



Issued: 3 June 2022 2:16 PM

JUDGMENT/ORDER

COURT DETAILS

Court	Land and Environment Court of NSW
Division	Class 1
Registry	Land and Environment Court Sydney
Case number	2021/00271504

TITLE OF PROCEEDINGS

First Applicant	Hyside 34 Leicester Pty Ltd
First Respondent	City of Canada Bay Council ABN 79130029350

DATE OF JUDGMENT/ORDER

Date made or given	3 June 2022
Date entered	3 June 2022

TERMS OF JUDGMENT/ORDER

The Court Orders that:

- 1) The Applicant's written clause 4.6 request to vary the permitted height standard pursuant to Clause 4.3 of the Canada Bay Local Environmental Plan 2013, dated March 2022 is upheld.
- 2) The Applicant is granted leave to amend Development Application No. DA2021/0089 and rely upon the following amended plans and documents, which are referenced in Condition 1 of Schedule B at Annexure 'A'.
- 3) Pursuant to s 8.15(3) of the Environmental Planning and Assessment Act 1979, the Applicant is to pay those costs of the Respondent that have been thrown away as a result of the amendment of the application for development consent as agreed or assessed.
- 4) The appeal is upheld.
- 5) Consent is granted to Development Application DA2021/0089 for the demolition of existing structures, amalgamation of lots and the construction of a five (5) storey residential flat building with 35 apartments above basement and car park, at 30 - 34 Leicester Avenue, Strathfield, and demolition of certain structures and construction of part of a private road upon 36 Leicester Avenue, Strathfield, subject to the conditions set out in Annexure 'A'.

SEAL AND SIGNATURE



Signature S. Froh
Capacity Registrar
Date 3 June 2022

If this document was issued by means of the Electronic Case Management System (ECM), pursuant to Part 3 of the Uniform Civil Procedure Rules (UCPR), this document is taken to have been signed if the person's name is printed where his or her signature would otherwise appear.

FURTHER DETAILS ABOUT Applicant(s)

First Applicant
Name Hyside 34 Leicester Pty Ltd
Address Tower 3 Level 23
300 Barangaroo Avenue
BARANGAROO NSW 2000

Telephone
Fax
E-mail
Client reference

Legal representative

Name VASILI CONOMOS
Practicing certificate number 29648
Address Conomos Legal Suite 8 Level 6
229 - 231 MACQUARIE Street
SYDNEY NSW 2000

DX address
Telephone 02 9231 3221
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Email vc@conomoslegal.com.au
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FURTHER DETAILS ABOUT Respondent(s)

First Respondent

Name City of Canada Bay Council
ABN 79130029350
Address 1A Marlborough Street
DRUMMOYNE NSW 2047
Frequent User Identifier CANACC

ATTACHMENTS TO ORDERS

(271504.21 Sheridan FINAL Annexure A (1).pdf)

[attach.]

Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: DA2021/0089

Development: Upon 30-34 Leicester Avenue - Demolition of existing structures, amalgamation of lots and the construction of a five (5) storey residential flat building with 35 apartments above basement and car park.

Upon 36 Leicester Avenue – Partial construction of road and demolition of shed.

Site: 30-34 Leicester Avenue, Strathfield (comprising the land for the proposed residential flat building) and 36 Leicester Avenue, Strathfield (comprising the land upon which certain road works and demolition are proposed to facilitate access to the residential flat building by way of right of way).

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

Date of determination: 3 June 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 30-34 Leicester Avenue, Strathfield or 30-36 Leicester Avenue, Strathfield (as the context may require).

The conditions of consent are as follows:

Deferred Commencement Conditions**DADCA01 - Deferred Commencement Approval**

This is a 'Deferred Commencement Consent' under Section 4.16(3) of the Environmental Planning and Assessment Act 1979 (as amended). This consent does not become operative until the applicant has satisfied the requirements listed in Schedule 'A' of this consent. All issues shall be satisfactorily resolved within the period of five years from the 'Determination Date', that is shown on this consent. Upon compliance with the issues under Schedule 'A', and written confirmation from Council to that effect, then the consent shall become operative from a "Date of Endorsement" (to be included on the written notification) subject to the conditions listed in Schedule 'B' and any additional conditions arising from the requirement of Schedule 'A'.

(Reason: Statutory requirement)

SCHEDULE A**1. Vehicular Access**

- a. A right of carriageway benefiting 30-34 Leicester Avenue, Strathfield shall be created in favour of the property to be developed over 36 Leicester Avenue in accordance with Council's DCP - Strathfield Triangle and Council's DCP, Appendix 2 - Engineering Specification to permit access from Hilts Road to the development. Documents creating the right of carriageway shall be lodged with NSW Land Registry Services, with registration being effected prior to "Schedule B" conditions becoming operational. All costs associated with the creation of the carriageway shall be borne by the applicant.

2. Traffic and Parking

- a. Superimposition of vehicle turning manoeuvre diagrams shall be undertaken using a detailed drawing that includes proposed driveway from Hilts Road to both garbage collection points and basement entry/exit (as per the plan in Council Engineering Specification). The proposed driveways shall be amended as required by vehicle turning manoeuvre analysis and included in the plan.

The vehicle crossing shall be constructed perpendicular to the kerb line. This encourages vehicles to slow down whilst entering properties. Sight distance requirement at access driveway shall be measured a minimum 2.5m by 2.0m as per AS/NZS2890.1 where the driveway adjoins the proposed lane way/driveway access. The location of the sight triangle indicated in the plan prepared by Traffix is not accordance with AS/NZS2890.1. The edge of the triangle shall align with edge of the driveway ramp.

- b. Applicant is required to provide a longitudinal section for the entire path for Council's Garbage Collection Bay. It shall include all levels, grades, transitions and headroom clearances. Where the driveway crosses the footpath, it shall be

graded a minimum 0.5% away from the property boundary but not exceeding 2.5%.

- c. The proposed development is required to provide a service vehicle space which can accommodate removalist vehicles and other service requirement for the site. As such the space should be designed for medium rigid vehicle as per AS2890.2. The proposed garbage collection area should be designed to be able to be used by these types of vehicles and to include direct access between garbage collection bay and front foyer.

SCHEDULE B

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.

Reference/Dwg No	Title/Description	Prepared By	Date/s
2085DT05	Survey Plan	StrataSurv Registered Surveyors	09/02/2021
DA-1001 (Issue E)	Upper Basement	Integrated Design Group	14/02/2022
DA-1002 (Issue E)	Lower Basement	Integrated Design Group	14/02/2022
DA-1100 (Issue F)	Ground Floor Plan	Integrated Design Group	14/02/2022
DA-1101 (Issue F)	Level 1, 2 and 3 Floor Plan	Integrated Design Group	14/02/2022
DA-1102 (Issue F)	Level 4 Floor Plan	Integrated Design Group	14/02/2022
DA-1103 (Issue F)	Roof Plan	Integrated Design Group	14/02/2022
DA-2000 (Issue F)	North Elevation	Integrated Design Group	14/02/2022
DA-2001 (Issue F)	West Elevation	Integrated Design Group	14/02/2022
DA-2002 (Issue F)	East Elevation	Integrated Design Group	14/02/2022
DA-2003 (Issue F)	South Elevation	Integrated Design Group	14/02/2022
DA-3000 (Issue D)	Driveway Section 1-01	Integrated Design Group	14/02/2022
DA-3001 (Issue D)	Driveway Section 1-02	Integrated Design Group	14/02/2022
DA-3002 (Issue A)	Driveway Section 2-01	Integrated Design Group	14/02/2022
DA-3003 (Issue A)	Driveway Section 2-02	Integrated Design Group	14/02/2022
DA-3004 (Issue A)	Section A-A	Integrated Design Group	14/02/2022

DA-3005 (Issue A)	Section B-B	Integrated Design Group	14/02/2022
DA-3006 (Issue A)	Section C-C	Integrated Design Group	14/02/2022
DA-3007 (Issue A)	Detail Sections	Integrated Design Group	14/02/2022
DA-9300 (Issue A)	External Finish Schedule	Integrated Design Group	14/02/2022
1342 L-01 (Issue C)	Ground Floor Landscape Plan	SiteDesign + Studios	14/02/2022
1342 L-02 (Issue C)	Level 4 Landscape Plan	SiteDesign + Studios	14/02/2022
1342 L-03 (Issue C)	Planting Details	SiteDesign + Studios	14/02/2022
Cert. No. 1181230M_03	BASIX Certificate	ESD Synergy	15/02/2022
SYD2021-1024-R001C	Acoustic DA Assessment	Acouras Consultancy	11/03/2021
21.051r01v03	Traffic Impact Assessment	Traffix	20/01/2022
Job No. 21066	Accessibility Design Review Report - DA	ABE Consulting	10/03/2021
E25042.G01	Preliminary Geotechnical Assessment	EIAustralia	09/03/2021
Ref: 6762	Arboricultural Impact Assessment & Tree Management Plan	Redgum Horticultural	09/03/2021
	Waste Management Report	Dickens Solutions	19/01/2022

Note 1: *Modifications to the approved plans (other than those made as a consequence of a condition of consent) 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: *The approved plans and supporting documentation is 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 development consent becoming operational and the issue of any Construction Certificate).*

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

1A. Staged construction

The works may be carried out in stages, with the relevant conditions being satisfied prior to issue of a Construction Certificate where specified in the conditions of consent, for each

stage as detailed below:

Stage 1: shoring and excavation.

Stage 2: structure up to ground floor slab.

Stage 3: remainder of the structural works.

Stage 4: remainder of construction works.

In addition to the above stages, some conditions may be required to be satisfied prior to the issue of any Construction Certificate.

(Reason: To allow pre-conditions to the issue of Construction Certificates to be linked to the relevant stage of the development.)

2. DAGCA03 - Construction within Boundary

All approved construction including but not limited to footings, walls, roof barges and guttering are to be constructed wholly within the boundaries of the premises.

(Reason: To ensure compliance with approved plans)

3. DAGCA08 - Contamination - Compliance with Preliminary Contamination Report

All recommendations contained in the Preliminary Site Investigation prepared by EI Australia dated 8 March 2021 reference no. E25042.E01_Rev0 shall be adopted, implemented, and adhered to.

(Reason: Compliance and Environmental Protection)

4. DAGCA09 - Waste Management - General

- i. All waste management on site is to be carried out in accordance with the approved waste management plans.
- ii. All waste is to be stored in a way that does not pose threat to public health or threat to the environment at all times.
- iii. The property owner and/or occupier shall present waste and recycling bins at the bin presentation location no earlier than the night before their scheduled collection day and shall promptly return them to the basement bin storage room (prior to 12 midnight on the collection day).
- iv. The path for moving bins between the bin storage location and the bin presentation location must be free of steps and not exceed a grade of 1:14 at any point.
- v. **Prior to the issue of stage 1 Construction Certificate** the applicant must submit a completed Waste Management Plan for the demolition and construction stages of the development.

(Reason: Waste Management, Environmental Protection and Amenity)

5. DAGCB01 - Australia Post Guidelines

Mail deliveries are to be in accordance with Australia Post Guidelines, as set out in the Australia Post publication "General Post Guide - September 2007". A copy of this Guide can be obtained from Australia Post's web page at www.auspost.com.au. A copy of the

brochure may be obtained from Australia Post. In general, a clearly marked mailbox (or group of mailboxes) shall be provided within 500mm of the footpath alignment.

(Reason: To ensure compliance with mail delivery regulations)

6. DAGCB02 - Compliance with Disability Discrimination Act

This approval does not necessarily protect or guarantee against a possible claim of discrimination (intentional or unintentional) under the *Disability Discrimination Act 1992*, and the applicant/owner is therefore advised to investigate their liability under this Act.

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)

7. DAGCB03 - Front Fence Height

The new front fence is to be a maximum height of 1.5metres above Council's footpath at any point of measurement, the fence being stepped if necessary to comply with the height requirement.

(Reason: Streetscape)

8. DAGCB06 - Height

The maximum height of the proposed development shall be A.H.D. RL 33.340, measured at topmost element of the uppermost roof, and A.H.D. RL 34.140, measured to the top of the highest lift shaft.

(Reason: Compliance)

9. 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)

10. 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)

11. DAGCB12 - Street Numbering of Lots and Units

The proposed units and/or new allotments shall be numbered as follows:-

UNIT NUMBER	UNIT NUMBER	STREET NUMBER	STREET NAME	STREET TYPE	LOCALITY
Ground Floor					
	1	34	LEICESTER	AVENUE	STRATHFIELD
	2	34	LEICESTER	AVENUE	STRATHFIELD
	3	34	LEICESTER	AVENUE	STRATHFIELD
	4	34	LEICESTER	AVENUE	STRATHFIELD
	5	34	LEICESTER	AVENUE	STRATHFIELD
	6	34	LEICESTER	AVENUE	STRATHFIELD
	7	34	LEICESTER	AVENUE	STRATHFIELD
Level 1			LEICESTER		
	101	34	LEICESTER	AVENUE	STRATHFIELD
	102	34	LEICESTER	AVENUE	STRATHFIELD
	103	34	LEICESTER	AVENUE	STRATHFIELD
	104	34	LEICESTER	AVENUE	STRATHFIELD
	105	34	LEICESTER	AVENUE	STRATHFIELD
	106	34	LEICESTER	AVENUE	STRATHFIELD
	107	34	LEICESTER	AVENUE	STRATHFIELD
	108	34	LEICESTER	AVENUE	STRATHFIELD
Level 2			LEICESTER		
	201	34	LEICESTER	AVENUE	STRATHFIELD
	202	34	LEICESTER	AVENUE	STRATHFIELD
	203	34	LEICESTER	AVENUE	STRATHFIELD

	204	34	LEICESTER	AVENUE	STRATHFIELD
	205	34	LEICESTER	AVENUE	STRATHFIELD
	206	34	LEICESTER	AVENUE	STRATHFIELD
	207	34	LEICESTER	AVENUE	STRATHFIELD
	208	34	LEICESTER	AVENUE	STRATHFIELD
Level 3			LEICESTER		
	301	34	LEICESTER	AVENUE	STRATHFIELD
	302	34	LEICESTER	AVENUE	STRATHFIELD
	303	34	LEICESTER	AVENUE	STRATHFIELD
	304	34	LEICESTER	AVENUE	STRATHFIELD
	305	34	LEICESTER	AVENUE	STRATHFIELD
	306	34	LEICESTER	AVENUE	STRATHFIELD
	307	34	LEICESTER	AVENUE	STRATHFIELD
	308	34	LEICESTER	AVENUE	STRATHFIELD
Level 4			LEICESTER		
	401	34	LEICESTER	AVENUE	STRATHFIELD
	402	34	LEICESTER	AVENUE	STRATHFIELD
	403	34	LEICESTER	AVENUE	STRATHFIELD
	404	34	LEICESTER	AVENUE	STRATHFIELD

Numbering of units/properties shall be conspicuously displayed at the front of the property and shall be maintained in accordance with Council's Street Numbering Policy.

Should the property be strata subdivided, the approved numbering system shall be included in the final plans of strata subdivision.

(Reason: Identification of Property for Emergency Services and Mail Deliveries)

12. DAGCB15 - Telecommunications /TV Antennae

No more than one telecommunications/TV antenna will be provided to each dwelling/building.

(Reason: Environmental amenity)

13. DAGCB16 - Tree Preservation

All street trees and trees on private property that are protected under Canada Bay Council's controls, shall be retained except where Council's prior written consent has been obtained or when they are identified to be removed on the Ground Landscape Plan approved under condition 1.

(Reason: Tree preservation)

14. DAGCC01 - Hoarding Requirements

Where any works associated with the approved development are located in close proximity to a public place such that occupation of part of the public place may be required to complete the development, then it will be necessary to erect either an “A” Class or “B” Class hoarding. Should a hoarding need to be constructed on or over Council land/property, then the following requirements will apply:-

The approved development includes/requires either an “A” Class or “B” Class or both type of hoarding to be erected. Should such a hoarding need to be constructed on or over Council land/property, then the following requirements will apply:-

- **“A” Class Requirements**

An engineer certified “A” Class hoarding is to be constructed on the footpath adjacent to the building site to protect pedestrians during demolition of the existing building and construction of the new building.

- **“B” Class Hoardings**

An engineer certified overhead “B” Class hoarding, complying with the requirements of the Department of Industrial Relations & Technology, shall be constructed over Council’s footpath to protect pedestrians during demolition of the existing building and the erection of the new building.

A formal hoarding application shall be made to Council and demolition or construction work must not commence until the hoarding has been erected and then approved by Council and all applicable fees and charges paid.

(Reason: Public safety)

**15. DAGCC06 - Fill Material
Imported Fills**

Clean fill imported onto the site shall be validated to ensure it is suitable for the proposed land use.

All fill imported onto the site shall be validated by either one or both of the following methods during remediation works:

1. 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.
3. Any fill material that is imported onto the site must be analysed and classified by an appropriately qualified and experienced environmental consultant in accordance with relevant NSW EPA guidelines, including the “Waste Classification Guidelines” 2014.

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 or the City of Canada Bay upon request.

Classification of waste

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be tested and 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 Principal 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 fill is of an acceptable standard for environmental protection purposes)

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

16. DAPDB01 - Construction Certificate - Prior to the Commencement of any Demolition Works

Where demolition is associated with the erection of a new structure, or an altered portion of or an extension to an existing building, the demolition of any part of a building is "commencement of building work" pursuant of section 6.6 of the Act. In such circumstance all conditions of this consent must be satisfied prior to any demolition work. This includes, but is not limited to, the **issue of a Construction Certificate, appointment of a PCA and Notice of Commencement under the Act.**

(Reason; Statutory Requirement)

17. 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

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 10m² 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

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)

18. 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)

19. 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 Council's prior written consent has been obtained.

(Reason: Tree Preservation and Protection)

20. 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 the relevant Construction Certificate

21. 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 stage 2 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)

22. DACCA03 - Driveway Design and Certification

The driveway design shall be amended in accordance with Council's "Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan" and AS/NZS2890.1:2004 "Off Street Car Parking" and AS2890.2-2002 "Off-street Commercial Vehicle Facilities" to the follow:

- a. A longitudinal section through the proposed driveway middle and edges (i.e., 3 sections) shall be provided and shall start from the centre line of the public road or the crest of the road to the basement 1 shall be prepared demonstrating compliance with the scraping provisions for the B99 vehicle as stipulated in AS/NZS2890.1:2004 "Off Street Car Parking" Code. A longitudinal section shall similarly be provided for access to the loading bay in ground floor as stipulated in AS2890.2-2002 "Off-street Commercial Vehicle Facilities". The longitudinal section shall include:
 - i. All changes in levels and gradients e.g. lip of gutter, gutter invert, kerb layback, edge of footpath and at the property boundary.
 - ii. Footpath shall have a maximum crossfall of 2.5% graded but no less than 0.5% graded towards the street.
 - iii. A standard layback having a 90mm height over 450mm distance from the invert of gutter is to be incorporated into the driveway long section.
 - iv. Driveway shall have a crest to prevent the runoff from the street entering the property in case of street flooding during major storm event.
 - v. The entire travel path of Council's garbage truck shall achieve a minimum height clearance of 4m and a minimum of 2.2 for all other vehicular travel paths including ramps.

- b. The vehicular access driveway for loading bay shall be designed to accommodate a truck as required in swept path analysis of Council's 10.44 metre waste collection vehicle.

The longitudinal section 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 engineer shall certify that the driveway longitudinal section achieve compliance with AS/NZS2890.1:2004 and Council's "Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan" and AS2890.2-2002 "Off-street Commercial Vehicle Facilities". All existing levels indicate on the driveway design plans shall be checked and confirmed by a registered surveyor.

The longitudinal section and design certification shall be submitted and approved by the Principal Certifier and a copy to Council with Driveway Location application **prior to issue of stage 2 Construction Certificate.**

(Reason: Vehicular access)

23. DACCA05 - Acoustic Assessment

All recommendations contained in the approved acoustic assessment report titled 30-34 Leicester Ave, Strathfield - Acoustic DA Assessment by Acouras Consultancy dated 11/03/2021, document reference: SYD2021-1024-R001C shall be adopted, implemented, and adhered to.

The Principal Certifying Authority (PCA) shall obtain a statement from an appropriately qualified acoustic consultant, certifying that the acoustic mitigation measures outlined in the above stated report have been suitably incorporated into the development and that relevant noise criteria have been satisfied prior to the issue of any Occupation Certificate.

Any changes made to the proposal that would alter the acoustic assessment will require a further acoustic assessment and a copy of this further report shall be provided **to Council for approval prior to the issue of the stage 1 Construction Certificate.**

(Reason: Noise Control and Amenity)

24. DACCA05 - Traffic and Parking Management and Safety

To minimise the potential for conflict between entering and exiting vehicles, a system of traffic signals is required to be installed to indicate traffic movement on all the carpark ramps. By default the signal system must maintain a green signal visible to entering vehicles and a red signal visible to exiting vehicles at appropriate locations near corresponding waiting bays. When an exiting vehicle is detected, a green signal is to be displayed to exiting vehicles and a red signal displayed to entering vehicles. The signal for entering vehicles shall be located where it's visible for vehicles entering. Plans shall demonstrate compliance with this requirement, shall be submitted to and approved by the Principal Certifier **prior to construction certificate.**

(Reason: Traffic and Parking Management and Safety)

25. 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 **\$50,000.00** shall be paid to Council **prior to the issue of the stage 1 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)

26. 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 stage 1 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)

27. DACCB05 - Strathfield Triangle Development Contributions Plan

The following Section 7.11 Development Contributions are required towards the provision of public amenities and services in accordance with the Canada Bay Local Infrastructure Contributions Plan (commencing 7 March 2022).

Based on the following number of Dwellings:

No. of Dwellings	Per Dwelling			
35	\$20,000			
Sub-total				
TOTAL	\$660,000.00			

Any change in the Consumer Price Index between December 2021 (CPI 121.6) and the date that the Section 7.11 Development Contribution is paid, will be added/subtracted from the amount cited above.

Contributions must be receipted by Council and submitted to the Accredited Certifier **prior to the issue of the first occupation Certificate** in respect of any building to which this consent relates, except as provided below.

If no construction certificate in respect of the erection of any building to which the consent relates has been issued before or on September 2022 monetary contribution must be paid before the issue of the Construction certificate after the date for any such building.

Please present a copy of this condition when paying the contribution at the Customer

Service Centre so that it can be recalculated.

A copy of the Canada Bay Local Infrastructure Contributions Plan may be obtained from Council's website.

(Reason: To retain a level of service for the existing population and to provide the same level of service to the population resulting from new developments)

28. DACCB09 - 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, the stage 2 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 the stage 2 Construction Certificate.**

(Reason: Stormwater Management, Environmental Protection and Compliance)

29. DACCB10 - Basement Floor Drainage and Subsurface

The basement pump-out system shall be designed and able to store the runoff from weather exposed areas for a period of 5 hours (plus any seepage for a period of 24 hours) during a 1 in 100 year storm event in accordance with Clause SW84 of Council's DCP, Appendix 2 – Engineering Specification. Calculation to determine the capacity of holding tank shall be indicated on the construction drawing and submit to the Principal Certifier for approval **prior to issue of the stage 1 Construction Certificate.**

(Reason: Subsurface stormwater management)

30. DACCB11 - Adaptable Housing

Prior to the issue of any Construction Certificate, the plans shall identify seven (7) of the 35 approved units will be adaptable housing units in accordance with AS4299.

(Reason: Amenity)

31. DACCE01 - Amendments to Approved Plans

The following amendments shall be made to the approved plans prior to the issue of a Construction Certificate:-

External Finishes Schedule

- a) Replace the 'White Face Brick' (Australian Castalana or similar), as indicated on the approved External Finishes Schedule with Austral 'Bowral Brown', or 'Gledswood Blend' or 'Macquarie Blend' or similar smooth face, mid-brown face brick with like colour and tonal variation.

Stormwater Management

- b) The proposed stormwater pits and location shown on the civil plan shall be revised and corresponded to the approved stormwater plan.

- (c) The proposed vehicular crossings and bollards indicated on the property known as 36 Leicester Avenue are to be deleted from the civil plans and any associated plans. In relation to the 36 Leicester Avenue property, consent is only granted to demolish the outbuilding at the rear of this property and to construct the relevant part of the private access road shown on the approved plans.

Note: This involves a change to the Development Application plans as submitted to and approved by Council. Any changes in this regard shall be reflected as amended plans to be submitted to the Accredited Certifier **prior to the issue of a Construction Certificate** for the proposed development.

(Reason: To confirm and clarify the terms of Council's approval)

32. DACCE02 - Construction Management Plan

Prior to the issue of the stage 1 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)

33. DACCE02A - Construction Traffic Management Plan (CTMP)

- a. **Prior to the issue of the stage 1 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)

34. 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.**

Please note that if demolition works forms part of the extent of works approved in the same application, then demolition must not commence **prior to the issue of a Construction Certificate.**

(Reason: Information)

35. DACCF01 - Canopy Tree/s

To ensure the preservation of the landscape character of the area, the landscape plan submitted **with the stage 4 Construction Certificate** application shall incorporate, as part of the overall required tree canopy for the site, a minimum of 13 canopy trees, to achieve a minimum 8m height at maturity and located on the site at ground level. The trees are to be supplied from a minimum 100 litre container and be maintained by the applicant until the tree is properly established.

(Reason: Preservation of the landscape character of the area)

36. 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 stage 4 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)

37. DACCF03 - Landscape Plan

A landscape plan prepared by a qualified landscape architect or landscape consultant to a scale of 1:100 or 1:200, conforming to all relevant conditions of consent is to be submitted to the satisfaction of the Accredited Certifier **with the stage 4 Construction Certificate application.**

The plan must include the following information:

- a. Location of all existing and proposed landscape features including materials to be used;
- b. Delineate and identify all trees to be retained, removed, provided or transplanted including street trees;
- c. Existing and proposed finished ground levels;
- d. Top and bottom wall levels for both existing and proposed retaining and free standing walls and
- e. Detailed plant schedule which includes proposed species listed by botanical (genus and species) and common names, quantities of each species, pot sizes and the estimated size at maturity.

Consideration within the design should be given to the scale of planting in proportion to the proposed development, consistency with the existing landscape character of the area, potential views, solar access and privacy for neighbouring development.

(Reason: Landscape quality)

38. DACCF04 - On Slab Landscaping

To ensure the site landscaping thrives the on slab landscaping shown on the approved landscaping plan is to be designed to include a minimum soil depth of 650mm for shrubs and trees and 300mm for grass and ground covers, adequate drainage and a permanent, automatic irrigation system conforming to Sydney Water's current *Waterwise* Policy. Details shall be submitted **with the stage 4 Construction Certificate application.**

(Reason: Ensure landscape survival)

39. DACCG01 - Available Visitor Car Parking Signage

A sign shall be erected in a suitable location on the property near the driveway entrance indicating where visitor parking is available on the site. Details shall be submitted **prior to the issue of the Construction Certificate.**

(Reason: Adequate access and egress)

40. DACCG02 - Bicycle Storage Provision

Provision for bicycles shall be in accordance with the City of Canada Bay Development Control Plan for Bicycle Parking and Storage Facilities. Details shall be submitted **prior to the issue of the stage 2 Construction Certificate.**

(Reason: Convenience)

41. DACCG04 - Disabled Car Parking Spaces

Six (6) of the car parking spaces provided as part of the total requirement shall be reserved for disabled persons. These spaces shall be a minimum of 3.2m wide x 5.5m long and located near pedestrian access routes designed for disabled persons. Each space shall be clearly marked as such.

Car parking for people with disabilities shall be provided in accordance with the Building Code of Australia, relevant Australian Standards and with regard to the *Disability Discrimination Act 1992*. **Prior to the issue of stage 2 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.

The above details shall be submitted to and approved by the Accredited Certifier **prior to the issue of the stage 2 Construction Certificate**.

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

42. DACCG06 - Maintaining Sight Lines (multi- unit development)

The sightlines at the access driveway are to be designed in accordance with Figure 3.3 of AS2890.1:2004. Any objects including landscaping within the splay of a minimum of 2.5m by 2.0m adjacent to the driveway at the property boundary shall have a maximum height of 600mm above the internal driveway level. Details are to be submitted to the Accredited Certifier **prior to the issue of the stage 4 Construction Certificate** showing compliance with this condition.

(Reason: Safety)

43. DACCG07 - Off Street Parking Provision - General

A **maximum** of thirty-nine (39) off-street car parking spaces, including thirty-five (35) resident parking and three (3) visitor parking, suitably marked in accordance with the approved plans (unless elsewhere specified) shall be provided. Each space shall have minimum dimensions in accordance with the relevant Australian Standard.

Details are to be submitted to the Accredited Certifier **prior to the issue of the stage 4 Construction Certificate** showing compliance with this condition.

(Reason: Parking and access)

44. 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 stage 2 construction certificate**.

(Reason: Traffic safety and management)

45. DACCH00 - Obscure Glazing for Privacy in Wet Areas

All bathroom, ensuite and toilet windows shall be installed with obscure glazing.

(Reason: Amenity)

46. DACCI01 - Pre-Commencement Damage Report

Prior to the issue of the stage 1 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)

47. 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)

48. DACCI05 - Vehicular Crossings

Heavy-duty concrete vehicular crossing(s) shall be installed across the footpath at the entrance(s) and/or exit(s) to the site, subject to separate Council approval under Section 138

of Roads Act 1993 (in the case of Hilts Road). In this regard the Applicant must obtain a copy of Council's "Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan" and lodge an application for vehicular crossing(s) (available from Council's Customer Services Centre or can be downloaded from Council's website), and pay the appropriate fees and charges **prior to the lodgement of the stage 4 Construction Certificate**.

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

49. 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, in the case of Hilts Road 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 stage 4 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)

50. 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 stage 4 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)

51. DACCK02 - BASIX Commitments

The approved BASIX Certificate shall be submitted to the Accredited Certifier with the application for the stage 4 Construction Certificate.

Where a change or changes are proposed in the BASIX commitments, the applicant must submit a new BASIX Certificate to the Accredited Certifier and Council. If any proposed change in the BASIX commitments is inconsistent with the development consent the

applicant will be required to submit a modification to the development consent to Council under Section 4.55 of the Environmental Planning and Assessment Act 1979.

All commitments in the BASIX Certificate must be shown on the plans accompanying the Construction Certificate **prior to the issue of any Construction Certificate**.

(Reason: Statutory Compliance)

52. DACCK03 - Ausgrid Requirements

The approved development must comply with the requirements of Ausgrid. **Prior to the issue of stage 4 Construction Certificate**, the applicant shall demonstrate to the Accredited Certifier that any such requirements have been complied with.

(Reason: Statutory requirement)

53. 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 to the fire hydrant booster assembly are to be submitted to, and approved by Council, prior to the issue of a Construction Certificate.

(Reason: Streetscape amenity)

54. DACCL01 - Detailed Stormwater Drainage System Design

Prior to the issue of the stage 2 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. The stormwater plan shall be designed and constructed in accordance with the approved stormwater plan.
- ii. Access points to the OSD system, rainwater tank and water quality treatment storage for maintenance/formal surcharge path shall be located in common area not in private courtyards or balconies.
- iii. A notice shall be indicated on the engineering plan states "holding tank in basement per dwelling is to be provided to store seepage water for a period of 24 hours. The discharge to the kerb is to be restricted between 11.00pm to 3.00am with a maximum discharge rate of 5.0 L/s. a timer control shall be installed with the raise main or within the control panel from the basement holding tank in order to achieve the above requirement and shall be connected to a silt arrestor pit prior to discharge to kerb by gravity during the period of discharge"
- iv. A notice shall be indicated on the engineering plan states "A minimum 5,000L rainwater storage tank shall be provided for the development to collect minimum 400m² of non-trafficable roof area and to be used for common areas and private landscaping in accordance with Council's engineering specification and water sensitive urban design strategy"

- v. An orifice plate shall be designed and installed at the boundary pit adjacent to the property boundary line in order to ensure the combined redirection flows from the subject property will not exceed the permissible site discharge (PSD) and the maximum allowable stormwater discharge to the kerb and gutter at any single point. (i.e., 25L/s). Calculation of the size of orifice plate shall be indicated on the drawing.

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 or the relevant road authority 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)

55. DACCL02 - Certification of the Stormwater Drainage System Design

Certification of the proposed stormwater design shall be obtained from a Professional Civil Engineer whose qualifications are recognised by, and who is a current member of, Engineers Australia and shall certify that the proposed stormwater drainage system has been designed in accordance with Council's "Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan". The certified design shall be submitted to the Principal Certifying Authority **prior to the issue of the stage 2 Construction Certificate**.

(Reason: Adequate stormwater management)

56. 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 stage 1 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)

57. DACCL05 - Grated Drain to Garage

A grated trench drain shall be provided across the driveway at the bottom of entrance. 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 stage 2 Construction Certificate**.

(Reason: Environmental protection)

58. 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 stage 2 Construction Certificate**.

(Reason: Compliance and Amenity)

59. 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 stage 4 Construction Certificate**.

(Reason: Environmental Protection)

60. DACCL09 - Control of Seepage Water

A holding tank shall be provided to store seepage water for a period of 24 hours. The discharge of seepage water to the kerb is to be restricted between 11:00pm and 3:00am at a maximum discharge rate of 5.0 L/s. A minimum of seepage rate of 0.001 L/s per sqm shall be adopted to calculate the capacity of the holding tank unless a geotechnical report prepared by a qualified Geotechnical Consultant is submitted which provides a different seepage rate, **prior to the issue of the stage 2 Construction Certificate**.

(Reason: Prevention of public nuisance)

61. 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 stage 1 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)

62. DACCM02 - Geo-technical Report

A comprehensive geo-technical engineering report assessing the impact and safety of the proposed works shall be prepared by a suitably experienced and qualified geo-practitioner and **submitted with the stage 1 Construction Certificate**. The report must include the results of subsurface investigations involving either test pits to rock, or preferably the drilling of cored boreholes (to 1m below the proposed final excavation level). The report shall describe inter alia:-

- (a) an indication of the nature and depth of any uncontrolled fill at the site;
- (b) an indication of the nature and condition of the material to be excavated;
- (c) indications of groundwater or seepages;
- (d) required temporary measures for support of any excavations deeper than 1m adjacent to property boundaries;
- (e) statement of required excavation methods in rock and measures required to restrict ground vibrations;
- (f) other geo-technical information or issues considered relevant to design and construction monitoring.

(Reason: Structural safety)

63. DACCN01 - Electricity Connection

Provision must be made for connection to future underground distributions mains. This must be achieved by installing:

- An underground service line to a suitable existing street pole; or
- Sheathed underground consumers mains to a customer pole erected near the front property boundary (within 1 metre)

Note: A limit of one (1) pole per site will apply.

Details are to be submitted **with the application for a Construction Certificate.**

(Reason: Environmental Amenity)

64. 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 the stage 2 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)

65. DACCN03 – Telecommunications

Provision must be made for relocation of telecommunications network assets including underground placement of any existing aerial cables and infrastructure. Any costs associated with the relocation of the above are at the requestor's expense.

Should you need to discuss access to or relocation of any Telstra assets please contact Telstra's Network Integrity team by email F1102490@team.telstra.com or by phone: 1800 810 443 (opt1).

Details are to be submitted **with the application for the stage 2 Construction Certificate.**

(Reason: Environmental Amenity)

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

66. DAPCA06 - Alterations/Removal of Services

The applicant to arrange with the relevant public utility authority for the alteration and/or removal of any affected services in connection with the development. Any such work required to be carried out by the relevant public authority shall be done so at the applicant's cost.

(Reason: Asset Protection)

67. DAPCB01 - Appointment of Principal Certifying Authority

No work 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; and

- (b) 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)

68. DAPCB02 - Construction Certificate

No work shall commence until you:

- (a) Obtain the relevant Construction Certificate from either the City of Canada Bay Council or an Accredited Certifier - a fee applies for this service; and

- (b) Lodge with the City of Canada Bay Council any Construction Certificate obtained from an Accredited Certifier (together with associated plans and documents) - a fee applies for this service

(Reason: Statutory Requirement)

69. DAPCB05 - Notice of commencement

No work shall commence until you submit a notice of commencement (form will be attached with issue of the relevant 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)

70. 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)

71. 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)

72. DAPCB09 - Toilet Amenities on Construction Site

Prior to commencement of any building works, toilet facilities for employees must be provided in accordance with WorkCover NSW requirements.

Where female workers are present on site, appropriate measures for sanitary item disposal should be made, such as a disposal unit provided in the portable toilet or sewer connected toilet closet.

(Reason: Statutory Requirement - Health and amenity)

73. 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)

74. 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)

75. 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

76. 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)

77. 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)

78. 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)

79. 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)

80. DADWA05 - Excavation - Water

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

(Reason: Health and safety)

81. DADWA06 - Prevention of Nuisance

All possible and practical steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from windblown dust, debris, noise and the like during the demolition, excavation and building works.

(Reason: Health and amenity)

82. DADWA08 - Inspection of On-Site Stormwater Detention and Stormwater Quality Improvement Devices

The stormwater drainage, overland flowpath works and/or 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) Prior to pouring of the roof of the detention tank.
- (c) After completion of storage but prior to installation of fittings (e.g. Orifice plates, screens, flap valves etc.)
- (d) Final Inspection prior to issuing the relevant certificate.

Stormwater quality Improvement devices:

- (e) Initial inspection to discuss concept and site conditions/constraints prior to commencement of the construction of the improvement devices.
- (f) After completion of storage but prior to installation of **fittings** (e.g., Screens etc.)
- (g) 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)

83. 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)

84. 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)

85. DADWB05 - Stamped Plans

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

(Reason: To ensure compliance with approved plans)

86. DADWB06 - Site requirements during demolition and construction

All of the following are to be satisfied/complied with during demolition, construction and any other site works:

- (a) All demolition is to be carried out in accordance with Australian Standards AS 2601-2001.
- (b) Demolition must be carried out by a registered demolition contractor.

- (c) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out with close boarded, hardwood timber footpath protection pads. The pad shall cover the entire width of the footpath opening for the full width of the fence.
- (d) No blasting is to be carried out at any time during construction of the building.
- (e) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- (f) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- (g) Any demolition and excess construction materials are to be recycled wherever practicable.
- (h) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- (i) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All excavated material should be removed from the site in the approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- (j) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- (k) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- (l) Details as to the method and location of disposal of demolition materials (weight dockets, receipts etc.) should be kept on site as evidence of approved methods of disposal and recycling.
- (m) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- (n) Public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction unless prior separate approval from Council is obtained including payment of relevant fees.
- (o) Building operations such as brick cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- (p) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's

stormwater drainage system.

(Reason: To ensure that demolition, building and any other site works are undertaken in accordance with relevant legislation and policy and in a manner which will be non-disruptive to the local area.)

87. 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)

88. 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 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 approved 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)

89. 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 relation to any road for which Council is the roads authority, or public

land vested in or under the control of 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)

90. DADWE02 - Protection of Landscape Features

To minimise impacts on trees to be retained, no permanent fill or storage of building materials, excavated fill or topsoil during the site works shall take place within their drip lines.

(Reason: Tree preservation)

91. 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.

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)

92. 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)

93. 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)

94. 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)

95. 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)

96. 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)

97. 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)

98. DADWH04 - Inspections for Building Work - Critical Stages (Classes 2,3 or 4)

Where applicable inspections of the development site may be required to be undertaken at the following stages:

- (a) Prior to covering of waterproofing in any wet areas, for a minimum of 10 % of rooms with wet areas within a building;
- (b) Prior to covering any stormwater drainage connections;
- (c) After the building work has been completed and prior to any occupation certificate being issued in relation to the building; and
- (d) Other.

If the person having the benefit of the development consent appoints Council as the PCA, Council will give written advice as to what critical stage inspections apply.

Prior to issuing an occupation certificate or subdivision certificate the PCA must be satisfied that the work has been inspected on the above occasions.

Except as provided by subclause (d), the inspections may be carried out by the PCA or, if the PCA agrees, by another certifying authority.

The final inspection detailed at subclause (d) may only be carried out by the PCA.

For each inspection the principal contractor (*or owner-builder*) must notify the PCA at least forty eight (48) hours in advance that the site is ready to be inspected prior to the commencement of work on the next stage.

(Reason: Statutory Requirements)

99. 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)

100. 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) Prior to placement of concrete at each second floor level showing the principal level of the formwork and the intended relationship of the completed works to the boundary;
- (d) Prior to roofing, or completion of the highest point of the building, showing the anticipated level of the completed work and the relationship to the boundary; and
- (e) At completion, works showing the relationship of the building to the boundary.

Progress certificates in response to points (a) through to (e) 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

101. DAOCA05 - 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 and asset management)

102. DAOCA06 - 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, basement pump-out system and stormwater quality improvement devices system, including a sketch plan of the components forming the sites stormwater drainage system shall be submitted to the Principal Certifier. The maintenance schedule shall be prepared by a qualified hydraulic engineer.

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

103. 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 whose qualifications are recognised by, and who is a current member of, Engineers Australia, 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)

104. DAOCB02 - Strata Subdivision Approval

This approval does not include approval to strata subdivide the subject property. Should strata subdivision of the property be sought, a **separate development application** must be submitted to Council for approval **prior to occupation and/or use of the building/s**.

(Reason: Information)

105. DAOCB03 - Street Numbering Strategy

The Principal Certifying Authority must be satisfied that the Council approved Street Numbering Strategy has been carried out on site **prior to the issue of any Occupation Certificate**.

The approved Street Numbering Strategy must not be altered in any way without prior consent of Council.

(Reason: Compliance)

106. DAOCC01 - Civil Works on the Footway

The Applicant is required to carry out the following works:

- Reconstruct sections of cracked or defective footpath 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 and stormwater works, they must contact Council's Manager Construction, City Services in order to obtain an estimated cost for construction and contract to undertake the works.

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

107. DAOCC02 - Construction of Concrete Footpath

A concrete footpath of minimum 2.0 metres shall be constructed (to replace/across the) full length adjacent to the (front) of the property in Leicester Avenue, Strathfield.

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 Road and Traffic to obtain an estimated cost of construction and contract to undertake the works.

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

108. DAOCC03 - Construction of Concrete Kerb and Gutter

Standard 150mm high concrete kerb with gutter shall be constructed (to replace/across the) (damaged sections/full length) adjacent to the (front/front and side) of the property.

The above works must be programmed and constructed **prior to the issuing 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 prefer 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)

109. 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)

110. 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 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

111. DAFOA01 - Fire Safety Certificate

A final Fire Safety Certificate shall be obtained in accordance with Part 9, Division 4 of the Environmental Planning and Assessment (Amendment) Regulation 2000, **prior to the issue of the Final Occupation Certificate** for the building.

A copy of the Fire Safety Certificate and fire safety schedule shall be:-

1. Forwarded to City of Canada Bay Council;
2. Forwarded to the Commissioner of the New South Wales Fire Brigade; and
3. Prominently displayed in the building.

(Reason: Fire safety)

112. 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)

113. DAFOB05 - Wash down of Brickwork

Prior to occupation or use, the brickwork shall be thoroughly cleaned down on all sides. All necessary precautions shall be taken to ensure that this work does not affect neighbouring properties.

(Reason: Visual amenity and environmental health)

114. DAFOD01 - Street Tree Removal/Replacement Fee

The applicant shall meet the full cost for Council to:-

- (a) Remove the existing street tree/s (as determined by Council's Manager of Assets & Infrastructure) and replant (100) litre (container size) trees. The location and species of the replacement street trees shall be determined by Council's Manager of Assets & Infrastructure.
- (b) Provide and plant the 100 litre (container size) street trees once the works are completed and details of the proposed species are to be submitted to and approved by Council's Operations Manager Open Space Parks and Recreation, in accordance with Section 4.17 (2) of the Environmental Planning & Assessment Act 1979, **prior to issue of the Final Occupation Certificate**.

The tree/s shall be maintained in a healthy and vigorous state for a period of 12 months from the date of planting or until established.

(Reason: Tree preservation and environmental amenity)

115. 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)

116. DAFOE02 - Covenant & Restriction as to User for Stormwater Management and 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, basement pump-out system 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, basement pump-out and stormwater quality improvement devices are in accordance with the approved drawings, report and Council requirements.

(Reason: Compliance and adequate maintenance of drainage system)

117. 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)

118. DAFOF01 - Subdivision - Evidence of Consolidation

The existing allotments of 30, 32 and 34 Leicester Avenue, Strathfield shall be consolidated into a single lot. Evidence that the plan of consolidation has been registered as a deposited plan by the Land and Property Information Office must be submitted to Council **prior to occupation of the site**.

(Reason: Information)

119. DAFOG01 - Prospective Owners/Tenants - Ineligible for Parking Permits

All owners, residents, tenants/occupiers of the development are not eligible to participate in any existing or proposed Council on-street Permit Parking Schemes. The owner of the property and/or any managing agent appointed by the owner to sell or lease the residential and commercial units on their behalf shall ensure that all prospective purchasers and/or tenants are advised in writing via any advertising material, lease documents, etc that no on-street parking permits will be issued by Council for the use of owners, tenants or their visitors. Any strata manager/management company appointed following the strata subdivision of the development shall also be responsible for ensuring that all owners and their tenants are informed of this restriction on an ongoing basis.

(Reason: To ensure that prospective residents and/or tenants are aware that on-site parking is available in the building and that no on-street parking permits will be issued by Council.)

Conditions which must be satisfied during the ongoing use of the development

120. 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)

121. DAOUB01 - Annual Fire Safety Statement

Pursuant to Part 9, Division 5 of the Environmental Planning and Assessment Regulation (as amended) the owner of the building shall furnish Council with an Annual Fire Safety Statement from a competent person so as to certify the essential fire safety measures in the building. The Annual Fire Safety Statement shall be within 12 months of the issue of the fire safety certificate, and then on an annual basis.

A copy of the Fire Safety Statement obtained and Fire Safety Schedule shall also be:-

1. Forwarded to the Commissioner of the New South Wales Fire Brigade; and
2. Prominently displayed in the building

(Reason: Fire safety)

122. 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*.

(Reason: Environmental protection)

123. DAOUC13 - Further Acoustic Assessment

Following occupation of the building/premises, should it be found that the measures recommended in the acoustic assessment are not sufficient, or have been incorrectly installed or a noise issue (relating to the development) not previously identified arises (through complaint or otherwise), the owner/ occupier shall, upon request by Council, employ the services of a qualified acoustic consultant to undertake a post occupation assessment of the development and complete an assessment report with recommendations to rectify the situation. A copy of this report shall be submitted to Council for approval and from there noise attenuation works shall be implemented.

(Reason: Noise Control and Amenity)

124. DAOUC15 - Noise (General)

The use of the premises shall comply with the requirements of the Environmental Pollution Authority's Industrial Noise Policy 2000 and shall not give rise to the transmission of offensive noise as defined in the Protection of the Environment Operation Act 1997 (NSW).

(Reason: Noise Control and Amenity)

125. DAOUC16 - Noise Complaints - General

The development must not cause offensive noise as defined by the *Protection of the Environment Operation Act 1997 (NSW)*. Following occupation, should complaints of a noise nuisance be received and substantiated by an authorised officer, an acoustic assessment shall be conducted by a qualified acoustic consultant and the resulting report shall be provided to Council for assessment. Should the recommendations in the report be accepted, the owner/occupier shall then implement all recommendations contained in the assessment report within a timeframe agreed to by Council.

(Reason: Noise Control and Amenity)

126. DAOUC18 - Noise - air conditioners

Air Conditioners

Any air conditioner/s must comply with the requirements of *Protection of the Environment Operations (Noise Control) Regulation 2008* and shall not:

- (a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
 - (ii) before 7.00am and after 10.00pm on any other day; and
- (b) emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those *specified* in (i) and (ii) above, which exceeds the background ($L_{A90, 15\text{minutes}}$) by more than 5dB(A). The source noise level must be measured as a L_{Aeq} 15 minute.

(Reason: Noise Control and Amenity)

127. DAOUC19 - Compliance with Noise Control Legislation

The applicant shall ensure that all activities within the premises comply with the relevant sections of the Protection of the Environment Operations Act 1997 and Regulations; the NSW Environment Protection Authority Industrial Noise Policy (2000) and relevant Australian Standards on Noise Control on Construction, Maintenance and Demolition Sites.

(Reason: Noise Control and Amenity)

128. DAOUC24 - Noise - General Use & Amenity

Use of the premises

- a. The emission of noise associated with the use of the premises including 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.

Internal residential amenity

- b. An LAeq,15minute noise level emitted from the use must not exceed the LA90, 15minute noise level by more than 3dB in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed inside any habitable room of any affected residence provided that;
 - i. Where the LA90, 15minute noise level is below the threshold of hearing Tf at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 - Normal Equal-Loudness-Level Contours then the value of Tf corresponding to that Octave Band Centre Frequency shall be used instead.
 - ii. The LAeq,15minute noise level and the LA90,15minute noise level shall both be measured with all external doors and windows of the affected residence closed;
 - iii. The LA90,15minute noise level shall be measured in the absence of noise emitted from the use but with the ventilation equipment (excluding air-conditioning equipment) normally servicing the affected residence operating.

Compliance with Acoustic report

- c. All recommendations contained in the acoustic assessment report titled 30-34 Leicester Ave, Strathfield - Acoustic DA Assessment by Acouras Consultancy dated 11/3/2021, document reference: SYD2021-1024-R001C shall be adopted, implemented, and adhered to.

(Reason: Noise mitigation and Compliance)

129. DAOUD02 - Registration of Final Plan with Land and Property Information

Once a Subdivision Certificate is issued by City of Canada Bay Council, the Final Plan of Subdivision must be registered with Land and Property Information. Documentary evidence that the linen plan has been registered with Land and Property Information must be submitted to City of Canada Bay Council as soon as possible.

(Reason: Statutory requirement and information)

130. DAOUD03 - Visitor Parking Restriction

All visitor parking spaces must not at any time be allocated sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation.

(Reason: Compliance)

131. DAOUD04 - Australia Post Guidelines

Mail deliveries are to be in accordance with Australia Post Guidelines, as set out in the Australia Post publication "General Post Guide - September 2007". A copy of this Guide can be obtained from Australia Post's web page at www.auspost.com.au. A copy of the brochure may be obtained from Australia Post. In general, a clearly marked mailbox (or group of mailboxes) shall be provided within 500mm of the footpath alignment.

(Reason: To ensure compliance with mail delivery regulations)

Advisory Notes**1. 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 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.

2. 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.

3. 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.**

4. 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 4.56 of the Environmental Planning and Assessment Act, 1979 (as amended), or by application to the Land and Environment Court under section 4.55(8) of this Act. Any request to Council 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 or approval of the Court is received by way of an amended consent.

5. 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.

6. 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-](http://www.workcover.nsw.gov.au/newlegislation2012/your-industry/construction/Pages/default.aspx)

[industry/construction/Pages/default.aspx](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.