

## **2011SYE062 – North Sydney**

### **Development Application No.205/11**

#### **Conditions**

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

###### **Development in Accordance with Plans**

- A1. The development being carried out in accordance with Landscape drawings numbered 11005-DA01A to 11005-DA03A, dated May 2011, drawn by Aspect Studios, drawings numbered A01-101B, A02-001B to A02-005B, A02-100B, A02-101B, A02-102A, A02-104B, A02-105B, A02-108B, A02-110B to A02-113B, A02-115B, A02-116B, A02-118B, A02-120B to A02-123B, A02-129B to A02-131B, A04-001B, A05-001B, A05-002B, A05-101B to A05-104B, A06-001B to A06-003B, dated 4 May 2011, drawn by Bates Smart, all received by Council on 12 May 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)

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

**Demolition and Construction Management Program**

B1. A Demolition and 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) Provide a Safe Work Method Statement;
- (b) The proposed method of access to and egress from the site for construction vehicle, including the proposed method of traffic control, access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and disruption to traffic flows and noise in the area, and provision for vehicles leaving the site in a forwards direction. (Access across public parks and open space reserves is prohibited.)
- (c) Provisions to ensure through traffic is maintained at all times;
- (d) How access to neighbouring properties will be maintained at all times;
- (e) The proposed method of pedestrian management to comply with AS1742.3 and AS1742.10, including pram ramp details;
- (f) The proposed phases of construction works on the site, and the expected duration of each construction phase;
- (g) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of demolition and construction will be undertaken;
- (h) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process;
- (i) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. The road is not to be used as a waiting area for trucks delivering to or awaiting pick up of materials;
- (j) The location and operation of any on site crane (if required). On site craning is a requirement of this consent. Mobile cranes if used shall be located wholly within the site or only utilised during the demolition and excavation phase, and in association with the

establishment and removal of a site crane, removal of excavation equipment and the like;

- (k) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
- (l) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;
- (m) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified engineer and practising structural and shall not involve any permanent or temporary encroachment onto Councils property;
- (n) Proposed protection for Council and adjoining properties. Details are to include site fencing and the provision of "B" class hoardings over footpaths and laneways; and
- (o) The location of any Construction Zone (if required) to be approved by Council's Traffic Committee.

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) 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.
- 3) 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 construction process in a manner that respects adjoining owner's property rights and residential amenity in the locality, without unreasonable inconvenience to the community)

**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)

**Public Infrastructure**

- C2. The applicant shall engage an appropriately qualified person to undertake the survey, design and preparation of plans for all works located within Council's property or all works that revert to Council's care and control upon completion of the development. The design plans are to be certified by an appropriately qualified and practicing civil engineer, to confirm compliance with appropriate Australian Standards, prior to the issue of a Construction Certificate.

(Reason: To ensure the provision of public infrastructure of an appropriate standard and record keeping purpose)

**Dilapidation Report (Public Infrastructure)**

- C3. 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)

### **Bond for Infrastructure Damage and Completion of Engineering Works**

C4. Prior to the issue of a Construction Certificate the applicant must lodge a **\$314,000.00** public infrastructure damage bond with Council. This bond is applied pursuant to Section 97 of the *Local Government Act 1993* to cover the cost of:

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

The bond is calculated as follows:

Road Damage Bond	\$73,000.00
Drainage Construction Bond	\$30,000.00
Engineering Construction Bond	\$211,000.00

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

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

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

### **Damage to Public Infrastructure**

C5. The applicant shall bear the cost of all restoration works to Council's property damaged during the course of this development. The

applicant shall advise Council, in writing or by photographic record, of any existing damage to Council property before commencement of the development. A dilapidation survey of Council's assets, including photographs and written record, must be prepared by a suitably qualified person and submitted to Council prior to the issuing of any Construction Certificate.

Note: This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicant's interest for it to be as full and detailed as possible.

(Reason: To ensure the protection of existing built public infrastructure)

### **Footpath, Entries and Fire Exit Details**

C6. 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:-

- (i) 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.
- (ii) The sections shall show all relevant levels and grades (both existing and proposed) including those levels stipulated as boundary levels.
- (iii) The sections shall show the calculated clearance to the underside of any overhead structure.
- (iv) 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.
- (v) 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)

### **Property Alignment levels**

- C7. The property alignment levels shall match the existing levels except where modified for the vehicular crossing. The applicant shall design and construct having regard for the aforementioned levels. No approval is granted for any change to existing property alignment levels to accommodate the development.

(Reason: To facilitate vehicular access to private sites, without disruption to pedestrian and vehicular traffic and to ensure appropriate access and infrastructure protection that is integral with infrastructure on surrounding sites)

### **Kerb and Gutter Alignment Levels**

- C8. The kerb and gutter alignment levels shall match the existing levels. The applicant shall design and construct having regard for the aforementioned levels. No approval is granted for any change to existing kerb and gutter alignment levels to accommodate the development. Details demonstrating compliance with this requirement must be submitted to the Certifying Authority for approval with any Construction Certificate for works that relate to the provision of vehicular access or accommodation.

(Reason: To facilitate suitable vehicular access to private sites, without disruption to pedestrian and vehicular traffic and to ensure appropriate access and infrastructure protection that is integral with infrastructure on surrounding sites)

### **Infrastructure Works**

- C9. Prior to issue of the Construction Certificate the Applicant must have engineering plans and specifications prepared by a qualified consulting civil engineer. The plans must be formally approved by Council in writing prior to issue of the Construction Certificate by the Certifying Authority. The documentation must be to a detail suitable for construction issue purposes and must detail the following public infrastructure works to be completed as part of the development:

(Reason: To ensure engineering plans are in accordance with consent)

### **Road Reserve Works**

- C10. Only North Sydney Council, as the Roads Authority, can approve plans for road reserve works, pursuant to section 138 of the *Roads Act 1993*.

The required plans and specifications are to be designed in accordance with the North Sydney Council *Performance Guide for Engineering Design and Construction*, dated July 2005. 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 *Roads Act 1993* approval.

A minimum of three (3) weeks 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)

### **Stormwater Management Plan**

C11. Prior to issue of the Construction Certificate the applicant must have scale construction plans and specifications prepared in relation to the stormwater management and disposal system for the development. The plan(s) must include the following detail:

- Exact location and reduced level of discharge point to the public drainage system.
- Layout of the property drainage system components, including but not limited to (as applicable) gutters, downpipes, pits, basement pumpout systems, grated drains, swales, kerbs, flushing facilities, subsoil drainage and all ancillary plumbing - all designed for a 204.9 mm/hour rainfall intensity for a duration of five (5) minutes (1:20 year storm recurrence).
- Location(s), dimensions and specifications for any required rainwater storage and reuse tank systems. Where proprietary products are to be used, manufacturer specifications and details must be provided.
- Specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise rainwater.



The above construction drawings and specifications are to be prepared by a suitably qualified and experienced civil/hydraulic practitioner in accordance with Australian Standards 3500.2 and 3500.3 - *Plumbing and Drainage Code* and the BCA. Details satisfactorily addressing this condition must be provided as part of the supporting documentation lodged with the Certifying Authority for approval of the Construction Certificate application.

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

### **Sub soil seepage**

- C12. All sub-soil seepage drainage shall be discharged via a suitable silt arrester pit, directly to Council's nearest stormwater drainage line. 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.

Reason: To ensure appropriate drainage and stormwater management on the site)

### **Shoring for Adjoining Property**

- C13. 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)

### **Work Zone**

- C14. 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)

### **Parking Meter Relocation:**

- C15. 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)

### **Driveway Crossing and associated works permit**

- C16. 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:

- a) The proposed vehicular access ways 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.
- b) The width of the vehicular layback shall be 8.0m (including the wings).
- c) The vehicular access shall be constructed of charcoal interlocking concrete pavers.
- d) The vehicular laybacks shall be set square to the kerb.
- e) The boundary footpath levels shall match the existing levels and shall not be altered unless agreed to by Council.

- f) The gutter levels and road shoulder levels on Berry Street shall stay unchanged.
- g) The kerb gutter, and 600 mm road shoulder wide- strip, adjacent to all new layback and gutter works, on Street shall be reconstructed, to ensure uniformity in the road reserve.
- h) All inspection openings, utility services shall be adjusted to match the proposed driveway levels and location.
- i) The design detail must include sections along centre-line and extremities of the crossing 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.
- j) A longitudinal section along the gutter line of Berry Street at a scale of 1:50 showing how it is intended to transition the layback with the existing gutter levels.
- k) A longitudinal section along the footpath property boundary at a scale of 1:50 is required.
- l) The sections shall show the calculated clearance to the underside of any overhead structure.
- m) All details of internal ramps between parking levels.
- n) A swept path analysis is required demonstrating that an 85th percentile vehicle can maneuver in and out of the garage spaces in accordance with AS 2890.1 2004 "Off Street Parking".

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 on the permit. The Certifying Authority issuing the Construction Certificate must ensure that the permit issued by Council is obtained prior to its issue, is referenced on and accompanies the Construction Certificate issued.

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

### **Required Infrastructure Works –Roads Act 1993**

C17. 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:

#### Road Works in Berry Street

- a) Construction of a fully new replacement sandstone paving footpath (Dwg No. S406; S407; S408 & S409) *or an alternative paving approved in writing by Council's Director of Engineering & Property Services* is required across the entire site frontage in Berry Street. 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 (as close as possible 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.

- b) Construction of a fully new kerb and gutter is required across the entire site frontage in Berry 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.
- c) 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.
- d) Construction of a fully new road shoulder (maximum grade 5% down towards new gutter) extending to 1.2 metres out from the gutter alignment and across the entire development site frontage.

#### Road Works in Pacific Highway

- e) Construction of a fully new replacement sandstone paving footpath (Dwg No. S406; S407; S408 & S409) *or an alternative paving approved in writing by Council's Director of Engineering & Property Services* is required across the entire site frontage in Pacific Highway. 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 (as close as possible 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.
- f) Construction of a fully new 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.

#### Drainage Works

Connection of the site stormwater system must be made centrally to

Council's stormwater line within the property. To accommodate this requirement, the following drainage infrastructure works must be carried out on Council property at the Applicants expense:-

- a) The existing 750mm stormwater main has to be redirected and replaced with adequate pipeline or box-section on most appropriate position in respect of proposed building works. If it is replaced by another pipeline, the new section shall be concrete-encased. If the box-section line – option is chosen, it shall be from reinforced concrete and sustainable to sustain load pressure.
- b) Appropriate drainage easement 1.22 m wide shall be created over parts of existing and proposed new Council's stormwater line with covenants on the property title, prior to release of the Occupation Certificate.
- c) All civil and drainage works within the road reserve and Council's stormwater drainage line shall be designed and built in accordance with Council's current "Infrastructure Specification". Council reserve the right of keeping all bonds on infrastructure works for 12 month defects liability period.
- d) Video inspection must be carried out of completed drainage works that are to revert to council and a video tape forwarded to council's development engineer to support the certification. Bonds held by Council will be returned after receipt of satisfactory information.
- e) Prior to issue of the final occupation certificate, the applicant shall obtain a works-as-executed survey drawing (W.A.E.) of the completed site drainage system. The W.A.E. drawing shall show the alignment, depth and grade of the stormwater drainage pipelines, pits and ancillary plumbing. The W.A.E shall be reviewed by a qualified civil engineer and certification provided to the PCA that the as-built system achieves the design intent of the plans approved with the Construction Certificate. This certification shall be provided with the W.A.E survey. A video inspection must also be carried out of completed drainage works that are to revert to Council's care and control, and the video tape /DVD forwarded to Council to support the certification.

Private Certifying Authorities must not issue a Construction Certificate without the formal written approval of Council (as Roads Authority) under the Roads Act 1993.

The required plans and specifications are to be designed in accordance with North Sydney Council's current documents Infrastructure Specification for 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 Roads Act 1993 approval.

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; Ensure compliance and provide record of completed drainage system for future reference and maintenance purposes)*

## **Awnings**

- C18. 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:-

Awnings edges, parallel to the kerb line must not exceed edges of existing awnings in the same city block or if no other neighbouring awnings to compare, the edges of proposed awning must be offset at least 600 mm from the kerb line.

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)*

## **Stormwater Management and Disposal Design Plan – Construction issue detail**

- C19. 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, Councils 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 line within the property.
- c) The applicant shall engage a specialist Hydraulics Engineer to carry out an evaluation of Council's stormwater drainage system and the effect of the proposed development on this system. The results of this evaluation shall be submitted with all other drainage details to Council prior to issue of any Construction Certificate by the Certifying Authority.
- d) The stormwater drainage system shall be designed for an average recurrence interval (A.R.I.) of 1 in 20 years.
- e) All redundant stormwater pipelines within the footpath area shall be removed and the footpath and kerb reinstated.
- f) All sub-soil seepage drainage shall be discharged via a suitable silt arrester pit, directly to Council's nearest stormwater drainage line. 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.
- g) 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.

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

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

### **Bicycle Storage and Parking**

C20. The bicycle storage area shall accommodate a minimum of 315 bicycles, and designed in accordance with AS 2890. Details demonstrating compliance are to be submitted to the Certifying Authority for approval with the Construction Certificate.

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

### **Cycle Shower Facilities**

C21. Shower facilities shall be provided and made accessible without charge

to cyclists who work in the building. Details demonstrating compliance are to be submitted to the Certifying Authority for approval with the Construction Certificate.

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

### **Parking for People with Disabilities**

C22. A total of two 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 Australian Standard AS2890.1 to achieve compliance with the Disability Discrimination Act, and the relevant provisions of AS1428.1 and AS1428.4.

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

### **Line Marking**

C23. One hundred and twelve (112) 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 for approval with the Construction Certificate.

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

### **Sediment Control**

C24. Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, details including plans and specifications shall be submitted to Council accompanying the Construction Certificate, which provide adequate measures for erosion and sediment control. As a minimum, control techniques are to be in accordance with North Sydney Council Guidelines on Erosion and Sediment Control, or a suitable and effective alternative method. The



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;
- (e) A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.

Details from an appropriately qualified person showing that these design requirements have been met shall be submitted with the Construction Certificate and approved by the Certifying Authority prior to issuing of the Construction Certificate.

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

### **Dilapidation Survey**

C25. Prior to issue of the Construction Certificate the applicant must submit, for verification by the Certifying Authority, a full dilapidation report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavations. This zone is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.

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

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

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

Note: This documentation is for record keeping purposes only, and may be used by an applicant or affected property owner to

assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible.

(Reason: Proper management of records)

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

C26. A certificate prepared by an appropriately qualified and practising structural engineer, at no cost to the Council, detailing the structural adequacy of adjoining properties, and certifying its 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)

### **Asbestos & Hazardous Material Survey**

C27. 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 (such as an Occupational Hygienist or Environmental Consultant) is to be submitted to the Certifying Authority, with the Construction Certificate application, detailing whether any asbestos or hazardous materials exist on the site that are affected by the proposed building works. (eg. lead in paints and ceiling dust or asbestos based products).

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 (a), a Work Plan shall be submitted to Council (at least five (5) working days prior to work commencing) 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.
  - (v) Details of signage to be provided on the site to comply with the provisions of the Occupational Health and Safety

Regulation 2001, to ensure persons are warned, by the use of signs, labels or other similar measures, of the presence of asbestos or asbestos-containing material in a place at which construction work is being carried out.

- (c) Where unacceptably high levels of lead are found in a premises to be demolished, Item (b) is to be followed, and if the directed by the appropriately qualified person, the soil sample from site is to be tested by a NATA Registered laboratory before and after demolition and submitted to Council. 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 based products 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. (Refer to the information publications provided in your approvals package for more specific information)
- (f) All work involving lead removal must not cause lead contamination of air or ground, and the Work Plan submitted to comply with item (b) must comply with the requirements of *AS 4361.2-1998 : Guide to lead paint management - Residential and commercial buildings*. 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.

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

### **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)

## **No External Service Ducts**

C29. 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)

## **Cigarette Butt Receptacle - Commercial**

C30. That provision be made for cigarette butt receptacles on the site to minimise littering. Cigarette butt receptacles must be provided during building works on any site, and permanently provided to any commercial component of the development after construction. Details of the size and the location of the receptacle are to be provided to the Certifying Authority for approval with the Construction Certificate.

(Reason: To ensure that adequate provision is made for builder's waste and waste upon completion of the development)

## **Noise from Plant**

C31. A certificate from an Acoustic Engineer is to be submitted to the Certifying Authority for approval 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 Environment Protection Authority Industrial Noise Policy.

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

## **Access for People with Disabilities**

C32. Ramps and access for people with disabilities are to be provided to and within the entire building. Consideration must be given to the means of dignified and equitable access from public places to adjacent buildings, to other areas within the building and to footpath and roads. Compliant access provisions for people with disabilities 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 to achieve compliance with the provisions of the Disability Discrimination Act, and the relevant provisions of AS1428.1 and AS1428.4.

(Reason: To ensure the provision of equitable and dignified access

for all people in accordance with disability discrimination legislation and relevant Australian Standards)

### **Geotechnical Report – Excavation Work**

C33. A certificate prepared by an appropriately qualified Geotechnical Engineer certifying that the existing rock formations and substrate on the site is capable of:

- a) Withstanding the proposed loads to be imposed;
- b) Withstanding the extent of the proposed excavation, including any recommendations for shoring works that may be required to ensure the stability of the excavation;
- c) Providing protection and support of adjoining properties; and
- d) The provision of appropriate subsoil drainage during and upon completion of construction works.

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 structural integrity of the subject site and adjoining sites during the excavation process)

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

C34. A Security Bond of \$40,000 for protection of trees in public places shall be deposited with Council prior to the issue of a Construction Certificate. (See schedule below).

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

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

#### **SCHEDULE**

2x London Plane Trees growing along the Berry Street frontage of the property

6 x London Plane Trees growing along the Pacific Highway frontage of the property

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

## Pruning

- C35. 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)

## S94 Contributions

- C36. 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 (\$)
Public Domain Improvements	\$3,172,183.69
Traffic improvements	\$191,531.34
<b>The total contribution is</b>	<b><u>\$ 3,363,715.03</u></b>

The contribution SHALL BE paid prior to determination of the application for **Construction Certificate for construction of the building excluding demolition and excavation.**

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](http://www.northsydney.nsw.gov.au)

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

## Security Bond Schedule

C37. 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 or Occupation Certificate:

<b>Security Bonds</b>	<b>Amount (\$)</b>
Street Tree Bond (on Council Property)	\$40,000.00
Road Damage Bond	\$73,000.00
Drainage Construction Bond	\$30,000.00
Engineering Construction Bond	\$211,000.00
<b>TOTAL BONDS</b>	<b>\$354,000.00</b>
<b>Fees</b>	
Section 94 contribution prior to Construction Certificate	\$3,363,715.03
Section 94 contribution prior to Occupation Certificate	\$1,361,733.41
<b>TOTAL FEES</b>	<b>\$4,725,448.44</b>
Railway Contribution – North Sydney CBD (Railway Deed of Agreement)	<b>\$4,346,489.40</b>

(Reason: Compliance with the development consent)

## Bonds

C38. 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)

## Parking Entrance

C39. The security access card reader and boom gate at the entrance to the car park be located a minimum of 18 metres from the boundary; A Stop sign and "Give Way to Pedestrians" sign be installed at the exit from the driveways; Pedestrian sight lines are to be provided in accordance with Figure 3.3 of Australian Standard 2890.1.

Details from an appropriately qualified person showing that these design requirements have been met shall be submitted with the Construction Certificate and approved by the Certifying Authority prior to issuing of the Construction Certificate.

(Reason: Pedestrian safety)

## **Recycling Facilities**

- C40. Garbage bay facilities, including provision for the separation and storage in appropriate categories of material suitable for recycling, shall be provided within the subject premises in accordance with Council's Garbage Code. Details are to be provided with 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: Environmental)

## **Undergrounding of Power**

- C41. The power supply to the building shall be provided by underground conduits from the mains to the primary supply box or room within the subject building. Any redundant power poles shall be removed. All works shall be completed to Energy Australia's requirements. Details to be provided with any application for Construction Certificate.

(Reason: To facilitate future undergrounding of power, streetscape)

## **Motorcycle Parking**

- C42. The parking layout shall provide twelve motorcycle parking spaces, each space being a minimum of 1.2 metres x 2.5 metres. Details are to be provided with the Construction Certificate.

(Reason: Environment, Amenity)

## **Levels and setback of building in Berry Street**

- C43. The levels of the setback of the building in Berry Street within 8m of the kerb shall be at grade to match the levels of the Berry Street footpath with no stairs, retaining walls, structures, awnings or balconies within the setback unless approved in writing by Council's Director of Engineering & Property Services. The glass of the podium facing Berry Street shall be generally 5m from the tower element without encroachment on the Berry Street Special Area. The exhaust ventilation shaft shall be located within the building.

(Reason: To ensure that the Berry Street special area has consistent levels with the footpath and future expansion to the east of the site, that there is adequate circulation space at the corner, streetscape)



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

**Excavation/Demolition**

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

(Reason: To ensure compliance with statutory provisions)

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

- D2. Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$10 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for North Sydney Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

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

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

***E. 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 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;
- (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)

## **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 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)

### **Vibration from Works**

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

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

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

- 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 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)

### **Upgrading of street lighting**

- E8. The applicant pay to upgrade the lighting levels in Berry Street including removal of any redundant power poles, and the site's frontage to Pacific Highway to comply with the Australian Standard and to the satisfaction of Council.

(Reason: Safety due to the increase in vehicular and pedestrian activity, particularly at night, associated with the development)

### **Applicant not to alter existing public parking restrictions**

- E9. 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 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)

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

- E10. 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 manage and control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority.

(Reason: Erosion and Sediment control)

### **Road Reserve Safety**

- E11. 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)

### **Applicant responsible for all Services in, on or over site**

- E12. Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon service infrastructure not previously identified on the site (including but not limited to stormwater pipes, phone lines, water mains, sewer, gas, electricity and the like). It is the Applicants full responsibility to ensure the approved development does not create undue impacts on the same, and to ascertain the impacts of the proposal upon such services. Where required, the adjustment or inclusion of any new service infrastructure must be carried out by the applicant and in accordance with the requirements of the relevant authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact

with the relevant utility authorities.

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

## **Special Permits**

E13. 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**

- E14. Building construction shall be restricted to within the hours of 7.00 am to 5.00 pm Monday to Friday and on Saturday to within the hours of 8.00 am to 1.00 pm inclusive, with no work on Sundays and Public Holidays.

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

Notes:

For the purposes of this condition:

"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.

"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.

"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**

- E15. 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](http://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**

- E16. 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 "North Sydney Council Guidelines on Sediment and Erosion Control". 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**

- E17. 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)

## **Health and Safety**

- E18. 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](http://www.workcover.nsw.gov.au)

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

### **Occupation Certificate Required**

E19. 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**

E20. 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**

E21. 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](http://www.northsydney.nsw.gov.au).

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

### ***Geotechnical Stability during Works:***

E22. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting



geotechnical engineer must oversee the excavation procedure.

Geotechnical aspects of the development work, namely appropriate excavation method and vibration control, support and retention of excavated faces, and Hydrogeological considerations must be undertaken in accordance with the recommendations of the Geotechnical Report prepared by qualified Geotechnical Engineer 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)

***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)

**Support for Neighbouring Buildings**

F2. (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**

- F3. (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**

- F4. (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.
  - (3) This condition does not apply to building works being carried out inside an existing building.

(Reason: Statutory requirement)

## Toilets

- F5. (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***

**Completion of infrastructure works**

G1. Prior to issue of the final Occupation Certificate, the Applicant must complete the following infrastructure works in association with the development:

- All redundant lay-backs and vehicular crossings to be reinstated to conventional kerb and gutter, foot-paving or grassed verge as appropriate.
- Repair of any damaged public infrastructure.
- Construction of the new driveway crossing, layback and associated transitioning and/or road shoulder works in accordance with the vehicle access permit and specifications obtained from North Sydney Council prior to Construction Certificate issue.

All costs shall be borne by the applicant, and works shall be completed to the satisfaction of Council development engineer.

(Reason: To maintain satisfactory public infrastructure)

**Utility Services**

G2. All utility services shall be adjusted, to the correct levels and/or location/s, to the satisfaction of North Sydney Council's Development Engineer and the relevant public authority.

(Reason: Protection of existing infrastructure)

### **Certification- Civil Works**

- G3. (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 AS3500.3.2. 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)

### **Mechanical Exhaust Ventilation**

- G4. The mechanical exhaust system shall be installed in accordance with AS1668, and be operated in such a way so as to minimise/prevent the creation of odours, fumes and excessive noise which may adversely affect the amenity, or interfere unreasonably with the comfort or repose of occupants of the building and adjoining premises.

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 AS1668, 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**

- G5. 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 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)

### Disposal Information

G6. 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)

### Deed of Agreement – Public Garden Plaza

G7. Prior to completion and issue of any interim Occupation Certificate, the applicant shall enter into a Deed of Agreement with Council with regard to the **proposed ground floor public garden plaza on the corner of Berry Street and Pacific Highway and the land in front of the building in Berry Street** as shown on drawing numbered 11005-DA01A, dated May 2011, drawn by Aspects Studios which achieves the objectives of:-

- enabling the public to use the public garden plaza for the purpose of public access during operating hours with minimum hours being between the hours of 7am and 7pm Monday to Friday
- enabling the land in front of the building in Berry Street within the property boundary at ground level to be used for public access at all times
- ensure the rights are not subject to change or variation except with the prior consent of Council

The Deed of Agreement shall be for the life of the building and not in perpetuity.

The applicant shall be responsible for the maintenance of the area and public liability insurance for a policy in the amount of not less than \$20 million in respect of any property damage, personal injury and loss of life caused by or in connection with the provision and use of the area.

The Deed of Agreement shall allow for public access to the public garden plaza at all times the area is open with minimum hours being between 7am and 7pm Monday to Friday and shall include details on the design and finishes of materials, levels of light and security.

The Deed must also make provision for a Covenant on title to be registered with NSW Department of Lands prior to the issue of any Occupation Certificate for the building. The Covenant must note the matters contained in the Deed to ensure that the areas are maintained as public space for the life of the building.

The Deed and any associated documentation shall be prepared, executed and registered at the sole cost of the applicant, including the reasonable costs of Council in obtaining advice, the cost and expense of negotiating the terms and conditions of the agreement, producing documents or otherwise facilitating the preparation, execution and registration of the required documents, shall bind all successors in title and shall only be subject to variation at the discretion of the Council.

(Reason: Public access and amenity)

## S94 Contributions

- G8. 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.

<b>A</b>	<b>B (\$)</b>
Administration	<b>\$77,582.42</b>
Child Care Facilities	<b>\$328,481.68</b>
Community Centres	<b>\$189,145.69</b>
Library Acquisition	<b>\$38,572.55</b>
Library Premises & Equipment	<b>\$117,259.94</b>
Multi Purpose Indoor Sports Facilities	<b>\$44,378.55</b>
Open Space Acquisition	<b>\$141,413.18</b>
Open Space Increased Capacity	<b>\$280,307.96</b>
Olympic Pool	<b>\$144,591.44</b>
<b>The total contribution is</b>	<b><u>\$ 1,361,733.41</u></b>

The contribution SHALL BE paid prior to determination of the application for any **interim Occupation Certificate** for the building.

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](http://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)

### **Modification of Traffic Signals**

G9. The applicant with the concurrence of the RTA shall modify the signals at the intersection of the Pacific Highway and Berry Street to provide signalised pedestrian crossings on the northern and western sides of the intersection. All works are to be at the expense of the applicant.

(Reason: To allow for appropriate pedestrian safety)

### **Payment of Railway Infrastructure Contribution**

G10. A railway infrastructure contribution totalling **\$4,346,489.40** shall be provided to the Transport Administration Corporation prior to the issuance of any Occupation Certificate. Contributions will be adjusted at the time of payment in accordance with the quarterly consumer price index (All Groups Index of Sydney)

(Reason: Statutory)

## ***H. Conditions that Must be Complied with 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 the final Occupation Certificate required on completion of works: -

#### **Schedule**

Tree Species	Location	Pot Size
London Plane Tree (Platanus x Hybrida)	In accordance with the approved landscape plan or if replacement trees to the satisfaction of Council	200 litre



The installation of such trees, their current health and their prospects for future survival shall be certified upon completion by an appropriately qualified horticulturalist.

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

### ***I. On-going Conditions that Must be Complied with at All Times***

#### **Use of Café/Restaurant**

- I1. The specific use of any part of the premises as a café/restaurant shall be the subject of a further development approval for such use or occupation. Such application shall be assessed with regard to its impact on neighbourhood amenity relating to number of seats, hours of operation and licensing requirements.

(Reason: Statutory)

#### **Loading Within Site**

- I2. All loading and unloading operations shall be carried out wholly within the confines of the site, at all times.

(Reason: Safety and Amenity)

#### **Garbage Collection**

- I3. All garbage collection shall be carried out wholly within the building and not on the street.

(Reason: Amenity, traffic safety)

#### **Vehicle Entry**

- I4. All vehicles must enter and leave the site in a forward direction,

(Reason: Traffic safety)

#### **Roof Signs**

- I5. No consent is given or implied for any form of roof sign.

(Reason: Information)

#### **Green travel plan**

- I6. A workplace green travel plan is to be developed to highlight to staff the available public and alternative transport options for travelling to the

site. This is to be submitted to Council for approval by the Director of Engineering and Property Services.

(Reason: To encourage staff to use public and alternative options of travel)