

**JOINT REGIONAL PLANNING PANEL**  
**(Sydney Region East)**

<b>JRPP No</b>	2015SYE0107
<b>DA Number</b>	2015/0318
<b>Local Government Area</b>	City of Canada Bay
<b>Proposed Development</b>	Demolition of existing structures on site and construction of a new catholic primary school for 320 students, 19 staff and parking for 21 vehicles
<b>Street Address</b>	2A - 14 Herbert Street, Mortlake (Lots 1 - 8, Sec 3 in DP 1748)
<b>Applicant</b>	Quinn O'Hanlon Architects P/L – Edward O'Hanlon
<b>Owner</b>	Trustees of the Roman Catholic Church for the Archdiocese of Sydney
<b>No. of Submissions</b>	Seven (7) to initial notification, Four (4) in response to re-notification
<b>Regional Development Criteria (Schedule 4A of Act)</b>	Capital Investment Value (CIV) > \$5 million (\$9,085,000 declared)
<b>List of All Relevant s79C(1)(a) Matters</b>	<u>Environmental Planning Instruments</u> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• State Environmental Planning Policy 55 - Remediation of Land</li> <li>• Sydney Regional Environmental Planning Policy (Sydney Harbour Catchment) 2005; deemed SEPP</li> <li>• Canada Bay Local Environmental Plan 2013</li> </ul> <u>Non Statutory Planning Policies</u> <ul style="list-style-type: none"> <li>• City of Canada Bay Development Control Plan 2013</li> </ul>
<b>List all documents submitted with this report for the panel's consideration</b>	Provided within Condition 1 (Appendix A)
<b>Recommendation</b>	Approval subject to conditions
<b>Report by</b>	Mr Samuel Lettice

## 1. BACKGROUND

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

21/08/15	Subject Development Application lodged
01/09/15	External referrals provided to the following agencies: <ul style="list-style-type: none"><li>• NSW Road &amp; Maritime Services (RMS)</li><li>• NSW Police Force</li></ul>
01/09/15	Internal referrals provided to the following Departments of Council <ul style="list-style-type: none"><li>• Engineering (Stormwater)</li><li>• Engineering (Traffic)</li><li>• Tree Services</li><li>• Environmental Health (Acoustics)</li><li>• Environmental Health (Contamination)</li><li>• Building Services</li><li>• Heritage</li></ul>
02/09/15	Application notified to adjoining and nearby property owners / occupiers
16/09/15	Notification period closed with a total of seven (7) submissions received
07/10/15	JRPP briefing panel meeting
16/12/15	Additional information request sent to the Applicant. Issues raise related to: <ul style="list-style-type: none"><li>• Alterations to Adams Lane;</li><li>• Use of the Church Grounds;</li><li>• Floor Space Ratio and Building Height;</li><li>• Contamination;</li><li>• Acoustic Impacts;</li><li>• Hours of Operation and Additional Uses;</li><li>• Stormwater Management;</li><li>• Vehicular Access and Parking; and</li><li>• Copies of submissions were enclosed for review and consideration.</li></ul>
15/01/16	Meeting held at Council Chambers to discuss proposal. In attendance were representatives of the Catholic Church, Consultants and Council staff.
29/02/16	Amended Plans submitted to Council, primarily providing the following: <ul style="list-style-type: none"><li>• Removing proposed works within Adams Lane;</li><li>• Alterations of plans confirming exclusion of Church Grounds;</li><li>• Compliant floor space ratio and building height;</li><li>• Reduction in student numbers from 420 to 320 (completion of stage 3)</li><li>• Confirmation of the provision of before and after school care;</li><li>• Submission of a Noise Impact Assessment (JHA)</li><li>• Amended stormwater and vehicular access detail;</li><li>• Notation of required civil works within Council verge on plans.</li></ul>
04/03/16	Application re-notified to adjoining and nearby property owners / occupiers

25/03/16	Notification period closed with a total of four (4) submissions received
31/03/16	Submission of additional vehicular access, parking and stormwater detail
15/04/16	Submission of additional documentation in respect to Contamination being a Contamination Assessment Report and Remedial Action Plan (Banksia EOHS) and Auditor Interim Advice - Review prepared by ZOIC Environmental
22/04/16	Additional detail addressing public submissions, provision of an Operational Traffic Management Plan and an amended Acoustic Report submitted. Amended plans were also provided in respect to booster assembly location (sub floor building 1) as well as gate and fence configurations adjacent to Adams Lane.
19/05/16	Canada Bay Traffic Committee endorsed changes to street parking restrictions.
24/05/16	Canada Bay Council adopted recommendations of the Traffic Committee.

## **2. SITE AND CONTEXT**

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The subject site is legally identified as Lots 1 - 8, Sec 3 in DP 1748 and otherwise known as 2A - 14 Herbert Street, Mortlake. The site is located on the western side of Herbert Street, bound by Adams Street to the South (forming a secondary frontage) and Tennyson Road to the north, with Adams Lane traversing the western rear boundary of the site.

In terms of dimensions, the site is irregular in shape, with a primary street frontage to Herbert Street (east) of 69.17m, Adams Street (south) 42.445, Adams Lane (west) 87.205m and width adjacent to the northern boundary of 38.166m. The site has a total area of 2,991.1m<sup>2</sup> (by title).

The site has a cross fall of approximately 3.5m from the south west boundary (RL 23.82) towards the north east boundary adjacent to Herbert Street (RL 20.27).

The site is currently occupied by a number of structures with a single storey brick cottage attached to a brick building to the southern component. A number of sheds are also apparent with roller doors fronting Adams Lane and small attached outbuildings. The central component of the site is devoid of any structures with a large brick building located to the northern component (previously a bakery) of which also has access from Adams Lane. Scattered vegetation primarily concentrated adjacent to the Herbert Street and Adams Street frontage is noted as well as perimeter security fencing.

The subject site is zoned 'R1 General Residential' and surrounded by a number of varied land uses. Single and two storey detached dwelling houses are located to the north and south of the site, light industrial and commercial uses oppose the site to the east with the St Patricks Church, presbytery and associated grounds located to the west on the opposing side of Adams Lane. The site is also located within close proximity of Breakfast Point (approximately 60m to the east) which provides medium density residential development and large areas of open space.

## **3. PROPOSED DEVELOPMENT**

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### **3.1 Project Description in Detail**

The proposal seeks consent for the construction of a Catholic primary school administered by the NSW Catholic Education Office. Specifically the subject application comprises the following:

- Demolition of existing buildings with the exception of the existing bakery building identified as 'Building 1' on plans located to the northern component of the site (12 - 14 Herbert Street), removal of select existing vegetation and associated earthworks;
- Refurbishment of the existing bakery building 'Building 1' which provides for plant and storage at sub floor level with a multi-purpose learning space, clerical and office space at level 1;
- Construction of a new building on site identified as 'Building 2' comprising:
  - A new carpark at sub floor level accessed from Herbert Street and accommodating 21 spaces for staff and visitors (including 2 accessible spaces). Services such as stormwater and communications as well as storage are provided to this level;
  - First floor providing a reception, staff administration, meeting rooms, canteen and storage to the component of the building fronting Adams Street. GLA's 5 - 8 and common learning areas 2 and 3 are provided to the northern component fronting Herbert Street;
  - Second floor comprising GLA's 9 - 14 and common learning areas 4, 5 and 6 with a central staff room also provided as well as amenities.
- A covered outdoor space is located to the western elevation of Building 2 and provides an accessible link between built forms. Ramps, lifts and accessible paths are provided throughout;
- Associated site landscaping including the provision of a central playground adjacent to the Adams Lane frontage of the site (comprising artificial turf), planter beds, seating and new planting. Low level planting is introduced within the setback areas to Adams Lane and Herbert Street with new street tree planting also provided. An electricity substation is provided adjacent to Herbert Street (suitably screened) with new perimeter fencing also noted;
- In respect to drop off and pick up, Herbert Street is to be utilised with existing street signage altered (in accordance with a previous Traffic Committee and Council resolution).

#### Operational Parameters

The subject school is to cater for students between kindergarten and Year 6 and is to be constructed over three (3) stages to allow the school to progressively grow each year.

Stage 1 will comprise 80 students, Stage 2 - 210 with completion of Stage 3 providing a total population of 320 students with a total staffing provision of approximately 19.

General operating hours of the school will be 8:30am - 3:30pm (Monday - Friday) with drop of and pick up slightly staggered. Before and after school care is also incorporated with operating hours consisting 7:00am - 9:00am and 3:00pm - 6:00pm during school days.

## **4. STATUTORY CONTEXT**

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### **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 (\$9,085,000 declared) the consent authority is the Sydney East Joint Regional Planning Panel (JRPP).

Canada Bay Council officers attended a meeting with the JRPP on 7 October 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 R1 'General Residential' under the Canada Bay Local Environmental Plan 2013 (CBLEP). The proposed development is defined as a 'School' under the land use table (falling within the group term 'educational establishment') which is permissible subject to development consent.

#### **4.3 Environmental Planning Instruments**

To satisfy 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 R1 General 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)*.

**Comment** - The School Facilities Standards predominantly contain standards for new state school construction. As the proposal is for a Catholic Primary School it is not subject to outlined standards.

Schedule 3 of the SEPP identifies 'Traffic Generating Development' that is to be referred to the RTA. In respect to educational establishments those that provide a size or capacity of 50 or more students are deemed as such. Accordingly the proposal was referred to Roads and Maritime Services (RMS) on the 2 October 2015. To date no response has been received.

#### **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. In respect to contamination the following reports were provided:

- Contamination Assessment Report prepared Banksia EOHS dated 25/01/16
- Remediation Action Plan prepared by Banksia EOHS dated 25/03/16
- Auditor Advice (15083\_IA4) prepared by ZOIC Environmental dated 12/04/16

In respect to the advice prepared by ZOIC the Auditor considered that ...' *the site is capable of being made suitable for the proposed school development providing the Remediation Action Plan is followed together with the following conditions*'.

1. *Sanihire dumping points and cleaning areas should be demolished during the initial stages of demolition works on the site.*
2. *An inspection is completed by a qualified occupational hygienist following demolition of current buildings and removal of Asbestos roofing on Dadd's Building to ensure soils are not contaminated from demolition activities.*
3. *A Sampling Analysis and Quality Plan (SAQP) is prepared to address data gaps identified due to access difficulties. This includes samples beneath the factory at 6 Herbert Street, Dadd's building and the house. In addition samples in proposed landscaped areas, area of significant fill and installation of groundwater wells should be included as outlined in the RAP. This SAQP should be provided to the auditor for review and endorsement during the early stages of building works. The results of the data gap assessment should be provided in a standalone report.*
4. *Section 8.3 should be reviewed and any required actions updated based on the results of the data gap assessment using appropriate statistical methods. The figure documenting remediation should be updated as part of this review as required.*
5. *Validation sampling of hotspots in Section 8.5.1 should include sample collection from the base and walls of excavations at a rate of 10 x 10 m grid on the base and every 10 linear metres on the walls. Validation sampling of bulk excavation should be on a 10 x 10m nominated grid.*

Council's Environmental Health Department reviewed the submitted Contamination Investigation and raised no objections subject to a number of conditions which have been incorporated.

#### **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 R1 'General Residential' under provisions of the Canada Bay Local Environmental Plan 2013 (CBLEP). Under the CBLEP the proposed development defined as a 'School' (within the group term 'educational establishment') is permissible with consent.

The objectives of the R1 'General Residential' zone are:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

**Comment** - The proposal relates to the redevelopment of the site for a school which is foreseen to 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	Proposed	Compliance
<b>CI 4.3 - Building Height</b>		
The subject site is located in Area 'M' of the Building Height Map which prescribes a height of 12m.	12m	✓
<b>CI 4.4 - Floor Space Ratio (FSR)</b>		
The subject site is located in 'I Area 4' of the FSR Map which prescribes an FSR of 0.75:1. Noting the nature of proposed use relating to an educational establishment it is not entitled to the uplift (1:1) afforded to commercial premises, light industries or vehicle repair stations under sub clause (2E) of the CBLEP.	0.749:1	✓
<b>CI 5.9 - Preservation of trees and Vegetation</b>		
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 removal is supported by an Arboricultural Assessment Report.	✓
<b>CI 5.10 - Heritage Conservation</b>		
Development consent is required for the following: (a) demolishing or moving a heritage item or a building, work, relic or tree within a heritage conservation area, (b) altering a heritage item that is a building by making structural changes to its interior (c) disturb or excavate an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed, (d) disturbing or excavating an Aboriginal place of heritage significance, (e) erecting a building on land which is a heritage item or that is within a heritage conservation area, (f) subdividing land which is listed as a heritage item	The site is not listed as a heritage item or located within a conservation area. It is however in the vicinity of Heritage Items No.209 - Victorian House, 37 Gale Street and No.210 - St Patrick's church, presbytery and grounds and the Gale Street Victorian Housing Group which is located within a heritage conservation area.  A Heritage Impact Statement (July 2015) prepared by Perumal	✓

	Murphy Alessi was submitted addressing relevant considerations with the proposal deemed acceptable.	
<b>CI 6.1 - Acid Sulfate Soils</b>		
<p>Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the <a href="#">Acid Sulfate Soils Map</a> 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>	<p>Banksia EOHS submitted a Contamination Assessment which concluded that there is low potential for the presence of acid-sulphate soils because:</p> <ul style="list-style-type: none"> <li>- The soils are shallow, generally of about 0.4m;</li> <li>- The site is located on a hill side away from any tidal area and would be generally well drained;</li> <li>- Testing of three soil samples indicates pH is 6.7 - 6.8 close to neutral.</li> </ul>	✓

Other relevant provisions:

Land Reservation Acquisition	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 (CBDPC) 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 CBDPC 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

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### 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 **2 September 2015 to 16 September 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 - 161 letters sent;
- Signage was placed on the development site.
- In respect to the submission of amended plans the application was re-notified for a further 3 week period (**4 March 2016 to 25 March 2016**).

### 5.2 Submissions from Public Authorities

#### 5.2.1 Canada Bay Traffic Committee

The Canada Bay Traffic Committee at its meeting on 19 November 2015, noting issues raised by residents during community consultation recommended that 'one-way restrictions in Adams Lane not be approved at this stage subject to the school addressing resident concerns'.

Following the submission of amended plans the Traffic Committee again considered a report at its meeting of 19 May 2016 seeking implementation of a number of changes to on street parking restrictions and resolved as follows:

1. *THAT the western side of Herbert Street from the northern boundary of 14 Herbert Street through to the statutory 10m 'No Stopping' zone at its intersection with Adams Street be signposted as 'No Parking 8am-9:30am, 2:30pm-4pm School Days'.*
2. *THAT the statutory 10m 'No Stopping' zone on the west side of Herbert Street at its intersection with Adams Street be signposted.*
3. *THAT the north side of Adams Street between Adams Lane and Herbert Street be changed from 'No Parking' to 'No Stopping'.*
4. *THAT the east side of Adams Lane between Adams Street and the northern boundary of 14 Herbert Street be restricted to 'No Stopping'.*
5. *THAT the west side of Adams Lane between Adams Street and the southern edge of the driveway to 37 Gale Street be restricted to 'No Stopping'.*
6. *THAT should the proposed school be approved, they promote active transport including a Walking School Bus initiative.*
7. *THAT should the proposed school population exceed 320 then further arrangements for pick-up/drop-off be submitted, reviewed and approved by Council.*

Council at its Meeting of 24/05/16 adopted the above minutes. Appropriate conditions of consent are also provided within the recommendation of this report enforcing the requirements.

### **5.3 Internal Referrals**

#### **5.3.1 Engineering (Stormwater)**

Council's Stormwater Engineering Department reviewed the amended Stormwater Management Concept Plans that were submitted 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 reconfiguration of Adams Lane. In response to amended plans previously discussed no objections were raised though a number of conditions were provided primarily in respect to construction traffic management as well as required amendments to current parking restrictions.

#### **5.3.3 Tree Services**

Council's Tree Services Department reviewed the submitted Arboricultural Assessment prepared by The Ents Tree Consultancy dated 15 July 2015 and landscape plan and raised no objections subject to compliance with the recommendations that were provided within (conditioned).

#### **5.3.4 Environmental Health (Acoustic)**

Council's Environmental Health Department reviewed the submitted Environmental Noise Impact Report prepared by JHA and further Technical Memorandum. They were satisfied that the proposal could provide compliance with relevant noise legislation and recommended appropriate conditions.

#### **5.3.5 Environmental Health (Contamination)**

Council's Environmental Health Department reviewed the various reports that were submitted in respect to Contamination and raised no objections to conclusions subject to conditions.

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 compliance with the Building Code of Australia (BCA). No objections were raised subject to conditions (incorporated).

### **5.4 Public Submissions**

In response to the initial notification seven (7) submissions were received. The re-notification of amended plans attracted four (4) submissions from the following properties:

- 16 Herbert Street, Mortlake
- 24 Herbert Street, Mortlake
- 45 Gale Street, Mortlake
- 15 Tennyson Road, Mortlake

Key issues raised within the submission of the re-notification are outlined and addressed below:

#### Traffic Generation and Parking

*...location of drop off and pick up area changed and hence traffic assessment needs to be updated.*

*...a queue assessment of the proposed drop off and pick up arrangement needs to be undertaken to at least a 95 percent confidence interval. Intra-peak queue assessment is required.*

*...the traffic survey omits surveying the intersection of Brays Road with Adams Street. This intersection will provide the most direct route to Herbert Street and will more than likely see the most increase in traffic to the area. Furthermore when turning left or right from Herbert Street onto Tennyson Road a wide turn, sometimes into oncoming traffic is required to navigate around the reduced visibility caused by parked cars. Where will cars queue?*

*...the transport mode split is based on discussions with the Catholic Education office. There is no factual or survey (observed data) for the mode split. The traffic consultants should have surveyed a primary school in a similar environment, (availability of public transport, mostly residential area)*

*...once operational, there will be morning and afternoon traffic when parents drop off and pick up their children. We are concerned that this will affect access to parking at Plant Lane. There is no information provided on plans as to how the school proposes to manage kids drop off/pick up traffic.*

**Comment** - Detailed analysis of traffic and parking impacts associated with the proposal has been provided by Thompson Stanbury Associates with a response to the above-mentioned concerns in correspondence dated 4 April 2016. Council's Traffic Engineers have reviewed all detail submitted and raised no objections subject to conditions which are incorporated. Further discussion on this issue has been provided in section 6 of this report.

#### Student Numbers

*...what process does the school follow if it wishes to increase pupil numbers.*

*...as it appears that the number of classrooms has remained the same we would ask that this size be permanently capped at 320 pupils as a condition of the proposed development. This should be an enrolment ceiling which could not be increased in the future regardless of the wishes of the school. It would ensure that classrooms are not over-crowded and that traffic movements in the area will be proportionally smaller for the safety of everyone involved.*

*...when the Catholic Church decides to increase student numbers in conjunction with its expansion plans, which have not yet been submitted to council, how will they address the parking pressure on Herbert Street and indeed the flow on effects of traffic to and from the area?*

**Comment** - A condition is provided in the recommendation of this report restricting school capacity to 320 students. Should the school seek to increase capacity at a later date a further application would have to be submitted to Council, accompanied by relevant supporting documentation.

#### Noise Associated with Plant Room

*...The plant room is located close to our boundary and we are concerned about possible noise production from this area.*

**Comment** - An additional technical memo prepared by JHA presents acoustic treatment and noise minimisation of the plant room facing Herbert Street towards the nearest residential property at No.16 Herbert Street, Mortlake. The proposed plant noise levels and attenuation were reviewed and assessed against the criteria of the NSW Industrial Noise Policy and deemed to comply. Council's Environmental Health Department recommended conditions to allow for action to be taken if the proposed acoustic measures do not mitigate the noise from the plant room.

#### Link between Church Grounds and subject site

*...there is reference to a link between St Patrick's church and the school across the lane. There is no description of what form that this link may take. As the school development is separated from the church site we assume that any such link would now be defunct.*

*...We would request that a proper definition and explanation be given as to how this link would function. E.g. is this a Pedestrian crossing (zebra crossings), footbridge, tunnel or a normal road crossing within the curb and guttering.*

**Comment** - The proposal involves creation of a pedestrian link between the eastern Gale Street footpath and the school site, via the vacant allotment to the north of the existing St Patrick's Catholic Church. This link comprises an existing pedestrian gate within the western boundary fence connecting the vacant allotment to the eastern Gale Street footpath in conjunction with a new pedestrian gate connecting the vacant allotment with Adams Lane.

The pedestrian movements over Adams Lane are proposed to be assisted by the provision of new pram ramps within the existing public lane kerb and gutter situated approximately 35m to the north of Adams Street. Further, a new footpath is proposed to be provided along the eastern Adams Lane kerb alignment, extending in a southerly direction to link with a pedestrian access gate on site.

The primary purpose of the abovementioned pedestrian link is to provide safe and efficient connectivity between existing public bus services operating along Gale Street and the school. The movement of pedestrian movements across Adams Lane is to be appropriately supervised.

#### Disruption during Construction Works

*...concerns relate to any road closures during construction, and construction noise and dust. Since the development is next door to the practice, noise and dust will have significant impact on us.*

*...It is our experience that during construction, trades people and other construction workers park wherever they like and disregard disabled or restricted parking.*

*...Current estimates are that the construction process for the current application will be over 4 years; there is very little detail as to the proposed schedule. Noise is a serious concern; long periods of construction work can seriously impact the wellbeing of local residents.*

**Comment** - A number of conditions are recommended that seek to limit the impact of construction works on the amenity of the surrounding area. These primarily relate to the restriction of noise, dust, construction hours and requirement for a Construction Traffic Management Plan. In respect to sporadic behaviour such as the disregard of parking restrictions, Council has the ability to issue fines which discourages the practice.

## **6. ASSESSMENT OF ENVIRONMENTAL IMPACTS**

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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. Council's DCP seeks to maximise solar access to living areas and private open space of neighbouring developments to maintain their amenity. Specifically section 5.2.3 (C2) provides the following numerical provision:

*'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 at the southern end of Herbert Street and bound by roadways to the east, south and west. Shadow diagrams in plan prepared by QOH Architects depict the proposed impact during mid-winter (June 22). At 9am shadows will be directed towards St Patricks Church, presbytery and associated grounds located to the west. At 12 noon they will fall over Adams Street and by 3pm will remain directed over the street and only slightly impact upon residential properties located on the southern side of Adams Street. Accordingly compliance with the above standard is achieved.

#### *Visual and Acoustic Privacy*

The site is bound by Herbert Street to the east with light industrial uses beyond, Adams Street to the south which provides separation from the opposing residential dwelling houses and Adams Lane to the west with St Patricks Church beyond. The retention of the existing bakery building adjacent to the northern boundary of the site with no openings also enables the retention of a physical separation from the adjoining dwelling houses beyond; hence visual privacy is not compromised.

As initially submitted an Acoustic Report was not provided though following preliminary assessment by Council this was deemed necessary given the nature of the use. Accordingly an Environmental Noise Impact Report prepared by JHA was submitted. The report identified potential noise impacts of various activities at the proposed school including the following:

- Noise emissions from students engaged in outdoor recreational;
- Noise from the use of bells and sound systems including loudspeakers;
- Noise from mechanical plant, carpark and cleaning and maintenance issues;
- Use of the premises outside of normal school hours (if proposed) i.e. after hours school care;
- Use of any halls and/or auditoriums for school assemblies and the like.

It was concluded that subject to compliance with recommended noise management strategies the proposed school would comply with relevant noise criteria.

A further Technical Memorandum was submitted in respect to noise generated by the plant room of Building 1. The memorandum did not give detail of background noise reading levels or predicted noise levels but rather made recommendations on acoustic measures to ensure the noise from the plant room is acoustically treated. Council's Environmental Health Department raised no specific objections though recommended conditions (incorporated) to allow for action to be taken if the proposed acoustic measures did not mitigate the noise from the plant room.

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 proposal includes provision of 21 off street parking spaces; 19 for staff and 2 for visitors. In respect to car parking rates the Canada Bay DCP is silent though the proposed parking provision is deemed to satisfy staff and visitor parking demand in this instance.

As initially submitted the Development Application nominated Adams Lane for the purposes of pick-up / drop-off in addition to a proposed larger pick-up / drop-off area in Herbert Street and sought to make the laneway one-way southbound. At its meeting on 19 November 2015, the Canada Bay Traffic Committee considered the proposal and noting issues raised by residents during community consultation recommended that 'one-way restrictions in Adams Lane not be approved at this stage subject to the school addressing resident concerns'. This recommendation was subsequently adopted by Council at its meeting on 17 December 2015.

Amended plans submitted to Council (subject of this report) removed changes to Adams Lane with pick-up / drop-off solely to occur within Herbert Street in conjunction with a reduction in proposed student numbers to 320 and a Traffic Management Plan prepared by the School. The Traffic Management Plan includes staggering students into three groups each with a 10 minute time slot within which carers are to undertake pick-up. The intention is to reduce the number of carers arriving at any one time. Drop-off is not proposed to be staggered as generally, it naturally occurs over a longer period.

The Traffic Report prepared by Thompson Stanbury Associates in support of the school anticipates that 50% of students would be driven to and from the school on a daily basis and that on average each private carer vehicle will transport 1.43 students. Based on that information, 112 vehicles would be undertaking pick-up/drop-off each morning and afternoon.

It is proposed that the pick-up / drop-off zone in Herbert Street be signposted as 'No Parking 8am-9:30am, 2:30pm-4pm School Days' as shown in the attached amended proposal. The original proposal featured 8 pick-up / drop-off spaces between the driveway and the northern property boundary. The revised proposal indicates provision of 10 pick-up / drop-off spaces by allowing vehicles to queue across the driveway to the site through to the statutory 10m 'No Stopping' zone at the Herbert Street/Adams Street intersection. The Traffic Report indicates management measures will be implemented to ensure that all staff access / egress to the off-street parking area occurs prior and following student set-down / pick-up activity to ensure no undesirable conflicts.

Following discussions between the Catholic Education Office and Council, there is a commitment that the proposed school will also promote active transport to and from the school including a Walking School Bus initiative. This along with management measures are intended to assist in ensuring that vehicular pick-up/drop-off demand does not exceed the capacity of the 10 pick-up/drop-off spaces.

In addition to the proposed dedicated pick-up / drop-off area, the Traffic Report also indicates that some parents may utilise available on-street parking in the area. Of the 113 unrestricted parking spaces within Herbert Street, Adams Street and Gale Street, a minimum of 52 unoccupied parking spaces were surveyed to be available on a typical day.

To discourage drivers queuing out of the designated pick-up / drop-off zone the following is noted:

- Signage is to be provided enforcing the statutory 10m 'No Stopping' zone in Herbert Street at its intersection with Adams Street;
- The northern side of Adams Street between Herbert Street and Adams Lane is currently restricted to 'No parking' which would allow pick-up/drop-off to legally occur in that location. This would obstruct traffic flow and as such it is recommended that this be changed to 'No Stopping'.
- Both sides of Adams Lane are currently unrestricted and hence may also invite its use for pick-up/drop-off. It is also noted that the school will have students regularly crossing Adams Lane to get to and from the open space play area. To prevent vehicles being parked in Adams Lane in a manner that obstructs sight distances and traffic flow, it is proposed that both sides be restricted to 'No Stopping' along the entire length of the proposed school frontage.

The Canada Bay Traffic Committee considered a report at its meeting of 19/05/16 seeking to implement the abovementioned changes to parking restrictions. The Committee supported the proposed changes and subsequent recommendations were endorsed by Council at its Meeting of 24/05/16. A suitable condition is provided within the recommendation of this report requiring changes to signage prior to the issue of any Occupation Certificate.

#### *Streetscape / Urban Design / Bulk and Scale*

Development surrounding the subject site is mixed with single and two storey detached residential dwelling houses located to the north and south of the site with light industrial and commercial uses to the east and St Patricks Church, presbytery and associated grounds located to the west on the opposing side of Adams Lane. Form and finishes of built form vary considerably.

The proposal, as viewed from Adams Street provides a part 2, part 3 storey built form noting the provision of the car parking level which forms a podium. It has effectively responded / addressed the prominent corner positioning of the site at the intersection of Adams Street and Adams Lane with height limited to 10.45m at this point and a setback to level 1 of 7.3m, 4.23m to the east with the upper level slightly cantilevered though still retaining an appropriate setback of 3.55m across the frontage. Built form follows fall of the site and provides effective vertical and horizontal articulation.

As viewed from Herbert Street the form of Building 2B presents as three (3) storeys with a wall height of approximately 10.55m. A ventilation stack upon the roof with associated clerestory glazing exceeds this height though is effectively setback from the street frontage so as not to become a prominent element. Retention of the bakery building (Building 1) to the northern component of the site presents a reduced built form, having a height of approximately 8m measured to the parapet façade with the open pedestrian access (3.1m width) effectively separating the two buildings. Once again effective articulation has been provided within the design of Building 2B noting varied setbacks, form of the façade and incorporation of elements such as open deck areas to levels 1 and 2.

As previously outlined the proposed development complies with both the building 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 proposal is also considered beneficial from a streetscape perspective as it revitalises what is currently a somewhat derelict site.

The varied palette of materials and finishes utilised are also considered acceptable noting particularly external wall treatment which incorporates face brick, rendered tones as well as cladding.

The utilisation of built form to delineate boundaries is also noted with perimeter fencing limited and primarily contained adjacent to Adams Lane and consisting of an open powder coated palisade design of Dulux 'monument' or 'woodland grey' making it somewhat more recessive.

#### *Intensity of Use*

The proposal will intensify the use of the land, though in so far as it is a permissible use, presents an appropriate density, height, bulk and scale, and provides an adequate level of infrastructure to service demand i.e. off street parking, it is considered satisfactory.

#### *Social / Economic*

The proposal would have minimal social and economic implications.

#### *Landscaping / Tree Removal*

Clause 5.9 of the Canada Bay 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 seeks removal of a number of trees to enable the development to occur though retains some landscaping within the site and provides replacement planting to compensate for the loss of vegetation.

An Aboricultural Impact Assessment prepared by The Ents Tree Consultancy dated 15 July 2015 accompanied the application and reviewed all vegetation on site. Existing vegetation upon the subject site was not deemed significant and as such is to be removed.

The submitted Landscape Plan (DA-800) Issue B prepared by O'Hanlon Design introduces appropriate planting with low lying species provided adjacent to the Herbert Street and Adams Lane frontages and canopy planting adjacent to Adams Lane and the proposed playground area providing for the desired amenity of occupants. Additional street trees in the form of 2 x *Lophostemon confertus* (Bruch Box) are proposed to the Herbert Street frontage of the site.

## **7. CONCLUSION**

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The proposed development is appropriately located within zone R1 - General 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.

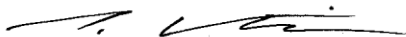
## **8. RECOMMENDATION**

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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. DA2015/0318 (2015SYE107) for demolition of select existing structures on site and construction of a new catholic primary school for 320 students, on land at 2A - 14 Herbert Street, Mortlake, 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.

<b>Reference</b>	<b>Description</b>	<b>Prepared By</b>	<b>Date/s</b>
DA000 (2); DA100 (2); DA110 (3); DA130 (2); DA200 (2); DA220 (4); DA230 (2); DA231 (4); DA240 (2); DA241 (2); DA250 (2); DA300 (2); DA301 (2); DA310 (2); DA311 (2); DA320 (2); DA321 (2); DA350 (2); DA351 (2); DA352 (3).	Architectural plans including site plan, elevations, sections etc.	Quinn O'Hanlon Architects	10/02/16 (2) 12/02/16 (3) 19/04/16 (4)
Rev.05	Materials and Finishes Schedule	Quinn O'Hanlon Architects	Undated
DA800 (B); DA810 (B).	Landscape Plan	O'Hanlon Design Landscape Architects	17/02/16
Not stated	Arborist Report	The Ents Tree Consultancy	15/07/15
C3.01 (6); C3.02 (1); C3.03 (2); C3.04 (1); C4.01 (5); C4.02 (5).	Stormwater	Northrop	25/02/16
C5.01 (4); C5.02 (2); C5.03 (2); C5.04 (2); C6.01 (2); C6.02 (2); C6.03 (2); C6.04 (2).	Civil Works	Northrop	25/02/16
150350 Revision D	Noise Assessment & Technical Memorandum	JHA	04/02/16 05/04/16
1320-D5-01 (Rev B)	Accessibility Assessment	O'Hanlon Design	17/02/16

QOH Report	Contamination Assessment Report	Banksia EOHS	25/01/16
QOH Report	Remediation Action Plan	Banksia EOHS	25/03/16
15083_IA4	Auditor Advice	ZOIC Environmental	12/04/16
28508ZN	Geotechnical Investigation	JK Geotechnics	20/07/15

**Note 1:** Modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 96 of the Environmental Planning and Assessment Act.

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

**Note 3:** The approved plans and supporting documentation may be subject to conditions imposed under section 80A(1)(g) of the Act modifying or amending the development (refer to conditions of consent which must be satisfied prior to the issue of any Construction Certificate).

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

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. **DAGCB01 - Australia Post Guidelines**

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

(Reason: To ensure compliance with mail delivery regulations)

4. **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)

5. **DAGCB04 - Food Premises - General**

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

- The Food Act 2003
- Food Regulation 2015
- Food Standards Australia and New Zealand - Food Standards Code

- The cooking appliances require an approved air handling system designed in accordance with AS1668.1-1998 and AS1668.2-1991 or alternative solution satisfying the performance objectives of the Building Code of Australia. No approval is granted for the burning of wood fired fuel.
- The construction, fitout and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the *Food Act 2003* and AS 4674 - Design, Construction and Fitout of Food.

*(Reason: Compliance legislation and standards)*

6. **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)*

7. **DAGCB10 - Site Management**

The following procedures apply:

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

*(Reason: Environmental protection)*

8. **DAGCB16 - Tree Preservation**

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

*(Reason: Tree preservation)*

9. **DAGCC01 - Hoarding Requirements**

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

- **"A" Class Requirements**  
An engineer certified "A" Class hoarding shall be constructed on the footpath adjacent to the building site to protect pedestrians during demolition of the existing building and construction of the new building.
- **"B" Class Hoardings**  
An engineer certified overhead "B" Class hoarding, complying with the requirements of the

Department of Industrial Relations & Technology, shall be constructed over Council's footpath to protect pedestrians during demolition of the existing building and the erection of the new building.

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

*(Reason: Public safety)*

10. **DAGCC04 - Ventilation**

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

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

Ventilation above cooking equipment

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

*(Reason: Compliance with relevant standards)*

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

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

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

1. Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
2. Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines.
3. Any fill material that is imported onto the site must be analysed and classified by an appropriately qualified and experienced environmental consultant in accordance with relevant NSW EPA guidelines, including the "Waste Classification Guidelines" 2014.

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

imported onsite.

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

#### **Classification of waste**

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines, Part 1: Classification of Waste (November 2014). Testing is required prior to off-site disposal. In accordance with DECC Waste Classification Guidelines (2014) materials identified for off-site disposal must be removed by a suitably qualified contractor to an appropriately licensed waste facility.

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

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

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

#### **12. DAGCC10 - Maximum Number of Students**

A maximum enrolment of 320 students is permitted for the school.

*(Reason: Environmental Amenity)*

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

#### **13. DAPDB02 - Demolition**

##### **Demolition - General**

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

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

## **Demolition Involving the Removal Of Asbestos**

### General Information

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

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

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

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

### NOTE:

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

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

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

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

### Clearance certificate

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

### Notification of asbestos removal works

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

- The date and time when asbestos removal works will commence;
- The name, address and business hours contact telephone number of the demolisher,

- contractor and/or developer;
- The full name and license number of the asbestos removalist/s; and
- The telephone number of WorkCover's Hotline 13 10 50

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

#### Barricades

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

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

#### 14. **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)*

#### 15. **DAPDB04 - Tree Preservation - during demolition**

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

*(Reason: Tree Preservation and Protection)*

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

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

*(Reason: Environmental protection)*

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

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

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

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

**18. 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.

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

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

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

A Damage Deposit (calculated in accordance with Council's adopted Fees and Charges) of **\$100,000** shall be paid to Council **prior to the issue of the Construction Certificate**.

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

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

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

*(Reason: Protection of Council infrastructure)*

**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 issue of a Construction Certificate**. Council acts as an agent for the Long Services Payment Corporation and the levy may be paid at Council's Office.

*(Reason: Statutory requirement)*

**21. DACCB07 - Section 94A Levy Contributions**

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



Pursuant to Section 80A(1) of the *Environmental Planning and Assessment Act 1979*, and the City of Canada Bay Section 94A Levy Contributions Plan 2005, a contribution of 0.5% (for works between \$100,001.00 and \$200,000.00) or 1% (for works over \$200,000.00) of the cost of development amounting to **\$90,850.00** shall be paid to Council **prior to the release of any associated Construction Certificate**.

The amount to be paid will be adjusted at the time of actual payment, in accordance with the provisions of the Canada Bay Section 94A Levy Contributions Plan 2005. The Consumer Price Index All Group Index Number for Sydney at the time of the development application determination is **108.7**.

**Please Note:** Any change in the Consumer Price Index (CPI) between the date of this approval and the date that the Section 94A Contribution is paid will be added/subtracted from the amount cited above. The amount will be adjusted at the time of actual payment in accordance with Canada Bay Section 94A Levy Contributions Plan 2005.

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

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

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

## 22. **DACCE01 - Amendments to Approved Plans**

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

- a) Structural details of the detention / rainwater tank shall be provided by a suitably qualified structural engineer. Certification on structural design is also required prior to the issue of a construction certificate.
- b) Clean out pits / inspection eyes shall be located at the lowest point of a charged line to rainwater reuse system. The locations shall be clearly marked on the plan.
- c) Longitudinal Section, cross-sections and kerb returns for Adams Lane shall be included in the civil works plan. Minimum width for the roadway and Parking Bay shall be as per section 2.2 of AS/NZS 2890.5.
- d) Detail design showing proposed footpath levels along Herbert Street and Adams Street shall be provided in the civil works plan.
- e) All services are to be plotted on the civil works plan and all service adjustments are to be clearly identified on the plan.

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

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

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

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

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

from cranes, concrete pumps and the like.

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

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

24. **DACCE03 - Construction Traffic Management Plan**

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

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

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

*(Reason: Compliance)*

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

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

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

*(Reason: Information)*

26. **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 provide a copy of the Authority to connect to the sewer system **prior to the issue of a Construction Certificate**.

There is to be no discharge of wastewater to the stormwater system.

*(Reason: Information)*

27. **DACCF02 - Landscape Maintenance Strategy**

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

*(Reason: Ensure landscape survival)*

28. **DACCG02 - Bicycle Storage Provision**

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

*(Reason: Convenience)*

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

Car parking spaces shall be provided in accordance with the approved plans for the parking of staff and visitors vehicles on the site. In this regard, no less than 21 spaces are required and designated as follows:

- (a) 19 spaces for staff; and.
- (b) 2 spaces for visitors.

- All car spaces shall be allocated and marked accordingly.
- Each space shall have minimum dimensions in accordance with the relevant Australian Standard.
- Under no circumstances shall parking spaces be sold, let or otherwise disposed of for use other than in accordance with this condition.
- Access to visitor parking shall not be restricted without development approval.

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

*(Reason: Parking and access)*

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

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

*(Reason: Traffic safety and management)*

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

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

*(Reason: Parking and access)*

32. **DACCI01 - Damage Report**

**Prior to the issue of the Construction Certificate**, a Damage Report Form shall be completed and submitted to Council. This Damage Report Form is for the evaluation of the existing condition of the road reserve, 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)*

33. **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 for Construction Certificate Application**. Any required adjustments shall be included in the plans and the interface across the street boundaries shall be designed to incorporate smoothly the designated levels.

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

- (a) The internal driveway levels shall be designed to meet Council's footpath verge levels such that a 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) **prior to the release of the Construction Certificate**. Care should be taken in steep landforms to ensure scraping of vehicles is avoided.

*(Reason: Public Infrastructure)*

34. **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)*

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

The submission to Council of three (3) copies of Civil Engineering plans for the design of all works within the road reserve required adjacent to and outside the subject site in Herbert Street, Adams Street and Adams Lane, Mortlake including long and cross sections, details of proposed structures and specifications.

The drawings must be approved by Council in writing and all fees and charges paid **prior to the issue of the Construction Certificate**.

Such design shall be:

- (a) Prepared and submitted on A1, or A3 size sheets, undertaken by a consulting Civil Engineer,
- (b) Approved by Council under Section 138 of the Roads Act., prior to the issue of the Construction Certificate, and
- (c) Upon completion of the works, the Applicant is to provide to Council two (2) copies of "work as executed plans". The plans are to show relevant dimensions and finished levels and are to be certified by a surveyor. Also the Applicant is to provide to Council, in an approved format, details of all public infrastructure created as part of the works, and
- (d) All Civil Engineering works adjacent/near/outside [address] is to be fully supervised by Council. A maintenance period of six (6) months shall apply to the work, after it has been completed and approved. In that period the Applicant shall be liable for any part of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the design conditions.

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

36. **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 **prior to the lodgement of the Construction Certificate**.

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

37. **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 **prior to the issue of a Construction Certificate**.

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)*

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

Plans submitted **with the application of a Construction Certificate** shall clearly delineate between internal works and external works and note that **Construction Certificate approval does not include approval for external works.**

Pursuant to Section 138 of the Roads Act 1993 and **prior to the issue of a Construction Certificate**, the applicant must submit detailed plans to and obtain a written approval from the Appropriate Road Authority, for any works in the road reserve.

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

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

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

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

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

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

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

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

*(Reason: Statutory requirement)*

40. **DACCK03 - Energy Australia Requirements**

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

*(Reason: Statutory requirement)*

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

Erosion and sedimentation controls must be provided to ensure:

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

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

*(Reason: Environmental protection)*

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

A grated trench drain shall be provided across the (garage entrance/driveway/street boundary). Unless otherwise sized by a Hydraulic Engineer, the dimensions of the trench grate shall be no less than 300mm wide by 100mm deep at the shallow end, and have a "bottom" slope of 2 %. This trench drain shall be connected to an approved drainage system.

In the event of the Hydraulic Designer sizing the grated drain, the calculation shall be in accordance with AS/NZS3500.

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

*(Reason: Environmental protection)*

43. **DACCL06 - Rainwater Re-use**

A rainwater re-use system shall be provided in accordance with either the BASIX minimum requirements, any relevant Council Rainwater Policy and/or "Specification of the Management of Stormwater", whichever is applicable. A detailed stormwater plan showing the proposed re-use system shall be submitted and approved by Council or an Accredited Certifier **prior to the issue of the Construction Certificate.**

*(Reason: Compliance and Amenity)*

44. **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 or an Accredited Certifier. Details are to be submitted with the design **prior to the issue of the Construction Certificate.**

*(Reason: Environmental)*

45. **DACCM01 - Dilapidation Report**

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

The Dilapidation Report is to be prepared by a suitably Qualified Engineer with current Corporate Membership with the Institution of Engineers, Australia or Geotechnical Practitioner.

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

A copy of this Report shall be submitted to Council as a record.

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

*(Reason: Safety)*

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

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

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

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

*(Reason: Structural safety)*



47. **DACCN02 - Electricity Substation**

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

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

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

*(Reason: Access to utility)*

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

48. **DAPCB01 - Appointment of Principal Certifying Authority**

No work shall commence in connection with this Development Consent until:

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

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

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

*(Reason: Statutory requirements)*

49. **DAPCB02 - Construction Certificate**

No work shall commence until you:

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

*(Reason: Statutory Requirement)*

50. **DAPCB05 - Notice of commencement**

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

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

*(Reason: Statutory Requirement)*

51. **DAPCB06 - Site Safety Fencing**

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

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

*Hoardings*

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

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

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

52. **DAPCB07 - Principal Certifying Authority (PCA) Sign**

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

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

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

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

*(Reason: Statutory Requirement)*

53. **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)*

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

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

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

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

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

*(Reason: Environmental protection)*

56. **DAPCC02 - Soil & Water Management during Construction**

Landcom's "Managing Urban Stormwater - Soil and Conservation" August 1998 outlines the general requirements for the preparation of a soil and water management plan. All works shall be conducted in accordance with a soil and water management plan that has been submitted and approved by the Accredited Certifier **prior to the commencement of works**. A copy of the plan shall be kept on-site and made available to Council's Officers on request. All erosion and sediment control measures must be maintained in a functional condition throughout the duration of the works.

*(Reason: Environmental protection)*

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

57. **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)*

58. **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)*

59. **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)*

60. **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.
- (d) All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.
- (e) All stockpiles of soil or other materials likely to generate dust or odours shall be covered.
- (f) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours

*(Reason: Environmental amenity)*

61. **DADWA05 - Excavation - Water**

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

*(Reason: Health and safety)*

62. **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)*

63. **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)*

64. **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)*

65. **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)*

66. **DADWC01 - Contaminated Land Unexpected Finds**

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

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

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

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

67. **DADWC03 - Construction Environmental Management Plan for Remediation**

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

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

- 4.1 Site Information
- 4.2 Soil and Water Management
  - 4.2.1 Stockpiles
  - 4.2.2 Site Access
  - 4.2.3 Excavation Pump-out
  - 4.2.4 Landscaping/Rehabilitation
  - 4.2.5 Bunding
- 4.3 Noise
- 4.4 Vibration
- 4.5 Air Quality

- 4.5.1 Dust Control
- 4.5.2 Odour Control
- 4.6 Groundwater
- 4.7 Transport
- 4.8 Asbestos Management, Waste Management and Hazardous Materials
- 4.10 Containment/Capping of Contaminated Soil
- 4.11 Importation of Fill
- 4.12 Site Signage and Contact Numbers
- 4.13 Site Security
- 4.14 Occupational Health & Safety
- 4.15 Removal of Underground Storage Tanks

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

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

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

68. **DADWC04 - Site Validation Report**

**Prior to the issue of a Construction Certificate**, on completion of the remedial works, a Site Validation Report is to be forwarded to Council for approval. The validation report is to be prepared by a suitably qualified environmental consultant with experience in land contamination in New South Wales, EPA contaminated land legislation and guidelines including the Contaminated Land Management Act. The report is to be satisfactorily documenting the following:

1. The extent of validation sampling, and the results of the validation testing;
2. That remediation and validation of the site has been undertaken in accordance with Remedial Action Plan, prepared by Banksia EOHS, dated 25<sup>th</sup> March 2016, reference QOH Report and the Auditor Interim Advice prepared by Zoic dated 12<sup>th</sup> April 2016;
3. That the site is suitable for the proposed use; and
4. The Validation Report must be submitted for review by a NSW EPA accredited site auditor prior to commencement of construction and issue of a construction certificate.

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

69. **DADWC05 - Site Audit Statement**

**Prior to the issue of a Construction Certificate**, a Site Audit Statement (SAS) is to be obtained from a NSW EPA Accredited Site Auditor and submitted to Council. The SAS must confirm that the site has been remediated in accordance with the approved Remediation Action Plan and clearly state that site is suitable for the proposed use. Conditions on the Site Audit Statement shall form of the consent.

- (a) Where the SAS is subject to conditions that require ongoing review by the Auditor or Council these should be reviewed and approved by Council before the SAS is issued. In circumstances where the SAS conditions (if applicable) are not consistent with the consent, a S96 application pursuant to the Environmental Planning & Assessment Act 1979 shall be submitted to ensure that they form part of the consent conditions.

- (b) A Construction Certificate must not be issued by the PCA unless a Site Audit Statement has been submitted to the Council in accordance with this condition.

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

**70. DADWC06 - Remediation**

Prior to issue of a Construction Certificate, the site is to be remediated in accordance with:

- (a) Remedial Action Plan, prepared by Banksia EOHS dated 25th March 2016 reference QOH Report;
- (b) Auditor Interim Advice prepared by Zoic dated 12 April 2016;
- (c) Council's Contaminated Land Policy;
- (d) State Environmental Planning Policy No. 55 - Remediation of Land;
- (e) The guidelines in force under the Contaminated Land Management Act; and
- (f) The applicant must engage an appropriately qualified and experienced supervising environmental consultant to supervise all aspects of site remediation and validation.

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

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

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

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

*(Reason: Compliance with Statutory Requirements)*

**71. DADWC08 - Excavation Pump-out**

All excavation pump-out water must be analysed for suspended solid concentrations, pH and any contaminants of concern identified during a preliminary or detailed site investigation, prior to discharge to the stormwater system. The analytical results of any discharge must comply with relevant EPA and ANZECC standards for water quality and be made available to Council upon request. Any water to be discharged to Council's stormwater system shall not contain a concentration of suspended sediment exceeding 50mg/L, shall have a pH of between 6.5-8.0 and shall comply with the ANZECC Guidelines for Marine and Freshwater Quality for Protection of Aquatic Ecosystems (95% protection level for freshwater ecosystems); NSW Department of Housing, Managing Urban Stormwater - Soils and Construction).

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

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

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

*(Reason: Environmental Amenity)*

**72. 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)*

**73. 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<sub>10</sub> 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<sub>10</sub> 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)*

**74. 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)*

**75. DADWF03 - Noise & Vibration**

The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and cause no



interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

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

*(Reason: Noise attenuation)*

76. **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)*

77. **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)*

78. **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)*

79. **DADWH02 - Critical Stage Inspections - General**

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

Work must not proceed beyond each critical stage until the PCA is satisfied that work is proceeding in accordance with this consent, the Construction Certificate(s) and the Act. 'Critical Stage Inspections' means the inspections prescribed by the Regulations for the purposes of section 109E(3)(d) of the Act or as required by the PCA and any PCA Service Agreement.

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

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

*(Reason: Statutory requirement)*

**80. DADWH06 - Inspection Records & Compliance Certificates**

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

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

A compliance certificate must be issued where:

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

*(Reason: Statutory Requirement)*

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

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

- (a) At the completion of excavation, prior to the placement of any footings, showing the completed level of the excavation and its relationship to the boundaries;
- (b) Prior to placement of concrete, the ground floor level, showing the level of the form work and its relationship to boundaries including relevant footpath and roadway levels;
- (c) Prior to placement of concrete at each second floor level showing the principal level of the formwork and the intended relationship of the completed works to the boundary;
- (d) Prior to roofing, or completion of the highest point of the building, showing the anticipated level of the completed work and the relationship to the boundary; and
- (e) At completion, works showing the relationship of the building to the boundary.

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

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

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

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

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

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

**83. DAOCA02 - Food Shop Registration Requirements**

**Prior to the issue of any Occupation certificate** a Business Registration Form must be completed and submitted to Council. This form is available online at [www.canadabay.nsw.gov.au](http://www.canadabay.nsw.gov.au). In the instance details on the original registration form change, Council is to be notified of the change within seven (7) days of the change occurring.

*(Reason: Registration and notification to relevant authorities)*

84. **DAOCA03 - Parking Restriction Signage**

Prior to the issue of any occupation certificates, a separate submission must be made to Councils Traffic Department for the installation of parking restriction signage in accordance with the below as per Councils resolution on 24 May 2016.

- The western side of Herbert Street from northern boundary of 14 Herbert Street through to the statutory 10m 'No Stopping' zone at its intersection with Adams Street is signposted as 'No Parking 8am-9:30am, 2:30pm-4pm School Days'.
- The statutory 10m 'No Stopping' zone on the west side of Herbert Street at its intersection with Adams Street is signposted.
- The north side of Adams Street between Adams Lane and Herbert Street is changed from 'No Parking' to 'No Stopping'.
- The east side of Adams Lane between Adams Street and the northern boundary of 14 Herbert Street is restricted to 'No Stopping'.
- The west side of Adams Lane between Adams Street and the southern edge of the driveway to 37 Gale Street is restricted to 'No Stopping'.

There is no guarantee kerb side parking will be changed, or that any change will remain in place for the duration of the development use. All costs associated with the implementation of the approved signage shall be borne by the developer and shall be paid prior to the issue of an occupation certificate.

Pick-up/drop-off arrangements shall be conducted in accordance with the submitted Traffic Management Plan or a subsequent revision approved by Council. Should the pick-up/drop-off arrangements not be operating satisfactory, at Councils request the school shall review arrangements and submit a proposed revised Traffic Management Plan to Council for approval. Council may impose conditions on the Traffic Management Plan such as extension to the operating times of staggered pick-up/drop off arrangements; make changes to on-street parking restrictions and the like.

The school shall actively pursue and promote a Walking School Bus initiative including undertaking any required route assessment and training at their cost.

*(Reason: Compliance)*

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

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

- 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)*

**86. DAOCD01 - Occupation Certificate (section 109M of the Act)**

A person must not commence occupation or use (*or change of use where an existing building*) of the whole or any part of a new building (within the meaning of section 109H (4) of the Act) unless an Interim Occupation Certificate or Final Occupation Certificate has been issued in relation to the building or part.

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

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

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

*(Reason: Statutory requirement)*

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

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

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

*(Reason: Health and Safety)*

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

**88. DAFOA01 - Fire Safety Certificate**

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

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

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

*(Reason: Fire safety)*

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

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

Easement Registration

Where any drainage line or service conduit is to traverse any property other than that which it serves, an appropriate easement will be required. In this case, the applicant shall register an easement not less than 1200mm wide over the proposed drainage line or service concurrently with any subdivision registration.

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

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

90. **DAFOE03 - OSD Identification Plate**

**Prior to issue of Final Occupation Certificate**, the applicant shall install an identification plate near or onto the control structure of the 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**

91. **DAOUA01 - Amplified Music (No speakers or music outside)**

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

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

*(Reason: Environmental amenity)*

92. **DAOUA06 - Deliveries**

All deliveries must not occur before 7.00am or after 8.00pm weekdays and before 9.00am or after 5.00pm weekends and public holidays, to avoid noise disruption to the surrounding area.

*(Reason: To control noise impacts)*

93. **DAOUA07 - Flashing Lights**

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

*(Reason: Environmental protection)*

94. **DAOUA13 - Lighting Nuisance**

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

*(Reason: Environmental amenity)*

95. **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)*

96. **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:

- 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)*

97. **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 purchased at the subject premises, the shopkeeper 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)*

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

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

*(Reason: Environmental protection)*

99. **DAOUC13 - Further Acoustic Assessment**

Following occupation of the building/premises, should it be found that the measures recommended in the acoustic assessment are not sufficient, or have been incorrectly implemented or a noise issue (relating to the development) not previously identified arises

(through complaint or otherwise), the owner/occupier shall employ the services of a qualified acoustic consultant to undertake an assessment of the development and complete an assessment report with recommendations to rectify the situation. A copy of this report shall be submitted to Council for approval prior to undertaking noise attenuation works and implementing recommendations

*(Reason: Noise Control and Amenity)*

100. **DAOUC14 - Acoustic Assessment**

All recommendations contained in the approved acoustic assessment report shall be adopted, implemented and adhered to.

All recommendations contained in the Acoustic Technical Memorandum prepared by JHA dated 5<sup>th</sup> April 2016, shall be adopted, implemented, and adhered to including:

(1) The mechanical plant room facing Herbert Street shall be provided with a 300mm deep acoustic louvre for all openings to the outside. The acoustic louvre shall have a minimum insertion loss as shown in Table 3.1:

**Table 3.1 Noise Insertion Loss of the recommended 300mm deep acoustic louvre**

Frequency Oct Band	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz
Noise Insertion Loss	4dB	7dB	9dB	13dB	14dB	12dB	12dB	8dB

(2) The plant room is to be internally lined on the soffit and walls with 50mm thick rockwall acoustic insulation and covered by perforated sheet metal with 30% open area. The minimum absorption coefficient of the rockwool acoustic insulation shall be as shown in Table 3.2:

**Table 3.2 Absorption coefficient of Insulation**

Frequency Oct Band	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz
Noise Absorption Coefficient	0.59	0.97	1.00	1.00	1.00	1.00

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

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

*(Reason: Noise Control and Amenity)*

101. **DAOUC15 - Noise (General)**

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

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

*(Reason: Noise Control and Amenity)*

102. **DAOUC18 - Noise - Air Conditioners and Plant**

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

- (a) Emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
  - (i) before 8am and after 10pm on any Saturday, Sunday or public holiday; or
  - (ii) before 7am and after 10pm on any other day; or
- (b) Emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those *specified* in (i) and (ii) above, which exceeds the background ( $L_{A90, 15\text{minutes}}$ ) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute.

*(Reason: Noise Control and Amenity)*

103. **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)*

104. **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 the completed WMP shall be undertaken prior to the issue of a Construction Certificate.

*(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 Phone Number 1800 810 443.

b) **DAANN02 - Dividing Fences**

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

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

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

c) **DAANN04 - Lapsing of Consent**

In accordance with Section 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 any such signs. This does not apply to signs which are 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.