

NORTH SYDNEY COUNCIL
WITHOUT PREJUDICE CONDITIONS
OF DEVELOPMENT CONSENT
149 WEST STREET, CROWS NEST, TAFE CONVERSION
DEVELOPMENT APPLICATION NO. 214/17

A. *Conditions that Identify Approved Plans*

- 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 No	Issue	Dated	Title	Drawn by	Dated
AR.DA.0000	C	9 June 2017	Cover sheet, Location Diagram/ Drawing List	TKD Architects	23 June 2017
AR.DA.1000	D	8 August 2017	Existing and Demolition Site Plan	TKD Architects	16 August 2017
AR.DA.1001	D	8 August 2017	Proposed Site Plan	TKD Architects	16 August 2017
AR.DA.1002	C	9 June 2017	Site Analysis	TKD Architects	23 June 2017
AR.DA.1101	C	9 June 2017	Ground Floor Demolition Plan	TKD Architects	23 June 2017
AR.DA.1102	C	9 June 2017	First Floor Demolition Plan	TKD Architects	23 June 2017
AR.DA.1103	C	9 June 2017	Second Floor Demolition Plan	TKD Architects	23 June 2017
AR.DA.1104	C	9 June 2017	Third Floor Demolition Plan	TKD Architects	23 June 2017
AR.DA.2001	D	8 August 2017	Proposed Ground Floor Plan	TKD Architects	16 August 2017
AR.DA.2002	C	9 June 2017	Proposed First Floor Plan	TKD Architects	23 June 2017
AR.DA.2003	C	9 June 2017	Proposed Second Floor Plan	TKD Architects	23 June 2017
AR.DA.2004	C	9 June 2017	Proposed Third Floor Plan	TKD Architects	23 June 2017
AR.DA.2005	C	9 June 2017	Proposed Roof Plan	TKD Architects	23 June 2017
AR.DA.3001	D	8 August 2017	Elevations sheet 01	TKD Architects	16 August 2017
AR.DA.3002	A	8 August 2017	External Signage Details	TKD Architects	16 August 2017

AR.DA.3101	C	9 June 2017	Sections Sheet 01	TKD Architects	23 June 2017
AR.DA.3102		November 2016	Sections Sheet 02	TKD Architects	23 June 2017
AR.DA.4001	D	8 August 2017	3D Perspectives	TKD Architects	16 August 2017
L-0002	C	08 September 2017	Materials and Plant Schedule Sheet 1 of 1	Context	02 November 2017
L-4001	B	08 September 2017	Planting Plans Sheet 1 of 7	Context	02 November 2017
L-4002	B	08 September 2017	Planting Plans Sheet 2 of 7	Context	02 November 2017
L-4003	B	08 September 2017	Planting Plans Sheet 3 of 7	Context	02 November 2017
L-4004	B	08 September 2017	Planting Plans Sheet 4 of 7	Context	02 November 2017
L-4005	B	08 September 2017	Planting Plans Sheet 5 of 7	Context	02 November 2017
L-4006	B	08 September 2017	Planting Plans Sheet 6 of 7	Context	02 November 2017
L-4007	B	08 September 2017	Planting Plans Sheet 7 of 7	Context	02 November 2017

In the case of an inconsistency between the plans above, the plan with the later date prevails to the extent of the inconsistency. In the event of an inconsistency between the plans and a condition of this consent, the condition of consent prevails to the extent of the inconsistency.

(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 those required to be prepared prior to commencement of works) must be kept on site at all times so as to be readily available for perusal by an Officer of Council. All documents kept on site in accordance with this condition must be provided to any Officer of the Council 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)

B. Matters to be Completed Prior to Commencement of Works

Bicycle Parking

- B1. Prior to commencement of works, an area is to be designated on the plans, which can accommodate a minimum of nine (9) bicycle parking spaces.

The bicycle parking and facilities are to be provided for students and staff and designed to comply with Australian Standard AS2890.3 and North Sydney Council's DCP 2013.

(Reason: To ensure that bicycle parking is provided within the development in accordance with Australian Standards and Council DCP 2013)

Remediation

- B2. Prior to commencement of works for the multi function sports hall, the validation and/or monitoring report recommenced in Report Reference E30129KGrpt dated 24 February and as per the letter prepared by Environmental Impact Services and dated 7 April 2017 is to be undertaken. A copy of the Validation Statement/Site Audit Statement is to be provided to Council. The audit is to be carried out by an independent auditor accredited by the Environment Protection Authority. Any conditions recorded on the Site Audit Statement must be complied with at all times.

(Reason: To ensure the land is suitable for its intended purpose)

Construction Management Program – Local Traffic Committee Approval

- B3. A Construction Management Program must be prepared prior to commencement of works by a suitably qualified and experienced traffic consultant. 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.
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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 neighbouring 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.

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 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 lodgement, or in any event, prior to the issue of the relevant approval.
- 2) Any use of Council property will require appropriate approvals and demonstration of liability insurances prior to such work commencing.
- 3) Failure to provide complete and detailed information may result in delays. It is recommended that your Construction 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)

Construction Noise and Vibration Management Plan

B4. A Construction Noise and Vibration 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/vibration 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) A prediction as to the level of vibration that is likely at receivers
- (d) Details of work schedules for all demolition phases;
- (e) 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").
- (f) Representative background noise levels should be submitted in accordance with the ICNG.
- (g) Compliance with the recommendations of the approved Demolition Noise and Vibration report.

- (h) Confirmation of noise and vibration 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 or property likely to be impacted by vibrations. An acoustic engineer shall monitor the results and provide amelioration recommendations in the case of excessive noise or vibration being recorded.
- (i) What course of action will be undertaken following receipt of a complaint concerning offensive noise or vibration.
- (j) 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.
- (k) Details of any vibration mitigation measures proposed
- (l) If there is a reasonable likelihood that vibration could impact adjoining properties a dilapidation report is to be prepared for the properties likely to be affected.
- (m) 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
- (n) 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.

A copy of the Construction Noise Management Plan must be submitted to Council prior to the commencement of work.

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

Dilapidation Report

- B5. The applicant must have a dilapidation survey and report (including photographic record) prepared which details the pre-developed condition of the existing public infrastructure in the vicinity of development site. Particular attention must be paid to accurately recording any pre-developed *damaged* areas so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the works.

The developer may be held liable to damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded and demonstrated as pre-existing under the requirements of this condition. The Applicant shall bear the cost of restoration of all infrastructure damaged as a result of the works. A copy of the dilapidation report must be lodged with North Sydney Council prior to the commencement of works.

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

Approval for Removal of Trees

- B6. The following tree(s) are approved for removal in accordance with the development consent:

Plan Number AR.DA.1000, Revision D, dated 8 august 2017, Existing Site and Demolition Site Plan prepared by TKD Architects and received by Council on 16 August 2017.

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)

Protection of Trees

- B7. Tree(s) located on the adjoining Crown Land and street trees are required to be protected and retained as part of the development consent in accordance with AS 4970-2009 – Protection of trees on development sites.

(Reason: Protection of existing environmental and community assets)

No Removal of Trees on Public Property

- B8. No trees on public property (footpaths, roads, reserves, etc.) unless specifically approved by this consent shall be removed or damaged during construction including for the erection of any fences, hoardings or other temporary works.

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

Provision of Accessible Paths of Travel

- B9. The building must be designed and constructed to comply with the provisions of Disability Access to Premises Standards 2010, the Building Code of Australia 2014 – Parts D3, E3 and F2, Accessibility Standards AS1428.1 2009, AS 1428.4.1:2009, AS 2890.6:2009, AS 1735.12 and School Facilities Standard, Design Standard Version 1/7/2012.

Further, the right-of-ways shall be upgraded to provide handrails on both sides in accordance with AS1428.2, indicative contrast strips on each step nosing in accordance with AS1428.1 and tactile ground surface indicators at top and bottom of the stair in accordance with AS1428.4.1.

Finally, a level landing is required from the staff car park level for a wheelchair user to be able to turn and use the 1:20 ramp. This landing should be designed in accordance with AS1428.1.

Certification shall be provided from a suitably qualified and experienced accessibility expert that the design satisfies this condition prior to the commencement of works. At the completion of works and prior to occupation of the school, a suitably qualified and experienced accessibility expert shall certify that the works have been carried out in accordance with this condition.

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

Public Liability Insurance – Works on Public Land

- B10. 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)

Work Zone

- B11. If a Work Zone is proposed, an application must be made to the North Sydney Local Traffic Committee to install the 'Work Zone'. A Work Zone permit is required to be issued by the Council prior to the commencement of works.

Work Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Works Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site.

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

(Reason: Amenity and convenience during construction)

Obtain Driveway Crossing and Associated Works Permit

- B12. Prior to the issue of the commencement of construction for vehicular crossing and associated road reserve works, 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 responsibility for accuracy of the design fully rests with the designing engineer. All responsibility on implementation and supervision of works specified on design plans fully rests on designing engineer or whoever is chosen to be applicant's engineering representative. The civil design drawings shall 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 width of the vehicular layback in Rodborough Street must be 6.0m (including the wings).
- c) The vehicular laybacks must be set square to the kerb.
- d) The boundary footpath levels and gutter invert levels must match the existing levels and shall not be altered unless agreed to by Council.
- e) Alignment levels at the boundary have an important impact on the proposed levels for new driveway. The works must not start until confirmation of boundary alignment levels from registered surveyor. Council has the authority to remove any unauthorized works at the cost of the property owner.
- f) The Certifying Authority must ensure that the internal property levels at boundary matches council's confirmed boundary levels.
- g) The kerb gutter, and 600 mm road shoulder wide- strip, adjacent to all new layback and gutter works, on Rodborough Street must be reconstructed, to ensure uniformity in the road reserve.
- h) The design detail has to be provided with **vehicular access application** and must include sections along centre-line and extremities of the crossing at a scale of 1:25. Sections are to be taken from the centre of the roadway through to the parking area itself and shall include all changes of grade and levels, **both** existing and proposed.
- i) A longitudinal section along the gutter line of Rodborough Street at a scale of 1:50 showing how it is intended to transition the layback with the existing gutter levels and shall include all changes of grade and levels, **both** existing and proposed.
- j) A longitudinal section along the footpath property boundary at a scale of 1:50 is required and shall include all changes of grade and levels, **both** existing and proposed.

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 applicant / relevant authority must ensure that the permit issued by Council is obtained prior to its issue.

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

Stormwater Management and Disposal Design Plan – Construction Issue

B13. Prior to commencement of works, the applicant shall have a site drainage management plan prepared by a qualified drainage design engineer. The site drainage management plan must detail the following requirements:

- a) Compliance with BCA drainage requirements, Councils Engineering Performance guide and current Australian Standards and guidelines, such as AS/NZ3500.3.2 1998, National Plumbing and Drainage Code.
- b) Stormwater runoff and subsoil drainage generated by the approved dwellings must be conveyed in a controlled manner by gravity via OSD system by gravity via existing stormwater lines towards Council's stormwater system in Rodborough Avenue.
- c) 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.
- d) Floor levels adjacent to overland flow path, are to be minimum 500 mm above 1 in 100 year flood level. A report prepared by an appropriately qualified hydraulics engineer is to be submitted to the certifying authority with the Crown Certification, detailing the 1 in 100 year flood level and minimum floor level.
- e) All sub-soil seepage drainage shall be discharged via a suitable silt arrester pit. Details of all plans certified as being adequate for their intended purpose and compliant with the provisions of AS3500.3.2 by an appropriately qualified and practising civil engineer.
- f) The design and installation of the Rainwater Tanks shall comply with Basix and **Sydney Water** requirements. Overflow from tank shall be connected by gravity to the stormwater disposal system.
- g) Prevent any stormwater egress into adjacent properties by creating physical barriers and surface drainage interception.
- h) Provide subsoil drainage to all necessary areas with pump out facilities as required.

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

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

B14. Prior to the commencement of works, a security deposit or bank guarantee must be provided to Council to the sum of \$10,000.00 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 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 date the applicant notifies Council of the 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;
- the Certifying Authority must ensure that security is provided to North Sydney Council prior to commencement of works upon the site.

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

Security Deposit/ Guarantee Schedule

B15. All fees and security deposits/ guarantees in accordance with the schedule below must be provided to Council prior to the issue of any Construction Certificate:

Security deposit/ guarantee	Amount (\$)
Street Tree Bond (on Council Property)	\$10,000.00
TOTAL BONDS	\$10,000.00

(Reason: Compliance with the development consent)

Sediment Control

- B16. All approved sediment control measures are to be installed prior to the commencement of demolition works and are to be retained in working condition on the site during the demolition and remediation work and until the site is redeveloped or any exposed soil is stabilized by non-invasive vegetation.

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

Asbestos Material Removal

- B17. Prior to the commencement of any works, an asbestos removal control plan must be prepared by a suitably qualified person in relation to the existing building fabric to be demolished, 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.

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

Sydney Water Approvals

- B18. 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.

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)

Commencement of Works Notice

- B19. Demolition and Construction work 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)

Garbage and Recycling Facilities

- B20. An appropriate area must be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. The following requirements must be met:

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

Plans and specifications which comply with this condition must be prepared prior to commencement of works.

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

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

C. *During Building Work*

Public Liability Insurance – Works on Public Land

- C1. 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)

No External Service Ducts

- C2. Service ducts must be provided within the building to keep external walls free of plumbing, drainage or any other utility installations.

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

Accessible Parking Spaces to be Provided

- C3. A total of one accessible parking space shall be provided as part of the total carparking 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.

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

Waste Management Plan

- C4. The Construction Waste Management Plan must be complied with at all times in the carrying out of the works.

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

Cigarette Butt Receptacle

- C5. A cigarette butt receptacle is to be provided on the site for the duration of demolition process, for convenient use of site workers.

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

Public Safety and Amenity in Vicinity of Works

- C6. 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)

Parking Restrictions

- C7. 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)

Service Adjustments

- C8. 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)

Temporary Disposal of Stormwater Runoff

- C9. 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.

(Reason: Stormwater control during construction)

Council Inspection of Public Infrastructure Works

- C10. During the works on public infrastructure reverting to Council's care and control, Council's development engineer must undertake inspections of the works at the following hold points: -

- a) Vehicular access; and associated road civil works
- b) Stormwater connections to Council's infrastructure.

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)

Dust Emission and Air Quality

C11. 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)

Special Permits

C12. 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)

No Placement of Building Materials on the Public Road

C13. Building materials shall not be placed on Council's footpaths, roadways, parks or grass verges and suitable sign to this effect shall be erected adjacent to the street alignment.

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

Geotechnical Stability during Works

C14. 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 hydro geological considerations must be undertaken in accordance with the recommendations of the 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)

Applicant's Cost of Work on Council Property

C15. The applicant shall bear the cost of all works associated with the development that occurs on Council's property, including restoration of damaged areas.

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

Noise and Vibration

C16. 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)

Compliance with Construction Noise and Vibration Management Plan

C17. All works conducted on site which form part of this development must be carried out in accordance with the Construction Noise and Vibration Management Plan and all conditions of consent.

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

Demolition Hours

C18. Demolition works must be restricted to within the hours of 8.00 am to 5.00 pm Monday to Friday only, other than work which satisfies the noise affected level, which may also occur between 7.00am and 8.00am Monday to Friday or between 8am and 1pm on Saturdays. For the purposes of this condition:

1. “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.

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

Construction Hours

C19. Construction works must be restricted to within the hours of 7.00 am to 6.00 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. 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.

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)

Out of Hours Works Permits

C20. Where it is necessary for works to occur outside those hours allowed by these conditions, an application may be made to Council's Customer Services Centre for a permit to carry out works outside of the approved hours. If a permit is issued the works approved must be carried out in accordance with any requirements specified in the permit. Permits will only be approved if **public safety is at risk**. Applications which seek a variation to construction hours solely to benefit the developer will require the lodgement and favourable determination of a modification application pursuant to the provisions of Section 96 of the Environmental Planning and Assessment Act 1979.

Notes:

- 1) Failure to obtain a permit for work outside of the approved hours will result in on the spot fines being issued, or Council pursuing any action required (including legal proceedings) to have the out of hours work cease, without prior warning.
- 2) Applications for out of hour's works should be lodged with Council no later than seven (7) calendar days prior to the date of the intended works.

- 3) Examples of activities for which permits may be granted include;
 - the erection of awnings,
 - footpath, road and other infrastructure works which cannot be carried out for public convenience reasons within normal hours,
 - the erection and removal of hoardings and site cranes, and
 - craneage of materials which cannot be done for public convenience reasons within normal working hours.
- 4) Examples of activities for which permits WILL NOT be granted include;
 - extended concrete pours
 - works which are solely to convenience the developer or client, and
 - catch up works required to maintain or catch up with a construction schedule.
- 5) Further information on permits can be obtained from the Council website at www.northsydney.nsw.gov.au.

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

Installation and Maintenance of Sediment Control

- C21. 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)

Sediment and Erosion Control Signage

- C22. 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)

Asbestos Removal

- C23. All demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Asbestos or “Demolition Licence” and a current WorkCover “Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with National Occupational Health and Safety Commission.

(Reason: To ensure works are carried out in accordance with relevant WorkCover requirements).

Community Information

- C24. Reasonable measures must be undertaken at all times to keep nearby residents informed about the proposed work, such as by way of signs, leaflets, public meetings and telephone contact numbers, to ensure that adjoining residents are aware of the likely duration of the construction works on the site

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

Site Amenities and Facilities

- C25. 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)

Notification of Affected Residents

- C26. A minimum of 7 days prior to the commencement of demolition or construction works likely to exceed the noise level, the developer shall notify surrounding residents in writing of the dates of such work, the hours of works, scheduled respite periods (if required by the Construction Noise and Vibration Plan of Management) and a contact number for complaints. The notification is to be sent to all properties in the street block bordered by Ernest Street, Miller Street, both sides of Rodborough Avenue Falcon Street, West Street including the opposite site of West Street.

(Reason: To ensure the amenity of the community)

Health and Safety

- C27. All work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements to prepare a health and safety plan. Site fencing must be installed sufficient to exclude the public from the site. Safety signs must be erected that warn the public to keep out of the site, and provide a contact telephone number for enquiries.

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

Testing of Soils

- C28. Soil disturbed during demolition works shall be tested and categorized for contamination levels and any soil that has to be disposed of offsite shall be disposed of in accordance with the categorization to a suitable licensed waste facility. Disturbed soil shall be covered and bunded pending testing and up until removal from the site.

(Reason: Management of contaminated soil)

School Bell and Loudspeakers

- C29. Any school bell installed shall be an electronic, rather than a manual, bell where the sound output can be adjusted to minimise impact upon neighbours. Any loudspeakers provided in the hall are to consist of a number of small speakers distributed evenly, with speakers located close to listeners with sound output adjusted to ensure noise spill is minimised.

(Reason: To minimise acoustic impact upon neighbours)

External and Security Lighting

- C30. External and security lighting shall be designed and located to minimize light spill onto neighbouring residential properties.

(Reason: To protect residential amenity)

Illumination of Signage

- C31. The approved signage shall not be illuminated.

(Reason: To minimise impact upon neighbours)

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

Site Sign

- D1. 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)

Excavation/Demolition

- D2. 1) All excavations and backfilling associated with the demolition of a building must be executed safely and in accordance with appropriate professional standards.
- 2) All excavations associated with the demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- 3) Demolition work must be undertaken in accordance with the provisions of AS2601- Demolition of Structures.

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

Protection of Public Places

- D3. 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)

E. Prior to Completion of Work

Asbestos Clearance Certificate

- E1. An asbestos clearance certificate signed by an appropriately qualified person (being an Occupational Hygienist or Environmental Consultant) must be obtained at the completion of demolition works. The asbestos clearance certificate must certify that the land and any remaining structures are free of asbestos.

All asbestos waste is to be disposed of at an approved asbestos waste disposal depot. If asbestos is retained on site the certificate must identify the type, location, use, condition and amount of such material.

Note: Further details of licensed asbestos waste disposal facilities can be obtained from www.epa.nsw.gov.au

(Reason: To ensure that the site will pose no health risks to occupants)

F. External Referral Requirement

Ausgrid Requirements

- F1. NS 141 - Section 8.0 Access requirements The current site has two locks which both are not Ausgrid's Abloy, therefore Ausgrid currently does not have 24/7 access to Kiosk Substation S6174. As per NS141 - Section 8, Kiosk sites must have unimpeded access for Ausgrid personnel and vehicles, directly from a public street, for 24 hours per day, 7 days per week. The Developer will need to engage with Ausgrid to install an Abloy key.

Proximity to Existing Network Assets

Underground Cables

There are existing underground electricity network assets within the existing parking area. Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

Safework Australia – Excavation Code of Practice, and Ausgrid’s Network Standard NS156 outlines the minimum requirements for working around Ausgrid’s underground cables.

Substation

There are existing electricity substation assets at the re-development area. The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings.

In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres.

Exterior parts of buildings within 3 metres in any direction from substation ventilation openings, including duct openings and louvered panels, must have a fire rating level (FRL) of not less than 180/180/180 where the substation contains oil-filled equipment.

The development must comply with both the Reference Levels and the precautionary requirements of the Draft Radiation Protection Standard for Exposure Limits to Electric and Magnetic Fields 0 Hz – 3 kHz (ARPANSA, 2006).

For further details on fire segregation requirements refer to Ausgrid's Network Standard 113. Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid. For further details refer to Ausgrid’s Network Standard 143.

(Reason: To ensure the requirements of Ausgrid are met)

Roads and Maritime Service Requirements

- F2. The applicant shall obtain written authorisation from Roads and Maritime Service to install School Zone signs and associated pavement markings and/or remove/relocate existing Speed Limit signs. The following RMS requirements are to be adhered to:

School Zones

A significant number of vehicles and pedestrians will access the site at the start and end of the school day. School Zones must be installed along all roads with a direct access point (either pedestrian or vehicular) from the school. School Zones must not be provided along roads adjacent to the school without a direct access point. Road Safety precautions and parking zones should be incorporated into the neighbouring local road network:

- 40km/hr School Zones are to be installed on Ernest Street in accordance with the following conditions.
- Council should ensure that parking; drop-off and pick-up zones and bus zones incorporated are in accordance with Roads and Maritime standards.

Roads and Maritime Services (Roads and Maritime) is responsible for speed management along all public roads within the state of New South Wales. That is, Roads and Maritime is the only authorised organisation that can approve speed zoning changes and authorise installation of speed zoning traffic control devices on the road network within New South Wales.

Therefore, the Developer must obtain written authorisation from Roads and Maritime to install the School Zone signs and associated pavement markings and/or remove/relocate any existing Speed Limit signs.

To obtain authorisation, the Developer must submit the following for review and approval by Roads and Maritime, at least eight (8) weeks prior to student occupation of the site:

- a. A copy of Council's development Conditions of Consent
- b. The proposed school commencement/opening date
- c. Two (2) sets of detailed design plans showing the following:
 - i. School property boundaries
 - ii. All adjacent road carriageways to the school property
 - iii. All proposed school access points to the public road network and any conditions imposed/proposed on their use
 - iv. All existing and proposed pedestrian crossing facilities on the adjacent road network
 - v. All existing and proposed traffic control devices and pavement markings on the adjacent road network (including School Zone signs and pavement markings).

- vi. All existing and proposed street furniture and street trees. School Zone signs and pavement marking patches must be installed in accordance with Roads and Maritime approval/authorisation, guidelines and specifications.

All School Zone signs and pavement markings must be installed prior to student occupation of the site.

The Developer must maintain records of all dates in relation to installing, altering, removing traffic control devices related to speed.

Following installation of all School Zone signs and pavement markings the Developer must arrange an inspection with Roads and Maritime for formal handover of the assets to Roads and Maritime.

The installation date information must also be provided to Roads and Maritime at the same time.

Note: Until the assets are formally handed-over and accepted by Roads and Maritime, Roads and Maritime takes no responsibility for the School Zones/assets

The proponent should be advised that the subject property is within a broad area currently under investigation for the proposed Western Harbour Tunnel and Beaches Link motorway.

The actual alignment for the proposal has not yet been determined and at present Roads and Maritime advises that the subject property remains within an area of investigation.

The design will be finalised following feedback and development of an environmental impact statement. Once Roads and Maritime has more certainty on the properties impacted by the final road design, it will directly advise the owners of those properties.

Further information about this project is available by contacting 1800 789 297 or motorwaydevelopment@rms.nsw.gov.au or by visiting the project website at <http://www.rms.nsw.gov.au/projects/sydney-north/western-harbourtunnelbeacheslink/index.html>

(Reason: To ensure the requirements of Roads and Maritime Service are met)

G. Prior to Occupation

Infrastructure Repair and Completion of Works

G1. Prior to Occupation of the school any and all works relating to the development:

- a. 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)

Certification- Civil Works

G2. An appropriately qualified and practising Civil Engineer must certify 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 upon completion of the development works and prior to occupation of the school.

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 upon completion of the development works and prior to occupation of the school.

(Reason: Compliance with the Consent)

Utility Services

G3. All utility services shall be adjusted, to the correct levels and/or location/s required by this consent, prior to issue of an occupation certificate. This shall be at no cost to Council.

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

Noise from Plant and Equipment

G4. 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) Contribute an LAeq(15min) which will cause the total LAeq(15min) noise levels from all plant and equipment operating contemporaneously on the site or in the strata scheme or in the mixed strata schemes to exceed 55dB(A) (Day, 7am-7pm), 45dB(A) (Evening, 6pm-10pm) and 40dB(A) (Night, 10pm-7am) 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.
- (c) 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.

“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)

Covenant & Restriction (Stormwater Control Systems)

G5. An Instrument pursuant to Sections 88B and 88E of the *Conveyancing Act 1919* and one copy must be submitted to Council in registrable form, providing for:

- b. a restriction as to user and positive covenant as to user as appropriate in favour of North Sydney Council burdening 149 West Street requiring the ongoing retention, maintenance and operation of the stormwater facility (on-site detention and pump-out);
- c. North Sydney Council being nominated in the Instrument as the only party authorised to release, vary or modify the Instrument;

- d. the wording on the Instrument making reference to the Council file/s which hold:
 - (a) the Construction plans; and
 - (b) 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 ss 88B and 88E required by this condition of consent must be registered on the Title of the development site prior to occupation 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 Occupation of the School.

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)

Accessibility Plan of Management

- G6. An accessibility plan of management shall be prepared by a suitably experienced and qualified accessibility expert and a copy submitted to Council prior to occupation of the premises detailing the method of assisting the following students:
 - a) Students with mobility issues who are dropped-off and picked-up at the West Street entry by private vehicles and/or special transport; and
 - b) Students with mobility issues who need to catch public transport from West Street or Ernest Street.

(Reason: To ensure suitable and equitable accessibility)

Operational Transport Management Plan

- G7. An operational Transport Management Plan for delivery and garbage vehicles, and large vehicles (coaches) for the proposed on-site tandem parking for staff vehicles, and for the operation of the on-site pick-up/ drop-off zone and to address pedestrian access and safety for staff and students walking to the site, shall be prepared and submitted to Council for approval by Council's Traffic Committee prior to the occupation of the school.

(Reason: To ensure vehicular and pedestrian safety)

Parking Sign-Posting

- G8. Application shall be made to North Sydney Local Traffic Committee for approval of the following parking signage and extension of the Bus Zone in West Street or Ernest Street. All approved signage shall be installed at the cost of the developer prior to occupation of the school.
- a) "No Parking 7:30am-9:30am and 2:30pm-4:30pm School Days Only" signage for the parking spaces contained in the "kiss and drop" zone on West Street or Ernest Street.
 - b) "¼ Hour Parking 7:30am-9:30am and 2:30pm-4:30pm Monday-Friday, 2 Hour Parking 9:30am-2:30pm Monday-Friday" signage for 6 of the 90 degree angle parking spaces on the eastern side of West Street or southern side of Ernest Street.
 - c) "Bus Zone 2:30pm-4:30pm School Days Only" signage provided to an extended Bus Zone in West Street or Ernest Street.
 - d) Provision of parking restriction signage to the remaining parking spaces in West Street or Ernest Street as required by the Committee.

(Reason: To provide for adequate parking and bus access to the school)

Underground Electricity and Other Services

- G9. All overhead electricity and other lines (existing and proposed) must be undergrounded from the proposed building on the site to the appropriate power pole(s) or other connection point, in accordance with the requirements of Energy Australia.

(Reason: To improve the streetscape amenity)

Sydney Water

- G10. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to occupation of the school.

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 occupation of the school, a report is to be prepared by an appropriately qualified consultant and a copy provided to Council 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.

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 occupation of the school.

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)

H. *Conditions Relating to Use of the School*

Hours of Operation

- H1. The hours of operation of uses other than normal school operations of the premises are restricted to:

Out of School Care

Monday to Friday during school periods: 7.30am-9am and 2.30pm-6.30pm

Monday to Friday outside of school periods; 7.30am-6.30pm

No use on weekends or public holidays

Use of Premises for School Related Community Purposes

Must not occur outside the following hours:

7:00 am – 11:00 pm (With activity ceasing at 10:00 pm) Monday to Sunday

No use on public holidays

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

Garbage

- H2. All garbage collection must be carried out wholly within the confines of the site, and outside the times of normal school operation.

(Reason: To ensure that garbage collection does not conflict with the use of the informal staff parking spaces)