

Annexure B

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: DA120/24

Development: Demolition, site preparation and excavation and mixed use development comprising a total of 136 apartments across 2 buildings, including an 11 storey building at 55-69 Chandos Street containing 61 apartments and a 12 storey building at 71-89 Chandos Street containing 75 apartments with vehicular access from Atchison Lane, a pedestrian through site link between buildings, dedication of a 5m wide linear park and landscaping to Oxley Street and associated landscaping and public domain works, above 3 basement levels containing car parking and shared facilities.

Site: 55-61, 63-65, 67-69, 71-73, 75, 79-81, 83-85, 87 & 89 Chandos Street, St Leonards NSW 2065 (being the land legally identified as Lot C DP 172499, Lot 1 DP 927407, Lot 1 DP 104816, Lot 10 DP 877196, Lot 1 DP 900998, Lot 1 DP 115581, Lots 28 and 29 DP 455939, Lots A and B DP 443166, Lots 31 and 32 Section 11 DP 2872).

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

Date of determination: 21 August 2025

Date from which consent takes effect: Date of determination.

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.

- (c) Any reference to the “site”, means the land known as 55-61, 63-65, 67-69, 71-73, 75, 79-81, 83-85, 87 & 89 Chandos Street, St Leonards NSW 2065 (being the land legally identified as Lot C DP 172499, Lot 1 DP 927407, Lot 1 DP 104816, Lot 10 DP 877196, Lot 1 DP 900998, Lot 1 DP 115581, Lots 28 and 29 DP 455939, Lots A and B DP 443166, Lots 31 and 32 Section 11 DP 2872).
- (d) Any reference to 'Wall Works' means the following works to basements 2 and 3 of 71 - 89 Chandos Street St Leonards (Eastern Building) in the locations specified in approved plans DA162 and DA163, referenced in condition A1 below:
- i. Construction of two breakthrough walls / wall openings in Basement 2;
 - ii. Construction of one breakthrough wall / wall opening and one double door in Basement 3.

The conditions of consent are as follows:

A. Conditions that identify Approved Plans

Development in Accordance with Plans/Documentation

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

Plan No.	Revision	Description	Prepared by	Dated
DA000	J	Legend, Drawing List, Site Map	Smart design studio	5/08/2025
DA001	G	Site & Roof Plan	Smart design studio	14/05/2025
DA002	G	Setback Diagram	Smart design studio	14/05/2025
DA005	F	Demo Plan	Smart design studio	14/05/2025
DA006	F	Staging Plan	Smart design studio	31/07/2025
DA049	A	Communal Space L00-L03	Smart design studio	14/05/2025

DA050	H	Communal Space L04-L11	Smart design studio	14/05/2025
DA078	F	Liveable & adaptable C55	Smart design studio	14/05/2025
DA079	F	Liveable & Adaptable C71	Smart design studio	14/05/2025
DA080	F	Storage Plans 1 C55	Smart design studio	14/05/2025
DA081	F	Storage Plans 2 C55	Smart design studio	14/05/2025
DA082	F	Storage Plans 3 C55	Smart design studio	14/05/2025
DA083	F	Storage Plans 4 C55	Smart design studio	14/05/2025
DA085	G	Storage Plans 1 C71	Smart design studio	06/08/2025
DA086	F	Storage Plans 2 C71	Smart design studio	14/05/2025
DA087	F	Storage Plans 3 C71	Smart design studio	14/05/2025
DA088	F	Storage Plans 4 C71	Smart design studio	14/05/2025
DA090	A	C55 Indoor Communal Space Detail Plan	Smart design studio	05/06/2025
DA140	M	Plan L00	Smart design studio	04/08/2025
DA141	J	Plan L01	Smart design studio	31/07/2025
DA142	K	Plan L02	Smart design studio	22/07/2025

DA143	K	Plan L03	Smart studio design	22/07/2025
DA144	K	Plan L04	Smart studio design	22/07/2025
DA145	K	Plan L05	Smart studio design	22/07/2025
DA146	K	Plan L06	Smart studio design	22/07/2025
DA147	J	Plan L07	Smart studio design	22/07/2025
DA148	J	Plan L08	Smart studio design	22/07/2025
DA149	J	Plan L09	Smart studio design	22/07/2025
DA150	J	Plan L10	Smart studio design	22/07/2025
DA151	J	Plan L11	Smart studio design	22/07/2025
DA152	I	Plan L12	Smart studio design	14/05/2025
DA161	J	Plan B1	Smart studio design	04/08/2025
DA162	J	Plan B2	Smart studio design	04/08/2025
DA163	J	Plan B3	Smart studio design	04/08/2025
DA420	M	Elevation N & S	Smart studio design	31/07/2025
DA421	L	Elevation E & W	Smart studio design	08/07/2025
DA470	I	Section 1	Smart studio design	31/07/2025
DA471	M	Section 2	Smart studio design	23/07/2025

DA472	J	Section 3	Smart design studio	08/07/2025
DA473	F	Ramp Sections	Smart design studio	14/05/2025
DA804	B	Schedule of Materials & Finishes	Smart design studio	14/05/2025
DA900	A	C55-69 Loading Bay Sections	Smart design studio	31/07/2025
DA901	A	C71-89 Loading Bay Sections	Smart design studio	31/07/2025
Landscape Plans				
LDA-AB-00	G	Landscape Cover Sheet	Ground Ink Landscape Architects	24/02/2025
LDA-AB-01	E	Site Context & Inspiration	Ground Ink Landscape Architects	18/11/2024
LDA-AB-02	E	General Arrangement Axonometric Diagram	Ground Ink Landscape Architects	18/11/2024
LDA-AB-03	A	Existing Tree Plan	Ground Ink Landscape Architects	24/02/2025
LDA-A-GF	G	Lot 55-69 Ground Floor Landscape Plan	Ground Ink Landscape Architects	24/02/2025
LDA-A-04	F	Lot 55-69 Level 4	Ground Ink Landscape Architects	23/01/2025
LDA-A-07	F	Lot 55-69 Level 7 Landscape Plan	Ground Ink Landscape Architects	23/01/2025
LDA-A-09	F	Lot 55-69 Level 9 Landscape Plan	Ground Ink Landscape Architects	23/01/2025

LDA-A-10	F	Lot 55-69 Level 10 Landscape Plan	Ground Landscape Architects	Ink	23/01/2025
LDA-A-RF	F	Lot 55-69 Rooftop Landscape Plan	Ground Landscape Architects	Ink	23/01/2025
LDA-B-GF	G	Lot 71-89 Ground Floor Landscape Plan	Ground Landscape Architects	Ink	24/02/2025
LDA-B-03	F	Lot 71-89 Level 3 Landscape Plan	Ground Landscape Architects	Ink	23/01/2025
LDA-B-04	F	Lot 71-89 Level 4 Landscape Plan	Ground Landscape Architects	Ink	23/01/2025
LDA-B-08	F	Lot 71-89 Level 8 Landscape Plan	Ground Landscape Architects	Ink	23/01/2025
LDA-B-RF	F	Lot 71-89 Rooftop Landscape Plan	Ground Landscape Architects	Ink	23/01/2025
LDA-AB-80	F	Landscape Section A	Ground Landscape Architects	Ink	23/01/2025
LDA-AB-90	F	Landscape Details	Ground Landscape Architects	Ink	23/01/2025
LDA-AB-91	G	Landscape Details	Ground Landscape Architects	Ink	24/02/2025
Civil Drawings					
C010	D1	Cover Sheet, Drawing Register and Locality Plan	Meinhardt		15.04.2024
C020	D1	Standard Notes	Meinhardt		15.04.2024

C060	D1	Erosion and Sediment Control Plan – Level 00	Meinhardt	15.04.2024
C065	D1	Erosion and Sediment Control Details	Meinhardt	15.04.2024
C070	D1	Bulk Earthworks Plan	Meinhardt	15.04.2024
C080	D1	Bulk Earthworks Longitudinal Sections Sheet 1	Meinhardt	15.04.2024
C081	D1	Bulk Earthworks Longitudinal Sections Sheet 2	Meinhardt	15.04.2024
C082	D1	Bulk Earthworks Longitudinal Sections Sheet 3	Meinhardt	15.04.2024
C100	D1	Civil Siteworks and Stormwater Drainage Plan – Level 00	Meinhardt	15.04.2024
C110	D1	Pavement Plan – Level 00	Meinhardt	15.04.2024
C200	D1	Civil Details Sheet 1	Meinhardt	12.04.2024
C201	D1	Civil Details Sheet 2	Meinhardt	15.04.2024
C202	D1	On-site Detention Tank Details	Meinhardt	15.04.2024
C700	D1	Stormwater Drainage Longitudinal Sections	Meinhardt	15.04.2024
Reports relied upon				
2240030	4.0 (Final V2)	Clause 4.6 – Building Height	Ethos Urban	22.05.2025

131363	B	Site Based Stormwater Management Plan	Meinhardt	17.04.2024
	Rev 1	Arboricultural Impact Assessment Report	Capability Green Consulting	08.07.2025
		Design Verification Statement	William Smart	21.05.2025
5747	Rev D	Operational Waste Management Plan	Elephants Foot	20.05.2025
		BASIX Certificate No 1743677M_03	Aspire Sustainability Consulting Pty Ltd	23.05.2025
		Nathers Certificate No 0009376210		04.03.2025
NZS_0405 11		Net Zero statement	Aspire Sustainability Consulting Pty Ltd	23.05.2025
20210298. 2/1503A/R O/LL	Rev 0	Acoustic Assessment	Acoustic Logic	15.03.2024
20210298. 2/2105A/R O/AW		Acoustic review of amended plans	Acoustic Logic	21.05.2025
2024/0281	R1.5	BCA Assessment Report	Steve Watson & Partners	21.05.2025
2021033- L02-V04	-	Fire Engineering Letter	Fire Safety Studio	21.05.2025
24047		Traffic and Parking Assessment Report	Varga Traffic Planning	19.05.2025
24047		Green Travel Plan	Varga Traffic Planning	November 2024
24047	Rev 3	Construction (traffic) Management Program	Varga Traffic Planning	19.05.2025

E26304.G19		Geotechnical Certificate	eiaustralia	23.01.2025
E26304.G03	Rev 1	Geotechnical Investigation	eiaustralia	24.04.2024
E26304.E01	Rev 0	Preliminary Site Investigation	eiaustralia	24.04.2024
E26304.E10	Rev 0	Hazardous Materials Survey	eiaustralia	22.03.2024
E26304		Letter re 'Amended DA to be lodged with LEC. Plans, Sections, Elevations, DA Issue – 55-89 Chandos Street, St Leonards, NSW'	eiaustralia	21.05.2025
	A-Final	Statement of Access Design Compliance – Amended Development Application	Ergon Consulting	21.05.2025
610.30344-R11	V1.1	Qualitative Wind Assessment	SLR	24.02.2025
2240030	5.0	Operational Plan of Management	Ethos Urban	10.07.2025
		Voluntary Planning Agreement		12.07.2024
8165	E	Building Services Report	Donnelley Simpson Cleary Consulting Engineers	23.05.2025
25006		Technical Memorandum – MEM 01	HyStruct Engineering	21.03.2025
25006		Technical Memorandum – MEM 02	Hystruct Engineering	05.08.2025

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)

Staging

- A2. In this development consent, a reference to a 'stage' is a reference to either Stage 1 or Stage 2 as per approved drawing DA006, with references to each stage to be read as including all levels above and below ground of that stage.

(Reason: To accurately define terms used in this Consent)

Voluntary Planning Agreement

- A3. The terms of the Voluntary Planning Agreement between North Sydney Council, TWT Development Pty Ltd and 75 Chandos Street Pty Ltd, which was executed on 12 July 2024, as may be amended from time-to-time, ('the VPA'), are to be complied with.

(Reason: Compliance with the requirements of the Voluntary Planning Agreement)

Plans on Site

- A4. A copy of all plans, specifications and documents (including the plans, specifications and documents submitted and approved with the relevant Construction Certificate) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifier.

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

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

No Demolition of Extra Fabric

- A5. Alterations to, and demolition of the existing building at 55-61 Chandos Street (Lot C DP 172499 and Lot 1 DP 927407) shall be limited to that documented on the approved plans.

(Reason: To ensure compliance with the approved development)

External Finishes and Materials

- A6. External finishes and materials must be in accordance with the Schedule of Material and Finishes Plan no DA804 Rev B prepared by Smart design studio and dated 14 May 2025 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

- A7 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 and Traffic Management Plan

B1 A Construction and Traffic Management Plan prepared by a suitably qualified and experienced traffic consultant must be submitted and approved in writing by North Sydney Council's Traffic Division and the Principal Certifier prior to the commencement of demolition or the issue of any Construction Certificate. If the only work to be carried out at a given point in time relates to demolition work, the Construction Management Plan may (but does not need to be) limited to the demolition work. Further, the Construction and Traffic Management Plan may be (but does not need to be) limited to the work that is the subject of the relevant Construction Certificate. Any use of Council property will require appropriate approvals prior to any work commencing. At a minimum, the Construction and Traffic Management Plan must specifically address the following matters that are relevant to the work that is the demolition work or the subject of the given Construction Certificate:

- a) A plan view (min 1:100 scale) of the entire site and frontage roadways indicating:
 - i. Dedicated temporary construction site driveway entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways and footways;
 - ii. The proposed signage for pedestrian management to comply with the relevant Australian Standards, including pram ramps;
 - iii. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
 - iv. The locations of any proposed Work Zones in the frontage roadways (to be approved by Council's Traffic Committee);
 - v. Locations of hoardings proposed;
 - vi. Location of any proposed crane standing areas;
 - vii. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;

- viii. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
 - ix. The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible; and
- b) A Traffic Control Plan (s) for the site incorporating the following:
- (i) Traffic control measures proposed in the road reserve that are in accordance with the TfNSW publication "Traffic Control at Work Sites Manual" and designed by a person licensed to do so (minimum TfNSW 'red card' qualification).
 - (ii) The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each
- c) A detailed description and map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided, detailing light traffic roads and those subject to a load or height limit must be avoided at all times. A detailed heavy vehicle access route map through the Council area to Arterial Roads. Provision is to be made to ensure through traffic is maintained at all times
- 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 Construction and Demolition 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
- h) The proposed phases of works on the site, and the expected duration of each phase
- i) How access to neighbouring properties will be maintained at all times and the proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of process.
- j) The road is not to be used as a waiting area for trucks delivering to or awaiting pick up of materials.
- k) Proposed protection for Council and adjoining properties. Details are to include site fencing or the provision of "B" class hoardings over footpaths and laneways.
- l) The requirement that, if an occupation certificate has been issued for any part of Stage 1, no part of Stage 1 may be accessed for the purpose of constructing any part of Stage 2, including, without limitation, construction vehicles, workers and suppliers, must not pass through any part of Stage 1 to reach Stage 2 for the purpose of constructing Stage 2, whether with or without equipment or materials.
- m) Detail of how the impact of the Wall Works (as required by Condition G43(a)) upon occupants of Stage 1 is to be effectively minimised, including measures for clean up, make good works and protection of the amenity and convenience of all occupants of Stage 1 during the course of the Wall Works.

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 Engineer prior to the commencement of demolition work or the issue of a Construction Certificate.

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 all approved Construction Traffic Management Plan(s) and any conditions imposed on such plan(s), must be kept on the site at all times and made available to any officer of Council upon request and must be complied with.

Notes:

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

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

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

Surrender of Development Consents

C1. Prior to the issue of any construction certificate, in accordance with Section 4.17(1)(b) and Section 4.17(5) of the *Environmental Planning and Assessment Act, 1979*, a notice of surrender of the following development consents must be provided to Council in writing by the owner of the land in accordance with Clause 67 of the *Environmental Planning and Assessment Regulation 2021*:

- (a) Development consent DA 219/2013 for 63-65 Chandos Street, St Leonards
- (b) Development consent DA 30/2019 for 67-69 Chandos Street, St Leonards
- (c) Development consent DA 32/2019 for 55-61 Chandos Street, St Leonards

(Reason: To ensure compliance with the relevant legislation)

Dilapidation Report Damage to Public Infrastructure

- C2. 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 the relevant Construction Certificate for the excavation of the basement.

The developer may be held liable for all damage to public infrastructure in the vicinity of the site, that is attributable to the development.

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

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

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

Dilapidation Report Private Property (Excavation)

- C3. A full dilapidation survey and report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavations must be prepared following a visual inspection by a suitably qualified expert and submitted to the Principal Certifier for approval prior to the issue of a Construction Certificate for the excavation of the basement, except as provided below. The zone of influence is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.

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

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

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, it must be demonstrated, in writing, to the satisfaction of the Principal Certifier that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Copies of all letters by registered post are to be provided to the Principal Certifier showing the attempts to obtain access to each property.

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

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

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

Dilapidation Survey Private Property (Neighbouring Buildings)

- C4. A photographic survey and dilapidation report of adjoining property at 51 Chandos Street is to be provided

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

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

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, it must be demonstrated, in writing, to the satisfaction of the Principal Certifier that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Copies of all letters by registered post are to be provided to the Principal Certifier showing the attempts to obtain access to each property.

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

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

(Reason: Proper management of records)

Shoring for Adjoining Property

- C5. Where any shoring for excavation is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings certified as being adequate for their intended purpose by an appropriately qualified and practising structural engineer, showing all details, including the extent of encroachment and the method of removal and de-stressing of shoring elements, must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. A copy of this documentation must be provided to the Council for record purposes.

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

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

Structural Adequacy of Existing Building

C6. A report prepared by an appropriately qualified and practising structural engineer, certifying the structural adequacy of any existing building(s) (including parts of buildings) on the property which are not proposed to be demolished under this development consent, and its ability to withstand the proposed additional, or altered structural loads during all stages of construction has not been reduced shall be submitted to the Principal Certifier for approval prior to issue of the relevant Construction Certificate for Stage 2. The engineer shall confirm that the existing capacity is not reduced and where it is reduced, has been appropriately compensated. The certified report must also include all details of the methodology to be employed in construction phases to achieve the above requirements. The methodology in the certified report must be complied with at all times.

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

Geotechnical Report

C7. Prior to issue of the relevant Construction Certificate for excavation of the basement a Geotechnical/Civil Engineering report for the given stage, or all the stages must be prepared which addresses at a minimum (but is not limited to) the following:

- a) the type and extent of substrata formations by the provision of a minimum of four (4) representative bore hole logs which are to provide a full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs must be related to Australian Height Datum;
- b) the appropriate means of excavation/shoring in light of point (a) above and proximity to adjacent property and structures. Potential vibration caused by method of excavation and potential settlements affecting nearby footings/foundations must be discussed and mechanisms to ameliorate any such impacts recommended;
- c) the proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property, structures

and road reserve if nearby (full support must be provided within the subject site);

- d) the existing groundwater levels in relation to the basement structure, where influenced;
- e) the drawdown effects on adjacent properties (including road reserve), if any, the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater. Where it is considered there is the potential for the development to create a “dam” for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path is constructed, artificial drains such as perimeter drains and through drainage may be utilised; and
- f) recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

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

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

The design principles for the geotechnical report are as follows:

- a) no ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure;
- b) no changes to the ground water level are to occur as a result of the

development that are sufficient enough to cause an adverse impact to the surrounding property and infrastructure;

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

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

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

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

Sediment Control

- C8. Where construction or excavation activity requires the disturbance of the soil surface or existing vegetation, erosion and sediment control techniques, as a minimum, are to be in accordance with the publication *Managing Urban Stormwater: Soils and Construction* (4th Edition, Landcom, 2004) commonly referred to as the “Blue Book” or a suitable and effective alternative method.

An Erosion and Sediment Control Plan must be prepared and submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate and prior to any works (other than investigatory works or pre-construction

works, other than demolition) commencing. The Erosion and Sediment Control Plan must be consistent with the Blue Book and disclose:

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

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

The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the 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)

Communal Open Space

- C9. A Plan of Management (POM) for use of the rooftop communal open space on Level 4 of No 71-89 Chandos Street (the eastern building), the rooftop communal open space on Level 11 of No 55-69 Chandos Street (the western building) and the indoor communal space areas on Levels L02, L03, L04, L05 and L06 of No 55-69 Chandos Street must be submitted to and approved by the Principal Certifier (PC) prior to the issue of the relevant 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 areas which shall be restricted to between 8am to 9pm;
- maximum number of users at any one time for each level.
- 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 these spaces.
- The communal areas are to be for the sole use of residents and their guest.
- The communal areas are not to be used, operated or leased by a third party in any commercial agreement.
- 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

- C10. A Waste Management Plan is to be submitted for approval by the Principal Certifier prior to the issue of the relevant Construction Certificate (other than investigatory works). The plan must include, but not be limited to:
- a) The estimated volume of waste and method of disposal for the construction and operation phases of the development;
 - b) The design of the on-site waste storage and recycling area; and
 - c) Administrative arrangements for waste and recycling management during the construction process.

The Waste Management Plan may be (but does not need to be) limited to the work that is the subject of the relevant Construction Certificate. The Operational Waste Management Plan approved by this consent is to be updated to reflect the approved stages, prior to the issue of any occupation certificate for the relevant stage.

The approved Waste Management Plan(s) 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

C11. 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 the relevant Construction Certificate for excavation. The plan must be developed in accordance with Managing Urban Stormwater: Soils and Construction 2004 and include, but not be limited to the following details:

- a) De-watering technique and proposed discharge point
- b) Anticipated dewatering flow rate and total dewatering duration
- c) Controls (e.g. settling tank, silt curtain, flocculation) and method of discharge
- d) Measures and techniques to manage noise, vibration and odour issues.
- e) Measures and techniques to manage geotechnical stability issues
- f) Contingency plan in case of emergency situations
- g) Outline analysis/testing that has been undertaken and how that water quality measures against with 95% protection level trigger values for south-east Australian marine water ecosystems and secondary recreational water as included in the ANZECC (Australian and New Zealand Environmental Conservation Council) Australian and New Zealand Guidelines for Fresh and Marine Water Quality Guidelines 2000.
- h) Confirmation that testing to be carried out by a suitably qualified environmental consultant
- i) Require records of water sample testing to be kept and be available on site, confirming that the water quality released meets the above-mentioned guidelines. All records must be signed by the engaged suitably qualified environmental consultant
- j) Stipulation that the release of water into Council's Stormwater system is to halt immediately where water quality does not meet discharge criteria.
- k) confirmation that testing to be carried out by a suitably qualified environmental consultant
- l) contact details of the engaged suitably qualified environmental consultant

The Dewatering Management Plan may be (but does not need to be) limited to the work that is the subject of the relevant Construction Certificate.

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

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

Reflectivity Glazing

C12. 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 (and may be limited to the work that is the subject of that Construction Certificate). The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the relevant issued Construction Certificate, fully satisfy the requirements of this condition.

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

C13. Roofing materials must be factory pre-finished with low glare and reflectivity properties to be compatible with the colours of neighbouring buildings. The selected roofing material must not cause a glare nuisance or excessive reflectivity to adjoining or nearby properties. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the relevant issued Construction Certificate, fully satisfy the requirements of this condition.

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

No External Service Ducts

- C14. Service ducts must be provided within the new building to keep external walls free of plumbing, drainage or any other utility installations. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

Wind Report

- C15. The recommendations in the Qualitative Wind Assessment report no 610.30344-R11, V1.1 prepared by SLR and dated 24 February 2025 shall be included as part of the construction certificate plans, and, where those recommendations are ongoing, complied with for the life of the development.

(Reason: To ensure compliance with the requirements of the consent)

Work Zone

- C16. If a Work Zone is required, a Work Zone permit is to be obtained from Council prior to the issue of the relevant Construction Certificate.

Note: 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

- C17. Except where otherwise approved by Council, the property boundary alignment levels must match the levels which existed prior to the commencement of works. Plans and specifications which document existing and proposed levels adjacent to the site boundaries and which comply with the requirements of this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

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

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

Bicycle storage and Parking

- C18. A minimum of 206 bicycle spaces must be provided for the development. 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. The Principal Certifier must ensure that the building plans and specifications, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition in relation to the required bicycle parking for the relevant stage.

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

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

- C19. Shower and change facilities shall be provided and made accessible without charge to staff who work in the building. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior

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

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

Design Certification – Parking

C20. A detailed “design” certificate from an experienced and qualified traffic engineer with tertiary qualifications is to be submitted to and approved by the Principal Certifier prior to the issue of a construction certificate confirming the following:

- a) The car parking layout associated with the development (including, driveway grades, headroom clearance turn paths, aisle widths, aisle lengths and parking bay dimensions) shall be in accordance with AS2890.1:2004 and AS2890.6:2022.
- b) Bicycle parking associated with the development is provided in accordance with AS2890.3 design requirements.
- c) Driveway access complies with Figure 3.3 of AS2890.1:2004 minimum sight lines for pedestrian safety.
- d) Confirmation that the plans for the given stage are consistent with the provision for the following allocation of parking facilities across the development:
 - i. A maximum of 85 car parking spaces for residential apartments which include 49 for Stage 1 and 36 for Stage 2.
 - ii. A maximum of 46 car parking spaces for the non-residential premises which include 26 spaces for Stage 1 and 20 spaces for Stage 2.
 - iii. A maximum of 1 car parking space as a car wash bay.
 - iv. Minimum of 206 bicycle spaces.
 - v. Fifteen (15) motorcycle parking spaces.
- e) A minimum of 2.5m headroom within disabled car parking spaces in accordance with AS2890.6:2022 design requirements and a minimum of 2.2m in all other areas in accordance with AS2890.1:2004 design requirements.

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

(Reason: To ensure compliance with relevant standards)

Accessible Parking Spaces to be Provided

C21. A total of thirty (30) accessible parking spaces shall be provided as part of the total car-parking requirements, which is to include 28 spaces for residential apartments, two (2) spaces for the commercial premises. Consideration must be given to the means of access from the car-parking spaces to adjacent buildings, to other areas within the building and to footpath and roads. All details shall be prepared in consideration of, and construction completed in accordance with applicable Australian Standards to achieve compliance with the *Disability Discrimination Act 1992 (Commonwealth)*. Any accessible car parking spaces shall comply with the requirements of AS2890.6 – 2022. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

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

Basement Car Park to Comply with Relevant Standards

C22. The basement layout must comply with all requirements of Australian Standard AS2890.1 and AS2890.2. 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)

Car Park and Loading Dock to Comply with Relevant Standards

C23. The car park and loading dock layout must comply with all requirements of Australian Standard AS2890.1 and AS2890.2. All loading areas shall be designed for access and loading by a Medium Rigid Vehicle. Certification from a suitably qualified and practicing engineer that the basement and loading dock design will comply with the requirements of the Australian Standards must be

provided to the Principal Certifier for approval prior to issue of the relevant Construction Certificate.

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

Loading Dock - Vertical Clearances

C24. The applicant shall submit to the Principal Certifier vertical clearance testing results extending at least 10m into the public road demonstrating that all proposed loading dock facilities are able to be entered and exited by a Medium Rigid Vehicle (MRV) per AS2890.2 - 2018 without scraping occurring and without collision with overhead structural elements or services prior to issue of the relevant Construction Certificate.

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

Vehicular Access

C25. The vehicular access to the development must be designed in accordance with AS2890.1 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: To ensure compliance with relevant standards)

Required Infrastructure Works - Roads Act 1993

C26. Prior to issue of the relevant Construction Certificate for above-ground works for a given stage, engineering design plans and specifications must be prepared by a qualified civil design engineer for the relevant stage. The plans and specifications must be to a detail suitable for construction issue purposes and must provide detail and specification for the following infrastructure works to be completed as part of the development:

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

Road Works

Chandos Street

- a) Construction shall be in accordance with the Council's Public Domain Style Manual for Special Areas St Leonards
- b) Construction of a full-width footpath (excepting where trees are required to be planted in accordance with this Consent) is required across the entire site frontage in Chandos Street (however, the footpath reconstruction may be staged, to align with the completion of the adjacent Stage 1 and Stage 2). The footpath pavement must be placed on a single straight grade of 3.0% rising from the top of the kerb, towards the property boundary, without dipping or rising, including at building entrances. A longitudinal section is required along the footpath property boundary at a scale of 1:50 extending 5m past the property boundary line. The design details are to be provided to and approval is sought from North Sydney Council
- c) Construction of a fully new kerb and gutter is required across the entire site frontage in Chandos Street (however, the new kerb and gutter construction may be staged, to align with the completion of the adjacent Stage 1 and Stage 2). The design details are to be provided to and approval sought from Transport for NSW (TfNSW) and a copy of the approval must be provided to the Council prior to the issue of any Construction Certificate for Public Domain Works.
- d) Two new kerb ramps are to be constructed at the intersection with Oxley Street, to be aligned with the completion of the adjacent Stage 1.
- e) Reconstruction of the carriageway shoulder will be required, to the satisfaction of TfNSW. The design details are to be provided to, and approval sought from Transport for NSW (TfNSW) and a copy of the approval must be provided to Council prior to the issue of any Construction Certificate for Public Domain Works.
- f) cross sections at a scale of 1:50 along the centre line of each access point to the building must be provided and are to show the calculated clearance to the underside of any overhead structure. All the entry points are to comply with the National Construction Code (NCC), including disability requirements. The Council-approved footpath levels must be accommodated at the building entry points.

Oxley Street

- g) Construction shall be in accordance with the Council's Public Domain Style Manual for Special Areas St Leonards.
- h) Construction of a full-width footpath is required across the entire site frontage on Oxley Street (except landscaping/rain garden location) to

align with the completion of the adjacent Stage 1. The footpath pavement must be placed on a single straight grade of 3.0% rising from the top of the kerb, towards the property boundary, without dipping or rising, including at building entrances. A longitudinal section is required along the footpath property boundary at a scale of 1:50 extending 5m past the property boundary line. The design details are to be provided and approval is sought from North Sydney Council.

- i) Construction of a fully new kerb and gutter is required across the entire site frontage in Oxley Street to align with the completion of the adjacent Stage 1. The design details are to be provided and approval is to be sought from North Sydney Council.
- j) A new kerb ramp is to be constructed at the intersection with Atchison Lane to align with the completion of the adjacent Stage 1 *as per approved drawing DA006).
- k) Reconstruction (AC10 50mm thick) of the pavement wearing course impacted by the construction of the kerb and gutter and resurfacing of Oxley Street extending out one car lane width, will be required to all new gutter works. The design details are to be provided and approval is sought from North Sydney Council.
- l) cross sections at a scale of 1:50 along the centre line of each access point to the building must be provided and are to show the calculated clearance to the underside of any overhead structure. All the entry points are to comply with the National Construction Code (NCC), including disability requirements. The Council-approved footpath levels must be accommodated at the building entry points.

Atchison Lane

- m) Construction shall be in accordance with the Council's Public Domain Style Manual for Special Areas St Leonards.
- n) Construction of a full-width footpath is required across the entire site frontage on Atchison Lane (except the approved landscaping location), however, the full-width footpath construction may be staged to align with the completion of the adjacent Stage 1 and Stage 2. The footpath pavement must be placed on a single straight grade of 3.0% rising from the top of the kerb, towards the property boundary, without dipping or rising, including at building entrances. A longitudinal section is required along the footpath property boundary at a scale of 1:50 extending 5m past the property boundary line. The design details are to be provided and approval is sought from North Sydney Council.
- o) Construction of a fully new kerb and gutter is required across the entire

site frontage in Atchison Lane (except in the location of new vehicular crossings), however, the full-width footpath construction may be staged to align with the completion of the adjacent Stage 1 and Stage 2. The design details are to be provided and approval is to be sought from North Sydney Council.

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

Drainage Works

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

- a) Construction of a standard grated kerb inlet pit (1.8 m lintel) in the kerb fronting the subject site in Chandos Street, aligned to the completion of Stage 1, opposite location of proposed OSD pit (north eastern corner). The pit must be constructed in accordance with Councils "Infrastructure Specification for Roadworks, Drainage and Miscellaneous Works".
- b) Construction of a new in-ground drainage line under the kerb and gutter at standard depth. The line must connect the new gully pit to the existing Council pit located downstream of the site in Chandos Street. The pipes within the road reserve are to be reinforced concrete class 2 with a minimum 375mm diameter and have bedding in accordance with Australian Standard AS 3725 – (Loads on buried concrete pipes). The developer shall be responsible for carrying out any service investigations to allow a gravity connection.

Plans and specifications which comply with this condition (a), under the heading 'Drainage Works' above must be submitted to the satisfaction of Council and the Principal Certifier prior to the issue of the relevant Construction Certificate for above-ground works for Stage 1 (other than investigatory works or pre-construction works).

The Principal Certifier must not issue a Construction Certificate for above-ground works for Stage 1 -unless all necessary approvals under section 138 of the *Roads Act 1993* in relation to that stage have been given.

The Principal Certifier must not issue a Construction Certificate for above-ground works for Stage 2 unless all necessary approvals under section 138 of the *Roads Act 1993* in relation to that stage have been given.

The required plans and specifications are to be designed in accordance with North Sydney Council's current documents Infrastructure Specification for Road Works, Drainage and Miscellaneous Works and Performance Guide for Engineering Design and Construction. The drawings must detail existing utility services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works.

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

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

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

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

Splay Corners

- C27. For the purposes of improving sight distance, the vehicular access must have the minimum sight lines for pedestrian safety as per Figure 3.2 of AS 2890.1 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. 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. This does not apply to the existing building to be retained at 55-61 Chandos Street (Lot C DP 172499 and Lot 1 DP 927407).

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

Allocation of Parking

C28. The number of car parking spaces to be provided for each stage of the development shall comply with the table below:

Car Parking Type	Maximum Number of Spaces		
	Stage 1 Only	Stage 2	Total
Residential apartments	49 spaces including eighteen (18) accessible spaces.	36 spaces including ten (10) accessible spaces. (Note: some of these spaces are physically in the Stage 1 basement)	85 spaces including twenty eight (28) accessible spaces
Non-residential spaces	26 spaces including one (1) accessible space.	20 spaces including one (1) accessible space. (Note: some of these spaces are physically in the Stage 1 basement)	46 spaces including two (2) accessible spaces
Car wash bay	1 space	0	1 space

Details confirming the parking numbers for the relevant stage are consistent with the numbers set out in the table above shall be submitted to the satisfaction of the Principal Certifier prior to the issue of the relevant Construction Certificate.

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

Obtain Driveway Crossing Permit under S.138 Roads Act 1993

C29. A driveway crossing and roads infrastructure works permit to suit the approved off-street parking facilities within a stage must be granted by the Council prior to the issue of the relevant Construction Certificate for above-ground works for that stage. In order to obtain a permit under S.138 of the *Roads Act 1993*, an application must be made to Council on the 'Vehicular Access Application' form with payment of the adopted assessment/inspection fees. Council will require civil design construction drawings and certification from the applicant's Civil Engineer to verify design details and enable issue of the permit. The requirements of the permit must be complied with at all times.

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

- a) the vehicular access way must comply with AS 2890.1 and Council's current Vehicular Access Application Guidelines and Specification (gutter bridges not permitted) to ensure that a B85 vehicle will not scrape/strike the surface of the carriageway, layback, vehicular crossing or parking floor;
- b) the redundant layback crossing must be reinstated as a kerb gutter and footpath
- c) [spare]
- d) the vehicular layback must be set square to the kerb,
- e) the crossing (between the layback and the property boundary) must be placed on a single straight grade of approximately 4.5%, falling to the back of the layback,
- f) any twisting of driveway access must occur entirely within the subject property;
- g) all inspection openings, utility services must be adjusted to match the proposed driveway levels;

- h) sections along centre-line and extremities are required at a scale of 1:50 to be taken from the centre-line of the roadway through to the parking area itself and must include all changes of grade and levels both existing and proposed;
- i) a longitudinal section along the gutter line at a scale of 1:50 showing how it is intended to blend the vehicular crossing with the existing kerb and gutter;
- j) a longitudinal section along the footpath property boundary at a scale of 1:50 is required;
- k) the sections must show the calculated clearance to the underside of any overhead structure;
- l) all details of internal ramps between parking levels; and
- m) a swept path analysis is required demonstrating that an 85th percentile vehicle can manoeuvre in and out of the garage spaces in accordance with AS 2890.1 2004 "Off Street Parking".

The permit , for works that are required in conjunction with a particular stage must be granted by Council prior to the issue of the relevant Construction Certificate for above-ground works for that stage.

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

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

Stormwater Management and Disposal Design Plan - Construction Issue Detail

- C30. Prior to issue of the relevant Construction Certificate for above-ground works for Stage 1 (other than investigatory works or pre-construction works), a site drainage management plan must be prepared by a qualified drainage design

engineer. The site drainage management plan must detail the following requirements of North Sydney Council:

- a) compliance with NCC drainage requirements, Council's Engineering Performance guide and current Australian Standards and guidelines, including the Plumbing Code of Australia (PCA);
- b) stormwater runoff and subsoil drainage generated by the approved development must be discharged directly to the newly constructed extended kerb inlet pit with 1.8m lintel in front of the subject site;
- c) All civil and drainage works within the road reserve must be designed and built in accordance with Council's current "Infrastructure Specification". Engineering plans and specifications, prepared by a qualified civil drainage design engineer must be approved, in writing, by Council's Development Engineer prior to issue of any Construction Certificate. The required documentation must provide engineering construction detail for public infrastructure works that must be completed as part of the approved development.
- d) A digital video inspection recording of completed drainage work within the public domain must be carried out by a suitably qualified person and the recording submitted to Council for review by Council's Development Engineer or Drainage to support the certification. Bonds held by Council will be returned after receipt of satisfactory information
- e) The stormwater drainage system shall be designed for an average recurrence interval (A.R.I) of 1 in 20 years
- f) All redundant stormwater pipelines within the footpath area shall be removed and footpath and kerb shall be reinstated
- g) pipelines within the footpath area shall be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 millimetres and a section height of 100 millimetres.
- h) the design and installation of the rainwater tank(s) must comply with BASIX and Sydney Water requirements. Overflow from the tank(s) shall be connected by gravity to the stormwater disposal system.
- i) any proposed fence/building structure is to be constructed so as not to

impede the natural overland flow ; and.

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

A site drainage management plan which complies with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate for above-ground works for the relevant stage (other than investigatory works or pre-construction works). 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.

Further, the site drainage plan may be (but does not need to be) limited to the stage that is the subject of the relevant Construction Certificate.

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

On-Site Stormwater Detention

- C31. On site detention must be provided to ensure that the maximum discharge of stormwater collected from the undeveloped site, which would occur during a 1 in 5- year storm of 1-hour duration is not exceeded. All other stormwater run-

off from the site for all storms up to a 1 in 20-year storm event is to be retained on the site for gradual release to the kerb and gutter or piped drainage system. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.

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

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

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

Pump-out System Design for Stormwater Disposal

C32. The design of the pump-out system for stormwater disposal will be permitted for drainage of basement areas only, and must be designed in accordance with the following criteria:

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

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

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

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

C33. Prior to the issue of the relevant Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of **\$850,000.00** to be held by Council for the payment of cost for any/all of the following:

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

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

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

The security will be refundable following the expiration of 6 months from the issue of the relevant Occupation Certificate or completion of public work required to be completed (whichever is the latest) but only upon inspection and release by Council's 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 the relevant Construction Certificate.
- For avoidance of doubt, this condition does not authorise the use of the bond in any way that falls outside of the scope of section 4.17(6) of the *Environmental Planning and Assessment Act 1979*.

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

Upgrade of Existing Building - Fire Spread and Safe Egress

C34. Pursuant to section 64 of *the Environmental Planning and Assessment Regulation 2021*, aspects of the existing building to be retained at 55-61 Chandos Street (Lot C DP 172499 and Lot 1 DP 927407 must be brought into conformity with the Building Code of Australia (**BCA**)).

Work must be carried out as part of the development so as to upgrade the building to bring it into compliance with the following provisions of the BCA:

- a) Sections C, D & E of the BCA Volume 1.

Plans and specifications showing the upgrading works which must be carried out under this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

Note:

- 1) The Principal Certifier issuing the relevant Construction Certificate has no power to remove the requirements to upgrade the existing building as required by this condition.
- 2) Where this condition specifies compliance with the performance requirements of the BCA, the Principal Certifier, subject to their level of accreditation, may be satisfied as to such matters.

(Reason: Application of Regulations relating to Fire and Life Safety)

Arborist to be commissioned

- C35. An experienced AQF Level 5 consulting arborist must be commissioned to assist the design development, contract documentation and overseeing of construction works on the site for their duration by undertaking regular inspections of the works in progress and providing advice in relation to tree matters

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

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

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

Approval for Removal of Trees

- C36. The following trees are approved for removal in accordance with the development consent:

Tree No./Species	Location	Height (m)
T1-T2 <i>Liriodendron tulipifera</i>	Council verge (Oxley street frontage)	2.5x2m
T3 <i>Liriodendron tulipifera</i>	Council verge (Chandos street frontage)	6x4m
T4-T5 <i>Platanus X hybrida</i>	Council verge (Chandos street)	To 12x15m

	frontage)	
<i>T6 Liriodendron tulipifera</i>	Council verge (Chandos street frontage)	6.5x4m
<i>T7-T9 Platanus X hybrida</i>	Council verge (Chandos street frontage)	To 10x12m
<i>T10-T11 Platanus orientalis</i>	Council verge (Chandos street frontage)	To 3x4m
<i>T12 Platanus X hybrida</i>	Council verge (Chandos street frontage)	To 10x12m
<i>T13 Yucca elephantipes</i>	NE setback-55-89 Chandos St	4X4m
<i>T14 Celtis australis</i>	NE setback-55-89 Chandos St	10x8m
<i>T15 Celtis australis</i>	NE setback-55-89 Chandos St	10x16m
<i>T16 Acer sp.</i>	NE setback-55-89 Chandos St	4x2m

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

C37. An appropriate area must be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. The following requirements must be met:

- a) all internal walls of the storage area must be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;
- b) provision for the separation and storage in appropriate categories of material suitable for recycling and food organics and garden organics (FOGO);

- c) if a storage facility is to be provided at another suitable location within the building, a complementary garbage bin holding bay must be provided no more than 2m from the street boundary of the property.
- d) garbage enclosures serving residential units are not to be located within areas designated for non-residential uses; and
- e) garbage enclosures serving non-residential uses are not to be located within areas designated for dining purposes.

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

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

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

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

Asbestos Material Survey

- C38. A report must be prepared by a suitably qualified person in relation to the existing building fabric to be demolished and/or disturbed identifying the presence or otherwise of asbestos contamination and, if asbestos contamination is present, making recommendations as to the work required to safely address the contamination.

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

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

The report, for a given stage must be submitted to the Principal Certifier for approval prior to the carrying out of any demolition work for that stage.

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

Compliance with Hazardous Materials Survey

C39. The recommendations contained in the Hazardous Material Survey prepared by EI Australia dated 22 March 2024, must be implemented prior to demolition and during construction and use of the development.

A statement from an appropriately qualified environmental scientist/occupational hygienist certifying that the measures outlined in the above stated survey have been suitably incorporated into the development and that relevant outcomes have been satisfied, must be submitted to the Principal Certifier for approval prior to the commencement of any demolition or issue of the relevant Construction Certificate (whichever occurs first). If the only work to be carried out at a given point in time relates to demolition work, the statement may (but does not need to be) limited to the demolition work. Further, the any statement provided for a Construction Certificate application may be (but does not need to be) limited to the work that is the subject of the relevant Construction Certificate.

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

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

Noise from Plant and Equipment

C40. The use of all plant and equipment installed on the premises must:

- (a) Comply with the Project Specific Noise criteria contained in Table 7.2 of the Acoustic Logic Report dated 15 March 2024, pertaining to this development.
- (b) Not cause “offensive noise” as defined in the *Protection of the Environment Operations Act 1997*.

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

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

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

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

Vibration from Plant and Equipment

C41. 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

C42. The use of any air conditioner installed on the premises must comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulations 2017 and State Environmental Planning Policy (Infrastructure) 2007 and must not:

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

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

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

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

(Reason: To maintain residential amenity)

Acoustic Privacy (Residential Apartments)

- C43. 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} , 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 the relevant Construction Certificate.

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

Compliance with Acoustic Report

- C44. The recommendations contained in the acoustic report prepared by Acoustic Logic dated 15th March 2024, must be implemented during construction and use of the development.

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

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

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

Mechanical Exhaust Ventilation

- C45. A statement from an appropriately qualified and practising Mechanical Engineer is required detailing how the exhaust ventilation system will be installed in accordance with AS1668. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the relevant issued Construction Certificate, fully satisfy the requirements of this condition.

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

Construction Noise Management Plan

- C46. A Construction Noise Management Plan must be prepared by an appropriately qualified acoustical consultant, and must include the following:

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

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

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

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

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

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

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

Provision of Accessible Paths of Travel

C47. The building must be designed and constructed to provide access and facilities in accordance with the Building Code of Australia and Disability (Access to Premises - Buildings) Standards 2010. Plans and specifications complying with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

Notes:

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

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

Underground Electricity and Other Services

C48. All electricity and telecommunication provision to the site is to be designed in conjunction with Ausgrid and any other relevant authority. Plans and specifications complying with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the relevant 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

- C49. The following nominated apartments are to be designed in accordance with the standard adaptable housing AS4299 - 1995.

Schedule of adaptable units

No 55-69 Chandos Street

Unit Nos. L01.01, L02.01, L03.01, L04.01, L05.01, L06.01, L07.08, L08.08, L09.07 and L10.05.

No 71-89 Chandos Street

Unit Nos. L02.02, L03.02, L03.06, L03.07, L04.04, L4.05, L05.05, L05.06, L05.07, L06.05, L6.06, L06.07, L07.05, L7.06, L07.07, L08.04, L09.04 and L10.04.

A report prepared by a suitably qualified consultant must be obtained that demonstrates, to the certifier's satisfaction, prior to the issue of a Construction Certificate for above-ground works in the relevant stage that any adaptable dwellings (for that stage) specified in this condition and the approved plans or documents comply with the provisions of AS 4299 Adaptable Housing Standards.

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

Section 7.11 Development Contributions

- C50. A monetary contribution pursuant to the provisions of Section 7.11 of the *Environmental Planning and Assessment Act 1979*, in accordance with the North Sydney Council's Contribution Plan to provide for local infrastructure improvements.

Based on the net increase in demand for infrastructure the total contribution payable to Council is **\$2,558,354.31**

The contribution for Stage 1 is \$1,605,919.31

The contribution for Stage 2 is \$952,435.00

Condition C36 of the Development Consent DA219/13 (which is required to be surrendered under condition C1) required the payment of a monetary contribution to Council pursuant to s94 (now s7.11) of the *Environmental Planning and Assessment Act 1979* in accordance with the *North Sydney Council Section 94 Contributions Plan* in the sum of \$365,197.26 prior to the issue of any construction certificate. This amount (as indexed) was paid prior to the issue of construction certificate D2018-081 on 15 March 2019, however the development was not substantively progressed. The contribution for Stage

2 set out above is to be reduced by the amount that was paid pursuant to DA219/13, as indexed, being an amount of \$ \$396,667 .

Indexation

The monetary contribution required under this consent will be indexed between the date of the grant of the consent and the date on which the contribution is paid 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. However, despite the foregoing, the contribution for the residential component of the development cannot exceed \$20,000 per dwelling.

Timing of payment

The contribution for Stage 1 must be paid to Council prior to issue of any Construction Certificate for any work in Stage 1 above the floor level of the ground floor approved by this consent.

The contribution for Stage 2 must be paid to Council prior to issue of any Construction Certificate for any work in Stage 2 above the floor level of the ground floor approved by this consent.

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)

Security Deposit/Guarantee Schedule

C51. 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 Bond	\$35,000.00
Engineering Construction Bond	\$815,000.00
TOTAL BONDS	\$850,000.00

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

(Reason: Compliance with the development consent)

Housing and Productivity Contribution

- C52. 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	Amount (\$)
Housing and productivity contribution (base component)	\$1,432,155.94
Total housing and productivity contribution	\$1,432,155.94

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.

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

Monetary Contribution – Voluntary Planning Agreement

- C53. The Developer must pay to Council a monetary contribution in the amount of \$405,000.00 indexed in accordance with increases in the CPI from the date of commencement of this agreement, being 12 July 2024 to the date of payment, in accordance with clause 5.4 of the VPA.

The developer must pay the Monetary Contribution to Council in the following instalments:

- (a) \$202,500.00 indexed in accordance with increases in the CPI from the date

of commencement of the Agreement to the date of payment prior to the issue of a Construction Certificate for any above-ground works approved under a Development Consent for the Development; and

(b) \$202,500.00 indexed in accordance with increases in the CPI from the date of commencement of this Agreement to the date of payment prior to the issue of the first Occupation Certificate for the Development.

The Monetary Contribution must be paid by way of bank cheque in favour of Council, or by electronic funds transfer into an account specified by Council.

Each instalment of the Monetary Contribution will be taken to have been made when:

- (i) The bank cheque has been received or
- (ii) The electronic funds deposited into Council's nominated bank account have been cleared.

Words and expressions in this condition have the same meaning as they do in clause 5.4 of the VPA. For avoidance of doubt, this condition is not intended to impose any additional obligations on the applicant that are not required by the VPA.

(Reason: Compliance with the requirements of the Voluntary Planning Agreement)

Voluntary Planning Agreement – Design for Works

C54. Prior to issue of a construction certificate, the developer must provide a copy of the draft detailed design to the Council for approval.

The draft Detailed Design must be generally consistent with the concept plan for the Works in Annexure C of the VPA, the standards and specifications referred to in clause 5.1(a) of the VPA and the concept design agreed in accordance with clause 5.1 of the VPA.

Words and expressions in this condition have the same meaning as they do in clause 5.1 and Schedule 2 of the VPA.

For avoidance of doubt, this condition is not intended to impose any additional obligations on the applicant that are not required by the VPA

(Reason: Compliance with the requirements of the Voluntary Planning Agreement)

BASIX Certificate

C55. 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. 1743677M_03 dated 23 May 2025 for the development are fulfilled. Plans and specifications complying with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

Outdoor Lighting

C56. 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)

Soil Contamination

C57. Following demolition of the buildings, or once the entire site footprint becomes more readily accessible, the following shall apply:

A detailed (Stage 2) Site investigation is to be carried out by a suitably qualified environmental consultant. The assessment shall include characterisation of soil and groundwater with respect to contaminants of concern.

A site investigation plan is to be developed in accordance with NSW EPA (1995) Sampling Design Guidelines. The assessment shall address the contaminants of concern identified in the Preliminary Site Investigation prepared by EI Australia, dated 24 April 2024. Results of the site soil testing shall be assessed against site acceptance criteria developed with reference to

Assessment of Site Contamination – National Environmental Protection Measure (1999 amended 2013).

In the event contaminated soil is identified at the site through the soil testing process or otherwise, a Remedial Action Plan shall be drawn up by a suitably qualified person/environmental consultant detailing the process for excavation, storage and handling, classification, disposal, or reuse of disturbed soils on site. The remedial action plan shall not be considered to be approved until the Principal Certifier has confirmed in writing that it is satisfactory. A copy of the Remedial Action Plan is to be forwarded to Council.

Any soils found to contain contaminants of concern must be classified for disposal purposes, appropriately stored, and properly disposed of to a facility licensed to receive that category of waste.

(Reason: To ensure the land is suitable for its intended purpose)

Remediation

- C58. Following demolition of the structures on site, and prior to any excavation, further soil testing is to be carried out and a Detailed site investigation (DSI) report prepared, as per the recommendations in the Preliminary Site Investigation by Geotechnique Pty Ltd dated 24 April 2024, by a suitably qualified person.

In the event that the DSI reveals the presence of contaminants of concern Prior to the release of the relevant Construction Certificate, the site must be remediated in accordance with:

- a) an approved Remedial Action Plan; and
- b) *North Sydney Development Control Plan 2013* - Section 14 - Contamination and Hazardous Building Materials; and
- c) *State Environmental Planning Policy (Resilience and Hazards) 2021*,
- d) the guidelines in force under *the Contaminated Land Management Act 1997*.

Within thirty (30) days after the completion of the remediation works, and prior to the issue of the relevant construction certificate, a notice of completion, including validation and/or monitoring report is to be provided to Council. This notice must be consistent with *State Environmental Planning Policy (Resilience and Hazards) 2021*.

Prior to the issue of the relevant Construction Certificate, the validation and/or monitoring report is to be independently audited, and a Site Audit Statement issued. A copy of the Site Audit Statement is to be provided to the Principal Certifier and Council (if Council is not the Principal Certifier). The audit is to be carried out by an independent auditor accredited by the Environment Protection Authority. Any conditions recorded on the Site Audit Statement must be complied with at all times.

(Reason: To ensure the land is suitable for its intended purpose)

Under Awning Lighting

C59. Under awning lighting must be provided to the Chandos Street and Oxley Street frontage of the site. Such lighting is to be designed to P1 standard in accordance with AS/NZS 1158.3.1. The luminaries must be:

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

Certification from a suitable qualified commercial electrician must be obtained to demonstrate compliance with the requirements of this condition and certification must be submitted to the Principal Certifier prior to the issue of a 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

C60. 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 the relevant 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

- C61. 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 the relevant Construction Certificate. The Principal Certifier must ensure that the building plans and specification submitted fully satisfy the requirements of this condition.

(Reason: To promote sustainability and energy efficiency)

Services and Fire Hydrant Enclosure

- C62. Prior to the issue of the relevant Construction Certificate for works above ground slab level, the Principal Certifier is to be provided with plans demonstrating that all Services (Gas meter, water meter & fire hydrant and sprinkler booster valves and the like) are enclosed in a manner that complements the building and in accordance with the requirements of EP1.3 & EP1.4 of the BCA.

(Reason: To ensure essential services are appropriately screened)

Public Artwork

C63. A public art consultant is to be engaged to design and integrate a commissioned artwork as follows:

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

The applicant shall liaise with Council's 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 Council's 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)

Ausgrid Requirements

C64. There is an existing electricity substation S3937 within 55-61 Chandos St.

The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and air- conditioning in buildings - Mechanical ventilation in buildings.

In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres.

Exterior parts of buildings within 3 metres in any direction from substation ventilation openings, including duct openings and louvered panels, must have a fire rating level (FRL) of not less than 180/180/180 where the substation contains oil-filled equipment, or 120/120/120 where there is no oil filled equipment and be constructed of non-combustible material.

The development must comply with both the Reference Levels and the precautionary requirements of the ICNIRP Guidelines for Limiting Exposure to Time-varying Electric and Magnetic Fields (1 HZ – 100 kHz) (ICNIRP 2010). For further details on fire segregation requirements refer to Ausgrid's Network Standard 113.

Existing Ausgrid easements, leases and/or right of ways must be always maintained to ensure 24-hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid.

Note: For further details refer to Ausgrid's Network Standard 143.

(Reason: To ensure consideration be given to the compatibility of proposed development with existing Ausgrid infrastructure, particularly in relation to risks of electrocution, fire risks, Electric & Magnetic Fields (EMFs), noise, visual amenity and other matters that may impact on Ausgrid or the development)

Consolidation of Site

C65. The Site shall be consolidated into one allotment and by a Plan of Consolidation being prepared by a registered surveyor. This plan shall be registered at the NSW Land and Property Information prior to the issue of any construction certificate.

(Reason: To ensure lots are consolidated)

Plan for surplus car spaces in Stage 1

C66. Stage 1 includes car parking that would, if Stage 1 was a standalone development, exceed the maximums in the *North Sydney Development Control Plan 2013* in force as at the date of this development consent. Prior to the issue of the relevant Construction Certificate for Stage 1, a plan must be provided to the satisfaction of the Principal Certifier showing which car parking spaces equal to this notional surplus will be subject to permanently fixed floor to ceiling security fencing, and bollards, preventing their use in accordance with condition G41.

(Reason: To ensure that car parking spaces that are not required for Stage 1 are not put to use before they are needed for Stage 2.)

C67. [Spare]

Structural design

C68. The construction certificate plans must be accompanied by certification from a qualified structural engineer confirming that the structural design and construction method proposed to create the openings for access through to No 55-69 Chandos Street from the basement of No 71-89 Chandos Street (Wall Works) will ensure structural stability and support the new and existing buildings.

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

Plan of common services and facilities

C69 Prior to the issue of any construction certificate for Stage 1, plans identifying all services and facilities that are to be shared between both Stage 1 and Stage 2 (inclusive of but not limited to vehicular and pedestrian access, services, storage, access, parking, fire egress, common space and garbage waste services) for:

- (a) residents; and
- (b) commercial tenants,

are to be prepared to the satisfaction of North Sydney Council for the purposes of imposition of future easements and compliance with this consent, including conditions I17 and I18.

(Reason: To ensure amenity and access to services and facilities for future occupants)

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

Project Arborist Engaged

D1. The project arboriculturist:

- shall inspect tree protection measures and certify in writing to the Principal Certifying Authority the measures to comply with the approved Tree

Protection Plan and as directed by the project arboriculturist before work commences

- shall provide guidance and oversight of tree protection and management to ensure that the stability and ongoing viability of trees being retained is not compromised.
- must contact the tree pruning contractor and Council's Tree Management Officer (giving at least 2 working days' notice) to arrange a joint site meeting, prior to commencing any pruning, to determine the exact location and extent of pruning that is permissible, with the tree pruning contractor to comply with any instructions issued by Council, acting reasonably.

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

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

(Reason: Tree protection measures)

Notice of Proposed Work (Remediation Work)

- D2. Notice of proposed work must be given to the Council in accordance with relevant provisions of *the State Environmental Planning Policy (Resilience and Hazards) 2021* (other than any requirement that the Applicant assert or claim that the work is category 2 remediation work)..

The following additional information must be submitted with the notice to the Council:

- a) Copies of any preliminary investigation, detailed investigation and remediation action plan for the site; and
- b) Contact details for the remediation contractor and any other party responsible for ensuring compliance of remediation work with regulatory requirements.

Note: Thirty (30) days' notice is required for any remediation work. In the case of work required to be carried out immediately under the terms of a remediation order, a minimum of two days' notice is required.

(Reason: Ensure that notice is given to the Council for any remediation works)

Public Liability Insurance - Works on Public Land

- D3. 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

- D4. 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 the relevant 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

- D5. Prior to the commencement of any excavation works for a given stage, the approved plans for that stage 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 for that stage.

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

(Reason: To ensure compliance with Sydney Water requirements)

Asbestos Material Survey

- D6. Prior to the commencement of any works, a report must be prepared by a suitably qualified person in relation to the existing building fabric to be demolished and/or disturbed identifying the presence or otherwise of asbestos contamination and, if asbestos contamination is present, making recommendations as to the work required to safely address the contamination.

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

- a) the removal of asbestos must be undertaken by a WorkCover licensed contractor;
- b) all removal must be in strict accordance with the requirements of the

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

The report must be submitted to the Principal Certifier for approval prior to the carrying out of any demolition work. The Principal Certifier must ensure that the report, and other plans, referenced on and accompanying the relevant 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

- D7. Building work, demolition or excavation in accordance with this development consent must not be commenced until the developer has given at least two days’ notice to North Sydney Council of the person’s intention to commence building work, demolition or excavation in accordance with this development consent.

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

E. During Demolition and Building Work

Re-use of Sandstone

- E1. Sandstone blocks (if any) removed from the site are to be either stored for re-use on site or offered to Council in the first instance.

Note: The provisions of the Heritage Act may also apply to altering any sandstone elements on any site)

(Reason: To allow for preservation of cultural resources within the North Sydney Council area)

Parking Restrictions

- E2. Existing public parking provisions (within the public road reserve) in the vicinity of the site must be maintained at all times during works (other than with the consent or approval of Council). The placement of any barriers, traffic cones, obstructions or other device in the road shoulder or kerbside lane is prohibited without the prior written consent of Council. Changes to existing public parking facilities/restrictions must be approved by the North Sydney Local Traffic Committee. The Developer will be held responsible for any breaches of this condition and will incur any fines associated with enforcement by Council regulatory officers.

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

Road Reserve Safety

- E3. All public footways and roadways (within the public road reserve) fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works, with no obstructions caused to the said footways and roadways (other than with the consent of the Council). Construction materials and plant must not be stored in the road reserve without approval of Council. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site (unless the Council otherwise consents).

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

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

(Reason: Public Safety)

Temporary Disposal of Stormwater Runoff

- E4. 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

- E5. All works conducted on site which form part of this development must be carried out in accordance with the Dewatering Management Plan submitted with the relevant Construction Certificate and all conditions of consent.

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

Geotechnical Stability during Works

- E6. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure.

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

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

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

Council Inspection of Public Infrastructure Works

E7. During the works on public infrastructure reverting to Council's care and control, Council's development engineer may undertake inspections of the works at the following hold points:

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

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

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

Progress Survey

E8. In order to ensure compliance with approved plans, a Survey Certificate, prepared to Australian Height Datum, must be prepared by a Registered Surveyor for Stage 1 and Stage 2 showing the following: -

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

- e) at completion, works showing the relationship of the building to the boundary and showing the maximum height of the overall works and the height of the principal roof elements.

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

(Reason: To ensure compliance with approved plans)

Removal of Extra Fabric

- E9. Should any portion of the existing building, trees, or curtilage of the Site which is indicated on the approved plans to be retained be damaged for whatever reason, all the works in the area of the damaged portion are to cease and written notification of the damage is to be given to Council forthwith. No work is to resume until the Council confirms that the damage has been resolved to its satisfaction. Failure to comply with the provisions of this condition may result in the Council taking further action including legal proceedings if necessary.

In this condition, a reference to damage to the existing building does not include changes to the existing building that reasonably arise from the carrying out of the work depicted in the approved drawings (as otherwise modified by the conditions).

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

Dust Emission and Air Quality

- E10. The following must be complied with at all times:

- (a) Materials must not be burnt on the site.
- (b) Vehicles entering and leaving the site with soil or fill material must be covered.

- (c) Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the NSW Department of Housing's 1998 guidelines - Managing Urban Stormwater: Soils and Construction.
- (d) Odour suppression measures must also be carried out where appropriate so as to prevent nuisance occurring at adjoining properties.

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

Noise and Vibration

- E11. The works must be undertaken in accordance with the "Interim Construction Noise Guideline" published by the NSW Environment Protection Authority, to ensure excessive levels of noise and vibration do not occur so as to minimise adverse effects experienced on any adjoining land.

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

Compliance with Construction Noise Management Plan

- E12. All works conducted on site which form part of this development must be carried out in accordance with the submitted Construction Noise Management Plan submitted with a Construction Certificate and all conditions of consent.

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

No Work on Public Open Space

- E13. No work can be undertaken within adjoining public lands (i.e. Parks, Reserves, Roads etc) without the prior written consent of Council. In this regard the developer is to liaise with Council prior to the commencement of any design works or preparation of a Construction and Traffic Management Plan.

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

Applicant's Cost of Work on Council Property

- E14. The applicant or the person, company or other entity that is acting upon this consent, must bear the cost of all works associated with the development that occurs on Council's property, including the restoration of damaged areas.

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

No Removal of Trees on Public Property

- E15. 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

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

Tree No./Species	Location	Height (m)
<i>T1-T2 Liriodendron tulipifera</i>	Council verge (Oxley street frontage)	2.5x2m
<i>T3 Liriodendron tulipifera</i>	Council verge (Chandos street frontage)	6x4m
<i>T4-T5 Platanus X hybrida</i>	Council verge (Chandos street frontage)	To 12x15m
<i>T6 Liriodendron tulipifera</i>	Council verge (Chandos street f	6.5x4m
<i>T7-T9 Platanus X hybrida</i>	Council verge (Chandos street f	To 10x12m
<i>T10-T11 Platanus orientalis</i>	Council verge (Chandos street f	To 3x4m
<i>T12 Platanus X hybrida</i>	Council verge (Chandos stree	To 10x12m
<i>T13 Yucca elephantipes</i>	NE setback-55-89 Chandos St	4X4m

<i>T14 Celtis australis</i>	NE setback-55-89 Chandos St	10x8m
<i>T15 Celtis australis</i>	NE setback-55-89 Chandos St	10x16m
<i>T16 Acer sp.</i>	NE setback-55-89 Chandos St	4x2m

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

Benchmarks

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

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

Special Permits

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

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

1) On-street mobile plant

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

(Reason: Proper management of public land)

2) **Hoardings**

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

(Reason: Proper management of public land)

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

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

(Reason: Proper management of public land)

4) **Kerbside restrictions, construction zones**

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

(Reason: Proper management of public land)

Construction Hours (Commercial Centre and Mixed Use Zones)

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

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

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

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

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

Out-of-hours' Work Permits

- E20. Where it is necessary for works to occur outside those hours allowed by these conditions, an application may be made to Council's Customer Services Centre for a permit to carry out works outside of the approved hours. If a permit is issued the works approved must be carried out in accordance with any requirements specified in the permit. Permits will only be approved if **public safety is at risk**. Applications which seek a variation to construction hours solely to benefit the developer will require the lodgement and favourable determination of a modification application pursuant to the provisions of Section 4.55 or Section 4.56 of *the Environmental Planning and Assessment Act 1979*.

Notes:

- 1) Failure to obtain a permit for work outside of the approved hours will result in on the spot fines being issued, or Council pursuing any action required (including legal proceedings) to have the out of hours work cease, without prior warning.
- 2) Applications for out of hour's works should be lodged with Council no later than seven (7) calendar days prior to the date of the intended works.

- 3) Examples of activities for which permits may be granted include:
- the erection of awnings,
 - footpath, road and other infrastructure works which cannot be carried out for public convenience reasons within normal hours,
 - the erection and removal of hoardings and site cranes, and
 - craneage of materials which cannot be done for public convenience reasons within normal working hours.
- 4) Examples of activities for which permits WILL NOT be granted include:
- extended concrete pours
 - works which are solely to convenience the developer or client, and
 - catch up works required to maintain or catch up with a construction schedule.
- 5) Further information on permits can be obtained from the Council website at www.northsydney.nsw.gov.au.

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

Installation and Maintenance of Sediment Control

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

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

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

Sediment and Erosion Control Signage

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

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

Site Amenities and Facilities

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

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

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

Health and Safety

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

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

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

Community Information

- E25. 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)

Archaeological Discovery During Works

- E26. Should any historical or Aboriginal relic be discovered on the site during demolition, excavation or site preparatory works, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW must be informed in accordance with the provisions of the *Heritage Act 1977* and/or *National Parks and Wildlife Act 1974*. Works must not recommence until such time as approval to recommence is given in writing by the Heritage Council or a permit from the Department of Climate Change, Energy, the Environment and Water is issued, or the Heritage Council or the Director of the Department (as applicable) are satisfied that the resumption of work is appropriate and/or that an approval or permit is not required (as applicable).

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

Prohibition on Use of Pavements

- E27. 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

- E28. All plant and equipment used in the undertaking of the development/ works, including concrete pumps, wagons, lifts, mobile cranes, hoardings etc, must be situated within the boundaries of the site (unless a permit is obtained from Council beforehand) and so placed that all concrete slurry, water, debris and the like must be discharged onto the building site, and is to be contained within the site boundaries.

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

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

Imported Fill Material

E29. The only waste derived fill material that may be received at the development site is:

- a) Virgin excavated natural material (within the meaning of the Protection of the Environment Operations Act 1997); and
- b) Any other waste-derived material the subject of a resource recovery exemption under cl. 92 of the Protection of the Environment Operations (Waste) Regulation 2014 that is permitted to be used as fill material.

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

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

Waste Disposal

E30. 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

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

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

Service Adjustments

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

the relevant utility authority.

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

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

(Reason: To ensure the service requirements are met)

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

National Construction Code

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

(Reason: Prescribed - Statutory)

Home Building Act

- F2. 1) Building work that involves residential building work (within the meaning and exemptions provided in the *Home Building Act 1989*) for which the *Home Building Act 1989* requires there to be a contract of insurance under Part 6 of that Act must not be carried out unless the Principal Certifier for the development to which the work relates has given North Sydney Council written notice of the contract of insurance being issued and of the following:
- a) in the case of work for which a principal contractor is required to be appointed:
- i) the name and licence number of the principal contractor, and

- ii) the name of the insurer by which the work is insured under Part 6 of that Act, or
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- 2) If arrangements for doing residential building work are changed while the work is in progress such that the information submitted to Council in accordance with this condition is out of date, work must cease, and no further work may be carried out unless the Principal Certifier for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

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

(Reason: Prescribed - Statutory)

Appointment of Principal Certifier (PC)

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

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

Construction Certificate

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

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

Occupation Certificate

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

(Reason: Statutory)

Critical Stage Inspections

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

(Reason: Statutory)

Commencement of Works' Notice

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

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

Excavation/Demolition

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

- a) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- b) 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.
- c) Demolition work must be undertaken in accordance with the provisions of AS2601- Demolition of Structures.

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

Protection of Public Places

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

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

application form for a Hoarding Permit can be downloaded from Council's website.

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

Site Sign

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

(Reason: Prescribed - Statutory)

G. Prior to the Issue of an Occupation Certificate

Infrastructure Works, Repair and Completion of Works

- G1. Prior to the issue of any Occupation Certificate any and all works relating to the relevant stage of the development:
- a. In the road reserve must be fully completed;
 - b. required under Condition C26 must be fully completed; and
 - c. to repair and make good any damaged public infrastructure caused as a result of any works relating to the development (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete vehicles) must be fully repaired;

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

(Reason: Maintain quality of Public assets)

Voluntary Planning Agreement

- G2. The terms of the Voluntary Planning Agreement between the North Sydney Council, TWT Development Pty Ltd and 75 Chandos Street Pty Ltd which was executed on 12 July 2024 (as may be amended from time-to-time) shall be completed and implemented. Confirmation by Council that the terms have been effected and are satisfactory shall be obtained from North Sydney Council prior to the issue of any Occupation Certificate (OC) to the satisfaction of the Council.

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

Dedication of Land – Voluntary Planning Agreement

- G3. The Developer must dedicate to the Council, at no cost to the Council, the Dedication Land freed and discharged from all estates, interests, trusts, restrictions, dedications, reservations, easements, rights, charges, rates and contracts in, over or in connection with the Dedication Land, including but not limited to, municipal rates and charges, water rates and land tax.

The obligation to dedicate the Dedication Land will be taken to have been satisfied when:

- (i) a deposited plan is registered in the register of plans held with the Registrar-General that creates a public reserve under the *Local Government Act 1993* (NSW) and Council must, provided a subdivision certificate has been issued, without delay do all things reasonably necessary including signing documents and providing all such consents to allow for the plan to be registered; or
- (ii) the Dedication Land has been transferred to Council in accordance with the *Real Property Act 1900* and the *Electronic Conveyancing National Law*.

The Dedication Land must be dedicated or transferred to Council prior to the issue of an Occupation Certificate for the Development or any part of the Development.

Words and expressions in this condition have the same meaning as they do in clause 5.2 of the VPA. For avoidance of doubt, this condition is not intended to impose any additional obligations on the applicant that are not required by the VPA

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

Through Site Link – Voluntary Planning Agreement

- G4. Prior to the issue of any Occupation Certificate for the Development, it will design and construct the Through-site Link in accordance with any Development Consent and, unless otherwise specified by the Council, the technical requirements in the DCP and Council's Public Domain Style Manual and Design Code

Prior to the issue of the first Occupation Certificate for the Development, the Developer must register the Easement in Gross in accordance with the requirements stated within Clause 5.3 of the Voluntary Planning Agreement.

Words and expressions in this condition have the same meaning as they do in clause 5.3 of the VPA. For avoidance of doubt, this condition is not intended to impose any additional obligations on the applicant that are not required by the VPA

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

Practical Completion – Voluntary Planning Agreement

- G5. Once the works are completed, the Developer must send a Notice to Council accompanied by complete works as executed plans, any relevant certificates or consents of any public utility authority and a request for written certification from the Council that the Works are complete. Practical completion will be achieved when a practical completion certificate has been issued for those works. A certificate of practical completion must be issued by Council prior to the issue of an occupation certificate.

Prior to the issue of a practical completion certificate for each item of the works, the Developer must deliver to the Council security in an amount equivalent to 2.5% of the construction costs for the particular item of works.

Words and expressions in this condition have the same meaning as they do in clause 8.1(a) and clause 8.5(a) of the VPA. For avoidance of doubt, this condition is not intended to impose any additional obligations on the applicant that are not required by the VPA

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

Certification – Carpark

- G6. 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)

Certification – Carparking, Bicycle Parking areas and Vehicle Loading facilities

- G7. Prior to the issue of an Occupation Certificate, the constructed car park shall be certified by an appropriately qualified engineer that all car parking areas, bicycle parking areas and vehicle loading facilities shall comply fully with the requirements of AS2890.1 - 2004, AS2890.3 - 2015 and AS2890.2 - 2018 respectively. All loading areas shall be designed for access and loading by a Medium Rigid Vehicle. Any accessible car parking spaces shall comply with the requirements of AS2890.6 - 2022

(Reason: To comply with the relevant standards)

Line Marking

- G8. A certificate prepared by an appropriately qualified and practising Civil Engineer

certifying the construction, paving, line marking and signposting of a maximum of 132 off-street carparking spaces (including the car wash bay), together with access driveways, ramps and traffic circulation areas, in accordance with the approved development plans, appropriate Australian Standards and industry best practice as appropriate must be submitted to, and approved by, the Principal Certifier prior to issue of a relevant Occupation Certificate. The 132 car parking spaces must include a maximum of 85 spaces for the residential apartments, 46 spaces for the non-residential premises and one (1) car wash bay. For avoidance of doubt, the numbers nominated in this condition are the numbers for both stages. The certificate only needs to deal with the relevant stage.

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

G9. [Spare]

Noise Certification

G10. Prior to issue of a relevant Occupation Certificate a certificate from an appropriately qualified acoustical consultant is to be submitted to, and approved by, the Principal Certifier certifying that the noise and vibration from use of the development complies with the conditions of consent here-in.

(Reason: To ensure acoustic amenity)

Loading Dock

G11. A certificate prepared by an appropriately qualified and practising Civil Engineer certifying the construction, paving, line marking and signposting of off street car parking spaces, together with access driveways in accordance with the approved development plans, appropriate Australian Standards and industry best practice as appropriate must be submitted to, and approved by, the Principal Certifier prior to issue of the relevant Occupation Certificate.

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

Loading Dock Management Plan

- G12. Prior to the issue of an Occupation Certificate for a given stage, the applicant shall prepare and submit to Council for approval a Loading Dock Management Plan (LDMP) for that stage which shall be implemented on an ongoing basis which provides a system by which the use of the loading docks can be allocated to tenants of the retail/commercial premises, to residents of the buildings and as needed for other purposes when vehicles are required to access the site for deliveries. The LDMP shall include a requirement for an internal review and revision process three months after initial occupation of the site and annually thereafter. To avoid unnecessary delays, the LDMP should be provided to Council at least 6 weeks prior to the anticipated OC date.

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

Access to Premises

- G13. Prior to the issue of a relevant Occupation Certificate, a certificate must be prepared by an appropriately qualified and practising Civil Engineer certifying that access and facilities for persons with a disability in accordance with the National Construction Code and AS Disability (Access to Premises - buildings) Standards 2010 (Premises Standards) has been provided. This certificate must be submitted to, and approved by, the Principal Certifier prior to issue of a relevant Occupation Certificate.

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

Certification – Civil Works

- G14. 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. For avoidance of doubt, the stormwater works within Stage 2 do not need to be constructed prior to the issue of an Occupation Certificate for Stage 1.

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 the relevant Occupation Certificate.

(Reason: Compliance with the Consent)

Works as Executed Drawings

- G15. A works-as-executed survey drawing (W.A.E.) of the completed stormwater drainage system must be obtained. The W.A.E. survey drawing must show the alignment, depth and grade of the stormwater drainage pipelines, pits and ancillary plumbing. The W.A.E survey drawing must be reviewed by a qualified and practising civil engineer and certification provided to the Principal Certifier that the as-built system achieves the design intent of the plans approved with the relevant Construction Certificate. Certification must be provided with the W.A.E survey drawing to the Principal Certifier prior to the issue of an Occupation Certificate.

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

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

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

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

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

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

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

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

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

(Reason: Compliance with the Consent)

Validation for Remediation

- G16. A validation and site monitoring report prepared in accordance with relevant guidelines issued under *the Contaminated Land Management Act 1997*, must be submitted to the Council within one month of completion of the remediation work, and prior to the issuing of the relevant Occupation Certificate.

(Reason: To ensure environmental amenity is maintained)

Hazardous Materials Validation Report

- G17. A validation report/statement prepared by an appropriately qualified environmental scientist/occupational hygienist must be submitted to the Principal Certifier, within one month of completion of the removal of hazardous materials (which may relate to the relevant stage), confirming that the hazardous materials have been removed in accordance with the submitted hazardous materials survey, and in accordance with the relevant Guidelines and SafeWork NSW requirements.

(Reason: To ensure environmental amenity is maintained)

Certification for Mechanical Exhaust Ventilation

- G18. Prior to issue of an Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems the subject of the Occupation Certificate, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2(a)(iii) of the NCC Building Code of Australia, must be submitted to, and approved by, the Principal Certifier.

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

Damage to Adjoining Properties

G19. All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.

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

Utility Services

G20. 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)

Covenant and Restriction (Stormwater Control Systems)

G21. An Instrument pursuant to Sections 88B and 88E of the *Conveyancing Act* 1919 and one copy must be submitted to Council in registrable form, providing for:

- a. a restriction as to user and positive covenant as to user as appropriate in favour of North Sydney Council burdening 55-89 Chandos Street, St Leonards requiring the ongoing retention, maintenance and operation of the stormwater facility (on-site detention, pump-out, charged lines);
- b. North Sydney Council and the owner of the site jointly being nominated in the Instrument as the only party authorised to release, vary or modify the Instrument. For the avoidance of doubt, the consent of North Sydney Council and the owner of the Site is required to release, vary or modify the Instrument;
- c. the wording on the Instrument making reference to the Council file/s which hold:

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

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

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

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

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

(Reason: Compliance and adequate maintenance of drainage system)

Basement Pump-out Maintenance

- G22. Prior to issue of the relevant Occupation Certificate a Maintenance Regime must be prepared for the basement stormwater pump-out system and submitted to the Principal Certifier for approval with the relevant Occupation Certificate documentation. The regime must specify that the system is to be regularly inspected and checked by qualified practitioners.

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

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

Notification of New Address Developments

G23. Prior to the relevant Occupation Certificate being issued, the person acting upon this consent must comply with the following: -

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

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

Asbestos Clearance Certificate

G24. For building works where asbestos based products have been removed or altered, an asbestos clearance certificate signed by an appropriately qualified person (being an Occupational Hygienist or Environmental Consultant) must be submitted to and approved by the Principal Certifier (and a copy forwarded to Council if it is not the Principal Certifier) for the building work prior to the issue of the relevant Occupation Certificate, the asbestos clearance certificate must certify the following: -

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

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

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

(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

G25. Prior to the issue of an Occupation Certificate for Stage 1, a report prepared by an appropriately qualified person (being an arborist or the like) must be submitted to the Principal Certifier, describing the health of the tree(s) specifically nominated below: -

- Replacement for T3-T9 (to 12x15m) located in Council verge (Chandos street frontage) - 7 x *Liriodendron tulipifera* (200l Min).
- 1 x Additional *Liriodendron tulipifera* street trees shown to be planted 200l and not 100l as shown adjacent to Stage 1.

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

Prior to the issue of an Occupation Certificate for Stage 2, a report prepared by an appropriately qualified person (being an arborist or the like) must be submitted to the Principal Certifier, describing the health of the tree(s) specifically nominated below: -

- Replacement for T10-T12 (to 12x15m) located in Council verge (Chandos street frontage) -3 x *Liriodendron tulipifera* (200l Min).
- 5 x Additional *Liriodendron tulipifera* street trees shown to be planted 200l and not 100l as shown adjacent to Stage 2.

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

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

Vehicle Egress Signs

G26. Prior to the issue of the relevant Occupation Certificate, appropriate sign(s) must be provided and maintained within the site at the point(s) of vehicular egress to ensure all vehicles stop before proceeding onto the public way.

(Reason: To ensure pedestrian safety)

Height

- G27. Upon completion of the works for each stage and prior to the issue of any Occupation Certificate for that stage, 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 the relevant Occupation Certificate and a copy provided to Council (if it is not the Principal Certifier).

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

Sydney Water

- G28. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained for each stage.

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 relevant stage of the development, whichever is the earlier.

Notes:

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

For the avoidance of doubt, nothing in this condition affects any limitation on subdivision or any requirement prior to the issue of an occupation certificate elsewhere in these conditions.

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

BASIX Completion Receipt

- G29. 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)

- G30. Prior to the relevant Occupation Certificate being issued an application must be made to North Sydney Council for written confirmation, or allocation, of the street address(es) or apartment number(s) for the completed project in accordance with Council's Property Addressing Policy. These are the numbers that will be recorded in Council records and must be displayed at the property in accordance with the provisions of AS/NZS 4819:2011.

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

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

Landscaping

- G31. For each stage, the landscaping shown in the approved landscape architectural drawings prepared by Ground Ink Landscape Architects as listed in condition A1 of this consent must be completed prior to the issue of a relevant Occupation Certificate (for the given stage).

(Reason: To ensure compliance)

Required Tree Planting

- G32. On completion of works and prior to the issue of an Occupation Certificate for the relevant stage trees in accordance with the schedule hereunder must be planted in Council's nature strip/footpath

Schedule – Stage 1

Tree Species	Location	Pot Size

8 x <i>Liriodendron tulipifera</i>	Council verge in front of 71-89 Chandos St -Chandos street frontage	200l
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Schedule – Stage 2

Tree Species	Location	Pot Size
8 x <i>Liriodendron tulipifera</i>	Council verge in front of 55-69 Chandos St -Chandos street frontage	200l

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 the relevant 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 provide to enhance community landscaped amenity and cultural assets)

Damage to Adjoining Properties

G33. On completion of a stage of the development the subject of this consent and prior to the issue of the relevant Occupation Certificate, a report is to be prepared by an appropriately qualified consultant and is to be provided to the Principal Certifier (and a copy to Council if it is not the Principal Certifier) certifying:

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

development.

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

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

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

Verification Statement (External Finishes and Materials)

- G34. Prior to the issue of the relevant Occupation Certificate, a verification statement from a qualified designer or architect (preferably the original designer), must be submitted to Council and the Principal Certifier certifying that the external finishes and materials are in accordance with the approved schedule of finishes and materials identified in this consent.

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

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

Unpaved Verge

- G35. The unpaved verge area must be constructed or reconstructed and planted with an appropriate species of grass prior to completion of the works at no cost to Council.

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

Allocation of car parking spaces

- G36. 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		
	Stage 1 Only	Stage 2	Total
Residential apartments	49 spaces including eighteen (18) accessible spaces.	36 spaces including ten (10) accessible spaces. (Note: some of these spaces are physically in the Stage 1 basement)	85 spaces including twenty eight (28) accessible spaces
Non-residential spaces	26 spaces including one (1) accessible space.	20 spaces including one (1) accessible space. (Note: some of these spaces are physically in the Stage 1 basement)	46 spaces including two (2) accessible spaces
Car wash bay	1 space	0	1 space

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

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

Green Travel Plan

- G37. A Green Travel Plan (GTP) generally consistent with the GTP prepared by Varga Traffic Planning Pty Ltd dated November 2024, is to be submitted to Council and the Principal Certifier, prior to the relevant Occupation Certificate.

The Green Travel Plan must incorporate the following:

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

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

Notes:

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

private motor vehicles.

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

Charging Facility for Electric Vehicles to be provided

- G38. 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 the car parking areas have been designed and constructed so 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, is to be provided to the Principal Certifier with the Final Occupation Certificate. All costs incurred in achieving compliance with this condition shall be borne by the developer.

(Reason: To promote sustainability and energy efficiency)

Public Artwork to be installed

- G39. Before the relevant Occupation Certificate is issued, a Public Art Strategy or Plan must be submitted to Council's 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. Any variation to the artwork, shall be to the satisfaction of Council. The artwork is to be maintained in an acceptable condition at all times.

(Reason: To ensure that the public art work as required by this consent is delivered and maintained in accordance with Council's Public Art Master Plan)

No subdivision by complying development certificate prior to the issue of a final occupational certificate

- G40. The development the subject of this consent must not be subdivided by a complying development certificate prior to the issue of the last occupation certificate required for the development the subject of this consent.

(Reason: To prevent the issue of complying development certificate under clause 6.2(a) of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. This will ensure that, if any subdivision of the consolidated site is to take place, it can only do so after a development application is made to the Council a merit assessment takes place and consent has been granted.

Surplus car spaces in Stage 1 to be temporarily fenced-off

G41. Stage 1 includes car parking that would, if Stage 1 was a standalone development, exceed the maximums in the *North Sydney Development Control Plan 2013* in force as at the date of this development consent. Prior to the issue of an Occupation Certificate for Stage 1, access to car parking spaces equal to this notional surplus must be subject to permanently fixed floor to ceiling security fencing and bollards preventing their use as shown in approved plans DA161, 162 and 163 rev J dated 4/8/2025. This fencing must be maintained (and the fenced off car parking spaces must not be used for any purpose) until an Occupation Certificate is issued for Stage 2.

These spaces shall be assigned to Stage 2 and not used until an occupation certificate is issued for Stage 2.

(Reason: To ensure that car parking spaces that are not required for Stage 1 are not put to use before they are needed for Stage 2.)

No use of Stage 1 to construct Stage 2 if Stage 1 occupied

G42. If any occupation certificate has been issued for any part of Stage 1, no part of Stage 1 may be accessed for the purpose of constructing any part of Stage 2, including without limitation that construction vehicles, workers and suppliers must not pass through any part of Stage 1 to reach Stage 2 for the purpose of constructing Stage 2, whether with or without equipment or materials.

For the avoidance of doubt, this condition does not prevent works to the basement of Stage 1 that are reasonably necessary to carry out the Wall Works in accordance with the technical memorandum prepared by HyStruct Consulting dated 5 August 2025 and the basement plans appended to that memorandum and subject to the measures to minimise the impacts of these works in accordance with condition B1 (which includes the requirements of B1(m)).

(Reason: Maintain amenity of occupants of Stage 1)

Wall Works and Structural Report

G43. Prior to the issue of any Occupation Certificate for Stage 2, the

Applicant must at their own cost:

- (a) Carry out and complete the Wall Works in accordance with the technical memorandum prepared by HyStruct Consulting dated 5 August 2025 and the basement plans appended to that memorandum and the construction management plan as required by condition B1 (which includes the requirements of B1(m));
- (b) Carry out and complete any and all required make good works, repairs and cleaning to the adjoining property at Stage 1;
- (c) Obtain and provide to the Principal Certifier and to the owners of Stage 1 a certificate from the structural engineer who prepared the final specification/design/regulation design for the Wall Works certifying the Wall Works have not caused any structural or other damage of any kind to any part of Stage 1, and have not detrimentally affected any existing services (including any car parking spaces) or the use of the Basement or any other part of the adjoining property and that all existing services (including any car parking spaces) will continue to be accessible and to operate properly and in accordance with the BCA, relevant Australian Standards and all laws and the requirements of any authority and the conditions of development consent applicable;
- (d) Obtain and provide to the Principal Certifier and to the owners of Stage 1, a report from a suitably qualified structural engineer regarding any ongoing monitoring of the Wall Works that is required to be carried out by the Applicant at its cost to ensure the structural integrity of the walls the subject of the Wall Works and to Stage 1 are maintained at all times.

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

I. Ongoing/Operational Conditions

Communal Open Space

11. The use of the roof top communal open space areas located on Level L04 of No 71-89 Chandos Street and Level L11 of No 55-89 Chandos Street and the indoor communal space areas located on Levels L02, L03, L04, L05 and L06 of 55-89 Chandos Street and are to be in accordance with the approved Plan of Management (POM) at all times.

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

First use of Premises – Further consent Required

12. A separate development application for the first fitout and use of the non-residential premises must be submitted to and approved by Council prior to that first fitout and/or use commencing.

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

Use of Car Parking Spaces

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

The car parking required by this consent must be maintained and allocated at all times in accordance with the car parking schedule:

Car Parking Type	Maximum Number of Spaces		
	Stage 1 Only	Stage 2	Total
Residential apartments	49 spaces including eighteen (18) accessible spaces.	36 spaces including ten (10) accessible spaces. (Note: some of these spaces are physically in the Stage 1 basement)	85 spaces including twenty eight (28) accessible spaces

Non-residential spaces	26 spaces including one (1) accessible space.	20 spaces including one (1) accessible space. (Note: some of these spaces are physically in the Stage 1 basement)	46 spaces including two (2) accessible spaces
Car wash bay	1 space	0	1 space

Nothing in this consent permits the subdivision of non-residential parking spaces for the separate sale or allocation to residential units or users. Non-residential parking is to be maintained at all times within the allocated parking spaces in the building, and signage is to be installed and maintained on each parking space which clearly identifies all non-residential parking spaces.

(Reason: To ensure that parking for building occupants remains available on an ongoing basis and that adequate parking facilities to service the development are provided on site))

Allocation of Spaces

14. 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 table in condition 13.

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

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

Use of on-site Car Parking Spaces

15. Entry to all on-site car parking areas is to be restricted to only permit residents of the site or persons entering the site for work (including those engaged by residents, commercial/retail tenants or owners to complete paid work on the

site). No entry to the car park by vehicles driven by visitors is permitted at any time

(Reason: To ensure that parking for building occupants remains available on an ongoing basis and that adequate parking facilities to service the development are provided on site))

Noise and Vibration Impact

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

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

Loading within Site

17. All loading and unloading operations must be carried out wholly within the confines of the site, at all times and must not obstruct other properties or the public way. Any reverse movements across the driveway by delivery trucks must be carried out with a spotter onsite to ensure pedestrian safety. Council will not consider any future requests to change on-street parking restrictions for the benefit of the development.

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

Loading Dock Management Plan -Operation of Loading Facilities

18. All loading facilities shall be operated in a manner consistent with the Loading Dock Management Plan prepared and approved by Council as part of Condition G12.

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

Minimum Headroom for Car Parking

I9. Minimum headroom clearances must be provided throughout the car parking and loading areas as per AS 2890.1-2004, AS 2890.2-2018 and AS 2890.6-2009, including:

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

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

No Illumination

I10. 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

I11. 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

- I12. 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

- I13. 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)

Roof Top Lighting

- I14. Lighting on rooftop or podium level areas must not be illuminated between 11:00 pm and 7:00 am. The design and placement of the lighting must:

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

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

Maintenance of Approved Landscaping

- I15. The owner of the premises at 55-89 Chandos 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

116. The 16 x *Liriodendron tulipifera* (200l) located in the road reserve shall be watered for a period of six (6) months after the final construction certificate is issued. The watering shall be approximately 400 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 for a given stage must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate for that stage (excluding investigatory or pre-construction activities, other than demolition). 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)

Access to common areas, accessways and services for life of development

117. Occupants of all residential units in both Stages 1 and 2 must have access to all common areas, accessways, facilities and services required for residents contained in both Stages 1 and 2, once built, as identified on the plan referred to in condition C69 for the life of the development.

Occupants of all commercial units in both Stages 1 and 2 must have access to all common areas, accessways, facilities and services required for commercial tenants contained in both Stages 1 and 2, once built, as identified on the plan referred to in condition C69 for the life of the development.

(Reason: To ensure adequate amenity for occupants of residential units and retail / commercial tenancies over the life of the development).

Future easements for access between Stages 1 and 2

118. Upon any initial strata subdivision of Stage 2, whether before or after completion of the development required under this consent, easements for access must be registered burdening the whole of the common property in each of Stage 1 and Stage 2 to ensure that the residents of any part of Stage 1 or

Stage 2 have access to the vehicular and pedestrian access, services, storage, parking, fire egress, common space and garbage waste services in the residential common property of both Stages 1 and 2, consistent with the requirements for access in condition I17.

Upon any initial strata subdivision of Stage 2, whether before or after completion of the development required under this consent, easements for access must be registered burdening the whole of the common property in each of Stage 1 and Stage 2 to ensure that the commercial tenants of any part of Stage 1 or Stage 2 have access to the vehicular and pedestrian access, services, storage, parking, fire egress, common space and garbage waste services in the commercial common property of both Stages 1 and 2, consistent with the requirements for access in condition I17.

North Sydney Council and the owners of the common property in each of Stages 1 and 2 are to be jointly being nominated in the easements as the only party authorised to release, vary or modify the instrument. For the avoidance of doubt, the consent of North Sydney Council and those owners is required to release, vary or modify the Instrument.

(Reason: To ensure adequate amenity for occupants of residential units and retail / commercial tenancies over the life of the development).