



Schools Infrastructure NSW
Att: Thu Thanapalasantheram
Level 9, 259 George Street
SYDNEY NSW 2000

D204/22
MS3 (CIS)

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

Development Application Number:	204/2022
Land to which this applies:	175-177 Ben Boyd Road and 10 & 16 Ben Boyd Road, Neutral Bay Lot No.: 1, 2, 3, DP: 794832; Lot No.: 1, DP: 180937 Lot No.: 21, 22, DP: 572881 Lot No.: 10, DP.: 259740
Applicant:	Schools Infrastructure NSW
Proposal:	Alterations and additions to an existing educational establishment (Neutral Bay Public School), including removal or demolition of six buildings, refurbishment of two buildings, construction of a three-storey building, expansion of school site, signage, and associated landscaping.
Determination of Development Application:	Subject to the provisions of Section 4.17 of <i>the Environmental Planning and Assessment Act 1979</i> , approval has been granted subject to conditions in the notice of determination.
Date of Determination:	29 March 2023
Reasons for Approval	Refer to Panel's Statement of Reasons published on the Sydney North Planning Panel Planning Portal at the link below: https://www.planningportal.nsw.gov.au/planning-panel/alterations-and-additions-neutral-bay-public-school
Consent to operate from:	4 April 2023
Consent will lapse on:	4 April 2028

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 4 April 2028.

How community views were taken into account:

The development application, including the amended application, was notified in accordance with Council's Community Engagement Protocol. Issues raised in the objections received by Council informed the preparation of amended plans which in part reduced the potential impact of the proposed development. All submissions were addressed in the assessment report prepared by Council. The application was determined by the Sydney North Planning Panel at a public meeting where several submitters addressed the Panel.

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.

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

Endorsed for and on behalf of North Sydney Council

5 April 2023

DATE



Signature on behalf of consent authority

ROBIN TSE

A/TEAM LEADER (ASSESSMENTS)

(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.
A. Conditions that Identify Approved Plans	
A1. Development in Accordance with Plans/Documentation	8
A2. Plans on Site	9
A3. No Demolition of Extra Fabric	9
A4. External Finishes and Materials	9
B. Matters to be Completed before the lodgement of an Application for a Construction Certificate	
B1. Construction and Traffic Management Plan (Major DAs and Sites with Difficult Access)	9
B2. Preparation of Construction Management Plan	11
C. Prior to the Issue of a Construction Certificate (and ongoing, where indicated)	
C1. Design Verification Statement	11
C2. Dilapidation Report Damage to Public Infrastructure	11
C3. Dilapidation Report Private Property (Excavation)	12
C4. Structural Adequacy of Existing Building	12
C5. Geotechnical Report	12
C6. Recommendations of Heritage Impact Statement	13
C7. An AQF L5 Arborist to be Commissioned	13
C8. Tree Protection	13
C9. Sediment Control	14
C10. Waste Management Plan	15
C11. No External Service Ducts	15
C12. Work Zone	15
C13. Maintain Council Boundary Alignment Levels	16
C14. Bicycle Storage and Parking	16
C15. Required Infrastructure Works - Roads Act 1993	16
C16. On-Site Stormwater Detention	18
C17. Stormwater Management and Disposal Design Plan - Construction Issue Detail	18
C18. Bond for Damage and Completion of Infrastructure Works - Stormwater, Kerb and Gutter, Footpaths, Vehicular Crossing and Road Pavement	19
C19. Tree Bond for Public Trees	19
C20. Tree Protection Measures to be shown on Construction Drawings	20
C21. Protection of Trees	20
C22. Approval for Removal of Trees	20
C23. Pruning of Trees	21
C24. Cleanliness and Maintenance of Food Preparation Areas	21
C25. Garbage and Recycling Facilities	21
C26. Asbestos and Hazardous Material Survey	22
C27. Noise from Plant and Equipment	23
C28. Compliance with Acoustic Report	23
C29. Construction Noise Management Plan	24
C30. Provision of Accessible Paths of Travel	25
C31. Security Deposit/Guarantee Schedule	25
C32. Amendments to the Landscape Plan	25
C33. Root Mapping	26

C34.	Design of Roof Mounted Photo Voltaic Cells	26
C35.	Enclosure of Services	26
C36.	Five-Star Green Star Rating	27

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

D1.	Protection of Trees	27
D2.	Project Arborist to be Engaged	27
D3.	Protection of Public Trees	28
D4.	Temporary Fences and Tree Protection	28
D5.	Public Liability Insurance - Works on Public Land	29
D6.	Sydney Water Approvals	29

E. During Demolition and Building Work

E1.	Parking Restrictions	29
E2.	Road Reserve Safety	29
E3.	Temporary Disposal of Stormwater Runoff	30
E4.	Council Inspection of Public Infrastructure Works	30
E5.	Removal of Extra Fabric	30
E6.	Dust Emission and Air Quality	30
E7.	Compliance with Construction Noise Management Plan	31
E8.	No Work on Public Open Space	31
E9.	Crown's Cost of Work on Council Property	31
E10.	No Removal of Trees on Public Property	31
E11.	Protection of Trees	31
E12.	Special Permits	32
E13.	Installation and Maintenance of Sediment Control	33
E14.	Sediment and Erosion Control Signage	33
E15.	Remedial Action Plan (Contaminated Land)	33
E16.	Service Adjustments	33
E17.	Prohibition on Use of Pavements	34
E18.	Imported Fill Material	34
E19.	Waste Disposal	34
E20.	Asbestos Removal	34
E21.	Community Information	34
E22.	Archaeological Discovery During Works	35

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

F1.	National Construction Code	35
F2.	Commencement of Works	35
F3.	Excavation/Demolition	35
F4.	Protection of Public Places	35

G. Prior to the Issue of an Occupation Certificate

G1.	Infrastructure Repair and Completion of Works	36
G2.	Noise Certification	36
G3.	Certification - Civil Works	36
G4.	Validation for Remediation	37
G5.	Utility Services	37

G6.	Asbestos Clearance Certificate	37
G7.	Certification of Tree Condition	37
G8.	Required Tree Planting	38
G9.	Unpaved Verge	38

A. Conditions that Identify Approved Plans

Development in Accordance with Plans/Documentation

A1. The development must be carried out in accordance with the following drawings and documentation and endorsed with Council’s approval stamp, except where amended by the following conditions of this consent.

Plan No.	Issue	Title	Drawn by	Dated
ARDA0302	E	Site Demolition Plan	DesignInc	12/12/2022
ARDA0303	E	Site Plan - Proposed	DesignInc	12/12/2022
DA0502	A	Building A - Demolition Ground Floor Plan	DesignInc	28/06/2022
DA0503	A	Building A - Demolition First Floor Plan	DesignInc	28/06/2022
DA0512	A	Building B - Demolition Ground Floor Plan	DesignInc	28/06/2022
DA0513	A	Building B - Demolition First Floor Plan	DesignInc	28/06/2022
DA1100	A	Building A - Proposed Ground Floor Plan	DesignInc	28/06/2022
DA1101	A	Building A - Proposed First Floor Plan	DesignInc	28/06/2022
DA1102	A	Building A - Proposed Roof Plan	DesignInc	28/06/2022
DA1110	A	Building B - Proposed Ground Floor Plan	DesignInc	28/06/2022
DA1111	A	Building B - Proposed First Floor Plan	DesignInc	28/06/2022
ARDA1120	E	Building L - Ground Floor Plan	DesignInc	12/12/2022
ARDA1121	E	Building L - First Floor Plan	DesignInc	12/12/2022
ARDA1122	E	Building L - Second Floor Plan	DesignInc	12/12/2022
ARDA1123	F	Building L - Proposed Roof Plan	DesignInc	12/12/2022
ARDA1400	C	Signage Plan	DesignInc	12/12/2022
DA3002	A	Building A - Proposed North and South Elevations	DesignInc	28/06/2022
DA3003	A	Building A - Proposed East and West Elevations	DesignInc	28/06/2022
DA3012	A	Building B - Proposed North and South Elevations	DesignInc	28/06/2022
DA3013	A	Building B - Proposed East and West Elevations	DesignInc	28/06/2022
ARDA3100	E	Building L - Proposed Streetscape Elevation	DesignInc	12/12/2022
ARDA3101	E	Building L - East and West Elevations	DesignInc	12/12/2022
ARDA3102	D	Building L - North and South Elevations	DesignInc	12/12/2022
ARDA3200	E	Building L - Section Part 1	DesignInc	12/12/2022
ARDA3201	E	Building L - Section Part 2	DesignInc	12/12/2022
ARDA8100	A	Building L - Mechanical Plant Room Details	DesignInc	12/12/2022
ARDA8105	B	Building A - Mechanical Plant Room 01 Details	DesignInc	12/12/2022
ARDA8106	B	Building A - Mechanical Plant Room 02 Details	DesignInc	12/12/2022
ARDA8107	B	Building B - Mechanical Plant Room Details	DesignInc	12/12/2022
LA-1000	B	Site Plan	DesignInc	07/12/2022
LA-1001	B	Detail Plan 1	DesignInc	07/12/2022
LA-1002	B	Detail Plan 2	DesignInc	07/12/2022
LA-1003	B	Detail Plan 3	DesignInc	07/12/2022
LA-1004	B	Detail Plan 4	DesignInc	07/12/2022
LA-1005	B	Detail Plan 5	DesignInc	07/12/2022
LA-1006	B	Detail Plan 5 (sic)	DesignInc	07/12/2022
LA-3000	B	Sections and Elevations Sheet 1	DesignInc	07/12/2022
LA-5000	B	Hardscape	DesignInc	07/12/2022
LA-5001	B	Hardscape	DesignInc	07/12/2022
LA-5500	B	Fencing Plan	DesignInc	07/12/2022
LA-6000	B	Planting Plan	DesignInc	07/12/2022
LA-7000	B	Details Hardscape	DesignInc	07/12/2022
SK-8000	B	Details (Soft)	DesignInc	07/12/2022

LA-9000	B	General Landscape Materials Schedule	DesignInc	07/12/2022
LA-9001	B	Planting Schedule	DesignInc	07/12/2022

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, 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 for the Crown building works) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Crown 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 Council, Public Information and to ensure ongoing compliance)

No Demolition of Extra Fabric

A3. Alterations to, and demolition of the existing buildings shall be limited to that documented on the approved plans.

(Reason: To ensure compliance with the approved development)

External Finishes and Materials

A4. External finishes and materials must be in accordance with the submitted Exterior Finishes Schedule P22-027, dated 5 September 2022, prepared by Design Inc unless otherwise modified by Council in writing.

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

B. Matters to be Completed prior to commencement of works

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

B1. Prior to the commencement of any Crown building works, a Construction and Traffic Management Plan must be prepared. The following matters must be specifically addressed in this Plan:

- a) A plan view (min 1:300 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 prior to the commencement of any Crown building works. 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 Crown Certifying Authority for approval of any Crown building works.

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)

Preparation of Construction Management Plan

B2. Prior to the commencement of Crown building work, a Construction Management Plan is to be prepared.

(Reason: To minimise the impact of construction works)

C. *Prior to Crown Building Work Commencing (and ongoing, where indicated)*

Design Verification Statement

C1. Crown building work cannot commence until the relevant design is certified by or on behalf of the Crown to comply with the Building Code of Australia / National Construction Code.

(Reason: Statutory Requirement under s6.28 of the EP&A Act)

Dilapidation Report Damage to Public Infrastructure

C2. A dilapidation survey and report (including photographic record) must be prepared by a suitably qualified consultant which details the pre-developed condition of the existing public infrastructure in the vicinity of the development site. Particular attention must be paid to accurately recording any pre-developed damaged areas so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development.

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 Crown with submission of the building work documentation.

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

Dilapidation Report Private Property (Excavation)

C3. A full dilapidation survey and report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavations must be submitted to the Crown for approval prior to commencement of the building work. 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 suitably qualified engineer.

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/i.e., prior to the commencement of construction)

Structural Adequacy of Existing Buildings

C4. A report prepared by an appropriately qualified and practising structural engineer, certifying the structural adequacy of existing buildings and their ability to withstand the proposed additional, or altered structural loads during all stages of construction shall be submitted to the Crown Authority for approval prior to the issue of the relevant Crown Approval. The certified report must also include all details of the methodology to be employed in construction phases to achieve the above requirements. The methodology in the certified report must be complied with at all times.

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

Geotechnical Report

C5. A report prepared by an appropriately qualified Geotechnical Engineer certifying that the existing substrate on the site is capable of:

- a) withstanding the proposed loads to be imposed;
- b) withstanding the extent of the proposed excavation, including any recommendations for shoring works that may be required to ensure the stability of the excavation;
- c) providing protection and support of adjoining properties; and
- d) the provision of appropriate subsoil drainage during and upon completion of construction works

The report must be submitted for approval by the Crown prior to the issue of the relevant Crown Approval.

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

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

The Crown must ensure that the building plans and specifications submitted, referenced on and Crown building work documentation, fully satisfy the requirements of this condition.

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

Recommendations of Heritage Impact Statement

C6. The recommendations of the Heritage Impact Statement prepared by City Plan Heritage, dated June 2022 are to be implemented.

The Crown must ensure that the report, and other plans, referenced on and accompanying the documentation of the Crown building work, fully satisfy the requirements of this condition.

(Reason: To ensure that the heritage significance of the Heritage Item is conserved.)

An AQF L5 Arborist to be Commissioned

C7. A AQF Level 5 consulting arborist must be commissioned to assist the design development, contract documentation and overseeing of construction works on the site for their duration by undertaking regular inspections of the works in progress and providing advice in relation to tree matters.

Written details of the engagement of the experienced arborist must be submitted to the Crown prior to the issue of the relevant Crown Approval.

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

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

Tree Protection

C8. To ensure the protection of all trees to be retained, the following measures are to be undertaken:

- a) All relevant documentation for the Crown building work must show the site trees to be retained, and retention of the adjoining trees, with their positions and diameters of trunks and crowns (canopies) to be clearly and accurately shown in relation to all levels of the proposed development.
- b) All relevant plans and correspondences must refer to the required compliance with the approved Tree Protection and Management Plan, and clearly show the assigned number of each tree on site, adjoining and Council land.

- c) A Consulting Arboriculturist (“the project arboriculturist”), who holds a minimum Australian Qualification Framework Level 5 in Arboriculture, is a registered consulting member of a nationally recognised arboricultural organisation or association shall be engaged before work commences for the duration of site preparation, demolition, construction and landscaping.
- d) The project arboriculturist shall inspect, monitor, supervise, provide recommendations and written reports and certification relating to protection of the trees and compliance with the conditions of consent.
- e) The contact details of the project arboriculturist shall be advised to council before work commences and maintained up to date for the duration of works. If a new project arborist is appointed details of the new project arborist shall be notified to council within 7 days.
- f) The project arboriculturist is to submit a list of critical stages where joint site inspections may be required, with the adopted schedule to be complied with during the course of works, and include at minimum, the following hold points:
 - i. Prior to any tree crown or root pruning;
 - ii. At commencement of construction works within the TPZ of any tree to be retained.

(Reason: Tree protection measures)

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 any Crown 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 Crown must ensure that the report, and other plans, referenced on and accompanying the documentation of the Crown building work, 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 Crown prior to the commencement of the Crown building work. 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)

No External Service Ducts

- C11. Service ducts must be provided within the development to keep external walls that are visible from the street free of plumbing, drainage, or any other utility installations. This requirement does not apply to any guttering or downpipes for the existing buildings or on the western elevation of Building L. Plans and specifications which comply with this condition must be submitted to the Crown for approval prior to the issue of the relevant Crown Approval.

The Crown must ensure that the report, and other plans, referenced on and accompanying the documentation of the Crown building work, fully satisfy the requirements of this condition.

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

Work Zone

- C12. 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 commencement of any works requiring the use of a work zone.

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. If the Work Zone is approved by the Committee, the Applicant must obtain a written copy of the related resolution from the North Sydney Local Traffic Committee and submit a copy of this to the Crown prior to the commencement of any Crown building work.

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 Crown'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 Council Boundary Alignment Levels

- C13. 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 Crown for approval prior to the issue of the relevant Crown Approval.

The Crown must ensure that the report, and other plans, referenced on and accompanying the documentation of the Crown building work, fully satisfy the requirements of this condition.

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

Bicycle Storage and Parking

- C14. The bicycle storage area must accommodate a minimum of seventy-six (76) bicycles. The bicycle storage lockers and/or bicycle rails shall be designed in accordance with the applicable Australian Standards. Plans and specifications which comply with this condition must be submitted to the Crown Certifying Authority for approval prior to the issue of the relevant Crown Approval.

The Crown must ensure that the report, and other plans, referenced on and accompanying the documentation of the Crown building work, fully satisfy the requirements of this condition.

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

Required Infrastructure Works - Roads Act 1993

- C15. Prior to the issue of the relevant Crown Approval 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:

Road Works

- a) Construction of a fully new replacement concrete footpath is required from the south of the existing Bydown Street cross walk to the southern boundary of Kindyland (10 Bydown Street) in Bydown 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.
- b) Construction of a fully new replacement concrete footpath is required from the south of the existing Bydown Street cross walk to the southern boundary of Kindyland (10 Bydown Street) in Bydown 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.
- c) Cross sections at a scale of 1:50 along the centre-line of each new access point from the footpath to the property boundary/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.

- d) Construction of a fully new road shoulder (maximum grade 5% down towards new gutter) extending to 0.6 metres out from the gutter alignment and from the south of the existing Bydown Street cross walk to the southern boundary of Kindyland (10 Bydown Street).
- e) The existing vehicular access way in front of 16 Bydown Street must be reconstructed to comply with AS 2890.1 and Council's current Vehicular Access Application Guidelines and Specification (gutter bridges not permitted) to ensure that a B85 vehicle will not scrape/strike the surface of the carriageway, layback, vehicular crossing or parking floor.
- f) The boundary footpath levels must match the existing levels and shall not be altered unless agreed to by Council.

Drainage Works

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

- g) Repair of the existing drainage kerb outlet structure in Bydown Street kerb where it is necessary.
- h) All redundant stormwater pipelines within the affected footpath area shall be removed and the footpath and kerb reinstated.
- i) Pipelines within the footpath area must be hot dipped galvanized rectangular steel hollow section with a minimum wall thickness of 4.0 millimetres and a section height of 100 millimetres.
- j) Any footpath panel on Bydown Street that is disturbed for the purpose of stormwater connection must be reconstructed as a whole panel.

Plans and specifications which comply with this condition must be submitted to the Crown for approval prior to the commencement of the above public domain building work.

Crown must not commence the above public domain building work 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. **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)

On-site Stormwater Detention

- C16. On site detention must be provided to ensure that the maximum discharge of stormwater collected from the undeveloped site, which would occur during a one-in-five-year storm of one-hour duration is not exceeded. All other stormwater run-off from the site for all storms up to a one-in-twenty-year storm event is to be retained on the site for gradual release to the kerb and gutter or piped drainage system. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.

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

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

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

Stormwater Management and Disposal Design Plan - Construction Issue

- C17. Prior to the issue of the relevant Crown Approval, 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 dwellings must be conveyed in a controlled manner by gravity to Council's kerb in Bydown Street.
 - c) Provision is to be made for the collection and disposal in an approved manner of any overland flow entering the subject property or concentrated as a result of the proposed works.
 - d) Floor levels adjacent to overland flow path, are to be minimum 500 mm above 1 in 100-year flood level. A report prepared by an appropriately qualified hydraulics engineer is to be submitted to the certifying authority with the relevant Crown Approval, detailing the 1 in 100-year flood level and minimum floor level.
 - e) All sub-soil seepage drainage shall be discharged via a suitable silt arrester pit Details of all plans certified as being adequate for their intended purpose and compliant with the provisions of AS3500.3.2 by an appropriately qualified and practising civil engineer, shall be submitted with the application for the relevant Crown Approval.
 - f) The design and installation of the Rainwater Tanks shall comply with Sydney Water requirements. Overflow from tank shall be connected by gravity to the stormwater disposal system.
 - g) Prevent any stormwater egress into adjacent properties by creating physical barriers and surface drainage interception.

Details demonstrating compliance are to be submitted with the Crown building work documentation.

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

C18. Prior to commencement of any Crown building work, security deposit or bank guarantee must be provided to Council to the sum of \$35,000.00 to be held by Council for the payment of cost for any/all of the following:

- a) making good any damage caused to any property of the Council by the Crown 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 condition C15.
- c) remedying any defects in any such public work that arise within six months after the work is completed.

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

The security will be refundable following the expiration of six months from the date of the final completion of works or completion of public work required to be completed (whichever is the latest) but only upon inspection and release by Council's Engineers.

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

- where the damage constitutes a hazard in which case Council may make use of the security immediately;
- the applicant has not repaired or commenced repairing damage within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works;
- works in the public road associated with the development are to an unacceptable quality; and
- the Crown must ensure that security is provided to North Sydney Council prior to commencement of any Crown building works.

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

Tree Bond for Public Trees

C19. Prior to commencement of any Crown building work, security in the sum of **\$50,000** must be provided to Council for the protection of trees in public places, including the making good of any damage caused to such trees. The security is to be provided in accordance with the Schedule below.

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

The security will be refundable following the expiration of 6 months from the date of the final completion of the works 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.

SCHEDULE

Refer to arborist report prepared by Independent Arboricultural Services dated 5 December 2022 with full schedule of tree species and location.

Tree	Location	Bond
T65-T76 - Refer to Arborist Report	Council verge outside 175-177 Ben Boyd Road- Bydown Street frontage	\$5,000 per tree
T55-T64 - Refer to Arborist Report	Council verge outside 175-177 Ben Boyd Road-Yeo Street frontage	\$7,500 per tree
T49-T53 - Refer to Arborist Report	Council verge outside 175-177 Ben Boyd Road- Ben Boyd Rd frontage	\$7,500 per tree

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

Tree Protection Measures to be shown on Construction Drawings

C20. The tree protection measures contained in the arborist report prepared by Independent Arboricultural Services, dated 5 December 2022 shall be shown clearly on the relevant construction drawings. Plans and specifications showing the said tree protection measures must be submitted to the Crown Certifying Authority for approval prior to the issue of the relevant Crown Approval. The Crown Certifying Authority must ensure that the report, and other plans, referenced on and accompanying the documentation of the Crown building work, fully satisfy the requirements of this condition.

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

Protection of Trees

C21. 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:

Refer to arborist report prepared by Independent Arboricultural Services dated 5 December 2022 with full schedule of tree species and location.

Tree	Location	Height (m)
T1-T23	Refer to Arborist Report	Various.
T33 & T34	Refer to Arborist Report	Various.
T37-T76	Refer to Arborist Report	Various.

Plans and specifications showing the said tree protection measures must be submitted to the Crown for approval prior to the issue of the relevant Crown Approval. The Crown must ensure that the report, and other plans, referenced on and accompanying the documentation of the Crown building work, fully satisfy the requirements of this condition.

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

(Reason: Protection of existing environmental and community assets)

Approval for Removal of Trees

C22. The following tree(s) are approved for removal in accordance with the development consent:

Refer to arborist report prepared by Independent Arboricultural Services dated 5 December 2022 with full schedule of tree species and location.

Tree	Location	Height (m)
T19-T33	Refer to Arborist Report	Various

Removal or pruning of any other tree on the site is not approved, excluding species exempt under Council's Tree Preservation Order.

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

(Reason: Protection of existing environmental and community assets)

Pruning of Trees

C23. All pruning works shall to the following tree(s) shall be undertaken under the guidance of an appropriately qualified arborist/tree surgeon in accordance with Australian Standard AS 4373-2007 - Pruning of Amenity Trees:

A report detailing the measures to be employed during construction shall be submitted to the Crown for approval prior to the issue of the relevant Crown Approval.

All measures required by the said report must be complied with at all times in the carrying out of the development.

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

Cleanliness and Maintenance of Food Preparation Areas

C24. To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all building work in connection with the occupation or use of the premises for the preparation and storage of food shall be designed and carried out in accordance with the requirements of AS4674 - Design, construction and fit-out of food premises

Plans and specifications which comply with this condition must be submitted to the Crown for approval prior to the issue of the relevant Crown Approval.

The plans and documentation must incorporate details of the following:

- a) construction, materials and finishes;
- b) installation of fixtures, fittings and equipment;
- c) washing facilities, other facilities and special requirements;
- d) mechanical ventilation and exhaust discharges; and
- e) temperature control

The Crown must ensure that the report, and other plans, referenced on and accompanying the documentation of the Crown building work, fully satisfy the requirements of this condition.

(Reason: To ensure compliance with acceptable standards for the construction of food premises established under environmental health and safety legislation)

Garbage and Recycling Facilities

C25. 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;

Plans and specifications which comply with this condition must be submitted to the Crown for approval prior to the issue of the relevant Crown Approval.

The Crown must ensure that the report, and other plans, referenced on and accompanying the documentation of the Crown building work, fully satisfy the requirements of this condition..

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

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

Asbestos Material Survey

C26. 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 licensed contractor;
- b) all removal must be in strict accordance with the requirements of the SafeWork Authority in relation to the removal, handling and disposal of material containing asbestos and any Work Safe Australia requirements.
- c) during the removal of any asbestos a sign stating "DANGER ASBESTOS REMOVAL IN PROGRESS" must be erected in a visible position at the boundary of the site; and
- d) Waste disposal receipts must be provided to the Certifying Authority as proof of correct disposal of asbestos laden waste.

The report must be submitted to the Crown for approval prior to the issue of the relevant Crown Approval. The Crown must ensure that the report, and other plans, referenced on and accompanying the documentation of the Crown building work, 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)

Noise from Plant and Equipment

C27. 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 Industrial Noise Policy 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 Industrial Noise Policy published by the NSW Environment Protection Authority.

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

Compliance with Acoustic Report

C28. The recommendations contained in the acoustic report prepared by Acoustic Studio P/L dated 27 June 2022 must be implemented during construction and use of the development.

A statement from an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants, certifying that the acoustic mitigation measures outlined in the above stated report have been suitably incorporated into the development and that relevant noise criteria have been satisfied, must be submitted to the Crown for approval prior the issue of the relevant Crown Approval.

The Crown must ensure that the report, and other plans, referenced on and accompanying the documentation of the Crown building work, fully satisfy the requirements of this condition.

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

Construction Noise Management Plan

C29. 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 Crown and a copy provided to Council prior to the issue of the relevant Crown Approval.

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

Provision of Accessible Paths of Travel

C30. The building must be designed and constructed to provide access and facilities in accordance with the Building Code of Australia 2022 Pre-Construction Certificate Capability Statement and the Access Capability Statement submitted. Plans and specifications complying with this condition must be submitted to the Crown for approval prior to the commencement of any works relating to accessible paths of travel. The Crown must ensure that the report, and other plans, referenced on and accompanying the documentation of the Crown building work, 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 relevant Crown Approval 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)

Security Deposit/Guarantee Schedule

C31. All fees and security deposits/guarantees in accordance with the schedule below must be provided to Council prior to the commencement of any crown work:

Security Deposit/Guarantee	Amount (\$)
Street Tree Bond (on Council Property)	\$50,000.00
Infrastructure Damage Bond	\$35,000.00
TOTAL BONDS	\$85,000.00

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

(Reason: Compliance with the development consent)

Amendments to the Landscape Plan

C32. The landscape plan must be amended as follows to provide an appropriate landscaped setting:

- The location of T58, as referenced in the Arborist Report, is to be referenced on the Landscaping Plans.

An amended landscape plan complying with this condition must be submitted to the Crown for approval prior to the issue of the relevant Crown Approval. The Crown must ensure that the amended landscape plan and other plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To ensure the documentation reflects the determination)

Root Mapping

C33. Non-invasive/non-destructive root mapping is to be undertaken within the tree protection zone (TPZ) (identified as per AS4970-2009) of the T1-T4, T9, T34, T72 to determine the size and depth of the tree roots prior to the design of the required works.

Root mapping is to be undertaken under the direct supervision of an AQF level 5 arborist. The said consulting/ project arborist is to prepare a written report, with images, addressing the following:

- a) describing the results of the root mapping;
- b) providing an assessment of potential tree impacts of the excavation; and
- c) making recommendations of protection measures to be implemented for the duration of excavation and construction activity to ensure the ongoing health and viability of the tree.

The report is to be provided to the Crown for approval (with a copy provided to Council) prior to the issue of the relevant Crown Approval. Plans and Specifications submitted to the Crown for approval must comply with the recommendations of the arborist report referred to in this condition, and the development must be carried out in accordance with the said report.

(Reason: To ensure the protection of significant trees)

Design of Roof Mounted Photo Voltaic Cells

C34. Prior to the issue of the relevant Crown Approval, the applicant is to provide design details and specifications demonstrating that the photo voltaic cells mounted on the roof of Building L (drawing reference ARDA 1123) are located wholly below the height of the surrounding parapet roof form (RL97.82). The Crown is to ensure that the Crown building work documentation complies with this condition.

(Reason: To ensure any photovoltaic cells are provided within the roof form and not visible from the public domain or surrounding properties)

Enclosure of Services

C35. Prior to the issue of the relevant Crown Approval, the applicant is to provide plans demonstrating that all ground level plant and services (e.g., gas meter, water meter, (and if required fire hydrant and sprinkler booster valves) and the like) are enclosed in a manner that complements the building and in accordance with the requirements of EP1.3 and EP1.4 of the NCC. The Crown is to ensure that the Crown building work documentation complies with this condition.

(Reason: To ensure essential services are appropriately screened from the public domain)

Five-star Green Star Rating

- C36. The design of Building L is to aim to achieve a minimum 5-Star Green Star rating or equivalent in accordance with the Green Building Council Australia rating system. Prior to the issue of the relevant Crown Approval, the applicant is to provide details to the Crown Certifier outlining the measures which have been incorporated into the detailed design documentation to achieve the 5-Star rating or equivalent. The Crown is to ensure that the Crown building work documentation complies with this condition.

(Reason: To promote Environmentally Sensitive Design principles)

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 Crown 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.

The tree protection measures detailed in the approved Tree Protection and Management Plan, as directed by the project arborist shall be established before the issue of the relevant Crown Approval.

Sensitive construction techniques including hand excavation, pier & beam construction & flexible location of piers/footings shall be used within the TPZ of any protected tree. No roots greater than 40mm shall be cut. Storm Water and all other underground services shall not be routed through the TPZ of any protected tree.

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

Project Arborist to be Engaged

- D2. The project arboriculturist shall inspect the relevant tree protection measures and certify in writing to the Principal Certifying Authority the measures comply with the approved Tree Protection Plan and as directed by the project arboriculturist before work commences.

The project arboriculturist shall provide guidance and oversight of tree protection and management to ensure that the stability and ongoing viability of trees being retained is not compromised.

The project arboriculturist must contact the tree pruning contractor and Council's Tree Management Officer (giving at least 2 working days' notice) to arrange a joint site meeting, prior to commencing any pruning, to determine the exact location and extent of pruning that is permissible, with the tree pruning contractor to comply with any instructions issued by Council, acting reasonably.

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

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

(Reason: Tree protection measures)

Protection of Public Trees

D3. 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	Protection
T65-T76 Refer to Arborist Report	Council verge outside 175-177 Ben Boyd Road - Bydown Street frontage	1.8m high steel mesh tree protection fencing, or trunk and branch protection installed as appropriate
T55-T64 Refer to Arborist Report	Council verge outside 175-177 Ben Boyd Road - Yeo Street frontage	1.8m high steel mesh tree protection fencing, or trunk and branch protection installed as appropriate
T49-T53 Refer to Arborist Report	Council verge outside 175-177 Ben Boyd Rd - Ben Boyd Rd frontage	1.8m high steel mesh tree protection fencing, or trunk and branch protection installed as appropriate

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

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

(Reason: Protection of existing environmental and community assets)

Temporary Fences and Tree Protection

D4. All protected trees on-site that are specifically nominated as per condition C19 to be retained by notation on plans or by condition as a requirement of this consent must be tagged with luminous tape or the like for purposes of identification prior to demolition, excavation or construction works and must remain so for the duration of works on the site. No materials or builder’s waste are to be stored in the vicinity of the nominated tree/trees at any time.

Appropriate fencing or barricades in accordance with AS4970-2009 (Protection of trees on development sites), not less than the distance shown in the schedule hereunder, must be installed to the satisfaction of the Crown Certifying Authority prior to demolition or commencement of any works and must be maintained for the duration of the works: -

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

Public Liability Insurance - Works on Public Land

- D5. Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of public land and the undertaking of approved works within Council's road reserve or public land, as approved by this consent. The Policy is to note and provide protection/full indemnification for North Sydney Council, as an interested party. A copy of the Policy must be submitted to Council prior to commencement of any works. The Policy must be valid for the entire period that the works are being undertaken.

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

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

Sydney Water Approvals

- D6. Prior to the commencement of any works, the Certifying Crown Authority is required to ensure approval has been granted through Sydney Water's online 'Tap In' program to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

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)

E. During Demolition and Building Work

Parking Restrictions

- E1. Existing public parking provisions in the vicinity of the site must be maintained at all times during works. The placement of any barriers, traffic cones, obstructions or other device in the road shoulder or kerbside lane is prohibited without the prior written consent of Council. Changes to existing public parking facilities/restrictions must be approved by the North Sydney Local Traffic Committee. The 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

- E2. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition, including relevant tree protection, 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 proponent cost). Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "Traffic Control Devices for Work on Roads". **If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**

(Reason: Public Safety)

Temporary Disposal of Stormwater Runoff

E3. During construction, stormwater runoff must be disposed 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 Crown Certifying Authority.

(Reason: Stormwater control during construction)

Council Inspection of Public Infrastructure Works

E4. 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.

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)

Removal of Extra Fabric

E5. Should any portion of the existing building, trees, or curtilage of the site which is indicated on the approved plans to be retained be damaged for whatever reason, all the works in the area of the damaged portion are to cease and written notification of the damage is to be given to Council forthwith. No work is to resume until the written approval of Council to do so is obtained. Failure to comply with the provisions of this condition may result in the Council taking further action including legal proceedings if necessary.

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

Dust Emission and Air Quality

E6. The following must be complied with at all times:

(a) Materials must not be burnt on the site.

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

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

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

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

Compliance with Construction Noise Management Plan

E7. 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 Crown building work documentation and all conditions of consent.

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

No Work on Public Open Space

E8. No work can be undertaken within adjoining public lands (i.e., Parks, Reserves, Roads etc) without the prior written consent of Council. In this regard the developer is to liaise with Council prior to the commencement of any design works or preparation of a Construction and Traffic Management Plan.

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

Crown's Cost of Work on Council Property

E9. The Crown 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

E10. 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

E11. 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 Independent Arboricultural Services dated 5 December 2022 and 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

- E12. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development must occur entirely on the property.

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

1) **On-street mobile plant**

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

(Reason: Proper management of public land)

2) **Hoardings**

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

(Reason: Proper management of public land)

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

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

(Reason: Proper management of public land)

4) **Kerbside restrictions, construction zones**

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

(Reason: Proper management of public land)

Installation and Maintenance of Sediment Control

E13. 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 issue of the relevant Crown Approval.

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

E14. 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)

Remedial Action Plan (Contaminated Land)

E15. The remediation work must be carried out in accordance with the Remedial Action Plan approved under this consent and all relevant guidelines issued under the Contaminated Land Management Act.

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

Service Adjustments

E16. 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 Applicants 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)

Prohibition on Use of Pavements

E17. 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)

Imported Fill Material

E18. 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

E19. 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

E20. All demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current SafeWork Asbestos or "Demolition Licence" and a current SafeWork "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with National Occupational Health and Safety Commission.

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

Community Information

E21. 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

E22. 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)

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

National Construction Code

F1. A design verification statement must be obtained confirming that the works comply with the National Construction Code.

(Reason: Prescribed - Statutory)

Commencement of Works

F2. Building work, demolition or excavation in accordance with this development consent must not be commenced until the developer has given at least two (2) 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

- F3. 1) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- 2) 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.
- 3) 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

- F4. 1) A hoarding and site fencing must be erected between the work site and adjoining public place.
- 2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- 3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

- 4) Any such hoarding, fence or awning is to be removed when the work has been completed.
- 5) No access across public reserves or parks is permitted.

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

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

G. Prior to the Final Completion

Infrastructure Repair and Completion of Works

- G1. Prior to occupation of the designated spaces, 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)

Noise Certification

- G2. Prior to issue of the issue of the relevant Crown Approval 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

- G3. a) An appropriately qualified and practicing Civil 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.

(Reason: Compliance with the Consent)

Validation for Remediation

G4. A validation and site monitoring report prepared in accordance with relevant guidelines issued under the *Contaminated Land Management Act 1997* must be submitted to the Council within one month of completion of the remediation work.

(Reason: To ensure environmental amenity is maintained)

Utility Services

G5. All utility services shall be adjusted to the correct levels and/or location/s required by this consent, prior to occupation of the designated spaces. This shall be at no cost to Council.

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

Asbestos Clearance Certificate

G6. For building works where asbestos based products have been removed or altered, an asbestos clearance certificate signed by an appropriately qualified person (being an Occupational Hygienist or Environmental Consultant) must be submitted to and approved by the Crown Certifying Authority (and a copy forwarded to Council if it is not the Certifying Authority) for the building work prior to the occupation of the designated spaces, the asbestos clearance certificate must certify the following:

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

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

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

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

Certification of Tree Condition

G7. Prior to the occupation of the designated spaces, a report prepared by an appropriately qualified person (being an arborist or the like) must be submitted to the Crown Certifying Authority, describing the health of the tree(s) specifically nominated below:

Tree	Location	Height (m)
T1-T23-see arb report	Refer to Arborist Report	Various.
T33 & T34- see arb report	Refer to Arborist Report	Various.
T37-T76- see arb report	Refer to Arborist Report	Various.

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)

Required Tree Planting

G8. On completion of works trees in accordance with the schedule hereunder must be planted in Council's nature strip/footpath:

Schedule

Tree Species	Location	Pot Size
1 x <i>Callistemon 'Hannah Ray'</i>	Council verge outside 175-177 Ben Boyd Rd- Bydown Street frontage	200l

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

Upon completion of installation an appropriately qualified horticulturalist must certify that any trees planted in accordance with this condition are healthy and have good prospects of future survival.

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

Unpaved Verge

G9. The unpaved verge area from the south of the existing Bydown Street cross walk to the southern boundary of Kindyland (10 Bydown Street) must be constructed/reconstructed as required with an appropriate species of grass prior to completion of the works at no cost to Council.

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