

Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: DA66/23

Development: Partial demolition of heritage item and construction of part 4 and part 11 storey mixed use building comprising 8 studio units, 1 x 2 bed, 9 x 3 Bed and 16 x 4 bed and 18 x 5 bed units for a total of 52 units, 4 levels of basement parking containing 51 car parking spaces.

Site: 290 Pacific Highway, Crows Nest NSW 2065 (being the lands legally identified as Lot 1 in Deposited Plan 1279891).

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

Date of determination: 8 November 2024

Date from which consent takes effect: 8 November 2024

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as 290 Pacific Highway, Crows Nest NSW 2065 (being the land legally identified as Lot 1 in Deposited Plan 1279891).

The conditions of consent are as follows:

A. Conditions that identify Approved Plans**Development in Accordance with Plans/Documentation**

- A1. The development must be carried out in accordance with the following drawings and other documentation listed in the table to this clause, or cited by other conditions, and as amended by other conditions of this consent.

Plan No.	Revision	Description	Prepared by	Dated
DA-000	G	Cover Page	Fuse Architects	26/06/2024
DA-005	G	Site Plan	Fuse Architects	26/06/2024
DA-007	G	Concept Design Heritage sheet 1	Fuse Architects	26/06/2024
DA-008	G	Concept Design Heritage sheet 2	Fuse Architects	26/06/2024
DA-009	G	Demolition Plan Lower Ground	Fuse Architects	26/06/2024
DA-010	G	Demolition Ground Floor	Fuse Architects	26/06/2024
DA-011	G	Demolition Plan Level 01	Fuse Architects	26/06/2024
DA-012	G	Demolition Plan Level 2 (existing roof)	Fuse Architects	26/06/2024
DA-013	G	Existing Lower Ground and Ground Floor Plan	Fuse Architects	26/06/2024
DA-014	G	Existing Level 01 and Roof Plan	Fuse Architects	26/06/2024
DA-015	H	Heritage conservation Lower Ground and	Fuse Architects	09/09/2024

		Ground Floor Plan		
DA-016	H	Heritage conservation Ground Floor Mezz and Level 1 Plan	Fuse Architects	09/09/2024
DA-017	H	Heritage Conservation Roof Plan	Fuse Architects	09/09/2024
DA-101	H	Basement 04 Plan	Fuse Architects	09/09/2024
DA-102	H	Basement 03 Plan	Fuse Architects	09/09/2024
DA-103	H	Basement 02 Plan	Fuse Architects	09/09/2024
DA-104	H - WIP	Basement 01 Plan	Fuse Architects	WIP
DA-105	H	Lower Ground Plan	Fuse Architects	09/09/2024
DA-106	H	Ground Floor Plan	Fuse Architects	09/09/2024
DA-107	H	Ground Floor – Mezzanine Plan	Fuse Architects	09/09/2024
DA-108	H	Level 01 Plan	Fuse Architects	09/09/2024
DA-109	G	Level 02 Plan	Fuse Architects	26/06/2024
DA-110	G	Level 03 Plan	Fuse Architects	26/06/2024
DA-111	G	Level 04 – Level 10 Typical Plan	Fuse Architects	26/06/2024
DA-112	G	Level 11 Roof Terrace Plan	Fuse Architects	26/06/2024
DA-113	G	Lift Overrun Plan	Fuse Architects	26/06/2024

DA-201	I	East Elevation	Fuse Architects	13/09/2024
DA-202	G	West Elevation	Fuse Architects	26/06/2024
DA-203	H	South Elevation	Fuse Architects	09/09/2024
DA-204	G	North Elevation	Fuse Architects	09/09/2024
DA-301	H	Section AA	Fuse Architects	09/09/2024
DA-302	H	Section BB	Fuse Architects	09/09/2024
DA-303	H	Section CC	Fuse Architects	09/09/2024
DA-304	G	Section DD	Fuse Architects	26/06/2024
DA-305	H	Section FF	Fuse Architects	09/09/2024
DA-306	G	Section GG (Entry ramp)	Fuse Architects	26/06/2024
DA-307	G	Lightwell Section Detail	Fuse Architects	26/06/2024
DA-308	H	Section HH and II	Fuse Architects	09/09/2024
DA-401	G	Unit Types sheet 1	Fuse Architects	26/06/2024
DA-402	G	Unit Types sheet 2	Fuse Architects	26/06/2024
DA-403	G	Unit Types sheet 3	Fuse Architects	26/06/2024
DA-404	G	Unit Types sheet 4	Fuse Architects	26/06/2024
DA-405	G	Adaptable Unit types	Fuse Architects	26/06/2024

-	-	Materials and Finishes Schedule	Fuse Architects	
Landscape Plans				
-	-	Through Link & Private Terrace Lower Ground	Urbis	25.06.2024
-	-	Through Link Ground Floor	Urbis	25.06.2024
-	-	Private Terraces Level 2	Urbis	25.06.2024
-	-	Meadow Gardens Rooftop	Urbis	25.06.2024
-	-	Planting Strategy	Urbis	25.06.2024
501-PL	D	Planting Plan	Urbis	25.06.2024
503-PL	D	Planting Plan	Urbis	25.06.2024
505-PL	D	Planting Plan	Urbis	25.06.2024
Reports relied upon				
C21070	D	Stormwater Plans	CAM Consulting	02.07.2024
P0031525	D	Landscape Design Report	Urbis	25.06.2024
26003	Revision 1.1	Arboricultural Impact Assessment Report	Urban Tree Management	26.06.2024
214296.01	2	Preliminary Environmental Site Investigation Report	Environmental Consulting Services Pty Ltd	02.12.2021
Job No 8975-R14	6	Statement of Heritage Impact	Heritage 21	9 July 2024
Job No 8986-R15	6	Heritage Management Document	Heritage 21	06.09.2024

Job No 8986H-R1	2	Schedule of Conservation Works	Heritage 21	9 July 2024
C21009- NCC-r5 2022	5	BCA Assessment Report	Credwell Consulting	09.07.2024
SRE/1032/ CN/22	1	Geotechnical Site investigation Report	soilsrock	8/7/2024
210023.02 DB	-	Green Travel Plan	McLaren Traffic Engineering	16.08.2024
21SYA000 1 R01_3	3	Environmental Noise Assessment	ttm	06.06.2024
C21009- Access-r5 2022	5	Access Report	Credwell Consulting	09.07.2024
210023.01 FC	C	Traffic and Parking Impact Assessment	McLaren Traffic Engineering	03.07.2024
-	1.2	Waste Management Plan	MRA Consulting Group	11/09/2024
-	-	Waste Collection Arrangement	MRA Consulting Group	11/09/2024
230564.07 DA		Loading Dock Management Plan	McLaren Traffic	05/09/2024
D2314/WR PTDA/R2	01	Wind Report	ALJ Engineering Pty Ltd	15 June 2024
C21070	B	Structural Engineering Plans	CAM Consulting	11/09/2024
-	-	Letter of offer to enter into planning Agreement	Holding Redlich	06.09.2024

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Note: An inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

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

Plans on Site

- A2. A copy of all plans, specifications and documents (including the plans, specifications and documents submitted and approved with the relevant Construction Certificate) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifier.

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

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

No Demolition of Extra Fabric

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

(Reason: To ensure compliance with the approved development)

External Finishes and Materials

- A4. External finishes and materials must be in accordance with the Material and Finishes Plan prepared by Fuse Architects unless otherwise modified by Council in writing or by condition.

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

The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

Signage

- A5 The development consent does not approve the erection of any signage. A separate development consent or complying development certificate must be obtained for the erection of any signage, unless the proposed signage is exempt development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or any other applicable environmental planning instrument.

(Reason: To ensure appropriate forms of signage that are consistent with controls and those that are desired for the locality, and do not interfere with amenity of nearby properties)

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

TfNSW Conditions

- C1. The following conditions from TfNSW shall apply:

1. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2020/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to development.sydney@transport.nsw.gov.au.

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

2. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system that impact upon the Pacific Highway are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@transport.nsw.gov.au.

A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued.

3. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on the Pacific Highway during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

(Reason: Compliance with TfNSW Requirements)

Documentation of Conservation Works

- C2. All conservation works documented in the Schedule of Conservation Works and Heritage Management document are to be shown in detail on the Construction Certificate documents. The project Heritage Architect is to provide written confirmation that the entirety of the conservation works is detailed in the Construction Certificate Documents.

Reason: To ensure that all matters relating to conservation works are shown and detailed on the construction drawings)

Dilapidation Report Damage to Public Infrastructure

- C3. A dilapidation survey and report (including photographic record) must be prepared by a suitably qualified consultant which details the pre-developed condition of the existing public infrastructure in the vicinity of the development site. Particular attention must be paid to accurately recording any pre-developed damaged areas so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development. A copy of the dilapidation survey and report is to be submitted to the Principal Certifier

for approval prior to the issue of a Construction Certificate for the excavation of the basement.

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

The developer shall bear the cost of carrying out works to restore all public infrastructure damaged as a result of the carrying out of the development, and no occupation of the development shall occur until damage caused as a result of the carrying out of the development is rectified (unless the Council otherwise agrees).

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

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

Dilapidation Report Private Property (Excavation)

- C4. A full dilapidation survey and report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavations must be submitted to the Principal Certifier for approval prior to the issue of a Construction Certificate for the excavation of the basement, except as provided below. The zone of influence is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.

The dilapidation report and survey are to be prepared by a consulting structural/geotechnical engineer and a copy to be given to the owner of any affected adjoining property.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, it must be demonstrated, in writing, to the satisfaction of Council that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

Written concurrence must be obtained from Council's Manager Development Services in such circumstances, confirming that they are satisfied that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

Note: This documentation is for record keeping purposes only, and may be used by the developer or affected property owners to assist in any action required to resolve dispute(s) over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible.

(Reason: To record the condition of property/ies prior to the commencement of any works or construction)

Dilapidation Survey Private Property (Neighbouring Buildings)

- C5. A photographic survey and dilapidation report of adjoining properties 270 Pacific Highway, 300 Pacific Highway, 77 Sinclair Street and 99 Shirely Road is to be provided

The photographic survey and dilapidation report is to detail the physical condition of those properties, both internally and externally, including, but not limited to, such items as walls, ceilings, roof, structural members and other similar items, MUST BE submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate for the excavation of the basement. The survey and report are to be prepared by an appropriately qualified person and a copy to be given to the owner of the adjoining property. A copy of the report is to be provided to Council, if Council is not the Principal Certifier, prior to the issue of any Construction Certificate for the excavation of the basement.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, it must be demonstrated, in writing, to the satisfaction of Council that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

Written concurrence must be obtained from Council's Manager Development Services in such circumstances, confirming that they are satisfied that all

reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

Note: This documentation is for record keeping purposes only and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible.

(Reason: Proper management of records)

Shoring for Adjoining Property

- C6. Where any shoring for excavation is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings certified as being adequate for their intended purpose by an appropriately qualified and practising structural engineer, showing all details, including the extent of encroachment and the method of removal and de-stressing of shoring elements, must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. A copy of this documentation must be provided to the Council for record purposes.

Note: Approval of engineering drawings for shoring works to be located on adjoining property by the Principal Certifier does not authorise a trespass on private or public land. All relevant permissions/ legal rights must be obtained to undertake any works on adjoining land.

(Reason: To ensure the protection of existing public infrastructure and adjoining properties)

Structural Adequacy of Adjoining Properties – Excavation Works

- C7. A report prepared by an appropriately qualified and practising structural engineer detailing the structural adequacy of the following adjoining properties No's. 270 Pacific Highway, 300 Pacific Highway, 77 Sinclair Street and 99 Shirley Road is to be provided.

The report is to certify their ability to withstand the proposed excavation and outlines any measures required to be implemented to ensure that no damage will occur to adjoining properties during the course of the works, must be submitted to the Principal Certifier for approval prior to the issue of the relevant

Construction Certificate. The measures outlined in the approved report must be complied with at all times.

(Reason: To ensure the protection and structural integrity of adjoining properties in close proximity during excavation works)

Structural Adequacy of Existing Building

C8. A report prepared by an appropriately qualified and practising structural engineer, certifying the structural adequacy of any existing building(s) (including parts of buildings) on the property which are not proposed to be demolished under this development consent, and its ability to withstand the proposed additional, or altered structural loads during all stages of construction shall be submitted to the Principal Certifier for approval prior to issue of any Construction Certificate. The certified report must also include all details of the methodology to be employed in construction phases to achieve the above requirements. The methodology in the certified report must be complied with at all times.

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

Construction Management Program – North Sydney Council Traffic & Transport Operations Division Approval

C9. A Construction Management Program prepared by a suitably qualified and experienced traffic consultant must be submitted and approved in writing by North Sydney Council's Traffic Division prior to the issue of any Construction Certificate. Any use of Council property will require appropriate approvals prior to any work commencing. At a minimum, the Construction Management Program must specifically address the following matters:

- a) A plan view (min 1:100 scale) of the entire site and frontage roadways indicating:
 - i. Dedicated temporary construction site driveway entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways and footways;
 - ii. The proposed signage for pedestrian management to comply with the relevant Australian Standards, including pram ramps;
 - iii. Turning areas within the site for construction and spoil removal

- vehicles, allowing a forward egress for all construction vehicles on the site;
- iv. The locations of any proposed Work Zones in the frontage roadways (to be approved by Council's Traffic Committee);
 - v. Locations of hoardings proposed;
 - vi. Location of any proposed crane standing areas;
 - vii. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
 - viii. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected; and
 - ix. The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
- b) A detailed heavy vehicle access route map through the Council area to Arterial Roads. Provision is to be made to ensure through traffic is maintained at all times.
- c) The proposed phases of works on the site, and the expected duration of each phase.
- d) How access to neighbouring properties will be maintained at all times and the proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of process.
- e) The road is not to be used as a waiting area for trucks delivering to or awaiting pick up of materials.
- f) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising structural engineer and must not involve any permanent or temporary encroachment onto Council's property or private land.
- g) Proposed protection for Council and adjoining properties. Details are to include site fencing and the provision of "B" class hoardings over footpaths and laneways.
- h) A Waste Management Plan. The Waste Management Plan must include, but not be limited to, the estimated volume of waste and method of disposal for the construction and operation phases of the development, design of on-site waste storage and recycling area and administrative

arrangements for waste and recycling management during the construction process.

All traffic control work and excavation, demolition and construction activities must be undertaken in accordance with the approved Construction Management Program and any conditions attached to the approved Program. A certificate that the Construction Management Program is satisfactory to the Council under this condition must be obtained from Council's nominated Traffic and Transport engineer prior to the commencement of demolition work or the issue a Construction Certificate.

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

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

Notes:

- 1) North Sydney Council's adopted fee for certification of compliance with this condition shall be payable on lodgement, or in any event, prior to the issue of the relevant approval.
- 2) Any use of Council property will require appropriate approvals and demonstration of liability insurances prior to such work commencing.
- 3) Failure to provide complete and detailed information may result in delays. It is recommended that your Construction Management Plan be lodged with Council as early as possible, as **a minimum six (6) weeks assessment period** is required.
- 4) Dependent on the circumstances of the site, Council may request additional information to that detailed above.

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

Geotechnical Report

- C10. Prior to issue of any Construction Certificate for excavation of the basement a Geotechnical/Civil Engineering report must be prepared which addresses at a

minimum (but is not limited to) the following:

- a) the type and extent of substrata formations by the provision of a minimum of four (4) representative bore hole logs which are to provide a full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs must be related to Australian Height Datum;
- b) the appropriate means of excavation/shoring in light of point (a) above and proximity to adjacent property and structures. Potential vibration caused by method of excavation and potential settlements affecting nearby footings/foundations must be discussed and mechanisms to ameliorate any such impacts recommended;
- c) the proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property, structures and road reserve if nearby (full support must be provided within the subject site);
- d) the existing groundwater levels in relation to the basement structure, where influenced;
- e) the drawdown effects on adjacent properties (including road reserve), if any, the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater. Where it is considered there is the potential for the development to create a “dam” for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path is constructed, artificial drains such as perimeter drains and through drainage may be utilised; and
- f) recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

The geotechnical report must be prepared by an appropriately qualified consulting geotechnical/ hydrogeological engineer with previous experience in such investigations and reporting.

It is the responsibility of the consulting geotechnical/ hydrological specialist to undertake the appropriate investigations, reporting and specialist recommendations to ensure a reasonable level of protection to adjacent property and structures both during and after construction. The report must contain site-specific geotechnical recommendations and shall specify the necessary hold/inspection points by relevant professionals as appropriate.

The design principles for the geotechnical report are as follows:

- a) no ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure;
- b) no changes to the ground water level are to occur as a result of the development that are sufficient enough to cause an adverse impact to the surrounding property and infrastructure;
- c) no changes to the groundwater level are to occur during the construction of the development that are sufficient enough to cause an adverse impact to the surrounding property and infrastructure;
- d) vibration is to be minimised or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development;
- e) appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these Design Principles; and
- f) an adverse impact can be assumed to be crack damage as identified within the relevant Australian Standard for determining such damage.

The report, satisfying the requirements of this condition, must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate for excavation of the basement.

The professional recommendations, implementation program, monitoring program, mitigation measures and the like contained in the report must be implemented in full during the relevant stages of excavation and construction.

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

Sediment Control

C11. Where construction or excavation activity requires the disturbance of the soil surface or existing vegetation, erosion and sediment control techniques, as a minimum, are to be in accordance with the publication *Managing Urban Stormwater: Soils and Construction* (4th Edition, Landcom, 2004) commonly referred to as the “Blue Book” or a suitable and effective alternative method.

An Erosion and Sediment Control Plan must be prepared and submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate and prior to any works (other than investigatory works or pre-construction works, other than demolition) commencing. The Erosion and Sediment Control Plan must be consistent with the Blue Book and disclose:

- a) All details of drainage to protect and drain the site during the relevant demolition or construction processes;
- b) All sediment control devices, barriers and the like;
- c) Sedimentation tanks, ponds or the like;
- d) Covering materials and methods; and
- e) A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.
- f) Methods for the temporary and controlled disposal of stormwater during demolition or construction (as applicable).

All works (other than investigatory works or pre-construction works, other than demolition) must be undertaken in accordance with the approved Sediment Control plan.

The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

Communal Open Space

C12. A Plan of Management (POM) for use of the rooftop communal open space must be submitted to and approved by the Principal Certifier (PC) prior to the issue of any Construction Certificate, with a copy stamped as received by the PC provided to Council. The POM must outline the:

- hours of use of the rooftop communal open space which shall be restricted to between 8am to 10pm;
- maximum number of 50 users at any one time;
- provisions that no amplified music to be played; and
- identify other measures to ensure that the amenity and safety of persons within the development and in nearby existing and future development is maintained.
- Location and type of signage to be installed in the building to notify residents and visitors in respect to the use of this space.
- The approved POM shall be incorporated into the Owners Corporation by-laws in any future Strata subdivision and a sign in the front entry of the building shall be included to ensure the use of this space is monitored and understood by all occupants.

The development must be carried out in accordance with this POM at all times.

(Reason: To ensure residential amenity is maintained and noise impacts are minimised)

EV vehicle charging spaces

C13. An EV Plan of Management (POM) for use of the EV vehicle charging stations must be submitted to and approved by the Principal Certifier prior to the issue of any Occupation Certificate.

The proposed measures within the EV POM shall include, but not be limited to, the following:

- The EV charging spaces are to be solely used as EV charging spaces and are not to be used as additional private car parking spaces.

- The EV charging spaces are to solely be used by residents or tenants of the development that are designated with an on-site parking space. Use of the EV charging spaces by any other motorists shall be strictly prohibited.
- Once charging has concluded, motorists shall be required to promptly move their vehicle and either park within their designated on-site parking space or be required to depart the site.
- The required signage and linemarking arrangements to be installed within each EV charging space. The signage shall clearly identify that the spaces are only for use by 'electric vehicles while charging only'. The signage shall specify maximum parking duration having regard to the reasonable charging times and requirements for EVs which are likely to be used by residents or tenants of the development, and the likely demand and need for the charging spaces by the residents and tenants.
- The approved POM shall be incorporated in the owners corporation by-laws in any future strata subdivision.

The development must be carried out in accordance with this EV POM at all times.

(Reason: To ensure residential amenity is maintained and use of the EV chargers is appropriately restricted to residents or tenants of the development that are provided with an on-site parking space).

Waste Management Plan

C14. A Waste Management Plan is to be submitted for approval by the Principal Certifier prior to the issue of any Construction Certificate. The plan must include, but not be limited to:

- a) The estimated volume of waste and method of disposal for the construction and operation phases of the development;
- b) The design of the on-site waste storage and recycling area; and
- c) Administrative arrangements for waste and recycling management during the construction process.

The approved Waste Management Plan must be complied with at all times in the carrying out of the development.

(Reason: To encourage the minimisation of waste and recycling of building waste)

Heritage Architect to be commissioned

- C15. An appropriately qualified and experienced heritage architect must be commissioned to assist the design development, contract documentation and overseeing of construction works on the site for their duration by undertaking regular inspections of the works in progress and providing advice in relation to heritage matters

An appropriately qualified and experienced heritage architect must be commissioned to assist the design development, contract documentation and overseeing of construction works on the site for their duration by undertaking regular inspections of the works in progress and providing advice in relation to heritage matters.

Written details of the engagement of the experienced heritage architect must be submitted to the Principal Certifier prior to the issue of any Construction Certificate.

Note: if advice provided by the heritage architect is to the effect that works requiring development consent be carried out, such works would require a Modification under s 4.56 of the *Environmental Planning and Assessment Act 1979* or further development application. This condition, and any advice given by the heritage architect, should not be construed as authorising the carrying of development with/ otherwise than in accordance with the development consent.

Reason: To ensure that all matters relating to significant fabric and spaces are resolved and recorded using best practice for heritage conservation)

Dewatering Management Plan

- C16. A Dewatering Management Plan prepared by a suitably qualified environmental consultant must be submitted for approval by the Principal Certifier prior to the issue of any Construction Certificate. The plan must be developed in accordance with Managing Urban Stormwater: Soils and Construction 2004 and include, but not be limited to the following details:

- a) De-watering technique and proposed discharge point
- b) Anticipated dewatering flow rate and total dewatering duration
- c) Controls (e.g. settling tank, silt curtain, flocculation) and method of discharge
- d) Measures and techniques to manage noise, vibration and odour issues.
- e) Measures and techniques to manage geotechnical stability issues

- f) Contingency plan in case of emergency situations
- g) Outline analysis/testing that has been undertaken and how that water quality measures against with 95% protection level trigger values for south-east Australian marine water ecosystems and secondary recreational water as included in the ANZECC (Australian and New Zealand Environmental Conservation Council) Australian and New Zealand Guidelines for Fresh and Marine Water Quality Guidelines 2000.
- h) Confirmation that testing to be carried out by a suitably qualified environmental consultant
- i) Require records of water sample testing to be kept and be available on site, confirming that the water quality released meets the above-mentioned guidelines. All records must be signed by the engaged suitably qualified environmental consultant
- j) Stipulation that the release of water into Council's Stormwater system is to halt immediately where water quality does not meet discharge criteria.
- k) confirmation that testing to be carried out by a suitably qualified environmental consultant
- l) contact details of the engaged suitably qualified environmental consultant

All works must be undertaken in accordance with the approved Dewatering Management plan.

(Reason: To protect the environment from the effects of pollution from development sites)

Reflectivity Glazing

C17. The glazing for windows, walls or roof finishes of the approved development must be factory pre-finished with low glare and reflectivity properties. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

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

Roofing Materials - Reflectivity

- C18. Roofing materials must be factory pre-finished with low glare and reflectivity properties to be compatible with the colours of neighbouring buildings. The selected roofing material must not cause a glare nuisance or excessive reflectivity to adjoining or nearby properties. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

No External Service Ducts

- C19. Service ducts must be provided within the new building to keep external walls free of plumbing, drainage or any other utility installations. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure quality built form of the development)

Work Zone

- C20. If a Work Zone is required a Work Zone permit is to be obtained from Council prior to the issue of the relevant Construction Certificate.

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

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

Committee and submit a copy of this to the Principal Certifier to enable issue of the relevant Construction Certificate.

Where approval of the 'Work Zone' is given by the Committee, the requirements of the Committee, including installation of the necessary 'Work Zone' signage and payment of any fees, must occur prior to commencement of any works on the site. Further, at the expiration of the Work Zone approval, the developer is required to remove the Work Zone signs and reinstate any previous signs, all at the developer's cost. The requirements imposed by the Committee on the Work Zone permit (or permits) must be complied with at all times.

(Reason: Amenity and convenience during construction)

Maintain Property Boundary Alignment Levels

- C21. Except where otherwise approved by Council, the property boundary alignment levels must match the levels which existed prior to the commencement of works. Plans and specifications which document existing and proposed levels adjacent to the site boundaries and which comply with the requirements of this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

Bicycle Storage and Parking

- C22. The bicycle storage area must accommodate a minimum of **76 bicycles including 52 spaces for residents, six spaces for residential visitors, 13 for business occupants and five for business visitors**. The bicycle parking shall be designed in accordance with the applicable Australian Standards. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier must ensure that the building plans and specifications, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To promote and provide facilities for alternative forms of transport)

Staff Shower and Change Facilities (Commercial and Mixed-Use)

- C23. Shower and change facilities shall be provided and made accessible without charge to staff who work in the building. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To promote and provide facilities for alternative forms of transport)

Design Certification – Parking

- C24. A detailed “design” certificate from an experienced and qualified traffic engineer with tertiary qualifications is to be submitted to and approved by the Principal Certifier prior to the issue of a construction certificate confirming the following:
- a) The car parking layout associated with the development (including, driveway grades, headroom clearance turn paths, aisle widths, aisle lengths and parking bay dimensions) shall be in accordance with AS2890.1:2004 and AS2890.6:2022.
 - b) Bicycle parking associated with the development is provided in accordance with AS2890.3 design requirements.
 - c) Driveway access complies with Figure 3.3 of AS2890.1:2004 minimum sight lines for pedestrian safety.
 - d) All vehicles shall enter and exit the premises in a forward direction;
 - e) Confirmation that the plans provide for the following allocation of parking facilities:
 - i. A maximum of 46 car parking spaces for residential apartments
 - ii. A maximum of 3 car parking spaces for the commercial premises.
 - iii. A maximum of 2 car parking spaces for the retail premises.

- iv. 76 bicycle spaces including 52 spaces for residents, six spaces for residential visitors, 13 for business occupants and five for business visitors.
 - v. Six motorcycle parking spaces.
- f) A minimum of 2.5m headroom within disabled car parking spaces in accordance with AS2890.6:2022 design requirements and a minimum of 2.2m in all other areas in accordance with AS2890.1:2004 design requirements.

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

(Reason: To ensure compliance with relevant standards)

Accessible Parking Spaces to be Provided

- C25. A total of thirteen (13) accessible parking spaces shall be provided as part of the total car-parking requirements, which is to include 11 spaces for residential apartments, one space for the retail premises and one space for the commercial premises. Consideration must be given to the means of access from the car-parking spaces to adjacent buildings, to other areas within the building and to footpath and roads. All details shall be prepared in consideration of, and construction completed in accordance with applicable Australian Standards to achieve compliance with the Disability Discrimination Act. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

(Reason: To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with Federal legislation)

Basement Car Park to Comply with Relevant Standards

- C26. The basement layout must comply with all requirements of Australian Standard AS2890.1-2004. Certification from a suitably qualified and practicing Civil Engineer that the basement design will comply with the requirements of the Australian Standard must be provided to the Principal Certifier for approval prior to issue of the relevant Construction Certificate.

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

Loading Dock to Comply with Relevant Standards

C27. The development must accommodate appropriate on-site loading facilities including a minimum of one (1) Medium Rigid Vehicle (MRV) bay, two (2) Small Rigid Vehicle (SRV) bays and two (2) bays suitable for vans and be designed to comply with all requirements of Australian Standards AS 2890.1-2004 and AS2890.2-2018. Certification from a suitably qualified and practicing Civil Engineer that the loading dock design will comply with the requirements of the Australian Standards must be provided to the Principal Certifier for approval prior to issue of the relevant Construction Certificate.

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

Required Infrastructure Works - Roads Act 1993

C28. Prior to issue of any Construction Certificate engineering design plans and specifications must be prepared by a qualified civil design engineer. The plans and specifications must be to a detail suitable for construction issue purposes and must provide detail and specification for the following infrastructure works to be completed as part of the development:

Road Works

- a) Full frontage footpath paver reconstruction in Pacific Highway, is required, in accordance with the current Public Domain Style manual for the Village Centres and Activity Strips. Full frontage concrete kerb/gutter and one lane width road shoulder reconstruction from the gutter lip in AC10 - 50 mm thick will be required in Pacific Hwy frontage. A longitudinal section is required along the footpath property boundary and along the gutter line at a scale of 1:50 extending 5m past the property boundary line. The footpath shall be designed (at a single straight grade of approx. 3% falling to the top of the kerb) so that it is uniform without showing signs of dipping or rising particularly at entrances.
- b) Full frontage concrete kerb/gutter, concrete footpath, grass verge and 600mm wide road shoulder reconstruction from the gutter lip in AC10 - 50mm thick, including removal of redundant laybacks and crossovers will be required in Sinclair Street frontage, in accordance with the current Public Domain Style manual for the Local/Residential area. A longitudinal section is required along the footpath property boundary and along the gutter line at a scale of 1:50 extending 5m past the property boundary line. The footpath shall be designed (at a single straight grade of approx. 3% falling to the grass verge) so that it is uniform without

showing signs of dipping or rising particularly at entrances

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

Drainage Works

Connection of the site stormwater system must be made directly to a newly constructed extended kerb inlet pit (with a 1.8 m lintel and class D galvanised grate), to front the site on Sinclair Street. To accommodate this requirement, the following drainage infrastructure works must be carried out on Council property at the Applicants expense:

- d) Construction of a new extended kerb inlet pit (1.8m lintel and class D galvanised grate) fronting the subject site in Sinclair Street. The pit must be constructed in accordance with Councils "Infrastructure Specification for Roadworks, Drainage and Miscellaneous Works
- e) Construction of a new in-ground drainage line under the kerb and gutter at standard depth. The line must connect the new kerb inlet pit to the existing Council pit located downstream of the site (in front of 51 Sinclair Street). The pipes within the road reserve are to be reinforced concrete class 2 with a minimum 375mm diameter and have bedding in accordance with Australian Standard AS 3725 – (Loads on buried concrete pipes). The developer shall be responsible for carrying out any service investigations to allow a gravity connection

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

The Principal Certifier must not issue a Construction Certificate—unless all necessary approvals under section 138 of the Roads Act 1993 have been given.

The required plans and specifications are to be designed in accordance with North Sydney Council's current documents Infrastructure Specification for Road Works, Drainage and Miscellaneous Works and Performance Guide for Engineering Design and Construction. The drawings must detail existing utility

services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works.

A detailed survey must be undertaken as required. Traffic management is to be certified on the drawings as being in accordance with the documents SAA HB81.1 - 1996 - Field Guide for Traffic Control at Works on Roads - Part 1 and RMS Traffic Control at Work Sites (1998).

Construction of the works must proceed only in accordance with any conditions attached to the Council Roads Act 1993 approval.

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

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

Splay Corners

C29. For the purposes of improving sight distance, the vehicular access must have sight lines for pedestrian safety in accordance with figure 3.2 of AS2890.1-2004. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: Public amenity and safety and appropriate sight distance)

Allocation of Parking

C30. The number of car parking spaces to be provided for the development shall comply with the table below:

Car Parking Type	Maximum Number of Spaces
Residential apartments	46 spaces including eleven (11) accessible spaces.
Commercial premises	3 spaces including one (1) accessible space.
Retail premises	2 spaces including one (1) accessible space

Details confirming the parking numbers shall be submitted to the satisfaction of the Principal Certifier prior to the issue of the relevant Construction Certificate.

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

Obtain Driveway Crossing Permit under S.138 Roads Act 1993ot

C31. A driveway crossing and roads infrastructure works permit to suit the approved off-street parking facilities must be granted by the Council prior to the issue of any Construction Certificate. In order to obtain a permit under S.138 of the Roads Act 1993, an application must be made to Council on the 'Vehicular Access Application' form with payment of the adopted assessment/inspection fees. Council will require civil design construction drawings and certification from the applicant's Civil Engineer to verify design details and enable issue of the permit. The requirements of the permit must be complied with at all times.

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

- a) the vehicular access way must comply with AS 2890.1 and Council's current Vehicular Access Application Guidelines and Specification (gutter bridges not permitted) to ensure that a B85 vehicle will not scrape/strike the surface of the carriageway, layback, vehicular crossing or parking floor;
- b) the redundant layback crossing must be reinstated as a kerb gutter and footpath
- c) the width of the vehicular layback accessed from Sinclair Street must be 7.0 metres (including the wings), vehicular layback is not permitted from the pacific highway
- d) the vehicular crossover must be set square to the kerb,

- e) the crossing (between the layback and the property boundary) must be placed on a single straight grade of approximately 4.5%, falling to the back of the layback,
- f) the gutter levels and boundary footpath levels must match the existing levels and shall not be altered;
- g) any twisting of driveway access must occur entirely within the subject property;
- h) all inspection openings, utility services must be adjusted to match the proposed driveway levels;
- i) sections along centre-line and extremities are required at a scale of 1:50 to be taken from the centre-line of the roadway through to the parking area itself and must include all changes of grade and levels both existing and proposed;
- j) a longitudinal section along the gutter line at a scale of 1:50 showing how it is intended to blend the vehicular crossing with the existing kerb and gutter;
- k) a longitudinal section along the footpath property boundary at a scale of 1:50 is required;
- l) the sections must show the calculated clearance to the underside of any overhead structure;
- m) all details of internal ramps between parking levels; and
- n) a swept path analysis is required demonstrating that an 85th percentile vehicle can manoeuvre in and out of the garage spaces in accordance with AS 2890.1 2004 "Off Street Parking".

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

All driveway and infrastructure works on the road reserve must be undertaken in accordance with the terms of the permit issued by Council. Inspections by

Council will be required as specified. The Principal Certifier issuing a Construction Certificate must ensure that the permit issued by Council is obtained and referenced on and accompanies the Construction Certificate issued.

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

Stormwater Management and Disposal Design Plan - Construction Issue Detail

C32. Prior to issue of any Construction Certificate, a site drainage management plan must be prepared by a qualified drainage design engineer. The site drainage management plan must detail the following requirements of North Sydney Council:

- a) compliance with NCC drainage requirements, Council's Engineering Performance guide and current Australian Standards and guidelines, including the Plumbing Code of Australia;
- b) stormwater runoff and subsoil drainage generated by the approved development must be discharged directly to the newly constructed extended kerb inlet pit with 1.8m lintel in Sinclair Street;
- c) the stormwater drainage system shall be designed for an average recurrence interval (A.R.I) of 1 in 20 years.
- d) all redundant stormwater pipelines within the footpath area shall be removed and the footpath and kerb shall be reinstated
- e) pipeline within the footpath area shall be a hot-dipped galvanised steel hollow section with a minimum wall thickness of 4.0 millimetres and a section height of 100 millimetres, if a minimum top cover of 300 millimetres is not achieved
- f) the design and installation of the rainwater tank(s) must comply with BASIX and Sydney Water requirements. Overflow from the tank(s) shall be connected by gravity to the stormwater disposal system
- g) any proposed fence/building structure is to be constructed so as not to impede the natural overland flow, and.

- h) provision is to be made for the collection and disposal in an approved manner of any overland flow entering the subject property or concentrated as a result of the proposed works.
- i) surface inlet pits shall be located to catch surface flows and shall be provided at all pipe junctions, changes in pipe direction exceeding 45 degrees, prior to connection to the public drainage system and shall be of sufficient size to accept the flow.
- j) all sub-soil seepage drainage shall be discharged via a suitable silt arrester pit. Details of all plans certified as being adequate for their intended purpose and compliant with the provisions of AS3500.3.2 by an appropriately qualified and practising civil engineer shall be submitted with the application for a Construction Certificate.
- k) prevent any stormwater egress into adjacent properties by creating physical barriers and surface drainage interception.
- l) provide subsoil drainage to all necessary areas with pump out facilities as required.

A site drainage management plan which complies with this condition must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

On-Site Stormwater Detention

- C33. On site detention must be provided to ensure that the maximum discharge of stormwater collected from the undeveloped site, which would occur during a 1 in 5- year storm of 1-hour duration is not exceeded. All other stormwater run-off from the site for all storms up to a 1 in 20-year storm event is to be retained on the site for gradual release to the kerb and gutter or piped drainage system. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur

For small areas up to 0.5 hectares, determination of the require cumulative storage may be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Runoff Volume 1, 1987 Edition.

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

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

Pump-out System Design for Stormwater Disposal

C34. The design of the pump-out system for stormwater disposal will be permitted for drainage of basement areas only, and must be designed in accordance with the following criteria:

- a) the pump system shall consist of two pumps, connected in parallel, with each pump being capable of emptying the holding tank at the rate equal to the rate of inflow for the one-hour duration storm. The holding tank shall be capable of holding one hour's runoff from a one-hour duration storm of the one-in-twenty-year storm;
- b) the pump system shall be regularly maintained and serviced, every six (6) months; and
- c) any drainage disposal to the street gutter from a pump system, must have a stilling sump provided at the property line, connected to the street gutter by a suitable gravity line.

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

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

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

C35. Prior to the issue of any Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of **\$155,000.00** to be held by Council for the payment of cost for any/all of the following:

- a) making good any damage caused to any property of the Council as a consequence of the doing of anything to which this consent relates;
- b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with this consent; and
- c) Remedying any defects in any such public work that arise within 6 months , after the work is completed.

The security required by this condition and in accordance with the schedule contained later in these conditions and must be provided by way of a deposit with the Council; or a guarantee satisfactory to Council (such as a satisfactory bank guarantee).

The security will be refundable following the expiration of defect risk period for the particular type of work as specified above (under c), from the issue of any final Occupation Certificate or completion of public work required to be completed (whichever is the latest) but only upon inspection and release by Council's Engineers. Any guarantee provided as security must name North Sydney Council as the nominated beneficiary and must not be subject to an expiry date.

The security will be refundable following the expiration of 6 months from the issue of any final Occupation Certificate or completion of public work required to be completed (whichever is the latest) but only upon inspection and release by Council's Engineers

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

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

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

Arborist to be commissioned

C36. An experienced AQF Level 5 consulting arborist must be commissioned to assist the design development, contract documentation and overseeing of construction works on the site for their duration by undertaking regular inspections of the works in progress and providing advice in relation to tree matters

An experienced AQF Level 5 consulting arborist must be commissioned to assist the design development, contract documentation and overseeing of construction works on the site for their duration by undertaking regular inspections of the works in progress and providing advice in relation to tree matters.

Written details of the engagement of the experienced arborist must be submitted to the Certifying Authority prior to the issue of any Construction Certificate.

Note: This condition, and any advice given by the consulting arborist, should not be construed as authorising the carrying of development with/ otherwise than in accordance with the development consent.

(Reason: To ensure that all matters relating to trees are resolved and recorded using best practice.)

Tree Bond for Public Trees

C37. Prior to the issue of any construction certificate, security in the sum of **\$60,000** must be provided to Council for the protection of trees in public places, including the making good of any damage caused to such trees. The security is to be provided in accordance with the Schedule below.

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

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

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

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

SCHEDULE

Tree Species	Location	Bond
T14-T17 <i>Lophostemon confertus</i> (to 12x12m)	Roadway plantings in front of 290 Pacific Hwy- Sinclair St frontage	\$40,000
T21&T22 <i>Syagrus romanzoffiana</i> (9x6m)	Council verge in front of 290 Pacific Hwy	\$20,000

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

Tree Protection

C38. To ensure the protection of all trees to be retained, the following measures are to be undertaken

- a) All documentation for the Construction Certificate application must show the site trees to be retained, and retention of the adjoining trees, with their

positions and diameters of trunks and crowns (canopies) to be clearly and accurately shown in relation to all levels of the proposed development.

- b) All plans and correspondences must refer to the required compliance with the approved Tree Protection and Management Plan, and clearly show the assigned number of each tree on site, adjoining and Council land.
- c) A Consulting Arboriculturist ("the project arboriculturist"), who holds a minimum Australian Qualification Framework Level 5 in Arboriculture, is a registered consulting member of a nationally recognised arboricultural organisation or association, and who does not remove or prune trees in the North Sydney local government area, shall be engaged before work commences for the duration of site preparation, demolition, construction and landscaping.
- d) The project arboriculturist shall inspect, monitor, supervise, provide recommendations and written reports and certification relating to protection of the trees and compliance with the conditions of consent.
- e) The contact details of the project arboriculturist shall be advised to council before work commences and maintained up to date for the duration of works. If a new project arborist is appointed details of the new project arborist shall be notified to council within 7 days.

(Reason: Tree protection measures)

Tree Protection Measures to be shown on Construction Drawings

- C39. The tree protection measures contained in the arborist report prepared by Urban Tree Management dated 25/6/2024, shall be shown clearly on the relevant Construction Certificate drawings. Plans and specifications showing the said tree protection measures must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier must ensure the construction plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

Protection of Trees

- C40. The following trees are required to be protected and retained as part of the

development consent in accordance with AS 4970-2009 - Protection of trees on development sites:

Tree No./Species	Location	Height (m)
<i>T1 Eucalyptus botryoides</i>	Southern boundary-99 Shirley Rd	11x8m
<i>T14-T17 Lophostemon confertus</i>	Roadway plantings in front of 290 Pacific Hwy- Sinclair St frontage	12x12m
<i>T18 Eucalyptus scoparia</i>	To rear 270-272 Pacific Hwy	12x5.5m
<i>T19&T20 Ligustrum lucidum</i>	To rear 270-272 Pacific Hwy	9x6m
<i>T21&T22 Syagrus romanzoffiana</i>	Council verge in front of 290 Pacific Hwy	9x6m

Plans and specifications complying with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

(Reason: Protection of existing environmental and community assets)

Approval for Removal of Trees

C41. The following trees are approved for removal in accordance with the development consent:

Tree No./Species	Location	Height (m)
<i>T2 Morus nigra</i>	Northern bdry (rear) of subject site	6x11m
<i>T3 Agonis flexuosa</i>	Northern bdry (rear) of subject site	4.5x4m

<i>T4 Morus nigra</i>	Northern bdry (rear) of subject site	5.5x4.5m
<i>T5 Agonis flexuosa</i>	Northern bdry (rear) of subject site	3.5x3m
<i>T6, T7 Callistemon citrinus</i>	NW cnr- subject site	6x3.5m
<i>T8 Celtis sinensis</i>	NW cnr- subject site	6x2.5
<i>T9 Ligustrum lucidum</i>	NW cnr- subject site	7x5.5m
<i>T10 Phoenix canariensis</i>	NW cnr- subject site	5.5mx5.5m
<i>T11 Cinnamomum camphora</i>	Western boundary of subject site	6x5.5m
<i>T12 Ligustrum lucidum</i>	Western boundary of subject site	6x5.5m
<i>T13 Jacaranda mimosifolia</i>	Southern boundary of subject site	6x8m

Removal or pruning of or damage to any other tree on the site or off site is not approved, excluding species exempt under Council's Tree Preservation Order.

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

(Reason: Protection of existing environmental and community assets)

Pruning of Trees

C42. As per the Arborist Report prepared by Urban Tree Management dated 25/6/24 (p4.), no pruning to any protected tree shall be permitted.

Hoardings, scaffolding, crane lift zones, removal and delivery of materials to and from site, access driveways, works zones, and all other ancillary construction works shall be designed to negate the need for any pruning to protected trees. Piling rigs shall not be used where their use will impact any protected tree.

(Reason: To ensure the protection and longevity of existing significant trees)

Garbage and Recycling Facilities

C43. An appropriate area must be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. The following requirements must be met:

- a) all internal walls of the storage area must be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;
- b) provision for the separation and storage in appropriate categories of material suitable for recycling;
- c) garbage enclosures serving residential units are not to be located within areas designated for non-residential uses; and
- d) garbage enclosures serving non-residential uses are not to be located within areas designated for dining purposes.

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

The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

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

Waste Collection

- C44. As the waste is to be collected by private contractor, the developer is required to advise potential purchasers that they would be paying two (2) x garbage fees, one for the private waste contractor and another for Council's domestic waste charges. This requirement is to be communicated to prospective purchasers through a s.88B instrument applied to all apartments.

A private contractor will be responsible for all waste streams including bulky waste.

(Reason: To provide notice to prospective purchasers of the required garbage fees)

Asbestos Material Survey

- C45. A report must be prepared by a suitably qualified person in relation to the existing building fabric to be demolished and/or disturbed identifying the presence or otherwise of asbestos contamination and, if asbestos contamination is present, making recommendations as to the work required to safely address the contamination.

Any demolition works or other works identified in the report as having to be carried out must be carried out in accordance with the recommendations of the report and the following:

- a) the removal of asbestos must be undertaken by a WorkCover licensed contractor;
- b) all removal must be in strict accordance with the requirements of the WorkCover Authority in relation to the removal, handling and disposal of material containing asbestos and any Work Safe Australia requirements;
- c) during the removal of any asbestos a sign stating "DANGER ASBESTOS REMOVAL IN PROGRESS" must be erected in a visible position at the boundary of the site; and
- d) Waste disposal receipts must be provided to the Principal Certifier as proof of correct disposal of asbestos laden waste.

The report must be submitted to the Principal Certifier for approval prior to the carrying out of any demolition work.

(Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily)

Noise from Plant and Equipment

C46. The use of all plant and equipment installed on the premises must:

- (a) Comply with the Project Specific Noise criteria contained in Table 4 of the TTM report dated 6 June 2024, pertaining to this development.
- (b) Not cause “offensive noise” as defined in the *Protection of the Environment Operations Act 1997*.

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

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

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

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

Vibration from Plant and Equipment

C47. The use of all plant and equipment to be installed on the premises must comply with the vibration limits specified in “Assessing Vibration: a technical guideline” issued by the NSW Environment Protection Authority, at the boundary of any affected receiver.

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

The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

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

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

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

Air Conditioners in Residential Premises

C48. The use of any air conditioner installed on the premises must comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulations 2017 and State Environmental Planning Policy (Infrastructure) 2007 and must not:

- (a) emit a noise that is audible within a habitable room in any affected residence (regardless of whether any door or window to that room is open);
 - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or Public Holiday; or
 - (ii) before 7.00am or after 10.00pm on any other day
- (a) cause an LAeq(15min) which exceeds the RBL background noise level by more than 5dB when measured at the boundary of any affected residence. The modifying factor adjustments in Section 4 of the EPA Noise Policy for Industry 2017 will be applied.

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

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

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

(Reason: To maintain residential amenity)

Acoustic Privacy (Residential Apartments)

- C49. Noise levels in sole occupancy units of residential apartments must not exceed the following:

Location	Maximum
Habitable Rooms other than Sleeping Areas	40 LAeq (1hr)
Sleeping Areas	35 LAeq (1hr)

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

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

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

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

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

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

Compliance with Acoustic Report

- C50. The recommendations contained in the acoustic report prepared by TTM dated 6th June 2024, must be implemented during construction and use of the development.

A statement from an appropriately qualified acoustical consultant certifying that the acoustic mitigation measures outlined in the above stated report have been suitably incorporated into the development and that relevant noise criteria have been satisfied, must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate.

The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

Mechanical Exhaust Ventilation

- C51. A statement from an appropriately qualified and practising Mechanical Engineer is required detailing how the exhaust ventilation system will be installed in accordance with AS1668. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

Construction Noise Management Plan

- C52. A Construction Noise Management Plan must be prepared by an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants, and must include the following:

- (a) Identification of noise affected receivers near to the site.
- (b) A prediction as to the level of noise impact at noise affected receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite.
- (c) Details of work schedules for all construction phases.

- (d) A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the Environment Protection Authority's Construction Noise Guideline.
- (e) Representative background noise levels should be submitted in accordance with the Interim Construction Noise Guidelines (ICNG).
- (f) Confirmation of the level of community consultation that is to be undertaken by occupants at noise affected receivers likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (g) Confirmation of noise monitoring methodology that is to be undertaken during the noise intensive stages of work including details of monitoring to be undertaken at the boundary of any noise affected receiver.
- (h) What course of action will be undertaken following receipt of a complaint concerning offensive noise.
- (i) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupants at noise affected receivers.
- (j) Details of selection criteria for any plant or equipment that is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on occupants at noise affected receivers and other less intrusive technologies available; and
- (k) Details of site induction to be carried out for all employees and contractors undertaking work at the site.

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

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

The Construction Noise Management Plan must be submitted to the Principal Certifier and a copy provided to Council prior to the issue of the Construction Certificate.

The Construction Noise Management Plan must be complied with at all times.

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

Provision of Accessible Paths of Travel

- C53. The building must be designed and constructed to provide access and facilities in accordance with the Building Code of Australia and Disability (Access to Premises - Buildings) Standards 2010. Plans and specifications complying with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

Notes:

1. If, in complying with this condition, amendments to the development are required, the design changes must be submitted for the approval of Council's Manager Development Services prior to a Construction Certificate being issued. Approval of a modification application may be required.
2. It is not within Council's power to set aside national legislation which requires the upgrade of buildings to meet modern access standards. Such decisions remain the jurisdiction of the Building Professionals Board Access Advisory Committee who may grant an exemption in certain exceptional circumstances.
3. Information on making an application for an "unjustifiable hardship exemption" under the accessibility standards can be found on the website of the NSW Building Professional Boards at <http://www.bpb.nsw.gov.au/page/premises-standards>

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

Underground Electricity and Other Services

- C54. All electricity and telecommunication provision to the site is to be designed in conjunction with Ausgrid and any other relevant authority. Plans and specifications complying with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

Adaptable Housing

- C55. The following nominated apartments are to be designed in accordance with the standard adaptable housing AS4299 - 1995.

Schedule of adaptable units

Unit Nos. 301, 305, 401, 405, 501, 505, 601, 605, 701, 705, 801

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

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

Section 7.11 Development Contributions

- C56. A monetary contribution pursuant to the provisions of Section 7.11 of the Environmental Planning and Assessment Act 1979, in accordance with the North Sydney Council's Contribution Plan for the public amenities/ services and the amount detailed in the table below, must be paid to Council.

Local Infrastructure Contributions	Amount (\$)
Open space and recreation facilities	\$548,326.94
Public Domain	\$287,358.75
Active Transport	\$16,401.56
Community facilities	\$110,133.97
Plan administration	\$14,382.68
TOTAL CONTRIBUTIONS	\$976,603.90

Indexation

The monetary contribution required under this consent will be indexed at the time of payment in accordance with quarterly movements in the Consumer

Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.

Timing of payment

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

Deferred Payments will not be accepted.

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

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

Special Infrastructure Contribution (SIC)

C57. The development is within the 'St Leonards and Crows Nest Special Contributions Area' defined in the *Environmental Planning and Assessment (Special Infrastructure Contribution – St Leonards and Crows Nest) Determination 2020* (as in force immediately prior to its repeal on 1 October 2023).

A person must not apply for a construction certificate or occupation certificate (as the case may require, having regard to the Determination) in relation to development the subject of this development consent unless the person provides, with the application:

- (a) **If a special infrastructure contribution is required to be made under the Determination:** written evidence from the Department of Planning, Housing and Infrastructure that the special infrastructure contribution for the development (or that part of the development for which the certificate is sought) has been made or that arrangements are in force with respect to the making of the contribution; or
- (b) **If a special infrastructure contribution is not required to be made under the Determination:** a clearance certificate issued by the Department of Planning, Housing and Infrastructure to that effect.

More information

A request for assessment by the Department of Planning, Housing and Infrastructure of the amount of the contribution that is required under this condition can be made through the NSW planning portal.

(Reason: To impose the condition in accordance with the Environmental Planning and Assessment (special infrastructure contribution – St Leonards and Crows Nest) Direction 2020)

Security Deposit/Guarantee Schedule

C58. All fees and security deposits/guarantees in accordance with the schedule below must be provided to Council prior to the issue of the relevant Construction Certificate:

Security Deposit/Guarantee	Amount (\$)
Street Tree Bond (on Council Property)	\$60,000.00
Drainage Construction Bond	\$40,000.00
Engineering Construction Bond	\$115,000.00
TOTAL BONDS	\$215,000.00

Note: The following fees are applicable under condition Section 7.11 Development Contributions condition above:

Fees	Amount (\$)
Local Infrastructure Contributions	\$976,603.90
TOTAL	\$976,603.90

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

(Reason: Compliance with the development consent)

BASIX Certificate

C59. Under clause 75 of the Environmental Planning & Assessment Regulation 2021, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. 1179591M_04 dated 27 June 2024 for the development are fulfilled. Plans and specifications complying with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure the proposed development will meet the Government's requirements for sustainability and statutory requirements)

Outdoor Lighting

C60. All outdoor lighting must comply with, where relevant AS/NZ1158.3:1999 Pedestrian Area (Category P) Lighting and AS4282:1997 Control of the Obtrusive Effects of Outdoor lighting. Details demonstrating compliance with these requirements must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition.

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

Under Awning Lighting

C61. Under awning lighting must be provided to the Pacific Highway frontage of the site. Such lighting is to be designed to P1 standard in accordance with AS/NZS 1158.3.1. The luminaries must be:

- a. weatherproof and vandal-proof;
- b. designed in conjunction with Energy Australia so that the system can easily be connected to a public lighting system when available; and
- c. the location and type of the said luminaries shall be to the satisfaction of Council's Director of Engineering and Property Services.

Certification from a suitable qualified commercial electrician must be obtained to demonstrate compliance with the requirements of this condition and

certification must be submitted to the Principal Certifier prior to the issue of the relevant Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To enhance the amenity and safety of the footpath adjacent to the premises)

Notification of New Addresses

- C62. Prior to the issue of the relevant Construction Certificate, an application must be made and written confirmation received from North Sydney Council of the allocated street address and/ or unit numbers of the completed project.

A plan for the proposed building must be submitted to Council for approval with the application for new addresses. Applications for numbering will be considered in accordance with the *NSW Geographical Names Board* requirements outlined in the document titled '*NSW Addressing User Manual*'.

The approved numbering will be recorded in Council's Land & Property Information database and must be clearly displayed at the property at all times. Council will also notify relevant public authorities and some service providers of the approved addresses (including Australia Post). A list of current authorities and service providers notified by Council will be included in the address approval notice.

These details will be recorded in Council records and must be displayed at the property in accordance with the provisions of the applicable Australian Standard relating to rural and urban addressing. A copy of the allocation confirmation must be submitted to the Principal Certifier with the application for a Construction Certificate.

(Reason: To ensure that Council records are accurate, and that numbering complies with the requirements of the NSW Geographical Names Board and Council's *Property Addressing Policy*)

Charging Facility for Electric Vehicles

- C63. The building and basement car park are to be designed so that electric vehicle charging points can be installed at a later time within the basement of the building.

Plans and specifications complying with this condition must be submitted to the Principal Certifier for approval prior to the issue of a Construction Certificate. The Principal Certifier must ensure that the building plans and specification submitted fully satisfy the requirements of this condition.

(Reason: To promote sustainability and energy efficiency)

Public Artwork

C64. A public art consultant is to be engaged to design and integrate a commissioned artwork as follows:

- a) That is a high quality bespoke artwork for the proposed building,
- b) That is a significant addition to the existing collection of public artworks within the North Sydney LGA,
- c) Provides a unique sense of place distinct to the Crows Nest Town Centre,
- d) That is contemporary in nature, innovative and create a unique aesthetic signature to the surrounding area,
- e) That is in accordance with the North Sydney Public Art Policy & Arts Plan as well as the North Sydney Arts Trail.

The applicant shall liaise with Councils Arts and Culture Officer and scope the works for local artist/s to prepare the artwork. The artwork will be at the applicant's expense and the final artwork shall be to the satisfaction of Councils Arts and Culture Officer prior to the issue of the relevant construction certificate.

The public artwork must be completed prior to the issue of the Final Occupation Certificate.

(Reason: To facilitate an appropriately designed public art installation that presents high quality design and visual interest to public domain and provides a positive contribution to the streetscape and locality)

Voluntary Planning Agreement

C65. Prior to the issue of any construction certificate, the developer must enter into a Planning Agreement with the Council pursuant to Section 7.4 of the *Environmental Planning & Assessment Act 1979* applying to the subject land and this development application DA66/23 for a monetary contribution, in accordance with the terms of the letter of offer to enter into Planning agreement from Holding Redlich (on behalf of the developer) to the Council dated 6 September 2024 dated 6 September 2024.

To enable activation of the consent, the Planning Agreement shall be entered into and registered at the sole cost of the applicant. The Planning Agreement shall bind all successors in title and shall only be subject to variation at the discretion of the Council.

(Reason: To realise the public purpose of provision of the land for public open space and recoupment of the cost of providing / upgrading public amenities and services created by this development)

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

Photographic Survey (Heritage Items)

- D1. Prior to any works commencing a photographic survey recording of the existing building on the site (interior and exterior, including the sections to the retained and demolished and the roof) is to be carried out in accordance with the NSW Heritage Office Guidelines "Photographic recording of Heritage Items using file or digital capture". The survey is to be prepared to the written satisfaction of Council's Historian and Conservation Planner. Two (2) copies of the photographic survey must be provided to Council.

(Reason: To provide a historical record of heritage significant fabric on site for archival purposes)

Protection of Trees

- D2. All trees that are specifically nominated to be retained by notation on plans or by condition as a requirement of this consent must be maintained and protected during demolition, excavation and construction on the site in accordance with AS4970-2009 (Protection of trees on development sites).

A report containing recommendations, and methods of tree protection prepared by an appropriately qualified person must be provided to the Principal Certifier for approval by an appropriately qualified person prior to commencement of any works on the site. Any recommendations must be undertaken for the duration of works on the site.

Sensitive construction techniques including hand excavation, pier & beam construction & flexible location of piers/footings shall be used within the TPZ

of any protected tree. No roots greater than 40mm shall be cut. No stormwater or any other underground services shall be directed through the TPZ of any protected tree.

Hoardings, scaffolding, crane lift zones, removal and delivery of materials to and from site, access driveways, works zones, and all other ancillary construction works shall be designed to negate the need for any pruning to protected trees. Piling rigs shall not be used where their use will impact any protected tree.

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

Project Arborist Engaged

D3. The project arboriculturist:

- shall inspect tree protection measures and certify in writing to the Principal Certifying Authority the measures comply with the approved Tree Protection Plan and as directed by the project arboriculturist before work commences
- shall provide guidance and oversight of tree protection and management to ensure that the stability and ongoing viability of trees being retained is not compromised.
- must contact the tree pruning contractor and Council's Tree Management Officer (giving at least 2 working days' notice) to arrange a joint site meeting, prior to commencing any pruning, to determine the exact location and extent of pruning that is permissible, with the tree pruning contractor to comply with any instructions issued by Council, acting reasonably.

Any pruning must be undertaken by a practicing arborist with a minimum Australian Qualification Framework Level 3 in arboriculture, in accordance with the principles of the Australian Standard AS 4373-2007 'Pruning of Amenity Trees,' and the NSW Work Cover Code of Practice for the Amenity Tree Industry (1998), as well as any instructions issued on site by Council, acting reasonably.

The practicing arborist must keep a log of dates and times of when they attended the site, the type of works that were performed, and must form part of the certification required prior to Occupation.

(Reason: Tree protection measures)

Tree Protection Measures

- D4. The tree protection measures detailed in the approved Tree Protection and Management Plan, and as directed by the project arboriculturist shall be established before work commences.

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

Protection of Public Trees

- D5. The following tree(s) are required to be protected and retained as part of the development consent in accordance with AS 4970-2009 – Protection of trees on development sites:

Tree	Location	Protection
T14-T17 <i>Lophostemon confertus</i> (to 12x12m)	Roadway plantings in front of 290 Pacific Hwy- Sinclair St frontage	Trunk, branch & root protection
T21&T22 <i>Syagrus romanzoffiana</i> (9x6m)	Council verge in front of 290 Pacific Hwy	Trunk, branch & root protection

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

Plans and specifications complying with this condition must be submitted to the registered certifier for approval prior to the issue of the relevant Construction Certificate. The registered certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: Protection of existing environmental and community assets)

Temporary Fences and Tree Protection

- D6. All protected trees on-site that are specifically nominated to be retained by

notation on plans or by condition as a requirement of this consent must be tagged with luminous tape or the like for purposes of identification prior to demolition, excavation or construction works and must remain so for the duration of works on the site. No materials or builder's waste are to be stored in the vicinity of the nominated tree/trees at any time.

Appropriate fencing or barricades in accordance with AS4970-2009 (Protection of trees on development sites), must be installed in accordance with the approved Tree Protection Plan and to the satisfaction of the Principal Certifier prior to demolition or commencement of any works and must be maintained for the duration of the works.

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

Public Liability Insurance - Works on Public Land

- D7. Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of public land and the undertaking of approved works within Council's road reserve or public land, as approved by this consent. The Policy is to note and provide protection/full indemnification for North Sydney Council, as an interested party. A copy of the Policy must be submitted to Council prior to commencement of any works. The Policy must be valid for the entire period that the works are being undertaken.

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

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

Notification of New Addresses

- D8. Prior to the commencement of any building works, an application must be made and written confirmation received from North Sydney Council of the allocated street address (house number) and/ or unit numbers of the completed project.

A plan for the proposed dwelling and unit numbering must be submitted to Council for approval with the application for new addresses. Applications for numbering will be considered in accordance with the *NSW Geographical Names Board* requirements outlined in the document titled '*NSW Addressing User Manual*'.

The approved numbering will be recorded in Council's Land & Property Information database and must be clearly displayed at the property at all times. Council will also notify relevant public authorities and some service providers of the approved addresses (including Australia Post). A list of current authorities and service providers notified by Council will be included in the address approval notice.

These details will be recorded in Council records and must be displayed at the property in accordance with the provisions of the applicable Australian Standard relating to rural and urban addressing. A copy of the allocation confirmation must be submitted to the Principal Certifier with the application for a Construction Certificate.

(Reason: To ensure that Council records are accurate, and that house numbering complies with the requirements of the NSW Geographical Names Board and Council's *Property Addressing Policy*)

Sydney Water Approvals

- D9. Prior to the commencement of any works, the approved plans must be submitted to Sydney Water to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The Principal Certifier must ensure that Sydney Water has appropriately stamped the plans before the commencement of building works.

Notes: **Sydney Water Building Plan Approvals** can be obtained from the Sydney Water Tap in™ online service. Building plans must be submitted to the Tap in™ to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met. For further information visit <http://www.sydneywater.com.au/tapin/index.htm> or call 13000 TAP IN (1300 082 746) for further information.

(Reason: To ensure compliance with Sydney Water requirements)

Asbestos Material Survey

- D10. Prior to the commencement of any works, a report must be prepared by a suitably qualified person in relation to the existing building fabric to be demolished and/or disturbed identifying the presence or otherwise of asbestos contamination and, if asbestos contamination is present, making

recommendations as to the work required to safely address the contamination.

Any demolition works or other works identified in the report as having to be carried out must be carried out in accordance with the recommendations of the report and the following:

- a) the removal of asbestos must be undertaken by a WorkCover licensed contractor;
- b) all removal must be in strict accordance with the requirements of the WorkCover Authority in relation to the removal, handling and disposal of material containing asbestos and any Work Safe Australia requirements;
- c) during the removal of any asbestos a sign stating "DANGER ASBESTOS REMOVAL IN PROGRESS" must be erected in a visible position at the boundary of the site; and
- d) Waste disposal receipts must be provided to the Principal Certifier as proof of correct disposal of asbestos laden waste.

The report must be submitted to the Principal Certifier for approval prior to the carrying out of any demolition work. The Principal Certifier must ensure that the report, and other plans, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure the long-term health of workers on site and occupants of the building is not put at risk unnecessarily)

Commencement of Works' Notice

- D11. Building work, demolition or excavation in accordance with this development consent must not be commenced until the developer has given at least two days' notice to North Sydney Council of the person's intention to commence building work, demolition or excavation in accordance with this development consent.

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

E. During Demolition and Building Work

Parking Restrictions

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

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

Road Reserve Safety

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

Where public infrastructure is damaged as a result of the development, repair works must be carried out in when and as directed by Council officers (at full Developer cost). Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742—3 (1996) "Traffic Control Devices for Work on Roads".

If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

(Reason: Public Safety)

Temporary Disposal of Stormwater Runoff

- E3. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including

roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to reasonably manage and control runoff as far as the approved point of stormwater discharge. Such ongoing measures must be to the satisfaction of the Principal Certifier.

(Reason: Stormwater control during construction)

Compliance with Dewatering Management Plan

- E4. All works conducted on site which form part of this development must be carried out in accordance with the Dewatering Management Plan submitted with the Construction Certificate and all conditions of consent.

(Reason: To protect the environment from the effects of pollution from development sites)

Geotechnical Stability during Works

- E5. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure.

Geotechnical aspects of the development work, namely appropriate excavation method and vibration control, support and retention of excavated faces, and hydro geological considerations must be undertaken in accordance with the recommendations of the approved geotechnical report and all subsequent geotechnical inspections carried out during the excavation and construction phase.

Approval must be obtained from all affected property owners, including North Sydney Council where rock anchors (both temporary and permanent) are proposed within adjacent private or public property.

(Reason: Ensure appropriate professional are engaged at appropriate stages during construction)

Council Inspection of Public Infrastructure Works

- E6. During the works on public infrastructure reverting to Council's care and control,

Council's development engineer may undertake inspections of the works at the following hold points:

- a) Formwork for layback, kerb/gutter, footpath etc.
- b) All reinforcement for the concrete base beneath the pavers
- c) Formwork and reinforcement for in-situ stormwater pits
- d) Pipe connections prior to back filling

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

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

Progress Survey

E7. In order to ensure compliance with approved plans, a Survey Certificate, prepared to Australian Height Datum, must be prepared by a Registered Surveyor showing the following: -

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

height of the principal roof elements.

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

(Reason: To ensure compliance with approved plans)

Removal of Extra Fabric

- E8. Should any portion of the existing building, trees, or curtilage of the site which is indicated on the approved plans to be retained be damaged for whatever reason, all the works in the area of the damaged portion are to cease and written notification of the damage is to be given to Council forthwith. No work is to resume until the written approval of Council to do so is obtained. Failure to comply with the provisions of this condition may result in the Council taking further action including legal proceedings if necessary.

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

Dust Emission and Air Quality

- E9. The following must be complied with at all times:

- (a) Materials must not be burnt on the site.
- (b) Vehicles entering and leaving the site with soil or fill material must be covered.
- (c) Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the NSW Department of Housing's 1998 guidelines - Managing Urban Stormwater: Soils and Construction.
- (d) Odour suppression measures must also be carried out where appropriate so as to prevent nuisance occurring at adjoining properties.

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

Noise and Vibration

- E10. The works must be undertaken in accordance with the “Interim Construction Noise Guideline” published by the NSW Environment Protection Authority, to ensure excessive levels of noise and vibration do not occur so as to minimise adverse effects experienced on any adjoining land.

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

Compliance with Construction Noise Management Plan

- E11. All works conducted on site which form part of this development must be carried out in accordance with the submitted Construction Noise Management Plan submitted with a Construction Certificate and all conditions of consent.

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

No Work on Public Open Space

- E12. No work can be undertaken within adjoining public lands (i.e. Parks, Reserves, Roads etc) without the prior written consent of Council. In this regard the developer is to liaise with Council prior to the commencement of any design works or preparation of a Construction and Traffic Management Plan.

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

Applicant's Cost of Work on Council Property

- E13. The applicant or the person, company or other entity that is acting upon this consent, must bear the cost of all works associated with the development that occurs on Council's property, including the restoration of damaged areas.

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

No Removal of Trees on Public Property

- E14. No trees on public property (footpaths, roads, reserves, etc.) unless specifically approved by this consent shall be removed or damaged during construction including for the erection of any fences, hoardings or other temporary works.

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

Protection of Trees

- E15. All trees required to be retained, as part of this consent must be protected from any damage during construction works in accordance with AS4970-2009. All recommendations contained within the tree report prepared by Urban Tree Management dated 25/6/24 (p4.), and as further amended by conditions contained herein, must be implemented for the duration of the works.

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

Notes:

1. If the nominated tree is damaged to a significant degree or removed from the site without prior written approval being obtained from Council, the issuing of fines or legal proceedings may be commenced for failure to comply with the conditions of this consent.
2. An application to modify this consent pursuant to Section 4.55/4.56 of the Environmental Planning and Assessment Act 1979 will be required to address the non-compliance with any of the conditions of consent relating to the retention of nominated trees, and Council may require tree replenishment.

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

Trees to be Removed

- E16. All trees on the site must be protected and retained save for those expressly identified below as being approved for removal:

Tree No./Species	Location	Height (m)
T2 <i>Morus nigra</i>	Northern bdry (rear) of subject site	6 x 11m
T3 <i>Agonis flexuosa</i>	Northern bdry (rear) of subject site	4.5 x 4m
T4 <i>Morus nigra</i>	Northern bdry (rear) of subject site	5.5 x 4.5m
T5 <i>Agonis flexuosa</i>	Northern bdry (rear) of subject site	3.5 x 3m
T6, T7 <i>Callistemon citrinus</i>	NW cnr- subject site	6 x 3.5m
T8 <i>Celtis sinensis</i>	NW cnr- subject site	6 x 2.5
T9 <i>Ligustrum lucidum</i>	NW cnr- subject site	7 x 5.5m
T10 <i>Phoenix canariensis</i>	NW cnr- subject site	5.5m x 5.5m
T11 <i>Cinnamomum camphora</i>	Western boundary of subject site	6 x 5.5m
T12 <i>Ligustrum lucidum</i>	Western boundary of subject site	6 x 5.5m
T13 <i>Jacaranda mimosifolia</i>	Southern boundary of subject site	6 x 8m

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

Benchmarks

E17. All permanent survey markers must be retained, undamaged, and not relocated.

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

Special Permits

E18. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development must occur entirely on the property.

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

1) **On-street mobile plant**

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

(Reason: Proper management of public land)

2) **Hoardings**

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

(Reason: Proper management of public land)

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

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

(Reason: Proper management of public land)

4) **Kerbside restrictions, construction zones**

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

(Reason: Proper management of public land)

Construction Hours

- E19. Construction activities and works approved under this consent must be restricted to within the hours stipulated in the following table:

Standard Construction Hours		
Location	Day	Hours
R2 Low Density Residential MU1 Mixed-use	Monday - Friday	7.00am - 5.00pm
	Saturday	8.00am - 1.00pm
	Sunday Public holiday	No work permitted

Construction activities for development approved under this consent must be carried out in accordance with the standard construction hours above, the EPA Noise Policy for Industry 2017 and any Construction Noise Management Plan required under this consent.

In the event of breach to the approved hours of construction Council take may take enforcement action under Part 9 of the Environmental Planning and Assessment Act 1979 and in accordance with Council's adopted Compliance & Enforcement Policy.

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

Out-of-hours' Work Permits

- E20. Where it is necessary for works to occur outside those hours allowed by these conditions, an application may be made to Council's Customer Services Centre

for a permit to carry out works outside of the approved hours. If a permit is issued the works approved must be carried out in accordance with any requirements specified in the permit. Permits will only be approved if **public safety is at risk**. Applications which seek a variation to construction hours solely to benefit the developer will require the lodgement and favourable determination of a modification application pursuant to the provisions of Section 4.55 or Section 4.56 of the *Environmental Planning and Assessment Act 1979*.

Notes:

- 1) Failure to obtain a permit for work outside of the approved hours will result in on the spot fines being issued, or Council pursuing any action required (including legal proceedings) to have the out of hours work cease, without prior warning.
- 2) Applications for out of hour's works should be lodged with Council no later than seven (7) calendar days prior to the date of the intended works.
- 3) Examples of activities for which permits may be granted include:
 - the erection of awnings,
 - footpath, road and other infrastructure works which cannot be carried out for public convenience reasons within normal hours,
 - the erection and removal of hoardings and site cranes, and
 - craneage of materials which cannot be done for public convenience reasons within normal working hours.
- 4) Examples of activities for which permits WILL NOT be granted include:
 - extended concrete pours
 - works which are solely to convenience the developer or client, and
 - catch up works required to maintain or catch up with a construction schedule.
- 5) Further information on permits can be obtained from the Council website at www.northsydney.nsw.gov.au.

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

Installation and Maintenance of Sediment Control

- E21. Erosion and sediment controls must be installed and maintained at all times in accordance with the Sediment and erosion control plan submitted and approved with the relevant Construction Certificate.

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

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

Sediment and Erosion Control Signage

- E22. A durable sign must be erected during building works in a prominent location on site, warning of penalties should appropriate erosion and sedimentation control devices not be maintained. A sign of the type referred to in this condition is available from Council.

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

Site Amenities and Facilities

- E23. Where work involved in the erection and demolition of a building is being carried out, amenities which satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements, must be provided and maintained at all times. The type of workplace determines the type of amenities required.

Further information and details can be obtained from the Internet at www.workcover.nsw.gov.au.

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

Health and Safety

- E24. All work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements to prepare a health and safety plan. Site fencing must be installed sufficient to exclude the public from the site. Safety signs must be erected that warn the public to keep out of the site and provide a contact telephone number

for enquiries.

Further information and details regarding occupational health and safety requirements for construction sites can be obtained from the internet at www.workcover.nsw.gov.au.

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

Archaeological Discovery During Works

- E25. Should any historical or Aboriginal relic be discovered on the site during demolition, excavation or site preparatory works, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW must be informed in accordance with the provisions of the *Heritage Act 1977* and/or *National Parks and Wildlife Act 1974*. Works must not recommence until such time as approval to recommence is given in writing by the Heritage Council or a permit from the Director of the NPWS is issued, or the Heritage Council or the Director of the NPWS (as applicable) says that it is has no objection to the work resuming and/or that an approval or permit is not required (as applicable)

(Reason: To prevent the unnecessary destruction or removal of unrecorded historical or Aboriginal relics)

Prohibition on Use of Pavements

- E26. Building materials must not be placed on Council's footpaths, roadways, parks or grass verges, (unless a permit is obtained from Council beforehand). A suitable sign to this effect must be erected adjacent to the street alignment.

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

Plant and Equipment Kept Within Site

- E27. All plant and equipment used in the undertaking of the development/ works, including concrete pumps, wagons, lifts, mobile cranes, hoardings etc, must be situated within the boundaries of the site (unless a permit is obtained from Council beforehand) and so placed that all concrete slurry, water, debris and the like must be discharged onto the building site, and is to be contained within the site boundaries.

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

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

Imported Fill Material

E28. The only waste derived fill material that may be received at the development site is:

- a) Virgin excavated natural material (within the meaning of the Protection of the Environment Operations Act 1997); and
- b) Any other waste-derived material the subject of a resource recovery exemption under cl. 51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material.

Any waste-derived material the subject of a resource recovery exemption received at the development site, must be accompanied by documentation as the material's compliance with the exemption conditions and must be provided to the Principal Certifier on request.

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

Waste Disposal

E29. All records demonstrating the lawful disposal of waste must be retained and kept readily accessible for inspection by regulatory authorities such as North Sydney Council and the Environmental Protection Authority.

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

Waste Disposal -Soil

E30. Soil/waste to be removed from the site must be classified for disposal purposes, appropriately stored, and properly disposed of to a facility licensed to receive that category of waste. All records demonstrating the lawful disposal of waste must be retained and kept readily accessible for inspection by regulatory authorities such as North Sydney Council and the Environmental Protection Authority.

Asbestos Removal

- E31. All demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with National Occupational Health and Safety Commission.

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

Service Adjustments

- E32. The adjustment or inclusion of any new utility service or facilities must be carried out by an appropriate contractor in accordance with the requirements of the relevant utility authority.

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

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

(Reason: To ensure the service requirements are met)

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

National Construction Code

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

(Reason: Prescribed - Statutory)

Home Building Act

- F2. 1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act 1989) for which the *Home Building Act* 1989 requires there to be a contract of insurance under Part 6 of that Act must not be carried out unless the Principal Certifier for the development to which the work relates has given North Sydney Council written notice of the contract of insurance being issued and of the following:
- a) in the case of work for which a principal contractor is required to be appointed:
 - i) the name and licence number of the principal contractor, and
 - ii) the name of the insurer by which the work is insured under Part 6 of that Act, or
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- 2) If arrangements for doing residential building work are changed while the work is in progress such that the information submitted to Council in accordance with this condition is out of date, work must cease, and no further work may be carried out unless the Principal Certifier for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

Note: A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

(Reason: Prescribed - Statutory)

Appointment of Principal Certifier (PC)

- F3. Building work, **demolition** or excavation in accordance with the development consent must not be commenced until the developer has appointed a Principal Certifier for the building work in accordance with the provisions of the EP&A Act and its Regulations.

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

Construction Certificate

- F4. The erection of a building in accordance with the development consent must not be commenced until a Construction Certificate for the relevant part of the work has been issued in accordance with the provisions of the EP&A Act and its Regulations.

(Reason: Statutory; To ensure appropriate safeguarding measures are in place prior to the commencement of the erection of a building)

Occupation Certificate

- F5. A person must not commence occupation or use of the whole or any part of a new building (new building includes an altered portion of, or an extension to, an existing building) unless an Occupation Certificate has been issued in relation to the building or part. Only the Principal Certifier appointed for the building work can issue an Occupation Certificate.

(Reason: Statutory)

Critical Stage Inspections

- F6. Building work must be inspected by the Principal Certifier on the critical stage occasions prescribed by the EP&A Act and its Regulations, and as directed by the appointed Principal Certifier.

(Reason: Statutory)

Commencement of Works' Notice

- F7. Building work, demolition or excavation in accordance with this development consent must not be commenced until the developer has given at least two days' notice to North Sydney Council of the person's intention to commence the building work.

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

Excavation/Demolition

- F8. 1) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- 2) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- 3) Demolition work must be undertaken in accordance with the provisions of AS2601- Demolition of Structures.

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

Protection of Public Places

- F9. 1) A hoarding and site fencing must be erected between the work site and adjoining public place.
- 2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

- 3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- 4) Any such hoarding, fence or awning is to be removed when the work has been completed.
- 5) No access across public reserves or parks is permitted.

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

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

Site Sign

- F10. 1) A sign must be erected in a prominent position on the site
- a) stating that unauthorised entry to the work site is prohibited;
 - b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
 - c) showing the name, address and telephone number of the Principal Certifier for the work.
- 2) Any such sign must be maintained while building work or demolition work is being carried out but must be removed when the work has been completed.

(Reason: Prescribed - Statutory)

G. Prior to the Issue of an Occupation Certificate

Infrastructure Repair and Completion of Works

G1. Prior to the issue of any Occupation Certificate any and all works relating to the development:

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

to the satisfaction of Council Engineers at no cost to Council.

(Reason: Maintain quality of Public assets)

Implementation of Conservation Works

G2. All conservation works documented in the Schedule of Conservation Works and Heritage Management document are to be completed prior to the release of any Occupation Certificate. The project Heritage Architect is to provide written confirmation that the entirety of the conservation works has been completed to their satisfaction prior to the release of a Occupation Certificate.

(Reason: To ensure all conservation works have been completed in accordance with the Heritage Management document)

Voluntary Planning Agreement

G3. The payment of the monetary contribution as identified in the Planning agreement referred to in condition C65 is to be paid prior to the issue of any occupation certificate.

(Reason: To ensure that the terms of the Planning Agreement have been satisfied)

Certification – Carpark

- G4. An “as built” certificate from an experienced and qualified traffic engineer with tertiary qualifications is to be submitted to and approved by the Principal Certifier confirming that the design requirements as detailed in the conditions have been met. This must be provided prior to the issue of an Occupation Certificate.

The approved parking must be used exclusively for the car parking as approved for the life of the development.

(Reason: To comply with the relevant standards)

Line Marking

- G5. A certificate prepared by an appropriately qualified and practising Civil Engineer certifying the construction, paving, line marking and signposting of a maximum of 51 off-street carparking spaces, together with access driveways, ramps and traffic circulation areas, in accordance with the approved development plans, appropriate Australian Standards and industry best practice as appropriate must be submitted to, and approved by, the Principal Certifier prior to issue of a relevant Occupation Certificate. The 51 car parking spaces must include a maximum of 46 spaces for the residential apartments, 3 spaces for the commercial premises use and 2 spaces for the retail premises use.

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

Noise Certification

- G6. Prior to issue of a relevant Occupation Certificate a certificate from an appropriately qualified acoustical consultant is to be submitted to, and approved by, the Principal Certifier certifying that the noise and vibration from use of the development complies with the conditions of consent here-in.

(Reason: To ensure acoustic amenity)

Loading Dock

- G7. A certificate prepared by an appropriately qualified and practising Civil Engineer certifying the construction, paving, line marking and signposting of the loading dock design including the proposed mechanical turntable, in accordance with the approved development plans, appropriate Australian Standards and industry best practice as appropriate must be submitted to, and approved by, the Principal Certifier prior to issue of a relevant Occupation Certificate.

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

Loading Dock Management Plan

- G8. A Loading Dock Management Plan (LDMP) is to be prepared by a suitably qualified traffic consultant detailing the required management arrangements for the safe and efficient operation of the loading dock area, including operation of the van, Small Rigid Vehicle (SRV) and Medium Rigid Vehicle (MRV) loading bays.

The LDMP is to be prepared in consultation with Council's waste officer and shall detail, but not be limited to, the following:

- a) Details of the development's freight and servicing profile, including the forecast freight and servicing traffic volumes by vehicle size, frequency, time of day and duration of stay; and
- b) Details of loading and servicing facilities within the subject site or within other sites in its immediate vicinity which adequately accommodates the forecast demand of the development so to not rely on the kerbside restrictions to conduct the development's business.
- c) Detail the procedures to be adhered to by the on-site dock manager, truck drivers, contractors, residents, tenants, visitors and the like, for trucks arriving at and departing from the site, internal manoeuvring of vehicles and goods, and operation of the vehicle turntable to ensure safety is maintained at all times.
- d) Detail that use of the MRV bay is to only occur during the hours of 9:00 AM – 5:00 PM on weekdays and 10:00 AM – 3:00 PM on weekends.
- f) Detail that all loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way. At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.
- g) The size of vehicles servicing the property must be a maximum length of 8.8 metres.

The LDMP is to be submitted to and approved by Council prior to issue of the relevant Occupation Certificate.

(Reason: To ensure safe and efficient operation of the loading dock)

Access to Premises

- G9. Prior to the issue of a relevant Occupation Certificate, a certificate must be prepared by an appropriately qualified and practising Civil Engineer certifying that access and facilities for persons with a disability in accordance with the National Construction Code and AS Disability (Access to Premises - buildings) Standards 2010 (Premises Standards) has been provided. This certificate must be submitted to, and approved by, the Principal Certifier prior to issue of a relevant Occupation Certificate.

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

Certification – Civil Works

- G10. An appropriately qualified and practising Civil Engineer must certify to the Principal Certifier that the stormwater drainage system is constructed in accordance with this consent and the provisions of the applicable Australian Standard. A copy of the certificate must be submitted to Council (if it is not the Principal Certifier) upon completion of the development works and prior to the issue of an Occupation Certificate.

An appropriately qualified and practicing Civil Engineer must certify to the Principal Certifier that the vehicular crossing and associated works and road works were constructed in accordance with this consent and any approval for works in the road reserve issued by the Council. A copy of the certificate must be submitted to Council (if it is not the Principal Certifier), upon completion of the development works and prior to the issue of an Occupation Certificate.

(Reason: Compliance with the Consent)

Works as Executed Drawings

- G11. A works-as-executed survey drawing (W.A.E.) of the completed stormwater drainage system must be obtained. The W.A.E. survey drawing must show the alignment, depth and grade of the stormwater drainage pipelines, pits and ancillary plumbing. The W.A.E survey drawing must be reviewed by a qualified

and practising civil engineer and certification provided to the Principal Certifier that the as-built system achieves the design intent of the plans approved with the relevant Construction Certificate. Certification must be provided with the W.A.E survey drawing to the Principal Certifier prior to the issue of an Occupation Certificate.

CCTV inspection of conduits, that revert to the care and control of the Council, shall be conducted in accordance with the Conduit Inspection Reporting Code of Australia WSA 05-2013.

The camera, transportation unit, distance measuring devices, illumination systems and ancillary equipment shall be used suitable for the conduit size, material and conditions under which the inspection is undertaken.

The camera shall be steerable and be able to negotiate bends within the drainage pipe. The use of a pushrod camera may only be acceptable for pipe diameters less than 150mm or where a steerable camera cannot navigate.

A colour camera shall be used which has remotely operated automatic and/or manual adjustment of the focus and iris to allow optimum picture quality to be achieved.

The camera lens shall be capable of viewing the extremities of the conduit and panning and or tilting to view the lateral connections and defects or features at any position around the conduit regardless of the direction of travel of the camera in the main conduit.

The adjustment of focus and iris shall provide a focal range from 15 mm to infinity. The distance along the conduit in focus from the initial point of observation shall be a minimum of four times the vertical height of the conduit.

Where required, specialised instruments, apparatus and/or software shall be used to facilitate the measurement of parameters to determine acceptance. Hardware and software used in measuring the parameters shall be correctly calibrated for each application using the manufacturer's methods.

For circular or regular-shaped conduits, the camera shall be positioned centrally, $\pm 10\%$ of the vertical and horizontal diameter, within the conduit.

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

(Reason: Compliance with the Consent)

Certification for Mechanical Exhaust Ventilation

- G12. Prior to issue of an Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems the subject of the Occupation Certificate, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2(a)(iii) of the NCC Building Code of Australia, must be submitted to, and approved by, the Principal Certifier.

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

Damage to Adjoining Properties

- G13. All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.

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

Utility Services

- G14. All utility services shall be adjusted to the correct levels and/or location/s required by this consent, prior to issue of an occupation certificate. This shall be at no cost to Council.

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

Regulated Systems- Air Handling

- G15. To ensure that adequate provision is made for ventilation of the building all mechanical and/or natural ventilation systems shall be designed, constructed installed and tested in accordance with the provisions of:

- 1) The National Construction Code;
- 2) The applicable Australian Standards;
- 3) The Public Health Act;
- 4) Public Health Regulation 2012;
- 5) Work Cover Authority.

The regulated system must be certified by an appropriately qualified engineer as compliant with the above provisions and registered with Council prior to commissioning the system and prior to issue of a relevant Occupation Certificate.

(Reason: To ensure public health is maintained; Statutory)

Covenant and Restriction (EV Charging spaces)

Not used

Covenant and Restriction (Stormwater Control Systems)

G16. An Instrument pursuant to Sections 88B and 88E of the *Conveyancing Act 1919* and one copy must be submitted to Council in registrable form, providing for:

- a. a restriction as to user and positive covenant as to user as appropriate in favour of North Sydney Council burdening 290 Pacific Highway, Crows Nest requiring the ongoing retention, maintenance and operation of the stormwater facility (on-site detention, pump-out, charged lines);
- b. North Sydney Council being nominated in the Instrument as the only party authorised to release, vary or modify the Instrument;
- c. the wording on the Instrument making reference to the Council file/s which hold:
 - i. the Construction plans; and
 - ii. the "Work-as-Executed" (as built) plans;

Upon Council being satisfied as to the terms of the Instrument, North Sydney Council's official seal will be affixed to these documents, prior to submission to the NSW Land Registry Services for registration

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

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

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

(Reason: Compliance and adequate maintenance of drainage system)

Basement Pump-out Maintenance

- G17. Prior to issue of an Occupation Certificate a Maintenance Regime must be prepared for the basement stormwater pump-out system and submitted to the Principal Certifier for approval with the relevant Occupation Certificate documentation. The regime must specify that the system is to be regularly inspected and checked by qualified practitioners.

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

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

Notification of New Address Developments

- G18. Prior to any Occupation Certificate being issued, the person acting upon this consent must comply with the following: -

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

(Reason: To ensure that Council records are accurate, that house numbering complies with the requirements of Council's House Numbering Policy and to assist emergency services.)

Asbestos Clearance Certificate

G19. For building works where asbestos based products have been removed or altered, an asbestos clearance certificate signed by an appropriately qualified person (being an Occupational Hygienist or Environmental Consultant) must be submitted to and approved by the Principal Certifier (and a copy forwarded to Council if it is not the Principal Certifier) for the building work prior to the issue of any Occupation Certificate, the asbestos clearance certificate must certify the following: -

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

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

Note: Further details of licensed asbestos waste disposal facilities can be obtained from www.epa.nsw.gov.au.

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

Certification of Tree Condition

G20. Prior to the issue of an Occupation Certificate, a report prepared by an appropriately qualified person (being an arborist or the like) must be submitted to the Principal Certifier, describing the health of the tree(s) specifically nominated below: -

Tree No./Species	Location	Height (m)
<i>T1 Eucalyptus botryoides</i>	Southern boundary-99 Shirley Rd	11x8m
<i>T14-T17 Lophostemon confertus</i>	Roadway plantings in front of 290 Pacific Hwy- Sinclair St frontage	12x12m
<i>T18 Eucalyptus scoparia</i>	To rear 270-272 Pacific Hwy	12x5.5m

T19&T20 <i>Ligustrum lucidum</i>	To rear 270-272 Pacific Hwy	9x6m
T21&T22 <i>Syagrus romanzoffiana</i>	Council verge in front of 290 Pacific Hwy	9x6m

The report must detail the condition and health of the nominated tree(s) upon completion of the works and shall certify that the tree(s) has/have not been significantly damaged during the works on the site and has/have reasonable prospects for survival. The certification must be submitted with any application for an Occupation Certificate.

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

Vehicle Egress Signs

G21. Prior to the issue of an Occupation Certificate, appropriate sign(s) must be provided and maintained within the site at the point(s) of vehicular egress to ensure all vehicles stop before proceeding onto the public way.

(Reason: To ensure pedestrian safety)

Height

G22. Upon completion of the works and prior to the issue of any Occupation Certificate the RL of the development as approved must be surveyed and certified by an appropriately qualified and practising surveyor as compliant with the maximum approved levels. This survey and certification must be submitted to the Principal Certifier with the application for an Occupation Certificate and a copy provided to Council (if it is not the Principal Certifier).

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

Sydney Water

G23. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

The final Section 73 Certificate must be submitted to the Principal Certifier prior to release of any linen plan for subdivision or prior to occupation of the development, whichever is the earlier.

Notes:

1. Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site www.sydneywater.com.au/customer/urban/index, or telephone 13 20 92.
2. Following application, a 'Notice of Requirements' will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

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

BASIX Completion Receipt

- G24. In accordance with Section 45 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, prior to issuing a final occupation certificate the Principal Certifier must provide a BASIX completion receipt.

(Reason: To ensure compliance with the Regulations)

House Numbering (Dwellings)

- G25. Prior to any Occupation Certificate being issued an application must be made to North Sydney Council for written confirmation, or allocation, of the street address(es) or apartment number(s) for the completed project in accordance with Council's Property Addressing Policy. These are the numbers that will be recorded in Council records and must be displayed at the property in accordance with the provisions of AS/NZS 4819:2011.

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

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

Landscaping

G26. The landscaping shown in the approved Landscape Design Report prepared by Urbis dated 25 June 2024 must be completed prior to the issue of a relevant Occupation Certificate.

(Reason: To ensure compliance)

Damage to Adjoining Properties

G27. On completion of the development the subject of this consent and prior to the issue of any Occupation Certificate, a report is to be prepared by an appropriately qualified consultant and is to be provided to the Principal Certifier (and a copy to Council if it is not the Principal Certifier) certifying:

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

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

Where works required to rectify any damage caused to adjoining property as a result of the development identified in the report and certification have not been

carried out, a satisfactory agreement for rectification of the damage is to be made with the affected person/s as soon as possible prior to the issue of an Occupation Certificate.

All costs incurred in achieving compliance with this condition shall be borne by the developer.

(Reason: To ensure adjoining owner's property rights are protected in so far as possible)

Verification Statement (External Finishes and Materials)

G28. Prior to the issue of a relevant Occupation Certificate, a verification statement from a qualified designer or architect (preferably the original designer), must be submitted to Council and the Principal Certifier certifying that the external finishes and materials are in accordance with the approved schedule of finishes and materials identified in this consent.

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

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

Unpaved Verge

G29. The unpaved verge area must be constructed or reconstructed and planted with an appropriate species of grass prior to completion of the works at no cost to Council.

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

Allocation of car parking spaces

G30. Car parking spaces must be provided and maintained at all times on the subject site. The spaces must be allocated to uses within the building as follows:

Car Parking Type	Maximum Number of Spaces
Residential apartments	46 spaces including 11 accessible space.

Commercial	3 spaces including one (1) accessible space.
Retail	2 spaces including one (1) accessible space

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

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

Green Travel Plan

G31. The Green Travel Plan (GTP) dated 16 August 2024 prepared by McLaren Traffic Engineering & Road Safety Consultants is to be amended by a suitably qualified traffic engineer or traffic planner and is to be submitted to Council and the Principal Certifier, prior to the relevant Occupation Certificate.

The Green Travel Plan must incorporate the following:

- (a) empirical analysis of typical travel demand and mode share outcomes for walking, cycling, public transport including Metro Services and private vehicular use for similar developments (base case scenario);
- (b) a vision and objectives for the Travel Plan that are consistent with the community's vision for transport as detailed in the North Sydney Transport Strategy;
- (c) specific, measurable, ambitious and realistic targets, including time-frames for achieving them;
- (d) an action plan, with links to identified targets, that demonstrates how these actions will deliver the Travel Plan vision, reduce travel demand and/or increase walking, cycling, public transport and ride sharing for trips to and from the site. This could include:
 - i. Identification and promotion of public transport options to access the site (for example, on a website and /or business cards);
 - ii. Preparation of a Transport Access Guide (TAG) for the site.
 - iii. Implementation of a car pool system for employees;
 - iv. Introduce staff car sharing scheme for fleet vehicles;
 - v. Use taxis or public transport for work related journeys;
 - vi. Provide priority parking for staff who car pool with more than 2 passengers;
 - vii. Encouragement of cycling and walking to the site through generous provision of bicycle parking, showers and lockers;
 - viii. Incentive schemes to encourage employees to commute using sustainable transport modes (such as the provisions

- of public transport vouchers/subsidised public transport tickets);
- ix. Allocation of designated parking spaces for a car sharing scheme;
- x. Prominent display of a large map of cycling routes (i.e. in the foyer of a residential, educational or business complex);
- xi. Provide staff with cycling allowances, loans and insurance together with bicycle storage and showering and changing facilities; and

The recommendations, amenities and travel arrangements outlined in the GTP required by this condition are to be implemented and maintained at all times for the life of the development.

Notes:

- *Transport Access Guides (TAGs) provide information to staff and clients on how to reach places via public transport, walking or cycling.*
- *The strategies listed above do not comprise an exhaustive list and Council may consider alternative strategies that reduce the reliance on the use of private motor vehicles.*

(Reason: To encourage use of public transport and active transport and to minimise reliance on the private motor vehicle)

Vehicle Turntable

G32. To ensure safe and efficient operation of the vehicle turntable unit to be located in the loading bay, the following measures must be implemented in the completed development:

- (a) The turntable must have line marking depicting the centre of the turntable, maximum radius in which a vehicle is to be contained upon the turn table itself and the maximum swept path radius and associated "Keep Clear" marking, as a result of the swept path of vehicle overhanging the turn table.
- (b) The turntable controls / control pad must be located in close proximity to the turntable and are to be clearly marked and visible from the turntable. Controls are to include an emergency stop button, rotation control and a programmed/defined turning movement designed to facilitate manoeuvring a vehicle from the typical approach to the typical exit, operated with a single button.
- (c) A maintenance number is to be listed on the control panel area so as to minimise the downtime should the device breakdown

Details confirming installation of the above within the development must be provided to the Principal Certifier prior to the release of the relevant Occupation Certificate.

Charging Facility for Electric Vehicles to be provided

- G33. Appropriate provision must be incorporated into the design of car parking areas to allow for the installation of charging facilities for electric vehicles.

Certification confirming that that electric vehicle charging points can be installed at a later time within the basement of the building as required by the Charging Facility for Electric Vehicles condition that electric vehicle charging facilities are capable of being installed in parking areas as required by this condition is to be provided to the Principal Certifier with the Final Occupation Certificate. All costs incurred in achieving compliance with this condition shall be borne by the developer.

(Reason: To promote sustainability and energy efficiency)

Public Artwork to be installed

- G34. The public artwork agreed under specific requirements of any conditions within this consent is to be installed prior to the issue of the Final Occupation Certificate. Any variation to the artwork, shall be to the satisfaction of Council. The artwork is to be maintained in an acceptable condition at all times.

(Reason: To ensure that the art work required by this consent is delivered and maintained in an appropriate condition)

I. Ongoing/Operational Conditions

Communal Open Space

- I1. The use of the roof top communal open space area on Level 11 is to be in accordance with the approved Plan of Management (POM) at all times.

EV Charging Spaces

- I2. The use of the EV charging spaces are to be in accordance with the approved

EV Plan of Management (POM) at all times.

First use of Premise – Further consent Required

13. A separate development application for the fitout and use of the commercial premises must be submitted to and approved by Council prior to that fitout and/or use commencing

(Reason: To ensure that development consent is obtained prior to uses commencing)

Use of Car Parking Spaces

14. Car parking spaces provided must only be used in conjunction with the approved uses contained within the development.

(Reason: To ensure that parking for building occupants remains available on an ongoing basis)

Allocation of Spaces

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

Car Parking Type	Maximum Number of Spaces
Residential apartments	46 spaces including 11 accessible spaces.
Commercial	3 spaces including one (1) accessible space.
Retail	2 spaces including one (1) accessible space

Car parking spaces provided must only be used in conjunction with the approved uses contained within the development.

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

Noise and Vibration Impact

16. The ongoing use of the premises approved under this consent must comply with all conditions pertaining to noise and vibration specified in this consent.

(Reason: To ensure compliance with the specified levels of noise and vibration and to maintain the amenity of surrounding land uses)

Loading within Site

17. All loading and unloading operations must be carried out wholly within the confines of the site, at all times and must not obstruct other properties or the public way.

(Reason: To ensure that deliveries can occur safely within the site and does not adversely affect traffic or pedestrian amenity)

Minimum Headroom for Car Parking

18. Minimum headroom clearances must be provided throughout the car parking and loading areas as per AS 2890.1-2004, AS 2890.2-2018 and AS 2890.6-2009, including:

- A minimum clearance of 2.2 metres must be provided over all car-parking areas.
- A minimum clearance of 2.5 metres provided over all accessible parking spaces and shared areas.
- A minimum clearance of 3.5 metres provided above Small Rigid Vehicle bays and manoeuvring areas to/from the bays.
- A minimum clearance of 4.5 metres provided above the Medium Rigid Vehicle bay and manoeuvring areas to/from the bay.

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

No Illumination

19. No consent is given or implied for any form of illumination (other than ground - level lighting, lighting on rooftop/podium level areas to benefit the occupants of those areas and interior lighting) or floodlighting to the building or any sign. A separate development consent must be obtained for any such external

floodlighting or illumination of the building, approved sign or site landscaping (unless exempt development).

(Reason: To ensure appropriate forms of signage that are consistent with Council's controls and those that are desired for the locality, and do not interfere with amenity of nearby properties)

Commercial Waste and Recycling Storage

I10. Commercial waste and recycling material/storage bins must be stored in a separate area to the residential waste and recycling material/storage bins.

(Reason: To ensure that commercial waste and residential waste is not mixed and is properly managed)

Waste Collection

I11. Waste and recyclable material, generated by this premises must not be collected between the hours of 10pm and 6am on any day.

(Reason: To ensure the amenity of surrounding properties)

Delivery Hours

I12. No deliveries, loading or unloading associated with the premises are to take place between the hours of 10pm and 6am on any day.

Roof Top Lighting

I13. Lighting on rooftop or podium level areas must not be illuminated between 11:00 pm and 7:00 am. The design and placement of the lighting must:

- (a) be directed away from any residential dwelling;
- (b) not create a nuisance or negatively affect the amenity of the surrounding neighbourhood; and
- (c) comply with AS4282-1997 control of obtrusive effects of outdoor lighting.

(Reason: To ensure residential premises are not affected by inappropriate or excessive illumination)

Maintenance of Approved Landscaping

114. The site owner is to maintain the landscaping approved by this consent generally in accordance with the approved plans.

Any replacement plants required shall be advanced in growth and be selected to maintain the anticipated mature height, canopy density and nature of those plant species as originally approved. Any replaced trees shall conform with AS2303:2018 Tree stock for landscape use and the approved Landscape Plan.

Should it be desired to substitute plants which are not of the same mature height, canopy density and nature (particularly flowering for non-flowering, native for exotic, deciduous for non-deciduous or the reverse of any these) a modification to this consent will be required.

(Reason: To ensure maintenance of the amenity, solar access and views of adjoining properties)