

**Original signed by David Hoy on 29/11/2019**  
**Date determined 22/11/2019**  
**Date operates 28/11/2019**  
**Date lapses 28/11/2024**

Sydney Church of England Grammar School (Shore)  
C/- Bloompark  
Suite 2.04, 41 McLaren Street  
NORTH SYDNEY NSW 2060

D103/18  
DWH(CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED**  
**NOTICE OF DETERMINATION – Approval**

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**Development Application Number:** 103/18

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**Land to which this applies:** 1 Hunter Street & 14 William Street, North Sydney  
Lot No. 0, CT: 4

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**Applicant:** Sydney Church of England Grammar School (Shore)

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**Proposal:** Temporary use of two existing buildings as construction site offices associated with the Shore Physical Education Centre (SPEC) construction project.

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**Determination of Development Application:** Subject to the provisions of Section 4.17 of the Environmental Planning and Assessment Act 1979, approval has been granted subject to conditions in the notice of determination.

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**Date of Determination:** 22 November 2019

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**Reason for approval:** Approval for use of the site as temporary site offices will facilitate delivery of education infrastructure and conditions of consent will provide adequate assurance that there will be no long term loss of affordable housing as a result of the approved use.

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**Consent to operate from:** 28 November 2019

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**Consent will lapse on:** 28 November 2024

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**Period of Consent**

Subject to Section 4.20 of the Act, this consent becomes effective and operates from the date listed above. The consent lapses five years after the date of consent in accordance with Section 4.53 of the Act and cannot be extended. To activate this consent, works must physically commence onsite by 28 November 2024.

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**How community views were taken into account:**

The owners of adjoining properties and the Union Precinct were notified of the proposed development for a 14 day period, between 27/4/18 and 11/5/18, in accordance with Section A4 of NSDCP 2013. The notification resulted in no submissions.

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**Review of determination and right of appeal:**

Within 6 months after the date of notification of the decision, a review of this determination can be requested under Division 8.2 of the Act or an appeal to the Land and Environment Court made pursuant to the provisions of Section 8.7 of the Act. A review of determination should be lodged as soon as possible, and preferably no later two months after the date of notification of the decision to enable the review to be completed within the six-month period.

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Plans endorsed by the consent authority – please refer to condition A1.

**Endorsed for and on behalf of North Sydney Council**

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DATE

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Signature on behalf of consent authority  
DAVID HOY  
**TEAM LEADER(ASSESSMENTS)**

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**(i) Conditions**

Consent is granted subject to the following conditions imposed pursuant to Section 4.17 of the Environmental Planning & Assessment Act 1979 (“the *Act*”) and the provisions of the Environmental Planning & Assessment Regulation 2000 (“the *Regulation*”) such conditions being reasonable and relevant to the development as assessed pursuant to Section 4.17 of the Act.

**(ii) Definitions**

Unless specified otherwise, words have the same meaning as defined by the *Act*, the *Regulation* and the *Interpretation Act* 1987 as in force at the date of consent.

***Applicant*** means the applicant for this consent.

***Approved Plans*** means the plans endorsed by Council referenced by this consent as amended by conditions of this consent.

***AS*** or ***AS/NZS*** means Australian Standard® or Australian/New Zealand Standard®, respectively, published by Standards Australia International Limited.

***NCC*** means the National Construction Code as published by the Australian Building Codes Board as in force at the date of issue of any *Construction Certificate*.

***Council*** means North Sydney Council.

***Court*** means the Land and Environment Court.

***Local Native Plants*** means species of native plant endemic to North Sydney LGA.

***Stormwater Drainage System*** means all works, facilities and documentation relating to:

- The collection of stormwater,
- The retention of stormwater,
- The reuse of stormwater,
- The detention of stormwater,
- The controlled release of stormwater; and
- Connections to easements and public stormwater systems.

***Owner*** means the owner of the *site* and successors in title to the *site*.

***Owner Builder*** has the same meaning as in the *Home Building Act* 1989.

***Principal Certifier*** for building or subdivision work means the certifier appointed as the principal certifier for the building work under section 6.6 (1) or for the subdivision work under section 6.12 (1).

**Principal Contractor** for building work means the person responsible for the overall coordination and control of the carrying out of the building work.

Note: If any residential building work is involved, the principal contractor must be the holder of a contractor licence under the *Home Building Act 1989*.

**Professional Engineer** has the same meaning as in the *NCC*.

**Public Place** has the same meaning as in the *Local Government Act 1993*.

**Road** has the same meaning as in the *Roads Act 1993*.

**SEE** means the final version of the Statement of Environmental Effects lodged by the *Applicant*.

**Site** means the land being developed subject to this consent.

**NSLEP 2013** means *North Sydney Local Environmental Plan 2013*

**NSDCP 2013** means *North Sydney Development Control Plan 2013*

**Work** for the purposes of this consent means:

- the use of land in connection with development,
- the subdivision of land,
- the erection of a building,
- the carrying out of any work,
- the use of any site crane, machine, article, material, or thing,
- the storage of any waste, materials, site crane, machine, article, material, or thing,
- the demolition of a building,
- the piling, piercing, cutting, boring, drilling, rock breaking, rock sawing or excavation of land,
- the delivery to or removal from the *site* of any machine, article, material, or thing, or
- the occupation of the *site* by any person unless authorised by an *occupation certificate*.

Note: **Interpretation of Conditions** – Where there is any need to obtain an interpretation of the intent of any condition this must be done in writing to Council and confirmed in writing by Council.

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**A. Conditions that Identify Approved Plans**

**Development in Accordance with Plans/documentation**

- A1. The development must be carried out in accordance with the following drawings and documentation and endorsed with Council's approval stamp, except where amended by the following conditions of this consent.

Plan No.	Issue	Title	Drawn by	Received
COU1	B	Site Plan	Design Practice	11 April 2018
FM 0590	1	14 William Street	-	11 April 2018
FM 0590	1	1 Hunter Crescent	-	11 April 2018

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

**No Demolition of Extra Fabric**

- A2. Alterations to, and demolition of the existing building shall be limited to that documented on the approved plans.

(Reason: To ensure compliance with the approved development)

**Reversion to Affordable Housing**

- A3. The owner of the land is to ensure that the following will occur at the completion of works under Major Project SSD 7507 or cessation of use of the site for the purpose of site office(s) whichever is the earlier:

- a) The owner must carry out all works required to convert the buildings back to residential units within six (6) months of the cessation of use of the site for the purpose of construction site offices, to provide for eight (8) 2-bedroom units within the two existing buildings;
- b) The residential units are to be maintained as *low rental dwellings* as defined in State Environmental Planning Policy (Affordable Rental Housing) 2009;
- c) The owner will make all reasonable attempts to contact residents who last occupied the dwellings prior to lodgement of the development application, to offer first opportunity to return to the units at an affordable level, that is, below the median rental level for the North Sydney LGA, upon the reversion of the units to dwellings;
- d) The owner is to undertake to maintain the rental level at or below the median rental level calculated in accordance with the *Rent & Sales Report* published by NSW Department of Family & Community Services.

(Reason: Retention of affordable rental housing; to ensure public access and proper management of land)

**Time Limited Consent**

- A4. Use of the building(s) for the purpose of construction site offices must cease within a period of two (2) years from the date of this consent. If the use is to be retained after this period, a new application must be lodged with Council before expiration of the consent.

(Reason: To clarify consent for temporary site offices)

**Reversion to Low Cost Rental Dwellings**

- A5. Upon expiration of consent for use of the site for the purpose of temporary site offices, the buildings shall wholly revert to *low rental dwellings*, as defined in SEPP (Affordable Rental Housing) 2009.

The pre-existing number of affordable housing units must be made available again within six (6) months of the cessation of use of the site for the purpose of construction site offices.

(Reason: To maintain affordable rental housing)

**Remedial or make-good works only**

- A6. Any works associated with the approved development are limited to remedial or make-good works only, including painting, minor repairs and the like, for the purpose of returning the dwelling units for use as *low rental dwellings* as defined in State Environmental Planning Policy (Affordable Rental Housing) 2009.

(Reason: To clarify consent; to maintain affordable rental housing)

**Infrastructure Repair and Completion of Works**

- A7. **Prior to use of the site for the purpose of *low rental dwellings*** as defined in State Environmental Planning Policy (Affordable Rental Housing) 2009, 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.

(Reason: Maintain quality of Public assets)

### **Environmental Health & Building**

- A8. On cessation of the use as site offices, a report must be obtained from a qualified Building Surveyor to identify works to the buildings required to be carried out prior to residential occupation as flats. All works to common areas and within each unit must be completed within six (6) months of the cessation of use.

(Reason: To ensure standards for environmental health, building works and fire safety are met)

### **Utility Services**

- A9. All utility services shall be adjusted, to the correct levels and/or location/s required by this consent, *prior to use of the site for the purpose of low rental dwellings* as defined in State Environmental Planning Policy (Affordable Rental Housing) 2009. This shall be at no cost to Council.

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

### **Provision for loss of Low Rental Dwellings**

- A10. In the event that the buildings are **not** converted back to *low rental dwellings* as required by this consent, the owner is required to pay monetary contributions towards the loss of affordable housing, calculated in accordance with the method set out in Clause 51 of the Affordable Rental Housing SEPP and in accordance with Section 7.32 of the EP&A Act.

A monetary contribution of **\$500,000** would be required to be paid to Council in suitable form. This figure has been calculated in accordance with the calculations under the SEPP.

(Reason: To make provision for the potential loss of affordable rental housing in North Sydney LGA)

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

#### **Work Zone**

- D1. If a Work Zone is proposed, an application must be made to the North Sydney Local Traffic Committee to install the 'Work Zone'. A Work Zone permit is required to be issued by the Council *prior to the commencement of remedial or make-good works*:

Work Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Work 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 Work 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)

***E. During Demolition and Building Work***

**Parking Restrictions**

- E1. Existing public parking provisions in the vicinity of the site must be maintained at all times for the duration of use of the site for the purpose of site offices. The placement of any barriers, traffic cones, obstructions or other device in the road shoulder or kerbside lane is prohibited without the prior written consent of Council. Changes to existing public parking facilities/restrictions must be approved by the North Sydney Local Traffic Committee. The Developer will be held responsible for any breaches of this condition, and will incur any fines associated with enforcement by Council regulatory officers.

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

**Road Reserve Safety**

- E2. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times for the duration of use of the site for the purpose of site offices and during any remedial or make-good works after this period, 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)

### **Removal of Extra Fabric**

- E3. Should any portion of the existing building, trees, or curtilage of the site which is indicated on the approved plans to be retained be damaged for whatever reason, all the works in the area of the damaged portion are to cease and written notification of the damage is to be given to Council forthwith. No work is to resume until the written approval of Council to do so is obtained. Failure to comply with the provisions of this condition may result in the Council taking further action including legal proceedings if necessary.

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

### **Noise and Vibration**

- E4. 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)

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

- E5. 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)

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

- E6. No trees on public property (footpaths, roads, reserves, etc.) unless specifically approved by this consent shall be removed or damaged during construction including for the erection of any fences, hoardings or other temporary works.

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

### **Special Permits**

- E7. 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)

**Work Hours**

E8. Remedial or make-good works only, including painting, minor repairs and the like, must be restricted to within the hours of 7.00am to 5.00pm Monday to Friday and on Saturday to within the hours of 8.00am to 1.00pm inclusive, with no work on Sundays and Public Holidays.

A twenty-four (24) hour contact telephone number 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)

### **Health and Safety**

E9. 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.

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

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

### **Prohibition on Use of Pavements**

E10. 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)

### **Waste Disposal**

E11. 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)

### **Damage to Adjoining Properties**

E12. All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.

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

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

### **National Construction Code**

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

(Reason: Prescribed - Statutory)

***I. On-Going / Operational Conditions***

**Hours of Operation**

11. The hours of operation are restricted of the site offices are restricted to the approved hours of operations conferred under the approval issued by the NSW Department of Planning under Major Project SSD 7507.

(Reason: To ensure that amenity of the surrounding locality is maintained and hours of operation are consistent with Major Project Approval SSD 7507)

**Single Occupancy**

12. Nothing in this consent authorises the use of the eight dwelling units other than for a single occupancy per dwelling unit, upon cessation of use of the building(s) as site offices and reversion to residential use.

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

**Use of Car parking Spaces**

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

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

**Entry and Egress**

14. The manager of the site offices must take all steps necessary to ensure that no noise nuisance occurs from persons entering or leaving the premises. The management must ensure that:

- (a) A sign is placed in clearly visible position adjacent to the entry/exit of the premises requesting users of the site office(s) upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area.
- (b) The management must ensure that the behaviour of the users of the site office(s) entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood.

(Reason: To ensure users of the site office(s) do not interfere with the residential amenity in the immediate locality)

**Delivery Hours**

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

(Reason: To ensure the acoustic amenity of surrounding properties)

### **Garage on William Street**

16. The garage and driveway on the eastern elevation of No.14 William Street must not be used in association with the site offices or construction activity associated with the Major Project approval SD 7507. Parking associated with the site offices must be limited to the existing spaces within the site accessed from Hunter Crescent.

(Reason: To manage traffic associated with construction workers and to maintain residential amenity)

### **Garbage and Recycling Facilities (Site Offices)**

17. Adequate provision must be made for the storage of waste and recyclable material generated by the premises.

Arrangements for the collection and storage of trade waste bins must be made with a private waste contractor:

- (a) Waste and recyclable material, generated by this premises, must not be collected between the hours of 10pm and 6am on any day
- (b) Bins must be placed out for collection no earlier than 5.00pm and no later than 10.00pm on the day before collection
- (c) Waste and recycling bins are not to be stored permanently in streets.

(Reason: To ensure the provision of appropriate waste facilities and to ensure efficient collection of waste by collection contractors)

### **Air Conditioners**

18. 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)

### **Outdoor Lighting**

- I9. Any outdoor lighting must comply with, where relevant AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282:1997 Control of the Obtrusive Effects of Outdoor lighting.

(Reason: To maintain the amenity of adjoining land uses)

### **Smoking Restrictions**

- I10. No smoking is permitted within 4 metres of the southern side boundary of the site. During use of the site for the purpose of site offices, a cigarette butt receptacle is to be provided on the Hunter Crescent side of the site for convenient use of site workers and for the duration of use of the site for the purpose of site offices.

(Reason: To ensure adequate provision is made for builders' waste and minimise nuisance to residential uses arising from cigarette smoke)

### **Entry and exit from Site Office at No.14 William Street**

- I11. Workers, tradespersons, project managers and/or approved visitors shall not loiter and/or smoke within the southern side setback of No.14 William Street. A sign must be placed at the western and eastern ends of the passage as follows:

*"No loitering or smoking is permitted in this area. Please keep noise to a minimum when entering and exiting the building. Thank you."*

(Reason: To maintain residential amenity)