

RECORD OF DECISION

SYDNEY EAST JOINT REGIONAL PLANNING PANEL

MEMBERS:

John Roseth	Chair
David Furlong	Member
Mary-Lynne Taylor	Member
Michel Reymond	Member
Veronique Marchandau	Member

The Panel considered the change to the minutes of the meeting held on 4 August 2010 via emails and this is a record of the process and decision.

ITEM 1 - 2009SYE013 North Sydney DA No. 356/09 – Day Procedure & Diagnostic Centre, 286-288 Pacific Highway, Crows Nest

The Panel at its meeting on 4 August 2010 considered the recommendation in the Council's planning assessment report which recommended refusal of the application. The Panel reached a unanimous decision that it would approve the application subject to the third floor of the Sinclair Street section were deleted; the second floor set back from the Sinclair Street face of the first floor by 5.5m, and the car park were proportionately reduced to the consequent reduction in floor space. (Appendix 1).

In accordance with the resolution of the JRPP meeting on 4 August 2010, draft conditions of consent were formulated by Council in response to the amended plans (Appendix 2).

The Applicant commented on the draft conditions of consent via email dated 21 September 2010 (Appendix 3).

Council's assessment officer responded to the applicant's submission regarding the draft conditions of consent via email dated 23 September 2010 (Appendix 4).

The Panel Secretariat circulated to the Panel members the minutes of the panel meeting of 4 August 2010 (Appendix 1; the draft conditions (Appendix 2); the applicant's comments (Appendix 3); and the council assessment officer's response to the applicant's comments (Appendix 4).

Resolved

The Panel resolved unanimously (by communication via electronic means) that development application DA No. 356/09 – Day Procedure & Diagnostic Centre, 286-288 Pacific Highway, Crows Nest, is approved, subject to the conditions in Appendix 5 which are the conditions in Appendix 2 amended to be consistent with the Council's assessment officer's response in Appendix 4.

Endorsed by

John Roseth
Chair, Sydney East Region Planning Panel
29 September 2010

APPENDIX 5

CONDITIONS OF DEVELOPMENT APPROVAL

286-288 PACIFIC HIGHWAY, CROWS NEST

DA 356/09

DATED 29 SEPTEMBER 2010

A. *Conditions that Identify Approved Plans*

Development in Accordance with Plans

- A1. The development being carried out in accordance with drawings numbered SK-14, dated September 2009; SK-06 Issue E and SK-07 Issue E, dated 13 August 2010; SK-04 Issue F, SK-05 Issue F and SK-08 Issue E dated 16 August 2010; SK-00 Issue D, dated 26 August 2010; SK-01 Issue C, SK-02 Issue E, SK-03 Issue E, SK-10 Issue E, SK-11 Issue F, SK-12 Issue E, SK-13 Issue F and SK-15 Issue F, dated 27 August 2010, drawn by Leech Harmon Architects, all received by Council on 31 August 2010 and endorsed with Council's approval stamp, except where amended by the following conditions.

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

Plans on Site

- A2. A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) shall be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

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

No Demolition of Extra Fabric

- A3. Alterations to, and demolition of the existing building shall be limited to that documented on the approved plans. No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is shown to be retained.

(Reason: To ensure compliance with the approved development)

External Finishes and Materials

- A4. The colour and type of all external materials shall be generally be in accordance with the submitted schedule, dated May 2010, prepared by Leech Harmon Architects and received at Council on 14 May 2010.

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

B. Ancillary Matters to be Completed Prior to Issue of a Construction Certificate

Construction Management Program – Local Traffic Committee Approval Necessary

- B1. A Construction Management Program prepared in accordance with Section 23.2 of the North Sydney DCP 2002 shall be submitted and approved in writing by North Sydney Traffic Committee prior to the issue of ANY Construction Certificate. Construction works shall generally take place from the Sinclair Street frontage as per the concept Construction Management Plan prepared by Construction Pacific Management Pty Ltd, dated September 2009. Any use of Council property for construction purposes shall require appropriate approvals prior to such work commencing. The program shall specifically address the following matters:

- a) **A plan view (min 1:100 scale) of the entire site and surrounding roadways indicating:**
 - i. Dedicated temporary construction site driveway entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways and footways,
 - ii. The proposed signage for pedestrian management to comply with AS1742.3 and AS1742.10, including pram ramps;
 - iii. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
 - iv. The locations of any proposed Work Zones in the frontage roadways (to be approved by Council's Traffic Committee),
 - v. Locations of hoardings proposed,
 - vi. Location of any proposed crane standing areas,
 - vii. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries
 - viii. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
 - ix. The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible
- b) A detailed heavy vehicle access route map through the Council area to Arterial Roads. Provision is to be made to ensure through traffic is maintained at all times.
- c) The proposed phases of works on the site, and the expected duration of each phase;

- d) How access to neighbouring properties will be maintained at all times and the proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of process;
- e) The road is not to be used as a waiting area for trucks delivering to or awaiting pick up of materials;
- f) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified engineer and practising structural and shall not involve any permanent or temporary encroachment onto Councils property;
- g) Proposed protection for Council and adjoining properties. Details are to include site fencing and the provision of "B" class hoardings over footpaths and laneways; and

All traffic control work and excavation, demolition or construction activities shall be undertaken in accordance with the approved Construction Management Plan and any conditions attached to the approved plan. A copy of the approved Construction Management Plan, and any conditions imposed on that plan, shall be kept on the site at all times and made available to any officer of Council upon request.

Notes:

- 1) North Sydney Council's adopted fee for certification of compliance with this condition shall be payable on lodgement, or in any event, prior to the issue of the relevant approval.
- 2) Any use of Council property shall require appropriate approvals and demonstration of liability insurances prior to such work commencing.
- 3) Failure to provide complete and detailed information may result in delays. It is recommended that your Construction Management Plan be lodged with Council as early as possible, as a minimum six (6) weeks notice is required to refer items to the Traffic Committee.
- 4) Dependent on the circumstances of the site, Council may request additional information to that detailed above.

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

C. *Prior to the Issue of a Construction Certificate*

Fire Safety Upgrade

- C1. Fire fighting equipment, egress and detection system items are to be located sympathetically with regard to the character of the heritage-listed building. While having proper regard to building and fire regulations, notices and signs are to be located sympathetically. Electrical and plumbing services are to be concealed. Details illustrating compliance with this condition shall be submitted to the Certifying

Authority for approval prior to the issue of a Construction Certificate.

(Reason: The fire safety upgrade of the buildings is to have no detrimental impact upon the heritage significance of the buildings)

Pacific Highway First Floor Level Façade

- C2. The existing or original Terracotta tiles to the front façade shall be restored to the satisfaction of a suitably qualified heritage architect or heritage consultant. Details illustrating compliance with this condition shall be submitted to the Certifying Authority prior to issue of a Construction Certificate and all façade restoration works shall be undertaken prior to the issue of an Occupation Certificate.

(Reason: To ensure the conservation of the heritage item)

Pacific Highway Street Level Façade

- C3. The proposed tiles and marble/granite cladding to the Pacific Highway street level façade of the building shall be selected with advice, with final approval provided to the Certifying Authority from a heritage architect before installation. Details illustrating compliance with this condition shall be submitted to the Certifying Authority prior to issue of a Construction Certificate.

(Reason: To be sympathetic to the heritage item's primary façade)

Exterior Colour Scheme on the Pacific Highway Façade

- C4. The exterior heritage colour scheme to the Pacific Highway façade shall be selected with advice, with final approval given from a heritage architect/consultant. Details illustrating compliance with this condition shall be submitted to the Certifying Authority prior to issue of a Construction Certificate.

(Reason: To retain the significance of the item and integrate the new additions)

Sydney Water

- C5. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Co-ordinator. For details see the Sydney Water web site www.sydneywater.com.au, or telephone *Sydney Water's Development Operations Group* on 9829 8682.

Applicants will be advised of any requirements that must be met before the Certificate can be issued.

The final Section 73 Certificate must be submitted to the Certifying Authority prior to release of any linen plan for subdivision or prior to occupation of the development.

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

Sydney Water Approvals

- C6. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Care Centre to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped. For Quick Check agent details please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then see Building and Renovating under the heading Building and Developing, or telephone 13 20 92. The appointed PCA must ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans before the commencement of building works.

(Reason: To ensure compliance with Sydney Water requirements)

Dilapidation Report Damage to Public Infrastructure

- C7. The applicant must have a dilapidation survey and report (including photographic record) prepared which details the pre-developed condition of the existing public infrastructure in the vicinity of the development site. Particular attention must be paid to accurately recording any pre-developed damaged areas so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development. The developer may be held liable to all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded and demonstrated as pre-existing under the requirements of this condition.

The applicant shall bear the cost of restoration of all infrastructure damaged as a result of the development, and no occupation of the development shall occur until damage is rectified. A copy of the dilapidation report must be lodged with North Sydney Council by the Certifying Authority with submission of the Construction Certificate documentation.

(Reason: To ensure protection of existing built infrastructure)

Dilapidation Report Private Property (Excavation)

- C8. Prior to issue of the Construction Certificate the applicant must submit, for verification by the Certifying Authority, a full dilapidation report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavations. This zone is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.

This report is to be prepared by a consulting structural/geotechnical engineer agreed to by both the applicant and the owner of any affected adjoining property. The report shall have regard to protecting the Applicant from possible spurious claims for structural damage and must be verified by all stakeholders as far as practicable.

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

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

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

(Reason: Proper management of records)

Dilapidation Survey Private Property (Neighbouring Buildings)

- C9. A photographic survey of adjoining properties No's. 294 and 262-284 Pacific Highway, 99 Shirley Road and 75 & 77 Sinclair Street, detailing the physical condition of those properties, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items, SHALL BE submitted to Council and the Certifying Authority (where Council does not issue the Construction Certificate) prior to the issue of any Construction Certificate. This survey is to be prepared by an appropriately qualified person agreed to by both the applicant and the owner of the adjoining property.

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

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

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

(Reason: Proper management of records)

Shoring for Adjoining Property

- C10. Where any shoring for excavation is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings certified as being adequate for their intended purpose by an appropriately qualified and practising structural engineer, showing all details, including the extent of encroachment and the method of removal and de-stressing of shoring elements, shall be submitted to the Certifying Authority for approval with the Construction Certificate. A copy of this documentation must be provided to the Council for record purposes.

(Reason: To ensure the protection of existing public infrastructure and adjoining properties)

Structural Adequacy of Existing Building

- C11. A Certificate prepared by an appropriately qualified and practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction shall be submitted to the Certifying Authority prior to issue of the Construction Certificate. The certificate shall also include all details of the methodology to be employed in construction phases to achieve the above requirements.

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

Geotechnical Report

- C12. Prior to issue of the Construction Certificate the applicant shall have a Geotechnical/Civil Engineering report prepared which addresses (but is not limited to) the following:-

- a) The type and extent of substrata formations by the provision of a minimum of three (3) representative bore hole logs which are to provide a full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs shall be related to Australian Height Datum;
- b) The appropriate means of excavation/shoring in light of point (a) above and proximity to adjacent property and structures. Potential vibration caused by method of excavation and potential settlements affecting nearby footings/foundations shall be discussed and ameliorated;
- c) The proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property, structures and road reserve if nearby (full support to be provided within the subject site);
- d) The existing groundwater levels in relation to the basement structure, where influenced;

- e) The drawdown effects on adjacent properties (including road reserve), if any, the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater. Where it is considered there is the potential for the development to create a “dam” for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flowpath is constructed, artificial drains such as perimeter drains and through drainage may be utilised; and
- f) Recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program (as required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

The geotechnical report must be prepared by a consulting geotechnical/hydrogeological engineer with previous experience in such investigations and reporting. It is the responsibility of the engaged geotechnical specialist to undertake the appropriate investigations, reporting and specialist recommendations to ensure a reasonable level of protection to adjacent property and structures both during and after construction. The report shall contain site-specific geotechnical recommendations and shall specify the necessary hold/inspection points by relevant professionals as appropriate. The design principles for the geotechnical report are as follows:

- a) No ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure;
- b) No changes to the ground water level are to occur as a result of the development that are sufficient enough to cause an adverse impact to the surrounding property and infrastructure;
- c) No changes to the ground water level are to occur during the construction of the development that are sufficient enough to cause an adverse impact to the surrounding property and infrastructure;
- d) Vibration is to be minimised or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development;
- e) Appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these Design Principles; and

- f) An adverse impact can be assumed to be crack damage as identified within the relevant Australian Standard for determining such damage.

The report, satisfying the requirements of this condition, must be provided as part of the supporting documentation lodged with the Certifying Authority for approval of the Construction Certificate application. The professional recommendations of the report shall be implemented in full during the relevant stages of excavation and construction.

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

Use of Rock Anchors

- C13. Council will not permit the use of permanent rock anchors to support excavated faces below ground level. Where temporary rock anchors are proposed during excavation, an application must be made to Council for temporary anchors pursuant to section 138 of *The Roads Act 1993*. The use of rock anchors in Council property must not occur until such an application is approved in writing. Council will require specific engineering plans of temporary rock anchor proposals, prepared by a structural/geotechnical engineer. These plans shall show the exact cut face elevational and plan location of anchors and shall show the exact location and depth of services (drainage, water, cable and the like) in relation to the anchors. A damage bond will be applied on any approval. Where temporary rock anchors are part of the design plans, the Certifying Authority must not issue a Construction Certificate involving any excavation until the formal written approval is obtained from Council, pursuant to the Roads Act 1993.

Sediment Control

- C14. Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, erosion and sediment control techniques, as a minimum, are to be in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom, 2004) commonly referred to as the “Blue Book” or a suitable and effective alternative method. The sediment Control Plan shall incorporate and disclose:
- a) All details of drainage to protect and drain the site during the construction processes;
 - b) All sediment control devices, barriers and the like;
 - c) Sedimentation tanks, ponds or the like;
 - d) Covering materials and methods; and
 - e) A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.

The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition. All works must be undertaken in accordance with the approved Sediment Control plan.

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

External Colours and Finishes

C15. The external colours and finishes shall match those as existing and/ or be compatible with surrounding development. The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure that the completed colours and finishes of the works are compatible with surrounding development)

Reflectivity Index of Glazing

C16. The reflectivity index (expressed as a percentum of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20%. The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

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

Roofing Materials - Reflectivity

C17. Roofing materials shall be factory pre-finished with low glare and reflectivity properties to be compatible with the colours of neighbouring buildings. The selected roofing material must not cause a glare nuisance or excessive reflectivity to adjoining or nearby properties. The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

No External Service Ducts

- C18. Service ducts shall be provided within the building to keep external walls free of plumbing, drainage or any other utility installations. The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure quality built form of the development)

Work Zone

- C19. If a Works Zone is proposed, an application must be made to the North Sydney Local Traffic Committee to install the 'Work Zone'. Works Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Works Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site. If the Works Zone is approved by the Committee, the Applicant must obtain a written copy of the related resolution from the North Sydney Local Traffic Committee and submit a copy of this to the Certifying Authority to enable issue of the Construction Certificate.

Where approval of the 'Work Zone' is resolved by the Committee, the necessary 'Work Zone' signage shall be installed (at the cost of the Applicant) and the adopted fee paid prior to commencement of any works on the site. Further, at the expiration of the Works Zone approval, the Applicant is required to remove the Works Zone signs and reinstate any previous signs, all at the Applicant's cost.

(Reason: Amenity and convenience during construction)

Applicant responsible for all Services in, on or over site

- C20. Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon service infrastructure not previously identified on the site (including but not limited to stormwater pipes, phone lines, water mains, sewer, gas, electricity and the like). It is the Applicants full responsibility to ensure the approved development does not create undue impacts on the same, and to ascertain the impacts of the proposal upon such services. Where required, the adjustment or inclusion of any new service infrastructure must be carried out by the applicant and in accordance with the requirements of the relevant authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities.

(Reason: The Applicant is responsible for ensuring the development is compatible with the services on the land)

Bond for Damage and Completion of Infrastructure Works

C21. Prior to the issue of a Construction Certificate, the applicant must lodge a \$120,000 public infrastructure damage and security bond with Council. This bond is applied pursuant to Clause 80A of the EP&A Act to cover the cost of:

- Making good any damage that may be caused to any public infrastructure as a consequence of doing or not doing anything to which this approval relates,
- Completing any public infrastructure works that are required in connection with this consent.

The bond shall be lodged in the form of a deposit or bank guarantee and will be refundable following completion of all works relating to the proposed development (recognised by issue of a final Occupation Certificate) and at the end of any maintenance period stipulated by consent conditions, upon approval by Council's Engineers. Further, Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in the following circumstances:

- a) Where the damage constitutes a hazard in which case Council may make use of the bond immediately, and
- b) The applicant has not repaired nor commenced repairing damage within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works.
- c) Works in the public road associated with the development are to an unacceptable quality.

The Certifying Authority must ensure that bond is lodged with North Sydney Council prior to issue of any Construction Certificate.

(Reason: To ensure security is in place to maintain quality of public infrastructure)

Signage Relocation – Costs borne by Applicant

C22. All costs associated with relocating parking meters and parking signs including all sign changes, parking bay line markings must be paid in full to North Sydney Council prior to acceptance by Council of any changes.

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

Obtain Driveway Crossing Permit from Council

C23. Prior to issue of any Construction Certificate, North Sydney Council must issue the applicant with a driveway crossing and road infrastructure works **permit** to suit the approved off-street parking and loading facilities. In order to obtain the permit, an application must be made to Council on a '*Vehicular Access Application*' form with payment of the adopted assessment/inspection fees. Council will require civil design construction drawings and certification from the applicant's Civil Engineer to verify design details and enable permit issue. The permit application should be accompanied the engineering plans required for all infrastructure works surrounding the development site, as outlined in the 'Required infrastructure works' condition. The civil design drawings with respect to the driveway crossing and layback shall detail the following requirements of Council:

- a) The vehicular access ways shall comply with AS 2890.1 and Council's current Vehicular Access Application Guidelines and Specification to ensure that a B85 vehicle will not scrape/strike the surface of the carriageway, layback, vehicular crossing or parking floor.
- b) The entry and exit vehicular access laybacks shall each be a maximum of 3.5 metres wide (including wings). The crossings at the property boundary shall be 4.25 metres wide. The minimum space required between the two crossings is 11.0m to permit for two on street parking spaces.
- c) The vehicular access ways shall be designed square to the kerb.
- d) The redundant layback crossing must be reinstated as kerb gutter and footpath.
- e) All inspection openings, utility services shall be adjusted to match the proposed driveway levels.
- f) The gutter levels and road shoulder will require lifting/adjustment to prevent scraping of vehicles and to ensure smooth transitions. The gutter shall be raised to ensure the cross fall grade of the road shoulder does not exceed 5.5% for a distance of 1.5m falling to the gutter lip.
- g) The crossing in the footpath area shall be set between 2-3% falling towards the road gutter.
- h) Sections along centre-line and extremities are required at a scale of 1:50 to be taken from the centre-line of the roadway through to the basement/loading entries and shall include all changes of grade and levels both existing and proposed. The sections shall show the calculated clearance to the underside of the overhead structures.
- i) Sections along the gutter line and property boundary line at a scale of 1:50 showing existing and proposed levels.

All driveway and infrastructure works on the road reserve must proceed in accordance with the terms of the permit issued by Council. Inspections by Council will be required as specified. The Certifying Authority issuing the Construction Certificate must ensure that the permit issued by Council is obtained and referenced on and accompanies the Construction Certificate issued.

(Reason: To facilitate appropriate vehicular access to private sites, without disruption to pedestrian and vehicular traffic)

Boundary Alignment Levels

C24. The property boundary levels on the Pacific Highway shall match the existing levels and the property boundary levels on Sinclair Street shall generally be set 2-3% above the new top of kerb levels.

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

Required Infrastructure Works

C25. Prior to issue of any Construction Certificate, the applicant must have engineering design plans and specifications prepared by a qualified civil design engineer, and submitted to Council for approval with the '*Vehicular Access Application*'. The plans and specifications must be to a detail suitable for construction issue purposes and must provide technical engineering detail and specification for the following road reserve infrastructure works that must be completed as part of the development consent:

Drainage Works

Connection of the building site stormwater system (subsoil and roof drainage) must be made directly to a newly constructed grated gully pit (with lintel), to front the site on Sinclair Street. To accommodate this requirement, the following drainage infrastructure works must be carried out on Council property at the Applicant's expense:

- Construction of two standard grated gully pits with extended kerb inlet (1.8m lintel) in the kerb, one of the pits fronting the subject site on Sinclair Street, and the pit on the other side of Sinclair Street. The pits must be constructed in accordance with Councils "Infrastructure Specification for Roadworks, Drainage and Miscellaneous Works".
- Construction of a new in-ground drainage line across the roadway and then under kerb and gutter at standard depth. The line must connect the new gully pits to the existing Council pit located in front of 38-40 Sinclair Street. The pipes within the road reserve are to be reinforced concrete class 2 with a minimum 375mm diameter and have bedding in accordance with Australian Standard AS 3725 – (Loads on buried concrete pipes). The developer shall be responsible for carrying out any service investigations to allow a gravity connection. Approval is required from Council if tree removal is required.

Road Works

Sinclair Street

- Construction of a new concrete footpath, grass verge, concrete kerb gutter and road shoulder for the entire site frontage.
- The gutter levels and road shoulder will require lifting/adjustment to prevent scraping of vehicles and to ensure smooth transitions. The gutter shall be raised to ensure the cross fall grade of the road shoulder does not exceed 5.5% for a distance of 1.5m falling to the gutter lip.
- The new road shoulder shall be constructed over the entire site frontage for a width of 1.5m.
- Transitioning works to the kerb gutter and road shoulder will be required to both sides of the property frontage to ensure smooth transitions in the road reserve.
- Redundant layback to be constructed in kerb and gutter.
- The new footpath must have 2-3% cross fall from site boundary falling to top of new kerb. The footpath is to be transitioned one panel on both sides of the property.
- Re-instate parking signage, at applicant cost.

Pacific Highway

- The redundant stormwater pipeline/s are to be removed, and the kerb is to be repaired to Council's satisfaction.
- Construction of a fully new footpath over entire site frontage. Footpath shall match the existing levels.
- Footpath to be constructed using C & M Brick "Civic North Sydney" concrete pavers in the stretcher bond laying pattern over a concrete base. Refer to North Sydney Council's Drawing No. S401, S408 & S409.
- All service pits must be constructed with infill pavers.

Sections along the gutter lines, property boundary lines and building lines at a scale of 1:50 showing existing and proposed levels.

Cross sections at a scale of 1:50 along the centre-line of each ground level access point to the site must be provided. All the entry points are to comply with the Building Code of Australia (BCA), particularly disability requirements. The Council approved footpath levels must be accommodated at the building entry points.

As levels set by Council may impact on ground floor levels within the site, the Certifying Authority must not issue any Construction Certificate referencing building works at or above ground floor level without the formal approved plans and written approval of Council (as Roads Authority) under the Roads Act 1993.

The required plans and specifications are to be designed in accordance with North Sydney Council's current documents *Infrastructure Specification for RoadWorks, Drainage and Miscellaneous Works* and *Performance Guide for Engineering Design and Construction*. The drawings must detail existing utility services and trees affected/proposed by the works, erosion control requirements and traffic management requirements during the course of works. Detailed survey must be undertaken as required. Traffic management is to be certified on the drawings as being in accordance with the documents SAA HB81.1 – 1996 – Field Guide for Traffic

Control at Works on Roads – Part 1 and RTA Traffic Control at Work Sites (1998).
Construction of the works must proceed only in accordance with any conditions attached to the Council *Roads Act 1993* approval.

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

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

Stormwater Management and Control Plan Required

C26. Prior to issue of any Construction Certificate for building works, the applicant shall have a site drainage management and control plan prepared by a qualified drainage design engineer. The site drainage management plan shall generally be in accordance to Stormwater Drainage Concept Plan, Drawing No. 25609-1, dated September 2009, prepared by T.J. Taylor Consultants Pty Ltd must detail the following requirements of North Sydney Council:

- a) Show all drainage components in compliance with BCA drainage requirements, Councils Development Control Plan and current Australian Standards and guidelines,
- b) Stormwater runoff and subsoil drainage generated by the approved development must be conveyed in a controlled manner by gravity directly into a new gully pit on Sinclair Street. The connection point shall ensure no backflow to the site.
- c) On the Pacific Highway frontage, only one stormwater outlet pipe is permitted, to convey the roofwater runoff from the awning over Council land. The new pipeline within council land shall be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 millimetres and a section height of 100 millimetres;
- d) Prevent any stormwater egress into adjacent properties by creating physical barriers and surface drainage interception.
- e) Provide subsoil drainage to all necessary areas with pump out facilities as required.

The Certifying Authority issuing the Construction Certificate must ensure that the approved drainage plan and specifications, satisfying the requirements of this condition, is referenced on and accompanies the Construction Certificate.

(Reason: To ensure controlled stormwater management and disposal without nuisance)

Bicycle Storage and Parking

- C27. The bicycle storage area shall accommodate a minimum of **nine (9)** bicycles, and **two (2)** visitor parking bicycle rails shall be provided. Such bicycle storage lockers and bicycle rail shall be designed in accordance with the applicable Australian Standards. A total of **twelve (12)** motorcycle spaces shall be provided within the basement car park. The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

Cycle Shower Facilities (Commercial and Mixed Use)

- C28. Shower facilities shall be provided and made accessible without charge to cyclists who work in the building. The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

Parking for People with Disabilities

- C29. A minimum of **three (3)** car-parking spaces for use by persons with a disability shall be provided as part of the total car-parking requirements. Consideration must be given to the means of access from the car-parking spaces to adjacent buildings, to other areas within the building and to footpath and roads and shall be clearly shown on the plans submitted to the Certifying Authority for approval with the Construction Certificate. All details shall be prepared in consideration of, and construction completed in accordance with applicable Australian Standards to achieve compliance with the Disability Discrimination Act.

(Reason: To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with Federal legislation)

Garbage and Recycling Facilities

- C30. An appropriate area shall be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. The following requirements shall be met:
- a) All internal walls of the storage area shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;
 - b) Include provision for the separation and storage in appropriate categories of material suitable for recycling;

- c) The storage area shall be adequately screened from the street, with the entrance to the enclosures no more than 2m from the street boundary of the property and shall be capable of being locked when not required for access;
- d) If a storage facility is to be provided at another suitable location within the building, a complementary garbage bin holding bay shall be provided no more than 2m from the street boundary of the property;
- e) Garbage enclosures serving non-residential uses are not to be located within areas designated for dining purposes.
- f) Toxic and hazardous waste storage and disposal shall be provided for in accordance with relevant legislation.

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

Note: The applicant may wish to discuss bin storage requirements and location with Council prior to finalisation of the required detail, and obtain a copy of Council's Waste Handling Guide for reference purposes.

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

Asbestos & Hazardous Material Survey

- C31. A survey of the existing building fabric shall be undertaken identifying the presence or otherwise of asbestos contamination. Any works subsequently required to address asbestos contamination shall be undertaken in strict accordance with the requirements of the WorkCover Authority in relation to the removal, handling and disposal of material containing asbestos and Work Safe Australia.

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

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

Location of Plant

- C32. All plant and equipment within the new building on Sinclair Street (excluding solar panels and associated solar based equipment) is to be located within the basement or other areas of the building and is not to be located on the roof. The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: Minimise impact on surrounding properties, improved visual appearance and amenity for locality)

Noise from Plant

- C33. A certificate from an Acoustic Engineer, who is a member or eligible to be a member of the Association of Australian Acoustical Consultants, must be submitted to the Certifying Authority certifying that the plant and air-conditioner condenser units will not exceed more than 5dB(A) above the background level during the day and evening and not exceeding the background level at night (10.00pm to 6.00 am) when measured at the boundary of the property, and will comply with the Environment Protection Authority Industrial Noise Policy.

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

(Reason: To comply with best practice standards for residential acoustic amenity)

Mechanical Exhaust Ventilation

- C34. A statement from an appropriately qualified and practising Mechanical Engineer is required detailing how the exhaust ventilation system will be installed in accordance with the applicable Australian Standard. The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

Access for People with Disabilities

- C35. The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia. The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

Note: If, in complying with this condition, amendments to the development are required, the design changes must be submitted for the approval of Council prior to a Construction Certificate being issued.

(Reason: To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards)

Underground Electricity and Other Services

C36. All overhead electricity and other lines (existing and proposed) shall be undergrounded from the proposed building on the site to the appropriate power pole(s) or other connection point, in accordance with the requirements of Energy Australia. The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

Section 94 Contributions

C37. A contribution pursuant to the provisions of Section 94 of the Environmental Planning and Assessment Act 1979, as specified under the North Sydney Section 94 Contribution Plan for the services detailed in column A and, for the amount detailed in column B shall be made to Council.

A	B (\$)
Administration	6,444.31
Child Care Facilities	27,285.08
Community Centres	15,711.15
Library Acquisition	3,203.75
Library Premises & Equipment	9,739.77
Multi Purpose Indoor Sports Facility	3,682.70
Open Space Acquisition	11,746.30
Open Space Increased Capacity	23,283.40
Olympic Pool	12,010.37
Public Domain Improvements	24,906.36
The total contribution is	<u>\$ 138,013.19</u>

The contribution SHALL BE paid prior to determination of the Construction Certificate.

The above amount, if not paid within one calendar year of the date of this consent, shall be adjusted for inflation by reference to the Consumer Price (All Ordinaries) Index applicable at the time of the payment of the contribution.

A copy of the North Sydney Section 94 Contribution Plan can be viewed at North Sydney Council's Customer Service Centre, 200 Miller Street, North Sydney or downloaded via Council's website at www.northsydney.nsw.gov.au

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

Security Bond Schedule

C38. All fees and security bonds in accordance with the schedule below must be paid or in place prior to the issue of the required Construction Certificate:

Security Bonds	Amount (\$)
Infrastructure Damage Bond	120,000.00
TOTAL BONDS	\$120,000.00
Fees	
Section 94 contribution	138,013.19
TOTAL FEES	\$138,013.19

(Reason: Compliance with the development consent)

Bonds

C39. Council will accept a bank guarantee for the purpose of any security bond imposed by these conditions of consent. Such bank guarantee shall be in a form acceptable to the Council and shall be in place prior to the issuing of the Construction Certificate and shall remain in place until the submission of the certificate required prior to the occupancy of the completed works.

(Reason: Information, Protection of infrastructure and the environment)

D. Prior To Any Commencement

Public Liability Insurance – Works on Public Land

D1. Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$10 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for North Sydney Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

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

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

E. During Demolition and Building Work

Parking Restrictions

- E1. Existing public parking provisions in the vicinity of the site must be maintained at all times during works. The placement of any barriers, traffic cones, obstructions or other device in the road shoulder or kerbside lane is prohibited without the prior written consent of Council. Changes to existing public parking facilities/restrictions are only to be approved via the North Sydney Local Traffic Committee. The Applicant will be held responsible for any breaches of this condition, and will incur any fines associated with enforcement by Council regulatory officers.

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

Road Reserve Safety

- E2. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials and plant must not be stored in the road reserve without approval. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site.

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

(Reason: Public Safety)

Temporary Disposal of Stormwater Runoff

- E3. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to reasonably manage and control runoff as far as the approved point of stormwater discharge. Such ongoing measures shall be to the satisfaction of the Principal Certifying Authority.

(Reason: Stormwater control during construction)

Geotechnical Stability during Works

- E4. A contractor with specialist excavation experience must undertake the excavations, shoring and underpinning for the development and suitably qualified and consulting geotechnical/structural engineers must oversee the excavation, shoring and underpinning procedure at the appropriate hold points. Geotechnical aspects of the development work, namely:

- Appropriate excavation method and vibration control;
- Support and retention of excavated faces/foundations; and
- Hydrogeological considerations.

The works must be undertaken in accordance with the recommendations of the Geotechnical Report and the subsequent professional inspections necessary during the excavations, shoring and underpinning phases.

Approval must be obtained from all affected property owners, including North Sydney Council, where anchors are proposed below adjacent private or public property.

The overriding principles for the geotechnical aspects of the work are as follows:

- No ground settlement or movement is to be induced that is sufficient enough to cause an adverse impact to the existing or adjoining property and/or infrastructure;
- Vibration is to be minimised or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs as a result of the excavations of the development; and
- Appropriate support and retention systems are to be implemented and suitable designs prepared to allow the proposed development to safely proceed without damage to adjacent properties or the existing building.

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

Council Inspection of Public Infrastructure Works

E5. During the works on public infrastructure reverting to Council's care and control, Council's Development Engineer must undertake inspections of the works at the following hold points:

1. After placement of formwork, prior to pouring of concrete;
2. Prior to covering of drainage connections to the in-ground Council system;
and
3. At completion of works.

Further, all works shall proceed and be inspected in accordance with Roads Act approvals issued by Council. A minimum of 48 hours notice must be given to Council to book an inspection. Work must not proceed until the works or activity covered by the inspection is approved.

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

Services

E6. The adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicant's full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of the development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.

(Reason: Proper management of utility services)

Progress Survey

E7. In order to ensure compliance with approved plans, a Survey Certificate, prepared to Australian Height Datum, shall be prepared by a Registered Surveyor showing the following: -

- a) at the completion of excavation, prior to the placement of any footings, showing the completed level of the excavation and its relationship to the boundaries;
- b) prior to placement of concrete at the ground floor level, showing the level of the form work and its relationship to boundaries including relevant footpath and roadway levels;
- c) prior to placement of concrete at each fifth floor level showing the principal level of the formwork and the intended relationship of the completed works to the boundary;

- d) prior to roofing, or completion of the highest point of the building showing the anticipated level of the completed work and its relationship to the boundary; and
- e) at completion, works showing the relationship of the building to the boundary and showing the maximum height of the overall works and the height of the principal roof elements.

Progress certifications in response to points (a) through to (e) shall be provided to the Principal Certifying Authority at the time of carrying out relevant progress inspections. Under no circumstances will work be allowed to proceed should such survey information be unavailable or reveals discrepancies between the approved plans and the proposed works.

(Reason: To ensure compliance with approved plans)

Removal of Extra Fabric

- E8. Should any portion of the existing building, trees, or curtilage of the site which is indicated on the approved plans to be retained be damaged for whatever reason, all the works in the area of the damaged portion are to cease and written notification given to Council. No work is to resume until the written approval of Council is obtained. Failure to comply with the provisions of this condition will result in the Council taking further action including legal proceedings if necessary.

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

Dust Emission and Air Quality

- E9. Materials must not be burnt on the site.

Vehicles entering and leaving the site with soil or fill material must be covered.

Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the NSW Department of Housing's 1998 guidelines - Managing Urban Stormwater: Soils and Construction. Odour suppression measures must also be carried out where appropriate so as to prevent nuisance occurring at adjoining properties.

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

Noise and Vibration

- E10. Noise and vibration from works is to be undertaken in accordance with industry best practice, to ensure excessive levels of vibration do not occur to minimise adverse effects experienced on any adjoining land.

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

Applicant's Cost of Work on Council Property

- E11. The applicant shall bear the cost of all works associated with the development that occurs on Council's property, including the restoration of damaged areas.

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

Special Permits

- E12. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely on the property. The applicant, owner or builder must apply for specific permits available from Council's Customer Service Centre for the undermentioned activities on Council's property pursuant to S138 of the Roads Act. A minimum of forty-eight (48) hours notice is required for any permit: -

1) **On-street mobile plant**

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

(Reason: Proper management of public land)

2) **Hoardings**

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

(Reason: Proper management of public land)

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

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

(Reason: Proper management of public land)

4) **Kerbside restrictions, construction zones**

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

(Reason: Proper management of public land)

Construction Hours

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

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

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

The builder and excavator shall display, on-site, their twenty-four (24) hour contact telephone number, which is to be clearly visible and legible from any public place adjoining the site.

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

Installation and Maintenance of Sediment Control

- E14. Techniques used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with the publication Managing Urban Stormwater: Soils & Construction (4th edition, Landcom, 2004), commonly referred to as the “Blue Book”. All techniques shall remain in proper operation until all development activities have been completed and the site fully stabilised.

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

Site Amenities and Facilities

- E15. The provision and maintenance of amenities, at a site where work involved in the erection and demolition of a building is being carried out, must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements. The type of work place determines the type of amenities required.

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

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

Health and Safety

- E16. The work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements to prepare a health and safety plan. Site fencing must be installed sufficient to exclude the public from the site. Safety signs must be erected that; warn the public to keep out of the site, and provide a contact telephone number for enquiries.

Further information and details regarding occupational health and safety requirements for construction sites can be obtained from the internet at www.workcover.nsw.gov.au

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

Community Information

- E17. Reasonable measures must be undertaken at all times by the proponent to keep nearby residents informed about the proposed work, such as by way of signs, leaflets, public meetings and telephone contact numbers, to ensure that adjoining residents are aware of the likely duration of the construction works on the site

(Reason: To ensure that residents are kept informed of activities that may affect their amenity)

Waste Disposal

- E18. All records demonstrating the lawful disposal of waste will be retained and kept readily accessible for inspection by regulatory authorities such as North Sydney Council, the Department of Environment and Climate Change or WorkCover NSW.

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

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

Building Code of Australia

- F1. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

(Reason: Prescribed - Statutory)

Appointment of a Principal Certifying Authority (PCA)

- F2. Building work, demolition or excavation in accordance with the development consent must not be commenced until the person having the benefit of the development consent has appointed a PCA for the building work in accordance with the provisions of the EP&A Act and its Regulations.

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

Construction Certificate

- F3. Building work, demolition or excavation in accordance with the development consent must not be commenced until a Construction Certificate for the relevant part of the building work has been issued in accordance with the provisions of the EP&A Act and its Regulations.

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

Occupation Certificate

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

(Reason: Statutory)

Mandatory Critical Stage Inspections

- F5. Building work must be inspected by the PCA on the mandatory critical stage occasions prescribed by the EP&A Act and its Regulations, and as directed by the appointed PCA.

(Reason: Statutory)

Commencement of Works

- F6. Building work, demolition or excavation in accordance with a development consent must not be commenced until the person having the benefit of the development consent has given at least 2 days notice to North Sydney Council of the persons intention to commence the erection of the building.

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

Excavation/Demolition

- F7. 1) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

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

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

Protection of Public Places

- F8.
- 1) If the work involved in the erection or demolition of a building:-
 - a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
 - b) building involves the enclosure of a public place,a hoarding and site fencing must be erected between the work site and the public place.
 - 2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
 - 3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
 - 4) Any such hoarding, fence or awning is to be removed when the work has been completed.
 - 5) No access across public reserves or parks is permitted.

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

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

Site Sign

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

(Reason: Prescribed - Statutory)

G. Prior to the Issue of an Occupation Certificate

Certification and Works as executed - Drainage Works

- G1. Prior to issue of any Occupation Certificate the Applicant shall obtain a certification from a qualified and experienced engineer that the site drainage system is installed and operating as designed in the plans and specifications referenced by the Construction Certificate. In addition, a registered surveyor must provide a works-as executed drawing showing the as built levels at all pit inlet and outlet inverts, as well as the drainage works on Council's road reserve.

(Reason: Ensure proper construction with respect to drainage)

CCTV Report of Pipe After Work

- G2. Prior to issue of the Occupation Certificate, a closed circuit television (CCTV) inspection and report on the Council drainage pipeline traversing the subject property is to be undertaken by appropriate contractors and provided to Council, attention Development Engineer. The report is to include a copy of the footage of the inside of the pipeline. Any damage that has occurred to the section of the pipeline since the commencement of construction on the site must be repaired in full to the satisfaction of Council's Development Engineer at no cost to Council.

(Reason: Compliance with the Consent)

Certification of geotechnical excavation, shoring and underpinning works

- G3. An appropriately qualified and practicing Geotechnical Engineer, in conjunction with the designing structural engineer, shall provide certification to the Principal Certifying Authority that the geotechnical excavation, shoring and underpinning process was conducted with the necessary geotechnical and structural input at the appropriate hold points, and in accordance with the submitted geotechnical report. The applicant shall, upon completion of the development works, submit the copy of the aforementioned letter of certification to enable issue of the final Occupation Certificate by the PCA.

(Reason: Compliance with the Consent)

Certification of Civil works in Road Reserve

- G4. An appropriately qualified and practicing Civil Engineer shall provide certification to Council and to the Principal Certifying Authority that the vehicular access structure and associated works, and road works were constructed in accordance with this consent and are structurally sound. The applicant shall, upon completion of the development works and prior to the issue of a final Occupation Certificate, submit the copy of the aforementioned letter of certification.

(Reason: Compliance with the Consent)

Infrastructure Repair and Completion of Works

- G5. Prior to issue of any Occupation Certificate all required works in the road reserve must be completed in full and any damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) must be fully repaired to the satisfaction of Council Engineers at no cost to Council.

(Reason: Maintain quality of Public assets)

Noise from Plant

- G6. Prior to issue of the final Occupation Certificate, a certificate from an Acoustic Engineer is to be submitted to the Certifying Authority certifying that the plant and air-conditioner condenser units has been installed so as not to exceed more than 5dB(A) above the background level during the day and evening and not exceeding the background level at night (10.00pm to 6.00 am) when measured at the boundary of the property, and will comply with the Environment Protection Authority Industrial Noise Policy.

(Reason: To ensure acoustic amenity)

Certification for Mechanical Exhaust Ventilation

- G7. Certification, from an appropriately qualified and practising Mechanical Engineer, is to be submitted to the Principal Certifying Authority, detailing that the exhaust ventilation system has been installed in accordance with the applicable Australian Standard, prior to completion and the issue of any Occupation Certificate.

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

Damage to Adjoining Properties

- G8. All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.

On completion of the works and prior to the issue of a final Occupation Certificate, a certificate is to be prepared to the effect that no damage has resulted to adjoining premises, and is to be provided to Council and the Principal Certifying Authority.

Alternatively, if damage is identified which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person/s as soon as possible and prior to the issue of a final Occupation Certificate.

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

Utility Services

- G9. All utility services shall be adjusted, to the correct levels and/or location/s required by this consent, prior to issue of a final occupation certificate. This shall be at no cost to Council.

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

Regulated Systems- Air Handling

- G10. To ensure that adequate provision is made for ventilation of the building all mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provisions of:

- 1) The Building Code of Australia;
- 2) The applicable Australian Standards;
- 3) The Public Health Act;
- 4) Public Health (Microbial Control) Regulation;
- 5) Work Cover Authority; and

The regulated system must be registered with Council prior to commissioning the system and prior to issue of the final Occupation Certificate.

(Reason: To ensure public health is maintained; Statutory)

Basement Pump-Out Maintenance

G11. Prior to issue of the final Occupation Certificate a maintenance regime shall be prepared for the basement stormwater pump-out system and submitted to Principal Certifying Authority to be included with the Occupation Certificate documentation. The regime shall specify that the system is to be regularly inspected and checked by qualified practitioners.

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

Notification of New Address Developments

G12. Prior to any Occupation Certificate being issued for the building works, the person acting upon this consent must comply with the following: -

- a) Notify Australia Post of the address(es) as issued by Council and the location in plan form of any secondary, internal addresses, in relation to built public roads. To find your nearest Australia Post Delivery Facility contact 13 13 18.

(Reason: To ensure that Council records are accurate, and that house numbering complies with the requirements of Council's House Numbering Policy. Proper house numbering also assists emergency services in readily locating properties)

Asbestos Clearance Certificate

G13. Prior to issuing any Occupation Certificate for building works where asbestos based products have been removed or altered, an asbestos clearance certificate signed by an appropriately qualified person (being an Occupational Hygienist or Environmental Consultant) must be submitted to the Principal Certifying Authority (and a copy forwarded to Council) for the building work which certifies the following: -

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

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

Note: Further details of licensed asbestos waste disposal facilities can be obtained from www.dec.nsw.gov.au

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

Vehicle Egress Signs

G14. Prior to the issue of an Occupation Certificate, appropriate sign(s) shall be provided and maintained within the site at the point(s) of vehicular egress to ensure all vehicles stop before proceeding onto the public way.

(Reason: To ensure pedestrian safety)

Height

G15. The maximum RL of the proposed development shall be RL 116 to the top of the acoustic screen for the roof top plant. The maximum RL for the building shall be RL 107.8 to the roof parapet on the Sinclair Street site and RL 114.8 to the roof parapet on the Pacific Highway site. The Certifying Authority must ensure, prior to the issue of the final Occupation Certificate required on the completion of works, that evidence is submitted by the Applicant, demonstrating compliance with this condition.

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

H. Prior to Final Completion

Allocation of Spaces

H1. **One hundred and eighteen (118)** carparking spaces shall be provided and maintained at all times on the subject site.

Such spaces are to be identified on-site by line-marking and numbering upon the completion of the works and prior to issue of Occupation Certificate. Carparking provided shall only be used in conjunction with the uses contained within the development.

(Reason: To ensure that adequate parking facilities to service the development are provided on site)

I. On-Going / Operational Conditions

Separate Occupation

- I1. The specific retail use of the ground floor tenancies fronting the Pacific Highway shall be the subject of further development approval for such use or occupation.

(Reason: To ensure development consent is obtained prior to that use commencing)

Hours of Operation

- I2. The medical centre and associated uses may be open for business only between the following hours: -

Monday to Friday: 7.00am to 7.00pm

Saturday: 7.00am to 3.00pm

(Reason: Information to ensure that amenity of the surrounding locality is maintained and hours of operation are consistent with those in surrounding locality)

Trade Waste

- I3. Trade waste water shall be disposed of in accordance with the permit requirements of Sydney Water Corporation Ltd, Wastewater Source Control Branch.

(Reason: To ensure compliance with Sydney Water's requirements and protect the environment)

Impact on Amenity of Surrounding Area – Non-Residential Areas

- I4. The implementation and intensity of this development shall not adversely affect the amenity of the neighbourhood by reason of excessive levels of illumination (internal or external) arising from the building materials utilised in any construction processes or fitout.

(Reason: To ensure that the amenity of the surrounding locality is not adversely affected by the nature of the approved activity)

Noise from Plant

- I5. The noise from plant shall not cause a sound level in excess of 5 dB(A) at any time above the background noise level at any point along the site boundaries.

(Reason: To ensure compliance with acceptable levels of noise established under best practice guidelines)

Parking Station

- I6. The off-street car parking area shall not be used as a Public Car Parking Station.

(Reason: Consistency with of the terms of this consent)

Loading within Site

- I7. All loading and unloading operations shall be carried out wholly within the confines of the site, at all times.

(Reason: To ensure that deliveries can occur safely within the site and does not adversely affect traffic or pedestrian amenity)

Waste Collection

- I8. Waste and recyclable material, generated by this premises, must not be collected between the hours of 10pm and 6am on any day.

(Reason: To ensure the acoustic amenity of surrounding properties)

Hazardous Waste Storage and Disposal

- I9. Hazardous waste storage and disposal shall be in accordance with relevant legislation.

(Reason: To ensure amenity and safety of surrounding properties)

Delivery Hours

- I10. No deliveries, loading or unloading associated with the premises are to take place between the hours of 10pm and 6am on any day.

(Reason: To ensure the acoustic amenity of surrounding properties)

APPENDIX 2

CONDITIONS OF DEVELOPMENT APPROVAL

286-288 PACIFIC HIGHWAY, CROWS NEST

DA 356/09

PART A – DEFERRED COMMENCEMENT CONDITIONS

THAT this consent shall not operate until the applicant satisfies the Council that the following deferred commencement conditions in this part have been complied with:

Preliminary Contamination Assessment

AA1. A Phase 1 Preliminary Contamination Assessment shall be undertaken to ascertain whether the site is contaminated as a result of the previous use(s) of the site. A copy of this Phase 1 Assessment shall be submitted to Council to certify that the site is capable of accommodating the proposed uses without further investigation or remediation works being undertaken.

In the event that the Phase 1 Assessment concludes that potential contamination does exist on the site, then a further more detailed Phase 2 Assessment may be required to be provided to Council prior to the satisfaction of this condition to confirm the presence or otherwise of contamination and any necessary works that would be needed to remediate the site.

(Reason: To ensure the site is not contaminated and is capable of accommodating the proposed use)

Satisfactory documentation to satisfy the above condition must be submitted to Council within five (5) years of the date of this consent, or the consent will lapse in accordance with Clause 96 of the Environmental Planning and Assessment Regulations 2000. Written concurrence from North Sydney Council will be required to demonstrate satisfactory compliance with the above deferred commencement conditions, with this to be supplied to the Certifying Authority. Upon satisfaction of the deferred commencement condition the following conditions apply.

PART B – CONDITIONS OF CONSENT

A. *Conditions that Identify Approved Plans*

Development in Accordance with Plans

- A1. The development being carried out in accordance with drawings numbered SK-14, dated September 2009; SK-06 Issue E and SK-07 Issue E, dated 13 August 2010; SK-04 Issue F, SK-05 Issue F and SK-08 Issue E dated 16 August 2010; SK-00 Issue D, dated 26 August 2010; SK-01 Issue C, SK-02 Issue E, SK-03 Issue E, SK-10 Issue E, SK-11 Issue F, SK-12 Issue E, SK-13 Issue F and SK-15 Issue F, dated 27 August 2010, drawn by Leech Harmon Architects, all received by Council on 31 August 2010 and endorsed with Council's approval stamp, except where amended by the following conditions.

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

Plans on Site

- A2. A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) shall be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

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

No Demolition of Extra Fabric

- A3. Alterations to, and demolition of the existing building shall be limited to that documented on the approved plans. No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is shown to be retained.

(Reason: To ensure compliance with the approved development)

External Finishes and Materials

- A4. The colour and type of all external materials shall be generally be in accordance with the submitted schedule, dated May 2010, prepared by Leech Harmon Architects and received at Council on 14 May 2010.

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

B. Ancillary Matters to be Completed Prior to Issue of a Construction Certificate

Construction Management Program – Local Traffic Committee Approval Necessary

B1. A Construction Management Program prepared in accordance with Section 23.2 of the North Sydney DCP 2002 shall be submitted and approved in writing by North Sydney Traffic Committee prior to the issue of ANY Construction Certificate. Construction works shall generally take place from the Sinclair Street frontage as per the concept Construction Management Plan prepared by Construction Pacific Management Pty Ltd, dated September 2009. Any use of Council property for construction purposes shall require appropriate approvals prior to such work commencing. The program shall specifically address the following matters:

- a) **A plan view (min 1:100 scale) of the entire site and surrounding roadways indicating:**
 - i. Dedicated temporary construction site driveway entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways and footways,
 - ii. The proposed signage for pedestrian management to comply with AS1742.3 and AS1742.10, including pram ramps;
 - iii. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
 - iv. The locations of any proposed Work Zones in the frontage roadways (to be approved by Council's Traffic Committee),
 - v. Locations of hoardings proposed,
 - vi. Location of any proposed crane standing areas,
 - vii. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries
 - viii. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
 - ix. The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible
- b) A detailed heavy vehicle access route map through the Council area to Arterial Roads. Provision is to be made to ensure through traffic is maintained at all times.
- c) The proposed phases of works on the site, and the expected duration of each phase;
- d) How access to neighbouring properties will be maintained at all times and the proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of process;
- e) The road is not to be used as a waiting area for trucks delivering to or awaiting pick up of materials;

- f) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified engineer and practising structural and shall not involve any permanent or temporary encroachment onto Councils property;
- g) Proposed protection for Council and adjoining properties. Details are to include site fencing and the provision of "B" class hoardings over footpaths and laneways; and

All traffic control work and excavation, demolition or construction activities shall be undertaken in accordance with the approved Construction Management Plan and any conditions attached to the approved plan. A copy of the approved Construction Management Plan, and any conditions imposed on that plan, shall be kept on the site at all times and made available to any officer of Council upon request.

Notes:

- 1) North Sydney Council's adopted fee for certification of compliance with this condition shall be payable on lodgement, or in any event, prior to the issue of the relevant approval.
- 2) Any use of Council property shall require appropriate approvals and demonstration of liability insurances prior to such work commencing.
- 3) Failure to provide complete and detailed information may result in delays. It is recommended that your Construction Management Plan be lodged with Council as early as possible, as a minimum six (6) weeks notice is required to refer items to the Traffic Committee.
- 4) Dependent on the circumstances of the site, Council may request additional information to that detailed above.

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

C. Prior to the Issue of a Construction Certificate

Fire Safety Upgrade

- C1. Fire fighting equipment, egress and detection system items are to be located sympathetically with regard to the character of the heritage-listed building. While having proper regard to building and fire regulations, notices and signs are to be located sympathetically. Electrical and plumbing services are to be concealed. Details illustrating compliance with this condition shall be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate.

(Reason: The fire safety upgrade of the buildings is to have no detrimental impact upon the heritage significance of the buildings)

Pacific Highway First Floor Level Façade

- C2. Terracotta tiles to front façade shall be repaired and re-pointed to the satisfaction of a suitably qualified and experienced heritage consultant. Written satisfaction of the heritage consultant shall be provided to the Certifying Authority prior to the issue of a Construction Certificate.

(Reason: To ensure the conservation of the heritage item)

Pacific Highway Street Level Façade

- C3. The proposed ceramic tiles and marble cladding to the Pacific Highway street level façade of the building are to be selected/designed by a suitably qualified and experienced heritage architect and are to be sympathetic to the character of the Art Deco façade. Written satisfaction of the heritage consultant shall be provided to the Certifying Authority prior to the issue of a Construction Certificate.

(Reason: To be sympathetic to the heritage item's primary façade)

Exterior Colour Scheme on the Pacific Highway Façade

- C4. The exterior colour scheme to the Pacific Highway façade shall be selected by a suitably qualified and experienced heritage consultant, including the existing metal cladding on the parapet. Details illustrating compliance with this condition shall be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate.

(Reason: To retain the significance of the item and integrate the new additions)

Sydney Water

- C5. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Co-ordinator. For details see the Sydney Water web site www.sydneywater.com.au, or telephone *Sydney Water's Development Operations Group* on 9829 8682.

Applicants will be advised of any requirements that must be met before the Certificate can be issued.

The final Section 73 Certificate must be submitted to the Certifying Authority prior to release of any linen plan for subdivision or prior to occupation of the development.

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

Sydney Water Approvals

- C6. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Care Centre to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped. For Quick Check agent details please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then see Building and Renovating under the heading Building and Developing, or telephone 13 20 92. The appointed PCA must ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans before the commencement of building works.

(Reason: To ensure compliance with Sydney Water requirements)

Dilapidation Report Damage to Public Infrastructure

- C7. The applicant must have a dilapidation survey and report (including photographic record) prepared which details the pre-developed condition of the existing public infrastructure in the vicinity of the development site. Particular attention must be paid to accurately recording any pre-developed damaged areas so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development. The developer may be held liable to all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded and demonstrated as pre-existing under the requirements of this condition.

The applicant shall bear the cost of restoration of all infrastructure damaged as a result of the development, and no occupation of the development shall occur until damage is rectified. A copy of the dilapidation report must be lodged with North Sydney Council by the Certifying Authority with submission of the Construction Certificate documentation.

(Reason: To ensure protection of existing built infrastructure)

Dilapidation Report Private Property (Excavation)

- C8. Prior to issue of the Construction Certificate the applicant must submit, for verification by the Certifying Authority, a full dilapidation report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavations. This zone is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.

This report is to be prepared by a consulting structural/geotechnical engineer agreed to by both the applicant and the owner of any affected adjoining property. The report shall have regard to protecting the Applicant from possible spurious claims for structural damage and must be verified by all stakeholders as far as practicable.

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

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

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

(Reason: Proper management of records)

Dilapidation Survey Private Property (Neighbouring Buildings)

- C9. A photographic survey of adjoining properties No's. 294 and 262-284 Pacific Highway, 99 Shirley Road and 75 & 77 Sinclair Street, detailing the physical condition of those properties, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items, **SHALL BE** submitted to Council and the Certifying Authority (where Council does not issue the Construction Certificate) prior to the issue of any Construction Certificate. This survey is to be prepared by an appropriately qualified person agreed to by both the applicant and the owner of the adjoining property.

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

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

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

(Reason: Proper management of records)

Shoring for Adjoining Property

- C10. Where any shoring for excavation is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings certified as being adequate for their intended purpose by an appropriately qualified and practising structural engineer, showing all details, including the extent of encroachment and the method of removal and de-stressing of shoring elements, shall be submitted to the Certifying Authority for approval with the Construction Certificate. A copy of this documentation must be provided to the Council for record purposes.

(Reason: To ensure the protection of existing public infrastructure and adjoining properties)

Structural Adequacy of Existing Building

- C11. A Certificate prepared by an appropriately qualified and practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction shall be submitted to the Certifying Authority prior to issue of the Construction Certificate. The certificate shall also include all details of the methodology to be employed in construction phases to achieve the above requirements.

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

Geotechnical Report

- C12. Prior to issue of the Construction Certificate the applicant shall have a Geotechnical/Civil Engineering report prepared which addresses (but is not limited to) the following:-
- a) The type and extent of substrata formations by the provision of a minimum of four (4) representative bore hole logs which are to provide a full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs shall be related to Australian Height Datum;
 - b) The appropriate means of excavation/shoring in light of point (a) above and proximity to adjacent property and structures. Potential vibration caused by method of excavation and potential settlements affecting nearby footings/foundations shall be discussed and ameliorated;
 - c) The proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property, structures and road reserve if nearby (full support to be provided within the subject site);
 - d) The existing groundwater levels in relation to the basement structure, where influenced;

- e) The drawdown effects on adjacent properties (including road reserve), if any, the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater. Where it is considered there is the potential for the development to create a “dam” for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flowpath is constructed, artificial drains such as perimeter drains and through drainage may be utilised; and
- f) Recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program (as required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

The geotechnical report must be prepared by a consulting geotechnical/hydrogeological engineer with previous experience in such investigations and reporting. It is the responsibility of the engaged geotechnical specialist to undertake the appropriate investigations, reporting and specialist recommendations to ensure a reasonable level of protection to adjacent property and structures both during and after construction. The report shall contain site-specific geotechnical recommendations and shall specify the necessary hold/inspection points by relevant professionals as appropriate. The design principles for the geotechnical report are as follows:

- a) No ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure;
- b) No changes to the ground water level are to occur as a result of the development that are sufficient enough to cause an adverse impact to the surrounding property and infrastructure;
- c) No changes to the ground water level are to occur during the construction of the development that are sufficient enough to cause an adverse impact to the surrounding property and infrastructure;
- d) Vibration is to be minimised or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development;
- e) Appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these Design Principles; and

- f) An adverse impact can be assumed to be crack damage as identified within the relevant Australian Standard for determining such damage.

The report, satisfying the requirements of this condition, must be provided as part of the supporting documentation lodged with the Certifying Authority for approval of the Construction Certificate application. The professional recommendations of the report shall be implemented in full during the relevant stages of excavation and construction.

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

Use of Rock Anchors

- C13. Council will not permit the use of permanent rock anchors to support excavated faces below ground level. Where temporary rock anchors are proposed during excavation, an application must be made to Council for temporary anchors pursuant to section 138 of *The Roads Act 1993*. The use of rock anchors in Council property must not occur until such an application is approved in writing. Council will require specific engineering plans of temporary rock anchor proposals, prepared by a structural/geotechnical engineer. These plans shall show the exact cut face elevational and plan location of anchors and shall show the exact location and depth of services (drainage, water, cable and the like) in relation to the anchors. A damage bond will be applied on any approval. Where temporary rock anchors are part of the design plans, the Certifying Authority must not issue a Construction Certificate involving any excavation until the formal written approval is obtained from Council, pursuant to the Roads Act 1993.

Sediment Control

- C14. Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, erosion and sediment control techniques, as a minimum, are to be in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom, 2004) commonly referred to as the “Blue Book” or a suitable and effective alternative method. The sediment Control Plan shall incorporate and disclose:
- a) All details of drainage to protect and drain the site during the construction processes;
 - b) All sediment control devices, barriers and the like;
 - c) Sedimentation tanks, ponds or the like;
 - d) Covering materials and methods; and
 - e) A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.

The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition. All works must be undertaken in accordance with the approved Sediment Control plan.

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

External Colours and Finishes

- C15. The external colours and finishes shall match those as existing and/ or be compatible with surrounding development. The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure that the completed colours and finishes of the works are compatible with surrounding development)

Reflectivity Index of Glazing

- C16. The reflectivity index (expressed as a percentum of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20%. The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

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

Roofing Materials - Reflectivity

- C17. Roofing materials shall be factory pre-finished with low glare and reflectivity properties to be compatible with the colours of neighbouring buildings. The selected roofing material must not cause a glare nuisance or excessive reflectivity to adjoining or nearby properties. The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

No External Service Ducts

- C18. Service ducts shall be provided within the building to keep external walls free of plumbing, drainage or any other utility installations. The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure quality built form of the development)

Work Zone

- C19. If a Works Zone is proposed, an application must be made to the North Sydney Local Traffic Committee to install the 'Work Zone'. Works Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Works Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site. If the Works Zone is approved by the Committee, the Applicant must obtain a written copy of the related resolution from the North Sydney Local Traffic Committee and submit a copy of this to the Certifying Authority to enable issue of the Construction Certificate.

Where approval of the 'Work Zone' is resolved by the Committee, the necessary 'Work Zone' signage shall be installed (at the cost of the Applicant) and the adopted fee paid prior to commencement of any works on the site. Further, at the expiration of the Works Zone approval, the Applicant is required to remove the Works Zone signs and reinstate any previous signs, all at the Applicant's cost.

(Reason: Amenity and convenience during construction)

Applicant responsible for all Services in, on or over site

- C20. Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon service infrastructure not previously identified on the site (including but not limited to stormwater pipes, phone lines, water mains, sewer, gas, electricity and the like). It is the Applicants full responsibility to ensure the approved development does not create undue impacts on the same, and to ascertain the impacts of the proposal upon such services. Where required, the adjustment or inclusion of any new service infrastructure must be carried out by the applicant and in accordance with the requirements of the relevant authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities.

(Reason: The Applicant is responsible for ensuring the development is compatible with the services on the land)

Bond for Damage and Completion of Infrastructure Works

C21. Prior to the issue of a Construction Certificate, the applicant must lodge a \$120,000 public infrastructure damage and security bond with Council. This bond is applied pursuant to Clause 80A of the EP&A Act to cover the cost of:

- Making good any damage that may be caused to any public infrastructure as a consequence of doing or not doing anything to which this approval relates,
- Completing any public infrastructure works that are required in connection with this consent.

The bond shall be lodged in the form of a deposit or bank guarantee and will be refundable following completion of all works relating to the proposed development (recognised by issue of a final Occupation Certificate) and at the end of any maintenance period stipulated by consent conditions, upon approval by Council's Engineers. Further, Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in the following circumstances:

- a) Where the damage constitutes a hazard in which case Council may make use of the bond immediately, and
- b) The applicant has not repaired nor commenced repairing damage within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works.
- c) Works in the public road associated with the development are to an unacceptable quality.

The Certifying Authority must ensure that bond is lodged with North Sydney Council prior to issue of any Construction Certificate.

(Reason: To ensure security is in place to maintain quality of public infrastructure)

Signage Relocation – Costs borne by Applicant

C22. All costs associated with relocating parking meters and parking signs including all sign changes, parking bay line markings must be paid in full to North Sydney Council prior to acceptance by Council of any changes.

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

Obtain Driveway Crossing Permit from Council

C23. Prior to issue of any Construction Certificate, North Sydney Council must issue the applicant with a driveway crossing and road infrastructure works **permit** to suit the approved off-street parking and loading facilities. In order to obtain the permit, an application must be made to Council on a '*Vehicular Access Application*' form with payment of the adopted assessment/inspection fees. Council will require civil design construction drawings and certification from the applicant's Civil Engineer to verify design details and enable permit issue. The permit application should be accompanied the engineering plans required for all infrastructure works surrounding the development site, as outlined in the 'Required infrastructure works' condition. The civil design drawings with respect to the driveway crossing and layback shall detail the following requirements of Council:

- a) The vehicular access ways shall comply with AS 2890.1 and Council's current Vehicular Access Application Guidelines and Specification to ensure that a B85 vehicle will not scrape/strike the surface of the carriageway, layback, vehicular crossing or parking floor.
- b) The entry and exit vehicular access ways shall each be a maximum of 3.5 metres wide (including wings).
- c) The vehicular access ways shall be designed square to the kerb.
- d) The redundant layback crossing must be reinstated as kerb gutter and footpath.
- e) All inspection openings, utility services shall be adjusted to match the proposed driveway levels.
- f) The gutter levels and road shoulder will require lifting/adjustment to prevent scraping of vehicles and to ensure smooth transitions. The gutter shall be raised to ensure the cross fall grade of the road shoulder does not exceed 5.5% for a distance of 1.5m falling to the gutter lip.
- g) The crossing in the footpath area shall be set between 2-3% falling towards the road gutter.
- h) Sections along centre-line and extremities are required at a scale of 1:50 to be taken from the centre-line of the roadway through to the basement/loading entries and shall include all changes of grade and levels both existing and proposed. The sections shall show the calculated clearance to the underside of the overhead structures.
- i) Sections along the gutter line and property boundary line at a scale of 1:50 showing existing and proposed levels.

All driveway and infrastructure works on the road reserve must proceed in accordance with the terms of the permit issued by Council. Inspections by Council will be required as specified. The Certifying Authority issuing the Construction Certificate must ensure that the permit issued by Council is obtained and referenced on and accompanies the Construction Certificate issued.

(Reason: To facilitate appropriate vehicular access to private sites, without disruption to pedestrian and vehicular traffic)

Boundary Alignment Levels

- C24. The property boundary levels on the Pacific Highway shall match the existing levels and the property boundary levels on Sinclair Street shall generally be set 2-3% above the new top of kerb levels.

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

Required Infrastructure Works

- C25. Prior to issue of any Construction Certificate, the applicant must have engineering design plans and specifications prepared by a qualified civil design engineer, and submitted to Council for approval with the '*Vehicular Access Application*'. The plans and specifications must be to a detail suitable for construction issue purposes and must provide technical engineering detail and specification for the following road reserve infrastructure works that must be completed as part of the development consent:

Drainage Works

Connection of the building site stormwater system (subsoil and roof drainage) must be made directly to a newly constructed grated gully pit (with lintel), to front the site on Sinclair Street. To accommodate this requirement, the following drainage infrastructure works must be carried out on Council property at the Applicant's expense:

- Construction of two standard grated gully pits with extended kerb inlet (1.8m lintel) in the kerb, one of the pits fronting the subject site on Sinclair Street, and the pit on the other side of Sinclair Street. The pits must be constructed in accordance with Councils "Infrastructure Specification for Roadworks, Drainage and Miscellaneous Works".
- Construction of a new in-ground drainage line across the roadway and then under kerb and gutter at standard depth. The line must connect the new gully pits to the existing Council pit located in front of 38-40 Sinclair Street. The pipes within the road reserve are to be reinforced concrete class 2 with a minimum 375mm diameter and have bedding in accordance with Australian Standard AS 3725 – (Loads on buried concrete pipes). The developer shall be responsible for carrying out any service investigations to allow a gravity connection. Approval is required from Council if tree removal is required.

Road Works

Sinclair Street

- Construction of a new concrete footpath, grass verge, concrete kerb gutter and road shoulder for the entire site frontage.

- The gutter levels and road shoulder will require lifting/adjustment to prevent scraping of vehicles and to ensure smooth transitions. The gutter shall be raised to ensure the cross fall grade of the road shoulder does not exceed 5.5% for a distance of 1.5m falling to the gutter lip.
- The new road shoulder shall be constructed over the entire site frontage for a width of 1.5m.
- Transitioning works to the kerb gutter and road shoulder will be required to both sides of the property frontage to ensure smooth transitions in the road reserve.
- Redundant layback to be constructed in kerb and gutter.
- The new footpath must have 2-3% cross fall from site boundary falling to top of new kerb. The footpath is to be transitioned one panel on both sides of the property.
- Re-instate parking signage, at applicant cost.

Pacific Highway

- The redundant stormwater pipeline/s are to be removed, and the kerb is to be repaired to Council's satisfaction.
- Construction of a fully new footpath over entire site frontage. Footpath shall match the existing levels.
- Footpath to be constructed using C & M Brick "Civic North Sydney" concrete pavers in the stretcher bond laying pattern over a concrete base. Refer to North Sydney Council's Drawing No. S401, S408 & S409.
- All service pits must be constructed with infill pavers.

Sections along the gutter lines, property boundary lines and building lines at a scale of 1:50 showing existing and proposed levels.

Cross sections at a scale of 1:50 along the centre-line of each ground level access point to the site must be provided. All the entry points are to comply with the Building Code of Australia (BCA), particularly disability requirements. The Council approved footpath levels must be accommodated at the building entry points.

As levels set by Council may impact on ground floor levels within the site, the Certifying Authority must not issue any Construction Certificate referencing building works at or above ground floor level without the formal approved plans and written approval of Council (as Roads Authority) under the Roads Act 1993.

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

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

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

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

Stormwater Management and Control Plan Required

C26. Prior to issue of any Construction Certificate for building works, the applicant shall have a site drainage management and control plan prepared by a qualified drainage design engineer. The site drainage management plan shall generally be in accordance to Stormwater Drainage Concept Plan, Drawing No. 25609-1, dated September 2009, prepared by T.J. Taylor Consultants Pty Ltd must detail the following requirements of North Sydney Council:

- a) Show all drainage components in compliance with BCA drainage requirements, Councils Development Control Plan and current Australian Standards and guidelines,
- b) Stormwater runoff and subsoil drainage generated by the approved development must be conveyed in a controlled manner by gravity directly into a new gully pit on Sinclair Street. The connection point shall ensure no backflow to the site.
- c) On the Pacific Highway frontage, only one stormwater outlet pipe is permitted, to convey the roofwater runoff from the awning over Council land. The new pipeline within council land shall be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 millimetres and a section height of 100 millimetres;
- d) Prevent any stormwater egress into adjacent properties by creating physical barriers and surface drainage interception.
- e) Provide subsoil drainage to all necessary areas with pump out facilities as required.

The Certifying Authority issuing the Construction Certificate must ensure that the approved drainage plan and specifications, satisfying the requirements of this condition, is referenced on and accompanies the Construction Certificate.

(Reason: To ensure controlled stormwater management and disposal without nuisance)

Bicycle Storage and Parking

- C27. The bicycle storage area shall accommodate a minimum of **nine (9)** bicycles, and **two (2)** visitor parking bicycle rails shall be provided. Such bicycle storage lockers and bicycle rail shall be designed in accordance with the applicable Australian Standards. A total of **twelve (12)** motorcycle spaces shall be provided within the basement car park. The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

Cycle Shower Facilities (Commercial and Mixed Use)

- C28. Shower facilities shall be provided and made accessible without charge to cyclists who work in the building. The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

Parking for People with Disabilities

- C29. A minimum of **three (3)** car-parking spaces for use by persons with a disability shall be provided as part of the total car-parking requirements. Consideration must be given to the means of access from the car-parking spaces to adjacent buildings, to other areas within the building and to footpath and roads and shall be clearly shown on the plans submitted to the Certifying Authority for approval with the Construction Certificate. All details shall be prepared in consideration of, and construction completed in accordance with applicable Australian Standards to achieve compliance with the Disability Discrimination Act.

(Reason: To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with Federal legislation)

Garbage and Recycling Facilities

- C30. An appropriate area shall be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. The following requirements shall be met:
- a) All internal walls of the storage area shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;
 - b) Include provision for the separation and storage in appropriate categories of material suitable for recycling;

- c) The storage area shall be adequately screened from the street, with the entrance to the enclosures no more than 2m from the street boundary of the property and shall be capable of being locked when not required for access;
- d) If a storage facility is to be provided at another suitable location within the building, a complementary garbage bin holding bay shall be provided no more than 2m from the street boundary of the property;
- e) Garbage enclosures serving non-residential uses are not to be located within areas designated for dining purposes.
- f) Toxic and hazardous waste storage and disposal shall be provided for in accordance with relevant legislation.

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

Note: The applicant may wish to discuss bin storage requirements and location with Council prior to finalisation of the required detail, and obtain a copy of Council's Waste Handling Guide for reference purposes.

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

Asbestos & Hazardous Material Survey

- C31. A survey of the existing building fabric shall be undertaken identifying the presence or otherwise of asbestos contamination. Any works subsequently required to address asbestos contamination shall be undertaken in strict accordance with the requirements of the WorkCover Authority in relation to the removal, handling and disposal of material containing asbestos and Work Safe Australia.

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

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

Location of Plant

- C32. All plant and equipment within the new building on Sinclair Street (including but not limited to air conditioning equipment) is to be located within the basement or other areas of the building and is not to be located on the roof. The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: Minimise impact on surrounding properties, improved visual appearance and amenity for locality)

Noise from Plant

- C33. A certificate from an Acoustic Engineer, who is a member or eligible to be a member of the Association of Australian Acoustical Consultants, must be submitted to the Certifying Authority certifying that the plant and air-conditioner condenser units will not exceed more than 5dB(A) above the background level during the day and evening and not exceeding the background level at night (10.00pm to 6.00 am) when measured at the boundary of the property, and will comply with the Environment Protection Authority Industrial Noise Policy.

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

(Reason: To comply with best practice standards for residential acoustic amenity)

Mechanical Exhaust Ventilation

- C34. A statement from an appropriately qualified and practising Mechanical Engineer is required detailing how the exhaust ventilation system will be installed in accordance with the applicable Australian Standard. The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

Access for People with Disabilities

- C35. The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia. The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

Note: If, in complying with this condition, amendments to the development are required, the design changes must be submitted for the approval of Council prior to a Construction Certificate being issued.

(Reason: To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards)

Underground Electricity and Other Services

C36. All overhead electricity and other lines (existing and proposed) shall be undergrounded from the proposed building on the site to the appropriate power pole(s) or other connection point, in accordance with the requirements of Energy Australia. The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

Section 94 Contributions

C37. A contribution pursuant to the provisions of Section 94 of the Environmental Planning and Assessment Act 1979, as specified under the North Sydney Section 94 Contribution Plan for the services detailed in column A and, for the amount detailed in column B shall be made to Council.

A	B (\$)
Administration	6,444.31
Child Care Facilities	27,285.08
Community Centres	15,711.15
Library Acquisition	3,203.75
Library Premises & Equipment	9,739.77
Multi Purpose Indoor Sports Facility	3,682.70
Open Space Acquisition	11,746.30
Open Space Increased Capacity	23,283.40
Olympic Pool	12,010.37
Public Domain Improvements	24,906.36
The total contribution is	<u>\$ 138,013.19</u>

The contribution SHALL BE paid prior to determination of the Construction Certificate.

The above amount, if not paid within one calendar year of the date of this consent, shall be adjusted for inflation by reference to the Consumer Price (All Ordinaries) Index applicable at the time of the payment of the contribution.

A copy of the North Sydney Section 94 Contribution Plan can be viewed at North Sydney Council's Customer Service Centre, 200 Miller Street, North Sydney or downloaded via Council's website at www.northsydney.nsw.gov.au

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

Security Bond Schedule

C38. All fees and security bonds in accordance with the schedule below must be paid or in place prior to the issue of the required Construction Certificate:

Security Bonds	Amount (\$)
Infrastructure Damage Bond	120,000.00
TOTAL BONDS	\$120,000.00
Fees	
Section 94 contribution	138,013.19
TOTAL FEES	\$138,013.19

(Reason: Compliance with the development consent)

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Bonds

C39. Council will accept a bank guarantee for the purpose of any security bond imposed by these conditions of consent. Such bank guarantee shall be in a form acceptable to the Council and shall be in place prior to the issuing of the Construction Certificate and shall remain in place until the submission of the certificate required prior to the occupancy of the completed works.

(Reason: Information, Protection of infrastructure and the environment)

D. Prior To Any Commencement

Public Liability Insurance – Works on Public Land

D1. Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$10 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for North Sydney Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

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

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

E. During Demolition and Building Work

Parking Restrictions

- E1. Existing public parking provisions in the vicinity of the site must be maintained at all times during works. The placement of any barriers, traffic cones, obstructions or other device in the road shoulder or kerbside lane is prohibited without the prior written consent of Council. Changes to existing public parking facilities/restrictions are only to be approved via the North Sydney Local Traffic Committee. The Applicant will be held responsible for any breaches of this condition, and will incur any fines associated with enforcement by Council regulatory officers.

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

Road Reserve Safety

- E2. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials and plant must not be stored in the road reserve without approval. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site.

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

(Reason: Public Safety)

Temporary Disposal of Stormwater Runoff

- E3. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to reasonably manage and control runoff as far as the approved point of stormwater discharge. Such ongoing measures shall be to the satisfaction of the Principal Certifying Authority.

(Reason: Stormwater control during construction)

Geotechnical Stability during Works

- E4. A contractor with specialist excavation experience must undertake the excavations, shoring and underpinning for the development and suitably qualified and consulting geotechnical/structural engineers must oversee the excavation, shoring and underpinning procedure at the appropriate hold points. Geotechnical aspects of the development work, namely:

- Appropriate excavation method and vibration control;
- Support and retention of excavated faces/foundations; and
- Hydrogeological considerations.

The works must be undertaken in accordance with the recommendations of the Geotechnical Report and the subsequent professional inspections necessary during the excavations, shoring and underpinning phases.

Approval must be obtained from all affected property owners, including North Sydney Council, where anchors are proposed below adjacent private or public property.

The overriding principles for the geotechnical aspects of the work are as follows:

- No ground settlement or movement is to be induced that is sufficient enough to cause an adverse impact to the existing or adjoining property and/or infrastructure;
- Vibration is to be minimised or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs as a result of the excavations of the development; and
- Appropriate support and retention systems are to be implemented and suitable designs prepared to allow the proposed development to safely proceed without damage to adjacent properties or the existing building.

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

Council Inspection of Public Infrastructure Works

E5. During the works on public infrastructure reverting to Council's care and control, Council's Development Engineer must undertake inspections of the works at the following hold points:

1. After placement of formwork, prior to pouring of concrete;
2. Prior to covering of drainage connections to the in-ground Council system;
and
3. At completion of works.

Further, all works shall proceed and be inspected in accordance with Roads Act approvals issued by Council. A minimum of 48 hours notice must be given to Council to book an inspection. Work must not proceed until the works or activity covered by the inspection is approved.

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

Services

E6. The adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicant's full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of the development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.

(Reason: Proper management of utility services)

Progress Survey

E7. In order to ensure compliance with approved plans, a Survey Certificate, prepared to Australian Height Datum, shall be prepared by a Registered Surveyor showing the following: -

- a) at the completion of excavation, prior to the placement of any footings, showing the completed level of the excavation and its relationship to the boundaries;
- b) prior to placement of concrete at the ground floor level, showing the level of the form work and its relationship to boundaries including relevant footpath and roadway levels;
- c) prior to placement of concrete at each fifth floor level showing the principal level of the formwork and the intended relationship of the completed works to the boundary;

- d) prior to roofing, or completion of the highest point of the building showing the anticipated level of the completed work and its relationship to the boundary; and
- e) at completion, works showing the relationship of the building to the boundary and showing the maximum height of the overall works and the height of the principal roof elements.

Progress certifications in response to points (a) through to (e) shall be provided to the Principal Certifying Authority at the time of carrying out relevant progress inspections. Under no circumstances will work be allowed to proceed should such survey information be unavailable or reveals discrepancies between the approved plans and the proposed works.

(Reason: To ensure compliance with approved plans)

Removal of Extra Fabric

- E8. Should any portion of the existing building, trees, or curtilage of the site which is indicated on the approved plans to be retained be damaged for whatever reason, all the works in the area of the damaged portion are to cease and written notification given to Council. No work is to resume until the written approval of Council is obtained. Failure to comply with the provisions of this condition will result in the Council taking further action including legal proceedings if necessary.

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

Dust Emission and Air Quality

- E9. Materials must not be burnt on the site.

Vehicles entering and leaving the site with soil or fill material must be covered.

Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the NSW Department of Housing's 1998 guidelines - Managing Urban Stormwater: Soils and Construction. Odour suppression measures must also be carried out where appropriate so as to prevent nuisance occurring at adjoining properties.

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

Noise and Vibration

- E10. Noise and vibration from works is to be undertaken in accordance with industry best practice, to ensure excessive levels of vibration do not occur to minimise adverse effects experienced on any adjoining land.

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

Applicant's Cost of Work on Council Property

- E11. The applicant shall bear the cost of all works associated with the development that occurs on Council's property, including the restoration of damaged areas.

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

Special Permits

- E12. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely on the property. The applicant, owner or builder must apply for specific permits available from Council's Customer Service Centre for the undermentioned activities on Council's property pursuant to S138 of the Roads Act. A minimum of forty-eight (48) hours notice is required for any permit: -

1) On-street mobile plant

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

(Reason: Proper management of public land)

2) Hoardings

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

(Reason: Proper management of public land)

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

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

(Reason: Proper management of public land)

4) Kerbside restrictions, construction zones

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

(Reason: Proper management of public land)

Construction Hours

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

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

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

The builder and excavator shall display, on-site, their twenty-four (24) hour contact telephone number, which is to be clearly visible and legible from any public place adjoining the site.

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

Installation and Maintenance of Sediment Control

- E14. Techniques used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with the publication Managing Urban Stormwater: Soils & Construction (4th edition, Landcom, 2004), commonly referred to as the “Blue Book”. All techniques shall remain in proper operation until all development activities have been completed and the site fully stabilised.

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

Site Amenities and Facilities

- E15. The provision and maintenance of amenities, at a site where work involved in the erection and demolition of a building is being carried out, must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements. The type of work place determines the type of amenities required.

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

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

Health and Safety

- E16. The work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements to prepare a health and safety plan. Site fencing must be installed sufficient to exclude the public from the site. Safety signs must be erected that; warn the public to keep out of the site, and provide a contact telephone number for enquiries.

Further information and details regarding occupational health and safety requirements for construction sites can be obtained from the internet at www.workcover.nsw.gov.au

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

Community Information

- E17. Reasonable measures must be undertaken at all times by the proponent to keep nearby residents informed about the proposed work, such as by way of signs, leaflets, public meetings and telephone contact numbers, to ensure that adjoining residents are aware of the likely duration of the construction works on the site

(Reason: To ensure that residents are kept informed of activities that may affect their amenity)

Waste Disposal

- E18. All records demonstrating the lawful disposal of waste will be retained and kept readily accessible for inspection by regulatory authorities such as North Sydney Council, the Department of Environment and Climate Change or WorkCover NSW.

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

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

Building Code of Australia

- F1. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

(Reason: Prescribed - Statutory)

Appointment of a Principal Certifying Authority (PCA)

- F2. Building work, demolition or excavation in accordance with the development consent must not be commenced until the person having the benefit of the development consent has appointed a PCA for the building work in accordance with the provisions of the EP&A Act and its Regulations.

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

Construction Certificate

- F3. Building work, demolition or excavation in accordance with the development consent must not be commenced until a Construction Certificate for the relevant part of the building work has been issued in accordance with the provisions of the EP&A Act and its Regulations.

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

Occupation Certificate

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

(Reason: Statutory)

Mandatory Critical Stage Inspections

- F5. Building work must be inspected by the PCA on the mandatory critical stage occasions prescribed by the EP&A Act and its Regulations, and as directed by the appointed PCA.

(Reason: Statutory)

Commencement of Works

- F6. Building work, demolition or excavation in accordance with a development consent must not be commenced until the person having the benefit of the development consent has given at least 2 days notice to North Sydney Council of the persons intention to commence the erection of the building.

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

Excavation/Demolition

- F7. 1) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

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

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

Protection of Public Places

- F8.
- 1) If the work involved in the erection or demolition of a building:-
 - a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
 - b) building involves the enclosure of a public place,a hoarding and site fencing must be erected between the work site and the public place.
 - 2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
 - 3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
 - 4) Any such hoarding, fence or awning is to be removed when the work has been completed.
 - 5) No access across public reserves or parks is permitted.

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

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

Site Sign

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

(Reason: Prescribed - Statutory)

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

Certification and Works as executed - Drainage Works

- G1. Prior to issue of any Occupation Certificate the Applicant shall obtain a certification from a qualified and experienced engineer that the site drainage system is installed and operating as designed in the plans and specifications referenced by the Construction Certificate. In addition, a registered surveyor must provide a works-as executed drawing showing the as built levels at all pit inlet and outlet inverts, as well as the drainage works on Council's road reserve.

(Reason: Ensure proper construction with respect to drainage)

CCTV Report of Pipe After Work

- G2. Prior to issue of the Occupation Certificate, a closed circuit television (CCTV) inspection and report on the Council drainage pipeline traversing the subject property is to be undertaken by appropriate contractors and provided to Council, attention Development Engineer. The report is to include a copy of the footage of the inside of the pipeline. Any damage that has occurred to the section of the pipeline since the commencement of construction on the site must be repaired in full to the satisfaction of Council's Development Engineer at no cost to Council.

(Reason: Compliance with the Consent)

Certification of geotechnical excavation, shoring and underpinning works

- G3. An appropriately qualified and practicing Geotechnical Engineer, in conjunction with the designing structural engineer, shall provide certification to the Principal Certifying Authority that the geotechnical excavation, shoring and underpinning process was conducted with the necessary geotechnical and structural input at the appropriate hold points, and in accordance with the submitted geotechnical report. The applicant shall, upon completion of the development works, submit the copy of the aforementioned letter of certification to enable issue of the final Occupation Certificate by the PCA.

(Reason: Compliance with the Consent)

Certification of Civil works in Road Reserve

- G4. An appropriately qualified and practicing Civil Engineer shall provide certification to Council and to the Principal Certifying Authority that the vehicular access structure and associated works, and road works were constructed in accordance with this consent and are structurally sound. The applicant shall, upon completion of the development works and prior to the issue of a final Occupation Certificate, submit the copy of the aforementioned letter of certification.

(Reason: Compliance with the Consent)

Infrastructure Repair and Completion of Works

- G5. Prior to issue of any Occupation Certificate all required works in the road reserve must be completed in full and any damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) must be fully repaired to the satisfaction of Council Engineers at no cost to Council.

(Reason: Maintain quality of Public assets)

Noise from Plant

- G6. Prior to issue of the final Occupation Certificate, a certificate from an Acoustic Engineer is to be submitted to the Certifying Authority certifying that the plant and air-conditioner condenser units has been installed so as not to exceed more than 5dB(A) above the background level during the day and evening and not exceeding the background level at night (10.00pm to 6.00 am) when measured at the boundary of the property, and will comply with the Environment Protection Authority Industrial Noise Policy.

(Reason: To ensure acoustic amenity)

Certification for Mechanical Exhaust Ventilation

- G7. Certification, from an appropriately qualified and practising Mechanical Engineer, is to be submitted to the Principal Certifying Authority, detailing that the exhaust ventilation system has been installed in accordance with the applicable Australian Standard, prior to completion and the issue of any Occupation Certificate.

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

Damage to Adjoining Properties

- G8. All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.

On completion of the works and prior to the issue of a final Occupation Certificate, a certificate is to be prepared to the effect that no damage has resulted to adjoining premises, and is to be provided to Council and the Principal Certifying Authority.

Alternatively, if damage is identified which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person/s as soon as possible and prior to the issue of a final Occupation Certificate.

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

Utility Services

- G9. All utility services shall be adjusted, to the correct levels and/or location/s required by this consent, prior to issue of a final occupation certificate. This shall be at no cost to Council.

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

Regulated Systems- Air Handling

- G10. To ensure that adequate provision is made for ventilation of the building all mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provisions of:

- 1) The Building Code of Australia;
- 2) The applicable Australian Standards;
- 3) The Public Health Act;
- 4) Public Health (Microbial Control) Regulation;
- 5) Work Cover Authority; and

The regulated system must be registered with Council prior to commissioning the system and prior to issue of the final Occupation Certificate.

(Reason: To ensure public health is maintained; Statutory)

Basement Pump-Out Maintenance

- G11. Prior to issue of the final Occupation Certificate a maintenance regime shall be prepared for the basement stormwater pump-out system and submitted to Principal Certifying Authority to be included with the Occupation Certificate documentation. The regime shall specify that the system is to be regularly inspected and checked by qualified practitioners.

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

Notification of New Address Developments

- G12. Prior to any Occupation Certificate being issued for the building works, the person acting upon this consent must comply with the following: -

- a) Notify Australia Post of the address(es) as issued by Council and the location in plan form of any secondary, internal addresses, in relation to built public roads. To find your nearest Australia Post Delivery Facility contact 13 13 18.

(Reason: To ensure that Council records are accurate, and that house numbering complies with the requirements of Council's House Numbering Policy. Proper house numbering also assists emergency services in readily locating properties)

Asbestos Clearance Certificate

- G13. Prior to issuing any Occupation Certificate for building works where asbestos based products have been removed or altered, an asbestos clearance certificate signed by an appropriately qualified person (being an Occupational Hygienist or Environmental Consultant) must be submitted to the Principal Certifying Authority (and a copy forwarded to Council) for the building work which certifies the following: -

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

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

Note: Further details of licensed asbestos waste disposal facilities can be obtained from www.dec.nsw.gov.au

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

Vehicle Egress Signs

G14. Prior to the issue of an Occupation Certificate, appropriate sign(s) shall be provided and maintained within the site at the point(s) of vehicular egress to ensure all vehicles stop before proceeding onto the public way.

(Reason: To ensure pedestrian safety)

Height

G15. The maximum RL of the proposed development shall be RL 116 to the top of the acoustic screen for the roof top plant. The maximum RL for the building shall be RL 107.8 to the roof parapet on the Sinclair Street site and RL 114.8 to the roof parapet on the Pacific Highway site. The Certifying Authority must ensure, prior to the issue of the final Occupation Certificate required on the completion of works, that evidence is submitted by the Applicant, demonstrating compliance with this condition.

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

H. Prior to Final Completion

Allocation of Spaces

H1. **One hundred and eighteen (118)** carparking spaces shall be provided and maintained at all times on the subject site.

Such spaces are to be identified on-site by line-marking and numbering upon the completion of the works and prior to issue of Occupation Certificate. Carparking provided shall only be used in conjunction with the uses contained within the development.

(Reason: To ensure that adequate parking facilities to service the development are provided on site)

I. On-Going / Operational Conditions

Separate Occupation

- I1. The specific retail use of the ground floor tenancies fronting the Pacific Highway shall be the subject of further development approval for such use or occupation.

(Reason: To ensure development consent is obtained prior to that use commencing)

Hours of Operation

- I2. The medical centre and associated uses may be open for business only between the following hours: -

Monday to Friday: 7.00am to 7.00pm
Saturday: 7.00am to 3.00pm

(Reason: Information to ensure that amenity of the surrounding locality is maintained and hours of operation are consistent with those in surrounding locality)

Trade Waste

- I3. Trade waste water shall be disposed of in accordance with the permit requirements of Sydney Water Corporation Ltd, Wastewater Source Control Branch.

(Reason: To ensure compliance with Sydney Water's requirements and protect the environment)

Impact on Amenity of Surrounding Area – Non-Residential Areas

- I4. The implementation and intensity of this development shall not adversely affect the amenity of the neighbourhood by reason of excessive levels of illumination (internal or external) arising from the building materials utilised in any construction processes or fitout.

(Reason: To ensure that the amenity of the surrounding locality is not adversely affected by the nature of the approved activity)

Noise from Plant

- I5. The noise from plant shall not cause a sound level in excess of 5 dB(A) at any time above the background noise level at any point along the site boundaries.

(Reason: To ensure compliance with acceptable levels of noise established under best practice guidelines)

Parking Station

- I6. The off-street car parking area shall not be used as a Public Car Parking Station.

(Reason: Consistency with of the terms of this consent)

Loading within Site

- I7. All loading and unloading operations shall be carried out wholly within the confines of the site, at all times.

(Reason: To ensure that deliveries can occur safely within the site and does not adversely affect traffic or pedestrian amenity)

Waste Collection

- I8. Waste and recyclable material, generated by this premises, must not be collected between the hours of 10pm and 6am on any day.

(Reason: To ensure the acoustic amenity of surrounding properties)

Hazardous Waste Storage and Disposal

- I9. Hazardous waste storage and disposal shall be in accordance with relevant legislation.

(Reason: To ensure amenity and safety of surrounding properties)

Delivery Hours

- I10. No deliveries, loading or unloading associated with the premises are to take place between the hours of 10pm and 6am on any day.

(Reason: To ensure the acoustic amenity of surrounding properties)

APPENDIX 4

**NORTH SYDNEY COUNCIL RESPONSE TO
APPLICANT'S REQUEST TO AMEND CONDITIONS OF CONSENT
DATED: 23 SEPTEMBER 2010**

**286 PACIFIC HIGHWAY, CROWS NEST
(2009SYE-013 DA 356/09)**

Condition	Comment
Condition AA1	Council agrees to the deletion of this condition and acknowledges that a Phase 1 Contamination Assessment was submitted during the assessment of the application.
Condition C2	<p>The intent of this condition was that details of the tiles be provided at Construction Certificate stage and works be completed prior to the issuing of an Occupation Certificate.</p> <p>Council's Conservation Planner has agreed to the following amended condition based on the HIS submitted by the applicant during the assessment period:</p> <p><i>Pacific Highway First Floor Level Facade</i></p> <p><i>The existing or original Terracotta tiles to the front façade shall be restored to the satisfaction of a suitably qualified heritage architect or heritage consultant. Details illustrating compliance with this condition shall be submitted to the Certifying Authority prior to issue of a Construction Certificate and all façade restoration works shall be undertaken prior to the issue of an Occupation Certificate.</i></p> <p><i>(Reason: To ensure the conservation of the heritage item)</i></p>
Condition C3	<p>No objection is raised to the revised wording proposed by the applicant. It is recommended that the condition be revised to read as follows:</p> <p><i>Pacific Highway Street Level Façade</i></p> <p><i>The proposed tiles and marble/granite cladding to the Pacific Highway street level façade of the building shall be selected with advice, with final approval provided to the Certifying Authority from a heritage architect before installation. Details illustrating</i></p>

	<p><i>compliance with this condition shall be submitted to the Certifying Authority prior to issue of a Construction Certificate.</i></p> <p><i>(Reason: To be sympathetic to the heritage item's primary façade)</i></p>
Condition C4	<p>Council agrees to the following modification:</p> <p><i>Exterior Colour Scheme on the Pacific Highway Façade</i></p> <p><i>The exterior heritage colour scheme to the Pacific Highway façade shall be selected with advice, with final approval given from a heritage architect/consultant. Details illustrating compliance with this condition shall be submitted to the Certifying Authority prior to issue of a Construction Certificate.</i></p> <p><i>(Reason: To retain the significance of the item and integrate the new additions)</i></p>
Condition C12	<p>Council agrees to the modification of Condition C12(a) to reduce the number of bore holes to three (3).</p>
Condition C21	<p>Council does not agree to the modification or reduction in the amount of infrastructure bond.</p> <p>The cost of completing the infrastructure works required under this development consent are calculated under Councils Annual Schedule of rates (09/10):</p> <ul style="list-style-type: none"> • New in-ground drainage line in Council's road reserve with standard pits: \$60,000; • New footpath, driveways, kerb gutter and road shoulder along the full property frontage of Sinclair Street: \$30,000; • New footpath pavers, repairs to kerb gutter along the full property frontage of Pacific Highway: \$20,000; and • Potential damage to the road paving on Sinclair Street: \$10,000.
Condition C23 (b)	<p>Council's Development Engineer has advised that the vehicular crossing at the property boundary can be 4.25m wide. However the crossing layback is not to exceed 3.5m (including wings). Extending each crossing layback to 4.25m, will result in the loss of an additional parking space between the two crossings. The minimum space required between the two crossings is 11.0m to permit for two on street parking spaces.</p> <p>Council agrees to the modification of part (b) of the condition as follows:</p>

	<i>The entry and exit vehicular access laybacks shall each be a maximum of 3.5 metres wide (including wings). The crossings at the property boundary shall be 4.25 metres wide. The minimum space required between the two crossings is 11.0m to permit for two on street parking spaces.</i>
Condition C27	The minimum motorcycle parking has been calculated pursuant to the requirements of Section 9 of NSDCP 2002 at 1 space/10 car spaces. The maximum number of car parking spaces was reduced at the agreement of Council's Traffic Engineer, and the motorcycle requirement reflects this reduced parking requirement. Council does not agree to the further reduction in motorcycle parking on the site.
Condition C32	<p>There is no objection to allowing solar panels and associated equipment on the Sinclair Street rooftop. The condition is recommended for modification as follows:</p> <p><i>Location of Plant</i></p> <p><i>All plant and equipment within the new building on Sinclair Street (excluding solar panels and associated solar based equipment) is to be located within the basement or other areas of the building and is not to be located on the roof. The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.</i></p> <p><i>(Reason: Minimise impact on surrounding properties, improved visual appearance and amenity for locality)</i></p>
Condition C37	<p>The S94 contribution has been calculated based on 3,347sqm of additional floor space proposed on the site (GFA as provided by the applicant on 2/9/2010).</p> <p>The calculations are based on the 2010/2111 fees and charges and the NSC S94 Contribution Plan, which includes medical centres as commercial floor space that a levy may be charged. The imposition of a contribution is consistent with that levied on the nearby Mater Clinic.</p> <p>Council does not agree to the removal or variation of this condition.</p>

APPENDIX 3



TO: Planning NSW / North Sydney Council
ATTN: Carol Periera-Crouch/ Nicola Reeve
FROM: Denis Leech
DATE: 21.09.10
PROJECT: DA 356/09 286 Pacific Highway, Crows Nest

Our comments, in response to the draft conditions of consent, for your consideration.

AA1- Deferred commencement should be deleted.

Contamination report received by Council in October 2009 in soft and hard copies.

C2- Request of wording change to; Restore the terracotta facade to the satisfaction of the heritage architect.

This was the intent of the heritage architect not just prescriptive repair of tiles etc.

Please omit the condition that these works should be carried out before the release of the Construction Certificate.

This work will be in conjunction with windows and flashing as part of the overall construction program involving scaffolding etc. It is not reasonable for this work to be carried out before C.C. for the project is issued.

C3- Request of wording change to; the proposed tiles and marble/granite cladding shall be selected with advice and then approval from the heritage architect before installation.

Comments on this final decision being within the building program, not before the CC is issued.

C4- As with C3, we request the wording of the condition be changed to;

The proposed colours shall be selected with advice and then approval from the heritage consultant.

C12- We request this condition be amended from four bore holes to three.

As this report has already been carried out, and the consultant geotechnical engineer called for an carried out 3 more test, which allowed for him to give detailed advice, the arbitrary nomination of 4 bore holes is not necessary. Refer to the full geotech advice again, in light of above comments references " before CC issue" is irrelevant.

C21- We request that Council give a detailed breakdown of the \$120,000 as the project by building design and Council's own conditions should not greatly impact on Council's infrastructure.

C23 (b)- We request the maximum driveway width be changed from 3.5metres to 4.25 metres wide, as recommended by the consultant traffic engineer Hyder.

The DA submission included a traffic engineering report calling for 4.25m wide access driveways based on turning templates of the 8.5metre rigid body trucks using the loading zone. Council's condition, it is assumed, is addressing loss of street side parking, but in reality, when taking into account existing street trees, the reduction of the driveway width will not achieve any additional car spaces on Sinclair Street.

C27- We request that the condition be amended from providing a minimum of 12 motorbikes to 6.

Traffic consultant advice has resulted in the existing layout of 6 motorbikes, which is appropriate for the type of building and the particular profile of the occupants and visitors.

C32- This condition should exclude solar based equipment and water heating.

C37- We a proposing to make a formal objection to all components of the contribution.

**MINUTES OF THE SYDNEY EAST REGIONAL PANEL MEETING
HELD AT NORTH SYDNEY CITY COUNCIL ON
WEDNESDAY, 4 AUGUST 2010 AT 4.30 PM**

PRESENT:

John Roseth	Chair
David Furlong	Member
Mary-Lynne Taylor	Member
Michel Reymond	Member
Veronique Marchandean	Member

IN ATTENDANCE

Nicola Reeve	Council Assessment Officer
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APOLOGY:

The meeting commenced at 4:33 pm

1. Declarations of Interest - None**2. Business Items**

ITEM 1 - 2009SYE013 North Sydney DA No. 356/09 – Day Procedure & Diagnostic Centre, 286-288 Pacific Highway, Crows Nest

3. Public Submission

Lance Doyle	Addressed the Panel.
Ross Flemming	Addressed the Panel

4. Resolution of Panel

2009SYE013 North Sydney DA No. 356/09 – Day Procedure & Diagnostic Centre, 286-288 Pacific Highway, Crows Nest

1. The Panel has considered the planning assessment report's recommendation to refuse the application mainly because of non-compliance with FSR and height controls.
2. The Panel has reached a unanimous decision that it would approve the application if the third floor of the Sinclair Street section were deleted; the second floor set back from the Sinclair Street face of the first floor by 5.5m, and the car park were proportionately reduced to the consequent reduction in floor space.

3. If the applicant wishes to avail itself of the opportunity to submit amended drawings along the above lines, it should do so within 28 days of this resolution.
4. The Panel requests the Council's planning staff to prepare suitable conditions of consent.
5. Subject to satisfactory amended drawings, the Panel would grant consent by communication by electronic means, unless events indicate that a further public meeting is necessary.
6. If the applicant fails to submit amended drawings within 28 days, the Panel will refuse the application by communication by electronic means.
7. The above amendments will not increase sunlight to No 77 Sinclair Street; however the Panel considers that the impact on that property is acceptable.

5. Business Items

ITEM - 2010SYE025 North Sydney DA No. 153/10 – Demolition and erection of mixed use development; 545-553 Pacific Highway, St Leonards

6. Public Submission -

Laura Tilsed	Addressed the Panel against the item
Paul Mitchell	Addressed the Panel against the item
Michael Storman	Addressed the panel against the item
Peter Mayoh	Addressed the Panel in favour of the item
Harvey Sanders	Addressed the Panel in favour of the item

7. Resolution of Panel

2010SYE025 North Sydney DA No. 153/10 – Demolition and erection of mixed use development; 545-553 Pacific Highway, St Leonards

1. The Panel has considered the council planner's assessment report, which recommends refusal mainly on the grounds that the building exceeds the height control by 4 floors.
2. The Panel has reached a unanimous decision that it would approve the application, subject to the without prejudice conditions suggested by the council report, if the top two floors were deleted and a consequent reduction in car parking were made.
3. The Panel would accept a building that is two storeys higher than the height control because of the building's design that leaves open much of the northern side of the site above the current proposed built form.
4. The Panel rejects a 4 storey exceedence not because it is proposed by a SEPP 1 Objection, but because of the impact on sunlight and views of such a building.
5. If the applicant wishes to avail itself of the opportunity to submit amended drawings, it should do so within 28 days of this resolution.

6. Subject to satisfactory amended drawings the Panel would grant consent by communication by electronic means, unless events indicate that a further public meeting is necessary.
7. If the applicant fails to submit amended drawings within 28 days, the Panel will refuse the application by communication by electronic means.
8. The Panel requests the council's planning staff to suggest the best way to ensure that the northern parts of the site above the current proposed built form remains unbuilt on and to include this in the conditions.

MOTION CARRIED

The meeting concluded at 6:32 pm

Endorsed by



John Roseth
Chair, Sydney East Region Planning Panel
Date 18/08/10

