

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

<b>JRPP No</b>	2015SYE138
<b>DA Number</b>	2015/0408
<b>Local Government Area</b>	City of Canada Bay
<b>Proposed Development</b>	Demolition, removal of trees, alterations and additions to existing school building including provision of a basement level carpark for 44 cars accessed off George Street. The capacity of the school is to be increased from 120 students to 450 students, 27 staff, and include before and after school care
<b>Street Address</b>	1A Hamilton Street East, North Strathfield (Lots 2 in DP 1193101)
<b>Applicant</b>	Robinson Urban Planning P/L
<b>Owner</b>	Trustees of the Roman Catholic Church for the Archdiocese of Sydney
<b>No. of Submissions</b>	Nil
<b>Regional Development Criteria (Schedule 4A of Act)</b>	Capital Investment Value (CIV) > \$5 million (\$17,689,100 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>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:

15/10/15	Subject Development Application lodged
20/10/15	External referrals provided to the following agencies: <ul style="list-style-type: none"><li>• NSW Road &amp; Maritime Services (RMS)</li><li>• Sydney Water</li></ul>
20/10/15	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</li><li>• Building Services</li><li>• Waste Management</li><li>• Access Committee</li></ul>
23/10/15	Application notified to adjoining and nearby property owners / occupiers
13/11/15	Notification period closed (no public submissions were received)
15/12/15	Additional information relating to traffic detail requested.
07/03/16	Additional information relating to stormwater and traffic detail requested.
04/04/16	Amended plans and detail as requested submitted to Council by Applicant.
28/04/16	Response received from RMS raising a number of issues (forwarded to Applicant).
10/05/16	Meeting held at RMS Offices to discuss proposal and concerns raised. In attendance were representatives of RMS, Council, the Applicant and Consultants.
12/05/16	Additional detail in respect to traffic modelling as requested by RMS submitted.
23/06/16	RMS response received stating that no objection is raised to the proposed development subject to the imposition of a number of requirements relating to upgrading of nearby George Street and Pomeroy Street intersection.
04/08/16	Further email correspondence received by RMS advising that their position on the matter had been reviewed and that upgrade works were no longer requested.
21/07/16	Canada Bay Traffic Committee endorsed changes in respect to street parking restrictions (signage and line marking) as well as roundabout upgrade.
04/08/16	Canada Bay Council adopted recommendations of the Traffic Committee.

## 2. SITE AND CONTEXT

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The subject site is legally identified as Lot 2 in DP 1193101 and known as 1A Hamilton Street East, North Strathfield. The site is located on the northern side of Hamilton Street East and is bound by George Street to the west which forms a secondary frontage.

In terms of dimensions, the site is largely rectangular in shape, with a primary street frontage to Hamilton Street East (south) of 87.68m and George Street (west) 54.87m, which yields a total site area of 4,853m<sup>2</sup> (by title). The site has a cross fall of approximately 4m from the north east boundary (RL 14.05) towards the south west corner adjacent to George Street (RL 10.12).

The site is currently utilised as a primary school (Our Lady of the Assumption). Existing built form consists of a single storey brick building (known as Resource House) faces George Street and a three storey building (known as Development House) faces Hamilton Street East. A bitumen parking area is located in front of the single storey building and is accessed via an entry / exit driveway off George Street. A playground area and indoor sports court is located to rear adjoining the railway corridor. Vegetation in the form of established brush box trees are located adjacent to the street frontages.

In respect to context, and development that surrounds the site, the Main Northern Railway Line is located to the east at the end of Hamilton Street East and includes the pedestrian access way into / out of North Strathfield Railway Station. A child care centre is located opposite the site on the southern side of Hamilton Street East (13 George Street), which is bound by a residential apartment building (2A Hamilton Street East). To the west of the site on the opposite side of George Street are a group of predominantly original single storey dwelling houses. McDonald College which is a performing arts school, also offering boarding (17 George Street) is located north of the site.

Relevant development consents issued for the site are as follows:

- On 4 December 2013, DA 348/2013 granted approval to subdivide The McDonald College site into two lots. The McDonald College was to continue to operate from the larger northern lot (16,289m<sup>2</sup>) and a new primary school (OLA) was to occupy the smaller southern lot (4,853m<sup>2</sup>).
- On 7 October 2014, DA 290/2015 granted approval to use the newly created southern lot now known as 1A Hamilton Street East as a primary school for up to 120 students from Kindergarten to Year 2 (OLA). The new primary school was to utilise the ground floor of the building known as "Development House" and administration building known as "Resource House".

As detailed by the Applicant OLA primary school currently operates as follows:

- **Student and staff population:** The school opened in 2015 for students from Kindergarten to Year two. The student enrolment for 2015 was 68 students and was expected to rise to 120 for the 2016 school year, with a total of seven staff employed.
- **Hours of operation:** 8.45am and 3.00pm, with no before or after school care offered.
- **Vehicular access and egress:** Vehicular access to the site is from George Street, via a 6m wide driveway through The McDonald College car park and egress is via a 6m wide driveway along the north boundary of the OLA primary school site exiting on to George Street.
- **Parking:** Nine parking spaces provided within George Street setback and seven bicycle racks.
- **Student set-down and pick-up:** Set-down and pick-up for the primary school is undertaken within the southern section of the adjoining site's car park (The McDonald College). OLA has a short-term agreement with McDonald College to use their land for this function.

### 3. PROPOSED DEVELOPMENT

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#### 3.1 Project Description in Detail

The proposal seeks consent for alterations and additions to the existing OLA Primary School which is administered by the NSW Catholic Education Office. Specifically the subject application comprises:

- Demolition and removal of the following components on site:
  - Existing single storey building known as 'Resource House' adjacent to the western boundary
  - Shade structures, covered walkway, planter beds and playground area;
  - Removal of George Street driveway and pedestrian entrance off Hamilton Street East.
  - Removal of the fourteen (14) brush box trees along the George Street frontage.
- Construction of a new basement level car park comprising 44 car parking spaces, bike parking and allocated area for plant. A new access driveway is to be provided off George Street.
- Alterations and additions to the existing three storey building located adjacent to the southern boundary of the site known as 'Development House' comprising:
  - Ground floor: Demolition of existing reception area, sick bay and internal stair to make way for new office, student foyer, interview room, print room and sick bay. As per the previous approval the ground floor accommodates four (4) general learning areas (GLAs) which will be used by Kindergarten and Year 1 students. A multi-purpose hall, storage, kitchen and amenities are located within the addition to the west and connected via a new entry foyer;
  - Level 1: Internal alterations to provide six (6) GLAs for students in Year 2 to Year 4 with a new library and staff room also included. A large 'learning space' is provided to the western component of the building as well as an area of open space, screened from the street;
  - Level 2: Internal alterations to provide four (4) GLAs for students in Year 5 to Year 6 along with additional general learning spaces, music area and library;
  - Level 3: New additions are proposed to the rooftop of the existing building. This level comprises four (4) flexible learning spaces with a rooftop outdoor space and prayer space.
- Associated site landscaping including provision of a playground area adjacent to the northern boundary of the site which includes timber pergola and seating;
- In respect to drop off and pick up, George Street is to be utilised with existing street signage altered (in accordance with a previous Traffic Committee and Council resolution). The existing roundabout at the intersection of George Street and Allen Street which is currently insufficient in diameter for a standard vehicle to perform a U-turn Manoeuvre is also to be upgraded, the specific design and approval of which is to be conditioned and considered under Section 138 of the Road Act 1993.

#### Operational Parameters

The subject school upon completion of proposed works (estimated 2021 school year) is to remain primary (catering for kindergarten to Year 6) and accommodate 450 students and 27 staff.

General operating hours of the school will be 9:00am – 3:00pm (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 an educational establishment that has a Capital Investment Value (CIV) greater than \$5 million (\$17,689,100 declared) the consent authority is the Sydney East Joint Regional Planning Panel (JRPP).

### 4.2 Permissibility

The site is zoned B4 'Mixed Use' 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
- 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 20 October 2015. As detailed within the background of this report RMS raised a number of issues, though in response to subsequent consultation and further amendments, final correspondence received from RMS advised that that no further objections were sustained.

#### **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:

- Soil Contamination Assessment Report prepared PRESNA dated (53536) dated August 2015

The report provided the following conclusions and recommendations:

*In light of the proposed redevelopment of the site as a Primary School, CoPC were not detected in soil samples analysed at concentrations considered to present a significant potential risk to human health or the environment.*

*Fragments of fibre cement debris containing asbestos were identified within surface soil in the south-eastern portion of the site. Based on field observations, site history and limitations of the investigation, there is the potential for fragments of ACM to be inherent within the fill across the site. It is considered that the potential risk to human health from asbestos can be managed as part of the construction phase, and ongoing following redevelopment, through preparation and implementation of an Asbestos Management Plan. As such the presence, and potential presence of asbestos in soil, is not considered to preclude the proposed use of the as a primary school.*

*Should off-site disposal of soil be required during redevelopment, the fill is preliminarily classified as Special Waste – Asbestos Waste General Solid Waste – (non-putrescible) and the underlying natural soil has a preliminary classification of General Solid Waste.*

*Based on the objectives and findings of this assessment, Prensa recommends:*

- *Access is restricted to the south-eastern portion of the site where fragments of non-friable fragments of ACM were identified on the surface of the soil;*
- *An Asbestos Management Plan is prepared and implemented to address the current and foreseeable potential risk to human health from non-friable fragments of ACM identified in the south-eastern portion of the site, and potentially inherent within fill material across the site;*
- *Surplus soil should be disposed to a facility that can lawfully receive the class of waste. This report should be provided to the receiving facility to confirm their acceptance of the soil prior to off-site disposal. Should the description of the soil differ during excavation from that encountered as part of this SCA, then further assessment for waste classification purposes may be required prior to off-site disposal.*

Council's Environmental Health Department reviewed the submitted Contamination Assessment and raised no objections subject compliance with recommendations outlined above (conditioned).

#### **4.3.3 Canada Bay Local Environmental Plan 2013**

The site is zoned B4 'Mixed Use' 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 B4 'Mixed Use' zone are:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*

**Comment** - The proposal relates to alterations and additions to an existing school site. 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>Cl 4.3 - Building Height</b>		
The subject site is located in Area 'O2' of the Building Height Map which prescribes a height of 16m.	16m (RL 27.15) measured from natural ground to lift overrun.	✓
<b>Cl 4.4 - Floor Space Ratio (FSR)</b>		
The subject site is located in 'N' of the FSR Map which prescribes an FSR of 1:1.	GFA 4,693m <sup>2</sup> (0.95:1)	✓
<b>Cl 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	Fourteen (14) brush box trees along the George Street frontage are to be removed. This is considered acceptable in context of the proposal with no objections raised by Council Landscape Architect.	✓
<b>Cl 5.10 - Heritage Conservation</b>		
<p>Development consent is required for the following:</p> <ul style="list-style-type: none"> <li>(a) demolishing or moving a heritage item or a building, work, relic or tree within a heritage conservation area,</li> <li>(b) altering a heritage item that is a building by making structural changes to its interior</li> <li>(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,</li> <li>(d) disturbing or excavating an Aboriginal place of heritage significance,</li> <li>(e) erecting a building on land which is a heritage item or that is within a heritage conservation area,</li> <li>(f) subdividing land which is listed as a heritage item</li> </ul>	The site is not listed as a heritage item, located in a conservation area or within the immediate vicinity of either.	✓
<b>Cl 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</i></p>	The Contamination Assessment prepared by PRESNA addressed the issue of Acid Sulfate Soil, providing ...'A review of Acid Sulfate Soil information contained within the online	✓

<p><i>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><i>Australian Soil Resource Information System (ASRIS) database, accessed on the 9 July 2015, indicated an extremely low probability of acid sulfate soils occurring beneath the site with very low confidence’.</i></p> <p>Noting also the extent of basement excavation, remaining above 5 AHD (RL 7.455AHD) and subsequent conditions recommended, the proposal is acceptable</p>	
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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

### 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 **23 October 2015 to 13 November 2015** (21 days)
  - On the Canada Bay Council website;
  - At the Canada Bay Council Administration Office
- Notified local land owners and occupiers of proposal - 286 letters sent;
- Signage was placed on the development site.

## **5.2 Submissions from Public Authorities**

### **5.2.1 Canada Bay Traffic Committee**

The Canada Bay Traffic Committee at its meeting on 21 July 2016 considered a report which proposed a number of changes to street parking restrictions and infrastructure. It was resolved:

1. *THAT 'No Parking', 'No Stopping' and '1/4P 7:00am-9:00am, 2:30pm-4:00pm Schools Days Only' restrictions be installed in George Street as detailed in the attachment.*
2. *THAT the applicant provide detailed plans for the upgrade of the roundabout at the intersection of George Street and Allen Street, North Strathfield to Council and the RMS for approval.*
3. *THAT the roundabout at the intersection of George Street and Allen Street be upgraded to current standards.*
4. *THAT double centreline marking is installed in George Street to link up with existing lines on the approach to Pomeroy Street and the approach to the pedestrian crossing just south of Hamilton Street East with the linemarking discontinuous at its intersections with Malta Street, Hamilton Street and Hamilton Street East.*
5. *THAT should the proposed school be approved, they promote active transport.*

Council at its Meeting of 04/08/16 adopted the above minutes. Appropriate conditions of consent are also provided within the recommendation of this report enforcing the requirements.

### **5.2.2 Road and Maritime Services (RMS)**

RMS upon initial review requested SIDRA Modelling for the following intersections:

- George Street/Pomeroy Street
- George Street/Parramatta Road

The Applicant submitted the requested detail and RMS subsequently provided further comment on the 28 April 2016. Shortly thereafter on the 10 May 2016 a meeting was held to discuss the proposal and subsequent concerns of RMS in respect to potential impacts upon the George Street / Pomeroy Street intersection. At the meeting it was outlined that upgrading of the intersection was conditioned as part of a previous Development Application for the recently constructed Victoria Avenue Public School and that negotiation in respect to funding were ongoing with the Department of Education. Final comment was received from RMS on the 4 August 2016 advising that they had reviewed their position and no longer required any traffic improvement works as part of this development.

### **5.2.3 Sydney Water**

Sydney Water reviewed the proposal and advised that due to the scale and type of development the proponent will be required to gain a Section 73 Certificate, according to the Sydney Water Act 1994.

It was also requested that the approved plans be submitted to a Sydney Water Quick Check agent. Suitable conditions have been recommended to ensure compliance.

## **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 vehicular access and parking configuration. In response amended plans and additional detail in the form of a Traffic Management Plan which addressed in greater detail the means of drop off and pick up of students was provided. In response suitable conditions were recommended.

### **5.3.3 Tree Services**

Council's Tree Services Department reviewed the submitted Landscape Plan and subsequent tree removal sought. No objections were raised and a number of conditions provided (conditioned).

### **5.3.4 Environmental Health (Contamination)**

Council's Environmental Health Section reviewed the Contamination Assessment that accompanied the application. No objections were raised subject to compliance with recommendations of report.

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.

### **5.3.5 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 notification of the application no submissions from the public were received.

## **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 intersection of George Street and Hamilton Street East (which forms the southern boundary). Shadow diagrams in plan prepared by BVN Architecture depict the proposed impact during mid-winter (June 22). At 9am shadows will be directed towards the intersection of George and Hamilton Street East (affecting no private property). At 12 noon they will fall over Hamilton Street East and by 3pm shift towards the eastern component of the street and rail corridor with only a slight impact to the façade of the residential flat building at 2A Hamilton Street East.

Accordingly compliance with the abovementioned standard is retained.

#### *Visual and Acoustic Privacy*

In respect to context, and development that surrounds the site, the Main Northern Railway Line is located to the east at the end of Hamilton Street East and includes the pedestrian access way into / out of North Strathfield Railway Station. A child care centre is located opposite the site on the southern side of Hamilton Street East (13 George Street), which is bound by a residential apartment building (2A Hamilton Street East). To the west of the site on the opposite side of George Street are a group of predominantly original single storey dwelling houses. McDonald College which is a performing arts school, also offering boarding (17 George Street) is located north of the site.

The existing use of the site as a school is noted though in this regard the more sensitive receivers in respect to privacy remain residential developments located to the south and west. The additions to ‘development house’ and demolition and additions upon the area currently occupied by ‘resource house’ are considered to retain and reinforce a physical barrier from the residential development to the outdoor play space of the school adjacent to the northern boundary and mitigate noise impacts.

A hall top roof space is provided to Level 1 towards the western component of the site though given the built form of the adjacent ‘learning space’ space to the west, limited southern exposure (14.49m) with 3.67m high double glazing and perforated metal façade, no adverse impacts are foreseen.

Proposed operating hours inclusive of before and after school care will be between 7:00am and 6:00pm (Monday - Friday) during school days which is not considered unreasonable.

Standard conditions of consent have been recommended in respect to plant equipment, requiring compliance with noise legislation and the ability for further testing to be undertaken.

Furthermore 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 subject proposal removes the current hard stand area that provides parking for nine (9) vehicles and introduces a new basement carpark that increases off street parking provision to forty four (44). In respect to car parking rates the Canada Bay DCP is silent though proposed parking is deemed to satisfy day to day requirements of the school with the exception of peak pick-up/drop-off times.

Our Lady of Assumption (OLA) primary school commenced operation in George Street, North Strathfield, at the beginning of 2015 on what used to be part of The McDonald College site. Initial approval was for a maximum of 120 students with a condition imposed requiring pick-up / drop-off to occur off-street through a formal agreement between OLA and The McDonald College.

At present drivers enter via a driveway located to the northern component of the McDonald College site off George Street, proceed through the existing McDonald College carpark to the OLA site, undertake pick-up / drop-off and exit via the schools driveway to the south back onto George Street.

The subject Development Application seeks to increase student numbers to 450. In this regard the Traffic Report that accompanied the application prepared by 'Parking and Traffic Consultants' states that there is limited space available within the MacDonald College car park to accommodate the increased student numbers. Potential conflicts caused by the increased demand by vehicles needing to cross the pedestrian footpath along George Street, especially as predominant users of the footpath will be children. In consideration of this pick-up / drop-off on-street has been proposed.

The on-street arrangement is proposed to be in the form of a mixture of assisted and un-assisted pick-up / drop-off and operated in accordance with the submitted Traffic Management Plan. This 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 this tends to naturally occur over a longer period.

The Traffic Report anticipates that 72% of students would be dropped off at school on a daily basis and 68% picked up (noting that arrival and departure modes of students may differ). It is also anticipated that on average each private carer vehicle will drop off 1.58 students and collect 1.55 students. Based on that information, 205 vehicles would undertake drop-off each morning and 197 vehicles would undertake pick-up each afternoon. This would be reduced by an estimated 29.5% of students attending before and after school care that is proposed as part of the current application.

Based on observations of existing off-street pick-up / drop-off, the Traffic Report adopts a dwell time of 20 seconds for a vehicle to undertake assisted pickup. The dwell time is defined as the time that a vehicle is stationary in the designated bay whilst the child is escorted to and from the vehicle. Based on this dwell time, theoretically the 197 vehicles could undertake pick-up within 30 minutes in 2.2 parking spaces (rounded up to 3).

Currently parking along the George Street frontage of the schools is generally unrestricted with 'No Stopping' zones either side of the driveways. The Traffic Report seeks to reduce the length of a number of the 'No Stopping' zones which are intended to set parked vehicles back from driveways to improve accessibility and sight distances. It is noted that The McDonald College has previously expressed concern about safety at the exit driveway, and as a result 'No Stopping' was approved and installed. It is hence recommended that the existing 'No Stopping' zones at the exit be maintained.

It is proposed that 8 spaces be restricted to 'No Parking' for assisted pick-up/drop-off. As per the Traffic Management Plan, of the assisted spaces, 3 are proposed to be actively used for pick-up/drop-off with the remainder serving as waiting bays. It is also proposed that 6 spaces be restricted to '1/4P 7:00am-9:00am, 2:30pm-4:00pm Schools Days Only' for unassisted pick-up/drop-off.

As the student population of OLA will increase gradually over a number of years, the operation of the pick-up/drop-off arrangement can be monitored and amendments made if and when required.

It is noted that some carers may seek to leave the area north bound along George Street however due to pick-up being relocated to on-street, there is limited opportunity to safely and readily perform a manoeuvre to leave in that direction. The existing roundabout at the intersection of George Street and Allen Street is currently not of sufficient diameter for a standard vehicle to perform a U turn.

Upgrading of the roundabout at the intersection of George Street and Allen Street has previously been investigated and detailed designs prepared as a result of discussions between Council and the owners of Bakehouse Quarter. The matter did however not progress further at the time. In light of the increased demand for U turn movements associated with the proposed on-street pick-up/drop-off zone, it is proposed that the roundabout be upgraded.

To prohibit drivers from attempting to perform U turns to either enter or leave the pick-up/drop-off area, it is proposed that double centrelines be installed in George Street to link up with existing lines on approach to Pomeroy Street and approach to the pedestrian crossing just south of Hamilton Street East. The line marking would be discontinuous at its intersections with Malta Street, Hamilton Street and Hamilton Street East so as not to prohibit right turns at those streets.

The Canada Bay Traffic Committee considered a report at its meeting of 21/07/16 seeking to implement the abovementioned changes to parking restrictions and street infrastructure. The Committee supported the proposed changes and subsequent recommendations were endorsed by Council at its Meeting of 04/08/16. A suitable condition is provided within the recommendation of this report requiring the changes to occur prior to the issue of any Occupation Certificate.

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

As previously outlined development surrounding the site is mixed and consists of single and two storey detached residential dwellings to the west, child care centre to the south with more recently constructed multi-level residential flat building adjacent. Form and finishes vary considerably.

The proposal, as viewed from the most prominent position at the intersection of George Street and Hamilton Street East will increase built form as the existing single storey 'resource house' building is to be demolished with a slightly elevated two storey built form which measures up to 9.5m replacing it. The proposal effectively responds / addresses the prominent corner positioning of the site through the retention of appropriate street setbacks of between 5.817m and 5.869m which also enable a landscape setting forward of the buildings. Identification signage consisting of 'OLA' will also be readily apparent from the intersection.

As viewed from the secondary frontage in Hamilton Street East, built form of what is currently known as 'development house' being three storeys is retained within an additional level provided above. Mature brush box adjacent to the street are retained to this elevation and will somewhat screen the proposed upper level addition.

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 the current aged built form.

A varied palate of materials and finishes are utilised and considered acceptable noting particularly external wall treatment which incorporates extensive glazing to afford a high level of internal amenity to GLA's with a low reflectivity grey perforated metal cladding sitting forward.

Boundary fencing measuring up to 2.1m in height is proposed to each of the street frontages though it understood to consist of an open powder coated palisade design making it somewhat more recessive. The new school entrance stairs and ramp introduced to the Hamilton Street East frontage which will be readily apparent are considered beneficial from a streetscape perspective

#### *Intensity of Use*

The subject development application will intensify the use of the land, though in so far as it remains 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, and will have benefits by providing a greater capacity of the existing educational establishment for the local community which is experiencing significant population growth.

#### *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 also retains some landscaping within the site and provides replacement planting to compensate for the loss of vegetation. Council's Landscape Architect has raised no objections.

The submitted Landscape Plans (DA-01 to DA-03) prepared by Fiona Robbe introduce appropriate planting forward of the building line adjacent to both the George Street and Hamilton Street East frontages in the form of both trees and shrubs which offsets the canopy that is removed. An appropriate level of planting is also incorporated to the northern component of the site within and surrounding the depicted playground area and adjacent passive area ensuring the desired amenity.

## **7. CONCLUSION**

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The proposed development is appropriately located within zone B4 – Mixed Use under the provisions of Canada Bay Local Environmental Plan 2013 and as detailed within this report 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. DA2015/00408 (2015SYE0138) for demolition, removal of trees, alterations and additions to existing school building and provision of a basement level carpark for 44 cars accessed off George Street. The capacity of the school is to be increased from 120 students to 450 students, 27 staff, and include before and after school care, on land at 1A Hamilton Street, North Strathfield subject to the attached conditions (at Appendix A).

**Prepared by:**



Samuel Lettice  
**Coordinator - Canada Bay Council**

**Endorsed by:**

**Approved by:**



Narelle Butler  
**Manager - Canada Bay Council**



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>
AR-B-XX-001 (3) AR-B-XX-002 (4) AR-D-00-001 (4) AR-D-01-001 (3) AR-D-01-002 (3) AR-D-01-003 (3) AR-D-02-001 (3) AR-D-02-002 (3) AR-D-02-003 (3) AR-D-03-001 (3) AR-D-03-002 (3) AR-D-03-003 (3) AR-D-04-001 (3) AR-D-05-001 (3) AR-D-05-003 (3) AR-E-XX-001 (3) AR-E-XX-002 (3) AR-E-XX-003 (3) AR-E-XX-004 (3) AR-F-XX-001 (3) AR-F-XX-002 (3) AR-F-XX-003 (3)	Architectural plans including site plan, elevations, sections etc	BVN Architecture	08/10/15 (3) 21/03/16 (4)
AR-L-XX-001 (3)	Materials	BVN Architecture	08/10/15
DA-01 DA-02 DA-03	Landscape Plans	Fiona Robbe	September 2015
HDA01/P2 HDA02/P2 HDA03/P2 HDA04/P2	Stormwater Plans	AJ Whipps Consulting Group	16/03/15
No Reference	Traffic Management Plan	OLA	Not Dated
No Reference	Soil Contamination Assessment	PRESNA	August 2015
28492ZTrpt	Geotechnical Investigation	JK Geotechnics	30/07/15

**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) ~DAOCA03 - Parking Restrictions and Signage**

A separate submission must be made to Councils Traffic Department for installation of parking restriction signage and line marking as per Councils resolution of 2 August 2016. This includes 'No Parking', 'No Stopping' and '1/4P 7:00am - 9:00am, 2:30pm - 4:00pm Schools Days Only' restrictions in George Street.

The installation of double centerline marking in George Street to link up with existing lines on the approach to Pomeroy Street and the approach to the pedestrian crossing just south of Hamilton Street East with the line marking discontinuous at its intersections with Malta Street, Hamilton Street and Hamilton Street East is also required.

**Note 1** - No changes to signage or line marking are to occur until such time as the required

upgrade works to the roundabout at the intersection of George Street and Allen Street have been completed and signed off by Council.

**Note 2** - There is no guarantee parking restrictions or line marking 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 and/or line marking shall be borne by the developer and shall be paid prior to the issue of a final occupation certificate.

Pick-up/drop-off arrangements shall be conducted in accordance with the submitted Traffic Management Plan or 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 revised Traffic Management Plan to Council for approval.

Council may impose conditions on the Traffic Management Plan such as extension to 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 active transport initiatives such as a Walking School Bus including undertaking any required route assessment and training.

*(Reason: Compliance)*

**6) ~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 Premises where:
  - (a) The floor of the food premises must be finished in an approved non-absorbent material, evenly laid, or graded and drained to a trapped floor waste.
  - (b) The floor must be coved at the intersection with the walls.
  - (c) The walls of the food preparation area must be of solid construction and finished with glazed ceramic tiles or other rigid, smooth-faced impervious material.
  - (d) Ceilings within the food preparation and storage areas must be free of gaps and open joints and must be finished with an impervious sealed material. Drop in panels are not permitted in food preparation areas, food storage areas or areas where open food is displayed or served.
  - (e) Hand wash basin/s, with hot and cold running water mixed through a common spout, hand wash soap and hand drying facilities must be provided in all food preparation bar areas, and toilets used by food handlers and must be no further than 5m travel distance from a place where a food handler is handling food. All taps to hand wash basins must be hands free. (For example: sensor taps, knee operated taps or foot pedal taps). Liquid soap and paper towel dispensers or other hand drying facilities must be located next to and in close proximity the hand wash basin.
  - (f) A single bowl sink and a dishwasher must be provided in the food preparation or

designated area, (where all the food contact equipment will fit in the dishwasher) in addition to the hand basin.

- (g) A separate and dedicated food preparation sink is to be provided within the food premises where foods are prepared by immersion in water.
- (h) A cleaners' sink for the purpose of cleaning floor mops and other cleaning equipment must be provided within the premises, preferably in the garbage room or separate from the food preparation and storage area.
- (i) The appliances used to store potentially hazardous food must have a capacity to keep food hotter than 60°C or colder than 5°C and be provided with a thermometer, accurate to 1°C and which can be easily read from outside the appliance.
- (j) All unpackaged ready to eat food for self service must be provided and maintained with protective barriers and have separate serving utensils, in accordance with Standard 3.2.2 of the *Food Standards Code* under the *Food Act 2003*.
- (k) The sanitary facilities must be separated from all food handling areas via an airlock, self-closing door or mechanical ventilation in accordance with the provisions of the *Building Code of Australia*, Part F 3.1, 4.8 and 4.9.
- (l) Clothing lockers or change rooms for male and female staff must be provided in the premises in a separate location to the food handling and storage areas.
- (m) To ensure the adequate storage and collection of waste from the occupation or the use of the food premises, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area. The waste storage area must be designed and constructed in accordance with AS 4674 - Design, Construction and Fitout of Food Premises, and must be:
  - i. Provided with a hose tap connected to the water supply;
  - ii. Paved with impervious floor materials;
  - iii. Coved at the intersection of the floor and walls;
  - iv. Graded and drained to a waste disposal system in accordance with the relevant regulatory authority (Sydney Water);
  - v. Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997;
  - vi. Fitted with appropriate interventions to meet fire safety standards in accordance with the Building Code of Australia.

Detailed plans and specifications for the construction of the waste storage area are to be submitted to the Certifying Authority with the Construction Certificate.

- (n) Cool room(s), refrigerated chambers and strong-rooms are to be constructed in accordance with G 1.2 of the Building Code of Australia.
- (o) The floor of the coolroom must be graded to the door and a floor trapped waste outlet must be located outside the coolroom as near as possible to door opening.
  - i. All proposed shelving in the coolroom must be free-standing, constructed of galvanised steel angle section or other approved material with the lowest shelf at least 150mm clear of the floor.
  - ii. The floor of the coolroom must be constructed of impermeable concrete or coated, topped or otherwise finished with an impervious material to a smooth even surface and coved at the intersections with the walls to a minimum radius of 25mm.
  - iii. A door which can be opened at all times from inside without a key.
  - iv. Adjacent floors, walls, ceilings and other surfaces are able to be easily and effectively sanitised
  - v. An approved audible alarm device must be located outside the coolroom(s) but controllable only from within the coolroom(s) and be able to achieve a sound

pressure level outside the chamber or coolroom(s) of 90 d B (A) when measured 3 metres from the sounding device.

- (p) All service pipes, electrical conduits, refrigeration condensate pipes and the like must be chased into walls and floors or at least 25mm off the wall.
- (q) All openings in walls, floors and ceilings, through which service pipes pass, must be vermin proof.
- (r) Where fittings are butt joined together they must be sealed to eliminate any cavities or crevices. Alternatively, a clear space of at least 75mm is to be provided between fittings.
- (s) The following requirements apply to clearances and supports of equipment:
  - i. All stoves, refrigerators, cupboards and similar fittings must have metal legs made of non-corrosive metal or moulded plastic at a minimum height of 150mm above the floor. If placed flush on solid plinths the solid plinth is to be a minimum of 75 mm high.
  - ii. All shelving must be fixed 25mm clear of the walls on solid metal brackets.

*(Reason: Compliance legislation and standards)*

**7) ~DAGCB07 - Lighting**

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

*(Reason: Protect amenity of surrounding area)*

**8) ~DAGCB10 - Site Management**

The following procedures apply:

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

*(Reason: Environmental protection)*

**9) ~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)*

**10) ~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)*

**11) ~DAGCC04 - Ventilation**

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

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

*(Reason: Compliance with relevant standards)*

**12) ~DAGCC10 - Maximum Number of Students**

A maximum enrolment of 450 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) ~DAPDB01 - Construction Certificate - Prior to the Commencement of any Demolition**

**Works**

Where demolition is associated with the erection of a new structure, or an altered portion of or an extension to an existing building, the demolition of any part of a building is "commencement of erection of building" pursuant of section 81A(2) of the Act. In such circumstance all conditions of this consent must be satisfied prior to any demolition work. This includes, but is not limited to, the **issue of a Construction Certificate, appointment of a PCA and Notice of Commencement under the Act.**

*(Reason; Statutory Requirement)*

**14) ~DAPDB02 - Demolition**

**Demolition - General**

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

**Demolition Involving the Removal Of Asbestos**

**General Information**

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

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

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

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

#### NOTE:

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

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

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

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

#### Clearance certificate

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

#### Notification of asbestos removal works

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

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

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

#### Barricades

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

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

**15) ~DAPDB03 - Site Safety Fencing - Demolition only**

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

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

*Hoardings*

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

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

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

**16) ~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)*

**17) ~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**

**18) ~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)*

**19) ~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)*

**20) ~DACCB02 - Damage Deposit for Council Infrastructure**

A Damage Deposit (calculated in accordance with Council's adopted Fees and Charges) of **\$10,000** 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)*

**21) ~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)*

**22) ~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 **\$176,891** 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 **109.3**.

**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)*

**23) ~DACCE01 - Amendments to Approved Plans**

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

- a) Prior to the discharge of water into Council's existing system in Hamilton Street east and boundary pit with a silt and gross pollutant trap shall be provided. This silt trap is to be a minimum of 200mm and the gross pollutant trap is to be made from Lysaghts Maxi RH3030 or similar.

**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)*

**24) ~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)*

**25) ~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:

- 1 A detailed description and route map of the proposed truck/construction vehicle access routes,
- 2 The locations of any proposed Construction Works Zones along the site frontage,
- 3 Provide a construction schedule,
- 4 Tradesperson parking (parking shall be provided on-site where possible),
- 5 Provide relevant Traffic Control Plans (certified by an RTA accredited person i.e. red or orange ticket),
- 6 Provide relevant Pedestrian Management Plans,
- 7 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)*

**26) ~DACCE04 - Obtaining a Construction Certificate for Building Work**

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

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

*(Reason: Information)*

**27) ~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)*

**28) ~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)*

**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 with total provision of forty four (44) spaces:

- 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) ~DACCG14 - Vehicular Circulation, Aisles & Ramps**

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

*(Reason: Parking and access)*

**31) ~DACCIO1 - 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)*

**32) ~DACCIO2 - 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)*

**33) ~DACCIO3 - 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)*

**34) ~DACCIO5 - 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)*

**35) ~DACCJ02 - Redundant Vehicular Crossings and Ancillary Works**

Where new pavement, repair or reinstatement of footpath or other ancillary works such as kerb and gutter and stormwater pit construction is proposed, the Applicant shall 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)*

**36) ~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 the planned commencement date.

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

**37) ~DACCK01 - Application for a Construction Certificate**

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

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

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

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

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

*(Reason: Statutory requirement)*

**38) ~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)*

**~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)*

**39) ~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)*

**40) ~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)*



**41) ~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 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)*

**42) ~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)*

**43) ~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**

**44) ~DAPCB01 - Appointment of Principal Certifying Authority**

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

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

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

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

*(Reason: Statutory requirements)*

**45) ~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)*

**46) ~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)*

**47) ~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)*

**48) ~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)*

**49) ~DAPCB08 - Sydney Water Tap in Approvals**

The approved plans must be submitted through the Sydney Water 'Tap in' portal to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Sydney Water 'Tap in' customers will receive an approval receipt. For further details please refer to "Your Business" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then see Building and Renovating under the heading Building and Developing, or telephone 13 20 92.

The Accredited Certifier must ensure that the plans have been approved through Sydney Water 'Tap in' process and an approval receipt issued **prior to the commencement of works**.

*(Reason: Statutory Requirement)*

**50) ~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)*

**51) ~DAPCC01 - Erosion & Sediment Control**

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)*

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

**52) ~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)*

**53) ~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)*

**54) ~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)*

**55) ~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)*

**56) ~DADWA05 - Excavation - Water**

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

*(Reason: Health and safety)*

**57) ~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)*

**58) ~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)*

**59) ~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)*

**60) ~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)*

**61) ~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)*

**62) ~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)*

**63) ~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)*

**64) ~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)*

**65) ~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)*

**66) ~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)*

**67) ~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)*

**68) ~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)*

**69) ~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)*

**70) ~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**

**71) ~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 issue of any Occupation Certificate.**

*(Reason: To comply with statutory requirements)*

**72) ~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)*

**73) ~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)*

**74) ~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)*

**75) ~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)*

**76) ~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)*

**77) ~DAOCE01 - Drainage System - Maintenance of Existing**

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

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

*(Reason: Maintenance and environment)*

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

**78) ~DAOCA04 - Existing Roundabout in George Street**

The existing roundabout at the intersection of George Street and Allen Street is currently insufficient in diameter for a standard vehicle to perform a U-turn manoeuvre. In order to create a safe opportunity for drivers to perform a U-turn manoeuvre on George Street after utilising on-street pick-up / drop-off outside the subject site, the applicant must redesign and reconstruct the existing roundabout to the satisfaction of Council.

The design shall be prepared with reference to relevant standards including Austroads, Australian Standards and Roads and Maritime Services requirements. It is recommended that design requirements be discussed with relevant Council Officers prior to undertaking said design.

Documentation for the above is to be submitted to Council via a Section 138 Application and approved by Council prior to the issue of any Occupation Certificate. Should compliance with the above require property acquisition, it is the responsibility of the applicant to negotiate and action said acquisition and associated legal requirements.

### Submission of Plans within the Road Reserve

Submission to Council of three (3) copies of civil engineering plans for the works within the road reserve as required for the upgrade of the roundabout at the intersection of George Street and Allen Street. Plans shall include long-sections, cross-sections, proposed structures, signage, pavement design, dimensions, levels, storm water drainage, lighting, details, ancillaries and specifications.

The drawings must be approved by Council in writing and all fees and charges paid prior to the issue a Final Occupation Certificate.

The construction drawings shall be:

- Prepared and submitted on A1 or A3 size sheets, undertaken by a Professional Engineer who is a Chartered Engineer with current Institution of Engineers, Australia membership and on the National Engineers Register (NER),
- Approved by Council under Section 138 of the Roads Act, subject to relevant conditions,
- Upon completion of the works, the Applicant is to provide to Council one (1) full set copy of the "Works-as-Executed" drawings. The drawings are to show relevant dimensions and finished levels and are to be certified by a Registered Surveyor. Also the Applicant is to provide Council, in an approved format, details of all public infrastructure created as part of the works, and
- All civil engineering works at the intersection of George Street and Allen Street is to be fully supervised by Council (in a staged manner as specified in the Section 138 Consent). 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. A Security Deposit shall be held for the works which will be used for any repairs necessary to remediate any defect.

*(Reason: To ensure compliance with engineering standards and Council assets are constructed to an acceptable standard for engineering works)*

### **79) ~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)*

### **80) ~DAFOE01 - Certification of the Constructed Stormwater Drainage System**

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

*(Reason: Adequate stormwater management)*

**81) ~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)*

**82) ~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**

**83) ~DAQUA01 - 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)*

**84) ~DAQUA06 - 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)*

**85) ~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)*

**86) ~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)*

**87) ~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)*

**88) ~DAOUC01 - Chemical Storage**

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

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

*(Reason: Environmental protection)*

**89) ~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)*

**90) ~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)*

**91) ~DAOUC15 - Noise (General)**

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

*(Reason: Noise Control and Amenity)*

**92) ~DAOUC16 - Noise Complaints - General**

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

*(Reason: Noise Control and Amenity)*

**Advisory Notes**

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

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



*Telecommunications Act 1997 (Commonwealth)*

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

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