

JRPP No	2013SYE061
DA Number	DA.239/13
Local Government Area	North Sydney
Proposed Development	Demolition of existing structures and the construction of a mixed use development comprising commercial floor space, 181 residential apartments and basement parking for 146 cars
Street Address	144-154 Pacific Highway and 18 Berry Street North Sydney
Applicant/Owner	Strand Estates Pty Ltd

Conditions

A. Conditions that Identify Approved Plans

Development in Accordance with Plans

- A1. The development being carried out in accordance with drawings numbered 4203_DA010_C to 4203_DA038_C, 4203_DA040_C and 4203_DA041_C, dated 6 November 2013, all drawn by Nettleton Tribe, except where amended by the following conditions.

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

Plans on Site

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

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

Level 3

- A3. Level 3 of the building shall be used as commercial floor space in accordance with drawing numbered 4203_DA017 _C titled APPENDIX_Level 3, dated 6 November 2013 and drawn by Nettleton Tribe.

(Reason: To ensure that form of development is in accordance with determination)

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

Construction Management Program – Local Traffic Committee Approval Necessary

- B1. Prior to issue of the Construction Certificate the Applicant must have a *Construction and Traffic Management Plan* prepared and approved in writing by North Sydney Traffic Committee. The following matters must be specifically addressed in the Plan:

1. A plan view (min 1:100 scale) of the entire site and frontage roadways indicating:
 - a) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
 - b) RTA approved signage type and location to manage pedestrian in the vicinity,
 - c) The locations of any proposed Work Zones in the frontage roadways,
 - d) Locations and type of hoardings proposed,
 - e) Area of site sheds and the like,
 - f) Location of any proposed crane standing areas,
 - g) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
 - h) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
 - i) The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
2. A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided.
 - a) Light traffic roads and those subject to a load or height limit must be avoided at all times.
 - b) Once approved, a copy of the route is to be made available to all contractors, and shall be clearly depicted at a location within the site.

3. Traffic Control Plan(s) for the site

- a) All traffic control devices installed in the road reserve must be in accordance with the RTA publication “Traffic Control Worksite Manual” and be designed by a person licensed to do so (minimum RTA ‘red card’ qualification).
- b) The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.

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

Notes:

- 1) North Sydney Council’s adopted fee for certification of compliance with this condition shall be payable on lodgement, or in any event, prior to the issue of the relevant approval.
- 2) Any use of Council property shall require the necessary approvals prior to such work commencing (e.g crane standing, work zone, hoarding, stand plant and the like).
- 3) Failure to provide complete and detailed information may result in delays. It is recommended that your Construction Management Plan be lodged with Council as early as possible.
- 4) Dependent on the circumstances of the site, Council may request additional information to that detailed above.

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

RMS Requirements

- B2. 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 the RMS.

This report would need to address the following key issues:

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

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 owners of the roadway is given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

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

A Road Occupancy Licence shall be obtained from RMS for any works that may impact on traffic flows on the Pacific Highway during construction activities.

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

(Reason: Concurrence requirement of RMS)

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

Sydney Water

- C1. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site www.sydneywater.com.au, or telephone 13 20 92.

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

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

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

Dilapidation Report – Damage to Public Infrastructure

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

(Reason: To ensure protection of existing built infrastructure)

Shoring for Adjoining Property

- C3. Where any shoring for excavation is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings certified as being adequate for their intended purpose by an appropriately qualified and practising structural engineer, showing all details, including the extent of encroachment and the method of removal and de-stressing of shoring elements, shall be submitted to the Certifying Authority for approval with the Construction Certificate. A copy of this documentation must be provided to the Council for record purposes. Note that any encroachments for shoring techniques will require consent from affected owners, including Council, and that Council will not approve any permanent devices in the road reserve.

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

Dilapidation Report – Adjacent Private Property

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

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

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

Note: This documentation is for record keeping purposes only, and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and

detailed as possible.

(Reason: Proper management of records)

Bond/Deposit for potential Damage and Completion of Infrastructure Works

C5. Prior to the issue of any Construction Certificate the applicant must lodge a total of \$131,500 public infrastructure damage and security bond with Council. This bond is applied pursuant to Section 80A (6) of the EP&A Act of the *Local Government Act 1993* to cover the cost of:

1. Making good any damage caused to any property of the consent authority (or any property of the corporation) as a consequence of the doing of (or not doing) anything to which the consent relates,
2. Completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent,
3. Remedying any defects in any such public work that arise within 6 months after the work is completed.

The bond is calculated as follows:

Description	Amount
Drainage Construction Bond	\$14,100
Engineering Construction Bond	\$117,400

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

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

The Certifying Authority must ensure that bond is lodged with

North Sydney Council prior to issue of any Construction Certificate.

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

Work Zone

- C6. If a Works Zone is proposed, an application must be made to the North Sydney Local Traffic Committee to install the 'Work Zone'. Works Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Works Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site. If the Works Zone is approved by the Committee, the Applicant must obtain a written copy of the related resolution from the North Sydney Local Traffic Committee and submit a copy of this to the Certifying Authority to enable issue of the Construction Certificate. Where approval of the 'Work Zone' is resolved by the Committee, the necessary 'Work Zone' signage shall be installed (at the cost of the Applicant) and the adopted fee paid prior to commencement of any works on the site. Further, at the expiration of the Works Zone approval, the Applicant is required to remove the Works Zone signs and reinstate any previous signs, all at the Applicant's cost.

(Reason: Amenity and convenience during construction)

Required Infrastructure Works – Roads Act 1993

- C7. 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:

Prior to the issue of the Construction Certificate, North Sydney Council must issue the applicant with a driveway crossing and road infrastructure works **permit** to suit the approved off-street parking facilities. To obtain the permit, an application must be made to Council on a '*Vehicular Access Application*' form with payment of the adopted assessment/inspection fees. Council will require civil design construction drawings and certification from the applicant's Civil Engineer to verify design details and enable permit issue.

The civil design drawings shall detail **the following infrastructure construction requirements of Council in**

relation to the consent:

Road Works

- a) Construction of a fully new footpath is required across the entire site frontage in Berry Street and Pacific Highway. The footpath pavement shall be full width constructed of concrete pavers, in accordance with Council's standard drawings No S401, S403, S404 and S405, placed adjacent to the front boundary of the property. In general, the pavers selected should match any pavers already laid in the same city block. 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) 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.
- c) The Certifying Authority must ensure that the internal property levels at boundary matches councils boundary levels.
- d) The redundant layback crossing in Berry Street must be reinstated as upright kerb gutter and footpath from pavers.
- e) Construction of a fully new kerb and gutter is required across the entire site frontage in Berry Street and Pacific Highway. A longitudinal section is required along the gutter line (existing and proposed levels), at a scale of 1:50 extending 5m past the property boundary line.
- f) Construction of kerb ramp at the corner of Pacific Highway & Berry Street is required in accordance to Council's standard drawings S105 and S106.
- g) The proposed vehicular access ways shall comply with AS 2890.1 and Council's current Vehicular Access Application Guidelines and Specification (gutter bridges not permitted) to ensure that a B85 vehicle will not scrape/strike the surface of the carriageway, layback, vehicular crossing or parking floor.
- h) The width of the vehicular laybacks shall be 9.0m - including the wings.
- i) The vehicular access way shall be built from standard interlocking concrete pavers (Council's standard drawing No. S402) and designed to comply with AS 2890.1 to ensure that a B85 vehicle will not scrape/strike the surface of the carriageway, layback, vehicular crossing or

- garage floor.
- j) The vehicular laybacks shall be set square to the kerb.
 - k) The boundary footpath levels and gutter invert levels shall match the existing levels and shall not be altered unless agreed to by Council.
 - l) The Certifying Authority must ensure that the internal property levels at boundary matches councils boundary levels.
 - m) Construction of a fully new road shoulder (maximum grade 5% down towards new gutter) extending to 600 mm out from the gutter alignment and across the entire development site frontage in Berry Street and Pacific Highway.
 - n) Any twisting of driveway access to ensure vehicles do not scrape shall occur entirely within the subject property.
 - o) All inspection openings, utility services shall be adjusted to match the proposed driveway levels and location.
 - p) The vehicular access for loading dock in Doohat Lane shall be constructed as a continuous layback.
 - q) The gutter invert levels shall match the existing levels and shall not be altered unless agreed to by Council.
 - r) The building line entrance level for loading dock shall match the existing levels, but generally must not be more than 160 mm above existing gutter invert level at any point along the layback.
 - s) The Certifying Authority must ensure that the internal property levels at boundary matches councils boundary levels.
 - t) The design details for each vehicular access are to be provided with **vehicular access application** and must include sections along centre-line and extremities of the crossing at a scale of 1:25. Sections are to be taken from the centre of the roadway through to the parking area itself and shall include all changes of grade and levels, **both** existing and proposed.
 - u) A longitudinal section along the footpath property boundary in Berry Street and Doohat Lane at a scale of 1:50 is required.
 - v) The sections shall show the calculated clearance to the underside of any overhead structure.
 - w) All details of internal ramps between parking levels.
 - x) A swept path analysis is required demonstrating that an 85th percentile vehicle can maneuver in and out of the loading dock, garage spaces and along access ramps in accordance with AS 2890.1 2004 "Off Street Parking".
 - y) Full frontage – full width Road surface Reconstruction in Doohat Lane.

Drainage Works

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

- a) Replacement of 2 standard grated gully pits with extended kerb inlet (2.4m lintel) in the kerb fronting the subject site in Pacific Highway (2 pits nearest to the corner with Berry Street). All new pits must be constructed in accordance with Councils "Infrastructure Specification for Roadworks, Drainage and Miscellaneous Works".
- b) Construction of a new in-ground drainage line under the kerb and gutter at standard depth. The line must connect 2 new gully pits in Pacific Highway. The pipes within the road reserve are to be reinforced concrete class 2 with a 600mm 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

C8. 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 in both Berry Street and Pacific Highway shall show 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

- C9. 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 a newly constructed Council's stormwater grated gully pit in Pacific Highway. 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) All civil and drainage works within Council's road reserve shall be designed and built in accordance with Council's current "Infrastructure Specification". Prior to issue of the Construction Certificate the applicant must have engineering plans and specifications, prepared by a qualified civil drainage design engineer. Council must approve the plans and specifications, in writing, prior to issue of any Construction Certificate by the Certifying Authority. The documentation must provide engineering construction detail for the following public infrastructure works that must be completed as part of the approved development. Council reserve the right of keeping all bonds on infrastructure works for 12 month defects liability period.
 - d) The stormwater drainage system shall be designed for an average recurrence interval (A.R.I.) of 1 in 20 years.

- e) All redundant stormwater pipelines within the footpath area shall be removed and the footpath and kerb reinstated.
- f) The design and installation of the Rainwater Tanks shall comply with Basix and **Sydney Water** requirements. Overflow from tank shall be connected by gravity to the stormwater disposal system.
- g) 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)

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)

Sydney Water Approvals

C11. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Care Centre to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped. For Quick Check agent details please refer to "Your Business" section of Sydney Water's web

site at www.sydneywater.com.au then see Building and Renovating under the heading Building and Developing, or telephone 13 20 92. The appointed PCA must ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans before the commencement of building works.

(Reason: To ensure compliance with Sydney Water requirements)

Maintain Property Boundary Alignment Levels

C12. Unless otherwise approved/specified by Council when approving related public infrastructure works, the property boundary alignment levels must match existing. The building plans and specifications issued with the relevant Construction Certificate must be compatible with the relevant levels set by Council in the road reserve.

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

Garbage and Recycling Facilities

C13. An appropriate area shall be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. The following requirements shall be met:

- (a) All internal walls of the storage area shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;
- (b) Include provision for the separation and storage in appropriate categories of material suitable for recycling;
- (c) A complementary garbage bin holding bay shall be provided no more than 2m from the Doohat Lane boundary of the property
- (d) Garbage enclosures serving residential units are not to be located within areas designated for non-residential uses; and
- (e) Garbage enclosures serving non-residential uses are not be located within areas designated for dining purposes.

Details of the storage area are to be provided to, and approved by the Council's Waste Officer prior to issuing of the Construction Certificate.

Note: The applicant may wish to discuss bin storage requirements and location with Council prior to finalisation

of the required detail.

(Reason: To ensure the provision of appropriate waste facilities for residents and protect community health, and to ensure efficient collection of waste by collection contractors and to ensure bins are not left on the street before and after collection)

Sediment Control

C14. Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, details including plans and specifications shall be submitted to Council accompanying the Construction Certificate, which provide adequate measures for erosion and sediment control. As a minimum, control techniques are to be in accordance with North Sydney Council Guidelines on Erosion and Sediment Control, or a suitable and effective alternative method. The Control Plan shall incorporate and disclose:

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

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

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

Structural Adequacy of Adjoining Properties

C15. A certificate prepared by an appropriately qualified and practising structural engineer, at no cost to the Council, detailing the structural adequacy of adjoining properties at 156 Pacific Highway and 16 Berry Street, and certifying their ability to withstand the proposed excavation and any measures required to be incorporated into the work to ensure that no damage will occur to adjoining properties during the course of the works, shall be submitted to the Certifying Authority with the

Construction Certificate application.

(Reason: To ensure the protection and structural integrity of adjoining properties)

Asbestos & Hazardous Material Survey

C16. In relation to the demolition of the existing building (or part of a building) on the site:

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

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

- (b) Should any hazardous materials be identified as per item (i), a Work Plan shall be submitted to Council in accordance with AS2601 – Demolition of Buildings. The report shall contain details regarding:
 - (i) The type of hazardous material
 - (ii) The level or measurement of the hazardous material in comparison to National Guidelines;
 - (iii) Proposed methods of containment; and
 - (iv) Proposed methods of disposal.
- (c) Where unacceptably high levels of lead are found in a premises to be demolished, Item (ii) is to be followed, and the soil sample from site is to be tested by a NATA Registered laboratory before and after demolition. This will determine whether remediation of the site is necessary.
- (d) The demolition must be undertaken in accordance with AS2601.
- (e) Any works involving asbestos cement sheeting must be undertaken in accordance with the requirements of the WorkCover Authority in relation to removal, handling and disposing of material, and the Work Safe Australia Asbestos Code of Practice.
- (f) All work involving lead paint removal must not cause lead contamination of air or ground. Particular attention must be given to the control of dust levels on the site.

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

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

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

Cigarette Butt Receptacle - Commercial

C17. That provision be made for cigarette butt receptacles on the site to minimise littering. Cigarette butt receptacles must be provided during building works on any site, and permanently provided to any restaurant/bar/retail/commercial component of the development after construction. Details of the size and the location of the receptacle are to be provided in the Construction Certificate.

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

Noise from Plant in Mixed Use Zones

C18. A certificate from an Acoustic Engineer is to be submitted with the construction certificate certifying that the development and all sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level during the day and evening and not exceeding the background level at night (10.00pm to 6.00 am) when measured at the boundary of the property, and will comply with the Environmental Protection Authority Industrial Noise Policy.

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

Acoustic Privacy for Residents

C19. A certificate from an appropriately qualified Acoustic Engineer is to be submitted with the Construction Certificate certifying that noise levels within dwellings, with windows closed, will not exceed the following:

<u>Location</u>	<u>Control</u>
Recreation/work area	40dB(A)*
Sleeping areas	35dB(A)*

(* Readings are to be L_{Aeq} (1 hour), when measured during the noisiest 1 hour period between Day – 7am to 6pm; Evening – 6pm to 10pm and Night – 10pm to 7am.)

All walls and floors separating units must have a weight sound reduction index (R_w) of not less than 55, and an impact isolation less than IIC 55 above habitable areas.

Materials with low noise penetration properties are to be used and detailed, and the location of mechanical equipment such as lift plant, air conditioning plant and pumps immediately adjacent to bedrooms is not permitted.

The proposed development should be designed such that road traffic noise from the Pacific Highway is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 subdivision 3 of State Environmental Planning Policy (Infrastructure) 2007.

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

Access for People with Disabilities

C20. Ramps and access for people with disabilities are to be provided to and within the entire building. Consideration must be given to the means of dignified and equitable access from public places to adjacent buildings, to other areas within the building and to footpath and roads. Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be prepared in consideration of, and construction completed to achieve compliance with the provisions of the Disability Discrimination Act, and the relevant provisions of AS1428.1 and AS1428.4.

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

Energy Efficiency Devices

C21. The following energy efficiency devices are to be installed within the development:

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

- c. Low flow taps and showerheads.

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

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

Basix Commitments

C22. Under clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled. Details and plans demonstrating compliance with these requirements are to be provided with the Construction Certificate.

In this condition:

- (a) relevant BASIX Certificate means:
- (i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
 - (ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
- (b) BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.

(Reason: To ensure the proposed development will meet the Government's requirements for sustainability and statutory requirements)

Underground Electricity and Other Services

C23. All electricity provision to the site is to be designed in conjunction with Energy Australia so that it can be connected underground. Any street lighting being replaced at the applicant's cost. Details to be shown on plans submitted and approved with the Construction Certificate.

(Reason: To provide infrastructure that facilitates the future improvement of the streetscape by relocation of

overhead lines below ground)

Exhaust Fumes from Car Park

C24. Any exhaust ventilation from the car park is to be ventilated away from the property boundaries of the adjoining dwellings, and in accordance with the provisions of AS1668.1. Details demonstrating compliance are to be provided with the Construction Certificate.

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

Adaptable Housing

C25. Proposed 10% of apartments are to be designed with accessible features for disabled persons, and to incorporate level entries and wider doorways and corridors, slip resistant surfaces, reachable power points, disabled toilet, and lever door handles and taps; such features to be designed generally in accordance with Australian Standards 1428.1 and 4299. Details demonstrating compliance are to be submitted with the Construction Certificate.

(Reason: To ensure equity of access and availability of accommodation in the future for an ageing population)

S94 Contributions

C26. A contribution pursuant to the provisions of Section 94 of the Environmental Planning and Assessment Act 1979, as specified under the North Sydney Section 94 Contribution Plan for the services detailed in column A and, for the amount detailed in column B shall be made to Council.

A	B (\$)
Administration	\$14,359.15
Child Care Facilities	\$15,713.28
Community Centres	\$72,897.39
Library Acquisition	\$13,441.30
Library Premises & Equipment	\$41,679.66
Multi Purpose Indoor Sports Facilities	\$10,796.13
Open Space Acquisition	\$509,017.72
Open Space Increased Capacity	\$1,006,855.82
Olympic Pool	\$35,167.47
Public Domain Improvements	\$274,322.89
Traffic improvements	\$39,617.51
Total	\$2,033,868.32

The contribution SHALL BE paid prior to determination of the

application for Construction Certificate, where applicable.

The above amount, if not paid within one calendar year of the date of this consent, shall be adjusted for inflation by reference to the Consumer Price (All Ordinaries) Index applicable at the time of the payment of the contribution.

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

(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

C27. 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 (\$)
Tree Damage Bond	10,000.00
Drainage Construction Bond	14,100.00
Engineering Construction Bond	117,400.00
TOTAL BONDS	\$141,500.00
FEES	
Section 94 contribution	\$2,033,868.32

(Reason: Compliance with the development consent)

Bonds

C28. Council will accept a bank guarantee for the purpose of any security bond imposed by these conditions of consent. Such bank guarantee shall be in a form acceptable to the Council and shall be in place prior to the issuing of any Construction Certificate and shall remain in place until the submission of the certificate required prior to the occupancy of the completed works.

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

Bicycle Storage and Parking

C29. The bicycle storage area shall accommodate a minimum of seventy four (74) bicycle lockers, such bicycle storage lockers to be designed in accordance with AS 2890. Details demonstrating compliance are to be submitted to the Certifying Authority for approval with the Construction Certificate.

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

Motorcycle Parking

C30. The parking layout shall provide a minimum of fourteen (14) motorcycle parking spaces, each space being a minimum of 1.2 metres x 2.5 metres. Details demonstrating compliance are to be provided with the Construction Certificate.

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

Parking for People with Disabilities

C31. A minimum of three (3) car-parking spaces for use by persons with a disability shall be provided as part of the total car-parking requirements. Consideration must be given to the means of access from the car-parking spaces to adjacent buildings, to other areas within the building and to footpath and roads and shall be clearly shown on the plans submitted to the Certifying Authority for approval with the Construction Certificate. All details shall be prepared in consideration of, and construction completed in accordance with Australian Standard AS2890.1 to achieve compliance with the Disability Discrimination Act, and the relevant provisions of AS1428.1 and AS1428.4.

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

Line Marking

C32. A maximum of one hundred and forty six (146) off-street car-parking spaces, together with access driveways, shall be constructed, paved, line marked and signposted in accordance with the approved development plans, appropriate Australian Standards and industry best practice as appropriate. The plans shall also nominate the allocation of parking spaces for specific purposes as required by conditions of this consent. A certificate prepared and certified by an appropriately qualified and practising Civil Engineer for the construction of these areas in accordance with this requirement shall be submitted to the Certifying Authority for approval with the Construction Certificate.

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

Reflectivity Index of Glazing

C33. The reflectivity index (expressed as a percentum of the reflected

light falling upon any surface) of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20%. Written confirmation of the reflectivity index of materials is to be submitted with the Construction Certificate.

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

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

Roofing Materials- Reflectivity

C34. Roofing materials shall be factory pre-finished with low glare and reflectivity properties to be compatible with the colours of neighbouring buildings. The Certifying Authority shall undertake an assessment in relation to the proposed roofing material to determine the potential for glare nuisance or excessive reflectivity to adjoining or nearby properties, relative to the chosen roofing material. The Certifying Authority shall provide certification with the Construction Certificate that the selected roofing material will not cause a glare nuisance or excessive reflectivity to adjoining or nearby properties

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

No External Service Ducts

C35. Service ducts shall be provided within the building to keep external walls free of plumbing, drainage or any other utility installations. Details demonstrating compliance are to be provided in the Construction Certificate documentation.

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

Medium Rigid Vehicle

C36 The development must accommodate on-site a medium rigid vehicle, as defined in Australian Standard 2890.2, for use by the residential and commercial residents and tenants of the building in the loading area at the rear of the site.

Details demonstrating compliance with this requirement are to be approved by the Certifying Authority with the Construction Certificate.

(Reason: To ensure that small removal vans can be

accommodated on site)

Driveway access

- C37. The driveway access to the proposed car park and loading dock is to comply with Council's Infrastructure Specification for Roadworks, Drainage and Miscellaneous Works and Council's Vehicular Access Application.

(Reason: To provide for public Infrastructure)

Parking Meter Relocation:

- C38 All costs associated with relocating the metered parking including all sign changes, parking bay line markings shall be paid in full to North Sydney Council prior to issue of any Construction Certificate.

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

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

Pedestrian Sight Lines

- C39 Sight 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)

Level 2 Pedestrian zone

- C40. Roller shutters shall be provided to the loading dock to remain closed when not in use while the pedestrian zone on level 2 is open to the public. All garbage bins shall be stored with the garbage areas unless the bins are within the designated holding bay on collection days.

(Reason: To improve safety and amenity to pedestrian zone)

Minimum width of through site link

- C41. The stairs to the through site link from Berry Street to Doohat Lane shall be widened to a minimum width of 4 metres. The

certifying authority issuing the Construction Certificate shall ensure building plans and specifications reflect this requirement.

(Reason: To improve public access)

Tree Bond for Public Trees

- C42. Prior to the issue of any construction certificate, security in the sum of \$10,000.00 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

1 x London Plane Tree growing in the footpath outside the Pacific Hwy frontage of the property

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

Protection of Trees

- C43. The following tree is required to be protected and retained as part of the development consent in accordance with AS 4970-2009 – Protection of trees on development sites:

Tree	Location	Height (m)
London Plane Tree	Growing in the footpath outside the Pacific Hwy Frontage of the property	25 metres

Plans and specifications complying with this condition must be submitted to the 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.

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)

Approval for removal of Trees

C44. The following tree is approved for removal in accordance with the development consent:

Tree	Location	Height (m)
London Plane Tree	growing in the footpath outside the Berry Street frontage of the property	18 metres

Any tree 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)

D. Conditions That Must Be Addressed Prior To Any Commencement

Excavation/Demolition

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

(Reason: To ensure compliance with statutory provisions)

Public Liability Insurance – Works on Public Land

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

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

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

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

Approved Materials

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

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

Progress Survey - Major Development

- E2. In order to ensure compliance with approved plans, a Survey Certificate, prepared to Australian Height Datum, shall be prepared by a Registered Surveyor showing the following:

- (a) at the completion of excavation, prior to the placement of any footings, showing the completed level of the excavation and its relationship to the boundaries;
- (b) prior to placement of concrete at the ground floor level, showing the level of the formwork and its relationship to boundaries including relevant footpath and roadway levels;
- (c) prior to placement of concrete at each fifth floor level showing the principal level of the formwork and the intended relationship of the completed works to the boundary;
- (d) prior to roofing, or completion of the highest point of the

building showing the anticipated level of the completed work and its relationship to the boundary;

- (e) at completion, works showing the relationship of the building to the boundary and showing the maximum height of the overall works and the height of the principal roof elements.

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

(Reason: To ensure compliance with approved plans)

Noise

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

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

Dust Emission and Air Quality

- E4. Materials must not be burnt on the site.

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

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

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

Vibration from Works

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

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

Applicant's Cost of Work on Council Property

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

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

No Removal of Trees on Public Property

- E7. No trees on public property (footpaths, roads, reserves, etc.) unless specifically approved in its consent shall be removed or damaged during construction including for the erection of any fences, hoardings or other temporary works.

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

Special Permits

- E8. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely on the property. The applicant, owner or builder must apply for specific permits available from Council's Customer Service Centre for the undermentioned activities on Council's property pursuant to S138 of the Roads Act. A minimum of forty-eight (48) hours notice is required for any permit:-

(1) **On-street mobile plant**

Eg. cranes, concrete pumps, cherry-pickers, etc. - restrictions apply to the hours of operation, the area of operation, etc. Separate permits are required for each occasion and each piece of equipment. It is the applicant's, owner's and builder's responsibilities to take whatever steps are necessary to ensure that the use of any equipment does not violate adjoining property owner's rights.

(2) **Hoardings**

Permits are required to erect Class A and Class B hoardings. If an 'A' Class hoarding is to alienate a section of Council's property, that section will require a permit for the occupation of Council's property.

(3) **Storage of building materials and building waste containers (skips) on Council's property**

Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded by Council with no additional notice being given. Storage of building materials and waste containers on open space reserves and parks is prohibited.

(4) **Kerbside restrictions, construction zones**

The applicant's attention is drawn to the existing kerbside restrictions adjacent to the development. Should the applicant require alteration of existing kerbside restrictions, or the provision of a construction zone, the appropriate application must be made and the fee paid. Applicants should note that the alternatives of such restrictions may require referral to Council's Traffic Committee and may take considerable time to be resolved. An earlier application is suggested to avoid delays in construction programs.

(Reason: Proper management of public land)

Construction Hours

- E9. Building construction shall be restricted to within the hours of 7.00am to 5.00pm Monday to Friday and on Saturday to within the hours of 8.00am to 1.00pm inclusive, with no work on Sundays and Public Holidays.

Demolition and excavation works shall be restricted to within the hours of 8.00am to 5.00pm Monday to Friday only. (Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

The builder and excavator shall display, on-site, their twenty-four (24) hour contact telephone number, which is to be clearly

visible and legible from any public place adjoining the site.

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

Out of Hours Work Permits

E10. Where it is necessary for works to occur outside those hours allowed by these conditions, approval for such will be subject to issue of a permit on each occasion from Council's Customer Services Centre. Such permit must be obtained and the appropriate fee paid at least two (2) clear working days in advance of each relevant date. Such occurrence shall be limited to two occasions per calendar month and shall only be approved if public safety or convenience is at risk. Any further variation shall require the lodgement and favourable determination of a modification application pursuant to Section 96 of the Environmental Planning and Assessment Act 1979.

(Note: Failure to obtain a permit for work outside of the approved hours will result in on the spot fines being issued, or Council pursuing any action required (including legal proceedings) to have the out of hours work cease, without prior warning.)

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

Installation and Maintenance of Sediment Control

E11. Techniques used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with the "North Sydney Council Guidelines on Sediment and Erosion Control". All techniques shall remain in proper operation until all development activities have been completed and the site fully stabilised.

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

Occupation Certificate Required

E12. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of those parts of the building.

(Reason: To ensure compliance with the provisions of the

Prohibition on Use of Pavements

- E13. Building materials shall not be placed on Council's footpaths, roadways, parks or grass verges and a suitable sign to this effect shall be erected adjacent to the street alignment.

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

Plant & Equipment Kept Within Site

- E14. All plant and equipment used in the erection of the building, including concrete pumps, wagons, lifts, mobile cranes, etc, shall be situated within the boundaries of the site and so placed that all concrete slurry, water, debris and the like shall be discharged onto the building site, and is to be contained within the site boundaries.

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

Existing Parking Restrictions Must Be Maintained

- E15. Existing public parking provisions in the vicinity of the site must be maintained at all times during works. The placement of any barriers, traffic cones, obstructions or other device in the road shoulder or kerbside lane is prohibited without the prior written consent of Council. Changes to existing public parking facilities/restrictions are only to be approved via the North Sydney Local Traffic Committee. The Applicant will be held responsible for any breaches of this condition, and will incur any fines associated with enforcement by Council regulatory officers.

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

Service Adjustments

- E16. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the person acting on the consent and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of the development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.

(Reason: To ensure the service requirements are met)

Public Safety and Amenity in vicinity of Works

- E17. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials and plant must not be stored in the road reserve without approval. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) *"Traffic Control Devices for Work on Roads"*. If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

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

Temporary Disposal of Stormwater Runoff

- E18. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to reasonably manage and control runoff as far as the approved point of stormwater discharge. Such ongoing measures shall be to the satisfaction of the Principal Certifying Authority when conducting mandatory inspections.

(Reason: Stormwater control during construction)

Geotechnical Stability During Works

- E19. 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

E20. 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.

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)

Pruning of Trees

E21. All pruning works on the subject tree required for construction shall be undertaken in consultation with Councils Landscape Development Officer and 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)
London Plane Tree	Growing in the footpath outside the Pacific Hwy. frontage of the property	25 metres

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

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

Building Code of Australia

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

(Reason: Prescribed - Statutory)

Home Building Act

- F2. (1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act) must not be carried out unless the Principal Certifying Authority for the development to which the work relates:

- (a) in the case of work to be done by a licensee under that Act:

- (i) has been informed in writing of the licensee's name and contractor licence number, and
- (ii) is satisfied that the licensee has complied with the requirements of the Home Building Act, or

- (b) in the case of work to be done by any other person:

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

Note: The amount referred to in paragraph (b)(ii) is prescribed by regulations under the Home Building Act 1989. As at the date on which this Regulation was Gazetted, that

amount was \$3,000. As those regulations are amended from time to time, that amount may vary.

- (2) A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.
- (3) If arrangements for doing residential building work are changed while the work is in progress so that the information submitted to Council is out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

(Reason: Prescribed - Statutory)

Excavation/Demolition

- F3.
- (1) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
 - (2) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
 - (3) Demolition work must be undertaken in accordance with the provisions of AS2601- Demolition of Structures.

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

Retaining Walls & Drainage

F4. If the soil conditions require it:

- (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
- (b) adequate provision must be made for drainage in accordance with the provisions of AS3500.3.2.

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

Support for Neighbouring Buildings

F5. (1) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:-

- (a) must preserve and protect the building from damage;
- (b) if necessary, must underpin and support the adjoining building in an approved manner Subject to adjoining owner's consent); and
- (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

(2) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

(3) In this clause, allotment of land includes a public road and any other public place.

(Reason: To ensure adjoining owner's property rights are protected and protect adjoining properties from potential damage)

Protection of Public Places

F6. (1) If the work involved in the erection or demolition of building:-

- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
- (b) building involves the enclosure of a public place,

a hoarding and site fencing must be erected between the work site and the public place.

- (2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- (3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- (4) Any such hoarding, fence or awning is to be removed when the work has been completed.
- (5) No access across public reserves or parks is permitted.

Note: Prior to the erection of any temporary fence or hoarding over property owned or managed by Council, written approval must be obtained. Any application needs to be accompanied by plans indicating the type of hoarding and its layout.

Fees are assessed and will form part of any approval given. These fees must be paid prior to the approval being given.

Approval for hoardings will generally only be given in association with approved building works, maintenance or to ensure protection of the public. An application form for a Hoarding Permit can be downloaded from Council's website.

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

Site Sign

- F7. (1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- (a) stating that unauthorised entry to the work site is prohibited;
 - (b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
 - (c) showing the name, address and telephone number

of the Principal Certifying Authority for the work.

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

(Reason: Statutory requirement)

Toilets

F8. (1) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

(2) Each toilet provided:

(a) must be a standard flushing toilet, and

(b) must be connected:

(i) to a public sewer; or

(ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or

(iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

(3) The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.

(4) In this clause:

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

approved by the Council means the subject of an

approval in force under Division 1 of Part 3 of the Local Government (Approvals) Regulation 1993.

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

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

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

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

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.

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

House Numbering (Dwellings)

- G4. Prior to any Occupation Certificate being issued for the building works, the person acting upon this consent must apply to North Sydney Council and receive written confirmation of the allocated street address(es) or house number(s) for the completed project. These are the numbers that will be recorded in Council records and must be displayed at the property in accordance with the provisions of AS/NZS 4819:2003 – Geographic information – Rural and urban addressing.

(Reason: To ensure that Council records are accurate, and that house numbering complies with the requirements of Council's House Numbering Policy. Proper house numbering also assists emergency services in readily locating properties.)

Damage to Adjoining Properties

- G5. All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works. Where damage occurs to adjoining property all necessary repair or suitable agreement for necessary repairs are to be undertaken by the applicant in consultation with and with the consent of the affected property owner prior to the issue of an Occupation Certificate.

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

Disposal Information

- G6. Upon completion of works and prior to occupation, the person entitled to act on this consent shall provide to Council the following information;

- (a) the total tonnage of all waste and excavated material disposed of from the site, and
- (b) the disposal points and methods used.

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

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

Undergrounding of Telecommunications Services

- G7. The developer shall submit to the Principal Certifying Authority a letter from Telstra and/or Optus confirming that satisfactory arrangements have been made for the provision of underground telephone and cable television services, prior to the release of the Subdivision Certificate or issuing of a final Occupation Certificate.

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

Operational Transport management Plan

- G8. An Operational Transport Management Plan for heavy vehicles including garbage vehicles, commercial/ restaurant deliveries and residential removalists to the site shall be prepared and submitted to Council for approval by the North Sydney Traffic Committee prior to the issue of an Occupation Certificate.

(Reason: To ensure that heavy vehicles visiting the site have minimal impact on the road network)

Right of Way through site

- G9. By way of section 88B Instrument the applicant shall create an easement under the Conveyancing Act 1919 in favour of the Council granting it a right of footway a minimum of 4m wide as shown on the submitted plans (plan 4203_DA015_C and 4203_DA016_C). The easement is to grant the following rights

- A right of footway in favour of the Council as referred to in section 88B and Part 1 of Schedule 4A to the Conveyancing Act 1919; and
- A right to vary, modify or extinguish the easement in favour of Council.

The easement shall be prepared, executed and registered at the sole cost of the applicant, including the costs of Council in obtaining advice, producing documents or otherwise facilitating the preparation, execution and registration of the required documents, shall bind all successors in title and shall only be subject to variation at the discretion of the Council.

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

(Reason: Public access and internal amenity)

Registration of Easement

- G10. The section 88B Instrument creating the easement referred to in the preceding condition must be provided to the satisfaction and approval of the Council's General Manager.

Upon the Council's General Manager providing approval of the terms of the section 88B Instrument in accordance with these conditions of consent, the applicant must provide the section 88B Instrument in triplicate for execution on behalf of the Council.

Upon execution on behalf of the Council the applicant must cause the easement to be lodged for registration and registered on title.

All matters relating to the creation, drafting, execution and registration of the easement must be finalised prior to the earlier of the following:

Issue of an Occupation Certificate; or
Registration of Plan of Subdivision.

(Reason: To ensure that Public access is maintained)

Certification of Tree Condition

- G11. Prior to the issue of an Occupation Certificate, a report prepared by an appropriately qualified person (being an arborist or the like) must be submitted to Council, describing the health of the tree specifically nominated below: -

London Plane Tree growing in the footpath outside the Pacific Hwy frontage of the property.

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

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

Required Tree Planting

- G12. On completion of works and prior to the issue of an Occupation Certificate trees in accordance with the schedule hereunder must be planted in Council's footpath to Council specifications:

Schedule

Tree Species	Location	Pot Size
3 x London Plane Trees (Platanus x Hybrida	Berry Street 1 tree planted 6 metres to the east of the driveway 1 tree planted 11 metres to the west of the driveway. Pacific Hwy. 1 tree planted 20 metres to the north of the existing street tree growing in the footpath outside property	200 litre

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

Upon completion of installation and prior to the issue of an Occupation Certificate an appropriately qualified horticulturalist must certify that any trees planted in accordance with this condition are healthy and have good prospects of future survival. The certification must be submitted with any application for an Occupation Certificate.

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

H. Conditions that Must be Complied with Prior to Final Completion

Allocation of Spaces

H1. One hundred and forty six (146) carparking spaces shall be provided and maintained at all times on the subject site. The spaces shall be allocated in the following proportions:

136 - Residential (including 2 disabled spaces)

10 - Non residential spaces

Such spaces are to be identified on-site by line-marking and numbering upon the completion of the works and prior to issue of Occupation Certificate. Carparking provided shall only be used in conjunction with the uses contained within the development and in the case of Strata subdivision, shall be individually allocated to residential units. Under no circumstances shall Strata By-Laws be created to grant exclusive use of nominated car share parking spaces to occupants/owners of units or tenancies within the building.

(Reason: To ensure that adequate parking facilities to

service the development are provided on site)

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

Separate Occupation

- I1. The specific commercial/retail use or occupation of the premises shall be the subject of further development approval for such use or occupation.

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

Building Signage

- I2. A separate development application is required for any building signage.

(Reason: To ensure the signage is in accordance with Council's policy)

Loading Within Site

- I3. All loading and unloading operations shall be carried out wholly within the confines of the site, at all times with all vehicles entering and leaving the site in a forward direction.

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

Delivery Hours

- I4. No deliveries, loading or unloading associated with the premises are to take place between the hours of 10pm and 6am on any day.

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