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ABN 32 353 260 317

SCANNED

RECEIVED  
11 AUG 2011

BY:.....

Panel Secretariat  
Joint Regional Planning Panel  
GPO Box 3415  
SYDNEY NSW 2001

D114/11  
GM (PDS)

Dear Sir/Madam

**DA No: 114/11 (JRPP Reference No. 2011SYE036)**

**Property: 16-20 Lodge Road, Cremorne**

**Proposal: Demolition of part of existing structures including three dwellings and construction of a new dwelling over 3 levels including basement garage with car lift, inclinator and landscaping**

Please find attached a copy of the Notice of Determination for the abovementioned development application.

Should you wish to discuss this information or seek clarification of the issues, please do not hesitate to contact the undersigned on telephone number 9936 8100 between the hours of 9:30am and 11:00am, Monday to Friday, or at any time on facsimile 9936 8177.

Yours faithfully

  
Geoff Mossemeneer  
**EXECUTIVE PLANNER**

Date: 9/8/11



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ABN 32 353 260 317

Leda Holdings Pty Ltd  
GPO Box 2522  
SYDNEY NSW 2001

D114/11  
GM (PDS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
ROADS ACT 1993, AND LOCAL GOVERNMENT ACT 1993 AS APPLICABLE**

**Notice to Applicant of Determination of a Development Application**

At its meeting of 5 August 2011, the Sydney East Region Joint Regional Planning Panel, as the consent authority, approved 2011SYE036 – North Sydney – Development Application No. 114/11 for demolition of part of existing structures including three dwellings and construction of a new dwelling over 3 levels including basement garage with car lift, inclinor and landscaping at **16-20 Lodge Road, Cremorne** subject to the following conditions:

**A. *Conditions that Identify Approved Plans***

**Development in Accordance with Plans**

- A1. The development being carried out in accordance with landscape drawings numbered 100E, 101G to 103G, 201F to 203F, dated 9 March 2011, drawn by Site Image Landscape Architects, drawings numbered DA01 to DA10, dated 15 March 2011, drawn by Team 2, all received by Council on 22 March 2011, and endorsed with Council's approval stamp, except where amended by the following conditions.

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

**Plans on Site**

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

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



**Approved Landscaping Plan**

- A3. Landscaping works on the site are to be undertaken generally in accordance with the landscaping drawings numbered 100E, 101G to 103G, 201F to 203F, dated 9 March 2011, drawn by Site Image Landscape Architects, received by Council on 22 March 2011.

(Reason: To ensure appropriate landscaped area and landscaping amenity at the final inspection stage of the development)

***B. Conditions that require 'Ancillary' Matters to be Completed to the Satisfaction of Council or another Nominated Person Prior to Issue of Construction Certificate***

**Construction Management Program – Local Traffic Committee Approval Necessary**

- B1. A Construction Management Program prepared in accordance with Section 23.2 of the North Sydney DCP 2002 shall be submitted and approved in writing by North Sydney Traffic Committee PRIOR TO THE ISSUE OF ANY Construction Certificate. Any use of Council property shall require appropriate approvals prior to such work commencing. The program shall specifically address the following matters:

- a) A plan view (min 1:100 scale) of the entire site and 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 AS1742.3 and AS1742.10, including pram ramps;
  - iii. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
  - iv. The locations of any proposed Work Zones in the frontage roadways (to be approved by Council's Traffic Committee),
  - v. Locations of hoardings proposed,
  - vi. Location of any proposed crane standing areas,
  - vii. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
  - viii. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
  - ix. The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.

- b) A detailed heavy vehicle access route map through the Council area to Arterial Roads. Provision is to be made to ensure through traffic is maintained at all times.
- c) The proposed phases of works on the site, and the expected duration of each phase.
- d) How access to neighbouring properties will be maintained at all times and the proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of process.
- e) The road is not to be used as a waiting area for trucks delivering to or awaiting pick up of materials.
- f) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified engineer and practising structural and shall not involve any permanent or temporary encroachment onto Council's property.
- g) Proposed protection for Council and adjoining properties. Details are to include site fencing and the provision of "B" class hoardings over footpaths and laneways.

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

**Notes:**

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

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



**Foreshore Access**

- B2. If access for construction and heavy machinery is to be sought via the foreshore then a comprehensive construction management plan is to be prepared by suitably qualified individuals and submitted to the satisfaction of NSW Maritime. The Plan should include, but should not be limited to, measures that demonstrate:
- a) The protection of sensitive localized seagrass beds through access and egress of the barge and associated activities (such as propeller damage, lines and anchor points, length of stay etc);
  - b) The protection of the inter-tidal beach and natural rock habitats;
  - c) The management of disturbed foreshore lands to avoid any sediment entering the waterway;
  - d) Siltation management through the implementation of suitable controls (such as floating boom and silt curtains);
  - e) Post construction works to restore and stabilise the foreshore lands; and
  - f) Measures are in place to audit the environmental performances of the construction management and what approach is to be used for responding of an issue.

(Reason: Statutory)

***C. Conditions that Require Subsidiary Matters to be Completed Prior to Issue of a Construction Certificate***

**Sydney Water**

- C1. 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](http://www.sydneywater.com.au), or telephone 13 20 92.

Following application, a 'Notice of Requirements' will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. Details of any requirements of Sydney Water are to be provided with the Construction Certificate documentation.

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**

- C2. 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 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 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)

**Shoring for Adjoining Property**

- C3. 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. Note that any encroachments for shoring techniques will require consent from affected owners, including Council, and that Council will not approve any permanent devices in the road reserve.

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

**Dilapidation Report – Adjacent Private Property**

- C4. Prior to issue of any Construction Certificate the applicant must submit, for verification by the Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavation. This zone is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth. A consulting structural/geotechnical engineer must complete the report as determined necessary by that professional, based on the excavations required for the proposal. The report shall have regard to protecting the Applicant from spurious claims for structural damage and must be verified by all stakeholders as far as practicable.

(Reason: Protection of property and owners rights)



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

- C5. A photographic survey of adjoining properties Nos. 14 and 22 Lodge Road, 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)

**Structural Adequacy of Adjoining Properties – Excavation Works**

- C6. 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. 14 and 22 Lodge Road, 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)

**Prepare detailed excavation methodology in conjunction with Geotechnical engineer**

- C7. Prior to issue of any Construction Certificate referencing excavation, an excavation methodology report must be provided to the Certifying Authority that addresses all geotechnical aspects of the excavation and construction support process. This must be produced in consultation with the geotechnical, structural and excavation contractors and must resolve the method and staging of the excavation, installation of monitoring devices, temporary and permanent support and retention measures, groundwater control (where required), retention of groundwater flow paths and reinstatement. The report must recommend appropriate plant and equipment to minimise vibration and localised damage from installation of supports and noise. All excavation shall proceed in accordance with the methodology report and the appropriate inspections shall be undertaken the engineering experts at the nominated hold/inspection points.

(Reason: Ensure excavation is undertaken professionally without incident)

**Use of Rock Anchors**

- C8. Council will not permit the use of permanent rock anchors to support excavated faces below ground level. Where temporary rock anchors are proposed during excavation, an application must be made to Council for temporary anchors pursuant to section 138 of *The Roads Act 1993*. The use of rock anchors in Council property must not occur until such an application is approved in writing. Council will require specific engineering plans of temporary rock anchor proposals, prepared by a structural/geotechnical engineer. These plans shall show the exact cut face elevational and plan location of anchors and shall show the exact location and depth of services (drainage, water, cable and the like) in relation to the anchors. A damage bond will be applied on any approval. Where temporary rock anchors are part of the design plans, the Certifying Authority must not issue a Construction Certificate involving any excavation until the formal written approval is obtained from Council, pursuant to the Roads Act 1993.

(Reason: Statutory)

**Sediment Control**

- C9. 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)

**Obtain Driveway Crossing and Associated Works Permit**

C10. Prior to the issue of the construction certificate, North Sydney Council must issue the person acting on this consent a driveway crossing and road infrastructure works permit to suit the approved off street parking facilities. The responsibility for ensuring the permit is obtained from Council in accordance with this condition rests with the Principal Certifying Authority. In order to obtain the permit, the person acting on the consent must lodge a '*Vehicular Access Application*' form and pay the adopted assessment/inspection fee with Council. Council will require engineering construction drawings and certification from a qualified Civil Engineer to verify details and enable permit issue. The drawings shall satisfy the following requirements of Council:

- a) The vehicular access ways shall comply with AS/NZS 2890.1:2004 and Council's current Vehicular Access Application Guidelines and Specification to ensure that a B85 vehicle will not scrape/strike the surface of the carriageway, layback, vehicular crossing or carpark /car lift floors.
- b) The driveway crossings shall be suitably sized to facilitate adequate manoeuvring access to and from the property.
- c) The proposed gutter levels in front of the property may be raised (if required) to ensure the cross fall of the road towards the gutter does not exceed 5.0%.
- d) The crossings (between the layback and the property boundary/garage entry) shall be placed on a single straight grade of 4.5% falling to the back of the 100mm high layback.
- e) New kerb gutter / layback gutter shall be constructed for the full property frontages of No's 16-22 Lodge Road.
- f) The road shall be milled and re sheeted at the full width, for the full property frontages of No's 16-22 Lodge Road.

- g) All inspection openings, utility services shall be adjusted to match the proposed driveway levels and location.
- h) Sections along centre-line and extremities are required at a scale of 1:50 to be taken from the centre-line of the roadway through to the parking areas and shall include all changes of grade and levels both existing and proposed.
- i) The sections shall show the calculated clearance to the underside of any overhead structure.
- j) A longitudinal section along the gutter line at a scale of 1:50 showing how it is intended to blend the vehicular crossings with the gutter.
- k) A longitudinal section along the property boundary line at a scale of 1:50 showing how it is intended to transition the proposed with the existing levels. The section is to extend 2m past the projected side property boundaries.

All driveway and infrastructure works on the road reserve must proceed in accordance with the terms of the permit issued by Council. Inspections by Council will be required as specified.

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

#### **Car Lift, Internal Parking, Aisles, & Internal Circulation**

- C11. The car lift, internal parking dimensions, aisle widths, internal circulation, and grades of the car park shall comply with the Roads and Traffic Authority Guidelines and ASNZS 2890.1 - 2004. A Compliance Certificate for these works shall be submitted to Council or an Accredited Certifier prior to issue of a Construction Certificate.

(Reason: To facilitate appropriate off street parking to private sites)

#### **Existing Garage**

- C12. The existing garage shall be modified have a minimum internal clear length of 5.5m

(Reason: To facilitate appropriate off street parking to private sites)

#### **Damage Bond (Potential Damage)**

- C13. A Bond of \$80,000 shall be deposited with Council, prior to the issue of any construction certificate, against the potential for damage to Council's stormwater and road reserve infrastructure during the construction process.

(Reason: To ensure appropriate security is in place for the protection or repair of Public Infrastructure)



**Stormwater Drainage Study**

- C14. Prior to issue of the Construction Certificate, the results of the drainage study, Revision 3, dated 26.8.10, undertaken by Cardno ITC Pty Ltd, are to be incorporated in all the stormwater management and construction plans.

The plans are to accurately illustrate the 100-year ARI water surface level and boundaries of the overland flow path. Redirection of overland flow path is permitted within the property provided there is no additional overland flow on adjacent properties.

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

(Reason: To ensure controlled stormwater management and disposal, and to minimise the adverse affects of stormwater drainage on the environment, public infrastructure and adjoining property)

**Stormwater Management and Control Plan Required**

- C15. Prior to issue of any Construction Certificate for building works, the applicant shall have a site drainage management and control plan prepared by a qualified drainage design engineer generally in accordance with Hydraulic Services drawing No. N10911-DA-H00, N10911-DA-H01, N10911-DA-H02 and N10911-DA-H03, Revision 3, dated September 2010, all prepared by Cardno ITC Pty Ltd. The site drainage management plan must detail the following requirements of North Sydney Council:

- a) Show all drainage components in compliance with BCA drainage requirements, NSW Government Department of Water & Energy requirements, Council's Development Control Plan and current Australian Standards and guidelines.
- b) Stormwater runoff and subsoil drainage generated by the approved development must be conveyed in a controlled manner by gravity directly into the existing gully pit on Willoughby Road, nearest the intersection with Atchison Street. The connection point shall ensure no backflow to the site, no damage to the public system. The pit shall be modified as required.
- c) Stormwater runoff and subsoil drainage generated by the approved development must be conveyed in a controlled manner (to reduce water velocity and erosion) by gravity to Long Bay, via an approved gross pollutant trap, above the Mean High Water Mark.
- d) No stormwater runoff shall be discharged to Lodge Road.
- e) 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.

- f) Prevent any stormwater egress into adjacent properties by creating physical barriers and surface drainage interception.
- g) Provision is to be made for the collection and disposal in an approved manner of any overland flow entering the subject property, or concentrated as a result of the proposed works.
- h) Provide subsoil drainage to all necessary areas as required.

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

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

### **Work Zone**

C16. 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)

### **Geotechnical Investigation and Report appropriate to Works**

C17. Prior to issue of the Construction Certificate the applicant shall have a Geotechnical Engineering investigation and resultant report prepared which addresses (but is not limited to) the following:

- a) The type and extent of substrata formations by the provision of a representative bore hole logs (determined as necessary by the professional) 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 the proximity of excavations to adjacent property and/or structures.
- c) Potential vibration caused by method of excavation and potential settlements affecting nearby footings/foundations shall be identified and ameliorated.
- d) 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).
- e) Underpinning of adjacent structures as necessary.
- f) The existing groundwater levels in relation to the basement structure, where influenced.
- g) 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.
- h) 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 as necessary 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:

- No ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure.

- 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.
- 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.
- 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.
- Appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these Design Principles.

An adverse impact can be assumed to be crack damage which would be classified as Category 2 or greater damage according to the classification given in Table C1 of AS 2870 – 1996.

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

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

#### **Maintain Property Boundary Alignment Levels**

- C18. Unless otherwise approved/specified by Council when approving related public infrastructure works, the property boundary alignment levels must match existing. The building plans and specifications issued with the relevant Construction Certificate must be compatible with the relevant levels set by Council in the road reserve.

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

#### **Garbage and Recycling Facilities**

- C19. 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;

Details of the storage area are to be provided to, and approved by the Certifying Authority prior to issuing of the Construction Certificate.

Note: The applicant may wish to discuss bin storage requirements and location with Council prior to finalisation of the required detail.

(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**

C20. In relation to the demolition of the existing building (or part of a building) on the site:

- (a) A report prepared by an appropriately qualified person is to be submitted to the Certifying Authority, with the Construction Certificate application, detailing whether any hazardous materials exist on the site (eg lead in paints and ceiling dust or asbestos).

Note: If no hazardous materials are identified, the demolition may proceed in accordance with AS2601 and the following conditions, including dust control and WorkCover requirements.

- (b) Should any hazardous materials be identified as per item (i), a Work Plan shall be submitted to Council in accordance with AS2601 – Demolition of Buildings. The report shall contain details regarding:
  - (i) The type of hazardous material
  - (ii) The level or measurement of the hazardous material in comparison to National Guidelines;
  - (iii) Proposed methods of containment; and
  - (iv) Proposed methods of disposal.
- (c) Where unacceptably high levels of lead are found in a premises to be demolished, Item (ii) is to be followed, and the soil sample from site is to be tested by a NATA Registered laboratory before and after demolition. This will determine whether remediation of the site is necessary.

- (d) The demolition must be undertaken in accordance with AS2601.
- (e) Any works involving asbestos cement sheeting must be undertaken in accordance with the requirements of the WorkCover Authority in relation to removal, handling and disposing of material, and the Work Safe Australia Asbestos Code of Practice.
- (f) All work involving lead paint removal must not cause lead contamination of air or ground. Particular attention must be given to the control of dust levels on the site.

Details demonstrating compliance with these requirements are to be approved by the Certifying Authority and submitted with the Construction Certificate.

(Note: Further details regarding requirements for removal of hazardous materials can be obtained from the WorkCover website or at [www.lead.org.au](http://www.lead.org.au).)

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

#### **Noise from Plant**

C21. A certificate from an Acoustic Engineer is to be submitted with the construction certificate certifying that the development and all sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level during the day and evening and not exceeding the background level at night (10.00pm to 6.00 am) when measured at the boundary of the property, and will comply with the Environmental Protection Authority Industrial Noise Policy.

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

#### **Energy Efficiency Devices**

C22. The following energy efficiency devices are to be installed within the development:

- a. Gas boosted solar, heat pump or electricity boosted solar, instantaneous gas or high efficiency centralised gas hot water heating system.
- b. Dual flush toilets.
- c. Low flow taps and showerheads.

Details are to be submitted for approval with the Construction Certificate.

(Reason: To promote the use of energy efficient appliances)



**Basix Commitments**

C23. 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. Details and plans demonstrating compliance with these requirements are to be provided with the Construction Certificate.

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)

**Underground Electricity and Other Services**

C24. All electricity provision to the site is to be designed in conjunction with Energy Australia so that it can be connected underground and the street supply be relocated underground. Any street lighting being replaced at the applicant's cost. Details to be shown on plans submitted and approved with the Construction Certificate.

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

**Exhaust Fumes from Car Park**

C25. Any exhaust ventilation from the car park is to be ventilated away from the property boundaries of the adjoining dwellings, and in accordance with the provisions of AS1668.1. Details demonstrating compliance are to be provided with the Construction Certificate.

(Reason: To preserve community health and ensure compliance with acceptable standards)

### **Security Bond Schedule**

- C26. 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:

<b>SECURITY BONDS</b>	<b>AMOUNT (\$)</b>
Damage security	80,000.00
<b>TOTAL BONDS</b>	<b>\$80,000.00</b>

(Reason: Compliance with the development consent)

### **Bonds**

- C27. 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 any 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)

### **Reflectivity Index of Glazing**

- C28. 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%. Written confirmation of the reflectivity index of materials is to be submitted with the Construction Certificate.

(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**

- C29. Roofing materials shall be factory pre-finished with low glare and reflectivity properties to be compatible with the colours of neighbouring buildings. The Certifying Authority shall undertake an assessment in relation to the proposed roofing material to determine the potential for glare nuisance or excessive reflectivity to adjoining or nearby properties, relative to the chosen roofing material. The Certifying Authority shall provide certification with the Construction Certificate that the selected roofing material will not cause a glare nuisance or excessive reflectivity to adjoining or nearby properties

(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**

C30. Service ducts shall be provided within the building to keep external walls free of plumbing, drainage or any other utility installations. Details demonstrating compliance are to be provided in the Construction Certificate documentation.

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

**Modification to Plans**

C31. The plans shall be modified to incorporate the following amendments:

- The northern eave of the roof to be lowered by 400mm to RL 12.3;
- The ridge of the roof to be lowered by 1.167m to RL 14.288;
- The vergola roof over the northern balcony on level 3 being setback in line with the rest of the balcony and the height of the roof not to exceed RL 12.3 – the column detail to remain to provide some articulation to northern façade; and
- The lift overrun / plant room / entrance foyer roof not exceeding the ridge height of RL 14.288.

Details of the modifications shall be shown on plans submitted and approved with the Construction Certificate.

(Reason: To modify the proposal to reduce view impacts at 22 Lodge Road)

***D. Conditions That Must Be Addressed Prior To Any Commencement***

**Excavation/Demolition**

D1. No demolition or excavation shall be carried out until a Construction Certificate has been issued.

(Reason: To ensure compliance with statutory provisions)

**Re-use of Sandstone**

D2. 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.

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

**Public Liability Insurance – Works on Public Land**

- D3. 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)

**Erosion, Sediment and Pollution Controls**

- D4. The erosion, sediment and pollution controls must be installed and stabilised before commencement of site works. This does not include the works associated with the construction of the appropriate controls. The proposed system for erosion, sediment and pollution control is to be effectively maintained at or above design capacity for the duration of the works and until such time as all ground disturbed has been stabilised and rehabilitated so that it no longer acts as a source of sediment. Any material that is to be stockpiled on site must be stabilised to prevent erosion or dispersal of the material into the adjacent waterway. The foreshore is to be fully protected for the duration of the works. This includes preventing the storage of machinery, materials, equipment, supplies, or waste receptacles within the inter-tidal area.

(Reason: Control of pollution)

***E. Conditions that Must be Complied With During Demolition and Building Work***

**Approved Materials**

- E1. The colour, texture and substance of all external materials shall be generally as detailed in the application.

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

**Progress Survey – Major Development**

- E2. 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 formwork and its relationship to boundaries including relevant footpath and roadway levels;
- (c) 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 (c) 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)

#### **Noise**

- E3. Noise emissions and vibration must be minimised where possible and work is to be carried out in accordance with Environment Protection Authority guidelines for noise emissions from construction/demolition works and must also comply with the provisions of the Protection of the Environment Operations Act 1997.

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

#### **Dust Emission and Air Quality**

- E4. 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 be carried out so as to prevent nuisance occurring at adjoining properties.

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

#### **Vibration from Works**

- E5. Vibration from works is to be undertaken in accordance with industry best practice, and to ensure excessive levels of vibration do not occur to minimise adverse effects experienced on any adjoining land.

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

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

- E6. The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

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

**No Removal of Trees on Public Property**

- E7. No trees on public property (footpaths, roads, reserves, etc.) unless specifically approved in its 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**

- E8. 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.

**(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.

**(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.



**(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**

- E9. 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. (Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and 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).

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**

- E10. 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 permit must be obtained and the appropriate fee paid at least two (2) clear working days in advance of each relevant date. 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.

(Note: 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.)

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

**Occupation Certificate Required**

- E11. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of those parts of the building.

(Reason: To ensure compliance with the provisions of the Environmental Planning and Assessment Act)

**Prohibition on Use of Pavements**

- E12. Building materials shall not be placed on Council's footpaths, roadways, parks or grass verges 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**

- E13. All plant and equipment used in the erection of the building, including concrete pumps, wagons, lifts, mobile cranes, etc, shall be situated within the boundaries of the site 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.

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

**Existing Parking Restrictions Must Be Maintained**

- E14. 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)

**Service Adjustments**

- E15. 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 Applicants 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)



**Public Safety and Amenity in vicinity of Works**

- E16. 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 when and as directed by Council officers. 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: To ensure public amenity and safety during works)

**Temporary Disposal of Stormwater Runoff**

- E17. 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 when conducting mandatory inspections.

(Reason: Stormwater control during construction)

**Geotechnical Stability During Works**

- E18. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure. Geotechnical aspects of the development work, namely:

- Appropriate excavation method and vibration control,
- Support and retention of excavated faces,
- Hydrogeological considerations.

Must be undertaken in accordance with the recommendations of an appropriate professional and all subsequent geotechnical inspections carried out during the excavation and construction phase. Approval must be obtained from all affected property owners, including North Sydney Council where rock anchors (both temporary and permanent) are proposed below adjacent private or public property.

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

**Council Inspection of Public Infrastructure Works**

E19. During the works on public infrastructure reverting to Council's care and control, Council's development engineer must undertake inspections of the works at the following hold points:

1. After placement of formwork, prior to pouring of concrete.
2. Prior to undertaking road re-sheeting works.
3. Completion of works.

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

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

**Protection of Long Bay**

E20. The proposed works are to be carried out so that:

- a) No materials are eroded, or likely to be eroded, are deposited, or likely to be deposited, on the bed or shore or into the waters of Long Bay; and
- b) No materials are likely to be carried by natural forces to the bed, shore, or waters of Long Bay.

Any material that does enter Long Bay during demolition and construction work must be removed immediately.

(Reason: Statutory)

**Structures Clear Of Drainage Easements**

E21. It is the full responsibility of the Applicant and their contractors to:

- Ascertain the exact location of the Council drainage infrastructure adjoining the site in the vicinity of the works,
- Take full measures to protect the in-ground Council drainage system, and
- 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)

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

- E22. 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)

#### ***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) must not be carried out unless the Principal Certifying Authority for the development to which the work relates:
- (a) in the case of work to be done by a licensee under that Act:
    - (i) has been informed in writing of the licensee's name and contractor licence number, and
    - (ii) is satisfied that the licensee has complied with the requirements of the Home Building Act, or
  - (b) in the case of work to be done by any other person:
    - (i) has been informed in writing of the person's name and owner-builder permit number, or

- (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in section 29 of that Act, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

**Note:** The amount referred to in paragraph (b)(ii) is prescribed by regulations under the Home Building Act 1989. As at the date on which this Regulation was Gazetted, that amount was \$3,000. As those regulations are amended from time to time, that amount may vary.

- (2) 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.
- (3) 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.

(Reason: Prescribed - Statutory)

### **Excavation/Demolition**

- F3. (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**

F4. If the soil conditions require it:

- (a) 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
- (b) adequate provision must be made for drainage in accordance with the provisions of AS3500.3.2.

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

**Support for Neighbouring Buildings**

F5. (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**

F6. (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**

- F7. (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 the building work or demolition work is being carried out, but must be removed when the work has been completed.
  - (3) This condition does not apply to building works being carried out inside an existing building.

(Reason: Statutory requirement)



**Toilets**

- F8. (1) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
- (2) Each toilet provided:
- (a) must be a standard flushing toilet, and
  - (b) must be connected:
    - (i) to a public sewer; or
    - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
    - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.
- (3) The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.
- (4) In this clause:

**accredited sewage management facility** means a sewage management facility to which Division 4A of Part 3 of the Local Government (Approvals) Regulation 1993 applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 95B of the Regulation.

**approved by the Council** means the subject of an approval in force under Division 1 of Part 3 of the Local Government (Approvals) Regulation 1993.

**public sewer** has the same meaning as it has in the Local Government (Approvals) Regulation 1993.

**sewage management facility** has the same meaning as it has in the Local Government (Approvals) Regulation 1993.

(Reason: To ensure adequate facilities are provided for workers on the site)

**G. *Conditions which Must be Complied With Prior to Issue of Occupation Certificate***

**New Drainage Easement**

- G1. Prior to the issue of any Occupation Certificate in respect of the proposed development, the person acting on the consent shall create a drainage easement varying in width as necessary over the existing stormwater drainage channel and overland flow path at the north-eastern corner of the site, benefiting Council's favour. The easement is to be created under Part 6, Division 4, of the Conveyancing Act 1919. The easement shall be at no cost to Council and shall give Council access rights for personnel and equipment to inspect and maintain and/or replace the overflow path. Evidence of registration of the easement must be provided to Council prior to issue of such Occupation Certificate.

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

**Certification of geotechnical excavation, shoring and underpinning works**

- G2. An appropriately qualified and practicing Geotechnical Engineer, in conjunction with the designing structural engineer, shall provide certification to the Principal Certifying Authority that the geotechnical excavation, shoring and underpinning process was conducted with the necessary geotechnical and structural input at the appropriate hold points, and in accordance with the submitted geotechnical report '*Geotechnical Investigation report*' prepared by Jeffrey and Katauskas 17 August 2010. The applicant shall, upon completion of the development works, submit the copy of the aforementioned letter of certification to enable issue of the final Occupation Certificate by the PCA.

(Reason: Compliance with the Consent)

**Certification and Works as executed - drainage works**

- G3. Prior to issue of any Occupation Certificate the Applicant shall obtain a certification from a qualified and experienced engineer that the site drainage system is installed and operating as designed in the plans and specifications referenced by the Construction Certificate. In addition, a registered surveyor must provide a works-as executed drawing showing the as built levels at all pit inlet and outlet inverts, as well as the connection point to the Long Bay Sea Wall.

(Reason: To ensure proper construction with respect to drainage)

**Infrastructure Repair and Completion of Works**

- G4. 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)



**Utility Services**

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

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

**Damage to Adjoining Properties**

- G6. 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. Where damage occurs to adjoining property all necessary repair or suitable agreement for necessary repairs are to be undertaken by the applicant in consultation with and with the consent of the affected property owner prior to the issue of an Occupation Certificate.

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

**Disposal Information**

- G7. Upon completion of works and prior to occupation, the person entitled to act on this consent shall provide to Council the following information;
- (a) the total tonnage of all waste and excavated material disposed of from the site, and
  - (b) the disposal points and methods used.

Such information shall be categorised in accordance with the forgoing and is required for waste research purposes.

(Reason: To assist in the collection of data for research purposes related to environmental management)

**Undergrounding of Telecommunications Services**

- G8. The developer shall submit to the Principal Certifying Authority a letter from Telstra and/or Optus confirming that satisfactory arrangements have been made for the provision of underground telephone and cable television services, prior to the release of the Subdivision Certificate or issuing of a final Occupation Certificate.

(Reason: Provision of telecommunication facilities in a manner that facilitates the future underground provision of cable services)

**Asbestos Clearance Certificate**

G9. 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](http://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)

**Site Consolidation**

G10. The four (4) lots comprising the site shall be amalgamated/ consolidated into one site by subdivision. The Certifying Authority must ensure, prior to the issue of the final Occupation Certificate required on the completion of works, that documentary evidence of the registration of the consolidation by subdivision is submitted by the Applicant, demonstrating compliance with this condition.

(Reason: To ensure that the site is consolidated as one parcel prior to occupation)

***I. Ongoing Conditions that Must be Complied with at All Times***

**Home Occupation**

I1. The use or occupation of part of the premises as an office and associated meeting room shall only be used as a home occupation that does not involve the employment of persons other than permanent residents.

(Reason: Statutory, permissibility in residential zone)

**Privacy Screens**

I2. No privacy screens (whether materials or plants) shall be provided on the western side of the terraces and balconies. Any landscaping along the western boundary adjacent to the level 1 terrace shall not exceed the floor level of the level 1 terrace.

(Reason: To ensure that views across the site from No.14 Lodge Road are not blocked by screening – view sharing)



DATE OF DETERMINATION: 5/8/11

DATE FROM WHICH CONSENT OPERATES: 9/8/11

DATE CONSENT LAPSES: 9/8/16.

### ADVISINGS

#### Notes

- (a) Council is always prepared to discuss its decisions, and in this regard please do not hesitate to contact **Geoff Mossemeneer**. However, if you wish to pursue your rights of appeal in the Land and Environment Court pursuant to Section 97 of the Act, you are advised that Council generally seeks resolution of such appeals through a Section 34 Conference, instead of a full Court hearing, subject to any further advice to the contrary from Council's Solicitors and senior staff. Such an approach is less adversarial, it achieves a quicker decision than would be the case through a Court hearing, and it can give rise to considerable cost and time savings for all parties involved. The use of the Section 34 Conference approach requires the appellant to agree, in advance and in writing, that the Court appointed assessor will be given the full authority to completely determine the matter at the conference.

- (b) You are advised that changes to the external configuration of the building, changes to the site layout, density and unit configuration internal changes to the proposed building or any changes to the proposed operation of a use **MAY** require the submission of a modification under Section 96 of the Environmental Planning & Assessment Act 1979. Any such changes warranting a State Environmental Planning Policy No. 1 objection (where no objection was previously required) may not be able to be determined under Section 96 of the Act but may need to be subject of a separate Development Application.

Please bear this in mind before preparing documentation in support of a Construction Certificate application. Council staff would be pleased to assist in identifying such changes which may require the submission of a modification of a Development Application under Section 96 of the Environmental Planning & Assessment Act.

- (c) Section 82A of the Environmental Planning and Assessment Act 1979 provides that the applicant may request the Council to review the determination. The review must be completed within six (6) months after the date of receipt of this Notice of Determination. If you intend to lodge a request for a review it is recommended that the request, together with payment of the appropriate fees, is lodged as early as possible in order to allow sufficient time for notification, assessment, reporting, etc, prior to the expiration of the 6 month review period. It is recommended that the applicant discuss any request for a review of the determination with Council Officers before lodging such a request.

- (d) Prior to commencing any building, subdivision or associated constructions works, the following provisions of the Environmental Planning and Assessment Act 1979 (the 'Act') are to be complied with:
- (i) Relevant approvals must be obtained under the provisions of Section 138 of the Roads Act, 1993 for any works on public roads which are not the subject of this consent.
  - (ii) A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
  - (iii) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
  - (iv) Council is to be notified at least two (2) days before the intention to commence building works, in accordance with Section 81A(2)(c) of the Act.
- (e) The applicant may apply to the Council or an Accredited Certifier for the issuing of a Construction Certificate and to be the Principal Certifying Authority to monitor compliance with the approval and issue necessary documentary evidence or certificate/s.
- (f) **Sydney Water Requirements**
- You are advised that any building works may also require prior approval from Sydney Water. Further details can be obtained from the Sydney Water website at [www.sydneywater.com.au](http://www.sydneywater.com.au).
- (g) **Telecommunications**
- Prior to the installation of any telephone cabling contact is to be made with Construction Research Australia Pty Ltd on telephone 1800 180 118 or Sydney 9428 1254.
- (h) **Dial before you dig**
- Before you dig call "Dial before you dig" on 1100 (listen to the prompts) or facsimile 1300 652 077 (with your street no./name, side of street and the distance to the nearest cross street) for underground utility services information for any excavation areas.
- (i) **Cooking Oils**
- Cooking Oils used within the food shop should not contain trans fatty oils as these present known long term health risks.



Council's officers can provide these services, and further information, including a copy of the terms of agreement and fee schedule, can be obtained by telephoning Council's Customer Service Centre on **9936 8471**.

*Please note that all building work must be carried out fully in accordance with the development consent and conditions of approval and it is an offence to carry out unauthorised building work or building work that is not in accordance with Council's approval.*

*An offence under the Environmental Planning and Assessment Act 1979 and Regulations is subject to a penalty up to \$110,000 and \$11,000 respectively.*

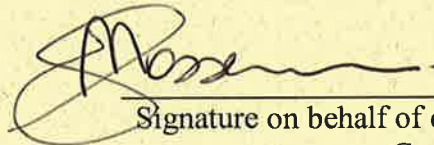
*Council may also serve a notice and an order to require the demolition/removal of unauthorised building work or to require the building to be erected fully in accordance with the development consent.*

*On the spot penalties will be imposed for works which are carried out in breach of this consent, or without consent.*

*An amended development application is required to be submitted to and approved by Council, and a Construction Certificate is to be obtained from the Council or an Accredited Certifier, prior to commencement of any variations from the approved plans and conditions of approval.*

9/8/11

DATE



Signature on behalf of consent authority

Geoff Mossemear  
EXECUTIVE PLANNER