



**Land and Environment  
Court**  
of New South Wales

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DX 264, Sydney

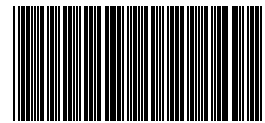
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Your Ref:



D0001J7Y28

2 March 2022

### NOTICE OF ORDERS MADE

Case number 2020/00306306  
Case title Mike & Shan Pty Ltd v City of Canada Bay Council

On 2 March 2022 the following orders (and/or directions) were made:

The Court orders that:

- (1) The Applicant's written request to vary the height development standard at clause 4.3 of the Canada Bay Local Environmental Plan 2013, in accordance with cl 4.6 of the Canada Bay Local Environmental Plan 2013 is upheld.
- (2) The Applicant's written request to vary the floor space ratio development standard at clause 4.4 of the Canada Bay Local Environmental Plan 2013, in accordance with cl 4.6 of the Canada Bay Local Environmental Plan 2013 is upheld.
- (3) The Applicant is to pay the Repondent's costs thrown away as assessed or agreed in accordance with s 8.15(3) of the Environmental Planning and Assessment Act 1979.
- (4) The appeal is upheld.
- (5) Development consent for Development Application No DA2020/0161 for a centre-based childcare facility accommodating 159 children, requiring alterations and additions to the Reservoir and the construction of a new building to the east of the site over basement car parking on Lots 13, 14, 15 and 16 in DP 455626 in Drummoyne is granted, subject to conditions at Annexure A.
- (6) All exhibits are returned except for Exhibits A, B and 9.

For the Registrar

## Annexure A

### DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

**Development Application No:** DA2020/0161

**Development:** Adaptive reuse of the Drummoyne Reservoir as a centre based child care facility accommodating 159 children involving alterations and additions to the existing reservoir building together with the construction of a new building to the eastern component of the site with basement car parking.

**Site:** Lot 13, 14, 15, and 16 in DP 455626

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

**Date of determination:** 2 March 2022

**Date from which consent takes effect:** Date the consent is registered on the NSW Planning Portal

#### TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as Lot 13, 14, 15, and 16 in DP 455626

The conditions of consent are as follows:

#### General Conditions

**1. ~DAGCA01 - Approved Plans and Supporting Documents**

The development shall be carried out substantially in accordance with the approved

stamped and signed plans and/or documentation listed below **except where modified by any following condition.** Where the plans relate to alteration or additions only those works shown in colour or highlighted are approved.

<i>Reference/ Dwg No</i>	<i>Title/Description</i>	<i>Prepared By</i>	<i>Date/s</i>
<i>Architectural and Landscape Plans</i>			
A00.02	DETAILED SURVEY PLAN (Rev. I)	Milton Architects	7 October 2021
A00.05	SITE DEMOLITION PLAN (Rev. I)	Milton Architects	7 October 2021
A01.16	DEMOLITION DIAGRAMS (Rev. I)	Milton Architects	7 October 2021
A02.01	FLOOR PLAN – BASEMENT 3 (Rev. I)	Milton Architects	7 October 2021
A02.02	FLOOR PLAN – BASEMENT 2 (Rev. I)	Milton Architects	7 October 2021
A02.03	FLOOR PLAN – BASEMENT 1 (Rev. I)	Milton Architects	7 October 2021
A02.04	FLOOR PLAN – LEVEL 1 (Rev. I)	Milton Architects	7 October 2021
A02.05	FLOOR PLAN – LEVEL 2 (Rev. I)	Milton Architects	October 2021
A02.06	FLOOR PLAN – LEVEL 3 (Rev. J)	Milton Architects	4 November 2021
A02.07	FLOOR PLAN – LEVEL 4 (Rev. I)	Milton Architects	7 October 2021
A02.08	FLOOR PLAN – LEVEL 5 (Rev. I)	Milton Architects	7 October 2021
A02.09	FLOOR PLAN – ROOF GARDEN (Rev. I)	Milton Architects	7 October 2021
A03.01	STREETSCAPE (Rev. I)	Milton Architects	7 October 2021
A03.02	STREETSCAPE (Rev. I)	Milton Architects	7 October 2021
A03.03	STREETSCAPE (Rev. I)	Milton Architects	7 October 2021
A03.04	STREETSCAPE (Rev. I)	Milton Architects	7 October 2021
A04.01	BUILDING ELEVATIONS (Rev. I)	Milton Architects	7 October 2021
A04.02	BUILDING ELEVATIONS (Rev. I)	Milton Architects	7 October 2021
A04.03	BUILDING ELEVATIONS (Rev. I)	Milton Architects	7 October 2021
A04.04	BUILDING ELEVATIONS (Rev. I)	Milton Architects	7 October 2021
A04.05	BUILDING ELEVATIONS (Rev. I)	Milton Architects	7 October 2021
A05.01	BUILDING SECTIONS (Rev. I)	Milton Architects	7 October 2021
A05.02	BUILDING SECTIONS (Rev. I)	Milton Architects	7 October 2021
A05.03	BUILDING SECTIONS (Rev. I)	Milton Architects	7 October 2021
A05.04	BUILDING SECTIONS (Rev. I)	Milton Architects	7 October 2021
A05.05	BUILDING SECTIONS (Rev. I)	Milton Architects	7 October 2021
A05.06	BUILDING SECTIONS (Rev. I)	Milton Architects	7 October 2021
A05.07	BUILDING SECTIONS (Rev. I)	Milton Architects	7 October 2021
A07.01	LANDSCAPE CONCEPT PLAN – LEVEL 1 (Rev. I)	Milton Architects	7 October 2021
A07.02	LANDSCAPE CONCEPT PLAN – LEVEL 3-5 (Rev. I)	Milton Architects	7 October 2021
A07.03	LANDSCAPE CONCEPT PLAN – ROOF GARDEN (Rev. I)	Milton Architects	7 October 2021
A07.04	LANDSCAP DESIGN STATEMENT (Rev. I)	Milton Architects	7 October 2021
A08.01	TANK & TOWER DETAIL SECTIONS (Rev. I)	Milton Architects	7 October 2021

A08.02	TANK & TOWER DETAIL SECTIONS (Rev. I)	Milton Architects	7 October 2021
A08.03	LINK BRIDGE BETWEEN TOWER & TANK (Rev. I)	Milton Architects	7 October 2021
A09.01	MATERIALS SCHEDULE MONTAGE (Rev. I)	Milton Architects	7 October 2021
A10.01	Acoustic Arbour (Rev. I)	Milton Architects	4 November 2021
A10.02	Pallisade Fence Details	Milton Architects	4 November 2021
A10.03	Driveway Fence Detail	Milton Architects	4 November 2021
<i>Stormwater Management Drawings</i>			
SK005	Stormwater Management Plan – Internal (Rev. A)	Inertia Engineering	19 October 2021
SK006	Stormwater Management Plan – External (Rev. A)	Inertia Engineering	19 October 2021
SK007	Stormwater Management Longitudinal Section and Details (Rev. A)	Inertia Engineering	19 October 2021
SK008	Stormwater Management Plan – Basement (Rev. A)	Inertia Engineering	19 October 2021
<i>Basement Carpark Detailed Design Plans</i>			
S.002	Project Notes – Sheet 1 (Rev. P4)	Brogue	October 2021
S.003	Project Notes – Sheet 2 (Rev. P4)	Brogue	October 2021
S.004	Project Notes – Sheet 4 (Rev. P4)	Brogue	October 2021
S.010A	Retention Works and Piling Plan – B1 Level (Rev. P4)	Brogue	October 2021
S.010B	Retention Works and Piling Plan – B2 & B3 Level (Rev. P4)	Brogue	October 2021
S.011	Capping Beam Plan (Rev. P4)	Brogue	October 2021
S.012	Retention Elevations – Sheet 1 (Rev. P4)	Brogue	October 2021
S.013	Retention Elevations – Sheet 2 (Rev. P4)	Brogue	October 2021
S.014	Retention Sections (Rev. P4)	Brogue	October 2021
S.015	Typical Retention Details – Sheet 1 (Rev. P4)	Brogue	October 2021
S.016	Typical Retention Details – Sheet 2 (Rev. P4)	Brogue	October 2021
S.017	Typical Retention Details – Sheet 3 (Rev. P4)	Brogue	October 2021
S.018	Typical Retention Details – Sheet 4 (Rev. P4)	Brogue	October 2021
S.019	Typical Retention Details – Sheet 5 (Rev. P4)	Brogue	October 2021
S.100	Basement 3 – General Arrangement Plan (Rev. P4)	Brogue	October 2021
S.110	Basement 2 – General Arrangement Plan (Rev. P4)	Brogue	October 2021
S.120	Basement 1 – General Arrangement Plan (Rev. P4)	Brogue	October 2021
S.200	Level 1 – General Arrangement Plan (Rev. P4)	Brogue	October 2021

<i>Document</i>	<i>Dated</i>
Project no. 8868: Stormwater Management Plan (Rev. 04) by Inertia Engineering	19 October

	2021
Remedial Action Plan, Drummoyne reservoir (Asset ID WS0038) prepared by Parson Brinkerhoff Revision D	8 February 2022
Acoustic Report by Clarity Acoustics	19 June 2020
Acoustic Report Addendum by Clarity Acoustics	19 October 2021
Plan of Management by Early Education Solutions	2 November 2021
Waste Management Report by Milton Architects Waste Plan	15 June 2020
Electromagnetic Field (EMF) Report, report no. 210702 by EMC Services Pty Ltd.	29 July 2021
DRC Environmental 'Environmental Review and Advice Note – Proposed Childcare Centre Development at the Former Drummoyne Reservoir site, Drummoyne, NSW'	24 February 2020

**Note 1:** *Modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 4.55 of the Environmental Planning and Assessment Act.*

**Note 2:** *A warning to all Accredited Certifiers. You should always insist on sighting the original Council stamped approved plans/documentation and not rely solely upon the plan reference numbers in this condition. Should the applicant not be able to provide you with original copies, Council will provide you with access to its files so you that may review our original copies of approved documentation.*

**Note 3:** *The approved plans and supporting documentation may be subject to conditions imposed under section 4.17 of the Act modifying or amending the development (refer to conditions of consent which must be satisfied prior to the issue of any Construction Certificate).*

*(Reason: To confirm and clarify the terms of consent)*

1A

- a. The applicant must obtain an Approval pursuant to s58 Division 1 Subdivision 3 Heritage Act from Heritage NSW prior to the issue of a construction certificate.
- b. Prior to the issue of the construction certificate the architectural plans are to be amended to include:
  - i. the acoustic walls along South Street and the footpath to be shown on the elevations.
  - ii. the word maximum is to be removed from the notation on the plans regarding the height of the glazed acoustic barriers for the New Building.

- c. Prior to the issue of the construction certificate, the schedule of materials, finishes and colours for the reservoir and new works is to be amended to include:
- i. New metal panels to exterior of tank.
  - ii. Newly inserted doors to new openings to tower and tank.
  - iii. Floor finishes to tower and tank levels.
  - iv. Materials, finishes and colours of the proposed New Building, including the driveway and courtyards/outdoor areas.

**2. Heritage Architect to be Commissioned**

A suitably qualified and experienced heritage consultant must be commissioned for the works approved by this consent. The nominated heritage consultant must provide input into the detailed design, provide heritage information to be imparted to all tradespeople during site inductions, and oversee the works to minimise impacts to heritage values. The nominated heritage consultant must be involved in the selection of appropriate tradespersons. Proof of this engagement must be provided before the release of the construction certificate. Prior to release of the Occupation Certificate, the Heritage Architect must provide written confirmation that all work has been carried out in accordance with the conditions of this consent

*(Reason: to ensure the detailed design and construction respect the heritage values of the site)*

**3. Brickwork**

All new brickwork shall be a dark brown or dark red-brown colour consistent with contributory development in the surrounding area. The bricks are to be of standard brick sizes (76-78 x 230 x 110mm) and laid in stretcher bond.

*(Reason: to reflect the established character of the Bourketown Heritage Conservation Area)*

**4. Reuse of Brickwork**

The bricks from the demolished office building are to be used in retaining walls and planter beds on the site where practicable.

*(Reason: to retain original heritage fabric on site)*

**5. ~DAGCA02 - Child Care Centre**

This approval is given for the use of the land for the purposes of a Child Care Centre with a maximum of 159 children. A separate approval and/or license will be required from the NSW Department of Education for the operation of a child care centre from the subject premises.

*(Reason: Clarify approved use)*

**6. ~DAGCB04 - Food Premises - General**

The construction and operation of the food premises shall comply with all applicable legislation/regulation and standards, including:

- The Food Act 2003

- Food Regulation 2015
- Food Standards Australia and New Zealand - Food Standards Code
- The cooking appliances require an approved air handling system designed in accordance with AS1668.1-1998 and AS1668.2-1991 or alternative solution satisfying the performance objectives of the Building Code of Australia. No approval is granted for the burning of wood fired fuel.
- The construction, fitout and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the *Food Act 2003* and AS 4674 - Design, Construction and Fitout of Food Premises where:
  - (a) The floor of the food premises must be finished in an approved non-absorbent material, evenly laid, graded and drained to a trapped floor waste.
  - (b) The floor must be coved at the intersection with the walls.
  - (c) The walls of the food preparation area must be of solid construction and finished with glazed ceramic tiles or other rigid, smooth-faced impervious material.
  - (d) Ceilings within the food preparation and storage areas must be free of gaps and open joints and must be finished with an impervious sealed material. Suspended ceiling panels are not permitted in food preparation areas, food storage areas or areas where open food is displayed or served.
  - (e) Hand wash basin/s, with hot and cold running water mixed through a common spout, liquid hand wash soap and hand drying facilities must be provided in all food preparation bar areas, and toilets used by food handlers and must be no further than 5m travel distance from a place where a food handler is handling food. All taps to hand wash basins must be hands free. (For example: sensor taps, knee operated taps or foot pedal taps). Liquid soap and paper towel dispensers or other hand drying facilities must be located next to and in close proximity the hand wash basin.
  - (f) A single bowl sink and a dishwasher must be provided in the food preparation or designated area, (of a capacity to handle the food preparation equipment) in addition to the hand basin.
  - (g) A separate and dedicated food preparation sink is to be provided within the food premises (where foods are prepared by immersion in water.)
  - (h) A cleaners sink for the purpose of cleaning floor mops and other cleaning equipment must be provided within the premises separate from the food preparation and storage area.
  - (i) The appliances used to store potentially hazardous food must have a capacity to keep food hotter than 60oC or colder than 5oC and be provided with a thermometer, accurate to 1oC and which can be easily read without opening the appliance.
  - (j) All self service unpackaged ready to eat food must be provided and maintained with protective barriers and have separate serving utensils, in accordance with Standard 3.2.2 of the *Food Standards Code* under the *Food Act 2003*.
  - (k) Clothing lockers and change rooms for male and female staff must be provided in the premises in a separate location to the food handling and storage areas.
  - (l) To ensure the adequate storage and collection of waste, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area. The waste storage area must be designed and constructed in accordance with AS 4674 - Design, Construction and Fitout of Food Premises, and must be:

- i. Provided with a hose tap connected to the water supply;
- ii. Paved with impervious floor materials;
- iii. Coved at the intersection of the floor and walls;
- iv. Graded and drained to a waste disposal system in accordance with the relevant regulatory authority (Sydney Water);
- v. Adequately ventilated (mechanically if necessary) so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997;

Detailed plans and specifications for the construction of the waste storage area are to be submitted to the Certifying Authority with the Construction Certificate.

- (m) Cool room(s), refrigerated chambers and strong-rooms are to be constructed in accordance with G 1.2 of the Building Code of Australia.
- (n) The floor of the coolroom must be graded to the door and a floor trapped waste outlet must be located outside the coolroom as near as possible to the door opening.
  - i. All proposed shelving in the coolroom must be free-standing, constructed of galvanised steel angle section or other approved material with the lowest shelf at least 150mm clear of the floor.
  - ii. The floor of the coolroom must be constructed of impermeable concrete or coated, topped or otherwise finished with an impervious material to a smooth even surface and coved at the intersections with the walls to a minimum radius of 25mm.
  - iii. Adjacent floors, walls, ceilings and other surfaces are able to be easily and effectively sanitised
- (o) An approved audible alarm device must be located outside the coolroom(s) but controllable only from within the coolroom(s) and be able to achieve a sound pressure level outside the chamber or coolroom(s) of 90 d B (A) when measured 3 metres from the sounding device.
- (p) All service pipes, electrical conduits, refrigeration condensate pipes and the like must be chased into walls and floors or at least 25mm off the wall.
- (q) All openings in walls, floors and ceilings, through which service pipes pass, must be vermin proof.
- (r) Where fittings are butt joined together they must be sealed to eliminate any cavities or crevices. Alternatively, a clear space of at least 75mm is to be provided between fittings.
- (s) The following requirements apply to clearances and supports of equipment:
  - i. All stoves, refrigerators, cupboards and similar fittings must have metal legs made of non-corrosive metal or moulded plastic at a minimum height of 150mm above the floor. If placed flush on solid plinths the solid plinth is to be a minimum of 75 mm high.
  - ii. All shelving must be fixed 25mm clear of the walls on solid metal brackets.

*(Reason: Compliance legislation and standards)*

## **7. ~DAGCB07 - Lighting**

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact



on the amenity of the surrounding area by light overspill. All lighting shall comply with relevant standards in this regard.

*(Reason: Protect amenity of surrounding area)*

**8. ~DAGCB10 - Site Management**

The following procedures apply:

- (a) Implement the site management plan and measures, and provide for erosion and sediment control according to the SSROC "Do It Right On Site" publication;
- (b) Prevent sediment and/or building materials being carried or washed onto the footway, gutter, road, or into Council's stormwater drainage system;
- (c) Ensure soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways;
- (d) Ensure safe access to and from the site including the road reserve and footpath area, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like;
- (e) Ensure safe loading and unloading of excavation machines, building materials, formwork and the erection of the structures within the site;
- (f) Ensure storage on site of all excavated material, construction materials and waste containers during the construction period (except where otherwise approved); and
- (g) Ensure support of any excavation beside any adjoining property or the road reserve is designed by a Chartered Civil Engineer.

*(Reason: Environmental protection)*

**9. ~DAGCC04 - Ventilation**

To ensure that adequate provision is made for ventilation of the premises, mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provisions of:

- The Building Code of Australia; and
- Protection of the Environment Operations Act 1997; and
- Any proposed mechanical ventilation system shall comply with the Australian Standard AS 1668-1991 (parts 1 & 2). Prior to installation, the design is to be certified by a person competent to do so. At completion of the installation of the system and prior to the issue of the occupation certificate, the work shall be certified by a person competent to do so. The certification shall include:-
  - i. Date of inspection, Inspection, testing and commissioning details
  - ii. The name and address of the individual who carried out the test and
  - iii. A statement that the service has been designed, installed and is capable of operating to above the standard

**Ventilation above cooking equipment**

Mechanical ventilation must be provided above cooking equipment and is to be designed and installed in accordance with relevant Australian Standards 'The use of

*ventilation and air conditioning in buildings - Ventilation design for indoor air contaminant control'.*

*(Reason: Compliance with relevant standards)*

**10. ~DAGCC05 - Waste Management**

Requirements of the approved Waste Management Plan shall be complied with during site preparation and throughout demolition and construction. Waste management and its storage must not pose a threat to public health or the environment.

*(Reason: Compliance with approval)*

**11. ~DAGCC06 - Fill Material**

**Imported Fills**

All fill imported onto the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.

Council may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported onto the site should be validated by the following methods during remediation works:

1. Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
2. Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines.

To ensure that fill material is suitable for the proposed [use], only material classified as Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM) is permitted to be imported onsite.

Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority on request.

**Classification of waste**

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines, Part 1: Classification of Waste (November 2014). Testing is required

prior to off-site disposal. In accordance with DECC Waste Classification Guidelines (2014) materials identified for off-site disposal must be removed by a suitably qualified contractor to an appropriately licensed waste facility.

Note: Attention is drawn to Part 4 of the NSW DECC Waste Classification Guidelines (2014) which makes particular reference to the management and disposal of Acid & Potential Acid Sulfate Soils. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

Evidence that the requirements specified above have been satisfied must be provided to the Principle Certifying Authority prior to the issue of an Occupation Certificate. Where an Occupation Certificate is not required this evidence must be provided to the satisfaction of Council's Manager Health, Building & Environment.

*(Reason: To ensure that imported & exported fill is of an acceptable standard for environmental protection purposes)*

## **12. ~DAGCD01 - Approved Stormwater Drainage Design**

The stormwater drainage system for the proposed development shall be constructed in accordance with the following approved plans and documentation, endorsed with Council's Stamp, and Council's "Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan", except where amended by other conditions of consent:

<b>Project/Drawing No.</b>	<b>Prepared By</b>	<b>Revision</b>	<b>Dated</b>
Project no. 8868: (Drawings SK005, SK006, SK007 and SK008)	Inertia Engineering	A	19 October 2021
Project no. 8868: Stormwater Management Plan	Inertia Engineering	04	19 October 2021

### **Important Note:**

- The approved Stormwater Drainage Plan as identified above is for Concept Only. The designer is responsible for providing sufficient information and/or updates to the Stormwater Drainage Plan suitable for Construction Certificate approval.
- Should any changes be required to the approved stormwater drainage plan as referred to above, the amended design shall achieve equivalent performance standards in accordance with Council's "Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan".
- Construction Certificate Approval does not include approval for works external to the property. Where the proposed design extends beyond the property boundary, separate approval under Section 138 of the Roads Act 1993, must be obtained from Council prior to the commencement of works. The applicant is

advised to contact Council for clarification of proposed works for which approval under Section 138 applies.

*(Reason: Stormwater management)*

**Conditions which must be satisfied prior to the commencement of demolition of any building or structure**

**13. ~DAPDA01 - Heritage - Submission of Photographic Survey**

**Prior to the Commencement of demolition** a photographic survey shall be submitted to Council. The photographic survey shall be prepared in accordance with the guidelines "Archival Recording of Heritage Items Using Film or Digital Capture" published by the NSW Heritage Office.

Three copies of the Photographic Survey shall be submitted in an unbound report format. Each copy should contain:

**For Film-based Projects:**

- A very brief report or introduction which explains the purposes of the report and gives a brief description of the subject, as well as details of the sequence in which images were taken. The report may also address the limitations of the photographic record and may make recommendations for future work;
- measured plans of the building at 1: 100 scale;
- a site plan of the building at min 1: 200 scale;
- plans of the building marked up to indicate where the photographs were taken and the direction of the photograph;
- the report should include all technical details including camera and lenses, film type, exposure and colour information;
  - Catalogue sheets, photographic plan, supplementary maps;
  - B&W materials:
    - One set of archivally processed and numbered B&W negatives stored in archival sheets or envelopes
    - Three sets of archivally processed proof (contact) sheets, labelled and cross-referenced to the catalogue sheets;
  - Colour materials:
    - Three sets of colour transparencies (either original transparency plus two duplicates or three original images taken concurrently) numbered, labelled and cross-referenced to the catalogue sheets and stored in archival slide sheets.

**Digital Projects**

- A very brief report or introduction which explains the purposes of the report and gives a brief description of the subject, as well as details of the sequence in which images were taken. The report may also address the limitations of the photographic record and may make recommendations for future work;
- measured plans of the building at 1: 100 scale;
- a site plan of the building at min 1: 200 scale;

- plans of the building marked up to indicate where the photographs were taken and the direction of the photograph;
- the report should include all technical details including camera and lenses, image file size and format, technical metadata associated with the images, and colour information;
- Catalogue sheets, photographic plan, supplementary maps;
- Three sets of colour thumbnail image sheets (e.g. A4 page with six images by six images) showing images and reference numbers.
- The thumbnail sheets should be processed with archivally stable inks on archivally acceptable photographic paper and cross referenced to catalogue sheets;
- One full set of 10.5x14.8cm (A6) colour prints OR, if a large project, a representative set of selected images processed with archivally stable inks on archivally acceptable photographic paper.
- A CD or DVD containing electronic image files saved as RAW files with associated metadata, and cross-referenced to catalogue sheets.

The report should be presented on archival quality paper in a suitable archival binder and slipcase, and all storage of individual components must be in archival quality packaging suitable for long term storage.

*(Reason: Heritage record)*

#### **14. Schedule of Conservation Works**

A detailed schedule of conservation works, generally in accordance with but not limited to the Preliminary Scope of Conservation Works by Sean Johnson, LSJ Heritage Planning and Architecture dated 6.3.20 updated 2.11.21 is to be provided to Council, prior to submission to the Heritage Council for the significant building and landscape components of the site. It must be prepared by a suitably qualified heritage consultant. The Schedule should be in accordance with the Burra Charter guidelines and should be guided by the Conservation Management Plan. The schedule of conservation works is to be submitted to Heritage NSW for approval prior to the release of the construction certificate. The works should be implemented as part of the project prior to the issue of an Occupation Certificate, to ensure that significant features and fabric are restored and conserved.

*(Reason: to ensure the appropriate conservation of significant fabric)*

#### **15. ~DAPDB02 - Demolition** **Demolition - General**

- a. That two (2) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of any demolition work, notice in writing is to be given to the Council. Such written notice is to include:
  - The date when demolition will commence,
  - Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer.
  - The licence number of the demolisher, and relevant WorkCover licenses, (see minimum licensing requirements in (d) below, and
  - Copies of the demolisher's current public liability/risk insurance policy

indicating a minimum cover of \$10,000,000.00.

- b. Demolition of buildings and structures must comply with all current and relevant Australian Standards.
- c. Demolition works are restricted as follows:
  - Monday to Saturday inclusive - 7:00am - 5:00pm
  - Sundays and Public Holidays - No work
- d. At least two (2) working days (i.e. Monday to Friday exclusive of public holidays), the developer or demolition contractor must notify adjoining residents prior to demolition commencing advising the following:
  - The date when demolition will commence;
  - Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer;
  - The telephone number of WorkCover's Hotline 13 10 50.

### **Demolition Involving the Removal of Asbestos**

#### General Information

Homes built or renovated prior to 1987 are likely to contain asbestos. Asbestos is most commonly found within eaves, internal and external wall cladding, ceilings and walls (particularly within wet areas such as bathrooms and laundries), and fences. Unless properly handled, asbestos disturbed or removed during renovations can cause the development of asbestos related diseases, such as asbestosis, lung cancer and mesothelioma.

To ensure work does not cause undue risk please see the following site for further information: [www.asbestosawareness.com.au](http://www.asbestosawareness.com.au)

#### **Asbestos to be removed by licensed asbestos removalist**

All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Workcover NSW, holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal License which ever applies AND a current WorkCover Demolition License where works involve demolition.

#### NOTE:

- Removal of asbestos by a person who does not hold a Class A or Class B asbestos removal license is permitted if the asbestos being removed is 10m<sup>2</sup> or less of non-friable asbestos (approximately the size of a small bathroom).  
Friable asbestos materials must only be removed by a person who holds a current Class A asbestos license.
- To find a licensed asbestos removalist please see [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

#### Compliance with applicable Legislation, Policies and Codes of Practice

Asbestos removal works are to be undertaken in accordance with the following:

- NSW Work Health and Safety Act and Regulation 2011;

- Safe Work Australia Code of Practice for the Management and Control of Asbestos in the Workplace [NOHSC:2018(2005)]
- NSW Government WorkCover Code of Practice - How to Safely Remove Asbestos;
- NSW Government WorkCover Code of Practice - How to Manage and Control Asbestos in the Workplace; and

#### Clearance certificate

Following completion of asbestos removal works undertaken by a licensed asbestos removalist re-occupation of a workplace must not occur until an independent and suitably licensed asbestos removalist undertakes a clearance inspection and issues a clearance certificate.

#### Notification of asbestos removal works

At least two (2) working days (i.e. Monday to Friday exclusive of public holidays), the developer or demolition contractor must notify adjoining residents prior to the commencement of asbestos removal works. Notification is to include, at a minimum:

- The date and time when asbestos removal works will commence;
- The name, address and business hours contact telephone number of the demolisher, contractor and/or developer;
- The full name and license number of the asbestos removalist/s; and
- The telephone number of WorkCover's Hotline 13 10 50

Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance.

#### Barricades

Appropriate barricades must be installed as appropriate to prevent public access and prevent the escape of asbestos fibres. Barricades must be installed prior to the commencement of asbestos removal works and remain in place until works are completed.

*(Reason: To ensure compliance with the relevant legislation and to ensure public and work safety)*

#### **16. ~DAPDB03 - Site Safety Fencing - Demolition only**

Erect site fencing to a minimum height of 1.8m complying with WorkCover Guidelines, to exclude public access to the site throughout the demolition. The fencing **must be erected before the commencement of any demolition work** and maintained.

The site shall be maintained in a clean and orderly condition during demolition works.

*Hoardings*

If applicable, a separate Hoarding Application for the erection of an A class (fence type) or B class (overhead type) hoarding along the street frontage(s) complying with WorkCover requirements must be obtained including:

- payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges before the commencement of work; and
- provision of a Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained with a copy provided to Council.

*(Reasons: Statutory Requirement and health and safety)*

**17. ~DAPDB04 - Tree Preservation - during demolition**

All street trees and trees on private property that are protected under Canada Bay Council's controls, shall be retained and protected during demolition works except where approved under this Consent to be removed or otherwise if Council's prior written consent has been obtained.

*(Reason: Tree Preservation and Protection)*

**18. ~DAPDB05 - Erosion and Sediment Control During Demolition**

Erosion and sedimentation controls shall be in place **prior to the commencement of demolition works** and shall be maintained throughout the demolition of the building and any regrading of the ground levels, approved removal of vegetation etc. The controls shall be installed in accordance with the details approved by Council and/or as directed by Council officers. These requirements shall be in accordance with Managing Urban Stormwater - soils and Construction produced by Landcom (Blue Book). A copy of the Erosion and Sediment Control Plan must be kept on site during the demolition works and made available to Council officers on request.

*(Reason: Environmental protection)*

**Conditions which must be satisfied prior to the issue of a Construction Certificate****19. ~DACCA01 - Access for People with Disabilities**

Access for people with disabilities must be provided in accordance with the requirements of the Building Code of Australia, relevant Australian Standards and with regard to the *Disability Discrimination Act 1992*. **Prior to the issue of a Construction Certificate**, the plans shall demonstrate compliance. **Note: Disability (Access to Premises - Buildings) Standards 2010** - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.



*(Reason: To inform of relevant access requirements for persons with a disability)*

**20. ~DACCB02 - Damage Deposit for Council Infrastructure**

You must complete a Deposit/Bond Application Form located on Council's website under Forms and Fact Sheets > Rates and Finance.

A Damage Deposit (calculated in accordance with Council's adopted Fees and Charges) of **\$50,000** shall be paid to Council **prior to the issue of the Construction Certificate**.

This Damage Deposit shall be refunded upon completion of all works, at the Occupation or Final Certificate stage.

Any costs associated with works necessary to be carried out to rectify any damages caused by the development, shall be deducted from the Damage Deposit.

**Note:** Full panel concrete footpath replacement in areas where connection to all services are required. This includes driveways and road concrete panels. This will stop differential settlement and maintain the integrity of council infrastructure and asset.

*(Reason: Protection of Council infrastructure)*

**21. ~DACCB03 - Long Service Levy Payments**

The payment of a long service levy as required under part 5 of the *Building and Construction Industry Long Service Payments Act 1986*, in respect to this building work, and in this regard, proof that the levy has been paid, is to be submitted to Council **prior to the issue of a Construction Certificate**. Council acts as an agent for the Long Services Payment Corporation and the levy may be paid at Council's Office.

*(Reason: Statutory requirement)*

**22. ~DACCB07 - Section 7.12 Levy Contributions**

The following Section 7.12 Levy Contribution is required towards the provision of public amenities and services in accordance with the City of Canada Bay Section 7.12 Plan 2005.

Pursuant to Section 4.17 of the *Environmental Planning and Assessment Act 1979*, and the City of Canada Bay Section 7.12 Levy Contributions Plan 2005, a contribution of 0.5% (for works between \$100,001.00 and \$200,000.00) or 1% (for works over \$200,000.00) of the cost of development amounting to **\$121,563.59** shall be paid to Council **prior to the release of any associated Construction Certificate**.

The amount to be paid will be adjusted at the time of actual payment, in accordance with the provisions of the Canada Bay Section 7.12 Levy Contributions Plan 2005. The Consumer Price Index All Group Index Number for Sydney at the time of the development application determination is **119.4**.

**Please Note:** Any change in the Consumer Price Index (CPI) between the date of this approval and the date that the Section 7.12 Contribution is paid will be added/subtracted from the amount cited above. The amount will be adjusted at the time of actual payment in accordance with Canada Bay Section 7.12 Levy Contributions Plan 2005.

Contributions must be receipted by Council and submitted to the Accredited Certifier **prior to the issue of any Construction Certificate.**

A copy of the Canada Bay Section 7.12 Levy Contributions Plan 2005 and accompanying Fact Sheet may be inspected or obtained from the City of Canada Bay Civic Centre, 1A Marlborough Street, Drummoyne during business hours or on Council's web site at [www.canadabay.nsw.gov.au](http://www.canadabay.nsw.gov.au).

*(Reason: To provide high quality and diverse public amenities and services to meet the expectations of the existing and new residents of the City of Canada Bay)*

**23. ~DACCE02 - Construction Management Plan**

**Prior to the issue of a Construction Certificate**, submit to the Accredited Certifier a Construction Management Plan that clearly sets out the following:

- (a) What actions and works that are proposed to ensure safe access to and from the site, and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like.
- (b) The proposed method of loading and unloading excavation machines, building materials, formwork, and the erection of any part of the structure within the site.
- (c) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.
- (d) How it is proposed to ensure that soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways.
- (e) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve - the proposed method of support is to be designed by a Chartered Civil Engineer.
- (f) A Soil and Water Management Plan detailing all sedimentation controls.

*(Reason: Safety, amenity and protection of public infrastructure and the environment)*

**24. ~DACCE02A - Construction Traffic Management Plan (CTMP)**

**Prior to the issue of a Construction Certificate**, the applicant shall submit and have approved by Council's Engineers, a detailed Construction Traffic Management Plan (CTMP). The plan shall demonstrate how construction and delivery vehicles will access the development site during the demolition, excavation and construction phase of the development. The plan shall be certified by a suitably qualified and experienced traffic consultant and all traffic associated with the subject development shall comply with the terms of the approved Construction Traffic Management Plan.

The following matters (at a minimum) must be addressed in the CTMP:

- (a) A detailed description and route map of the proposed truck/construction vehicle access routes.
- (b) The locations of any proposed Construction Works Zones along the site frontage.
- (c) Provide a construction schedule.
- (d) Tradesperson parking (parking shall be provided on-site where possible).
- (e) Provide relevant Traffic Control Plans (must be certified by a suitably qualified RMS ticket holder).
- (f) Provide relevant Pedestrian Management Plans.
- (g) A site plan which indicates site entrances and exits, turning areas within the site for construction and spoil removal vehicles allowing a forward ingress and egress for all construction vehicles on the site (superimposed truck swept path diagrams). Site entrances and exits shall be controlled by a certified traffic controller.

*(Reason: Traffic safety and amenity during construction phase)*

**25. ~DACCE04 - Obtaining a Construction Certificate for Building Work**

This Development Consent does not constitute approval to carry out construction work. Construction work may only commence **upon the issue of a Construction Certificate, appointment of a Principal Certifying Authority (PCA), and lodgement of Notice of Commencement.**

*(Reason: Information)*

**26. ~DACCF02 - Landscape Maintenance Strategy**

To ensure the survival of landscaping following works, a landscape maintenance strategy for the owner/occupier to administer over a 12 month establishment period following the issue of the Occupation Certificate shall be prepared and provided to the satisfaction of the Accredited Certifier **with the Construction Certificate application.** The strategy is to address maintenance issues such as, but not limited to plant survival, irrigation, soil testing, weeding, staking, fertilizing, remedial pruning and plant replacement.

*(Reason: Ensure landscape survival)*

**27. ~DACCG10 - Speed Hump and Stop Sign on Exit**

The applicant shall install a stop sign and a speed hump at the exit from the site. The stop sign must be accompanied by the associated line marking and the speed hump shall be set back by 1.5 metres from the boundary alignment. The devices shall be designed and constructed in accordance with the provision of all relevant Australian Standards. The building plans shall indicate compliance with this requirement **prior to the issue of a construction certificate.**

*(Reason: Traffic safety and management)*

**28. ~DACCI01 - Pre-Commencement Damage Report**

**Prior to the issue of the Construction Certificate**, the Pre-Commencement Damage Report Form shall be completed and submitted to Council. This Damage Report Form is for the evaluation of the existing condition of the road reserve, and shall be filled out and signed by the Applicant and submitted to Council. This form is generally for “minor works” (as defined in the Driveways and Ancillary Works Application Form). For “major works”, a Dilapidation Report will be required.

This Form is used to assist Council in determining the refund of any damage deposits and any likely repairs necessary upon the completion of the development.

When lodging the Damage Report Form, fees are payable in accordance with Council’s fees and charges schedule, which will go towards administration and inspection costs.

The cost of repairing any damage to Council property (including the footpath, verge, street trees, kerb, gutter, road pavement or the like) during and/or immediately after construction must be paid to Council or shall be deducted from the damage deposit bond. Repair of damaged Council property by the Applicant or his agent is not permitted unless approved by Council.

For roadways requiring asphaltic concrete works or adjustment works, these shall be done to a minimum width as specified by Council. Minimum dimensions are given in Council’s Specification for Driveway Construction or Specification for Restoration Works.

*(Reason: Maintain public assets)*

**29. ~DACCI02 - Footpath Design Levels**

Where requested, detailed footpath levels shall be obtained from Council’s Civil Infrastructure Assets Design & Investigations Manager **before finalisation of the footpath and driveway design for Construction Certificate Application**. Any required adjustments shall be included in the plans and the interface across the street boundaries shall be designed to incorporate smoothly the designated levels.

Unless an alternative specific design is submitted and approved by Council, the footpath levels adjoining the site shall generally be as follows:

- (a) The internal driveway levels shall be designed to meet Council’s footpath verge levels such that a maximum cross fall of 2.5% is achieved where the formal footpath meets the driveway.
- (b) The level of the boundary line as it crosses the driveway shall incorporate a cross fall equivalent to the general longitudinal grade of the street. Any required adjustments shall be included in the plans and submitted for approval (under Section 138 of the Roads Act) **prior to the release of the Construction**

**Certificate.** Care should be taken in steep landforms to ensure scraping of vehicles is avoided.

**Note: Care should be taken in steep landforms to ensure scraping of vehicles is avoided.**

*(Reason: Public Infrastructure)*

**30. ~DACCI03 - Protection of Public Places**

The adjoining or adjacent public area is not to be obstructed by any materials, vehicles, refuse skips and the like, under any circumstances unless approved in writing by Council.

If the work involved in the demolition or construction of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the closure of a public place, a barrier, fence or hoarding shall be erected **prior to the commencement of any work** subject to approval of a Traffic Management Plan.

An application to occupy public space is to be submitted to Council for approval prior to commencement of works.

Where a hoarding is required, an application for hoarding is also to be submitted to and approved by Council prior to commencement of any work. Hoardings shall be erected to comply with the requirements of WorkCover, the Principal Certifying Authority and with relevant Australian Standards.

*(Reason: Safety)*

**31. ~DACCI04 - Submission of Plans for Works within the Road Reserve**

Submission two (2) copies of Civil Engineering drawings for the design of all civil works required adjacent Rawson Avenue to Tranmere Street, Drummoyne with a civil public domain works application to Council for approval, including the following:

**Public Domain and Civil Works:**

All public domain civil works shall be designed and constructed in accordance with Council's DCP, Appendix 2 - Engineering Specification. The following shall be addressed:

- i. Extension of the existing drainage system from Tranmere Street, Drummoyne to subject site frontage;
- ii. Installing kerb inlet pit(s) with 1.8m wide opening at a distance of no greater than 50 metres apart in accordance with Council's engineering specification;
- iii. Covering over the drainage pipe within road reserve shall be annotated and shall comply with the relevant Australian Standards;
- iv. Stormwater connection from the development to the new kerb inlet pit must be above the overt of the outlet pipe;

- v. All pipes within road reserve shall be steel reinforced concrete pipe (RCP) and Class 4 minimum.
- vi. Minimum 1% grades;
- vii. Hydraulic grade line analysis for 10, 20 and 100 year ARI storm event from the existing drainage system in Tranmere Street, Drummoyne to the OSD system within the development;  
**Note:** Electronic modelling (i.e., DRAINS etc) to be utilised in the report and engineering plans, the modelling shall be submitted to Council for assessment and record.
- viii. Long sections of the proposed/existing drainage system including the pot holing of services to ensure the pipe can be physically constructed;
- ix. Consultation to the properties which may be affected by the new pit(s) and pipe shall be undertaken by the applicant and the consent of the affected properties owner for the proposed works shall be submitted to Council.
- x. Any landscaping, existing trees and trees planting within footpath area shall be indicated on the plan.
- xi. Street tree assessment prepared by a AQF 5 (min) arborist shall be submitted to Council for approval. The assessment shall demonstrate and confirm if any impacts of the proposed trenching works upon the Trees and their roots. Demonstrating how to protect the trees from the works so the tree remain in good health.
- xii. All services near the work area (e.g., pits (Telecom, stormwater), lighting, poles, sewer etc) shall be shown on the drawings. Written approval from the relevant public utility services authority is required to submit to Council if relocation and/or adjustment of the public utility services affected by the proposed works. Any alteration works for the public utility services shall address the relevant public authority requirement.
- xiii. All associated works cost above shall be borne by applicant at no cost to Council.

The drawings shall include plan view, long/cross sections with existing and finished surface levels, existing and proposed signage (if any) and other relevant details for the new works. The drawing shall also demonstrate how the proposed civil works is to be smooth connected with the remaining street scape or any existing vehicular crossing of adjoining property/s.

The engineering drawings shall be prepared by a Chartered Civil Engineer with National Engineering Register (NER) Accreditation and to be submitted to, and approved by Council in writing and all fees and charges paid **prior to issue of construction certificate**.

**Notes:**

- a. Prepared and submitted on A1, or A3 size sheets, undertaken by a consulting Civil Engineer,
- b. All engineering works shall be designed and undertaken in accordance with the Council's "Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan" and Council's Development Control Plan, and

- c. Approval in writing by Council under Section 138 of the Roads Act., prior to the issue of the Construction Certificate, and
- d. All public stormwater drainage works adjacent Rawson Avenue to Tranmere Street is to be fully supervised by Council. A maintenance period of six (6) months or as specified by Council shall apply to the work after it has been completed and approved. In that period the Applicant shall be liable for any part of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the design conditions, and
- e. Upon completion of the works, the Applicant is to provide to Council two (2) copies of "work as executed plans". The plans are to show relevant dimensions and finished levels and are to be certified by a registered surveyor. Also the Applicant is to provide to Council, in an approved format, details of all public infrastructure created as part of the works, including certification from the Design Engineer.
- f. Approved works must be completed to Council's satisfaction at no cost to Council.

**Note: Driveway construction will require a separate approval through a Driveway Application.**

*(Reason: To ensure compliance of engineering works/Council assets are constructed to acceptable standards for engineering works)*

**32. ~DACCI05 - Vehicular Crossings**

**Prior to the issue of the Occupation Certificate**, a letter of completion of works in relation to vehicular crossing shall be obtained from Council and submitted to the Principal Certifying Authority. Vehicular crossing/s shall be constructed in accordance with Council requirements under Driveway Location application approval. All disused or redundant vehicle crossings, laybacks and stormwater outlet shall be removed and reinstated with concrete kerb and gutter or to the existing edging profile as specified by Council and the footpath area is to be restored to the satisfaction of Council.

*(Reason: To ensure appropriate access to the site can be achieved)*

**33. ~DACCJ02 - Redundant Vehicular Crossings and Ancillary Works**

Where new pavement, repair or reinstatement of footpath or other ancillary works such as kerb and gutter and stormwater pit construction is proposed, the Applicant shall complete a Section 138 Civil Works in the Public Domain Area Application for major works, or for minor works (as defined in the Driveways & Ancillary Works Application) adjacent to the site, an application for "Driveway & Ancillary Works" and submit the application to Council for approval **prior to the issue of a Construction Certificate**. Both forms are available from Council's Customer Services Centre or can be downloaded from Council's website.

All disused or redundant vehicle crossings and laybacks shall be removed and reinstated

with concrete kerb and gutter or to the existing edging profile as specified by Council and the footpath area is to be restored to the satisfaction of Council's Utilities & Development Engineer, **prior to the issue of the Occupation Certificate.**

*(Reason: Public infrastructure maintenance)*

**34. ~DACCJ03 - Separate Approval for Works in the Public Road (External Works) - Section 138 Roads Act**

Pursuant to Section 138 of the Roads Act 1993 and **prior to the issue of a Construction Certificate**, the applicant must submit detailed plans to and obtain a written approval from the Appropriate Road Authority (usually Council for Local and Regional Roads and both Council and Roads & Maritime Services (RMS) for Arterial Roads), for any works in the road reserve.

Additionally, where the work involves closure of a carriageway on a State Road, Regional Road, or it is such that it may impact the traffic flow on a State Road or Regional Road, or is within close proximity of a Traffic Facility (eg Traffic Lights) then a Road Occupancy License (ROL) must be obtained from the Planned Incidents Unit of the Traffic Management Centre of the RMS. The application should be lodged at least 10 days prior to the planned commencement date.

*(Reason: Protection of Public Assets and information)*

**35. ~DACCK01 - Application for a Construction Certificate**

The applicant must apply to Council or an Accredited Certifier for a Construction Certificate to carry out the relevant building works that are approved by this consent. The details to be included in the application for a Construction Certificate are:

- (a) Architectural plans and specifications complying with the Building Code of Australia (BCA), relevant Australian Standards, and the development consent and conditions.
- (b) If Council issues the Construction Certificate, engineering details must be submitted for approval for all structural elements, including but not limited to, piers, footings, reinforced concrete slab, first floor joist layout, roof trusses, steel beams and the like. The details must be prepared by a practising consulting structural engineer. Also a certificate from the engineer must be included certifying that the design fully complies with appropriate SAA Codes and Standards and the Building Code of Australia requirements.

**Note:** The engineer/s undertaking certification must be listed on the National Professional Engineers Register under the appropriate category.

- (c) Geotechnical report for the site, prepared by a qualified geotechnical engineer detailing the foundation conditions of the site and solutions for consideration by a structural Engineer.



- (d) Essential services plan outlining the existing and proposed fire safety measures.
- (e) Disabled access provisions to common and public areas in accordance with AS1428.
- (f) If an alternative solution to the “deemed to satisfy” provisions of BCA is proposed, the following details must be lodged:
  - Performance requirements that the alternative solution intends to meet.
  - Assessment methods used to determine compliance with the performance requirements, including if and how each performance objective impacts on other requirements of the BCA; and
  - A statement about the person who prepared the alternate solution, indicating qualifications, experience, insurance details, and membership of an approved accreditation body

**Note:** The performance-based application may be required to be reviewed by a suitably qualified independent body at the applicant's expense. Any fees relating to any review are required to be paid **prior to the issue of the Construction Certificate**.

*(Reason: Statutory requirement)*

### **36. ~DACCK07 - Fire Hydrant Booster Assembly**

In order to ensure an overall high quality finish and streetscape presentation, details of the location, enclosure and landscaping treatment of any fire hydrant booster assembly are to be submitted to, and approved by Council, prior to the issue of a Construction Certificate.

*(Reason: Streetscape amenity)*

### **37. ~DACCL01 - Detailed Stormwater Drainage System Design**

**Prior to the issue of the Construction Certificate** a detailed stormwater drainage plan for the safe disposal of stormwater from the site, prepared in accordance with Council’s “Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan” shall be submitted to, and approved by, the Accredited Certifier. The stormwater drainage plan shall be designed and certified by a Professional Civil Engineer whose qualifications are recognised by, and who is a current member of, Engineers Australia. The following shall also be addressed:

- i. Detailed pits, pipes levels and pipe gradient shall be clearly indicated on the stormwater drawing demonstrating 100% on-site catchment area can be collected and drained into the proposed stormwater quality improvement devices and the on-site stormwater detention (OSD) system.
- ii. Additional designed spot levels within landscape open space area shall be provided to demonstrate surface runoff can be drained into the proposed stormwater pits in order to address the above requirement in accordance with approved stormwater management plan, revision 4, prepared by Inertia Engineering.

- iii. A minimum 600mm landscape soil shall be placed over the proposed underground on-site stormwater detention (OSD) and stormwater quality treatment tanks. Depth of soil and levels shall be clearly indicated on the stormwater plan.
- iv. Additional access point (two (2) minimum) shall be provided into the underground OSD system. The access cover shall be heel-proof and child safe grates and be able to inspect the critical parts of the storage from the surface without having to remove heavy access covers.
- v. Any grated pit in children's play areas shall be provided with child proof grate and locks.
- vi. The access points to underground detention/retention tank system must be designed and complied with Safe Work Australia - Confine Space including emergency rescue and the latest Australian Standard AS1657.
- vii. A 5,000 litre rainwater tank shall be provided for the subject site to collect a minimum of 592m<sup>2</sup> roof water and reuse for on-site irrigation in accordance with approved stormwater management plan, revision 4, prepared by Inertia Engineering and Council's DCP, Appendix 2 - Engineering Specification.
- viii. Silt and gross pollutant trap shall be installed within the boundary pit where adjacent to the property boundary prior to discharge into Council's drainage system. The pit shall be designed in accordance with Council's "Engineering Specifications" and will not impact any existing trees.
- ix. Fully detailed design drawings and calculations shall be prepared by a practising Civil Engineer for the basement pump-out system. Design and construction of pump-out system shall be in accordance with Council's standards and specifications.
- x. Two (2) submersible type pump units shall be installed. The capacity of each pump being calculated to allow for subsoil drainage and any water falling on access points to the basement car park. Stormwater run-off to the sump and pump system shall be calculated and be able for a 1% AEP 5min duration storm event.

**Important Note:** Construction Certificate Approval does not include approval for works external to the property. Where the proposed design extends beyond the property boundary, separate approval under Section 138 of the Roads Act 1993, must be obtained from Council prior to the commencement of works.

The applicant is advised to contact Council for clarification of proposed works for which approval under Section 138 applies.

*(Reason: Stormwater management)*

### **38. ~DACCL04 - Erosion and sedimentation controls**

Erosion and sedimentation controls must be provided to ensure:

- (a) Compliance with the approved Soil and Water Management Plan
- (b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
- (c) All uncontaminated run-off is diverted around cleared or disturbed areas

- (d) Silt fences or other devices are installed to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterways
- (e) All erosion and sediment controls are fully maintained for the duration of demolition/ development works
- (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadways
- (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
- (h) All water pumped or otherwise removed from excavations or basement areas is filtered to achieve suspended solids/non filterable residue levels complying with the *Australian Water Quality guidelines for Fresh and Marine Waters*
- (i) Pumped or overland flows of water are discharged so as not to cause, permit or allow erosion before the commencement of work (and until issue of the occupation certificate).

Details of the proposed soil erosion and sedimentation controls to be implemented on site must be submitted **with the Construction Certificate Application**. Under no circumstances may any works commence prior to these details being approved by the Accredited Certifier and the controls being in place on the site

*(Reason: Environmental protection)*

**39. ~DACCL05 - Grated Drain to Garage**

A grated trench drain shall be provided across the (garage entrance/driveway/street boundary). Unless otherwise designed by a Qualified Civil Engineer, the dimensions of the trench grate shall not be less than 200mm wide by 150mm deep at the shallow end, and have a “bottom” slope of 2 %. This trench drain shall be connected to an approved drainage system. The grated drain calculation shall be in accordance with AS/NZS3500.

The above information must be indicated on all relevant drawings **to be submitted with the Construction Certificate**.

*(Reason: Environmental protection)*

**40. ~DACCL06 - Rainwater Harvesting**

A rainwater harvesting system shall be provided in accordance with either the BASIX minimum requirements, any relevant Council Rainwater Re-use Policy and/or “Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan”, whichever is applicable. A detailed stormwater plan showing the proposed re-use system shall be submitted and approved by Council or an Accredited Certifier **prior to the issue of the Construction Certificate**.

*(Reason: Compliance and Amenity)*

**41. ~DACCL07 - Silt Arrestors and Gross Pollutant Traps**

Silt and gross pollutant traps shall be fitted in all stormwater pits, designed in accordance with Council's "Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan" and to the satisfaction of Council or an Accredited Certifier. Details are to be submitted with the design **prior to the issue of the Construction Certificate.**

*(Reason: Environmental Protection)*

**42. ~DACCL08 - Installation of Temporary Rock Anchor**

**Prior to the issue of a Construction Certificate**, a Section 138 Approval under the Roads Act 1993 must be obtained from the Appropriate Road Authority for the approved works in the road and for the installation of temporary rock or soil anchors and any fees or bonds required for the use of temporary rock anchors must be paid in full in accordance with Council's Rock Anchor Policy.

*(Reason: Protection of Council Assets)*

**43. ~DACCM01 - Dilapidation Report**

A Dilapidation Report is to be undertaken on all properties, which in the opinion of a suitably qualified engineer, could be potentially affected by the construction of the project. The Dilapidation Report shall be carried out **prior to the issue of the Construction Certificate.**

The Dilapidation Report is to be prepared by a suitably Qualified Chartered Professional Civil or Structural Engineer with current Institution of Engineers, Australia Corporate Membership and registered on the National Engineers Register (NER) or Geotechnical Practitioner.

The Report shall cover structural and geotechnical factors likely to arise from the development.

A copy of this Report shall be submitted to the owners of all properties inspected and Council as a record.

The person having the benefit of the development consent must, at their own cost, rectify any damage caused to other properties during the construction of the project.

*(Reason: Safety)*

**44. ~DACCM02B - Environmental Management Plan**

On completion of remedial works, an Environmental Management Plan (EMP) shall be prepared by an appropriately qualified and experienced environmental consultant if there are contaminants remaining on site to be managed. The EMP must be prepared in accordance with relevant NSW EPA Guidelines.

This Long-term EMP shall describe the nature and location of the contamination, if any remains on site as a result of the remediation strategy and prescribe how the contaminants will be managed and the responsible parties for this management in the long-term.

The Long-term EMP shall be submitted for review by a NSW EPA accredited site auditor prior to the commencement of construction and the issue of a construction certificate.

Note: A Long-term Environmental Management Plan (EMP) is also known as a Long-term Site Management Plan (SMP).

**45. ~DACCM09 - Water Sensitive Urban Design (WSUD)**

The development has been identified as requiring water sensitive urban design (WSUD) which has formed part of the development consent. Therefore, in order to satisfy the drainage requirements for the building, any construction certificate for the building shall include the construction of the WSUD system. The design and construction details of WSUD system and specification shall achieve the pollution reduction target in accordance with the Council's "Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan" shall be submitted to the certifying authority prior to issue of Construction Certificate.

*(Reason: Stormwater quality management)*

**46. ~DACCN02 - Electricity Substation**

Any required electricity substation must be located within the boundaries of the site. Documentary evidence of compliance, including correspondence from the energy authority is to be provided to the Accredited Certifier **prior to the issue of a Construction Certificate** detailing the energy authority's requirements.

**Note:** Where an electricity substation is required but no provision has been made to place it within the approved building or its site and no details are provided on the approved development consent plans, a section 96 application is required to be submitted to Council for approval of an appropriate location for the required electricity substation.

*(Reason: Access to utility)*

**Conditions which must be satisfied prior to the commencement of any development work**

**47. ~DAPCB01 - Appointment of Principal Certifying Authority**

No work, other than demolition and works required for remediation shall commence in connection with this Development Consent until:

- (a) A construction certificate for the building work has been issued by:
  - (i) the consent authority; or
  - (ii) an accredited certifier.

48A. No work, other than demolition and works required for remediation, shall commence in connection with this Development Consent until:

- (a) the person having the benefit of the development consent has:
  - (i) appointed a principal certifying authority for the building work, and
  - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
- (b1) the principal certifying authority has, no later than 2 days before the building work commences:
  - (i) notified the Council of his or her appointment, and
  - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (b2) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
  - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
  - (ii) notified the principal certifying authority of such appointment, and
  - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (c) the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.

Note: If the principal certifying authority is the Council, the nomination will be subject to the payment of a fee for the service to cover the cost of undertaking all necessary inspections and the issue of the appropriate certificates.

Under the Environment Planning and Assessment (Quality of Construction) Act, 2003, a sign must be erected in a prominent position on the work site showing the name, address and telephone number of the principal certifying authority; the name of the principal contractor (if any) for the building work and a telephone number at which that person may be contacted outside working hours. That sign must also state that unauthorised entry is prohibited. The sign must not be removed until all work has been completed.

*(Reason: Statutory requirements)*

**48. ~ DAPCB05 - Notice of commencement**

No work shall commence until you submit a notice of commencement (form will be attached with issue of a Construction Certificate or available from our website) giving Council:

- (a) Not less than two (2) days' notice of the date on which it is proposed to commence work associated with this Development Consent;
- (b) Details of the appointment of a Principal Certifying Authority (either Canada Bay Council or another Accredited Certifier)
- (c) Details of the name, address and licence details of the Builder.

*(Reason: Statutory Requirement)*

**49. ~DAPCB06 - Site Safety Fencing**

Erect site fencing to a minimum height of 1.8m complying with WorkCover Guidelines, to exclude public access to the site throughout the construction works. The fencing **must be erected before the commencement of any work and maintained.**

The site shall be secured in accordance with Clause 146 of the Environmental Planning and Assessment Regulation 2000. The site shall be maintained in a clean and orderly condition during demolition and construction works.

*Hoardings*

If applicable, a separate Hoarding Application for the erection of an A class (fence type) or B class (overhead type) hoarding along the street frontage(s) complying with WorkCover requirements must be obtained including:

- payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges before the commencement of work; and
- provision of a Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained with a copy provided to Council.

*(Reasons: Statutory Requirement and health and safety)*

**50. ~DAPCB07 - Principal Certifying Authority (PCA) Sign**

**Prior to commencement of any work**, signage must be erected in a prominent position on the work site identifying:

- The Principal Certifying Authority (PCA) by showing the name, address and telephone number of the PCA;
- The Principal Contractor by showing the Principal Contractor's name, address and telephone number (outside of work hours) for that person.
- The sign must state that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the work is being carried out, but must be removed when the work has been completed.

This clause does not apply to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

*(Reason: Statutory Requirement)*

**51. ~DAPCB10 - Notice of Requirements from Sydney Water**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through Sydney Water or an authorised Water Servicing Coordinator (WSC). An assessment will be made to determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains. Please refer to Sydney Water's website at [www.sydneywater.com.au/section\\_73](http://www.sydneywater.com.au/section_73) or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

Following application, Sydney Water will assess the development and if required will issue a "Notice of Requirements" letter detailing all requirements that must be met. Please apply early as building of water and services can be time consuming and may impact on other parts of your development such as building, driveway or landscape design.

The Notice of Requirements must be submitted to the Accredited Certifier **before the commencement of works**. A Section 73 Compliance Certificate must be obtained before the issue of an Occupation Certificate.

*(Reason: To comply with statutory requirements)*

**52. ~DAPCC01 - Erosion & Sediment Control: Minor works - Prior to construction**

Erosion and sedimentation controls shall be in place **prior to the commencement of site works**; and maintained throughout construction activities until the site is landscaped and/or suitably revegetated. The controls shall be in accordance with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater - Soils and Construction produced by Landcom (Blue Book).

A copy of the Erosion and Sediment Control Plan must be kept on site at all times during construction and made available to Council officers on request.

Erosion and sediment control measures as detailed in the submitted Erosion and Sediment Control Plan must be installed and operating **prior to and during all construction works**.

*(Reason: Environmental protection)*

**53. ~DAPCC02 - Soil & Water Management during Construction**

Landcom's "Managing Urban Stormwater - Soil and Conservation" August 1998 outlines the general requirements for the preparation of a soil and water management plan. All works shall be conducted in accordance with a soil and water management



plan that has been submitted and approved by the Accredited Certifier **prior to the commencement of works**. A copy of the plan shall be kept on-site and made available to Council's Officers on request. All erosion and sediment control measures must be maintained in a functional condition throughout the duration of the works.

*(Reason: Environmental protection)*

**Conditions which must be satisfied during any development work**

**54. ~DADWA01 - Burning and Burying of Waste**

No materials or rubbish resulting from the land clearing, demolition and building works must be burnt or buried on the site.

*(Reason: Health and amenity)*

**55. ~DADWA02 - Construction Hours**

No construction or any other work related activities shall be carried out on the site outside the hours of 7.00 am to 5.00 pm Mondays to Saturdays. No work to occur on Sundays and public holidays.

Where the development involves the use of jackhammers/ rock breakers and the like or other heavy machinery, such equipment may only be used between the hours of 7.00 am - 5.00 pm Monday to Friday only.

*(Reason: Safety and amenity)*

**56. ~DADWA03 - Disruption of Traffic**

During any construction works on the public road that is associated with this approval, the Applicant must provide appropriate signage and traffic control facilities as per the requirements of AS 1742.3 and the RTA "Traffic Control at Works Sites" manual.

*(Reason: Safety and information)*

**57. ~DADWA04 - Dust Control**

*Small Works*

Where a dust nuisance is likely to occur, suitable screens and/or barricades shall be erected during the demolition, excavation and building works. If necessary, water sprays shall be used on the site to reduce the emission of dust. Screening shall consist of minimum 2 metres height of shade cloth or similar material secured to a chain wire fence of the like and shall be modified as directed by the City of Canada Bay Council should it fail to adequately control any dust nuisance.

*Major Works*

The following measures must be implemented (in part or in total) as directed by the City of Canada Bay Council to control the emission of dust:

- (a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.
- (b) All dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be contaminated or allowed to enter the stormwater system.
- (c) All stockpiles of materials that are likely to generate dust must be kept damp or covered.
- (d) All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.
- (e) All stockpiles of soil or other materials likely to generate dust or odours shall be covered.
- (f) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours or as directed by the City of Canada Bay Council.

*(Reason: Environmental amenity)*

**58. ~DADWA05 - Excavation - Water**

All excavations must be kept free from the accumulation of water.

*(Reason: Health and safety)*

**59. ~DADWB03 - Construction Management Plan**

All development activities and traffic movements must be carried out in accordance with the approved Construction Management Plan.

All controls in the Plan must be maintained at all times. A copy of the Plan must be kept on site at all times and made available to the Accredited Certifier and Council on request.

*(Reason: Compliance with condition of consent)*

**60. ~DADWB04 - Damage to Adjoining Properties**

All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights must be observed at all times. Where damage occurs to adjoining property all necessary repair or suitable agreement for necessary repairs are to be undertaken by the applicant in consultation with, and with the consent of, the affected property owner.

*(Reason: Structural safety)*

**61. ~DADWB05 - Stamped Plans**

Stamped plans, specifications, documentation and the consent shall be available on site at all times during construction.

*(Reason: To ensure compliance with approved plans)*

**62. ~DADWC01 - Contaminated Land Unexpected Finds**

In the instance works cause the generation of odours or uncovering of unexpected contaminants works are to immediately cease, Council is to be notified and a suitably qualified environmental scientist appointed to further assess the site.

The exposed material/excavation situation is to be evaluated by the supervising environmental consultant and an appropriate response determined in consultation with the applicant, which is agreed to by City of Canada Bay, Manager Health, Building and Environment.

Note: Council may also request that a NSW EPA accredited site auditor is involved to assist with the assessment of the contaminated land situation and review any new contamination information. The applicant must also adhere to any additional conditions which may be imposed by the accredited site auditor.

*(Reason: To ensure compliance with Statutory Requirements)*

**63. ~DADWC03 - Construction Environmental Management Plan for Remediation**

A Construction Environmental Management Plan (CEMP) must be prepared for the proposed remedial works in accordance with the requirements of the approved Remedial Action Plan. The CEMP must be prepared by an appropriately qualified and experienced environmental consultant.

The CEMP for Remediation must include, but not be limited to, the following:

1. Site Information
2. Soil and Water Management
3. Stockpiles
4. Site Access
5. Excavation Pump-out
6. Landscaping/Rehabilitation
7. Bunding
8. Noise
9. Vibration
10. Air Quality
11. Dust Control
12. Odour Control
13. Groundwater
14. Transport

15. Asbestos Management, Waste Management and Hazardous Materials
16. Containment/Capping of Contaminated Soil
17. Importation of Fill
18. Site Signage and Contact Numbers
19. Site Security
20. Occupational Health & Safety
21. Removal of Underground Storage Tanks

The CEMP must be prepared and implemented to the satisfaction of the supervising environmental consultant. The environmental site management measures must remain in place and be maintained throughout the period of the remediation works, until completion of site remediation and the site has been validated.

Note: An appropriately qualified and experienced environmental consultant may be certified under the 'Certified Environmental Practitioner' (CEnvP) Site Contamination (SC) or equivalent.

*(Reason: To ensure compliance with Statutory Requirements)*

**64. ~DADWC04 - Site Validation Report**

Prior to the commencement of construction work above basement level 1, on completion of the remedial works, a Site Validation Report is to be forwarded to Council for approval. The validation report is to be prepared by a suitably qualified environmental consultant with experience in land contamination in New South Wales, EPA contaminated land legislation and guidelines including the Contaminated Land Management Act. The report is to satisfactorily document the following:

1. The extent of validation sampling, and the results of the validation testing,
2. That the remediation and validation of the site has been undertaken in accordance with Remedial Action Plan, prepared by WSP / Parsons Brinckerhoff, project no. 2268383A-CLM-REP-001 (Revision D, 8 February 2022).
3. That the site is suitable for the proposed use.
4. The Validation Report must be submitted for review by a NSW EPA accredited site auditor prior to the commencement of construction and the issue of a construction certificate

*(Reason: To ensure compliance with Statutory Requirements)*

**65. ~DADWC05 - Site Audit Statement**

Prior to the issue of an Occupation Certificate, a Site Audit Statement (SAS) is to be obtained from a NSW EPA Accredited Site Auditor and submitted to Council. The SAS must confirm that the site has been remediated in accordance with the approved

Remediation Action Plan and clearly state that site is suitable for the proposed use. Conditions on the Site Audit Statement shall form part of the consent.

- a. Where the SAS is subject to conditions that require ongoing review by the Auditor or Council these should be reviewed and approved by Council before the SAS is issued. In circumstances where the SAS conditions (if applicable) are not consistent with the consent, a S96 application pursuant to the Environmental Planning & Assessment Act 1979 shall be submitted to ensure that they form part of the consent conditions.
- b. An Occupation Certificate must not be issued by the PCA unless a Site Audit Statement has been submitted to the Council in accordance with this condition.

*(Reason: To ensure compliance with Statutory Requirements)*

**66. ~DADWC06 - Remediation**

Prior to or as part of the construction of the basement, the site is to be remediated in accordance with:

- (a) Remedial Action Plan, prepared by WSP / Parsons Brinkerhoff, project no. 2268383A-CLM-REP-001 Rev D dated 8 February 2022 and
  - (b) The recommendations in the DRC Environmental 'Environmental Review and Advice Note – Proposed Childcare Centre Development at the Former Drummoyne Reservoir site, Drummoyne, NSW', dated 24 February 2020, and
  - (c) Council's Contaminated Land Policy, and
  - (d) State Environmental Planning Policy No. 55 - Remediation of Land, and
  - (e) The guidelines in force under the Contaminated Land Management Act
- The applicant must engage an appropriately qualified and experienced supervising environmental consultant to supervise all aspects of site remediation and validation.

The environmental consultant must supervise all aspects of the remediation works in accordance with the approved Remedial Action Plan.

Note: An appropriately qualified and experienced environmental consultant should be certified by one of the following certification schemes; or equivalent: the EIANZ Contaminated Land Assessment Specialist Certified Environmental Practitioner (CEnvP) Site Contamination (SC) scheme or Site Contamination Practitioners Australia - Certified Practitioner (SCPA).

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified in writing to the City of Canada Bay Council and the Principal Certifying Authority.

Any variations to the approved Remediation Action Plan shall be approved in writing by the Accredited Site Auditor and Council prior to the commencement of such work.

*(Reason: Compliance with Statutory Requirements)*

**67. ~DADWC08 - Excavation Pump-out**

Water that has accumulated in any excavation is not to be pumped into any stormwater disposal system unless the approval of the City of Canada Bay Council is obtained prior. The analytical results of any discharge must comply with relevant EPA and ANZECC standards for water quality and be made available to Council upon request. Any water to be discharged to Council's stormwater system shall not contain a concentration of suspended sediment exceeding 50mg/L, shall have a pH of between 6.5-8.0 and shall comply with the ANZECC Guidelines for Marine and Freshwater Quality for Protection of Aquatic Ecosystems (95% protection level for freshwater ecosystems); NSW Department of Housing, Managing Urban Stormwater - Soils and Construction).

Water testing shall be carried out to ensure water is appropriate for discharge to the stormwater system. This testing shall be undertaken by a suitably qualified environmental scientist. Water that does not comply with the above standards shall not be discharged to the stormwater system, and shall be disposed of using alternative appropriate means.

Results of water testing (if required) shall be provided to Council or in the Validation Report for remediation projects as required by the conditions of this consent. Documentation for the off-site disposal of water shall be included in the Validation Report.

**NOTE:** Other options for the disposal of excavation pump-out water include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

*(Reason: Environmental Amenity)*

**68. ~DADWD01 - Road Opening Permit**

**Pursuant to Section 138 of the Roads Act, should any work on the verge, footpath, public road reserve or public reserve (open space) be required, approval will need to be obtained from Council.** In this regard the Applicant is to contact Council's Customer Services Centre to apply for a Road Opening Permit, for works in relation to the excavation of the verge (e.g. for the purpose of installation of services such as private stormwater, private gas line, private sewer, private water pipe, etc.). This Permit is to be obtained **prior to any works on the verge, footpath, public road reserve or public reserve being undertaken.**

**Important Note:** Road Opening Permits do not include driveways, laybacks, footpath and major stormwater drainage construction which are covered separately by the Driveways and Ancillary Works Application (for minor domestic works) or a Section 138 Works Application (for major or public works).

*(Reason: Maintain public asset)*

**69. ~DADWF01 - Noise - Construction**

All works carried out on site during construction/ demolition/ excavation/ earthworks shall comply with the NSW Protection of the Environment Operations Act 1997, the Department of Environment and Climate Changes' Interim construction noise guideline' and AS 2436-2010 - 'Guide to noise and vibration control on construction, demolition and maintenance sites' for the control of construction noise which specifies that:

- Construction period of 4 weeks and under - The L90 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 20 dB(A) at the boundary.
- Construction period greater than 4 weeks but not exceeding 26 weeks - The L90 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 10 dB(A) at the boundary.
- Construction period exceeding 26 weeks - The L90 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 5 dB(A) at the boundary.

Advisory note:

Should complaints of a noise nuisance be substantiated, Council may require the acoustic treatment of the premises to ensure compliance with the NSW Department of Environment and Climate Changes 'Interim construction noise guideline' and AS 2436-2010 - 'Guide to noise and vibration control on construction, demolition and maintenance sites' for the control of construction noise. A further acoustic assessment & report will be required to be provided to Council assessing the premises in working order.

*(Reason: Noise Attenuation)*

**70. ~DADWF02 - Noise - Plant**

All works carried out on site during construction/demolition/excavation or earthworks shall comply with the NSW Protection of the Environment Operations Act 1997. Approved and effective silencing measures shall be provided and maintained on all power-operated plant used on site if required.

*(Reason: Safety and Amenity)*

**71. ~DADWF03 - Noise & Vibration**

The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

In the event of a noise or vibration problem arising, the person in charge of the premises must, when instructed by City of Canada Bay Council or the Accredited Certifier, cease work and carry out an acoustical survey and/or investigation by an appropriate acoustical engineer or consultant and submit the results to Council. The person in charge of the site must implement any or all of the recommendations of the consultant and any additional requirements of Council. Any requirements of Council in this regard must be complied with immediately.

*(Reason: Noise attenuation)*

**72. ~DADWG01 - Obstruction of Road or Footpath**

The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste bins or any other matter is not permitted unless approved in accordance with Council's Waste Skip Bin Policy. A Penalty Infringement Notice may be issued for any offence.

*(Reason: Protection of infrastructure, safety & information)*

**73. ~DADWG02 - Protection of Public Places**

If the work involved in the demolition or construction of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the closure of a public place, a hoarding or fence shall be erected. Hoardings shall be erected to comply with the requirements of WorkCover and the Principal Certifying Authority.

*(Reason: Safety)*

**74. ~DADWG04 - Alterations / Removal of Services**

The applicant to arrange with the relevant public utility authority for the alteration or removal of any affected services in connection with the development. Any such work being carried out at the applicant's cost.

*(Reason: Asset Protection)*

**75. ~DADWG05 - Inspection of on-site stormwater detention and stormwater quality improvement devices**

The stormwater drainage, on-site stormwater detention system and stormwater quality improvement devices shall be inspected during construction, by the Council if the principle certifying authority or by a suitably qualified Civil/Stormwater Engineer and a registered surveyor. Documentary evidence of compliance with Council's specifications and approved stormwater plan shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:

**On-site Stormwater Detention:**

(a) Initial inspection to discuss concept and site conditions/constraints prior to



commencement of the construction of the detention basin/tank.

(b) Final Inspection prior to issuing the relevant certificate.

**Stormwater quality Improvement devices:**

(a) Initial inspection to discuss concept and site conditions/constraints prior to commencement of the construction of the improvement devices.

(b) After completion of storage but prior to installation of **fittings** (e.g., Screens etc.)

(c) Final Inspection prior to issuing the relevant certificate.

Council's standard inspection fee will apply to each of the above set inspection key stages. Additional inspection fees will apply for additional inspections required to be undertaken by Council.

*(Reason: To ensure compliance with approved plans)*

**76. ~ DADWH01 - Compliance with Building Code of Australia**

All building work must be carried out in accordance with the provisions of the Building Code of Australia. Note: Applicants who have lodged an objection and who have been granted exemption under clause 187(6) & 188(4) of the *Environmental Planning and Assessment Regulation 2000*, must comply with the Building Code of Australia in all other respects.

*(Reason: Prescribed statutory control)*

**77. ~ DADWH02 - Critical Stage Inspections - General**

Critical stage inspections must be called for by the Principal Contractor or Owner Builder as required by the Principal Certifying Authority (PCA), any PCA Service Agreement, the Act and the Regulation.

Work must not proceed beyond each critical stage until the PCA is satisfied that work is proceeding in accordance with this consent, the Construction Certificate(s) and the Act. 'Critical Stage Inspections' means the inspections prescribed by the Regulations for the purposes of section 6.5 of the Act or as required by the PCA and any PCA Service Agreement.

**Note 1:** The PCA may require additional inspections beyond mandatory critical stage inspections in order that the PCA be satisfied that work is proceeding in accordance with this consent.

**Note 2:** The PCA may, in addition to inspections, require the submission of Compliance Certificates, survey reports or evidence of suitability in accordance with Part A2.2 of the BCA in relation to any matter relevant to the development.

*(Reason: Statutory requirement)*

**78. ~DADWH06 - Inspection Records & Compliance Certificates**

The PCA or accredited certifier undertaking each of the inspections must make a **record of each inspection** in accordance with Clause 162B of the Environmental Planning and Assessment Regulations 2000 and, if the person is not the PCA, forward a copy to the PCA.

A copy of any **compliance certificates** issued in respect of the building work and any documents referred to in the certificate must be provided to Council within two (2) days of the certificate being issued.

A compliance certificate must be issued where:

- (a) Either:
  - (i) Council is appointed the PCA; or
  - (ii) Council is the PCA but agrees to an accredited certifier undertaking certain inspection/s, and
- (b) The PCA or accredited certifier is of the opinion that the stage of work he or she has inspected is satisfactory.

*(Reason: Statutory Requirement)*

**79. ~DADWI01 - Progress Survey - Major Development (greater than two stories)**

In order to ensure compliance with approved plans, a Survey Certificate, prepared to Australian Height Datum, shall be prepared by a Registered Surveyor showing the following:

- (a) At the completion of excavation, prior to the placement of any footings, showing the completed level of the excavation and its relationship to the boundaries;
- (b) Prior to placement of concrete, the ground floor level, showing the level of the form work and its relationship to boundaries including relevant footpath and roadway levels;
- (c) At completion, works showing the relationship of the building to the boundary.

Progress certificates in response to points (a) through to (c) shall be produced to the Council or the Principal Certifying Authority at the time of carrying out relevant progress inspections. Under no circumstances will work be allowed to proceed should such survey information be unavailable or reveals discrepancies between the approved plans and the proposed works.

*(Reason: To ensure compliance with approved plans)*

**Conditions which must be satisfied prior to the issue of any Occupation Certificate relating to the use of the building or part**

- 80. An application for an Occupation Certificate**, must be accompanied by a copy of the application for service approval for the purposes of a Child Care Centre made to the NSW Department of Education that includes the matters tabulated below:

<b>Ground Level OPA –</b>	
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513.68 m <sup>2</sup> – 73 children	
<b>Issue of concern</b>	<b>Expert agreed solutions</b>
Play frame in Western corner (corner Reservoir and Polding Lane)	The fixed structure must be removed and a safe soft fall (mulch) zone provided that is arranged to accommodate a 2 m fall zone from movable climbing equipment to any hard surface.
Stone paved area	The stone paved garden maze must be removed and replaced with grass area and 'loose parts' resources/materials introduced.
Sand pit	The sand pit is too small and must be well designed, and deep for real digging experiences, sweeping edge and edging to contain the sand, well drained. A tap must also be included to add complexity and problem solving, instead of a craft sink in this area
Mound	The mound must be removed and replaced with flat grass open space for wheeled equipment.
Shade	Existing trees must be retained for screening and shade.
The middle open space with raised vegetable planters	Some of the planter boxes must be removed and placed along the boundary to Reservoir Lane to provide more open space.
<b>Reservoir roof OPA</b> 223.47m <sup>2</sup> = 31.9 children	
Mound	The mound must be removed and replaced with a safe soft fall area for portable equipment.
<b>Sandpit</b>	The sandpit must be moved and a water play area must be added around the planters.
<b>Storage</b>	Outdoor storage must be provided as the equipment and resources for two age groups and skill sets will need to be stored and set up for use by the different age groups.
<b>Natural elements</b>	There must be an additional vertical garden surrounding the condenser to provide access to natural elements
<b>Annex roof OPA</b> 182.76m <sup>2</sup> = 26.1 children	There are 30 x 2s-3s and 16 Birth -2s most likely using this space. There must be, an array of playscape choices for these age groups and skills level and a safe fall area for climbing equipment.

<b>Sand pit</b>	The sandpit must provide accommodate 30 x 2 – 3 year olds, provide for interesting sand play experiences, flat boulders for work surfaces and edging, a tap for ease of access for water – drainage may be an issue
<b>Storage</b>	Provision for outdoor storage for equipment must be provided.
<b>Steps</b>	A barrier between the play space and the terraced play zone must be provided
	The terraced play zone needs careful planning to be both challenging and safe. The wide steps need to be wide enough to accommodate play experiences for the emerging physical skills of this age group. This space will require dedicated supervision which will impact on the proposed staffing ratios and a consideration for safe descent off the steps to the verandah space below
	Child height stair rails would be needed on each side for children developing their ability to climb stairs
<b>Verandah spaces: level 1 and level 2</b> <b>Level 1: 256.96m<sup>2</sup> = 36.7 children</b> <b>Level 2: 150.5m<sup>2</sup> = 21.5 children</b>	There are no details indicated for provisioning playscapes for these areas The Level 1 verandah must be provided with a sandpit for the B-2s, small ramps, climbing frames and soft fall space, infant height ballet bars for children learning to stand, spaces to roll balls, nests for observing others, spaces for tummy time, mirrors, music
	. A soft fall zone must be provided in this space for movable climbing equipment.
<b>Level 2 verandah</b>	The terraced play zone encloses one end, as there is a craft sink, a permanent painting easel should be included in this area, as should a clay table under cover.. The undercroft of the terraced stairs should provide a studio space for the arts
<b>Storage</b>	These verandah spaces must provide out door storage for equipment and resources. The use of under bench seat storage can occur.
<b>Reservoir simulated outdoor play spaces</b> <b>Level 3 191.54m<sup>2</sup> = 27.3 children</b>	Simulated outdoor play spaces are to have all of the natural elements for a well provisioned play space.

<b>Level 4 141.22m<sup>2</sup> = 20.1 children</b> <b>Level 5 137.87m<sup>2</sup> = 19.6 children</b>	Each level must have a sand pit, a climbing safe fall area, a space for running and ball games.
<b>Lack of challenge</b>	Net enclosed rope climbing structures should be provided between levels in the void.
<b>Storage</b>	Outdoor storage for equipment and resources must be provided and could be under bench style.

**81. Plan of Management**

**Prior to the issue of an Occupation Certificate**, the Plan of Management (Revised) prepared by Early Education Solutions dated 2 November 2021 is to be amended as set out below and submitted to the City of Canada Bay Council:

- a) site-specific emergency evacuation plans and diagrams for all areas of the Site (being each level in the Reservoir and the Annex, outdoor play areas, and all levels of the car park) that demonstrate:
  - a. the evacuation path for each classroom and play area within the child-care centre,
  - b. assembly point for each classroom and play area within the child-care centre, and
  - c. procedures to ensure each child is accounted for before evacuating to the external assembly point,
- b) for all areas of the childcare centre, site-specific procedures for applying rope and strap devices at the foot of stairs or the ramp,
- c) site specific procedures for use of the emergency evacuation cots,
- d) the location of the external assembly point.

**82. ~DAOCA01 - Food Premises - Final Inspection**

**Prior to the issue of an Occupation Certificate**, a City of Canada Bay Pre Occupation Food Premises Inspection report is to be obtained from Council confirming satisfactory compliance with applicable food legislation.

*(Reason: To ensure compliance of the food premises with the Food Act 2003, Food Regulations 2015, Food Standards Australian and New Zealand - Food Standards Code and Australian Standard 4674-2004 Design, construction and fit-out of food premises)*

**83. ~DAOCB01 - Certification of Engineering Works**

**Prior to occupation**, the following documents must be submitted to the Principal Certifying Authority.

- a) A Certificate from a Professional Civil Engineer registered with NER, and
- b) “Works - As - Executed” drawings of the engineering works prepared by a Registered Surveyor or equivalent.

The abovementioned Certificate is to certify that:

- (i) the stormwater drainage system and/or
- (ii) the car parking arrangement and area including circulating ramps, and/or
- (iii) any related footpath works, and/or
- (iv) the basement mechanical pump and well system, and/or
- (v) the proposed driveway and layback, and/or
- (vi) other civil works have been constructed in accordance with the Council approved plans and details and satisfies the design intent and complies with the appropriate SAA Codes, relevant Standards and Council's Policies and Specifications.

Two (2) copies of the above documents are to be provided to Council **prior to the issue of any Occupation Certificate.**

*(Reason: Asset management)*

**84. ~DAOCC01 - Civil Works on the Footway**

The Applicant is required to carry out the following works:

- Reconstruct sections of footpath and kerb along the full frontage of the site, and/or
- Reconstruct existing public drainage pit/pipe system, and/or
- Construct a new vehicular crossing, and/or
- Remove any redundant vehicular crossings and replace with kerb and gutter to match the adjoining.

The above works must be completed to the written satisfaction of Council prior to issue of any Occupation Certificate.

**Note:** The above works will require the submission of the relevant application for the works to be undertaken.

Where the Applicant nominates Council to undertake the civil works, they must contact Council's Manager of Road and Traffic in order to obtain an estimated cost for construction and contract to undertake the works.

*(Reason: To preserve Council's assets and amenity)*

**85. ~DAOCC02 - Construction of Concrete Footpath**

Concrete footpath shall be reconstructed (to replace / across the) full length adjacent to the front of the property in Rawson Avenue, Drummoyne.

The above works must be constructed **prior to the release of any Occupation Certificate.**

Note: The above works will require the submission of the relevant application for the

works to be undertaken.

Where the applicant would like Council to undertake the civil and stormwater works, they should contact Council's Manager Construction, City Services to obtain an estimated cost of construction and contract to undertake the works.

*(Reason: To preserve Council's assets and amenity)*

**86. ~DAOCD01 - Occupation Certificate (section 6.9 of the Act)**

A person must not commence occupation or use (*or change of use where an existing building*) of the whole or any part of a new building (within the meaning of section 6.10 of the Act) unless an Occupation Certificate has been issued.

The Principal Certifying Authority is required to be satisfied, amongst other things, that:

- All required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
- Any preconditions to the issue of the certificate required by a development consent have been met.

**Note:** New building includes an altered portion of, or an extension to, an existing building.

*(Reason: Statutory requirement)*

**87. ~DAOCD02 - Evidence of Lawful Asbestos Disposal**

An Occupation Certificate for a development involving the removal of asbestos must not be issued until such time the applicant provides the principal certifying authority with a copy of receipt/s confirming lawful disposal of asbestos waste.

NOTE: Asbestos waste must be disposed at a waste management facility licensed by the NSW Environment Protection Authority (EPA) to accept such waste. Please see Appendix F of City of Canada Bay's Asbestos Policy, Contact NSW EPA on 131 555 or visit [www.epa.nsw.gov.au](http://www.epa.nsw.gov.au) for a list of waste management facilities licensed to accept asbestos waste.

*(Reason: Health and Safety)*

**Conditions which must be satisfied prior to the issue of a Final Occupation Certificate**

**88. ~DAFOA02 - Certificate of Test of Mechanical Ventilation**

On the satisfactory completion of work and **prior to the issue of an Occupation Certificate**, a Certificate of Test of Mechanical Ventilation shall be supplied to the Principal Certifying Authority from an approved mechanical ventilation engineer.

*(Reason: To ensure compliance with approved plans)*

**89. ~ DAFOB02 - Evacuation Plan - Child Care Centres**

**Prior to the issue of an Occupation Certificate** for the child care centre, an evacuation plan complying with AS3745 should be prepared and implemented. The emergency evacuation should consider:

- (a) The mobility of children and how this is to be accommodated during an evacuation;
- (b) The location of a safe congregation area, away from the evacuated building, busy roads, other hazards and the evacuation points of other residents or tenants within the building or surrounding buildings;
- (c) Where the Child Care Centre is part of a larger building or complex, that the emergency evacuation plan is complementary and consistent with other emergency evacuation plans in place; and
- (d) The supervision of children during the evacuation and at the safe congregation area with regard to the capacity of the Child Care Centre and the child/staff ratios.

Centres which accommodate children under 2 years of age are to have a large mobile cot (on wheels) so groups of babies can be quickly evacuated.

*(Reason: Safety)*

**90. ~ DAFOE01 - Certification of the Constructed Stormwater Drainage System**

The constructed stormwater drainage system shall be certified by a Professional Civil Engineer whose qualifications are recognised by, and who is a current member of, Engineers Australia, as being designed and installed in accordance with Council's Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan", **prior to issue of the Final Occupation Certificate.**

*(Reason: Adequate stormwater management)*

**91. ~ DAFOE02 - Covenant & Restriction as to User for Stormwater Controlled Systems**

Prior to issue of an Occupation Certificate, the documents giving effect to the creation of Positive Covenant and Restriction on Use of Land over the constructed stormwater drainage, on-site stormwater detention and stormwater quality improvement devices (SQID) under Section 88E Instrument and/or Section 88B Instrument of the Conveyancing Act shall be submitted to the authority benefited for approval prior to lodge and register with the NSW Land Register Service. The wording of the terms of the Positive Covenant and Restriction on use of land shall be in accordance with Council's "Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan" for ensuring the system is ongoing retention, maintenance and operation of the stormwater drainage and storage facility in accordance with the approved drawings and Council's requirement.

NOTE: Prior to release of the documents, the benefiting authority shall be satisfied that the as constructed stormwater drainage, on-site stormwater detention and stormwater quality improvement devices are in accordance with the approved drawings, report and Council requirements.

*(Reason: Compliance and adequate maintenance of drainage system)*



**92. ~DAFOE03 - OSD Identification Plate**

**Prior to issue of Final Occupation Certificate**, the applicant shall install an identification plate near or onto the control structure of the On-site Stormwater Detention system (OSD). This is to advise the registered proprietor of their responsibility to maintain the OSD facility. The applicant can obtain the OSD identification plate from the Council at a cost.

*(Reason: To ensure that the OSD system is installed and identified in accordance with this approval)*

**93. ~DAFOE04 - Maintenance Schedule of on-site stormwater detention and stormwater quality improvement devices**

**Prior to issue of an Occupation Certificate**, a maintenance schedule for the stormwater drainage, on-site stormwater detention and stormwater quality improvement devices system, including a sketch plan of the components forming the sites stormwater drainage system shall be submitted. The maintenance schedule shall be prepared by a qualified hydraulic engineer.

*(Reason: adequate maintenance of drainage system to achieve positive covenant)*

**94. ~DAFOE05 - Civil Works in Public Domain**

**Prior to the Issue of an Occupation Certificate**, all works as per the items listed under Section 138 of the Road Acts approval shall be completed and a completion letter shall be obtained from Council's Engineering Section following the completion of stormwater works within Council's road reserve.

*(Reason: Protection of Council Assets)*

**95. ~DAFOF03 - De-stressing the Installed Rock Anchors**

Upon completion of works, the rock anchors are to be completely de-stressed or removed without damage to Council's assets or to existing utility services. Proof shall be provided in the form of certification from the Qualified Structural or Geotechnical Engineer **prior to the issue of an Occupation Certificate**.

**Important Note:** The Applicant/Developer will be liable for any current or future damage caused by the rock anchors during installation, whilst being installed, during de-stressing or during their removal including any damage to public land, and/or any impact on the public land that would prevent its future use or re-development or damage to existing services.

*(Reason: Protection of Public Asset)*

**Conditions which must be satisfied during the ongoing use of the development****96. ~DAOUA01 - Amplified Music (No speakers or music outside)**

Music and other amplified sound played on the premises shall not give rise to offensive noise as defined under the provisions of the *Protection of the Environment Operations Act 1997*. The sound level output shall not exceed 5 dB(A) above the ambient

background level at the boundary of the premises.

Speakers must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

*(Reason: Environmental amenity)*

**97. ~DAOUA06 - Deliveries**

No deliveries are to occur before 7.00am or after 8.00pm weekdays and before 9.00am or after 5.00pm weekends and public holidays, to prevent noise disruption to the surrounding area.

*(Reason: To control noise impacts)*

**98. ~DAOUA06B - Waste & Recycling Collection**

The collection of waste and recycling must only occur between 6.00am and 8.00pm weekdays and 9.00am and 5.00pm weekends and public holidays, to avoid noise disruption to the surrounding area.

Garbage and recycling may be put out the night before morning collection and bins and containers are to be removed from kerbside as soon as practicable after (and on the same day as) collection and returned to the designated, Garbage Room/s.

The garbage and recyclable storage and bins must be adequate to contain the volume and type of garbage and recyclable matter on the food premises. All garbage and recyclable matter must be enclosed in the waste bins with lids completely closed at all time.

*(Reason: To regulate noise and garbage collection arrangements)*

**99. ~DAOUA07 - Flashing Lights**

No flashing, moving or intermittent lighting, visible from any public place may be installed on the premises or external sign associated with the development unless required for fire safety.

*(Reason: Environmental protection)*

**100. ~DAOUA10 - Hours of Business Operation**

The hours of operation are restricted to between:

- 7am – 7pm (Monday – Friday) noting that staff, cleaning or deliveries may be on site or occur outside these hours.

*(Reason: Ensure business operates between approved hours)*

**101.     ~DAOUA13 - Lighting Nuisance**

The use of floodlighting or the like, to advertise or attract attention or for the convenience of patrons must be controlled so as not to cause any distraction or disturbance to nearby or adjacent residents, pedestrians or motorists. The use of flashing lights is strictly prohibited.

*(Reason: Environmental amenity)*

**102.     ~ DAOUC06 - Noise, Air or Water Pollution - Protection of the Environment Operations Act 1997**

The activities carried out on site shall not constitute a nuisance in relation to noise, air or water pollution as specified under the Protection of the Environment Operations Act 1997, and the activities shall otherwise comply with the Protection of the Environment Operations Act 1997.

*(Reason: Environmental protection)*

**103.     ~DAOUC12 - Acoustic Assessment**

All recommendations contained in the approved acoustic assessment report by Clarity Acoustics; report R01 Rev2 19098 dated 19 June 2020 & Document titled Drummoyne Reservoir Early Learning Centre - Report Addendum dated 19 October 2021 prepared by Clarity Acoustics shall be adopted, implemented, and adhered to.

The Principal Certifying Authority (PCA) shall obtain a certificate from an appropriately qualified acoustic consultant, stating that the recommendations outlined in the above stated report have been completed and that relevant noise criteria have been satisfied **prior to the issue of any Occupational Certificate.**

Any changes made to the proposal that would alter the outcome will require a further assessment and a copy of this further report shall be provided to the PCA for approval and all recommendations of the report shall be adopted, implemented and available upon request of the Council.

*(Reason: Noise Control and Amenity)*

**104.     ~DAOUC21D - Method of Cooking**

The cooking of food at the premises by barbecue or charcoal methods is not permitted. This approval does not permit the installation of barbecue or charcoal cooking appliances.

*(Reason: To regulate the use of the premises)*

**105.     ~DAOUC24 - Noise (General)**

The use of the premises shall comply with the requirements of the NSW Environmental Protection Agency Noise Policy for Industry 2017 and shall not give rise to the

transmission of offensive noise as defined in the Protection of the Environment Operation Act 1997 (NSW)

- (a) The emission of noise associated with the operation of any mechanical plant and equipment shall comply with the following criteria:
  - (i) The LAeq, 15minute noise level emitted from the use must not exceed the background noise level LA90, 15minute by more than 5dB when assessed at the boundary of any affected residence.
  - (ii) The LAeq, 15minute noise level shall be adjusted for modifying factors in accordance with Part 4 of the Environmental Protection Authority (EPA) NSW Industrial Noise Policy.
  - (iii) The background noise level shall be measured in the absence of noise emitted from the use in accordance with Australian Standard AS 1055.1-1997- Description and measurement of environmental noise.

## NOISE FROM OUTDOOR PLAY

The LAeq, 15minutes noise level emitted from the use must not exceed 5dB above the background (LA90) noise level as a result of outdoor play at the child care centre where the source noise should be assessed at the boundary of any affected receiver in the absence of influence of other noise sources. The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard AS1055.

All recommendations contained in the acoustic assessment report prepared by Clarity Acoustics; report R01 Rev2 19098 dated 19 June 2020 & Document titled Drummoyne Reservoir Early Learning Centre - Report Addendum dated 19 October 2021 prepared by Clarity shall be adopted, implemented, and adhered to. The following recommendations contained in the report must be complied with at all times.

*(Reason: Compliance)*

### **106.     ~DAOUD02B - Survey of Containment Material Containment Area**

If a containment area is utilised, prior to the placement of a visual marker layer as required by the RAP, the contaminated fill containment area must be delineated and surveyed by a Registered Surveyor and identified on a survey drawing.

This survey drawing must be submitted to the satisfaction of the supervising environmental consultant and be included in the Validation Report, **prior to construction works.**

**~DAANN01 - Dial Before You Dig**

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at [www.1100.com.au](http://www.1100.com.au) or telephone 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

***Telecommunications Act 1997 (Commonwealth)***

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's mobile network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810 443.

**~DAANN02 - Dividing Fences**

The erection of dividing fences under this consent does not affect the provisions of the *Dividing Fences Act 1991*. Under this Act, all relevant parties must be in agreement prior to the erection of any approved dividing fence/s under this consent.

Council has no regulatory authority in this area and does not adjudicate civil disputes relating to the provision of or payment for the erection of dividing fences.

If there is a neighbour dispute about the boundary fence and you are seeking mediation, you may contact the Community Justice Centre or if legal advice or action is required, you may contact the Chamber Magistrate.

**~DAANN04 - Lapsing of Consent**

In accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 (as amended), this Development Consent lapses five (5) years after the date from which it operates unless building, engineering or construction work has physically commenced. **A Construction Certificate must be obtained and the works commenced in accordance with the approved plans and specifications within five (5) years from the date of this Development Consent.**

**~DAANN06 - Process for Modification**

The plans and/or conditions of this Consent are binding and may only be modified upon written request to Council under Section 4.55 of the Environmental Planning and Assessment Act, 1979 (as amended). The request shall be accompanied by the appropriate fee and application form. You are not to commence any action, works, contractual negotiations, or the like, on the requested modification unless and until the written authorisation of Council is received by way of an amended consent.

**~DAANN07 - Review of Determination**

In accordance with the provisions of Section 8.2 of the Environmental Planning and Assessment Act 1979 (as amended) the applicant can request Council to review this determination. The request must be made and determined within legislated time period. A fee, as prescribed under Council's current Management Plan - Fees and Charges, is payable for such a review.

**~DAANN08 - Right of Appeal**

Section 8.7 and 8.10 of the Environmental Planning and Assessment Act 1979 (as amended), gives the applicant the right to appeal to the Land and Environment Court. Section 97 does not apply to the determination of a development application for State significant development or local designated development that has been the subject of a Commission of Inquiry.

**~DAANN09 - Signage Approval**

A **separate development application** for any proposed signs which are either externally fitted or applied must be submitted for the approval of Council, prior to the erection or display of any such signs. This does not apply to signs which are classified as being 'Exempt Development'.

**~DAANN10 - Skips on Council Footpath**

The applicant must apply to Council's Customer Services Centre and pay the respective minimum ten (10) day application fees and deposit, should a mini-skip type or larger builder's waste container be required to be left on Council's footpath, nature strip or roadway for the removal of any builder's waste etc. These fees must be paid prior to the container's placement. In the event of the container being removed within the ten day period, and the Council being notified, a pro-rata refund will be made. If the container is to remain at the site for longer than ten days, a further fee must be paid before the ten day period expires. No consultation is necessary if placing the container within the property to which this application is related. However, caution should be exercised in placing the bin to ensure no damage occurs to Council property.

**~DAANN11 - WorkCover Requirements**

The Work Health and Safety Act 2011 and subordinate regulations, codes of practice and guidelines control and regulate the development industry.

Further information can be obtained from WorkCover NSW's website at <http://www.workcover.nsw.gov.au/newlegislation2012/your-industry/construction/Pages/default.aspx> or through their head office: WorkCover

NSW, 92-100 Donnison Street, GOSFORD 2250 Postal address: WorkCover NSW,  
Locked Bag 2906, LISAROW 2252, Phone (02) 4321 5000, Fax (02) 4325 4145.

## **GENERAL CONDITIONS FROM HERITAGE NSW – 4 NOVEMBER 2021**

### **HERITAGE CONSULTANT**

1. A suitably qualified and experienced heritage consultant must be nominated for this project. The nominated heritage consultant must provide input into the detailed design, provide heritage information to be imparted to all tradespeople during site inductions, and oversee the works to minimise impacts to heritage values. The nominated heritage consultant must be involved in the selection of appropriate tradespersons and must be satisfied that all work has been carried out in accordance with the conditions of this consent.

*Reason: So that appropriate heritage advice is provided to support best practice conservation and ensure works are undertaken in accordance with this approval.*

### **SPECIALIST TRADESPERSONS**

2. All work to, or affecting, significant fabric shall be carried out by suitably qualified tradespersons with practical experience in conservation and restoration of similar heritage structures, materials and construction methods.

*Reason: So that the construction, conservation and repair of significant fabric follows best heritage practice.*

### **SITE PROTECTION**

3. Significant built and landscape elements are to be protected during site preparation and the works from potential damage. Protection systems must ensure significant fabric, including landscape elements, is not damaged or removed.

*Reason: To ensure significant fabric including vegetation is protected during construction.*

### **HERITAGE INTERPRETATION PLAN**

4. An interpretation plan must be prepared in accordance with the Heritage NSW publication 'Interpreting Heritage Places and Items Guidelines' (2005) and submitted for approval to the Heritage Council of NSW (or delegate) prior to the issue of a Construction Certificate/ Government certification.
5. The interpretation plan must detail how information on the history and significance of name of item will be provided for the public, and make recommendations regarding public accessibility, signage and lighting. The plan must identify the types, locations, materials, colours, dimensions, fixings and text of interpretive devices that will be installed as part of this project.
6. The approved interpretation plan must be implemented prior to the issue of an Occupation Certificate

*Reason: Interpretation is an important part of every proposal for works at heritage places.*



### **PHOTOGRAPHIC ARCHIVAL RECORDING**

7. A photographic archival recording (if necessary, specify elements or parts of structure/complex to be recorded) must be prepared prior to the commencement of works, during works and at the completion of works. This recording must be in accordance with the Heritage NSW publication 'Photographic Recording of Heritage Items using Film or Digital Capture' (2006). The digital copy of the archival record must be provided to Heritage NSW, Department of Premier and Cabinet.

*Reason: To capture the condition and appearance of the place prior to, and during, modification of the site which impacts significant fabric.*

### **UNEXPECTED FINDS**

8. The Applicant must ensure that if substantial intact archaeological deposits and/or State significant relics or any other buried fabric, 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: All significant fabric within a State Heritage Register curtilage should be managed according to its significance. This is a standard condition to identify to the applicant how to proceed if historical archaeological relics, or other unexpected buried discoveries such as works are identified during the approved project.*

### **ABORIGINAL OBJECTS**

9. Should any Aboriginal objects be uncovered by the work which is not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and Heritage NSW is to be informed in accordance with the *National Parks and Wildlife Act 1974*. Works affecting Aboriginal objects on the site must not continue until Heritage NSW has been informed and the appropriate approvals are in place. Aboriginal objects must be managed in accordance with the *National Parks and Wildlife Act 1974*.

*Reason: This is a standard condition to identify to the applicant how to proceed if Aboriginal objects are unexpectedly identified during works.*

### **COMPLIANCE**

10. If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.

*Reason: To ensure that the proposed works are completed as approved.*

### **SECTION 60 APPLICATION**

11. An application under section 60 of the *Heritage Act 1977* must be submitted to, and approved by, the Heritage Council of NSW (or delegate), prior to work commencing.

*Reason: To meet legislative requirements.*