



Mr John James McPeake  
2 The Boulevarde  
CAMMERAY NSW 2062

D337/22  
RB6 (CIS)

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

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

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**Development Application Number:** 337/22

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**Land to which this applies:** 2 The Boulevarde, Cammeray  
Lot No.: 9, DP: 24336

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**Applicant:** John James McPeake

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**Proposal:** Alterations and additions to existing dwelling including a new addition to the rear, landscaping and associated works

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**Determination of Development Application:** Subject to the provisions of Section 4.17 of the *Environmental Planning and Assessment Act 1979*, deferred commencement has been granted, subject to conditions in the notice of determination.

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**Date of Determination:** 26 September 2023

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**Reasons for Deferred Commencement:** The proposal was considered under the relevant Environmental Planning Instruments and policies including NSLEP 2013 and NSDCP 2013 and generally found to be satisfactory, with the exception of the swimming pool and its surrounds, and section of the lower ground and garden levels of the dwelling addition which cannot supported due to the extent of excavation works and removal of bush rock. It is noted that a minor variation to the minimum side setback control is proposed for the rear western side walled balcony of the ground level loggia. Given its location with regard to adjoining land this variation to the DCP side setback control is supported.

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Consideration has been given to the merits of the proposal and Council is of the view that deferred commencement conditions will enable an appropriate, acceptable and reasonable design and planning outcome for this highly constrained site. A revised design which demonstrates appropriate consistency and adequate compatibility with the streetscape and landscape character of the immediate locality and provide a balance between development and protection of the natural environment.

Having regard to the provisions of Section 4.15(1) of the *Environmental Planning and Assessment Act 1979*, the proposed development would not otherwise result in any significant, adverse material impact to adjoining properties, including those relating to bushland, streetscape, amenity, acoustic and visual privacy and view loss.

**Deferred Commencement Time Frame:** 2 years

**Date Lapsing:** 26 September 2025

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

The application was notified in accordance with Council's Community Engagement Protocol from 18 November 2022 to 2 December 2022, to owners of adjoining properties and the Bay Precinct. No submissions were received during the notification period.

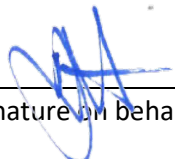
**Review of determination and right of appeal:**

Consideration should be given to providing the evidence to Council to allow sufficient time to consider the same and form a view as to whether the deferred commencement conditions are satisfied or not. Within 6 months after the date of notification of the decision, a review of this determination can be requested under Division 8.2 of the Act or an appeal to the Land and Environment Court made pursuant to the provisions of Section 8.7 of the Act. A review of determination should be lodged as soon as possible, and preferably no later two months after the date of notification of the decision to enable the review to be completed within the six-month period.

**Endorsed for and on behalf of North Sydney Council**

**26 September 2023**

DATE

  
Signature on behalf of consent authority  
DAVID HOY  
**TEAM LEADER (ASSESSMENTS)**

(i) **Conditions**

Consent is granted subject to the following conditions imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979 (“the *Act*”) and the provisions of the Environmental Planning and Assessment Regulation 2021 (“the *Regulation*”) such conditions being reasonable and relevant to the development as assessed pursuant to Section 4.17 of the Act.

(ii) **Definitions**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Work** for the purposes of this consent means:

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

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

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**AA. Deferred Commencement Conditions**

This consent shall not operate until the following deferred commencement condition(s) has/have been satisfied.

**The applicant must satisfy Council as to the matters specified in the deferred commencement conditions within 2 years (24 months) of the date of the grant of this consent.**

**If the applicant fails to satisfy Council as to the matters specified in the deferred commencement conditions within 2 years (24 months) of the date of the grant of this consent. This consent will lapse in accordance with Section 4.56 of the Environmental Planning and Assessment Act 1979.**

NOTE: Consideration should be given to providing the evidence to Council to allow sufficient time to consider the same and form a view as to whether the deferred commencement conditions are satisfied or not. You are also advised of your appeal rights under clause 95(6) of the Environmental Planning and Assessment Regulation 2000, which provides that: *If the consent authority has not notified the applicant within the period of 28 days after the applicant's evidence is produced to it, the consent authority is, for the purposes only of section 97 of the Act, taken to have notified the applicant that it is not satisfied as to those matters on the date on which that period expires.*

**Design Changes - Dwelling Additions and Alterations and Swimming Pool**

AA1. Within 24 months (2 years) of the date of this consent, plans and a revised BASIX Certificate must be submitted to Council for the approval of the Manager - Development Services, reflecting the following amendments to the approved development:

- a) **Delete Garden Level:** The entire garden level within the dwelling addition must be deleted.
- b) **Lower ground floor level:** All areas comprising the study and ensuite within the western side of lower ground floor must be deleted. The entire rear addition including the remaining lower ground floor must be elevated/suspended above the existing ground and respective bush rock (rock outcrop – as marked on the plans) within the premises. The layout within the remaining lower ground floor area can be amended and re-configured but only within the approved footprint (as approved and modified by this consent).
- c) **Swimming pool to be deleted:** The swimming pool and surrounding pool area as annotated and marked on the plans must be deleted.
- d) **Access Stairs to Western boundary:** The access stairs along the western side must be deleted and replaced with an access footpath or ramp constructed to match the existing fall of land and which follows the gradient of the existing ground.
- e) **Boundary fencing:** The proposed “balustrade” fencing along the western boundary must step with the existing topography of the site and must have a maximum height of 1.8m, above existing ground.
- f) **Habitable use of Bed 2:** Documentation must be provided to demonstrate that Bedroom 2 in the lower ground floor is able to access adequate natural light and ventilation that achieves BCA compliance for habitable rooms. Inadequate information and inability to achieve compliance must result in the conversion of this room as non-habitable room or utility room.

(Reason: To minimise the extent of excavation and earthworks, to retain the natural topography of the site and to preserve the existing natural bush rock at the rear)

**Design Changes – Landscaping Works**



AA2. Within 24 months (2 years) of the date of this consent, landscape plans must be submitted to Council for the approval of the Manager – Development Services and Council’s Landscape Development Officer, that reflect the following amendments to the approved development:

- a) A revised landscape plan for the rear setback must reflect the removal of all components described in Condition AA2.
- b) The amended landscape plan must ensure that soft landscaping is the dominant feature within the site.
- c) All works must involve no removal of any bush rock and rock outcrops.
- d) The vertical metal fence along the side boundary with the reserve must not have any entry points or gates into the reserve.
- e) Any ancillary external and landscaping works must be wholly contained within the site and no works shall be undertaken beyond the property boundaries (including within Council reserve) unless stipulated within an approved Lease Agreement with Council.

(Reason: To ensure an appropriate balance of landscaping and un-built upon areas and natural bush rock protection are provided for the property)

**Period in which the Deferred Commencement condition must be satisfied**

The period of 24 months (2 Years) beginning on the date of this approval.

**Upon satisfaction of the deferred commencement condition/s, the following conditions apply:**

**A. Conditions that Identify Approved Plans**

**Terms of Consent**

A1. Approval is granted for the following only:

- (a) Demolition of rear northern portion of dwelling
- (b) Modifications and additions to existing ground floor and lower ground floor level of dwelling and as modified by conditions in this consent.
- (c) Landscaping within front and rear setbacks.
- (d) Removal of two (2) trees within the site: T8 *Tibouchina granulosa*; T12 *Rhododendron sp.*
- (e) Associated ancillary works such as balustrades and stormwater works

No approval is given or implied in this consent for the swimming pool and its surrounds, or to any other works both internal and external, within the subject property.

No approval is given for the proposed hardstand area outside of the study window, and the proposed access steps in the side western setback, as annotated on the Proposed Lower Ground Plan.

(Reason: To ensure the terms of the consent are clear; to ensure that excessive rock removal is not undertaken within the western side setback)

**Tree Protection**

- A2. A 'to-scale' Tree Protection and Management Plan must be provided to Council's Tree Management Officer for approval, which clearly details:
- i. the locations and types of tree protection devices (e.g., fencing, trunk and branch guards, root and ground protection, mulching, signage, and the like) to be used for each tree, including Council street trees in the road reserve in front of the site.
  - ii. where works within a specified radius must be directly supervised by the project arboriculturist.
  - iii. hold points, where the project arboriculturist shall be engaged to directly supervise works in proximity to trees (e.g., demolition, excavations in proximity to trees, root pruning, etc).

(Reason: To protect existing trees on the subject and adjoining land)

**Development in Accordance with Plans/Documentation**

- A3. The development must be carried out in accordance with the following drawings endorsed with Council's approval stamp and other documentation listed in the table to this clause, or cited by other conditions, and as amended by other conditions of this consent.

Plan No.	Revision	Description	Prepared by	Dated
1201	00	Site Plan and Analysis	J J McPeake	June 2022
2000	00	Demolition Ground Floor Plan	J J McPeake	June 2022
2001	00	Demolition Lower Ground Plan	J J McPeake	June 2022
2002	00	Demolition	J J McPeake	June 2022
2003	00	Demolition Roof Plan	J J McPeake	June 2022
2100	00	Proposed Ground Floor Plan	J J McPeake	June 2022
2101	00	Proposed Lower Ground Plan	J J McPeake	June 2022
2103	00	Proposed Roof Plan	J J McPeake	June 2022
3000	00	West Elevation Demolition	J J McPeake	June 2022
3001	00	North Elevation Demolition	J J McPeake	June 2022
3002	00	East Elevation Demolition	J J McPeake	June 2022
3003	00	South Elevation Demolition	J J McPeake	June 2022
3100	00	West Elevation Proposed	J J McPeake	June 2022
3101	00	North Elevation Proposed	J J McPeake	June 2022
3102	00	East Elevation Proposed	J J McPeake	June 2022
3103	00	South Elevation Proposed	J J McPeake	June 2022
4000	00	Section 01	J J McPeake	June 2022
6000	00	View from North Demolition	J J McPeake	June 2022
6001	00	View from North Proposed	J J McPeake	June 2022
6002	00	External Finishes	J J McPeake	June 2022
8000	00	Proposed Ground Floor Landscape Plan	J J McPeake	June 2022

The above plans are subject to the amendments outlined in the deferred commencement terms expressed in Conditions AA1 and AA2.

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

**Plans on Site**

- A4. A copy of all plans endorsed with Council's approval stamp, specifications and documents (including the plans, specifications and documents submitted and approved with the Construction Certificate) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifier.

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

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

**No Demolition of Extra Fabric**

- A5. Alterations to, and demolition of the existing building shall be limited to that documented on the approved plans.

(Reason: To ensure compliance with the approved development)

**External Finishes and Materials**

- A6. External finishes and materials must be in accordance with the submitted schedule titled 'External Finishes,' dated June 2022, prepared by J J McPeake, and received by Council on 4 November 2022 unless otherwise modified by Council in writing.

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

***B. Matters to be Completed before the lodgement of an Application for a Construction Certificate***

**Amended Construction and Traffic Management Plan (Site with difficult access)**

- B1. An amended Construction and Traffic Management Plan must be submitted to the satisfaction of Council's Manager of Parks and Reserves and Council's Traffic and Transport Engineer.

(Reason: To protect existing trees and assets on Council land and to ensure orderly development is undertaken)

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

**Rehabilitation Plan and Plan of Management**

- C1. Prior to the issue of any Construction Certificate, the Applicant must provide Council with a Rehabilitation Plan and Plan of Management for the adjacent bushland reserve detailing:

- a) The proposed rehabilitation and landscaping works for reinstating any areas impacted/damaged/accessed as a result of the works for the development.
- b) The proposed management and control of vegetation adjacent to the western boundary to maintain bushfire protection for the residence and as required by NSW Rural Fire Services.

The Applicant must receive written documentation from Council confirming approval for the Rehabilitation Plan and Plan of Management.

(Reason: To minimise impacts on Council reserve and to maintain bushfire protection for the residence)

**Revised Arboricultural Impact Assessment Report**

C2. The following amendments are required to be incorporated into the Arboricultural Impact Assessment Report submitted as part of any application for a construction certificate:

- Protection of the *Lophostemon confertus* Brushbox on the site
- Details on canopy pruning for any trees within Council's reserve
- Consideration of the amended landscape plan and amended proposal to be undertaken.
- Consideration of the approved Construction and Traffic Management Plan

This report must be submitted to the satisfaction of Council's Landscape Development Officer.

(Reason: Tree protection measures to be updated to reflect amended proposal)

**Specific Tree Protection Measures**

C3. To ensure the protection of all trees to be retained, the following measures are to be undertaken:

- a) All documentation for the Construction Certificate application must show the site trees to be retained, and retention of the adjoining trees, with their positions and diameters of trunks and crowns (canopies) to be clearly and accurately shown in relation to all levels of the proposed development.  
All plans and correspondences must refer to the required compliance with the approved Tree Protection and Management Plan, and clearly show the assigned number of each tree on site, adjoining and Council land.
- b) A Consulting Arboriculturist ("the project arboriculturist"), who holds a minimum Australian Qualification Framework Level 5 in Arboriculture, is a registered consulting member of a nationally recognised arboricultural organisation or association, and who does not remove or prune trees in the North Sydney local government area, shall be engaged before work commences for the duration of site preparation, demolition, construction and landscaping.
- c) The project arboriculturist shall inspect, monitor, supervise, provide recommendations and written reports and certification relating to protection of the trees and compliance with the conditions of consent.
- d) The contact details of the project arboriculturist shall be advised to council before work commences and maintained up to date for the duration of works. If a new project arborist is appointed details of the new project arborist shall be notified to council within 7 days.
- e) The project arboriculturist is to submit a list of critical stages where joint site inspections with Council's Tree Management Officer will be required, with the adopted schedule to be complied with during the course of works, and include at minimum, the following hold points:
  - Prior to demolition of existing structures;
  - At commencement of any excavation works within 7 metres of any tree to be retained;
  - Prior to any tree crown or root pruning;

- At commencement of construction works within 7 metres of any tree to be retained.

(Reason: Tree protection measures)

**Dilapidation Report Damage to Public Infrastructure**

- C4. A dilapidation survey and report (including photographic record) must be prepared by a suitably qualified consultant which details the predeveloped condition of the existing public infrastructure in the vicinity of the development site. Particular attention must be paid to accurately recording any pre-developed damaged areas so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development. A copy of the dilapidation survey and report is to be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The developer may be held liable for all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded and demonstrated as pre-existing under the requirements of this condition.

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

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

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

**Dilapidation Report Private Property (Excavation)**

- C5. A full dilapidation survey and report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavations must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The zone of influence is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.

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

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

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

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

(Reason: To record the condition of property/ies prior to the commencement of construction)

**Dilapidation Survey Private Property (Neighbouring Buildings)**

- C6. A photographic survey and dilapidation report of adjoining property No. **4 The Boulevard, Cammeray**, detailing the physical condition of those properties, both internally and externally, including, but not limited to, such items as walls, ceilings, roof, structural members and other similar items, **MUST BE** submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The survey and report are to be prepared by an appropriately qualified person and a copy to be given to the owner of the adjoining property. A copy of the report is to be provided to Council, if Council is not the Principal Certifier, prior to the issue of any Construction Certificate. All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

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

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

(Reason: Proper management of records)

**Structural Adequacy of Existing Building**

- C7. A report prepared by an appropriately qualified and practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction shall be submitted to the Principal Certifier for approval prior to issue of any Construction Certificate. The certified report must also include all details of the methodology to be employed in construction phases to achieve the above requirements. The methodology in the certified report must be complied with at all times.

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

**Geotechnical Report**

- C8. A report prepared by an appropriately qualified Geotechnical Engineer certifying that the existing rock formations and substrate on the site is capable of:
- a) withstanding the proposed loads to be imposed;
  - b) withstanding the extent of the proposed excavation, including any recommendations for shoring works that may be required to ensure the stability of the excavation;

- c) providing protection and support of adjoining properties; and
- d) the provision of appropriate subsoil drainage during and upon completion of construction works

must be submitted for approval by the Principal Certifier prior to the issue of any Construction Certificate.

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

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

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

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

### **Sediment Control**

- C9. Where construction or excavation activity requires the disturbance of the soil surface or existing vegetation, erosion and sediment control techniques, as a minimum, are to be in accordance with the publication *Managing Urban Stormwater: Soils and Construction* (4th Edition, Landcom, 2004) commonly referred to as the "Blue Book" or a suitable and effective alternative method.

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

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

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

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

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

**Waste Management Plan**

C10. A Waste Management Plan is to be submitted for approval by the Principal Certifier prior to the issue of any Construction Certificate. The plan must include, but not be limited to:

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

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

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

**Skylight(s)**

C11. Skylight flashing(s) and frame(s) to be coloured to match the roof material. Skylight(s) to sit no higher than 100mm above roof plane when in a closed position. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate.

The Principal Certifier must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To minimise the visual impact of the skylight(s) on the roof plane)

**Reflectivity Glazing**

C12. The glazing for windows, walls or roof finishes of the approved development must be factory pre-finished with low glare and reflectivity properties. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

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



**Roofing Materials - Reflectivity**

- C13. Roofing materials must be factory pre-finished with low glare and reflectivity properties to be compatible with the colours of neighbouring buildings. The selected roofing material must not cause a glare nuisance or excessive reflectivity to adjoining or nearby properties. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

**Work Zone**

- C14. If a Work Zone is required a Work Zone permit is to be obtained from Council prior to the issue of any Construction Certificate.

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

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

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

(Reason: Amenity and convenience during construction)

**Maintain Property Boundary Alignment Levels**

- C15. Except where otherwise approved by Council, the property boundary alignment levels must match the levels which existed prior to the commencement of works. Plans and specifications which document existing and proposed levels adjacent to the site boundaries and which comply with the requirements of this condition must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate.

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

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

**Stormwater Disposal - Drainage Plan**

C16. Prior to the issue of any Construction Certificate, site drainage plans must be prepared by a licensed plumber or drainage engineer. The site drainage plans must –be designed in accordance with the following criteria:

- a) compliance with NCC drainage requirements and current Australian Standards and guidelines;
- b) stormwater runoff and subsoil drainage generated by the approved development must be conveyed in a controlled manner by gravity to [INSERT];
- c) new pipelines within council land shall be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 millimetres and a section height of 100 millimetres;
- d) the design and installation of the Rainwater Tanks shall comply with BASIX and Sydney Water requirements. Overflow from tank shall be connected by gravity to the stormwater disposal system; and
- e) prevent any stormwater egress into adjacent properties by creating physical barriers and surface drainage interception.

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

(Reason: Proper disposal of stormwater)

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

C17. Prior to the issue of any Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of **\$9,000.00** to be held by Council for the payment of cost for any/all of the following:

- a) making good any damage caused to any property of the Council as a consequence of the doing of anything to which this consent relates,
- b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with this consent
- c) remedying any defects in any such public work that arise within 6 months after the work is completed.
- d) Council reserves the right to retain all bonds on infrastructure works relating to the completion of required Infrastructure work for a 12-month defect liability period. Council may elect to provide a lesser period for minor residential work.

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

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

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

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

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

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

- C18. Prior to the issue of any construction certificate, security in the sum of **\$50,000.00** must be provided to Council for the protection of trees in public places, including the making good of any damage caused to such trees. The security is to be provided in accordance with the Schedule below.

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

The security will be refundable following the expiration of 6 months from the issue of any final Occupation Certificate but only upon inspection and release by Council's Landscape Development Officer.

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

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

#### **SCHEDULE**

<b>Treee</b>	<b>Location</b>	<b>Bond</b>
T1 <i>Pittosporum undulatum</i>	Council verge in front of 2 The Boulevard	\$7,000.00
T2 <i>Acacia elata</i>	Council verge in front of 2 The Boulevard	\$7,000.00
T3 <i>Jacaranda mimosifolia</i>	Council verge in front of 2 The Boulevard	\$7,000.00
T4, T5, T6 3x <i>Jacaranda mimosifolia</i>	Council verge in front of 2 The Boulevard	\$7,000.00

T7 2 x <i>Muraya paniculata</i>	Cammeray Suspension Bridge Reserve	\$7,000.00
T10 <i>Jacaranda mimosifolia</i>	Cammeray Suspension Bridge Reserve	\$7,000.00
T11 <i>Jacaranda mimosifolia</i>	Cammeray Suspension Bridge Reserve	\$7,000.00

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

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

- C19. The tree protection measures contained in the Revised Arboricultural Impact Assessment Report, shall be shown clearly on the Construction Certificate drawings. Plans and specifications showing the said tree protection measures must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The Principal Certifier must ensure the construction plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

**Approval for Removal of Trees**

- C20. The following tree(s) are approved for removal in accordance with the development consent:

Tree No./Species	Location	Height (m)
T8 <i>Tibouchina granulosa</i>	2 The Boulevard, Cammeray	6m
T12 <i>Rhododendron sp.</i>	2 The Boulevard, Cammeray	1m
T18 <i>Lophostemon confertus</i>	2 The Boulevard, Cammeray	10m

Removal or pruning of any other tree on the site is not approved, excluding species exempt under Section 16 of the North Sydney DCP 2013..

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

(Reason: Protection of existing environmental and community assets to ensure compliance with the terms of this development consent)

**Pruning of Trees**

- C21. All pruning works shall to the following tree(s) shall be undertaken under the guidance of an appropriately qualified arborist/tree surgeon in accordance with Australian Standard AS 4373-2007 - Pruning of Amenity Trees:

Tree	Location	Height (m)
T17 <i>Eucalyptus saligna</i>	4 The Boulevard, Cammeray	25m

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

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

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

**Asbestos and Hazardous Material Survey**

- C22. A report must be prepared by a suitably qualified person in relation to the existing building fabric to be demolished and/or disturbed identifying the presence or otherwise of asbestos contamination and, if asbestos contamination is present, making recommendations as to the work required to safely address the contamination.

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

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

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

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

**Air Conditioners in Residential Premises**

- C23. The use of any air conditioner installed on the premises must comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulations 2017 and State Environmental Planning Policy (Infrastructure) 2007 and must not:

- (a) emit a noise that is audible within a habitable room in any affected residence (regardless of whether any door or window to that room is open);
  - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or Public Holiday; or
  - (ii) before 7.00am or after 10.00pm on any other day
- (b) cause an LAeq(15min) which exceeds the RBL background noise level by more than 5dB when measured at the boundary of any affected residence. The modifying factor adjustments in Section 4 of the EPA Noise Policy for Industry 2017 will be applied.

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

"boundary" includes any window or elevated window of an affected residence.

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

(Reason: To maintain residential amenity)

#### **Section 7.12 Development Contributions**

- C24. A monetary contribution pursuant to the provisions of Section 7.12 of *the Environmental Planning and Assessment Act 1979* is to be paid to Council, in accordance with the North Sydney Council's Contribution Plan, to provide for local infrastructure improvements.

Based on the cost of development at the date of determination, the total contribution payable to Council is **\$9,200.00**.

#### **Indexation**

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

#### **Timing of Payment**

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

A copy of the North Sydney Contribution Plan can be viewed at North Sydney Council's Customer Service Centre, 200 Miller Street, North Sydney or downloaded via Council's website at [www.northsydney.nsw.gov.au](http://www.northsydney.nsw.gov.au).

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

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

- C25. All fees and security deposits/ guarantees in accordance with the schedule below must be provided to Council prior to the issue of any Construction Certificate:

<b>Security Deposit/Guarantee</b>	<b>Amount (\$)</b>
Street Tree Bond (on Council Property)	\$50,000.00
Infrastructure Damage Bond	\$5,000.00
Drainage Construction Bond	\$4,000.00
<b>TOTAL BONDS</b>	<b>\$59,000.00</b>

Note: The following fees applicable

<b>Fees</b>	
7.12 Contribution	\$9,200.00
<b>TOTAL FEES</b>	<b>\$9,200.00</b>

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

(Reason: Compliance with the development consent)

**BASIX Certificate**

C26. Under clause 75 of the Environmental Planning and Assessment Regulation 2021, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. **No. 1302484S\_02, dated 23 October 2022** for the development are fulfilled. Plans and specifications complying with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

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

**Permit to Access Adjacent Council land known as Suspension Bridge Reserve**

D1. If access is required by the applicant, prior to the commencement of works, a permit must be obtained to access the adjacent Council land (known as Suspension Bridge Reserve) negotiated between Council's Director of Open Space and Infrastructure, Environmental Services and respective land owner/s to confirm the following:

- a) Access via Council land (reserve) to facilitate works for the development over Suspension Bridge Reserve.
- b) Agreement on the maximum tonnage and type of any vehicle which may traverse the reserve;
- c) Any vegetation removal and other works within Council land (reserve) that are required to facilitate works for the development.
- d) Specific tree retention and protection methods and measures for all trees within Council land (reserve) that are to be implemented during construction and post-construction.
- e) Requirement to prepare and provide for rehabilitation and landscaping works for reinstating any areas impacted/damaged/accessed as a result of the works for the development.
- f) The agreement should provide for
  - a. Public Liability and Indemnity Insurance to be held by the any person carrying out work via the reserve with a minimum cover of \$20M; and
  - b. security in an appropriate Bond or other such Guarantee to be held by Council against the completion of rehabilitation and landscape works within the adjacent reserve

The Applicant must obtain written documentation from Council confirming approval for the permit to access Council land.

The final approved permit, in-conjunction with the approved construction traffic management plan, must provide guidance in relation to the construction methodology to be undertaken for the development.

(Reason: To provide direction and accountable actions for both parties with regard to construction management, site access and rehabilitation works on Council land)

**Project Arborist Engaged**

- D2.
- The project arboriculturist shall inspect tree protection measures and certify in writing to the Principal Certifying Authority the measures comply with the approved Tree Protection Plan and as directed by the project arboriculturist before work commences.
  - The project arboriculturist shall provide guidance and oversight of tree protection and management to ensure that the stability and ongoing viability of trees being retained is not compromised.
  - The project arboriculturist must contact the tree pruning contractor and Council's Tree Management Officer (giving at least 2 working days' notice) to arrange a joint site meeting, prior to commencing any pruning, to determine the exact location and extent of pruning that is permissible, with the tree pruning contractor to comply with any instructions issued by Council, acting reasonably.
  - Any pruning must be undertaken by a practicing arborist with a minimum Australian Qualification Framework Level 3 in arboriculture, in accordance with the principles of the Australian Standard AS 4373-2007 'Pruning of Amenity Trees,' and the NSW Work Cover Code of Practice for the Amenity Tree Industry (1998), as well as any instructions issued on site by Council, acting reasonably.
  - The practicing arborist must keep a log of dates and times of when they attended the site, the type of works that were performed, and must form part of the certification required prior to Occupation.

(Reason: Tree protection measures)

**Protection of Trees**

- D3. All trees that are specifically nominated to be retained by notation on plans or by condition as a requirement of this consent must be maintained and protected during demolition, excavation and construction on the site in accordance with AS4970-2009 (Protection of trees on development sites).

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

**Temporary Fences and Tree Protection**

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

Appropriate fencing or barricades in accordance with AS4970-2009 (Protection of trees on development sites), not less than the distance shown in the schedule hereunder, must be installed to



the satisfaction of the Principal Certifier prior to demolition or commencement of any works and must be maintained for the duration of the works: -

**Schedule**

<b>Description of Tree</b>	<b>Location</b>	<b>Distance</b>
T1 <i>Pittosporum undulatum</i>	Council verge in front of 2 The Boulevarde	3.36m
T2 <i>Acacia elata</i>	Council verge in front of 2 The Boulevarde	7.8m
T3 <i>Jacaranda mimosifolia</i>	Council verge in front of 2 The Boulevarde	8.04m
T4 <i>Jacaranda mimosifolia</i>	Council verge in front of 2 The Boulevarde	5.4m
T5 <i>Jacaranda mimosifolia</i>	Council verge in front of 2 The Boulevarde	5.4m
T6 <i>Jacaranda mimosifolia</i>	Council verge in front of 2 The Boulevarde	5.4m
T7 <i>Murraya paniculata</i>	Council verge in front of 2 The Boulevarde	2.4m
T9 <i>Magnolia figo</i>	4 The Boulevarde	2.4m
T10 <i>Jacaranda mimosifolia</i>	Cammeray Suspension Bridge reserve	5.4m
T11 <i>Jacaranda mimosifolia</i>	Cammeray Suspension Bridge reserve	3.12m
T14 <i>Murraya paniculata</i>	4 The Boulevarde	3m
T15 <i>Howea forsteriana</i>	4 The Boulevarde	3m
T16 <i>Auranticarpa rhobifolia</i>	4 The Boulevarde	3m
T17 <i>Eucalyptus saligna</i>	4 The Boulevarde	10.2

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

**Public Liability Insurance - Works on Public Land**

- D9. Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of public land and the undertaking of approved works within Council's road reserve or public land, as approved by this consent. The Policy is to note and provide protection/full indemnification for North Sydney Council, as an interested party. A copy of the Policy must be submitted to Council prior to commencement of any works. The Policy must be valid for the entire period that the works are being undertaken.  
(Note: Applications for hoarding permits, vehicular crossings etc will require evidence of insurance upon lodgement of the application.)

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

**Sydney Water Approvals**

- D5. Prior to the commencement of any works, the approved plans must be submitted to Sydney Water to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The Principal Certifier must ensure that Sydney Water has appropriately stamped the plans before the commencement of building works.

Notes:

- **Sydney Water Building Plan Approvals** can be obtained from the Sydney Water Tap in™ online service. Building plans must be submitted to the Tap in™ to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or

easement, and if further requirements need to be met. For further information visit <http://www.sydneywater.com.au/tapin/index.htm> or call 13 000 TAP IN (1300 082 746) for further information.

(Reason: To ensure compliance with Sydney Water requirements)

**Asbestos Material Survey**

- D6. Prior to the commencement of any works, a report must be prepared by a suitably qualified person in relation to the existing building fabric to be demolished and/or disturbed identifying the presence or otherwise of asbestos contamination and, if asbestos contamination is present, making recommendations as to the work required to safely address the contamination.

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

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

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

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

**Commencement of Works' Notice**

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

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

**E. During Demolition and Building Work**

**External Authority - NSW Rural Fire Service Requirements**

- E1. The following requirements of the NSW Rural Fire Service must be satisfied:

**'Asset Protection Zones**

***Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.***

1. *From the commencement of building works and in perpetuity, the entire property must be managed as an inner protection area in accordance with the following requirements of Appendix 4 of Planning for Bush Fire Protection 2019:*
  - *Tree canopy cover should be less than 15% at maturity;*
  - *Trees at maturity should not touch or overhang the building;*
  - *Lower limbs should be removed up to a height of 2m above the ground;*
  - *Tree canopies should be separated by 2 to 5m;*
  - *Preference should be given to smooth-barked and evergreen trees.*
  - *Create large discontinuities or gaps in the vegetation to slow down or break the progress of fire towards buildings should be provided;*
  - *Shrubs should not be located under trees;*
  - *Shrubs should not form more than 10% ground cover; and*
  - *Clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.*
  - *Grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height); and*
  - *Leaves and vegetation debris should be removed.*
2. *Landscaping within the required asset protection zone must comply with Appendix 4 of Planning for Bush Fire Protection 2019. In this regard, the following principles are to be incorporated:*
  - *A minimum 1-metre-wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;*
  - *Planting is limited in the immediate vicinity of the building;*
  - *Planting does not provide a continuous canopy to the building (i.e., trees or shrubs are isolated or located in small clusters);*
  - *Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings;*
  - *Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;*
  - *Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;*
  - *Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e., leaf litter);*
  - *Avoid climbing species to walls and pergolas;*
  - *Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;*
  - *Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and*
  - *Low flammability vegetation species are used.*

### ***Construction Standards***

***Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.***

3. *New construction must comply with Section 3 (excluding section 3.5) and Section 9 (BAL FZ) of Australian Standard AS3959-2018 Construction of buildings in bushfire-prone area or the relevant requirements of the NASH Standard - Steel Framed Construction in Bushfire Areas (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of Planning for Bush Fire Protection 2019.*
4. *The existing dwelling must be upgraded to improve ember protection by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any subfloor areas, openable windows, vents, weep holes and eaves. External doors are to be fitted with draft excluders.*
5. *Construction of the proposed fences, gates, swimming pool and associated elements must be undertaken using non-combustible materials. Water and Utility Services Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.*
6. *The provision of water, electricity and gas must comply with the following in accordance with Table 7.4a of Planning for Bush Fire Protection 2019:*
  - *Reticulated water is to be provided to the development where available,*
  - *All above-ground water service pipes external to the building are metal, including and up to any taps,*
  - *Where practicable, electrical transmission lines are underground,*
  - *Where overhead, electrical transmission lines are proposed as follows:*
    - *lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas, and*
    - *no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.*
  - *Reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used,*
  - *All fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side,*
  - *Connections to and from gas cylinders are metal,*
  - *Polymer sheathed flexible gas supply lines are not used, and -*
  - *Above-ground gas service pipes are metal, including and up to any outlets.*

**General Advice - Consent Authority to Note**

*The NSW RFS recognises that the site is constrained and that the proposed development falls within the Flame Zone. Flame Zone development is high risk development; consequently, in situations such as this, the NSW RFS seeks to improve the overall fire safety of the existing development. This requires greater emphasis on construction standards, landscaping, siting, and vegetation management practices to ensure improved levels of protection are afforded to the development, its occupants and fire fighters. The Service has undertaken a merit-based assessment of the proposal and provides the above advice in accordance with Planning for Bush Fire Protection 2019.*

(Reason: To ensure compliance with the requirements of the NSW Rural Fire Service)

**External Authority - Sydney Water Requirements**

E2. The following requirements of Sydney Water must be satisfied:

*'No objection. Condition of consent applies. Section 73 and Building Plan Approval required. Requirement: Attached information sheet detailing Sydney Water next steps should be provided to Proponent.'*

*Additional comments: Sydney Water notes that the site is traversed by a 150-diameter sewer main and a maintenance hole connection. Adjustments, deviations, or protection may be required. If applicable, requirements will be provided once the development is referred to the Section 73 application process.'*

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

**External Authority - Aboriginal Heritage Office Requirements**

E3. The following requirements of the Aboriginal Heritage Office must be satisfied:

***'Development Application No. DA337/22***

***Description: Alterations and additions to existing dwelling, swimming pool, landscaping and associated works.***

***Address: 2 The Boulevard, Cammeray***

*Reference is made to the proposed development at the above area and Aboriginal heritage.*

*There are known Aboriginal sites in the area and one site (NSC-043, AHIMS #45-6-0633) is recorded adjacent the property. The recorded Aboriginal site is not subject to this DA; however, a number of precautions should be taken to ensure there are no inadvertent impacts.*

*An inspection of the property by the Aboriginal Heritage Office and Council (2/06/23) confirmed the location of the recorded site. No other Aboriginal sites or areas of potential were identified in the proposed development area.*

*There should be appropriate fencing and controls to ensure no building material or other material falls below the cliff at the rear of the property. All workers need to be made aware that there is a sensitive area at the rear of the property and to avoid any impacts.*

*Should any Aboriginal sites be uncovered during earthworks, works should cease and Council, Heritage NSW and the Metropolitan Local Aboriginal Land Council should be contacted.'*

(Reason: To ensure compliance with the requirements of the Aboriginal Heritage Office)

**Parking Restrictions**

E4. Existing public parking provisions in the vicinity of the site must be maintained at all times during

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

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

### **Road Reserve Safety**

- E5. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works, with no obstructions caused to the said footways and roadways. Construction materials and plant must not be stored in the road reserve without approval of Council. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site.

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

(Reason: Public Safety)

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

- E6. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to reasonably manage and control runoff as far as the approved point of stormwater discharge. Such ongoing measures must be to the satisfaction of the Principal Certifier.

(Reason: Stormwater control during construction)

### **Geotechnical Stability during Works**

- E7. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure.

Geotechnical aspects of the development work, namely appropriate excavation method and vibration control, support and retention of excavated faces, and hydrogeological considerations must be engaged for the duration of the demolition and excavation phases of the development with all excavation undertaken in accordance with the recommendations of the contractor and all subsequent geotechnical inspections carried out during the excavation and construction phase.

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

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

#### **Council Inspection of Public Infrastructure Works**

E8. During the works on public infrastructure reverting to Council's care and control, Council's development engineer may undertake inspections of the works at the following hold points:

- Formwork for layback, kerb/gutter, footpath, etc.

All works must proceed in accordance with Roads Act 1993 approvals or other permits relating to roads issued by Council. A minimum of 48 hours' notice must be given to Council to book an inspection. Work must not proceed until the works or activity covered by the inspection is approved.

(Reason: To ensure quality of construction joints and connections in the drainage system)

#### **Progress Survey**

E9. In order to ensure compliance with approved plans, a Survey Certificate, to Australian Height Datum, must be prepared by a Registered Surveyor as follows: -

- a) at the completion of the first structural floor level indicating the level of that floor and the relationship of the building to the boundaries;
- b) at the completed height of the building, prior to the placement of concrete in form work, or the laying of roofing materials; and
- c) at completion, the relationship of the building, and any projections thereto, to the boundaries.

Progress certifications in response to points (a) through (c) must be provided to the Principal Certifier for approval at the time of carrying out relevant progress inspections. In the event that such survey information is not provided or reveals discrepancies between the approved plans and the proposed works, all works, save for works necessary to bring the development into compliance with the approved plans, must cease. Works may only continue upon notification by the Principal Certifier to the Applicant that survey information (included updated survey information following the carrying out of works to comply with the approved plans) complies with this condition.

(Reason: To ensure compliance with approved plans)

#### **Removal of Extra Fabric**

E10. Should any portion of the existing building, trees, or curtilage of the site which is indicated on the approved plans to be retained be damaged for whatever reason, all the works in the area of the damaged portion are to cease and written notification of the damage is to be given to Council forthwith. No work is to resume until the written approval of Council to do so is obtained. Failure to

comply with the provisions of this condition may result in the Council taking further action including legal proceedings if necessary.

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

**Dust Emission and Air Quality**

E11. The following must be complied with at all times:

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

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

**Noise and Vibration**

E12. The works must be undertaken in accordance with the "Interim Construction Noise Guideline" published by the NSW Environment Protection Authority, to ensure excessive levels of noise and vibration do not occur so as to minimise adverse effects experienced on any adjoining land.

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

**No Work on Public Open Space**

E13. No work can be undertaken within adjoining public lands (i.e., Parks, Reserves, Roads etc) without the prior written consent of Council. In this regard the developer is to liaise with Council prior to the commencement of any design works or preparation of a Construction and Traffic Management Plan.

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

**Applicant's Cost of Work on Council Property**

E14. The applicant or the person, company or other entity that is acting upon this consent, must bear the cost of all works associated with the development that occurs on Council's property, including the restoration of damaged areas.

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

**No Removal of Trees on Public Property**



- E15. No trees on public property (footpaths, roads, reserves, etc.) unless specifically approved by this consent shall be removed or damaged during construction including for the erection of any fences, hoardings or other temporary works.

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

**Protection of Trees**

- E16. All trees required to be retained, as part of this consent must be protected from any damage during construction works in accordance with AS4970-2009.

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

Notes:

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

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

**Trees to be Removed**

- E17. All trees on the site must be protected and retained save for those expressly identified below as being approved for removal:

- i. T8 *Tibouchina granulosa*;
- ii. T12 *Rhododendron sp*; and
- iii. T18 *Lophostemon confertus*.

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

**Special Permits**

- E18. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development must occur entirely on the property.

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

- 1) **On-street mobile plant**

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

(Reason: Proper management of public land)

**2) Hoardings**

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

(Reason: Proper management of public land)

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

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

(Reason: Proper management of public land)

**4) Kerbside restrictions, construction zones**

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

(Reason: Proper management of public land)

**Construction Hours**

E19. Construction activities and works approved under this consent must be restricted to within the hours stipulated in the following table:

<b>Standard Construction Hours</b>		
<b>Location</b>	<b>Day</b>	<b>Hours</b>
<b>All zones (Excl. E2 Commercial Centre MU1 Mixed-use</b>	Monday - Friday	7.00 am - 5.00 pm
	Saturday	8.00 am - 1.00 pm
	Sunday, Public holiday	No work permitted

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

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

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

#### **Installation and Maintenance of Sediment Control**

- E20. Erosion and sediment controls must be installed and maintained at all times in accordance with the Sediment and erosion control plan submitted and approved with the Construction Certificate.

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

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

#### **Sediment and Erosion Control Signage**

- E21. A durable sign must be erected during building works in a prominent location on site, warning of penalties should appropriate erosion and sedimentation control devices not be maintained. A sign of the type referred to in this condition is available from Council.

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

#### **Site Amenities and Facilities**

- E22. Where work involved in the erection and demolition of a building is being carried out, amenities which satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements, must be provided and maintained at all times. The type of workplace determines the type of amenities required.

Further information and details can be obtained from the Internet at [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au).

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

#### **Health and Safety**

- E23. All work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements to prepare a health and safety plan. Site fencing must be installed sufficient to exclude the public from the site. Safety signs must be erected that warn the public to keep out of the site and provide a contact telephone number for enquiries.

Further information and details regarding occupational health and safety requirements for construction sites can be obtained from the internet at [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au).

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

#### **Archaeological Discovery During Works**

- E24. Should any historical or Aboriginal relic be discovered on the site during demolition, excavation or site preparatory works, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW must be informed in accordance with the provisions of *the Heritage Act 1977* and/or *National Parks and Wildlife Act, 1974*. Works must not recommence until such time as approval to recommence is given in writing by Council or a permit from the Director of the NPWS is issued.

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

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

- E25. Building materials must not be placed on Council's footpaths, roadways, parks or grass verges, (unless a permit is obtained from Council beforehand). A suitable sign to this effect must be erected adjacent to the street alignment.

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

#### **Plant and Equipment Kept Within Site**

- E26. All plant and equipment used in the undertaking of the development/ works, including concrete pumps, wagons, lifts, mobile cranes, hoardings etc, must be situated within the boundaries of the site (unless a permit is obtained from Council beforehand) and so placed that all concrete slurry, water, debris and the like must be discharged onto the building site, and is to be contained within the site boundaries.

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

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

#### **Waste Disposal**

- E27. All records demonstrating the lawful disposal of waste must be retained and kept readily accessible for inspection by regulatory authorities such as North Sydney Council and the Environmental Protection Authority.

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

#### **Asbestos Removal**

- E28. All demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current

WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with National Occupational Health and Safety Commission.

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

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

**National Construction Code**

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

(Reason: Prescribed - Statutory)

**Home Building Act**

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

a) in the case of work for which a principal contractor is required to be appointed:

- i) the name and licence number of the principal contractor, and
- ii) the name of the insurer by which the work is insured under Part 6 of that Act, or

(b) in the case of work to be done by an owner-builder:

- (i) the name of the owner-builder, and
- (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

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

(Reason: Prescribed - Statutory)

**Appointment of Principal Certifier (PC)**

F3. Building work, **demolition** or excavation in accordance with the development consent must not be

commenced until the developer has appointed a Principal Certifier for the building work in accordance with the provisions of the EP&A Act and its Regulations.

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

**Construction Certificate**

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

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

**Occupation Certificate**

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

(Reason: Statutory)

**Critical Stage Inspections**

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

(Reason: Statutory)

**Commencement of Works' Notice**

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

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

**Excavation/Demolition**

- F8.
- 1) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
  - 2) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
  - 3) Demolition work must be undertaken in accordance with the provisions of AS2601- Demolition of Structures.

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

**Protection of Public Places**

- F9.
- 1) A hoarding and site fencing must be erected between the work site and adjoining public place.
  - 2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
  - 3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
  - 4) Any such hoarding, fence or awning is to be removed when the work has been completed.
  - 5) No access across public reserves or parks is permitted.

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

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

**Site Sign**

- F10.
- 1) A sign must be erected in a prominent position on the site
    - a) stating that unauthorised entry to the work site is prohibited;
    - b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
    - c) showing the name, address and telephone number of the Principal Certifier for the work.
  - 2) Any such sign must be maintained while building work or demolition work is being carried out but must be removed when the work has been completed.

(Reason: Prescribed - Statutory)

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

**Infrastructure Repair and Completion of Works**

G1. Prior to the issue of any Occupation Certificate any and all works relating to the development:

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

to the satisfaction of Council Engineers at no cost to Council. Council's development engineer must be contacted to arrange inspections of the completed works in the Public Domain.

(Reason: Maintain quality of Public assets)

**Certification - Civil Works**

G2. A) An appropriately qualified and practising Civil Engineer must certify to the Principal Certifier that the stormwater drainage system is constructed in accordance with this consent and the provisions of the applicable Australian Standard. A copy of the certificate must be submitted to Council (if it is not the Principal Certifier) upon completion of the development works and prior to the issue of an Occupation Certificate.

B) An appropriately qualified and practicing Civil Engineer must certify to the Principal Certifier that the vehicular crossing and associated works and road works were constructed in accordance with this consent and any approval for works in the road reserve issued by the Council. A copy of the certificate must be submitted to Council (if it is not the Principal Certifier), upon completion of the development works and prior to the issue of an Occupation Certificate.

(Reason: Compliance with the Consent)

**Works as Executed Drawings and Video**

G3. A works-as-executed survey drawing (W.A.E.) of the completed stormwater drainage system must be obtained. The W.A.E. survey drawing must show the alignment, depth and grade of the stormwater drainage pipelines, pits and ancillary plumbing. The W.A.E. survey drawing must be reviewed by a qualified and practising civil engineer and certification provided to the Principal Certifier that the as-built system achieves the design intent of the plans approved with the Construction Certificate. Certification must be provided with the W.A.E. survey drawing to the Principal Certifier prior to the issue of an Occupation Certificate.

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

(Reason: Compliance with the Consent)

**Damage to Adjoining Properties**

G4. All precautions must be taken to prevent any damage likely to be sustained to adjoining properties.



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

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

### **Utility Services**

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

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

### **Asbestos Clearance Certificate**

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

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

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

Note: Further details of licensed asbestos waste disposal facilities can be obtained from [www.epa.nsw.gov.au](http://www.epa.nsw.gov.au).

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

### **Certification of Tree Condition**

G7. Prior to the issue of an Occupation Certificate, a report prepared by an appropriately qualified person (being an arborist or the like) must be submitted to the Principal Certifier, describing the health of the tree(s) specifically nominated below: -

<b>Treee</b>	<b>Location</b>
T1 <i>Pittosporum undulatum</i>	Council verge in front of 2 The Boulevard
T2 <i>Acacia elata</i>	Council verge in front of 2 The Boulevard
T3 <i>Jacaranda mimosifolia</i>	Council verge in front of 2 The Boulevard
T4, T5, T6 3x <i>Jacaranda mimosifolia</i>	Council verge in front of 2 The Boulevard
T7 2 x <i>Murraya paniculata</i>	Council verge in front of 2 The Boulevard
T9 <i>Magnolia figo</i>	4 The Boulevard
T10 <i>Jacaranda mimosifolia</i>	Cammeray Suspension Bridge Reserve
T11 <i>Jacaranda mimosifolia</i>	Cammeray Suspension Bridge Reserve
T14 <i>Murraya paniculata</i>	4 The Boulevard

T15 <i>Howea forsteriana</i>	4 The Boulevarde
T16 <i>Auranticarpa rhobifolia</i>	4 The Boulevarde
T17 <i>Eucalyptus saligna</i>	4 The Boulevarde

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

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

### **Sydney Water**

- G8. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. The final Section 73 Certificate must be submitted to the Principal Certifier prior to release of any linen plan for subdivision or prior to occupation of the development, whichever is the earlier.

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

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

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

### **BASIX Completion Receipt**

- G9. In accordance with Section 45 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, prior to issuing a final occupation certificate the Principal Certifier must provide a BASIX completion receipt.

(Reason: To ensure compliance with the Regulations)

### **Landscaping**

- G10. The landscaping as approved by this consent must be completed prior to the issue of any Occupation Certificate.

(Reason: To ensure compliance)

### **Damage to Adjoining Properties**

- G11. On completion of the development the subject of this consent and prior to the issue of the Occupation Certificate, a report is to be prepared by an appropriately qualified consultant and is to be provided to the Principal Certifier (and a copy to Council if it is not the Principal Certifier) certifying:

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

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

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

A copy of the report and certification required by this condition must be submitted to Council with the Final Occupation Certificate. All costs incurred in achieving compliance with this condition shall be borne by the developer.

(Reason: To record the condition of adjoining properties prior to completion of the development and to facilitate claims against damage)

#### **Unpaved Verge**

- G12. The unpaved verge area must be constructed or reconstructed and planted with an appropriate species of grass prior to completion of the works at no cost to Council.

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

#### **I. Ongoing/Operational Conditions**

##### **Single Occupancy**

- I1. Nothing in this consent authorises the use of the premises other than for a single occupancy.

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

##### **Maintenance of Approved Landscaping**

- I2. The owner of the premises at **No. 2 The Boulevard** is to maintain the landscaping approved by this consent.

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

Should it be desired to substitute plants which are not of the same mature height, canopy density and nature (particularly flowering for non-flowering, native for exotic, deciduous for non-deciduous or the reverse of any these) a modification to this consent will be required.

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