



17 December 2025

Ritu Shankar
Department of Planning, Housing and Infrastructure

Via Major Projects Portal

Dear Ritu,

Request for Advice – Exhibition of SSD-96272465, Residential Flat Development at 11-23 Rangers Avenue, Mosman

Thank you for your correspondence dated 4 December 2025 inviting Mosman Council (Council) to comment on the exhibition of SSD-96272465 for the demolition of existing buildings, construction of a residential flat development accommodating 44 dwellings including some time limited affordable housing, with basement car parking and vehicular access off Rangers Avenue.

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

- The proposal represents an overdevelopment of the site and does not demonstrate an acceptable urban design response to its context.
- Non-compliance with the building height and floor space ratio nondiscretionary standards and wall height development standard.
- Adverse amenity impacts due to the excessive scale of the building envelope and massing
- Insufficient landscape provision.
- Lack of infrastructure works to support the development and lack of consideration of waste management services.

As such, Council strongly **objects** to the application as currently proposed. The short exhibition period of only two weeks should be extended, it is not enough time for the community to respond to such a significant proposal.

Council raises the following concerns for your consideration:

1	<p>Location of the site within the low and mid rise housing outer area</p> <p>(a) Section 163 of SEPP Housing defines the term “low and mid rise housing outer area”. The definition as amended on 12 December 2026 states:</p>
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low and mid rise housing outer area means—

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

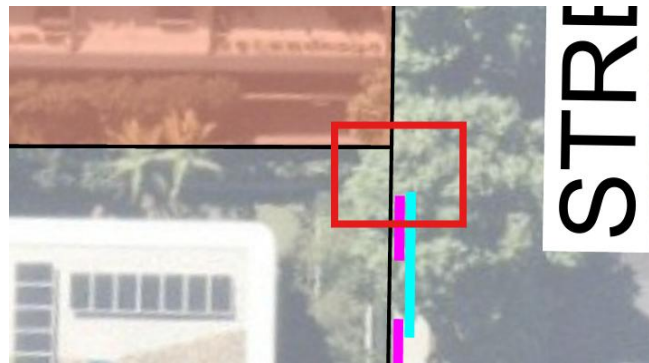
(i) land identified as “Town Centre” on the *Town Centres Map*, or
(ii) a public entrance to a railway, metro or light rail station listed in Schedule 11, or
(iii) for a light rail station listed in Schedule 11 with no public entrance—a platform of the light rail station, and

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

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

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

(c) The walking route identified on the Surveyor Walking Map does not touch the mapped town centre as illustrated in the following extract.



(d) The Applicant nominates that the site is within 800m walking distance from the Cremorne Town Centre on the Town Centres Map.

Specifically, the Applicant states that via:

- i. Walking Route 1, the site is 742m from the Cremorne Town Centre, measured between the north-western corner of the site and the Cremorne Town Centre via Rangers Avenue).
- ii. Walking Route 2, the site is 668m from the Cremorne Town Centre, measured between the south-western corner of the site and the Cremorne Town Centre via Holt Avenue and Bloxsome Lane).

(e) However, the path of travel (Walking Route 2) which is the shortest distance nominated by the Applicant is not a route that may be safely walked by pedestrians, as it requires a pedestrian to walk along an L shaped section of Bardwell Lane and Bloxsome Lane at an unsafe location. These lanes are unsafe due to their narrow width, lack of footpath and given all servicing for Rangers Avenue occurs along Bloxsome Lane with garbage trucks required to reverse from the eastern most end of Bloxsome Lane to Bardwell Lane. It is noted that the pedestrian

	<p>entrance to the development is further along Bloxsome Lane than the point at which walking distance has been measured by the Applicant.</p> <p>(f) The amendment to the definition of 'low and mid rise housing outer area' made on 12 December 2025 changing the reference in (b) from 'lot' to 'site area' has resulted in the whole of the site being located within the low and mid rise housing outer area. Prior to this amendment, only 13-23 Rangers Avenue would have been considered to be within the low and mid rise housing outer area.</p>
2	<p>Building Mass, Visual Impact, Context and Character</p> <p>The proposal represents an overdevelopment of the site and does not demonstrate an acceptable urban design response to its context. The excessive bulk, length and unbroken massing create a dominant street wall that is inconsistent with the fine grain residential character of the area and the likely future development pattern within the low and mid rise housing area.</p> <p>The site is located in what is currently a low-density residential area with scattered high-rise apartment developments – mostly dating from the 1960's and 70's. It is acknowledged that the area is likely to undergo change as land to west is located within the Low-Mid Rise Housing Area. Land to the immediate north of the development site is zoned C4 – designated as such because of the scenic protection values and the sensitivity of managing view corridors to the harbour. Land immediately to the east (9 Rangers Avenue) is outside the Low-Mid Rise Housing Area. The existing apartment buildings in the immediate vicinity are in the order of 3 and 4 storeys in height. The single apartment tower at Park Avenue to the south of the site is 6 storeys and presents a single storey to Rangers Avenue.</p> <p>The apartment buildings that are in the vicinity can be characterised generally as small footprint buildings, enabling landscape to the perimeter of the site and views around the buildings to the harbour from behind. The proposed development is not consistent with this character.</p> <p>In contrast the proposal creates a wall of development along Rangers Avenue that prioritises views from within the development over the sharing of views between existing and future development to the north of the site.</p> <p>A more appropriate contextual fit would be for the building to be broken into smaller parts so that view corridors could be created through the site from the C4 Zone land. Homes here currently enjoy city views. This would also improve the visual impact of the proposed development when viewed from streets to the south such as Park Avenue.</p> <p>The failure to break the building into discrete volumes, provide appropriate transitions to low scale residential properties, or respect view sharing from the adjacent C4 zoned land undermines both local character and broader scenic and amenity values. These issues are compounded by significant overshadowing, the absence of meaningful height modulation and inadequate landscaping and deep soil.</p> <p>In terms of the bulk and scale of the building Council's Urban Design Consultant has advised:</p>

	<p>(a) The proposal provides for a building length of approximately 78m. The unbroken building mass reads as a continuous podium with a repetitive style. The three 'blocks' lack separation and read as one continuous building. The articulation is cosmetic, not in the volumes themselves.</p> <p>(b) This establishes an urban street wall condition inconsistent with the existing fine grain residential pattern and also inconsistent with the likely character of the other development in the LMR zone land. The form should be broken into different elements more clearly and/or step down at edges.</p> <p>(c) The proposed number of storeys exceeds what would typically be expected in this location, largely as a result of the site's slope and the extent of excavation proposed to meet the Rangers Avenue level, and the uppermost storey extending beyond the permitted height. This results in a building that reads taller than appropriate for the surrounding neighbourhood, highlighting the need for reduced height and better modulation.</p> <p>(d) Exacerbating this, the vertical elements in the street façades are also unbroken with continuous walls stretching 6.5 stories to Rangers Avenue. All balconies to Rangers Avenue for example, repeat for six storeys - doing nothing to soften the building mass or reduce the visual impact in what is a low to mid scale neighbourhood.</p> <p>Section 20(3) of SEPP Housing states that 'development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with—</p> <p>(a) the desirable elements of the character of the local area, or</p> <p>(b) for precincts undergoing transition—the desired future character of the precinct'.</p> <p>For the reasons outlined, the proposal fails both (a) and (b).</p> <p>Section 147(1) of SEPP Housing states that 'Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following—</p> <p>(a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,</p> <p>(b) the Apartment Design Guide'.</p> <p>For the reasons outlined, the proposal fails both (a) and (b).</p> <p>For the reasons outlined above, the proposal is inconsistent with the Design Principles for Residential Apartment Development outlined within the Schedule 9 of SEPP Housing.</p>
3	<p>Scenic Protection Area</p> <p>Council has consistently strongly objected to the application of the Low and Mid Rise Housing Policy in Mosman's Scenic Protection Area. The Scenic Protection Area is given effect by clause 6.4 of <i>Mosman Local Environmental Plan 2012</i> (MLEP):</p>

6.4 Scenic protection

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

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

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

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

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

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

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

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

The whole of the site is within the Scenic Protection Area, as shown in the following extract from the MLEP Scenic Protection Map:



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

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

In May 2022, Council successfully rezoned all land zoned R2 Low Density Residential within the Scenic Protection Area to C4 Environmental Living. This rezoning had the effect of exempting this land from the complying development provisions under *SEPP (Exempt and Complying Development Codes) 2008* and allowing the fine-grained assessment of proposed development to continue under the provisions of MLEP and Mosman Residential Development Control Plan (MDCP). Together, these local planning controls apply a fine-grained assessment of proposed development considering matters such as landscaping, bulk, scale and design, view sharing to the harbour and iconic landmarks, along with zone objectives which seek to maintain the general dominance of landscape over built form.

The application must be refused because it has not been demonstrated that adequate measures have been taken to minimise the visual impact of the proposed

development (refer to matters raised in Item 2 of this submission) and that the development will maintain the existing natural landscape and landform.

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

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

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

4 Building Height, Wall Height and Clause 4.6 Variations

The application must be refused as the height of the building is excessive and contravenes the maximum height and wall height prescribed in relation to the proposed development. In this regard:

- (a) Under the Housing SEPP, the maximum height of buildings is 17.5m. The Applicant nominates that the proposal provides 15% of the Gross Floor Area as affordable housing and is therefore eligible to utilise the full 30% uplift in building height available under Section 16(3) of the Housing SEPP. This results in a maximum height of building development standard of 22.75 metres.
- (b) The Applicant has nominated a building height of 25.59m and a wall height of 20.7m, extracts from the Clause 4.6 variations are shown below:

Control	LMR Control	Building Height Standard (inc. +30%)	Maximum Height Proposed	Extent of Variation
Building height	17.5 metres	22.75m	24.37m (RL71.8)	1.62m (7.12%)
			25.59m (RL71.8)	2.84m (12.48%)

LEP Control	Maximum Wall Height Proposed	Extent of Variation
7.5m metres	South east: 20.3m (RL69)	12.8m
	South west: 20.7m (RL69)	13.2m

- (c) Council does not agree with the Applicants calculation of wall height and building height. In this regard:
 - i. Wall height. The wall height has been calculated at 25.601m. The Clause 4.6 Variation for wall height states that the maximum wall height is 20.7m (RL 69.00) which is incorrect. RL 69.00 aligns with the balustrade height for Level

6 and the edge of the wall before it sets in. The top of wall/parapet height is in fact RL 71.830.

Having overlaid the survey over the floor plan, the maximum wall height is identified as 25.601m based on the following:

- Top of Wall/Parapet – RL 71.830
- Existing Ground Level – RL 46.229

The variation to the wall height standard is assessed to be +18.401m or 255.6%.

- ii. Building height. The building height has been calculated at 25.66m. The Clause 4.6 Variation for building height states that the maximum building height is 25.597m (RL 69.00) which is incorrect.

The survey overlay over the roof plan identifies a return in the parapet near the south-east corner which traverses a lower existing ground level.

- Top of Parapet – RL 71.830
- Existing Ground Level – RL 46.170

The variation to the building height standard is assessed to be +2.91m or 12.8% above 22.75 metres or +17.49m or 205% above the maximum of 8.5m allowable under MLEP.

- (d) The Clause 4.6 Variation for wall height contains the following factual errors and cannot be relied upon in its current form:
 - i. It nominates the wall height development standard as 7.5m, therefore the extent of variation listed is inaccurate. The wall height development standard is 7.2m not 7.5m.
 - ii. It nominates the greater wall height occurring at the south-west corner of the building. This is not accurate; Council contends that it occurs at the south-east corner of the development.

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

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

Flexible application of in-fill affordable housing provisions

The full extent of the in-fill affordable housing bonuses may not be achieved on all sites, due to site constraints and local impacts. The in-fill affordable housing bonuses

should not be treated as an entitlement. DAs that propose in-fill affordable housing will be subject to merit assessment by the consent authority. The application of the bonuses does not affect a consent authority's responsibility to consider the requirements of relevant EPIs, a development's likely impacts or the suitability of the site for the development.

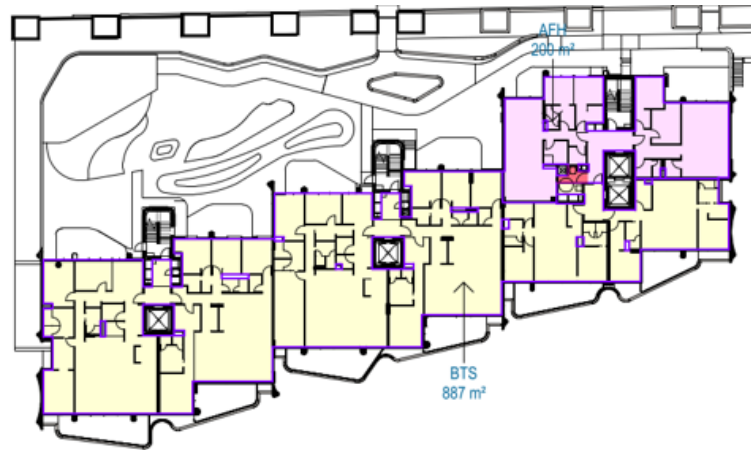
- (g) In this respect, the site is inappropriate for the full extent of the in-fill affordable housing bonuses for the following reasons:
- i. The whole of the site is within the Scenic Protection Area pursuant to Clause 6.4 (Scenic Protection) of MLEP.
 - ii. The building mass fails provide appropriate transitions to low scale residential properties to the north and east. The adjoining properties to the north are outside the low and mid rise housing area and will be developed under the provisions of MLEP with a maximum building height of 8.5m and a wall height of 7.2m.
 - iii. Land to the north located on the opposite side of Bloxsome Lane is zoned C4 Environment Living and within the Holt Estate Heritage Conservation Area.
 - iv. The site shares its eastern boundary with 9 Rangers Avenue which is not located within the low and mid rise housing area and will continue to be subject to the MLEP planning provisions which allow a maximum height of 8.5m, a wall height of 7.2m and a FSR of 0.55:1.
- (h) The proposal does not satisfy any of the objectives relating to wall height outlined with Clause 4.3A(1A) of MLEP, including:
- (a) to provide for view sharing,*
 - (b) to minimise the adverse effects of the bulk and scale of buildings,*
 - (c) to encourage 2-storey buildings consistent with the desired future character of the area.*
- (i) The Council, standing in the shoes of the consent authority, would not be satisfied that the applicant has adequately demonstrated the following matters required to be demonstrated under clause 4.6 of MLEP:
- i. That compliance with the height nondiscretionary development standard is unreasonable or unnecessary in the circumstances, and
 - ii. That there are sufficient environmental planning grounds to justify the contravention of the height nondiscretionary development standard.

5 **Floor space ratio**

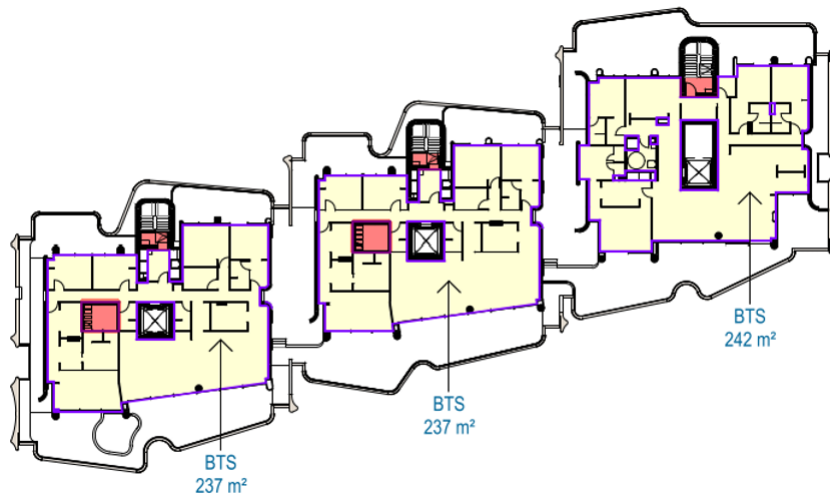
The application must be refused as the floor space ratio of the building is excessive and contravenes the maximum floor space ratio prescribed in relation to the proposed development. In this regard:

- (a) Section 180(3) of SEPP (Housing) 2021 provides non-discretionary development standards applicable to development for the purposes of a residential flat building in Zone R3 in the low and mid rise housing outer area, including a maximum floor space ratio of 1.5:1 which is applicable in this case.

- (b) Section 16 of SEPP (Housing) 2021 allows an additional floor space ratio of up to 30% based on the provision of the minimum affordable housing component as stated in this section. The proposal utilises the maximum 30% additional floor space ratio equating to a floor space ratio of 1.95:1, with an affordable housing component equating to 15% (or half) of the additional gross floor area provided, which meets the requirements for the additional floor space ratio, however, the allocation of the gross floor area for the affordable housing component is not agreed.
- (c) As defined under Section 15B of SEPP (Housing) 2021, the affordable housing component of a development means the percentage of the gross floor area used for affordable housing. The affordable housing component of the proposed development includes portions of the service rooms on Levels 1 to 5, which are not exclusively for the purposes of affordable housing as shown in the following extract from Drawing DA5001 with the portion of the service room allocated as part of the affordable housing component on Level 1 shaded in red:



- (d) The applicant has nominated a gross floor area of 7008m² with a floor space ratio of 1.95:1. Upon review of the GFA Calculation Diagram on Drawing DA5001, it is apparent that the gross floor area calculations have not been undertaken in accordance with the gross floor area definition in the Standard Instrument, in so far as the following areas have been excluded:
- i. common staircase landings at all levels;
 - ii. the enclosed courtyards within Units 601 and 602; and
 - iii. any excess parking.



Extract from Drawing No. DA5001 with the additional areas of gross floor area on Level 6 shaded in red.

- (e) With these areas included, the gross floor area and floor space ratio of the proposed building is further increased, beyond the 1.95:1 maximum floor space ratio prescribed by sections 16 and 180(2)(a) of SEPP Housing in relation to residential flat buildings within the low and mid rise housing outer area.
- (f) The applicant has not sought to vary the 1.95:1 maximum floor space ratio nondiscretionary development standard prescribed by sections 16 and 180(3)(a) of SEPP Housing.
- (g) As such, development consent cannot be granted, as the consent authority has no power to approve the application in contravention of maximum floor space ratio nondiscretionary development standard.
- (a) In circumstances where the proposed development is inconsistent with the nondiscretionary maximum floor space ratio development standards of SEPP Housing, the consent authority may refuse the application based on inconsistency with the maximum floor space ratio development standards and associated objectives of MLEP.
- (b) The proposal does not satisfy any of the objectives relating to floor space ratio outlined with Clause 4.4(1)(a) of MLEP, including:
 - (i) *to ensure that buildings are compatible with the desired future character of the area in terms of building bulk and scale, and*
 - (ii) *to provide a suitable balance between landscaping and built form, and*
 - (iii) *to minimise the adverse effects of bulk and scale of buildings,*
 - (iv) *to limit excavation of sites and retain natural ground levels for the purpose of landscaping and containing urban run-off.*

	<p>(k) The Council, standing in the shoes of the consent authority, would not be satisfied that the applicant has adequately demonstrated the following matters required to be demonstrated under clause 4.6 of MLEP:</p> <ul style="list-style-type: none"> iii. That compliance with the nondiscretionary development standard is unreasonable or unnecessary in the circumstances, and iv. That there are sufficient environmental planning grounds to justify the contravention of the nondiscretionary development standard.
6	<p>Views, Visual and Amenity Impact on Surrounding Properties</p> <p>The application should be refused as the proposed development does not maintain adequate amenity for neighbouring properties. In this regard:</p> <ul style="list-style-type: none"> (a) The applicant has not demonstrated that the proposed development has been designed to minimise view loss to adjacent (upslope) properties, as required by Planning Control P4 of Part 4.3 (View sharing) of MDCP. (b) The proposal creates a wall of development along Rangers Avenue that prioritises views from within the development over the sharing of views between existing and future development to the north of the site. (c) A more appropriate contextual fit would be for the building to be broken into smaller parts so that view corridors could be created through the site from the C4 Zone land. Homes here currently enjoy city views. This would also improve the visual impact of the proposed development when viewed from streets to the south such as Park Avenue. (d) The Visual Impact Assessment submitted is misleading as it claims that “Part of the site is located within the Scenic Protection Area (SPA) under the Mosman Local Environmental Plan (2012)”. In fact, the whole of the site is within the Scenic Protection Area. (e) The applicant has failed to provide any visual analysis from the north of the proposed development (i.e. from the Holt Estate HCA or further beyond). This means it is not possible for a proper assessment of the visual impact of the development, or an adequate view impact assessment, to be undertaken (f) It appears the proposal will have an additional impact on the already constrained solar access of properties on the southern side of Rangers Avenue. This should be examined carefully as part of the assessment. (g) Insufficient spatial separation is afforded to neighbouring properties, resulting in unreasonable impacts with respect to visual dominance. (h) The failure to provide appropriate transitions to low scale residential properties to the north and east exacerbates visual dominance impacts. (i) This is coupled with limited deep soil (particularly to the northern / laneway boundary) reduces opportunities for screen planting and canopy trees along the

	<p>sensitive C4 boundary. While it appears to provide large amounts of landscape to the northern side of the building, this is all over podium. There is;</p> <ul style="list-style-type: none"> (i) No deep soil planting to western boundary (ii) No deep soil planting to eastern boundary <p>(j) A more appropriate contextual fit would be for the carpark to be reconfigured substantially increasing its setback from the northern, eastern and western boundaries allowing space for substantial deep soil landscaping surrounding the building.</p>
7	<p>Heritage</p> <p>The subject site directly adjoins the Holt Estate Heritage Conservation Area, the heritage-listed Rangers Avenue road reserve (Item I438), the heritage-listed steps on Bloxsome Lane (Item I331), and a significant identified rock face/retaining wall along the Rangers Avenue frontage of the site.</p> <p>The Heritage Impact Statement (HIS) accompanying the application does not sufficiently address the extent of heritage impacts arising from the proposed development. The HIS conclusion that <i>"impacts of the proposed development on the Holt Estate Heritage Conservation Area are mitigated through architectural design, which follows the existing topography of the area"</i>, is not supported by Council's assessment.</p> <p>The proposed built form does not demonstrate an appropriate design response to the established architectural character or heritage significance of the Holt Estate Heritage Conservation Area. The height, bulk, and scale substantially exceed what is characteristic of the surrounding heritage context and would result in an intrusive built element that detracts from key views to and from the heritage conservation area.</p> <p>Furthermore, the proposed development would negatively impact the significant rock face/retaining wall along Rangers Avenue, which forms part of the identified heritage fabric. The application has not provided adequate justification or mitigation measures for these impacts, and as such, the proposal is considered inconsistent with relevant heritage conservation objectives and controls.</p>
8	<p>Landscaped Area/Deep Soil</p> <p>The proposal does not comply with the requirements under the NSW Tree Canopy Guide for Low and Mid Rise Housing nor the numerical requirements or objectives of clause 6.6 MLEP 'Landscaped areas'. In this regard:</p> <p><u>NSW Tree Canopy Guide for Low and Mid Rise Housing</u></p> <ul style="list-style-type: none"> (a) Section 199(2) of SEPP (Housing) provides 'Development consent must not be granted for development for the purposes of residential flat buildings or shop top housing unless the consent authority has considered the <i>Tree Canopy Guide for Low and Mid Rise Housing</i>, published by the Department in February 2025.' ('LMR Guide')

- (b) The LMR Guide provides as relevant that for residential flat buildings, the deep soil and tree planting in Table 6 or Table 7 should be applied across the whole development:
- Table 6 applies where Apartment Design Guide applies, however LMR Guide encourages enhanced deep soil by using Table 7 where possible.
 - Table 6 provides that all lots shall provide 15% tree canopy and 7% minimum deep soil.
 - Table 7 provides that sites with an area >1500m² provide 20% tree canopy and 15% deep soil.

- (c) The Glossary within the *Tree Canopy Guide for Low and Mid Rise Housing* identifies that Deep Soil is:

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

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

** Minor structures are defined as:*

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

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

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

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

- (d) Page 49 of the Environmental Impact Statement states the following:

"The proposal achieves 11% deep soil planting across the site (397m²) with measurements of greater than 3m as per the definition of 'deep soil zone' as per the Tree Canopy Guide for Low and Mid Rise Housing."

- (e) The applicant's calculation of deep soil zone fails to comply with the above definition as it includes many areas that do not meet the minimum 3m x 3m (9sqm area) requirement. Provided below is a comparison of the Applicant's areas against the Council assessment:

Level	Applicant	Council
Lower Ground	29sqm	28.7sqm
Ground	346sqm	150.9sqm
Level 1	23sqm	22.2sqm

Total	398sqm (11.1%)	201.8sqm (5.6%)
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Notes: the figure quoted by Urbis throughout the EIS is 397sqm, which is out by 1sqm from the applicant's deep soil area diagram (Drawing DA5002). Council's calculation does allow for the required exemptions for minor structures such as light weight fencing, path (up to 1.2m wide), etc.

- (f) If a 7% minimum deep soil requirement is applied, the proposal requires a minimum 251.58sqm to comply. The proposal therefore has a shortfall of 49.78sqm of deep soil.
- (g) Given the sensitive location of the site being wholly within the Scenic Protection Area there is strong merit in applying the enhanced provisions under Table 7. When the Table 7 provisions are applied, the proposal has a shortfall of 337.3sqm of deep soil.

Clause 6.6 MLEP

- (h) Clause 6.6 MLEP provides as relevant 'The consent authority may refuse to grant development consent to development involving the erection of a building unless at least the following minimum landscaped area of a site (as a percentage of the site area) is provided for the development: (b) for development resulting in more than one dwelling per lot - 50%, for land identified on the *Floor Space Ratio Map* as having a maximum floor space ratio of 0.6:1 or less.
- (i) The objectives of this clause (Clause 6.6 (1)) are as follows—
 - a) *to have the landscape and townscape area character of Mosman's residential areas maintained and enhanced by requiring landscaping of sites in conjunction with other development,*
 - b) *to have a general visual dominance of landscape over buildings maintained, particularly on harbour foreshores, while recognising the difficulty of achieving this on small lots where there are existing buildings such as semi-detached dwellings,*
 - c) *to have adequate and usable ground level open space for recreation, landscaping and containing urban run-off.*
- (j) 'Landscaped area' is defined in the dictionary to MLEP as '*landscaped area means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.*'
- (k) The Applicant has not provided a calculation of landscaped area nor an assessment against this MLEP requirement.
- (l) The proposed development presents a poor landscape outcome and results in a significant non-compliance with the landscaped area provision and fails to achieve the objectives of the landscaped area requirement.

Council objects to the paucity and low quality of proposed plantings within the setback areas. The application must be refused as the proposed quantity and quality of landscaping is inadequate. In this regard:

- (k) The construction of the Basement and Lower Ground, side boundary to side boundary, necessitates the removal of the existing landscape contribution of the site and severely limits the potential for substantive landscaping surrounding the building (particularly along Bloxsome Lane) with no deep soil provided where tree planting is proposed. Podium (on-slab) planting is unsuitable to support canopy tree planting.
- (l) All existing trees are proposed for removal. Concern is raised in relation to two significant trees described as PT16 and PT17 in the arborist report prepared by Blues Bros. Both trees are *Melaleuca quinquenervia* species at 14m height.
- (m) The reinstated planting is inadequate due to the narrowness of the setbacks to the east, west and Rangers Avenue and with the constraint of underlying structure the proposed landscaping will not sufficiently mitigate the bulk and scale of the development that is non-compliant in terms of both height and FSR.
- (n) The limited deep soil (particularly to the northern / laneway boundary) reduces opportunities for screen planting and canopy trees along the sensitive C4 boundary. While it appears to provide large amounts of landscape to the northern side of the building, this is all over podium. There is;
 - (i) No deep soil planting to western boundary
 - (ii) No deep soil planting to eastern boundary.
- (o) Deep soil areas are located to the front of site (Rangers Avenue) however there is no significant canopy tree planting proposed in these areas, rather the deep soil area is supporting lawn which is a very poor outcome.
- (p) The majority of the canopy trees (*Waterhousea floribunda*) are proposed to be planted as a hedge and unlikely to establish to a suitable height i.e. >5m.
- (q) No large canopy species have been indicated on the landscape plan.
- (r) Tree and plant species proposed do not reflect or contribute to the natural biodiversity of the area, more endemic tree species should be provided.
- (s) The proposal does not detail any significant public domain improvements or landscaping.
- (t) A pronounced characteristic of Rangers Avenue and surrounding streets is the dominance of trees within the streetscape and the garden settings of built form. The proposed development, due to its size (including basement size), limited setbacks, fails to respond satisfactorily to this character.

	<p>(u) The substantial proportion of the site which is impervious is not consistent with the objective of containing urban run-off.</p> <p>(v) The development is contrary to MDCP s4.4 Landscaping:</p> <ul style="list-style-type: none"> • O4. To have the existing canopied and vegetated landscaped character of Mosman protected and enhanced' and 'P3. Where: (a) an existing established tree or trees are approved for removal, adequate space in the landscape design is to be provided for a replacement tree or trees appropriate for the site • O6. 'To have front gardens and areas forward of the front building alignment include vegetation and landscaping that makes a positive contribution to the streetscape • P4. Vegetation and landscaping should: (a) soften the built form; (b) be consistent with the theme of vegetation in the streetscape, if a predominant theme exists; (c) form part of the overall streetscape, and therefore contribute as a unifying element within the street <p>(w) For the reasons outlined above, the proposal is inconsistent with the landscape design principle outlined within the Schedule 9 of SEPP Housing, Design Principles for Residential Apartment Development.</p>
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10	<p>In-fill affordable housing provisions</p> <p>The In-fill Affordable Housing Practice Note (December 2023), states:</p> <p>Flexible application of in-fill affordable housing provisions</p> <p><i>The full extent of the in-fill affordable housing bonuses may not be achieved on all sites, due to site constraints and local impacts. The in-fill affordable housing bonuses should not be treated as an entitlement. DAs that propose in-fill affordable housing will be subject to merit assessment by the consent authority. The application of the bonuses does not affect a consent authority's responsibility to consider the requirements of relevant EPIs, a development's likely impacts or the suitability of the site for the development.</i></p> <p>Residential amenity of affordable housing</p> <p><i>It is important that amenity is maximised across a development, and that affordable dwellings are not subject to a lower standard. For example, if 70% of dwellings across a development achieve the ADG criteria for solar access (minimum 2 hours to living areas), then a similar percentage of the affordable dwellings should meet that standard.</i></p> <p>The affordable housing comprises 10 x 2 bedroom apartments, which does not provide diversity to affordable housing tenants.</p> <p>Section 20(3) of SEPP Housing which states that the Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with—</p> <p>(a) the desirable elements of the character of the local area, or</p>
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(b) for precincts undergoing transition—the desired future character of the precinct.

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

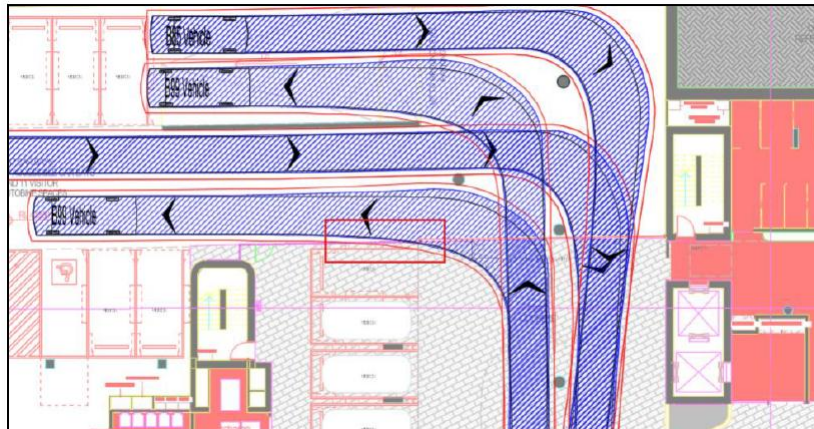
11 **Off-Street Car Park Design, Driveway and Sight Lines**

The development fails to satisfy s5.10 Planning Control P1 of the MDCP, and AS2890.1. In this regard:

(a) A maximum driveway width of 5.5m is permitted under Table 3.1 of AS2890.1.

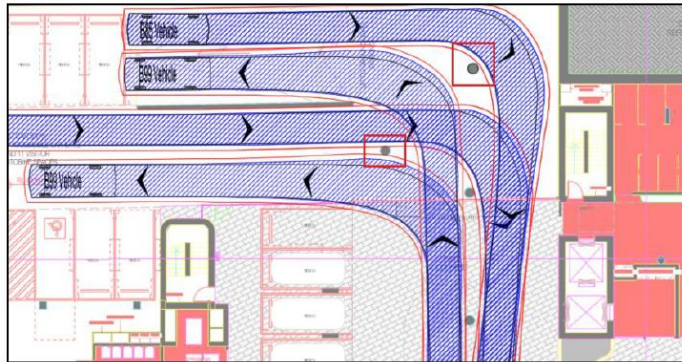
The development fails to satisfy s5.10 Planning Control P7 of the MDCP, and AS2890.1. In this regard:

(a) A B99 vehicle cannot access the secure car park area, due to conflicts between proposed column placements and security door widths, as demonstrated by the Applicant's swept path analysis.



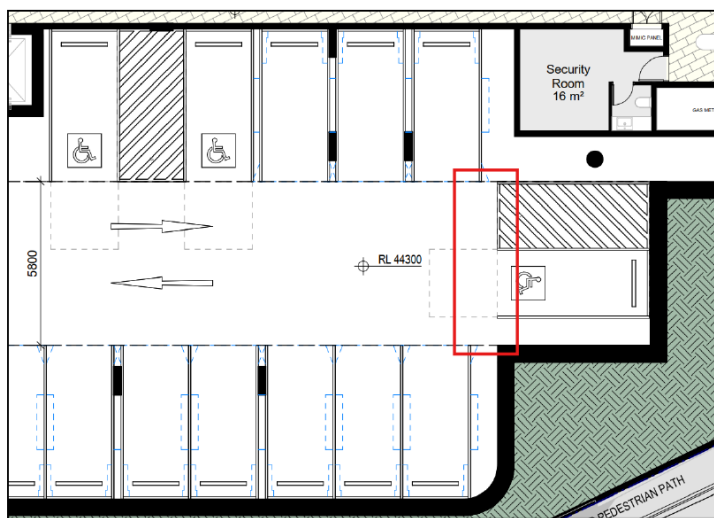
(b) Pedestrian Sight Splays have not been provided for the driveway exiting the property in accordance with Figure 3.3 of AS2890.1.

(c) The entry and egress routes into the site at Lower Ground Floor are not clearly defined, with multiple column placements within the trafficable area, and no clear delineation around these potential hazards, for example:



(d) A column has been placed nearly opposite the first visitor parking bay on the Lower Ground Floor, within the 5.8m parking aisle, and is a likely collision hazard.

(e) Clause 2.4.2 of AS2890.1 has not been satisfied, whereby a 1m aisle extension has not been provided at the blind aisle on the Lower Ground Floor Level as shown red in the extract below:



Further, the development fails to demonstrate:

	<p>(f) There will be no scrappage of vehicles at the vehicular crossing.</p> <p>(g) Compliance with Planning Control P22 of Section 5.10 of MDCP as no car wash bay has been provided.</p> <p>(h) Compliance with Planning Control P7A of Section 5.10 of MDCP as no electric vehicle charging infrastructure has been provided. The DCP requires provision of electric vehicle charging infrastructure for each dwelling that is allocated a car parking space.</p>
12	<p>Bicycle Parking Provisions</p> <p>The provision of bicycle parking is inadequate. In this regard:</p> <p>(a) AS2890.3:2015 requires that a minimum of 20% of bicycle parking spaces be ground-level horizontal parking. This is essential for accommodating the growing demand for heavier e-bikes, as well as generally for persons who are unable to lift a bike into a horizontal position.</p> <p>(b) The current arrangement does not provide any horizontal bicycle parking, failing to comply with AS2890.3:2015, and is not fit-for-purpose.</p> <p>(c) Given the location is within comfortable cycling distance of the Cremorne and Spit Junction Town Centres, ideally, the development shall aim to exceed <i>minimum</i> horizontal parking requirements, to provide prospective residents with greater versatility and encourage cycling, and provide in excess of 20% horizontal parking.</p> <p>(d) Access to the bicycle parking areas has not been adequately considered, noting that:</p> <ol style="list-style-type: none"> i. At 800mm width, the bicycle room doors and the outdoor platform lift door are considered too narrow to accommodate the range of anticipated bicycles. ii. A 1.5m access way has not been maintained along all sections of the necessary travel paths between the bicycle rooms and the street access point. iii. The access corridor immediately prior to the bike room shows what could be a step. If so, the step should be removed in preference for a steeper ramp subject to BCA compliance.
13	<p>Safe Loading and Unloading of Vehicles</p> <p>The provision of vehicular loading is inadequate. The development fails to satisfy s5.10 Planning Control P10 of the MDCP, in relation to accommodating safe loading and unloading of vehicles. In this regard:</p> <p>(a) The size and scale of the development warrant the provision of an off-street loading area to avoid impacts on the local road network. This loading area should be designed to accommodate a Medium Rigid Vehicle (MRV) in accordance with AS2890.2:2018.</p>
14	<p>Waste Management</p>

The proposed method of waste collection will unreasonably impact on Rangers Avenue. In this regard:

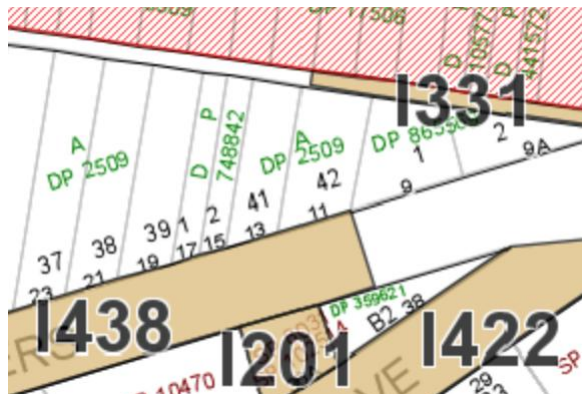
- (a) All waste servicing for 11-23 Rangers Avenue currently occurs from Bloxsome Lane. The proposal seeks to utilise Rangers Avenue for waste servicing.
- (b) As recognised by the Applicant within the Engagement Summary Table, during early stakeholder consultation, Council requested that given the scale of the development that provision be made on-site for waste collection.
- (c) Council notes that the recently released NSW Government Mid-Rise Pattern Book requires on-site collection for developments with 24+ dwellings, supporting Council's request that provision be made on-site for waste collection.
- (d) Council advises that a twice weekly collection service will be required for the development.
- (e) Despite this clear Council request, the proposal involves kerb side waste collection in Rangers Avenue. It is proposed that Council's waste contractor will collect the bins from a bin collection room located adjacent to Rangers Avenue, wheel the bins to a truck standing in the kerbside outside the site for emptying, then wheel the empty bins back to the bin collection room. This is plainly unreasonable and unacceptable.
- (f) It is clear that the applicant has failed to consider the need to manage waste for the development and is relying on Council to facilitate this work. This is plainly unreasonable and unacceptable.
- (g) The proposed method of waste collection is not supported for the following reasons:
 - i. The proposal relies upon the vacant kerbside area adjacent to the bin collection room on Rangers Avenue in order for a refuse vehicle to safely operate without obstructing Rangers Avenue traffic. The only way to reliably achieve this is through implementing timed parking restrictions on Rangers Avenue. This limits the function of valuable on-street parking, in addition to creating a precedent for subsequent development on Rangers Avenue, leading to cumulative impacts over time.
 - ii. It is unreasonable to require the allocation of on-street public parking spaces for the provision of waste services to a single development, particularly as this development will itself increase demand for those same spaces
 - iii. The applicant has not clearly demonstrated that a waste collection vehicle can park kerbside without obstructing Rangers Avenue traffic.
 - iv. Rangers Avenue is a very high volume local road with approximately 11,000 vehicular movements per day.

- v. On-street waste collection for a development of this scale is problematic and will likely lead to traffic interruptions, safety risks, and reduce street capacity needed for pedestrians and cyclists.
- (h) The proposal only allows for one recycle bin in the chute room and requires residents to take cardboard to the Lower Ground Floor. This is problematic and will result in recycling placed down the chute. Provision must be made for 2 x 240 bins in each chute room to provide adequately for recycling.

15 **Public Domain Works / Land dedication**

The proposal does not provide adequately for public domain works. In this regard:

- (a) As recognised by the Applicant within the Engagement Summary Table, during early stakeholder consultation, Council requested public domain improvements be considered for both Bloxsome Lane and Rangers Avenue.
- (b) It was requested that the Applicant dedicate a small section of land for the length of the Bloxsome Lane frontage to Council free of charge. This dedication would allow for a widening of the very narrow Bloxsome Lane and allow for the construction of a footpath as a pedestrian safety measure.
- (c) Drawing DA2011 contains a notation 'possible area for future public domain initiatives to be approved at a later date' along the Bloxsome Lane frontage and Drawing DA2009 a very small section of public domain works in Rangers Avenue near the vehicle entry.
- (d) Disappointingly, the proposal does not allow for the requested land dedication with the Ground and Lower Ground Levels extending to the northern site boundary for the majority of the Bloxsome Lane frontage and the area designated as 'possible area for future public domain initiatives' contains structures and this area is not recognised on the Landscape Plan.
- (e) The proposal should be amended to provide for the requested land dedication and detail in full all public domain works for Bloxsome Lane.
- (f) Rangers Avenue for the frontage of the site is a heritage item pursuant to MLEP, extract of the Heritage Map is included below.



	<p>(g) Given the heritage significance of this section of Rangers Avenue it is critical that public domain works along this frontage be clearly identified and detailed now. The EIS indicates rebuilding existing sandstone retaining wall on Rangers Avenue. It is noted that along the Rangers Avenue frontage, there are stairs (appear to solely benefit 23 rangers and elevated pedestrian path and rock formations).</p>
16	<p>Contamination</p> <p>The Applicant has not provided sufficient information to demonstrate land suitability and for the consent authority to be satisfied as to the matters for consideration under SEPP (Resilience and Hazards) 2021 and the <i>Contaminated Land Management Act 1997</i>. In this regard:</p> <p>Council has reviewed the Preliminary Site Investigation (PSI), Groundwater Report (REF: E26795.G03_Rev2, 20 November 2025) and the Groundwater and Contamination Investigations – Dewatering Management Plan (Report Ref: E26795.E16_Rev1).</p> <p>These reports are preliminary only, for example the Preliminary Site Investigation (PSI):</p> <ul style="list-style-type: none"> • does not include any sampling or laboratory analysis, • relies on historical and anecdotal information, and • contains limitations and consultant disclaimers, including that no third party (including Council) may rely on the report without written consent and acknowledges that conclusions are based on limited assessment, that data could not be verified, and that findings reflect potential contamination only. <p>Council’s investigations of other residential sites within the Mosman LGA of a similar nature have frequently identified the presence of contaminated fill, asbestos, and other potentially harmful substances.</p> <p>Given the limitations of the PSI and groundwater reports, the actual contamination status of the site is unknown, and proceeding with development without further investigation could pose a risk to human health and the environment. The applicant must be required to submit a Detailed Site Investigation and Remediation Action Plan (RAP) and Validation Report where contamination is present. Only then can the consent authority be satisfied that the land is suitable consistent with SEPP (Resilience and Hazards) 2021 and the <i>Contaminated Land Management Act 1997</i>.</p>
17	<p>Flooding</p> <p>Council’s Engineers have reviewed the submitted Flood Impact and Risk Assessment (FIRA) and referencing the adopted Mosman LGA Flood Study (2025) have found the significant inconsistencies as listed below. An amended Flood Impact and Risk Assessment (FIRA) must be required before any approval is granted to ensure the proposal appropriately responds to the identified flooding affectation.</p> <p>(a) Section 3.2 of the FIRA states that the site is not impacted by 0.5 to 20% AEP but the relevant maps in the adopted Mosman LGA Flood Study (2025) show that the site is impacted; for example in the 1% AEP.</p>

	<p>(b) Section 3.2 of the FIRA states that site is not affected by flood hazard categories but the relevant maps in the adopted Mosman LGA Flood Study (2025) indicate that they are.</p> <p>(c) Section 4.3 of the FIRA refers to section 4.8.1 of the FRMSP. Mosman Council does not have a FRMSP.</p> <p>(d) The conclusion of the FIRA states that the site is outside of the PMF, but as per above, the relevant maps in the adopted Mosman LGA Flood Study (2025) show that the site is impacted in the 1% AEP for example.</p>
18	<p>Stormwater Management</p> <p>Council's Engineers have reviewed the Integrated Stormwater Management Plan and have raised the following serious concerns in relation to the proposed method of stormwater management:</p> <p>(a) Do not support connection to pit at the intersection of Rangers and Park Ave as it is just a convertor and discharges straight into Park Ave.</p> <p>(b) This will create significant long term issues in Park Ave given the extent of excavation and degree of sub surface water expected to be discharged from the site.</p> <p>(c) Currently stormwater appears to continue running down Rangers Ave, however, the applicant is proposing to put in 450 and 600mm pipe to divert flows to Park Ave, with no impact analysis on Park Ave.</p> <p>(d) At a minimum the applicant is to extend the network to the nearest appropriate discharge point – presumably into Reid Park</p> <p>(e) Noting susceptibility of stormwater inundation, the applicant is lowering property boundary level for driveway/entranceway. This is has not been given consideration with Council's flood study levels.</p>
19	<p>Geotechnical Impact</p> <p>Council's Engineers have reviewed the Geotechnical Investigation and have identified that the report is preliminary only and more detailed investigation is required prior to designs being finalised and work commencing given the site contains a cliff or is located in an area susceptible to landslip.</p> <p>Council does not support anchoring which may go into neighbouring properties. If anchoring into neighbouring properties is required, the proximity of excavation from the boundary must be increased.</p> <p>A detailed set of geotechnical conditions are outlined to ensure the proposal adequately addresses all geotechnical matters and does not unreasonably impact on the public domain and neighbouring properties, this includes a requirement that a "Landslide Risk Management Assessment" (LRM) in terms of the "Australian Geomechanics Society Guidelines" published in 2000 and 2007 is provided and that a cash deposit or bank guarantee to the value of \$75,000 in favour of Council be provided for the completion of the retaining wall that supports Council's road / road embankment.</p>
20	<p>Accessibility</p>

	<p>The proposal does not comply with the numerical requirements or objectives of Section 5.11 'Accessible buildings, adaptable and universal housing' of MDCP and does not provide sufficiently for flexible housing. In this regard:</p> <p><u>Section 5.11 MDCP</u></p> <p>(a) Section 5.11 Planning Control P4 provides 'All dwellings in any new mixed use and multiple dwelling development (including dual occupancy), are to meet or exceed the Livable Housing Design Guideline's Silver Level universal design features.</p> <p>(b) The objective of this section (Clause 5.11 (O4)) is as follows— <i>To have universal design features included in mixed use and multiple dwelling developments to promote flexible housing for all community members.</i></p> <p>(c) Despite the Accessibility Report correctly identifying that 100% of dwellings (44 dwellings) are required to be LHA Silver Level, Drawing DA5010 identifies that only 20% of units are proposed to be LHA Silver Level compliant.</p>
21	<p>Building Design</p> <p>Council's Building Surveyors have raised the following issues with the proposal:</p> <p>(a) The Regulatory Compliance Report outlines BCA compliance matters. On review, the report confirms there a number of deviations from the BCA DtS provisions. Whilst alternate solutions may be sought for the deviations, concern is raised that some non-compliant items may result in design change to the building form and appearance to achieve an acceptable level of BCA compliance.</p> <p>Accordingly, further information from the applicant is required to confirm how the BCA deviations will be resolved and provide updated plans of the final proposed building form with such aspects addressed. This is to be supported with a BAC report outlining the non-compliant DtS provisions and sufficient evidence from an unrestricted Certifier confirming the proposed alternate solutions will be approved as part of the Construction Certificate assessment.</p> <p>(b) Doors from the development are not permitted to open over Council land. Amended plans are required to ensure the doors of the bin room, meters and substation do not open over the public land or footpath of Rangers Avenue.</p> <p>Council's Urban Design consultant has raised the following matters with the design:</p> <p>(c) The ground floor is dominated by a large Porte cochere and substantial pavement and meandering external area that creates a deep undercroft area creating issues for safety and security and areas of concealment.</p> <p>(d) The location of the substation and bin collection room is central to the building entrance creating poor amenity and reduced visual connection to the building entrances.</p> <p>(e) Narrow ground level lobby (1250mm).</p>

	(f) No corridor is provided with any daylight or natural ventilation.
22	Public Interest The development application should be refused as the proposed development is not in the public interest. In this regard: (a) The development application should be refused having regard to the broader public interest of providing development that is compliant with relevant controls and standards and provides adequate residential amenity. (b) The proposed development will establish an undesirable precedent for future development in the locality.

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

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

Should you wish to speak with a Council officer about the above, please contact Sarah Wallace, Team Coordinator Urban Planning, on 9978 4019 or at s.wallace@mosman.nsw.gov.au.

Yours sincerely,



Craig Covich
General Manager

Attachment 1: Without Prejudice Conditions of Consent

APPROVED PLANS AND DOCUMENTATION

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

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

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

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

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

Remediation Action Plan (If Required)

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

The RAP must:

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

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

Remediation Works (If Required) (Prior to Construction)

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

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

Validation Report (During Demolition)

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

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

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

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

PRESCRIBED CONDITIONS

The following prescribed conditions apply in accordance with Division 8A of the *Environmental Planning and Assessment Regulation 2000*.

Building Code of Australia

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

Home Building Act

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

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

Erection of Signage

8. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name, address and telephone number of the principal certifying authority for the work; and
 - (b) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
 - (c) stating that unauthorised entry to the work site is prohibited.

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

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

Shoring and Adequacy of Adjoining Property

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

Insurance Under the Home Building Act

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

BASIX

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

PRIOR TO THE RELEASE OF THE CONSTRUCTION CERTIFICATE

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

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

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

Construction Certificate Application Plans

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

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

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

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

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

Structural Endorsement

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

Geotechnical Endorsement

14. As the site contains a cliff or is located in an area susceptible to landslip, the Construction Certificate application plans must be endorsed or countersigned by a qualified practicing Geotechnical Engineer with membership of the Institute of Engineers Australia or who is eligible to become a member and has appropriate experience and competence in the related field.
15. As the site contains a cliff or is located in an area susceptible to landslip, a "Landslide Risk Management Assessment" (LRM) in terms of the "Australian Geomechanics Society

Guidelines" published in 2000 and 2007 is required.

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

Dilapidation Report – Council Assets

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

Dilapidation Report – Private Assets

18. The applicant shall supply Council with a dilapidation report for the adjoining and adjacent properties at Nos. 9, 9A, 25, 27 Rangers Avenue and Nos. 18, 20, 22, 24, 26, 28, 30, and 32 Holt Avenue which documents and photographs the condition of buildings and improvements on those properties. The dilapidation report shall be submitted as a PDF in Adobe format or in A4 format. A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of nominated properties. Council shall be provided with a list of owners to whom a copy of the report has been provided.

Excavation, Backfilling and Support for Neighbouring Buildings

19. Excavation works shall not commence before the issue of the Construction Certificate or the issue of any relevant notices to adjoining owners, the Principal Certifying Authority or Council as required by other conditions of this consent.
20. A report shall be prepared by a practicing Geotechnical Engineer or Structural Engineer and submitted to Council or the Accredited Certifier detailing the structural condition of adjoining structures / property and their ability to withstand the proposed excavation, backfilling and construction. The report must investigate site and soil conditions and outline any recommended measures to ensure that no damage will occur to the structures / property during or subsequent to the carrying out of works.

Retaining Walls

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

Council Property

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

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

- A minimum surcharge load (UDL) of 5.0 kPa;

- A minimum point load of 31 kN acting on an area of 0.025 m² at a maximum distance of 0.5 metres from the site boundary.

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

Council Property

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

A Construction Works on Council Property

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

Drainage

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

Rainwater Re-Use System/Onsite Detention

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

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

Permanent Post-Construction Stormwater Quality Controls

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

Sydney Water - Building Plan Approval

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

Driveway

29. The internal driveway and parking area shall be designed in accordance with "Australian Standard/New Zealand Standard 2890.1 Parking Facilities – Off-Street Car Parking" and the relevant Council Development Control Plan. Longitudinal sections for both sides of the vehicular crossing and driveway commencing at the centre line of the road carriageway shall be provided with the Construction Certificate application demonstrating that vehicles will not scrape their undercarriage.
30. To ensure the vehicle crossing is properly completed, an "Application for Vehicular Crossing" shall be made and paid for prior to the issue of the Construction Certificate. The form can be accessed and fees paid from Council's website.
31. To improve safety, the driveway exiting the property shall be modified to provide adequate sight distance. Modified plans as required shall be submitted with the Construction Certificate and certified by a qualified engineer or architect as complying with "Australian Standard/New Zealand Standard 2890.1 Parking Facilities – Off-Street Car Parking".

On-Site Waste Collection and Loading

32. The Construction Certificate plans shall detail on-site waste collection and loading in accordance with the following:
- (a) The loading area should be designed to accommodate a Medium Rigid Vehicle (MRV) in accordance with AS2890.2:2018.
 - (a) The waste collection area should be designed to accommodate a Heavy Rigid Vehicle (HRV) in accordance with AS2890.2:2018.

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

Easements, Covenants and Restrictions on Title

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

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

Construction Certificate

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

Landscape Maintenance Strategy

35. To ensure the survival of landscaping following works, a landscape maintenance strategy for the owner/occupier to administer over a 12 month establishment period following the issue of the Occupation Certificate shall be prepared and provided to Council's or the Accredited

Certifier's satisfaction with the Construction Certificate Application. The strategy is to address maintenance issues such as plant survival, irrigation, soil testing, weeding, plant staking, fertilising, pest and disease control, replanting, remedial pruning and the like.

Tree Replacement

36. To ensure the preservation of the landscape character of the area, an amended landscape plan shall be submitted with the Construction Certificate application. The landscape scheme shall incorporate six (6) *Angophora costata* (or similar species to be approved by Council) to achieve a minimum height of 12 metres. The canopy tree shall be planted at a minimum 200 litre pot size and located within an area of deep soil. All new trees must comply with *Australian Standard 2303:2018 Tree stock for landscape use*.

Geotechnical Endorsement

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

Fire Safety

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

Long Service Levy

39. In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant shall pay a long service levy at the prescribed rate of 0.25% of the total cost of the work to either the Long Service Corporation or Mosman Municipal Council for any work costing \$250,000 or more. To pay the levy online go to <http://www.longservice.nsw.gov.au/>. To pay the levy in person at either the Long Service Corporation or Mosman Municipal Council you will need to complete the Levy Payment Form available online from <http://www.longservice.nsw.gov.au/>.

Security Deposit

40. A cash deposit or bank guarantee to the value of \$846,358.25 in favour of Council shall be provided for the making good of any damage caused to Council property and to ensure the satisfactory completion of any works required to be undertaken outside the property boundary. The value of the Security Deposit is based on Council's estimate of the cost of works and will not be varied. A request for a refund of unused funds (less an inspection fee) may be made following the completion of all works, both inside and outside the property boundary, and an inspection of the site by Council.

Security Deposit

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

Development Consent Levy

42. Pursuant to Section 7.12 of the *Environmental Planning and Assessment Act 1979*, a monetary contribution must be paid to Council for the purpose of provision, extension or augmentation of public amenities or public services if the value of works exceeds \$100,000.00. The contribution must be paid before a Construction Certificate is issued.

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

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

Construction Traffic Management Plan

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

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

EV Chargers

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

State Environmental Planning Policy (Housing) 2021

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

Waste Management

46. To allow for sustainable waste management, a completed Site Waste Minimisation and Management Plan (SWMMP) shall be submitted in accordance with the Mosman Waste Minimisation Policy 2012. A copy of the Mosman Waste Minimisation Policy 2012 including a SWMMP template can be found on Council's website.
47. Provision must be made for 2 x 240 bins in each chute room on each level to provide adequately for recycling. Details to be shown on the Construction Certificate plans.

Erosion and Sedimentation Control Plan

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

BASIX Certificate

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

Housing and Productivity Contribution

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

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

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

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

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

Reason: To require contributions towards the provision of regional infrastructure

Universal Design

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

Bicycle Parking Provisions

52. To provide for compliant bicycle parking the Construction Certificate plans shall detail:
- (a) A minimum of 20% of bicycle parking spaces be provided as ground-level horizontal parking in accordance with AS2890.3:2015.
 - (a) A door width greater than 800mm for the bicycle room doors and the outdoor platform lift door to accommodate the range of anticipated bicycles.
 - (a) Provision of a 1.5m access way maintained along all sections of the necessary travel paths between the bicycle rooms and the street access point.
 - (a) The access corridor immediately prior to the bike room shows what could be a step. If so, the step should be removed in preference for a steeper ramp subject to BCA compliance.

Dewatering

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

Construction Noise & Vibration Management Plan

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

- community notification and consultation protocols; and
- a complaints-handling and response procedure.

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

Waste Room

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

Drainage

56. Stormwater shall be connected directly to Council's pipe network and not be directly discharged into the kerb and gutter. Council does not support connection to pit at the intersection of Rangers and Park Ave as it is just a convertor and discharges straight into Park Ave. The applicant is to provide detailed drawings to ensure all drainage from the site discharges via a pipe to a discharge point that is not a kerb and gutter. This may include extension of the pipeline into Park Avenue. All costs associated with this design and any additional cost including construction costs associated with extending the drainage system is to be borne by the applicant. These works are to be approved by Council in writing and will include a Works on Council Property Application prior to the issue of a Construction Certificate. Additional fees and charges will apply.
57. The Construction Certificate application and Works on Council Property Applications associated with the drainage works must be certified as complying with Council's Policy "Stormwater Management in Mosman" by a Civil Engineer with membership of the Institute of Engineers Australia or who is eligible to become a member and has appropriate experience and competence in the related field.

Drainage

58. To prevent constant flows of water in private property, Council's street gutters or across Council's roads, any sub-soil drainage disposal system to be installed on the site must be connected directly to a Council gully pit or pipe. The pit at the intersection of Rangers and Park Ave as it is just a convertor and discharges straight into Park Ave and is not acceptable to be connected to without additional work. The applicant is to provide detailed drawings to ensure all drainage from the site discharges via a pipe to a discharge point that is not a kerb and gutter. This may include extension of the pipeline into Park Avenue. All costs associated with this design and any additional cost including construction costs associated with extending the drainage system is to be borne by the applicant. These works are to be approved by Council in writing and will include a Works on Council Property Application prior to the issue of a Construction Certificate. Additional fees and charges will apply.
59. The costs of all drainage works required of this development on Council land is to be borne by the applicant.

Building Code of Australia – Alternative Solution

60. Any alternative solution to the requirements of the Building Code of Australia must not result in any change to the exterior of the building or areas surrounding the building.

Infrastructure and Restoration Administration

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

Note: Fees are reviewed annually. For details refer to Council's current Fees and Charges Schedule at the time of payment.

Photovoltaic Electricity Generating System

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

PRIOR TO THE COMMENCEMENT OF SITE WORKS

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

Commence Site Works

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

Construction Hoarding or Fencing

64. If site or building works will:
- cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient or unsafe; or
 - have the potential to damage adjoining private land by way of falling objects;

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

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

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

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

Erosion and Sedimentation Control Plan

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

Tree Protection - Detailed Measures

66. To limit the potential for damage to the tree/s to be retained, tree protection measures are to be installed in accordance with "Australian Standard 4970 Protection of Trees on Development Sites" prior to the commencement of site works, in accordance with the following:
- (a) No construction or excavation (including trenching for drainage or other services) shall occur within the Structural Root Zone (SRZ) of any retained and protected tree. Protective fencing at a minimum 1.8 metres in height along the perimeter of the Tree Protection Zone (TPZ) (outside of approved works) is to be installed. The TPZ is to be identified by signage placed around the edge of the TPZ which is visible from within the development site. The lettering on the sign is to comply with "Australian Standard 1319 Safety Signs for the Occupational Environment" and include the following wording '*Tree Protection Zone – Access Prohibited*' and is to have the name and contact details of the appointed site arborist. Where protective fencing is deemed not practicable by an Australia Qualification Framework (AQF) level 5 arborist, tree trunk and branch protection is to be installed.
- (b) The building contractor shall ensure that at all times during site works no activities, including but not limited to the following:
- machine excavation including trenching;
 - excavation for silt fencing;
 - storage;
 - preparation of chemicals, including preparation of cement products;
 - parking of vehicles and plant;
 - refuelling;
 - dumping of waste;
 - wash down and cleaning of equipment;
 - placement of fill;
 - soil level changes;
 - temporary or permanent installation of utilities and signs; and
 - physical damage to the tree;
- will be carried out in the TPZ of any tree to be retained.
- (c) Landscape works in the vicinity of the tree/s must be sympathetic to tree retention and existing ground levels within the TPZ must remain unchanged. Where tree roots are uncovered that are between 20-50mm diameter they shall remain in place until they are cleanly pruned by an AQF level 5 qualified arborist.
- (d) All pruning works including the removal of deadwood is to be undertaken in accordance with "Australian Standard 4373 Pruning of Amenity Trees" and the work is to be undertaken by a minimum AQF level 3 qualified Arborist.

Vibration Monitoring

67. Continuous vibration monitoring shall be undertaken. The vibration monitoring plan shall be prepared in accordance the recommendations contained in the Noise and Vibration Impact Assessment prepared by Pulse White Noise Acoustics dated 14 November 2025.

Geotechnical Report

68. The Geotechnical Report prepared by EIAustralia dated 20 November 2025 contains only preliminary information and to confirm the site conditions, further investigations and assessments are required. As such, strict adherence to inspections and further assessment as required and any subsequent reports are to be abided by. All works shall be carried out in accordance with the recommendations contained in the geotechnical report prepared by EIAustralia dated 20 November 2025, noting that anchoring systems extending into

neighbouring lands are not approved.

DURING SITE WORKS / CONSTRUCTION

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

Demolition

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

Asbestos Material

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

Construction within Boundary

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

Site Work Hours

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

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

Erosion and Sedimentation Controls

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

Dust Control

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

Waste Management

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

Council Property

76. The land and adjoining areas shall be kept in a clean and tidy condition at all times. No construction vehicles, building materials, waste, machinery or related matter shall be stored on the road or footpath for the duration of works unless separate approval has been obtained from

Council's Traffic Committee for the establishment of a Construction Zone. Under no circumstances will any person be allowed to mix or dispose of concrete, mortar or slurry within Council property.

Council Property

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

Construction Traffic Management Plan

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

Utility Services

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

Utility Services

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

Utility Services

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

Driveway

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

Rainwater Re-Use System

84. The installation of rainwater tanks shall comply with the following:
 - (a) Works are to be undertaken in accordance with the Plumbing Code of Australia.
 - (b) The tank and fittings must be labelled "RAINWATER, NOT SUITABLE FOR DRINKING".
 - (c) A plaque measuring no less than 400mm by 200mm shall be permanently attached and prominently displayed within the immediate vicinity of the rainwater tank advising occupiers of the existence of the rainwater tank and that the device is not to be altered without prior approval from Mosman Council.
 - (d) A screened rain head designed to ensure self-cleaning and to prevent leaf litter from entering the tank must be installed
 - (e) A first-flush-bypass device must be installed allowing the first 1mm of initial runoff to bypass the tank.

- (f) The tank, including inlets and outlets, is to be designed to prevent mosquito breeding.
- (g) In the occurrence of prolonged periods of rain any overflow from the rainwater tank should be discharged via an existing stormwater drainage system or to a Council approved device such as an on-site detention system. This pipeline must be covered with an insect proof mesh to prevent the breeding of mosquitos.
- (h) Any mechanical equipment associated with the rainwater re-use tank and associated reticulation system shall be located in a sound proof container and positioned so that there is no increase in noise level at any point on the boundary with another property, including a public place.
- (i) If the tank is located above ground, to ensure no adverse amenity impacts it must be located behind the front building line and is to be finished in a non-reflective and non-corrosive material and in a colour that is compatible with the surroundings development.
- (j) The tank must not be greater than 2.5 metres above natural ground level, and not more than 0.5 metres above an adjoining fence. The tank must be set back from all property boundaries by at least 0.5 metres.
- (k) If the tank is below ground it must be located under a hard surface, such as a driveway or car parking area.

Car Parking

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

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

Materials & Finishes

86. The finished external surface materials, including colours and texture of any building and/or hard paved areas, shall blend with the surrounding environment and shall be non-reflective.
87. Roofing materials must be of low glare and reflectivity.
88. To minimise glare nuisance, the reflectivity index of the glass is not to be more than 20%.
89. External materials and colour finishes shall be in accordance with the sample submitted with the development application.

Protection of Landscape Features

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

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

Tree Preservation

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

Leighton Green Cypress

92. To reduce the potential for adverse amenity effects such as overshadowing, loss of views, and loss of plant diversity, Leighton Green *Cypress Cupressocyparis leylandii* or any of its cultivars, shall not be planted on the site for the life of the development. Further information on

Leighton Green Cypress may be obtained from Council and are available on Council's website. In the event of any inconsistency between this condition and the development application documents, this condition will prevail to the extent of the inconsistency.

Siting, Height

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

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

Construction Hoarding or Fencing

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

Shoring and Adequacy of Adjoining Properties

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

Lighting

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

Site Facilities

97. The following facilities must be provided on the site:
- (a) Toilet facilities in accordance with SafeWork NSW requirements, at a ratio of one toilet per every 20 employees; and
 - (b) A garbage receptacle for food scraps and papers, with a tight fitting lid.

Residential Waste and Recycling Storage Area

98. For safety, amenity and maintenance reasons, the waste and recycling storage area must be constructed to the following standards:
- The gradient of the floors and the gradient of any associated access ramps must be sufficiently level for the purpose of emptying containers;
 - Designed so that no odours emanate from the storage of waste; and
 - Designed so that bins for recyclable materials are kept separate from (but close to) general waste bins - so that the potential for contamination of recyclable materials is minimised.

Construction Noise Criteria

99. All construction activities must comply with the construction noise criteria and Noise Management Levels (NMLs) identified in Section 8 Titled - Construction Noise and Vibration Impacts of Noise and Vibration Impact Assessment Report prepared by Pulse White Noise Acoustics, Ref No. 250432, dated 14 November 2025, that has prepared in accordance with the NSW EPA Interim Construction Noise Guideline (ICNG).

Construction noise at all noise-sensitive receivers does not exceed the applicable ICNG NMLs for the relevant time period and activity type. The construction program, equipment selection, and work methods must be managed to achieve compliance.

Where construction noise is predicted or measured to exceed the NMLs, the applicant must implement all feasible and reasonable noise mitigation measures, consistent with the Acoustic Report and the ICNG, including but not limited to scheduling of noisy works, use of quieter plant, acoustic shielding, and adherence to respite periods for high-noise activities.

Council or its appointed representative may require the applicant to undertake attended noise monitoring at any time to demonstrate compliance. Any exceedance must be rectified immediately to the satisfaction of Council.

The site manager must maintain a register of all noise and vibration complaints from residents, including:

- Date/time of complaint
- Nature of complaint
- Mitigation measures (adjusting work methods, temporary cessation, barriers) must be implemented where necessary.
- Outcome or follow-up
- Complaints must be responded to within 24 hours.
- The register must be kept on site at all times and available for Council inspection.

Unexpected Finds Protocol

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

1. works must cease in the affected area immediately;
2. the site must be made safe;
3. a qualified contaminated land consultant must be engaged; and
4. Council must be notified.

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

Approved Plans

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

Critical Stage Inspections

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

PRIOR TO THE RELEASE OF THE OCCUPATION CERTIFICATE

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

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

Record of Inspections Carried Out

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

Car Parking

104. Parking spaces must be line marked and allocated to units.
105. In order to avoid vehicular conflict, the ingress and egress crossings shall be suitably signposted.

Car Wash Bay

106. One car wash space must be provided which shall be graded to an internal drainage point, connected to a Sydney Water Sewer and a hose cock. When not in use for washing cars, the space may be used for visitor parking. Car wash bays are not to be used for engine degreasing or mechanical repairs and must be signposted accordingly.

Land Dedication

107. A small section of land for the length of the Bloxsome Lane frontage is to be dedicated to Council free of charge, in accordance with the applicant's proposal. Details of the alignment will be confirmed within the Works on Council Property application. Following the approval of the Works on Council Property application, Council will provide formal notification of the area of land to be dedicated. The land dedication must not occur until this formal notification has been provided. A Subdivision Certificate under Section 6.4(d) of the *Environmental Planning and Assessment Act 1979* must be obtained prior to the registration of plans under the Conveyancing Act 1919. Survey details and supporting documentation are to be submitted to NSW Land and Property Information to effect the land dedication, and confirmation of registration must be obtained prior to the issue of any Occupation Certificate.

Council Property

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

On-Site Detention/Rainwater Re-use System

105. So that Council has accurate records of the stormwater system to aid with catchment management functions, work-as-executed details of the on-site detention (OSD) system or rainwater reuse tanks prepared by a Civil Engineer with membership of the Institute of Engineers Australia or who is eligible to become a member and has appropriate experience and competence in the related field, demonstrating that the required storage and discharge

volumes have been constructed in accordance with the design requirements and Council's Policy for "Stormwater Management in Mosman" are to be provided to Council. The details must show the invert levels of the OSD system or rainwater reuse tanks as well as the pipe sizes and grades. Any variations to approved plans must be shown in red and supported by calculations.

Sydney Water - Section 73 Compliance Certificate

106. A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. A Section 73 Compliance Certificate must be submitted prior to the release of the Occupation Certificate. The assessment will determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains. Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator. Go to sydneywater.com.au/section73 or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

State Environmental Planning Policy (Housing) 2021

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

Fire Safety

108. A final fire safety certificate prepared in accordance with Part 11 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* must be issued by or on behalf of the owner. Copies of both the final fire safety certificate and the fire safety schedule must be (1) supplied to Council, (2) forwarded to the Fire Commissioner and (3) prominently displayed in the building.

Consolidation

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

Visitor Parking Sign

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

Affordable Housing Units

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

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

Accessibility

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

On-Site Detention/Rainwater Re-use System

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

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

The terms of the positive covenant shall read:

- (i) In this Positive Covenant "detention system or rainwater reuse system or water quality control system" shall mean the detention system or rainwater re use system or water quality control system approved by Mosman Council pursuant to Development Consent No. SSD-96272465 or any modification thereof approved by the consent authority in writing.
- (ii) The Registered Proprietors will at their own expense well and sufficiently maintain and keep in good and substantial repair and working order any detention system/rainwater reuse system/water quality control system which exists from time to time on the land.
- (iii) The Registered Proprietors shall not remove the detention system/rainwater reuse system/water quality control system without prior consent of Mosman Council.
- (iv) The Registered Proprietors hereby agree to indemnify Mosman Council from and against all claims, demands, actions, suits, causes of action, sum or sums of money, compensation damages, costs and expenses which Mosman Council or any other person may suffer or incur as a result of any malfunction or non-operation of any such detention system/ rain water reuse system/water quality control system arising from any failure of the Registered Proprietors to comply with the terms of this Covenant.
- (v) The term "Registered Proprietors" shall include the Registered Proprietors of the land from time to time and all their heirs, executors, assigns and successors in title to the land and where there are two or more registered proprietors of the land the terms of this covenant shall bind all those registered proprietors jointly and severally.

PRIOR TO THE RELEASE OF THE SUBDIVISION CERTIFICATE

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

Subdivision Certificate

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

PRIOR TO OCCUPATION

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

Compliance Certificates and Inspection Records

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

commencement of the use.

Occupation Certificate

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

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

A Construction Works on Council Property

108. An Occupation Certificate is not to be issued until all works as required on Council property as detailed in this consent or any subsequent consent/permit required by this consent are completed to Council's satisfaction. A completion document is to be submitted to Council by a qualified Engineer with membership of the Institute of Engineers Australia to Council certifying all works are completed to specification. This document is to include all warranties and details of works and any other requirements as stipulated in any other permit such as a Works on Council Property Application.

Site Suitability Confirmation

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

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

DURING OCCUPATION

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

Landscape Maintenance

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

Landscape Maintenance Strategy

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

Occupation

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

Car Parking

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

Fire Safety

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

Operational Noise - Waste Collection

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

Operational Noise - Traffic Noise

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

Operational Noise - Verification and Reporting

126. A qualified acoustic consultant must submit a post-construction verification report confirming:
- a. Operational mechanical plant noise complies with the *NSW Noise Policy for Industry (NPI)* criteria.
 - b. Mechanical plant and building services associated with the development must be designed, installed, and operated so that noise emissions do not exceed the applicable project noise levels determined in accordance with the NPI when measured at any nearby residential premises. Noise from the development must not be audible within any habitable room of nearby residential premises.
 - c. For the purposes of this condition, “nearby residential premises” excludes the subject development site.
 - d. If noise from mechanical plant or building services is found to exceed the applicable NPI criteria or is audible within a habitable room of a nearby residential premises, the operator must immediately implement all feasible and reasonable mitigation measures to achieve compliance to the satisfaction of Council.

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

Operational Noise – Air Conditioning

127. Any air conditioning installed shall be designed so as not to operate:
- (a) during peak time (7.00am – 10.00pm) at a noise level that exceeds 5 dB(A) above the ambient background noise level measured at any property boundary, or
 - (b) during off peak time (10.00pm - 7.00am) at a noise level that is audible in habitable rooms of adjoining residences.

Fencing

128. Fences, gates and doors are not to open onto the public way.

Waste Management On-going Review

129. The building manager or owner's corporation is to review within 12 months of the Occupation Certificate having been issued and then every 5 years (or earlier when needed) the methods for waste storage, treatment and collection and implement any relevant changes to reduce waste and increase recycling.