



11 August 2025

Secretary
Dept of Planning, Housing & Infrastructure
12 Darcy Street
PARRAMATTA NSW 2150

SSD 83956216
DA184/2025/1
JD6 (P&E)

ATTENTION: Megan Fu, Principal Planner

**STATE SIGNIFICANT DEVELOPMENT APPLICATION 83956216
105-153 MILLER STREET NORTH SYDNEY
NEW UNIVERSITY CAMPUS
APPLICANT: INVESTA CUSTODIAN (2) PTY LTD**

Dear Secretary,

I refer to the Department's request for advice regarding the subject State Significant Development application for 105-153 Miller Street North Sydney, being the adaptive reuse of the former MLC Centre for the purpose of a new university campus. Following a review of available documents, herein Council provides advice and recommended conditions of consent are attached, as requested.

On 31 July 2025, the Department advised Council the exhibition period had been extended two days, until 06 August 2025. A 'placeholder' submission was uploaded to the Major Projects Portal on 4 August 2025.

As advised in Council's 'placeholder' submission, Council objects to the proposed development for the following reasons:

- Street level activation in Miller Street and Denison Street could be considerably improved by including additional active uses like retail and food and beverage premises along both frontages, and in the podium level public spaces on the southern and northern sides of the building.
- Parts of the building that open onto the public domain are proposed to be used as a "University Hub", which according to the application offers "an active interface with the city". How this would be achieved seems to require further consideration/clarification and requires a more thorough explanation than provided.
- Conditions are recommended to ensure appropriate redesign of the forecourt landscaping, to preserve the significant Lewers' sculptures in their garden setting and consultation with the Lewers family and Michael Mészáros (son of Andor Mészáros), regarding conservation and restoration of the bas relief "Strength in Unity" to the southern façade of the Miller Street building.

RECOMMENDATION

Before consent is granted, Council recommends that:

Revised plans and documentation providing a detailed description of each level of the “University Hub” and adjacent outdoor areas, demonstrating how they will suitably activate the public domain, commensurate with the activation likely to be achieved by the proposed commercial redevelopment currently being assessed by Council (DA 387/24/1).

RECOMMENDED CONDITIONS

Recommended conditions are attached, as requested. The conditions address matters discussed in this submission and those relevant to the proposal, including:

- Urban Planning and Design,
- Heritage,
- Tree Protection,
- Traffic and Transport
- Waste Management
- Development and Infrastructure Engineering,
- Environment and Health, and
- Public Art.

COUNCIL’S ASSESSMENT

Introduction

Key issues have been identified by comparing the architectural and landscape plans and several of the reports submitted to renovate the Miller Street building and demolish and rebuild the service core and Denison Street building, for the purposes of:

- A university campus, the subject SSD project, to be determined by the Independent Planning Commission, the Minister for Planning or delegate, and
- A commercial building with offices above ground level retailing, a regionally significant development (DA387/24/1) to be determined by the Sydney North Planning Panel, tentatively scheduled for September 2025.

Similarities

Built form

The height, number of levels, finished floor levels, setbacks, façade and floor plate dimensions are the same in each application.

External finishes are the same, except the glass blocks in the new service core which form a vertical line for the height of the core in the subject university proposal, and in the commercial proposal, a horizontal line of glass blocks traverses each level of the service core.

Access

Both applications maintain the same entry off Miller Street, with the finished ground floor level and adjacent footpath under the colonnade being raised to address potential flooding. In heavy rain events, floodwaters will be directed to detention tanks with controlled release into the local stormwater system. Ground levels are being regraded to fall from the colonnade to Miller Street, to divert overflow away from the building. The design also proposes a 4.0m+ floor to ceiling height for the ground floor lobby and retail premises.

On the southern side of the site, pedestrian entry from Brett Whiteley Plaza (BWP) is proposed via a large open stairway to a landscaped plaza on top of the podium in both applications, which also propose a centrally-located pedestrian entry lobby to the building from Denison Street.

Neither proposal provides vehicular access via the Metro OSD development, as promoted by Council's DCP, instead using a single driveway to be located near the intersection of Denison Street and Mount Street/Brett Whiteley Plaza. Both applications confirm that the desired access from the Metro site is impractical for several reasons, including there being no easement for this purpose from the Metro development basement into the site, differences in levels and floor to ceiling heights not allowing suitable access for trucks, and the structural columns of the subject Miller Street building obstructing access to and from the OSD development.

Miller Street Forecourt

The grassed forecourt, including three London Plane trees and the Lewers Sculpture Garden either side of the main path from Miller Street to the lobby, is given a similar treatment in each proposal. The landscaped area is being reduced and curved, to improve pedestrian circulation. Levels have been maintained within protection zones of these trees. Nearby Cammeraygal carvings at Balls Head and Berry Island are proposed to be replicated by engraving them in the pavement.

The submitted landscape design report and heritage impact statement discuss the landscape significance of the forecourt to Miller Street. On page 188 of the heritage impact report, it is stated that:

The existing Gerald Lewers sculptures (and the surrounding garden designed by Gerald and Margo Lewers) are proposed to be retained and made good within the proposed garden area and will be given greater prominence and interpretation within the landscape design.

A significant amount of planted area is proposed to avoid impacting the existing Plane trees (three remain of the six trees originally planted) which have also been identified as having heritage significance.

And on page 190:

The overall design intent of the Miller Street forecourt is considered positive from a heritage perspective because the significance of the forecourt is proposed to be largely retained and improved upon, with the sculptures retained, restored and reinstated as a central element within the landscaping design.

The heritage report submitted with the commercial proposal has made similar statements.

The submitted landscape plans show the retention of the stone sculptures, surrounded by new plant material, without maintaining the extant species (i.e. the gardens designed by the Lewers), as recommended by Council's conservation planner.

A condition is recommended, to require the same or similar species be used in the sculpture garden's restoration.

Landscaping design and tree preservation

Council's Landscape and development officer has assessed the proposals stating the proposal is unable to be supported unless:

- *The Arborist Report prepared by Green Spaces dated 5/4/25 has not assessed the impact of hoardings, construction zone, crane swing, construction materials delivery/removal, site access. This proposal cannot be adequately assessed until such information is provided. The proposal*

should not be approved unless such information is submitted and assessed by an appropriately qualified arborist, before any works commence.

- *The Site Works Zone and all site access shall be restricted to Denison Street frontage – no access shall be permitted via Miller St frontage to prevent any impact to existing street trees, for the duration of works permitted by this consent.*
- *Hoarding plans shall be designed in consultation with a suitably qualified arborist to minimise impact to any existing public trees. Hoardings must be designed and erected before the commencement of any works.*

Standard conditions to address tree protection, vehicle access, separate applications for works zones, hoardings and the like, and landscaping, are recommended and included in the attached conditions.

Differences

Ground plane activation

Miller Street

Compared to the commercial proposal, the university campus proposal's ground floor maintains the primary entry from Miller Street and proposes the entire level be used as an "Entry Lobby" except for the Auditorium. Nothing on the plans indicates how this space creates interactivity between this internal space and the adjacent public domain.

By comparison, in the commercial proposal, the ground level (to Miller Street) maintains the original lobby location for the offices above and proposes seven retail premises facing Miller Street, with pedestrian access from the colonnade.

Brett Whitley Plaza & Denison Street

Below the podium is the lower ground level, at the same level as Denison Street. According to the design report and the plans for the subject university proposal, this level has a retail premise at the corner of BWP and Denison Street, with another small retail tenancy on Denison Street on the northern side of the driveway into the basement. The remainder of the floor area with access from Denison Street is identified as an "University Student Hub".

In contrast, in the commercial reuse DA, the Denison Street frontage is shown as occupied by (in addition to the driveway to the basement) an entry lobby to the office building and various building services in the north eastern corner, with the remainder providing premises for eight shops.

Uses proposed to activate public domain

According to the plans, the lower ground and ground levels are in the majority occupied by a "University Student Hub" and an "Entry Lobby". The "Hub" will be available for use by students and other occupants of the campus and is described as "an active interface with the city".

Without any further detail than that offered by the plans, the design report and the environmental impact statement, it is difficult to ascertain how the vaguely defined activities in the "University Hub" and "Entry Lobby" spaces will activate the public domain adjacent to the building, including key spaces such as the colonnade to Miller Street, the stairway from BWP to the plaza above, the southern entry to the building, and the terrace in the north eastern corner of the podium, outside the auditorium.

Nowhere in the submitted documentation are uses in the "hub" and "lobby" described. In contrast, educational and administrative use of upper floors is well documented by the design report.

In the absence of details to describe and illustrate how the “Hub” and “Lobby” could contribute to public domain activation on three frontages and the expanse of terrace outside the auditorium, these elements should be detailed to demonstrate significant benefit to street life in the North Sydney Centre.

In contrast, the commercial proposal is illustrated to appreciably contribute to enlivening the site’s key frontages, which could be readily adapted to the university proposal, particularly by providing retail and other suitable outlets (food and beverage, for instance) with access from the colonnade, at the edges of the podium and on the frontage to Denison Street.

To summarise, the variety and distribution of activities across the ground planes of the building in the commercial proposal have greater potential to positively contribute to Council’s vision for North Sydney as an active and vibrant centre, as articulated in the CBD Public Domain Strategy and Development Control Plan.

Council appreciates the opportunity to make this submission.

Should you wish to discuss the contents of this submission or the recommended conditions (attached), please contact Mr Jim Davies, Executive Assessment Planner, on 9336 8378, or at jim.davies@northsydney.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Marcelo Occhiuzzi', with a stylized flourish at the end.

Marcelo Occhiuzzi
DIRECTOR, PLANNING & ENVIRONMENT

DRAFT CONDITIONS OF CONSENT

SSD No: 83956216
Council's Ref: D184/2025/1
Development: University Campus
Site: 105-153 Miller Street North Sydney

NOTES:

1. **Conditions generally:** The following conditions have been compiled from Council's standard conditions. Some have had site-specific additions (**highlighted**) made to them, others require information to be included. Please adjust numbering as necessary.
2. **Local Infrastructure Contributions:** Council is able to calculate these, when provided information relevant to the subject development, with the number of proposed dwellings and the number of bedrooms in each, and/or the proposed gross floor area of non-residential gross floor area if any (these must be specified as commercial, business or retail premises) and the number of existing residential units and the number of bedrooms per unit and/or existing gross floor area used for non-residential floor area, as described.
3. **Housing Productivity Contribution:** That the Department or IPC will calculate this contribution is assumed.
4. **BCA compliance:** At the time of writing, Council was awaiting updated advice from the applicant and hence Council's building surveyor's advice regarding BCA compliance. Additional conditions, if any, will be forwarded to the Department as soon as they become available.
5. **Stormwater drainage bonds and details:** Amended or additional conditions will be forwarded to the Department as soon as they become available.

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the Environmental Planning and Assessment Act 1979.
- (b) Any reference to the "applicant" means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the "site", means the land known as 37 Bay View Street, Lavender Bay NSW 2060– Lot 2 DP413201.
- (d) Any reference to "Council" means North Sydney Council.

The conditions of consent are as follows:

A. Conditions that Identify Approved Plans

Development in Accordance with Plans/Documentation

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

Plans

Plan No.	Rev	Title	Drawn by	Date
To be completed by including plans that should form part of the consent.				

Documents

Title/Rev	Author	Date
Include all documents with recommendations that should be implemented to manage the development and environmental impacts as part of the consent.		

(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 the latest approved plans under this development consent (SSD-83956216), specifications and documents (including the plans, specifications and documents submitted and approved with all Construction Certificates) must be always kept on site and be readily available for perusal by an officer of Council or the Principal Certifier.

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

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

No Demolition of Extra Fabric

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)

No approval of signage or illumination

A4. This consent does not permit the erection or installation of signage, or illumination of the building, unless for public convenience and safety, including road safety, or where expressly required by another condition of this consent.

(Reason: To ensure signage and illumination are assessed appropriately)

B. Matters to be completed before the lodgement of an application for a construction certificate**Construction and Traffic Management Plan (Major DAs and sites with difficult access)**

B1. Prior to issue of any Construction Certificate, a Construction and Traffic Management Plan must be prepared. The following matters must be specifically addressed in this Plan:

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

A copy of this route is to be made available to all contractors and must be clearly depicted at a location within the site.
- d. A Waste Management Plan in accordance with the provisions of Part B Section 19 of the North Sydney DCP 2013, or as modified by any other condition of this consent, must be provided. The Waste Management Plan must include, but not be limited to, the estimated volume of waste and method of disposal for the construction and operation phases of the

development, design of on-site waste storage and recycling area and administrative arrangements for waste and recycling management during the construction process;

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

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

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

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

As this plan has a direct impact on the local road network, it must be submitted to and reviewed by Council prior to the issue of any Construction Certificate. A certificate of compliance with this condition from the Council's Traffic and Transport Engineers as to the result of this review must be obtained and must be submitted as part of the supporting documentation lodged with the Principal Certifier for approval of the application for a Construction Certificate.

The construction management measures contained in the approved Construction and Traffic Management Plan must be implemented prior to the commencement of, and during, works on-site.

All works must be undertaken in accordance with the approved Construction and Traffic Management Plan.

A copy of the approved Construction and Traffic Management Plan must be kept on the site at all times and be made available to any officer of the Council on request.

Notes:

- 1) To apply for certification under this condition, an 'Application to satisfy development consent' must be prepared and lodged with North Sydney Council. North Sydney Council's adopted fee for certification of compliance with this condition must be paid upon lodgement.
- 2) Any use of Council property will require appropriate approvals and demonstration of liability insurances prior to such work commencing.
- 3) Failure to provide complete and detailed information may result in delays. It is recommended that your Construction and Traffic Management Plan be lodged with Council as early as possible.
- 4) Dependent on the circumstances of the site, Council may request additional information to that detailed in the condition above.

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

Street Awnings

B4. The proposed awning extending from the colonnade on the Miller street façade and to the Denison Street frontage, including the proposed retail premises on the building's south

easter corner (adjacent to the intersection of Denison Street and Brett Whiteley Plaza) are to be amended to provide for continuous weather protection and refuge to the site's frontages.

The required awnings must be capable of being detached from the building façade, must have a low profile and be constructed of either glass or other lightweight material to match the height of adjoining awnings (if present or practical). Cutouts are to be provided in the awnings as necessary to allow for existing street trees or growth of new trees.

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

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

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

Heritage requirements

- C1. The following matters must be addressed before the relevant Construction Certificate is issued, including documentary evidence of same being provided to the Principal Certifier.
- a. Conservation and incorporation of the Lewers Sculpture Garden and its setting into the broader landscape proposal, including relocation of the public telephone and proposed benches to retain the modernist style of the sculpture garden and minimise visual clutter. This should include consultation with the Lewers family contactable at the Penrith Regional Gallery and the Lewers Bequest.
 - b. Revision of the landscape documentation by a suitably experienced and qualified heritage landscape architect, to ensure:
 - i. The design, layout and plant selection are compatible sympathetic with the "international modernist style" of the buildings,
 - ii. Uses simple geometrics, taut planar surfaces and rectangular forms, and
 - iii. The mixed understorey plantings on the lawn and around the Lewer's Sculpture Garden are to be removed, to eliminate visual clutter around the highly sculptural succulent plantings of the South American agaves and yuccas which were juxtaposed against the Japanese style smooth pebbles and carved stonework, creating a truly International style.
 - c. The Landscape Report should be amended to include references to abstract artist Margo Lewers, who was involved with creating the Lewer's Sculpture Garden and to address the amended landscape proposal.
 - d. Provision of seating and other public domain furniture of a style or design befitting the international modernist heritage character of the development, certified by a suitably qualified heritage landscape architect.
 - e. A suitably qualified and experienced heritage landscape architect shall be consulted regarding provision high quality lighting on the exterior southern staircase to achieve a positive aesthetic visual contribution to Brett Whiteley Plaza.
 - f. Written approval from Council's Historian and Council's Conservation Planner is to be provided for the Heritage Interpretation Strategy prior to the issue of the relevant occupation certificate.
 - g. A photographic archival recording on a USB device (or other suitable digital medium) of the existing development, being the Miller Street building the core

and Denison Street Building, and grounds, to the requirements of Council's Historian is to be submitted to Stanton Library's Local Studies Section prior to (Reason: To direct and provide for appropriate heritage and public art outcomes in the public domain)

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 predeveloped 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 Principal Certifier 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 Principal Certifier with submission of the Construction Certificate documentation.

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

Dilapidation Report Private Property (Excavation)

- C2. 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 any 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 any affected adjoining property.

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

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

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

Dilapidation Survey Private Property (Neighbouring Buildings)

- C3. A photographic survey and dilapidation report of adjoining properties 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 any 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 any Construction Certificate.

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

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

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

(Reason: Proper management of records)

Shoring for Adjoining Property

- C4. Where any shoring for excavation is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings certified as being adequate for their intended purpose by an appropriately qualified and practising structural engineer, showing all details, including the extent of 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 any 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)

Geotechnical Report

- C9. Prior to issue of any 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 any 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)

Erosion and Sediment Control

- C10. 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 any 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)

Waste Management Plan

C1. A Waste Management Plan prepared in accordance with the provisions of Part B Section 19 of *the North Sydney DCP 2013*, must be submitted for approval by the Principal Certifier prior to the issue of the relevant Construction Certificate. The plan must include, but not be limited to:

- 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)

Heritage Architect to be Commissioned

C16. An appropriately qualified and experienced heritage architect 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 heritage matters.

Written details of the engagement of the experienced heritage architect must be submitted to the Principal Certifier prior to the issue of the relevant Construction Certificate.

Note: If advice provided by the heritage architect is to the effect that works requiring development consent be carried out, such works would require a Modification under s4.55 of the Environmental Planning and Assessment Act 1979, or further development application. This condition, and any advice given by the heritage architect, should not be construed as authorising the carrying out of development with/otherwise than in accordance with the development consent.

(Reason: To ensure that all matters relating to significant fabric and spaces are resolved and recorded using best practice for heritage conservation)

Reflectivity Index of Glazing

C2. 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

- C3. Roofing materials must be factory prefinished 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

- C4. 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)

Work Zone

- C23. If a Work Zone is required a Work Zone permit is to be obtained from Council prior to the issue of any Construction Certificate.

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

Work Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Works Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site. If the 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)

Bicycle Storage and Parking

- C5. The bicycle storage area must accommodate a minimum of [INSERT] bicycles, and a visitor parking bicycle rail shall be provided [INSERT]. The bicycle storage lockers and bicycle rail shall be designed in accordance with the applicable Australian Standards. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

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

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

- C28. Shower and change facilities shall be provided and made accessible without charge to staff who work in the building. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

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

All Vehicle Parking and Manoeuvring to Comply with Relevant Standards

- C1. 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)

Accessible Parking Spaces to be Provided

- C6. A total of **INSERT** accessible parking spaces shall be provided as part of the total car-parking requirements. Consideration must be given to the means of access from the car-parking spaces to adjacent buildings, to other areas within the building and to footpath and roads. All details shall be prepared in consideration of, and construction completed in accordance with applicable Australian Standards to achieve compliance with *the Disability Discrimination Act 1992 (Commonwealth)*. 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)

Basement Car park to comply with relevant standards

- C29. The basement layout must comply with all requirements of Australian Standard AS2890.1. & 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 any Construction Certificate.

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

Required Infrastructure Works – Roads Act 1993 C30

- C30. Prior to issue of any 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

- a. The applicant must design all street frontages in consultation with engineers from the Engineering Property Services Department and Public Domain Officers and have regard to the North Sydney Council Public Domain Strategy for the CBD area. The ground levels at the property boundary and all works to the public domain must be approved by Council prior to the issue of a Construction Certificate for required infrastructure works, or any building works interfacing with the required infrastructure.
- b. Where the vehicular access is proposed, the proposed vehicular access way must comply with AS 2890.1 and Council's current Vehicular Access Application Guidelines and Specification (gutter bridges not permitted) to ensure that a B85 vehicle will not scrape/strike the surface of the carriageway, layback, vehicular crossing or parking floor.
- c. The design detail has to be provided to Council and must include sections along centre line and extremities of the crossing at a scale of 1:25. Sections are to be taken from the centre of the roadway through to the parking area itself and shall include all changes of grade and levels, both existing and proposed.
- d. A longitudinal section along the relevant street gutter line at a scale of 1:50 showing how it is intended to transition the layback with the existing gutter levels and shall include all changes of grade and levels, both existing and proposed.
- e. A longitudinal section along the relevant footpath property boundary at a scale of 1:50 is required and shall include all changes of grade and levels, both existing and proposed, especially on all building entrances.
- f. The sections must show the calculated clearance to the underside of any overhead structure.
- g. 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".
- h. All details of internal ramps between parking levels.

- i. Cross sections at a scale of 1:50 along the centreline of each access point to the building must be provided and are to show the calculated clearance to the underside of any overhead structure. All the entry points are to comply with the Building Code of Australia (BCA), including disability requirements. The Council approved footpath levels must be accommodated at the building entry points.
- j. All inspection openings and utility services must be adjusted to match the proposed driveway and footpath levels at any location.

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

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

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

eConstruction of the works must proceed only in accordance with any conditions attached to the Council Roads Act 1993 approval.

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

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

Stormwater Management and Disposal Design Plan – Construction Issue Detail

- C37. Prior to issue of any 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 Council's underground stormwater system. When a direct connection to the pit option is implemented then the pipeline within the footpath area shall have a minimum cover of 300mm and within the road carriage way, the minimum cover must be 450 mm.

- c. The applicant shall engage a specialist Hydraulics Engineer to carry out an evaluation of Council's stormwater drainage system and the effect of the proposed development on this system. The results of this evaluation shall be submitted with all other drainage details to Council prior to issue of any Construction Certificate by the Certifying Authority.
- d. All civil and drainage works within the road reserve and Council's stormwater drainage easement must be designed and built in accordance with Council's current "Infrastructure Specification" and New Public Domain Manual. Prior to issue of the Construction Certificate the applicant must have engineering plans and specifications, prepared by a qualified civil drainage design engineer. Council must approve the plans and specifications, in writing, prior to issue of any Construction Certificate by the Certifying Authority. The documentation must provide engineering construction detail for the following public infrastructure works that must be completed as part of the approved development. Council reserves the right of keeping all bonds on infrastructure works for 12 month defects liability period.
- e. A digital video inspection recording of completed drainage work within the public domain 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. Bonds held by Council will be returned after receipt of satisfactory information.
- f. 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.
- g. 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.
- h. Provide subsoil drainage to all necessary areas with pump out facilities as required.
- i. The design of the pump-out system for stormwater disposal will be permitted for drainage of basement areas only.
- j. 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.
- k. The pump system shall be regularly maintained and serviced, every six (6) months.

A site drainage management plan which complies 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: To ensure controlled stormwater management and disposal without nuisance)

On-site Stormwater Detention

C38. On site detention must be provided to ensure that the maximum discharge from the site does not exceed discharge which would occur during a 20% AEP storm for the

time of concentration determined for the site, for the existing site conditions. All other stormwater run-off from the site for all storms up to the 1% AEP is to be retained on the site for gradual release to the kerb and gutter or drainage system. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur

Determination of the required cumulative storage must be based on stage-storage curve or determined by DRAINS computer modelling, or any other available comp. modelling method.

Engineering calculations, design and certification complying with this condition must be provided by an appropriately qualified and practicing Civil Engineer and submitted to the Principal Certifier for approval prior to the issue of any 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)

Floor Levels for Flooding

- C39. Floor levels are to be minimum 500mm above the 1 in 100-year flood level. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: Prevention of damage to dwellings as a result of flood events)

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

- C41. Prior to the issue of any Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of **\$2,152,800.00 (subject to change for drainage bond)** 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 12-month defect liability period. Council may elect to provide a lesser period for minor residential work.

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

The security will be refundable following the expiration of six months from the issue of the 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 any Construction Certificate.

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

Arborist to be Commissioned

- C7. An experienced AQF Level 5 consulting arborist ("the project arborist") must be commissioned to assist the design development, contract documentation, and overseeing of all works on the site for their duration by undertaking regular inspections of the works in progress and providing advice on tree-related 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 inspect, monitor, supervise, provide recommendations and written reports and certification relating to protection of the trees and compliance with the conditions of consent.

The contact details of the project arborist shall be advised to council before work commences and maintained up to date for the duration of works. If a new project arborist is appointed details of the new project arborist shall be notified to council within seven days.

Written details of the engagement of the project arborist must be submitted to Council for works prior to issue of the relevant construction certificate and the Principal Certifier prior to the issue of the relevant Construction Certificate.

This condition, and any advice given by the project arborist, do not authorise the carrying out 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)

Tree Protection and Management Plan

- C8. A site-and-tree specific Tree Protection and Management Plan (TPMP) is to be prepared by an AQF5 qualified arborist and implemented prior to or upon the commencement of works authorised by this consent. The TPMP is to be prepared in

accordance with the principles and specifications of Australian Standard 4970-2009, "Protection of Trees on Development Sites," and must include, as a minimum, the following:

- A site plan showing the locations of proposed tree protection fencing, type and extent of ground protection and other tree protection devices within the tree protection zones of all trees identified to be retained, as detailed in other condition(s). Recommendations must be specific; generic recommendations are unacceptable.
- Amended tree height and spread dimensions as noted in these conditions.
- Specifications for acceptable and unacceptable activities within the tree protection zones of each tree to be retained.
- Specifications for tree protection fencing, Tree Protection Zone signage, and trunk, branch, and ground protection for each tree to be retained.
- Details of site monitoring and reporting requirements, including hold points (e.g., sewer and/or stormwater works within the Tree Protection Zone).
- Details for compliance reporting (e.g., inspection observations, date-stamped photographs).
- Specifications for excavation and root pruning within the tree protection zones of each tree to be retained.

The TPMP is to complement or be included in and form part of the Construction Management Plan.

(Reason: Adoption and maintenance of tree protection during the development)

Additional tree protection

- C2. A revised or additional arborist report is to be prepared and implemented by the project arborist, which must address the following matters before any works commence on the site:
- a. The impact of hoarding erection, construction zone, traffic access and egress, crane erection, operation and dismantling, and the removal and delivery of demolition and construction materials, and the like, by assessing the associated risks and identifying means of eliminating or managing those risks, to any tree protected by this consent.
 - b. The Works Zone and all site access shall be restricted to the Denison Street frontage – no access shall be permitted via the Miller St frontage to prevent any impact on any tree protected by this consent, for the duration of works permitted by this consent
 - c. Hoardings must be designed in consultation with a suitably qualified arborist to minimise impact to any trees protected by this consent or other public trees.

(Reason: Tree preservation)

Bond for Public Trees

- C9. Prior to any works authorised by this consent commencing, security in the sum of \$170,000 must be provided to Council for the protection of trees in public places, including the making good of any damage caused to such trees. The security is to be provided in accordance with the Schedule below.

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

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

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

In the case of any tree, which cannot be replaced with a similar specimen, the security for that tree will be forfeited to Council and used to provide replacement trees in streets and other public places.

SCHEDULE

Tree Number and Species	Location	Bond
T4-T9 <i>Platanus acerifolia</i> (to 20x14m)	Council verge in front of 105-153 Miller St	\$105,000
<i>Platanus acerifolia</i>	Council verge, NW corner, rear of 80-100 Walker St (Denison St frontage)	\$25,000
5 x northernmost <i>Prunus</i> sp.	Brett Whiteley Place	\$40,000

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

Tree Protection Measures to be shown on Construction Drawings

- C10. The tree protection measures contained in the arborist report cited in condition A1, as amended by any conditions of consent, shall be shown clearly on the relevant Construction Certificate drawings, and other relevant plans for works authorised by this consent. Plans and specifications showing the said tree protection measures must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

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

Protection of Trees

- C11. The following tree(s) are required to be protected and retained as part of the development consent in accordance with AS 4970-2009 - Protection of trees on development sites:

Tree	Location	Height
T1-T3 <i>Platanus acerifolia</i>	Forecourt of Miller Steet Building 105-153 Miller St	To 25x20m
T4-T9 <i>Platanus acerifolia</i>	Council verge in front of 105-153 Miller St	To 20x14m
<i>Platanus acerifolia</i>	Council verge, NW corner, rear of 80-100 Walker St (Denison St frontage)	18m
5 x northernmost <i>Prunus</i> sp.	Brett Whiteley Place	5m

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

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

(Reason: Protection of existing environmental and community assets)

Approval for removal of Trees

C47. The following tree(s) are approved for removal in accordance with the development consent:

Trees that are acceptable to remove	Location	Height
T10 . <i>Hibiscus tiliaceus</i> 'Rubra'	SE courtyard-105-153 Millers St	5m

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.

(Reason: Protection of existing environmental and community assets)

Pruning of Trees

C48. All pruning works to the following tree(s) shall be undertaken under the guidance of an appropriately qualified arborist/tree surgeon in accordance with Australian Standard AS 4373-2007 - Pruning of Amenity Trees:

Trees that may Require Pruning	Location	Height
T1-T3 <i>Platanus acerifolia</i>	Forecourt of Miller Street Building 105-153 Miller St	To 25x20m

Minor pruning only shall be permitted. Scaffolding, hoarding, cranes, piling rigs, Construction Zones, and any other associated building works shall be designed/located in order to minimise/negate the need for any pruning. No more than 10% canopy shall be removed.

A report detailing the measures to be employed during construction shall be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

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

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

Garbage and Recycling Facilities

C57. An appropriate area must be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. The following requirements must be met:

- a) all internal walls of the storage area must be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;
- b) provision for the separation and storage in appropriate categories of material suitable for recycling;
- c) the storage area must be adequately screened from the street, with the entrance to the enclosures no more than 2m from the street boundary of the property;
- d) if a storage facility is to be provided at another suitable location within the building, a complementary garbage bin holding bay must be provided no more than 2m from the street boundary of the property;
- e) garbage enclosures serving residential units are not to be located within areas designated for non-residential uses; and
- f) garbage enclosures serving non-residential uses are not to be located within areas designated for dining purposes.

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

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

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

Asbestos and Hazardous Material Survey

- C60. A report must be prepared by a suitably qualified person in relation to the existing building fabric to be demolished and/or disturbed identifying the presence or otherwise of asbestos contamination and, if asbestos contamination is present, making recommendations as to the work required to safely address the contamination.

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

- a) the removal of asbestos must be undertaken by a SafeWork NSW licensed contractor;
- b) all removal must be in strict accordance with the requirements of the SafeWork NSW 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.

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

Noise from Plant and Equipment

C12. 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 **Fact Sheet C** of the *NSW Environment Protection Authority 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 and parks and such other affected receiver as may be notified by the Council in writing.

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

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

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

Vibration from Plant and Equipment

C13. The use of all plant and equipment to be installed on the premises must comply with the vibration limits specified in “Assessing Vibration: a technical guideline,” issued by the NSW Environment Protection Authority, at the boundary of any affected receiver.

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

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

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

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

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

Compliance with Acoustic Report

- C74. The recommendations contained in the acoustic report cited by condition A1, must be implemented during construction and use of the development.

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

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

Mechanical Exhaust Ventilation

- C14. 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.

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

Construction Noise Management Plan

- C15. A Construction Noise Management Plan must be prepared by an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants, and must include the following:

- a) Identification of noise affected receivers near to the site.
- b) A prediction as to the level of noise impact at noise affected receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite.
- c) Details of work schedules for all construction phases.
- d) A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the Environment Protection Authority's Interim Construction Noise Guideline (ICNG).
- e) Representative background noise levels should be submitted in accordance with the ICNG.
- f) Confirmation of the level of community consultation that is to be undertaken by occupants at noise affected receivers likely to be most affected by site works and the operation of plant/machinery during the carrying out of works authorised by this consent.
- g) Confirmation of noise monitoring methodology that is to be undertaken during the noise intensive stages of work including details of monitoring to be undertaken at the boundary of any noise-affected receiver.
- h) The course of action to be undertaken following receipt of a complaint concerning offensive noise.
- i) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise, that will be deployed on site to reduce noise impacts on the occupants at noise-affected receivers.

- j) Details of selection criteria for any plant or equipment that is to be used on site, the level of sound mitigation measures to be undertaken in each case, and the criteria adopted in their selection considering 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 must be provided to Council and a copy kept on site for the duration of the works.

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

Underground Electricity and Other Services

CXX. All electricity and telecommunication infrastructure provision to the site is to be designed in conjunction with Ausgrid and any other relevant authority so that it can be easily connected underground when the street supply is relocated 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.

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

Security Deposit/Guarantee Schedule

C81. 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)	\$170,000
Infrastructure Damage Bond	\$1,445,600.00
Drainage Construction Bond	\$To be provided.
Engineering Construction Bond	\$707,200.00
TOTAL BONDS	\$To be provided

Note: The following fees applicable

Fees	Amount (\$)
Local Infrastructure Contributions	\$insert amount
TOTAL FEES	\$insert total amount

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)

Local Infrastructure Contributions

- C16. A monetary contribution pursuant to the provisions of section 7.11/7.12 (delete as appropriate) of the *Environmental Planning and Assessment Act 1979* is to be paid to Council, in accordance with the North Sydney Council's Local Infrastructure Contributions Plan, to provide for local infrastructure improvements.

Based on the net increase in demand for infrastructure/the cost of development (delete as appropriate) at the date of determination, the total contribution payable to Council is \$[Amount]. (See notes at beginning of this document regarding calculation of contribution.)

Indexation

The monetary contribution required under this consent will be indexed between the date of the grant of the consent and the date on which the contribution is paid the time of payment in accordance with quarterly movements in the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.

Timing of Payment

The contribution must be paid to Council prior to issue of the relevant Construction Certificate for any work approved by this consent.

A copy of the *North Sydney Local Infrastructure Contribution Plan 2020* can be viewed at North Sydney Council's Customer Service Centre, 200 Miller Street, NORTH SYDNEY, or downloaded via Council's website at www.northsydney.nsw.gov.au.

(Reason: To provide for local infrastructure identified in the *North Sydney Council Local Infrastructure Contributions Plan 2020*)

Housing Productivity Contribution

TO BE COMPLETED BY DEPARTMENT

Under Awning Sign Any under awning sign must be erected approximately horizontal to the ground and be at no point less than 2.6m from the ground. 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 adequate head clearance for pedestrian safety)

Under Awning Lighting

- C18. Under awning lighting must be provided to the Brett Whiteley Plaza and Denison Street frontages of the site and under the colonnade at the ground level facing Miller Street. 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 Energy Australia so that the system can easily be connected to a public lighting system when available; and
- c) the location and type of the said luminaries shall be to the satisfaction of Council's Director of Engineering and Property Services.

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

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

Outdoor Lighting

C19. All outdoor lighting must comply with, where relevant AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282:1997 Control of the Obtrusive Effects of Outdoor lighting. Details demonstrating compliance with these requirements must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

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

Remediation

C20. Prior to the release of the relevant Construction Certificate, the site must be remediated in accordance with:

- a) An approved Remediation Action Plan; and
- b) *North Sydney Development Control Plan 2013* - Section 14 - Contamination and Hazardous Building Materials; and
- c) *State Environmental Planning Policy (Resilience and Hazards) 2021*,
- d) The guidelines in force under *the Contaminated Land Management Act 1997*.

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

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

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

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

Photographic Survey (Heritage Items)

- D1. Prior to any works commencing, a photographic survey recording, in accordance with the NSW Heritage Office Guidelines, "Photographic recording of Heritage Items using file or digital capture," is to be prepared to the satisfaction of Council's Historian and Conservation Planner. Two (2) copies of the photographic survey must be provided to Council.

(Reason: To provide a historical record of heritage significant fabric on site for archival purposes)

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.

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

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

Tree Protection

- 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 Tree protection measures)

Project Arborist Engaged

- D# The project arboriculturist shall undertake the following duties:

- a) Inspect tree protection measures and certify in writing to the Principal Certifying Authority the measures comply with the approved Tree Protection Plan and as directed by the project arboriculturist before work commences.
- b) Provide guidance and oversight of tree protection and management to ensure that the stability and ongoing viability of trees being retained is not compromised.
- c) 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.
- d) Ensure 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.

- e) Keep a log of dates and times of when they attended the site, the type of works that were performed, and must form part of the certification required prior to Occupation.

(Reason: Tree protection measures)

Protection of Public Trees

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

Tree	Location	Height
T4-T9 <i>Platanus acerifolia</i>	Council verge in front of 105-153 Miller St	To 20x14m
1 x <i>Platanus acerifolia</i>	Council verge, NW corner, rear of 80-100 Walker St (Denison St frontage)	18m
5 x northernmost <i>Prunus sp.</i>	Brett Whiteley Place	5m

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.

1.8m high steel mesh tree protection fencing shall be erected such that any unprotected section of council verge within the Tree Protection Zone of protected trees shall be completely enclosed.

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

- D3. All protected trees that are specifically nominated as per condition C46 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)

Notice of Proposed Work (Remediation Work)

- D1. Notice of proposed work, if required, must be given to the Council in accordance with relevant provisions of *the State Environmental Planning Policy (Resilience and Hazards) 2021*.

The following additional information must be submitted with the notice to the Council:

- a) Copies of any preliminary investigation, detailed investigation and remediation action plan for the site; and
- b) Contact details for the remediation contractor and any other party responsible for ensuring compliance of remediation work with regulatory requirements.

Note: Thirty (30) days' notice is required for any remediation work. In the case of work required to be carried out immediately under the terms of a remediation order, a minimum of two days' notice is required.

(Reason: Protection of the environment, *SEPP (Resilience and Hazards) 2021* compliance)

Public Liability Insurance - Works on Public Land

- D2. Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of public land and the undertaking of approved works within Council's road reserve or public land, as approved by this consent. The Policy is to note and provide protection/full indemnification for North Sydney Council, as an interested party. A copy of the Policy must be submitted to Council prior to commencement of any works. The Policy must be valid for the entire period that the works are being undertaken.

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

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

Sydney Water Approvals

- D12. 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.

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

(Reason: To ensure compliance with Sydney Water requirements)

Commencement of Works' Notice

- D3. Works in accordance with this development consent must not be commenced until the Applicant has given at least two days' notice to North Sydney Council of the person's intention to commence works in accordance with this development consent.

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

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

- E3. 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 kerb side parking provisions are not compromised during works)

Road Reserve Safety

- E4. 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

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

(Reason: Stormwater control during construction)

Structures Clear of Drainage Easements

- E6. 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

- E7. 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 Engineer—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

- E8. 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 layback, kerb/gutter, footpaths;
- b. All reinforcement for the concrete base beneath pavers;
- c. Formwork and reinforcement for in-situ stormwater pits; and
- 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)

Removal of Extra Fabric

- E9. Should any portion of the existing building, trees, or curtilage of the site, which is indicated on the approved plans to be retained, be damaged for whatever reason, all the works in the area of the damaged portion are to cease and written notification of the damage is to be given to Council forthwith. No work is to resume until the written approval of Council to do so is obtained. Failure to comply with the provisions of this condition may result in the Council taking further action including legal proceedings if necessary.

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

Dust Emission and Air Quality

- E10. The following must be complied with at all times:

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

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

Compliance with Construction Noise Management Plan

- E12. All works conducted on site which form part of this development must be carried out in accordance with the submitted Construction Noise Management Plan submitted with the relevant Construction Certificate and all conditions of consent.

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

No Work on Public Open Space

- E1. No work can be undertaken within adjoining public lands (i.e., parks, reserves, roads, etc.) without the prior written consent of Council. In this regard the Applicant is to liaise with Council prior to the commencement of any design works or preparation of a Construction and Traffic Management Plan.

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

No Removal of Trees on Public Property

- E2. 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

- E3. All trees required to be retained, as part of this consent must be protected from any damage during construction works in accordance with AS4970-2009. All recommendations contained within the arborist's report cited in condition A1 must be

implemented for the duration of the works and as amended by other conditions of this consent.

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

Notes:

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

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

Trees to be Removed

- E4. 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
T10 . <i>Hibiscus tiliaceus</i> 'Rubra'	SE courtyard-105-153 Mil	5m

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

Works Hours (Commercial Centre and Mixed-use Zones)

- E5. Works and activities approved under this consent must be restricted to within the hours stipulated in the following table:

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

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

In the event of breach to the approved hours of works, Council take may take enforcement action under Part 9 of *the Environmental Planning and Assessment Act 1979* and in accordance with Council's adopted Compliance and Enforcement Policy.

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

Out-of-hours Work Permits

- E6. Where it is necessary for works to occur outside those hours allowed by these conditions, an application may be made to Council's Customer Services Centre for a permit to carry out works outside of the approved hours. If a permit is issued, the works approved must be carried out in accordance with any requirements specified in the permit. Permits will only be approved if **public safety is not at risk**. Applications which seek a variation to construction hours solely to benefit the Applicant will require the lodgement and favourable determination of a modification application pursuant to the provisions of section 4.55 of the *Environmental Planning and Assessment Act 1979*.

Note:

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

Applicant's Cost of Work on Council Property

- E16. The applicant or the person, company or other entity that is acting upon this consent, must bear the cost of all works associated with the development that occurs on Council's property, including the restoration of damaged areas.

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

Special Permits

- E21. 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.

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.

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.

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)

Remedial Action Plan (Contaminated Land)

E24. The remediation work must be carried out in accordance with the Remedial Action Plan approved under this consent and all relevant guidelines issued under the Contaminated Land Management Act 1997.

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

Installation and Maintenance of Erosion and Sediment Control

E25. Erosion and sediment controls must be installed and maintained at all times in accordance with the Sediment and erosion control plan submitted and approved with the Construction Certificate.

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

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

Sediment and Erosion Control Signage

- E26. 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

- E7. Where work involved in the erection and/or demolition of a building is being carried out, amenities which satisfy applicable occupational health and safety and construction safety regulations, including any SafeWork NSW requirements, must be provided and maintained at all times. The type of workplace determines the type of amenities required.

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

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

Health and Safety

- E8. 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

- E9. 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

- E32. 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

- E10. 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)

Waste Disposal

- E32. All records demonstrating the lawful disposal of waste must be retained and kept readily accessible for inspection by regulatory authorities such as North Sydney Council and the Environment Protection Authority.

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

Asbestos Removal

- E33. All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current SafeWork NSW Asbestos or "Demolition Licence," and a current SafeWork NSW "Class 2 (Restricted) Asbestos Licence" (or equivalent). Removal must be carried out in accordance with National Occupational Health and Safety Commission requirements.

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

Service Adjustments

- E37. Where required, 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)

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)

Appointment of a Principal Certifier

- F2. Building or excavation works in accordance with the development consent must not be commenced until the Applicant has appointed a Principal Certifier for the building work in accordance with the provisions of *the Environmental Planning and Assessment Act 1979* and its Regulation.

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

Construction Certificates

- F3. Building works in accordance with the development consent must not be commenced until the relevant Construction Certificate for the relevant part of the work has been issued.

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

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

Occupation Certificates

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

(Reason: Statutory compliance)

Critical Stage Inspections

- F5. Building work must be inspected by the Principal Certifier at the critical stages prescribed by *the Environmental Planning and Assessment Act 1979* and *the Environmental Planning and Assessment Regulation 2021*, and as directed by the appointed Principal Certifier.

(Reason: Statutory)

Commencement of Works

- F6. Works in accordance with this development consent must not be commenced until the Applicant has given at least two days' notice to North Sydney Council of the intention to commence those works.

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

Excavation/Demolition

- F8. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

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.

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

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

Protection of Public Places

F9.

- 1) 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

- F7. 1) A sign must be erected in a prominent position on the site:
- a. stating that unauthorised entry to the work site is prohibited;
 - b. showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
 - c. showing the name, address and telephone number of the Principal Certifier for the work.
- 2) Any such sign must be maintained while 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. Council's development engineer must be contacted to arrange inspections of the completed works in the Public Domain.

(Reason: Maintain quality of Public assets)

Line Marking

G2. A certificate prepared by an appropriately qualified and practising Civil Engineer certifying the construction, paving, line marking and signposting of **insert number** 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 any Occupation Certificate.

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

Access to Premises

G3. Prior to the issue of the relevant Occupation Certificate, a certificate must be prepared by an appropriately qualified and practising Civil Engineer, certifying that access and facilities for persons with a disability, in accordance with the National Construction Code and AS Disability (Access to Premises - Buildings) Standards 2010 (Premises Standards) has been provided. This certificate must be submitted to, and approved by, the Principal Certifier prior to issue of the relevant Occupation Certificate.

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

Certification – Civil Works

G5.

- 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 an Occupation Certificate.
- b. An appropriately qualified and practicing Civil 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 an Occupation Certificate.

(Reason: Compliance with the Consent)

Validation for Remediation

- G7. A validation and site monitoring report prepared in accordance with relevant guidelines issued under the Contaminated Land Management Act 1997, must be submitted to the Council within one month of completion of the remediation work, and prior to the issuing of the relevant Occupation Certificate.

(Reason: To ensure environmental amenity is maintained)

Certification for Mechanical Exhaust Ventilation

- G1. Prior to issue of the relevant Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with clause A2.2(a)(iii) of the National Construction Code, must be submitted to, and approved by, the Principal Certifier.

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

Damage to Adjoining Properties

- G11. All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.

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

Utility Services

- G12. All utility services shall be adjusted to the correct levels and/or location/s required by this consent, prior to issue of an occupation certificate. This shall be at no cost to Council.

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

Regulated Systems - Air Handling

- G13. To ensure that adequate provision is made for ventilation of the building, all mechanical and/or natural ventilation systems shall be designed, constructed installed and tested in accordance with the provisions of:

- 1) The National Construction Code;
- 2) The applicable Australian Standards;
- 3) The Public Health Act 2010;
- 4) Public Health Regulation 2012;
- 5) SafeWork NSW.

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

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

Covenant and Restriction (Stormwater Control Systems)

G16. 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 105-153 Miller Street requiring the ongoing retention, maintenance and operation of the stormwater facility (on-site detention, pump-out).
- b. North Sydney Council being nominated in the Instrument as the only party authorised to release, vary or modify the Instrument.
- c. The wording on the Instrument making reference to the Council file/s which hold:
 - i. the Construction plans, and
 - ii. the "Work-as-Executed" (as built) plans.

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 an Occupation Certificate or commencement of use of the site, whichever is the earlier. Typical wording for the Instrument can be sourced from Council's "Specification for the Management of Stormwater".

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

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

(Reason: Compliance and adequate maintenance of drainage system)

Asbestos Clearance Certificate

G20. For building works where asbestos-based products have been removed or altered, an asbestos clearance certificate signed by an appropriately qualified person (being an Occupational Hygienist or Environmental Consultant) must be submitted to and approved by the Principal Certifier (and a copy forwarded to Council if it is not the Principal Certifier) for the building work prior to the issue of the relevant Occupation Certificate. The asbestos clearance certificate must certify the following:

- 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)

Basement Pump-out Maintenance

- G18. Prior to issue of an Occupation Certificate a Maintenance Regime must be prepared for the basement stormwater pump-out system and submitted to the Principal Certifier for approval with the Occupation Certificate documentation. The regime must specify that the system is to be regularly inspected and checked by qualified practitioners.

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

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

Vehicle Egress Signs

- G22. Prior to the issue of an Occupation Certificate, appropriate sign(s) must be provided and maintained within the site at the point(s) of vehicular egress to ensure all vehicles stop before proceeding onto the public way.

(Reason: To ensure pedestrian safety)

Signal System

- G23. Prior to the issue of an Occupation Certificate, a signal system must be installed at the street alignment and within the building to indicate traffic movement on the single lane ramp, and so designed that the signal indication at the point of ingress shall remain green except when an existing vehicle is detected upon the ramp or driveway.

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

Certification of Tree Condition

- G21. 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: -

Tree	Location	Height
T1-T3 <i>Platanus acerifolia</i>	Forecourt of Miller Street Building, 105-153 Miller St	To 25x20m
T4-T9 <i>Platanus acerifolia</i>	Council verge in front of 1 05-153 Miller St	To 20x14m
<i>Platanus acerifolia</i>	Council verge, NW corner, rear of 80-100 Walker St (Denison St frontage)	18m
5 x northernmost <i>Prunus</i> sp.	Brett Whiteley Place	5m

The report must detail the condition and health of the nominated tree(s) upon completion of the works and shall certify that the health, vigour & likelihood of longevity of the tree(s) has/have not been significantly impacted.

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

Disposal Information

G2. 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)

Building Height

G3. Upon completion of the works and prior to the issue of the relevant Occupation Certificate the RL of the development measured at [INSERT] must be surveyed and certified by an appropriately qualified and practising surveyor as compliant with the maximum approved levels in accordance with ([INSERT] earlier condition or plan showing height or alternatively RL [INSERT] AHD). 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 it is not the Principal Certifier).

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

Verification Statement (External Finishes and Materials)

G32. 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 external finishes and materials of the development are in accordance with the approved schedule of finishes and materials identified in this consent.

"qualified designer" means a person registered as an architect in accordance with the Architects Act 2003.

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

Landscaping

G29. The landscaping shown in the approved landscape documentation cited in condition A1 and as amended by this consent, must be completed prior to the issue of the relevant Occupation Certificate.

(Reason: To ensure compliance)

Final Survey

G26. Upon completion of the works and prior to the issue of the relevant Occupation Certificate a final survey of the development and site is to be carried out by an appropriately qualified and practising registered surveyor to demonstrate whether the completed works encroach on any public or private property, both above and below the ground.

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

Sydney Water

- G27. A section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

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

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

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

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

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

Green Travel Plan

- G4. A Green Travel Plan is to be prepared by a suitably qualified traffic engineer or traffic planner and is to be submitted to Council and the Principal Certifier prior to the relevant Occupation Certificate.

The Green Travel Plan must incorporate the following:

- 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, that demonstrates how these actions will deliver the Travel Plan vision, reduce travel demand and/or increase walking, cycling, public transport and ride sharing for trips to and from the site. This could include:
 - 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 carpool 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 carpool with more than two 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); and
- xi. Provide staff with cycling allowances, loans and insurance together with bicycle storage and showering and changing facilities.

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

Note:

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

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

Charging Facility for Electric Vehicles to be Provided

- G5. Appropriate provisions must be incorporated into the design of car parking areas to allow for providing power to and the installation of charging facilities for electric vehicles.

Certification confirming the ability to install charging facilities as required by this condition is to be provided to the Principal Certifier with the relevant Occupation Certificate. All costs incurred in achieving compliance with this condition shall be borne by the Applicant.

(Reason: To promote sustainability and energy efficiency)

Public Art

- G42. Before the relevant Occupation Certificate is issued, a Public Art Strategy or Plan must be submitted to Manager Arts and Culture (or other position responsible for public art) for approval and the public art installed as shown in the approved plan or strategy. The strategy or plan is to satisfy Council's policies and plans for providing public art and must ensure:

- a. Consultation with Michael Meszaros Mészáros (son of Andor Mészáros), regarding conservation of the bas relief "Strength in Unity,

- b. New outdoor artwork and conservation of the Lewers Sculpture Garden and the Mészáros bas relief is acceptable and consistent with Council's Art's Policy and provides appropriate interpretation of the heritage item.

(Reason: To ensure public art is provided in accordance with Council's Public Art Master Plan)

I Ongoing Operational Conditions

First Use of Premises - Further Consent Required

- I1. A separate development application for the fit-out and use of the premises for retail or business 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)

Loading within Site

- I17. 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 Parking

- I19. Minimum headroom of 2.2m must be provided over all car-parking areas.

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

Maintenance of Approved Landscaping

- I43. The owner of the premises at 105-153 Miller Street North Sydney 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)

Ongoing Street Tree Care

- I1. Trees to be planted, if any, in the Council verge on the Miller Street and Denison Street frontages of the site and in Brett Whiteley Plaza shall be watered for a period of six (6) months after the final construction certificate is issued. The watering shall be approximately 300 litres per tree per week (min) delivered gently by hose or watering can so that the surrounding soil can absorb the water. "Seasol" solution (or similar liquid fertiliser) is recommended once a month over this period.

Plans and specifications showing the said tree protection measures must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure the construction plans and specifications

submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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