

Original signed by Jim Davies on 15/6/2022

Date determined: 3/6/2022

Date operates: 3/6/2022

Date lapses: 3/6/2027

Stockland Development Pty Ltd  
C/- Urbis Pty Ltd  
Angel Place, Level 8  
123 Pitt Street  
SYDNEY NSW 2000

D19/21  
JD6 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED**  
**NOTICE OF DETERMINATION - Approval**

*Issued under Section 4.18 of the Environmental Planning and Assessment Act 1979 ("the Act"). Clause 100 of the Environmental Planning and Assessment Regulation 2000 ("the Regulation")*

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**Development Application Number:** 19/21

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**Land to which this applies:** 110-122 Walker Street, North Sydney  
Lot 1, DP: 777779, Lot 101 DP 730995 & Lot 8 DP 304

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**Applicant:** Stockland Development Pty Ltd

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**Proposal:** Demolition of all existing buildings and works, and construction of a commercial building with 57 levels above ground (including plant) and a basement of 7 levels.

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**Determination of Development Application:** At its meeting of 1 June 2022, the **Sydney North Planning Panel (SNPP)**, as the consent authority, considered PPSSNH-191 - North Sydney - Development Application No. **19/21** and approval has been granted subject to conditions in the notice of determination.

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**Date of Determination:** 3 June 2022

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**Reasons for Approval/Refusal:** The Panel considered this proposal at meetings in February and June 2022.

At the February public meeting, the Panel resolved to briefly defer the application in order to ask Council and the Applicant to quickly meet, resolve and agree the outstanding issues listed below:

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1. Podium height;
  2. Awning heights and width;
  3. Detailed design information on the glazed roof feature;
  4. Final Design Review Panel (Council's Design Excellence Panel) comments on height and awnings of the amended proposal;
  5. Reworked Clause 4.6 Written Request to succinctly describe relevant and specific environmental planning grounds;
  6. Further definition of the proposed public art plan, including how the plan will contribute to creating place in public areas, especially in relation to the ground level; and
  7. Agreed conditions of the consent.

Between February and May, the Applicant, Independent Assessor and Council met several times to resolve the outstanding issues including the most recent community concerns raised after the deferral. Amended plans and additional information were then further assessed, a Supplementary Assessment Report was prepared and that Report was considered at the 1 June Panel meeting.

The Panel considered the following key issues:

**Podium height**

The amended plans lowered the podium's northern section's height by 4m, which is the equivalent of one podium level. The Panel concurs with the Assessor the height reduction is satisfactory, is consistent with Council's requirements and in particular achieves the relevant objectives of the North Sydney Development Control Plan 2013.

**Awning heights and width**

The revised awning design remains at a height similar to that previously proposed but has been deepened (the dimension measured over the footpath from the building's façade) and co-ordinated with the design of the neighbouring development at 100 Walker Street. Revised wind modelling indicates acceptable weather protection will be provided. The Panel concurs with the Assessor and Council that the awning design is commensurate with similarly sized, recent buildings in the North Sydney CBD and will complement the building's architecture.

**Roof feature**

The Panel requested further detail of the roof feature's design and this was provided in the latest design report. The Panel concurs with the Independent Assessor that the design detailed in the latest report, regarding the glass curtain around the building's topmost levels, is acceptable. However, the Panel did not accept that the roof feature satisfied the provisions of clause 5.6 of the North Sydney Local Environmental Plan 2013, as an Architectural Roof Feature.

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**Council’s Design Excellence Panel advice regarding height and awning design**

The Independent Assessor further addressed the height and awning issues raised by Council’s Design Excellence Panel and the Panel accepts these issues have been satisfactorily addressed in the Supplementary Assessment Report.

**Reworked Clause 4.6 Written Request**

A reworked request to contravene the building height standard was submitted and assessed, as requested by the Panel. It was revised to better describe the relevant and specific environmental planning grounds.

The Panel did not agree with the Applicant’s claim to satisfy the provisions of clause 5.6 of the North Sydney Local Environmental Plan 2013, as an environmental planning ground to justify the variation of the Height of Buildings development standard set out in clause 4.3 Notwithstanding, the Panel concluded that there are other environmental planning grounds sufficient to justify contravening the development standard, and the Panel concurs with the Independent Assessor that the revised clause 4.6 written request is satisfactory.

**Revised Public Art Plan**

A revised plan was submitted and assessed by Council and the Panel concurs with the Independent Assessor that the additional information satisfies the reason for deferral.

**Agreed conditions of consent**

Conditions of consent were amended and agreed by the Applicant and Council.

In summary, given the assessment presented in the Original and Supplementary Reports and noting the proposal has been appropriately assessed under the relevant planning regulatory and policy requirements as required by section 4.15(1) *Environmental Planning & Assessment Act, 1979*, the Panel concurs with the Independent Assessor that the revised proposal is acceptable and approval would be in the public interest.

**CONDITIONS**

The DA was approved subject to the conditions in attachment 6 to the Supplementary Assessment Report dated 18 May 2022.

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**Consent to operate from:** 3 June 2022

**Consent will lapse on:** 3 June 2027

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**Period of Consent**

Subject to Section 4.20 of the Act, this consent becomes effective and operates from the date listed above. The consent lapses five years after the date of consent in accordance with Section 4.53 of the Act and cannot be extended. To activate this consent, works must physically commence onsite by 3 June 2027.

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**How community views were taken into account:**

In coming to its decision, the Panel considered 51 written submissions made during the public exhibition of the proposal and heard from members of the public during the February meeting.

Issues raised included: non-compliance with height and tower setback controls; inadequate building separation; domination of the skyline and streetscape; vehicular entry and exit on Walker Street; loss of views; overshadowing; and privacy and general amenity. Since the February meeting, two further submissions were received and assessed.

The Panel considers that concerns raised in the submissions have been adequately addressed in the Assessment Reports and in the amended conditions.

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**Review of determination and right of appeal:**

Within six months after the date of notification of the decision, a review of this determination can be requested under Division 8.2 of the Act or an appeal to the Land and Environment Court made pursuant to the provisions of Section 8.7 of the Act. A review of determination should be lodged as soon as possible, and preferably no later two months after the date of notification of the decision to enable the review to be completed within the six-month period.

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Plans endorsed by the consent authority - please refer to condition A1

**Endorsed for and on behalf of North Sydney Council**

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15 June 2022

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Signature on behalf of consent authority  
**EXECUTIVE PLANNER (ASSESSMENTS)**

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(i) **Conditions**

Consent is granted subject to the following conditions imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979 (“the *Act*”) and the provisions of the Environmental Planning and Assessment Regulation 2000 (“the *Regulation*”) such conditions being reasonable and relevant to the development as assessed pursuant to Section 4.17 of the Act.

(ii) **Definitions**

Unless specified otherwise, words have the same meaning as defined by the *Act*, the *Regulation* and the *Interpretation Act 1987* as in force at the date of consent.

**Applicant** means the applicant for this consent.

**Approved Plans** means the plans endorsed by Council referenced by this consent as amended by conditions of this consent.

**AS** or **AS/NZS** means Australian Standard® or Australian/New Zealand Standard®, respectively, published by Standards Australia International Limited.

**NCC** means the National Construction Code as published by the Australian Building Codes Board as in force at the date of issue of any *Construction Certificate*.

**Council** means North Sydney Council.

**Court** means the Land and Environment Court.

**Local Native Plants** means species of native plant endemic to North Sydney LGA.

**Stormwater Drainage System** means all works, facilities and documentation relating to:

- The collection of stormwater,
- The retention of stormwater,
- The reuse of stormwater,
- The detention of stormwater,
- The controlled release of stormwater; and
- Connections to easements and public stormwater systems.

**Owner** means the owner of the *site* and successors in title to the *site*.

**Owner Builder** has the same meaning as in the *Home Building Act 1989*.

**Principal Certifier** for building or subdivision work means the certifier appointed as the principal certifier for the building work under section 6.6 (1) or for the subdivision work under section 6.12 (1).

**Principal Contractor** for building work means the person responsible for the overall coordination and control of the carrying out of the building work.

Note: If any residential building work is involved, the principal contractor must be the holder of a contractor licence under the *Home Building Act 1989*.

**Professional Engineer** has the same meaning as in the *NCC*.

**Public Place** has the same meaning as in the *Local Government Act 1993*.

**Road** has the same meaning as in the *Roads Act 1993*.

**SEE** means the final version of the Statement of Environmental Effects lodged by the *Applicant*.

**Site** means the land being developed subject to this consent.

**NSLEP 2013** means *North Sydney Local Environmental Plan 2013*

**NSDCP 2013** means *North Sydney Development Control Plan 2013*

**Work** for the purposes of this consent means:

- the use of land in connection with development,
- the subdivision of land,
- the erection of a building,
- the carrying out of any work,
- the use of any site crane, machine, article, material, or thing,
- the storage of any waste, materials, site crane, machine, article, material, or thing,
- the demolition of a building,
- the piling, piercing, cutting, boring, drilling, rock breaking, rock sawing or excavation of land,
- the delivery to or removal from the *site* of any machine, article, material, or thing, or
- the occupation of the *site* by any person unless authorised by an *occupation certificate*.

Note: **Interpretation of Conditions** - Where there is any need to obtain an interpretation of the intent of any condition this must be done in writing to Council and confirmed in writing by Council.

INDEX OF CONDITIONS

	Page No.
<b>A. Conditions that Identify Approved Plans</b>	
A1. Development in Accordance with Plans and Associated Documentation	10
A2. Plans on Site	11
A3. No Signage is Approved	11
<b>B. Matters to be Completed before the lodgement of an Application for a Construction Certificate</b>	
B1. Supporting Documentation	11
B2. Bicycle Parking	12
B3. Awnings to Walker Street	12
<b>C. Prior to the Issue of a Construction Certificate (and ongoing, where indicated)</b>	
C1. Construction and Traffic Management Plan	13
C2. Construction Management Program – Local Traffic Committee Approval	15
C3. Dilapidation Report Damage to Public Infrastructure	16
C4. Dilapidation Report Private Property (Excavation)	17
C5. Dilapidation Survey Private Property (Neighbouring Buildings)	17
C6. Shoring for Adjoining Property	18
C7. Structural Adequacy of Adjoining Properties - Excavation Works	18
C8. Geotechnical Report	18
C9. Sediment Control	20
C10. Waste Management Plan	21
C11. External Finishes and Materials	21
C12. Reflectivity Index of Glazing	21
C13. Roofing Materials - Reflectivity	21
C14. No External Service Ducts	22
C15. Work Zone	22
C16. Maintain Property Boundary Alignment Levels	22
C17. Parking Meter Relocation	22
C18. Staff Shower and Change Facilities (Commercial and Mixed Use)	23
C19. Accessible Parking Spaces to be Provided	23
C20. All Vehicle Parking and Manoeuvring to Comply with Relevant Standards	23
C21. Basement Car Park to Comply with Relevant Standards	23
C22. Required Infrastructure Works - Roads Act 1993	24
C23. Stormwater Management and Disposal Design Plan - Construction Issue Detail	26
C24. On-Site Stormwater Detention	27
C25. Bond for Damage and Completion of Infrastructure Works - Stormwater, Kerb and Gutter, Footpaths, Vehicular Crossing and Road Pavement	27
C26. Footpath, Entries and Fire Exit Details (Mixed-Use/Commercial/Apartments)	28
C27. Tree Bond for Public Trees	29
C28. Tree Protection Measures to be shown on Construction Drawings	29
C29. Protection of Trees	30
C30. Garbage and Recycling Facilities	30
C31. Noise from Plant and Equipment	31
C32. Vibration from Plant and Equipment	31

C33.	Compliance with Acoustic Report	32
C34.	Mechanical Exhaust Ventilation	32
C35.	Construction Noise Management Plan	32
C36.	Provision of Accessible Paths of Travel	34
C37.	Underground Energy and Other Services	34
C38.	Local Infrastructure Contributions	34
C39.	Security Deposit/Guarantee Schedule	35
C40.	Under Awning Lighting	35
C41.	Outdoor Lighting	36
C42.	Tree Replacement	36
C43.	Remediation	36

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

D1.	Protection of Trees	37
D2.	Public Liability Insurance - Works on Public Land	37
D3.	Sydney Water Approvals	37
D4.	Asbestos Material Survey	38
D5.	Commencement of Works' Notice	38

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

E1.	Cigarette Butt Receptacle	39
E2.	Parking Restrictions	39
E3.	Road Reserve Safety	39
E4.	Service Adjustment	39
E5.	Temporary Disposal of Stormwater Runoff	40
E6.	Geotechnical Stability during Works	40
E7.	Council Inspection of Public Infrastructure Works	40
E8.	Progress Survey	40
E9.	Prohibition on Use of Pavements	41
E10.	Noise and Vibration	41
E11.	Compliance with Construction Noise Management Plan	41
E12.	Developer's Cost of Work on Council Property	42
E13.	No Removal of Trees on Public Property	42
E14.	Protection of Trees	42
E15.	Special Permits	42
E16.	Construction Hours	43
E17.	Out-of-Hours Work Permits	44
E18.	Installation and Maintenance of Sediment Control	44
E19.	Sediment and Erosion Control Signage	45
E20.	Site Amenities and Facilities	45
E21.	Health and Safety	45
E22.	Community Information	45
E23.	Archaeological Discovery During Works	46
E24.	Prohibition on Use of Pavements	46
E25.	Plant and Equipment Kept Within Site	46
E26.	Imported Fill Material	46
E27.	Waste Disposal	47
E28.	Asbestos Removal	47
E29.	Tree Management During Construction	47
E30.	Consultation During Demolition and Building Work	48



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

F1.	National Construction Code	48
F2.	Appointment of a Principal Certifying Authority (PCA)	48
F3.	Construction Certificate	48
F4.	Occupation Certificate	48
F5.	Critical Stage Inspections	48
F6.	Commencement of Works	49
F7.	Excavation/Demolition	49
F8.	Protection of Public Places	49
F9.	Site Sign	50

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

G1.	Pedestrian Link between Walker Street and Little Spring Street	50
G2.	Public Art	51
G3.	Infrastructure Repair and Completion of Works	51
G4.	Access to Premises	52
G5.	Noise Certification	52
G6.	Certification - Civil Works	52
G7.	Works as Executed Drawings and Video	52
G8.	Certification for Mechanical Exhaust Ventilation	53
G9.	Damage to Adjoining Properties	53
G10.	Utility Services	53
G11.	Regulated Systems - Air Handling	53
G12.	Covenant and Restriction (Stormwater Control Systems)	54
G13.	Basement Pump-Out Maintenance	54
G14.	Certification of Tree Condition	55
G15.	Vehicle Egress Signs	55
G16.	Disposal Information	55
G17.	Height	55
G18.	Final Survey	56
G19.	Sydney Water	56
G20.	Damage to Adjoining Properties	56
G21.	Verification Statement (External Finishes and Materials)	57
G22.	Required Tree Planting	57
G23.	Installation of Cooling Water Systems	58
G24.	Landscape Maintenance Plan	58

**I. Ongoing/Operational Conditions**

I1.	First Use of Premise - Further consent required	58
I2.	Advertising Signs – Further Consent Required	59
I3.	Trade Waste	59
I4.	Noise and Vibration Impact	59
I5.	Visitors Parking Sign	59
I6.	Minimum Headroom for Car Parking	59
I7.	No Illumination	60
I8.	Daily Cleaning	60
I9.	Waste Collection	60
I10.	Delivery Hours	60
I11.	Lighting Generally	60
I12.	Maintenance of Approved Landscaping	61

**A. Conditions that Identify Approved Plans**

**Development in Accordance with Plans and Associated Documentation**

A1. The development must be carried out in accordance with a full set of architectural plans and any other requisite plans subsequently endorsed with Council's approval stamp and other supporting documentation, that fully satisfy the conditions of this consent, and are, except where amended by any condition of this consent.

Title	Plan/Document No.	Issue/Revision	Date	Designer/ Author
Development Application Submission Architectural Drawings	All drawings in the Drawing Schedule on Drawing No. HAS-AR-DRW-3-DA0010	6	01/04/22	Hassell
Through Site Link Coordinated Proposal	CV-SKC05 SK220117 SK220316	- 1 1	- 19/01/22 16/03/22	Hassell, Bates Smart, Enstruct
Combined East Elevations Recommended Awning Heights	SK220330	1	30/03/22	Hassell
Landscape Design Report Addendum	Nil	8	06/08/21	Hassell
Development Application Civil Engineering Report	Plans included in report: CV-0001, CV-1001, CV-2000, CV-2002	8	05/08/21	Enstruct Group
DA Acoustic Assessment	20200708.2/24411A/R1/WY	1	24/11/20	Acoustic Logic
Acoustic Technical Addendum – Rooftop Garden and Restaurant	20200708.2/0508A/R3/WY	3	05/08/21	Acoustic Logic
Arboricultural Development Impact Assessment Report	Nil	E	04/08/21	Birds Tree Consultancy
Regulatory Compliance Report (BCA)			06/08/21	McKenzie Group
Access Review Revised DA Report	Nil	V9	06/08/21	Morris Goding Access Consulting
Bicycle Parking Analysis Technical Memo	Nil	Nil	05/08/21	JMT Consulting
Preliminary Construction Management Plan	Nil	0	11/12/20	CPM Consulting
Preliminary Construction Traffic Management Plan	Nil	Nil	06/08/21	Colston Budd Rogers & Kafes
Concept Fire Safety Strategy	REP/CFS/110WLK/001	C	06/08/21	ARUP
Preliminary Geotechnical Assessment	99801.R.001.Rev1	1	14/12/20	Douglas Partners
Framework Green Travel Plan	Nil	Nil	11/12/20	ARUP
Report on Preliminary Site (Contamination) Investigation	99801.01.R.001.Rev2	2	15/12/20	Douglas Partners
Reflectivity Report	ARU-RFA-RPT-1-002-A	1	11/12/20	ARUP
Revised Waste Management Plan	Nil	4	06/08/21	TTM

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

### Plans on Site

- A2. A copy of all stamped approved plans, specifications and documents (including the plans, specifications and documents submitted and approved with the Construction Certificate) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

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

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

### No Signage is Approved

- A3. No signage or signage zones are approved by this development consent.

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

### ***B. Matters to be Completed before the lodgement of an Application for a Construction Certificate***

#### Supporting Documentation

- B1. Plans and other supporting documents being submitted to Council, to address the following design matters:
- a) Ensuring any shading structures or other attachments to the main facades of the building, other than the approved awnings over the Walker Street footpath and the entries to the premises over the pedestrian link, do not to breach any minimum setbacks as proposed or specified by this consent,
  - b) Regarding the proposed green walls/vertical gardens on the Little Spring Street and Walker Street façades:
    - i) An independent risk assessment shall be undertaken of the façade design, with the aim of identifying any risk to public safety and recommending means of avoiding or acceptably mitigating or minimising any risk so identified.
    - ii) Should this assessment recommend alteration of any design details as deemed necessary, such as the setback from the site boundary of the green wall installation being increased, plans and other necessary information giving effect to the recommendations must be submitted.
  - c) A detailed management plan for the green walls/vertical gardens and other landscaping shall be submitted. The management plan must be prepared by a suitably qualified and experienced, practising specialist, such as a horticulturalist or landscape architect. The management plan shall include or address:
    - i) Both installation and ongoing maintenance of all landscaping,
    - ii) Analysis of climatic conditions and resultant plant selection,

- iii) Specifications for planting and irrigation systems and the methodology for their installation,
  - iv) An ongoing inspection and maintenance schedule, including inspections for safety, structural integrity, and systems and activities including drainage, irrigation, weeding, fertilising, pest control and the like,
  - v) Risk management assessment or methodology for various equipment and materials to be used for installation and maintenance,
  - vi) Contingency planning for plant replacement or failure of the green walls/vertical gardens.
  - vii) Assurance the green walls/vertical gardens will remain compliant with applicable fire safety regulations and related matters,
  - viii) Providing notice to Council, land owners, residents and business proprietors likely to be potentially affected by proposed maintenance activities, both scheduled and unscheduled.
  - ix) Details of any likely footpath or road closures, partial or full, during installation and maintenance operations.
- d) If required and agreed by Council, arrangements being made to Council's satisfaction for a lease over public land, in anticipation of plant growth extending from any green wall/vertical garden over the public footpath, either on Walker Street or Little Spring Street, including arrangements for appropriate public indemnity insurance and other matters as deemed necessary.

(Reason: Public safety and amenity, environmental performance)

### **Bicycle Parking**

- B2. The minimum total number of bicycle parking spaces to be provided for occupants of and visitors to the building shall be 639, being a minimum 448 spaces for occupants and a minimum 191 spaces for visitors. All spaces must be provided within the building and not on any public reserve, road reserve or other public land, and the bicycle racks shown on the architectural drawings must not be installed.

(Reason: Compliance)

### **Awnings to Walker Street**

- B3. The awnings to the Walker Street frontage are to be capable of being detached from the building facade, have heights and dimensions as shown in the approved plans referred to in condition A1, be constructed of light-weight materials and match or provide an effective transition to the height of adjoining awnings. As required, the awnings shall have 'cut-out' sections to allow for the future healthy growth and maintenance of street trees.

(Reason: To provide continuous weather protection and refuge for the Walker Street site frontage)

**C. Prior to the Issue of a Construction Certificate (and continuing where indicated)**

**Construction and Traffic Management Plan**

- C1. Prior to issue of the relevant Construction Certificate, a Construction and Traffic Management Plan must be prepared. The following matters must be specifically addressed in this Plan.
- a) A plan view (min 1:100 scale) of the entire site and frontage roadways indicating:
    - i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways;
    - ii) Signage type and location to manage pedestrians in the vicinity;
    - iii) The locations of any proposed Work Zones in the frontage roadways;
    - iv) Locations and type of any hoardings proposed;
    - v) Area of site sheds and the like;
    - vi) Location of any proposed crane standing areas;
    - vii) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
    - viii) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected; and
    - ix) The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
  - b) A Traffic Control Plan(s) for the site incorporating the following:
    - i) Traffic control measures proposed in the road reserve that are in accordance with the RMS publication "Traffic Control Worksite Manual" and designed by a person licensed to do so (minimum RMS 'red card' qualification).
    - ii) The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.
  - c) A detailed description and map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided detailing light traffic roads and those subject to a load or height limit must be avoided at all times. A 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 RMS concurrence where construction access is provided directly or within 20 m 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's Director Of Engineering and Property Services 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 Certifying Authority 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.**

Notes:

- 1) North Sydney Council's adopted fee for certification of compliance with this condition must be paid upon lodgement, or in any event, prior to the issue of the relevant approval.
- 2) Any use of Council property will require appropriate approvals and demonstration of liability insurances prior to such work commencing.
- 3) Failure to provide complete and detailed information may result in delays. It is recommended that your Construction 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 owner's property rights and residential amenity in the locality, without unreasonable inconvenience to the community)

**Construction Management Program - Local Traffic Committee Approval**

- C2. A Construction Management Program prepared by a suitably qualified and experienced traffic consultant must be submitted and approved in writing by North Sydney Traffic Committee PRIOR TO THE ISSUE of the relevant Construction Certificate. Any use of Council property will require appropriate approvals prior to any work commencing. At a minimum, the Construction Management Program must specifically address the following matters:
- a) A plan view (min 1:100 scale) of the entire site and frontage roadways indicating:
    - i) Dedicated temporary construction site driveway entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways and footways;
    - ii) The proposed signage for pedestrian management to comply with the relevant Australian Standards, including pram ramps;
    - iii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
    - iv) The locations of any proposed Work Zones in the frontage roadways (to be approved by Council's Traffic Committee);
    - v) Locations of hoardings proposed;
    - vi) Location of any proposed crane standing areas;
    - vii) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
    - viii) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected; and
    - ix) The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
  - b) A detailed heavy vehicle access route map through the Council area to Arterial Roads. Provision is to be made to ensure through traffic is maintained at all times.
  - c) The proposed phases of works on the site, and the expected duration of each phase.
  - d) How access to neighbouring properties will be maintained at all times and the proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of process.
  - e) The road is not to be used as a waiting area for trucks delivering to or awaiting pick up of materials.
  - f) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising structural engineer and must not involve any permanent or temporary encroachment onto Council's property.

- g) Proposed protection for Council and adjoining properties. Details are to include site fencing and the provision of "B" class hoardings over footpaths and laneways.
- h) A Waste Management Plan. 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.

All traffic control work and excavation, demolition and construction activities must be undertaken in accordance with the approved Construction Management Program and any conditions attached to the approved Program. A certificate of compliance with this condition must be obtained from Council's development engineers. The certificate and the approved Construction Management Program must be submitted as part of the documentation lodged with the application for approval of a construction certificate. A copy of the approved Construction Management Program and any conditions imposed on that Program, must be kept on the site at all times and made available to any officer of Council upon request.

**Notes:**

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

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

**Dilapidation Report Damage to Public Infrastructure**

- C3. A dilapidation survey and report (including photographic record) must be prepared by a suitably qualified consultant which details the pre-developed condition of the existing public infrastructure in the vicinity of the development site. Particular attention must be paid to accurately recording any pre-developed damaged areas so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development. A copy of the dilapidation survey and report is to be submitted to the Certifying Authority for approval prior to the issue of the relevant Construction Certificate.

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



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

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

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

**Dilapidation Report Private Property (Excavation)**

C4. A full dilapidation survey and report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavations must be submitted to the Certifying Authority for approval prior to the issue of the relevant Construction Certificate. The zone of influence is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.

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

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

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

(Note: This documentation is for record keeping purposes only and may be used by the developer or affected property 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: To record the condition of property/ies prior to the commencement of construction)

**Dilapidation Survey Private Property (Neighbouring Buildings)**

C5. A photographic survey and dilapidation report of adjoining properties 124 Walker Street North Sydney, 100-102 Walker Street North Sydney, 1 Denison Street North Sydney and 79-81 Berry Street 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, shall be submitted to the Certifying Authority for approval prior to the issue of the relevant Construction Certificate. The survey and report are to be prepared by an appropriately qualified person. A copy of the report is to be provided to Council, if Council is not the Certifying Authority, 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.

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

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

(Reason: Proper management of records)

### **Shoring for Adjoining Property**

C6. Where any shoring for excavation is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings certified as being adequate for their intended purpose by an appropriately qualified and practising structural engineer, showing all details, including the extent of excavation, encroachment and the method of removal and de-stressing of shoring elements, backfilling and compacting of over-excavated cavities on Council's and/or private property with fill suitable for its purpose, must be submitted to the Certifying Authority for approval with the relevant Construction Certificate. A copy of this documentation must be provided to the Council for record purposes. Backfilling and compacting of over-excavated cavities must be addressed as the build-up is progressing through the basements to ensure that compaction is reliable. To obtain the permit for tieback anchors, an 'Application to satisfy development consent' form with payment of the adopted assessment fees, must be made to Council.

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

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

### **Structural Adequacy of Adjoining Properties - Excavation Works**

C7. A report prepared by an appropriately qualified and practising structural engineer detailing the structural adequacy of adjoining property 124 Walker Street, North Sydney, and 100-102 Walker Street North Sydney, 1 Denison Street North Sydney and 79-81 Berry Street North Sydney, which certifies their ability to withstand the proposed excavation and outlines any measures required to be implemented to ensure that no damage will occur to adjoining properties during the course of the works, must be submitted to the Certifying Authority for approval prior to the issue of the relevant Construction Certificate. The measures outlined in the certified report must be complied with at all times.

(Reason: To ensure the protection and structural integrity of adjoining properties in close proximity during excavation works)

### **Geotechnical Report**

C8. Prior to issue of the relevant Construction Certificate a Geotechnical/Civil Engineering report must be prepared which addresses at a minimum (but is not limited to) the following:

- a) the type and extent of substrata formations by the provision of a minimum of four (4) representative bore hole logs which are to provide a full description of all material from ground surface to 1.0 m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs must be related to Australian Height Datum;
- b) the appropriate means of excavation/shoring in light of point (a) above and proximity to adjacent property and structures. Potential vibration caused by method of excavation and potential settlements affecting nearby footings/foundations must be discussed and mechanisms to ameliorate any such impacts recommended;
- c) the proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property, structures and road reserve if nearby (full support must be provided within the subject site);
- d) the existing groundwater levels in relation to the basement structure, where influenced;
- e) the drawdown effects on adjacent properties (including road reserve), if any, the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater. Where it is considered there is the potential for the development to create a “dam” for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path is constructed, artificial drains such as perimeter drains and through drainage may be utilised; and
- f) recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

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

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

The design principles for the geotechnical report are as follows:

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

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

The report, satisfying the requirements of this condition, must be submitted to the Certifying Authority for approval prior to the issue of the relevant Construction Certificate.

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

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

### Sediment Control

- C9. Where construction or excavation activity requires the disturbance of the soil surface or existing vegetation, erosion and sediment control techniques, as a minimum, are to be in accordance with the publication *Managing Urban Stormwater: Soils and Construction* (4th Edition, Landcom, 2004) commonly referred to as the "Blue Book" or a suitable and effective alternative method.

A Sediment Control Plan must be prepared and submitted to the Certifying Authority for approval prior to the issue of the relevant Construction Certificate and prior to any works commencing. The Sediment Control Plan must be consistent with the Blue Book and disclose:

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

All works must be undertaken in accordance with the approved Sediment Control plan.

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

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

### **Waste Management Plan**

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

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

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

### **External Finishes and Materials**

- C11. The external colours and finishes must be in accordance with the approved schedule of finishes and materials. The Certifying Authority 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**

- C12. The reflectivity index (expressed as a per centum of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20%. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of the relevant Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

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

### **Roofing Materials - Reflectivity**

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

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

### **No External Service Ducts**

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

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

### **Work Zone**

- C15. If a Work Zone is proposed, an application must be made to the North Sydney Local Traffic Committee to install the 'Work Zone'. A Work Zone permit is required to be issued by the Council prior to the issue of the relevant Construction Certificate.

Work Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Works Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site. If the Works Zone is approved by the Committee, the Applicant must obtain a written copy of the related resolution from the North Sydney Local Traffic Committee and submit a copy of this to the Certifying Authority to enable issue of the Construction Certificate.

Where approval of the 'Work Zone' is given by the Committee, the requirements of the Committee, including installation of the necessary 'Work Zone' signage and payment of any fees, must occur prior to commencement of any works on the site. Further, at the expiration of the Work Zone approval, the developer is required to remove the Work Zone signs and reinstate any previous signs, all at the developer's cost. The requirements imposed by the Committee on the Work Zone permit (or permits) must be complied with at all times.

(Reason: Amenity and convenience during construction)

### **Maintain Property Boundary Alignment Levels**

- C16. 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 Certifying Authority for approval prior to the issue of the relevant Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

### **Parking Meter Relocation**

- C17. Where metered parking is located adjacent to the site, Council will require the removal/relocation of existing parking meter and associated meter infrastructure. An application must be made to North Sydney Council for the approval of the Parking Meter Manager. The application must include a copy of the plans of the proposed temporary and permanent driveways for the entire site.

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

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

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

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

C18. Shower and change facilities shall be provided and made accessible without charge to people who work in the building. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of the relevant Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the relevant issued Construction Certificate, fully satisfy the requirements of this condition.

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

#### **Accessible Parking Spaces to be Provided**

C19. A total of four (4) accessible parking spaces shall be provided as part of the total car-parking requirements. Consideration must be given to the means of access from the car-parking spaces to adjacent buildings, to other areas within the building and to footpath and roads. All details shall be prepared in consideration of, and construction completed in accordance with applicable Australian Standards to achieve compliance with the Disability Discrimination Act. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of the relevant Construction Certificate.

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

#### **All Vehicle Parking and Manoeuvring to Comply with Relevant Standards**

C20. All vehicle parking and manoeuvring areas must comply with all requirements of Australian Standard AS2890.1, and other applicable Australian Standards. Certification from a suitably qualified and practicing Traffic Engineer that the design of these areas will comply with the requirements of applicable Australian Standards and enable all vehicles reasonably expected to access and egress the site to do so, must be provided to the Certifying Authority for approval prior to issue of the relevant Construction Certificate.

(Reason: To ensure vehicle parking and manoeuvring areas comply with relevant standards)

#### **Basement Car park to comply with relevant standards**

C21. The basement layout must comply with all requirements of Australian Standard AS2890.1. Certification from a suitably qualified and practicing Traffic Engineer that the basement design will comply with the requirements of the Australian Standard must be provided to the Certifying Authority 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**

C22. 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. Design must be prepared in accordance with Council’s documents, “Vehicular Access Application Guidelines and Specification” and current edition of “New Public Domain Style Manual” To obtain the permit, an application must be made to Council on a ‘Application to satisfy development consent’ form with payment of the adopted assessment/inspection fees. The responsibility for accuracy of the design fully rests with the designing engineer. All responsibility on implementation and supervision of works specified on design plans fully rests on designing engineer or whoever is chosen to be applicant’s engineering representative:

Road Works

- a) Footpath boundary levels and footpath itself in Walker Street shall be maintained or slightly adjusted where necessary, so that is set at a single straight crossfall grade of 3% falling to top of the existing kerb level and it must be uniform without showing signs of dipping or rising particularly at entrances. A longitudinal section is required along the footpath property boundary at a scale of 1:50 extending 5m past the property boundary line.
- b) 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 Building Code of Australia (BCA), including disability requirements. The Council approved footpath levels must be accommodated at the building entry points.
- c) The proposed vehicular access way in Little Spring Street must comply with AS 2890.1, Council’s current Vehicular Access Application Guidelines and current edition of New Public Domain Style Manual - specifications (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.
- d) The width of the vehicular layback shall be approximately 15 m in width (including wings).
- e) The 1200 mm road shoulder wide- strip, adjacent to all new layback and gutter works, on Little Spring Street must be reconstructed, to ensure uniformity in the road reserve.
- f) The design detail has to be provided with the application to satisfy development consent and must include sections along centre-line and extremities of the crossing at a scale of 1:25. Sections are to be taken from the centre of the roadway through to the parking area itself and shall include all changes of grade and levels, both existing and proposed.
- g) A longitudinal section along the footpath property boundary at a scale of 1:50 is required and shall include all changes of grade and levels, both existing and proposed.
- h) Any twisting of driveway access to ensure vehicles do not scrape must occur wholly within the subject property.
- i) All inspection openings, utility services must be adjusted to match the proposed driveway levels and location.



- j) Construction of a fully new footpath in accordance with New Public Domain Style Manual is required across the entire site frontage in Little Spring Street. A longitudinal section is required along the footpath property boundary at a scale of 1:50 extending 5m past the property boundary line. The footpath shall be designed (at a single straight grade of 3% falling to top of kerb) so that it is uniform without showing signs of dipping or rising particularly at entrances.
- k) 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 Building Code of Australia (BCA), including disability requirements. The Council approved footpath levels must be accommodated at the building entry points.
- l) All redundant layback crossings on Little Spring Street must be reinstated as upright kerb gutter and concrete footpath.
- m) All inspection openings, utility services must be adjusted to match the proposed driveway levels and location.
- n) Construction of a fully new granite kerb and concrete gutter in accordance with New Public Domain Style Manual is required across the entire site frontage in Little Spring 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.
- o) Construction of a fully new road shoulder (maximum grade 5% down towards new gutter) extending to 1.2 metres out from the gutter alignment and across the entire development site frontage.

#### Drainage Works

Connection of the site stormwater system must be made directly to a newly constructed double grated gully pit with double granite lintel (as specified in New Public Domain Style Manual), to front the site on Walker Street. To accommodate this requirement, the following drainage infrastructure works must be carried out on Council property at the Applicants expense:

- a) Construction of new drainage pit with double inlet pits with granite lintels and double grated lids, as specified in Public Domain Style Manual and Design Codes for the particular city area.

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

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

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

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

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

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

C23. Prior to issue of the relevant Construction Certificate, the applicant shall have a site drainage management plan prepared by a qualified drainage design engineer. The site drainage management plan must detail the following requirements of North Sydney Council:

- a) Compliance with BCA drainage requirements, Councils Engineering Performance guide and current Australian Standards and guidelines, such as AS/NZ3500.3.2 1998, National Plumbing and Drainage Code.
- b) Stormwater runoff and subsoil drainage generated by the approved development must be conveyed in a controlled manner by gravity via a direct connection to the new stormwater gully pit in Walker Street. When a direct connection to the pit option is implemented then the pipeline within the footpath area shall have a minimum cover of 300 mm.
- c) The applicant shall engage a specialist Hydraulics Engineer to carry out an evaluation of Council's stormwater drainage system and 1% overland flow and the effect of the overland flow onto development. The results of this evaluation must be taken into account in determination of driveway crest level and all entrances to the building affected by flood waters. This and all other drainage details must be submitted to the PCA and to Council prior to issue of the relevant Construction Certificate by the Certifying Authority.
- d) All civil and drainage works within the road reserve must be designed and built in accordance with Council's current "Infrastructure Specification" and New Public Domain Style Manual. Prior to issue of the relevant Construction Certificate the applicant must have engineering plans and specifications, prepared by a qualified civil drainage design engineer. Council must approve the plans and specifications, in writing, prior to issue of the relevant Construction Certificate by the Certifying Authority. The documentation must provide engineering construction detail for the following public infrastructure works that must be completed as part of the approved development. Council reserves the right of keeping all bonds on infrastructure works for 12-month defects liability period.
- e) All redundant stormwater pipelines within the footpath area shall be removed and the footpath and kerb reinstated.
- f) All sub-soil seepage drainage shall be discharged via a suitable silt arrester pit. Details of all plans certified as being adequate for their intended purpose and compliant with the provisions of AS3500.3.2 by an appropriately qualified and practising Hydraulic Engineer, shall be submitted with the application for the relevant Construction Certificate.

- g) The design and installation of the Rainwater Tanks shall comply with Basix and Sydney Water requirements. Overflow from tank shall be connected by gravity to the stormwater disposal system.
- h) Prevent any stormwater egress into adjacent properties by creating physical barriers and surface drainage interception.
- i) Provide subsoil drainage to all necessary areas with pump out facilities as required.

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

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

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

#### **On-site Stormwater Detention**

- C24. On site detention must be provided to ensure that the maximum discharge from the site does not exceed discharge which would occur during a 1 in 5-year storm for the time of concentration determined for the particular site, for the existing site conditions. All other stormwater run-off from the site for all storms up to the 1 in 100-year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.

Determination of the required cumulative storage must be based on the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Runoff Volume 1, 1987 Edition.

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

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

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

- C25. Prior to the issue of the relevant Construction Certificate, a security deposit or bank guarantee must be provided to Council to the sum required by condition C35, to be held by Council for the payment of cost for any/all of the following:
- a) making good any damage caused to any property of the Council as a consequence of the doing of anything to which this consent relates,
  - b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with this consent,
  - c) remedying any defects in any such public work that arise within 6 months after the work is completed.

- d) The Certifying Authority must ensure that security is provided to North Sydney Council prior to issue of the relevant Construction Certificate.

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 6 months from the issue of the final Occupation Certificate or completion of public work required to be completed (whichever is the latest) but only upon inspection and release by Council's Engineers.

Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in circumstances including the following:

- a) where the damage constitutes a hazard in which case Council may make use of the security immediately;
- b) 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;
- c) works in the public road associated with the development are to an unacceptable quality; and
- d) the Certifying Authority 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)

#### **Footpath, Entries and Fire Exit Details (Mixed-use/Commercial/Apartments)**

C26. Footpaths, entries and exits and fire exits for the development must be designed by an appropriately qualified and practising Civil Engineer and submitted to the Certifying Authority for approval prior to the issue of the relevant Construction Certificate. The design must include (but is not limited to) the following:

- a) cross section along the centre-line of each access point to the building including fire exits at a scale of 1:50 to be taken from the centre of the road and shall include all changes of grade both existing and proposed;
- b) the sections must show all relevant levels and grades (both existing and proposed) including those levels stipulated as boundary levels;
- c) the sections must show the calculated clearance to the underside of any overhead structure;
- d) longitudinal section along the boundary line showing how it is intended to match the internal levels of the building with the boundary footpath levels. The footpath must be designed (at a single straight grade of 3% falling to top of kerb) so that it is smooth without showing signs of dipping or rising particularly at entrances; and
- e) a longitudinal section along the gutter and kerb line extending 5 metres past property lines showing transitions.

Details, plans and specifications complying with this condition are to be certified as complying with the Building Code of Australia (BCA) and Council's standard footpath specifications, and the certification, details, plans and specifications must be provided to the Certifying Authority for approval prior to the issue of the relevant Construction Certificate. Written concurrence confirming there will be no change to existing boundary and footpath levels is to be provided to the Certifier and North Sydney Council, prior to issue of the relevant Construction Certificate.

(Reason: To facilitate suitable pedestrian and disabled access to private sites, and to ensure that internal levels reflect footpath boundary levels)

### **Tree Bond for Public Trees**

C27. Prior to the issue of the relevant construction certificate, security in the sum provided in condition C39, \$70,000.00, 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 condition C39 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 any final 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 street plantings.

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

### **Tree Protection Measures to be shown on Construction Drawings**

C28. The tree protection measures contained in the arborist report prepared by Birds Tree Consultancy, dated 4 August 2021, shall be shown clearly on the Construction Certificate drawings. Plans and specifications showing the said tree protection measures must be submitted to the Certifying Authority for approval prior to the issue of the relevant 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)

### Protection of Trees

C29. 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 (m)
T1-T6, 6 x <i>Platanus x hybrida</i>	Walker Street Footpath	Variable

Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of the relevant Construction Certificate. The Certifying Authority 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 tree(s) shown as being retained on the approved plans (regardless of whether they are listed in the above schedule or not) must be protected and retained in accordance with this condition.

(Reason: Protection of existing environmental and community assets)

### Garbage and Recycling Facilities

C30. An appropriate area must be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. The following requirements must be met:

- a) all internal walls of the storage area must be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;
- b) provision for the separation and storage in appropriate categories of material suitable for recycling;
- c) the storage area must be adequately screened from the street, with the entrance to the enclosures no more than 2 m from the street boundary of the property;
- d) 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 2 m from the street boundary of the property;
- e) garbage enclosures serving non-residential uses are not to be located within areas designated for dining purposes; and
- f) waste storage and collection areas must be accessible by vehicles expected to collect waste from the premises.

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

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

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

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

### **Noise from Plant and Equipment**

C31. The use of all plant and equipment installed on the premises must not:

- a) Contribute an LAeq(15min) which will cause the total LAeq(15min) from all plant and equipment operating contemporaneously on the site or in the strata scheme or in the mixed strata schemes to exceed the RBL by more than 5dB when measured at the boundary of any affected receiver. The modifying factor adjustments in Section 4 of the EPA Noise Policy for Industry 2017 shall be applied.
- b) Cause "offensive noise" as defined in the *Protection of the Environment Operations Act 1997*.

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

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

Terms in this condition have the same meaning as in the Noise Guide for Local Government and the Noise Policy for Industry 2017 published by the NSW Environment Protection Authority.

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

### **Vibration from Plant and Equipment**

C32. 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 Certifying Authority, certifying that all plant and equipment on the site, together with the proposed plant and equipment, operating contemporaneously will comply with the requirements of this condition.

The Certifying Authority 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.

"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

- C33. The recommendations contained in the acoustic report prepared by Acoustic Logic dated 5 August 2021, must be implemented during construction and use of the development.

Detailed acoustic review of all mechanical plant shall be undertaken at Construction Certificate stage to determine acoustic treatments to control noise emissions to satisfactory levels. Any proposed acoustic treatments must be submitted to Council for approval.

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 Certifying Authority for approval prior to the issue of the relevant Construction Certificate.

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

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

### Mechanical Exhaust Ventilation

- C34. A statement from an appropriately qualified and practising Mechanical Engineer is required detailing how the exhaust ventilation system will be installed in accordance with AS1668. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

### Construction Noise Management Plan

- C35. A Construction Noise Management Plan must be prepared by an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants, and must include the following:

a) Identification of noise affected receivers near to the site.



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

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

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

The Construction Noise Management Plan and must be submitted to the Principle Certifying Authority and a copy provided to Council prior to the issue of the Construction Certificate.

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

### Provision of Accessible Paths of Travel

C36. The building must be designed and constructed to provide access and facilities in accordance with the Building Code of Australia and Disability (Access to Premises - Buildings) Standards 2010. Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of the relevant Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

#### Notes:

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

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

### Underground Energy and Other Services

C37. All energy and telecommunication provision to the site is to be designed in conjunction with relevant authorities, so that it can be easily connected underground. Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of the relevant Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

### Local Infrastructure Contributions

C38. A monetary contribution of \$11,004,108.71 pursuant to the provisions of Section 7.11 of the Environmental Planning and Assessment Act 1979, in accordance with and as detailed by the North Sydney Council Local Infrastructure Contributions Plan, must be paid to Council.

The contribution must be paid prior issue of the relevant Construction Certificate for above ground works.

The above amount will be adjusted for inflation by reference to the Consumer Price (All Ordinaries) Index applicable at the time of the payment of the contribution.

A copy of the North Sydney Local Infrastructure Contributions Plan can be viewed at North Sydney Council's Customer Service Centre, 200 Miller Street, North Sydney or downloaded via Council's website at [www.northsydney.nsw.gov.au](http://www.northsydney.nsw.gov.au).

(Reason: To retain a level of service for the existing population and to provide the same level of service to the population resulting from new development)

### Security Deposit/Guarantee Schedule

C39. 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)	70,000.00
Footpath Damage Bond	386,000.00
Drainage Construction Bond	4,600.00
Engineering Construction Bond	210,000.00
<b>TOTAL BONDS</b>	<b>670,600.00</b>

Note: The following fees are applicable

Fees	Amount (\$)
Local Infrastructure Contributions	11,004,108.71
<b>TOTAL FEES</b>	<b>11,004,108.71</b>

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

C40. Under awning lighting must be provided to the Walker Street frontage of the site. Such lighting is to be designed to P1 standard in accordance with AS/NZS 1158.3.1. The luminaries must be:

- a) weatherproof and vandal proof;
- b) designed in conjunction with Ausgrid so that the system can easily be connected to a public lighting system when available;
- c) the location and type of the said luminaries shall be to the satisfaction of Council's Director of Engineering and Property Services; and
- d) Provided and maintained at no cost to Council.

Plans and specifications complying with this condition must be submitted to the Certifying Authority and the Council's Director of Engineering and Property Services for approval prior to the issue of the relevant Construction Certificate. A construction certificate must not be issued without the approval of the Council's Director of Engineering and Property Services. The Certifying Authority must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition.

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

### **Outdoor Lighting**

C41. 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 Certifying Authority for approval prior to the issue of the relevant Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition.

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

### **Tree Replacement**

C42. The *Commelina Cyanea* shown in drawings provided shall be substituted with a more suitable, robust species.

Awnings of the Walker Street frontage of the subject site shall have cut-outs installed as and if required, to allow for the future growth of street tree canopies.

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

### **Remediation**

C43. As recommended by Douglas Partners in their Preliminary Site Investigation of 15 December 2020, a detailed site (contamination) investigation be undertaken to assess the actual concentrations, if any, of potential contaminants at the site, the suitability of the site for the proposed development and the need for remediation/management of contamination.

Should the detailed site investigation recommend remedial action, prior to the release of the relevant Construction Certificate, the site must be remediated in accordance with:

- a) an approved Remedial Action Plan; and
- b) North Sydney Development Control Plan 2013 - Section 14 - Contamination and Hazardous Building Materials; and
- c) state Environmental Planning Policy No. 55 - Remediation of Land; and,
- d) the guidelines in force under the Contaminated Land Management Act.

Within thirty (30) days after the completion of the remediation works, and prior to the issue of the relevant Construction Certificate, a notice of completion, including validation and/or monitoring report is to be provided to Council. This notice must be consistent with Chapter 4, State Environmental Planning Policy (Resilience and Hazards) 2021.

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

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

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

**Protection of Trees**

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

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.

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

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

- D2. 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**

- D3. Prior to the commencement of any works, the approved plans must be submitted to Sydney Water to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The Certifying Authority must ensure that Sydney Water has appropriately stamped the plans before the commencement of building works.

(Notes: **Sydney Water Building Plan Approvals** can be obtained from the Sydney Water Tap in™ online service. Building plans must be submitted to the Tap in™ to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met. For further information visit <http://www.sydneywater.com.au/tapin/index.htm> or call 13 000 TAP IN (1300 082 746) for further information)

(Reason: To ensure compliance with Sydney Water requirements)

### Asbestos Material Survey

D4. Prior to the commencement of any works, a report must be prepared by a suitably qualified person in relation to the existing building fabric to be demolished and/or disturbed identifying the presence or otherwise of asbestos contamination and, if asbestos contamination is present, making recommendations as to the work required to safely address the contamination.

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

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

The report must be submitted to the Certifying Authority for approval prior to the issue of the relevant Construction Certificate. The Certifying Authority must ensure that the report and other plans referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

### Commencement of Works' Notice

D5. Building work, demolition or excavation in accordance with this development consent must not be commenced until the developer has given at least two days' notice to North Sydney Council of the person's intention to commence building work, demolition or excavation in accordance with this development consent.

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

**E. During Demolition and Building Work**

**Cigarette Butt Receptacles**

- E1. Cigarette butt receptacles are to be provided on the site for the duration of excavation/demolition/construction process, for convenient use of site workers.

(Reason: To ensure adequate provision is made for builders' waste)

**Parking Restrictions**

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

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

**Road Reserve Safety**

- E3. 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 access ways fronting the construction site.

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

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

(Reason: Public Safety)

**Service Adjustment**

- E4. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the person acting on the consent and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicant's full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of the development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.

(Reason: To ensure the service requirements are met)

### **Temporary Disposal of Stormwater Runoff**

- E5. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to reasonably manage and control runoff as far as the approved point of stormwater discharge. Such ongoing measures must be to the satisfaction of the Certifying Authority.

(Reason: Stormwater control during construction)

### **Geotechnical Stability during Works**

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

Geotechnical aspects of the development work, namely appropriate excavation method and vibration control, support and retention of excavated faces, and hydrogeological considerations must be undertaken in accordance with the recommendations of the Report on Preliminary Geotechnical Assessment prepared by Douglas Partners dated December 2020 and all subsequent geotechnical inspections carried out during the excavation and construction phase.

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

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

### **Council Inspection of Public Infrastructure Works**

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

- a) Vehicular access; and associated road civil works, and
- b) Stormwater connection.

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

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

### **Progress Survey**

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

- a) at the completion of excavation, prior to the placement of any footings, showing the completed level of the excavation and its relationship to the boundaries;



- b) prior to placement of concrete at the ground floor level, showing the level of the form work and its relationship to boundaries including relevant footpath and roadway levels;
- c) prior to placement of concrete at each fifth-floor level showing the principal level of the formwork and the intended relationship of the completed works to the boundary;
- d) prior to roofing, or completion of the highest point of the building showing the anticipated level of the completed work and its relationship to the boundary; and
- e) at completion, works showing the relationship of the building to the boundary and showing the maximum height of the overall works and the height of the principal roof elements.

Progress certifications in response to points (a) through to (e) must be provided to the Certifying Authority 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 Certifying Authority to the Applicant that survey information (included updated survey information following the carrying out of works to comply with the approved plans) complies with this condition.

(Reason: To ensure compliance with approved plans)

#### **Prohibition on Use of Pavements**

- E9. 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)

#### **Noise and Vibration**

- E10. 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**

- E11. 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 Construction Certificate and all conditions of consent.

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

**Developer's Cost of Work on Council Property**

E12. The developer must bear the cost of all works associated with the development that occurs on Council's property, including the restoration of damaged areas.

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

**No Removal of Trees on Public Property**

E13. 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**

E14. 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 tree report prepared by Birds Tree Consultancy dated 4 August 2021 must be implemented for the duration of the works.

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:

- a) 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.
- b) 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)

**Special Permits**

E15. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development must occur entirely on the property.

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

a) **On-street mobile plant**

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

(Reason: Proper management of public land)

b) **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)

c) **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)

d) **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**

E16. Construction activities and works approved under this consent must be carried out only within the hours stipulated in the following table:

Location	Standard Construction Hours	
	Day	Hours
<b>B3 Commercial Core Zone</b> <b>B4 Mixed-Use Zone</b>	Monday - Friday	7.00 am - 7.00 pm
	Saturday	8.00 am - 1.00 pm
	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 and any Construction 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 EP&A 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

E17. Where it is necessary for works to occur outside those hours allowed by these conditions, an application may be made to Council's Customer Services Centre for a permit to carry out works outside of the approved hours. If a permit is issued the works approved must be carried out in accordance with any requirements specified in the permit. Permits will only be approved if **public safety is at risk**. Applications which seek a variation to construction hours solely to benefit the developer will require the lodgement and favourable determination of a modification application pursuant to the provisions of Section 4.55 of the Environmental Planning and Assessment Act 1979.

#### Notes:

- 1) Failure to obtain a permit for work outside of the approved hours will result in on the spot fines being issued, or Council pursuing any action required (including legal proceedings) to have the out-of-hours work cease, without prior warning.
- 2) Applications for out-of-hour's works should be lodged with Council no later than seven (7) calendar days prior to the date of the intended works.
- 3) Examples of activities for which permits may be granted include:
  - the erection of awnings,
  - footpath, road and other infrastructure works which cannot be carried out for public convenience reasons within normal hours,
  - the erection and removal of hoardings and site cranes, and
  - craneage of materials which cannot be done for public convenience reasons within normal working hours.
- 4) Examples of activities for which permits WILL NOT be granted include:
  - extended concrete pours
  - works which are solely to convenience the developer or client, and
  - catch up works required to maintain or catch up with a construction schedule.
- 5) Further information on permits can be obtained from the Council website at [www.northsydney.nsw.gov.au](http://www.northsydney.nsw.gov.au).

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

### Installation and Maintenance of Sediment Control

E18. 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 Construction Certificate.

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

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

### **Sediment and Erosion Control Signage**

E19. A durable sign must be erected during building works in a prominent location on site, warning of penalties should appropriate erosion and sedimentation control devices not be maintained. A sign of the type referred to in this condition is available from Council.

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

### **Site Amenities and Facilities**

E20. Where work involved in the erection and demolition of a building is being carried out, amenities which satisfy applicable occupational health and safety and construction safety regulations, including any SafeWork NSW Authority requirements, must be provided and maintained at all times. The type of work place determines the type of amenities required. Further information and details can be obtained from the Internet at [www.safework.nsw.gov.au](http://www.safework.nsw.gov.au).

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

### **Health and Safety**

E21. 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](http://www.safework.nsw.gov.au).

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

### **Community Information**

E22. Reasonable measures must be undertaken at all times to keep nearby residents informed about the proposed work, such as by way of signs, leaflets, public meetings and telephone contact numbers, to ensure that adjoining residents are aware of the likely duration of the construction works on the site.

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

### Archaeological Discovery During Works

- E23. Should any historical or Aboriginal relic be discovered on the site during demolition, excavation or site preparatory works, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW must be informed in accordance with the provisions of the Heritage Act 1977 and/or National Parks and Wildlife Act, 1974. Works must not recommence until such time as approval to recommence is given in writing by Council or a permit from the Director of the NPWS is issued.

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

### Prohibition on Use of Pavements

- E24. Building materials must not be placed on Council's footpaths, roadways, parks or grass verges, (unless a permit is obtained from Council beforehand). A suitable sign to this effect must be erected adjacent to the street alignment.

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

### Plant and Equipment Kept Within Site

- E25. All plant and equipment used in the undertaking of the development/ works, including concrete pumps, wagons, lifts, mobile cranes, hoardings etc, must be situated within the boundaries of the site (unless a permit is obtained from Council beforehand) and so placed that all concrete slurry, water, debris and the like must be discharged onto the building site, and is to be contained within the site boundaries.

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

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

### Imported Fill Material

- E26. The only waste derived fill material that may be received at the development site is:
- a) Virgin excavated natural material (within the meaning of the Protection of the Environment Operations Act 1997); and
  - b) Any other waste-derived material the subject of a resource recovery exemption under cl. 51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material.

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

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

### Waste Disposal

E27. All records demonstrating the lawful disposal of waste must be retained and kept readily accessible for inspection by regulatory authorities such as North Sydney Council and the Environmental Protection Authority.

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

### Asbestos Removal

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

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

### Tree Management During Construction

E29. The following requirements shall be adhered to during construction:

- a) The Tree Protection Management Plan and all other recommendations contained within the Arborist Report prepared by Birds Tree Consultancy dated 4 August 2021 Revision E shall be strictly adhered to at all times.
- b) A project arborist shall be appointed for the duration of works.
- c) T1-T6, 6 x *Platanus x hybrida* street trees planted in the council verge on the Walker Street frontage of 110-122 Walker Street shall be retained and protected in accordance with AS4970.
- d) An additional unidentified *Platanus x hybrida* street tree planted in the council verge on the Walker Street frontage of 102 Walker Street shall be retained and protected in accordance with AS4970, have trunk and branch protection installed.
- e) Hoardings and scaffolding shall be designed to minimise canopy pruning to T1-T6, and such pruning shall be limited to that detailed in the approved arborist report. All pruning shall be carried out in accordance with AS4373.
- f) T5 *Platanus x hybrida* street tree planted in the council verge on the Walker Street frontage of 110-122 Walker Street, is shown to be relocated to the north of its current location. This relocation shall be carried out under the supervision of a qualified arborist (AQ5), and an additional TPMP shall be submitted detailing the requirements and supervision required for the transplanting, prior to CC.
- g) The relocation and protection of this tree shall be undertaken prior to any other demolition, excavation or preparatory works commencing.
- h) The additional street tree shown to be planted on the Walker Street frontage of the subject site shall be *Platanus x hybrida* (200 litre min).

(Reason: Protection of existing environmental and community assets)

### Consultation During Demolition and Building Work

- E30. The applicant shall consult as necessary with the Nine Entertainment Company during the construction period of the development, to ensure their broadcasting requirements are not compromised, hindered or prevented.

(Reason: Ensure construction does not hinder the business of a neighbouring commercial enterprise.)

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

#### Building Code of Australia

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

(Reason: Prescribed - Statutory)

#### Appointment of a Principal Certifying Authority (PCA)

- F2. Building work, demolition or excavation in accordance with the development consent must not be commenced until the developer has appointed a Principal Certifying Authority for the building work in accordance with the provisions of the EP&A Act and its Regulations.

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

#### Construction Certificate

- F3. Building work, demolition or excavation in accordance with the development consent must not be commenced until a Construction Certificate for the relevant part of the building work has been issued in accordance with the provisions of the EP&A Act and its Regulations.

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

#### Occupation Certificate

- F4. A person must not commence occupation or use of the whole or any part of a new building (*new building* includes an altered portion of, or an extension to, an existing building) unless an Occupation Certificate has been issued in relation to the building or part. Only the Principal Certifying Authority appointed for the building work can issue an Occupation Certificate.

(Reason: Statutory)

#### Critical Stage Inspections

- F5. Building work must be inspected by the Principal Certifying Authority on the critical stage occasions prescribed by the EP&A Act and its Regulations, and as directed by the appointed Principal Certifying Authority.

(Reason: Statutory)



### **Commencement of Works**

F6. Building work, demolition or excavation in accordance with this development consent must not be commenced until the developer has given at least two days' notice to North Sydney Council of the person's intention to commence the erection of the building.

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

### **Excavation/Demolition**

F7. Demolition and excavation shall be carried out as follows:

- a) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- b) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- c) Demolition work must be undertaken in accordance with the provisions of AS2601- Demolition of Structures.

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

### **Protection of Public Places**

F8. The following works shall be carried to protect public places:

- a) A hoarding and site fencing must be erected between the work site and adjoining public place.
- b) 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.
- c) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- d) Any such hoarding, fence or awning is to be removed when the work has been completed.
- e) 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**

- F9. 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 Certifying Authority for the work.

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***

**Pedestrian Link between Walker Street and Little Spring Street**

- G1. Before the first Occupation Certificate is issued, an agreement shall be prepared by the applicant and executed by Council and the applicant to ensure a legal instrument, such as an easement or right of way (the 'instrument') is submitted to Council for approval and subsequently registered, within 12 months of the issue of the Final Occupation Certificate, by the proprietor of Lot 1 DP 777779 (110 Walker Street North Sydney), in the following terms:
- a) The instrument shall apply to a parcel of land identified by a survey plan with a total width of 3 metres measured from the southern boundary of lot 1 DP 777779 and bound by the Little Spring Street and Walker Street road reserves.
  - b) The instrument shall guarantee access to the public at all times, unless closed partially or wholly to enable maintenance or upkeep, or maintain public safety, between Little Spring Street and Walker Street road reserves.
  - c) The pedestrian link as defined in paragraph a) is to be designed and constructed in accordance with the plans identified in condition A1 of this consent.
  - d) The instrument shall be prepared by the proprietor of Lot 1 DP 777779 and executed by them and the General Manager of North Sydney Council. The registered proprietor of Lot 1 DP 777779 will register the instrument on the title of the lot identified in paragraph a), or any re-subdivision of same should this occur at no cost to Council. Should re-subdivision necessitate a new agreement or agreements these are to be arranged and executed by the parties at an appropriate time.
  - e) The right to waive, vary or extinguish the instrument or any terms thereof shall rest exclusively with North Sydney Council, in perpetuity.
  - f) The pedestrian link is to be routinely maintained and periodically upgraded,

- g) The pedestrian link is to be adequately illuminated during hours of darkness, generally in accordance with relevant requirements of conditions C40 Under Awning Lighting and I11 Lighting Generally.
- h) An appropriate level of public liability insurance is to be maintained by the proprietor of the land affected by the instrument.
- i) Finished and paved levels of the pedestrian link shall integrate seamlessly with and have a gradual transition in levels between the stairs from Little Spring Street to Walker Street, that enable a path of travel for people in wheelchairs and other mobility devices and comply with applicable accessibility and safety legislation.

(Reason: Public safety and amenity)

### **Public Art**

- G2. Prior to an application being made for an Occupation Certificate, the public art plan prepared by UAP dated February 2022 (Ref No. P2468) shall be implemented as follows:
- a) At least three of the zones identified by the Public Art Plan being activated by installation of public artworks/engagements. Zone 1 - Through Site Link, and Zone 4 - Walker Street Entry, must be two of the three zones. Artworks must be fully accessible and visible to the public and sited at street-level.
  - b) Implementation of the Public Art Plan and installation of artworks shall be in alignment with Council's Public Art Policy.
  - c) Presentation of the Public Art Plan at various stages to Council's Team Leader Arts and Culture for comment and approval, to ensure the curatorial vision and direction are maintained and maximised.
  - d) Approval of the final Public Art Plan, with the written concurrence of Council's Team Leader Arts and Culture.

(Reason: Compliance with Council Public Art Policy)

### **Infrastructure Repair and Completion of Works**

- G3. Prior to the issue of an Occupation Certificate any and all works relating to the development:
- a) in the road reserve must be fully completed; and
  - b) to repair and make good any damaged public infrastructure caused as a result of any works relating to the development (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete vehicles) must be fully repaired;
- to the satisfaction of Council Engineers at no cost to Council.

(Reason: Maintain quality of public assets)

### **Access to Premises**

G4. Prior to the issue of the relevant Occupation Certificate, a certificate must be prepared an appropriately qualified and practising Civil Engineer certifying that access and facilities for persons with a disability in accordance with the Building Code of Australia and AS Disability (Access to Premises - buildings) Standards 2010 (Premises Standards) has been provided. This certificate must be submitted to, and approved by, the Certifying Authority prior to issue of the Occupation Certificate.

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

### **Noise Certification**

G5. Prior to issue of the 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 approved by, the Certifying Authority certifying that the noise and vibration from use of the development complies with the conditions of consent herein.

(Reason: To ensure acoustic amenity)

### **Certification- Civil Works**

G6. Civil works are to be certified as required below:

- a) An appropriately qualified and practising Civil Engineer must certify to the Certifying Authority that the stormwater drainage system is constructed in accordance with this consent and the provisions of the applicable Australian Standard. A copy of the certificate must be submitted to Council (if it is not the Certifying Authority) upon completion of the development works and prior to the issue of an Occupation Certificate.
- b) An appropriately qualified and practicing Traffic Engineer must certify to the Certifying Authority that the vehicular crossing and associated works and road works were constructed in accordance with this consent and any approval for works in the road reserve issued by the Council. A copy of the certificate must be submitted to Council (if it is not the Certifying Authority), upon completion of the development works and prior to the issue of an Occupation Certificate.

(Reason: Compliance with the Consent)

### **Works as Executed Drawings and Video**

G7. A works-as-executed survey drawing (W.A.E.) of the completed stormwater drainage system must be obtained. The W.A.E. survey drawing must show the alignment, depth and grade of the stormwater drainage pipelines, pits and ancillary plumbing. The W.A.E. survey drawing must be reviewed by a qualified and practising civil engineer and certification provided to the Certifying Authority that the as-built system achieves the design intent of the plans approved with the Construction Certificate. Certification must be provided with the W.A.E. survey drawing to the Certifying Authority prior to the issue of an Occupation Certificate.

A copy of the W.A.E. survey drawing and certification must be submitted to the Council if it is not the Certifying Authority.

(Reason: Compliance with the Consent)

**Certification for Mechanical Exhaust Ventilation**

G8. Prior to issue of an 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 Building Code of Australia, must be submitted to, and approved by, the Certifying Authority.

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

**Damage to Adjoining Properties**

G9. 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**

G10. All utility services shall be adjusted to the correct levels and/or location/s required by this consent, prior to issue of an occupation certificate. This shall be at no cost to Council.

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

**Regulated Systems - Air Handling**

G11. 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:

- 1) The Building Code of Australia;
- 2) The applicable Australian Standards;
- 3) The Public Health Act;
- 4) Public Health Regulation 2012;
- 5) Work Cover Authority;

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

(Reason: To ensure public health is maintained; Statutory)

**Covenant and Restriction (Stormwater Control Systems)**

- G12. An Instrument pursuant to Sections 88B and 88E of the *Conveyancing Act 1919* and one copy must be submitted to Council in registrable form, providing for:
- a) a restriction as to user and positive covenant as to user as appropriate in favour of North Sydney Council burdening land at 110-122 Walker Street requiring the ongoing retention, maintenance and operation of the stormwater facility (on-site detention, pump-out, charged lines);
  - b) North Sydney Council being nominated in the Instrument as the only party authorised to release, vary or modify the Instrument;
  - c) the wording on the Instrument making reference to the Council file/s which hold:
    - i) the Construction plans; and
    - ii) the “Work-as-Executed” (as built) plans;

Upon Council being satisfied as to the terms of the Instrument, North Sydney Council’s official seal will be affixed to these documents, prior to submission to the Land & Property Information Office for registration

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

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

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

(Reason: Compliance and adequate maintenance of drainage system)

**Basement Pump-out Maintenance**

- G13. Prior to issue of an Occupation Certificate a Maintenance Regime must be prepared for the basement stormwater pump-out system and submitted to the Principal Certifying Authority for approval with the Occupation Certificate documentation. The regime must specify that the system is to be regularly inspected and checked by qualified practitioners.

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

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

### Certification of Tree Condition

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

T1-T6, 6 x *Platanus x hybrida*

The report must detail the condition and health of the nominated tree(s) upon completion of the works and shall certify that the tree(s) has/have not been significantly damaged during the works on the site and has/have reasonable prospects for survival.

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

### Vehicle Egress Signs

- G15. Prior to the issue of an Occupation Certificate, appropriate sign(s) must be provided and maintained within the site at the point(s) of vehicular egress to ensure all vehicles stop before proceeding onto the public way.

(Reason: To ensure pedestrian safety)

### Disposal Information

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

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

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

### Height

- G17. Upon completion of the works and prior to the issue of the Occupation Certificate the RL of the development measured at RL 270.3 must be surveyed and certified by an appropriately qualified and practising surveyor as compliant with the maximum approved levels in accordance the plans included in the table to condition A1. This survey and certification must be submitted to the Certifying Authority with the application for an Occupation Certificate and a copy provided to Council (if it is not the Certifying Authority).

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

### **Final Survey**

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

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

### **Sydney Water**

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

The Section 73 Certificate must be submitted to the Certifying Authority prior to the issue of the relevant Occupation Certificate.

Notes: Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water website [www.sydneywater.com.au/customer/urban/index](http://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)

### **Damage to Adjoining Properties**

G20. On completion of the development the subject of this consent and prior to the issue of the Occupation Certificate, a report is to be prepared by an appropriately qualified consultant and is to be provided to the Certifying Authority (and a copy to Council if it is not the Certifying Authority) certifying:

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

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



Where works required to rectify any damage caused to adjoining property as a result of the development identified in the report and certification have not been carried out, a satisfactory agreement for rectification of the damage is to be made with the affected person/s as soon as possible prior to the issue of an Occupation Certificate.

All costs incurred in achieving compliance with this condition shall be borne by the developer.

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

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

G21. Prior to the issue of the Occupation Certificate, a verification statement from a qualified designer or architect (preferably the original designer), must be submitted to Council and the Certifying Authority 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 cl. 50(1A) EP&A Regs 2000.

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

#### Required Tree Planting

G22. On completion of works and prior to the issue of an Occupation Certificate trees in accordance with the schedule hereunder must be planted in Council's nature strip/footpath:

#### Schedule

Tree Name and Species	Location	Pot Size
T5 <i>Platanus x hybrida</i>	Relocation from its present position to a position north of its present location in accordance with a Tree Protection Management Plan to be submitted in accordance with condition E29.	N/A

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)

### Installation of Cooling Water Systems

- G23. A Risk Management Plan (RMP) must be completed before any cooling water system becomes operational. The RMP needs to be documented on the approved form ([www.health.nsw.gov.au/environment/legionellacontrol/Pages/legionella-protocols](http://www.health.nsw.gov.au/environment/legionellacontrol/Pages/legionella-protocols)) and submitted to Council no later than seven (7) days after the RMP has been completed.

Contact must be made with Council to obtain unique identification numbers (UID) for all cooling towers. The UIDs are to be displayed on a sign affixed to each cooling tower on the site within 30 days after receipt of the UIDs. The signs must have:

- a) A minimum size of 148 mm by 210 mm (A5 size);
- b) Be clearly visible to a person examining or inspecting the cooling water system; and
- c) Be made of a durable material.

Council must receive notification of the installation of a cooling water system, in the approved form, within one (1) month of installation. The approved Notification of Installation Form can be downloaded from the above link.

(Reason: To ensure public health is maintained; statutory requirement)

### Landscape Maintenance Plan

- G24. A Landscape Maintenance Plan is to be submitted to the satisfaction of Council's Landscape Development Officer that ensures the ongoing viability and vigour of plant species, the practicalities of undertaking landscape maintenance are met as well as the retention of the intended aesthetic values of the Landscape Plan.

(Reason: Maintenance of landscaping)

### *I. Ongoing/Operational Conditions*

#### First Use of Premise - Further Consent Required

11. A separate development application, or separate development applications, for the fit-out and use of retail premises, business premises, or food and drink premises must be submitted to and approved by Council prior to that fit-out or use commencing.

For the fit out and use of the premises on Level 51 – Roof Garden & Restaurant, the development application must include a plan of management, which shall address, as a minimum:

- a) Public access to the roof garden and restaurant from the foyer at the lower ground level off the pedestrian link,
- b) The duration of opening hours for the garden are to be the at least same as for the remainder of other publicly accessible the areas within the building,
- c) Trading hours for the restaurant premises,

- d) The maximum number of patrons, separately for the garden and the restaurant, and their management,
- e) Use of audio amplification, and
- f) Lighting, provided it is consistent with this consent.

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

#### **Advertising Signs - Further Consent Required**

- 12. A separate development application for the installation of any advertising, business identification or building identification signs or structures must be submitted to and approved by Council prior to their installation. This consent in no way approves or includes any approval for the advertising areas shown on submitted architectural drawings. Details of same are deemed to have been removed from the stamped approved plans.

(Reason: Compliance)

#### **Trade Waste**

- 13. Trade wastewater must be disposed of in accordance with the permit requirements of Sydney Water Corporation Ltd, Wastewater Source Control Branch.

(Reason: Compliance with Sydney Water's requirements)

#### **Noise and Vibration Impact**

- 14. The on-going use of the premises approved under this consent must comply with all conditions pertaining to noise and vibration specified in this consent.

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

#### **Visitors' Parking Sign**

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

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

#### **Minimum Headroom for Car Parking**

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

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

**No Illumination**

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

(Reason: To ensure appropriate forms of signage that are consistent with Council's controls and those that are desired for the locality, and do not interfere with amenity of nearby properties)

**Daily Cleaning**

18. The proprietor/operator is to ensure that at all times when the premises are open and at the end of each day after the premises have closed, all rubbish including loose papers, cigarette butts, bottles etc which may be left on the subject premises, site or immediately adjacent area is picked up and placed in the proprietor's/operator's rubbish bins.

(Reason: To ensure waste generated by the approved use or activity is properly managed by the person acting upon this consent, to prevent unsightly build-up of waste material)

**Waste Collection**

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

(Reason: To ensure the amenity of surrounding properties)

**Delivery Hours**

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

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

**Lighting Generally**

111. Lighting on rooftop or podium levels or on other levels within the building must not be illuminated between 11.00 pm and 7.00 am, unless the illumination is essential for aviation safety or pedestrian and traffic safety. The design and placement of lighting must:

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

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

**Maintenance of Approved Landscaping**

112. The owner of the premises at 110-122 Walker Street North Sydney is to maintain the landscaping approved by this consent generally in accordance with the Landscape Design Report Addendum prepared by Hassell dated August 2021, as modified by this consent, including all vertical gardens, which shall be maintained in perpetuity for the life of the development.

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 or exotic, deciduous or 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)