

**NSLPP MEETING HELD ON 03/09/2025****Attachments:**

1. Site Plan
2. Architectural Plans
3. Landscape Plan
4. Clause 4.6 Variation Request to Maximum Building Height
5. Survey

**ADDRESS/WARD:** 55 Yeo Street, Cremorne**APPLICATION NO:** DA 154/25 (PAN-442850)

**PROPOSAL:** Amending DA related to DA 334/22 for alterations and additions to an approved four (4) storey residential flat building to include two (2) additional storeys containing two (2) additional apartments and basement reconfiguration for two (2) additional car parking spaces

**PLANS REF:**

| Plan No. | Rev | Description             | Prepared by    | Dated      |
|----------|-----|-------------------------|----------------|------------|
| DA000    | C   | Cover Page              | DKO Architects | 08/08/2025 |
| DA001    | C   | Development Summary     | DKO Architects | 08/08/2025 |
| DA113    | B   | Site Plan               | DKO Architects | 01/08/2025 |
| DA200    | C   | Basement Plan 2         | DKO Architects | 08/08/2025 |
| DA201    | C   | Basement Plan 1         | DKO Architects | 08/08/2025 |
| DA202    | B   | Ground Floor Plan       | DKO Architects | 01/08/2025 |
| DA203    | B   | Level 1 Plan            | DKO Architects | 01/08/2025 |
| DA204    | B   | Level 2 Plan            | DKO Architects | 01/08/2025 |
| DA205    | B   | Level 3 Plan            | DKO Architects | 01/08/2025 |
| DA206    | B   | Level 4 Plan            | DKO Architects | 01/08/2025 |
| DA207    | B   | Level 5 Plan            | DKO Architects | 01/08/2025 |
| DA208    | B   | Level 6 Plan            | DKO Architects | 01/08/2025 |
| DA209    | A   | Adaptable Apartments    | DKO Architects | 26/05/2025 |
| DA210    | A   | Adaptable Apartments    | DKO Architects | 26/05/2025 |
| DA300    | B   | North Elevation         | DKO Architects | 01/08/2025 |
| DA301    | B   | East Elevation          | DKO Architects | 01/08/2025 |
| DA302    | B   | South Elevation         | DKO Architects | 01/08/2025 |
| DA303    | B   | West Elevation          | DKO Architects | 01/08/2025 |
| DA304    | B   | Section 01              | DKO Architects | 01/08/2025 |
| DA305    | B   | Section 03              | DKO Architects | 01/08/2025 |
| DA306    | B   | Section 02              | DKO Architects | 01/08/2025 |
| DA407    | A   | Wall Detail Sections    | DKO Architects | 01/08/2025 |
| DA408    | A   | Wall Detail Sections    | DKO Architects | 01/08/2025 |
| L-16     | K   | Landscape Specification |                |            |

**OWNER:** PP Neutral Bay Pty Ltd**APPLICANT:** Changhong Zhao /Pierce Property Development Pty Ltd**AUTHOR:** Report of Michael Hornery, Executive Assessment Planner**DATE OF REPORT:** 11 August 2025**DATE LODGED:** 6 June 2025**DATE AMENDED:** 8 August 2025**RECOMMENDATION:** Approval

## EXECUTIVE SUMMARY

The Applicant seeks development consent from the North Sydney Local Planning Panel (NSLPP) for the Amending DA related to DA 334/22 for alterations and additions to an approved four (4) storey residential flat building to include two (2) additional storeys containing two (2) additional apartments and basement reconfiguration for two (2) additional car parking spaces on land identified as No 55 Yeo Street, Cremorne.

The site is zoned R4 High Density Residential under the provisions of North Sydney Local Environmental Plan 2013. The proposal in its amended form now satisfies the R4 zone objectives. The proposed application is an amending DA related to DA 334/22 for alterations and additions to an approved residential flat building which is a permitted land use within the R4 High Density Residential zone under NSLEP 2013.

The proposed development seeks a variation to the development standard relating to maximum building height development standard contained within Section 175 Development Standards – low and mid-rise housing inner area of the SEPP (Housing) 2021. The SEPP (Housing) 2021 identifies a maximum building height control of 22m. The building is proposed to have a maximum building height of 28.81m, which exceeds the maximum building height by 6.81m, a variation of 28% to the development standard. This is due to the method of measuring building height, where there is an existing building or excavation has occurred. The current practice is to measure the building height from the base of any excavated basement.

In addition to the redesign and submission of amended plans, a new and updated Clause 4.6 written request has been submitted seeking a variation to the Building Height development standard contained within Section 175 of SEPP (Housing) 2021, to justify and support the non-compliance.

The written request has been assessed, and it is considered that the clause 4.6 request demonstrates that compliance with the development standard is unreasonable and unnecessary as the objectives of the standard are achieved notwithstanding the variation, and that there are sufficient environmental planning grounds to justify the variation in the circumstances of the case. The variation is consistent with the objectives of the building height development standard and the objectives of the R4 High Density Residential zone.

The proposed development responds to the site and surrounding development by increasing the proposed upper levels setbacks to provide additional separation to the properties to the south in the lower density zone. The building will be highly articulated, and the massing will be perceived as being broken into smaller masses. The perceived scale of the building has been adequately ameliorated by the increase in setbacks and articulation provided.

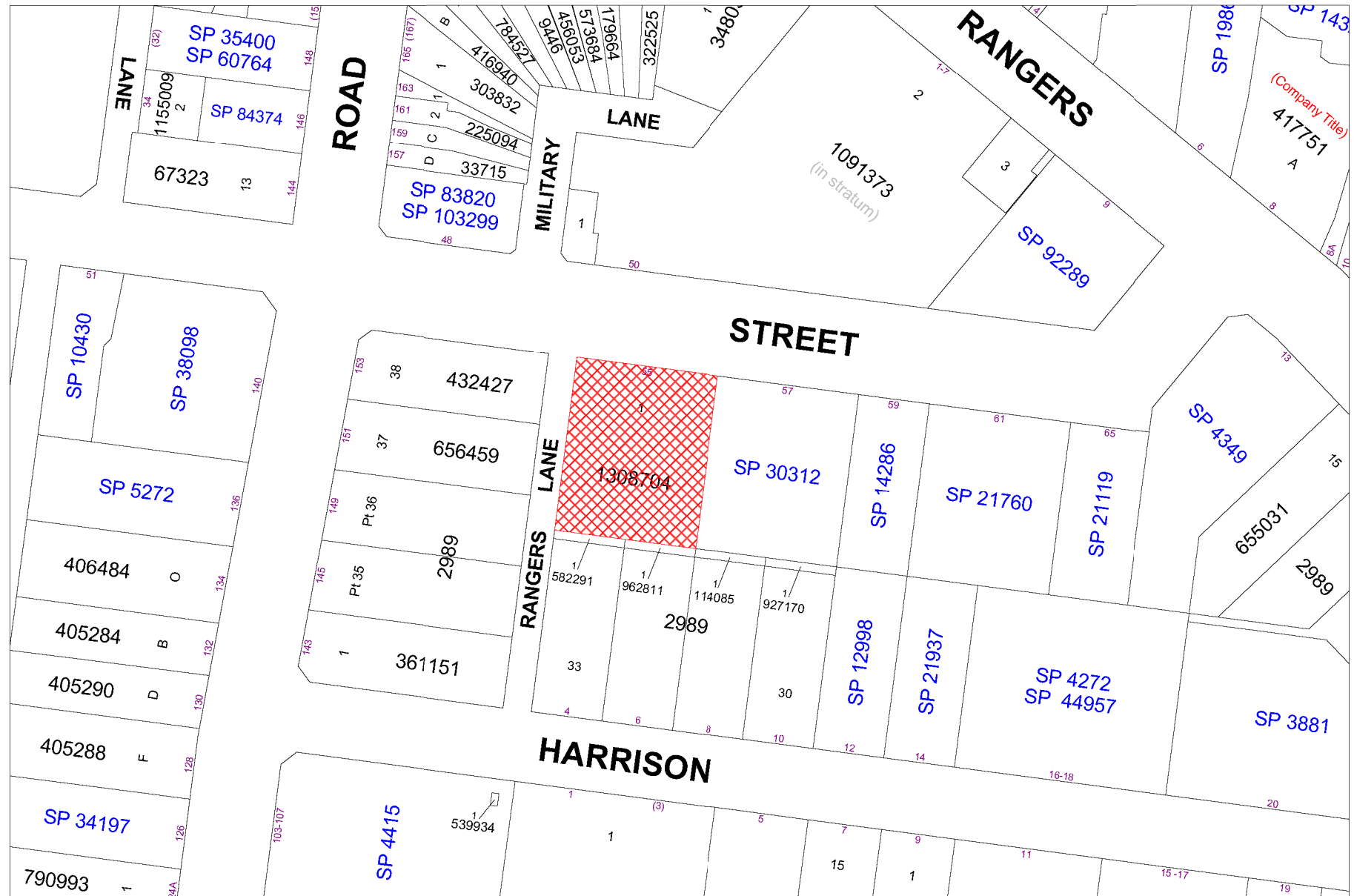
The application was notified to adjoining properties and the Harrison-Bennett Precinct between 27 June 2025 and 11 July 2025. Twenty four (24) submissions were received. The amended plans which included an increased rear setback to the upper level, were considered to be of less impact and in accordance with Councils Community engagement protocol did not require renotification. The concerns raised include the location of the car park entrance, traffic generation, building setbacks, solar access, overshadowing, privacy, impact on the heritage items, the increase in height and density, bulk and scale and pedestrian safety.

The development application is reported to the North Sydney Local Planning Panel for determination as the proposed development contravenes a development standard imposed by an environmental planning instrument by more than 10%, the development has received 10 or more submissions by way of objection and is development subject to chapter 4 of SEPP (Housing) in accordance with the Ministers Direction "Local Planning Panels Direction – Development Applications and Applications to Modify Development Consents" dated 6 March 2024, published to the NSW Planning Portal

The application has been assessed having regard to the Matters for Consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, the provisions of the relevant State Environmental Planning Policies, Local Environmental Plan and Development Control Plans.

The proposal is an appropriate response to the site. As a result, the application is recommended for approval subject to conditions of consent.

## LOCATION MAP



Property/Applicant      ● Submitters - Properties Notified



## **DESCRIPTION OF PROPOSAL**

An application has been received seeking consent for an amending DA for alterations and additions to an approved residential flat building to include two (2) additional storeys containing two (2) additional apartments and basement reconfiguration for two (2) additional parking spaces.

A brief breakdown of the proposed development is as follows:

- Provision of two (2) additional storeys to accommodate two (2) new apartments.
- Internal reconfiguration of the basement levels to accommodate two (2) additional parking spaces.
- Adjustments to the landscaping and pathway at the ground floor level adjacent to the eastern boundary.
- Internal adjustments to the layout of Apartments 201 and 202 at Level 2.
- Reconfiguration and expansion of the floor plate at Level 3; and
- Internal adjustment of the floor level at Level 3 from RL89.8 to RL90.0.

Each level where changes are proposed is described in detail below:

### **Basement 2 (RL 73.50)**

- Reconfiguration of basement 2:
- The new parking arrangement will be as follows:
  - Ten (10) residential car spaces (including two (2) accessible spaces)
  - Eleven (11) residential bicycle store.
- Reconfiguration of storage rooms within the northwestern corner of the basement.

### **Basement 1 (RL 76.75)**

- Reconfiguration of basement 1 to accommodate two (2) additional car spaces.
- The new parking arrangement will be as follows:
  - Eight (8) residential car spaces (including one (1) accessible space)
  - Three (3) visitor's spaces (including one (1) x visitor car wash bay and 1 x visitor/courier bay).
  - Two (2) residential bicycle store.
  - Two (2) visitor bicycle spaces.

### **Floor Plan - Level Ground Floor (RL 80.40)**

- Increase in size of terrace to apartment 002.
- Removal of access stairs from Yeo Street, replacement with accessible ramp to provide access to the secondary lobby entrance and the BBQ area located in the south-eastern corner of the site.
- Substation deleted from north-eastern corner.
- The size of the lobby entry awning has increased.
- The size of the OSD tank has increased from 29sqm to 35sqm.

### **Floor Plan - Level 2 (RL 86.60)**

- Internal adjustments to the layout of Apartments 201 and 202.

### **Floor Plan - Level 3 (RL 90.00)**

- Change of RL from 89.80 to RL 90.00.
- Increase in GFA from 291sqm to 371sqm.
- Reconfiguration and expansion of the floor plate resulting in the following:
  - Reduction in the side setback of 4.5m to 3.5m from the external wall of the building from the western boundary
  - Reduction in the side setback of 6.7m to 6m from the external wall of the building from the eastern boundary
  - Reduction in the rear setback from 11.2m to 8.63m from the external wall of the building to the southern boundary.
  - Reduction in the front setback from 7.8m to 5m from the external wall of the building to the northern boundary.
- Internal reconfiguration of apartments.
- Reconfiguration of balconies.

### **Floor Plan - Level 4 (RL 93.30) – New Level**

- One (1) x four (4) bedroom apartment with a total GFA of 229sqm containing the following:
  - Main bedroom and second bedroom with ensuite and WIR.
  - Two (2) bedrooms with robes.
- Balconies of various sizes surrounding the building footprint.
- Living, dining and kitchen
- Scullery and laundry.
- Bathroom
- Separate WC
- Wine display
- Lobby, fire stairs and lift
- A/C Condensor.
- Services
- Elec and comms cupboard

### **Floor Plan - Level 5 (RL 96.60) - New Level**

- One (1) x four (4) bedroom apartment with a total GFA of 229sqm containing the following:
  - Main bedroom and second bedroom with ensuite and WIR.
  - Two (2) bedrooms with robes.
  - Media/study room
- Balconies of various sizes surrounding the building footprint.
- Living, dining and kitchen
- Scullery.
- Laundry cupboard
- Bathroom
- Separate WC
- Wine display
- Lobby, fire stairs and lift
- A/C Condenser.
- Services
- Elec and comms cupboard

**Roof Plan (RL 101.20)**

- Lift over run
- Car park exhaust
- Car park lift exhaust
- Lobby relief
- Roof access hatch



***Figure 1: Photomontage of proposed development as viewed from intersection of Yeo Street and Rangers Lane looking east.***



***Figure 2: Photomontage of proposed development from Yeo Street looking west.***

## **STATUTORY CONTROLS**

North Sydney LEP 2013

- Zoning – R4 High Density Residential Zone
- Item of Heritage - No
- In Vicinity of Item of Heritage – Yes, in the vicinity of the following heritage items:
  - ‘House’ 4 Harrison Street, Cremorne Local I0058 (at the rear)
  - ‘House’ 6 Harrison Street, Cremorne Local I0059 (at the rear)
  - ‘House’ 8 Harrison Street, Cremorne Local I0060 (at the rear)
  - ‘Yeronda’ 143 Wycombe Road, Neutral Bay Local I0760 (to the west)
  - ‘House’ 145 Wycombe Road, Neutral Bay Local I0762 (to the west)
  - ‘House’ 149 Wycombe Road, Neutral Bay Local I0763 (to the west)
  - ‘House’ 151 Wycombe Road, Neutral Bay Local I0764 (to the west)
- Heritage Conservation Area – No, however adjoins the Cremorne Heritage Conservation Area
- FSBL – No

Environmental Planning & Assessment Act 1979

Environmental Planning and Assessment Regulation 2021

State Environmental planning Policy (Housing) 2021 and the Apartment Design Guide

- Chapter 4 Design of residential apartment development
- Chapter 6 – Low and mid rise housing Part 4 – Residential flat buildings and shop top housing

State Environmental planning Policy (Biodiversity and Conservation) 2021

- Chapter 2 Vegetation in non-rural areas.
- Chapter 6 Water Catchments

State Environmental planning Policy (Resilience and Hazards) 2021

- Chapter 4 Remediation of Land

State Environmental planning Policy (Transport & Infrastructure) 2021

- Chapter 2 Infrastructure.

State Environmental Planning Policy (Sustainable Buildings) 2022

Foreshore Development

## **POLICY CONTROLS**

North Sydney Development Control Plan 2013 (NSDCP 2013)

North Sydney Local Infrastructure Contributions Plan 2020

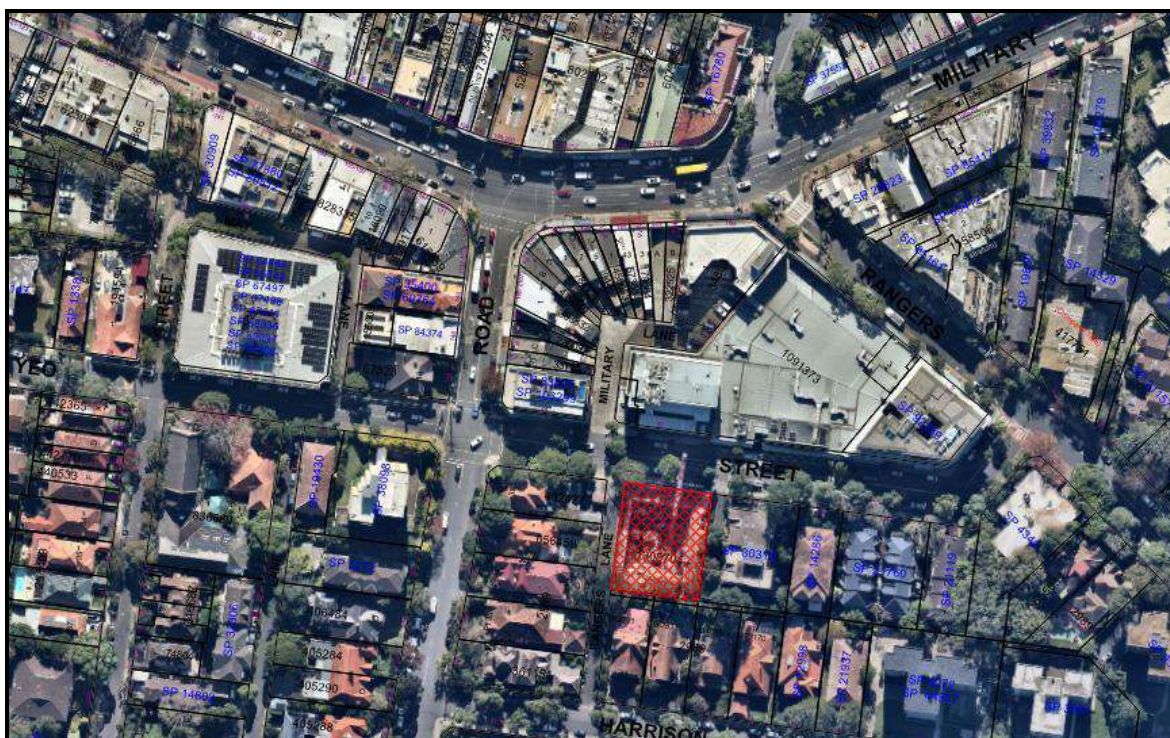
Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2024

North Sydney Council Community Engagement Protocol

## **DESCRIPTION OF LOCALITY**

The subject development site is known as Lot 1 DP 1308704, No 55 Yeo Street, Cremorne.





The site is located on the southern side of Yeo Street with a secondary frontage to Rangers Lane to the east. The site is a regular shaped allotment with a 30.48m frontage to Yeo Street and a secondary frontage to Rangers Lane of 37.46m. The site is bounded by Yeo Street to the north, Rangers Lane to the west, Harrison Street to the south and Rangers Road to the east. The development site has a total site area of approximately 1141m<sup>2</sup> by DP.

Within the immediate vicinity and surrounding area, residential flat buildings, townhouses, semi detached dwellings and dwelling houses of varying scales and sizes are prominent.

Surrounding development is predominantly residential including single dwellings, attached dwellings and apartment developments, including a number of heritage listed properties and also adjoins the Cremorne Heritage Conservation Area.

To the east of the site at No 57 Yeo Street is a 3 storey residential flat building, whilst to the south are two (2) dwelling houses located at 4 and 6 Harrison Street which are orientated towards Harrison Street two (No. 57 Yeo Street)

Existing development located on the opposite side of Rangers Lane to the west comprises a number of dwelling houses with orientation to Wycombe Avenue, with their garages and outbuildings presenting to Rangers Lane.

To the north of the site is MU1 mixed use zoned land which currently comprise a number of commercial and retail premises including Woolworths

## RELEVANT HISTORY

### *Previous applications*

#### **Development Application DA334/22**

- **8 November 2023** - DA334/22 was approved by the Land and Environment Court on 8 November 2023 following amendment of the original development application and an agreement between parties under the provisions of s.34 of the NSW Land & Environment Court Act 1979 for the demolition of existing structures and construction of a 4 storey residential flat building with 2 levels of basement parking.

#### **S4.56 Modification Application DA334/22/2**

- **8 October 2024** – DA334/22/2 was rejected by Council.

#### **S4.56 Modification Application DA334/22/3**

- **16 October 2024** – DA334/22/3 was rejected by Council

#### **S4.56 Modification Application DA334/22/4**

- **14 February 2025** – DA334/22/4 was approved under the delegation of Council to modify the consent for the demolition of existing structures and construction of a 4 storey residential flat building with 2 levels of basement parking to facilitate BCA compliance, including internal and external reconfigurations.

#### **Pre Development Application Meeting Pre DA 8/2025**

- A Pre Development Application meeting was held with Council on 15 April 2025. The following matters were discussed:
  - Building setbacks and articulation.
  - Traffic and parking configuration and requirements.
  - The applicant provided two options, Council advised that Option 2 was the preferred option which provided more articulation and increased setbacks.
  - Information required to be submitted with the application.
  - The application would need to be submitted as a development application amending the original approved development application i.e an amending DA.

This application has responded to a number of issues raised during this pre consultation.

#### **Current Application**

| Date         | Action                                                                                  |
|--------------|-----------------------------------------------------------------------------------------|
| 6 June 2025  | Application lodged                                                                      |
| 11 June 2025 | Comments and conditions from Council's Building Surveyor were received on 11 June 2025. |
| 12 June 2025 | Comments and conditions from Council's Waste Officer were received on 12 June 2025.     |
| 25 June 2025 | Comments and conditions from Council's Waste Officer were received on 25 June 2025.     |

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>25 June 2025</b>   | Request for a Clause 4.6 to be provided for the variation to the maximum building height development standard contained in Section 175 of the Housing SEPP.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>27 June 2025</b>   | The development was notified to adjoining properties and the Cremorne Point Precinct between 27 June and 11 July 2025. Twenty four (24) submissions objecting to the proposal were received.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>8 July 2025</b>    | Comments from Council's Heritage Officer were received on 8 July 2025.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>8 July 2025</b>    | <p>The Design Excellence Panel (DEP) Meeting was held via Microsoft Teams with the DEP, the Applicant and Council on 8 July 2025. The review conducted by the Panel have been structured against the 9 Design Quality Principles set out in the SEPP and ADG. This assessment is provided later within this report.</p> <p>The minutes of the meeting were provided to the applicant on 17 July 2025. The issues were also included in a request for amended plans and additional information letter on 24 July 2025.</p>                                                                                                                                                                                                                                                                                                                            |
| <b>24 July 2025</b>   | <p>A request for additional information was uploaded to the planning portal, as follows:</p> <ul style="list-style-type: none"> <li>Plans to be amended taking into consideration the comments/recommendations of the Design Excellence Panel (DEP).</li> <li>Amendments to Clause 4.6 for maximum building height required.</li> <li>Additional details to be shown on the architectural plans including dimensions for boundary/building setbacks, RL's and heights.</li> <li>Updated calculations for approved and proposed landscaped area.</li> <li>Location of fire hydrant booster to be clearly shown on the plans to demonstrate that it is appropriately integrated into the design.</li> <li>Waste management matters.</li> </ul> <p>It was noted in the RFI that comments from Council's Traffic Engineer were still to be received.</p> |
| <b>1 August 2025</b>  | <p>Amended plans and supporting documentation in response to Council's RFI were provided as follows:</p> <ul style="list-style-type: none"> <li>Amended architectural plans.</li> <li>Amended landscape plan.</li> <li>Letter from applicant with response to RFI items.</li> <li>Updated and amended Clause 4.6 request for variation to maximum building height.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>7 August 2025</b>  | Comments and conditions from Councils Traffic Engineer received on 7 August 2025.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>8 August 2025</b>  | <p>Final version of updated and amended architectural plans incorporating changes to clearly show as requested by Council's Traffic Engineer as follows:</p> <ul style="list-style-type: none"> <li>Provision of an additional accessible space to provide a total of three (3) accessible spaces.</li> <li>Provision of a visitor/courier space.</li> <li>Provision of 13 residential bicycle spaces</li> <li>Provision of two (2) visitor bicycle spaces.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                               |
| <b>12 August 2025</b> | Comments from Council's Development Engineer received on 12 August 2025.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

## **INTERNAL REFERRALS**

### **BUILDING**

The application was referred to Council's Building Surveyor for comment. The following comments were provided on 11 June 2025:

*"The proposed development application relates to alterations and additions to a four (4) storey residential flat building (RFB) approved under the Development Consent No. DA334/22. DA334/22 approved the demolition of all site structures and the construction of the new RFB. The Statement of Environmental Effects accompanying the development application identifies that the status of site works to date is demolition has been completed and excavation works have commenced.*

*The development application is supported by a BCA Capability Statement dated 22 May 2025 prepared by Jensen Hughes which concludes that the proposed development is capable of complying with the NCC BCA.*

**Clause 62 – Environmental Planning & Assessment Regulation 2021 (EP&A Regulation)**  
*As the proposed building is a new building Clause 62 of the EP&A Regulation is not applicable.*

#### **Clause 64 – EP&A Regulation**

*As the proposed building is a new building Clause 64 of the EP&A Regulation is not applicable. As the proposed building is a new building all building works must comply with the National Construction Code – Building Code of Australia in accordance with the prescribed condition under s 69 of the EP&A Regulation.*

### **STANDARD CONDITIONS RECOMMENDED**

*The following conditions are recommended for inclusion in the Development Consent to ensure compliance with s 69 of the EP&A Regulation.*

*It is recommended the following standard Conditions are imposed.*

#### **Standard Condition "F1".**

##### **National Construction Code F1**

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

*(Reason: Prescribed - Statutory)"*

### **HERITAGE**

The application has been referred to Council's Conservation Planner/ Heritage Officer who provided the following comments on 8 July 2025:



## HERITAGE STATUS

*“The subject property is not a heritage item and is not located in a heritage conservation area. It is however, located in the vicinity of the Cremorne Conservation area and the following heritage items:*

- *‘House’ 4 Harrison Street, Cremorne Local I0058 (at the rear)*
- *‘House’ 6 Harrison Street, Cremorne Local I0059 (at the rear)*
- *‘House’ 8 Harrison Street, Cremorne Local I0060 (at the rear)*
- *‘Yeronda’ 143 Wycombe Road, Neutral Bay Local I0760 (to the west)*
- *‘House’ 145 Wycombe Road, Neutral Bay Local I0762 (to the west)*
- *‘House’ 149 Wycombe Road, Neutral Bay Local I0763 (to the west)*
- *‘House’ 151 Wycombe Road, Neutral Bay Local I0764 (to the west)*

*These heritage items comprise one or two storey Victorian and Federation style dwellings. The Wycombe Road items comprise part of the Wycombe Road Group which is described in the statement of significance as a ‘varied and stimulating group of Victorian and Federation houses of domestic scale forming a corridor along an important street. They form a significant group of high quality houses which together characterise Neutral Bay and contribute to the qualities of the vicinity.’*

*The Harrison Street properties similarly form part of the Harrison Street Group which are noted as being ‘An excellent group of Federation houses which form a continuous streetscape of varied and interesting buildings. The group display the trend to produce an Australian vernacular architectural style involved from Queen Anne and Arts and Crafts idioms based on the bungalow form. Nos 4 and 6 are of particular interest, whilst No 10 is modest but complements the group. No 12 forms a natural boundary to the groups.’*

## HERITAGE ASSESSMENT

*It is noted that the subject site is zoned R4 and that recent planning changes for Low and Mid-Rise Housing now allow the proposed height.*

*The impact to the aesthetic significance of the heritage items when viewed from the street is considered to be acceptable as the proposed development will be set behind their rear boundaries. Although the proposed development will have a more visible presence as a result of the increased bulk and height, the building design will be stepped with recessed additional setbacks from the southern boundary for the new upper levels.*

*The proposed setbacks at the south are as follows:*

- *6500mm on ground floor, levels 1 and 2;*
- *8,630mm at level 3 (slight increase);*
- *9,800mm at level 4 (additional storey); and*
- *11,200mm at level 5 (additional storey).*

*The impact to the heritage items’ setting is acceptable given that the subject site is located behind the heritage items, beyond the boundary of the conservation area and the heritage items have lot boundary curtilage.*

*The views of the heritage items from the public domain will be retained and there will be adequate area around the heritage items to allow for their interpretation. The landscape features on the heritage listed properties that are visible from the public domain and that contribute to their setting will also be retained.*

## **CONCLUSION**

*Clause 5.10 of NSLEP 2013 and Part B Section 13.4 Development in the Vicinity of Heritage Items is considered to be satisfied. No heritage conditions are required."*

## **ENGINEERING**

The application was referred to Council's Senior Development Engineer for comment. He provided his comments on 12 August 2025.

## **LANDSCAPING**

The proposed development was referred to Council's Landscape Development Officer for comment. The following comments were received:

*"The proposed development and relevant lodgement documentation has been assessed for potential impact to existing trees as well as the proposed landscape design and associated works. The proposed development is supported noting the following site conditions and impacts:*

*There are no additional trees proposed for removal. Minimal changes from the existing DA in terms of landscaping, however there are additional balcony gardens proposed for one of the proposed additional levels (level 4). These are the same style as the levels below and include cascading plants. Tree protection/retention/removal are addressed in the previous DA and remain the same.*

## **RECOMMENDATION**

- 1) *The impact on trees and the proposed landscape design is considered to be acceptable having regard for the location of proposed structures and constraints of the site and subject to the conditions provided to be included in the Development Consent."*

## **TRAFFIC ENGINEER**

The application was referred to Council's Traffic Engineers for comment, final comments were received from Council's Traffic Engineer on 7 August 2025 raising no objection to the proposal subject to the plans being amended to clearly show the following:

- Provision of an additional accessible space to provide a total of three (3) accessible spaces.
- Provision of a courier space.
- Provision of 13 residential bicycle spaces
- Provision of two (2) visitor bicycle spaces.

Whilst the applicant provided the additional accessible space and the required bicycle spaces, they didn't provide a separate courier space, instead providing a courier/visitor space.

Council's Traffic Engineer made the following comment in response:

*I am interested in how a visitor/courier space would operate in practice. If the intention is for building management to allocate an onsite space for couriers as a contingency for potential future increases in delivery demand, I would have no concerns. In that case, the building would be less dependent on on-street parking for deliveries. I suggest to include a condition along the lines of:*

*"The building design must incorporate provision for at least one visitor parking space to be capable of conversion to a dedicated courier/loading space in the future, should increased loading or unloading demands arise. This is to ensure that loading and unloading associated with the development can be undertaken on-site."*

## **WASTE MANAGEMENT**

The proposal was referred to Council's Waste Officer who provided the following comments:

1. *Properties with a lift must have a garbage chute and recycling bin on each level or dual garbage and recycling chutes.*
2. *The residential waste bins need a temporary bin holding area for collection off the street and within 2-10 meters of the street alignment. The proposed holding bay must fit the minimum 11 x 240L bins. Please check the bin holding area can accommodate these bins.*
3. *The bulky waste room is not practical it needs to be separate from the bin storage room.*
4. *Provision for a 120L food waste bin must be made in the basement and bin holding area.*

*The proposed development must adhere to the NSC DCP 2013 Section 19 - Waste Minimisation and Management and Part B: Section 1 - Residential Development requirements.*

*A temporary holding bay for collections must be provided of sufficient size to accommodate the required garbage and recycling bins and located within 2 metres from the street boundary.*

*The following standard conditions will apply to this proposed development:*

*Condition C3 Waste Management Plan  
Condition C32 Garbage and Recycling Facilities  
Condition I5 Waste Collection "*

The applicant provided the following comments from their Waste Consultant in response with the amended plans:

1. *A dual garbage and recycling chute is provided.*
2. *It shows on the ground floor architectural drawing that bin holding area is able to accommodate 12 bins.*

3. *It will be transported by the caretaker via car lift.*
4. *Bulky waste room is increased to 10 sqm.*
5. *Food waste bin is shown in the waste room.*
6. *Bin Tug is shown in the waste room*

### **DESIGN EXCELLENCE PANEL (DEP)**

The application was referred to the Design Excellence Panel (DEP) for comment on 8 July 2025. The Panel provided qualified support for the proposal, subject to issues identified in the report, being addressed. The Design Excellence Panel (DEP) provided a suite of key matters in relation to the design principles under Schedule 9 of SEPP (Housing) 2021 and ADG. These matters were as follows (in italics):

#### ***“Principle 1 – Context and Neighbourhood Character***

1. *The Panel commends the applicant for providing a high-quality submission, which includes comprehensive architectural drawings, 3D views, a detailed design report, contextual drawings, photomontages, and a clear presentation at the DEP meeting.*
2. *The applicant's approach in leveraging the recently formalised Low and Mid-Rise Housing Policy as part of the development application is supported in this instance. The Panel also recognises that the applicant is benefitting from their previous approval obtained through the NSW Land and Environment Court appeal process.*
3. *Nevertheless, the building massing and architectural expression of the two additional levels at this location are the two main aspects of the Panel's focus in terms of consistency with the local character and its design excellence merits.*

#### ***Principle 2 – Built Form and Scale***

1. *The Panel acknowledges that the adjoining property to the south (4 Harrison Street) is zoned R2 Low Density Residential and the site is zoned R4 High Density Residential. While supportive of the proposed two additional storeys, the Panel advises against multiple steps in the building mass along the southern interface (to avoid a ziggurat-like form). Instead, the Panel encourages a simplified approach by providing a consistent footprint for the top two levels. A rear setback of between 11.2 metres from the southern boundary to the external walls of top two levels is considered acceptable by the Panel.*

#### ***Principle 3 – Density***

1. *The Panel offers in-principle support for the proposed density on the subject site and encourages the applicant to positively respond to the recommendations outlined in this report.*

#### ***Principle 4 – Sustainability***

1. *The Panel recommends awning windows should be replaced with other operable types such as double hung or glass louvers, to maximise the extent of opening to all habitable rooms.*
2. *Additionally, Council should satisfy itself that the following sustainability recommendations for delivering beyond the minimum BASIX requirements are incorporated by the applicant:*

- a. *Ceiling fans to all living rooms and bedrooms as a low energy alternative, with any possible increases in coverage for natural ventilation to take advantage of the site's location and prevailing breezes*
- b. *Development of a systems-based approach to managing rainwater, stormwater, and water required for irrigation, such that harvested water available to support landscape is optimised. The applicant is particularly encouraged to explore green infrastructure approaches to the OSD requirement.*
- c. *Inclusion of an appropriate photovoltaic system to power common areas within the building.*
- d. *Full electrification including provision for EV charging points within the basement carpark, and consideration of future electrical demand loads against the proposed sub-station capacity.*

#### **Principle 5 – Landscape**

1. *The Panel notes that the success of the architectural expression is partly reliant on planting integrated into the built form. To support the viability of these planted elements, the Panel requests that further details be provided on soil depths, irrigation systems, and the proposed maintenance strategy including green waste removal (whether managed by strata or private arrangements).*
2. *Additionally, the applicant should investigate whether similar planting on structures could be incorporated within the top two levels. The Panel suggests whether face bricks, concrete and similar self-finished materials with integrated finish could be used within the top two levels.*
3. *The applicant should investigate whether additional street tree planting can be considered to meet and preferably exceed the minimum tree canopy targets required within the Low and Mid-Rise Housing Policy. Furthermore, details of the nominated tree species and sections*

#### **Principle 6 – Amenity**

1. *The Panel supports the proposed apartment layouts, which are considered to achieve an acceptable level of residential amenity.*

#### **Principle 7 – Safety**

*No discussion*

#### **Principle 8 – Housing Diversity and Social Interaction**

1. *Revised architectural drawings should clearly indicate the pre- and post-adaptation layouts of the nominated apartments. The proposed changes should minimise structural and plumbing alterations wherever possible.*

#### **Principle 9 – Aesthetics**

*Recommendations already included in Principle 2 – Built Form and Scale, additionally, the Panel recommends that:*

1. *The Panel discussed that the dark cladding in this instance should be replaced with an alternative treatment. The dark colour overly emphasises the verticality of the top two storeys. As an alternative, consider lighter toned material with horizontal seam. Consider – texture, composition, horizontal indentations, articulation and a greater overall depth in the architectural expression. The Panel’s preference is that greater emphasis is created for the horizontal proportions within the top two levels.*
2. *The Panel commends the architectural expression and materiality considered within the brick building base, which uses darker toned bricks in combination with lighter bricks to embellish building articulation. The applicant is encouraged to investigate whether a similar approach to the materiality and articulation could be developed for the new top two levels.*
3. *Developed architectural drawings should fully describe the design intent and include details of each primary façade type in the form of 1:20 sections and elevations (or using appropriate detailed 3D design material) indicating proposed materials, construction systems, balustrade types and fixings, balcony edges, window operation, integrated landscape planter beds, junctions, rainwater and balcony drainage, including any downpipes and similar details within the proposal. Typical wall details to be developed to meet NCC2022 requirements.*
4. *Revised architectural drawings, 3D views and photomontages should confirm locations of A/C condensers and similar mechanical equipment. These should not be located within balconies (unless thoughtfully screened or integrated with architectural elements) or anywhere visible from the surrounding public domain.*

#### **Conclusion:**

*Recognising its independent and advisory-only role, the proposal should be supported once the applicant positively respond to the recommendations outlined in this report. (A second review is not requested by the Panel in this instance; however, if required, revised architectural drawings can be considered via a desktop review.)*

The amended plans respond to the Panels advice.

#### **EXTERNAL REFERRALS**

##### **AUSGRID**

Council notified Ausgrid inviting comments pursuant to section 2.48 of SEPP (Transport and Infrastructure) 2021. Ausgrid consented to the development subject to the following conditions (in italics):

*“The applicant/developer should note the following comments below regarding any proposal within the proximity of existing electrical network assets.*

##### ***Ausgrid Underground Cables are in the vicinity of the development.***

*Special care should be taken to ensure that driveways and any other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.*

*It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Before You Dig Australia (BYDA)*

*In addition to BYDA the proponent should refer to the following documents to support safety in design and construction:*

*SafeWork Australia – Excavation Code of Practice.*

*Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables.*

*The following points should also be taken into consideration.*

- Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.*
- Should ground levels change above Ausgrid's underground cables in areas such as footpaths and driveways, Ausgrid must be notified, and written approval provided prior to the works commencing.*
- Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.*

***Ausgrid Overhead Powerlines are in the vicinity of the development.***

*The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase.*

*Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected be entering and leaving the site.*

*The “as constructed” minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website at [www.ausgrid.com.au](http://www.ausgrid.com.au).*

*It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer's cost.*

***New Driveways – Proximity to Existing Poles***

*Proposed driveways shall be located to maintain a minimum clearance of 1.5m from the nearest face of the pole to any part of the driveway, including the layback, this is to allow room for future pole replacements. Ausgrid should be further consulted for any deviation to this distance.*



### ***New or modified connection***

*To apply to connect or modify a connection for a residential or commercial premises. Ausgrid recommends the proponent to engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details; <https://www.ausgrid.com.au/Connections/Get-connected>*

*Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances "Working Near Ausgrid Assets - Clearances". This document can be found by visiting the following Ausgrid website: [www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries](http://www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries).*

## **SYDNEY WATER**

Sydney Water has reviewed the application based on the information supplied, and has raised no objection subject to the following conditions.

*"Prior to the issue of an Occupation/Subdivision Certificate:*

### ***Section 73 Compliance Certificate***

*A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Our assessment will determine the availability of water and wastewater services, which may require extensions, adjustments, or connections to our mains. Make an early application for the certificate, as there may be assets to be built and this can take some time. A Section 73 Compliance Certificate must be obtained before an Occupation or Subdivision Certificate will be issued.*

*Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator. Go to the Sydney Water website or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.*

*Prior to the issue of a Construction Certificate/Complying Development Certificate:*

### ***Building Plan Approval (including Tree Planting Guidelines)***

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

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

### ***Tree Planting***

*Certain tree species placed in proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Section 46 of the Sydney Water Act specifies what might occur when there is interference or damage to our assets caused by trees.*

*For any trees proposed or planted that may cause destruction of, damage to or interference with our work and are in breach of the Sydney Water Act 1994, Sydney Water may issue an order to remove that tree or directly remove it and seek recovery for all loss and associated compensation for the removal. For guidance on types of trees that can cause damage or interference with our assets see Sydney Water webpage Wastewater blockages. For guidance on how to plant trees near our assets, see Diagram 5 – Planting Trees within Sydney Water’s Technical guidelines – Building over and adjacent to pipe assets.”*

## **SUBMISSIONS**

### **Original Development application**

Council notified adjoining properties and the Harrison Bennett Precinct of the proposed development seeking comment between 27 June 2025 and 11 July 2025. Council received twenty four (24) submissions objecting to the proposal.

### **Basis of Submissions**

- Bulk and scale.
- Out of character.
- Solar access and overshadowing.
- Over development from a 4 storey building to a six storey building
- Excessive height and visual bulk.
- Loss of privacy
- Traffic congestion
- Construction disruptions
- Inadequate setbacks
- Impact on heritage items
- Insufficient car parking proposed
- Non compliance with DCP controls
- Impacts on pedestrian safety from the location of the new vehicular entry in Rangers Lane and the traffic generated.
- Non-compliance with Councils DCP for setbacks
- Proposed building is an overdevelopment of the site and has unacceptable bulk and scale.
- Concerns with increase density from 11 to 13 apartments.

The amended plans were not notified in accordance with the provisions of Councils Community Consultation Protocol as no new issues or impacts were introduced.

## **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**

### **State Environmental Planning Policy (Biodiversity and Conservation) 2021 Chapter 2 – Vegetation in Non-Rural Areas**

Chapter 2 of the SEPP relates to vegetation in non-rural areas which applies to the site.

Chapter 2 regulates clearing of native vegetation on urban land and land zoned for environmental conservation/management that does not require development consent

The aims of this Chapter are to protect the biodiversity values of trees and other vegetation in non-rural areas of the State and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation. This policy is applicable pursuant to Clause 2.3 of the SEPP as the site is within both North Sydney Council and the R4 High Density Residential zone

Section 2.6 of the Policy specifies that a person must not clear declared vegetation in a non-rural area of the State without 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 which includes trees over 5m in height or canopy.

The development proposal was assessed by Council's Landscape Development Officer who raised no objection to the proposal subject to the conditions provided.

#### **Chapter 6 – Water Catchments**

Having regard to Chapter 6 of the SEPP (Biodiversity and Conservation) 2021 the proposed development is not considered to be detrimental to the Harbour and will not unduly impose upon the character of the foreshore given the site's inland location. The proposed development would not adversely affect the quantity or quality of water entering Sydney Harbour, being a regulated catchment for the purpose of Section 6.6 of the Policy. The application satisfies the requirements of the Policy.

#### **State Environmental Planning Policy (Resilience and Hazards) 2021**

Chapter 4 of this SEPP requires Council to consider the likelihood that the site has previously been contaminated and to address the methods necessary to remediate the site. The subject site has only previously been used for residential purposes and as such is unlikely to contain any contamination; therefore, the requirements stipulated in Chapter 4 of this SEPP have been satisfactorily addressed.

#### **State Environmental Planning Policy (Housing) 2021**

#### **Chapter 4 Design of residential apartment development**

The proposed development involves the construction of a residential flat building that is over three (3) storeys and comprises more than four (4) dwellings. Consequently, Chapter 4 of the SEPP applies to the application. Below is an assessment of the proposed development against the design quality principles contained in Schedule 9 of the SEPP and the Apartment Design Guide (ADG).

#### **Principle 1: Context and neighbourhood character**

The proposed development respects the existing context of the area, whilst allowing for an increased scale and density of development for the site as anticipated by the newly introduced controls, responding to the surrounding context and neighbourhood character. .

When considering the nature of surrounding developments, both existing and approved the proposal aligns with the desired future character of the area and will present a compatible form of development that will complement both the existing and future streetscape context. The proposed use for the site is consistent with the applicable controls and is contextually appropriate.

The use of materials and characteristic built form elements would complement the surrounding development.

### **Principle 2: Built form and scale**

Appropriate setbacks have now been provided to all boundaries for the two new levels. A rear setback of between 11.2 metres from the southern boundary to the external walls of the top two levels has now been provided consistent with the Panel recommendations.

Materiality is used to further articulate the facade and minimise the bulk and scale of the form.

### **Principle 3: Density**

The proposed development would increase the number of apartments from 11 to 13 with two (2) additional levels from the existing approved development. An increase to the proposed off-street parking, will benefit surrounding residents and the greater Cremorne area.

The subject site is located within the R4 High Density Residential zone and is surrounded by a mixture of residential development typologies. The proposed development would make use of the existing open area at the rear of the site. The density of the proposed development is consistent with the surrounding development character and the extent of development envisaged by Council's controls.

The site is subject to the increased height and densities that are within Part 6 Low and mid rise housing of the Housing SEPP and the proposal is consistent with the intent behind these controls.

### **Principle 4: Sustainability**

Louvres windows are introduced to facilitate better cross ventilation. The application was also accompanied by a valid BASIX certificate.

### **Principle 5: Landscape**

Existing established trees were prioritised to ensure the viability and endurance of green networks and habitat value. The building itself supports landscaping over its edges on private balconies and terraces. This both allows for visual privacy, amenity and enhances existing habitat for native ecology like insects and birds. Plant species have been selected to suit the location and climate, maximising the use of native species

Along Yeo Street, existing native trees are bolstered by the establishment of shrubs and groundcover, creating a strong landscaped edge and uplifting the public domain

### **Principle 6: Amenity**

The proposed development provides good amenity to the residents of the apartments noting that the new apartments achieve compliance with the ADG requirements for cross ventilation and solar access. Private open spaces in excess of the ADG have also been provided. The development also provides several external areas of communal open space as approved.

The building provides adequate storage within the apartments and basement areas to accommodate all occupants.

### **Principle 7: Safety**

The proposed development would promote a reasonable level of safety for the residents. The building entries are clearly defined and would be overlooked by the surrounding apartments providing good passive surveillance of these communal areas

### **Principle 8: Housing diversity and social interaction**

The proposed development provide a mix of 2 bed and 3 bed apartments, with a range of unit sizes which would contribute to the diversity of residents. The proposal also includes three (3) adaptable apartments. The common areas including the internal circulation would provide an opportunity for social interaction between the residents.

### **Principle 9: Aesthetics**

The proposed external materials and finishes are generally acceptable. The materials and colours of the proposed development are considered to be high quality and generally compatible with surrounding developments. Light toned cladding with horizontal beams have been adopted. The materials and finishes are generally consistent with the recommendations of the DEP.

### **Apartment Design Guide (ADG)**

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

| <b>Amenity</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>Design Criteria</b>                                                                                                                                                                                                                                                                                                                      | <b>Comment</b>       | <b>Compliance</b>               |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|---------------------------------|
| <b>2F - Building Separation</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Minimum separation distances for buildings are:<br><br>Up to four storeys (approximately 12m): <ul style="list-style-type: none"><li>• 12m between habitable rooms/balconies (6m to boundary)</li><li>• 9m between habitable and non-habitable rooms (4.5m to boundary)</li><li>• 6m between non-habitable rooms (3m to boundary)</li></ul> | See discussion below | No, however acceptable on merit |
| <u>Discussion on building separation</u><br><br>The site has dual frontages to Yeo Street to the north and Rangers Lane to the west. The site shares an eastern boundary with No 57 Yeo Street. To the south are dwellings houses located within a R2 Low density zoned area. Separation distances are achieved along Yeo Street with the existing approved development up to level 3 maintaining the front setback of 5m. Level 4 is setback 5m-5.4m to the balcony with the external wall setback 7.8m. Level 5 balcony and external wall is setback 7.8m from the front boundary. |                                                                                                                                                                                                                                                                                                                                             |                      |                                 |

The setbacks for the ground level, Level 1 and Level 2 are consistent with the S4.56 application approved under DA334/22/4. The setbacks on Level 3 have been altered as a result of the reconfiguration of the floor plans. The setbacks have been altered as follows:

**Table showing Level 3 setbacks**

| <b>Setback</b>    | <b>Approved S4.56<br/>DA334/22/4</b> | <b>Proposed<br/>DA154/25</b> |
|-------------------|--------------------------------------|------------------------------|
| North<br>Balcony. | 5m                                   | 5m                           |
| External wall.    | 7.8m                                 | 5m                           |
| South<br>Balcony  | 6.5m                                 | 6.5m                         |
| External wall     | 11.2m                                | 8.63m                        |
| East<br>Balcony   | 6m                                   | 6m                           |
| External wall     | 6.7m                                 | 6m                           |
| West<br>Balcony   | 3m                                   | 3m                           |
| External wall     | 3m                                   | 3m                           |

Whilst there has been some movement of the external wall of the building closer to the boundaries, the extent of the proposed balconies remain unchanged on the setbacks as approved under DA334/22.

#### Level 4 and Level 5

##### Northern setback - Front setback (Yeo Street)

Level 4 is setback 5m-5.4m to the balcony with the external wall setback 7.8m. Level 5 balcony and external wall is setback 7.8m from the front boundary both of which are considered acceptable.

##### Eastern setback

The external wall of level 4 is setback 9m from the eastern boundary with the balconies for apartment 401 setback 6m from the boundary, with a planter box located between the balcony and the allotment boundary to minimise amenity impacts. Level 5 achieves a 9m separation to the eastern boundary.

##### Western setback (Rangers Lane)

The external wall of Level 4 is setback 4.5m from the western boundary (Rangers Lane) with the balconies setback 3m in consistent with the fire stairs which maintain the 3m setback as approved. The external wall of Level 5 is also setback 4.5m, with the rear balcony setback 3m along with the fire stairs.

As such the setbacks to Rangers Lane are between 3m and 4.5m consistent with what has been approved under DA334/22.

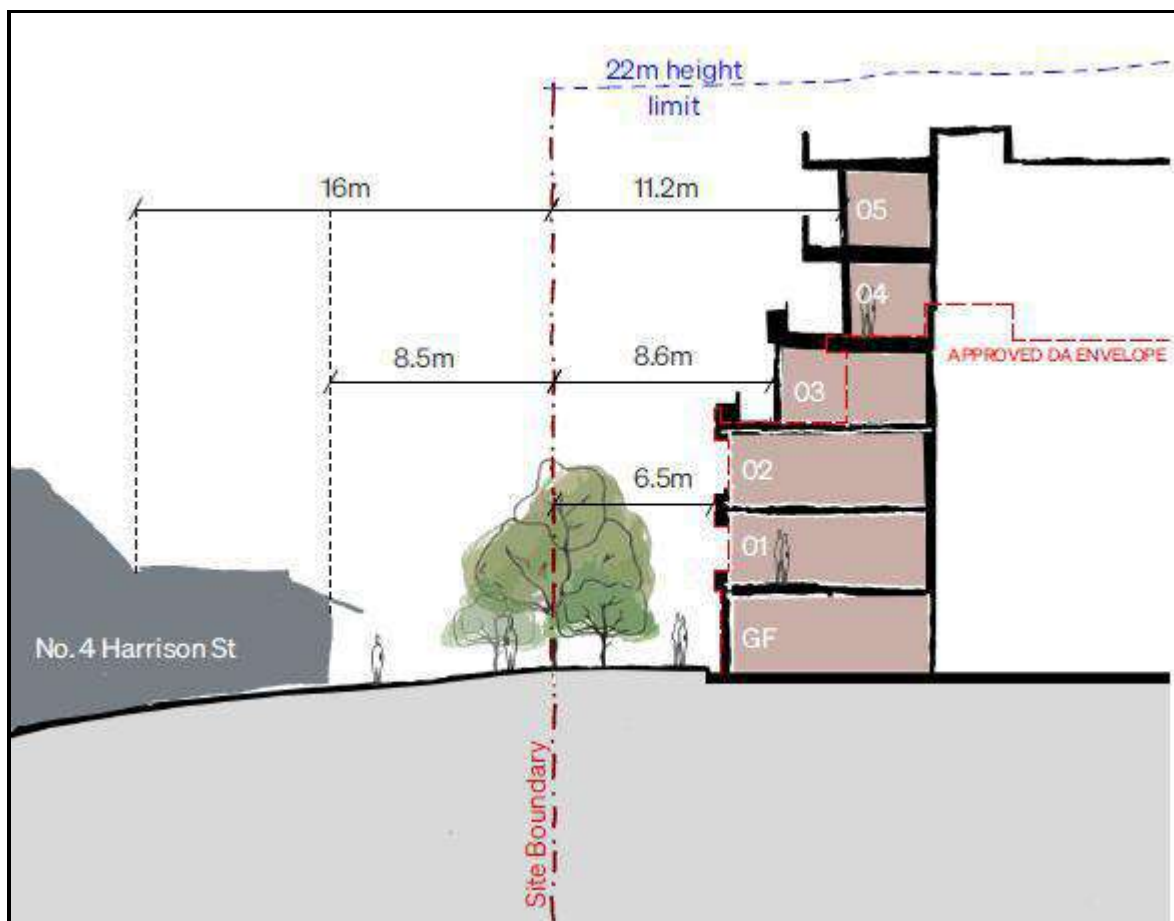
##### Southern setback – Rear setback

##### Existing four storey building

The ADG recommends that a 9m rear setback (inclusive of the additional 3m required when adjoining a lower density area). The rear setback of 6.5m was considered appropriate through the LEC appeal even though this elevation adjoins a lower density zone which as mentioned, the ADG recommends that an additional 3m setback is applied. The rear setback of the existing dwellings in Harrison Street were also taken into consideration when finding an appropriate separation distance between properties. The sections provided by the applicant indicate that the rear wall of 4 Harrison Street is setback 8.574m and No 6 Harrison Street is setback 11.5m from the northern boundary which adjoins 55 Yeo Street.

Proposed six storey building incorporating the two upper levels (Level 4 and Level 5)

Whilst a 12m separation distance is recommended under the ADG guidelines (where the property adjoins a lower density zone), Level 4 is setback 8.63m to the planter box (following the line of the level below) and Level 5 is setback 9.8m to the balcony. The external wall of both new apartments are setback 11.2m to the glass line. In addition, the measures incorporated into the design of the building and landscaping in the planter boxes at Level 4 has minimised the potential for any privacy or amenity impacts (see section below). The balcony at Level 5 is also only 1.4m in depth restricting how the balcony would be used and its potential amenity impacts.



**Figure 4: Section showing separation between the proposed buildings and the properties to the south.**

These setbacks as amended were also considered to be appropriate by Councils Heritage Officer in terms of relationship to the heritage conservation area and also the Design Excellence Panel.

|                                |                                                                                                                                                                                       |                                                                                                                                                                                                                |     |
|--------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| <b>3D- Communal Open Space</b> | Communal open space has a minimum area equal to 25% of the site.                                                                                                                      | 379sqm (33%)                                                                                                                                                                                                   | Yes |
|                                | Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter). | Complies                                                                                                                                                                                                       | Yes |
|                                | Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting.                                                        | The amended plans provide an outdoor communal open space in the south eastern corner of the allotment at ground level. The communal space also extends along the rear boundary and along the eastern boundary. | Yes |

|                                             |                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                  |
|---------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|
|                                             |                                                                                                                                                                                                                                                                                                                                | This area is generally as what was approved under DA334/22.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                  |
|                                             | Communal open space is designed to maximise safety                                                                                                                                                                                                                                                                             | Location and design of communal areas maximises safety.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Yes                                              |
| <b>3E – Deep Soil Zones</b>                 | Deep soil zones are to meet the following minimum requirements: <ul style="list-style-type: none"> <li>• 3m minimum width</li> <li>• Minimum 7% of the site area</li> </ul>                                                                                                                                                    | The proposal provides a deep soil zone of 448m <sup>2</sup> (39%). No significant change to what was approved under DA334/22.c                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Yes                                              |
|                                             | Deep soil zones should be located to retain existing significant trees and to allow for the development of healthy root systems, providing anchorage and stability for mature trees.                                                                                                                                           | The deep soil zones have been located to ensure the retention and continued health of existing established trees.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Yes                                              |
| <b>3F – Visual privacy</b>                  | Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows: <p>Up to 12m (4 storeys)<br/>6m (between habitable rooms and balconies to boundaries)<br/>3m (between non-habitable rooms)</p> | Acceptable setbacks have been provided along Yeo Street and Rangers Lane for both the existing and new levels.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | There is no change to existing approved setbacks |
|                                             | Up to 25m (5-8 storeys)<br>9m (between habitable rooms and balconies to boundaries)<br>4.5m (between non-habitable rooms)                                                                                                                                                                                                      | <p><u>Eastern side setback</u><br/>The external wall of level 4 is setback 9m from the eastern boundary with the balconies for apartment 401 setback 6m from the boundary, with a planter box located between the balcony and the allotment boundary to minimise amenity impacts. Level 5 achieves a 9m separation to the eastern boundary.</p> <p><u>Rear southern setbacks</u><br/>Whilst a 12m separation distance is required under the ADG (where the property adjoins a lower density zone), Level 4 is setback 8.63m to the planter box (following the line of the level below) and level 5 is setback 9.8m to the balcony. (see discussion above in 2F).</p> | No, acceptable on merit                          |
| <b>3G – Pedestrian Access &amp; Entries</b> | Building entries and pedestrian access connects to and addresses the public domain Access, entries and pathways are accessible and easy to identify                                                                                                                                                                            | The main pedestrian access is from Rangers Lane and an accessible path from Yeo Street. An additional entry is provided from Yeo Street with the secondary entry through the eastern part of the building.                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Yes                                              |
| <b>3H – Vehicle Access</b>                  | Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes                                                                                                                                                                     | The proposed vehicular access point is located off Rangers Lane and remains unchanged from the original approval.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Yes                                              |



|                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                          |                                                                |
|---------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|
| <b>3J – Bicycle and Car parking</b>   | <p>For development in the following locations:</p> <ul style="list-style-type: none"> <li>on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or</li> <li>on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre</li> </ul> <p>the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less</p> <p>The car parking needs for a development must be provided off street</p> <p>Parking and facilities are provided for other modes of transport</p> | The Council's DCP are the relevant controls applicable to this assessment                                | Yes, the maximum residential spaces are numerically compliant. |
| <b>3J-2</b>                           | Conveniently located and sufficient numbers of parking spaces should be provided for motorbikes and scooters.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Provided in accordance with minimum rates of DCP.                                                        | Yes                                                            |
|                                       | Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Provided in accordance with minimum rates of DCP.                                                        | Yes                                                            |
|                                       | Conveniently located charging stations are provided for electric vehicles, where desirable.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Condition of consent imposed                                                                             | Yes                                                            |
| <b>4A - Solar and daylight access</b> | Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 77% of apartments (10 of 13) living rooms and private open space receive more than 2 hours solar access. | Yes                                                            |
|                                       | A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm in midwinter.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 2/13 apartments receive less than 2 hours. The two new apartments are compliant.                         | Yes                                                            |
| <b>4B-1 - Natural ventilation</b>     | <p>All habitable rooms are naturally ventilated</p> <p>The building's orientation maximises capture and use of prevailing breezes for natural ventilation in habitable rooms</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | The units are designed as dual aspect cross through apartments maximising natural cross ventilation.     | Yes                                                            |
| <b>4B-2</b>                           | The layout and design of single aspect apartments maximises natural ventilation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | The layout maximises natural ventilation.                                                                | Yes                                                            |
| <b>4B-3</b>                           | <p>The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents</p> <p>At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 100% of apartments are naturally cross ventilated                                                        | Yes                                                            |

|                                              |                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                               |     |
|----------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| <b>4C - Ceiling Heights</b>                  | Ceiling height achieves sufficient natural ventilation and daylight access - Minimum 2.7m (habitable rooms), 2.4m for second floor where it does not exceed 50% of the apartment area.                                                                                                                                              | The development is designed so that apartments have a minimum 2.7m floor to ceiling height compliant with the minimum ceiling height in Design Criteria 1 of Objective 4C-1<br><br>The floor to floor heights are 3.3m for Level 4 and Level 5, the subject of this application, will facilitate up to a 2.9m ceiling height. | Yes |
| <b>4D 1 - Apartment size and layout</b>      | Apartments are required to have the following minimum internal areas:<br><br>Studio = 35sqm<br>1 bedroom = 50sqm<br>2 bedroom = 70sqm<br>3 bedroom = 90sqm<br><br>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5sqm each.                                       | The apartments achieve the minimum internal area requirements.                                                                                                                                                                                                                                                                | Yes |
|                                              | Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms                                                                                                                               | Every habitable window has window openings larger than 10% of the room area.                                                                                                                                                                                                                                                  | Yes |
| <b>4D 2 - Apartment size and layout</b>      | 1. <i>Habitable room depths are limited to a maximum of 2.5 x the ceiling height</i><br><br>2. <i>In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window</i>                                                                                                 | Complies                                                                                                                                                                                                                                                                                                                      | Yes |
| <b>4D 3- Apartment size and layout</b>       | 1. <i>Master bedrooms have a minimum area of 10m<sup>2</sup> and other bedrooms 9m<sup>2</sup> (excluding wardrobe space).</i><br><br>2. <i>Bedrooms have a minimum dimension of 3m (excluding wardrobe space).</i>                                                                                                                 | Master bedrooms have an area greater than 10m <sup>2</sup><br><br>Minimum dimension of 3m                                                                                                                                                                                                                                     | Yes |
|                                              | 3. <i>Living rooms or combined living/dining rooms have a minimum width of:</i><br>• <i>3.6m for studio and 1 bedroom apartments.</i><br>• <i>4m for 2 and 3 bedroom apartments.</i>                                                                                                                                                | All apartments have a minimum of 4m.                                                                                                                                                                                                                                                                                          | Yes |
| <b>4E - Private open space and balconies</b> | <i>All apartments are required to have primary balconies as follows:</i><br>• <i>Studio apartments - 4m<sup>2</sup>.</i><br>• <i>1 bedroom apartments - 8m<sup>2</sup>, minimum depth 2m</i><br>• <i>2 bedroom apartments 10m<sup>2</sup> minimum depth 2m</i><br>• <i>3+ bedroom apartments 12m<sup>2</sup> minimum depth 2.4m</i> | All apartments achieve compliance with the minimum size and depth                                                                                                                                                                                                                                                             | Yes |

|                                           |                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                        |     |
|-------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
|                                           | <i>The minimum balcony depth to be counted as contributing to the balcony area is 1m</i>                                                                                                                                                                                                                                                                                |                                                                                                                                                                                        |     |
|                                           | <i>For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m<sup>2</sup> and a minimum depth of 3m</i>                                                                                                                                                              | Complies                                                                                                                                                                               | Yes |
|                                           | <i>Primary private open space and balconies are appropriately located to enhance liveability for residents.</i>                                                                                                                                                                                                                                                         | Balconies are located off living and dining rooms.                                                                                                                                     | Yes |
|                                           | <i>Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.</i>                                                                                                                                                                                                                           | Private open space and balconies have been integrated into the detailing of the building.                                                                                              | Yes |
|                                           | <i>Private open space and balcony design maximises safety.</i>                                                                                                                                                                                                                                                                                                          | Complies                                                                                                                                                                               | Yes |
| <b>4F - Common circulation and spaces</b> | 1. <i>The maximum number of apartments off a circulation core on a single level is eight.</i>                                                                                                                                                                                                                                                                           | No more than three (3) apartments are provided to any one core on a single level.                                                                                                      | Yes |
|                                           | 2. <i>For Buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</i>                                                                                                                                                                                                                                                           | N/A                                                                                                                                                                                    | N/A |
| <b>4G -Storage</b>                        | <i>In addition to storage in kitchens, bathrooms and bedrooms the following is provided:</i><br><br><i>Studio apartments- 4m<sup>3</sup></i><br><i>1 bedroom apartments- 6m<sup>3</sup></i><br><i>2 bedroom apartments- 8m<sup>3</sup></i><br><i>3+bedroom apartments- 10m<sup>3</sup></i><br><br><i>At least 50% of storage is to be located within the apartment.</i> | Each unit is provided with sufficient storage space with at least 50% located in individual units.<br><br>The remaining is located in a dedicated secure location within the basement. | Yes |

## Section 145 Referral to design review panel for development applications

### Section 145 (2) requires the following:

*“Before determining the development application, the consent authority must refer the application to the design review panel for the local government area in which the development will be carried out for advice on the quality of the design of the development.”*

## Section 147 Determination of development applications and modification applications for residential apartment development

Section 147 of SEPP (Housing) 2021 states:

*“Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following—*

- (a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,*
- (b) the Apartment Design Guide”*

- (c) *any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel.”*

The application was referred to the Design Excellence Panel (DEP) for comment on 8 July 2025. The Panel provided qualified support for the proposal, subject to issues identified in the report, being addressed. Those comments are reproduced in the external referral section of this report.

The amended proposal is considered to address the concerns of the Design Excellence Panel.

## **Chapter 6 Low and mid rise housing**

### **Section 162 Aims of chapter**

The aim of this chapter is to encourage the development of low and mid rise housing in areas that are well located with regard to goods, services and public transport

Low-rise housing is generally 1 to 2 storey dual occupancy, multi-dwelling housing and manor houses. Mid-rise housing is generally 3 to 6 storey residential flat buildings or shop top housing.

The subject site is located within the low and mid rise housing inner area, which is defined in clause 163 as:

***“low and mid rise housing inner area means land within 400m walking distance of—***

- (a) *land identified as “Town Centre” on the [Town Centres Map](#), or*  
(b) *public entrance to a railway, metro or light rail station listed in Schedule 11, or*  
(c) *for a light rail station listed in Schedule 11 with no public entrance—a platform of the light rail station.”*

The site is located within 400m walking distance of the town centre and is therefore located within the low and mid-rise housing inner area and subject to the controls within Section 175.

## **Part 4 Residential flat buildings and shop top housing**

### **Division 1 Preliminary**

#### **Section 175 Development standards – low and mid rise housing inner area.**

Part 4 relates to Residential flat buildings and shop top housing, where Clause 175 states:

- (1) *This section applies to land in a low and mid rise housing inner area in Zone R3 Medium Density Residential or R4 High Density Residential.*  
(2) *Development consent must not be granted for development for the purposes of residential flat buildings with a building height of up to 22m unless the consent authority is satisfied the building will have 6 storeys or fewer.*  
(3) *Development consent must not be granted for development for the purposes of a building containing shop top housing with a building height of up to 24m unless the consent authority is satisfied the building will have 6 storeys or fewer.*  
(4) *In this section, a storey does not include a basement within the meaning of the standard instrument.”*

The proposed development will result in six storeys above ground level, noting that in this section, a storey does not include a basement as defined in the standard instrument.

### **Section 177 Landscaping – residential flat building or shop top housing**

Section 177 of the Housing SEPP refers to landscaping for residential flat buildings or shop top housing:

Section 177(2) states

*“Development consent must not be granted for development for the purposes of residential flat buildings or shop top housing unless the consent authority has considered the Tree Canopy Guide for Low and Mid Rise Housing, published by the Department in February 2025.”*

To satisfy the guidance objectives, residential flat buildings and shop-top housing should, where the Apartment Design Guide applies:

- Provide a minimum 7% deep soil and 15% tree canopy.
- Based on a site area of 1141m<sup>2</sup>, seek to enhance tree canopy outcomes by providing 10% deep soil and either 15% tree canopy or for every 350m<sup>2</sup> of site area or part thereof, plant at least one medium tree in the deep soil area.
- Locate contiguous deep soil areas to maximise the number of trees that can be planted.

The proposal has provided the following deep soil and tree canopy:

| <b>Tree Canopy and Deep soil</b> |                                   |                                   |                 |
|----------------------------------|-----------------------------------|-----------------------------------|-----------------|
| <b>Element</b>                   | <b>Required (min % site area)</b> | <b>Proposed (min % site area)</b> | <b>Complies</b> |
| Tree canopy                      | 15%                               | 20.4%                             | Yes             |
| Deep Soil                        | 7%                                | 39%                               | Yes             |

### **Section 178 Minimum lot size for residential flat buildings or shop top housing**

This section applies to development for the purposes of residential flat buildings or shop top housing on land in a low and mid rise housing area in Zone R3 Medium Density Residential or R4 High Density Residential.

Section 178(2) states the following:

- (2) *A requirement specified in another environmental planning instrument or development control plan in relation to the following does not apply to development that meets the standards in section 180(2) or (3)—*
- (a) *minimum lot size,*  
(b) *minimum lot width.*

Whilst the proposed development does not meet the maximum building height development standard contained within Section 180(2), the breach is a technical breach, notwithstanding that there are no minimum lot size or lot width for the proposed use.

## **Division 2 Non-discretionary development standards – the Act, s4.15**

### **Section 180 – Non-discretionary development standards – residential flat buildings and shop top housing in Zone R3 or R4**

*This section applies to development for the purposes of residential flat buildings or shop top housing on land in a low and mid rise housing area in Zone R3 Medium Density Residential or R4 High Density Residential.*

Section 180 (2) provides the following non-discretionary standards for a low and mid rise housing inner area:

- (2) *The following non-discretionary development standards apply in relation to development on land in a low and mid rise housing inner area—*
- (a) *a maximum floor space ratio of 2.2:1,*
  - (b) *for residential flat buildings—a maximum building height of 22m,*
  - (c) *for a building containing shop top housing—a maximum building height of 24m.*

The proposal has provided the following floor space ratio and building height:

| <b>Section 180 Non-discretionary Development Standards</b>                                                                                   |                 |                 |                 |
|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-----------------|-----------------|
| <b>Section</b>                                                                                                                               | <b>Standard</b> | <b>Proposal</b> | <b>Complies</b> |
| <b>Floor Space ratio</b>                                                                                                                     | 2.2:1           | 1.76:1          | Yes             |
| <b>Building Height</b>                                                                                                                       | 22m             | 28.81m          | No              |
| A Clause 4.6 request has been submitted requesting to vary the development standard contained within Section 175 of the SEPP (Housing) 2021. |                 |                 |                 |

#### Criteria for approval under Clause 4.6

On 15 September 2023 changes were made to how Clause 4.6 requests were assessed, with these changes taking effect for development applications lodged from 1 November 2023. Clause 4.6 was amended by the Standard Instrument (Local Environmental Plans) Amendment (Exceptions to Development Standards) Order 2023 on 1 November 2023.

The applicant has submitted a written request pursuant to Clause 4.6 of NSLEP 2013 (Attachment 4).

A detailed assessment of the Clause 4.6 request to vary the building height development standard has been undertaken below:

#### **Clause 4.6 Exceptions to development standards**

##### **Detailed assessment of variation to Section 175 Development standards – low and midrise housing inner area.**

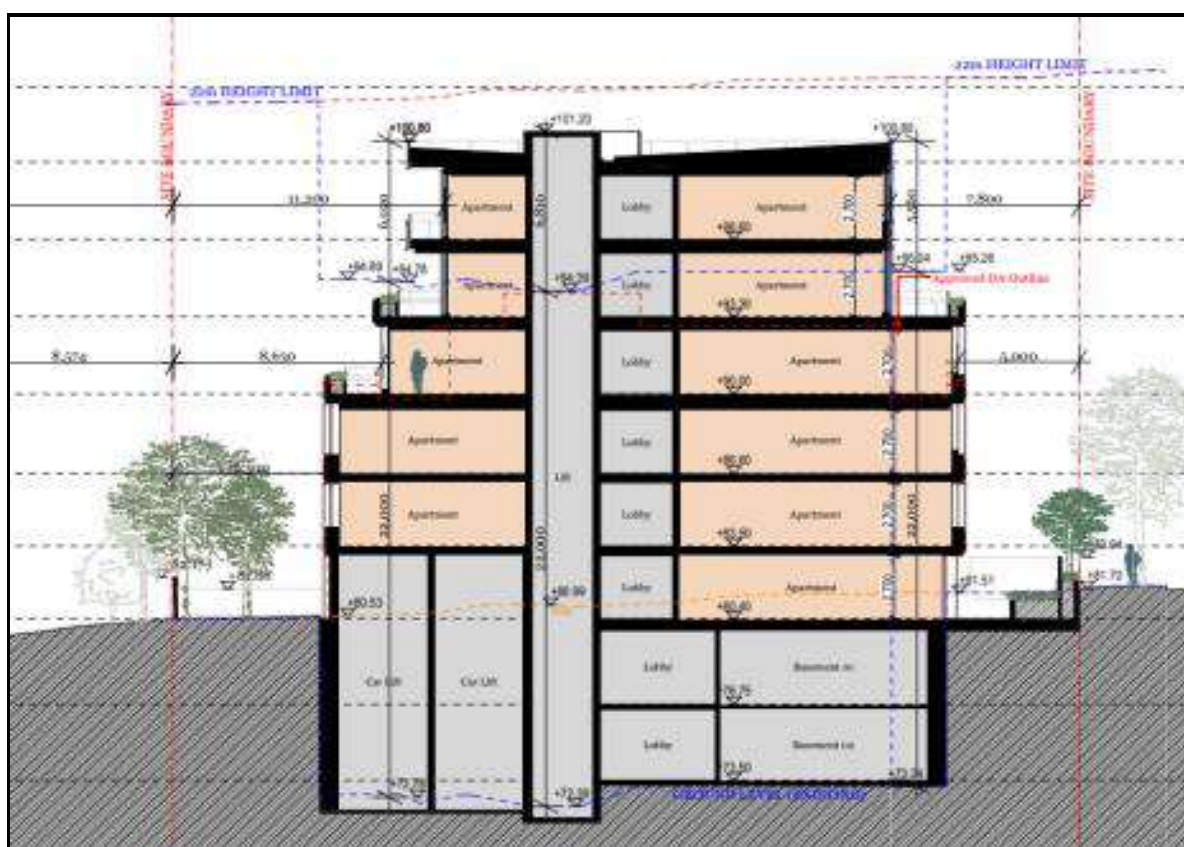
Chapter 6, Section 175 of the State Environmental Planning Policy (Housing) 2021 relates to the development standards for developments within the low and mid-rise housing inner area. As described above the proposed development is located within the inner area.

Section 175 (4) also states that in this section, a storey does not include a basement within the meaning of the standard instrument.

Furthermore, Building Height is defined in the Standard Instrument and North Sydney Local Environmental Plan 2013 as:

- *In relation to the height of a building in metres – the vertical distance from ground level (existing) to the highest point of the building, or*
- *In relation to the RL of a building – the vertical distance from the Australian Height Datum to the highest point of the building*

The location and extent of the non-compliance is provided in the height plan diagram below:



**Figure 5: Section of building showing the 22m maximum height limit, the approved building height and proposed building**

The proposed development seeks a variation to the development standard relating to building height within Section 175 of the SEPP (Housing) 2021. Section 175 contained within Chapter 6 of the Housing SEPP identifies a maximum building height control of 22m. The building is proposed to be 28.81m in height measured to the top of the lift overrun, which exceeds the maximum building height by 6.81m, a variation of 28% to the development standard. This height exceedance occurs primarily due to the excavation of the site to facilitate the previously approved and commenced consent.

Any variation to a statutory control can only be considered under Clause 4.6 – Exceptions to Development Standards of the NSLEP. An assessment of the proposed height against the survey plan levels was conducted to indicate the Applicant's calculations are materially accurate.

Clause 4.6(1) outlines the objectives of the standard which are to *"provide an appropriate degree of flexibility in applying certain development standards to particular development"* and *"to achieve better outcomes for and from development by allowing flexibility in particular circumstances"*.

Clause 4.6(3) states that:

*"Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard"*

To support the non-compliance, the applicant has provided a request for a variation to Section 175 of the SEPP (Housing) 2021 in accordance with Clause 4.6 of NSLEP 2013. The Clause 4.6 request for variation is assessed as follows:

***Is the planning control in question a development standard?***

The building height control under Section 175 of the State Environmental Planning Policy (Housing) 2021 is a development standard.

***Compliance is unreasonable or unnecessary in the circumstances of the case (clause 4.6(3)(a))***

There have been several Court cases that have established provisions to assist in the assessment of Clause 4.6 statements to ensure they are well founded and address the provisions of Clause 4.6.

In *Wehbe V Pittwater Council* (2007) NSW LEC 827 Preston CJ sets out ways of establishing that compliance with a development standard is unreasonable or unnecessary. This list is not exhaustive. It states, inter alia:

*"An objection under State Environmental Planning Policy 1 may be well founded and be consistent with the aims set out in clause 3 of the Policy in a variety of ways. The most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard."*



The judgment goes on to state that:

*“The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved. However, if the proposed development proffers an alternative means of achieving the objective strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served).”*

Preston CJ in the judgement then expressed the view that there are 5 different ways in which an objection may be well founded and that approval of the objection may be consistent with the aims of the policy, as follows (with emphasis placed on number 1 for the purposes of this Clause 4.6 variation):

1. *The objectives of the standard are achieved notwithstanding non-compliance with the standard;*
2. *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
3. *The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
4. *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
5. *The 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 that would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.”*

The Clause 4.6 statement was prepared having regard to the recent court cases and their judgements.

**Applicants comment:** *“The Department of Planning published “Varying development standards: A Guide” (August 2011), to outline the matters that need to be considered in Development Applications involving a variation to a development standard. The Guide essentially adopts the views expressed by Preston CJ in Wehbe v Pittwater Council [2007] NSWLEC 827 to the extent that there are five (5) different ways in which compliance with a development standard can be considered unreasonable or unnecessary.*

1. ***The objectives of the standard are achieved notwithstanding noncompliance with the standard;***

*The proposed development achieves the objectives of the building height control, notwithstanding the technical numerical variation relating to the excavation of the approved basement.*

**2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;**

*The objectives and purpose of the building height control remain relevant, and the proposed development achieves the objectives of the building height control, notwithstanding the technical numerical variation relating to the excavation of the approved basement.*

**3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;**

*The proposed development achieves the objectives of the building height control, notwithstanding the technical numerical variation relating to the excavation of the approved basement. Further, strict compliance with the building height control would require the deletion of the upper two (2) levels of the building in circumstances where the proposed development complies with the “non-discretionary development standard” in relation to building height in Section 180 of the SEPP measured from “ground level (existing)” prior to the excavation of the approved basement. Finally, Chapter 6 of the SEPP aims “to encourage the development of low and mid rise housing in areas that are well located with regards to goods, services and public transport” [emphasis added].*

**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;**

*The building height control has not specifically been abandoned or destroyed by the Council’s actions. Irrespective, the Council has adopted an orderly but flexible approach to the implementation of development standards (including the building height control). In that regard, a review of the Council’s register of Variations to Development Standards reveals Development Consent has been granted to approximately 174 DA’s for the three (3) year period between June 2022 and June 2025 involving numerical variations to development standards, including approximately 156 DA’s (90%) involving variations to the building height control.*

*Further, the objectives of Clause 4.6 of the LEP includes to provide “an appropriate degree of flexibility in applying certain development standards to particular development”.*

**5. Compliance with the development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.**

*The zoning of the land remains relevant and appropriate. Irrespective, strict compliance with the building height control would require the deletion of the upper two (2) levels of the building in circumstances where the proposed development complies with the “non-discretionary development standard” in relation to building height in Section 180 of the SEPP measured from “ground level (existing)” prior to the excavation of the approved basement.”*

**Officers comment:** In respect to Prestons CJ judgement the NSW Land and Environment Court and in accordance with a recent decision (Initial Action Pty Ltd v Woollahra Council [2018] NSWLEC 118), the NSW Land and Environment Court has established a “five part test” for consent authorities to consider when assessing a DA proposing a clause 4.6 request for variation (as outlined above). In this case it is considered that the proposal satisfies the five part test for the following reasons

- As previously discussed, the objectives of the height standard are considered to be satisfied despite the non-compliance.
- In this case the underlying objectives of the development standard are achieved notwithstanding non-compliance with the standard by the approval of the two (2) additional levels to the approved four (4) storey building due to a technical breach. When measured from the existing ground level prior to excavation for the basement the maximum building height was 20.5m, which met the maximum 22m height limit in the Housing SEPP. The excavation for the basement has modified where the existing ground level is to be measured from and now results in a technical breach of the height standard.
- There will be no significant adverse impacts in terms of view loss, overshadowing or overlooking to adjoining properties.
- The R4 High Density zone is an appropriate zoning for the site. The proposed scale of the development is consistent and in keeping with the height for developments within this zone and precinct.

The height control objectives articulate the ultimate function of the establishing the height of buildings. As previously described, the maximum building height permitted on the subject site under chapter 6 low and mid-rise housing under the Housing SEPP is 22m and the maximum height of the proposed additions to the to the top of the lift over run is 28.81m. The proposal contravenes the standard, as a result the amount and degree of non-compliance and its resultant impact needs to be considered.

The proposed height of the development is considered to be in keeping with the desired future character of development within the immediate vicinity and surrounding areas.

**Clause 4.6(3)(b) are there sufficient environmental planning grounds to justify contravening the standard**

Clause 4.6 (3)(b) states that *(b) there are sufficient environmental planning grounds to justify contravening the development standard*

Having regard to Clause 4.6 (3)(b) and the need to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard, it is considered that there is an absence of any negative impacts of the proposed non-compliance on the environmental quality of the locality and amenity of adjoining properties.

**Applicants comment:** *“The adjectival phrase “environmental planning” is not defined but would refer to grounds that relate to the subject matter, scope and purpose of the Environmental Planning and Assessment Act 1979, including the objects set out in Section 1.3 (Initial at 23).*

*The objects of the Act are expressed as follows:*

- (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 numerical variation to the building height control is reasonable and appropriate in the particular circumstances on the basis that:*

- the proposed development complies with the building height control based on the ground level that existing prior to the excavation of the approved basement;*
- the variation to the building height control is entirely technical and irrelevant (from a merit perspective) in nature and arises only due to the modification (lowering) of "ground level (existing)" associated with the construction of the approved basement;*
- the proposed development complies with the building height control in Sections 175 and 180 of the SEPP measured from "ground level (existing)" prior to the excavation of the approved basement;*
- strict compliance with the building height control would require the deletion of the upper two (2) levels of the building in circumstances where the proposed development complies with the "non-discretionary development standard" in relation to building height in Section 180 of the SEPP measured from "ground level (existing)" prior to the excavation of the approved basement;*
- strict compliance with the building height control would prevent the achievement of the aims of Chapter 6 of the SEPP "to encourage the development of low and mid rise housing in areas that are well located with regards to goods, services and public transport" [emphasis added];*
- strict compliance with the building height control based on the excavated level of the approved basement would mean conforming to an unnatural landform over part of the site, circumstances in which the technical variation to the building height control results in a development that more appropriately reflects the "natural landforms" and "natural gradient" of the site;*
- the proposed development will promote good design and the amenity of the built environment which is a recently incorporated object of the Act: "(g) to promote good design and amenity of the built environment";*

- *the Council has adopted an orderly but flexible approach to the implementation of development standards (including the building height control) in appropriate circumstances, including when the objectives of the standard are achieved, notwithstanding numerical variations;*
- *a review of the Council's register of Variations to Development Standards reveals Development Consent has been granted to approximately 174 DA's for the three (3) year period between June 2022 and June 2025 involving numerical variations to development standards, including approximately 156 DA's (90%) involving variations to the building height control;*
- *the proposed development achieves the relevant objectives of the R4 – High Low Density Residential zone;*
- *the proposed development achieves the objectives of Chapter 6 of SEPP (Housing) 2021; and*
- *the proposed development achieves the objectives of the building height control, notwithstanding the technical numerical variation relating to the excavation of the approved basement.*

## **CONCLUSION**

*The purpose of this written request is to formally request a variation to the building height control in Sections 175 and 180 of SEPP (Housing) 2021 pursuant to Clause 4.6 of the North Sydney LEP 2013.*

*The proposed development complies with the building height controls in Sections 175 and 180 of the SEPP measured from "ground level (existing)" prior to the excavation of the approved basement.*

*The variation to the building height control is entirely technical and irrelevant (from a merit perspective) in nature and arises only due to the modification (lowering) of "ground level (existing)" associated with the construction of the approved basement.*

*In general terms, strict compliance with the building height control is unreasonable and unnecessary in the particular circumstances, and there are sufficient environmental planning grounds to justify the numerical variation."*

**Officers comment:** The planning grounds established by the Applicant are considered sufficient to justify contravening the development standard

It is also important to highlight that the extent of the height non-compliance is limited to the excavation for the basement, which has resulted in a technical non-compliance and the building height being 28.81m. The part of the building being constructed that is visually represented and evident from the street level is a maximum height of 20.5m (excluding the basement levels). This height visually represents a scale of development which is reasonably anticipated by the current planning controls in the Housing SEPP implemented recently being a maximum permitted height of 22m.

The proposed building will not result in any significant adverse impacts in terms of view loss, overshadowing or overlooking to adjoining properties.

The scale and size of the building will be consistent with the future and desired development within the street and immediate area. The proposed development is consistent with the pattern of development emerging within this area.

The proposed development is considered to satisfy the objectives of the building height development standard for the following reasons:

- (a) The development is consistent with the built form envisaged for the immediate area.
- (b) Despite the variation the bulk and scale of the development is compatible with the existing buildings that have been constructed within the immediate vicinity.
- (c) When considered in the context of the development, the maximum roof height RL is consistent with the anticipated and future buildings ensuring that any potential amenity impacts are minimised.
- (d) The height variation will not result in any unreasonable adverse amenity impacts such as overshadowing on neighbouring properties or the public domain.
- (e) The variation to the height would not result in an unreasonable visual impact on neighbouring properties or the streetscape.

The R4 High Density Residential Zone objectives require the development to:

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

The exceedance in the building height control generally satisfies the objectives of the zone for the following reasons:

- The proposed development will continue to provide high density residential housing at the site whilst also providing improved amenity and accessibility, which is aligned with development within in a high density zone.
- The proposal is a high density development which is consistent with the zone objective which requires that high density housing including residential flat buildings are developed within this zoning.
- The amended proposal will positively contribute to the heritage significance of the building and surrounding Cremorne Heritage Conservation area.
- The proposed development maintains a high level of amenity for the adjoining buildings within the R4 and adjoining R2 Low density zones. Taking into consideration the maximum height permitted, the dwellings are not unreasonably impacted by the departure to the building height development standard in terms of solar access, overshadowing or privacy.

The area of non-compliance is considered to be reasonable and will not establish an undesirable precedent or undermine the objectives of the zone or height control, especially as it is a technical breach resulting from the circumstance of this particular case. It will not have any adverse effect on the surrounding locality, which is consistent within the R4 and surrounding higher density and low density zones in the immediate location. The proposal promotes the economic use and development of the land consistent with zone and its purpose.

There will be no significant adverse amenity or visual impacts generated by the variation, the proposal satisfies the objectives of the zone and the development standard. In this case the justification to vary the height control is considered to be a reasonable and well-founded request.

### **Conclusion – Assessment of Clause 4.6 Request for Variation**

Despite the non-compliance in terms of the height, the proposed variation is considered to be acceptable and satisfies the provisions of Clause 4.6.

The additional height is considered to be consistent with the recently implemented planning controls for the immediate locality and the scale of the development is sympathetic with the desired and future scale and form envisaged for future development.

It is considered that the Clause 4.6 Statement lodged with the application addresses all the information required pursuant to Clause 4.6 and the statement is considered to be well founded as there are sufficient environmental planning grounds to justify contravening the standard given that in this case the proposal satisfies the objectives of the zone and development standard (Section 175 of the SEPP (Housing) 2021).

### **State Environmental Planning Policy (Transport and Infrastructure) 2022**

The application has been referred to Ausgrid under s2.48 of SEPP (Transport and Infrastructure) 2021 who raised no objections to the proposal subject to conditions regarding construction management in the vicinity of overhead powerlines and new driveways to be in proximity to existing poles. The proposal is considered satisfactory in this regard.

### **State Environmental Planning Policy (Sustainable Buildings) 2022**

A valid BASIX Certificate No 1796070M dated 19 May 2025 for the proposed development has been submitted with the application to satisfy the Aims of the SEPP.

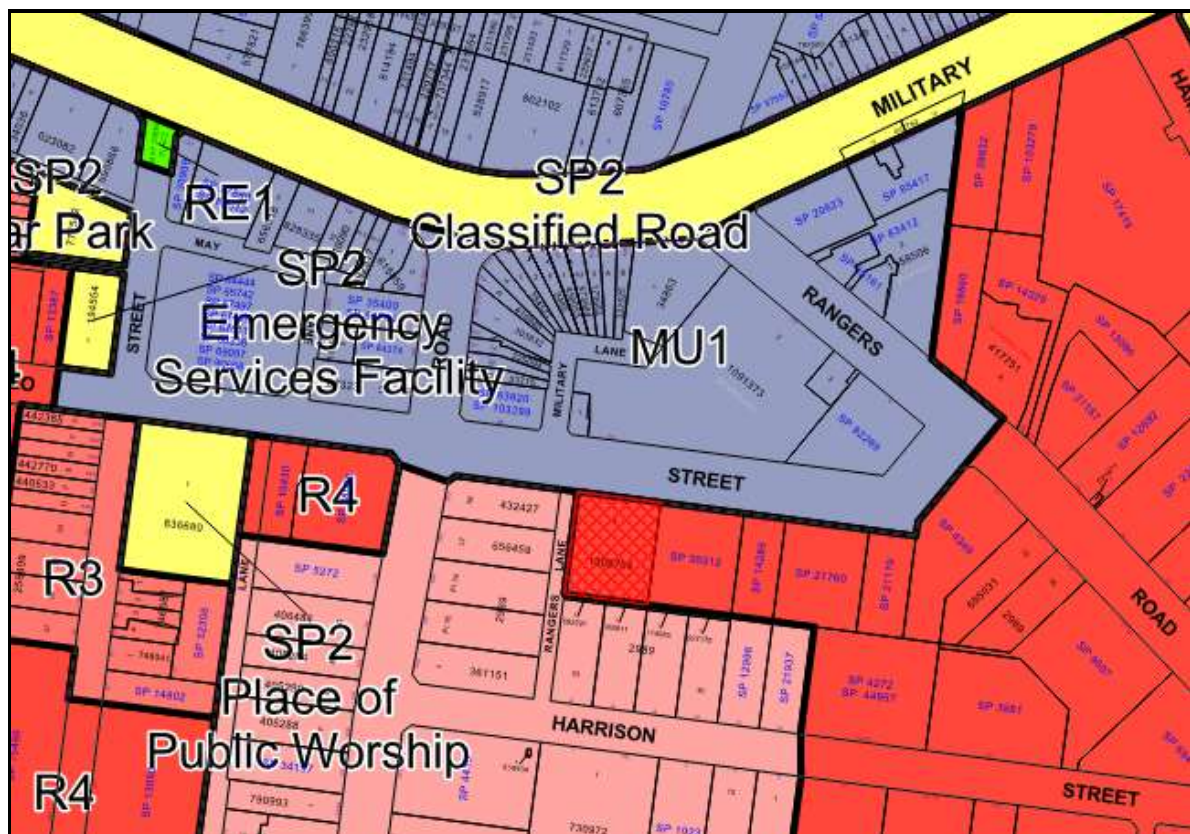
### **NORTH SYDNEY LOCAL ENVIRONMENT PLAN (NSLEP 2013)**

#### **1. Permissibility**

The proposed works can be defined as a '*residential flat building*' which is a permissible land use within the zone with development consent.

#### **2. Objectives of the zone**

The subject development site is zoned R4 High Density Residential under the provisions of NSLEP 2013.



**Figure 6: Zoning map showing subject site cross hatched in red and R4 High Density Residential zone.**

The objectives for a R4 High Density Residential Zone are stated below:

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

The proposal is consistent with the relevant objectives of the zone as follows:

- The proposed development will continue to provide residential housing at the site whilst also providing improved amenity and accessibility, which is aligned with development within in a high-density zone.
- The proposal is a high-density development which is consistent with the zone objective which requires that high density housing is developed within this zoning.
- The amended proposal will positively contribute to the character of the area and the adjoining Cremorne Heritage Conservation area.
- The proposed development maintains a high level of amenity for the adjoining buildings within the R4 High Density zone. The adjoining sites are not unreasonably impacted by the departure to the building height development standard in terms of solar access, overshadowing or privacy.



The following table provides an assessment of the proposal against the relevant LEP Clauses and development standards as follows:

| Clause                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Standard                                                                                                                                                                                                                                                                                                               | Proposal                                                                                                                                                                                                                                                                                                                                                            | Complies |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| Part 2: Permitted or Prohibited Development                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                     |          |
| 2.2 Zoning of Land to which Plan applies                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | R4 High Density Residential                                                                                                                                                                                                                                                                                            | Residential Flat building                                                                                                                                                                                                                                                                                                                                           | Yes      |
| 2.3 Zone objectives and Land use table                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Objectives of zone to be satisfied                                                                                                                                                                                                                                                                                     | The amended proposal satisfies the objectives of the R4 zone.                                                                                                                                                                                                                                                                                                       | Yes      |
| 2.7 Demolition                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Demolition requires development consent.                                                                                                                                                                                                                                                                               | Demolition was approved under DA334/22                                                                                                                                                                                                                                                                                                                              | Yes      |
| Part 4: Principal Development Standards                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                     |          |
| 4.3 Height of Buildings                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 12m                                                                                                                                                                                                                                                                                                                    | N/A, see discussion below                                                                                                                                                                                                                                                                                                                                           | N/A      |
| Maximum Building Height is subject to the provisions in the Housing SEPP                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                     |          |
| <p>The proposed development is seeking consent under the provisions of Part 4 Residential flat buildings and shop top housing of Chapter 6 Low and Mid Rise Housing under the Housing SEPP. The subject site is located within the <i>low and mid rise housing inner area</i>, being defined as follows:</p> <p><b><i>low and mid rise housing inner area</i> means land within 400m walking distance of—</b></p> <p>(d) land identified as “Town Centre” on the <a href="#">Town Centres Map</a>, or</p> <p>(e) public entrance to a railway, metro or light rail station listed in Schedule 11, or</p> <p>(f) for a light rail station listed in Schedule 11 with no public entrance—a platform of the light rail station.</p> <p>As such, Section 180 of the Housing SEPP permits the following non-discretionary development standards:</p> <ul style="list-style-type: none"><li>- a maximum GFA of 2.2:1</li><li>- a maximum building height of 22m</li></ul> <p><b>Note:</b> Section 175 specifies for the <i>low and mid rise housing inner area</i>, that the maximum building height is to be 22m and the building will have 6 storeys or fewer.</p> <p><b>Note:</b> Clause 4.6 objection has been submitted requesting a variation to the development standard for the maximum building height development standard contained within the Housing SEPP has been submitted.</p> |                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                     |          |
| 4.6 Exceptions to Development Standards                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | A Clause 4.6 variation request has been submitted in relation to the proposed building height.                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                     |          |
| Part 5: Miscellaneous Provisions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                     |          |
| 5.10 Heritage Conservation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | (5) <b>Heritage assessment</b><br>The consent authority may, before granting consent to any development—<br>(a) on land on which a heritage item is located, or<br>(b) on land that is within a heritage conservation area, or<br>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b), | The subject site is not a scheduled heritage item and is not located in a conservation area.<br><br>The site is however located within the vicinity of a number of heritage items and the Cremorne Conservation area.<br><br>Council’s Heritage Officer has reviewed the amended scheme and raised no objection to the proposal subject to the conditions provided. | Yes      |

|                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                  |     |
|--------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
|                                            | require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                  |     |
| <b>Part 6: Additional Local Provisions</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                  |     |
| <b>6.10 Earthworks</b>                     | The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land                                                                                                                                                                                                                                    | The proposed earthworks are not considered to have a detrimental impact upon the adjoining properties or land within the vicinity of the site. In addition, appropriate conditions of consent have been imposed. | Yes |
| <b>6.12 Residential Flat Buildings</b>     | Development consent must not be granted for development for the purposes of a residential flat building if the development will result in a single dwelling house, dual occupancy or semi-detached dwelling being located on adjoining land in Zone R4 High Density Residential unless the adjoining land is at least 900 square metres or the consent authority is satisfied that the adjoining land is land on which development may be carried out for the purposes of a residential flat building | Site does not immediately adjoining land as such.                                                                                                                                                                | Yes |

### 3. Height of Building

The objectives of the Height of Buildings development standard under Clause 4.3 of NSLEP 2013 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 C4 Environmental Living.

The NSLEP identifies a maximum height control of 12m, however the application has been lodged under the provisions of the Chapter 6 of the Housing SEPP. The proposed development seeks a variation to the development standard contained within Section 175 of the SEPP (Housing) 2021. A Clause 4.6 objection has been submitted requesting a variation to the development standard for the maximum building height development standard contained within the Housing SEPP has been submitted.

This has been discussed in detail in the Clause 4.6 assessment within the report.

## 1. Heritage Conservation

The subject site is not a heritage item and not located within a heritage conservation area. The subject site is however located within the vicinity of a number of heritage items and just outside the Cremorne heritage conservation area under Schedule 5 in NSLEP 2013.



Figure 7: Heritage items (brown) and Heritage Conservation map (red hatching) with subject site cross hatched in red.

The following planning objectives of Clause 5.10 (1) of NSLEP 2013 apply to the site:

- (a) to conserve the environmental heritage of North Sydney,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

Council's Heritage Officer reviewed the proposed development and advised that the subject site is not a scheduled heritage item and is not located in a conservation area. It is however, located in the vicinity of the vicinity of the Cremorne Conservation area and the following heritage items including:

- 'House' 4 Harrison Street, Cremorne Local I0058 (at the rear)
- 'House' 6 Harrison Street, Cremorne Local I0059 (at the rear)
- 'House' 8 Harrison Street, Cremorne Local I0060 (at the rear)
- 'Yeronda' 143 Wycombe Road, Neutral Bay Local I0760 (to the west)
- 'House' 145 Wycombe Road, Neutral Bay Local I0762 (to the west)
- 'House' 149 Wycombe Road, Neutral Bay Local I0763 (to the west)
- 'House' 151 Wycombe Road, Neutral Bay Local I0764 (to the west)

She advised that the views of the heritage items from the public domain will be retained and there will be adequate area around the heritage items to allow for their interpretation. The landscape features on the heritage listed properties that are visible from the public domain and that contribute to their setting will also be retained. Clause 5.10 of NSLEP 2013 and Part B Section 13.4 Development in the Vicinity of Heritage Items is considered to be satisfied."

## 2. Earthworks

The excavation will be undertaken to accommodate two levels of basement parking and this was considered within the original da \*DA334/22). All excavation will be appropriately undertaken and managed to ensure the stability of the site and that will be minimal impact upon the adjoining sites.

Appropriate conditions of consent have been applied to manage soil stability and structural impact both within the site and adjoining land. The excavation required subject to measures recommended by an appropriately qualified and practising structural engineer will assist in avoiding, minimising, and mitigating against adverse impacts satisfying cl. 6.10 of NSLEP 2013.

### NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013

The proposal has been assessed under the following within NSDCP 2013:

| DEVELOPMENT CONTROL PLAN 2013 – Part B Section 1 - Residential Development                                                                                                             |          |                                                                                                                                                                                                                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Control                                                                                                                                                                                | complies | Comments                                                                                                                                                                                                                                                           |
| <b>1.2 Social Amenity</b>                                                                                                                                                              |          |                                                                                                                                                                                                                                                                    |
| <b>1.2.1 Population Mix</b><br><br>Multi-dwelling housing and residential flat buildings containing less than 20 dwellings must include, at least two of the following dwelling types: | Yes      | The proposed development provides a mix of 2 bedroom and 3 bedroom apartments as follows:<br><br>Apartment mix under original approval (DA334/22) <ul style="list-style-type: none"><li>• 1 x 2 bedroom apartments.</li><li>• 10 x 3 bedroom apartments.</li></ul> |

|                                                                                                                                                                                                                                                                                                                                                                              |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| (a) studio;<br>(b) 1-bedroom;<br>(c) 2-bedroom; and<br>(d) 3-bedroom                                                                                                                                                                                                                                                                                                         |     | Proposed apartment mix inclusive of two (2) new dwellings: <ul style="list-style-type: none"> <li>1 x 2 bedroom apartments.</li> <li>12 x 3 bedroom apartments.</li> </ul>                                                                                                                                                                                                                                                                                       |
| <b>1.2.2 Universal Design and Adaptable Housing</b><br><br>P2 A minimum of 20% of dwellings in multi-dwelling housing and residential flat buildings that contain more than 5 dwellings must comprise adaptable housing, and be designed and constructed to a minimum Class C Certification under AS 4299 – Adaptable Housing                                                | Yes | Three (3) of the 13 apartments are proposed to be adaptable apartments in accordance with the requirements to provide a minimum of 20%.<br><br>The development incorporates adaptable housing features to enable residents to age in place and ensure greater housing choice for seniors, families and people with disabilities.<br><br>Most notably the lift provides ease of access to various floor levels satisfying the Objectives in s1.2.2 of NSDCP 2013. |
| P4 Where universally designed and adaptable dwellings are proposed, those dwellings must be clearly identified as such on the submitted development application plans.                                                                                                                                                                                                       | Yes | The plans identify the following apartments as adaptable apartments:<br><br><u>Level 1</u> <ul style="list-style-type: none"> <li>Apartment 102</li> </ul><br><u>Level 2</u> <ul style="list-style-type: none"> <li>Apartment 201</li> <li>Apartment 202</li> </ul>                                                                                                                                                                                              |
| <b>1.2.3 Maintaining residential accommodation</b><br><br>P1 Development, whether it comprises new buildings or alterations/additions to existing buildings, should ensure that the existing residential density on site is not reduced (i.e. that the number of dwellings, or the number of rooms/bed spaces in a boarding house, that existed on the site is not reduced). | Yes | The proposed development will result in a total of 13 apartments, an increase of 2 apartments from the existing approval. The development would not result in a loss of residential accommodation complying with Objective O1, s1.2.3 of NSDCP 2013.                                                                                                                                                                                                             |
| <b>1.2.4 Affordable Housing</b><br><br>P1 Development must avoid the loss of low cost accommodation in accordance with the provisions of the SEPP (Housing) 2021. Where a loss occurs, the applicant will be required to pay a monetary contribution for the replacement of affordable housing..                                                                             | N/A | The original development resulted in the demolition of two existing dwelling houses.                                                                                                                                                                                                                                                                                                                                                                             |
| <b>1.3 Environmental Criteria</b>                                                                                                                                                                                                                                                                                                                                            |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>1.3.1 Topography</b><br><br>P3 Development should not result in the ground level (finished) being altered greater than 500mm above or below ground level (existing).                                                                                                                                                                                                      | Yes |                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| P4 Habitable rooms (excluding bathrooms, laundries and storerooms) should not be located more than 1m below ground level (existing) for more than 50% of the room's floor area.                                                                                                                                                                                              | Yes |                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| P6 The depth of soil around buildings must be sufficient to sustain trees as well as shrubs and smaller scale gardens.                                                                                                                                                                                                                                                       | Yes | The depth of soil proposed is sufficient to enable trees as well as shrubs and smaller scale gardens.                                                                                                                                                                                                                                                                                                                                                            |
| P11 Basement car parks, where permitted, must not extend to the full width of a site.                                                                                                                                                                                                                                                                                        | Yes | Basement car park does not extend to the full width of the site.                                                                                                                                                                                                                                                                                                                                                                                                 |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| <b>1.3.2 Properties in proximity to bushland</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | N/A                             | The site is not located within the bushland buffer zones.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>1.3.3 Properties on Bush Fire Prone Land</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | N/A                             | The site is not designated as bush fire prone land.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>1.3.4 Properties with a foreshore frontage</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | N/A                             | The site is not located within a foreshore area.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>1.3.6 Views</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Yes                             | The proposed development will not unreasonably obstruct any public views or any significant views.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>1.3.7 Solar Access</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Yes                             | <p>Shadow diagrams (including elevations) are provided for mid-winter and the equinoxes.</p> <p>Whilst there is an increase in solar access, the solar access analysis confirms that a minimum of 3 hours of sunlight to the main living rooms, private open space and communal open space between 9am and 3pm in mid winter will be provided to the most affected surrounding residential properties to the south, south east and south west. The shadow impact is considered to maintain a reasonable access to sunlight and daylight for adjoining properties in accordance with Objective O1, s1.3.7 of NSDCP 2013.</p> |
| <p>A review of the solar access analysis ensures that whilst there is an increase in building height, the minimum required solar access will be provided to the adjoining properties as follows:</p> <ul style="list-style-type: none"> <li>4 Harrison Street Cremorne: 3 hrs compliance for both the living area and POS is achieved for the proposed design (12pm to 3pm). The proposed design will result in over-shadowing on the living area from 10am to 12pm</li> <li>6 Harrison Street Cremorne: 3 hrs compliance for both the living area and POS is achieved for the proposed design (9am to 12pm). The proposed design will result in over-shadowing on both living area and POS from 12pm to 2pm.</li> <li>8 Harrison Street Cremorne: 3 hrs compliance for both the living area and POS is achieved for the proposed design (10am to 1pm). The proposed design will result in over-shadowing on both living area and POS at 1pm to 3pm</li> <li>10 Harrison Street Cremorne: 5 hrs compliance for the living area is achieved for both original design and current design (9am to 2pm). The proposed design will result in overshadowing on the habitable room from 2pm to 3pm. 2 hrs compliance for the POS is achieved by both the approved DA and the proposed design.</li> </ul> <p>Note: The overshadowing on the POS for 10 Harrison Street is caused by the existing two buildings to the north of the site, as such the POS cannot achieve 3 hrs due to the buildings to the north. The proposed design will not cause additional impact on the POS.</p> <ul style="list-style-type: none"> <li>143 Wycombe Road Neutral Bay: 3 hrs compliance for the living area is achieved for the proposed design (9am to 12pm). 4 hrs compliance for POS is achieved (10am to 2pm) The proposed design will not cause additional impact</li> <li>145 Wycombe Road Neutral Bay: 4 hrs compliance for both the living area and POS is achieved for the proposed design (10am to 2pm). The proposed design will cause overshadowing on POS and living areas from 9am to 10am.</li> </ul> |                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>1.3.8 Acoustic Privacy</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Yes                             | Subject to condition (F1 National Construction Code) the proposal is considered to be capable of achieving compliance with the required building construction levels to meet acoustic standards.                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>1.3.10 Visual Privacy</b><br>P2 Residential flat buildings are to provide adequate separation between habitable rooms, balconies and non-habitable rooms, consistent with SEPP (Housing) 2021                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | No, however acceptable on merit | See discussion in the ADG assessment table                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| P3 Locate windows to avoid direct or close views into the windows, balconies or private open space of adjoining dwellings.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Yes                             | The location of windows and balconies are not considered to have an adverse impact upon the amenity of neighbouring properties.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| P6 Limit the width and depth of any deck, patio or terrace located greater than 1m above ground level (existing) where privacy and loss of views is an issue and consider using screen devices where relevant                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Yes                             | Balcony sizes and depths are designed to meet the requirements of the ADG and are appropriately sized for the size of the apartments. In relation to amenity impacts such as views and privacy they are not considered to have an adverse impact in this regard.                                                                                                                                                                                                                                                                                                                                                            |

| <b>1.4 Quality built form</b>                                                                                                                                                                                                                                                                                                                                                                                                            |     |                                                                                                                                                                                                                            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1.4.1 Context</b>                                                                                                                                                                                                                                                                                                                                                                                                                     | Yes | The amended building design with the increase to the rear setback for the new upper levels, now provides a suitable and appropriate response to the site                                                                   |
| <b>1.4.2 Subdivision Pattern</b>                                                                                                                                                                                                                                                                                                                                                                                                         | Yes | The proposed work would not alter the existing lot size, shape or orientation of the site.                                                                                                                                 |
| <b>1.4.3 Streetscape</b>                                                                                                                                                                                                                                                                                                                                                                                                                 | Yes |                                                                                                                                                                                                                            |
| <b>1.4.4 Laneways</b>                                                                                                                                                                                                                                                                                                                                                                                                                    | Yes | The proposed development will not have a significant adverse effect upon the appearance and functionality of the existing laneway along the western side boundary. The ground floor setbacks are consistent with DA334/22. |
| <b>1.4.5 Siting</b>                                                                                                                                                                                                                                                                                                                                                                                                                      | Yes | The siting of the building is consistent with adjoining properties.                                                                                                                                                        |
| <b>1.4.6 Setback – Front</b><br><br>P1 The front setback must match the alignment of the primary facades of buildings on adjoining properties. Where different setbacks occur, the average of the setbacks of those primary facades is to be used.                                                                                                                                                                                       | Yes | The proposed front setback is considered to be acceptable and consistent with the alignment of adjoining properties.                                                                                                       |
| <b>1.4.6 Setback – Side</b><br><br>On land with a height limit greater than 12m.<br><br>1 <sup>st</sup> to 3 <sup>rd</sup> storey (up to 10m) – 4.5m<br>Above 3 <sup>rd</sup> storey – 6m<br><br>Note: The site is subject to the height limit within Section 175 of the SEPP (Housing) 2021, which exceeds 12m.                                                                                                                         | Yes | These setbacks were approved under DA334/22 for these levels                                                                                                                                                               |
| <b>1.4.6 Setback – Rear</b><br><br>P5 Provide rear building setbacks that match those on adjoining properties, or, if adjoining properties are not characteristic, with setbacks identified in the relevant area character statement                                                                                                                                                                                                     | Yes | The proposed setbacks for the two new upper levels are considered to be appropriate and acceptable.                                                                                                                        |
| P6 Despite P5 above, buildings within the R4 High Density Residential zone:<br>(a) must be setback a minimum of 1.5m from the rear boundary; and<br>(b) where the land is restricted by a height limit:<br>((ii) in excess of 12m must be setback at least 4.5m from the rear boundary for the 1st to 3rd storeys of the building (no more than 7m above existing ground level) and 6m for any part of the building above the 3rd storey | Yes |                                                                                                                                                                                                                            |
| <b>1.4.7 Form, massing &amp; Scale</b><br><br>P1 The height of buildings is not to exceed that stipulated within cl.4.3 to NSLEP 2013.                                                                                                                                                                                                                                                                                                   | N/A | The building height is subject to the requirements of Section 175 of the SEPP (Housing) 2021 and has been discussed earlier in the report.                                                                                 |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |     |                                                                                                                                                                                                                                                                                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1.4.8 Built form character</b><br><br>P8 Building facades should be modulated in plan and elevation and articulated to reduce the appearance of the building's bulk and to express the elements of the building's architecture                                                                                                                                                                                                                                                         | Yes | The use of materials and colours, and the recessive nature of upper levels provides appropriate modulation and articulation to the building.                                                                                                                                          |
| <b>1.4.9 Dwelling entry</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Yes | The pedestrian entry is clearly identifiable from Rangers lane with access from Yeo Street.                                                                                                                                                                                           |
| <b>1.4.10 Roofs</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Yes | The RFB is designed with a flat roof which is appropriate to address views of adjoining properties.                                                                                                                                                                                   |
| <b>1.4.12 Colours and Materials</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Yes | The proposed materials and finishes as proposed in the amended plans are acceptable                                                                                                                                                                                                   |
| <b>1.4.13 Balconies- Apartments</b><br><br>P1 Apartments must be provided with at least one balcony with a minimum depth of 2m and a minimum area of 8m <sup>2</sup> (n.b. best practice standard for balcony size is 15% of the floor area <sup>3</sup> of the apartment).                                                                                                                                                                                                               | Yes | Balconies meet the minimum requirements                                                                                                                                                                                                                                               |
| P4 Balconies should be integrated into the overall architectural form and detail of the building.                                                                                                                                                                                                                                                                                                                                                                                         | Yes | Balconies have been integrated into the design of the building.                                                                                                                                                                                                                       |
| P7 Balconies should not be enclosed.                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Yes | Balconies are not enclosed                                                                                                                                                                                                                                                            |
| <b>1.5 Quality Urban Environment</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                      |     |                                                                                                                                                                                                                                                                                       |
| <b>1.5.1 High Quality Residential Accommodation</b>                                                                                                                                                                                                                                                                                                                                                                                                                                       | Yes | See assessment under the ADG                                                                                                                                                                                                                                                          |
| <b>1.5.3 Safety and Security</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Yes | The RFB is considered appropriately designed to ensure a high level of safety for people occupying or visiting the site.<br><br>The development clearly distinguishes various parts of the site and building for public, communal and private use.                                    |
| <b>1.5.4 Vehicle Access and Car Parking</b><br>P1 Comply with the parking requirements within Part B: Section 10 – Car Parking and Transport of the DCP.                                                                                                                                                                                                                                                                                                                                  | Yes | Parking complies with the requirements of Section 10 of the DCP.                                                                                                                                                                                                                      |
| P2 All parking associated with multi dwelling housing and residential flat buildings must be provided underground (i.e. within a basement).                                                                                                                                                                                                                                                                                                                                               | Yes | All proposed parking is located within a basement carpark.                                                                                                                                                                                                                            |
| P5 Design accessways, driveways and parking areas to:<br>(a) enable vehicles to enter the parking space or garage in a single turning movement;<br>(b) enable vehicles to leave the parking space in no more than two turning movements;<br>(c) enable vehicles to avoid queuing on public roads;<br>(d) comply with AS 1428.2 Design for Access and Mobility; and<br>(e) comply with the requirements of vehicular crossings and driveways as set out in s.20.4 to this Part of the DCP. | Yes | Traffic report submitted with the application has been reviewed by Councils Traffic Engineer. The traffic report demonstrates compliance with the relevant standards. Appropriate conditions of development consent will be imposed requiring compliance with the required standards. |
| P6 Parking areas must be designed to enable cars to enter and leave the site in a forward direction.                                                                                                                                                                                                                                                                                                                                                                                      | Yes | Have been designed accordingly.                                                                                                                                                                                                                                                       |
| P7 Driveway and pedestrian access must be separated.                                                                                                                                                                                                                                                                                                                                                                                                                                      | Yes |                                                                                                                                                                                                                                                                                       |



| 1.5.5                        | Site Coverage                                                                                                                                                                                                                             | No, however acceptable on merit | The proposed development is subject to a maximum site coverage of 45% (779.85m²). The site coverage of the existing approved development (SDA334/22) which is currently under construction is 539m² (47%). There is no change to the existing site coverage.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |         |                     |          |            |                          |             |             |    |                            |             |             |    |                              |             |             |    |
|------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|---------------------|----------|------------|--------------------------|-------------|-------------|----|----------------------------|-------------|-------------|----|------------------------------|-------------|-------------|----|
| 1.5.6                        | Landscape Area                                                                                                                                                                                                                            | Acceptable on merit             | <p>The subject site is required to provide a minimum landscaped area of 40% under the provisions of 1.5.6 of NSDCP 2013. The proposal will result in the landscaped area being maintained at 35%.</p> <p>The table below shows the site coverage, landscaped area and unbuilt upon area.</p> <table><tr><th>Control</th><th>Existing (approved)</th><th>Proposed</th><th>Compliance</th></tr><tr><td>Site Coverage<br/>Max 45%</td><td>539m² (47%)</td><td>539m² (47%)</td><td>No</td></tr><tr><td>Landscaped Area<br/>Min 40%</td><td>394m² (35%)</td><td>394m² (35%)</td><td>No</td></tr><tr><td>Unbuilt Upon Area<br/>Max 15%</td><td>157m² (14%)</td><td>157m² (14%)</td><td>No</td></tr></table> <p><b>Table:</b> Existing and proposed site coverage, landscaped area and unbuilt upon area.</p> <p>The proposed works do not result in a change to the landscaped area, site coverage or unbuilt upon area. The works are contained within the existing building footprint. Given the excavated nature of the site insisting on a greater level of compliance while possible, is considered impracticable</p> | Control | Existing (approved) | Proposed | Compliance | Site Coverage<br>Max 45% | 539m² (47%) | 539m² (47%) | No | Landscaped Area<br>Min 40% | 394m² (35%) | 394m² (35%) | No | Unbuilt Upon Area<br>Max 15% | 157m² (14%) | 157m² (14%) | No |
| Control                      | Existing (approved)                                                                                                                                                                                                                       | Proposed                        | Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |         |                     |          |            |                          |             |             |    |                            |             |             |    |                              |             |             |    |
| Site Coverage<br>Max 45%     | 539m² (47%)                                                                                                                                                                                                                               | 539m² (47%)                     | No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |         |                     |          |            |                          |             |             |    |                            |             |             |    |                              |             |             |    |
| Landscaped Area<br>Min 40%   | 394m² (35%)                                                                                                                                                                                                                               | 394m² (35%)                     | No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |         |                     |          |            |                          |             |             |    |                            |             |             |    |                              |             |             |    |
| Unbuilt Upon Area<br>Max 15% | 157m² (14%)                                                                                                                                                                                                                               | 157m² (14%)                     | No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |         |                     |          |            |                          |             |             |    |                            |             |             |    |                              |             |             |    |
| 1.5.7                        | Landscaping                                                                                                                                                                                                                               | Yes                             | The development has an improved landscaping outcome with new planting which is responsive to the local climatic conditions and is in keeping with the landscape character of the surrounding area.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |         |                     |          |            |                          |             |             |    |                            |             |             |    |                              |             |             |    |
| 1.5.8                        | Front Gardens                                                                                                                                                                                                                             | Yes                             | The front setback is considered sufficiently landscaped.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |         |                     |          |            |                          |             |             |    |                            |             |             |    |                              |             |             |    |
| 1.5.9                        | Private and Communal Open Space                                                                                                                                                                                                           | Yes                             | All units have access to private open space providing a reasonable level of outdoor amenity to residents which meets the requirements of the clause.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |         |                     |          |            |                          |             |             |    |                            |             |             |    |                              |             |             |    |
|                              | P1 Must provide minimum private open space areas in accordance with Table B-1.8.                                                                                                                                                          |                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |         |                     |          |            |                          |             |             |    |                            |             |             |    |                              |             |             |    |
|                              | 1 bed – 8m²<br>2 bed – 10m²<br>3 bed – 12m²                                                                                                                                                                                               |                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |         |                     |          |            |                          |             |             |    |                            |             |             |    |                              |             |             |    |
|                              | Minimum area at ground level of 25m²                                                                                                                                                                                                      |                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |         |                     |          |            |                          |             |             |    |                            |             |             |    |                              |             |             |    |
|                              | P4 Private open spaces should be located such that they are directly accessible off a main living area of the dwelling.                                                                                                                   | Yes                             | Primary balconies and terraces are located off living and dining rooms.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |         |                     |          |            |                          |             |             |    |                            |             |             |    |                              |             |             |    |
| 1.5.12                       | Garbage Storage                                                                                                                                                                                                                           | Yes                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |         |                     |          |            |                          |             |             |    |                            |             |             |    |                              |             |             |    |
|                              | P1 Each dwelling must be provided with a waste storage cupboard within the kitchen, capable of accommodating at least 2 days of waste and to enable the source separation of garbage, recyclables and compost within separate containers. |                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |         |                     |          |            |                          |             |             |    |                            |             |             |    |                              |             |             |    |

|                                                                                                                                                                  |     |                                                                                                                                                                                                                                                   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| P2 On-site garbage storage areas must be provided which are capable of accommodating at least the number of garbage and recycling bins indicated in Table B-1.10 | Yes | A waste room has been provided within the basement, which is of sufficient size to cater for the required amount of waste and recycling bins.                                                                                                     |
| P6 A garbage storage area should be located within 2m of the street boundary.                                                                                    | Yes | The temporary holding bay as per the plans is of sufficient size to accommodate the required garbage and recycling bins required for the development. The location of the temporary bin holding room is within 2 metres from the street boundary. |
| <b>1.5.13 Site Facilities</b>                                                                                                                                    | Yes | The development comprises sufficient site facilities for the needs of the residents such as lockable mailboxes and storage spaces.                                                                                                                |
| <b>1.6 Efficient Use of Resources</b>                                                                                                                            |     |                                                                                                                                                                                                                                                   |
| <b>1.6.1 Energy Efficiency</b>                                                                                                                                   | Yes | A valid BASIX Certification has been submitted as part of the development application documentation.                                                                                                                                              |

### **Part B Section 10 – Car Parking and Transport**

Part B Section 10 provides car parking and transport controls. If there is a discrepancy between Part B and Part C of the DCP, Part C will always prevail. The following table summarises the proposal against the relevant controls:

| <b>DEVELOPMENT CONTROL PLAN 2013 – Part B Section 10 – Car parking and transport</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                    |                                                                                                         |                 |              |                 |         |                                  |     |                                                                                                                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|---------------------------------------------------------------------------------------------------------|-----------------|--------------|-----------------|---------|----------------------------------|-----|-------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Provision</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>Complies</b>                                    | <b>Comments</b>                                                                                         |                 |              |                 |         |                                  |     |                                                                                                                                           |
| <b>10.2 Parking Provision</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                    |                                                                                                         |                 |              |                 |         |                                  |     |                                                                                                                                           |
| <b>10.2.1 Quantity Requirement</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                    |                                                                                                         |                 |              |                 |         |                                  |     |                                                                                                                                           |
| <b>Residential Development</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                    |                                                                                                         |                 |              |                 |         |                                  |     |                                                                                                                                           |
| <p><b>P1</b> Provide on-site car parking, not exceeding the maximum rates stated in Table B-10.1.</p> <p>For residential flat buildings in R4 zone:</p> <table border="1"> <tr> <td rowspan="3">All locations other than High Accessibility Area**</td><td>Studio, 1-2 bedrooms</td><td>1 space / dw</td></tr> <tr> <td>3 + bedrooms</td><td>1.5 spaces / dw</td></tr> <tr> <td>Visitor</td><td>0.25 space / dw (min of 1 space)</td></tr> </table> <ul style="list-style-type: none"> <li>1 X 2 bedroom – 1 space (max)</li> <li>12 x 3 bedroom + – 18 spaces (max)</li> <li>Visitor spaces – 3.25 (min of 1 space)</li> </ul> <p>19 spaces (max) for the residential apartments</p> | All locations other than High Accessibility Area** | Studio, 1-2 bedrooms                                                                                    | 1 space / dw    | 3 + bedrooms | 1.5 spaces / dw | Visitor | 0.25 space / dw (min of 1 space) | Yes | <p>21 car parking spaces have been provided including the visitor's spaces.</p> <p>Car parking has been provided at the maximum rate.</p> |
| All locations other than High Accessibility Area**                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                    | Studio, 1-2 bedrooms                                                                                    | 1 space / dw    |              |                 |         |                                  |     |                                                                                                                                           |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                    | 3 + bedrooms                                                                                            | 1.5 spaces / dw |              |                 |         |                                  |     |                                                                                                                                           |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Visitor                                            | 0.25 space / dw (min of 1 space)                                                                        |                 |              |                 |         |                                  |     |                                                                                                                                           |
| <b>P2</b> For residential flat buildings, shop-top housing and attached dwellings, on-site car parking provision below maximum rates specified in Table B-10.1 is encouraged where the proposed development has good access to public transport.                                                                                                                                                                                                                                                                                                                                                                                                                                      | Yes                                                | Car parking has been provided at the maximum rate.                                                      |                 |              |                 |         |                                  |     |                                                                                                                                           |
| <b>P3</b> For residential developments containing 4 or more dwellings, a car wash bay is to be provided within the visitor parking area. The car wash bay may comprise a visitor car space. The wash bay is to be adequately drained and connected to the sewer line.                                                                                                                                                                                                                                                                                                                                                                                                                 | Yes                                                | A visitors/car wash bay has been provided on the basement level.                                        |                 |              |                 |         |                                  |     |                                                                                                                                           |
| <b>P4</b> The use of car spaces is restricted to the occupiers(s) of a development.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Noted                                              | Should approval be granted a condition of consent can be imposed restricting the use of the car spaces. |                 |              |                 |         |                                  |     |                                                                                                                                           |
| <b>P5</b> Designate visitor car parking spaces as common property.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Noted                                              | Can be conditioned.                                                                                     |                 |              |                 |         |                                  |     |                                                                                                                                           |

| <b>P6</b> Developments containing adaptable housing must allocate at least one accessible parking space to each adaptable dwelling.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Yes              | Three (3) adaptable spaces have been provided for the three (3) adaptable apartments.                 |  |           |                    |             |  |  |                           |                |                  |     |                                                                                                              |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-------------------------------------------------------------------------------------------------------|--|-----------|--------------------|-------------|--|--|---------------------------|----------------|------------------|-----|--------------------------------------------------------------------------------------------------------------|
| <b>10.3 Design and Layout</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                  |                                                                                                       |  |           |                    |             |  |  |                           |                |                  |     |                                                                                                              |
| <b>10.3.1 General</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                  |                                                                                                       |  |           |                    |             |  |  |                           |                |                  |     |                                                                                                              |
| <b>P1</b> The size and design of all parking spaces, loading facilities and any associated manoeuvring areas must be in accordance with AS2890.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Yes              |                                                                                                       |  |           |                    |             |  |  |                           |                |                  |     |                                                                                                              |
| <b>P2</b> 1-2% of all non-residential parking spaces are to be designated for use by the disabled.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Yes              | Accessible space has been provided.                                                                   |  |           |                    |             |  |  |                           |                |                  |     |                                                                                                              |
| <b>P3</b> Car parking spaces for people with disabilities or their associates are provided adjacent or close to the principal public entrance in accordance with AS 1428.2.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Yes              | Within close proximity to the lift                                                                    |  |           |                    |             |  |  |                           |                |                  |     |                                                                                                              |
| <b>P5</b> Council does not support the use of use of turntables for vehicular manoeuvring unless there is no feasible alternative.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | N/A              | No turntable proposed.                                                                                |  |           |                    |             |  |  |                           |                |                  |     |                                                                                                              |
| <b>P6</b> Where security doors/gates are proposed, an intercom system is to be provided to facilitate visitor/service access to underground parking areas.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Noted            |                                                                                                       |  |           |                    |             |  |  |                           |                |                  |     |                                                                                                              |
| <b>P7</b> Where resident parking and non-resident parking is to be provided within the same development, vehicular access to the private residential areas of the parking area is to be restricted through appropriate security measures.                                                                                                                                                                                                                                                                                                                                                                                                                                                         | N/A              |                                                                                                       |  |           |                    |             |  |  |                           |                |                  |     |                                                                                                              |
| <b>10.4 Loading and Servicing Facilities</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                  |                                                                                                       |  |           |                    |             |  |  |                           |                |                  |     |                                                                                                              |
| <b>P2</b> Developments containing more than 30 dwellings but less than 60 must provide at least 1 service delivery space, capable of accommodating at least 1 Medium Rigid Vehicle. Development containing less than 30 dwellings must provide at least one delivery/service/trade standard parking space.                                                                                                                                                                                                                                                                                                                                                                                        | Yes              | A courier/visitor space has been provided. The original approval did not accommodate a courier space. |  |           |                    |             |  |  |                           |                |                  |     |                                                                                                              |
| <b>P5</b> Height clearances, including access routes to the required loading spaces must comply with Australian Standard AS 2890.2.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Yes              |                                                                                                       |  |           |                    |             |  |  |                           |                |                  |     |                                                                                                              |
| <b>10.5 Bicycle Parking and Associated Facilities</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                  |                                                                                                       |  |           |                    |             |  |  |                           |                |                  |     |                                                                                                              |
| <b>P1</b> All new development is to provide on-site, secure bicycle parking spaces and storage for residential accommodation in accordance with the minimum rates specified in Table B-10.4<br><table border="1" data-bbox="205 1462 785 1610"> <caption>TABLE B-10.4: Minimum Bicycle Parking Rates</caption> <thead> <tr> <th rowspan="2">Development Type</th><th colspan="2">Rate</th></tr> <tr> <th>Occupants</th><th>Visitor / Customer</th></tr> </thead> <tbody> <tr> <td>Residential</td><td></td><td></td></tr> <tr> <td>Residential accommodation</td><td>1 / 1 dwelling</td><td>1 / 10 dwellings</td></tr> </tbody> </table> Occupants – 13 spaces (min)<br>Visitors – 2 spaces (min) | Development Type | Rate                                                                                                  |  | Occupants | Visitor / Customer | Residential |  |  | Residential accommodation | 1 / 1 dwelling | 1 / 10 dwellings | Yes | The proposal meets the minimum bicycle parking spaces by providing 13 occupant spaces and 2 visitors spaces. |
| Development Type                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                  | Rate                                                                                                  |  |           |                    |             |  |  |                           |                |                  |     |                                                                                                              |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Occupants        | Visitor / Customer                                                                                    |  |           |                    |             |  |  |                           |                |                  |     |                                                                                                              |
| Residential                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                  |                                                                                                       |  |           |                    |             |  |  |                           |                |                  |     |                                                                                                              |
| Residential accommodation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 1 / 1 dwelling   | 1 / 10 dwellings                                                                                      |  |           |                    |             |  |  |                           |                |                  |     |                                                                                                              |
| <b>P2</b> Bicycle parking facilities are to be additional to other parking requirements.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Yes              | Facilities are provided in addition to other parking                                                  |  |           |                    |             |  |  |                           |                |                  |     |                                                                                                              |
| <b>P3</b> The minimum number of bicycle parking spaces is to be rounded up to the nearest whole number if it is not a whole number.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Noted            |                                                                                                       |  |           |                    |             |  |  |                           |                |                  |     |                                                                                                              |
| <b>Design</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                  |                                                                                                       |  |           |                    |             |  |  |                           |                |                  |     |                                                                                                              |
| <b>P5</b> Design bicycle parking and storage facilities in accordance with the relevant Australian Standards that apply at the time.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Yes              |                                                                                                       |  |           |                    |             |  |  |                           |                |                  |     |                                                                                                              |
| <b>Location</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                  |                                                                                                       |  |           |                    |             |  |  |                           |                |                  |     |                                                                                                              |
| <b>P6</b> Locate private bicycle storage facilities within basement parking levels of the building where provided.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Yes              | Located within the basement                                                                           |  |           |                    |             |  |  |                           |                |                  |     |                                                                                                              |

## Section 6 North Cremorne Planning Area - Part C of NSDCP 2013

North Cremorne is a primarily residential neighbourhood providing a diverse range of housing forms for a mixed population. It is bound on its southern side by the Neutral Bay and Cremorne Town Centres, which are bustling places where people live, shop, eat, work and socialise providing a high level of amenity for all users.

Consideration has been given to the Character Statement for the North Cremorne Planning Area in Part C of NSDCP 2013, particularly Section 5.5 (Murdoch Neighbourhood) where this site is located. The new levels proposed are acceptable as they are sympathetic in character, bulk, and scale to the existing and approved building. The materials and overall appearance of the works are generally compatible with existing development in the neighbourhood, and the development conforms to the relevant provisions in Part B in NSDCP 2013

### LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN

The subject application has been assessed against the North Sydney Local Infrastructure Contribution Plan 2020 and is subject to payment of contributions towards the provision of local infrastructure. The development results in an increase of 2 dwellings and as such is subject to a \$7.11 contribution. The contributions payable have been calculated in accordance with Council's Contributions Plan with an allowance for the existing approved development as follows:

#### Contribution amounts payable

| Applicable contribution type                 |                    |
|----------------------------------------------|--------------------|
| s7.11 contribution (net population Increase) | Amount             |
| Open space and recreation facilities:        | \$22,025.78        |
| Public domain:                               | \$12,261.10        |
| Active transport:                            | \$699.82           |
| Community facilities:                        | \$4,423.98         |
| Plan administration and management:          | \$589.32           |
| <b>Total</b>                                 | <b>\$40,000.00</b> |

Conditions requiring the payment of contributions at the appropriate time are included in the attached conditions.

### HOUSING PRODUCTIVITY CONTRIBUTION

The Ministerial Order for Housing Productivity Contribution came to effect on 1 October 2024. The order applies to land in that includes the Greater Sydney Region in which North Sydney Council is located.

Part 2 Division 1 Clause 5 outlines that 'Residential Development' triggers a contribution if development consent is granted.

Based on the subject development application, the application is defined as a residential flat building Schedule 2 outlines exemptions for this contribution, of which remains silent on matters such as the proposed development. Therefore, a contribution would be applicable should development consent be granted.

The proposal is subject to the following contribution:

| <b>Housing and Productivity Contribution</b>           | <b>Amount</b>      |
|--------------------------------------------------------|--------------------|
| Housing and productivity contribution (base component) | \$21,566.34        |
| <b>Total housing and productivity contribution</b>     | <b>\$21,566.34</b> |

A condition of development consent has been recommended requiring payment under the order prior to the issue of the construction certificate.

#### **ALL LIKELY IMPACTS OF THE DEVELOPMENT**

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

#### **ENVIRONMENTAL APPRAISAL**

#### **CONSIDERED**

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

#### **SUBMITTERS CONCERNS**

The development was notified to adjoining properties and the Cremorne Point Precinct between 27 June and 11 July 2025. Twenty four (24) submissions objecting to the proposal were received, with the following concerns:

- **Rangers Lane is narrow and cannot cope with traffic from this development.**

**Response:** The vehicular access was approved under DA334/22. The amended Traffic report has been reviewed by Councils Traffic Engineers. The lane width is typical of many in the Council area which facilitates two way movement. Subject to conditions provided they have provided their support for the proposal.

- **Impacts on pedestrian safety from the location of the new vehicular entry within Rangers Lane and the traffic generated.**

**Response:** The location of the vehicular entry in Rangers Lane was approved under DA 334/22. The proposal was subject to a Construction and Traffic Management Plan (CTMP) which was reviewed and approved by Councils Traffic Engineers for DA 334/22. In addition, the Traffic report and assessment has been reviewed by Councils Traffic Engineers. Subject to conditions provided they have provided their support for the proposal

- **Non-compliance with Councils DCP for setbacks**

**Response:** The building has been designed to respond to the site through articulation and modulation with stepping of the building at the upper levels to satisfy the relevant objectives of the DCP.

- **Proposed building is an overdevelopment of the site and has unacceptable bulk and scale.**

**Response:** The building has been generally designed to take into consideration the requirements of the DCP including the area character statement which encourages the construction of residential flat buildings, increased densities within areas in the vicinity and appropriate setbacks to facilitate soft landscaping. The bulk and scale is consistent with the expectations of Part 6 Low and mid rise housing of the Housing SEPP which permits a building to be up to six storeys.

- **An increase from 4 storeys to 6 storey is not acceptable and an overdevelopment of the site**

**Response:** Part 6 Low and mid rise housing in SEPP (Housing) 2021 permits a building in this location to be up to 22m and 6 storeys in height.

- **Overshadowing of adjoining properties.**

**Response:** The impact of overshadowing as demonstrated by the shadow diagrams indicates that the impact of overshadowing to the southern and western neighbours is minor and is within the requirements.

- **Concerns with increase in density of apartments from 11 to 13 apartments.**

**Response:** Whilst the proposal will result in an additional 2 units, the development proposes 21 parking spaces to assist with minimising the use of on street parking spaces.

- **Excessive height and visual bulk**

**Response:** The Applicant has submitted a Clause 4.6 written request seeking a variation to the building height control contained within Section 175 of the Housing SEPP. The building when viewed above ground level sits below the maximum 22m, however due to the excavation for the basement having taken place, the height is measured from the base of any excavated basement.

Taking the above into account, the Clause 4.6 is considered to be well founded, has demonstrated that compliance with the standard is unreasonable and unnecessary in the circumstances of the case and has provided sufficient environmental planning grounds which support the request. While the breach to the building height standard exceeds a 10% variation, it is consistent with the objectives of the building height control and the R4 High Density Residential zone.

- **The additional storeys will have an adverse impact upon the heritage items**

**Response:** The proposal and the submitted heritage statement has been reviewed by Councils Heritage Officer and they have raised no objection to the proposed development.

- **Impact on district views from property in Rangers Road.**

**Response:** Whilst there is a technical height breach due to the excavation for the basement levels under DA 334/22, the building when viewed from above the ground level will be 20.5m, which is below the maximum 22m permitted under the current controls for the subject site. The height of the proposed building is the anticipated height under the Housing SEPP controls for the subject site. It is also noted there are a number of significant mature trees which are located between the buildings and the subject site. The proposed development is not considered to have any unreasonable impacts upon views.

## **PUBLIC INTEREST**

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

## **SUITABILITY OF THE SITE**

The proposal would be located in a R4 High Density Residential Zone where residential flat buildings are a permissible form of development subject to consent. The Low and mid rise housing controls contained within the Housing SEPP permit a building for this site to have a maximum building height of 22m, up to six storeys and a FSR of 2.2:1. Consequently, the proposal is considered to be suitable for the site having regard to the merits of the proposal as described in the above report.

## **HOW WERE THE COMMUNITY VIEWS TAKEN INTO CONSIDERATION?**

The development was notified to adjoining properties and the Cremorne Point Precinct between 27 June and 11 July 2025. Twenty four (24) submissions objecting to the proposal were received.

A number of issues were raised which have been discussed within the body of the report and also where appropriate conditions of consent have been recommended to maintain the amenity of adjoining properties.

## **CONCLUSION**

The proposal has been assessed having regard to the Matters for Consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979.

The proposal has been assessed against the relevant provisions of the North Sydney Local Environmental Plan 2013 and North Sydney Development Control Plan 2013. The proposal generally satisfies the key planning controls in the North Sydney Local Environmental Plan that are relevant to the application. The proposed development seeks to vary Section 175 of the SEPP (Housing) 2021 . A Clause 4.6 Statement has been submitted with the application justifying the variation.

The development proposes a maximum building height of 28.81m, being a variation of 28% which does not comply with the maximum permitted height of 22m in Section 175 of SEPP Housing (2021). The contravention of the development standard for height is justifiable and reasonable as the additional height is a technical breach which includes elements of the building which are not visible being the basement levels. The written request to vary the development standard demonstrates that compliance with the development standard would be unreasonable and unnecessary in the circumstances of the case and that there are sufficient planning grounds to justify the variation.

The development was notified to adjoining properties and the Cremorne Point Precinct between 27 June and 11 July 2025. Twenty four (24) submissions objecting to the proposal were received.

The development is appropriately designed with the revised exterior colours and finishes and the increase in the rear setback to the upper level. The building will be highly articulated. As discussed throughout this report, the proposal is considered to be compatible with the character of the local area. The proposal also satisfies the R4 Low Density Residential zone objectives. The plans as amended is considered to be suitable for the site and the locality and the application is now satisfactory.

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

## **STATEMENT OF REASONS**

The reasons for this recommendation are:

- The proposed development satisfies the objectives of the R4 High Density Residential zone of North Sydney Local Environmental Plan
- The proposed built form, scale and siting of the proposed building will be in keeping with the desired and future streetscape character.
- The proposed development is considered to be compatible with surrounding development and surrounding land uses.
- The proposed development complies with the requirements of the relevant environmental planning instruments except in the maximum building height development standard. A Clause 4.6 exception has been submitted in support of the application for the height variation, which is considered to be acceptable having regard to the justification provided in the report above.
- The building will not unreasonably affect the amenity of any immediately adjoining properties in terms of unreasonable overlooking, overshadowing or view loss.
- The proposed development is well considered and sensitively designed so that it will not result in any unreasonable impact on the natural and built environment.
- The proposed development is considered to be compatible with the character of the locality and is capable of existing harmoniously with its surroundings.
- The proposal will provide for an additional two apartments while not introducing unacceptable impacts on the local area.
- The proposed development is located within the Cremorne Conservation area and is consistent with the desired future character of the area by providing a high quality residential flat building that is consistent with adjoining development.



## **RECOMMENDATION**

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

- A. **THAT** the North Sydney Local Planning Panel exercising the functions of Council as the consent authority, assume the concurrence of the Secretary of the Department of Planning, Housing and Infrastructure and invoke the provisions of Clause 4.6 in NSLEP 2013 with regards to the non-compliance with the building height development standard contained within Section 175 of State Environmental Planning Policy (Housing) 2021 and grant consent as the variation sought is considered to be well founded and in the public interest as there will not be any direct or adverse environmental impacts generated by the variation sought.
- B. **THAT** pursuant to Section 4.16 (1)(a) of the Environmental Planning and Assessment Act 1979 (as amended), the North Sydney Local Planning Panel grant consent to Development Application No. 154/25 for an Amending DA related to DA 334/22 for alterations and additions to an approved four (4) storey residential flat building to include two (2) additional storeys containing two (2) additional apartments and basement reconfiguration for two (2) additional car parking spaces at 55 Yeo Street, Cremorne subject to the following site specific and standard conditions.

**Michael Hornery**  
**EXECUTIVE ASSESSMENT PLANNER**

**Stephen Beattie**  
**SERVICE UNIT MANAGER DEVELOPMENT SERVICES**

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**NORTH SYDNEY COUNCIL**  
**CONDITIONS OF DEVELOPMENT APPROVAL**  
**55 YEO STREET, CREMORNE**  
**DEVELOPMENT APPLICATION NO. 154/25**

**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 and documentation and endorsed with Council's approval stamp, except where amended by the following conditions of this consent.

| Plan No.                   | Rev | Description                  | Prepared by        | Dated      |
|----------------------------|-----|------------------------------|--------------------|------------|
| <b>Architectural Plans</b> |     |                              |                    |            |
| DA000                      | C   | Cover Page                   | DKO Architects     | 08/08/2025 |
| DA001                      | C   | Development Summary          | DKO Architects     | 08/08/2025 |
| DA113                      | B   | Site Plan                    | DKO Architects     | 01/08/2025 |
| DA200                      | C   | Basement Plan 2              | DKO Architects     | 08/08/2025 |
| DA201                      | C   | Basement Plan 1              | DKO Architects     | 08/08/2025 |
| DA202                      | B   | Ground Floor Plan            | DKO Architects     | 01/08/2025 |
| DA203                      | B   | Level 1 Plan                 | DKO Architects     | 01/08/2025 |
| DA204                      | B   | Level 2 Plan                 | DKO Architects     | 01/08/2025 |
| DA205                      | B   | Level 3 Plan                 | DKO Architects     | 01/08/2025 |
| DA206                      | B   | Level 4 Plan                 | DKO Architects     | 01/08/2025 |
| DA207                      | B   | Level 5 Plan                 | DKO Architects     | 01/08/2025 |
| DA208                      | B   | Level 6 Plan                 | DKO Architects     | 01/08/2025 |
| DA209                      | A   | Adaptable Apartments         | DKO Architects     | 26/05/2025 |
| DA210                      | A   | Adaptable Apartments         | DKO Architects     | 26/05/2025 |
| DA300                      | B   | North Elevation              | DKO Architects     | 01/08/2025 |
| DA301                      | B   | East Elevation               | DKO Architects     | 01/08/2025 |
| DA302                      | B   | South Elevation              | DKO Architects     | 01/08/2025 |
| DA303                      | B   | West Elevation               | DKO Architects     | 01/08/2025 |
| DA304                      | B   | Section 01                   | DKO Architects     | 01/08/2025 |
| DA305                      | B   | Section 03                   | DKO Architects     | 01/08/2025 |
| DA306                      | B   | Section 02                   | DKO Architects     | 01/08/2025 |
| DA407                      | A   | Wall Detail Sections         | DKO Architects     | 01/08/2025 |
| DA408                      | A   | Wall Detail Sections         | DKO Architects     | 01/08/2025 |
| <b>Landscape Plans</b>     |     |                              |                    |            |
| L-01                       | K   | Ground Floor Landscape Plan  | SITEDESIGN+STUDIOS | 31/07/2025 |
| L-02                       | K   | Level 1 Landscape Plan       | SITEDESIGN+STUDIOS | 31/07/2025 |
| L-03                       | K   | Level 2 Landscape Plan       | SITEDESIGN+STUDIOS | 31/07/2025 |
| L-04                       | K   | Level 3 Landscape Plan       | SITEDESIGN+STUDIOS | 31/07/2025 |
| L-05                       | K   | Level 4 Landscape Plan       | SITEDESIGN+STUDIOS | 31/07/2025 |
| L-06                       | K   | Level 5 Landscape Plan       | SITEDESIGN+STUDIOS | 31/07/2025 |
| L-07                       | K   | Level 6 Landscape Plan       | SITEDESIGN+STUDIOS | 31/07/2025 |
| L-09                       | K   | Canopy Tree Calculation Plan | SITEDESIGN+STUDIOS | 31/07/2025 |

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|      |   |                                            |                    |            |
|------|---|--------------------------------------------|--------------------|------------|
| L-10 | K | Landscape Area calculation<br>GF Plan      | SITEDESIGN+STUDIOS | 31/07/2025 |
| L-11 | K | Landscape Area Calculation<br>Level 1 Plan | SITEDESIGN+STUDIOS | 31/07/2025 |
| L-12 | K | Landscape Area Calculation<br>Level 2 Plan | SITEDESIGN+STUDIOS | 31/07/2025 |
| L-13 | K | Landscape Area Calculation<br>Level 3 Plan | SITEDESIGN+STUDIOS | 31/07/2025 |
| L-14 | K | Landscape Area Calculation<br>Level 4 Plan | SITEDESIGN+STUDIOS | 31/07/2025 |
| L-15 | K | Planting Schedule & Details                | SITEDESIGN+STUDIOS | 31/07/2025 |
| L-16 | K | Landscape Specification                    | SITEDESIGN+STUDIOS | 31/07/2025 |

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

**Modification to DA 334/22**

- A2. Prior to issuing a Construction Certificate in accordance with this consent, a notice of modification to development consent DA 334/22 must be lodged with Council, to comply with the requirements of clause 67 of the Environmental Planning and Assessment Regulation 2021 which will ensure there is no inconsistency between the two consents.

A Condition to DA 334/22 will need to be imposed and will read along the lines of:

*“Despite any other provision of this Development Consent DA 334/22, this consent does not authorise or require anything that is inconsistent with the work approved in accordance with Development Consent DA 154/25 and to the extent of any inconsistency the latter consent prevails.”*

A Construction Certificate for the proposed works can be issued once the consent authority has determined the modification

(Reason: To ensure consistency between development consents)

**Plans on Site**

- A3. 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.

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)

**External Finishes and Materials**

- A4. External finishes and materials must be in accordance with the submitted schedules on plan drawings DA 300, DA301, DA302 and DA303 Rev B dated 01/08/2025 and prepared by DKO Architecture 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)

***B. Matters to be completed before the lodgement of an application for a construction certificate Conditions***

**Construction Traffic Management Plan**

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

- a) A plan view (min 1:100 scale) of the entire site and frontage roadways indicating:
  - i. Dedicated temporary construction site driveway entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction-related vehicles in the frontage roadways and footways;
  - ii. Signage type and location to manage pedestrians in the vicinity;
  - iii. The locations of any proposed Work Zones in the frontage roadways;
  - iv. Locations and type of any hoardings proposed;
  - v. Area of site sheds and the like;
  - vi. Location of any proposed crane standing areas;
  - vii. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
  - viii. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected; and
  - ix. The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
- b) A Traffic Guidance Scheme(s) for the site incorporating the following:
  - i. Traffic control measures proposed in the road reserve that are in accordance with the TfNSW publication "Traffic Control at Work Sites Manual" and designed by a person licensed to do so (minimum TfNSW 'red card' qualification).
  - ii. The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.

- c) A detailed description and map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided, detailing light traffic roads and those subject to a load or height limit must be avoided at all times.

**A copy of this route is to be made available to all contractors and must be clearly depicted at a location within the site.**

- d) Evidence of TfNSW concurrence where construction access is provided directly or within 20m of an Arterial and/or Classified Road;
- e) A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements; and
- f) For those construction personnel that drive to the site, the Site Manager shall attempt to provide on-site parking so that their personnel's vehicles do not impact on the current parking demand in the area.

A suitably qualified and experienced traffic engineer or consultant must prepare the Construction Traffic Management Plan.

All traffic control work and excavation, demolition and construction activities must be undertaken in accordance with the approved Construction Traffic Management Plan and any conditions attached to the approved plan.

A Construction Traffic Management Plan approval permit must be obtained from Council's Traffic and Transport engineers.

The approval permit and the approved Construction Traffic Management Plan must be submitted as part of the documentation lodged with the application for approval of a construction certificate.

**A copy of the approved Construction Traffic Management Plan and any conditions imposed on that plan, must be kept on the site at all times and made available to any officer of Council upon request.**

Note:

- 1) To apply for certification under this condition, an '*Application to satisfy development consent*' must be prepared and lodged with North Sydney Council. North Sydney Council's adopted fee for certification of compliance with this condition must be paid upon lodgement.
- 2) Any use of Council property will require appropriate approvals and demonstration of liability insurances prior to such work commencing.
- 3) Failure to provide complete and detailed information may result in delays. It is recommended that your Construction Traffic Management Plan be lodged with Council as early as possible.

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

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

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

**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

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.

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)

**Erosion and Sediment Control**

- C2. 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.

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**

- C3. 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.

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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)

**External Finishes and Materials**

- C4. The external colours and finishes must be in accordance with the approved schedule of finishes on plan drawings DA 300, DA301, DA302 and DA303 Rev B dated 01/08/2025 and prepared by DKO Architecture. 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 ensure quality built form of development)

**Reflectivity Index of Glazing**

- C5. The glazing for windows, walls or roof finishes of the approved development must be factory pre-finished with low glare and reflectivity 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.

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

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

**Roofing Materials - Reflectivity**

- C6. 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)

**No External Service Ducts**

- C7. Service ducts must be provided within the building to keep external walls free of plumbing, drainage or other utility installations. 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 quality built form of the development)



**Work Zone**

- C8. 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.

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)

**Maintain Property Boundary Alignment Levels**

- C9. Except where otherwise approved by Council, the property boundary alignment levels must match the levels which existed prior to the commencement of works. Plans and specifications which document existing and proposed levels adjacent to the site boundaries and which comply with the requirements of this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

(Reason: To ensure interface between property and public land remains uniform)

**Bicycle Storage and Parking**

- C10. The bicycle storage area must accommodate a minimum of 13 bicycles, and a visitor parking bicycle rail shall be provided for 2 bicycles. The bicycle storage lockers and bicycle rail shall be designed in accordance with the applicable Australian Standards. 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 promote and provide facilities for alternative forms of transport)

**Accessible Parking Spaces to be Provided**

- C11. A total of three (3) accessible parking spaces shall be provided as part of the total car-parking requirements.

Consideration must be given to the means of access from the car-parking spaces to adjacent buildings, to other areas within the building and to footpath and roads. All details shall be prepared in consideration of, and construction completed in accordance with applicable Australian Standards to achieve compliance with *the Disability Discrimination Act 1992 (Commonwealth)*. 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 equity of access and appropriate facilities are available for people with disabilities in accordance with federal legislation)

**Basement Car Park to Comply with Relevant Standards**

- C12. The basement layout must comply with all requirements of Australian Standard AS2890.1. Certification from a suitably qualified and practising Civil Engineer that the basement design will comply with the requirements of the Australian Standard must be provided to the Principal Certifier for approval prior to issue of the relevant Construction Certificate.

(Reason: To ensure the basement layout complies with relevant standards)

**Design Certification – Parking**

- C13. A detailed “design” certificate from an experienced and qualified traffic engineer with tertiary qualifications is to be submitted to and approved by the Principal Certifier prior to the issue of a construction certificate confirming the following:

- a) The car parking layout associated with the development (including, driveway grades, headroom clearance turn paths, aisle widths, aisle lengths and parking bay dimensions) shall be in accordance with AS2890.1:2004 and AS2890.6:2022.
- b) Bicycle parking associated with the development is provided in accordance with AS2890.3 design requirements.
- c) Driveway access complies with Figure 3.3 of AS2890.1:2004 minimum sight lines for pedestrian safety.
- d) Confirmation that the plans for the given stage are consistent with the provision for the following allocation of parking facilities across the development:
  - i. A maximum of 18 car parking spaces for residential apartments (inclusive of three (3) accessible spaces).
  - ii. A maximum of three (3) visitor spaces which include a visitor/car wash bay and visitor/courier bay).
  - iii. Minimum of 15 bicycle spaces.

Note: The building design must incorporate provision for at least one visitor parking space to be capable of conversion to a dedicated courier/loading space in the future, should increased loading or unloading demands arise. This is to ensure that loading and unloading associated with the development can be undertaken on-site.

- e) A minimum of 2.5m headroom within disabled car parking spaces in accordance with AS2890.6:2022 design requirements and a minimum of 2.2m in all other areas in accordance with AS2890.1:2004 design requirements.

Any departures from the Australian Standards needs to be adequately justified by the qualified traffic engineer.

(Reason: To ensure compliance with relevant standards)

### **Sight Distance at Access Driveways**

- C14. The vehicular accesses must be designed in accordance with AS2890 having consideration for sight distance to pedestrians at the intersection of the vehicular access with the property boundary. 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: Public amenity and safety and appropriate sight distance)

### **Car Wash Bay**

- C15. At least 1 car wash bay must be provided for the development and is to be provided within the visitor parking area.

(Reason: To provide amenity for occupants and visitors of the development)

### **Car Lift**

- C16. Prior to the issue of a Construction Certificate, the car lift system and any traffic control arrangements, must be assessed and certified by a suitably qualified and experienced traffic engineer. The design must demonstrate compliance with the relevant Australian Standards, including AS 2890 series, and any other applicable standards or guidelines.

The certified design must be reviewed and approved by the Principal Certifying Authority, and a copy of the design certification must be submitted to Council prior to the issue of the Construction Certificate.

(Reason: To ensure the safe and efficient operation of the truck hoist and associated traffic movements to and from the site, and to minimise potential safety impacts on the local road network.)

**Basement Car Park to comply with relevant standards**

- C17. Sightlines for pedestrian safety are to be provided as per Figure 3.2 of AS 2890.1 for the driveway access to and from Rangers Lane. A convex mirror is to be installed within the vehicle entrance on Rangers Lane to enhance pedestrian and vehicle visibility

An internal traffic signal system must be provided to accommodate vehicles entering and exiting the carpark via the car lifts. The internal traffic signal system shall be designed by a suitably qualified consultant. The design should include the waiting bay line marking and signposting arrangements.

The basement layout must comply with all requirements of Australian Standard AS2890.1. Certification from a suitably qualified and practicing Civil Engineer that the basement design will comply with the requirements of the Australian Standard must be provided to the Certifying Authority for approval prior to issue of any Construction Certificate.

(Reason: To ensure the basement layout complies with relevant standards)

**Stormwater Management and Disposal Design Plan - Construction Issue Detail**

- C18. Prior to issue of the relevant Construction Certificate, the applicant shall have a site drainage management plan prepared by a qualified drainage design engineer. The site drainage management plan must detail the following requirements of North Sydney Council:
- a) Compliance with NCC drainage requirements, Councils Engineering Performance guide and current Australian Standards and guidelines, such as AS/NZ3500.3.2 1998, National Plumbing and Drainage Code,
  - b) Stormwater runoff and subsoil drainage generated by the approved development must be conveyed in a controlled manner by gravity to Rangers Lane,
  - c) The stormwater drainage system shall be designed for an average recurrence interval (A.R.I) of 1 in 20 years,
  - d) All redundant stormwater pipelines within the footpath area shall be removed and footpath and kerb shall be reinstated,
  - e) Pipelines within the footpath area shall be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 millimetres and a section height of 100 millimetres,
  - f) The design and installation of the rainwater tank(s) must comply with BASIX and Sydney Water requirements. Overflow from the tank(s) shall be connected by gravity to the stormwater disposal system,
  - g) Any proposed fence/building structure is to be constructed so as not to impede the natural overland flow, and
  - h) Provision is to be made for the collection and disposal in an approved manner of any overland flow entering the subject property or concentrated as a result of the proposed works,
  - i) Surface inlet pits shall be located to catch surface flows and shall be provided at all pipe junctions, changes in pipe direction exceeding 45 degrees, prior to connection to the public drainage system and shall be of sufficient size to accept the flow,

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- j) All sub-soil seepage drainage shall be discharged via a suitable silt arrester pit. Details of all plans certified as being adequate for their intended purpose and compliant with the provisions of AS3500.3.2 by an appropriately qualified and practising civil engineer shall be submitted with the application for a Construction Certificate,
- k) Prevent any stormwater egress into adjacent properties by creating physical barriers and surface drainage interception,
- l) Provide subsoil drainage to all necessary areas with pump out facilities as required.

Note: The use of pump-out systems for stormwater disposal are only permitted by Council for the drainage of basement areas and stormwater pump out of ground level courtyards is not permitted.

Details demonstrating compliance are to be submitted with the Construction Certificate. A site drainage management plan which complies with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

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

**Required Infrastructure Works – Roads Act 1993**

- C19. Prior to issue of the relevant Construction Certificate, engineering design plans and specifications must be prepared by a qualified civil design engineer. The plans and specifications must be to a detail suitable for construction issue purposes and must provide detail and specification for the following infrastructure works to be completed as part of the development:

Road Works

- a) Construction of a new concrete footpath is required across the site frontage in Rangers Lane between Yeo Street and the approved driveway. A longitudinal section is required along the footpath property boundary at a scale of 1:50. The footpath shall be designed (at a single straight grade of 3% falling to top of kerb) so that it is uniform without showing signs of dipping or rising particularly at entrances.
- b) Reconstruction of the carriageway shoulder will be required, extending out 600mm from the gutter lip in AC10 - 50mm thick, adjacent to all new kerb/gutter and layback works
- c) Construction of a fully new kerb and gutter is required across the entire site frontage in Rangers Lane, up to and including the kerb ramp (kerb ramp is to be constructed in accordance with Council's drawing S105). A longitudinal section is required along the gutter line (existing and proposed levels), at a scale of 1:50 extending 5m past the property boundary line.

- d) Cross sections at a scale of 1:50 along the centreline of each access point to the building must be provided and are to show the calculated clearance to the underside of any overhead structure. All entry points are to comply with the National Construction Code (NCC) including disability requirements. The Council approved footpath levels must be accommodated at the building entry points.

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

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

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

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

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

### **Obtain Driveway Crossing Permit under S.138 Roads Act 1993**

- C20. A driveway crossing and roads infrastructure works permit to suit the approved off-street parking facilities must be granted by the Council prior to the issue of the relevant Construction Certificate. In order to obtain a permit under s.138 of *the Roads Act 1993*, an application must be made to Council on the 'Vehicular Access Application' form with payment of the adopted assessment/inspection fees. Council will require civil design construction drawings and certification from the Applicant's Civil Engineer to verify design details and enable issue of the permit. The requirements of the permit must be complied with at all times.

The civil design drawings must include the following at a minimum:

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- a) The vehicular access way must comply with AS 2890.1 and Council's current Vehicular Access Application Guidelines and Specifications (gutter bridges not permitted) to ensure that a B85 vehicle will not scrape/strike the surface of the carriageway, layback, vehicular crossing, or parking floor.
- b) All redundant layback crossings on Yeo Street and Rangers Lane must be reinstated as upright kerb gutter and concrete footpath on Yeo Street and kerb & gutter and concrete slab or kerb & gutter and concrete footpath in Rangers Lane.
- c) The width of the new vehicular layback in Rangers Lane must be 6.5m (including the wings).
- d) The vehicle layback must be set square to the kerb.
- e) The crossing (between the layback and the property boundary) must be placed on a single straight grade of approximately 4.5%, falling to the back of the layback.
- f) The gutter levels and boundary footpath levels in Yeo Street and Rangers Lane must match the existing levels and must not be altered unless agreed to by Council.
- g) The carriageway shoulder extending out 600mm from the gutter lip is to be reconstructed in 50mm thick AC10 adjacent to all new gutter works, layback, kerb/gutter works.
- h) Any twisting of driveway access must occur entirely within the subject property,
- i) All inspection openings and utility services must be adjusted to match the proposed driveway levels and location.
- j) Design details are to be provided with a **vehicular access application** and must include sections along the centre-line and extremities of the crossing at a scale of 1:25. Sections are to be taken from the centre of the roadway through to the car lifts and shall include all grade and level changes of, **both** existing and proposed.
- k) The sections must show the calculated clearance to the underside of any overhead structure.
- l) A swept path analysis is required demonstrating that an 85th percentile vehicle can manoeuvre in and out of the parking spaces in accordance with AS 2890.1 2004 "Off Street Parking".
- m) All details of internal car lifts between parking levels, and
- n) A longitudinal section along the footpath property boundaries at a scale of 1:50 is required,
- o) Any footpath or concrete panel on Rangers Lane or Yeo Street that is disturbed for the purpose of stormwater connection must be reconstructed as a whole panel.

The permit must be granted by Council prior to the issue of the relevant Construction Certificate.

All driveway and infrastructure work on the road reserve must be undertaken in accordance with the terms of the permit issued by Council. Inspections by Council will be required as specified. The Principal Certifier issuing the relevant Construction Certificate must ensure that the permit issued by Council is obtained and referenced on and accompanies the relevant Construction Certificate issued.

(Reason: To facilitate appropriate vehicular access to private sites, without disruption to pedestrian and vehicular traffic)

### **On-Site Stormwater Detention**

- C21. On site detention must be provided to ensure that the maximum discharge of stormwater collected from the undeveloped site, which would occur during a 1 in 5-year storm of 1-hour duration is not exceeded. All other stormwater run-off from the site for all storms up to a 1 in 20-year storm event is to be retained on the site for gradual release to the kerb and gutter or piped drainage system. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.

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

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

### **Pump-Out System Design for Stormwater Disposal**

- C22. The design of the pump-out system for stormwater disposal will be permitted for drainage of basement areas only, and must be designed in accordance with the following criteria:
- a) The pump system shall consist of two pumps, connected in parallel, with each pump being capable of emptying the holding tank at the rate equal to the rate of inflow for the one-hour duration storm. The holding tank shall be capable of holding one hour's runoff from a one-hour duration storm of the one in 20-year storm;
  - b) The pump system shall be regularly maintained and serviced, every six (6) months; and
  - c) Any drainage disposal to the street gutter from a pump system must have a stilling sump provided at the property line, connected to the street gutter by a suitable gravity line.



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Engineering details demonstrating compliance with these criteria and certified by an appropriately qualified and practising civil engineer shall be provided to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

(Reason: To ensure adequate provision is made for the discharge of sub-surface stormwater from the excavated parts of the site)

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

C23. Prior to the issue of the relevant Construction Certificate, where a previous bond was not paid under DA334/22, a security deposit or bank guarantee must be provided to Council to the sum of **\$119,000.00** to be held by Council for the payment of cost for any/all of the following:

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

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

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

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

- where the damage constitutes a hazard in which case Council may make use of the security immediately;
- the applicant has not repaired or commenced repairing damage within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works;
- works in the public road associated with the development are to an unacceptable quality; and
- the Certifying Authority must ensure that security is provided to North Sydney Council prior to issue of any Construction Certificate.

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

### Tree Bond for Public Trees

- C24. Prior to the issue of the relevant construction certificate, where a previous bond was not paid under DA334/22 a security in the sum of **\$41,000.00** must be provided to Council for the protection of trees in public places, including the making good of any damage caused to such trees. The security is to be provided in accordance with the Schedule below.

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

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

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

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

#### SCHEDULE

| Tree                             | Location                                    | Bond            |
|----------------------------------|---------------------------------------------|-----------------|
| 1 x <i>Acer negundo</i>          | Road Reserve – northern end of Rangers Lane | \$5,000         |
| 3 x <i>Lophostemon confertus</i> | Road Reserve in front of 53 – 55 Yeo Street | \$12,000 (each) |

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

### Footpath, Entries and Fire Exit Details (Mixed-Use/Commercial/Apartments)

- C25. Footpaths, entries and exits and fire exits for the development must be designed by an appropriately qualified and practising Civil Engineer and submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The design must include (but is not limited to) the following:
- cross section along the centre-line of each access point to the building including fire exits at a scale of 1:50 to be taken from the centre of the road and shall include all changes of grade both existing and proposed;
  - the sections must show all relevant levels and grades (both existing and proposed) including those levels stipulated as boundary levels;
  - the sections must show the calculated clearance to the underside of any overhead structure;

- d) a longitudinal section along the boundary line showing how it is intended to match the internal levels of the building with the boundary footpath levels. The footpath must be designed (at a single straight grade of 3% falling to top of kerb) so that it is smooth without showing signs of dipping or rising particularly at entrances; and

Details, plans and specifications complying with this condition are to be certified as complying with the National Construction Code (NCC) and Council's standard footpath specifications, and the certification, details, plans and specifications must be provided to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. Written concurrence confirming there will be no change to existing boundary and footpath levels is to be provided to the Principal Certifier and North Sydney Council, prior to issue of the relevant Construction Certificate.

(Reason: To facilitate suitable pedestrian and disabled access to private sites, and to ensure that internal levels reflect footpath boundary levels)

### **Arborist to be Commissioned**

- C26. An experienced AQF Level 5 consulting arborist ("the project arborist") must be commissioned to assist the design development, contract documentation, and overseeing of all works on the site for their duration by undertaking regular inspections of the works in progress and providing advice on tree-related matters.

The project arborist must hold a minimum Australian Qualification Framework Level 5 in Arboriculture, be a registered consulting member of a nationally recognised arboricultural organisation or association, not remove or prune trees in the North Sydney local government area and be engaged before work commences for the duration of site preparation, demolition, construction and landscaping.

The project arborist shall inspect, monitor, supervise, provide recommendations and written reports and certification relating to protection of the trees and compliance with the conditions of consent.

The contact details of the project arborist shall be advised to council before work commences and maintained up to date for the duration of works. If a new project arborist is appointed details of the new project arborist shall be notified to council within seven days.

Written details of the engagement of the project arborist must be submitted to Council for works prior to issue of the relevant construction certificate and the Principal Certifier prior to the issue of the relevant Construction Certificate.

This condition, and any advice given by the project arborist, do not authorise the carrying out of development or works not in accordance with the development consent.

(Reason: To ensure that all matters relating to trees and the proposed development are properly managed using best practice)

**Tree Protection Measures to be shown on Construction Drawings**

- C27. The tree protection measures contained in the arborist report prepared by Lee Hancock Consulting Arborist, version 8, dated 4 October 2023 and as updated according to conditions contained within this consent shall be shown clearly on the Construction Certificate drawings. Plans and specifications showing the said tree protection measures must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure the construction plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

**Tree Protection**

- C28. To ensure the protection of all trees to be retained, the following measures are to be undertaken.
- a) All documentation for the Construction Certificate must show the site trees to be retained, and retention of trees on adjoining land, with their positions and diameters of trunks and crowns (canopies) to be clearly and accurately shown in relation to all levels of the proposed development.
  - b) All plans and correspondences must refer to the required compliance with the approved Tree Protection and Management Plan, and clearly show the assigned number of each tree on site and adjoining and Council land.
  - c) A Consulting Arboriculturist ("the project arboriculturist"), who holds a minimum Australian Qualification Framework Level 5 in Arboriculture, is a registered consulting member of a nationally recognised arboricultural organisation or association, and who does not remove or prune trees in the North Sydney local government area, shall be engaged before work commences for the duration of site preparation, demolition, construction and landscaping.
  - d) The project arboriculturist shall inspect, monitor, supervise, provide recommendations and written reports and certification relating to protection of the trees and compliance with the conditions of consent.

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

**Retention and Protection of Trees**

- C29. 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:

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| Tree                                                                                  | Location                                 | Height (m) |
|---------------------------------------------------------------------------------------|------------------------------------------|------------|
| T14 <i>Jacaranda mimosifolia</i>                                                      | Northeastern corner of 6 Harrison Street | 8m         |
| T15 <i>Murraya paniculata</i> (hedge)                                                 | Southern boundary of 55 Yeo Street       | 5m         |
| T19 <i>Archontophoenix cunninghamiana</i>                                             | Northern boundary of 6 Harrison Street   | 6m         |
| T20 <i>Jacaranda mimosifolia</i>                                                      | Northwest corner of 4 Harrison Street    | 16m        |
| T21 <i>Carya illinoensis</i> (incorrectly specified as <i>Macadamia tetraphylla</i> ) | Rear setback of 151 Wycombe Road         | 21m        |
| 1 x <i>Lagerstroemia indica</i>                                                       | Western boundary of 57 Yeo Street        | 5m         |
| 2 x <i>Melaleuca linarifolia</i>                                                      | Western boundary of 57 Yeo Street        | 14m        |
| 1 x <i>Corymbia citriodora</i>                                                        | Western boundary of 57 Yeo Street        | 20m        |

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)

### Approval for Tree Removal

C30. The following tree(s) are approved for removal in accordance with the development consent:

| Tree                                            | Location                             | Height (m) |
|-------------------------------------------------|--------------------------------------|------------|
| Group A <i>Syzygium smithii</i>                 | Western setback of 53-55 Yeo Street  | 4m         |
| Group B <i>Syzygium smithii</i>                 | Northern setback of 53-55 Yeo Street | 4m         |
| T1-T3 <i>Archontophoenix cunninghamiana</i>     | Western setback of 53-55 Yeo Street  |            |
| T4 <i>Plumeria acutifolia</i>                   | Eastern setback of 53 Yeo Street     | 5m         |
| T5 <i>Juniperus chinensis</i>                   | Northern setback of 55 Yeo Street    | 6m         |
| T6 <i>Olea europaea</i> subsp. <i>Cuspidata</i> | Northern setback of 55 Yeo Street    | 4m         |
| T7 <i>Juniperus</i> sp.                         | Northern setback of 55 Yeo Street    | 4m         |
| T8 <i>Juniperus chinensis</i> 'Keteleeri        | Northern setback of 55 Yeo Street    | 5m         |
| T9 <i>Cupressus cashmeriana</i>                 | Northern setback of 55 Yeo Street    | 6m         |
| T11 <i>Melia azedarach</i>                      | Eastern setback of 55 Yeo Street     | 8m         |
| T12 <i>Melia azedarach</i>                      | Eastern setback of 55 Yeo Street     | 5m         |
| T13 <i>Melaleuca viminalis</i>                  | Eastern setback of 55 Yeo Street     | 7m         |
| T16 <i>Acer buergerianum</i>                    | Rear setback of 53-55 Yeo Street     | 9m         |
| T17 <i>Waterhousia floribunda</i>               | Rear setback of 53-55 Yeo Street     | 7m         |
| T18 <i>Waterhousia floribunda</i>               | Rear setback of 53-55 Yeo Street     | 9m         |

Removal or pruning of any other tree on the site is not approved, excluding species exempt under Section 16 of the North Sydney DCP 2013.

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)

### **Pruning of Trees**

- C31. No pruning shall be permitted to any of the protected trees nominated under this consent, nor shall any pruning to any public trees be permitted for the purposes of obtaining site access.

Should pruning be required, approval is to be sought from Council's Landscape Development Officer. An arborist report including annotated site photos prepared by a suitable qualified arborist are to be submitted for approval. All pruning works shall be carried out by a qualified arborist in accordance with AS:4373:

Canopy pruning is limited to a maximum of 10% of the tree canopy.

Owner's consent shall be obtained and submitted with the request for pruning of any tree located on private land.

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

### **Garbage and Recycling Facilities**

- C32. An appropriate area must be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. The following requirements must be met:

- a) all internal walls of the storage area must be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;
- b) provision for the separation and storage in appropriate categories of material suitable for recycling;
- c) the storage area must be adequately screened from the street, with the entrance to the enclosures no more than 2m from the street boundary of the property;
- d) if a storage facility is to be provided at another suitable location within the building, a complementary garbage bin holding bay must be provided no more than 2m from the street boundary of the property;
- e) garbage enclosures serving residential units are not to be located within areas designated for non-residential uses; and

- f) garbage enclosures serving non-residential uses are not to be located within areas designated for dining purposes.

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.

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

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

### Location of Plant

- C33. All plant and equipment (including but not limited to air conditioning equipment) **except as shown on the approved plans identified in condition A1** is to be located within the basement of the building and is not to be located on balconies or the roof. Plans and specifications complying with this condition must be submitted to the Principal Certifier for Approval prior to the issue of the relevant Construction Certificate.

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

### Noise from Plant and Equipment

- C34. The use of all plant and equipment installed on the premises must not:

- (a) Contribute an LAeq(15min) which will cause the total LAeq(15min) from all plant and equipment operating contemporaneously on the site or in the strata scheme or in the mixed strata schemes to exceed the RBL by more than 5dB when measured at the boundary of any affected receiver. The modifying factor adjustments in **Fact Sheet C** of the *NSW Environment Protection Authority Noise Policy for Industry 2017* shall be applied.
- (b) Cause "offensive noise" as defined in the *Protection of the Environment Operations Act 1997*.

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

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

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

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

### **Vibration from Plant and Equipment**

- C35. The use of all plant and equipment to be installed on the premises must comply with the vibration limits specified in “Assessing Vibration: a technical guideline,” issued by the NSW Environment Protection Authority, at the boundary of any affected receiver.

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

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

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

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

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

### **Air Conditioners in Residential Premises**

- C36. 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
  - (j) 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.

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

(Reason: To maintain residential amenity)

### **Acoustic Privacy (Residential Apartments)**

- C37. Noise levels in sole occupancy units of residential apartments must not exceed the following:

| <b>Location</b>                           | <b>Maximum</b> |
|-------------------------------------------|----------------|
| Habitable Rooms other than Sleeping Areas | 40 LAeq (1hr)  |
| Sleeping Areas                            | 35 LAeq (1hr)  |

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

“habitable room” has the same meaning as in the National Construction Code.

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

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

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

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

**Noise and Vibration Compliance Certification Prior to Issue of Construction Certificate**

- C38. A certificate from an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants, certifying that suitable measures have been incorporated into the development and that the noise criteria contained in the conditions herein have been satisfied, must be provided to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

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

**Mechanical Exhaust Ventilation**

- C39. A statement from an appropriately qualified and practising Mechanical Engineer is required detailing how the exhaust ventilation system will be installed in accordance with AS1668. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the relevant Construction Certificate, fully satisfy the requirements of this condition.

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

**Construction Noise Management Plan**

- C40. A Construction Noise Management Plan must be prepared by an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants, and must include the following:

- (a) Identification of noise affected receivers near to the site.
- (b) A prediction as to the level of noise impact at noise affected receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite.
- (c) Details of work schedules for all construction phases.
- (d) A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the Environment Protection Authority's Interim Construction Noise Guideline (ICNG).
- (e) Representative background noise levels should be submitted in accordance with the ICNG.
- (f) Confirmation of the level of community consultation that is to be undertaken by occupants at noise affected receivers likely to be most affected by site works and the operation of plant/machinery during the carrying out of works authorised by this consent.

- (g) Confirmation of noise monitoring methodology that is to be undertaken during the noise intensive stages of work including details of monitoring to be undertaken at the boundary of any noise-affected receiver.
- (h) The course of action to be undertaken following receipt of a complaint concerning offensive noise.
- (i) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise, that will be deployed on site to reduce noise impacts on the occupants at noise-affected receivers.
- (j) Details of selection criteria for any plant or equipment that is to be used on site, the level of sound mitigation measures to be undertaken in each case, and the criteria adopted in their selection considering the likely noise impacts on occupants at noise-affected receivers and other less-intrusive technologies available; and
- (k) Details of site induction to be carried out for all employees and contractors undertaking work at the site.

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

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

The Construction Noise Management Plan must be provided to Council and a copy kept on site for the duration of the works.

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

### **Provision of Accessible Paths of Travel**

- C41. The building must be designed and constructed to provide access and facilities in accordance with the *National Construction Code and Disability (Access to Premises - Buildings) Standards 2010*. 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.

Note:

1. If, in complying with this condition, amendments to the development are required, the design changes must be submitted for the approval of Council prior to the relevant Construction Certificate being issued. Approval of a modification application may be required.
2. It is not within Council’s power to set aside national legislation which requires the upgrade of buildings to meet modern access standards. The Building Commission NSW may be contacted in these or similar circumstances.

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3. Enquiries regarding making an application for an “unjustifiable hardship exemption” under the accessibility standards can be made with the Building Commission NSW.

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

**Underground Electricity and Other Services**

- C42. All electricity and telecommunication provision to the site is to be designed in conjunction with Energy Australia and any other relevant authority so that it can be easily connected underground when the street supply is relocated underground. Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

**Privacy**

- C43. The following privacy devices are to be provided:

- a) Highlight windows with a minimum sill height of 1.7m are to be provided to the southern side of the entertainment/study room located on level 3, and
- b) Fixed timber louvre/lightweight/lattice privacy screens shall be attached to the eastern side of the front and rear balconies on Levels 3, 4 and 5 with a minimum height of 1.7m above the balcony floor level.

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 an adequate level of privacy is provided to adjoining properties located at 4 & 6 Harrison Street and 57 Yeo Street)

**Adaptable Housing**

- C44. The following nominated apartments are to be designed in accordance with the standard adaptable housing AS4299-1995.

**Schedule of Adaptable Units**

- Apartment 102
- Apartment 201
- Apartment 202

A report prepared by a suitably qualified consultant must be obtained that demonstrates, to the Principal Certifier's satisfaction, that any adaptable dwellings specified in this condition and the approved plans or documents comply with the provisions of AS 4299 Adaptable Housing Standards.

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

### Local Infrastructure Contributions

- C45. A monetary contribution pursuant to the provisions of section 7.11 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 infrastructure at the date of determination, the total contribution payable to Council is **\$40,000**

### 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.

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](http://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

- C46. If not paid under DA334/22, security deposits/guarantees in accordance with the schedule below must be provided to Council prior to the issue of any Construction Certificate:

| Security Deposit/Guarantee             | Amount (\$)         |
|----------------------------------------|---------------------|
| Street Tree Bond (on Council Property) | \$41,000.00         |
| Infrastructure Damage Bond             | \$57,000.00         |
| Engineering Construction Bond          | \$62,000.00         |
| <b>TOTAL BONDS</b>                     | <b>\$160,000.00</b> |

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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**

- C47. 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.1796070M dated 19 May 2025 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)

**Outdoor Lighting**

- C48. All outdoor lighting must comply with, where relevant AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282:1997 Control of the Obtrusive Effects of Outdoor lighting. Details demonstrating compliance with these requirements must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

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

**Telecommunication Infrastructure provision**

- C49. Prior to the issue of the Subdivision or Construction Certificate in connection with a development, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Certifying Authority that arrangements have been made for;
- (i) the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose, and
  - (ii) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

All such facilities shall be underground if within or visible from a current or future public place.

Note: Real estate development project has the meanings given in section 372Q of the Telecommunications Act.

(Reason: To ensure that modern telecommunications infrastructure is provided in respect of all premises to be constructed in developments)

### **Charging Facility for Electric Vehicles**

- C50. Appropriate provisions/infrastructure must be incorporated in the design of the basement carparking to allow the installation of separately metered charging facilities for electric vehicles at each designated parking spot.

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 specification submitted fully satisfy the requirements of this condition.

(Reason: To promote sustainability and energy efficiency)

### **Construction of Public Footpath**

- C51. The 1.5m footpath adjacent to Rangers Lane, including the portion located on the subject site, is to be constructed of concrete panelling in accordance with the Local / Residential specifications in the North Sydney Public Domain Style Manual & Design Codes dated July 2023, or as amended by Council.

Plans and Specifications submitted to the Certifier for approval must comply with the recommendations of the arborist report referred to in this condition, and the development must be carried out in accordance with the said report.

(Reason: to maintain Public Domain)

### **Ausgrid**

- C52. The applicant should note the following regarding any proposal within the proximity of existing electrical network assets:

#### **Ausgrid Overhead Powerlines are in the vicinity of the development.**

The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase.

Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected be entering and leaving the site.

The “as constructed” minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website at [www.ausgrid.com.au](http://www.ausgrid.com.au).

It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer’s cost.

**New Driveways**

**Proximity to Existing Poles** Proposed driveways shall be located to maintain a minimum clearance of 1.5m from the nearest face of the pole to any part of the driveway, including the layback, this is to allow room for future pole replacements. Ausgrid should be further consulted for any deviation to this distance.

**New or modified connection**

To apply to connect or modify a connection for a residential or commercial premises. Ausgrid recommends the proponent to engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details; <https://www.ausgrid.com.au/Connections/Get-connected>.

(Reason: To meet Ausgrid Requirements)

**Parking Spaces**

- C53. Fixed bollards are to be constructed demarcating the use of the two (2) residential accessible parking spaces as indicated on Basement Plan 2 (DA200) and the one (1) residential accessible parking space as indicated on Basement Plan 1 (DA201) as accessible parking spaces with associated shared spaces to comply with the minimum dimensions in AS2890.6 and prevent the use of these parking spaces for parking more than one vehicle. The remaining area must be used for storage as indicated on the stamped approved plans and to comply with the ADG and NSDCP 2013 storage requirements. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition

(Reason: To ensure the number of parking spaces within the development complies with the development consent.)



**D. Prior to the Commencement of any Works (and continuing where indicated)****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). A report containing recommendations, and methods of tree protection prepared by an appropriately qualified person must be provided to the Certifying Authority for approval by an appropriately qualified person prior to commencement of any works on the site. Any recommendations must be undertaken for the duration of works on the site.

Sensitive construction techniques including hand excavation, pier and beam construction, flexible piers/footing locations shall be employed within the TPZ of any protected tree. No roots greater than 40mm in diameter shall be cut, except by the Project Arborist. No storm water of other 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)

**Tree Protection Measures**

- D2. The tree protection measures detailed in the approved Tree Protection and Management Plan, and as directed by the project arboriculturist shall be established before work commences.

(Reason: To ensure that the stability and ongoing viability of trees being retained are not compromised Tree protection measures)

**Project Arborist Engaged**

- D3. A project arborist shall be engaged to carry out the following activities:
- a) Inspection of tree protection measures, and written certification to the Principal Certifier that the measures comply with the approved Tree Protection Management Plan, and as directed by the project arborist before work commences.
  - b) Provision of guidance and oversight of tree protection and management to ensure that the stability and ongoing viability of trees being retained is not compromised.
  - c) Communication with the tree pruning contractor and Council's Tree Management Officer (giving at least two working days' notice) to arrange a joint site meeting, prior to commencing any pruning, to determine the exact location and extent of pruning that is permissible, with the tree pruning contractor to comply with any instructions issued by Council, acting reasonably.

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- d) Ensuring all pruning is undertaken by a practising arborist with a minimum Australian Qualification Framework Level 3 in Arboriculture, in accordance with the principles of the Australian Standard AS 4373-2007 'Pruning of Amenity Trees,' and the NSW Work Cover Code of Practice for *the Amenity Tree Industry (1998)*, as well as any instructions issued on site by Council, acting reasonably.
- e) Keeping of a log of dates and times of when they attended the site, and a description of works performed. The log must be included in documentation submitted for the issue of the relevant Occupation Certificate.

(Reason: Tree protection measures)

**Protection of Public Trees**

- D4. 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                             | Location                                    | Protection                                   |
|----------------------------------|---------------------------------------------|----------------------------------------------|
| 1 x <i>Acer negundo</i>          | Road Reserve – northern end of Rangers Lane | 1.8m high steel mesh tree protection fencing |
| 3 x <i>Lophostemon confertus</i> | Road Reserve in front of 53 – 55 Yeo Street | Trunk, branch & root protection              |

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.

Steel mesh tree protection fencing, 1.8m high, shall be erected such that any unprotected section of council verge within TPZ of protected trees shall be completely enclosed.

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.

(Reason: Protection of existing environmental and community assets)

**Temporary Fences and Tree Protection**

- D5. 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.

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

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

**Public Liability Insurance - Works on Public Land**

- D6. Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of public land and the undertaking of approved works within Council's road reserve or public land, as approved by this consent. The Policy is to note and provide protection/full indemnification for North Sydney Council, as an interested party. A copy of the Policy must be submitted to Council prior to commencement of any works. The Policy must be valid for the entire period that the works are being undertaken.

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

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

**Notification of New Addresses**

- D7. Prior to the commencement of any building works, an application must be made and written confirmation received from North Sydney Council of the allocated street address (house number) and/or unit numbers of the completed project.

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

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

**Sydney Water Approvals**

- D8. Prior to the commencement of any works, the approved plans must be submitted to Sydney Water to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The Certifying Authority must ensure that Sydney Water has appropriately stamped the plans before the commencement of building works.

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

(Reason: To ensure compliance with Sydney Water requirements)

### **Tree Planting (Sydney Water)**

- D9. Certain tree species placed in proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Section 46 of the Sydney Water Act specifies what might occur when there is interference or damage to our assets caused by trees

Certain tree species placed in proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Section 46 of the Sydney Water Act specifies what might occur when there is interference or damage to our assets caused by trees.

For any trees proposed or planted that may cause destruction of, damage to or interference with our work and are in breach of the Sydney Water Act 1994, Sydney Water may issue an order to remove that tree or directly remove it and seek recovery for all loss and associated compensation for the removal.

For guidance on types of trees that can cause damage or interference with our assets see Sydney Water webpage Wastewater blockages. For guidance on how to plant trees near our assets, see Diagram 5 – Planting Trees within Sydney Water's Technical guidelines – Building over and adjacent to pipe assets.

(Reason: To ensure compliance with Sydney Water requirements)

### **Commencement of Works' Notice**

- D10. Building work, demolition or excavation in accordance with this development consent must not be commenced until the developer has given at least two days' notice to North Sydney Council of the person's intention to commence building work, demolition or excavation in accordance with this development consent.

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

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

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

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

**Road Reserve Safety**

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

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

(Reason: Public Safety)

**Temporary Disposal of Stormwater Runoff**

- E3. During construction, stormwater runoff must be disposed 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)

**Structures Clear of Drainage Easements**

E4. It is the full responsibility of the applicant and their contractors to:

- a) Ascertain the exact location of the Council drainage infrastructure traversing the site in the vicinity of the works;
- b) Take full measures to protect the in-ground Council drainage system; and
- c) Ensure dedicated overland flow paths are satisfactorily maintained through the site.

Drainage pipes can be damaged through applying excessive loading (such as construction plant, material storage and the like). All proposed structures and construction activities are to be located clear of Council drainage pipes, drainage easements, watercourses and trunk overland flow paths on the site. Trunk or dedicated overland flow paths must not be impeded or diverted by fill or structures unless otherwise approved.

In the event of a Council drainage pipeline being uncovered during construction, all work is to cease, and the Principal Certifier and Council (if it is not the Principal Certifier) must be contacted immediately for advice. Any damage caused to a Council drainage system must be immediately repaired in full as directed, and at no cost to Council.

(Reason: Protection of Public Drainage Assets)

**Council Inspection of Public Infrastructure Works**

E5. During the works on public infrastructure reverting to Council's care and control, Council's development engineer may undertake inspections of the works at the following hold points:

- a) Vehicular Access and associated road civil works; and
- b) Stormwater connection to Council's system.

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

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

**Progress Survey**

E6. In order to ensure compliance with approved plans, a Survey Certificate, prepared to Australian Height Datum, must be prepared by a Registered Surveyor showing the following:

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- a) at the completion of excavation, prior to the placement of any footings, showing the completed level of the excavation and its relationship to the boundaries;
- b) prior to placement of concrete at the ground floor level, showing the level of the form work and its relationship to boundaries including relevant footpath and roadway levels;
- c) prior to placement of concrete at each fifth-floor level showing the principal level of the formwork and the intended relationship of the completed works to the boundary;
- d) prior to roofing, or completion of the highest point of the building showing the anticipated level of the completed work and its relationship to the boundary; and
- e) at completion, works showing the relationship of the building to the boundary and showing the maximum height of the overall works and the height of the principal roof elements.

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

(Reason: To ensure compliance with approved plans)

**Removal of Extra Fabric**

- E7. 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**

- E8. 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.

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(c) Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the NSW Department of Housing's 1998 guidelines - Managing Urban Stormwater: Soils and Construction.

(d) Odour suppression measures must also be carried out where appropriate so as to prevent nuisance occurring at adjoining properties.

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

**Noise and Vibration**

E9. The works must be undertaken in accordance with the "Interim Construction Noise Guideline" published by the NSW Environment Protection Authority, to ensure excessive levels of noise and vibration do not occur so as to minimise adverse effects experienced on any adjoining land.

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

**Compliance with Construction Noise Management Plan**

E10. All works conducted on site which form part of this development must be carried out in accordance with the submitted Construction Noise Management Plan submitted with the relevant Construction Certificate and all conditions of consent.

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

**No Work on Public Open Space**

E11. No work can be undertaken within adjoining public lands (i.e., Parks, Reserves, Roads etc) without the prior written consent of Council. In this regard the developer is to liaise with Council prior to the commencement of any design works or preparation of a Construction and Traffic Management Plan.

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

**Applicant's Cost of Work on Council Property**

E12. 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**

- E13. No trees on public property (footpaths, roads, reserves, etc.) unless specifically approved by this consent shall be removed or damaged during construction including for the erection of any fences, hoardings or other temporary works.

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

**Protection of Trees**

- E14. All trees required to be retained, as part of this consent must be protected from any damage during construction works in accordance with AS4970-2009. All recommendations contained within the tree report prepared by Lee Hancock, dated 18 September 2023 must be implemented for the duration of the works.

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

Notes:

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

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

**Benchmarks**

- E15. All permanent survey markers must be retained, undamaged, and not relocated.

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

**Special Permits**

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

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

- E17. 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<br>Public holiday    | No work permitted |

Construction activities for development approved under this consent must be carried out in accordance with the standard construction hours above, *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)

### Out-of-Hours' Work Permits

- E18. Where it is necessary for works to occur outside those hours allowed by these conditions, an application may be made to Council's Customer Services Centre for a permit to carry out works outside of the approved hours. If a permit is issued, the works approved must be carried out in accordance with any requirements specified in the permit. Permits will only be approved if **public safety is not at risk**. Applications which seek a variation to construction hours solely to benefit the Applicant will require the lodgement and favourable determination of a modification application pursuant to the provisions of section 4.55 of *the Environmental Planning and Assessment Act 1979*.

Note:

- 1) Failure to obtain a permit for work outside of the approved hours will result in on-the-spot fines being issued, or Council pursuing any action required (including legal proceedings) to have the out-of-hours' work cease, without prior warning.
- 2) Applications for out-of-hours' works should be lodged with Council no later than seven (7) calendar days prior to the date of the intended works.
- 3) Examples of activities for which permits may be granted include:
  - the erection of awnings,
  - footpath, road, and other infrastructure works which cannot be carried out for public convenience reasons within normal hours,
  - the erection and removal of hoardings and site cranes, and

- craneage of materials which cannot be done for public convenience reasons within normal working hours.
- 4) Examples of activities for which permits WILL NOT be granted include:
- extended concrete pours
  - works which are solely to convenience the Applicant or client, and
  - catch up works required to maintain or catch up with a construction schedule.
- 5) Further information on permits can be obtained from the Council website at [www.northsydney.nsw.gov.au](http://www.northsydney.nsw.gov.au).

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

### **Installation and Maintenance of Sediment Control**

- E19. Erosion and sediment controls must be installed and maintained at all times in accordance with the Sediment and erosion control plan submitted and approved with the Construction Certificate.

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

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

### **Sediment and Erosion Control Signage**

- E20. 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**

- E21. 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](http://www.workcover.nsw.gov.au)

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

**Health and Safety**

- E22. 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](http://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**

- E23. 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**

- E24. 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](http://www.northsydney.nsw.gov.au).

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

**Waste Disposal**

- E25. All records demonstrating the lawful disposal of waste must be retained and kept readily accessible for inspection by regulatory authorities such as North Sydney Council and the Environmental Protection Authority.

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

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**Asbestos Removal**

- E26. All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current SafeWork NSW Asbestos or "Demolition Licence," and a current SafeWork NSW "Class 2 (Restricted) Asbestos Licence" (or equivalent). Removal must be carried out in accordance with National Occupational Health and Safety Commission requirements.

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

**Service Adjustments**

- E27. 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)

**Community Information**

- E28. Reasonable measures must be undertaken at all times to keep nearby residents informed about the proposed work, such as by way of signs, leaflets, public meetings and telephone contact numbers, to ensure that adjoining residents are aware of the likely duration of the construction works on the site.

(Reason: To ensure that all surrounding residents are kept informed of activities that may affect their amenity)

**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
  - 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)

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**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)

**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)

**Critical Stage Inspections**

- F6. Building work must be inspected by the Principal Certifier at the critical stages prescribed by the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2021*, and as directed by the appointed Principal Certifier.

(Reason: Statutory)

**Commencement of Works**

- F7. 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 intention to commence those works.

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

**Excavation/Demolition**

- F8. Excavation and demolition shall be carried out as follows:



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- 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**

- F9.
- 1) A hoarding and site fencing must be erected between the work site and adjoining public place.
  - 2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
  - 3) The work site must be kept lit between sunset and sunrise, if it is likely to be hazardous to persons in the public place.
  - 4) Any such hoarding, fence or awning, is to be removed when the work has been completed.
  - 5) No access across public reserves or parks is permitted.

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

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

**Site Sign**

- F10.
- 1) A sign must be erected in a prominent position on the site:
    - a) stating that unauthorised entry to the work site is prohibited;

- b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
  - c) showing the name, address and telephone number of the Principal Certifier for the work.
- 2) Any such sign must be maintained while 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)

**Line Marking**

G2. A certificate prepared by an appropriately qualified and practising Civil Engineer certifying the construction, paving, line marking, and signposting of Twenty one (21) off-street car parking spaces, together with access driveways, in accordance with the approved development plans, appropriate Australian Standards and industry best practice as appropriate, must be submitted to, and approved by, the Principal Certifier, prior to issue of the relevant Occupation Certificate.

(Reason: To ensure ongoing compliance with this development consent and Australian Standards relating to manoeuvring and access of vehicles)

**Access to Premises**

- G3. Prior to the issue of the relevant Occupation Certificate, a certificate must be prepared by an appropriately qualified and practising Civil Engineer, certifying that access and facilities for persons with a disability, in accordance with the National Construction Code and AS Disability (Access to Premises - Buildings) Standards 2010 (Premises Standards) has been provided. This certificate must be submitted to, and approved by, the Principal Certifier prior to issue of the relevant Occupation Certificate.

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

**Noise Certification**

- G4. Prior to issue of the relevant Occupation Certificate a certificate from an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants is to be submitted to, and be approved by, the Principal Certifier, certifying that the noise and vibration from use of the development complies with the relevant conditions of consent.

(Reason: To ensure acoustic amenity)

**Certification - Civil Works**

- G5. a) An appropriately qualified and practising Civil Engineer must certify to the Principal Certifier that the stormwater drainage system is constructed in accordance with this consent and the provisions of the applicable Australian Standard. A copy of the certificate must be submitted to Council (if it is not the Principal Certifier) upon completion of the development works and prior to the issue of the relevant Occupation Certificate.
- b) An appropriately qualified and practising Civil Engineer must certify to the Principal Certifier that the vehicular crossing and associated works, and road works were constructed in accordance with this consent and any approval for works in the road reserve issued by the Council. A copy of the certificate must be submitted to Council (if it is not the Principal Certifier), upon completion of the development works and prior to the issue of the relevant Occupation Certificate.

(Reason: Compliance with the Consent)

**Works as Executed Drawings and Video**

- G6. A works-as-executed survey drawing (WAE) of the completed stormwater drainage system must be obtained. The WAE survey drawing must show the alignment, depth and grade of the stormwater drainage pipelines, pits, and ancillary plumbing. The WAE survey drawing must be reviewed by a qualified and practising civil engineer and certification provided to the Principal Certifier that the as-built system achieves the design intent of the plans approved with the relevant Construction Certificate. Certification must be provided with the WAE survey drawing to the Principal Certifier prior to the issue of the relevant Occupation Certificate.

A copy of the WAE survey drawing and certification must be submitted to Council, if it is not the Principal Certifier

(Reason: Compliance with the Consent)

### **Certification for Mechanical Exhaust Ventilation**

- G7. Prior to issue of the relevant Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with clause A2.2(a)(iii) of the National Construction Code, must be submitted to, and approved by, the Principal Certifier.

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

### **Damage to Adjoining Properties**

- G8. 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**

- G9. 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)

### **Covenant and Restriction (Stormwater Control Systems)**

- G10. An Instrument pursuant to section 88B and/or section 88E [clarify if instrument required under either one or both of these sections] *Conveyancing Act 1919* and one copy must be submitted to Council in registrable form, providing for:

- a) a restriction as to user and positive covenant as to user as appropriate in favour of North Sydney Council burdening 55 Yeo Street, Cremorne requiring the ongoing retention, maintenance and operation of the stormwater facility (basement pump-out system);
- b) North Sydney Council being nominated in the Instrument as the only party authorised to release, vary or modify the Instrument;
- c) the wording on the Instrument making reference to the Council file/s which hold:

- i. the Construction plans; and
- ii. the "Work-as-Executed" (as built) plans;

The terms of the Instrument must be executed by an authorised delegate of North Sydney Council prior to submission to the NSW Land Registry Services for registration.

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

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

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

(Reason: Compliance and adequate maintenance of drainage system)

### **Basement Pump-Out Maintenance**

- G11. Prior to issue of the relevant Occupation Certificate, a Maintenance Plan must be prepared for the basement stormwater pump-out system and submitted to the Principal Certifier for approval with the relevant Occupation Certificate documentation. The regime must specify that the system is to be regularly inspected and checked by qualified practitioners.

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

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

### **Notification of New Address Developments**

- G12. Prior to any Occupation Certificate being issued, the person acting upon this consent must comply with the following: -

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

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

### Asbestos Clearance Certificate

G13. For building works where asbestos-based products have been removed or altered, an asbestos clearance certificate signed by an appropriately qualified person (being an Occupational Hygienist or Environmental Consultant) must be submitted to and approved by the Principal Certifier (and a copy forwarded to Council if it is not the Principal Certifier) for the building work prior to the issue of the relevant Occupation Certificate. The asbestos clearance certificate must certify the following:

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

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

Note: Further details of licensed asbestos waste disposal facilities can be obtained from [www.epa.nsw.gov.au](http://www.epa.nsw.gov.au).

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

### Certification of Tree Condition

G14. 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                                                                                  | Location                                 | Height (m) |
|---------------------------------------------------------------------------------------|------------------------------------------|------------|
| T14 <i>Jacaranda mimosifolia</i>                                                      | Northeastern corner of 6 Harrison Street | 8m         |
| T15 <i>Murraya paniculata</i> (hedge)                                                 | Southern boundary of 55 Yeo Street       | 5m         |
| T19 <i>Archontophoenix cunninghamiana</i>                                             | Northern boundary of 6 Harrison Street   | 6m         |
| T20 <i>Jacaranda mimosifolia</i>                                                      | Northwest corner of 4 Harrison Street    | 16m        |
| T21 <i>Carya illinoensis</i> (incorrectly specified as <i>Macadamia tetraphylla</i> ) | Rear setback of 151 Wycombe Road         | 21m        |
| 1 x <i>Lagerstroemia indica</i>                                                       | Western boundary of 57 Yeo Street        | 5m         |
| 2 x <i>Melaleuca linarifolia</i>                                                      | Western boundary of 57 Yeo Street        | 14m        |
| 1 x <i>Corymbia citriodora</i>                                                        | Western boundary of 57 Yeo Street        | 20m        |

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)

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**Height**

- G15. Upon completion of the works and prior to the issue of the relevant Occupation Certificate the RL of the development measured at RL 101.20 AHD (top of lift over run) must be surveyed and certified by an appropriately qualified and practising surveyor as compliant with the maximum approved levels. This survey and certification must be submitted to the Principal Certifier with the application for the relevant Occupation Certificate and a copy provided to Council (if it is not the Principal Certifier).

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

**Sydney Water**

- G16. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

The final Section 73 Certificate must be submitted to the Certifying Authority prior to occupation of the development.

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

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

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

**BASIX Completion Certificate**

- G17. In accordance with Section 45 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, prior to issuing a final occupation certificate the Principal Certifier must provide a BASIX completion receipt.

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

**House Numbering (Dwellings)**

- G18. Prior to the relevant Occupation Certificate being issued an application must be made to North Sydney Council for written confirmation, or allocation, of the street address(es) or apartment number(s) for the completed project in accordance with Council's Property Addressing Policy. These are the numbers that will be recorded in Council records and must be displayed at the property in accordance with the provisions of AS/NZS 4819:2011.

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

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

### **Landscaping**

G19. The landscaping shown in the approved landscape plan referenced in **Condition A1**, prepared by Site Design+Studios, dated 31 July 2025 must be completed prior to the issue of any Occupation Certificate.

(Reason: To ensure compliance)

### **Damage to Adjoining Properties**

G20. On completion of the development the subject of this consent and prior to the issue of the Occupation Certificate, a report is to be prepared by an appropriately qualified consultant and is to be provided to the Certifying Authority (and a copy to Council if it is not the Certifying Authority) certifying:

- a) whether any damage to adjoining properties has occurred as a result of the development;
- b) the nature and extent of any damage caused to the adjoining property as a result of the development;
- c) the nature and extent of works required to rectify any damage caused to the adjoining property as a result of the proposed development;
- d) the nature and extent of works carried out to rectify any damage caused to the adjoining property as a result of the development; and
- e) the nature and extent of any agreements entered into for rectification of any damage caused to the adjoining property as a result of the development.

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

A copy of the report and certification required by this condition must be submitted to Council with the relevant Occupation Certificate. All costs incurred in achieving compliance with this condition shall be borne by the Applicant.

In the event that access for undertaking the post construction dilapidation survey is denied by an adjoining owner, it must be demonstrated, in writing, to the satisfaction of the Principal Certifier 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. Copies of all letters by registered post are to be provided to the Principal Certifier showing the attempts to obtain access to each property.



Written concurrence must be obtained from the Principal Certifier in such circumstances, confirming that they are satisfied 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.

Note: This documentation is for record keeping purposes only, and may be used by the developer 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 ensure adjoining owner's property rights are protected in so far as possible)

### **Verification Statement (External Finishes and Materials)**

- G21. Prior to the issue of the relevant Occupation Certificate, a verification statement from a qualified designer or architect (preferably the original designer), must be submitted to Council and the Principal Certifier certifying that the external finishes and materials are in accordance with the approved schedule of finishes and materials identified in this consent.

*"qualified designer"* means a person registered as an architect in accordance with *the Architects Act 2003*.

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

### **Unpaved Verge**

- G22. The unpaved verge area must be constructed or reconstructed and planted with an appropriate species of grass prior to completion of the works at no cost to Council.

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

### **Intercom**

- G23. An intercom system must be provided in a convenient location adjacent to the visitor parking entry to enable easier and safe access to visitor parking prior to issue of the relevant Occupation Certificate.

(Reason: To ensure convenient access is available for visitors to the building)

### **Allocation of Spaces**

- G24. Car parking spaces must be provided and maintained at all times on the subject site. The spaces must be allocated to uses within the building in accordance the following table:

**55 YEO STREET, CREMORNE  
DEVELOPMENT APPLICATION NO. 154/25**

Page 57 of 60

| Car Parking Type       | Maximum Number of Spaces                                                  |
|------------------------|---------------------------------------------------------------------------|
| Residential car spaces | 18 car spaces (including three (3) adaptable spaces).                     |
| Visitor's car spaces   | 3 spaces (including a visitor/car wash space and a visitor/courier space) |

The car parking spaces are to be identified on-site by line-marking and numbering upon the completion of the works and prior to issue the relevant Occupation Certificate. Car parking spaces provided must only be used in conjunction with the approved uses contained within the development.

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

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

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

**Charging Facility for Electric Vehicles to be Provided**

- G25. Appropriate provisions must be incorporated into the design of car parking areas to allow for the installation of charging facilities for electric vehicles.

Certification confirming installation of charging facilities required by this condition is to be provided to the Principal Certifier with the relevant Occupation Certificate. All costs incurred in achieving compliance with this condition shall be borne by the Applicant.

(Reason: To promote sustainability and energy efficiency)

**Apartment Noise Attenuation Construction**

- G26. A qualified member of the Association of Australasian Acoustical Consultants must certify that construction of the internal party walls ensures that all sound between apartments, sound producing plant, equipment, machinery, mechanical ventilation system or refrigeration systems has sufficient acoustical attenuation, in accordance with any relevant standards or guidelines. Details must be submitted to the Principal Certifier before the issue of the relevant Occupation Certificate.

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

**Section 88B Instrument**

- G27. An Instrument pursuant to Section 88B of the *Conveyancing Act* 1919 and one copy must be submitted to Council in registrable form, providing for:

- a. A Right of Footway over the portion of the footpath located on the subject site adjoining Rangers Lane between Yeo Street and the driveway.

The Right of Footway, naming North Sydney Council as the sole authority empowered to release or modify the same must be registered on title of the relevant Lots.

The terms of the Instrument must be executed by an authorised delegate of North Sydney Council prior to submission to the NSW Land Registry Services for registration.

The Instrument creating the easement required by this condition of consent must be registered on the Title of the development site prior to the issue of an Occupation Certificate or commencement of use of the site, whichever is the earlier.

Evidence of registration of the easement must be provided to Council prior to issue of any Occupation Certificate.

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

(Reason: To create legal entitlements with the subdivision, as required)

#### **Covenant for Maintenance/Repair of Footpath for Public Access**

G28. An Instrument pursuant to Section 88B or Section 88E of the *Conveyancing Act* 1919 and one copy must be submitted to Council in registrable form, providing for:

- a. a public positive covenant in favour of North Sydney Council burdening 53-55 Yeo Street, Cremorne requiring the maintenance and repair of the proposed Right of Footway, required under this consent, occupying Council's public road reserve and the site adjacent to Rangers Lane at all times to a standard that provides an acceptable level of public safety;
- b. a survey plan accurately locating this(these) structure/s; and
- c. North Sydney Council being nominated in the Instrument as the only party authorised to release, vary or modify the Instrument.

The terms of the Instrument must be executed by an authorised delegate of North Sydney Council prior to submission to the NSW Land Registry Services for registration.

The Instrument creating the covenant under s 88B or s88E required by this condition of consent must be registered on the Title of the development site prior to the issue of an Occupation Certificate or commencement of use of the site, whichever is the earlier.

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

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

(Reason: To ensure pedestrian and public safety and ensure that structures located on public land for private benefit are maintained to an acceptable standard)

### ***I. Ongoing/Operational Conditions***

#### **Use of Car Parking Spaces**

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

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

#### **Minimum Headroom for Car Parking**

12. Minimum headroom of 2.2m must be provided over all car parking areas.

(Reason: To ensure compliance with relevant standards and provide appropriate headroom)

#### **Allocation of Spaces**

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

| <b>Car Parking Type</b> | <b>Maximum Number of Spaces</b>                                           |
|-------------------------|---------------------------------------------------------------------------|
| Residential car spaces  | 18 car spaces (including three (3) adaptable spaces).                     |
| Visitor's car spaces    | 3 spaces (including a visitor/car wash space and a visitor/courier space) |

The car parking spaces are to be identified on-site by line-marking and numbering upon the completion of the works and prior to issue the relevant Occupation Certificate. Car parking spaces provided must only be used in conjunction with the approved uses contained within the development.

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

**55 YEO STREET, CREMORNE  
DEVELOPMENT APPLICATION NO. 154/25**

Page 60 of 60

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

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

**Loading within site**

14. All loading and unloading operations must be carried out wholly within the confines of the site, at all times and must not obstruct other properties or the public way.

(Reason: To ensure that deliveries can occur safely within the site and does not adversely affect traffic or pedestrian amenity)

**Waste Collection**

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

(Reason: To ensure the amenity of surrounding properties)

**Noise and Vibration Impact**

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

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

**Maintenance of Approved Landscaping**

17. The owner of the premises at 55 Yeo Street, Cremorne is to maintain the landscaping approved by this consent generally in accordance with the landscape plans prepared by Site Design+ Studios, dated 31 July 2025.

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)



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



53-55 Yeo Street Cremorne NSW 2090 Australia

DEVELOPMENT APPLICATION

ALTERATIONS & ADDITIONS TO AN APPROVED RESIDENTIAL APARTMENT BUILDING



| DA Drawing List |                           | Page 122 |
|-----------------|---------------------------|----------|
| Layout ID       | Layout Name               | Revision |
| DA000           | Cover Page                | C        |
| DA001           | Summary                   | C        |
| DA100           | Context Analysis          | A        |
| DA101           | Site Analysis             | A        |
| DA102           | Site Photos               |          |
| DA103           | Demolition Plan           |          |
| DA104           | Envelope comparison       | B        |
| DA105           | Design Response           | B        |
| DA106           | Sectional Design Response | B        |
| DA107           | Impact Views              | B        |
| DA108           | Impact Views              | B        |
| DA109           | Impact Views              | B        |
| DA110           | Comparison CGI            | B        |
| DA111           | Perspective               | B        |
| DA112           | Perspective               | B        |
| DA113           | Site Plan                 | B        |
| DA200           | Basement Plan 2           | C        |
| DA201           | Basement Plan 1           | C        |
| DA202           | Ground Floor Plan         | B        |
| DA203           | Level 1 Plan              | B        |
| DA204           | Level 2 Plan              | B        |
| DA205           | Level 3 Plan              | B        |
| DA206           | Level 4 Plan              | B        |
| DA207           | Level 5 Plan              | B        |
| DA208           | Level 6 Plan              | B        |
| DA209           | Adaptable Apartments      | A        |
| DA210           | Adaptable Apartments      | A        |
| DA300           | North Elevation           | B        |
| DA301           | East Elevation            | B        |
| DA302           | South Elevations          | B        |
| DA303           | West Elevations           | B        |
| DA304           | Section 01                | B        |
| DA305           | Section 03                | B        |
| DA306           | Section 02                | B        |
| DA400           | DCP & ADG Compliance      | B        |
| DA401           | DCP & ADG Compliance      | B        |
| DA402           | DCP & ADG Compliance      | B        |
| DA403           | Area Calculations         | B        |
| DA404           | Storage Calculations      | B        |
| DA405           | Shadow Analysis           | B        |
| DA406           | Eye of the Sun Diagram    | B        |
| DA407           | Wall Detail Sections      | A        |
| DA408           | Wall Detail Sections      | A        |

Ch-11

Ch-11

Ch-11

REFER TO ACCESS REPORT BY ACCESS CONSULTANT NOTES

ALL WORKS TO BE IN ACCORDANCE WITH AUTHORITY & STATUTORY APPROVALS.

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REFER TO LANDSCAPE ARCHITECT'S DOCUMENTATION & ARBORIST REPORTS FOR ALL INFORMATION RELATING TO TREES AND THEIR RETENTION/REMOVAL AND NEW LANDSCAPE WORKS.

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- ALL SPECIALIST CONSULTANTS DOCUMENTATION  
- BASIX, NATHERS & SECTION J CERTIFICATES

MINOR CHANGES TO FORM & CONFIGURATION MAY BE REQUIRED AFTER DEVELOPMENT CONSENT WHEN DRAWINGS ARE PREPARED FOR CONSTRUCTION PURPOSES.

| Change List |                                                                         |       |                                                  |
|-------------|-------------------------------------------------------------------------|-------|--------------------------------------------------|
| ID          | Name                                                                    |       |                                                  |
| Ch-01       | Minor Internal Reconfiguration and Addition of 1 Car Parking Space      | Ch-05 | Proposed Additional Apartment Levels             |
| Ch-02       | Updated Development Summary                                             | Ch-06 | Amendment to Pre and Post Adaptable Apartments   |
| Ch-03       | Minor Internal Reconfiguration and Addition of 2 Car Parking Spaces     | Ch-07 | Reconfiguration and Expansion of the Floor Plate |
| Ch-04       | Adjustments to Pathway and Landscaping Adjacent to the Eastern Boundary | Ch-08 | Amendment to Roof Outline, Level and Structure   |
|             |                                                                         | Ch-09 | Landscape, Deep Soil and COS Amendment           |

| Change List [Rev B] |                                                       |       |                                                                             |
|---------------------|-------------------------------------------------------|-------|-----------------------------------------------------------------------------|
| ID                  | Name                                                  |       |                                                                             |
| Ch-10               | Revised Drawing to Reflect Design Changes             | Ch-19 | Changed windows to fully operable Louvers                                   |
| Ch-11               | New Drawing                                           | Ch-20 | Amendment to Bulky Waste and Waste Room                                     |
| Ch-12               | Minor Internal Reconfiguration of Apartment 202       | Ch-21 | Adjustment to Roofline to align with balcony and improve weather protection |
| Ch-13               | Minor Internal Reconfiguration of Apartment 001       | Ch-22 | Amendment to Building Height Mesh for Clause 4.6                            |
| Ch-14               | Increase Floor Level of Level 3 from RL89.8 to RL90.0 | Ch-23 | Adjustment to BBQ Area to increase Landscaped area                          |
|                     |                                                       | Ch-24 | Minor Amendment to Width of Bin Holding Area                                |
|                     |                                                       | Ch-25 | Revision to Basement Storage and Visitor Bicycle Parking                    |
|                     |                                                       | Ch-26 | PV Panels for Roof                                                          |
|                     |                                                       | Ch-27 | Provide Additional Accessible Parking Space                                 |
|                     |                                                       | Ch-28 | Provide additional 3 Bike Parking                                           |
|                     |                                                       | Ch-29 | Co-locate a Visitor and Courier Parking                                     |



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| Rev. | Date       | By      | Ckd     | Description             |
|------|------------|---------|---------|-------------------------|
| A    | 26/05/2025 | JS / KA | RM / SO | Development Application |
| B    | 1/08/2025  | KA      | DK      | DEP Amended Issue       |
| C    | 8/08/2025  | DK      | DK      | Council Amendments      |

DEVELOPMENT APPLICATION

|                 |                                      |                |            |
|-----------------|--------------------------------------|----------------|------------|
| Project Name    | 53-55 Yeo Street                     | Project Number | 13089      |
| Project Address | 53-55 Yeo Street, Cremorne, NSW 2090 | Drawing Name   | Cover Page |
|                 | 1/DP1308704                          | Scale          |            |
|                 |                                      | Date           | May 2025   |
| Client          | PIERCE PROPERTY                      | Drawing Number | DA000      |
|                 |                                      | Revision       | C          |



| Change List |                                             |
|-------------|---------------------------------------------|
| ID          | Name                                        |
| Ch-02       | Updated Development Summary                 |
| Ch-17       | Revised Drawing to Reflect Design Changes   |
| Ch-27       | Provide Additional Accessible Parking Space |
| Ch-28       | Provide additional 3 Bike Parking           |

53-55 Yeo Street Cremorne NSW 2090 Australia

# DEVELOPMENT APPLICATION

ALTERATIONS & ADDITIONS TO AN APPROVED RESIDENTIAL APARTMENT BUILDING

## DEVELOPMENT SUMMARY

53 -55 Yeo Street, Cremorne

Development Summary

Site Area: 1138 m²

|               | PROPOSED DWELLINGS |       |       |        |                    |                  | PROPOSED AREAS       |      |      |
|---------------|--------------------|-------|-------|--------|--------------------|------------------|----------------------|------|------|
|               | Apartments         |       |       |        |                    | Total Apartments | Adaptable Apartments | NSA  | GFA  |
|               | Studios            | 1 bed | 2 bed | 3 bed  | 4 Bed / 3 Bed Flex |                  |                      |      |      |
|               | -                  | -     | 84m2  | <115m2 | >115m²             |                  |                      | m²   | m²   |
| Basement 02   |                    |       |       |        |                    |                  |                      |      |      |
| Basement 01   |                    |       |       |        |                    |                  |                      |      |      |
| Ground        |                    | 0     | 1     | 2      | 0                  | 3                | 0                    | 305  | 333  |
| Level 01      |                    | 0     | 0     | 3      | 0                  | 3                | 1                    | 387  | 412  |
| Level 02      |                    | 0     | 0     | 3      | 0                  | 3                | 2                    | 387  | 412  |
| Level 03      |                    | 0     | 0     | 2      | 0                  | 2                | 0                    | 351  | 371  |
| Level 04      |                    |       |       |        | 1                  | 1                | 0                    | 217  | 229  |
| Level 05      |                    |       |       |        | 1                  | 1                | 0                    | 217  | 229  |
| Roof          |                    |       |       |        |                    |                  |                      |      |      |
| Subtotal      |                    | 0     | 1     | 10     | 2                  | 13               | 3                    |      |      |
|               |                    | 0%    | 8%    | 77%    | 15%                | 23%              |                      |      |      |
| NSA/NLA Total |                    |       |       |        |                    |                  |                      | 1864 |      |
| GFA Total     |                    |       |       |        |                    |                  |                      |      | 1986 |
| FSR           |                    |       |       |        |                    |                  |                      |      | 1.75 |

| GENERAL DEFINITIONS & ASSUMPTIONS                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|----------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| NSA - Internal area of units only, excludes party walls and external walls |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| GFA - Definition:                                                          | <div>gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:<br/>(a) the area of a mezzanine, and<br/>(b) habitable rooms in a basement or an attic, and<br/>(c) any shop, auditorium, cinema, and the like, in a basement or attic,<br/><br/>but excludes:<br/>(d) any area for common vertical circulation, such as lifts and stairs, and<br/>(e) any basement:<br/>(i) storage, and<br/>(ii) vehicular access, loading areas, garbage and services, and<br/>(f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and<br/>(g) car parking to meet any requirements of the consent authority (including access to that car parking), and<br/>(h) any space used for the loading or unloading of goods (including access to it), and<br/>(i) terraces and balconies with outer walls less than 1.4 metres high, and<br/>(j) voids above a floor at the level of a storey or storey above</div> |

**DISCLAIMER**

These areas are schematic only and subject to council and other requisite approval. Areas are not to be used for marketing purposes.

This scheme has been prepared generally within the bounds of the current site dimensions however is subject to detailed discussion with council, hence may be subject to change once advice is received.

This design has been prepared without structural or services engineering input hence is subject to change once advice is received.

The information contained herein is believed to be correct at time on preparation based on the information available at the time of preparation.

Recipients must make their own investigations to satisfy themselves in all aspects.

The design and accompanying documentation contained herein is and remains the intellectual property of dKO Architecture (NSW) P/L.

Car Parking Rates do not take into account any concessions for housing affordability scheme

| PARKING SPACES             |                            |                            | ADG COMPLIANCE  |                 |                 |
|----------------------------|----------------------------|----------------------------|-----------------|-----------------|-----------------|
| Bicycle                    | Motocycle                  | Car                        | SOLAR           | NO SOLAR        | CROSS VENT      |
| 11<br>4                    | 0<br>0                     | 10<br>11                   |                 |                 |                 |
| 2<br>2<br>2<br>2<br>1<br>1 | 0<br>0<br>0<br>0<br>0<br>0 | 3<br>3<br>3<br>2<br>1<br>1 |                 |                 |                 |
| 15                         | 0                          | 21                         | 10              | 0               | 13              |
|                            |                            |                            | Complies<br>Yes | Complies<br>Yes | Complies<br>Yes |

NOTES

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## DEVELOPMENT APPLICATION

|                 |                                      |                |          |
|-----------------|--------------------------------------|----------------|----------|
| Project Name    | 53-55 Yeo Street                     | Project Number | 13089    |
| Project Address | 53-55 Yeo Street, Cremorne, NSW 2090 | Drawing Name   | Summary  |
|                 | 1/DP1308704                          | Scale          |          |
|                 |                                      | Date           | May 2025 |
| Client          | PIERCE PROPERTY                      | Drawing Number | DA001    |
|                 |                                      | Revision       | C        |



Approved DA Envelope



Proposed Envelope



Ch-17



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DEVELOPMENT  
APPLICATION

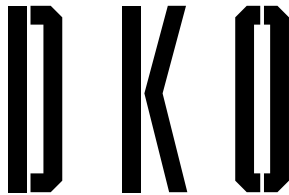
|                 |                                                        |                |                |
|-----------------|--------------------------------------------------------|----------------|----------------|
| Project Name    | 53-55 Yeo Street                                       | Project Number | 13089          |
| Project Address | 53-55 Yeo Street,<br>Cremorne, NSW 2090<br>1/DP1308704 | Drawing Name   | Comparison CGI |
| Client          | PIERCE PROPERTY                                        | Scale          |                |
|                 |                                                        | Date           | May 2025       |
|                 |                                                        | Drawing Number | DA110          |
|                 |                                                        | Revision       | B              |





Ch-17

PERSPECTIVE - YEO STREET LOOKING WEST



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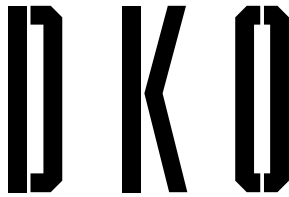
DEVELOPMENT  
APPLICATION

|                 |                                                        |                |             |
|-----------------|--------------------------------------------------------|----------------|-------------|
| Project Name    | 53-55 Yeo Street                                       | Project Number | 13089       |
| Project Address | 53-55 Yeo Street,<br>Cremorne, NSW 2090<br>1/DP1308704 | Drawing Name   | Perspective |
|                 |                                                        | Scale          | @A3         |
|                 |                                                        | Date           | May 2025    |
| Client          | PIERCE PROPERTY                                        | Drawing Number | DA111       |
|                 |                                                        | Revision       | B           |





PERSPECTIVE - INTERSECTION OF YEO STREET AND RANGERS LANE LOOKING EAST



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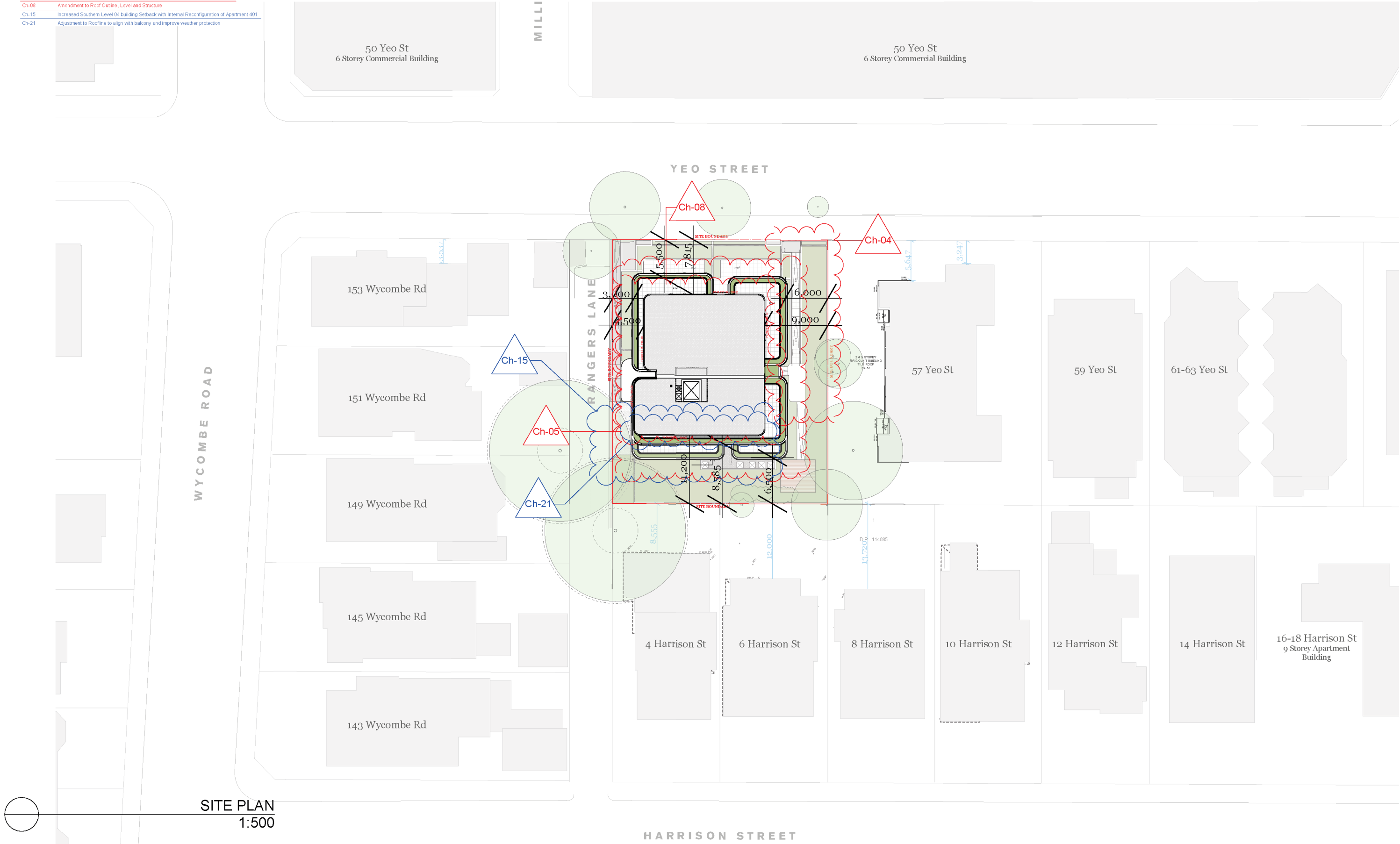
| Rev. | Date       | By      | Ckd     | Description             |
|------|------------|---------|---------|-------------------------|
| A    | 26/05/2025 | JS / KA | RM / SO | Development Application |
| B    | 1/08/2025  | KA      | DK      | DEP Amended Issue       |

DEVELOPMENT  
APPLICATION

|                 |                                                        |                |             |
|-----------------|--------------------------------------------------------|----------------|-------------|
| Project Name    | 53-55 Yeo Street                                       | Project Number | 13089       |
| Project Address | 53-55 Yeo Street,<br>Cremorne, NSW 2090<br>1/DP1308704 | Drawing Name   | Perspective |
| Client          | PIERCE PROPERTY                                        | Scale          | @A3         |
|                 |                                                        | Date           | May 2025    |
|                 |                                                        | Drawing Number | DA112       |
|                 |                                                        | Revision       | B           |



| Change List |                                                                                             |
|-------------|---------------------------------------------------------------------------------------------|
| ID          | Name                                                                                        |
| Ch-04       | Adjustments to Pathway and Landscaping Adjacent to the Eastern Boundary                     |
| Ch-05       | Proposed Additional Apartment Levels                                                        |
| Ch-08       | Amendment to Roof Outline, Level and Structure                                              |
| Ch-15       | Increased Southern Level 04 building Setback with Internal Reconfiguration of Apartment 401 |
| Ch-21       | Adjustment to Roofline to align with balcony and improve weather protection                 |



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|------|------------|---------|---------|-------------------------|
| A    | 26/05/2025 | JS / KA | RM / SO | Development Application |
| B    | 1/08/2025  | KA      | DK      | DEP Amended Issue       |

DEVELOPMENT  
APPLICATION

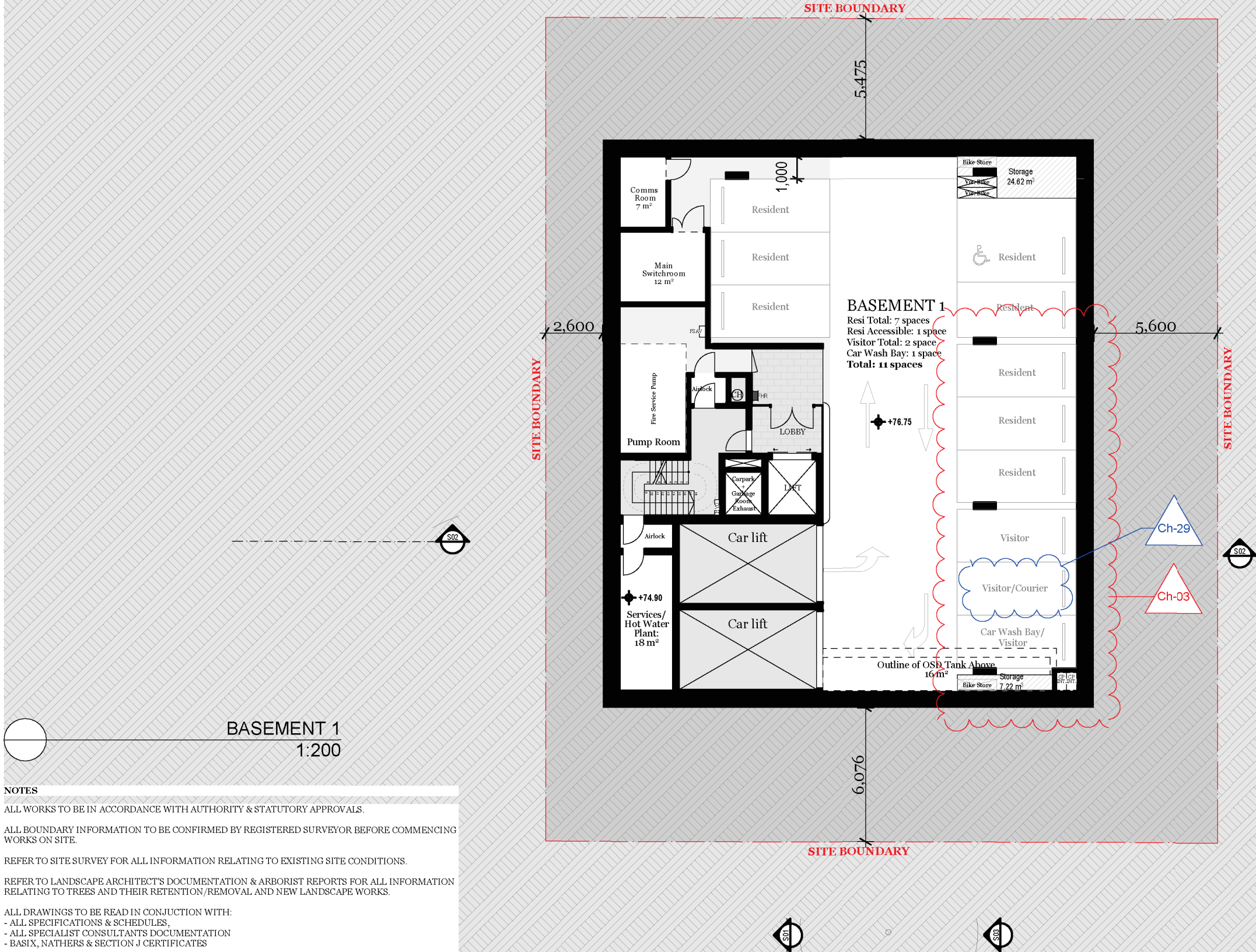
|                 |                                                        |                |               |
|-----------------|--------------------------------------------------------|----------------|---------------|
| Project Name    | 53-55 Yeo Street                                       | Project Number | 13089         |
| Project Address | 53-55 Yeo Street,<br>Cremorne, NSW 2090<br>1/DP1308704 | Drawing Name   | Site Plan     |
| Client          | PIERCE PROPERTY                                        | Scale          | 1:500 1:2 @A3 |
|                 |                                                        | Date           | May 2025      |
|                 |                                                        | Drawing Number | DA113         |
|                 |                                                        | Revision       | B             |







| Change List |                                                                     |
|-------------|---------------------------------------------------------------------|
| ID          | Name                                                                |
| Ch-03       | Minor Internal Reconfiguration and Addition of 2 Car Parking Spaces |
| Ch-25       | Revision to Basement Storage                                        |
| Ch-29       | Co-locate a Visitor and Courier Parking                             |



**NOTES**

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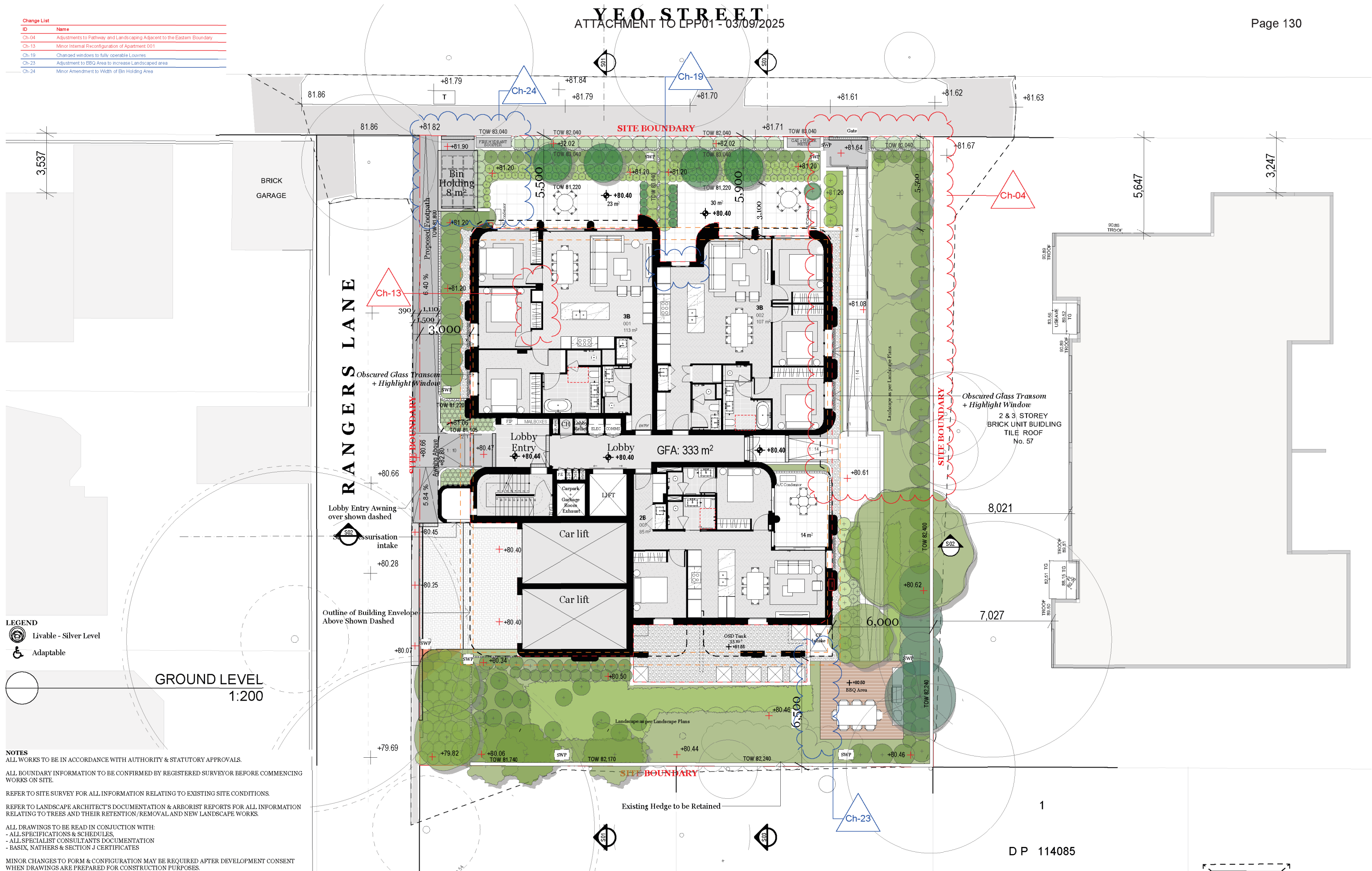
| Rev. | Date       | By      | Ckd     | Description             |
|------|------------|---------|---------|-------------------------|
| A    | 26/05/2025 | JS / KA | RM / SO | Development Application |
| B    | 1/08/2025  | KA      | DK      | DEP Amended Issue       |
| C    | 8/08/2025  | DK      | DK      | Council Amendments      |

DEVELOPMENT  
APPLICATION

|                 |                                                        |                |                 |
|-----------------|--------------------------------------------------------|----------------|-----------------|
| Project Name    | 53-55 Yeo Street                                       | Project Number | 13089           |
| Project Address | 53-55 Yeo Street,<br>Cremorne, NSW 2090<br>1/DP1308704 | Drawing Name   | Basement Plan 1 |
| Client          | PIERCE PROPERTY                                        | Scale          | 1:200 , 1:2 @A3 |
|                 |                                                        | Date           | May 2025        |
|                 |                                                        | Drawing Number | DA201           |
|                 |                                                        | Revision       | C               |



| ID    | Name                                                                    |
|-------|-------------------------------------------------------------------------|
| Ch-04 | Adjustments to Pathway and Landscaping Adjacent to the Eastern Boundary |
| Ch-13 | Minor Internal Reconfiguration of Apartment 001                         |
| Ch-19 | Change windows to fully operable Louvres                                |
| Ch-23 | Adjustment to BBQ Area to increase Landscaped area                      |
| Ch-24 | Minor Amendment to Width of Bin Holding Area                            |



D P 114085

# DKO

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|------|------------|---------|---------|-------------------------|
| A    | 26/05/2025 | JS / KA | RM / SO | Development Application |
| B    | 1/08/2025  | KA      | DK      | DEP Amended Issue       |

DEVELOPMENT  
APPLICATION

Project Name  
Project Address

| Client

53-55 Yeo Street  
53-55 Yeo Street,  
Cremorne, NSW 2090  
1/DP1308704

PIERCE PROPERTY

Project Number  
Drawing Name  
Scale  
Date

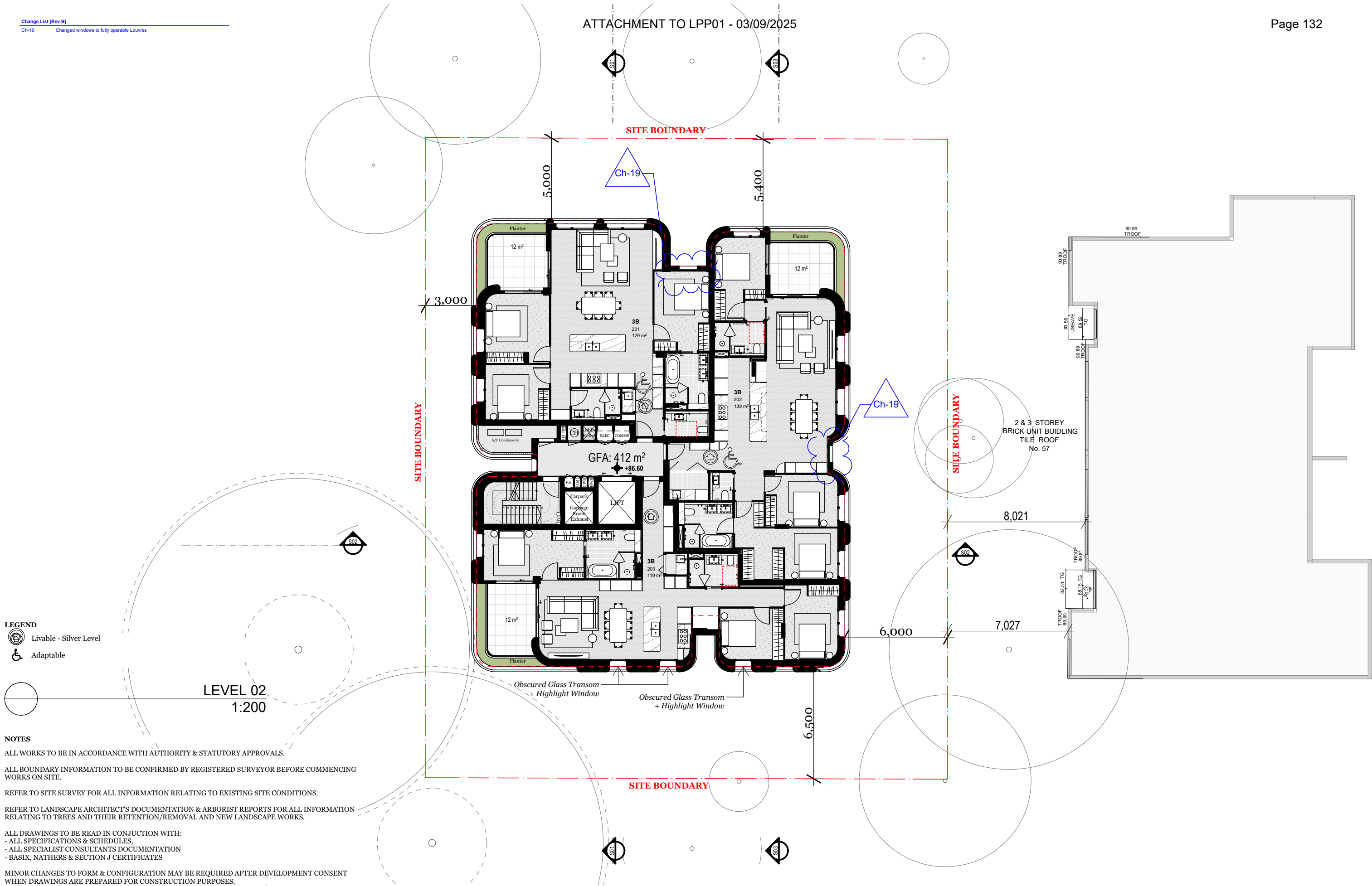
Drawing Number  
Revision

13089  
Ground Floor Plan  
1:200      1:2 @A3  
May 2025

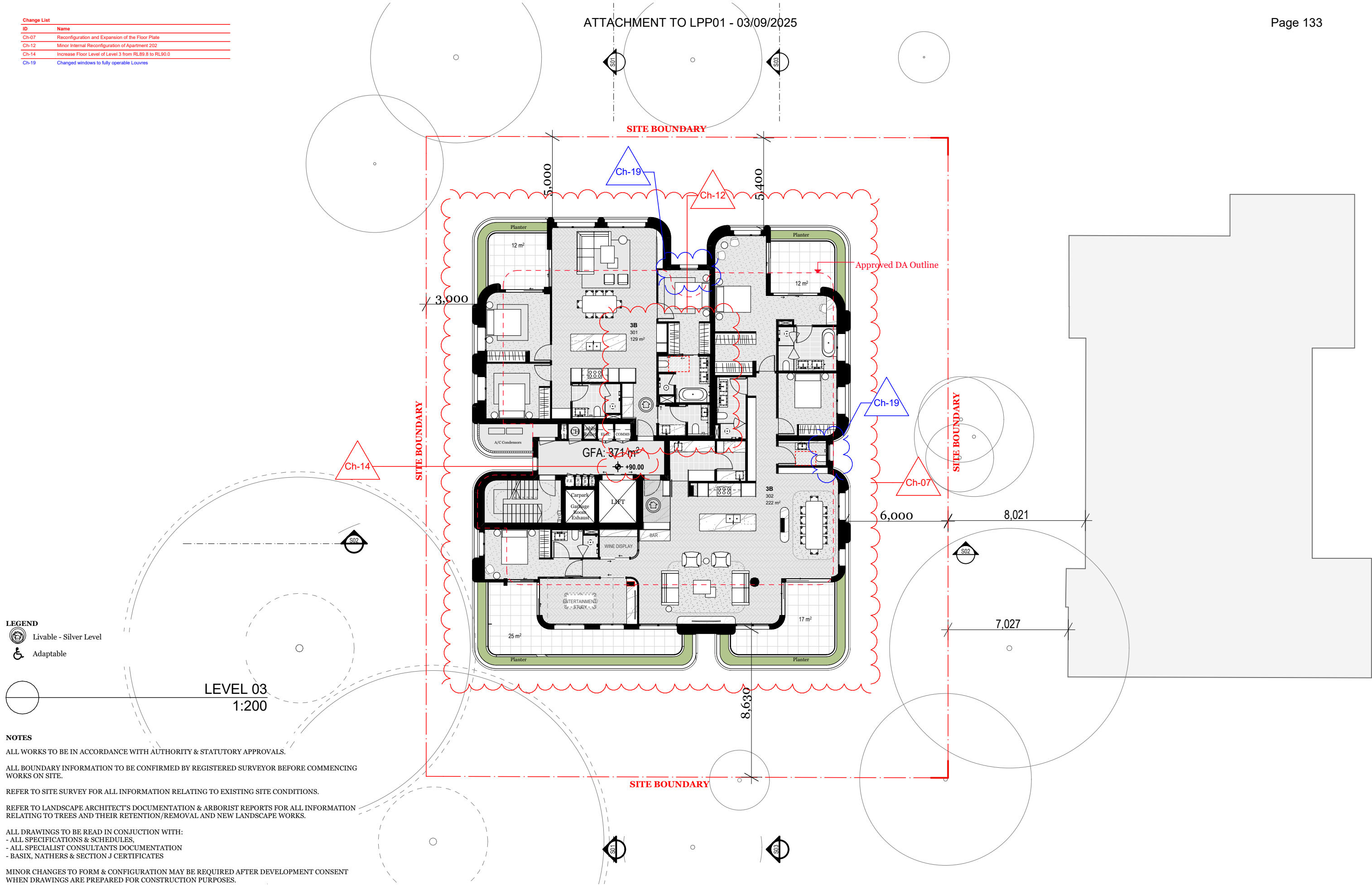
DA202  
B







| Change List |                                                       |
|-------------|-------------------------------------------------------|
| ID          | Name                                                  |
| Ch-07       | Reconfiguration and Expansion of the Floor Plate      |
| Ch-12       | Minor Internal Reconfiguration of Apartment 202       |
| Ch-14       | Increase Floor Level of Level 3 from RL89.8 to RL90.0 |
| Ch-19       | Changed windows to fully operable Louvers             |



- LEGEND**
- Livable - Silver Level
  - Adaptable

**NOTES**

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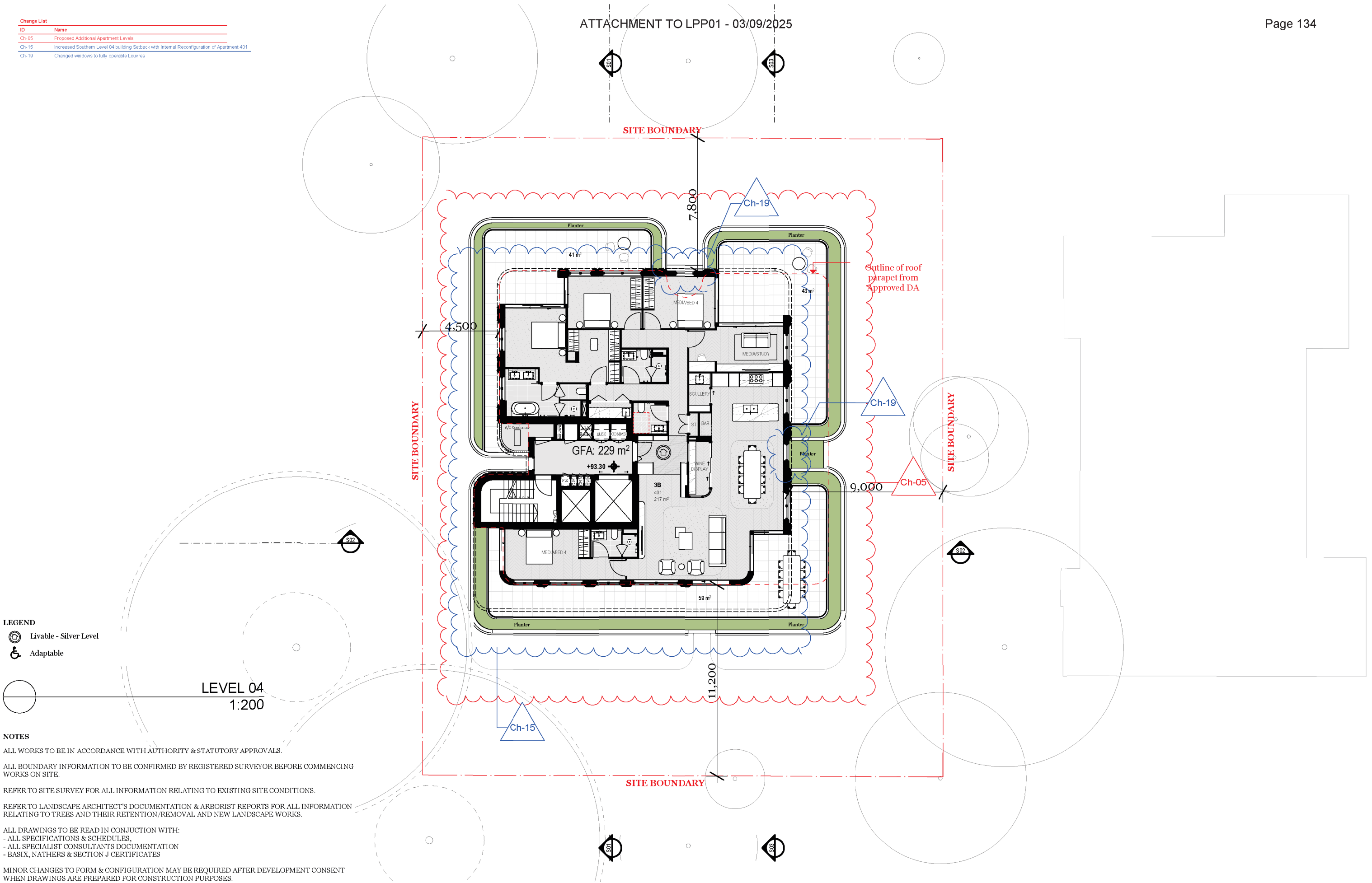


| Rev. | Date       | By      | Ckd     | Description             |
|------|------------|---------|---------|-------------------------|
| A    | 26/05/2025 | JS / KA | RM / SO | Development Application |
| B    | 1/08/2025  | KA      | DK      | DEP Amended Issue       |

DEVELOPMENT  
APPLICATION

|                 |                                      |                |              |
|-----------------|--------------------------------------|----------------|--------------|
| Project Name    | 53-55 Yeo Street                     | Project Number | 13089        |
| Project Address | 53-55 Yeo Street, Cremorne, NSW 2090 | Drawing Name   | Level 3 Plan |
|                 | 1/DP1308704                          | Scale          | 1:200 @A3    |
| Client          | PIERCE PROPERTY                      | Date           | May 2025     |
|                 |                                      | Drawing Number | DA205        |
|                 |                                      | Revision       | B            |

| Change List |                                                                                             |
|-------------|---------------------------------------------------------------------------------------------|
| ID          | Name                                                                                        |
| Ch-05       | Proposed Additional Apartment Levels                                                        |
| Ch-15       | Increased Southern Level 04 building Setback with Internal Reconfiguration of Apartment 401 |
| Ch-19       | Changed windows to fully operable Louvres                                                   |



- LEGEND
- Livable - Silver Level
  - Adaptable

- NOTES
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|------|------------|---------|---------|-------------------------|
| A    | 26/05/2025 | JS / KA | RM / SO | Development Application |
| B    | 1/08/2025  | KA      | DK      | DEP Amended Issue       |

DEVELOPMENT APPLICATION

|                 |                                      |                |              |
|-----------------|--------------------------------------|----------------|--------------|
| Project Name    | 53-55 Yeo Street                     | Project Number | 13089        |
| Project Address | 53-55 Yeo Street, Cremorne, NSW 2090 | Drawing Name   | Level 4 Plan |
|                 | 1/DP1308704                          | Scale          | 1:200        |
| Client          | PIERCE PROPERTY                      | Date           | May 2025     |
|                 |                                      | Drawing Number | DA206        |
|                 |                                      | Revision       | B            |

| Change List |                                           |
|-------------|-------------------------------------------|
| ID          | Name                                      |
| Ch-05       | Proposed Additional Apartment Levels      |
| Ch-19       | Changed windows to fully operable Louvres |

LEGEND

- Livable - Silver Level
- Adaptable

LEVEL 05  
1:200

NOTES

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|------|------------|---------|---------|-------------------------|
| A    | 26/05/2025 | JS / KA | RM / SO | Development Application |
| B    | 1/08/2025  | KA      | DK      | DEP Amended Issue       |

DEVELOPMENT  
APPLICATION

Project Name  
Project Address

53-55 Yeo Street  
53-55 Yeo Street,  
Cremorne, NSW 2090  
1/DP1308704

Client

PIERCE PROPERTY

Project Number  
Drawing Name  
Scale  
Date

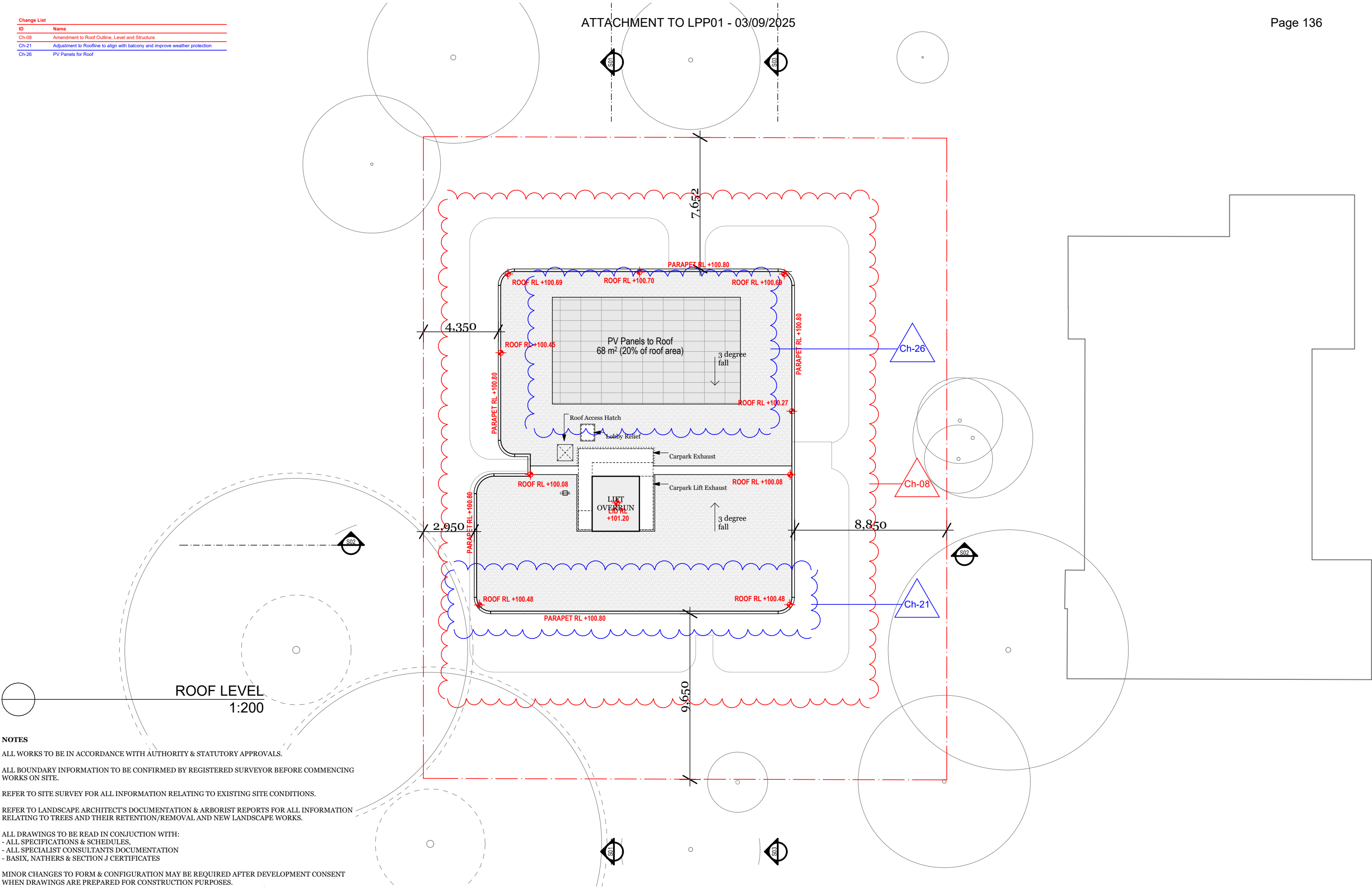
13089  
Level 5 Plan  
1:200, 1:2 @A3  
May 2025

Drawing Number  
Revision

DA207  
B



| Change List |                                                                             |
|-------------|-----------------------------------------------------------------------------|
| ID          | Name                                                                        |
| Ch-08       | Amendment to Roof Outline, Level and Structure                              |
| Ch-21       | Adjustment to Roofline to align with balcony and improve weather protection |
| Ch-26       | PV Panels for Roof                                                          |



NOTES

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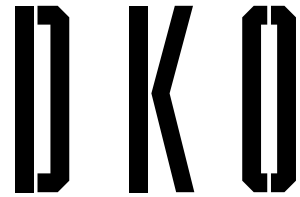
REFER TO SITE SURVEY FOR ALL INFORMATION RELATING TO EXISTING SITE CONDITIONS.

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|------|------------|---------|---------|-------------------------|
| A    | 26/05/2025 | JS / KA | RM / SO | Development Application |
| B    | 1/08/2025  | KA      | DK      | DEP Amended Issue       |

DEVELOPMENT  
APPLICATION

Project Name  
Project Address

53-55 Yeo Street  
53-55 Yeo Street,  
Cremorne, NSW 2090  
1/DP1308704

Client

PIERCE PROPERTY

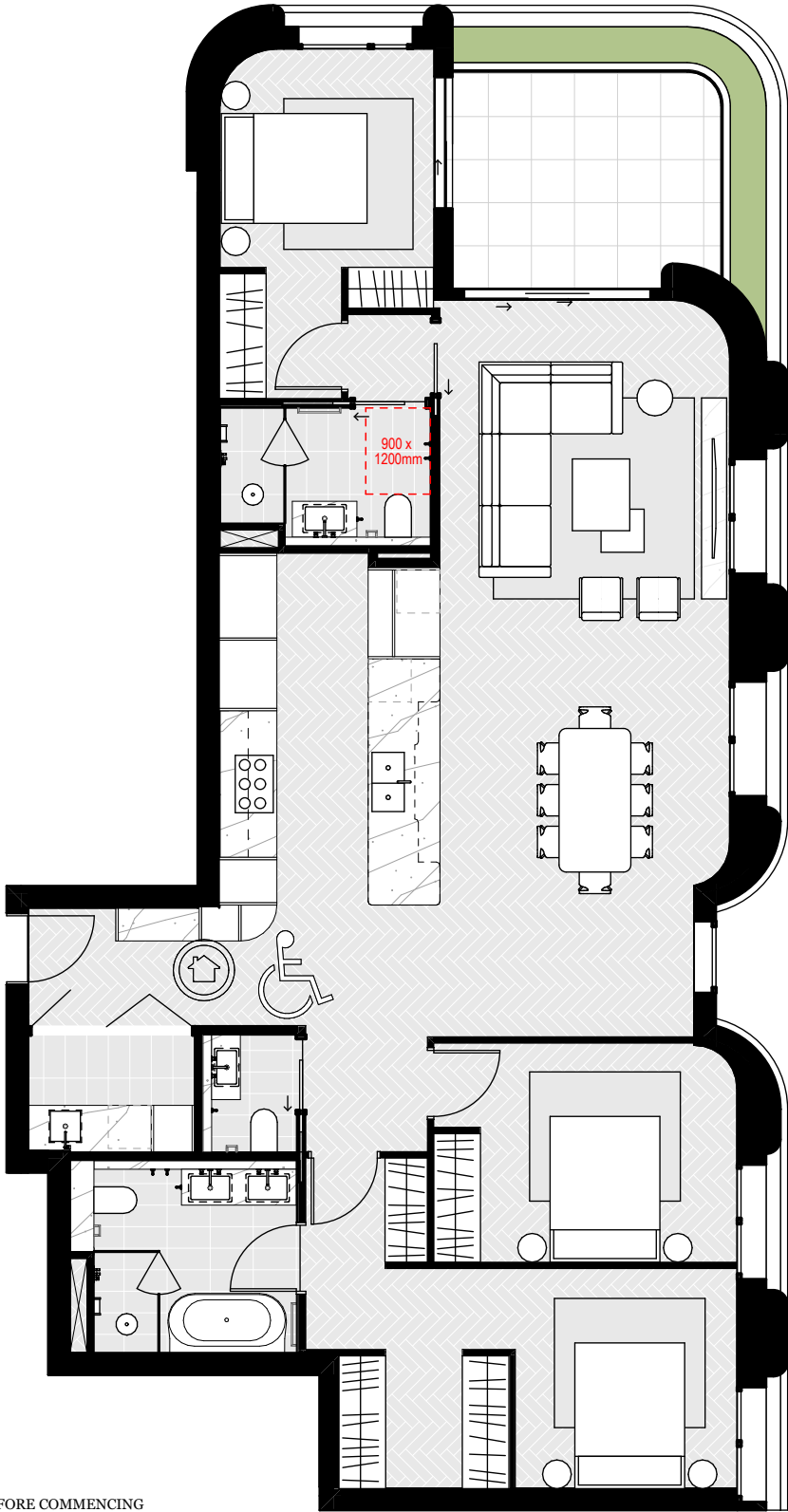
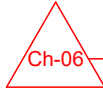
Project Number  
Drawing Name  
Scale  
Date

13089  
Level 6 Plan  
1:200 , 1:2 @A3  
May 2025

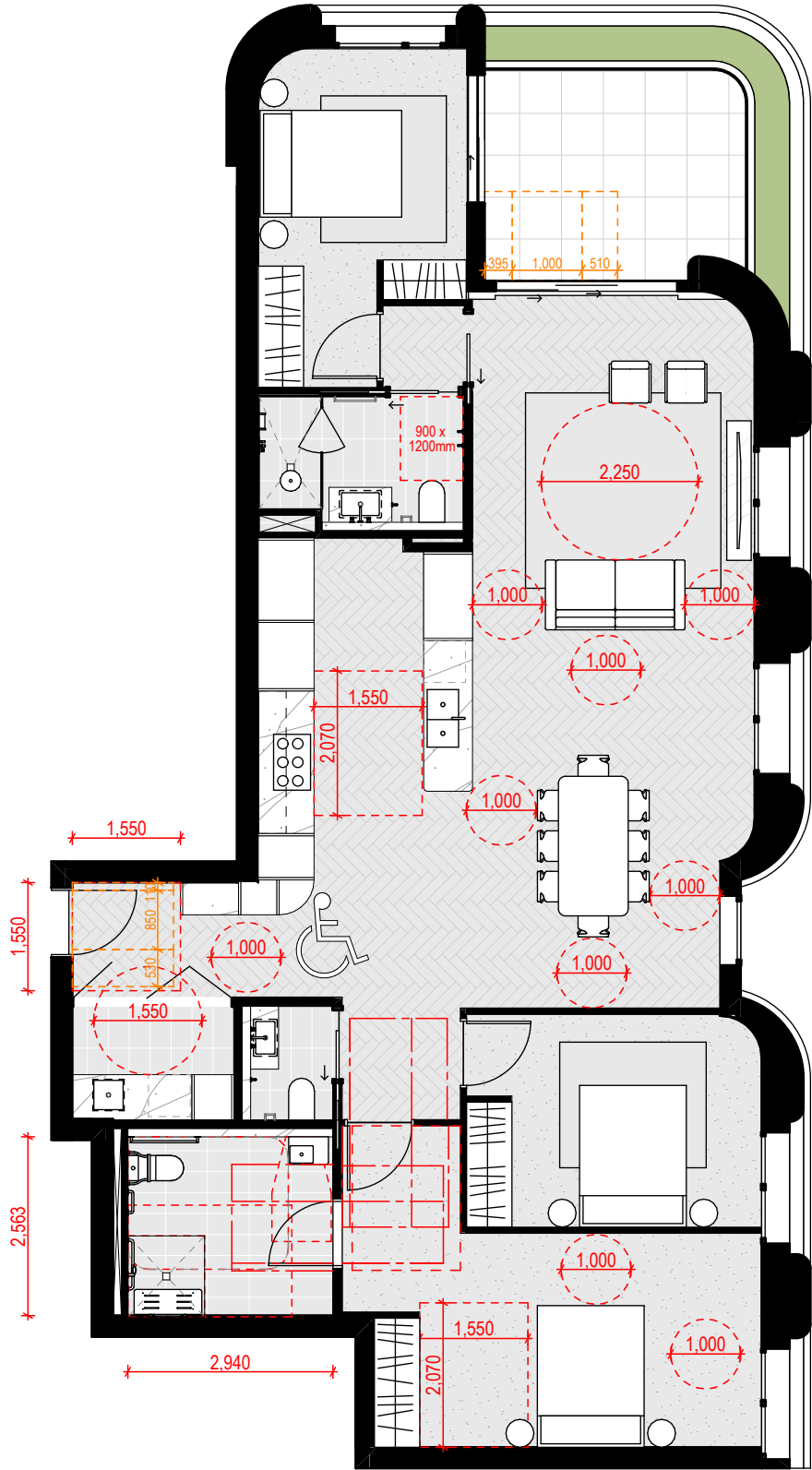
Drawing Number  
Revision

DA208  
B

| Change List |                                                |
|-------------|------------------------------------------------|
| ID          | Name                                           |
| Ch-06       | Amendment to Pre and Post Adaptable Apartments |



Pre-Adapted  
Apartments 102,202



Post-Adapted  
Apartments 102,202

NOTES

REFER TO ACCESS REPORT BY BCA ACCESS

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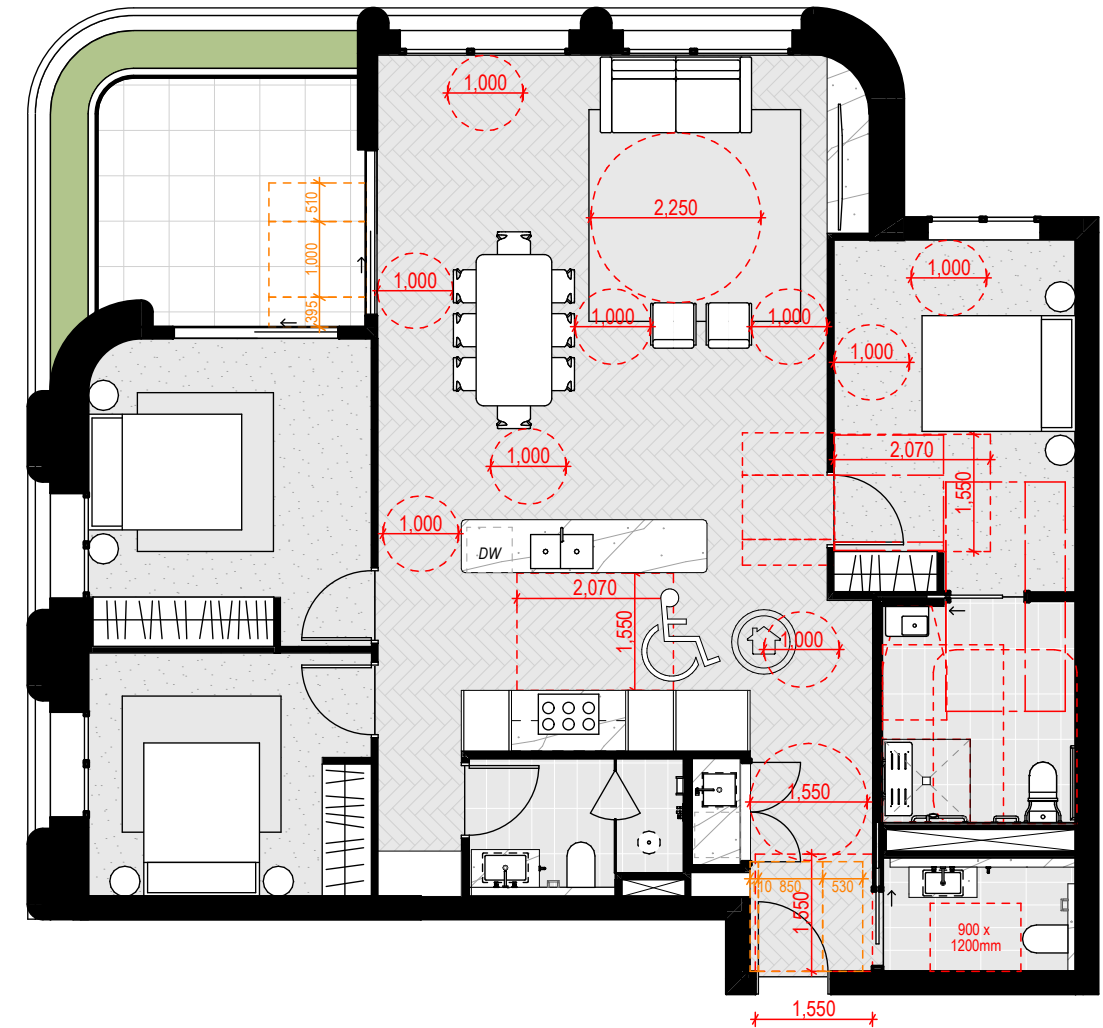
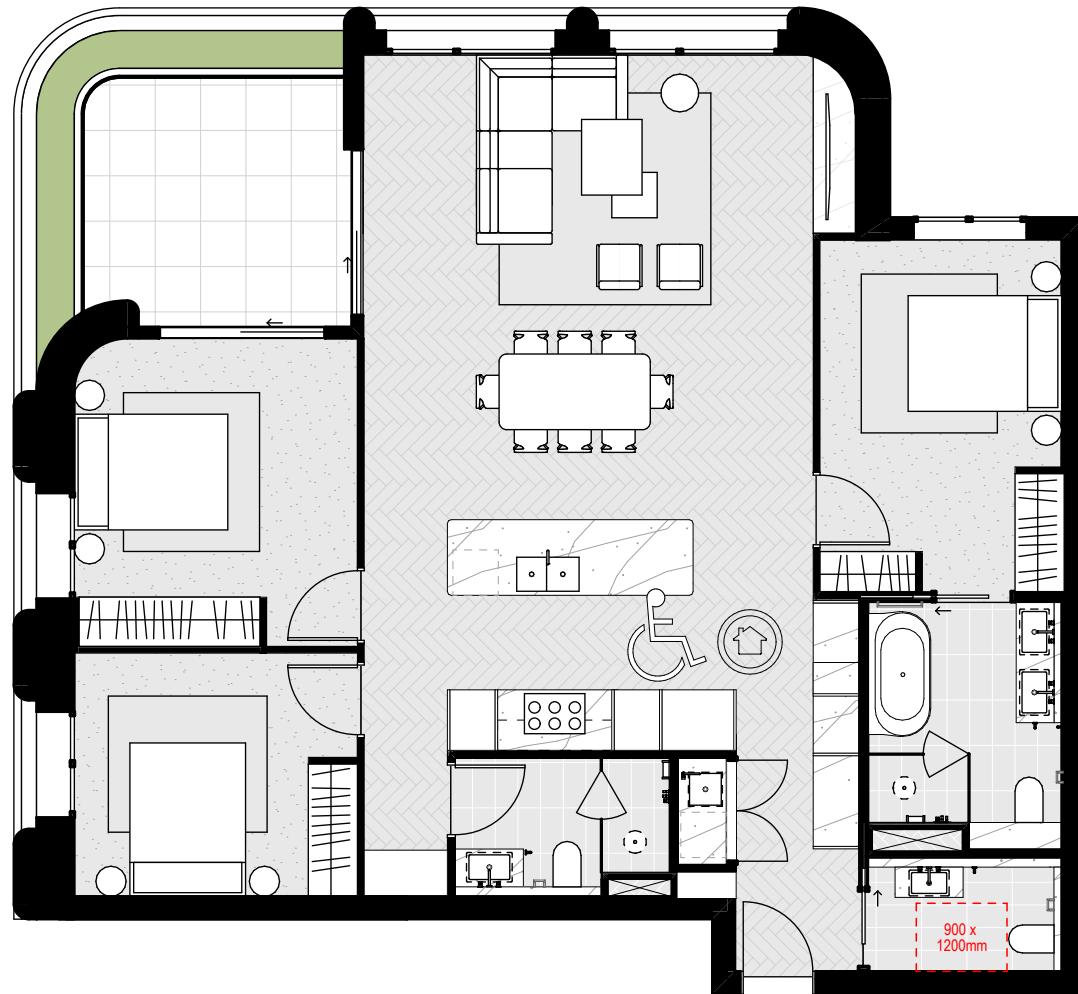
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|------|------------|---------|---------|-------------------------|
| A    | 26/05/2025 | JS / KA | RM / SO | Development Application |

DEVELOPMENT  
APPLICATION

|                 |                                                        |                |                      |
|-----------------|--------------------------------------------------------|----------------|----------------------|
| Project Name    | 53-55 Yeo Street                                       | Project Number | 13089                |
| Project Address | 53-55 Yeo Street,<br>Cremorne, NSW 2090<br>1/DP1308704 | Drawing Name   | Adaptable Apartments |
| Client          | PIERCE PROPERTY                                        | Scale          | 1:100 , 1:2 @A3      |
|                 |                                                        | Date           | May 2025             |
|                 |                                                        | Drawing Number | DA209                |
|                 |                                                        | Revision       | A                    |



## NOTES

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## Pre-Adapted Apartment 201

| Rev. | Date       | By      | Ckd     | Description             |
|------|------------|---------|---------|-------------------------|
| A    | 26/05/2025 | JS / KA | RM / SO | Development Application |

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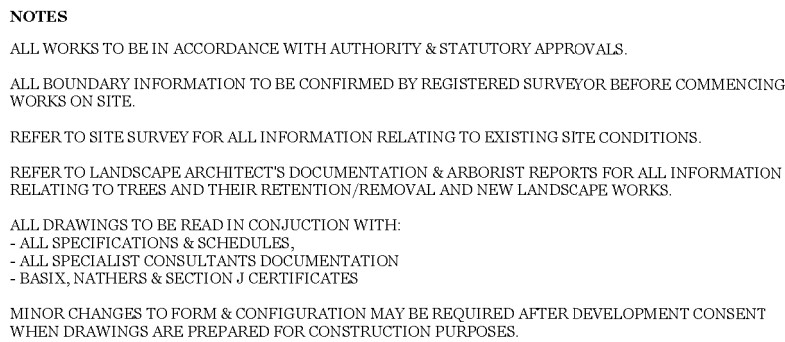
DEVELOPMENT  
APPLICATION

|                 |                                                        |                |                      |
|-----------------|--------------------------------------------------------|----------------|----------------------|
| Project Name    | 53-55 Yeo Street                                       | Project Number | 13089                |
| Project Address | 53-55 Yeo Street,<br>Cremorne, NSW 2090<br>1/DP1308704 | Drawing Name   | Adaptable Apartments |
|                 |                                                        | Scale          | 1:100 @A3            |
|                 |                                                        | Date           | May 2025             |
| Client          | PIERCE PROPERTY                                        | Drawing Number | <b>DA210</b>         |
|                 |                                                        | Revision       | <b>A</b>             |



Figure 1 displays six color swatches (EF-01 to EF-06) and their corresponding descriptions, all enclosed within a blue scalloped border. A blue triangle on the right points to the label 'Ch-18'.

| Label | Description                                           |
|-------|-------------------------------------------------------|
| EF-01 | Matte brickwork<br>Light beige colour<br>or similar   |
| EF-02 | Matte brickwork<br>dark brown colour or<br>similar    |
| EF-03 | Matte metalwork<br>Dark bronze colour<br>or similar   |
| EF-04 | Clear Glass                                           |
| EF-05 | Obscure Glass                                         |
| EF-06 | Matte metalwork<br>Medium bronze<br>colour or similar |



| Rev. | Date       | By      | Ckd     | Description             |
|------|------------|---------|---------|-------------------------|
| A    | 26/05/2025 | JS / KA | RM / SO | Development Application |
| B    | 1/08/2025  | KA      | DK      | DEP Amended Issue       |

|                 |                                                        |
|-----------------|--------------------------------------------------------|
| Project Name    | 53-55 Yeo Street                                       |
| Project Address | 53-55 Yeo Street,<br>Cremorne, NSW 2090<br>1/DP1308704 |
| Client          | PIERCE PROPERTY                                        |

|                |                 |
|----------------|-----------------|
| Project Number | 13089           |
| Drawing Name   | North Elevation |
| Scale          | 1:200           |
| Date           | May 2025        |
| Drawing Number | <b>DA300</b>    |
| Revision       | <b>B</b>        |



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NSW: Nominated Architects: Koos de Keijzer 5767 | David Randerson 8542

| Rev. | Date       | By      | Ckd     | Description             |
|------|------------|---------|---------|-------------------------|
| A    | 26/05/2025 | JS / KA | RM / SO | Development Application |
| B    | 1/08/2025  | KA      | DK      | DEP Amended Issue       |

DEVELOPMENT APPLICATION

|                 |                                                  |                |                |
|-----------------|--------------------------------------------------|----------------|----------------|
| Project Name    | 53-55 Yeo Street                                 | Project Number | 13089          |
| Project Address | 53-55 Yeo Street, Cremorne, NSW 2090 1/DP1308704 | Drawing Name   | East Elevation |
| Client          | PIERCE PROPERTY                                  | Scale          | 1:200          |
|                 |                                                  | Date           | May 2025       |
|                 |                                                  | Drawing Number | DA301          |
|                 |                                                  | Revision       | B              |

@A3



This architectural elevation drawing shows a building facade with various levels and annotations. The drawing includes the following elements:

- Levels and Elevation Markers:**
  - 6 ROOF LEVEL: +99.90
  - 5 LEVEL 05: +96.60
  - 4 LEVEL 04: +93.30
  - 3 LEVEL 03: +90.00
  - 2 LEVEL 02: +86.60
  - 1 LEVEL 01: +83.50
  - 0 GROUND LEVEL: +80.40
- Annotations and Dimensions:**
  - Ch-05:** A red triangle pointing to the roof level.
  - Ch-15:** A blue triangle pointing to the roof level.
  - Ch-07:** A red triangle pointing to the ground level.
  - Ch-21:** A blue triangle pointing to the roof level.
  - Ch-14:** A red triangle pointing to the ground level.
  - Ch-20:** A blue triangle pointing to the roof level.
  - Ch-19:** A blue triangle pointing to the roof level.
  - Ch-18:** A blue triangle pointing to the roof level.
  - Ch-17:** A blue triangle pointing to the roof level.
  - Ch-16:** A blue triangle pointing to the roof level.
  - Ch-13:** A red triangle pointing to the ground level.
  - Ch-12:** A red triangle pointing to the ground level.
  - Ch-11:** A red triangle pointing to the ground level.
  - Ch-10:** A red triangle pointing to the ground level.
  - Ch-09:** A red triangle pointing to the ground level.
  - Ch-08:** A red triangle pointing to the ground level.
  - Ch-06:** A red triangle pointing to the ground level.
  - Ch-04:** A red triangle pointing to the ground level.
  - Ch-03:** A red triangle pointing to the ground level.
  - Ch-02:** A red triangle pointing to the ground level.
  - Ch-01:** A red triangle pointing to the ground level.
  - Ch-00:** A red triangle pointing to the ground level.
- Other Features:**
  - 22m HEIGHT LIMIT:** A blue dashed line indicating the maximum height.
  - Metal Screen to Plant - EF-03:** A label for a feature on the facade.
  - Approved DA Outline:** A red line indicating the approved development area.
  - 1.8m High Fence to Boundary:** A label for a feature on the ground.
  - Lobby Entry Awning EF-03:** A label for a feature on the facade.
  - RANGERS LANE:** A label for the street.
  - No. 153 Wycombe St:** A label for the adjacent property.
  - No. 57 Yeo St:** A label for the adjacent property.

South Elevation  
1:200

ALL WORKS TO BE IN ACCORDANCE WITH AUTHORITY & STATUTORY APPROVALS.

ALL BOUNDARY INFORMATION TO BE CONFIRMED BY REGISTERED SURVEYOR BEFORE COMMENCING WORKS ON SITE.

REFER TO SITE SURVEY FOR ALL INFORMATION RELATING TO EXISTING SITE CONDITIONS.

REFER TO LANDSCAPE ARCHITECT'S DOCUMENTATION & ARBORIST REPORTS FOR ALL INFORMATION RELATING TO TREES AND THEIR RETENTION/REMOVAL AND NEW LANDSCAPE WORKS.

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## DEVELOPMENT APPLICATION

Client PIERCE PROPERTY

Drawing Number **DA302**  
Revision **B**

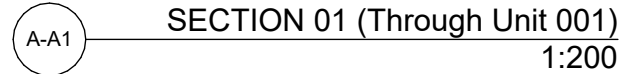
@A3



01 \_\_\_\_\_ West Elevation  
1:200

Drawing Number **DA303**  
Revision **B**



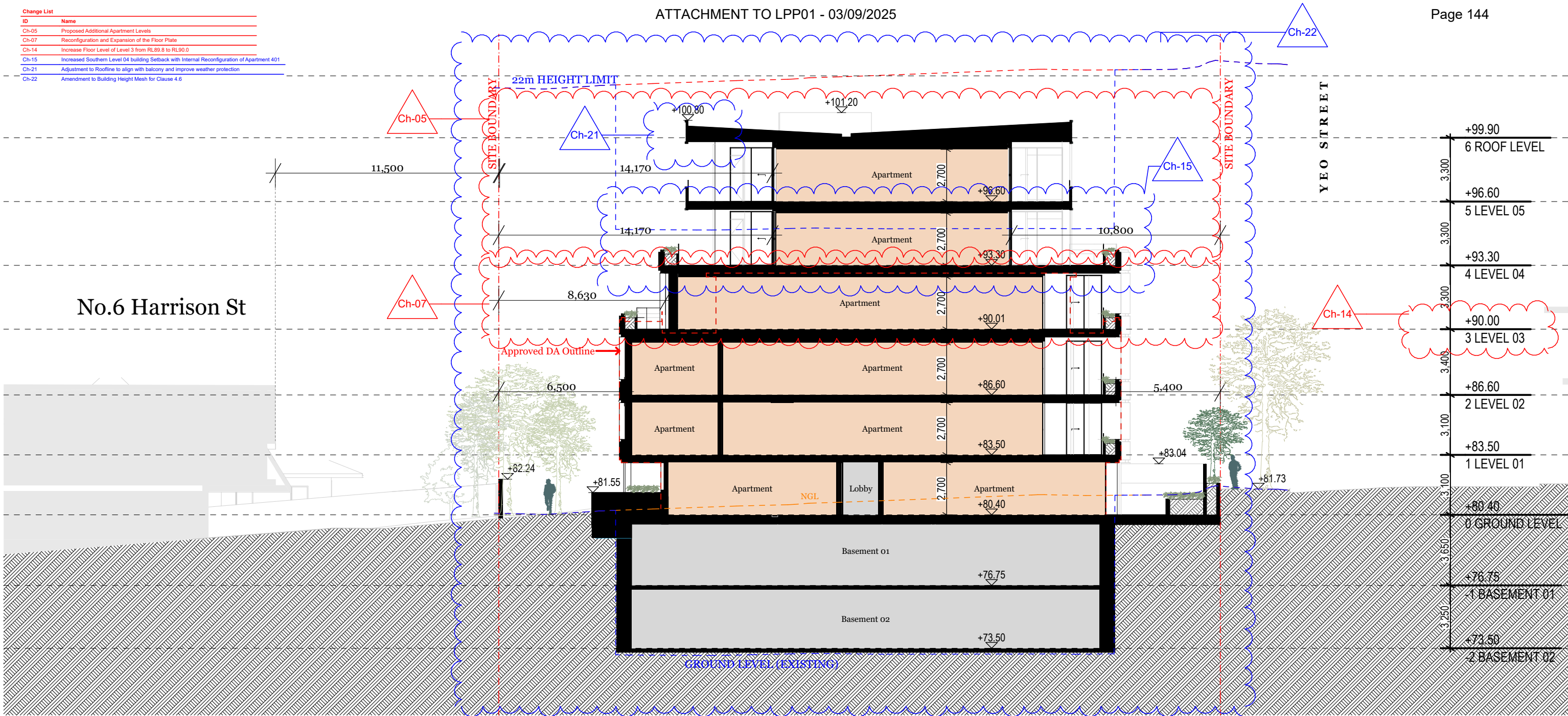


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DEVELOPMENT  
APPLICATIONDA304  
B

| Change List |                                                                                            |
|-------------|--------------------------------------------------------------------------------------------|
| ID          | Name                                                                                       |
| Ch-05       | Proposed Additional Apartment Levels                                                       |
| Ch-07       | Reconfiguration and Expansion of the Floor Plate                                           |
| Ch-14       | Increase Floor Level of Level 3 from RL89.8 to RL90.0                                      |
| Ch-15       | Increase Southern Level 04 building Setback with Internal Reconfiguration of Apartment 401 |
| Ch-21       | Adjustment to Roofline to align with balcony and improve weather protection                |
| Ch-22       | Amendment to Building Height Mesh for Clause 4.6                                           |



S03 SECTION 03 (Through Unit 002)  
1:200

NOTES

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| Rev. | Date       | By      | Ckd     | Description             |
|------|------------|---------|---------|-------------------------|
| A    | 26/05/2025 | JS / KA | RM / SO | Development Application |
| B    | 1/08/2025  | KA      | DK      | DEP Amended Issue       |

DEVELOPMENT  
APPLICATION

Project Name  
Project Address

53-55 Yeo Street  
53-55 Yeo Street,  
Cremorne, NSW 2090  
1/DP1308704

Client

PIERCE PROPERTY

Project Number  
Drawing Name  
Scale  
Date

13089  
Section 03  
1:200 @A3  
May 2025

Drawing Number  
Revision

DA305  
B



**Change List**

| ID    | Name                                                                                 |
|-------|--------------------------------------------------------------------------------------|
| Ch-05 | Proposed Additional Apartment Levels                                                 |
| Ch-07 | Reconfiguration and Expansion of the Floor Plate                                     |
| Ch-14 | Increase Floor Level of Level 3 from RL89.8 to RL90.0                                |
| Ch-15 | Increase to Level 04 building Setback with Internal Reconfiguration of Apartment 401 |
| Ch-22 | Amendment to Building Height Mesh for Clause 4.6                                     |

**ATTACHMENT TO LPP01 - 03/09/2025**

**Site Details:**

- Address:** No. 153 Wycombe Street
- Adjacent Property:** No. 57 Yeo Stret
- Height Limit:** 22m HEIGHT LIMIT
- Setbacks:** 3,000MM SIDE SETBACK, 6,000MM SIDE SETBACK
- Boundaries:** SITE BOUNDARY, RANGERS LANE
- Open Space:** COMMUNAL OPEN SPACE
- Ground Level:** EXISTING GROUND LEVEL

**Floor Levels and Dimensions:**

| Level          | Height (RL) | Dimensions |
|----------------|-------------|------------|
| 6 ROOF LEVEL   | +99.90      | 3,300      |
| 5 LEVEL 05     | +96.60      | 3,400      |
| 4 LEVEL 04     | +93.30      | 3,300      |
| 3 LEVEL 03     | +90.00      | 3,300      |
| 2 LEVEL 02     | +86.60      | 3,100      |
| 1 LEVEL 01     | +83.50      | 3,100      |
| 0 GROUND LEVEL | +80.40      | 3,650      |
| -1 BASEMENT 01 | +76.75      | 3,250      |
| -2 BASEMENT 02 | +73.50      |            |

**Apartment Units and Basements:**

- Apartment 1:** Located on Level 05, with a height of +96.60.
- Apartment 2:** Located on Level 04, with a height of +93.30.
- Apartment 3:** Located on Level 03, with a height of +90.00.
- Apartment 4:** Located on Level 02, with a height of +86.60.
- Apartment 5:** Located on Level 01, with a height of +83.50.
- Basement 01:** Located below Ground Level, with a height of +76.75.
- Basement 02:** Located below Basement 01, with a height of +73.50.

**Other Features:**

- Approved DA Outline:** Indicated by a red dashed line.
- Existing Ground Level:** Shown as a blue dashed line.
- Communal Open Space:** Located between the building and the adjacent property.
- Landscaping:** Trees and shrubs are shown along the perimeter of the site.

S02

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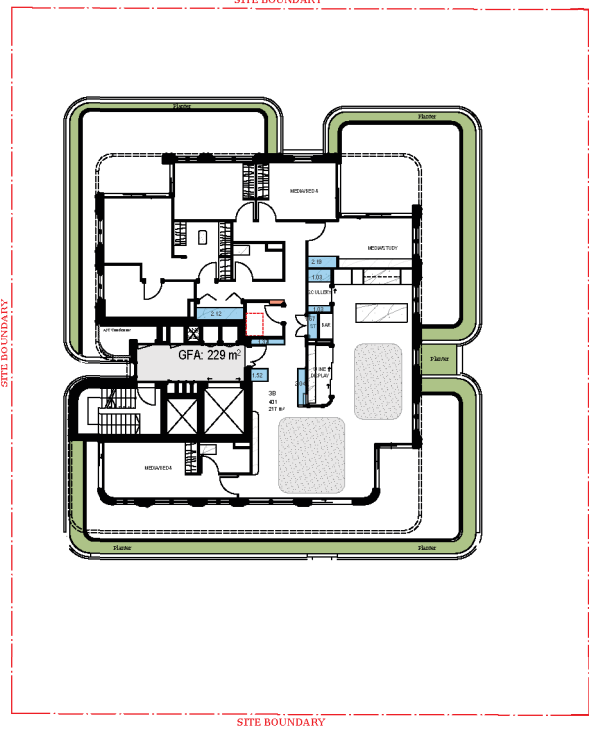
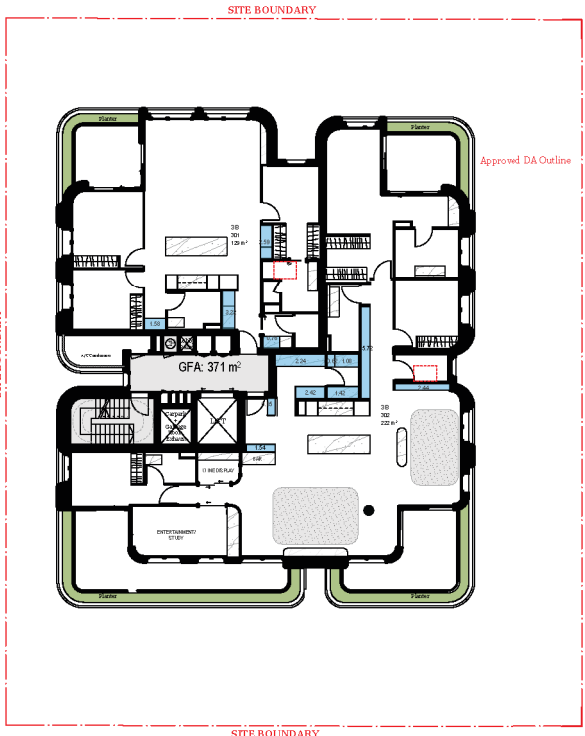
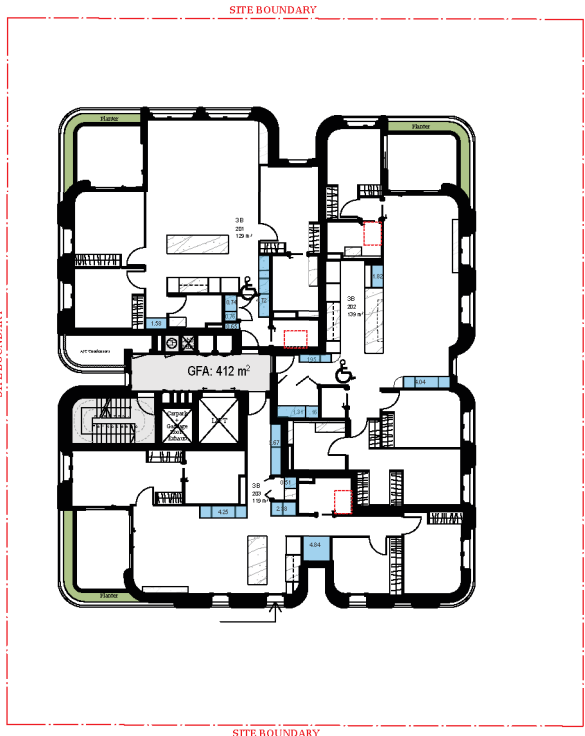
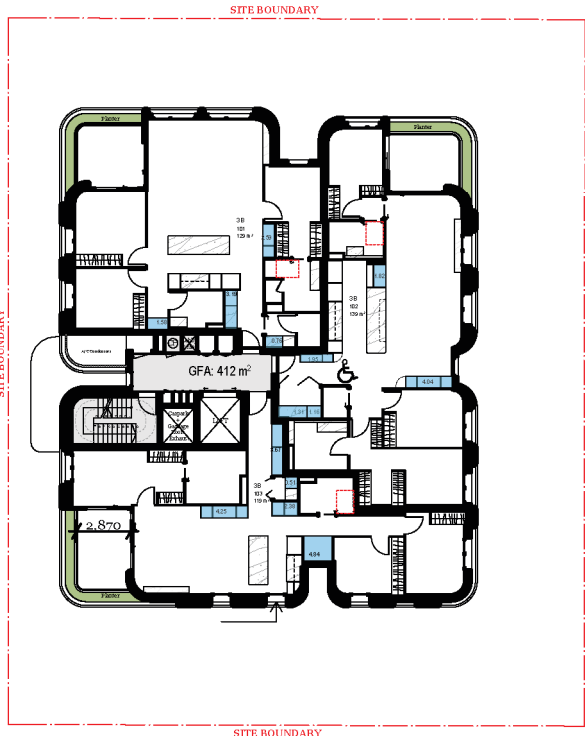
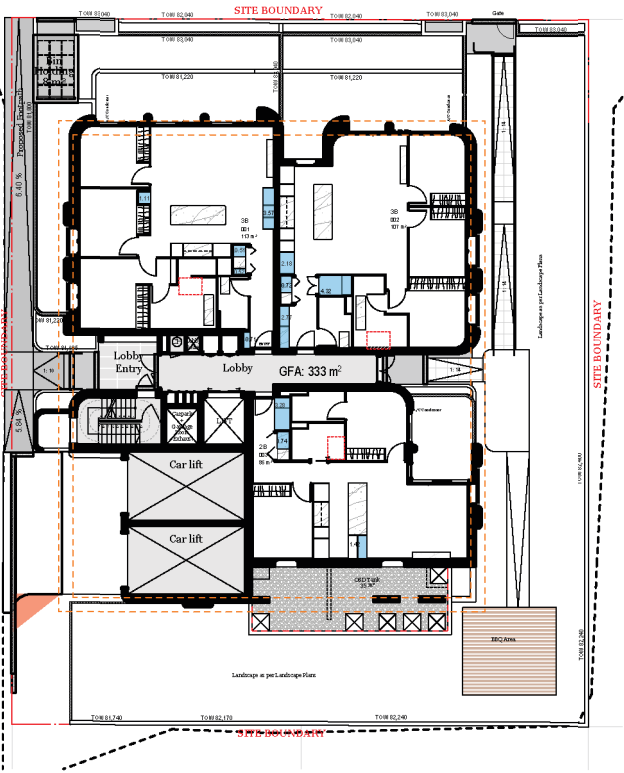
## DEVELOPMENT APPLICATION

|                 |                                                        |                |              |
|-----------------|--------------------------------------------------------|----------------|--------------|
| Project Name    | 53-55 Yeo Street                                       | Project Number | 13089        |
| Project Address | 53-55 Yeo Street,<br>Cremorne, NSW 2090<br>1/DP1308704 | Drawing Name   | Section 02   |
|                 |                                                        | Scale          | 1:200 @A3    |
|                 |                                                        | Date           | May 2025     |
| Client          | PIERCE PROPERTY                                        | Drawing Number | <b>DA306</b> |
|                 |                                                        | Revision       | <b>B</b>     |

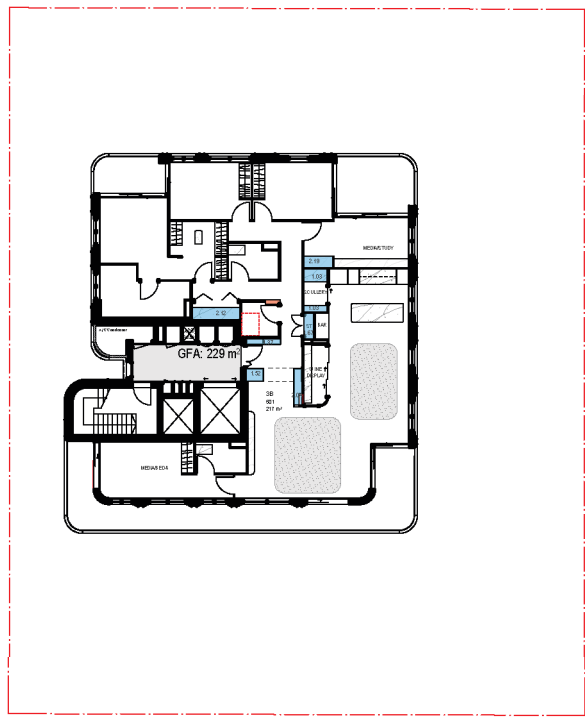




RANGERS LANE



Ch-17



| Storage         |             |           |                         |
|-----------------|-------------|-----------|-------------------------|
| Home Story Name | Unit Number | Unit Type | Internal Storage Volume |
| GROUND LEVEL    |             |           |                         |
|                 | 001         | 3A        | 7.41                    |
|                 | 002         | 2A        | 9.99                    |
|                 | 003         | 3B        | 5.45                    |
| LEVEL 01        |             |           |                         |
|                 | 101         | 3A        | 8.13                    |
|                 | 102         | 3C        | 10.28                   |
|                 | 103         | 3D        | 15.65                   |
| LEVEL 02        |             |           |                         |
|                 | 201         | 3A        | 8.47                    |
|                 | 202         | 3C        | 10.28                   |
|                 | 203         | 3D        | 15.65                   |
| LEVEL 03        |             |           |                         |
|                 | 301         | 3A        | 8.15                    |
|                 | 302         | 3E        | 18.33                   |
| LEVEL 04        |             |           |                         |
|                 | 401         | 4A        | 12.97                   |
| LEVEL 05        |             |           |                         |
|                 | 501         | 4B        | 12.97                   |

| Basement Storage |             |           |                         |
|------------------|-------------|-----------|-------------------------|
| Home Story Name  | Unit Number | Unit Type | Basement Storage Volume |
| BASEMENT 02      |             |           |                         |
|                  | 301         |           | 7.33                    |
|                  | 002         |           | 7.33                    |
|                  | 003         |           | 7.33                    |
|                  | 201         |           | 7.33                    |
|                  | 101         |           | 7.33                    |
|                  | 401         |           | 8.32                    |
|                  | 501         |           | 8.43                    |
|                  | 102         |           | 25.92                   |
| BASEMENT 01      |             |           |                         |
|                  | 001         |           | 7.22                    |
|                  | 202         |           | 24.62                   |

Ch-25

| Change List |                                           |
|-------------|-------------------------------------------|
| ID          | Name                                      |
| Ch-11       | New Drawing                               |
| Ch-17       | Revised Drawing to Reflect Design Changes |



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|------|------------|---------|---------|-------------------------|
| A    | 26/05/2025 | JS / KA | RM / SO | Development Application |
| B    | 1/08/2025  | KA      | DK      | DEP Amended Issue       |

DEVELOPMENT APPLICATION

Project Name  
Project Address

53-55 Yeo Street  
53-55 Yeo Street,  
Cremorne, NSW 2090  
1/DP1308704

Client

PIERCE PROPERTY

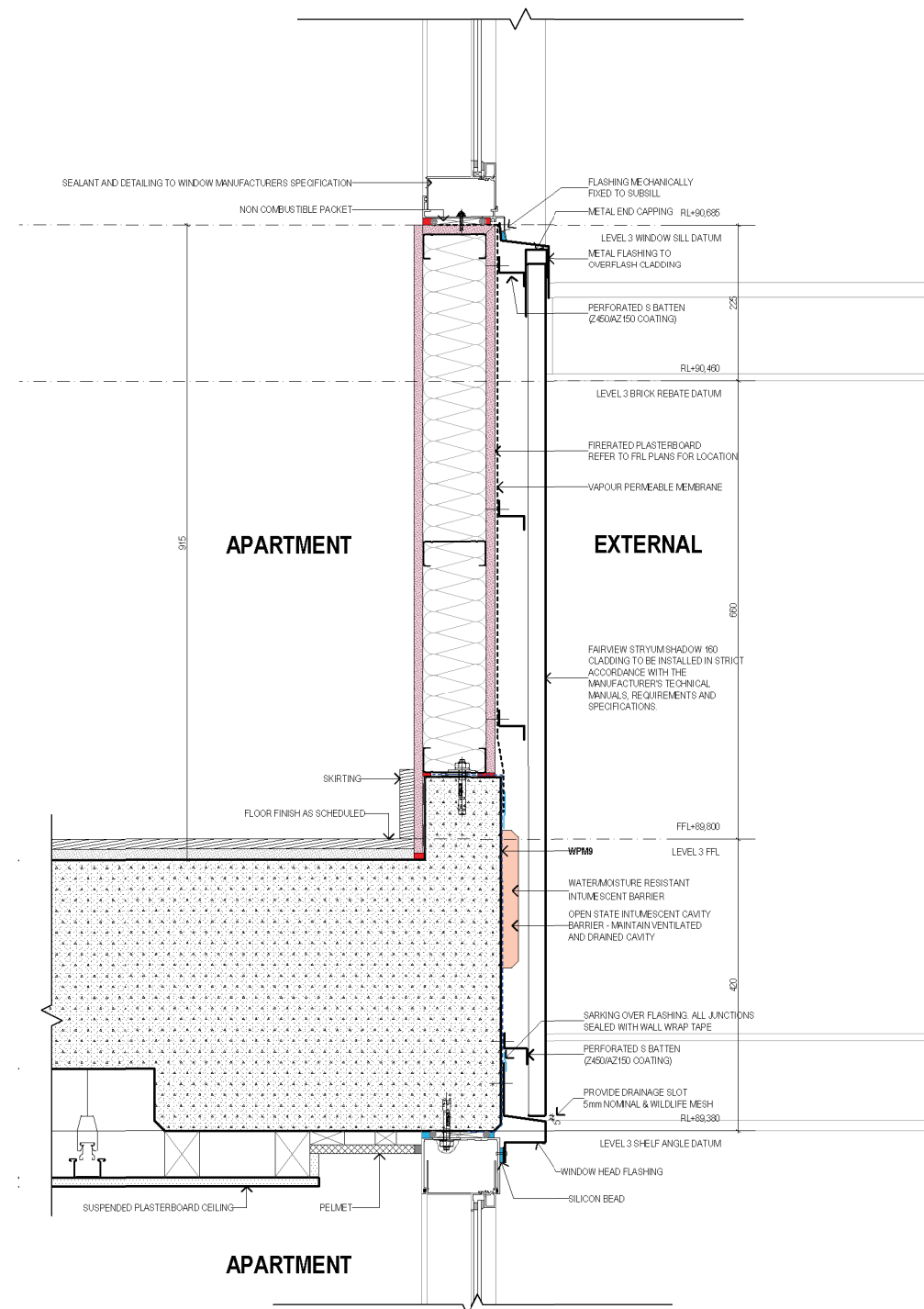
Project Number  
Drawing Name  
Scale  
Date

13089  
Storage Calculations  
1:400, 1:2 @A3  
May 2025

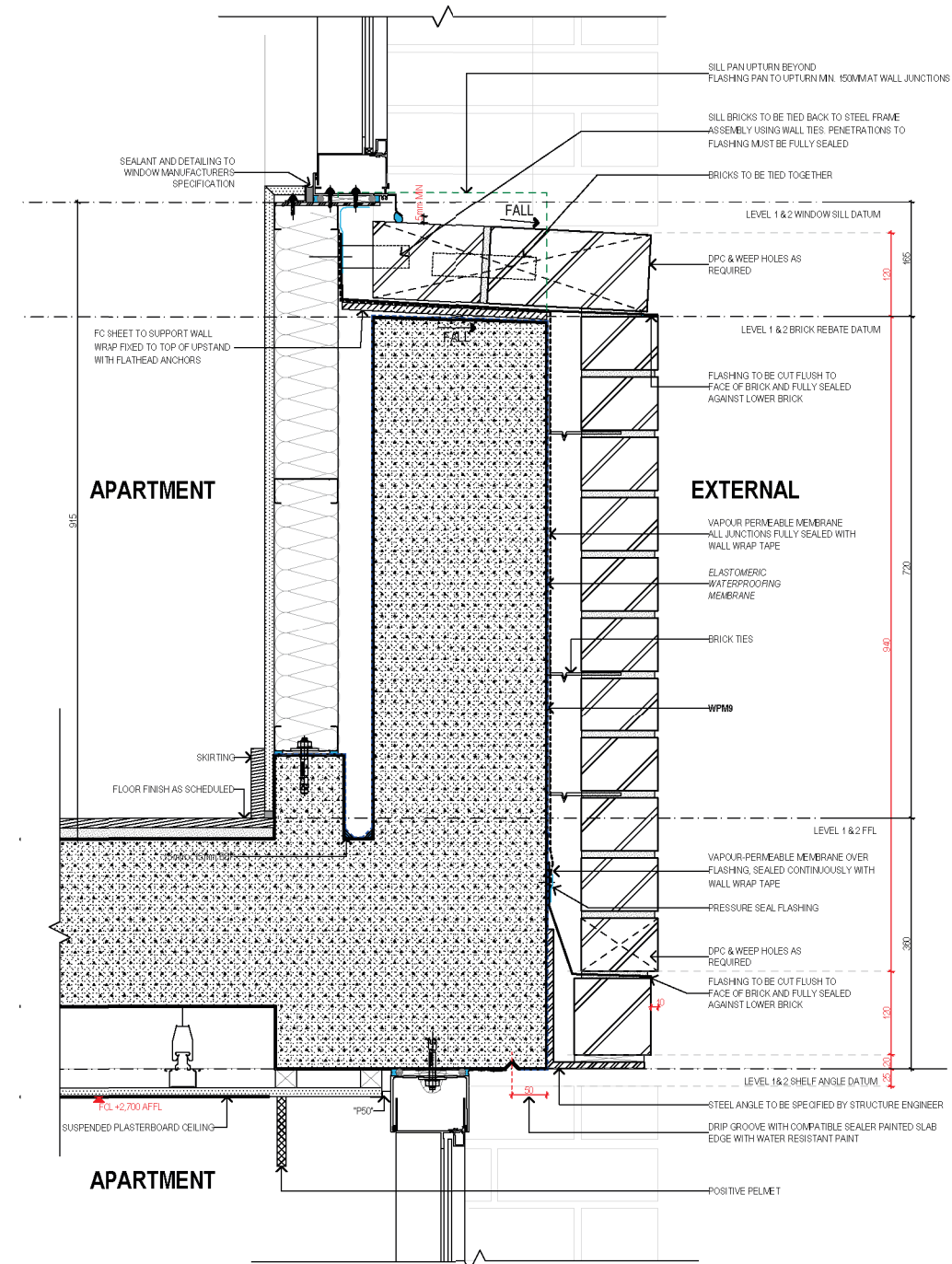
Drawing Number  
Revision

DA404  
B

Ch-11

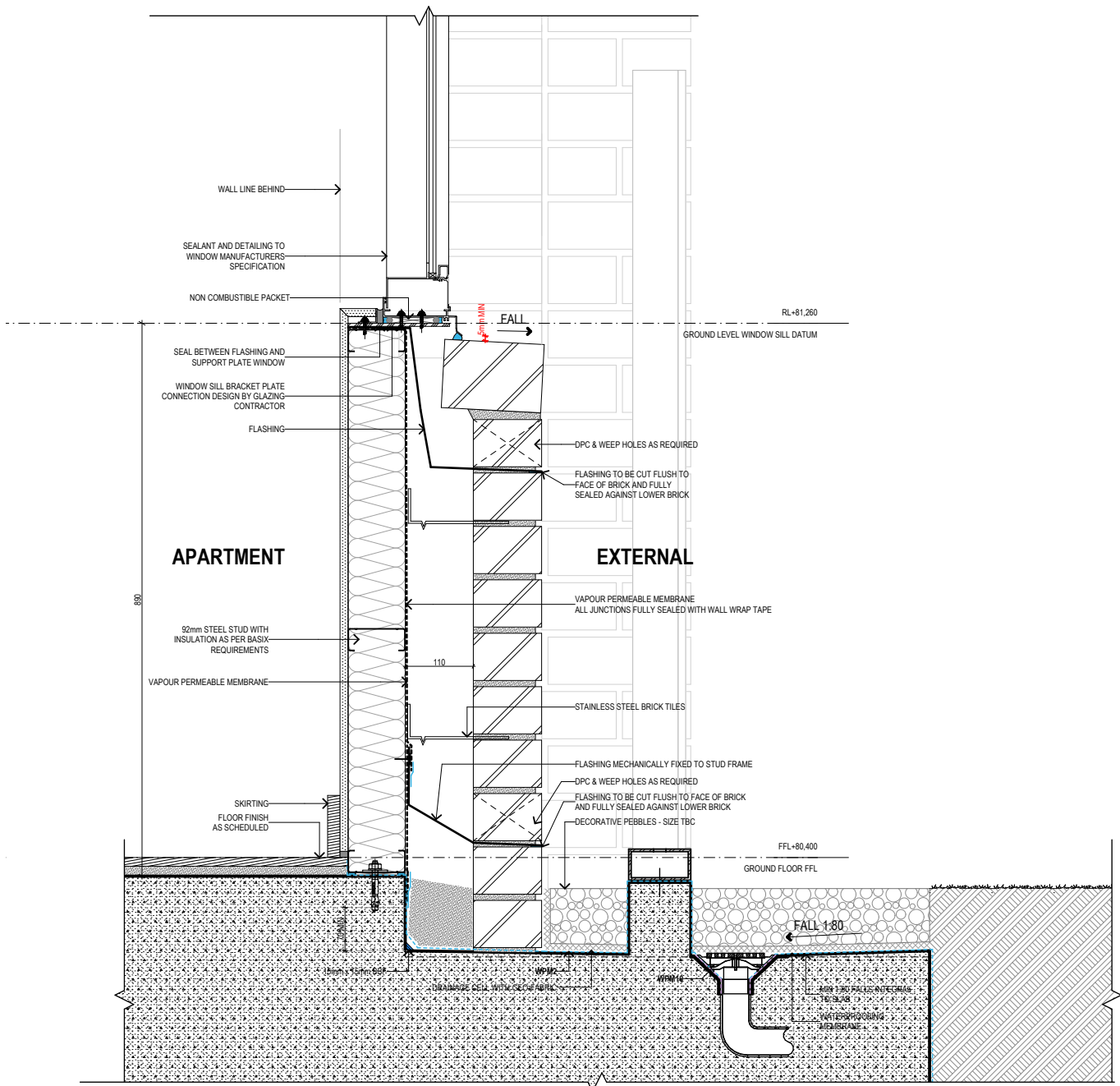


Typical Wall Section Detail 01  
1:10

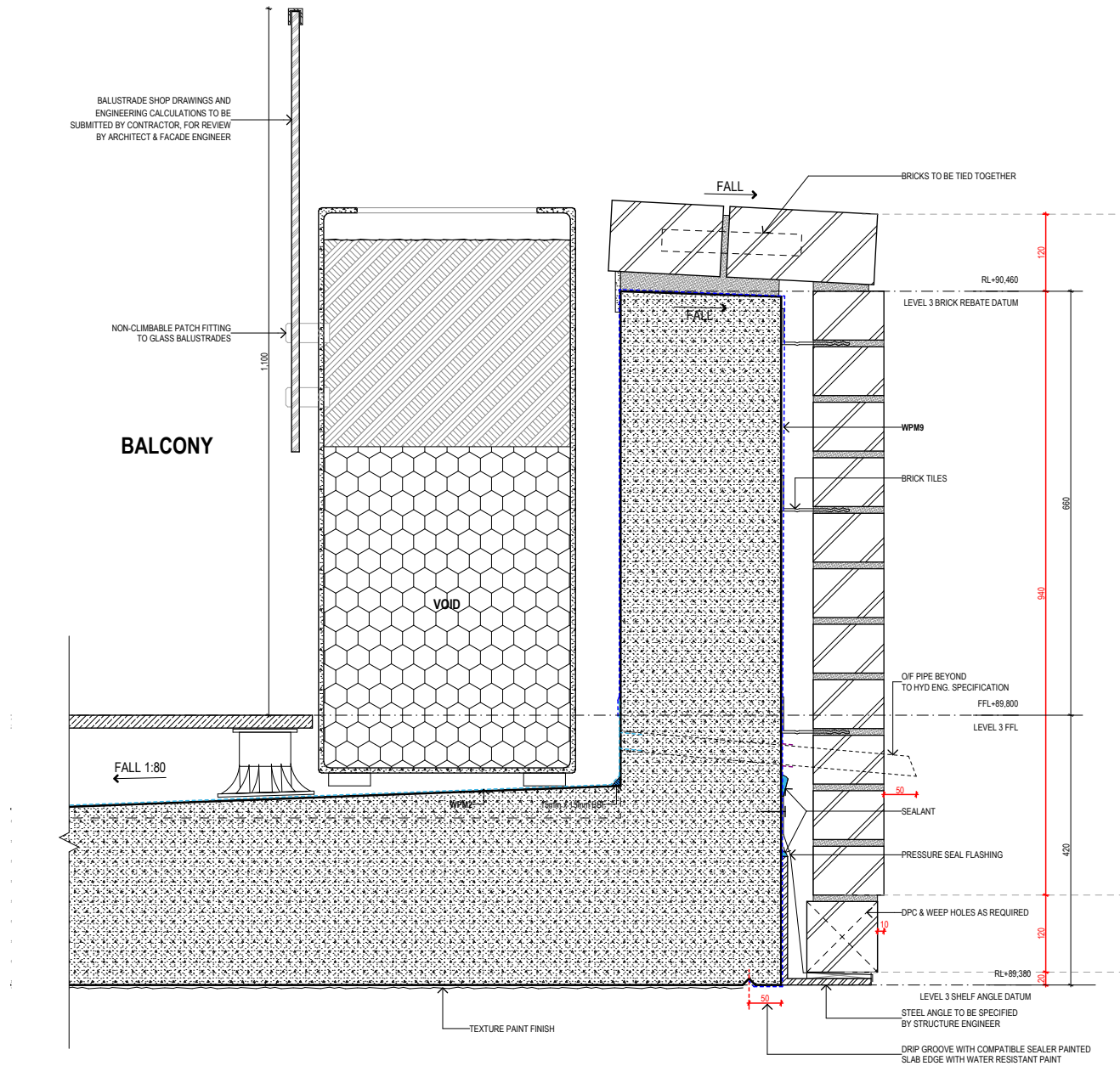


Typical Wall Section Detail 02  
1:10

|                     |             |
|---------------------|-------------|
| Change List [Rev B] |             |
| Ch-16               | New Drawing |



Typical Wall Section Detail 03  
1:10



Typical Wall Section Detail 04  
1:10

Change List [Rev B]  
Ch-16 New Drawing



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| Rev. | Date      | By | Ckd | Description       |
|------|-----------|----|-----|-------------------|
| A    | 1/08/2025 | KA | DK  | DEP Amended Issue |

DEVELOPMENT  
APPLICATION

Project Name  
Project Address

53-55 Yeo Street  
53-55 Yeo Street,  
Cremorne, NSW 2090  
1/DP1308704

Client

PIERCE PROPERTY

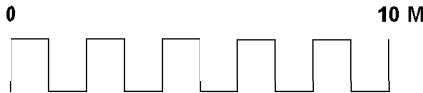
Project Number  
Drawing Name  
Scale  
Date

13089  
Wall Detail Sections  
1:2, 1:10 @A3  
May 2025

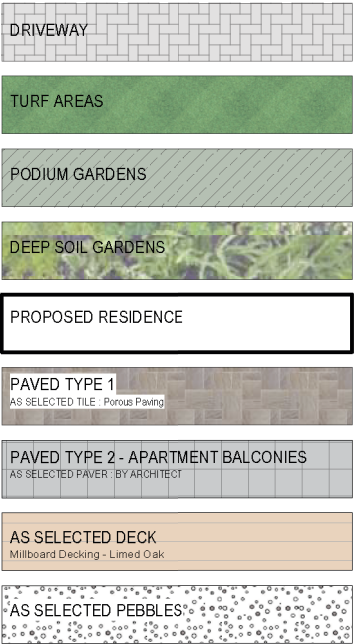
Drawing Number  
Revision

DA408  
A

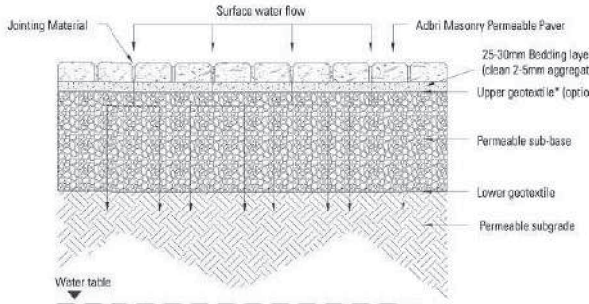




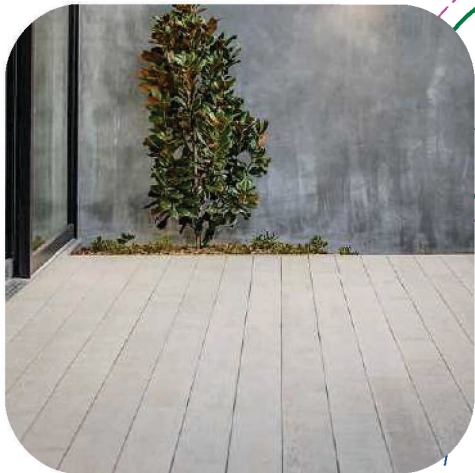
LEGEND



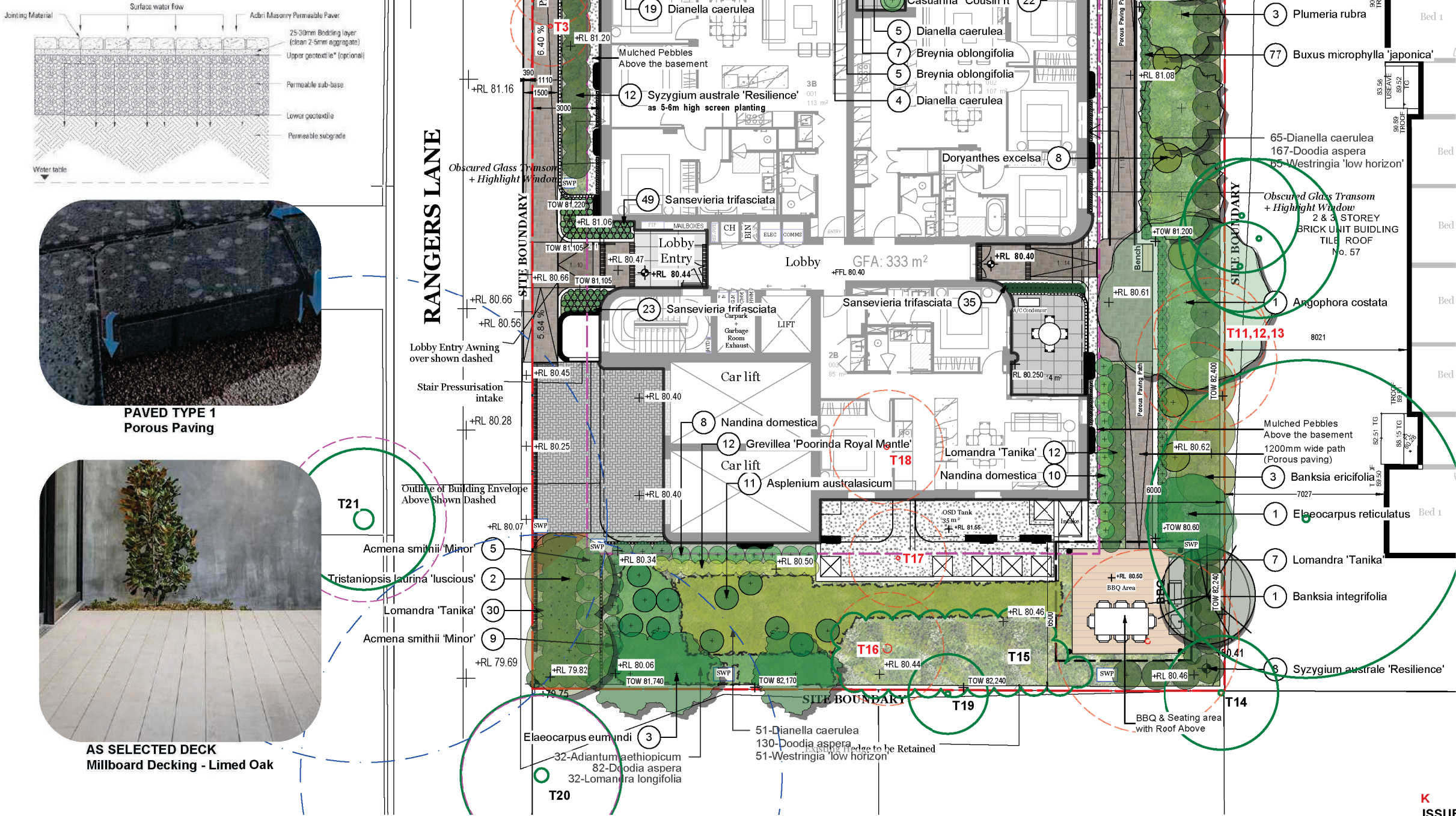
EXISTING TREE LEGEND



PAVED TYPE 1  
Porous Paving



AS SELECTED DECK  
Millboard Decking - Limed Oak



**GENERAL NOTES**  
All work to be carried out in accordance with the Building Code of Australia, all Local and State Government Ordinances, relevant Australian Standards, Local Authorities Regulations and all other relevant Authorities concerned.  
All structural work and site drainage to be subject to Engineer's details or certification where required by Council. This shall include r.c. slabs and footings, r.c. and steel beams & columns, wind bracing to AS 1170 and AS4055, anchor rods or bolts, tie downs, fixings etc., driveway slabs and drainage to Council's satisfaction. All timbers to be in accordance with SAA Timber Structure Code AS1720 and SAA Timber Framing Code AS 1684. All work to be carried out in a professional and workman- shiplike manner according to the plans and specification.  
NOTE:  
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Project **PROPOSED LANDSCAPE PLAN**  
Address **53-55 YEO STREET, CREMORNE**  
Drawing Title **GROUND FLOOR LANDSCAPE PLAN**

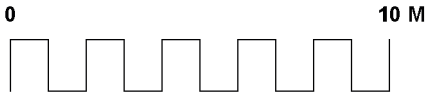
Date **31/07/2025**  
Scale **1:200@A3**

**K 31/07/25 SECT 4.55 ISSUE**  
**ISSUE DATE COMMENT**  
**AMENDMENTS**

Page  
**L-01**

Drawing No. **1440**





LEGEND

- DRIVEWAY
- TURF AREAS
- PODIUM GARDENS
- DEEP SOIL GARDENS
- PROPOSED RESIDENCE
- PAVED TYPE 1  
AS SELECTED TILE - Porous Paving
- PAVED TYPE 2 - APARTMENT BALCONIES  
AS SELECTED PAVES - BY ARCHITECT
- AS SELECTED DECK  
Millboard Decking - Lined Oak
- AS SELECTED PEBBLES

EXISTING TREE LEGEND

- EXISTING TREES TO BE RETAINED
- TREES TO BE REMOVED
- SRZ
- TPZ

BOUNDARY

|            |          |                 |
|------------|----------|-----------------|
| K          | 31/07/25 | SECT 4.55 ISSUE |
| ISSUE      | DATE     | COMMENT         |
| AMENDMENTS |          |                 |

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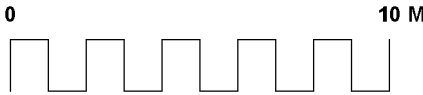
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Project **PROPOSED LANDSCAPE PLAN**  
Address **53-55 YEO STREET, CREMORNE**  
Drawing Title **LEVEL 1 LANDSCAPE PLAN**

Date **31/07/2025**  
Scale **1:200@A3**

Drawing No. **1440**

Page  
**L-02**



LEGEND

- DRIVEWAY
- TURF AREAS
- PODIUM GARDENS
- DEEP SOIL GARDENS
- PROPOSED RESIDENCE
- PAVED TYPE 1  
AS SELECTED TILE - Porous Paving
- PAVED TYPE 2 - APARTMENT BALCONIES  
AS SELECTED PAVER - BY ARCHITECT
- AS SELECTED DECK  
Millboard Decking - Lined Oak
- AS SELECTED PEBBLES

EXISTING TREE LEGEND

- EXISTING TREES TO BE RETAINED
- TREES TO BE REMOVED
- SRZ
- TPZ

BOUNDARY



|            |          |                 |
|------------|----------|-----------------|
| K          | 31/07/25 | SECT 4.55 ISSUE |
| ISSUE      | DATE     | COMMENT         |
| AMENDMENTS |          |                 |

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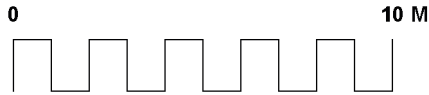
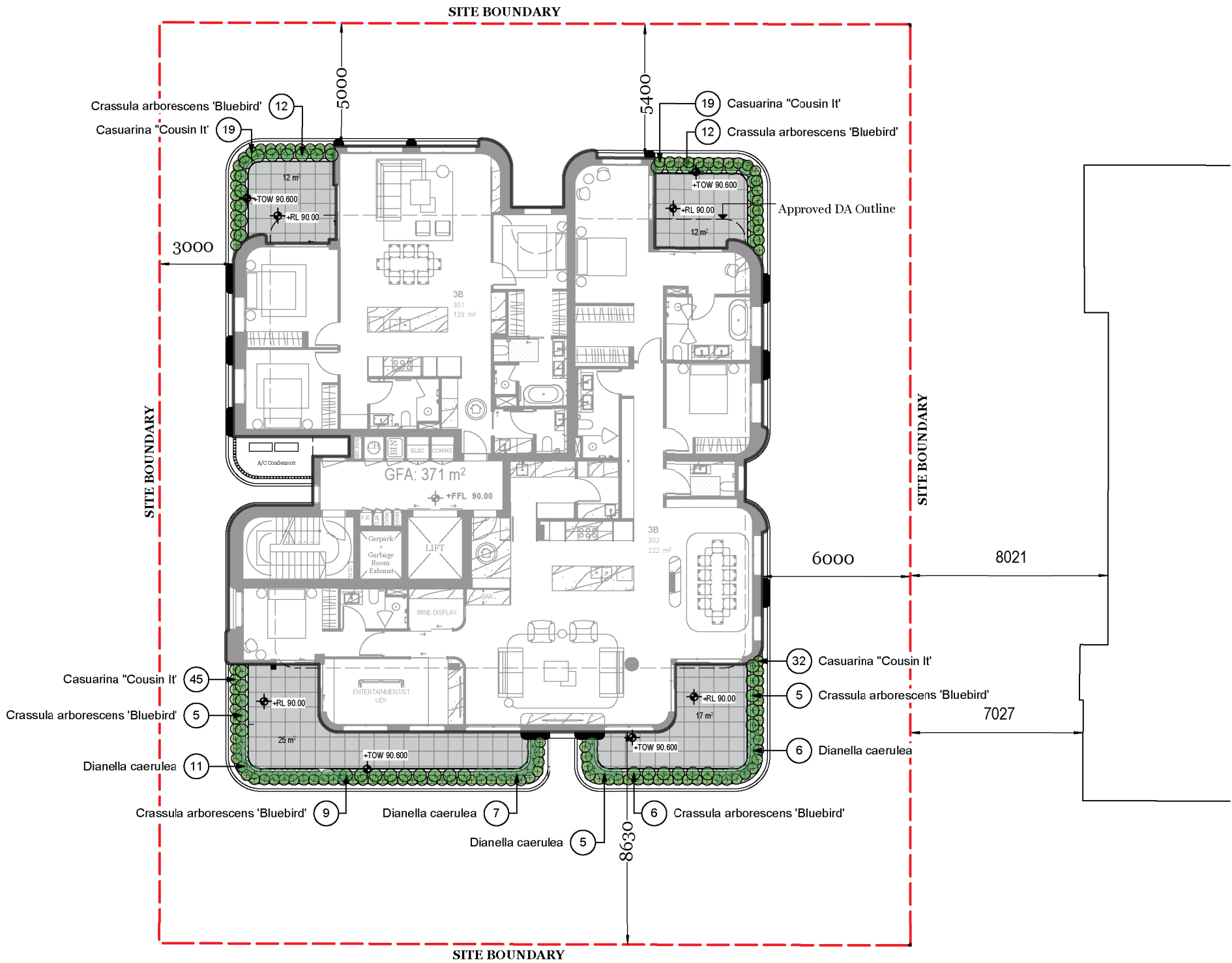
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Address **53-55 YEO STREET, CREMORNE**  
Drawing Title **LEVEL 2 LANDSCAPE PLAN**

Date **31/07/2025**  
Scale **1:200@A3**

Drawing No. **1440**

Page  
**L-03**





LEGEND

- DRIVEWAY
- TURF AREAS
- PODIUM GARDENS
- DEEP SOIL GARDENS
- PROPOSED RESIDENCE
- PAVED TYPE 1  
AS SELECTED TILE - Porous Paving
- PAVED TYPE 2 - APARTMENT BALCONIES  
AS SELECTED PAVER - BY ARCHITECT
- AS SELECTED DECK  
Millboard Decking - Lined Oak
- AS SELECTED PEBBLES

EXISTING TREE LEGEND

- EXISTING TREES TO BE RETAINED
- TREES TO BE REMOVED
- SRZ
- TPZ

BOUNDARY

|            |          |                 |
|------------|----------|-----------------|
| K          | 31/07/25 | SECT 4.55 ISSUE |
| ISSUE      | DATE     | COMMENT         |
| AMENDMENTS |          |                 |

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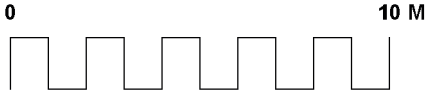
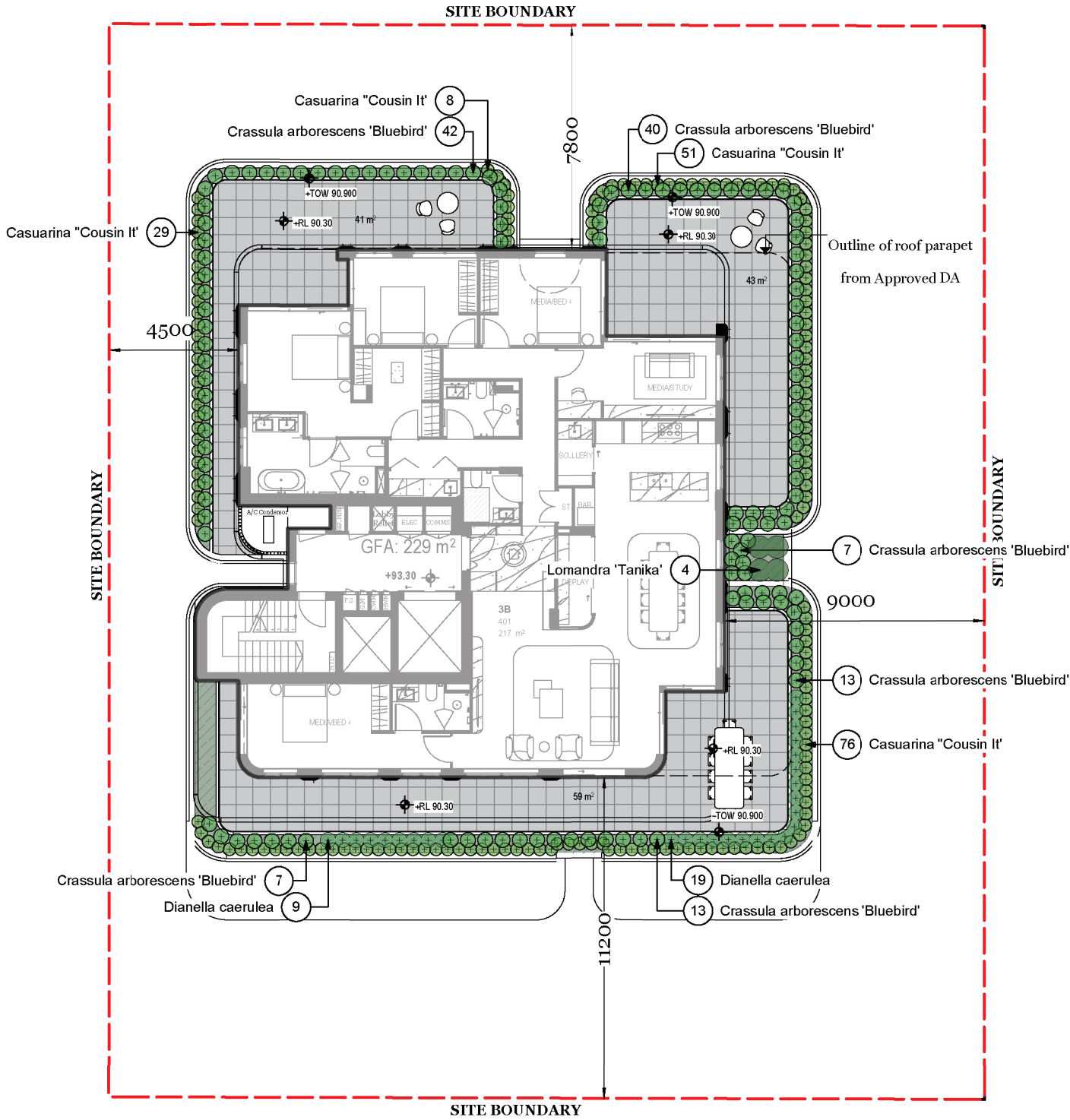
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Drawing Title **LEVEL 3 LANDSCAPE PLAN**

Date **31/07/2025**  
Scale **1:200@A3**

Drawing No. **1440**

Page  
**L-04**



LEGEND

- DRIVEWAY
- TURF AREAS
- PODIUM GARDENS
- DEEP SOIL GARDENS
- PROPOSED RESIDENCE
- PAVED TYPE 1  
AS SELECTED TILE - Porous Paving
- PAVED TYPE 2 - APARTMENT BALCONIES  
AS SELECTED PAVER - BY ARCHITECT
- AS SELECTED DECK  
Millboard Decking - Lined Oak
- AS SELECTED PEBBLES

EXISTING TREE LEGEND

- EXISTING TREES TO BE RETAINED
- TREES TO BE REMOVED
- SRZ
- TPZ

BOUNDARY

|            |          |                 |
|------------|----------|-----------------|
| K          | 31/07/25 | SECT 4.55 ISSUE |
| ISSUE      | DATE     | COMMENT         |
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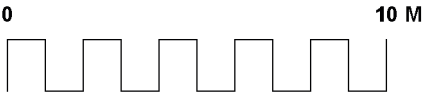
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| Address       | 53-55 YEO STREET, CREMORNE |
| Drawing Title | LEVEL 4 LANDSCAPE PLAN     |

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| Date  | 31/07/2025 |
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Drawing No. 1440

Page  
L-05



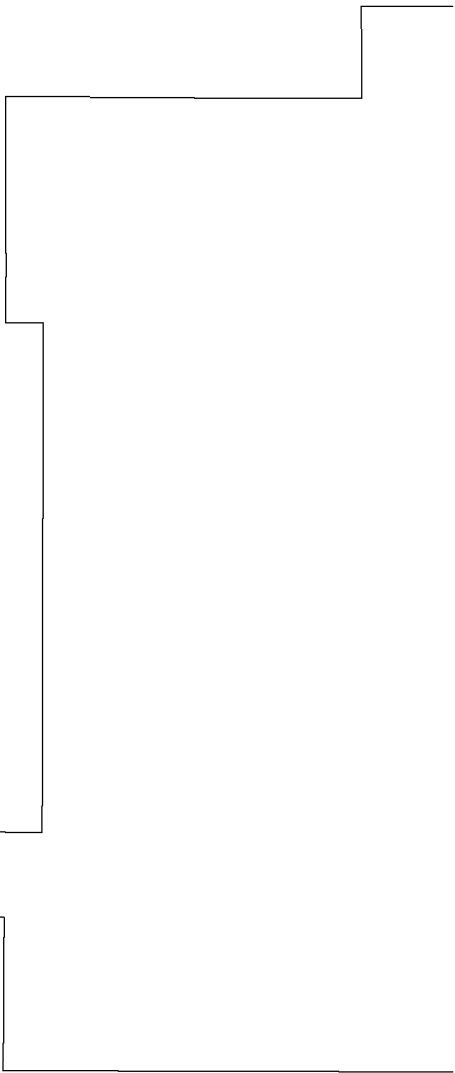
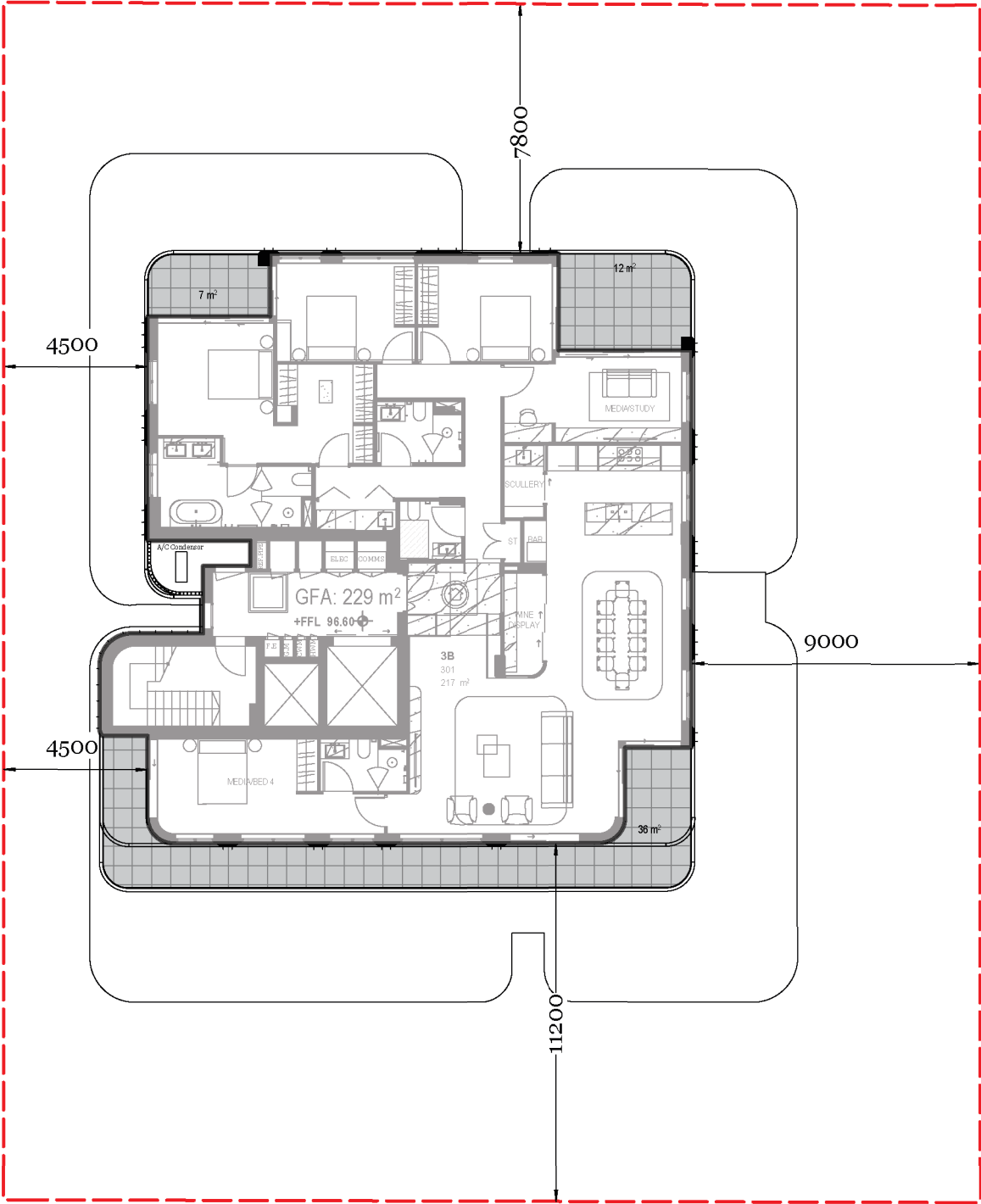
LEGEND

- DRIVEWAY
- TURF AREAS
- PODIUM GARDENS
- DEEP SOIL GARDENS
- PROPOSED RESIDENCE
- PAVED TYPE 1  
AS SELECTED TILE - Porous Paving
- PAVED TYPE 2 - APARTMENT BALCONIES  
AS SELECTED PAVER - BY ARCHITECT
- AS SELECTED DECK  
Millboard Decking - Limed Oak
- AS SELECTED PEBBLES

EXISTING TREE LEGEND

- EXISTING TREES TO BE RETAINED
- TREES TO BE REMOVED
- SRZ
- TPZ

BOUNDARY



|            |          |                 |
|------------|----------|-----------------|
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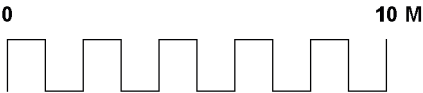
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| Address       | 53-55 YEO STREET, CREMORNE |
| Drawing Title | LEVEL 5 LANDSCAPE PLAN     |

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Drawing No. 1440

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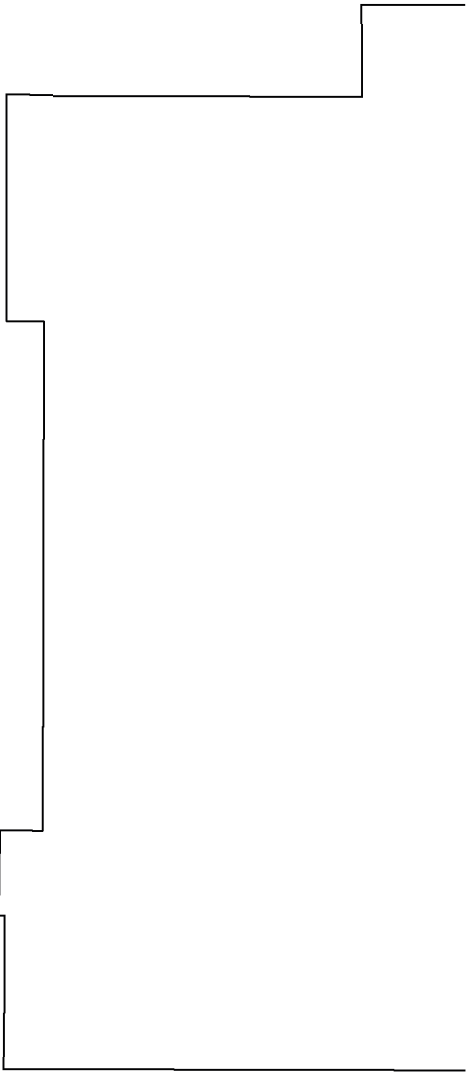
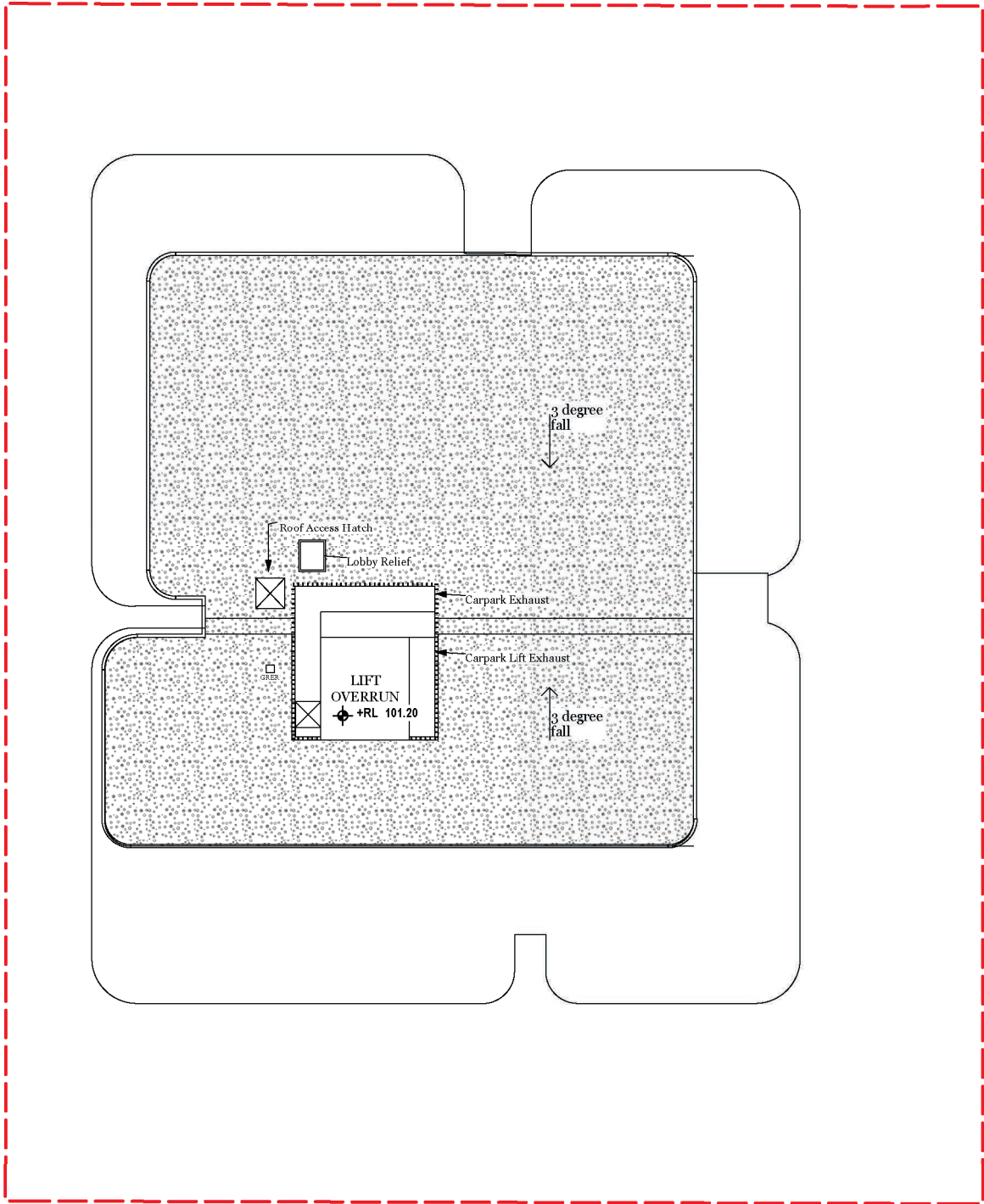
LEGEND

- DRIVEWAY
- TURF AREAS
- PODIUM GARDENS
- DEEP SOIL GARDENS
- PROPOSED RESIDENCE
- PAVED TYPE 1  
AS SELECTED TILE - Porous Paving
- PAVED TYPE 2 - APARTMENT BALCONIES  
AS SELECTED PAVER - BY ARCHITECT
- AS SELECTED DECK  
Millboard Decking - Lined Oak
- AS SELECTED PEBBLES

EXISTING TREE LEGEND

- EXISTING TREES TO BE RETAINED
- TREES TO BE REMOVED
- SRZ
- TPZ

BOUNDARY



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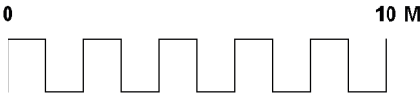
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| Scale | 1:200@A3   |

Drawing No. 1440

Page  
L-07



TREE CANOPY COVER CALCULATIONS :

SITE AREA = 1138 sqm

- Proposed Tree Canopy Cover Area is 175 sqm
- Existing Trees to be Retained  
Existing Site Tree Canopy Cover Area is 76 sqm

Total Tree Canopy Cover = 251 sqm or 22.05 % Of Site Area

Tree Canopy and Landscaping Requirements:

In Accordance with Tree Canopy Guide for Low and Mid-Rise Housing establishes minimum deep soil and canopy cover targets. The guideline is given force by the Housing SEPP, thus the requirements override those of any Development Control Plan (DCP). The guide sets out the following requirements:

- **Dual occupancies:** Minimum 15%-25% deep soil, with 1-3 trees per site depending on lot size.
- **Multi-dwelling housing and terraces:** Minimum 15%-25% deep soil, with planting rates per dwelling.
- **Residential flat buildings:** Minimum 7% deep soil and 15% tree canopy coverage, with flexible planting options.

EXISTING TREE LEGEND

- EXISTING TREES TO BE RETAINED
- TREES TO BE REMOVED
- SRZ
- TPZ

BOUNDARY

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Project **PROPOSED LANDSCAPE PLAN**

Address **53-55 YEO STREET, CREMORNE**

Drawing Title **CANOPY TREE CALCULATION PLAN**

Date **31/07/2025**

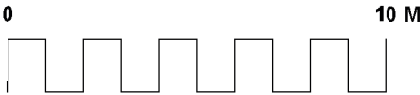
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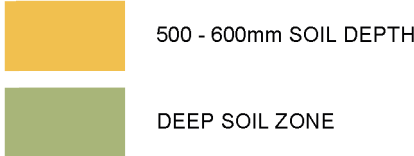
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**ISSUE DATE COMMENT**  
**AMENDMENTS**

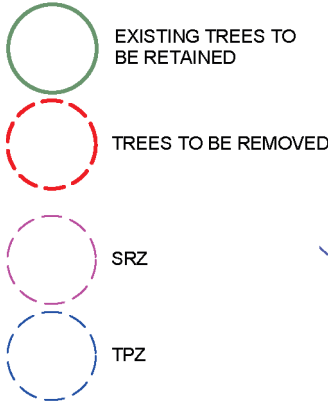




KEY



EXISTING TREE LEGEND



BOUNDARY

RANGERS LANE

SITE BOUNDARY

SITE BOUNDARY

Tree Canopy and Landscaping Requirements:

In Accordance with Tree Canopy Guide for Low and Mid-Rise Housing establishes minimum deep soil and canopy cover targets. The guideline is given force by the Housing SEPP, thus the requirements override those of any Development Control Plan (DCP). The guide sets out the following requirements:

- **Dual occupancies:** Minimum 15%-25% deep soil, with 1-3 trees per site depending on lot size.
- **Multi-dwelling housing and terraces:** Minimum 15%-25% deep soil, with planting rates per dwelling.
- **Residential flat buildings:** Minimum 7% deep soil and 15% tree canopy coverage, with flexible planting options.

DCP 2013 Part B Section 1 – Clause P6 The depth of soil around buildings must be sufficient to sustain trees as well as shrubs and smaller-scale gardens.

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Drawing Title **LANDSCAPE AREA CALCULATION**  
**GF PLAN**

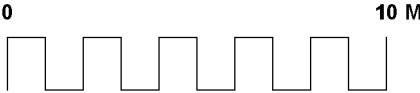
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**L-10**

**K 31/07/25 SECT 4.55 ISSUE**  
**ISSUE DATE COMMENT**  
**AMENDMENTS**





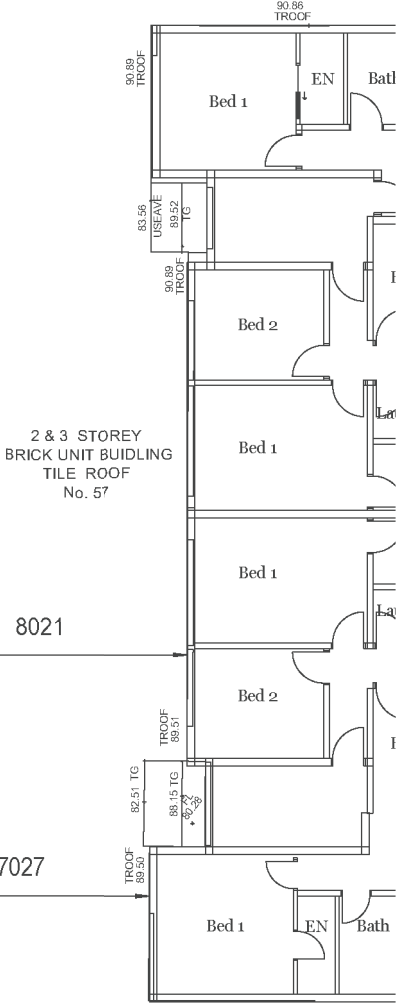
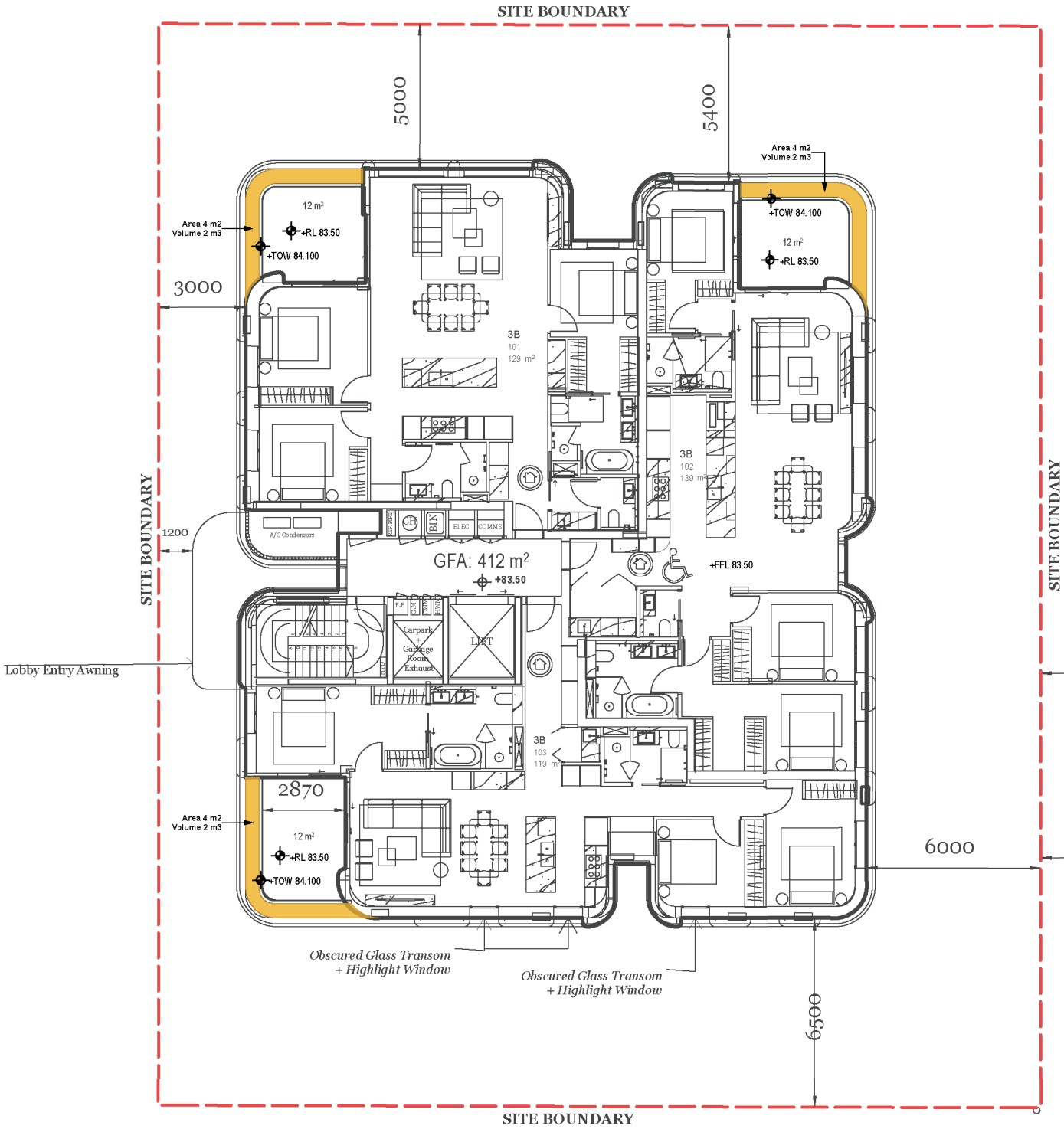
KEY

- 500 - 600mm SOIL DEPTH
- DEEP SOIL ZONE

EXISTING TREE LEGEND

- EXISTING TREES TO BE RETAINED
- TREES TO BE REMOVED
- SRZ
- TPZ

BOUNDARY



Tree Canopy and Landscaping Requirements:

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- **Residential flat buildings:** Minimum 7% deep soil and 15% tree canopy coverage, with flexible planting options.

DCP 2013 Part B Section 1 – Clause P6 The depth of soil around buildings must be sufficient to sustain trees as well as shrubs and smaller-scale gardens.

|            |          |                 |
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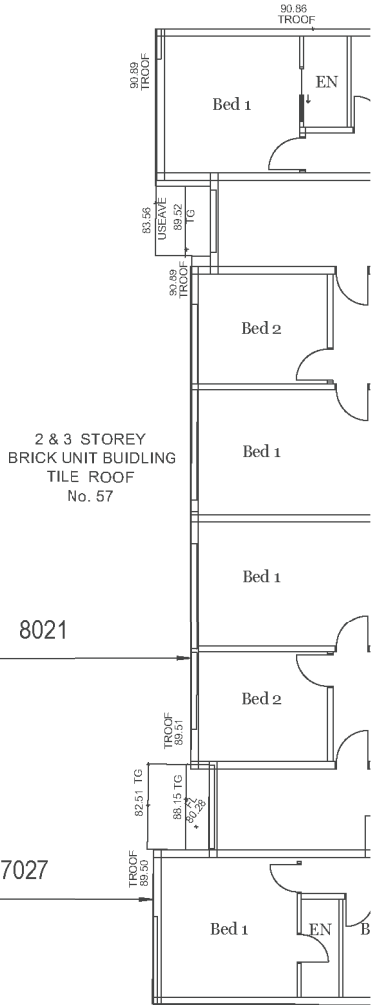
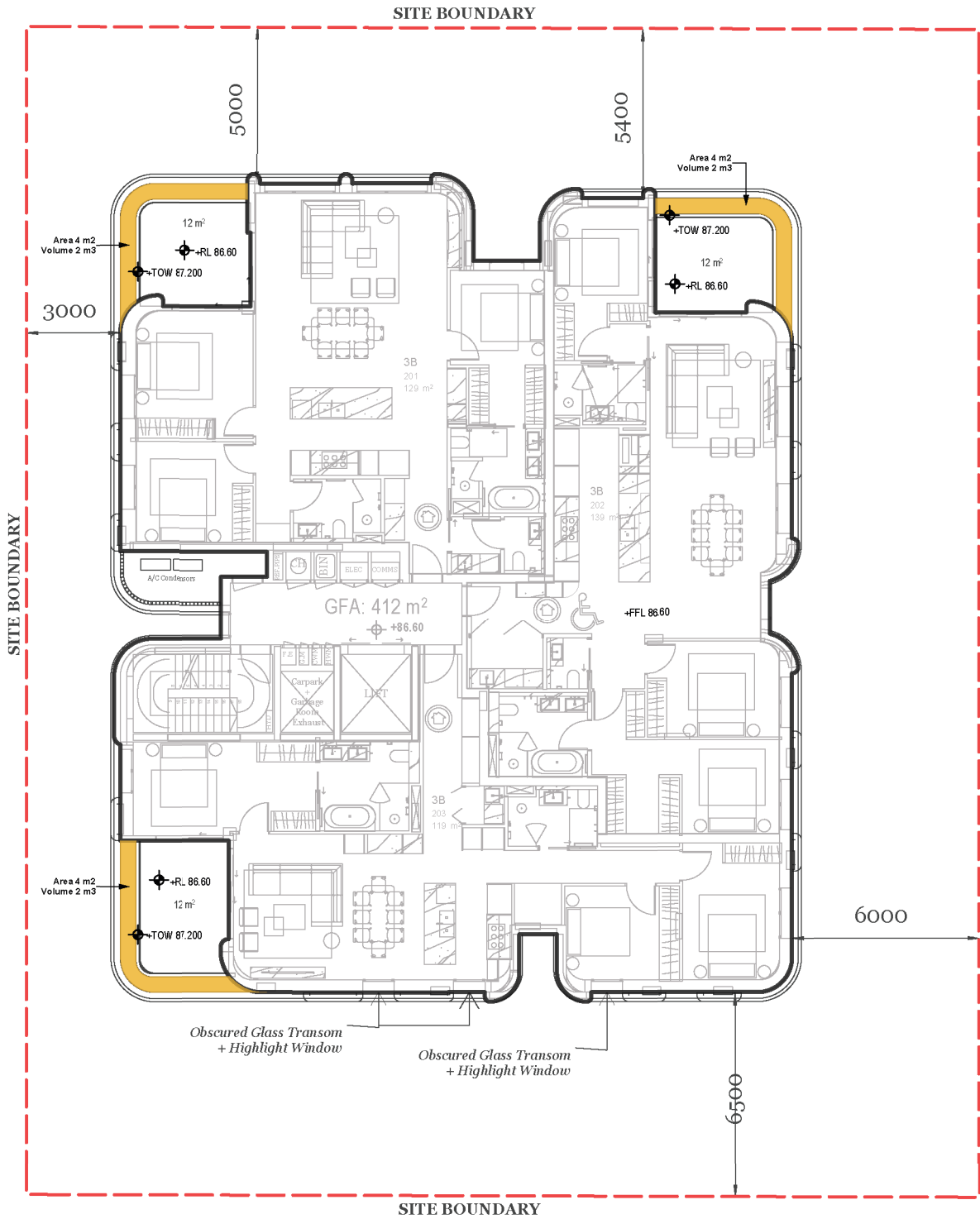
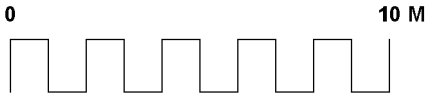
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Project **PROPOSED LANDSCAPE PLAN**  
Address **53-55 YEO STREET, CREMORNE**  
Drawing Title **LANDSCAPE AREA CALCULATION**  
**LEVEL 1 PLAN**

Date **31/07/2025**  
Scale **1:200@A3**

Drawing No. **1440**

Page  
**L-11**



**KEY**

500 - 600mm SOIL DEPTH

DEEP SOIL ZONE

**EXISTING TREE LEGEND**

EXISTING TREES TO BE RETAINED

TREES TO BE REMOVED

SRZ

TPZ

BOUNDARY

**Tree Canopy and Landscaping Requirements:**

**In Accordance with**  
Tree Canopy Guide for Low and Mid-Rise Housing establishes minimum deep soil and canopy cover targets. The guideline is given force by the Housing SEPP, thus the requirements override those of any Development Control Plan (DCP).  
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• **Multi-dwelling housing and terraces:** Minimum 15%-25% deep soil, with planting rates per dwelling.  
• **Residential flat buildings:** Minimum 7% deep soil and 15% tree canopy coverage, with flexible planting options.

**DCP 2013 Part B Section 1 – Clause P6**  
The depth of soil around buildings must be sufficient to sustain trees as well as shrubs and smaller-scale gardens.

|            |          |                 |
|------------|----------|-----------------|
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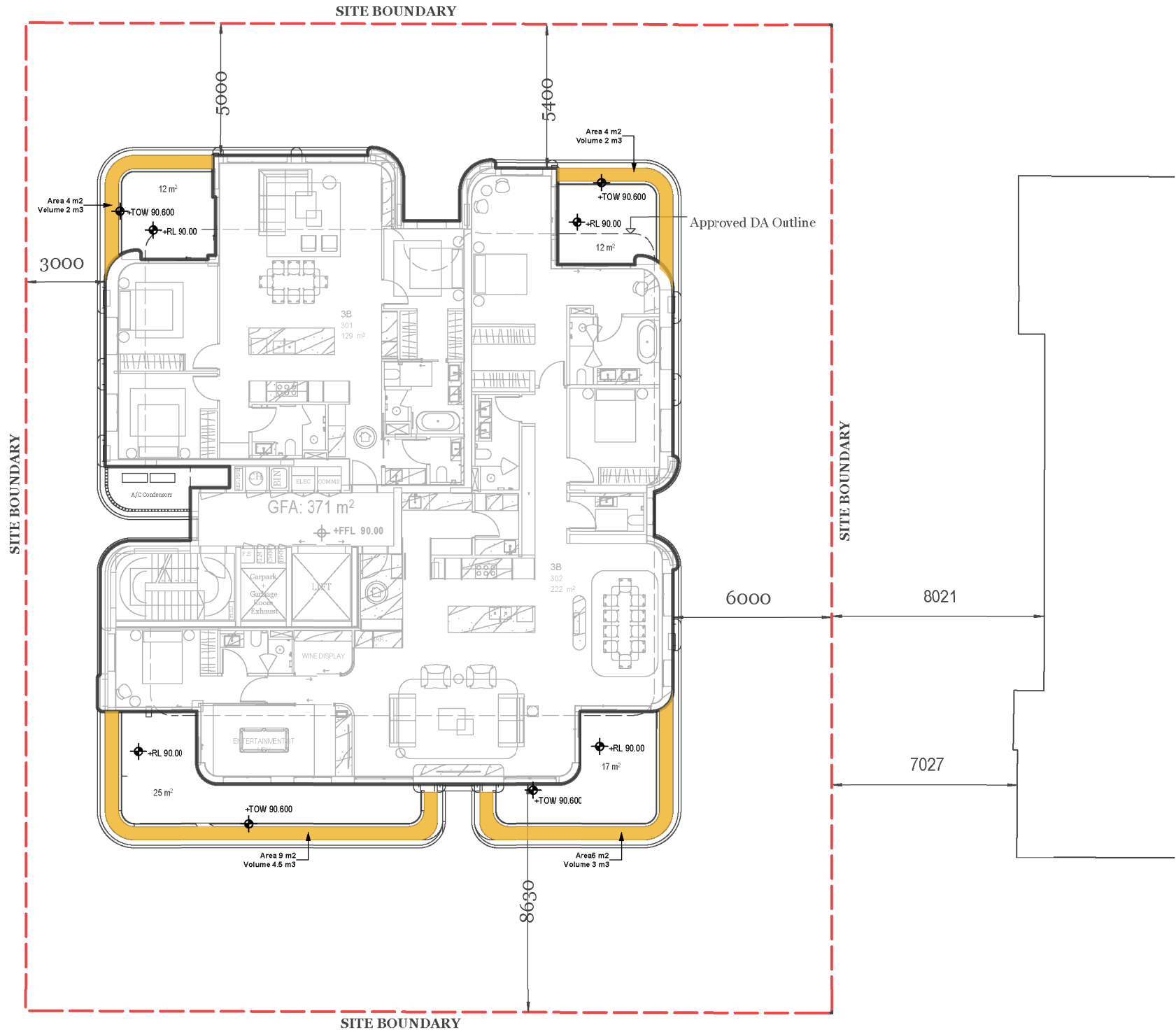
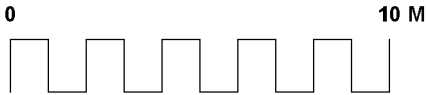
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|               |                            |                  |
|---------------|----------------------------|------------------|
| Project       | PROPOSED LANDSCAPE PLAN    |                  |
| Address       | 53-55 YEO STREET, CREMORNE | Date 31/07/2025  |
| Drawing Title | LANDSCAPE AREA CALCULATION | Scale 1:200@A3   |
| LEVEL 2 PLAN  |                            | Drawing No. 1440 |



**KEY**

500 - 600mm SOIL DEPTH

DEEP SOIL ZONE

**EXISTING TREE LEGEND**

EXISTING TREES TO BE RETAINED

TREES TO BE REMOVED

SRZ

TPZ

--- BOUNDARY

**Tree Canopy and Landscaping Requirements:**

**In Accordance with**  
Tree Canopy Guide for Low and Mid-Rise Housing establishes minimum deep soil and canopy cover targets. The guideline is given force by the Housing SEPP, thus the requirements override those of any Development Control Plan (DCP).  
The guide sets out the following requirements:  
• **Dual occupancies:** Minimum 15%-25% deep soil, with 1-3 trees per site depending on lot size.  
• **Multi-dwelling housing and terraces:** Minimum 15%-25% deep soil, with planting rates per dwelling.  
• **Residential flat buildings:** Minimum 7% deep soil and 15% tree canopy coverage, with flexible planting options.

**DCP 2013 Part B Section 1 – Clause P6**  
The depth of soil around buildings must be sufficient to sustain trees as well as shrubs and smaller-scale gardens.

| K          | 31/07/25 | SECT 4.55 ISSUE |
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| ISSUE      | DATE     | COMMENT         |
| AMENDMENTS |          |                 |

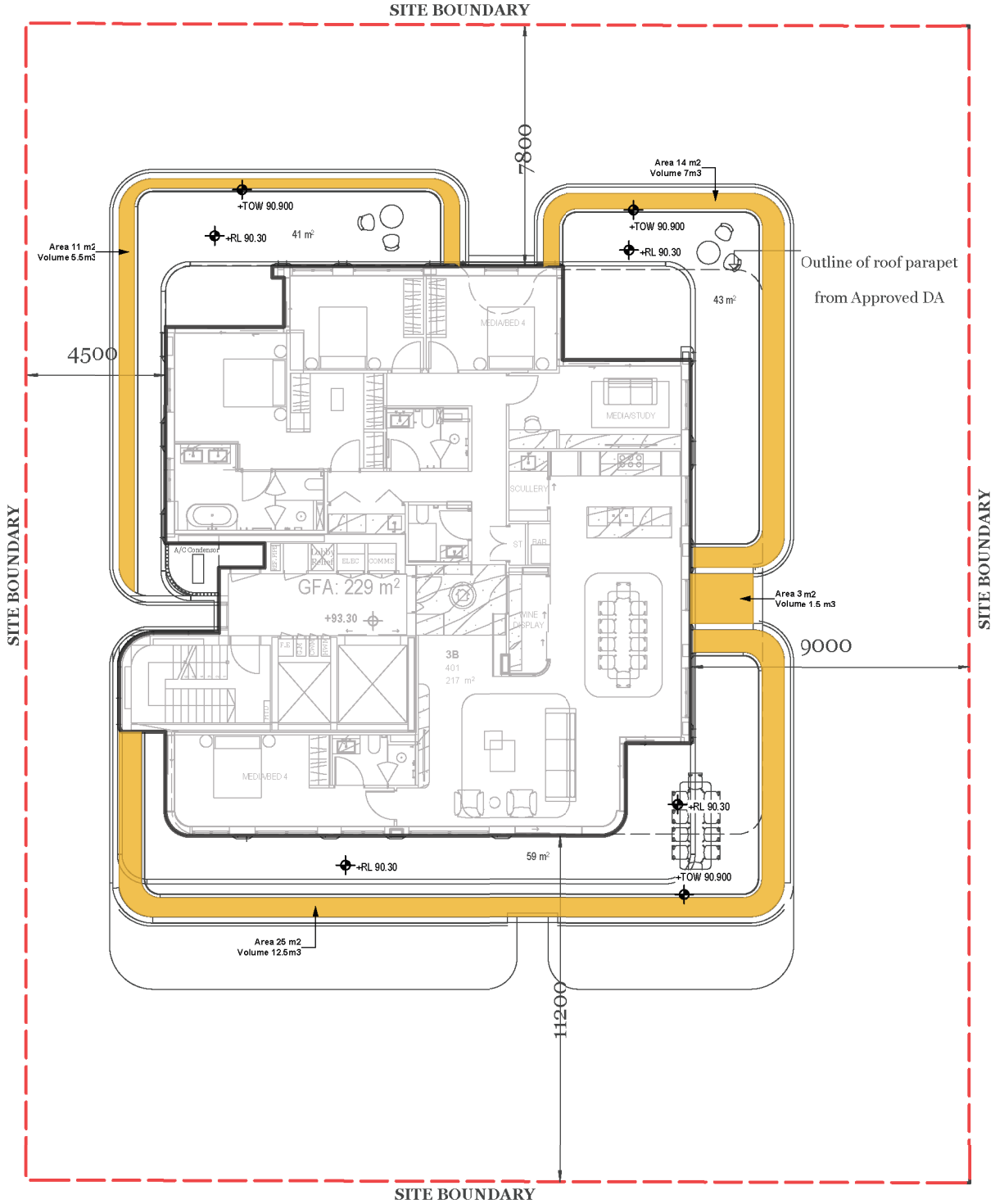
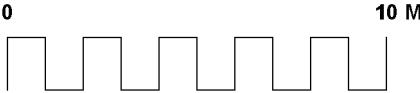
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| LEVEL 3 PLAN  |                            | Drawing No. 1440 |



**KEY**

500 - 600mm SOIL DEPTH

DEEP SOIL ZONE

EXISTING TREE LEGEND

EXISTING TREES TO BE RETAINED

TREES TO BE REMOVED

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| LEVEL 4 PLAN  |                            | Drawing No. 1440 |



Plant List

| ID            | Botanical Name                    | Common Name             | Scheduled Size | Mature Height | Mature Spread | Qty |
|---------------|-----------------------------------|-------------------------|----------------|---------------|---------------|-----|
| Trees         |                                   |                         |                |               |               |     |
| ACost         | Angophora costata                 | Sydney Red Gum, Smooth  | 100L           | 15 - 20m      | 6 - 10m       | 2   |
| Ban-int       | Banksia integrifolia              | Coastal Banksia         | 100L           | 8m            | 3m            | 1   |
| EE            | Elaeocarpus eumundi               | Smoothed leaved Quandou | 100L           | 5 - 10m       | 2.0 - 3.5m    | 3   |
| EReti         | Elaeocarpus reticulatus           | Blueberry Ash           | 100L           | 8m            | 3m            | 1   |
| Lag-in        | Lagerstroemia indica              | Crepe Myrtle            | 100L           | 4m            | 3m            | 4   |
| Plum-rub      | Plumeria rubra                    | Frangipani              | 100L           | 3 - 5m        | 3.5 - 6m      | 3   |
| TLaur-lus     | Tristaniopsis laurina 'luscious'  | Kanooka, Water Gum      | 100L           | 5 - 10m       | 3.5 - 6m      | 2   |
| Shrubs        |                                   |                         |                |               |               |     |
| Acm-smi       | Acmena smithii 'Minor'            | Lillypilly              | 200mm          | 2-3m          | 2m            | 14  |
| Ban-eri       | Banksia ericifolia                | Heath-leaved Banksia    | 200mm          | 3 - 5m        | 3.5 - 6m      | 3   |
| bre-obl       | Breynia oblongifolia              | Coffee Bush             | 200mm          | 1.5 - 3m      | 0.6 - 0.9m    | 21  |
| bux-mi'ja'    | Buxus microphylla 'japonica'      | Japanese Box            | 300mm          | 0.5 - 1.2m    | 0.5m          | 86  |
| Nad-do        | Nandina domestica                 | Sacreed bamboo          | 200mm          | 0.8 -1m       | 1m            | 18  |
| syz-au're'    | Syzygium australe 'Resilience'    | Lilly Pilly             | 200mm          | 5-6m          | 5 to 6m       | 37  |
| TeSp          | Telopea speciosissima             | Waratah                 | 200mm          | 1.5 - 3m      | 0.9 - 1.2m    | 25  |
| Wes-fru       | Westringia fruticosa              | Coastal Rosemary        | 200mm          | 0.6m          | 0.9m          | 22  |
| Ground Covers |                                   |                         |                |               |               |     |
| adi-aet       | Adiantum aethiopicum              | Common Maidenhair       | 200mm          | 0.3 - 0.45m   | 0.0 - 0.3m    | 32  |
| cas'ci'       | Casuarina 'Cousin It'             | Casuarina 'Cousin It'   | 150mm          | 0.0 - 0.3m    | 0.5 - 2.0m    | 440 |
| Cra-arb       | Crassula arborescens 'Bluebird'   | 'Blue Bird'             | 150mm          | 0.0 - 0.3m    | 0.3 - 0.6m    | 245 |
| Gre-RoMan'    | Grevillea 'Poorinda Royal Mantle' | Grevillea               | 150mm          | 0.0 - 0.1m    | 3 - 8 m       | 12  |
| San-tri       | Sansevieria trifasciata           | snake plant             | 150mm          | 0.45 - 0.6m   | 0.0 - 0.3m    | 107 |
| wes-lh'       | Westringia 'low horizon'          | coastal rosmary         | 200mm          | 0.4m          | 0.8m          | 116 |
| Grasses       |                                   |                         |                |               |               |     |
| Dia-cae       | Dianella caerulea                 | Blue Flax-lily          | 150mm          | 0.4m          | 0.6m          | 236 |
| Dor-exc       | Doryanthes excelsa                | Gymea Lily              | 300mm          | 1-2m          | 2-4m          | 8   |
| Lom-lon       | Lomandra longifolia               | Spiny-headed Mat-Rush   | 150mm          | 0.6m          | 0.8m          | 32  |
| lom-la        | Lomandra 'Tanika'                 | Fine-leaved mat rush    | 150mm          | 0.5m          | 0.6m          | 53  |
| Ferns         |                                   |                         |                |               |               |     |
| asp-aus       | Asplenium australasicum           | Birds Nest Fern         | 150mm          | 1m            | 1.2m          | 11  |
| doo-asp       | Doodia aspera                     | Rasp Fern               | 150mm          | 0.3           | 1m            | 379 |

ATTACHMENT TO LPP01 - 03/07/2025



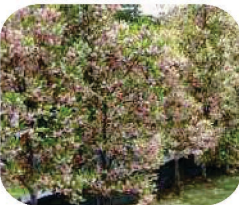
Angophora costata  
Sydney Red Gum



Banksia integrifolia  
Coastal Banksia



Elaeocarpus eumundii  
Eumundi quandong



Elaeocarpus reticulatus  
Blueberry Ash



Lagerstroemia indica  
Lagerstroemia



Plumeria pink  
Pink Frangipani



Tristaniopsis laurina luscious  
Watergum



Acmena smithii 'Minor'  
Lilly pilly



Banksia ericifolia  
Heath-leaved banksia



Breynia oblongifolia  
Coffee bush



Buxus microphylla japonica  
Buxus Ball



Nandina domestica  
Sacreed Bamboo



Syzygium Australe-resilience  
Lilly Pilly



Telopea speciosissima  
NSW Waratah



Westringia fruticosa  
Coastla Rosemary



Adiantum aethiopicum  
Common maidenhair



Casuarina 'Cousin it'  
Cousin it



Crassula arborescens  
'Blue Bird'



Grevillea  
'Poorinda Royal Mantle'



Sansevieria trifasciata  
Snake pilly



Westringia low horizon  
Coastal rosemary



Dianella caerulea  
Flax Lilly



Doryanthes excelsa  
Gymea Lilly



Lomandra longifolia  
Mat Rush



Lomandra tanika  
Fine leaved mat rush

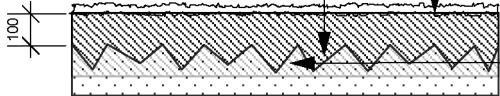


Asplenium australasicum  
Crow's nest fern

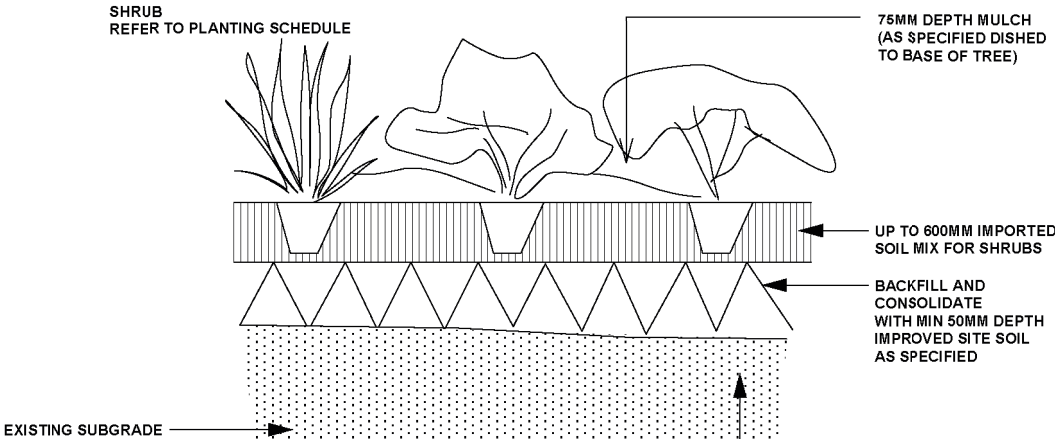


Doodia aspera  
Rasp Fern

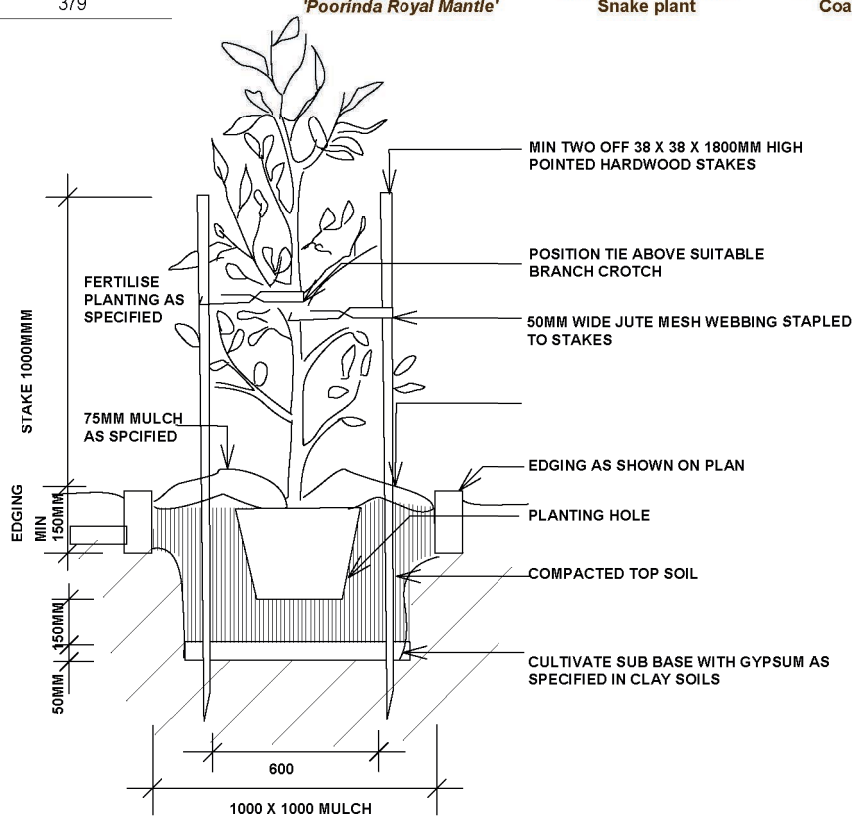
SIR WALTER TURF ROLLS AS SPECIFIED. LAY ROLLS SO THAT TURF FINISHES 300MM PROUD OF ADJACENT SURFACES. LIGHTLY COMPACT EDGES TO PREVENT SUBSIDENCE.



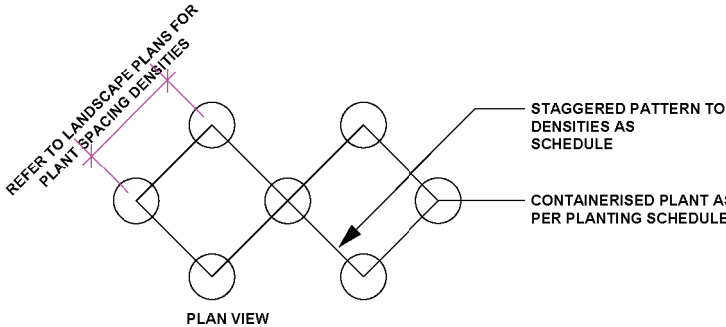
TURF DETAIL  
NTS



TYPICAL SHRUB PLANTING DETAIL  
NTS



TYPICAL TREE PLANTING DETAIL  
NTS



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ISSUE DATE COMMENT  
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Project PROPOSED LANDSCAPE PLAN  
Address 53-55 YEO STREET, CREMORNE  
Drawing Title PLANTING SCHEDULES & DETAILS

Date 31/07/2025  
Scale N.T.S@A3

Drawing No. 1440

Page  
L-15



# LANDSCAPE WORK SPECIFICATION

## PRELIMINARIES

### 1.01 GENERAL

The following general conditions should be considered prior to the commencement of landscape works:

The landscape plans should be read in conjunction with the architectural plans, hydraulic plans, service plans and survey prepared for the proposed development.

All services including existing drainage should be accurately located prior to the commencement of landscape installation. Any proposed tree planting which falls close to services will be relocated on site under the instruction of the landscape architect.

Installation of conduit for required irrigation, electrical and other services shall be completed prior to the commencement of hardscape works and hardstand pours.

All outdoor lighting specified by architect or client to be installed by qualified electrician  
Anomalies that occur in these plans should be brought to our immediate attention.

Where an Australian Standard applies for any landscape material testing or installation technique, that standard shall be followed.

### 1.02 PROTECTION OF ADJACENT FINISHES

The Contractor shall take all precautions to prevent damage to all or any adjacent finishes by providing adequate protection to these areas / surfaces prior to the commencement of the Works

### 1.03 PROTECTION OF EXISTING TREES

Existing trees identified to be retained shall be done so in accordance with NATSPEC Guide 2 "A Guide to Assessing Tree Quality". Where general works are occurring around such trees, or pruning is required, a qualified Arborist shall be engaged to oversee such works and manage tree health.

Existing trees designated on the drawing for retention shall be protected at all times during the construction period. Any soil within the drip-line of existing trees shall be excavated and removed by hand only. No stockpiling shall occur within the root zone of existing trees to be retained.

Any roots larger in diameter than 50mm shall only be severed under instruction by a qualified arborist. Roots smaller than 50mm diameter shall be cut cleanly with a saw.

Temporary fencing shall be installed around the base of all trees to be retained prior to the commencement of landscape works. Where possible this fencing will be located around the drip line of these trees, or a minimum of 3m from the trunk. The fencing shall be maintained for the full construction period.

### 1.04 EROSION & POLLUTION CONTROL

The Contractor shall take all proper precautions to prevent the erosion of soil from the subject site. The contractor shall install erosion & sediment control barriers and as required by council, and maintain these barriers throughout the construction period. Note that the sediment control measures adopted should reflect the soil type and erosion characteristics of the site.

Erosion & pollution control measures shall incorporate the following:

- Construction of a sediment trap at the vehicle access point to the subject site.

- Sediment fencing using a geotextile filter fabric in the location indicated on the erosion control plan or as instructed on site by the landscape architect.

- Earth banks to prevent scour of stockpiles

- Sandbag kerb sediment traps

- Straw bale & geotextile sediment filter.

- Exposed banks shall be pegged with an approved Jute matting in preparation for mass planting

Refer to "Sitewise Reference Kit" as prepared by DLWC & WSROC (1997) for construction techniques

## SOIL WORKS

### 2.01 MATERIALS

#### Specified Soil Conditioner (Generally to improve site soil)

The specified soil conditioner for site top-soil improvement shall be an organic mix, equal to "Botany Humus", as supplied by ANL. Note that for sites where soil testing indicates toxins or extremes in pH, or soils that are extremely poor, allow to excavate and supply 300mm of imported soil mix.

#### New gardens & proposed Planting

New garden and planting areas shall consist of a 50/50 mix of clean site soil (refer d) below) and imported "Organic Garden Mix" as supplied by ANL or approved equal. All mixes are to comply with AS 4419 Soils for landscaping & garden use, & AS 4454 Composts, Soil conditioners & mulches.

#### Specified Soil Mix - Turf

The specified soil mix for all turf areas shall be a min 75mm layer of imported soil mix consisting of 80% washed river sand (reasonably coarse), and 20% composted organic matter equivalent to mushroom compost or soil conditioner, or other approved lawn top dress.

#### Site Topsoil

Site topsoil is to be clean and free of unwanted matter such as gravel, clay lumps, grass, weeds, tree roots, sticks, rubbish and plastics, and any deleterious materials and materials toxic to plants. The topsoil must have a pH of between 5.5 and 7. Use 100% imported soil mix when site when site topsoil runs out.

### 2.02 INSTALLATION

#### a) Establishing Subgrade Levels

Subgrade levels are defined as the finished base levels prior to the placement of the specified material (i.e. soil conditioner). The following subgrade levels shall apply:

Mass Planting Beds - 300mm below existing levels with specified imported soil mix.

Note that all subgrades shall consist of a relatively free draining natural material, consisting of site topsoil placed previously by the Civil Contractor. No builders waste material shall be acceptable.

#### b) Subgrade Cultivation

Cultivate all subgrades to a minimum depth of 100mm in all planting beds and all turf areas, ensuring a thorough breakup of the subgrade into a reasonably coarse tilth. Grade subgrades to provide falls to surface and subsurface drains, prior to the placement of the final specified soil mix.

#### c) Drainage Works

Install surface and subsurface drainage where required and as detailed on the drawing. Drain subsurface drains to outlets provided, with a minimum fall of 1:100 to outlets and / or service pits.

#### d) Placement and Preparation of Specified Soil Conditioner & Mixes.

Trees in turf & beds - Holes shall be twice as wide as root ball and minimum 100mm deeper - backfill hole with 50/50 mix of clean site soil and imported "Organic Garden Mix" as supplied by ANL or approved equal.

Mass Planting Beds - Install specified soil conditioner to a compacted depth of 100mm

Place the specified soil conditioner to the required compacted depth and use a rotary hoe to thoroughly mix the conditioner into the top 300mm of garden bed soil. Ensure thorough mixing and the preparation of a reasonably fine tilth and good growing medium in preparation for planting.

Turf Areas - Install specified soil mix to a minimum compacted depth of 75mm.

Place the specified soil mix to the required compacted depth and grade to required finished soil levels, in preparation for planting and turfing.

## PLANTING

### 3.01 MATERIALS

#### a) Quality and Size of Plant Material

All trees supplied above a 25L container size must be grown and planted in accordance with *Clarke, R 1996 Purchasing Landscape Trees: A guide to assessing tree quality. Natspec Guide No. 2*. Certification that trees have been grown to Natspec guidelines is to be provided upon request of

Council's Tree Management Officer.

*Above - Ground Assessment:*

The following plant quality assessment criteria should be followed:

*Plant true to type, Good vigour and health, free from pest & disease, free from injury, self-supporting, good stem taper, has been pruned correctly, is apically dominant, has even crown symmetry, free from included bark & stem junctions, even trunk position in pot, good stem structure*

*Below - Ground Assessment:*

*Good root division & direction, rootball occupancy, rootball depth, height of crown, non-suckering* For further explanation and description of these assessment criteria, refer to Ross Clark's book.

All Plant material shall be to the type and size specified. No substitutions of plant material shall be permitted without written prior approval by the Landscape Architect. No plant shall be accepted which does not conform to the standards listed above.

#### b) Stakes and Ties

Provide min. 3 No. Stakes and ties to all plants identified as trees in the plant schedule. Stakes shall be sound, unpainted, straight hardwood, free of knots and pointed at one end. They shall be 2200mm x 50mm x 50mm Hardwood, or approved alternative. Ties shall be 50mm wide hessian webbing material.

#### c) Fertilisers

Fertilisers shall be approved slow release fertilisers suitable for the proposed planting types. Note that for native plants, specifically Proteaceae family plants including Grevillea species, low phosphorus fertilizers shall be used.

#### d) Mulch

Mulch shall be an approved equal to "Forest Blend" as supplied by ANL. Mulch shall be completely free from any soil, weeds, rubbish or other debris.

### 3.02 INSTALLATION

#### a) Setting Out

All planting set out shall be in strict accordance with the drawings, or as directed. Note that proposed tree planting located near services should be adjusted at this stage. Notify Landscape Architect for inspection for approval prior to planting.

#### b) Planting

All plant material shall be planted as soon after delivery as possible. Planting holes for trees shall be excavated as detailed and specified. Plant containers shall be removed and discarded, and the outer roots gently teased from the soil mass. Immediately set plant in hole and backfill with specified soil mix, incorporating the approved quantity of fertiliser for each plant type. Ensure that plants are set plumb vertically and root balls set to the consolidated finished grades detailed on the drawings. Compact the backfilled soil and saturate by hand watering to expel any remaining air pockets immediately after planting.

#### c) Staking and Tying

Staking and tying shall be in strict accordance with the drawings and shall occur immediately following plant placement and soil backfilling. All plants identified as "Trees" on the planting schedule shall be staked with a min. 3 stakes.

#### d) Mulching

Mulch should be spread so that a compacted thickness of 75mm is achieved after settlement in all planting beds and around each individual plant. Apply immediately following planting and watering in, ensuring that a 50mm radius is maintained around the trunk of each plant . There shall be no mixing of soil and mulch material.

## HARDSCAPE WORKS

### 4.01 GENERAL

The Contractor shall undertake the installation of all hardscape works as detailed on the drawing, or where not detailed, by manufacturers specification.

Paving - refer to typical details provided, and applicable Australian Standards. *Permeable paving may be used as a suitable means of satisfying Council permeable surface requirements, while providing a useable, hardwearing, practical surface.* In most instances, the client shall nominate the appropriate paving material to be used.

Australian Standards shall be adhered to in relation to all concrete, masonry & metal work. Some details are typical and may vary on site. All hardscape works shall be setout as per the drawings, and inspected and approved by the Landscape Architect prior to installation. All workmanship shall be of the highest standard. Any queries or problems that arise from hardscape variations should be bought to the attention of the Landscape Architect.

Your attention is directed to any obligations or responsibilities under the Dividing Fences Act, 1991 in respect of adjoining property owner/s which may arise from this application. Any enquiries in this regard may be made to the Crown Lands Division on (02) 8836 5332

## IRRIGATION WORKS

### 5.01 GENERAL (PERFORMANCE SPECIFICATION)

An automated drip-irrigation system is to be installed to all gardens, planters and lawn areas in accordance with the approved Irrigation Design.

This system shall be designed and installed by a qualified and licensed irrigation specialist, to the highest industry standards and to maximise the efficient usage of water.

The Installer is required to obtain all approvals necessary for the completion of works in accordance with the Laws of Australia, Laws of the State of NSW, Council By-Laws and Ordinances.

#### Drawings:

- The Landscape Contractor nominated Licensed Irrigation Specialist shall provide irrigation drawings for approval upon engagement.

#### Design Requirements:

- The irrigation system shall be installed prior to all planting works. It shall incorporate a commercially available irrigation system, with sub-surface dripper lines to irrigate all gardens, planters and lawn areas.

- It shall incorporate a suitable back flow prevention device for the scale of works, an in-line filter, check valves, and suitable high and low density poly hose fittings and PVC piping to achieve flow rates suitable for specified planting.

- The irrigation application rate shall not exceed the infiltration rate of the soil or creates run-off.

- The landscape contractor shall check the existing pressure available from the ring mains and size irrigation piping to suit. Supply shall be from local hose cock where available.

- All piping and fittings shall be buried 50mm below the finished soil levels in garden and lawn areas, and secured in position at 500mm centres with galv wire pins.

- Size of pipes shall be selected to ensure the working pressure at the end of the line does not decrease by more than 5%.

#### Services Co-ordination:

- Co-ordination required by Landscape Contractor or Project Manager to provide required conduit, pipe work and penetration through slabs and planter walls for water and power provisions.

- The Landscape Contractor shall be engaged with the Irrigation Specialist to co-ordinate with the Project Manager to identify the preferred service and conduit locations.

- Project Manager and Landscape Contractor to establish area suitable for irrigation control system with required area, power provision and water supply.

#### Testing & Defects:

Upon completion of installation, the system shall be tested, including:

- Main Line Pressure Test: The main line is pressurised to test for leaks. All valves are shut and the pressure is taken over a determined length of time.

- Dripper Pressure Test: Measurement at flushing valves are taken and the pressure gauged to make sure it conforms to the manufacturer recommendations. The inlet pressure is then tested under the same conditions to check it does not exceed 300Kpa.

- All components are to be satisfactorily functional and operational prior to approval. Should any defect develop, or the capacity or efficiency of the system decline during the agreed maintenance system, then these faults shall be immediately rectified.

#### Warranty :

- A full 12 month warranty shall be included to cover labour and all parts.

#### Further Documentation:

- On request, a detailed irrigation performance specification report can be issued.

## 12 MONTH MAINTENANCE

### 6.01 GENERAL

The consolidation and maintenance period shall be 12 months beginning from the approved completion of the specified construction work (Practical Completion). A qualified landscape maintenance contractor shall undertake the required landscape maintenance works. Consolidation and maintenance shall mean the care and maintenance of Contracted works by accepted landscaping or horticultural practices, ensuring that all plants are in optimum growing conditions and appearance at all times, as well as rectifying any defects that become apparent in the contracted works.

This shall include, but not be limited to, the following items where and as required: Watering all planting and lawn areas / irrigation maintenance.

Clearing litter and other debris from landscaped areas.

Removing weeds, pruning and general plant maintenance.

Replacement of damaged, stolen or unhealthy plants. Make good areas of soil subsidence or erosion.

Topping up of mulched areas.

Spray / treatment for Insect and disease control.

Fertilizing with approved fertilizers at correct rates.

Mowing lawns & trimming edges each 14 days in summer or 18 days in winter Adjusting ties to Stakes

Maintenance of all paving, retaining and hardscape elements.

On the completion of the maintenance period, the landscape works shall be inspected and at the satisfaction of the superintendent or landscape architect, the responsibility will be signed over to the client.xx

K 31/07/25 SECT 4.55 ISSUE  
ISSUE DATE COMMENT

## AMENDMENTS

**GENERAL NOTES**  
All work to be carried out in accordance with the Building Code of Australia, all Local and State Government Ordinances, relevant Australian Standards, Local Authorities Regulations and all other relevant Authorities concerned.  
All structural work and site drainage to be subject to Engineer's details or certification where required by Council. This shall include r.c. slabs and footings, r.c. and steel beams & columns, wind bracing to AS 1170 and AS4055, anchor rods or bolts, tie downs, fixings etc., driveway slabs and drainage to Council's satisfaction. All timbers to be in accordance with SAA Timber Structure Code AS1720 and SAA Timber Framing Code AS 1684. All work to be carried out in a professional and workman- shiplike manner according to the plans and specification.  
NOTE:  
Do not scale off the drawings unless otherwise stated and use figured dimensions in preference.  
All dimensions are to be checked and verified on site before the commencement of any work, all dimensions and levels are subject to final survey and set-out  
No responsibility will be accepted by Sitedesign for any variations in design, builder's method of construction or materials used, deviation from specification without permission or accepted work practices resulting in inferior construction. Locate and protect all services prior to construction.  
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Project **PROPOSED LANDSCAPE PLAN**

Address **53-55 YEO STREET, CREMORNE**

Drawing Title **LANDSCAPE SPECIFICATION**

Date **31/07/2025**

Scale **N.T.S@A3**

Drawing No. **1440**



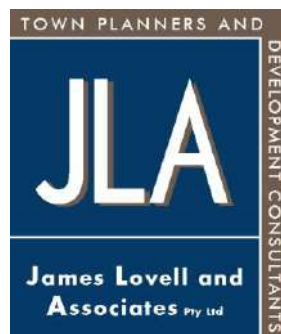
**Alterations and Additions to an Approved Residential Flat Building**

**53 – 55 Yeo Street, Cremorne**

**Written Request to Vary the  
Building Height Control**

1 August 2025

Ref: 22125/B2



## INTRODUCTION

The subject site formally comprises Lot 1 in Deposited Plan 1308704 and is commonly known as No's 53 – 55 Yeo Street, Cremorne.

The site is located on the southern side of Yeo Street, at the junction with Rangers Lane. The site encompasses an area 1,138m<sup>2</sup> and is rectangular in shape with frontages of 30.48 metres to Yeo Street and 37.35 metres to Rangers Lane.

The site was previously occupied by 2 x 2-storey dwelling houses and associated structures. The former dwellings included off-street car parking accessed via Yeo Street (No. 55 Yeo Street) and Rangers Lane (No. 53 Yeo Street).

On 8 November 2023, the Land and Environment Court upheld an appeal (*PP Neutral Bay Pty Ltd v North Sydney Council [2023] NSWLEC 1664*) in relation to a Development Application (DA 334/22) for *"the demolition of existing structures and construction of a 4 storey residential flat building with 2 levels of basement parking at 53-55 Yeo Street, Cremorne"*.

The approved development has subsequently been amended on two (2) occasions pursuant to Section 4.56 of the *Environmental Planning and Assessment Act 1979*.

The approved development (as amended) comprises the construction of a 4-storey residential flat building accommodating 11 apartments consisting of 1 x 2-bedroom apartment and 10 x 3-bedroom apartments.

Off-street car parking has been approved for 18 vehicles within a two (2) level basement structure accessed via a combined entry/exit driveway and internal car lifts located along the frontage to Rangers Lane.

The approved development has been physically commenced, the former structures have been demolished, and excavation of the basement has been substantially completed.

On 28 February 2025, the State Government introduced State Environmental Planning Policy (SEPP) (Housing) Amendment (Low and Mid Rise Housing) 2025.

The Amendment was introduced as Chapter 6 of SEPP (Housing) 2021 and Chapter 6 aims “to **encourage** the development of low and mid rise housing in areas that are well located with regards to goods, services and public transport” [emphasis added].

The site is located within the “low and mid rise housing and inner area” pursuant to Section 163 of the SEPP. In the circumstances, the primary planning controls that apply to the site have fundamentally changed. Section 175 of the SEPP has introduced a maximum height in stories of 6 storeys and Section 180 has introduced a maximum building height of 22 metres, for residential flat buildings. Where a residential flat building exceeds 22 metres, due to the language used in Section 175, the maximum storeys control does not apply.

Further, Section 180 of the SEPP has introduced “non-discretionary development standards” for floor space ratio (FSR) of 2.2:1 and building height of 22 metres.

In that context, the proposed development comprises alterations and additions to the approved residential flat building on the site. The proposed amendments comprise a series of relatively minor adjustments to the approved 4-storey building and the introduction of an additional two (2) storeys above accommodating 2 x 4-bedroom apartments.

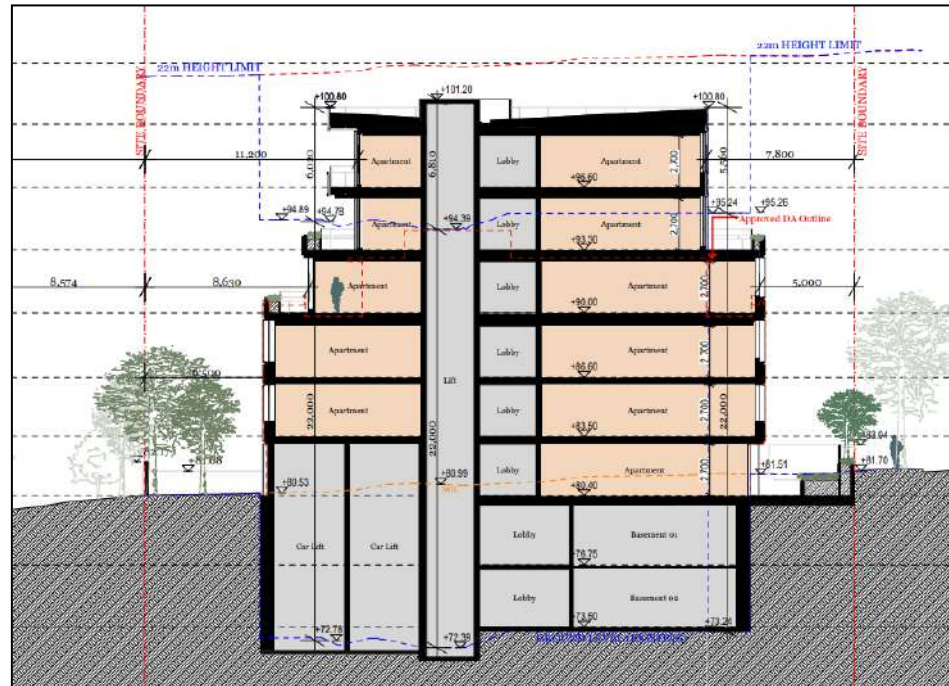
Further, the approved basement structure is being internally reconfigured to increase the off-street car parking provision from 18 spaces to 21 spaces.

The proposed development results in an FSR of 1.76:1 and a maximum building height of approximately 20.5 metres measured from “ground level (existing)” prior to the excavation of the approved basement.

Irrespective, the excavation associated with the construction of the approved basement has technically modified (lowered) “ground level (existing)”. On that basis, the proposed development technically extends to a maximum height of approximately 28.02 metres (RL100.8 – RL72.78) (representing a variation of 6.02 metres or 27.3%) measured to the upper

level parapet or 28.81 metres (RL101.2 – RL72.39) (representing a variation of 6.81 metres or 28%) measured to the lift overrun.

The proposed building heights based on the existing (excavated) levels of the site are identified on the Section below.



**Figure 1: Calculation of Building Height Based on Existing (Excavated Levels)**

The proposed development technically extends above a building height of 22 metres, circumstances in which the limitation on the number of storeys in Section 175 does not specifically apply.

Irrespective, in the event the two (2) levels of the approved “basement” are not currently characterised as a “basement” (on the basis they are not below “ground level (existing)”), the proposed development may technically comprise more than 6 storeys (until such time as the approved “basement” levels are formed as “basement” levels in accordance with the Development Consent.

Section 4.15(3) of the *Environmental Planning and Assessment Act 1979* specifies that if an environmental planning instrument or a regulation contains non-discretionary development standards and development the subject of a development application does not comply with those standards, a provision of an environmental planning instrument that

allows flexibility in the application of a development standard may be applied to the non-discretionary development standard.

Clause 4.6(2) of the North Sydney Local Environmental Plan (LEP) 2013 specifies that Clause 4.6 applies to development that *"would contravene a development standard imposed by this or any other environmental planning instrument"*.

In the circumstances, this written request has been prepared to vary the building height controls in Sections 175 and 180 of SEPP (Housing) 2021 pursuant to Clause 4.6 of the North Sydney LEP 2013.

The variation to the building height controls is entirely technical and irrelevant (from a merit perspective) in nature and arises only due to the modification (lowering) of *"ground level (existing)"* associated with the construction of the approved basement.

In that regard, the Court found in *Merman Investments Pty Ltd v Woollahra Municipal Council* [2021] NSWLEC 1582 that *"The prior excavation of the site within the footprint of the existing building, which distorts the height of buildings development standard plane overlaid above the site – can properly be described as an environmental planning ground within the meaning of cl. 4.6(3)(b) of the LEP 2014"*.

Similarly, the Court found in *Bettar v Council of the City of Sydney* [2014] NSWLEC 1070 that:

*I do not accept Mr Betros' approach of defining existing ground level as the ground floor level of the existing building and then dropping it down to the basement level in the north-eastern corner of the site where the existing basement is located. This results in an absurd height plane with a large and distinct full storey dip in it as it moves across the site and crosses the basement of the existing building, which relates only to a building that is to be demolished and has no relationship to the context of the site.*

*I prefer Mr Chamie's approach to determining the existing ground level because the level of the footpath at the boundary bears a relationship to the context and the overall topography that includes the site and remains relevant once the existing building is demolished.*



Again, the proposed development complies with the building height control measured from “ground level (existing)” prior to the excavation of the approved basement.

#### **CLAUSE 4.6 OF THE NORTH SYDNEY LEP 2013**

Clause 4.6(1) is facultative and is intended to allow flexibility in applying development standards in appropriate circumstances.

Clause 4.6 does not directly or indirectly establish a test that non-compliance with a development standard should have a neutral or beneficial effect relative to a complying development (*Initial Action* at 87).

Clause 4.6(2) of the LEP specifies that “*development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument*”.

Clause 4.6(3) specifies that development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

The requirement in Clause 4.6(3)(b) is that there are sufficient environmental planning grounds to justify contravening the development standard, not that the development that contravenes the development standard has a better environmental planning outcome than a development that complies with the development standard (*Initial Action* at 88).

#### **CONTEXT AND FORMAT**

This “*written request*” has been prepared having regard to “*Varying development standards: A Guide*” (August 2011), issued by the former

Department of Planning, and relevant principles identified in the following judgements:

- *Winten Property Group Limited v North Sydney Council [2001] NSWLEC 46;*
- *Wehbe v Pittwater Council [2007] NSWLEC 827;*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009;*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90;*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248;*
- *Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7;*
- *Moskovich v Waverley Council [2016] NSWLEC 1015;*
- *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118;*
- *Hansimikali v Bayside Council [2019] NSWLEC 1353;*
- *Big Property Group Pty Ltd v Randwick City Council [2021] NSWLEC 1161;*
- *HPG Mosman Projects Pty Ltd v Mosman Municipal Council [2021] NSWLEC 1243;*
- *Abrams v Council of the City of Sydney [2019] NSWLEC 1583;*
- *Rebel MH Neutral Bay Pty Ltd v North Sydney Council [2019] NSWCA 130;*
- *Merman Investments Pty Ltd v Woollahra Municipal Council [2021] NSWLEC 1582; and*
- *Bettar v Council of the City of Sydney [2014] NSWLEC 1070.*

*"Varying development standards: A Guide"* (August 2011) outlines the matters that need to be considered in DA's involving a variation to a development standard. The Guide essentially adopts the views expressed by Preston CJ, in *Wehbe v Pittwater Council [2007] NSWLEC 827* to the extent that there are effectively five (5) different ways in which compliance with a development standard can be considered unreasonable or unnecessary as follows:

1. The objectives and purposes of the standard are achieved notwithstanding non-compliance with the development standard.
2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary.

3. The underlying objective or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable.
4. The development standard has been 'virtually abandoned or destroyed' by the Councils own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.
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.

As Preston CJ, stated in *Wehbe*, the starting point with a SEPP No. 1 objection (now a Clause 4.6 variation) is to demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances. The most commonly invoked 'way' to do this is to show that the objectives of the development standard are achieved notwithstanding non-compliance with the numerical standard. The Applicant relies upon ground 1 in *Wehbe* to support its submission that compliance with the development standard is both unreasonable and unnecessary in the circumstances of this case.

In that regard, Preston CJ, in *Wehbe* states that "... *development standards are not ends in themselves but means of achieving ends*". Preston CJ, goes on to say that as the objectives of a development standard are likely to have no numerical or qualitative indicia, it logically follows that the test is a qualitative one, rather than a quantitative one. As such, there is no numerical limit which a variation may seek to achieve.

The above notion relating to 'numerical limits' is also reflected in Paragraph 3 of Circular B1 from the former Department of Planning which states that:

*As numerical standards are often a crude reflection of intent, a development which departs from the standard may in some circumstances achieve the underlying purpose of the standard as much as one which complies. In many cases the variation will be numerically small in others it may be numerically large, but nevertheless be consistent with the purpose of the standard.*

It is important to emphasise that in properly reading *Wehbe*, an objection submitted does not necessarily need to satisfy all of the tests numbered 1 to 5, and referred to above. If the objection satisfies one of the tests, then it may be upheld by a Council, or the Court standing in its shoes. Irrespective, an objection can also satisfy a number of the referable tests.

In *Wehbe*, Preston CJ, states that there are two (2) matters that must be addressed before a consent authority (Council or the Court) can uphold an objection to a development standard as follows:

1. The consent authority needs to be satisfied the objection is well founded; and
2. The consent authority needs to be satisfied that granting consent to the DA is consistent with the aims of the Policy.

Further, it is noted that the consent authority has the power to grant consent to a variation to a development standard, irrespective of the numerical extent of variation (subject to some limitations not relevant to the present matter).

The decision of Pain J, in *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90* suggests that demonstrating that a development satisfies the objectives of the development standard is not necessarily sufficient, of itself, to justify a variation, and that it may be necessary to identify reasons particular to the circumstances of the proposed development on the subject site.

Further, Commissioner Tuor, in *Moskovich v Waverley Council [2016] NSWLEC 1015*, considered a DA which involved a relatively substantial variation to the FSR (65%) control. Some of the factors which convinced the Commissioner to uphold the Clause 4.6 variation request were the lack of environmental impact of the proposal, the characteristics of the site such as its steeply sloping topography and size, and its context which included existing adjacent buildings of greater height and bulk than the proposal.

The decision suggests that the requirement that the consent authority be satisfied the proposed development will be in the public interest because it is "*consistent with*" the objectives of the development standard and the zone, is not a requirement to "*achieve*" those objectives. It is a

requirement that the development be 'compatible' with them or 'capable of existing together in harmony'. It means "*something less onerous than 'achievement'*".

In *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, Preston CJ found that it is not necessary to demonstrate that the proposed development will achieve a "*better environmental planning outcome for the site*" relative to a development that complies with the development standard.

In *Hansimikali v Bayside Council* [2019] NSWLEC 1353, Commissioner O'Neill found that it is not necessary for the environmental planning grounds relied upon by the Applicant to be unique to the site.

In *Big Property Group Pty Ltd v Randwick City Council* [2021] NSWLEC 1161, Commissioner O'Neill found that "*The desired future character of an area cannot be determined by the applicable development standards for height and FSR alone*".

Further, Commissioner O'Neill found that "*The presumption that the development standards that control building envelopes determine the desired future character of an area is based upon a false notion that those building envelopes represent, or are derived from, a fixed three-dimensional masterplan of building envelopes for the area and the realisation of that masterplan will achieve the desired urban character*".

Similarly, in *HPG Mosman Projects Pty Ltd v Mosman Municipal Council* [2021] NSWLEC 1243, Commissioner O'Neill found that "*The desired future character of an area is not determined and fixed by the applicable development standards for height and FSR, because they do not, alone, fix the realised building envelope for a site. The application of the compulsory provisions of cl 4.6 further erodes the relationship between numeric standards for building envelopes and the realised built character of a locality* (SJD DB2 at [62]-[63]). *Development standards that determine building envelopes can only contribute to shaping the character of the locality* (SJD DB2 at [53]-[54] and [59]-[60])".

Finally, in *Abrams v Council of the City of Sydney* [2019] NSWLEC 1583, Commissioner Gray found that the corner location of a site may be an environmental planning ground to support a variation to a development standard.

## ASSESSMENT

### Is the requirement a development standard?

The building height control is a development standard and is not excluded from the operation of Clause 4.6 of the LEP.

### What is the underlying object or purpose of the standard?

The relevant objectives of the building height control are expressed 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.*

At the outset, the building height control in Section 180 of the SEPP is a “non-discretionary development standard” which the consent authority “is not entitled to take those standards into further consideration in determining the development application” and “must not refuse the application on the ground that the development does not comply with those standards”.

The proposed development complies with the building height control in Sections 175 and 180 of the SEPP measured from “ground level (existing)” prior to the excavation of the approved basement.

In that context, the variation to the building height control is entirely technical and irrelevant (from a merit perspective) in nature and arises



only due to the modification (lowering) of "*ground level (existing)*" associated with the construction of the approved basement.

Further, there is no proper planning purpose in "artificially" calculating building height from a modified (lowered) ground level on the basis of the excavation of the approved basement.

In relation to objective (a), the proposed development does not alter the approved floor levels or the approved ground levels beyond the footprint of the approved building.

Further, strict compliance with the building height control based on the excavated level of the approved basement would mean conforming to an unnatural landform over part of the site, circumstances in which the technical variation to the building height control results in a development that more appropriately reflects the "*natural landforms*" and "*natural gradient*" of the site.

In relation to objective (b), the proposed development complies with the building height control measured from "*ground level (existing)*" prior to the excavation of the approved basement. Further, the proposed development will not have any significant impact on any existing public or private views.

In relation to objective (c), the proposed development achieves solar access to 76.9% of the apartments (including the 2 additional apartments) to the private open space and main living areas for a minimum of 2-hour in mid-winter.

Further, the Solar Access Analysis incorporated in the "*Design Verification Statement*" confirms the surrounding residential properties will maintain a minimum of 2 hours of sunlight to the main living rooms, private open space and communal open space between 9am and 3pm in mid-winter.

In relation to objective (d), the proposed development provides relatively generous setbacks to the eastern and southern boundaries where the site is adjoined by residential land uses. The spatial separation, arrangement of windows and balconies, and the landscaping within the setbacks, further minimise the potential for direct overlooking of the adjoining properties.

In relation to objectives (e) and (f), the proposed development has been carefully designed to substantially maintain the amenity of the surrounding properties whilst implementing the transition in land use and building form consistent with the R4 – High Density Residential zone and the recent amendments to the SEPP relating to the “*low and mid rise housing and inner area*”.

In summary, the proposed development achieves the objectives of the building height control, notwithstanding the technical numerical variation relating to the excavation of the approved basement.

Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

The Department of Planning published “*Varying development standards: A Guide*” (August 2011), to outline the matters that need to be considered in Development Applications involving a variation to a development standard. The Guide essentially adopts the views expressed by Preston CJ in *Wehbe v Pittwater Council* [2007] NSWLEC 827 to the extent that there are five (5) different ways in which compliance with a development standard can be considered unreasonable or unnecessary.

1. *The objectives of the standard are achieved notwithstanding non-compliance with the standard;*

The proposed development achieves the objectives of the building height control, notwithstanding the technical numerical variation relating to the excavation of the approved basement.

2. *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*

The objectives and purpose of the building height control remain relevant, and the proposed development achieves the objectives of the building height control, notwithstanding the technical numerical variation relating to the excavation of the approved basement.

3. *The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*

The proposed development achieves the objectives of the building height control, notwithstanding the technical numerical variation relating to the excavation of the approved basement.

Further, strict compliance with the building height control would require the deletion of the upper two (2) levels of the building in circumstances where the proposed development complies with the “*non-discretionary development standard*” in relation to building height in Section 180 of the SEPP measured from “*ground level (existing)*” prior to the excavation of the approved basement.

Finally, Chapter 6 of the SEPP aims “to **encourage** the development of low and mid rise housing in areas that are well located with regards to goods, services and public transport” [emphasis added].

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;*

The building height control has not specifically been abandoned or destroyed by the Council’s actions. Irrespective, the Council has adopted an orderly but flexible approach to the implementation of development standards (including the building height control).

In that regard, a review of the Council’s register of Variations to Development Standards reveals Development Consent has been granted to approximately 174 DA’s for the three (3) year period between June 2022 and June 2025 involving numerical variations to development standards, including approximately 156 DA’s (90%) involving variations to the building height control.

Further, the objectives of Clause 4.6 of the LEP includes to provide “*an appropriate degree of flexibility in applying certain development standards to particular development*”.

5. *Compliance with the development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.*

The zoning of the land remains relevant and appropriate. Irrespective, strict compliance with the building height control would require the deletion of the upper two (2) levels of the building in circumstances where the proposed development complies with the *"non-discretionary development standard"* in relation to building height in Section 180 of the SEPP measured from *"ground level (existing)"* prior to the excavation of the approved basement.

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

The adjectival phrase *"environmental planning"* is not defined but would refer to grounds that relate to the subject matter, scope and purpose of the *Environmental Planning and Assessment Act 1979*, including the objects set out in Section 1.3 (Initial at 23).

The objects of the Act are expressed as follows:

- (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 numerical variation to the building height control is reasonable and appropriate in the particular circumstances on the basis that:

- the proposed development complies with the building height control based on the ground level that existing prior to the excavation of the approved basement;
- the variation to the building height control is entirely technical and irrelevant (from a merit perspective) in nature and arises only due to the modification (lowering) of *"ground level (existing)"* associated with the construction of the approved basement;
- the proposed development complies with the building height control is Sections 175 and 180 of the SEPP measured from *"ground level (existing)"* prior to the excavation of the approved basement;
- strict compliance with the building height control would require the deletion of the upper two (2) levels of the building in circumstances where the proposed development complies with the *"non-discretionary development standard"* in relation to building height in Section 180 of the SEPP measured from *"ground level (existing)"* prior to the excavation of the approved basement;
- strict compliance with the building height control would prevent the achievement of the aims of Chapter 6 of the SEPP *"to encourage the development of low and mid rise housing in areas that are well located with regards to goods, services and public transport"* [emphasis added];
- strict compliance with the building height control based on the excavated level of the approved basement would mean conforming to an unnatural landform over part of the site, circumstances in which the technical variation to the building height control results in a development that more appropriately reflects the *"natural landforms"* and *"natural gradient"* of the site;
- the proposed development will promote good design and the amenity of the built environment which is a recently incorporated object of the Act: *"(g) to promote good design and amenity of the built environment"*;
- the Council has adopted an orderly but flexible approach to the implementation of development standards (including the building height control) in appropriate circumstances, including when the objectives of the standard are achieved, notwithstanding numerical variations;

- a review of the Council's register of Variations to Development Standards reveals Development Consent has been granted to approximately 174 DA's for the three (3) year period between June 2022 and June 2025 involving numerical variations to development standards, including approximately 156 DA's (90%) involving variations to the building height control;
- the proposed development achieves the relevant objectives of the R4 – High Low Density Residential zone;
- the proposed development achieves the objectives of Chapter 6 of SEPP (Housing) 2021; and
- the proposed development achieves the objectives of the building height control, notwithstanding the technical numerical variation relating to the excavation of the approved basement.

## CONCLUSION

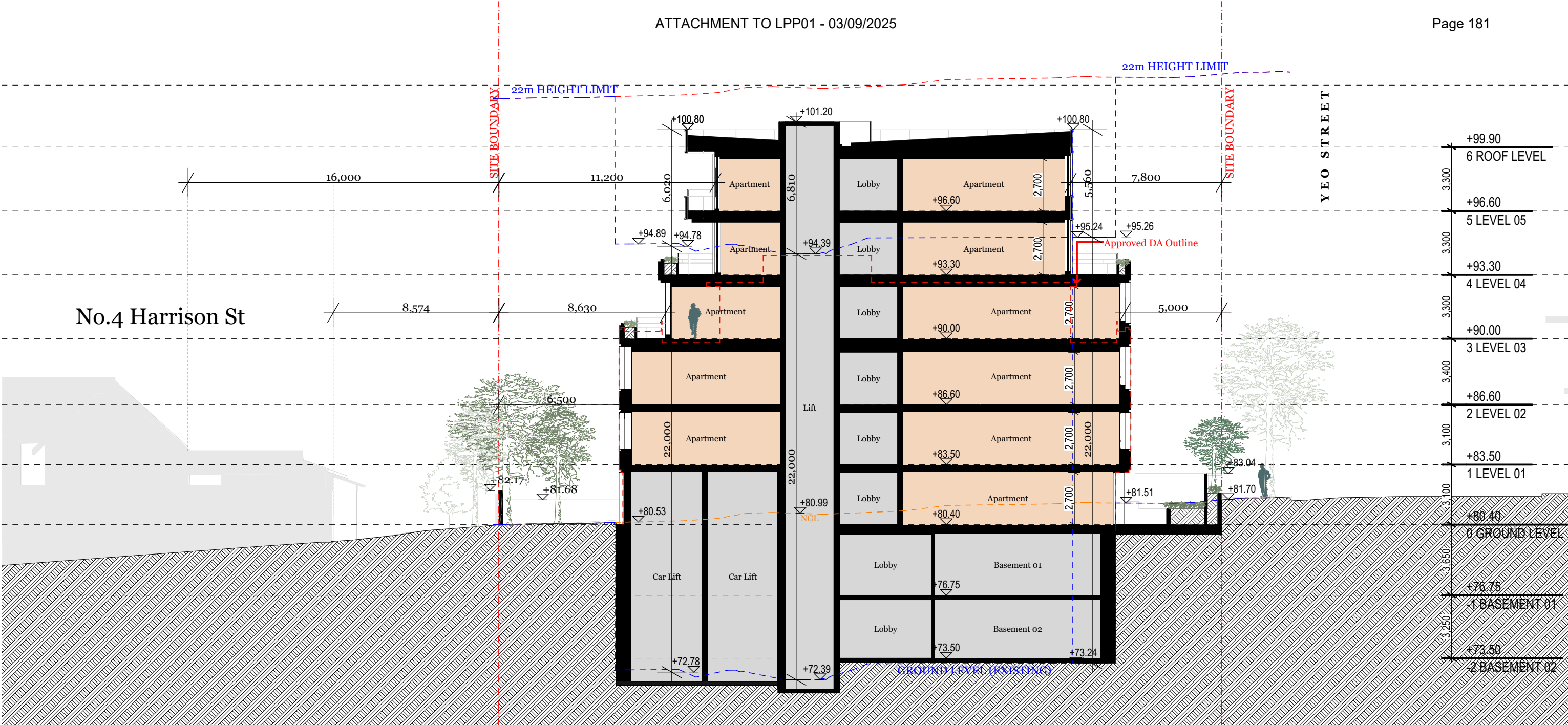
The purpose of this written request is to formally request a variation to the building height control in Sections 175 and 180 of SEPP (Housing) 2021 pursuant to Clause 4.6 of the North Sydney LEP 2013.

The proposed development complies with the building height controls in Sections 175 and 180 of the SEPP measured from "*ground level (existing)*" prior to the excavation of the approved basement.

The variation to the building height control is entirely technical and irrelevant (from a merit perspective) in nature and arises only due to the modification (lowering) of "*ground level (existing)*" associated with the construction of the approved basement.

In general terms, strict compliance with the building height control is unreasonable and unnecessary in the particular circumstances, and there are sufficient environmental planning grounds to justify the numerical variation.





A-A1 SECTION 01 (Through Unit 001)  
1:200

NOTES

ALL WORKS TO BE IN ACCORDANCE WITH AUTHORITY & STATUTORY APPROVALS.

ALL BOUNDARY INFORMATION TO BE CONFIRMED BY REGISTERED SURVEYOR BEFORE COMMENCING WORKS ON SITE.

REFER TO SITE SURVEY FOR ALL INFORMATION RELATING TO EXISTING SITE CONDITIONS.

REFER TO LANDSCAPE ARCHITECT'S DOCUMENTATION & ARBORIST REPORTS FOR ALL INFORMATION RELATING TO TREES AND THEIR RETENTION/REMOVAL AND NEW LANDSCAPE WORKS.

ALL DRAWINGS TO BE READ IN CONJUNCTION WITH:  
- ALL SPECIFICATIONS & SCHEDULES,  
- ALL SPECIALIST CONSULTANTS DOCUMENTATION  
- BASIS, NATHERS & SECTION J CERTIFICATES

MINOR CHANGES TO FORM & CONFIGURATION MAY BE REQUIRED AFTER DEVELOPMENT CONSENT WHEN DRAWINGS ARE PREPARED FOR CONSTRUCTION PURPOSES.



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NSW: Nominated Architects: Koos de Keijzer 5767 | David Randerson 8542

| Rev. | Date       | By      | Ckd     | Description             |
|------|------------|---------|---------|-------------------------|
| A    | 26/05/2025 | JS / KA | RM / SO | Development Application |
| B    | 31/07/2025 | KA      | DK      | DEP Amended Issue       |

DEVELOPMENT  
APPLICATION

Project Name  
Project Address

53-55 Yeo Street  
53-55 Yeo Street,  
Cremorne, NSW 2090  
1/DP1308704

Client

PIERCE PROPERTY

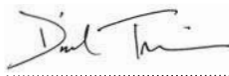
Project Number  
Drawing Name  
Scale  
Date

13089  
Section 01  
1:200 3  
May 2025

Drawing Number  
Revision

DA304  
B





| Legend |                        |     |                     |     |                 |     |                        |    |                                 |
|--------|------------------------|-----|---------------------|-----|-----------------|-----|------------------------|----|---------------------------------|
| BBF    | Bottom of Bank         | G   | Grate               | TF  | Type of Fence   | LWW | Upper Window           | ML | Metal Lift                      |
| BFL    | Balkony Floor Level    | GM  | Gas Meter           | TTG | Type of Gutter  | VFC | Ventilator Floor Cover | MH | Metal Hand                      |
| BIR    | Bottom (Interior) Wall | GL  | Gas Line            | TK  | Type of Kerb    | VFL | Ventilator Floor Level | MP | Metal Power                     |
| BK     | Bottom                 | INV | Invert Level        | TL  | Type of Lintel  | G   | Gutter                 | SP | Sign                            |
| BRK    | Bottom                 | LW  | Lower Window        | TR  | Type of Road    | MM  | Metal Mesh             | T  | Tile                            |
| CONC   | Concrete               | PC  | Pedestrian Crossing | TRK | Type of Track   | G   | Gas                    | TS | Top Step                        |
| CP     | Chimney                | TRW | Top of Road         | TRW | Type of Road    | TL  | Top Lintel             | U  | Unit                            |
| FL     | Floor Level            | PAR | Parapet             | TW  | Top Wall        | LH  | Lamp Hole              | U  | Approximate Location of         |
| FP     | Flag Pole              | RL  | Roof Level          | USA | Upper of Awning | LP  | Lamp Light             | US | Sewer Main (Under) Sydney Water |
|        |                        | TL  | Type of Bank        | TL  | Type of Lintel  | LP  | Lamp Light             |    |                                 |

|     |                       |       |          |
|-----|-----------------------|-------|----------|
| 3   | ADDITIONAL DETAIL     | BG/MY | 28/04/25 |
| No. | AMENDMENT DESCRIPTION | BY    | DATE     |

**HARRISON FRIEDMANN & ASSOCIATES PTY LTD**  
INCORPORATING THE PRACTICE OF MICHAEL J. STYNES  
A/N 49 091 931 331

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 **SYDNEY WATER**  
WATER SERVICING CO-ORDINATOR

 **NSW GOVERNMENT**  
DEPARTMENT OF WATER

 **NSW GOVERNMENT**  
DEPARTMENT OF LANDS

PLAN SHOWING SITE DETAILS AND LEVELS  
FOR BUILDING DESIGN PURPOSES  
AT 12 HARRISON ST AND Nos 143 &145 WYCOMBE RD  
AND 145 RANGER LANE NEUTRAL BAY

FOR PIERCE PROPERTY DEVELOPMENT P/L

|                             |                              |
|-----------------------------|------------------------------|
| REDUCTION RATIO<br>NTS @ A1 | SURVEYED / DRAWN<br>AC/CM/HM |
| DATUM<br>A.H.D.             | CHECKED                      |
| DATE<br>04/06/2024          | REFERENCE<br>79888DT         |