

JOINT REGIONAL PLANNING PANEL
(Sydney Region East)

JRPP No	2013SYE026
DA Number	469/12
Local Government Area	Canada Bay Council
Proposed Development	Demolition of select existing buildings, refurbishment and construction of a new administration building and covered learning space
Street Address	121 Parramatta Road, Five Dock (Lot 10, DP 718237)
Applicant	Thomson Adsett Architects
Owner	Trustees of the Good Samaritan and Rosebank College
Number of Submissions	One (1) public submission
Recommendation	Approval subject to Conditions
Report by	Mr Samuel Lettice - Senior Planner Canada Bay Council

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1. BACKGROUND AND SITE

The 'subject site' legally defined as Lot 10 of DP 718237 is situated within a B6 - Enterprise Corridor zone pursuant to the *Canada Bay Local Environmental Plan 2008*.

The site is located at 121 Parramatta Road, Five Dock and is more commonly known as Rosebank College. In terms of frontage the site is bound by a number of roads, Parramatta Road (121.3m) to the south, Queens Road (120.9m) to the north, Harris Road (157.61m) to the east with adjoining industrial development bounding the western boundary of the site which measures 168.25m. The site has a total site area of 20,860m² and possesses a slight to moderate south westerly gradient.

Current development upon the site consists of a number of school buildings and associated facilities comprising the school, together with a Chapel and associated buildings in the north-east corner comprising the Rosebank Convent. A car park providing parking for sixty six (66) cars dissects the south east corner of the site. Established gardens and a mixture of trees and shrubs are apparent throughout the site, although are mainly concentrated within the south western corner of the site.

Development surrounding the subject site is mixed with light industrial uses adjoining the site to all elevations. A five storey commercial building opposes the site to the east at the Queens Road and Harris Street intersection with low density detached residential dwellings located beyond.

The site 'Rosebank College' is identified as a heritage item pursuant to Schedule 5 of the Canada Bay Local Environmental Plan 2008.

Recent approvals issued in respect of the site are outlined below:

Development Application 261/08 (approved by Council on the 5 December 2008)

- Construction of a new performing arts building as follows:
 - Ground floor comprising amenities, storerooms and a canteen with remainder undercroft
 - First floor comprising music rooms, a dance room and drama room, four storerooms, amenities and four practical rooms
- Renovation of Block A consisting of the partial removal of a rear component of the building to allow for a circulation spine, utilisation of the ground floor as an administration area and an upgrade of the main façade of the building.
- Renovation of existing buildings identified as Block B and C
- Removal of existing car park which dissects a large area of open space and construction of a new car park along the eastern boundary of the site (adjacent to Harris Road). The car park was be slightly larger than the existing and provided an additional 5 spaces (total of 66 spaces)

Development Application 468/11 (approved by Council on the 23 August 2012)

- Construction of a new building to the south western corner of the site over existing sports courts. The existing courts remain in the same location with new seating provided on the northern and eastern edges with the building elevated over the top of the courts. The building provides the following facilities:
 - Ground floor comprising amenities and a store room and stair / lift wells to southern elevation of the sports courts.
 - First floor in the form of a mezzanine comprising a small office and fitness learning area
 - Second floor comprising six general learning areas (GLA's), a serviced learning area, physics area, three science areas and a preparation room, two small offices and circulation space and a ramp to join the building to the eastern side

2. PROPOSED DEVELOPMENT

2.1 Project Description in Detail

The proposal seeks consent for the following works:

- Demolition of the following existing structures on site:
 - A two storied 1960's former convent building (attached to the Chapel)
 - Single storey building adjacent to the chapel and Building D
 - Partial demolition of a two storey building adjacent to Queens Road identified as Block F
 - Existing tiered seating and shade structure adjacent to Building D
- Refurbishment of Block D which will entail the demolition of select internal walls and an early staircase to the eastern side, restoration of the northern staircase and construction of a two storied verandah to the eastern facade along the lines of the existing verandah that formerly existed to this section of the building. Two open circulation spaces to the ground and first floor levels and an enclosed space to the second floor which step back away from the buildings southern elevation are provided. Block D will be utilised as a learning area with two classrooms and an office area provided to each level of the building.
- Construction of a new two storey administration building to the North East corner of the site:
 - Ground floor comprising a number of offices, meeting rooms, storerooms, amenities and a uniform shop. Four learning areas / classrooms are provided to the western wing of the building, two of which are partially contained within the former Block F. Circulation areas are also provided throughout the building and link up with adjoining buildings. A main entry foyer with void above is established to the North East corner, accessed via the street frontage of Queens Road and Harris Street. A secondary foyer is provided to the southern elevation of the building adjacent to the vehicular access point to the school grounds.
 - First floor comprising an open plan staff study, staff common room, offices and amenities as well as five classrooms within the western wing of the building. The first floor level is accessed via three separate stairs as well as an internal lift. It is also noted that a plant area has been provided to the roof of the south west component of the building.
- Construction of a tiered learning area to the west of the Building D which is in effect an enclosed structure that provides tiered seating and an elevated pedestrian access to Block C. This area has been provided with a small connection to Building D which is of heritage significance.
- Works are proposed to the memorial garden situated between Block A and C. In this regard existing staircase and walls to southern side of Block C and ramp to eastern end of Block A will be removed to increase space available to the foreground. Existing graves and memorial plaque will be retained with additional landscape works proposed to define the edge of the garden. A labyrinth pattern paving to the ground between the chapel and memorial garden is also proposed and is intended to demarcate outdoor learning and prayer space for students.
- Other landscape works relating to removal of select vegetation and additional planting

It is understood that this Development Application and works contained within represent the final stage of upgrade works for Rosebank College to bring existing facilities up to contemporary standards.

The estimated cost of the development is \$8,722,269.00.

2.2 Project Amendments

Amended plans were submitted to address issues of heritage significance with key changes being:

- Southern component of Block J reduced and setback 2.5m from the building line of the chapel
- The roof of the tiered learning area was altered and setback from the junction with Block D

3. STATUTORY CONTEXT

3.1 Permissibility

Under the Canada Bay Local Environmental Plan, the site is zoned B6 'Enterprise Corridor' which does permit the proposed development which is defined as a 'school'.

3.2 Environmental Planning Instruments

To satisfy the requirements of Section 79C(1)(a) of the Act, this report includes references to provisions of the Environmental Planning Instruments that substantially govern the carrying out of the project and have been taken into consideration in the assessment of the Development Application.

Legislative Provisions

- Environmental Planning & Assessment Act 1979

Environmental Planning Instruments

- State Environmental Planning Policy No. 55 - Remediation of Land
- Sydney Regional Environmental Planning Policy (Sydney Harbour Catchment) 2005
- Canada Bay Local Environmental Plan 2008

Development Control Plans

- City of Canada Bay Development Control Plan 2008

3.3 Primary Controls

3.3.1 Objects of the Environmental Planning & Assessment Act 1979

Section 5 which relates to the objects of the Act, along with general matters for consideration prescribed within Section 79C have been addressed within the body of this report, and on balance the application is considered acceptable.

Section 94A 'Contributions' contained within the Act are also considered and addressed below and are included as a

condition of consent which reads as follows:

Section 94A Contributions

The following Section 94A Levy Contribution is required towards the provision of public amenities and services in accordance with the City of Canada Bay Section 94A Plan 2005. This will be required by condition of consent.

Pursuant to Section 80A(1) of the *Environmental Planning and Assessment Act 1979*, and the City of Canada Bay Section 94A Levy Contributions Plan 2005, a contribution of 0.5% (for works between \$100,001.00 and \$200,000.00) or 1% (for works over \$200,000.00) of the cost of development amounting to **\$87,222.69** shall be paid to Council **prior to release of any Construction Certificate**.

The amount to be paid will be adjusted at the time of actual payment, in accordance with the provisions of the Canada Bay Section 94A Levy Contributions Plan 2005. The Consumer Price Index All Group Index Number for Sydney at the time of the development application determination is **102.7**.

A copy of the Canada Bay Section 94A Levy Contributions Plan 2005 and accompanying Fact Sheet may be inspected or obtained from the City of Canada Bay Civic Centre, 1A Marlborough Street, Drummoyne during business hours or on Council's web site at www.canadabay.nsw.gov.au

3.3.2 State Environmental Planning Policy No. 55 – Remediation of Land;

Clause 7 of State Environmental Planning Policy No 55 (Remediation of Land) requires the consent authority to consider whether land is contaminated, prior to granting of consent to the carrying out of any development on that land.

The proposed development involves various alterations and additions to an existing school site. Given that the site has an extended history for the purposes of a school, the Panel may be satisfied that the land is not contaminated and is suitable for the use proposed.

3.3.3 Sydney Regional Environmental Planning Policy (Sydney Harbour Catchment) 2005;

The site falls within the map area shown edged heavy black on the Sydney Harbour Catchment Map and hence is affected by the provisions of SREP (Sydney Harbour Catchment) 2005. The SREP aims to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained. The SREP also provides a set of guiding principles to be taken into consideration in the preparation of environmental planning instruments and / or master plans.

The site is separated from the foreshore by approximately 550m and therefore it is unlikely that any detrimental visual or ecological impact upon the waterway will result.

3.3.4 City of Canada Bay Local Environmental Plan 2008

As previously outlined, the subject site is zoned B6 'Enterprise Corridor' under the City of Canada Bay Local Environmental Plan 2008, which does permit the proposed development, defined as a 'school'.

Following is a summary table indicating performance of the proposal against relevant standards:

Provision	Provided	Compliance
Floor Space Ratio - 1:1 (clause 4.4(2))	0.54:1	Yes
Building Height - 12m (clause 4.3(2))	9.68m (maximum)	Yes

Heritage

The site is listed as a Heritage Item under Schedule 5 of the Canada Bay LEP. The Heritage inventory for the item (371) provides the following Statement of Significance for the site:

Rosebank College is a rare example of a nineteenth century estate that survives with most of its land in the Canada Bay Council area. The College has considerable significance for the 1850s chapel that, despite some alterations, retains the qualities of a Victorian Gothic chapel and for the 1876 school building that is a fine example of the work of George Allen Mansfield. The grounds of Rosebank College retain extensive lawns and plantings, many established in the early to mid twentieth century, that are part of the continuum of use of the site as a Catholic convent and college. The high brick wall around the perimeter is notable in the surrounding streetscape and adds to the amenity of the grounds.

Rosebank College is important for its role in Catholic education in the area since the 1870s.

Clause 5.10(4) of the LEP states that council must not grant consent to a development application in respect of a heritage item unless it has made an assessment of the impact that the development will have on the item.

The subject application was accompanied by the following reports:

- Statement of Heritage Impact (Stage 4 Works to Block D) prepared by Cracknell Lonegran Heritage Architects dated December 2012
- Statement of Heritage Impact (Stage 4 Works to Memorial Garden) prepared by Cracknell Lonegran Heritage Architects dated December 2012

- Assessment of Heritage Impact (Northeast Grounds of Rosebank College) prepared by Geoffrey Britton Environmental Design & Heritage Consultant dated October 2012

Council's Heritage Advisor reviewed the application in respect to criteria provided by both the Canada Bay LEP and Canada Bay DCP Part 4 - Heritage. Following initial review of the application a number of issues were identified, primarily in respect to the facade of Block J adjacent to the Chapel, design of the tiered performance structure and restoration of the original verandah to Block D.

The applicant responded to all recommendations and made the following design amendments:

- Southern component of Block J reduced and setback 2.5m from the building line of the chapel
- The roof of the tiered learning area was altered and setback from the junction with Block D
- Additional detail in respect to the restoration of the original veranda to Block D was provided

An amended landscape plan was also submitted addressing other more minor recommendations and provided additional planting at the entry point at the junction of Harris and Queens Roads and the reinstatement of a known missing planting being a Norfolk Pine south of the Chapel in the rose garden

Upon further review, Council's Heritage Advisor raised a number of additional concerns which were forwarded to the applicant. The primary points of contention are outlined below:

- *Balustrades to Block J, Block D2 and adjacent circulation ways should be either glass or open vertical metal balustrades to be visually permeable and reduce the strong horizontality of the veranda / walkway forms so they relate better to the verticality form of the Chapel and Block D1*

Applicant Response - *It is our submission that these new buildings should not be looked at in isolation but as a segment of the overall site redevelopment. The aesthetics for new buildings have already been approved for earlier stages 2 and 3 by Council. These studies have examined the cloistered nature of traditional Benedictine architecture and resolved the new forms as a modern interpretation of this traditional theme. This is the aesthetic thread that now unifies the campus architecture. Bearing this in mind and noting the verticality of the Chapel and the Mansfield Building, the new facilities were redesigned following submission of the DA and discussion with Council to be set back from the exposed faces of these two buildings and at the same time proposed roof lines were lowered so that the vertical emphasis of the two buildings was highlighted whilst the new architecture was able to continue the theme already approved and constructed at the site for new buildings.*

Comment - As noted by the applicant the aesthetics of the proposed building do adopt that already approved in previous stages of the schools redevelopment. Amended plans were submitted which set back the facade of Block J 2.5m behind the primary facade of the Chapel. The setback does improve the prominence of the Chapel and has also enabled view lines to be retained from the street frontage and vehicular access entry point to the school grounds.

- *The link between the Tiered Performance Structure and the George Allen Mansfield building (Block D1) is to be a light-weight link only confined to the central door of Block D1. The original and intact detail of the arched windows and sills and central door openings to the west elevation is to be retained intact and not demolished to form doors, or included in or covered by the link. A west elevation drawing of Block D1, the 1876 George Allen Mansfield building, is to be provided as part of this application. This drawing is to show detail of windows and doors restored to original detail, their colours, materials and finishes, and also detail of the connection and flashings of the link and its relationship to the detail and surrounds of the original door and window openings.*

Applicant Response - *The reduced length of linkage to the Mansfield Building cannot be contemplated due to functional requirements. The Mansfield Building and the proposed extension to the west are integrated to adaptively re-use the Mansfield building to comply with the current requirements related to Teaching and Learning. Any ground floor openings which will be converted to doorways have already been modified and this proposed work will not impinge on any further existing elements. All other openings on the west elevation are intact and there is no intention to remove the existing frames. It is noted that the proposal is not intended to be an actual reconstruction of the Mansfield building but is an adaptive reuse of an outmoded and decaying building for modern day educational purposes. It is submitted that the architectural solution as proposed is valid and maintains the integrity of the original building whilst giving a new life for the future.*

Comment - In respect to the proposed linkage between the tiered performance structure and the Mansfield Building, functional requirements are noted and in this regard no objection is raised to the extent of the link proposed. In respect to the three (3) existing windows on the western elevation of Block D1 proposed to be converted to doorways, comments put forth by Council's Heritage Advisor are accepted and in this regard there appears no valid reason why these openings need to be altered. Accordingly a condition has been recommended requiring retention of the subject window openings.

- *The external form of the Tiered Performance Structure is to be redesigned to be lighter, finer and less massive in appearance, and include the deletion of deep fascias and the solid fibre cement high level wall to the north elevation. If a screen wall is required to the north side, it should be recessed inside the roof line and be designed to be semi-transparent and fine grain in appearance (timber louvres, fine metal grilles) rather than of solid planar materials as currently proposed, so as to make the overall structure lighter, finer and less assertive in form, and reduce its impact on the west façade and setting of Block D1.*

Applicant Response - *The studies that have been submitted reveal that this structure has minimal visual impact on the appearance of the Mansfield Building when approached from the west.*

Comment - The tiered learning area does adjoin the western elevation of the Mansfield Building (Block D1). In this respect the contention relates to its finishes and potential bulk they present. As previously discussed the roof form of this element was amended in an attempt to reduce the dominance of the structure towards block D1. In support of the amendments, perspectives from the west where submitted and depict the structure sitting well below adjacent built form. The roof of the structure attains a maximum height of RL 16.9 which in respect to Block D1 corresponds to the floor level of the first floor. In this regard the bulk conveyed and subsequent finishes are accepted.

3.3.5 Draft City of Canada Bay Local Environmental Plan 2011

Council has prepared a draft LEP which was publically exhibited from the 14 November 2011 until the 24 February 2012.

The proposed development, defined as an 'educational establishment' does remain permissible with the consent of Council under the draft LEP within zone B6 'Enterprise Corridor'. Development standards applicable to the site remain unaltered and as such the proposal does provide compliance.

3.3.6 City of Canada Bay Development Control Plan 2008 [Section 79C(1)(a)(iii)]

Given the nature of the application which seeks alterations and additions to an existing school within zone B6 'Enterprise Corridor', the Canada Bay DCP contains no specific numerical provisions.

The site is identified as a heritage item under Schedule 5 of the Canada Bay Local Environmental Plan 2008 and subsequently the provisions of the Canada Bay DCP, specifically Part 4 (Heritage) are applicable in this instance. Part 4.2 of the Canada Bay DCP requires that development of heritage items considers aspects such as the setting; scale; form; materials and colours amongst others things.

Discussion in respect to heritage has been provided above within section 3.3.4.

4. CONSULTATION AND SUBMISSIONS

4.1 Public Exhibition Details

Under Section 79A of the EP&A Act, the Development Application must be notified or advertised in accordance with the provisions of a development control plan if the development control plan provides for the notification or advertising of the application.

In accordance with Part 2 of the Canada Bay Development Control Plan 'Notification and Advertising', the application was notified to adjoining and nearby property owners and occupiers.

After accepting the Development Application, Council undertook the following actions:

- Made the Application publicly available from **27 November to 11 December 2012** (min 14 days)
 - On Canada Bay Council's website;
 - At Canada Bay Council's Administration office
- Notified local landowners and residents of the proposal (and exhibition period) - 151 letters sent;

A total of **one (1)** public submission was received in response to the notification. Part 4.2 of this report addresses the comments raised in the submission with a copy attached at Appendix B.

The location map below depicts the objector's properties around the site (darker shading) with the lighter shading indicating those properties notified of the proposal.



Subject Site	Properties Notified	Submitters	North
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As outlined within section 2 of this report the applicant did submit amended plans on the 8 April 2013 in respect to issues pertaining to heritage conservation that were raised. Given the nature of modifications re-notification of the application was not considered warranted in this instance.

4.2 Public Submissions

As outlined above one (1) submission was received in response to notification of the application from a business within the opposing commercial buildings at 49 - 51 Queens Road, Five Dock. Key issues that were raised within the submission have been outlined and addressed below -

- *Parking - At present our building which is across the road from the college is used by teachers and students as convenient undercover parking ...requests have been made to stop the practise ...if the college is building a new building the Council can insist on parking to be included.*

In response to this issue of parking within the opposing commercial site a representative of the College has advised that previous correspondence regarding use of the car park has been received and that school staff and students have been advised of the complaints.

The college has also advised that whilst they discourage use of the car park they are not in a position to monitor or control the form of transport of staff or students away from the College grounds. The issue raised relates to behavioural action of individual staff and students and as suggested by the School an access / egress control system would be an effective deterrent to discourage this practise.

Development Application 261/08 which was approved by Council on the 5 December 2008 involved the construction of a new car park along the eastern boundary of the site (adjacent to Harris Road). The car park was slightly larger than the existing, providing an additional 5 spaces (total of 66 spaces).

Given the nature of the subject application which primarily rationalises and consolidates administration of the school and represents the final stage of upgrade works for Rosebank College site requiring additional parking as suggested would be unreasonable and unwarranted in this instance.

4.3 Internal Referrals

Heritage Conservation

The application was referred to Council's Heritage Advisor for comment. Issues raised by Council's Heritage Advisor have been previously discussed within section 3.3.4 of this report.

Stormwater Management

The application was referred to Council's Engineering Department for comment in respect to Stormwater Management. Following initial concerns amended Hydraulic Drawings were submitted and Council's Engineers provided conditions (incorporated within the recommendation of this report).

Landscaping

The application was referred to Council's Landscape Department for comment. The submitted Arborist Report and Landscape Plan was reviewed and in this regard no objections were raised.

5. ASSESSMENT OF ENVIRONMENTAL IMPACTS

5.1 Overshadowing

The subject building works are concentrated in the North East corner of the site and bound by Harris Road to the east which provides a separation of approximately 30m from the opposing commercial building. In this regard no adverse overshadowing is foreseen with shadows cast during mid winter contained predominantly within the confines of the Rosebank College grounds.

5.2 Privacy

The proposed administration building identified as Block J is located adjacent to the street frontages of Harris Road and Queens Road. In so far as the land uses which oppose the proposed building are light industrial and commercial, no adverse impacts from a privacy perspective are foreseen.

5.3 View Corridors / View Sharing

There appear to be no significant views affected as a result of the development proposal and in this regard it is noted that no submissions were received in relation to view loss. The proposal itself is considered to have a reasonable bulk and scale, with an overall height measuring 9.68m, which is well below the 12m standard of the Canada Bay LEP and that of the five storey commercial building which is located on the opposing side of Harris Road.

5.4 Traffic Generation, Parking and Loading

The current car park on site which was recently upgraded as part of Development Application 261/08 accommodates parking for up to sixty six (66) vehicles. The proposed application relies on the existing parking configuration with no amendments sought to the car parking area of the site.

Rosebank College is an established school and in this regard the school population has fluctuated over the years. It is noted that coeducation was introduced in 2009 and in this regard the school population has grown recently and it is forecast that maximum capacity of 1150 will be reached in 2015. The application at hand rationalises and consolidates administration of the school and also incorporates a number of learning areas. In respect to parking proposed works enable the school to better cater for various needs of students and bring existing facilities up to a contemporary standard as opposed to directly increasing demand, as a result, it is considered that the existing parking arrangement is acceptable.

5.5 Noise

Generally, the proposed development is not likely to result in any unreasonable on-going noise impacts on surrounding properties following construction given that it primarily provides an additional staff administration building to the established school. If anything from an acoustic perspective the location of the building adjacent to a relatively busy intersection may buffer road noise intrusion.

To minimise noise impact during demolition and construction, two standard conditions are to be imposed that restrict demolition and construction hours from 7.00 am to 5.00 pm. Mondays to Saturdays. Works are not permitted on Sundays and public holidays.

Furthermore, compliance with relevant sections of the Protection of the Environment Operations Act 1997 and Regulations; NSW Environment Protection Authority Industrial Noise Policy (2000) and NSW Environment Protection Authority Environmental Noise Control Manual (1994) is conditioned.

5.6 Streetscape and Urban Character

Development surrounding the subject site is mixed with light industrial uses apparent on the opposing side of Queens Road to the north and a five storey commercial building to the east at the Queens Road and Harris Street intersection. Low density detached residential dwellings are located beyond.

From a streetscape perspective it is noted that the Rosebank College grounds are surrounded by a continuous brick wall that measures approximately 1.8m in height. The subject building work is concentrated to the north east corner of the site and whilst the existing built form of Blocks F and D will be retained with these buildings to be refurbished, Block J will be readily identifiable from the street.

In respect to the administration building (Block F) it is located to the North East corner of the site which has an exposure to both Harris Road and Queens Street. The building itself is setback approximately 4.6m from the northern boundary of the site and between 600mm and 1.4m to the eastern boundary. Given the zoning of the site being 'Enterprise Corridor' and established setback of existing light industrial / commercial development in the vicinity which in many cases is built to the street edge, no objection is raised to that proposed. In this regard it is noted that the building is surrounded by a colonnade which provides effective articulation with an overall height adjacent to the street frontage of approximately 6.5m, well below the 12m limit of the Canada Bay LEP.

Amended plans submitted during assessment setback Block J a further 2.5m behind the facade of the Chapel and in this regard ensured that this element is secondary and retains view lines of the Chapel from the Harris Street frontage and vehicular access point to the school grounds. The introduction of an entry foyer addressing the Queens Road / Harris Street intersection is also considered beneficial.

The tiered performance structure is also adjacent to Queens Road, located to the western elevation of Block D. In this regard the roof form was amended through the assessment process to set it back from the junction of Block D with the supporting photomontages clearly showing this element sitting well below the existing built form of Blocks C and D and partially screened by vegetation which is to be retained.

5.7 Intensity of Use

Historically it is understood that the school has had a student population of up to 900 students, though at present it is in the vicinity of 800. As previously noted, coeducation was introduced in 2009 and as a result the school population has grown and it is forecast that a maximum capacity of 1150 students will be reached by 2015. It is considered that the proposed alterations and addition of a new administration building whilst likely enabling this higher capacity to be achieved, more so allows the school to better cater for the various needs of students and brings existing facilities up to contemporary standards. Therefore, it is considered that the given the size of the existing site and the capacity of existing facilities, the increased student population is more than capable of being accommodated on the site without resulting in adverse impacts on the surrounding area.

5.8 Social / Economic

In terms of social and economic implications, provision of the administration building is considered beneficial as it will serve as an additional resource, benefiting students of Rosebank College.

5.9 Landscaping / Tree Removal

The 'extensive lawns and planting' form part of the statement of heritage significance of the site. In this regard the location of the proposed administration building in the North East corner does necessitate the removal of a number of existing trees. An Arborist Report was submitted and identified the impact of the proposed works on fourteen (14) existing trees in the vicinity of the proposed works. It was concluded that ten trees would require removal with replacement planting recommended to offset this loss as well as protection measures to be implemented during construction to those trees retained.

An amended landscape plan was submitted during assessment following advice from Council's Heritage advisor and provided additional planting at the entry point at the junction of Harris and Queens Roads and the reinstatement of a known missing planting being a Norfolk Pine south of the Chapel within the current rose garden.

On balance whilst the proposed works do involve removal of existing vegetation, proposed planting especially to the northern and eastern elevations of the proposed administration building (Block J) will soften and partially screen the built form and allow the school to retain a landscaped setting.

In relation to the ongoing landscape preservation of the site, the following recommendations made in the *Assessment of Heritage Impact on the Northeast Grounds of Rosebank College* are noted:

- *The retained trees of cultural significance in the vicinity of the construction works as well as the remaining Araucarian pines (Bunya pines, Hoop pines and Kauri Pine) and other mature trees within the campus should have appropriate horticultural measures employed as soon as possible to enhance their continued viability.*

- *A grounds master plan should be programmed as part of the College campus planning that is used as a guide for coordinating and integrating all future campus grounds development including most of the above recommendations. It should also use archival evidence as a basis of reconstructing a landscape character in sympathy with its traditional origins.*

6. CONCLUSION

Council has assessed the submitted plans and documentation and considered the public submission in response to the proposal.

Council is satisfied that the impacts of the proposed development have been adequately addressed within the submitted application as amended and the recommended conditions of approval.

The proposed development will provide a new administration building and additional learning areas and represents the final stage of upgrade works to Rosebank College that bring existing facilities up to contemporary standards.

Furthermore, the Development Application has provided a satisfactory level of compliance with applicable Environmental Planning Instruments.

The proposal is recommended for approval subject to conditions.

7. RECOMMENDATION

Pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 (as amended)

THAT the Joint Regional Planning Panel Sydney East Region, as the determining authority, grant consent to Development Application No. 469/2021 for the demolition of select existing buildings, refurbishment and construction of a new administration building and covered learning space on land at 121 Parramatta Road, Five Dock, subject to the following site specific conditions. In granting consent the Joint Regional Planning Panel - East has regard to the merit considerations carried out in the assessment report and pursuant to s.79C of the Environmental Planning and Assessment Act. On consideration of merits of the case the Joint Regional Planning Panel - East 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.

Prepared by:

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Endorsed by:



Narelle Butler
Manager
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Approved by:



Tony McNamara
Director Planning and Environment
Canada Bay Council

APPENDIX A - SUBMISSIONS

Public Submissions received in respect of notification

<i>Name</i>	<i>Address</i>
Kerry Warner (Finn Warner & Associates)	Suite 417 / 49 - 51 Queens Road, Five Dock NSW 2046

APPENDIX B - CONDITIONS OF CONSENT

GCP1 Approved Plans and Supporting Documents

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

Reference	Title / Description	Prepared By	Date/s
DA02 (Rev B)	Proposed Site Plan	Thomson Adsett	05/04/13
DA03 (Rev A)	Demolition Floor Plans	Thomson Adsett	16/11/12
DA04 (Rev A)	Demolition Floor Plans	Thomson Adsett	16/11/12
DA05 (Rev B)	Proposed Floor Plans	Thomson Adsett	05/04/13
DA06 (Rev B)	Proposed Floor and Roof Plans	Thomson Adsett	05/04/13
DA07 (Rev C)	Proposed Elevations	Thomson Adsett	05/04/13
DA08 (Rev B)	Sections	Thomson Adsett	05/04/13
DA09 (Rev B)	Memorial Garden	Thomson Adsett	05/04/13
DA14 (Rev A)	Block D Verandah - Finishes	Thomson Adsett	05/04/13
C3954-3812 (Rev B) Sheets 1 and 2	Stormwater Concept Plan	Ibrahim Stormwater Consultants	29/02/13
-	Arborist Report	Earthscape Horticultural Services	31/08/12
L-01 (Issue C)	Landscape Plan	JMD Design	27/03/13
-	Assessment of Heritage Impact - North East Grounds	Geoffrey Britton	October 2012
Final v3	Access Review	MGAC	05/04/13

Note 1: *Modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 96 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 80A(1)(g) 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)

GCP4 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)

GCP5 Heritage

The following heritage recommendations shall be adhered to:

- The ground floor window openings to the western elevation of the Mansfield Building (Block D1) shall be retained intact and not demolished to form door openings.
- The restored ground and first floor verandah and the new upper floor verandah extension to the East façade of Block D1 are to be constructed in timber.

- The verandah roofs to first and second floor level of the east façade of Block D1 are to clad with corrugated steel.
- The Gothic iron palisade gate at Harris Road is to be retained and properly conserved by restoring it (including removal of the steel backing plate and other intrusive accretions)
- Heritage landscape elements to be retained, including trees of cultural significance in the vicinity of the construction works are to be properly protected during construction using appropriate horticultural measures as advised by the arborist.
- The retained trees of cultural significance in the vicinity of the construction works as well as the remaining Araucarian pines (Bunya pines, Hoop pines and Kauri Pine) and other mature trees within the campus should have appropriate horticultural measures employed as soon as possible to enhance their continued viability.

The amendments/requirements referred to in the dot points above shall be incorporated into the approved plans/construction management plan **prior to the issue of a Construction Certificate** by the Accredited Certifier.

- In accordance with the recommendations contained in the Assessment of Heritage Impact - North East Grounds prepared by Geoffrey Britton and dated October 2012, a grounds master plan should be programmed as part of the College campus planning that is used as a guide for coordinating and integrating all future campus grounds development including most of the above recommendations. It should also use archival evidence as a basis of reconstructing a landscape character in sympathy with its traditional origins.

The above matters shall be addressed as part of the ongoing maintenance of school grounds

(Reason: Heritage Conservation)

GCG2 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)

GCG7 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.

(Reason: Protect amenity of surrounding area)

GCG8 Materials & Finishes Schedule

The development shall be constructed and finished in materials and colours as indicated in the approved Materials and Finishes documentation.

(Reason: Visual amenity)

GCG10 Site Management

The following procedures apply:

- Implement the site management plan and measures, and provide for erosion and sediment control according to the SSROC "Do It Right On Site" publication;
- 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)

GCG16 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)

GCH1 Hoarding Requirements

The approved development includes/requires either "A" Class or "B" Class or both type hoarding. The applicable hoarding requirements are as follows:

- **"A" Class Requirements**
An engineer certified "A" Class hoarding shall 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)

GCH 4 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;*
- *Protection of the Environment Operations Act 1997;* and
- *Relevant Australian Standards*

(Reason: Compliance with relevant standards)

GCH 5 Waste Management

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

(Reason: Compliance with approval)

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

PCR1 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 erection of building" pursuant of section 81A(2) 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)

PCR2 Demolition

(a) That five (5) 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) **If the works require a Construction Certificate**, work shall not commence until the Principal Certifying Authority (PCA) has inspected the site. Should the building to be demolished be found to be wholly or partly clad with or contain asbestos cement products, approval to commence demolition shall not be given until the PCA is satisfied that all measures are in place so as to comply WorkCover's *Guide to Working with Asbestos*.

Note: A copy of this publication can be obtained from WorkCover Authority's website www.workcover.nsw.gov.au

(d) Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover 'Demolition License' AND a current WorkCover 'Class 2 (Restricted) Asbestos Licence'.

(e) In addition to the above provisions, any work carried out on asbestos cement products must be in accordance with those provisions relating to asbestos cement within the NSW Construction Safety Act 1912 Regulations 84A-J *Construction Work Involving Asbestos or Asbestos Cement 1983, as amended 1984*.

(f) Demolition works are restricted as follows:

- Monday to Saturday inclusive 7:00am - 5:00pm
- Sundays and Public Holidays No work

(g) At least five (5) 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 (02) 8260 5885.

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

PCR3 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 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 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)

PCR4 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)

PCR5 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

CCD1 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)

CCD2 Disabled Toilets

Plans and details of the disabled toilet/s complying with the relevant Australian Standards, the Building Code of Australia, 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.

The plans must be approved by the Accredited Certifier **prior to issue of a Construction Certificate**.

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

CCC2 Damage Deposit for Council Infrastructure

A Damage Deposit (calculated in accordance with Council's adopted Fees and Charges) of **\$25,000.00** 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)

CCC3 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)

CCC8 Section 94A Levy Contributions

The following Section 94A Levy Contribution is required towards the provision of public amenities and services in accordance with the City of Canada Bay Section 94A Plan 2005.

Pursuant to Section 80A(1) of the *Environmental Planning and Assessment Act 1979*, and the City of Canada Bay Section 94A Levy Contributions Plan 2005, a contribution of 0.5% (for works between \$100,001.00 and \$200,000.00) or 1% (for works over \$200,000.00) of the cost of development amounting to **\$87,222.69** shall be paid to Council **prior to the release of any associated Construction Certificate**.

The amount to be paid will be adjusted at the time of actual payment, in accordance with the provisions of the Canada Bay Section 94A Levy Contributions Plan 2005. The Consumer Price Index All Group Index Number for Sydney at the time of the development application determination is **102.7**.

A copy of the Canada Bay Section 94A Levy Contributions Plan 2005 and accompanying Fact Sheet may be inspected or obtained from the City of Canada Bay Civic Centre, 1A Marlborough Street, Drummoyne during business hours or on Council's web site at www.canadabay.nsw.gov.au

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

CCG2 Construction Management Plan

Prior to the issue of the first 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. Note: There must be no vehicles entering or exiting the site from Victoria Road at any stage of the development.
- (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.
- (g) The above requirements shall also incorporate specific information to demonstrate methods and procedures that will ensure the protection of the building and its basement levels of No. 135 Victoria Road, Drummoyne during construction. This will necessitate negotiating with the adjoining owner/s and agreeing upon suitable protection methods in the form of hoardings/barriers or similar to the basement levels.

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

CCG4 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)

CCA1 Damage Report

Prior to the issue of the first 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, which must be filled out and signed by the Applicant and approved by Council.

This Form will be used to assist Council in determining the refund of any damage deposits and any likely repairs necessary. If an approved Damage Report Form is not provided, Council at its discretion shall carry out an independent evaluation of the condition of the road reserve and any damages found will be rectified at the Applicant's cost.

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)

CCA3 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)

CCI3 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 a "Road Opening Permit" will need to be obtained from Council. In this regard the Applicant is to make a formal application at Council's Customer Services Centre. The Permit Application is to be submitted to and approved by Council **prior to the issue of the first Construction Certificate.**

Note: Road Opening Permits do not include driveway and layback construction.

(Reason: Maintain public asset)

CCR1 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 parts 1 - 4 inclusive.
- (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 first Construction Certificate**.

(Reason: Statutory requirement)

CCM3 Construction or Re-direction of a Stormwater Pipeline

No line of natural drainage nor any drainage channel, pipeline or other work shall be filled in, diverted or otherwise interfered with, except by the construction of a pipeline of a specific size, material and location approved by Council. Engineering Plans in accordance with Council's “Specification for the Management of Stormwater” **shall be submitted prior to the issue of a Construction Certificate**.

(Reason: Protection of existing drainage infrastructure)

CCM4 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)

CCM6 Rainwater Re-use

A rainwater re-use system shall be provided in accordance with either the BASIX minimum requirements, any relevant Council Rainwater Policy and/or "Specification of the Management of Stormwater", 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)

CCM7 Silt Arrestors and Gross Pollutant Traps

Silt and gross pollutant traps shall be fitted in all new stormwater pits, designed in accordance with Council's "Specification for the Management of Stormwater" 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)

CCU2 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 any 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

PDR1 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)

PDR2 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)

PDR5 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)

PDR6 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)

PDR7 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)

PDR8 Sydney Water Approvals (Quick Check)

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Care Centre to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped. For Quick Check agent details please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then see Building and Renovating under the heading Building and Developing, or telephone 13 20 92.

The Accredited Certifier must ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans **prior to the commencement of works**.

(Reason: Statutory Requirement)

PDR9 Toilet Amenities on Construction Site

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

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

(Reason: Statutory Requirement - Health and amenity)

PDM1 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)

PDM2 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

DWT1 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)

DWT2 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)

DWT3 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)

DWT4 Dust Control

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.

(Reason: Environmental amenity)

DWT5 Excavation – Water

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

(Reason: Health and safety)

DWT6 Prevention of Nuisance

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

(Reason: Health and amenity)

DWG3 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)

DWG4 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)

DWG5 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)

DWI1 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. A Road Opening Permit is to be obtained **prior to any works on the verge, footpath, public road reserve or public reserve being undertaken.**

Note: Road Opening Permits do not include driveway and layback construction.

(Reason: Maintain public asset)

DWN1 Noise - Construction

All works carried out on site during construction/ demolition/ excavation/ earthworks shall comply with the NSW DECC Protection of the Environment Operations Act 1997 and the DECC Noise Control Guideline – Construction Site Noise and AS 2436-1981 – “Guide to Noise Control on Construction, Maintenance and Demolition Sites” for the control of construction noise which specifies that:

Construction period of 4 weeks and under – The L₁₀ 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).

Construction period greater than 4 weeks and not exceeding 26 weeks – The L₁₀ 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).

Silencing – All possible steps should be taken to silence construction site equipment.

Should complaints of a noise nuisance be justified, Council will require the acoustic treatment of the identified noise source/s to ensure compliance with Councils requirements on noise. An acoustic assessment & report will be required to ensure that the intrusive noise from the plant does not exceed 5 dB (A) above the background noise.

Should complaints of a noise nuisance be justified, Council will require the acoustic treatment of the premises to ensure compliance with the NSW DEC Industrial Noise Policy. A further

acoustic assessment & report will be required to be provided to Council assessing the premises in working order.

(Reason: Noise Attenuation)

DWN3 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)

DWA1 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)

DWA2 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)

DWR1 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)

DWR2 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 109E(3)(d) 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)

DWR6 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)

DWS1 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

OCR1 Occupation Certificate (section 109M 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 109H (4) 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)

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

FOC1 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)

FOG5 Wash down of Brickwork

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

(Reason: Visual amenity and environmental health)

FOM1 Certification of the Constructed Stormwater Drainage System

The constructed stormwater system shall be certified by a suitably qualified person, in accordance with Council's "Specification for the Management of Stormwater", **prior to issue of the Final Occupation Certificate**.

(Reason: Adequate stormwater management)

FOM2 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 (on-site detention, pump-out, charged lines, 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 not less than 1200mm wide over the proposed 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 "Specification for the Management of Stormwater" document.

(Reason: Compliance and adequate maintenance of drainage system)

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

QUE1 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)

OUEH15 Noise (General)

The use of the premises shall comply with all applicable noise legislation and not give rise to the transmission of unacceptable or offensive vibration or noise to any place of different occupancy in accordance with the NSW DECC's *Industrial Noise Policy 2000* as well as *The Protection of the Environment Operations Act 1997 (NSW)*.

(Reason: Noise Control and Amenity)

OUEH16 Noise Complaints - General

The development must not cause a noise nuisance to any other person. Following occupation, should complaints of a noise nuisance be justified, an acoustic assessment shall be conducted by a qualified consultant and report provided to Council. The applicant shall then implement all recommendations provided under the assessment within a timeframe set by Council, to the satisfaction of Council and comply with any additional direction given.

(Reason: Noise Control and Amenity)

Advisory Notes (ANN) -

Please note: the following may not apply to all consents

ANN1 Dial Before You Dig

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



Telecommunications Act 1997 (Commonwealth)

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

ANN2 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.

ANN5 Lapsing of Consent

In accordance with Section 95 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 substantially physically commenced. **The building must be completed, in accordance with the approved plans and specifications, within five (5) years from the date when the building was substantially physically commenced.**

ANN7 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 96 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.

ANN8 Review of Determination

In accordance with the provisions of Section 82A 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.

ANN9 Right of Appeal

Section 97 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.

ANN10 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'.

ANN11 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.

ANN12 WorkCover Requirements

The Occupational Health and Safety Act 2000 No 40 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://workcover.nsw.gov.au/Industry/Construction/default.htm> 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.