# DA350/2024 - PAN-489021 - 20 Berry Street – Conditions

## A. Conditions that Identify Approved Plans

# Development in Accordance with Plans/Documentation A1

1. The development must be carried out in accordance with the following drawings endorsed with Council’s approval stamp and other documentation listed in the tables 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** |
| AD-DA01\_002 | A | Existing Site & Analysis Plan | Studio.SC | 25/10/2024 |
| AD-DA03\_010 | A | Demolition Plan – Lower Ground | Studio.SC | 25/10/2024 |
| AD-DA03\_100 | B | Demolition Plan – Ground Floor | Studio.SC | 16/05/2025 |
| AD-DA03\_101 | A | Demolition Plan – Podium Level 01 | Studio.SC | 25/10/2024 |
| AD-DA03\_102 | A | Demolition Plan – Podium Level 02 | Studio.SC | 25/10/2024 |
| AD-DA03\_103 | A | Demolition Plan – Level 03 | Studio.SC | 25/10/2024 |
| AD-DA03\_104 | A | Demolition Plan – Typical Level 04-14 | Studio.SC | 25/10/2024 |
| AD-DA04\_010 | A | Demolition AXO | Studio.SC | 25/10/2024 |
| AD-DA04\_010 | A | Proposed AXO | Studio.SC | 25/10/2024 |
| AD-DA11\_010 | B | GA Plan – Lower Ground | Studio.SC | 16/05/2025 |
| AD-DA11\_100 | B | GA Plan – Ground Floor | Studio.SC | 16/05/2025 |
| AD-DA11\_101 | A | GA Plan – Podium Level 01 | Studio.SC | 25/10/2024 |
| AD-DA11\_102 | A | GA Plan – Podium Level 02 | Studio.SC | 25/10/2024 |
| AD-DA11\_103 | B | GA Plan – Level 03 | Studio.SC | 16/05/2025 |
| AD-DA11\_104 | B | GA Plan – Typical Level 04-14 | Studio.SC | 16/05/2025 |
| AD-DA11\_115 | A | GA Plan – Level 15 | Studio.SC | 25/10/2024 |
| AD-DA11\_116 | A | GA Plan – Level 16 | Studio.SC | 25/10/2024 |
| AD-DA11\_117 | A | GA Plan – Level 17 | Studio.SC | 25/10/2024 |
| AD-DA11\_118 | A | GA Plan – Level 18 | Studio.SC | 25/10/2024 |
| AD-DA11\_119 | A | GA Plan – Level 19 | Studio.SC | 25/10/2024 |
| AD-DA11\_120 | B | GA Plan – Level 20 | Studio.SC | 16/05/2025 |
| AD-DA11\_121 | A | GA Plan – Level 21 | Studio.SC | 25/10/2024 |
| AD-DA11\_123 | A | GA Plan - Roof | Studio.SC | 25/10/2024 |
| AD-DA21\_001 | B | East Elevation | Studio.SC | 16/05/2025 |
| AD-DA21\_002 | B | West Elevation | Studio.SC | 16/05/2025 |
| AD-DA21\_003 | B | South Elevation | Studio.SC | 16/05/2025 |
| AD-DA31\_001 | A | Short Section – Podium | Studio.SC | 25/10/2024 |
| AD-DA31\_002 | A | Short Section – Tower | Studio.SC | 25/10/2024 |
| AD-DA31\_003 | A | Long Section | Studio.SC | 25/10/2024 |
| AD-DA77\_100 | A | External Finishes and Materials | Studio.SC | 25/10/2024 |
| 000 | A | Cover Sheet | Arcadia | 18/10/2024 |
| 200 | A | Planting Schedule | Arcadia | 18/10/2024 |
| 201 | A | Softworks Plan | Arcadia | 18/10/2024 |
| 601 | A | Landscape Details | Arcadia | 18/10/2024 |
| 700 | A | Landscape Specification Notes | Arcadia | 18/10/2024 |
| 000 | A | Cover Sheet Plan | Telford Civil | 23/10/2024 |
| 101 | A | Stormwater Concept Plan Lower Ground Floor | Telford Civil | 23/10/2024 |
| 102 | A | Stormwater Concept Plan Ground Floor | Telford Civil | 23/10/2024 |
| 103 | A | Stormwater Concept Plan Level 1 | Telford Civil | 23/10/2024 |
| 104 | A | Stormwater Concept Plan Level 2 | Telford Civil | 23/10/2024 |
| 105 | A | Stormwater Concept Plan Level 3 | Telford Civil | 23/10/2024 |
| 106 | A | On-Site Detention Details And Calculations | Telford Civil | 23/10/2024 |
| 107 | A | Catchment Plan and Music Results | Telford Civil | 23/10/2024 |
| 108 | A | Sediment And Erosion Control Plan & Details | Telford Civil | 23/10/2024 |
| 109 | A | Miscellaneous Details Sheet | Telford Civil | 23/10/2024 |

**Documents**

|  |  |  |
| --- | --- | --- |
| **Title/Rev** | **Author** | **Date** |
| Noise & Vibration Impact  Assessment for Development  Application | Stantec | 06/11/2024 |
| Preliminary Plan of Management | Holdmark | 25/10/2024 |

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

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# Plans on Site A3

1. A copy of all plans endorsed with Council’s approval stamp, 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 an officer of Council or the Principal Certifier.

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

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

# No Demolition of Extra Fabric A4

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

(Reason: To ensure compliance with the approved development)

# External Finishes and Materials A5

1. External finishes and materials must be in accordance with the submitted schedule prepared by Studio.SC and dated 25/10/2024, 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)

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

##### **Construction and Traffic Management Plan (Major DAs and Sites with Difficult Access)** B1

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

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

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

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

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

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

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

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)

# Awning – Berry Street B3

1. The proposed awning to the Berry Street frontage is to be a minimum height of 3m above ground level.

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

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

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

**Design Amendments** **C1**

1. The following amendments must be made to the development for approval with an application for the relevant construction certificate, as indicated below:
2. Sanitary facilities are to be provided to each individual hotel room in accordance with Part F4 of the Volume One of the National Construction Code.

(Reason: to ensure appropriate amenity is provided)

# Dilapidation Report Damage to Public Infrastructure C2

1. A dilapidation survey and report (including photographic record) must be prepared by a suitably qualified consultant which details the predeveloped 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 Applicant may be held liable for all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded and demonstrated as pre-existing under the requirements of this condition.

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

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

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

# Dilapidation Survey Private Property (Neighbouring Buildings) C4

1. A photographic survey and dilapidation report of adjoining property No. 211 – 223 Pacific Highway, North Sydney detailing the physical condition of those properties, both internally and externally, including, but not limited to, such items as walls, ceilings, roof, structural members and other similar items, MUST BE submitted to the Principal Certifier for approval prior to the issue of 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)

# Structural Adequacy of Existing Building C8

1. A report prepared by an appropriately qualified and practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional*,* or altered structural loadsduring all stages of construction shall be submitted to the Principal Certifier for approval prior to issue of the relevant Construction Certificate. The certified report must also include all details of the methodology to be employed in construction phases to achieve the above requirements. The methodology in the certified report must be complied with at all times.

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

# Geotechnical Report C9

1. A report prepared by an appropriately qualified Geotechnical Engineer certifying that the existing rock formations and substrate on the site are capable of:

a) withstanding the proposed loads to be imposed;

must be submitted for approval by the Principal Certifier prior to the issue of the relevant Construction Certificate.

Recommendations made in the certified report must be complied with at all times.

Building plans and specifications submitted for approval with the relevant construction certificate application must comply with (a), (b), (c) and (d), above, and the certified report, including relevant recommendations made in the said certified report.

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

# Erosion and Sediment Control C11

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

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

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

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

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

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

# Waste Management Plan C12

1. 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:
   1. The estimated volume of waste and method of disposal for the construction and operation phases of the development;
   2. The design of the on-site waste storage and recycling area; and
   3. Administrative arrangements for waste and recycling management during the construction process.

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

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

# External Finishes and Materials C19

1. The external colours and finishes must be in accordance with the approved schedule of finishes and materials, prepared by Studio.SC and dated 25/10/2024. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the relevant issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure quality built form of development)

# Reflectivity Index of Glazing C20

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

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

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

# No External Service Ducts C22

1. 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)

# Deed of Agreement C23

1. The Applicant and the Council must enter into a Deed of Agreement in accordance with North Sydney Council’s Encroachments Policy to enter into a lease of the proposed airspace over the public footpath in the Road Reserve of Pacific Highway and Berry Street for the awnings.

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

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

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

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

# Work Zone C24

1. 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. Works Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site. If the 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 C25

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

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

# Bicycle Storage and Parking C27

1. The bicycle storage area must accommodate a minimum of 40 bicycles. The bicycle storage lockers and bicycle rail shall be designed in accordance with the applicable Australian Standards. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

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

# Staff Shower and Change Facilities (Commercial and Mixed-use) C28

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

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

# Basement Car Park to Comply with Relevant Standards C30

1. The amended car parking layout must be assessed against the requirements of Australian Standard AS2890.1, in areas where modifications to existing parking areas, height clearances and parking aisles are proposed. Any deviations from the Standard must be reviewed and certified by a practicing traffic engineer, certifying that the intent of AS2890.1 is still present, with all parking areas to be accessible and manoeuvrable by B85 vehicles, ensuring that convenience for drivers is provided throughout the entire parking area. The certificate 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 C31

1. 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

1. Construction of new footpath is required across the entire site frontage in Angelo Street. The footpath pavement must be placed on a single straight grade of 3.0% rising from the top of kerb, towards the property boundary, without dipping or rising, including at building entrances. The footpath pavement must be constructed for the full width, using the construction required for North Sydney Centre 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.
2. Full frontage – half road carriageway surface reconstruction in AC10 – 50mm thick – is required in Angelo Street. This requirement may be extended for all road carriageway areas that are damaged, due to the course of demolition and construction works.
3. Construction of a new kerb and gutter is required across the entire site frontage in Angelo Street. 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.
4. 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.
5. The reconstructed 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 for North Sydney Centre Area 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.

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 C32

1. For the purposes of improving sight distance, the vehicular access must have 2.5m x 2.0m splay corners at the intersection of the vehicular access with the property boundary. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of 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.

Any minor design amendments to the façade of the building and adjoining areas of the driveway to satisfy this condition can be approved by the Principal Certifier.

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

# Obtain Driveway Crossing Permit under S.138 *Roads Act 1993* C33

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

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

1. the vehicular access way must comply with AS 2890.1 and Council’s current Vehicular Access Application Guidelines and Specification (gutter bridges not permitted) to ensure that a B85 vehicle will not scrape/strike the surface of the carriageway, layback, vehicular crossing or parking floor;
2. the vehicular layback must be set square to the kerb;
3. the crossing (between the layback and the property boundary) must be placed on a single straight grade of a maximum of 4.5%, falling to the back of the layback;
4. the gutter levels and boundary footpath levels must match the existing levels and shall not be altered;
5. new footpath, kerb gutter and half road reconstruction are required for the full property frontage on Angelo Street;
6. any twisting of driveway access must occur entirely within the subject property;
7. all inspection openings, utility services must be adjusted to match the proposed driveway levels;
8. sections along centre-line and extremities are required at a scale of 1:50 to be taken from the centre-line of the roadway through to the parking area itself and must include all changes of grade and levels both existing and proposed;
9. a longitudinal section along the gutter line at a scale of 1:50 showing how it is intended to blend the vehicular crossing with the existing kerb and gutter;
10. a longitudinal section along the footpath property boundary at a scale of 1:50 is required;
11. the sections must show the calculated clearance to the underside of any overhead structure;

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

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

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

# Stormwater Management and Disposal Design Plan - Construction Issue Detail C38

1. 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:
2. Compliance with NCC drainage requirements, Council’s Engineering Performance guide and current Australian Standards and guidelines, including the Plumbing Code of Australia (PCA);
3. Stormwater runoff and subsoil drainage generated by the approved development must be conveyed in a controlled manner by gravity to Angelo Street;
4. 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.
5. The stormwater drainage system shall be designed for an average recurrence interval (A.R.I) of 1 in 20 years.
6. All redundant stormwater pipelines within the footpath area shall be removed and footpath and kerb shall be reinstated.
7. Pipelines within the footpath area shall be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 millimetres and a section height of 100 millimetres.

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)

# Bond for Damage and Completion of Infrastructure Works - Stormwater, Kerb and Gutter, Footpaths, Vehicular Crossing and Road Pavement C42

1. Prior to the issue of the relevant Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of $600,000 to be held by Council for the payment of the cost for the following relevant matters:
   * + 1. making good any damage caused to any property of the Council as a consequence of the doing of anything to which this consent relates,
       2. completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with this consent,
       3. remedying any defects in any such public work that arise within 6 months after the work is completed, and
       4. Council reserves the right to retain all bonds on infrastructure works relating to the completion of required Infrastructure work for a 12-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 relevant Occupation Certificate or completion of public work required to be completed (whichever is the latest) but only upon inspection and release by Council’s 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)

# Bond for Public Trees C46

1. Prior to any works authorised by this consent commencing, security in the sum of $75,000.00 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** |
| *T1 Platanus x acerifolia (16x10m)* | council verge in front of 20 Berry Street (Pacific Highway frontage) | $15,000 |
| T2 & T4 *Melaleuca quinquenervia (16x10m)* | council verge in front of 20 Berry Street (Pacific Highway frontage) | $30,000 |
| *T5 & T6 Platanus x acerifolia (20x16m)* | council verge in front of 20 Berry Street (Berry St frontage) | $30,000 |

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

# Tree Protection Measures to be shown on Construction Drawings C47

1. The tree protection measures contained in the arborist report prepared by Naturally Trees dated 18/10/2024, as amended by conditions contained herein, 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)

# Arborist to be commissioned

# C47

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

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

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

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

# Tree Protection C47

1. To ensure the protection of all trees to be retained, the following measures are to be undertaken:
2. All documentation for the Construction Certificate application must show the site trees to be retained, and retention of the adjoining trees, with their positions and diameters of trunks and crowns (canopies) to be clearly and accurately shown in relation to all levels of the proposed development.
3. All plans and correspondences must refer to the required compliance with the approved Tree Protection and Management Plan, and clearly show the assigned number of each tree on site, adjoining and Council land.
4. A Consulting Arboriculturist (“the project arboriculturist”), who holds a minimum Australian Qualification Framework Level 5 in Arboriculture, is a registered consulting member of a nationally recognised arboricultural organisation or association, and who does not remove or prune trees in the North Sydney local government area, shall be engaged before work commences for the duration of site preparation, demolition, construction and landscaping.
5. The project arboriculturist shall inspect, monitor, supervise, provide recommendations and written reports and certification relating to protection of the trees and compliance with the conditions of consent.
6. The contact details of the project arboriculturist shall be advised to council before work commences and maintained up to date for the duration of works. If a new project arborist is appointed details of the new project arborist shall be notified to council within 7 days.

(Reason: Tree protection measures)

# Protection of Trees C48

1. 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** |
| --- | --- | --- |
| T1 Platanus x acerifolia | council verge in front of 20 Berry Street  - (Pacific Highway frontage) | 16x10m |
| T2 & T4 Melaleuca quinquenervia (16x10m) | council verge in front of 20 Berry Street  - (Pacific Highway frontage) | 16x10m |
| T5 & T6 Platanus x acerifolia (20x16m) | council verge in front of 20 Berry Street  - (Berry St frontage) | 20x16m |

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 C49

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

|  |  |  |
| --- | --- | --- |
| **Tree No./Species** | **Location** | **Height (m)** |
| T3 Melaleuca quinquenervia | council verge in front of 20 Berry St  (Pacific Highway frontage) | (10x4m) |
| T7 Platanus orientalis | council verge in front of 20 Berry St  (Berry St frontage) | 12x16m |

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 C50

1. 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)** |
| T1 Platanus x acerifolia | council verge in front of 20 Berry Street  - (Pacific Highway frontage) | 16x10m |
| T2 & T4 Melaleuca quinquenervia (16x10m) | council verge in front of 20 Berry Street  - (Pacific Highway frontage) | 16x10m |
| T5 & T6 Platanus x acerifolia (20x16m) | council verge in front of 20 Berry Street  - (Berry St frontage) | 20x16m |

Minor pruning only shall be permitted. No more than 10% of canopy shall be removed. Hoardings/scaffolding shall be designed so as to minimse the need for any pruning and shall be installed under supervision of project arborist.

Marked up pictures of proposed pruning shall be provided to council’s Landscape Development Officer for approval prior to any pruning being permitted.

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.

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

# Amendments to the Landscape Plan C52

1. The landscape plan must be amended as follows to provide an appropriate landscaped setting:

* T3 Melaleuca quinquenervia (10x4m) located in the council verge in front of 20 Berry Street (Pacific Highway frontage) shall be removed and replaced with 2 x Melaleuca quinquenervia (150l) to the south of T4’s location.
* T7 Platanus orientalis (12x6m) located in the council verge in front of 20 Berry Street shall be removed and replaced with 1 x Platanus X hybrida (200l) far enough east of T7’s location to avoid being suppressed by T6.
* Awning cut-outs shall be provided as required to enable unimpeded future canopy growth of street trees

An amended landscape plan 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)

# Upgrade of Existing Building - Fire Spread and Safe Egress C53

1. Pursuant to section 64 of *the Environmental Planning and Assessment Regulation 2021*, aspects of the existing building must be brought into conformity with the National Construction Code (NCC).

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

1. Any existing building structure proposed to be retained must be upgraded to comply with C1P1 and C1P2 of the BCA,
2. Openings for service installations throughout the building must be upgraded to comply with C1P8 of the BCA,
3. The existing stairways, handrails and barriers to prevent falls must be upgraded to comply with D1P2 and D1P3 of the BCA,
4. The discharge location of the existing fire-isolated exits, that discharge into awnings, must be upgraded to comply with D1P4 and E2P2 of the BCA,
5. The path of travel from fire-isolated exits, that are located within 6 m of the external wall of the building must be upgraded to comply with D1P4 and E2P2 of the BCA,
6. The travel distance to an exit must be upgraded to comply with D1P6 and E2P2 of the BCA,
7. The unobstructed width of the path of travel to an exit must be upgraded to comply with D1P6 & E2P2 of the BCA,
8. The existing fire hose reel system must be upgraded to comply with E1P1 of the BCA,
9. A fire hydrant system must be installed to comply with E1P3 of the BCA,
10. An automatic fire suppression system (sprinkler system) must be installed to comply with E1P4 of the BCA,
11. The existing facilities to co-ordination fire brigade intervention (fire control room/ centre) must be upgraded to comply with E1P6 of the BCA,
12. The existing smoke hazard management system within all the fire isolated stairways (air pressurisation system) must be upgraded to comply with E2P2 of the BCA,
13. The existing automatic fire detection and alarm system must be upgraded to comply with E2P2 of the BCA,
14. The existing lift facilities must be upgraded to comply with E3P1 and E3P2 of the BCA,
15. All existing door handles must be upgraded to comply with D3D26 of the BCA,
16. The existing enclosed space (cupboard) beneath the east fire-isolated stairway must be upgraded to comply with D3D9 of the BCA,
17. The existing building must be upgraded to comply with E1D14 of the BCA,
18. The existing building must be upgraded to comply with E4D5, NSW E4D6 and E4D8 of the BCA.
19. The existing building must be upgraded to comply with E4D2 and E4D4 of the BCA.

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

Note:

* + - 1. The Principal Certifier issuing the relevant Construction Certificate has no power to remove the requirements to upgrade the existing building as required by this condition.

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

# Fire protection and structural capacityC53

1. Prior to a Construction Certificate being issued, building work plans and specifications must be submitted to the Certifying Authority to demonstrate how:
2. the fire protection and structural capacity of the building will be appropriate to its new use, and
3. the building will comply with the Category 1 fire safety provisions that apply to the new use.

(Reason: Ensure compliance with s 14 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021)

# Garbage and Recycling Facilities C57

1. An appropriate area must be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. The following requirements must be met:
2. all internal walls of the storage area must be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;
3. provision for the separation and storage in appropriate categories of material suitable for recycling;
4. the storage area must be adequately screened from the street, with the entrance to the enclosures no more than 2m from the street boundary of the property;
5. if a storage facility is to be provided at another suitable location within the building, a complementary garbage bin holding bay must be provided no more than 2m from the street boundary of the property;

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 Applicant may wish to discuss bin storage requirements and location with Council’s Environmental Servicesprior to finalisation of the required detail, and a copy of Council’s Waste Handling Guide should be obtained for reference purposes before the design is finalised.

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

# Garbage and Recycling Facilities C58

1. Adequate provision must be made for the storage of waste and recyclable material generated by the premises. 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 the provision of appropriate waste facilities and to ensure efficient collection of waste by collection contractors)

# Asbestos and Hazardous Material Survey C60

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

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

1. the removal of asbestos must be undertaken by a SafeWork NSW licensed contractor;
2. all removal must be in strict accordance with the requirements of the SafeWork NSW in relation to the removal, handling and disposal of material containing asbestos and any Work Safe Australia requirements.
3. during the removal of any asbestos a sign stating “DANGER ASBESTOS REMOVAL IN PROGRESS” must be erected in a visible position at the boundary of the site; and
4. Waste disposal receipts must be provided to the Principal Certifier as proof of correct disposal of asbestos laden waste.

The report must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

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

# Noise from Plant and Equipment C63

1. The use of all plant and equipment installed on the premises must not:
2. 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.
3. 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)

# Vibration from Plant and Equipment C64

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

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

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

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

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

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

# Compliance with Acoustic Report C74

1. The recommendations contained in the acoustic report prepared by Stantec dated 6/11/24, 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 C77

1. 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:
   * 1. Identification of noise affected receivers near to the site.
     2. A prediction as to the level of noise impact at noise affected receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite.
     3. Details of work schedules for all construction phases.
     4. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the Environment Protection Authority’s Interim Construction Noise Guideline (ICNG).
     5. Representative background noise levels should be submitted in accordance with the ICNG.
     6. Confirmation of the level of community consultation that is to be undertaken by occupants at noise affected receivers likely to be most affected by site works and the operation of plant/machinery during the carrying out of works authorised by this consent.
     7. Confirmation of noise monitoring methodology that is to be undertaken during the noise intensive stages of work including details of monitoring to be undertaken at the boundary of any noise-affected receiver.
     8. The course of action to be undertaken following receipt of a complaint concerning offensive noise.
     9. Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise, that will be deployed on site to reduce noise impacts on the occupants at noise-affected receivers.
     10. Details of selection criteria for any plant or equipment that is to be used on site, the level of sound mitigation measures to be undertaken in each case, and the criteria adopted in their selection considering the likely noise impacts on occupants at noise-affected receivers and other less-intrusive technologies available; and
     11. Details of site induction to be carried out for all employees and contractors under­taking work at the site.

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

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

The Construction Noise Management Plan must be 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)

# Provision of Accessible Paths of Travel C78

1. The building must be designed and constructed to provide access and facilities in accordance with the *National Construction Code and Disability (Access to Premises - Buildings) Standards 2010*. Plans and specifications complying with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate

Note:

* + - 1. If, in complying with this condition, amendments to the development are required, the design changes must be submitted for the approval of Council prior to the relevant Construction Certificate being issued. Approval of a modification application may be required.
      2. It is not within Council’s power to set aside national legislation which requires the upgrade of buildings to meet modern access standards. The Building Commission NSW may be contacted in these or similar circumstances.
      3. Enquiries regarding making an application for an “unjustifiable hardship exemption” under the accessibility standards can be made with the Building Commission NSW**.**

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

# Local Infrastructure Contributions C86

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

Based on the cost of development at the date of determination, the total contribution payable to Council is $624,738.00.

**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)*

# Housing and Productivity Contribution

1. The housing and productivity contribution (HPC) set out in the table below is required to be made:

|  |  |
| --- | --- |
| **Housing and Productivity Contribution** | **Amount** |
| Housing and productivity contribution (base component) | $82,800.00 |
| Total housing and productivity contribution | **$82,800.00** |

The HPC must be paid using the NSW planning portal.

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

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

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

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

# Security Deposit/Guarantee Schedule C87

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

|  |  |
| --- | --- |
| **Security Deposit/Guarantee** | **Amount ($)** |
| Street Tree Bond (on Council Property) | $75,000.00 |
| Footpath Damage Bond |  |
| Infrastructure Damage Bond | $510,000.00 |
| Drainage Construction Bond |  |
| Engineering Construction Bond | $90,000.00 |
| Others |  |
| **TOTAL BONDS** | **$**675,000.00 |

Note: The following fees applicable

|  |  |
| --- | --- |
| **Fees** |  |
| Local Infrastructure Contributions | $624,738.00 |
| **TOTAL FEES** | **$624,738.00** |

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

(Reason: Compliance with the development consent)

# Under Awning Lighting C90

1. Under awning lighting must be provided to the Pacific Highway and Berry Street frontage of the site. Such lighting is to be designed to P1 standard in accordance with AS/NZS 1158.3.1. The luminaries must be:
   1. weatherproof and vandal-proof;
   2. designed in conjunction with Energy Australia so that the system can easily be connected to a public lighting system when available; and
   3. the location and type of the said luminaries shall be to the satisfaction of Council’s Director of Engineering and Property Services.

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

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

# Outdoor Lighting C91

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

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

# Noise Management Plan - Construction Sites C94

1. A noise management plan prepared by an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

The plan must include, but not be limited to, the following:

* 1. identify sensitive locations near the site;
  2. identify potential impacts (i.e., exceedance of the goals at the identified locations);
  3. identify mitigation measures to control noise and vibration from the site, the reduction in noise and vibration likely and the feasibility and reasonableness of these measures;
  4. selection criteria for plant and equipment;
  5. community consultation;
  6. details of work schedules for all construction phases;
  7. selection of traffic routes to minimise residential noise intrusion;
  8. schedule of plant and equipment use and maintenance programs;
  9. noise monitoring techniques and method of reporting results;
  10. the methodology to be employed for handling and investigating any complaints should they arise;
  11. site induction details for employees and contractors; and
  12. a declaration of available technologies and the reason for the selection of the preferred technology from a noise generating perspective should be included.

The approved plan must be complied with at all times.

(Reason: To maintain appropriate amenity to nearby occupants)

# Contamination C96

1. Any soil materials designated for off-site disposal, including any virgin excavated natural mineral (VENM), must be pre classified in accordance with EPA (2014) Waste Classification Guidelines.

(Reason: To ensure the proper management of contaminated land)

# Transport for NSW

1. A) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system that impact upon Berry Street and/or the Pacific Highway are to be submitted to TfNSW for approval, prior to the issue of a Construction Certificate and commencement of any works. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

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

B) Any public utility adjustment/relocation works on the state road network will require detailed civil design plans for road opening /underboring to be submitted to TfNSW for review and acceptance prior to the issue of a Construction Certificate and commencement of any works. The developer must also obtain necessary approvals from the various public utility authorities and/or their agents. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

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

C) The developer is required to enter a Works Authorisation Deed (WAD) with TfNSW, or other suitable arrangement as agreed to by TfNSW, for the works required by Conditions 1, and 2 that impact either Berry Street and/or the Pacific Highway

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

E) A construction zone will not be permitted on the State Roads that adjoin the site (i.e. Berry Street and the Pacific Highway).

F) A Construction Pedestrian and Traffic Management Plan (CPTMP) addressing the criteria in Tab A shall be submitted to TfNSW for review and endorsement prior to the issue of a Construction Certificate. The Applicant shall submit a copy of the CPTMP to TfNSW at TMC\_PIU@transport.nsw.gov.au and whtbl@transport.nsw.gov.au.

G) All servicing of the site both during construction and operation, must not be undertaken from The Pacific Highway and Berry Street frontaes.

(Reason: To ensure compliance with the terms of approval of Transport for NSW)

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

# Protection of Trees D2

1. All trees that are specifically nominated to be retained by notation on plans or by condition as a requirement of this consent must be maintained and protected during demolition, excavation and construction on the site in accordance with AS4970-2009 (Protection of trees on development sites). A report containing recommendations, and methods of tree protection prepared by an appropriately qualified person must be provided to the Certifying Authority for approval by an appropriately qualified person prior to commencement of any works on the site. Any recommendations must be undertaken for the duration of works on the site.

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

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

# Tree Protection D3

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

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

# Project Arborist Engaged D4

1. A project arborist shall be engaged to carry out the following activities:
2. The project arboriculturist shall inspect tree protection measures and certify in writing to the Principal Certifying Authority the measures comply with the approved Tree Protection Plan and as directed by the project arboriculturist before work commences.
3. The project arboriculturist shall provide guidance and oversight of tree protection and management to ensure that the stability and ongoing viability of trees being retained is not compromised.
4. The project arboriculturist must contact the tree pruning contractor and Council’s Tree Management Officer (giving at least 2 working days’ notice) to arrange a joint site meeting, prior to commencing any pruning, to determine the exact location and extent of pruning that is permissible, with the tree pruning contractor to comply with any instructions issued by Council, acting reasonably.
5. Any pruning must be undertaken by a practicing arborist with a minimum Australian Qualification Framework Level 3 in arboriculture, in accordance with the principles of the Australian Standard AS 4373-2007 ’Pruning of Amenity Trees,' and the NSW Work Cover Code of Practice for the Amenity Tree Industry (1998), as well as any instructions issued on site by Council, acting reasonably.
6. The practicing arborist must keep a log of dates and times of when they attended the site, the type of works that were performed, and must form part of the certification required prior to Occupation.

(Reason: Tree protection measures)

# Protection of Public Trees D5

1. The following trees are required to be protected and retained as part of the development consent in accordance with AS 4970-2009:

|  |  |  |
| --- | --- | --- |
| **Tree** | **Location** | **Protection** |
| *T1 Platanus x acerifolia (16x10m)* | council verge in front of 20 Berry Street (Pacific Highway frontage) | Trunk, branch & root protection |
| T2 & T4 *Melaleuca quinquenervia (16x10m)* | council verge in front of 20 Berry Street (Pacific Highway frontage) | Trunk, branch & root protection |
| *T5 & T6 Platanus x acerifolia (20x16m)* | council verge in front of 20 Berry Street (Berry St frontage) | Trunk, branch & root protection |

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

Steel mesh tree protection fencing, 1.8m high, shall be erected such that any unprotected section of council verge within TPZ of protected trees shall be completely enclosed.

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

(Reason: Protection of existing environmental and community assets)

# Temporary Fences and Tree Protection D6

1. 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), not less than the distance shown in the schedule hereunder, 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:

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

# Public Liability Insurance - Works on Public Land D10

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

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

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

# Sydney Water Approvals D12

1. Prior to the commencement of any works (excluding demolition), 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 http://www.sydneywater.com.‌au/‌tapin/index. htm or call 13 000 TAP IN (1300 082 746).

(Reason: To ensure compliance with Sydney Water requirements)

# Asbestos Material Survey D13

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

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

* + 1. the removal of asbestos must be undertaken by a SafeWork NSW licensed contractor;
    2. all removal must be in strict accordance with the requirements of the SafeWork NSW in relation to the removal, handling and disposal of material containing asbestos and any Work Safe Australia requirements.
    3. during the removal of any asbestos a sign stating “DANGER ASBESTOS REMOVAL IN PROGRESS” must be erected in a visible position at the boundary of the site; and
    4. Waste disposal receipts must be provided to the Principal Certifier as proof of correct disposal of asbestos-laden waste.

The report must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

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

# Commencement of Works’ Notice D14

1. 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

1. Existing public parking provisions in the vicinity of the site must be maintained at all times during works. The placement of any barriers, traffic cones, obstructions, or other device in the road shoulder or kerbside lane is prohibited without the prior written consent of Council. Changes to existing public parking facilities/restrictions must be approved by the North Sydney Local Traffic Committee. The 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

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

1. 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)

# Council Inspection of Public Infrastructure Works E6

1. During the works on public infrastructure reverting to Council’s care and control, Council’s development engineer may undertake inspections of the works at the following hold points:
2. Formwork for layback, kerb/gutter, footpaths;
3. All reinforcement for the concrete base beneath pavers;

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)

# Progress Survey E8

1. In order to ensure compliance with approved plans, a Survey Certificate, prepared to Australian Height Datum, must be prepared by a Registered Surveyor showing the following:
2. 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;
3. 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
4. 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 certification in response to points (a) through to (c) 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 information shall be provided to Council on request.

(Reason: To ensure compliance with approved plans)

# Dust Emission and Air Quality E10

1. The following must be complied with at all times:

a) Materials must not be burnt on the site.

b) Vehicles entering and leaving the site with soil or fill material must be covered.

c) Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with *the NSW Department of Housing’s 1998* *guidelines* - *Managing Urban Stormwater: Soils and Construction*.

d) Odour suppression measures must also be carried out where appropriate so as to prevent nuisance occurring at adjoining properties.

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

# Noise andVibration E11

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

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

# Compliance with Construction Noise Management Plan E12

1. All works conducted on site which form part of this development must be carried out in accordance with the submitted Construction Noise Management Plan 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 E13

1. No work can be undertaken within adjoining public lands (i.e., parks, reserves, roads, etc.,) without the prior written consent of Council. In this regard the 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 E14

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

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

# No Removal of Trees on Public Property E15

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

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

# Protection of Trees E16

1. 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 Naturally Trees dated 18/10/2024, as amended by conditions contained herein 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:

* + - * 1. If the nominated tree is damaged to a significant degree or removed from the site without prior written approval being obtained from Council, the issuing of fines or legal proceedings may be commenced for failure to comply with the conditions of this consent.
        2. An application to modify this consent pursuant to section 4.55 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 E17

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

|  |  |  |
| --- | --- | --- |
| **Trees that are acceptable to remove** | **Location** | **Height** |
| T3 *Melaleuca quinquenervia* | council verge in front of 20 Berry St  (Pacific Highway frontage) | (10x4m) |
| T7 *Platanus orientalis* | council verge in front of 20 Berry St  (Berry St frontage) | 12x16m |

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

# Special Permits E19

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

The 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 (Commercial Centre and Mixed-use Zones) E20

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

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

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

In the event of breach to the approved hours of construction, Council take may take enforcement action under Part 9 of *the Environmental Planning and Assessment Act 1979* and in accordance with Council’s adopted Compliance 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 E21

1. Where it is necessary for works to occur outside those hours allowed by these conditions, an application may be made to Council's Customer Services Centre for a permit to carry out works outside of the approved hours. If a permit is issued, the works approved must be carried out in accordance with any requirements specified in the permit. Permits will only be approved if **public safety is 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.

1. 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.

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

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

# Installation and Maintenance of Erosion and Sediment Controls E22

1. Erosion and sediment controls must be installed and maintained at all times in accordance with the Sediment and Erosion Control Plan submitted and approved with the relevant Construction Certificate.

Erosion and sediment measures must be maintained in accordance with the publication *Managing Urban Stormwater: Soils and Construction 4th 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 E23

1. 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)

# Site Amenities and Facilities E25

1. 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 E26

1. 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)

# Prohibition on Use of Pavements E29

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

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

# Waste Disposal E32

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

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

# Asbestos Removal E33

1. 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 E34

1. 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

# National Construction Code F1

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

(Reason: Prescribed - Statutory)

# Appointment of a Principal Certifier F3

1. 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

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

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

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

# Occupation Certificates F5

1. A person must not commence occupation or use of the whole or any part of a new building (new building includes an altered portion of, or an extension to, an existing building) unless 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

1. 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

1. 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

1. Excavation and demolition shall be carried out as follows:
2. All excavation and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
3. 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.
4. 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. 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. 1) A sign must be erected in a prominent position on the site:

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

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

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

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

(Reason: Prescribed - Statutory)

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

# Infrastructure Repair and Completion of Works G1

1. Prior to the issue of the relevant Occupation Certificate, any and all works relating to the development:
2. in the road reserve must be fully completed; and
3. 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)

# Access to Premises G3

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

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

# Noise Certification G4

1. 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 forMechanical Exhaust Ventilation G10

1. Prior to issue of the relevant Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with clause A2.2(a)(iii) of the National Construction Code, must be submitted to, and approved by, the Principal Certifier.

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

# Damage to Adjoining Properties G11

1. 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 G12

1. 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)

# Regulated Systems - Air Handling G13

1. To ensure that adequate provision is made for ventilation of the building, all mechanical and/or natural ventilation systems shall be designed, constructed installed and tested in accordance with the provisions of:
2. The National Construction Code;
3. The applicable Australian Standards;
4. *The Public Health Act 2010*;
5. *Public Health Regulation 2012*;
6. SafeWork NSW.

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

(Reason: Statutory, to ensure public health is maintained)

# Asbestos Clearance Certificate G20

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

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

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

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

# Certification of Tree Condition G21

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

|  |  |  |
| --- | --- | --- |
| **Tree** | **Location** | **Height** |
| *T1 Platanus x acerifolia* | council verge in front of 20 Berry Street  - (Pacific Highway frontage) | 16x10m |
| T2 & T4 *Melaleuca quinquenervia (16x10m)* | council verge in front of 20 Berry Street  - (Pacific Highway frontage) | 16x10m |
| *T5 & T6 Platanus x acerifolia (20x16m)* | council verge in front of 20 Berry Street  - (Berry St frontage) | 20x16m |
| 2 x *Melaleuca quinquenervia* | council verge in front of 20 Berry Street  south of T4- (Pacific Highway frontage) | 150l |
| 1 x *Platanus X hybrida* | council verge in front of 20 Berry Street  east of T6- (Berry Street frontage) | 200l |

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 G22

1. 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)

# Signal System G23

1. Prior to the issue of the relevant Occupation Certificate, a signal system must be installed at the street alignment and within the building to indicate traffic movement on the single lane ramp, and so designed that the signal indication at the point of ingress shall remain green except when an exiting vehicle is detected upon the ramp or driveway.

(Reason: To properly manage vehicle entry to, and exit from, the subject site)

# Final Survey G6

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

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

# Sydney Water G27

1. A section 73 Compliance Certificate under *the Sydney Water Act 1994* must be obtained.

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

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

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

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

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

# Landscaping G30

1. 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)

# Damage to Adjoining Properties G31

1. On completion of the development the subject of this consent and prior to the issue of the relevant Occupation Certificate, a report is to be prepared by an appropriately qualified consultant and is to be provided to the Principal Certifier (and a copy to Council if it is not the Principal Certifier) certifying:
2. whether any damage to adjoining properties has occurred as a result of the development;
3. the nature and extent of any damage caused to the adjoining property as a result of the development;
4. the nature and extent of works required to rectify any damage caused to the adjoining property as a result of the proposed development;
5. the nature and extent of works carried out to rectify any damage caused to the adjoining property as a result of the development; and
6. the nature and extent of any agreements entered into for rectification of any damage caused to the adjoining property as a result of the development.

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

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

(Reason: To record the condition of adjoining properties prior to completion of the development and to facilitate claims against damage)

# Verification Statement (External Finishes and Materials) G32

1. 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 G33

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

**Schedule**

|  |  |  |
| --- | --- | --- |
| **Tree Species** | **Location** | **Pot Size** |
| 2 x *Melaleuca quinquenervia* | council verge in front of 20 Berry Street  south of T4- (Pacific Highway frontage) | 150l |
| 1 x *Platanus X hybrida* | council verge in front of 20 Berry Street  east of T6- (Berry Street frontage) | 200l |

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

Upon completion of installation and prior to the issue of 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)

# Green Travel Plan G40

1. A Green Travel Plan is to be prepared by a suitably qualified traffic engineer or traffic planner and is to be submitted to Council and the Principal Certifier prior to the relevant Occupation Certificate.
   1. The Green Travel Plan must incorporate the following:
2. empirical analysis of typical travel demand and mode share outcomes for walking, cycling, public transport and private vehicular use for similar developments (base case scenario);
3. a vision and objectives for the Travel Plan that are consistent with the community’s vision for transport as detailed in the North Sydney Transport Strategy;
4. specific, measurable, ambitious and realistic targets, including timeframes for achieving them;
5. an action plan, with links to identified targets, that demonstrates how these actions will deliver the Travel Plan vision, reduce travel demand and/or increase walking, cycling, public transport and ride sharing for trips to and from the site. This could include:
   * 1. Identification and promotion of public transport options to access the site (for example, on a website and/or business cards);
     2. Preparation of a Transport Access Guide (TAG) for the site.
     3. Implementation of a carpool system for employees;
     4. Introduce staff car sharing scheme for fleet vehicles;
     5. Use taxis or public transport for work related journeys;
     6. Provide priority parking for staff who carpool with more than two passengers;
     7. Encouragement of cycling and walking to the site through generous provision of bicycle parking, showers and lockers;
     8. Incentive schemes to encourage employees to commute using sustainable transport modes (such as the provisions of public transport vouchers/‌subsidised public transport tickets);
     9. Allocation of designated parking spaces for a car sharing scheme;
     10. Prominent display of a large map of cycling routes (i.e., in the foyer of a residential, educational or business complex);
     11. Provide staff with cycling allowances, loans and insurance together with bicycle storage and showering and changing facilities; and

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

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)

# Upgrade of building – complete upgrades

1. Prior to an Occupation Certificate being issued, all upgrades and works required to be undertaken pursuant to s 64 of the Environmental Planning and Assessment Regulation 2021 must be completed.

(Reason: Ensure the upgrades required under s 64 of the Environmental Planning and Assessment Regulation 2021 are completed prior to use)

# Fire protection and structural capacity – complete upgrades

1. Prior to an Occupation Certificate being issued, all upgrades and works required to be undertaken pursuant to s 14 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 must be completed.

(Reason: Ensure the upgrades and works required under s 14 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 are completed prior to use)

# Charging Facility for Electric Vehicles to be Provided G41

1. Appropriate provisions in accordance with the Building Code of Australia, must be incorporated into the design of car parking areas to allow for the installation of charging facilities for electric vehicles.

Certification confirming 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)

## Ongoing/Operational Conditions

# First Use of Premises - Further Consent Required I2

1. A separate development application for the fit-out and use of the restaurant and retail tenancies must be submitted to and approved by Council prior to that fit-out or use commencing.

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

# Hours of Operation - Hotel I3

1. The hotel hours of operation are restricted to:

Twenty-four (24) hours a day, seven (7) days a week.

(Reason: To ensure that amenity of the surrounding locality is maintained, and hours of operation are consistent with those in surrounding locality)

# Hours of Operation – Car Park I3

1. The car park hours of operation are restricted to:

Twenty-four (24) hours a day, seven (7) days a week.

(Reason: To ensure that amenity of the surrounding locality is maintained, and hours of operation are consistent with those in surrounding locality)

# Noise and Vibration Impact I8

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

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

# Noise and Vibration Impact (Compliance) I9

1. Within 60 days of commencement of operation of the premises further acoustic testing must be undertaken and a report from an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants, prepared to demonstrate that the use of the premises complies with the conditions of this consent and/or the Acoustic Report prepared by Stantec dated 6/11/24,

The testing must be carried out when the premises is operating at full capacity. A copy of the report must be submitted to Council within 14 days of its completion.

If the use is found not to comply with the noise conditions, the use must cease immediately until appropriate measures to remedy the breach are implemented to the satisfaction of Council.

(Reason: To ensure compliance with acceptable noise levels to maintain the amenity of adjoining land uses)

# Existing Loading Dock I16

1. Vehicle deliveries and loading and unloading operations must occur within the site. The existing loading dock must be maintained at all times for use in connection with the development.

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

# Loading within Site I17

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

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

# Plan of Management I26

1. The hotel must be operated in accordance with approved plan of management except where otherwise amended by the conditions of this consent.

(Reason: To ensure the ongoing operation of the hotel is in accordance with the terms of this consent)

# Waste Collection I29

1. Waste and recyclable material, generated by this premises, must not be collected between the hours of 10.00pm and 6.00am on any day.

(Reason: To ensure the amenity of surrounding properties)

# Delivery Hours I31

1. No deliveries, loading or unloading associated with the premises are to take place between the hours of 10.00pm and 6.00am on any day.

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

# Maintenance of Approved Landscaping I46

1. The owner or the primary occupier of the premises at 20 Berry St is to maintain the landscaping approved by this consent generally in accordance with approved plans.

Any replacement plants required shall be advanced in growth and be selected to maintain the anticipated mature height, canopy density and nature of those plant species as originally approved.

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 I46

1. The 2 x Melaleuca quinquenervia & 1 x Platanus X hybrida 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 2,000 litres per tree per week (min) delivered gently by hose or watering can so that the surrounding soil can absorb the water. Seasol solution is recommended once a month over this period.

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

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