

Original signed by:Robyn Pearson Dated: 8/9/2016

Lotus Fund No. 9 Pty Ltd
Level 3 95 Pitt Street
SYDNEY NSW 2000

D21/14
D233/14
LD (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979
(AS AMENDED)**

**Notice to Applicant of Determination of Request
to Modify a Development Consent**

Pursuant to Section 96 of the Act notice is hereby given of the determination by the consent authority of your request for a modification to Development Consent No. **21/14 and 233/14** and registered in Council's records as Application No. **21/14/4 and 233/14/4** relating to the land described as **1 and 3 Premier Street, Neutral Bay**.

Your request for the modification of the Development Consents DA 21/14 and DA 233/14 that became operational on 17 August 2016.

The following Conditions that relate to Development Consents DA 21/14 and DA 233/14 have been modified and/or added as follows:-

Conditions A3, A5, C34, C41, C42, G14 and I1

A. *Conditions that Identify Approved Plans*

Development in Accordance with Plans/documentation

A1. The development must be carried out in accordance with the following approved drawings and documentation, except where amended by the following conditions and this consent.

Plan No.	Issue	Title	Drawn by	Plans dated
1424-02-00-01	A	Site plan	Ian Moore architects	18 December 2014
1424-02-01-01	G	Level B02 – basement carpark plan	Ian Moore architects	12 March 2015
1424-02-01-02	G	Level B01 – basement carpark plan	Ian Moore architects	12 March 2015
1424-02-01-03	G	Level 01-plan	Ian Moore architects	12 March 2015
1424-02-01-04	G	Level 02-plan	Ian Moore architects	12 March 2015

1424-02-01-05	G	Level 03-plan	Ian Moore architects	12 March 2015
1424-02-01-06	G	Level 04-plan	Ian Moore architects	12 March 2015
1424-02-01-07	G	Level 05-plan	Ian Moore architects	12 March 2015
1424-02-01-08	G	Roof plan	Ian Moore architects	12 March 2015
1424-02-02-01	B	North elevation	Ian Moore architects	18 December 2014
1424-02-02-02	B	North east elevation	Ian Moore architects	18 December 2014
1424-02-02-03	B	East elevation	Ian Moore architects	18 December 2014
1315-02-02-04	A	Highview Lane elevation	Ian Moore architects	18 December 2014
1424-02-02-05	B	South west elevation	Ian Moore architects	12 March 2015
1424-02-02-06	B	West elevation	Ian Moore architects	12 March 2015
1424-02-02-07	C	Premier Street elevation	Ian Moore architects	12 March 2015
1424-02-03-01	A	Section 01	Ian Moore architects	18 December 2014
1424-02-03-02	A	Section 02	Ian Moore architects	18 December 2014
1424-02-03-03	A	Section 03	Ian Moore architects	18 December 2014
1424-02-03-04	B	Section 04	Ian Moore architects	12 March 2015
1424-02-03-05	B	Section 05	Ian Moore architects	12 March 2015
1424-02-03-06	B	Section 06	Ian Moore architects	12 March 2015
1424-02-03-07	A	Section 07	Ian Moore architects	18 December 2014
1424-02-03-08	A	Section 08	Ian Moore architects	18 December 2014
The approved landscape and vegetation management plan submitted to Council in satisfaction of deferred commencement Condition of Consent AA2.				

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

Plans on Site

- A2. A copy of all approved plans, specifications and documents (including the plans, specifications and documents submitted and approved with the Construction Certificate) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

All documents kept on site in accordance with this condition must be provided to any officer of the Council or the certifying authority upon their request.

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

External Finishes & Materials A5

A3. External finishes and materials must be in accordance with the submitted schedule Drawing number 1311-15-01-13 Rev A, not dated, prepared by Ian Moore Architects and received by Council on 1 July 2014 as modified by the Finishes Schedule Rev B prepared by Andrew Andersons Consulting and ARC Architects.

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

Operation of Consent and Construction of Basement

A4. This consent is to operate together with development consent DA 21/2014 granted by the Land and Environment Court in relation to the site known as 1 Premier Street Neutral Bay for a part four, part five storey apartment building comprising eighteen apartments over basement parking. The approved development for DA 21/2014 and this consent have a common basement and car and pedestrian entry areas from Premier Street.

Construction of the entire basement over the sites known as 1 Premier Street Neutral Bay and 3 Premier Street Neutral Bay must occur concurrently in accordance with this consent and development consent DA 21/2014.

This development consent does not authorise the carrying out of any works on Lot 1/DP 663537 or Lot 1/DP 377483, above the basement levels

In the event of strata subdivision of the development, the development described in this consent and development consent DA 21/2014 must together comprise the same strata scheme under the *Strata Schemes (Freehold Development) Act*.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of the LEC and to ensure the orderly development of the land)

Development in Accordance with Plans (S96 Amendments)

A5 The development being carried out in accordance with plans identified in Condition A1 of the consent and endorsed with the LEC approval stamp, except as modified by the modifications shown in colour on:

Drawing No.	Revision	Title	Drawn by	Dated
1424-02-05-03	S96	Level 01 plan	Andrew Andersons consulting architect	March 2016
1424-02-05-04	S96	Level 02 plan	Andrew Andersons consulting architect	March 2016
1424-02-05-05	S96	Level 03 plan	Andrew Andersons consulting architect	March 2016
1424-02-05-06	S96	Level 04 plan	Andrew Andersons consulting architect	March 2016
1424-02-05-07	S96	Level 05 plan	Andrew Andersons consulting architect	March 2016
1424-02-05-08	S96	Roof plan	Andrew Andersons consulting architect	March 2016
1424-02-02-04	S96	East Elevation – Highview Lane	Andrew Andersons consulting architect	March 2016
1424-02-02-07	S96	South Elevation Premier Street	Andrew Andersons consulting architect	March 2016
1424-02-03-03	S96	Section 03	Andrew Andersons consulting architect	March 2016
1424-02-03-04	S96	Section 04	Andrew Andersons consulting architect	March 2016
1424-02-03-04	S96	Section 05	Andrew Andersons consulting architect	March 2016
1424-02-05-08	S96	Section 8b	Andrew Andersons consulting architect	March 2016
001-0012	E	Landscape S96 Design Report	Site Image Landscape Architects	3 June 2016

And except as amended by the following conditions and this consent.

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

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

Construction and Traffic Management Plan

B1. Prior to issue of any Construction Certificate, a Construction and Traffic Management Plan must be prepared. The following matters must be specifically addressed in this Plan:

1. A plan view (min 1:100 scale) of the entire site and frontage roadways indicating:

- a) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
- b) RTA approved signage type and location to manage pedestrian in the vicinity,
- c) The locations of any proposed Work Zones in the frontage roadways,
- d) Locations and type of hoardings proposed,
- e) Area of site sheds and the like,
- f) Location of any proposed crane standing areas,
- g) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
- h) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
- i) The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
- j) The residents/occupiers are to be updated on a monthly basis and at key construction stages and be provided with a phone number to contact the site manager.

2. A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floorage must be provided:

- a) Light traffic roads and those subject to a load or height limit must be avoided at all times.
- b) Once approved from North Sydney Council, a copy of the route is to be made available to all contractors, and shall be clearly depicted at a location within the site.

3. Traffic Control Plan(s) for the site incorporating following:

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

4. A Waste Management Plan must be in accordance with the provisions of Part B Section 19 of the North Sydney DCP 2013 must be provided. The Waste Management Plan must include, but not be limited to, the estimated volume of waste and method of disposal for the construction and operation phases of the development, design of on-site waste storage and recycling area and administrative arrangements for waste and recycling management during the construction process.

5. Evidence of RMS concurrence where construction access is provided directly or within 20 m of an Arterial and/or Classified Road;
6. A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements; and
7. For those construction personnel that drive to the site, the Site Manager shall attempt to provide on-site parking so that their personnel's vehicles do not impact on the current parking demand in the area.

A suitably qualified and experienced traffic engineer or consultant shall prepare the Construction and Traffic Management Plan. The construction management measures contained in the approved plan must be implemented in accordance with the plan prior to the commencement of, and during, works on-site. As the plan has a direct impact on the local road network and public amenity, the plan must be submitted to and reviewed by Council prior to the issue of any Construction Certificate. A certificate of compliance with this condition from Council's Development Engineers as to the result of this review must be obtained and must be submitted as part of the supporting documentation lodged with the Certifying Authority for approval of the application for a Construction Certificate.

A copy of the approved Construction and Traffic Management Plan must be kept on the site at all times and be made available to any officer of the Council on request.

Notes:

- 1) North Sydney Council's adopted fee for certification of compliance with this condition shall be payable on lodgment, or in any event, prior to the issue of the relevant approval.
- 2) Any use of Council property will require appropriate approvals and demonstration of liability insurances prior to such work commencing.
- 3) Failure to provide complete and detailed information may result in delays. It is recommended that your Construction Management Plan be lodged with Council as early as possible.
- 4) Dependent on the circumstances of the site, Council may request additional information to that detailed above.

(Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the demolition and 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. Prior to the Issue of a Construction Certificate (and ongoing, where indicated).

Dilapidation Report Damage to Public Infrastructure

- C1. A dilapidation survey and report (including photographic record) must be prepared by a suitably qualified consultant 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. A copy of the dilapidation survey and report is to be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

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

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

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

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

Dilapidation Report Private Property (Excavation)

- C2. A full dilapidation survey and report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavations must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The zone of influence is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.

The dilapidation report and survey is to be prepared by a consulting structural/geotechnical engineer agreed to by both the applicant and the owner of any affected adjoining property.

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

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

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

(Reason: To record the condition of property/ies prior to the commencement of construction)

Shoring for Adjoining Property

C3. Where any shoring for excavation is to be located on any adjoining private property or is supporting Council's property, engineering drawings certified as being adequate for their intended purpose by an appropriately qualified and practising structural engineer, showing all details, including the extent of excavation, encroachment and the method of removal and de-stressing of shoring elements, backfilling and compacting of over-excavated cavities on Council's and/or private property with fill suitable for its purpose, must be first submitted to the Council with "Temporary Tieback Anchors and Associated Works Application". The temporary tieback anchors shall be at a minimum depth of **1.5 m** below the surface levels of the footpath and roadway.

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

Backfilling and compacting of over-excavated cavities must be addressed as the build up is progressing through the basements to ensure that compaction is reliable.

Note: Approval of engineering drawings for shoring works to be located on adjoining property by the Certifying Authority does not authorize a trespass on private or public land. All relevant permissions/ legal rights must be obtained to undertake any works on adjoining land.

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

Structural Adequacy of Adjoining Properties – Excavation Works

C4. A report prepared by an appropriately qualified and practising structural engineer detailing the structural adequacy of adjoining properties **No. 5 Premier Street, Neutral Bay and No. 7 Highview Avenue, Neutral Bay** which certifies their ability to withstand the proposed excavation and outlines any measures required to be implemented to ensure that no damage will occur to adjoining properties during the course of the works, must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The measures outlined in the certified report must be complied with at all times.

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

Geotechnical Report

C5. Prior to issue of any Construction Certificate, the recommendations of the Geotechnical report prepared by Martens Consulting Engineers dated May 2016 must be adopted in addition to the following:-

- a) The type and extent of substrata formations by the provision of a minimum of four (4) representative bore hole logs which are to provide a full description of all material from ground surface to 1.0 m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs shall be related to Australian Height Datum;
- b) The appropriate means of excavation/shoring in light of point (a) above and proximity to adjacent property and structures. Potential vibration caused by method of excavation and potential settlements affecting nearby footings/foundations shall be discussed and ameliorated;
- c) The proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property, structures and road reserve if nearby (full support to be provided within the subject site);
- d) The existing groundwater levels in relation to the basement structure, where influenced;
- e) The drawdown effects on adjacent properties (including road reserve), if any, the basement excavation will have on groundwater together with the appropriate construction methods to be utilized in controlling groundwater. Where it is considered there is the potential for the development to create a “**dam**” for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path is constructed, artificial drains such as perimeter drains and through drainage may be utilized; and

- f) Recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program (as required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

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

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

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

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

Geotechnical Certificate

- C6. A certificate prepared by an appropriately qualified Geotechnical Engineer certifying that the existing rock formations and substrate on the site is capable of:
- a) Withstanding the extent of the proposed excavation, including any recommendations for shoring works that may be required to ensure the stability of the excavation;
 - b) Providing protection and support of adjoining properties; and
 - c) The provision of appropriate subsoil drainage during and upon completion of construction works.

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

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

Sediment Control

- C7. Where construction or excavation activity requires the disturbance of the soil surface or existing vegetation, erosion and sediment control techniques, as a minimum, are to be in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom, 2004) commonly referred to as the “Blue Book” or a suitable and effective alternative method.

A Sediment Control Plan must be prepared and submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate and prior to any works commencing. The Sediment Control Plan must be consistent with the Blue Book and disclose:

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

All works must be undertaken in accordance with the approved Sediment Control plan.

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

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

Waste Management Plan

C8. A Waste Management Plan is to be submitted for approval by the Certifying Authority prior to the issue of any Construction Certificate. The plan must 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.

The approved Waste Management Plan must be complied with at all times in the carrying out of the development.

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

Sandstone Re-pointing

C9. Any repointing works to the sandstone block wall on the Premier Street boundary of the site must be undertaken using traditional lime mortar by a qualified stonemason. Written details of the engagement of a qualified stonemason must be submitted to the Certifying Authority prior to the issue of any Construction Certificate.

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

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

External Finishes and Materials

C10. The external colours and finishes must be in accordance with the approved schedule of finishes and materials. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure quality built form of development)

Reflectivity Index of Glazing

C11. 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%. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

C12. Roofing materials must be factory pre-finished with low glare and reflectivity properties to be compatible with the colours of neighbouring buildings or dark coloured pebbles. The selected roofing material must not cause a glare nuisance or excessive reflectivity to adjoining or nearby properties. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

No External Service Ducts

C13. Service ducts must be provided within the building to keep external walls free of plumbing, drainage or any other utility installations. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

Work Zone

- C14. If a Work Zone is proposed, an application must be made to the North Sydney Local Traffic Committee to install the 'Work Zone'. A Work Zone permit is required to be issued by the Council prior to the issue of any Construction Certificate.

Work Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Works Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site. If the Works Zone is approved by the Committee, the Applicant must obtain a written copy of the related resolution from the North Sydney Local Traffic Committee and submit a copy of this to the Certifying Authority to enable issue of the Construction Certificate.

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

(Reason: Amenity and convenience during construction)

Maintain Property Boundary Alignment Levels

- C15. The property boundary alignment levels must match the levels which existed prior to the commencement of works. Plans and specifications which document existing and proposed levels adjacent to the site boundaries and which comply with the requirements of this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

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

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

Bicycle Storage and Parking

C16. A Bicycle Storage area must be provided within the common basement area servicing both 1 and 3 Premier Street, Neutral Bay. A minimum of **thirteen (13) bicycles, and at least two (2) visitor parking bicycle rail** must be provided within the Bicycle Storage area in the common basement servicing both 1 and 3 Premier Street, Neutral Bay. The bicycle storage lockers and bicycle rail shall be designed in accordance with the applicable Australian Standards. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

Accessible parking spaces to be provided

C17. A total of **three (3)** accessible parking space must be provided within the common basement for both 1 and 3 Premier Street, Neutral Bay and shall be provided as part of the total car-parking requirements. Consideration must be given to the means of access from the car-parking spaces to adjacent buildings, to other areas within the building and to footpath and roads.. All details shall be prepared in consideration of, and construction completed in accordance with applicable Australian Standards to achieve compliance with the Disability Discrimination Act. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

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

Required Infrastructure Works –Roads Act 1993

C18. Prior to issue of any Construction Certificate the applicant must have engineering design plans and specifications prepared by a qualified civil design engineer. The responsibility for accuracy of the design fully rests with the designing engineer. All responsibility on implementation and supervision of works specified on design plans are solely on designing engineer or its representative and builder/developer.

The plans and specifications must be 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) All elements of the works within the road reserve must be constructed in accordance with Council's current documents:
 - *Infrastructure Specification*,
 - *Public Domain Style Manual and Design Codes*
 - *Vehicular Access Application Guidelines and Specification*
- b) Construction of a fully new replacement concrete footpath is required across the entire site frontage in Premier Street and Highview Lane. A longitudinal section is required along the footpath property boundary at a scale of 1:50 extending 5.0 m past the property boundary line. The footpath shall be designed (at a single straight grade of 3% falling to top of kerb) so that it is uniform without showing signs of dipping or rising particularly at entrances.
- c) The reconstruction of a road shoulder (maximum grade 5% down towards new gutter) extending to 2.5 metres out from the gutter alignment and across the entire development site frontage in Premier Street.
- d) The construction of a fully new road shoulder (maximum grade 5% down towards new gutter) across the entire development site frontage in Highview Lane (full width of road shoulder).
- e) Construction of a fully new kerb and gutter is required across the entire site frontage in Premier Street and Highview Lane. A longitudinal section is required along the gutter line (existing and proposed levels), at a scale of 1:50 extending 5.0 m past the property boundary line.
- f) 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.
- g) Construction of new driveway crossing in Premier Street. The design detail has to be provided with Vehicular Access Application prior to issue of any Construction Certificate.

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 Premier Street. To accommodate this requirement, the following drainage infrastructure works must be carried out on Council property at the Applicants expense:

- a) Construction of a standard grated gully pit with extended kerb inlet (1.8 m lintel) in the kerb fronting the subject site in Premier Street. The pit must be constructed in accordance with Councils “Infrastructure Specification for Roadwork, Drainage and Miscellaneous Works”.
- b) Construction of a new in-ground drainage line under the kerb, gutter and road shoulder at standard depth. The line must connect the new gully pit to the existing Council pit located across the road, downstream of the site on Premier Street. The pipes within the road reserve are to be reinforced concrete class 4 with a minimum 375 mm diameter and have bedding in accordance with Australian Standard AS 3725 – (Loads on buried concrete pipes). The developer is to be responsible for carrying out any service investigations to allow a gravity connection.

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

Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

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

The required plans and specifications are to be designed in accordance with North Sydney Council's current documents Infrastructure Specification for Road Works, Drainage and Miscellaneous Works and Performance Guide for Engineering Design and Construction. The drawings must detail existing utility services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. Detailed survey must be undertaken as required. Traffic management is to be certified on the drawings as being in accordance with the documents SAA HB 81.1 – 1996 – Field Guide for Traffic Control at Works on Roads – Part 1 and RTA Traffic Control at Work Sites (1998). **Construction of the works must proceed only in accordance with any conditions attached to the Council Roads Act 1993 approval.**

***Note:** A minimum of 21 days will be required for Council to assess Roads Act submissions. Early submission is recommended to avoid any delays in obtaining a Construction Certificate. A fee to cover cost of assessment (set out in Council's adopted fees and charges) is payable and Council will withhold any consent and approved plans until full payment of the correct fees. Plans and specifications must be marked to the attention of Council's Development Engineers. In addition, a copy of this condition must be provided, together with a covering letter stating the full address of the property and the accompanying DA number.*

(Reason: To ensure infrastructure works are designed and constructed to appropriate standards and requirements of the Roads Act 1993)

Basement Car park to comply with relevant standards

C19. The basement layout must comply with all requirements of Australian Standard AS2890.1. Certification from a suitably qualified and practicing Civil Engineer that the basement design will comply with the requirements of the Australian Standard must be provided to the Certifying Authority for approval prior to issue of any Construction Certificate.

(Reason: To ensure the basement layout complies with relevant standards)

Driveway Crossing and Associated Works Permit

C20. Prior to the issue of any Construction Certificate, North Sydney Council must issue the applicant with a driveway crossing and road infrastructure works **permit** to suit the approved off-street parking facilities. To obtain the permit, an application must be made to Council on a '*Vehicular Access Application*' form with payment of the adopted assessment/inspection fees. Council will require civil design construction drawings and certification from the applicant's Civil Engineer to verify design details and enable permit issue. The responsibility for accuracy of the design fully rests with the designing engineer. All responsibility on implementation and supervision of works specified on design plans are solely on designing engineer or its representative and builder/developer. The civil design drawings shall detail **the following infrastructure construction requirements of Council in relation to the consent:**

- a) The proposed vehicular access ways must comply with AS 2890.1 and Council's current Vehicular Access Application Guidelines and Specification (**gutter bridges not permitted**) to ensure that a B85 vehicle will not scrape/strike the surface of the carriageway, layback, vehicular crossing or parking floor.
- b) The redundant layback crossing on Premier Street must be replaced with upright kerb, gutter and concrete footpath and where not reconstructed as double driveway crossing.
- c) The length of vehicular layback shall be 7.95m (including the wings).
- d) The vehicular layback must be set square to the kerb.

- e) The crossing (between the layback and the property boundary) must be on a variable grade from approximately 0+% - 5.4%, falling to the back of the layback.
- f) The road reserve must be constructed in accordance with Council's current documents: Infrastructure Specification and Vehicular Access Application Guidelines.
- g) The minimum of 11.0 m clearance between the left wing of proposed driveway crossing and the existing **power pole** on the left hand side (facing the property from street) must be implemented to allow one parking area.
- h) Increase visibility for both pedestrians and drivers by use of appropriately placed outdoor mirrors.
- i) Consider using physical devices to limit speed.
- j) Alignment levels at the boundary have an important impact on the proposed levels for new driveway. No work on internal parking area should start until first obtaining boundary alignment levels from Council (after inspection of formwork for new driveway). Council has the authority to remove any unauthorized works at the cost of the developer.
- k) The Certifying Authority must ensure that the internal property levels at boundary matches councils boundary levels.
- l) The footpath alignment levels outside of the transition area for the driveway crossing must not be altered unless agreed to by Council. The length of transition area must be minimum of 6.0 m for the full width of footpath and must be implemented on the both hand sides of the crossing.
- m) The gutter levels and road shoulder levels on Premier Street must stay unchanged.
- n) The kerb, gutter and 0.6m (Premier Street) and 2.5 m (Highview Lane) road shoulder wide- strip (rectangular), adjacent to all new footpath works, must be reconstructed, to ensure uniformity in the road reserve.
- o) The construction of a fully new road shoulder (maximum grade 5% down towards new gutter) across the entire development site frontage in Highview Lane (full width of road shoulder) is required, to ensure uniformity in the road reserve.
- p) The full frontage footpath on Premier Street and Highview Lane must be reconstructed and is to be transitioned for at least 1.5 m from the side boundaries (facing the property from streets) to ensure uniformity on the footpath.
- q) Any twisting of driveway access to ensure vehicles do not scrape must occur entirely within the subject property.
- r) All inspection openings, utility services must be adjusted to match the proposed driveway levels and location.
- s) The design detail has to be provided with **vehicular access application** and must include sections along the centre-line and extremities of the crossing at a scale of 1:25@A3. Sections are to be taken from the centre of the roadway through to the parking area itself and must include all changes of grade and levels, **both** existing and proposed.
- t) Detail survey plan in form of grid has to be provided with vehicular access application and must include levels on the road for a distance of 3.0 m on every 0.5 m from the kerb line in front of proposed driveway crossing.

- u) A longitudinal section along the gutter line of Premier Street at a scale of 1:50 showing how it is intended to transition the layback with the existing gutter levels.
- v) A longitudinal section along the footpath property boundary at a scale of 1:50 is required, including FFL levels along the center-line of each access point to the building must be provided.
- w) The sections must show the calculated clearance to the underside of any overhead structure.
- x) All details of internal ramps between parking levels.
- y) A swept path analysis is required demonstrating that an 85th percentile vehicle can maneuver in and out of the garage spaces in accordance with AS 2890.1.2004 "Off Street Parking".

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

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

Stormwater Management and Disposal Design Plan – Construction Issue Detail

- C21. Prior to issue of any Construction Certificate, a site drainage management plan must be prepared by a qualified drainage design engineer. The site drainage management plan must detail the following requirements of North Sydney Council:
- a) Compliance with BCA drainage requirements, Councils Engineering Performance guide and current Australian Standards and guidelines, such as AS/NZ 3500.3.2003, 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 Premier Street. When a direct connection to the pit option is implemented then the pipeline within the footpath area must have a minimum cover of 300 mm.
 - c) Conveyed by gravity, via a direct connection to a new stormwater gully pit in Premier Street, which is to be constructed in front of proposed development. The new – minimum 375 mm reinforced concrete pipeline in Premier Street is to be constructed between the new pit and existing pit across the road of proposed development. Within the road reserve, pipe must have a minimum cover of 450 mm.
 - d) The applicant must engage a specialist Hydraulics Engineer to carry out an evaluation of Council's stormwater drainage system and the effect of the proposed development on this system. The results of this evaluation must be submitted with all other drainage details to Council for approval prior to issue of any Construction Certificate by the Certifying Authority.

- e) All civil and drainage works within the road reserve must be designed and built in accordance with Council's current "Infrastructure Specification". Prior to issue of the Construction Certificate the applicant must have engineering plans and specifications, prepared by a qualified civil drainage design engineer. Council must approve the plans and specifications, in writing, prior to issue of any Construction Certificate by the Certifying Authority. The documentation must provide engineering construction detail for the following public infrastructure works that must be completed as part of the approved development. Council reserve the right of keeping all bonds on infrastructure works for 12 month defects liability period.
- f) **Video inspection** must be carried out of completed drainage works that are to revert to council and a video tape forwarded to council's development engineer to support the certification.
- g) The stormwater drainage system shall be designed for an average recurrence interval (A.R.I.) of 1 in 20 years.
- h) All **redundant** stormwater pipelines within the footpath area must be removed and the footpath and kerb reinstated.
- i) Pipelines within the area of new driveway crossing must be hot dipped galvanised steel (rectangular) hollow section with a minimum wall thickness of **4.0** millimeters and a section height of **100** millimeters.
- j) Any proposed fence/building structure is to be constructed so as not to impede the natural overland flow.
- k) 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.
- l) **Surface inlet pits** must be located to catch surface flows, and must be provided at all pipe junctions, changes in pipe direction exceeding 45 degrees and at the site boundary (within the property) prior to connection to the public drainage system and must be of sufficient size to accept the flow.
- m) All **sub-soil seepage** drainage must be discharged via a suitable silt arrestor pit. Sign must be installed adjacent to pit stating "This sediment /silt arrestor pit shall be regularly inspected and cleaned". Details of all plans certified as being adequate for their intended purpose and compliant with the provisions of AS 3500.3.2 by an appropriately qualified and practising civil engineer shall be submitted with the application for a Construction Certificate.
- n) The design and installation of the Rainwater Tank must comply with BASIX and **Sydney Water** requirements. Overflow from tank shall be conveyed in a controlled manner by gravity to the stormwater disposal system.
- o) The rainwater tank must be plumbed to appropriate end uses (e.g. toilet flushing, laundry, water features and garden irrigation) to ensure sufficient use of tank water so that capacity exists to accommodate rain water from storm events.
- p) Prevent any **stormwater egress** into adjacent properties by creating physical barriers and surface drainage interception. The use of the **On Site Detention** for storm water disposal must be design in accordance with the following criteria:

- The OSD system must consist of two pumps, connected in parallel, with each pump being capable of emptying the holding tank at a rate equal to the rate of inflow which would occur during a 1 in 5 year storm of the one-hour duration.
 - The OSD system shall be regularly maintained and serviced.
 - The creation of a **Positive Covenant** (under the provision of the Conveyance Act) on the property title to ensure the maintenance of **OSD** on the property being developed. Prior to Occupation Certificate details are to be submitted to Council for approval before registration with the Land Titles Office.
- q) Provide subsoil drainage to all necessary areas with **pump out** facilities as required.
- r) No drainage disposal to the street gutter from a pump system to be provided.
- s) The use of the pump-out system for stormwater disposal will be permitted for drainage of basement areas only and will require creation of a **Positive Covenant**.
- t) The **foundations for building** structures and walls adjacent to the drainage **easement** are to be constructed in such a manner that does not affect stormwater drainage line.

Details demonstrating compliance are to be submitted with all other drainage details to Council prior to issue of any Construction Certificate. If a drainage easement exists the applicant will need to negotiate its relocation or amendment with the property owners benefiting from it.

The Certifying Authority issuing the Construction Certificate must ensure that the approved drainage plans from Council and specifications, satisfying the requirements of this condition, are referenced on and accompanies the Construction Certificate.

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

On-Site Stormwater Detention

C22. On site detention must be provided to ensure that the maximum discharge of stormwater collected from the pre-developed site, which would occur during a 1 in 5 year storm of 1-hour duration for the existing site conditions, is not exceeded. All other stormwater run-off from the site for all storms up to a 1 in 100 year storm event is to be retained on the site for gradual release to the piped drainage system. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.

The OSD system shall be regularly maintained and serviced.

For small areas up to 0.5 hectares (50m x 50m), determination of the require cumulative storage may be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Runoff Volume 1, 1987 Edition.

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

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

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

Pump-Out System Design for Stormwater Disposal

C23. The design of the pump-out system for stormwater disposal will be permitted for drainage of basement areas only, and must be designed in accordance with the following criteria:

- a) The pump system shall consist of two pumps, connected in parallel, with each pump being capable of emptying the holding tank at the rate equal to the rate of inflow for the one-hour duration storm. The holding tank must be capable of holding one hour's runoff from a one-hour duration storm for the event of 1 in 20 year;
- b) The pump system shall be regularly maintained and serviced, every six (6) months;
- c) The creation of a **Positive Covenant** (under the provision of the Conveyance Act) on the property title to ensure the maintenance of the Pump System on the property being developed. Prior to Occupation Certificate, details are to be submitted to Council for approval before registration with the Land Titles Office.

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

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

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

C24. Prior to the issue of any Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of \$120,000.00 to be held by Council for the payment of cost for any/all of the following:

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

The total bond payable for works required to be undertaken by development consent No. 21/2014 and DA 233/2014 is \$120,000.

The security in accordance with the schedule contained later in these conditions and must be provided by way of a deposit with the Council; or a guarantee satisfactory to Council (such as a satisfactory bank guarantee).

The security will be refundable following the expiration of 6 months from the issue of any final Occupation Certificate or completion of public work required to be completed (whichever is the latest) but only upon inspection and release by Council's Engineers.

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

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

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

Plantings on Council's sandstone rock face

C25. That the plantings on the Council sandstone rockface along the Premier Street frontage of the site including its on-going maintenance shall be at the cost of the developer.

(Reason: To be consistent with the terms of the approval)

Approval for removal of Trees

C26. Consent is granted under this development application for the removal of all trees on the site, including those trees that are located within the verge area on the eastern side of Premier Street.

(Reason: To be consistent with the terms of the approval)

Pruning of Trees

C27. Any pruning works required to tree(s) on adjoining properties shall be undertaken in consultation with the owners of the trees and Council (if applicable) under the guidance of an appropriately qualified arborist in accordance with Australian Standard AS 4373-2007 - Pruning of Amenity Trees.

A report detailing the measures to be employed during construction shall be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

All measures required by the said report must be complied with at all times in the carrying out of the development.

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

Garbage and Recycling Facilities

C28. An appropriate area must be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. The following requirements must be met:

- a) all internal walls of the storage area must be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;
- b) provision for the separation and storage in appropriate categories of material suitable for recycling;
- c) the storage area must be adequately screened from the street, with the entrance to the enclosures no more than 2m 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 must be provided no more than 2m 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.

Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

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

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

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

Asbestos Material Survey

- C29. A report must be prepared by a suitably qualified person in relation to the existing building fabric to be demolished and/or disturbed identifying the presence or otherwise of asbestos contamination and, if asbestos contamination is present, making recommendations as to the work required to safely address the contamination.

Any demolition works or other works identified in the report as having to be carried out must be carried out in accordance with the recommendations of the report and the following:

- i. the removal of asbestos must be undertaken by a WorkCover licensed contractor;
- ii. all removal must be in strict accordance with the requirements of the WorkCover Authority in relation to the removal, handling and disposal of material containing asbestos and any Work Safe Australia requirements.
- iii. during the removal of any asbestos a sign stating "DANGER ASBESTOS REMOVAL IN PROGRESS" must be erected in a visible position at the boundary of the site; and
- iv. Waste disposal receipts must be provided to the Certifying Authority as proof of correct disposal of asbestos laden waste.

The report must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the report, and other plans, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

Location of Plant

C30. All plant and equipment (including but not limited to air conditioning equipment) is to be located within the basement of the building and is not to be located on balconies or the roof. Plans and specifications complying with this condition must be submitted to the Certifying Authority for Approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

Noise from Plant and Equipment

C31. The use of all plant and equipment installed on the premises must not:

- a) Contribute an LAeq(15min) which will cause the total LAeq(15min) from all plant and equipment operating contemporaneously on the site or in the strata scheme or in the mixed strata schemes to exceed the RBL by more than 5dB when measured at the boundary of any affected receiver . The modifying factor adjustments in Section 4 of the EPA Industrial Noise Policy shall be applied.
- b) Cause “offensive noise” as defined in the *Protection of the Environment Operations Act 1997*.

“affected receiver” includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation, schools, hospitals, places of worship, commercial premises and parks and such other affected receiver as may be notified by the Council in writing.

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

Terms in this condition have the same meaning as in the Noise Guide for Local Government and the Industrial Noise Policy published by the NSW Environment Protection Authority.

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

Vibration from Plant and Equipment

- C32. The use of all plant and equipment to be installed on the premises must comply with the vibration limits specified in “Assessing Vibration: a technical guideline” issued by the NSW Environment Protection Authority, at the boundary of any affected receiver.

A certificate from an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants must be submitted to the Certifying Authority, certifying that all plant and equipment on the site, together with the proposed plant and equipment, operating contemporaneously will comply with the requirements of this condition.

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

“affected receiver” includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation, schools, hospitals, places of worship and commercial premises and such other affected receiver as may be notified by the Council in writing.

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

“contemporaneously” means *existing at or occurring in the same period of time* (Macquarie Dictionary 3rd rev. ed. 2004).

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

Air Conditioners in Residential Premises

- C33. The use of any air conditioner installed on the premises must comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulations 2008 and State Environmental Planning Policy (Infrastructure) 2007 and must not:

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

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

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

Terms in this condition have the same meaning as in the Noise Guide for Local Government and the Industrial Noise Policy published by the NSW Environment Protection Authority.

(Reason: To maintain residential amenity)

Acoustic Privacy (Residential Apartments)

C34. Noise levels in sole occupancy units of residential apartments must not exceed the following:

Location	Maximum
Habitable Rooms other than Sleeping Areas	40 LAeq (1hr)
Sleeping Areas	35 LAeq (1hr)

The “Maximum” limits are to apply in any hour of a 24 hour period with the windows of the sole occupancy unit closed.

“habitable room” has the same meaning as in the Building Code of Australia.

A floor separating sole occupancy units shall have a weighted standardised impact sound pressure level $L'_{nT,w}$ not more than **55dB** when measured in-situ in accordance with AS ISO 140.7-2006 “Field measurements of impact sound insulation of floors” and rated to AS ISO 717.2-2004 “Rating of sound insulation in buildings and of building elements. Part 2: Impact sound insulation”. This clause shall not apply to the floor of a kitchen, bathroom, toilet or laundry in a residential sole occupancy unit.

Mechanical equipment such as lift plant, air conditioning plant servicing the building and pumps shall not be located immediately adjacent bedrooms.

A statement from an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants, certifying that the acoustic mitigation measures outlined above have been satisfied, must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

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

Mechanical Exhaust Ventilation

C35. A statement from an appropriately qualified and practising Mechanical Engineer is required detailing how the exhaust ventilation system will be installed in accordance with AS1668. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

Underground Electricity and Other Services

C36. All electricity and telecommunication provision to the site is to be designed in conjunction with Energy Australia and any other relevant authority so that it can be easily connected underground when the street supply is relocated underground. Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

Privacy

C37. All privacy louvres indicated on the balconies of the apartments of the building are to be fixed in the location shown on the plans.

Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure an adequate level of privacy is provided to adjoining properties located at 1 and 5 Premier Street.)

Adaptable Housing

C38. The Apartments nominated on the approved plans as Adaptable Housing must be capable of meeting the requirements and specification of Australian Standard 4299 - 1995 if and/or when required to have accessible features for disabled persons.

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

Section 94 Contributions

C39. A monetary contribution pursuant to the provisions of Section 94 of the Environmental Planning and Assessment Act 1979, in accordance with the North Sydney Council Section 94 Contribution Plan for the public amenities/ services detailed in column A below and, for the amount detailed in column B below, must be paid to Council.

A	B (\$) 1 Premier Street
Administration	1,285.26
Child Care Facilities	2,226.58
Community Centres	5,835.7
Library Acquisition	1,088.45
Library Premises & Equipment	3,367.32
Multi Purpose Indoor Sports Facility	919.40
Olympic Pool	2,994.80
Open Space Acquisition	36,701.96
Open Space Increased Capacity	72,749.66
Public Domain Improvements	2,875.74
Traffic Improvements	3,529.83
The total contribution is	\$133,574.70

The contribution MUST BE paid prior issue of any Construction Certificate.

The above amount, will be adjusted for inflation by reference to the Consumer Price (All Ordinaries) Index applicable at the time of the payment of the contribution.

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

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

Security Deposit/ Guarantee Schedule

C40. All fees and security deposits/ guarantees in accordance with the schedule below must be provided to Council prior to the issue of any Construction Certificate:

Security deposit/ guarantee	Amount (\$)
Footpath Reconstruction Bond	\$35,000.00
Drainage Construction Bond	\$30,000.00
Engineering Construction Bond	\$55,000.00
TOTAL BONDS	\$120,000.00

The total bond payable for works required to be undertaken by development consents No. DA 21/2014 and DA 233/2014 is \$120,000.

(Reason: Compliance with the development consent)

BASIX Certificate

C41. Under clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. (725040M dated 9 May 2016) for the development are fulfilled. Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

Skylight(s)

C42 Skylight flashing(s) and frame(s) to be coloured to match the roof material. Skylight(s) to sit no higher than 100mm above roof level (RL77.10) when in a closed position. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

The Certifying Authority must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To minimise the visual impact of the skylight(s) on the roof plane)

D. Prior to the Commencement of any Works (and continuing where indicated)

Public Liability Insurance – Works on Public Land

D1. Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of public land and the undertaking of approved works within Council's road reserve or public land, as approved by this consent. The Policy is to note, and provide protection/full indemnification for North Sydney Council, as an interested party. A copy of the Policy must be submitted to Council prior to commencement of any works. The Policy must be valid for the entire period that the works are being undertaken.

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

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

Notification of New Addresses

D2. Prior to the commencement of any building works, an application must be made and written confirmation received from North Sydney Council of the allocated street address (house number) and/ or unit numbers of the completed project.

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

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

Sydney Water Approvals

D3. Prior to the commencement of any works, the approved plans must be submitted to a Sydney Water Quick Check agent or Customer Care Centre to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped. The Certifying Authority must ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans before the commencement of building works.

Note: For Quick Check agent details please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then see Building and Renovating under the heading Building and Developing, or telephone 13 20 92.

(Reason: To ensure compliance with Sydney Water requirements)

Investigation and resolution of Existing Interallotment Drainage Line

D4 If an easement for drainage exists through either of the sites, the applicant must resolve the relocation or extinguishment of the easement prior to the issue of a construction certificate or any works being undertaken on the site.

(Reason: Compliance with the Consent)

Commencement of Works Notice

D5. Building work, demolition or excavation in accordance with this development consent must not be commenced until the developer has given at least 2 days notice to North Sydney Council of the person's intention to commence building work, demolition or excavation in accordance with this development consent.

(Reason: To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

E. During Demolition and Building Work

Cigarette Butt Receptacle

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

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

Sandstone block wall (Premier Street boundary)

E2. The sandstone block wall along the Premier Street boundary of the site must be constructed as indicated in **Condition A5** of this consent.

(Reason: To maintain the streetscape character)

Parking Restrictions

E3. Existing public parking provisions in the vicinity of the site must be maintained at all times during works. The placement of any barriers, traffic cones, obstructions or other device in the road shoulder or kerbside lane is prohibited without the prior written consent of Council. Changes to existing public parking facilities/restrictions must be approved by the North Sydney Local Traffic Committee. The Developer will be held responsible for any breaches of this condition, and will incur any fines associated with enforcement by Council regulatory officers.

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

Service Adjustments

- E4. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the person acting on the consent and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of the development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.

(Reason: To ensure the service requirements are met)

Road Reserve Safety

- E5. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works, with no obstructions caused to the said footways and roadways. Construction materials and plant must not be stored in the road reserve without approval of Council. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site.

Where public infrastructure is damaged, repair works must be carried out in when and as directed by Council officers (at full Developer cost). Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "Traffic Control Devices for Work on Roads". **If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**

(Reason: Public Safety)

Structures Clear of Drainage Easements

- E6. It is the full responsibility of the Developer and their contractors to:
- a) Ascertain the exact location of any drainage pipe traversing the site.
 - b) Take full measures to protect the in-ground drainage line 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 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 drainage pipeline being uncovered during construction, all work is to cease and the Certifying Authority must be contacted immediately for advice. Any damage caused to a drainage system must be immediately repaired in full as directed, and the developer must bear the cost of all rectifying works.

In circumstances where the person with the benefit of this consent has confirmed that the drainage pipeline is redundant or has negotiated its removal and constructed a replacement pipeline, the drainage pipeline may, only in those circumstances, be removed

(Reason: Protection of Public Drainage Assets)

Temporary Disposal of Stormwater Runoff

- E7. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to reasonably manage and control runoff as far as the approved point of stormwater discharge. Such ongoing measures must be to the satisfaction of the Principal Certifying Authority.

(Reason: Stormwater control during construction)

Geotechnical Stability during Works

- E8. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure.

Geotechnical aspects of the development work, namely appropriate excavation method and vibration control, support and retention of excavated faces, and Hydro geological considerations must be undertaken in accordance with the recommendations of the Geotechnical Report prepared by qualified Geotechnical Engineer, and all subsequent geotechnical inspections carried out during the excavation and construction phase.

Approval must be obtained from all affected property owners, including North Sydney Council where rock anchors (both temporary and permanent) are proposed below adjacent private or public property.

(Reason: Ensure appropriate professional are engaged at appropriate stages during construction)

Council Inspection of Public Infrastructure Works

E9. During the works on public infrastructure reverting to Council's care and control, Councils development engineer must undertake inspections of the works at the following hold points: -

- a) Formwork of driveway crossing, footpath alignment levels and associated road works
- b) Drainage connections

Further, all works must proceed in accordance with Roads Act 1993 approvals or other permits relating to roads issued by Council. A minimum of 48 hours notice must be given to Council to book an inspection. Work must not proceed until the works or activity covered by the inspection is approved.

(Reason: To ensure quality of construction joints and connections in the drainage system)

Progress Survey

E10. In order to ensure compliance with approved plans, a Survey Certificate, prepared to Australian Height Datum, must 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 level 01, 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 level 05 showing the principal level of the formwork and the intended relationship of the completed works to the boundaries;
- d) prior to roofing of level 05, showing the anticipated level of the completed work and its relationship to the boundaries;
- e) prior to roofing of the lift overrun, showing the anticipated level of the completed work and its relationship to the boundaries; and
- f) 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) must be provided to the Certifying Authority for approval at the time of carrying out relevant progress inspections. In the event that such survey information is not provided or reveals discrepancies between the approved plans and the proposed works, all works, save for works necessary to bring the development into compliance with the approved plans, must cease. Works may only continue upon notification by the Certifying Authority to the Applicant that survey information (included updated survey information following the carrying out of works to comply with the approved plans) complies with this condition.

(Reason: To ensure compliance with approved plans)

Dust Emission and Air Quality

E11. The following must be complied with at all times:

- a) Materials must not be burnt on the site.
- b) Vehicles entering and leaving the site with soil or fill material must be covered.
- c) Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the NSW Department of Housing's 1998 guidelines - Managing Urban Stormwater: Soils and Construction.
- d) Odour suppression measures must also be carried out where appropriate so as to prevent nuisance occurring at adjoining properties.

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

Noise and Vibration

E12. The works must be undertaken in accordance with the "Interim Construction Noise Guideline" published by the NSW Environment Protection Authority, to ensure excessive levels of noise and vibration do not occur so as to minimise adverse effects experienced on any adjoining land.

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

No Work on Public Open Space

E13. No work can be undertaken within adjoining public lands (ie. Parks, Reserves, Roads etc) without the prior written consent of Council. In this regard the developer is to liaise with Council prior to the commencement of any design works or preparation of a Construction and Traffic Management Plan.

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

Developer's Cost of Work on Council Property

E14. The developer must bear the cost of all works associated with the development that occurs on Council's property, including the restoration of damaged areas.

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

Trees to be Removed

E15. Consent is granted under this development application for the removal of all trees on the site, including those trees that are located within the verge area on the eastern side of Premier Street.

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

Benchmarks

E16. All permanent survey markers outside the building footprint must be retained, undamaged, and not relocated.

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

Special Permits

E17. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development must occur entirely on the property.

The developer, owner or builder may apply for specific permits available from Council's Customer Service Centre for the undermentioned activities on Council's property. In the event that a permit is granted by Council for the carrying out of works, processes, storage of materials, loading and unloading associated with the development on Council's property, the development must be carried out in accordance with the requirements of the permit. A minimum of forty-eight (48) hours notice is required for any permit: -

1) On-street mobile plant

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

(Reason: Proper management of public land)

2) Hoardings

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

(Reason: Proper management of public land)

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

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

(Reason: Proper management of public land)

4) Kerbside restrictions, construction zones

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

(Reason: Proper management of public land)

Construction Hours

E18. Building construction and works must be restricted to within the hours of 7.00 am to 5.00 pm Monday to Friday and on Saturday to within the hours of 8.00 am to 1.00 pm inclusive, with no work on Sundays and Public Holidays.

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

- 1) "Building construction" means any physical activity on the site involved in the erection of a structure, cladding, external finish, formwork, fixture, fitting of service installation and the unloading of plant, machinery, materials or the like.
- 2) "Demolition works" means any physical activity to tear down or break up a structure (or part thereof) or surface, or the like, and includes the loading of demolition waste and the unloading of plant or machinery.

- 3) “Excavation work” means the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders, or the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site and includes the unloading of plant or machinery associated with excavation work.

All builders, excavators must display, on-site, their twenty-four (24) hour contact telephone number, which is to be clearly visible and legible from any public place adjoining the site.

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

Out of Hours Work Permits

- E19. Where it is necessary for **emergency** works to occur outside those hours allowed by these conditions, an application may be made to Council's Customer Services Centre for a permit to carry out emergency works outside of the approved hours. If a permit is issued the development must be carried out in accordance with any requirements of the permit. A permit 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.
- 4) Permit Emergency for such occurrence shall be limited to two occasions per calendar month

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

Installation and Maintenance of Sediment Control

- E20. Erosion and sediment controls must be installed and maintained at all times in accordance with the Sediment and erosion control plan submitted and approved with the Construction Certificate.

Erosion and sediment measures must be maintained in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom, 2004), commonly referred to as the “Blue Book” and can only be removed when development activities have been completed and the site fully stabilised.

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

Sediment and Erosion Control Signage

E21. A durable sign, must be erected during building works in a prominent location on site, warning of penalties should appropriate erosion and sedimentation control devices not be maintained. A sign of the type referred to in this condition is available from Council.

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

Site Amenities and Facilities

E22. Where work involved in the erection and demolition of a building is being carried out, amenities which satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements, must be provided and maintained at all times. The type of work place determines the type of amenities required.

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

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

Health and Safety

E23. All work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements to prepare a health and safety plan. Site fencing must be installed sufficient to exclude the public from the site. Safety signs must be erected that warn the public to keep out of the site, and provide a contact telephone number for enquiries.

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)

Prohibition on Use of Pavements

E24. Building materials must not be placed on Council's footpaths, roadways, parks or grass verges, (unless a permit is obtained from Council beforehand). A suitable sign to this effect must be erected adjacent to the street alignment.

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

Plant & Equipment Kept Within Site

E25. All plant and equipment used in the undertaking of the development/ works, including concrete pumps, wagons, lifts, mobile cranes, hoardings etc, must 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 must 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)

Waste Disposal

E26. All records demonstrating the lawful disposal of waste must be retained and kept readily accessible for inspection by regulatory authorities such as North Sydney Council and the Environmental Protection Authority.

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

Asbestos Removal

E27. All demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with National Occupational Health and Safety Commission.

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

F. Prescribed 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 1989) for which the *Home Building Act 1989* requires there to be a contract of insurance under Part 6 of that Act must not be carried out unless the Principal Certifying Authority for the development to which the work relates has given North Sydney Council written notice of the contract of insurance being issued and of the following:

a) in the case of work for which a principal contractor is required to be appointed:

- i) the name and licence number of the principal contractor, and
- ii) the name of the insurer by which the work is insured under Part 6 of that Act, or

(b) in the case of work to be done by an owner-builder:

- (i) the name of the owner-builder, and
- (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

2) If arrangements for doing residential building work are changed while the work is in progress such that the information submitted to Council in accordance with this conditions is out of date, work must cease and no further work may be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

Note: A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

(Reason: Prescribed - Statutory)

Appointment of a Principal Certifying Authority (PCA)

- F3. Building work, demolition or excavation in accordance with the development consent must not be commenced until the developer has appointed a Principal Certifying Authority for the building work in accordance with the provisions of the EP&A Act and its Regulations.

(Reason: Statutory; To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

Construction Certificate

- F4. Building work, demolition or excavation in accordance with the development consent must not be commenced until a Construction Certificate for the relevant part of the building work has been issued in accordance with the provisions of the EP&A Act and its Regulations.

(Reason: Statutory; To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

Occupation Certificate

- F5. A person must not commence occupation or use of the whole or any part of a new building (*new building* includes an altered portion of, or an extension to, an existing building) unless an Occupation Certificate has been issued in relation to the building or part. Only the Principal Certifying Authority appointed for the building work can issue an Occupation Certificate.

(Reason: Statutory)

Critical Stage Inspections

- F6. Building work must be inspected by the Principal Certifying Authority on the critical stage occasions prescribed by the EP&A Act and its Regulations, and as directed by the appointed Principal Certifying Authority.

(Reason: Statutory)

Commencement of Works

F7. Building work, demolition or excavation in accordance with this development consent must not be commenced until the developer has given at least 2 days notice to North Sydney Council of the person's intention to commence the erection of the building.

(Reason: Statutory; To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

Excavation/Demolition

- F8. 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)

Protection of Public Places

- F9. 1) A hoarding and site fencing must be erected between the work site and adjoining public place.
- 2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- 3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- 4) Any such hoarding, fence or awning is to be removed when the work has been completed.
- 5) No access across public reserves or parks is permitted.

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

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

Site Sign

- F10. 1) A sign must be erected in a prominent position on the site
- a) stating that unauthorised entry to the work site is prohibited;
 - b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
 - c) showing the name, address and telephone number of the Principal Certifying Authority for the work.
- 2) Any such sign must be maintained while to building work or demolition work is being carried out, but must be removed when the work has been completed.

(Reason: Prescribed - Statutory)

Support for Neighbouring Buildings

- F11 1) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
- a) Must preserve and protect the building from damage;
 - b) If necessary, must underpin and support the adjoining building in an approved manner Subject to adjoining owner's consent); and
 - c) Must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- 2) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- 3) In this clause, allotment of land includes a public road and any other public place.

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

G. Prior to the Issue of an Occupation Certificate

Infrastructure Repair and Completion of Works

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

- a. in the road reserve must be fully completed; and
- b. to repair and make good any damaged public infrastructure caused as a result of any works relating to the development (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) must be fully repaired to the satisfaction of Council Engineers at no cost to Council.

To the satisfaction of Council Engineers at no cost to Council.

(Reason: Maintain quality of Public assets)

Certification- Civil Works

- G2. a) An appropriately qualified and practising Civil Engineer must certify to the Certifying Authority that the stormwater drainage system is constructed in accordance with this consent and the provisions of the applicable Australian Standard. A copy of the certificate must be submitted to Council (if it is not the Certifying Authority) upon completion of the development works and prior to the issue of an Occupation Certificate.
- b) An appropriately qualified and practicing Civil Engineer must certify to the Certifying Authority that the vehicular crossing and associated works and road works were constructed in accordance with this consent and any approval for works in the road reserve issued by the Council. A copy of the certificate must be submitted to Council (if it is not the Certifying Authority), upon completion of the development works and prior to the issue of an Occupation Certificate.

(Reason: Compliance with the Consent)

Certification for Mechanical Exhaust Ventilation

G3. Prior to issue of an Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, must be submitted to, and approved by, the Certifying Authority.

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

Utility Services

G4. All utility services must shall be adjusted, to the correct levels and/or location/s required by this consent, prior to issue of an occupation certificate. This shall be at no cost to Council.

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

Regulated Systems- Air Handling

G5. To ensure that adequate provision is made for ventilation of the building all mechanical and/or natural ventilation systems shall be designed, constructed installed and tested 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 Regulation 2012;
- 5) Work Cover Authority;

The regulated system must be certified by an appropriately qualified engineer as compliant with the above provisions and registered with Council prior to commissioning the system and prior to issue of the Occupation Certificate.

(Reason: To ensure public health is maintained; Statutory)

Basement Pump-Out Maintenance

G6. Prior to issue of an Occupation Certificate a Maintenance Regime must be prepared for the basement stormwater pump-out system and submitted to the Principal Certifying Authority for approval with the Occupation Certificate documentation. The regime must specify that the system is to be regularly inspected and checked by qualified practitioners.

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

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

Notification of New Address Developments

G7. Prior to any Occupation Certificate being issued, the person acting upon this consent must comply with the following: -

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

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

Vehicle Egress Signs

G8. Prior to the issue of an Occupation Certificate, appropriate sign(s)/signage must be provided and maintained within the site at the point(s) of vehicular egress to ensure all vehicles stop before proceeding onto the public way.

(Reason: To ensure pedestrian safety)

Disposal Information

G9. Upon completion of works and prior to occupation, a report including the following information must be provided to Council's Open Space and Environmental Services Department:

- a) the total tonnage of all waste and excavated material disposed of from the site (including any tipping docket); and
- b) the disposal points and methods used.

(Reason: To ensure appropriate disposal methods are undertaken for auditing and inspection purposes)

Height

G10. Upon completion of the works and prior to the issue of any Occupation Certificate the RL of the development measured at top of the building must be surveyed and certified by an appropriately qualified and practising surveyor as compliant with the maximum approved levels in accordance with earlier condition or plan showing height. This survey and certification must be submitted to the Certifying Authority with the application for an Occupation Certificate and a copy provided to Council (if it is not the Certifying Authority).

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

Sydney Water

- G11. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. .

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, whichever is the earlier.

The Section 73 Certificate must be submitted to the Certifying Authority prior to the issue of the Strata Certificate. [Delete as appropriate]

Notes:

Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site www.sydneywater.com.au/customer/urban/index, or telephone 13 20 92.

Following application, a 'Notice of Requirements' will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

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

BASIX Completion Certificate

- G12. In accordance with Clause 154C of the Environmental Planning and Assessment Regulation 2000, prior to issuing a final occupation certificate the Certifying Authority must apply to the Director-General for a BASIX completion receipt.

(Reason: To ensure compliance with the specified BASIX Certificate)

House Numbering (Dwellings)

- G13. Prior to any Occupation Certificate being issued an application must be made to North Sydney Council for written confirmation, or allocation, of the street address(es) or apartment number(s) for the completed project in accordance with Council's Property Addressing Policy. These are the numbers that will be recorded in Council records and must be displayed at the property in accordance with the provisions of AS/NZS 4819:2011.

Note: If apartments are to be sold off the plan, the applicant must have written confirmation from Council of the address and apartment numbering if the apartment number is to be identified on the contract.

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

Landscaping

G14. The landscaping shown in the approved landscape plan numbered 001-0012, titled '*Landscape S96 Design Report' Revision E, drawn by Site Image Landscape Architects dated 3 June 2016* must be completed prior to the issue of any Occupation Certificate.

(Reason: To ensure compliance)

Damage to Adjoining Properties

G15. On completion of the development the subject of this consent and prior to the issue of the Occupation Certificate, a report is to be prepared by an appropriately qualified consultant and is to be provided to the Certifying Authority (and a copy to Council if it is not the Certifying Authority) certifying:

- 1) whether any damage to adjoining properties has occurred as a result of the development;
- 2) the nature and extent of any damage caused to the adjoining property as a result of the development;
- 3) the nature and extent of works required to rectify any damage caused to the adjoining property as a result of the proposed development;
- 4) the nature and extent of works carried out to rectify any damage caused to the adjoining property as a result of the development; and
- 5) the nature and extent of any agreements entered into for rectification of any damage caused to the adjoining property as a result of the development.

The report and certification must reference the dilapidation survey and reports required to be provided to the Certifying Authority in accordance with this consent.

Where works required to rectify any damage caused to adjoining property as a result of the development identified in the report and certification have not been carried out, a satisfactory agreement for rectification of the damage is to be made with the affected person/s as soon as possible prior to the issue of an Occupation Certificate.

All costs incurred in achieving compliance with this condition shall be borne by the developer.

(Reason: To ensure adjoining owner's property rights are protected in so far as possible)

Verification Statement (External Finishes and Materials)

G16. Prior to the issue of any Occupation Certificate, a verification statement from a qualified designer or architect (preferably the original designer), must be submitted to Council and the Certifying Authority certifying that the external finishes and materials are in accordance with the approved schedule of finishes and materials identified in this consent.

“qualified designer” means a person registered as an architect in accordance with the Architects Act 2003 cf 50(1A) EP & A Regs 2000.

(Reason: To ensure the design quality and finishes for residential flat development)

Intercom

G17. An intercom system must be provided in a convenient location adjacent to the visitor parking entry to enable easier and safe access to visitor parking prior to issue of any occupation Certificate.

(Reason: To ensure convenient access is available for visitors to the building)

Allocation of Spaces

G18. Car parking spaces within the common basement for 1 and 3 Premier Street, Neutral Bay must be provided and maintained at all times. The spaces allocated to both 1 and 3 Premier Street, Neutral Bay must be in accordance the following table:

18	Residential
3	Residential – Visitors
3	Residential - Accessible
0	Visitor - Accessible

The car parking 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. Car parking spaces provided must only be used in conjunction with the approved uses contained within the development.

In the case of Strata subdivision any car parking for strata lots for residential purposes must be individually allocated to its corresponding residential strata lot as part of each lots' unit entitlement.

Visitor parking facilities must be designated as common property on the strata plan. Visitor parking facilities must not at any time be allocated, sold, licensed or leased for the exclusive use of any occupier or owner and must be retained as common property by the Owners Corporation for use by building visitors.

(Reason: To ensure that adequate parking facilities to service the development are provided on site)

Works as Executed Drawings – Stormwater and Video

G19. A works-as-executed survey drawing (W.A.E.) of the completed stormwater drainage system must be obtained. The W.A.E. survey drawing must show the alignment, depth and grade of the stormwater drainage pipelines, pits and ancillary plumbing. The W.A.E. survey drawing must be reviewed by a qualified and practising civil engineer and certification provided to the Certifying Authority that the as-built system achieves the design intent of the plans approved with the Construction Certificate. Certification must be provided with the W.A.E. survey drawing to the Certifying Authority prior to the issue of an Occupation Certificate.

A video inspection must also be carried out of completed drainage works that are to revert to Council's care and control, and the video tape /DVD forwarded to Council to support the certification.

A copy of the W.A.E. survey drawing and certification must be submitted to the Council if it is not the Certifying Authority.

(Reason: Compliance with the Consent)

Compliance with Certain Conditions

G20. Prior to the issue of any Occupation Certificate, Conditions C12 and C37 must be certified as having been implemented on site and complied with.

(Reason: To ensure the development is completed in accordance with the requirements of this consent)

Access and Circulation

G21. Prior to the issue of any Occupation Certificate, easements for access and rights of way are to be created and registered to allow access and circulation over the common areas between 1 Premier Street Neutral Bay and 3 Premier Street Neutral Bay. The applicant must submit original instruments under Section 88B of the Conveyancing Act plus six (6) copies to Council for approval and endorsement.

The s88B Instruments must contain all required easements, rights-of-carriageway, positive covenants, restrictions-on-use or other burdens/benefits as required including but not limited to the following matters:

a) Internal circulation and access for all persons with or without vehicles in the basement levels between 1 Premier Street and 3 Premier Street;

- b) Internal circulation and access for all persons without vehicles in, on and over the common external areas between 1 Premier Street and 3 Premier Street;
- c) North Sydney Council must be named as the authority whose consent is required to release, vary or modify the burdens.

(Reason: To create all required easements, rights-of-carriageway, positive covenants, restrictions-on-use or other burdens/benefits as are required by the conditions of this development consent)

I. On-Going / Operational Conditions

Landscaping within Council's sandstone escarpment

- 11. The nominated plantings on Council's sandstone escarpment along the eastern side of Premier Street, in front of the subject site, as required by Condition G14 of this consent, shall be maintained by the property owner/s for the life of the development in accordance with the approved landscape plan and vegetation management plan.

(Reason To ensure the development is completed in accordance with the requirements of this consent)

Visitors Parking Sign

- 12. A sign, legible from the street, must be permanently displayed to indicate that visitor parking is available on the site and the visitor car parking spaces must 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)

Use of Car parking Spaces

- 13. Car parking spaces provided must only be used in conjunction with the approved uses contained within the development. Visitor parking facilities must be designated as common property on any strata plan. Visitor parking facilities must not at any time be allocated, sold, licensed or leased for the exclusive use of any owner or occupier or third party and must be retained as Common Property by the owners corporation for use by building visitors.

(Reason: To ensure that visitor parking is not allocated to building occupants and remains available on an ongoing basis)

Allocation of Spaces

- I4. The allocation of Carparking spaces within the common basement for 1 and 3 Premier Street, Neutral Bay must be maintained at all times in accordance with the terms of this consent. The allocation of spaces for 1 and 3 Premier Street, Neutral Bay must be maintained in accordance with the following table:

18	Residential
3	Residential – Visitors
3	Residential - Accessible
0	Visitor - Accessible

Car parking spaces provided must only be used in conjunction with the approved uses contained within the development.

In the case of Strata subdivision any car parking for strata lots for residential purposes must be individually allocated to its corresponding residential strata lot as part of each lot's unit entitlement.

Visitor parking facilities must be designated as common property on the strata plan. Visitor parking facilities must not at any time be allocated, sold, licensed or leased for the exclusive use of any occupier or owner and must be retained as common property by the Owners Corporation for use by building visitors.

(Reason: To ensure that adequate parking facilities to service the development are provided on site)

Minimum Headroom for Car Parking

- I5. Minimum headroom of 2.2m must be provided over all car-parking areas.

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

ADVISINGS

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **Luke Donovan**. However, if you wish to pursue your rights of appeal in the Land and Environmental Court pursuant to Section 97 of the Environmental Planning and Assessment Act 1979 (as amended), 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) Pursuant to Section 96AB, an applicant is able to request Council to review its determination. An application for a review under Section 96AB of the Act must be made no later than 28 days after the date on which the application for the modification of the development consent was determined.
- (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)(b1)(i) 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) 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 further modification under Section 96 of the Environmental Planning & Assessment Act, 1979 (as amended).

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.

DATE

Signature on behalf of consent authority
ROBYN PEARSON
TEAM LEADER (ASSESSMENTS)