

JOINT REGIONAL PLANNING PANEL
(Sydney Region East)

JRPP No	2015SYE050			
DA Number	2015/0092			
Local Government Area	Canada Bay Council			
Proposed Development	Removal of buildings and select vegetation and construction of a new school with facilities for up to 82 students including administration building, multi-purpose space, hydrotherapy pool and 12 class rooms			
Street Address	121 Queens Road, Five Dock (Lot 1 in DP 121457)			
Applicant	Peter Hogan - Public Works NSW & NSW Department of Finance and Services			
Owner	NSW Department of Education & Communities			
No. of Submissions	Two (2)			
Regional Development Criteria (Schedule 4A of Act)	Capital Investment Value (CIV) greater than \$5 million (\$16,000,000 declared) and is a Crown Development			
List of All Relevant s79C(1)(a) Matters	<p><u>Environmental Planning Instruments</u></p> <ul style="list-style-type: none"> • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy 55 - Remediation of Land • Sydney Regional Environmental Planning Policy (Sydney Harbour Catchment) 2005; deemed SEPP • Canada Bay Local Environmental Plan 2013 <p><u>Non Statutory Planning Policies</u></p> <ul style="list-style-type: none"> • City of Canada Bay Development Control Plan 2013 			
List all documents submitted with this report for the panel's consideration				
	Reference	Title/Description	Prepared By	Date/s
	Report No. 5530-1.1R, Rev.B	Acoustic Report	Day Design Pty Ltd	15/06/2015
	DA00, DA02 – DA12 inclusive	Architectural plans including site plan,	NSW Public Works & Government Architects' Office	16/03/2015

		elevations, sections etc			
	DA01 Revision B	Site Plan including On Site Parking Layout and Parking Spaces on Walker Street	NSW Public Works & Government Architects' Office	25/06/2015	
	Report No. 14-GS47B	Contaminated Investigation	NSW Public Works	December 2014	
	Report No. 14-GS47A	Geotechnical Investigation	NSW Public Works	December 2014	
	DA-L-01 & 02	Landscape Plan	NSW Public Works & Government Architects' Office	11/12/2014	
	N/A	Arborist Report	Landscape Urban Environment Design	March 2015	
	Report No. DC14239	Statement of Environmental Effects	NSW Public Works	March 2015	
	15S1154000	Traffic Report	GTA Consultants	10/12/2014	
	N/A	Waste Management Plan	Lucas Gardens School	16/03/2015	
	C107477:MC – J128503	Limited Destructive Hazardous Materials Survey Report	Greencap/NAA	October 2014	
	1289-r1/ph	NCC Section J Draft Report	BCA Energy Pty Ltd	10/12/2014	
	Job No. 14- 203851	Building Code of Australia Report for DA Submission	Philip Chun Building Code Consulting	10/12/2014	
	Figure 5	Concept Stormwater Plan	NSW Public Works	9/12/2014	
Recommendation	Approval subject to conditions				
Report by	Mr Samuel Lettice				

1. BACKGROUND

A background in respect to the application and critical dates is provided below:

12/03/15	Pre Lodgement Advice provided (issues identified)
24/03/15	Subject Development Application lodged
01/04/15	External referrals provided to the following agencies: <ul style="list-style-type: none">• NSW Road & Maritime Services (RMS)
01/04/15	Internal referrals provided to the following Departments of Council <ul style="list-style-type: none">• Engineering (Stormwater)• Engineering (Traffic)• Tree Services• Environmental Health (Acoustics)• Environmental Health (Contamination)• Building Services
01/04/15	Application notified to adjoining and nearby property owners / occupiers
15/04/15	Notification period closed with two (2) submissions received
27/04/15	Correspondence received from RMS raising no specific objections
18/05/15	Correspondence sent to applicant outlining concerns following preliminary assessment of the application by Council. Issues raised related to the proposed parking layout both on and off the subject site, operational noise associated with the hydrotherapy pool and air conditioning plant as well as confirmation of the retention of a specific tree. Copies of the two submissions received were enclosed for review and consideration.
20/05/15	JRPP briefing panel meeting
12/06/15	Meeting on site held to discuss proposal. In attendance was the School Principal, representatives of the Department of Education, consultants and Council staff.
16/06/15	Amended Acoustic Report submitted to Council
25/06/15	Revised parking plan submitted to Council

2. SITE AND CONTEXT

The subject site is legally identified as Lot 1 in DP 121457 and is situated within zone R2 Low Density Residential, pursuant to the Canada Bay Local Environmental Plan 2013.

The site is located on the southern side of Queens Road between the intersections of Bayview Road and Walker Street which provides a secondary frontage. The Walker Street intersection is controlled by traffic lights with pedestrian phases across all crossing points.

In terms of dimensions, the site is largely rectangular in shape, with a primary street frontage to Queens Road of 112.1m, splay of 2.26m to the north east corner and a depth of 64.11m to the east /

Walker Street frontage yielding a total site area of 7600m². As depicted upon the submitted survey levels across the site are varied due to the location of existing buildings, hard paved areas, landscaped beds and mounding. The highest ground level of the site is the south west corner (RL 11.8) with the lowest to the south east corner (RL 9.2).

The site is currently occupied by the Lucas Gardens School for Special Purposes (since 1992) which is a special school for students with severe intellectual disability and comorbid disabilities that may include physical, vision, hearing or complex medical conditions with a total capacity of 42 students provided. Three (3) masonry buildings are situated on site utilised for administration, support and a hydrotherapy pool with seven (7) demountable buildings utilised as classrooms. The site contains off street parking with vehicular access provided via the Walker Street frontage with separate entry and exit points. High security fencing surrounds the site with a large number of trees and shrubs scattered throughout.

Low density residential development in the form of dwelling houses, predominantly of single storey construction is located to the north and west of the site. Some two storey development is also apparent noting a recently completed attached dual occupancy on the north east corner of the Queens Road and Walker Street intersection and semi-detached dwelling at the Bayview Road intersection.

Land zoned 'IN1 General Industrial' otherwise surrounds the site with the City of Canada Bay Council Depot apparent to the east. A large building associated with Officeworks with attached Cincotta Chemist as well as a McDonald's restaurant with associated carpark and drive-thru is located immediately adjacent to the southern boundary of the site.

3. PROPOSED DEVELOPMENT

3.1 Project Description in Detail

The proposal seeks consent for the following works:

- Demolition of existing buildings and removal of demountable classrooms and the majority of trees and shrubs on the property, including a street tree on the Walker Street frontage;
- Construction of a new school facility primarily contained within four (4) separate buildings. Twelve (12) classrooms are provided as well as a multi-purpose hall with adjoining breakout area / courtyard, new library, multi-purpose outdoor court, administration, student and staff amenities and a hydrotherapy pool; Ramps, lifts and accessible paths are provided throughout;
- Construction of a new staff and bus car parking area with porte-cochere and pick up, drop off area to be accessed via separate entry and exit driveways off Walker Street;
- Construction of right angled parking within Walker Street frontage forward of the site;
- Associated site landscaping, replacement of existing perimeter security fencing as well as the construction of waste storage building to the south west corner of the site with a space also dedicated to provide for the required electricity substation.

Operational Parameters

The current student enrolment is approximately 40 special needs students and is anticipated to grow from between 72 to a maximum 82 students (age range between 5 and 18). A total of twenty eight (28) staff members is anticipated (12 permanent, 12 teacher aids and 4 administrations). General operating hours will be 8:30am - 3pm (Monday - Friday) with drop of and pick up slightly staggered.

The hydrotherapy pool and multi-purpose space will be primarily utilised by the students of the school. The Department of Education and Communities had previously stated that the pool may be made available to the public. However in further discussions with the school principal and the Department, they have indicated that the pool will be for school purposes only at this stage. A condition (No. 8) has been included in Appendix A to require further development consent should the school wish to open the pool to the public.

4. STATUTORY CONTEXT

4.1 Delegation

Under Section 23G of the *Environmental Planning and Assessment Act 1979 (the Act)*, a regional panel is taken to be the Council whose functions are conferred on a regional panel.

Pursuant to Schedule 4A (5) of the Act as the application relates to a Crown Development that has a Capital Investment Value (CIV) greater than \$5 million (\$16,000,000 declared) the consent authority is the Sydney East Joint Regional Planning Panel (JRPP).

Canada Bay Council officers attended a meeting with the JRPP on 20 May 2015. The purpose of the meeting was to present and brief the panel members on the Development Application ahead of the panel's determination of the application at a future panel meeting.

4.2 Permissibility

The site is zoned R2 'Low Density Residential' under the Canada Bay Local Environmental Plan 2013 (CBLEP). Under the CBLEP the proposed development defined as a 'School' (which falls within the group term 'educational establishment') is permissible within this zoning with development consent.

4.3 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.

Environmental Planning Instruments

- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 55 - Remediation of Land
- Sydney Regional Environmental Planning Policy (Sydney Harbour Catchment) 2005
- Canada Bay Local Environmental Plan 2013

Non Statutory Planning Policies

- City of Canada Bay Development Control Plan 2013

4.3.2 State Environmental Planning Policy (Infrastructure) 2007;

Clause 28(a) of State Environmental Planning Policy (Infrastructure) 2007 states that development for the purposes of an 'educational establishment' may be carried out with consent on land in a prescribed zone (which in this instance is R2 Low Density Residential).

Clause 32 of the SEPP which relates to determination of development applications provides:

(2) Before determining a development application for development for the purposes of a school, the consent authority must take into consideration all relevant standards in the following State government publications (as in force on commencement of this Policy):

- (a) *School Facilities Standards - Landscape Standard - Version 22* (March 2002),
- (b) *Schools Facilities Standards - Design Standard* (Version 1/09/2006),
- (c) *Schools Facilities Standards - Specification Standard* (Version 01/11/2008).

The Applicant has outlined in the Submitted Statement of Environmental Effects that the design of the school meets the Special Education School Facilities Standards as updated in the Educational Facilities and Schools Guidelines.

4.3.2 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.

Council's Environmental Health Department reviewed the submitted Contamination Investigation and advised that they are satisfied that there is a very low risk of contamination at the site due to the history of its use and the testing that has been completed.

4.3.3 Sydney Regional Environmental Planning Policy (Sydney Harbour Catchment) 2005; deemed SEPP

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 guiding principles to be taken into consideration in preparation of environmental planning instruments and / or master plans.

Clause 20(a) states that consent authorities must take into consideration the matters in Division 2 prior to the granting of consent. Noting the location of the site in respect to the waterway and nature of works proposed the application is not considered to compromise the aims of the SREP

4.3.4 Canada Bay Local Environmental Plan 2013

The site is zoned R2 'Low Density Residential' under the provisions of the Canada Bay Local Environmental Plan 2013 (CBLEP). Under the CBLEP the proposed development defined as a 'School' (within group term 'educational establishment') is permissible with consent.

The objectives of the R2 'Low Density Residential' zone are:

- *To provide for the housing needs of the community within a low density residential environment*
- *To enable other land uses that provides facilities or services to meet the day to day needs of residents.*

Comment - The proposed development relates to the redevelopment of an existing school which will increase the current student capacity to more effectively serve the day to day needs of the local community and beyond. In this regard the subject proposal is not considered inconsistent with the zone objectives and is acceptable.

Following is a summary table indicating the performance of the proposal against relevant statutory standards of the Canada Bay Local Environmental Plan 2013 (CBLEP):

Clause	Requirement	Proposed	Compliance
Clause 4.3 - Building Height			
The subject site is located in Area 'I' of the Building Height Map which prescribes a height of 8.5m.		7.04m	✓
Clause 4.4 - Floor Space Ratio (FSR)			
The subject site is located in Area 'D Area 1' of the FSR Map which prescribes an FSR of 0.5:1.		0.437:1	✓
Clause 5.9 - Preservation of trees and Vegetation			
A person must not ring bark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies		A number of trees are to be removed and in this regard an Arboricultural Assessment Report dated March 2015 was submitted with the subject application.	✓
Clause 6.1 - Acid Sulfate Soils			
<p>Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works, except as provided by this clause. The site is identified as Class 5 as follows:</p> <p><i>Works within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5m Australian Height Datum by which the watertable is likely to be lowered below 1m Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</i></p> <p>Subclause (3)(a) states that development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the <i>Acid Sulfate Soils Manual</i></p>		A Geotechnical Investigation (14-GS47A) dated December 14 was submitted and recorded site conditions from borehole samples. A number of subsequent recommendations in respect to proposed works were provided.	✓

Other relevant provisions:

Land Reservation Acquisition	Affectation not shown on LEP map, as such controls not applicable to site
Heritage	Affectation not shown on LEP map, as such controls not applicable to site
Foreshore Building Line	Affectation not shown on LEP map, as such controls not applicable to site
Active Street Frontages	Affectation not shown on LEP map, as such controls not applicable to site
Terrestrial Biodiversity	Affectation not shown on LEP map, as such controls not applicable to site

4.4 Non-Statutory Planning Policies

4.4.1 Canada Bay Development Control Plan 2013

The Canada Bay Development Control Plan (DCP) came into force on 7 May 2013 and applies to the subject site and the development application.

The relevant Section of the DCP is Part 10 - Child Care Facilities. However the DCP does state that *'schools are exempt from full compliance with the child care provisions of this DCP as schools are purpose built facilities which accommodate existing educational needs and are generally located on sites which are suited for such services'*.

The submitted Statement of Environmental Effects has provided an assessment against the provisions of the DCP and demonstrates compliance. Relevant conditions are recommended to ensure the development and operation of the school occurs in an appropriate manner.

5. CONSULTATION AND SUBMISSIONS

5.1 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.

Pursuant to Part 2 of 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:

- Application publicly available from **1 April 2015 to 15 April 2015** (min 14 days)
 - On the Canada Bay Council website;
 - At the Canada Bay Council Administration Office
- Notified local land owners and occupiers of proposal - 46 letters sent;
- Signage was placed on the development site

The location map below depicts those properties around the site that were notified:



5.2 Submissions from Public Authorities

5.2.1 Roads and Maritime Services (RMS)

The site is bound by Queens Road which is a classified road under the care and control of RMS, hence a referral was provided. Correspondence received from RMS stated the following inter alia:

Roads and Maritime has reviewed the submitted documentation and raises no objections to the application. Roads and Maritime has the following comments for Council's consideration in determination of the application:

Roads and Maritime has no approved proposal that requires any part of the subject property for road purposes. Therefore, there are no objections to the development proposal provided all buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth), along the Queens Road boundary.

However, the proponent should also be advised that the subject property is within an area currently under investigation in relation to the proposed Westconnex Project. In this regard Westconnex can be contacted for further information.

Should there be any changes to the Roads and Maritime drainage system then detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Comment - The above comments are noted and have been forwarded to the applicant.

5.2.1 Canada Bay Traffic Committee

The Traffic Committee has raised concern with the parking layout within Walker Street due to non-compliance with the Australian Standard. Council's Engineering Department have acknowledged this though advised that the proposed layout will still work. Negotiations are ongoing though in this regard condition 21 requires the final parking design layout as well as proposed parking restrictions to be submitted to and approved by the Canada Bay Traffic Committee.

5.3 Internal Referrals

5.3.1 Engineering (Stormwater)

Council's Stormwater Engineering Department reviewed the submitted Stormwater Management Concept Plan and raised no objections subject to conditions (incorporated).

5.3.2 Engineering (Traffic)

Council's Traffic Engineers following initial assessment raised significant concern in respect to the proposed parking layout both on and off the subject site with specific comments forwarded to the Applicant in correspondence dated 18 May 2015. Following an on-site meeting amended plans were provided to Council reconfiguring the parking layout with a further response provided from GTA Consultants. Council's Engineering Department reviewed the amended scheme and were satisfied.

5.3.3 Tree Services

Council's Tree Services Department reviewed the submitted Arboricultural Assessment dated March 2015. A number of trees are to be removed and in this regard no objections were made in principle. It is noted that Tree 47 being a *Lophostemon confertus* located within the Walker Street verge was to

be retained though following revisions to the proposed car parking layout, its removal was necessitated and Council's Arborist subsequently concurred with this conclusion.

5.3.4 Environmental Health (Acoustic)

Council's Environmental Health Department reviewed the submitted Noise Assessment Report prepared by Day Design Pty Ltd (5530-1.1R) dated 10 December 2014. Additional information in respect to operation of mechanical plant associated with the hydrotherapy pool as well as the air conditioning plant was requested to clarify acoustic levels.

A revised Noise Assessment Report (Rev B) dated 15 June was submitted. Upon further review Council's Environmental Health Department were satisfied and provided conditions.

5.3.5 Environmental Health (Contamination)

Council's Environmental Health Department reviewed the submitted Contamination Investigation (14-GS47B) dated December 2014 with no objections raised to conclusions.

It was requested that an Environmental Site Management Plan should be developed and implemented as part of this project to be reviewed by Council prior to construction.

5.3.6 Building Services

Council's Building Services Department reviewed the proposal in respect to the Building Code of Australia. No objections were raised subject to conditions (incorporated).

5.4 Public Submissions

In response to notification, two (2) submissions were received from properties on the northern side of Queens Road (1 and 3 Bayview Street). Key issues raised are outlined and addressed below.

Acoustic Amenity

...Configuration of north façade of built form fronting Queens Road (ceiling/glazing/doors);

...Location and noise associated with mechanical plant;

...Access of students to areas adjacent to the Queens Road boundary of the site.

Comment - A comprehensive Noise Assessment Report prepared by Day Design Pty Ltd (5530-1.1R) dated 10 December 2014 was submitted with the application and amended in response to comments of Council's Environmental Health Department (Rev B, dated 15 June) to provide further detail in respect to the proposed operation of mechanical plant.

The report identified the places of worst possible annoyance as being the residences to the north and west of the site between 8.30am to 3pm during the School's operating hours.

Main sources of noise from the School were identified as being students and teachers talking in the proposed classrooms, students playing in the outdoor area and mechanical plant including air-conditioning units and pool pumps. Noise emissions generated from each of the mentioned activities will not occur simultaneously and therefore the impact from each source was assessed separately within the report. In response to testing that was undertaken it was concluded that the proposal complied with predicted noise criteria. Built form along the northern boundary provides a primary orientation to the south with the presence of Queens Road, which is a somewhat congested classified road providing further separation.

The Hydrotherapy Pool is serviced by pool pumps, blowers and a packaged air-conditioning unit housed in an enclosed plant room situated between the proposed Pool and Home Base 1. This plant is required to operate when the hydrotherapy pool is in use between the hours of 7am and 10pm. It is also required to operate during the night time (10pm - 7am) to maintain the pool though in this regard it operates at reduced capacity enabling compliance with predicted noise criteria (35dBA).

6. ASSESSMENT OF ENVIRONMENTAL IMPACTS

The following is an assessment of the proposal against Section 79C(b) 'likely impacts of the development' of the Environmental Planning and Assessment Act 1979.

Overshadowing

Although there are no specific solar access controls for the type of development proposed, the City of Canada Bay Development Control Plan 2013 follows the planning principles adopted by the Land and Environment Court as a guide to assessing the impacts of overshadowing which may result from a development proposal. In this regard, Council's DCP states the following in relation to overshadowing and solar access. The objective of the controls is to maximise solar access to living areas and private open space of neighbouring developments to maintain their amenity. Section 5.2.3 (C2) provides the following:

'Direct sunlight to north facing windows of living areas and private open space of adjacent dwellings should not be reduced to less than 3 hours between 9am and 3pm on 21 June'.

The site is located on the corner of Queens Road and Walker Street which forms the Northern and Western elevations and provides separation from nearby residential land uses, ensuring no adverse overshadowing and compliance with the abovementioned provision. The Eastern and Southern boundaries of the site are adjoined by land zoned 'IN1 General Industrial' with associated land uses and car parking apparent. Therefore, the proposed development is unlikely to cause any overshadowing of residential properties.

Visual and Acoustic Privacy

The proposed buildings are largely located around the perimeter of the site and adequately separated from nearby residential properties. The orientation of the buildings primarily towards the internal open space area is also noted as well as the containment of built form along the northern boundary to single storey construction.

Given that the proposed school hours are between 8:30am and 3pm (Monday - Friday), there are not likely to be any impacts on privacy outside of standard business hours, when most people are at work. The hydrotherapy pool and multi-purpose space will be utilised by students and is therefore unlikely to result in adverse amenity impacts.

As previously stated a comprehensive Noise Assessment Report prepared by Day Design Pty Ltd (5530-1.1R) dated 10 December 2014 was submitted with the application and amended in response to comments of Council's Environmental Health Department (Rev B, dated 15 June). This report demonstrates the proposal will comply with relevant noise criteria.

To minimise noise impact during demolition and construction works, conditions of consent are imposed, restricting construction hours from 7.00am to 5.00pm (Mondays to Friday), and 8.00am to 1.00pm Saturdays. Work is not permitted on Sundays and Public Holidays.

View Corridors / View Sharing

There are considered to be no significant views to and / or from the site and the surrounds that would be adversely affected by the application. It is also noted that no submissions raising the issue of view loss were received in response to notification of the application.

Traffic Generation and Parking

The proposed redevelopment of the existing Lucas Gardens Public School will increase the School's capacity from 40 to 82 students. The School caters for special needs students, which require additional level of care compared to regular school students, as well as increased staff to student ratios. In respect to car parking rates the Canada Bay DCP is silent.

The proposed development as amended increases parking from 9 spaces to a total of 28 with 15 on-site staff spaces provided inclusive of four (4) shared zone parking spaces for persons with a disability. Thirteen (13) car parking spaces are provided at a right-angle to the Walker Street road pavement as shown on the amended Site Plan marked DA01 dated 22/06/2015.

The existing entry and exit point of the porte-cochere facility are altered and will be able to accommodate a number of mini buses which are utilised to set down and pick up students.

One hour parking restrictions across the proposed Walker Street car parking spaces (7.00am - 9.00am and 3.00pm - 5.00pm Monday to Friday) as detailed in the GTA Consultants letter to Council dated 22 June 2015 are proposed. This is subject to approval from the Canada Bay Traffic Committee and a condition has been incorporated stating as such.

In respect to vehicular access and impact upon the surrounding street network the submitted Traffic Report prepared by GTA Consultants (15S1154000, dated 10/12/14) concluded that the site is expected to generate up to 55 and 62 additional vehicle movements in the morning and afternoon peak hour periods, respectively. However there was considered to be adequate capacity in the surrounding road network.

Council's Traffic Engineers reviewed the proposal and subsequent amendments to the car parking layout and circulation and raised no objections.

The application was referred to RMS for concurrence as the site fronts Queens Road which is a classified Road. As detailed in section 5.2.1 of this report no specific objection was raised.

Streetscape / Urban Design / Bulk and Scale

Development surrounding the subject site is mixed with residential dwelling houses of predominantly single storey construction located to the north and west (across the Walker Street and Queens Road frontages). Land zoned 'IN1 General Industrial' otherwise surrounds the site with the Canada Bay Council Depot to the east, and a large building associated with Officeworks to the south as well as a carpark associated with a McDonald's restaurant.

The proposal, as viewed from Queens Road, will appear as a single storey structure achieving an average height of approximately 3.8m. Built form has been split into two presenting facades of 27.16m and 44.407m in length. An outdoor area divides the two buildings with an aluminium louvered shade structure providing a light weight link. A setback of between 5.148m and 4.994m is provided from the street frontage and enabled planting to be incorporated along this boundary.

Built form that fronts the western elevation (Walker Street) frontage of the site has been setback between 22.32m and 27.32m, primarily due to the vehicular entrance of the site to this elevation and proposed access and parking configuration. The hydrotherapy pool building to the north provides a limited width (10.82m) and is visually separated from the 'multi-purpose' building to the south by a large courtyard. The multi-purpose building achieves a height of approximately 7.04m though in so

far as it provides extensive glazing to its façade and an effective balance of horizontal and vertical articulation, it is considered acceptable and will not appear a dominant element. The cantilevered awning forward over the porte-cochere is also noted and will provide further visual interest.

As previously outlined the proposed development complies with both the height and FSR controls that apply to the site. The built form is not likely to result in any adverse amenity impacts and is consistent with the scale of surrounding development. Accordingly, it is considered that the height bulk and scale of development is appropriate in this instance.

The varied palate of materials and finishes utilised are also considered acceptable.

The existing green powder coated security fencing that surrounds the site is also to be replaced with a more modern and somewhat more recessive form.

Intensity of Use

The proposal will intensify the use of the land, though in so far as the use is permissible, and presents an appropriate density, height, bulk and scale, it is considered satisfactory.

Social / Economic

The proposal would have minimal social and economic implications.

Landscaping / Tree Removal

Clause 5.9 of the LEP relates to the preservation of trees and vegetation and aims to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation. The proposal removes a number of mature trees to enable the development to occur. The proposal retains some landscaping within the site and provides replacement planting to compensate the loss of vegetation.

An Aboricultural Assessment Report prepared by NSW Public Works accompanied the application. This report stated the following, inter alia:

The trees to be affected by the proposed development were not identified as remnant plants of the local surrounding vegetation. The plant species within the subject area were Australian native and exotic species.

It is important to protect the remaining existing trees during the construction phases of the project without impacting on the trees long-term health.

The proposed landscape design will provide new trees suitable for the altered environment, providing shade and aesthetics to the school for the long term, which should be seen as beneficial and an asset to the school and community.

The report in response to comments provided by the City of Canada Bay Council in Pre-Lodgement minutes dated 12.3.2015, depicted tree No.47 being a *Lophostemon confertus* within the Walker Street verge as being retained. However following amendments to the proposed street parking layout this tree became impacted and upon further review Council's Arborist accepted its removal (conditioned accordingly).

The submitted landscape plan (DA-L-01) shows that the existing vegetation which is to be retained as well as additional incorporated complements the built form and provides a high level of amenity to both occupants of the facility and surrounding sites.

7. CONCLUSION

The proposed development is appropriately located within zone R2 - Low Density Residential under provisions of Canada Bay Local Environmental Plan 2013 and is consistent with statutory and non-statutory development standards and controls of relevance.

Further, the development is considered to perform adequately in terms of its relationship to surrounding built and natural environment, particularly in relation to likely impacts upon surrounding properties. Consequently, the proposal is supported from a planning perspective.

8. 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 development consent to Development Application No. DA2015/0092 (2015SYE050) for removal of all temporary buildings and select vegetation on site and construction of a new facility to cater for up to 82 students including administration building, multi-purpose space, hydrotherapy pool and 12 class rooms on land at 121 Queens Road, Five Dock, subject to the attached conditions (at Appendix A).

Prepared by:



Samuel Lettice
Coordinator
Canada Bay Council

Endorsed by:



Narelle Butler
Manager
Canada Bay Council

Approved by:



Tony McNamara
Director
Canada Bay Council

APPENDIX A – CONDITIONS OF CONSENT

General Conditions

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

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

Reference/Dwg No	Title/Description	Prepared By	Date/s
Report No. 5530-1.1R, Rev.B	Acoustic Report	Day Design Pty Ltd	15/06/2015
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C107477:MC – J128503	Limited Destructive Hazardous Materials Survey Report	Greencap/NAA	October 2014
1289-r1/ph	NCC Section J Draft Report	BCA Energy Pty Ltd	10/12/2014
Job No. 14-203851	Building Code of Australia Report for DA Submission	Philip Chun Building Code Consulting	10/12/2014
Figure 5	Concept Stormwater Plan	NSW Public Works	9/12/2014

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: *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.*

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

2. **DAGCA03 - Construction within Boundary**

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

(Reason: To ensure compliance with approved plans)

3. **DAGCB02 - Compliance with Disability Discrimination Act**

This approval does not necessarily protect or guarantee against a possible claim of discrimination (intentional or unintentional) under the *Disability Discrimination Act 1992*, and the applicant/owner is therefore advised to investigate their liability under this Act. **Note: Disability (Access to Premises - Buildings) Standards 2010** - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

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

4. **DAGCB04 - Food Premises - General**

The construction and operation of the food premises shall be for life skill educational purposes only and shall not be used for commercial purposes, food preparation etc. Should the school use the kitchenette for any such commercial activity into the future, the operation of the premises shall be required to comply with all applicable legislation/regulation and standards, including:

- The Food Act 2003
- Food Regulation 2004
- Food Standards Australia and New Zealand - Food Standards Code 2001
- Relevant Australian Standards for Design, Construction and Fit out of Food Premises
- Mechanical ventilation - Australian Standard 1668.2-2002

(Reason: Compliance legislation and standards)

5. **DAGCB07 - Lighting**

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

(Reason: Protect amenity of surrounding area)

6. **DAGCB08 - Materials & Finishes Schedule**

The development shall be constructed and finished in materials and colours as set out in Drawing No. DA13 dated 16/03/2015 prepared by NSW Public Works, Government Architects Office.

(Reason: Visual amenity)

7. **DAGCB10 - Site Management**

The following procedures apply:

- (a) Implement the site management plan and measures, and provide for erosion and sediment control according to the SSROC "Do It Right On Site" publication;
- (b) Prevent sediment and/or building materials being carried or washed onto the footway, gutter, road, or into Council's stormwater drainage system;
- (c) Ensure soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways;
- (d) Ensure safe access to and from the site including the road reserve and footpath area, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like;

- (e) Ensure safe loading and unloading of excavation machines, building materials, formwork and the erection of the structures within the site;
- (f) Ensure storage on site of all excavated material, construction materials and waste containers during the construction period (except where otherwise approved); and
- (g) Ensure support of any excavation beside any adjoining property or the road reserve is designed by a Chartered Civil Engineer.

(Reason: Environmental protection)

8. **DAGCB13 - Swimming Pool**

The approved hydrotherapy/swimming pool must comply with the *Swimming Pools Act 1992* and relevant standards. The pool shall not be opened to members of the public without the prior development consent of Council. Any future application to open the pool to the public shall include a Plan of Management for the public operation of the pool including hours of operation, staffing levels, and proposed security measures.

(Reason: Statutory requirement)

9. **DAGCB14 - Swimming Pool & Air Conditioning Plant Noise**

The operation of the hydrotherapy/swimming pool plant and air conditioning plant must comply with the requirements of Protection of the Environment Operations (Noise Control) Regulation 2008 and shall not be operated between the hours of 7.00am and 10.00pm as per the acoustic report referred to in Condition No. 1 above. The air conditioners and pool plant shall not:

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

(Reason: Amenity and Compliance)

10. **DAGCB16 - Tree Preservation**

All street trees and trees on private property that are protected under Canada Bay Council's controls, shall be retained except where Council's prior written consent has been obtained.

(Reason: Tree preservation)

11. **DAGCB17 - Weed Control**

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

(Reason: Environmental amenity)

12. **DAGCC04 - Ventilation**

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

- The Building Code of Australia;
- Protection of the Environment Operations Act 1997; and
- Relevant Australian Standards

Ventilation above cooking equipment

Mechanical ventilation must be provided above cooking equipment and is to be designed and installed in accordance with relevant Australian Standards '*The use of ventilation and air conditioning in buildings - Ventilation design for indoor air contaminant control*'.

(Reason: Compliance with relevant standards)

13. **DAGCC05 - Waste Management**

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

(Reason: Compliance with approval)

14. **DAGCC06 - Imported 'Waste-derived' Fill Material**

The only waste derived fill material that may be received at the development site is:

- virgin excavated natural material within the meaning of the *Protection of the Environment Operations Act 1997*(POEO); or
- any other waste-derived material the subject of a resource recovery exemption under cl.51A of the *Protection of the Environment Operations (Waste) Regulation 2005* that is permitted to be used as fill material

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

The application of waste-derived material to land is an activity that may require a licence under the *Protection of the Environment Operations Act 1997*. However, a licence is not required if the only material applied to land is virgin excavated natural material or waste-derived material that is the subject of a resource recovery exemption under cl.51A of the *Protection of the Environment Operations (Waste) Regulation 2005*.

Resource recovery exemptions are available on the Department of Environment and Climate Change website at <http://www.environment.nsw.gov.au/waste/>

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

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

15. **DAPDB02 - Demolition**

Demolition - General

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

Demolition Involving the Removal of Asbestos

General Information

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

To ensure work does not cause undue risk please see the following site for further information: www.asbestosawareness.com.au

Asbestos to be removed by licensed asbestos removalist

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

NOTE:

- Removal of asbestos by a person who does not hold a Class A or Class B asbestos removal license is permitted if the asbestos being removed is 10m² or less of non-friable asbestos (approximately the size of a small bathroom). Friable asbestos materials must only be removed by a person who holds a current Class A asbestos license.
- To find a licensed asbestos removalist please see www.workcover.nsw.gov.au

Compliance with applicable Legislation, Policies and Codes of Practice

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

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

Clearance certificate

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

Notification of asbestos removal works

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

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

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

Barricades

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

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

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

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

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

Hoardings

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

- payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges before the commencement of work; and

- provision of a Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained with a copy provided to Council.

(Reasons: Statutory Requirement and health and safety)

Conditions which must be satisfied prior to the commencement of Works

17. DACCA01 - Access for People with Disabilities

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

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

18. DACCA02 - 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.

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

19. DACCB02 - Damage Deposit for Council Infrastructure

A Damage Deposit (calculated in accordance with Council's adopted Fees and Charges) of **\$7,500** shall be paid to Council **prior to the commencement of works**.

This Damage Deposit shall be refunded upon completion of all works.

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)

20. DACCB03 - Long Service Levy Payments

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

(Reason: Statutory requirement)

21. DACCE01 - Amendments to Approved Plans

The following amendments shall be made to the approved plans prior to the commencement of works:-

- a) Thirteen (13) car parking spaces shall be provided at a right-angle to the Walker Street road pavement as shown on amended Site Plan marked DA01 (22/06/2015). All design and construction costs associated with the provision of these spaces shall be borne by the applicant. Construction works shall not commence until a final parking design layout has been submitted to, and approved by, the Canada Bay Traffic Committee.
- b) The proposed one hour parking restrictions across the proposed Walker Street car parking spaces (7.00am – 9.00am and 3.00pm – 5.00pm Monday to Friday) as detailed in the GTA Consultants letter to Council dated 22 June 2015 shall be subject to approval from the Canada Bay Traffic Committee. All costs associated with the erection of these parking restrictions shall be undertaken at no cost to Council.
- c) To facilitate the provision of the above parking spaces, the removal of the existing *Lophostemon confertus* street tree (marked No. 47 in the Arborist report referred to in Condition No. 1) is approved.
- d) The proposed public footpath to the eastern side of the proposed parking spaces in Walker Street shall be designed and constructed at no cost to Council. Design details shall be submitted to Council for approval prior to the commencement of works. The land comprising this footpath area shall be dedicated to Council as public land at no cost to Council.
- e) A supervised system shall be implemented by the school to ensure the efficient and timely arrival and departure of mini-buses and other vehicles to and from the site to prevent any queueing of vehicles onto Walker Street during the drop-off and collection of school children. Details of the proposed system shall be submitted to, and approved by, the Canada Bay Traffic Committee prior to commencement of Construction works.

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

22. DACCE02 - Construction Management Plan

Prior to the commencement of works, a Construction Management Plan that clearly sets out the following shall be submitted to Council:

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

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

23. **DACCE05 - Waste Water Control**

The applicant shall contact Sydney Water, to determine the requirements for the disposal of wastewater and liquid trade waste (including grease traps or grease arrestors). The applicant must obtain a copy of the Authority to connect to the sewer. There is to be no discharge of wastewater to the stormwater system.

(Reason: Information)

24. **DACCF02 - Landscape Maintenance Strategy**

To ensure the survival of landscaping following works, a landscape maintenance strategy for the owner/occupier to administer over a 12 month establishment period following the occupation of the site shall be prepared and provided to Council. The strategy is to address maintenance issues such as, but not limited to plant survival, irrigation, soil testing, weeding, staking, fertilizing, remedial pruning and plant replacement.

(Reason: Ensure landscape survival)

25. **DACCG04 - Disabled Car Parking Spaces**

Four (4) Shared Zoned parking spaces for persons with a disability shall be provided on the site as part of the total requirement and shall be reserved for disabled persons in accordance with AS/NZS 2890.6:2009. These spaces shall be a minimum of 2.4m wide beside a 2.4m wide shared area. A bollard must be installed in the shared area and the share area diagonally linemarked. Each space shall be clearly marked as such.

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

26. **DACCG07 - Off Street Parking Provision - General**

Fifteen (15) off-street car parking spaces, including those referred to in Condition No. 26 above, suitably marked in accordance with the approved plans (unless elsewhere specified) shall be provided on the site. Each space shall have minimum dimensions in accordance with the relevant Australian Standard.

(Reason: Parking and access)

27. **DACCG02 - Bicycle Storage Provision**

Provision for bicycles shall be on the site in accordance with the City of Canada Bay Development Control Plan 2008 for Bicycle Parking and Storage Facilities.

(Reason: Convenience)

28. **DACCG14 - Vehicular Circulation, Aisles & Ramps**

The aisle widths, internal circulation, ramp widths and grades of the car park shall comply with the Roads and Traffic Authority Guidelines and AS/NZS 2890.1:2004 - Off-Street Car Parking Code.

(Reason: Parking and access)

29. **DACCI01 - Damage Report**

Prior to the commencement of any work, 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 submitted to 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)

30. **DACCI02 - Footpath Design Levels**

Where requested, detailed footpath levels shall be obtained from Council's Manager Roads and Drainage Assets **before finalisation of the design**. Any required adjustments shall be included in the plans and the interface across the street boundaries shall be designed to incorporate smoothly the designated levels.

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

- (a) The internal driveway levels shall be designed to meet Council's footpath verge levels such that a fall of 4% is obtained from the boundary line to the line formed by the edge of Council's footpath which is closer to the kerb and gutter.
- (b) The level of the boundary line as it crosses the driveway shall incorporate a cross fall equivalent to the general longitudinal grade of the street. Any required adjustments shall be included in the plans and submitted for approval (under Section 138 of the Roads Act). Care should be taken in steep landforms to ensure scraping of vehicles is avoided.

(Reason: Public Infrastructure)

31. **DACCI03 - Protection of Public Places**

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

If the work involved in the demolition or construction of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or

building involves the closure of a public place, a barrier, fence or hoarding shall be erected **prior to the commencement of any work** subject to approval of a Traffic Management Plan.

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

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

(Reason: Safety)

32. **DACCI05 - Vehicular Crossings**

Full-width, heavy-duty concrete vehicular crossing(s) shall be provided across the footpath at the entrance(s) and/or exit(s) to the site, subject to approval by Council's Engineer. In this regard the Applicant must obtain a copy of Council's "Specification for Driveway Construction" and lodge an application for vehicular crossing(s) (available from Council's Customer Services Centre or downloaded from Council's internet website), and pay the appropriate fees and charges.

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

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

Where new pavement, repair or reinstatement of footpath or other ancillary works such as kerb and gutter and stormwater pit construction is proposed, the Applicant shall submit to Council an application for "Driveway and ancillary works" (available from Council's Customer Services Centre) and pay the appropriate fees & charges.

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

(Reason: Public infrastructure maintenance)

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

Pursuant to Section 138 of the Roads Act 1993 and **prior to the commencement of any work**, the applicant must submit detailed plans to and obtain a written approval from the Appropriate Road Authority, for any works in the road reserve, including the proposed car parking spaces in Walker Street and the proposed public footpath to the eastern side (rear) of these spaces as referred to in Condition No. 22.

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

(Reason: Protection of Public Assets and information)

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

The proposed stormwater design shall be certified by a suitably qualified person, in accordance with Council's "Specification for the Management of Stormwater".

(Reason: Adequate stormwater management)

36. **DACCL03 - 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.

(Reason: Protection of existing drainage infrastructure)

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

Erosion and sedimentation controls must be provided to ensure:

- (a) Compliance with the approved Soil and Water Management Plan
- (b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
- (c) All uncontaminated run-off is diverted around cleared or disturbed areas
- (d) Silt fences or other devices are installed to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterways
- (e) All erosion and sediment controls are fully maintained for the duration of demolition/ development works
- (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadways
- (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
- (h) All water pumped or otherwise removed from excavations or basement areas is filtered to achieve suspended solids/non filterable residue levels complying with the *Australian Water Quality guidelines for Fresh and Marine Waters*
- (i) Pumped or overland flows of water are discharged so as not to cause, permit or allow erosion before the commencement of work (and until issue of the occupation certificate).

(Reason: Environmental protection)

38. **DACCL07 - 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.

(Reason: Environmental)

39. **DACCN02 - Electricity Substation**

The required electricity substation must be located within the boundaries of the site in accordance with the approved plans. The required electricity substation shall be installed in accordance with the relevant 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: Compliance with energy authority's requirements)

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

40. **DAPCA04 - Removal of Trees**

The trees identified in the Arboricultural Assessment Report prepared by Landscape Urban Environment Design and dated March 2015 prepared for NSW Public Works following trees are approved for removal including Tree No. 47 – Council's street tree (*Lophostemon confertus*).

All removals are to be undertaken by a suitably qualified arborist practicing industry current arboricultural best practice methods.

Trunk protection to applicable trees must be in place **prior to the commencement of any works**.

(Reason: Compliance with consent and tree protection)

41. **DAPCB03 - Crown Development**

The relevant provisions of Section 116G of the *Environmental Planning and Assessment Act, 1979* (as amended) shall be complied with **prior to the commencement of any building, demolition and incidental works** on the subject property which relates to this approval.

(Reason: Statutory requirement)

42. **DAPCB09 - Toilet Amenities on Construction Site**

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

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

(Reason: Statutory Requirement - Health and amenity)

43. **DAPCB10 - Notice of Requirements from Sydney Water**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. For details refer to Sydney Water's website at www.sydneywater.com.au.

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Notice of Requirements must be submitted to the Accredited Certifier **before the commencement of works**.

(Reason: To comply with statutory requirements)

Conditions which must be satisfied during any development work

44. **DADWA01 - Burning and Burying of Waste**

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

(Reason: Health and amenity)

45. **DADWA02 - Construction Hours**

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

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

(Reason: Safety and amenity)

46. **DADWA03 - Disruption of Traffic**

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

(Reason: Safety and information)

47. **DADWA04 - Dust Control**

The following measures must be taken to control the emission of dust:

- (a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.
- (b) All dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the stormwater system.
- (c) All stockpiles of materials that are likely to generate dust must be kept damp or covered.

(Reason: Environmental amenity)

48. **DADWA06 - Prevention of Nuisance**

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

(Reason: Health and amenity)

49. **DADWB02 - Acid Sulphate Soils**

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

(Reason: Environmental protection)

50. **DADWB03 - Construction Management Plan**

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

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

(Reason: Compliance with condition of consent)

51. **DADWB04 - Damage to Adjoining Properties**

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

(Reason: Structural safety)

52. **DADWB05 - Stamped Plans**

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

(Reason: To ensure compliance with approved plans)

53. **Contamination Investigation Recommendations**

All recommendations outlined in the Contamination Investigation Report No. 14-GS47B dated December 2014 are to be implemented on the site.

54. **DADWD01 - Road Opening Permit**

Pursuant to Section 138 of the Roads Act, should any work on the verge, footpath, public road reserve or public reserve (open space) be required, approval will need to be obtained from Council. In this regard the Applicant is to contact Council's Customer Services Centre. 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)

55. **DADWF01 - 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 L_{10} 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 L_{10} 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)

56. **DADWF02 - Noise - Plant**

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

(Reason: Safety and Amenity)

57. **DADWF03 - Noise & Vibration**

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

In the event of a noise or vibration problem arising, the person in charge of the premises must 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)

58. **DADWG01 - Obstruction of Road or Footpath**

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

(Reason: Protection of infrastructure, safety & information)

59. **DADWG02 - Protection of Public Places**

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

(Reason: Safety)

60. **DADWG03 - Protection of Footpath**

The footpath must be protected against damage by means of close boarding with chamfered ends.

(Reason: Protection of infrastructure and the environment)

61. **DADWH01 - Compliance with Building Code of Australia**

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

(Reason: Prescribed statutory control)

Conditions which must be satisfied prior to the Occupation of the Site

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

Prior to occupation of the site, the following documents must be submitted to Council:

- a) A Certificate from a suitably Qualified Engineer, with Corporate Membership standing in the Institution of Engineers, Australia, and registered on the National Professional Engineers Register (NPER) under the appropriate professional category, and
- b) A "Work - As - Executed" plan of the engineering and/or drainage works.

The abovementioned Certificate is to certify that:

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

For major works, such as subdivisions, works within the road reserve (requiring separate S138 approval) and as where specified by Council, a Part 4A Certificate will be required. It is strongly recommended that the Engineer supervise the works.

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

(Reason: Asset management)

63. **DAOCC01 - Civil Works on the Footway**

The Applicant is required to carry out the following works:

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

The above works must be completed to the written satisfaction of Council **prior to the occupation of the site**. Where the Applicant nominates Council to undertake the civil and stormwater works, they must contact Council's Manager, City Construction and Fleet in order to obtain an estimated cost for construction and contract to undertake the works.

(Reason: Preserve Council asset and amenity)

64. **DAOCC03 - Construction of Concrete Kerb and Gutter**

Standard 150 high concrete kerb with gutter shall be constructed along the Walker Street frontage to the property and any damaged sections along the Queens Road frontage to the property.

The above works must be programmed and constructed **prior to the occupation of the site.**

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

(Reason: Preserve Council asset and amenity)

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

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

A certificate shall be provided by a suitably qualified person (a registered plumber or a person of equivalent or greater experience or qualification) **prior to the occupation of the site** to confirm that the system is in good working order and adequate to accept additional flows.

(Reason: Maintenance and environment)

66. **DAFOA01 - Fire Safety Certificate**

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

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)

67. **DAFOA02 - Certificate of Test of Mechanical Ventilation**

On the satisfactory completion of work, a Certificate of Test of Mechanical Ventilation shall be obtained and supplied to Council from an approved mechanical ventilation engineer.

(Reason: To ensure compliance with approved plans)

68. **DAFOE01 - 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 the occupation of the site.**

(Reason: Adequate stormwater management)

69. **DAFOE03 - OSD Identification Plate**

Prior to the completion of works on the site, the applicant shall install an identification plate near or onto the control structure of the OSD system, this is to advise the registered

proprietor of their responsibility to maintain the OSD facility and not to tamper with it in any manner without written consent.

The applicant can obtain the OSD identification plate from the Council at a cost.

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

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

70. DAOUA06 - Deliveries

All deliveries (including waste collection) must not occur prior to 7am or after 8pm every day.

(Reason: Protect amenity of surrounding property)

71. DAOUA14 - Loading

All loading and unloading operations shall be carried out wholly within the confines of the site, at all times. All delivery vehicles shall enter and leave the site in a forward direction.

(Reason: Adequate servicing)

72. DAOUB01 - Annual Fire Safety Statement

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

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

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

(Reason: Fire safety)

73. DAOUC01 - Chemical Storage

All chemicals, paints and other liquids shall be stored in approved receptacles in an area that is bunded or has a spill containment system that will minimise the risk of pollution from liquid spills and leaks. Where applicable the construction of bunds must comply with the requirements of:

- Australian Standard AS 1940D1993: The storage and Handling of Flammable and Combustible Liquids;
- Australian Standard AS 4452B1997: The storage and Handling of Toxic Substances; and
- The Dangerous goods Act 1975

(Reason: Environmental protection)

74. DAOUC02 - Control of Litter

The occupant or person in control of the premises must take all practicable steps to ensure that the area of public footpath or public area adjacent to the premises is maintained in a clean and tidy condition. Where a litter problem arises and the offending material is found to usually include wrappers, containers or the like, and remains of goods or items which it might reasonably be assumed were generated by the school's usual activities, the school

must comply with any direction of City of Canada Bay Council with regard to the regular sweeping, collection and disposal of rubbish.

(Reason: Environmental health)

75. DAOUC05 - Microbial Control

The installation and ongoing operation of the water cooling systems, evaporative coolers and hot/warm water systems within the premises shall be undertaken in accordance with the relevant provisions of:

- ☐ Public Health Act 2010 and Regulations
- ☐ Australian Standard AS/NZS 3666 - Air Handling and Water Systems of Buildings - Microbial Control, Parts 1, 2 & 3 of 2011; and
- ☐ 2004 NSW Health Code of Best Practice for the Control of Legionnaires Disease.

(Reason: Health and safety)

76. DAOUC08 - Registration of Water Cooling and Warm Water Systems

The owner or occupier of the premise where a water cooling or warm water system is installed must within 30 days of becoming the owner or occupier notify Council of the particulars relating to the systems onsite by completing Council's Water Cooling and Warm Water System (Regulates Systems) registration form.

(Reason: Health and safety)

77. DAOUC11 - Water Quality Treatment Systems

To ensure that the environment is protected from pollution, **after development**, appropriate water quality treatment systems or pollution control devices are to be installed to ensure that the following the minimum pollutant loads are retained on the site:

Pollutant	Retention of post-development loads
Total Suspended Solids (TSS)	80%
Total Phosphorus (TP)	45%
Total Nitrogen (TN)	45%
Gross Litter	Litter - retain 70% Material > 50mm

These devices are to be installed and monitored regularly to ensure that they achieve their treatment objectives and that their performance meets the above criteria. If they fail to meet these objectives or if so required by the Appropriate Regulatory Authority (ARA), it shall be modified to achieve them, and the systems upgraded.

These systems shall be designed to ensure ease of maintenance.

(Reason: Environmental protection)

78. DAOUC12 - Acoustic Assessment

All recommendations contained in the acoustic assessment report prepared by Day Design Pty Ltd, Reference No. 5530-1.1R Rev. B and dated 15 June 2015 shall be adopted, implemented, and adhered to. Any changes made to the proposal that would alter the acoustic assessment will require a further acoustic assessment and a copy of this further

report shall be provided to Council prior to the commencement of works on the site or the commencement of the use.

(Reason: Noise Control and Amenity)

79. DAOUC15 - 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)*.

The emission of noise associated with the use of the premises including the operation of any mechanical plant and equipment shall comply with the following criteria:

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

(Reason: Noise Control and Amenity)

80. DAOUC16 - 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 by Council.

(Reason: Noise Control and Amenity)

81. DAOUC17 - Noise Complaints Relating to Use or Equipment

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

(Reason: Amenity and Noise Control)

82. DAOUC19 - Compliance with Noise Control Legislation

The applicant shall ensure that all activities within the premises comply with the relevant sections of the Protection of the Environment Operations Act 1997 and Regulations; the NSW

Environment Protection Authority Industrial Noise Policy (2000) and relevant Australian Standards on Noise Control on Construction, Maintenance and Demolition Sites.

(Reason: Noise Control and Amenity)

83. DAOUC20 - Waste Management Plan

The demolition, construction, and ongoing waste management activities related to this development shall be undertaken in accordance with the relevant provisions of Council's Comprehensive Development Control Plan. A copy of this document is available from Council's Customer Service Centres during office hours.

The Comprehensive Development Control Plan requires submission of a detailed Waste Management Plan (WMP) for the proposed development. Details relating to each stage of the development such as demolition (where applicable), construction, and the ongoing waste disposal from the occupied premises shall be included in the WMP. The WMP shall include the completion of all relevant forms within Appendix C of the Comprehensive Development Control Plan, and must identify the types of waste that will be generated and all proposals to re-use, recycle or dispose of the waste.

Submission of completed WMP shall be undertaken prior to the commencement of works on the site.

(Reason: Waste Management Control)

Advisory Notes

a) DAANN01 - Dial Before You Dig

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

Telecommunications Act 1997 (Commonwealth)

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

b) DAANN02 - Dividing Fences

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

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

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

c) **DAANN04 - Lapsing of Consent**

In accordance with Section 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 physically commenced. **A Construction Certificate must be obtained and the works commenced in accordance with the approved plans and specifications within five (5) years from the date of this Development Consent.**

d) **DAANN06 - Process for Modification**

The plans and/or conditions of this Consent are binding and may only be modified upon written request to Council under Section 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.

e) **DAANN07 - 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.

f) **DAANN08 - 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.

g) **DAANN09 - Signage Approval**

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

h) **DAANN10 - Skips on Council Footpath**

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

i) **DAANN11 - WorkCover Requirements**

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

Further information can be obtained from WorkCover NSW's website at

<http://www.workcover.nsw.gov.au/newlegislation2012/your-industry/construction/Pages/default.aspx>

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