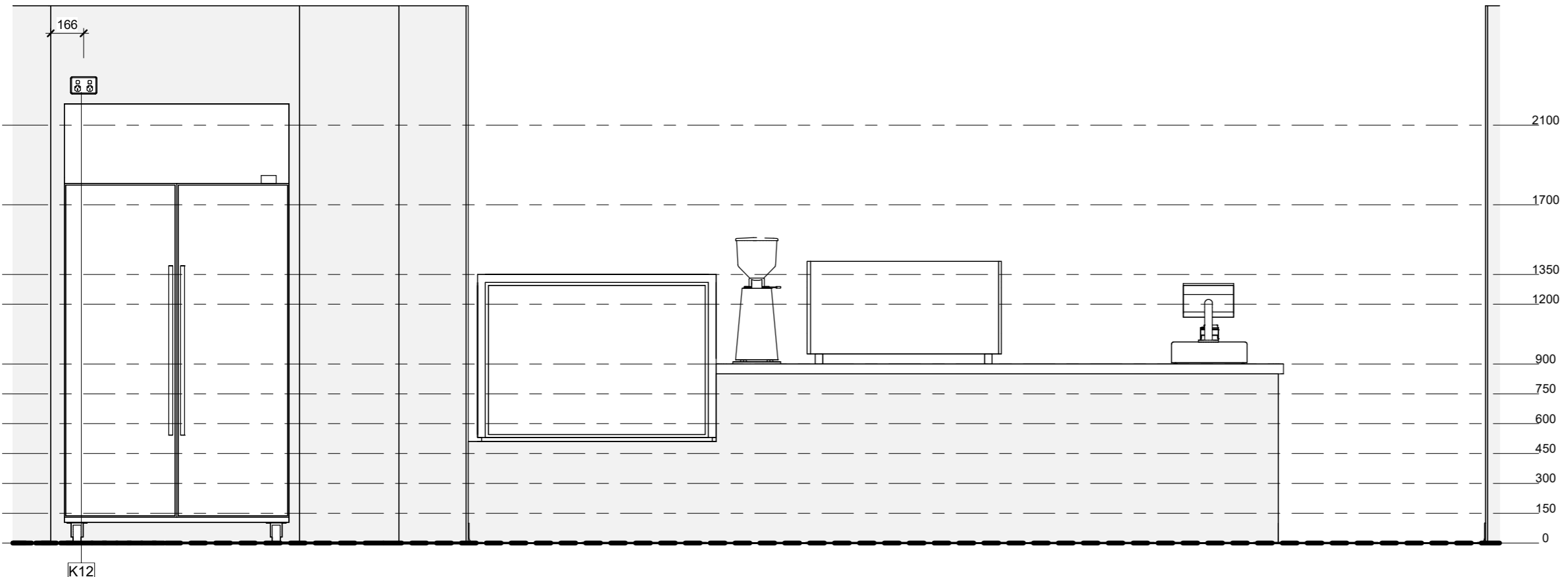


**B** PASS & DISH WASH  
1 : 25

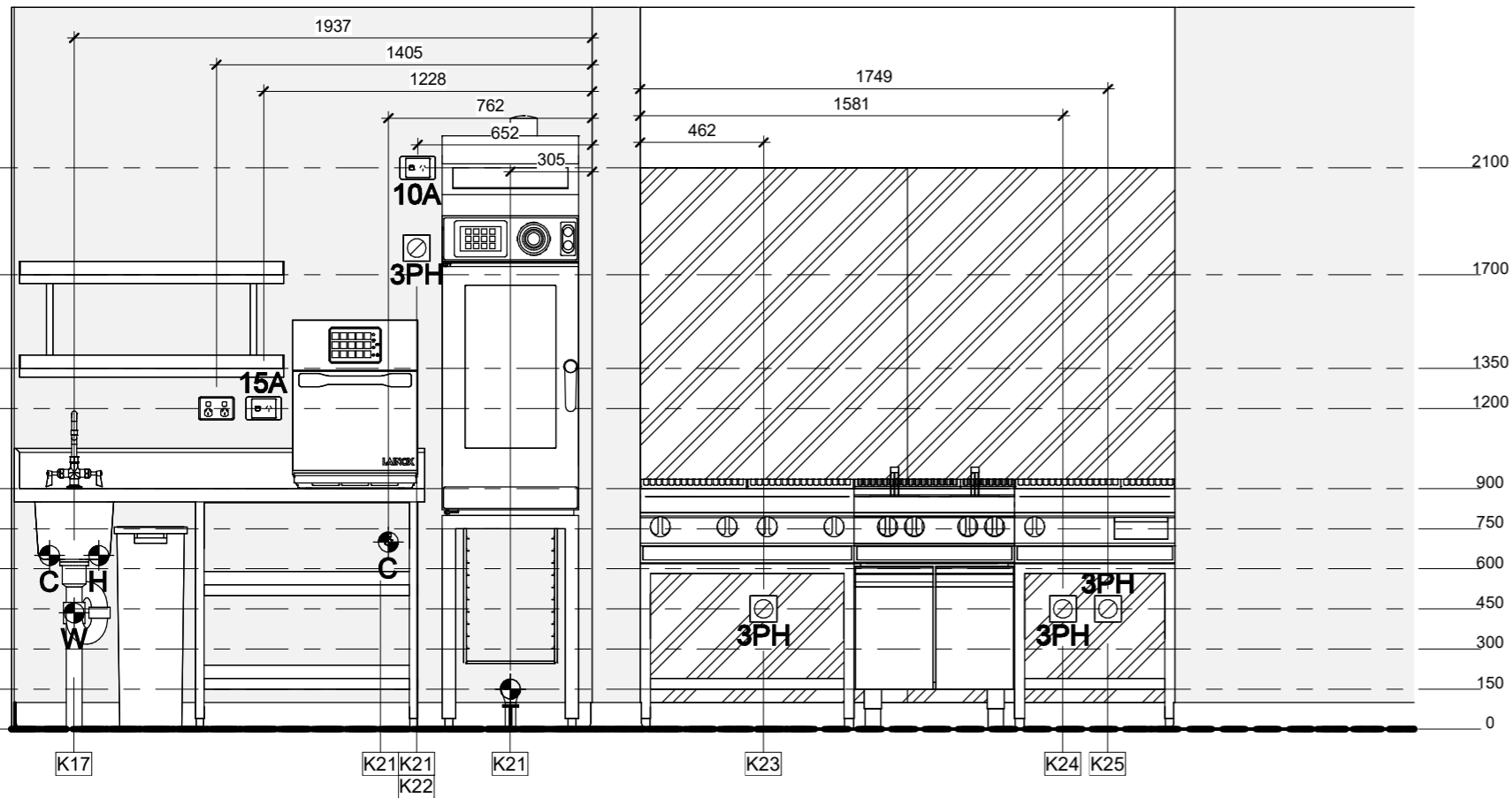
| ELECTRICAL SERVICES LEGEND |   |
|----------------------------|---|
|                            | 10 AMP SINGLE SWITCHED OUTLET           |
|                            | 10 AMP DOUBLE SWITCHED OUTLET           |
|                            | SINGLE SWITCHED OUTLET - Amps indicated |
|                            | 3 PHASE ISOLATOR - Hard wired           |
|                            | DATA OUTLET                             |
|                            | 1 PHASE ISOLATOR - Hard wired           |

| HYDRAULICS & GAS SERVICES LEGEND |                               |
|----------------------------------|-------------------------------|
|                                  | COLD WATER SUPPLY CONNECTION  |
|                                  | HOT WATER SUPPLY CONNECTION   |
|                                  | PLUMBED WASTE CONNECTION      |
|                                  | TUNDISH WASTE CONNECTION      |
|                                  | GAS SUPPLY CONNECTION         |
|                                  | REFRIGERANT SUPPLY CONNECTION |

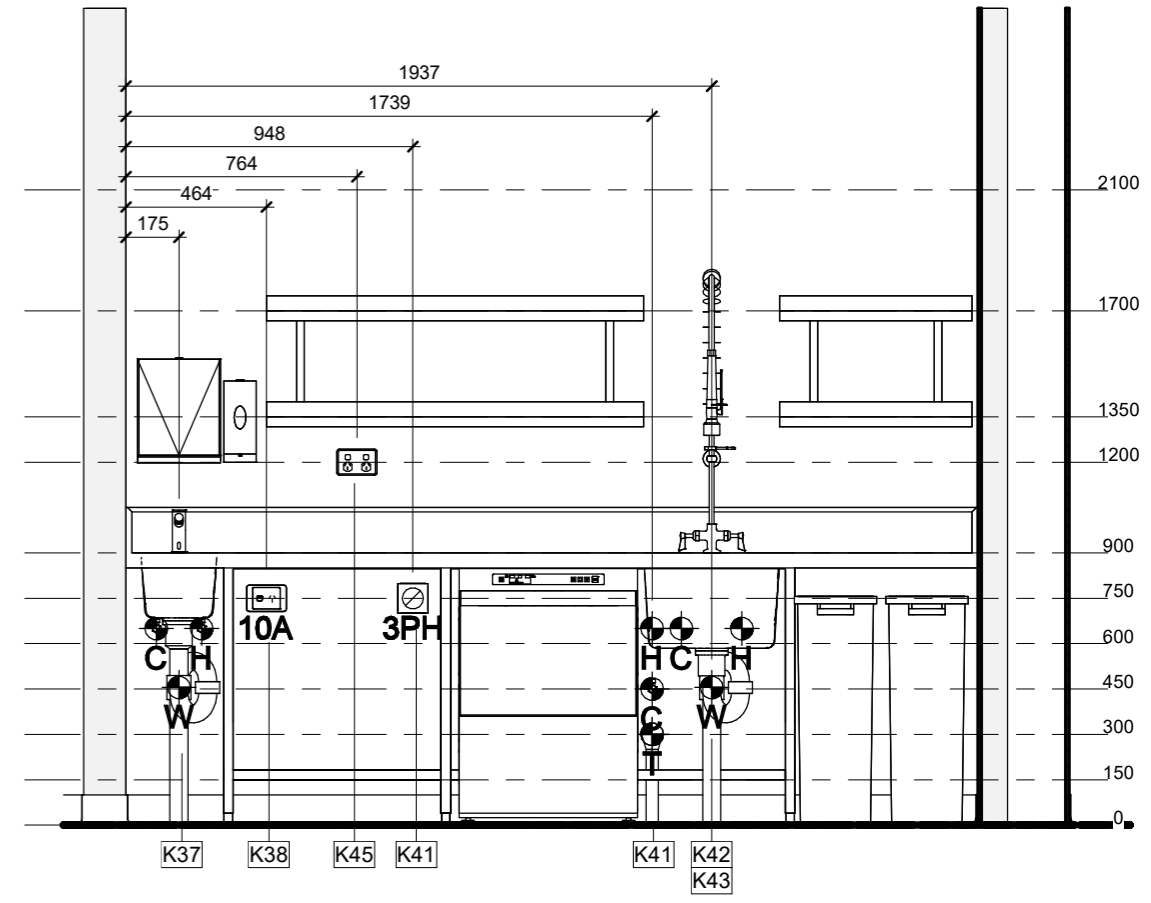
NOTE:  
HOT AND COLD WATER, AND GAS SUPPLIES TO BE FITTED WITH ISOLATING VALVES AT CONNECTION POINT



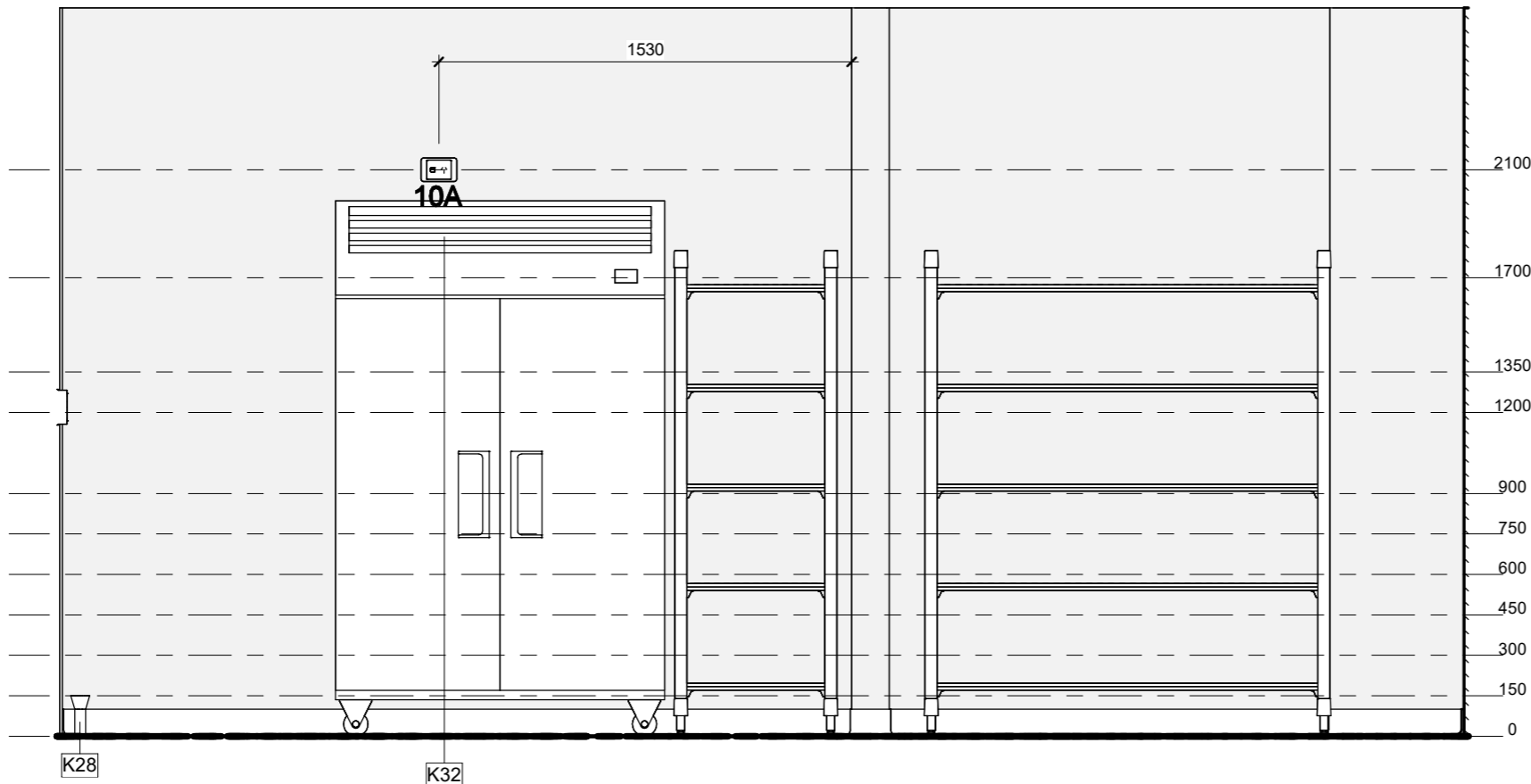
**A** FRONT OF HOUSE ELEVATION  
1 : 25



**C** COOK LINE  
1 : 25



**D** DISH WASH  
1 : 25



**E** STORAGE  
1 : 25

| ELECTRICAL SERVICES LEGEND |   |
|----------------------------|---|
|                            | 10 AMP SINGLE SWITCHED OUTLET           |
|                            | 10 AMP DOUBLE SWITCHED OUTLET           |
|                            | SINGLE SWITCHED OUTLET - Amps indicated |
|                            | 3 PHASE ISOLATOR - Hard wired           |
|                            | DATA OUTLET                             |
|                            | 1 PHASE ISOLATOR - Hard wired           |

| HYDRAULICS & GAS SERVICES LEGEND |                               |
|----------------------------------|-------------------------------|
|                                  | COLD WATER SUPPLY CONNECTION  |
|                                  | HOT WATER SUPPLY CONNECTION   |
|                                  | PLUMBED WASTE CONNECTION      |
|                                  | TUNDISH WASTE CONNECTION      |
|                                  | GAS SUPPLY CONNECTION         |
|                                  | REFRIGERANT SUPPLY CONNECTION |

NOTE:  
HOT AND COLD WATER, AND GAS SUPPLIES TO BE FITTED WITH ISOLATING VALVES AT CONNECTION POINT