



**NSLPP MEETING HELD ON 07/08/2024**  
**SECTION 4.55 APPLICATION REPORT**

**Attachments:**

1. Site Plan
2. Acoustic Report

**ADDRESS/WARD:** 6/18-20 Cremorne Road, Cremorne Point (C)

**APPLICATION No:** DA 713/02/3 (PAN-410082)

**PROPOSAL:** Modification to condition I2 of DA713/02 to increase the permitted number of users on the rooftop terrace of Apartment No.6 to a maximum capacity of 84 people at certain times of the year.

**PLANS REF:** N/A

**OWNER:** Mona Karam; Owners Corporation SP 13516

**APPLICANT:** Mona Karam

**AUTHOR:** Andrew Beveridge, Senior Assessment Officer

**DATE OF REPORT:** 26 July 2024

**DATE LODGED:** 9 February 2024

**SUBMISSIONS:** 28 (26 objections; 2 supportive)

**RECOMMENDATION:** Approval (amended)

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## EXECUTIVE SUMMARY

This development application seeks NSLPP approval for the modification of Condition 12 of DA713/02 to increase the permitted number of users on the rooftop terrace of Apartment No.6 to a maximum capacity of 84 people at a maximum of six times per year.

**The application is reported to the North Sydney Local Planning Panel for determination as the application has received more than ten (10) objecting submissions.**

The application was notified in accordance with the North Sydney Community Engagement Protocol, and Council received twenty-eight (28) submissions, of which 26 were objections that raised significant concerns regarding the potential privacy (acoustic and visual) impacts, traffic/street parking impacts, inadequate fire safety and facilities concerns, and general amenity/character impacts upon the surrounding area, arising out of the proposed intensification of use of the roof terrace.

The concerns raised in the submissions and the amenity impacts upon the neighbourhood have been assessed and are considered to be significant, particularly with regard to privacy, the low density residential character of the surrounding area, and the potential on-street parking impacts. As such, the increased number of persons and frequency of such events, as proposed, is not considered to be a reasonable intensification of the use of the existing roof terrace as approved under DA 713/02.

Nevertheless, it is considered that the existence, size, and use of the roof terrace is able to accommodate some level of intensification, without resulting in significant additional impacts upon the surrounding area. As such, it is recommended that the original restriction of 15 persons remain throughout the year, with the exception of New Years (31 December-1 January) and one additional occasion per year when an intensification to a maximum of 84 persons be permitted. It is not considered reasonable to permit such an intensification for an additional five occasions per year. Additional restrictions are also recommended, including mandatory reporting to Council prior to such events, as well as a condition which clarifies that the roof terrace space is not to be used for commercial purposes at any time.

Subject to these amendments, and having regard for the potential impacts upon the amenity of adjoining properties and the surrounding neighbourhood, the modification application is nevertheless considered to be satisfactory and is recommended for conditional **approval**.

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**LOCATION MAP**



Property/Applicant    ● Submitters - Properties Notified

## SUBJECT SECTION 4.55 MODIFICATION

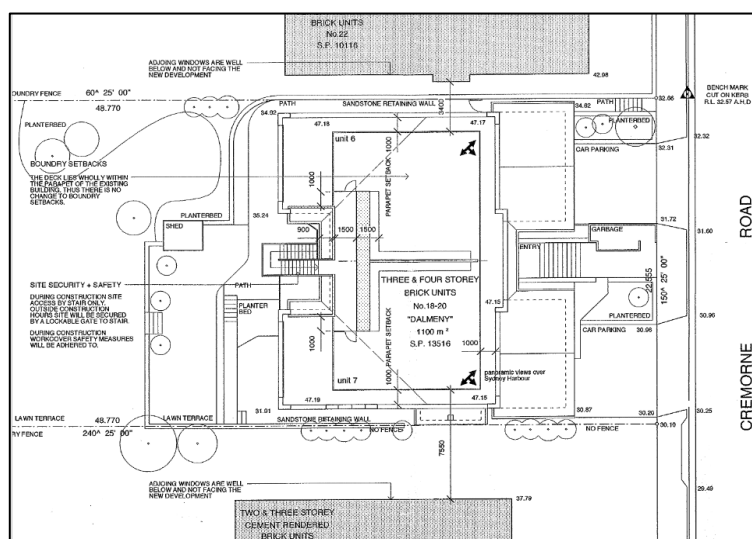
The subject Section 4.55(2) application (No. 713/02/3) seeks approval to modify Condition I2 (Number of Persons) of DA 713/02. There are no physical or other works proposed and the construction originally approved has been completed.

Condition I2 of the consent requires that the roof terrace of Unit 6 is generally restricted to 15 persons at any time (the same restriction of 15 is applied to Unit 7). The wording on the decision notice for DA713/02 states, with the proposed words to be inserted shown in ***bold underlined italics***: -

### ***Number of Persons***

- The use of the proposed roof terrace is to be ***generally*** restricted to 15 persons at any one time for Unit 6 and 15 persons at any one time for Unit 7. ***The roof terrace can be occupied by up to 84 persons at any one time for Unit 6, up to six times a year, including Christmas, New Years and Easter.*** No other units within the apartment building are entitled to use the roof terrace. A By-Law is to be created and enforced by the Owners Corporation of SP 13516 to this effect, and evidence of this By-Law provided to Council with the Construction Certificate documentation.*

*(Reason: Residential Amenity and Safety)*



**Figure 1. Plan of the roof terrace under DA 713/02, approved 12 September 2003.**

## CHECKING OF PLANS

The approved plans under DA 713/02 are not altered by this application, and the proposed modification only relates to the amendments described above.

## STATUTORY CONTROLS

*North Sydney Local Environmental Plan 2013*

- Zoning – R2 Low Density Residential
- Item of Heritage – Yes (***'Flat building'***, I0092)



- In Vicinity of Item of Heritage – Yes (14 Cremorne Rd, I0089; 26 Cremorne Rd I0093, 33-37 Milson Rd, I0117)
- Conservation Area – Yes (Cremorne Point Conservation Area, CA06)
- Foreshore Building Line – No

*Environmental Planning and Assessment Act 1979*

*SEPP (Biodiversity and Conservation) 2021*

- Chapter 2 – Vegetation in non-rural areas
- Chapter 6 – Water Catchments (Sydney Harbour Foreshores and Waterways Area)

*SEPP (Resilience and Hazards) 2021*

- Chapter 4 – Remediation of Land

*SEPP (Sustainable Buildings) 2022*

*SEPP (Housing) 2021*

- Chapter 4 – Design Quality of Residential Apartment Development

Local Development

## **POLICY CONTROLS**

North Sydney Development Control Plan 2013 (NSDCP 2013)

- Bushland Buffer – Buffer Area B (300m)

Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005

North Sydney Local Infrastructure Contributions Plan 2020

## **DESCRIPTION OF LOCALITY & SITE HISTORY**

The site (SP 13516) is on the western side of Cremorne Road between Cremorne Lane to the north and Rialto Avenue to the south, and has a total site area of 1100m<sup>2</sup>. The site currently supports “Dalmeny”, a 4-5 storey 1920-21 7-unit residential flat building in the Federation Free style. The building is a heritage item listed under NSLEP 2013 and is located within the Cremorne Point Conservation Area.

In 1907, William Anderson purchased Lots 42, 43 and 44, Sec F, DP 4389, and in 1916 William Fraser McAndrew (1878-1929), merchant, purchased a large section of Lots 43 and 44, which is now 22 Cremorne Road. Under Building Application No. 16/4150 (lodged 11 September 1916), McAndrew received approval on 19 September 1916 to build a block of four flats on 22 Cremorne Road, designed by James Rutledge Louat, and built by McAdam Brothers. McAndrew lived at a cottage nearby at 117 Cremorne Road (Lot 8 Sec C, DP 3900), which was approved by Council under Building Application No. 14/3628 (lodged 18 June 1914), designed by Louat and built by Ashdown & Carne.

In 1917, McAndrew purchased the remaining parts of Lots 42, 43 and 44 from Anderson. Under Building Application No. 20/2543 (lodged 16 April 1920), McAndrew received approval on 27 April 1920 for the construction of a block of residential flats (named “Dalmeny”) on the site of 18-20 Cremorne Road (Part of Lots 42-43), also designed by James Rutledge Louat.

Surrounding development generally comprises single-storey and two-storey freestanding Federation dwellings, with some later in-fill flat development dating from the Inter-war period to more contemporary developments. Images of the site and local area are provided below.



Figure 2. Aerial photograph of subject site (outlined yellow), with the roof terrace of Unit 6 marked in red and Unit 7 in orange.

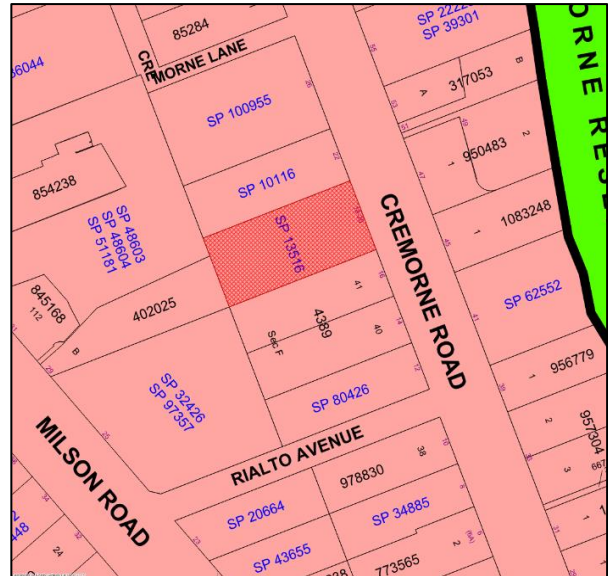


Figure 3. NSLEP Zoning Map with the subject hatched red in the R2 Zone.

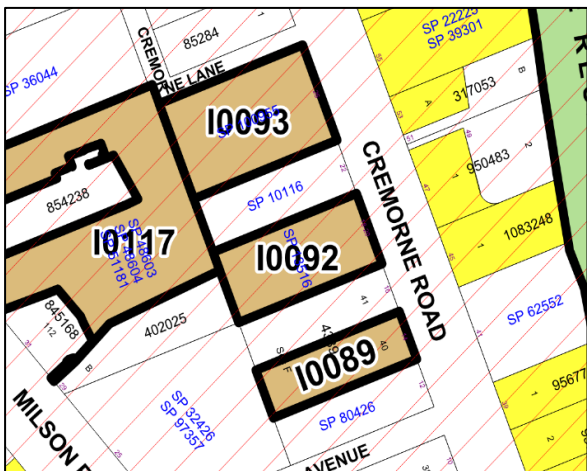


Figure 4. NSLEP and NSDCP Heritage map with the subject marked I0092.



Figure 5. View of the site from Cremorne Road.

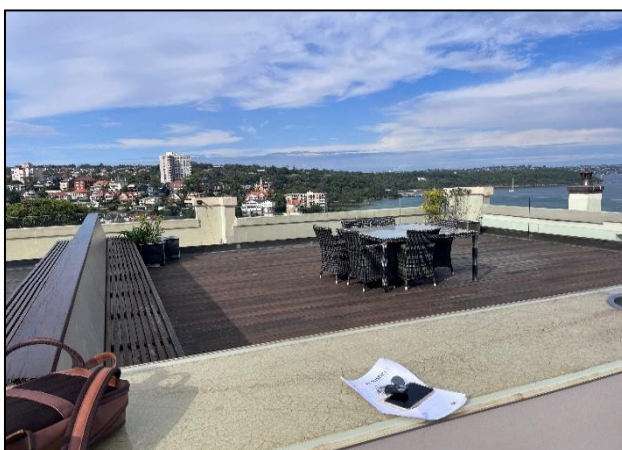


Figure 6. View of the existing roof terrace looking Southeast



Figure 7. View of the existing roof terrace looking south

## RELEVANT DEVELOPMENT HISTORY

**Development Application No. 713/02** (lodged 28 November 2002) for the addition of a roof terrace for units 6 and 7, new rear access stairs, and a fire safety upgrade for the building, was approved by the Council at its meeting on 1 September 2003. This approval was subject to several special conditions on the operation and capacity of the roof terraces, including the following:

### *Hours of Use*

11. *The roof terrace may only be used between the hours of 7am and 10pm Sunday to Thursday and between 7am and midnight on Friday and Saturday. The hours of use permitted on New Years Eve are between 7am and 1am on New Years Day. The Body Corporate By-Laws are to be amended to reflect these permitted hours of use.*

*(Reason: Residential Amenity)*

### *Number of People*

12. *The use of the proposed roof terrace is to be restricted to 15 persons at any one time for Unit 6 and 15 persons at any one time for Unit 7. No other units within the apartment building are entitled to use the roof terrace. A By-Law is to be created and enforced by the Owners Corporation of SP 13516 to this effect, and evidence of this By-Law provided to Council with the Construction Certificate documentation.*

*(Reason: Residential Amenity and Safety)*

**Development Application No. 290/13** (lodged 30 August 2013) for the construction of new decks at the rear of units 4 and 6 of the existing flat building, was approved under delegation on 25 October 2013.

**Section 4.55 Modification Application No. 713/02/2** (lodged 6 February 2024) for the same modifications as currently proposed was rejected by Council on 7 February 2024 due to the absences of architectural plans showing the roof terrace and written landowners consent from the unit owner and the Strata Plan.

## RELEVANT APPLICATION HISTORY

Date	Action
9 February 2024	The application was lodged with Council.
6 March 2024	The subject application was notified to adjoining properties and the Cremorne Point Precinct Committee between 15 March 2024 and 29 March 2024. Twenty-eight (28) submissions were received, of which 26 were objections and 2 were supportive.
27 March 2024	A letter was sent to the applicant, requesting the submission of an acoustic report.
8 April 2024	A visit to the subject site was undertaken by Council officers.
14 May 2024	The requested acoustic report was provided to Council.

## REFERRALS

### Building

Council's Building Surveyor has assessed the application and provided the following comments, raising no objection:

*The S4.55 Modified Development Application seeks approval to amend Condition 12 of the Development Consent No. D713/2002 which currently restricts the use of the building's roof top terrace area that can be accessed only by Units 6 and 7 to a maximum of 15 persons per unit and proposes to permit an increase of roof top terrace users to an increased amount of persons for Unit 6 to 84.*

*The building is classified as a Class 2 building of Type A construction. The premises forms part of Council's Annual Fire Safety Statement Register and submission of AFSS is up to date for the Property. The NCC/BCA only contains restrictions for public buildings and does not restrict the amount of persons occupying/using a private residential building. A review of the Plans accompanying the application revealed egress from the roof top terrace is provided by external steel stairs to Ground Level. There is no BCA comment that can be made in regard to this development application.*

### Environmental Health

The proposal was referred to Council's Team Leader Environmental Health, who provided the following comments, supporting the recommendations of this report:

*It is considered that 84 persons six times per year occupying the subject roof terrace would have a large impact on neighbours in terms of noise and privacy. For the size of the terrace, 84 persons would be restrictive considering that the terrace has limited seating and would be akin to a roof top bar in terms of patron noise – such as through loud talking. If alcohol were to be consumed, the more consumed the louder the gathering would be.*

*For neighbours it would be like having a commercial premises such as a bar in the location; not something that would be permitted on a residential street. Therefore, the assessment officer's recommendation to restrict the number of large gatherings permitted is supported.*

### Planning Comment

The comments of Council's Team Leader Environmental Health are noted and supported. It is noted that discussions were undertaken between the assessment officer and the Team Leader Environmental Health to the effect that the recommended restriction of only two occasions per year with notice that the expanded numbers be permitted was an appropriate solution to manage any issues with the intensification of the rooftop use.

## SUBMISSIONS

On 6 March 2024, the subject application was notified to adjoining properties and the Cremorne Point Precinct Committee between 15 March 2024 and 29 March 2024. Twenty-eight (28) submissions were received, of which 26 were objections and 2 were supportive. The issues raised in the submissions are summarised below and addressed later in this report.

### **Basis of Submissions**

- Concerned that the proposed intensification of use of the terrace will impact upon the acoustic privacy of neighbours.
- Concerned that the existing size of the roof terrace will impact upon the safety of the users
- Concern that the application has not received the approval from the strata body of the building.
- Concerned that the proposed intensification of use of the terrace will impact upon the acoustic privacy of neighbours.
- Concerned that the proposed intensification of use of the terrace will impact upon the acoustic privacy of neighbours.
- Concerned that the existing size of the roof terrace will impact upon the safety of the users, and is likely too small for the increased numbers.
- The existing arrangements cause disturbance to neighbours and so the proposed intensification of use is likely to significantly further impact upon the privacy of neighbours.
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- Concerned that the existing size of the roof terrace and facilities will impact upon the safety of the users.
- Concern of the nuisance and potential for property damage, and trespassing for neighbours from the increased numbers.
- Concern that the application has not received the approval/consideration from the strata body of the building.
- Concern regarding the structural loading and fire safety of the terrace with the increased numbers.
- The existing arrangements cause disturbance to neighbours and so the proposed intensification of use is likely to significantly further impact upon the privacy of neighbours.
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- Concerned that the existing size of the roof terrace and facilities will impact upon the safety of the users.
- Concern that this application is not valid as the consent has lapsed.
- The proposed intensification of use is not characteristic of the surrounding area and is a level comparable to a non-residential use, which should not impact upon residential uses.
- The existing arrangements cause disturbance to neighbours and so the proposed intensification of use is likely to significantly further impact upon the privacy of neighbours.
- Concerned that the existing size of the roof terrace and facilities will impact upon the safety of the users.
- The existing arrangements cause disturbance to neighbours and so the proposed intensification of use is likely to significantly further impact upon the privacy of neighbours.
- Concern regarding the structural loading and fire safety of the terrace with the increased numbers.

- The existing arrangements cause disturbance to neighbours and so the proposed intensification of use is likely to significantly further impact upon the privacy of neighbours.
- Concern that the intensification of use will further impact upon limited street parking in the area.
- Concerned that the proposed intensification of use of the terrace will impact upon the acoustic privacy of neighbours.
- Concern that the intensification of use will further impact upon limited street parking and traffic in the area.
- The existing arrangements cause disturbance to neighbours and so the proposed intensification of use is likely to significantly further impact upon the privacy of neighbours.
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- The proposed intensification of use is not characteristic of the surrounding area.
- The existing arrangements cause disturbance to neighbours and so the proposed intensification of use is likely to significantly further impact upon the privacy of neighbours.
- Concern that there are insufficient toilet facilities for such an intensification of use.
- Concern that the intensification of use will further impact upon limited street parking in the area.
- The existing arrangements cause disturbance to neighbours and so the proposed intensification of use is likely to significantly further impact upon the privacy of neighbours.
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- Concern that there are insufficient toilet facilities for such an intensification of use.
- Concern that the intensification of use will further impact upon limited street parking in the area.
- Concerned that the existing size of the roof terrace and facilities will impact upon the safety of the users.
- Concerned that the proposed intensification of use of the terrace will impact upon the acoustic privacy of neighbours.
- The wording of the proposed modification to the condition is vague and is likely to allow for further intensification.
- Concerned that the existing size of the roof terrace and facilities will impact upon the safety of the users.
- Concerned that the proposed intensification of use of the terrace will impact upon the acoustic privacy of neighbours.
- The existing arrangements cause disturbance to neighbours and so the proposed intensification of use is likely to significantly further impact upon the privacy of neighbours.
- Concerned that the existing size of the roof terrace and facilities will impact upon the safety of the users.
- Concern that the intensification of use will further impact upon limited street parking in the area.
- Concerned that the intensification will set an adverse precedent for other roof terraces.
- Concerned that the proposed intensification of use of the terrace will impact upon the privacy of neighbours and set an adverse precedent for other terraces.
- Not concerned by the proposal as it is consistent with the design of the building.
- Not concerned by any potential noise impacts, and happy with the proposed increase given the local context.



## 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:

### **Section 4.55 of the Environmental Planning and Assessment Act 1979**

Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* enables a consent authority to modify a development consent upon application being sought by the applicant or any person entitled to act on the consent, provided that the consent authority:

1. *is satisfied that the development to which the consent as modified relates is substantially the same development;*
2. *has consulted with the relevant Minister, public authority or approval body in respect of any condition imposed as a requirement of a concurrence or general terms of approval; and,*
3. *has notified the application in accordance with the regulations and has considered any submissions made concerning the proposed modification.*

Therefore, Council's assessment of the application to modify the subject development consent must consider the following issues:

1. ***Is the proposed development as modified substantially the same development approved by the Council?***

The proposed development, as modified, is considered to be substantially the same as the originally approved development as it relates to altering the use of the approved roof terrace only, with no physical works proposed.

2. ***Consulted with the relevant Minister, public authority or approval body in respect of any condition imposed as a requirement of a concurrence or general terms of approval.***

The original proposal was not integrated development subject to external concurrence or general terms of approval, so this requirement is not relevant to the proposed modification.

3. ***Whether any submissions were made concerning the proposed modification and considered.***

The application was notified in accordance with Council's Community Engagement Protocol, and twenty-eight (28) submissions were received, of which 26 were objections primarily raising concerns about the amenity, privacy and traffic impacts for the surrounding area, and potential fire safety issues, arising from the proposed intensification of use of the existing roof terrace.

The concerns raised in the submissions and the amenity impacts upon the neighbourhood have been assessed in this report and are considered to be significant. As such, the increased number of persons and frequency of such events as proposed, is not considered to be a reasonable intensification of the use of the existing roof terrace as approved under DA 713/02.

Nevertheless, it is considered that the existence, size, and use of the roof terrace is able to accommodate some level of intensification, without resulting in significant additional impacts upon the surrounding area. As such, it is recommended that the original restriction of 15 persons remain throughout the year, with the exception of New Years (31 December-1 January) and one additional occasion per year when an intensification to a maximum of 84 persons can be permitted. It is not however considered reasonable to permit such an intensification for an additional five occasions per year. Additional restrictions are also recommended, including mandatory reporting to Council prior to such events, as well as a condition which clarifies that the roof terrace space is not to be used for commercial purposes at any time.

Section 4.55 (3) requires consideration of the reasons given by the consent authority for the granting of the consent that is sought to be modified. In this case, the reasons for granting the original permission, which is sought through this application to be modified, are set out in the original Council approval dated 1 September 2003. The reasons were:

*The proposed roof deck, removal of one flight of access stairs, construction of new access stairs from units 6 and 7 to the roof deck and fire safety upgrade of the building are considered acceptable with regard to the provisions of NSLEP 2001, NSDCP 2002 and the character of the Cremorne Point Conservation Area.*

*The amended plans satisfactorily address the issues raised in the previous report to Council considered at the meeting on 12 July 2003 and the subsequent discussions held with Council Officers.*

*It is therefore recommended that the application be approved subject to standard conditions of consent, the special conditions outlined in the body of this report and the following special conditions relating to restrictions on use:*

#### **Hours of Use**

- 11. The roof terrace may only be used between the hours of 7am and 10pm Sunday to Thursday and between 7am and midnight on Friday and Saturday. The hours of use permitted on New Years Eve are between 7am and 1am on New Years Day. The Body Corporate By-Laws are to be amended to reflect these permitted hours of use.*

*(Reason: Residential Amenity)*

#### **Number of People**

- 12. The use of the proposed roof terrace is to be restricted to 15 persons at any one time for Unit 6 and 15 persons at any one time for Unit 7. No other units within the apartment building are entitled to use the roof terrace. A By-Law is to be created and enforced by the Owners Corporation of SP 13516 to this effect, and evidence of this By-Law provided to Council with the Construction Certificate documentation.*

*(Reason: Residential Amenity and Safety)*



Subject to the recommended alterations to the proposed modification outlined in this report, it is not considered that these reasons for consent would be substantially altered by the amendments proposed through this application. While some significant amenity impacts are noted to be possible for the surrounding area as a result of the proposed modifications, it is considered that some intensification on a more restricted basis than is currently proposed is reasonable and able to be implemented without causing significant adverse impacts. The suggested New Years eve provision is a traditional high actively event around the foreshore. The second event would cater for a special event such as a wedding or birthday.

## **MERIT ASSESSMENT**

### ***Any relevant considerations under Section 4.15(1) of the Environmental Planning and Assessment Act 1979.***

In determination of a development application, a consent authority is to take into consideration the following matters relevant to the development application:

a) *The provisions of any environmental planning instrument or draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority.*

#### **1. *SEPP (Biodiversity and Conservation) 2021 – Chapter 2 – Vegetation in non-rural areas***

Under Chapter 2 of this SEPP, the proposed modifications would not require the removal of any significant vegetation defined under this SEPP or have any impact upon any bushland areas.

#### **2. *SEPP (Biodiversity and Conservation) 2021 – Chapter 6 – Water Catchments***

#### **3. *Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005***

Chapter 6 of this SEPP applies to this site and is required to be considered in the assessment of the application. The site is within the Foreshores and Waterways Area but does not adjoin or include any foreshore area. The proposal is unlikely to have an adverse environmental impact as the proposed modifications do not entail any additional physical works and only relate to the use of the approved roof terrace works.

#### **4. *SEPP (Resilience and Hazards) 2021 – Chapter 4 – Remediation of Land***

Council's records indicate that the site has been used for residential development for a substantial period of time with no potential for land contamination identified. Therefore, the requirements of the above SEPP have been satisfactorily addressed.

#### **5. *SEPP (Sustainable Buildings) 2022***

The original approval of the application on 1 September 2003 predates any requirement to submit a BASIX Certificate, and the original consent was not subject to the implementation of any such certificate. The proposed modifications would also not require any new or amended certificate in any case as it does not involve any physical works.

## **6. SEPP (Housing) 2021 – Chapter 4 – Design Quality of Residential Apartment Development**

It is considered that the proposal is not subject to the provisions of this Chapter because the above SEPP only applies to substantial redevelopment or substantial refurbishment of an existing building in accordance with Section 144(3)(ii) of the SEPP.

## **7. North Sydney Local Environmental Plan 2013 (NSLEP 2013)**

### **Permissibility**

The subject site is zoned R2 Low Density Residential zone under the provisions of the *NSLEP 2013*. The proposal involves alterations and additions to an existing detached dwelling which is a permissible form of development in the zone with consent from Council.

### **Objectives of the zone**

The objectives of the Zone R2 are stated below:

- *To provide for the housing needs of the community within a low-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 low density housing, including dual occupancies, 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 high level of residential amenity is achieved and maintained.*

The proposed intensification of the roof terrace use is a significant increase than what was originally approved, and is not considered to be consistent with low density use and character of the surrounding area, and is likely to have an impact upon the high level of residential amenity of nearby properties. As such, a more limited intensification more appropriate for low density residential uses, as detailed elsewhere in this report, is only considered to be acceptable.

### **Clause 4.3 – Height of buildings**

The subject site has a maximum permitted building height of 8.5m pursuant to clause 4.3(2) in *NSLEP 2013*. The existing flat building has a maximum height of 15.28m, with the works originally approved under DA 713/02 all located within this existing height. The original proposal was subject to a SEPP No. 1 Objection for the non-compliance of the works with the height limit applied for the site under Clause 18(1) of NSLEP 2001, which was 12m. The proposed modifications do not involve any physical changes to the existing building or what was approved under DA 713/02.

In accordance with the findings of Justice Lloyd in *Gann & Anor v Sutherland Shire Council* [2008] NSWLEC 157, the modification of a development consent pursuant to section 4.55 (formerly section 96) which results in a new or modified variation to a development standard, does not require a request for variation to the development standard under Clause 4.6 of the LEP. In this regard, reference is made to the provisions of s4.55(3) of the Act which distinguishes between the modification of a development consent pursuant to s4.55 and the granting of development consent. The Council considered the SEPP No. 1 Objection (which predate the current clause 4.6 requirements) provided on the original application to be well founded and worthy of support.

However, the proposed modifications are still assessed against the objectives of the standard below as these remain a relevant consideration.

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

The proposal involves no physical works and would not alter the development's overall relationship to the topography.

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

There would be no view loss or impacts for adjoining sites as the proposal does not involve any physical works.

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

There would be no solar impacts for adjoining sites as the proposal does not involve any physical works.

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

The proposed modifications to intensify the use of the existing roof terrace are likely to create significant additional amenity impacts upon adjoining sites. As such, while the full extent of intensification (maximum 84 persons, 6 x per year) is not considered to be reasonable, it is considered that some intensification on a more restricted basis is reasonable and likely to be implemented without causing significant adverse impacts.

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

The site is located within the R2 zone and adjoins the R2 zone on all sides. The proposal does not involve any physical works that would result in a development that is incompatible with nearby development. The proposed intensification of the roof terrace use is a significant increase than what was originally approved, and is not considered to be consistent with low density use and character of the surrounding area. As such, a more limited intensification as detailed elsewhere in this report, is only considered to be acceptable.

***(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 does not involve any physical works that would result in a development that is incompatible with nearby development or the character of the area. As noted elsewhere in this report, the proposed intensification of the roof terrace is not consistent with the low density character of the area, and is likely to have significant amenity impacts upon the surrounding area. As such, a more limited intensification as detailed elsewhere in this report, is only considered to be acceptable.

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

The proposal does not involve any physical works that would result in a development that is incompatible with nearby development or the character of the area.

In summary, subject to the recommended alterations to the proposed modification, including to restrict the number of times such increased numbers may be permitted, the proposed modifications would be generally consistent with the objectives of the building height development standard with regard to the existing development on the site and the surrounding locality.

**Clause 5.10 – Heritage conservation**

The proposal does not involve any physical works that would have any impact upon any significant original fabric of the heritage item, or upon the visual curtilage of the Cremorne Point Conservation Area and any nearby heritage items.

**North Sydney Development Control Plan 2013**

<b>NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013 PART B - SECTION 1 - Residential Development</b>		
	<b><i>Complies</i></b>	<b><i>Comments</i></b>
<b>1.2 Function</b>		
<b>Mixed residential population Maintaining residential accommodation</b>	Yes	The proposal will not change the accommodation provision or use of the existing dwelling or any other unit within the existing building.
<b>1.3 Environmental criteria</b>		
<b>Topography</b>	N/A	The proposal does not involve any physical works that would result in a development that is incompatible with nearby development or the character of the area.
<b>Properties in proximity to Bushland</b>	N/A	The proposal will have no impact upon any bushland areas.
<b>Properties with a foreshore building line</b>	N/A	The site does not include foreshore land.
<b>Views</b>	N/A	There would be no view loss or impacts for adjoining sites as the proposal does not involve any physical works.
<b>Solar access</b>	N/A	There would be no solar impacts for adjoining sites as the proposal does not involve any physical works.
<b>Acoustic privacy Visual privacy</b>	No (Conditioned)	The proposed modifications to intensify the use of the existing roof terrace are likely to create significant additional privacy impacts upon adjoining sites. As such, while the full extent of intensification (maximum 84 persons, 6 x per year) is not considered to be reasonable, it is considered that some intensification

		<p>on a more restricted basis (maximum 84 persons, 2x per year) is reasonable and likely to be implemented without causing significant adverse impacts.</p> <p>The addition of “generally” to the year round 15-person restriction will allow for a degree of flexibility in terms of compliance, such as if numbers were within 5 persons above that limit.</p>
<b>1.4 Quality Built Form</b>		
<b>Siting Setbacks</b>	N/A	No changes are proposed to any building setbacks or the siting.
<b>Form, massing and scale Built form character</b>	N/A	The proposal does not involve any physical works that would result in a development that is incompatible with nearby development or the character of the area.
<b>Dwelling entry</b>	N/A	The proposed modifications will have no impact on the dwelling entry.
<b>Roofs</b>	N/A	The proposal does not involve any change to the existing roof.
<b>Colours and materials</b>	N/A	The proposal does not involve any change to the colours and materials of the existing building.
<b>1.5 Quality urban environment</b>		
<b>High quality residential accommodation</b>	Yes	The amenity of the dwelling will be enhanced by this proposal through a rationalised internal floorplan and improved usability/accessibility of internal spaces.
<b>Safety and security</b>	Yes	Safety and security would not be compromised as a result of the subject development application.
<b>Site Coverage, Unbuilt-Upon Area, and Landscaped Area</b>	N/A	No changes are proposed to any levels.
<b>Vehicle Access and Car parking</b>	Yes (Conditioned)	<p>No changes are proposed to the existing onsite parking arrangements and vehicular access.</p> <p>The proposed intensification of use is likely to have an impact on on-street parking. As such, the proposed intensification is not considered to be acceptable and is recommended to be limited to only 2 occasions per year (one of which is specified to be New Years). However, it is noted that Cremorne Point has some degree of public transport access via buses on Milson Road nearby and the Cremorne Point and Old Cremorne ferry wharfs, which may ameliorate some of those parking issues for the permitted high-use occasions.</p>
<b>Landscaping and front gardens</b>	N/A	No changes are proposed to the existing site landscaping.
<b>Private and communal open space</b>	N/A	No changes are proposed to the existing levels of private and communal open space.

### South Cremorne Planning Area (Cremorne Point Conservation Area)

Consideration has been given to the Character Statement for the South Cremorne Planning Area in Part C of NSDCP 2013, particularly Section 6.4 (Cremorne Point Conservation Area). The proposal is acceptable with regard to this part, as no modifications are proposed to the existing appearance and character of the existing building.

## LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN

The *North Sydney Local Infrastructure Contributions Plan 2020* came into force on 1 March 2021, after the lodgement of DA 713/02 on 28 November 2002, so Council is unable to levy a section 7.11 or section 7.12 contribution.

## ALL LIKELY IMPACTS OF THE DEVELOPMENT

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

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

## SUITABILITY OF THE SITE (Section 4.15 of the EPAA 1979)

The proposal involves residential development in a residential zone, so the proposal is considered to be suitable for the subject site.

## SUBMISSIONS (Section 4.15 of the EPA&A 1979)

The application was notified to surrounding properties and the Cremorne Point Precinct Committee. Twenty-six objecting submissions were received. The following matters were raised in the objections (summarised, *in italics*):

- *Concerned that the proposed intensification of use of the terrace will impact upon the acoustic privacy of neighbours.*
- *The existing arrangements cause disturbance to neighbours and so the proposed intensification of use is likely to significantly further impact upon the privacy of neighbours.*
- *Concern of the nuisance and potential for property damage, and trespassing for neighbours from the increased numbers.*

See the discussions earlier in the report regarding privacy. The concerns raised in the submissions and the amenity impacts upon the neighbourhood have been assessed in this report and are considered to be significant. As such, the increased number of persons and frequency of such events as proposed, is not considered to be a reasonable intensification of the use of the existing roof terrace as approved under DA 713/02.

Nevertheless, it is considered that the existence, size, and use of the roof terrace is able to accommodate some level of intensification, without resulting in significant additional impacts upon the surrounding area (see recommended conditions).

Any public nuisances arising from events/functions on private property outside of the controls of the development consent are not a matter for this assessment. Any noise complaints, depending upon hours and impact, can be referred to Council's Environmental Health Team and/or the NSW Police Force.

- ***Concerned that the existing size of the roof terrace and facilities will impact upon the safety of the users, and is likely too small for the increased numbers.***
- ***Concern regarding the structural loading and fire safety of the terrace with the increased numbers.***

See the comments provided by Council's Building Surveyor, who raised no objection and noted that there are no restrictions upon the number of people for use of a private residential building under the NCC/BCA. It was also noted that adequate egress in the form of the external staircase is provided, and that the building's fire safety registration is up to date.

- ***Concern that the application has not received the approval from the strata body of the building.***
- ***Concern that this application is not valid as the consent has lapsed.***

The proposal has been accompanied by the minutes of the meeting of the Owners Corporation of SP 13516, dated 10 November 2023, which approved the lodgement of the subject modification application. Consequently, the application has received the appropriate landowner's consent.

While the original consent was approved on 1 September 2003, with an expiry date of 1 September 2008, a construction certificate for the works was issued on 25 August 2004, and a final occupation certificate for the works was issued on 9 August 2005. As these works were substantially commenced in 2004, the consent remains valid and has not lapsed, particularly with respect to the ongoing (I.) conditions applied in the original consent.

- ***The proposed intensification of use is not characteristic of the surrounding area and is a level comparable to a non-residential use, which should not impact upon residential uses.***
- ***Concerned that the intensification will set an adverse precedent for other roof terraces.***
- ***The wording of the proposed modification to the condition is vague and is likely to allow for further intensification.***

The proposed intensification of the roof terrace use is a significant increase than what was originally approved, and is not considered to be consistent with low density use and character of the surrounding area, and is likely to have an impact upon the high level of residential amenity of nearby properties. As such, a more limited intensification more appropriate for low density residential uses, as detailed elsewhere in this report, is only considered to be acceptable. It is observed that such restrictions are not generally placed on residential properties with the possibility of large events occurring in any backyard or large terrace. This situation is unusual as

the terrace dominates the surrounding residential area and has greater potential to impact on amenity. The recommended modification is considered an appropriate compromise.

- ***Concern that the intensification of use will further impact upon limited street parking and traffic in the area.***

See the discussion earlier in this report regarding vehicular access and parking, where it was considered that the proposed significant intensification of the use of the roof terrace is likely to have an impact upon the availability of on-street parking in the surrounding area, which is primarily characterised as a lower density residential area with little commercial demand for parking. As such, the intensification of use for the roof terrace is recommended to be limited to only 1-2 occasions per year to limit the potential disruption upon the availability of parking in the area. It is noted, however, that any additional demand arising from the roof terrace use may be mitigated by the public transport service to Cremorne Point via buses and ferries.

#### **PUBLIC INTEREST (Section 4.15 of the EPAA 1979)**

Subject to the proposed amended and additional conditions of consent, the proposal would provide improved amenity for the residents without causing significant unreasonable impacts to the area character, the streetscape, and/or the general amenity of adjoining properties so the proposal would not be contrary to the public interest.

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

The development application was notified in accordance with Council's Community Engagement Protocol and twenty-eight (28) submissions were received, of which twenty-six (26) were objections. Nevertheless, it is considered that, subject to amended and additional conditions, the proposal would provide improved amenity for the residents without causing significant unreasonable impacts to the streetscape, conservation area, and/or the amenity of adjoining properties.

#### **CONCLUSION AND REASONS**

The matters for consideration as outlined in section 4.15(1) of the Act have been satisfied. The proposed development is permissible, and subject to appropriate conditions to restrict the intensification of use of the roof terrace, it meets the development standards and relevant provisions of *NSLEP 2013* and the clauses of *NSDCP 2013*.

The concerns raised in the submissions and the amenity impacts upon the neighbourhood have been assessed and are considered to be significant, particularly with regard to privacy, the low density residential character of the surrounding area, and the potential on-street parking impacts. As such, the increased number of persons and frequency of such events, as proposed, is not considered to be a reasonable intensification of the use of the existing roof terrace as approved under DA 713/02.

Nevertheless, it is considered that the existence, size, and use of the roof terrace is able to accommodate some level of intensification, without resulting in significant additional impacts upon the surrounding area. As such, it is recommended that the original restriction of 15 persons remain throughout the year, with the exception of New Years (31 December-1 January) and one additional occasion per year when an intensification to a maximum of 84 persons be permitted. It is not considered reasonable to permit such an intensification for an additional four occasions per year. Additional restrictions are also recommended, including mandatory reporting to Council prior to such events, as well as a condition which clarifies that the roof terrace space is not to be used for commercial purposes at any time.



Subject to these amendments, and having regard for the potential impacts upon the amenity of adjoining properties and the surrounding neighbourhood, the modification application is nevertheless considered to be satisfactory and is recommended for conditional **approval**.

## **RECOMMENDATION**

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

**THAT** under the provisions of section 4.55(2) of the Act, North Sydney Local Planning Panel, in accordance with the Ministers Direction dated 30 June 2020, grant consent to modify Development consent DA 713/02 for alterations and additions to an existing residential flat building, application Ref. DA 713/02/3, on land at 18-20 Cremorne Road, Cremorne Point, only so far as to provide the following:

**1. Condition I2 is amended as follows:**

***Number of People***

12. *The use of the proposed roof terrace is to be generally restricted to 15 persons at any one time for Unit 6 and 15 persons at any one time for Unit 7.*

*The roof terrace can be occupied by up to 84 persons at any one time for Unit 6 only, on a maximum of two times per year, including New Years (31 December-1 January). Council must be given a minimum of one week's advance notice of these times occurring.*

*No other units within the apartment building are entitled to use the roof terrace. A By-Law is to be created and enforced by the Owners Corporation of SP 13516 to this effect, and evidence of this By-Law provided to Council with the Construction Certificate documentation. This By-Law is to be updated as approved under DA/713/02/3.*

*(Reason: Residential Amenity and Safety)*

**2. A new Condition I3 is inserted as follows:**

***No Commercial Use***

13. *The use of the roof terraces are to be generally restricted to private use by the owners/residents and their guests of Units 6-7. No approval is granted or implied for any commercial or similar use of the roof terraces.*

*(Reason: Residential Amenity)*

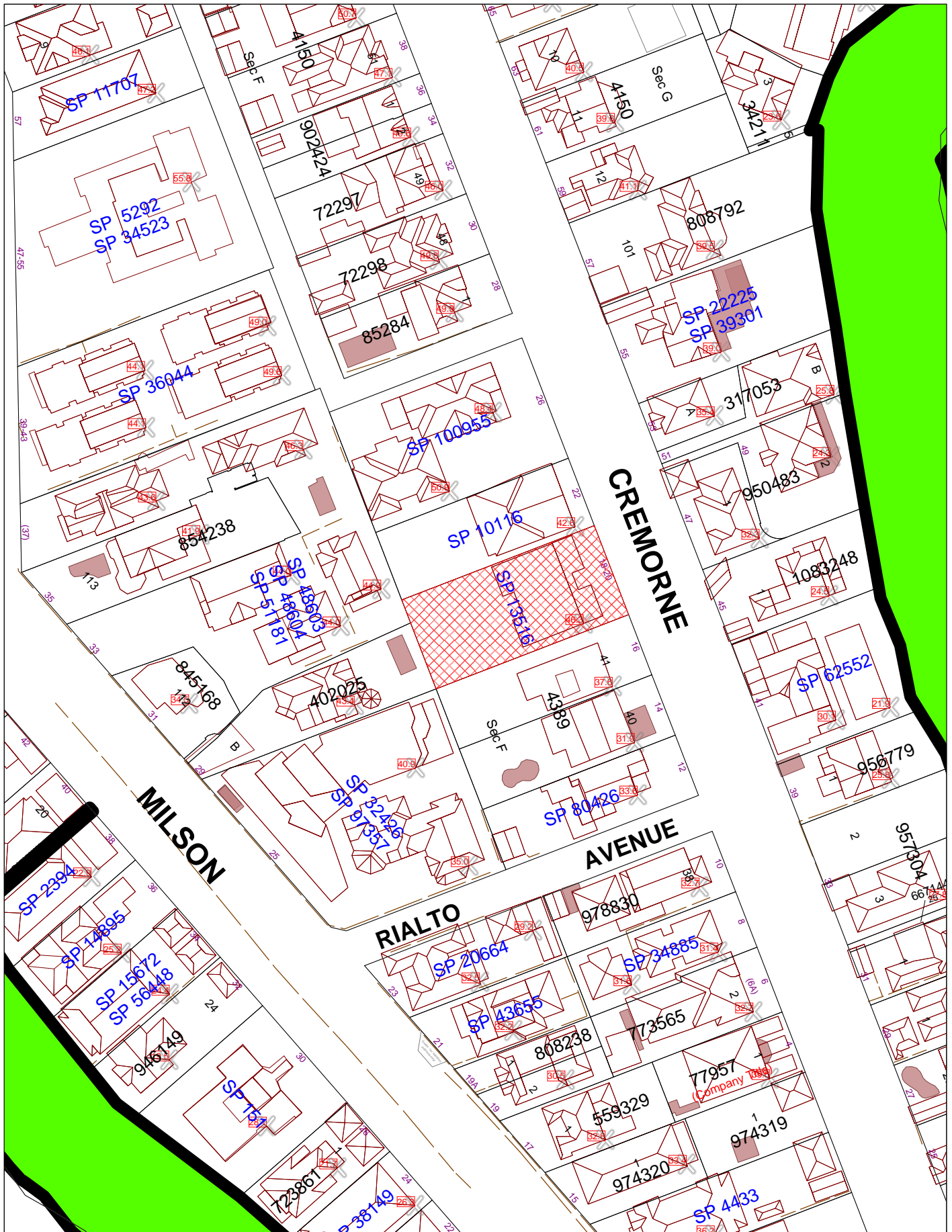
**ANDREW BEVERIDGE**  
**SENIOR ASSESSMENT OFFICER**

**ISOBELLA LUCIC**  
**TEAM LEADER ASSESSMENTS**

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**STEPHEN BEATTIE**  
**MANAGER DEVELOPMENT SERVICES**

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**North Sydney Council**

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

Scale: 1:1200 approx.





✉ [mathew@fourtowns.com.au](mailto:mathew@fourtowns.com.au)  
☎ 0425232018  
[www.fourtowns.com.au](http://www.fourtowns.com.au)  
PO Box 361, Balgowlah NSW 2093

13 May 2024

General Manager  
North Sydney Council  
200 Miller Street  
North Sydney, NSW 2060

Attn: Mr Andrew Beveridge

**Re: Additional Information**  
**DA713/02/3 – Modification to condition 12 of DA713/02 to increase the permitted number of users on the rooftop terrace of Apartment No.6 to a maximum capacity of 84 people at certain times of the year 6 / 18 - 20 Cremorne Road CREMORNE POINT NSW 2090**

Dear Andrew,

Reference is made to the request from Mark Bolduan (who we understand has now left North Sydney Council) relating to the request for additional information pertaining to the subject application:

1. *Acoustic report setting out the anticipated impact of noise levels to the site locality. This should address the requirements of Section 1.3.8 Acoustic Privacy of the North Sydney Development Control Plan 2013.*

As a result of the request, my client engaged Dan Dang from Acoustic Consulting Engineers who have completed a Noise Assessment which is submitted as additional information to the application. The following summary is provided from the Noise Assessment:

#### **7.0 SUMMARY**

*This report provides an assessment of potential noise impact from the proposed occasional use of the rooftop terrace of Unit 6 of the residential building at 18-20 Cremorne Road, Cremorne Point for large family and friend gatherings for up to six (6) discrete times a year.*

*It is predicted that noise levels from the proposed use would exceed the ideal assessment objectives (background noise levels + 5dB) by up to 8dB.*

*Acoustic Consulting Engineers' opinion is that noise levels, from occasional use of the rooftop terrace for family and friend gatherings, exceeding the ideal assessment objectives (background level + 5dB) by 8dB is not considered unreasonable. Our opinion is that noise from the use of residential balconies/terraces/backyards exceeds background noise levels by more than 5dB is common in residential areas.*

*It is recommended that neighbouring buildings be informed in advance when the rooftop terrace is used for large family and friend gatherings.*

It is important to note that the information above has been undertaken by an expert in the field of acoustic engineering who supports the subject application.





✉ [mathew@fourtowns.com.au](mailto:mathew@fourtowns.com.au)  
 ☎ 0425232018  
[www.fourtowns.com.au](http://www.fourtowns.com.au)  
 PO Box 361, Balgowlah NSW 2093

To further assist in the assessment of the application and to obtain a separate planning opinion, Four Towns Planning has been engaged to review the application package, Councils RFI request and the additional information provided.

### Site Analysis

The subject site is a residential flat building with an existing roof top terrace, split between units 6 and 7 with exclusive rights. To better understand the existing roof top terrace and the immediate locality, a site analysis is provided below which reviews terraces, balconies and outdoor areas in the vicinity of the site.

#### ***Map 1 – Open Terraces and Balconies***

Yellow – subject site

Blue – properties in the vicinity with outdoor terraces/balconies

#Note – the map below does not include undercover balconies/terraces which would further emphasize the area of private open spaces



25 Milson Rd – various terraces/balconies ranging from approx 15sqm to 60sqm

31 Milson Rd – rooftop terrace – approx 90sqm

33 Milson Rd – various terraces/balconies ranging from approx 40-75sqm

39-43 Milson Rd – various terraces ranging from approx 20sqm to 70sqm

16 Cremorne Rd – rooftop terrace approx 64sqm plus 40sqm pavilion style area

26 Cremorne Rd – balcony approx 50sqm





✉ [mathew@fourtowns.com.au](mailto:mathew@fourtowns.com.au)  
 ☎ 0425232018  
[www.fourtowns.com.au](http://www.fourtowns.com.au)  
 PO Box 361, Balgowlah NSW 2093

### Map 2 – Outdoor Open Spaces/Private Recreation Areas

Yellow – subject site

Green – properties in the vicinity with outdoor private recreation areas



- 28 Cremorne Rd – outdoor area approx 140sqm
- 26 Cremorne Rd – outdoor area approx 240sqm
- 22 Cremorne Rd – outdoor area approx 410sqm
- 16 Cremorne Rd – outdoor area approx 255sqm
- 14 Cremorne Rd – outdoor area approx 310sqm
- 12 Cremorne Rd – outdoor area approx 180sqm
- 35 Milson Rd – outdoor area approx 230sqm
- 33 Milson Rd – outdoor areas ranging from 100-200sqm
- 31 Milson Rd – outdoor area approx 130sqm





✉ [mathew@fourtowns.com.au](mailto:mathew@fourtowns.com.au)  
☎ 0425232018  
[www.fourtowns.com.au](http://www.fourtowns.com.au)  
PO Box 361, Balgowlah NSW 2093

### Streetscape Visual Analysis



*Rooftop terrace and open pavilion – 16 Cremorne Road*



*Open terraces and balconies – 25 Milson Road*



✉ [mathew@fourtowns.com.au](mailto:mathew@fourtowns.com.au)  
 ☎ 0425232018  
[www.fourtowns.com.au](http://www.fourtowns.com.au)  
 PO Box 361, Balgowlah NSW 2093



*Open Terraces and balconies – 29, 31 and 33 Milson Road  
 Note – Rooftop terrace at 31 Milson Road*

## Objectors

Without obtaining all objectors documentation for approvals granted on their sites, and also the fact that the majority of objectors details are withheld, it is assumed that they utilise their dwellings and open space areas without limitations for the use of their terraces, balconies and private open spaces. I find it highly prejudicial that the objectors want limitations imposed on my clients site noting that they themselves have large outdoor recreation areas, roof top terraces and balconies that have no limitations to the number of people and hours. My question to them would be, how would they like it if limitations were put on them on restricting the use of their own dwelling and private open spaces?

The site analysis above, provides a succinct review that the proposal is not out of context with the area, noting the various large roof top terraces, balconies and private open space areas. On this basis and with the support of the acoustic report, the proposal for only six days of maximum capacity extensions is not unreasonable, noting everyone else in the locality has no impediments on the use and enjoyment of their own property.

It is noted there are numerous roof top terraces in the immediate area. Whilst it is difficult to determine who objected to the application, it is noted a submission was received from the adjoining neighbour to the south at 16 Cremorne Road. It is important to note this submission and acknowledge the large roof terrace and open style pavilion on this site.

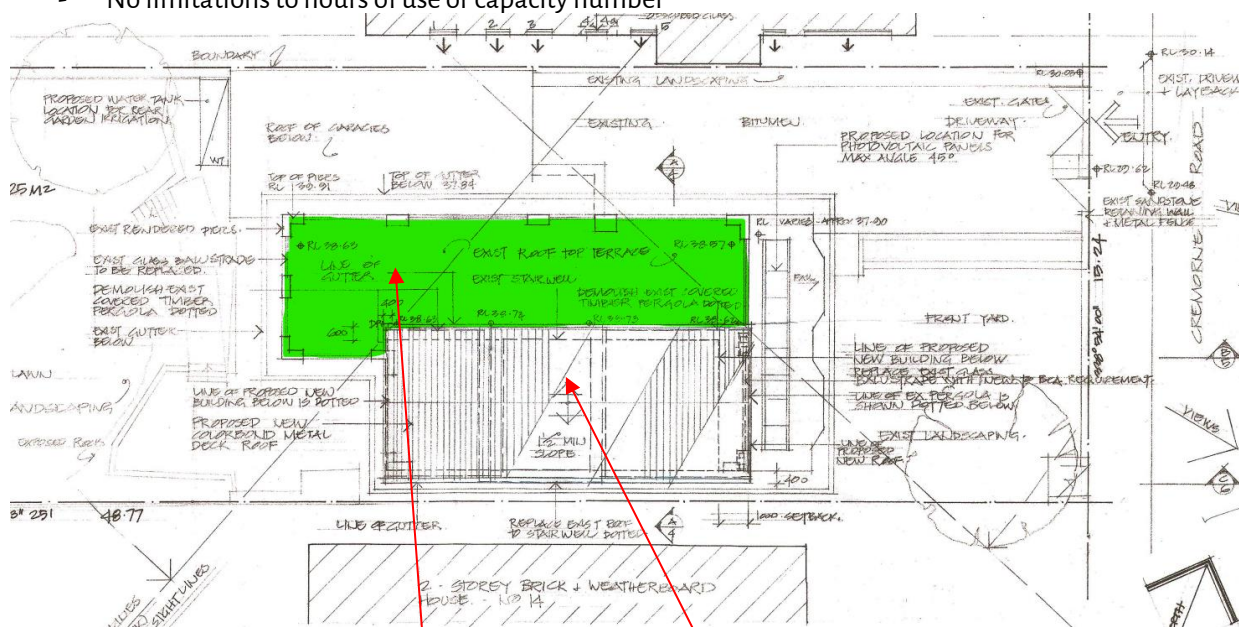




✉ [mathew@fourtowns.com.au](mailto:mathew@fourtowns.com.au)  
 ☎ 0425232018  
[www.fourtowns.com.au](http://www.fourtowns.com.au)  
 PO Box 361, Balgowlah NSW 2093

### 16 Cremorne Road

- DA100/13 – approved 2013 (as modified) including roof top terrace and pavilion noting open style with bifold to link in with the terrace – approx total area 104sqm
- No limitations to hours of use or capacity number



Excerpt from Stamped Plans DA100/13

Rooftop terrace      Pavilion Style Structure

### Common Areas

It is common among developments for shop-top housing and residential flat buildings to integrate the required communal open space as roof top terraces. The fact that this site limits the users would be considered a beneficial outcome noting only Units 6 and 7 have exclusive access to the rooftop terrace area. Many new developments are implemented with roof top penthouses and communal open space areas with no prohibitions to capacity and hours. Again, to limit the use of the terrace for my client is unreasonable.

### Summary

My client would greatly appreciate if you could please review the additional information to support the subject application in particular the Noise Assessment prepared by Acoustic Consulting Engineers. It is important to acknowledge that my client is not asking for 365 days full usage of the roof top terrace at 84 people and the increased hours, rather six days only. I believe that full usage of the roof terrace should have no limitations, noting no other development in the immediate area is hampered by capacity or time limitations. This is emphasised by the size and type of spaces in the locality, noting numerous roof top terraces. My client wishes to work with Council and the objectors to ensure a reasonable outcome for all parties, whilst ensuring adequate and reasonable use of the dwelling and private open space areas.

We trust that the information in this letter allows support of the application. If required, we are more than happy to sit down with Council staff to discuss the application.





✉ [mathew@fourtowns.com.au](mailto:mathew@fourtowns.com.au)  
☎ 0425232018  
[www.fourtowns.com.au](http://www.fourtowns.com.au)  
PO Box 361, Balgowlah NSW 2093

Should you require any further clarification of the above, please do not hesitate to contact me.

Kind Regards  
***Mathew Quattroville***  
Director  
Four Towns Pty Ltd

Monday 6 May 2024

Ms Mona Karam  
Unit 6, 18-20 Cremorne Road  
CREMORNE POINT NSW 2090

Our Reference 241469-01L-DD

**For the attention of Ms Mona Karam**

**Noise Assessment – Proposed Modification to Approved Use of  
Rooftop Terrace – Unit 6, 18-20 Cremorne Road, Cremorne  
Point**

## **1.0 INTRODUCTION**

At present, the use of the rooftop terrace of Unit 6 of the residential building at 18-20 Cremorne Road, Cremorne Point is approved with 15 people.

The owner proposes to increase the number of people on the rooftop terrace up to 84 people for up to six (6) discrete times a year for large family and friend gatherings, including Christmas, New Year and Easter. No changes to the hours of use are proposed. At other times of the year, the use of the rooftop terrace will continue as per the current approval.

Acoustic Consulting Engineers Pty Ltd was commissioned by the unit owner to undertake an assessment of potential noise impact to accompany the Modification Application.

The findings from the noise assessment are site specific and have been prepared for the particular investigation described in this report. The report should not be used in any other context or for any other purposes.

## **2.0 SITE LOCATION**

*Figure 1* shows the location of the rooftop terrace of Unit 6, 18-20 Cremorne Road, Cremorne Point and surrounding residential development.

From the site inspections on Wednesday 17 April 2024 and , it was identified that the residential buildings at 26 Cremorne Road and 33 Milson Road are most exposed to rooftop terrace of Unit 6 and considered to be the most noise affected receivers. The residential units in the adjoining buildings at 16 and 22 Cremorne Road are lower and shielded from the rooftop terrace of Unit 6, 18-20 Cremorne Road.

**Figure 1 Site Location**



### 3.0 COUNCIL REQUIREMENT

North Sydney Council requires an acoustic assessment report setting out the anticipated impact of noise levels to the site locality. The assessment should address the requirements of *Section 1.3.8 Acoustic Privacy* of the North Sydney Development Control Plan 2013.

From Acoustic Consulting Engineers' review, *Section 1.3.8 "Acoustic Privacy"* of the North Sydney Development Control Plan 2013 relates to noise controls for new residential development. For example:

- controlling internal noise levels from external noise intrusion (eg. mechanical noise from the development) in the design and construction of new dwellings
- provision of acoustic insulation performance for walls and floors for sole-occupancies
- positioning of rooms, windows and doors in the design and construction of residential development
- locating mechanical plant from residential development away from adjoining properties
- controlling of external road and rail traffic noise intrusion for residential development

The current proposal is to seek approval to increase the number of people using the rooftop terrace for a number of discrete times a year for large family and friend gatherings. The acoustic requirements in *Section 1.3.8 "Acoustic Privacy"* of the North Sydney Development Control Plan 2013 do not relate to the use of rooftop terrace of a residential building.

Acoustic Consulting Engineers Pty Ltd is not aware of any current EPA or Council policies, providing specific guidelines for assessment of noise from the use of terraces, balconies and the like in residential buildings.

In the absence of specific guidelines, the present assessment is relative to background noise environment for benchmark purposes.

For intrusive noise, it is generally accepted that the noise is considered acceptable if it is not more than 5dB above the background noise levels. However, it is noted that this requirement is normally applicable to developments where noise can be present every day. In the present case, noise from the proposed increase in number of people using the rooftop terrace for family and friend gatherings up to six (6) discrete times a year is not considered unreasonable or significant impact.

#### **4.0 BACKGROUND NOISE ENVIRONMENT**

A data logger was installed on the rooftop terrace of Unit 6, 18-20 Cremorne Road, Cremorne Point to measure ambient background noise environment from Wednesday 17 April 2024 to Tuesday 30 April 2024. The measured noise levels are representative of those at the neighbouring residential properties.

Measurement instrumentation consisted of a Type 1 SVAN977 sound and vibration analyser and a Type 1 ACO Pacific 7052E prepolarised condenser microphone. The instrumentation was checked before and after the measurements with a SVAN SV30A acoustic calibrator and the drift in calibration was within  $\pm 0.3$ dB.

*Appendix 1* provides graphical presentation of the measured statistical noise levels at 15-minute intervals. In the present case, the  $L_{A90}$  acoustic parameter is relevant for assessment purposed. Other acoustic parameters are provided for information only.

*Table 1* presents the measured daytime, evening and fringe night-time period (10:00am – 12:00midnight)  $L_{A90}$  background noise levels representative of those at the nearest residential receivers.

**Table 1**      **Measured Existing  $L_{A90}$  Background Noise Environment, dB(A)**

Date	Measured Existing $L_{A90}$ Noise Environment, dB(A)		
	Day (7am – 6pm)	Evening (6pm – 10pm)	Night (10pm – 12midnight)
Wednesday 17 April 2024		37.5	35.9
Thursday 18 April 2024	40.5	40.4	39.2
Friday 19 April 2024	42.6	41.6	41.4
Saturday 20 April 2024	46.1	43.8	39.9
Sunday 21 April 2024	41.7	37.9	37.3
Monday 22 April 2024	37.8	34.4	31.3
Tuesday 23 April 2024	38.6	37.9	36.0
Wednesday 24 April 2024	41.1	40.4	36.6
Thursday 25 April 2024	40.4	37.7	37.8
Friday 26 April 2024	41.9	40.8	40.6
Saturday 27 April 2024	39.5	37.1	36.3
Sunday 28 April 2024	39.1	35.4	31.3
Monday 29 April 2024	38.6	34.9	35.4
<b>Rating <math>L_{A90}</math> Background Level</b>	<b>41</b>	<b>38</b>	<b>37</b>

## 5.0 NOISE ASSESSMENT OBJECTIVE

As outlined in *Section 3.0* above, *Section 1.3.8 Acoustic Privacy* of the North Sydney Development Control Plan 2013 relates to requirements for new residential development to control internal noise levels from external noise intrusion (eg. mechanical noise from the development), positioning of rooms, windows and doors in the design and construction of residential development, locating mechanical plant from residential development away from adjoining properties and controlling of external road and rail traffic noise intrusion.

The acoustic requirements in *Section 1.3.8 “Acoustic Privacy”* of the North Sydney Development Control Plan 2013 do not relate to the use of rooftop terrace of a residential building.

In the absence of EPA or Council specific guidelines, the assessment considers noise from the proposal relative to background noise environment for subjective and benchmark assessment purposes.

Ideally, noise from the use of the rooftop terrace is not to exceed 46/43/42dB(A)  $L_{Aeq,15min}$  (background level + 5dB) during daytime/evening/fringe night-time periods respectively. However, it is noted that this requirement is normally applicable to developments where noise can be present every day.

In the present case, given the proposed occasional use of the rooftop terrace for large family and friend gatherings up to six (6) discrete times a year, the noise is not considered unreasonable or significant impact.

Acoustic Consulting Engineers' opinion is that noise levels from the occasional use of residential balconies/terraces/backyards of more than 5dB above background noise levels are common in residential areas.

## 6.0 NOISE PREDICTION AND ASSESSMENT

Predicted noise level from the proposed occasional use of the rooftop terrace for large family and friend gatherings of up to six (6) discrete times a year is based on the following assumptions:

- up to 84 people on the rooftop terrace;
- up to 50% of people speaking at the same time;
- conversation at raised vocal effort;
- number of male and females are equally distributed

Taking account of distance separation and the above assumptions, the predicted noise level from the proposed occasional use of the rooftop terrace for large family and friend gatherings is 50dB(A)  $L_{Aeq,15min}$ . The predicted noise level exceeds the ideal assessment objectives (background noise levels + 5dB) of 46/43/42dB(A)  $L_{Aeq,15min}$  for daytime/evening/fringe night-time periods of up to 8dB.

Acoustic Consulting Engineers' opinion is that noise levels, from occasional use of the rooftop terrace for family and friend gatherings, exceeding the ideal assessment objectives (background level + 5dB) by 8dB is not considered unreasonable given that it is common that noise from the use of residential balconies/terraces/backyards exceeds background noise levels by more than 5dB.

It is recommended that as a courtesy, neighbouring buildings be informed in advance when the rooftop terrace is used for large family and friend gatherings.

## 7.0 SUMMARY

This report provides an assessment of potential noise impact from the proposed occasional use of the rooftop terrace of Unit 6 of the residential building at 18-20 Cremorne Road, Cremorne Point for large family and friend gatherings for up to six (6) discrete times a year.

It is predicted that noise levels from the proposed use would exceed the ideal assessment objectives (background noise levels + 5dB) by up to 8dB.

Acoustic Consulting Engineers' opinion is that noise levels, from occasional use of the rooftop terrace for family and friend gatherings, exceeding the ideal assessment objectives (background level + 5dB) by 8dB is not considered unreasonable. Our opinion is that noise from the use of residential balconies/terraces/backyards exceeds background noise levels by more than 5dB is common in residential areas.

It is recommended that neighbouring buildings be informed in advance when the rooftop terrace is used for large family and friend gatherings.

Please do not hesitate to contact our office should further information or clarification be required.

Yours sincerely,

Dan Dang  
Principal Acoustic Engineer  
**Acoustic Consulting Engineers Pty Ltd**

**Appendix 1**

**MEASURED BACKGROUND NOISE ENVIRONMENT**



**Measurement Location** Unit 6, 18-20 Cremorne Road, Cremorne Point  
Roof Terrace

**Project Title**

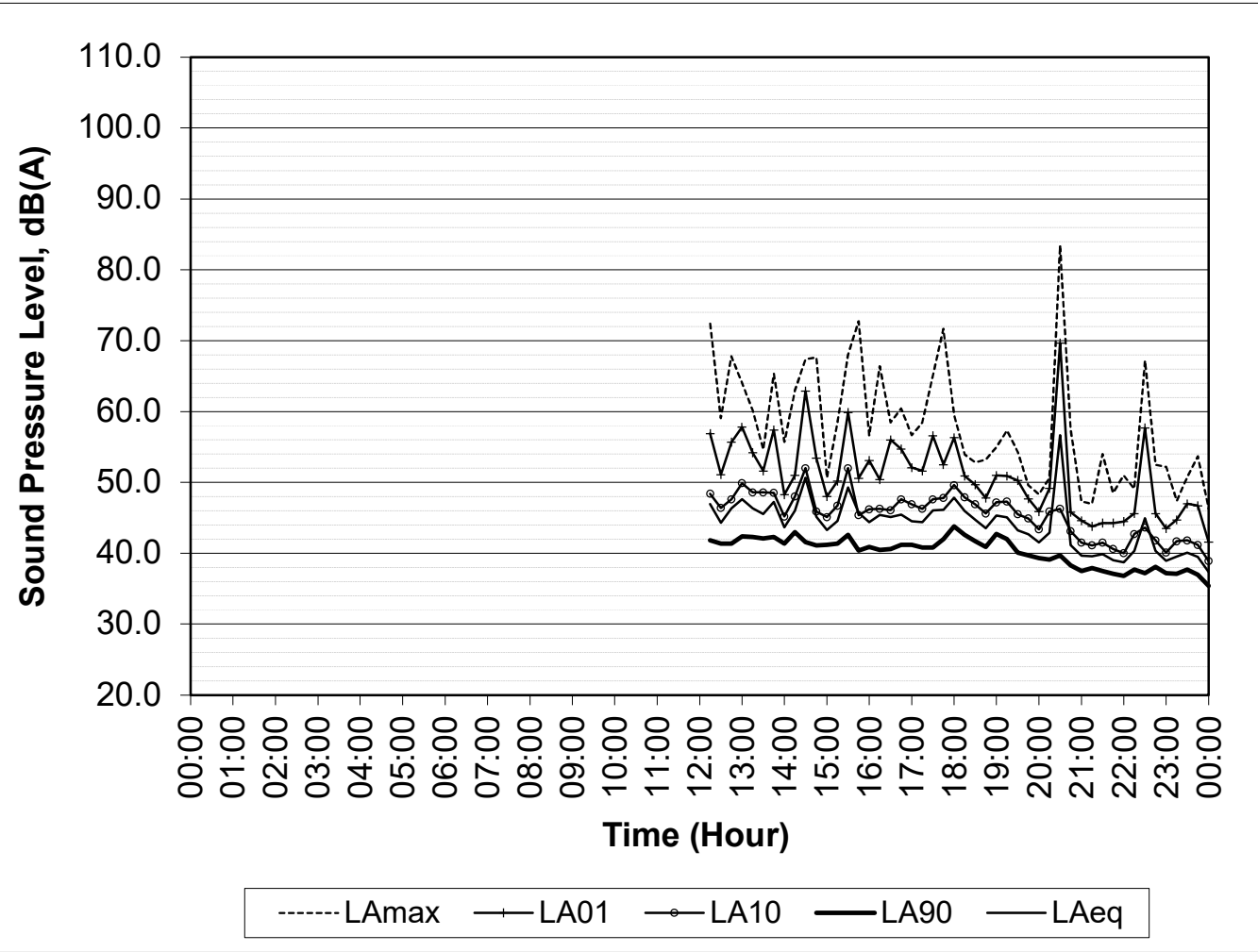
Proposed Use of Rooftop Terrace  
Unit 6, 18-20 Cremorne Road, Cremorne Point

**Measurement Date** Wednesday, 17 April 2024

**Notes**

1. Tabulated  $L_{Aeq}$  are logarithmically averaged
2. Tabulated  $L_{A01}$  and  $L_{A10}$  are arithmetically averaged
3. Tabulated  $L_{A90}$  are the lowest 10-percentile levels

Time	Average Noise Level			
	$L_{Aeq}$	$L_{A01}$	$L_{A10}$	$L_{A90}$
00:00-01:00				
01:00-02:00				
02:00-03:00				
03:00-04:00				
04:00-05:00				
05:00-06:00				
06:00-07:00				
07:00-08:00				
08:00-09:00				
09:00-10:00				
10:00-11:00				
11:00-12:00				
12:00-13:00	46.5	55.4	48.1	41.4
13:00-14:00	45.9	52.9	47.7	41.6
14:00-15:00	47.2	53.8	47.8	41.1
15:00-16:00	46.5	53.5	47.6	40.6
16:00-17:00	45.2	53.3	46.7	40.5
17:00-18:00	46.3	54.3	47.8	40.8
18:00-19:00	45.0	49.9	46.9	41.1
19:00-20:00	43.3	48.7	45.3	39.4
20:00-21:00	51.0	52.3	44.2	37.7
21:00-22:00	39.3	44.2	40.8	36.9
22:00-23:00	41.8	48.1	42.1	37.2
23:00-24:00	39.2	45.0	40.9	35.9
Day				
Evening	47.0	49.5	44.9	37.5
Night	48.4	44.9	40.7	34.3
$L_{Aeq,15hr}$				
$L_{Aeq,9hr}$		48.4		
$L_{Aeq,24hr}$				



**Measurement Location** Unit 6, 18-20 Cremorne Road, Cremorne Point  
Roof Terrace

**Project Title**

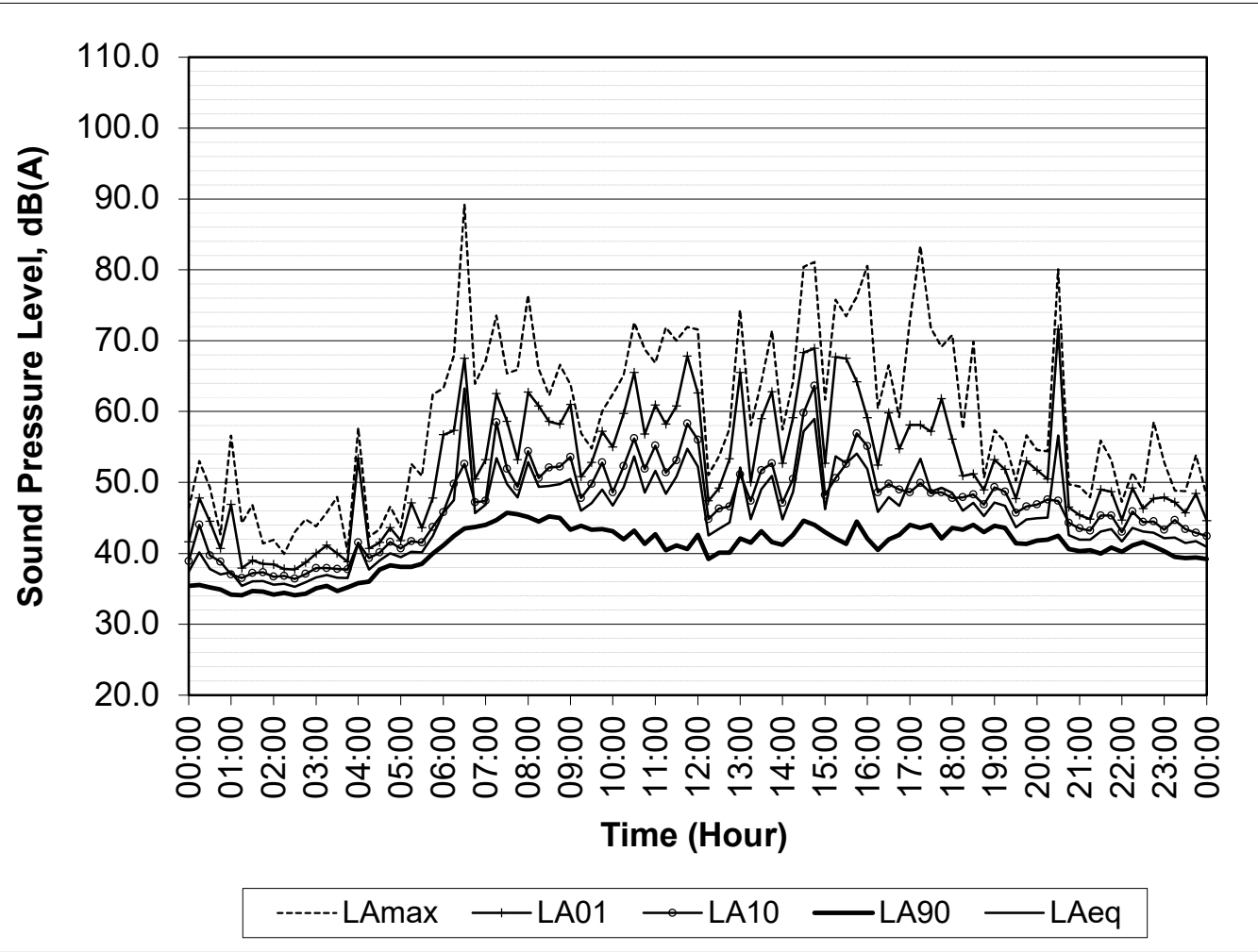
Proposed Use of Rooftop Terrace  
Unit 6, 18-20 Cremorne Road, Cremorne Point

**Measurement Date** Thursday, 18 April 2024

**Notes**

1. Tabulated  $L_{Aeq}$  are logarithmically averaged
2. Tabulated  $L_{A01}$  and  $L_{A10}$  are arithmetically averaged
3. Tabulated  $L_{A90}$  are the lowest 10-percentile levels

Time	Average Noise Level			
	$L_{Aeq}$	$L_{A01}$	$L_{A10}$	$L_{A90}$
00:00-01:00	38.2	45.0	39.9	34.4
01:00-02:00	35.8	38.5	36.9	34.1
02:00-03:00	35.9	38.6	37.1	34.2
03:00-04:00	38.4	43.3	38.7	34.9
04:00-05:00	39.1	41.9	40.4	36.5
05:00-06:00	42.8	48.8	43.2	38.2
06:00-07:00	57.5	57.1	49.3	42.7
07:00-08:00	51.5	59.3	53.6	44.8
08:00-09:00	49.8	59.7	52.1	43.7
09:00-10:00	47.4	54.0	49.8	43.2
10:00-11:00	51.3	60.7	53.9	41.5
11:00-12:00	52.2	62.4	54.7	40.5
12:00-13:00	47.6	53.9	47.2	39.5
13:00-14:00	48.2	56.1	49.7	41.3
14:00-15:00	55.5	62.3	55.5	42.7
15:00-16:00	53.2	64.6	53.8	41.5
16:00-17:00	48.0	56.3	49.0	41.0
17:00-18:00	50.5	58.3	48.7	42.6
18:00-19:00	46.5	51.1	48.1	43.1
19:00-20:00	45.2	51.1	47.0	41.3
20:00-21:00	51.2	53.5	45.7	40.4
21:00-22:00	42.6	46.8	44.2	40.1
22:00-23:00	43.0	47.8	44.5	40.5
23:00-24:00	41.6	46.5	43.4	39.2
Day	51.2	58.8	51.6	40.5
Evening	47.8	51.3	46.5	40.4
Night	44.4	46.1	42.8	37.1
$L_{Aeq,15hr}$		50.5		
$L_{Aeq,9hr}$		44.4		
$L_{Aeq,24hr}$		50.0		



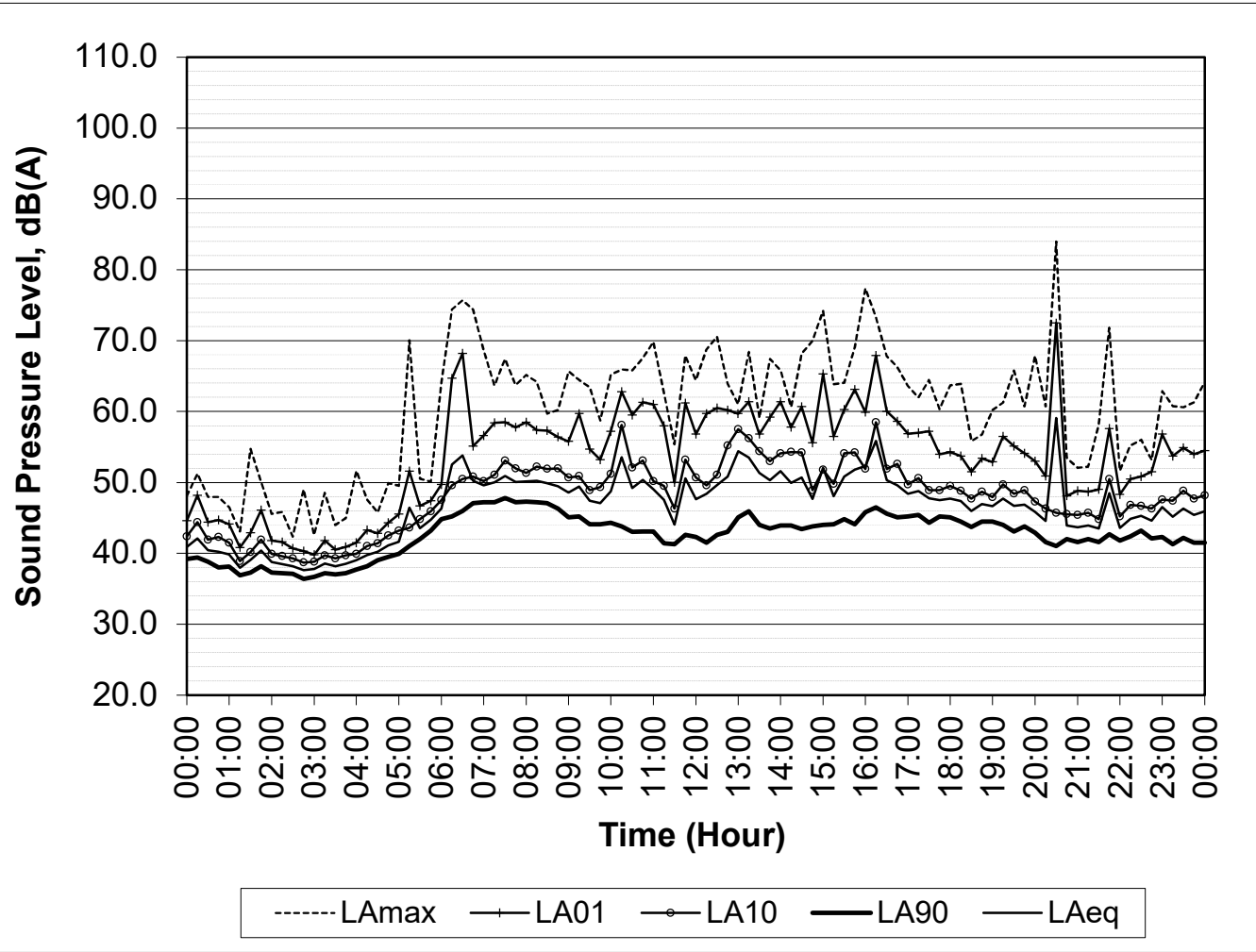
**Measurement Location** Unit 6, 18-20 Cremorne Road, Cremorne Point  
Roof Terrace

**Project Title** Proposed Use of Rooftop Terrace  
Unit 6, 18-20 Cremorne Road, Cremorne Point

**Measurement Date** Friday, 19 April 2024

- Notes**
1. Tabulated  $L_{Aeq}$  are logarithmically averaged
  2. Tabulated  $L_{A01}$  and  $L_{A10}$  are arithmetically averaged
  3. Tabulated  $L_{A90}$  are the lowest 10-percentile levels

Time	Average Noise Level			
	$L_{Aeq}$	$L_{A01}$	$L_{A10}$	$L_{A90}$
00:00-01:00	40.7	45.4	42.5	38.0
01:00-02:00	39.1	42.9	40.2	37.0
02:00-03:00	38.0	40.6	39.1	36.5
03:00-04:00	38.6	41.2	39.7	37.1
04:00-05:00	40.8	44.0	42.0	38.4
05:00-06:00	45.4	48.9	45.5	41.3
06:00-07:00	51.9	61.2	50.3	45.4
07:00-08:00	50.3	58.3	51.9	47.2
08:00-09:00	49.6	56.7	51.7	45.5
09:00-10:00	48.3	56.2	50.1	44.1
10:00-11:00	51.0	61.2	53.4	43.0
11:00-12:00	48.0	56.5	49.9	41.3
12:00-13:00	51.4	60.0	53.4	41.8
13:00-14:00	51.8	59.7	54.4	43.6
14:00-15:00	50.4	59.9	52.3	43.5
15:00-16:00	51.0	60.0	52.5	44.1
16:00-17:00	52.1	60.9	53.2	45.1
17:00-18:00	48.0	55.6	49.5	44.5
18:00-19:00	46.8	52.9	48.3	43.9
19:00-20:00	46.8	54.7	48.6	43.0
20:00-21:00	53.5	55.1	45.7	41.2
21:00-22:00	45.5	50.9	46.6	41.7
22:00-23:00	45.4	52.4	46.9	42.2
23:00-24:00	45.7	54.3	48.0	41.4
Day	50.4	58.7	52.0	42.6
Evening	49.6	53.8	47.6	41.6
Night	45.9	53.5	46.7	37.7
$L_{Aeq,15hr}$		50.2		
$L_{Aeq,9hr}$		45.9		
$L_{Aeq,24hr}$		49.0		



**Measurement Location** Unit 6, 18-20 Cremorne Road, Cremorne Point  
Roof Terrace

**Project Title**

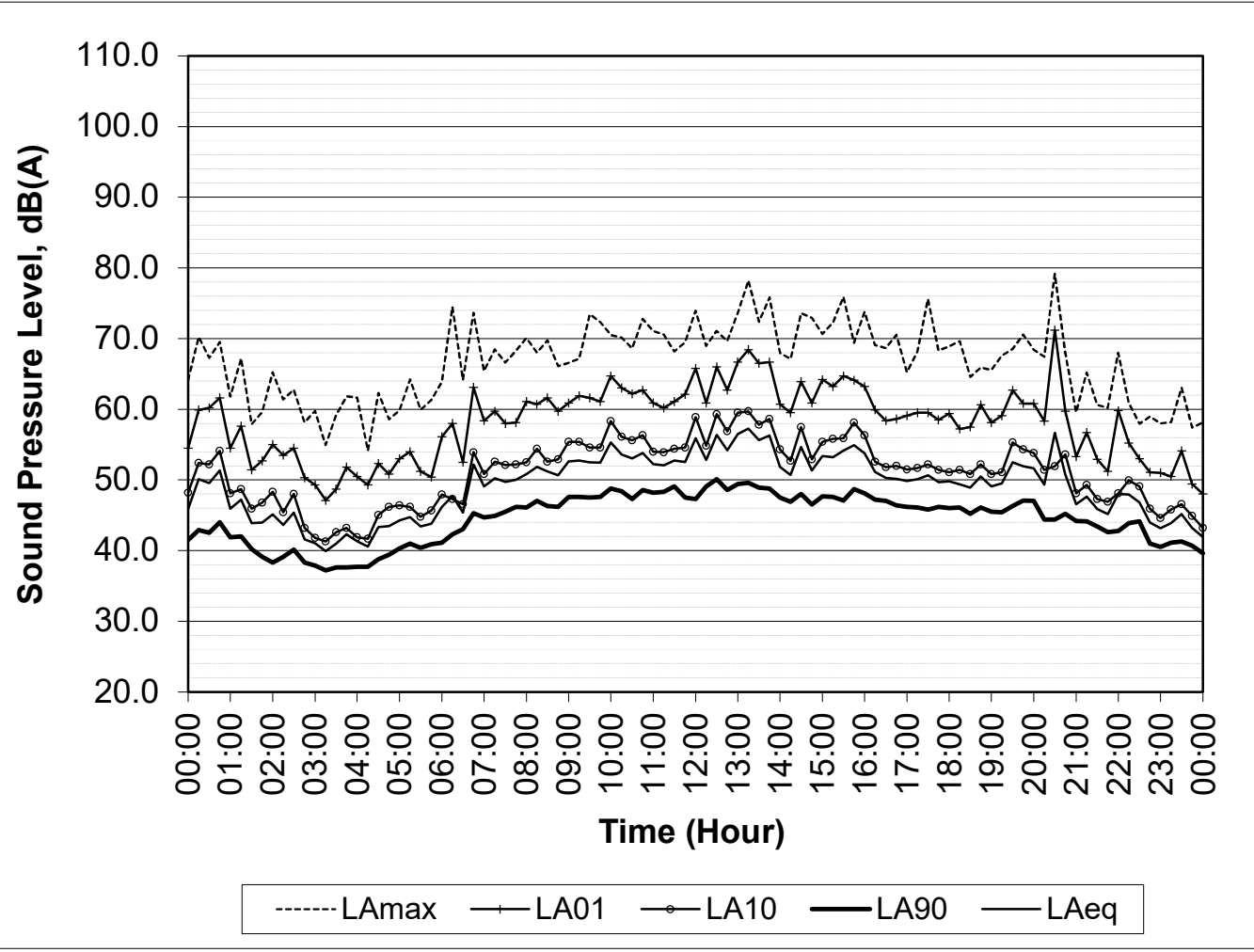
Proposed Use of Rooftop Terrace  
Unit 6, 18-20 Cremorne Road, Cremorne Point

**Measurement Date** Saturday, 20 April 2024

**Notes**

1. Tabulated  $L_{Aeq}$  are logarithmically averaged
2. Tabulated  $L_{A01}$  and  $L_{A10}$  are arithmetically averaged
3. Tabulated  $L_{A90}$  are the lowest 10-percentile levels

Time	Average Noise Level			
	$L_{Aeq}$	$L_{A01}$	$L_{A10}$	$L_{A90}$
00:00-01:00	49.6	59.1	51.7	42.1
01:00-02:00	45.3	54.2	47.4	38.5
02:00-03:00	43.2	51.9	44.6	38.0
03:00-04:00	41.2	49.5	42.3	37.3
04:00-05:00	43.1	51.4	44.8	38.0
05:00-06:00	44.7	52.9	46.2	40.6
06:00-07:00	49.3	58.0	49.7	42.5
07:00-08:00	50.2	59.2	52.4	45.1
08:00-09:00	51.7	60.7	53.8	46.2
09:00-10:00	53.4	62.3	55.7	47.5
10:00-11:00	53.2	62.2	55.5	47.6
11:00-12:00	53.6	62.3	55.5	47.4
12:00-13:00	55.2	64.1	57.6	48.8
13:00-14:00	55.7	65.6	57.6	47.9
14:00-15:00	52.8	62.1	54.6	46.6
15:00-16:00	54.1	63.8	56.5	47.3
16:00-17:00	50.4	59.0	52.0	46.3
17:00-18:00	50.1	59.2	51.6	45.9
18:00-19:00	49.5	58.4	51.3	45.3
19:00-20:00	51.5	60.9	53.6	45.7
20:00-21:00	52.5	60.6	51.3	44.3
21:00-22:00	46.8	55.2	47.9	42.7
22:00-23:00	45.9	52.6	47.4	40.7
23:00-24:00	43.7	50.5	45.1	39.9
Day	53.1	61.8	54.8	46.1
Evening	50.7	58.7	51.2	43.8
Night	46.4	49.6	43.5	37.1
$L_{Aeq,15hr}$		52.6		
$L_{Aeq,9hr}$		46.4		
$L_{Aeq,24hr}$		51.2		



**Measurement Location** Unit 6, 18-20 Cremorne Road, Cremorne Point  
Roof Terrace

**Project Title**

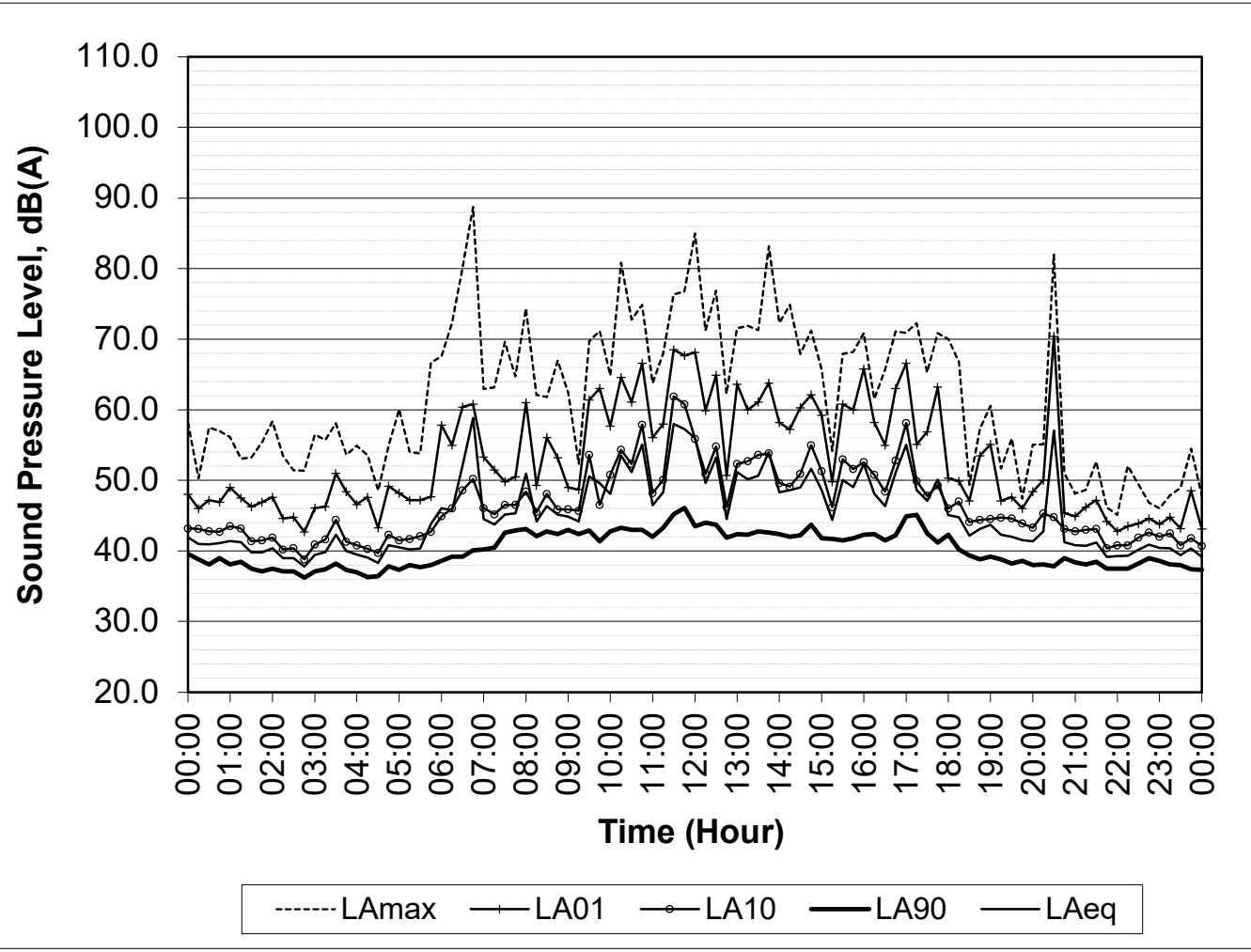
Proposed Use of Rooftop Terrace  
Unit 6, 18-20 Cremorne Road, Cremorne Point

**Measurement Date** Sunday, 21 April 2024

**Notes**

1. Tabulated  $L_{Aeq}$  are logarithmically averaged
2. Tabulated  $L_{A01}$  and  $L_{A10}$  are arithmetically averaged
3. Tabulated  $L_{A90}$  are the lowest 10-percentile levels

Time	Average Noise Level			
	$L_{Aeq}$	$L_{A01}$	$L_{A10}$	$L_{A90}$
00:00-01:00	41.1	47.3	43.0	38.1
01:00-02:00	40.3	47.1	42.0	37.2
02:00-03:00	38.8	44.6	40.1	36.5
03:00-04:00	40.6	48.1	42.0	37.1
04:00-05:00	39.8	47.1	41.0	36.3
05:00-06:00	43.3	50.0	42.9	37.8
06:00-07:00	53.9	57.4	47.7	39.2
07:00-08:00	47.3	53.2	46.7	41.1
08:00-09:00	45.2	51.9	46.4	42.2
09:00-10:00	48.7	57.7	49.2	41.7
10:00-11:00	52.6	62.1	53.2	42.3
11:00-12:00	56.1	65.6	57.2	43.4
12:00-13:00	50.6	59.8	51.1	42.1
13:00-14:00	51.3	60.8	52.4	42.3
14:00-15:00	49.7	59.7	51.6	41.9
15:00-16:00	49.8	59.1	50.9	41.6
16:00-17:00	51.4	60.7	52.5	41.7
17:00-18:00	48.1	56.4	48.3	41.5
18:00-19:00	43.6	51.4	45.0	38.9
19:00-20:00	41.8	47.3	44.1	38.1
20:00-21:00	51.4	52.7	44.0	37.9
21:00-22:00	40.2	45.1	41.8	37.5
22:00-23:00	40.2	44.0	41.8	37.7
23:00-24:00	39.9	44.9	41.5	37.3
Day	51.0	59.6	51.3	41.7
Evening	46.8	49.6	44.1	37.9
Night	41.4	45.1	41.8	35.7
$L_{Aeq,15hr}$		50.2		
$L_{Aeq,9hr}$		41.4		
$L_{Aeq,24hr}$		49.2		



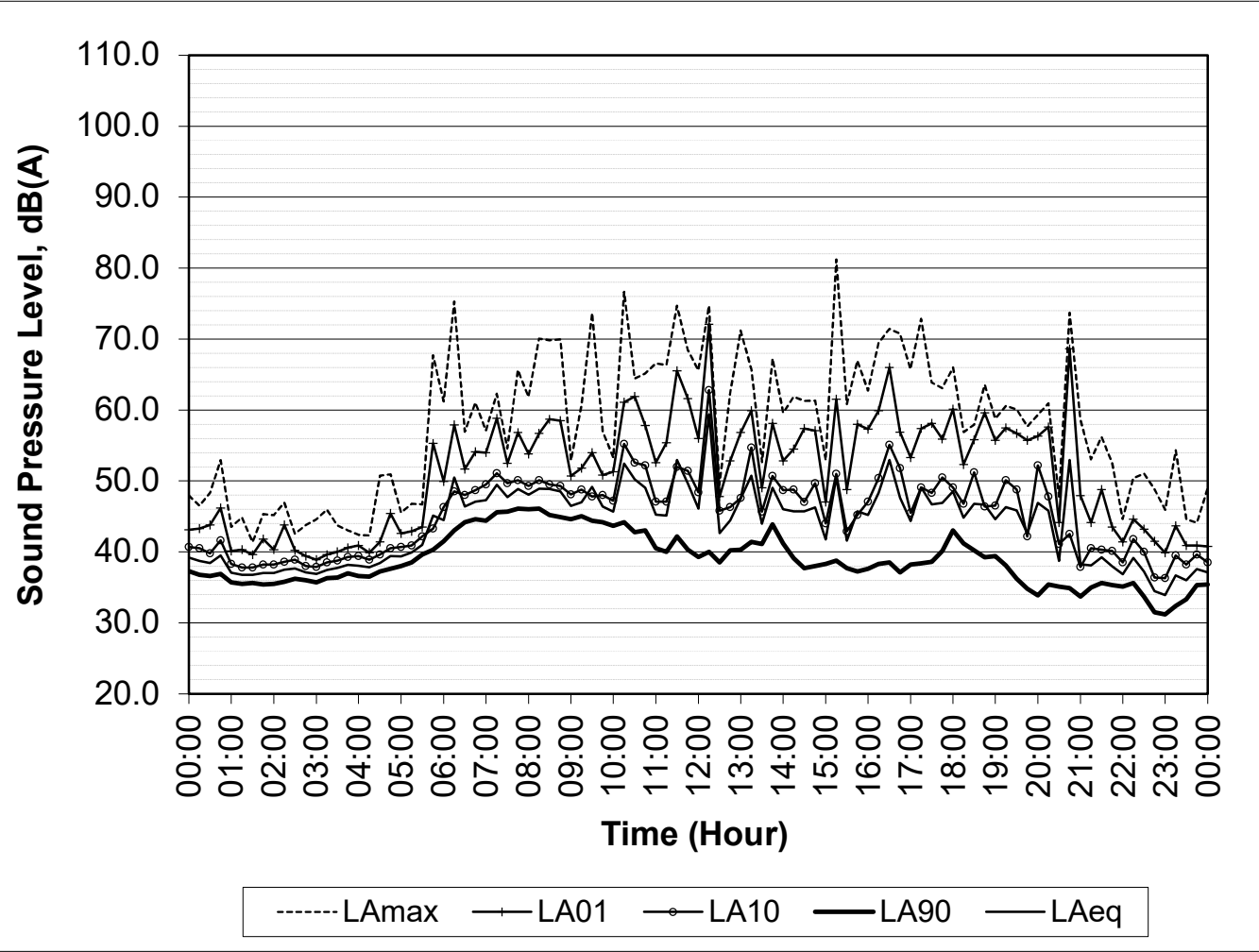
**Measurement Location** Unit 6, 18-20 Cremorne Road, Cremorne Point  
Roof Terrace

**Project Title** Proposed Use of Rooftop Terrace  
Unit 6, 18-20 Cremorne Road, Cremorne Point

**Measurement Date** Monday, 22 April 2024

- Notes**
1. Tabulated  $L_{Aeq}$  are logarithmically averaged
  2. Tabulated  $L_{A01}$  and  $L_{A10}$  are arithmetically averaged
  3. Tabulated  $L_{A90}$  are the lowest 10-percentile levels

Time	Average Noise Level			
	$L_{Aeq}$	$L_{A01}$	$L_{A10}$	$L_{A90}$
00:00-01:00	38.5	43.4	40.1	36.0
01:00-02:00	36.9	40.5	38.0	35.4
02:00-03:00	37.3	40.6	38.4	35.7
03:00-04:00	37.8	40.3	39.0	36.3
04:00-05:00	38.8	42.3	39.9	36.7
05:00-06:00	43.1	47.9	43.2	38.8
06:00-07:00	48.1	54.4	48.7	43.4
07:00-08:00	48.6	55.5	50.1	45.6
08:00-09:00	48.3	56.2	49.3	44.7
09:00-10:00	47.3	52.0	48.0	43.9
10:00-11:00	50.0	58.4	51.8	41.2
11:00-12:00	49.6	59.6	49.7	39.5
12:00-13:00	53.8	57.4	50.6	39.0
13:00-14:00	48.2	55.0	50.0	41.1
14:00-15:00	45.2	54.0	47.4	37.8
15:00-16:00	46.9	56.4	46.6	37.3
16:00-17:00	49.4	59.0	50.7	37.4
17:00-18:00	47.9	57.9	49.3	38.5
18:00-19:00	45.8	55.9	47.7	39.3
19:00-20:00	45.7	56.6	48.3	34.2
20:00-21:00	48.0	54.6	42.3	34.1
21:00-22:00	38.1	44.5	39.9	35.0
22:00-23:00	36.7	42.3	38.6	31.3
23:00-24:00	36.9	41.6	39.0	32.7
Day	49.2	56.3	49.4	37.8
Evening	46.1	54.0	45.2	34.4
Night	42.7	43.3	40.1	33.2
$L_{Aeq,15hr}$		48.6		
$L_{Aeq,9hr}$		42.7		
$L_{Aeq,24hr}$		47.1		



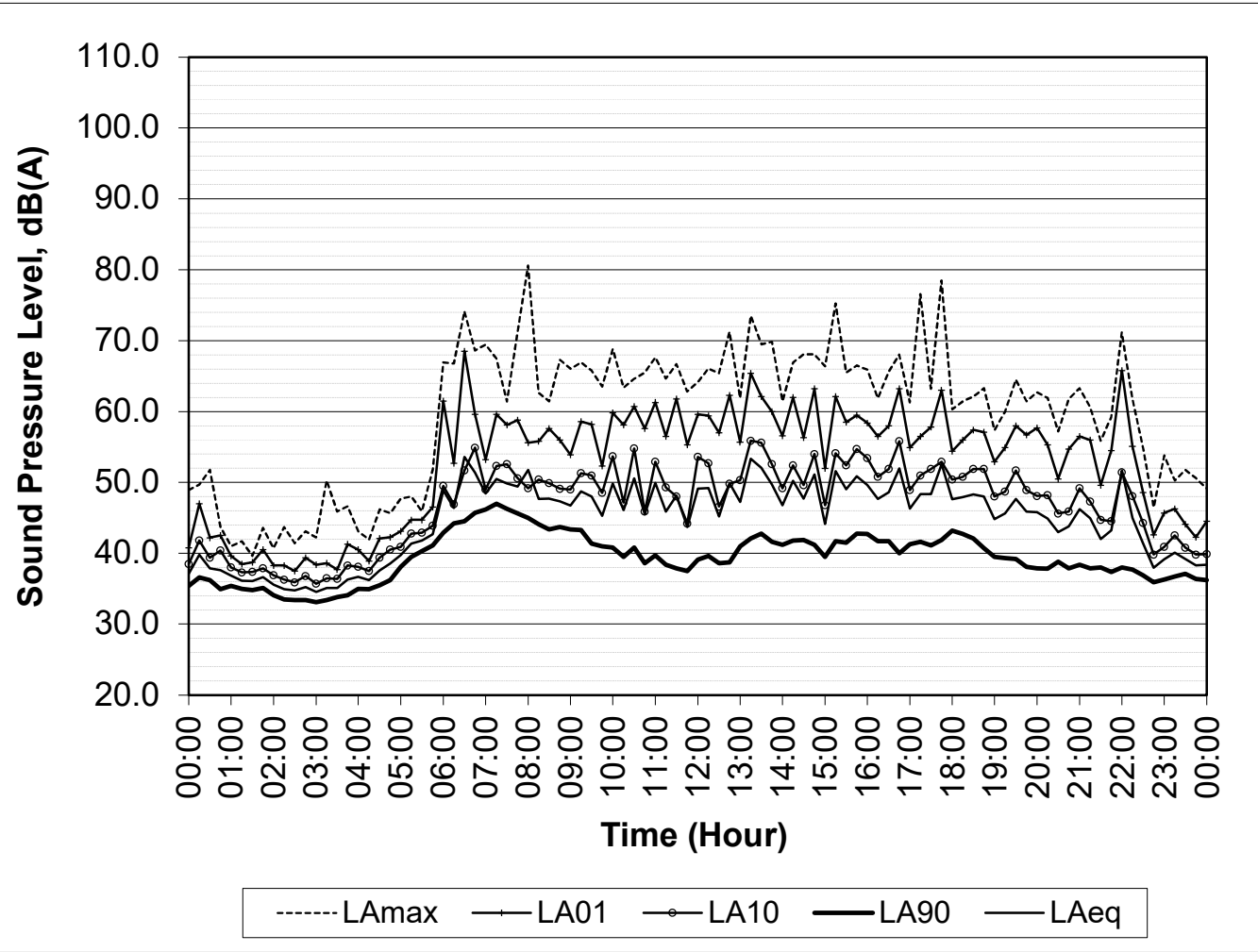
**Measurement Location** Unit 6, 18-20 Cremorne Road, Cremorne Point  
Roof Terrace

**Project Title** Proposed Use of Rooftop Terrace  
Unit 6, 18-20 Cremorne Road, Cremorne Point

**Measurement Date** Tuesday, 23 April 2024

- Notes**
1. Tabulated  $L_{Aeq}$  are logarithmically averaged
  2. Tabulated  $L_{A01}$  and  $L_{A10}$  are arithmetically averaged
  3. Tabulated  $L_{A90}$  are the lowest 10-percentile levels

Time	Average Noise Level			
	$L_{Aeq}$	$L_{A01}$	$L_{A10}$	$L_{A90}$
00:00-01:00	38.2	42.8	39.9	35.1
01:00-02:00	36.1	39.0	37.4	34.3
02:00-03:00	34.9	38.4	36.2	33.2
03:00-04:00	35.8	39.5	37.3	33.5
04:00-05:00	38.2	41.6	39.6	35.1
05:00-06:00	44.9	49.4	44.8	39.7
06:00-07:00	50.8	58.5	50.6	44.3
07:00-08:00	50.5	58.0	51.2	45.2
08:00-09:00	47.4	55.8	49.6	43.4
09:00-10:00	48.3	57.2	51.1	40.9
10:00-11:00	48.6	59.4	50.2	38.9
11:00-12:00	47.2	58.3	48.8	37.6
12:00-13:00	48.3	58.6	49.9	38.6
13:00-14:00	51.1	61.0	53.3	41.3
14:00-15:00	49.0	58.4	50.7	40.0
15:00-16:00	50.4	59.6	53.7	41.6
16:00-17:00	49.2	58.2	51.9	40.4
17:00-18:00	49.7	57.9	51.6	41.3
18:00-19:00	47.5	55.9	50.7	39.9
19:00-20:00	46.3	56.8	49.4	38.0
20:00-21:00	44.7	54.3	47.2	37.8
21:00-22:00	47.3	56.5	47.0	37.6
22:00-23:00	41.7	48.0	43.3	36.0
23:00-24:00	39.1	44.3	40.8	36.3
Day	49.2	58.4	51.0	38.6
Evening	46.0	55.1	48.5	37.9
Night	43.2	47.9	42.8	35.3
$L_{Aeq,15hr}$		48.6		
$L_{Aeq,9hr}$		43.2		
$L_{Aeq,24hr}$		47.5		



**Measurement Location** Unit 6, 18-20 Cremorne Road, Cremorne Point  
Roof Terrace

**Project Title**

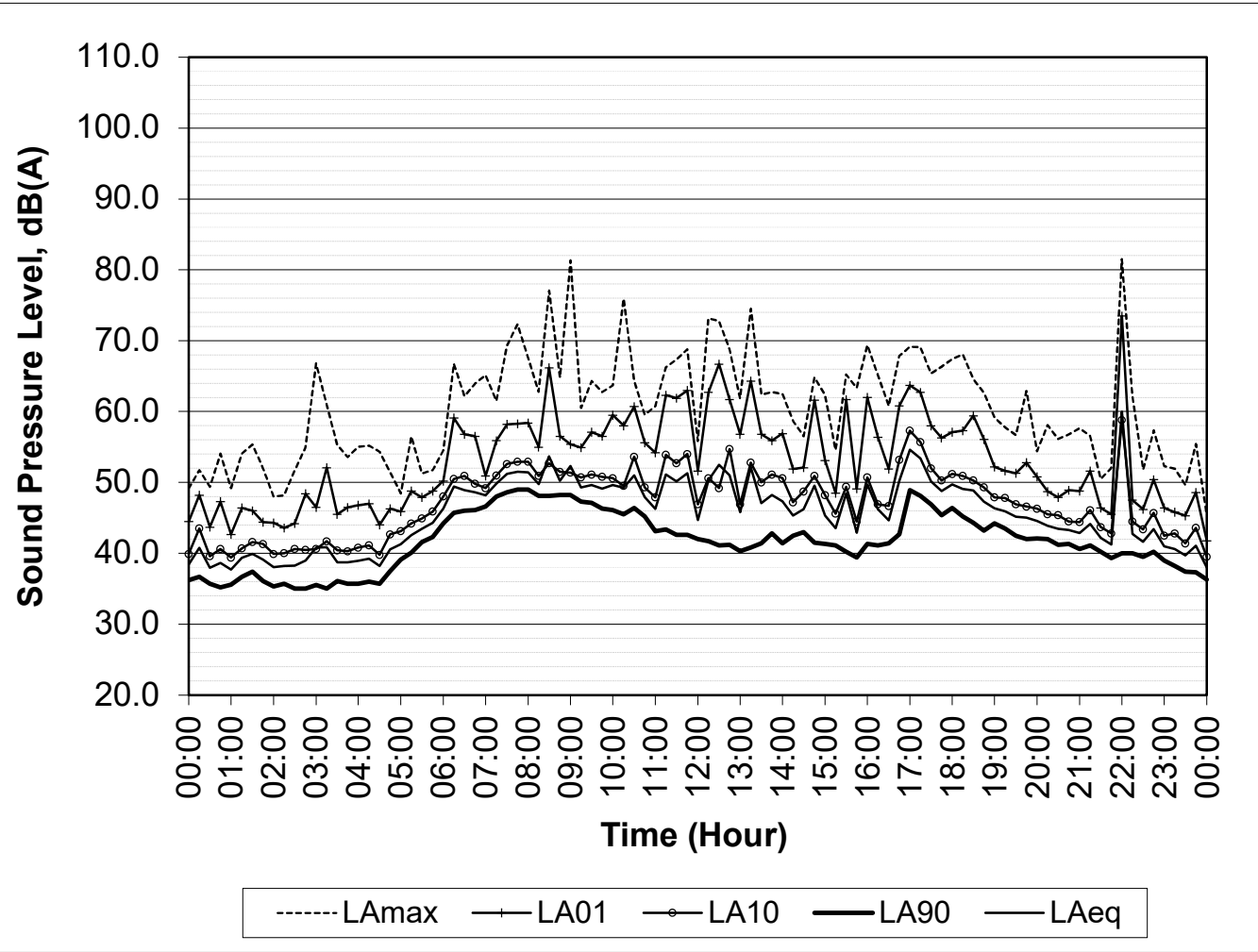
Proposed Use of Rooftop Terrace  
Unit 6, 18-20 Cremorne Road, Cremorne Point

**Measurement Date** Wednesday, 24 April 2024

**Notes**

1. Tabulated  $L_{Aeq}$  are logarithmically averaged
2. Tabulated  $L_{A01}$  and  $L_{A10}$  are arithmetically averaged
3. Tabulated  $L_{A90}$  are the lowest 10-percentile levels

Time	Average Noise Level			
	$L_{Aeq}$	$L_{A01}$	$L_{A10}$	$L_{A90}$
00:00-01:00	39.0	45.5	40.8	35.3
01:00-02:00	39.2	45.3	40.9	35.5
02:00-03:00	39.2	45.7	40.4	35.0
03:00-04:00	39.4	47.7	40.8	35.2
04:00-05:00	40.0	45.8	41.7	35.8
05:00-06:00	44.4	48.9	45.8	40.6
06:00-07:00	48.8	55.8	50.1	45.8
07:00-08:00	51.0	57.7	52.4	48.2
08:00-09:00	51.8	58.3	51.6	48.1
09:00-10:00	49.4	57.0	50.8	46.2
10:00-11:00	49.0	57.1	50.1	43.7
11:00-12:00	50.0	59.7	51.9	42.2
12:00-13:00	50.5	62.0	50.4	40.5
13:00-14:00	49.2	58.5	51.1	41.0
14:00-15:00	47.0	54.7	48.8	41.4
15:00-16:00	47.1	55.3	47.6	39.6
16:00-17:00	50.7	58.2	51.0	41.2
17:00-18:00	50.9	58.5	52.3	45.7
18:00-19:00	48.0	56.3	49.6	43.5
19:00-20:00	45.2	51.6	46.9	42.0
20:00-21:00	43.4	48.6	45.0	40.8
21:00-22:00	54.2	54.3	47.9	39.5
22:00-23:00	42.3	47.6	44.0	39.2
23:00-24:00	40.0	45.4	41.8	36.6
Day	49.9	57.8	50.7	41.1
Evening	45.9	51.7	46.9	40.4
Night	45.9	45.4	41.9	36.5
$L_{Aeq,15hr}$		49.1		
$L_{Aeq,9hr}$		45.9		
$L_{Aeq,24hr}$		48.5		





**Measurement Location** Unit 6, 18-20 Cremorne Road, Cremorne Point  
Roof Terrace

**Project Title**

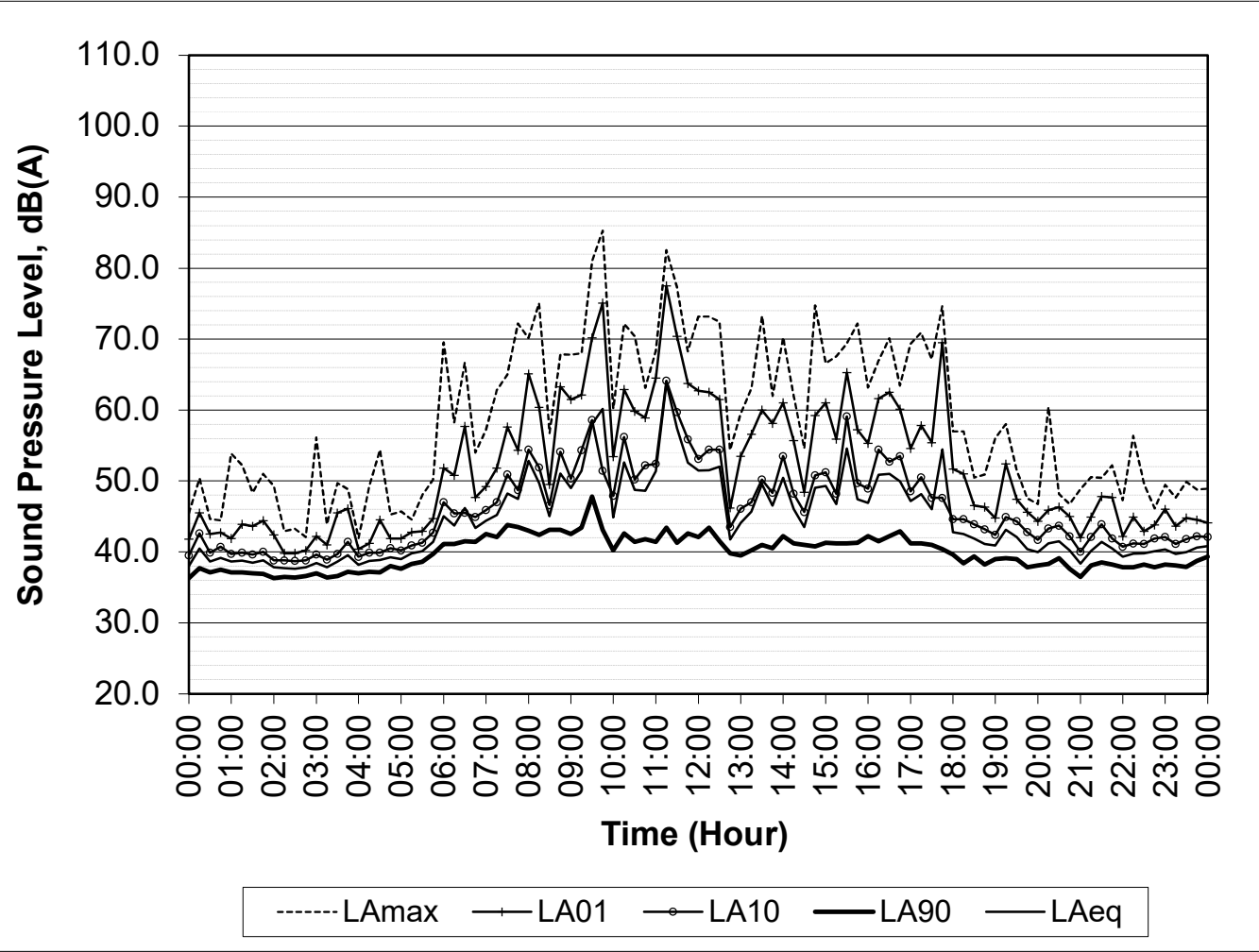
Proposed Use of Rooftop Terrace  
Unit 6, 18-20 Cremorne Road, Cremorne Point

**Measurement Date** Thursday, 25 April 2024

**Notes**

1. Tabulated  $L_{Aeq}$  are logarithmically averaged
2. Tabulated  $L_{A01}$  and  $L_{A10}$  are arithmetically averaged
3. Tabulated  $L_{A90}$  are the lowest 10-percentile levels

Time	Average Noise Level			
	$L_{Aeq}$	$L_{A01}$	$L_{A10}$	$L_{A90}$
00:00-01:00	39.3	43.2	40.7	37.1
01:00-02:00	38.5	43.6	39.6	36.5
02:00-03:00	37.9	40.5	39.0	36.4
03:00-04:00	38.6	43.3	39.8	36.5
04:00-05:00	38.9	42.4	40.1	37.1
05:00-06:00	42.1	45.6	43.0	38.4
06:00-07:00	44.6	51.4	45.4	41.2
07:00-08:00	49.4	57.2	50.3	42.4
08:00-09:00	49.2	58.7	50.7	42.4
09:00-10:00	56.6	65.2	53.1	41.1
10:00-11:00	50.7	61.5	52.8	41.4
11:00-12:00	59.1	68.6	58.2	41.5
12:00-13:00	49.3	55.9	49.6	39.6
13:00-14:00	48.5	58.9	49.8	40.3
14:00-15:00	47.6	56.1	49.0	40.9
15:00-16:00	50.4	58.4	51.5	41.2
16:00-17:00	50.0	59.7	52.3	41.3
17:00-18:00	50.0	58.6	47.6	39.8
18:00-19:00	41.7	47.2	43.5	38.3
19:00-20:00	41.6	47.4	43.4	37.9
20:00-21:00	40.5	44.8	42.3	36.8
21:00-22:00	40.4	45.7	42.2	37.9
22:00-23:00	40.0	44.4	41.6	37.8
23:00-24:00	40.3	44.3	41.8	38.0
Day	52.8	59.8	51.4	40.4
Evening	41.3	46.9	43.1	37.7
Night	42.5	44.7	41.9	37.2
$L_{Aeq,15hr}$		51.6		
$L_{Aeq,9hr}$		42.5		
$L_{Aeq,24hr}$		49.9		



**Measurement Location** Unit 6, 18-20 Cremorne Road, Cremorne Point  
Roof Terrace

**Project Title**

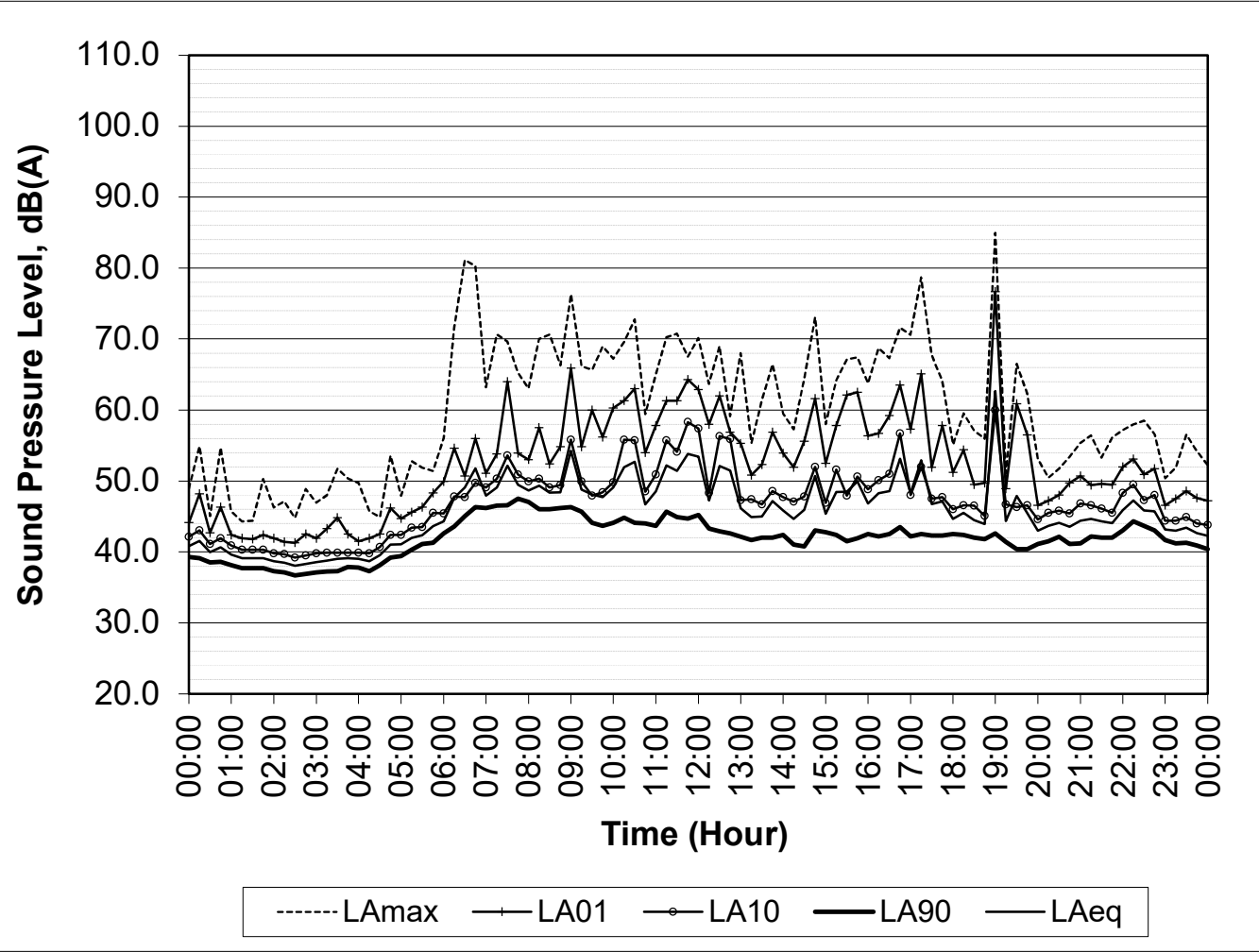
Proposed Use of Rooftop Terrace  
Unit 6, 18-20 Cremorne Road, Cremorne Point

**Measurement Date** Friday, 26 April 2024

**Notes**

1. Tabulated  $L_{Aeq}$  are logarithmically averaged
2. Tabulated  $L_{A01}$  and  $L_{A10}$  are arithmetically averaged
3. Tabulated  $L_{A90}$  are the lowest 10-percentile levels

Time	Average Noise Level			
	$L_{Aeq}$	$L_{A01}$	$L_{A10}$	$L_{A90}$
00:00-01:00	40.5	44.9	41.7	38.2
01:00-02:00	39.0	42.0	40.2	37.4
02:00-03:00	38.3	41.8	39.6	36.8
03:00-04:00	39.0	43.0	39.9	37.2
04:00-05:00	40.2	43.8	41.3	37.5
05:00-06:00	43.2	47.5	44.5	40.5
06:00-07:00	49.4	53.1	48.6	44.0
07:00-08:00	50.1	56.2	51.2	46.5
08:00-09:00	50.9	57.7	51.2	46.0
09:00-10:00	48.5	57.8	49.0	43.8
10:00-11:00	50.6	59.0	52.7	43.8
11:00-12:00	52.8	62.5	56.4	44.8
12:00-13:00	50.0	58.1	52.0	42.3
13:00-14:00	45.8	53.5	47.6	41.8
14:00-15:00	47.4	55.4	48.5	40.9
15:00-16:00	48.5	59.7	49.7	41.6
16:00-17:00	50.1	59.2	51.5	42.2
17:00-18:00	49.1	56.5	48.3	42.3
18:00-19:00	56.8	57.6	49.6	41.9
19:00-20:00	45.5	53.2	46.1	40.4
20:00-21:00	43.9	48.9	45.9	41.1
21:00-22:00	44.8	50.1	46.6	42.0
22:00-23:00	45.7	50.6	47.3	42.1
23:00-24:00	42.8	47.7	44.3	40.6
Day	49.8	57.8	50.8	41.9
Evening	51.5	52.4	46.9	40.8
Night	42.9	47.2	43.7	38.1
$L_{Aeq,15hr}$		50.4		
$L_{Aeq,9hr}$		42.9		
$L_{Aeq,24hr}$		49.0		



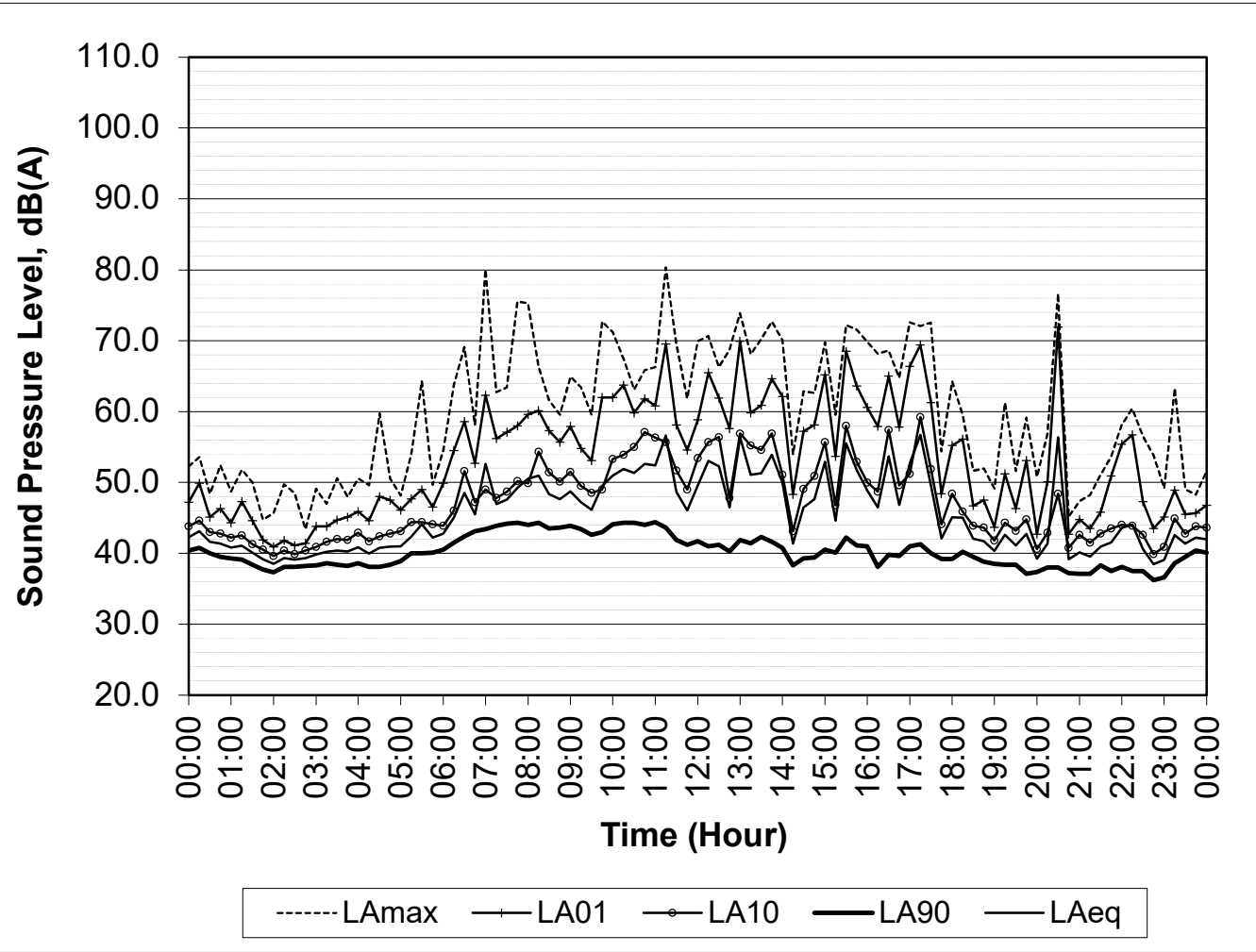
**Measurement Location** Unit 6, 18-20 Cremorne Road, Cremorne Point  
Roof Terrace

**Project Title** Proposed Use of Rooftop Terrace  
Unit 6, 18-20 Cremorne Road, Cremorne Point

**Measurement Date** Saturday, 27 April 2024

- Notes**
1. Tabulated  $L_{Aeq}$  are logarithmically averaged
  2. Tabulated  $L_{A01}$  and  $L_{A10}$  are arithmetically averaged
  3. Tabulated  $L_{A90}$  are the lowest 10-percentile levels

Time	Average Noise Level			
	$L_{Aeq}$	$L_{A01}$	$L_{A10}$	$L_{A90}$
00:00-01:00	41.8	46.4	43.2	39.4
01:00-02:00	39.8	43.7	41.0	37.4
02:00-03:00	39.4	42.0	40.4	38.1
03:00-04:00	40.4	44.9	42.1	38.3
04:00-05:00	40.7	46.6	42.5	38.1
05:00-06:00	42.9	48.3	44.2	40.0
06:00-07:00	49.0	57.0	48.5	41.8
07:00-08:00	48.8	57.7	49.2	43.9
08:00-09:00	49.1	57.8	51.8	43.5
09:00-10:00	48.8	58.0	50.1	42.7
10:00-11:00	52.1	61.5	55.6	44.1
11:00-12:00	52.2	60.3	52.5	41.4
12:00-13:00	53.3	63.7	54.2	40.5
13:00-14:00	51.8	61.9	54.5	41.0
14:00-15:00	48.9	57.2	49.7	38.6
15:00-16:00	51.9	61.6	51.9	40.4
16:00-17:00	51.1	61.8	51.7	38.6
17:00-18:00	51.8	58.6	50.9	39.2
18:00-19:00	42.6	48.5	43.8	38.6
19:00-20:00	41.6	48.3	43.2	37.2
20:00-21:00	50.7	52.4	43.7	37.1
21:00-22:00	41.6	48.9	43.0	37.2
22:00-23:00	41.1	48.2	41.8	36.3
23:00-24:00	42.0	46.7	43.8	38.9
Day	51.3	60.2	52.0	39.5
Evening	46.2	49.5	43.7	37.1
Night	43.0	46.4	42.3	36.5
$L_{Aeq,15hr}$	50.4			
$L_{Aeq,9hr}$	43.0			
$L_{Aeq,24hr}$	48.9			



**Measurement Location** Unit 6, 18-20 Cremorne Road, Cremorne Point  
Roof Terrace

**Project Title**

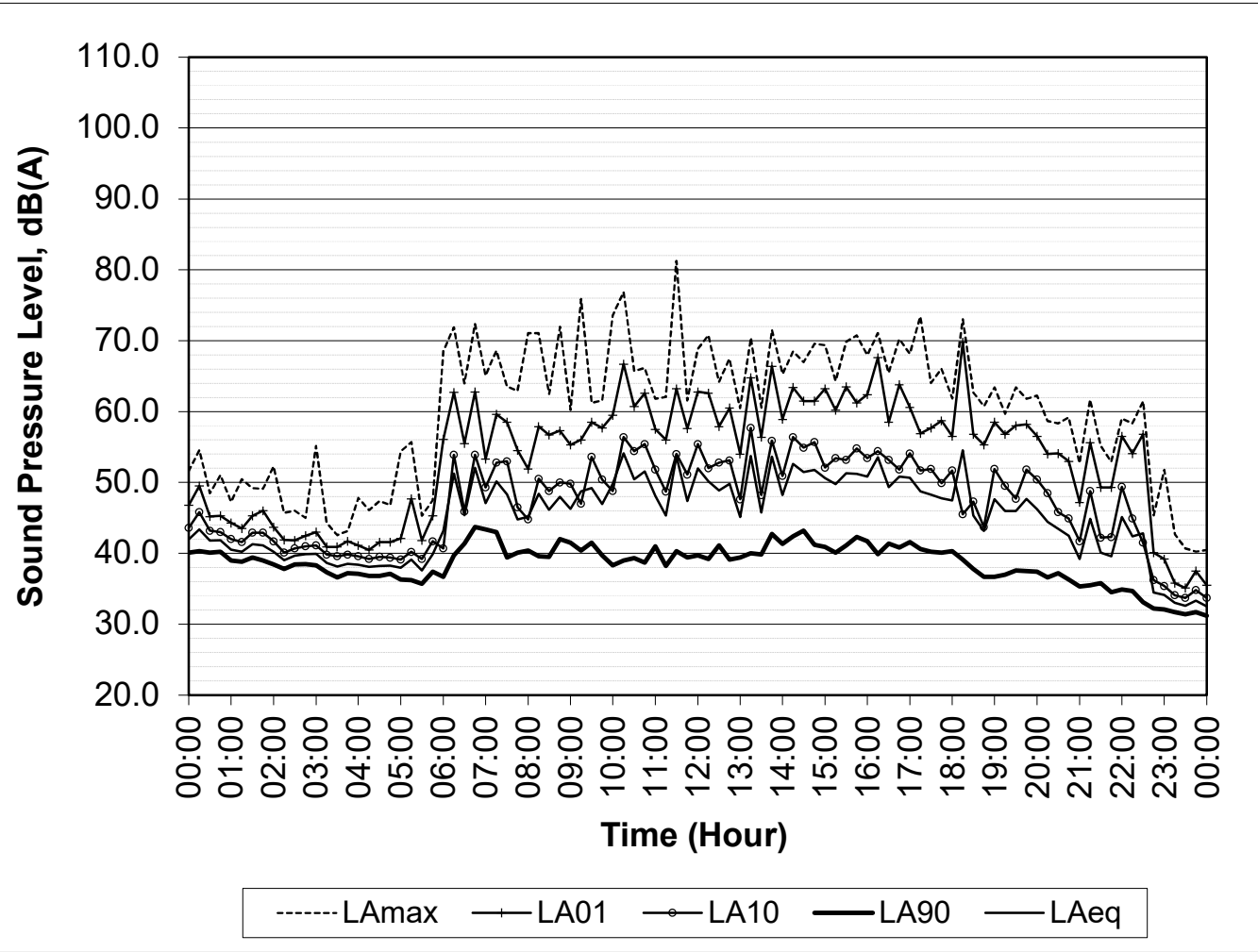
Proposed Use of Rooftop Terrace  
Unit 6, 18-20 Cremorne Road, Cremorne Point

**Measurement Date** Sunday, 28 April 2024

**Notes**

1. Tabulated  $L_{Aeq}$  are logarithmically averaged
2. Tabulated  $L_{A01}$  and  $L_{A10}$  are arithmetically averaged
3. Tabulated  $L_{A90}$  are the lowest 10-percentile levels

Time	Average Noise Level			
	$L_{Aeq}$	$L_{A01}$	$L_{A10}$	$L_{A90}$
00:00-01:00	42.0	46.1	43.5	39.3
01:00-02:00	40.7	44.6	42.3	38.5
02:00-03:00	39.6	42.3	40.7	38.0
03:00-04:00	38.4	41.2	39.7	36.8
04:00-05:00	38.1	41.5	39.3	36.5
05:00-06:00	40.5	47.7	40.5	35.9
06:00-07:00	49.8	58.6	50.8	40.2
07:00-08:00	47.7	56.1	49.3	39.6
08:00-09:00	47.3	56.8	49.8	39.5
09:00-10:00	48.8	57.9	50.0	38.7
10:00-11:00	51.6	61.9	54.5	38.8
11:00-12:00	50.8	59.9	52.3	38.6
12:00-13:00	48.9	58.8	51.4	39.1
13:00-14:00	51.6	61.6	53.2	39.9
14:00-15:00	51.7	62.4	54.8	41.0
15:00-16:00	50.8	61.8	53.7	40.4
16:00-17:00	51.4	62.6	53.4	40.2
17:00-18:00	48.1	57.5	51.3	40.1
18:00-19:00	50.0	60.1	47.1	36.7
19:00-20:00	46.5	57.4	49.9	37.1
20:00-21:00	42.8	52.1	45.2	35.6
21:00-22:00	43.1	52.7	45.7	34.6
22:00-23:00	40.2	47.6	39.5	32.1
23:00-24:00	32.9	36.0	34.1	31.3
Day	50.2	60.0	52.3	39.1
Evening	46.8	55.6	47.1	35.4
Night	42.0	43.9	39.8	31.3
$L_{Aeq,15hr}$		49.5		
$L_{Aeq,9hr}$		42.0		
$L_{Aeq,24hr}$		48.1		



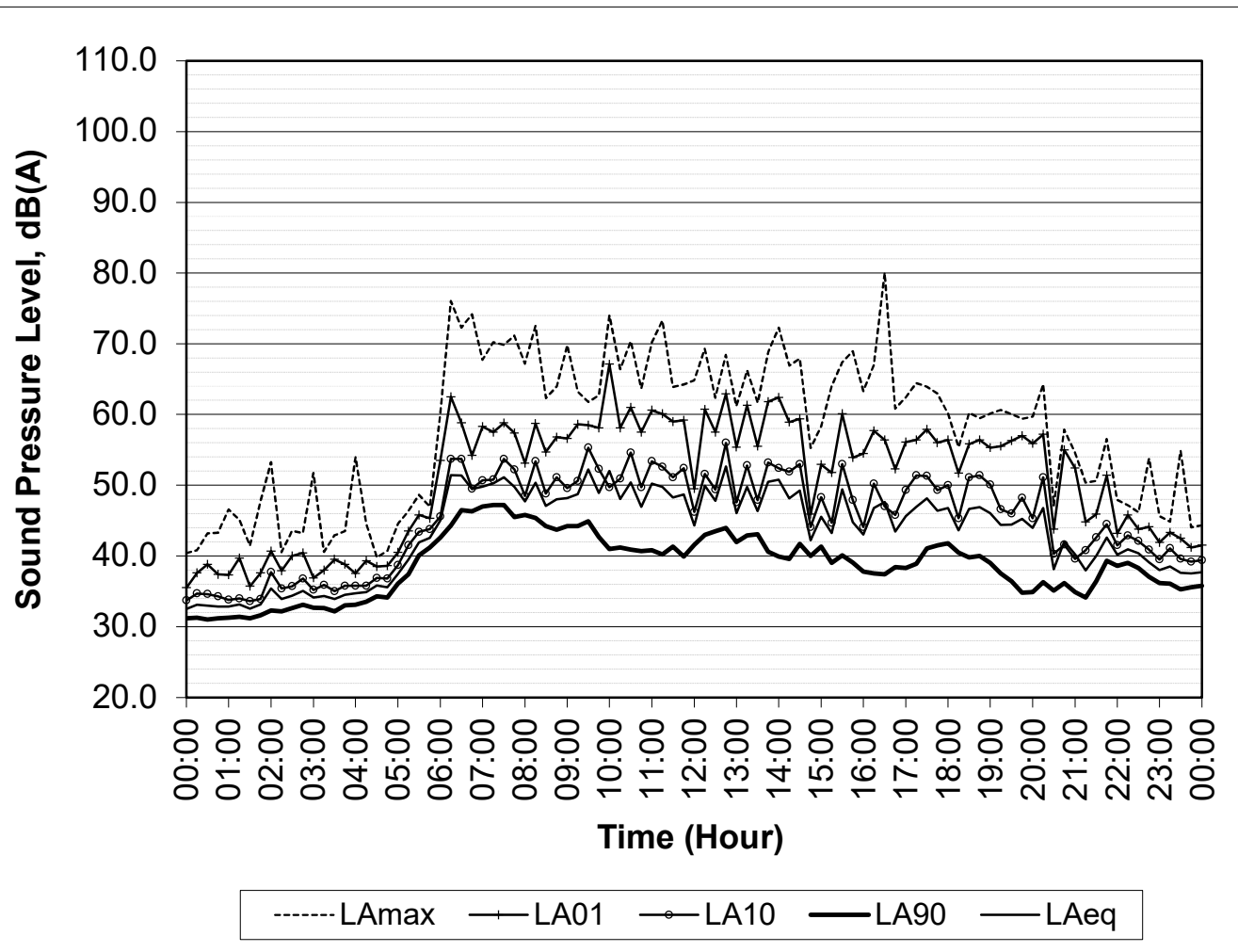
**Measurement Location** Unit 6, 18-20 Cremorne Road, Cremorne Point  
Roof Terrace

**Project Title** Proposed Use of Rooftop Terrace  
Unit 6, 18-20 Cremorne Road, Cremorne Point

**Measurement Date** Monday, 29 April 2024

- Notes**
1. Tabulated  $L_{Aeq}$  are logarithmically averaged
  2. Tabulated  $L_{A01}$  and  $L_{A10}$  are arithmetically averaged
  3. Tabulated  $L_{A90}$  are the lowest 10-percentile levels

Time	Average Noise Level			
	$L_{Aeq}$	$L_{A01}$	$L_{A10}$	$L_{A90}$
00:00-01:00	32.9	37.8	34.4	31.1
01:00-02:00	33.7	38.4	34.8	31.3
02:00-03:00	34.4	38.8	35.8	32.3
03:00-04:00	34.4	38.5	35.6	32.3
04:00-05:00	36.0	39.2	37.1	33.7
05:00-06:00	42.7	47.0	43.6	38.2
06:00-07:00	50.6	58.5	51.9	44.9
07:00-08:00	49.9	56.7	51.3	45.6
08:00-09:00	48.6	56.7	50.7	43.9
09:00-10:00	50.8	60.6	52.0	41.5
10:00-11:00	49.1	59.3	52.2	40.7
11:00-12:00	48.2	57.0	50.6	40.0
12:00-13:00	49.8	59.1	51.2	42.3
13:00-14:00	49.6	60.3	51.6	40.1
14:00-15:00	47.0	54.3	49.3	39.7
15:00-16:00	46.0	55.1	47.4	38.2
16:00-17:00	46.1	55.6	48.1	37.4
17:00-18:00	47.1	56.7	50.5	39.6
18:00-19:00	46.0	54.8	49.5	39.2
19:00-20:00	44.6	56.2	46.5	34.8
20:00-21:00	43.1	52.1	43.2	35.0
21:00-22:00	40.5	46.3	42.4	34.8
22:00-23:00	39.7	43.9	41.4	36.5
23:00-24:00	37.9	42.1	39.8	35.4
Day	48.7	57.4	50.5	38.6
Evening	44.3	53.2	45.9	34.9
Night	41.0	46.1	41.3	34.5
$L_{Aeq,15hr}$		47.9		
$L_{Aeq,9hr}$		41.0		
$L_{Aeq,24hr}$		46.6		



**Measurement Location** Unit 6, 18-20 Cremorne Road, Cremorne Point  
Roof Terrace

**Project Title**

Proposed Use of Rooftop Terrace  
Unit 6, 18-20 Cremorne Road, Cremorne Point

**Measurement Date** Tuesday, 30 April 2024

**Notes**

1. Tabulated  $L_{Aeq}$  are logarithmically averaged
2. Tabulated  $L_{A01}$  and  $L_{A10}$  are arithmetically averaged
3. Tabulated  $L_{A90}$  are the lowest 10-percentile levels

Time	Average Noise Level			
	$L_{Aeq}$	$L_{A01}$	$L_{A10}$	$L_{A90}$
00:00-01:00	38.9	45.5	40.7	34.7
01:00-02:00	38.9	46.0	40.2	34.3
02:00-03:00	37.1	43.3	38.4	34.4
03:00-04:00	41.2	48.7	42.3	34.4
04:00-05:00	40.4	48.8	42.1	36.3
05:00-06:00	41.4	47.0	41.7	38.0
06:00-07:00	48.7	52.8	46.3	41.2
07:00-08:00	55.8	58.5	50.6	44.4
08:00-09:00	49.0	55.3	49.3	43.7
09:00-10:00	47.1	55.2	48.1	42.7
10:00-11:00				
11:00-12:00				
12:00-13:00				
13:00-14:00				
14:00-15:00				
15:00-16:00				
16:00-17:00				
17:00-18:00				
18:00-19:00				
19:00-20:00				
20:00-21:00				
21:00-22:00				
22:00-23:00				
23:00-24:00				
Day				
Evening				
Night				
$L_{Aeq,15hr}$				
$L_{Aeq,9hr}$				
$L_{Aeq,24hr}$				

