

**NORTH SYDNEY COUNCIL
CONDITIONS OF CONSENT
118-124 BENELONG ROAD AND 72 GERARD STREET, CREMORNE
DEVELOPMENT APPLICATION NO. 30/25 (PPSSNH-612)**

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 endorsed with Council's approval stamp and other documentation listed in the table to this condition, or cited by other conditions, and as amended by other conditions of this consent.

Plans

Plan No.	Issue	Title	Drawn by	Date	Received
DA.02	A	Site Plan Analysis	Brick Architects	03/02/2025	05/03/2025
DA.08	A	Lower Ground Level		03/02/2025	05/03/2025
DA.09	A	Ground Level		03/02/2025	05/03/2025
DA.10	A	Level 1		03/02/2025	05/03/2025
DA.11	A	Level 2		03/02/2025	05/03/2025
DA.12	A	Level 3		03/02/2025	05/03/2025
DA.13	A	Roof Level		03/02/2025	05/03/2025
DA.14	A	Basement Level 1		03/02/2025	05/03/2025
DA.15	A	Basement Level 2		03/02/2025	05/03/2025
DA.16	A	Basement Level 3		03/02/2025	05/03/2025
DA.17	A	Elevation (South)		03/02/2025	05/03/2025
DA.18	A	Elevation (West)		03/02/2025	05/03/2025
DA.19	A	Elevation (North)		03/02/2025	05/03/2025
DA.20	A	Elevation (East)		03/02/2025	05/03/2025
DA.21	A	Section A		03/02/2025	05/03/2025
DA.22	A	Section B		03/02/2025	05/03/2025
DA.23	A	Section C		03/02/2025	05/03/2025
DA.27	A	Driveway Entry Details		03/02/2025	05/03/2025
DA.38	A	Materials & Finishes		03/02/2025	05/03/2025
L-01	C	Master Landscape Plan	Space Landscape Designs	06/02/2025	05/03/2025
L-02	C	Planting Plan – Lower Ground Level		06/02/2025	05/03/2025
L-03	C	Planting Plan – Ground Level		06/02/2025	05/03/2025
L-04	C	Landscape Plan – Level 1		06/02/2025	05/03/2025
L-05	C	Landscape Plan – Level 2		06/02/2025	05/03/2025
L-06	C	Landscape Plan – Level 3		06/02/2025	05/03/2025

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of the consent authority and for public information)

Plans on Site

- A2. A copy of all stamped approved plans, specifications and documents (including the plans, specifications and documents submitted and approved with all Construction Certificates) must be always kept on site and 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 consent authority, for public information and to ensure ongoing compliance)

External Finishes and Materials

A3. External finishes and materials must be in accordance with the submitted schedule (Plan No. DA.38) prepared by Brick Architects and dated 3 February 2025, unless otherwise modified by Council in writing. Substitution of materials must not be undertaken, except where otherwise approved in writing by Council.

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

The issue of Construction Certificates shall be staged as follows:

A4. CC1 – Site Preparation and Demolition:

This Construction Certificate shall include works for site set-up, strip out, disconnection and demolition of above ground building fabric and structure and services only (excluding any excavation or demolition of below ground services and substructure). This Construction Certificate shall not include any excavation or permanent building works.

If a condition is required to be satisfied prior to the issue of any Construction Certificate and there is no nominated Construction Certificate stage in the heading of the condition, that condition is required to be satisfied prior to the issue of CC1.

CC2 – Excavation and Basement:

This Construction Certificate shall include (in order of execution): piling and perimeter shoring works, demolition of existing substructure and services, excavation works and construction of the basement structure and ground floor slab. This Construction Certificate shall not include any construction/building works except for the basement structure and ground floor slab.

CC3 – Structure, façade and services:

This Construction Certificate shall include the construction of the remaining structures, façade and services of the approved building.

Note: Conditions in this consent include reference to relevant CC where appropriate.

(Reason: To enable staging of the Construction Certificate issue process).

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

Design Amendments (CC1)

C1. The following amendments must be made to the development and submitted for approval by the Manager Development Services North Sydney Council if no construction certificate is required, or for approval with an application for the relevant construction certificate, as indicated below:

- a) A separate bulky waste storage area to hold household clean up material must be provided. This area must be separate to the waste room.
- b) Provision for a 120-litre food waste bin must be made in the basement bin holding area.
- c) All living room and bedroom windows to apartments LG01, G01, G06, 101, 106, 201, 206 and 303, located on the Benelong Road elevation, are to be supplied with external motorised horizontal venetian blinds (the "Venetian Blinds"). The Venetian Blinds are to be installed on the external face of the building. The Venetian Blinds must be "Warima External Venetian Blind E80" or similar, as determined by the Certifying Authority.

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

(Reason: Compliance, to minimise environmental impacts, and provision of adequate waste management facilities)

Construction and Traffic Management Plan (Major DAs and Sites with Difficult Access) (CC1)

C2. Prior to issue of any Construction Certificate, a Construction and Traffic Management Plan must be prepared. The following matters must be specifically addressed in this Plan:

- a) A plan view (min 1:100 scale) of the entire site and frontage roadways indicating:
 - i. Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction-related vehicles in the frontage roadways;
 - ii. Signage type and location to manage pedestrians in the vicinity;
 - iii. The locations of any proposed Work Zones in the frontage roadways;
 - iv. Locations and type of any hoardings proposed;
 - v. Area of site sheds and the like;
 - vi. Location of any proposed crane standing areas;
 - vii. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
 - viii. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected; and
 - ix. The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
- b) A 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.
 - iii) The traffic control plan shall be based on the use of 12.5 meter ridged vehicles and not truck and dog or other articulated vehicles.
- 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 copy of this route is to be made available to all contractors and must be clearly depicted at a location within the site.

- d) A Waste Management Plan in accordance with the provisions of Part B Section 19 of the *North Sydney DCP 2013* must be provided. The Waste Management Plan must include, but not be limited to, the estimated volume of waste and method of disposal for the construction and operation phases of the development, design of on-site waste storage and recycling area and administrative arrangements for waste and recycling management during the construction process;
- e) Evidence of TfNSW concurrence where construction access is provided directly or within 20m of an Arterial and/or Classified Road;
- f) A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements; and
- g) For those construction personnel that drive to the site, the Site Manager shall attempt to provide on-site parking so that their personnel's vehicles do not impact on the current parking demand in the area.

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

As this plan has a direct impact on the local road network, it must be submitted to and reviewed by Council prior to the issue of any Construction Certificate. A certificate of compliance with this condition from Council's Development Engineers as to the result of this review must be obtained and must be submitted as part of the supporting documentation lodged with the Principal Certifier for approval of the application for a Construction Certificate.

The construction management measures contained in the approved Construction and Traffic Management Plan must be implemented prior to the commencement of, and during, works on-site.

All works must be undertaken in accordance with the approved Construction and Traffic Management Plan.

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

Note:

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

- 4) Dependent on the circumstances of the site, Council may request additional information to that detailed in the condition above.

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

Dilapidation Report Damage to Public Infrastructure (CC1)

- C3. A dilapidation survey and report (including photographic record) must be prepared by a suitably qualified consultant which details the pre-developed condition of the existing public infrastructure in the vicinity of the development site. Particular attention must be paid to accurately recording any infrastructure damaged before development commences, so 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.

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

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

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

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

Dilapidation Report Private Property (Excavation) (CC2)

- C4. A full dilapidation survey and report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavations must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. 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 the relevant 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, the applicant must demonstrate, in writing, to the satisfaction of Council that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Written concurrence must be obtained from Council in such circumstances.

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 properties prior to the commencement of construction)

Dilapidation Survey Private Property (Neighbouring Buildings) (CC1)

- C5. A photographic survey and dilapidation report of the adjoining property No. 74 Gerard Street, Cremorne (all units), detailing the physical condition of those properties, both internally and externally, including, but not limited to, such items as walls, ceilings, roofs, structural members and other similar items, MUST BE submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. 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 the relevant Construction Certificate.

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

Should access for undertaking the photographic survey and dilapidation report be denied by an adjoining owner, the applicant must demonstrate, in writing, to the satisfaction of Council that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Written concurrence must be obtained from Council in such circumstances.

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)

Geotechnical Report (CC2)

- C6. Prior to issue of the relevant Construction Certificate a Geotechnical/Civil Engineering report must be prepared which addresses at a minimum (but is not limited to) the following:
- 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 ground water level are to occur during the construction of the development that are sufficient enough to cause an adverse impact to the surrounding property and infrastructure;
- 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.

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

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

Erosion and Sediment Control (CC1)

C7. Where any works authorised by this consent require disturbance of the soil surface or existing vegetation, erosion and sediment control techniques, as a minimum, are to be in accordance with the publication, *Managing Urban Stormwater: Soils and Construction*, (4th Edition, Landcom, 2004) commonly referred to as the "Blue Book," or a suitable and effective alternative method.

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

- a) All details of drainage to protect and drain the site during the 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 construction.

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

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

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

Waste Management Plan (CC1)

C8. A Waste Management Plan prepared in accordance with the provisions of Part B Section 19 of *the North Sydney DCP 2013*, must be submitted for approval by the Principal Certifier prior to the issue of the relevant Construction Certificate. The plan must include, but not be limited to:

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

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

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

Reflectivity Index of Glazing (CC3)

- C9. The glazing for windows, walls or roof finishes of the approved development must be factory pre-finished with low glare and reflectivity properties. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

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

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

Roofing Materials – Reflectivity (CC3)

- C10. Roofing materials must be factory prefinished with low glare and reflectivity properties to be compatible with the colours of neighbouring buildings. The selected roofing material must not cause a glare nuisance or excessive reflectivity to adjoining or nearby properties. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

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

Work Zone (CC1)

- C11. If a Work Zone is required a Work Zone permit is to be obtained from Council prior to the issue of any Construction Certificate.

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

Work Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Work 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 Work 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 Applicant is required to remove the Work Zone signs and reinstate any previous signs, all at the Applicant'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 (CC2)

- C12. Except where otherwise approved by Council, the property boundary alignment levels must

match the levels which existed prior to the commencement of works. Plans and specifications which document existing and proposed levels adjacent to the site boundaries, and which comply with the requirements of this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

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

Basement Car Park to Comply with Relevant Standards (CC2)

C13. The basement layout must comply with all requirements of Australian Standard AS2890.1. Certification from a suitably qualified and practising 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)

Required Infrastructure Works - Roads Act 1993 (CC2)

C14. Prior to issue of the relevant Construction Certificate, engineering design plans and specifications must be prepared by a qualified civil design engineer. The plans and specifications must be to a detail suitable for construction issue purposes and must provide detail and specification for the following infrastructure works to be completed as part of the development.

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

- a) Construction of a new concrete footpath is required across the entire site frontages in Gerard Lane, Bennelong Road and Gerard Street. The footpath pavement must be placed on a single straight grade of 3.0% rising from the top of kerb or grass verge (where applicable, towards the property boundary, without dipping or rising, including at building entrances. The footpath pavement must be constructed, using the construction required for the area, as specified in North Sydney Council's Public Domain Style Manual and Design Codes. A longitudinal section is required along the footpath property boundary at a scale of 1:50 extending 5m past the property boundary line.
- b) Construction of a new kerb and gutter is required across the entire site frontage in Gerard Lane. A longitudinal section is required along the gutter line (existing and proposed levels), at a scale of 1:50 extending 5m past the property boundary line.
- c) Cross sections at a scale of 1:50 along the centre-line of each access point to the building must be provided and are to show the calculated clearance to the underside of any overhead structure. All the entry points are to comply with the National Construction Code (NCC), including disability requirements. The Council approved footpath levels must be accommodated at the building entry points.
- d) Full frontage - full width road carriageway surface reconstruction in AC10 - 50 mm thick - is required in Gerard Lane. This requirement may be extended fall all road carriageway areas that are damaged, due to the course of demolition and construction works.
- e) The proposed vehicular access way must comply with AS 2890.1 and Council's current Vehicular Access Application Guidelines and Specification as specified in Public Domain Style Manual and Design Codes and designed to comply with AS 2890.1 to ensure that

- a B85 vehicle will not scrape/strike the surface of the carriageway, layback, or vehicular crossing.
- f) The redundant layback crossings on all street frontages must be reinstated as upright kerb gutter, grassed verge and concrete footpath. The 600 mm road shoulder wide-strip, adjacent to all new kerb and gutter works must be reconstructed, to ensure uniformity in the road reserve.
 - g) The width of the vehicular layback must be 3.5m (including the wings).
 - h) The crossing (between the layback and the property boundary) must be perpendicular on a single straight grade of approximately 4.5%, falling to the back of the layback.
 - i) The property setback boundary levels at the crossing must be set no more than 160 mm above the existing gutter invert levels.
 - j) The Certifying Authority must ensure that the internal property levels at boundary matches council's confirmed boundary levels.
 - k) The gutter levels and road shoulder levels on Gerard Lane must match the existing levels.
 - l) All inspection openings, utility services must be adjusted to match the proposed driveway levels and location.
 - m) The design detail has to be provided with vehicular access application and must include sections along centre-line and extremities of the crossing at a scale of 1:25. Sections are to be taken from the centre of the roadway through to the parking area itself and shall include all changes of grade and levels, both existing and proposed.
 - n) A longitudinal section along the gutter line of Gerard Lane at a scale of 1:50 showing how it is intended to transition the layback with the existing gutter levels and shall include all changes of grade and levels, both existing and proposed.
 - o) A longitudinal section along the footpath property boundary at a scale of 1:50 is required and shall include all changes of grade and levels, both existing and proposed.
 - p) All details of internal ramps between parking levels.
 - q) 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".

Drainage Works

Connection of the site stormwater system must be made directly to a newly constructed grated gully pit (with 1.2m lintel), to front the site on Gerard Lane. 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 gully pit with extended kerb inlet (1.2m lintel) in the kerb fronting the subject site in Gerard Lane. The pit must be constructed in accordance with Councils "Infrastructure Specification for Roadworks, Drainage and Miscellaneous Works."

- b) Construction of another standard grated gully pit with extended kerb inlet (1.2m lintel) in the kerb fronting the lefthand site boundary in Gerard Lane. The pit must be constructed in accordance with Councils "Infrastructure Specification for Roadworks, Drainage and Miscellaneous Works."
- c) Construction of a new in-ground drainage line under the kerb and gutter at standard depth. The line must connect the new gully pit 1 to pit 2 and pit 2 to the existing Council pit located downstream of the site on the opposite side of the lane. The pipes within the road reserve must 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), with the minimum of 450 mm cover. The developer shall be responsible for carrying out any service investigations to allow a gravity connection.

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

The Principal Certifier must not issue the relevant Construction Certificate without the formal written approval of Council (as Roads Authority) under *the Roads Act 1993*.

The required plans and specifications are to be designed in accordance with North Sydney Council's current documents *Infrastructure Specification for Road Works, Drainage and Miscellaneous Works and Performance Guide for Engineering Design and Construction*. The drawings must detail existing utility services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. A detailed survey must be undertaken as required. Traffic management is to be certified on the drawings as being in accordance with the documents SAA HB81.1 - 1996 - Field Guide for Traffic Control at Works on Roads - Part 1 and RMS Traffic Control at Work Sites (1998). **Construction of the works must proceed only in accordance with relevant 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 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 (CC1)

- C15. For the purposes of improving sight distance, the vehicular access must have splay corners at the intersection of the vehicular access with the property boundary. Site lines for pedestrian safety are to be provided so that they comply with Figure 3.3 Minimum Sight Lines For Pedestrian Safety, AS/NZS 2890.1 2004.

The certifying authority issuing the Construction Certificate must ensure building plans and specifications reflect this requirement. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on, and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

Stormwater Management and Disposal Design Plan - Construction Issue Detail (CC2)

C16. Prior to issue of the relevant Construction Certificate, a site drainage management plan must be prepared by a qualified drainage design engineer. The site drainage management plan must detail the following requirements of North Sydney Council:

- a) Compliance with NCC drainage requirements, Council's Engineering Performance guide and current Australian Standards and guidelines, including the Plumbing Code of Australia (PCA);
- b) Stormwater runoff and subsoil drainage generated by the approved development must be conveyed in a controlled manner by gravity to the street gully pit, which is to be constructed in front of the property.
- 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 to support 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) 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.
- h) 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.
- i) 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 the relevant Construction Certificate.
- j) prevent any stormwater egress into adjacent properties by creating physical barriers and surface drainage interception.
- k) 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.

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

On-site Stormwater Detention (CC2)

- C17. 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.

Determination of the required cumulative storage must be based on stage-storage curve or determined by DRAINS computer modelling, or any other available comp. modelling method.

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)

Floor Levels for Flooding (CC1)

- C18. Floor levels adjacent to overland flow path, are to be minimum 500mm above the 1 in 100-year flood level. 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: Prevention of damage to dwellings as a result of flood events)

Bond for Damage and Completion of Infrastructure Works - Stormwater, Kerb and Gutter, Footpaths, Vehicular Crossing and Road Pavement (CC1)

- C19. Prior to the issue of the relevant Construction Certificate, security deposit or bank guarantee must be provided to Council in the sum of **\$140,600.00** 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
- c) remedying any defects in any such public work that arise within 6 months after the work is completed.
- d) Council reserves the right to retain all bonds on infrastructure works relating to the completion of required Infrastructure work for a twelve-month defect liability period. Council may elect to provide a lesser period for minor residential work.

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

The security will be refundable following the expiration of six months from the issue of the 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 Development Engineers or Manager of Development Services.

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.

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

Arborist to be Commissioned

C20. An experienced AQF Level 5 consulting arborist ("the project arborist") must be commissioned to assist the design development, contract documentation, and overseeing of all works on the site for their duration by undertaking regular inspections of the works in progress and providing advice on tree-related matters.

The project arborist must hold a minimum Australian Qualification Framework Level 5 in Arboriculture, be a registered consulting member of a nationally recognised arboricultural organisation or association, not remove or prune trees in the North Sydney local government area and be engaged before work commences for the duration of site preparation, demolition, construction and landscaping.

The project arborist shall inspect, monitor, supervise, provide recommendations and written reports and certification relating to protection of the trees and compliance with the conditions of consent.

The contact details of the project arborist shall be advised to council before work commences and maintained up to date for the duration of works. If a new project arborist is appointed details of the new project arborist shall be notified to council within seven days.

Written details of the engagement of the project arborist must be submitted to Council for works prior to issue of the relevant construction certificate and the Principal Certifier prior to the issue of the relevant Construction Certificate.

This condition, and any advice given by the project arborist, do not authorise the carrying out of development or works not in accordance with the development consent.

(Reason: To ensure that all matters relating to trees and the proposed development are properly managed using best practice)

Bond for Public Trees (CC1)

C21. Prior to any works authorised by this consent commencing, security in the sum of **\$34,000.00** must be provided to Council for the protection of trees in public places, including the making good of any damage caused to such trees. The security is to be provided in accordance with

the Schedule below.

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

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

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

In the case of any tree, which cannot be replaced with a similar specimen, the security for that tree will be forfeited to Council and used to provide replacement trees in streets and other public places.

SCHEDULE

Tree Number and Species	Location	Bond
N1 & N2 <i>Tristaniopsis Laurina</i> (to 12x12m)	Council verge on the Gerard Street frontage of the site.	\$30,000.00
N7 <i>Tristaniopsis laurina</i> 'Luscious' (3x1m)	Council verge on the Benelong Road frontage	\$4,000.00

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

Tree Protection Measures to be shown on Construction Drawings (CC1)

- C22. The tree protection measures contained in the arborist report prepared by Arborist Network, dated 28 January 2025, shall be shown clearly on the relevant Construction Certificate drawings, and other relevant plans for works authorised by this consent. Plans and specifications showing the said tree protection measures must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

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

Protection of Trees (CC1)

- C23. The following tree(s) are required to be protected and retained as part of the development consent in accordance with AS 4970-2009 - Protection of trees on development sites:

Tree	Location	Height
N1 & N2 <i>Tristaniopsis Laurina</i>	Council verge on the Gerard Street frontage of the site.	to 12x12m
N7 <i>Tristaniopsis laurina</i> 'Luscious'	Council verge on the Benelong Road frontage	3x1m

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.

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

(Reason: Protection of existing environmental and community assets)

Approval for Removal of Trees (CC1)

C24. The following tree(s) are approved for removal in accordance with the development consent:

Tree No./Species	Location	Height (m)
T1 <i>Melaleuca quinquenervia</i>	Centre of the amalgamated site	15x10m
T2 <i>Albizia julibrissin</i>	Western setback of the amalgamated site	6x5m
T3 <i>Plumeria rubra</i>		5x5m
T4 <i>Callistemon viminalis</i>		5x3m
T5 <i>Robinia pseudoacacia</i>		5x8m
T6 <i>Plumeria rubra</i>		5x8m
T7 <i>Callistemon viminalis</i>		5x6m
T8 <i>Acer palmatum</i>		5x5m
T9 <i>Diospyros kaki</i>		4x7m
T10 <i>Plumeria rubra</i>		8x12m
T11 <i>Robinia pseudoacacia</i>		7x5m
T12 <i>Plumeria rubra</i>	Southern setback of amalgamated site	5x8m
T13 <i>Dracaena sp.</i>	Centre of the amalgamated site	5x6m
T14 <i>Ravenea rivularis</i>		7m
T15 <i>Acmena sp.</i>		10x7m
T16 & T17 <i>Stenocarpus sinuata</i>	Southern setback of the amalgamated site	6x1m
T18 & T19 <i>Mangifera indica</i>	Front setback of 72 Gerard Street	6x4m
T20 <i>Persea americana</i>		7x4m
T21 <i>Cyathia australis</i> x3	Centre of the amalgamated site	To6x8m
N3 <i>Jacaranda mimosifolia</i>	Council verge on the corner of Benelong Road and Gerard Lane	8x8m
N4 <i>Callistemon viminalis</i>	Council verge on the Benelong Road frontage	5x4m
N5 & N6 <i>Prunus cerasifera</i> 'Nigra'		To5x4m

Removal or pruning of any other tree on the site is not approved, excluding species exempt under Section 16 of the *North Sydney Development Control Plan 2013*.

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

(Reason: Protection of existing environmental and community assets)

Pruning of Trees (CC1)

C25. All pruning works to the following tree(s) shall be undertaken under the guidance of an

appropriately qualified arborist/tree surgeon in accordance with Australian Standard AS 4373-2007 - Pruning of Amenity Trees:

Tree	Location	Height (m)
N1 & N2 <i>Tristaniopsis Laurina</i>	Council verge on the Gerard Street frontage of the site.	to 12x12m

A report detailing the measures to be employed during works authorised by this consent shall be submitted to Council and the Principal Certifier for approval prior to the issue of any Construction Certificate. All measures required by the said report must be complied with at all times in the carrying out of the development.

No more than 10% canopy shall be removed. Marked up pictures shall be provided to Council's Landscape Development Officer for approval prior to any pruning permission being granted. The project arborist shall physically supervise all pruning.

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

Amendments to the Landscape Plan (CC1)

C26. The landscape plans listed within condition A1 of this consent must be amended as follows to provide an appropriate landscaped setting:

- N3 *Jacaranda mimosifolia* (10x10m) located in the Council verge on the corner of Benelong Road and Gerard Lane shall be removed and replaced with 1 x *Jacaranda mimosifolia* (minimum 500-litre pot size) in approximately the same location.
- N6 *Callistemon viminalis* (5x4m), and N5 & N6 *Prunus cerasifera* 'Nigra' (to 3x3m) located in the Council verge on the Benelong Road frontage shall be removed and replaced by 6 x new *Tristaniopsis laurina* 'Luscious' (minimum 150-litre pot size) planted between the location of N3 *Jacaranda mimosifolia* and N7 *Tristaniopsis laurina* 'Luscious'.
- 1 x *Lophostemon confertus* (minimum 200-litre pot size) shall be planted in the Council verge on the Gerard Street frontage between N1 and N2 (*Tristaniopsis laurina*).
- The proposed *Livistona australis* in the centrally located planter box on the Benelong Road frontage, is to be replaced with 1 x *Banksia Integrifolia* (minimum 100-litre pot size).

Amended plans complying with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

(Reason: To ensure residential amenity and an appropriate landscaped context for the site)

No External Service Ducts

C27. Service ducts must be provided within the building to keep external walls free of plumbing, drainage or other utility installations. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate

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

Bicycle Storage and Parking

C28. The bicycle storage area must accommodate a minimum of 23 bicycles, and visitor bicycle parking shall be provided for 3 bicycles suitable for the use of visitors to non-residential premises

in the building, in accordance with the North Sydney Development Control Plan 2023 and applicable Australian Standards. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

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

Garbage and Recycling Facilities (CC3)

C29. 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 these premises. The following requirements must be met:

- a) waste management facilities for residential use shall be provided separately and remain separated;
- b) all internal walls of storage areas must be rendered to a smooth surface, sealed at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;
- c) provision for the separation and storage in appropriate categories of material suitable for recycling;

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 building occupants and visitors, and to protect community health, and to ensure efficient collection of waste by collection contractors)

Asbestos and Hazardous Material Survey (CC1)

C30. 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 or other hazardous material contamination; if asbestos or other hazardous material 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 Safework NSW licensed contractor.
- b) all removal must be in strict accordance with the requirements of the Safework NSW 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 issue of the relevant Construction Certificate. The Principal Certifier must ensure that the report, and other plans, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

Dewatering – Management Plan (CC1)

C31. A Dewatering Management Plan prepared by a suitably qualified environmental consultant must be submitted for approval by the Certifier prior to the issue of any Construction Certificate. The plan must be developed in accordance with Managing Urban Stormwater: Soils and Construction 2004 and include, but not be limited to the following details:

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

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

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

Noise from Plant and Equipment

C32. The use of all plant and equipment installed on the premises must not:

- a) Contribute an LAeq(15min) which will cause the total LAeq(15min) from all plant and equipment operating contemporaneously on the site or in the strata scheme or in the mixed strata schemes to exceed the RBL by more than 5dB when measured at the boundary of any affected receiver. The modifying factor adjustments in **Fact Sheet C** of the *NSW Environment Protection Authority Noise Policy for Industry 2017* shall be applied.
- b) 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 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 Noise Policy for Industry published by the NSW Environment Protection Authority.

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

Air Conditioners in Residential Premises

C33. The use of any air conditioner installed on the premises must comply with the requirements of *the Protection of the Environment Operations (Noise Control) Regulations 2017* and *State Environmental Planning Policy (Transport and Infrastructure) 2021* and must not:

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

Compliance with Acoustic Report

C34. The recommendations contained in the acoustic report prepared by Renzo Tonin & Associates dated 5 February 2025, must be implemented during construction and use of the development.

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 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.

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

Construction Noise Management Plan (CC1)

C35. A Construction Noise Management Plan must be prepared by an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic

Consultants, and must include the following:

- a) Identification of noise affected receivers near to the site.
- b) A prediction as to the level of noise impact at noise affected receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite.
- c) Details of work schedules for all construction phases.
- d) A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the Environment Protection Authority's Interim Construction Noise Guideline (ICNG).
- e) Representative background noise levels should be submitted in accordance with the 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 during the carrying out of works authorised by this consent.
- 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) The course of action to 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 considering 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 provided to Council and a copy kept on site for the duration of the works.

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

Underground Electricity and Other Services (CC2)

- C36. All overhead electricity and other lines (existing and proposed) must be undergrounded from the proposed building on the site to the appropriate power pole(s) or other connection point, in accordance with the requirements of Ausgrid and any other relevant infrastructure provider:

- Remove all redundant poles
- Provide new street lighting pole in accordance with Council's Public Domain Style Guide

The applicant is to prepare a street lighting design prepared by an accredited designer to be approved by Ausgrid to upgrade the street lighting within the property frontage. New lighting is to be standard Ausgrid galvanised light poles in accordance with AS/NZS1158.4.2024. The upgrade shall include undergrounding of existing aerial power lines and replacement/removal of redundant street light poles. All costs associated with the removal and installation of street lighting and associated infrastructure shall be borne by the applicant.

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

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

Privacy

C37. To ensure an adequate level of privacy for adjoining sites, the privacy measures are to be provided:

- a) The east facing dining/living room windows of Units G03 (Ground Level) and 103 (Level 1) must have additional privacy measures installed. These measure can comprise the fixed angled privacy screens present the east-facing bedroom 2 window of Unit 301 or similar, or comprise fixed obscured/frosted glazing.

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

(Reason: To ensure an adequate level of privacy is provided to adjoining property located at 74 Gerard Street)

Adaptable Housing

C38. The following nominated apartments are to be designed in accordance with the standard adaptable housing AS4299 - 1995.

Schedule of adaptable units:

G05, G06, 105, 106, 206

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

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

Local Infrastructure Contributions (CC1)

C39. A monetary contribution pursuant to the provisions of section 7.11 of the *Environmental Planning and Assessment Act 1979* is to be paid to Council, in accordance with the North Sydney Council's Local Infrastructure Contributions Plan, to provide for local infrastructure improvements.

Based on the net increase in demand for infrastructure at the date of determination, the total contribution payable to Council is **\$343,491.30**.

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 the time of payment in accordance with quarterly movements in the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.

Timing of Payment

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

A copy of the *North Sydney Local Infrastructure Contribution Plan 2020* 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 Infrastructure Contributions Plan 2020*)

Security Deposit/Guarantee Schedule (CC1)

C40. All fees and security deposits/guarantees in accordance with the schedule below must be provided to Council prior to the issue of the relevant Construction Certificate:

Security Deposit/Guarantee	Amount (\$)
Street Tree Bond (on Council Property)	\$34,000.00
Infrastructure Damage Bond	\$12,600.00
Drainage Construction Bond	\$20,000.00
Engineering Construction Bond	\$108,000.00
TOTAL BONDS	\$174,600.00

Note: The following fees are also applicable per Condition C40.

Fees	
Local Infrastructure Contributions	\$343,491.30
TOTAL FEES	\$343,491.30

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 (CC1)

C41. The housing and productivity contribution (HPC) set out in the table below, but as adjusted in accordance with this condition, is required to be made:

Housing and productivity contribution	Amount
Housing and productivity contribution (base component)	\$230,000.00

Transport project component	\$0.00
Total housing and productivity contribution	\$230,000.00

The amount payable at the time of payment is the amount shown as the total housing and productivity contribution for each stage specified in the tables to condition 2, adjusted by multiplying it by:

Highest PPI number
consent PPI number

where:

highest PPI number is the highest PPI number for a quarter following the June quarter 2023 and up to and including the 2nd last quarter before the quarter in which the payment is made, and consent PPI number is the PPI number last used to adjust HPC rates when consent was granted, and June quarter 2023 and PPI have the meanings given in clause 22 (4) of the *Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024*.

If the amount adjusted in accordance with this condition is less than the amount at the time consent is granted, the higher amount must be paid instead. The HPC must be paid before the issue of any Construction Certificate. The HPC must be paid using the NSW planning portal (<https://pp.planningportal.nsw.gov.au/>).

If the Minister administering the *Environmental Planning and Assessment Act 1979* agrees, the HPC may be made, instead of as a monetary contribution, in the following ways:

- a) the dedication or provision of land for the purpose of regional infrastructure in the region in which the development will be carried out,
- b) the carrying out of works for the purpose of regional infrastructure in the region in which the HPC development will be carried out.

If the HPC is made partly as a monetary contribution, the amount of the part payable is the amount of the part adjusted in accordance with item (i) in this condition at the time of payment. Each part of an instalment that is to be made as a monetary contribution is also to be adjusted in accordance with item (i) in this condition at the time its payment.

Despite the requirement of this condition, a housing and productivity contribution 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 *Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024* exempts the development from the contribution. The amount of the contribution may also be reduced under the order, including if payment is made before 1 July 2025.

(Reason: To provide a contribution as required by the *Environmental Planning and Assessment (Housing Productivity Contributions) Order 2024*)

BASIX Certificate (CC3)

- C42. Under section 75 of the *Environmental Planning and Assessment Regulation 2021*, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. 1782460M, dated 6 February 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.

(Reason: To ensure the proposed development will meet the Government's requirements

for sustainability and statutory requirements)

Outdoor Lighting

- C43. 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)

Remediation (CC1)

- C44. 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)

Ausgrid Infrastructure

- C45. The following matters are to be resolved to the satisfaction of Ausgrid under Section 2.48 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021*:

a) Ausgrid Overhead Powerlines are in the vicinity of the development.

The developer should refer to Safework NSW Document –Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/ poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.

The “as constructed” minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website at www.ausgrid.com.au.

Based on the design of the development provided, it is expected that the “as constructed” minimum clearances will not be encroached by the building development. However it remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.

Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost. It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.

b) Underground Cables

There are existing underground electricity network assets in proximity to the site. Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable. Safework Australia – Excavation Code of Practice, and Ausgrid’s Network Standard NS156 outlines the minimum requirements for working around Ausgrid’s underground cables.

Details demonstrating compliance are to be submitted with the Construction Certificate. The Certifying Authority issuing the Construction Certificate must ensure that the approved plans and specifications, satisfying the requirements of this condition, is referenced on and accompanies the Construction Certificate.

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

Sydney Water Requirements

- C46. The following matters are to be resolved to the satisfaction of Sydney Water Corporation under Section 78 of the *Sydney Water Act 1994*:

Building Plan Approval (including Tree Planting Guidelines)

The plans must be approved by Sydney Water prior to demolition, 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. Any amendments to plans will require re-approval. Please go to Sydney Water Tap in@ to apply.

Sydney Water recommends developers apply for a Building Plan Approval early as to reduce unnecessary delays to further referrals or development timescales.

Tree Planting

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

For any trees proposed or planted that may cause destruction of, damage to or interference with our work and are in breach of the Sydney Water Act 1994, Sydney Water may issue an order to

remove that tree or directly remove it and seek recovery for all loss and associated compensation for the removal.

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

Details demonstrating compliance are to be submitted with the Construction Certificate. The Certifying Authority issuing the Construction Certificate must ensure that the approved plans and specifications, satisfying the requirements of this condition, is referenced on and accompanies the Construction Certificate.

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

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

Protection of Trees

- D1. All trees that are specifically nominated to be retained by notation on plans or by condition as a requirement of this consent must be maintained and protected during demolition, excavation, and construction on the site, in accordance with AS4970-2009 (Protection of trees on development sites).

The tree protection measures detailed in the approved Tree Protection and Management Plan, and as directed by the project arboriculturist must be established before work commences and be maintained at all times during construction activity.

Sensitive construction techniques including hand excavation, pier and beam construction, and flexible location of piers/footings shall be used within the TPZ of any protected tree. No roots greater than 40mm shall be cut. No stormwater or any underground services shall be directed through the TPZ of any protected tree.

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

Project Arborist Engaged

- D2. A project arborist shall be engaged to carry out the following activities:
- a) Inspection of tree protection measures, and written certification to the Principal Certifier that the measures comply with the approved Tree Protection Management Plan, and as directed by the project arborist before work commences.
 - b) Provision of guidance and oversight of tree protection and management to ensure that the stability and ongoing viability of trees being retained is not compromised.
 - c) Communication with the tree pruning contractor and Council’s Tree Management Officer (giving at least two 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.
 - d) Ensuring all pruning is undertaken by a practising 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.

- e) Keeping of a log of dates and times of when they attended the site, and a description of works performed. The log must be included in documentation submitted for the issue of the relevant Occupation Certificate.

(Reason: Tree protection measures)

Temporary Fences and Tree Protection

- D3. All protected trees on-site that are specifically nominated to be retained by notation on plans or by a condition of this consent must be tagged with luminous tape or the like, for purposes of identification prior to demolition, excavation, or construction works, and must remain so for the duration of works on the site. No materials or builder's waste are to be stored in the vicinity of the nominated tree/trees at any time.

Appropriate fencing or barricades in accordance with AS4970-2009 (Protection of trees on development sites) must be installed to the satisfaction of the Project Arborist prior to commencement of any works and must be maintained for the duration of the works:

Schedule

Tree	Location	Height
N1 & N2 <i>Tristaniopsis Laurina</i>	Council verge on the Gerard Street frontage of the site.	to 12x12m
N7 <i>Tristaniopsis laurina</i> 'Luscious'	Council verge on the Benelong Road frontage	3x1m

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

Notice of Proposed Work (Remediation Work)

- D4. 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*.

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: Protection of the environment, *SEPP (Resilience and Hazards) 2021* compliance)

Public Liability Insurance - Works on Public Land

- D5. 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

- D6. 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 and 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

- D7. Prior to the commencement of any works, the approved plans must be submitted to Sydney Water to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

Note: **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 <https://www.sydneywater.com.au/plumbing-building-developing/building/sydney-water-tap-in.html> or call 13 000 TAP IN (1300 082 746).

(Reason: To ensure compliance with Sydney Water requirements)

Commencement of Works' Notice

- D8. Works in accordance with this development consent must not be commenced until the Applicant has given at least two days' notice to North Sydney Council of the person's intention to commence works in accordance with this development consent.

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

E. During Demolition and Building Work

Parking Restrictions

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

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

Road Reserve Safety

- E2. All public footways and roadways 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. 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 accessways fronting the construction site.

Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers (at full Applicant cost). Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "Traffic Control Devices for Work on Roads." **If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**

(Reason: Public Safety)

Temporary Disposal of Stormwater Runoff

- E3. During construction, stormwater runoff must be disposed of 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)

Structures Clear of Drainage Easements

E4. It is the full responsibility of the Applicant and their contractors to:

- a) Ascertain the exact location of the Council drainage infrastructure traversing the site in the vicinity of the works;
- b) Take full measures to protect the in-ground Council drainage system; and
- c) Ensure dedicated overland flow paths are satisfactorily maintained through the site.

Drainage pipes can be damaged through applying excessive loading (such as construction plant, material storage and the like). All proposed structures and construction activities are to be located clear of Council drainage pipes, drainage easements, watercourses and trunk overland flow paths on the site. Trunk or dedicated overland flow paths must not be impeded or diverted by fill or structures unless otherwise approved.

In the event of a Council drainage pipeline being uncovered during construction, all work is to cease, and the Principal Certifier and Council (if it is not the Principal Certifier) must be contacted immediately for advice. Any damage caused to a Council drainage system must be immediately repaired in full as directed, and at no cost to Council.

(Reason: Protection of Public Drainage Assets)

Geotechnical Stability during Works

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

Geotechnical aspects of the development work, namely appropriate excavation method and vibration control, support and retention of excavated faces, and hydrogeological considerations must be undertaken in accordance with the recommendations of the Geotechnical Engineer 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 below adjacent private or public property.

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

Council Inspection of Public Infrastructure Works

E6. During the works on public infrastructure reverting to Council's care and control, Council's development engineer may undertake inspections of the works at the following hold points:

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

All works must proceed in accordance with *the 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)

Dust Emission and Air Quality

E7. 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

E8. 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

E9. 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 the relevant 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

E10. 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 Applicant 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

E11. 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

- E12. No trees on public property (footpaths, roads, reserves, etc.) unless specifically approved by this consent shall be removed or damaged during construction including for the erection of any fences, hoardings or other temporary works.

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

Protection of Trees

- E13. All trees required to be retained, as part of this consent must be protected from any damage during construction works in accordance with AS4970-2009. All recommendations contained within the arborist's report prepared by Arborist Network, dated 28 January 2025, must be implemented for the duration of the works and as amended by other conditions of this consent.

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

Notes:

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

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

Trees to be Removed

- E14. 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)
T1 <i>Melaleuca quinquenervia</i>	Centre of the amalgamated site	15x10m
T2 <i>Albizia julibrissin</i>	Western setback of the amalgamated site	6x5m
T3 <i>Plumeria rubra</i>		5x5m
T4 <i>Callistemon viminalis</i>		5x3m
T5 <i>Robinia pseudoacacia</i>		5x8m
T6 <i>Plumeria rubra</i>		5x8m
T7 <i>Callistemon viminalis</i>		5x6m
T8 <i>Acer palmatum</i>		5x5m
T9 <i>Diospyros kaki</i>		4x7m
T10 <i>Plumeria rubra</i>		8x12m
T11 <i>Robinia pseudoacacia</i>		7x5m
T12 <i>Plumeria rubra</i>	Southern setback of amalgamated site	5x8m
T13 <i>Dracaena sp.</i>	Centre of the amalgamated site	5x6m
T14 <i>Ravenea rivularis</i>		7m
T15 <i>Acmena sp.</i>		10x7m
T16 & T17 <i>Stenocarpus sinuata</i>	Southern setback of the amalgamated site	6x1m
T18 & T19 <i>Mangifera indica</i>	Front setback of 72 Gerard Street	6x4m
T20 <i>Persea americana</i>		7x4m

T21 <i>Cyathia australis</i> x3	Centre of the amalgamated site	To6x8m
N3 <i>Jacaranda mimosifolia</i>	Council verge on the corner of Benelong Road and Gerard Lane	8x8m
N4 <i>Callistemon viminalis</i>	Council verge on the Benelong Road frontage	5x4m
N5 & N6 <i>Prunus cerasifera</i> 'Nigra'		To5x4m

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

Special Permits

- E15. 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 Applicant, 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**

For example, 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 Applicant'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 (All Other Zones)

E20. 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 - 5.00pm
Saturday	8.00am - 1.00pm
Sunday Public holiday	No work permitted

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

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

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

Out-of-hours' Work Permits

E16. 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 not at risk**. Applications which seek a variation to construction hours solely to benefit the Applicant will require the lodgement and favourable determination of a modification application pursuant to the provisions of section 4.55 of *the Environmental Planning and Assessment Act 1979*.

Note:

- 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-hours' 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 Applicant 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 Erosion and Sediment Controls

- E17. 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 ed. 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

- E18. Most development consents require a durable sign to be displayed in a prominent location on construction sites during building works which displays information and warning of penalties should appropriate erosion and sedimentation control measures not be maintained.
- (Reason: To protect the environment from the effects of sedimentation and erosion from development sites)

Remedial Action Plan (Contaminated Land)

- E19. The remediation work must be carried out in accordance with the Remedial Action Plan approved under this consent and all relevant guidelines issued under *the Contaminated Land Management Act 1997*.
- (Reason: To ensure the proper management of contaminated land)

Dewatering – Compliance

- E20. All works conducted on site which form part of this development must be carried out in accordance with the Dewatering Management Plan approved with the Construction Certificate and all conditions of consent.
- (Reason: To protect the environment from the effects of pollution from development sites)

Site Amenities and Facilities

- E21. Where work involved in the erection and/or demolition of a building is being carried out, amenities which satisfy applicable occupational health and safety and construction safety regulations, including any SafeWork NSW 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

- E22. All work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any SafeWork NSW 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.safework.nsw.gov.au.

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

Community Information

- E23. 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

- E24. 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 Council or a permit from the Director of the NPWS is issued.

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

Prohibition on Use of Pavements

- E25. 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

- E26. 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)

Waste Disposal

- E27. 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 Environment Protection Authority.

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

Asbestos Removal

- E28. All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current SafeWork NSW Asbestos or "Demolition Licence," and a current SafeWork NSW "Class 2 (Restricted) Asbestos Licence" (or equivalent). Removal must be carried out in accordance with National Occupational Health and Safety Commission requirements.

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

Service Adjustments

- E29. The adjustment or inclusion of any new utility service or facilities must be carried out by an appropriately qualified 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

Progress Survey

- E30. In order to ensure compliance with approved plans, a Survey Certificate, prepared to Australian Height Datum, must be prepared by a Registered Surveyor showing the following:
- 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;
 - 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.

The required survey reports shall be provided to Council on request.

(Reason: To ensure compliance with approved plans)

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 condition, sufficient evidence that the person has complied with the requirements of that Part.

(Reason: Prescribed - Statutory)

Appointment of a Principal Certifier

- F3. Building or excavation works in accordance with the development consent must not be commenced until the Applicant has appointed a Principal Certifier for the building work in accordance with the provisions of *the Environmental Planning and Assessment Act 1979* and its Regulation.

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

Construction Certificate

- F4. Building or excavation works in accordance with the development consent must not be commenced until the Construction Certificate for the relevant part of the work has been issued.

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

(Reason: Statutory, to ensure appropriate safeguards are in place prior to the commencement of any works)

Occupation Certificates

- 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 the relevant 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 compliance)

Critical Stage Inspections

- F6. Building work must be inspected by the Principal Certifier at the critical stages prescribed by *the Environmental Planning and Assessment Act 1979* and *the Environmental Planning and Assessment Regulation 2021*, and as directed by the appointed Principal Certifier.

(Reason: Statutory)

Commencement of Works

- F7. Works in accordance with this development consent must not be commenced until the Applicant has given at least two days' notice to North Sydney Council of the intention to commence those works.

(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 shall be carried out as follows:

- a) All excavation and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- b) All excavation 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 Repair and Completion of Works

Consolidation of Lots

- G1. Prior to the issue of the Occupation Certificate, the five lots within Nos.118-124 Benelong and 72 Gerard Street being (Lots 1 DP932946, Lot 1 DP932513, Lot 1 DP171542, Lot 1 DP169147 and Lot 1 DP791296) should be consolidated into one lot. Documentary evidence of consolidation should be provided to the Principal Certifier.

(Reason: To promote orderly development of land)

- G2. Prior to the issue of the relevant Occupation Certificate, any and all works relating to the development:
- a) in the road reserve must be fully completed; and
 - b) to repair and make good any damaged public infrastructure caused as a result of any works relating to the development (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete vehicles) must be fully repaired;

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

(Reason: Maintain quality of Public assets)

Line Marking

- G3. A certificate prepared by an appropriately qualified and practising Civil Engineer certifying the construction, paving, line marking, and signposting of all 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)

Noise Certification

- G4. Prior to issue of the relevant Occupation Certificate a certificate from an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants is to be submitted to, and be approved by, the Principal Certifier, certifying that the noise and vibration from use of the development complies with the relevant conditions of consent.

(Reason: To ensure acoustic amenity)

Certification - Civil Works

- G5. a) 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 the relevant Occupation Certificate.
- b) An appropriately qualified and practising 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 and Video

- G6. A works-as-executed survey drawing (WAE) of the completed stormwater drainage system must be obtained. The WAE survey drawing must show the alignment, depth and grade of the stormwater drainage pipelines, pits, and ancillary plumbing. The WAE 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 WAE survey drawing to the Principal Certifier prior to the issue of the relevant Occupation Certificate.

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

(Reason: Compliance with the Consent)

Validation for Remediation

- G7. 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)

Damage to Adjoining Properties

- G8. 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

- G9. All utility services shall be adjusted to the correct levels and/or location/s required by this consent, prior to issue of the relevant 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)

- G10. An Instrument pursuant to section 88B and section 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 location of site requiring the ongoing retention, maintenance and operation of the stormwater facility (on-site detention, pump-out, charged lines);
- b) North Sydney Council being nominated in the Instrument as the only party authorised to release, vary or modify the Instrument;
- c) the wording on the Instrument making reference to the Council file(s) which hold:
 - a) the Construction plans; and
 - b) the "Work As Executed" (as built) plans;

The terms of the Instrument must be executed by an authorised delegate of North Sydney Council 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 the relevant 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 the relevant 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

- G11. Prior to issue of the relevant Occupation Certificate, a Maintenance Plan 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

G12. 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

G13. 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

G14. Prior to the issue of the relevant Occupation Certificate, a report prepared by an appropriately qualified person (being an arborist or the like) must be submitted to the Principal Certifier, describing the health of the tree(s) specifically nominated below:

Tree	Location	Height
N1 & N2 <i>Tristaniopsis Laurina</i>	Council verge on the Gerard Street frontage of the site.	to 12x12m
N7 <i>Tristaniopsis laurina</i> 'Luscious'	Council verge on the Benelong Road frontage	3x1m

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.

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

Vehicle Egress Signs

G15. 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)

Disposal Information

G16. Upon completion of works and prior to occupation, a report including the following information must be provided to Council's Open Space and Environmental Services Department:

- a) the total tonnage of all waste and excavated material disposed of from the site (including any tipping dockets); and
- b) the disposal points and methods used.

(Reason: To ensure appropriate disposal methods are undertaken for auditing and inspection purposes)

Height

G17. Upon completion of the works and prior to the issue of the relevant Occupation Certificate the RL of the development measured at RL+86,550 on the roof of Level 3 and at L+87,750 for the top of the lift overrun on the roof of Level 3, must be surveyed and certified by an appropriately qualified and practising surveyor as compliant with the maximum approved levels in accordance with the plans approved in Condition A1. 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)

Final Survey

G18. Upon completion of the works and prior to the issue of the relevant Occupation Certificate a final survey of the development and site is to be carried out by an appropriately qualified and practising registered surveyor to demonstrate whether the completed works encroach on any public or private property, both above and below the ground.

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

Sydney Water

G19. A Compliance Certificate under Section 73 of the *Sydney Water Act 1994* must be obtained.

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

Note: Application must be made through Sydney Water directly or through an authorised Water Servicing Co-ordinator. For details, see the Sydney Water website <https://www.sydneywater.com.au/plumbing-building-developing/developing/section-73-compliance-certificates.html>, or telephone 13 20 92.

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

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

BASIX Completion Certificate

G20. In accordance with section 45 *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, prior to issuing the relevant Occupation Certificate the Principal Certifier must provide a BASIX completion receipt.

(Reason: To ensure compliance with the Regulations)

House Numbering (Dwellings)

G21. 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

G22. The landscaping shown in the approved landscape documentation cited in condition A1 and as amended by this consent, must be completed prior to the issue of the relevant Occupation Certificate.

(Reason: To ensure compliance)

Verification Statement (External Finishes and Materials)

G23. 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)

Required Tree Planting

- G24. On completion of works and prior to the issue of the relevant Occupation Certificate, trees in accordance with the schedule hereunder and Condition C25, must be planted in Council's nature strip/ footpath:

Schedule

Tree Species	Location	Pot Size
1 x <i>Lophostemon confertus</i>	Council verge on Gerard Street frontage between N1 and N2	200-litres
1 x <i>Jacaranda mimosifolia</i>	Council verge on the corner of Gerard Lane and Benelong Road	500-litres
6 x <i>Tristaniopsis laurina</i> 'Luscious'	Council verge on the corner of Gerard Lane & Benelong Rd (between N3 and N7)	150-litres

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

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

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

Unpaved Verge

- G25. 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)

Intercom

- G26. An intercom system must be provided in a convenient location adjacent to the visitor parking entry to enable easier and safe access to visitor parking prior to issue of the relevant Occupation Certificate.

(Reason: To ensure convenient access is available for visitors to the building)

Allocation of Spaces

- G27. 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 in accordance the following table:

16	Residential
4	Residential – Visitors
15	Accessible
1	Accessible – Visitors

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

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

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

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

Compliance with Certain Conditions

G28. Prior to the issue of the relevant Occupation Certificate, Conditions **C1 (Design Amendments)**, **C26 (Amendments to the Landscape Plan)**, and **C37 (Privacy)**, must be certified as having been implemented on site and complied with.

(Reason: To ensure the development is completed in accordance with the requirements of this consent)

Green Travel Plan

G29. A Green Travel Plan is to be prepared by a suitably qualified traffic engineer or traffic planner and is to be submitted to Council and the Principal Certifier prior to the relevant Occupation Certificate.

The Green Travel Plan must incorporate the following:

- (a) empirical analysis of typical travel demand and mode share outcomes for walking, cycling, public transport 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 timeframes 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);
 - ii. Preparation of a Transport Access Guide (TAG) for the site.
 - iii. Use taxis or public transport for work related journeys;
 - iv. Encouragement of cycling and walking to the site through generous provision of bicycle parking, showers and lockers;
 - v. Allocation of designated parking spaces for a car sharing scheme;
 - vi. Prominent display of a large map of cycling routes (i.e., in the foyer of a residential, educational or business complex);

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.

Note:

- 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

- G30. Appropriate provisions must be incorporated into the design of car parking areas to allow for the installation of charging facilities for electric vehicles.

Certification confirming provisions to enable the installation of charging facilities required by this condition is to be provided to the Principal Certifier with the relevant Occupation Certificate. All costs incurred in achieving compliance with this condition shall be borne by the Applicant.

(Reason: To promote sustainability and energy efficiency)

Apartment Noise Attenuation Construction

- G31. A qualified member of the Association of Australasian Acoustical Consultants must certify that construction of the internal party walls ensures that all sound between apartments, sound producing plant, equipment, machinery, mechanical ventilation system or refrigeration systems has sufficient acoustical attenuation, in accordance with any relevant standards or guidelines. Details must be submitted to the Principal Certifier before the issue of the relevant Occupation Certificate.

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

I. Ongoing/Operational Conditions

Noise and Vibration Impact

11. The on-going 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)

Visitors' Parking Sign

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

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

Use of Car Parking Spaces

13. Car parking spaces provided must only be used in conjunction with the approved uses contained within the development. Visitor parking facilities must be designated as common property on

any strata plan. Visitor parking facilities must not at any time be allocated, sold, licensed or leased for the exclusive use of any owner or occupier or third party and must be retained as Common Property by the owners' corporation for use by building visitors.

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

Allocation of Spaces

14. The allocation of Carparking spaces within the development must be maintained at all times in accordance with the terms of this consent, as shown in the plans cited by the table to conditions A1.

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

All carparking spaces are to be used by occupants of the building or bona fide visitors only.

Visitor parking facilities must be designated as common property on the strata plan.

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

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

Loading within Site

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

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

Minimum Headroom for Car Parking

16. Minimum headroom of 2.2m must be provided over all car-parking areas.

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

No Illumination

17. No consent is given or implied for any form of illumination or floodlighting to the building or any sign. A separate development application must be lodged and approved prior to any external floodlighting or illumination of the building, approved sign or site landscaping.

(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)

Maintenance of Approved Landscaping

18. The owner(s) of the premises at 188-124 Benelong Road & 72 Gerard Street, Cremorne, is to maintain the landscaping approved by this consent generally in accordance with the plans approved in Condition A1 and as subsequently modified.

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.

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

19. The newly planted trees shown in the schedule below and 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 1 litre per litre of pot size per tree, minimum 4 times 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.

Schedule

Tree Species	Location	Pot Size
1 x <i>Lophostemon confertus</i>	Council verge on Gerard Street frontage between N1 and N2	200-litres
1 x <i>Jacaranda mimosifolia</i>	Council verge on the corner of Gerard Lane and Benelong Road	500-litres
6 x <i>Tristaniopsis laurina</i> 'Luscious'	Council verge on the corner of Gerard Lane & Benelong Rd (between N3 and N7)	150-litres

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

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