

**NSLPP MEETING HELD ON 03/12/2025****Attachments:**

1. Site Plan
2. Architectural Plans
3. Clause 4.6 Statement
4. Visual Impact Assessment
5. Building Code of Australia Audit Report, Concise Certification
6. Amended Architectural Plans
7. Landscape Plan

ADDRESS/WARD: 2 Waruda Street, Kirribilli**APPLICATION NO:** 334/2025

PROPOSAL: Partial demolition of existing structures, alterations and additions and change of use to a single dwelling, integrated garage parking, basement works and associated remedial and landscaping works

PLANS REF:

Plan No.	Rev	Description	Prepared by	Dated
2	A	Site Plan	MHN Design Union	15/09/25
3	A	Proposed Ground Floor Plan	MHN Design Union	15/09/25
4	A	Proposed First Floor Plan	MHN Design Union	15/09/25
5	A	Proposed Second Floor Plan	MHN Design Union	15/09/25
6	A	Proposed Third Floor Plan	MHN Design Union	15/09/25
7	A	Proposed Roof Plan	MHN Design Union	15/09/25
8	A	Proposed Basement Floor Plan	MHN Design Union	15/09/25
9	A	North Elevation	MHN Design Union	15/09/25
10	A	South Elevation - Street	MHN Design Union	15/09/25
11	A	Western Elevation	MHN Design Union	15/09/25
12	A	Eastern Elevation	MHN Design Union	15/09/25
13	A	Section Aa	MHN Design Union	15/09/25
14	A	Section Bb	MHN Design Union	15/09/25
21	A	External Finishes / Brick Detailing	MHN Design Union	15/09/25
22	A	Ground Floor Demolition Plan	MHN Design Union	15/09/25
23	A	First Floor Demolition Plan	MHN Design Union	15/09/25
24	A	Second Floor Demolition Plan	MHN Design Union	15/09/25
25	A	Third Floor Demolition Plan	MHN Design Union	15/09/25
26	A	Roof Demolition Plan	MHN Design Union	15/09/25
27	A	Basement Demolition Plan	MHN Design Union	15/09/25
28	A	Demolition Elevations	MHN Design Union	15/09/25
LCP-01	C	Ground Floor Landscape	Fifth Season	01/09/25
LCP-02	B	First Floor Landscape	Fifth Season	29/08/25
LCP-03	B	Third Floor Landscape	Fifth Season	29/08/25

OWNER: ZhiZhuo (Brian) Song**APPLICANT:** Bryan Wong C/- MHN Design Union**AUTHOR:** Jack Varka, Senior Assessment Officer**DATE OF REPORT:** 19 November 2025**DATE LODGED:** 19 September 2025**RECOMMENDATION:** Approval

EXECUTIVE SUMMARY

This development application seeks consent for partial demolition of a partially completed residential flat building, alterations and additions to the existing structure and change of use to a single dwelling with integrated garage parking, basement alterations and associated remedial and landscaping works at 2 Waruda Street, Kirribilli.

The application is reported to the North Sydney Local Planning Panel for determination as the application seeks a variation to the building height development standard by more than 10%. In accordance with the Minister's Directions the application must be determined by the Local Planning Panel.

The application was notified to adjoining properties and the Euroka Precinct Committee inviting comment between 10 – 24 October 2025. There were three (3) submissions received in response to notification which raised issues in relation to views of the Harbour Bridge towards the south west from the adjoining property at 4 Waruda Street; Breach to the building height standard; visual and acoustic privacy/amenity impacts from the subject Third Floor Level terrace; and solar access impacts

The site has a maximum permitted building height of 12m pursuant to sub-clause 4.3(2) in *NSLEP 2013*. The existing building exceeds the building height standard, with a maximum height of 16.4m. The proposal does not increase the height of the existing building; however, the proposed construction of a new roof form will be located above the height of buildings standard of 12m.

The variation to the building height standard is directly a result of the approved basement excavation under the approved DA357/15. The judgement of the Land and Environment Court in *Merman Investments Pty Ltd v Woollahra Municipal Council [2021] NSWLEC 1582* is the relevant judgment in determining the proposed maximum building height in this instance. Given that part of the proposed works will be conducted above the building height standard, there would be no significant additional or unreasonable overshadowing, view loss, privacy loss and/or bulk and scale, and is considered acceptable with regards to the objectives of Clause 4.6.

The impact on views for adjoining properties in particular the units at 75 and 77 Kirribilli Avenue and 4 Waruda Street is assessed as acceptable in the site circumstances. The development will not materially impact existing high amenity views particularly from portions of the proposal in non-conformance with the height control for the site. The proposal will promote the principle of view sharing and preserves existing views. View impact is supportable in the circumstances.

The building is located within the Kirribilli Conservation Area. Council's Heritage Officer advised that the architectural treatment of the new external facades and articulated form captures the context of horizontal, vertical patterns and varied shapes within the locality of the site. The design approach is well resolved and will improve the internal and external quality and amenity of the building as well as the streetscape presentation to Waruda Street. The redesign is a sympathetic outcome that refines the architectural response to the site through improved front setback articulation and use of materials. The proposal will have a similar scale and footprint as the approved DA whereby avoiding any additional potential impacts. The architectural approach and choice of materials is supported.

Subject to the recommended design changes, the development application is considered to be reasonable in the circumstances and is recommended for **approval** subject to conditions.

LOCATION MAP



DESCRIPTION OF PROPOSAL

The development application is seeking a change of use from the approved residential flat building (DA357/15) to a single dwelling and associated partial demolition and alterations and additions to the building to change the façade, and internal configuration, basement parking and swimming pool, and remedial works and landscaping. The existing lift core is to be retained in its existing location throughout the building at all levels. A floor by floor breakdown of the proposal is as follows:

Basement Level:

- Replacement of car lift and installation of new car stacker
- Removal of car turntable, car stackers, and storage lockers
- Construction of swimming pool in the location of existing car stackers, new bathrooms, laundry, storage and garbage/recycling storage, and wine store
- Demolition of existing fire staircase and construction of new circular staircase

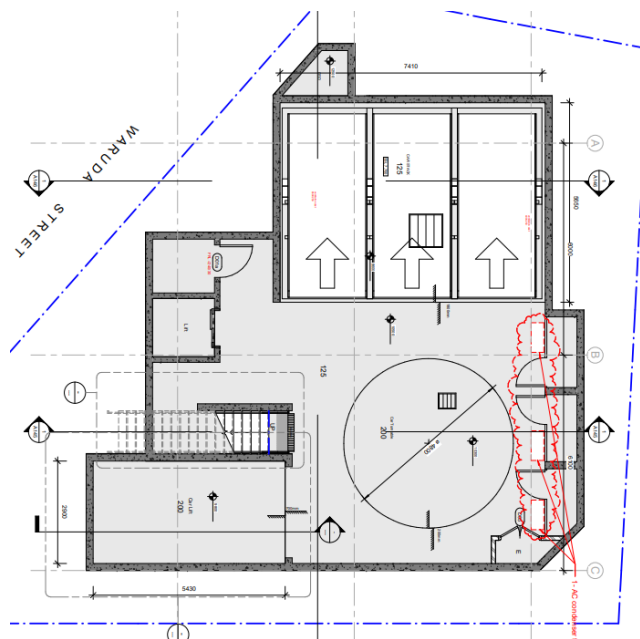


Figure 1: Existing Basement Level

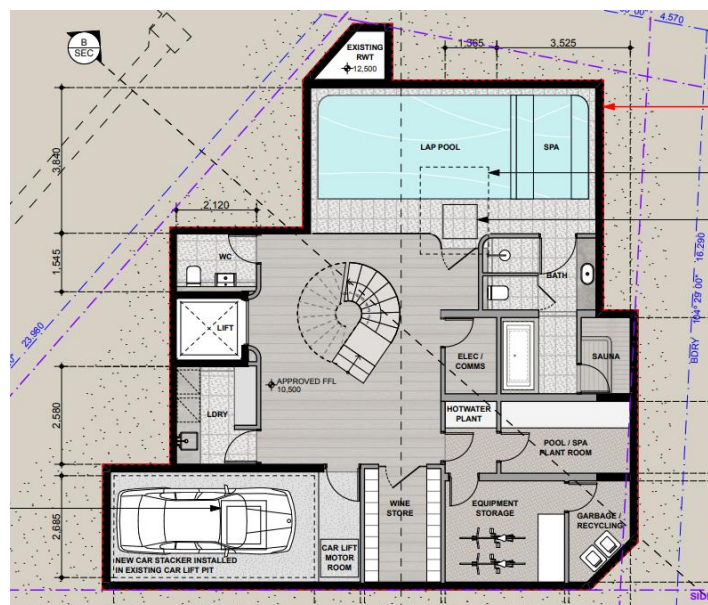


Figure 2: Proposed Basement Level

Ground Floor:

- Demolition of existing fire staircase, electrical/communications room and reconstruction as a single garage car space adjacent to car stacker
- Internal reconfiguration of ground floor level to remove existing apartment layout and lobby space and construction of open concept kitchen, dining and living space
- Construction/continuation of internal circular staircase
- Reconstruction and formalisation of new dwelling entry
- Alterations and additions to façade treatment and extent including demolition of existing dining space and front balcony and extension to north western extent of the living space
- Building bulk and appearance is altered to present a rounded glazed façade to the street front

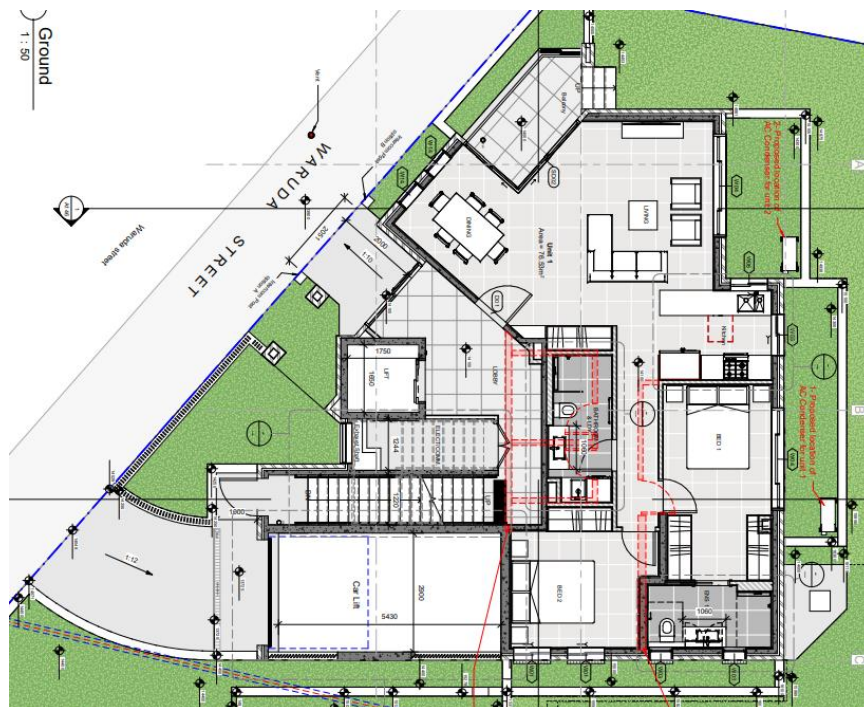


Figure 3: Existing Ground Floor Level

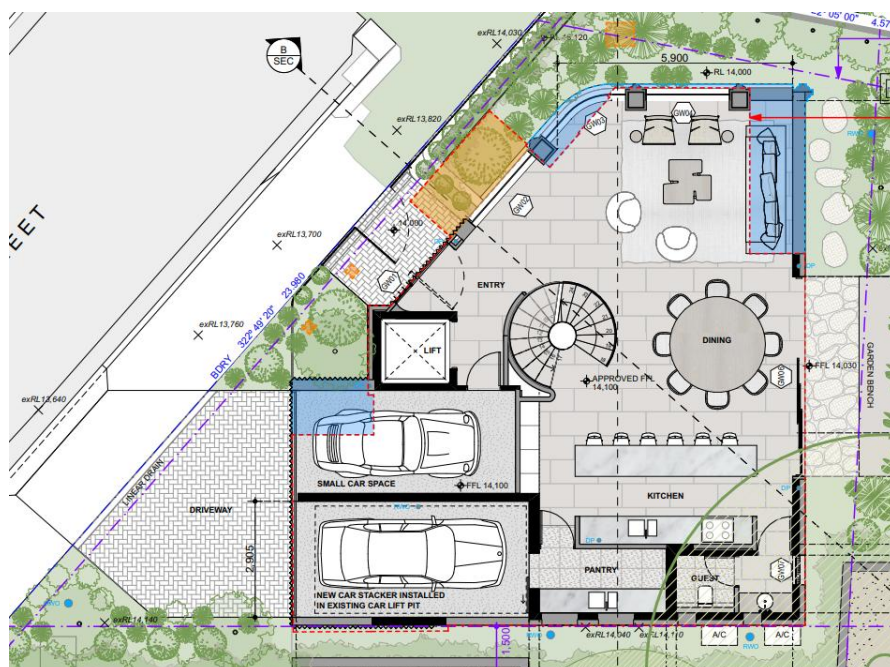


Figure 4: Proposed Ground Floor Level

First Floor:

- Demolition of existing apartment and lobby circulation configuration and construction of void space within the north western portion of the building above the ground floor level living, dining, and dwelling entry
- Construction of new guest bedroom with ensuite and corner balcony at the south eastern corner, new study/home office, tea room, and water closet
- Demolition of existing staircase and construction/continuation of circular staircase
- Demolition of street front bulk and façade elements including the existing extent of the living room, balcony, and kitchen to create a rounded glazed façade
- Demolition of existing corner pocket desk space to create a flat bulk appearance, and to create a dwelling entry façade element above the primary pedestrian entrance
- Addition to the north western corner of the building in continuity with the ground floor level

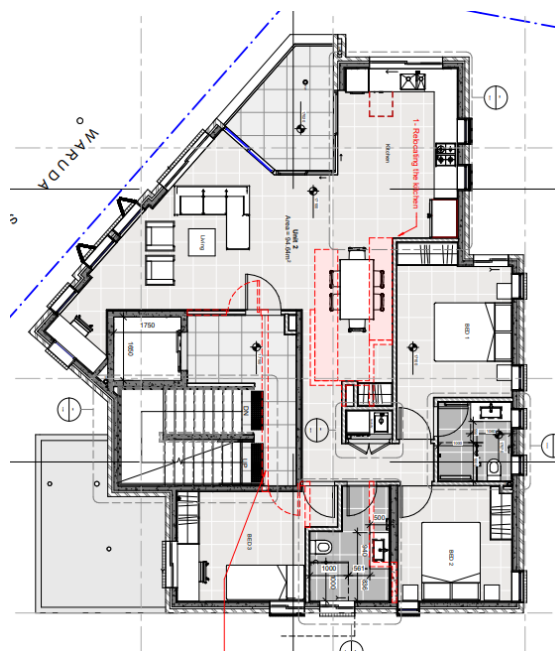


Figure 5: Existing First Floor Level

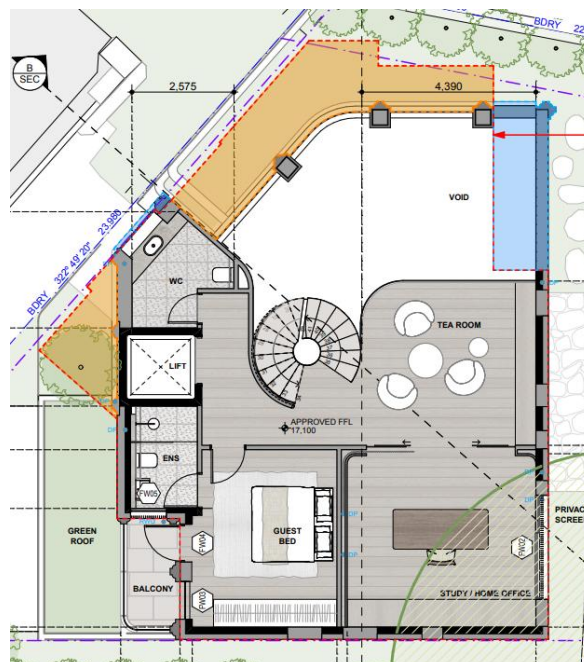


Figure 6: Proposed First Floor Level

Second Floor:

- Demolition of existing apartment and lobby circulation configuration and construction of master bedroom including WIR and ensuite, bedrooms 2 and 3 with ensuites
- Demolition of existing staircase and construction/continuation of circular staircase
- Demolition of existing corner pocket desk space to create a flat bulk appearance, and to create a dwelling entry façade element above the primary pedestrian entrance
- Demolition of street front bulk and façade elements including the existing extent of the balcony to continue the rounded glazed façade

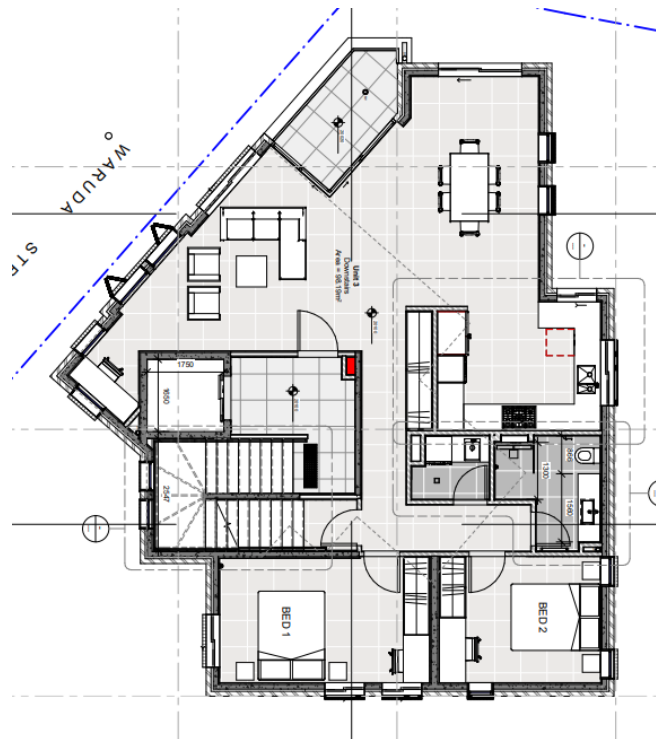


Figure 7: Existing Second Floor Level

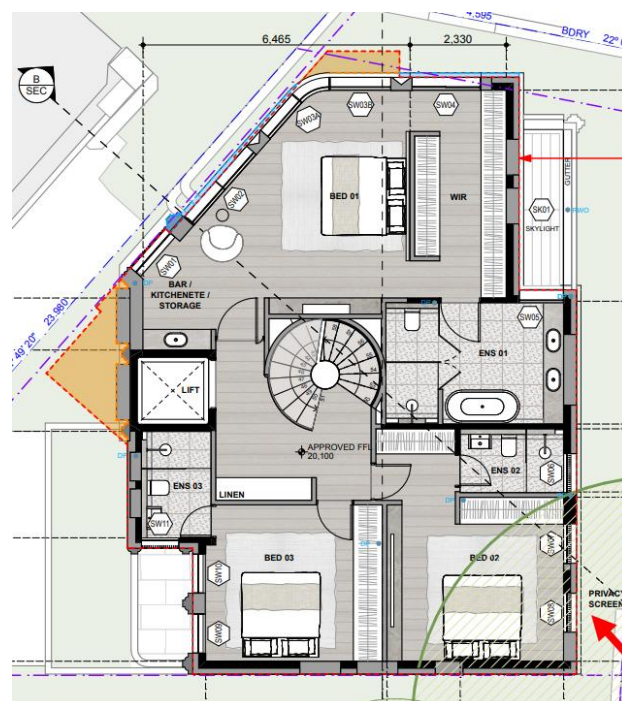


Figure 8: Proposed Second Floor Level

Third Floor:

- Demolition of existing apartment configuration and construction of open concept rumpus room and bar, and bathroom
- Extension of the existing terrace at the north western corner of the building to the extremities of the building footprint
- Alterations and additions to the built form to rationalise the façade appearance to create a rounded appearance in continuity with the design aesthetic of the proposed building
- Retention of the existing green roof spaces along the northern and eastern extents of the building
- Demolition of existing staircase and construction/continuation of circular staircase

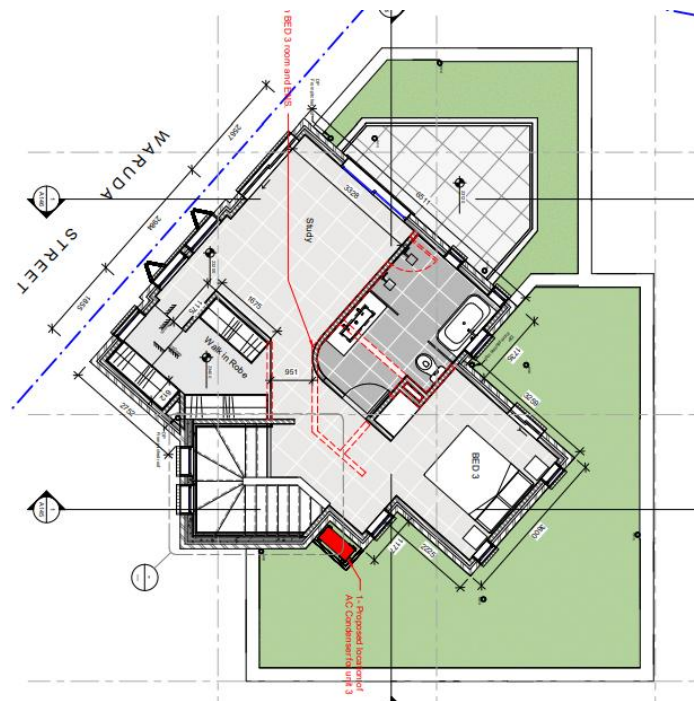


Figure 9: Existing Third Floor Level

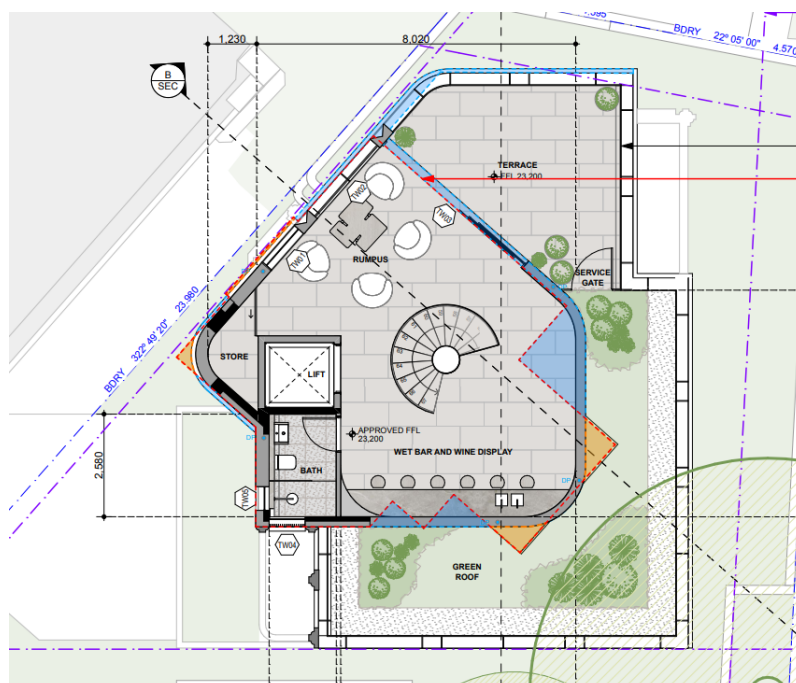


Figure 10: Proposed Third Floor Level

Roof:

- Existing roof is to be demolished and reconstructed to a rounded pitch form, consistent with the change in façade treatment and appearance of the building, and is to be of a bronze metallic finish
- The new roof is to incorporate a vaulted skylight/clerestory window form at the south eastern extent of the roof form orientated to the rear of the site

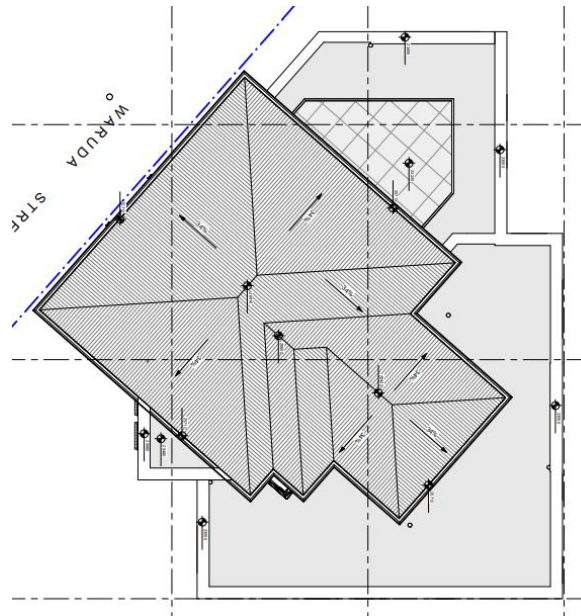


Figure 11: Existing Roof

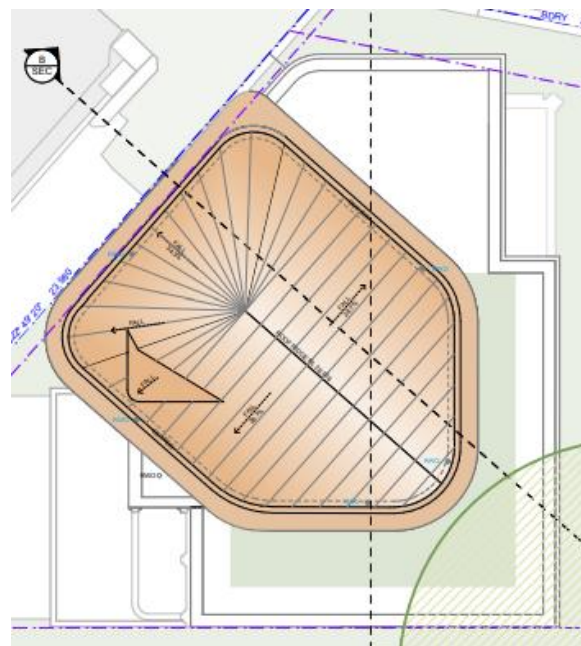


Figure 12: Proposed Roof

Changes to the approved building envelope under DA357/15 have been highlighted in either blue (additions) or orange (reductions) on the Architectural Plans (see Figure 13 below).

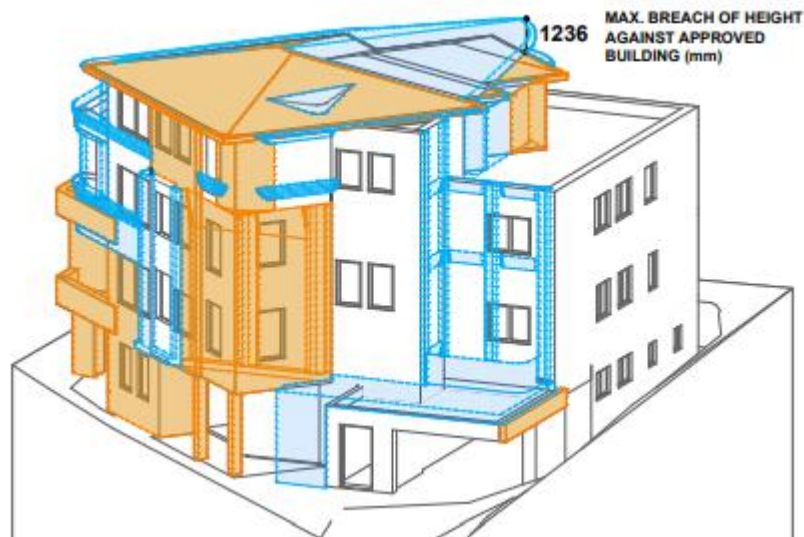


Figure 13: Proposed Reduction and Addition to Building Bulk/Envelope

The architectural treatment of the new external facades and articulated form is sympathetic to the context of horizontal, vertical patterns and varied shapes within the locality of the site, particularly the influences of the heritage item “Redlynn” that bookends the site at the corner of Waruda Street and Waruda Avenue.

The use of dark brick and façade treatments including horizontal brick corbelling and vertical detailing, pressed dark metalwork, and rounded glazing treatments, creates a sophisticated contemporary response of the Kirribilli Heritage Conservation Area.

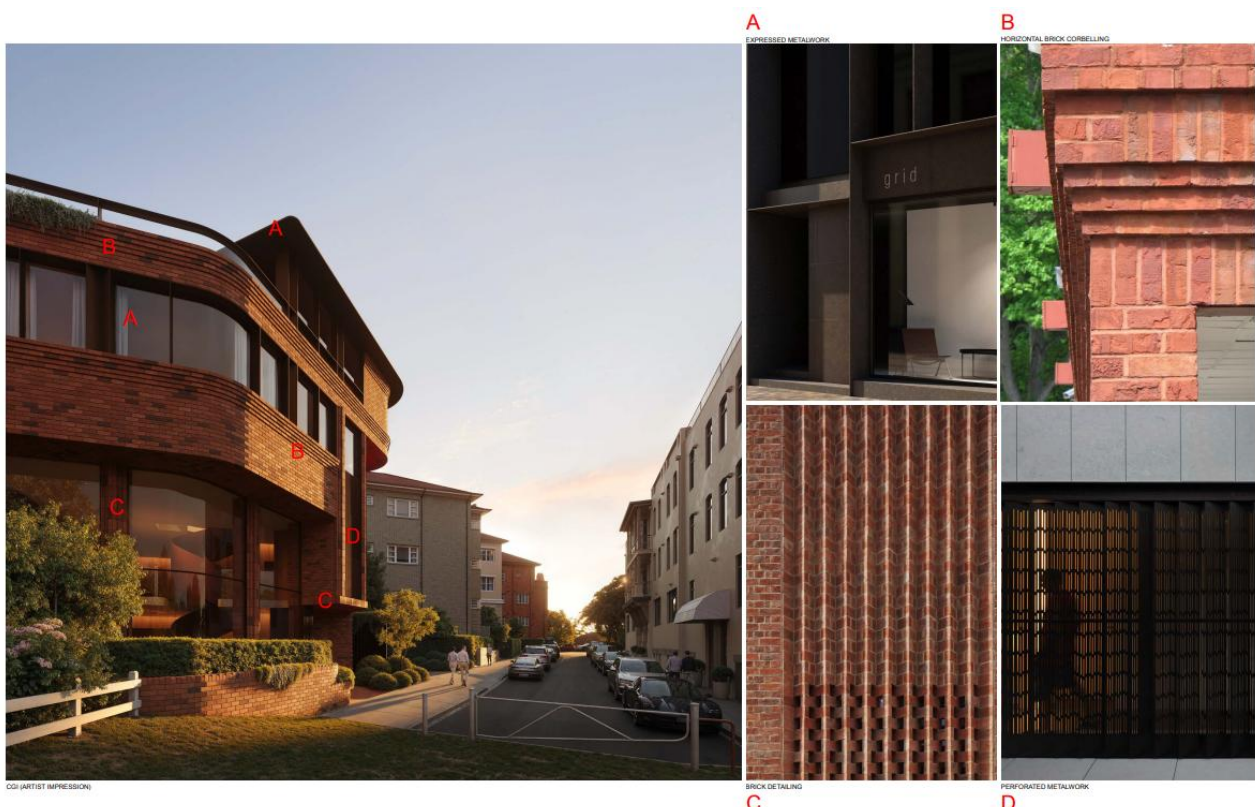


Figure 14: Extract of External Finishes/Materials Schedule

Amended Architectural Plans

On 24 October 2025, the applicant submitted revised Architectural Plans in response to an informal meeting held with the neighbouring landowner at 75-77 Kirribilli Avenue. Matters raised by the neighbour include requested changes to the third floor metal and glass balustrade and terrace.

Details of the amendments are as follows:

- Third floor terrace reduced in size and setback from the extent of the building envelope. Low level planting is to be introduced in its place
- The metal and glass balustrade has been removed along the entire parapet structure
- A new glass balustrade is to be constructed around the perimeter of the new terrace (to a height of 1m (RL 24.3m))
- Service gate location and orientation adjusted to reflect new terrace

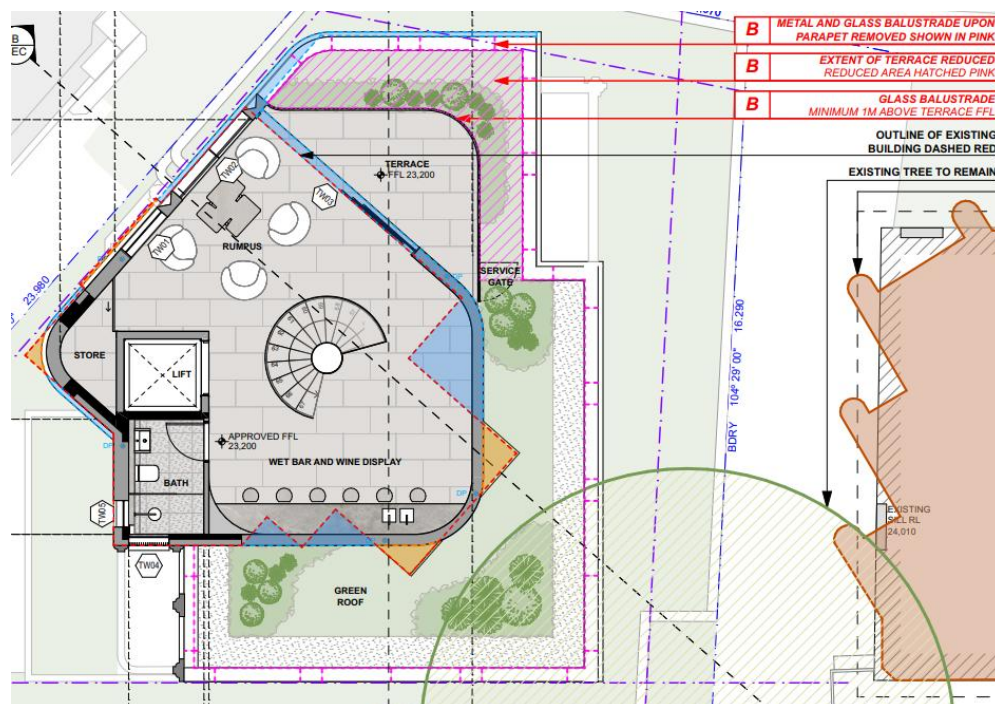


Figure 15: Amended Third Floor Level and Terrace

As a result of the amendments, the neighbouring landowner at 75-77 Kirribilli Avenue has submitted a letter in support of the proposed development application.

STATUTORY CONTROLS

North Sydney LEP 2013

- Zoning – R4 High Density Residential
- Item of Heritage – No
- In Vicinity of Item of Heritage – Yes (Dr Mary Booth Park Lookout)
- Conservation Area – Yes (Kirribilli Conservation Area)
- Foreshore Building Line – No

Environmental Planning & Assessment Act 1979 (As amended)
Environmental Planning & Assessment Regulations 2021
SEPP (Biodiversity and Conservation) 2021

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

SEPP (Resilience and Hazards) 2021

- Chapter 2 – Coastal Management
- Chapter 4 – Remediation of Land

SEPP (Precincts – Eastern Harbour City) 2021

- *Appendix 1 – Sydney Opera House*

SEPP (Sustainable Buildings) 2022

Local Development

POLICY CONTROLS

NSDCP 2025

North Sydney Local Infrastructure Contributions Plan 2020

North Sydney Community Engagement Strategy 2025-2029

DESCRIPTION OF LOCALITY

The subject site is legally described as Lot B DP 346417 and is known as 2 Waruda Street, Kirribilli. The site is irregular shaped with a splayed frontage to Waruda Street of 23.98m, a northern boundary length of 16.29m, an eastern boundary length of 23.99m and a western boundary length of 9.165m. The total site area is 289.7m².

The site is currently occupied by a three storey residential flat building of face brick construction

Surrounding development predominantly comprises medium density residential development. Directly to the north and west of the subject site (75-77 Kirribilli Avenue) is currently a construction site for recently approved residential flat building development for eight apartments with basement parking under DA88/2023. Directly to the east is 4 Waruda Street, a part three, part four storey painted brick residential flat building with a pitched tiled roof of art deco appearance.

Two of the three submissions received during notification were issued by units at the second and third storeys of the building. These units benefit from slot views across the side boundary with the subject site towards the south west, with partial iconic views of the Sydney Harbour Bridge, Sydney harbour, and beyond to Goat Island.

Dr Mary Booth Reserve adjoins the site to the west and is identified as a Heritage Item under NSLEP 2013.

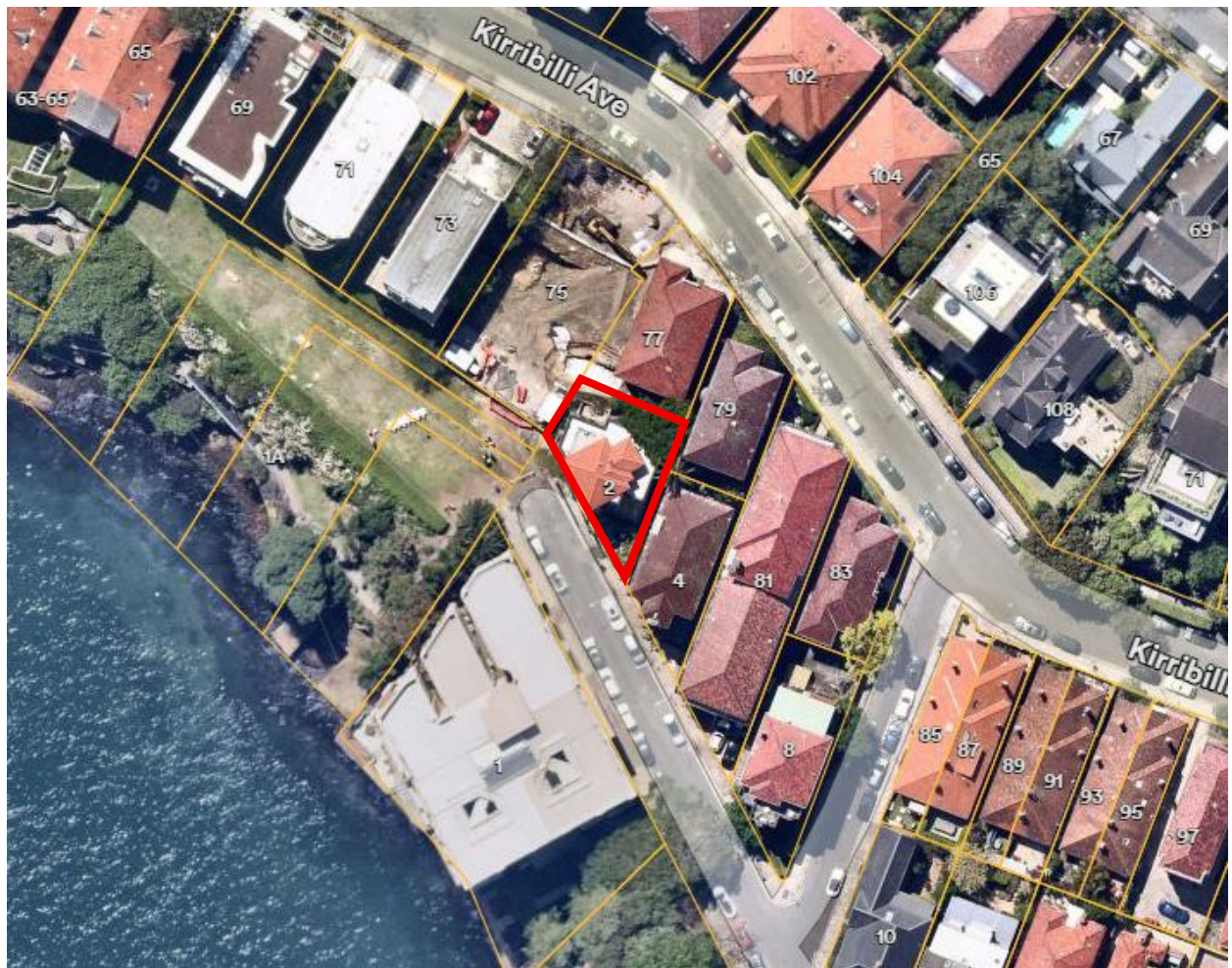


Figure 16: Aerial Map



Figure 17: Photograph of Existing (taken from Mary Booth Reserve)

RELEVANT HISTORY

Lot 14 of DP 4829 was subdivided into the allotments we see today in September 1941. The original duplex at 2 Waruda Street was completed later that year. The duplex was a two and three storey building of painted masonry with a hipped tiled roof.

DA357/15 was deferred development consent determined by the North Sydney Independent Planning Panel for the demolition of the existing building and the construction of a four storey residential flat building comprising three apartments with basement car parking on 6 April 2016, of which is partially constructed at the time of this assessment.

DA357/15/2 was lodged with North Sydney Council for the modification of consent to delete deferred commencement Condition AA1, including glazed balustrades, deletion of privacy louvres, internal adjustments, increase area of balcony on first floor, rooftop modifications, minor increase in floor area.

On 16 September 2016, an appeal was lodged with the Land and Environment Court (LEC) for the deemed refusal of **DA357/15/2**. At or after a conciliation conference, an agreement under s 34(3) of the Land and Environment Court Act 1979 (the Court Act) was reached between the parties as to the terms of a decision.

On 27 February 2023, **DA357/15/3** was approved by North Sydney Council for the modification of consent to enable changes to the approved internal and external alterations to building.

On 16 September 2024, a Stop Work Order was issued by the Building Commission NSW. Based on a number of site inspections undertaken over a period between October 2023 and February 2024, it was determined that the regulated designs for fire safety systems and mechanical services do not contain the necessary details to produce building work that would achieve compliance with the BCA. The applicant/developer also failed to provide Construction Issued Regulated Designs (CIRDs) for weatherproofing.

It was deemed that if building work re-commenced prior to obtaining regulated designs and variations to the regulated designs will result in serious defects that could result in significant harm or loss to the occupiers of the Development.

On 12 May 2025, Council held a Pre-Lodgement meeting with the applicant seeking advice regarding a proposal for a dwelling consisting of a basement level and four residential levels. The meeting was held as a precursor to the subject application. Matters of permissibility, character and streetscape presentation, building height, and heritage were raised in the minutes.

Current Application

Date	Action
19/09/25	Lodged with North Sydney Council
07/10/25	Site Inspection
10-24/10/25	Notification Period
16/10/25	Site Inspection – submitter's property (4 Waruda Street)
24/10/25	Amended Plans provided (see above for further detail)
21/11/25	Response to Submissions issued (see below for further detail)

INTERNAL REFERRALS

BUILDING

The application was accompanied by a detailed Building Code of Australia Audit report prepared by Concise Certification which assessed the existing structure against the requirements of the National Construction Code Series (Volume 1) - Building Code of Australia 2022 (BCA) and to identify construction compliance matters likely to be encountered when seeking to convert the existing structure to a Class 1a (Single Residential Dwelling).

The proposal was referred to Council's Building Surveyor who provided the following comments:

The proposed development application relates to the change of use and rebuilding and alteration of an existing residential flat building to create a residential house. The change of use results in a change to the building's NCC BCA classification to be a class 10a, 10b and 1a building.

Clause 62 – Environmental Planning & Assessment Regulation 2021 (EP&A Regulation)

Given the application includes building works Clause 62 of the EP&A Regulation is not applicable.

Clause 64 – EP&A Regulation

As the application includes building works Clause 64 of the EP&A Regulation is applicable.

An assessment of the existing building has concluded the measures contained within the building are inadequate for the protection of persons using the building, facilitate egress from the building and/ or restrict the spread of fire from the building to other buildings nearby in accordance with s 64(1)(b) of the EP&A Regulation.

Council must consider whether it is appropriate to require the existing building to be brought into total or partial conformity with the current Building Code of Australia (BCA) in accordance with s 64(2) of the EP&A Regulation.

Assessment

The Building Code of Australia Capability Statement dated 9 September 2025 prepared by Concise Certification has been considered. It is recommended the existing building be brought into partial conformity with the BCA in accordance with s 64(2) of the EP&A Regulation.

The upgrades relate to ensuring there are provisions for smoke alarms.

All new proposed 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.

Comment was also requested from Council's building surveyor as to whether the development site is the subject of any Stop Work Order issued by Council and if a Building Information Certificate is required for proposed partially retained structures. Council's building surveyor provided the following additional comments:

A Building Information Certificate is not essential as a Building Information Certificate is a conveyancing certificate that has no function in the certification process however it is recommended that a certificate of structural adequacy prepared by a suitably qualified structural engineer certifying that any part of the structure proposed to be retained is structurally adequate for the intended use be obtained prior to determination of the development application.

Planner's Comments

The advice from the BCA Audit report and comments of Council's Building Surveyor are supported and confirm that there are likely substantial compliance and certification work to be carried out to ensure the building can comply with relevant BCA and NCC construction standards. Should further amendment arise as a result of Construction Certification, further modification to the structure may be required. However, for the purposes of the current application, the proposal is assumed to be capable of achieving compliance with relevant building and certification standards. Conditions are recommended to ensure relevant upgrades are achieved.

HERITAGE

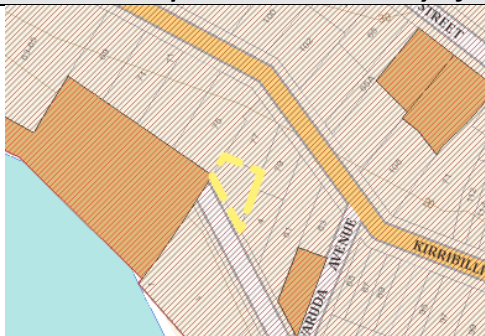
The application was referred to Council's Heritage Officer who provided the following comments:

NSDCP Part B Section 13 Heritage and Conservation

The proposal involves adaptation of the partially completed RFB to a single dwelling. Works on the partially constructed building were ceased due to a Stop Work Order issued by the Building Commission NSW on 16 September 2024. The subject proposal will make changes that will demolish the external walls, reconfigure the internal layout and retain the existing subfloors. The impacts of these works on the heritage context are assessed in the following table with respect to Part B Section 13 being the development controls for development affected by or affecting identified heritage and conservation.

Compliance Table – B13.4 – Development in the Vicinity of Heritage Items

Compliance Table		
Heritage and Conservation	Complies	Comments
B13.4 Development in the Vicinity of Heritage Items		
13.4 Development in the Vicinity of Heritage Items	Yes	<i>The site is in the vicinity of the heritage item at 8 Waruda Street [I 0293 - known as Redlynn] on the corner of Waruda Street and Waruda Avenue and is adjacent to Dr Mary Booth Reserve. The proposal is acceptable – see s13.6 below.</i>

Compliance Table		
Heritage and Conservation	Complies	Comments
B13.4 Development in the Vicinity of Heritage Items		
		<i>The site is also within the Sydney Harbour Catchment known as the Sydney Opera House Buffer Zone [SREP 2005]. The site is obstructed from views from the harbour by 1 Aruda Street built on the foreshore whereby the proposed works will have negligible impact on the overall setting of the buffer zone.</i>

Compliance Table – B13.6 – Heritage Conservation Area

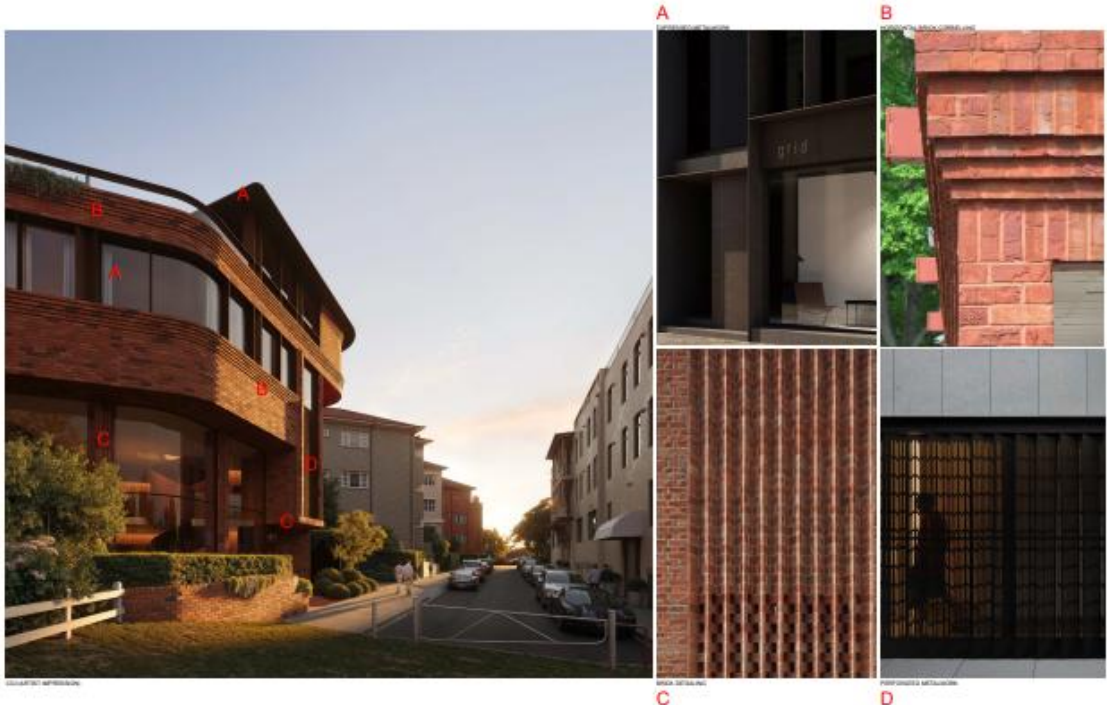
Compliance Table		
Heritage and Conservation	Complies	Comments
B13.6 Heritage Conservation Area		
13.6.1 General Objectives		
O1 Ensure that new development is designed to retain and complement the character and significance of the Kirribilli conservation area	Yes	<i>The proposed building envelope is substantially the same as the approved building envelope under DA 357/2015</i>
O3 The neutral subject item will be improved within the HCA	Yes	<i>The architectural treatment of the new external facades and articulated form captures the context of horizontal, vertical patterns and varied shapes within the locality of the site, particularly the influences of the heritage item Redlynn that bookends the site at the corner of Waruda Avenue. The resultant outcome from the detailed analysis of the site context, including the recently developed site to the rear creates a sophisticated contemporary response that will positively contribute to the evolving character of the Kirribilli conservation area’.</i>
13.6.2 Form, massing and scale		
O1 To ensure new development has a compatible and complementary building form and scale to that which characterizes the Kirribilli conservation area.	Yes	<i>The design approach is well resolved and will improve the internal and external quality and amenity of the building as well as the streetscape presentation to Waruda Street.</i>

Compliance Table		
Heritage and Conservation	Complies	Comments
B13.6 Heritage Conservation Area		
Provisions		
P1 Development should reflect the bulk, mass, scale, orientation, curtilage and setbacks of surrounding heritage and contributory items.	Yes	The Waruda Street setback is improved from the previous DA whereby the proposed landscaping and low boundary fence integrate well within the site context, the recently approved development at 75 Kirribilli Avenue and its proximity and visual connection with Dr Mary Booth Reserve. The redesign is a sympathetic outcome that refines the architectural response to the site through improved front setback articulation and use of materials. The proposal will have a similar scale and footprint as the approved DA whereby avoiding any additional potential impacts. The architectural approach and choice of materials is supported.
P2 Development should recognise and complement the predominant architectural scale and form of the area.	Yes	
P3 Do not obstruct existing views in the public domain, including slot views over and between buildings as these provide connection and contribute to the context of the area's location.	Yes	
P5 Achieve a neutral outcome to neutral items or improved outcomes to neutral items which were constructed in the core period of development	Yes	
P9 New work may adopt a contemporary character...	Yes	
13.6.3 Roofs		
Provisions		
P1 Roof form, pitch and materials are to be compatible with heritage and contributory items in the conservation area, as identified in the relevant character area statement (refer to Part C of the DCP).	Yes	The design of the roof is appropriate to the contemporary design of the proposed dwelling. The proposed green roof on the third floor is a positive outcome. All service utilities including the mechanics of the lift overrun etc., are to be designed to be wholly housed and within the overall building envelope.

Compliance Table		
Heritage and Conservation	Complies	Comments
B13.6 Heritage Conservation Area		
		

Compliance Table – B13.9 – Controls for specific building elements

Compliance Table		
Heritage and Conservation	Complies	Comments
B13.9 Controls for specific building elements		
13.9.6 Fences	Yes	<i>The landscaping to the front boundary continues to play an important visual roll in connecting with Mary Booth Reserve and the low scale works well - See s13.6.2 above</i>
13.9.4 Materials, colours and finishes		
Provisions		
P8 <i>Ensure materials, finishes and colours are compatible with the characteristic built elements of the heritage conservation area as described in the relevant Area Character Statement (refer to Part C of the DCP).</i>	Yes	<i>The proposed use of a darker brick finish is complimentary to the inter war character and works well. The schedule of colours and materials is considered to be appropriate to the context of the site.</i>

Compliance Table		
Heritage and Conservation	Complies	Comments
B13.9 Controls for specific building elements		
		

Conclusion and recommendation

With reference to the above, an assessment of the proposal has been undertaken in terms of North Sydney LEP 2013 Clause 5.10 Heritage conservation and North Sydney DCP 2013 Part B: Section 13 Heritage and Conservation.

Planner's Comments

The comments of Council's Heritage Officer are endorsed and reflected in the determination of the application.

ENGINEERING

The application was referred to Council's Development Engineering Team who provided the following comments:

In reference to the proposed development, the following matters have been considered:

Traffic Management:

Appropriate conditions can be imposed to achieve compliance with requirements.
No conditions applied.

Stormwater:

Appropriate conditions can be imposed to achieve compliance with requirements.
No conditions applied.

Parking and Access:

Appropriate conditions can be imposed to achieve compliance with requirements.
No conditions applied.

Sediment and Erosion controls:

Appropriate conditions can be imposed to achieve compliance with requirements.

Excavation and Retaining Walls:

Appropriate conditions can be imposed to achieve compliance with requirements.
No conditions applied.

The application has been assessed and it is recommended that standard conditions be included in the Development Consent.

Planner's Comments

The comments of Council's Development Engineering Team are endorsed and reflected in the determination of the application.

LANDSCAPING

The application has been referred to Council's Landscape Development Team and have provided the following comments:

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:

Nominated 'trees' to be planted are in fact 4 x small, slow growing Acer sp. to 5m, and several hedging plants.

The only remaining site tree, which is proposed for retention, (also impacted by proposed SW works) is a Celtis sp. – a weed species that should be removed & replaced (a Cupaniopsis sp. was previously shown to be planted in this location on approved plans for DA357-15).

No access shall be permitted via adjacent Mary Booth Reserve.

Planner's Comments

The comments of Council's Landscape Development Team are endorsed and reflected in the determination of the application. A number of amendments have been proposed by way of condition including the replacement of *Celtis sp.* which is supported.

SUBMISSIONS

Council notified adjoining properties and the Bradfield Precinct of the proposed development seeking comment between 10 and 24 October 2025. Council received three (3) submissions.

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

Basis of Submissions

- View impacts to the view corridor of the Harbour Bridge towards the south west across the frontage of the subject site from the adjoining property at 4 Waruda Street
- Building height breach
- Visual and acoustic privacy/amenity impacts from the subject Third Floor Level terrace towards the adjoining property at 4 Waruda Street
- Solar access impacts towards the adjoining property at 4 Waruda Street

CONSIDERATION

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

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

SEPP (Biodiversity & Conservation) 2021

- Chapter 2 Vegetation in Non-Rural Areas

Having regard to Chapter 2 of the SEPP, the proposal does not seek to clear native vegetation in a non-rural area of the State that will exceed the biodiversity offsets scheme threshold. The proposed development involves removal of all site trees, none being native, and the comprehensive replacement of native and contextually appropriate trees and landscaping. As such, the application satisfies the respective aims under Chapter 2 of this SEPP.

- Chapter 6 Water Catchments

The application has been considered against the relevant provisions for stormwater management and water quality in the Sydney Harbour Catchment. Conditions have been recommended to ensure appropriate management of water quality and stormwater flow.

SEPP (Resilience and Hazards) 2021

- Chapter 4 Remediation of Land

Section 4.6 of the SEPP requires the consent authority to consider whether the land is contaminated, and if so whether the land is suitable for the intended use or if there are any remediation measures required. Council's records indicate that the site has historically been used for residential development therefore, the site is unlikely to contain any contamination. Furthermore, the proposed works do not require any significant excavation and will not disturb soils. The subject site is therefore considered suitable for the proposed use given that contamination is unlikely.

SEPP (Precincts – Eastern Harbour City) 2021

Clause 1, Appendix 1 of the SEPP requires the consent authority to consider the views of and between the Opera House and other development within the 'buffer zone' which comprises land within the Opera House's visual catchment.

While the subject site is within the Sydney Opera House Buffer Zone, the view south looking towards the iconic Opera House is largely obstructed by the existing residential apartment building along the Harbour foreshore located at 1 Waruda Street. The proposal will have a negligible impact and will not alter the overall setting of the of the buffer zone.

The proposed development will also be seen in the context of the surrounding area and will have no impact on the National Heritage values of the Sydney Harbour Bridge. The new development is consistent in scale and is located a sufficient distance from the Harbour Bridge.

SEPP (Sustainable Buildings) 2022

A valid BASIX Certificate (No. A1805978_02) has been submitted with the application to satisfy the Aims of the SEPP.

NORTH SYDNEY LOCAL ENVIRONMENT PLAN (NSLEP 2013)

1. Permissibility

The site is zoned R4 High Density Residential. The development subject to this application proposes a 'dwelling house' which is a permissible form of development.

2. Objectives of the zone

The objectives of the R4 zone are as follows:

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

The proposed change of use to a dwelling house and alterations and additions provides for a variety of housing types within the R4 zone. The existing RFB approval has been unable to be completed to comply with NCC and BCA standards to provide three dwelling units. Given the constrained nature of the site, with total site area of 289.7m², the delivery of a 3 unit RFB on the site has been unable to be realised. The change of use to a single dwelling will however ensure that amenity of the site, to neighbouring properties, and future occupants is maintained to a high level.

Part 4 – Principal Development Standards

Principal Development Standards – North Sydney Local Environmental Plan 2013			
Site Area – 289.7m ²	Proposed	Control	Complies
Clause 4.3 – Heights of Building	16.4m	12m	NO

3. Height of Building

The subject site has a maximum permitted building height of 12m pursuant to sub-clause 4.3(2) in *NSLEP 2013*. The existing building has a maximum height of 16.4m, a 4.4m variation to the standard (36.5%).

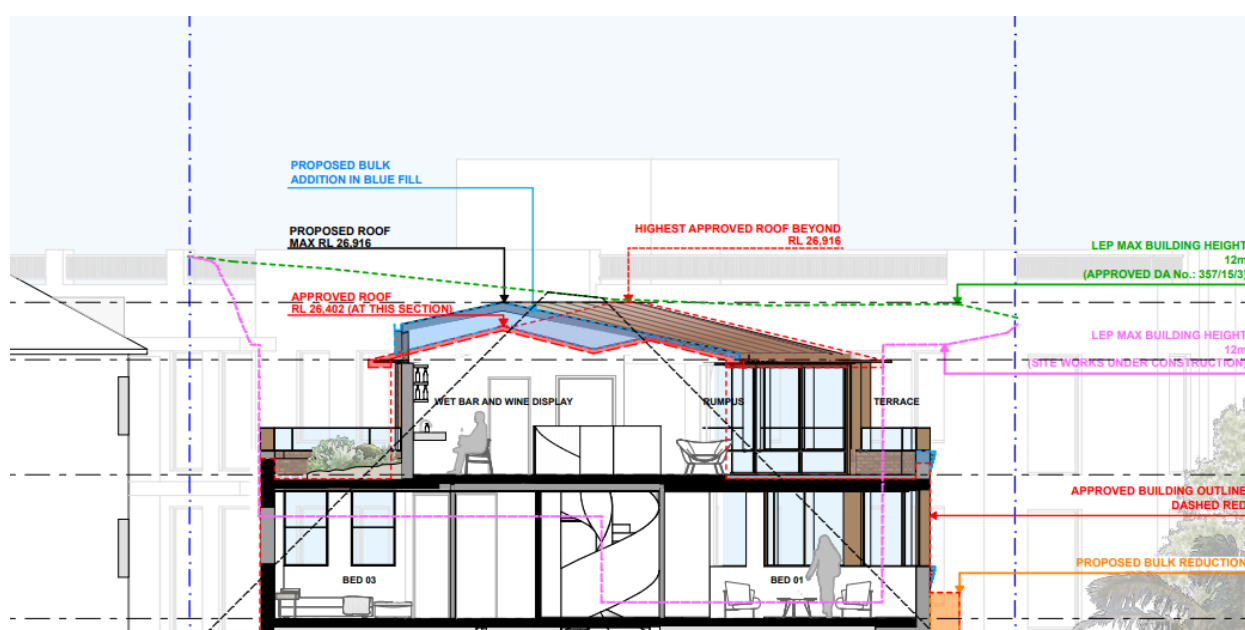


Figure 18: Section AA

The degree of variation to the building height standard is directly a result of the approved basement excavation under the approved DA357/15. The 'existing ground level', by which building height is measured, is the excavated extent of the basement level FFL. The approved excavation for the basement level is wholly under the approved building footprint. As the level of the existing basement level is known, the judgement of the Land and Environment Court in *Merman Investments Pty Ltd v Woollahra Municipal Council [2021] NSWLEC 1582* (Merman) is the relevant judgment in determining the proposed maximum building height in this instance.

In accordance with the Court's judgment in Merman, the proposed development has a maximum building height of 16.4m and therefore breaches the building height standard by 4.4m and 36.5%.

The building height taken from the 'assumed natural ground level' at the adjoining property boundaries prior to excavation of the subject site, the maximum height of the current proposed development would be 11.97m.

To justify the use of the non-complying elements, a written request to vary the development standard made pursuant to Clause 4.6 in *NSLEP 2013* has been submitted and is assessed below.

Clause 4.6 - Contravention of a Development Standard

A written request to contravene the development standard for height has been submitted, is attached and has been considered below:

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

The most common way to demonstrate that compliance with the development standard is unreasonable and unnecessary is to demonstrate that the objectives of the development standard are met notwithstanding the non-compliance. This is identified as test 1 in *Wehbe. Wehbe v. Pittwater Council [2007] NSWLEC 827* ("Wehbe").

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

The development does not propose any additional excavation or earthworks compared to the approved development under DA357/15 and the associated modified application approvals. The proposed development will continue to reflect the existing landform over the subject site.

The built form is largely retained with physical works contained within the approved building envelope. The proposal seeks change the roof form of the building to create a rounded pitch form, which will some create additional bulk to the northern rear side of the building compared to the approved. The proposal, however, will continue to reflect the natural topography of the site

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

It is confirmed that no existing public views would be impacted by the proposed development. However, with respect to existing private views, the Land & Environment Court has a well-established planning principle in respect of the assessment of impacts of development on views which was set out in *Tenacity Consulting v Warringah Council (2004) NSWLEC 140* (Tenacity). The four steps assessment is adopted below:

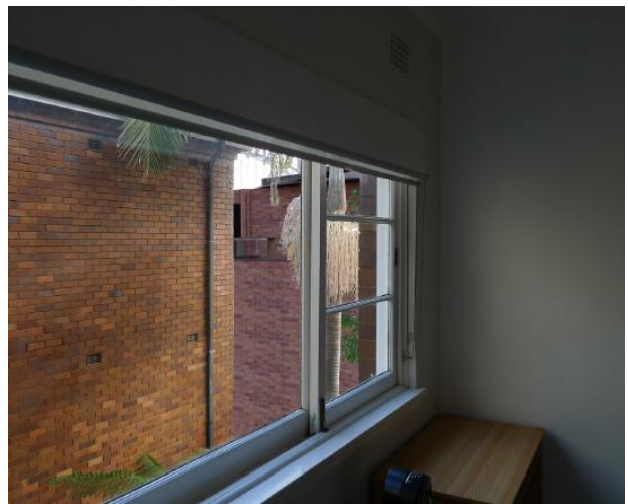
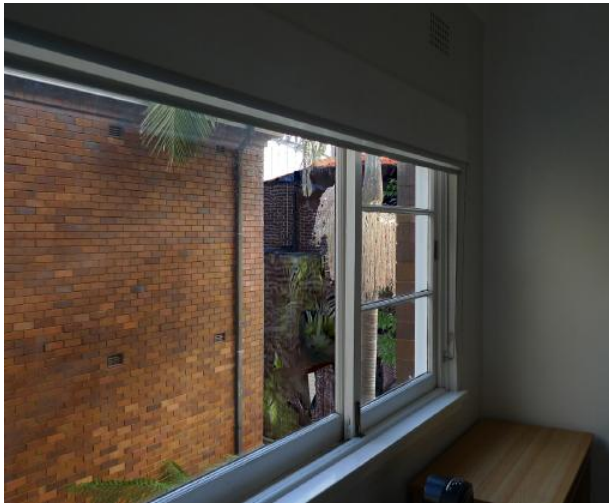
1. *Assessment of views affected (type, partial or whole view etc)*
2. *What part of the property are the views obtained (views across side boundaries are more difficult to protect, sitting or standing view)*
3. *Extent of impact on the whole of the property (negligible, minor, severe or devastating). Impact on views from Living areas is more significant than bedrooms or service areas.*
4. *Reasonableness of the proposal (If it complies with all planning controls, can a more skilful design be provided to reduce the impact?)*

The view can be assessed as a land-sea interface view of Sydney Harbour towards the south west with partially obstructed iconic views of the Sydney Harbour Bridge, to varying degrees depending on the view point. Views generally are shared across boundaries to the southwest from all properties along Waruda Street and Kirribilli Avenue.

The applicant has provided view study diagrams from a number of the apartments at 77 and 79 Kirribilli Avenue and 4 Waruda Street. The view study diagrams indicate the proposed development on the subject site as well as a comparison with the existing and approved building. The view study diagrams have also been certified by a registered surveyor.

4/79 Kirribilli Avenue

The following photos are taken from a standing position from the Level 2 bedroom window.



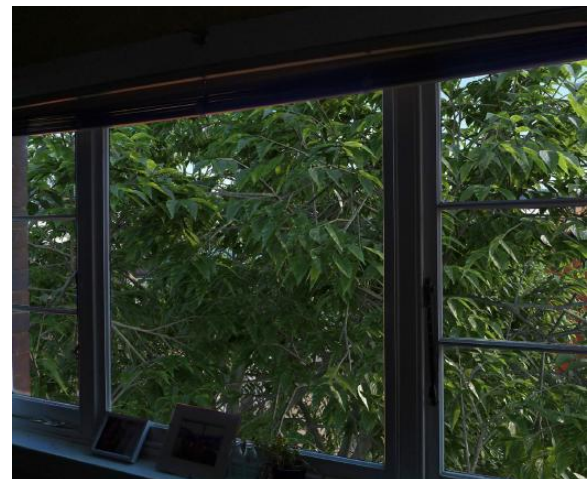
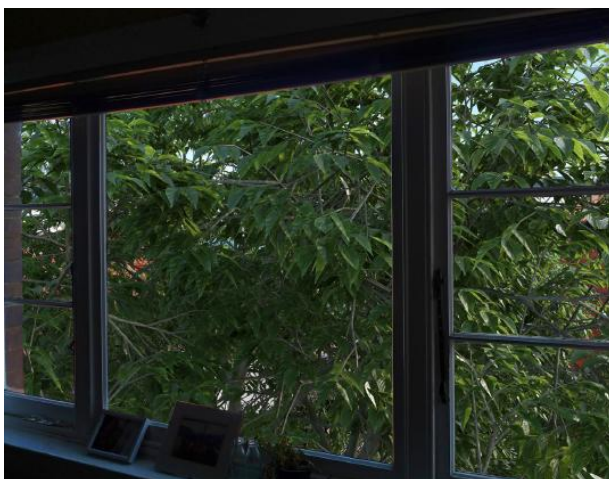
Figures 19 & 20: View from 4/79 Kirribilli Ave Lvl 2 Bed (Existing and Proposed)

From this location, the immediate foreground includes the window aperture, with views extending beyond the glazing towards the residential flat building to the south of 4 Waruda Street and the subject site to the west. Beyond the existing building on the subject site there is a partial views above of the Harbour Bridge structure.

The proposed development will result in a small additional amount of visual impact to the upper elements of the bridge arch and to sky elements above the existing building. Within the context of the development's building height exceedance, the view impact at this location is negligible.

6/79 Kirribilli Avenue

The following photos are taken from a standing position from the Level 2 living room window.



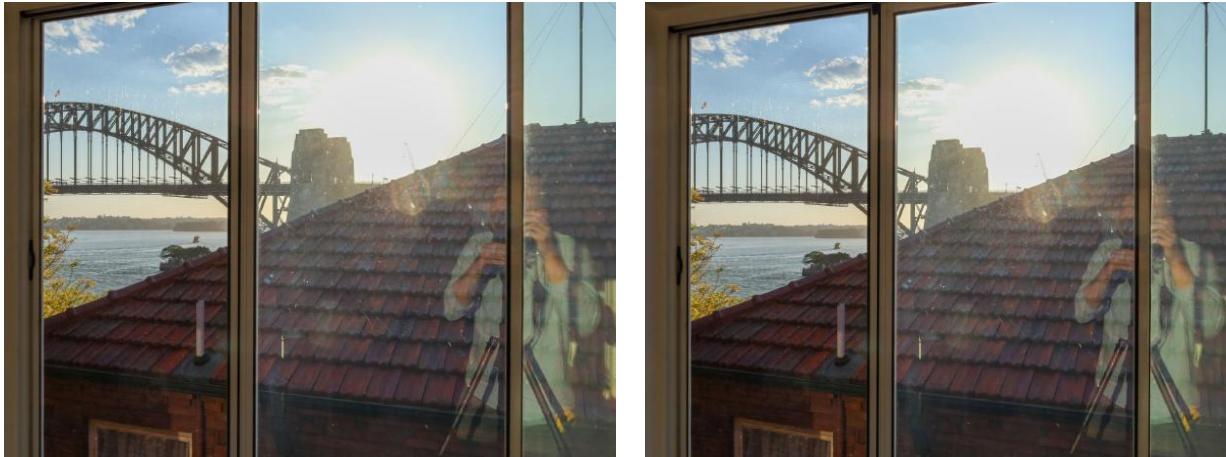
Figures 21 & 22: View from 6/79 Kirribilli Ave Lvl 2 Living (Existing and Proposed)

The immediate foreground includes large mature tree filling the view corridor between 77 Kirribilli Avenue and the subject site. Beyond the existing building on the subject site, there is the potential for glimpses of views in the midground of Mary Booth Reserve and the Kirribilli foreshore pylon structure of the harbour bridge approach.

The view impact at this location is negligible.

5/79 Kirribilli Avenue

The following photos are taken from a standing position from the Level 2 living room window.



Figures 23 & 24: View from 5/79 Kirribilli Ave Lvl 2 Living (Existing and Proposed)

The immediate foreground includes the roof of 77 Kirribilli Avenue and to the south a mature tree with glimpse of the residential flat building of the subject site. Beyond this in the background, water within the harbour and the foreshore trees of Milsons Point and partial views of the Harbour Bridge with inner west suburbs and shoreline in the far distance.

Within the context of the proposed height variation, the proposal can be deemed acceptable, as the highest value components of the view remain and the amount of visual impact is not significant.

7/4 Waruda Street

The following photos are taken from a standing position from the Level 2 living room window.



Figures 25 & 26: View from 7/4 Waruda St Living (Existing and Proposed)

The immediate foreground is the subject residential flat building on the site. Beyond the existing building on the subject site, there is a view of water within the Harbour Bridge and the foreshore look out of Milsons Point and partial views above this include the structure of the Harbour Bridge with inner west suburbs, Goat Island and shoreline in the far distance.

The proposed development will result in a small additional amount of visual impact to the upper elements of the bridge and to sky elements above the existing building.



Figure 27: Visual Impact as viewed from 7/4 Waruda St

The proposal can be deemed acceptable, since the highest value components of the view remain and the amount of visual impact is not significant. With the view gain considered it could be called an improvement.

The following photos are taken from a standing position from the Level 2 living room window.



Figures 28 & 29: View from 7/4 Waruda St Living (Existing and Proposed)

The immediate foreground is the subject residential flat building on the site to the right of the view. Beyond the existing building on the subject site is the residential flat building at 1 Waruda Street, a view of water within the Harbour Bridge and the foreshore look out of Milsons Point and partial views above this include the structure of the Harbour Bridge with inner west suburbs, Goat Island and shoreline in the far distance.

The proposed development will result in a small additional amount of visual impact to the tree and water elements of the harbour next to the existing building.



Figure 30: Visual Impact as viewed from 7/4 Waruda St

Within the context of the development's building height exceedance, the proposal can be deemed acceptable as since the highest value components of the view remain and the amount of visual impact is not significant. When considering the view gain, as per Figure 31, the view impact may be considered an improvement over existing.

3/77 Kirribilli Avenue

The following photos are taken from a standing position from the Level 2 kitchen window.



Figures 31 & 32: View from 3/77 Kirribilli Ave Kitchen (Existing and Proposed)

The foreground view extending beyond the glazing towards the subject site at and the rear of 75 Kirribilli Avenue to the west. Beyond the existing building on the subject site, there is a small glimpse of water within the harbour and the foreshore of Milsons Point. Partial views above this include the structure of the Harbour Bridge.

Noting the amended plans and the subsequent removal of the balustrades and parapet structures at the Third Floor Level, the view impact can now be deemed as negligible.

77 Kirribilli Avenue

The following photos are taken from a standing position from a ground level window.

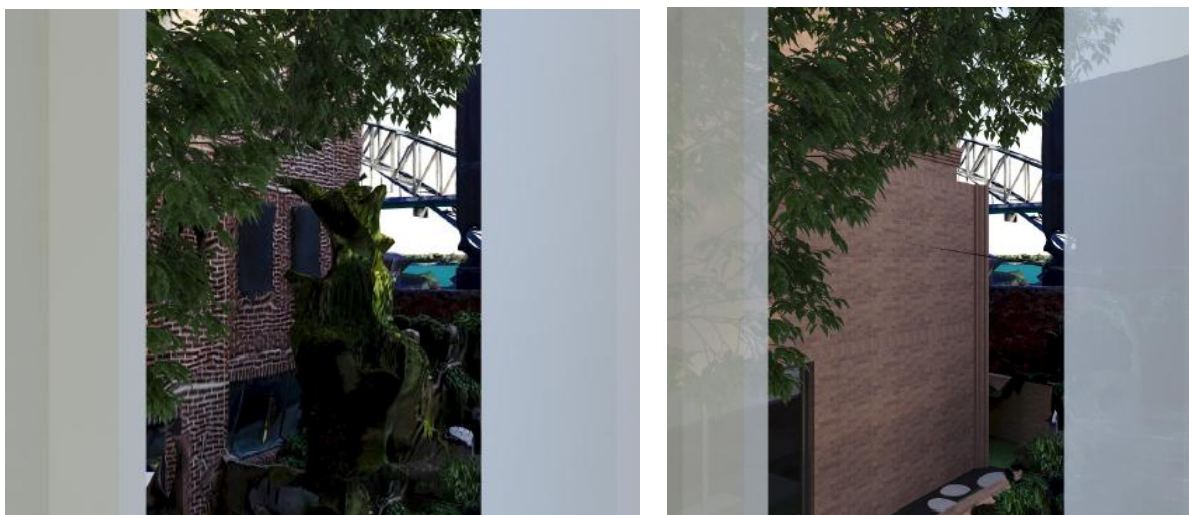


Figure 33: View from 77 Kirribilli Ave Ground Lvl (Existing and Proposed)

The foreground view extending beyond the glazing towards the subject site to the south and an aperture between 75 Kirribilli Avenue to the west. Beyond the existing building on the subject site, there is a small glimpse of water within the harbour and the foreshore of Milsons Point. Partial views above this include the structure of the Harbour Bridge.

The proposed development will result in a small additional amount of visual impact to the upper elements of the bridge and to sky elements above the existing building. As the view is obtained at a high angle of incidence to the glazing line and across a side boundary the value is diminished.

Extent of View Impacts

On the balance of the above considerations, the development is considered to be reasonable in terms of its impact on views for adjoining properties in particular the units at 75 and 77 Kirribilli Avenue and 4 Waruda Street are therefore acceptable in the site circumstances.

The development will not materially impact existing high amenity views particularly from portions of the proposal in non-conformance with the height control for the site. The proposal will promote the principle of view sharing and utilises design to make adequate preservation of views in the circumstances. A further reduction in height compared to a compliant form will not result in further preservation of the views lost. View impact is supportable in the circumstances.

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

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

In accordance with the Shadow Diagrams, prepared by Cad Draft P/L, there will be a negligible increase in overshadowing between the hours of 9am and 3pm on the winter solstice when compared to the approved development DA357/15.

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

The building height breaching element will not give rise to adverse visual or aural privacy impacts to any surrounding residential property nor compromise the privacy of future occupants of the proposed development.

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

In retaining the general building envelope, siting, and footprint of the site, whilst not increasing the approved height of the building when compared to the existing approval, the proposed development is compatible with the adjoining RE1 zone.

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

The proposal, notwithstanding the minor building height breaching elements, is consistent with the desired future character of the Kirribilli Heritage Conservation Area in terms of dwelling form, appearance, and relationship to neighbouring properties.

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

N/A as the site is zoned R4 High Density Residential.

Clause 4.6(3)(b) Are there sufficient environmental planning grounds to justify the variation

The written request has provided various environmental planning grounds to justify the variation on page 13 of the written request which are briefly summarised below.

- The proposed development will not result in any additional Excavation when compared to the approved development under DA357/15.
- The proposed development largely maintains the approved front setback. The proposed development will increase the front setback at ground level with reduced bulk and scale presentation to the street and Mary Booth Reserve.
- The proposed development will improve the amenity of future occupants of the proposed development compared to the approved development.
- The proposal has a positive heritage outcome when compared to the existing approval.

The above environmental planning grounds are considered to be sufficient to justify the variation in the circumstances.

Clause 4.6(4)(a)(i) Applicant's written request

The written request provided by the applicant adequately address the matters required by subclause (3) as discussed above. The proposed variation is supported, and the application is therefore recommended for approval.

4. Heritage Conservation

The subject site is listed as a Heritage Item/located in a Conservation Area under Schedule 5 in NSLEP 2013 so the following planning objectives 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.*

While the building existent at the time of listing has been demolished it is still necessary to consider impacts of this application due to the listing due to the listing still applying to the site.

The architectural treatment of the new external facades and articulated form captures the context of horizontal, vertical patterns and varied shapes within the locality of the site. The design approach is well resolved and will improve the internal and external quality and amenity of the building as well as the streetscape presentation to Waruda Street.

The redesign is a sympathetic outcome that refines the architectural response to the site through improved front setback articulation and use of materials. The proposal will have a similar scale and footprint as the approved DA whereby avoiding any additional potential impacts. The architectural approach and choice of materials is supported.

NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013

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

DEVELOPMENT CONTROL PLAN 2013 – Part B Section 1- Residential Development		
	<i>complies</i>	<i>Comments</i>
1.2 Social Amenity		
1.2.2 Maintaining Residential Accommodation	Yes	The new dwelling will maintain the existing residential use of the site. However, it is noted that pre-construction this site featured 2 dwellings with 3 dwellings being approved by DA 357/15. The reduction of 2 dwelling from the approval on which this application is based is considered supportable given foreshadowed development in the Kirribilli and Milsons Point areas which will significantly increase overall housing delivery.
1.3 Environmental Criteria		
1.3.1 Topography	Yes	The application proposes no further excavation beyond what is already approved on the site. The proposal will continue to preserve the existing topographical context of the site and immediate locality.
1.3.6 Views	Yes	The Land & Environment Court has a well-established planning principle in respect of the assessment of impacts of development on views which was set out in <i>Tenacity Consulting v Warringah Council</i> (2004) NSWLEC 140 (“Tenacity”). The four steps assessment is adopted below: 1. Assessment of views affected (type, partial or whole view etc) 2. What part of the property are the views obtained (views across side boundaries are more difficult to protect, sitting or standing view) 3. Extent of impact on the whole of the property (negligible, minor, severe or devastating). Impact on views from Living areas is more significant than bedrooms or service areas. 4. Reasonableness of the proposal (If it complies with all planning controls, can a more skilful design be provided to reduce the impact?) A Tenacity assessment has been previously undertaken in this report and the principles applied above reflect the general view sharing principles outlined in Council’s DPC provisions. The proposed development will not unreasonably impact on existing high amenity views as the views effects are currently attained only across side boundaries from elements of the building which comply with height and setback provisions. In the circumstances, the proposal will promote the principle of view sharing.
1.3.7 Solar Access	Yes	A detailed analysis of the shadow diagrams submitted with the application indicates that solar access impacts to adjoining properties will largely be negligible when compared to the existing approved residential flat building.

		The existing shadow context has been taken into consideration and the proposal has been assessed against the solar access requirements of the DCP 2013. Minor additional shadows can be seen to the western side boundary windows at the Second and Third Floor Levels of the adjoining residential flat building at 4 Waruda Street. These additional shadows cast will impact the Second Floor Level window at 1pm and Third Floor Level window at 3pm, with the shadows arriving soon than existing as a result of the additional bulk created by the change in roof form. These additional shadows are very minor and only impact part of the lower window towards the sill. Due to the lot orientation, these windows only gaining solar access in mid-winter between 12pm-2pm at the Second Floor and 12pm-3pm at the Third Floor. The impact of the proposal is generally minor with the window at the Second Floor still receiving partial sunlight at 2pm, and Third Floor partial sunlight at 3pm. It is concluded that the overshadowing caused by the development is acceptable having regard for the DCP requirements and considering the solar access achieved during midwinter and availability of direct solar access at the equinoxes. The design is considered to be a reasonable response to site constraints.
1.3.8 Acoustic Privacy	Yes	The proposal is unlikely to result in any adverse noise impacts for adjoining properties given the residential use of the site. The living spaces and balconies are located on the south western side of the building to take in the view and provide maximum separation from the buildings on adjoining properties.
1.3.10 Visual Privacy	Yes	The proposal would maintain reasonable visual privacy with adjoining properties. The proposed windows along the northern and eastern elevations of the building service predominantly low intensity rooms (bedrooms) and are not directly located opposite windows on adjoining properties therefore limiting the opportunities for direct overlooking.
1.4 Quality built form		
1.4.1 Context	Yes	The proposed four storey dwelling, with its refined façade and architectural form that utilises traditional details and materials, is considered to be characteristic of the Kirribilli Conservation Area.
1.4.3 Streetscape	Yes	Council's Development Engineer has recommended appropriate conditions requiring all works to the road reserve be constructed in accordance with the Council's Public Domain Style Manual and Vehicular Access Application Guidelines.
1.4.5 Siting	Yes	The site of the proposal is generally consistent with the approved building on site.

1.4.6	Setback – Side	Yes	Side boundaries to the east are to be retained as existing. The western side boundary is increased towards 75 Kirribilli Avenue, with building bulk to be removed at the Ground Floor Level, however retained at levels above.
P1	Front setback		Similar to that of the western side boundary, building bulk is to be removed along the front setback at the Ground Floor Level improving the setback to Waruda Street, with setback retained at levels above. The ‘corner edge’ at the lift core is to be removed across all levels.
P5	Rear Setback		The northern rear boundary alignment is to be retained with additional bulk at the north western corner to square off the built form. The northern rear boundary alignment is to be retained with additional bulk at the north western corner to square off the built form.
1.4.7 1.4.8	Form Massing Scale Built Form Character	Yes	The four storey scale of the development is generally characteristic of the scale of developments in Kirribilli. The proposed dwelling generally maintains the form and scale of the existing residential flat building, with design refinements to the appearance, façade, and massing.
1.4.9	Dwelling Entry	Yes	The design refinements to the front façade exemplify an improved sense of address to the building, forming the entry into the architectural design of the building.
1.4.10	Roofs	Yes	The change in roof form is of a similar pitch and presentation to the streetscape to that of the existing roof form, albeit constructed of a different material. The roof form and pitch are compatible with the HCA and heritage items within the vicinity. The maximum proposed heights align with the previously approved development.
1.4.12	Materials	Yes	The proposed use of a darker brick finish is complimentary to the inter war character. The proposed development has consistent character and scale of contemporary development adjacent to the subject site and has used neutral colour materials and design that is appropriate within the area. The architectural treatment of the new external facades and articulated form captures the context of horizontal, vertical patterns and varied shapes within the locality of the site.
1.5 Quality Urban Environment			
1.5.4	Vehicle Access and Parking	Yes	2 proposed parking spaces have been proposed which will have direct access off Waruda Street, with one of the spaces being of a car stacker configuration within the basement to allow for a third vehicle to be parked on site.
1.5.5	Site Coverage	No (acceptable)	The subject site has an area of 289.7m ² . the subject site therefore has a maximum Site Coverage of 50%.

		The approved site coverage of the existing residential flat building is 45% (130m²). It is proposed to increase the site coverage on the site to 163.5m² as a result of the consolidated rounded form, squared off north western corner, and new double garage reconstruction. This represents 56% site coverage, which is an exceedance of the control by 18.65m². Despite the non-compliance, the building and proposal will generally maintain a balance of the site that is in keeping with the locality and is not considered to be an overdevelopment, noting the transformation of the existing building from an RFB to single dwelling. The proposal will generally utilise the existing footprint, with some demolition and construction works proposed to refine the form and appearance. It can be seen that the proposal will uphold the objectives of the control and is the non-compliance is acceptable in this instance.
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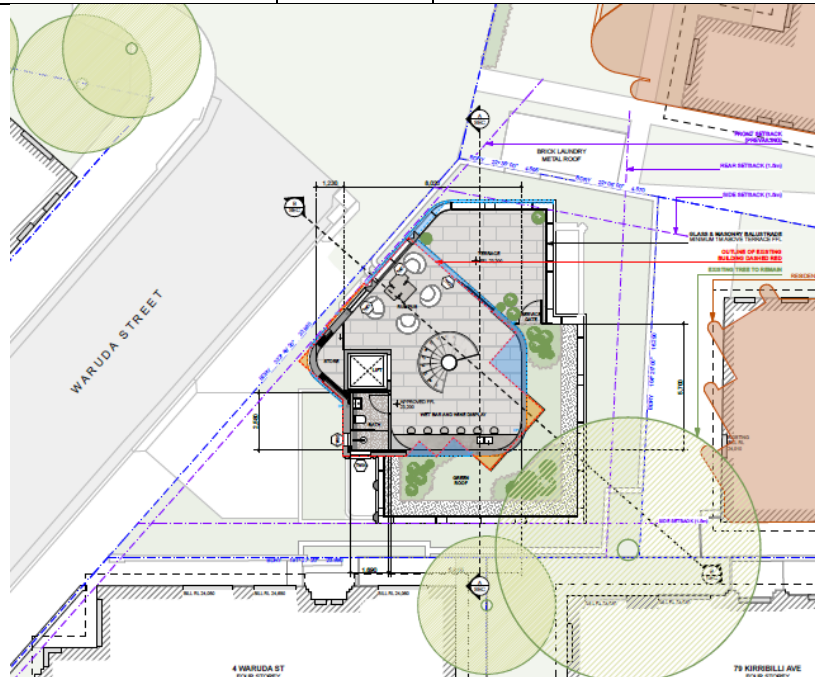


Figure 34: Site Coverage Calculation Diagram

1.5.6 Landscape Area	Yes	The control requires 30% of site area dedicated to landscape area. Currently, 40% landscape area (115m ²) is approved. It is proposed to reduce this to 32% (92.7m ²) which remains compliant with the control.																
		Unbuilt upon is proposed to remain similar to that of which is approved at 12% (36m ² to 33.5m ²) and remains compliant with the control.																
		<table><tr><th>Control</th><th>Existing</th><th>Proposed</th><th>Compliance</th></tr><tr><td>Site coverage</td><td>130m²</td><td>163.5m²</td><td>No</td></tr><tr><td>Landscaped area</td><td>115m²</td><td>92.7m²</td><td>Yes</td></tr><tr><td>Unbuilt-upon area</td><td>36m²</td><td>33.5m²</td><td>Yes</td></tr></table>	Control	Existing	Proposed	Compliance	Site coverage	130m ²	163.5m ²	No	Landscaped area	115m ²	92.7m ²	Yes	Unbuilt-upon area	36m ²	33.5m ²	Yes
Control	Existing	Proposed	Compliance															
Site coverage	130m ²	163.5m ²	No															
Landscaped area	115m ²	92.7m ²	Yes															
Unbuilt-upon area	36m ²	33.5m ²	Yes															

1.5.11 Swimming Pools	Yes	The proposed swimming pool is located in the existing basement in the place of the approved car stackers. The proposed pool is located within the building footprint and is appropriately setback to side boundaries. The construction of the pool does not require any additional excavation works. As the swimming pool is located at the Basement Level, it is unlikely that there will be any acoustic impacts associated with the use of the pool, and the required mechanics can be located such that they are acoustically separated from adjoining properties. The pool will not be visible from the public domain. The proposed swimming pool upholds the objectives of the control and is appropriate considering the nature of the proposal and context of the Basement Level.
1.6 Efficient Use of Resources		
1.6.1 Energy Efficiency	Yes	A valid BASIX certificate has been submitted the proposed development.

Kirribilli Planning Area (Kirribilli Conservation Area)

Consideration has been given to Part C of NSDCP 2013 and in particular Section 8 of the Character Statement for the Kirribilli Planning Area and Section 8.4 for the Kirribilli Conservation Area. The four storey scale of the development is consistent with surrounding developments in the view catchment. The proposed building setbacks whilst non-compliant with those specified in the Character Statement are acceptable given the general similarities in building siting and envelope to that of the approved residential flat building. Council's Conservation Planner has endorsed the proposal recommending standard conditions.

LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN

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

Applicable Contribution Type		
S7.12 contribution detail	Development cost:	\$5,082,000.00
(payment amount subject to indexing at time of payment)	Contribution:	\$50,820.00

Conditions requiring payment of contributions are included in the attached recommended conditions of consent.

ALL LIKELY IMPACTS OF THE DEVELOPMENT

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

EVALUATION: SECTION 4.15(1) ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

Matters for consideration prescribed by section 4.15(1) have been considered as outlined in the following table.

Matters for consideration	Considered
(a) The provisions of : (i) any environmental planning instrument,	Yes
(ii) any proposed instrument that is or has been the subject of public consultation,	Yes
(iii) any development control plan,	Yes
(iiia) any executed planning agreement or agreement offered by a developer, and	N/A
(iv) the regulations (refer to s. 61 of the EP&A Regulation 2021.	N/A
(b) The likely impacts of the development on built and natural environments, and social and economic impacts on the locality	Yes
(c) The suitability of the site for the development.	Yes
(d) Any submission made in accordance with the Act	Yes
(e) The public interest.	Yes

The matters for consideration under the provisions of S.4.15(1) of the Act have been addressed throughout this report. Conditions of consent have been recommended to address all likely impacts arising from the development and to require compliance with applicable regulations

SUBMITTERS CONCERNS

The application was notified to adjoining properties and the (INSERT PRECINCT). Council received (No. of submissions) where the following matters were raised:-

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 the R4 zone where dwelling houses are a permissible form of development. Consequently, the proposal is considered to be suitable for the site having regard to the merits of the proposal as described in the above report.

CONCLUSION

The development application has been assessed against the *North Sydney Environmental Plan 2013* and the *North Sydney Development Control Plan 2013* and generally found to be satisfactory.

From the reasons listed above, the proposal is unlikely to cause adverse material impacts to adjoining properties.

Given that part of the proposed works will be conducted above the building height standard, there would be no significant additional or unreasonable overshadowing, view loss, privacy loss and/or bulk and scale, and is considered acceptable with regards to the objectives of Clause 4.6.

The proposed works are characteristic in form and scale and are sympathetic within the Kirribilli Conservation Area. The proposed works will provide additional resident amenity through improved comfort and the enhancement of private indoor space without negatively impacting upon the heritage conservation area, the neighbourhood character of the locality or the amenity of adjoining properties.

While there are regulatory issues that arise from the adaption of the existing works as envisaged by this application these are matters to be further considered at the construction certification stage.

Having regard to the provisions of Section 4.15 (1) of the Environmental Planning & Assessment Act 1979, the proposed development will not result in any unreasonable amenity or environmental impacts. The application is satisfactory and is recommended for approval.

HOW WERE THE COMMUNITY VIEWS TAKEN INTO CONSIDERATION?

The subject application was notified to adjoining properties and the Bradfield Precinct for 14 days where a number of issues were raised that have been addressed in this report.

RECOMMENDATION

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

THAT the North Sydney Local Planning Panel, exercising the functions of Council, assume the concurrence of the Secretary of The Department of Planning, Industry, and Environment and invoke the provisions of Clause 4.6 in NSLEP 2013 with regards to the non-compliance with Clause 4.3 (Height of Buildings) and grant consent to Development Application No. 334/2025 for the partial demolition of existing structures, alterations and additions and change of use to a single dwelling on land at 2 Waruda Street, Kirribilli subject to the attached standard conditions:

JACK VARKA
SENIOR ASSESSMENT OFFICER

DAVID HOY
TEAM LEADER ASSESSMENTS

STEPHEN BEATTIE
MANAGER DEVELOPMENT SERVICES

NORTH SYDNEY COUNCIL
CONDITIONS OF DEVELOPMENT APPROVAL
2 WARUDA STREET, KIRIRIBILLI
DEVELOPMENT APPLICATION NO. 334/25

A. Conditions that Identify Approved Plans

Development in Accordance with Plans/Documentation

- A1. The development must be carried out in accordance with the following drawings endorsed with Council's approval stamp and other documentation listed in the tables to this condition, or cited by other conditions, and as amended by other conditions of this consent.

Plan No.	Rev	Description	Prepared by	Dated
2	A	Site Plan	MHN Design Union	15/09/25
3	A	Proposed Ground Floor Plan	MHN Design Union	15/09/25
4	A	Proposed First Floor Plan	MHN Design Union	15/09/25
5	A	Proposed Second Floor Plan	MHN Design Union	15/09/25
6	A	Proposed Third Floor Plan	MHN Design Union	15/09/25
7	A	Proposed Roof Plan	MHN Design Union	15/09/25
8	A	Proposed Basement Floor Plan	MHN Design Union	15/09/25
9	A	North Elevation	MHN Design Union	15/09/25
10	A	South Elevation - Street	MHN Design Union	15/09/25
11	A	Western Elevation	MHN Design Union	15/09/25
12	A	Eastern Elevation	MHN Design Union	15/09/25
13	A	Section AA	MHN Design Union	15/09/25
14	A	Section BB	MHN Design Union	15/09/25
21	A	External Finishes / Brick Detailing	MHN Design Union	15/09/25
22	A	Ground Floor Demolition Plan	MHN Design Union	15/09/25
23	A	First Floor Demolition Plan	MHN Design Union	15/09/25
24	A	Second Floor Demolition Plan	MHN Design Union	15/09/25
25	A	Third Floor Demolition Plan	MHN Design Union	15/09/25
26	A	Roof Demolition Plan	MHN Design Union	15/09/25
27	A	Basement Demolition Plan	MHN Design Union	15/09/25
28	A	Demolition Elevations	MHN Design Union	15/09/25
LCP-01	C	Ground Floor Landscape	Fifth Season	01/09/25
LCP-02	B	First Floor Landscape	Fifth Season	29/08/25
LCP-03	B	Third Floor Landscape	Fifth Season	29/08/25

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

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Plans on Site

- A2. A copy of all plans endorsed with Council's approval stamp, specifications and documents (including the plans, specifications and documents submitted and approved with all Construction Certificates) must be always kept on site and be readily available for perusal by an officer of Council or the Principal Certifier.

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

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

No Demolition of Extra Fabric

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

(Reason: To ensure compliance with the approved development)

External Finishes and Materials

- A4. External finishes and materials must be in accordance with the submitted schedule prepared by MHN Design Union and dated 15/09/2025, 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*

Construction Traffic and Pedestrian Management Plan

- B1. Prior to issue of any Construction Certificate, a Construction and Traffic Management Plan must be prepared. The following matters must be specifically addressed in this Plan:

- a) A plan view (min 1:100 scale) of the entire site and frontage roadways indicating:
 - i. Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways;
 - 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 Control Plan(s) for the site incorporating the following:
 - i. Traffic control measures proposed in the road reserve that are in accordance with the RMS publication "Traffic Control Worksite Manual" and designed by a person licensed to do so (minimum RMS '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) A Waste Management Plan in accordance with the provisions of Part B Section 19 of the North Sydney DCP 2013 must be provided. The Waste Management Plan must include, but not be limited to, the estimated volume of waste and method of disposal for the construction and operation phases of the development, design of on-site waste storage and recycling area and administrative arrangements for waste and recycling management during the construction process;
- e) Evidence of RMS concurrence where construction access is provided directly or within 20m of an Arterial and/or Classified Road;
- f) 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
- g) 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 and Traffic Management Plan.

As this plan has a direct impact on the local road network, it must be submitted to and reviewed by Council prior to the issue of any Construction Certificate. A certificate of compliance with this condition from the Council's Traffic and Transport Engineers as to the result of this review must be obtained and must be submitted as part of the supporting documentation lodged with the Principal Certifier for approval of the application for a Construction Certificate.

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The construction management measures contained in the approved Construction and Traffic Management Plan must be implemented prior to the commencement of, and during, works on-site.

All works must be undertaken in accordance with the approved Construction and Traffic Management Plan.

A copy of the approved Construction and Traffic Management Plan must be kept on the site at all times and be made available to any officer of the Council on request.

Notes:

- 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 and 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 in the condition above.

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

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

Dilapidation Report Damage to Public Infrastructure

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

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

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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)

Colours, Finishes and Materials (Conservation Areas)

- C2. The finishes, materials and exterior colours shall be complementary to the architectural style of the original building and sympathetic to the character of the Conservation Area. A schedule of finishes, materials and external colours shall be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

(Reason: To ensure that the completed colours, finishes and materials are complementary to the Conservation Area)

Work Zone

- C3. If a Work Zone is required a Work Zone permit is to be obtained from Council prior to the issue of any Construction Certificate.

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

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

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Maintain Property Boundary Alignment Levels

- C4. 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)

Required Infrastructure Works - Roads Act 1993

- C5. 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.

Note: Application for approval of Infrastructure Works under this condition must be submitted to Council using the '*Application to satisfy development consent*' form accompanied by payment of the adopted assessment/inspection fees.

(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

- C6. 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:

- a) the vehicular access way must comply with AS 2890.1 and Council's current Vehicular Access Application Guidelines and Specification (gutter bridges not permitted) to ensure that a B85 vehicle will not scrape/strike the surface of the carriageway, layback, vehicular crossing or parking floor;
- b) the redundant layback crossing must be reinstated as kerb gutter and footpath;
- c) the width of the vehicular layback must be 5m (including the wings);
- d) the vehicular 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;

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- f) the boundary footpath levels must match the existing levels and shall not be altered;
- g) Construction of a new concrete footpath is required across the entire site frontage in Waruda Street. The footpath pavement must be placed on a single straight grade of 3.0% rising from the top of kerb, towards the property boundary, without dipping or rising, including at building entrances. A longitudinal section is required along the footpath property boundary at a scale of 1:50 extending 5m past the property boundary line;
- h) new kerb gutter and road shoulder 1200 mm wide strip adjacent to all new gutter works) works are required for the full property frontage;
- i) transitioning works of 2 footpath panels on both sides of the driveway crossing are required to ensure uniformity in the footpath;
- j) the gutter level and road shoulder may require lifting/adjustment to prevent scraping of vehicles and to ensure smooth transitions. The gutter shall be raised to ensure the cross-fall grade of the road shoulder is 5.5% for a distance of 1650 mm, falling to the gutter lip. As a result, the kerb gutter and road shoulder are to be transitioned as necessary on both sides of the proposed layback crossing;
- k) any twisting of driveway access must occur entirely within the subject property;
- l) all inspection openings, utility services must be adjusted to match the proposed driveway levels;
- m) sections along centreline and extremities are required at a scale of 1:50 to be taken from the centreline of the roadway through to the parking area itself and must include all changes of grade and levels both existing and proposed;
- n) a longitudinal section along the gutter line at a scale of 1:50 showing how it is intended to blend the vehicular crossing with the existing kerb and gutter;
- o) a longitudinal section along the footpath property boundary at a scale of 1:50 is required;
- p) the sections must show the calculated clearance to the underside of any overhead structure;
- q) a swept path analysis is required demonstrating that an 85th percentile vehicle can manoeuvre in and out of the garage spaces in accordance with AS 2890.1 2004 "Off Street Parking"

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)

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Stormwater Disposal

- C7. Stormwater runoff generated by the approved development must be conveyed by gravity to the existing site stormwater drainage disposal system. A licensed tradesman shall install plumbing components to achieve this requirement in accordance with the NCC and current plumbing standards and guidelines. 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 appropriate provision for disposal and stormwater management arising from the development)

Stormwater Disposal - Drainage Plan

- C8. Prior to the issue of the relevant Construction Certificate, site drainage plans must be prepared by a licensed plumber or drainage engineer. The site drainage plans must be designed in accordance with the following criteria:

- a) compliance with NCC drainage requirements and current Australian Standards and guidelines;
- b) stormwater runoff and subsoil drainage generated by the approved development must be conveyed in a controlled manner by gravity to the existing street stormwater pit, fronting the site in Waruda Street;
- c) new pipelines within council land shall be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 millimetres and a section height of 100 millimetres;
- d) the design and installation of the Rainwater Tanks shall comply with BASIX and Sydney Water requirements. Overflow from tank shall be connected by gravity to the stormwater disposal system; and
- e) prevent any stormwater egress into adjacent properties by creating physical barriers and surface drainage interception.

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

(Reason: Proper disposal of stormwater)

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

- C9. Prior to the issue of the relevant Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of **\$10,000.00** to be held by Council for the payment of the cost for the following relevant matters:

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- a) making good any damage caused to any property of the Council as a consequence of the doing of anything to which this consent relates,
- b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with this consent,
- c) remedying any defects in any such public work that arise within 6 months after the work is completed, and
- d) Council reserves the right to retain all bonds on infrastructure works relating to the completion of required Infrastructure work for a 12-month defect liability period. Council may elect to provide a lesser period for minor residential work.

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

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

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

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

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

Approval for Removal of Trees

C10. The following tree(s) are approved for removal in accordance with the development consent:

Tree No./Species	Location	Height (m)
T1 <i>Celtis sp.</i>	NE corner 2 Waruda Street	12m

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

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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)

Amendments to the Landscape Plan

C11. The landscape plan must be amended as follows to provide an appropriate landscaped setting:

- The two westernmost *Acer japonicum* 'Vitifolium', one shown to be planted in the southern corner of 2 Waruda Street and the other slightly to the north, adjacent to the garage/car stacker, shall be replaced with two *Lagerstroemia indica* 'Natchez' (100L).
- The remaining *Acer japonicum* 'Vitifolium', shown to be planted in the in the southern setback on the eastern boundary of 2 Waruda Street shall be replaced with *Elaeocarpus eumundii* (75L). This shall be planted in the same location as the proposed *Acer sp.* but shall be aligned with the brickwork between the two sets of windows (approximately adjacent to the central downpipe) of the western façade of the building at 4 Waruda Street, in order to minimise any view loss.
- The *Acer japonicum* 'Vitifolium', shown to be planted in the in the northern setback, of 2 Waruda Street shall be replaced with an *Elaeocarpus eumundii* (75 L)
- The *Celtis sp.* shown to be retained in the NE corner of 2 Waruda street shall be removed by an AQ3 arborist. The stump is to be ground and garden bed restored. A *Callicoma serratifolia* (75L) shall be planted in replacement in the same location.

An amended landscape plan complying with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

(Reason: To ensure residential amenity)

Swimming Pool Pumps on Residential Premises

C12. The Principal Certifier must be satisfied that the swimming pool pump to be installed on the premises must not:

- a) emit a noise that is audible within a habitable room in any affected residence (regardless of whether any door or window to that room is open);
 - i. before 8.00am and after 8.00pm on any Sunday or Public Holiday; or
 - ii. before 7.00am or after 8.00pm on any other day
- b) cause an 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* shall be applied.

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“affected residence” includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation and hospitals.

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

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

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

(Reason: To maintain residential amenity)

Pool Access

- C13. Access to the pool must be restricted by a child resistant barrier in accordance with the regulations prescribed in *the Swimming Pools Act 1992*, and the barrier is to conform to the requirements of the applicable Australian Standard. Plans and specifications complying with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

(Reason: To ensure the safety of children and make the Applicant aware of the need to comply with applicable pool fencing legislation)

Pool Filter

- C14. The pool filtering equipment must be encased by a soundproof cover and must be located six (6) metres from any habitable room in a dwelling on a neighbouring property. Plans and specifications complying with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

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

Underground Electricity and Other Services

- C15. All electricity and telecommunication infrastructure provision to the site is to be designed in conjunction with Ausgrid 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 Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

All overhead electricity and other lines (existing and proposed) must be undergrounded from the proposed building on the site to the appropriate power pole(s) or other connection point, in accordance with the requirements of Ausgrid and any other relevant infrastructure provider including the following works:

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- Remove all redundant poles
- Provide new street lighting pole in accordance with Council's Public Domain Style Guide

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

Local Infrastructure Contributions

- C16. A monetary contribution pursuant to the provisions of section 7.12 of the *Environmental Planning and Assessment Act 1979* is to be paid to Council, in accordance with the North Sydney Council's Local Infrastructure Contributions Plan, to provide for local infrastructure improvements.

Based on the net increase in demand for the cost of development at the date of determination, the total contribution payable to Council is **\$50,820.00**.

Indexation

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

Timing of Payment

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

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

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

Security Deposit/Guarantee Schedule

- C17. All fees and security deposits/guarantees in accordance with the schedule below must be provided to Council prior to the issue of the relevant Construction Certificate:

Security Deposit/Guarantee	Amount (\$)
Engineering Construction Bond	\$10,000.00
TOTAL BONDS	\$10,000.00

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Note: The following fees applicable

Fees	
Local Infrastructure Contributions	\$5,820.00
TOTAL FEES	\$5,820.00

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

(Reason: Compliance with the development consent)

BASIX Certificate

- C18. 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. (A1805978_02) 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)

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

Commencement of Works' Notice

- D1. Works in accordance with this development consent must not be commenced until the Applicant has given at least two days' notice to North Sydney Council of the person's intention to commence works in accordance with this development consent.

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

E. During Demolition and Building Work

Parking Restrictions

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

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

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Road Reserve Safety

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

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

(Reason: Public Safety)

Temporary Disposal of Stormwater Runoff

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

(Reason: Stormwater control during construction)

Council Inspection of Public Infrastructure Works

- E4. 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) Formwork for layback, kerb/gutter, footpaths.

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

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

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Removal of Extra Fabric

- E5. Should any portion of the existing building, trees, or curtilage of the site, which is indicated on the approved plans to be retained, be damaged for whatever reason, all the works in the area of the damaged portion are to cease and written notification of the damage is to be given to Council forthwith. No work is to resume until the written approval of Council to do so is obtained. Failure to comply with the provisions of this condition may result in the Council taking further action including legal proceedings if necessary.

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

No Work on Public Open Space

- E6. No work can be undertaken within adjoining public lands (i.e., parks, reserves, roads, etc.) without the prior written consent of Council. In this regard the Applicant is to liaise with Council prior to the commencement of any design works or preparation of a Construction and Traffic Management Plan.

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

Applicant's Cost of Work on Council Property

- E7. 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

- E8. 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)

Trees to be Removed

- E9. All trees on the site must be protected and retained save for those expressly identified below as being approved for removal:

Tree No./Species	Location	Height (m)
T1 <i>Celtis sp.</i>	NE corner 2 Waruda Street	12m

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

Special Permits

- E10. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development must occur entirely on the property.

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

1) **On-street mobile plant**

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

(Reason: Proper management of public land)

2) **Hoardings**

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

(Reason: Proper management of public land)

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

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

(Reason: Proper management of public land)

4) Kerbside restrictions, construction zones

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

(Reason: Proper management of public land)

Construction Hours (All Other Zones)

- E11. Construction activities and works approved under this consent must be restricted to within the hours stipulated in the following table:

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

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

- E12. 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.

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- 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.

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

Installation and Maintenance of Erosion and Sediment Controls

- E13. Erosion and sediment controls must be installed and maintained at all times in accordance with the Sediment and Erosion Control Plan submitted and approved with the relevant Construction Certificate.

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

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

Sediment and Erosion Control Signage

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

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

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Prohibition on Use of Pavements

- E15. 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

- E16. All plant and equipment used in the undertaking of the development/works, including concrete pumps, wagons, lifts, mobile cranes, hoardings etc., must be situated within the boundaries of the site (unless a permit is obtained from Council beforehand) and so placed that all concrete slurry, water, debris and the like must be discharged onto the building site, and is to be contained within the site boundaries.

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

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

Service Adjustments

- E17. The adjustment or inclusion of any new utility service or facilities must be carried out by an appropriately qualified contractor in accordance with the requirements of the relevant utility authority.

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

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

(Reason: To ensure the service requirements are met)

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

National Construction Code

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

(Reason: Prescribed - Statutory)

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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)

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Excavation/Demolition

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

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

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

Protection of Public Places

- 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)

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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 to building work or demolition work is being carried out but must be removed when the work has been completed.

(Reason: Prescribed - Statutory)

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

Infrastructure Repair and Completion of Works

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

to the satisfaction of Council Engineers at no cost to Council. Council's development engineer must be contacted to arrange inspections of the completed works in the Public Domain.

(Reason: Maintain quality of Public assets)

Certification - Civil Works

- G2. 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.

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- 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)

Pool Access

- G3. Access to the pool must be restricted by a child-resistant barrier in accordance with the regulations prescribed in *the Swimming Pools Act 1992*, and the requirements of the applicable Australian Standard. The pool must not be filled with water or be allowed to collect stormwater until the installation of the child-resistant barrier is completed. Certification from an appropriately qualified person confirming compliance with these requirements must be provided prior to the issuing of the relevant Occupation Certificate.

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

Pool Safety Requirements

- G4. A notice must be displayed in a prominent position in the immediate vicinity of the pool at all times showing:
- a) Appropriate instructions for artificial resuscitation methods.
 - b) A warning stating:
 - (i) "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL," and
 - (ii) "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES", and
 - (iii) "KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES."

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

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

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

Damage to Adjoining Properties

- G5. 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)

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BASIX Completion Certificate

- G6. In accordance with section 45 *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, prior to issuing the relevant Occupation Certificate the Principal Certifier must provide a BASIX completion receipt.

(Reason: To ensure compliance with the Regulations)

Landscaping

- G7. The landscaping shown in the approved landscape documentation cited in condition A1 and as amended by this consent, must be completed prior to the issue of the relevant Occupation Certificate.

(Reason: To ensure compliance)

I. Ongoing/Operational Conditions

Pool Filter

- I1. The swimming pool pump installed at the premises must not operate so as to:
- a) emit a noise that is audible within a habitable room in any affected residence (regardless of whether any door or window to that room is open);
 - i) before 8.00am and after 8.00pm on any Sunday or Public Holiday; or
 - ii) before 7.00am or after 8.00pm on any other day
 - b) cause an LAeq(15min) which exceeds the RBL background noise level by more than 5dB when measured at the boundary of any affected residence. The modifying factor adjustments in Section 4 *NSW Environment Protection Authority Noise Policy for Industry 2017* shall be applied.

“affected residence” includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation and hospitals.

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

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

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

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Single Occupancy

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

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

Minimum Headroom for Car Parking

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

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

Maintenance of Approved Landscaping

14. The owner of the premises at 2 Waruda Street is to maintain the landscaping approved by this consent generally in accordance with the approved landscape plans listed under Condition A1 and as modified by Condition 11.

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)



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