

Original signed by Andy Nixey dated 7/12/07
Date of determination: 3/12/07; date from which consent operates: 7/12/07; date consent
lapses: 7/12/10

Myles Donaldson
43 Forth Street
WOOLLAHRA NSW 2025

D267/05
S82A- 6/07
AN (PDS)

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED

Notice to Applicant of Review Determination No. 6/07 of a Development Application (Local Development - Council Determination)

Pursuant to Section 82A(7) of the Act, notice is given that Section 82A Review of Development Consent No. 267/05 for the demolition of two buildings and erection of a residential apartment building containing seven (7) units on land described as **1 Premier Street, Neutral Bay** was determined by the granting of approval to amendments to the consent, subject to the conditions below.

A. *Conditions that Identify Approved Plans*

Development in Accordance with Plans

A1. The development being carried out in accordance with drawing numbered DA01C, dated 2 May 2007, drawn by Perumal Pedavoli Architects, and received by Council on 11 May 2007; drawing numbered DA02B, dated 17 October 2007, drawn by Perumal Pedavoli Architects, and received by Council on 19 October 2007; drawing numbered DA03C, dated 11 September 2007, drawn by Perumal Pedavoli Architects, and received by Council on 19 October 2007; drawings numbered DA04D, DA06D, DA07D and DA08E, dated 26 November 2007, drawn by Perumal Pedavoli Architects, and received by Council on 26 November 2007, and endorsed with Council's approval stamp, except where amended by the following conditions.

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

Plans on Site

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

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

Approved Landscaping Plan

- A3. Landscaping works on the site are to be undertaken generally in accordance with the landscaping plan numbered 05-0008-01B, 02B and 03B prepared by Material Pty Ltd dated 16 October 2007 and received by Council on 19 October 2007, and plan numbered 04B, prepared by Material Pty Ltd, dated 11 September 2007 and received by Council on 10 October 2007, except for the following:

The *Acacia benervia*, *Acmena smithii*, *Melia azedarach var. australasica*, and *Ginkgo biloba* are deleted from the proposed planting schedule and replaced with other nominated trees included in the planting schedule.

(Reason: To ensure appropriate landscaped area and landscaping amenity at the final inspection stage of the development)

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

Construction Management Program

- B1. A Construction Management Program prepared in accordance with the provisions of Section 23.2 of the North Sydney DCP 2002 shall be submitted to, and approved in writing by the Council prior to the issue of any Construction Certificate. The program shall detail:
- (a) A Safe Work Method Statement;
 - (b) The proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed;
 - (c) The proposed phases of construction works on the site, and the expected duration of each construction phase;
 - (d) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken;
 - (e) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process.
 - (f) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site;
 - (g) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;

- (h) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;
- (i) 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 practising structural engineer, or equivalent;
- (j) Proposed protection for Council and adjoining properties;
- (k) The location and operation of any on site crane; and
- (l) The location of any Construction Zone (if required) approved by Council's Traffic Committee, including a copy of that approval.

All work and excavation, demolition or construction activities shall be undertaken in accordance with the approved Construction Management Plan and any conditions attached to the approved plan. A copy of the approved Construction Management Plan, 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.

Note: 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 written concurrence. Please note that failure to provide complete and detailed information may result in delays and requests for additional information.

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

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

Sydney Water

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

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

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

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

Damage to Public Infrastructure

C2. The applicant shall bear the cost of all restoration works to Council's property damaged during the course of this development. The applicant shall advise Council, in writing or by photographic record, of any existing damage to Council property before commencement of the development. A dilapidation survey of Council's assets, including photographs and written record, must be prepared by a suitably qualified person and submitted to Council prior to the issuing of any Construction Certificate.

Note: This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicant's interest for it to be as full and detailed as possible.

(Reason: To ensure the protection of existing built public infrastructure)

Damage Bond (Potential Damage)

C3. A Bond of \$9,200 shall be deposited with Council, prior to the issue of any construction certificate, against the potential for damage to Council's footpath and road reserve infrastructure during the construction process.

(Reason: To ensure appropriate security is in place for the protection or repair of Public Infrastructure)

Shoring for Adjoining Property

C4. Where any shoring for excavation is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings certified as being adequate for their intended purpose by an appropriately qualified and practising structural engineer, showing all details, including the extent of encroachment and the method of removal and de-stressing of shoring elements, 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.

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

Noise from Plant in Residential Zone

C5. A certificate from an appropriately qualified Acoustic Engineer is to be submitted to the Certifying Authority for approval with the Construction Certificate certifying that the development and all sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level during the day and evening and not exceeding the background level at night (10.00pm –6.00 am) when measured within a habitable room in any adjoining residential premises, and will comply with Environment Protection Authority Noise Policy.

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

Sub-Soil Seepage

C6. All sub-soil seepage drainage shall be discharged via a suitable silt arrester pit, directly to Council's nearest stormwater drainage line in Premier Street. Details of all plans certified as being adequate for their intended purpose and compliant with the provisions of AS3500.3.2 by an appropriately qualified and practising civil engineer, shall be submitted to the Certifying Authority for approval with the application for a Construction Certificate.

(Reason: To ensure appropriate drainage and stormwater management on site to protect amenity of residents)

Design and Survey for Public Infrastructure

C7. The applicant shall engage an appropriately qualified person to undertake the survey, design and preparation of plans for all works located within Council's property or all works that revert to Council's care and control upon completion of the development. The design plans are to be certified by an appropriately qualified and practising Civil Engineer to confirm compliance with appropriate Australian Standards and submitted to the Certifying Authority for approval with the Construction Certificate.

(Reason: To ensure the provision of public infrastructure of an appropriate standard, and record keeping purposes)

Vehicular Access way Design – Minor Development

C8. The applicant shall design the vehicular access way in compliance with the following:

- (a) The vehicular access way shall be designed to comply with AS 2890.1 to ensure that a B85 vehicle will not scrape/strike the surface of the carriageway, layback, vehicular crossing or garage floor.
- (b) The width of the vehicular layback shall be 6.5 metres (including the wings).
- (c) The crossing (between the layback and the property boundary) shall be placed on a single straight grade of approximately 4.5%, falling to the back of the layback.
- (d) Any twisting of driveway access shall occur entirely within the subject property.

- (e) A certificate prepared by an appropriately qualified and practising Civil Engineer shall be provided to the Certifying Authority to certify compliance with these requirements prior to the issue of any Construction Certificate that relates to the provision of vehicular access or accommodation on the site.

(Reason: To facilitate appropriate vehicular access to private sites, without disruption to pedestrian and vehicular traffic prior to the issue of an Occupation Certificate)

Bond for Engineering Construction Works – (Kerb and Gutter, Footpaths, Vehicular Crossing and Road Pavement)

- C9. A Bond of \$9,800 shall be deposited with Council against any damage or failure to complete to the relevant specification the construction of any vehicular crossings, kerb and gutter, footpath paving and road pavement/shoulder reconstruction works required as part of this consent prior to the issue of any Construction Certificate. (See schedule).

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

Bond - Engineering Construction Works – Stormwater

- C10. A Bond of \$6,700 shall be deposited with Council against any damage or failure to complete to the relevant specification the construction of stormwater drainage works that reverts to Council's care and control upon completion prior to the issue of any Construction Certificate.

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

Road Works in Highview Lane

- C11. Following documented consultation with Council's Director Engineering & Property Services, the applicant shall carry out full-width road (carriageway) reconstruction to full frontage of the property adjacent to all new kerb & gutter works. All work is to be carried out to the standard plans and specifications of Council. A certificate prepared by an appropriately qualified and practising Civil Engineer, shall be provided with the design plans to the Certifying Authority to certify compliance with these requirements prior to the issuing of any Construction Certificate.

(Reason: To ensure the provision of public infrastructure of an appropriate quality arising from the development works to service the development)

Crossing Plan Details

- C12. The following details must be submitted to the Certifying Authority for approval with the application for Construction Certificate:-
- (i) Longitudinal section along the extremities and centre-line of each driveway/access ramp at a scale of 1:100.
 - (ii) Sections to be taken from the centre-line of the roadway through to the parking area itself and shall include all changes of grade both existing and proposed.
 - (iii) The sections shall show all relevant levels and grades (both existing and proposed) including those levels stipulated as boundary levels.
 - (iv) The sections shall show the calculated clearance to the underside of any overhead structure.
 - (v) A longitudinal section along the gutter line showing how it is intended to blend the vehicular crossing into the existing kerb and gutter.

All details are to be certified by an appropriately qualified and practising Civil Engineer, as complying with Australian Standard AS 2890.1, and Council's standard specifications.

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

Road Works

- C13. The applicant shall construct the layback, full frontage - kerb/gutter (except for the location of the layback) as shown on the plan C2 by Wollacotts (10/06/05), crossing and transition works. The works shall be designed and constructed in compliance with the following:
- a) All elements of the works within the road reserve shall be constructed in accordance with Council's current documents *Infrastructure Specification and Vehicular Access Application Guidelines and Specification*.
 - b) The proposed kerb gutter and layback gutter alignment shall be raised/lowered on necessary alignment to ensure that the cross-fall grade of the carriageway shoulder is not greater than 5.5% or less than 1.0% for a distance of 600mm, falling to the gutter, starting from the surface of the carriageway, 1050mm from the existing face of kerb.
 - c) Kerb/gutter transition works are required to ensure gentle changes in grade and longitudinal drainage between the existing and proposed gutter. These works have been assessed as:

- i) Upstream of the proposed layback, the kerb/gutter shall be constructed for a length of 1000mm or to a point where a longitudinal gutter grade of 1.0% can be achieved.
- ii) Downstream of the proposed layback, the kerb/gutter shall be reconstructed for a length of 1000mm.
- d) A certificate prepared by an appropriately qualified and practising Civil Engineer shall be provided to the Certifying Authority to certify compliance with these requirements prior to the issuing of any Construction Certificate for construction works.

(Reason: To facilitate suitable vehicular access to private sites, without disruption to pedestrian and vehicular traffic and to ensure appropriate access and infrastructure protection that is integral with infrastructure on surrounding sites)

Bicycle Storage and Parking

C14. The bicycle storage area shall accommodate a minimum of 3 bicycle lockers, and a visitor parking bicycle rail shall be provided in the car park, such bicycle storage lockers and bicycle rail to be designed in accordance with AS 2890. Details demonstrating compliance are to be submitted to the Certifying Authority for approval with the Construction Certificate.

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

Garbage and Recycling Facilities

C15. An appropriate area shall be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. The following requirements shall be met:

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

Details of the storage area are to be provided to, and approved by the Certifying Authority prior to issuing of the Construction Certificate.

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

(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)

Sediment Control

- C16. Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, details including plans and specifications shall be submitted to Council accompanying the Construction Certificate, which provide adequate measures for erosion and sediment control. As a minimum, control techniques are to be in accordance with North Sydney Council Guidelines on Erosion and Sediment Control, or a suitable and effective alternative method. The Control Plan shall incorporate and disclose:
- (a) All details of drainage to protect and drain the site during the construction processes;
 - (b) All sediment control devices, barriers and the like;
 - (c) Sedimentation tanks, ponds or the like;
 - (d) Covering materials and methods;
 - (e) A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.

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

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

Dilapidation Survey

- C17. A photographic survey of adjoining property Nos. 3 Premier Street & 7 Highview Avenue, Neutral Bay detailing the physical condition of these 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 Consent.

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

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

(Reason: Proper management of records)

Structural Adequacy of Adjoining Properties – Excavation Works

C18. A certificate prepared by an appropriately qualified and practising structural engineer, at no cost to the Council, detailing the structural adequacy of adjoining property Nos. 3 Premier Street and 7 Highview Avenue, Neutral Bay, and certifying their ability to withstand the proposed excavation and any measures required to be incorporated into the work to ensure that no damage will occur to adjoining properties during the course of the works, shall be submitted to the Certifying Authority for approval with the Construction Certificate.

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

Asbestos & Hazardous Material Survey

C19. In relation to the demolition or alteration of the existing building (or part of a building) on the site:

(a) A report prepared by an appropriately qualified person (such as an Occupational Hygienist or Environmental Consultant) is to be submitted to the Certifying Authority, with the Construction Certificate application, detailing whether any asbestos or hazardous materials exist on the site that are affected by the proposed building works. (eg. lead in paints and ceiling dust or asbestos based products).

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

(b) Should any hazardous materials be identified as per item (a), a Work Plan shall be submitted to Council (at least five (5) working days prior to work commencing) in accordance with AS2601 – Demolition of Buildings. The report shall contain details regarding:

- (i) The type of hazardous material;
- (ii) The level or measurement of the hazardous material in comparison to National Guidelines;
- (iii) Proposed methods of containment; and
- (iv) Proposed methods of disposal.

- (v) Details of signage to be provided on the site to comply with the provisions of the Occupational Health and Safety Regulation 2001, to ensure persons are warned, by the use of signs, labels or other similar measures, of the presence of asbestos or asbestos-containing material in a place at which construction work is being carried out.
- (c) Where unacceptably high levels of lead are found in a premises to be demolished, Item (b) is to be followed, and if the directed by the appropriately qualified person, the soil sample from site is to be tested by a NATA Registered laboratory before and after demolition and submitted to Council. This will determine whether remediation of the site is necessary.
- (d) The demolition must be undertaken in accordance with AS2601.
- (e) Any works involving asbestos based products must be undertaken in accordance with the requirements of the WorkCover Authority in relation to removal, handling and disposing of material, and the Work Safe Australia Asbestos Code of Practice. (Refer to the information publications provided in your approvals package for more specific information)
- (f) All work involving lead removal must not cause lead contamination of air or ground, and the Work Plan submitted to comply with item (b) must comply with the requirements of *AS 4361.2-1998 : Guide to lead paint management - Residential and commercial buildings*. Particular attention must be given to the control of dust levels on the site.

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

Notes:

1. Further details regarding requirements for removal of hazardous materials can be obtained from the WorkCover website or at www.lead.org.au.
2. Failure to comply with legislative requirements relating to the removal or handling of hazardous materials is likely to result in enforcement action, including fines or prosecution without prior warnings.

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

Reflectivity Index of Glazing

- C20. The reflectivity index (expressed as a percentum of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20%. Written confirmation of the reflectivity index of materials is to be submitted with the Construction Certificate.

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

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

Roofing Materials – Reflectivity

C21. Roofing materials shall be factory pre-finished with low glare and reflectivity properties to be compatible with the colours of neighbouring buildings. The Certifying Authority shall undertake an assessment in relation to the proposed roofing material to determine the potential for glare nuisance or excessive reflectivity to adjoining or nearby properties, relative to the chosen roofing material. The Certifying Authority shall provide certification with the Construction Certificate that the selected roofing material will not cause a glare nuisance or excessive reflectivity to adjoining or nearby properties

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

No External Service Ducts

C22. Service ducts shall be provided within the building to keep external walls free of plumbing, drainage or any other utility installations. Details demonstrating compliance are to be provided in the Construction Certificate documentation.

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

Waste Management Plan

C23. A Waste Management Plan is to be submitted with the Construction Certificate in accordance with the provisions of Section 19 of the North Sydney DCP 2002. The plans should 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.

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

Underground Electricity and Other Services

C24. All overhead electricity and other lines (existing and proposed) shall 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. Details to be shown on plans submitted to the Certifying Authority and approved with the Construction Certificate

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

Adaptable Housing

C25. 5 Proposed apartments are to be designed with accessible features for disabled persons, and to incorporate level entries and wider doorways and corridors, slip resistant surfaces, reachable power points, disabled toilet, and lever door handles and taps; such features to be designed generally in accordance with Australian Standard 4299. Details demonstrating compliance are to be submitted to the Certifying Authority for approval with the Construction Certificate.

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

Location of Plant

C26. All plant and equipment (including but not limited to air conditioning equipment), ventilation and exhaust flues and exhausts, are not to be located on the roof. Details demonstrating compliance are to be submitted to the Certifying Authority for approval with the Construction Certificate application.

(Reason: Minimise impact on surrounding properties, improved visual appearance and amenity for locality)

Geotechnical Report – Excavation Work

C27. A certificate prepared by an appropriately qualified Geotechnical Engineer shall be submitted to the Certifying Authority for approval with the Construction Certificate, certifying that the existing rock formations and substrate on the site are capable of:

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

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

Porous paving

C28. The proposed (garbage collection area) shall be paved with materials to allow stormwater infiltration to the substrate. Details demonstrating compliance are to be submitted to the Certifying Authority for approval with the Construction Certificate.

(Reason: To improve the capacity of the site to absorb water runoff)

S94 Contributions

C29. A contribution pursuant to the provisions of Section 94 of the Environmental Planning and Assessment Act 1979, as specified under the North Sydney Section 94 Contribution Plan for the services detailed in column A and, for the amount detailed in column B shall be made to Council.

Contribution	A4. Total (based on an increased site density of 4.22 people)
Administration	256.15
Child Care Facilities	443.73
Community Centres	1,162.95
Library Acquisition	216.91
Library Premises & Equipment	671.06
Multi Purpose Indoor Sports Facility	183.23
Open Space Acquisition	7,314.40
Open Space Increased Capacity	14,498.11
Olympic Pool	596.83
Public Domain Improvements	573.12
Traffic Improvements	703.47
TOTAL	26,619.96
TOTAL S.94 CONTRIBUTION PAYABLE	\$26,619.96

The contribution SHALL BE paid prior to determination of the application for Construction Certificate, where applicable.

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

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

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

Security Bond Schedule

C30. All fees and security bonds in accordance with the schedule below must be paid or in place prior to the issue of the required Construction Certificate:

SECURITY BONDS	AMOUNT (\$)
Footpath Damage Bond	9,200.00
Engineering Construction Bond (Kerb & Gutter)	9,800.00
Engineering Construction Bond (Stormwater)	6,700.00
TOTAL BONDS	\$25,700.00

FEES	
Section 94 contribution	26,619.96
TOTAL FEES	\$26,619.96

(Reason: Compliance with the development consent)

Bonds

- C31. Council will accept a bank guarantee for the purpose of any security bond imposed by these conditions of consent. Such bank guarantee shall be in a form acceptable to the Council and shall be in place prior to the issuing of any Construction Certificate and shall remain in place until the submission of the certificate required prior to the occupancy of the completed works.

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

Stormwater

- C32. Plans indicating all engineering details relevant to the site regarding the collection and disposal of stormwater from the site, buildings, and adjacent catchments, shall be submitted with the Construction Certificate for construction works. Stormwater shall be conveyed by gravity from the site to the nearest Council stormwater drainage system. All proposals shall be in accordance with Council's specifications.

- a) Conveyed by gravity (not a charged or pumped system) via a direct connection to a new stormwater kerb inlet pit, which is to be constructed in front of property 1 Premier Street. The new – minimum 375mm reinforced concrete pipeline in Premier Street is to be constructed between the new pit and a kerb - inlet pit on the opposite side of the road as shown on the plan C1 by Wollacotts (10/06/05). Pipe is to be from reinforced concrete and within the road reserve shall have a minimum cover of 450mm.
- b) The applicant shall engage a specialist Hydraulics Engineer to carry out an evaluation of Council's stormwater drainage system and the effect of the proposed development on this system. The results of this evaluation shall be submitted with all other drainage details to Council.
- c) All civil and drainage works within the road reserve shall be designed and built in accordance with Council's current "Infrastructure Specification". 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) Pipelines within the footpath area shall be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 millimetres and a section height of 100 millimetres.
- h) All plumbing within the site shall be carried out in accordance with AS/NZ3500.3.2 1998, National Plumbing and Drainage Code.
- i) Prevent any stormwater egress into adjacent property by creating a physical barrier or land reshaping.
- j) Provision is to be made for the collection and disposal in an approved manner of any overland flow entering the subject property, or concentrated as a result of the proposed works.
- k) Floor levels adjacent to overland flow path, are to be minimum 300 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 construction certificate application, detailing the 1 in 100 year flood level and minimum floor level.
- l) Engineering details prepared to appropriate Australian Standards and Council guidelines, shall be certified by an independent Accredited Certifier (NPER-3) and provided prior activation of this consent.

(Reason: To ensure appropriate provision is made for stormwater drainage from the site in a proper manner that protects adjoining properties)

Non-trafficable Roofs

C33. The roof area above the eastern building and the western building shall not be constructed as a trafficable area. Details demonstrating compliance shall be submitted for approval with the Construction Certificate.

(Reason: Privacy/amenity)

Outdoor (Platform) Area of Unit No.3

C34. Notwithstanding the approved plans, the trafficable outdoor (platform) area serving unit no.3 shall not extend closer than 2m to any neighbouring boundary. Details demonstrating compliance shall be submitted for approval with the Construction Certificate.

(Reason: Privacy/amenity)

Privacy/Acoustic Screens

C35. A privacy/acoustic screen shall be erected to the eastern side of the trafficable outdoor (platform) area serving unit no.3 of sufficient height so as to block any view to the second floor windows of unit no.5 from this outdoor area. A 1.5m high screen shall also be erected to the western side of this outdoor area. Details demonstrating compliance shall be submitted for approval with the Construction Certificate.

(Reason: Privacy/amenity)

Tree Methodology Statement

C36. An appropriate methodology statement/report from either a qualified Horticulturist or professional Tree Transplanter advising how and when the Palm trees proposed for relocation shall be prepared. The report shall detail what equipment and tools will be used and what specific maintenance and watering regimes will be undertaken to ensure the successful relocation and establishment of all Palm trees relocated on-site. Details demonstrating compliance shall be submitted with the Construction Certificate.

(Reason: Preservation of local amenity)

Planting on Council Land

C37. That all planting on the Council Land adjacent to the western/south western boundary be restricted to plants from the Low and Medium planting schedule as provided with the approved Landscape Plan. Details demonstrating compliance shall be submitted with the Construction Certificate.

(Reason: Preservation of local amenity)

Sandstone Wall

C38. The approved wall along the western side of Highview Lane shall be constructed of sandstone blocks and shall mirror the existing wall on the eastern side of Highview Lane. Details demonstrating compliance shall be submitted for approval with the Construction Certificate.

(Reason: Visual amenity)

D. Conditions That Must Be Addressed Prior To Any Commencement

Excavation/Demolition

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

(Reason: To ensure compliance with statutory provisions)

Re-use of Sandstone

- D2. 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)

(Reason: To allow for preservation of cultural resources within the North Sydney Council area)

Cigarette Butt Receptacle – Residential

- 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.

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

Public Liability Insurance – Works on Public Land

- D4. Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$10 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for North Sydney Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

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

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

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

Height

- E1. With the exception of the lift overrun which shall extend to a maximum RL of 79.10, the maximum RL of the proposed development shall be RL78.50 AHD measured at the parapet of the eastern building and RL 75.50 measured at the parapet of the western building.

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

No Changes To Openings

- E2. The windows / doors / fenestration shall not be enlarged or relocated on any elevation of the development. The use of rooms served by windows shall not be altered from that detailed on the approved plans.

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

Approved Materials

- E3. The colour, texture and substance of all external materials shall be generally as detailed in the application.

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

Progress Survey - Minor Development

- E4. In order to ensure compliance with approved plans, a Survey Certificate, to Australian Height Datum, shall be prepared by a Registered Surveyor as follows:-

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

Progress certifications in response to points (a) through (c) 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 reveal discrepancies between the approved plans and the proposed works.

(Reason: To ensure compliance with approved plans)

Noise

- E5. Noise emissions and vibration must be minimised where possible and work is to be carried out in accordance with Environment Protection Authority guidelines for noise emissions from construction/demolition works and must also comply with the provisions of the Protection of the Environment Operations Act 1997.

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

Dust Emission and Air Quality

E6. 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.

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

Vibration from Works

E7. Vibration from works is to be undertaken in accordance with industry best practice, to ensure excessive levels of vibration do not occur to minimise adverse effects experienced on any adjoining land.

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

No Work on Public Open Space

E8. The applicant shall not enter or undertake any work within adjoining public lands (ie. Parks, Reserves, Roads etc) without the prior written consent of Council. In this regard the applicant is to liaise with Council prior to the commencement of any design works or preparation of a Construction Management Plan.

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

Applicant's Cost of Work on Council Property

E9. The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

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

No Removal of Trees on Public Property

E10. 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.

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

Special Permits

E11. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely on the property. The applicant, owner or builder must apply for specific permits available from Council's Customer Service Centre for the undermentioned activities on Council's property pursuant to S138 of the Roads Act. A minimum of forty-eight (48) hours notice is required for any permit:-

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

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

(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**

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

(Reason: Proper management of public land)

Noxious Plants

E12. All lantana, privet, rubber trees, asthma weed, and other declared noxious plants on the site, shall be eradicated before the commencement of landscape works.

(Reason: To ensure that plants identified as weed species are not allowed to proliferate or interfere with a quality landscaping outcome)

Construction Hours

E13. 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.

Notes:

For the purposes of this condition:

“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.

“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.

“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.

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

Out of Hours Work Permits

E14. 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.
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.

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

Installation and Maintenance of Sediment Control

E15. Techniques used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with the “North Sydney Council Guidelines on Sediment and Erosion Control”. All techniques shall remain in proper operation until all development activities have been completed and the site fully stabilised.

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

Sediment and Erosion Control Signage

E16. 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.

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

Health and Safety

E17. 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

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

Landscaping and Rehabilitation

E18. Disturbed areas must be progressively stabilised and revegetated in accordance with the approved landscape plan as soon as practical after construction.

(Reason: To ensure that appropriate landscaping is undertaken within a reasonable timeframe in accordance with community expectations)

Community Information

E19. 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

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

Occupation Certificate Required

E20. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of those parts of the building.

(Reason: To ensure compliance with the provisions of the Environmental Planning and Assessment Act)

Prohibition on Use of Pavements

E21. 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.

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

Plant & Equipment Kept Within Site

E22. 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.

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

Relocation of Trees

E23. A professional Tree Transplanter/qualified Horticulturalist shall be consulted during the relocation of the Palm trees and for the duration of the works on site to ensure that the approved tree methodology statement is implemented.

(Reason: Appropriate relocation of trees)

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

Building Code of Australia

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

(Reason: Prescribed - Statutory)

Home Building Act

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

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

(i) has been informed in writing of the licensee's name and contractor licence number, and

(ii) is satisfied that the licensee has complied with the requirements of the Home Building Act, or

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

(i) has been informed in writing of the person's name and owner-builder permit number, or

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

Note: The amount referred to in paragraph (b)(ii) is prescribed by regulations under the Home Building Act 1989. As at the date on which this Regulation was Gazetted, that amount was \$3,000. As those regulations are amended from time to time, that amount may vary.

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

(Reason: Prescribed - Statutory)

Excavation/Demolition

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

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

Retaining Walls & Drainage

- F4. If the soil conditions require it:
- (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
 - (b) adequate provision must be made for drainage in accordance with the provisions of AS3500.3.2.

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

Support for Neighbouring Buildings

- F5. (1) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:-
- (a) must preserve and protect the building from damage;
 - (b) if necessary, must underpin and support the adjoining building in an approved manner Subject to adjoining owner's consent); and
 - (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (2) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- (3) In this clause, allotment of land includes a public road and any other public place.
- (Reason: To ensure adjoining owner's property rights are protected and protect adjoining properties from potential damage)

Protection of Public Places

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

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

Site Sign

- F7. (1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- (a) stating that unauthorised entry to the work site is prohibited;
 - (b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
 - (c) showing the name, address and telephone number of the Principal Certifying Authority for the work.
- (2) Any such sign must be maintained while to building work or demolition work is being carried out, but must be removed when the work has been completed.
- (3) This condition does not apply to building works being carried out inside an existing building.

(Reason: Statutory requirement)

Toilets

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

- (2) Each toilet provided:
- (a) must be a standard flushing toilet, and
 - (b) must be connected:
 - (i) to a public sewer; or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.
- (3) The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.
- (4) In this clause:

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

approved by the Council means the subject of an approval in force under Division 1 of Part 3 of the Local Government (Approvals) Regulation 1993.

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

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

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

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

Reinstatement

- G1. All redundant lay-backs and vehicular crossings shall be reinstated to conventional kerb and gutter, foot-paving or grassed verge as appropriate. All costs shall be borne by the applicant, and works shall be completed prior to the issue of a final Occupation Certificate.

(Reason: To facilitate vehicular access to private sites, without disruption to pedestrian and vehicular traffic, and the preservation of on street parking spaces)

Noise Impact of Plant

- G2. All sound producing plant, equipment, machinery or fittings associated with or forming part of the mechanical ventilation system and/or the refrigeration system, shall be sound insulated and/or isolated so that the noise emitted does not exceed 5 dB(A) above the background level in any octave band from 63.0 HZ centre frequencies inclusive, and not more than 5 dB(A) above the background level (LA90) during the day when measured at the nearest affected residence. For assessment purposes, the above LAeq sound levels are to be adjusted in accordance with EPA guidelines for tonality, frequency weighting, and impulsive characteristics where necessary, at any time the plant is in operation, at the boundary of the site.

Note: The method of measurement of sound shall be carried out in accordance with Australian Standard 1055.1 - 1989.

A report and certification prepared by an appropriately qualified or accredited person shall be submitted to the Principal Certifying Authority demonstrating compliance with this condition prior to the issuing of a final Occupation Certificate of the completed works.

(Reason: To ensure that noise generated from the development does not result in offensive noise to any other party)

Certification – Civil Works

- G3. (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 AS3500.3.2. The applicant 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 applicant 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.

(Reason: Compliance with the Consent)

Works as Executed Drawings and Video – Stormwater (Major Development)

- G4. The applicant shall, upon completion of the development works, submit to Council the works-as-executed drawing (W.A.E.) and Compliance Certificate certifying compliance with the requirements of AS3500.3.2 and this consent, prepared by an appropriately qualified and practising Civil Engineer, prior to the issuing of a final Occupation Certificate. The W.A.E. drawing shall show the alignment, depth and grade of the stormwater drainage pipelines, easement and associated structures. A video inspection must also be carried out of completed drainage works that are to revert to Council's care and control, and the videotape forwarded to Council to support the certification.

(Reason: Compliance with the Consent)

Undergrounding of Telecommunications Services

- G5. The developer shall submit to the Principal Certifying Authority a letter from Telstra and/or Optus confirming that satisfactory arrangements have been made for the provision of underground telephone and cable television services, prior to the release of the Subdivision Certificate or issuing of a final Occupation Certificate.

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

Mechanical Exhaust Ventilation

- G6. The mechanical exhaust system shall be installed in accordance with AS1668, and be operated in such a way so as to minimise/prevent the creation of odours, fumes and excessive noise which may adversely affect the amenity, or interfere unreasonably with the comfort or repose of occupants of the building and adjoining premises.

Certification, from an appropriately qualified and practising Mechanical Engineer, is to be submitted to the Principal Certifying Authority, detailing that the exhaust ventilation system has been installed in accordance with AS1668, prior to completion and the issue of any Occupation Certificate.

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

Damage to Adjoining Properties

- G7. 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 that no damage has resulted to adjoining premises, and is to be provided to Council and the Principal 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.

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

Disposal Information

G8. Upon completion of works and prior to occupation, the person entitled to act on this consent shall provide to Council the following information;

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

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

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

Utility Services

G9. All utility services shall be adjusted, to the correct levels and/or location/s required by this consent, prior to final completion and the issue of a final occupation certificate.

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

Construction Consistent with Development Consent

G10. Prior to issuing a final Occupation Certificate for the proposed building work, the Principal Certifying Authority shall certify that the building, as constructed, is consistent with the details shown on the plans approved under this development consent, referred to in condition A1.

(Reason: This requirement is considered consistent with the role of the PCA as currently outlined within the provisions of the Environmental Planning and Assessment Act and Regulations. Council considers that confirming compliance with the approved plans and conditions is an essential and fundamental role of a PCA)

Asbestos Clearance Certificate

G11. 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:-

- The building is free of asbestos; or
- The building 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.)

(Reason: To ensure that building works involving asbestos based products are safe for occupation and will pose no health risks to occupants)

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

Roof Areas

- I1. None of the roof areas are to be made accessible or used as a trafficable areas at any time (except for maintenance purposes only).

(Reason: Privacy/amenity)

Lighting to Outdoor (Platform) Area of Unit No.3

- I2. At no time shall any permanent lighting being installed to the outdoor (platform) area serving unit No.3.

(Reason: Amenity)

No Commercial Use

- I3. Nothing in this consent shall authorise the use of the residential dwelling/s for non-residential purposes.

(Reason: Information and clarification of terms of this consent)

Visitors Sign

- I4. A sign, legible from the street, shall be permanently displayed to indicate that visitor parking is available on the site and the visitor car parking spaces shall be clearly marked as such.

(Reason: To ensure that visitors are aware that parking is available on site and to identify those spaces to visitors)

Space Enclosure

I5. 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.

(Reason: To ensure that minimum dimensions for parking spaces are not reduced or that vehicle manoeuvring is compliant with relevant standards)

Vehicle Egress Signs

I6. Appropriate sign(s) shall be provided and maintained within the site at the point(s) of vehicular egress to compel all vehicles to stop before proceeding onto the public way.

(Reason: To ensure pedestrian safety)

Minimum Headroom for Car Parking

I7. Minimum headroom of 2.1m shall be provided over all car parking areas.

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

Roof Above Unit No.3

I8. The roof area above unit No.3 is not to be made accessible or used as a trafficable area at any time (except for maintenance purposes only).

(Reason: Privacy/amenity)

Lighting to Outdoor (Platform) Area of Unit No.3

I9. At no time shall any permanent lighting being installed to the outdoor (platform) area serving unit No.3.

(Reason: Amenity)

DATE OF DETERMINATION:

DATE FROM WHICH CONSENT OPERATES:

DATE CONSENT LAPSES:

Council further resolved that pursuant to Section 95(2) of the Environmental Planning and Assessment Act 1979, it vary the provisions of Section 95(1) and advise the applicant that the consent will lapse three (3) years from the date from which the consent operates in accordance with Section 83.

ADVISINGS

Notes

(a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact Andy Nixey. However, if you wish to pursue your rights of appeal in the Land and Environment Court pursuant to Section 97 of the Act, you are advised that Council generally seeks resolution of such appeals through a Section 34 Conference, instead of a full Court hearing, subject to any further advice to the contrary from Council's Solicitors and senior staff. Such an approach is less adversarial, it achieves a quicker decision than would be the case through a Court hearing, and it can give rise to considerable cost and time savings for all parties involved. The use of the Section 34 Conference approach requires the appellant to agree, in advance and in writing, that the Court appointed assessor will be given the full authority to completely determine the matter at the conference.

(b) You are advised that changes to the external configuration of the building, changes to the site layout, density and unit configuration internal changes to the proposed building or any changes to the proposed operation of a use **MAY** require the submission of a modification under Section 96 of the Environmental Planning & Assessment Act, 1979. Any such changes warranting a State Environmental Planning Policy No. 1 objection (where no objection was previously required) may not be able to be determined under Section 96 of the Act but may need to be subject of a separate Development Application.

Please bear this in mind before preparing documentation in support of a Construction Certificate application. Council staff would be pleased to assist in identifying such changes which may require the submission of a modification of a Development Application under Section 96 of the Environmental Planning & Assessment Act.

(c) Prior to commencing any building, subdivision or associated constructions works, the following provisions of the Environmental Planning and Assessment Act 1979 (the 'Act') are to be complied with:

(i) A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.

(ii) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.

(iii) Council is to be notified at least two (2) days of the intention to commence building works, in accordance with Section 81A(2)(c) of the Act.

(d) The applicant may apply to the Council or an Accredited Certifier for the issuing of a Construction Certificate and to be the Principal Certifying Authority to monitor compliance with the approval and issue necessary documentary evidence or certificate/s.

(e) Sydney Water Requirements

You are advised that any building works may also require prior approval from Sydney Water. Further details can be obtained from the Sydney Water website at www.sydneywater.com.au.

(f) Telecommunications

Prior to the installation of any telephone cabling contact is to be made with Construction Research Australia Pty Ltd on telephone 1800 180 118 or Sydney 9428 1254.

(g) Dial before you dig

Before you dig call “Dial before you dig” on 1100 (listen to the prompts) or facsimile 1300 652 077 (with your street no./name, side of street and the distance to the nearest cross street) for underground utility services information for any excavation areas.

Council’s officers can provide these services, and further information, including a copy of the terms of agreement and fee schedule, can be obtained by telephoning Council’s Customer Service Centre on **9936 8100**.

Please note that all building work must be carried out fully in accordance with the development consent and conditions of approval and it is an offence to carry out unauthorised building work or building work that is not in accordance with Council’s approval.

An offence under the Environmental Planning and Assessment Act 1979 and Regulations is subject to a penalty up to \$110,000 and \$11,000 respectively.

Council may also serve a notice and an order to require the demolition/removal of unauthorised building work or to require the building to be erected fully in accordance with the development consent.

An amended development application is required to be submitted to and approved by Council and also, a Construction Certificate is to be obtained from the Council or an Accredited Certifier, prior to commencement of any variations from the approved plans and conditions of approval.

DATE

Signature on behalf of consent authority
ANDY NIXEY, EXECUTIVE ASSESSMENT PLANNER