

30 March 2026

Edwina Ross
Department of Planning, Housing and Infrastructure

Via Major Projects Portal

Dear Edwina,

Request for Advice

Application No. **SSD-93020230**
Property Address **40-48 Redan Street, Mosman**

Thank you for your correspondence dated 11 March 2026 inviting Mosman Council (Council) to comment on the exhibition of State Significant Development (SSD Application No. SSD-93020230 for the demolition of existing dwellings and ancillary structures, and the construction of a 10-storey residential flat building development comprising 53 residential units (including 11 in-fill affordable housing units), 106 car parking spaces (including 10 visitor spaces) over 2 levels of basement parking.

While Council is committed to supporting approvals of residential dwellings to contribute to housing stock, Council raises strong and clear objection to the exhibited development, primarily concerned with:

- An excessive quantum of development for the site resulting in an over-development that is not in keeping with the desired future character of the area and the 'Balmoral Townscape';
- The 'walking distance' and route relied upon from the site to the Spit Junction Town Centre;
- Contravention of development standards and planning controls that regulate building envelope and inform the desired future character of an area including building height and gross floor area (SEPP Housing, non-discretionary development standards), wall height (MLEP, development standard), and spatial separation requirements (ADG);
- Adverse amenity impacts due to the excessive scale of the building envelope and massing including view loss of severe to devastating magnitude;
- Unacceptable impacts upon the Scenic Protection area of Mosman;
- Inappropriate urban design response to the site's context including the adjoining and adjacent heritage listed items;
- Inadequate landscape provision;
- Unresolved engineering issues including civil, stormwater, traffic, and geotechnical;
- Lack of infrastructure works to support the development;
- Inadequate consideration of waste management; and
- Insufficient details and information to enable a complete and accurate assessment.

Having regard for the above, Council strongly **objects** to the application as currently proposed.

The short exhibition period of only two weeks should be extended. The exhibition period does not provide sufficient time for the community to respond to such a significant proposal.

Council raises the following concerns for your consideration:

1 Low and Mid-Rise (LMR) Housing Area and Walking Distance

Section 163 in Chapter 6 of the State Environmental Planning Policy (Housing) 2021 (SEPP Housing) defines the terms for the 'Low and Mid-Rise (LMR) Housing Areas'. The definition as amended on 12 December states the following for the 'inner' and 'outer' LMR housing areas:

low and mid rise housing inner area means—

(a) land within 400m walking distance of—

- (i) land identified as "Town Centre" on the Town Centres Map, or
- (ii) a public entrance to a railway, metro or light rail station listed in Schedule 11, or
- (iii) for a light rail station listed in Schedule 11 with no public entrance—a platform of the light rail station, and

(b) if a site area contains land identified in paragraph (a)—the site area.

low and mid rise housing outer area means—

(a) land between 400m and 800m walking distance of—

- (i) land identified as "Town Centre" on the Town Centres Map, or
- (ii) a public entrance to a railway, metro or light rail station listed in Schedule 11, or
- (iii) for a light rail station listed in Schedule 11 with no public entrance—a platform of the light rail station, and

(b) if a site area contains land identified in paragraph (a)—the site area, unless the site area is also in the low and mid rise housing inner area.

The term 'walking distance' is defined in the Dictionary at Schedule 10 of the SEPP (Housing) as—

"the shortest distance between 2 points measured along a route that may be safely walked by a pedestrian using, as far as reasonably practicable, public footpaths and pedestrian crossings."



Applicant's nominated walking route to town centre (Source: JMT Consulting)

The application documents does not include a 'Walking Distance Survey' prepared by a registered surveyor. Instead, the Traffic Impact Assessment (TIA) included a walking route image with the following commentary:

"As advised by LTS Surveyors this walking route has a total distance of 394.7m to the nearest 0.1m".

The omission of a walking distance survey for an application of this scale is not acceptable. The image provided in the TIA has also failed to map the edge of the 'Town Centre'. Council requests that a walking distance survey be prepared by a registered surveyor and that it be submitted for assessment. The total distance of the applicant's nominated walking route should be verified and signed off by a registered surveyor.

Council's Transport Engineering Consultant has reviewed the applicant's nominated walking route to the Spit Junction Town Centre as presented in the applicant's TIA and has raised concerns with the safety of the walking route and the 'walking distance' relied upon to seek the higher development incentives and provisions available to site's located within a LMR housing inner area.

In keeping with the SEPP (Housing) definition of 'walking distance', any nominated walking route between the 'Site' and 'Spit Junction Town Centre' would be required to utilise the existing public footpath network and the raised 'wombat' crossing at the intersection of Almora Street and Military Road.

This crossing is both directly en route to the town centre and fully connected via public footpaths, making it the obvious practical route. Moreover, it is the only dedicated pedestrian crossing facility to cross Almora Street.

In order to identify a walking distance below 400m, however, the applicant's nominated walking route instead opts for:

- A nearby crossing point further down on Almora Street with no pedestrian facilities, and the safety of which has not been appropriately assessed. This point has heavily obscured views of approaching downhill (i.e., fast-moving) traffic as a result of a prominent road crest. The available sight distances are substantially below the recommended Crossing Sight Distances (CSD) of *Austrroads Guide to Road Design Part 4a* (AGRD4a), indicating that pedestrians are unable to safely judge a gap to cross this section of road.
- Walking via Melaleuca Lane, which has no public footpaths, being a key criteria, and is aligned along a blind corner that prevents adequate safe stopping distance (SSD) between vehicles and pedestrians. The presence of cautionary pedestrian signage installed at this section of laneway clearly highlights existing and known pedestrian safety hazards within this particular area. It does not remove the hazard.

The applicant's walking distance assessment, therefore, fails to satisfy the 'walking distance' definition under SEPP (Housing), as the nominated route does not, as far as reasonably practical, use public footpaths and pedestrian crossings.

In addition to the above, Council has sought a legal opinion on the 'walking distance' and the site's location within the LMR housing inner area. The letter from Pikes and Verekers Lawyers is attached in Annexure A. It is consistent with the view formed by Council and Council's Transport Engineering Consultant.

Accordingly, the subject application should be refused on the following grounds:

- The nominated walking route (394.7m distance) may not be safely walked by a pedestrian using, as far as reasonably practicable, public footpaths and pedestrian crossings. A safer and more practical route utilising public footpaths and a pedestrian crossing (Almora Street) would exceed a 'walking distance' of 400m, therefore changing the development incentives and provisions that apply to the site.
- The proposed development is located on a site which is within the LMR housing outer area. The non-discretionary development standards for building height and floor space ratio (FSR) pursuant to Chapter 6 of the SEPP (Housing) are substantially lower, and; to the extent that a complete redesign of the proposal would be necessary.

2 Building Height and Wall Height

The subject application should be refused as the height of the proposed development is excessive and contravenes the maximum building height (non-discretionary development standard) of SEPP (Housing), and the maximum wall height (development standard) of Mosman Local Environmental Plan 2012 (MLEP).

As noted in Item 1, Council is of the view that the location of the site is within the LMR housing outer area. In this regard, the proposal should be redesigned to comply with the maximum building height of 17.5m permissible for residential flat building developments on R3 Medium Density Residential zoned land, pursuant to Section 180(3)(b) of SEPP (Housing).

Notwithstanding the above, the commentary below is provided for the State Consent Authority in the event it is satisfied that the applicant demonstrated a safe and practical 'walking distance' that is within 400m to the town centre (i.e., benefiting from the LMR housing inner area provisions).

Under SEPP (Housing), the maximum height of buildings is 22m for development on land in a LMR housing inner area. The applicant nominates that the proposal provides 15% of its gross floor area (GFA) as affordable housing and is therefore eligible to utilise the full 30% uplift in building height available under Section 16(3) of the SEPP (Housing). This results in a maximum height of building development standard of 28.6m.

The applicant has nominated a building height of 33.4m and a wall height of 32.2, with the Clause 4.6 contravention requests (building height and wall height) identifying the maximum departures at the northern portion of the development (northern tower).

Council does not agree with the Applicants calculation of wall height and building height. See below:

Building Height

- The building height of the proposal has been calculated at 33.58m by Council. The Clause 4.6 contravention request for building height states the maximum building height to be 33.4m which is incorrect.

A survey overlay over the roof plan of the northern tower identified the following:

- Top of lift overrun – RL 93.900
- Existing ground level – RL 60.320

The departure from the building height standard is assessed to be +4.98m or 17.4% above 28.6m or +25.08m or 295.1% above the maximum of 8.5m allowable under MLEP.

Wall Height

- The wall height of the proposal has been calculated at 32.23m by Council. The Clause 4.6 contravention request for wall height states that the maximum wall height to be 32.2m which is incorrect.

A survey overlay over the roof plan of the northern tower identified the following:

- Top of wall/parapet – RL 92.550 (eastern side)
- Existing ground level – RL 60.320

The variation to the wall height standard is assessed to be +25.03m or 347.6%.

Council's view is that the Clause 4.6 contravention requests submitted for both building height and wall height contain errors and therefore cannot be relied upon in their current form.

The subject SSD application should be refused as the building height is excessive and contravenes the maximum height prescribed in relation to the proposed development. Council strongly contends that there is absolutely no merit in allowing any variation to the height requirement and in fact the applicant should not be allowed to achieve the full extent of the in-fill affordable housing bonus given the location of the site in a highly sensitive area, the development's likely impacts and the suitability of the site for the development.

The consent authority is reminded that the '*In-fill Affordable Housing Practice Note*' (December 2023), states:

Flexible application of in-fill affordable housing provisions

The full extent of the in-fill affordable housing bonuses may not be achieved on all sites, due to site constraints and local impacts. The in-fill affordable housing bonuses should not be treated as an entitlement. DAs that propose in-fill affordable housing will be subject to merit assessment by the consent authority. The application of the bonuses does not affect a consent authority's responsibility to consider the requirements of relevant EPs, a development's likely impacts or the suitability of the site for the development.

In this respect, the site is inappropriate for the full extent of the in-fill affordable housing bonuses for the following reasons:

- Approximately 47% the development site is within the Scenic Protection Area pursuant to Clause 6.4 'Scenic Protection' of MLEP.
- The building mass fails to provide appropriate transitions to low scale residential properties to the north, south, and east.
- The adjacent properties to the east are zoned C4 Environmental Living and outside the LMR housing area. As such, they will be developed under the provisions of MLEP with a maximum building height of 8.5m and a wall height of 7.2m.
- The site shares its southern boundary with 38 Redan Street which contains a heritage listed building that will continue to be the subject of the MLEP planning

provisions which allow a maximum building height of 8.5m, a wall height of 7.2m, and an FSR of 0.55:1.

The proposal does not satisfy any of the objectives relating to wall height as set out in Clause 4.3A(1A) of MLEP, including:

- (a) to provide for view sharing,*
- (b) to minimise the adverse effects of the bulk and scale of buildings,*
- (c) to encourage 2-storey buildings consistent with the desired future character of the area.*

Council, standing in the shoes of the consent authority, cannot be satisfied that the applicant has adequately demonstrated the following matters required to be demonstrated under clause 4.6 of MLEP:

- That compliance with the non-discretionary development standard is unreasonable or unnecessary in the circumstances, and
- That there are sufficient environmental planning grounds to justify the contravention of the non-discretionary development standard.

3 Gross Floor Area

The subject application should be refused as the floor space ratio (FSR) of the building is excessive and contravenes the maximum FSR prescribed in relation to the proposed development.

As noted in Item 1, Council is of the view that the location of the site is within the LMR housing outer area. In this regard, the proposal should be redesigned to comply with the maximum FSR of 1.5:1 permissible for residential flat building developments on R3 Medium Density Residential zoned land, pursuant to Section 180(3)(a) of the SEPP (Housing).

Notwithstanding the above, the commentary below is provided for the State Consent Authority in the event it is satisfied that the applicant has demonstrated a safe and practical 'walking distance' that is within 400m to the town centre (i.e., benefiting from the LMR housing inner area provisions).

Section 16 of the SEPP (Housing) allows an additional FSR of up to 30% based on the provision of the minimum affordable housing component as stated in this section. As defined under Section 15B of the SEPP (Housing) 2021, the affordable housing component of a development means the percentage of the gross floor area (GFA) used for affordable housing.

The proposal utilises the maximum 30% additional FSR equating to a FSR of 2.86:1, with an affordable housing component equating to 15% (or half) of the additional GFA provided, which meets the requirements for the additional FSR, however, the applicant's methodology of GFA calculation is not agreed.

The application documents include discrepancies in relation to the total GFA proposed (ranging between 9,214.8sqm and 9,305.3sqm) and the GFA attributed to affordable housing (ranging between 1,353.9sqm and 1,447.1sm). Refer to Item 17 for details.

Review of the GFA Calculation Diagrams (Drawing Nos. 2800 and 2801, Rev. B, prepared by FJC Studio), make it apparent that the GFA calculations have not been undertaken in

accordance with the GFA definition in the Standard Instrument, in so far as the following areas have been excluded:

- common staircase landings at all levels;
- horizontal circulation through service areas at all levels; and
- any excess parking (as outlined in Item 10).

With these areas included, the GFA and FSR floor space ratio of the proposed building is further increased, beyond the 2.86:1 maximum FSR prescribed by Sections 16 and 180(2)(a) of SEPP (Housing) in relation to residential flat buildings within the LMR housing inner area.

The applicant has not sought to vary the 2.86:1 maximum FSR non-discretionary development standard prescribed by Sections 16 and 180(2)(a) of the SEPP (Housing).

Accordingly, development consent cannot be granted, as the consent authority has no power to approve the application in contravention of the maximum FSR non-discretionary development standard.

In circumstances where the proposed development exceeds the non-discretionary maximum FSR development standards of the SEPP (Housing), the consent authority may refuse the application based on inconsistency with the maximum FSR development standards and associated objectives of MLEP.

The proposal does not satisfy any of the objectives relating to FSR set out in Clause 4.4(1)(a) of MLEP, including:

- (i) to ensure that buildings are compatible with the desired future character of the area in terms of building bulk and scale, and*
- (ii) to provide a suitable balance between landscaping and built form, and*
- (iii) to minimise the adverse effects of bulk and scale of buildings,*
- (iv) to limit excavation of sites and retain natural ground levels for the purpose of landscaping and containing urban run-off.*

Council, standing in the shoes of the consent authority, cannot be satisfied that the applicant has adequately demonstrated the following matters required to be demonstrated under clause 4.6 of MLEP:

- That compliance with the non-discretionary development standard is unreasonable or unnecessary in the circumstances, and
- That there are sufficient environmental planning grounds to justify the contravention of the non-discretionary development standard.

4 Urban Design Review

The application was referred to Council's Urban Design Consultant. The following matters of concern were raised:

Principle 1: Context and Neighbourhood Character

The subject SSD application is one of the first in the area to seek to benefit from both affordable housing and LMR housing provisions of SEPP (Housing), which result in increase to the height, bulk and scale of development anticipated in the area pursuant to the MLEP.

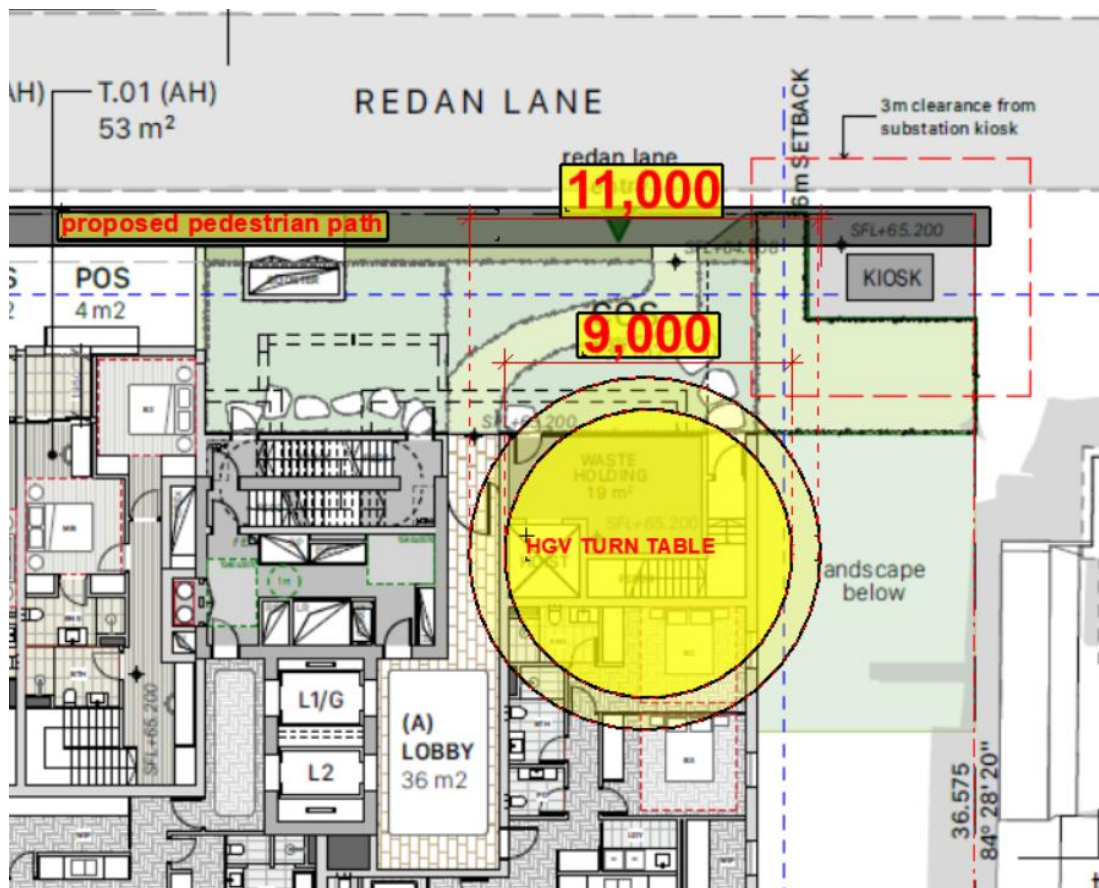
Redan Lane

Redan Lane is a narrow lane currently utilised to provide vehicle access to residential properties, fronting Redan Street and Muston Street. The current proposal seeks to utilise the lane as front door access to several two-storey apartments.

As the surrounding area develops in response to increased densities provided by State Planning Controls, the use of this lane by pedestrians (seeking access to the Town Centre) will significantly increase. The combination of both significantly increased pedestrian and vehicular traffic (as both side of the lane develops) is a safety concern. To address this issue the introduction of a pedestrian footpath is recommended.

Waste collection is currently proposed from the lane. However, there are concerns that the volume of garbage that needs to be collected will require collections to be provided between 2 to 3 times a week, which will impact on the functionality of the lane. This issue will likely be compounded when neighbouring sites are developed with increased densities. The introduction of on-site waste collection would assist in reducing the proposal's impact upon the lane and set a precedent for future developments to come.

To provide on-site waste collection from the lane a turntable would be required on Level 2 of the development. This would necessitate the re-planning of this level to accommodate a HGV turn table (range in size between 9 and 11m) and an increased floor to floor height for the northern portion of Level 1. The diagram below shows the scale and suggested location of a HGV turn table (note: the diagram is not intended to be a resolved design proposal). Swept path diagrams (provided by a traffic engineer) are required to establish how a garbage truck would enter and exit the site. This may impact the location of the turntable and require an increased laneway building setback.



Extract of Level 2 floor plan with mark-up (Source: Drawing 2104, FJC Studio)

Redan Street

In response to the steep topography of the street, the foot path servicing the subject site is elevated approximately 3m above the road, effectively isolating the road from the foot path with a steep landscaped embankment. The current proposal seeks to provide all vehicle access to the site via Redan Street by creating a vehicle entrance that goes under the foot path. Detail sections confirming how the driveway interfaces with the road and foot path should be provided to confirm the viability of this proposal.

Neighbouring Heritage Buildings

38 Redan Street is a heritage listed semi-detached dwelling located immediately to the south of the subject site. The proposed building will be viewed as a backdrop for the heritage building. The form and proximity of the currently proposed building will overshadow the heritage building throughout the day.

29 Redan Street accommodates a heritage listed dwelling, located on the eastern side of the Street directly opposite the subject site. The current proposal will overshadow the heritage building in the afternoon.

Principle 2: Built Form and Scale

Redan Street Setback

The northern portion of the proposed building (scales as approximately 4.5m) aligning with the adjoining neighbour (50 Redan street). The southern portion of the proposed building is setback 8.8m to align with the heritage listed southern neighbour (38 Redan Street).

Details of boundary walls addressing the street should be provided. These walls will be seeking to provide privacy to the private open space (POS) space of ground floor level apartments; in doing so they must not compromise the aesthetic quality of the proposal's street interface and maintain a level of casual surveillance to the street.

Redan Lane Setback

An increased setback should be provided to accommodate a pedestrian path and improve the amenity of residents.

The current proposal provides two-storey apartments with direct access to the lane. The living rooms of these units are located at the lower level (Level 1), the floor level of living rooms and POS range from 0.4m to 1.9m below the level of the lane. This will result in a minimal level of natural light, a very restricted outlook and create potential privacy issues. It is recommended that the units are redesigned to accommodate upper-level (Level 2) living rooms with improved amenity. An adequate setback to the lane must provide:

- POS, accessed directly from the Level 2 living rooms.
- a landscape transition to the lane.
- a dedicated pedestrian footpath.
- accommodate garbage truck manoeuvring.

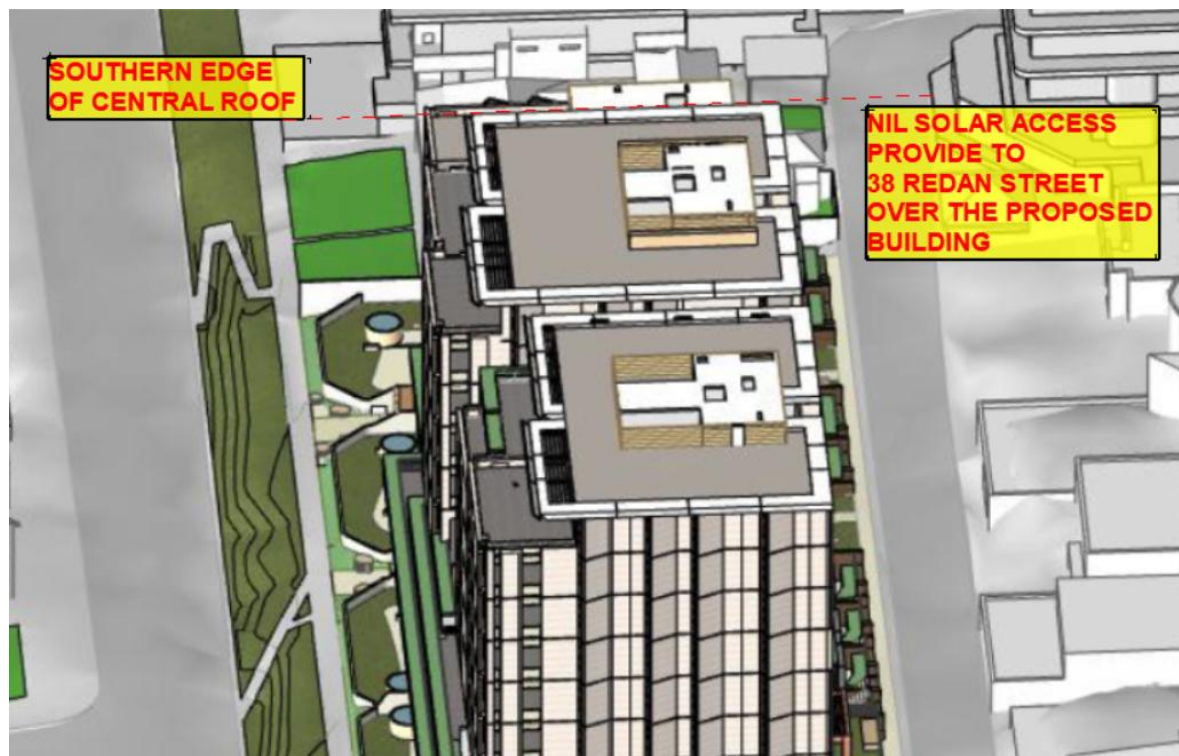
It should be demonstrated that potential privacy issues are minimised and an appropriate level of amenity is provided to all apartments fronting the lane.

Expression of Building Base – Redan Street

The building base is largely horizontal in expression. Given that the base will be experienced in the context of single lot small scale residential street it is recommended that further modulation of the building base is undertaken. This strategy may also be developed to more clearly define building entrances, by providing clearly defined breaks in the facade where entrances are located.

Relationship with Heritage Building – 38 Redan Street

Solar access diagrams show that the central roof proposed on the subject site is currently set at a height that prevents any direct solar access to 38 Redan Street. The drawing extract below shows that when the sun is at its highest point in winter (12noon) no direct solar access will be provided over the top of the building.

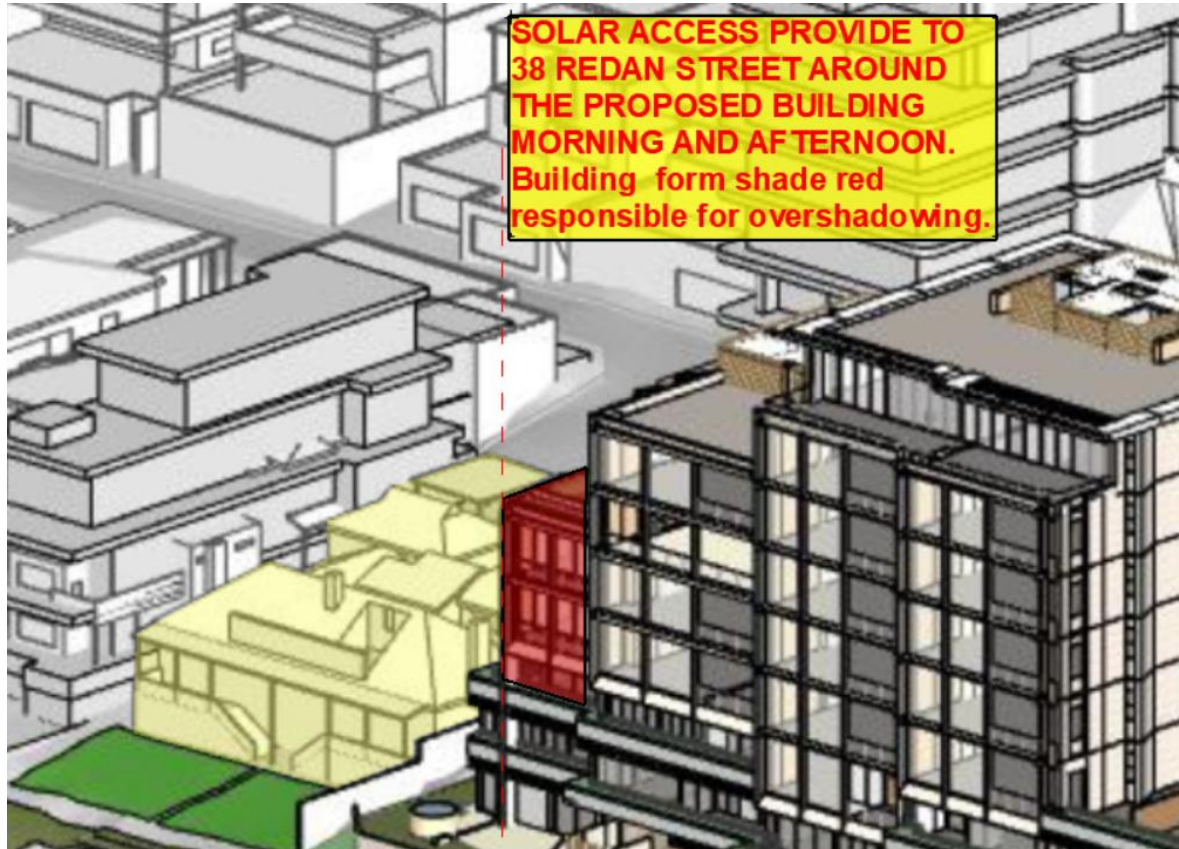


Extract from sun eye view diagram (12noon, mid-winter) with comments (Source: Drawing 6002, FJC Studio)

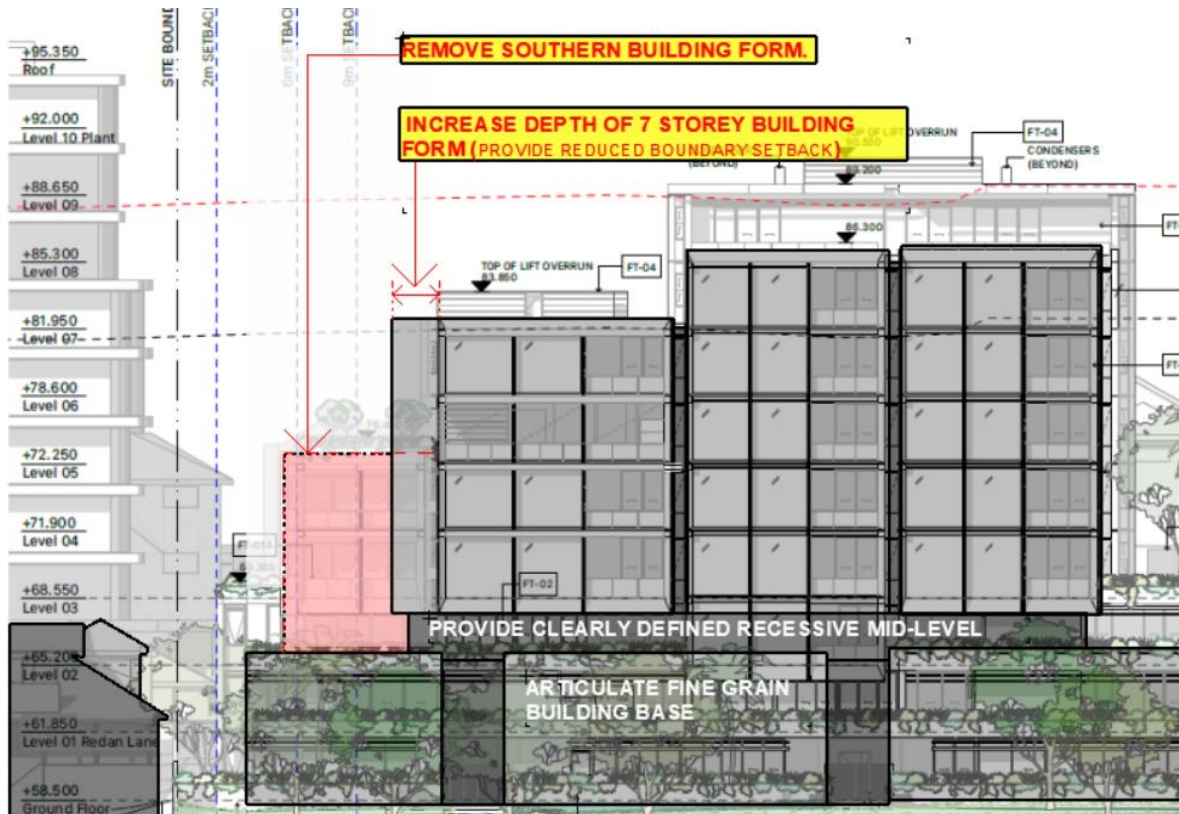
Solar access to the neighbouring site is achieved in the morning and afternoon around the edges of the proposed building on the subject site, as shown in the drawing extract (on the following page).

As such the important factors in minimising the overshadowing of 38 Redan Street are the footprint of the proposed building and its proximity to the southern boundary. The stepping of the southern-most element has no solar access benefit for 38 Redan Street and its proximity to the southern boundary crowds the neighbouring heritage building. The removal of this form will improve the proposal's relationship with the neighbouring heritage building.

GFA could be shifted to compensate for amendments to the development design by adjusting the footprint of the seven-storey building form adjacent to the southern boundary, as outlined in the drawing extract (on the following page).



Extract from sun eye view diagram (9am, mid-winter) with comments (Source: Drawing 6002, FJC Studio)



Extract from East Elevation drawing with comments (Source: Drawing 3001, FJC Studio)

Moreover, the southern edge of the proposed building is currently treated in an extremely defensive manner, as demonstrated in the document extracts below.



*Extract of eastern façade from Architectural Design Report and Visual Impact Assessment
(Source: FJC Studio and Urbis)*

Given the proposals proximity to the two-storey heritage building, the upper levels of the proposal will benefit from outlook above and beyond the heritage building and the potential for privacy issues will be minimal. As such the southern façade could be developed in a less defensive manner. This would assist in developing the expression of the building and significantly improving the amenity of the residential units. If the built form development recommendation outlined above is undertaken, ADG compliant setbacks will be provided to the upper levels of the building, allowing south facing windows and balconies to be introduced. Given that the proposal will be viewed as the backdrop to the heritage building, its expression should be calm and subdued.

View loss

The view analysis provided by Urbis acknowledges that the current proposal will impact on the views of neighbours to the west, some of which will experience a severely / devastating level of impact. The study provided does not consider the accumulative effect of future developments undertaken to realise increased height and density provided by SEPP (Housing). This factor will significantly increase the number of residential dwellings that experience a severely / devastating view loss impact.

A more considered strategy to increase density would be to develop a masterplan based on a detailed analysis of the precinct. It would limit height where necessary and increase height in a manner that established view corridors. Amalgamation patterns and built form guidance could be used to achieve the required density in a more controlled and equitable manner.

Building Height

No clear and convincing strategy has been put forward to justify increasing the height of the building in excess of the building height permitted by SEPP (Housing).

Currently proposed residential floor to floor heights are 3.35m, this is 150mm in excess of the current industry standard of 3.2m which has been proven to allow ADG compliant ceiling heights. Given the areas sensitivity to height, it appears unnecessary to contribute to the non-compliance by increasing the floor-to-floor heights of typical residential floors beyond that of the industry standard.

To assist in reducing building bulk typical residential floors should be limited to 3.1m floor to floor. Additional floor to floor heights should only be provided where transfer slabs or additional space for roof structure is required.

Principle 3: Density

The current proposal crowds the neighbouring heritage building and devastates the views of the western neighbours resulting in a building that presents as an over-development of the site.

Principle 4: Sustainability

Solar access

The ADG, Objective 4A-1 states:

living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter.

The current proposal meets ADG objectives for solar access.

Natural cross ventilation

Objective 4B-3 of the ADG states that at least 60% of apartments are naturally cross ventilated in the first nine storeys of the building.

The current proposal meets ADG objectives for natural cross ventilation.

Opportunities to harvest rainwater for use in maintaining any plantings established on the building or the site should be explored. Other water minimisation measures (re-use of rainwater for toilet flushing and washing machines) should also be considered.

The use of solar power and solar water heating, as well as general electrification, is strongly encouraged, particularly to service communal circulation and parking areas.

Low embodied energy should be a consideration in material and finish selections.

Landscape plantings should address aims for biodiversity protection, weed minimisation and low water use.

The provision for electric vehicle charging stations be provided in the different carpark levels and that spaces for car-sharing vehicles be provided.

Principle 5: Landscape

Communal Open Space (COS)

The primary area of COS is located at level 5 on the southern edge of the building. The COS roof terrace is only readily accessible to the southern unit block, which contains approximately 20% of units within the development. The remaining 80% of units are required to access the COS via a series of back of house corridors that pass through each of the ground floor lobbies, or access via the southern lift within the basement carpark. Clear and equitable access to the primary area of COS has not been provided to the majority of units.

Objective 3D-1 of the ADG requires communal open space to have a minimum area equal to 25% of the site, this equates to a requirement for 808sqm of COS on the subject site.

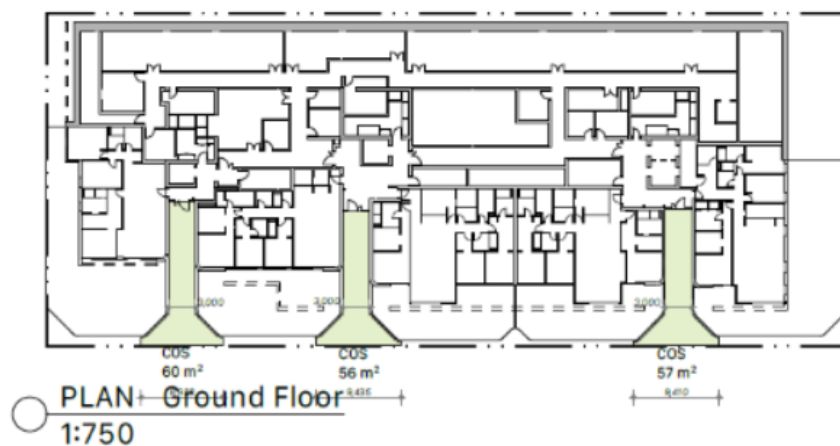
Part 3D of the ADG outlines the intended function of COS:

The function of open space is to provide amenity in the form of:

- *landscape character and design*
- *opportunities for group and individual recreation and activities*
- *opportunities for social interaction*
- *environmental and water cycle management*
- *opportunities to modify microclimate*
- *amenity and outlook for residents.*

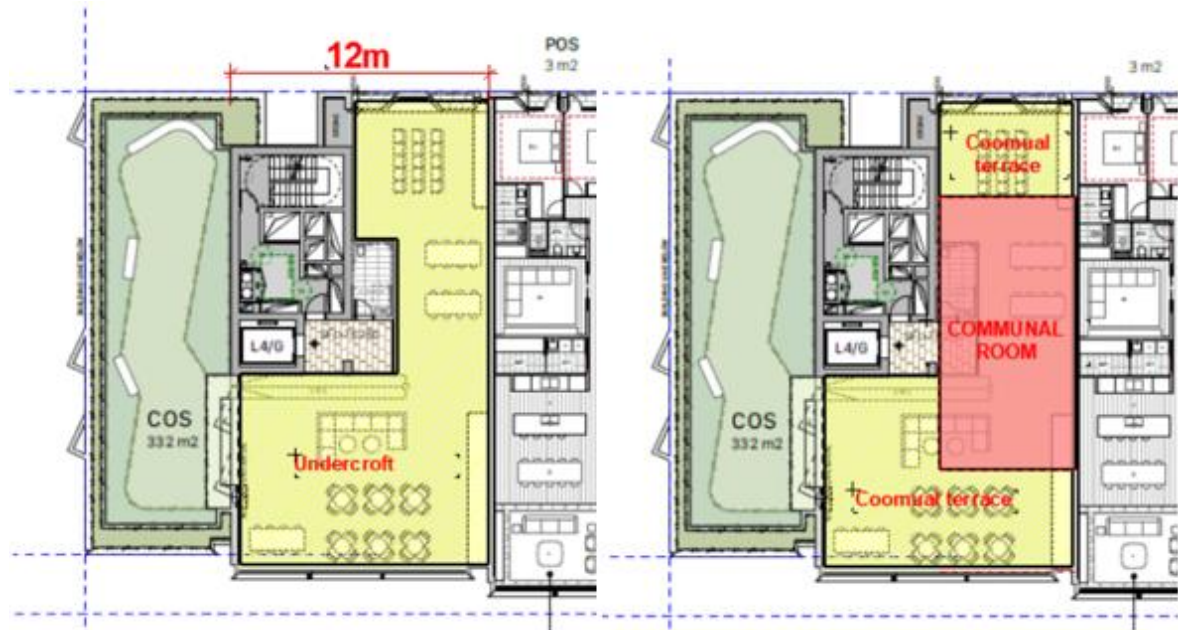
The current proposal claims that 832.7sqm of COS is provided. However, 173sqm of space consists of linear utilitarian path providing access to ground floor lobbies that do not contribute to the landscaped character or residential amenity. A further 137sqm consists of a landscaped area located in the north-western corner of Level 2, this area is likely to alter significantly to allow for on-site waste collection to be accommodated.

When these factors are taken into account (832.7sqm COS – 310sqm = 517sqm COS) insufficient COS has been provided to meet ADG design objectives. It is recommended that additional COS is provided in the northern portion of the site at ground level.



Extract from COS diagrams (Source: Drawing 6005, FJC Studio)

The proposed roof top COS predominantly consists of a 12m deep under-croft space that will be dependent upon artificial lighting 24 hours a day. It is suggested that this space be developed into a combination of communal room and well-proportioned terraces, as outlined in the diagram below.



Extract from Level 5 plan with mark-up and suggested communal room (Source: Drawing 2107, FJC Studio)

Principle 6: Amenity

The majority of apartments are significantly in excess of the spatial requirements of the ADG. Further consideration of the following issues is required to further improve residential amenity, particularly within communal areas:

Circulation

A clear circulation strategy has not been provided, circulation issues include:

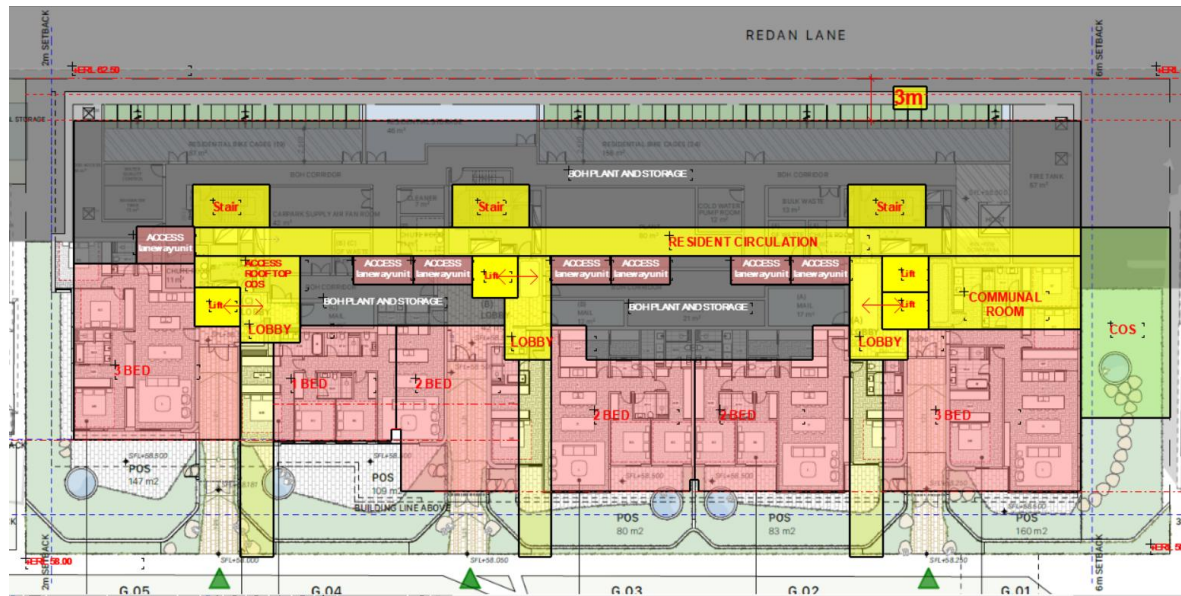
- The two-storey laneway units have no direct access to the carpark; Resident are required to exit the site to access their unit once they have parked their car.
- Residential lobbies are very tight, and lifts are obscured from view. The ground floor lobby area to the southern building is particularly tight and contorted, as shown in the ground floor drawing extract below. With a narrow entry point from the street that also contains the front door to a residential unit and a lift that is obscured from view. The northern ground floor lobby will also provide the point of access to primary area of rooftop COS.
- The northern ground floor unit has two front doors located side by side. One is accessed via the lift the other via the lobby. Which door will resident answer when there is a knock at the door?
- Access to the roof top COS is via a maze of BOH corridors that require residents to traverse the lobbies of all buildings to access the extremely poorly proportioned ground floor southern lobby or access the COS via the basement carpark.

- ADG object 4F-1 states: *Daylight and natural ventilation should be provided to all common circulation spaces that are above ground.*
- Upper-level lobbies are tightly proportioned and have no access to natural light, as shown in the levels 3 and 5 drawing extracts below. ADG design objectives are not achieved.
- Numerous lifts discharge directly into residential units. In some instances, no security door is provided between lift and unit, as shown in the level 3 drawing extracts below. This will compromise resident privacy when the lift is being shared by residents and create a potential security risk.



Extract of floor plans with mark-up to highlight circulation issues
 (Source: Drawings 2102, 2105, and 2107, FJC Studio)

Further development is required to provide a more rational circulation strategy, a diagram outlining a potential strategy for ground floor circulation is shown below. Entrances are aligned with lifts, well-proportioned lobbies are provided, an access corridor independent of lobbies connects the northern COS with access to the rooftop COS and access from the basement is provided to all two storey laneway apartments.

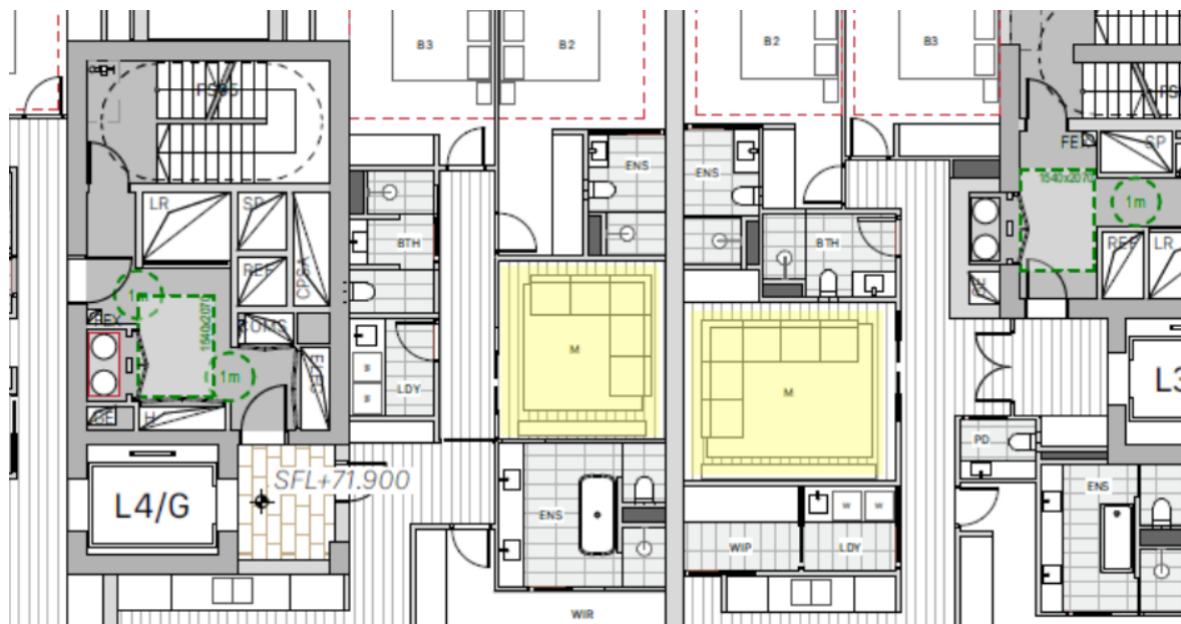


Extract of the ground floor plan with mark-up of suggested circulation strategy (Source: Drawing 2102, FJC Studio)

Natural light

ADG Objective 4D-1, Design guidance states that “a window should be visible from any point in a habitable room.”

Units 3.04, 3.05, 4.04, 4.05, 5.04, 604 and 605 contain habitable rooms that have no access to an external window. It is a concern that these rooms will be dependent upon artificial lighting 24 hours a day.



Extract from Level 4 plan highlighting habitable rooms with no windows (Source: Drawing 2106, FJC Studio)

Principle 7: Safety

Further refinement of the laneway interface and buildings circulation strategy is required to provide a safe and convenient pedestrian environment.

Principle 8: Housing Diversity and Social Interaction

The proposal incorporates affordable housing dwellings. However, the current proposal consists predominantly of 3 and 4 bedroom apartments (80%) with the remainder of apartments consisting of 2 bedrooms, with no 1 bedroom or studio apartments proposed. It is recommended that a wider mix of dwelling types, including some 1 bedroom apartments are provided to cater for the more diverse needs of the community.

Principle 9: Aesthetics

Further refinement of the building form including an increased laneway setback, improved articulation of the building base fronting Redan Street and refinement of the buildings southern interface with the heritage listed neighbour is recommended.

To ensure the architects design intent is realised the DA documentation package should include detail sections of all building facades and proposed material / services be clearly specified, including:

- Dimensioned details of all screens and balustrades.
- Clear specification of all brick and stone types (including manufactures reference).
- Detail of fire booster enclosure
- Material finish of all soffits visible from the public domain.
- All external services, rainwater pipes must be shown on elevations, or a written commitment to concealing all building services.

Summary

In consideration of the above, Council strongly recommends design changes be undertaken as substantial refinement of the proposal is considered necessary to provide an appropriate contextual urban design response. The following amendments are recommended:

- A reduction in height to comply with building height (non-discretionary development standard) set out for development in the LMR housing outer area (excluding in-fill affordable housing provisions).
- Increased setback from the lane to accommodate a pedestrian path, improve residential amenity for the terrace style apartments, and facilitate public domain improvements.
- The provision of on-site waste collection.
- Refinement of the southern edge of the proposed building form to provide an appropriate interface with the neighbouring heritage item.
- Further articulation of the building base fronting Redan Street to respond to the fine grain street character.
- Rationalisation of circulation within the building and improvement of common lobby areas.

- Refinement of COS and the introduction of COS adjacent to the northern boundary to meet ADG design objectives.

Section 20(3) of the SEPP (Housing) states that the *‘Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with—*

- (a) the desirable elements of the character of the local area, or*
- (b) for precincts undergoing transition—the desired future character of the precinct.’*

For the reasons outlined, the proposal in its current form fails both (a) and (b).

Section 147(1) of SEPP Housing states that ‘Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following—

- (a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,*
- (b) the Apartment Design Guide’.*

For the reasons outlined, the proposal in its current form fails both (a) and (b).

5 In-fill Affordable Housing

The ‘In-fill Affordable Housing Practice Note’ (December 2023), states:

Flexible application of in-fill affordable housing provisions

The full extent of the in-fill affordable housing bonuses may not be achieved on all sites, due to site constraints and local impacts. The in-fill affordable housing bonuses should not be treated as an entitlement. DAs that propose in-fill affordable housing will be subject to merit assessment by the consent authority. The application of the bonuses does not affect a consent authority’s responsibility to consider the requirements of relevant EPIs, a development’s likely impacts or the suitability of the site for the development.

Residential amenity of affordable housing

It is important that amenity is maximised across a development, and that affordable dwellings are not subject to a lower standard. For example, if 70% of dwellings across a development achieve the ADG criteria for solar access (minimum 2 hours to living areas), then a similar percentage of the affordable dwellings should meet that standard.

The affordable housing comprises 11 x 2 bedroom apartments, which does not provide diversity to affordable housing tenants. Furthermore, eight (8) affordable housing dwellings have been situated in an area of the development subject to the poorest of amenity, namely the west-facing sunken living areas of the two storey terrace style apartments which are up to 1.9m below the level of the footpath in Redan Lane.

Seven (7) of the affordable dwellings are not adequately cross-ventilated and rely on assisted ventilation, and ten (10) of the affordable dwellings do not meet the minimum solar access requirements (only 1-2 hours) with one (1) affordable dwelling receiving less than 15 minutes of solar access.

Council recommends the redistribution and/or redesign of the affordable dwellings to ensure the minimum amenity requirements of the Apartment Design Guide (ADG) are met. In this respect, if the ADG requires a minimum 70% of apartments to receive a minimum of 2 hours direct sunlight to living rooms and private open spaces between 9am - 3pm at mid-winter, then 70% of affordable housing dwellings must meet the same requirement. The same principle should apply to natural cross ventilation, thus a minimum 60% of affordable dwellings must be naturally cross ventilated.

Section 20(3) of the SEPP (Housing) states that the Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with—

- (a) the desirable elements of the character of the local area, or*
- (b) for precincts undergoing transition—the desired future character of the precinct.*

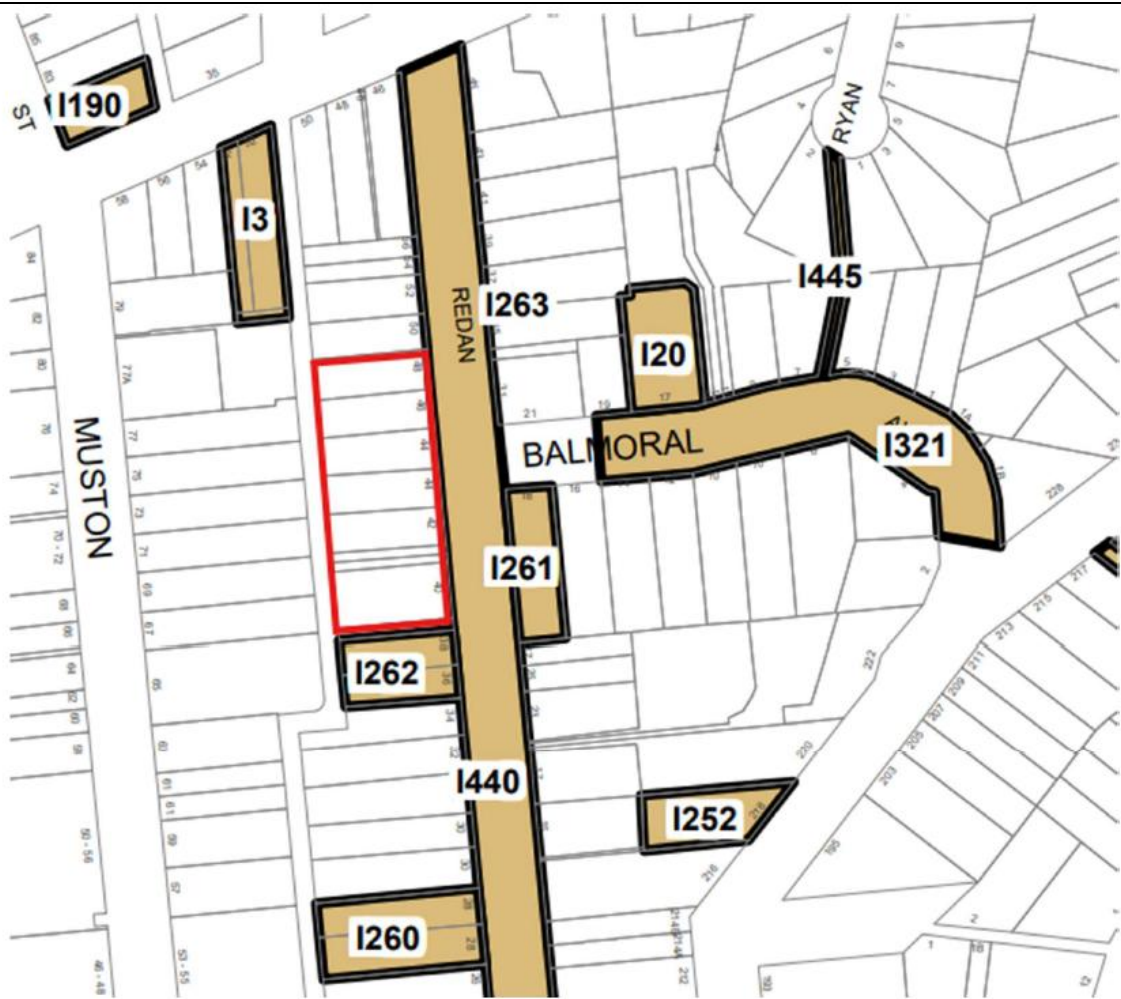
It is recommended that all affordable housing units within the development be operated by a Community Housing Provider in perpetuity (beyond the 15-year minimum requirement) as the loss of affordable housing after 15 years will result in the displacement of that resident population raising the key issues of social isolation with people having to establish their social and support networks elsewhere. Loss of the resident population returns the issue of loss of local workforce and thus impacts on the local community reliant on those workers.

6 Heritage

The application was referred to Council's Heritage Consultant for review where a number of concerns were raised.

The subject site immediately adjoins heritage items located at 36 and 38 Redan Street (Item I262 – Pair of semi-detached houses) and the Redan Street road reserve (Item I440 – Divided Road Redan Street). The subject site is also in the vicinity of several heritage items, which include:

- Item I3 - 'House', 52 Almora Street
- Item I20 - 'House', 17 Balmoral Avenue
- Item I1261 - 'House', 29 Redan Street
- Item I1263 - 'House', 29 Redan Street
- Item I321 - 'Divided Road' Balmoral Avenue



Excerpt from MLEP Heritage Map with the subject site edged in red

The Heritage Impact Statement accompanying the application considers the proposed development to have an acceptable impact on the local items of heritage significance, on the basis that *“the built form volume is balanced by its architectural design, which incorporates strategies to minimise the bulk and scale of development”*, including:

“The proposed development has been designed to respond respectfully to the heritage context. Setbacks to all boundaries of the consolidated site reflect the established pattern in the locality, maintaining a consistent spatial relationship with surrounding development.”

Council does not concur with the findings of the Heritage Impact Statement and considers that the proposed development does not adequately respect the surrounding heritage items. Based on a review of the relationship between the surrounding properties and the proposal, it is unclear what aspect of the established pattern is maintained, nor what heritage context has been acknowledged.

The south-eastern corner of the podium does step back to align with the frontage of the adjacent heritage item located at 36 and 38 Redan Street, however, the building, including the basement excavation, has been setback by only 2m from the southern boundary and has a height of 3-5 storeys adjoining this heritage item. The scale and strong horizontal form of the building fails to respond to the scale of adjoining development by introducing a distinctive and unfamiliar element into the streetscape.

As clearly shown in a number of images in the Architectural Design Report (prepared by FJC Studio), the height and close proximity of the proposed building creates an unacceptable and overbearing impact on the adjoining heritage item located at 36-38 Redan Street.



Eastern façade (Source: Architectural Design Report, FJC Studio)

In addition, the overall height, bulk and scale of the building will result in the adjoining heritage item at 36-38 Redan Street having no solar access throughout the day. The proposed development will also result in significant overshadowing of the heritage listed building directly opposite the site, located at 29 Redan Street.

The proposal incorporates an unacceptable site response to the adjoining heritage listed building and adjacent heritage items in the vicinity of the site. In this regard, the application has not provided adequate justification or mitigation measures for these impacts, and as such, the proposal is considered inconsistent with relevant heritage conservation objectives and planning controls set out in Clause 5.10 'Heritage conservation' of MLEP and Part 5.6 'Heritage conservation' of MRDCP.

7 Scenic Protection

Council has consistently strongly objected to the application of the LMR Housing Policy in Mosman's Scenic Protection Area. The Scenic Protection Area is given effect by Clause 6.4 of MLEP:

6.4 Scenic protection

(1) The objectives of this clause are as follows—

(a) to recognise and protect the natural and visual environment of Mosman and Sydney Harbour,

(b) to reinforce the dominance of landscape over built form,

(c) to ensure development on land to which this clause applies is located and designed to minimise its visual impact on those environments.

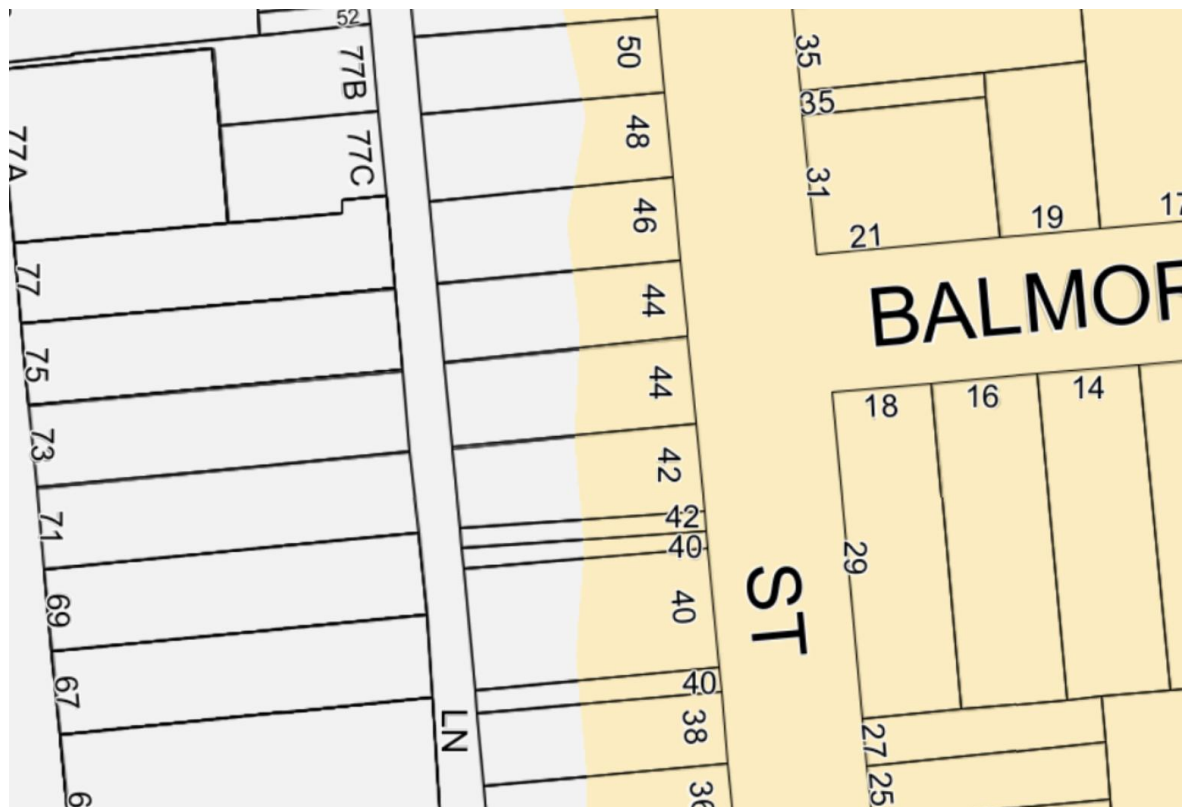
(2) This clause applies to land identified as “Scenic Protection Area” on the [Scenic Protection Map](#).

(3) Development consent must not be granted to any development on land to which this clause applies unless the consent authority is satisfied that—

(a) measures will be taken, including in relation to the location and design of the proposed development, to minimise the visual impact of the development to and from Sydney Harbour, and

(b) the development will maintain the existing natural landscape and landform.

Council has calculated an area equivalent to 47% (approximately) or 1,519.51sqm of the site to be within the Scenic Protection Area, as shown in the following extract from the MLEP Scenic Protection Map:



Excerpt from MLEP Scenic Protection Area Map

The Mosman Scenic Protection Area applies to all land in Mosman from the waterline to the 60 metre contour, identified as a benchmark for significant views to and from Sydney and Middle Harbours in strategic planning studies undertaken in the 1990s.

Protecting the scenic quality and landscape amenity of Mosman’s foreshore slopes has been a Council priority for many years as these features play a dominant role in contributing to the character of Mosman.

In May 2022, Council successfully rezoned all land zoned R2 Low Density Residential within the Scenic Protection Area to C4 Environmental Living. This rezoning had the effect of exempting this land from the complying development provisions under *SEPP (Exempt and Complying Development Codes) 2008* and allowing the fine-grained assessment of proposed development to continue under the provisions of MLEP and Mosman Residential Development Control Plan (MRDCP). Together, these local planning controls apply a fine-

grained assessment of proposed development considering matters such as landscaping, bulk, scale and design, view sharing to the harbour and iconic landmarks, along with zone objectives which seek to maintain the general dominance of landscape over built form.

The application should be refused because it has not been demonstrated that adequate measures have been taken to minimise the visual impact of the proposed development and that the development will maintain the existing natural landscape and landform.

The proposed development involves the removal of trees and vegetation from the site, combined with extensive excavation, such that the existing natural landscape and landform will not be retained or be recognisable.

The consent authority must continue to protect the scenic quality and landscape amenity of Mosman's foreshore slopes, as it has been a Council priority for many years, as these features play a dominant role in contributing to the character of Mosman, especially when it is considering the proposal against Section 20(3) of the SEPP (Housing) which states that 'development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with—

- (a) the desirable elements of the character of the local area, or*
- (b) for precincts undergoing transition—the desired future character of the precinct'.*

8 Landscaping

The proposed development does not comply with the requirements under the 'NSW Tree Canopy Guide for Low and Mid Rise Housing', nor does it meet the numerical requirements or objectives of Clause 6.6 MLEP 'Landscaped areas'.

NSW Tree Canopy Guide for Low and Mid Rise Housing

Section 177(2) of SEPP (Housing) states that 'Development consent must not be granted for development for the purposes of residential flat buildings or shop top housing unless the consent authority has considered the *Tree Canopy Guide for Low and Mid Rise Housing*, published by the Department in February 2025.' (Tree Canopy Guide for LMR Housing).

The Tree Canopy Guide for LMR Housing provides as relevant, that for residential flat buildings, the deep soil and tree planting in Table 6 or Table 7 should be applied across the whole development:

- Table 6 applies where Apartment Design Guide applies, however LMR Guide encourages enhanced deep soil by using Table 7 where possible.
- Table 6 provides that all lots shall provide 15% tree canopy and 7% minimum deep soil.
- Table 7 provides that sites with an area >1500m² provide 20% tree canopy and 15% deep soil.

The Glossary within the Tree Canopy Guide for LMR Housing defines 'Deep Soil' as:

A landscaped area connected horizontally to the soil system and local ground water system beyond and is unimpeded by any building or structure above or below ground with the exception of minor structures.*

Deep soil zones with a minimum dimension of 3m allows sufficient space for the planting and healthy growth of new trees that provide canopy cover and assist with urban cooling and infiltration of rainwater to the water table. Deep soil also allows for the retention of existing trees.

** Minor structures are defined as:*

a. path, access ramp or area of paving with a maximum width up to 1.2m

b. essential services infrastructure (such as stormwater pipes) with a maximum diameter up to 300mm

c. landscape structures (such as lightweight fences, light poles or seating) requiring a footing with a maximum size of up to 300mm x 300mm in cross section.

The 3m dimension in deep soil refers to 3 m in every horizontal direction (length and width). This means deep soil is a minimum 9m² (3m x 3m).

The application documents include discrepancies with regard to proposed deep soil zone area of the development with the architectural deep soil zone area diagrams documenting 533.2sqm or 16.49% and the EIS stating 495.3sqm or 15.3%.

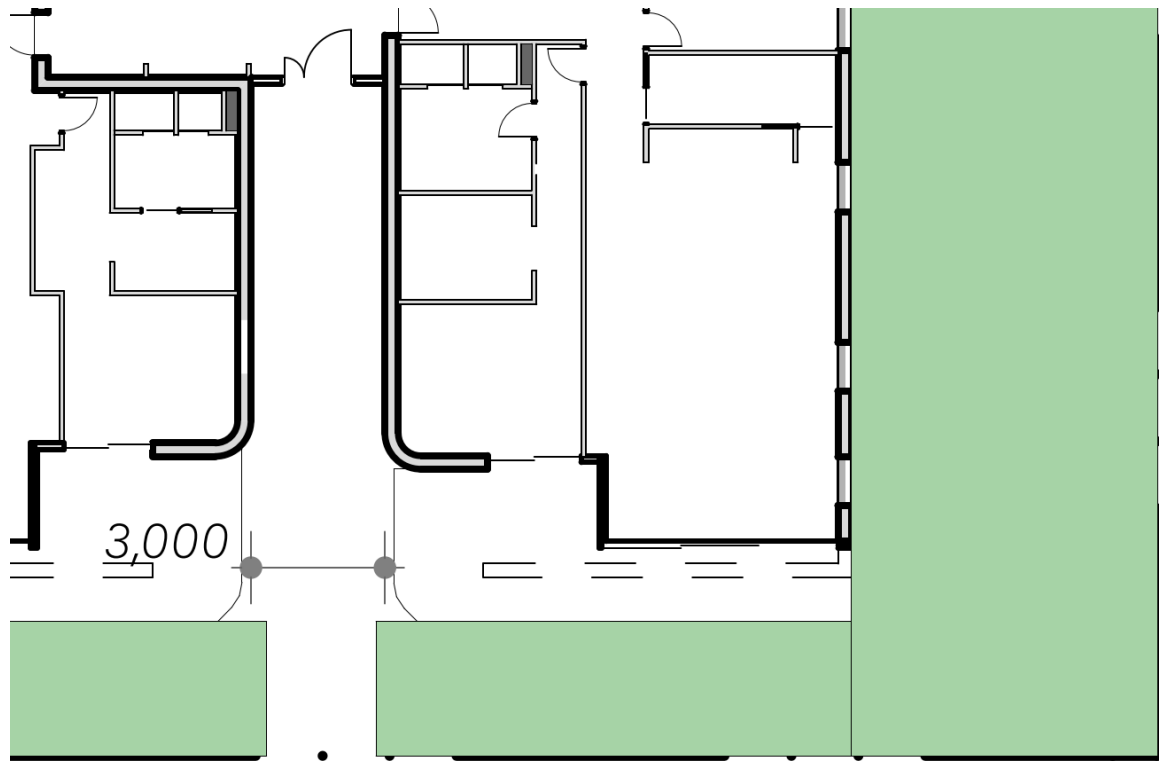
The applicant's calculation of deep soil zone fails to comply with the above definition as it includes many areas that do not meet the minimum 3m x 3m (9sqm area) requirement. Examples include, but are not limited to the following:

- The front garden areas of the eastern apartments include retaining walls due to changes in levels in response to site topography. These areas have been included in the 3m x 3m deep soil calculations which is incorrect.
- The southern setback area on Level 1 (near the western Redan Lane frontage) has been included in the deep soil zone calculations, however the setback from the southern boundary is only 2m.
- Structures such as spas have been incorrectly included in the deep soil calculations.

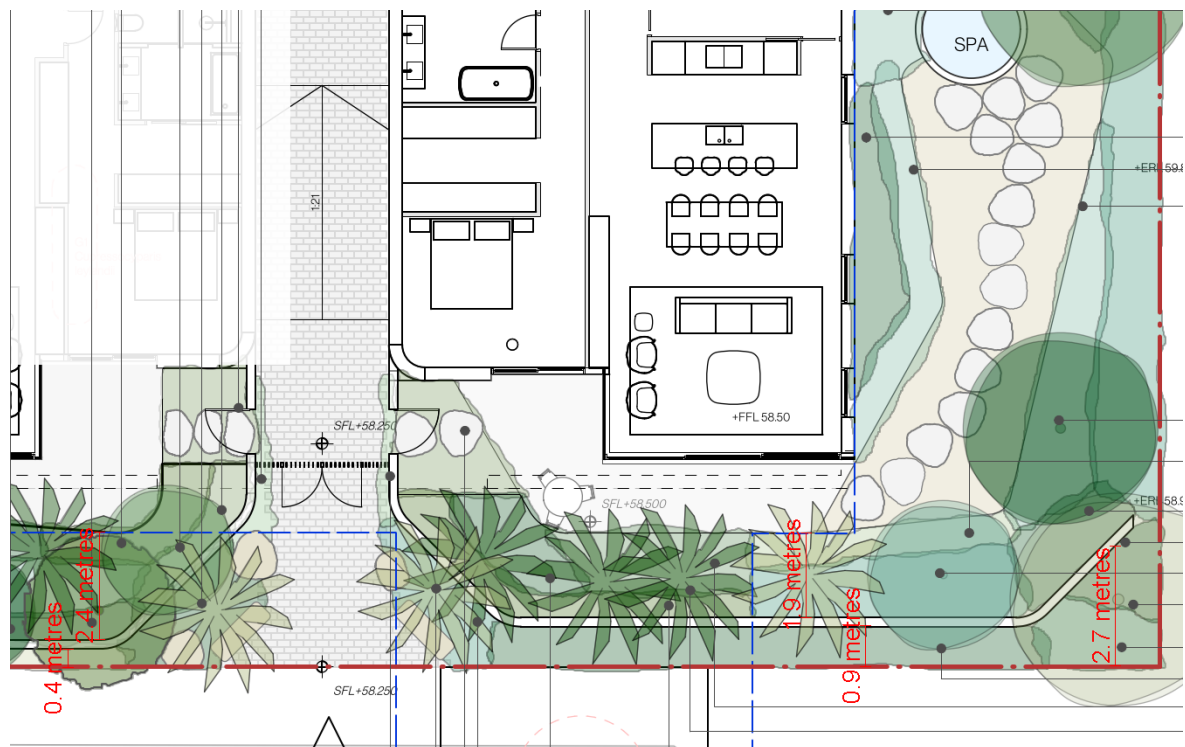
Extracts from the landscape plan and deep soil zone are provided herein for reference.

The exclusion of structures and areas which do not meet the 3m x 3m deep soil zone requirements (from deep soil zone calculations), results in a deep soil zone subtraction of 287.9sqm from the figures presented in the application documents in accordance with Council's calculations. In this respect, the EIS figure of deep soil (495.3sqm or 15.3%) would be reduced to 207.4sqm or 6.4% which is well below the 15% requirement of the Tree Canopy Guide for LMR Housing and below the Min. 7% deep soil zone requirement of the Apartment Design Guide (ADG).

Given the sensitive location of the site being within the Scenic Protection Area there is strong merit in applying the enhanced provisions under Table 7. When the Table 7 provisions are applied, the proposal has a shortfall of 277.55sqm from the 15% deep soil requirement (484.95sqm).



Extract from deep soil zone area diagrams documenting areas included in 3m x 3m deep soil zones (Source: Drawing 6006, FJC Studio)



Extract from landscape plans depicting front gardens with retaining walls and mark-up dimensions to highlight areas below 3m x 3m dimensions. A spa is also within the northern setback area (Source: Drawing DA03-D0526, Dangar Barin Smith)

Clause 6.6 'Landscaped areas' (MLEP)

Clause 6.6 MLEP provides as relevant 'The consent authority may refuse to grant development consent to development involving the erection of a building unless at least the following minimum landscaped area of a site (as a percentage of the site area) is provided for the development: (b) for development resulting in more than one dwelling per lot - 50%, for land identified on the Floor Space Ratio Map as having a maximum floor space ratio of 0.6:1 or less.

The objectives of Clause 6.6(1) are as follows—

- (a) *to have the landscape and townscape area character of Mosman's residential areas maintained and enhanced by requiring landscaping of sites in conjunction with other development,*
- (b) *to have a general visual dominance of landscape over buildings maintained, particularly on harbour foreshores, while recognising the difficulty of achieving this on small lots where there are existing buildings such as semi-detached dwellings,*
- (c) *to have adequate and usable ground level open space for recreation, landscaping and containing urban run-off.*

'Landscaped area' is defined in the dictionary of MLEP as:

"landscaped area means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area".

The applicant has provided a landscaped area calculation diagram (Drawing 6012, Rev. B, FJC Studio) which presents a landscaped area of 1,104.1sqm (34.2%), however the EIS submitted states a landscaped area of 1,153.1sqm or 35.7% (EIS).

The areas included in the landscaped area diagrams are not agreed. In this respect, areas over structures (e.g., rooftop planting and planting over slabs) have been included as landscaped area which is inconsistent with the definition of 'landscaped area' pursuant to MLEP.

The exclusion of landscaped area (over structures) results in a development that is considerably below the minimum 50% MLEP landscaped area provision. The shortfall in landscaped area presents a poor landscape outcome for the proposal, and failure to achieve the objectives of the landscaped area requirement.

Part 4.4 'Landscaping' (MRDCP)

The proposed development does not satisfy objectives and planning controls set out in Part 4.4 'Landscaping' of MRDCP, in particular:

- (a) Objective O4 aims *"to have the existing canopied and vegetated landscaped character of Mosman protected and enhanced."*
- (b) Objective O6 aims *"to have front gardens and areas forward of the front building alignment include vegetation and landscaping that makes a positive contribution to the streetscape."*
- (c) Planning Control P4 requires *"Vegetation and landscaping should:*
 - (a) *soften the built form;*

(b) be consistent with the theme of vegetation in the streetscape, if a predominant theme exists;
(c) form part of the overall streetscape, and therefore contribute as a unifying element within the street.

The application was referred to Council's Landscape Department who did not support the proposed development for reasons outlined above. Furthermore, it was noted that tree and plant species proposed in the current landscape scheme do not reflect or contribute to the natural biodiversity of the area. As such, more endemic tree species should be incorporated in the refinements that are required for the landscape design.

For the reasons outlined above, the proposal is inconsistent with the landscape design principle outlined within the Schedule 9 of SEPP (Housing), Design Principles for Residential Apartment Development.

9 Visual and Amenity Impact

The application must be refused as the proposed development does not maintain adequate amenity for neighbouring properties. In this regard:

- The applicant has not demonstrated that the proposed development has been designed to minimise view loss to adjacent (upslope) properties, as required by Planning Control P4 of Part 4.3 'View sharing' of MDCP. The impacts upon private and public views will be severe to devastating.
- The applicant has failed to provide any visual analysis from the west of the proposed development (upslope properties). This means it is not possible for a proper assessment of the visual impact of the development, or an adequate view sharing assessment, to be undertaken.
- The application has not demonstrated that adequate measures have been taken to minimise the visual impact of the proposed development to and from Sydney Harbour as required for all development within the Scenic Protection Area of Mosman.
- The proposal results in significant overshadowing of adjoining and adjacent neighbouring properties including heritage listed items of local significance.
- The proposed development and intensification of land use will adversely compromise visual and acoustic privacy levels of neighbouring residents.
- Insufficient spatial separation is afforded to neighbouring properties, resulting in unreasonable impacts with respect to visual dominance.
- The failure to provide appropriate transitions to low scale residential properties to the north, south, and east exacerbates visual dominance impacts.
- Limited deep soil near the eastern and western property boundaries reduces opportunities for screen planting and canopy trees which can help soften the presence of built form.

10 Transport, Access and Parking

The application was referred to Council's Transport Engineering Consultant for review. Several contentions relating to unresolved access, parking provision, and pedestrian management issues were identified. Collectively, these matters indicate that the application does not achieve satisfactory traffic or parking outcomes consistent with Part 5.10 'Transport, access and parking' of MRDCP and certain design criteria of AS2890 Parts 1, 2 and 3.

Additional information is required and the following concerns are raised:

Car Parking Provisions

The development fails to satisfy Planning Control P5 (MRDCP car parking rates table) or the Guide to Transport Impact Assessments (GTIA) in respect to off-street car parking provisions.

- In addition to greatly exceeding the minimum parking provision rates of SEPP (Housing) the development also exceeds the residential parking requirement stipulated in the MDCP by 6 spaces. An over-provision of car parking is inconsistent with the Council's Local Strategic Planning Statement, which aims to reduce reliance on private vehicles by discouraging excessive car ownership rates. Moreover, it is inconsistent with the objectives of Chapter 2 – Affordable Housing of SEPP (Housing), whereby the excessive basement construction will reduce affordability.
- Provision should be made for 11 visitor parking spaces in order to comply with the GTIA rates for visitor parking.

Car Wash Bays

The development fails to satisfy Planning Controls P22 and P23 of MRDCP.

- A total of five (5) car wash bays are required under the MRDCP. No car wash bays have been provided, despite having the capacity to do so. A car wash bay may be co-utilised as a visitor parking space under the MRDCP.

Public Transport Impacts

The application does not adequately assess or demonstrate sufficient capacity in nearby bus services to accommodate the projected increase in user demand.

- In estimating trip generations, the applicant's Traffic Impact Assessment (TIA) relies upon the GTIA average rates for High Density Residential Developments with High Public Transport Accessibility. The GTIA, however, explicitly recommends not to rely on this rate unless the site is located within 800m of a major transport interchange or multiple public transport services with acceptable capacity to accommodate proposed development person trips.
- The site does not lie within 800m of a major transport interchange, and has failed to assess the implications of the Development on the capacity of public transport services, which are frequently strained along the Military Road Corridor. This goes directly against the recommendations of the GTIA, and thus also fails to satisfy the SEARS requirements.

- Given the scale of development and the reliance on already-strained bus services along the Military Road Corridor, a quantitative assessment of public transport demand and capacity is warranted. This assessment should reference TfNSW BOAM data (available on the TfNSW Open Data Hub), and should consider likely origin/destinations of prospective commuters, students and other users.

Pedestrian Impacts

The TIA has failed to assess the pedestrian implications of this development, contrary to the recommendations of the GTIA. Specifically:

- No attempt has been made to quantify and understand likely pedestrian movements resulting from this development.
- Applying the person trip movements (minus car trips) of the GTIA indicates that the site will generate in the order of 21-25 pedestrian movements during a given AM-PM peak hour. As Redan Lane offers the shortest route to the Town Centre and associated public transport services, it is likely that much of this pedestrian traffic will travel via (unsafe) Redan Lane. The TIA identified that existing pedestrian volumes recorded on Redan Lane were in the range of 10-13 movements. This development, therefore, has the potential to increase pedestrian volumes on Redan Lane by 190% over those existing volumes. This represents a significant shift in the street environment.
- As it will be a primary contributor of pedestrian volumes onto this lane, the development has a responsibility to appropriately respond to the changed street environment and associated safety measures.
- A dedication of land along the Redan Lane frontage of the development site, sufficient to accommodate construction of a 1.5 metre footpath, should therefore be required as a condition of consent.

Off-Street Parking Facilities

- Insufficient detail has been provided around the design of the car park access point. Specifically:
 - No gradients or levels have been shown on plan.
 - No driveway section has been provided, demonstrating that the driveway can be constructed beneath the existing footpath, whilst maintaining a minimum 2.2m headroom clearance for a B99 model, in accordance with AS2890.1.
 - The proposed driveway underpass must not result in an increase of grade along the overhead public footpath of Redan Street, nor the introduction of steps.
- The ramp entry into B2 has a reduced aisle width of approximately 4.6m. Swept path analysis should be provided to demonstrate how circulation will occur between a B99 and B85 vehicle. It is recommended to splay the base of this ramp out to improve circulation.
- All 'Shared' bays adjacent to Accessible parking bays must be designed in compliance with AS2890.6, including the installation of a permanent bollard.
- Car parking allocations must be clearly marked out on the plan.

- Headroom clearances for the two parking bays located underneath the ramp from B1 to B2 must comply with AS2890.1.

Moreover, the application was also referred to Council's Engineering Department for review. Additional information is required and the following concerns were raised:

Redan Street

- Certified structural designs of the car park entrance structure within the road reserve boundary must be provided, inclusive of the footpath realignment on compliant gradients, and re-graded road verge.
- Geometric design of the carpark entrance considering B85 vehicle swept path and vertical clearance must be provided demonstrating traffic movements to/from both lanes in Redan Street.
- Design for sight distance requirements to/from the car park entrance require partial clearing of roadside verge vegetation, restoration and landscaping limited to slopes of less than or equal to 25%.
- Retention of the existing path to/from Redan Street requires the design and installation of kerb ramps at each side of the southern corner of the Balmoral Road intersection.

Redan Lane

- Replacement of damaged and redundant laybacks, kerb and gutter channels in Redan Lane, inclusive of AC pavement transition, is required for the length of the proposed development, restricting traffic to one lane for the duration of the work. Roadworks plans and sections are required to determine the extent of work.
- The proposed development does not address requirements for off-street pedestrian and resident mobility along Redan Lane. Design drawings and details must be provided for pedestrian/resident footpath access along the road frontage of the property in Redan Lane.

Safe Loading and Unloading of Vehicles

- The provision for vehicular loading and unloading is inadequate as the proposal fails to provide a dedicated on-site area to accommodate safe loading and unloading of vehicles. The EIS states that the proposed loading and servicing of the site will occur on-street through trucks on Redan Lane, and that visitor parking spaces are available for use for essential on-site loading by vans and smaller vehicles. This is unacceptable.
- The size and scale of the development warrants the provision of an off-street loading area to avoid impacts on the local road network. This loading area should be designed to accommodate a Medium Rigid Vehicle (MRV) in accordance with *AS2890.2:2018 - Parking facilities, Part 2: Off-street commercial vehicle facilities*.

<p>11</p>	<p>Accessibility</p> <p>The proposed development does not satisfy Objective O4 of Part 5.11 'Accessible buildings, adaptable and universal housing' of MRDCP, nor does it comply with Planning Control P4 which sets out the numerical requirements for dwellings that are required to meet or exceed Living Housing Australia (LHA) Silver Level universal design features.</p> <p><u>Part 5.11 MRDCP</u></p> <p>(d) Objective O4 aims <i>“to have universal design features included in mixed use and multiple dwelling developments to promote flexible housing for all community members”</i>.</p> <p>(e) Planning Control P4 requires <i>“All dwellings in any new mixed use and multiple dwelling development (including dual occupancy), are to meet or exceed the Livable Housing Design Guideline's Silver Level universal design features.”</i></p> <p>Despite the requirement for all dwellings (53) to be designed to meet or exceed LHA Silver Level universal design features, 'Appendix C – Statutory Compliance Table' and 'Appendix H – Architectural Design Report' identify that only 20% of units are proposed to be LHA Silver Level compliant. Drawing Nos. 6008 and 6008 (Rev. B) of 'Appendix B – Architectural Drawings' document 11 of the 53 dwellings to be at LHA Silver Level.</p> <p>In consideration of the above, the proposed development does not provide a satisfactory level of flexible housing.</p> <p>Furthermore, there is insufficient information to enable a complete assessment of access and mobility within the proposal as an Access Report has not been submitted.</p>
<p>12</p>	<p>Stormwater Management</p> <p>The application was referred to Council's Engineering Department for review. Additional information is required and the following concerns are raised:</p> <ul style="list-style-type: none"> • Insufficient information has been provided for justification of the proposed decommissioning of the existing stormwater network from Redan Lane to Redan Street. Additionally, a retaining wall is unacceptably proposed to be built within the stormwater easement for the Council system, an alternative solution is required. • Insufficient width has been provided for maintenance access to the stormwater system from Redan Lane to Redan Street, considering plant and worker access, excavation, battering and benching requirements. An increased width of easement is to be provided. • Insufficient information has been provided regarding the proposed on-site detention (OSD) system, considering the limitation of post-development flows (based on currently available rainfall intensity-frequency-duration data) and pre-development flows based on Council's 'Policy for Stormwater Management in Mosman', by which the downstream systems were designed. A comprehensive stormwater drainage design report is to be provided. • Insufficient analysis has been provided for the trunk drainage system downstream of the property. The applicant has only considered an upgrade to the drainage line through the property, however, has not provided any detail as to how a 450/600mm pipe will connect back into the Council system where the pipe diameters may be smaller than 600mm downstream of the connection.

	<p>Due to insufficient details, the proposed development does not satisfy the objectives and planning controls set out in Part 5.13 'Stormwater management' of MRDCP. and has not demonstrated compliance with Council's 'Policy for Stormwater Management in Mosman'.</p>
<p>13</p>	<p>Excavation, Site Management and Geotechnical Impact</p> <p>The application was referred to Council's Engineering Department for review. Additional information is required and the following concerns are raised:</p> <ul style="list-style-type: none"> • Deep foundation excavation is undesirably proposed to within 1m of the western property boundary adjacent to Redan Lane and within 2m of the southern property boundary shared with 38 Redan Street which contains a heritage listed building. • Undesirable vibrations and ground movements generated from hard rock excavation were considered probable in the Geotechnical Investigation submitted with the application. • Additional information should be provided including details of an appropriate foundation system and earth retaining method, during and post-construction and/or revised clearances to adjacent structures. • Anchoring that extends into neighbouring land is not supported. If anchoring into neighbouring properties is required, owners consent is required and; the proximity of excavation from the boundary may need to be increased. <p>For the reasons above, the proposed development does not satisfy the objectives and planning controls set out in Part 5.14 'Excavation and site management' in MRDCP.</p>
<p>14</p>	<p>Waste Management</p> <p>The application was referred to Council's Waste Department for review. An amended waste management solution is required. The following concerns are raised:</p> <ul style="list-style-type: none"> • The proposed development seeks to utilise Redan Lane for kerbside waste collection and servicing. On-street waste collection for a development of this scale is unacceptable as it will cause traffic interruptions, safety risks, and reduce the lane's capacity for other vehicles, cyclists, and pedestrians, in addition to creating an undesirable precedent for subsequent development on Redan Street/Redan Lane, leading to adverse cumulative impacts over time. • An amended waste management solution is required. Provision is to be made for on-site for waste collection. Bins shall be at grade within the development site in a dedicated collection area or loading bay due to the number of bins required. • A twice weekly collection service will be required for the development to minimise the quantity of bins. • The waste generation rates stated in the application documents are inadequate for the number of residential units proposed. Waste generation rates shall be changed to 120 litres per week/per unit for general waste, and 80 litres per week/per unit for recyclable materials (paper/cardboard and commingled). Twice weekly servicing will require the following quantity of bins: <ul style="list-style-type: none"> ○ 14 x 240 litre (general waste)

	<ul style="list-style-type: none"> ○ 9 x 240 litre (recycling - paper/cardboard) ○ 9 x 240 litre (recycling - commingled) <ul style="list-style-type: none"> ● Additional bins will be required for the chute system and bin cupboards on each level of the development. Storage cupboards on each level are to be designed to accommodate additional bins for food waste (FOGO) which will commence in 2030. <p>The request for the provision of on-site waste collection is consistent with the NSW Government Mid-Rise Pattern Book which requires on-site waste collection for residential apartment developments with more than 24 dwellings.</p> <p>Council’s Urban Design Consultant also raised concern with the applications waste management and collection methodology. Refer to Item 4 ‘Urban Design Review’ for details.</p> <p>The proposed method of waste collection will unreasonably impact on Redan Lane and is not supported. The proposal fails to satisfy the objectives and planning controls set out in Part 5.15 ‘Waste management’ in MRDCP.</p>
15	<p>Balmoral Townscape</p> <p>The townscape area and character description outlined in Part 7.4(1) ‘Balmoral Townscape’ of MRDCP describes the townscape as <i>“an amphitheatre sloping east and north-east down from the Spit/Military Roads ridgeline to the foreshore at Hunters Bay in Middle Harbour, with dramatic views down main access roads. The subdivision pattern is a cylindrical grid following the contour alignment, creating the amphitheatre form. The topography and development create an enclosed feeling to the harbour.”</i></p> <p><i>“The ridgeline and upper slopes typically contain medium sized lots with large one and two storey Federation and bungalow housing of a similar scale and design including roof pitch and building material. Detached and semi-housing styles on small to medium sized lots exist on the lower slopes.”</i></p> <p>The proposed development does not comply with planning controls set out in Part 7.4(1) ‘Balmoral Townscape’, namely Planning Controls (e), (f), (g), (h), and (m).</p> <p>meet or exceed Living Housing Australia (LHA) Silver Level universal design features.</p> <p><u>Part 7.4(1) MRDCP</u></p> <ul style="list-style-type: none"> (a) Planning Control (e) requires development to <i>“avoid excessive excavation across entire allotments, and of rock faces and stone walls”</i>. (b) Planning Control (f) encourages <i>“low open style front fences which allow views/vistas”</i>. (c) Planning Control (g) requires development to <i>“maintain the front yard character of Redan Street (west side of road)”</i>. (d) Planning Control (h) requires development to <i>“maintain light tree cover and leafy character”</i>. (e) Planning Control (m) requires development to <i>“maintain the sense of dramatic entry to Balmoral and views to Middle Harbour and foreshore area”</i>.

The introduction of a non-compliant and incongruous 10-storey residential flat building development on the Balmoral slopes will not maintain the sense of an amphitheatre or dramatic entry to Balmoral. Furthermore, the proposed development will give rise to devastating impacts on views to and from Middle Harbour and the foreshore area.

The proposed built form fails to incorporate appropriate transitions to low scale residential properties, or respect view sharing from adjoining and adjacent land. This undermines both local character and broader scenic and amenity values.

The proposal represents an over-development of the site by contravening development standards and planning controls that regulate building envelope and inform the desired future character of the area. The excessive quantum of development proposed is not in keeping with the desired future character of the locality and the Balmoral Townscape.

16 Public Domain

The proposed development does not provide adequate public domain improvements.

The EIS recognises that the redevelopment of the site lends itself to meaningful public domain upgrades and states the following in relation to public domain enhancement of Redan Street and Redan Lane:

“Redan Street

A single two-way vehicular access will service the development on Redan Street, this will include public domain improvements to the frontage, including upgrades to the pedestrian footpath and a curated landscape response.”

“Redan Lane

Provision of a publicly accessible footpath along the full extent of the site’s Redan Lane boundary to provide a future opportunity for surrounding sites to follow. This will ensure that there are future opportunities for an enhanced pedestrian experience along the lane (noting that the pedestrian footpath would be delivered within the site boundary).

A curated landscape response along Redan Lane including maximised planting in wide zones for green amenity, shade and useability, as well as native palm trees, and planting provided adjacent to the proposed footpath to provide green amenity to boundary fencing.”

Photomontages capturing the public domain improvements were included in the application documents, namely the ‘Architectural Design Report’ prepared by FJC Studio.

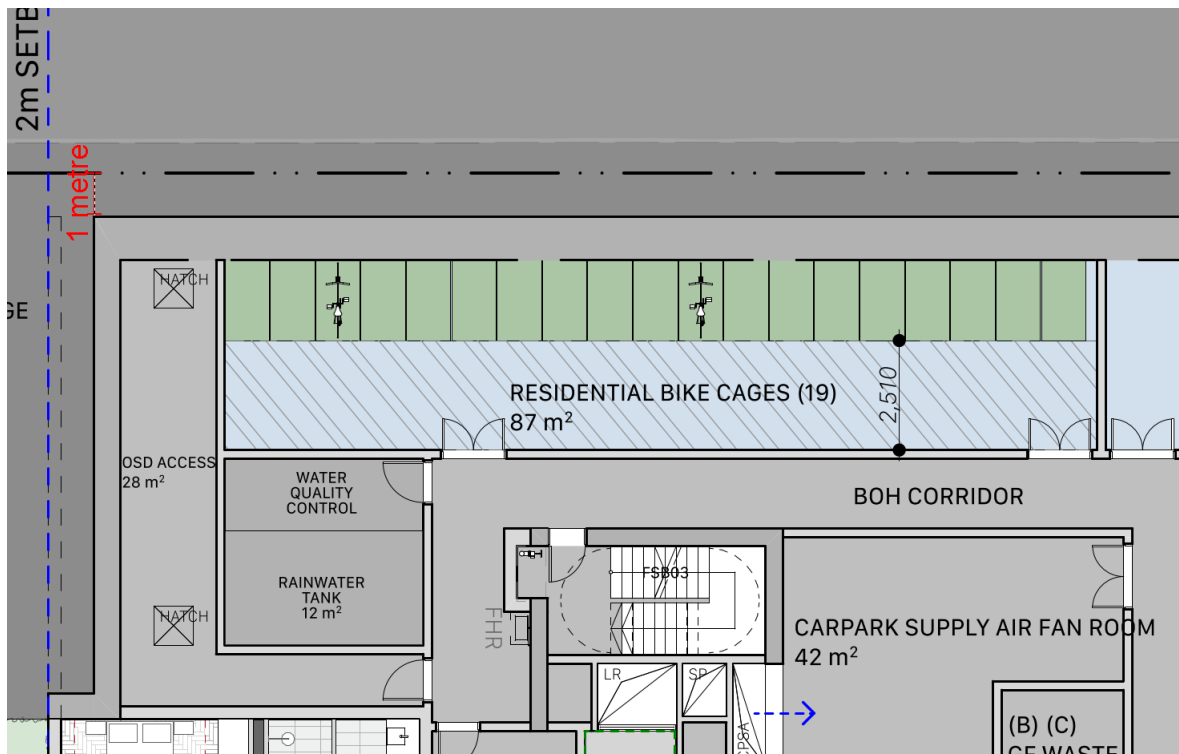
While Council acknowledges that the public domain improvements incorporated have been done so with good intentions, the proposal’s delivery of green amenity to the public domain and its sustainability is in question given the lack of deep soil depth adjacent to the site’s eastern and western boundaries. In particular, the setback from the Redan Lane property boundary is only 1m over three levels of basement including two levels of basement car parking, and one level of basement services and bicycle parking. This leaves very little deep soil to sustain planting that positively contributes to the streetscape and public domain



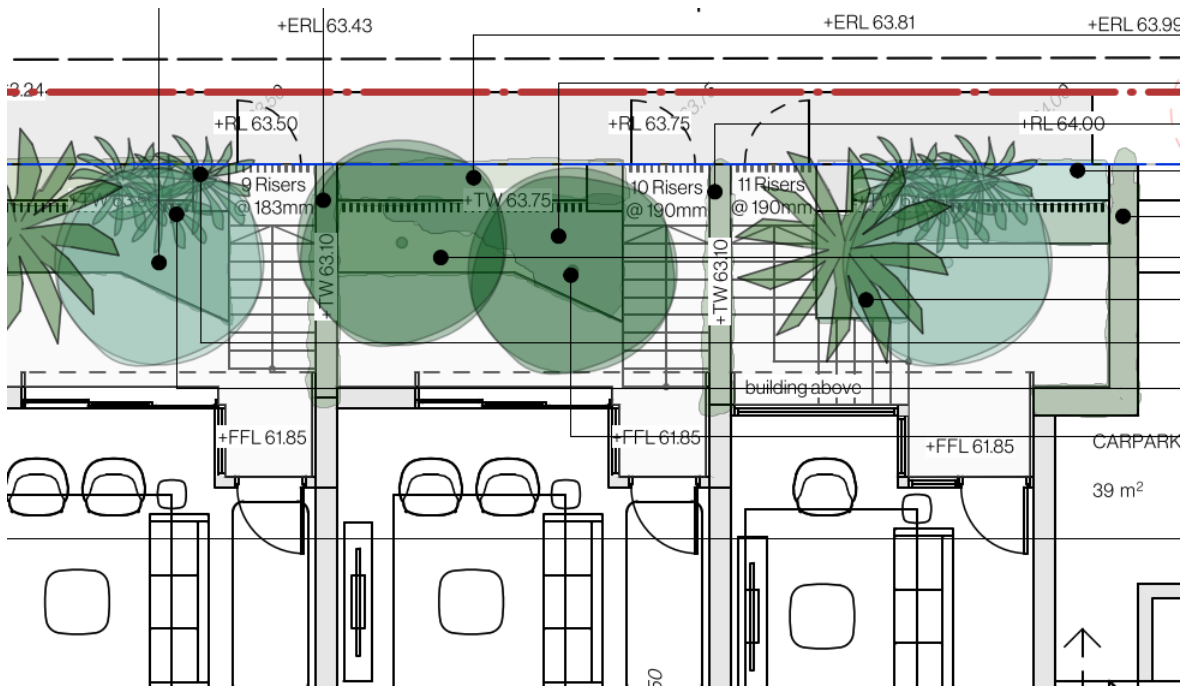
View of the Redan Lane frontage (Source: Architectural Design Report, FJC Studio)



View of the Redan Street frontage at the intersection of Balmoral Avenue (Source: Architectural Design Report, FJC Studio)



Extract depicting a 1m setback to the western Redan Lane boundary (Source: Drawing 2102, FJC Studio)



Extract depicting tree planting over basement structure (Source: Drawing DA04-D0526, Dangar Barin Smith)

Council notes that entry gates located along Redan Lane are shown to swing outward onto the proposed footpath, which presents a hazard to pedestrians. Entry gates should be amended to swing inwards.

	<p>Council recommends increased basement level setbacks to the Redan Street and Redan Lane property boundaries to facilitate public domain improvements which include native canopy tree planting and increased levels of indigenous planting that is endemic to Mosman.</p>
<p>17</p>	<p>Insufficient Information and Discrepancies in Application Documents</p> <p>Due to insufficient information, a complete and accurate assessment cannot be carried out. It is requested that the following additional information be submitted:</p> <ul style="list-style-type: none"> (a) Walking Distance Survey (b) Accessibility Compliance Report (c) Building Code of Australia (BCA) Compliance Report (d) Engineering drawings, details, certification and reports (refer to Items 10, 12 and 13 for details) <p>The application documents also include discrepancies in relation to proposed works and the proposal's numerical data across the drawings and documents. These include, but are not limited to the following:</p> <ul style="list-style-type: none"> • Inconsistency between levels (RLs) shown on architectural plans, elevations and sections (e.g., top of lift overrun shown as RL 92.250 on roof plan, however shown as RL 93.900 on section and elevation drawings. • Inconsistency with the proposed GFA of the development. This is documented as follows: <ul style="list-style-type: none"> ○ 9,214.8sqm (Architectural GFA Diagrams, noting that Council does not agree with the methodology of calculations, refer to Item 3 for details) ○ 9,305.3sqm (Clause 4.6 – Building Height) ○ 9,246sqm (Clause 4.6 – Wall Height) ○ 9,215sqm (EIS) • Inconsistency with the proposed affordable housing GFA. This is documented as follows: <ul style="list-style-type: none"> ○ 1,353.9sqm (Architectural GFA Diagrams) ○ 1,447.1sqm (Clause 4.6 – Building Height) ○ 1,387sqm (Clause 4.6 – Wall Height) ○ 1,387sqm (EIS) • Inconsistency with the proposed landscaped area of the development. This is documented as follows: <ul style="list-style-type: none"> ○ 1,104.1sqm or 34.1% (Architectural Landscaped Area Diagrams, noting that Council does not agree with the methodology of calculations, refer to Item 8 for details) ○ 1,153.1sqm or 35.7% (EIS) • Inconsistency with the proposed deep soil zone area of the development. This is documented as follows:

	<ul style="list-style-type: none"> ○ 533.2sqm or 16.49% (Architectural Deep Soil Zone Area Diagrams, noting that Council does not agree with the methodology of calculations, refer to Item 8 for details) ○ 495.3sqm or 15.3% (EIS) <ul style="list-style-type: none"> • Inconsistency with the number of car parking spaces proposed. The EIS refers to both 106 and 133 car parking spaces being proposed for the development. • The EIS states that the proposal includes the realignment of a stormwater easement to the centre of the site for connection to an upgraded inlet on Redan Lane. The description of works is inconsistent with the Civil Engineering drawings which document a realigned stormwater easement adjacent to the southern boundary of the site and near the adjoining heritage listed building at 38 Redan Street. <p>An assessment cannot be satisfied if the numerical data and facts presented within an application are inconsistent with one another across expert drawings and reports.</p> <p>It is requested that application drawings and reports be updated and coordinated to ensure of consistency and accuracy.</p>
18	<p>Public Interest</p> <p>The development application should be refused as the proposed development is not in the public interest. In this regard:</p> <ul style="list-style-type: none"> • The development application should be refused having regard to the broader public interest of providing development that is compliant with relevant controls and standards and provides adequate residential amenity. • The proposed development will establish an undesirable precedent for future development in the locality. • The proposed development is contrary to the public interest pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979 as it does not promote the orderly development of land.

In the event the proposal is approved, it is recommended that the conditions of consent provided, without prejudice to Council's advice, at Annexure B are included as part of any development consent.

In the event any amendments are made, Council requests to be notified and consulted.

Should you wish to speak with a Council officer about the above, please contact Payarm Eskandari, Executive Town Planner, on 9978 4021 or p.eskandari@mosman.nsw.gov.au.

Yours sincerely,

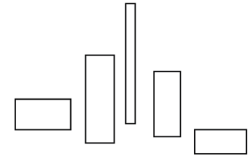


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PIKES & VEREKERS
LAWYERS

30 March 2026

The General Manager
Mosman Council
Civic Centre
573 Military Road
MOSMAN NSW 2088

BY EMAIL

Dear Sir

STATE SIGNIFICANT DEVELOPMENT – SSD-93020230
40-48 REDAN STREET, MOSMAN
Our ref RMC:37641

We refer to Council's instructions regarding the interpretation of "walking distance" for the purpose of identifying whether the development proposed in the State Significant Development Application SSD-93020230 (the **SSDA**) is located within the "low and mid rise inner area" as defined under *State Environmental Planning Policy (Housing) 2021 (SEPP Housing)*.

Under SEPP Housing the low and mid rise inner area is relevantly defined as:

low and mid rise housing inner area means—

(a) land within 400m walking distance of—

(i) land identified as "Town Centre" on the *Town Centres Map*,

...

and

(b) if a site area contains land identified in paragraph (a)—the site area.

Site area is defined in the Dictionary of SEPP Housing as:

site area or **site** means the area of land on which development is or will be carried out and may include the whole or part of 1 lot, or more than 1 lot if the lots are contiguous to each other, but does not include land on which development is not permitted to be carried out under this Policy.

The site in question is at 40-48 Redan Street, Mosman (**Site**).

The SSDA relies on an assumption that the Site is within 400m of the Spit Junction Town Centre (**Town Centre**). The Town Centre is defined by way of a map available on the NSW Planning Portal Spatial Viewer.

The term "walking distance" is defined in the Dictionary of SEPP Housing as:

walking distance means the shortest distance between 2 points measured along a route that may be safely walked by a pedestrian using, as far as reasonably practicable, public footpaths and pedestrian crossings.

The three main elements of the definition of walking distance are:

1. Shortest distance between 2 points – This will be the shortest distance between the nearest part of the site to the Town Centre along a route which otherwise satisfies the definition of walking distance: *Annandale Street Developments Pty Ltd v Woollahra Municipal Council* [2026] NSWLEC 5 per Beasley J at [36].
2. May safely be walked by pedestrians – In *Bennett v Northern Beaches Council* [2022] NSWLEC 1720, Commissioner Gray held that the definition of walking distance did not require consistent lighting of the path, a paved pathway for the full length of the distance, for the path to be flood free at all times or that the path be traversable by a pram or wheelchair. While a decision of a Commissioner of the Court is not binding on other members of the Court, it is likely to be persuasive.
3. Using, as far as practicable, public footpaths and pedestrian crossings – This particular phrase has not been the subject of judicial consideration, according to our research.

May safely be walked

To a large degree the question of safety will be determined by a merit assessment having regard to the particular route selected.

The SSDA is accompanied by a Transport Impact Assessment by JMT Consulting dated 27 February 2026 (**JMT Report**). The JMT Report proposes a route which has two aspects which are concern to Council's consulting traffic engineer in terms of pedestrian safety.

The first is the location at which the proposed route crosses Almora Road at the south western corner of the intersection of Almora Street and Redan Lane. Almora Street rises steeply to the east from that point which obscures views from downhill travelling vehicles on the southern side of Almora Street. There is no pedestrian crossing in that location. Council's traffic engineer considers that location to be an unsafe one at which to cross Almora Street.

The second aspect of the safety concern is the proposed use of Melaleuca Lane by pedestrians. Melaleuca Lane has no public footpaths, a blind corner and currently presents a hazard to pedestrians. Council's traffic engineer considers the use of Melaleuca Lane to present an unacceptable risk to pedestrians.

Public footpaths and pedestrian crossings

The JMT Report assesses the walking distance from the Site to the Town Centre as being 395m (ie. falling just within the low and mid rise housing inner area under Chapter 6 of SEPP Housing).

Notably, the JMT Report describes this route as “the shortest distance that may be walked by a pedestrian between the subject site and the Spit Junction Town Centre utilising public footpaths and pathways.” (emphasis added)

The JMT Report misstates and fails to address the third element of the definition of walking distance.

The Macquarie Dictionary defines “practicable” as:

1. capable of being put into practice, done, or effected, especially with the available means or with reason or prudence; feasible.

In our view, when determining the shortest route between the site and the Town Centre, there is an obligation to consider a route which uses public footpaths and pedestrian crossings, if it is reasonably practicable for a pedestrian to use those footpaths and pedestrian crossings.

The JMT Report, however, proposes the shortest route without proper regard for the safety of pedestrians and with no analysis of the pedestrian crossings available in the locality.

In particular, a pedestrian crossing exists at the corner of Almora Street and Military Street which is reasonably practicable to use as a means of walking to the Town Centre. It provides the simplest route from the Site to the Town Centre and one very likely to be used by pedestrians making that journey. It represents a safe route for pedestrians and is, as a consequence, the shortest distance from the Site to the Town Centre measured along a route that may be safely walked by a pedestrian using, as far as reasonably practicable, public footpaths and pedestrian crossings.

Having regard to each of the elements of the definition of “walking distance” in SEPP Housing, it is our opinion that the Site falls outside the low and mid rise inner area.

Yours faithfully



Roslyn McCulloch
Partner
Accredited Specialist Local Government and Planning Law

ANNEXURE B: Without Prejudice Conditions of Consent

APPROVED PLANS AND DOCUMENTATION

1. The development shall be carried out in accordance with the following stamped approved plans and documentation, except where amended by later conditions of consent.

Drawing	Date	Prepared By
< Insert >	< Insert >	< Insert >

Document	Date	Prepared By
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Detailed Site Investigation Required (Pre-Construction)

2. Prior to the commencement of any works, a Detailed Site Investigation (DSI) must be prepared by a suitably qualified and experienced contaminated land consultant in accordance with:
 - *SEPP (Resilience and Hazards) 2021 – Contaminated Land Requirements,*
 - *Contaminated Land Planning Guidelines (2021), and*
 - *NSW EPA Guidelines for Consultants Reporting on Contaminated Sites (2020).*

The DSI must include sampling, laboratory analysis and a full risk assessment to determine whether the land is suitable for the proposed residential use.

Development must not commence (other than minor site survey and investigative works) until the DSI is submitted to and accepted by Council.

Remediation Action Plan (If Required)

3. If the DSI identifies contamination above applicable criteria, a Remediation Action Plan (RAP) must be prepared and submitted to Council for approval.

The RAP must:

- describe remediation activities,
- include human health and environmental risk controls,
- comply with NSW EPA and Contaminated Land Planning Guidelines.

No construction works may proceed until the RAP is approved by Council.

Remediation Works (If Required) (Prior to Construction)

4. All remediation works must be undertaken in accordance with the approved RAP and must be supervised by a suitably qualified contaminated land consultant.

All waste arising from remediation must be classified and disposed of in accordance with the Protection of the Environment Operations Act 1997 and relevant NSW EPA guidelines.

Validation Report (During Demolition)

5. Upon completion of any remediation work, a Validation Report must be submitted to Council demonstrating that the land is suitable for the approved residential use.

The Validation Report must comply with NSW EPA guidelines and confirm:

- all remediation has been completed,
- the site meets human health and ecological criteria, and
- the land is suitable for the proposed use without restriction.

No Occupation Certificate may be issued until the Validation Report is accepted by Council.

PRESCRIBED CONDITIONS

The following prescribed conditions apply in accordance with Part 4, Division 2 of the *Environmental Planning and Assessment Regulation 2021*.

Building Code of Australia

6. Any building work must be carried out in accordance with the requirements of the Building Code of Australia.

Home Building Act

7. Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor; and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act.
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder; and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified above becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

Erection of Signage

8. A sign must be erected in a prominent position on any site on which building work,

subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifying authority for the work; and
- (b) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
- (c) stating that unauthorised entry to the work site is prohibited.

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

This condition does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

Shoring and Adequacy of Adjoining Property

9. Development involving excavation that extends below the level of the base of the footings of a building, structure or work (including any structure within a road corridor) on adjoining land, the person having the benefit of the development consent must at the person's own expense:
 - (a) protect and support the building, structure or work from possible damage from the excavation, and
 - (b) where necessary, underpin the adjoining premises to prevent any such damage.

Insurance Under the Home Building Act

10. In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

BASIX

11. Under Section 75 of the *Environmental Planning & Assessment Regulation 2021*, it is a condition of this development consent that all the commitments listed in the BASIX Certificate for the development are fulfilled.

PRIOR TO THE RELEASE OF THE CONSTRUCTION CERTIFICATE

The following conditions must be satisfied prior to the release of the Construction Certificate.

Conditions may require the submission of additional information with the Construction Certificate application. Applicants can now book a time with customer service staff to pay the fees that are required to be paid before a Construction Certificate can be issued via [Book It 'DA fee payment appointment'](#) on Council's website.

Applicants should also familiarise themselves with conditions in subsequent sections and provide plans in accordance with any design requirements contained therein.

Construction Certificate Application Plans

12. Architectural and Structural Engineer's plans must be submitted with the Construction Certificate application. The structural engineering plans must be signed by a qualified practicing Structural Engineer with membership of the Institute of Engineers Australia or who is eligible to become a member and has appropriate experience and competence in the related field.

The plans are to incorporate and note any changes from the approved development application plans as required by conditions of this consent.

Where Council is nominated as the Principal Certifying Authority, two copies of the architectural and structural engineer's plans must be submitted and for applications involving alterations and additions, one set of plans should be coloured which indicate the extent of new works.

Geotechnical Endorsement

13. As the site contains a cliff or is located in an area susceptible to landslip, the Construction Certificate application plans must be endorsed or countersigned by a qualified practicing Geotechnical Engineer with membership of the Institute of Engineers Australia or who is eligible to become a member and has appropriate experience and competence in the related field.

Dilapidation Report – Council Assets

14. To assist with an assessment of claims for the refund of the security deposit over Council's property, a dilapidation report must be submitted. The dilapidation report shall be submitted as a PDF in Adobe format or in A4 format. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs or any other Council assets in the vicinity of the development. Any damage not shown in this manner will be assumed to have been caused as a result of the site works undertaken and must either be rectified at the applicant's expense or compensated by deduction from the security deposit.

Dilapidation Report – Private Assets

15. The applicant shall supply Council with a dilapidation report for the adjoining and adjacent properties at Nos. 29, 31, 35, 36, 38, 50, and 52 Redan Street, Nos. 65, 67, 69, 71, 73, 75, 77, 77B, and 77C Muston Street, and Nos. 18 and 21 Balmoral Avenue, which documents and photographs the condition of buildings and improvements on those properties.

The dilapidation report shall be submitted as a PDF in Adobe format or in A4 format. A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of nominated properties. Council shall be provided with a list of owners to whom a copy of the report has been provided.

Excavation, Backfilling and Support for Neighbouring Buildings

16. Excavation works shall not commence before the issue of the Construction Certificate or the issue of any relevant notices to adjoining owners, the Principal Certifying Authority or Council as required by other conditions of this consent.

Excavation, Backfilling and Support for Neighbouring Buildings

17. A report shall be prepared by a practicing Geotechnical Engineer or Structural Engineer and submitted to Council or the Accredited Certifier detailing the structural condition of adjoining structures / property and their ability to withstand the proposed excavation, backfilling and construction. The report must investigate site and soil conditions and outline any recommended measures to ensure that no damage will occur to the structures / property during or subsequent to the carrying out of works.

Retaining Walls

18. If soil conditions require it, retaining walls or other approved methods necessary to prevent the movement of soil, together with associated stormwater drainage measures, shall be designed by a Civil Engineer or other appropriately qualified person. Details of any retaining walls shall accompany plans and specifications submitted with the Construction Certificate application.

Council Property

19. Two copies of Structural Engineer's plans, signed by a qualified practicing Structural Engineer with membership of the Institute of Engineers Australia or who is eligible to become a member and has appropriate experience and competence in the related field, must be submitted with the Construction Certificate application for the proposed retaining wall/s which provide structural support to Council's road.

The design load of the retaining wall shall consist of the following:

- A minimum surcharge load (UDL) of 5.0 kPa;
- A minimum point load of 31 kN acting on an area of 0.025m² at a maximum distance of 0.5 metres from the site boundary.

The plans are also to demonstrate adequate shoring works during all stages from the removal of the existing structural support until the construction of the new wall is complete

Council Property

20. Two copies of Structural Engineer's plans, signed by a qualified practicing Structural Engineer with membership of the Institute of Engineers Australia or who is eligible to become a member and has appropriate experience and competence in the related field, must be submitted with the Construction Certificate application for the proposed retaining wall/s which provide structural support to Council's footpath. The plans are also to demonstrate adequate shoring works during all stages of construction including the demolition of the existing retaining wall.

Any excavation that extends below the level of the base of the footings of a building on

adjoining land, the person having the benefit of the development consent must at the person's own expense:

- (a) protect and support the adjoining premises from possible damage from the excavation; and
- (b) where necessary, underpin the adjoining premises to prevent any such damage.

Council Property

- 21. A Structural Engineer shall certify that plans submitted with the Construction Certificate application provide for the garage and driveway being structurally separate and non-reliant on the retaining wall supporting Council's road and further that the integrity of support for Council's road will either not be interrupted during site works or will be supplemented where necessary by temporary support, full details of which should be supplied with the application.

Construction Works on Council Property

- 22. As the development involves works on Council property, including the realignment of Council's drainage system, prior to the issue of the Construction Certificate the applicant shall submit, pay the applicable fees and obtain approval for an Application for Construction Works on Council Property. The form is available on Council's website.

All works undertaken on Council land as a result of or requirement of this development is to be borne by the applicant.

Construction Works on Council Property

- 23. The applicant is required to resurface Redan St and Redan Lane along the frontages of the subject development. The applicant shall submit, pay the applicable fees and obtain approval for an Application for Construction Works on Council Property. The form is available on Council's website.

All works undertaken on Council land as a result of or requirement of this development is to be borne by the applicant.

Drainage

- 24. All surface and subsurface stormwater drainage associated with the development shall be connected to Council's underground stormwater drainage system. Detailed engineering design for all surface and subsurface stormwater drainage associated with the development shall be prepared by a suitably qualified and experienced hydraulic engineering consultant.

The design must be certified as being compliant with Council's adopted plans, policies, and relevant engineering standards.

The certified drainage design documentation shall be submitted to Council and approved prior to the issue of a Construction Certificate.

All costs associated with the construction, connection and any required infrastructure works, including upgrades or extensions to Council's stormwater network, shall be borne entirely by the applicant.

Drainage

25. To ensure drainage works are undertaken without adversely affecting Council property, Council's approval must be obtained following the lodgement of an "*Application For Construction Works on Council Property*". This form is available from Council's website.

Rainwater Re-Use System/Onsite Detention

26. Having regard to hard surface areas proposed, the capacity of the stormwater system and the need to retard the flow of stormwater in peak flow periods, an on-site-detention (OSD) system shall be provided. Detailed plans shall be submitted with the Construction Certificate application and certified as complying with Council's Policy "Stormwater Management in Mosman" by a Civil Engineer with corporate membership of the Institute of Engineers Australia or who is eligible to become a corporate member and has appropriate experience and competence in the related field. Where located below a driveway or built structure, the engineer is to certify that the OSD system has been designed to withstand all loads likely to be imposed on it.

Alternatively the applicant has the option to utilise rainwater reuse tanks in lieu of or in conjunction with OSD tanks. Rainwater reuse tanks can be used to offset the volume requirements of the OSD tanks in accordance with Council's Policy "Stormwater Management in Mosman". The offset ratio for OSD to rainwater tanks is: 1 cubic metre of OSD is equivalent to 3 cubic metres of rainwater storage. It should be noted that these tanks are to be at a minimum connected to the toilet and washing machine to achieve this offset.

Permanent Post-Construction Stormwater Quality Controls

27. To minimise adverse impacts of water quality on Sydney Harbour, waterways, bushland and drainage systems, permanent post-construction stormwater quality controls shall be provided. Detailed plans shall be submitted with the Construction Certificate application and certified as complying with Council's Policy "Stormwater Management in Mosman" by a Civil Engineer with corporate membership of the Institute of Engineers Australia or who is eligible to become a corporate member and has appropriate experience and competence in the related field. Where located below a driveway or built structure, the engineer is to certify that the permanent post-construction stormwater quality control system has been designed to withstand all loads likely to be imposed on it.

Sydney Water - Building Plan Approval

28. The approved plans must also be approved by Sydney Water prior to excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Please go to sydneywater.com.au/tapin to apply.

Driveway

29. The internal driveway and parking area shall be designed in accordance with "*Australian Standard/New Zealand Standard 2890.1 Parking Facilities – Off-Street Car Parking*" and the relevant Council Development Control Plan. Longitudinal sections for both sides of the vehicular crossing and driveway commencing at the centre line of the road carriageway shall be provided with the Construction Certificate application demonstrating

that vehicles will not scrape their undercarriage.

Driveway

30. To ensure the vehicle crossing is properly completed, an "Application for Vehicular Crossing" shall be made and paid for prior to the issue of the Construction Certificate. The form can be accessed and fees paid from Council's website.

All works undertaken on Council land as a result of or as required of this development is to be borne by the applicant.

Driveway

31. To improve safety, the driveway exiting the property shall be modified to provide adequate sight distance. Modified plans as required shall be submitted with the Construction Certificate and certified by a qualified engineer or architect as complying with "Australian Standard/New Zealand Standard 2890.1 Parking Facilities – Off-Street Car Parking".

Easements, Covenants and Restrictions on Title

32. A restriction on the use of land for the property shall be created under the *Conveyancing Act 1919* prohibiting the owner from removing or modifying any retaining wall or other structure which gives structural support to the road unless an alternate method of support has been approved by Council. Mosman Municipal Council shall be identified as the authority able to modify, vary or release the restriction. Evidence that the restriction on the use of land has been registered with NSW Land and Property Information is to be provided to Council.

A fee applies for the checking, approval and execution of the restriction on the use of land by Council and must accompany the restriction on the use of land when lodged with Council. For details refer to Council's current Fees and Charges Schedule at the time of lodgement.

Construction Certificate

33. Before the construction of the approved development, it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans submitted with the Construction Certificate are to be amended to incorporate the conditions of the development consent.

Easements, Covenants and Restrictions on Title

34. An easement shall be created under the *Conveyancing Act 1919* prior to the release of the Construction Certificate over Lot < ENTER LOT NUMBER/S > in Deposited Plan < ENTER DP NUMBER/S > to drain < TO BE CONFIRMED >. Mosman Municipal Council shall be identified as the authority able to modify, vary or release the easement. Evidence that the easement has been registered with NSW Land and Property Information is to be provided to Council.

Easements, Covenants and Restrictions on Title

35. A positive covenant shall be created on the title of the allotment requiring that:

- The footings of walls within the drainage easement shall be below the invert level of the drainage pipeline;
- Any structure within the drainage easement shall be designed by a Structural Engineer to ensure that the structure does not place a load over the drainage pipeline;
- The owner of the allotment shall bear all costs associated with removing, replacing or maintaining any structure within the drainage easement including any damage that may result to the building as a consequence of such works.

Evidence that the positive covenant has been registered with NSW Land and Property Information is to be provided to Council.

A fee applies for the checking, approval and execution of the Positive Covenant by Council and must accompany the Positive Covenant when lodged with Council. For details refer to Council's current Fees and Charges Schedule at the time of lodgement.

Materials and Finishes

36. Materials and finishes shall be complementary to the character and streetscape of the area. Highly reflective roofing materials shall not be used. Details of finished external surface materials, including colours and texture, must be submitted to the satisfaction of the Accredited Certifier.

Landscape Maintenance Strategy

37. To ensure the survival of landscaping following works, a landscape maintenance strategy for the owner/occupier to administer over a 12 month establishment period following the issue of the Occupation Certificate shall be prepared and provided to Council's or the Accredited Certifier's satisfaction with the Construction Certificate Application. The strategy is to address maintenance issues such as plant survival, irrigation, soil testing, weeding, plant staking, fertilising, pest and disease control, replanting, remedial pruning and the like.

Geotechnical Endorsement

38. As the site contains a cliff or is located in an area susceptible to landslip, a "Landslide Risk Management Assessment" (LRM) in terms of the "Australian Geomechanics Society Guidelines" published in 2000 and 2007 is required.

Fire Safety

39. To enable the issuing of a fire safety schedule, information required by Part 10 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* must be submitted with the Construction Certificate application.

Long Service Levy

40. In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant shall pay a long service levy at the prescribed rate of

0.25% of the total cost of the work to either the Long Service Corporation or Mosman Municipal Council for any work costing \$250,000 or more. To pay the levy online go to <http://www.longservice.nsw.gov.au/>. To pay the levy in person at either the Long Service Corporation or Mosman Municipal Council you will need to complete the Levy Payment Form available online from <http://www.longservice.nsw.gov.au/>.

Security Deposit

41. A cash deposit or bank guarantee to the value of \$1,100,000 in favour of Council shall be provided for the making good of any damage caused to Council property and to ensure the satisfactory completion of any works required to be undertaken outside the property boundary. The value of the Security Deposit is based on Council's estimate of the cost of works and will not be varied. A request for a refund of unused funds (less an inspection fee) may be made following the completion of all works, both inside and outside the property boundary, and an inspection of the site by Council.

Security Deposit

42. A cash deposit or bank guarantee to the value of \$75,000 in favour of Council shall be provided for the completion of the retaining wall that supports Council's road / road embankment. A request for a refund of unused deposit or guarantee funds may be made following the submission of a Structural Engineer's certificate to Council which certifies that the wall has been completed in accordance with approved Construction Certificate plans and all relevant Australian Standards, or where any variation has been made, that the wall will provide adequate structural support for Council's property.

Security Deposit

43. A cash deposit or bank guarantee to the value of \$100,000 in favour of Council shall be provided for the completion of the retaining wall that supports the embankment adjacent to Council's footpath and road. A request for a refund of unused deposit or guarantee funds may be made following the submission of a Structural Engineer's certificate which certifies that the wall has been completed in accordance with approved Construction Certificate plans and all relevant Australian Standards, or where any variation has been made, that the wall will provide adequate structural support for Council's property

Security Deposit

44. To encourage works to be undertaken in an appropriate manner such that significant trees are preserved, a cash deposit or bank guarantee for \$50,000 shall be lodged with Council for the following trees:

Species	Location
Various species x 10	Redan Street verge

The security deposit will not be released until Council has inspected the trees upon request (and no earlier than 12 months after the release of the Occupation Certificate) and is satisfied that the trees are in a sound and healthy condition.

Development Consent Levy

45. Pursuant to Section 7.12 of the *Environmental Planning and Assessment Act 1979*, a

monetary contribution must be paid to Council for the purpose of provision, extension or augmentation of public amenities or public services if the value of works exceeds \$100,000.00. The contribution must be paid before a Construction Certificate is issued.

To enable Council to determine whether a contribution is payable and if so what amount, a 'Development Contribution Cost Summary Report (less than \$1,200,000)' form must be completed if the value of work is less than \$1,200,000.00 or a 'Development Contribution Cost Summary Report (\$1,200,000 or more)' form must be completed by a member of the Australian Institute of Quantity Surveyors if the value of work is \$1,200,000.00 or greater.

These forms are available from Council's website.

This condition is imposed under Council's contributions plan. A levy of 4% of the value of works will be charged on this specific development given the substantial nature of the development and the impact it will have on the provision of public services.

Details of Site Arborist

46. Prior to the issue of the Construction Certificate, Council's Tree Management Officer must be provided in writing with the name, qualifications and contact details of the Site Arborist. Should the Site Arborist change prior to the issue of an Occupation Certificate, Council's Tree Management Officer must be provided with details of the new Site Arborist.

Construction Traffic Management Plan

47. To minimise disruption to and ensure reasonable safety for surrounding public and private property during site works, a Construction Traffic Management Plan shall be submitted to and approved by Council's Traffic Committee. The plan is to address matters raised in Council's "Guide for Construction Traffic Management Plans" which is available on Council's website at www.mosman.nsw.gov.au.

Note: An application fee per site for Construction Traffic Management Plans applies. Fees are reviewed annually. For details refer to Council's current Fees and Charges Schedule at the time of payment.

EV Chargers

48. To encourage and support the use of electric vehicles, a Type 2 EV charging unit is to be provided for each dwelling that is allocated a car parking space. Details are to be included in the Construction Certificate application.

State Environmental Planning Policy (Housing) 2021

49. A certifying authority must not issue a Construction Certificate for residential flat development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in Schedule 9 'Design Principles for Residential Apartment Development' of *State Environmental Planning Policy (Housing) 2021*.

Waste Management

50. To allow for sustainable waste management, a completed Site Waste Minimisation and Management Plan (SWMMP) shall be submitted in accordance with the Mosman Waste Minimisation Policy 2012. A copy of the Mosman Waste Minimisation Policy 2012 including a SWMMP template can be found on Council's website.

Erosion and Sedimentation Control Plan

51. An erosion and sedimentation control plan in accordance with the NSW Government's policy Managing Urban Stormwater: Soils and Construction (also known as The Blue Book) is to be submitted and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

BASIX Certificate

52. Where any conditions of this consent affect the commitments specified in the submitted BASIX Certificate, a revised BASIX Certificate is to be prepared to ensure energy efficiency targets are still achieved.

Car Parking

53. The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities shall comply with the minimum requirements of *Australian Standard AS/NZS 2890.1 Parking facilities Part 1: Off-street car parking*. The details must be submitted to and approved by the Accredited Certifier prior to a Construction Certificate being issued.

On-Site Waste Collection and Loading

54. The Construction Certificate plans shall detail on-site waste collection and loading in accordance with the following:
- a) The loading area should be designed to accommodate a Medium Rigid Vehicle (MRV) in accordance with *AS2890.2:2018 - Parking facilities, Part 2: Off-street commercial vehicle facilities*; and
 - b) The waste collection area should be designed to accommodate a Heavy Rigid Vehicle (HRV) in accordance with *AS2890.2:2018 - Parking facilities, Part 2: Off-street commercial vehicle facilities*.

It is recommended that consultation occurs with Council's Waste Department prior to finalising the design.

Housing and Productivity Contribution

55. Before the issue of the first Construction Certificate, the housing and productivity contribution (HPC) set out in the table below is required to be made.

Housing and productivity contribution	Amount
Housing and productivity contribution (base component)	< INSERT >
Total housing and productivity contribution	< INSERT >

The HPC must be paid using the NSW planning portal. At the time of payment, the amount of the HPC is to be adjusted in accordance with the *Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024* (HPC Order).

The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the *Environmental Planning and Assessment Act 1979* agrees.

The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the *Environmental Planning and Assessment Act 1979* to the development, or the HPC Order exempts the development from the contribution.

Reason: To require contributions towards the provision of regional infrastructure

Universal Design

56. To provide for flexible housing for all community members, all dwellings must be designed to meet or exceed the Silver Level under the Liveable Housing Design Guideline. Details demonstrating compliance by an independent, suitably qualified person must be submitted with the Construction Certificate application.

Dewatering

57. As the development involves dewatering, prior to the issue of the Construction Certificate the applicant shall submit, pay the applicable fees and obtain approval from WaterNSW for the necessary WMA approval(s).

Construction Noise & Vibration Management Plan

58. A Construction Noise and Vibration Management Plan (CNVMP) must be prepared prior to the commencement of any construction works and must be implemented for the duration of construction. The CNVMP must incorporate the management and mitigation measures recommended in the Acoustic Report, and must include:
 - predicted noise levels at all sensitive receivers;
 - procedures for monitoring and validating construction noise;
 - site-specific mitigation strategies;
 - community notification and consultation protocols; and
 - a complaints-handling and response procedure.

No high-noise impact works may be undertaken outside the approved hours of construction.

Waste Room

59. Certification is to be provided prior to the issue of the Construction Certificate confirming that the waste room is able to accommodate bins of sufficient volume to contain the quantity of waste generated by the whole development between collections. The waste requirements are to be confirmed with Council's Team Leader Open Space and Service Contracts.

Drainage

60. Stormwater shall be connected directly to Council's stormwater pipe running through the subject site. Detailed drainage plans must be submitted with the Construction Certificate application and certified as complying with Council's Policy "Stormwater Management in Mosman" by a Civil Engineer with membership of the Institute of Engineers Australia or who is eligible to become a member and has appropriate experience and competence in the related field.

Drainage

61. To prevent constant flows of water in private property, Council's street gutters or across Council's roads, any sub-soil drainage disposal system to be installed on the site must be connected directly to a Council gully pit or pipe. If a suitable gully pit or pipe is not located near the subject property, an alternate method of disposal must be submitted to Council and approved.

Access, Mobility & Adaptable Housing

62. A continuous and accessible path of travel, designed in accordance with "*Australian Standard 1428.1 Design for Access and Mobility – General Requirements for Access – New Building Work*", shall be provided between the entrance to the premises and any disabled car parking space. Details demonstrating compliance must be submitted with the Construction Certificate.

Building Code of Australia – Alternative Solution

63. Any alternative solution to the requirements of the Building Code of Australia must not result in any change to the detail of the bulk, scale, form, and architectural details of the development.

Infrastructure and Restoration Administration

64. Prior to the issue of the Construction Certificate a fee for the inspection of damage to Council's roads and footpaths from building and demolition work must be paid to Council. The fee is to be paid at the Customer Service Centre at Mosman Council to ledger number 1040210.3207.028. The inspection will be carried out after the Occupation Certificate has been issued.

Note: A fee of \$2,100 is payable with CPI adjustment to be applied per annum from the date of this consent.

Photovoltaic Electricity Generating System

65. To minimise glare to surrounding properties, the photovoltaic electricity generating system is not to involve mirrors or lenses to reflect or concentrate sunlight. Details are to be included in the Construction Certificate application.

Appointment of a Site Auditor

66. Prior to the issue of any Construction Certificate the Principal Certifier and Council Compliance Team shall be advised in writing of the appointment of a suitably qualified

contaminated land consultant to undertake the required investigations and site validation. The suitably qualified consultant must be a Certified Environmental Practitioner under the Environment Institute of Australia and New Zealand (EIANZ) scheme or a Soil Scientist, Certified as a Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM), by the NSW EPA.

Construction Environmental Management Plan (CEMP) – Soil Classification, Waste Management and Transport

67. Prior to the issue of any Construction Certificate, the Applicant shall prepare and submit a Construction Environmental Management Plan (CEMP) to the satisfaction of the Principal Certifier (and Council where required). The CEMP must address, but not be limited to, the following:

(a) Soil Classification:

All excavated material must be assessed and classified in accordance with the NSW EPA Waste Classification Guidelines (as in force at the time of classification). Classification shall be undertaken by a suitably qualified environmental consultant.

b) Waste Management:

Details of the handling, storage, reuse, and disposal of all excavated soils and waste materials generated on-site, including measures to:

- prevent contamination of land and water,
- minimise stockpiling duration, and
- segregate waste streams where practicable.

c) Transport of Waste Soils:

All waste soils and materials removed from the site must be transported to a facility lawfully permitted to accept that waste. Transport shall be undertaken by a licensed waste contractor (where required) and must comply with the requirements of the Protection of the Environment Operations Act 1997.

d) Tracking and Documentation:

Maintain accurate records of all waste generated, classified, and removed from the site, including waste classification reports, transport dockets, and disposal receipts. Documentation must be made available to Council upon request.

e) Erosion and Sediment Controls:

Appropriate measures must be implemented to prevent sediment runoff, dust generation, and material tracking onto public roads during excavation and transport activities.

f) Compliance:

All works must be carried out in accordance with the approved CEMP for the duration of construction.

PRIOR TO THE COMMENCEMENT OF SITE WORKS

The following measures must be satisfied prior to the commencement of site works, including any works relating to demolition, excavation or vegetation removal.

Notice of Intent to Commence Site Works

68. In accordance with Section 6.6 of the *Environmental Planning and Assessment Act 1979*, no site works (including building works, demolition, excavation or the removal of vegetation) are to commence until:
- (i) the Construction Certificate has been issued;
 - (ii) the person benefiting from the consent has appointed a Principal Certifying Authority (PCA);
 - (iii) in instances where Council is not the PCA, the PCA has no later than two days before the building work commences, notified Council of his or her appointment and notified the person benefiting from the consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work;
 - (iv) the person benefiting from the consent, if not carrying out the work as an owner-builder, has:
 - appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - notified the PCA of any such appointment, and
 - unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work;
 - (v) the person benefiting from the consent has given Council at least two days' notice of the person's intention to commence the erection of the building.

Construction Hoarding or Fencing

69. If site or building works will:

- cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient or unsafe; or
- have the potential to damage adjoining private land by way of falling objects;

then the site must be fenced throughout construction and must comply with SafeWork NSW requirements and be a minimum of 1.8 metres in height.

The hoarding/fence must be removed when the work has been completed.

Where construction requirements or site constraints necessitate the hoarding or fencing being located on Council land, a Footpath/Nature Strip/Roadway Occupation form is to be lodged with Council and all fees paid prior to the hoarding/fencing being erected. A copy of the form is available on Council's website.

Hoarding or fencing on Council land must maintain a minimum of 1.5 metre clear footpath width at all times (lesser distances may be considered in exceptional circumstances).

Erosion and Sedimentation Control Plan

70. Erosion and sedimentation controls shall be installed prior to commencement of any works on the site in order to prevent the discharge of sediment from the site. The controls shall be installed in accordance with the Erosion and Sedimentation Control Plan for the site and the NSW Government's policy *Managing Urban Stormwater: Soils and Construction* (also known as *The Blue Book*).

Tree Protection - Detailed Measures

71. To limit the potential for damage to the tree/s to be retained, tree protection measures are to be installed in accordance with "Australian Standard 4970 Protection of Trees on Development Sites" prior to the commencement of site works, in accordance with the following:

No construction or excavation (including trenching for drainage or other services) shall occur within the Structural Root Zone (SRZ) of any retained and protected tree. Protective fencing at a minimum 1.8 metres in height along the perimeter of the Tree Protection Zone (TPZ) (outside of approved works) is to be installed. The TPZ is to be identified by signage placed around the edge of the TPZ which is visible from within the development site. The lettering on the sign is to comply with "Australian Standard 1319 Safety Signs for the Occupational Environment" and include the following wording '*Tree Protection Zone – Access Prohibited*' and is to have the name and contact details of the appointed site arborist. Where protective fencing is deemed not practicable by an Australia Qualification Framework (AQF) level 5 arborist, tree trunk and branch protection is to be installed.

- (a) The building contractor shall ensure that at all times during site works no activities, including but not limited to the following:

- machine excavation including trenching;
- excavation for silt fencing;
- storage;
- preparation of chemicals, including preparation of cement products;
- parking of vehicles and plant;
- refuelling;
- dumping of waste;
- wash down and cleaning of equipment;
- placement of fill;
- soil level changes;
- temporary or permanent installation of utilities and signs; and
- physical damage to the tree;

will be carried out in the TPZ of any tree to be retained.

- (b) Landscape works in the vicinity of the tree/s must be sympathetic to tree retention and existing ground levels within the TPZ must remain unchanged. Where tree roots are uncovered that are between 20-50mm diameter they shall remain in place until they are cleanly pruned by an AQF level 5 qualified arborist.

- (c) All pruning works including the removal of deadwood is to be undertaken in accordance with "Australian Standard 4373 Pruning of Amenity Trees" and the work is to be undertaken by a minimum AQF level 3 qualified Arborist.

Vibration Monitoring

72. Continuous vibration monitoring shall be undertaken. The vibration monitoring plan shall be prepared in accordance the recommendations contained in the Noise and Vibration Impact Assessment prepared by Acoustic Logic dated 20 February 2026.

Geotechnical Report

73. The Geotechnical Report prepared by EI Australia dated 28 January 2026 contains only preliminary information and to confirm the site conditions, further investigations and

assessments are required. As such, strict adherence to inspections and further assessment as required and any subsequent reports are to be abided by. All works shall be carried out in accordance with the recommendations contained in the geotechnical report prepared by EI Australia dated 28 January 2026, noting that anchoring systems extending into neighbouring lands are not approved.

DURING SITE WORKS / CONSTRUCTION

The following conditions must be satisfied during site and construction works.

Demolition

74. All demolition work must be carried out in accordance with the provisions of *Australian Standard 2601: The Demolition of Structures*.

Asbestos Material

75. Where asbestos material shall be removed or disturbed as a result of any proposed demolition, alteration or addition, all work must be carried out by a person licensed under the *Work Health and Safety Regulation 2017* and undertaken in accordance with the requirements of the *Protection of the Environment Operations (Waste) Regulation 2014*. All asbestos to be removed must be disposed of at a tip recommended by the NSW Environment Protection Authority and under no circumstances shall be re-used or sold.

Hazardous Materials – Site Assessment

76. Prior to the commencement of any demolition, excavation or construction works on the site, the applicant must engage a suitably qualified and experienced hazardous materials consultant to undertake a comprehensive Hazardous Materials Survey and Assessment of all existing buildings, structures and site surfaces.

The assessment must identify the presence, type and extent of any hazardous materials, including but not limited to asbestos-containing materials, lead-based paints, polychlorinated biphenyls (PCBs), chemical residues or other hazardous substances that may pose a risk to human health or the environment during demolition or construction.

The Hazardous Materials Report must include recommendations for the safe handling, removal, containment and lawful disposal of any identified hazardous materials in accordance with applicable legislation and guidelines, including the Work Health and Safety Act 2011, Work Health and Safety Regulation 2017, relevant SafeWork NSW requirements, and the Protection of the Environment Operations Act 1997.

All hazardous materials identified in the report must be removed and managed in accordance with the recommendations of the report prior to or during demolition works. Evidence confirming the safe removal and lawful disposal of hazardous materials must be retained and made available to Council upon request.

Should any hazardous materials not identified in the report be encountered during demolition or site works, all works in the affected area must cease immediately, and a suitably qualified consultant must be engaged to assess the material and provide

management recommendations. Council must be notified prior to the recommencement of works.

Construction within Boundary

77. The development must be constructed wholly within the boundaries of the premises.

Site Work Hours

78. In order to maintain the amenity of adjoining properties, audible site works shall be restricted to between 7.00am and 6.00pm, Monday to Friday and 8.00am to 1.00pm Saturday. Inaudible site works may also take place between 7.00am and 8.00am on Saturdays. No site works shall be undertaken on Sundays or public holidays. Any works outside these hours require Council approval.

Unless otherwise approved within a Construction Traffic Management Plan, construction vehicles, machinery, goods or materials shall not be delivered to the site outside the approved hours of site works.

Erosion and Sedimentation Controls

79. Erosion and sedimentation controls must be effectively maintained at all times during the course of construction and shall not be removed until the site has been stabilised or landscaped to the Principal Certifying Authority's satisfaction.

Dust Control

80. Appropriate measures (e.g. fine water spray) shall be employed during demolition, excavation and construction works to prevent the emission of dust and other impurities into the surrounding environment. All such measures shall be co-ordinated with site sedimentation controls to ensure polluted waters do not leave the site.

Landfill

81. The fill material imported to the site shall consist of virgin excavated natural material as defined by the Protection of the *Environment Operations Act 1997* or be covered by a Resource Recovery Exemption from the Department of Environment and Climate Change.

Waste Management

82. Waste management during the construction phase shall be undertaken in accordance with the Site Waste Minimisation and Management Plan and in accordance with the Mosman Waste Minimisation Policy 2012. A copy of the Mosman Waste Minimisation Policy 2012 can be found on Council's website.

Council Property

83. The land and adjoining areas shall be kept in a clean and tidy condition at all times. No construction vehicles, building materials, waste, machinery or related matter shall be stored on the road or footpath for the duration of works unless separate approval has been obtained from Council's Traffic Committee for the establishment of a Construction Zone. Under no circumstances will any person be allowed to mix or dispose of concrete, mortar

or slurry within Council property.

Council Property

84. Any works carried out to Council owned property or infrastructure as a result of this consent are to be undertaken in accordance with Council specifications; i.e., "Standard details and specifications for concrete kerbs and gutters, footpaths, vehicle and kerb crossings and converters", "Public Domain Improvement Program", "Specification For Brick Paving", "Specification For Stormwater Drainage Construction" or "Specification For Asphalt Pavement Construction".

All works undertaken on Council land as a result of or as required of this development is to be borne by the applicant.

Construction Traffic Management Plan

85. All works and traffic movements must be carried out in accordance with the approved Construction Traffic Management Plan (CTMP) except where amended by any conditions stipulated within Council's letter of CTMP Approval. A copy of the CTMP and Council's letter of CTMP Approval must be kept on site at all times and made available to the Principal Certifying Authority or Council officers on request.

Drainage

86. Stormwater shall be directed to the drainage easement. All drainage works shall be constructed in accordance with Council's Policy "Stormwater Management in Mosman".

Drainage

87. No new building works shall be located within the drainage easement.

Drainage

88. Footings adjacent to the drainage easement are either to be founded on bedrock or located below the invert level of Council's stormwater pipeline.

Utility Services

89. To reduce the extent of overhead cabling, all low voltage distribution and service mains to the development must be underground for the full length of the service both inside and outside the property boundary.

Utility Services

90. To reduce the extent of overhead cabling, cabling for the extent of the frontage must be located underground to the requirements of Ausgrid.

Utility Services

91. If an electrical sub-station is required, it must be located wholly within the boundaries of the site and landscaped in such a manner to complement the remainder of the site and the street.

Driveway

92. The redundant driveway(s) shall be reinstated with kerb, footpath and suitably landscaped. Materials must be in accordance with Mosman Council's standard details and specifications for concrete kerbs and gutters, footpaths, vehicle and kerb crossings and converters".

Driveway

93. To improve sight distance, there shall be no visual obstructions at a height of 750mm or greater for the first < SPECIFY WIDTH m > within the property boundary and for a width of < SPECIFY WIDTH m > either side of the driveway.

Rainwater Re-Use System

94. The installation of rainwater tanks shall comply with the following:
- (a) Works are to be undertaken in accordance with the Plumbing Code of Australia.
 - (b) The tank and fittings must be labelled "RAINWATER, NOT SUITABLE FOR DRINKING".
 - (c) A plaque measuring no less than 400mm by 200mm shall be permanently attached and prominently displayed within the immediate vicinity of the rainwater tank advising occupiers of the existence of the rainwater tank and that the device is not to be altered without prior approval from Mosman Council.
 - (d) A screened rain head designed to ensure self-cleaning and to prevent leaf litter from entering the tank must be installed
 - (e) A first-flush-bypass device must be installed allowing the first 1mm of initial runoff to bypass the tank.
 - (f) The tank, including inlets and outlets, is to be designed to prevent mosquito breeding.
 - (g) In the occurrence of prolonged periods of rain any overflow from the rainwater tank should be discharged via an existing stormwater drainage system or to a Council approved device such as an on-site detention system. This pipeline must be covered with an insect proof mesh to prevent the breeding of mosquitos.
 - (h) Any mechanical equipment associated with the rainwater re-use tank and associated reticulation system shall be located in a sound proof container and positioned so that there is no increase in noise level at any point on the boundary with another property, including a public place.
 - (i) If the tank is below ground it must be located under a hard surface, such as a driveway or car parking area.

Car Parking

95. To ensure reasonable safety and manoeuvrability, all parking dimensions and access aisles must satisfy the requirements of "Australian Standard / New Zealand Standard 2890.1 – Parking Facilities – Off-Street Car Parking" and the relevant provisions of Council's Development Control Plan, including where applicable dimensions for any disabled parking spaces.

NB – The Principal Certifying Authority may require a compliance certificate from a qualified architect, engineer or town planner certifying that this condition has been satisfied.

Materials and Finishes

96. The finished external surface materials, including colours and texture of any building and/or hard paved areas, shall blend with the surrounding environment and shall be non-reflective.

Materials and Finishes

97. To minimise glare nuisance, the reflectivity index of the glass is not to be more than 20%.

Materials and Finishes

98. External materials and colour finishes shall be in accordance with the sample submitted with the development application.

Protection of Landscape Features

99. All natural landscape features including trees and other vegetation, natural rock outcrops, soil and watercourses shall remain undisturbed except where affected by necessary works detailed on approved plans.

To minimise impacts upon trees to be retained, no permanent fill or storage of building materials, excavated fill or topsoil during site works shall take place within their driplines.

Tree Preservation

100. All street trees and trees on private property are protected under Chapter 2 'Vegetation in non-rural areas' of *State Environmental Planning Policy (Biodiversity and Conservation) 2021*. Approval is granted for the removal of only those trees located within the area occupied by the approved works as detailed in this development consent. Requests for the removal (or pruning) of any other trees must be the subject of a separate permit granted by the Council.

Leighton Green Cypress

101. To reduce the potential for adverse amenity effects such as overshadowing, loss of views, and loss of plant diversity, Leighton Green *Cypress Cupressocyparis leylandii* or any of its cultivars, shall not be planted on the site for the life of the development. Further information on Leighton Green Cypress may be obtained from Council and are available on Council's website. In the event of any inconsistency between this condition and the development application documents, this condition will prevail to the extent of the inconsistency.

Street Trees

102. A minimum of thirteen (13) street trees (*Banksia integrifolia* x 6, *Glochidion ferdinandi* x 3 and *Tristaniopsis laurina* x 4), must be installed and maintained through establishment in keeping with Council's Street Tree Master Plan. The street tree shall be planted at a minimum pot size of 100 litres on the Council verge in front of the subject property. Written certification must be provided from the plant supplier that the trees comply with *Australian Standard 2303:2018 Tree stock for landscape use*.

To ensure the street tree planting is adequately undertaken in an appropriate manner, a

cash deposit or bank guarantee for \$26,000 shall be lodged with Council for the above trees. The security deposit will not be released until Council has inspected the trees upon request (and no earlier than 12 months after the release of the Occupation Certificate) and is satisfied that the trees have established to a suitable size and are in a healthy condition.

Siting and Height

103. To ensure that siting and height are appropriate, all wall locations, finished floor levels and ridge levels shall be in accordance with that approved under this consent.

NB – The Principal Certifying Authority may require a compliance certificate from a registered surveyor prior to the pouring of a concrete floor or the fixing of roof cladding to verify compliance.

Construction Hoarding or Fencing

104. Any construction hoarding or fencing is to be maintained in good order throughout the life of the fence.

Shoring and Adequacy of Adjoining Property

105. All excavations and backfilling shall be limited to that required in accordance with the approved plans only and must be executed safely and if necessary properly guarded in accordance with appropriate professional standards to prevent them from being dangerous to life or property. At least 7 days before commencement of excavation, the applicant must give notice of an intention to excavate to the adjoining owner and furnish particulars to the owner of the proposed work.

Lighting

106. To maintain amenity for adjoining properties, all external lighting installed shall comply with *Australian Standard 4282 – 'Control of the obtrusive effects of outdoor lighting'*.

Site Facilities

107. The following facilities must be provided on the site:

- (a) Toilet facilities in accordance with SafeWork NSW requirements, at a ratio of one toilet per every 20 employees; and
- (b) A garbage receptacle for food scraps and papers, with a tight fitting lid.

Waste and Recycling Storage Area

108. For safety, amenity and maintenance reasons, the waste and recycling storage area must be constructed to the following standards:

- Designed to accommodate separate general waste bins and recycling bins which are of sufficient volume to contain the quantity of waste generated between collections;
- Designed so that bins for recyclable materials are kept separate from (but close to) general waste bins - so that the potential for contamination of recyclable materials is minimised;

- The gradient of the floors and the gradient of any associated access ramps must be sufficiently level for the purpose of emptying containers;
- The floor must be graded so that any water is directed to a Sydney Water approved drainage connection located upon the site;
- Designed to prevent vermin from entering;
- Doors/gates must be durable, openable from both inside and outside and must be wide enough to allow for the easy passage of waste/recycling containers. There must be a sign adjacent to the door/gate that indicates that the door/gate is to remain closed when not in use;
- Must have a smooth, durable floor and be enclosed with durable walls/fences that extend to the height of any containers which are kept within;
- Must be serviced by hot and cold water provided through a centralised mixing valve. The hose cock must be protected from the waste containers and must be located in a position that is easily accessible when the area is filled with waste containers; and
- Designed with signage that clearly describes the types of materials that can be deposited into recycling bins and general garbage bins.

Construction Noise and Vibration Management

109. All demolition, excavation and construction works associated with the development must be carried out in accordance with the recommendations contained in Section 14.4 (Site Specific Recommendations) of the Noise and Vibration Impact Assessment prepared by Acoustic Logic dated 20 February 2026, as amended by the following requirements:

a) Acoustic Barriers

Acoustic barriers (e.g. plywood hoarding or equivalent) with a minimum height of 1.8 metres must be installed along the full perimeter of the site prior to the commencement of demolition works and maintained for the duration of high-noise generating activities, including demolition and excavation.

b) Community Notification

The Principal Contractor must notify surrounding residents in writing (e.g. letterbox drop) prior to the commencement of demolition and piling works. The notification must include:

the nature of the works,
the expected duration, and
contact details for site management.

c) Complaints Management

A clearly visible sign must be erected at the site boundary displaying a 24-hour contact telephone number for complaints.

All complaints must be managed in accordance with the procedures outlined in Section 15 of the acoustic report prepared by Acoustic Logic dated 20 February 2026 Ref 20251204.2/1601A/R0/PF, including the implementation of additional noise mitigation measures where required.

d) Noise Monitoring

Long-term noise monitoring must be undertaken during demolition and excavation works in accordance with Section 14.1 of the acoustic report prepared by Acoustic Logic dated 20 February 2026 Ref 20251204.2/1601A/R0/PF. Monitoring results must be made available to Council upon request.

e) Vibration Monitoring

In the event that complaints regarding vibration are received, vibration monitoring must be undertaken at the nearest affected receivers. Where exceedances are identified, additional mitigation measures must be implemented to the satisfaction of Council.

f) Records

All records of noise monitoring, community consultations, complaints diaries and mitigation responses must be kept on site and produced on request for Council Officers.

Unexpected Finds Protocol

110. If contamination or unexpected materials (e.g., asbestos, hydrocarbons, odorous soils) are encountered during works:

- a) works must cease in the affected area immediately;
- b) the site must be made safe;
- c) a qualified contaminated land consultant must be engaged; and
- d) Council must be notified.

An addendum report or updated RAP must be submitted to Council where required.

Approved Plans

111. A copy of the stamped approved plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.

Critical Stage Inspections

112. Critical stage inspections are to be carried out in accordance with Part 8 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*. To allow a Principal Certifying Authority (PCA) or another certifying authority time to carry out critical stage inspections required by the PCA, the principal contractor for the building site or the owner-builder must notify the PCA at least 48 hours before building work is commenced and prior to further work being undertaken.

Protection of Stormwater Infrastructure and Critical Stage Inspection

113. To ensure the protection of Council's stormwater pipe, a critical stage inspection is to be undertaken to verify that all footings adjacent to the drainage easement have either been founded in bedrock or located below the invert level of Council's stormwater pipeline.

The critical stage inspections must be carried out by the Principal Certifying Authority (PCA), or if the PCA agrees, by another certifying authority.

Notes: Records of the above critical stage inspections will be required to be submitted prior to the release of the Occupation Certificate – see later conditions of consent. If you intend engaging Council to undertake the inspections, please telephone the Development Engineer to arrange a suitable time.

Council Property

114. Upon completion of the retaining wall supporting the embankment adjacent to the public footpath and prior to further works, a works-as-executed plan must be provided to Council together with a Structural Engineer's certificate that states the Structural Engineer has inspected the work during the course of construction and that such work complies with the design and specification submitted to and approved with the Construction Certificate application, or where any difference exists, details shall be highlighted and certified as being structurally sound and consistent with the minimum design loads required under this consent.

Driveway

115. The levels at the boundary alignment of the property along the Redan Street and Redan Lane frontages shall be defined by the existing levels.

Materials and Finishes

116. Roofing materials must be of low glare and reflectivity.

Maintenance of Tree Protection Measures

117. To minimise disturbance to the trees to be retained, for the duration of site works the tree protection measures are to be maintained in good order.

Arborist Inspections

118. The applicant must engage a suitably qualified and experienced arborist (Australian Qualification Framework level 5 or above) to assess the impact of the proposed works and employ best practices (e.g. minimise compaction, soil build up and/or excavation within tree protection zones *) to ensure the longevity of trees to be retained/the trees specified below. The arborist is to attend on site during critical stages of excavation and construction works within the vicinity of trees to be retained and is to photograph and record the following information:

- the date and time of inspection;
- the methods of excavation or construction used to carry out works;
- any damage sustained by the tree/s as a result of the works;
- any subsequent remedial works required to be carried out by the arborist as a result of the damage; and
- any future or on-going remedial work required to be carried out to ensure the long term viability of the tree/s.

PRIOR TO THE RELEASE OF THE OCCUPATION CERTIFICATE

The following conditions must be satisfied prior to the issue of the Occupation Certificate.

Where a condition of consent is precedent to the issue of an Occupation Certificate in either part or full that condition shall be satisfied prior to the issue of the certificate.

Record of Inspections Carried Out

119. In accordance with Section 63 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, the Principal Certifying Authority (PCA) responsible for critical stage inspections must make a record of each inspection as soon as practicable after it has been carried out. Where Council is not the PCA, the PCA is to forward a copy of all records to Council.

Car Parking

120. A car parking line-marking and signage plan shall be prepared by a suitably qualified transport engineer and implemented, identifying appropriate directional markings, give-way markings, signage and traffic control devices (including convex mirrors) as needed to guide users within the off-street car park. Parking spaces must be line marked and allocated to units.

Car Parking

121. To satisfy user demand, a minimum of **< INSERT NUMBER OF APPROVED SPACES >** car spaces shall be provided on site in accordance with the approved plan.

Car Parking

122. In order to avoid vehicular conflict, the ingress and egress crossings shall be suitably signposted.

Car Wash Spaces

123. **< INSERT NUMBER OF APPROVED SPACES >** car wash spaces must be provided which shall be graded to an internal drainage point, connected to a Sydney Water Sewer and a hose cock. When not in use for washing cars, the space may be used for visitor parking. Car wash bays are not to be used for engine degreasing or mechanical repairs and must be signposted accordingly.

Bicycle Parking

124. To encourage and promote the use of sustainable transport modes, secure bicycle parking/storage must be provided to accommodate a minimum of thirteen (13) bicycles. The Construction Certificate plans shall detail the following:

- a) A minimum of 20% of bicycle parking spaces be provided as ground-level horizontal parking in accordance with Australian Standard 2890.3:2015 - Parking Facilities - Bicycle Parking Facilities; and
- b) Provision of a 1.5m access way maintained along all sections of the necessary travel paths between the bicycle rooms and the street access point.

Details are to be submitted to the satisfaction of the Accredited Certifier.

Council Property

125. Upon completion of the retaining wall supporting Council's road or road reserve and prior to further works progressing or the release of the Occupation Certificate, a work-as-executed plan must be provided to Council together with a Structural Engineer's certificate

that states the Structural Engineer has inspected the work during the course of construction and that such work complies with the design and specification submitted to and approved with the Construction Certificate application, or where any difference exists, details shall be highlighted and certified as being structurally sound and consistent with the minimum design loads required under this consent.

On-Site Detention/Rainwater Re-use System

126. So that Council has accurate records of the stormwater system to aid with catchment management functions, work-as-executed details of the on-site detention (OSD) system or rainwater reuse tanks prepared by a Civil Engineer with membership of the Institute of Engineers Australia or who is eligible to become a member and has appropriate experience and competence in the related field, demonstrating that the required storage and discharge volumes have been constructed in accordance with the design requirements and Council's Policy for "Stormwater Management in Mosman" are to be provided to Council. The details must show the invert levels of the OSD system or rainwater reuse tanks as well as the pipe sizes and grades. Any variations to approved plans must be shown in red and supported by calculations.

Sydney Water - Section 73 Compliance Certificate

127. A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water. This development may have impacts upon water and sewer pipes to be built, other services, building and driveway and landscape design. The Certificate assessment will determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains. Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met.

Applications must be made through an authorised Water Servicing Coordinator. Refer to www.sydneywater.com.au or phone 13 20 92 for further information.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development or release of the Subdivision Certificate, whichever occurs first.

State Environmental Planning Policy (Housing) 2021

128. A certifying authority must not issue an Occupation Certificate to authorise a person to commence occupation or use of residential flat development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles for residential apartment development set out in Schedule 9 of *State Environmental Planning Policy (Housing) 2021*.

Fire Safety

129. A final fire safety certificate prepared in accordance with Part 11 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* must be issued by or on behalf of the owner. Copies of both the final fire safety certificate

and the fire safety schedule must be (1) supplied to Council, (2) forwarded to the Fire Commissioner and (3) prominently displayed in the building.

Consolidation

130. All allotments involved in this proposal must be consolidated into one allotment prior to the issue of the Occupation Certificate.

Accessibility

131. To ensure the provision of equitable access, prior to the issue of an Occupation Certificate a suitably qualified Accessibility Consultant must certify that the development meets all relevant access requirements, that all dwellings have been designed to meet or exceed the Silver Level under the Liveable Housing Design Guideline and that eleven (11) dwellings are adaptable in accordance with *AS4299:1995 - Adaptable housing*.

Visitor Parking Sign

132. A sign legible from the street, shall be permanently displayed to indicate that visitor parking is available on the site. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

Affordable Housing Units

133. To ensure the provision of affordable housing in accordance with this consent, prior to the release of any Occupation Certificate a public positive covenant shall be registered on the title of the land, the terms of which restrict the occupancy of the nominated units as affordable housing units under *State Environmental Planning Policy (Housing) 2021* for a period of 15 years from the date of the final Occupation Certificate. The terms of the covenant shall include a requirement that the affordable housing units shall be managed by a registered community housing provider, and that Mosman Municipal Council shall be identified as the authority able to modify, vary or release the restriction.

A fee applies for the checking, approval and execution of the restriction on the use of land by Council and must accompany the covenant when lodged with Council. For details refer to Council's current Pricing Policy at the time of lodgement.

On-Site Detention/Rainwater Re-use System

134. To ensure that future owners are made aware of their responsibilities with respect to the on-site detention (OSD) system or rainwater reuse tanks, a Positive Covenant shall be created on the title of the allotment requiring that the owner(s) maintain and keep in working order the OSD system or rainwater reuse tanks, unless otherwise approved in writing by Mosman Council.

A fee applies for the checking, approval and execution of the Positive Covenant by Council and must accompany the Positive Covenant when lodged with Council. For details refer to Council's current Fees and Charges Schedule at the time of payment.

The terms of the positive covenant shall read:

- (i) In this Positive Covenant "detention system or rainwater reuse system" shall mean the detention system or rainwater re use system approved by Mosman Council

pursuant to Development Consent No. **SSD-93020230** or any modification thereof approved by Mosman Council in writing.

- (ii) The Registered Proprietors will at their own expense well and sufficiently maintain and keep in good and substantial repair and working order any detention system/rainwater reuse system which exists from time to time on the land.
- (iii) The Registered Proprietors shall not remove the detention system/rainwater reuse system without prior consent of Mosman Council.
- (iv) The Registered Proprietors hereby agree to indemnify Mosman Council from and against all claims, demands, actions, suits, causes of action, sum or sums of money, compensation damages, costs and expenses which Mosman Council or any other person may suffer or incur as a result of any malfunction or non-operation of any such detention system/ rain water reuse system arising from any failure of the Registered Proprietors to comply with the terms of this Covenant.
- (v) The term "Registered Proprietors" shall include the Registered Proprietors of the land from time to time and all their heirs, executors, assigns and successors in title to the land and where there are two or more registered proprietors of the land the terms of this covenant shall bind all those registered proprietors jointly and severally.

Follow-up Arborist's Report

135. As part of the ongoing assessment of the tree/s to be retained, an Australian Qualification Framework level 5 arborist engaged by the applicant is to assess their health and any impacts suffered by them as a result of the approved development. Findings are to be compiled in a detailed report to be provided to Council at the completion of construction and prior to the release of the Occupation Certificate which documents the following:

- The methods of excavation or construction used to carry out works;
- Any damage sustained by the tree/s as a result of the works;
- Any subsequent remedial works required to be carried out by the Arborist as a result of the damage; and
- Any future or on-going remedial work required to be carried out to ensure the long term viability of the tree/s.

PRIOR TO THE RELEASE OF THE SUBDIVISION CERTIFICATE

The following conditions must be satisfied prior to the issue of the Subdivision Certificate.

Subdivision Certificate

136. A Subdivision Certificate under Section 6.4(d) of the *Environmental Planning and Assessment Act 1979* must be obtained prior to the registration of plans under the *Conveyancing Act 1919*. All conditions of the development consent must be completed prior to the issue of the Subdivision Certificate.

PRIOR TO OCCUPATION

The following conditions must be satisfied prior to occupation of the development.

Compliance Certificates and Inspection Records

137. Where Council is not the Principal Certifying Authority (PCA), a copy of any compliance certificates received by the PCA shall be forwarded to Council prior to occupation or commencement of the use.

Occupation Certificate

138. Occupation or use, either in part or full, shall not take place until an Occupation Certificate has been issued. The Occupation Certificate must not be issued unless the building is suitable for occupation or use in accordance with its classification under the Building Code of Australia and until all preceding conditions of this consent have been complied with.

Where Council is not the Principal Certifying Authority, a copy of the Occupation Certificate together with registration fee must be provided to Council.

Site Suitability Confirmation

139. Prior to the issue of any Occupation Certificate or commencement of residential occupation, the applicant must provide to Council a Type A Contaminated Land Certificate issued by a NSW EPA-accredited Contaminated Land Auditor. The Certificate must confirm that:
- a) The land is suitable for the approved residential use.
 - b) All investigations, including any Detailed Site Investigation (DSI), have been completed in accordance with the requirements of the Contaminated Land Management Act 1997, SEPP (Resilience and Hazards) 2021, and relevant NSW EPA contaminated land guidelines.
 - c) Any required remediation works identified during the investigation have been undertaken in accordance with an approved Remediation Action Plan (RAP).
 - d) All validation and verification works have been completed, demonstrating that the land now meets applicable human health and environmental criteria.

No Occupation Certificate may be issued and no residential occupation may occur until Council has formally accepted the Type A Certificate.

Domestic Waste Service Agreement

140. Residents must complete Domestic Waste Service Agreement available on Council website prior to occupation.

Application for Green Waste Bin

141. Green waste bins may be purchased by completing the *Application for Green Waste Bin* available on Council website.

DURING OCCUPATION

The following condition must be satisfied during occupation of the development.

Landscape Maintenance

142. Landscaping provided shall be maintained for the life of the development. Where vegetation approved as part of this consent dies, it must be replaced with new landscaping that achieves a similar height and form to that approved under the landscape plan forming part of this consent.

Landscape Maintenance Strategy

143. To ensure the survival of landscaping following work, the owner occupier is to implement the landscape maintenance strategy submitted with the Construction Certificate Application for a 12 month period following the release of the Occupation Certificate.

Occupation

144. The site shall be occupied solely for the approved use. No change of use or additional use of any part of the premises shall take place without prior development consent (other than for exempt development).

Car Parking

145. Parking and manoeuvring areas shall be used solely for such purposes.

Acoustic

146. To ensure reasonable acoustic amenity for surrounding properties is maintained, the level of noise emanating from the premises (LA10 measured for at least 15 minutes) shall not exceed the background level (LA90) by more than 5dB(A) when measured at all property boundaries in the absence of that noise source. This condition does not apply to noise generated during demolition and construction activities.

Fire Safety

147. An annual fire safety statement (and where necessary supplementary fire safety statements) prepared in accordance with Part 12 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* must be issued by the owner. Copies of each of the annual final fire safety statement, supplementary fire safety statements and the fire safety schedule must be (1) supplied to Council, (2) forwarded to the Fire Commissioner and (3) prominently displayed in the building.

Fire Safety

148. Fire safety measures provided within the building must be maintained in good working order.

Operational Noise - Waste Collection

149. Waste collection must use Council-approved vehicles within approved hours and must not unreasonably affect neighbouring amenity.

Operational Noise - Traffic Noise

150. Additional traffic generated by the development must not increase existing road noise at nearby residences by more than 2 dB(A).

Operational Noise - Verification and Reporting

151. A qualified acoustic consultant must submit a post-construction verification report confirming:

- a) Operational mechanical plant noise complies with NSW Noise Policy for Industry (NPI) criteria.
- b) Mechanical plant and building services associated with the development must be designed, installed, and operated so that noise emissions do not exceed the applicable project noise levels determined in accordance with the NPI when measured at any nearby residential premises. Noise from the development must not be audible within any habitable room of nearby residential premises.

For the purposes of this condition, “nearby residential premises” excludes the subject development site.

- c) If noise from mechanical plant or building services is found to exceed the applicable NPI criteria or is audible within a habitable room of a nearby residential premises, the operator must immediately implement all feasible and reasonable mitigation measures to achieve compliance to the satisfaction of Council.

Council may require attended noise monitoring at any time to verify compliance.

Operational Noise - Air Conditioning

152. Any air conditioning installed shall be designed so as not to operate:

- a) during peak time (7.00am – 10.00pm) at a noise level that exceeds 5 dB(A) above the ambient background noise level measured at any property boundary, or
- b) during off peak time (10.00pm - 7.00am) at a noise level that is audible in habitable rooms of adjoining residences.

Fencing

153. Fences and gates are not to open onto the public way.

Resident Parking Permits

154. Residents shall not be eligible to receive parking permits for any existing or future Resident Parking Permit Schemes, unless otherwise specified by Council.

Waste Management Audit

155. A waste management audit is to be completed 12 months after the issue of Occupation Certificate and every five (5) years thereafter. The audit must assess waste generation rates, waste and recycling infrastructure, servicing arrangements, and overall performance to confirm that waste management remains adequate for the development. Where an audit identifies deficiencies, appropriate actions must be implemented to address the findings within a reasonable time frame.