



## **INDEPENDENT HEARING AND ASSESSMENT PANEL**

*Held in the Council Chambers  
Canada Bay Civic Centre  
1a Marlborough Street, Drummoyne  
On 28 June 2018*

### **MINUTES**

Present: Grant Christmas (Chair), David Broyd (Expert Panel Member), Rob Furolo (Expert Panel Member), Helen McCaffrey (Community Member)

In attendance: Narelle Butler (Manager, Statutory Planning Services), Karen Lettice (Senior Strategic Planner), Samuel Lettice (Co-Ordinator, Fast Track), Stuart Ardlie (Statutory Planner)

Dear Independent Hearing and Assessment Panel Member,

A meeting of the Independent Hearing and Assessment Panel will be held in the Council Chambers, Canada Bay Civic Centre, Drummoyne, on 28 June 2018.

### **MINUTES**

1. Apologies
2. Disclosures of Pecuniary and Non-Pecuniary Interest
3. Reports

Peter Gainsford  
General Manager

28 June 2018

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**ITEM -1                    53-69 VICTORIA RD, 45 DAY ST, 46 THORNLEY ST,  
DRUMMOYNE (PP2016/0002); BRIEFING REPORT**

Geoff Bonus addressed the Panel on behalf of the Owner.

- A.     THAT the Panel notes that two corrections to the Planning Report on Page 1 need to be acknowledged being two references to 2.5:1 FSR that should be 2.25:1.
- B.     THAT the Panel concurs with Council's original resolution in 20 September 2016 with minor amendments as set out below:-
  - 1.     THAT the Planning Proposal for 63-69 Victoria Road, 45 Day Street, 53 Victoria Road and 46 Thornley Street, Drummoyne be submitted to the Department of Planning and Environment for a Gateway Determination which is to include the following changes:
    - (a) Floor Space Ratio (FSR) of 2.1:1 and Height of Building (HOB) of 14 metres be applied to 63-69 Victoria Road and 45 Day Street, Drummoyne Where a site area of 2,500m<sup>2</sup> is achieved, the FSR of 2.25:1 apply to the abovementioned sites and a HOB increase to 20m be permitted to 63-69 Victoria Road only.
    - (b) Floor Space Ratio (FSR) of 1.7:1 and Height of Building (HOB) of 14 metres be applied to 53 Victoria Road and 46 Thornley Street. Where a site area of 2,500m<sup>2</sup> is achieved, the FSR of 2.25:1 apply to the abovementioned sites.
  - 2.     THAT the Voluntary Planning Agreement be exhibited concurrently with the Planning Proposal.
  - 3.     THAT an amendment to the Canada Bay Development Control Plan be prepared for the subject site and exhibited concurrently with the Planning Proposal to include the following outcomes:
    - (a) "Area D" envelope controls be applied to 63-69 Victoria Road and 45 Day Street, Drummoyne, with the 5<sup>th</sup> and 6<sup>th</sup> floor being possible where future development comprises a site area of 2,500m<sup>2</sup>.
    - (b) New envelope controls be prepared for 53 Victoria Road and 46 Thornley Street that facilitate a 3 storey street edge to Victoria Road and a 2 storey street edge to Formosa Street. An upper level setback of 5 metres be required above the second floor on the Formosa Street frontage.
  - 4.     THAT if the Planning Proposal for 63-69 Victoria Road, 45 Day Street, 53 Victoria Road and 46 Thornley Street, Drummoyne proceeds to the

Department of Planning and Environment for Gateway Determination that it include an addendum with a detailed site investigation for contamination

**ITEM -2            15 HERBERT STREET, MORTLAKE; DA2017/0363;  
DEMOLITION OF EXISTING STRUCTURES AND  
CONSTRUCTION OF A NEW RESIDENTIAL FLAT  
BUILDING WITH 24 UNITS AND 2 LEVELS OF  
BASEMENT CAR PARKING**

Simon Thorne (architect) addressed the Panel on behalf of the Owner.  
John McFadden of DLA Associates (Planning Consultant and author of assessment report before the Panel) addressed the Panel.

**RESOLVED**

Pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 (as amended)

- A. THAT Canada Bay Independent Hearing and Assessment Panel note Council's current review of the Canada Bay Local Environmental Plan with respect to housing and employment, social infrastructure, traffic and transport and sustainable development, and recommend that the Mortlake Point Precinct be prioritised as part of that review process, particularly with respect to the cumulative impact of parking and traffic demands and density and future character.
- B. THAT Canada Bay Independent Hearing and Assessment Panel, assume the concurrence of the Secretary: Department of Planning and Environment and invoke the provisions of clause 4.6 of the Canada Bay Local Environmental Plan 2013 and resolve that in the circumstance of the case strict application of statutory standards contained in clause 4.3 'building height' is unnecessary and in respect to clause 4.4 'floor space ratio' is unreasonable.
- C. THAT Canada Bay Independent Hearing and Assessment Panel grant consent to Development Application No. (DA2017/0363) for the demolition of existing structures on site, excavation, other preparatory site works, erection of a new residential flat building comprising 24 Units and 44 car parking spaces, and the carrying out of associated works including landscaping subject to the following site specific conditions. In granting consent, the Panel has regard to the merit considerations carried out in the assessment report and pursuant to s.4.15 of the Environmental Planning and Assessment Act. On consideration of the merits of the case, the Panel acknowledges the areas of non-compliance arising from the application but notes that it supports the application based on the particular circumstances of the case and does not consider that the consent gives rise to a precedent.

**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.

<b><i>Reference / Dwg No</i></b>	<b><i>Prepared By</i></b>	<b><i>Date/s</i></b>
OMA08007, Sheets 0000(F), 0100(F) 0101(E) 1001(E) 1000(E), 1100(F) 1101(F) 1102(F) 1103(F) 2000(F) 2001(F) 3000(F) 3001(F) 3002(F) and 9000(F)	Integrated Design Group	20/02/17(E) 07/03/18(F)
BASIX Certificate (715966M_03)	ESD Synergy	12/03/18
Landscape Plan (LP02) Issue C	Selena Hannan Landscape Design	26/03/18
Access Report (Issue DA02)	Funktion	27/03/18
Arboricultural Impact Assessment (3828)	Redgum Horticultural	26/03/18

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

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

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

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

**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. **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)*

4. **DAGCD01 - Approved Stormwater Drainage Design**

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

<b>Drawing No.</b>	<b>Prepared by:</b>	<b>Dated:</b>
1322-S1/7 to S7/7 (Revision D)	John Romanous and Associates	01/04/18

**Important Note:**

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

138 applies.

*(Reason: Stormwater management)*

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

**5. 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)*

**6. DAPDB02 - Demolition  
Demolition - General**

- a. That two (2) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of any demolition work, notice in writing is to be given to the Council. Such written notice is to include:
  - The date when demolition will commence,
  - Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer.
  - The licence number of the demolisher, and relevant WorkCover licenses, (see minimum licensing requirements in (d) below, and
  - Copies of the demolisher's current public liability/risk insurance policy indicating a minimum cover of \$10,000,000.00.
- b. Demolition of buildings and structures must comply with all current and relevant Australian Standards.
- c. Demolition works are restricted as follows:
  - Monday to Saturday inclusive - 7:00am - 5:00pm
  - Sundays and Public Holidays - No work
- d. At least two (2) working days (i.e. Monday to Friday exclusive of public holidays), the developer or demolition contractor must notify adjoining residents prior to demolition commencing advising the following:
  - The date when demolition will commence;
  - Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer;

- The telephone number of WorkCover's Hotline 13 10 50.

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

#### General Information

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

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

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

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

#### NOTE:

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

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

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

- NSW Work Health and Safety Act and Regulation 2011;
- Safe Work Australia Code of Practice for the Management and Control of Asbestos in the Workplace [NOHSC:2018(2005)]
- NSW Government WorkCover Code of Practice - How to Safely Remove Asbestos;
- NSW Government WorkCover Code of Practice - How to Manage and Control Asbestos in the Workplace; and

#### Clearance certificate

Following completion of asbestos removal works undertaken by a licensed asbestos removalist re-occupation of a workplace must not occur until an

independent and suitably licensed asbestos removalist undertakes a clearance inspection and issues a clearance certificate.

#### Notification of asbestos removal works

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

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

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

#### Barricades

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

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

#### 7. **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)*

8. **DAPDB05 - Erosion and Sediment Control During Demolition**

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

*(Reason: Environmental protection)*

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

9. **DACCB02 - Damage Deposit for Council Infrastructure**

A Damage Deposit (calculated in accordance with Council's adopted Fees and Charges) of **\$75,000** shall be paid to Council **prior to the issue of the Construction Certificate**.

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

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

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

*(Reason: Protection of Council infrastructure)*

#### 10. **DACCB03 - Long Service Levy Payments**

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

(Reason: Statutory requirement)

#### 11. **DACCB04 - Section 7.11 Contributions**

The following Section 7.11 Development Contributions are required towards the provision of public amenities and services in accordance with the City of Canada Bay s7.11 Development Contributions Plan.

Based on the following rates, as at March 2018 (CPI 113.6)

Infrastructure Type	Studio / One bedroom dwelling	Two bedroom dwelling	Three + bedroom dwelling
Community Facilities	\$1,143.17	\$1,627.41	\$2,179.39
Civil Infrastructure	\$1,109.89	\$1,580.03	\$2,115.94
Plan Preparation and Administration	\$125.55	\$178.73	\$239.35
Open Space and Recreation	\$8,112.24	\$11,548.47	\$15,465.32
<b>TOTAL</b>	<b>\$10,490.85</b>	<b>\$14,934.64</b>	<b>\$20,000</b>

Based on the following number of Dwellings and Bedrooms:

No. of Dwellings	No. of One beds	No. of Two beds	No. of Three beds
	11	11	2
<b>TOTAL</b>	<b>\$115,399.35</b>	<b>\$164,281.04</b>	<b>\$40,000</b>

<b>TOTAL</b>	<b>\$319,680.39</b>
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Any change in the Consumer Price Index between March 2018 (CPI 113.6) 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 any Construction Certificate**.

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 City of Canada Bay Section 7.11 Development 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)*

**12. DACCE01 - Amendments to Approved Plans**

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

**Stormwater Management**

- A site catchment plans is to be provided to show which areas are to be captured by the OSD system and which areas will bypass the OSD system.
- The Catchment Based Method requires that the OSD configuration to be a "high early discharge" arrangement. Therefore the OSD tank will need to be amended to include a control pit with all the pipes being routed into this control pit before flowing back into the main tank chamber. If no HED is provided, basic storage volume shall be increased by 20%.
- For all sub-floor or basement levels, consideration must be given to the collection and safe disposal of sub-surface water. Guidelines for the safe disposal of sub-surface water is given in section "Subsurface water" in the DCP Appendix 2, page 332. Generally seepage water must be discharged into an underground (public) drainage pipe system. Council does not permit subsurface water being discharged either directly or indirectly (via OSD) to the kerb & gutter without appropriate control measures outlined as follows.
  - Sub-surface water shall be directed to nearest Council's underground drainage OR
  - Basement is to be fully tanked so that no seepage can escape. In this case, a full structural detail of the basement to show that the structure can withstand to the effect of pore pressure and buoyancy OR
  - A holding tank 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 minimum of seepage rate of 0.001 L/s/sqm shall be adopted to calculate the capacity of holding tank unless a geotechnical report by a qualified geotechnical consultant is submitted to suggest otherwise
- Only roof water can be collected by the rainwater harvesting system in accordance with Sydney Water Guidelines. All balcony sumps and on-ground pits must not be drained into the rainwater harvesting system.
- The Stormwater Drainage Drawings will need to be amended to address all of the above and must include all the appropriate stormwater drainage controls in accordance with Council's DCP, the Australian Rainfall and

Runoff Volume 2, and the AS3500.3 Plumbing and Drainage Code, including full supporting documentation and calculations.

- The minimum supporting calculations, information and details required to be provided on the drawings is as per Council's DCP Appendix 2, "Document Submission" on page 336.

#### **Driveway/Access**

- Longitudinal section along the extreme wheel path of the proposed driveways demonstrating compliance with the scraping provisions of AS/NZS 2890.1:2004 shall be provided. It shall include all levels, grades, transitions and headroom clearances. It shall extend from the centre-line of the roadway through to the parking area. Footpath cross-fall shall be maintained between a maximum of 2.5% and a minimum of 0.5% and graded towards the street.
- The driveway profile shall also include a standard layback crossing with a maximum of 100mm level difference from the invert of gutter to top of layback.
- The maximum allowable width at the kerb line for the new driveway for this development can be up to 6.0m, provided that safe pedestrian movement across the footway can be provided. Layout plan to be submitted to the Council.
- Proposed driveway shall have a crest to prevent the runoff from the street entering the garage in case of street flooding. Proposed driveway shall be designed to achieve at least 250mm protections (from invert of gutter to crest) against runoff from the street.
- The proposed driveway must not have a cross-fall greater than 2.5% where it meets the existing footpath and this must be graded towards the kerb.

**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)*

#### **13. DACCE02 - Construction Management Plan**

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

- (a) What actions and works that are proposed to ensure safe access to and from the site, and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like.

- (b) The proposed method of loading and unloading excavation machines, building materials, formwork, and the erection of any part of the structure within the site.
- (c) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.
- (d) How it is proposed to ensure that soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways.
- (e) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve - the proposed method of support is to be designed by a Chartered Civil Engineer.
- (f) A Soil and Water Management Plan detailing all sedimentation controls.

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

**14. 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)*

**15. DACCF02 - Landscape Maintenance Strategy**

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

*(Reason: Ensure landscape survival)*

**16. 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 Construction Certificate application**.

*(Reason: Ensure landscape survival)*

**17. 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 Construction Certificate**.

*(Reason: Convenience)*

**18. DACCG06 - Maintaining Sight Lines (multi- unit development)**

All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 1.50m within the site or splayed 2.5m by 2.0m to provide satisfactory sight lines. Details are to be submitted to the Accredited Certifier **prior to the issue of a Construction Certificate** showing compliance with this condition.

*(Reason: Safety)*

**19. DACCG08 - Off Street Car Parking Space Provision**

Car parking spaces shall be provided in accordance with the approved plans for the parking of resident and visitor vehicles on the site. In this regard, forty four (44) spaces are provided, twelve (12) of which are to be for visitor parking.

- All car spaces shall be allocated and marked accordingly. If the development is to be strata subdivided, the car park layout must respect the above allocation and thereafter regarded as part of the entitlement of that unit.
- Each space shall have minimum dimensions in accordance with the relevant Australian Standard.
- Under no circumstances shall parking spaces be sold, let or otherwise disposed of for use other than in accordance with this condition.
- Visitor spaces shall only to be used by persons visiting residents of the property or persons with legitimate legal reason to be upon the land.
- Access to visitor parking shall not be restricted without development approval.
- A sign shall be erected at the vehicular entrance indicating the availability of visitor parking. Such spaces shall be clearly marked.

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

*(Reason: Parking and access)*

**20. DACCG09 - Ramp Width Requirements (multi-unit development)**

The internal driveway must be a minimum 5.50m wide (clear width) for the first 6 metres inside the property so as to allow entering & exiting vehicles to pass within the site. Should the driveway narrow after this point it is then to be designed with a minimum 1.5m x 1.5m splay to allow the passing to work. The building plans shall indicate compliance with this requirement **prior to the issue of a construction certificate.**

*(Reason: Safety and traffic management)*

**21. DACCG10 - Speed Hump and Stop Sign on Exit**

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

*(Reason: Traffic safety and management)*

**22. DACCI01 - Damage Report**

**Prior to the issue of the Construction Certificate**, a 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)*

**23. 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)*

**24. DACCI05 - Vehicular Crossings**

Full-width, 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. 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 Construction Certificate**.

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

**25. DACCJ02 - Redundant Vehicular Crossings and Ancillary Works**

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

forms are available from Council's Customer Services Centre or can be downloaded from Council's website.

All disused or redundant vehicle crossings and laybacks shall be removed and reinstated with concrete kerb and gutter or to the existing edging profile as specified by Council and the footpath area is to be restored to the satisfaction of Council's Utilities & Development Engineer, **prior to the issue of the Occupation Certificate.**

*(Reason: Public infrastructure maintenance)*

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

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

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

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

**27. DACCK01 - Application for a Construction Certificate**

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

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

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

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

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

*(Reason: Statutory requirement)*

**28. DACCK02 - BASIX Commitments**

The approved BASIX Certificate shall be submitted to the Accredited Certifier with the application for a 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)*

**29. DACCK03 - Energy Australia Requirements**

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

*(Reason: Statutory requirement)*

**30. DACCK04 - S7.4 Planning Agreement**

In accordance with Section 7.7(3) of the Environmental Planning and Assessment Act 1979, the Voluntary Planning Agreement offered by the developer in respect of the Development Application, the subject of this consent, and dated 16 August 2017 must be entered into **prior to issuing of a Construction Certificate**. The terms of the Voluntary Planning Agreement must, thereafter, be adhered to.

*(Reason: To ensure compliance with the terms of the S93F Agreement)*

**31. 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)*

**32. DACCL04 - Erosion and sedimentation controls**

Erosion and sedimentation controls must be provided to ensure:

- (a) Compliance with the approved Soil and Water Management Plan
- (b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
- (c) All uncontaminated run-off is diverted around cleared or disturbed areas
- (d) Silt fences or other devices are installed to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterways
- (e) All erosion and sediment controls are fully maintained for the duration of demolition/ development works
- (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadways
- (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
- (h) All water pumped or otherwise removed from excavations or basement areas is filtered to achieve suspended solids/non filterable

residue levels complying with the *Australian Water Quality guidelines for Fresh and Marine Waters*

- (i) Pumped or overland flows of water are discharged so as not to cause, permit or allow erosion before the commencement of work (and until issue of the occupation certificate).

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

*(Reason: Environmental protection)*

**33. DACCL05 - Grated Drain to Garage**

A grated trench drain shall be provided across the driveway at the garage 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 the Construction Certificate**.

*(Reason: Environmental protection)*

**34. DACCL06 - Rainwater Harvesting**

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

*(Reason: Compliance and Amenity)*

**35. DACCL07 - Silt Arrestors and Gross Pollutant Traps**

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

*(Reason: Environmental Protection)*

**36. DACCM01 - Dilapidation Report**

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

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

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

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

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

*(Reason: Safety)*

**37. DACCM04 - Support and Protection for Neighbouring Buildings**

If an excavation associated with the approved development extends below the level of the base of the footings of a building on an adjoining allotment of land, the person having the benefit of the development consent must, at the person's own expense, comply with the requirements of clause 98E of the Environmental Planning and Assessment Regulation 2000, including:

- (1) (a) protect and support the adjoining premises from possible damage from the excavation, and  
(b) where necessary, underpin the adjoining premises to prevent any such damage.
- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Details shall be submitted to the Accredited Certifier **prior to the issue of a Construction Certificate**.

*(Reason: Structural safety)*

**38. DACCN02 - Electricity Substation**

Any required electricity substation must be located within the boundaries of the site.

Documentary evidence of compliance, including correspondence from the energy authority is to be provided to the Accredited Certifier **prior to the issue of a Construction Certificate** detailing the energy authority's requirements.

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

*(Reason: Access to utility)*

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

**39. 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 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)*

**40. DAPCB02 - Construction Certificate**

No work shall commence until you:

- (a) Obtain a 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)*

**41. DAPCB04 - Home Building Compensation Fund**

**No residential building work** within the meaning of the *Home Building Act 1989* may commence until:

- (a) A contract of insurance in accordance with Part 6 of the Home Building Act 1989 is entered into and in force, where such a contract is required under that Act (this is a prescribed condition of consent pursuant to clause 98 1(b) *Environmental Planning and Assessment Regulation 2000*;
- (b) The PCA is satisfied that the principal contractor for the work is the holder of the appropriate licence and is covered by the appropriate insurance, in each case if required by the Home Building Act 1989 (unless the work is to be carried out by an owner-builder);
- (c) If the work is to be carried out by an owner builder, that the owner builder is the holder of any owner-builder permit required under the *Home Building Act 1989*;
- (d) Written notice of the following information has been provided to Council (this is a prescribed condition of consent pursuant to clause

98B of the *Environmental Planning and Assessment Regulation 2000*):

- (i) In the case of work for which a principal contractor is required to be appointed:
  - The name and licence number of the principal contractor, and
  - The name of the insurer by which the work is insured under Part 6 of the *Home Building Act 1989*,
- (ii) In the case of work to be done by an owner-builder:
  - The name of the owner-builder, and
  - If the owner-builder is required to hold an owner-builder permit under the *Home Building Act 1989*, the number of the owner-builder permits.

Where Council is not the PCA, the PCA is responsible for notifying Council of the above matters.

Where arrangements for doing residential building work change **while the work is in progress** so that the above information becomes out of date, the PCA (where not the Council) must provide Council with written notice of the updated information.

*(Reason: Statutory requirement)*

**42. DAPCB05 - Notice of commencement**

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

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

*(Reason: Statutory Requirement)*

**43. 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)*

**44. 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)*

**45. 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)*

46. **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)*

47. **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**

48. **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)*

49. **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)*

**50. 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)*

**51. 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)*

**52. DADWA05 - Excavation - Water**

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

*(Reason: Health and safety)*

**53. DADWB02 - Acid Sulphate Soils**

Any excavation works carried out on site should be closely monitored to ensure no signs of Potential Acid Sulphate Soil (PASS) or Actual Acid Sulphate Soil (AASS) are observed. Indicators may include grey to greenish blue clays, unusual gold-yellow mottling or 'rotten egg' odours. If any of these indicators are observed, excavation of the site is to be stopped immediately, Council is to be notified and a suitably qualified environmental scientist should be contracted to further assess the site.

*(Reason: Environmental protection)*

**54. 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)*

**55. 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)*

**56. DADWB05 - Stamped Plans**

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

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

**57. 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)*

**58. 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)*

**59. 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)*

**60. 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)*

**61. 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)*

**62. 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)*

**63. 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)*

**64. 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)*

**65. 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**

**66. DAOCB01 - Certification of Engineering Works**

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

- a) A Certificate from a Chartered Professional Engineer with Institution of Engineers, Australia Corporate Membership and registered on the National Engineers Register (NER) under the appropriate professional category, and
- b) “Work - 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.

Where Council is not the Principal Certifying Authority, two (2) copies of the above documents are to be provided to Council **prior to the issue of any Occupation Certificate**. These documents are to be retained on Council's Construction Certificate file.

*(Reason: Asset management)*

**67. 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)*

**68. 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)*

**69. 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 Interim Occupation Certificate or Final Occupation Certificate has been issued in relation to the building or part.

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)*

**70. DAOCE01 - Drainage System - Maintenance of Existing**

Where elements of the existing drainage system is to be utilised, the existing drainage system shall be overhauled and maintained clear of silt and accumulated debris. Silt and the like shall be *removed*, not flushed from the system.

A certificate shall be provided by a suitably qualified person to the satisfaction of the Principal Certifying Authority, (a registered plumber or a person of equivalent or greater experience or qualification) **prior to the issue of an Occupation Certificate** to confirm that the system is in good working order and adequate to accept additional flows.

*(Reason: Maintenance and environment)*

**Conditions which must be satisfied prior to the issue of any Subdivision Certificate**

**71. DASCA03 - Prior to Issue of Subdivision Certificate**

**Prior to the issuing of any Subdivision Certificate** under section 37A of the *Strata Schemes (Freehold Development) Act 1973*, and section 66A of the *Strata Schemes (Leasehold Development) Act 1986*, and in accordance with section 29A of the *Strata Schemes (Freehold Development) Regulation 2007* and section 30A of the *Strata Schemes (Leasehold Development) Regulation 2007*, the PCA is required to be satisfied that:

- (a) the floors, external walls and ceilings depicted in the proposed strata plan for the building correspond to those of the building as constructed, and
- (b) the floors, external walls and ceilings of the building as constructed correspond to those depicted in the building plans that accompanied the construction certificate for the building, and
- (c) any facilities required by the relevant development consent (such as parking spaces, terraces and courtyards) have been provided in accordance with those requirements.

As construction of the building nears completion, or after it has been completed, a Council or accredited certifier must inspect the building, and the common property areas around the building, so as to be satisfied, as required by section 66AA of the Act, that the above requirements have been met.

The Council or accredited certifier should also be satisfied that:

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

*(Reason: Statutory Requirements)*

**72. DASCA04 - Application for Subdivision Certificate**

An application for a Subdivision Certificate shall be lodged with Council or an Accredited Certifier for approval to enable the subdivision plans to be submitted to and registered with Land and Property Information (formerly Land Titles Office). Should the Subdivision Certificate application be lodged with Council, a final plan of subdivision and six (6) copies shall be included with the application.

*(Reason: To comply with statutory requirements)*

**73. DASCA05 - Section 73 Certificate from Sydney Water**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must

be obtained before the issue of the Subdivision Certificate. Application must be made through Sydney Water or an authorised Water Servicing Coordinator (WSC). 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.

The original of the Section 73 Certificate must be presented to the Accredited Certifier **prior to the issue of Subdivision Certificate.**

Please note: Council will require a copy of the Section 73 Certificate in addition to sighting the original before issuing the Subdivision Certificate.

*(Reason: To comply with statutory requirements)*

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

#### **74. 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)*

#### **75. DAFOE02 - Covenant & Restriction as to User for Stormwater Controlled Systems**

**Prior to occupation and the issuing of an Occupation Certificate**, the Applicant shall register a Positive Covenant and a Restriction as to User, under section 88E and or section 88B of the Conveyancing Act as appropriate in favour of Council ensuring the ongoing retention, maintenance and operation of the stormwater facility (in regards to the on-site stormwater detention system (OSD), mechanical pump-out system, charged lines (which are related to the OSD system), etc.).

#### **Easement Registration**

Where any drainage line or service conduit is to traverse any property other than that which it serves, an appropriate easement will be required. In this case, the applicant shall register an easement of width as specified in Council's "Engineering requirements for Developments, Technical

Specification”, over the proposed stormwater drainage line or service concurrently with any subdivision registration.

The wording on the 88B Instrument is to make reference to the Council file where the Construction plans and the “Work-as-Executed”, (as built), plans are held. Typical wording can be obtained from Council's "Engineering requirements for Developments, Technical Specification" document.

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

**76. 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 and not to tamper with it in any manner without the written consent of Council.

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)*

**Advisory Notes**

**a) DAANN01 - Dial Before You Dig**

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



*Telecommunications Act 1997 (Commonwealth)*

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's mobile network and assets. Any

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

b) **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.

c) **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.**

d) **DAANN06 - Process for Modification**

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

e) **DAANN07 - Review of Determination**

In accordance with the provisions of Section 8.2 of the Environmental Planning and Assessment Act 1979 (as amended) the applicant can request Council to review this determination. The request must be made within a period of 6 months from the date shown on this determination. A fee, as

prescribed under Council's current Management Plan - Fees and Charges, is payable for such a review.

f) **DAANN08 - Right of Appeal**

Section 8.7 and 8.10 of the Environmental Planning and Assessment Act 1979 (as amended), gives the applicant the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice. Section 97 does not apply to the determination of a development application for State significant development or local designated development that has been the subject of a Commission of Inquiry.

g) **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.

h) **DAANN11 - WorkCover Requirements**

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

Further information can be obtained from WorkCover NSW's website at <http://www.workcover.nsw.gov.au/newlegislation2012/your-industry/construction/Pages/default.aspx> or through their head office: WorkCover NSW, 92-100 Donnison Street, GOSFORD 2250 Postal address: WorkCover NSW, Locked Bag 2906, LISAROW 2252, Phone (02) 4321 5000, Fax (02) 4325 4145.

C. **STATEMENT OF REASONS**

The Panel considered the assessment report in Item 2 on the meeting agenda, the information and material presented by submitters or representatives of the submitters, and the applicant/s and their representatives in their address to the Panel meeting and the matters observed during the site inspection.

The Panel determined to approve the Development Application subject to the conditions contained in the Recommendation to the assessment report for the following reasons:-

1. The Panel has regard to the merit considerations carried out in the assessment report and pursuant to Section 4.15 of the Environmental Planning and Assessment Act.
2. The development is consistent with the aims and objectives of the Canada Bay Local Environmental Plan 2013. In this regard, the Panel determined that the clause 4.6 requests were justified. Firstly, in respect to the contravention of the height development standard the compliance was considered unnecessary as that portion of the building that exceeded the standard was centrally located, would not be visible from the public domain and had no adverse environmental impacts on adjoining properties. Secondly, in respect to the contravention of the FSR development standard, compliance with the standard was considered unreasonable having regard to the significant number of development consents previously granted within the locality by the Council that exceeded the maximum FSR standard. The Panel also notes that there were no objections to the Development Application and the public interest was served through the provision of diverse housing types.
3. The proposal is consistent with the objectives of the relevant controls contained in the Special Precincts Development Control Plan 2017 and any variations to these controls have been appropriately justified in the assessment report.

#### **VOTING**

The voting in respect of this matter was 3/1.

For: Christmas, McCaffrey, Furolo

Against: Broyd

**ITEM -3                    223 GREAT NORTH ROAD, FIVE DOCK (DA2017/0136)  
DEMOLITION OF EXISTING AND CONSTRUCTION OF A  
MIXED USE BUILDING WITH GROUND FLOOR  
COMMERCIAL, 34 APARTMENTS, GROUND FLOOR  
PARKING, BASEMENT PARKING AND PEDESTRIAN  
THROUGH SITE LINK**

Mr John Kavanagh addressed the Panel on behalf of the applicant.

#### **RESOLVED**

Pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 (as amended)

- A.     THAT the Canada Bay Independent Hearing and Assessment Panel assume the concurrence of the Secretary: Department of Planning and Environment and invoke the provisions of Clause 4.6 of the *Canada Bay Local Environmental Plan 2013* and resolve that in the circumstance of the case a

strict application of the statutory standards contained in Clauses 4.3 and 4.4 of the *Canada Bay Local Environmental Plan 2013* is unnecessary and unreasonable.

- B. THAT the Canada Bay Independent Hearing and Assessment Panel grant consent to Development Application No. DA2017/0136 to Demolition of existing structures on site and construction of a mixed use development comprising 34 residential units (7 x 1 bed, 21 x 2 bed and 6 x 3 bed), ground floor commercial, ground floor parking, two levels of basement parking and pedestrian through site link on land at 223 Great North Road FIVE DOCK NSW 2046 subject to the following site specific conditions. In granting consent the Panel has regard to the merit considerations carried out in the assessment report and pursuant to Section 4.15 of the Environmental Planning and Assessment Act. On consideration of the merits of the case the Panel acknowledges the areas of non-compliance arising from the application but notes that it supports the application based on the particular circumstances of the case and does not consider that the consent gives rise to a precedent.
- C. THAT the Panel amends Condition 3 (10) by including the words “*unless otherwise approved by the RMS.*” and Condition 83(c) to delete the words “*however 24 hour public access is preferred.*”

### General Conditions

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

The development shall be carried out substantially in accordance with the approved stamped and signed plans and/or documentation listed below **except where modified by any following condition**. Where the plans relate to alteration or additions only those works shown in colour or highlighted are approved.

<i><b>Reference/Dwg No</b></i>	<i><b>Title/Description</b></i>	<i><b>Prepared By</b></i>	<i><b>Date/s</b></i>
A090, Rev D	Basement 1 and 2 plans	BKA Architects	06.04.18
A100, Rev D	Ground Floor plan	BKA Architects	06.04.18
A101, Rev D	Level 1 plan	BKA Architects	06.04.18
A102, Rev D	Level 2 plan	BKA Architects	06.04.18
A103, Rev B	Level 3 plan	BKA Architects	06.04.18
A104, Rev D	Level 4 plan	BKA Architects	06.04.18
A105, Rev D	Level 5 plan	BKA Architects	06.04.18
A106, Rev D	Level 6 plan	BKA Architects	06.04.18
A107, Rev B	Roof plan / Site plan	BKA Architects	06.04.18
A200, Rev C	Elevation 1 - East	BKA Architects	06.04.18
A201, Rev C	Elevation 2 - West	BKA Architects	06.04.18

A202, Rev C	Elevation 3 - North	BKA Architects	06.04.18
A203, Rev C	Elevation 4 - South	BKA Architects	06.04.18
A204, Rev C	Internal Elevations	BKA Architects	06.04.18
A300, Rev D	Section	BKA Architects	06.04.18
A500, Rev B	Detail section	BKA Architects	06.04.18
A621, Rev A	Schedule of materials - Pedestrian Link	BKA Architects	06.04.18
810863M_02	BASIX Certificate	Greenworld Architectural Drafting	06.04.18
LPDA 17 - 273, Page 1, Rev D	Level 1 Landscape	Conzept Landscape Australia	05.04.18
LPDA 17 - 273, Page 2, Rev C	Level 4 & 5 Landscape Plans	Conzept Landscape Australia	05.04.18
LPDA 17 - 273, Page 3, Rev C	GL, Level 2, 3 & 6 Landscape Plans	Conzept Landscape Australia	05.04.18
LPDA 17 - 273, Page 4, Rev B	Specification & Detail	Conzept Landscape Australia	05.04.18
E23342 AA_Rev0	Acid Sulfate Soils Management Plan	eiaustralia	05.04.17

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

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

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

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

**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 - Roads and Maritime Services**

1. All buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth), along the Great North Road boundary.
2. The layout of the proposed basement car park area associated with the subject development should be in accordance with AS 2890.1 -2004 and A52890.6 2009;
3. Sight distances from the proposed vehicular crossings to vehicles on East Street are to be in accordance with Austroads 'Guide to Traffic Engineering Practice, Part 5 Intersections at Grade, Section 6.2 - Sight Distance and AS 2890. Vegetation and proposed landscaping must not hinder sight lines to and from the vehicular crossings to pedestrians, cyclists, and general traffic;
4. All vehicles are to enter and exit the site in a forward direction.
5. All vehicles are to wholly contained on site before being required to stop;
6. Bicycle parking associated with the subject development should be in accordance with AS 2890.3 (Bicycle Parking Facilities). Consideration should also be given to providing end-of-trip facilities within the commercial development to support and encourage active transport to the subject development;
7. Detailed design plans and hydraulic calculations are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to:  
The Sydney Asset Management  
Roads and Maritime Services  
PO Box 973 Parramatta CBD 2124.

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Email [Suppiah.Thillai@rms.nsw.gov.au](mailto:Suppiah.Thillai@rms.nsw.gov.au) <<mailto:Suppiah.Thillai@rms.nsw.gov.au>>;

8. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime.

The report and any enquiries should be forwarded to:  
Project Engineer, External Works  
Sydney Asset Management  
Roads and Maritime Services  
PO Box 973 Parramatta CBD 2124.  
Telephone 8849 2114

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work;

9. A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate;

10. Construction works zone will not be permitted on Great North Road unless otherwise approved by the RMS;

11. A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Great North Road during construction activities.

4. **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](http://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)*

5. **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)*

6. **DAGCB06 - Height**

The maximum height of the proposed development shall be:

- RL30.95 metres measured at the top of the Great North Road Building roof.
- RL32.05 metres measured at the top of the Great North Road lift overrun.
- RL23.10 metres measured at the top of the East Street Building roof.
- RL 25.75 metres measured at the top of the communal open space roof form on the East Street building.

*(Reason: Compliance)*

7. **DAGCB07 - Lighting**

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with relevant standards in this regard.

*(Reason: Protect amenity of surrounding area)*

8. **DAGCB10 - Site Management**

The following procedures apply:

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

*(Reason: Environmental protection)*

9. **DAGCB12 - Street Numbering of Lots and Units**

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

- 101/38 East Street, Five Dock
- 102/38 East Street, Five Dock
- 103/38 East Street, Five Dock
- 104/38 East Street, Five Dock
- 201/38 East Street, Five Dock
- 202/38 East Street, Five Dock
- 203/38 East Street, Five Dock
- 204/38 East Street, Five Dock
- 301/38 East Street, Five Dock
- 302/38 East Street, Five Dock
- 303/38 East Street, Five Dock
- 304/38 East Street, Five Dock
- 401/38 East Street, Five Dock
- 402/38 East Street, Five Dock
- 403/38 East Street, Five Dock
  
- Retail premises - 223 Great North Road, Five Dock
- 101/223 Great North Road, Five Dock
- 102/223 Great North Road, Five Dock
- 103/223 Great North Road, Five Dock
- 104/223 Great North Road, Five Dock
- 201/223 Great North Road, Five Dock
- 202/223 Great North Road, Five Dock
- 203/223 Great North Road, Five Dock
- 204/223 Great North Road, Five Dock
- 301/223 Great North Road, Five Dock
- 302/223 Great North Road, Five Dock
- 303/223 Great North Road, Five Dock
- 304/223 Great North Road, Five Dock
- 401/223 Great North Road, Five Dock
- 402/223 Great North Road, Five Dock
- 403/223 Great North Road, Five Dock
- 501/223 Great North Road, Five Dock
- 502/223 Great North Road, Five Dock
- 601/223 Great North Road, Five Dock
- 602/223 Great North Road, Five Dock

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)*

10. **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)*

11. **DAGCC04 - Ventilation**

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

- The Building Code of Australia; and
- Protection of the Environment Operations Act 1997; and
- Any proposed mechanical ventilation system shall comply with the Australian Standard AS 1668-1991 (parts 1 & 2). Prior to installation, the design is to be certified by a person competent to do so. At completion of

the installation of the system and prior to the issue of the occupation certificate, the work shall be certified by a person competent to do so. The certification shall include:-

- i. Date of inspection, Inspection, testing and commissioning details
- ii. The name and address of the individual who carried out the test and
- iii. A statement that the service has been designed, installed and is capable of operating to above the standard

*(Reason: Compliance with relevant standards)*

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

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

Project/Drawing No.	Prepared By	Revision	Dated
D1	LMW Design Group P/L	G	18.05.2018
D2	LMW Design Group P/L	A	05.04.2018
D3	LMW Design Group P/L	E	14.05.2018
D3a	LMW Design Group P/L	C	14.05.2018
D4	LMW Design Group P/L	G	18.05.2018
D4a	LMW Design Group P/L	E	18.05.2018
D5	LMW Design Group P/L	E	14.05.2018
D6	LMW Design Group P/L	D	27.03.2018
D7	LMW Design Group P/L	D	27.03.2018

**Important Note:**

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

138 applies.

**Approved Driveway Design:**

The driveway for the property shall be constructed in accordance with the following drawing:

Project/Drawing No.	Prepared By	Revision	Dated
A100	BKA architecture	E	21.05.2018
A501	BKA architecture	B	21.05.2018

*(Reason: Stormwater management and vehicular access)*

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

**13. 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)*

**14. DAPDB02 - Demolition  
**Demolition - General****

- a. That two (2) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of any demolition work, notice in writing is to be given to the Council. Such written notice is to include:
  - The date when demolition will commence,
  - Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer.
  - The licence number of the demolisher, and relevant WorkCover licenses, (see minimum licensing requirements in (d) below, and
  - Copies of the demolisher's current public liability/risk insurance policy indicating a minimum cover of \$10,000,000.00.
- b. Demolition of buildings and structures must comply with all current and relevant Australian Standards.
- c. Demolition works are restricted as follows:

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

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

#### General Information

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

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

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

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

#### NOTE:

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

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

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

- NSW Work Health and Safety Act and Regulation 2011;
- Safe Work Australia Code of Practice for the Management and Control of

Asbestos in the Workplace [NOHSC:2018(2005)]

- NSW Government WorkCover Code of Practice - How to Safely Remove Asbestos;
- NSW Government WorkCover Code of Practice - How to Manage and Control Asbestos in the Workplace; and

#### Clearance certificate

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

#### Notification of asbestos removal works

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

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

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

#### Barricades

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

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

#### **15. 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)*

**16. DAPDB05 - Erosion and Sediment Control During Demolition**

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

*(Reason: Environmental protection)*

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

**17. DACCA01 - Access for People with Disabilities**

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

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

**18. DACCB02 - Damage Deposit for Council Infrastructure**

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

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

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

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

*(Reason: Protection of Council infrastructure)*

**19. DACCB03 - Long Service Levy Payments**

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

*(Reason: Statutory requirement)*

**20. DACCB04 - Section 7.11 Contributions**

The following Section 7.11 Development Contributions are required towards the provision of public amenities and services in accordance with the City of Canada Bay s7.11 Development Contributions Plan.

Based on the following rates, as at March 2018 (CPI 113.6)

<b>Infrastructure Type</b>	<b>Studio/One bedroom dwelling</b>	<b>Two bedroom dwelling</b>	<b>Three bedroom dwelling</b> +
Community Facilities	\$1,143.17	\$1,627.41	\$2,179.39
Civil Infrastructure	\$1,109.89	\$1,580.03	\$2,115.94
Plan Preparation	\$125.55	\$178.73	\$239.35

and Administration			
Open Space and Recreation	\$8,112.24	\$11,548.47	\$15465.32
<b>TOTAL</b>	\$10,490.85	\$14,934.64	\$20,000

Based on the following number of Dwellings and Bedrooms:

No. of Dwellings	No. of Studio & One beds	No. of Two beds	No. of Three or more beds
	7	21	6
	\$73,435.95	\$313,627.44	\$120,000
<b>TOTAL</b>	\$507,063.39		

Any change in the Consumer Price Index between March 2018 (CPI 113.6) 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 any Construction Certificate**.

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 City of Canada Bay Section 7.11 Development 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)*

## 21. **DACCE02A - Construction Traffic Management Plan (CTMP)**

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

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

- (a) A detailed description and route map of the proposed truck/construction vehicle access routes.
- (b) The locations of any proposed Construction Works Zones along the site frontage.
- (c) Provide a construction schedule.
- (d) Tradesperson parking (parking shall be provided on-site where possible).

- (e) Provide relevant Traffic Control Plans (must be certified by a suitably qualified RMS ticket holder).
- (f) Provide relevant Pedestrian Management Plans.
- (g) A site plan which indicates site entrances and exits, turning areas within the site for construction and spoil removal vehicles allowing a forward ingress and egress for all construction vehicles on the site (superimposed truck swept path diagrams). Site entrances and exits shall be controlled by a certified traffic controller.

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

**22. DACCE03 - Continuous Awnings**

The awning over the footpath, as indicated on the approved drawings, shall not encroach within 600mm from the face of the kerb. The height of the completed awning shall not vary from within the range of 3 metres to 4.5 metres above the completed footpath and shall have a maximum fascia height of 300mm. The awning shall be detachable from the building without causing any concealed structural failure. Provision for awning cut-outs shall be made for existing and/or new trees. Details in this regard must be indicated on the architectural plans **to be submitted with the Construction Certificate**.

*(Reason: Pedestrian amenity)*

**23. 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)*

**24. DACCF02 - Landscape Maintenance Strategy**

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

*(Reason: Ensure landscape survival)*

**25. 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 Construction Certificate application**.

*(Reason: Ensure landscape survival)*

**26. 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)*

**27. 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 Construction Certificate**.

*(Reason: Convenience)*

**28. DACCG03 - Car Parking Areas for Multiple Use Buildings**

The following car parking requirements apply:-

- (a) A maximum of 43 car spaces shall be provided on the development site.

This car parking shall comprise:-

- 31 Residential spaces;
- 7 Visitor spaces; and
- 5 Commercial spaces.

- (b) All parking within Basement level 1 and 2 shall be allocated to the residential apartments with 1 car space for 31 residential apartments and no car spaces for 3 residential apartments. All car spaces shall be allocated and marked according to this requirement.
- (c) All ground floor car spaces shall be allocated as visitor spaces or commercial spaces in accordance with (a) above.
- (d) Each car parking space shall have minimum dimensions in accordance with the relevant Australian Standard and be provided on-site in accordance with the approved plans.

- (e) The parking bays shall be delineated by line marking.
- (f) Visitor spaces shall be clearly line marked and/or signposted and shall only be used by persons visiting residents of the property or commercial/business/retail premises located within the development. Visitor spaces shall not be allocated as permanent residential parking spaces. Access to visitor parking spaces shall not be restricted without development approval and a sign shall be erected at the vehicular entrance indicating the availability of visitor parking.

The following traffic control measures shall be implemented on site:-

- (a) Signage indicating "Entry Only" shall be prominently displayed at the entrance to the development.
- (b) Signage indicating "Exit Only" shall be prominently displayed at the exit to the development.
- (c) One-Way directional arrows shall be painted on the driveway pavement to indicate the required vehicular directional movement through the car parking area.

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

(Reason: Parking and access)

**29. DACCG10 - Speed Hump and Stop Sign on Exit**

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

(Reason: Traffic safety and management)

**30. DACCH00 - Obscure Glazing for Privacy in Wet Areas**

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

(Reason: Amenity)

**31. DACCI01 - Damage Report**

**Prior to the issue of the Construction Certificate**, a 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)*

**32. 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)*

33. **DACCI05 - Vehicular Crossings**

Full-width, 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. 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 Construction Certificate**.

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

34. **DACCJ01 - Hoardings**

A Hoarding Application for the erection of a Class A (fence type) or Class B (overhead type) hoarding along the street frontage(s) complying with WorkCover requirements must be obtained.

The relevant application form shall be submitted to Council with a footpath occupancy fee based on the area of footpath to be occupied according to Council's Schedule of Fees and Charges, and the application shall be approved **before the commencement of work**.

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 also provided to Council. The Policy is to note Council as an interested party. The copy is to be provided to Council **prior to the issue of a Construction Certificate**.

*(Reason: Safety & information)*

35. **DACCJ02 - Redundant Vehicular Crossings and Ancillary Works**

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

All disused or redundant vehicle crossings and laybacks shall be removed and reinstated with concrete kerb and gutter or to the existing edging profile as specified by Council and the footpath area is to be restored to the satisfaction of Council's Utilities & Development Engineer, **prior to the**

**issue of the Occupation Certificate.**

*(Reason: Public infrastructure maintenance)*

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

Pursuant to Section 138 of the Roads Act 1993 and **prior to the issue of a Construction Certificate**, the applicant must submit detailed plans to and obtain a written approval from the Appropriate Road Authority (usually Council for Local and Regional Roads and bot 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)*

**37. DACCK01 - Application for a Construction Certificate**

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

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

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

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

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

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

*(Reason: Statutory requirement)*

**38. DACCK02 - BASIX Commitments**

The approved BASIX Certificate shall be submitted to the Accredited Certifier with the application for a 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)*

**39. DACCK03 - Energy Australia Requirements**

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

*(Reason: Statutory requirement)*

40. **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)*

41. **DACCL02 - Certification of the Stormwater Drainage System Design**

The proposed stormwater design shall be certified by a suitably qualified person, in accordance with Council's "Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan", and shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate.**

Certification of the proposed stormwater design shall be obtained from a Chartered Professional Civil Engineer with Institution of Engineers, Australia Corporate Membership and registered on the National Engineers Register (NER) and shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate.** *(Delete this paragraph if works are for minor residential structures or additions)*

*(Reason: Adequate stormwater management)*

42. **DACCL03 - Construction or Re-direction of a Stormwater Drainage System**

No line of natural drainage or any stormwater drainage channel, pipeline, pit or any other drainage infrastructure shall be filled in, relocated, diverted or otherwise interfered with, except by the construction of a pit, pipeline of a specific size, material and location approved by Council.

Where consent is granted for the changes to a drainage line or system, Engineering Plans in accordance with Council's "Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan" **shall be submitted prior to the issue of a Construction Certificate.**

*(Reason: Protection of existing drainage infrastructure)*

43. **DACCL04 - Erosion and sedimentation controls**

Erosion and sedimentation controls must be provided to ensure:

- (a) Compliance with the approved Soil and Water Management Plan
- (b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)

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

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

*(Reason: Environmental protection)*

**44. DACCL05 - Grated Drain to Garage**

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

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

*(Reason: Environmental protection)*

**45. DACCL06 - Rainwater Harvesting**

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

Council or an Accredited Certifier **prior to the issue of the Construction Certificate.**

*(Reason: Compliance and Amenity)*

46. **DACCL07 - Silt Arrestors and Gross Pollutant Traps**

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

*(Reason: Environmental Protection)*

47. **DACCL08 - Installation of Temporary Rock Anchor**

Where rock anchors are proposed for the protection of Council's land or assets such as utility services, footpaths, kerb and gutter and other ancillary infrastructure, "An Application to Install Temporary Rock Anchors" shall be submitted with the relevant fees & charges paid **prior to the issue of a Construction Certificate.** An Application for the use of temporary rock anchors will only be considered if there is no other alternative method of stabilization. In this regard, a statement from a qualified Structural or Geotechnical Engineer is required to be submitted with the application.

The Applicant/Developer must provide full details of the proposed installation design details and certification from a Qualified Civil, Structural or Geotechnical Engineer, for Council's approval, **prior to the issue of a Construction Certificate.**

The Civil, Structural or Geotechnical Engineer must be a fully Qualified Chartered Professional Engineer with current Institution of Engineers, Australia Corporate Membership and registered on the National Engineers Register (NER).

*(Reason: Protection of Council Assets)*

48. **DACCM01 - Dilapidation Report**

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

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

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

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

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

*(Reason: Safety)*

**49. 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 any 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)*

**50. DACCM04 - Support and Protection for Neighbouring Buildings**

If an excavation associated with the approved development extends below the level of the base of the footings of a building on an adjoining allotment of land, the person having the benefit of the development consent must, at the person's own expense, comply with the requirements of clause 98E of the Environmental Planning and Assessment Regulation 2000, including:

- (1)
  - (a) protect and support the adjoining premises from possible damage from the excavation, and
  - (b) where necessary, underpin the adjoining premises to prevent any such damage.
- (2) The condition referred to in subclause (1) does not apply if the person

having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Details shall be submitted to the Accredited Certifier **prior to the issue of a Construction Certificate.**

*(Reason: Structural safety)*

**51. 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)*

**52. DACCN02 - Electricity Substation**

Any required electricity substation must be located within the boundaries of the site.

Documentary evidence of compliance, including correspondence from the energy authority is to be provided to the Accredited Certifier **prior to the issue of a Construction Certificate** detailing the energy authority's requirements.

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

*(Reason: Access to utility)*

**53. 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](mailto:F1102490@team.telstra.com) or by phone: 1800 810 443 (opt1).

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

*(Reason: Environmental Amenity)*

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

**54. 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 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)*

**55. DAPCB02 - Construction Certificate**

No work shall commence until you:

- (a) Obtain a 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)*

**56. DAPCB04 - Home Building Compensation Fund**

**No residential building work** within the meaning of the *Home Building Act 1989* may commence until:

- (a) A contract of insurance in accordance with Part 6 of the Home Building Act 1989 is entered into and in force, where such a contract is required under that Act (this is a prescribed condition of consent pursuant to clause 98 1(b) *Environmental Planning and Assessment Regulation 2000*;
- (b) The PCA is satisfied that the principal contractor for the work is the holder of the appropriate licence and is covered by the appropriate insurance, in each case if required by the Home Building Act 1989 (unless the work is to be carried out by an owner-builder);
- (c) If the work is to be carried out by an owner builder, that the owner builder is the holder of any owner-builder permit required under the *Home Building Act 1989*;
- (d) Written notice of the following information has been provided to Council (this is a prescribed condition of consent pursuant to clause 98B of the *Environmental Planning and Assessment Regulation 2000*):
  - (i) In the case of work for which a principal contractor is required to be appointed:
    - The name and licence number of the principal contractor, and

- The name of the insurer by which the work is insured under Part 6 of the *Home Building Act 1989*,
- (ii) In the case of work to be done by an owner-builder:
- The name of the owner-builder, and
  - If the owner-builder is required to hold an owner-builder permit under the *Home Building Act 1989*, the number of the owner-builder permits.

Where Council is not the PCA, the PCA is responsible for notifying Council of the above matters.

Where arrangements for doing residential building work change **while the work is in progress** so that the above information becomes out of date, the PCA (where not the Council) must provide Council with written notice of the updated information.

*(Reason: Statutory requirement)*

**57. DAPCB05 - Notice of commencement**

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

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

*(Reason: Statutory Requirement)*

**58. 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)*

**59. 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)*

**60. 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)*

61. **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)*

62. **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**

63. **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)*

64. **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)*

**65. 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)*

**66. DADWA05 - Excavation - Water**

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

*(Reason: Health and safety)*

**67. 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)*

**68. DADWB02B - Acid Sulphate Soils Consultant's Report**

All recommendations made in the Preliminary Site Investigation dated 05.04.17 prepared by eisaustralia must be implemented. Any change made to the site that will or is likely to impact the recommendations of the Preliminary Site Investigation will require a further assessment and is to be provided to Council prior to the commencement of works.

*(Reason: Compliance and Environmental Protection)*

**69. 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)*

**70. 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)*

**71. DADWB05 - Stamped Plans**

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

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

**72. 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.)*

**73. 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)*

**74. 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)*

**75. 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)*

**76. 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)*

**77. 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)*

**78. 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)*

**79. 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)*

**80. 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)*

**81. 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)*

**82. 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**

**83. DAOCA03 - Public Pedestrian Through Site Link**

- (a) The public access identified on the approved plans as the 'Pedestrian Link' must be provided by a means of an easement measuring a minimum of 4 metres in width along the southern boundary. An appropriate restriction and easement must be created under Section 88E of the Conveyancing Act.
- (b) The easement must reserve the land to allow unrestricted public access to this area including the right of the public to pass, repass and remain upon the land for access purposes.
- (c) The proprietors must make the public access accessible between at least 6:00am and 9:00pm daily.
- (d) The public access must be maintained to the satisfaction of Council by the Proprietors of the land including lighting, upkeep and repair, landscaping, furniture and the like. In addition the proprietors must hold appropriate public liability insurance and indemnify the City of Canada Bay Council.
- (e) The wording of the easement shall be submitted to Council for approval and then registered prior to the issue of the final Occupation Certificate.
- (f) A sign measuring a minimum of 1m x 0.5m shall be erected on Great North Road and East Street stating "Public Through Site Link" and the hours of access.
- (g) The signage content and location shall be submitted to Council for approval and then erected prior to the issue of the final Occupation Certificate.
- (h) Costs associated with the creation and registration of the easement and the erection of the signage are to be borne by the owner.

*(Reason: Facilitate Public Access)*

**84. DAOCB01 - Certification of Engineering Works**

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

- a) A Certificate from a Chartered Professional Engineer with Institution of Engineers, Australia Corporate Membership and registered on the National Engineers Register (NER) under the appropriate professional category, and
- b) "Work - 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.

Where Council is not the Principal Certifying Authority, two (2) copies of the above documents are to be provided to Council **prior to the issue of any Occupation Certificate**. These documents are to be retained on Council's Construction Certificate file.

*(Reason: Asset management)*

**85. 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)*

**86. 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)*

**87. 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)*

**88. 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 Interim Occupation Certificate or Final Occupation Certificate has been issued in relation to the building or part.

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)*

**89. DAOCD02 - Evidence of Lawful Asbestos Disposal**

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

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

*(Reason: Health and Safety)*

**90. DAOCE01 - Drainage System - Maintenance of Existing**

Where elements of the existing drainage system is to be utilised, the existing drainage system shall be overhauled and maintained clear of silt and accumulated debris. Silt and the like shall be *removed*, not flushed from the system.

A certificate shall be provided by a suitably qualified person to the satisfaction of the Principal Certifying Authority, (a registered plumber or a person of equivalent or greater experience or qualification) **prior to the issue of an Occupation Certificate** to confirm that the system is in good working order and adequate to accept additional flows.

*(Reason: Maintenance and environment)*

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

**91. 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)*

**92. 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)*

**93. DAFOE01 - Certification of the Constructed Stormwater Drainage System**

The constructed stormwater drainage system shall be certified by a Chartered Professional Civil Engineer with Institution of Engineers, Australia Corporate Membership and registered on the National Engineers Register (NER), 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)*

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

**Prior to occupation and the issuing of an Occupation Certificate**, the Applicant shall register a Positive Covenant and a Restriction as to User, under section 88E and or section 88B of the Conveyancing Act as appropriate in favour of Council ensuring the ongoing retention, maintenance and operation of the stormwater facility (in regards to the on-site stormwater detention system (OSD), mechanical pump-out system, charged lines (which are related to the OSD system), etc.).

Easement Registration

Where any drainage line or service conduit is to traverse any property other than that which it serves, an appropriate easement will be required. In this case, the applicant shall register an easement of width as specified in Council's "Engineering requirements for Developments, Technical Specification", over the proposed stormwater drainage line or service concurrently with any subdivision registration.

The wording on the 88B Instrument is to make reference to the Council file where the Construction plans and the "Work-as-Executed", (as built), plans are held. Typical wording can be obtained from Council's "Engineering requirements for Developments, Technical Specification" document.

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

**95. 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 and not to tamper with it in any manner without the written consent of Council.

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)*

**96. DAFOF01 - Subdivision - Evidence of Consolidation**

The existing allotments 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)*

**97. DAFOF03 - De-stressing the Installed Rock Anchors**

Upon completion of works, the rock anchors are to be completely de-stressed

or removed without damage to Council's assets or to existing utility services. Proof shall be provided in the form of certification from the Qualified Structural or Geotechnical Engineer **prior to the issue of an Occupation Certificate**.

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

*(Reason: Protection of Public Asset)*

**98. 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**

**99. 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)*

**100. 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)*

**101. 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)*

**102. 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](http://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**

**a) DAANN01 - Dial Before You Dig**

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



*Telecommunications Act 1997 (Commonwealth)*

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

b) **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.

c) **DAANN03 - Footway Lease - Business Use of Footpath**

The operator of an approved business must apply to Council to lease Council's property (i.e. footways, plazas, or portions of public ways) should it be required for use in conjunction with the approved business.

The use of any footpath area for the purposes of additional dining to the approved business requires separate Council approval by application under section 125-127 & 137-139 of the *Roads Act, 1993* prior to the commencement of any such use.

A leasing fee will apply to the use of Council's property. The lease must be executed upon commencement of the operation of the refreshment room and is required to be renewed annually.

d) **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.**

e) **DAANN06 - Process for Modification**

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

f) **DAANN07 - Review of Determination**

In accordance with the provisions of Section 8.2 of the Environmental Planning and Assessment Act 1979 (as amended) the applicant can request Council to review this determination. The request must be made within a period of 6 months from the date shown on this determination. A fee, as prescribed under Council's current Management Plan - Fees and Charges, is payable for such a review.

g) **DAANN08 - Right of Appeal**

Section 8.7 and 8.10 of the Environmental Planning and Assessment Act 1979 (as amended), gives the applicant the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice. Section 97 does not apply to the determination of a development application for State significant development or local designated development that has been the subject of a Commission of Inquiry.

h) **DAANN09 - Signage Approval**

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

i) **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.

j) **DAANN11 - WorkCover Requirements**

The Work Health and Safety Act 2011 and subordinate regulations, codes of practice and guidelines control and regulate the development industry. Further information can be obtained from WorkCover NSW's website at <http://www.workcover.nsw.gov.au/newlegislation2012/your-industry/construction/Pages/default.aspx> or through their head office: WorkCover NSW, 92-100 Donnison Street, GOSFORD 2250 Postal address: WorkCover NSW, Locked Bag 2906, LISAROW 2252, Phone (02) 4321 5000, Fax (02) 4325 4145.

D. **STATEMENT OF REASONS**

The Panel considered the assessment report in Item 3 on the meeting agenda, the information and material presented by the applicants representative in their address to the Panel meeting and the matters observed during the site inspection.

The Panel determined to approve the Development Application subject to the conditions contained in the Recommendation to the assessment report for the following reasons:-

1. The Panel has had regard to the merit considerations carried out in the assessment report and pursuant to Section 4.15 of the Environmental Planning and Assessment Act.
2. The development is consistent with the aims and objectives of the Canada Bay Local Environmental Plan 2013 and that the provision of the pedestrian link between East Street and Great North Road is of significant public benefit and therefore compliance with the FSR development standard is unnecessary and unreasonable under the circumstances.
3. The proposal is consistent the relevant controls contained in the Canada Bay Development Control Plan 2017 and any variations to these controls have been appropriately justified in the assessment report.
4. The proposal has been designed to appropriately mitigate potential impacts on adjoining properties and the surrounding area.

**VOTING**

The voting in respect of this matter was 4/0.

For: Christmas, Furolo, Broyd, McCaffrey

Against: Nil

**ITEM -4            14 NEWCASTLE STREET, FIVE DOCK; DA2017/0526;  
DEMOLITION OF EXISTING AND CONSTRUCTION OF  
ATTACHED DUAL OCCUPANCY, SWIMMING POOL  
AND STRATA SUBDIVISION**

Mark Lenthén of 12 Newcastle Street addressed the Panel.

Giuseppe Radice of 16 Newcastle Street addressed the Panel.

Mai Lenthén of 12 Newcastle Street addressed the Panel.

Corinne Mawson addressed the Panel on behalf of the Owner.

Barry Hackett (architect) addressed the Panel on behalf of the Owner.

**RESOLVED**

Pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 (as amended)

- A. THAT the Canada Bay Independent Hearing and Assessment Panel assume the concurrence of the Secretary: Department of Planning and Environment and invoke the provisions of clause 4.6 of the *Canada Bay Local Environmental Plan 2013* and resolve that in the circumstance of the case a strict application of the statutory standards contained in Clause 4.1 in the *Canada Bay Local Environmental Plan 2013* is unreasonable. The Panel notes that subsequent to the lodging of this application, Clause 4.1 of the LEP was amended such that a minimum lot size for strata subdivision does not apply.
- B. THAT the Canada Bay Independent Hearing and Assessment Panel as the determining authority, grant consent to Development Application No. DA2017/0526 to Demolition of existing structures and construction of attached dual occupancy, swimming pool and strata subdivision on land at 14 Newcastle Street FIVE DOCK NSW 2046, subject to the following site specific conditions. In granting consent Council has regard to the merit considerations carried out in the assessment report and pursuant to s.4.15 of the Environmental Planning and Assessment Act. On consideration of the merits of the case Council acknowledges the areas of non-compliance arising from the application but notes that it supports the application based on the particular circumstances of the case and does not consider that the consent gives rise to a precedent.

**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.

<b>Reference/Dwg No</b>	<b>Title/Description</b>	<b>Prepared By</b>	<b>Date/s</b>
DA-02, Rev C	Proposed Site Plan	Gran Associates Australia Architects	04.06.18
DA-04, Rev B	Ground Floor Plan	Gran Associates Australia Architects	23.03.18
DA-05, Rev B	Proposed First Floor Plan	Gran Associates Australia Architects	23.03.18
DA-06, Rev B	Proposed Roof Plan	Gran Associates Australia Architects	23.03.18
DA-07, Rev B	Proposed North & South Elevations	Gran Associates Australia Architects	23.03.18
DA-08, Rev B	Proposed East & West Elevations	Gran Associates Australia Architects	23.03.18
DA-09, Rev B	Proposed Sections AA & BB	Gran Associates Australia Architects	23.03.18
DA-10, Rev B	Schedule of Colours & Materials	Gran Associates Australia Architects	23.03.18
DA-11, Rev B	Landscape Plan	Gran Associates Australia Architects	23.03.18
DA11.1, Rev A	Typical Pool Section	Gran Associates Australia Architects	23.03.18
DA-12, Rev A	Fence Details	Gran Associates Australia Architects	08.12.17
DA-14, Rev B	Street Numbering & Strata Division Plan	Gran Associates Australia Architects	23.03.18
887529M	BASIX Certificate	Efficient Living	13.12.17

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

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

**Note 3:** The approved plans and supporting documentation may be subject to conditions imposed under section 4.17 of the Act modifying or amending the development (refer to conditions of consent which

*must be satisfied prior to the issue of any Construction Certificate).*

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

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. **DAGCB03 - Front Fence Height**

The new front fence is to be a maximum height of 1.2 metres above Council's footpath at any point of measurement, the fence being stepped if necessary to comply with the height requirement.

*(Reason: Streetscape)*

4. **DAGCB06 - Height**

The maximum height of the proposed development shall be A.H.D. 15.275 and measured at top most ridge.

*(Reason: Compliance)*

5. **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)*

6. **DAGCB12 - Street Numbering of Lots and Units**

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

- Eastern strata lot - 14 Newcastle Street, Five Dock
- Western strata lot - 14A Newcastle Street, Five Dock

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)*

7. **DAGCB15 - Telecommunications /TV Antennae**

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

*(Reason: Environmental amenity)*

8. **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.

*(Reason: Tree preservation)*

9. **DAGCB17 - Weed Control**

The person having the benefit of the development consent must undertake appropriate measures to ensure that, as a result of demolition; land left vacant does not become an area of weed seed production on the site and to prevent their spread into surrounding bushland or public open space areas.

*(Reason: Environmental amenity)*

10. **DAGCD01 - Approved Stormwater Drainage Design**

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

Drawing No.	Title/Revision No.	Prepared by:	Dated:
STW-100	B	Engineering Services	04.04.18
STW-101	B	Engineering Services	31.03.18

**Important Note:**

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

*(Reason: Stormwater management)*

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

**11. 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)*

**12. DAPDB02 - Demolition  
**Demolition - General****

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

- Copies of the demolisher's current public liability/risk insurance policy indicating a minimum cover of \$10,000,000.00.
- b. Demolition of buildings and structures must comply with all current and relevant Australian Standards.
- c. Demolition works are restricted as follows:
  - Monday to Saturday inclusive - 7:00am - 5:00pm
  - Sundays and Public Holidays - No work
- d. At least two (2) working days (i.e. Monday to Friday exclusive of public holidays), the developer or demolition contractor must notify adjoining residents prior to demolition commencing advising the following:
  - The date when demolition will commence;
  - Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer;
  - The telephone number of WorkCover's Hotline 13 10 50.

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

#### General Information

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

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

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

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

#### NOTE:

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

[www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

Compliance with applicable Legislation, Policies and Codes of Practice

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

- NSW Work Health and Safety Act and Regulation 2011;
- Safe Work Australia Code of Practice for the Management and Control of Asbestos in the Workplace [NOHSC:2018(2005)]
- NSW Government WorkCover Code of Practice - How to Safely Remove Asbestos;
- NSW Government WorkCover Code of Practice - How to Manage and Control Asbestos in the Workplace; and

Clearance certificate

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

Notification of asbestos removal works

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

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

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

Barricades

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

*(Reason: To ensure compliance with the relevant legislation and to ensure*

*public and work safety)*

**13. 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)*

**14. 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)*

**15. DAPDB05 - Erosion and Sediment Control During Demolition**

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

*(Reason: Environmental protection)*

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

**16. DACCE01 - Amendments to Approved Plans**

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

- a) The first floor balconies on the rear elevation shall be deleted and the proposed sliding doors shall be replaced with windows with a minimum sill height of 1 metre above the finished floor level. The roof area that extended over the balconies shall also be reduced with allowance for a minimum of 450mm eave overhang and a maximum of 1 metre eave overhang.
- b) The Bed 03 windows W32 and W33 on the east elevation shall have a minimum sill height or obscure glazing to a height of 1.5m.
- c) The landscape plan approved in Condition No. 1 shall be amended to provide an additional native canopy tree in the rear yard of 14A Newcastle Street. The tree shall be selected from Council's recommended tree species list contained within Part C5.3 of the Canada Bay Development Control Plan 2017.
- d) The raised planter bed located along the northern boundary shall be fully waterproofed to prevent the seepage of water into the adjoining garage to the north. The planter bed shall be drained to an onsite absorption pit that is designed in accordance with Council's Stormwater Management controls contained within Appendix 2 of the Canada Bay Development Control Plan 2017. The onsite absorption system shall be located centrally within the rear yard of 14 Newcastle Street.
- e) The swimming pool coping and paving levels shall be graded back towards the pool.

**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)*

**17. DACCE02 - Construction Management Plan**

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

- (a) What actions and works that are proposed to ensure safe access to and from the site, and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like.

- (b) The proposed method of loading and unloading excavation machines, building materials, formwork, and the erection of any part of the structure within the site.
- (c) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.
- (d) How it is proposed to ensure that soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways.
- (e) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve - the proposed method of support is to be designed by a Chartered Civil Engineer.
- (f) A Soil and Water Management Plan detailing all sedimentation controls.

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

**18. 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)*

**19. DACCH00 - Obscure Glazing for Privacy in Wet Areas**

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

*(Reason: Amenity)*

**20. DACCI01 - Damage Report**

**Prior to the issue of the Construction Certificate**, a 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)*

**21. 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)*

**22. DACCI05 - Vehicular Crossings**

Full-width, 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. 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 Construction Certificate**.

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

**23. DACCJ02 - Redundant Vehicular Crossings and Ancillary Works**

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

All disused or redundant vehicle crossings and laybacks shall be removed and reinstated with concrete kerb and gutter or to the existing edging profile as specified by Council and the footpath area is to be restored to the satisfaction of Council’s Utilities & Development Engineer, **prior to the issue of the Occupation Certificate**.

*(Reason: Public infrastructure maintenance)*

**24. DACCK01A - Application for a Construction Certificate (Residential Developments)**

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

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

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

- (c) If an alternative solution to the “deemed to satisfy” provisions of BCA is proposed, the following details must be lodged:
- Performance requirements that the alternative solution intends to meet.
  - Assessment methods used to determine compliance with the performance requirements, including if and how each performance objective impacts on other requirements of the BCA; and
  - A statement about the person who prepared the alternate solution, indicating qualifications, experience, insurance details, and membership of an approved accreditation body
- Note:** The performance-based application may be required to be reviewed by a suitably qualified independent body at the applicant's expense. Any fees relating to any review are required to be paid **prior to the issue of the Construction Certificate**.

*(Reason: Statutory requirement)*

**25. DACCK02 - BASIX Commitments**

The approved BASIX Certificate shall be submitted to the Accredited Certifier with the application for a 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)*

**26. DACCL04 - Erosion and sedimentation controls**

Erosion and sedimentation controls must be provided to ensure:

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

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

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

*(Reason: Environmental protection)*

**27. DACCL05 - Grated Drain to Garage**

A grated trench drain shall be provided across each garage 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 the Construction Certificate**.

*(Reason: Environmental protection)*

**28. DACCL06 - Rainwater Harvesting**

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

*(Reason: Compliance and Amenity)*

**29. DACCL07 - Silt Arrestors and Gross Pollutant Traps**

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

*(Reason: Environmental Protection)*

**30. 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)*

**31. 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](mailto:F1102490@team.telstra.com) or by phone: 1800 810 443 (opt1).

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

*(Reason: Environmental Amenity)*

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

**32. 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 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)*

### **33. DAPCB02 - Construction Certificate**

No work shall commence until you:

- (a) Obtain a 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)

**34. DAPCB04 - Home Building Compensation Fund**

**No residential building work** within the meaning of the *Home Building Act 1989* may commence until:

- (a) A contract of insurance in accordance with Part 6 of the Home Building Act 1989 is entered into and in force, where such a contract is required under that Act (this is a prescribed condition of consent pursuant to clause 98 1(b) *Environmental Planning and Assessment Regulation 2000*;
- (b) The PCA is satisfied that the principal contractor for the work is the holder of the appropriate licence and is covered by the appropriate insurance, in each case if required by the Home Building Act 1989 (unless the work is to be carried out by an owner-builder);
- (c) If the work is to be carried out by an owner builder, that the owner builder is the holder of any owner-builder permit required under the *Home Building Act 1989*;
- (d) Written notice of the following information has been provided to Council (this is a prescribed condition of consent pursuant to clause 98B of the *Environmental Planning and Assessment Regulation 2000*):
  - (i) In the case of work for which a principal contractor is required to be appointed:
    - The name and licence number of the principal contractor, and
    - The name of the insurer by which the work is insured under Part 6 of the *Home Building Act 1989*,
  - (ii) In the case of work to be done by an owner-builder:
    - The name of the owner-builder, and
    - If the owner-builder is required to hold an owner-builder permit under the *Home Building Act 1989*, the number of the owner-builder permits.

Where Council is not the PCA, the PCA is responsible for notifying Council of the above matters.

Where arrangements for doing residential building work change **while the work is in progress** so that the above information becomes out of date, the PCA (where not the Council) must provide Council with written notice of the updated information.

*(Reason: Statutory requirement)*

**35. DAPCB05 - Notice of commencement**

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

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

*(Reason: Statutory Requirement)*

**36. 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)*

**37. 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)*

**38. 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)*

**39. 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)*

**40. 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**

**41. 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)*

**42. 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)*

**43. 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)*

**44. 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)*

**45. 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)*

**46. 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)*

**47. DADWB05 - Stamped Plans**

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

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

**48. 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.)*

**49. DADWD01 - Road Opening Permit**

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

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

*(Reason: Maintain public asset)*

**50. 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)*

**51. 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)*

**52. 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)*

**53. 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)*

**54. 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)*

**55. DADWI02 - Survey Report - Minor Development**

In order to ensure compliance with approved plans, a Survey Certificate to Australian Height Datum shall be prepared by a Registered Surveyor as follows:-

- (a) At the completion of the first structural floor level indicating the level of that floor and the relationship of the building to the boundaries.
- (b) At the completed height of the building, prior to the placement of concrete in form work, or the laying of roofing materials.
- (c) At completion, the relationship of the building and any penetrations thereto, to the boundaries.

Progress certificates in response to points (a) through to (c) shall be provided 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 reveal 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**

**56. DAOCA03 - Replacement Street Tree**

The applicant shall meet the full cost to replant a 45 litre Callistemon Viminalis street tree. The street tree shall be planted **prior to issue of any Occupation Certificate**.

The tree shall be maintained by the applicant 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)*

**57. DAOCB01 - Certification of Engineering Works**

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

- a) A Certificate from a Chartered Professional Engineer with Institution of Engineers, Australia Corporate Membership and registered on the National Engineers Register (NER) under the appropriate professional category, and
- b) “Work - 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.

Where Council is not the Principal Certifying Authority, two (2) copies of the above documents are to be provided to Council **prior to the issue of any Occupation Certificate**. These documents are to be retained on Council’s Construction Certificate file.

*(Reason: Asset management)*

**58. 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)*

**59. 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)*

**60. 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 Interim Occupation Certificate or Final Occupation Certificate has been issued in relation to the building or part.

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)*

**61. DAOCD02 - Evidence of Lawful Asbestos Disposal**

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

**NOTE:** Asbestos waste must be disposed at a waste management facility licensed by the NSW Environment Protection Authority (EPA) to accept

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

*(Reason: Health and Safety)*

**Conditions which must be satisfied prior to the issue of any Subdivision Certificate**

**62. DASCA03 - Prior to Issue of Subdivision Certificate**

**Prior to the issuing of any Subdivision Certificate** under section 37A of the *Strata Schemes (Freehold Development) Act 1973*, and section 66A of the *Strata Schemes (Leasehold Development) Act 1986*, and in accordance with section 29A of the *Strata Schemes (Freehold Development) Regulation 2007* and section 30A of the *Strata Schemes (Leasehold Development) Regulation 2007*, the PCA is required to be satisfied that:

- (a) the floors, external walls and ceilings depicted in the proposed strata plan for the building correspond to those of the building as constructed, and
- (b) the floors, external walls and ceilings of the building as constructed correspond to those depicted in the building plans that accompanied the construction certificate for the building, and
- (c) any facilities required by the relevant development consent (such as parking spaces, terraces and courtyards) have been provided in accordance with those requirements.

As construction of the building nears completion, or after it has been completed, a Council or accredited certifier must inspect the building, and the common property areas around the building, so as to be satisfied, as required by section 66AA of the Act, that the above requirements have been met.

The Council or accredited certifier should also be satisfied that:

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

*(Reason: Statutory Requirements)*

**63. DASCA04 - Application for Subdivision Certificate**

An application for a Subdivision Certificate shall be lodged with Council or an Accredited Certifier for approval to enable the subdivision plans to be submitted to and registered with Land and Property Information (formerly Land Titles Office). Should the Subdivision Certificate application be lodged

with Council, a final plan of subdivision and six (6) copies shall be included with the application.

*(Reason: To comply with statutory requirements)*

**64. DASCA05 - Section 73 Certificate from Sydney Water**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained before the issue of the Subdivision Certificate. Application must be made through Sydney Water or an authorised Water Servicing Coordinator (WSC). 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.

The original of the Section 73 Certificate must be presented to the Accredited Certifier **prior to the issue of Subdivision Certificate**.

Please note: Council will require a copy of the Section 73 Certificate in addition to sighting the original before issuing the Subdivision Certificate.

*(Reason: To comply with statutory requirements)*

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

**65. DAFOE01 - Certification of the Constructed Stormwater Drainage System**

The constructed stormwater drainage system shall be certified by a Chartered Professional Civil Engineer with Institution of Engineers, Australia Corporate Membership and registered on the National Engineers Register (NER), 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)*

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

**Prior to occupation and the issuing of an Occupation Certificate**, the Applicant shall register a Positive Covenant and a Restriction as to User, under section 88E and or section 88B of the Conveyancing Act as appropriate in favour of Council ensuring the ongoing retention, maintenance and operation of the stormwater facility (in regards to the on-site stormwater detention system (OSD), mechanical pump-out system, charged lines (which are related to the OSD system), etc.).

**Easement Registration**

Where any drainage line or service conduit is to traverse any property other than that which it serves, an appropriate easement will be required. In this case, the applicant shall register an easement of width as specified in Council's "Engineering requirements for Developments, Technical Specification", over the proposed stormwater drainage line or service concurrently with any subdivision registration.

The wording on the 88B Instrument is to make reference to the Council file where the Construction plans and the "Work-as-Executed", (as built), plans are held. Typical wording can be obtained from Council's "Engineering requirements for Developments, Technical Specification" document.

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

**67. 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 and not to tamper with it in any manner without the written consent of Council.

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)*

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

**68. DAOUC17 - Noise Complaints Relating to Equipment**

Following installation of the pool pump and installation of the air conditioning unit, should substantiated complaints or breaches of noise regulations occur, a suitably qualified acoustic consultant shall be engaged, with the Council and the owner of the premises agreeing on the acoustical consultant, to measure noise emanating from the building and to recommend appropriate action. The reasonable cost of such appointment shall be borne by the owner and any works recommended by the acoustic consultant shall also be borne by the owner and carried out within a time frame set by Council.

*(Reason: Amenity and Noise Control)*

**69. DAOUC18 - Noise - air conditioners and swimming pool pumps in residential buildings**

**Air Conditioners**

The 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 LAeq 15 minute.

#### **Swimming Pool Pump/ Spa Pump**

The swimming pool or spa pump/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 8.00pm on any Saturday, Sunday or public holiday; or
  - (ii) before 7.00am and after 8.00pm on any other day; or
- (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 LAeq 15 minute.

*(Reason: Noise Control and Amenity)*

#### **70. 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)*

#### **Advisory Notes**

##### **a) DAANN01 - Dial Before You Dig**

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at [www.1100.com.au](http://www.1100.com.au) or

telephone 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.



*Telecommunications Act 1997 (Commonwealth)*

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

b) **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.

c) **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.**

**d) DAANN05 - Owner Builders**

Under the *Home Building Act 1989* any property owner who intends undertaking construction work to a dwelling or dual occupancy over the value of \$5,000 must complete an approved education course and obtain an owner-builder permit from the Office of Fair Trading. See [www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au).

**e) DAANN06 - Process for Modification**

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

**f) DAANN07 - Review of Determination**

In accordance with the provisions of Section 8.2 of the Environmental Planning and Assessment Act 1979 (as amended) the applicant can request Council to review this determination. The request must be made within a period of 6 months from the date shown on this determination. A fee, as prescribed under Council's current Management Plan - Fees and Charges, is payable for such a review.

**g) DAANN08 - Right of Appeal**

Section 8.7 and 8.10 of the Environmental Planning and Assessment Act 1979 (as amended), gives the applicant the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice. Section 97 does not apply to the determination of a development application for State significant development or local designated development that has been the subject of a Commission of Inquiry.

**h) 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.

i) **DAANN11 - WorkCover Requirements**

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

Further information can be obtained from WorkCover NSW's website at <http://www.workcover.nsw.gov.au/newlegislation2012/your-industry/construction/Pages/default.aspx> or through their head office: WorkCover NSW, 92-100 Donnison Street, GOSFORD 2250 Postal address: WorkCover NSW, Locked Bag 2906, LISAROW 2252, Phone (02) 4321 5000, Fax (02) 4325 4145.

C. **STATEMENT OF REASONS**

The Panel considered the assessment report in Item 4 on the meeting agenda, the information and material presented by submitters or representatives of the submitters, and the applicant/s and their representatives in their address to the Panel meeting and the matters observed during the site inspection.

The Panel determined to approve the Development Application subject to the conditions contained in the Recommendation to the assessment report for the following reasons:-

1. The Panel has regard to the merit considerations carried out in the assessment report and pursuant to Section 4.15 of the Environmental Planning and Assessment Act.
2. The development is consistent with the aims and objectives of the Canada Bay Local Environmental Plan 2013.
3. The proposal is consistent with the relevant objectives contained in the Canada Bay Development Control Plan 2017 and any variations to these controls have been appropriately justified in the assessment report.
4. The proposal subject to conditions appropriately mitigates potential impacts on adjoining properties and the surrounding area.

**VOTING**

The voting in respect of this matter was 4/0.

For: Christmas, Broyd, Furolo, McCaffrey

Against: Nil