

## 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.

<i>Reference / Dwg No</i>	<i>Title/Description</i>	<i>Prepared By</i>	<i>Date/s</i>
DA001(E), DA002(E), DA003(D), DA004(B), DA005(D), DA006(F), DA007(G), DA008(E), DA009(E), DA010(E), DA011(E), DA012(E), DA013(G), DA014(D)	Architectural Plans	Conrad Gargett	28/02/17 24/07/17
DA001 - DA011 (Rev E) AP001 - AP003 (Rev E)	Landscape Plans	Conrad Gargett	17/02/17
-	Arborist Report	Moore Trees	March 2014
-	Access Review	MGAC	17/02/17
RLS-SD-CI-DA02 (Rev P1)	Erosion & Sediment Control Plan	TTW	20/02/17
85456.00 (R.001. Rev O)	Geotechnical Investigation	Douglas Partners	May 2016
C107471 : J144135	Hazardous Materials Risk Assessment	GREENCAP	10/05/16
J144135 (Issue 1)	Soil Contamination Investigation	GREENCAP	12/05/16

***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. ~DAGCA08 - Crime Prevention**

The development is to incorporate recommendations of the NSW Police as follows:

- Pedestrian entry for school to be controlled by a security door with access being restricted by an intercom, key, code or card lock system during after-hours;
- Main pedestrian point of the building to be illuminated when dark;
- Vehicular access to be restricted by gate where possible;
- Security alarm linked to the car park entry and pedestrian entry of the school;
- Closed circuit television system (CCTV) cameras are to cover vehicular and pedestrian entry points. They are also to cover school letterboxes, the car park and bicycle racks to minimise risk of theft. The CCTV needs to receive, hold or process data for the identification of people involved in anti-social or criminal behaviour. This storage should be located in an area with restricted access.
- Vehicular access to car park illuminated by sensor light in evening;
- School/property manager to be responsible for the maintenance of the property including landscaping and removal of any graffiti;
- Roaming security guards afterhours to ensure no trespass or antisocial behaviour within the grounds;
- Swipe access to be used for all rooms, every entry and exit points including the communal areas and lift access
- Warning signs could be strategically posted around the buildings to warn intruders of what security treatments have been implemented to reduce opportunities for crime. These measures will assist in minimising the risk of unauthorised access and protect tenants and their property.
  - "Private Property" "Warning, trespassers will be prosecuted"
  - "Do Not leave valuables in vehicles"
  - "Warning, these premises are under electronic surveillance"
  - "Secure bicycles"
- Letterbox should be, if practicable, accessed from internal means only. This reduces the risk of stealing or identity theft. If this is not possible, letterbox should have sturdy lock to minimise the risk of mail theft through master key
- Any gates into outdoor playgrounds and sporting areas must be fitted with lockable bolts in the bottom and top of the door frame to minimise the risk of a break in.

*(Reason: Compliance)*

**4. ~DAGCA09 - Dedication of Land**

The footpath area indicated on drawing DA007 to be dedicated to Council as public

land shall be designed and constructed at no cost to Council in accordance with Councils requirements with primary reference to Councils DCP Engineering Specifications. The land comprising this footpath area shall be dedicated to Council as public land prior to occupation of the site. All costs associated with dedication of land shall be negotiated and agreed to by the Department of Education prior to the occupation of the site.

*(Reason: Compliance)*

**5. ~DAGCA10 - Traffic Management Initiatives**

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. ~DAGCA11 - Traffic Management**

A separate submission must be made to Councils Traffic Department for installation of traffic and parking restrictions that formed part of the development application. In this regard the scheme shall be generally consistent with Council's concept, notified to residents on 18 August 2017 as required by the Canada Bay Traffic Committee.

The submission shall include a Traffic Management Plan prepared in accordance with Roads and Maritime Services requirements for the introduction of one-way restrictions.

There is no guarantee that any changes will be approved to traffic, parking, and/or pedestrian management around the subject site, or that any change will remain in place for the duration of the development use. Approved changes may also vary from Council's concept plan.

Should changes be approved to traffic, parking, and/or pedestrian management around the subject site, they shall be implemented prior to occupation of the site. All costs associated with the implementation shall be borne by the applicant.

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

***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 installation of parking restriction signage, one-way restrictions and pedestrian facilities around the subject site. Plans shall include long-sections, cross-sections, proposed structures, signage, pavement design, dimensions, levels, storm water drainage, lighting, details, ancillaries and specifications.

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 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 located on public property or on property to be dedicated to Council as public land 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 subject works which will be used for any repairs necessary to remediate any defect.

*(Reason: Compliance)*

**7. ~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)*

**8. ~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
- 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.
- Construction, fit out 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.

*(Reason: Compliance legislation and standards)*

**9. ~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)*

**10. ~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)*

**11. ~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)*

**12. ~DAGCB17 - Weed Control**

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

*(Reason: Environmental amenity)*

**13. ~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 occupation of the site, the work shall be certified by a person

competent to do so. The certification shall include:-

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

#### Ventilation above cooking equipment

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

(Reason: Compliance with relevant standards)

#### **14. ~DAGCC06 - Fill Material** **Imported Fills**

Clean fill imported onto the site shall be validated to ensure it is suitable for the proposed land use.

All fill imported onto the site shall be validated by either one or both of the following methods during remediation works:

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

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

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

#### **Classification of waste**

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be tested and classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines, Part 1: Classification of Waste (November 2014). Testing

is required prior to off-site disposal. In accordance with DECC Waste Classification Guidelines (2014) materials identified for off-site disposal must be removed by a suitably qualified contractor to an appropriately licensed waste facility.

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

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

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

**15. ~DAPDB02 - Demolition**

**Demolition - General**

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

**Demolition Involving the Removal of Asbestos**

### General Information

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

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

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

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

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

#### *Hoardings*

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

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

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

#### **17. ~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)*

**18. ~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 Commencement of works**

**19. ~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 commencement of works**, 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)*

**20. ~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*.

**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)*

**21. ~DACC02 - Damage Deposit for Council Infrastructure**

A Damage Deposit (calculated in accordance with Council's adopted Fees and Charges) of **\$250,000** shall be paid to Council **prior to Commencement of Works**.

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)*

**22. ~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 Commencement of Works**. Council acts as an agent for the Long Services Payment Corporation and the levy may be paid at Council's Office.

*(Reason: Statutory requirement)*

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

**Prior to Commencement of Works**, a Construction Management Plan that clearly sets out the following:

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

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

**24. ~DACCE02A - Construction Traffic Management Plan (CTMP)**

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

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

- (a) A detailed description and route map of the proposed truck/construction

- vehicle access routes.
- (b) The locations of any proposed Construction Works Zones along the site frontage.
  - (c) Provide a construction schedule.
  - (d) Tradesperson parking (parking shall be provided on-site where possible).
  - (e) Provide relevant Traffic Control Plans (must be certified by a suitably qualified RMS ticket holder).
  - (f) Provide relevant Pedestrian Management Plans.
  - (g) A site plan which indicates site entrances and exits, turning areas within the site for construction and spoil removal vehicles allowing a forward ingress and egress for all construction vehicles on the site (superimposed truck swept path diagrams). Site entrances and exits shall be controlled by a certified traffic controller.

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

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

*(Reason: Information)*

**26. ~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 week establishment period following Occupation of the site shall be prepared and provided to Council. The strategy is to address maintenance issues such as, but not limited to plant survival, irrigation, soil testing, weeding, staking, fertilizing, remedial pruning and plant replacement.

*(Reason: Ensure landscape survival)*

**27. ~DACCG02 - Bicycle Storage Provision**

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

*(Reason: Convenience)*

**28. ~DACCG07 - Off Street Parking Provision - General**

Three (3) off-street car parking spaces suitably marked in accordance with the approved plans (unless elsewhere specified) shall be provided. Each space shall have minimum dimensions in accordance with the relevant Australian Standard.

*(Reason: Parking and access)*

**29. ~DACCI01 - Damage Report**

A Damage Report Form shall be completed and submitted to Council. This Damage

Report Form is for the evaluation of the existing condition of the road reserve, and shall be filled out and signed by the Applicant and submitted to Council. This form is generally for “minor works” (as defined in the Driveways and Ancillary Works Application Form). For “major works”, a Dilapidation Report will be required.

This Form is used to assist Council in determining the refund of any damage deposits and any likely repairs necessary upon the completion of the development.

When lodging the Damage Report Form, fees are payable in accordance with Council’s fees and charges schedule, which will go towards administration and inspection costs.

The cost of repairing any damage to Council property (including the footpath, verge, street trees, kerb, gutter, road pavement or the like) during and/or immediately after construction must be paid to Council or shall be deducted from the damage deposit bond. Repair of damaged Council property by the Applicant or his agent is not permitted unless approved by Council.

For roadways requiring asphaltic concrete works or adjustment works, these shall be done to a minimum width as specified by Council. Minimum dimensions are given in Council’s Specification for Driveway Construction or Specification for Restoration Works.

*(Reason: Maintain public assets)*

**30. ~DACCI03 - Protection of Public Places**

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

If the work involved in the demolition or construction of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the closure of a public place, a barrier, fence or hoarding shall be erected **prior to the commencement of any work** subject to approval of a Traffic Management Plan.

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

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

*(Reason: Safety)*

**31. ~DACCI05 - Vehicular Crossings**

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

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

**32. ~DACCJ02 - Redundant Vehicular Crossings and Ancillary Works**

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

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

*(Reason: Public infrastructure maintenance)*

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

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

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

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

**34. ~DACCL01 - Detailed Stormwater Drainage System Design**

A detailed stormwater drainage plan for the safe disposal of stormwater from the site, prepared in accordance with the Canada Bay Development Control Plan 2017.

**Important Note:** Where the proposed design extends beyond the property boundary, separate approval under Section 138 of the Roads Act 1993, must be obtained from

Council prior to the commencement of works.

The applicant is advised to contact Council for clarification of proposed works for which approval under Section 138 applies.

*(Reason: Stormwater management)*

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

The proposed stormwater design shall be certified by a suitably qualified person, in accordance with the Canada Bay Development Control Plan 2017.

Certification of the proposed stormwater design shall be obtained from a Chartered Professional Civil Engineer with Institution of Engineers, Australia Corporate Membership and registered on the National Engineers Register (NER).

*(Reason: Adequate stormwater management)*

**36. ~DACCL04 - Erosion and sedimentation controls**

Erosion and sedimentation controls must be provided to ensure:

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

*(Reason: Environmental protection)*

**37. ~DACCL06 - Rainwater Harvesting**

A rainwater harvesting system shall be provided in accordance any relevant Council Rainwater Re-use Policy and/or “Engineering Requirement for Developments, Technical Specification”, whichever is applicable.

*(Reason: Compliance and Amenity)*

**38. ~DACCL07 - Silt Arrestors and Gross Pollutant Traps**

Silt and gross pollutant traps shall be fitted in all stormwater pits, designed in accordance with Council's "Engineering Requirements for Developments, Technical Specification" and to the satisfaction of Council.

*(Reason: Environmental Protection)*

**39. ~DACCL10 - Stormwater Connection to Public Drainage System within property**

If a stormwater connection into Council's drainage system within a property is proposed, a separate application shall be submitted to Council under Section 68 of the Local Government Act.

Council will undertake inspections of the connection at various stages (at exposure stage, connection stage and backfilling stage).

*(Reason: Protection and Maintenance of Council assets)*

**40. ~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.

*(Reason: Structural safety)*

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

**41. ~DAPCA04 - Removal of Trees**

Tree removal is permitted as notated on the approved plans.

To ensure the protection of tree/s to be retained on site all removals are to be undertaken by a suitably qualified arborist practicing industry current arboricultural best practice methods.

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

*(Reason: Compliance with consent and tree protection)*



**42. ~DAPCB03 - Crown Development**

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

*(Reason: Statutory requirement)*

**43. ~DAPCB06 - Site Safety Fencing**

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

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

*Hoardings*

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

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

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

**44. ~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)*

**45. ~DAPCB10 - Notice of Requirements from Sydney Water**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through Sydney Water or an authorised Water Servicing Coordinator (WSC). An assessment will be made to determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains. Please refer to Sydney Water's website at

[www.sydneywater.com.au/section\\_73](http://www.sydneywater.com.au/section_73) or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

Following application, Sydney Water will assess the development and if required will issue a “Notice of Requirements” letter detailing all requirements that must be met. Please apply early as building of water and services can be time consuming and may impact on other parts of your development such as building, driveway or landscape design.

The Notice of Requirements must be obtained **before the commencement of works**. A Section 73 Compliance Certificate must be obtained before the Occupation of the site.

*(Reason: To comply with statutory requirements)*

**46. ~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**

**47. ~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)*

**48. ~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)*

**49. ~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)*

**50. ~DADWA04 - Dust Control**

*Small Works*

Where a dust nuisance is likely to occur, suitable screens and/or barricades shall be erected during the demolition, excavation and building works. If necessary, water sprays shall be used on the site to reduce the emission of dust. Screening shall consist of minimum 2 metres height of shade cloth or similar material secured to a chain wire fence of the like and shall be modified as directed by the City of Canada Bay Council should it fail to adequately control any dust nuisance.

*Major Works*

The following measures must be implemented (in part or in total) as directed by the City of Canada Bay Council to control the emission of dust:

- (a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.
- (b) All dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be contaminated or allowed to enter the stormwater system.
- (c) All stockpiles of materials that are likely to generate dust must be kept damp or covered.
- (d) All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.
- (e) All stockpiles of soil or other materials likely to generate dust or odours shall be covered.
- (f) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours or as directed by the City of Canada Bay Council.

*(Reason: Environmental amenity)*

**51. ~DADWA05 - Excavation - Water**

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

*(Reason: Health and safety)*

**52. ~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)*

**53. ~DADWB02 - Acid Sulphate Soils**

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

*(Reason: Environmental protection)*

**54. ~DADWB03 - Construction Management Plan**

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

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

*(Reason: Compliance with condition of consent)*

**55. ~DADWB04 - Damage to Adjoining Properties**

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

*(Reason: Structural safety)*

**56. ~DADWB05 - Stamped Plans**

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

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

**57. ~DADWC01 - Contaminated Land Unexpected Finds**

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

The exposed material/excavation situation is to be evaluated by the supervising environmental consultant and an appropriate response determined in consultation with the applicant, which is agreed to by City of Canada Bay, Manager Health, Building

and Environment.

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

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

**58. ~DADWC08 - Excavation Pump-out**

Water that has accumulated in any excavation is not to be pumped into any stormwater disposal system unless the approval of the City of Canada Bay Council is obtained prior. The analytical results of any discharge must comply with relevant EPA and ANZECC standards for water quality and be made available to Council upon request. Any water to be discharged to Council's stormwater system shall not contain a concentration of suspended sediment exceeding 50mg/L, shall have a pH of between 6.5-8.0 and shall comply with the ANZECC Guidelines for Marine and Freshwater Quality for Protection of Aquatic Ecosystems (95% protection level for freshwater ecosystems); NSW Department of Housing, Managing Urban Stormwater - Soils and Construction).

Water testing shall be carried out by a suitably qualified environmental scientist. Water that does not comply with the above standards shall not be discharged to the stormwater system, and shall be disposed of using alternative approved means.

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

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

*(Reason: Environmental Amenity)*

**59. ~DADWD01 - Road Opening Permit**

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

**Important Note:** Road Opening Permits do not include driveways, laybacks, footpath and major stormwater drainage construction which are covered separately by the

Driveways and Ancillary Works Application (for minor domestic works) or a Section 138 Works Application (for major or public works).

*(Reason: Maintain public asset)*

**60. ~DADWF01 - Noise - Construction**

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

- Construction period of 4 weeks and under - The L10 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 20 dB(A) at the boundary.
- Construction period greater than 4 weeks and not exceeding 26 weeks - The L10 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 10 dB(A) at the boundary.
- Silencing - All possible steps should be taken to silence construction site equipment.

Should complaints of a noise nuisance be substantiated, Council may 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.

Council may also require the acoustic treatment of the premises to ensure compliance with the NSW Department of Environment and Climate Change 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)*

**61. ~DADWF02 - Noise - Plant**

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

*(Reason: Safety and Amenity)*

**62. ~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, 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)*

**63. ~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)*

**64. ~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.

*(Reason: Safety)*

**65. ~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)*

**66. ~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. 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**

**67. ~DAOCB01 - Certification of Engineering Works**

**Prior to occupation**, the following documents must be submitted to Council.

- a) A Certificate from a Chartered Professional Engineer with Institution of Engineers, Australia Corporate Membership and registered on the National Engineers Register (NER) under the appropriate professional category, and
- b) “Work - As - Executed” drawings of the engineering works prepared by a Registered Surveyor or equivalent.

The abovementioned Certificate is to certify that:

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

*(Reason: Asset management)*

**68. ~DAOCC01 - Civil Works on the Footway**

The Applicant is required to carry out the following works:

- Reconstruct sections of cracked or defective footpath along the full frontage of the site to Whittall Street, and/or
- Reconstruct existing public drainage pit/pipe system, and/or
- Construct a new vehicular crossing, and/or



- Remove any redundant vehicular crossings and replace with kerb and gutter to match the adjoining.

The above works must be completed to the written satisfaction of Council **prior to Occupation of the site.**

Note: The above works will require the submission of the relevant application for the works to be undertaken.

Where the Applicant nominates Council to undertake the civil and stormwater works, they must contact Council's Manager Construction, City Services in order to obtain an estimated cost for construction and contract to undertake the works.

*(Reason: To preserve Council's assets and amenity)*

**69. ~DAOCE01 - Drainage System - Maintenance of Existing**

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

A certificate shall be provided by a suitably qualified person (a registered plumber or a person of equivalent or greater experience or qualification) **prior to Occupation of the site** 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 Occupation of the site**

**70. ~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 Occupation of the site.**

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

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

*(Reason: Fire safety)*

**71. ~DAFOA02 - Certificate of Test of Mechanical Ventilation**

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

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

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

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

Easement Registration

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

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

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

**73. ~DAFOE03 - OSD Identification Plate**

**Prior to Occupation of the site**, the applicant shall install an identification plate near or onto the control structure of the On-site Stormwater Detention system (OSD). This is to advise the registered proprietor of their responsibility to maintain the OSD facility and not to tamper with it in any manner without the written consent of Council.

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

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

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

**74. ~DAOUA06 - Deliveries**

No deliveries are to occur before 7.00am or after 8.00pm weekdays and before 9.00am or after 5.00pm weekends and public holidays, to prevent noise disruption to the surrounding area.

*(Reason: To control noise impacts)*

**75. ~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)*

**76. ~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)*

**77. ~DAOUC02 - Control of Litter**

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

**78. ~DAOUC05 - Microbial Control**

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

- Public Health Act 2010 and Public Health Regulation 2012
- Australian Standard AS/NZS 3666 - Air Handling and Water Systems of Buildings - Microbial Control, Parts 1, 2 & 3 of 2011; and
- 2004 NSW Health Code of Best Practice for the Control of Legionnaires Disease.

*(Reason: Health and safety)*

**79. ~DAOUC11 - Water Quality Treatment Systems**

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

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

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

These systems shall be designed to ensure ease of maintenance.

*(Reason: Environmental protection)*

**80. ~DAOUC15 - Noise (General)**

The use of the premises shall comply with the requirements of the Environmental Pollution Authority's 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)*

**81. ~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 assessment. Should the recommendations in the report be accepted, the owner/occupier shall then implement all recommendations contained in the assessment report within a timeframe agreed to by Council.

*(Reason: Noise Control and Amenity)*

**82. ~DAOUC17 - Noise Complaints Relating to Use or Equipment**

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

*(Reason: Amenity and Noise Control)*

## Advisory Notes

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

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

#### *Telecommunications Act 1997 (Commonwealth)*

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

### b) ~DAANN02 - Dividing Fences

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

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

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

### c) ~DAANN04 - Lapsing of Consent

In accordance with Section 95 of the Environmental Planning and Assessment Act 1979 (as amended), this Development Consent lapses five (5) years after the date from which it operates unless building, engineering or construction work has physically commenced. **The works must be 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.