

# Project Approval

## Section 75J of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation executed on 14 September 2011, the Planning Assessment Commission of New South Wales (the Commission) approves the Project Application referred to in schedule 1, subject to the conditions in schedules 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.



Ms Donna Campbell  
**Member of the Commission**



Mr Lindsay Kelly  
**Member of the Commission**

Sydney

1 May 2012

### SCHEDULE 1

<b>Application No.:</b>	MP09_0187
<b>Proponent:</b>	Bancor Developments Pty Ltd
<b>Approval Authority:</b>	Minister for Planning and Infrastructure
<b>Land:</b>	Lot 1 DP 716374, Lot 6 DP 703275, and Lot 5 Sec 13 DP2872
<b>Project:</b>	Mixed use development at 6-16 Atchison Street, St Leonards, including: <ul style="list-style-type: none"><li>• 6 levels of basement, containing 168 car spaces, 4 spaces for disabled drivers, and 16 motor bike spaces;</li><li>• a café, residential and hotel lobbies and public plaza at the ground floor level;</li><li>• a 4 level hotel (76 serviced apartments);</li><li>• 24 levels of apartments (173 apartments); and</li><li>• 1 level of roof top plant and equipment.</li></ul>

### NOTES RELATING TO THE DETERMINATION

#### Responsibility for other approvals/agreements

The Proponent is responsible for ensuring that all additional approvals and agreements are obtained from other authorities, as relevant.

#### Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the Act and the Regulations.

#### Legal notices

Any advice or notice to the approval authority shall be served on the Director General.

## DEFINITIONS

<b>Act</b>	means the <i>Environmental Planning and Assessment Act 1979</i> (as amended).
<b>Advisory Note</b>	means advisory information in relation to the approved development.
<b>BCA</b>	means the Building Code of Australia.
<b>Certifying Authority</b>	has the same meaning as Part 4A of the Act.
<b>Council</b>	means North Sydney Council.
<b>Department</b>	means the Department of Planning and Infrastructure or its successor.
<b>Director General</b>	means the Director - General of the Department or his nominee.
<b>Environmental Assessment (EA)</b>	means the Environmental Assessment report prepared by City Plan Services dated September 2010.
<b>Minister</b>	means the Minister for Planning and Infrastructure.
<b>PCA</b>	means a Principal Certifying Authority and has the same meaning as in Part 4A of the Act.
<b>Preferred Project Report (PPR)</b>	means the Preferred Project Report prepared by City Plan Services dated April 2011.
<b>Proponent</b>	means Bancor Developments Pty Ltd.
<b>Regulation</b>	means the Environmental Planning and Assessment Regulation, 2000 (as amended).
<b>Subject Site</b>	has the same meaning as the land identified in this Schedule.

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**End of this Section**

## **SCHEDULE 2**

### **PART A - ADMINISTRATIVE CONDITIONS**

#### **Development in accordance with plans and documentation**

- A1. The Proponent shall carry out the project generally in accordance with the:
- (a) Architectural drawings numbered PA-100-01 to PA-100-18 inclusive, PA-200-01 and 200-02, PA210-01 to PA-210-07 (inclusive), and PA-300-01 to PA-300-04 (inclusive) all dated April 2011 and all drawn by Francis-Jones Morehen Thorp Pty Ltd;
  - (b) Preferred Project Report prepared by City Plan Services Pty Ltd, dated April 2011;
  - (c) Stormwater drainage concept plans numbered 3532 H-100 to H-117 (inclusive) all issue 01, all dated March 2010, and all drawn by Warren Smith & Partners Pty Ltd; and
  - (d) The Draft Statement of Commitments contained in the Preferred Project Report prepared by City Plan Services Pty Ltd, dated April 2011.

except for:

- Any modifications which are 'Exempt and Complying Development' as identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; and
- Otherwise provided by the conditions of this approval.

#### **Inconsistencies between documents**

- A2. In the event of any inconsistency between conditions of this approval and the drawings/documents referred to above, including the Proponent's Statement of Commitments, the conditions of this approval prevail.

#### **Prescribed Conditions**

- A3. The Proponent shall comply with the prescribed conditions of approval under Clause 98 of the Environmental Planning and Assessment Regulation 2000, in relation to the requirements of the Building Code of Australia.

#### **Road Works**

- A4. All road works associated with the project will be at no cost to North Sydney Council.

#### **Compliance with Building Code of Australia**

- A5. All building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).

#### **Lapsing of Approval**

- A6. This approval shall lapse 5 years after the determination date shown in this Instrument of Approval, unless the development has been physically commenced.

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**End of this Section**

## **PART B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE**

### **Construction Management Program**

- B1. A Construction Management Program shall be submitted and approved in writing by North Sydney Council Traffic Committee, prior to the issue of any Construction Certificate.

The program shall specifically incorporate or address the following matters:

- (a) A plan (min 1:100 scale) of the site and its frontages showing:
  - i. Dedicated temporary construction site driveway entrances and exits;
  - ii. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all vehicles;
  - iii. The location of any proposed work zones on public roadways;
  - iv. The location of any proposed hoardings;
  - v. The location of any proposed crane standing areas;
  - vi. The location of a dedicated unloading and loading area within the site for all construction vehicles, plant and deliveries;
  - vii. The location of material, plant and spoil bin storage areas within the site; and
  - viii. The location of on-site parking area for employees, tradesperson and construction vehicles as far as possible.
- (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) Proposed signage for pedestrian management to comply with the relevant Australian Standards, including pram ramps.
- (d) Proposed methods for managing pedestrian and traffic conflicts at the site driveway(s) to avoid conflict, including use of a certified traffic controller.
- (e) The proposed phases of works on the site, and the expected duration of each phase;
- (f) How access to neighbouring properties will be maintained at all times and how adjoining property owners will be kept advised of the progress of construction.
- (g) Protection for Council and adjoining properties, including site fencing and the provision of "B" class hoardings over footpaths and laneway.
- (h) Identify potential impacts on the surrounding transport network and proposed mitigation measures. Existing pedestrian and cycle access in the surrounding area must be monitored and maintained throughout construction. Additionally, workers travelling to and from the construction site should be encouraged to use public or active transport in all possible situations.
- (i) A Waste Management Plan.
- (j) 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 engineer and shall not involve any permanent or temporary attachment onto Council's property.

All traffic control work and excavation, demolition or construction activities must be undertaken in accordance with the approved Construction Management Program. A copy of the approved Construction Management Program and any conditions imposed on that plan shall be kept on the site at all times and made available to any officer of Council upon request.

Should agreement not be able to be reached between Council and the Proponent, the Construction Management Program may be referred to the Director-General for determination.

### **Traffic control measures**

- B2. A traffic analysis is to be undertaken by a suitably qualified person to determine whether a raised median strip is required to prevent vehicles travelling north along Christie Street from turning right into Atchison Lane. Particular consideration is to be given to the impact on traffic flows from vehicles making this turn.

The analysis shall be provided to North Sydney Council Traffic Committee (the Committee). If the Committee determines that the median strip is required; then the proponent must undertake the detailed design and bear the costs of construction of the works.

### **Building Height**

- B3. The building is to be lowered so that it has a maximum height of RL 167.3 AHD. Amended plans shall be submitted to the Director-General for approval prior to the issue of any Construction Certificate.

### **Privacy screening**

- B4. Opaque or translucent screening or appropriately angled louvres are to be introduced up to a height of 49 metres to the following areas:
- a. the western side of all “winter gardens” on the western side of the southern tower that are within 12 metres of the western property boundary;
  - b. the eastern side of all “winter gardens” on the eastern side of the northern tower that are within 12 metres of the eastern boundary; and
  - c. the southern side of all “winter gardens” on the southeastern and southwestern corners of the northern tower.

Details shall be approved by the Certifying Authority prior to issue of the relevant Construction Certificate.

### **Affordable Housing**

- B5. In accordance with the requirements of cl.6 (b)(iv) of the North Sydney Development Control Plan 2002, 4% of dwelling space (net dwelling area, excluding serviced apartments) must be dedicated to North Sydney Council for Affordable Housing. Agreement is to be reached with North Sydney Council over the location and mix of these units prior to issue of any Construction Certificate.

### **Car Park**

- B6. The proposed car park must be designed to satisfy the following requirements:
- (a) All vehicles must enter and exit the basement in a forward direction;
  - (b) The site must be capable of accommodating all service vehicles up to and including medium rigid vehicles as defined by and in accordance with *Australian Standard AS2890.2 – 2002 Off-street commercial vehicle facilities*, or its latest version;
  - (c) The layout of the proposed car parking areas, loading docks and driveway associated with the subject development (including grades, turn paths, sight distance requirements, aisle widths and lengths, loading bay dimensions and parking bay requirements) shall comply with *Australian Standard AS/NZS 2890.1-2004 Parking Facilities – Off Street Car Parking* and *AS2890.2 – 2002* for large vehicles;

- (d) The location of any boom gate or other vehicular access control for driveway entry to the car park should be located to provide for the queuing of at least three (3) cars within the property;
- (e) The intercom for the visitor parking access and/or security access point for residents is to be installed at least 6 metres into the property from the boundary line;
- (f) The number of parking spaces allocated to each apartment shall comply with the maximum requirements specified in the North Sydney Development Control Plan 2002.

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

### **Required Infrastructure Works – Roads Act 1993**

- B7. The Proponent must have engineering design plans and specifications prepared by a qualified civil design engineer. The plans and specifications must be to a detail suitable for construction issue purposes and must provide detail and specification for the following infrastructure works to be completed as part of the development:

#### *Road Works:*

- a) Half width road pavement reconstruction in Atchison Lane.
- b) Construction of a new kerb and gutter across the sites entire Atchison Lane frontage. A longitudinal section is required along the gutter line (existing and proposed levels), at a scale of 1:50 extending 5m past the property boundary line.
- c) Cross sections at a scale of 1:50 along the centre-line of each access point to the building must be provided and are to show the calculated clearance to the underside of any overhead structure. All the entry points are to comply with the Building Code of Australia (BCA), particularly disability requirements. The Council approved footpath levels must be accommodated at the building entry points.

#### *Drainage Works*

Connection of the site stormwater system must be made directly to a newly constructed grated gully pit (with lintel), to front the site on Atchison Lane. To accommodate this requirement, the following drainage infrastructure works must be carried out on Council property at the Proponent's expense:-

- a) Construction of a new stormwater gully pit in Atchison Lane, which is to be constructed in front of the subject property. The new – minimum 375mm reinforced concrete pipeline in Atchison Lane is to be constructed between the new pit and the nearest pit in Atchison Lane which is located approximately 20m downstream. The pipe is to be made from reinforced concrete and laid within the road reserve and shall have a minimum cover of 450mm. The pit must be constructed in accordance with Councils "Infrastructure Specification for Roadworks, Drainage and Miscellaneous Works".

**Note:** Private Certifying Authorities must not issue a Construction Certificate without the formal written approval of Council (as Roads Authority) under the Roads Act 1993.

Details shall be approved by the Certifying Authority prior to issue of the relevant Construction Certificate.

### **Awning, Footpath Entries, Fire Exit Details, and Disabled Access to the Through-site Link**

B8. The following details must be designed by an appropriately qualified and practising Civil Engineer:-

- a) 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.
- b) A longitudinal section along the boundary line showing how it is intended to match the internal levels of the building with the boundary footpath levels. The footpath shall be designed (at a single straight grade of 3% falling to top of kerb) so that it is smooth without showing signs of dipping or rising particularly at entrances.
- c) A longitudinal section along the gutter and kerb line extending 5 metres past property lines showing transitions.
- d) A longitudinal section along the footpath property boundary line extending 5 metres past property lines showing transitions.

**Note:** All sections are to show all relevant levels and grades (both existing and proposed) including those levels stipulated as boundary levels as well as showing the calculated clearance to the underside of any overhead structure.

All details are to be certified as complying with the Building Code of Australia (BCA), Council's standard footpath specifications, and AS 1428.1 as relevant. Written concurrence confirming there will be no change to existing boundary and footpath levels is to be provided to North Sydney Council, prior to issue of a Construction Certificate.

Details shall be approved by the Certifying Authority prior to issue of the relevant Construction Certificate.

### **Geotechnical Report**

B9. The Proponent shall have a Geotechnical/Civil Engineering report prepared which addresses (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 borehole logs which are to provide a full description of all material from ground surface to 1.0m 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 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 engineer and practising structural and shall not involve any permanent or temporary encroachment onto Council's property.
- c) 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;
- d) The proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property, structures and road reserve if nearby (full support to be provided within the subject site);
- e) The existing groundwater levels in relation to the basement structure, where influenced;
- f) 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 utilised 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 utilised; and

- g) 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/ hydro geological 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 minimised 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.

Details shall be approved by the Certifying Authority prior to issue of the relevant Construction Certificate.

### **Site Drainage Management Plan**

- B10. The Proponent shall have a site drainage management plan prepared by a qualified drainage design engineer. The site drainage management plan must detail the following requirements of North Sydney Council:
- a) Compliance with BCA drainage requirements, Council's Engineering Performance guide and current Australian Standards and guidelines, such as AS/NZ3500.3.2 1998, National Plumbing and Drainage Code.
  - b) Stormwater runoff and subsoil drainage generated by the approved dwellings must be conveyed in a controlled manner by gravity via a direct connection to Council's stormwater gully pit in Atchison Lane which is to be constructed in front of the



- subject property. When a direct connection to the pit option is implemented then the pipeline within the footpath area shall have a minimum cover of 300mm.
- c) All civil and drainage works within the road reserve and Council's stormwater drainage easement shall be designed and built in accordance with Council's current "Infrastructure Specification". Prior to issue of the Construction Certificate the applicant must have engineering plans and specifications, prepared by a qualified civil drainage design engineer. The documentation must provide engineering construction detail for the following public infrastructure works that must be completed as part of the approved development. Council reserve the right of keeping all bonds on infrastructure works for 12 month defects liability period.
  - d) 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. Bonds held by Council will be returned after receipt of satisfactory information.
  - e) The stormwater drainage system shall be designed for an average recurrence interval (A.R.I.) of 1 in 20 years.
  - f) All redundant stormwater pipelines within the footpath area shall be removed and the footpath and kerb reinstated.
  - g) All sub-soil seepage drainage shall be pumped out and discharged via a suitable silt arrester pit, directly to Council's nearest stormwater drainage line being in Atchison Lane. Details of all plans certified as being adequate for their intended purpose and compliant with the provisions of AS3500.3.2 by an appropriately qualified and practising civil engineer shall be submitted with the application for a Construction Certificate.
  - h) 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.

Details shall be approved by the Certifying Authority prior to issue of the relevant Construction Certificate.

### **Section 94 Contributions**

- B11. Following receipt of the approval of the Director General for the amended plans required by condition B3, the approved plans must be submitted to Council so that it may calculate the required Section 94 contributions (in accordance with the North Sydney Section 94 Contribution Plan). The contributions are to be paid to Council prior to the determination of any Construction Certificate.

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

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

### **Security Bond Schedule**

- B12. All fees and security bonds in accordance with the schedule below must be paid or in place prior to the issue of any Construction Certificate:

<b>Security Bonds</b>	<b>Amount (\$)</b>
Street Tree Replacement Bond (on Council Property)	\$3,000
Footpath Damage Bond	\$35,000
Drainage Construction Bond	\$8,000
Engineering Construction Bond	\$30,000
<b>TOTAL BONDS</b>	<b>\$76,000</b>

### **Bicycle Storage and Motor Cycle Parking**

- B13. Bicycle storage and motor cycle parking is to be provided at a rate in accordance with the requirements of the North Sydney DCP 2002 and designed in accordance with the relevant section of Australian Standard AS 2890. Details shall be approved by the Certifying Authority prior to issue of the relevant Construction Certificate.

### **Wind Impact**

- B14. The design of the development and the building facades shall incorporate the recommendations contained in the Wind Impact Report, dated 31 March 2011, prepared by SLR Consulting Australia Pty Ltd (Ref: 610.08304). Details shall be approved by the Certifying Authority prior to issue of the relevant Construction Certificate.

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

- B15. A Security Bond of \$3,000 for replacement of the trees and shrubs on the public footpath adjacent to the Atchison Street frontage of the site shall be deposited with Council prior to the issue of any Construction Certificate.

If the street trees are not replaced in accordance with the relevant condition of this consent, Council shall deduct from this Bond the reasonable cost of providing and installing the replacement tree or trees and maintaining same during the establishment period.

### **Acoustic Privacy for Residents**

- B16. A certificate from an appropriately qualified Acoustic Engineer is to be submitted with the Construction Certificate certifying that the design and materials of the building are such that noise levels within dwellings, with windows closed, will not exceed the following:

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

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

The sound transmission and insulation properties of all walls and floors separating units must comply with the requirements of Part F5 of the Building Code of Australia.

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

Details shall be approved by the Certifying Authority prior to issue of the relevant Construction Certificate.

## **Garbage and Recycling Facilities**

B17. An appropriate area shall be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. The following requirements shall be met:

- a) All internal walls of the storage area shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;
- b) Provision for the separation and storage in appropriate categories of material suitable for recycling;
- c) The storage area shall be adequately screened from the street, with the entrance to the enclosures no more than 2 metres from the street boundary of the property;
- d) If a storage facility is to be provided at another suitable location within the building, a complementary garbage bin holding bay shall be provided no more than 2 metres from the street boundary of the property;
- e) Garbage enclosures serving residential units are not to be located within areas designated for non-residential uses; and
- f) Garbage enclosures serving non-residential uses are not to be located within areas designated for dining purposes.

Details shall be approved by the Certifying Authority prior to issue of the relevant Construction Certificate.

**Note:** The Proponent may wish to discuss bin storage requirements and location with Council prior to finalisation of the required detail, and obtain a copy of Council's Waste Handling Guide for reference purposes.

## **Adaptable Housing**

B18. A minimum of 10% of all apartments in the building shall be designed with accessible features for disabled persons, and to incorporate level entries and wider doorways and corridors, slip resistant surfaces, reachable power points, disabled toilet, and lever door handles and taps; such features to be designed generally in accordance with the relevant Australian Standard.

Details shall be approved by the Details shall be approved by the Certifying Authority prior to issue of the relevant Construction Certificate.

## **Underground Electricity and Other Services**

B19. All electricity and telecommunication provision to the site is to be designed in conjunction with Energy Australia and other relevant authority, so that it can be easily connected underground when the street supply is relocated underground. Details shall be approved by the Certifying Authority prior to issue of the relevant Construction Certificate.

## **Sydney Water Approvals**

- B20. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Care Centre to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped. For Quick Check agent details please refer to "Your Business" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then see Building and Renovating under the heading Building and Developing, or telephone 13 20 92. The appointed PCA must ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans before the commencement of building works.

## **Sydney Water**

- B21. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Co-ordinator. For details see the Sydney Water web site [www.sydneywater.com.au](http://www.sydneywater.com.au), or telephone *Sydney Water's Development Operations Group on 9829 8682*.

Applicants will be advised of any requirements that must be met before the Certificate can be issued.

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

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

- B22. The Proponent 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 the development site. Particular attention must be paid to accurately recording any pre-developed damaged areas so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development.

The developer may be held liable to all 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 Proponent shall bear the cost of restoration of all infrastructure damaged as a result of the development.

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

## **Dilapidation Survey Private Property (Neighbouring Buildings)**

- B23. A photographic survey of adjoining properties No's. 2 - 4 and 20 Atchison Street detailing the physical condition of those properties, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items, SHALL BE submitted to Council and the Certifying Authority (where Council does not issue the Construction Certificate) prior to the issue of any Construction Certificate. This survey is to be prepared by an appropriately qualified person agreed to by both the applicant and the owner of the adjoining property.

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

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 a Proponent 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 Proponent's and adjoining owner's interest for it to be as full and detailed as possible.

### **Shoring for Adjoining Property**

- B24. Where any shoring for excavation is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings certified as being adequate for their intended purpose by an appropriately qualified and practising structural engineer, showing all details, including the extent of encroachment and the method of removal and de-stressing of shoring elements, shall be submitted to the Certifying Authority for approval with the Construction Certificate. A copy of this documentation must be provided to the Council for record purposes.

### **Structural Adequacy of Adjoining Properties – Excavation Works**

- B25. A certificate prepared by an appropriately qualified and practising structural engineer, detailing the structural adequacy of adjoining properties No's. 2-4 and 20 Atchison Street, and certifying their ability to withstand the proposed excavation and any measures required to be incorporated into the work to ensure that no damage will occur to adjoining properties during the course of the works, shall be prepared by or on behalf of the Proponent and submitted to the Certifying Authority for approval with the Construction Certificate.

### **Sediment Control**

- B26. Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, erosion and sediment control techniques, as a minimum, are to be in accordance with the publication Managing Urban Stormwater: Soils & Construction (4th edition, Landcom, 2004) commonly referred to as the "Blue Book" or a suitable and effective alternative method. The Sediment Control Plan shall incorporate and disclose:
- a) All details of drainage to protect and drain the site during the construction processes;
  - b) All sediment control devices, barriers and the like;
  - c) Sedimentation tanks, ponds or the like;
  - d) Covering materials and methods; and
  - e) A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.

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

## **Waste Management Plan**

- B27. A Waste Management Plan is to be submitted with the Construction Certificate. The plan should include, but not be limited to: -
- a) The estimated volume of waste and method of disposal for the construction and operation phases of the development;
  - b) The design of the on-site waste storage and recycling area; and
  - c) Administrative arrangements for waste and recycling management during the construction process.

Details shall be approved by the Certifying Authority certifier prior to issue of any Construction Certificate.

## **Reflectivity Index of Glazing**

- B28. The reflectivity index (expressed as a percentum of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20%. The accredited certifier must ensure that the building plans and specifications submitted by the Proponent referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

## **No External Service Ducts**

- B29. Service ducts shall be provided within the building to keep external walls free of plumbing, drainage or any other utility installations. The Certifying Authority must ensure that the building plans and specifications submitted by the Proponent referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

## **Parking Meter Relocation**

- B30. All costs associated with relocating the metered parking including all sign changes, parking bay line markings shall be paid in full to North Sydney Council prior to issue of any Construction Certificate.

The accredited certifier must ensure that the specifications submitted by the Proponent, accompanying the issued Construction Certificate, fully satisfy this condition.

## **Parking for People with Disabilities**

- B31. A total of three (3) car-parking spaces for use by persons with a disability shall be provided as part of the total car-parking requirements in accordance with the requirements of Section 9 of North Sydney DCP 2002. Consideration must be given to the means of access from the car-parking spaces to adjacent buildings, to other areas within the building and to footpath and roads and shall be clearly shown on the plans submitted to the Certifying Authority for approval with the Construction Certificate. All details shall be prepared in consideration of, and construction completed in accordance with applicable Australian Standards to achieve compliance with the Disability Discrimination Act.

### **Pump-Out System Design for Stormwater Disposal**

- B32. 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-out 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 holding tank shall be capable of holding one hour's runoff from a one-hour duration storm of the 1 in 20 year storm;
  - b) The pump-out system shall be regularly maintained and serviced, every six (6) months; and
  - c) Any drainage disposal to the street gutter from a pump-out system must have a stilling sump provided at the property line, connected to the street gutter by a suitable gravity line.

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

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

- B33. The Proponent must lodge a Bond of \$76,000 with Council against any potential infrastructure damage or failure to complete to the relevant specification the construction of any infrastructure works required as part of this consent (**See Condition C9**). The bond shall be lodged in the form of a deposit or bank guarantee and will be refundable following Occupation Certificate issue and at the end of any maintenance period stipulated by consent conditions, upon inspection and release by Council's Engineers. Further, Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in the following circumstances: -
- a) Where the damage constitutes a hazard in which case Council may make use of the bond immediately;
  - b) The Proponent has not repaired or commenced repairing damage within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works;
  - c) Works in the public road associated with the development are to an unacceptable quality; and
  - d) The Certifying Authority must ensure that bond is lodged with North Sydney Council prior to issue of any Construction Certificate.

### **Asbestos & Hazardous Material Survey**

- B34. A survey of the existing building fabric shall be undertaken identifying the presence or otherwise of asbestos contamination. Any works subsequently required to address asbestos contamination shall be undertaken in strict accordance with the requirements of the WorkCover Authority in relation to the removal, handling and disposal of material containing asbestos and Work Safe Australia.

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

### **Mechanical Exhaust Ventilation**

- B35. A statement from an appropriately qualified and practising Mechanical Engineer is required detailing how the exhaust ventilation system will be installed in accordance with the applicable Australian Standard.

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

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

- B36. The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia. The Certifying Authority must ensure that the building plans and specifications submitted by the Proponent, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

### **Bonds**

- B37. Council will accept a bank guarantee for the purpose of any security bond imposed by these conditions of consent. Such bank guarantee shall be in a form acceptable to the Council and shall be in place prior to the issuing of the Construction Certificate and shall remain in place until the submission of the certificate required prior to the occupancy of the completed works.

### **BASIX Commitments**

- B38. Under clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this Project Approval that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled. The Certifying Authority must ensure that the building plans and specifications submitted by the Proponent, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition. In this condition:

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

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### **End of this Section**



## **PART C – PRIOR TO COMMENCEMENT OF 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 \$10 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for North Sydney Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

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

### **Aircraft Safety**

- C2. An application for any of the following works must be submitted to the Sydney Airport Corporation Ltd a minimum of 35 days prior to commencement of relevant works in accordance with the Airports (Protection of Airspace) Regulations Statutory Rules 1996 No. 293 detailing:
- (1) The location and height of any buildings and signage structures proposed;
  - (2) Location of any temporary structure or equipment, i.e. construction cranes, planned to be used during construction relative to Mapping Grid of Australia 1994 (MGA94);
  - (3) The swing circle of any temporary structure/equipment used during construction;
  - (4) The maximum height, relative to Australian Height Datum (AHD), of any temporary structure or equipment i.e. construction cranes, intended to be used in the erection of the proposed structure/activity;
  - (5) The period of the proposed operation (i.e. construction cranes) and desired operating hours for any temporary structures.

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

- C3. Building work, demolition or excavation in accordance with the development consent must not be commenced until the person having the benefit of the development consent has appointed a PCA for the building work in accordance with the provisions of the EP&A Act and its Regulations.

### **Construction Certificate**

- C4. 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.

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**End of this Section**

## **PART D – DURING DEMOLITION AND BUILDING WORK**

### **Service Adjustments**

- D1. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the person acting on the approval and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Proponent's 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.

### **Contamination Investigations**

- D2. Following demolition of the existing buildings and structures on the site and PRIOR to any excavation, the Proponent shall carry out site contamination investigations to determine whether a Remediation Action Plan (Contaminated Land) is necessary. Such investigations shall be undertaken in accordance with the relevant guidelines and criteria under the Contaminated Land Management Act 1997 and the Contaminated Land Management Regulation 2008.

### **Cigarette Butt Receptacle**

- D3. 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.

### **Re-use of Sandstone**

- D4. Sandstone blocks (if any) removed from the site are to be either stored for re-use on site or offered to Council in the first instance.

Note: The provisions of the Heritage Act may also apply to altering any sandstone elements on any site)

### **Parking Restrictions**

- D5. Existing public parking provisions in the vicinity of the site must be maintained at all times during works. The placement of any barriers, traffic cones, obstructions or other device in the road shoulder or kerbside lane is prohibited without the prior written consent of Council. Changes to existing public parking facilities/restrictions are only to be approved via the North Sydney Local Traffic Committee. The Proponent will be held responsible for any breaches of this condition, and will incur any fines associated with enforcement by Council regulatory officers.

### **Road Reserve Safety**

- D6. 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 in when and as directed by Council officers (at full cost to the Proponent). 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.

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

- D7. 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 accredited certifier.

### **Structures Clear of Drainage Easements**

- D8. It is the full responsibility of the Proponent and their contractors to: -
- a) Ascertain the exact location of the Council drainage infrastructure traversing the site in the vicinity of the works;
  - b) Take full measures to protect the in-ground Council drainage system; and
  - c) Ensure dedicated overland flow paths are satisfactorily maintained through the site.

Drainage pipes can be damaged through applying excessive loading (such as construction plant, material storage and the like). All proposed structures and construction activities are to be located clear of Council drainage pipes, drainage easements, watercourses and trunk overland flow paths on the site. Trunk or dedicated overland flow paths must not be impeded or diverted by fill or structures unless otherwise approved.

In the event of a Council drainage pipeline being uncovered during construction, all work is to cease and the Principal Certifying Authority and Council must be contacted immediately for advice. Any damage caused to a Council drainage system must be immediately repaired in full as directed, and at no cost to Council.

### **Progress Survey**

- D9. In order to ensure compliance with approved plans, a Survey Certificate, prepared to Australian Height Datum, shall be prepared by a Registered Surveyor showing the following:
- a) at the completion of excavation, prior to the placement of any footings, showing the completed level of the excavation and its relationship to the boundaries;
  - b) prior to placement of concrete at the ground floor level, showing the level of the form work and its relationship to boundaries including relevant footpath and roadway levels;
  - c) prior to placement of concrete at each fifth floor level showing the principal level of the formwork and the intended relationship of the completed works to the boundary;
  - d) prior to roofing, or completion of the highest point of the building showing the anticipated level of the completed work and its relationship to the boundary; and
  - e) at completion, works showing the relationship of the building to the boundary and showing the maximum height of the overall works and the height of the principal roof elements.

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

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

- D10. Materials must not be burnt on the site.

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

Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the NSW Department of Housing's 1998 guidelines - Managing Urban Stormwater: Soils and Construction.

Odour suppression measures must also be carried out where appropriate so as to prevent nuisance occurring at adjoining properties.

### **Noise and Vibration**

- D11. Noise and vibration from works is to be mitigated in accordance with industry best practice, to ensure excessive levels of vibration do not occur to minimise adverse effects experienced on any adjoining land.

### **No Work on Public Open Space**

- D12. The Proponent shall not undertake any work within adjoining public lands (i.e. Parks, Reserves, Roads etc) without the prior written consent of Council. In this regard the Proponent is to liaise with Council prior to the commencement of any design works or preparation of a Construction and Traffic Management Plan.

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

- D13. The Proponent shall bear the cost of all works associated with the development that occurs on Council's property, including the restoration of damaged areas.

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

- D14. No trees on public property (footpaths, roads, reserves, etc.) unless specifically approved in this consent shall be removed or damaged during construction including for the erection of any fences, hoardings or other temporary works.

### **Special Permits**

- D15. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely on the property. The Proponent, owner or builder must apply for specific permits available from Council's Customer Service Centre for the undermentioned activities on Council's property pursuant to S138 of the Roads Act. A minimum of forty-eight (48) hours notice is required for any permit: -

1) **On-street mobile plant**

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

2) **Hoardings**

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

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

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

4) **Kerbside restrictions, construction zones**

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

**Construction Hours**

D16. Building construction shall be restricted to within the hours of 7.00 am to 5.00 pm Monday to Friday and on Saturday to within the hours of 8.00 am to 1.00 pm inclusive, with no work on Sundays and Public Holidays.

Demolition and excavation works shall be restricted to within the hours of 8.00 am to 5.00 pm Monday to Friday only. For the purposes of this condition:

- i. "Building construction" means any physical activity on the site involved in the erection of a structure, cladding, external finish, formwork, fixture, fitting of service installation and the unloading of plant, machinery, materials or the like.
- ii. "Demolition works" means any physical activity to tear down or break up a structure (or part thereof) or surface, or the like, and includes the loading of demolition waste and the unloading of plant or machinery.
- iii. "Excavation work" means the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders, or the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site and includes the unloading of plant or machinery associated with excavation work.

The builder and excavator shall display, on-site, their twenty-four (24) hour contact telephone number, which is to be clearly visible and legible from any public place adjoining the site.

## **Out of Hours Work Permits**

- D17. Where it is necessary for works to occur outside those hours allowed by these conditions, approval for such will be subject to issue of a permit on each occasion from Council's Customer Services Centre. Such occurrence shall be limited to two occasions per calendar month and shall only be approved if public safety or convenience is at risk. Any further variation shall require the lodgement and favourable determination of a modification application pursuant to Section 96 of the Environmental Planning and Assessment Act 1979.

### **Notes:**

- 1) Failure to obtain a permit for work outside of the approved hours will result in on the spot fines being issued, or Council pursuing any action required (including legal proceedings) to have the out of hours work cease, without prior warning.
- 2) Further information on permits can be obtained from the Council website at [www.northsydney.nsw.gov.au](http://www.northsydney.nsw.gov.au).
- 3) It is recommended that applications for permits be lodged as early as possible to allow sufficient time for determination by Council and avoid disruption or delay due to conflicting priorities.

## **Installation and Maintenance of Sediment Control**

- D18. Techniques used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with the publication Managing Urban Stormwater: Soils & Construction (4th edition, Landcom, 2004), commonly referred to as the "Blue Book". All techniques shall remain in proper operation until all development activities have been completed and the site fully stabilised.

## **Sediment and Erosion Control Signage**

- D19. A durable sign, which is available from Council, shall be erected during building works in a prominent location on site, warning of penalties should appropriate erosion and sedimentation control devices not be maintained.

## **Site Amenities and Facilities**

- D20. The provision and maintenance of amenities, at a site where work involved in the erection and demolition of a building is being carried out must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements. The type of work place determines the type of amenities required.

Further information and details can be obtained from the Internet at [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

## **Health and Safety**

- D21. The work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements to prepare a health and safety plan. Site fencing must be installed sufficient to exclude the public from the site. Safety signs must be erected that; warn the public to keep out of the site, and provide a contact telephone number for enquiries.

Further information and details regarding occupational health and safety requirements for construction sites can be obtained from the internet at [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

## **Community Information**

- D22. Reasonable measures must be undertaken at all times by the proponent 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

## **Aboriginal Heritage**

- D23. If in undertaking excavations or works, any Aboriginal site or relic is, or is thought to have been found, all works are to cease immediately and the Proponent is to contact Aboriginal Heritage Officer for North Sydney Council, and the National Parks and Wildlife Service (NPWS). Any work to a site that is discovered to be the location of an Aboriginal relic, within the meaning of the National Parks and Wildlife Act, requires a permit from the Director of the NPWS.

## **Prohibition on Use of Pavements**

- D24. Building materials shall not be placed on Council's footpaths, roadways, parks or grass verges, (unless a permit is obtained from Council beforehand) and a suitable sign to this effect shall be erected adjacent to the street alignment.

## **Plant & Equipment Kept Within Site**

- D25. All plant and equipment used in the erection of the building, including concrete pumps, wagons, lifts, mobile cranes, hoardings etc, shall be situated within the boundaries of the site (unless a permit is obtained from Council beforehand) and so placed that all concrete slurry, water, debris and the like shall be discharged onto the building site, and is to be contained within the site boundaries.

Details of Council requirements for permits on public land for standing plant, hoardings, storage of materials and construction zones and the like are available on Council's website at [www.northsydney.nsw.gov.au](http://www.northsydney.nsw.gov.au).

## **Waste Disposal**

- D26. All records demonstrating the lawful disposal of waste will be retained and kept readily accessible for inspection by regulatory authorities such as North Sydney Council, the Department of Environment and Climate Change or WorkCover NSW.

## **Building Code of Australia**

- D27. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

## **Home Building Act**

- D28. Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act 1989) must not be carried out unless the accredited certifier for the development to which the work relates has given North Sydney Council written notice 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 so that the information submitted to Council is out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

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.

### **Mandatory Critical Stage Inspections**

- D29. Building work must be inspected by the PCA on the mandatory critical stage occasions prescribed by the EP&A Act and its Regulations, and as directed by the appointed PCA.

### **Commencement of Works**

- D30. Building work, demolition or excavation in accordance with a development consent must not be commenced until the person having the benefit of the development consent has given at least 2 days notice to the Director General of the Department of Planning and Infrastructure of the person's intention to commence the erection of the building.

### **Excavation/Demolition**

- D31. 1) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- 2) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- 3) Demolition work must be undertaken in accordance with the provisions of *AS2601- Demolition of Structures*.

### **Retaining Walls & Drainage**

- D32. If the soil conditions require it:
- 1) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
  - 2) adequate provision must be made for drainage in accordance with the provisions of the applicable Australian Standard.



### **Support for Neighbouring Buildings**

- D33. 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.

### **Protection of Public Places**

- D34. 1) If the work involved in the erection or demolition of a building:-
- a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
  - b) building involves the enclosure of a public place, a hoarding and site fencing must be erected between the work site and the public place.
- 2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- 3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- 4) Any such hoarding, fence or awning is to be removed when the work has been completed.
- 5) No access across public reserves or parks is permitted.

**Note:** Prior to the erection of any temporary fence or hoarding over property owned or managed by Council, written approval must be obtained. Any application needs to be accompanied by plans indicating the type of hoarding and its layout. Fees are assessed and will form part of any approval given. These fees must be paid prior to the approval being given. Approval for hoardings will generally only be given in association with approved building works, maintenance or to ensure protection of the public. An application form for a Hoarding Permit can be downloaded from Council's website.

### **Site Sign**

- D35. 1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- a) stating that unauthorised entry to the work site is prohibited;
  - b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
  - c) showing the name, address and telephone number of the Principal Certifying Authority for the work.
- 2) Any such sign must be maintained while to building work or demolition work is being carried out, but must be removed when the work has been completed.
- 

**End of this Section**

## **PART E – PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

### **Deed of Agreement – Public Space**

- E1. Prior to completion and issue of any interim Occupation Certificate, the Proponent shall enter into a Deed of Agreement with Council with regard to the proposed public area at the ground level of the site including the through-site pedestrian link to the rear lane, and the widened footpath area to Atchison Street as shown on drawing numbered PA-100-01 titled 'Public Domain Plan' prepared by Francis-Jones Morehen Thorp submitted with the application, which achieves the objectives of:-
- enabling the public to use that area for the purpose of public access at all the times, for the life of the building (not in perpetuity), and
  - binds all successors in title and ensures the rights are not subject to change or variation except with the prior consent of Council.

The Proponent shall be responsible for the maintenance of the area and public liability insurance for a policy in the amount of not less than \$20 million in respect of any property damage, personal injury and loss of life caused by or in connection with the provision and use of the area. The Deed of Agreement shall include details on the design and finishes of materials, levels of light and security.

The Deed must also make provision for a Covenant on title to be registered with NSW Department of Lands prior to the issue of any Occupation Certificate for the building. The Covenant must note the matters contained in the Deed to ensure that the area is maintained as public space for the life of the building.

The Deed and any associated documentation shall be prepared, executed and registered at the sole cost of the Proponent, including the reasonable costs of Council in obtaining advice, the cost and expense of negotiating the terms and conditions of the agreement, producing documents or otherwise facilitating the preparation, execution and registration of the required documents, shall bind all successors in title and shall only be subject to variation at the discretion of the Council.

### **Dedication of Affordable Housing Units**

- E2. Prior to the issue of any interim Occupation Certificate the Proponent shall provide evidence that the Affordable Housing Units required to be dedicated (condition B5) to North Sydney Council have been so dedicated.

### **Easement(s) adjacent to Atchison Lane**

- E3. Prior to the issue of the final Occupation Certificate, the person acting on the consent shall create a public right-of-carriageway, public right-of-way and easements for services and drainage 1.5m wide and 2.0m deep along the Atchison Lane frontage of No. 16 Atchison Street in Council's favour, by appropriate instrument under Part 6, Division 4 of the Conveyancing Act 1919. Such easements shall be at no cost to Council.

North Sydney Council shall be nominated in the instrument as the only party authorised to release, vary or modify the instrument, and North Sydney Council's official seal shall be affixed to these documents, prior to submission to the Land & Property Information Office.

Evidence of the lodgement of the instrument referred to in this condition is to be provided to Council with a copy of the Occupation Certificate.

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

- E4. Prior to issue of any Occupation Certificate all required works in the road reserve must be completed in full and any damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) must be fully repaired to the satisfaction of Council Engineers at no cost to Council.

#### **Noise from Plant**

- E5. a) Prior to issue of the final Occupation Certificate, a certificate from an Acoustic Engineer is to be submitted to the Certifying Authority certifying that the air-conditioning, lift motors, pumps and plant rooms have been installed so as not to exceed more than 5dB(A) above the background level during the day and evening and not exceeding the background level at night (10.00pm to 6.00 am) when measured at the boundary of the property, and will comply with the Environment Protection Authority Industrial Noise Policy.
- b) Prior to the issue of the final Occupation Certificate a certificate from an accredited Acoustic Engineer is to be submitted to the Certifying Authority certifying that the maximum noise levels allowed within dwellings as specified in Condition C19 of this Approval has been achieved.

#### **Certification- Civil Works**

- E6. a) An appropriately qualified and practising Civil Engineer shall certify to the Principal Certifying Authority that the stormwater drainage system was constructed in accordance with this consent and the provisions of the applicable Australian Standard. The Proponent shall, upon completion of the development works and prior to the issue of a final Occupation Certificate, submit to Council a copy of the aforementioned letter of certification.
- b) An appropriately qualified and practicing Civil Engineer shall certify to the Principal Certifying Authority that the vehicular crossing and associated works and road works were constructed in accordance with this consent. The Proponent shall, upon completion of the development works and prior to the issue of a final Occupation Certificate, submit to Council a copy of the aforementioned letter of certification.

#### **Damage to Adjoining Properties**

- E7. All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.

On completion of the works and prior to the issue of a final Occupation Certificate, a certificate is to be prepared to the effect that no damage has resulted to adjoining premises, and is to be provided to Council and the Certifying Authority.

Alternatively, if damage is identified which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made

with the affected person/s as soon as possible and prior to the issue of a final Occupation Certificate.

### **Utility Services**

- E8. 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.

### **Regulated Systems- Air Handling**

- E9. To ensure that adequate provision is made for ventilation of the building all mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provisions of:

- 1) The Building Code of Australia;
- 2) The applicable Australian Standards;
- 3) The Public Health Act;
- 4) Public Health (Microbial Control) Regulation;
- 5) Work Cover Authority; and

The regulated system must be registered with Council prior to commissioning the system and prior to issue of the final Occupation Certificate.

### **Basement Pump-Out Maintenance**

- E10. Prior to issue of the final Occupation Certificate a maintenance regime shall be prepared for the basement stormwater pump-out system and submitted to Principal Certifying Authority to be included with the Occupation Certificate documentation. The regime shall specify that the system is to be regularly inspected and checked by qualified practitioners.

### **Notification of New Address Developments**

- E11. Prior to any Occupation Certificate being issued for the building works, the person acting upon this consent must comply with the following: -
- a) Apply to North Sydney Council and receive written confirmation 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
  - b) 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. To find your nearest Australia Post Delivery Facility contact 13 13 18.

### **Asbestos Clearance Certificate**

- E12. Prior to issuing any Occupation Certificate for building works where asbestos based products have been removed or altered, an asbestos clearance certificate signed by an appropriately qualified person (being an Occupational Hygienist or Environmental Consultant) must be submitted to the Principal Certifying Authority (and a copy forwarded to Council) for the building work which certifies the following: -

- a) The building/ land is free of asbestos; or
- b) The building/ land has asbestos that is presently deemed safe.

The certificate must also be accompanied by tipping receipts, which detail that all asbestos waste has been 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.dec.nsw.gov.au](http://www.dec.nsw.gov.au)

### **Vehicle Egress Signs**

- E13. Prior to the issue of an Occupation Certificate, appropriate sign(s) shall 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.

### **Disposal Information**

- E14. Upon completion of works and prior to occupation, the person entitled to act on this consent shall provide to Council's Open Space and Environmental Services Department a hard copy of the following information:
- (a) the total tonnage of all waste and excavated material disposed of from the site (including any tipping dockets); and
  - (b) the disposal points and methods used.

### **Communal meeting space**

- E15. A covenant or similar legal instrument shall be created which gives the residential body corporate and its owners, a right to use a space (being either the café or hotel conference room) within the non - residential component of the building for meetings. The body corporate shall have a right to use the space 4 times per year.

### **Allocation of Spaces**

- E16. The provision of carparking spaces shall be in accordance with the requirements of North Sydney Council's DCP 2002 and provided and maintained at all times on the subject site.

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

### **Storage Cages**

- E17. Each residential apartment shall be provided with a storage cage in the basement level. The size of the storage cage shall meet the rules of thumb contained in the Residential Design Flat Code.

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**End of this Section**

## **PART F – DURING OPERATIONS**

### **Trade Waste**

- F1. Trade waste water shall be disposed of in accordance with the permit requirements of Sydney Water Corporation Ltd, Wastewater Source Control Branch.

### **Noise Impact**

- F2. The outdoor area associated with the use approved under this consent must not give rise to offensive noise within the meaning of the Protection of the Environment Operations Act 1997.

### **Parking Station**

- F3. The off-street car parking area shall not be used as a Public Car Parking Station.

### **Space Enclosure**

- F4. No parking spaces or access thereto shall be constrained or enclosed by any form of structure such as fencing, or the like, without prior consent from Council.

### **Car Share Scheme**

- F5. Two (2) car spaces within the basement B1 level shall be provided for the exclusive use of a car share scheme by occupants of the serviced apartments and the apartments within the development.

### **Commercial Waste and Recycling Storage**

- F6. Commercial waste and recycling material/storage bins must be stored in a separate area to the residential waste and recycling material/storage bins.

### **Waste Collection**

- F7. Waste and recyclable material, generated by this premises, must not be collected between the hours of 10pm and 6am on any day.

### **Delivery Hours**

- F8. No deliveries, loading or unloading associated with the premises are to take place between the hours of 10pm and 6am on any day.

### **Roof Top Lighting**

- F9. An 11.00 pm to dawn curfew on lighting of rooftop or podium level areas shall apply. All lighting shall be directed away from any adjacent dwelling.

### **No Parking in Aisles or Turn Paths**

- F10. No vehicles shall be parked at any time within the aisles or turn paths of the basement parking area.

### **Separate Occupation of Café and Recreation Facility**

- F11. The specific use or occupation of the refreshment room/ café facility within the development shall be the subject of further development approval prior to such use or occupation.

### **Loading Dock Use**

- F12. All loading and unloading operations shall be carried out within the confines of the site. The loading dock shall be available for use by vehicles associated with all uses within the building including use by vehicles delivering or removing furniture, etc, from residential premises within the development.

### **Travel Packs**

- F13. Travel packs are to be prepared and distributed to residents, hotel guests and workers in accordance with the requirements of Transport NSW.

### **Hotel**

- F14. The serviced apartments which comprise the hotel shall not be used for permanent residential accommodation.

### **Maximum Vehicle Size**

- F15. Vehicles longer than 6.4m must not enter the site.