

**Original signed by Geoff Mossemenear on 28/8/2020**  
**Date determined 26/8/2020**  
**Date operates 28/8/2020**  
**Date lapses 28/8/2025**

Australian Catholic University Ltd  
40 Edward Street  
NORTH SYDNEY NSW 2060

D366/19  
GM(CIS)

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

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**Development Application Number:** 366/19

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**Land to which this applies:** 40 Edward Street, North Sydney  
Lot No.: 1, DP: 703255

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**Applicant:** Australian Catholic University Ltd

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**Proposal:** Alterations and additions to University including reconfigure vehicle service and access area; conversion of 3 visitor parking spaces to loading area and landscape works.

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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:** 26 August 2020

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**Reason for approval:** The development application has been assessed against the Environmental Planning and Assessment Act 1979 (the Act), State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, North Sydney Local Environmental Plan 2013 and North Sydney Development Control Plan 2013.

The proposed works are within a landscaped setting. The works subject to conditions will not unreasonably affect the amenity of surrounding properties or the local area. The works will not affect the heritage significance of the site, surrounding properties the local area.

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The proposed development, being proposed by an Australian University within the meaning of the *Higher Education Act 2001*, is prescribed as Crown Development under the Act; Council is not empowered to either refuse the application alone or impose consent conditions without the agreement of the applicant. The applicant has agreed to the recommended conditions.

Having regard to the provisions of Section 4.15 of the Act, the application is considered to be satisfactory and therefore can be approved.

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**Consent to operate from:** 28 October 2020

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**Consent will lapse on:** 28 October 2025

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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 October 2025.

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

The owners of adjoining properties and the local community precinct were notified of the proposed development for a 14-day period. Notification of the DA resulted in nine submissions raising amenity concerns with the proposal generally with regard to the elevated path, improvements to existing pathways, seating areas, and balconies on the southern and western side of the site for accessibility through the site; and the removal of 10 trees.

The submissions are supported, the applicant was requested to modify their proposal to delete the components causing concern to the neighbours.

Amended plans were submitted on 17 April 2020. The owners of adjoining properties and the Edward Union Precincts were notified of the amended proposal on 8 May 2020 until 29 May 2020.

Notification of the amended DA resulted in 4 submissions raising the following concerns:

- New unrestricted entrance to the ACU into an area of two new plazas with seating that will be actively used by staff students and the public.
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- Concern about internal plaza and outdoor seating and entry plaza and outdoor seating and the path between the two which will be clearly visible
- The new steel steps are also a concern and they will create a traffic area in a place that is now blocked off and will also create noise.
- Mature trees to be removed. Particular concern is the native tree identified at tree 67 (Brachychiton Discolor) which is an established native tree considered of high value – this tree appears to be damaged by the current work and is in danger of being removed.
- Site instability and open stormwater drains at southwest
- Loss of parking
- Lack of screening to Riley Street
- Formalisation of “maintenance” access to Riley Street.
- Lighting- need to condition nil or very limited strong lighting on western and SW sides

Tree 67 is to be retained. An updated Arborist Statement has been prepared to reflect this. Understorey planting is proposed. There are no other changes/works are proposed that will have a visual impact from this area. Emergency storm water works were recently conducted in this area, no clearing of under-storey planting was conducted. Suitable landscape conditions are proposed to ensure that landscaping is in accordance with the plans and the 2 x arborist reports. An additional 5 x *Sapium sebiferum* (751) (Chinese Tallowtree) is conditioned to be planted in the council verge along the Edward Street frontage to improve amenity and help compensate for the removal of existing urban canopy.

There are currently 3 visitor onsite car parking spaces located at ground level along the Edward Street frontage. The DA proposes to reduce this to 1 space. The majority of parking is provided underground (50 spaces inclusive of 2 accessible spaces). There are no changes to the proposed underground parking.

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Suitable conditions are proposed to minimise impacts from the proposal with regard to limiting any additional lighting and restricting the hours that the students can access the areas to before 6pm. No pedestrian access to the development is permitted via Riley Street except that a gate for emergency use only may be provided giving egress to the street. A notice to this effect is to be placed on any such gate.

Council's assessment of the application addressed the concerns raised in submissions and, where reasonable, recommended the imposition of conditions mitigating potential impacts upon neighbouring land in the event that the application is approved. Conditions of consent can also address any potential, unreasonable adverse impacts to the locality and ensure the protection of the public interest

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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  
GEOFF MOSSEMENEAR  
**EXECUTIVE PLANNER**

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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
LD-SK-01	K	Master Plan	McGregor + Coxall	17 April 2020
LD-SK-01A	K	Master Plan 1 of 4	McGregor + Coxall	17 April 2020
LD-SK-01B	K	Master Plan 2 of 4	McGregor + Coxall	17 April 2020
LD-SK-01C	K	Master Plan 3 of 4	McGregor + Coxall	17 April 2020
LD-SK-01D	K	Master Plan 4 of 4	McGregor + Coxall	17 April 2020
LD-SK-02A	K	Sections	McGregor + Coxall	17 April 2020
LD-SK-02B	A	Section	McGregor + Coxall	17 April 2020
LD-SK-04	H	Planting Plan	McGregor + Coxall	17 April 2020
LD-SK-04a	D	Planting Plan 1 of 4	McGregor + Coxall	17 April 2020
LD-SK-04b	D	Planting Plan 2 of 4	McGregor + Coxall	17 April 2020
LD-SK-04c	E	Planting Plan 3 of 4	McGregor + Coxall	17 April 2020
LD-SK-04d	E	Planting Plan 4 of 4	McGregor + Coxall	17 April 2020
LD-SK-05	D	Demolition Plan	McGregor + Coxall	17 April 2020
LD-SK-05a	D	Demolition Plan 1 of 4	McGregor + Coxall	17 April 2020
LD-SK-05b	D	Demolition Plan 2 of 4	McGregor + Coxall	17 April 2020
LD-SK-05c	D	Demolition Plan 3 of 4	McGregor + Coxall	17 April 2020
LD-SK-05d	D	Demolition Plan 4 of 4	McGregor + Coxall	17 April 2020
LD-SK-06	D	Tree Removal Plan	McGregor + Coxall	17 April 2020
LD-SK-03	K	Historic Layers	McGregor + Coxall	17 April 2020

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

**Plans on Site**

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

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

**No Demolition of Extra Fabric**

- A3. Alterations to, and demolition of the existing building shall be limited to that documented on the approved plans. No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is shown to be retained.

(Reason: To ensure compliance with the approved development)

### **Amendments to Landscape Plan**

A4. The revised landscape plan prepared by McGregor + Coxall dated 20/4/20, and received by council on 30/4/20 shall be amended as follows:

- All Tree protection management plans, advice, and instructions contained within the Arborist Report prepared by Naturally Trees dated 14/4/20, and as subsequently updated by the arborist statement forwarded by Urbis on 6/7/20 shall be strictly adhered to, with the exception of the removal of Tree 67 as shown in the earlier report. Pruning to Tree 73 *Ulmus parvifolia* shall be restricted to that outlined in the abovementioned arborist statement –

*“Following my assessment, I can confirm that Tree 73 may require minor tip pruning only to accommodate the proposed elevated path and stairs. It is likely that weeping end branches, up to a maximum diameter of 30mm, may require pruning to accommodate the proposed elevated path. This would equate to <5% of the trees canopy and have nil impact on the longevity of Tree 73. Any pruning that is required to accommodate scaffolding or to accommodate the stair construction shall be carried out by a qualified Arborist (AQF3) and must be in accordance with AS4373 Australian Standards ‘Pruning of Amenity Trees.’”*

- An updated Arborist report combining all information included in the 2 x abovementioned arborist reports shall be provided. The relevant updated information shall be shown on all construction drawings.

(Reason: To consolidate landscape details as amended in the application)

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

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

D1. 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 Council prior to the commencement of works.

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.

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

### **Geotechnical Certificate**

- D2. Recommendations made in the Geotechnical Investigation, Ref: 32363PNrpt, prepared by JK Technics dated 13 June 2019 must be complied with at all times.

Building plans and specifications must comply with the certified report, including any recommendations made in the said certified report.

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

### **Sediment Control**

- D3. 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 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.

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

### **Work Zone**

- D4. 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)

### **Obtain Driveway Crossing Permit under S.138 Roads Act 1993**

D5. A driveway crossing and roads infrastructure works permit to suit the approved off-street parking facilities must be granted by the Council prior to the commencement of works. In order to obtain a permit under S.138 of the Roads Act 1993, an application must be made to Council on the '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 issue of the permit. The requirements of the permit must be complied with at all times.

The civil design drawings must include the following at a minimum: -

- a) the vehicular access way must comply with AS 2890.1 & AS 2890.2 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, internal driveways or parking floors;
- b) the vehicular access way (layback and crossover) must be constructed from granite pavers in accordance with Council's latest version of the Public Domain Style Manual for the Special Areas - Education Precinct;
- c) works within the subject property should be in accordance with the Traffic Impact Statement prepared by Traffix, Ref.19.342r01v02, dated 11/9/19
- d) the existing gutter bridge crossing must be removed and replaced with a new granite vehicular layback and concrete kerb & gutter;
- e) the vehicular crossover must be set square to the kerb;
- f) the crossover (between the layback and the property boundary) must be constructed from granite and placed on a single straight grade of approximately 4.5%, falling to the back of the layback;

- g) the boundary footpath levels must match the existing levels and shall not be altered;
- h) transitioning works of at least two (2) concrete footpath panels on both sides of the granite crossover are required to ensure uniformity in the footpath;
- i) the gutter level will require lifting/adjustment to prevent scraping of vehicles and to ensure smooth transitions. The gutter shall be raised to ensure the crossfall grade of the road shoulder is approximately 5.5% falling to the gutter lip. As a result, the kerb gutter is to be transitioned as necessary on both sides of the new layback to ensure that a minimum longitudinal fall of 1% is achieved to maintain gutter flows;
- j) the works will require reconstruction of the carriageway shoulder extending out 600mm from the gutter lip in AC10 - 50mm thick, adjacent to all new gutter works;
- k) any twisting of driveway access must occur entirely within the subject property;
- l) all inspection openings, utility services must be adjusted to match the proposed driveway levels;
- m) sections along centre-line and extremities are required at a scale of 1:50 to be taken from the centre-line of the roadway to 5m within the property and must include all changes of grade and levels both existing and proposed;
- n) a longitudinal section along the gutter line at a scale of 1:50 showing how it is intended to blend the new layback with the existing kerb and gutter;
- o) a longitudinal section along the footpath property boundary at a scale of 1:50 is required;

The permit must be granted by Council prior to the commencement of works.

All driveway and infrastructure works on the road reserve must be undertaken in accordance with the terms of the permit issued by Council. Inspections by Council will be required as specified.

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

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

- D6. Prior to the commencement of works, security deposit or bank guarantee must be provided to Council to the sum of \$5,000.00 to be held by Council for the payment of cost for any/all of the following:
- a) making good any damage caused to any property of the Council as a consequence of the doing of anything to which this consent relates,

- b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and [environmental controls](#)) required in connection with this consent
- c) remedying any defects in any such public work that arise within 6 months after the work is completed.

The security required by this condition must be provided by way of a deposit with the Council; or other such guarantee that is satisfactory to Council (such as a bank guarantee). Any guarantee provided as security must name North Sydney Council as the nominated beneficiary and must not be subject to an expiry date.

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)

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

D7. A survey of the existing building in the areas where demolition and/or construction are proposed to occur shall be undertaken identifying the presence or otherwise of asbestos contamination. Any works subsequently required to address asbestos contamination shall be undertaken in strict accordance with the requirements of the WorkCover Authority in relation to the removal, handling and disposal of material containing asbestos and Work Safe Australia.

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

**Public Liability Insurance – Works on Public Land**

- D8. 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)

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

**Construction and Traffic Management**

- E1. Dedicated construction site entrances and exits to safely manage pedestrians and construction related vehicles must be provided in the frontage roadway.

Trucks involved in construction activities are limited to a medium rigid vehicle.

Construction vehicles must enter and exit the site in a forward direction.

All loading and unloading must be entirely within the site.

The provision of an on-site parking area for employees, tradesperson and construction vehicles must be provided, as far as possible, so that their vehicles do not impact on the current parking demand in the area.

(Reason: To ensure appropriate measures 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)

**Parking Restrictions**

- E2. Existing public parking provisions in the vicinity of the site must be maintained at all times during works. The placement of any barriers, traffic cones, obstructions or other device in the road shoulder or kerbside lane is prohibited without the prior written consent of Council. Changes to existing public parking facilities/restrictions are only to be approved via the North Sydney Local Traffic Committee. The Applicant 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**

- E3. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials and plant must not be stored in the road reserve without approval. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site.

Where public infrastructure is damaged, repair works must be carried out in when and as directed by Council officers (at full Applicant 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**

- E4. 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 given to Council. No work is to resume until the written approval of Council is obtained. Failure to comply with the provisions of this condition will result in the Council taking further action including legal proceedings if necessary.

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

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

- E5. Materials must not be burnt on the site.

Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the NSW Department of Housing's 1998 guidelines – Managing Urban Stormwater; Soils and Construction. Odour suppression measures must also be carried out where appropriate so as to prevent nuisance occurring at adjoining properties.

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

### **Noise and Vibration**

- E6. Noise and vibration from works is to be undertaken in accordance with industry best practice, to ensure excessive levels of vibration do not occur to minimise adverse effects experienced on any adjoining land.

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



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

E7. The applicant shall 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)

**Special Permits**

E8. 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 applicant, owner or builder must apply for specific permits available from Council's Customer Service Centre for the undermentioned activities on Council's property pursuant to S138 of the Roads Act.

A minimum of forty-eight (48) hours notice is required for any permit:-

1) **On-street mobile plant**

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

(Reason: Proper management of public land)

2) **Hoardings**

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

(Reason: Proper management of public land)

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

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

(Reason: Proper management of public land)

4) **Kerbside restrictions, construction zones**

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

(Reason: Proper management of public land)

**Construction Hours**

E9. Building construction shall be restricted to within the hours of 7.00 am to 5.00 pm Monday to Friday and on Saturday to within the hours of 8.00 am to 1.00 pm inclusive, with no work on Sundays and Public Holidays.

Demolition and excavation works 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:

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

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

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

**Out of Hours Work Permits**

E10. Where it is necessary for works to occur outside those hours allowed by these conditions, approval for such will be subject to issue of a permit on each occasion from Council's Customer Services Centre. Such occurrence shall be limited to two occasions per calendar month and shall only be approved if public safety or convenience is at risk. Any further variation shall require the lodgement and favourable determination of a modification application pursuant to Section 4.5 of the Environmental Planning and Assessment Act 1979.

Notes:

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

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

### **Health and Safety**

- E11. The work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements to prepare a health and safety plan. Site fencing must be installed sufficient to exclude the public from the site. Safety signs must be erected that; warn the public to keep out of the site, and provide a contact telephone number for enquiries.

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

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

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

- E12. Building materials shall not be placed on Council's footpaths, roadways, parks or grass verges, (unless a permit is obtained from Council beforehand) and a suitable sign to this effect shall be erected adjacent to the street alignment.

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

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

- E13. All plant and equipment used in the erection of the building, including concrete pumps, wagons, lifts, mobile cranes, hoardings etc, shall be situated within the boundaries of the site (unless a permit is obtained from Council beforehand) and so placed that all concrete slurry, water, debris and the like shall be discharged onto the building site, and is to be contained within the site boundaries.

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

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

### **Maintain Property Boundary Alignment Levels**

E14. Except where otherwise approved by Council, the property boundary alignment levels must match the levels which existed prior to the commencement of works.

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

### **Stormwater Disposal**

E15. Stormwater runoff generated by the approved development must be conveyed by gravity to the existing site stormwater drainage disposal system. A licensed tradesman shall install plumbing components to achieve this requirement in accordance with the BCA and current plumbing standards and guidelines.

(Reason: To ensure appropriate provision for disposal and stormwater management arising from the development)

### **Landscaping**

E16. A qualified arborist (AQ5) shall be appointed for the duration of works, and shall be required to supervise and sign off on the adherence to the approved Tree Management Protection Plan throughout the duration of construction

The *Sapium sebiferum* located on the council verge to the north of the Riley Street intersection shall be protected with 1.8m steel mesh tree protection fencing for the duration of works.

An additional 5 x *Sapium sebiferum* (75l) shall be conditioned to be planted in the council verge along the Edward Street frontage to improve amenity and help compensate for the removal of existing urban canopy.

All trees shown to be retained shall be protected in accordance with AS4970 (2009)- Protection of Trees on Development Sites.

(Reason: To protect trees and improve amenity)

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

#### **Commencement of Works**

F1. Building work, demolition or excavation in accordance with a development consent must not be commenced until the person having the benefit of the development consent has given at least 2 days notice to North Sydney Council of the persons intention to commence the works.

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

### **National Construction Code**

F2. All building work must be carried out in accordance with the provisions of the National Construction Code.

(Reason: Prescribed - Statutory)

### **Demolition**

F3. 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**

- F4.
- 1) 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)

### **G. *Prior to Final Completion***

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

G1. 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.

If damage is identified which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person(s) as soon as possible and prior to occupation of the building.

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

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

G2. 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.

(Reason: Maintain quality of Public assets)

### **Utility Services**

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

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

### **Tree Retention**

G4. A qualified arborist (AQ5) shall be required to certify the health, vigour, and likelihood of ongoing longevity of all trees shown to be retained and protected, prior to completion of works.

(Reason: To ensure trees are retained in a healthy condition)

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

#### **Riley Street Access**

II. No pedestrian access to the development being permitted via Riley Street except that a gate for emergency use only may be provided giving egress to the street. A notice to this effect is to be placed on any such gate.

(Reason: Neighbourhood amenity)

**External Lighting**

- I2. No additional external lighting being provided to the areas west and south of the James Carroll building. Any additional lighting in this area shall be the subject of a further development application.

(Reason: Neighbourhood amenity)

**External Seating Areas**

- I3. All external seating areas and pathways located to the areas west and south of the James Carroll building not being used by students or staff after 6pm on any day. This includes the use of the steel stairs to access the lower areas adjacent to Riley Street (other than emergency use only).

(Reason: Neighbourhood amenity)