

RECORD OF DECISION SYDNEY EAST JOINT REGIONAL PLANNING PANEL

MEMBERS:

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

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

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 without prejudice conditions suggested by the council report, if the top two floors were deleted and a consequent reduction in car parking were made.

Amended plans were lodged with Council on 24 August 2010; these plans have deleted the upper two floors of the tower and reduced the car parking respectively. Draft conditions of consent formulated by Council in response to the amended plans lodged and in accordance with the resolution of the Panel at its meeting on 4 August 2010.

The Applicant has confirmed agreement to the draft conditions of consent via email dated 17 September 2010.

The Panel Secretariat circulated the draft conditions (Appendix 1) dated 6 September 2010 and original minutes of panel meeting 4 August 2010 (Appendix 2) approving the proposal to panel members and requested confirmation of panel member's decision.

Michel Reymond suggested a new condition requiring the undergrounding of electricity wires, be considered by Council

Based on the request by the Panel members, the following amended condition was provided for consideration by Council on the 28 September 2010

Underground Electricity and Other Services

- C34. All electricity and services provision to the site is to be designed in conjunction with Energy Australia so that all overhead lines (existing and proposed) around the perimeter of the site are to be placed underground and all redundant power poles are to be removed. All lines servicing the proposed building shall be placed underground. 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 overland lines below ground)

Thee applicant was informed of the Panel member's request and the above condition was forwarded to the applicant comment. The Applicant has confirmed agreement on behalf of his clients to accept the condition C34 as stated above.

Resolved

That development application DA No 153/10 - 2010SYE025 North Sydney– Demolition and erection of mixed use development; 545-553 Pacific Highway, St Leonards, is approved, subject to conditions in Appendix 1 and the additional condition C34 to read.

- C34. All electricity and services provision to the site is to be designed in conjunction with Energy Australia so that all overhead lines (existing and proposed) around the perimeter of the site are to be placed underground and all redundant power poles are to be removed. All lines servicing the proposed building shall be placed underground. 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 overland lines below ground)

Endorsed by



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

APPENDIX 1

NORTH SYDNEY COUNCIL CONDITIONS OF DEVELOPMENT APPROVAL 545-553 PACIFIC HIGHWAY, ST LEONARDS DEVELOPMENT APPLICATION NO. 153/10

PART A – DEFERRED COMMENCEMENT CONDITIONS

THAT this consent shall not operate until the applicant satisfies the Council that the following deferred commencement condition in this part has 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 condition, 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 A102E, A103E, A104E, A105E, A106E, A107E, A108E, A109E, A110E, A111E, dated 20 April 2010, drawn by P.D. Mayoh Architects and received by Council on 23 April 2010 and A100F, A101F, A112F, A150F, A151F, A152F, A153F, A160F, A161F, A162F, A200A and A500A, dated 20 August 2010, drawn by P.D. Mayoh Architects, and received by Council on 24 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)

Approved Landscaping Plan

- A2. Landscaping works on the site are to be undertaken generally in accordance with the landscaping plan numbered 1521-LP-01, 1521-LP-02, 1521-LP-03 and 1521-LP-04, dated 22 November 2008, drawn by John Lock & Associates for P.D. Mayoh Architects, and received by Council on 23 April 2010, except that the landscape plans are to be amended in the following respects:

- i) all existing street trees to the Oxley Street and Pacific Highway frontages shall be removed and replaced by four (4) new Plane trees evenly spaced on the footpath of the Pacific Highway frontage and two (2) new Plane trees on the Oxley Street frontage of the site; such new Plane trees to be *Platanus acerifolia* (AKA *Platanus hybrida* X) of 150 litre pot size; and
- ii) the five (5) trees to be planted adjacent to the Clarke Lane frontage of the site shall be Watergum (*Tristaniaopsis laurina*) or Blueberry Ash (*Eleocarpus reticulatus*) of 100 litre pot size.

(Reason: To ensure appropriate landscaped area and landscaping amenity for the development)

Separate Applications for Non Residential Uses

- A3. No consent is given or implied to any non-residential uses within the building, and these uses shall be the subject of separate future development applications.

(Reason: To ensure sufficient details on the proposed use are provided to allow a detailed assessment on its impacts on the amenity of surrounding properties)

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

Construction Management Program – Local Traffic Committee Approval

- B1. A Construction Management Program shall be submitted and approved in writing by North Sydney Traffic Committee **PRIOR TO THE ISSUE OF ANY** Construction Certificate. Any use of Council property shall require appropriate approvals prior to such work commencing. The program shall specifically incorporate or address the following matters:
- a) A plan view (min 1:100 scale) of the entire site and frontage 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 the relevant Australian Standards, 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; and
 - 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) To prevent queued vehicles on the footpath, driveway and/or public roadway, the intercom for the visitor parking access and/or security access point for residents is to be installed at least 6m into the property from the boundary line.
- g) 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 engineer and shall not involve any permanent or temporary encroachment onto Council's property.
- h) Proposed protection for Council and adjoining properties. Details are to include site fencing and the provision of "B" class hoardings over footpaths and laneways.
- i) A Waste Management Plan. The plans should include, but not be limited to, the estimated volume of waste and method of disposal for the construction and operation phases of the development, design of on-site waste storage and recycling area and administrative arrangements for waste and recycling management during the construction process.

All traffic control work and excavation, demolition or construction activities shall be undertaken in accordance with the approved Construction Management Program 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

Required Infrastructure Works – Roads Act 1993

- C1. Prior to issue of the Construction Certificate the applicant must have engineering design plans and specifications prepared by a qualified civil design engineer. The plans and specifications must be to a detail suitable for construction issue purposes and must provide detail and specification for the following infrastructure works to be completed as part of the development.

Prior to the issue of the 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 facilities. 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 civil design drawings shall detail **the following infrastructure construction requirements of Council in relation to the consent:**

Road Works at Pacific Highway frontage

- a) The redundant layback crossings on Pacific Highway must be reinstated as upright kerb gutter and footpath in pavers.
- b) Construction of a fully new replacement paver footpath is required across the entire site frontage in Pacific Highway. The footpath pavement shall be placed on a single straight grade of 3.0% falling to the top of kerb. The footpath pavement shall be full width constructed of concrete pavers, in accordance with Council's standard drawings Nos. S401, S403, S404 and S405, placed adjacent to the front boundary of the property. In general, the pavers selected should match any pavers already laid in the same city block. A longitudinal section is required along the footpath property boundary at a scale of 1:50 extending 5m past the property boundary line. The footpath shall be designed (at a single straight grade of 3% falling to top of kerb) so that it is uniform without showing signs of dipping or rising particularly at entrances.
- c) A certified copy of the design details of the redundant driveway reconstruction as replacement kerb and gutter to the Pacific Highway shall also be submitted to the NSW Roads & Traffic Authority (RTA) for consideration and approval; details of RTA requirements may be obtained from the RTA Project Services Manager, Traffic Projects Section, Parramatta (ph: 02 8849 2496).
- d) Construction of a fully new road shoulder (maximum grade 5% down towards new gutter) extending to 600mm out from the gutter alignment and across the entire development site frontage.

- e) Reconstruction of pram ramp in concrete at the corner of Pacific Highway and Oxley Street.
- f) Construction of a fully new integral kerb and gutter is required across the entire site frontage in Pacific Highway. A longitudinal section is required along the gutter line (existing and proposed levels), at a scale of 1:50 extending 5m past the property boundary line.
- g) Cross sections at a scale of 1:50 along the centre-line of each access point to the building must be provided and are to show the calculated clearance to the underside of any overhead structure. All the entry points are to comply with the Building Code of Australia (BCA), particularly disability requirements. The Council approved footpath levels must be accommodated at the building entry points.
- h) All inspection openings, utility services shall be adjusted to match the proposed driveway levels and location.

Road Works in Oxley Street

- i) Construction of a fully new replacement paver footpath is required across the entire site frontage in Oxley Street. The footpath pavement shall be placed on a single straight grade of 3.0% falling to the top of kerb. The footpath pavement shall be full width constructed of concrete pavers, in accordance with Council's standard drawings Nos. S401, S403, S404 and S405, placed adjacent to the front boundary of the property. In general, the pavers selected should match any pavers already laid in the same city block. A longitudinal section is required along the footpath property boundary at a scale of 1:50 extending 5m past the property boundary line. The footpath shall be designed (at a single straight grade of 3% falling to top of kerb) so that it is uniform without showing signs of dipping or rising particularly at entrances.
- j) Reconstruction of pram ramp in concrete at the corner of Oxley Street and Clarke Lane.
- k) Construction of a fully new integral kerb and gutter is required across the entire site frontage in Oxley Street. A longitudinal section is required along the gutter line (existing and proposed levels), at a scale of 1:50 extending 5m past the property boundary line.
- l) Cross sections at a scale of 1:50 along the centre-line of each access point to the building must be provided and are to show the calculated clearance to the underside of any overhead structure. All the entry points are to comply with the Building Code of Australia (BCA), particularly disability requirements. The Council approved footpath levels must be accommodated at the building entry points.

- m) Construction of a fully new road shoulder (maximum grade 5% down towards new gutter) extending to 600mm out from the gutter alignment and across the entire development site frontage.
- n) All inspection openings, utility services shall be adjusted to match the proposed driveway levels and location.

Road Works in Clarke Lane

- o) A true setback from the property boundary of minimum 1.5m is required in Clarke Lane. Setback offset of 1.5m must be at least from 1.5m below and 3m above footpath level and at the footpath level shall be constructed as a footpath in pavers.
- p) Construction of a fully new replacement paver footpath is required across the entire site frontage in Clarke Lane, except where proposed driveway crossings are. The footpath pavement shall be placed on a single straight grade of 3.0% falling to the top of kerb. The footpath pavement shall be full width constructed of concrete pavers, in accordance with Council's standard drawings Nos. S401, S403, S404 and S405, placed adjacent to the front boundary of the property. In general, the pavers selected should match any pavers already laid in the same city block. A longitudinal section is required along the footpath property boundary at a scale of 1:50 extending 5m past the property boundary line. The footpath shall be designed (at a single straight grade of 3% falling to top of kerb) so that it is uniform without showing signs of dipping or rising particularly at entrances.
- q) Full width reinforced concrete road surface reconstruction (200mm thickness), for entire property frontage, including existing dish crossing on the intersection of Clarke Lane and Oxley Street.
- r) Construction of a fully new kerb and gutter is required across the entire site frontage in Clarke Lane. A longitudinal section is required along the gutter line (existing and proposed levels), at a scale of 1:50 extending 5m past the property boundary line.
- s) The redundant layback crossings on Clarke Lane must be reinstated as upright kerb gutter and paver footpath.
- t) The proposed vehicular access ways must be constructed in concrete and shall comply with AS 2890.1 and Council's current Vehicular Access Application Guidelines and Specification (gutter bridges not permitted) to ensure that a B85 vehicle will not scrape/strike the surface of the carriageway, layback, vehicular crossing or parking floor.
- u) The width of the vehicular laybacks shall be 6.1m and 8.5m (including the wings).

- v) The vehicular laybacks shall be set square to the kerb.
- w) The crossing (between the layback and the property boundary) shall be placed perpendicularly on a single straight grade of approximately 4.5%, falling to the back of the layback.
 - a) The design detail must include sections along centre-line and extremities of both crossings at a scale of 1:25. Sections are to be taken from the centre of the roadway through to the parking area itself and shall include all changes of grade and levels, **both** existing and proposed.
 - b) A longitudinal section along the footpath property boundary at a scale of 1:50 is required, extending 5m past the property boundary line, indicating how it is intended to blend with surrounding footpath levels.
- x) The property boundary levels shall be set no more than 170mm above the existing gutter levels.
- y) The gutter levels and road shoulder levels on Clarke Lane shall stay unchanged.
- z) Any twisting of driveway access to ensure vehicles do not scrape shall occur entirely within the subject property.
- aa) All inspection openings, utility services shall be adjusted to match the proposed driveway levels and location.

Private Certifying Authorities must not issue a Construction Certificate without the formal written approval of Council (as the Roads Authority) under the Roads Act 1993, and the formal written approval of the RTA in relation to works involving the Pacific Highway frontage.

The required plans and specifications are to be designed in accordance with North Sydney Council's current documents Infrastructure Specification for Road Works, Drainage and Miscellaneous Works and Performance Guide for Engineering Design and Construction.

The drawings must detail existing utility services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. 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 and RTA Roads Act 1993 approvals.**

A minimum of 21 days will be required for Council to assess Roads Act submissions. Early submission is recommended to avoid any delays in obtaining a Construction Certificate. A fee to cover cost of assessment (set out in Council's adopted fees and charges) is payable and Council will withhold any consent and approved plans until full payment of the correct fees.

Plans and specifications must be marked to the attention of Council's Development Engineers. In addition, a copy of this condition must be provided, together with a covering letter stating the full address of the property and the accompanying DA number.

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

Geotechnical Report

C2. 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 borehole 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 borehole 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 impact of excavation/rock anchors on the structural stability of the Pacific Highway and detailing how the carriageway would be monitored for settlement, and any other issues identified by the RTA (applicant to contact Geotechnical Engineer Stanley Yuen ph: 02 8837 0246 or Graham Yip ph: 02 8837 0245 for details of RTA requirements, and applicant to meet full cost of RTA assessment);
- e) The existing groundwater levels in relation to the basement structure, where influenced;

- f) 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
- g) 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, including RTA sign-off of details relating to excavation adjacent to the Pacific Highway, 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, and satisfy requirements of the RTA in relation to works adjacent to the Pacific Highway)

Stormwater Management and Disposal Design Plan – Construction Issue Detail

- C3. Prior to issue of the Construction Certificate, the applicant shall have a site drainage management plan prepared by a qualified drainage design engineer. The site drainage management plan must detail the following requirements of North Sydney Council:
- a) Compliance with BCA drainage requirements, Council's Engineering Performance guide and current Australian Standards and guidelines, such as AS/NZ3500.3.2 1998, National Plumbing and Drainage Code.
 - b) Stormwater runoff and subsoil drainage generated by the approved dwellings must be conveyed in a controlled manner by gravity via a direct connection to Council's stormwater gully pit at the corner of Clarke Lane and Oxley Street. When a direct connection to the pit option is implemented then the pipeline within the footpath area shall have a minimum cover of 300mm.
 - c) The stormwater drainage system shall be designed for an average recurrence interval (A.R.I.) of 1 in 20 years.
 - d) All redundant stormwater pipelines within the footpath area shall be removed and the footpath and kerb reinstated.
 - e) All sub-soil seepage drainage shall be discharged via a suitable silt arrester pit, directly to Council's nearest stormwater drainage line being Council's stormwater gully pit at the corner of Clarke Lane and Oxley Street. Details of all plans certified as being adequate for their intended purpose and compliant with the provisions of AS3500.3.2 by an appropriately qualified and practising civil engineer, shall be submitted with the application for a Construction Certificate.
 - f) The design and installation of the Rainwater Tanks shall comply with Basix and **Sydney Water** requirements. Overflow from tank shall be connected by gravity to the stormwater disposal system.
 - g) Provide subsoil drainage to all necessary areas with pump out facilities as required.

- h) The pump system shall consist of two pumps, connected in parallel, with each pump being capable of emptying the holding tank at a rate equal to the rate of inflow for the one-hour duration storm. The holding tank shall be capable of holding one hour's runoff from a one-hour duration storm of the 1 in 20 year storm.
- i) The pump system shall be regularly maintained and serviced, every six (6) months.
- j) The creation of a Positive Covenant (under the provision of the Conveyancing Act) on the property title to ensure the maintenance of the pump-out facilities on the property being developed. Prior to occupation, details are to be submitted to Council for approval before registration with the Land Titles Office.

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)

Section 94 Contributions

- C4. 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	6,177.43
Child Care Facilities	11,939.24
Community Centres	27,006.24
Library Acquisition	5,058.15
Library Premises & Equipment	15,635.06
Multi Purpose Indoor Sports Facility	4,347.64
Open Space Acquisition	163,165.09
Open Space Increased Capacity	323,420.95
Olympic Pool	14,162.46
Public Domain Improvements	168,187.65
Traffic Improvements	17,577.51
The total contribution is	<u>\$756,677.42</u>

The contribution SHALL BE paid prior to determination of the application for 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)

Tree Bond for Public Trees

- C5. A Security Bond of \$12,000 for replacement of the trees on the public footpaths adjacent to the Pacific Highway and Oxley Street frontages of the site shall be deposited with Council prior to the issue of a Construction Certificate.

If the street trees are not replaced in accordance with the relevant condition of this consent, Council shall deduct from this Bond the reasonable cost of providing and installing the replacement tree or trees and maintaining same during the establishment period.

(Reason: To ensure the replacement of public infrastructure trees)

Security Bond Schedule

- C6. 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 (\$)
Street Tree Replacement Bond (on Council Property)	\$12,000.00
Footpath, Drainage and Engineering Construction Bond	\$156,150.00
TOTAL BONDS	\$168,150.00
FEES	
Section 94 contributions	\$756,677.42
TOTAL FEES	\$756,677.42

(Reason: Compliance with the development consent)

Bonds

- C7. 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)

Sydney Water

- C8. 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)

Dilapidation Report Damage to Public Infrastructure

- C9. 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 Survey Private Property (Neighbouring Buildings)

- C10. A photographic survey of adjoining properties Nos. 563-565 Pacific Highway 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)

Sydney Water Approvals

- C11. 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)

Shoring for Adjoining Property

- C12. 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 Adjoining Properties

- C13. A certificate prepared by an appropriately qualified and practising structural engineer, at no cost to the Council, detailing the structural adequacy of adjoining properties Nos. 563-565 Pacific Highway, and certifying their ability to withstand the proposed excavation and any measures required to be incorporated into the work to ensure that no damage will occur to adjoining properties during the course of the works, shall be submitted to the Certifying Authority for approval with the Construction Certificate.

(Reason: To ensure the protection and structural integrity of adjoining properties in close proximity during excavation works)

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)

Waste Management Plan

C15. A Waste Management Plan is to be submitted with the Construction Certificate. The plan should include, but not be limited to:-

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

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

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)

Maintain Property Boundary Alignment Levels

- C20. Unless otherwise approved by Council, the property boundary alignment levels must match existing. 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 interface between property and public land remains uniform)

Parking Meter Relocation

- C21. All costs associated with relocating the metered parking including all sign changes, parking bay line markings shall be paid in full to North Sydney Council prior to issue of any Construction Certificate.

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

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

Bicycle Storage and Motorcycle Parking

- C22. The bicycle storage area shall accommodate a minimum of 22 bicycles, and 5 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 7 motorcycle spaces shall be provided within the basement car park, with each bay being a minimum of 1.2m x 3m.

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

- C23. A total of 6 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)

Pump-Out System Design for Stormwater Disposal

- C24. The design of the pump-out system for stormwater disposal will be permitted for drainage of basement areas only, and must be designed in accordance with the following criteria:-

- a) The pump system shall consist of two pumps, connected in parallel, with each pump being capable of emptying the holding tank at the rate equal to the rate of inflow for the one-hour duration storm. The holding tank shall be capable of holding one hour's runoff from a one-hour duration storm of the 1 in 20 year storm;
- b) The pump system shall be regularly maintained and serviced, every six (6) months; and
- c) Any drainage disposal to the street gutter from a pump system, must have a stilling sump provided at the property line, connected to the street gutter by a suitable gravity line.

Engineering details demonstrating compliance with these criteria, and certified by an appropriately qualified and practising civil engineer shall be provided to the Certifying Authority for approval with the Construction Certificate.

(Reason: To ensure adequate provision is made for the discharge of sub-surface stormwater from the excavated parts of the site)

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

C25. The applicant must lodge a Bond of \$156,150 with Council against any potential infrastructure damage or failure to complete to the relevant specification the construction of any infrastructure works required as part of this consent (See Schedule). The bond shall be lodged in the form of a deposit or bank guarantee and will be refundable following Occupation Certificate issue and at the end of any maintenance period stipulated by consent conditions, upon inspection and release 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;
- b) The applicant has not repaired or commenced repairing damage within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works;
- c) Works in the public road associated with the development are to an unacceptable quality; and
- d) The Certifying Authority must ensure that bond is lodged with North Sydney Council prior to issue of any Construction Certificate.

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

Footpath, Entries and Fire Exit Details

C26. The following details must be designed by an appropriately qualified and practising Civil Engineer and submitted to the Certifying Authority for approval with the application for Construction Certificate:-

- a) Cross section along the centre-line of each access point to the building including fire exits at a scale of 1:50 to be taken from the centre of the road and shall include all changes of grade both existing and proposed.

- b) The sections shall show all relevant levels and grades (both existing and proposed) including those levels stipulated as boundary levels.
- c) The sections shall show the calculated clearance to the underside of any overhead structure.
- d) A longitudinal section along the boundary line showing how it is intended to match the internal levels of the building with the boundary footpath levels. The footpath shall be designed (at a single straight grade of 3% falling to top of kerb) so that it is smooth without showing signs of dipping or rising particularly at entrances.
- e) A longitudinal section along the gutter and kerb line extending 5 metres past property lines showing transitions.

All details are to be certified as complying with the Building Code of Australia (BCA) and Council's standard footpath specifications. Written concurrence confirming there will be no change to existing boundary and footpath levels is to be provided to North Sydney Council, prior to issue of a Construction Certificate.

(Reason: To facilitate suitable pedestrian and disabled access to private sites, and to ensure that internal levels reflect footpath boundary levels)

Pruning

- C27. Any tree pruning necessary for construction shall be carried out under the supervision of an appropriately qualified Arborist. Details prepared by an appropriately qualified person, on measures to be employed during construction indicating the nature of the pruning and limit any adverse long term effects on the tree shall be submitted to the Certifying Authority for approval with the Construction Certificate, and shall be adhered to for the duration of the works on the site.

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

Garbage and Recycling Facilities

- C28. 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;

- 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 residential units are not to be located within areas designated for non-residential uses; and
- f) Garbage enclosures serving non-residential uses are not to be located within areas designated for dining purposes.

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

- C29. 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

- C30. All plant and equipment (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)

Mechanical Exhaust Ventilation

- C31. 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)

Acoustic Privacy for Residents

- C32. A certificate from an appropriately qualified Acoustic Engineer who is a member or eligible to be a member of the Association of Australian Acoustical Consultants, is to be submitted with the Construction Certificate certifying that noise levels within dwellings, with windows closed, will not exceed the following:

Location	Control
Recreation/work area	40dB(A)*
Sleeping areas	35dB(A)*

(*Readings are to be L_{Aeq} (1 hour), when measured during the noisiest 1 hour period between Day - 7am to 6pm; Evening – 6pm to 10pm and Night – 10pm to 7am).

All walls and floors separating units must have a weight sound reduction index (R_w) of not less than 55, and an impact isolation less than L_{DB} 55 above habitable areas.

Materials with low noise penetration properties are to be used and detailed, and the location of mechanical equipment such as lift plant, air conditioning plant and pumps immediately adjacent to bedrooms is not permitted.

(Reason: To comply with best practice standards for residential acoustic amenity, and minimise the impact of noise and vibration on residents of the development from the adjoining Pacific Highway corridor and surrounding activities, and meet the requirements of Clause 102 of SEPP [Infrastructure] 2007)

Access for People with Disabilities

- C33. 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

C34. 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)

Adaptable Housing

C35. Proposed unit numbers 2.5, 2.6, 2.7, 3.5, 3.6 and 3.11 are to be designed with accessible features for disabled persons, and to incorporate level entries and wider doorways and corridors, slip resistant surfaces, reachable power points, disabled toilet, and lever door handles and taps; such features to be designed generally in accordance with the relevant 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 equity of access and availability of accommodation in the future for an ageing population)

Pool Access

C36. Access to the pool shall be restricted by a child resistant barrier in accordance with the regulations prescribed in the Swimming Pools Act 1992, and the barrier is to conform to the requirements of 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 the safety of children and make applicant aware of the need to comply with applicable pool fencing legislation)

Swimming Pool Water to Sewer

C37. The swimming pool including overflow water shall be drained to the sewer. The consent of Sydney Water to dispose of wastewater shall be obtained. The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced on and accompanying the issued Construction Certificate, fully comply with any conditions imposed by Sydney Water.

(Reason: Water from a swimming pool is classified as wastewater and cannot be legally disposed of into the stormwater system)

Pool Filter

C38. The pool filtering equipment shall be encased by a soundproof cover and shall be located six (6) metres from any habitable room in a dwelling on a neighbouring property. 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 noise generated by equipment does not result in offensive noise)

BASIX Commitments

C39. Under clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled. 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.

In this condition:

- a) relevant BASIX Certificate means:
 - i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
 - ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
- b) BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.

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

Parking Accommodation and Garage Security Door

- C40. The design of the parking accommodation including ramps, aisle widths, turning paths, sight distances, headroom, parking bay dimensions and disabled spaces shall comply with the relevant requirements of *AS/NZS 2890.1-2004 Parking facilities – Off-street car parking*, and *AS 2890.2-2002 Parking facilities – Off-street commercial vehicle parking*, and *AS/NZS 2890.6-2009 Parking facilities – Off-street parking for people with disabilities*.

The security garage doors and security access point/reader at the lower ground level shall be located a minimum of 12m within the property boundary so as to enable two (2) cars to queue on site.

(Reason: To ensure the car parking accommodation is designed for efficient and safe operation)

Covenant to restrict Further Development on the Northern Portion of the Site

- C41. A Covenant pursuant to the provisions of Division 4 of the Conveyancing Act shall be placed on the title of the property stipulating that no further development shall occur above the common property located on the northern portion of the site at Level 4. This covenant shall stipulate no further development may occur above RL 105.06 on this portion of the site.

The abovementioned Instrument must be prepared and submitted to North Sydney Council for review prior to issue of a Construction Certificate.

The applicant must pay all costs associated with the review by Council of the instrument. This shall include costs for Council's engagement of Council's solicitors to review the Instrument. The applicant must obtain written confirmation from Council regarding the acceptance of the content of the Instrument.

North Sydney Council shall be nominated in the Instrument as the only party authorised to release, vary or modify the Instrument. North Sydney Council must execute the document prior to the submission to the Land & Property Information Office.

Evidence of the lodgement of the Instrument referred to in this condition is to be provided to Council with a copy of the final Occupation Certificate.

(Reason: To restrict further development of the site at this location and to ensure future owners are aware of this limitation)

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)

Notification of New Address Developments

- D2. Prior to the commencement of any building works, the Private Certifying Authority must ensure that the person acting upon this consent has complied with the following:

- Apply to North Sydney Council and receive written confirmation of the allocated street address (house number) and/ or unit numbers of the completed project. To assist Council, a plan for unit numbering should be submitted for concurrence. These details will be recorded in Council records and must be displayed at the property in accordance with the provisions of the applicable Australian Standard relating to rural and urban addressing.

(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)

E. During Demolition and Building Work

Service Adjustments

- E1. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the person acting on the consent 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: To ensure the service requirements are met)

Cigarette Butt Receptacle

- E2. A cigarette butt receptacle is to be provided on the site for the duration of excavation/demolition/construction process, for convenient use of site workers.

(Reason: To ensure adequate provision is made for builders' waste)

Re-use of Sandstone

- E3. Sandstone blocks (if any) removed from the site are to be either stored for re-use on site or offered to Council in the first instance.

Note: The provisions of the Heritage Act may also apply to altering any sandstone elements on any site)

(Reason: To allow for preservation of cultural resources within the North Sydney Council area)

Parking Restrictions

- E4. Existing public parking provisions in the vicinity of the site must be maintained at all times during works. The placement of any barriers, traffic cones, obstructions or other device in the road shoulder or kerbside lane is prohibited without the prior written consent of Council. Changes to existing public parking facilities/restrictions 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

- E5. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. 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

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

(Reason: Stormwater control during construction)

Structures Clear of Drainage Easements

- E7. It is the full responsibility of the Applicant and their contractors to:-
- a) Ascertain the exact location of the Council drainage infrastructure traversing the site in the vicinity of the works;
 - b) Take full measures to protect the in-ground Council drainage system; and
 - c) Ensure dedicated overland flow paths are satisfactorily maintained through the site.

Drainage pipes can be damaged through applying excessive loading (such as construction plant, material storage and the like). All proposed structures and construction activities are to be located clear of Council drainage pipes, drainage easements, watercourses and trunk overland flow paths on the site. Trunk or dedicated overland flow paths must not be impeded or diverted by fill or structures unless otherwise approved.

In the event of a Council drainage pipeline being uncovered during construction, all work is to cease and the Principal Certifying Authority and Council must be contacted immediately for advice. Any damage caused to a Council drainage system must be immediately repaired in full as directed, and at no cost to Council.

(Reason: Protection of Public Drainage Assets)

Progress Survey

- E8. 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)

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)

No Work on Public Open Space

- E11. The applicant shall not undertake any work within adjoining public lands (ie. Parks, Reserves, Roads etc) without the prior written consent of Council. In this regard the applicant is to liaise with Council prior to the commencement of any design works or preparation of a Construction and Traffic Management Plan.

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

Applicant's Cost of Work on Council Property

- E12. 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)

No Removal of Trees on Public Property

- E13. No trees on public property (footpaths, roads, reserves, etc.) unless specifically approved in this consent shall be removed or damaged during construction including for the erection of any fences, hoardings or other temporary works.

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

Special Permits

- E14. 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

E15. Building construction shall be restricted to within the hours of 7.00am to 5.00pm Monday to Friday and on Saturday to within the hours of 8.00am to 1.00pm inclusive, with no work on Sundays and Public Holidays.

Demolition and excavation works shall be restricted to within the hours of 8.00am to 5.00pm 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)

Out of Hours Work Permits

- E16. Where it is necessary for works to occur outside those hours allowed by these conditions, approval for such will be subject to issue of a permit on each occasion from Council's Customer Services Centre. Such occurrence shall be limited to two occasions per calendar month and shall only be approved if public safety or convenience is at risk. Any further variation shall require the lodgement and favourable determination of a modification application pursuant to Section 96 of the Environmental Planning and Assessment Act 1979.

Notes:

- 1) Failure to obtain a permit for work outside of the approved hours will result in on the spot fines being issued, or Council pursuing any action required (including legal proceedings) to have the out of hours work cease, without prior warning.
- 2) Further information on permits can be obtained from the Council website at www.northsydney.nsw.gov.au.
- 3) It is recommended that applications for permits be lodged as early as possible to allow sufficient time for determination by Council and avoid disruption or delay due to conflicting priorities.

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

Installation and Maintenance of Sediment Control

- E17. 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)

Sediment and Erosion Control Signage

- E18. A durable sign, which is available from Council, shall be erected during building works in a prominent location on site, warning of penalties should appropriate erosion and sedimentation control devices not be maintained.

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

Site Amenities and Facilities

- E19. 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

- E20. 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

- E21. 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)

Aboriginal Heritage

- E22. If in undertaking excavations or works, any Aboriginal site or relic is, or is thought to have been found, all works are to cease immediately and the applicant is to contact Aboriginal Heritage Officer for North Sydney Council, and the National Parks and Wildlife Service (NPWS). Any work to a site that is discovered to be the location of an Aboriginal relic, within the meaning of the National Parks and Wildlife Act, requires a permit from the Director of the NPWS.

(Reason: Aboriginal Heritage Protection)

Prohibition on Use of Pavements

- E23. Building materials shall not be placed on Council's footpaths, roadways, parks or grass verges, (unless a permit is obtained from Council beforehand) and a suitable sign to this effect shall be erected adjacent to the street alignment.

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

Plant & Equipment Kept Within Site

- E24. All plant and equipment used in the erection of the building, including concrete pumps, wagons, lifts, mobile cranes, hoardings etc, shall be situated within the boundaries of the site (unless a permit is obtained from Council beforehand) and so placed that all concrete slurry, water, debris and the like shall be discharged onto the building site, and is to be contained within the site boundaries.

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

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

Waste Disposal

- E25. 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)

Home Building Act

- F2. 1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority for the development to which the work relates has given North Sydney Council written notice of the following:
- a) in the case of work for which a principal contractor is required to be appointed:
 - i) the name and licence number of the principal contractor, and
 - ii) the name of the insurer by which the work is insured under Part 6 of that Act, or
 - b) in the case of work to be done by an owner-builder:
 - i) the name of the owner-builder, and
 - ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- 2) If arrangements for doing residential building work are changed while the work is in progress so that the information submitted to Council is out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

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

(Reason: Prescribed - Statutory)

Appointment of a Principal Certifying Authority (PCA)

- F3. 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

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

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

Occupation Certificate

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

(Reason: Statutory)

Mandatory Critical Stage Inspections

- F6. 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

- F7. 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 person's intention to commence the erection of the building.

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

Excavation/Demolition

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

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

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

Retaining Walls & Drainage

F9. If the soil conditions require it:

- 1) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
- 2) adequate provision must be made for drainage in accordance with the provisions of the applicable Australian Standard.

(Reason: To ensure appropriate measures are in place to address site conditions and provide appropriate site drainage)

Support for Neighbouring Buildings

- F10. 1) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:-
- a) must preserve and protect the building from damage;
 - b) if necessary, must underpin and support the adjoining building in an approved manner Subject to adjoining owner's consent); and
 - c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- 2) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- 3) In this clause, allotment of land includes a public road and any other public place.

(Reason: To ensure adjoining owner's property rights are protected and protect adjoining properties from potential damage)

Protection of Public Places

- F11. 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

- F12. 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

Infrastructure Repair and Completion of Works

- G1. 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: To maintain quality of Public assets)

Line Marking

- G2. 74 off-street car-parking spaces, together with access driveways, shall be constructed, paved, line marked and signposted in accordance with the approved development plans, appropriate Australian Standards and industry best practice as appropriate. The plans shall also nominate the allocation of parking spaces for specific purposes as required by conditions of this consent. A certificate prepared and certified by an appropriately qualified and practising Civil Engineer for the construction of these areas in accordance with this requirement shall be submitted to the Certifying Authority prior to issue of the final Occupation Certificate.

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

Access for People with Disabilities

- G3. Prior to issue of any Occupation Certificate, provision shall be made for access and facilities for persons with a disability in accordance with the Building Code of Australia.

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

Noise from Plant

- G4. 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 air conditioning, lift motors, pumps, and plant rooms have 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 – Civil Works

- G5. a) An appropriately qualified and practising Civil Engineer shall certify to the Principal Certifying Authority that the stormwater drainage system was constructed in accordance with this consent and the provisions of the applicable Australian Standard. The applicant shall, upon completion of the development works and prior to the issue of a final Occupation Certificate, submit to Council a copy of the aforementioned letter of certification.
- b) An appropriately qualified and practicing Civil Engineer shall certify to the Principal Certifying Authority that the vehicular crossing and associated works and road works were constructed in accordance with this consent. The applicant shall, upon completion of the development works and prior to the issue of a final Occupation Certificate, submit to Council a copy of the aforementioned letter of certification.

(Reason: Compliance with the Consent)

Pool Access

- G6. Access to the pool shall be restricted by a child resistant barrier in accordance with the regulations prescribed in the Swimming Pools Act 1992, and the requirements of the applicable Australian Standard. The pool shall not be filled with water or be allowed to collect stormwater until the installation of the child resistant barrier is completed. Certification from an appropriately qualified person confirming compliance with these requirements shall be provided prior to the issuing of any Occupation Certificate.

(Reason: To ensure that any person acting upon this consent is aware of their obligations under the provisions of the Swimming Pools Act)

Pool Safety Requirements

- G7. The owner of the pool shall display a notice showing:
- a) Appropriate instructions of artificial resuscitation methods.
- b) A warning stating ‘YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL’.

Note: This notice shall be kept in a legible condition and at the poolside.

Details demonstrating compliance are to be provided with any Occupation Certificate issued for the pool.

(Reason: To ensure an adequate level of safety for young pool users)

Certification for Mechanical Exhaust Ventilation

- G8. 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

- G9. 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

- G10. 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

- G11. 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; and
- 5) Work Cover Authority.

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)

Covenant & Restriction (Stormwater Control Systems)

G12. Prior to the issuing of a final Occupation Certificate the Applicant shall register (1) a positive covenant and (2) a restriction as to user, under section 88e and or section 88b of the conveyancing act as appropriate in favour of Council ensuring the ongoing retention, maintenance and operation of the stormwater facility (on-site detention, pump-out, charged lines). The wording on the 88B instrument is to make reference to the Council file which (a) the Construction plans & (b) the “Work-as-Executed”, (as built), plans are held. Typical wording can be sourced from Council’s “Specification for the Management of Stormwater”.

(Reason: Compliance and adequate maintenance of drainage system)

Basement Pump-Out Maintenance

G13. 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

G14. Prior to any Occupation Certificate being issued for the building works, the person acting upon this consent must comply with the following:-

- 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

G15. 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)

Certification of Tree Condition

G16. Prior to the issue of a final Occupation Certificate, a report prepared by an appropriately qualified person (being an arborist or the like) shall be submitted to the Principal Certifying Authority, detailing the health of the tree(s) specifically nominated below:-

- all replacement or new street trees required to be planted by the relevant condition of this consent.

The report shall detail the condition and health of the tree upon completion of the works, and shall certify that the tree has not been significantly damaged during the works on the site, and has reasonable prospects for survival.

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

Vehicle Egress Signs

G17. 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)

Disposal Information

G18. Upon completion of works and prior to occupation, the person entitled to act on this consent shall provide to Council's Open Space and Environmental Services Department a hard copy of the following information:

- (a) the total tonnage of all waste and excavated material disposed of from the site (including any tipping dockets); and
- (b) the disposal points and methods used.

(Reason: To ensure appropriate disposal methods are undertaken for auditing and inspection purposes)

Height

- G19. The maximum RL of the proposed development shall be RL 121.36 AHD at the roof parapet of the top level 9 and RL 122.36 to the top of the lift overrun. 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)

Easements adjacent to Clarke Lane

- G20. Prior to the issue of the final Occupation Certificate, the person acting on the consent shall create a public right-of-carriageway, public right-of-way and easements for services and drainage 3.0m wide and 2.0m deep along the Clarke Lane frontage of the site in Council's favour, by appropriate instrument under Part 6, Division 4 of the Conveyancing Act 1919. Such easements shall be at no cost to Council.

North Sydney Council shall be nominated in the instrument as the only party authorised to release, vary or modify the instrument, and North Sydney Council's official seal shall be affixed to these documents, prior to submission to the Land & Property Information Office. Evidence of the lodgement of the instrument referred to in this condition is to be provided to Council with a copy of the Occupation Certificate.

(Reason: To ensure appropriate easements for public access, drainage and services over the setback section of the development at the Clarke Lane frontage of the site)

H. Prior to Final Completion

Required Tree Planting

- H1. Trees in accordance with the schedule hereunder shall be planted in Council's nature strip/footpath prior to the issue of any Occupation Certificate required for the apartment building on completion of works:-

Schedule

Tree Species	Location	Pot Size
6 x <i>Platanus acerifolia</i> (AKA <i>Platanus hybrida</i> X)	* 2 trees to be planted within Oxley Street footpath adjacent to site. * 4 trees, evenly spaced, to be planted within Pacific Highway footpath adjacent to site.	* 150 L

These trees shall be subject to a 13-week maintenance/establishment period.

The installation of these trees, their current health and prospects for future healthy survival shall be certified by an appropriately qualified horticulturalist upon completion of the maintenance/establishment period.

(Reason: To ensure that replacement plantings are provided to enhance community landscaped amenity and cultural assets)

Allocation of Spaces

H2. 74 car parking spaces shall be provided and maintained at all times on the subject site. The spaces shall be allocated in the following proportions:

- 44 - Residential (including 4 disabled spaces);
- 28 - Non-residential spaces (including 2 disabled spaces);
- 2 - Courier spaces.

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 and in the case of Strata subdivision, shall be individually allocated to residential units. Under no circumstances shall Strata By-Laws be created to grant exclusive use of nominated Visitors Parking spaces to occupants/owners of units or tenancies within the building.

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

Bicycle and Motorcycle Parking

H3. A total of 22 bicycle lockers and 5 visitor parking rails shall be provided. A total of 7 motorcycle spaces shall be provided within the basement car park.

(Reason: To ensure that adequate parking and storage facilities are provided on site)

Loading Dock

H4. A “stop” sign and line shall be placed in the loading dock such that larger vehicles using the loading dock give way to vehicles entering and exiting the main driveway to the car park.

(Reason: To ensure the safe and convenient operation of the loading dock by all uses within the development)

I. Ongoing / Operational Conditions

Pool Filter

- I1. Pool equipment shall not operate between 10.00 pm and 7.00 am.

(Reason: To ensure noise generated by equipment does not result in offensive noise)

Pool Cover

- I2. A pool cover must be installed and available for use at all times when the pool is not in use.

(Reason: To minimise water usage)

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)

Noise Impact

- I4. The outdoor area associated with the use approved under this consent must not give rise to offensive noise within the meaning of the Protection of the Environment Operations Act 1997.

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

Parking Station

- I5. 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)

Space Enclosure

- I6. No parking spaces, or access thereto shall be constrained or enclosed by any form of structure such as fencing, or the like, without prior consent from Council.

(Reason: To ensure that minimum dimensions for parking spaces are not reduced or that vehicle manoeuvring is compliant with relevant standards)

Commercial Waste and Recycling Storage

- I7. Commercial waste and recycling material/storage bins must be stored in a separate area to the residential waste and recycling material/storage bins.

(Reason: To ensure that commercial waste and residential waste is not mixed and is properly managed)

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)

Delivery Hours

- I9. 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)

Rooftop Lighting

- I10. An 11.00 pm to dawn curfew on lighting of rooftop or podium level areas shall apply. All lighting shall be directed away from any adjacent dwelling.

(Reason: To ensure residential premises are not affected by inappropriate or excessive illumination)

No Parking in Aisles or Turn Paths

- I11. No vehicles shall be parked at any time within the aisles or turn paths of the basement parking area.

(Reason: To ensure the efficient and safe operation of the car park for the convenience of the occupants of the building using the car park)

Separate Occupation

- I12. The specific use or occupation of the motor showroom, restaurant, café and recreational facility within the development shall be the subject of further development approval prior to such use or occupation.

(Reason: To ensure development consent is obtained prior to that use commencing, and to enable proper assessment of potential impacts)

Loading Dock Use

- I13. All loading and unloading operations shall be carried out within the confines of the site, including use by vehicles delivering or removing furniture, etc, from residential premises within the development.

(Reason: To ensure loading and unloading associated with the development occurs safely within the site with minimal inconvenience to traffic and pedestrians in the area)

**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

