

**NORTH SYDNEY COUNCIL  
DRAFT CONDITIONS OF DEVELOPMENT APPROVAL  
WITHOUT PREJUDICE  
8-10 BERRY STREET, NORTH SYDNEY  
DEVELOPMENT APPLICATION NO. 272/12**

**No Condition**

**A. Conditions that Identify Approved Plans**

**A1 Development in Accordance with Plans**

The development being carried out in accordance with drawings numbered AR-A-02, AR-A-03, AR-A-04, AR-D-10, AR-D-11, AR-D-12, AR-E-10, AR-F-10, AR-F-11, AR-F-12, AR-G-00, dated 10/8/12, drawn by BVN Architecture, received by Council on 17/8/12, and drawings numbered AR-E-11 and , AR-E-12 Issue 2, dated 19/9/12, drawn by BVN Architecture, received by Council on 27/9/12 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)

**A2 Plans on Site**

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. Ancillary Matters to be Completed Prior to Issue of a Construction Certificate~~  
Commencement of Works**

**B1 Construction and Traffic Management Plan Required**

Prior to ~~issue of the Construction Certificate~~the commencement of any works the Applicant must have a *Construction and Traffic Management Plan* prepared. The following matters must be specifically addressed in the Plan:

**1. A plan view (min 1:100 scale) of the entire site and frontage roadways indicating:**

- a) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
- b) RTA approved signage type and location to manage pedestrian in the vicinity,
- c) The locations of any proposed Work Zones in the frontage roadways,
- d) Locations and type of hoardings proposed,
- e) Area of site sheds and the like,
- f) Location of any proposed crane standing areas,
- g) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
- h) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
- i) The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.

**2. A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided.**

- a) Light traffic roads and those subject to a load or height limit must be avoided at all times.
- b) Once approved, a copy of the route is to be made available to all contractors, and shall be clearly

depicted at a location within the site.

### 3. Traffic Control Plan(s) for the site

a) All traffic control devices installed in the road reserve must be in accordance with the RTA publication "Traffic Control Worksite Manual" and be designed by a person licensed to do so (minimum RTA „red card" qualification).

b) The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.

A suitably qualified and experienced traffic consultant shall prepare the Construction and Traffic Management Plan. The construction management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of, and during, works on-site. As the plan has a direct impact on the local road network and public amenity, the plan must be submitted to and reviewed by Council. A written acknowledgment from Council engineers as to the result of this review shall be obtained (attesting to this condition being appropriately satisfied) ~~and must be sighted as part of the supporting documentation lodged with the Certifying Authority for approval of the Construction Certificate application prior to any works commencing.~~

#### 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 the necessary approvals prior to such work commencing (e.g crane standing, work zone, hoarding, stand plant and the like).
- 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.
- 4) Dependent on the circumstances of the site, Council may request additional information to that detailed above.

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

### C. Prior to ~~the Issue of a Construction Certificate~~ any Commencement

#### C1 Dilapidation Survey Private Property (Neighbouring Buildings)

A photographic survey of adjoining properties No's. 6 and 12-16 Berry Street detailing the physical condition of those properties, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items, SHALL BE submitted to Council ~~and the Certifying Authority (where Council does not issue the Construction Certificate)~~ prior to ~~the issue of any Construction Certificate~~ any commencement of works. 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)

**C2 Structural Adequacy of Existing Building**

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

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

**C3 Waste Management Plan**

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

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

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

**C4 External Colours and Finishes**

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

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

**C5 Reflectivity Index of Glazing**

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

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

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

**C6 Roofing Materials – Reflectivity**

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

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

**C7 No External Service Ducts**

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

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

**C8 Stormwater Disposal**

Stormwater runoff generated by the approved development shall be conveyed by gravity to the existing site stormwater drainage disposal system. A licensed tradesman shall install plumbing components to achieve this requirement in accordance with the BCA and current plumbing standards and guidelines. ~~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 appropriate provision for disposal and stormwater management arising from the development)

**C9 Garbage and Recycling Facilities**

Adequate provision shall be made for the storage of waste and recyclable material generated by the premises. ~~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 provision of appropriate waste facilities and to ensure efficient collection of waste by collection contractors)

**C10 Asbestos & Hazardous Material Survey**

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

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

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

**C11 Noise from Plant**

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

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

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

**C12 Mechanical Exhaust Ventilation**

A statement from an appropriately qualified and practising Mechanical Engineer is required detailing how the exhaust ventilation system will be installed in accordance with the applicable Australian

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

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

**C13 Access for People with Disabilities**

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

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

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

**C14 Green Travel Plan**

An amended Green Travel Plan is to be prepared and submitted to Council. The Plan must include details of public and alternative transport options for travelling to and from the site, and encourage the use of non-private vehicle transport modes by the staff, students and visitors for all of the ACU campus buildings in North Sydney. The Plan is to be prepared by a suitably qualified person and submitted to Council for approval by the Director of Engineering and Property Services prior to ~~the issue of the Occupation Certificate~~. The Plan must include the following:

- a) A description of the location in context of alternative modes of transport and objectives for the Green Travel Plan;
- b) Provision of a designated „manager“ or „champion“ responsible for coordination and implementation of the Green Travel Plan;
- c) Staff and student welcome packs – including provision of Public Transport maps, timetables and/or real time information of nearby services (including train, buses, ferries, cycling and walking routes) to be provided to purchasers and/or occupiers upon occupation of a dwelling;
- d) Staff travel allowances as part of salary packages to encourage public transport use;
- e) Full details of other possible incentives and how they will be implemented;
- f) Details of bicycle parking facilities within the site and bicycle routes;
- g) Details of Green Travel Plan funding and management responsibilities, including ongoing monitoring and review;
- h) Details of annual reporting; and
- i) Provisions to be updated not less than every 2 years.

(Reason: Minimise traffic generation)

**C15 Noise Report?Heading**

All recommendations contained in the Acoustic Report, Access Report, BCA Report and Traffic and Transport Assessment (Revision B – 25 October 2012) are to be incorporated into the approved development.

(Reason: Orderly development of site and minimising impacts on amenity)

**C16 Dilapidation Report – Damage to Public Infrastructure**

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)

**C17 Shoring for Adjoining Property**

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)

**C18 Dilapidation Report – Adjacent Private Property**

Prior ~~to issue of the Construction Certificate~~ commencement of works 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)

**C19 Security Bond Schedule**

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

Security Bonds	Amount (\$)
Drainage Construction Bond	18,500.00
Engineering Construction Bond	12,100.00
<b>TOTAL BONDS</b>	<b>\$30,600.00</b>

(Reason: Compliance with the development consent)



**C20 Bonds**

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

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

**C21 Geotechnical Certificate**

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)

**C22 Work Zone**

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 – Amenities and convenience during construction)

**C23 Parking Meter Relocation:**

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~~ any commencement of works.

~~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)

**C24 Maintain Property Boundary Alignment Levels**

Unless otherwise approved by Council, the property boundary alignment levels must match existing.

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

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

**C25 Required Infrastructure Works –Roads Act 1993**

~~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

- a) Construction of a fully new replacement concrete footpath 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 (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) The redundant layback crossing on Berry Street must be reinstated as upright kerb gutter and footpath.
- c) The footpath pavement shall be placed on a single straight grade of 3.0% falling to the top of kerb. The footpath pavement shall be full width constructed of concrete pavers, in accordance with Council's standard drawings No S401, S403, S404 and S405, placed adjacent to the front boundary of the property. In general, the pavers selected should match any pavers already laid in the same city block.
- d) Footpath pavement transition works are required to ensure gentle changes in grade, drainage and no „trip“ hazards between the existing and proposed pavement. These works have been assessed as 1500mm in length.
- e) 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.
- f) 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.
- g) 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.

Drainage Works

Connection of the site stormwater system must be made directly to a newly constructed grated gully pit (with lintel), in front of the site on Berry Street. To accommodate this requirement, the following drainage infrastructure works must be carried out on Council property at the Applicants expense:-

- a) Construction of a standard grated gully pit with extended kerb inlet (1.8m lintel) in the kerb fronting the subject site in Berry Street. The pit must be constructed in accordance with Councils "Infrastructure Specification for Roadworks, Drainage and Miscellaneous Works".
- b) Construction of a new in-ground drainage line under the kerb and gutter at standard depth. The line must connect the new gully pit to the existing Council pit located downstream of the site in Berry Street. The pipes within the road reserve are to be reinforced concrete class 2 with a minimum 375mm diameter and have bedding in accordance with Australian Standard



AS 3725 – (Loads on buried concrete pipes). The developer shall be responsible for carrying out any service investigations to allow a gravity connection.

~~Private Certifying Authorities must not issue a Construction Certificate~~ No commencement of work 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)

**C26 Awnings, Footpath Entries and Fire Exit Details (Mixed Use/Commercial/ Apartments)**

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 meters past property lines showing transitions.

(vi) A longitudinal section along the footpath property boundary line extending 5 meters past property lines showing transitions.

(vii) 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)

**C27 Stormwater Management and Disposal Design Plan – Construction issue detail**

Prior to ~~issue of the Construction Certificate~~ commencement of works, 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 by gravity, via a direct connection to a new stormwater gully pit in Berry Street, which is to be constructed in front of the property in Berry Street. The new – minimum 375mm reinforced concrete pipeline in Berry Street is to be constructed between the new pit and to the existing Council pit located downstream of the site in Berry Street. Within the road reserve, pipe shall have a minimum cover of 450mm.
- c) All civil and drainage works within the road reserve shall be designed and built in accordance with Council's current "Infrastructure Specification". Prior to ~~issue of the Construction Certificate~~ commencement the applicant must have engineering plans and specifications, prepared by a qualified civil drainage design engineer. Council must approve the plans and specifications, in writing, ~~prior to issue of any Construction Certificate by the Certifying Authority.~~ The documentation must provide engineering construction detail for the following public infrastructure works that must be completed as part of the approved development. 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) The stormwater drainage system shall be designed for an average recurrence interval (A.R.I.) of 1 in 20 years.
- f) All redundant stormwater pipelines within the footpath area shall be removed and the footpath and kerb reinstated.
- g) All sub-soil seepage drainage shall be discharged via a suitable silt arrester pit, directly to Council's nearest stormwater drainage line being new line in Berry Street. Details of all plans certified as being adequate for their intended purpose and compliant with the provisions of AS3500.3.2 by an appropriately qualified and practising civil engineer, shall be submitted with the application for a Construction Certificate.
- h) 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.
- i) Provide subsoil drainage to all necessary areas with pump out facilities as required.

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

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

**C28 Bicycle Parking Arrangement**

A “Facility Class 2” type bicycle parking arrangement, as detailed in AS2890.3, be provided capable of storing a minimum of 10 bicycles for staff. Bicycle rails (AS2890.3 – facility type 3) capable of storing 20 bikes should be provided for students and visitors. The racks/rails should be located in a prominent, safe, accessible and convenient location.

(Reason: Traffic minimisation)

**C29 Bicycles**

“End of Trip” facilities be provided for staff, students and visitors of the ACU who ride bicycles.

(Reason: Traffic minimisation)

**C30 Traffic**

All vehicles, including heavy vehicles, delivery vehicles and garbage collection vehicles must enter and exit the site in a forwards direction, unless under the direct supervision of an RTA accredited traffic controller.

(Reason: Traffic management)

**C31 Car Park**

All aspects of the car park comply with the Australian Standard 2890.1.

(Reason: Compliance with A.S.)

**C32 Disabled parking spaces**

All aspects of parking spaces for people with disabilities comply with AS2890.6.

(Reason: Compliance with A.S.)

**C33 Bicycles**

All aspects of the bicycle parking and storage facilities comply with AS2890.3.

(Reason: Compliance with A.S.)

**C34 Access**

The driveway access to the proposed car park and loading dock is to comply with Council's Infrastructure Specification for Roadworks, Drainage and Miscellaneous Works and Council's Vehicular Access Application.

(Reason: Vehicle movements)

**C35 RMS**

The layout of the proposed car parking areas, loading docks and access driveway associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions, should be in accordance with AS2890.1 - 2004 and AS2890.2 – for heavy vehicles.

(Reason: Roads & Maritime Services requirement)

**C36 RMS**

A Construction Traffic Management Plan (CTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council, ~~and approved prior to the issue of a Construction Certificate~~. The CTMP will need to ensure that any impacts on pedestrian and bicycle access are fully considered.

(Reason: Roads & Maritime Services requirement)

**C37 RMS**

Post-development storm water discharge from the subject site into the RMS drainage system should not exceed the pre-development discharge. Should there be changes to RMS drainage system then detailed design plans and hydraulic calculations of the stormwater drainage system are to be submitted to RMS for approval, prior to the commencement of any works.

Details should be forwarded to:

The Sydney Asset Management  
Roads & Maritime Services  
PO Box 973  
Parramatta CBD NSW 2124

A plan checking fee will be payable and a performance bond may be required before RMS approval is issued. With regard to the Civil Works requirements, please contact the RMS Project Engineer, External Works on (02) 8849 2114 or fax (02) 8849 2766.

(Reason: Roads & Maritime Services requirement)

***D. Prior To Any Commencement***

**D1 Public Liability Insurance – Works on Public Land**

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

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

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

***E. During Demolition and Building Work***

**E1 Cigarette Butt Receptacle**

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

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

**E2 Parking Restrictions**

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)

**E3 Road Reserve Safety**

All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials and plant must not be stored in the road reserve without approval. A safe pedestrian circulation route and a

pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site.

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

(Reason: Public Safety)

#### **E4 Structures Clear of Drainage Easements**

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

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

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

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

(Reason: Protection of Public Drainage Assets)

#### **E5 Progress Survey**

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

- a) at the completion of excavation, prior to the placement of any footings, showing the completed level of the excavation and its relationship to the boundaries;
- b) prior to placement of concrete at the ground floor level, showing the level of the form work and its relationship to boundaries including relevant footpath and roadway levels;
- c) prior to placement of concrete at each fifth floor level showing the principal level of the formwork and the intended relationship of the completed works to the boundary;
- d) prior to roofing, or completion of the highest point of the building showing the anticipated level of the completed work and its relationship to the boundary; and
- e) at completion, works showing the relationship of the building to the boundary and showing the maximum height of the overall works and the height of the principal roof elements.

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

(Reason: To ensure compliance with approved plans)

**E6 Dust Emission and Air Quality**

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)

**E7 Noise and Vibration**

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

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

**E8 No Work on Public Open Space**

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

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

**E9 No Removal of Trees on Public Property**

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)

**E10 Benchmarks**

All permanent survey markers shall be retained, undamaged, and not relocated.

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

**E11 Special Permits**

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)

## E12 Construction Hours

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

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

i. "Building construction" means any physical activity on the site involved in the erection of a structure, cladding, external finish, formwork, fixture, fitting of service installation and the unloading of plant, machinery, materials or the like.

ii. "Demolition works" means any physical activity to tear down or break up a structure (or part thereof) or surface, or the like, and includes the loading of demolition waste and the unloading of plant or machinery.

iii. "Excavation work" means the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders, or the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site and includes the unloading of plant or machinery associated with excavation work.

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

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

## E13 Out of Hours Work Permits

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)

**E14 Installation and Maintenance of Sediment Control**

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

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

**E15 Sediment and Erosion Control Signage**

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)

**E16 Site Amenities and Facilities**

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

Further information and details can be obtained from the Internet at [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

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

**E17 Health and Safety**

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)

**E18 Community Information**

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

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

**E19 Prohibition on Use of Pavements**

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)

**E20 Plant & Equipment Kept Within Site**

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)

**E21 Service adjustments**

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)

**E22 E4 Public Safety and amenity in vicinity of works**

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)

**E23 No Placement of Building materials on the Public Road**

Building materials shall not be placed on Council's footpaths, roadways, parks or grass verges and suitable sign to this effect shall be erected adjacent to the street alignment.

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

**E24 Applicant's Cost of Work on Council Property**

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

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

**E25 Temporary Disposal of Stormwater Runoff**

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)

**E26 Geotechnical Stability during Works**

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)

**E27 Council Inspection of Public Infrastructure Works**

During the works on public infrastructure reverting to Councils care and control, Councils development engineer must undertake inspections of the works at the following hold points: -

- a) Footpath and associated road works
- b) Stormwater line and connection.

Further, all works shall proceed 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)

**E28 Construction vehicles**

Concrete pumps which are less than 2.5 metres wide may be parked within any approved Work Zone. Concrete pumps which are greater than 2.5m wide and/or parked outside of any approved Work Zone, must have a Council approved Sand Plant Permit.

(Reason: Traffic management)

**E29 Footpath**

Closure of the footpath on the northern side of Berry Street is not permitted. When the footpath must be closed for safety purposes, a traffic control plan must be approved by Council and traffic

controllers are to be in place to direct pedestrians.

(Reason: Pedestrian amenity)

**E30 Footpath**

Pedestrian access and the diversion of pedestrians shall be carried out in accordance with AS1742.3 and AS1742.10. If pedestrians are diverted, pram ramps must be provided in accordance with AS1428.1.

(Reason: Pedestrian amenity)

**E31 Construction**

Any plant or equipment stored outside the closed work area in Berry Street, Doohat Lane or any other road must have a Council approved Stand Plant Permit.

(Reason: Orderly construction)

**E32 Excavation**

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owners of the roadway is given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the works.

(Reason: Roads & Maritime requirement)

**E33 RMS**

The developer shall be responsible for all public utility adjustment works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

(Reason: Roads & Maritime requirement)

**E34 RMS**

All works/regulatory signage associated with the proposed development are to be at no cost to Roads & Maritime.

(Reason: Roads & Maritime requirement)

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

**F1 Building Code of Australia**

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

(Reason: Prescribed - Statutory)

**F2 Appointment of a Principal Certifying Authority (PCA)**

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

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

**F3 Construction Certificate**

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

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

**F4 Occupation Certificate**

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

~~(Reason: Statutory)~~

**F5 Mandatory Critical Stage Inspections**

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

~~(Reason: Statutory)~~

**F6 Commencement of Works**

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

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

**F7 Excavation/Demolition**

- 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)

**F8 Retaining Walls & Drainage**

If the soil conditions require it:

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

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

**F9 Support for Neighbouring Buildings**

- 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)

#### **F10 Protection of Public Places**

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)

#### **F11 Site Sign**

1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

a) stating that unauthorised entry to the work site is prohibited;

b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; ~~and~~

~~c) showing the name, address and telephone number of the Principal Certifying Authority for the work.~~

2) Any such sign must be maintained while building work or demolition work is being carried out,

but must be removed when the work has been completed.

(Reason: Prescribed - Statutory)

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

**G1 Access for People with Disabilities**

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

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

**G2 Noise from Plant**

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

(Reason: To ensure acoustic amenity)

**G3 Certification for Mechanical Exhaust Ventilation**

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

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

**G4 Damage to Adjoining Properties**

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

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

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

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

**G5 Regulated Systems- Air Handling**

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

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

The regulated system must be registered with Council prior to commissioning the system ~~and prior~~

~~to issue of the final Occupation Certificate.~~

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

**G6 Asbestos Clearance Certificate**

~~Prior to issuing any Occupation Certificate for building works w~~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~~~~obtained~~ (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)

**G7 Infrastructure Repair and Completion of Works**

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

(Reason: Maintain quality of Public assets)

**G8 Utility Services**

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)

**G9 Works as Executed Drawings – Stormwater**

~~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.

(Reason: Ensure compliance and provide record of completed drainage system for future reference and maintenance purposes)

**G10 Street lighting**

The developer pays to upgrade the street lighting on Berry Street, adjacent to the site, to the Australian Standard. The design is to be submitted to Council for approval by the Director of Engineering and Property Services prior to ~~the issue of the~~ Occupation ~~Certificate~~.

(Reason: Pedestrian safety)

**G11 Redundant driveways**

All redundant driveways along Berry Street shall be removed and replaced with kerb and gutter to match existing.

(Reason: Roads & Maritime requirement)

***I. On-Going / Operational Conditions***

**I1 Impact on Amenity of Surrounding Area – Non-Residential Areas**

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

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

**I2 Loading within Site**

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

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

**I3 No Illumination**

No consent is given or implied for any form of illumination or floodlighting to the building or any sign.

(Reason: To ensure appropriate forms of signage that are consistent with Council's controls and those that are desired for the locality, and do not interfere with amenity of nearby properties)

**I4 Delivery Hours**

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

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

**I5 Roof Top Lighting**

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

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

**I6 Traffic**

All vehicles, including delivery vehicles and garbage collection vehicles, must be no greater than a 6.4m SRV, as defined in AS2890.2

(Reason: Traffic management)

**I7 Teaching Clinic**

The clinics and consulting rooms are to be used strictly as university teaching spaces, and are to be ancillary to the primary use of the site as an educational establishment.

The clinics and consulting rooms are to serve as teaching and training spaces for students enrolled in the university's nursing, midwifery, physiotherapy, occupational therapy and speech pathology courses.

No approval is granted for the use of the clinics or consulting rooms for the purpose of any private medical or health service facility or consulting rooms for health care professionals.

(Reason: To ensure clinic impacts are as proposed and assessed)

**I18 Student Behaviour**

The University shall take all steps necessary to ensure that no noise or footway obstruction nuisance occurs from persons entering or leaving the premises. Sign(s) to this effect are to be erected near the building entry.

(Reason: To ensure students do not interfere with the amenity of residents in the immediate locality)

**I19 Waste removal**

The collection, removal and/or disposal of waste via the rear roller door must at all times be conducted in accordance with the terms of the Right of Carriageway.

(Reason: To ensure lawful use of Right of Way)

**I10 Hours of Operation**

The premises may be open for business only between the following hours: -

8:00am and 9:30pm – Monday to Friday

9:00am and 5:30pm – Saturday and Sunday

Lectures, tutorials and classes are to finish no later than 8:30pm on Monday to Friday; and 4:30pm on Saturday and Sunday, and all students required to leave the building within thirty (30) minutes of the end of class.

(Reason: Information to ensure that amenity of the surrounding locality is maintained)

**I11 Noise from Plant**

Noise from plant shall not exceed more than 5dB(A) above the background level during the day and evening and not exceed the background level at night (10.00pm to 6.00 am) when measured at the boundary of the property.

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

**I12 ~~No Illumination (same as I3)~~**

~~No consent is given or implied for any form of illumination or floodlighting to the building or any sign.~~

~~(Reason: To ensure appropriate forms of signage that are consistent with Council's controls and those that are desired for the locality, and do not interfere with amenity of nearby properties)~~

**I13 Daily Cleaning**

The University is to ensure that at all times when the premises are open and at the end of each day after the premises have closed, all rubbish including loose papers, cigarette butts, bottles etc which may be left on the subject area or immediately adjacent is picked up and placed in the University's rubbish bins.

(Reason: To ensure waste generated by the approved use or activity is properly managed by the person acting upon this consent, to prevent unsightly build up of waste material)

**I14 Waste Collection**

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

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