

DRAFT CONDITIONS OF CONSENT (WITHOUT PREJUDICE)

2015SYE117 – North Sydney – DA327/15
101-111 Willoughby Road, CROWS NEST

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	Author	Date	Received
Drawing 3844_DA034	A	Nettleton Tribe	26 May 2016	27 May 2016
Drawings 3844_DA003, 3844_DA012-14, 3844_DA020, 3844_DA031-33, and 3844_DA051-52	B	Nettleton Tribe	3 February 2016	12 February 2016
Drawings 3844_DA061 and 3844_DA063	B	Nettleton Tribe	23 May 2016	24 May 2016
Drawings DA3844_DA015	C	Nettleton Tribe	15 March 2016	24 March 2016
Drawings DA3844_DA015a	C	Nettleton Tribe	7 April 2016	12 May 2016
Drawings DA 3844_DA011, 3844_DA021-22, 3844_DA041-42 and 3844_DA062	C	Nettleton Tribe	23 May 2016	24 May 2016
Drawing 3844_DA010 and 3844_DA016-19	D	Nettleton Tribe	23 May 2016	24 May 2016
Drawing C100	03	HENRY&HYMAS	2 February 2016	12 February 2016
L/01	G	A Total Concept	29 January 2016	12 February 2016
L/02	D	A Total Concept	29 January 2016	12 February 2016
L/03 & L/04	C	A Total Concept	9 December 2015	12 February 2016
L/05	A	A Total Concept	1 September 2015	12 February 2016

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)

Execution of Voluntary Planning Agreement

- A3. Prior to the release of a Construction Certificate, the applicant shall provide documentary evidence to the Consent Authority and to **North Sydney Council** that the Voluntary Planning Agreement entered into between North Sydney Council and Coles Group Property Developments Limited, dated February 2016, has been duly executed.

(Reason: To ensure the orderly development of land and to ensure that the planning agreements are executed prior to the release of a construction certificate)

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

Construction Management Program – Local Traffic Committee Approval

- B1. A Construction Management Program prepared by a suitably qualified and experienced traffic consultant must be submitted and approved in writing by North Sydney Traffic Committee PRIOR TO THE ISSUE OF ANY Construction Certificate. Any use of Council property will require appropriate approvals prior to any work commencing. At a minimum, the Construction Management Program must specifically address the following matters:

- a) A plan view (min 1:100 scale) of the entire site and frontage roadways indicating:
 - i. Dedicated temporary construction site driveway entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways and footways;
 - ii. The proposed signage for pedestrian management to comply with the relevant Australian Standards, including pram ramps;
 - iii. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
 - iv. The locations of any proposed Work Zones in the frontage roadways (to be approved by Council's Traffic Committee);
 - v. Locations of hoardings proposed;
 - 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. After completion of the car parking levels, the provision of on-site parking for all employees, tradespersons and construction vehicles of a size capable of entering the car park.
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- b) A detailed heavy vehicle access route map through the Council area to Arterial Roads. Provision is to be made to ensure through traffic is maintained at all times.
 - c) The proposed phases of works on the site, and the expected duration of each phase.
 - d) How access to neighboring properties will be maintained at all times and the proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of process.
 - e) The road is not to be used as a waiting area for trucks delivering to or awaiting pick up of materials.
 - f) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practicing structural engineer and must not involve any permanent or temporary encroachment onto Councils property.
 - g) Proposed protection for Council and adjoining properties. Details are to include site fencing and the provision of "B" class hoardings over footpaths and laneways.
 - h) A Waste Management Plan. 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.
 - i) Construction traffic to enter the site via a route using Willoughby Road and then either Atchison or Albany Street, with construction traffic not using either Atchison or Albany Street to the east of Zig Zag Lane.
 - j) A request for the North Sydney Traffic Committee to approve signposting of a four car long space on the northern side of Atchison Street outside the childcare centre for 15 minute maximum parking between the hours of 8.00am-9.30am and 4.30pm and 6pm Monday to Friday.

All traffic control work and excavation, demolition and construction activities must be undertaken in accordance with the approved Construction Management Program and any conditions attached to the approved Program. A certificate of compliance with this condition must be obtained from Council's development engineers. The certificate and the approved Construction Management Program must be submitted as part of the documentation lodged with the application for approval of a construction certificate. A copy of the approved Construction Management Program and any conditions imposed on that Program, must be kept on the site at all times and made available to any officer of Council upon request.

Notes:

- 1) North Sydney Council's adopted fee for certification of compliance with this condition shall be payable on lodgment, 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 Management Plan be lodged with Council as early as possible, as a minimum six (6) weeks notice is required to refer items to the Traffic Committee.
- 4) Dependent on the circumstances of the site, Council may request additional information to that detailed above.

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

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

Remediation of Site

C1. Prior to the issue of a Construction Certificate for any works, other than demolition, the following shall be carried out by a suitably qualified expert.

1. Prepare a Remediation Action Plan (RAP) for the proposed development;
2. Undertake additional testing as part of the RAP in order to confirm the waste classification for the fill and the underlying natural soil for off site disposal. This should be done post demolition when the entire site is accessible;
3. Undertake groundwater screening in the event dewatering is required for the proposed development;
4. Undertake a Hazardous Materials Assessment (Hazmat) for the existing buildings prior to the commencement of demolition works; and
5. Prepare a Validation Assessment (VA) report outlining the remediation actions undertaken at the site.

(Reason: To ensure the site is remediated to a suitable level for the proposed land uses)

Demolition Approval

- C2. The Construction Certificate shall not be issued until a consent has been granted for the demolition of the existing structures on the site.

(Reason: To ensure compliant with the Environmental Planning and Assessment Act)

Amended Plans/Additional Information

- C3 Amended plans/additional information shall be submitted for approval prior to the issuing of the Construction Certificate addressing the following matters.

Amended Plans

Amended plans shall be prepared incorporating the following changes:

- a. The residential access and egress points shown on drawing 3844_DA013 shall be controlled by a roller door to be located between grid lines 6 and 7 to reduce through visibility, and display appropriate signage to direct public users to the public car park.
- b. The area in front of the residential egress shown on drawing 3844_DA013 shall be marked with “Keep Clear” markings to prevent vehicles queuing across the residential egress point.
- c. The public entry boom gate shown on drawing 3844_DA013 shall be located a minimum of 6 metres from the residential egress point to ensure adequate storage space for one car length.
- d. All aspects of the disabled parking shall comply with AS2890.6.
- e. All aspects of the bicycle parking shall comply with AS2890.3.
- f. All aspects of the off-street parking shall comply with AS2890.1
- g. Accessible parking spaces Nos. 24, 26, 43 and 45 shall be relocated to within the bay of parking spaces containing spaces Nos. 29-31 and 48-51.
- h. 118 occupant bicycle parking spaces (minimum Class B); 21 visitor bicycle parking spaces (minimum Class C); and end of trip facilities in accordance with North Sydney Council DCP and AS2890.3 shall be provided.
- i. All driveways to the site must be designed such that there are minimum sight line splays for pedestrian safety as per Figure 3.3 of AS 2890.1.
- j. The awning shall extend to the southernmost end of the colonnade on the Willoughby Road frontage such that it runs the full length of the building.
- k. A 1.8m high opaque glass privacy/acoustic screen shall be provided on the eastern side of the Level 1 terrace.
- l. The WCs provided at plaza level and within Basement Level 1 are to be accessible WCs in accordance with AS 1428.
- m. All east facing windows and balconies within the southern apartment building shall have fixed privacy measures to a minimum height of 1.5m that prevent downward viewing whilst retaining an outlook by provision of fixed louvres that cannot open below the horizontal.

- n. 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, 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.

Additional Information

- a. The design of the car park shall make provision for the installation of CCTV systems to the satisfaction of Council;
- b. Details of lighting (under awning, in car park and in other pedestrian areas) shall be provided showing compliance with AS 1158.
- c. The ceiling and available walls of the loading dock shall be lined with an absorptive lining having NRC > 0.8.
- d. Slab thickness between the loading dock and residential apartment above shall be minimum 250mm thick.
- e. An acoustic report shall be provided detailing specified glazing to address noise from the roads and retail tenancies within the plaza (including outdoor use), based on the approved hours of use of 7am-10pm and showing compliance with the values shown in Table 7 of Acoustic Logic report dated 10/02/16 - Document Reference: 20140361.3/1002A/R3/GW. Predicted noise levels and any required mitigation measures shall be addressed in a report to be submitted at the Construction Certificate stage of the project.

The report shall identify acoustic mitigation measures to ensure traffic noise levels within the proposed apartments shall not exceed:

$\leq L_{Aeq,1hr}$ 40 dBA within Living Areas; and
 $\leq L_{Aeq,1hr}$ 35 dBA within Sleeping Areas.

The report shall identify acoustic mitigation measures necessary to ensure noise levels from the loading dock shall not exceed 56 dBA $L_{Aeq,1hr}$ at the boundary of any residential premises.

The report shall set out relevant noise criteria for mechanical plant on the site, and describing calculated noise levels and any mitigation measures applied to the proposed plant in order to meet those criteria.

All required mitigation measures shall be included on the plans for the Construction Certificate.

- f. The access report prepared by Iaccess Consultants dated 17 August 2015 shall be updated to reflect the amended plans and conditions of this consent and the recommendations of the amended report are to be included in the Construction Certificate plans.

The Certifying Authority must ensure that the amended landscape plan and other plans and specifications submitted fully satisfy the requirements of this condition.

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

Registration of Voluntary Planning Agreement

- C4. Prior to the release of any Construction Certificate, the applicant shall provide documentary evidence to the Consent Authority and to **North Sydney Council** that the Voluntary Planning Agreement entered into between North Sydney Council and Coles Group Property Developments Limited, dated February 2016, has been registered in accordance with the requirements set out in Clause 4.2 of that Agreement.

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 clarify the terms of this development consent)

Monetary Contribution pursuant to the Voluntary Planning Proposal

- C5. The required monetary contribution in accordance with the terms of the Voluntary Planning Agreement entered into between North Sydney Council and Coles Property Developments Ltd, dated February 2016 referred to in Condition **A3**, shall be paid by way of a bank cheque in favour of North Sydney Council, in accordance with the requirements set out in Clause 1.1 of Schedule 1 (Contributions) of that Agreement.

(Reason: To comply with the terms of the development consent)

Details and design of the pedestrian walkway along Zig Zag Lane and the publicly accessible plaza fronting Willoughby Road

- C6. The design and details of the pedestrian walkway along Zig Zag Lane and the publicly accessible plaza fronting Willoughby Road shall be undertaken in accordance with the terms of the Voluntary Planning Agreement set out in Condition **A3** including:
- 1) All publicly accessible areas shall be designed and constructed in accordance with the technical requirements for footpaths in North Sydney Development Plan 2013 and Council's Public Domain Style Manual and Design Code.
 - 2) An easement in gross favour of the Council permitting public access to the pedestrian walkway and public plaza will be registered against the title to the Land at no cost to the Council prior to the issue of an Occupation 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 Condition **C6(1)**.

(Reason: To clarify the terms of this development consent)

Amendments to the Landscape Plan

C7. The landscape plan must be amended as follows to provide an appropriate landscaped setting:

- 2 x *Callistemon 'Hannah Ray'* (Bottle Brush) on Albany St to be substituted with 2 x *Liriodendron tulipifera* (Tulip Tree) at 200 L pot size.
- T4 *Platanus x hybrida* (London Plane) on Willoughby Rd is to be shown as retained.
- 4 x *Liriodendron tulipifera* (Tulip Tree) at 200 L pot size are to be planted at equal spaces along the Willoughby Rd frontage with consideration given to the retention of T4.
- 3 x *Tibouchina 'Alstonville'* (Tibouchina) to be substituted with 3 x *Lophostemon confertus* (Brush Box) at 200 L pot size on the Atchison St frontage.
- All new street trees are to be noted to be compliant with the draft AS2303 Tree Stock for Landscape Use
- 95 x *Lomandra 'Tanika'* (Lomandra) on the circular entrance garden bed on Upper Ground Level on the corner of Willoughby Rd and Albany St to be amended to include decorative shrub plantings at 10L pot size.
- The 18 x *Elaeocarpus Eumundi* (Quandong) proposed to be planted adjacent to the dwellings fronting Atchison and Albany Streets are to be replaced with trees with a maximum maturity height of 5-6m and a narrow spread.

An amended landscape plan 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 amended landscape plan and other plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To ensure residential amenity)

Vertical Garden

C8. Detail design of the proposed vertical garden is to be prepared by a suitably qualified and experienced Landscape Architect. Details are to be submitted to the Certifying Authority prior to the issue of any Construction Certificate.

(Reason: To ensure a high quality design)

Awning

C9. The proposed awning to the street frontages are to include cut-outs for the street trees. Plans detailing the final design must be submitted and approved by Council's Landscape Officer prior to the lodgement of the relevant Construction Certificate.

(Reason: To provide weather protection and space for the growth of street trees)

No External Service Ducts

- C10. 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)

Pedestrian Sight Lines

- C11 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)

Dilapidation Report – Damage to Public Infrastructure

- C12. A dilapidation survey and report (including photographic record and CCTV electronic file) must be prepared by a suitably qualified consultant who details the pre-developed condition of the existing public infrastructure. The area of the survey shall include all infrastructure within 20m of the development site as well as the road pavement of Atchison and Albany Streets between Willoughby Road and Alexander Street and Willoughby Road between Albany Street and Chandos Street. Particular attention must be paid to accurately recording any pre-developed damaged infrastructure, including the CCTV of drainage within the area, so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development. A copy of the dilapidation survey with CCTV electronic file and report is to be submitted to Council and to the Certifying Authority for approval prior to the issue of any Construction Certificate.

The developer may be held liable for all damage to public infrastructure in the above specified area, where such damage is not accurately recorded and demonstrated as pre-existing under the requirements of this condition.

The developer shall bear the cost of carrying out works to restore all public infrastructure damaged as a result of the carrying out of the development, and no occupation of the development shall occur until damage caused as a result of the carrying out of the development is rectified.

A copy of the dilapidation survey with CCTV electronic file and report must be lodged with North Sydney Council by the Certifying Authority with submission of the Construction Certificate documentation.

(Reason: To record the condition of public infrastructure prior to the

commencement of construction)

Dilapidation Report Private Property (Excavation)

- C13. 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

- C14. 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 excavation, encroachment and the method of removal and de-stressing of shoring elements, backfilling and compacting of over-excavated cavities on Council's and/or private property with fill suitable for its purpose, must be first submitted to the Council with "Temporary Tieback Anchors and Associated Works Application". The temporary tieback anchors shall be at a minimum depth of **1.5 m** below the surface levels of the footpath and roadway.

A certificate of compliance with this condition from Council's Development Engineers as to the result of this review must be obtained. Approved "Temporary Tieback Anchors and Associated Works Application" from Council Engineer must be submitted to the Certifying Authority for approval with Construction Certificate. A

copy of this documentation must be provided to the Council for record purposes. Backfilling and compacting of over-excavated cavities must be addressed as the build up is progressing through the basements to ensure that compaction is reliable.

Note: Approval of engineering drawings for shoring works to be located on adjoining property by the Certifying Authority does not authorize 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

C15. A report prepared by an appropriately qualified and practising structural engineer detailing the structural adequacy of adjoining properties, 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)

Geotechnical Report

C16. Prior to issue of the Construction Certificate a Geotechnical/Civil Engineering report must be prepared which addresses at a minimum (but is not limited to) the following:

- a) The type and extent of substrata formations by the provision of a minimum of four (4) representative bore hole logs which are to provide a full description of all material from ground surface to 1.0 m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs shall be related to Australian Height Datum;
- b) The appropriate means of excavation/shoring in light of point (a) above and proximity to adjacent property and structures. Potential vibration caused by method of excavation and potential settlements affecting nearby footings/foundations shall be discussed and ameliorated;
- c) The proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property, structures and road reserve if nearby;
- d) The existing groundwater levels in relation to the basement structure, where influenced;

- e) The drawdown effects on adjacent properties (including road reserve), if any, the basement excavation will have on groundwater together with the appropriate construction methods to be utilized in controlling groundwater. Where it is considered there is the potential for the development to create a “dam” for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path is constructed, artificial drains such as perimeter drains and through drainage may be utilized; and
- f) Recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program (as required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

The geotechnical report must be prepared by a consulting geotechnical/hydrogeological engineer with previous experience in such investigations and reporting. It is the responsibility of the engaged geotechnical specialist to undertake the appropriate investigations, reporting and specialist recommendations to ensure a reasonable level of protection to adjacent property and structures both during and after construction. The report shall contain site-specific geotechnical recommendations and shall specify the necessary hold/inspection points by relevant professionals as appropriate. The design principles for the geotechnical report are as follows:

- a) No ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure;
- b) No changes to the ground water level are to occur as a result of the development that are sufficient enough to cause an adverse impact to the surrounding property and infrastructure;
- c) No changes to the ground water level are to occur during the construction of the development that are sufficient enough to cause an adverse impact to the surrounding property and infrastructure;
- d) Vibration is to be minimized or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development;
- e) Appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these Design Principles; and
- f) An adverse impact can be assumed to be crack damage as identified within the relevant Australian Standard for determining such damage.

The report, satisfying the requirements of this condition, must be provided as part of the supporting documentation lodged with the Certifying Authority for approval of the Construction Certificate application. The professional recommendations of the report shall be implemented in full during the relevant stages of excavation and construction.

(Reason: To ensure the structural integrity of the subject site and adjoining sites during the excavation process)

Geotechnical Certificate

C17. A certificate prepared by an appropriately qualified Geotechnical Engineer certifying that the existing rock formations and substrate on the site is capable of:

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

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

(Reason: To ensure the structural integrity of the subject site and adjoining sites during the excavation process)

Tree Bond for Public Trees

C18. 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

T4 Platanus x hybrida (London Plane), 12 m height, on the Willoughby Rd footpath

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

Section 94 Contributions

C19. 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	8,964.61
Child Care Facilities	17,703.27
Community Centres	38,869.78
Library Acquisition	7,287.07
Library Premises & Equipment	22,520.29
Multi Purpose Indoor Sports Facility	6,287.46
Open Space Acquisition	232,718.35
Open Space Increased Capacity	461,287.67
Olympic Pool	20,480.68
Public Domain Improvements	21,471.63
Traffic Improvements	22,231.64

The total contribution is **\$859,822.45**

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)

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

C20 Prior to the issue of any Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of **\$822,000.00** to be held by Council for the payment of cost for any/all of the following:

- a. making good any damage caused to any property of the Council as a consequence of the doing of anything to which this consent relates,
- b. completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and [environmental controls](#)) required in connection with this consent
- c. remedying any defects in any such public work that arise within 6 months after the work is completed.

The security in accordance with the schedule contained later in these conditions and 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 or completion of public work required to be completed (whichever is the latest) but only upon inspection and release by Council's Engineers.

Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in circumstances including the following: -

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

Notes:

- (a) Council reserves the right of keeping all bonds on civil/ infrastructure works for 12 month defect liability period.
- (b) It is the applicant's responsibility to notify Council of any existing damage prior to commencement of any works.

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

Security Deposit / Guarantee Schedule

- C21. 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)	\$10,000.00
Engineering Construction Bond	\$822,000.00
TOTAL BONDS	\$832,000.00
Section 94 contribution	\$859,822.45

(Reason: Compliance with the development consent)

Bonds

- C22. Council will accept a bank guarantee for the purpose of any security bond imposed by these conditions of consent. Such bank guarantee must be in a form acceptable to the Council, must not be subject to any expiry period and must 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)

Sediment Control

- C23. 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)

Vibration from Plant and Equipment

- C24. 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

- C25. 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)

Construction Noise Management Plan

C26. 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)

Noise and Vibration Compliance Certification Prior to Issue of Construction Certificate

- C27. 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)

Work Zone

- C28. If a Works Zone is proposed, an application must be made to the North Sydney Local Traffic Committee to install the 'Work Zone'. Works Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Works Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site. If the Works Zone is approved by the Committee, the Applicant must obtain a written copy of the related resolution from the North Sydney Local Traffic Committee and submit a copy of this to the Certifying Authority to enable issue of the Construction Certificate. Where approval of the 'Work Zone' is resolved by the Committee, the necessary 'Work Zone' signage shall be installed (at the cost of the Applicant) and the adopted fee paid prior to commencement of any works on the site. Further, at the expiration of the Works Zone approval, the Applicant is required to remove the Works Zone signs and reinstate any previous signs, all at the Applicant's cost.

(Reason: Amenity and convenience during construction)

Parking Meters

- C29. All costs associated with removing 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

- C30. Except where otherwise approved by Council, the property boundary alignment levels must match existing prior to the commencement of works. Plans and specifications which document existing and proposed levels adjacent to the site boundaries and which comply with the requirements of 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.

This approval does not support proposed levels for internal areas within the Plaza and any access point from Council road reserve to the property. Proposed levels are not approved and are subject to additional approval of civil works from Council prior to CC. It is essential for the applicant to coordinate final design between Architect and Civil Engineer prior to submission of plans to Council for CC approval.

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

Required Infrastructure Works –Roads Act 1993

C31. 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 design and specification for the following infrastructure works to be completed as part of the development:

Road Works

- a) All elements of the works within the road reserve must be constructed in accordance with the latest version of Council's documents:
 - *Infrastructure Specification,*
 - *Public Domain Style Manual and Design Codes*
 - *Vehicular Access Application Guidelines and Specification*
- b) Construction of a fully new footpath is required across the entire site frontage in Albany Street, Willoughby Road, Atchison Street and within the pedestrian right of way at Zig Zag Lane. A longitudinal section is required along the footpath property boundary alignment at a scale of 1:50@A3, extending 5.0 m past the property side boundary line. The footpath must be designed (at a single straight grade of 2% falling to top of kerb) so that it is uniform without showing signs of dipping or rising levels, particularly at entrances. The new footpath levels must match existing levels after the transition area.
- c) Construction of a fully new standard upright kerb and gutter is required over the entire site frontage in Albany Street, Willoughby Road, Atchison Street, Ives Lane and within Zig Zag Lane adjacent to the pedestrian right of way. The new kerb and gutter levels must match existing levels after the transition area. A longitudinal section is required along the gutter line (existing and proposed levels to be included), at a scale of 1:50@A3, extending 5.0 m past the property side boundary line.
- d) Construction of new road shoulder is required over the entire site frontage in Albany Street, Willoughby Road, Atchison Street and within Ives Lane adjacent to the pedestrian right of way in Zig Zag Lane. The resurfacing of road must be adjacent to all new gutter works for a minimum of 3.0 m wide rectangular strip (if no damage was made on Council infrastructure), to ensure uniformity in the road reserve.
- e) Construction of fully new layback and driveway crossings in Albany Street, and Atchison Street fronting the entry/exit to underground parking and access to loading dock in Zig Zag Lane. Clear sight lines must be provided at the property line to ensure adequate visibility between vehicle leaving the car park and pedestrians on the frontage road. Proposed splay corner at the access ramp for underground parking must be included in design ready for construction. The design must be in accordance with Council's documents and must comply with AS 2890.1. Detail design suitable for construction issue

purposes must be submitted with Vehicular Access application.

- f) Construction of pedestrian ramps are required in the intersection of Albany Street with Willoughby Road and Atchison Street with Willoughby Road. No pedestrian ramp to be constructed adjacent to driveway crossing.
- g) The footpath pavement must be full width constructed of pavers, in accordance with Council's *Public Domain Style Manual and Design Codes*, placed adjacent to the front boundary of the property. The pavers selected must be as specified in Council's documentation, if a different type of pavers has not been required from Council prior to the Construction Certificate.
- h) The vehicular crossings must be constructed in accordance with Council's Public Domain Style Manual and Design Codes and as specified in Council's documentation, if a different type of materials has not been required from Council prior to the Construction Certificate.
- i) Cross sections at a scale of 1:50@A3 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. Any twisting of access levels to ensure safe pedestrian ingress/egress (including disabled access for visitors and pedestrian) must occur entirely within the internal area of the subject property. 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.
- j) Application for **temporary driveway crossing** must be submitted to Council with plans for approval prior to the issue of any Construction Certificate. To obtain the permit, an application must be made to Council on a '*Vehicular Access Application*' (with notification "Temporary") form with payment of the adopted assessment/inspection fees.
- k) The approved footpath and driveway crossing levels by Council could have an impact on ground floor levels within the site and the Certifying Authority must not issue any Construction Certificate referencing building works without the formal approved plans and written approval of Council (as Roads Authority) under the Roads Act 1993.
- l) Prior to the issue of any Occupation Certificate, approved traffic sign(s)/signalisation from Council traffic engineer must be installed within the road reserve. All redundant traffic signs must be removed according to the approval and the area reinstated.
- m) Construction of a separate pathway for pedestrians is required within the new right of way adjacent to Zig Zag Lane. The design detail has to be provided with **Vehicular Access Application** and must include longitudinal section along boundary alignment and cross sections at every change of proposed grade. Sections are to be taken from the centre of the roadway in both street frontages through the footpath alignment and must include all changes of grade and levels, **both** existing and proposed at a scale of 1:25@A3.

- n) Construction of proper barrier instead of propose bollards over the entire pathway for pedestrians, within the new right of way adjacent to Zig Zag Lane, is required. The design detail has to be provided with **Vehicular Access Application** and must be in accordance with relevant Australian Standard.

Drainage Works

Connection of the site stormwater drainage discharge must be made directly to a newly constructed storm water line in Atchison Street. The new storm water pipe and grated gully pit (with lintel) must be constructed in front of the site at 63 Atchison Street. To accommodate this requirement, the following drainage infrastructure works must be carried out on Council property at the Applicants expense:-

- a) Construction of a standard grated gully pit with extended kerb inlet fronting the property at 63 Atchison Street. A required size of lintel to be confirmed with approval of storm water drainage design prior to issue of any Construction Certificate. The pit must be constructed in accordance with Councils "Infrastructure Specification for Roadwork, Drainage and Miscellaneous Works".
- b) Construction of a new in-ground drainage line under the kerb and gutter in Atchison Street, at standard depth. The line must connect new gully pit fronting the property at 63 Atchison Street to the existing Council's storm water line located downstream of the site on the corner of Willoughby Road and Atchison Street. The pipes within the road reserve are to be reinforced concrete class 4 with a minimum 375 mm diameter and have bedding in accordance with Australian Standard AS 3725 – (Loads on buried concrete pipes). The developer is to be responsible for carrying out any service investigations to allow a gravity connection.
- c) Construction of a standard grated gully pit with extended kerb inlet fronting the development and on the corner of Willoughby Road and Atchison Street. A required size of lintel to be confirmed with approval of storm water drainage design prior to issue of any Construction Certificate. The pit must be constructed in accordance with Councils "Infrastructure Specification for Roadwork, Drainage and Miscellaneous Works".
- d) Construction of new drainage lintels and kerb inlet facilities for existing pits is required over the entire site frontage in Albany Street, Willoughby Road and Atchison Street.
- e) Construction of a standard grated gully pit with extended kerb inlet in Ives Lane at the lowest point of newly constructed cul-de-sac. A required size of lintel to be confirmed with approval of storm water drainage design prior to issue of any Construction Certificate. The pit must be constructed in accordance with Councils "Infrastructure Specification for Roadwork, Drainage and Miscellaneous Works".

- f) Application for storm water drainage works must be submitted to Council with plans (ready for construction) for approval prior to the issue of any Construction Certificate. To obtain the permit, an application must be made to Council on a “*To Satisfy DA Consent Condition*” form with payment of the adopted assessment/inspection fees.

As many of Ausgrid's electricity cables are located within roadways and the public road reserve area, applicant's assistance would be appreciated by informing Ausgrid of any proposed work where the Dial Before you Dig enquiry indicates electricity cables in the area. Any advice or concern can be emailed to enquiries@ausgrid.com.au and a Planner will be assigned to assist applicant.

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.

Certifying Authorities must not issue Any 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 relevant Australian Standards and 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 HB 81.1 – 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.**

Note: *A minimum of 21 days (after submission of all plans that comply with this consent) 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 (Mixed Use/Commercial/Apartments)

- C32. Footpaths, entries and exits and fire exits for the development must be designed by an appropriately qualified and practising Civil Engineer and submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The design must include (but is not limited to) the following:

- (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 must show all relevant levels and grades (both existing and proposed) including those levels stipulated as boundary levels.
- (iii) The sections must 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 must 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) The awning edge must be offset for at least 600 mm from the kerb line.
- (vii) Awnings must have a shape to accommodate existing and proposed trees across the entire site frontage in Albany Street, Willoughby Road and Atchison Street.

Details, plans and specifications complying with this condition are to be certified as complying with the Building Code of Australia (BCA) and Council's standard footpath specifications, and the certification, details, plans and specifications must be provided to the Certifying Authority for approval prior to the issue of any Construction Certificate. Written concurrence confirming there will be no change to existing boundary and footpath levels is to be provided to the Certifier and North Sydney Council, prior to issue of any 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

- C33. 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 the latest revision of: BCA drainage requirements, Councils Engineering Performance guide and current Australian Standards and guidelines, such as AS/NZ 3500.3, National Plumbing and Drainage Code.
 - b) Stormwater runoff and subsoil drainage generated by the approved development must be conveyed in a controlled manner by gravity via a direct connection to Council's stormwater gully pit in Willoughby Road.

- c) Storm water runoff from the Plaza must be conveyed in a controlled manner by gravity via a direct connection to Council's stormwater gully pit in Albany Street. When a direct connection to the pit option is implemented then the pipeline within the footpath area must have a minimum cover of 300 mm.
- d) Stormwater drainage discharge from the site, must be conveyed by gravity, via a direct connection to a new stormwater gully pit, which is to be constructed in front of property at 63 Atchison Street. The new stormwater reinforced concrete pipeline with a minimum diameter of 375 mm must be constructed between the new pit (fronting the 63 Atchison Street) and a pit at the corner of Willoughby Road and Atchison Street. Within the road reserve, pipe shall have a minimum cover of 450 mm.
- e) The applicant must engage a specialist Hydraulics Engineer to carry out an evaluation of Council's stormwater drainage system and the effect of the proposed development on this system. The results of this evaluation must be submitted with all other drainage details to Council (Application form: "To Satisfy DA Consent Condition") prior to issue of Any Construction Certificate by the Certifying Authority.
- f) **Video inspection** must be carried out of completed drainage works that are to revert to council and a video tape forwarded to council's development engineer to support the certification.
- g) The stormwater drainage system shall be designed for an average recurrence interval (A.R.I.) of 1 in 20 years.
- h) All **redundant** stormwater pipelines within the footpath area must be removed and the footpath and kerb reinstated.
- i) Pipelines from neighboring properties within the area of new driveway crossing must be hot dipped galvanised steel (rectangular) hollow section with a minimum wall thickness of **4.0** millimeters and a section height of **100** millimeters.
- j) Provision is to be made for the **collection and disposal** in an approved manner of any overland flow entering the subject property, or concentrated as a result of the proposed works.
- k) **Surface inlet pits** must be located to catch surface flows and must be provided at all pipe junctions, changes in pipe direction exceeding 45 degrees and at the site boundary (within the property) prior to connection to the public drainage system and must be of sufficient size to accept the overland flow.
- l) All **sub-soil seepage** drainage shall be discharged via a suitable silt arrestor pit. Sign must be installed adjacent to pit stating "This sediment /silt arrestor pit shall be regularly inspected and cleaned". Details of all plans certified as being adequate for their intended purpose and compliant with the provisions of AS 3500.3.2 by an appropriately qualified and practising civil engineer shall be submitted with the application for a Construction Certificate.
- m) The wastewater from car wash bays require pre-treatment, such as silt traps and oil separation system, prior to being discharged into wastewater systems (e.g. sewer or septic).

- n) The design and installation of the rainwater reuse system (rainwater tank) must comply with DCP 2013 requirements. Overflow from the rainwater reuse device must be conveyed in a controlled manner by gravity to the stormwater disposal system. Rainwater Tank must be plumbed to appropriate end uses (i.e. external taps, toilet flushing, water features, car washing or garden irrigation) to ensure sufficient use of tank water so that capacity exists to accommodate rain water from storm events.
- o) Prevent any **stormwater egress** into adjacent properties by creating physical barriers and surface drainage interception.
- p) The proposed **On Site Detention** for storm water disposal must be designed to ensure that the maximum discharge of stormwater collected from the pre-developed site, which would occur during a 1 in 5 year storm of 1.0 hour duration for the existing site conditions, is not exceeded. The OSD system must be regularly maintained and serviced.
- q) The creation of a **Positive Covenant** (under the provision of the Conveyance Act) on the property title is required to ensure the maintenance of **OSD** and **pump system** on the property being developed. Prior to occupation certificate details must be submitted to Council for approval before registration with the Land Titles Office.
- r) The use of the **On Site Detention** for storm water disposal must be design in accordance with the following criteria:
 - The OSD system must consist of two pumps, connected in parallel, with each pump being capable of emptying the holding tank at a rate equal to the rate of inflow which would occur during a 1 in 5 year storm of the one-hour duration.
 - The OSD system shall be regularly maintained and serviced.
 - The creation of a **Positive Covenant** (under the provision of the Conveyance Act) on the property title to ensure the maintenance of **OSD** on the property being developed. Prior to occupation certificate details are to be submitted to Council for approval before registration with the Land Titles Office.
- s) Provide subsoil drainage to all necessary areas with **pump out** facilities as required.
- t) The use of the pump-out system for stormwater disposal will be permitted for drainage of basement areas only and will require creation of a **Positive Covenant**.

Details demonstrating compliance are to be submitted with all other drainage details to Council for approval prior to issue of any Construction Certificate.

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

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

Accessible parking spaces to be provided

- C34. A total of fourteen (14) 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)

Basement Car park to Comply with Relevant Standards

- C35. The basement layout must comply with all requirements of Australian Standard AS2890.1. The internal traffic lights within the carpark shall be designed and certified by a suitably qualified engineer. Certification from a suitably qualified and practicing Civil Engineer that the basement 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 basement layout complies with relevant standards)

Splay Corners

- C36. For the purposes of improving sight distance, the vehicular access to underground parking must have splay corners at the intersection of the vehicular access with the property boundary. Plans and specifications which comply with this condition must be submitted to the Council (with Vehicular Access Application) for approval prior to the issue of any Construction Certificate from the Certifying Authority. 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: Public amenity and safety and appropriate sight distance)

Driveway Crossing and associated works permit

- C37. Prior to the issue of any 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 must detail **the following infrastructure construction requirements of Council in relation to the consent**:

- a) The proposed vehicular access ways 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 crossings on Albany Street and Atchison Street must be reconstructed as upright kerb, gutter, footpath and partially as new driveway crossing on Atchison Street.
- c) The length of vehicular layback on Albany Street shall be **7.0 m** (including the wings) and the length of vehicular layback on Atchison Street shall be **16.0 m** (including the wings).
- d) The vehicular layback must be set square to the kerb.
- e) The crossing (between the layback and the property boundary) shall be placed perpendicularly to the front boundary and on a single straight grade within the footpath area of approximately 4.5%, falling to the back of the layback.
- f) The road reserve must be constructed in accordance with Council's current documents:
 - Infrastructure Specification
 - Public Domain Style Manual and Design Codes
 - Vehicular Access Application Guidelines and Specification.
- g) The minimum of **1.0 m** clearance between the left wing of proposed driveway crossing in Atchison Street (access to loading dock in Zig Zag Lane) and the existing **power pole** on the left hand side (facing the property from street) must be implemented.
- h) The increased visibility for both pedestrians and drivers must be achieved by the detailed design.
- i) Consideration of implementation for a physical devices to limit speed, transparent barriers to physically separate vehicle access pathways from the pedestrian path, and use of appropriately placed outdoor mirrors within the internal driveway is required with detailed design.
- j) Tree root barrier to be added along the back of all new kerb, where an existing tree is present.
- k) The boundary footpath levels must be set to accommodate required 2% fall from the boundary alignment to the top of kerb and must not be altered unless agreed to by Council.
- l) Alignment levels at the boundary have an important impact on the proposed levels for new driveway. No work on internal parking area should start until first obtaining boundary alignment levels from Council (after inspection of formwork for new driveway). Council has the authority to remove any unauthorized works at the cost of the developer.
- m) The Certifying Authority must ensure that the internal property levels at boundary matches councils approved boundary levels.
- n) The gutter levels and road shoulder levels over the entire site frontage in Albany Street, Willoughby Road, Atchison Street and Ives Lane (adjacent to the pedestrian right of way), must stay unchanged.
- o) The kerb, gutter and road shoulder for a minimum of 3.0 m wide rectangular strip must be constructed over the entire site frontage in Albany Street, Willoughby Road, Atchison Street and Ives Lane (adjacent to the pedestrian right of way), to ensure uniformity in the road reserve.

- p) The footpath over the entire site frontage in Albany Street, Willoughby Road, Atchison Street and Ives Lane (adjacent to the pedestrian right of way) must be reconstructed and is to be transitioned for at least **2.0 m** from the side boundaries on Albany Street and Atchison Street, to ensure uniformity on the footpath.
- q) Any twisting of driveway access to ensure vehicles do not scrape must occur entirely within the subject property.
- r) All inspection openings, utility services must be adjusted to match the approved footpath and driveway levels and location.
- s) The design detail has to be provided with **vehicular access application** and must include sections along centre-line and extremities of the crossings at a scale of 1:25@A3. Sections are to be taken from the centre of the roadway through to the parking area itself and must include all changes of grade and levels, **both** existing and proposed.
- t) A longitudinal section along the gutter line over the entire site frontage in Albany Street, Willoughby Road, Atchison Street and Ives Lane (adjacent to the pedestrian right of way) is required at a scale of 1:50@A3, showing how it is intended to transition the layback with the existing gutter levels.
- u) A longitudinal section along the footpath property boundary at a scale of 1:50@A3 is required, including FFL levels along the center-line of each access point to the building.
- 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 parking in accordance with AS 2890.1 "Off Street Parking".

All driveway and infrastructure works on the road reserve must proceed in accordance with the terms of the permit issued by Council. Inspections by Council will be required as specified on the permit. The Certifying Authority issuing the Construction Certificate must ensure that the permit (*'Vehicular Access Application'*) issued by Council is obtained prior to its issue, is referenced on and accompanies the issued Construction Certificate.

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

On-Site Stormwater Detention

- C38. On site detention must be provided to ensure that the maximum discharge of stormwater collected from the pre-developed site, which would occur during a 1 in 5 year storm of 1-hour duration for the existing site conditions, is not exceeded. All other stormwater run-off from the site for all storms up to a 1 in 100 year storm event is to be retained on the site for gradual release to the new piped drainage system. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.

The OSD system shall be regularly maintained and serviced. The creation of a **Positive Covenant** (under the provision of the Conveyance Act) on the property title to ensure the maintenance of **OSD** on the property being developed. Prior to the issue of the relevant Occupation Certificate details are to be submitted to Council for approval before registration with the Land Titles Office.

Engineering calculations, design and certification complying with this condition must be provided by an appropriately qualified and practicing Civil Engineer and submitted to Council for approval prior to the issue of Any Construction Certificate.

(Reason: To ensure appropriate provision is made for the disposal and management of stormwater generated by the development, and to ensure that public infrastructure in Council's care and control is not overloaded)

Pump-Out System Design for Stormwater Disposal

C39. The design of the pump-out system for stormwater disposal will be permitted for drainage of basement areas only, and must be designed in accordance with the following criteria:

- a) The pump system shall consist of two pumps, connected in parallel, with each pump being capable of emptying the holding tank at the rate equal to the rate of inflow for the one-hour duration storm. The tank shall be designed for capacity of holding an one-hour duration storm which would occur during average recurrence interval (A.R.I.) of 1 in 20 years storm;
- b) The pump system shall be regularly maintained and serviced, every six (6) months;
- c) The creation of a **Positive Covenant** (under the provision of the Conveyance Act) on the property title to ensure the maintenance of the Pump System on the property being developed. Prior to Occupation Certificate, details are to be submitted to Council for approval before registration with the Land Titles Office.

Engineering details demonstrating compliance with these criteria, and certified by an appropriately qualified and practicing civil engineer shall be provided to the Certifying Authority for approval prior to the issue of any Construction Certificate.

(Reason: To ensure adequate provision is made for the discharge of sub-surface stormwater from the excavated parts of the site)

Water Sensitive Urban Design Report (Stage 1)

C40. Prior to the issue of the relevant Construction Certificate, the applicant must submit a Water Sensitive Urban Design (WSUD) Report from a suitably qualified consultant demonstrating that WSUD has been incorporated to the maximum extent practicable and that storm water discharge will be reduced to maximum extent practicable for proposed development. The report must demonstrate that the development will achieve the post-development pollutant standards indicated as:

- a. Litter and vegetation larger than 5mm: **90%** reduction on the Baseline Annual Pollutant Load,
- b. Total Suspended Solids: **85%** reduction on the Baseline Annual Pollutant Load;
- c. Total Phosphorous: **65%** reduction on the Baseline Annual Pollutant Load;
- d. Total Nitrogen: **45%** reduction on the Baseline Annual Pollutant Load.

Submitted report for WSUD must promote the integration of stormwater, groundwater, water supply and wastewater management and shall be supported by the following principles:

- 1. To reduce both the peak flow and total volume of stormwater runoff.
- 2. To control pollution and minimise affect on downstream waterways and the environment.
- 3. To collect stormwater and reuse (stormwater harvesting).
- 4. Protect and enhance natural water systems (creeks and rivers etc.)
- 5. Treat urban stormwater to meet water quality objectives prior reuse and/or discharge to a public infrastructure and / or natural waterways.
- 6. Match the natural water runoff regime as closely as possible (where appropriate).
- 7. Reduce potable water demand through water efficient fittings and appliances, rainwater harvesting and wastewater reuse.
- 8. Minimise wastewater generation and treat wastewater to a standard suitable for effluent reuse opportunities.
- 9. Integrate stormwater management into the landscape, creating multiple use corridors that maximise the visual and recreational amenity of urban development.

Council may require additional restrictions on stormwater quantity discharge, including reducing peak flows to the developed state from a catchment. All WSUD elements that may hold water for periods of time shall be designed and located so as to ensure public safety (especially children) and to restrict mosquito breeding and the impact of mosquitoes on residents. Stormwater drainage from developed site must be managed to achieve the load targets and therefore all treatment must be within the development boundaries.

(Reason: To ensure appropriate quality for storm water drainage on public land from new developments)

Provision of Accessible Paths of Travel

- C41. 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

- C42. All overhead electricity and other lines (existing and proposed) shall be placed underground from the proposed building on the site to the appropriate power pole(s) or other connection point, in accordance with the requirements of Ausgrid and any other relevant infrastructure provider including the following works:

Location	Ausgrid Pole No(s).	Required works
Zig Zag Lane	MO 89583	Remove pole MO 89583, overhead cables & lines and street light
Atchison Street	MO 89575 MO 89592 MO 89593	- Place all overhead cables & lines underground from poles MO 89575 (Willoughby Rd) to MO 89592 & MO 89593 - Remove all redundant poles - Provide under awning pedestrian lighting to Atchison Street
Willoughby Road	MO 89578 MO 89579	- Place all overhead cables & lines underground from poles MO 89575 (Willoughby Rd) to MO 89579 - Place all overhead cables & lines underground to MO 89578 - Remove all redundant poles - Provide suitable under awning or other pedestrian lighting to Willoughby Street
Albany Street	MO 89508 MO 89510	Remove pole MO 89508 and place all overhead cables & lines underground to MO 89510

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 provide infrastructure that facilitates the future improvement of the streetscape by relocation of overhead lines below ground; Information, Protection of infrastructure and the environment)

Car park to comply with relevant standards

C43. 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

C44. 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
- d) 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

C45. 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)

Tree Protection Measures to be shown on Construction Drawings

- C46. The tree protection measures contained in the arborist report prepared by Earthscape Horticultural Services dated August 2015 and received at Council on 11 September 2015, shall be shown clearly on the Construction Certificate drawings. Removal of existing paved surfaces within the public footpath areas with the Tree Protection Zone (TPZ) of T4 *Platanus x hybrida* (London Plane) is to be taken in accordance with Section 10.5 of the Arborist's Report. All excavations for the new pavement subgrade and associated edge restraints with the TPZ of this tree should be undertaken in accordance with Section 10.6 of the Arborist's Report. Plans and specifications showing the said tree protection measures must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure the construction plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure that appropriate tree protection measures are shown on construction drawings)

Protection of Trees

- C47. 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:

T4 Platanus x hybrida (London Plane), 12 m height, on the Willoughby Rd footpath

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

Approval for removal of Trees

C48. The following tree(s) are approved for removal in accordance with the development consent:

Tree	Location	Height (m)
<i>T3 Platanus x hybrida</i> (London Plane)	Atchison St footpath	7m
<i>T5 Platanus x hybrida</i> (London Plane)	Willoughby Rd footpath	13m
<i>T5a Platanus x hybrida</i> (London Plane)	Willoughby Rd footpath	7m
<i>T6 Platanus x hybrida</i> (London Plane)	Albany St verge	14m

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

C49. All pruning works shall to the following tree(s) shall be undertaken 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)
<i>T4 Platanus x hybrida</i> (London Plane)	Willoughby Rd footpath	12 m

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

Asbestos Material Survey

C50. 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

- C51. 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

- C52. Under awning lighting must be provided to the Willoughby Road and Atchison 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)

Pedestrian Lighting – Zig Zag Lane

- C53. Outdoor lighting is to be provided within the public footway to be created within the former Zig Zag Lane alignment. The required 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. The Certifying Authority must be satisfied that the required lighting will comply with the requirements of this consent prior to the issue of the Construction Certificate. The lighting required by this condition must be installed in accordance with the requirements of this consent prior to the issue of the Occupation Certificate.

(Reason: Public safety)

Outdoor Lighting

- C54. 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)

External Finishes and Materials

- C55. The external colours and finishes must be in accordance with the approved schedule of finishes and materials. 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 development)

Adaptable Housing

- C56. Fifteen percent (15%) of the proposed apartments are to be designed with accessible features for disabled persons, and must incorporate level entries and wider doorways and corridors, slip resistant surfaces, reachable power points, disabled toilet, and lever door handles and taps. These features are to be designed generally in accordance with the relevant Australian Standard 4299 - 1995. 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 equity of access and availability of accommodation in the future for an ageing population)

BASIX Certificate

- C57. 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 BASIX Certificate No. (732954M_02) for the development are fulfilled. 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 the proposed development will meet the Government's requirements for sustainability and statutory requirements)

Compliance with Acoustic Report

- C58. The recommendations contained in the acoustic report prepared by Acoustic Logic dated August 2015, 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)

Mechanical Exhaust Ventilation

- C59. A statement from an appropriately qualified and practising Mechanical Engineer is required detailing how the exhaust ventilation system will be installed in accordance with AS1668. 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 and operation of mechanical plant)

Irrigation

- C60. Irrigation, using recycled grey water and water tanks, is to be provided to all plantings on the green roof terraces, planter boxes and vertical gardens.

(Reason: To allow for the health and vigour of the plants)

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)

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 \$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

- D3. 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

- D4. 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)

Essential Traffic Management and Public Domain Works

- D5. The following essential traffic management and public domain works shall be designed and certified by a suitably qualified and experienced Traffic and Civil Engineers and approval obtained from North Sydney Traffic Committee (where necessary) prior to the commencement of any works, other than demolition and remediation works.
- a. Traffic calming scheme for Atchison Street between Willoughby Road and Alexander Street to be designed and installed (in consultation with local residents and Council's Traffic & Transport Operations Manager) to also be suitable for use by bicycles.
 - b. Upgrade the lighting levels at the intersection of Chandos Street and Alexander Street, to the appropriate Australian Standard.
 - c. Upgrade the lighting levels on Atchison Street and Willoughby Road adjacent to the site, to the appropriate Australian Standard.
 - d. Kerb extensions on the south-western corner of the intersection of Atchison Street and Willoughby Road adjacent to the site in accordance with the design plans prepared by North Sydney Council and the North Sydney Public Domain Style Guide, to match in with the planned pedestrian refuge and kerb extensions on Willoughby Road.
 - e. Construction Traffic Management Program.
 - f. Traffic signals at the intersection of Alexander Street and Chandos Street and as approved by the Roads and Maritime Services.

All costs associated with the design and construction of the Essential Traffic Management and Public Domain Works and the dedication of land must be borne by the applicant. Any associated documents, including documents to give effect to the dedication of land, must be prepared, executed and registered at the sole cost of the applicant.

In the event the Essential Traffic Management and Public Domain Works are not completed prior to the issue of an Occupation Certificate, or those works are not constructed to a standard acceptable to Council's engineers, then Council will be entitled to apply the whole or any part of the bond to undertake construction of those works, or to complete or repair those works in the public road.

(Reason: Consistent streetscape, public safety and amenity)

Substation

- D6. Prior to the commencement of works, Ausgrid's electrical mains in Zig Zag Lane and substation shall be relocated to Ausgrid's satisfaction. The sub-station shall be temporarily and permanently accommodated within the site boundary throughout demolition, excavation, construction, and occupation if possible. If this is not achievable then the development should be constructed such that the sub-station is relocated to the road reserve on a temporary basis only until it can be accommodated on the site in accordance with Ausgrid's requirements and such that a 1.2 metre trafficable footpath is maintained adjacent to the site at all times. The relocation of the substation onsite (if a substation is required due to the development) must be undertaken prior to the release of any Occupation Certificate. All costs are to be borne by the developer and at no cost to Council or Ausgrid.

(Reason: Continuation of electrical supply and maintenance of pedestrian access)

Public Liability Insurance – Works on Public Land

- D7. 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)

Notification of New Addresses

- D8. Prior to the commencement of any building works, an application must be made and written confirmation received from North Sydney Council of the allocated street address (house number) and/ or unit numbers of the completed project.

To assist Council, a plan for unit numbering should be submitted for concurrence. These details will be recorded in Council records and must be displayed at the property in accordance with the provisions of the applicable Australian Standard relating to rural and urban addressing. A copy of the allocation confirmation must be submitted to the Certifying Authority with the application for a Construction Certificate.

(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)

Sydney Water – Building Plan Approval

- D9. Building plans must be stamped and approved by Sydney Water before any construction commences.

Note: For further assistance please telephone 13 20 92 or refer to the Building over or next to assets page on the Sydney Water website.

(Reason: To ensure works do not impact on Sydney Water's assets)

E. During Demolition and Building Work

Cigarette Butt Receptacle

- E1. A cigarette butt receptacle is to be provided on the site for the duration of excavation/demolition/construction process, for convenient use of site workers.

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

Temporary Disposal of Stormwater Runoff

- E2. 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

- E3. 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

- E4. 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

- E5. 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)

Public Safety and amenity in vicinity of works

- 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. 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)

Prohibition on Use of Pavements

- E7. Building materials must not be placed on Council’s footpaths, roadways, parks or grass verges (unless a permit is obtained from Council beforehand). A suitable sign to this effect must be erected adjacent to the street alignment.

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

Developer’s Cost of Work on Council Property

- E8. The developer must 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

- E9. 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

- E10. 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)

Construction Hours

- E11. 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

- E12. 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

- E13. 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

- E14. 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

- E15. 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

- E16. 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) Formwork of driveway crossing and footpath alignment levels including associated road works

b) Drainage connections

Further, all works must proceed in accordance with Roads Act 1993 approvals or other permits relating to roads 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)

Protection of Trees

E17. All trees required to be retained, as part of this consent must be protected from any damage during construction works in accordance with AS4970-2009. All recommendations contained within the tree report prepared Earthscape Horticultural Services dated August 2015 and received at Council on 11 September 2015 by must be implemented for the duration of the works.

In the event that any tree required to be retained is damaged during works on the site, notice of the damage must be given to Council forthwith.

Notes:

- 1) If the nominated tree is damaged to a significant degree or removed from the site without prior written approval being obtained from Council, the issuing of fines or legal proceedings may be commenced for failure to comply with the conditions of this consent.
- 2) An application to modify this consent pursuant to Section 96 of the Environmental Planning and Assessment Act 1979 will be required to address the non-compliance with any of the conditions of consent relating to the retention of nominated trees, and Council may require tree replenishment.

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

Street Trees

E19. Exact location of new street trees on the Willoughby Rd frontage to be approved by Council's Tree Management Officer on site. All new street trees to be installed 850mm from the face of the kerb with porous rubber surround and paving surround (as per Council's Public Domain Style Manual and Design Codes.)

(Reason: To ensure that Council's assets are provided to an appropriate quality)

Dust Emission and Air Quality

E20. The following must be complied with at all times:

- (a) Materials must not be burnt on the site.

- (b) Vehicles entering and leaving the site with soil or fill material must be covered.
- (c) 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.
- (d) Odour suppression measures must also be carried out where appropriate so as to prevent nuisance occurring at adjoining properties.

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

Site Amenities and Facilities

- E21. Where work involved in the erection and demolition of a building is being carried out, amenities which satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements, must be provided and maintained at all times. The type of work place determines the type of amenities required.

Further information and details can be obtained from the Internet at www.workcover.nsw.gov.au.

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

Waste Disposal

- E22. All records demonstrating the lawful disposal of waste must be retained and kept readily accessible for inspection by regulatory authorities such as North Sydney Council and the Environmental Protection Authority.

(Reason: To ensure the lawful disposal of construction and demolition waste)

Removal of Extra Fabric

- E23. Should any of the existing trees or curtilage of the site which is indicated on the approved plans to be retained be damaged for whatever reason, all the works in the area of the damaged portion are to cease and written notification of the damage is to be given to Council forthwith. No work is to resume until the written approval of Council to do so is obtained. Failure to comply with the provisions of this condition may result in the Council taking further action including legal proceedings if necessary.

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

No Work on Public Open Space

- E24. No work can be undertaken within adjoining public lands (ie. Parks, Reserves, Roads etc) without the prior written consent of Council. In this regard the developer is to liaise with Council prior to the commencement of any design works or preparation of a Construction and Traffic Management Plan.

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

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)

Building Code of Australia

- F6. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

(Reason: Prescribed - Statutory)

Occupation Certificate

- F7. 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

- F8. 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

- F9. 1) All excavations and backfilling associated with the erection 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.

(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

- F10 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)

Support for Neighbouring Buildings

- F11 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)

Home Building Act

- F12. 1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act 1989) for which the *Home Building Act 1989* requires there to be a contract of insurance under Part 6 of that Act must not be carried out unless the Principal Certifying Authority for the development to which the work relates has given North Sydney Council written notice of the contract of insurance being issued and of the following:

- a) in the case of work for which a principal contractor is required to be appointed:
 - i) the name and licence number of the principal contractor, and
 - ii) the name of the insurer by which the work is insured under Part 6 of that Act, or
- (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- 2) If arrangements for doing residential building work are changed while the work is in progress such that the information submitted to Council in accordance with this conditions is out of date, work must cease and no further work may 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.

Note: 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.

(Reason: Prescribed - Statutory)

G. Prior to the Issue of an Occupation Certificate

Infrastructure Repair and Completion of Works

- G1. Prior to the issue of a Final Occupation Certificate any and all works relating to the development:
- a. in the road reserve must be fully completed to the satisfaction of Council Engineers at no cost to Council; and
 - b. to repair and make good any damaged public infrastructure caused as a result of any works relating to the development (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 and Video

- G3. A works-as-executed survey drawing (W.A.E.) of the completed stormwater drainage system must be obtained. The W.A.E. survey drawing must show the alignment, depth and grade of the stormwater drainage pipelines, pits and ancillary plumbing. The W.A.E. survey drawing must be reviewed by a qualified and practising civil engineer and certification provided to the Certifying Authority that the as-built system achieves the design intent of the plans approved with the Construction Certificate. Certification must be provided with the W.A.E. survey drawing to the Certifying Authority prior to the issue of an Occupation Certificate.

A video inspection must also be carried out of completed drainage works that are to revert to Council's care and control, and the CCTV to be forwarded to Council to support the certification. A copy of the W.A.E. survey drawing and certification must be submitted to the Council if it is not the Certifying Authority.

(Reason: Compliance with the Consent)

Access to Premises

- G4. Prior to the issue of any Occupation Certificate, a certificate must be prepared by 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)

Certification- Civil Works

- G6. a) An appropriately qualified and practising Civil Engineer must certify to the Certifying Authority that the stormwater drainage system is constructed in accordance with this consent and the provisions of the applicable Australian Standard. A copy of the certificate must be submitted to Council (if it is not the Certifying Authority) upon completion of the development works and prior to the issue of an Occupation Certificate.
- b) An appropriately qualified and practicing Civil Engineer must certify to the Certifying Authority that the vehicular crossing and associated works and road works were constructed in accordance with this consent and any approval for works in the road reserve issued by the Council. A copy of the certificate must be submitted to Council (if it is not the Certifying Authority), upon completion of the development works and prior to the issue of an Occupation Certificate.

(Reason: Compliance with the Consent)

Basement Pump-Out Maintenance

- G7. Prior to issue of an Occupation Certificate a Maintenance Regime must be prepared for the basement stormwater pump-out system and submitted to the Principal Certifying Authority for approval with the Occupation Certificate documentation. The regime must specify that the system is to be regularly inspected and checked by qualified practitioners.

The basement stormwater pump-out system must be maintained in accordance with the approved Maintenance Regime at all times.

(Reason: To ensure future provision for maintenance of the drainage system)

Signal System

- G8. Prior to the issue of an Occupation Certificate, a signal system must be installed at the street alignment and within the building to indicate traffic movement on the driveway ramp, and so designed that the signal indication at the point of ingress shall remain green except when an approaching vehicle is detected upon the ramp or driveway. The required signal system is subject to pedestrian sight line design submitted with vehicular crossing application.

(Reason: To properly manage vehicle entry to, and exit from, the subject site)

Certification of Trees

- G9. 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 the Certifying Authority, describing the health of the tree(s) specifically nominated below: -

T4 Platanus x hybrida (London Plane), 12 m height, on the Willoughby Rd footpath

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

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

Sydney Water

G10. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

The Section 73 Certificate must be submitted to the Certifying Authority prior to the issue of the Strata Certificate or prior to occupation of the development whichever is the earlier.

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

G11. 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)

Shopping Trolley Management Plan

- G12. A mechanical wheel stopping system shall be implemented and a Trolley Management Plan prepared prior to the commencement of the use of the supermarket to prevent trolleys from leaving the site.

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)

Landscaping

- G13 The landscaping shown in the approved landscape plan numbered L/01 Revision G dated 29/1/16, L/02 Revision D dated 29/1/16, L/03 Revision C, dated 9/12/16, L/04, Revision C dated 9/12/15 and L/05 Revision A dated 1/9/15, prepared by A Total Concept and received at Council on 2 March 2016, with the necessary amendments as described by condition **C7** above, must be completed prior to the issue of any Occupation Certificate.

(Reason: To ensure compliance)

Off Site Works – Traffic

- G14. The offsite traffic works required by Condition **D5** shall be completed, at the expense of the developer, to the satisfaction of Council and/or the Roads and Maritime Service as relevant, prior to the issue of an Occupation Certificate.

(Reason: To ensure suitable traffic measures are in place for the proposed use)

Site Access

- G15. All driveway exits from the site are to have signage which says “Stop – Give Way to Pedestrians”.

(Reason: To ensure public safety)

Operational Transport Management Plan

- G16. An Operational Transport Management Plan shall be prepared for the operation of the loading dock and management of deliveries. This shall also include a restriction that trucks must not use Atchison Street east of Zig Zag Lane to access or depart from the site. The Operational Transport Management Plan shall be submitted to Council for approval by the North Sydney Traffic Committee prior to the issue of an Occupation Certificate for the non-residential uses on the site.

(Reason: Appropriate traffic measures for the proposed use)

Noise Certification

- G17. Prior to issue of the any Occupation Certificate a certificate from an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants is to be submitted to, and approved by, the Certifying Authority certifying that the noise and vibration from use of the development complies with the conditions of consent here-in.

(Reason: To ensure acoustic amenity)

Notification of New Address Developments

- G18 Prior to any Occupation Certificate being issued, the person acting upon this consent must comply with the following: -

1. Notify Australia Post of the address(es) as issued by Council and the location in plan form of any secondary, internal addresses, in relation to built public roads. Check Australia Post Website (www.auspost.com.au) to find your nearest Australia Post Delivery Facility.

(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)

Vehicle Egress Signs

- G19. 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 for Mechanical Exhaust Ventilation

G20. Prior to issue of an Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, must be submitted to, and approved by, the Certifying Authority.

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

Covenant & Restriction (Stormwater Control System)

G21. An Instrument pursuant to Sections **88B and 88E** of the Conveyance Act 1919 and one copy must be submitted to Council in registrable form, providing for:

- a. a restriction as to user and positive covenant as to user as appropriate in favour of North Sydney Council burdening 101-111 Willoughby Road, Crows Nest, requiring the ongoing retention, maintenance and operation of the stormwater facility (on-site detention rainwater reuse system and pump-out system);
- b. North Sydney Council being nominated in the Instrument as the only party authorised to release, vary or modify the Instrument;
- c. the wording on the Instrument making reference to the Council files which hold
 - (i) the Construction plans; and
 - (ii) the “Work-as-Executed” (as built) plans;

Upon Council being satisfied as to the terms of the Instrument, North Sydney Council’s official seal will be affixed to these documents, prior to submission to the Land & Property Information Office for registration.

The Instrument creating the restriction and/or covenant under sections 88 B and 88 E required by this condition of consent must be registered on the Title of the development site prior to the issue of an Occupation Certificate or commencement of use of the site, whichever is the earlier.

Evidence of the registration of the instrument referred to in this condition is to be provided to Council prior to the issue of an Occupation Certificate.

All costs associated with the preparation, approval and registration of the Instrument required by this condition of consent must be borne by the person acting on this consent including the reasonable costs of Council in obtaining advice, negotiating the terms or otherwise facilitating the execution and registration of the required Instrument.

(Reason: Compliance and adequate maintenance of drainage system)

Creation of Easements – Public Plaza and Zig Zag Lane

- G22. An easement in gross favour of the Council permitting public access to the publicly accessible plaza approximately 415m² fronting Willoughby Road, and the dedicated pedestrian walkway separate from and adjacent to Zig Zag Lane, shall be created and registered against the title to the Land at no cost to the Council prior to the issue of an Occupation Certificate.

The easement in gross will require the owner of the publicly accessible areas to:

- a. Maintain and repair the publicly accessible plaza, the dedicated pedestrian walkway and the laneway to the satisfaction of the Council;
- b. Maintain sufficient public liability insurance;
- c. Ensure that no buildings or structures are erected on the publicly accessible plaza other than structures approved by the Council for the purposes of enhancing public domain areas; and
- d. Ensure that any rules made by an Owner's Corporation relating to the publicly accessible plaza are approved by the Council.

The terms of the easement shall be undertaken in accordance with the Voluntary Planning Agreement entered into between North Sydney Council and Coles Property Developments Ltd, dated February 2016.

Evidence of the registration of the instrument referred to in this condition is to be provided to Council prior to the issue of an Occupation Certificate.

(Reason: To comply with the terms of the development consent)

Covenant on Title – Restriction in Height Over Publicly Accessible Areas

- G22. Prior to the issue of an Occupation Certificate, a covenant must be registered against the title to the Land prohibiting any building or development 1.8m above the finished floor level of the pedestrian footpath and publicly accessible plaza fronting Willoughby Road (*other than landscaping, fencing, and the like, as detailed in the planning agreement entered into between North Sydney Council and Coles Property Developments Ltd, dated February 2016, as referred to in Condition A3.*

(Reason: To clarify the terms of this development consent)

I. On-Going / Operational Conditions

Noise from Plant and Equipment

- I1. 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)

Hours of Operation

- I2. The hours of operation for the supermarket are restricted to:

6.00am to 12.00 midnight, seven days a week

Upon expiry of the permitted hours:

- (a) no customers 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.

The hours of use of the retail suites (other than the supermarket are restricted to:

7am-10pm seven days a week for indoor use. No approval is granted for use of external areas and a separate approval will be required for any external use.

(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

- I3. All trade waste and recycling generated from the premises must be managed and disposed of in accordance with the Waste Management Plan prepared by Waste Audit, dated March 2016.

(Reason: To ensure appropriate waste management)

Loading within Site

- I4. All loading and unloading operations for the supermarket and specialty stores (including waste collection) must be carried out wholly within the confines of the loading docks, at all times and must not obstruct other properties or the public way or occur from Zig Zag Lane.

(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

- I5. The operation of the loading dock, including for waste collection, is to be limited to the hours of 7.00am to 6.00pm Monday to Saturday and 8.00am to 6.00pm Sunday/public holidays.

The loading dock door shall be closed immediately upon a truck entering and shall remain closed until just before the truck exits the loading dock. Activities other than loading (such as moving pallets) can be conducted within the enclosed loading dock area between the hours of 6pm and 7am providing the door to the loading dock is closed, but trucks cannot enter or leave the premises during these hours. Trucks shall not be permitted to wait in Zig Zag Lane at any time.

A maximum of 1 delivery for the supermarket (fixed large rigid trucks or larger) shall occur within any hour (inclusive of waste collection). Smaller trucks which can drive in a forward direction into the loading dock area are excluded from this requirement subject to the loading dock door being closed prior to the truck reversing within the internal dock area.

Ensure roller shutters operate smoothly with soft liner within the guides to eliminate metal to metal contact. The roller shutter is to be regularly maintained to ensure operation complies with this requirement.

No music or PA shall be allowed within the loading dock area, including within trucks in the loading dock.

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

Loading Dock – Operational Management Plan

- I6. The use and all loading and unloading operations must be carried out in accordance with the approved *Dock & Truck Management Plan*. Further, the Plan shall be amended to require priority of access to be given to Council's waste collection contractors between 7am and 1pm to ensure the efficiency of the services

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

Minimum Headroom for Car Parking

- I7. 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

- I8. Car parking shall be allocated as follows, including in any strata subdivision of the development:

Residential parking maximum 67 spaces

Maximum 1 space per studio/1 bed/ 2 bed apartment

Maximum 2 spaces per 3 bed apartment

Accessible parking spaces are only to be allocated to adaptable apartments, with a maximum of 1 per apartment

(Reason: To ensure adequate parking is provided)

Graffiti Removal

- I9. 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)

Maintenance of Approved Landscaping

- I10. The owner of the premises at 101-111 Willoughby Rd, Crows Nest, is to maintain the landscaping approved by this consent generally in accordance with drawing number/s L/01 Revision G dated 29 January 2016, L/02 Revision D dated 29 January 2016, L/03 Revision C, dated 9 December 2016, L/04, Revision C dated 9 December 2015 and L/05 Revision A dated 1 September 2015, prepared by A Total Concept and received at Council on 2 March 2016, with the necessary amendments as described by condition.

Any replacement plants required shall be advanced in growth and be selected to maintain the anticipated mature height, canopy density and nature of those plant species as originally approved.

Should it be desired to substitute plants which are not of the same mature height, canopy density and nature (particularly flowering for non flowering, native for exotic, deciduous for non deciduous or the reverse of any these) a modification to this consent will be required.

(Reason: To ensure maintenance of the amenity, solar access and views of adjoining properties)

Illumination of Signs

- I11. Illumination of all signage shall be limit to the approved trading hours, with the

following exceptions. The loading dock signage shall not be illuminated. The under awning signage in Atchison Street shall be turned off by 10pm and not turned on before 7am on any day.

(Reason: To protect the amenity of the area)

Site Access

- I12. All vehicles, including delivery vehicles and garbage collection vehicles must enter and exit the site in a forwards direction.

(Reason: To ensure public safety)

Air Conditioners in Residential Premises

- I13. The use of any air conditioner installed on the premises must comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulations 2008 and State Environmental Planning Policy (Infrastructure) 2007 and must not:

- (a) emit a noise that is audible within a habitable room in any affected residence (regardless of whether any door or window to that room is open);
 - (j) before 8.00am and after 10.00pm on any Saturday, Sunday or Public Holiday; or
 - (ii) before 7.00am or after 10.00pm on any other day
- (b) cause an LAeq(15min) which exceeds the RBL background noise level by more than 5dB when measured at the boundary of any affected residence. The modifying factor adjustments in Section 4 of the EPA Industrial Noise Policy will be applied.

“affected residence” includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation and hospitals.

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

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 residential amenity)

Noise and Vibration Impact

- I14. The on-going use of the premises approved under this consent must comply with all conditions pertaining to noise and vibration specified in this consent.

(Reason: To ensure compliance with the specified levels of noise and vibration and to maintain the amenity of surrounding land uses)

Waste Management

- I15. The site shall be maintained so that Council's contractors have clear and unobstructed access to the residential garbage facilities at the time(s) and day(s) of waste collection as specified by Council, with a clear path of travel through the site maintained for Council vehicles at the relevant times. In this regard, building management will need to coordinate commercial deliveries and truck movements so as not to disrupt Council waste collection services.

(Reason: To ensure efficiency and safety in residential waste collection)

L. *Conditions Required by the Roads and Maritime Service*

- L1. The proposed a traffic control light at the intersection of Alexander Street and Chandos Street shall be designed to meet Roads and Maritime requirements. The Traffic Control Signal (TCS) plans shall be drawn by a suitably qualified person and endorsed by a suitably qualified practitioner.

The submitted design shall be in accordance with Austroads Guide to Road Design in association with relevant Roads and Maritime supplements (available on www.rms.nsw.gov.au). The certified copies of the civil design plans shall be submitted to Roads and Maritime for consideration and approval prior to the release of a Construction Certificate and commencement of road works.

Roads and Maritime fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

The developer will be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. Please note that the WAD will need to be executed prior to Roads and Maritime assessment of the detailed civil design plans.

(Reason: To comply with requirements of the Roads Authority)