***A.*** ***Conditions that identify Approved Plans***

# **Development in Accordance with Plans/Documentation**

1. 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-0000 | H | COVER | SJB Architects | 29/10/2024 |
| DA-0100 | F | SITE PLAN | SJB Architects | 29/10/2024 |
| DA-0201 | G | EXISTING PLAN – BASEMENT 01 | SJB Architects | 29/10/2024 |
| DA-0202 | F | EXISTING PLAN – LEVEL 00 | SJB Architects | 29/10/2024 |
| DA-0251 | F | DEMOLITION PLAN – BASEMENT 01 | SJB Architects | 29/10/2024 |
| DA-0252 | E | DEMOLITION PLAN – LEVEL 00 | SJB Architects | 29/10/2024 |
| DA-0801 | F | 3D OVERALL AXONOMETRIC - NORTH | SJB Architects | 29/10/2024 |
| DA-0802 | F | 3D OVERALL AXONOMETRIC – WEST | SJB Architects | 29/10/2024 |
| DA-0803 | F | 3D OVERALL AXONOMETRIC – SOUTH | SJB Architects | 29/10/2024 |
| DA-0804 | F | 3D OVERALL AXONOMETRIC - EAST | SJB Architects | 29/10/2024 |
| DA-1001 | H | FLOOR PLAN – BASEMENT 04 | SJB Architects | 29/10/2024 |
| DA-1002 | H | FLOOR PLAN – BASEMENT 03 | SJB Architects | 29/10/2024 |
| DA-1003 | H | FLOOR PLAN – BASEMENT 02 | SJB Architects | 29/10/2024 |
| DA-1004 | H | FLOOR PLAN – BASEMENT 01 | SJB Architects | 29/10/2024 |
| DA-1005 | H | FLOOR PLAN – GROUND LEVEL | SJB Architects | 29/10/2024 |
| DA-1006 | E | FLOOR PLAN – MEZZANINE LEVEL | SJB Architects | 29/10/2024 |
| DA-1007 | H | FLOOR PLAN – LEVEL 01 | SJB Architects | 29/10/2024 |
| DA-1008 | J | FLOOR PLAN – LEVEL 02 | SJB Architects | 29/10/2024 |
| DA-1009 | I | FLOOR PLAN – LEVEL 03 | SJB Architects | 29/10/2024 |
| DA-1010 | I | FLOOR PLAN – ROOF | SJB Architects | 29/10/2024 |
| DA-1401 | H | ELEVATION – NORTH  | SJB Architects | 29/10/2024 |
| DA-1402 | G | ELEVATION – EAST | SJB Architects | 29/10/2024 |
| DA-1403 | G | ELEVATION – SOUTH  | SJB Architects | 29/10/2024 |
| DA-1404 | G | ELEVATION – WEST  | SJB Architects | 29/10/2024 |
| DA-1501 | H | BUILDING SECTION A | SJB Architects | 29/10/2024 |
| DA-1502 | H | BUILDING SECTION B | SJB Architects | 29/10/2024 |
| DA-1503 | H | BUILDING SECTION C | SJB Architects | 29/10/2024 |
| DA-1504 | H | BUILDING SECTION D | SJB Architects | 29/10/2024 |
| DA-1505 | H | BUILDING SECTION E | SJB Architects | 29/10/2024 |
| DA-4001 | G | ADAPTABLE APARTMENT – 2BED – SHEET 01 | SJB Architects | 29/10/2024 |
| DA-4002 | G | ADAPTABLE APARTMENT – 2BED – SHEET 02 | SJB Architects | 29/10/2024 |
| DA-4003 | C | ADAPTABLE APARTMENT – 2BED – SHEET 03 | SJB Architects | 29/10/2024 |
| **Landscape Plans**  |
| LA-0001 | B | COVER SHEET | SJB Architects | 20/08/2024 |
| LA-0002 | B | LANDSCAPE LEGEND | SJB Architects | 20/08/2024 |
| LA-0003 | B | PLANTING SCHEDULE | SJB Architects | 20/08/2024 |
| LA-0010 | B | VEGETATION MANAGEMENT PLAN | SJB Architects | 20/08/2024 |
| LA-1000 | C | LANDSCAPE PLAN GROUND FLOOR  | SJB Architects | 20/08/2024 |
| LA-1001 | D | LANDSCAPE PLAN LEVEL 01 | SJB Architects | 20/08/2024 |
| LA-1002 | C | LANDSCAPE PLAN LEVEL 02 | SJB Architects | 20/08/2024 |
| LA-1003 | C | LANDSCAPE PLAN LEVEL 03 | SJB Architects | 20/08/2024 |
| LA-1004 | C | LANDSCAPE PLAN ROOFTOP | SJB Architects | 20/08/2024 |
| LA-2001 | B | LANDSCAPE SECTIONS SHEET 1 | SJB Architects | 20/08/2024 |
| **Reports relied upon** |
| P19-233 |  | Revised Clause 4.6 - Building Height  | Gyde | April 2025 |
| - | 01 | Design Report | SJB Architects | 29/10/2024 |
| Co14927.00 | C | Civil Development Application Package | Costin Roe Consulting | 20/08/2024 |
| Co14927.00 | E | Civil Engineering Report  | Costin Roe Consulting | 28/08/2024 |
| - | - | Arboricultural Impact Assessment Report  | Lee Hancock Consulting Arborist  | 9.03.2024 |
| - | - | Detailed Site Investigation Report  | Geo-Logix | August 2024 |
| 230129 | 3.1 | BCA Capability Statement  | BM+G | 26/08/2024 |
| 2301026GTRpt01FinalV02\_21August24 | V02 | Preliminary Geotechnical Report | Geo-Logix | 21/08/2024 |
| P00613 | 004 | Noise and Vibration Impact Assessment | E-LAB Consulting | 28/08/2024 |
| P000823 | 2 | Disability Access Report  | Inclusive Places | 19/08/2024 |
| 22S0006 | A | Traffic Impact Assessment | People Trans | 28/08/2024 |
| 4938 | H | Operational Waste Management Plan | Elephants Foot  | 15/08/2024 |
| - | 0 | Construction Management Plan | - | 27/08/2024 |
| - | B | Staging Plan | - | August 2024 |
|  |  | Proposed Stratum Subdivision of Proposed New Works and Surrounding Council Land  | Astrea | August 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**

1. 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)

# **External Finishes and Materials**

1. External finishes and materials must be in accordance with the materials and finishes detailed within the Design Report prepared by SJB 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**

A4 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)

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

**Construction Management Program - North Sydney Council Traffic Division Approval**

1. 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:
2. A plan view (min 1:100 scale) of the entire site and frontage roadways indicating:
3. Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction-related vehicles in the frontage roadways;
4. Signage type and location to manage pedestrians in the vicinity;
5. The locations of any proposed Work Zones in the frontage roadways;
6. Locations and type of any hoardings proposed;
7. Area of site sheds and the like;
8. Location of any proposed crane standing areas;
9. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
10. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected; and
11. The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
12. A Traffic Guidance Scheme(s) for the site incorporating the following:
13. Traffic control measures proposed in the road reserve that are in accordance with the TfNSW publication “Traffic Control at Work Sites Manual” and designed by a person licensed to do so (minimum TfNSW ‘red card’ qualification).
14. The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.
15. A detailed description and map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided, detailing light traffic roads and those subject to a load or height limit must be avoided at all times.

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

d) A Waste Management Plan in accordance with the provisions of Part B Section 19 of the *North Sydney DCP 2013* must be provided. The Waste Management Plan must include, but not be limited to, the estimated volume of waste and method of disposal for the construction and operation phases of the development, design of on-site waste storage and recycling area and administrative arrangements for waste and recycling management during the construction process;

e) Evidence of TfNSW concurrence where construction access is provided directly or within 20m of an Arterial and/or Classified Road;

f) A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements; and

g) For those construction personnel that drive to the site, the Site Manager shall attempt to provide on-site parking so that their personnel’s vehicles do not impact on the current parking demand in the area.

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

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

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

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

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

Note:

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

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

# **Awning to Extend Full Site Frontage**

1. The proposed awning to all street frontages is to be extended to provide for continuous weather protection and refuge to the site frontage. The required awning must be capable of being detached from the building façade, must have a low profile and be constructed of either glass or other lightweight material to match the height of adjoining awnings.

Plans detailing the final design of the required awning must be submitted and approved by the Council prior to the lodgement of the relevant Construction Certificate.

(Reason: To provide continuous weather protection and refuge for the entire site frontage as required by the Area Character Statement

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

**Stormwater Design Amendments**

1. Proposed site discharge points as per the Civil Engineering report for Development Application, by Costin Roe Consulting, are only acceptable with the inclusion of the below the Stormwater construction/reconstruction requirements:
2. Removal of Existing Surcharge Pit (PIT 0) located in the corner of Grosvenor Street and Waters Lane, pit to be removed and replaced with a new pit connected to ex. pit in Cooper Lane - via pipe with a minimum diameter of 675 mm as indicated in the reference sketch (ECM - 9740538)
3. Diversion of Existing 600mm Pipe from Young Street through Grosvenor Lane, connecting Pits 2 and 3. Pipe to be min. 600mm diameter. (See sketch for clarity - ECM 9740538)
4. Upsize of Cooper Lane Stormwater Pipe to 600 mm diameter between Pits 3 and 1 along Cooper Lane to capture the diversion from Young Street (See sketch for clarity - ECM 9740538).

The above amendments must be made to the stormwater design and submitted to Council for approval with an application for the relevant construction certificate

(Reason: Compliance with Councils Stormwater Requirements)

**TfNSW Conditions**

1. The following conditions from TfNSW shall apply:
2. Any proposed changes to the phasing at the significant intersection of Belgrave Street / Young Street would require a separate application to TfNSW, documenting the proposed changes and assessing the impacts on the intersection in detail.
3. It is note that a Category 1 shared zone is proposed to replace the existing category 2 shared zone surrounding the proposed development. In NSW, TfNSW is responsible for the setting and signposting of safe and appropriate speed limits in accordance with the NSW Speed Zoning Standard. While the concept plan provided is considered acceptable ‘in-principle’, TfNSW requires the following detailed design information in order for the proposal to be assessed for a 10 km/h shared zone in accordance with TTD 2016/001 Design and Implementation of Shared Zones Including Provisions for Parking:

**Site classification:**

* To classify as a Category 1 shared zone, the road / road related area must clearly provide different coloured and textured surface treatments from the surrounding roads and not have any kerbs.

**Pedestrian priority:**

* The design must clearly highlight to drivers that the priority is for pedestrians.

**Design principles:**

The design principles for shared zones are to be defined to ensure the proposed scheme incorporates the necessary features to provide an appropriately safe environment. The detailed deign must clearly define the:

* Street space / delineation
* Entrance / exit points
* Traffic signs and line marking
* Pavement surface
* Traffic calming features / treatments
* Forward visibility
* Vehicle mix and accessibility requirements
* Car parking
* Facilities for bicycles
* Requirements for people with a mobility or vision impairment
* Lighting and drainage
1. The Applicant shall be responsible for all public utility adjustment/relocation work, necessitated by the above work, and as required by the various public utility authorities and/or their agents.
2. A Construction pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements, impacts on the nearby school zone and classified roads should be submitted to TfNSW for review and endorsement prior to the issue of a construction certificate. Any impacts and mitigation must also be addressed in the CTPMP and Traffic Guidance Schemers. Please send to development.sydney@transport.nsw.gov.au.

(Reason: Compliance with TfNSW Requirements)

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# **Dilapidation Report Damage to Public Infrastructure**

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

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

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

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

# **Shoring for Adjoining Property**

1. Where shoring for excavation is to be located on or is supporting Council’s property, or 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 destressing 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 works on adjoining land.

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

**Geotechnical Report**

1. Prior to issue of the relevant Construction Certificate a Geotechnical/Civil Engineering report must be prepared which addresses at a minimum (but is not limited to) the following:
2. 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;
3. 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;
4. 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);
5. the existing groundwater levels in relation to the basement structure, where influenced;
6. 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
7. 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:

1. no ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure;
2. 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;
3. no changes to the ground water 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;
4. 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;
5. 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
6. 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 the relevant Construction Certificate.

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 during the excavation process)

# **Erosion and Sediment Control**

1. Where any works authorised by this consent require disturbance of the soil surface or existing vegetation, erosion and sediment control techniques, as a minimum, are to be in accordance with the publication, *Managing Urban Stormwater: Soils and Construction,* (4th Edition, Landcom, 2004) commonly referred to as the “Blue Book,” or a suitable and effective alternative method.

An Erosion and Sediment Control Plan must be prepared and implemented prior to any works commencing. The Erosion and Sediment Control Plan must be consistent with the Blue Book and disclose:

1. All details of drainage to protect and drain the site during the construction processes;
2. All sediment control devices, barriers and the like;
3. Sedimentation tanks, ponds or the like;
4. Covering materials and methods; and
5. A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained;
6. Methods for the temporary and controlled disposal of stormwater during construction.

All works must be undertaken in accordance with the approved Erosion and Sediment Control Plan.

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

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

# **Skylight(s)**

1. Skylight flashing(s) and frame(s) to be coloured to match the roof material. Skylight(s) to sit no higher than 100mm above roof plane when in a closed position. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

(Reason: To minimise the visual impact of the skylight(s) on the roof plane)

**Communal Open Space**

1. 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 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)

# **Waste Management Plan**

1. A Waste Management Plan prepared in accordance with the provisions of Part B Section 19 of the North Sydney DCP 2013 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:
	1. The estimated volume of waste and method of disposal for the construction and operation phases of the development;
	2. The design of the on-site waste storage and recycling area; and
	3. 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)

**Dewatering Management Plan**

1. 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:
2. De-watering technique and proposed discharge point
3. Anticipated dewatering flow rate and total dewatering duration
4. Controls (e.g. settling tank, silt curtain, flocculation) and method of discharge
5. Measures and techniques to manage noise, vibration and odour issues.
6. Measures and techniques to manage geotechnical stability issues
7. Contingency plan in case of emergency situations
8. 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.
9. Confirmation that testing to be carried out by a suitably qualified environmental consultant
10. 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
11. Stipulation that the release of water into Council’s Stormwater system is to halt immediately where water quality does not meet discharge criteria.
12. confirmation that testing to be carried out by a suitably qualified environmental consultant
13. 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 Index of Glazing**

1. The glazing for windows, walls or roof finishes of the approved development must be factory pre-finished with low glare and reflectivity properties. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

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

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

# **Roofing Materials - Reflectivity**

1. 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.

(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**

1. 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.

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

**Deed of Agreement**

1. The Applicant and the Council must enter into a Deed of Agreement in accordance with North Sydney Council’s Encroachments Policy to enter into a lease of the proposed airspace over the public footpath in the Road Reserve of Grosvenor Lane which:
	* Awnings, services, OSD, easements etc.,

The instrument(s) prepared for the lease of the proposed airspace over the public footpath is (are) to include:

1. finishes and materials;
2. unobstructed availability of the footway at ground level to the public at all times;
3. level of lighting and security for pedestrians using the footpath area below the first-floor balcony that maintains residential amenity;
4. a stratum subdivision to allow the airspace to be subdivided from the remainder of the Road Reserve;
5. an ongoing maintenance agreement for the structure over the public footpath at the sole cost of the Applicant;
6. ongoing arrangements for the Applicant to obtain public liability insurance details for a policy in the amount of not less than $20 million in respect of any property damage, personal injury and loss of life caused by or in connection with the provision and use of the proposed structure over the Road Reserve in Grosvenor Lane. The Applicant is to bear all costs incurred in obtaining and maintaining this insurance while the structure remains over public land, and must note North Sydney Council as a beneficiary on this policy, on terms satisfactory to Council; and

Prior to the issue of the relevant Construction Certificate, the Deed of Agreement and any associated documentation shall be prepared, executed and registered at the sole cost of the Applicant, including the reasonable costs of Council in obtaining advice, the cost and expense of negotiating the terms and conditions of the lease, producing documents or otherwise facilitating the preparation, execution and registration of the required documents. The Deed must bind all successors in title and shall only be subject to variation at the discretion of the Council.

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

# **Work Zone**

1. If a Work Zone is proposed, an application must be made to the North Sydney Local Traffic Committee to install the ‘Work Zone’. A Work Zone permit is required to be issued by the Council prior to the issue of any Construction Certificate.

Note: An application for a 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**

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

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

**Bicycle Storage and Parking**

1. The bicycle storage and parking areas must comprise of at least 57 bicycle spaces in total consisting of:
* 47 bicycle parking spaces for residents and resident visitors, and
* 10 bicycle spaces for retail land use staff and their visitors.

The bicycle storage lockers and bicycle rail shall be designed in accordance with the applicable Australian Standards. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

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

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

1. 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.

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

**Design Certification – Parking**

1. 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:
2. 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.
3. Bicycle parking associated with the development is provided in accordance with AS2890.3 design requirements.
4. Driveway access complies with Figure 3.3 of AS2890.1:2004 minimum sight lines for pedestrian safety.
5. All vehicles shall enter and exit the premises in a forward direction;
6. 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.
7. Motorcycle parking spaces must have a minimum dimension of 1.2m x 3m.

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**

1. Accessible parking spaces shall be provided as part of the total car-parking requirements at the following rates per the NSDCP 2013 based on the land use type.
* Residential
	+ At least 1 accessible parking space to each adaptable housing dwelling.
* Non- Residential
	+ At least 1-2% of all non-residential parking spaces are to be designed for use by the disabled.

Consideration must be given to the means of access from the car-parking spaces to adjacent buildings, to other areas within the building and to footpath and roads. All details shall be prepared in consideration of, and construction completed in accordance with applicable Australian Standards to achieve compliance with *the Disability Discrimination Act 1992* *(Commonwealth)*. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

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

**Parking Meter Relocation**

1. Where metered parking is located adjacent to the site, Council will require the removal/relocation of existing parking meter and associated meter infrastructure. An application must be made to North Sydney Council for the approval of the Parking Meter Manager. The application must include a copy of the plans of the proposed temporary and permanent driveways for the entire site.

All costs associated with removal/relocating the metered parking including all sign changes, parking bay line markings must be paid in full to North Sydney Council prior to issue of any Construction Certificate.

The Certifying Authority must ensure that the specifications submitted , accompanying the issued Construction Certificate, fully satisfy this condition.

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

# **Car Park and Loading Docks to Comply with Relevant Standards**

1. The car park and loading dock layout must comply with all requirements of Australian Standard AS2890.1. Certification from a suitably qualified and practicing Civil Engineer that the basement design will comply with the requirements of the Australian Standard must be provided to the 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**

1. All loading areas comply with the latest versions of the Australian Standards: AS 2890.1 for off-street car parking, AS 2890.6 for off-street parking for people with disabilities, AS 2890.3 for bicycle parking, and AS 2890.2 for off-street commercial vehicle parking. The car park and loading dock design (including any modifications to the original design) must be reviewed and approved by a suitably qualified person and submitted for approval to the satisfaction of the Certifying Authority.

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

# **Sight distance at Access Driveways**

1. The vehicular accesses must be designed in accordance with AS2890 having consideration for sight distance to pedestrians at the intersection of the vehicular access with the property boundary. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

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

# **Car Wash Bay**

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

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

# **Motorcycle Parking**

1. The Motorcycle parking must be provided for the development to at least satisfy the motorcycle parking requirements outlined in the NSDCP 2013. Motorcycle parking rates are shown below for each land use type.
* Residential: Maximum of 1 space per 10 spaces
* Non-Residential: Minimum of 1 space per 10 car spaces or part thereof

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

# **Truck Hoist**

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

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

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

# **Required Infrastructure Works - Roads Act 1993**

1. 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. To obtain the permit, an application must be made to Council on a ‘*Application to satisfy development consent’* form with payment of the adopted assessment/inspection fees. The responsibility for accuracy of the design fully rests with the designing engineer. All responsibility on implementation and supervision of works specified on design plans fully rests on designing engineer or whoever is chosen to be applicant’s engineering representative:

Road Works

1. The streetscape in all four frontages (Waters Road, Grosvenor Street, Grosvenor Lane, and Cooper Lane) of this development are that all elements included in the design comply with the NSC Public Domain Style Manual & Design Codes for Village-centres-and-Activity-Strips (<https://www.northsydney.nsw.gov.au/downloads/download/330/public-domain-style-manual-and-design-codes>), especially the footpath paving along all frontages, which need to be Category 1 with patterns as shown in PDSM (also known as the speckled hen pattern)
2. Waters and Coopers Lanes, both roads are proposed to be shared zones as part of the "40kmh & 10kmh Shared Zone Masterplan and Action Plan" (<https://www.northsydney.nsw.gov.au/directory-record/1315/40kmh-and-10kmh-shared-zone-masterplan-and-action-plan>).
3. The upgrade works of the shared zone of Grosvenor Lane between young Street and Cooper Lane are to be included as part of the public domain works for this consent.
4. Cross sections at a scale of 1:50 along the centre-line of each access point from the footpath to the property boundary/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 Building Code of Australia (BCA), including disability requirements. The Council approved footpath levels must be accommodated at the building entry points.
5. The proposed vehicular access ways 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.
6. The design detail has to be provided with **vehicular access application** and must include sections along centre-line and extremities of the crossing at a scale of 1:25. Sections are to be taken from the centre of the roadway through to the parking area itself and shall include all changes of grade and levels, **both** existing and proposed.
7. A longitudinal section along the gutter line in Cooper Lane at a scale of 1:50 showing how it is intended to transition the layback with the existing gutter levels and shall include all changes of grade and levels, **both** existing and proposed.
8. A longitudinal section along the footpath property boundary at a scale of 1:50 is required and shall include all changes of grade and levels, **both** existing and proposed.
9. The boundary footpath levels must match the existing levels and shall not be altered unless agreed to by Council.
10. All inspection openings, utility services must be adjusted to match the proposed driveway levels and location.

Drainage Works

Connection of the site stormwater system must be made directly to a newly constructed grated gully pit (with lintel), to front the site on (INSERT) Street. To accommodate this requirement, the following drainage infrastructure works must be carried out on Council property at the Applicants expense:-

a) Removal of Existing Surcharge Pit (PIT 0): The surcharge pit located at the corner of Grosvenor Street and Waters Lane - Pit 0 must be removed and replaced with a new pit connected to pit 1 via a pipe with a minimum diameter of 675 mm. (reference diagram will be available on request).

b) Diversion of Existing Pipe from Young Street: Divert the existing 600 diameter pipe from Young Street through Grosvenor Lane, connecting Pits 2 and 3. Pipe between these pits to be min. 600mm diameter.

c) Upsize of Cooper Lane Stormwater Pipe: Increase the diameter of the stormwater pipe between Pits 3 and 1 along Cooper Lane to capture the diversion of the existing 600 diameter pipe from Young Street.

d) All new pipes must have a 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 Certifying Authority for approval prior to the issue of the relevant Construction Certificate.

Certifying Authorities must not issue a Construction Certificate without the formal written approval of Council (as Roads Authority) under the Roads Act 1993.

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

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

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

**Allocation of Parking**

1. 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  | 39 spaces including twelve (12) accessible spaces. |
| Residential car wash bay | 2 spaces. |
| Retail premises  | 189 spaces including four (4) accessible spaces. |
| Coles click and collect | 5 spaces. |
| Public | 77 spaces including four (4) accessible spaces. |

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)

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

1. 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:
2. Compliance with BCA drainage requirements, Councils Engineering Performance guide and current Australian Standards and guidelines, such as AS/NZ3500.3.2 1998, National Plumbing and Drainage Code.
3. Stormwater runoff and subsoil drainage generated by the approved dwellings must be conveyed in a controlled manner by gravity via a direct connection to Council’s stormwater gully pits in Coopers Lane and Grosvenor Street. When a direct connection to the pit option is implemented then the pipeline within the footpath area shall have a minimum cover of 300mm.
4. All civil and drainage works within the road reserve must be designed and built in accordance with Council’s current “Infrastructure Specification”. Prior to issue of the Construction Certificate the applicant must have engineering plans and specifications, prepared by a qualified civil drainage design engineer. Council must approve the plans and specifications, in writing, prior to issue of any Construction Certificate by the Certifying Authority. The documentation must provide engineering construction detail for the following public infrastructure works that must be completed as part of the approved development. Council reserve the right of keeping all bonds on infrastructure works for 12 month defects liability period.
5. Video inspection must be carried out of completed drainage works that are to revert to council and a video tape forwarded to council’s development engineer to support the certification. Bonds held by Council will be returned after receipt of satisfactory information.
6. The stormwater drainage system shall be designed for an average recurrence interval (A.R.I.) of 1 in 20 years.
7. All redundant stormwater pipelines within the footpath area shall be removed and the footpath and kerb reinstated.
8. All sub-soil seepage drainage shall be discharged via a suitable silt arrester pitDetails of all plans certified as being adequate for their intended purpose and complaint 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.
9. The design and installation of the Rainwater Tanks shall comply with Basix and **Sydney Water** requirements**.** Overflow from tank shall be connected by gravity to the stormwater disposal system.
10. Prevent any stormwater egress into adjacent properties by creating physical barriers and surface drainage interception.
11. Provide subsoil drainage to all necessary areas with pump out facilities as required.

Details demonstrating compliance are to be submitted with the Construction Certificate.

Details demonstrating compliance are to be submitted with all other drainage details to Council prior to issue of any Construction Certificate.

The Certifying Authority issuing the Construction Certificate must ensure that the approved drainage plan and specifications, satisfying the requirements of this condition, is referenced on and accompanies the Construction Certificate.

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

#

**On-Site Stormwater Detention**

1. On site detention must be provided to ensure that the maximum discharge from the site does not exceed discharge which would occur during a 1 in 5 year storm for the time of concentration determined for the particular site, for the existing site conditions. All other stormwater run-off from the site for all storms up to the 1 in 100 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.

Determination of the required cumulative storage must be based on computer modelling e technique such as DRAINS, or any other available model.

Engineering calculations, design and certification complying with this condition must be provided by an appropriately qualified and practicing Civil Engineer and submitted to the Certifying Authority 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)

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

1. Prior to the issue of any Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of **$1,151,310.00** to be held by Council for the payment of cost for any/all of the following:
	1. making good any damage caused to any property of the Council as a consequence of the doing of anything to which this consent relates;
	2. completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and [environmental](http://www.austlii.edu.au/au/legis/nsw/consol_act/epaaa1979389/s4.html#environment) [controls](http://www.austlii.edu.au/au/legis/nsw/consol_act/epaaa1979389/s4.html#control)) required in connection with this consent; and

* 1. Remedying any defects in any such public work that arise within 1 year for stormwater and 6 months for major road works and 2 months for vehicular crossing & small associated footpath works, 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. 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)

# **Approval for Removal of Trees**

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

|  |
| --- |
| Schedule : Trees approved for removal |
| **Tree#** | **Species** | **Height** | **Location** |
| T1-T5. | *Sasanqua camellia* | Not shown | Council verge-Grosvenor St frontage |
| T6. | *Eucalyptus saligna* | Not shown | Council verge-Grosvenor St frontage |
| T7 | *Cupaniopsis anacardioides* | Not shown | Council verge-Grosvenor St frontage |
| T8-T14 | *Pyrus calleryana* | Not shown | Council verge-Cooper Lane frontage |
| T15-T16 | *Platanus orientalis* | Not shown | Council verge-Grosvenor Lane frontage |
| T17-27 | *Platanus orientalis* | Not shown | Existing Council carpark adjacent site |
| T28 | *Koelreuteria paniculata* | Not shown |  |
| T30  | *Ficus benjamina* (arb report skips T29-shows 30 & 30A) | Not shown | Council verge-Waters Lane frontage |
| T31-T37 | *Platanus orientalis* | Not shown | Council verge-Waters Lane frontage |
| A | *Platanus orientalis* | Not shown | Existing Council carpark adjacent site |
| B | *Eucalyptus robusta* | Not shown | Existing Council carpark adjacent site |
| C | *Buckinghamia celissima* | Not shown | Existing Council carpark adjacent site |
| D | *Melaleuca linarifolia* | Not shown | Existing Council carpark adjacent site |
| E | *Koelreuteria paniculata* | Not shown | Existing Council carpark adjacent site |

Total number of trees to be retained by this consent: 0

Total number of trees to be removed by this consent: 42

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)

# **Garbage and Recycling Facilities**

1. 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:
2. 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;
3. provision for the separation and storage in appropriate categories of material suitable for recycling;
4. garbage enclosures serving residential units are not to be located within areas designated for non-residential uses; and
5. garbage enclosures serving non-residential uses are not to be located within areas designated for dining purposes.
6. a garbage chute for the residential parts of the building leading to a central garbage storage room that has a waste compaction unit attached with a minimum compaction ratio of at least 2:1; and
7. an interim recycling room for the residential parts of the building with a minimum dimension of 1.5m square on each level of the building, with at least one point of access to the garbage chute, which is provided with space to accommodate 1 x 240 litre bin for the separate collection of recyclable materials.

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)

**Amendments to the Landscape Plan**

1. The landscape plan must be amended as follows to provide an appropriate landscaped setting:
* All 42 x trees nominated for removal within this consent shall be removed by AQ3 arborist, and existing planting sites made good at the applicant’s cost
* No less than 37 x replacement canopy trees (200lmin) shall be planted across street frontages and adjacent to existing council car park.
* Architectural plans shall include awning cut-outs as required to ensure unimpeded future canopy growth of all public trees to be planted with council verges.
* A detailed and definitive landscape Plan that includes replacement planting of at least 5 x canopy trees (500l min) shall be prepared for the referenced but unconditioned public plaza to replace existing council car park.
* All existing & proposed overhead wires shall be undergrounded

An amended landscape plan complying with this condition must be submitted to Council’s LDO, and to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier must ensure that the amended landscape plan and other plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To ensure residential amenity)

# **Cleanliness and Maintenance of Food Preparation Areas**

1. To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all building work in connection with the occupation or use of the premises for the preparation and storage of food shall be designed and carried out in accordance with the requirements of:
2. *the Food Act 2003*;
3. *the Food Regulation*;
4. the relevant Australian Standards;
5. Council’s Food Premises Code;
6. Sydney Water Corporation - Trade Waste Section;
7. *the Protection of the Environment Operations Act* and associated Regulations; and
8. the National Construction Code.

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 Construction Certificate plans and documentation must incorporate details of the following:

1. construction, materials and finishes;
2. installation of fixtures, fittings and equipment;
3. washing facilities, other facilities and special requirements;
4. mechanical ventilation and exhaust discharges; and
5. temperature control

(Reason: To ensure compliance with acceptable standards for the construction of food premises established under environmental health and safety legislation)

# **Asbestos Material Survey**

1. 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:

1. the removal of asbestos must be undertaken by a WorkCover licensed contractor;
2. 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;
3. 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
4. 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)

**Location of Plant**

1. All plant and equipment (including, but not limited to air conditioning equipment) is to be located within the basement of the building and is not to be located on balconies or the roof. Plans and specifications complying with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

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

# **Noise from Plant and Equipment**

1. The use of all plant and equipment installed on the premises must:
2. Comply with the project specific noise criteria contained in Table 9 of the Noise and Vibration Impact Assessment prepared by E-Lab Consulting and dated 28 August 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.

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

# **Vibration from Plant and Equipment**

1. 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**

1. The use of any air conditioner installed on the premises must comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulations 2017 and State Environmental Planning Policy (Transport and Infrastructure) 2021 and must not:

(a) emit a noise that is audible within a habitable room in any affected residence (regardless of whether any door or window to that room is open);

1. 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

* 1. 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 fact Sheet C 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)

**Swimming Pool Pump**

1. The Principal Certifier must be satisfied that the swimming pool pump to be installed on the premises must not:
2. 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);
3. before 8.00am and after 8.00pm on any Sunday or Public Holiday; or
4. before 7.00am or after 8.00pm on any other day
5. cause an Laeq(15min) which exceeds the RBL background noise level by more than 5dB when measured at the boundary of any affected residence. The modifying factor adjustments in Section 4 of *the Environment Protection Authority Noise Policy for Industry 2017* shall be applied.

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

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

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

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

(Reason: To maintain residential amenity)

# **Acoustic Privacy (Residential Apartments)**

1. 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**

1. The recommendations contained in the acoustic report prepared by E-Lab Consulting dated 28 August 2024, must be implemented during construction 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.

*\*Appropriately qualified Acoustical consultant means a consultant who is an employee of a member firm of the Association of Australasian Acoustical Consultants, or an individual who possesses the qualifications to join the Australian Acoustical Society, or Institution of Engineers (grade of member).*

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

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

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

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

# **Mechanical Exhaust Ventilation**

1. 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.

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

# **Construction Noise Management Plan**

1. A Construction Noise Management Plan must be prepared by an appropriately qualified acoustical consultant\* and must include the following:
	* 1. Identification of noise affected receivers near to the site.
		2. 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.
		3. Details of work schedules for all construction phases.
		4. 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.
		5. Representative background noise levels should be submitted in accordance with the Interim Construction Noise Guidelines (ICNG).
		6. 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.
		7. 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.
		8. The course of action will be undertaken following receipt of a complaint concerning offensive noise.
		9. 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.
		10. 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
		11. 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.

*\*Appropriately qualified Acoustical consultant means a consultant who is an employee of a member firm of the Association of Australasian Acoustical Consultants, or an individual who possesses the qualifications to join the Australian Acoustical Society, or Institution of Engineers (grade of member).*

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**

1. Access from the pedestrian entry to the premises and access throughout the building 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](http://www.bpb.‌nsw.gov.au/%E2%80%8Cpage/%E2%80%8Cpremises-standards)

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

**Crime Prevention**

1. The recommendations contained at Section 8 of the Social Impact Assessment & Crime Risk Assessment prepared by GYDE dated 31 July 2023, must be implemented within the architectural plans prior to the issue of any Construction Certificate.

The Principal Certifier must be satisfied that the recommendations have been suitably incorporated into the development and 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)

# **Underground Electricity and Other Services**

1. All electricity and telecommunicationprovision 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**

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

**Schedule of adaptable units**

Unit Nos. 2.04, 2.06, 2.07, 2.10, 2.11, 2.13, 3.03, 3.05, 3.06, 3.09, 3.10 and 3.12.

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)

**Pool Access**

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

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

**Swimming Pool Water to Sewer**

1. The swimming pool, including overflow water, must be drained to the sewer. The consent of Sydney Water to dispose of wastewater must be obtained prior to the issue of the relevant Construction Certificate. Plans and specifications complying with this condition and any conditions/requirements of Sydney Water must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

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

**Pool Filter**

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

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

**Public Artwork**

1. A public art consultant is to be engaged to design and integrate a commissioned artwork as follows:
	1. That is a high quality bespoke artwork for the proposed building,
	2. That is a significant addition to the existing collection of public artworks within the North Sydney LGA,
	3. Provides a unique sense of place distinct to the Neutral Bay Town Centre,
	4. That is contemporary in nature, innovative and create a unique aesthetic signature to the surrounding area,
	5. 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)

# **Local Infrastructure Contributions**

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

Based on the cost of development at the date of determination, the total contribution payable to Council is $1,520,750.00

**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)

**Housing and Productivity Contribution**

1. A housing and productivity contribution (HPC) is required to be made for the approved development. The following payment must be made before the first Construction Certificate.

|  |  |
| --- | --- |
| **Housing and Productivity Contribution** | **Amount** |
| Housing and productivity contribution (base component) | $473,015.07 |
| Total housing and productivity contribution | **$473,015.07** |

The HPC must be paid using the NSW planning portal.

At the time of payment, the amount of the HPC is to be adjusted in accordance with the Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 (HPC Order).

The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the Environmental Planning and Assessment Act 1979 agrees.

The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the Environmental Planning and Assessment Act 1979 to the development, or the HPC Order exempts the development from the contribution.

The amount of the contribution may be reduced under the HPC Order, including if payment is made before 1 July 2025.

(Reason: To require contributions towards the provision of regional infrastructure)

# **Security Deposit/Guarantee Schedule**

1. 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 ($)** |
| Drainage Construction BondEngineering Construction BondOthers | $111,310.00$1,020,000.00$20,000.00 |
| **TOTAL BONDS** | **$1,151,310.00** |

Note: The following fees are applicable:

|  |  |
| --- | --- |
| **Fees** | **Amount ($)** |
| Local Infrastructure Contributions | $1,520,750.00 |
| **TOTAL FEES** | **$1,520,750.00** |

(Reason: Compliance with the development consent)

# **BASIX Certificate**

1. 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. 1404358M\_02 dated 23 August 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.

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

# **Outdoor Lighting**

1. 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**

1. Under awning lighting must be provided to the street frontages of the site. Such lighting is to be designed to P1 standard in accordance with AS/NZS 1158.3.1. The luminaries must be:
	1. weatherproof and vandal-proof;
	2. designed in conjunction with Energy Australia so that the system can easily be connected to a public lighting system when available; and
	3. 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**

1. 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**

1. 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)

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

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

1. 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**

1. 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**

1. 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)

**Tree Planting**

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

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

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

(Reason: To ensure compliance with Sydney Water requirements)

# **Asbestos Material Survey**

1. 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:

1. the removal of asbestos must be undertaken by a WorkCover licensed contractor;
2. 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;
3. 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
4. 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**

1. 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)

**Compliance with Detailed Site Investigation**

D7 The recommendation contained in part 13. Conclusion of the Detailed Site Investigation prepared by Geo-Logix dated August 2024, must be implemented prior to demolition and during construction of the development.

A statement from an appropriately qualified environmental scientist certifying that the measure outlined in the above Detailed Site Investigation – ( i.e: further vapour investigation at depth) has been suitably incorporated into the development and that relevant outcomes have been satisfied, must be submitted to the Certifier.

The 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 amenity of surrounding land uses)

## ***E.*** ***During Demolition and Building Work***

# **Parking Restrictions**

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

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

**Vapour Investigation Validation Report**

1. A validation report/statement prepared by an appropriately qualified environmental scientist must be submitted to the Principal Certifier, within one month of completion of the vapour investigation at depth works, confirming that the vapour investigation works are completed and any resulting works completed to the satisfaction of the appropriately qualified environmental scientist.

(Reason: To ensure environmental amenity is maintained)

**Potential Contaminated land – unexpected finds**

1. If unexpected soil and/or groundwater contamination is encountered during any works, all work must cease and the situation must be promptly evaluated by an appropriately qualified experienced and certified environmental consultant. The contaminated soil and/or ground water must then be managed under the supervision of the environmental consultant, in accordance with relevant NSW Environment Protection Authority (EPA guidelines.

(Reason: To ensure environmental amenity is maintained)

# **Road Reserve Safety**

1. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works, with no obstructions caused to the said footways and roadways (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.

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

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

(Reason: Public Safety)

# **Service Adjustments**

1. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the person acting on the consent and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of the development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.

(Reason: To ensure the service requirements are met)

# **Temporary Disposal of Stormwater Runoff**

1. 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**

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

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

# **Council Inspection of Public Infrastructure Works**

1. 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:
2. Vehicular access; and associated road civil works.
3. Stormwater.

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**

1. 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: -
2. 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;
3. 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;
4. 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;
5. 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
6. 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)

# **Dust Emission and Air Quality**

1. 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 andVibration**

1. All works must be undertaken in accordance with the “Interim Construction Noise Guideline” published by the Department of Environment and Climate Change NSW dated July 2009, 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**

1. All works conducted on site which form part of this development must be carried out in accordance with the submitted Construction Noise Management Plan approved with the 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**

1. 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)

# **Developer’s Cost of Work on Council Property**

1. The developer 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**

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

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

# **Trees to be Removed**

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

**Schedule: Trees approved for removal**

|  |
| --- |
|  |
| **Tree#** | **Species** | **Height** | **Location** |
| T1-T5. | *Sasanqua camellia* | Not shown | Council verge-Grosvenor St frontage |
| T6. | *Eucalyptus saligna* | Not shown | Council verge-Grosvenor St frontage |
| T7 | *Cupaniopsis anacardioides* | Not shown | Council verge-Grosvenor St frontage |
| T8-T14 | *Pyrus calleryana* | Not shown | Council verge-Cooper Lane frontage |
| T15-T16 | *Platanus orientalis* | Not shown | Council verge-Grosvenor Lane frontage |
| T17-27 | *Platanus orientalis* | Not shown | Existing Council carpark adjacent site |
| *T28* | *Koelreuteria paniculata* | Not shown |  |
| T30  | *Ficus benjamina* (arb report skips T29-shows 30 & 30A) | Not shown | Council verge-Waters Lane frontage |
| T31-T37 | *Platanus orientalis* | Not shown | Council verge-Waters Lane frontage |
| A | *Platanus orientalis* | Not shown | Existing Council carpark adjacent site |
| B | *Eucalyptus robusta* | Not shown | Existing Council carpark adjacent site |
| C | *Buckinghamia celissima* | Not shown | Existing Council carpark adjacent site |
| D | *Melaleuca linarifolia* | Not shown | Existing Council carpark adjacent site |
| E | *Koelreuteria paniculata* | Not shown | Existing Council carpark adjacent site |

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

# **Benchmarks**

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

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

# **Special Permits**

1. 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**

1. 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** |
| **MU1 Mixed-use** | Monday - Friday | 7.00am - 7.00pm |
| Saturday | 8.00am - 1.00pm |
| SundayPublic 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**

1. 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.
1. 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.
1. Further information on permits can be obtained from the Council website at [www.‌north‌sydney.nsw.gov.au](http://www.northsydney.nsw.gov.au).

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

# **Installation and Maintenance of Sediment Control**

1. 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)

# **Site Amenities and Facilities**

1. 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 work-place 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**

1. 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)

**Community Information**

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

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

# **Prohibition on Use of Pavements**

1. 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**

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

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

# **Waste Disposal**

1. 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)

# **Asbestos Removal**

1. 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)

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

# **Building Code of Australia**

1. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

(Reason: Prescribed - Statutory)

# **Home Building Act**

1. 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)**

1. 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**

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

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

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

# **Occupation Certificate**

1. 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**

1. 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**

1. 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**

1. 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**

1. 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**

1. 1) A sign must be erected in a prominent position on the site

a) stating that unauthorised entry to the work site is prohibited;

b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and

c) showing the name, address and telephone number of the Principal Certifier for the work.

2) Any such sign must be maintained while to building work or demolition work is being carried out but must be removed when the work has been completed.

(Reason: Prescribed - Statutory)

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

# **Infrastructure Repair and Completion of Works**

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

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

(Reason: Maintain quality of Public assets)

**Certification – Carpark**

1. 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)

# **Noise Certification**

1. 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.

*\*Appropriately qualified Acoustical consultant means a consultant who is an employee of a member firm of the Association of Australasian Acoustical Consultants, or an individual who possesses the qualifications to join the Australian Acoustical Society, or Institution of Engineers (grade of member).*

(Reason: To ensure acoustic amenity)

**Line Marking**

1. A certificate prepared by an appropriately qualified and practising Civil Engineer certifying the construction, paving, line marking and signposting of the parking spaces and 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**

1. 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), Medium Rigid Vehicle (MRV) and Heavy Rigid Vehicle (HRV) loading bays.

The LDMP is to be prepared 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 HRV loading dock 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.

1. 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.
2. The size of vehicles servicing the property must be a maximum length of 12.5 metres.

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

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

# **Access to Premises**

1. Prior to the issue of a relevant Occupation Certificate, a certificate must be prepared 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**

1. 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 and Video**

1. 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.

A copy of the WAE survey drawing, CCTV – video inspection and certification must be submitted to the Council.

CCTV inspection of conduits shall be conducted in accordance with the Conduit Inspection Reporting Code of Australia WSA 05-2013.

(Reason: Compliance with the Consent)

# **Pool Access**

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

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

# **Pool Safety Requirements**

1. A notice must be displayed in a prominent position in the immediate vicinity of the pool at all times showing:

a) Appropriate instructions for artificial resuscitation methods.

b) A warning stating:

1. “YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL,” and
2. “POOL GATES MUST BE KEPT CLOSED AT ALL TIMES", and
3. “KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES.”

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

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

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

# **Certification forMechanical Exhaust Ventilation**

1. 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)

# **Utility Services**

1. 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**

1. 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:
2. The National Construction Code;
3. The applicable Australian Standards;
4. The Public Health Act;
5. Public Health Regulation 2012;
6. 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 (Stormwater Control Systems)**

1. 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:
2. a restriction as to user and positive covenant as to user as appropriate in favour of North Sydney Council burdening 41-53 Grosvenor Street requiring the ongoing retention, maintenance and operation of the stormwater facility (on-site detention, pump-out, charged lines);
3. North Sydney Council being nominated in the Instrument as the only party authorised to release, vary or modify the Instrument;
4. the wording on the Instrument making reference to the Council file/s which hold:
5. the Construction plans; and
6. 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**

1. 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)

# **Section 73 Compliance Certificate**

1. 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.

The section 73 Certificate must be submitted to the Principal Certifier prior to the issue of the Strata Certificate. [Delete as appropriate]

Note: 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.

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)

# **Notification of New Address Developments**

1. Prior to any Occupation Certificate being issued, the person acting upon this consent must comply with the following: -
2. Notify Australia Post of the address(es) as issued by Council and the location in plan form of any secondary, internal addresses, in relation to built public roads. Check Australia Post Website ([www.auspost.com.au](http://www.auspost.com.au)) to find your nearest Australia Post Delivery Facility.

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

**Asbestos Clearance Certificate**

1. For building works where asbestos-based products have been removed or altered, an asbestos clearance certificate signed by an appropriately qualified person (being an Occupational Hygienist or Environmental Consultant) must be submitted to and approved by the Principal Certifier (and a copy forwarded to Council if it is not the Principal Certifier) for the building work prior to the issue of the relevant Occupation Certificate. The asbestos clearance certificate must certify the following:
	1. the building/land is free of asbestos; or
	2. 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**

1. Prior to the issue of the relevant Occupation Certificate, a report prepared by an appropriately qualified person (being an arborist or the like) must be submitted to the Principal Certifier, describing the health of the 42 x tree(s) specifically nominated to be planted as replacement planting as per amendment to landscape plan condition.

The report must provide written detail of the condition, health, vigour & longevity of all nominated tree(s) prior to first occupation of the building.

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

# **Required Tree Planting**

1. On completion of works and prior to the issue of the relevant Occupation Certificate, trees in accordance with the schedule hereunder must be planted in Council’s car park which is to be reinstated by the Applicant at no cost to Council:

**Schedule**

|  |  |  |
| --- | --- | --- |
| **Tree Species** | **Location** | **Pot Size** |
| 37 x canopy trees | Council verges across street frontages and adjacent to existing council car park | (200lmin) |
| 5 x canopy trees | within the referenced but unconditioned public plaza to replace existing council car park | (500l min) |

The installation of such trees, their current health and their prospects for future survival must be certified upon completion by an appropriately qualified horticulturalist.

Upon completion of installation and prior to the issue of an Occupation Certificate an appropriately qualified horticulturalist must certify that any trees planted in accordance with this condition are healthy and have good prospects of future survival. The certification must be submitted with any application for an Occupation Certificate.

(Reason: To ensure that replacement plantings are provided to enhance community landscaped amenity and cultural assets)

# **Height**

1. 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)

**Final Survey**

1. Upon completion of the works and prior to the issue of the relevant Occupation Certificate a final survey of the development and site is to be carried out by an appropriately qualified and practising registered surveyor to demonstrate whether the completed works encroach on any public or private property, both above and below the ground.

(Reason: To ensure compliance with the terms of this development consent and identify any encroachments outside the site boundaries.

**BASIX Completion Receipt**

1. 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)**

1. 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**

1. The landscaping shown in the approved Landscape Plans prepared by SJB Architects dated 20 August 2024 must be completed prior to the issue of a relevant Occupation Certificate.

(Reason: To ensure compliance)

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

1. 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)

# **Allocation of car parking spaces**

1. 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  | 39 spaces including twelve (12) accessible spaces. |
| Residential car wash bay | 2 spaces. |
| Retail premises  | 189 spaces including four (4) accessible spaces. |
| Coles click and collect | 5 spaces. |
| Public | 77 spaces including four (4) accessible spaces. |

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.

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

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

# **Shopping Trolley Wheel Stopping System**

1. A mechanical wheel stopping system shall be implemented prior to the commencement of the use of the supermarket/shop, **and maintained at all times during operation**, to prevent trolleys from leaving the development area (i.e., development area includes the supermarket, associated public arcade, lifts and public car park).

Any trolleys found outside the development area **must be collected** and inspected by the trolley owner, **at the owner’s cost**, to determine whether the mechanical wheel stopping system is in working order prior to being put back into service in the supermarket.

If the mechanical wheel stopping system is found to be faulty it shall be fixed prior to the trolley being put back into service in the supermarket. The trolley mechanical wheel stopping system shall operate at all times.

(Reason: To protect the amenity of surrounding areas)

**Green Travel Plan**

1. A Green Travel Plan is to be prepared 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.
	1. The Green Travel Plan must incorporate the following:
2. 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);
3. 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;
4. specific, measurable, ambitious and realistic targets, including time-frames for achieving them;
5. 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:
	* 1. Identification and promotion of public transport options to access the site (for example, on a website and /or business cards);
		2. Preparation of a Transport Access Guide (TAG) for the site.
		3. Implementation of a car pool system for employees;
		4. Introduce staff car sharing scheme for fleet vehicles;
		5. Use taxis or public transport for work related journeys;
		6. Provide priority parking for staff who car pool with more than 2 passengers;
		7. Encouragement of cycling and walking to the site through generous provision of bicycle parking, showers and lockers;
		8. Incentive schemes to encourage employees to commute using sustainable transport modes (such as the provisions of public transport vouchers/subsidised public transport tickets);
		9. Allocation of designated parking spaces for a car sharing scheme;
		10. Prominent display of a large map of cycling routes (i.e. in the foyer of a residential, educational or business complex);
		11. 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**

1. 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:
2. 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.
3. 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.
4. 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**

1. 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)

# **Apartment Noise Attenuation Construction**

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

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

# **Public Artwork to be Installed**

1. Before the relevant Occupation Certificate is issued, a Public Art Strategy or Plan must be submitted to Council’ Public Arts Officer (or other position responsible for public art) for approval and the public art installed as shown in the approved plan or strategy. The strategy or plan is to satisfy Council’s policies and plans for providing public art.

(Reason: To ensure public art is provided in accordance with Council’s Public Art Master Plan)

## ***Ongoing/Operational Conditions***

# **Pool Filter**

1. The swimming pool pump installed at the premises must not operate so as to:
2. emit a noise that is audible within a habitable room in any affected residence (regardless of whether any door or window to that room is open);

i) before 8.00am and after 8.00pm on any Sunday or Public Holiday; or

ii) before 7.00am or after 8.00pm on any other day

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

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

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

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

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

**Hours of Operation for roof top open space/pool area**

1. The roof top open space/pool area must not be used or occupied between the hours of 10pm and 7am on any day.

(Reason: To ensure the acoustic amenity of surrounding properties)

**Trade Waste**

1. Trade waste water must be disposed of in accordance with the permit requirements of Sydney Water Corporation Ltd, Wastewater Source Control Branch.

(Reason: To ensure compliance with Sydney Water’s requirements and protect the environment)

**Connection to Sewers of Sydney Water Corporation**

1. In the event a Trade Waste licence is required, waste water arising from the use must be directed to the sewers of the Sydney Water Corporation (SWC) under a Trade Waste License Agreement. Details of the Corporation's requirements should be obtained prior to the commencement of any work.

(Reason: To ensure compliance with Sydney Water’s requirements and protect the environment)

**First use of Premise – Further consent Required**

1. A separate development application for the fitout and use of the retail 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)

# **Visitors’ Parking Sign**

1. A sign, legible from the street, must be permanently displayed to indicate that visitor parking is available on the site and the visitor car parking spaces must be clearly marked as such.

(Reason: To ensure that visitors are aware that parking is available on site and to identify those spaces to visitors)

# **Visitors’ Parking Facilities**

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

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

# **Use of Car Parking Spaces**

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

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

# **Allocation of Spaces**

1. 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  | 39 spaces including twelve (12) accessible spaces. |
| Residential car wash bay | 2 spaces. |
| Retail premises  | 189 spaces including four (4) accessible spaces. |
| Coles click and collect | 5 spaces. |
| Public | 77 spaces including four (4) accessible spaces. |

Car parking spaces provided must only be used in conjunction with the approved uses contained within the development. The 77 public parking spaces are to be operated exclusively by North Sydney Council.

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

# **Compliance with Acoustic Report**

1. The recommendations contained in the acoustic report prepared by E-Lab Consulting dated 28 August 2024, must be implemented during use of the development.

The roller door to the truck hoist must be closed during use and operation of the hoist.

(Reason: To ensure the amenity of surrounding land uses)

# **Noise and Vibration Impact**

1. 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**

1. 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)

# **Loading Dock - Operational Management Plan**

1. The use and all loading and unloading operations must be carried out in accordance with the loading dock operational management plan as required by condition G5.

(Reason: For pedestrian and traffic safety, and to maintain residential and public amenity)

# **Minimum Headroom for Car Parking**

1. Minimum headroom clearances must be provided throughout the car parking and loading areas as per AS 2890

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

# **No Illumination**

1. 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**

1. 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**

1. 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**

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

(Reason: To ensure the acoustic amenity of surrounding properties)

# **Shop Premises Registration**

1. The shop premises must be registered with Council prior to commencement of operation of the approved activity. Shop Premises Registration must be maintained at all times.

Note: Council registration forms can be found at <http://www.northsydney.nsw.gov.au>.

(Reason: To ensure compliance with Environmental Health legislation)

# **Roof Top Lighting**

1. 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:
2. be directed away from any residential dwelling;
3. 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**

1. The owner of the premises at 41-53 Grosvenor Street 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)

# **Ongoing Street Tree Care**

1. The 42 x replacement canopy trees planted in the road reserves & public plaza shall be watered for a period of six (6) months after the final construction certificate is issued.

The watering shall be approximately 250 litres per tree/per week (min) delivered gently by hose or watering can so that the surrounding soil can absorb the water. Seasol solution is recommended once a month over this period.

Plans and specifications showing the said tree protection measures must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure the construction plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

**Landscape Maintenance Plan**

1. A Landscape Maintenance Plan is to be prepared by a qualified horticulturalist to ensure the ongoing viability and vigour of plant species

The Landscape Maintenance plan is to be prepared having regard for the practicalities of undertaking landscape maintenance are met as well as the retention of the intended(?) aesthetic values of the Landscape Plan, including but not limited to:

1. Maintenance and usage of irrigation
2. Mowing schedule ???
3. Fertilising schedule
4. Pruning and trimming schedule
5. Re-mulching
6. Replanting schedule
7. Cleaning of exterior pavements, furniture and lighting
8. Storage of materials
9. Disposal of landscape waste
10. Access of maintenance staff
11. Use and noise control of power tools
12. Provision and selection of replacement plants where required

The maintenance requirement by the Landscape Maintenance Plan should be adhered to at all times, for the life of the development.

(Reason: To ensure ongoing heath and vitality of landscaping approved by this consent)

# **Compliance with Trolley Management Plan**

1. At all times, the operator must comply with the requirements of the approved Trolley Management Plan. Any trolleys found outside the development area shall be collected and returned the nominated trolley storage area(s) by the trolley owner, **at the owner's cost**.

(Reason: To protect the amenity of surrounding areas)

# **Plan of Management (Supermarket)**

1. A Plan of Management is to be prepared to reflect the requirements of this consent including loading arrangements, hours of operation and number of staff.

In the event of any inconsistency between the Plan of Management and the conditions of this consent or relevant legislation, then the stricter condition or regulation will prevail.

(Reason: Safety, security and amenity)

## **J. Prior To the Issue of Any Subdivision Certificate (Stratum)**

# **Registered Plans (Stratum)**

1. The Applicant must submit to Council’s documentary evidence that the subdivision has been registered and the lot(s) exists. The use of the premise must not commence until the documentary evidence has been submitted to and approved by Council.

(Reason: To ensure that the allotments of land are created prior to the commencement of the approved use.)

# **Subdivision Certificate**

1. A subdivision certificate that authorises the registration of a plan of subdivision at the NSW Land Registry Services must be obtained. The following must be submitted to Council with any application for a Subdivision Certificate:
2. The original plans of subdivision and administration sheets, and any original 88B instrument to be endorsed;
3. A completed *Application for Subdivision Certificate* form duly completed with payment of fee current at lodgement;
4. Written evidence that all applicable conditions of consent to be satisfied, prior to issue of the Subdivision Certificate, have been satisfied (including submission of all required certificates and the like); and
5. All other information required by *the Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2021*.

Note:

1) Council will check the consent conditions on the relevant subdivision consent. Failure to submit the required information will delay endorsement of the plan of subdivision and may require payment of rechecking fees.

2) Council will not accept bonds in lieu of completing subdivision works.

(Reason: To ensure compliance with relevant legislative requirements and maintenance of up-to-date Council records)

# **Sydney Water Compliance Certificate**

1. A section 73 Certificate under *the Sydney Water Act 1994* must be obtained prior to the release of a subdivision certificate.

The section 73 Certificate must be submitted to the Principal Certifier or North Sydney Council with the documentation to enable the issue of the Strata Certificate.

Note: Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water web site www.sydneywater.com.au\customer\‌urban\index, or telephone 13 20 92.

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

(Reason: To ensure compliance with Sydney Water requirements)

# **Services within Lots**

1. A report must be provided by a Registered Surveyor certifying that all services (including but not limited to stormwater drainage, gas, electricity, telephone cable) as constructed or to be constructed are/will be contained within each lot or within the necessary easements to accommodate such services. The report must be submitted to the Principal Certifier for approval prior to the issue of any Subdivision Certificate.

(Reason: To ensure adequate servicing of the development)

# **Easements, Rights-of-Way and Restrictions-as-to-User**

1. All easements, rights-of-way, right-of-carriageway, and restrictions-as-to-user as indicated on the plans submitted with the application for the Subdivision Certificate must be registered on the title of the relevant lots.

(Reason: To ensure proper management of land)

# **Release of Subdivision Certificate**

1. A Subdivision Certificate that authorises the registration of a plan of subdivision at the NSW Land Registry Services must not be issued until the works in the Schedule below have:

a) been completed, or

b) agreement has been reached between the Applicant for the certificate and the Council:

i) as to the payment by the Applicant to the Council of the cost of carrying out the works, and

ii) as to when the works will be completed by the Council, or

c) agreement has been reached between the Applicant for the certificate and the Council:

i) as to the security to be given by the Applicant to the Council with respect to the works to be completed, and

ii) as to when the works will be completed by the Applicant,

AND evidence has been provided to the Principal Certifier that the works in the Schedule below:

a) have been completed, or

b) agreement has been reached with the Council as to payment of the cost of the works and as to the time for carrying out the work, or

c) agreement has been reached with the Council as to security to be given to the Council with respect to the completion of the works.

(Reason: To ensure that the development is completed to an acceptable standard prior to registration)

# **Release of Subdivision Certificate**

1. A Subdivision Certificate must not be issued until all conditions of this consent have been satisfied and the relevant Occupation Certificate has been issued for the building.

(Reason: To ensure that the development is completed to an acceptable standard prior to registration

# **Building and Unit Numbering**

1. Prior to issue any Subdivision Certificate, the person acting upon this consent must apply to North Sydney Council and receive written confirmation of the allocated street address (house number) and unit numbers for the building. These are the property addresses that will be recorded in Council records and must be displayed at the property in accordance with the provisions of the applicable Australian Standard (AS/NZS 4819:2011).

A draft proposal for numbering of units or allotments must be submitted to Council for endorsement, as these numbers will be used to maintain Council’s property and mapping database.

(Reason: To ensure that Council records are accurate, and that building and unit numbering complies with the requirements of Council’s Property Addressing Policy. Proper building and unit numbering also assists emergency services in readily locating properties)