

## Annexure A

### DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

<b>Development Application No:</b>	8.2024.144.1
<b>Development:</b>	Demolition, construction of a mixed-use development comprising 5 commercial premises, 27 dwellings (including 8 affordable housing dwellings), and basement parking
<b>Site:</b>	696-706 Military Road, Mosman

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

<b>Date of determination:</b>	08 May 2025
<b>Date from which consent takes effect:</b>	Date the consent is registered on the NSW Planning Portal.

#### 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 696-706 Military Road, Mosman.

The conditions of consent are as follows:

## REASONS FOR GRANT OF CONSENT

Having regard to the issues raised in the Statement of Facts and Contentions filed in Land and Environment Court proceedings No.2024/00364490 on 25 November 2024 and the amendments made to the proposed development including changes to include good quality materials, improved streetscape presentation and façade detailing, setting back of upper levels, increase in and improved amenity of the communal open space, appropriate provision and design of off-street parking and servicing facilities with due regard for the local road network operations and safety and compatibility with the heritage context of the site it is appropriate to grant development consent subject to conditions.

## APPROVED PLANS AND DOCUMENTATION

- The development shall be carried out in accordance with the following stamped approved plans and documentation, except where amended by later conditions of consent.

Drawing	Date	Prepared By
DA102 Rev C – Demolition Plan	20/03/2025	DKO Architects
DA103 Rev C – Site Plan	20/03/2025	DKO Architects
DA200 Rev B – Basement 03	20/03/2025	DKO Architects
DA201 Rev C – Basement 02	20/03/2025	DKO Architects
DA202 Rev C – Basement 01	20/03/2025	DKO Architects
DA203 Rev D – Basement Mezzanine	8/04/2025	DKO Architects
DA204 Rev D – Ground Floor Plan	8/04/2025	DKO Architects
DA205 Rev C – Level 1 Plan	20/03/2025	DKO Architects
DA206 Rev C – Level 2 Plan	20/03/2025	DKO Architects
DA207 Rev C – Level 3 Plan	20/03/2025	DKO Architects
DA208 Rev C – Level 4 Plan	20/03/2025	DKO Architects
DA209 Rev C – Level 5 Plan	20/03/2025	DKO Architects
DA210 Rev C - Roof	20/03/2025	DKO Architects
DA300 Rev C – Elevations - Sheet 1	20/03/2025	DKO Architects
DA301 Rev C – Elevations – Sheet 2	20/03/2025	DKO Architects
DA302 Rev C – Elevations – Sheet 3	20/03/2025	DKO Architects
DA303 Rev C – Elevations – Sheet 4	20/03/2025	DKO Architects
DA304 Rev C – Elevations – Sheet 5	20/03/2025	DKO Architects
DA305 Rev C – Elevations – Sheet 6	20/03/2025	DKO Architects
DA306 Rev C – Elevations – Sheet 7	20/03/2025	DKO Architects
DA307 Rev C – Elevations – Sheet 8	20/03/2025	DKO Architects
DA308 Rev C – Materials Schedule	20/03/2025	DKO Architects
DA309 Rev C – Typical Section	20/03/2025	DKO Architects
DA310 Rev C – Typical Section	20/03/2025	DKO Architects
DA311 Rev C – Typical Section	20/03/2025	DKO Architects
DA313 Rev B – Detailed Section	20/03/2025	DKO Architects
DA314 Rev B – Detailed Section	20/03/2025	DKO Architects
DA315 Rev A – Detailed Section	20/03/2025	DKO Architects
DA_0 Rev 3 – Cover Page	5/03/2025	Wyer & Co
DA_01 Rev 3 – Master Plan	5/03/2025	Wyer & Co
DA_02 Rev 3 – Landscape Plan – First Floor	5/03/2025	Wyer & Co
DA_03 Rev 3 – Landscape Plan – Second Floor	5/03/2025	Wyer & Co
DA_04 Rev 3 – Landscape Plan – Third Floor	5/03/2025	Wyer & Co
DA_05 Rev 3 – Landscape Plan – Fourth Floor	5/03/2025	Wyer & Co
DA_06 Rev 3 – Landscape Plan – Fifth Floor	5/03/2025	Wyer & Co

C-01 Rev A – Cover Sheet	16/07/2024	Enscape Studio
C-05 Rev A – Sediment & Erosion Control Plan	16/07/2024	Enscape Studio
C-10 Rev A – Stormwater Management Plan Basement 2	16/07/2024	Enscape Studio
C-11 Rev A – Stormwater Management Plan Ground Floor	16/07/2024	Enscape Studio
C-15 Rev A – Stormwater Management Details	16/07/2024	Enscape Studio

Document	Date	Prepared By
Statement of Environmental Effects	26 July 2024	Planning & Co
Heritage Impact Statement	July 2024	GBA Heritage
Heritage Memo	10 March 2025	GBA Heritage
Design Verification Statement	19 July 2024	DKO Architecture
BASIX Certificate No. 1756536M_02	1 April 2025	SLR Consulting Pty Ltd
Nathers Certificate no. GBLB1QHIAV	1 April 2025	SLR Consulting Pty Ltd
Clause 4.6 – Height of Buildings	6 March 2025	Planning & Co
Clause 4.6 – Landscaped Area	20 March 2025	Planning & Co
Traffic Impact Assessment	6 March 2025	Traffix
Access Report	12 July 2024	DC Partnership
Acoustic Report	22 July 2024	Renzo Tonin & Associates
Adaptable Housing Assessment Report	12 July 2024	DC Partnership
BCA Assessment Report	23 July 2024	DC Partnership
Crime Prevention Through Environmental Design Report	26 July 2024	Planning & Co
Ecologically Sustainable Design Report	22 July 2024	SLR Consulting Australia
Waste Management Plan	11 March 2025	Ratio
Fire Engineering Support Statement	19 July 2024	MCD Fire Engineering
Preliminary Geotechnical Investigation	7 March 2025	Green Geotechnics
Preliminary Site Investigation	20 April 2024	CHEC
Detailed Site Investigation	17 February 2025	EDP
Visual Impact Assessment	26 July 2024	Planning & Co
Visual Impact Renderings Report	18 February 2025	Virtual Ideas

### Compliance with Other Authority Requirements

2. The development must be carried out in compliance with the following:

Other Authority	DA Tracker Reference
Ausgrid	8.2024.144.1
Transport for NSW	8.2024.144.1

For a copy of the above referenced documents, see Council's DA Tracker at [www.mosman.nsw.gov.au](http://www.mosman.nsw.gov.au).

### PRESCRIBED CONDITIONS

The following prescribed conditions apply in accordance with Division 8A of the *Environmental Planning and Assessment Regulation 2000*.

#### Building Code of Australia

3. Any building work must be carried out in accordance with the requirements of the Building Code of Australia.

### **Home Building Act**

4. Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
  - (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.
  - (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.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified above becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

### **Erection of Signage**

5. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (a) showing the name, address and telephone number of the principal certifying authority for the work; and
  - (b) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
  - (c) stating that unauthorised entry to the work site is prohibited.

Any such sign shall be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

This condition does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

### **Shoring and Adequacy of Adjoining Property**

6. Development involving excavation that extends below the level of the base of the

footings of a building, structure or work (including any structure within a road corridor) on adjoining land, the person having the benefit of the development consent must at the person's own expense:

- (a) protect and support the building, structure or work from possible damage from the excavation, and
- (b) where necessary, underpin the adjoining premises to prevent any such damage.

### **Insurance Under the Home Building Act**

7. In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

### **BASIX**

8. Under Section 75 of the *Environmental Planning & Assessment Regulation 2021*, it is a condition of this development consent that all the commitments listed in the BASIX Certificate for the development are fulfilled.

### **PRIOR TO THE RELEASE OF THE CONSTRUCTION CERTIFICATE**

**The following conditions must be satisfied prior to the release of the Construction Certificate.**

**Conditions may require the submission of additional information with the Construction Certificate application. Applicants can now book a time with customer service staff to pay the fees that are required to be paid before a Construction Certificate can be issued via [Book It 'DA fee payment appointment'](#) on Council's website.**

**Applicants should also familiarise themselves with conditions in subsequent sections and provide plans in accordance with any design requirements contained therein.**

### **Construction Certificate Application Plans**

9. Architectural and Structural Engineer's plans must be submitted with the Construction Certificate application. The structural engineering plans must be signed by a qualified practicing Structural Engineer with membership of the Institute of Engineers Australia or who is eligible to become a member and has appropriate experience and competence in the related field.

The plans are to incorporate and note any changes from the approved development application plans as required by conditions of this consent. The architectural plans shall specify that the external exposed walls of the building shall be constructed in Kraus brick mid-blend colour. No alternate or similar material shall be used without the prior written approval of Council's Manager Development Services.

Where Council is nominated as the Principal Certifying Authority, two copies of the architectural and structural engineer's plans must be submitted and for applications involving alterations and additions, one set of plans should be coloured which indicate

the extent of new works.

### **Dilapidation Report – Council Assets**

10. To assist with an assessment of claims for the refund of the security deposit over Council's property, a dilapidation report must be submitted. The dilapidation report shall be submitted as a PDF in Adobe format or in A4 format. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs or any other Council assets in the vicinity of the development. Any damage not shown in this manner will be assumed to have been caused as a result of the site works undertaken and must either be rectified at the applicant's expense or compensated by deduction from the security deposit.

### **Dilapidation Report – Private Assets**

11. The applicant shall supply Council with a dilapidation report for the adjoining properties at 694 and 708 Military Road which documents and photographs the condition of buildings and improvements on those properties. The dilapidation report shall be submitted as a PDF in Adobe format or in A4 format. A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of nominated properties. Council shall be provided with a list of owners to whom a copy of the report has been provided.

### **Excavation, Backfilling and Support for Neighbouring Buildings**

12. Excavation works shall not commence before the issue of the Construction Certificate or the issue of any relevant notices to adjoining owners, the Principal Certifying Authority or Council as required by other conditions of this consent.

### **Excavation, Backfilling and Support for Neighbouring Buildings**

13. A report shall be prepared by a practicing Geotechnical Engineer or Structural Engineer and submitted to Council or the Accredited Certifier detailing the structural condition of adjoining structures / property and their ability to withstand the proposed excavation, backfilling and construction. The report must investigate site and soil conditions and outline any recommended measures to ensure that no damage will occur to the structures / property during or subsequent to the carrying out of works.

### **Retaining Walls**

14. If soil conditions require it, retaining walls or other approved methods necessary to prevent the movement of soil, together with associated stormwater drainage measures, shall be designed by a Civil Engineer or other appropriately qualified person. Details of any retaining walls shall accompany plans and specifications submitted with the Construction Certificate application.

### **Council Property**

15. Two copies of Structural Engineer's plans, signed by a qualified practicing Structural Engineer with membership of the Institute of Engineers Australia or who is eligible to become a member and has appropriate experience and competence in the related field, must be submitted with the Construction Certificate application for the proposed retaining wall/s which provide structural support to Council's road.

The design load of the retaining wall shall consist of the following:

- A minimum surcharge load (UDL) of 5.0 kPa;
- A minimum point load of 31 kN acting on an area of 0.025 m<sup>2</sup> at a maximum distance of 0.5 metres from the site boundary.

The plans are also to demonstrate adequate shoring works during all stages from the removal of the existing structural support until the construction of the new wall is complete

### **Council Property**

16. Two copies of Structural Engineer's plans, signed by a qualified practicing Structural Engineer with membership of the Institute of Engineers Australia or who is eligible to become a member and has appropriate experience and competence in the related field, must be submitted with the Construction Certificate application for the proposed retaining wall/s which provide structural support to Council's footpath. The plans are also to demonstrate adequate shoring works during all stages of construction including the demolition of the existing retaining wall.

Any excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must at the person's own expense:

- (a) protect and support the adjoining premises from possible damage from the excavation; and
- (b) where necessary, underpin the adjoining premises to prevent any such damage.

### **Council Property**

17. A Structural Engineer shall certify that plans submitted with the Construction Certificate application provide for the garage and driveway being structurally separate and non-reliant on the retaining wall supporting Council's road and further that the integrity of support for Council's road will either not be interrupted during site works or will be supplemented where necessary by temporary support, full details of which should be supplied with the application.

### **Drainage**

18. To ensure drainage works are undertaken without adversely affecting Council property, Council's approval must be obtained following the lodgement of an *"Application For Construction Works on Council Property"*. This form is available from Council's website.

### **Rainwater Re-Use System/Onsite Detention**

19. Having regard to hard surface areas proposed, the capacity of the stormwater system and the need to retard the flow of stormwater in peak flow periods, an on-site-detention (OSD) system shall be provided. Detailed plans shall be submitted with the Construction Certificate application and certified as complying with Council's Policy "Stormwater Management in Mosman" by a Civil Engineer with corporate membership of the Institute of Engineers Australia or who is eligible to become a corporate member and has appropriate experience and competence in the related field. Where located

below a driveway or built structure, the engineer is to certify that the OSD system has been designed to withstand all loads likely to be imposed on it.

Alternatively the applicant has the option to utilise rainwater reuse tanks in lieu of or in conjunction with OSD tanks. Rainwater reuse tanks can be used to offset the volume requirements of the OSD tanks in accordance with Council's Policy "Stormwater Management in Mosman". The offset ratio for OSD to rainwater tanks is: 1 cubic metre of OSD is equivalent to 3 cubic metres of rainwater storage. It should be noted that these tanks are to be at a minimum connected to the toilet and washing machine to achieve this offset.

### **Sydney Water - Building Plan Approval**

20. The approved plans must also be approved by Sydney Water prior to excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Please go to [sydneywater.com.au/tapin](https://sydneywater.com.au/tapin) to apply.

### **Driveway**

21. The internal driveway and parking area shall be designed in accordance with "Australian Standard/New Zealand Standard 2890.1 Parking Facilities – Off-Street Car Parking" and the relevant Council Development Control Plan. Longitudinal sections for both sides of the vehicular crossing and driveway commencing at the centre line of the road carriageway shall be provided with the Construction Certificate application demonstrating that vehicles will not scrape their undercarriage.

### **Driveway**

22. To ensure the vehicle crossing is properly completed, an "Application for Vehicular Crossing" shall be made and paid for prior to the issue of the Construction Certificate. The form can be accessed and fees paid from Council's website.

### **Off-Street Parking Facilities**

23. The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities shall comply with the minimum requirements of Australian Standard AS/NZS 2890.1 Parking facilities Part 1: Off-street car parking. The details must be submitted to and approved by the Registered Certifier prior to a construction certificate being issued.

### **Off-Street Parking Facilities**

24. The design, layout, signage, line marking, lighting and physical controls of the off-street servicing facility shall comply with Australian Standard AS/NZS 2890.2:2018 for an 8.8m Medium Rigid Vehicle (MRV) with a 4.5m headroom clearance. The details must be submitted to and approved by the Registered Certifier prior to a construction certificate being issued

### **Construction Certificate**

25. Before the construction of the approved development, it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans submitted with the Construction Certificate are to be amended to incorporate the conditions of the development consent.



## **Landscape Maintenance Strategy**

26. To ensure the survival of landscaping following works, a landscape maintenance strategy for the owner/occupier to administer over a 12 month establishment period following the issue of the Occupation Certificate shall be prepared and provided to Council's or the Accredited Certifier's satisfaction with the Construction Certificate Application. The strategy is to address maintenance issues such as plant survival, irrigation, soil testing, weeding, plant staking, fertilising, pest and disease control, replanting, remedial pruning and the like.

## **Planting on Slab**

27. To ensure the landscaping thrives, the on slab planters shall be appropriately designed. All on slab plantings are to be provided with adequate minimum soil depths to support the plant species (refer to the relevant Development Control Plan), include adequate waterproofing, draining provisions and permanent irrigation complying with Sydney Water irrigation restrictions for water conservation. Details shall be submitted with the Construction Certificate application.

## **Fire Safety**

28. To enable the issuing of a fire safety schedule, information required by Part 10 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* must be submitted with the Construction Certificate application.

## **Photographic Heritage Record**

29. An archival recording of the building and landscape elements to be demolished must be completed by an appropriately qualified Heritage Consultant. The archival recording is to be provided to Mosman Council in digital form (CD/USB) in PDF format and shall be prepared in accordance with the publication *Photographic Recording of Heritage Items Using Film or Digital Capture* by the NSW Heritage Office (Revised 2006). One hard copy is to be deposited with the Local Studies section of Mosman Municipal Library. The archival recording must include:
- A site plan at a scale of 1:200 showing all structures and major landscape elements including their relationship to the street and adjoining properties;
  - Floor plans at a scale of 1:100;
  - Labelled postcard sized coloured photographs that are cross-referenced in accordance with recognised archival recording practice for each of the following:
    - Each building elevation;
    - Each structure and landscape feature and significant parts of the property as defined in the statement of significance;
    - Views to the property from each adjoining street, laneway or public space; and
    - External and internal details as nominated in the report by the heritage consultant.

## Long Service Levy

30. In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant shall pay a long service levy at the prescribed rate of 0.25% of the total cost of the work to either the Long Service Corporation or Mosman Municipal Council for any work costing \$250,000 or more. To pay the levy online go to <http://www.longservice.nsw.gov.au/>. To pay the levy in person at either the Long Service Corporation or Mosman Municipal Council you will need to complete the Levy Payment Form available online from <http://www.longservice.nsw.gov.au/>.

## Security Deposit

31. A cash deposit or bank guarantee to the value of \$446,617.58 in favour of Council shall be provided for the making good of any damage caused to Council property and to ensure the satisfactory completion of any works required to be undertaken outside the property boundary. The value of the Security Deposit is based on Council's estimate of the cost of works and will not be varied. A request for a refund of unused funds (less an inspection fee) may be made following the completion of all works, both inside and outside the property boundary, and an inspection of the site by Council.

## Security Deposit

32. A cash deposit or bank guarantee to the value of \$25,000 in favour of Council shall be provided for the completion of the retaining wall that supports Council's road / road embankment. A request for a refund of unused deposit or guarantee funds may be made following the submission of a Structural Engineer's certificate which certifies that the wall has been completed in accordance with approved Construction Certificate plans and all relevant Australian Standards, or where any variation has been made, that the wall will provide adequate structural support for Council's property.

## Development Consent Levy

33. Pursuant to Section 7.12 of the *Environmental Planning and Assessment Act 1979*, a monetary contribution must be paid to Council for the purpose of provision, extension or augmentation of public amenities or public services if the value of works exceeds \$100,000.00. The contribution must be paid before a Construction Certificate is issued.

To enable Council to determine whether a contribution is payable and if so what amount, a 'Development Contribution Cost Summary Report (less than \$1,200,000)' form must be completed if the value of work is less than \$1,200,000.00 or a 'Development Contribution Cost Summary Report (\$1,200,000 or more)' form must be completed by a member of the Australian Institute of Quantity Surveyors if the value of work is \$1,200,000.00 or greater.

These forms are available from Council's website.

This condition is imposed under Council's contributions plan. The plan can be viewed on Council's website at <https://mosman.nsw.gov.au/contribution-plans>.

## Housing and Productivity Contribution

34. Before the issue of the first Construction Certificate, the housing and productivity contribution (HPC) set out in the table below is required to be made.

Housing and productivity contribution	Amount
---------------------------------------	--------

Housing and productivity contribution (base component)	\$312,334.28
Total housing and productivity contribution	\$312,334.28

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*

### **Construction Traffic Management Plan**

35. To minimise disruption to and ensure reasonable safety for surrounding public and private property during site works, a Construction Traffic Management Plan shall be submitted to and approved by Council's Traffic Committee. The plan is to address matters raised in Council's "Guide for Construction Traffic Management Plans" which is available on Council's website at [www.mosman.nsw.gov.au](http://www.mosman.nsw.gov.au).

Note: An application fee per site for Construction Traffic Management Plans applies. Fees are reviewed annually. For details refer to Council's current Fees and Charges Schedule at the time of payment.

### **State Environmental Planning Policy (Housing) 2021**

36. A certifying authority must not issue a Construction Certificate for residential flat development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in Schedule 9 'Design Principles for Residential Apartment Development' of State Environmental Planning Policy (Housing) 2021.

### **Waste Management**

37. To allow for sustainable waste management, a completed Site Waste Minimisation and Management Plan (SWMMP) shall be submitted in accordance with the Mosman Waste Minimisation Policy 2012. A copy of the Mosman Waste Minimisation Policy 2012 including a SWMMP template can be found on Council's website.

### **Erosion and Sedimentation Control Plan**

38. An erosion and sedimentation control plan in accordance with the NSW Government's policy Managing Urban Stormwater: Soils and Construction (also known as The Blue Book) is to be submitted and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

**Detailed Acoustic Report - Residential amenity**

39. A detailed acoustic amenity report must be undertaken prior to the issue of the Construction Certificate, all requirements of the report are to be incorporated into the Construction Certificate documents.

**Acoustic**

40. The management and control measures for vibration and noise mitigation for the protection of the local amenity during demolition, excavation and construction works that are derived the report to manage and control vibration and noise from onsite works are to be implemented prior to works commencing and during construction.

**Convex Mirror**

41. Prior to the Issue of a Construction Certificate, the plans for construction must demonstrate the installation of a convex mirror at the driveway egress point, wholly within the property to improve visibility between vehicles exiting the site and Horsnell Lane traffic.

**Universal Design**

42. To provide for flexible housing for all community members, all dwellings must be designed to meet or exceed the Silver Level under the Liveable Housing Design Guideline. Details demonstrating compliance by an independent, suitably qualified person must be submitted with the Construction Certificate application.

**Drainage**

43. Stormwater shall be directly connected to a Council pipe or pit. In the event that there is not a Council pit or pipe in close proximity, it will be necessary to design and construct a pipeline to Council's system. Detailed drainage plans must be submitted with the Construction Certificate application and certified as complying with Council's Policy "Stormwater Management in Mosman" by a Civil Engineer with membership of the Institute of Engineers Australia or who is eligible to become a member and has appropriate experience and competence in the related field.

**Drainage**

44. To prevent constant flows of water in private property, Council's street gutters or across Council's roads, any sub-soil drainage disposal system to be installed on the site must be connected directly to a Council gully pit or pipe. If a suitable gully pit or pipe is not located near the subject property, an alternate method of disposal must be submitted to Council and approved.

**Building Code of Australia – Alternative Solution**

45. Any alternative solution to the requirements of the Building Code of Australia must not result in any change to the approved external building envelope.

**Infrastructure and Restoration Administration**

46. Prior to the issue of the Construction Certificate a fee for the inspection of damage to Council's roads and footpaths from building and demolition work must be paid to Council. The fee is to be paid at the Customer Service Centre at Mosman Council to

ledger number 1040210.3207.028. The inspection will be carried out after the Occupation Certificate has been issued.

Note: Fees are reviewed annually. For details refer to Council's current Fees and Charges Schedule at the time of payment.

### **Prior to Demolition**

47. To ensure reasonable acoustic amenity for surrounding properties is maintained during demolition and construction of the building, an acoustic report from a suitably qualified consultant must be submitted to the nominated Principal Certifier and Council's Manager of Compliance prior to Construction Certificate being issued. The report to establish a suitable noise and vibration criteria for the residential amenity around the site and give consideration to the requirements of NSW Interim Construction Noise Guideline for building sites and outline noise and vibration management measures and complaints responses during the works. The Report is also to be provided selected contractors.

### **Prior to Demolition**

48. Prior to Demolition, a Hazardous Materials Management Survey Report is to be undertaken of the buildings to be demolished to identify and assess the risks associated with hazardous materials found so that they may be classified, removed and appropriately disposed of or recycled by suitable qualified contractors. The final report is to be provided to the demolition contractors and Manager Compliance.

### **PRIOR TO THE COMMENCEMENT OF SITE WORKS**

**The following measures must be satisfied prior to the commencement of site works, including any works relating to demolition, excavation or vegetation removal.**

#### **Notice of Intent to Commence Site Works**

49. In accordance with Section 6.6 of the *Environmental Planning and Assessment Act 1979*, no site works (including building works, demolition, excavation or the removal of vegetation) are to commence until:
- (i) the Construction Certificate has been issued;
  - (ii) the person benefiting from the consent has appointed a Principal Certifying Authority (PCA);
  - (iii) in instances where Council is not the PCA, the PCA has no later than two days before the building work commences, notified Council of his or her appointment and notified the person benefiting from the consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work;
  - (iv) the person benefiting from the consent, if not carrying out the work as an owner-builder, has:
    - appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and

- notified the PCA of any such appointment, and
  - unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work;
- (v) the person benefiting from the consent has given Council at least two days' notice of the person's intention to commence the erection of the building.

### **Construction Hoarding or Fencing**

50. If site or building works will:

- cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient or unsafe; or
- have the potential to damage adjoining private land by way of falling objects;

then the site must be fenced throughout construction and must comply with SafeWork NSW requirements and be a minimum of 1.8 metres in height.

The hoarding/fence must be removed when the work has been completed.

Where construction requirements or site constraints necessitate the hoarding or fencing being located on Council land, a Footpath/Nature Strip/Roadway Occupation form is to be lodged with Council and all fees paid prior to the hoarding/fencing being erected. A copy of the form is available on Council's website.

Hoarding or fencing on Council land must maintain a minimum of 1.5 metre clear footpath width at all times (lesser distances may be considered in exceptional circumstances).

### **Erosion and Sedimentation Control Plan**

51. Erosion and sedimentation controls shall be installed prior to commencement of any works on the site in order to prevent the discharge of sediment from the site. The controls shall be installed in accordance with the Erosion and Sedimentation Control Plan for the site and the NSW Government's policy Managing Urban Stormwater: Soils and Construction (also known as The Blue Book).

### **Geotechnical Report**

52. All works shall be carried out in accordance with the recommendations contained in the geotechnical report prepared by Green Geotechnics dated 7 March 2025, noting that anchoring systems extending into neighbouring lands are not approved.. Strict adherence to inspections and further assessment as required and any subsequent reports are to be abided by.

### **DURING SITE WORKS / CONSTRUCTION**

**The following conditions must be satisfied during site and construction works.**

#### **Demolition**

53. All demolition work must be carried out in accordance with the provisions of Australian Standard 2601: The Demolition of Structures.

#### **Asbestos Material**

54. Where asbestos material shall be removed or disturbed as a result of any proposed demolition, alteration or addition, all work must be carried out by a person licensed under the *Work Health and Safety Regulation 2017* and undertaken in accordance with the requirements of the *Protection of the Environment Operations (Waste) Regulation 2014*. All asbestos to be removed must be disposed of at a tip recommended by the NSW Environment Protection Authority and under no circumstances shall be re-used or sold.

#### **Construction within Boundary**

55. The development must be constructed wholly within the boundaries of the premises.

#### **Site Work Hours**

56. In order to maintain the amenity of adjoining properties, audible site works shall be restricted to between 7.00am and 6.00pm, Monday to Friday and 8.00am to 1.00pm Saturday. Inaudible site works may also take place between 7.00am and 8.00am on Saturdays. No site works shall be undertaken on Sundays or public holidays.

Unless otherwise approved within a Construction Traffic Management Plan, construction vehicles, machinery, goods or materials shall not be delivered to the site outside the approved hours of site works.

#### **Protection of Public Places**

57. The work site shall be kept lit between sunset and sunrise if it is likely to be a source of danger to persons using a public place or upon instruction by Council to enhance the safety and security of the area in which the work is located.

#### **Erosion and Sedimentation Controls**

58. Erosion and sedimentation controls must be effectively maintained at all times during the course of construction and shall not be removed until the site has been stabilised or landscaped to the Principal Certifying Authority's satisfaction.

#### **Dust Control**

59. Appropriate measures (e.g. fine water spray) shall be employed during demolition, excavation and construction works to prevent the emission of dust and other impurities into the surrounding environment. All such measures shall be co-ordinated with site sedimentation controls to ensure polluted waters do not leave the site.

#### **Waste Management**

60. Waste management during the construction phase shall be undertaken in accordance with the Site Waste Minimisation and Management Plan and in accordance with the Mosman Waste Minimisation Policy 2012. A copy of the Mosman Waste Minimisation Policy 2012 can be found on Council's website.

#### **Council Property**

61. The land and adjoining areas shall be kept in a clean and tidy condition at all times. No construction vehicles, building materials, waste, machinery or related matter shall be stored on the road or footpath for the duration of works unless separate approval has been obtained from Council's Traffic Committee for the establishment of a Construction Zone. Under no circumstances will any person be allowed to mix or dispose of concrete, mortar or slurry within Council property.

### **Council Property**

62. Any works carried out to Council owned property or infrastructure as a result of this consent are to be undertaken in accordance with Council specifications; i.e "Standard details and specifications for concrete kerbs and gutters, footpaths, vehicle and kerb crossings and converters", "Public Domain Improvement Program", "Specification For Brick Paving", "Specification For Stormwater Drainage Construction" or "Specification For Asphalt Pavement Construction".

### **Construction Traffic Management Plan**

63. All works and traffic movements must be carried out in accordance with the approved Construction Traffic Management Plan (CTMP) except where amended by any conditions stipulated within Council's letter of CTMP Approval. A copy of the CTMP and Council's letter of CTMP Approval must be kept on site at all times and made available to the Principal Certifying Authority or Council officers on request.

### **Utility Services**

64. To maintain the visual amenity of the area, no house service poles (A-poles) shall be erected. Where such structures would otherwise be required by Ausgrid, the service shall be relocated underground. Any street poles required as a consequence by Ausgrid must be located in a position that does not unreasonably interfere with public amenity or private scenic views.

### **Driveway**

65. The redundant driveway shall be reinstated with kerb, footpath and suitably landscaped. Materials must be in accordance with Mosman Council's standard details and specifications for concrete kerbs and gutters, footpaths, vehicle and kerb crossings and converters".

### **Rainwater Re-Use System**

66. The installation of rainwater tanks shall comply with the following:
- (a) Works are to be undertaken in accordance with the Plumbing Code of Australia.
  - (b) The tank and fittings must be labelled "RAINWATER, NOT SUITABLE FOR DRINKING".
  - (c) A plaque measuring no less than 400mm by 200mm shall be permanently attached and prominently displayed within the immediate vicinity of the rainwater tank advising occupiers of the existence of the rainwater tank and that the device is not to be altered without prior approval from Mosman Council.



- (d) A screened rain head designed to ensure self-cleaning and to prevent leaf litter from entering the tank must be installed
- (e) A first-flush-bypass device must be installed allowing the first 1mm of initial runoff to bypass the tank.
- (f) The tank, including inlets and outlets, is to be designed to prevent mosquito breeding.
- (g) In the occurrence of prolonged periods of rain any overflow from the rainwater tank should be discharged via an existing stormwater drainage system or to a Council approved device such as an on-site detention system. This pipeline must be covered with an insect proof mesh to prevent the breeding of mosquitos.
- (h) Any mechanical equipment associated with the rainwater re-use tank and associated reticulation system shall be located in a sound proof container and positioned so that there is no increase in noise level at any point on the boundary with another property, including a public place.
- (i) If the tank is located above ground, to ensure no adverse amenity impacts it must be located behind the front building line and is to be finished in a non-reflective and non- corrosive material and in a colour that is compatible with the surroundings development.
- (j) The tank must not be greater than 2.5 metres above natural ground level, and not more than 0.5 metres above an adjoining fence. The tank must be set back from all property boundaries by at least 0.5 metres.
- (k) If the tank is below ground it must be located under a hard surface, such as a driveway or car parking area.

### **Materials & Finishes**

67. External materials and colour finishes shall be in accordance with the sample submitted to Council with the development application.

### **Protection of Landscape Features**

68. All natural landscape features including trees and other vegetation, natural rock outcrops, soil and watercourses shall remain undisturbed except where affected by necessary works detailed on approved plans.

To minimise impacts upon trees to be retained, no permanent fill or storage of building materials, excavated fill or topsoil during site works shall take place within their driplines.

### **Tree Preservation**

69. All street trees and trees on private property are protected under Chapter 2 'Vegetation in non- rural areas' of *State Environmental Planning Policy (Biodiversity and Conservation) 2021*. Approval is granted for the removal of only those trees located within the area occupied by the approved works as detailed in this development consent. Requests for the removal (or pruning) of any other trees must be the subject of a separate permit granted by the Council.

**Siting, Height and View Loss**

70. To ensure that siting, height and view loss objectives are achieved, all wall locations, finished floor levels and ridge levels shall be in accordance with that approved under this consent.

NB – The Principal Certifying Authority may require a compliance certificate from a registered surveyor prior to the pouring of a concrete floor or the fixing of roof cladding to verify compliance.

**Contaminated Land**

71. In accordance with State Environmental Planning Policy (Resilience and Hazards) 2021, all remediation work must be carried out in accordance with any contaminated land planning guidelines issued under Schedule 6 of the Act, any guidelines in force under the Contaminated Land Management Act 1997, and the remediation plan approved under this consent.

**Contaminated Land**

72. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council immediately upon discovery.

**Contamination**

73. Any unexpected finds or occurrences discovered during works that have the potential to alter previous conclusions and recommendations as set out in the Detailed Site Investigation Ref: S-08312.DSI.001 prepared by EDP Consultants Pty Ltd and dated 17 February 2025, must be immediately notified to the Council and the Principal Certifier. If significant unexpected occurrences occur, site works shall immediately cease, and a suitably qualified environmental consultant shall be engaged to assess the site and determine if remediation is required in accordance with the contaminated Land Management Act 1997.

Note: that Council may request that a NSW EPA Accredited Site Auditor review any proposed remedial activities.

**Construction Hoarding or Fencing**

74. Any construction hoarding or fencing is to be maintained in good order throughout the life of the fence.

**Shoring and Adequacy of Adjoining Property**

75. All excavations and backfilling shall be limited to that required in accordance with the approved plans only and must be executed safely and if necessary properly guarded in accordance with appropriate professional standards to prevent them from being dangerous to life or property. At least 7 days before commencement of excavation, the applicant must give notice of an intention to excavate to the adjoining owner and furnish particulars to the owner of the proposed work.

**Site Facilities**

76. The following facilities must be provided on the site:
- (a) Toilet facilities in accordance with SafeWork NSW requirements, at a ratio of one toilet per every 20 employees; and
  - (b) A garbage receptacle for food scraps and papers, with a tight fitting lid.

### **Residential Waste and Recycling Storage Area**

77. For safety, amenity and maintenance reasons, the waste and recycling storage area must be constructed to the following standards:
- The gradient of the floors and the gradient of any associated access ramps must be sufficiently level for the purpose of emptying containers;
  - Designed so that no odours emanate from the storage of waste; and
  - Designed so that bins for recyclable materials are kept separate from (but close to) general waste bins - so that the potential for contamination of recyclable materials is minimised.

### **Commercial Waste and Recycling Storage Area**

78. For safety, amenity and maintenance reasons, the waste and recycling storage area must be constructed to the following standards:
- Designed to accommodate separate general waste bins and recycling bins which are of sufficient volume to contain the quantity of waste generated between collections;
  - The gradient of the floors and the gradient of any associated access ramps must be sufficiently level for the purpose of emptying containers;
  - The floor must be graded so that any water is directed to a Sydney Water approved drainage connection located upon the site;
  - Designed to prevent vermin from entering;
  - Doors/gates must be durable, openable from both inside and outside and must be wide enough to allow for the easy passage of waste/recycling containers. There must be a sign adjacent to the door/gate that indicates that the door/gate is to remain closed when not in use;
  - Must have a smooth, durable floor and be enclosed with durable walls/fences that extend to the height of any containers which are kept within;
  - Must be serviced by hot and cold water provided through a centralised mixing valve. The hose cock must be protected from the waste containers and must be located in a position that is easily accessible when the area is filled with waste containers; and
  - Designed with signage that clearly describes the types of materials

that can be deposited into recycling bins and general garbage bins.

### **Approved Plans**

79. A copy of the stamped approved plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.

### **Critical Stage Inspections**

80. Critical stage inspections are to be carried out in accordance with Part 8 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*. To allow a Principal Certifying Authority (PCA) or another certifying authority time to carry out critical stage inspections required by the PCA, the principal contractor for the building site or the owner-builder must notify the PCA at least 48 hours before building work is commenced and prior to further work being undertaken.

### **Driveway**

81. The levels at the boundary alignment of the property along the Horsnell Lane frontage shall be defined by the existing levels.

### **Waste Storage Area**

82. The development must incorporate separate waste/recycling storage rooms/areas for the residential and non-residential components. Commercial tenants must be prevented (via signage and other means), from using the residential waste/recycling bins and vice versa.

### **Acoustics**

83. All records of noise monitoring, community consultations, complaints diaries and mitigation responses must be kept on site and produced on request for Council Officers.

## **PRIOR TO THE RELEASE OF THE OCCUPATION CERTIFICATE**

**The following conditions must be satisfied prior to the issue of the Occupation Certificate.**

**Where a condition of consent is precedent to the issue of an Occupation Certificate in either part or full that condition shall be satisfied prior to the issue of the certificate.**

### **Record of Inspections Carried Out**

84. In accordance with Section 63 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, the Principal Certifying Authority (PCA) responsible for critical stage inspections must make a record of each inspection as soon as practicable after it has been carried out. Where Council is not the PCA, the PCA is to forward a copy of all records to Council.

### **Car Parking**

85. Parking spaces must be line marked and allocated to units. Allocation shall be in accordance with provision requirements of the Council's Development Control Plan

### **Car Parking**

86. To satisfy user demand, a minimum of 58 car spaces and 4 motorcycle spaces shall be provided on site in accordance with the approved plan.

### **Car Parking**

87. Car parking spaces shall be provided, made accessible and maintained at all times. The spaces shall be allocated as follows:

Residential      31 spaces

Commercial      20 spaces

Visitor            7 spaces

\*Note: also include any disabled spaces in the table above\*

Car parking provided shall be used solely in conjunction with the uses contained within the development. Each car parking space allocated to a particular unit / tenancy, shall be line marked and numbered or sign posted to indicate the unit / tenancy to which it is allocated.

Visitor car parking must be permanently available and clearly marked/signposted.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

### **Car Parking**

88. Parking and manoeuvring areas shall be used solely for such purposes.

### **Car Wash Spaces**

89. Two car wash spaces must be provided which shall be graded to an internal drainage point, connected to a Sydney Water Sewer and a hose cock. When not in use for washing cars, the space may be used for visitor parking.

Sydney Water also have specific requirements for the design of residential vehicle wash bays. The vehicle wash bay shall be designed in accordance with these requirements. Contact Sydney Water at [www.sydneywater.com.au](http://www.sydneywater.com.au) for further detail.

### **Bicycle Parking**

90. To encourage and promote the use of sustainable transport modes, secure bicycle parking/storage must be provided to accommodate 14 bicycles. The facility must be provided in a suitable location which allows safe and easy access and should be designed and installed in accordance with Australian Standard 2890.3 - Parking Facilities - Bicycle Parking Facilities.

**On-Site Detention/Rainwater Re-use System**

91. So that Council has accurate records of the stormwater system to aid with catchment management functions, work-as-executed details of the on-site detention (OSD) system or rainwater reuse tanks prepared by a Civil Engineer with membership of the Institute of Engineers Australia or who is eligible to become a member and has appropriate experience and competence in the related field, demonstrating that the required storage and discharge volumes have been constructed in accordance with the design requirements and Council's Policy for "Stormwater Management in Mosman" are to be provided to Council. The details must show the invert levels of the OSD system or rainwater reuse tanks as well as the pipe sizes and grades. Any variations to approved plans must be shown in red and supported by calculations.

**Sydney Water - Section 73 Compliance Certificate**

92. A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. A Section 73 Compliance Certificate must be submitted prior to the release of the Occupation Certificate. The assessment will determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains. Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator. Go to [sydneywater.com.au/section73](https://sydneywater.com.au/section73) or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

**Fire Safety**

93. A final fire safety certificate prepared in accordance with Part 11 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* must be issued by or on behalf of the owner. Copies of both the final fire safety certificate and the fire safety schedule must be (1) supplied to Council, (2) forwarded to the Fire Commissioner and (3) prominently displayed in the building.

**Consolidation**

94. All allotments involved in this proposal must be consolidated into one allotment prior to the issue of the Occupation Certificate.

**Street Numbering**

95. The premises shall be identified by street numbering. Street numbering for the property shall be 696-706 Military Road.

**Acoustic**

96. Prior to the issue of the Occupation Certificate, written certification from a qualified Acoustic Engineer must be submitted that the level of noise emanating from the premises (LA10 measured for at least 15 minutes) shall not exceed the background noise level (LA90) by more than 5dB(A) when measured at all property boundaries in the absence of that noise source. This condition does not apply to noise generated during demolition and construction activities.

**On-Site Detention/Rainwater Re-use System**

97. To ensure that future owners are made aware of their responsibilities with respect to the on- site detention (OSD) system or rainwater reuse tanks, a Positive Covenant shall be created on the title of the allotment requiring that the owner(s) maintain and keep in working order the OSD system or rainwater reuse tanks, unless otherwise approved in writing by Mosman Council.

A fee applies for the checking, approval and execution of the Positive Covenant by Council and must accompany the Positive Covenant when lodged with Council. For details refer to Council's current Fees and Charges Schedule at the time of payment.

The terms of the positive covenant shall read:

- (i) In this Positive Covenant "detention system or rainwater reuse system" shall mean the detention system or rainwater re use system approved by Mosman Council pursuant to Development Consent No. 8.2024.144.1 or any modification thereof approved by Mosman Council in writing.
- (ii) The Registered Proprietors will at their own expense well and sufficiently maintain and keep in good and substantial repair and working order any detention system/rainwater reuse system which exists from time to time on the land.
- (iii) The Registered Proprietors shall not remove the detention system/rainwater reuse system without prior consent of Mosman Council.
- (iv) The Registered Proprietors hereby agree to indemnify Mosman Council from and against all claims, demands, actions, suits, causes of action, sum or sums of money, compensation damages, costs and expenses which Mosman Council or any other person may suffer or incur as a result of any malfunction or non-operation of any such detention system/ rain water reuse system arising from any failure of the Registered Proprietors to comply with the terms of this Covenant.
- (v) The term "Registered Proprietors" shall include the Registered Proprietors of the land from time to time and all their heirs, executors, assigns and successors in title to the land and where there are two or more registered proprietors of the land the terms of this covenant shall bind all those registered proprietors jointly and severally.

### **Site Audit**

98. Prior to the issue of an Occupation Certificate, the Principal Certifier and Council's Environmental health Officer shall be provided with a Site Audit Statement (Section A Site Audit Statement) issued under the Contaminated Land Management Act, 1997, specifying that the site is suitable for the proposed mixed-use development. Section A Site Audit Statement shall be accompanied by a site audit report in accordance with that Act.

### **Acoustics**

99. Prior to the issue of the Occupation Certification an acoustic assessment is to be undertaken by a suitably qualified acoustic consultant stating that the level of operational noise emanating from the project, complies with the selected noise criterion for the residential area surrounding the development, when measured at all

property boundaries in the absence of that noise source. Certification is to be provided to the Principal Certifying Authority.

### **Affordable Housing Units**

100. To ensure the provision of affordable housing in accordance with this consent, prior to the release of any Occupation Certificate a public positive covenant shall be registered on the title of the land, the terms of which restrict the occupancy of the nominated units as affordable housing units under State Environment Planning Policy (Housing) 2021 for a period of 15 years from the date of the final Occupation Certificate. The terms of the covenant shall include a requirement that the affordable housing units shall be managed by a registered community housing provider and that Mosman Municipal Council shall be identified as the authority able to modify, vary or release the restriction.

A fee of \$220.00 applies for the checking, approval and execution of the restriction on the use of land by Council and must accompany the covenant when lodged with Council. For details refer to Council's current Pricing Policy at the time of lodgement.

### **PRIOR TO OCCUPATION**

**The following conditions must be satisfied prior to occupation of the development.**

#### **Compliance Certificates and Inspection Records**

101. Where Council is not the Principal Certifying Authority (PCA), a copy of any compliance certificates received by the PCA shall be forwarded to Council prior to occupation or commencement of the use.

#### **Occupation Certificate**

102. Occupation or use, either in part or full, shall not take place until an Occupation Certificate has been issued. The Occupation Certificate must not be issued unless the building is suitable for occupation or use in accordance with its classification under the Building Code of Australia and until all preceding conditions of this consent have been complied with.

Where Council is not the Principal Certifying Authority, a copy of the Occupation Certificate together with registration fee must be provided to Council.

### **DURING OCCUPATION**

**The following condition must be satisfied during occupation of the development.**

#### **Landscape Maintenance**

103. Landscaping provided shall be maintained for the life of the development. Where vegetation approved as part of this consent dies, it must be replaced with new landscaping that achieves a similar height and form to that approved under the landscape plan forming part of this consent.

#### **Landscape Maintenance Strategy**

104. To ensure the survival of landscaping following work, the owner occupier is to implement the landscape maintenance strategy submitted with the Construction



Certificate Application for a 12 month period following the release of the Occupation Certificate.

### **Occupation**

105. To maintain public amenity, no spruiking or use of amplified music audible beyond the premises shall take place in association with the use.

### **Shopfront Appearance**

106. To preserve the streetscape, roller shutters are not to be placed over the entrance to the premises.

### **Trading Hours**

107. To ensure reasonable neighbourhood amenity, trading hours are restricted to the following times:

Weekdays	7.00am - 6.00pm
Thursday	7.00am - 9.00pm
Saturdays	8.00am - 5.00pm
Sundays and Public Holidays	9.00am - 4.00pm

### **Trading Hours**

108. Deliveries of goods or services and the collection of any waste (excepting emergency services) shall not take place between 10.00pm and 7.00am on any day. An emergency service for the purpose of this condition means the delivery of any goods or services required for the maintenance of safe operating conditions upon the site.

### **Acoustic**

109. To ensure reasonable acoustic amenity for surrounding properties is maintained, the level of noise emanating from the premises (LA10 measured for at least 15 minutes) shall not exceed the background level (LA90) by more than 5dB(A) when measured at all property boundaries in the absence of that noise source. This condition does not apply to noise generated during demolition and construction activities.

### **Advertising Signs**

110. No advertisement shall be erected on or in conjunction with the development without prior development consent unless the advertisement is 'exempt development' under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

### **Fire Safety**

111. An annual fire safety statement (and where necessary supplementary fire safety statements) prepared in accordance with Part 12 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* must be

issued by the owner. Copies of each of the annual final fire safety statement, supplementary fire safety statements and the fire safety schedule must be (1) supplied to Council, (2) forwarded to the Fire Commissioner and (3) prominently displayed in the building.

**Fire Safety**

112. Fire safety measures provided within the building must be maintained in good working order.

**Waste Management**

113. Waste contractors shall move the bins to the street and then return them to the bin storage area to minimise the extent of time the bins are on the road.

**Waste Management**

114. Commercial tenants must be prevented (via signage, door locks and any other necessary means) from using the residential waste/recycling bin room and vice versa.

**Acoustic**

115. Any air conditioning installed shall be designed so as not to operate:
- (a) during peak time (7.00am – 10.00pm) at a noise level that exceeds 5 dB(A) above the ambient background noise level measured at any property boundary, or
  - (b) during off peak time (10.00pm - 7.00am) at a noise level that is audible in habitable rooms of adjoining residences.