

**NSLPP MEETING HELD ON 06/08/2025****Attachments:**

1. Site Plan
2. Architectural Plans
3. Clause 4.6 Statement

ADDRESS: 9 Lodge Road, Cremorne**APPLICATION No:** DA 118/25**PROPOSAL:** Alterations and additions to an existing detached dwelling**PLANS REF:**

Plan No./ Rev	Description	Prepared by	Date
DA-01.2 Rev A	Site Analysis Plan	Look Design Group	28.03.2025
DA-03.1 Rev A	Demolition Lower Ground Floor Plan	Look Design Group	28.03.2025
DA-03.2 Rev A	Demolition Ground Floor Plan	Look Design Group	28.03.2025
DA-03.3 Rev A	Demolition First Floor Plan	Look Design Group	28.03.2025
DA-04.1 Rev A	Proposed Lower Ground Floor Plan	Look Design Group	28.03.2025
DA-04.2 Rev A	Proposed Ground Floor Plan	Look Design Group	28.03.2025
DA-04.3 Rev B	Proposed First Floor Plan	Look Design Group	04.07.2025
DA-04.4 Rev A	Proposed Roof Plan	Look Design Group	28.03.2025
DA-05.1 Rev A	Street Elevation (Lodge Road)	Look Design Group	28.03.2025
DA-05.2 Rev B	Street Elevation (Ryries Parade)	Look Design Group	04.07.2025
DA-05.3 Rev A	East Elevation	Look Design Group	28.03.2025
DA-05.4 Rev B	South Elevation	Look Design Group	04.07.2025
DA-05.5 Rev B	West Elevation	Look Design Group	04.07.2025
DA-05.6 Rev B	North Elevation	Look Design Group	04.07.2025
DA-06.1 Rev A	Cross Section A-A	Look Design Group	28.03.2025
DA-06.2 Rev A	Cross Section B-B	Look Design Group	28.03.2025
DA-07.1 Rev A	Materials & Finishes Front Elevation	Look Design Group	28.03.2025
DA-07.2 Rev B	Materials & Finishes Rear Elevation	Look Design Group	04.07.2025
L-01 Rev C	Landscape Plan	Ecodesign	09.04.2025

OWNER: David Robson Handerson and Victoria Elise Henderson**APPLICANT:** Look Design Group Pty Ltd**AUTHOR:** Robin Tse, Senior Assessment Officer**DATE OF REPORT:** 21 July 2025**DATE LODGED:** 15 May 2025**RECOMMENDATION:** Approval

EXECUTIVE SUMMARY

This development application seeks approval for alterations and additions to an existing detached dwelling at No.9 Lodge Road, Cremorne.

The application is referred to the North Sydney Local Planning Panel for determination because the proposal is subject to a variation to the building height development standard is greater than 10%, which requires determination of the application by the Panel in accordance with the directions from the Minister of Planning.

Notification of the proposal has attracted two (2) submissions raising particular concerns about impacts on significant views and privacy for nearby properties. The assessment has considered these concerns as well as the performance of the application against Council's planning requirements.

The proposal was considered under the relevant Environmental Planning Instruments and policies including *NSLEP 2013* and *NSDCP 2013* and general found to be satisfactory.

The proposed alterations and additions to an existing dwelling is a permissible form of development in a C4 (Environmental Living) zone.

This report has considered a written request submitted by the applicant seeking a variation to Clause 4.3 in North Sydney LEP concerned with the height of buildings height pursuant to Clause 4.6 of the LEP.

The variation to the building height development standard is justifiable because the building elements above the LEP maximum building height are unlikely to have an adverse impact on the 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 proposal would maintain compliance with the DCP's site coverage requirement and improvements to the level of compliance with the landscaped area and unbuilt upon area requirements.

The issues raised in the submissions received were addressed in the assessment 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.

LOCATION MAP



DESCRIPTION OF PROPOSAL

The subject development application seeks approval for alterations and additions to an existing detached dwelling.

The proposed works are summarised as follows:

Lower Ground Floor:

- Demolition of existing northern and western walls of the rumpus room.
- Extension of the rumpus room and installation of new glazing and sliding doors on the north-western elevation.
- Replacement of existing garage doors.

Ground Floor:

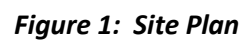
- Demolition of partitioning walls and reconfiguration of the internal layout to provide a rumpus room with study nook, four (4) bedrooms including a master bedroom with study and an ensuite bathroom, a bathroom, and a laundry.
- Extension of the existing bedroom (Bed 2) to provide an additional bedroom (Bed 3).
- Demolition of the existing curved master bedroom wall with a master bedroom extension on the front elevation.
- Demolition of existing glass entry roof with a replacement flat roof.

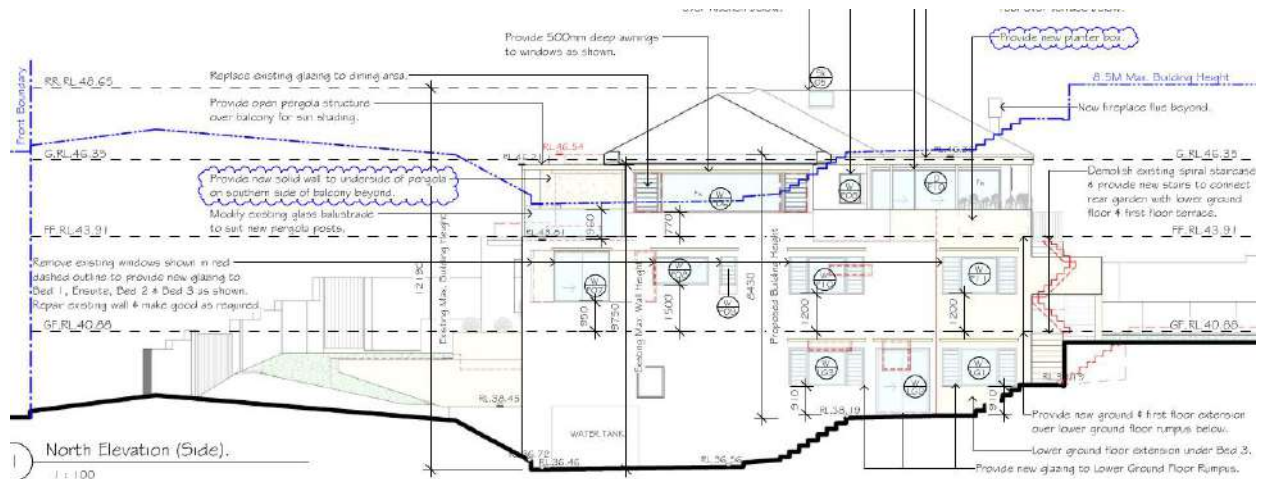
First Floor:

- Reconfiguration of the existing kitchen.
- Removal of a powder room within the living room and a replacement powder room under the internal staircase.
- Demolition of the existing curved western wall/windows to terrace with an extension to the front balcony towards the south-east.
- Installation of open pergolas over the front balcony with a solid privacy screen on the south-eastern edge (facing Ryries Parade) of the extended balcony.
- Extension of the first floor rear terrace and the installation of pergolas with operable louvred roof over the rear terrace including a new planter along the north-western edge of the extended terrace.

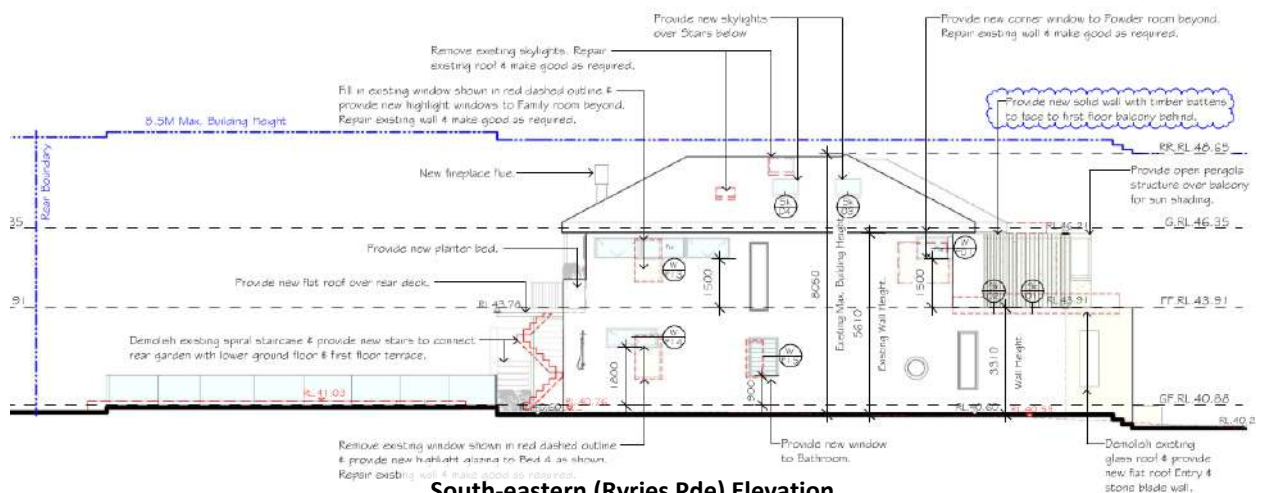
Other Works:

- Demolition of an existing spiral staircase and installation of a new external staircase on the rear (western) elevation to the rear yard.
- Replacement of the existing irregular shaped swimming pool with a rectangular shaped swimming pool within the rear yard.
- Reconstruction of retaining walls within the front yard and associated landscaping.





North-western (Side) Elevation



Figures 2 – 5: Proposed development (Elevations)

STATUTORY CONTROLS

North Sydney LEP 2013

- Zoning – C4 (Environmental Living)
- Item of Heritage - No
- In Vicinity of Item of Heritage - No
- Conservation Area - No
- Foreshore Building Line – No

- *Environmental Planning & Assessment Act 1979 (As amended)*
- *Environmental Planning & Assessment Regulations 2021*
- *Environmental Planning & Assessment Act 1979*
- *SEPP (Biodiversity and Conservation) 2021*
- *SEPP (Resilience and Hazards) 2021*
- *SEPP (Housing) 2021*
- *SEPP (Sustainable Buildings) 2022*
- Local Development

POLICY CONTROLS

DCP 2013
Sydney Harbour Foreshores & Waterways Area DCP 2005
North Sydney Local Infrastructure Contributions Plan 2020



Figure 6 : Zoning



Figure 7: Building Height

DESCRIPTION OF LOCALITY

The subject site, legally described as Lot 63, DP 10291 and known as 9 Lodge Road, Cremorne. The site is irregular in shape and has an area of 602.3m² and the topography of the site slopes towards the north with a fall of up to 4.8m. The site has two street frontage with Lodge Road to the east and Ryries Parade to the south.

Currently occupying the site is a part two/three storey detached dwelling with a swimming within the rear yard. A driveway provides vehicular access off Lodge Road to a double garage under the main dwelling.

The locality is characterised by single/two storey detached dwellings. Many of these dwelling feature subfloor or lower ground floor accommodation due to the sloping landform.

To the north of the subject site is a part single/two storey detached dwelling at 7 Lodge Road. To the west of the site is a contemporary design part 3/4 storey detached dwelling at 20 Ryries Parade.

The areas across Lodge Road to the east and Ryries Parade to the south of the site are characterised by large detached dwellings.



Figures 8 – 10: Existing dwelling



Figure 11: The Locality

RELEVANT HISTORY

Previous applications

- **20 September 1999** – Development consent (**D88/00**) was granted under delegated authority for alterations and additions to an existing detached dwelling.
- **15 March 2004** – Development Consent (**D622/03**) was granted by Council for alterations and additions to an existing detached dwelling.
- **5 November 2004** – A Section 96 application (**D622/03/2**) was approved under delegated authority for modifications to the approved development.

Current Application

- **15 May 2025** – The subject Development Application (**D118/25**) for alterations and additions to the existing detached dwelling was lodged with Council via the Planning Portal.
- **6 to 20 June 2025** – The adjoining properties and the Willoughby Bay precinct was notified about the application. A total of two (2) submissions were received.
- **6 June 2025** – A site inspection was carried out by the Assessing Officer.
- **27 June 2025** – The assessing officer conducted visits to neighbouring properties.
- **2 July 2025** – The application was requested to submit additional information to protect the amenity of the neighbouring properties.
- **10 July 2025** – The applicant submitted updated drawings and an updated Clause 4.6 written statement seeking variation to the LEP maximum building height development standard.

INTERNAL 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 objection to the proposal subject to the imposition of appropriate engineering conditions.

LANDSCAPING

The application was referred to Council's Landscape Development Officer who raised no objection to the landscaping aspect of the proposal subject to the imposition of appropriate conditions.

SUBMISSIONS

Council notified adjoining properties and the Willoughby Bay Precinct about the proposed development between 6 and 20 June 2025. Council received two (2) submissions. The matters raised in the submissions are listed below:

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 Submissions

- The proposed first floor front balcony extension would significantly increase the size of the existing elevated balcony. This is inconsistent with Council's control and will cause disturbance to neighbouring properties.
- The installation of privacy screen will restrict harbour views as seen from nearby properties.
- Objection to the proposed first floor front balcony extension due to the obstruction of water views as seen from a nearby property to the southwest of the subject site.

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:

Environmental Planning and Assessment Act 1979 (as amended)
Environmental Planning and Assessment Regulation 2021

SEPP (Biodiversity & Conservation) 2021

Chapter 2 – Vegetation in Non-Rural Areas

Section 2.6 of the Policy specifies that a person must not clear declared vegetation in a non-rural area of the State without the consent of Council. The Policy confers the ability for Council to declare vegetation that consent is required in a Development Control Plan. Section 16 of Part B in NSDCP 2013 specifies declared trees for the purpose of the SEPP.

Subject to appropriate conditions, the proposed development would not require the removal of any significant vegetation defined under this SEPP or have any impact upon any bushland areas. Appropriate conditions have been recommended to ensure the retention of significant trees and the maintenance of an appropriate landscaped context.

Chapter 6 – Water Catchments

Under Chapter 6 of this SEPP, the subject site does not include land in the Sydney Harbour foreshores and waterways area, and subject to conditions the proposed works will not adversely affect the scenic, ecological, or water quality of Sydney Harbour and its waterways and is considered acceptable with regard to the above SEPP.

SEPP (Resilience and Hazards) 2021

- Chapter 4 Remediation of Land

Chapter 4 of this SEPP requires Council to consider the likelihood of land contamination and any remediation necessary to rehabilitate the site. Council's records indicate that the site has previously been used for residential development since its original subdivision and as such is unlikely to contain any contamination. Therefore, the requirements of the above SEPP have been satisfactorily addressed.

SEPP (Sustainable Buildings) 2022

A valid BASIX Certificate (A1792696) has been submitted with the application to satisfy the Aims of the SEPP.

NORTH SYDNEY LOCAL ENVIRONMENT PLAN (NSLEP 2013)

1. Permissibility

The subject site is Zoned C4 Environmental Living under the provisions of the *NSLEP 2013*. The proposal involves alterations and additions to an existing detached dwelling house, which is a permissible form of development in the Zone C4 with consent from Council.

2. Objectives of the zone

The proposed development is generally consistent with the objective of a C4 (Environmental Living) zone subject to the imposition of appropriate conditions as indicated throughout the report.

Part 4 – Principal Development Standards

Principal Development Standards – North Sydney Local Environmental Plan 2013			
Site Area – 602.3m ²	Proposed	Control	Complies
Clause 4.3 – Heights of Building	12m (Skylight) 9.75m (Pergola)	8.5m	NO (Clause 4.6 written statement received)

3. Height of Building

A maximum height of buildings of 8.5m is permitted on this site under *NSLEP 2013*.

The existing dwelling has a non-compliant maximum building height of 12.19 metres and the proposed works will not increase the maximum height of the existing dwelling.

The proposed skylight over the first floor kitchen would reach a maximum height of 10.44m, resulting a height variation of 1.94m (22.8%). In addition, the proposed pergola would reach a maximum height of 9.75 metres, resulting a variation of 1.25 metres or 14.7% to the LEP maximum building height development standard. It is also noted that the part of the first floor dining room window on the northern elevation would have a maximum height of 9.55m with a variation of 1.05m (12.3%) above the LEP building height of 8.5m (**Figure 12**).

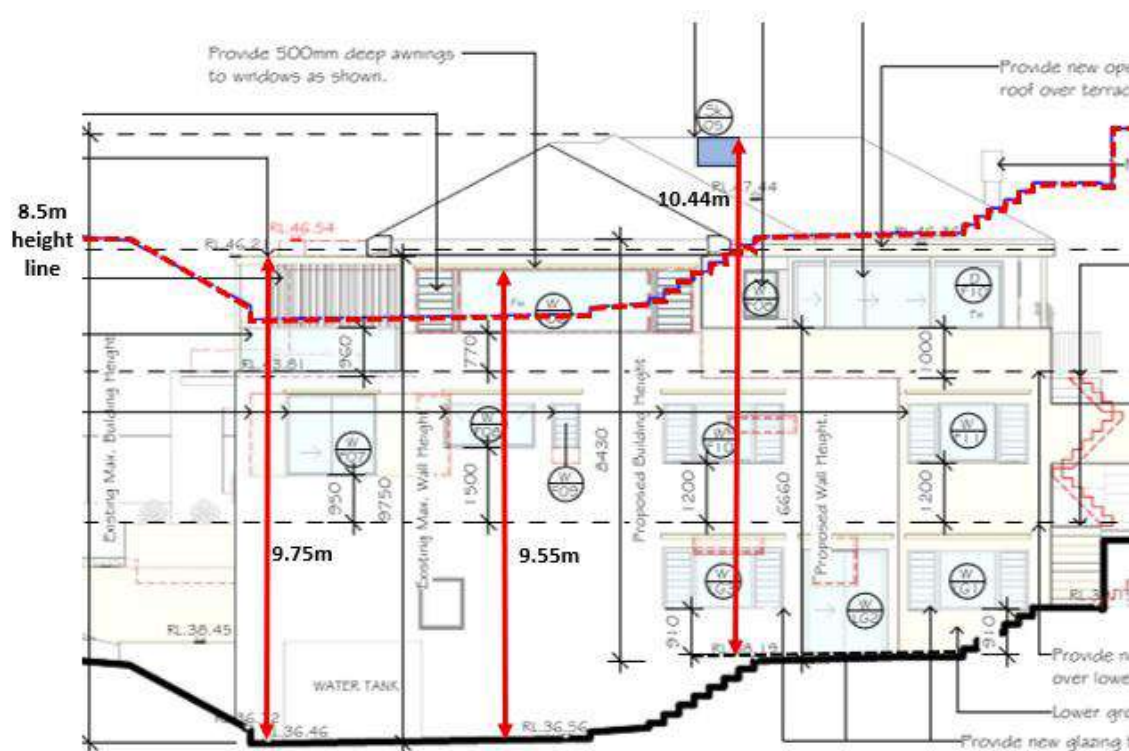


Figure 12: Maximum building height

The applicant has submitted a written request pursuant to Clause 4.6 in *NSLEP 2013*.

4. Clause 4.6 Exceptions to Development Standards

The proposed breach has been assessed against the requirements of Clause 4.6 of *NSLEP 2013* and the objectives of the building height control. These matters have been considered below: -

- (1)(a) ***To promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient*** – The proposal generally respects the existing landform by maintaining the overall built form of the existing dwelling.
- (1)(b) ***To promote the retention and, if appropriate, sharing of existing views*** – Consideration has been given to the likely view impacts of the proposed pergola over the first floor front balcony. The other building elements over the LEP maximum building height limit are located within the existing building envelope and would have no additional view impacts when compared to the existing development.

With regard to the proposed pergola, it is noted that this new building element would have no impacts on the significant water and skyline views as seen from the neighbouring properties to the north and east away from the subject site. Likewise, the new pergola is not visible from properties on the northern side of Ryries Parade to the west of the subject site due to the screening provided by the existing building and the screen planting along the rear boundary of the subject site. It is also considered properties on the southern side of Ryries Parade (west of No.17 Ryries Parade) would not be affected due to the distance and the oblique sightline towards the water views to the east.



Figure 13: Nearby properties and the locality

Council has received submissions from two nearby properties, namely No.11 Lodge Road and No.19 Ryries Parade, raising concerns about view impacts.

Consideration has been given to the likely view impacts of the proposed development for No.11 Lodge Road and No.19 Ryries Parade, based on the principles adopted by Commissioner Roseth of the NSW Land and Environment Court centering around *Tenacity Consulting v Warringah Council [2004] NSWLEC 140* (also known as the Tenacity Test). The building elements in question relate to the southern end of the proposed first floor front pergola and the south-eastern corner of the existing dwelling. These building elements **comply** with the LEP maximum building height control.

First Step:

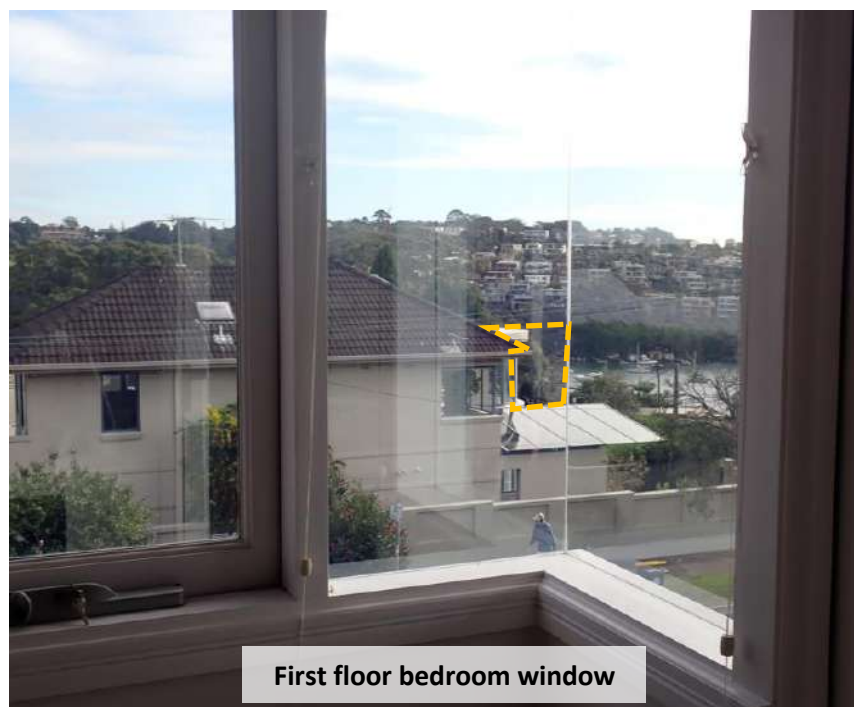
"The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible, is more valuable than one in which it is obscured."

Comment:

11 Lodge Road:

This property is located to the north across Ryries Parade and contains a two storey detached dwelling.

The proposed pergola and extended front balcony on the first floor on the southern side of the dwelling (highlighted in **Figures 14 and 15** below) would cause some obstructions to the views to nearby buildings/vegetation and the water views as seen from the first floor bedroom and balcony within this property would generally be retained as illustrated in the photos taken from this property on the southern side of Ryries Parade.





Figures 14 - 15: Views from No.11 Lodge Road

It is also noted that the southern side of the first floor front pergola/balcony comply with the LEP maximum building height limit due to the sloping nature of the subject site towards the north.

No.19 Ryries Parade

This nearby property is located to the south-west of the subject site on the southern side of Ryries Parade and contains a single storey detached dwelling. This detached dwelling features a sunroom on the front elevation and water views can be seen from the window across the subject site towards the north-east. It is noted that part of the water views is obtained through an existing first floor corner window of No.9 Lodge Road as illustrated in **Figure 16**.



Figure 16: Water views as seen from the front sunroom window of No.19 Ryries Parade

It is considered that the proposed first floor front balcony extension is unlikely to cause significant obstruction of the water views as seen from this property outside the existing building envelope of No.9 Lodge Road.

A further sightline analysis from the front sunroom window of No. 19 Ryries Parade and the subject site indicates that the proposed first floor pergola/balcony extension would be largely screened by the existing south-east corner of No.9 Lodge Road as illustrated in **Figure 17** below.

It is also noted that the applicant has proposed to convert the area adjacent to the first floor corner window to a powder room and the new corner windows (WF01, WF01, ,WF03) will be reduced in size. Furthermore, clear glazing is unlikely to be installed to the powder windows for privacy reasons. Therefore, the water views currently seen through the first floor corner windows are unlikely to be available.

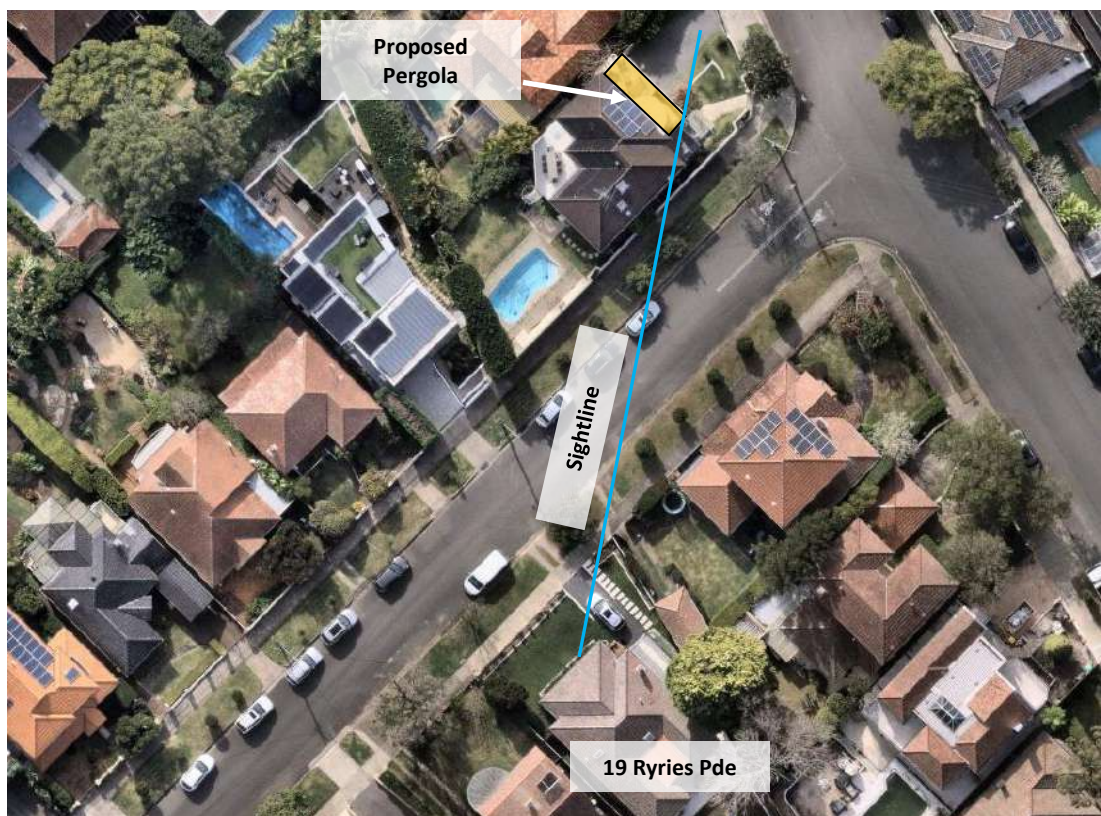


Figure 17: Sightline Analysis

Second Step:

“The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.”

Comment:

No.11 Lodge Road

The view/outlook from this property are obtained across the side boundaries of the subject site and are in a standing position.

No.19 Ryries Parade:

The views/outlook from the sunroom windows are obtained across the side and front boundaries of the subject site from standing and sitting positions.

Third Step:

“The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.”

Comment:

No 11 Lodge Road

It is considered the partial obstructions to the outlook to nearby vegetation and buildings are minor given that there would be no material view impacts on the significant water and district views as seen from the first floor balcony and bedroom window.

No 19 Ryries Parade

As indicated earlier, the water views currently seen from this property are unlikely to be affected due to the screening provided the existing corner element of No.9 Lodge Road. Whilst the water views through the first floor corner window of No. 9 Lodge Road are likely affected by the proposed works, it is considered that this is very difficult to protect as the first floor corner window forms part of the existing building envelope and any changes within the building envelope would have an impact on the part of the view as seen through the existing corner window.

Therefore, it is considered that the proposal would have a negligible impact on views currently seen from No. 19 Ryries Parade.

Fourth Step:

“The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.”

Comment:

It is noted that building elements causing the views/outlook impacts **comply** with the LEP maximum building height limit and will not alter the existing building setback from the front (Lodge Road) property boundary. A further re-design of the proposal is considered not necessary given the minor nature of the impacts on views/outlook.

Conclusion

The Tenacity tests suggested that the loss of views/outlook are caused by building elements that comply with the LEP building height limit only. Consideration has been given to the likely view impacts on the surrounding properties. In particular, the impacts for the nearby property at No.11 Lodge Road and No.19 Ryries would be negligible or minor for the reasons as outlined earlier in the view impact assessment. The applicants claim made within the submitted cl 4.6 that no views will be impacted by the proposed works is considered justified.

- (1)(c) To maintain solar access to existing dwellings, public reserves and streets, and to promote solar access to future development** – The additional shadows caused by the building elements above the LEP maximum building height limit would primarily fall on the subject site due to the northern aspect of the non-complying building elements. Solar access to the adjoining properties would generally be maintained.
- (1)(d) To maintain privacy for residents of existing dwelling and to promote privacy for residents of new buildings** – The northern side of the proposed first floor pergola/dining room window are unlikely to cause unreasonable privacy impacts because there is an existing front balcony on the first floor and no change to the size and location of the first floor dining room window (WF06). Therefore, there would be no material privacy impacts on the surround properties as the result of the non-compliance with the LEP maximum building height development standard.

It is further noted that the applicant has provided additional noise protection devices for the privacy screen on the southern edge of the first floor front balcony to ensure privacy protection for the neighbouring properties, particularly the residents to the north of the subject site

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

The proposed development is for alterations and additions to an existing dwelling with a first floor balcony extension and reconstruction of the swimming pool at the rear of the subject site. The scale and density of the proposal is generally consistent with other recent residential developments within the locality. The proposal features a more contemporary architectural design and would provide an appropriate response to the streetscape/character of the area.

- (1)(g) *To maintain a built form of mainly 1 or 2 storeys in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone E4 Environmental Living.***

The proposal would maintain a two storey appearance as seen from the street.

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

It is concluded that the building elements above the LEP building height limit would have no unreasonable impacts on neighbouring properties and the locality in terms of the built forms within the locality and the amenity of the surrounding properties subject to the imposition of appropriate conditions. There are sufficient environmental planning grounds to justify contravening the building height control.

Whether the proposed development will be in the public interest?

The proposed development is considered to maintain reasonable residential amenity for surrounding properties. The proposal is therefore unlikely to offend the public interest.

Conclusion

It is concluded that the proposal would have no material impact on neighbouring properties in terms of the built forms within the locality and the general amenity of adjoining properties subject to the imposition of appropriate conditions.

Having regard to the above, the request under Clause 4.6 of NSLEP 2013 seeking a variation to the LEP building height control is considered to be well-founded and strict compliance with the standards is necessary.

Part 5 – Miscellaneous Provisions

4. Earthworks

The application involves some excavation within the subject site by up to 910mm for an extension of the existing gymnasium on the lower ground floor. The applicant has also submitted a preliminary geotechnical report for the proposed development.

Consideration has been given to the LEP's objectives for earthworks as contained in Clause 6.10(3) of *NSLEP 2013*. The proposal is unlikely to cause disruption or detrimental effect on drainage patterns, soil stability as well as significant change to the natural features and significant vegetation within the site subject to the imposition of a condition requiring the submission of a geotechnical report as recommended by Council's Development Engineer (**Condition C5**).

In addition, appropriate conditions requiring dilapidation survey for the adjoining property affected by the zone of influence of the required excavation works have been recommended to ensure the structural integrity of these properties (**Conditions C2 and C3**).

The proposed excavation work is unlikely to cause adverse impacts on the amenity of the adjoining properties during the construction phase of the proposed development with the recommendation for the imposition of appropriate conditions of consent relating to construction hours, air quality, noise/vibration, health and safety (**Conditions E6, E7, E12 and E16**).

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	Yes	The proposed development would retain the existing dwelling on the site and no change to the population mix and the level of residential accommodation within the locality.
1.2.2 Maintaining Residential Accommodation		
1.3 Environmental Criteria		
1.3.1 Topography	Yes	The proposed development would not change the overall built form of the existing dwelling. The proposed gymnasium extension on the lower ground floor would be primarily located above the existing ground level. Therefore, the proposal generally reflects the existing landform and is considered to be acceptable in this regard.
1.3.2 Bushland	Yes	The site does not adjoin bushland but is located within the Bushland Buffer Zone B (300m). No bushland areas will be affected by the proposed works.
1.3.6 Views	Yes	As indicated earlier in this report, the view impacts of the proposed development are considered to be acceptable under the Tenacity View Assessment Planning Principle.
1.3.7 Solar Access	Yes	None of the adjoining properties would be materially affected by the proposal in terms of shadowing due to the northerly aspect of the proposed works and the absence of any residential properties immediately to the south of the subject site.
1.3.8 Acoustic Privacy	Yes	It is considered that the proposal is acceptable having regard to acoustic privacy for the following reasons: (a) A solid wall is proposed on the southern edge of the extended first floor front balcony to provide noise protection for the neighbouring properties; (b) Noise impact from the northern side of the first floor front balcony is unlikely to be material as this part of the balcony is existing;

		(c) There would be not significant increase in the size of the first floor rear terrace as the extended area would primarily be taken up by a BBQ bench and a planter; and (d) There would be no significant changes to the size and use of the rear yard apart from minor changes to the shape of the existing swimming pool.																																								
1.3.10 Visual Privacy	YES	Front (Lodge Road) Elevation: This elevation primarily overlooks Lodge Road and no significant visual privacy concerns. Rear Elevation: The existing screen planting along the rear and the north-western (side) boundaries provides reasonable level of visual privacy protection for the adjoining properties. In addition, the applicant has proposed a planter along the north-western edge of the first floor rear terrace to further minimise visual privacy impacts on the immediate adjoining property at No.7 Lodge Road. A condition is recommended requiring the planter to be incorporated in the landscape plan (Condition C25). North-western (side) elevation: The proposed works would result in a number of new windows on the lower ground and ground floor. However, the existing boundary fence would provide visual privacy protection for the adjoining property at No.7 Lodge Road. As indicated above in this report that the first floor balcony and dining room window (WF06) facing No. 7 lodge Road would be similar to the existing in terms of size and location and the planter along north-western edge of the first floor rear terrace would minimise overlooking onto the adjoining properties. South-eastern (Ryries Parade) Elevation: A privacy screen has been proposed by the applicant along the southern edge of the extended first floor balcony to protect visual privacy for nearby properties (particularly to the south) and highlight windows on this elevation would further minimise any visual privacy impacts.																																								
1.4 Quality built form																																										
1.4.1 Context	YES	The proposed alterations and additions to the existing dwelling would have no material impacts the overall character and built forms within the locality.																																								
1.4.3 Streetscape	YES	The proposed development is generally consistent with the character of the streetscape. No changes are proposed to footpaths, kerb and guttering.																																								
1.4.5 Siting	YES	The proposed development maintains the characteristic building orientation and siting.																																								
1.4.6 Setback – Side	YES/ Acceptable on merit	A compliance table is provided below for the side elevations: <table><tr><th></th><th>Proposed</th><th>Control</th><th>Compliance</th></tr><tr><td>Lower Ground Floor:</td><td></td><td></td><td></td></tr><tr><td>- NW Elevation</td><td>1.125m (Min)</td><td>900mm</td><td>Yes</td></tr><tr><td>- SE Elevation</td><td>N/A**</td><td>900mm</td><td>Yes</td></tr><tr><td>Ground Floor:</td><td></td><td></td><td></td></tr><tr><td>- NW Elevation</td><td>1.125m (Min)</td><td>900mm to 1.5m*</td><td>No</td></tr><tr><td>- SE Elevation</td><td>1.82m (Min)</td><td>1.5m*</td><td>YES</td></tr><tr><td>First Floor:</td><td></td><td></td><td></td></tr><tr><td>- NW Elevation</td><td>1.125m (Min)</td><td>1.5m to 2.5m*</td><td>No</td></tr><tr><td>- SE Elevation</td><td>1.82m (Min)</td><td>2.5m*</td><td>No</td></tr></table>		Proposed	Control	Compliance	Lower Ground Floor:				- NW Elevation	1.125m (Min)	900mm	Yes	- SE Elevation	N/A**	900mm	Yes	Ground Floor:				- NW Elevation	1.125m (Min)	900mm to 1.5m*	No	- SE Elevation	1.82m (Min)	1.5m*	YES	First Floor:				- NW Elevation	1.125m (Min)	1.5m to 2.5m*	No	- SE Elevation	1.82m (Min)	2.5m*	No
	Proposed	Control	Compliance																																							
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- SE Elevation	1.82m (Min)	1.5m*	YES																																							
First Floor:																																										
- NW Elevation	1.125m (Min)	1.5m to 2.5m*	No																																							
- SE Elevation	1.82m (Min)	2.5m*	No																																							

		* Variable setbacks due to sloping landform ** Basement Side setbacks for the lower ground and ground floors are to be maintained as existing. The side boundary setback from the north-western boundary would also be maintained for the first floor balcony and dining room window (WF06). The applicant has proposed a planter along the north-western edge of extended first floor terrace as a visual buffer to minimise overlooking onto No.7 Lodge Road. The existing screen planting and boundary fence would provide sufficient screening/privacy protection for the new rear staircase and the new ground floor and lower ground floor bedroom windows. It is considered that the variation to side boundary setbacks is acceptable because the proposed new works would be maintained within the existing building setbacks.
P1	Front setback	YES No change is proposed to the building setback and building alignment from the front (Lodge Road) boundary. The proposed first floor pergola on the front elevation is considered to be acceptable given the proposed light weight construction and no change to the overall front building setback of the existing dwelling.
P5	Rear Setback	YES The proposed rear staircase would provide a minimum setback between 9.7m and 10.35m (with an average setback of 10m) from the rear property boundary due to the shape of the subject site. It is considered that the proposal generally complies with the minimum 10m rear setback as stipulated in the DCP Character Statement for Northern Foreshore Neighbourhood of North Cremorne Planning Area.
1.4.7	Form Massing Scale	YES The proposed development would not change the overall form and bulk, and character of the building. The existing roof form of the main dwelling would be maintained. The proposed works would have no material impact on the character of the subject site and the adjoining property. The new development corresponds in bulk and scale as is generally in keeping with the style, character and mass of other developments in the vicinity. The proposal is considered to be acceptable having regard to bulk and scale and minimal impacts on the amenity of the adjoining properties.
1.4.8	Built Form Character	
1.4.10	Roofs	
1.4.12	Materials	YES (via condition) The applicant has submitted drawings showing materials and finishes. This aspect of the proposal is considered to be acceptable subject to the imposition of appropriate conditions relating to materials, colours and finishes (Condition A4 and C9).

1.5 Quality Urban Environment																		
1.5.5 Site Coverage 1.5.6 Landscape Area	YES	A compliance table is provided below: <table><tr><th>Site Area: 602.3m²</th><th>Existing</th><th>Proposed</th><th>Compliance</th></tr><tr><td>Site coverage Max 40%</td><td>214m² (36%)</td><td>230m² (38.2%)</td><td>Yes</td></tr><tr><td>Landscaped area Min 40%</td><td>188m² (31%)</td><td>240m² (39.9%)</td><td>NO</td></tr><tr><td>Unbuilt-upon area Max 20%</td><td>200.3m² (33%)</td><td>132.3m² (21.9%)</td><td>NO</td></tr></table> Whilst the proposed development does not comply with the DCP’s landscaped area and unbuilt upon area requirements, the proposed would significantly improve the non-compliance due to the increase in soft landscaped area within the rear as compared to existing and the resulting shortfall is considered extremely minor. The proposal is therefore considered to be acceptable.	Site Area: 602.3m ²	Existing	Proposed	Compliance	Site coverage Max 40%	214m ² (36%)	230m ² (38.2%)	Yes	Landscaped area Min 40%	188m ² (31%)	240m ² (39.9%)	NO	Unbuilt-upon area Max 20%	200.3m ² (33%)	132.3m ² (21.9%)	NO
Site Area: 602.3m ²	Existing	Proposed	Compliance															
Site coverage Max 40%	214m ² (36%)	230m ² (38.2%)	Yes															
Landscaped area Min 40%	188m ² (31%)	240m ² (39.9%)	NO															
Unbuilt-upon area Max 20%	200.3m ² (33%)	132.3m ² (21.9%)	NO															
1.5.8 Landscaping 1.5.9 Front Gardens	YES	As indicated earlier in the report, Council’s Landscape Officer considered that proposal acceptable subject to imposition of appropriate conditions. The proposal would result in an increase in soft landscaped area within the site. The proposed landscaping treatments as shown in the submitted landscape plan are also considered to be acceptable by Council’s Landscape Officer.																
1.5.11 Swimming Pools	Yes/ acceptable on merit	A compliance table is provided below: <table><tr><th>Control</th><th>Proposed</th><th>Compliance</th></tr><tr><td>Setback 1.2m min</td><td>2.5m (min)</td><td>Yes</td></tr><tr><td>Height - 500m max</td><td>Within 500mm</td><td>Yes</td></tr><tr><td>Nearest habitable room – 6m min.</td><td>4m (Blank wall)</td><td>No</td></tr></table> The proposed swimming pool would be approximately 4m from a blank wall for a bedroom at No.20 Ryries Parade. Notwithstanding the non-compliance, the proposal is considered to be acceptable given that the amenity of the adjoining property would not be compromised and is preserved by the existing blank wall.	Control	Proposed	Compliance	Setback 1.2m min	2.5m (min)	Yes	Height - 500m max	Within 500mm	Yes	Nearest habitable room – 6m min.	4m (Blank wall)	No				
Control	Proposed	Compliance																
Setback 1.2m min	2.5m (min)	Yes																
Height - 500m max	Within 500mm	Yes																
Nearest habitable room – 6m min.	4m (Blank wall)	No																
1.6 Efficient Use of Resources																		
Energy efficiency	Yes	A BASIX Certification has been submitted to meet the requirements of the <i>SEPP (Sustainable Buildings) 2022</i> .																

NORTH CREMORNE PLANNING AREA – Northern Foreshore Neighbourhood

The subject site is located within the **Northern Foreshore Neighbourhood** of the **North Cremorne Planning Area**.

The proposed development would maintain as a single dwelling within a low density environmental living area. The design and built form are also generally consistent with the characteristic built form of developments within the neighbourhood.

LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN

The proposal is subject to Local Infrastructure Contributions in accordance with the North Sydney Local Infrastructure Contributions Plan (as amended). The required contribution has been calculated in accordance with the applicable contribution rates as follows:

Applicable Contribution Type		
S7.12 contribution detail	Development cost: \$1,000,000.00	Contribution Amount: \$ 10,000.00

Conditions requiring payment of contributions are included in the attached recommended conditions of consent (**Condition C22**).

The proposal involves changes to the internal layout but maintaining the number of bedrooms and thus there is no increase to the density of the site that would trigger a s.7.11 contribution.

HOUSING PRODUCTIVITY CONTRIBUTION

The Ministerial Order for Housing Productivity Contribution came to effect on 1 July 2024. The order applies to land within the Greater Sydney Region, in which North Sydney Council is located. The subject application does not incorporate the construction of a new dwelling, and the application is therefore not subject to a contribution in accordance with Clause 7 of the *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2024*. Subsequently, the requirement to levy a contribution for this application by way of condition is not triggered.

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 car parking provision | Yes |
| 6. | Loading and Servicing facilities | N/A |
| 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 <i>Environmental Planning and Assessment (Amendment) Act 1979</i> | Yes |

PUBLIC INTEREST

The proposal would provide improved amenity for the residents without causing any unreasonable impacts on local character, the streetscape, and/or adjoining properties so the proposal would not be contrary to the public interest.

SUITABILITY OF THE SITE

The proposal involves alterations and additions to a single dwelling, so the proposal is considered to be suitable for the subject site.

SUBMITTERS CONCERNS

The application was notified to adjoining properties and the Willoughby Bay Precinct. Council received two (2) submissions from the adjoining properties. The issues raised in submissions in relation to impacts on significant views and privacy have been addressed earlier in this report.

CONCLUSION + REASONS

The proposal was considered under the relevant Environmental Planning Instruments and policies including *NSLEP 2013* and *NSDCP 2013* and general found to be satisfactory.

The proposed alterations and additions to an existing dwelling is a permissible form of development in a C4 (Environmental Living) zone.

This report has considered a written request submitted by the applicant seeking a variation to Clause 4.3 in North Sydney LEP concerned with the height of buildings height pursuant to Clause 4.6 of the LEP.

The variation to the building height development standard is justifiable because the building elements above the LEP maximum building height are unlikely to have an adverse impact on the 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 proposal would maintain compliance with the DCP's site coverage requirement and improvements to the level of compliance with the landscaped area and unbuilt upon area requirements.

The issues raised in the submissions received were addressed in the assessment 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.

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, assume the concurrence of the Secretary of The 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 and grant consent to Development Application No. 118/25 for alterations and additions to a detached dwelling on land at No.9 Lodge Road, Cremorne subject to the following site specific and attached standard conditions:-

Amendments to the Landscape Plan

- C25. The submitted landscape plan, Drawing numbered L-01 Rev A, dated 07.04.2025, prepared by Ecodesign, must be amended to incorporate the planter along the north-western edge of the first floor terrace.

The plant species for this planter shall be based on the plant species identified for the planter off the family room on the rear elevation of the subject dwelling.

An amended landscape plan complying 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 ensure that the amended landscape plan and other plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To ensure residential amenity and maintaining landscape quality)

Robin Tse
SENIOR ASSESSMENT OFFICER

Isobella Lucic
TEAM LEADER ASSESSMENTS

STEPHEN BEATTIE
MANAGER DEVELOPMENT SERVICES

NORTH SYDNEY COUNCIL
CONDITIONS OF DEVELOPMENT APPROVAL
9 LODGE ROAD, CREMORNE
DEVELOPMENT APPLICATION NO. 118/25

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 tables to this condition, or cited by other conditions, and as amended by other conditions of this consent.

Plan No./ Rev	Description	Prepared by	Date
DA-01.2 Rev A	Site Analysis Plan	Look Design Group	28.03.2025
DA-03.1 Rev A	Demolition Lower Ground Floor Plan	Look Design Group	28.03.2025
DA-03.2 Rev A	Demolition Ground Floor Plan	Look Design Group	28.03.2025
DA-03.3 Rev A	Demolition First Floor Plan	Look Design Group	28.03.2025
DA-04.1 Rev A	Proposed Lower Ground Floor Plan	Look Design Group	28.03.2025
DA-04.2 Rev A	Proposed Ground Floor Plan	Look Design Group	28.03.2025
DA-04.3 Rev B	Proposed First Floor Plan	Look Design Group	04.07.2025
DA-04.4 Rev A	Proposed Roof Plan	Look Design Group	28.03.2025
DA-05.1 Rev A	Street Elevation (Lodge Road)	Look Design Group	28.03.2025
DA-05.2 Rev B	Street Elevation (Ryries Parade)	Look Design Group	04.07.2025
DA-05.3 Rev A	East Elevation	Look Design Group	28.03.2025
DA-05.4 Rev B	South Elevation	Look Design Group	04.07.2025
DA-05.5 Rev B	West Elevation	Look Design Group	04.07.2025
DA-05.6 Rev B	North Elevation	Look Design Group	04.07.2025
DA-06.1 Rev A	Cross Section A-A	Look Design Group	28.03.2025
DA-06.2 Rev A	Cross Section B-B	Look Design Group	28.03.2025
DA-07.1 Rev A	Materials & Finishes Front Elevation	Look Design Group	28.03.2025
DA-07.2 Rev B	Materials & Finishes Rear Elevation	Look Design Group	04.07.2025
L-01 Rev C	Landscape Plan	Ecodesign	09.04.2025

(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 all Construction Certificates) must be always kept on site and be readily available for perusal by an officer of Council or the Principal Certifier.

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DEVELOPMENT APPLICATION NO. 118/25**

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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 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)

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)

External Finishes and Materials

A4. External finishes and materials must be in accordance with the submitted schedule DA07.1, Rev A, dated 28 March 2025 and DA7.2, Rev B, dated 4 July 2025, prepared by Look Design Group, unless otherwise modified by Council in writing. Substitution of materials must not be undertaken, except where otherwise approved in writing by Council.

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

C. *Prior to the Issue of a Construction Certificate***Dilapidation Report Damage to Public Infrastructure**

C1. A dilapidation survey and report (including photographic record) must be prepared by a suitably qualified consultant which details the predeveloped condition of the existing public infrastructure in the vicinity of the development site. Particular attention must be paid to accurately recording any infrastructure damaged before development commences, so 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 Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

The Applicant 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 Applicant shall be responsible for the cost of repairing any public infrastructure damaged during the course of the development. No occupancy of the development shall be permitted until all such damage has been rectified.

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

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

Dilapidation Report Private Property (Excavation)

- C2. 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 Principal Certifier for approval prior to the issue of the relevant 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 and a copy to be given to the owner of the relevant affected adjoining property.

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 Applicant or affected property owners to assist in any action required to resolve dispute(s) 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/ies prior to the commencement of construction)

Structural Adequacy of Adjoining Properties - Excavation Works

- C3. A report prepared by an appropriately qualified and practising structural engineer detailing the structural adequacy of adjoining properties 7 Lodge Road and 20 Ryries Parade, which certifies its 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 works, must be submitted to the Principal Certifier for approval prior to the issue of the relevant 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 proximity during excavation works)

Structural Adequacy of Existing Building

- C4. A report prepared by an appropriately qualified and practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction shall be submitted to the Principal Certifier for approval prior to issue of the relevant Construction Certificate. The certified report must also include all details of the methodology to be employed in construction phases to achieve the above requirements. The methodology in the certified report must be complied with at all times.

(Reason: To ensure the structural integrity of the building is maintained)

Geotechnical Report

- C5. A report prepared by an appropriately qualified Geotechnical Engineer certifying that the existing rock formations and substrate on the site are capable of:
- a) withstanding the proposed loads to be imposed;
 - b) withstanding the extent of the proposed excavation, including any recommendations for shoring works that may be required to ensure the stability of the excavation;
 - c) providing protection and support of adjoining properties; and
 - d) the provision of appropriate subsoil drainage during and upon completion of construction works

must be submitted for approval by the Principal Certifier prior to the issue of the relevant Construction Certificate.

Recommendations made in the certified report must be complied with at all times.

Building plans and specifications submitted for approval with the relevant construction certificate application must comply with (a), (b), (c) and (d), above, and the certified report, including relevant recommendations made in the said certified report.

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

Erosion and Sediment Control

- C6. Where any works authorised by this consent require 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.

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An Erosion and Sediment Control Plan must be prepared and implemented prior to any works commencing. The Erosion and 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 Erosion and Sediment Control Plan.

The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the relevant 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)

Waste Management Plan

- C7. A Waste Management Plan prepared in accordance with the provisions of Part B Section 19 of the *North Sydney DCP 2013*, must be submitted for approval by the Principal Certifier prior to the issue of the relevant 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)

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Skylight(s)

- C8. Skylight flashing(s) and frame(s) to be coloured to match the roof material. Skylight(s) to sit no higher than 100mm above roof plane when in a closed position. 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 minimise the visual impact of the skylight(s) on the roof plane)

External Colours and Finishes

- C9. The external colours and finishes, other than those specified in Condition A4 of this consent, shall match those as existing and/or be compatible with surrounding development. A schedule of external colours and finishes 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 issues Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure that the completed colours and finishes of the works are compatible with surrounding development)

Roofing Materials - Reflectivity

- C10. Roofing materials must be factory prefinished 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 Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

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

Work Zone

- C11. 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. Works 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 relevant Construction Certificate.

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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 Applicant is required to remove the Work Zone signs and reinstate any previous signs, all at the Applicant'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)

Stormwater Disposal - Drainage Plan

C12. Prior to the issue of any Construction Certificate, site drainage plans must be prepared by a licensed plumber or drainage engineer. The site drainage plans must -be designed in accordance with the following criteria:

- a) compliance with NCC drainage requirements and current Australian Standards and guidelines;
- b) stormwater runoff and subsoil drainage generated by the approved development must be conveyed in a controlled manner by gravity to the existing stormwater connection into the kerb and gutter on Lodge Road;
- c) new pipelines within council land shall be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 millimetres and a section height of 100 millimetres;
- d) 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; and
- e) prevent any stormwater egress into adjacent properties by creating physical barriers and surface drainage interception.

Drainage plans and specifications which comply with this condition 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: Proper disposal of stormwater)

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

C13. Prior to the issue of the relevant Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of \$15,000.00 to be held by Council for the payment of the cost for the following relevant matters:

- 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 6 months after the work is completed, and
- d) Council reserves the right to retain all bonds on infrastructure works relating to the completion of required Infrastructure work for a 12-month defect liability period. Council may elect to provide a lesser period for minor residential work.

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 the relevant Occupation Certificate or completion of public work required to be completed (whichever is the latest) but only upon inspection and release by Council's Development Engineers or Manager of Development Services.

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

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

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Bond for Public Trees

- C14. Prior to any works authorised by this consent commencing, security in the sum of \$6,000.00 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 six months from the issue of the relevant 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 trees in streets and other public places.

SCHEDULE

Tree No.	Species	Height	Location	Bond Amount*
T1.	<i>Banksia integrifolia</i> Coastal Bankis	5m	Lodge Road Frontage	\$3,000
T2.	<i>Melaleuca</i>	10m	Ryries Parade Frontage	\$3,000

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

Protection of Trees

- C15. 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:

Tree No.	Species	Height	Location
T1.	<i>Banksia integrifolia</i> Coastal Bankis	5m	Lodge Road Frontage
T2.	<i>Melaleuca</i>	10m	Ryries Parade Frontage

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Plans and specifications complying 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 ensure that the building plans and specifications submitted, referenced on and accompanying the relevant issued Construction Certificate, fully satisfy the requirements of this condition.

Any tree(s) shown as being retained on the approved plans (regardless of whether they are listed in the above schedule or not) must be protected and retained in accordance with this condition.

(Reason: Protection of existing environmental and community assets)

Garbage and Recycling Facilities

- C16. 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)

Air Conditioners in Residential Premises

- C17. 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 (Transport and Infrastructure) 2021* and must not:

- a) 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) cause an LAeq(15min) which exceeds the RBL background noise level by more than 5dB when measured at the boundary of any affected residence. The modifying factor adjustments in Section 4 of *the Environment Protection Authority Noise Policy for Industry 2017* will be applied.

“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.

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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)

Swimming Pool Pumps on Residential Premises

C18. The Principal Certifier must be satisfied that the swimming pool pump to be installed on the premises must not:

- a) 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 8.00pm on any Sunday or Public Holiday; or
 - ii. before 7.00am or after 8.00pm on any other day
- b) cause an $L_{aeq}(15min)$ which exceeds the RBL background noise level by more than 5dB when measured at the boundary of any affected residence. The modifying factor adjustments in Section 4 of the *Environment Protection Authority Noise Policy for Industry 2017* shall be applied.

“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.

Details demonstrating compliance with the requirements of this condition must be submitted to the Principal Certifier prior to the issue of the relevant Construction Certificate.

(Reason: To maintain residential amenity)

Pool Access

C19. Access to the pool must be restricted by a child resistant barrier in accordance with the regulations prescribed in the *Swimming Pools Act 1992*, and the barrier is to conform to the requirements of the applicable Australian Standard. Plans and specifications complying 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 safety of children and make the Applicant aware of the need to comply with applicable pool fencing legislation)

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Swimming Pool Water to Sewer

- C20. The swimming pool, including overflow water, must be drained to the sewer. Plans and specifications complying with this condition and any conditions/requirements of Sydney Water must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully comply with this condition any conditions/requirements imposed by Sydney Water.

(Reason: Water from a swimming pool is classified as wastewater and cannot be legally disposed of into the stormwater system)

Pool Filter

- C21. The pool filtering equipment must be encased by a soundproof cover and must be located six (6) metres from any habitable room in a dwelling on a neighbouring property. Plans and specifications complying with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

(Reason: To ensure noise generated by equipment does not result in offensive noise)

Local Infrastructure Contributions

- C22. A monetary contribution pursuant to the provisions of section 7.12 of the *Environmental Planning and Assessment Act 1979* is to be paid to Council, in accordance with the North Sydney Council's Local Infrastructure Contributions Plan, to provide for local infrastructure improvements.

Based on the net increase in demand for the cost of development at the date of determination, the total contribution payable to Council is \$10,000.00.

Indexation

The monetary contribution required under this consent will be indexed between the date of the grant of the consent and the date on which the contribution is paid the time of payment in accordance with quarterly movements in the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.

Timing of Payment

The contribution must be paid to Council prior to issue of the relevant Construction Certificate for any work approved by this consent.

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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 provide for local infrastructure identified in the *North Sydney Council Local Infrastructure Contributions Plan 2020*)

Security Deposit/Guarantee Schedule

- C23. All fees and security deposits/guarantees in accordance with the schedule below must be provided to Council prior to the issue of the relevant Construction Certificate:

Security Deposit/Guarantee	Amount (\$)
Street Tree Bond (on Council Property)	\$6,000.00
Footpath Damage Bond	\$15,000.00
TOTAL BONDS	\$21,000.00

Note: The following fees applicable

Fees	
Local Infrastructure Contributions	\$10,000.00
TOTAL FEES	\$10,000.00

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

- C24. Under section 75 of the *Environmental Planning and Assessment Regulation 2021*, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. A1792696 for the development are fulfilled. Plans and specifications complying 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 proposed development will meet the Government's requirements for sustainability and statutory requirements)

Amendments to the Landscape Plan

- C25. The submitted landscape plan, Drawing numbered L-01 Rev A, dated 07.04.2025, prepared by Ecodesign, must be amended to incorporate the planter along the north-western edge of the first floor terrace.

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The plant species for this planter shall be based on the plant species identified for the planter off the family room on the rear elevation of the subject dwelling.

An amended landscape plan complying 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 ensure that the amended landscape plan and other plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To ensure residential amenity and maintaining landscape quality)

D. Prior to the Commencement of any Works**Protection of Trees**

- D1. 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).

The tree protection measures detailed in the approved Tree Protection and Management Plan, and as directed by the project arboriculturist must be established before work commences and be maintained at all times during construction activity.

Sensitive construction techniques including hand excavation, pier and beam construction, and flexible location of piers/footings shall be used within the TPZ of any protected tree. No roots greater than 40mm shall be cut. No stormwater or any underground services shall be directed through the TPZ of any protected tree.

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

Temporary Fences and Tree Protection

- D2. All protected trees on-site that are specifically nominated to be retained by notation on plans or by a condition 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 builder's waste are to be stored in the vicinity of the nominated tree/trees at any time.

Trunk protection to be installed by first wrapping the stem of the tree in hessian or like material then strapping timber battens over the top. It is recommended that timber battens with the dimensions of length 2000mm, width 75mm and depth 50mm are used. The battens are not to be directly screwed or nailed into the tree.

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

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Public Liability Insurance - Works on Public Land

- D3. 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)

Sydney Water Approvals

- D4. 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.

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)

Commencement of Works' Notice

- D5. Works in accordance with this development consent must not be commenced until the Applicant has given at least two days' notice to North Sydney Council of the person's intention to commence works 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)

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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 Applicant 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 accessways fronting the construction site.

Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers (at full Applicant 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 of 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 Principal Certifier.

(Reason: Stormwater control during construction)

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Geotechnical Stability during Works

- E4. 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 hydrogeological considerations must be undertaken in accordance with the recommendations of the engaged 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)

Removal of Extra Fabric

- E5. 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)

Dust Emission and Air Quality

- E6. 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)

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Noise and Vibration

- E7. 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)

No Work on Public Open Space

- E8. 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 Applicant 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)

Applicant's Cost of Work on Council Property

- E9. 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)

No Removal of Trees on Public Property

- E10. 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)

Special Permits

- E11. 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.

The Applicant, 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**

For example, 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 Applicant'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)

Construction Hours (All Other Zones)

E12. Construction activities and works approved under this consent must be restricted to within the hours stipulated in the following table:

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

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Construction activities for development approved under this consent must be carried out in accordance with the standard construction hours above, *the EPA Noise Policy for Industry 2017* 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 Environmental Planning and Assessment 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)

Installation and Maintenance of Erosion and Sediment Controls

- E13. 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 relevant Construction Certificate.

Erosion and sediment measures must be maintained in accordance with the publication *Managing Urban Stormwater: Soils and Construction 4th ed. 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

- E14. Most development consents require a durable sign to be displayed in a prominent location on construction sites during building works which displays information and warning of penalties should appropriate erosion and sedimentation control measures not be maintained.

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

Site Amenities and Facilities

- E15. Where work involved in the erection and/or demolition of a building is being carried out, amenities which satisfy applicable occupational health and safety and construction safety regulations, including any SafeWork NSW 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)

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Health and Safety

- E16. All work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any SafeWork NSW 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.safework.nsw.gov.au.

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

Prohibition on Use of Pavements

- E17. 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

- E18. 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)

Imported Fill Material

- E19. 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 section 92 of the *Protection of the Environment Operations (Waste) Regulation 2014* 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 Principal Certifier on request.

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

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Waste Disposal

- E20. 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 Environment Protection Authority.

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

Service Adjustments

- E21. The adjustment or inclusion of any new utility service or facilities must be carried out by an appropriately qualified contractor in accordance with the requirements of the relevant utility authority.

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)

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 Certifier 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 condition is out of date, work must cease, and no further work may be carried out unless the Principal Certifier 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 condition, sufficient evidence that the person has complied with the requirements of that Part.

(Reason: Prescribed - Statutory)

Appointment of a Principal Certifier

- F3. Building or excavation works in accordance with the development consent must not be commenced until the Applicant has appointed a Principal Certifier for the building work in accordance with the provisions of *the Environmental Planning and Assessment Act 1979* and its Regulation.

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

Construction Certificate

- F4. Building or excavation works in accordance with the development consent must not be commenced until the Construction Certificate for the relevant part of the work has been issued.

Note: For clarity, this condition does not apply to demolition of whole buildings and works. A Construction Certificate is not required for these works. Demolition is controlled by AS 2601-2001 - Demolition of Structures. This Australian Standard requires safeguards to be in place before demolition commences, including traffic control and management, which may form part of the Construction Traffic Management Plan. Vegetation may also be removed or cleared unless the development consent requires that specified vegetation must not be removed.

(Reason: Statutory, to ensure appropriate safeguards are in place prior to the commencement of any works)

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Occupation Certificates

- 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 the relevant 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 compliance)

Excavation/Demolition

- F6. Excavation and demolition shall be carried out as follows:

- a) All excavation and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- b) All excavation 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.
- c) 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

- F7. 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.
- 5) No access across public reserves or parks is permitted.

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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

- F8. 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 Certifier 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 the relevant 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. Council's development engineer must be contacted to arrange inspections of the completed works in the Public Domain.

(Reason: Maintain quality of Public assets)

**9 LODGE ROAD, CREMORNE
DEVELOPMENT APPLICATION NO. 118/25**

Page 26 of 28

Pool Access

- G2. Access to the pool must be restricted by a child-resistant barrier in accordance with the regulations prescribed in *the Swimming Pools Act 1992*, and the requirements of the applicable Australian Standard. The pool must not be filled with water or be allowed to collect stormwater until the installation of the child-resistant barrier is completed. Certification from an appropriately qualified person confirming compliance with these requirements must be provided prior to the issuing of the relevant Occupation Certificate.

(Reason: To ensure that any person acting upon this consent is aware of their obligations under the provisions of *the Swimming Pools Act 1992*)

Pool Safety Requirements

- G3. A notice must be displayed in a prominent position in the immediate vicinity of the pool at all times showing:
- a) Appropriate instructions for artificial resuscitation methods.
 - b) A warning stating:
 - (i) "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL," and
 - (ii) "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES", and
 - (iii) "KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES."

Details demonstrating compliance are to be provided with the relevant Occupation Certificate issued for the pool.

This notice must be kept in a legible condition and at the poolside.

(Reason: To ensure an adequate level of safety for young pool users)

Damage to Adjoining Properties

- G4. All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.

(Reason: To ensure adjoining owner's property rights are protected)

Utility Services

- G5. All utility services shall be adjusted to the correct levels and/or location/s required by this consent, prior to issue of the relevant Occupation Certificate. This shall be at no cost to Council.

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

**9 LODGE ROAD, CREMORNE
DEVELOPMENT APPLICATION NO. 118/25**

Page 27 of 28

Certification of Tree Condition

- G6. Prior to the issue of the relevant Occupation Certificate, a report prepared by an appropriately qualified person (being an arborist or the like) must be submitted to the Principal Certifier, describing the health of the tree(s) specifically nominated below:

Tree No.	Species	Height	Location
T1.	<i>Banksia integrifolia</i> Coastal Bankis	5m	Lodge Road Frontage
T2.	<i>Melaleuca</i>	10m	Ryries Parade Frontage

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

- G7. 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)

BASIX Completion Certificate

- G8. In accordance with section 45 *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, prior to issuing the relevant Occupation Certificate the Principal Certifier must provide a BASIX completion receipt.

(Reason: To ensure compliance with the Regulations)

Landscaping

- G9. The landscaping shown in the approved landscape plans numbered L-01, Rev C, dated 9 April 2025, prepared by Ecodesign and modified by Condition C25 of this consent must be completed prior to the issue of any Occupation Certificate.

(Reason: To ensure compliance)

**9 LODGE ROAD, CREMORNE
DEVELOPMENT APPLICATION NO. 118/25**

Page 28 of 28

I. Ongoing/Operational Conditions

Pool Filter

11. The swimming pool pump installed at the premises must not operate so as to:
- a) 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 8.00pm on any Sunday or Public Holiday; or
 - ii) before 7.00am or after 8.00pm on any other day
 - b) cause an LAeq(15min) which exceeds the RBL background noise level by more than 5dB when measured at the boundary of any affected residence. The modifying factor adjustments in Section 4 *NSW Environment Protection Authority Noise Policy for Industry 2017* shall be applied.

“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 ensure noise generated by equipment does not result in offensive noise)

Single Occupancy

12. Nothing in this consent authorises the use of the premises other than for a single <specify what type of occupancy as necessary> occupancy.

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

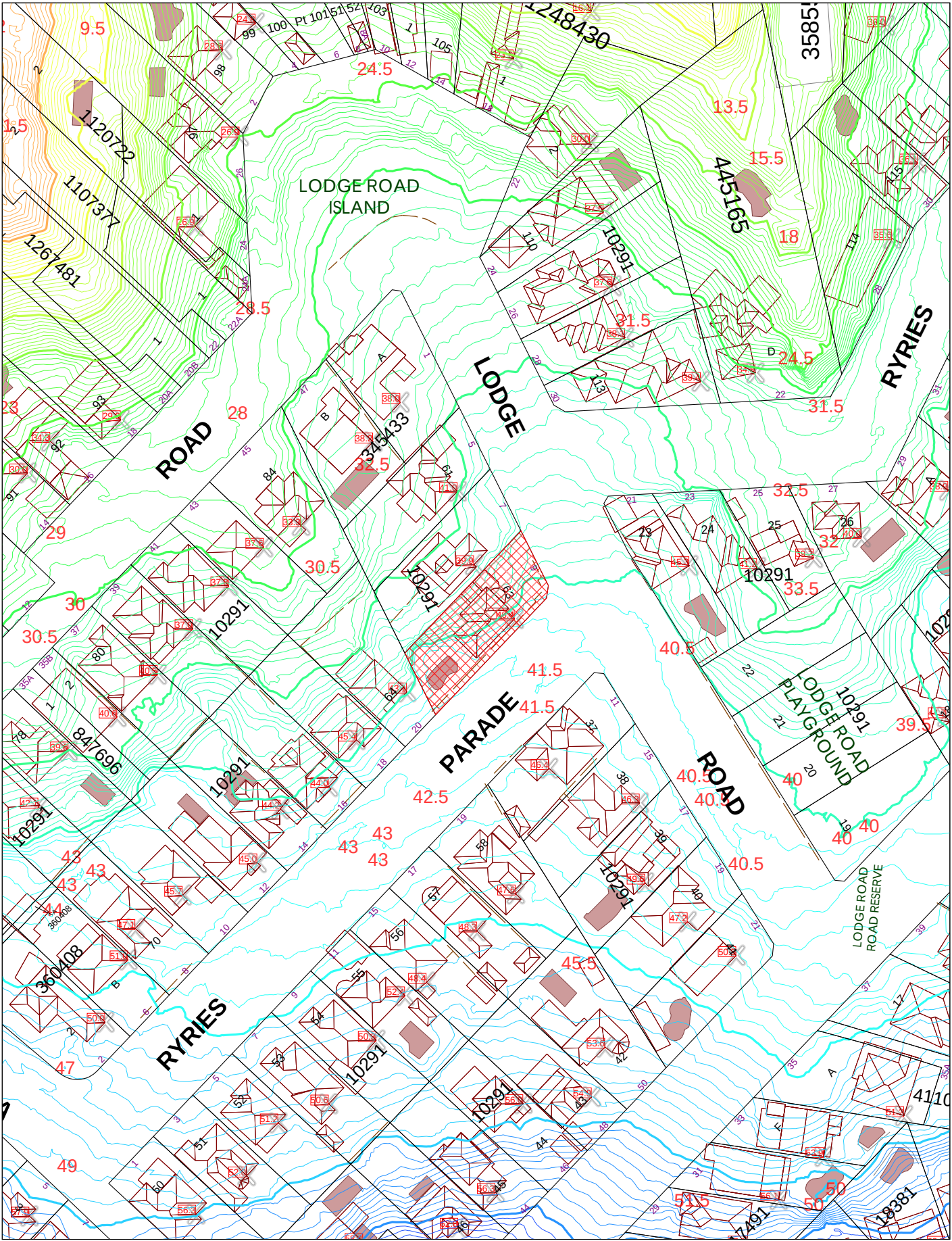
Maintenance of Approved Landscaping

13. The owner of the premises at No 9 Lodge Road, Cremorne is to maintain the landscaping approved by this consent generally in accordance with drawing number L-01, Rev C, dated 9 April 2025, prepared by Ecodesign as modified by Condition C25.

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)



North Sydney Council

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

Scale: 1:1200 approx.



DA DRAWING SCHEDULE			
Number	Name	Rev.	Date

DA-01.1	Cover Page.	B	04.07.2025
DA-01.2	Site Analysis Plan.	A	28.03.2025
DA-01.3	Existing Site Calculation Plan.	A	28.03.2025
DA-01.4	Proposed Site Calculation Plan.	A	28.03.2025
DA-02.1	Existing Lower Ground Floor Plan.	A	28.03.2025
DA-02.2	Existing Ground Floor Plan.	A	28.03.2025
DA-02.3	Existing First Floor Plan.	A	28.03.2025
DA-02.4	Existing Roof Plan.	A	28.03.2025
DA-03.1	Demolition Lower Ground Floor Plan.	A	28.03.2025
DA-03.2	Demolition Ground Floor Plan.	A	28.03.2025
DA-03.3	Demolition First Floor Plan.	A	28.03.2025
DA-04.1	Proposed Lower Ground Floor Plan.	A	28.03.2025
DA-04.2	Proposed Ground Floor Plan.	A	28.03.2025
DA-04.3	Proposed First Floor Plan.	B	04.07.2025
DA-04.4	Proposed Roof Plan.	A	28.03.2025
DA-05.1	Street Elevation (Lodge Road)	A	28.03.2025
DA-05.2	Street Elevation (Ryries Parade)	B	04.07.2025
DA-05.3	East Elevation.	A	28.03.2025
DA-05.4	South Elevation.	B	04.07.2025
DA-05.5	West Elevation.	B	04.07.2025
DA-05.6	North Elevation.	B	04.07.2025
DA-06.1	Cross Section A-A.	A	28.03.2025
DA-06.2	Long Section B-B.	A	28.03.2025
DA-07.1	Materials & Finishes Front Elevation	A	28.03.2025
DA-07.2	Materials & Finishes - Rear Elevation	B	04.07.2025
DA-08.1	Shadow Diagram 9am.	A	28.03.2025
DA-08.2	Shadow Diagram 12noon.	A	28.03.2025
DA-08.3	Shadow Diagram 3pm.	A	28.03.2025
DA-09.8	Skylights Schedule.	A	28.03.2025
DA-NOTE	Notification Plan.	A	28.03.2025

ATTACHMENT TO LPP02 - 06/08/2025 WINDOW & DOOR SCHEDULES			
Number	Name	Rev.	Date

DA-09.1	Window & Door Schedule 1.	A	28.03.2025
DA-09.2	Window & Door Schedule 2.	A	28.03.2025
DA-09.3	Window & Door Schedule 3.	A	28.03.2025
DA-09.4	Window & Door Schedule 4.	A	28.03.2025
DA-09.5	Window & Door Schedule 5.	A	28.03.2025
DA-09.6	Window & Door Schedule 6.	A	28.03.2025
DA-09.7	Window & Door Schedule 7.	A	28.03.2025

NOTES:
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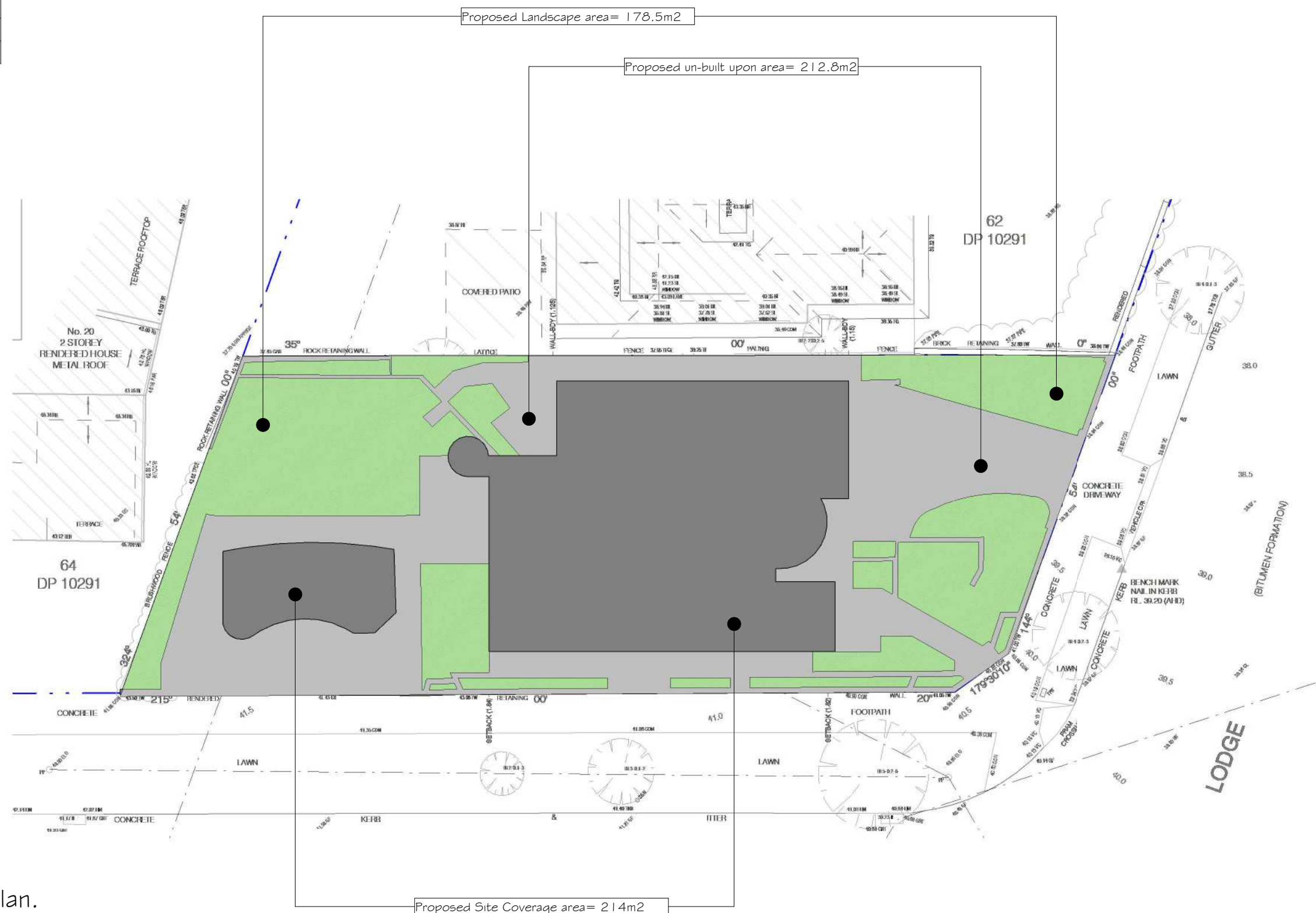


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Reg. nominated architect #11862

Amendments:		
DATE	REV. NO	REVISION
28.03.25	A	Development Application.
08.07.25	B	Development Application.

No.9 Lodge Road Cremorne NSW 2090		Cover Page.	
		Date: 08.07.2025	Drawing. No.
		DA-01.1	Rev. No. B
		Checked by NA	Scale as indicated.

EXISTING SITE CALCULATIONS	
	SITE AREA = 602.3m ²
	EXISTING SITE COVERAGE AREA = 214m ² = 35.5%
	EXISTING LANDSCAPE AREA = 178.5m ² = 29.7%
	EXISTING UN-BUILT UPON AREA = 209.8m ² = 34.8%
40% max. site coverage area required under DCP = 240.9m ²	
40% min. landscaped area required under DCP = 240.9m ²	
20% max. un-built upon area required under DCP = 120.5m ²	



Existing Site Calculation Plan.

1 : 200

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DATE	REV. NO	REVISION
28.03.2025	A	Development Application.

No.9 Lodge Road
Cremorne NSW 2090

Existing Site Calculation Plan.

Date: 28.03.2025

Drawn by

Checked

Drawing. No.

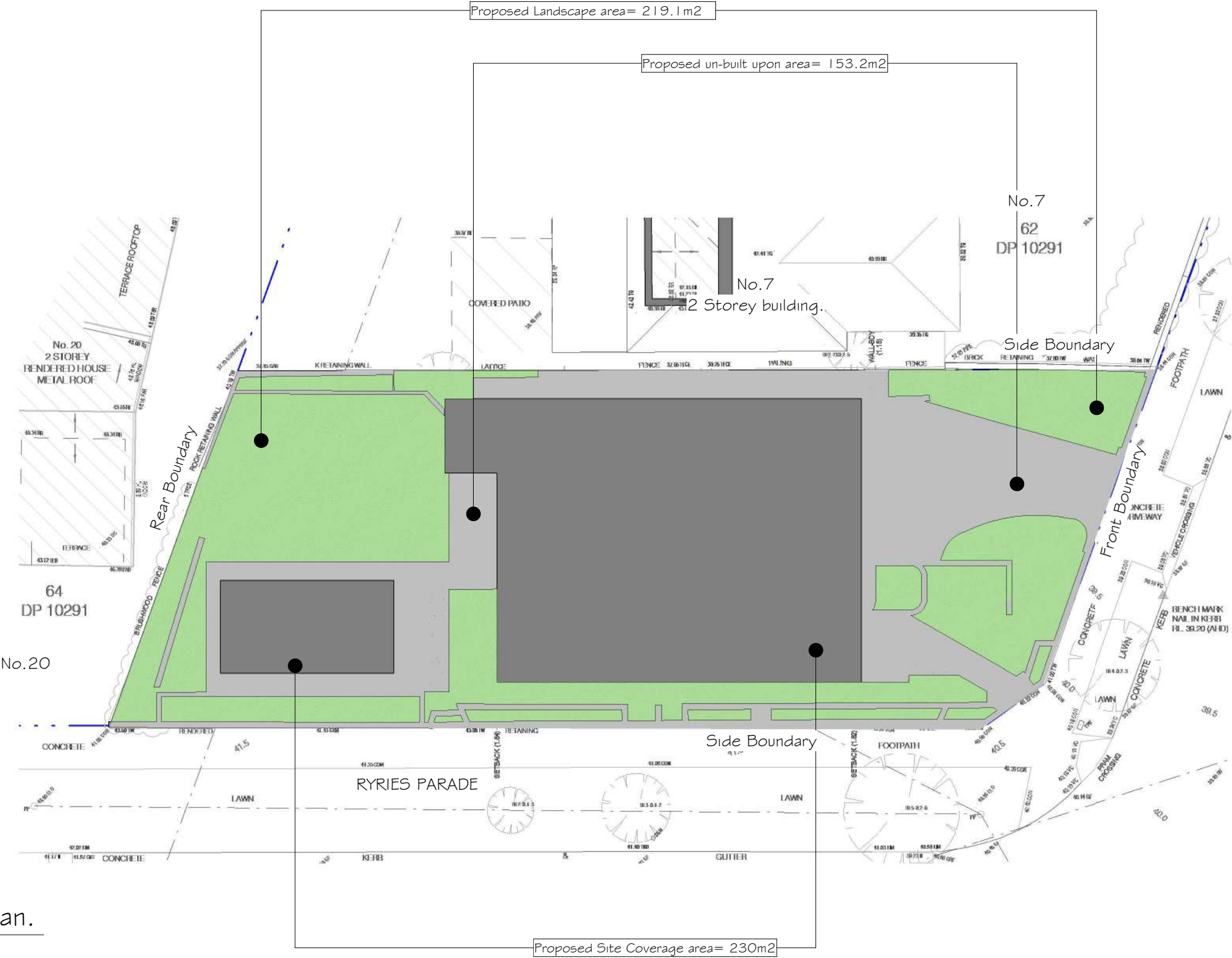
DA-01.3

Rev. No.

A

Scale as indicated.

PROPOSED SITE CALCULATIONS	
SITE AREA =	602.3m2
PROPOSED SITE COVERAGE AREA =	230 m2 = 38.2%
PROPOSED LANDSCAPE AREA =	219.1m2 = 36.4%
PROPOSED UN-BUILT UPON AREA =	153.2m2 = 25.4%
40% max. site coverage area required under DCP =	240.9m2
40% min. landscaped area required under DCP =	240.9m2
20% max. un-built upon area required under DCP =	120.5m2



1 Proposed Site Calculation Plan.
1 : 200

NOTES:
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Amendments:		
DATE	REV. NO	REVISION
28.03.2025	A	Development Application.

No.9 Lodge Road
Cremorne NSW 2090

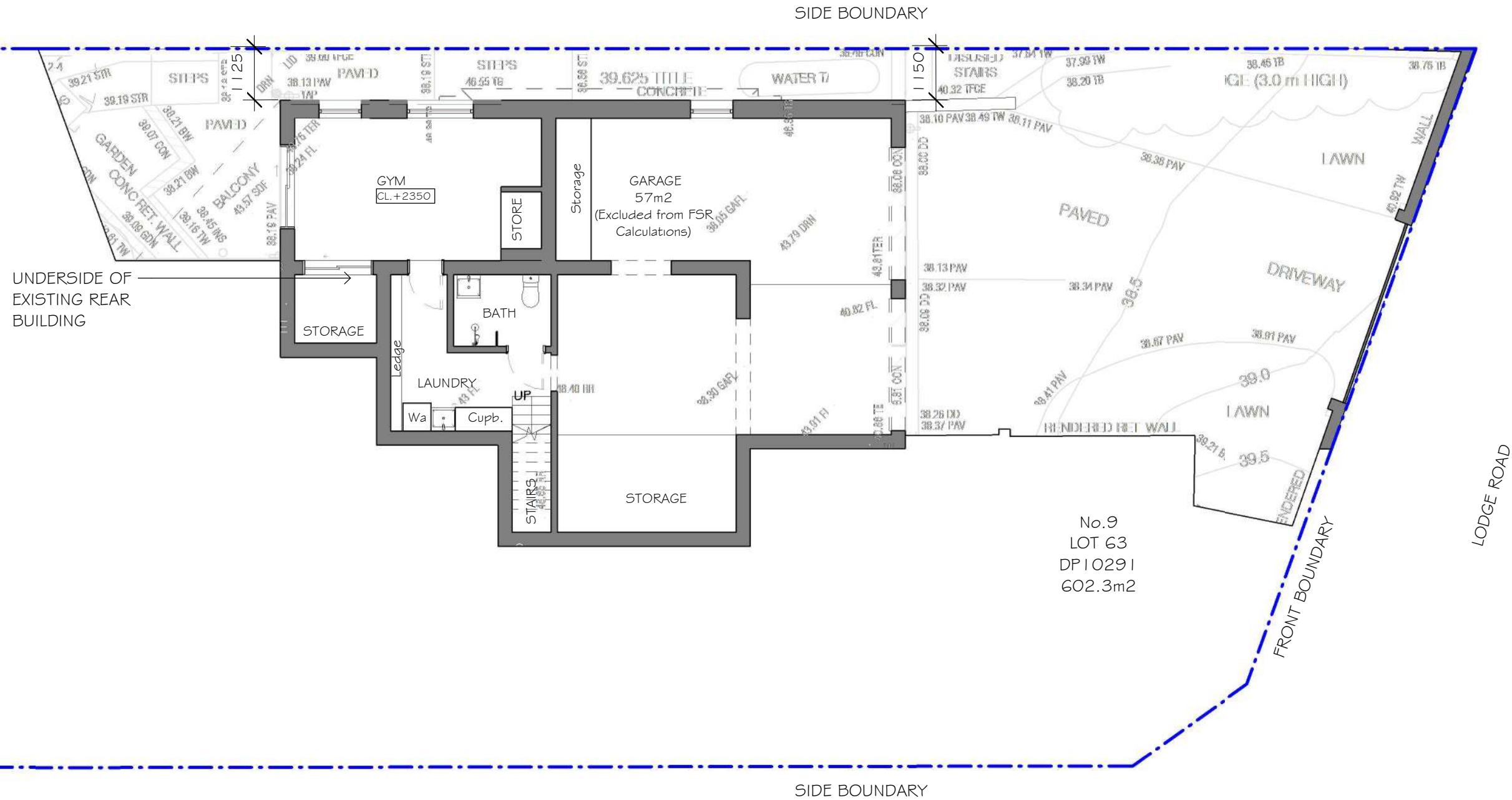
Proposed Site Calculation Plan.

Date: 28.03.2025	Drawing. No.	Rev. No.
Drawn by EC	DA-01.4	A
Checked by NA	Scale as indicated.	

FSR CALCULATIONS
SITE AREA= 602.3m2
EXIST. LOWER GROUND FLOOR= 27m2
EXIST. GROUND FLOOR= 157m2
EXIST. FIRST FLOOR= 103m2
TOTAL EXISTING FLOOR AREA= 287m2
EXISTING F.S.R.= 0.47:1

LEGEND
EXISTING WALL TO REMAIN.
EXISTING BUILDING TO BE REMOVED.
EXISTING BUILDING TO BE RETAINED.

No.7



Existing Lower Ground Plan.
1 : 100

NOTES:
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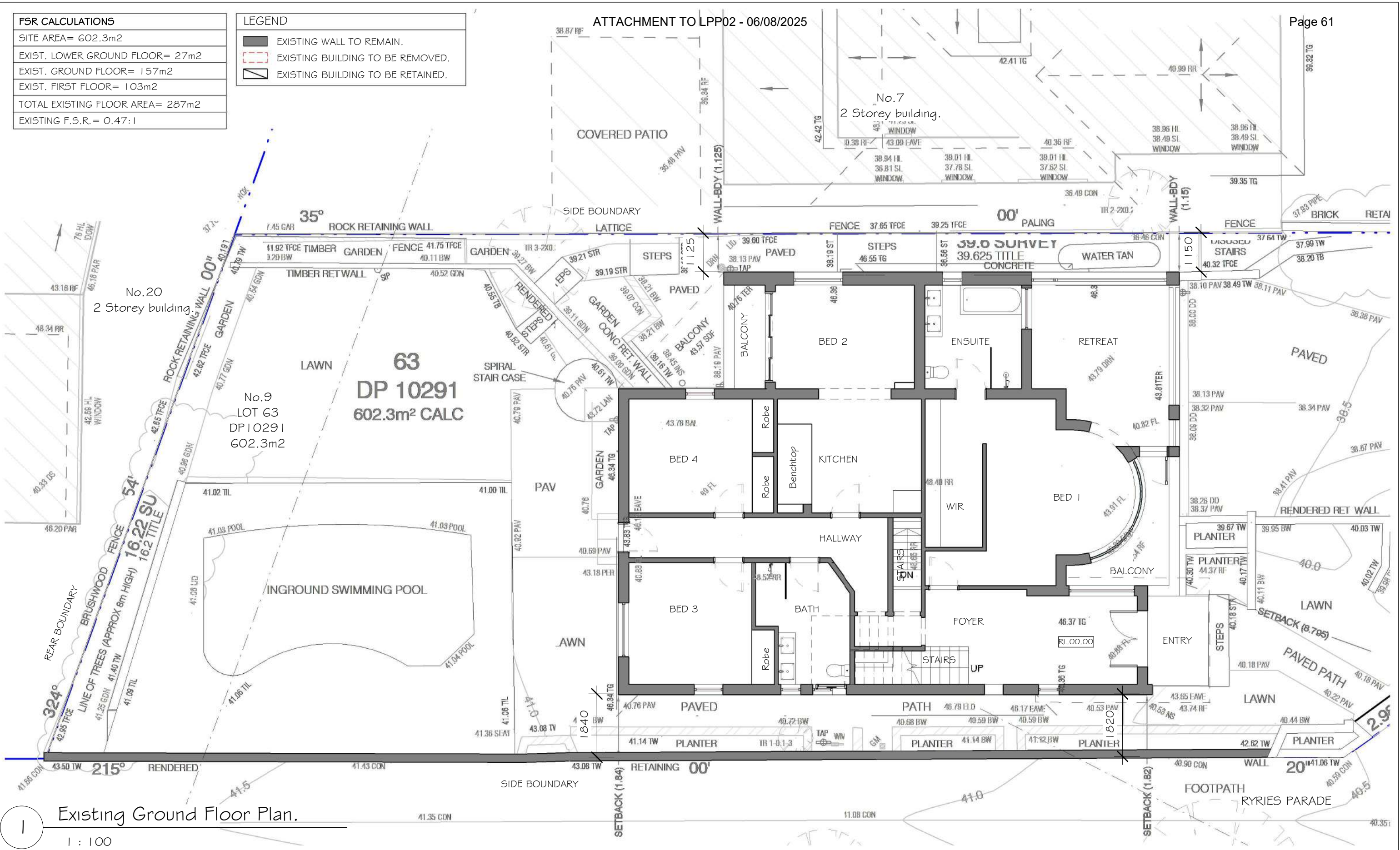
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Amendments:		
DATE	REV. NO	REVISION
28.03.2025	A	Development Application.

No.9 Lodge Road Cremorne NSW 2090		Existing Lower Ground Floor Plan.	
	Date: 28.03.2025	Drawing. No.	Rev. No.
	Drawn by EC	DA-02.1	A
	Checked by NA		

F&S CALCULATIONS
SITE AREA= 602.3m2
EXIST. LOWER GROUND FLOOR= 27m2
EXIST. GROUND FLOOR= 157m2
EXIST. FIRST FLOOR= 103m2
TOTAL EXISTING FLOOR AREA= 287m2
EXISTING F.S.R. = 0.47:1

LEGEND
EXISTING WALL TO REMAIN.
EXISTING BUILDING TO BE REMOVED.
EXISTING BUILDING TO BE RETAINED.



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Amendments:
DATE REV. NO REVISION
28.03.2025 A Development Application.

No.9 Lodge Road Cremorne NSW 2090		Existing Ground Floor Plan.	
	Date: 28.03.2025	Drawing. No.	Rev. No.
	Drawn by EC	DA-02.2	A
	Checked by NA		

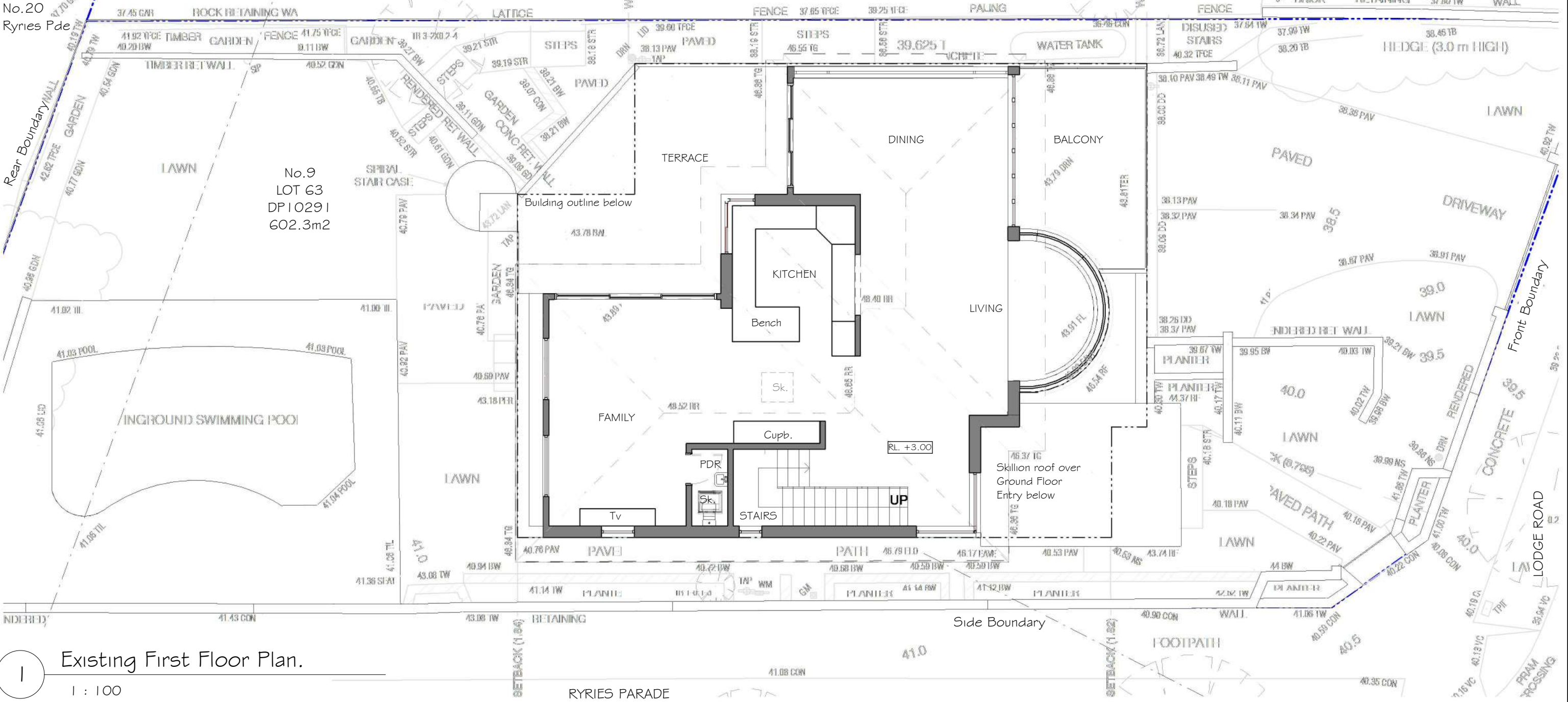
FSR CALCULATIONS
SITE AREA= 602.3m2
EXIST. LOWER GROUND FLOOR= 27m2
EXIST. GROUND FLOOR= 157m2
EXIST. FIRST FLOOR= 103m2
TOTAL EXISTING FLOOR AREA= 287m2
EXISTING F.S.R. = 0.47:1

LEGEND
EXISTING WALL TO REMAIN.
EXISTING BUILDING TO BE REMOVED.
EXISTING BUILDING TO BE RETAINED.

ATTACHMENT TO LPP02 - 06/08/2025

62
DP 10291

No.20
Ryries Pde



Existing First Floor Plan.

1 : 100

NOTES:
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Amendments:
DATE REV. NO REVISION
28.03.2025 A Development Application.

No.9 Lodge Road
Cremorne NSW 2090

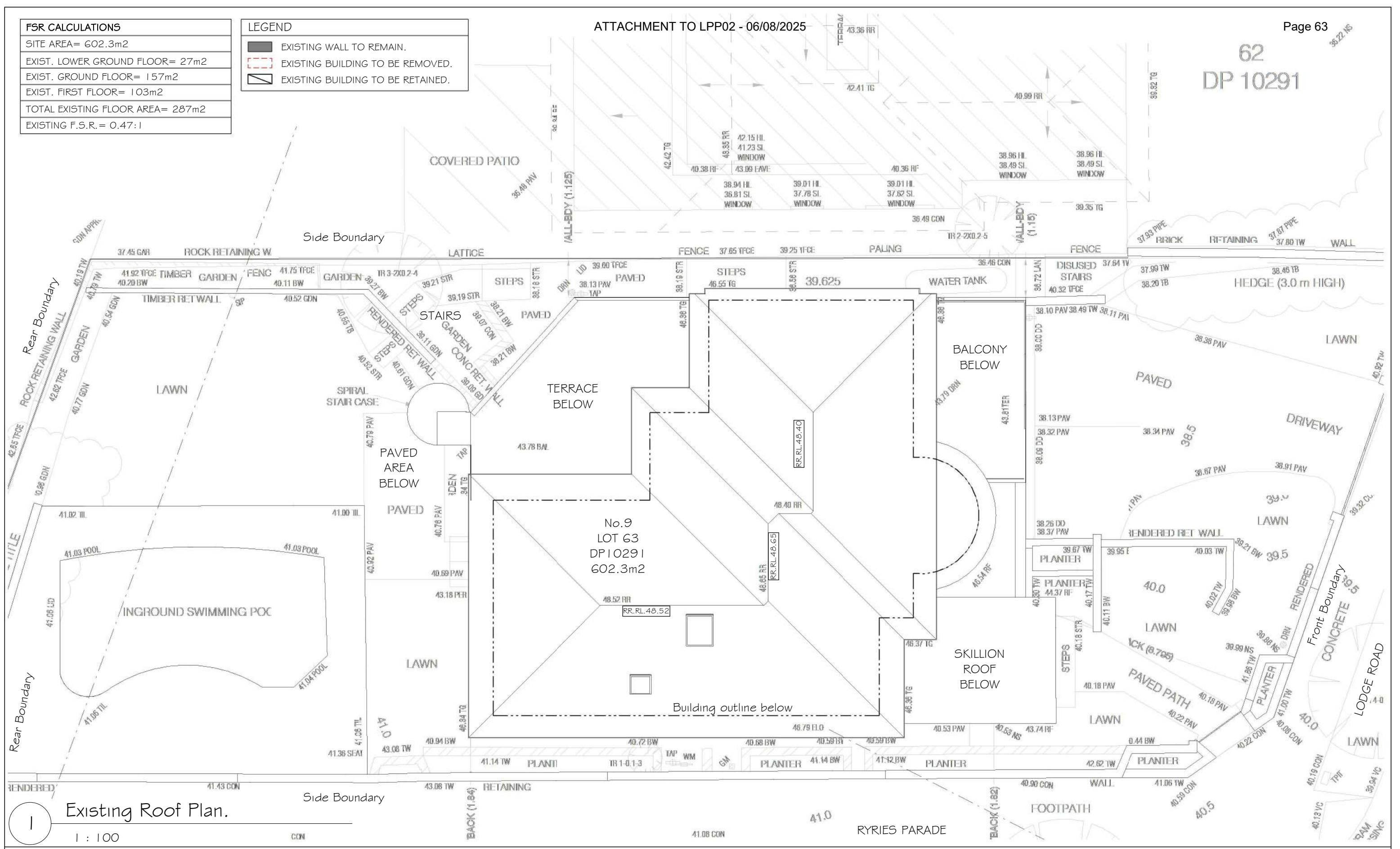


Existing First Floor Plan.

Date: 28.03.2025	Drawing. No.	Rev. No.
Drawn by EC	DA-02.3	A
Checked by NA	Scale as indicated.	

FSR CALCULATIONS
SITE AREA= 602.3m2
EXIST. LOWER GROUND FLOOR= 27m2
EXIST. GROUND FLOOR= 157m2
EXIST. FIRST FLOOR= 103m2
TOTAL EXISTING FLOOR AREA= 287m2
EXISTING F.S.R.= 0.47:1

LEGEND
 EXISTING WALL TO REMAIN.
 EXISTING BUILDING TO BE REMOVED.
 EXISTING BUILDING TO BE RETAINED.



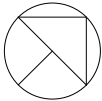
NOTES:
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Amendments:		
DATE	REV. NO	REVISION
28.03.2025	A	Development Application.

No.9 Lodge Road
Cremorne NSW 2090

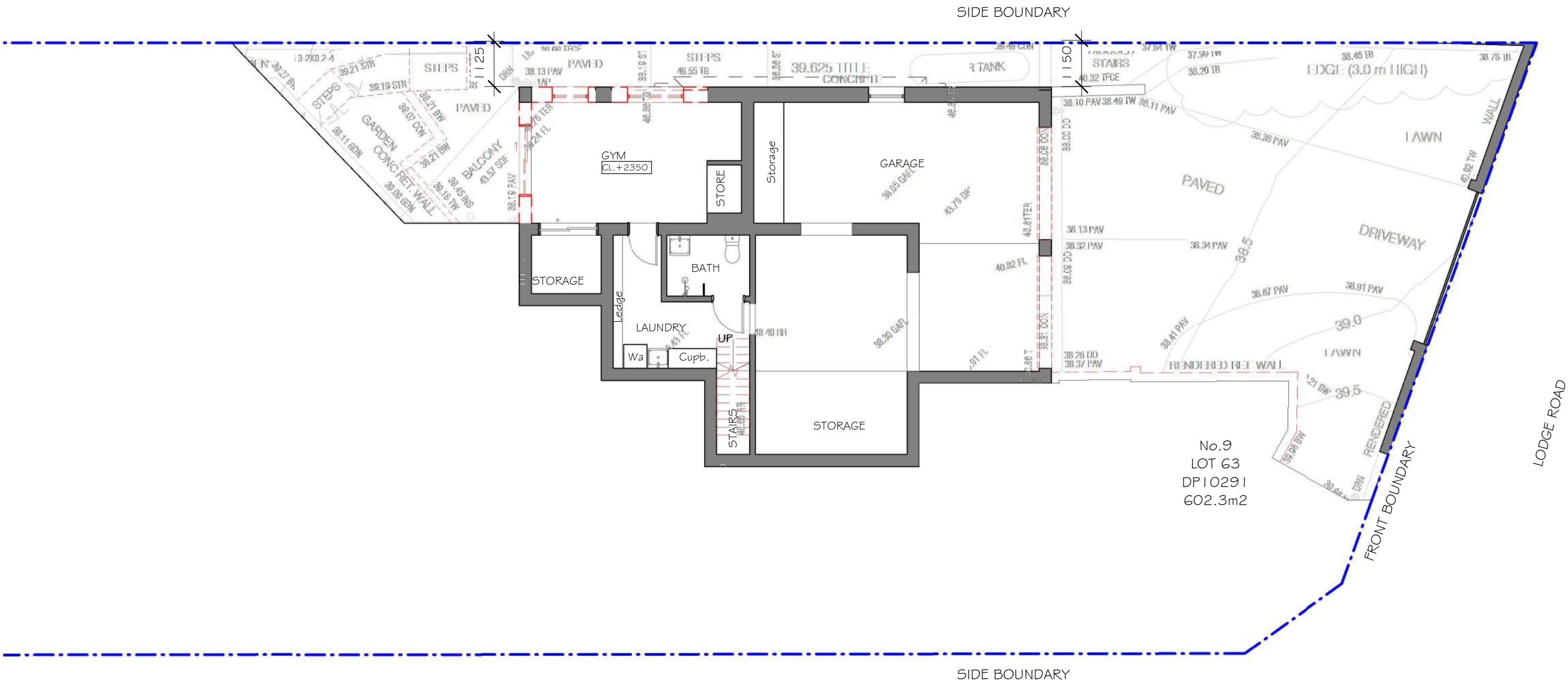


Existing Roof Plan.		
Date: 28.03.2025	Drawing. No.	Rev. No.
Drawn by EC	DA-02.4	A
Checked by NA	Scale as indicated.	

F&R CALCULATIONS
SITE AREA= 602.3m2
EXIST. LOWER GROUND FLOOR= 27m2
EXIST. GROUND FLOOR= 157m2
EXIST. FIRST FLOOR= 103m2
TOTAL EXISTING FLOOR AREA= 287m2
EXISTING F.S.R.= 0.47:1

LEGEND
EXISTING WALL TO REMAIN.
EXISTING BUILDING TO BE REMOVED.
EXISTING BUILDING TO BE RETAINED.

No.7



1 Demolition Lower Ground Plan.
1 : 100

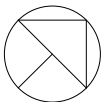
NOTES:
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Amendments:		
DATE	REV. NO	REVISION
28.03.2025	A	Development Application.

No.9 Lodge Road
Cremorne NSW 2090

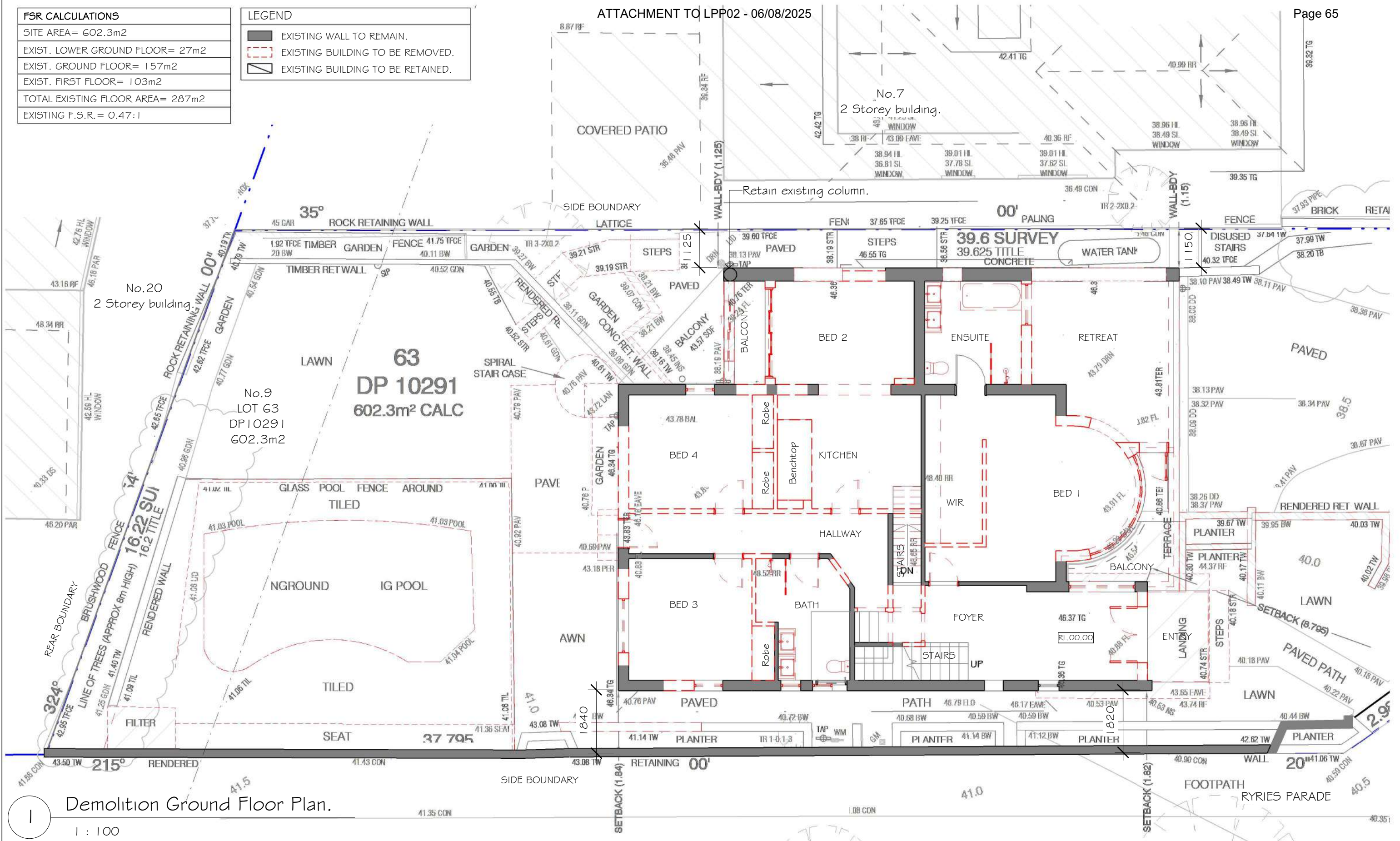


Demolition Lower Ground Floor
Plan.

Date: 28.03.2025	Drawing. No.	Rev. No.
Drawn by EC	DA-03.1	A
Checked by NA	Scale as indicated.	

FSR CALCULATIONS
SITE AREA= 602.3m ²
EXIST. LOWER GROUND FLOOR= 27m ²
EXIST. GROUND FLOOR= 157m ²
EXIST. FIRST FLOOR= 103m ²
TOTAL EXISTING FLOOR AREA= 287m ²
EXISTING F.S.R. = 0.47:1

LEGEND	
	EXISTING WALL TO REMAIN.
	EXISTING BUILDING TO BE REMOVED.
	EXISTING BUILDING TO BE RETAINED.



NOTES:

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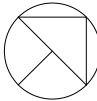


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Amendments:

DATE	REV. NO	REVISION
28.03.2025	A	Development Application.



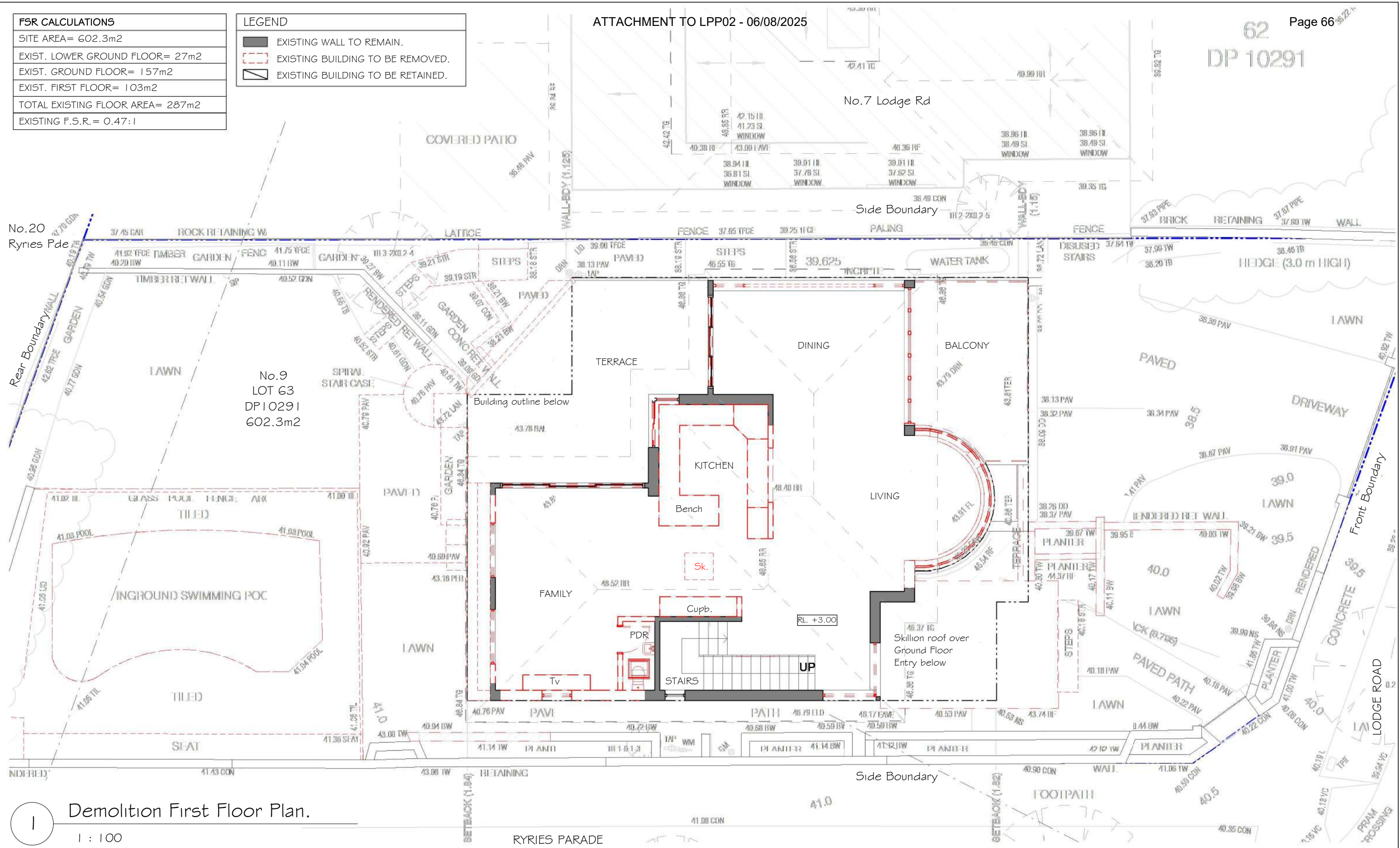
No.9 Lodge Road
Cremorne NSW 2090

Demolition Ground Floor Plan.		
Date: 28.03.2025	Drawing. No.	Rev. No.
Drawn by EC	DA-O3.2	A
Checked by NA	Scale as indicated.	

F&S CALCULATIONS
SITE AREA= 602.3m2
EXIST. LOWER GROUND FLOOR= 27m2
EXIST. GROUND FLOOR= 157m2
EXIST. FIRST FLOOR= 103m2
TOTAL EXISTING FLOOR AREA= 287m2
EXISTING F.S.R.= 0.47:1

LEGEND
EXISTING WALL TO REMAIN.
EXISTING BUILDING TO BE REMOVED.
EXISTING BUILDING TO BE RETAINED.

ATTACHMENT TO LPP02 - 06/08/2025



Demolition First Floor Plan.
1 : 100

NOTES:
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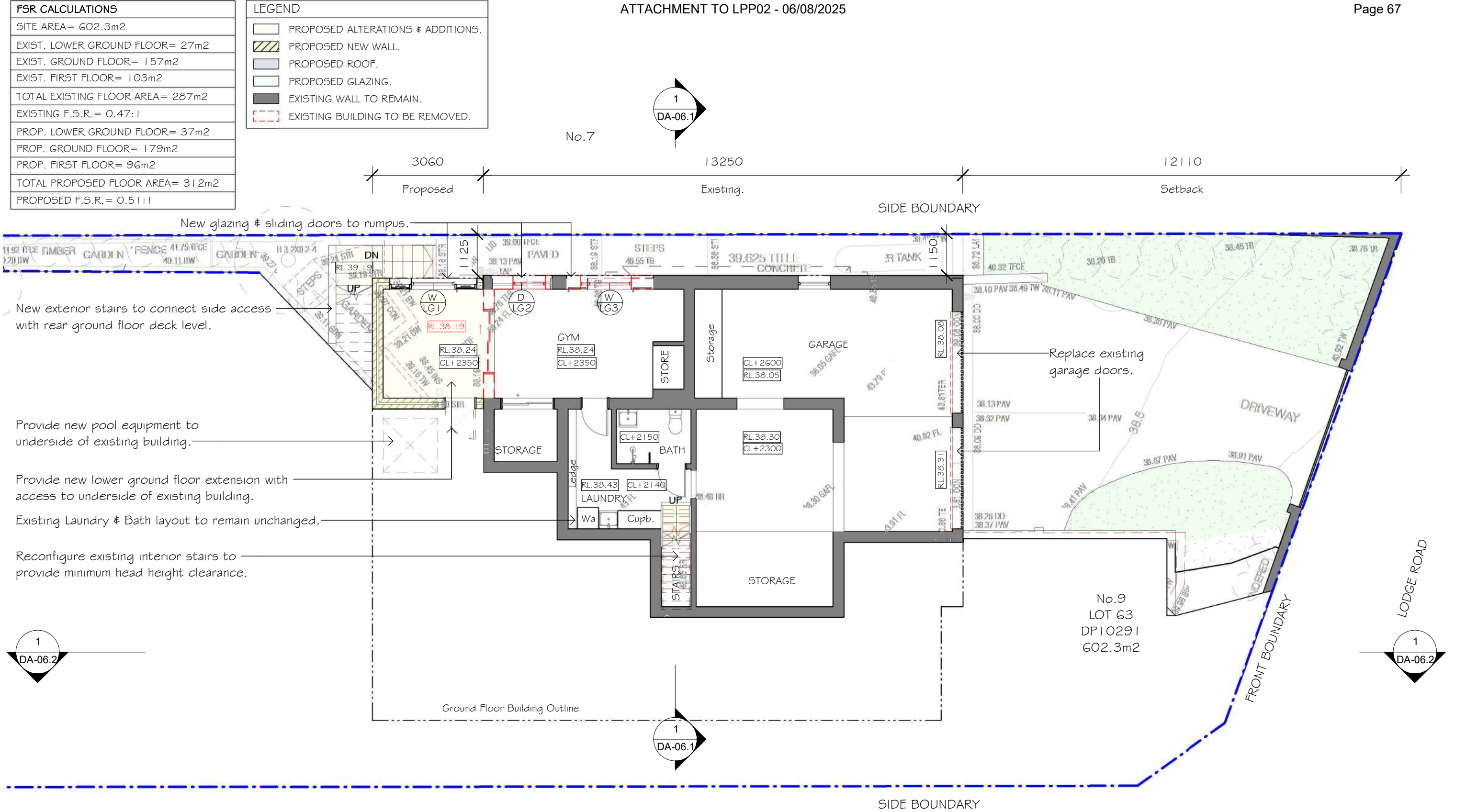
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Amendments:
DATE REV. NO REVISION
28.03.2025 A Development Application.

No.9 Lodge Road Cremorne NSW 2090		Demolition First Floor Plan.	
	Date: 28.03.2025	Drawing. No.	Rev. No.
	Drawn by EC	DA-03.3	A
	Checked by NA		

F&S CALCULATIONS
SITE AREA= 602.3m ²
EXIST. LOWER GROUND FLOOR= 27m ²
EXIST. GROUND FLOOR= 157m ²
EXIST. FIRST FLOOR= 103m ²
TOTAL EXISTING FLOOR AREA= 287m ²
EXISTING F.S.R.= 0.47:1
PROP. LOWER GROUND FLOOR= 37m ²
PROP. GROUND FLOOR= 179m ²
PROP. FIRST FLOOR= 96m ²
TOTAL PROPOSED FLOOR AREA= 312m ²
PROPOSED F.S.R.= 0.51:1

LEGEND
 PROPOSED ALTERATIONS & ADDITIONS.
 PROPOSED NEW WALL.
 PROPOSED ROOF.
 PROPOSED GLAZING.
 EXISTING WALL TO REMAIN.
 EXISTING BUILDING TO BE REMOVED.



1 Proposed Lower Ground Plan.
1 : 100

NOTES:
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Amendments:		
DATE	REV. NO	REVISION
28.03.2025	A	Development Application.

No.9 Lodge Road
Cremorne NSW 2090



Proposed Lower Ground Floor
Plan.

Date: 28.03.2025	Drawing. No.	Rev. No.
Drawn by EC	DA-04.1	A
Checked by NA	Scale as indicated.	

Date: 28.03.2025	Drawing. No.	Rev. No.
Drawn by EC	DA-04.2	A
Checked by NA	Scale as indicated.	

F5R CALCULATIONS

SITE AREA= 602.3m2
EXIST. LOWER GROUND FLOOR= 27m2
EXIST. GROUND FLOOR= 157m2
EXIST. FIRST FLOOR= 103m2
TOTAL EXISTING FLOOR AREA= 287m2
EXISTING F.S.R.= 0.47:1
PROP. LOWER GROUND FLOOR= 37m2
PROP. GROUND FLOOR= 179m2
PROP. FIRST FLOOR= 96m2
TOTAL PROPOSED FLOOR AREA= 312m2
PROPOSED F.S.R.= 0.51:1

LEGEND

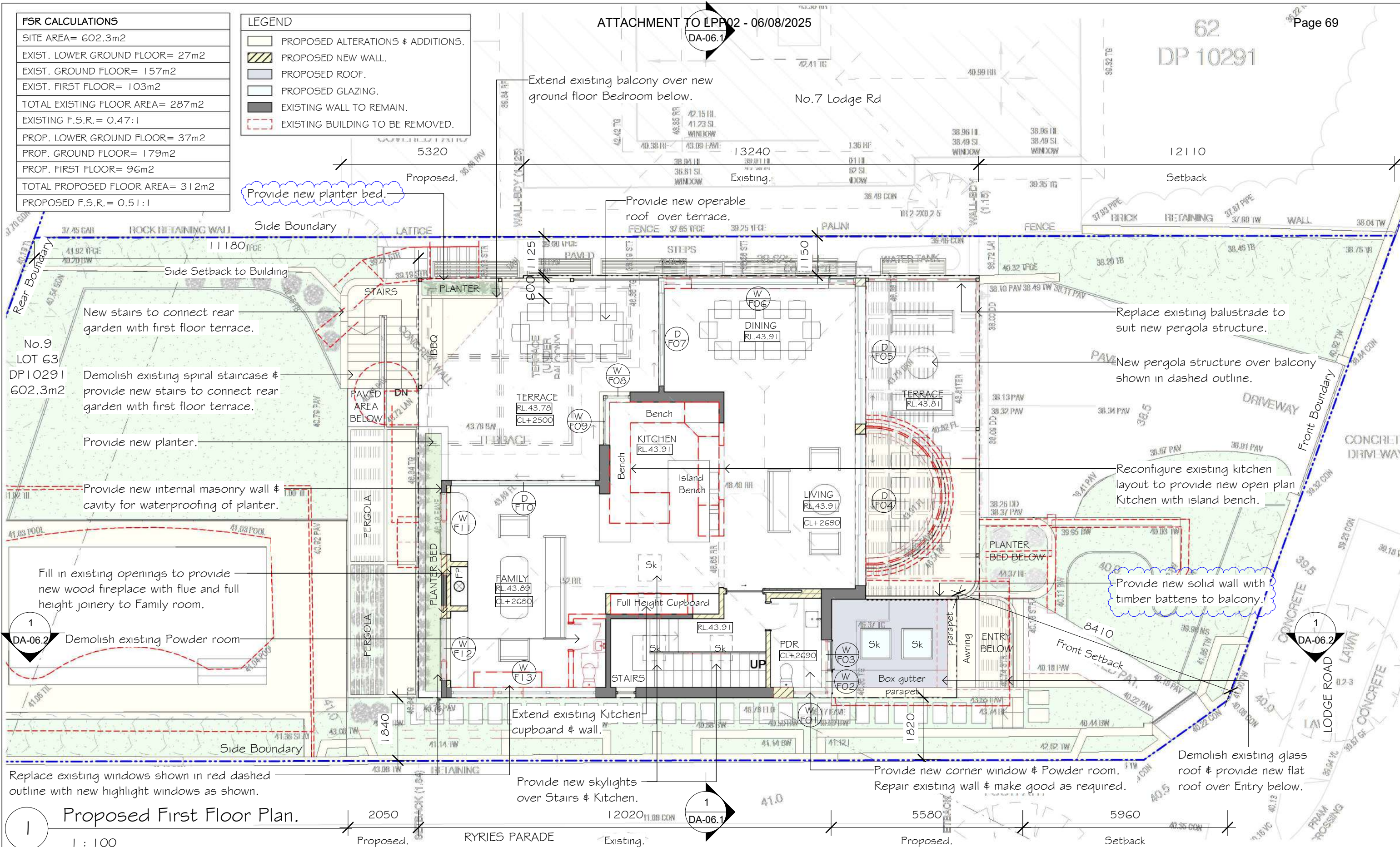
	PROPOSED ALTERATIONS & ADDITIONS.
	PROPOSED NEW WALL.
	PROPOSED ROOF.
	PROPOSED GLAZING.
	EXISTING WALL TO REMAIN.
	EXISTING BUILDING TO BE REMOVED.

ATTACHMENT TO LPP02 - 06/08/2025

DA-06.1

62
DP 10291

Page 69



NOTES:
All dimensions to be checked on site. Do not obtain dimensions by scaling drawings. These drawings are to be read in conjunction with all other consultants drawings & specifications. All workmanship & materials shall be in accordance with requirements of current editions including amendments of the relevant SAA Codes of Practice & the Building Code of Australia.



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Reg. nominated architect #11862

DATE	REV. NO	REVISION
28.03.25	A	Development Application.
08.07.25	B	Development Application.

No.9 Lodge Road
Cremorne NSW 2090



Proposed First Floor Plan.

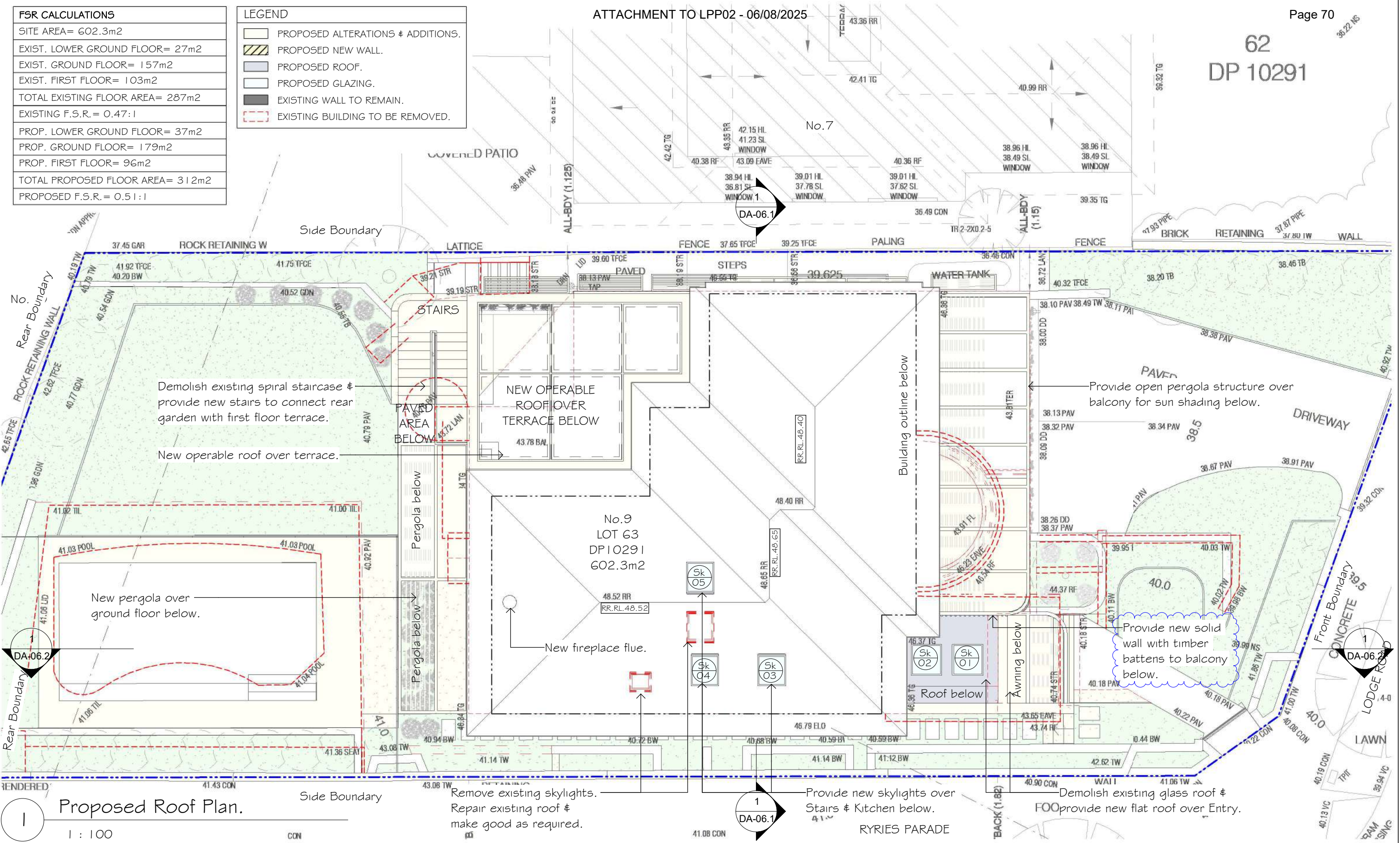
Date: 08.07.2025	Drawing. No.	Rev. No.
Drawn by EC	DA-04.3	B
Checked by NA	Scale as indicated.	

F&S CALCULATIONS
SITE AREA= 602.3m ²
EXIST. LOWER GROUND FLOOR= 27m ²
EXIST. GROUND FLOOR= 157m ²
EXIST. FIRST FLOOR= 103m ²
TOTAL EXISTING FLOOR AREA= 287m ²
EXISTING F.S.R. = 0.47:1
PROP. LOWER GROUND FLOOR= 37m ²
PROP. GROUND FLOOR= 179m ²
PROP. FIRST FLOOR= 96m ²
TOTAL PROPOSED FLOOR AREA= 312m ²
PROPOSED F.S.R. = 0.51:1

LEGEND	
	PROPOSED ALTERATIONS & ADDITIONS.
	PROPOSED NEW WALL.
	PROPOSED ROOF.
	PROPOSED GLAZING.
	EXISTING WALL TO REMAIN.
	EXISTING BUILDING TO BE REMOVED.

ATTACHMENT TO LPP02 - 06/08/2025

62
DP 10291



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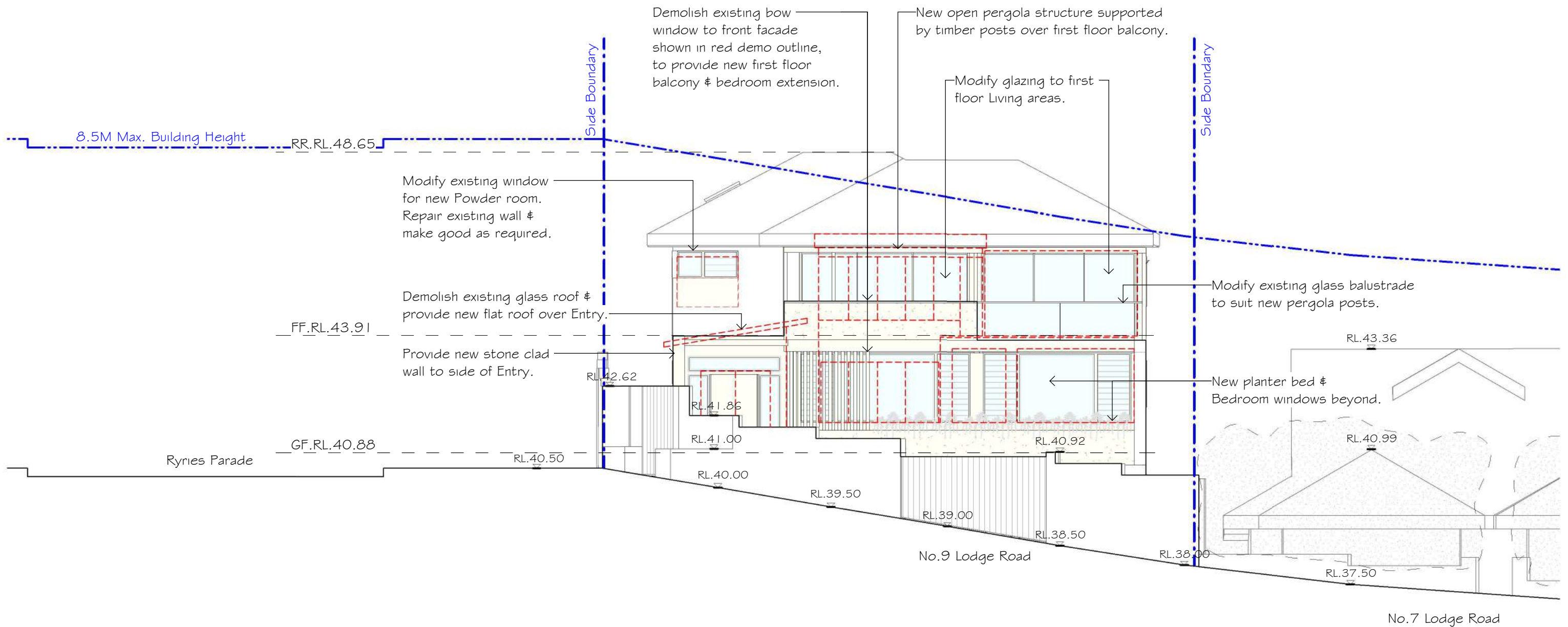


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Amendments:

DATE	REV. NO	REVISION
28.03.25	A	Development Application.
08.07.25	B	Development Application.

No.9 Lodge Road Cremorne NSW 2090			Proposed Roof Plan.		
			Date: 08.07.2025	Drawing. No.	Rev. No.
			Drawn by EC	DA-04.4	B
			Checked by NA	Scale as indicated.	



1 Street Elevation (Lodge Road).
1 : 100

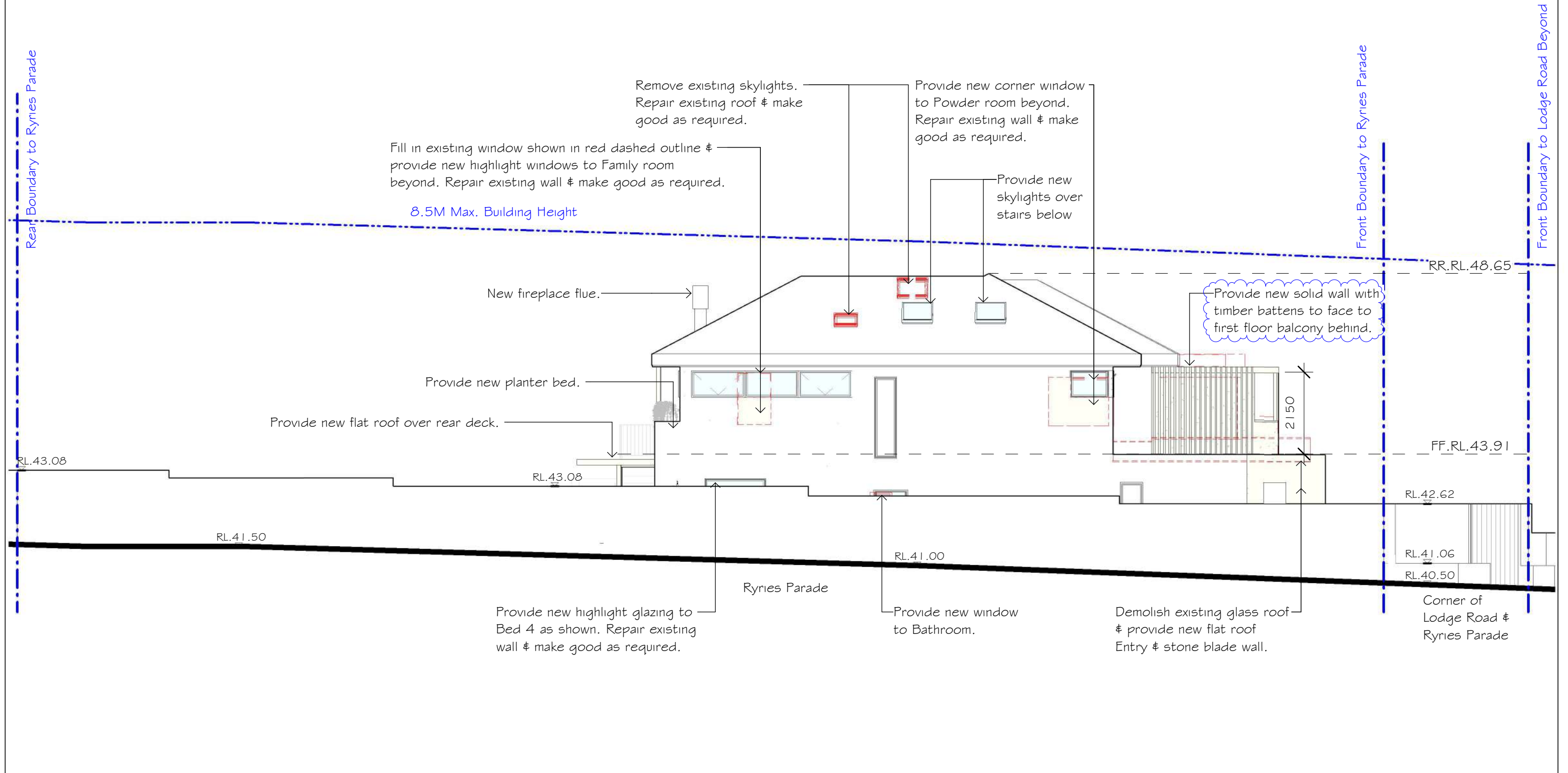
NOTES:
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Amendments:		
DATE	REV. NO	REVISION
28.03.2025	A	Development Application.

No.9 Lodge Road Cremorne NSW 2090		Street Elevation (Lodge Road)	
Date: 28.03.2025		Drawing. No.	Rev. No.
Drawn by EC		DA-05.1	A
Checked by NA		Scale as indicated.	



1 Street Elevation (Ryries Parade).
1 : 100

NOTES:
All dimensions to be checked on site. Do not obtain dimensions by scaling drawings. These drawings are to be read in conjunction with all other consultants drawings & specifications. All workmanship & materials shall be in accordance with requirements of current editions including amendments of the relevant SAA Codes of Practice & the Building Code of Australia.

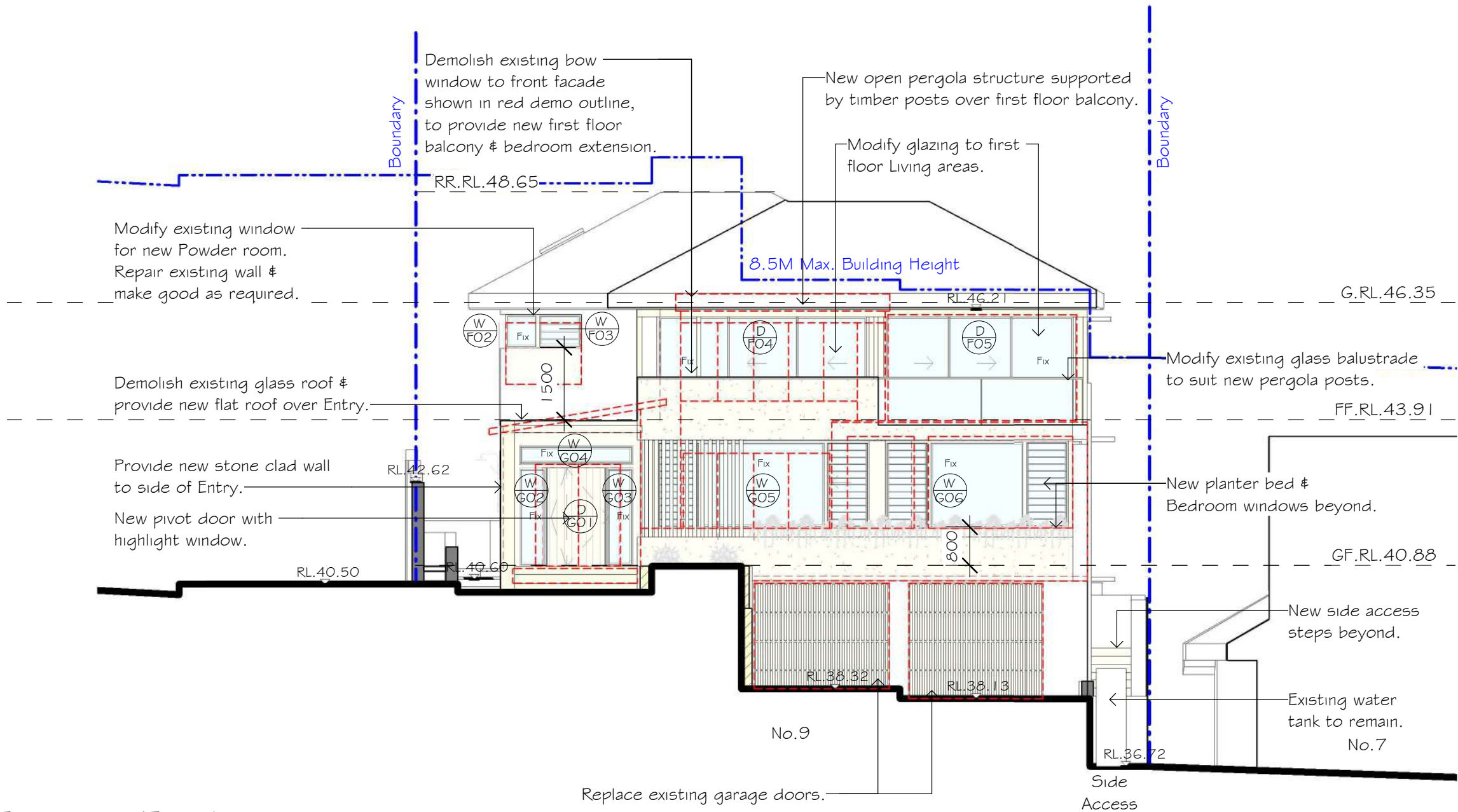


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Amendments:		
DATE	REV. NO	REVISION
28.03.25	A	Development Application.
08.07.25	B	Development Application.

No.9 Lodge Road Cremorne NSW 2090	Street Elevation (Ryries Parade)		
	Date: 08.07.2025	Drawing. No.	Rev. No.
		Drawn by EC	DA-05.2
Checked by NA	Scale as indicated.		

LEGEND	
	PROPOSED ALTERATIONS & ADDITIONS.
	PROPOSED NEW WALL.
	PROPOSED ROOF.
	PROPOSED GLAZING.
	EXISTING WALL TO REMAIN.
	EXISTING BUILDING TO BE REMOVED.



1 East Elevation - (Front).
1 : 100

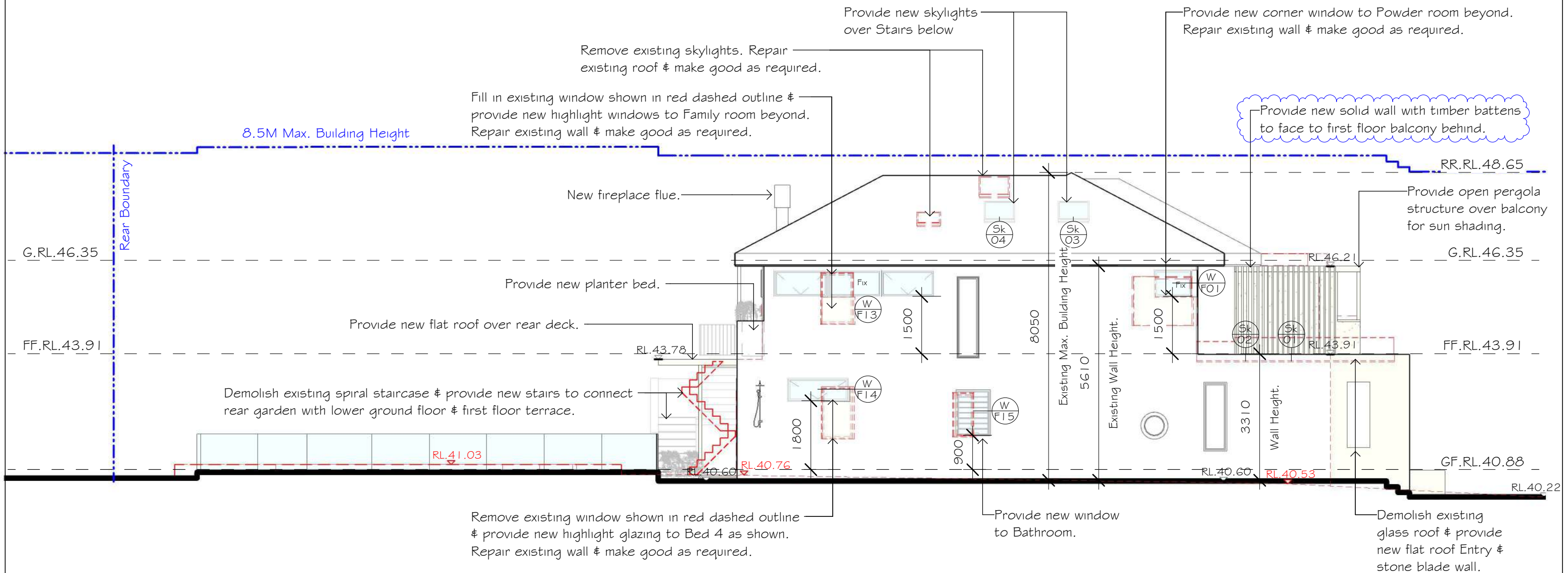
NOTES:
All dimensions to be checked on site. Do not obtain dimensions by scaling drawings. These drawings are to be read in conjunction with all other consultants drawings & specifications. All workmanship & materials shall be in accordance with requirements of current editions including amendments of the relevant SAA Codes of Practice & the Building Code of Australia.



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Amendments:		
DATE	REV. NO	REVISION
28.03.2025	A	Development Application.

No.9 Lodge Road Cremorne NSW 2090		East Elevation.	
		Date: 28.03.2025	Drawing. No. Rev. No.
Drawn by EC	Checked by NA	DA-05.3	A
		Scale as indicated.	



South Elevation (Side).

1 : 100

All dimensions to be checked on site. Do not obtain dimensions by scaling drawings. These drawings are to be read in conjunction with all other consultants drawings & specifications. All workmanship & materials shall be in accordance with requirements of current editions including amendments of the relevant SAA Codes of Practice & the Building Code of Australia.



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Amendments:		
DATE	REV. NO	REVISION
28.03.25	A	Development Application.
08.07.25	B	Development Application.

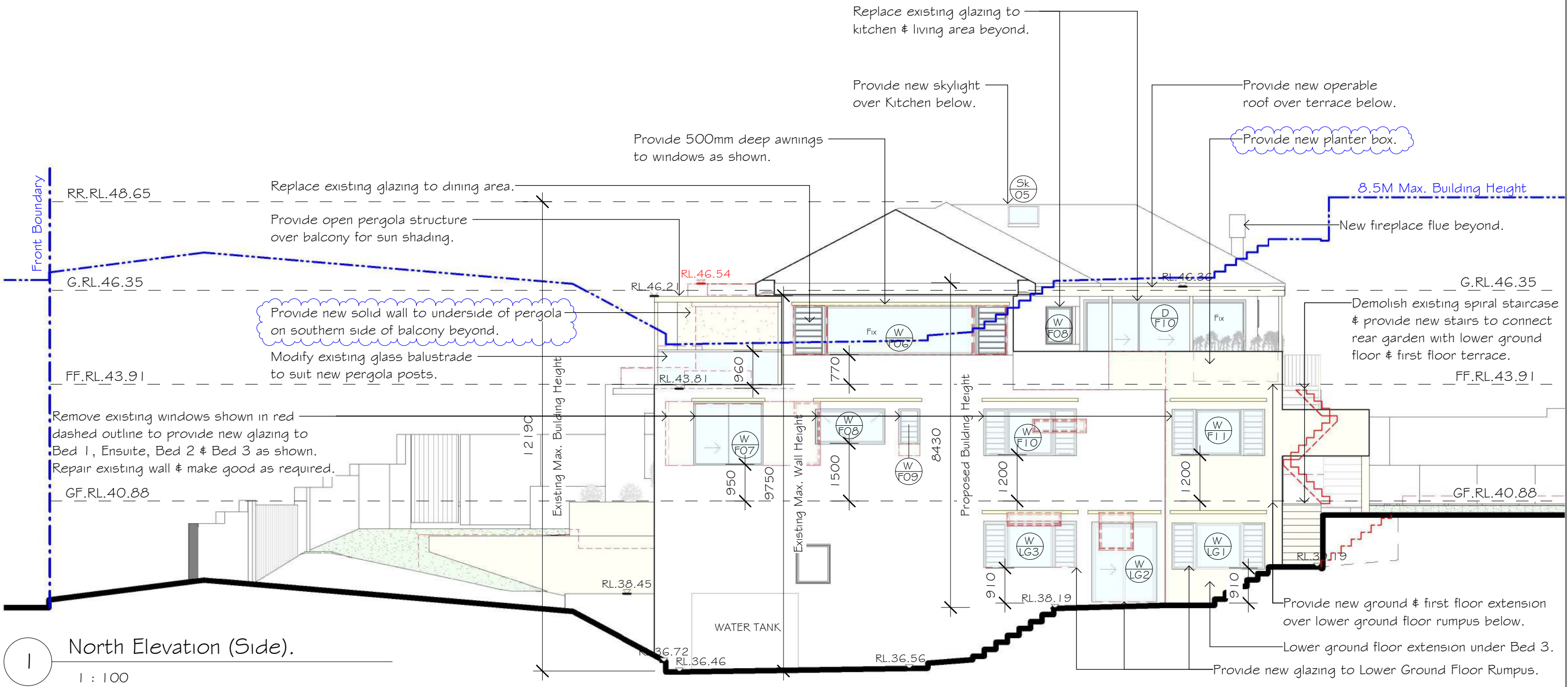
No.9 Lodge Road
Cremorne NSW 2090

South Elevation.

Date: 08.07.2025		Drawing. No.	Rev. No.
Drawn by	EC	DA-05.4	B
Checked by	NA	Scale as indicated.	

LEGEND

- PROPOSED ALTERATIONS & ADDITIONS.
- PROPOSED NEW WALL.
- PROPOSED ROOF.
- PROPOSED GLAZING.
- EXISTING WALL TO REMAIN.
- EXISTING BUILDING TO BE REMOVED.



NOTES:

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**ARCHITECTURE
INTERIOR DESIGN**

following from function & form

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Amendments:

DATE	REV. NO	REVISION
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08.07.25	B	Development Application.

No.9 Lodge Road
Cremorne NSW 2090

North Elevation.

Date: 08.07.2025	Drawing. No.	Rev. No.
Drawn by EC	DA-05.6	B
Checked by NA	Scale as indicated.	

LEGEND

PROPOSED ALTERATIONS & ADDITIONS.

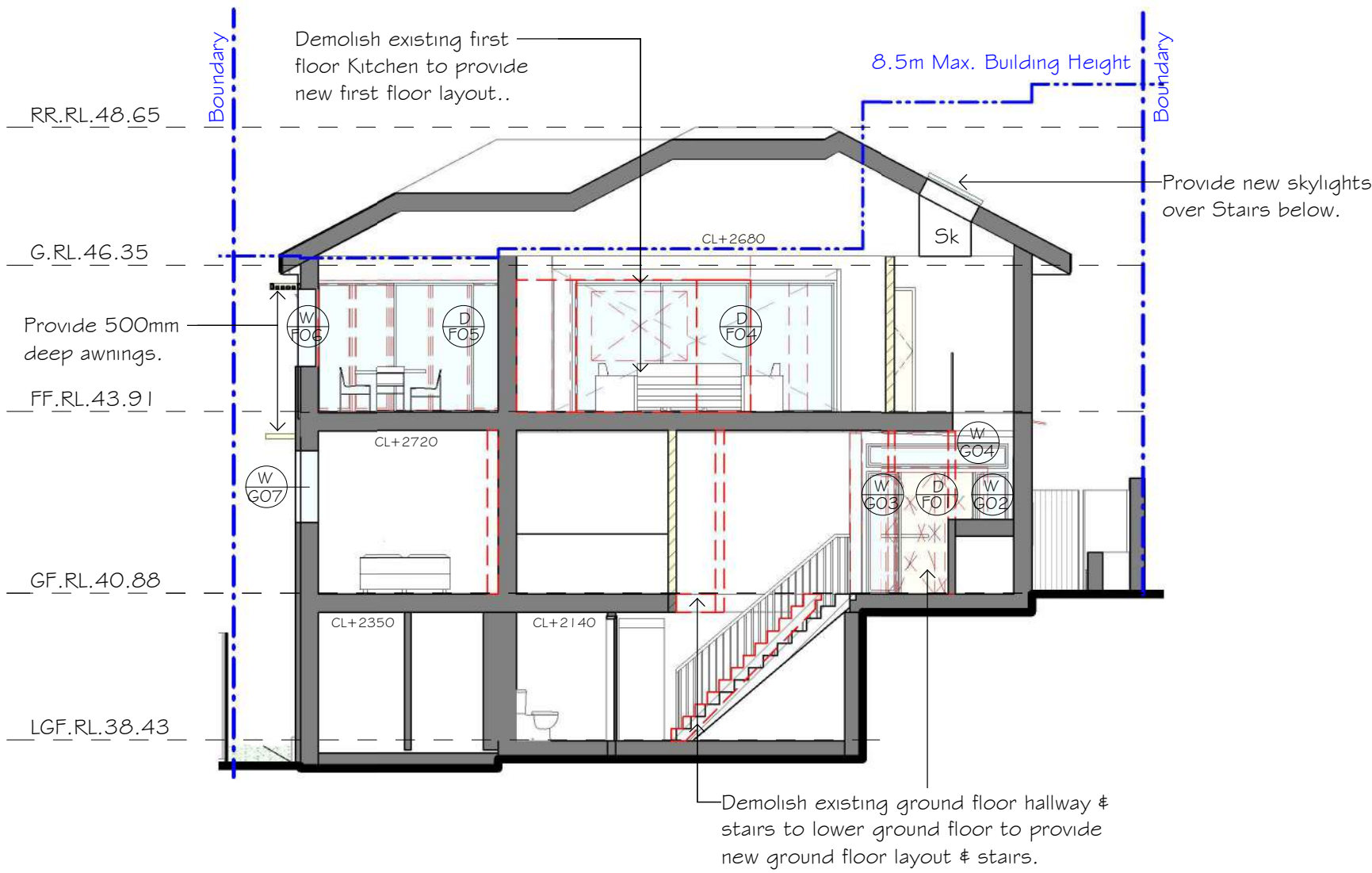
PROPOSED NEW WALL.

PROPOSED ROOF.

PROPOSED GLAZING.

EXISTING WALL TO REMAIN.

EXISTING BUILDING TO BE REMOVED.



1 Cross Section A-A.
1 : 100

NOTES:
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Amendments:		
DATE	REV. NO	REVISION
28.03.2025	A	Development Application.

No.9 Lodge Road Cremorne NSW 2090			Cross Section A-A.		
Date:	28.03.2025		Drawing. No.	DA-06.1	Rev. No. A
Drawn by	EC		Scale as indicated.		
Checked by	NA				

LEGEND

PROPOSED ALTERATIONS & ADDITIONS.

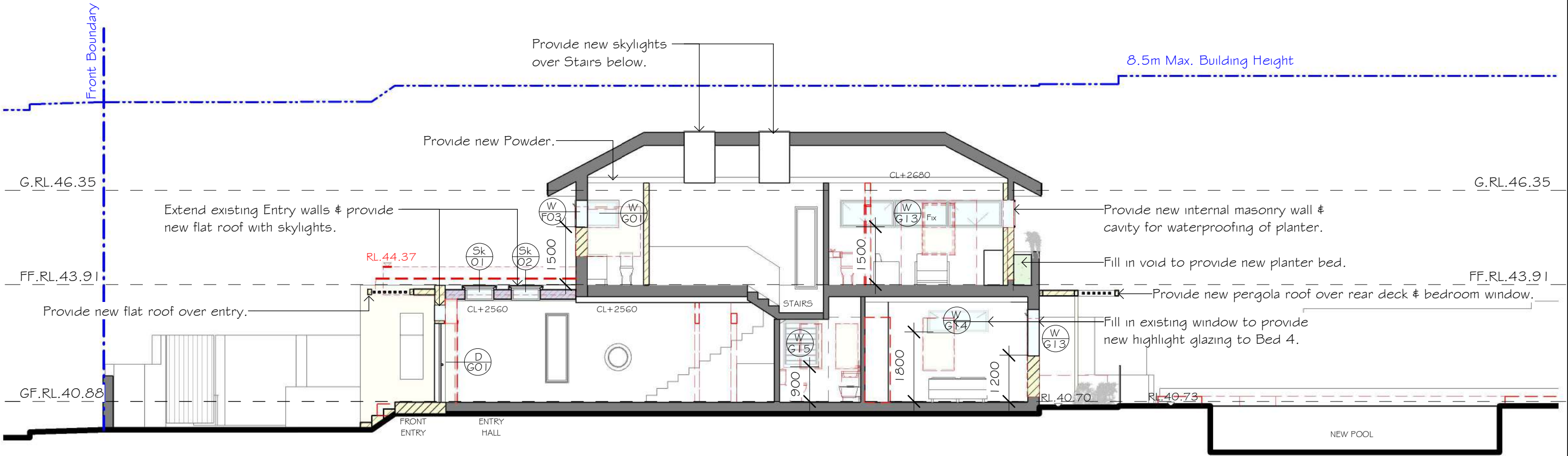
PROPOSED NEW WALL.

PROPOSED ROOF.

PROPOSED GLAZING.

EXISTING WALL TO REMAIN.

EXISTING BUILDING TO BE REMOVED.



1 Proposed Long Section B-B.
1 : 100

NOTES:
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Reg. nominated architect #11862

Amendments:		
DATE	REV. NO	REVISION
28.03.2025	A	Development Application.

No.9 Lodge Road Cremorne NSW 2090	Long Section B-B.		
	Date: 28.03.2025	Drawing. No.	Rev. No.
	Drawn by EC	DA-06.2	A
	Checked by NA		

COLORBOND GUTTERS & FASCIA.
COLORBOND SHALE GREY



COLORBOND FLAT ROOF.
COLORBOND SHALE GREY

MASONRY WALL CLAD IN SANDSTONE



TIMBER PERGOLA
TIMBER BATTENS IN NATURAL FINISH



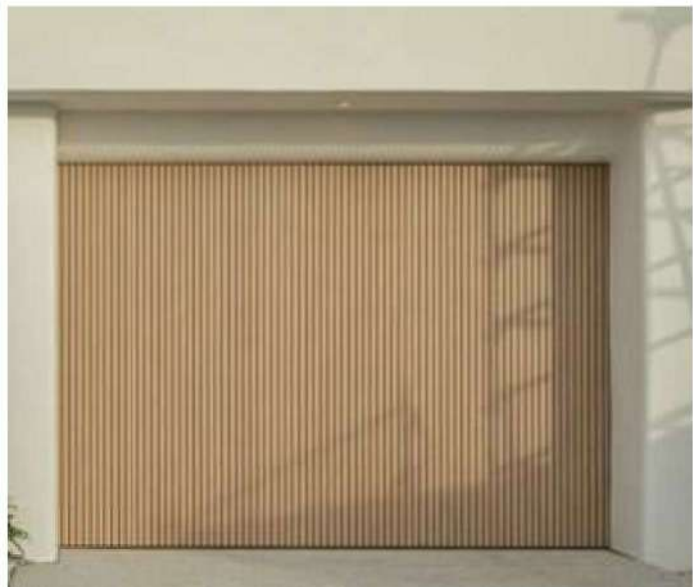
TIMBER PRIVACY SCREEN
TIMBER BATTENS IN NATURAL FINISH



WINDOW & DOOR FRAMES
TIMBER IN NATURAL FINISH



TIMBER GARAGE DOORS
TIMBER BATTENS IN NATURAL FINISH



Materials & Finishes - Front Elevation.

1 : 100

NOTES:
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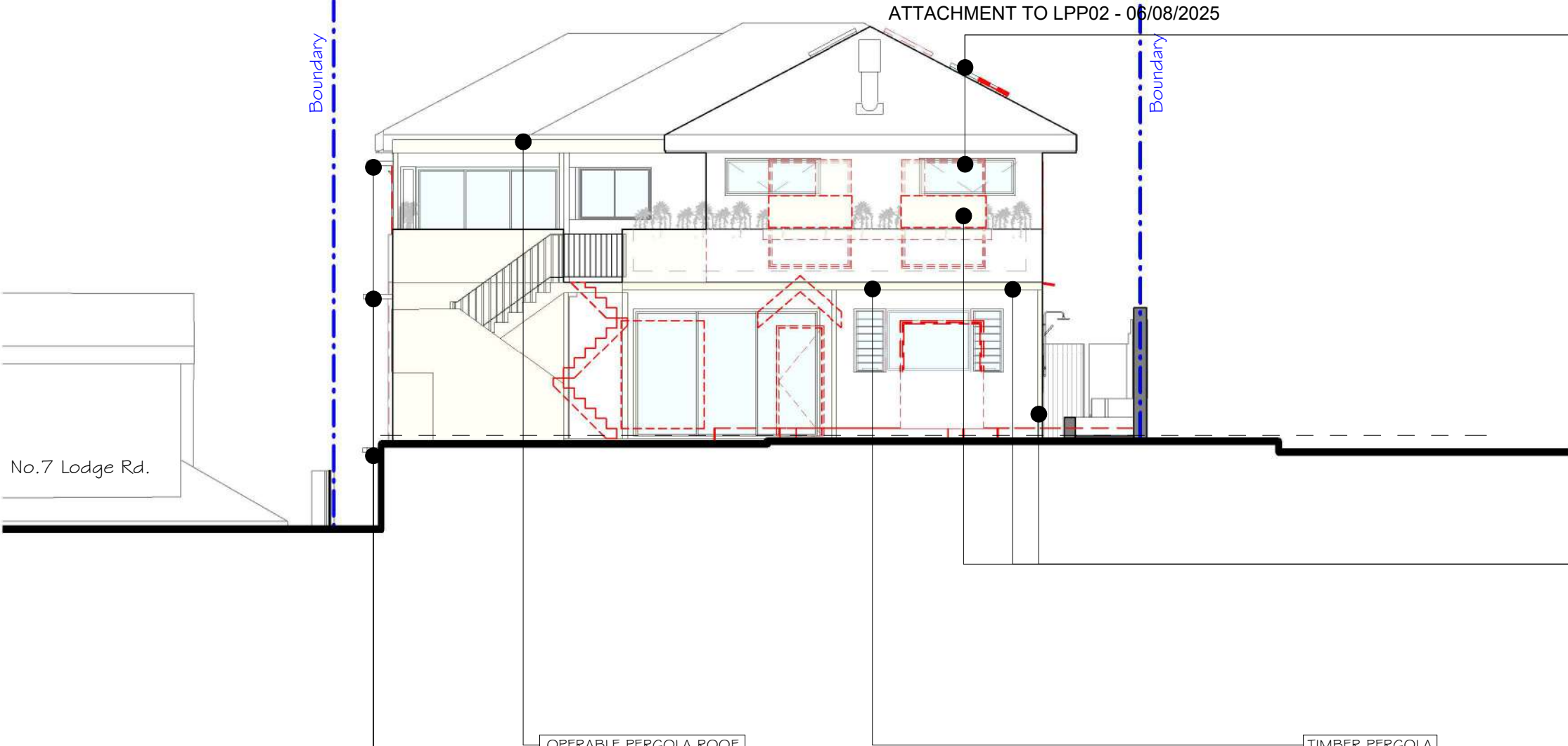
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Amendments:		
DATE	REV. NO	REVISION
28.03.2025	A	Development Application.

No.9 Lodge Road
Cremorne NSW 2090

Materials & Finishes Front Elevation		
Date: 28.03.2025	Drawing. No.	Rev. No.
Drawn by EC	DA-07.1	A
Checked by NA	Scale as indicated.	

SKYLIGHTS, WINDOWS & DOOR FRAMES
TIMBER NATURAL FINISH & CLEAR GLAZING



EXTERIOR PAINT COLOURS
WALLS: DULUX LEXICON QUARTER.
TIMBER POST: TIMBER NATURAL FINISH
GUTTER & FASCIA: COLORBOND SHALE GREY.

TIMBER AWNINGS
TIMBER BATTENS IN NATURAL FINISH

OPERABLE PERGOLA ROOF
ALUMINUM OPERABLE BLADES IN BRONZE POWDER COAT FINISH

TIMBER PERGOLA
TIMBER BATTENS IN NATURAL FINISH



1

Materials & Finishes - Rear Elevation.

1 : 100

NOTES:
All dimensions to be checked on site. Do not obtain dimensions by scaling drawings. These drawings are to be read in conjunction with all other consultants drawings & specifications. All workmanship & materials shall be in accordance with requirements of current editions including amendments of the relevant SAA Codes of Practice & the Building Code of Australia.



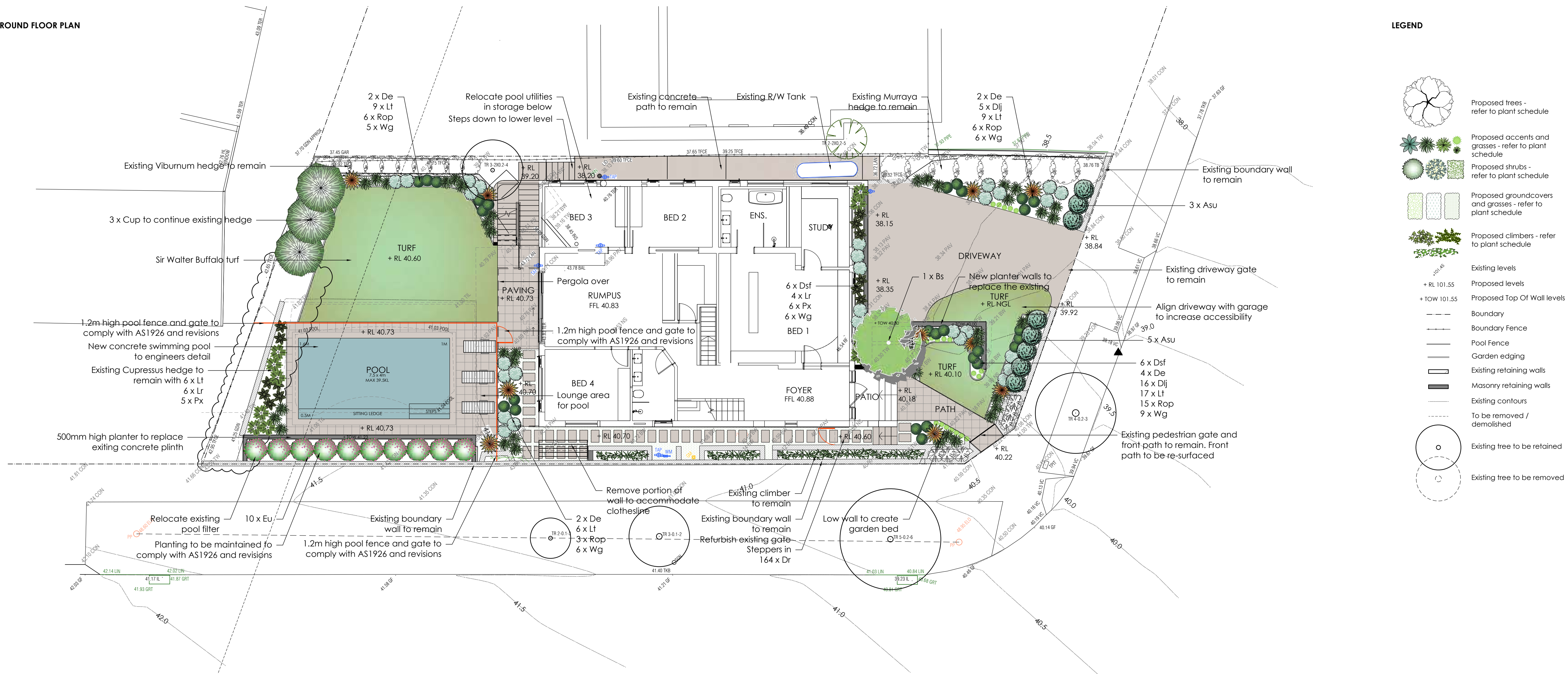
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Reg. nominated architect #11862

Amendments:		
DATE	REV. NO	REVISION
28.03.25	A	Development Application.
08.07.25	B	Development Application.

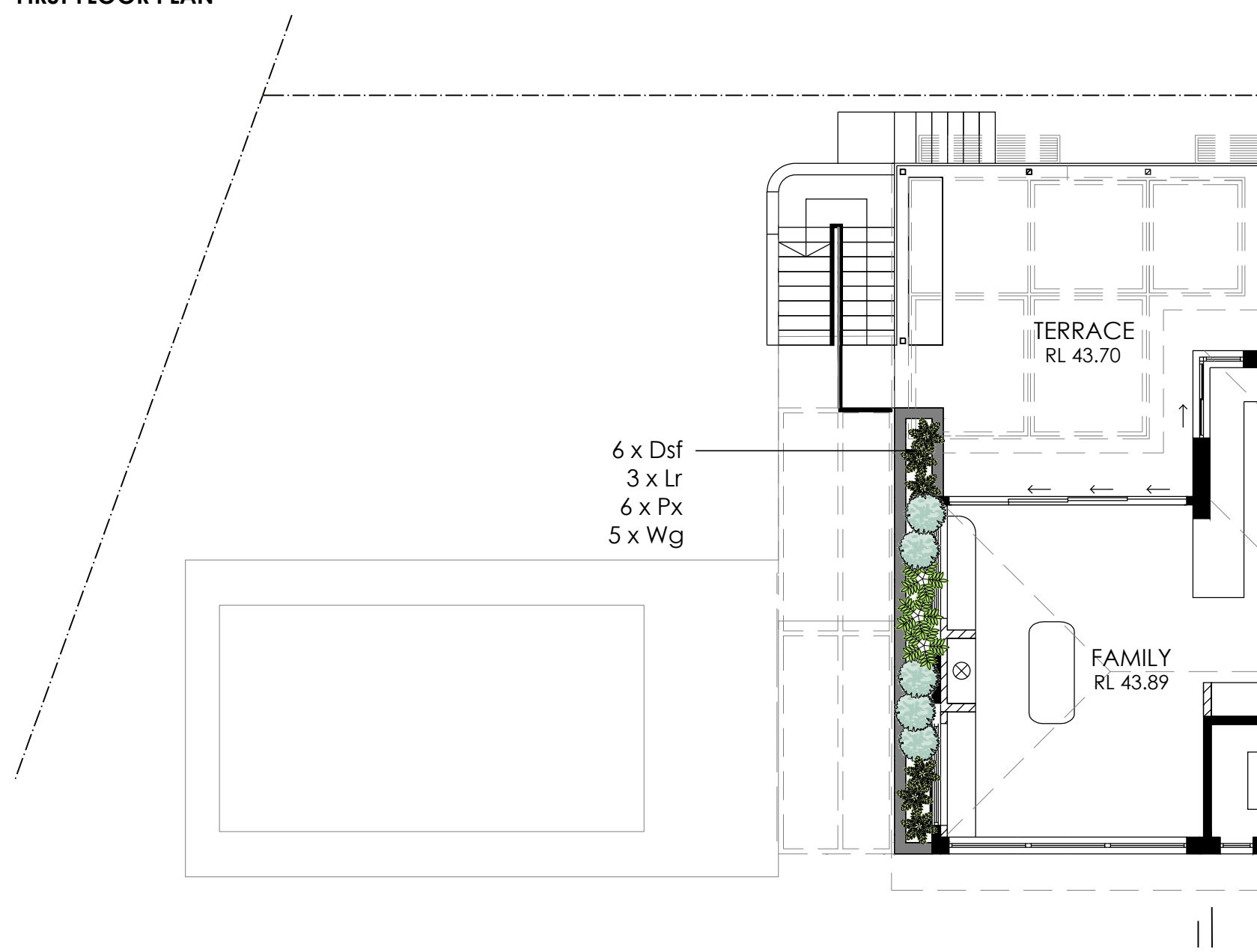
No.9 Lodge Road
Cremorne NSW 2090

Materials & Finishes - Rear Elevation		
Date: 08.07.2025	Drawing. No.	Rev. No.
Drawn by EC	DA-07.2	B
Checked by NA	Scale as indicated.	

GROUND FLOOR PLAN



FIRST FLOOR PLAN



PLANT PALETTE

PLANT SCHEDULE Prepared by ecodesign Pty Ltd

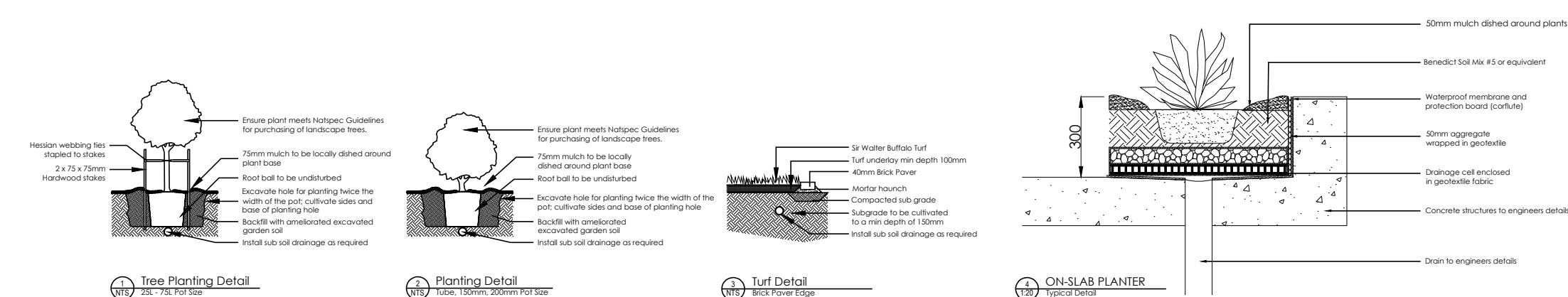
SYMBOL	BOTANICAL NAME	COMMON NAME	QUANTITY	POT SIZE	MATURE SIZE
Asu	*Acmena smithii 'Sublime'	Sublime Lillypilly	8	300mm	5m
Bs	*Banksia serrata	Old Man Banksia	1	100L	6m
Cup	Cupressocyparís leylandii 'Leightons Green'	Leyland Cypress	3	45L	20m
Dij	*Dianella caerulea 'Little Jess'	Blue Flax Lily	21	140mm	0.5m
Dr	Dichondra repens	Kidney Weed	164	100mm	cover
Dsf	Dichondra silver falls	Silver Falls	18	140mm	spill
De	*Doryanthes excelsa	Gymea Lily	10	200mm	2m
Eu	*Elaeocarpus eumundii	Eumundi Quandong	10	45L	8m
Lr	Ligularia reniformis	Tractor Seat	13	140mm	1m
Lt	*Lomandra 'Tanika'	Fine-leaved Mat Rush	47	140mm	0.5m
Px	Philodendron 'Xanadu'	Philodendron	17	200mm	0.5m
Rop	Rapiolepis 'Oriental Pearl'	Oriental Pearl	27	300mm	1m
Wg	*Westringia fruticosa 'Blue Gem'	Compact Westringia	37	300mm	1m
* Native Species					



AREA CALCULATIONS

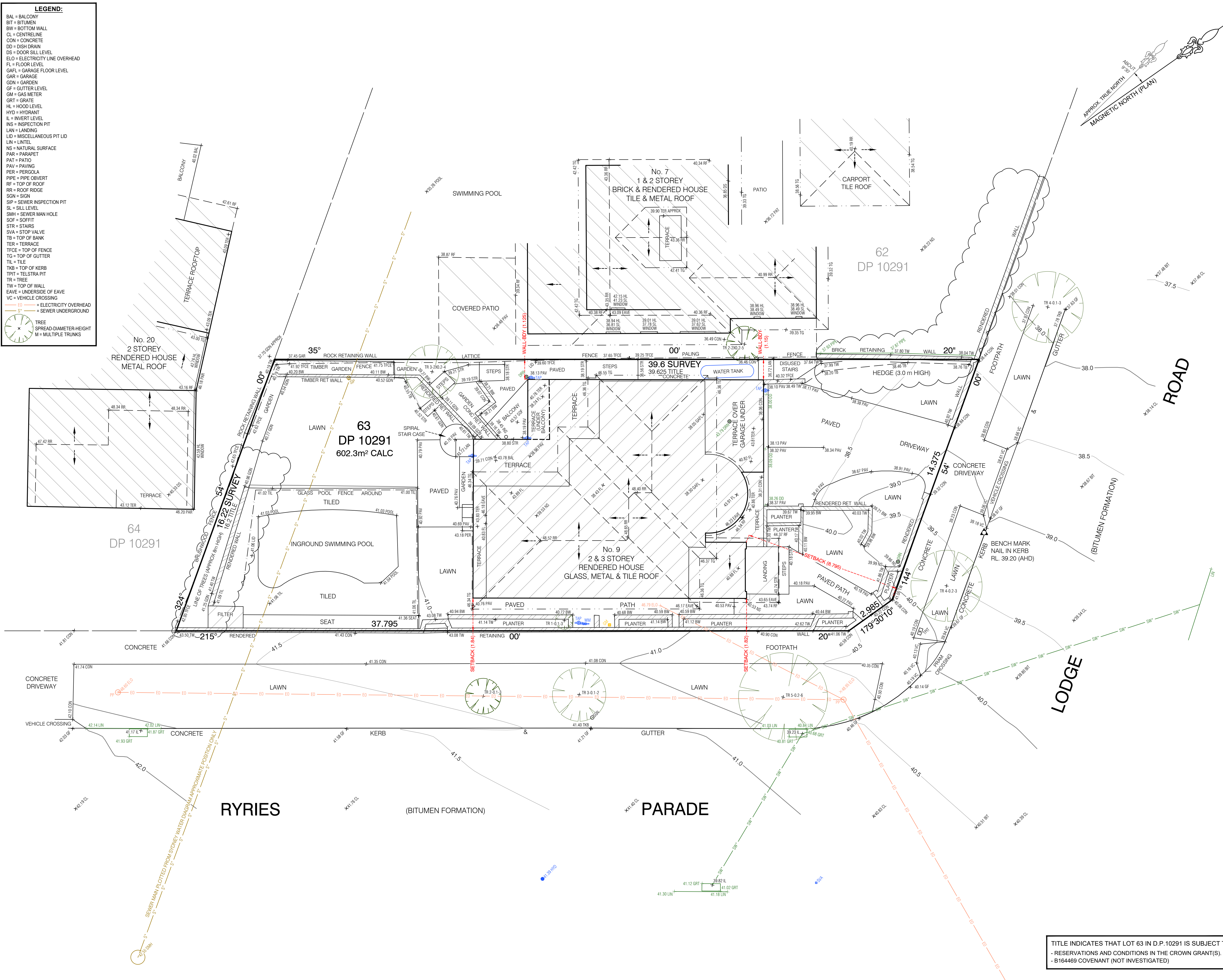
SITE AREA	- 602.3m ²
LANDSCAPED AREA	
EXISTING	- 178.5m ²
MINIMUM REQUIRED	- 40% (240.92m ²)
PROPOSED	- 36.4% (219.1m ²)
SITE COVERAGE	
EXISTING	- 214m ²
MAXIMUM REQUIRED	- 40% (240.92m ²)
PROPOSED	- 38.2% (230m ²)
UN-BUILT AREA	
EXISTING	- 209.8m ²
MAXIMUM REQUIRED	- 20% (120.46m ²)
PROPOSED	- 25.4% (153.2m ²)

DETAILS



REVISION					DESCRIPTION					SCALE		CHECKED		DATE		PROJECT					CLIENT					REVISION																																						
A		SUBMITTED TO CLIENT FOR COMMENT			GC		AS		04-02-25		 po box 8136 bakelam hills rdw 2153 unit 41, 5 bakelam road cottesloe rdw 2154 02 9480 7712 02 9480 7712 Member of Landscape Institute of Queensland Architects					9 LODGE ROAD, CREMORNE					NEW RESIDENCE					LANDSCAPE PLAN																																						
B		ISSUE FOR APPROVAL			GC		AS		12-03-25																																																							
C		AMEND CLINE & AREA CALCULATIONS. RE-ISSUE FOR APPROVAL			GC		AS		09-04-25																																																							
1. Do not scale from drawings. 2. Verify all measurements on site. 3. Notify all stakeholders of any discrepancies. 4. Copyright © ecodesign. All rights reserved. 5. Drawing remains the property of ecodesign															6. All work to comply with relevant Australian Standards or Building Code of Australia. 7. All work to be performed by a suitably qualified tradesperson. 8. For application purposes only - NOT FOR CONSTRUCTION															SCALE					DATE					REVISION																								
																														1:100 @ A1					DA					L-01					GC					AS					09-04-25					C				

A1



Clause 4.6 Variation request (Building Height) – 9 Lodge Road Cremorne

1. Introduction

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

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

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

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*



(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Commencing on 1 November 2023 Clause 4.6(3) and (4) of the NSLEP 2013, state that development consent, that contravenes a development standard, must not be granted unless the consent authority is satisfied the applicant has demonstrated that:

(a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

(4) The consent authority must keep a record of its assessment carried out under subclause (3).

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



2. Environmental Planning Instrument Details (North Sydney LEP 2013)

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

North Sydney Local Environmental Plan 2013

2.2 What is the zoning of the land?

C4 Environmental Living

2.3 What are the objectives of the zone?

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- *To ensure that residential development does not have an adverse effect on those values.*
- *To ensure that a high level of residential amenity is achieved and maintained.*

What is the development standard being varied?

Cl 4.3 - Height of Buildings

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

Cl 4.3 of the North Sydney Local Environmental Plan 2013

2.5 What are the objectives of the development standard?

(1) The objectives of this clause are as follows:

- (a) to promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient,*
- (b) to promote the retention and, if appropriate, sharing of existing views,*
- (c) to maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development,*
- (d) to maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings,*
- (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,*



(g) to maintain a built form of mainly 1 or 2 storeys in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone E4 Environmental Living.

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

The numeric value of the height of buildings development standard applicable to the subject site is a maximum of 8.5m.

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

The existing dwelling has a non-compliant building height of 12.19 metres and the new works are located at a maximum height of 9.75 metres (pergola) and 10.44metres for the skylight over the kitchen and 9.55 metres (new windows on north elevation).

2.8 What is the percentage variation?

The percentage variation between the proposal and the environmental planning instrument is 14.7% or 1.25 metres for the pergola and 22.8% or 1.94 metres for the skylight and 12% or 1.05metres (for the windows).



3. NSW Land and Environment Court Case Law

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

3.1 *Wehbe v Pittwater* [2007] NSW LEC 827

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

The five ways outlined in *Wehbe* include:

1. *The objectives of the standard are achieved notwithstanding non-compliance with the standard (First Way).*
2. *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary (Second Way).*
3. *The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable (Third Way).*
4. *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable (Fourth Way).*
5. *The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone (Fifth Way).*

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

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

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



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

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

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

Preston CJ noted that *the Commissioner did not have to be satisfied directly that compliance with each development standard was unreasonable or unnecessary in the circumstances of the case, but only indirectly by being satisfied that the appellant's written request had adequately addressed the matter in clause 4.6(3)(a) that compliance with each development standard was unreasonable or unnecessary.*

3.4 Zhang v City of Ryde

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

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

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

The Commissioner applied the now familiar approach to determining consistency with zone



objectives by considering whether the development was antipathetic to the objectives.

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

3.5 Action Pty Ltd v Woollahra Municipal Council [2018]

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



4. Consideration

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

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

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

The five ways outlined in *Wehbe* include:

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

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

The objectives of the standard are:

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

Comment

Consistent. The development proposes alterations and additions to an existing dwelling house and the works will not alter the existing maximum building height or alter the existing natural landform.

As described above, the variation to the maximum building height control, results from the proposed pergola which is located below the existing maximum building height of 12.19 metres and a skylight that sits within the existing roof form at a height of 10.44 metres and the replacement window that sits at a height of 9.55 metres within the existing wall.

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

Comment

The subject site and surrounding properties enjoy water views to the north-east. A site visit has been undertaken and it is concluded that no views will be impacted by the proposed works, as the works are largely located within the footprint of the existing dwelling.



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

Comment

The DCP requires that solar panels, main living room windows and principal private open space of both the subject site and adjoining residential properties, obtain 3 hours solar access between 9am and 3pm on 21 June.

The solar access assessment provided in the Statement of Environmental Effects concludes that the subject site retains compliant solar access at 12pm and 3pm and there will be no increase in shadowing to neighbouring properties.

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

Comment

Privacy will be retained for neighbours with no increase in overlooking to any key living areas or private open space. The subject site experiences existing overlooking from surrounding properties, due to the elevated location and extensive glazing, particularly on the Lodge Street frontage. In addition, there is some mutual overlooking between the subject site and adjoining properties at the rear of the site.

The new works will improve existing overlooking and visual privacy, by modifying the curved glazing to the first floor living areas and introducing a number of new privacy measures including privacy screening to the front and rear terraces, high sill heights and the use of skylights.

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

Comment

The alterations and additions proposed, retain the existing residential land use and dwelling density on the site, ensuring there will be no compatibility issues. Setbacks proposed remain consistent with existing setbacks on the site, allowing for the appropriate refurbishment of the existing dwelling.



(f) to encourage an appropriate scale and density of development that is in accordance with, and promotes the character of, an area,

Comment

The appearance of the proposed alterations and additions remain consistent with the existing dwelling. The bulk and scale is an appropriate presentation, compatible with other dwellings in the locality. The skylight will not be easily visible to any neighbour.

(g) to maintain a built form of mainly 1 or 2 storeys in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone E4 Environmental Living.

Comment

The development retains a 2 storey (plus lower level garage) presentation to the street. The scale proposed is consistent with the existing dwelling and surrounding properties.

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

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

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

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

4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable (Fourth Way).

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

5. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone (Fifth Way).

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

This clause 4.6 variation request establishes that compliance with the development standard is unreasonable or unnecessary in the circumstances of the proposed development because the



objectives of the standard are achieved and accordingly justifies the variation to the height of buildings control pursuant to the First Way outlined in Wehbe.

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

4.2 Clause 4.6(3)(B) – there are sufficient environmental planning grounds to justify the contravention of the development standard?

There are sufficient environmental planning grounds to permit the variation of the development standard. The development has been considered below with particular reference to the Objects of the Environmental Planning and Assessment Act 1979, which are accepted as the best gauge of *environmental planning grounds*. In particular:

Context

- The existing dwelling has a non-compliant maximum building height of 12.19 metres and the alterations and additions will not increase the existing maximum height,
- The new works are located at a maximum height of 9.75 metres (pergola) and 12 metres (skylight), a variation of 1.25 metres or 14.7% or 1.25 metres for the pergola and 22.8% or 1.94 metres for the skylight and 12% or 1.05metres (for the windows).
- The proposed alterations and additions are located within the existing built form and allow for the addition of a pergola to the dwelling terrace,
- Variation to the North Sydney LEP 2013 Cl. 4.3 Building Height control has been the subject of recent precedent for the following developments:
 - DA345/22 – 54A Cowdroy Avenue, Cammeray, Height Variation 20%,
 - DA194/2023 – 34 Milray Avenue, Wollstonecraft, Height Variation 38.9%,
 - DA348/2023 – 71 Pine Street East Cammeray, Height Variation 33%,
 - DA45/2024 – 10 Larkin Street Waverton, Height Variation 32.8%,
 - DA79/2024 - 20 Folley Point Cammeray, Height Variation 22.9%
- The setting and context with similar Height variations recently approved, demonstrates that a varied building height is reasonable and that it is consistent with clause 1.3(c) and (d).

Future Development

- The proposed development will allow for minor additions and a modern floor plan to the existing dwelling house on the subject site,
- This represents an efficient use of an existing developed site, with all services readily available.



- The built form proposed is consistent with the existing dwelling house and other dwellings in the locality,
- The minor works do not result in any unreasonable impacts to neighbouring properties,
- The proposed works will not hinder any future development of the lot,
- The alterations proposed demonstrate fulfillment of clause 1.3(a), (b), (c) and (g).

Consistent with Zone Objectives

- The extent of the variation is considered to be in the public interest, as the proposal remains consistent with the objectives of the zone, allowing for the refurbishment of an existing dwelling, with a bulk and scale consistent with the existing dwelling and other properties in the locality. Compliance with the building height standard based on this would be unreasonable, with clause 1.3(c) demonstrated as fulfilled.

Natural Environment

- The proposed development allows for the current and future housing needs of the residents to be met, without developing a greenfield site, representing an efficient use of existing developed land,
- The development does not require the removal of any native trees and will have minimal environmental impact,
- The natural environment is unaffected by the departure to the development standard and it would be unreasonable for the development to be refused on this basis with CI 1.3(b) satisfied.

Social and Economic Welfare

- The variation to the numerical building height control will have a positive social impact, as it will allow the housing needs of the residents to be met in their current local community. It utilises existing services, satisfying CI1.3(b). Accordingly, refusal of the development based on this reason would be unreasonable.

Appropriate Environmental Planning Outcome

- The works proposed do not represent an overdevelopment of the site and satisfies the objectives of the zone and the development standard as is detailed earlier in the report.
- The addition of a skylight will aid in the provision of natural light to the property without any impact on the existing height.



The sufficient environmental planning grounds stipulated above demonstrate that the proposal aligns with the relevant objects of the EP&A Act i.e. the development is an orderly and economic and development of the land, notwithstanding the building height variation.

Clause 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*

Will the proposed development be in the public interest?

It is considered that alterations and additions to an existing residential dwelling, does not raise any matters contrary to the public interest.

How would strict compliance hinder the attainment of the objects specified in Section 1.3 of the Act.

Strict compliance with the standard would hinder the attainment of the objects specified in section 1.3 of the Act

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



Strict compliance with the 8.5 metre height development standard would hinder the development for the purpose of *promoting the orderly and economic use and development of land, promoting good design and amenity of the built environment and promoting the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants.*

Conclusion

The proposed development is for alterations and additions to an existing dwelling on land zoned C4 – Environmental Living.

As stated above the existing dwelling has a non-compliant maximum building height of 12.19 metres and the new works are located at a maximum height of 9.75 metres (to the new pergola) and 10.44 metres (skylight), well below the existing maximum ridge height, and 9.55 metres (for updated windows within the existing northern elevation).

The resulting development does not result in any unreasonable impacts, does not present with excessive bulk and remains consistent with other dwellings in the locality. There will not be any unreasonable view loss or solar access impacts and amenity is retained for all neighbours.

Strict numerical compliance is considered to be unnecessary and unreasonable given that the proposed variation sought is consistent with the underlying objectives of the control despite the numerical variation of which have been reasonably satisfied under the provisions of Clause 4.6.

The statement sufficiently demonstrates that compliance with the development standard is both unreasonable and unnecessary in this instance.

The sufficient environmental planning grounds stipulated within this request, demonstrate that the proposal aligns with the relevant objects of the EP&A Act i.e. the development is an orderly and economic and development of the land, notwithstanding the height variation.

The proposed variation satisfies the underlying intent of Clause 4.6 and therefore the merits of the proposed variation are considered to be worthy of approval.



Planner Declaration

This report was prepared by:

Document Control Table

Document Purpose:	Clause 4.6 variation request	
Date	Prepared by	Approved by
10 July 2025	Naomi Lyons Senior Planner	Sarah McNeilly Director

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