



The Trustee for Aidop No 4 Unit Trust
C/- Urbis Pty Ltd
Level 8, 123 Pitt Street
SYDNEY NSW 2000

D215/23
JD6 (PE)

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

Issued under Section 4.18 of the Environmental Planning and Assessment Act 1979 ("the Act"). Clause 100 of the Environmental Planning and Assessment Regulation 2021 ("the Regulation")

Development Application Number: 215/23

Land to which this applies: 45 McLaren Street, North Sydney
Lot No.: 0, SP: 14598

Applicant: The Trustee for Aidop No 4 Unit Trust, C/- Urbis Pty Ltd

Proposal: Demolition of existing building and works, construction of a mixed-use building with a basement of 3 levels for parking, storage, waste management, plant and commercial space, 2.5 levels of commercial space (above and below natural ground level), 12 levels of residential accommodation, landscaping and associated works

Determination of Development Application: At its meeting of 19 June 2024, the **Sydney North Planning Panel (SNPP)**, as the consent authority, considered **PPSSNH-422** - North Sydney - Development Application No. **215/23** and approval has been granted subject to conditions in the Notice of Determination.

Date of Determination: 19 June 2024

Reason for Approval: The proposed development has been assessed with respect to relevant provisions of the Act, and applicable provisions of relevant SEPPs, the North Sydney LEP, and the North Sydney DCP. The North Sydney Local Infrastructure Contributions Plan and strategic documents related to the North Sydney CBD have also been considered, including the Ward Street Precinct Masterplan.

The applicant has submitted a request in accordance with clause 4.6 of the LEP to provide less than the minimum quantum required of non-residential floor area. A non-residential floor space ratio of 0.72:1 is proposed, whereas the LEP's minimum is 1:1 for the site, representing a variation of 28%.

The applicant's submission demonstrates that compliance with the minimum non-residential floor space ratio is unnecessary, and that there are sufficient environmental planning grounds to do so. Variation of this development standard assures improved urban design outcomes, by enhancing the physical and visual relationships with adjacent heritage-listed buildings, improved streetscape and pedestrian safety, amenity and accessibility.

Concurrence of the Secretary of the Department of Planning Industry and Environment has been assumed, and consent granted (necessary, as the application was lodged before clause 4.6 of the Standard Instrument was amended on 1 November 2023).

Despite inconsistencies with various numerical controls of the Apartment Design Guide, the proposal satisfies applicable performance criteria (objectives and guidelines, both numeric and descriptive) of this document, and is consistent with the SEPP's design principles.

The Panel majority noted that the site was the subject of a planning proposal to increase its development capacity and subsequent amendments to the LEP were published in 2023.

The Panel majority noted the proposal has been the subject of discussions with Council for several years and the Panel Majority concurred that the design has benefited from those extensive discussions and feedback from the community. Amendment of the design was also informed by feedback from Council's Design Excellence Panel.

The development stands to make a positive contribution to North Sydney's built environment, its economic and community life. Offering both additional residential and commercial accommodation in a highly dynamic neighbourhood the proposal responds to metropolitan investment by the NSW Government, and to Council's strategies to both promote a more vibrant CBD and manage urban growth.

Approval was accordingly recommended.

Consent to operate from: 25 June 2024

Consent will lapse on: 25 June 2029

Period of Consent

Subject to Section 4.20 of the Act, this consent becomes effective and operates from the date listed above. The consent lapses five years after the date of consent in accordance with Section 4.53 of the Act and cannot be extended. To activate this consent, works must physically commence onsite by 25 June 2029.

How community views were taken into account:

Key issues raised by submissions have been considered in this assessment. The development proposed is unlikely to significantly impact the amenity of nearby residential apartments, beyond those impacts envisaged by the zoning and the underlying controls. Impacts of the proposal's departures from Apartment Design Guide and DCP performance-based provisions are acceptable..

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

25 June 2024

DATE



Signature on behalf of consent authority
JIM DAVIES
EXECUTIVE PLANNER (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 2021 (“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.

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A. Conditions that identify approved plans

Development in Accordance with Plans/Documentation

A1. The development must be carried out in accordance with the following drawings endorsed with Council's approval stamp and other documentation listed in the table to this condition, or cited by other conditions, and as amended by other conditions of this consent.

Title	No of sheets	Issue/ Rev	Date	Designer/Author
45 McLaren Street, North Sydney - Architectural	41	B	19/02/2024	Bates Smart
45 McLaren Street, North Sydney - Landscape Documentation - Cover Page and Drawing Schedule	23	F	23/02/2024	360 Degrees
Civil Engineering Drawings Issued for DA	7	03	26/02/2024	Robert Bird Group
On-Site Detention (OSD) DRAINS Report	-	03	26/02/2024	Integrated Group Services
Noise Impact Assessment	-	2	14/06/2023	E-Lab Consulting
Regulatory Compliance Report	-	3	08/06/2023	McKenzie Group
Geotechnical Desktop Assessment	-	1	15/06/2023	Douglas Partners
Preliminary Site Investigation	-	2	09/06/2023	EI Australia
Sustainable Transport Plan		Updated Final	15/06/2023	Impact Traffic Engineering
Waste Management Plan		Final	05/06/2023	Impact Traffic Engineering
Waste Management Plan (Response to RFI)		-	26/02/2024	Impact Traffic Engineering
Wind Impact Assessment	-	02	14/06/2023	Vipac

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

Plans on Site

A2. A copy of all stamped approved plans, specifications and documents (including the plans, specifications and documents submitted and approved with all Construction Certificates) must be always kept on site and be readily available for perusal by any officer of Council or the Principal Certifier.

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

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

No Signage is Approved

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

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

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

Design Amendments

C1. The following amendments must be made to the design of the approved development:

- a) The approved design must be amended to ensure that waste can be transported from retail and commercial premises to the commercial waste storage and pick-up facilities in the basement, without the need to use public streets, or publicly accessible areas within the building. Details are to be included on plans prior to issue of the relevant Construction Certificate.
- b) Prior to the issue of the relevant Construction Certificate for works above ground slab level, the Principal Certifier is to be provided with plans demonstrating that all services (gas meter, water meter and 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 the BCA.
- c) Amended plans being submitted with the relevant Construction Certificate showing that the area of all window openings is equal to or greater than 5% of the floor area served.

(Reasons: Compliance and achievement of planned design outcomes, modified by Sydney North Planning Panel)

Wind Tunnel Testing

C2. Wind tunnel testing shall be conducted for the detailed design of the proposed development, by a suitably qualified and experience professional person or organisation. Evidence or certification of this testing having been undertaken and providing satisfactory results must be submitted with the relevant Construction Certificate.

(Reason: To ensure acceptable environmental impacts)

Pedestrian Link between Walker Street and Harnett Street

C3. Before the relevant Construction Certificate is issued, an agreement shall be prepared by the applicant and executed by Council and the applicant (at the applicant's cost) to ensure a legal instrument, such as an easement or right of way (the 'instrument') is submitted to Council for approval and subsequently registered, within 12 months of the issue of the final Occupation Certificate, by the proprietor of the site, SP14598 (45 McLaren Street North Sydney) and adjoining land SP 85010 (150-152 Walker Street North Sydney), in the following terms:

- a) The instrument shall apply land identified by a survey plan, as defined and marked "Through Site Link" by Drawing No. A03.000.C, DA Level 00 Upper, Revision B, 19 February 2024, and bound by the Walker Street and Harnett Street road reserves.
- b) The instrument shall guarantee access to the public at all times, unless closed partially or wholly to enable maintenance or upkeep, or maintain public safety, between the Walker Street and Harnett Street road reserves.

- c) The pedestrian link as defined in paragraph a) is to be designed and constructed in accordance with the plans identified in condition A1 of this consent.
- d) The instrument shall be prepared by the proprietor of SP 14598 and executed by them, the proprietors of SP 85010 and the Chief Executive Officer of North Sydney Council. The registered proprietor of SP 14598 will register the instrument on the title of the lot or lots identified in paragraph a), or any re-subdivision of same should this occur, at no cost to Council. Should re-subdivision necessitate a new agreement or agreements these are to be arranged and executed by the parties at an appropriate time (at the applicant's cost).
- e) The right to waive, vary or extinguish the instrument or any terms thereof shall rest exclusively with North Sydney Council, in perpetuity.
- f) The pedestrian link is to be routinely maintained and periodically upgraded.
- g) The pedestrian link is to be adequately illuminated during hours of darkness at no cost to Council, generally in accordance with the requirements of this consent.
- h) Bollards or similar structures are to be installed at each end of the pedestrian walkway, to effectively prevent entry of vehicles, unless for authorised purposes, into the pedestrian walkway.
- i) An appropriate level of public liability insurance is to be maintained by the proprietors of the land affected by the instrument.
- j) Finished and paved levels of the pedestrian link shall integrate seamlessly with and have a gradual transition in levels between the stairs from Harnett Street to Walker Street, to comply with applicable accessibility and safety legislation.

(Reason: Public safety and amenity)

Construction Management Program

- C4. A Construction Management Program prepared by a suitably qualified and experienced traffic consultant must be submitted and approved in writing by North Sydney Council's Traffic Division prior to the issue of the relevant Construction Certificate. Use of Council property will require appropriate approvals prior to work commencing. At a minimum, the Construction Management Program must specifically address the following matters:
- a) A plan view (min 1:100 scale) of the entire site and frontage roadways indicating:
 - i) Dedicated temporary construction site driveway entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways and footways;
 - ii) The proposed signage for pedestrian management to comply with the relevant Australian Standards, including pram ramps;
 - iii) Trucks may only enter and leave the construction site in a forward direction, unless under the direct supervision of two RMS accredited traffic controllers, one to direct heavy vehicle movement in and out of the site and one to ensure no pedestrian enters the path of a heavy vehicle;
 - iv) The locations of any proposed Work Zones in the frontage roadways (to be approved by Council);
 - v) Locations of hoardings proposed;
 - vi) Location of any proposed crane standing areas;
 - vii) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
 - viii) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected; and

- ix) The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.

- b) A detailed heavy vehicle access route map through the Council area to Arterial Roads. Provision is to be made to ensure through traffic is maintained at all times.
- c) The proposed phases of works on the site, and the expected duration of each phase.
- d) How access to neighbouring properties will be maintained at all times and the proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of process.
- e) The road is not to be used as a waiting area for trucks delivering to or awaiting pick up of materials.
- f) The proposed method of support for excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising structural engineer and must not involve permanent or temporary encroachment onto
- g) Proposed protection for Council and adjoining properties. Details are to include site fencing and the provision of "B" class hoardings over footpaths and laneways.
- h) A Waste Management Plan in accordance with the provisions of Section 19 Waste Minimisation and Management in Part B North Sydney Development Control Plan 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.

All traffic control work and excavation, demolition and construction activities must be undertaken in accordance with the approved Construction Management Program and any conditions attached to the approved Program.

A certificate of compliance with this condition must be obtained from Council's development engineers. The certificate and the approved Construction Management Program must be submitted as part of the documentation lodged with the application for approval of a construction certificate.

A copy of the approved Construction Management Program and any conditions imposed on that Program, must be kept on the site at all times and made available to any officer of Council upon request.

Notes:

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

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

Awnings (Walker Street, McLaren Street and Harnett Street) to Extend Full Site Frontage

- C5. The proposed awnings to the Walker Street, McLaren Street and Harnett Street frontages, as shown on the plans cited in condition A1, shall provide for continuous weather protection and refuge to the site frontages. The awnings must be capable of being detached from the building facade, must have a low-profile and be constructed of either glass or other light-weight material. Proposed awnings shall include cut-outs of sufficient size to enable unimpeded canopy growth of any existing or proposed street tree.

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

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

Dilapidation Report Damage to Public Infrastructure

- C6. A dilapidation survey and report (including photographic record) must be prepared by a suitably qualified consultant which details the pre-developed condition of the existing public infrastructure in the vicinity of the development site. Particular attention must be paid to accurately recording any infrastructure damaged before development commences, so Council is fully informed when assessing any damage to public infrastructure caused as a result of the development. A copy of the dilapidation survey and report is to be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

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

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

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

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

Dilapidation Report Private Property (Excavation)

- C7. A full dilapidation survey and report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavations must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The zone of influence is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.

The dilapidation report and survey are to be prepared by a consulting structural/geotechnical engineer and a copy to be given to the owner of the relevant affected adjoining property.

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

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

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

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

Dilapidation Survey Private Property (Neighbouring Buildings)

C8. A photographic survey and dilapidation report of adjoining properties located at **144-152 Walker Street** detailing the physical condition of those properties, both internally and externally, including, but not limited to, such items as walls, ceilings, roof, structural members and other similar items, **MUST BE** submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The survey and report are to be prepared by an appropriately qualified person and a copy to be given to the owner of the adjoining property. A copy of the report is to be provided to Council, if Council is not the Principal Certifier, prior to the issue of the relevant Construction Certificate.

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

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

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

(Reason: Proper management of records)

Shoring for Adjoining Property

C9. Where shoring for excavation is to be located on or is supporting Council's property, or adjoining private property, engineering drawings certified as being adequate for their intended purpose by an appropriately qualified and practising structural engineer, showing all details, including the extent of encroachment and the method of removal and de-stressing of shoring elements, must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. A copy of this documentation must be provided to the Council for record purposes.

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

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

Structural Adequacy of Adjoining Properties - Excavation Works

C10. A report prepared by an appropriately qualified and practising structural engineer detailing the structural adequacy of adjoining properties **144-152 Walker Street**, which certifies their ability to withstand the proposed excavation and outlines any measures required to be implemented to ensure that no damage will occur to adjoining properties during the course of the works, must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The measures outlined in the certified report must be complied with at all times.

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

Geotechnical Report

C11. Prior to issue of the relevant Construction Certificate a Geotechnical/Civil Engineering report must be prepared which addresses at a minimum (but is not limited to) the following:

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

- f) recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

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

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

The design principles for the geotechnical report are as follows:

- a) no ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure;
- b) no changes to the ground water level are to occur as a result of the development that are sufficient enough to cause an adverse impact to the surrounding property and infrastructure;
- c) no changes to the ground water level are to occur during the construction of the development that are sufficient enough to cause an adverse impact to the surrounding property and infrastructure;
- d) vibration is to be minimised or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development;
- e) appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these Design Principles; and
- f) an adverse impact can be assumed to be crack damage as identified within the relevant Australian Standard for determining such damage.

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

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

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

Sediment Control

- C12. 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.

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

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

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

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

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

Work Zone

- C13. If a Work Zone is required a Work Zone permit is to be obtained from Council prior to the issue of the relevant Construction Certificate.

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

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

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

(Reason: Amenity and convenience during construction)

Maintain Property Boundary Alignment Levels

- C14. Except where otherwise approved by Council, the property boundary alignment levels must match the levels which existed prior to the commencement of works. Plans and specifications which document existing and proposed levels adjacent to the site boundaries and which comply with the requirements of this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

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

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

Basement Car Park to Comply with Relevant Standards

- C15. The basement layout must comply with all requirements of Australian Standard AS2890.1. and AS2890.2. Certification from a suitably qualified and practicing Civil Engineer that the basement design will comply with the requirements of the Australian Standard must be provided to the Principal Certifier for approval prior to issue of the relevant Construction Certificate.

(Reason: To ensure the basement layout complies with relevant standards)

Required Infrastructure Works - Roads Act 1993

- C16. Prior to issue of the relevant Construction Certificate engineering design plans and specifications must be prepared by a qualified civil design engineer. The plans and specifications must be to a detail suitable for construction issue purposes and must provide detail and specification for the following infrastructure works to be completed as part of the development.

Note: Application for approval of Infrastructure Works under this condition must be submitted to Council using the '*Application to satisfy development consent*' form accompanied by payment of the adopted assessment/inspection fees.

Road Works

That construction must be carried out in accordance with Council's documents, Public Domain Style Manual for the North Sydney Centre, "Infrastructure Specification for Roadworks, Drainage and Miscellaneous Works," "Vehicular Access Application Guidelines and Specification," AS 2890.1, AS 2890.2, conditions of Development Consent No. D58/22, and generally in accordance with the following conditions;

- a) Construction of a new full width footpath pavement in accordance with Council's Public Domain Style Manual and Design Codes, for the North Sydney CBD area, is required across the entire site frontage in McLaren Street, Walker Street and Harnett Street. A longitudinal section is required along the footpath property boundary at a scale of 1:50@A3, extending 5.0 m past the property side boundary lines.
- b) All new footpaths shall be designed and constructed at a single straight cross fall grade of 3.0% falling to the kerb so that it is uniform without showing signs of dipping or rising particularly at entrance.

- c) Reconstruction of the carriageway shoulder is required, extending out from the gutter lip, one car lane width in McLaren Street and Walker Street and half road width in Harnett Street. The carriageway shoulder is to be reconstructed in AC10 - 50mm thick, adjacent to all new gutter works.
- d) Road carriageway surface reconstruction is required wherever the existing road surface is damaged, during the course of demolition, excavation and construction (detailed dilapidation report on Council's infrastructure must be lodged for that purpose).
- e) Construction of a fully new 150mm high kerb and gutter is required across the entire site frontage in McLaren Street, Walker Street and Harnett Street, except in the location of the new vehicular accessway and kerb ramps. A longitudinal section is required along the gutter line (existing and proposed levels), at a scale of 1:50 extending 5.0 m past the property boundary line.
- f) The vehicular crossings (access to basement parking and loading docks) must be constructed in accordance with Council's Public Domain Style Manual and Design Codes.
- g) Replacement kerb ramps, 1200mm minimum width excluding the wings, must be constructed, in accordance with Council's Public Domain Style Manual and Design Codes, in McLaren Street adjacent to Walker Street and in Harnett Street adjacent to McLaren Street.
- h) Tree pit base treatments must be filtapave porous paving, in accordance with Council's Public Domain Style Manual and Design Codes.
- i) Cross sections along the centre-line of each access point to the building, including fire exits, at a scale of 1:50 to be taken from the existing top of kerb must be provided. The sections are to show the calculated clearance to the underside of any overhead structure and must include all changes of grade, both existing and proposed. Any twisting of access levels to ensure safe pedestrian ingress/egress (including disabled access for visitors and pedestrian) must occur entirely within the boundaries of the subject property. All the entry points are to comply with the Building Code of Australia (BCA), particularly disability requirements. The Council approved footpath levels must be accommodated at the building entry points.
- j) Application for temporary driveway crossing, must be submitted to Council with plans for approval prior to the issue of the relevant Construction Certificate. To obtain the permit, an application must be made to Council on a 'Vehicular Access Application' form (with notification "Temporary") and with payment of the adopted assessment/inspection fees.

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 Walker Street. To accommodate this requirement, the following drainage infrastructure works must be carried out on Council property at the Applicants expense:

- a) Construction of a standard grated gully pit with extended kerb inlet (2.4m lintel) in the kerb fronting the subject site in Walker Street. This pit will collect all stormwater from the internal stormwater management system. The pit must be constructed in accordance with Councils "Infrastructure Specification for Roadworks, Drainage and Miscellaneous Works."

Diversion Works

- a) The existing Council's 900 DIA RCP which traverses the site must be redirected. A new 900 DIA RCP is to be constructed along Western (on Council land) and Southern (within the site) property boundaries. A new 3.0 m wide easement must be established over the new 900 mm pipeline that is located within the boundaries of the property.
- b) Construction of a standard grated gully pit with extended kerb inlet (1.8m lintel) in the kerb, over the junction of the new pipeline, fronting the subject site in Harnett Street.
- c) Break into existing stormwater line and construct a new grated gully pit with extended kerb inlet (1.8m lintel) in the kerb fronting the subject site in Harnett Street.
- d) Break into existing stormwater line and construct new junction pit on the southern boundary within the property.
- e) Break into existing stormwater pit on neighbouring (144-152 Walker Street) property and install new 900 mm pipe.

Note: Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.

All costs associated with the stormwater infrastructure relocation and re alignment of the stormwater easement (inclusive of legal costs to create and register necessary easements) is to be borne by the applicant.

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

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

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

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

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

Obtain Driveway Crossing Permit under S.138 Roads Act 1993

C17. A driveway crossing and roads infrastructure works permit to suit the approved off-street parking facilities must be granted by the Council prior to the issue of the relevant Construction Certificate. In order to obtain a permit under S.138 of the Roads Act 1993, an application must be made to Council on the 'Vehicular Access Application' form with payment of the adopted assessment/inspection fees. Council will require civil design construction drawings and certification from the applicant's Civil Engineer to verify design details and enable issue of the permit. The requirements of the permit must be complied with at all times.

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

- a) the vehicular access way must comply with AS 2890.1, AS 2890.2, Council's Public Domain Style Manual for the North Sydney Centre 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;
- b) the redundant layback crossing must be reinstated as kerb gutter and footpath;
- c) the width of the vehicular layback must be 6.0 metres (including the wings);
- d) the vehicular crossover must be set square to the kerb;
- e) the crossing (between the layback and the property boundary) must be placed on a single straight grade of approximately 4.5%, falling to the back of the layback;
- f) the gutter levels and boundary footpath levels must match the existing levels and shall not be altered;
- g) the road shoulder must be reconstructed one lane width, adjacent to all new gutter works;
- h) any twisting of driveway access must occur entirely within the subject property;
- i) all inspection openings, utility services must be adjusted to match the proposed driveway levels;
- j) sections along centre-line and extremities are required at a scale of 1:50 to be taken from the centre-line of the roadway through to the parking area itself and must include all changes of grade and levels both existing and proposed;
- k) a longitudinal section along the gutter line at a scale of 1:50 showing how it is intended to blend the vehicular crossing with the existing kerb and gutter;
- l) a longitudinal section along the footpath property boundary at a scale of 1:50 is required;
- m) the sections must show the calculated clearance to the underside of any overhead structure;
- n) all details of internal ramps between parking levels; and
- o) a swept path analysis is required demonstrating that an 85th percentile vehicle can manoeuvre in and out of the garage spaces in accordance with AS 2890.1 2004 "Off Street Parking."

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

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

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

Foundations Adjacent to Drainage Easements

C18. The foundations for building structures and walls adjacent to the drainage easement are to be constructed in such a manner that does not affect stormwater drainage lines. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To allow maintenance without affecting the building and to ensure there is no damage to public assets)

Stormwater Management and Disposal Design Plan - Construction Issue Detail

C19. Prior to issue of the relevant Construction Certificate, a site drainage management plan must be prepared by a qualified drainage design engineer. The site drainage management plan must detail the following requirements of North Sydney Council:

- a) Compliance with NCC drainage requirements, Council's Engineering Performance guide and current Australian Standards and guidelines, including the Plumbing Code of Australia (PCA).
- b) Stormwater runoff and subsoil drainage generated by the approved development must be conveyed in a controlled manner by gravity to the new stormwater pit in Walker Street.
- c) All civil and drainage works within the road reserve must be designed and built in accordance with Council's current "Infrastructure Specification." Engineering plans and specifications, prepared by a qualified civil drainage design engineer must be approved, in writing, by Council's Development Engineer prior to issue of the relevant Construction Certificate. The required documentation must provide engineering construction detail for public infrastructure works that must be completed as part of the approved development.
- d) A digital video inspection recording of completed drainage work within the public domain and new easement must be carried out by a suitably qualified person and the recording submitted to Council for review by Council's Development Engineer or Drainage to support the certification.
- e) The stormwater drainage system shall be designed for an average recurrence interval (A.R.I) of 1 in 20 years.
- f) All redundant stormwater pipelines within the footpath area shall be removed and footpath and kerb shall be reinstated.

- g) Pipelines within the footpath area shall be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 millimetres and a section height of 100 millimetres.
- h) The design and installation of the rainwater tank(s) must comply with BASIX and Sydney Water requirements. Overflow from the tank(s) shall be connected by gravity to the stormwater disposal system;
- i) Any proposed fence/building structure is to be constructed so as not to impede the natural overland flow ; and
- j) 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.
- k) Surface inlet pits shall be located to catch surface flows and shall be provided at all pipe junctions, changes in pipe direction exceeding 45 degrees, prior to connection to the public drainage system and shall be of sufficient size to accept the flow.
- l) 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 a Construction Certificate.
- m) Prevent any stormwater egress into adjacent properties by creating physical barriers and surface drainage interception.
- n) Provide subsoil drainage to all necessary areas with pump out facilities as required.
- o) Flooding requirements are to conform to the Floodplain Management Policy (Interim), preferably using Council's flood model.

A site drainage management plan which complies with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

On-site Stormwater Detention

C20. On site detention must be provided to ensure that the maximum discharge of stormwater collected from the undeveloped site, which would occur during a 1 in 5- year storm of 1-hour duration is not exceeded. All other stormwater run-off from the site for all storms up to a 1 in 20-year storm event is to be retained on the site for gradual release to the kerb and gutter or piped drainage system. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.

For small areas up to 0.5 hectares, determination of the require 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 Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

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

Pump-out System Design for Stormwater Disposal

C21. The design of the pump-out system for stormwater disposal will be permitted for drainage of basement areas only, and must be designed in accordance with the following criteria: -

- a) the pump system shall consist of two pumps, connected in parallel, with each pump being capable of emptying the holding tank at the rate equal to the rate of inflow for the one-hour duration storm. The holding tank shall be capable of holding one hour's runoff from a one-hour duration storm of the 1 in 20- year storm;
- b) the pump system shall be regularly maintained and serviced, every six (6) months; and
- c) any drainage disposal to the street gutter from a pump system, must have a stilling sump provided at the property line, connected to the street gutter by a suitable gravity line.

Engineering details demonstrating compliance with these criteria and certified by an appropriately qualified and practising civil engineer shall be provided to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

(Reason: To ensure adequate provision is made for the discharge of sub-surface stormwater from the excavated parts of the site)

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

C22. Prior to the issue of the relevant Construction Certificate, security deposit or bank guarantee must be provided to Council in the sum of **\$545,000.00** 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 as a consequence of the doing of anything to which this consent relates,
- b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with this consent
- c) remedying any defects in any such public work that arise within 6 months after the work is completed.
- d) Council reserves the right to retain all bonds on infrastructure works relating to the completion of required Infrastructure work for a twelve-month defect liability period. Council may elect to provide a lesser period for minor residential work.

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

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

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

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

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

Waste Management Plan

C23. A Waste Management Plan is to be submitted for approval by the Principal Certifier prior to the issue of the relevant Construction Certificate. The plan must include, but not be limited to:

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

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

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

External Finishes and Materials

C24. The external colours and finishes including window glazing and screens, must be in accordance with the approved schedule of finishes and materials on drawings A09.001, A09.002, and A09.003 in the Architectural plans prepared by Bates Smart, cited in the table to Condition A1. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the relevant issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure quality built form of development, modified by Sydney North Planning Panel)

Reflectivity Index of Glazing

C25. The glazing for windows, walls or roof finishes of the approved development must be factory pre-finished with low glare and reflectivity properties. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

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

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

Roofing Materials - Reflectivity

C26. Roofing materials must be factory pre-finished with low glare and reflectivity properties to be compatible with the colours of neighbouring buildings. The selected roofing material must not cause a glare nuisance or excessive reflectivity to adjoining or nearby properties. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

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

No External Service Ducts

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

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

Parking Meter Relocation

C28. All costs associated with removal/relocating the metered parking including all sign changes, parking bay line markings must be paid in full to North Sydney Council prior to issue of the relevant Construction Certificate.

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

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

Bicycle Storage and Parking

C29. The bicycle storage area must accommodate a minimum of 108 bicycles, and visitor bicycle parking shall be provided for 20 bicycles suitable for the use of visitors to non-residential premises in the building, in accordance with the North Sydney Development Control Plan 2023 and applicable Australian Standards. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

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

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

C30. Shower and change facilities shall be provided and made accessible without charge to people who work in the building. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the relevant issued Construction Certificate, fully satisfy the requirements of this condition.

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

Accessible Parking Spaces to be Provided

C31. A total of 14 accessible parking spaces shall be provided as part of the total car-parking requirement. Consideration must be given to the means of access from the car-parking spaces to adjacent buildings, to other areas within the building and to footpath and roads. All details shall be prepared in consideration of, and construction completed in accordance with applicable Australian Standards to achieve compliance with the Disability Discrimination Act. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

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

All Vehicle Parking and Manoeuvring to Comply with Relevant Standards

C32. All vehicle parking and manoeuvring areas must comply with all requirements of Australian Standard AS2890.1, and other applicable Australian Standards. Certification from a suitably qualified and practicing Traffic Engineer that the design of these areas will comply with the requirements of applicable Australian Standards and enable all vehicles reasonably expected to access and egress the site to do so, must be provided to the Principal Certifier for approval prior to issue of the relevant Construction Certificate.

Specifically, the following requirements must be complied with:

- a) All aspects of the bicycle parking and storage facilities comply with the Australian Standard AS2890.3. All bicycle parking and storage facilities must be accommodated in the basement parking area.
- b) All aspects of commercial vehicle facilities, including for waste/recyclables collection vehicles, must comply with Australian Standard AS2890.2 Off-street Commercial Vehicle facilities.
- c) Parking spaces for people with disabilities must comply with the Australian Standard AS 2890.6.
- d) Motorcycle parking spaces must have a minimum dimension of 1.2m x 3.0m.
- e) The driveway to the site must be designed such that there are minimum sight lines for pedestrian safety as per Figure 3.2 of AS 2890.1 and not impact existing parking on Walker Street.

- f) No applications are to be made to Council for 'No Parking' or 'Loading Zone' restrictions to benefit the development the subject of this consent.
- g) That the developer upgrades the lighting on Walker Street, McLaren Street and Harnett Street to PR2 and the proposed through site link to PR3 lighting level in accordance with AS1158.3.

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

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

C33. Footpaths, entries and exits and fire exits for the development must be designed by an appropriately qualified and practising Civil Engineer and submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The design must include (but is not limited to) the following:

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

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

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

Arborist to be Commissioned

C34. An experienced AQF Level 5 consulting arborist ("the project 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.

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

The project arborist shall prepare a Tree Protection and Management Plan, inspect, monitor, supervise, provide recommendations, written reports and certification relating to protection of trees in accordance this consent.

Written details of the engagement of the project arborist and the Tree Protection Management Plan must be submitted to the Principal Certifier prior to the issue of the relevant Construction Certificate.

Contact details for the project arborist shall be advised to Council's Landscape Development Officer before work commences and maintained up to date for the duration of works. If a new project arborist is appointed, their details shall be notified to Council within 7 days.

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

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

Protection of Trees

C35. The following trees are required to be protected and retained as part of the development consent in accordance with AS 4970-2009 - Protection of trees on development sites:

Tree	Location	Height
T10 <i>Platanus x hybrida</i>	Council verge in front of 45 McLaren Street - Walker Street frontage	15m x 19m
T11 <i>Platanus x hybrida</i>	Council verge in front of 45 McLaren Street - Walker Street frontage	15m x 19m
T12 <i>Platanus x hybrida</i>	Council verge in front of 45 McLaren Street - Walker Street frontage	10m x 15m
T13 <i>Platanus x hybrida</i>	Council verge in front of 45 McLaren Street - Walker Street frontage	10m x 15m

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

Any trees 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

C36. All pruning works to the following trees 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:

Trees that may Require Pruning	Location	Height
T10 <i>Platanus x hybrida</i>	Council verge in front of 45 McLaren Street - Walker Street frontage	15m x 19m
T11 <i>Platanus x hybrida</i>	Council verge in front of 45 McLaren Street - Walker Street frontage	15m x 19m
T12 <i>Platanus x hybrida</i>	Council verge in front of 45 McLaren Street - Walker Street frontage	10m x 15m
T13 <i>Platanus x hybrida</i>	Council verge in front of 45 McLaren Street - Walker Street frontage	10m x 15m

No more than 10% of any tree’s canopy shall be pruned. Marked-up photographs of proposed pruning shall be submitted to Council for approval by the Landscape Development Officer prior to any pruning being permitted.

A report detailing the measures to be employed during construction shall be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

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

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

Approval for Removal of Trees

C37. The following tree(s) are approved for removal in accordance with the development consent:

Trees that are acceptable to remove	Location	Height
T1-T9 - Various species	Within site - 45 McLaren Street	var
T14-T20 - Various species	Within site - 45 McLaren Street	var
T22-T27 - Various species	Within site - 45 McLaren Street	var
T29-T40 - Various species	Within site - 45 McLaren Street	var
T21 & T28 <i>Camellia sasanqua</i>	Council verge - McLaren Street	2m x 2m

Removal or pruning of any other tree on the site is not approved, excluding species exempt under Section 16 Tree and Vegetation Management - Part B North Sydney Development Control Plan 2013.

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

(Reason: Protection of existing environmental and community assets)

Amendments to Landscape Documentation

C38. The landscape documentation cited by the table to condition A1 must be amended as follows to provide an appropriate landscaped setting:

- a) No more than 10% canopy pruning shall be permitted to any one of trees numbered T10-T13. Hoarding and scaffolding shall be designed to minimise the need for any pruning.
- b) Any awnings shall include cut-outs of sufficient size to enable unimpeded canopy growth of any existing or proposed street tree.
- c) 1 x additional *Platanus x hybrida* (200l) shall be planted in the council verge between T11 and T12 on the Walker Street frontage.
- d) The 2 x *Platanus x hybrida* (200l) proposed to be planted in the council verge on the McLaren Street frontage shall be replaced with 3 x *Liriodendron tulipifera* (200l)
- e) McLaren Street frontage shall be replaced with 3 x *Liriodendron tulipifera* (200l)
- f) An amended landscape plan complying with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier must ensure that the amended landscape plan and other plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To ensure residential amenity)

Root Mapping

C39. Non-invasive/non-destructive root mapping is to be undertaken within the tree protection zone (TPZ) (identified as per AS4970-2009) of T10-T13 *Platanus x hybrida* located in the council verge in front of 45 McLaren Street (Walker Street frontage) to determine the size and depth of the tree roots prior to the design of any works within the TPZ of these trees.

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 Principal Certifier for approval (with a copy provided to Council) prior to the issue of the relevant Construction Certificate. Plans and Specifications submitted to the Certifier 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)

Tree Bond for Public Trees

C40. Prior to the issue of the relevant construction certificate, security in the sum of \$160,000.00 must be provided to Council for the protection of trees in public places, including the making good of any damage caused to such trees. The security is to be provided in accordance with the Schedule below.

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

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

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

In the case of any tree, which cannot be replaced with a similar specimen, the security for that tree will be forfeited to Council and used to provide replacement street plantings.

SCHEDULE

Tree Species	Location	Bond
T10 <i>Platanus x hybrida</i> -15m x 19m	Council verge in front of 45 McLaren Street - Walker Street frontage	\$50,000
T11 <i>Platanus x hybrida</i> -15m x 19m	Council verge in front of 45 McLaren Street - Walker Street frontage	\$50,000
T12 <i>Platanus x hybrida</i> -10m x 15m	Council verge in front of 45 McLaren Street - Walker Street frontage	\$30,000
T13 <i>Platanus x hybrida</i> -10m x 15m	Council verge in front of 45 McLaren Street - Walker Street frontage	\$30,000

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

Tree Protection Measures to be shown on Construction Drawings

C41. The tree protection measures contained in the arborist report prepared by Australis Tree Management dated 12/06/2023, and as amended in the arborist report prepared by Naturally Trees dated 28/02/2024 shall be shown clearly on the Construction Certificate drawings. Plans and specifications showing the said tree protection measures must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier must ensure the construction plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

Garbage and Recycling Facilities

C42. An appropriate area must be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by these premises. The following requirements must be met:

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

- c) provision for the separation and storage in appropriate categories of material suitable for recycling;
- d) garbage enclosures serving non-residential uses are not to be located within areas designated for dining purposes; and
- e) commercial waste storage and collection areas must be accessible by vehicles expected to collect waste from the premises.

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

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

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

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

Construction Noise Management Plan

C43. 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 Draft Construction Noise Guideline.
- e) Representative background noise levels should be submitted in accordance with the Draft Construction Noise Guideline.
- 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/vibration monitoring methodology that is to be undertaken during the noise/vibration intensive stages of work including details of monitoring to be undertaken at the boundary of any noise/vibration affected receiver.
- h) What course of action will be undertaken following receipt of a complaint concerning offensive noise/vibration.
- i) Details of any mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise/vibration impacts on the occupants at noise affected receivers.

- j) Details of selection criteria for any plant or equipment that is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on occupants at noise affected receivers and other less intrusive technologies available; and
- k) Details of site induction to be carried out for all employees and contractors undertaking work at the site.

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

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

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

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

Location of Plant

C44. All plant and equipment (including but not limited to air conditioning equipment) is to be located within the basement of the building and is not to be located on balconies or the roof. Plans and specifications complying with this condition must be submitted to the Principal Certifier for Approval prior to the issue of the relevant Construction Certificate.

(Reason: Minimise impact on surrounding properties, improved visual appearance and amenity for locality)

Noise from Plant and Equipment

C45. The use of all plant and equipment installed on the premises must not:

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

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

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

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

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

Vibration from Plant and Equipment

- C46. The use of all plant and equipment to be installed on the premises must comply with the vibration limits specified in “Assessing Vibration: a technical guideline” issued by the NSW Environment Protection Authority, at the boundary of any affected receiver.

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

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

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

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

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

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

Asbestos and Hazardous Material Survey

- C47. A report must be prepared by a suitably qualified person in relation to the existing building fabric to be demolished and/or disturbed identifying the presence or otherwise of asbestos contamination or other hazardous material contamination; if asbestos or other hazardous material contamination is present, making recommendations as to the work required to safely address the contamination.

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

- a) the removal of asbestos must be undertaken by a Safework NSW licensed contractor.
- b) all removal must be in strict accordance with the requirements of the Safework NSW Authority in relation to the removal, handling and disposal of material containing asbestos and any Work Safe Australia requirements.
- c) during the removal of any asbestos a sign stating “DANGER ASBESTOS REMOVAL IN PROGRESS” must be erected in a visible position at the boundary of the site; and

- d) Waste disposal receipts must be provided to the Principal Certifier as proof of correct disposal of asbestos laden waste.

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

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

Acoustic Privacy (Residential Apartments)

- C48. Noise levels in sole occupancy units of residential apartments must not exceed the following:

Location	Maximum
Habitable Rooms other than Sleeping Areas	40 Laeq (1hr)
Sleeping Areas	35 Laeq (1hr)

The “Maximum” limits are to apply in any hour of a 24-hour period with the windows of the sole occupancy unit closed.

“habitable room” has the same meaning as in the National Construction Code.

A floor separating sole occupancy units shall have a weighted standardised impact sound pressure level L'_{nT} , not more than 55dB when measured in-situ in accordance with AS ISO 140.7-2006 “Field measurements of impact sound insulation of floors” and rated to AS ISO 717.2-2004 “Rating of sound insulation in buildings and of building elements. Part 2: Impact sound insulation.” This condition shall not apply to the floor of a kitchen, bathroom, toilet or laundry in a residential sole occupancy unit.

Mechanical equipment such as lift plant, air conditioning plant servicing the building and pumps shall not be located immediately adjacent bedrooms.

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 above have been satisfied, must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

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

Apartment Noise Attenuation Design

- C48A. A qualified acoustical engineer with membership of the Association of Australasian Acoustical Consultants must certify that the building has been designed to effectively minimise noise intrusion from any internal or external noise source, in accordance with any relevant standards or guidelines, having particular regard to the noise attenuation of internal party walls between apartments where living areas abut neighbouring bedrooms. Details are to be submitted with plans for the relevant Construction Certificate.

(Reason: To ensure adequate acoustic privacy, included by Sydney North Planning Panel)

Air Conditioners in Residential Premises

- C49. The use of any air conditioner installed on the premises must comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulations 2017 and State Environmental Planning Policy (Transport and Infrastructure) 2021 and must not:
- (a) emit a noise that is audible within a habitable room in any affected residence (regardless of whether any door or window to that room is open);
 - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or Public Holiday; or
 - (ii) before 7.00am or after 10.00pm on any other day
 - (b) cause an LAeq(15min) which exceeds the RBL background noise level by more than 5dB when measured at the boundary of any affected residence. The modifying factor adjustments in Section 4 of the Environment Protection Authority Noise Policy for Industry 2017 will be applied.

“affected residence” includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation and hospitals.

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

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

(Reason: To maintain residential amenity)

Compliance with Acoustic Report

- C50. The recommendations contained in the Noise Impact Assessment prepared by E-Lab Consulting dated 14 June 2023, must be implemented during construction and use of the development.

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

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

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

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

Mechanical Exhaust Ventilation

C51. A statement from an appropriately qualified and practising Mechanical Engineer is required detailing how the exhaust ventilation system will be installed in accordance with AS1668. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the relevant issued Construction Certificate, fully satisfy the requirements of this condition.

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

Underground Electricity and Other Services

C52. All energy and telecommunication provision to the site is to be designed in conjunction with relevant authorities, so that it can be easily connected underground. Plans and specifications complying with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

Adaptable Housing

C53. The following nominated apartments are to be designed in accordance with the standard adaptable housing AS4299 - 1995.

Schedule of adaptable units:

404, 106, 202, 302, 402, 502, 602, 702, 802, 603, 703, 803, 902, 1002.

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

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

Section 7.11 Contributions

C54. A monetary contribution of **\$1,060,000.00** pursuant to the provisions of Section 7.11 of *the Environmental Planning and Assessment Act 1979*, in accordance with and as detailed by the North Sydney Council Local Infrastructure Contributions Plan, must be paid to Council.

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

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

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

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

Planning Agreement

C55. Applicable provisions of the Planning Agreement that applies to the land the subject of this consent shall be enforced, as those provisions relate to or are required by the proposed development.

(Reason: Implementation of Planning Agreement)

Security Deposit/Guarantee Schedule

C56. All fees and security deposits/ guarantees in accordance with the schedule below must be provided to Council prior to the issue of the relevant Construction Certificate:

Security Deposit/Guarantee	Amount (\$)
Street Tree Bond (on Council Property)	\$160,000.00
Road Reserve Damage Bond	200,000.00
Drainage Construction Bond	75,000.00
Engineering Construction Bond	270,000.00
TOTAL BONDS	\$705,000.00

Note: The following fees applicable

Fees	
Local Infrastructure Contributions	\$1,060,000.00
TOTAL FEES	\$1,060,000.00

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)

BASIX Certificate

C57. Under section 75 of the Environmental Planning and Assessment Regulation 2021, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. **1389976M** for the development are fulfilled. Plans and specifications complying with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

(Reason: To ensure the proposed development will meet the Government's requirements for sustainability and statutory requirements)

Under Awning Lighting

- C58. Under awning lighting must be provided to the Walker Street frontage of the site. Such lighting is to be designed to P1 standard in accordance with AS/NZS 1158.3.1. The luminaries must be:
- a) weatherproof and vandal proof;
 - b) designed in conjunction with Ausgrid so that the system can easily be connected to a public lighting system when available;
 - c) the location and type of the said luminaries shall be to the satisfaction of Council's Director of Engineering and Property Services; and
 - d) Provided and maintained at no cost to Council.

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

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

Outdoor Lighting

- C59. All outdoor lighting must comply with, where relevant AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282:1997 Control of the Obtrusive Effects of Outdoor lighting. Details demonstrating compliance with these requirements must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition.

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

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

Project Arborist Engaged

- D1. A Project Arborist shall be engaged to undertake the following responsibilities:
- a) Ensure tree protection measures detailed in the approved Tree Protection and Management Plan, and as directed by the project arborist are established before work commences.
 - b) Inspect tree protection measures and certify in writing to the Principal Certifier that the measures comply with the approved Tree Protection and Management Plan and as directed by the project arborist before work commences.
 - c) Provide guidance and oversight of tree protection and management to ensure that the stability and ongoing viability of trees being retained is not compromised.
 - d) 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.

- e) Ensure any pruning is 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.
- f) 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 Trees

- D2. All trees 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 Principal Certifier prior to commencement of any works on the site. Any recommendations must be undertaken for the duration of works on the site.

Sensitive construction techniques including hand excavation, pier and beam construction and flexible location of piers/footings shall be used within the Tree Protection Zone (TPZ) of any protected tree. No roots greater than 40mm shall be cut. Any proposed stormwater works or any other underground services directed through the TPZ of any protected tree shall be and installed via non-invasive methods.

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

Temporary Fences and Tree Protection

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

Appropriate fencing or barricades in accordance with AS4970-2009 (Protection of trees on development sites), must be installed to the satisfaction of the Project Arborist prior to 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)

Protection of Public Trees

- D4. 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
T10-T13 <i>Platanus x hybrida</i>	Council verge in front of 45 McLaren Street - Walker Street frontage	Trunk, branch and root protection

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

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

(Reason: Protection of existing environmental and community assets)

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

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

(Reason: To ensure compliance with Sydney Water requirements)

Commencement of Works' Notice

D7. Building work, demolition or excavation in accordance with this development consent must not be commenced until the developer has given at least two days' notice to North Sydney Council of the person's intention to commence building work, demolition or excavation in accordance with this development consent.

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

E. During Demolition and Building Work

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 at all times during the course of the development works, with no obstructions caused to the said footways and roadways. Construction materials and plant must not be stored in the road reserve without approval of Council. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site.

Where public infrastructure is damaged, repair works must be carried out in when and as directed by Council officers (at full Developer cost). Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "Traffic Control Devices for Work on Roads". **If pedestrian circulation is not satisfactorily maintained across site frontages, 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 demolition and 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 Principal Certifier.

(Reason: Stormwater control during demolition and construction)

Structures Clear of Drainage Easements

- E4. It is the full responsibility of the Developer and their contractors to: -
- a) Ascertain the exact location of the Council drainage infrastructure traversing the site in the vicinity of the works;
 - b) Take full measures to protect the in-ground Council drainage system; and
 - c) Ensure dedicated overland flow paths are satisfactorily maintained through the site.

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

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

(Reason: Protection of Public Drainage Assets)

Geotechnical Stability during Works

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

Geotechnical aspects of the development work, namely appropriate excavation method and vibration control, support and retention of excavated faces, and hydrogeological considerations must be undertaken in accordance with the recommendations of the Geotechnical Desktop Study prepared by Douglas Partners dated 15 June 2023 and all subsequent geotechnical inspections carried out during the excavation and construction phase.

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

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

Council Inspection of Public Infrastructure Works

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

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

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)

No Work on Public Open Space

E7. 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)

Applicant's Cost of Work on Council Property

E8. The developer must bear the cost of all works associated with the development that occurs on Council's property, including the restoration of damaged areas.

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

Protection of Trees

E9. 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 Australis Tree Management dated 12/6/23, and as amended in the arborist report prepared by Naturally Trees dated 28/2/24 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 96 of the Environmental Planning and Assessment Act 1979 will be required to address the non-compliance with any of the conditions of consent relating to the retention of nominated trees, and Council may require tree replenishment.

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

Trees to be Removed

E10. All trees on the site must be protected and retained save for those expressly identified below as being approved for removal:

Trees that are acceptable to remove	Location	Height
T1-T9 - Various species	Within site - 45 McLaren Street	var
T14-T20 - Various species	Within site - 45 McLaren Street	var
T22-T27 - Various species	Within site - 45 McLaren Street	var
T29-T40 - Various species	Within site - 45 McLaren Street	var
T21 & T28 <i>Camellia sasanqua</i>	Council verge -McLaren Street	2m x 2m

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

Noxious Plants

E11. All lantana, privet, rubber trees, asthma weed, and other declared noxious plants on the site, must be eradicated before the commencement of landscape works.

(Reason: To ensure that plants identified as weed species are not allowed to proliferate or interfere with a quality landscaping outcome)

Contamination

E12. Post demolition of any structures the following is required: -

- a) Further groundwater assessment including intrusive sampling. If contamination of groundwater is identified, a Remediation Action Plan shall be drawn up by a suitably qualified environmental consultant detailing the process for addressing the contaminated groundwater.
- b) Inspection of the building footprint by a suitably qualified environmental consultant for any soil contamination.
- c) In the event contaminated soil is identified through visual inspection or through soil testing as required, a Remediation Action Plan shall be drawn up by a suitably qualified environmental consultant detailing the process for excavation, storage and handling, classification, disposal, or reuse of disturbed soils on site.
- d) Any soils found to contain contaminants of concern must be classified for disposal purposes, appropriately stored, and properly disposed of to a facility licensed to receive that category of waste.
- e) The site will be required to be adequately remediated and validated as being fit for its intended use by a suitably experienced environmental consultant. A notice of completion, including validation is to be provided to Council following removal of any contaminated soils.
- f) A Validation report is required to be completed following the completion of any remediation works. The report is to be provided to the Principal Certifier and Council.

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

Asbestos Removal

E13. 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 Safework NSW requirements)

Dust Emission and Air Quality

E14. The following must be complied with at all times:

- (a) Materials must not be burnt on the site.
- (b) Vehicles entering and leaving the site with soil or fill material must be covered.
- (c) Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the NSW Department of Housing's 1998 guidelines - Managing Urban Stormwater: Soils and Construction.
- (d) Odour suppression measures must also be carried out where appropriate so as to prevent nuisance occurring at adjoining properties.

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

Noise and Vibration

E15. The works must be undertaken in accordance with the "Interim Construction Noise Guideline" published by the NSW Environment Protection Authority, to ensure excessive levels of noise and vibration do not occur so as to minimise adverse effects experienced on any adjoining land.

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

Compliance with Construction Noise Management Plan

E16. All works conducted on site which form part of this development must be carried out in accordance with the submitted Construction Noise Management Plan submitted with the relevant Construction Certificate and all conditions of consent.

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

No Removal of Trees on Public Property

E17. 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)

Benchmarks

E18. All permanent survey markers must be retained, undamaged, and not relocated.

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

Special Permits

E19. 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)

Service Adjustments

E20. The adjustment or inclusion of any new utility service or facilities must be carried out by an appropriate contractor in accordance with the requirements of the relevant utility authority.

These works shall be at no cost to Council. It is the Applicant’s responsibility to contact the relevant utility authorities to ascertain the impacts of the proposal upon utility services prior to the commencement of any work, including demolition (including water, phone, gas and the like).

Council accepts no responsibility for any impact on or influence upon utility services provided by another authority.

(Reason: To ensure the service requirements are met)

Construction Hours (Commercial Core and Mixed-use Zones)

E21. Construction activities and works approved under this consent must be carried out only within the hours stipulated in the following table:

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

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

In the event of breach to the approved hours of construction Council take may take enforcement action under Part 9 of the EP&A Act 1979 and in accordance with Council’s adopted Compliance and Enforcement Policy.

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

Out-of-hours’ Work Permits

E22. Where it is necessary for works to occur outside those hours allowed by these conditions, an application may be made to Council’s Customer Services Centre for a permit to carry out works outside of the approved hours. If a permit is issued the works approved must be carried out in accordance with any requirements specified in the permit. Permits will only be approved if **public safety is at risk**. Applications which seek a variation to construction hours solely to benefit the developer will require the lodgement and favourable determination of a modification application pursuant to the provisions of Section 4.55 of the Environmental Planning and Assessment Act 1979.

Notes:

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

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

Installation and Maintenance of Sediment Control

- E23. Erosion and sediment controls must be installed and maintained at all times in accordance with the sediment and erosion control plan submitted and approved with the relevant Construction Certificate.

Erosion and sediment measures must be maintained in accordance with the publication *Managing Urban Stormwater: Soils and Construction* (4th 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 E26

- E24. A durable sign must be erected during building works in a prominent location on site, warning of penalties should appropriate erosion and sedimentation control devices not be maintained. A sign of the type referred to in this condition is available from Council.

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

Site Amenities and Facilities

- E25. Where work involved in the erection and demolition of a building is being carried out, amenities which satisfy applicable occupational health and safety and construction safety regulations, including any SafeWork NSW Authority requirements, must be provided and maintained at all times. The type of workplace determines the type of amenities required.

Further information and details can be obtained from the Internet at www.safework.nsw.gov.au.

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

Health and Safety

- E26. All work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any SafeWork NSW requirements to prepare a health and safety plan. Site fencing must be installed sufficient to exclude the public from the site. Safety signs must be erected that warn the public to keep out of the site and provide a contact telephone number for enquiries. Further information and details regarding occupational health and safety requirements for construction sites can be obtained from the internet at www.safework.nsw.gov.au.

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

Community Information

- E27. 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)

Prohibition on Use of Pavements

- E28. Building materials must not be placed on Council's footpaths, roadways, parks or grass verges, (unless a permit is obtained from Council beforehand). A suitable sign to this effect must be erected adjacent to the street alignment.

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

Plant and Equipment Kept Within Site

- E29. All plant and equipment used in the undertaking of the development/ works, including concrete pumps, wagons, lifts, mobile cranes, hoardings etc, must be situated within the boundaries of the site (unless a permit is obtained from Council beforehand) and so placed that all concrete slurry, water, debris and the like must be discharged onto the building site, and is to be contained within the site boundaries.

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

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

Imported Fill Material

E30. 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 Principal Certifier on request.

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

Waste Disposal

E31. 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)

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

National Construction Code

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

(Reason: Prescribed - Statutory)

Home Building Act

F2. 1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act 1989) for which the Home Building Act 1989 requires there to be a contract of insurance under Part 6 of that Act must not be carried out unless the Principal Certifier for the development to which the work relates has given North Sydney Council written notice of the contract of insurance being issued and of the following:

- a) in the case of work for which a principal contractor is required to be appointed:
 - i) the name and licence number of the principal contractor, and
 - ii) the name of the insurer by which the work is insured under Part 6 of that Act, or

- (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

- 2) If arrangements for doing residential building work are changed while the work is in progress such that the information submitted to Council in accordance with this condition is out of date, work must cease, and no further work may be carried out unless the Principal Certifier for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

Note: A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this condition, sufficient evidence that the person has complied with the requirements of that Part.

(Reason: Prescribed - Statutory)

Appointment of Principal Certifier (PC)

- F3. Building work, demolition or excavation in accordance with the development consent must not be commenced until the developer has appointed a Principal Certifier for the building work in accordance with the provisions of the EP&A Act and its Regulations.

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

Construction Certificate

- F4. Building work, demolition or excavation in accordance with the development consent must not be commenced until a Construction Certificate for the relevant part of the work has been issued in accordance with the provisions of the EP&A Act and Regulations.

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

Occupation Certificate

- F5. A person must not commence occupation or use of the whole or any part of a new building (*new building* includes an altered portion of, or an extension to, an existing building) unless the relevant Occupation Certificate has been issued in relation to the building or part of the building. Only the Principal Certifier appointed for the building work can issue such an Occupation Certificate.

(Reason: Statutory)

Critical Stage Inspections

- F6. Building work must be inspected by the Principal Certifier on the critical stage occasions prescribed by the EP&A Act and its Regulations, and as directed by the appointed Principal Certifier.

(Reason: Statutory)

Commencement of Works' Notice

F7. Building work, demolition or excavation in accordance with this development consent must not be commenced until the developer has given at least two days' notice to North Sydney Council of the person's intention to commence the erection of the building.

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

Excavation/Demolition

F8. Demolition and excavation shall be carried out as follows:

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

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

Protection of Public Places

F9. The following works shall be carried to protect public places:

- a) A hoarding and site fencing must be erected between the work site and adjoining public place.
- b) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- c) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- d) Any such hoarding, fence or awning is to be removed when the work has been completed.
- e) No access across public reserves or parks is permitted.

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

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

Site Sign

- F10. A sign must be erected in a prominent position on the site
- a) Stating that unauthorised entry to the work site is prohibited;
 - b) Showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
 - c) Showing the name, address and telephone number of the Principal Certifier for the work.

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

(Reason: Prescribed - Statutory)

G. Prior to the Issue of an Occupation Certificate

Green Travel Plan

- G1. A Green Travel Plan must be prepared by a suitably qualified traffic engineer or planner and submitted for approval by Council, prior to the relevant Occupation Certificate.

The Green Travel Plan must include, and is not limited to:

- (a) empirical analysis of typical travel demand and mode share outcomes for walking, cycling, public transport and private vehicular use for similar developments (base case scenario);
- (b) a vision and objectives for the Travel Plan that are consistent with the community's vision for transport as detailed in the North Sydney Transport Strategy;
- (c) specific, measurable, ambitious and realistic targets, including timeframes for achieving them;
- (d) an action plan, with links to identified targets, which demonstrates how these actions will deliver the Travel Plan vision, reduce travel demand and/or increase walking, cycling, public transport and ride sharing for trips to and from the site. This could include:
 - (i) Identification and promotion of public transport options to access the site (for example, on a website and /or business cards);
 - (ii) Preparation of a Transport Access Guide (TAG) for the site.
 - (iii) Implementation of a car pool system for employees;
 - (iv) Introduce staff car sharing scheme for fleet vehicles;
 - (v) Use taxis or public transport for work related journeys;
 - (vi) Provide priority parking for staff who car pool with more than 2 passengers;
 - (vii) Encouragement of cycling and walking to the site through generous provision of bicycle parking, showers and lockers;
 - (viii) Incentive schemes to encourage employees to commute using sustainable transport modes (such as the provisions of public transport vouchers/subsidised public transport tickets);
 - (ix) Allocation of designated parking spaces for a car sharing scheme;
 - (x) Prominent display of a large map of cycling routes (i.e. in the foyer of a residential, educational or business complex);
 - (xi) Provide staff with cycling allowances, loans and insurance together with bicycle storage and showering and changing facilities; and

- (e) undertakings to regularly evaluate and review the Travel Plan.

Notes:

- Transport Access Guides (TAGs) provide information to staff and clients on how to reach places via public transport, walking or cycling.
- The strategies listed above do not comprise an exhaustive list and Council may consider alternative strategies that reduce the reliance on the use of private motor vehicles.

(Reason: To encourage use of public transport and active transport and to minimise reliance on the private motor vehicle)

Charging Facility for Electric Vehicles to be Provided

- G2. Appropriate provision must be incorporated into the design of car parking areas to allow for the installation of charging facilities for electric vehicles.

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

(Reason: To promote sustainability and energy efficiency)

Infrastructure Repair and Completion of Works

- G3. Prior to the issue of the relevant Occupation Certificate 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)

Line Marking

- G4. A certificate prepared by an appropriately qualified and practising Civil Engineer certifying the construction, paving, line marking and signposting of [INSERT] off-street car-parking spaces, together with access driveways, in accordance with the approved development plans, appropriate Australian Standards and industry best practice as appropriate must be submitted to, and approved by, the Principal Certifier prior to issue of the relevant Occupation Certificate.

(Reason: To ensure ongoing compliance with this development consent and Australian Standards relating to manoeuvring and access of vehicles)

Access to Premises

G5. Prior to the issue of the relevant Occupation Certificate, a certificate must be prepared an appropriately qualified and practising Civil Engineer certifying that access and facilities for persons with a disability in accordance with the Building Code of Australia and AS Disability (Access to Premises - buildings) Standards 2010 (Premises Standards) has been provided. This certificate must be submitted to, and approved by, the Principal Certifier prior to issue of the relevant Occupation Certificate.

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

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 Principal Certifier (and a copy forwarded to Council if it is not the Principal Certifier) for the building work prior to the issue of any Occupation Certificate, the asbestos clearance certificate must certify the following: -

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

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

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

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

Noise Certification

G7. Prior to issue of the relevant Occupation Certificate a certificate from an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants is to be submitted to, and approved by, the Principal Certifier certifying that the noise and vibration from use of the development complies with the conditions of consent herein.

(Reason: To ensure acoustic amenity)

Apartment Noise Attenuation Construction

G7A. A qualified member of the Association of Australasian Acoustical Consultants must certify that construction of the internal party walls ensures that all sound between apartments, sound producing plant, equipment, machinery, mechanical ventilation system or refrigeration systems has sufficient acoustical attenuation, in accordance with any relevant standards or guidelines. Details must be submitted to the Principal Certifier before the issue of the relevant Occupation Certificate.

(Reason: To ensure best practice standards for residential acoustic amenity, included by Sydney North Planning Panel)

Certification - Civil Works

G8. Civil works are to be certified as required below:

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

(Reason: Compliance with the Consent)

Works as Executed Drawings and Video

G9. A works-as-executed survey drawing (W.A.E.) of the completed stormwater drainage system must be obtained. The W.A.E. survey drawing must show the alignment, depth and grade of the stormwater drainage pipelines, pits and ancillary plumbing. The W.A.E. survey drawing must be reviewed by a qualified and practising civil engineer and certification provided to the Principal Certifier that the as-built system achieves the design intent of the plans approved with the Construction Certificate. Certification must be provided with the W.A.E. survey drawing to the Principal Certifier prior to the issue of the relevant Occupation Certificate.

CCTV inspection of conduits, that revert to the care and control of Council, shall be conducted in accordance with the Conduit Inspection Reporting Code of Australia WSA 05-2013.

The camera, transportation unit, distance measuring devices, illumination systems and ancillary equipment shall be used suitable for the conduit size, material and conditions under which the inspection is undertaken.

The camera shall be steerable and be able to negotiate bends within the drainage pipe. The use of a pushrod camera may only be acceptable for pipe diameters less than 150mm or where a steerable camera cannot navigate.

A colour camera shall be used which has remotely operated automatic and/or manual adjustment of the focus and iris to allow optimum picture quality to be achieved.

The camera lens shall be capable of viewing the extremities of the conduit and panning and or tilting to view the lateral connections and defects or features at and position around the conduit regardless of the direction of travel of the camera in the main conduit.

The adjustment of focus and iris shall provide a focal range from 15 mm to infinity. The distance along the conduit in focus from the initial point of observation shall be a minimum of four times the vertical height of the conduit.

Where required, specialized instruments, apparatus and/or software shall be used to facilitate measurement of parameters to determine acceptance. Hardware and software used in measuring the parameters shall be correctly calibrated for each application using the manufacturer's methods.

For circular or regular shaped conduits, the camera shall be positioned centrally, $\pm 10\%$ of the vertical and horizontal diameter, within the conduit.

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

(Reason: Compliance with the Consent)

Certification for Mechanical Exhaust Ventilation

G10. Prior to issue of the relevant Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, must be submitted to, and approved by, the Principal Certifier.

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

Utility Services

G11. All utility services shall be adjusted to the correct levels and/or location/s required by this consent, prior to issue of the relevant Occupation Certificate. This shall be at no cost to Council.

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

Covenant and Restriction (Stormwater Control Systems)

G12. An Instrument pursuant to Sections 88B and 88E of the *Conveyancing Act* 1919 and one copy must be submitted to Council in registrable form, providing for:

- a. a restriction as to user and positive covenant as to user as appropriate in favour of North Sydney Council burdening 45 McLaren Street, North Sydney, requiring the ongoing retention, maintenance and operation of the stormwater facility (on-site detention, rainwater tank, pump-out (as constructed/installed));
- b. North Sydney Council being nominated in the Instrument as the only party authorised to release, vary or modify the Instrument;
- c. the wording on the Instrument making reference to the Council file/s which hold:
 - (a) the Construction plans; and
 - (b) the "Work-as-Executed" (as built) plans;

The terms of the Instrument must be executed by an authorised delegate of North Sydney Council prior to submission to the NSW Land Registry Services for registration.

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

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

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

(Reason: Compliance and adequate maintenance of drainage system)

New Drainage Easement (Relocated Pipeline)

G13. An Instrument pursuant to Section 88A of *the Conveyancing Act 1919* and one copy must be submitted to Council in registrable form, providing for:

- a) a drainage easement in favour of Council over the newly constructed stormwater pipeline within the property that reverts to Council's care and control.
- b) The easement shall be at no cost to Council;
- c) Access rights for Council personnel and equipment to inspect and maintain and/or replace the drainage pipeline;
- d) North Sydney Council being nominated in the Instrument as the only party authorised to release, vary or modify the Instrument.

The terms of the Instrument must be executed by an authorised delegate of North Sydney Council prior to submission to the NSW Land Registry Services for registration.

The Instrument creating the easement required by this condition of consent must be registered on the Title of the development site prior to the issue of the relevant Occupation Certificate or commencement of use of the site, whichever is the earlier.

Evidence of registration of the easement must be provided to Council prior to issue of the relevant Occupation Certificate.

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

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

Basement Pump-out Maintenance

G14. Prior to issue of the relevant Occupation Certificate a Maintenance Regime must be prepared for the basement stormwater and groundwater pump-out system and submitted to the Principal Certifier for approval with the relevant Occupation Certificate documentation. The regime must specify that the system is to be regularly inspected and checked by qualified practitioners.

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

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

Notification of New Address Developments

G15. Prior to the relevant Occupation Certificate being issued, the person acting upon this consent must comply with the following: -

(a) Notify Australia Post of the address(es) as issued by Council and the location in plan form of any secondary, internal addresses, in relation to built public roads. Check Australia Post Website (www.auspost.com.au) to find your nearest Australia Post Delivery Facility.

(Reason: To ensure that Council records are accurate, that house numbering complies with the requirements of Council’s House Numbering Policy and to assist emergency services.)

Landscaping

G16. The landscaping shown in the approved landscape documentation cited in condition A1 and as amended by this consent, must be completed prior to the issue of the final Occupation Certificate.

(Reason: Compliance)

Required Tree Planting

G17. On completion of works and prior to the issue of the Occupation Certificate for the whole of the building, 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>Platanus x hybrida</i>	Council verge in front of 45 McLaren Street - Walker Street frontage-between T11&T12	200l
3 x <i>Liriodendron tulipifera</i> (200l)	Council verge in front of 45 McLaren Street - McLaren Street frontage	200l

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

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

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

Certification of Tree Condition

G18. Prior to the issue of an Occupation Certificate, a report prepared by an appropriately qualified person (being an arborist or the like) must be submitted to the Principal Certifier, describing the health of the tree(s) specifically nominated below:

Protected Trees	Location	Height
T10 <i>Platanus x hybrida</i>	Council verge in front of 45 McLaren Street - Walker Street frontage	15m x 19m
T11 <i>Platanus x hybrida</i>	Council verge in front of 45 McLaren Street - Walker Street frontage	15m x 19m
T12 <i>Platanus x hybrida</i>	Council verge in front of 45 McLaren Street - Walker Street frontage	10m x 15m
T13 <i>Platanus x hybrida</i>	Council verge in front of 45 McLaren Street - Walker Street frontage	10m x 15m
1 x <i>Platanus x hybrida</i>	Council verge in front of 45 McLaren Street - Walker St frontage-between T11&T12	200l
3 x <i>Liriodendron tulipifera</i> (200l)	Council verge in front of 45 McLaren Street - McLaren St frontage	200l

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

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

Vehicle Egress Signs

G19. Prior to the issue of the relevant Occupation Certificate, appropriate sign(s) must be provided and maintained within the site at the point(s) of vehicular egress to ensure all vehicles stop before proceeding onto the public way.

(Reason: To ensure pedestrian safety)

Disposal Information

G20. Upon completion of works and prior to occupation, a report including the following information must be provided to Council's Open Space and Environmental Services Department:

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

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

Height

G21. Upon completion of the works and prior to the issue of the relevant Occupation Certificate the RLs of the development, measured at the highest levels of the building in relation to the maxima of RL 115 and RL 103 (as shown on the Height of Buildings Map North Sydney Local Environmental Plan 2013) must be surveyed and certified by an appropriately qualified and practising surveyor as compliant with the maximum approved levels in accordance the architectural plans cited in the table to condition A1. This survey and certification must be submitted to the Principal Certifier with the application for the relevant Occupation Certificate and a copy provided to Council (if Council is not the Principal Certifier).

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

Final Survey

G22. Upon completion of the works and prior to the issue of the final Occupation Certificate a final survey of the development and site is to be carried out by an appropriately qualified and practising registered surveyor to demonstrate whether the completed works encroach on any public or private property, both above and below the ground.

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

Sydney Water

G23. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

The Section 73 Certificate must be submitted to the Principal Certifier prior to the issue of the relevant Occupation Certificate.

Notes: Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water website www.sydneywater.com.au/customer/urban/index, or telephone 13 20 92. Following application, a 'Notice of Requirements' will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

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

Damage to Adjoining Properties

G24. On completion of the development the subject of this consent and prior to the issue of the relevant the Occupation Certificate, a report is to be prepared by an appropriately qualified consultant and is to be provided to the Principal Certifier (and a copy to Council if it is not the Principal Certifier) certifying:

- a) whether any damage to adjoining properties has occurred as a result of the development;
- b) the nature and extent of any damage caused to the adjoining property as a result of the development;
- c) the nature and extent of works required to rectify any damage caused to the adjoining property as a result of the proposed development;

- d) the nature and extent of works carried out to rectify any damage caused to the adjoining property as a result of the development; and
- e) the nature and extent of any agreements entered into for rectification of any damage caused to the adjoining property as a result of the development.

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

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

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

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

Verification Statement (External Finishes and Materials)

- G25. Prior to the issue of the relevant Occupation Certificate, a verification statement from a qualified designer or architect (preferably the original designer), must be submitted to Council and the Principal Certifier certifying that the external finishes and materials are in accordance with the approved schedule of finishes and materials identified in this consent.

"qualified designer" means a person registered as an architect in accordance with the Architects Act 2003 cl. 50(1A) EP&A Regs 2000.

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

Installation of Cooling Water Systems

- G26. A Risk Management Plan (RMP) must be completed before any cooling water system becomes operational. The RMP needs to be documented on the approved form (www.health.nsw.gov.au/environment/legionellacontrol/Pages/legionella-protocols) and submitted to Council no later than seven (7) days after the RMP has been completed.

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

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

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

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

Landscape Maintenance Plan

G27. A Landscape Maintenance Plan is to be submitted to the satisfaction of Council's Landscape Development Officer that ensures the ongoing viability and vigour of plant species, the practicalities of undertaking landscape maintenance are met as well as the retention of the intended aesthetic values of the Landscape Plan.

(Reason: Maintenance of landscaping)

BASIX Completion Receipt

G28. In accordance with section 45 Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, prior to issuing the final Occupation Certificate the Principal Certifier must provide a BASIX completion receipt.

(Reason: To ensure compliance with the Regulations)

House Numbering (Dwellings)

G29. Prior to the relevant Occupation Certificate being issued an application must be made to North Sydney Council for written confirmation, or allocation, of the street address(es) and apartment number(s) for the completed project in accordance with Council's Property Addressing Policy. These are the numbers that will be recorded in Council records and must be displayed at the property in accordance with the provisions of AS/NZS 4819:2011.

Note: If apartments are to be sold off the plan, the applicant must have written confirmation from Council of the address and apartment numbering if the apartment number is to be identified on the contract.

(Reason: To ensure that Council records are accurate, and that house numbering complies with the requirements of Council's House Numbering Policy. Proper house numbering also assists emergency services in readily locating properties)

Intercom

G30. An intercom system must be provided in a convenient location adjacent to the visitor parking entry to enable easier and safe access to visitor parking prior to issue of the relevant Occupation Certificate.

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

I. Ongoing/Operational Conditions

First Use of Premise - Further Consent Required

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

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

Advertising Signs - Further Consent Required

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

(Reason: Compliance)

Trade Waste

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

(Reason: Compliance with Sydney Water's requirements)

Noise and Vibration Impact

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

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

Visitors' Parking Sign

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

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

Use of Car Parking Spaces

16. Car parking spaces provided must only be used in conjunction with the approved uses contained within the development. Visitor parking facilities must be designated as common property on any strata plan. Visitor parking facilities must not at any time be allocated, sold, licensed or leased for the exclusive use of any owner or occupier or third party and must be retained as Common Property by the owners' corporation for use by building visitors.

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

Allocation of Spaces

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

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

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

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

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

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

Loading within Site

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

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

Minimum Headroom for Car Parking

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

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

No Illumination

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

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

Daily Cleaning

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

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

Waste Collection

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

(Reason: To ensure the amenity of surrounding properties)

Delivery Hours

- I13. No deliveries, loading or unloading associated with the premises are to take place between the hours of 10.00 pm and 6.00 am on any day.

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

Maintenance of Approved Landscaping

- I14. The owner of the premises at 45 McLaren Street is to maintain the landscaping approved by this consent generally in accordance with approved plans.

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

(Reason: To ensure maintenance of the amenity, solar access and views of adjoining properties)

Lighting Generally

- I15. Lighting on rooftop or podium levels or on other levels within the building must not be illuminated between 11.00 pm and 7.00 am unless the illumination is essential for aviation safety or pedestrian and traffic safety. The design and placement of lighting must:

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

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

Ongoing Care of Street Trees

- I16. The 1 x *Platanus x hybrida* and 3 x *Liriodendron tulipifera* (200l) located in the road reserve shall be watered for a period of six (6) months after the final construction certificate is issued. The watering shall be approximately 200 litres per week (min) , per tree delivered gently by hose or watering can so that the surrounding soil can absorb the water. A liquid fertiliser or similar should be applied during this period, as directed by the manufacturer.

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

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