

Original signed by Robyn Pearson on 8/3/2021

Date determined 3/3/2021

Date operates 8/3/2021

Date lapses 8/3/2026

Weir Phillips Architects  
**Attention: Robert Weir and Tina Ho**  
Level 19, 100 William Street  
WOOLLOOMOOLOO NSW 2011

D324/20  
AB7 (CIS)

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

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

---

**Development Application Number:** 324/20

---

**Land to which this applies:** 19 Bennett Street, Cremorne  
Lot No.: 21, DP: 1260567

---

**Applicant:** Weir Phillips Architects

---

**Proposal:** Alterations and additions to dwelling including construction of pavilion and pergola, new fence and tennis court fence, gate, steps, driveway widening, landscaping including removal of trees.

---

**Determination of Development Application:** The development application was considered by the **North Sydney Local Planning Panel (NSLPP)** on 3 March 2021. Subject to the provisions of Section 4.17 of the Environmental Planning and Assessment Act 1979, approval has been granted subject to conditions in the notice of determination.

---

**Date of Determination:** 3 March 2021

---

**Reason for approval:** The Panel has carefully considered all submissions made both oral and written, and is satisfied subject to conditions that the development does not adversely impact on the heritage significance of the item and its curtilage or the amenity of the adjoining properties. The proposal will sit comfortably on this large site and has less than 25% overall site coverage. The replacement planting over time will provide an appropriate setting for the heritage item and will contribute to the streetscape.

---

**Consent to operate from:**

---

---

8 March 2021

---

**Consent will lapse on:** 8 March 2026

---

**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 8 March 2026.

---

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

The submissions received by Council were addressed in the NSLPP report (see Council's website: [https://www.northsydney.nsw.gov.au/Council\\_Meetings/Meetings/NSLPP/2021/3\\_March\\_2021](https://www.northsydney.nsw.gov.au/Council_Meetings/Meetings/NSLPP/2021/3_March_2021))

---

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

Within 6 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**

---

DATE

---

Signature on behalf of consent authority  
ROBYN PEARSON  
**TEAM LEADER (ASSESSMENTS)**

---

**(i) Conditions**

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

**(ii) Definitions**

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

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

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

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

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

***Council*** means North Sydney Council.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Work* for the purposes of this consent means:

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

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

**INDEX OF CONDITIONS**

	<b>Page No.</b>
<b>A. <i>Conditions that Identify Approved Plans</i></b>	
A1. Development in Accordance with Plans/documentation	7
A2. Plans on Site	7
A3. No Demolition of Extra Fabric	7
A4. External Finishes & Materials	8
<b>C. <i>Prior to the Issue of a Construction Certificate (and ongoing, where indicated)</i></b>	
C1. Dilapidation Report Damage to Public Infrastructure	8
C2. Stormwater Disposal	9
C3. Sediment Control	9
C4. Waste Management Plan	10
C5. Colours, Finishes and Materials (Heritage Items)	10
C6. Sandstone Re-pointing	10
C7. Bond for Damage and Completion of Infrastructure Works – Stormwater, Kerb and Gutter, Footpaths, Vehicular Crossing and Road Pavement	10
C8. Tree Bond for Public Trees	11
C9. Tree Protection Measures to be shown on Construction Drawings	12
C10. Protection of Trees	12
C11. Approval for removal of Trees	13
C12. Screen Planting	14
C13. Section 7.12 Development Contributions	14
C14. Security Deposit/ Guarantee Schedule	14
C15. Tennis Court Fence and Outdoor Lighting	15
C16. Amendments to the Landscape Plan	15
<b>D. <i>Prior to the Commencement of any Works (and continuing where indicated)</i></b>	
D1. Protection of Trees	16
D2. Tree Protection Measures	16
D3. Protection of Public Trees	16
D4. Temporary Fences and Tree Protection	17
D5. Public Liability Insurance – Works on Public Land	17
D6. Commencement of Works Notice	17
<b>E. <i>During Demolition and Building Work</i></b>	
E1. Re-use of Sandstone	18
E2. Parking Restrictions	18
E3. Road Reserve Safety	18
E4. Temporary Disposal of Stormwater Runoff	19
E5. Removal of Extra Fabric	19
E6. No Work on Public Open Space	19
E7. Developer's Cost of Work on Council Property	19
E8. No Removal of Trees on Public Property	19
E9. Protection of Trees	20
E10. Trees to be Removed	20

E11.	Special Permits	21
E12.	Noxious Plants	22
E13.	Construction Hours	22
E14.	Archaeological Discovery During Works	23
E15.	Prohibition on Use of Pavements	23
E16.	Plant & Equipment Kept Within Site	23
E17.	Waste Disposal	23

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

F1.	National Construction Code	24
F2.	Home Building Act	24
F3.	Appointment of a Principal Certifier (previously known as a PCA)	25
F4.	Construction Certificate	25
F5.	Occupation Certificate	25
F6.	Mandatory Critical Stage Inspections	25
F7.	Demolition	25
F8.	Protection of Public Places	25
F9.	Site Sign	26

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

G1.	Infrastructure Repair and Completion of Works	26
G2.	Damage to Adjoining Properties	27
G3.	Utility Services	27
G4.	Certification of Tree Condition	27
G5.	Landscaping	28
G6.	Required Tree Planting	28
G7.	Required Screen Plantings	28
G8.	Unpaved Verge	28
G9.	Compliance with Certain conditions	29

***I. On-Going / Operational Conditions***

I1.	Maintenance of Approved Landscaping	29
I2.	Ongoing Street Tree Care	29

**A. Conditions that Identify Approved Plans**

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

<b>Plan No.</b>	<b>Title</b>	<b>Drawn by</b>	<b>Dated</b>	<b>Received</b>
DA00	Cover Page	Weir Phillips Architects	05/11/2020	10/12/2020
DA01	Site Analysis Plan	Weir Phillips Architects	05/11/2020	10/12/2020
DA02	Proposed Pavilion Plan	Weir Phillips Architects	05/11/2020	10/12/2020
DA03	Proposed Pavilion Roof Plan	Weir Phillips Architects	05/11/2020	10/12/2020
DA04	Bennett Street Elevation & Section A	Weir Phillips Architects	05/11/2020	10/12/2020
DA05	Pavilion Elevation & Driveway Section	Weir Phillips Architects	05/11/2020	10/12/2020
LP01	DA Cover Page – Landscape Plan	Dangar Barin Smith	02/12/2020	10/12/2020
LP02	Landscape Plan	Dangar Barin Smith	02/12/2020	10/12/2020

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

**Plans on Site**

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

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

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

**No Demolition of Extra Fabric**

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

(Reason: To ensure compliance with the approved development)

### **External Finishes & Materials**

- A4. External finishes and materials must be in accordance with the submitted schedule in plan number 'DA00' dated 2 December 2020, prepared by Weir Phillips Architects, and received by Council on 10 December 2020 unless otherwise modified by Council in writing. Bricks are to be reddish brown or brown in colour. New roof tiles are to be similar in profile and colour to the tiles on the dwelling. New sandstone is to be rock faced, split faced, sparrow picked or similarly textured. Sawn sandstone is not to be used. New driveway material is to match the existing brick paver.

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

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

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

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

#### **Dilapidation Report Damage to Public Infrastructure**

- C1. A dilapidation survey and report (including photographic record) must be prepared by a suitably qualified consultant which details the pre-developed condition of the existing public infrastructure in the vicinity of the development site. Particular attention must be paid to accurately recording any pre-developed damaged areas so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development. A copy of the dilapidation survey and report is to be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

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

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

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

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



### **Stormwater Disposal**

- C2. Stormwater runoff generated by the approved development must be conveyed by gravity to the existing site stormwater drainage disposal system. A licensed tradesman shall install plumbing components to achieve this requirement in accordance with the BCA and current plumbing standards and guidelines. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on, and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure appropriate provision for disposal and stormwater management arising from the development)

### **Sediment Control**

- C3. 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 & Construction* (4th edition, Landcom, 2004) commonly referred to as the “Blue Book” or a suitable and effective alternative method.

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

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

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

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

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

### **Waste Management Plan**

- C4. A Waste Management Plan is to be submitted for approval by the Certifying Authority prior to the issue of any 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)

### **Colours, Finishes and Materials (Heritage Items)**

- C5. A traditional palette of finishes, materials and colour schemes must be selected for the new building works appropriate to the architectural style of the original building and submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition prior to the release of the Construction Certificate.

(Reason: To ensure that exterior colours, finishes and materials are sympathetic to the significance of the heritage item.)

### **Sandstone Re-pointing**

- C6. Any repointing works to the sandstone block walls must be undertaken using traditional lime mortar by a qualified stonemason. Written details of the engagement of a qualified stonemason must be submitted to the Certifying Authority prior to the issue of any Construction Certificate.

The Certifying Authority must also 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 provisions of the Heritage Act may also apply to altering any sandstone elements on any site.

(Reason: To allow for preservation of cultural resources within the North Sydney Council area)

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

- C7. Prior to the issue of any Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of \$2,000.00 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.

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

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

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

- 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 Certifying Authority must ensure that security is provided to North Sydney Council prior to issue of any Construction Certificate.

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

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

- C8. Prior to the issue of any construction certificate, security in the sum of \$10,000.00 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 6 months from the issue of any final Occupation Certificate but only upon inspection and release by Council's Landscape Development Officer.

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

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

**SCHEDULE**

<b>Tree Species</b>	<b>Location</b>	<b>Bond</b>
T31 <i>Sapium sebiferum</i>	Council verge in front of 19 Bennett Street.	\$5,000.00
<i>Sapium sebiferum</i>	Council verge in front of 19 Bennett Street-west of driveway	\$5,000.00

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

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

C9. The tree protection measures contained in the arborist report prepared by Tree Management Services dated 18 February 2021 and received by Council on 18 February 2021 and as amended in the conditions of this consent, shall be shown clearly on the Construction Certificate drawings. Plans and specifications showing the said tree protection measures must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure the construction plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

**Protection of Trees**

C10. 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:

<b>Tree</b>	<b>Location</b>	<b>Height</b>
T31 <i>Sapium sebiferum</i>	Council verge in front of 19 Bennett Street	5m
<i>Sapium sebiferum</i>	Council verge in front of 19 Bennett Street-west of driveway	8m
T29 <i>Howea forsteriana</i>	Rear setback of 19 Bennett Street	7m
T30 <i>Washingtonia robusta</i>	Rear setback of 19 Bennett Street	20m
T32-T34 <i>Howea forsteriana</i>	Rear setback of 19 Bennett Street	1-4m
T13-17 and T21-23 <i>Howea forsteriana</i>	Eastern boundary – rear setback 19 Bennett – To be transplanted	(2-9m)

<i>Lagerstroemia indica</i>	Council verge in front of 19A Bennett Street – West of driveway	3m
-----------------------------	---	----

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

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

(Reason: Protection of existing environmental and community assets)

**Approval for removal of Trees**

C11. The following tree(s) are approved for removal in accordance with the development consent:

Trees that are acceptable to remove	Location	Reason
T1-T12 <i>Lagerstroemia indica</i> (9m)	Eastern boundary – rear setback 19 Bennett	Facilitate proposal
T18, T19 <i>Pyrus calleryana</i> (12,13m)	Eastern boundary – rear setback 19 Bennett	Facilitate proposal
T20 <i>Jacaranda mimosifolia</i> (14m)	Eastern boundary – rear setback 19 Bennett	Facilitate proposal
T35 <i>Ulmus parvifolia</i> (14m)	Rear setback adjacent out buildings 19 Bennett	Removal approved under DA68/18
T36 <i>Liquidambar styraciflua</i>	Northern boundary – rear setback 19 Bennett	Facilitate proposal

Removal of any other tree on the site is not approved, excluding species exempt under Council’s Tree Preservation Order. Any tree(s) shown as being retained on the approved plans (regardless of whether they are listed in the above schedule or not) must be protected and retained in accordance with this condition.

Prior to the approved removal of any tree(s), the tree(s) must be aerially inspected for the presence of active nests and/or hollows by a qualified arborist. Where an active nest or hollow is identified, tree removal must be deferred until after the breeding season is complete and any juveniles have fledged/dispersed. In the case of a permanently occupied hollow or nest (e.g., possum drey), a Licensed wildlife contractor must be engaged to relocate the affected animal to an alternative hollow, provided by the applicant, that is situated within 50m of the existing hollow.

(Reason: Protection of existing environmental and community assets)

### **Screen Planting**

C12. To maintain acceptable levels of privacy, screen planting must be installed and maintained adjacent to the eastern boundary of the site behind the proposed pavilion. The required screen planting must consist of suitable screening species capable of attaining a mature height of at least the finished pavilion structure. Details of the screen planting required by this condition must be provided to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the details submitted fully satisfy the requirements of this condition.

(Reason: To preserve the privacy of adjoining properties)

### **Section 7.12 Development Contributions**

C13. A monetary contribution pursuant to the provisions of Section 7.12 of the Environmental Planning and Assessment Act 1979 is to be paid to Council, in accordance with the North Sydney Council's Contribution Plan. Based on the cost of development a total contribution of \$975.00 is to be paid to Council to provide for additional local infrastructure improvements.

The contribution **MUST BE** paid prior to the issue of any Construction Certificate. 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 Contribution Plan can be viewed at North Sydney Council's Customer Service Centre, 200 Miller Street, North Sydney or downloaded via Council's website at [www.northsydney.nsw.gov.au](http://www.northsydney.nsw.gov.au)

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

### **Security Deposit/ Guarantee Schedule**

C14. All fees and security deposits/ guarantees in accordance with the schedule below must be provided to Council prior to the issue of any Construction Certificate:

<b>Security deposit/ guarantee</b>	<b>Amount (\$)</b>
Street Tree Bond (on Council Property)	\$10,000.00
Footpath Damage Bond	\$2,000.00
<b>TOTAL BONDS</b>	<b>\$12,000.00</b>

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

(Reason: Compliance with the development consent)

### **Tennis Court and Outdoor Lighting**

- C15. 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. No approval is given or implied under this consent for tennis court lighting.

Full details of the tennis court fence must be submitted to Council's Manager Development Services for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition.

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

### **Amendments to the Landscape Plan**

- C16. The landscape plan must be amended as follows to provide an appropriate landscaped setting:
- 1) The 2 x additional *Magnolia* 'Exmouth' (400-L) shall be planted along the eastern boundary within the rear setback of 19 Bennett Street.
  - 2) 1 x *Lagerstroemia indica* 'Tuscarora' (75-L) shall be planted in the council verge immediately to the east of the driveway of 19 Bennett Street.
  - 3) A green screen planting shall be included along the eastern face of the pavilion in order to provide screening and soften the built form when viewed from adjoining properties. This screening may be either free standing in nature, or a creeper growing on a suitable support structure.
  - 4) The proposed *Macadamia sp.* tree shall be replaced by a species that is only able to reach a maximum height of 9m and must be a minimum 400-L pot size.
  - 5) 1 x additional *Cupaniopsis anacardiodes* (400-L) shall be planted within the subject site close to the eastern boundary with No. 19A Bennett Street.
  - 6) The Tree Data Schedule P1 contained within the Arborist Report prepared by Tree Management Services dated 3 December 2020 incorrectly shows *T1-T12 Lagerstroemia indica* (9m) to be transplanted. These trees are proposed for removal, and an amended Tree Data Schedule that accurately reflects this shall be provided.
  - 7) Trees 24-28 (*Magnolia* 'Exmouth') identified within the Arborist Report prepared by Tree Management Services dated 18 February 2021 and received by Council on 18 February 2021, are conditioned for retention and protection as per Condition C10 of this consent. Amended plans are to be provided that allow for their retention and protection as per AS-4970. Sensitive construction techniques shall be required, and no level changes shall be permitted within the TPZs of these trees. New designs should be carried out in consultation with an AQ5 arborist.
  - 8) Tree 36 *Liquidambar styraciflua* shall be replaced by a suitable deciduous tree which will reach a height of 12 metres at maturity to be located in the general vicinity of the tree that will be removed.

- 9) Two of the existing Crepe Myrtles to be retained and incorporated into the landscape plan and the Tuckeroo is to be planted in the same vicinity.

An amended landscape plan complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority 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)

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

**Protection of Trees**

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

A report containing recommendations, and methods of tree protection prepared by an appropriately qualified person must be provided to the Certifying Authority for approval by an appropriately qualified person prior to commencement of any works on the site. Any recommendations must be undertaken for the duration of works on the site.

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

**Tree Protection Measures**

- D2. The tree protection measures detailed in the approved Tree Protection and Management Plan, and as directed by the project arboriculturist, shall be established before work commences.

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

**Protection of Public Trees**

- D3. The following tree(s) are required to be protected and retained as part of the development consent in accordance with AS 4970-2009 – Protection of trees on development sites:

<b>Tree Species</b>	<b>Location</b>	<b>Protection</b>
T31 <i>Sapium sebiferum</i> (5m)	Council verge in front of 19 Bennett Street	1.8m high steel mesh tree protection fencing
<i>Sapium sebiferum</i> (8m)	Council verge in front of 19 Bennett Street-west of driveway	1.8m high steel mesh tree protection fencing
<i>Lagerstroemia indica</i> (3m)	Council verge in front of 19A Bennett Street – west of driveway.	1.8m high steel mesh tree protection fencing.



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

(Reason: Protection of existing environmental and community assets)

### **Temporary Fences and Tree Protection**

- D4. All protected trees on-site that are specifically nominated as per Condition C10 to be retained by notation on plans or by condition as a requirement of this consent must be tagged with luminous tape or the like for purposes of identification prior to demolition, excavation or construction works and must remain so for the duration of works on the site. No materials or builder's waste are to be stored in the vicinity of the nominated tree/trees at any time.

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

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

### **Public Liability Insurance – Works on Public Land**

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

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

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

### **Commencement of Works Notice**

- D6. Building work, demolition or excavation in accordance with this development consent must not be commenced until the developer has given at least 2 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***

**Re-use of Sandstone**

- E1. Sandstone blocks (if any) removed from the site are to be either stored for re-use on site or offered to Council in the first instance.

Note: The provisions of the Heritage Act may also apply to altering any sandstone elements on any site)

(Reason: To allow for preservation of cultural resources within the North Sydney Council area)

**Parking Restrictions**

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

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

**Road Reserve Safety**

- E3. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works, with no obstructions caused to the said footways and roadways. Construction materials and plant must not be stored in the road reserve without approval of Council. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site.

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

(Reason: Public Safety)

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

- E4. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to reasonably manage and control runoff as far as the approved point of stormwater discharge. Such ongoing measures must be to the satisfaction of the Certifying Authority.

(Reason: Stormwater control during construction)

### **Removal of Extra Fabric**

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

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

### **No Work on Public Open Space**

- E6. No work can be undertaken within adjoining public lands (ie. 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)

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

- E7. The developer must bear the cost of all works associated with the development that occurs on Council's property, including the restoration of damaged areas.

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

### **No Removal of Trees on Public Property**

- E8. No trees on public property (footpaths, roads, reserves, etc.) unless specifically approved by this consent shall be removed or damaged during construction including for the erection of any fences, hoardings or other temporary works.

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

**Protection of Trees**

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 Arborist Report prepared by Tree Management Services dated 18 February 2021, received by Council on 18 February 2021, and as subsequently amended, must be implemented for the duration of the works.

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

Notes:

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

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

**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: -

<b>Trees that are acceptable to remove</b>	<b>Location</b>	<b>Height</b>
T1-T12 <i>Lagerstroemia indica</i>	Eastern boundary – Rear setback Bennett	19 9m
T18, T19 <i>Pyrus calleryana</i>	Eastern boundary – Rear setback Bennett	19 12,13m
T20 <i>Jacaranda mimosifolia</i>	Eastern boundary – Rear setback Bennett	19 14m
T35 <i>Ulmus parvifolia</i>	Rear setback adjacent outbuildings Bennett	19 14m

Prior to the approved removal of any tree(s), the tree(s) must be aerially inspected for the presence of active nests and/or hollows by a qualified arborist. Where an active nest or hollow is identified, tree removal must be deferred until after the breeding season is complete and any juveniles have fledged/dispersed. In the case of a permanently occupied hollow or nest (e.g., possum drey), a Licensed wildlife contractor must be engaged to relocate the affected animal to an alternative hollow, provided by the applicant, that is situated within 50m of the existing hollow.

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

## **Special Permits**

E11. 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**

Eg. 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)

**Noxious Plants**

E12. 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)

**Construction Hours**

E13. Building construction and works must be restricted to within the hours of 7.00 am to 5.00 pm Monday to Friday and on Saturday to within the hours of 8.00 am to 1.00 pm inclusive, with no work on Sundays and Public Holidays.

Demolition and excavation works must be restricted to within the hours of 8.00 am to 5.00 pm Monday to Friday only. For the purposes of this condition:

- a) "Building construction" means any physical activity on the site involved in the erection of a structure, cladding, external finish, formwork, fixture, fitting of service installation and the unloading of plant, machinery, materials or the like.
- b) "Demolition works" means any physical activity to tear down or break up a structure (or part thereof) or surface, or the like, and includes the loading of demolition waste and the unloading of plant or machinery.
- c) "Excavation work" means the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders, or the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site and includes the unloading of plant or machinery associated with excavation work.

All builders, excavators must display, on-site, their twenty-four (24) hour contact telephone number, which is to be clearly visible and legible from any public place adjoining the site.

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

### **Archaeological Discovery During Works**

E14. Should any historical or Aboriginal relic be discovered on the site during demolition, excavation or site preparatory works, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW must be informed in accordance with the provisions of the Heritage Act 1977 and/or National Parks and Wildlife Act, 1974. Works must not recommence until such time as approval to recommence is given in writing by Council or a permit from the Director of the NPWS is issued.

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

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

E15. 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 & Equipment Kept Within Site**

E16. All plant and equipment used in the undertaking of the development/ works, including concrete pumps, wagons, lifts, mobile cranes, hoardings etc, must be situated within the boundaries of the site (unless a permit is obtained from Council beforehand) and so placed that all concrete slurry, water, debris and the like must be discharged onto the building site, and is to be contained within the site boundaries.

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

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

### **Waste Disposal**

E17. 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 National Construction Code.

(Reason: Prescribed - Statutory)

**Home Building Act**

F2. 1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act 1989) for which the *Home Building Act* 1989 requires there to be a contract of insurance under Part 6 of that Act must not be carried out unless the Principal Certifying Authority 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 conditions is out of date, work must cease and no further work may be carried out unless the Principal Certifying Authority 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 clause, sufficient evidence that the person has complied with the requirements of that Part.

(Reason: Prescribed - Statutory)



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

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

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

### **Construction Certificate**

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 building work has been issued in accordance with the provisions of the EP&A Act and its Regulations.

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

### **Occupation Certificate**

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 an Occupation Certificate has been issued in relation to the building or part. Only the Principal Certifying Authority appointed for the building work can issue an Occupation Certificate.

(Reason: Statutory)

### **Mandatory Critical Stage Inspections**

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

(Reason: Statutory)

### **Demolition**

F7. Demolition work must be undertaken in accordance with the provisions of AS2601-Demolition of Structures.

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

### **Protection of Public Places**

- F8.
- 1) A hoarding and site fencing must be erected between the work site and adjoining public place.
  - 2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

- 3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- 4) Any such hoarding, fence or awning is to be removed when the work has been completed.
- 5) No access across public reserves or parks is permitted.

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

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

### **Site Sign**

- F9.
- 1) A sign must be erected in a prominent position on the site
    - a) stating that unauthorised entry to the work site is prohibited;
    - b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
    - c) showing the name, address and telephone number of the Principal Certifying Authority for the work.
  - 2) Any such sign must be maintained while to building work or demolition work is being carried out, but must be removed when the work has been completed.

(Reason: Prescribed - Statutory)

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

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

- G1. Prior to the issue of any Occupation Certificate any and all works relating to the development:
- a. in the road reserve must be fully completed; and
  - b. to repair and make good any damaged public infrastructure caused as a result of any works relating to the development (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) must be fully repaired;

to the satisfaction of Council Engineers at no cost to Council.

(Reason: Maintain quality of Public assets)

**Damage to Adjoining Properties**

G2. All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights and the need for owner’s permission must be observed at all times, including the entering onto land for the purpose of undertaking works.

(Reason: To ensure adjoining owner’s property rights are protected)

**Utility Services**

G3. All utility services shall be adjusted, to the correct levels and/or location/s required by this consent, prior to issue of an occupation certificate. This shall be at no cost to Council.

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

**Certification of Tree Condition**

G4. Prior to the issue of an Occupation Certificate, a report prepared by an appropriately qualified person (being an arborist or the like) must be submitted to the Certifying Authority, describing the health of the tree(s) specifically nominated below: -

<b>Tree</b>	<b>Location</b>	<b>Height</b>
T31 <i>Sapium sebiferum</i>	Council verge in front of 19 Bennett Street	5m
<i>Sapium sebiferum</i>	Council verge in front of 19 Bennett Street-west of driveway	8m
T29 <i>Howea forsteriana</i>	Rear setback of 19 Bennett Street	7m
T30 <i>Washingtonia robusta</i>	Rear setback of 19 Bennett Street	20m
T32-T34 <i>Howea forsteriana</i>	Rear setback of 19 Bennett Street	1-4m
T13-17 & T21-23 <i>Howea forsteriana</i>	Eastern boundary – Rear setback 19 Bennett – To be transplanted	2-9m
2 x additional <i>Magnolia</i> ‘Exmouth’ (400l)	Eastern boundary – Rear setback of 19 Bennett Street [See Condition C16(1)]	
1 x <i>Lagerstroemia indica</i> ‘Tuscarora’ (75l)	Council verge to the east of the driveway of 19 Bennett St [See Condition C16(2)]	
Green screen planting	Along the eastern face of the proposed pavilion [See Condition C16(3)]	
1 x additional <i>Cupaniopsis anacardiodes</i>	Within the subject site [See Condition C16(5)]	400-L
<i>Lagerstroemia indica</i>	Council verge in front of 19A Bennett Street – west of driveway	2-3m

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)

### **Landscaping**

- G5. The landscaping shown in the approved landscape plan LP01 and LP02, prepared by Dangar Barin Smith, dated 2 December 2020 and received by Council on 10 December 2020, and as amended by Conditions C12 and C16 of this consent, must be completed prior to the issue of any Occupation Certificate.

(Reason: To ensure compliance)

### **Required Tree Planting**

- G6. On completion of works and prior to the issue of an Occupation Certificate trees in accordance with the schedule hereunder must be planted in Council's nature strip/footpath: -

#### **SCHEDULE**

<b>Trees Species</b>	<b>Location</b>	<b>Pot size</b>
1 x <i>Lagerstroemia indica</i> 'Tuscarora'	Council verge to the east of the driveway of 19 Bennett Street.	75-L

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

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

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

### **Required Screen Plantings**

- G7. The screen planting required by this consent must be completed prior to the issue of any Occupation Certificate. The specified landscape elements must be provided and maintained in accordance with the requirements of this consent at all times.

(Reason: To ensure privacy is maintained)

### **Unpaved Verge**

- G8. The unpaved verge area must be constructed/reconstructed with an appropriate species of grass prior to completion of the works at no cost to Council

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

**Compliance with Certain conditions**

- G9. Prior to the issue of any Occupation Certificate, Condition C16 must be certified as having been implemented on site and complied with.

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

**I. On-Going / Operational Conditions**

**Maintenance of Approved Landscaping**

- I1. The owner of the premises at 19 Bennett Street is to maintain the landscaping approved by this consent generally in accordance with the Landscape Plan prepared by Dangar Barin Smith, dated 2 December 2020 as modified by Conditions C12 and C16.

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)

**Ongoing Street Tree Care**

- I2. The 1 x *Lagerstroemia indica* 'Tuscarora' (75-L) planted in the council verge to the east of the driveway of 19 Bennett Street shall be watered for a period of six (6) months after the final construction certificate is issued. The watering shall be approximately 20 litres per week (min) delivered gently by hose or watering can so that the surrounding soil can absorb the water. Seasol solution is recommended once a month over this period.

(Reason: To ensure that replacement plantings on Council property are of sufficient health to enhance community landscaped amenity)