

**Original signed by David Hoy on 2/8/2018**  
**Date determined: 2/8/2018**  
**Date operates: 2/8/2018**  
**Date lapses: 2/8/2023**

## **Development Consent No. 198/17**

### **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”)

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#### **Applicant’s Name**

Mirvac Real Estate Pty Ltd

#### **Land to which this applies**

36 Blue Street (AKA 101-103 Miller Street), North Sydney  
Lot No.: 1, DP: 814292

#### **Proposal**

Removal of existing commercial kitchen exhaust and ventilation system and construction of new ventilation towers and ducting within southern landscape garden.

#### **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 proposed development has been assessed against the objectives and provisions of the Environmental Planning and Assessment Act 1979, North Sydney Local Environmental Plan 2013 and North Sydney Development Control Plan 2013 and is considered acceptable with regard to the relevant zone objectives and DCP controls.

The proposed structure provides for the ongoing commercial use of the land, adequately preserves the heritage features of the site and subject to conditions would ensure that existing significant vegetation is protected. The resulting development would not result in any adverse environmental impact and achieves the objectives of the EP & A Act 1979.

#### **Date from which this Consent operates**

2 August 2018

### **How were community views taken into account in making the decision**

The application was notified in accordance with Council's notification requirements, and no submissions were received. The potential impact of the development was considered in the assessment of the application and public interest is considered to be adequately served by the attached conditions of consent.

### **Period of Consent**

Subject to Section 4.20 of the Act, this consent becomes effective and operates from 2 August 2018. 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 2 August 2023.

### **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**

<b>Plan No.</b>	<b>Issue</b>	<b>Dated</b>	<b>Title</b>	<b>Drawn by</b>	<b>Received</b>
DA-KE-001	3	3 March 2018	Site Plan	Buchanan Group	3 May 2018
DA-KE-002	3	3 March 2018	Existing Level 6 Roof Plaza Plan	Buchanan Group	3 May 2018
DA-KE-003	3	3 March 2018	Existing Elevations	Buchanan Group	3 May 2018
DA-KE-004	3	3 March 2018	Proposed Elevations	Buchanan Group	3 May 2018

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

DAVID HOY  
TEAM LEADER ASSESSMENTS

2 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*

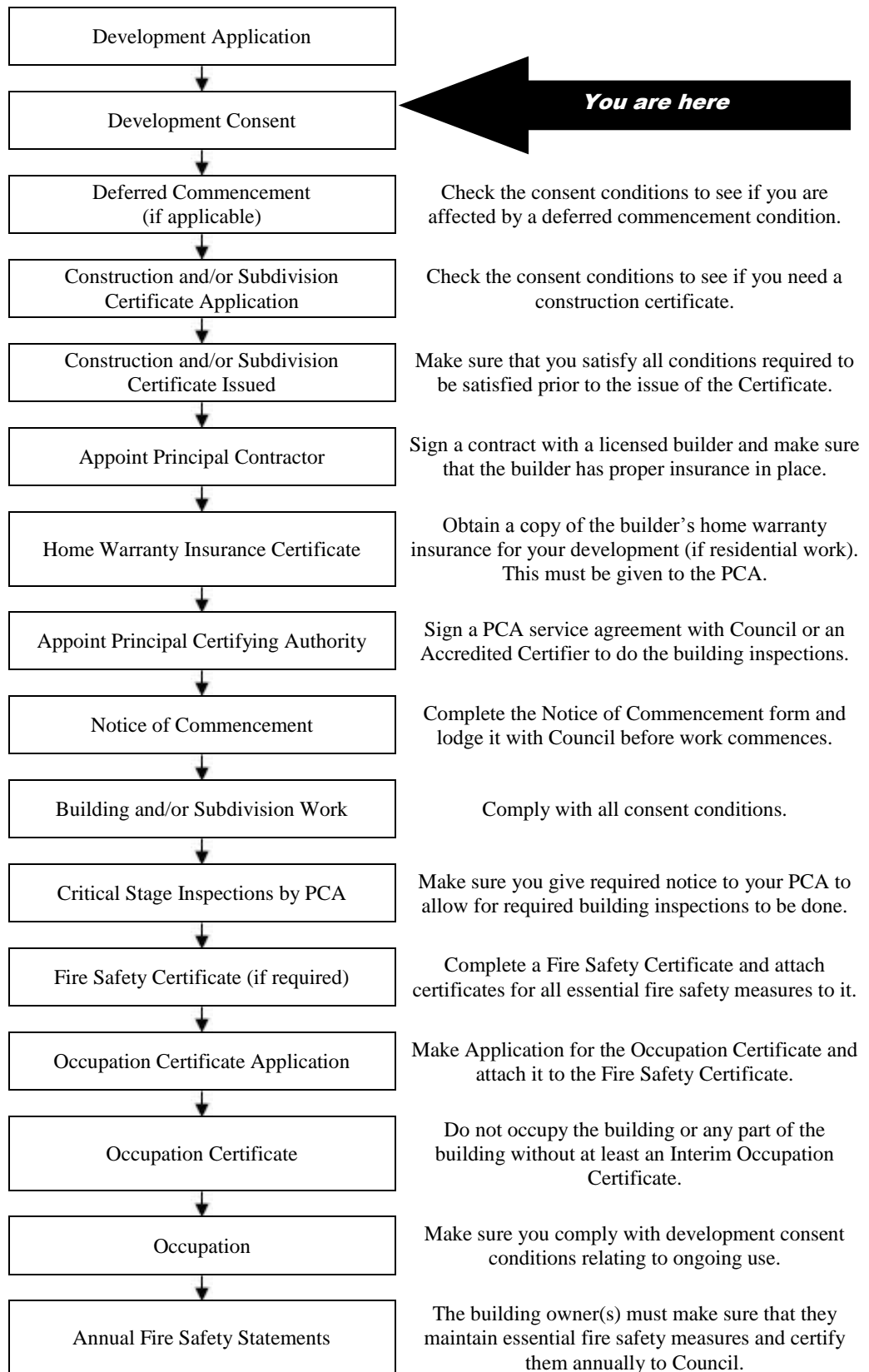
**NSDCP 2013** means *North Sydney Development Control Plan 2013*

**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.

<b>Plan No.</b>	<b>Issue</b>	<b>Dated</b>	<b>Title</b>	<b>Drawn by</b>	<b>Received</b>
DA-KE-001	3	3 March 2018	Site Plan	Buchanan Group	3 May 2018
DA-KE-002	3	3 March 2018	Existing Level 6 Roof Plaza Plan	Buchanan Group	3 May 2018
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DA-KE-004	3	3 March 2018	Proposed Elevations	Buchanan Group	3 May 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)



**C. *Prior to the Issue of a Construction Certificate (and ongoing, where indicated)***

**Waste Management Plan**

- C1. A Waste Management Plan is to be submitted for approval by the Certifying Authority prior to the issue of any Construction Certificate. The plan must include, but not be limited to:
- a) The estimated volume of waste and method of disposal for the construction and operation phases of the development;
  - b) The design of the on-site waste storage and recycling area; and
  - c) Administrative arrangements for waste and recycling management during the construction process.

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

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

**Noise from Plant and Equipment**

- C2. The use of all plant and equipment installed on the premises must not:
- a) Contribute an LAeq(15min) which will cause the total LAeq(15min) from all plant and equipment operating contemporaneously on the site or in the strata scheme or in the mixed strata schemes to exceed the RBL by more than 5dB when measured at the boundary of any affected receiver. The modifying factor adjustments in Section 4 of the EPA Industrial Noise Policy shall be applied.
  - b) Cause “offensive noise” as defined in the Protection of the Environment Operations Act 1997.

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

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

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

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

### **Vibration from Plant and Equipment**

- C3. The use of all plant and equipment to be installed on the premises must comply with the vibration limits specified in “Assessing Vibration: a technical guideline” issued by the NSW Environment Protection Authority, at the boundary of any affected receiver.

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

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

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

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

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

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

### **Compliance with Acoustic Report**

- C4. The recommendations contained in the acoustic report prepared by Renzo Tonin & Associates dated 28 April 2017, must be implemented during construction and use of the development.

A statement from an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants, certifying that the acoustic mitigation measures outlined in the above stated report have been suitably incorporated into the development and that relevant noise criteria have been satisfied, must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

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

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

### Tree Protection Measures to be shown on Construction Drawings

- C5. The tree protection measures contained in the arborist report and addendum prepared by Apex Tree & Garden Experts, dated 16 May 2017 and 5 May 2018 respectively, and submitted to Council with the development application, must be shown clearly on the Construction Certificate drawings.

Plans and specifications showing the said tree protection measures must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure the construction plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure that appropriate tree protection measures are shown on construction drawings)

### Protection of Trees

- C6. The following tree(s) are required to be protected and retained as part of the development consent in accordance with AS 4970-2009 – Protection of trees on development sites:

Tree	Location	Height (m)
Tree 1 <i>Ficus macrophylla</i> (Moreton Bay Fig)	Large Moreton Bay Fig tree within the landscape garden approximately 10 metres to the south of the nominated construction area.	~26 metres (canopy spread of ~35 metres)
Tree 2 <i>Cupaniopsis anacardioides</i> (Tuckeroo)	Within the landscape garden approximately 3 metres to the south of the suspended concrete walkway	~6.5metres dbh of 180mm

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

Any tree(s) shown as being retained on the approved plans (regardless of whether they are listed in the above schedule or not) must be protected and retained in accordance with this condition.

(Reason: Protection of existing environmental and community assets)

### Pruning of Trees

- C7. All pruning works shall to the following tree(s) shall be undertaken under the guidance of an appropriately qualified arborist/tree surgeon in accordance with Australian Standard AS 4373-2007 - Pruning of Amenity Trees:

Tree	Location	Height (m)
Tree 1 <i>Ficus macrophylla</i> (Moreton Bay Fig)	Large Moreton Bay Fig tree within the landscape garden approximately 10 metres to the south of the nominated construction area.	~26 metres (canopy spread ~35m)

Tree 2 <i>Cupaniopsis anacardioides</i> (Tuckeroo)	Within the landscape garden approximately 3 metres to the south of the suspended concrete walkway	6.5m
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The excavation beneath the suspended slab will need to be carried out by hand as there is no practical way for this to be done with larger machinery. In this case, excavation by hand is also preferable so that any disturbance to the tree will be able to be minimised.

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

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

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

#### **Irrigation to landscape green wall**

C8. A licensed plumber is to provide written concurrence that the irrigation system for the proposed green wall system is fully functioning to the Certifying Authority for approval prior to the issue of any Construction Certificate.

(Reason: To ensure the longevity of the Green wall planting.)

#### **Planting**

C9. The following landscape details are to be designed by a suitably qualified and experienced registered landscape architect and submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

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

- a) Plant species for the proposed green wall
- b) Irrigation design for the green wall
- c) Replenishment understorey plants for the whole of the garden bed, soil rejuvenation and mulch

(Reason: To ensure the viability of the green wall landscape system.)

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

##### **Protection of Trees**

D1. All trees that are specifically nominated to be retained by notation on plans or by condition as a requirement of this consent must be maintained and protected during demolition, excavation and construction on the site in accordance with AS4970-2009 (Protection of trees on development sites).

A report containing recommendations, and methods of tree protection prepared by an appropriately qualified person must be provided to the Certifying Authority for approval by an appropriately qualified person prior to commencement of any works on the site. Any recommendations must be undertaken for the duration of works on the site.

(Reason: To ensure compliance with the requirement to retain significant planting on the site)

### Temporary Fences and Tree Protection

D2. All protected trees on-site that are specifically nominated to be retained by notation on plans or by condition as a requirement of this consent must be tagged with luminous tape or the like for purposes of identification prior to demolition, excavation or construction works and must remain so for the duration of works on the site. No materials or builder's waste are to be stored in the vicinity of the nominated tree/trees at any time.

Appropriate tree protection measures in accordance with AS4970-2009 (Protection of trees on development sites), must be installed, where required by the consulting arborist, and maintained for the duration of work, to the satisfaction of the Certifying Authority prior to demolition or commencement of any works.

(Reason: To protect the trees to be retained on the site during construction works)

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

#### Construction Hours

E1. Building construction shall be restricted to within the following hours:

- Monday to Friday – 7.00am to 5.30pm (building construction and demolition) and 5.30pm to 7.00am (**for internal non-intrusive works only**);
- Saturday – 7.00am to 2.30pm (building construction and internal demolition) and 2.30pm to 12.00am (**for internal non-intrusive works only**);
- Sunday (and following morning) – 12.00am to 7.00am (**internal non-intrusive works only**);
- No work on Public Holidays.

Permissible building works between the hours of 5.30pm to 7.00am is **limited to internal fit-out works only** and shall be wholly contained within the sealed building façade. Permissible building works between these hours are those defined as 'internal non-intrusive works' and that do not cause offensive noise as defined by the NSW Environmental Protection Authority.

No construction deliveries to the site shall occur outside the standard construction hours of 7.00am to 5.00pm, Monday to Friday and 8.00am to 1.00pm on Saturdays.

The use of jackhammers and other noise generating machinery is strictly prohibited after 5.30pm on weekdays and 2.30pm on Saturdays. Demolition works shall be restricted to within the hours of 8.00am to 5.30pm, Monday to Friday only.

- (a) All building construction works in (a) above shall be subject to the maximum noise levels of 5dB(A) above the background.
- (b) If investigation of any complaint(s) received by Council establishes that 'offensive' noise over the 5dB(A) background limit has occurred, and the complaint is justified, then Council will require by notice to the applicant, owner and developer, that the construction hours must revert to Council's standard construction hours (i.e. 7.00am to 5.00pm, Monday to Friday and 8.00am to 1.00pm on Saturdays, with no work on Sundays on Public Holidays).
- (c) A twenty-four (24) hour contact telephone number for a responsible contact person shall be clearly visible and legible from a public place adjoining the site when after hours construction works are being undertaken.

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

### **Removal of Extra Fabric**

E2. 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)

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

E3. The following must be complied with at all times:

- (a) Materials must not be burnt on the site.
- (b) Vehicles entering and leaving the site with soil or fill material must be covered.
- (c) Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the NSW Department of Housing's 1998 guidelines - Managing Urban Stormwater: Soils and Construction.

- (d) Odour suppression measures must also be carried out where appropriate so as to prevent nuisance occurring at adjoining properties.

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

### **Noise and Vibration**

- 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)

### **Special Permits**

- E5. 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**

E.g. 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)

**Health and Safety**

E6. 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](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**

E7. 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**

- E8. 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](http://www.northsydney.nsw.gov.au).

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

### **Waste Disposal**

- E9. 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)

### ***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)

#### **Appointment of a Principal Certifying Authority (PCA)**

- F2. Building work, demolition or excavation in accordance with the development consent must not be commenced until the developer has appointed a Principal Certifying Authority for the building work in accordance with the provisions of the EP&A Act and its Regulations.

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

### **Construction Certificate**

F3. Building work, demolition or excavation in accordance with the development consent must not be commenced until a Construction Certificate for the relevant part of the building work has been issued in accordance with the provisions of the EP&A Act and its Regulations.

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

### **Occupation Certificate**

F4. A person must not commence occupation or use of the whole or any part of a new building (new building includes an altered portion of, or an extension to, an existing building) unless an Occupation Certificate has been issued in relation to the building or part. Only the Principal Certifying Authority appointed for the building work can issue an Occupation Certificate.

(Reason: Statutory)

### **Mandatory Critical Stage Inspections**

F5. Building work must be inspected by the Principal Certifying Authority on the critical stage occasions prescribed by the EP&A Act and its Regulations, and as directed by the appointed Principal Certifying Authority.

(Reason: Statutory)

### **Protection of Public Places**

- F6.
- 1) A hoarding and site fencing must be erected between the work site and adjoining public place.
  - 2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
  - 3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
  - 4) Any such hoarding, fence or awning is to be removed when the work has been completed.

- 5) No access across public reserves or parks is permitted.

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

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

***G. Prior to the Issue of an Occupation Certificate***

**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.

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

**Certification for Mechanical Exhaust Ventilation**

- G2. Prior to issue of an Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, must be submitted to, and approved by, the Certifying Authority.

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

**Noise Certification**

- G3. Prior to issue of the any Occupation Certificate a certificate from an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants is to be submitted to, and approved by, the Certifying Authority certifying that the noise and vibration from use of the development complies with the conditions of consent here-in.

(Reason: To ensure acoustic amenity)

### Report on the health and condition of Significant Moreton Bay fig

- G4. Prior to the issue of any Occupation Certificate, a report must be prepared by a qualified and practicing arborist with a minimum qualification of AQF Level 5, which certifies the adequate health and condition of the Moreton Bay Fig tree located in the in the garden area to the south side of the site, adjacent to the Blue Street frontage.

Tree	Location	Height (m)
Tree 1 <i>Ficus macrophylla</i> (Moreton Bay Fig)	Large Moreton Bay Fig tree within the landscape garden approximately 10 metres to the south of the nominated construction area.	~26 metres (canopy spread ~35m)

The report must detail the condition and health of the nominated tree(s) upon completion of the works, and shall certify that the tree(s) has/have not been significantly damaged during the works on the site, and has/have reasonable prospects for survival. The must be submitted to the Certifying Authority and Council prior to the issue of any Occupation Certificate.

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

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

##### **Noise and Vibration Impact**

- I1. The on-going use of the premises approved under this consent must comply with all conditions pertaining to noise and vibration specified in this consent.

(Reason: To ensure compliance with the specified levels of noise and vibration and to maintain the amenity of surrounding land uses)

##### **Maintenance of Approved Landscaping**

- I2. The owner of the land is to maintain the landscaped gardens in the south of the site, being the location of the large Moreton Bay fig trees adjacent to the Blue Street frontage.

Any replacement plants required shall be advanced in growth and be selected to maintain the anticipated mature height, canopy density and nature of those plant species as originally approved.

Should it be desired to substitute plants which are not of the same mature height, canopy density and nature (particularly flowering for non flowering, native for exotic, deciduous for non deciduous or the reverse of any these) a modification to this consent will be required.

(Reason: To ensure maintenance of the amenity, solar access and views of adjoining properties)

**Annual Report on the health and condition of Significant Moreton Bay fig**

- I3. Prior to the issue of any Occupation Certificate, and annually for a period of 5 years from the operation of this consent, a report must be prepared by a qualified and practicing arborist with a qualification of AQF Level 5, which certifies the adequate health and condition of the Moreton Bay Fig tree identified as Tree 1 in the report prepared by Apex Tree & Garden Experts, dated 16 May 2017 and 5 May 2018 respectively, located in the in the garden area to the south side of the site, adjacent to the Blue Street frontage.

In the event that the consulting arborist finds that the health of the tree is adversely affected by the operation of the kitchen exhaust system approved by this consent, use of the exhaust system must cease.

The required annual health report may make recommendations to ensure the ongoing health of the Moreton Bay Fig Tree, however separate and further consent is required for the pruning of the tree.

Copies of the arborist report must be submitted each year to Council for the consideration of Council Landscape Preservation Officer and Council's Manager of Environment & Building Compliance.

(Reason: To ensure adequate provision is made for the ongoing health of the large Moreton Bay Fig tree in the garden area to the south of the site)