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|---------------------------|--------------------------|-----------|----------------|
| Original signed by | Geoff Mossemenear | on | 24/8/18 |
| | Date determined | | 24/8/18 |
| | Date operates | | 24/8/18 |
| | Date lapses | | 24/8/23 |

Development Consent No. 153/18

Notice of Determination

Section 4.18 of the Environmental Planning and Assessment Act 1979 (“the Act”)
Clause 100 of the Environmental Planning and Assessment Regulation 2000 (“the Regulation”)

Applicant’s Name

The Greens North Sydney

Land to which this applies

50 Ridge Street, North Sydney
Lot Nos.: 1104 and 1105, DP: 46990

Proposal

To install four (4) temporary structures (marquees).

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.

Reason for approval

The development application has been assessed against all applicable environmental planning instruments and was found to be generally satisfactory, including in relation to the North Sydney LEP 2013 and North Sydney DCP 2013.

The development application will not result in any unreasonable adverse effect on the local built and natural environment and will not result in any unreasonable adverse social or economic impact. Notification of the application resulted in no submissions from the public

The development application would promote the orderly and economic use and development of land and its approval is in the public interest.

The marquees are for limited temporary periods only. General Terms of approval have been provided by the Heritage Office.

Having regard to the provisions of Section 4.15 of the EP&A Act 1979 the application is considered to be satisfactory and therefore can be approved.

Date from which this Consent operates

24 August 2018

How were community views taken into account in making the decision

The application was notified as Integrated Development for 30 days between 8 June 2018 and 9 July 2018. No submissions were received

Period of Consent

Subject to Section 4.20 of the Act, this consent becomes effective and operates from 24 August. The consent lapses five years after the date of consent in accordance with Section 4.53 of the Act and cannot be extended. To enjoy the benefits of this consent, works must physically commence onsite by 24 August 2018.

Review of determination and right of appeal

Within 6 months after the date of determination, 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. If a review is contemplated, it should be lodged within two months of the date of this determination to enable the six-month period, which includes Council's review to be met.

Plans endorsed by the consent authority

| Plan No. | Issue | Title | Drawn by | Received |
|-----------------|--------------|----------------------|-----------------|-----------------|
| A003 | P2 | Location & Site Plan | Pony Design Co. | 25/05/2018 |
| A004 | P2 | Marquee Plan | Pony Design Co. | 25/05/2018 |
| A005 | P2 | Marquee elevations | Pony Design Co. | 25/05/2018 |

Endorsed for and on behalf of North Sydney Council

GEOFF MOSSEMENEAR
EXECUTIVE PLANNER

24 August 2018
Date of Endorsement

(i) Conditions

Consent is granted subject to the following conditions imposed pursuant to Section 4.16 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 4.15 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*.

PCA means the *Principal Certifying Authority* under the *Act*.

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*

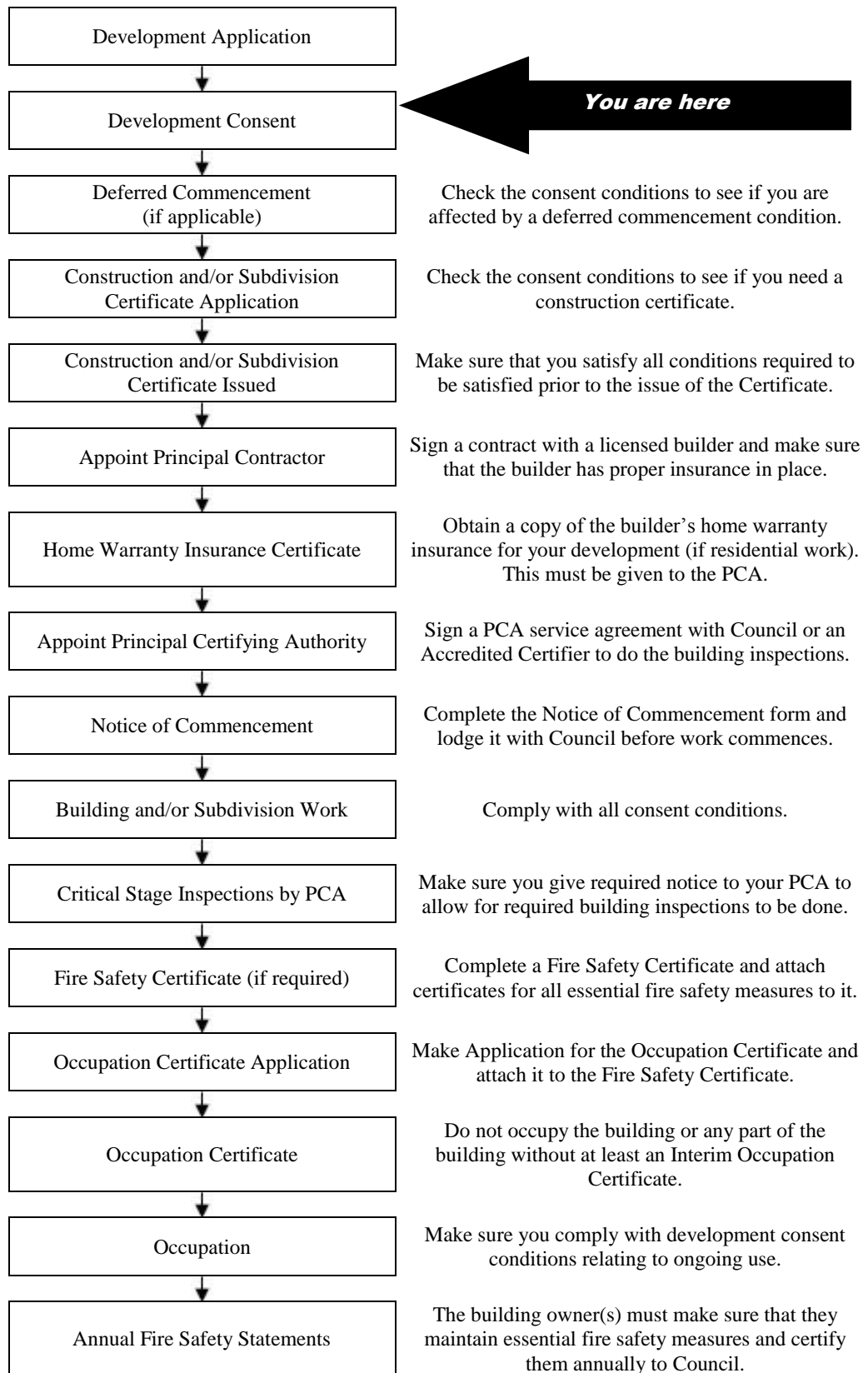
NSDCP 2013 means *North Sydney Development Control Plan 2013*

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.

(iii) The general steps after obtaining development consent from Council which need to be followed is provided below: -



Note: This guide is provided in good faith to assist applicants to understand the broad process. Not every statutory step may apply or has been covered given that each situation may vary in individual circumstances.

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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 |
|----------|-------|----------------------|-----------------|------------|
| A003 | P2 | Location & Site Plan | Pony Design Co. | 25/05/2018 |
| A004 | P2 | Marquee Plan | Pony Design Co. | 25/05/2018 |
| A005 | P2 | Marquee elevations | Pony Design Co. | 25/05/2018 |

(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 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 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.

(Reason: To ensure compliance with the approved development)

Limited Consent

- A4. This consent is limited to the following dates only:

- December 13 – January 3 (21 days), on a yearly basis. This allows the Club to provide for a number of events in the lead up to Christmas and New Year's Eve;
- Melbourne Cup (5 days), on a yearly basis.

- Three other functions throughout the year (15 days) subject to providing two weeks' notice to Council of the intention to erect the marquee.

The marquees are to be installed no sooner than 2 days prior to an event and removed no later than 2 days after the event (other than Christmas/New Year period)

(Reason: The marquees are for temporary and not permanent use)

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)

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 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)

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 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)

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)

Construction Hours

- E4. 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:

- a) "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.

- b) “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.
- c) “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)

Health and Safety

- E5. 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

- E6. 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

- E7. 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)

I. On-Going / Operational Conditions

Hours of Operation and Capacity

II. The hours of operation of the use of the marquees shall be in accordance with the hours approved under Development Consent No.98/16 (as amended). The use of the marquees shall not increase the capacity of the outdoor area or the overall capacity of the premises as approved under Development Consent No.98/16 (as amended).

(Reason: Amenity)

L. General terms of approval pursuant to Section 91A of the Environmental Planning and Assessment Act 1979, (as amended)

Approved Development

L1. Development must be in accordance with:

a. Architectural drawings, prepared by Pony Design Co as listed below:

| Drawing No. | Title | Date | Rev |
|---|---|-------------|------------|
| Project Name: 170003 The Greens North Sydney | | | |
| 170003 A003 | Cover Sheet and Location Plan | 10/03/17 | P2 |
| 170003 A004 | Proposed Temporary Marquee Plan – Site Plan | 10/03/17 | P2 |
| 170003 A005 | Proposed Marquee Elevations | 10/03/17 | P2 |

b. Statement of Environmental Effects, prepared by Design Collaborative, dated 27 April 2018.

EXCEPT AS AMENDED by the following conditions of this approval:

Site Protection

L2. a. Significant elements are to be adequately protected during the works from potential damage. Protection systems must ensure historic fabric is not damaged or removed.

- b. All four (4) marquees must be removed 2 days after the event (6 May 2018) and the site must be fully remediated to its pre-event condition).

(Reason: To ensure significant heritage values of the site are protected)

Unexpected Historical Archaeological Relics

- L3. The Applicant must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

(Reason: To ensure the appropriate course of action is taken in the event of archaeological deposits or relics being found)

Aboriginal Objects

- L4. Should any Aboriginal 'objects' be uncovered by the work, excavation or disturbance of the area is to stop immediately and the Office of Environment & Heritage is to be informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974* (as amended). Works affecting Aboriginal 'objects' on the site must not continue until the Office of Environment and Heritage has been informed. Aboriginal 'objects' must be managed in accordance with the *National Parks and Wildlife Act 1974*.

(Reason: To appropriately manage Aboriginal cultural heritage)

Compliance

- L5. a. Officers of the Office of Environment and Heritage, Heritage Division are to be permitted entry to the site at any time as a condition of this approval and may photograph, take samples or request records in relation to any aspects of the approved activity.
- b. The Applicant and the nominated Heritage Consultant may be required to participate in random audits of Heritage Council approvals to confirm compliance with conditions of consent at any time.

(Reason: To ensure that the proposed works are completed as approved)

Section 60 Application

- L6. An application under section 60 of the *Heritage Act 1977* must be submitted to and approved by the Delegate of the Heritage Council of NSW prior to work commencing unless an exemption application for the proposal is accepted by the Heritage Division.

(Reason: To comply with legislation)