

JOINT REGIONAL PLANNING PANEL
(Sydney East Joint Regional Planning Panel)

ASSESSMENT REPORT

JRPP No	2013SYE039
DA Number	DA65/13
Local Government Area	North Sydney Council
Proposed Development	Demolition of existing structures and construction of a 6 level mixed use building to contain a public car park, supermarket, arcade, specialty stores and substations and erection of signage
Plans Ref:	4058_DA001(A) and 4058_DA002(A) dated 28.02.2013 and received by Council on 15.03.13 and plans numbered 4058_DA000(B), 4058_DA003(B), 4058_DA011(B), 4058_DA014(B), 4058_DA015(B), 4058_DA016(B), 4058_DA017(B), 4058_DA031(B), 4058_DA032(B), 4058_DA092(B), 4058_DA093(B) dated 05.08.2013 and received by Council on 07.08.13 and plans numbered 4058_DA012(C), 4058_DA013(C), 4058_DA020(C), 4058_DA021(C), 4058_DA091(C), 4058_DA094(A), 4058_DA095(A) dated 24.10.13 received by Council on 28.10.13
Street Address	10 Falcon Street and 34-43 Alexander Street, Crows Nest
Applicant/	Fabcot Pty Ltd
Owner	Fabcot Pty Ltd, North Sydney Council and Ausgrid
Number of Submissions	Eleven (11)
Date of Report	8 November 2013
Report by	Kerry Gordon – Kerry Gordon Planning Services On behalf of North Sydney Council
Recommendation	Conditional approval

EXECUTIVE SUMMARY

This development application seeks Council's approval for demolition of existing structures and construction of a 6 level mixed use building to contain a public car park, supermarket, arcade, specialty stores and substations and erection of signage.

The application was reported to the JRPP meeting of 17 October 2013 with a recommendation for refusal based on two main areas of concern, being noise from the loading dock and urban design (design of "wrap around" façade to car park and location of substations). The report also raised concerns in relation to pedestrian safety at Burlington Street and internal traffic management issues in the car park, but indicated ways in which these issues could be resolved by way of conditions of consent requiring changes to the design.

Discussion that occurred during the JRPP meeting confirmed that most of the issues of concern with the application had been satisfactorily addressed, however the lodgement of an appeal against the deemed refusal resulted in a requirement for the application to be reported and determined prior to the remaining issues being resolved.

The JRPP resolved that subject to a number of outstanding matters being appropriately addressed it would approve the application. The applicant has submitted additional information and amended plans to address the matters raised by the JRPP. It is considered that the amendments and additional information satisfactorily resolve the outstanding issues and accordingly the application is recommended for conditional approval.

HISTORY

This development application seeks Council's approval for demolition of existing structures and construction of a 6 level mixed use building to contain a public car park, supermarket, arcade, specialty stores and substations and erection of signage.

The application was reported to the JRPP meeting of 17 October 2013 with a recommendation for refusal for the following reasons:

- 1. Pursuant to clause 14 of North Sydney Local Environmental Plan 2001, the proposal is inconsistent with the Specific Aim at clause 3(a)(i) as it is not designed to promote the character of the Crows Nest Town Centre given the "wrap around" façade is not compatible with the bulk, scale and appearance of the centre and therefore must be refused.*
- 2. The proposed development provides for inappropriate activation of the Falcon Street frontage due to the provision of the substations and the lack of pedestrian access on this significant street frontage, which is inconsistent with the requirements of the Quality Built Form controls of Section 20 Commercial Development of North Sydney Development Control Plan 2002.*
- 3. The operation of the loading dock will result in unacceptable noise impacts upon the approved residential dwellings at No. 11 Willoughby Road and no satisfactory amelioration measures have been proposed to address the impacts.*

It is noted that a Class 1 appeal was served on Council on 19 September 2013 against the deemed refusal of the Development Application 65/13.

Discussion that occurred during the JRPP meeting confirmed that most of the issues of concern with the application had been satisfactorily addressed, however the lodgement of an appeal against the deemed refusal resulted in a requirement for the application to be reported and determined prior to the remaining issues being resolved. The remaining two main areas of concern were noise from the loading dock and urban design (design of "wrap around" façade to car park and location of substations). The report also raised concerns in relation to pedestrian safety at Burlington Street and internal traffic management issues in the car park, but indicated ways in which these issues could be resolved by way of conditions of consent requiring changes to the design.

The JRPP resolved as follows:

- 1. The Panel resolves unanimously that it would approve the application subject to a resolution of the following outstanding matters;*
 - a) Amendment to the "Petal" façade to reinforce the vertical blades to match the rhythm of the Alexander Street Streetscape;*
 - b) Acoustic treatment of the loading dock area to achieve satisfactory noise attenuation at No. 11 Willoughby Road. This review should also consider a reduction in the operating hours of the loading area;*
 - c) The Falcon Street substations are to be screened to integrate their usual appearance with that of the rest of the building;*
 - d) The operating system of the car park shall be reviewed to reduce impacts of queuing, etc.*

2. *The Panel requests the applicant to respond to Council by Friday 25 October 2013. Council is requested to consider the amendments by Friday 8 November 2013 and submit a supplementary report to the panel, with its final recommendation (inclusive of draft conditions if appropriate) by 15 November 2013.*
3. *Following receipt of the supplementary report the Panel will make a decision by electronic means unless it considers that a further public meeting is necessary.*
4. *The Panel notes that the recommendation in the planning assessment report was largely driven by the current appeal lodged with the Land and Environment Court. In this regard, the Panel requests that the applicant seek a postponement of the Court action to facilitate points 1-3 above.*

It is noted that the Land and Environment Court proceedings have been adjourned until 3 December 2013.

CONSIDERATION OF RESPONSE TO JRPP RESOLUTION

This report should be read in conjunction with the original assessment report which is attached.

1. Amendment to the “Petal” façade to reinforce the vertical blades to match the rhythm of the Alexander Street Streetscape

The applicant submitted additional information (see two following artists impressions and blade detail) which show the white vertical blade element of the “Petal” wrap-around façade as a more dominant element by making it project further from the façade than the coloured blades. Given the blades will almost always be viewed at an angle the white blades will be more dominant and will appear “wider” due to the angled viewing and the depth of the blade. It is considered that the amended blade design will appropriately respond to the above resolution of the JRPP in that the blades now provide an appropriate rhythm in the streetscape.



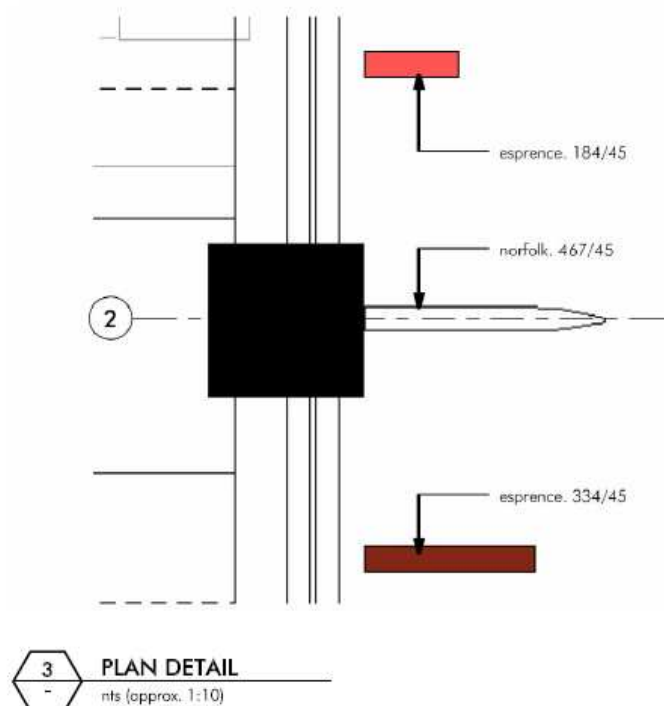
 CORNER FALCON ST & ALEXANDER ST

Artist's impression of proposal as viewed from the intersection of Falcon Street and Alexander Street



2 CORNER ALEXANDER ST & BURLINGTON ST
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Artist's impression of proposal as viewed from the intersection of Alexander Street and Burlington Street



Blade detail

- 2. Acoustic treatment of the loading dock area to achieve satisfactory noise attenuation at No. 11 Willoughby Road. This review should also consider a reduction in the operating hours of the loading area**

In response to the concern about the acoustic impact of the operations of the loading dock the applicant submitted the following additional information/amended plans:

- A roller shutter has been provided for the loading dock.
- Acoustic absorption materials are to be installed in the loading dock and a recommended condition is proposed to provide specifications of the material to be installed and its location.
- A condition of consent is suggested by the applicant that would require the roller shutter to be closed between the hours of 10pm and 6am other than when trucks are being unloaded to prevent internal operational noise from causing nuisance.
- It is requested that restrictions on the night time use of the loading dock not be implemented to allow Woolworths to provide fresh food (such as milk and bread) each day prior to the store opening. It is suggested that together with the RMS restriction a restriction between 10pm and 6am would only allow 8 hours of loading of heavy vehicles per day which would be extremely difficult logistically.
- A condition of consent is suggested by the applicant requiring acoustic testing outside the dwelling at No. 11 Willoughby Road to occur within 1 month of operation of the loading dock to ensure compliance with the relevant noise controls.

The above amendments have been assessed by Acoustic Logic and the following response provided:

Based on the proposed project design and the recommended conditions of consent detailed above noise impacts to the potentially worst affected receiver at 11 Willoughby Road will comply with the require noise level criteria based on the Industrial Noise Impact criteria as detailed within the SLR (Noise Impact Assessment, Ref:610.06693-R3).

A detailed assessment of proposed plant and equipment will be provided to ensure noise levels comply with the conditions detailed above, which is typical for similar developments as plant selections will not be finalise at this time.

The applicant's proposal to load during night time hours would be acoustically acceptable within the loading dock providing the external doors are closed during this period and the truck is not released from the loading dock prior to 6am.

Comment: Therefore the amendments proposed are considered generally acceptable, other than the proposed condition in relation to permitting the operation of the loading dock between 10pm and 6am with the doors being shut only when trucks are not unloading. The assessment has found the noise of loading operations during this period would be unacceptable and as such a condition of consent is recommended limiting the operation of the loading dock to outside 10pm and 6am, whilst allowing unloading to occur within the dock if the doors are shut but no trucks to enter or leave. In this regard it is not considered that limiting the hours of use of the loading dock to 8 hours a day for large articulated vehicles and 16 hours a day for all other trucks is unreasonable, particularly given the majority of such large vehicles would be coming from Woolworths controlled distributors. This still leaves sufficient time for deliveries to occur prior to 10pm and unload pallets which can be unpacked within the dock after 10pm as long as the roller shutter is closed.

3. The Falcon Street substations are to be screened to integrate their usual appearance with that of the rest of the building

The applicant provided detail on a proposed screen to be erected in front of the proposed substations in Falcon Street (see artist's impression following). The proposed screens are to be constructed of powdercoated aluminium and contain the same pattern as used for the lift structure in the Alexander Street façade. It is considered the screening treatment will ensure the substation better integrates into the façade of the building and is an appropriate design response to Falcon Street.



Artist's impression of proposed substation screens as viewed from Falcon Street

4. The operating system of the car park shall be reviewed to reduce impacts of queuing, etc

In response to the concern about the operation of the car park the applicant submitted the following additional information/amended plans:

- The section of footpath between the car park entry and Willoughby Lane in Burlington Street has been widened from 2.0m to 2.5m.
- The internal layout of the entrance and exit level of the car park (Level P1) has been amended such that two queuing lanes are provided for the exit boom gates with a storage capacity of 8 vehicles clear of the top of the entrance ramp to provide improved queuing capacity.

The above amendments have been assessed by Varga Traffic Planning and the following response provided:

I had requested that the pedestrian island between the entry driveway and Willoughby Lane be increased, and this has been done to the maximum extent possible without changing the position of building columns. I am satisfied with that change.

I was also concerned that the single lane queuing arrangement approaching the exit boom-gates could be blocked by two cars waiting at one boom-gate, thus preventing any access to the other boom gate. This concern has now been alleviated by providing a genuine two-lane queuing system, such that even if several cars are queued at one boom the other boom-gate will remain accessible and operational.

Comment: The above assessment has found the previous traffic and pedestrian safety concerns to now be satisfactorily resolved by the amended plans.

CONCLUSION

The additional information and amended plans submitted by the applicant have appropriately addressed the matters raised in the resolution of the JRPP. As such the application is recommended for consent subject to Council standard conditions and special conditions recommended by the consultants assessing the application as detailed in the original report to the JRPP and within this report.

RECOMMENDATION

PURSUANT TO SECTION 80 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT Development Application No. 65/2013 for demolition of existing structures and construction of a 6 level mixed use building to contain a public car park, supermarket, arcade, specialty stores and substations and erection of signage on land at No. 10 Falcon Street and Nos 34-42 Alexander Street, Crows Nest, be approved subject to the following conditions:-

A. *Conditions that Identify Approved Plans*

Development in Accordance with Plans/documentation

- A1. The development must be carried out in accordance with the following drawings and documentation and endorsed with Council's approval stamp, except where amended by the following conditions of this consent.

Plan Ref	Rev	Description	Author	Date	Received
4058_DA000(B)	B	Cover Sheet	Nettleton Tribe	05.08.2013	07.08.13
4058_DA001(A)	A	Existing Development	Nettleton Tribe	28.02.2013	15.03.13
4058_DA002(A)	A	Demolition Plan	Nettleton Tribe	28.02.2013	15.03.13
4058_DA003(B)	B	Site Plan	Nettleton Tribe	05.08.2013	07.08.13
4058_DA011(B)	B	Basement Level B1 Floor Plan	Nettleton Tribe	05.08.2013	07.08.13
4058_DA012(C)	C	Ground Level Floor Plan	Nettleton Tribe	24.10.2013	28.10.13
4058_DA013(C)	C	Carpark Level P1 Floor Plan	Nettleton Tribe	24.10.2013	28.10.13

Plan Ref	Rev	Description	Author	Date	Received
4058_DA014(B)	B	Carpark Level P2 Floor Plan	Nettleton Tribe	05.08.2013	07.08.13
4058_DA015(B)	B	Carpark Level P3 Floor Plan	Nettleton Tribe	05.08.2013	07.08.13
4058_DA016(B)	B	Carpark Level P4 Floor Plan	Nettleton Tribe	05.08.2013	07.08.13
4058_DA017(B)	B	Roof Plan	Nettleton Tribe	05.08.2013	07.08.13
4058_DA020(C)	C	Elevations	Nettleton Tribe	24.10.2013	28.10.13
4058_DA021(C)	C	Signage Elevations	Nettleton Tribe	24.10.2013	28.10.13
4058_DA031(B)	B	Sections	Nettleton Tribe	05.08.2013	07.08.13
4058_DA032(B)	B	Sections	Nettleton Tribe	05.08.2013	07.08.13
4058_DA090(B)	B	Shadow Diagrams	Nettleton Tribe	05.08.2013	07.08.13
4058_DA091(C)	C	Development Areas - GFA	Nettleton Tribe	24.10.2013	
4058_DA092(B)	B	Artist Impressions	Nettleton Tribe	05.08.2013	07.08.13
4058_DA093(B)	B	Artist Impressions	Nettleton Tribe	05.08.2013	07.08.13
4058_DA094(A)	A	Artist Impressions	Nettleton Tribe	24.10.2013	28.10.13
4058_DA095(A)	A	Artist Impressions	Nettleton Tribe	24.10.2013	28.10.13
4058_SK183	-	Corner Analysis 3: Plans and Sections	Nettleton Tribe	undated	-
4058_SK188	-	Corner Analysis Perspective	Nettleton Tribe	undated	-
4058_SK189	-	Corner Analysis Perspective	Nettleton Tribe	undated	-
DA03	1	Concert Sediment & Erosion Control Plan	Northrop	22.2.2013	-
DA04	4	Concert Stormwater Management Plan	Northrop	22.2.2013	-

Document Title	Rev	Author	Date
Statement of Environmental Effects		TPG NSW Pty Ltd	March 2013
Response to Council Request	-	TPG NSW Pty Ltd	5.8.2013
Response to Council emails dated 17 and 19 September 2013 requesting information	-	TPG NSW Pty Ltd	14.10.2013
Response to JRPP meeting minutes	-	TPG NSW Pty Ltd	23.10.2013
Access Review	V3	MGAC	20.2.2013
Waste Management and Minimisation Plan	-	TPG NSW Pty Ltd	March 2013
Crime Prevention Through Environmental Design Report	-	TPG NSW Pty Ltd	March 2013
Energy Efficiency Performance Report Section J	C	Northrop	29.08.2012

Document Title	Rev	Author	Date
General Notes and Drawing Schedule	1	Northrop	22.2.2013
Urban Design Report		GMU	29.7.2013
Transport Report	7004/3	Colston Budd Hunt & Kafes Pty Ltd (CBHK Pty Ltd)	February 2013
Response to Traffic Matters	-	Colston Budd Hunt & Kafes Pty Ltd (CBHK Pty Ltd)	21.6.2013
Vehicle Swept Paths	-	Colston Budd Hunt & Kafes Pty Ltd (CBHK Pty Ltd)	13.6.2013
Trolley Management Plan	-	Woolworths and Trolley Tracker	undated
Economic Impact Assessment	-	Location IQ	6.6.2013
Heritage Impact Statement	-	GB&A Pty Ltd	February 2013
Heritage Response	-	GB&A Pty Ltd	18.6.2013
Preliminary Groundwater Assessment	-	EIS	January 2009
Additional Groundwater Assessment	-	EIS	12.2.2009
Lift Transport Arrangements	-	Cardno ITC	21.2.2013
Noise Impact Assessment	-	SLR Pty Ltd	26.7.2013
Response to Matters Raised by Council Review	-	SLR Pty Ltd	26.7.2013
Peer Review on Acoustic Report	-	The Acoustic Group	10.10.2013

In the case of any inconsistency between the above documents, the information contained in the document with the later date shall prevail. In the case of any inconsistency between the above documents and the conditions of consent, the requirements of the conditions of consent shall prevail.

(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 plans, specifications and documents submitted and approved with the Construction Certificate) must 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.

All documents kept on site in accordance with this condition must be provided to any officer of the Council or the certifying authority upon their request.

(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 facade blade size, arrangement, finish and colours

- A3. The approved coloured facade blades must be installed in accordance with recommendations included in the Urban Design Report prepared by GMU Urban Design & Architecture Pty Ltd, dated 29 July 2013 and received by North Sydney Council on 7 August 2013. The design of the blades, in particular the blade length of the white vertical blades, shall be in accordance with the blade detail on the approved plans

The certifying authority shall be satisfied that the selected blades are certified by an appropriately qualified urban designer as being in accordance with the recommendations of this report prior to the issue of the Construction Certificate and are installed in the appropriate colour arrangement prior to the issue of the Occupation Certificate.

(Reason: To ensure that the colours, arrangement and finishes are in accordance with the approved façade design)

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

Construction and Traffic Management Plan (Major DAs & sites with difficult access)

- B1. Prior to issue of any Construction Certificate, a Construction and Traffic Management Plan must be prepared. The following matters must be specifically addressed in this Plan:

- a) A plan view (min 1:100 scale) of the entire site and frontage roadways indicating:
 - i. Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways;
 - ii. Signage type and location to manage pedestrians in the vicinity;
 - iii. The locations of any proposed Work Zones in the frontage roadways;
 - iv. Locations and type of any hoardings proposed;
 - v. Area of site sheds and the like;
 - vi. Location of any proposed crane standing areas;
 - vii. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
 - viii. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected; and
 - ix. The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
- b) A Traffic Control Plan(s) for the site incorporating the following: -
 - i. Traffic control measures proposed in the road reserve that are in accordance with the RMS publication "Traffic Control Worksite Manual" and designed by a person licensed to do so (minimum RMS 'red card' qualification).
 - ii. The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.

- c) A detailed description and map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided detailing light traffic roads and those subject to a load or height limit must be avoided at all time.

A copy of this route is to be made available to all contractors, and must be clearly depicted at a location within the site.

- d) Details of the method of control and management of construction works affecting Willoughby Lane, ensuring it remains open and accessible to owners and occupiers of properties backing onto the lane for car parking and loading access. In particular, details are to be provided of how the on-street loading zones in Willoughby Lane are to remain accessible for businesses backing onto Willoughby Lane.
- e) A Waste Management Plan in accordance with the provisions of Part B Section 19 of the North Sydney DCP 2013 must be provided. The Waste Management Plan must include, but not be limited to, the estimated volume of waste and method of disposal for the construction and operation phases of the development, design of on-site waste storage and recycling area and administrative arrangements for waste and recycling management during the construction process;
- f) Evidence of RMS concurrence where construction access is provided directly or within 20m of an Arterial and/or Classified Road;
- g) A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements; and
- h) For those construction personnel that drive to the site, the Site Manager shall attempt to provide on-site parking so that their personnel's vehicles do not impact on the current parking demand in the area.

A suitably qualified and experienced traffic engineer or consultant must prepare the Construction and Traffic Management Plan.

As this plan has a direct impact on the local road network, it must be submitted to and reviewed by Council prior to the issue of any Construction Certificate. A certificate of compliance with this condition from Council's Development Engineers as to the result of this review must be obtained and must be submitted as part of the supporting documentation lodged with the Certifying Authority for approval of the application for a Construction Certificate.

The construction management measures contained in the approved Construction and Traffic Management Plan must be implemented prior to the commencement of, and during, works on-site.

All works must be undertaken in accordance with the approved Construction and Traffic Management Plan.

A copy of the approved Construction and Traffic Management Plan must be kept on the site at all times and be made available to any officer of the Council on request.

Notes:

- 1) North Sydney Council's adopted fee for certification of compliance with this condition must be paid upon lodgement, or in any event, prior to the issue of the relevant approval.
- 2) Any use of Council property will require appropriate approvals and demonstration of liability insurances prior to such work commencing.
- 3) Failure to provide complete and detailed information may result in delays. It is recommended that your Construction and Traffic 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 in the condition 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 and construction process in a manner that respects adjoining owner's property rights and residential amenity in the locality, without unreasonable inconvenience to the community)

C. Prior to the Issue of a Construction Certificate (and ongoing, where indicated)

Amended Plans/Additional Information

- C1 Amended plans/additional information shall be submitted for approval prior to the issuing of the Construction Certificate addressing the following matters.
- a. The design of the car park shall make provision for the installation of CCTV systems to the satisfaction of Council;
 - b. Details of the proposed works to the public domain are to be submitted for the approval of Council. The works are to be designed in accordance with Council's current public domain standards for Crows Nest and are to include provision of footpath paving, streetscape furniture (including a new seat for the bus stop in Falcon Street), lighting and soft landscaping. Public domain works are to be completed prior to release of the occupation certificate to all adjoining streets/lanes to the satisfaction of Council.
 - c. Adequate plant/equipment rooms shall be provided to cater for the operational needs of the car park component of the development to the satisfaction of Council.
 - d. The entrance into the Woolworths store from Alexander Street is to be made accessible in accordance with the provisions of AS 1428 by way of the installation of a platform lift or other suitable form of access.
 - e. Details are to be provided showing that the entrance to each shop fronting Burlington Street is accessible in accordance with the provisions of AS 1428.

- f. Deletion of signs S13, S14, S20, S23, S24 and S26. Signs S23 and S24 may be replaced with smaller signs to be located below the lower awning level, such as hanging under the car park entry. Each shop with frontage to Burlington Street may have a single under awning sign and a single flush wall sign located above the entry door to the shop having maximum dimensions of 800mm high x 2m wide.
- g. The awning in Alexander Street being amended as necessary to accommodate the retention of the trees identified in this consent as being required to be retained.
- h. Details of lighting (under awning, in car park and in other pedestrian areas) shall be provided showing compliance with AS 1158.
- i. Details of loading dock noise mitigation measures are to be provided, including installation of absorbing material to the walls above 2 metres and the ceiling of the loading dock be lined with 75mm thick acoustic absorbing material having an NRC not less than 0.9 faced with HD perforated foil covering (equivalent to Bradford Ultratel 48 kg/m³). The material is to be installed prior to the issue of the relevant occupation certificate.
- j.

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

Dilapidation Report – Damage to Public Infrastructure

- C2. The applicant must have a dilapidation survey and report (including photographic record) prepared which details the pre-developed condition of the existing public infrastructure in the vicinity of development site. Particular attention must be paid to accurately recording any pre-developed *damaged* areas so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development. The developer may be held liable to damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded and demonstrated as pre-existing under the requirements of this condition. The Applicant shall bear the cost of restoration of all infrastructure damaged as a result of the development, and no occupation of the development shall occur until damage is rectified. A copy of the dilapidation report must be lodged with North Sydney Council by the Certifying Authority with submission of the Construction Certificate documentation.

(Reason – To ensure protection of existing built infrastructure)

Dilapidation Report Private Property (Excavation)

- C3. A full dilapidation survey and report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavations must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The zone of influence is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.

The dilapidation report and survey is to be prepared by a consulting structural/geotechnical engineer agreed to by both the applicant and the owner of any affected 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 the developer 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: To record the condition of property prior to the commencement of construction)

Shoring for Adjoining Property

- C4. 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, must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. A copy of this documentation must be provided to the Council for record purposes.

Note: Approval of engineering drawings for shoring works to be located on adjoining property by the Certifying Authority does not authorise a trespass on private or public land. All relevant permissions/ legal rights must be obtained to undertake any works on adjoining land.

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

Structural Adequacy of Adjoining Properties – Excavation Works

- C5. A report prepared by an appropriately qualified and practising structural engineer detailing the structural adequacy of adjoining properties No's. 6-8 Falcon Street, which certifies their ability to withstand the proposed excavation and outlines any measures required to be implemented to ensure that no damage will occur to adjoining properties during the course of the works, must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The measures outlined in the certified report must be complied with at all times.

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

Tree Bond for Public Trees

- C6. Prior to the issue of any construction certificate, security in the sum of \$45,000.00 must be provided to Council for the protection of trees in public places, including the making good of any damage caused to such trees. The security is to be provided in accordance with the Schedule below.

The security must be provided by way of:

A deposit with the Council; or

A guarantee satisfactory to Council (such as a satisfactory bank guarantee).

The security will be refundable following the expiration of 6 months from the issue of any final Occupation Certificate but only upon inspection and release by Council's Landscape Development Officer.

If any tree is removed or damaged Council may deduct from this security 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 for that tree will be forfeited to Council and used to provide replacement street plantings.

SCHEDULE

6 x London Plane Trees growing in footpath outside the Alexander Street frontage of the property.

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

Section 94 Contributions

- C7. A monetary contribution pursuant to the provisions of Section 94 of the Environmental Planning and Assessment Act 1979, in accordance with the North Sydney Council Section 94 Contribution Plan for the public amenities/ services detailed in column A below and, for the amount detailed in column B below, must be paid to Council.

A	B (\$)
Administration	\$6,736.19
Child Care Facilities	\$28,520.33
Community Centres	\$16,422.66
Library Acquisition	\$3,349.05
Library Premises & Equipment	\$10,180.95
Multi Purpose Indoor Sports Facility	\$3,852.97
Open Space Acquisition	\$12,278.02
Open Space Increased Capacity	\$24,337.60
Olympic Pool	\$12,554.06
Public Domain Improvements	\$26,040.77
Traffic Improvements	\$0.00
Affordable Housing	

The total contribution is \$144,272.62

The contribution MUST BE paid prior issue of any Construction Certificate.

The above amount, will be adjusted for inflation by reference to the Consumer Price (All Ordinaries) Index applicable at the time of the payment of the contribution.

A copy of the North Sydney Section 94 Contribution Plan can be viewed at North Sydney Council's Customer Service Centre, 200 Miller Street, North Sydney or downloaded via Council's website at www.northsydney.nsw.gov.au

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

Security Bond Schedule

C8 All fees and security bonds in accordance with the schedule below must be paid or in place prior to the issue of the required Construction Certificate:

Security Bonds	Amount (\$)
Street Tree Bond (on Council Property)	\$45,000.00
Infrastructure Damage Bond	\$20,000.00
Drainage Construction Bond	\$13,000.00
Engineering Construction Bond	\$685,000.00
Others	
TOTAL BONDS	\$763,000.00
Fees	
Section 94 contribution	\$144,272.62
TOTAL FEES	\$907,272.62

(Reason: Compliance with the development consent)

Bonds

- C9 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)

Geotechnical Certificate

- C10 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)

Sediment Control

- C11. Where construction or excavation activity requires the disturbance of the soil surface or 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.

A Sediment Control Plan must be prepared and submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate and prior to any works commencing. The Sediment Control Plan must be consistent with the Blue Book 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.
- f) Methods for the temporary and controlled disposal of stormwater during construction.

All works must be undertaken in accordance with the approved Sediment Control plan.

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

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

Waste Management Plan

C12. A Waste Management Plan is to be submitted for approval by the Certifying Authority prior to the issue of any Construction Certificate. The plan must 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 estimated volume of waste and method of disposal for the construction phase of the development; and
- c) Administrative arrangements for waste and recycling management during the construction process.

The approved Waste Management Plan must be complied with at all times in the carrying out of the development.

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

Garbage and Recycling Facilities

C13. An appropriate area must be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated Woolworths, it being noted the plans currently show insufficient garbage storage areas. The following requirements must be met:

- a) all internal walls of the storage area must be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;
- b) provision for the separation and storage in appropriate categories of material suitable for recycling;

- c) the storage area must be adequately screened from the street, with the entrance to the enclosures no more than 2m from the street boundary of the property;
- d) if a storage facility is to be provided at another suitable location within the building, a complementary garbage bin holding bay must be provided no more than 2m from the street boundary of the property;
- e) Detail is to be provided of all equipment to be used in the garbage storage area such as waste compression or crushing machinery. An acoustic report is to address the noise emitted by such equipment and the need for acoustic attenuation and/or limited hours of operation to ensure no unacceptable noise impacts occur to residential receivers opposite in Willoughby Lane.
- f) The garbage storage area is to be provided with roller shutter/s to allow full enclosure.

Plans and specifications which comply with this condition must be submitted to Council for approval prior to the issue of any Construction Certificate.

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

Note: The applicant may wish to discuss bin storage requirements and location with Council's Environmental Services prior to finalisation of the required detail, and a copy of Council's Waste Handling Guide should be obtained for reference purposes before the design is finalised.

(Reason: To ensure the provision of appropriate waste facilities for residents and protect community health, and to ensure efficient collection of waste by collection contractors)

Operational Waste Management Plan (Supermarkets)

C13A. An Operational Waste Management Plan for the supermarket and retail spaces is to be submitted with the Construction Certificate in accordance with the provisions of Section 19 of the North Sydney DCP 2013.

The operational waste management plan must be prepared by a suitably qualified person and shall include details of, but not be limited to;

- a) the estimated volume of waste and method of disposal for the ongoing operation of the supermarket, retail premises and public arcade,
- b) design, location and specifications for waste storage and recycling receptacles;
- c) details of the proposed administrative arrangements for ongoing waste and recycling management for the supermarket, retail premises and public arcade.
- d) details of arrangements to be put in place to ensure ongoing waste minimisation for the supermarket operation

- e) waste and recycling collection times.

The operational waste management plan must be submitted to the Certifying Authority prior to the issue of the Construction Certificate. The requirements of the adopted operational waste management plan shall be adhered to at all times.

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

No External Service Ducts

- C14. Service ducts must be provided within the building to keep external walls free of plumbing, drainage or any other utility installations. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

Vibration from Plant and Equipment

- C15. The use of all plant and equipment to be installed on the premises must comply with the vibration limits specified in “Assessing Vibration: a technical guideline” issued by the NSW Environment Protection Authority, at the boundary of any affected receiver.

A certificate from an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants must be submitted to the Certifying Authority, certifying that all plant and equipment on the site, together with the proposed plant and equipment, operating contemporaneously will comply with the requirements of this condition.

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

“affected receiver” includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation, schools, hospitals, places of worship and commercial premises and such other affected receiver as may be notified by the Council in writing.

“boundary” includes any window or elevated window of an affected residence.

“contemporaneously” means existing at or occurring in the same period of time (Macquarie Dictionary 3rd rev. ed. 2004).

(Reason: To maintain an appropriate level of amenity for adjoining land uses)

Noise from Plant and Equipment

C16. The use of all plant and equipment installed on the premises must not:

(a) Contribute an LAeq(15min) which will cause the total LAeq(15min) from all plant and equipment operating contemporaneously on the site or in the strata scheme or in the mixed strata schemes to exceed the RBL by more than 5dB when measured at the boundary of any affected receiver. The modifying factor adjustments in Section 4 of the EPA Industrial Noise Policy shall be applied.

(b) Cause “offensive noise” as defined in the *Protection of the Environment Operations Act 1997*.

“affected receiver” includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation, schools, hospitals, places of worship, commercial premises and parks and such other affected receiver as may be notified by the Council in writing.

“boundary” includes any window or elevated window of an affected receiver.

Terms in this condition have the same meaning as in the Noise Guide for Local Government and the Industrial Noise Policy published by the NSW Environment Protection Authority.

(Reason: To maintain an appropriate level of amenity for adjoining land uses)

Compliance with Acoustic Report

C17. The recommendations contained in the acoustic report prepared by SLR (Noise Impact Assessment, Ref:610.06693-R3) must be implemented during construction and use of the development.

A statement from an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants, certifying that the acoustic mitigation measures outlined in the above stated report have been suitably incorporated into the development and that relevant noise criteria have been satisfied, must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

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

(Reason: To maintain an appropriate level of amenity for adjoining land uses)

Noise and Vibration Compliance Certification Prior to Issue of Construction Certificate

- C18. A certificate from an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants, certifying that suitable measures have been incorporated into the development and that the noise criteria contained in the conditions herein have been satisfied, must be provided to the Certifying Authority for approval prior to the issue of any Construction Certificate.

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

(Reason: To maintain an appropriate level of amenity for adjoining land uses)

Construction Noise Management Plan

- C19. A Construction Noise Management Plan must be prepared by an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants, and must include the following:
- (a) Identification of noise affected receivers near to the site.
 - (b) A prediction as to the level of noise impact at noise affected receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite.
 - (c) Details of work schedules for all construction phases;
 - (d) A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the Environment Protection Authority's Interim Construction Noise Guideline ("ICNG").
 - (e) Representative background noise levels should be submitted in accordance with the ICNG.
 - (f) Confirmation of the level of community consultation that is to be undertaken by occupants at noise affected receivers likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
 - (g) Confirmation of noise monitoring methodology that is to be undertaken during the noise intensive stages of work including details of monitoring to be undertaken at the boundary of any noise affected receiver.
 - (h) What course of action will be undertaken following receipt of a complaint concerning offensive noise.

- (i) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupants at noise affected receivers.
- (j) Details of selection criteria for any plant or equipment that is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on occupants at noise affected receivers and other less intrusive technologies available; and
- (k) Details of site induction to be carried out for all employees and contractors undertaking work at the site.

“affected receiver” includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation, schools, hospitals, places of worship, commercial premises and parks and such other affected receiver as may be notified by the Council in writing.

“boundary” includes any window or elevated window of an affected residence.

The Construction Noise Management Plan and must be submitted to the Principle Certifying Authority and a copy provided to Council prior to the issue of the Construction Certificate.

(Reason: To ensure noise generating activities are appropriately managed and nearby sensitive receivers protected)

Work Zone

- C20. If a Work Zone is proposed, an application must be made to the North Sydney Local Traffic Committee to install the ‘Work Zone’. A Work Zone permit is required to be issued by the Council prior to the issue of any Construction Certificate.

Work 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 given by the Committee, the requirements of the Committee, including installation of the necessary ‘Work Zone’ signage and payment of any fees, must occur prior to commencement of any works on the site. Further, at the expiration of the Work Zone approval, the developer is required to remove the Work Zone signs and reinstate any previous signs, all at the developer's cost. The requirements imposed by the Committee on the Work Zone permit (or permits) must be complied with at all times.

(Reason: Amenity and convenience during construction)

Pedestrian Site Lines

- C21 Site lines for pedestrian safety are to be provided so that they comply with Figure 3.3 Minimum Sight Lines For Pedestrian Safety, AS/NZS 2890.1 2004. The certifying authority issuing the Construction Certificate shall ensure building plans and specifications reflect this requirement.

(Reason: Public amenity and safety and appropriate sight distance)

Parking Meter Relocation

- C22. All costs associated with relocating the metered parking including all sign changes, parking bay line markings must be paid in full to North Sydney Council prior to issue of any Construction Certificate.

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

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

Maintain Property Boundary Alignment Levels

- C23 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*)

Required Infrastructure Works –Roads Act 1993

- C24 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 Falcon Street, Alexander Street and Burlington Street. A longitudinal section is required along the footpath property boundary at a scale of 1:50 extending 5m past the property boundary line. Footpath shall be constructed in high quality 400x400x60mm unit pavers (similar to what exists in Ernest Place in color and style). 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 public domain works are to be designed in accordance with Council's public domain standards for Crows Nest and are to include provision of footpath paving, streetscape furniture (including a new seat for the bus stop in Falcon Street), lighting and soft landscaping. Public domain works are to be completed prior to release of the occupation certificate to all adjoining streets/lanes to the satisfaction of Council.
- c) Soft landscaping, all new trees and planter boxes to be of advanced high quality stock. Trees – 400 litres, Shrubs – 15-25 litres. Species to be advised by N.S.C.
- 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) Construction of a fully new kerb and gutter is required across the entire site frontage in Falcon Street, Alexander Street, Burlington Street and Willoughby Lane. A longitudinal section is required along the gutter line (existing and proposed levels), at a scale of 1:50 extending 5m past the property boundary line.
- 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 1.0 meter out from the gutter alignment and across the entire development site frontage in Falcon Street, Alexander Street and Burlington Street.
- h) Full Willoughby Lane frontage – full width road carriage way reinstatement is required in reinforced concrete 200mm thick.
- i) The proposed vehicular access ways in Alexander Street and Burlington Street 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 car park ramps.
- j) The redundant layback crossing in Alexander Street must be reinstated as upright kerb gutter and pavers footpath.

- k) The crossing (between the layback and the property boundary) shall be placed perpendicularly on a single straight grade of approximately 4.5%, falling to the back of the layback.
- l) The vehicular access way shall be built from standard interlocking concrete pavers (Council's standard drawing No. 402).
- m) All inspection openings, utility services shall be adjusted to match the proposed driveway levels and location.

Drainage Works

Connection of the site stormwater system must be made directly to a newly constructed grated V-shaped surface inlet pit, to front the site in Willoughby Lane and existing pit in Alexander 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 V-shaped surface inlet pit fronting the subject site in Willoughby Lane. The pit must be constructed in accordance with Councils "Infrastructure Specification for Roadworks, Drainage and Miscellaneous Works". The existing pit in Willoughby Lane downstream has to be replaced by a standard grated gully pit with extended kerb inlet (1.8m lintel).
- b) Construction of a new in-ground drainage line under the kerb and gutter at standard depth (min. 450mm cover). The line must connect the new gully pit to the existing Council pit in Falcon Street, via existing pit (which is also to be replaced) in Willoughby Lane. The pipe within the road reserve is 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 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)

Awnings, Footpath Entries and Fire Exit Details

C25. 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 neighboring awnings to compare, the edges of proposed awning must be offset at least 600 mm from the kerb line.

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

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

Stormwater Management and Disposal Design Plan – Construction issue detail

C26. Prior to issue of the Construction Certificate, the applicant shall have a site drainage management plan prepared by a qualified drainage design engineer. The site drainage management plan must detail the following requirements of North Sydney Council:

- a) Compliance with BCA drainage requirements, Councils Engineering Performance guide and current Australian Standards and guidelines, such as AS/NZ3500.3.2 1998, National Plumbing and Drainage Code.
- b) Stormwater runoff and subsoil drainage generated by the approved dwellings must be conveyed in a controlled manner by gravity via a direct connection to Council's stormwater gully pits in Alexander Street and in Willoughby Lane (which is to be constructed). When a direct connection to the pit option is implemented then the pipeline within the footpath area shall have a minimum cover of 300mm.
- c) The stormwater drainage system shall be designed for an average recurrence interval (A.R.I.) of 1 in 20 years.
- d) All redundant stormwater pipelines within the footpath area shall be removed and the footpath and kerb reinstated.
- e) All sub-soil seepage drainage shall be discharged via a suitable silt arrester pit, directly to Council's nearest stormwater drainage connection being stormwater gully pit in Alexander Street. Details of all plans certified as being adequate for their intended purpose and compliant with the provisions of AS3500.3.2 by an appropriately qualified and practising civil engineer, shall be submitted with the application for a Construction Certificate.
- f) 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)

Accessible parking spaces to be provided

C27. A total of eight (8) accessible parking spaces shall be provided as part of the total car-parking requirements. Consideration must be given to the means of access from the car-parking spaces to adjacent buildings, to other areas within the building and to footpath and roads. All details shall be prepared in consideration of, and construction completed in accordance with applicable Australian Standards to achieve compliance with the Disability Discrimination Act. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

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

Provision of Accessible Paths of Travel

C28. The building must be designed and constructed to provide access and facilities in accordance with the Building Code of Australia and Disability (Access to Premises – Buildings) Standards 2010. Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

Notes:

1. 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. Approval of a modification application may be required.
2. It is not within Council's power to set aside National legislation which requires the upgrade of buildings to meet modern access standards. Such decisions remain the jurisdiction of the Building Professionals Board Access Advisory Committee who may grant an exemption in certain exceptional circumstances.
3. Information on making an application for an "unjustifiable hardship exemption" under the accessibility standards can be found in the website of the NSW Building Professional Boards at <http://www.bpb.nsw.gov.au/page/premises-standards>

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

Underground Electricity and Other Services

C29. All overhead electricity and other lines (existing and proposed) must be undergrounded from the proposed building on the site to the appropriate power pole(s) or other connection point, in accordance with the requirements of Energy Australia. Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition.

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

Car park to comply with relevant standards

C30. The car park layout must comply with all requirements of Australian Standard AS2890.1. Certification from a suitably qualified and practicing Civil Engineer that the car park design will comply with the requirements of the Australian Standard must be provided to the Certifying Authority for approval prior to issue of any Construction Certificate.

(Reason: To ensure the car park layout complies with relevant standards)

Obtain Driveway Crossing Permit under S.138 Roads Act 1993

C31. A driveway crossing and roads infrastructure works permit to suit the approved off-street parking facilities must be granted by the Council prior to the issue of any Construction Certificate. In order to obtain a permit under S.138 of the Roads Act 1993, an application must be made to Council on the '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 issue of the permit. The requirements of the permit must be complied with at all times.

The civil design drawings must include the following at a minimum:-

- a) the vehicular access way must 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 redundant layback crossing must be reinstated as kerb gutter and footpath;
- c) the vehicular layback must be set square to the kerb;
- d) the crossing (between the layback and the property boundary) must be placed on a single straight grade of approximately 4.5%, falling to the back of the layback;
- e) the gutter levels and boundary footpath levels must match the existing levels and shall not be altered;
- f) the footpath, kerb gutter, and road shoulder must be transitioned 1m on both sides of the crossing to ensure uniformity in the road reserve;
- g) the road shoulder must be reconstructed 600mm wide to gutter lip, adjacent to all new gutter works;
- h) any twisting of driveway access must occur entirely within the subject property;
- i) all inspection openings, utility services must be adjusted to match the proposed driveway levels;
- j) sections along centre-line and extremities are required at a scale of 1:50 to be taken from the centre-line of the roadway through to the parking area itself and must include all changes of grade and levels both existing and proposed;
- k) a longitudinal section along the gutter line at a scale of 1:50 showing how it is intended to blend the vehicular crossing with the existing kerb and gutter;
- l) a longitudinal section along the footpath property boundary at a scale of 1:50 is required;

- m) the sections must show the calculated clearance to the underside of any overhead structure;
- n) all details of internal ramps between parking levels; and
- o) a swept path analysis is required demonstrating that an 85th percentile vehicle can manoeuvre in and out of the garage spaces in accordance with AS 2890.1 2004 "Off Street Parking".

The permit must be granted by Council prior to the issue of any Construction Certificate.

All driveway and infrastructure works on the road reserve must be undertaken in accordance with the terms of the permit issued by Council. Inspections by Council will be required as specified. The Certifying Authority issuing the Construction Certificate must ensure that the permit issued by Council is obtained and referenced on and accompanies the Construction Certificate issued.

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

Cleanliness and Maintenance of Food Preparation Areas

C32. To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all building work in connection with the occupation or use of the premises for the preparation and storage of food shall be designed and carried out in accordance with the requirements of: -

- a) the Food Act 2003;
- b) the Food Regulation;
- c) the relevant Australian Standards;
- d) Council's Food Premises Code;
- e) Sydney Water Corporation - Trade Waste Section;
- f) the Protection of the Environment Operations Act and associated Regulations; and
- g) the Building Code of Australia.

Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

The Construction Certificate plans and documentation must incorporate details of the following: -

- a) construction, materials and finishes;
- b) installation of fixtures, fittings and equipment;
- c) washing facilities, other facilities and special requirements;
- d) mechanical ventilation and exhaust discharges; and
- e) temperature control

The Certifying Authority must ensure that the building plans and specifications submitted, 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 of food premises established under environmental health and safety legislation)

Approval for removal of Trees

C33. The following tree(s) are approved for removal in accordance with the development consent:

Tree	Location	Height (m)
6 x London Plane Tree	Growing in the footpath outside the Burlington Street frontage of the property	Various Between 5-10metres tall
1 x London Plane Tree	Growing in the footpath 3 metres to the south of the proposed car park exit in Alexander Street	Approx. 10 metres tall

Removal or pruning of any other tree on the site is not approved, excluding species exempt under Council's Tree Preservation Order.

Any tree(s) shown as being retained on the approved plans (regardless of whether they are listed in the above schedule or not) must be protected and retained in accordance with this condition.

(Reason: Protection of existing environmental and community assets)

Pruning of Trees

C34. Any pruning works necessary for construction to the following trees shall be undertaken in consultation with Councils Landscape Officer under the guidance of an appropriately qualified arborist/tree surgeon in accordance with Australian Standard AS 4373-2007 - Pruning of Amenity Trees:

Tree	Location	Height (m)
6 x London Plane Trees	Growing in the footpath outside the Alexander Street frontage of the property	Various between 7-12 metres tall

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

Asbestos Material Survey

- C35. A report must be prepared by a suitably qualified person in relation to the existing building fabric to be demolished and/or disturbed identifying the presence or otherwise of asbestos contamination and, if asbestos contamination is present, making recommendations as to the work required to safely address the contamination.

Any demolition works or other works identified in the report as having to be carried out must be carried out in accordance with the recommendations of the report and the following:

- i. the removal of asbestos must be undertaken by a WorkCover licensed contractor;
- ii. all removal must be in strict accordance with the requirements of the WorkCover Authority in relation to the removal, handling and disposal of material containing asbestos and any Work Safe Australia requirements.
- iii. during the removal of any asbestos a sign stating “DANGER ASBESTOS REMOVAL IN PROGRESS” must be erected in a visible position at the boundary of the site; and
- iv. Waste disposal receipts must be provided to the Certifying Authority as proof of correct disposal of asbestos laden waste.

The report must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the report, and other plans, 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)

Under Awning Sign

- C36. Any under awning sign must be erected approximately horizontal to the ground and be at no point less than 2.6m from the ground. Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure adequate head clearance for pedestrian safety)

Under Awning Lighting

- C37. Under awning lighting must be provided to the Falcon Street, Alexander Street and Burlington Street frontages of the site. Such lighting is to be designed to P1 standard in accordance with AS/NZS 1158.3.1. The luminaires must be:

- a. weatherproof and vandal proof;

- b. designed in conjunction with Energy Australia so that the system can easily be connected to a public lighting system when available; and
- c. the location and type of the said luminaries shall be to the satisfaction of Council's Director of Engineering and Property Services.

Plans and specifications complying with this condition must be submitted to the Certifying Authority and the Council's Director of Engineering and Property Services for approval prior to the issue of any Construction Certificate. A construction certificate must not be issued without the approval of the Council's Director of Engineering and Property Services. The Certifying Authority must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To enhance the amenity and safety of the footpath adjacent to the premises)

Outdoor Lighting

- C38. All outdoor lighting must comply with, where relevant AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282:1997 Control of the Obtrusive Effects of Outdoor lighting.

Details demonstrating compliance with these requirements must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To maintain the amenity of adjoining land uses)

Compliance with Energy Efficiency Performance Report

- C39. The recommendations contained in the energy efficiency performance report prepared by Northrop, dated 29 August 2012 (Ref:28041) must be incorporated into the construction certificate drawings.

A statement from an appropriately qualified consultant, certifying that the energy efficiency measures outlined in the above stated report have been suitably incorporated into the development and that relevant criteria have been satisfied, must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

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

(Reason: To ensure the development achieve stated energy efficient requirements)

Interpretation

- C41. Prior to the release of the Construction Certificate for any works, an Interpretation Plan should be submitted to Council for approval outlining the proposals for the interpretation of the site. The Plan should include the methods for interpreting the site using introduced devices (plaques and signage) using the historical information available of the sites.

(Reason: To ensure protection of the heritage of Crows Nest)

D. Prior to the Commencement of any Works (and continuing where indicated)

Protection of Trees

- D1. All trees that are specifically nominated to be retained by notation on plans or by condition as a requirement of this consent must be maintained and protected during demolition, excavation and construction on the site in accordance with AS4970-2009 (Protection of trees on development sites). A report containing recommendations, and methods of tree protection prepared by an appropriately qualified Arborist for all stages or works associated with the development must be provided to the Certifying Authority for approval by an appropriately qualified person prior to commencement of any works on the site. Any recommendations must be undertaken for the duration of works on the site.

(Reason: To ensure compliance with the requirement to retain significant planting on the site)

Protection of Street Trees

- D2. The following trees are required to be protected and retained as part of the development consent in accordance with AS 4970-2009 – Protection of trees on development sites:

Trees	Location	Height (m)
6 x London Plane Trees	Alexander Street footpath	Various between 7-12 metres

Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

Any tree(s) shown as being retained on the approved plans (regardless of whether they are listed in the above schedule or not) must be protected and retained in accordance with this condition.

(Reason: Protection of existing environmental and community assets)

Photographic Survey (Heritage Items)

- D3. Prior to any works commencing a photographic survey recording of the current buildings and structures on the site, in accordance with the NSW Heritage Office Guidelines "Photographic recording of Heritage Items using file or digital capture", is to be prepared to the satisfaction of Council's Historian and Conservation Planner. Two (2) copies of the photographic survey must be provided to Council.

(Reason: To provide a historical record of heritage significant fabric on site for archival purposes)

Public Liability Insurance – Works on Public Land

- D4. Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of public land and the undertaking of approved works within Council's road reserve or public land, as approved by this consent. The Policy is to note, and provide protection/full indemnification for North Sydney Council, as an interested party. A copy of the Policy must be submitted to Council prior to commencement of any works. The Policy must be valid for the entire period that the works are being undertaken.

(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)

Commencement of Works Notice

- D5. Building work, demolition or excavation in accordance with this development consent must not be commenced until the developer has given at least 2 days notice to North Sydney Council of the person's intention to commence building work, demolition or excavation in accordance with this development consent.

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

Sydney Water Approvals

- D6. Prior to the commencement of any works, 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. The Certifying Authority must ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans before the commencement of building works.

Note: For Quick Check agent details please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then see Building and Renovating under the heading Building and Developing, or telephone 13 20 92. (Reason: To ensure compliance with Sydney Water requirements)

E. During Demolition and Building Work

Archaeological

- E1. The development must be the subject of an archaeological watching brief carried out by a suitably qualified consultant and any remains of previous structures or buildings on the site be recorded and the record lodged with a suitable archive (eg. North Sydney Local History Library)

(Reason: To ensure the heritage of Crows Nest is protected)

Cigarette Butt Receptacle

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

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

Temporary Disposal of Stormwater Runoff

- E3. 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 must be to the satisfaction of the Certifying Authority.

(Reason: Stormwater control during construction)

Service adjustments

- E4. 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)

Parking Restrictions

- E5. 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 must be approved by the North Sydney Local Traffic Committee. The Developer will be held responsible for any breaches of this condition, and will incur any fines associated with enforcement by Council regulatory officers.

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

Road Reserve Safety

- E6. 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, with no obstructions caused to the said footways and roadways. Construction materials and plant must not be stored in the road reserve without approval of Council. 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 Developer 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)

Trees to be Removed

- E7. All trees on Council property outside the site must be protected and retained save for those expressly identified below as being approved for removal: -

- (a) 6 x London Plane Trees growing in the footpath outside the Burlington Street frontage of the property.

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

Public Safety and amenity in vicinity of works

- E8. 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)

No Placement of Building materials on the Public Road

- E9. 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)

Applicant's Cost of Work on Council Property

- E10. 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)

Temporary Disposal of Stormwater Runoff

- E11. 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)

Noise and Vibration

- E12. The works must be undertaken in accordance with the "Interim Construction Noise Guideline" published by the NSW Environment Protection Authority, to ensure excessive levels of noise and vibration do not occur so as to minimise adverse effects experienced on any adjoining land.

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

Developer's Cost of Work on Council Property

- E13. The developer must 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)

Construction Hours

- E14. Building construction and works must 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 must be restricted to within the hours of 8.00 am to 5.00 pm Monday to Friday only. For the purposes of this condition:

- 1) "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.
- 2) "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.
- 3) "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.

All builders, excavators must 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)

Installation and Maintenance of Sediment Control

- E15. Erosion and sediment controls must be installed and maintained at all times in accordance with the Sediment and erosion control plan submitted and approved with the Construction Certificate.

Erosion and sediment measures must be maintained in accordance with the publication Managing Urban Stormwater: Soils & Construction (4th edition, Landcom, 2004), commonly referred to as the "Blue Book" and can only be removed when 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)

Special Permits

- E16. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development must occur entirely on the property.

The developer, owner or builder may apply for specific permits available from Council's Customer Service Centre for the undermentioned activities on Council's property. In the event that a permit is granted by Council for the carrying out of works, processes, storage of materials, loading and unloading associated with the development on Council's property, the development must be carried out in accordance with the requirements of the permit. 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 developer'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**

Attention is drawn to the existing kerbside restrictions adjacent to the development. Should alteration of existing kerbside restrictions be required, or the provision of a construction zone, the appropriate application must be made and the fee paid to Council. Alternatives to 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)

Sediment and Erosion Control Signage

- E17. A durable sign, must be erected during building works in a prominent location on site, warning of penalties should appropriate erosion and sedimentation control devices not be maintained. A sign of the type referred to in this condition is available from Council.

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

Geotechnical Stability during Works

- E18 A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure.

Geotechnical aspects of the development work, namely appropriate excavation method and vibration control, support and retention of excavated faces, 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)

Council Inspection of Public Infrastructure Works

- E19 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) Vehicular crossing and associated road works
- b) Stormwater works.

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)

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

Appointment of a Principal Certifying Authority (PCA)

- F1. Building work, demolition or excavation in accordance with the development consent must not be commenced until the developer has appointed a Principal Certifying Authority 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

- F2. 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)

Commencement of Works

- F3. Building work, demolition or excavation in accordance with this development consent must not be commenced until the developer has given at least 2 days notice to North Sydney Council of the person's intention to commence the erection of the building.

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

Site Sign

- F4. 1) A sign must be erected in a prominent position on the site
- a) stating that unauthorised entry to the work site is prohibited;

- b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
 - c) showing the name, address and telephone number of the Principal Certifying Authority for the work.
- 2) Any such sign must be maintained while to building work or demolition work is being carried out, but must be removed when the work has been completed.

(Reason: Prescribed - Statutory)

Progress Survey

F5. In order to ensure compliance with approved plans, a Survey Certificate, to Australian Height Datum, must be prepared by a Registered Surveyor as follows: -

- a) at the completion of the first structural floor level indicating the level of that floor and the relationship of the building to the boundaries;
- b) at the completed height of the building, prior to the placement of concrete inform work, or the laying of roofing materials; and
- c) at completion, the relationship of the building, and any projections thereto, to the boundaries.

Progress certifications in response to points (a) through (c) must be provided to the Certifying Authority for approval at the time of carrying out relevant progress inspections. In the event that such survey information is not provided or reveals discrepancies between the approved plans and the proposed works, all works, save for works necessary to bring the development into compliance with the approved plans, must cease. Works may only continue upon notification by the Certifying Authority to the Applicant that survey information (included updated survey information following the carrying out of works to comply with the approved plans) complies with this condition.

(Reason: To ensure compliance with approved plans)

Developer's Cost of Work on Council Property

F6. The developer must 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)

Building Code of Australia

F7. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

(Reason: Prescribed - Statutory)

Occupation Certificate

- F8. 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 Principal Certifying Authority appointed for the building work can issue an Occupation Certificate.

(Reason: Statutory)

Critical Stage Inspections

- F9. Building work must be inspected by the Principal Certifying Authority on the critical stage occasions prescribed by the EP&A Act and its Regulations, and as directed by the appointed Principal Certifying Authority.

(Reason: Statutory)

Excavation/Demolition

- F10. 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)

Protection of Public Places

- F11. 1) A hoarding and site fencing must be erected between the work site and adjoining 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)

G. Prior to the Issue of an Occupation Certificate

Infrastructure Repair and Completion of Works

- G1. 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

- G2. 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)

Works as Executed Drawings – Stormwater

- G3. 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)

Access to Premises

- G4. Prior to the issue of any Occupation Certificate, a certificate must be prepared an appropriately qualified and practising Civil Engineer certifying that access and facilities for persons with a disability in accordance with the Building Code of Australia and AS Disability (Access to Premises – buildings) Standards 2010 (Premises Standards) has been provided. This certificate must be submitted to, and approved by, the Certifying Authority prior to issue of the Occupation Certificate.

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

Line Marking

- G5. A certificate prepared by an appropriately qualified and practising Civil Engineer certifying the construction, paving, line marking and signposting of the off-street car-parking spaces, together with access driveways, in accordance with the approved development plans, appropriate Australian Standards and industry best practice as appropriate must be submitted to, and approved by, the Certifying Authority prior to issue of any Occupation Certificate.

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

Vehicle Egress Signs

- G6. Prior to the issue of an Occupation Certificate, appropriate sign(s) must be provided and maintained within the site at the point(s) of vehicular egress to ensure all vehicles stop before proceeding onto the public way.

(Reason: To ensure pedestrian safety)

Certification of Trees

- G7. Prior to the issue of an Occupation Certificate, a report prepared by an appropriately qualified Arborist must be submitted to the Certifying Authority, describing the health of the trees specifically nominated below: -

6x London Plane Trees growing in the footpath area of Alexander Street outside the property

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

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

Sydney Water

G8. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

The final Section 73 Certificate must be submitted to the Certifying Authority prior to release of any linen plan for subdivision or prior to occupation of the development, whichever is the earlier.

The Section 73 Certificate must be submitted to the Certifying Authority prior to the issue of the Strata Certificate. [Delete as appropriate]

Notes:

Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site www.sydneywater.com.au/customer/urban/index, or telephone 13 20 92.

Following application, a 'Notice of Requirements' will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

(Reason: To ensure compliance with the statutory requirements of Sydney Water)

Damage to Adjoining Properties

G9. On completion of the development the subject of this consent and prior to the issue of the Occupation Certificate, a report is to be prepared by an appropriately qualified consultant and is to be provided to the Certifying Authority (and a copy to Council if it is not the Certifying Authority) certifying:

1. whether any damage to adjoining properties has occurred as a result of the development;
2. the nature and extent of any damage caused to the adjoining property as a result of the development;
3. the nature and extent of works required to rectify any damage caused to the adjoining property as a result of the proposed development;
4. the nature and extent of works carried out to rectify any damage caused to the adjoining property as a result of the development; and
5. the nature and extent of any agreements entered into for rectification of any damage caused to the adjoining property as a result of the development.

The report and certification must reference the dilapidation survey and reports required to be provided to the Certifying Authority in accordance with this consent.

Where works required to rectify any damage caused to adjoining property as a result of the development identified in the report and certification have not been carried out, a satisfactory agreement for rectification of the damage is to be made with the affected person/s as soon as possible prior to the issue of an Occupation Certificate.

All costs incurred in achieving compliance with this condition shall be borne by the developer.

(Reason: To ensure adjoining owner's property rights are protected in so far as possible)

Certification of operation in accordance with Energy Efficiency Performance Report

- G10. The recommendations contained in the energy efficiency performance report prepared by Northrop, dated 29 August 2012 (Ref:28041) must be implemented and all relevant building finishes, systems operating in accordance with the requirements of this report prior to the issue of the Occupation Certificate.

A statement from an appropriately qualified consultant, certifying that the energy efficiency measures outlined in the above stated report have been incorporated into the development and are operational, must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

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

(Reason: To ensure the development achieves stated energy efficient requirements)

Public Parking Station

- G11. The person acting on this consent must obtain approval for the operation of a Public Parking Station in accordance with Section 68 of the Local Government Act 1993, for the whole of the parking area within the site.

The parking station is to be operated with 2 hour free parking to the public, and a suitable pricing structure for longer stay parking to reflect fees for on-street parking in the locality.

(Reason: To encourage short-term shopper parking and deter long term parking)

Shopping Trolley Management Plan

- G12. The mechanical wheel stopping system outlined in the approved Trolley Management Plan shall be implemented prior to the commencement of the use of the supermarket to prevent trolleys from leaving the development area (ie development area includes the supermarket, public arcade, lifts and public car park).

Any trolleys found outside the development area shall be inspected to determine whether the mechanical wheel stopping system is in working order prior to being put back into service in the supermarket. If the mechanical wheel stopping system is found to be faulty it shall be fixed prior to the trolley being put back into service in the supermarket.

(Reason: To protect the amenity of surrounding areas)

I. On-Going / Operational Conditions

Acoustic Testing

11. With the new loading dock in operation and the assumption that 11 Willoughby Road first floor level is operational as a residential dwelling, then the use of trucks for deliveries to the loading dock shall be subject to acoustic testing outside that residential dwelling within 1 month of the new loading dock becoming operational to confirm the loading dock operations comply with the relevant EPA's Sleep arousal criterion of background + 15 dB(A) when assessed/measured as a L1, 1 minutes outside any bedroom window. Should the noise level be found to be in breach of the criteria, additional acoustic mitigation measures shall be used to ensure compliance.

(Reason: To protect the amenity of nearby residents)

Noise from Plant and Equipment

12. The use of all plant and equipment installed on the premises must not:
- (c) Contribute an LAeq(15min) which will cause the total LAeq(15min) from all plant and equipment operating contemporaneously on the site or in the strata scheme or in the mixed strata schemes to exceed the RBL by more than 5dB when measured at the boundary of any affected receiver. The modifying factor adjustments in Section 4 of the EPA Industrial Noise Policy shall be applied.
 - (d) Cause "offensive noise" as defined in the *Protection of the Environment Operations Act 1997*.
"affected receiver" includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation, schools, hospitals, places of worship, commercial premises and parks and such other affected receiver as may be notified by the Council in writing.
"boundary" includes any window or elevated window of an affected receiver.

Terms in this condition have the same meaning as in the Noise Guide for Local Government and the Industrial Noise Policy published by the NSW Environment Protection Authority.

(Reason: To maintain an appropriate level of amenity for adjoining land uses)

First Use of Premise – Further consent required

- I3. A separate development application for the fitout and use of the retail tenancies must be submitted to and approved by Council prior to that fitout or use commencing.

(Reason: To ensure development consent is obtained prior to uses commencing)

Hours of Operation

- I4. The hours of operation for the supermarket are restricted to:

7am to midnight seven days a week

Upon expiry of the permitted hours:

- (a) no person shall be permitted entry to the supermarket; and
- (b) all customers on the supermarket premises must be required to leave within the following 10 minutes.

(Reason: to ensure that amenity of the surrounding locality is maintained and hours of operation are consistent with those in surrounding locality)

Trade Waste Collection (Crows Nest Trade Waste Policy)

- I5. All trade waste and recycling generated from the premises must be managed and disposed of in accordance with the Crows Nest Trade Waste Policy available on Council's website at www.northsydney.nsw.gov.au

Arrangements for the collection and storage of trade waste bins must comply with the following:

- (a) Bins must be placed out for collection no earlier than 5.00pm and no later than 10.00pm on the day before collection.
- (b) All trade waste must be collected between the hours of 6.00am and 10.00am.
- (c) Waste and recycling bins are not to be stored permanently in streets and laneways unless specifically prescribed by Council in writing.

(Reason: To ensure compliance with Council's waste controls for the Crows Nest commercial area)

Loading within Site

- I6. All loading and unloading operations for Woolworths must be carried out wholly within the confines of the site, at all times and must not obstruct other properties or the public way.

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

Operation of the Loading Dock

- I7. The operation of the loading dock is to be limited to the hours of 6am to 10pm on any given day of the week. The loading dock is not to receive or release vehicles during the hours of 10pm to 6am. Activities can be conducted within the enclosed loading dock area between the hours of 10pm and 6am providing a solid imperforate roller door is installed to the loading dock and is closed between 10am and 6am.

(Reason: To maintain an appropriate level of amenity for adjoining land uses)

Loading Dock – Operational Management Plan

- I8. The use and all loading and unloading operations must be carried out in accordance with the *Dock & Truck Management Plan* prepared by Woolworths Limited, undated, and attached as Appendix C to the *Transport Report for Proposed Redevelopment of Woolworths Site and Public Car Park, Crows Nest*, prepared by Colston Budd Hunt & Kafes Pty Ltd, dated February 2013, as amended by conditions of this consent.

(Reason: For pedestrian and traffic safety, and to maintain residential and public amenity)

Minimum Headroom for Car Parking

- I9. Minimum headroom of 2.2m must be provided over all car-parking areas.

(Reason: To ensure compliance with relevant standards and provide appropriate headroom)

Car Parking Allocation

- I10. Car parking shall be allocated as follows:
2 spaces for use by employees of Woolworths
1 space for use by employees of each other shop

(Reason: To ensure adequate parking is available for employees)

Graffiti Removal

- I11. Graffiti to any portion of the building, including within the car park, is to be removed within 48 hours.

(Reason: To discourage graffiti within Crows Nest)

L. Conditions Required by the Roads and Maritime Service

- L1. Heavy vehicles servicing the proposed development are not to exit onto Falcon Street during the morning peak 6am - 10am and evening peak 3pm - 7pm.

- L2. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation access arrangements and traffic control should be submitted to Council prior to the issue of a construction certificate.
- L3. The swept path of the longest vehicle (to the service site) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirements,
- L4. The layout of the proposed car parking areas 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 AS 2890.1 – 2004.
- L5. No construction zones will be permitted on Falcon Street in the vicinity of the site.
- L6. Any proposed temporary road closures will require the applicant to apply for a Road Occupancy License by contacting the Transport Management Centre's Planned Incidents Unit on (01) 8396 1513 during office hours (8am-4pm) or 1311 700 after hours.
- L7. Council should ensure that the post development stormwater discharge from the subject site into the RMS drainage system does not exceed the pre-development discharge. Details should be forwarded to

Sydney Asset Management
Roads and Maritime Services
PO Box 973
PARRAMATTA CBD 2124

- L8. The proposed development should be designed such that traffic noise from adjacent public roads is mitigated by durable materials and comply with requirements of Clause 103 – (impact of road noise or vibration on non-road development) of State Environmental Planning Policy (Infrastructure) 2007.
- L9. The developer is to submit detailed design drawings and geotechnical reports relating to the excavation of the site and support structures to RMS for assessment, The developer is to meet the full cost of the assessment by RMS.

This report would need to address the following key issues:

- a. The impact of excavation/rock anchors on the stability of Falcon Street and detailing how the carriageway would be monitored for settlement.
- b. The impact of the excavation on the structural stability of Falcon Street.

The report and any enquiries should be forwarded to:

Project Engineer, External Works
Sydney Asset Management
Roads and Maritime Services
PO Box 973

PARRAMATTA CBD 2124
Telephone 8848 2114
Fax 8849 2766

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 owner/s of the roadway is/are 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 work.

- L10. All works/regulatory signposting associated with the proposed development are to be at no cost to RMS.



Kerry Gordon, Kerry Gordon Planning Services
ASSESSMENT OFFICER
