

## **2012SYE112 – North Sydney**

### **Development Application No.494/12**

#### **Conditions**

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

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

- A1. The development being carried out in accordance with drawings numbered 1407-DA.21-3, 1407-DA.21-4, 1407-DA.22-4, 1407-DA.23-3, 1407-DA.24-3, 1407-DA.25-3, 1407-DA.26-3, 1407-DA.28-2 and 1407-DA.29-2, drawn by Zone Architects, received by Council on 1 February 2013, and endorsed with Council's approval stamp, except where amended by the following conditions.

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

##### **Plans on Site**

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

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

##### **Approved Landscaping Plan**

- A3. Landscaping works on the site are to be undertaken generally in accordance with the landscaping plan numbered 2142-01D and 2142-02D, prepared by Peter Glass & Associates, and received by Council on 18 February 2013.

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

##### **External Finishes and Materials**

- A4. The colour and type of all external materials shall generally be in accordance with the submitted drawing numbered 1407-DA.38-2, prepared by Zone Architects and received at Council on 18 February 2013.

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

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

**Construction And Traffic Management Plan Required**

B1. Prior to issue of the Construction Certificate 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.

**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***

**Structural Adequacy of Existing Building**

- C1. A Certificate prepared by an appropriately qualified and practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction shall be submitted to the Certifying Authority prior to issue of the Construction Certificate. The certificate shall also include all details of the methodology to be employed in construction phases to achieve the above requirements.

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

## **Sediment Control**

C2. Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, erosion and sediment control techniques, as a minimum, are to be in accordance with the publication Managing Urban Stormwater: Soils & Construction (4th edition, Landcom, 2004) commonly referred to as the “Blue Book” or a suitable and effective alternative method. The sediment Control Plan shall incorporate and disclose:

- a) All details of drainage to protect and drain the site during the construction processes;
- b) All sediment control devices, barriers and the like;
- c) Sedimentation tanks, ponds or the like;
- d) Covering materials and methods; and
- e) A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.

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

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

## **Roofing Materials - Reflectivity**

C3. 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)

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

C4. The applicant must lodge a Bond of \$20,000 with Council against any potential infrastructure damage or failure to complete to the relevant

specification the construction of any infrastructure works required as part of this consent (See Schedule). The bond shall be lodged in the form of a deposit or bank guarantee and will be refundable following Occupation Certificate issue and at the end of any maintenance period stipulated by consent conditions, upon inspection and release by Council's Engineers. Further, Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in the following circumstances: -

- a) Where the damage constitutes a hazard in which case Council may make use of the bond immediately;
- b) The applicant has not repaired or commenced repairing damage within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works;
- c) Works in the public road associated with the development are to an unacceptable quality; and
- d) The Certifying Authority must ensure that bond is lodged with North Sydney Council prior to issue of any Construction Certificate.

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

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

- C5. A Security Bond of \$9,000 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**

2 x Camphor Laurel Street trees growing outside the property  
1 x Brush Box Street tree growing outside the property

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

### **Location of Plant**

- C6. All plant and equipment (including but not limited to air conditioning equipment) is to be located within the ground floor or other areas of the

building and is not to be located on the roof. The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

### **Noise from Plant**

- C7. A certificate from an Acoustic Engineer, who is a member or eligible to be a member of the Association of Australian Acoustical Consultants, must be submitted to the Certifying Authority certifying that the noise from all plant and plant room 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 nearest residential 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)

### **Access for People with Disabilities**

- C8. The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia. The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

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

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

- C9. The applicant must have a dilapidation survey and report (including photographic record) prepared which details the pre-developed condition of the existing public infrastructure in the vicinity of 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)

### Security Bond Schedule

- C10. All fees and security bonds in accordance with the schedule below must be paid or in place prior to the issue of the required Construction Certificate:

<b>Security Bonds</b>	<b>Amount (\$)</b>
Street Tree Bond (on Council Property)	\$9,000.00
Engineering Construction Bond	\$20,000.00
Others	
<b>TOTAL BONDS</b>	<b>\$29,000.00</b>

(Reason: Compliance with the development consent)

### Bonds

- C11. 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)

### Driveway Crossing and associated works permit

- C12. 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 match the existing vehicular layback.
- c) The vehicular laybacks shall be set square to the kerb.
- d) The boundary footpath levels and gutter invert levels shall match the existing levels and shall not be altered unless agreed to by Council.
- e) The Certifying Authority must ensure that the internal property levels at boundary matches councils boundary levels.
- f) The full frontage kerb gutter, footpath, grass verge and 600 mm road shoulder wide- strip, adjacent to all new layback and gutter works, on Rocklands Road shall be reconstructed, to ensure uniformity in the road reserve.
- g) Any twisting of driveway access to ensure vehicles do not scrape shall occur entirely with in the subject property.
- h) All inspection openings, utility services shall be adjusted to match the proposed driveway levels and location.

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**

- C13. 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 site frontage in Rocklands Road (frontage of proposed building). 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) Construction of a fully new kerb and gutter is required across the site frontage in Rocklands Road. 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 0.6 metres out from the gutter alignment and across the entire development site frontage.

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)

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

C14. 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 to Council's stormwater system via existing stormwater system.
- c) The stormwater drainage system shall be designed for an average recurrence interval (A.R.I.) of 1 in 20 years.

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)

### **Loading docks**

C15. All aspects of the loading docks, including heights shall comply with the Australian Standard AS2890.2. A loading dock which accommodates a Medium Rigid Vehicle as per Australian Standard 2890.2 shall be provided on-site.

(Reason: To ensure that adequate loading facilities are provided)

### **Protection of Trees**

C16. The tree protection methods contained within the tree report prepared by Urban Tree Management, dated 21/11/2012, and received by Council on

23/11/2012, shall be implemented on site for the duration of the 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 that appropriate tree protection measures are adopted and employed for the duration of works on the site)

### **Protection of Trees**

C17. The following tree/trees are required to be retained as part of the development consent:

- 3 x Brush Box Trees growing along the Northern Boundary and shown as retained on the approved landscape plan

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: Protection of existing environmental and community assets)

### **Pruning**

C18. 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)

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

### **Protection of Trees**

D1. All trees that are to be specifically nominated to be retained by notation or condition as a requirement of development consent shall be maintained and protected during demolition, excavation and construction on the site. Protection methods shall be provided to the Principal Certifying Authority by an appropriately qualified person prior to commencement of any works on the site, and any recommendations (or methods) to ensure the protection of trees shall be undertaken for the duration of works on the site.

(Reason: To ensure compliance with the requirement to retain significant

planting on the site)

### **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)

### **Sydney Water Approvals**

- D3. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Care Centre to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped. For Quick Check agent details please refer to "Your Business" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then see Building and Renovating under the heading Building and Developing, or telephone 13 20 92. The appointed PCA must ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans before the commencement of building works.

(Reason: To ensure compliance with Sydney Water requirements)

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

#### **Cigarette Butt Receptacle**

- E1. 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)

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

- E2. Materials must not be burnt on the site.

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

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

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

### **Noise and Vibration**

E3. Noise and vibration from works is to be undertaken in accordance with industry best practice, to ensure excessive levels of vibration do not occur to minimise adverse effects experienced on any adjoining land.

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

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

E4. The applicant shall bear the cost of all works associated with the development that occurs on Council's property, including the restoration of damaged areas.

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

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

E5. No trees on public property (footpaths, roads, reserves, etc.) unless specifically approved in this consent shall be removed or damaged during construction including for the erection of any fences, hoardings or other temporary works.

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

### **Special Permits**

E6. 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**

- E7. 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)

### **Out of Hours Work Permits**

- E8. 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**

E9. Techniques used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with the publication Managing Urban Stormwater: Soils & Construction (4th edition, Landcom, 2004), commonly referred to as the "Blue Book". All techniques shall remain in proper operation until all development activities have been completed and the site fully stabilised.

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

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

E10. 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)

### **Remedial Action Plan (Contaminated Land)**

E11. The remediation work must be carried out in accordance with a Remedial Action Plan prepared for the site as recommended by Environmental Investigation Services (EIS) in report dated 26 October 2012.

(Reason: To ensure the proper management of contaminated land)

### **Site Amenities and Facilities**

E12. 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)

### **Health and Safety**

- E13. 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)

### **Prohibition on Use of Pavements**

- E14. 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**

- E15. 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)

### **Existing parking restrictions must be maintained**

- E16. Existing public parking provisions in the vicinity of the site must be maintained at all times during works. The placement of any barriers, traffic cones, obstructions or other device in the road shoulder or kerbside lane is prohibited without the prior written consent of Council. Changes to existing public parking facilities/restrictions are only to be approved via the North Sydney Local Traffic Committee. The Applicant will be held responsible for any breaches of this condition, and will incur any fines associated with enforcement by Council regulatory officers.

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

### **Service adjustments**

- E17. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the person acting on the consent and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of the development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.

(Reason: To ensure the service requirements are met)

### **Public Safety and amenity in vicinity of works**

- E18. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials and plant must not be stored in the road reserve without approval. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) *"Traffic Control Devices for Work on Roads"*. If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

(Reason: To ensure public amenity and safety during works)

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

- E.19. 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)

## **Protection of Trees**

- E20. All trees required to be retained, as part of this consent must be protected from any damage during construction works. Any recommendations contained within the tree report prepared by Urban Tree Management dated 21<sup>st</sup> November 2012 and received by Council 23<sup>rd</sup> November 2012 shall be implemented for the duration of the works.

In the event that any tree required to be retained is damaged during works on the site, the person acting upon this consent shall advise North Sydney Council in writing within 48 hours of the damage being identified.

Notes:

If the nominated tree is damaged to a significant degree or removed from the site without prior written approval being obtained from Council, the issuing of fines or legal proceedings may be commenced for failure to comply with the conditions of this consent.

An application to modify this consent pursuant to Section 96 of the Environmental Planning and Assessment Act 1979 will be required to address non-compliance with any conditions of consent relating to the retention of nominated trees, and Council may require the tree to be replaced.

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

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

### **Building Code of Australia**

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

(Reason: Prescribed - Statutory)

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

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

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

## **Construction Certificate**

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

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

## **Occupation Certificate**

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

(Reason: Statutory)

## **Mandatory Critical Stage Inspections**

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

(Reason: Statutory)

## **Commencement of Works**

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

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

### **Excavation/Demolition**

- F7. 1) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- 2) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- 3) Demolition work must be undertaken in accordance with the provisions of AS2601- Demolition of Structures.

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

### **Retaining Walls & Drainage**

F8. 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)

### **Protection of Public Places**

- F9. 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**

- F10. 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***

### **Noise from Plant**

- G1. Prior to issue of the final Occupation Certificate, a certificate from an Acoustic Engineer is to be submitted to the Certifying Authority certifying that all of the 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 nearest residential property, and will comply with the Environment Protection Authority Industrial Noise Policy.

(Reason: To ensure acoustic amenity)

### **Height**

- G2. The maximum RL of the proposed development shall be no higher than RL 103.5 AHD measured at the roof or parapet. The Certifying Authority must ensure, prior to the issue of the final Occupation Certificate required on the completion of works, that evidence is submitted by the Applicant, demonstrating compliance with this condition.

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

### **Infrastructure Repair and Completion of Works**

- G3. 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)

### **Utility Services**

- G4. 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)

### **Workplace green travel plan**

- G5. That a workplace green travel plan be developed to highlight to staff the available public and alternative transport options for travelling to the site. This shall be submitted to Council for approval by the Director of Engineering and Property Services prior to the issue of an Occupation Certificate.

(Reason: To promote alternative transport options to staff where limited parking is available on and off site)

### **Operational Transport Management Plan**

- G6. That an Operational Transport Management Plan for heavy vehicles including garbage carrying out deliveries to the site be prepared and submitted to Council for approval by the Director of Engineering and Property Services prior to the issue of an Occupation Certificate.

(Reason: To reduce amenity impacts on surrounding area by ensuring trucks are managed to minimise noise and increase safety for the area)

### **Certification of Tree Condition**

- G7. Prior to the issue of a final Occupation Certificate, a report prepared by an appropriately qualified person (being an arborist or the like) shall be submitted to the Principal Certifying Authority, detailing the health of the tree(s) specifically nominated below:

3 x Brush Box Trees growing along the northern boundary

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

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

### ***H. Prior to Final Completion***

#### **Allocation of Spaces**

- H1. Four (4) carparking spaces shall be provided and maintained at all times on the subject site for staff in addition to existing allocated staff parking.

Such spaces are to be identified on-site by line-marking and signage at the completion of the works and prior to issue of Occupation Certificate.

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



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

### **Loading within Site**

- I1. All loading and unloading operations shall be carried out wholly within the confines of the site, at all times. All vehicles, including delivery vehicles and garbage collection vehicles must enter and exit the site in a forwards direction.

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

### **Delivery Hours**

- I2. 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)

### **Stop Signs**

- I3. That "STOP" control treatment be installed at the exit to the main access driveway and loading dock driveway in Rocklands Road. The "STOP" line is to be marked in accordance with Australian Standards and the Sign is to include the text "Stop – Give Way to Pedestrians".

(Reason: Pedestrian Safety)