

COUNCIL ASSESSMENT REPORT

Panel Reference	2018SCL025
DA Number	DA2018/0076
LGA	City of Canada Bay
Proposed Development	Demolition of two existing buildings, ancillary structures and removal of select vegetation. Relocation of existing carpark and construction of a new two-storey building and shade cover with three temporary demountable buildings to be provided on site during construction
Street Address	121 First Avenue, Five Dock
Applicant/Owner	Applicant – Sydney Catholic Schools c/- Urbis Owner – Domremy College & Trustees of the Roman Catholic Church for the Archdiocese of Sydney
Date of DA lodgement	16.03.2018
Number of Submissions	0
Recommendation	Approval subject to conditions
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	Schedule 7(5) of the <i>State Environmental Planning Policy (State and Regional Development) 2011</i> - Private infrastructure and community facilities over \$5 million.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 • State Environmental Planning Policy 55 - Remediation of Land • Canada Bay Local Environmental Plan 2013 <ul style="list-style-type: none"> ○ Clause 4.6 variation to 8.5metre maximum Building Height control of the Canada Bay LEP, 2013 ○ Locally listed Heritage Item • Canada Bay Development Control Plan 2017
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Architectural Plans • Clause 4.6 variation to Building Height control
Report prepared by	Stuart Ardlie
Report date	31 July 2018

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Yes**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **No**

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

ITEM: 121 FIRST AVENUE, FIVE DOCK (2018SCL025, DA2018/0076) DOMREMY COLLEGE

Council: City of Canada Bay Council

Author: Stuart Ardlie

EXECUTIVE SUMMARY

Owner

Domremy College & Trustees of the Roman Catholic Church for the Archdiocese of Sydney

Applicant

Sydney Catholic Schools c/- Urbis

Zoning

The proposed development, defined as a school, is permissible with consent within the Low Density Residential R2 zone under Canada Bay Local Environmental Plan 2013.

Proposal

Demolition of two existing buildings, ancillary structures and removal of select vegetation. Relocation of existing carpark and construction of a new two-storey building and shade cover with three temporary demountable buildings to be provided on site during construction

Issues, including those matters raised by objectors

- No submissions received
- Building height

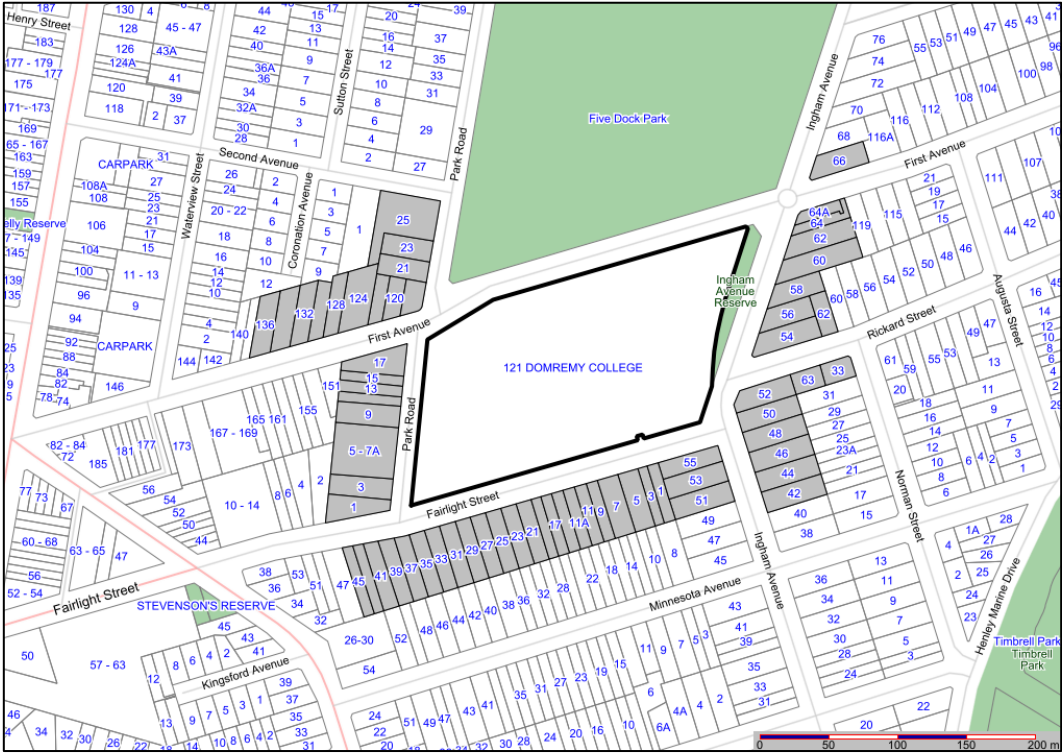
Value of development

\$11,974,102

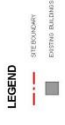
Reason for referral to the Panel

The proposal has a capital investment value of more than \$5 million.

Location



Subject Site		Properties Notified		Submitters		↑ North
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REV	DESCRIPTION	DATE
0	Amendment to Development Application	28.06.2018
5	Amendment to Development Application	02.05.2018
4	Issued for Development Application	05.03.2018
3	Issued for Development Application	16.02.2018
2	Issued for Development Application	25.01.2018
1	Consultant Coordination	18.01.2018

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A201 40005042451 ISO International Architects Firm Jurisdiction 12/21

PROJECT TITLE	Domremy College Solais Project
CLIENT TITLE	Sydney Catholic Schools
PROJECT ADDRESS	121 First Avenue Five Dock, Sydney NSW

PROPOSED SITE PLAN

STATUS

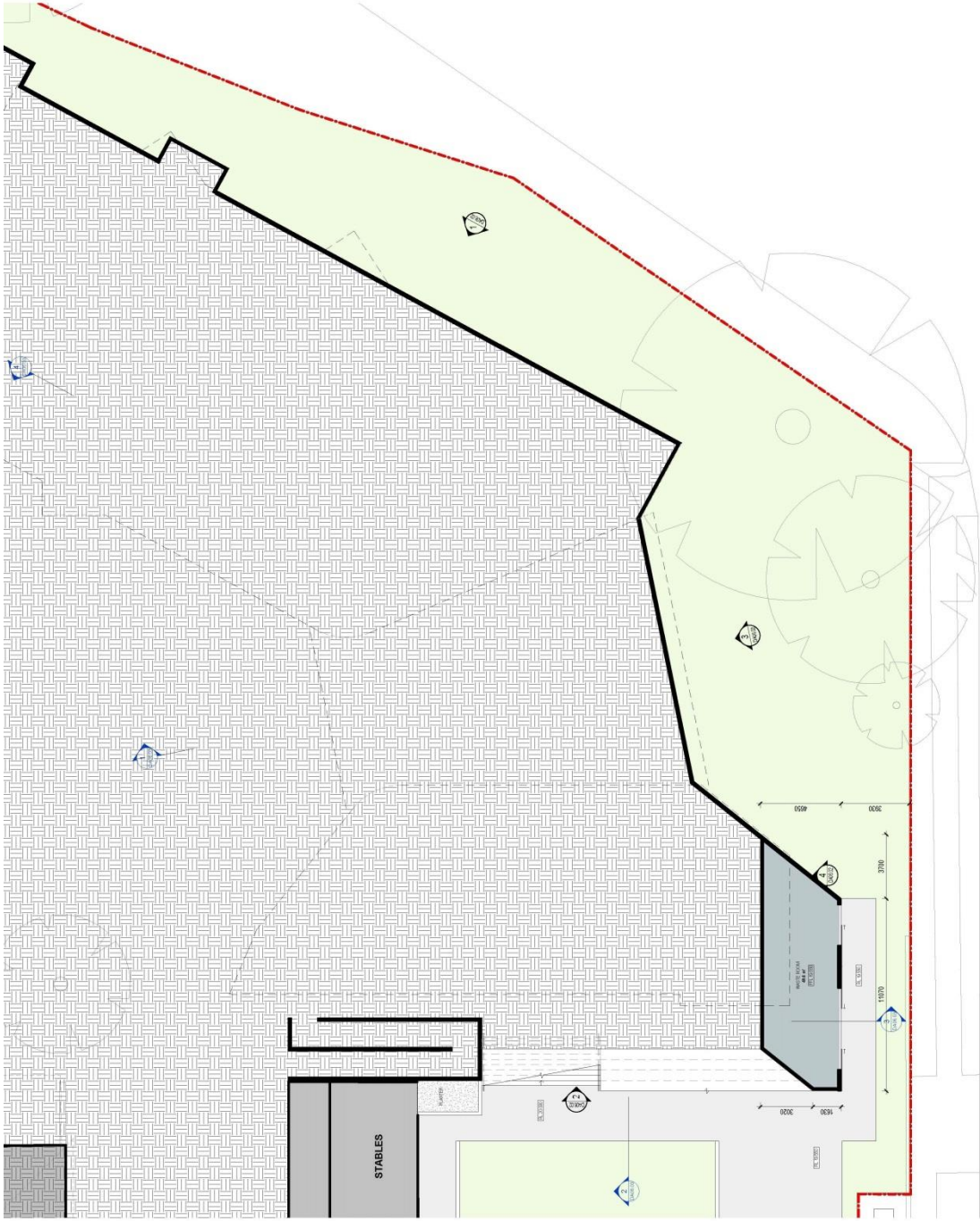
FOR DEVELOPMENT APPLICATION

DATE PRINTED	CHECKED BY	DRAWN BY	SCALE
30/7/2018 4:54:03 PM	M	S2	1:500

PROJECT NUMBER	DWG NO	REVISION

2128	DA01.02	6	∇_N
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Outlines important structural dimensions before you get underway. Figures dimensions and key elements over a period of time. Why this may concern you for example, after design, as an illustration, not a design, and the conditions for the design (material and method) and the conditions for the design of the design.



REV	DESCRIPTION	DATE
1	Issued for Development Application	05.12.2018
2	Issued for Development Application	26.11.2018
3	Issued for Development Application	26.11.2018

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Domremy College Solaris Project
CLIENT TITLE
Sydney Catholic Schools
PROJECT ADDRESS
121 First Avenue Five Dock, Sydney NSW

LOWER GROUND FLOOR PLAN

STATUS
FOR DEVELOPMENT APPLICATION

PROJECT NUMBER 2128
REVISION DA03.01 4

DATE PREPARED 05.12.2018
SCALE 1:100
DATE CHECKED 26.11.2018
SCALE 1:100

LOWER GROUND



100

PROJECT TITLE
Domremy College Solais Project

121 First Avenue Five Dock, Sydney NSW

GROUND FLOOR PLAN

STATUS

FOR DEVELOPMENT APPLICATION

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PROJECT NUMBER	DWG NO	REVISION
0100	000	1

2128 DA03.02 4 N

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REV	DESCRIPTION	DATE
4	Issued to Development Application	03/03/2018
3	Issued to Development Application	25/01/2018
2	Issued to Development Application	25/01/2018
1	Issued to Development Application	25/01/2018

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121 First Avenue Five Dock, Sydney NSW 1585
Phone: (02) 9550 1234
Email: info@haupball.com.au
Website: www.haupball.com.au

PROJECT TITLE
Domremy College Solais Project

CLIENT TITLE
Sydney Catholic Schools

PROJECT ADDRESS
121 First Avenue Five Dock, Sydney NSW

DRAWING TITLE
FIRST FLOOR PLAN

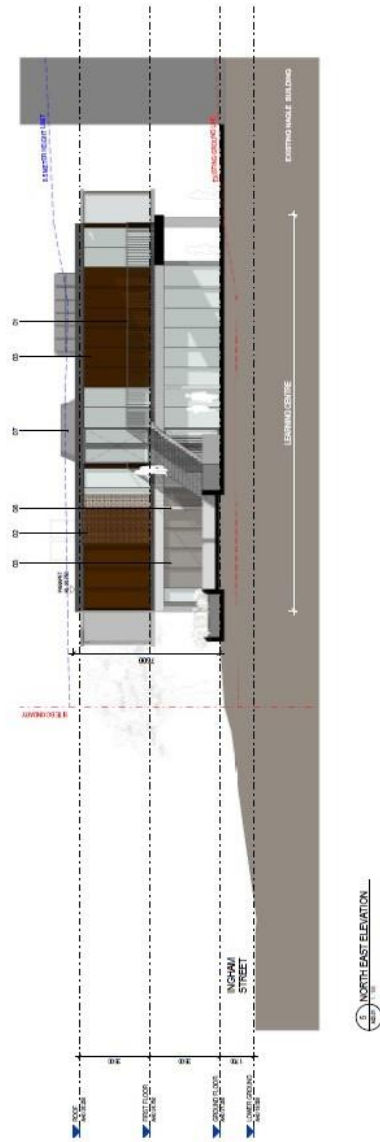
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FOR DEVELOPMENT APPLICATION

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502	JF	03/03/2018	1:100

PROJECT NUMBER 2128
DA03.03 4

REVISIONS

NO.	DESCRIPTION
1	ISSUED TO DEVELOPMENT APPLICATION
2	ISSUED TO DEVELOPMENT APPLICATION
3	ISSUED TO DEVELOPMENT APPLICATION
4	ISSUED TO DEVELOPMENT APPLICATION



REV	DESCRIPTION	DATE
3	Issued for Development Application	02/03/2013
2	Issued for Development Application	16/02/2013
1	Issued for Development Application	26/01/2013

100

Melbourne: Tel +61 3 9078 5000 Fax +61 3 9078 5001
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Auckland: Tel +61 6 330 0000 Fax +61 6 330 0001

PROJECT TITLE
Domremy College Solais Project

CLIENT TITLE
Sydney Catholic Schools

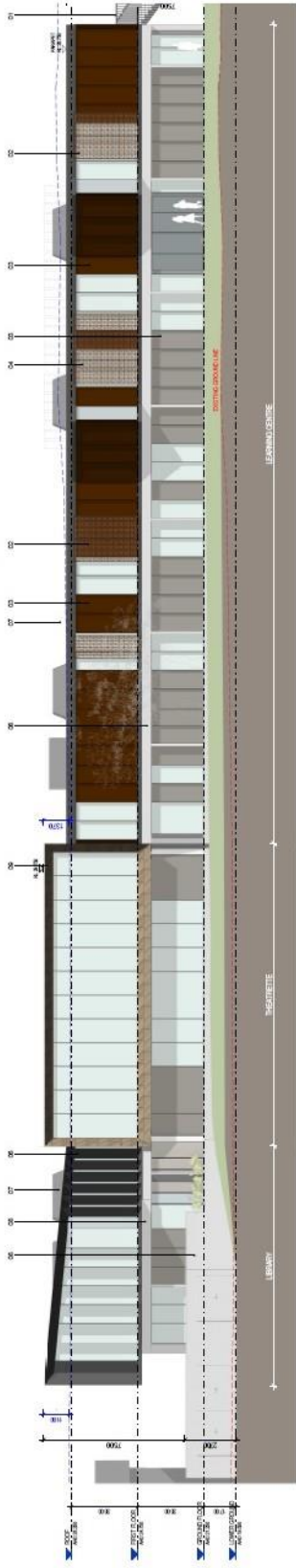
121 First Avenue Five Dock, Sydney NSW

ELEVATIONS

FOR DEVELOPMENT APPLICATION	CHARGED BY	DATE PAID/NO.	SCALE
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Ref	Year	Sample Size	Prevalence (%)
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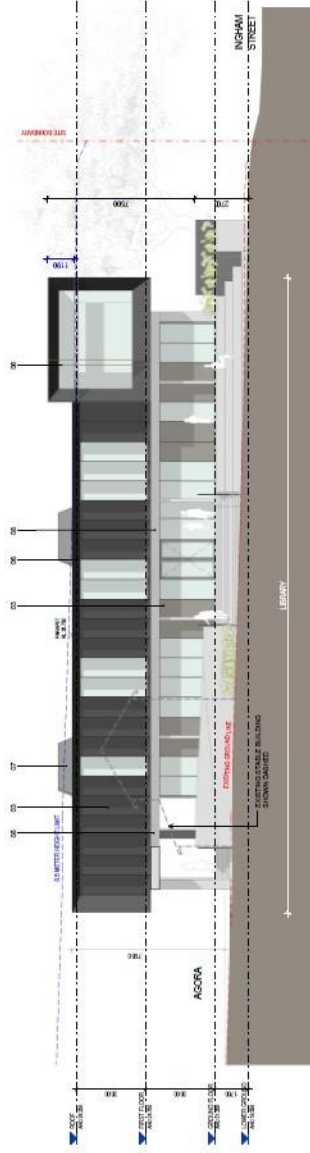
2128 DA06.01 3



4 SOUTH ELEVATION 1

3 SOUTH ELEVATION 2

1 EAST ELEVATION



2 WEST ELEVATION

1	PROJECT DEVELOPMENT	10.12.2019
2	PROJECT DEVELOPMENT	10.12.2019
3	PROJECT DEVELOPMENT	10.12.2019
4	PROJECT DEVELOPMENT	10.12.2019
5	PROJECT DEVELOPMENT	10.12.2019

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121 First Avenue Pine Creek, Sydney NSW
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121 First Avenue Pine Creek, Sydney NSW

Domremy College Solas Project
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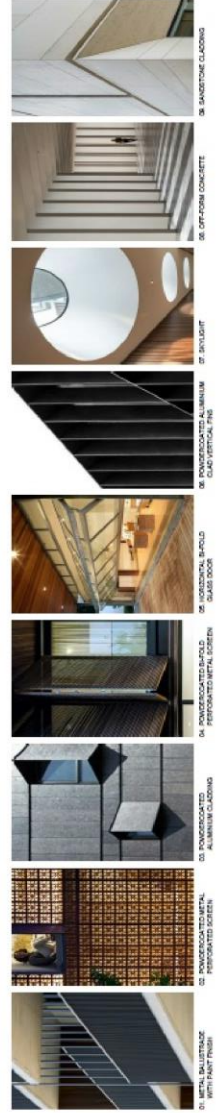
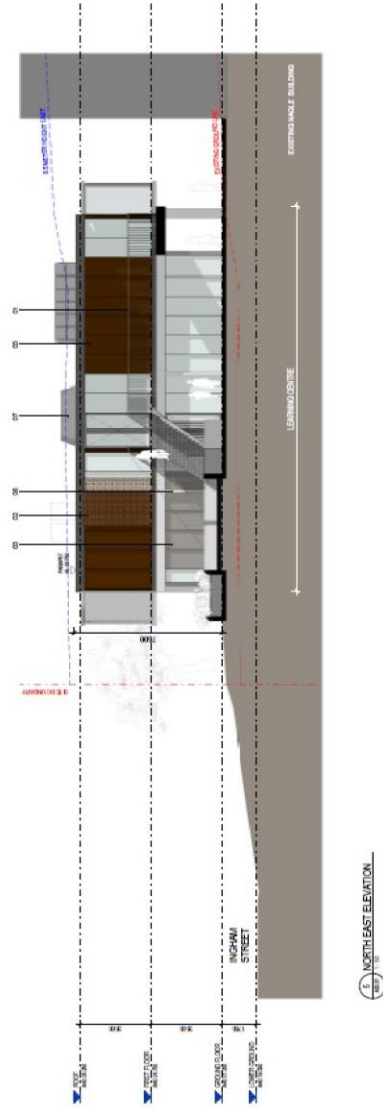
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Domremy College Solas Project
Domremy College Solas Project



- 01 METAL BALUSTRADE WITH PAINT FINISH
- 02 PERFORATED SCREEN
- 03 PERFORATED ALUMINIUM CLADDING
- 04 PERFORATED METAL SCREEN
- 05 PERFORATED BUILDING
- 06 PERFORATED BUILDING
- 07 ENTRY
- 08 OFFICE CONCRETE
- 09 SANDSTONE CLADDING



	01-03-2013	14-03-2013	27-03-2013	Pd (%)
1) Internaly Development Application				
2) Internaly Development Application				
3) Internaly Development Application				

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PROJECT TITLE

Domremy College Solais Project

Sydney Catholic Schools

PROJECT ADDRESS

Source: *Journal of the American Statistical Association*, 1997, 92, 1039-1052.

ELEVATIONS

STATUS

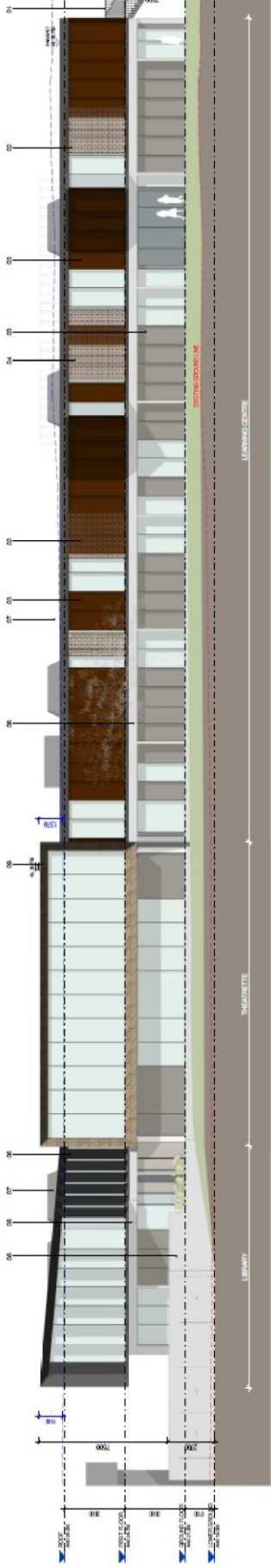
FOR DEVELOPMENT APPLICATION

Component	Calculated	Gas Analyzed	Molar
H ₂	20	27.6 ± 0.8	1.130

Year	Number of cases	Rate per 100,000
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1991	1,100	1.1
1992	1,200	1.2
1993	1,300	1.3
1994	1,400	1.4
1995	1,500	1.5
1996	1,600	1.6
1997	1,700	1.7
1998	1,800	1.8
1999	1,900	1.9
2000	2,000	2.0
2001	2,100	2.1
2002	2,200	2.2
2003	2,300	2.3
2004	2,400	2.4
2005	2,500	2.5
2006	2,600	2.6
2007	2,700	2.7
2008	2,800	2.8
2009	2,900	2.9
2010	3,000	3.0
2011	3,100	3.1
2012	3,200	3.2
2013	3,300	3.3
2014	3,400	3.4
2015	3,500	3.5
2016	3,600	3.6
2017	3,700	3.7
2018	3,800	3.8
2019	3,900	3.9
2020	4,000	4.0

2128 DA06.01 3

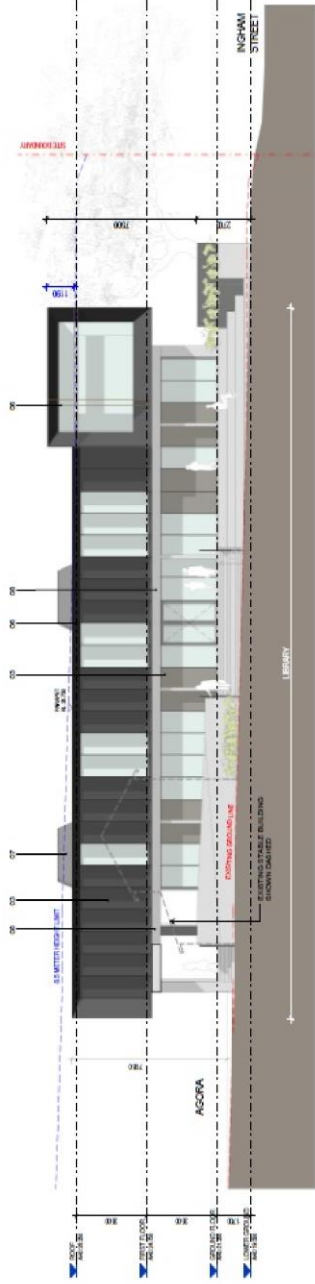
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1 SOUTH ELEVATION 1

2 SOUTH ELEVATION 2

3 EAST ELEVATION



4 WEST ELEVATION



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PROJECT TITLE
Donnelly College Solais Project

CLIENT TITLE
Donnelly Catholic Schools

PROJECT ADDRESS
121 First Avenue Pine Creek, Sydney NSW

DRAWING TITLE
ELEVATIONS

STATUS
FOR DEVELOPMENT APPLICATION

DESIGNED BY
DATE PREPARED
SCALE
1:100

PROJECT NUMBER
DA06.02 3

DATE
1/1/2024

REVISIONS
1/1/2024



REPORT

1. BACKGROUND

This application was lodged on the 16 March 2018 and publicly notified for a period of twenty-one (21) days with no submissions received.

On the 17 May 2018 the applicant was advised by email that additional information and amendments would be required to resolve the following matters:

- Driveway design and layout required to be amendment to retain tree No. 38 *Phoenix Canariensis*.
- Stormwater management
- Driveway access

On the 04 July 2018, the applicant submitted additional information and amended plans which addressed these issues.

2. THE SITE AND ITS CONTEXT

The site is known as 121 First Avenue and is bounded by First Avenue, Ingham Avenue, Fairlight Street and Park Road, Five Dock. The site area is approximately 2.887 hectares.

The site contains Domremy College which is a Catholic secondary school with approximately 780 students. The site incorporates a number of one and two storey buildings which accommodate teaching facilities, recreation facilities and administration areas. The site includes a staff car parking area in the south-eastern corner of the site accessed from Fairlight Street. The school is fenced with pedestrian access from First Avenue

To the north of the site is Five Dock Park which provides a large landscaped area for public recreation. The adjoining properties to the east and south are characterised by single storey and two storey detached residential dwellings. The adjoining developments to the west are characterised as medium density residential with a combination of multi-dwelling housing developments with some detached residential dwellings. Further to the west is the Five Dock Town Centre which runs along Great North Road.

3. PROPOSED DEVELOPMENT IN DETAIL

The key features of the proposal include:

- Demolition of two existing buildings and ancillary structures
- Relocation of the 35 space staff carparking area to the north-western corner of the site, with access from First Avenue
- Construction of a two storey education facility incorporating a library, flexible learning spaces, theatrette and staff facilities. Improvement works to adjoining outdoor courtyard area
- Erection of three temporary demountable buildings on north-eastern portion of site for use as library during construction
- Tree removal
- Increase in student capacity from 780 to 810, an increase of 30 students.

On the 04 July 2018, the applicant, in consultation with Council, formally amended the proposal to incorporate a new shade structure with a paved or soft-fall surface

4. PUBLIC SUBMISSIONS

In accordance with Council's Notification Development Control Plan, adjoining and nearby property owners and occupiers were advised of the proposal and invited to comment, with no submission received.

The applicant engaged in direct community consultation with the neighbouring properties prior to the lodgement of this application.

5. ASSESSMENT UNDER SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

5.1. Environmental Planning Instruments [Section 4.15 (1) (a) (i & ii)]

5.1.1. State Environmental Planning Policies

The proposed development is subject to the following State Environmental Planning Policies:

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 - (Education SEPP)

The applicant has confirmed with the Department of Planning and Environment that the exempt provisions for a Short Term portable 'classroom' do not extend to the use of the portable buildings as a library. As such the construction and temporary use of the demountable buildings for a library are included in this application.

Schedule 4 of the Education SEPP outlines the design quality principles that are proposed for consideration of applications for school developments.

Design Quality Principle	Comment
Principle 1 – Context, Built Form and Landscape	<p>The existing site contains traditional single and two storey buildings which form landscaped and courtyard areas. The proposed building will be of a contemporary two storey design which will provide a scale and appearance which will be of a high quality and which will be complementary to the existing built form on the site.</p> <p>The building addresses its corner location reinforcing the existing built fabric and layout of the College, forming a courtyard area between the buildings, improving the useable space and circulation between existing buildings. A large landscaped area will be maintained along each street frontage positively contributing to the streetscape.</p> <p>The site is listed as local heritage item with the assessment contained in part 5.1.2 of this report concluding that the proposed works would not have any impact on the heritage significance of the site.</p>
Principle 2 – Sustainable, Efficient and Durable	<p>The applicant has confirmed that the proposal will adopt the following range of ESD initiatives:</p> <ul style="list-style-type: none"> ▪ Indoor spaces have been designed and orientated to maximise daylight and natural ventilation; ▪ Building services, lighting and equipment to be used will be highly energy efficient; ▪ Improved waste storage facilities that will allow for the effective separation and recycling of waste streams; ▪ Solar photovoltaic (PV) panels on the roof of the building to offset daytime energy demand and reduce ongoing operating costs; ▪ The proposal will continue to encourage the use of sustainable public transport to travel to and from site; and ▪ Construction waste will be reused and recycled where possible.
Principle 3 – Accessible and Inclusive	<p>The submitted BCA report demonstrates that the proposal will be capable of compliance with the accessibility requirements of the BCA. The new building incorporates ramped access, lifts and accessible spaces.</p>
Principle 4 – Health and Safety	<p>The building extends along each frontage forming a perimeter with a central internal courtyard area which provides for the protection and security of the students. The building provides extensive street facing glazing on the eastern and southern elevation which provides an outlook and passive surveillance of the surrounding public domain.</p>

Principle 5 - Amenity	<p>The proposal will provide a purpose-built facility which has been designed to incorporate high quality learning spaces in accordance with current education best practice. The new building will incorporate updated learning spaces and student support facilities.</p> <p>The separation distance to the closest adjoining residential properties mitigates any potential amenity impacts.</p>
Principle 6 – Whole of Life, Flexible and Adaptive	The internal layout incorporates a combination of small and large flexible learning spaces which incorporates partitions that allow for the adaptable use of each space for a variety of uses. The building will be constructed to allow for the future adaptable use of the building to cater for the current student capacity and future demand.
Principle 7 - Aesthetics	The proposed building materials are appropriate to the existing built environment and activities, and draw from the existing buildings whilst reflecting a more contemporary approach linked to the learning environment. The proposed materials provide an overall neutral palette, which complements the existing heritage buildings on-site and the surrounding residential context.

State Environmental Planning Policy 55 - Remediation of Land (SEPP 55)

According to clause 7 of SEPP 55 Council may not consent to the carrying out of any development on land unless it has considered whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable after remediation) for the purpose for which the development is proposed to be carried out.

A Stage 1 Environmental Site Investigation involving limited soil sampling from five locations concluded that there is potential contamination within the site, including the following areas of environmental concern:

- Fill materials;
- Use of pesticides;
- Hazardous building materials; and
- Electricity transformer.

The soil investigation also indicated the presence of carcinogenic PAHs (Polycyclic Aromatic Hydrocarbons) and zinc exceeding the SAC (Site Assessment Criteria).

A Stage 2 Environmental Assessment report was submitted which concluded that the development areas of the site can be made suitable for the future development at the site, subject to the preparation of a remedial action plan and an environmental management plan if any contaminated soils are to remain within the development areas.

These requirements have been included as conditions within the recommendation of this report. As such Council is satisfied that the proposal as conditioned could be made suitable for the proposed use.

5.1.2. Local Environmental Planning Instruments

The proposed development, defined as a school, is permissible with consent within the Low Density Residential R2 zone under Canada Bay Local Environmental Plan 2013. The objectives of the R2 Zone are:

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

The proposal is consistent with these objectives as it will improve the existing educational facilities for this established use whilst remaining compatible with the surrounding low density residential uses. The proposal will support the operation and facilities on the site enhancing the school use for both the students and staff.

Statutory Standards

As indicated in the compliance table, the proposed development does not comply with the maximum building height development standard contained in Clause 4.3 of the Canada Bay Local Environmental Plan 2013. The applicant has provided a written submission seeking variation to this development standard under Clause 4.6 of the Canada Bay Local Environmental Plan 2013. The written submission has been assessed as follows:-

Clause 4.3(2) of the Canada Bay Local Environmental Plan 2013 (CBLEP 2013) states that the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. The Height of Buildings Map shows that the maximum height permitted for a building on the subject land is 8.5m. The applicant is seeking to vary this development standard by 1.2m. The extent of the breach is limited to the central theatre roof, library pop-out window, skylights and roof plant.

Figure 1 – Height plane (Source: applicant)

The following objectives are contained in Clause 4.6 of the Canada Bay Local Environmental Plan 2013:-

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

In consideration of the applicant's written submission, Council is satisfied that it is appropriate to invoke the provisions of Clause 4.6 to vary the height of buildings development standard in order to achieve a better planning outcome for the development of the subject site by allowing flexibility in the application of the maximum building height given the circumstances of the development proposal as follows:-

- The proposed new facilities are in keeping with the existing permissible use of the site.
- The new building will reinforce the existing built fabric and layout of the school replacing older dilapidated buildings which are not fit for purpose.
- The building form and height maintains the existing scale of the college, which is predominantly single and two storey buildings. The new facilities have been designed in accordance with current education best practice and are all lower than the Original Main House (heritage listed) which rises over 14 metres.
- The building setbacks are consistent with existing buildings being demolished along Fairlight Street and Ingham Avenue. The proposed setback aligns with each of the retained buildings with each setback being landscaped.
- The proposed buildings provide quality educational spaces for the students, and reinforces the existing plan and proposed Masterplan of the school.
- Proposed building materials are appropriate to the existing built environment and activities, drawing from the existing buildings whilst reflecting a more contemporary approach linked to the learning environment.

3. Clause 4.6(3) Provisions:

Sub-clause (3) of Clause 4.6 of the CBLEP 2013 states that development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating the following:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

In consideration of the applicant's written submission, Council is satisfied that it is unreasonable and unnecessary to require strict compliance with the maximum building height development standard under Clause 4.3 (2) of the CBLEP 2013, and that there are sufficient environmental planning grounds to justify contravening the building height standard for the reasons set out below.

Council is also satisfied that the proposed development is in the public interest because it is consistent with the following objectives of the building height development standard as contained in Clause 4.3(1) of the CBLEP 2013 (which state as follows), for the reasons set out below:-

(a) to ensure that buildings are compatible with the desired future character in terms of building height and roof forms,

(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development.

- The proposed building is in keeping with the height of existing buildings on the campus and is lower in height than the Original Main Building. All proposed facilities are set back within the campus and clear of the Original Main Building.
- The bulk of the proposed new buildings is in keeping with existing facilities and site organisation. The proposed building height is determined from the proposed use and has been designed to support high quality learning spaces in accordance with current education best practice. The existing school facilities already create a building bulk larger than the surrounding residential areas.
- The scale of the proposed new facilities is in keeping with the existing school buildings and has been designed to meet minimum required educational standards. The organisation of the facilities on the site creates connections to all existing functions whilst creating significant and improved educational spaces.
- The visual impact of the proposed facilities is minimal as they are located within the existing campus, are in keeping with the existing scale, mass and height of existing structures and have been designed to enhance open space, circulation and existing buildings.
- The proposed new facilities do not disrupt any existing views.
- There is no loss of privacy to any existing property as the new facilities are orientated internally. There is no change to the activities or uses on site which would impact upon the privacy of adjoining properties.
- There is no increased loss of solar access caused by the design or location of the proposed new buildings to any existing neighbouring property or public space. The majority of shadows cast by the proposed buildings fall within the school grounds.

Council is also satisfied that in accordance with sub-clause (4) (ii) of Clause 4.6, the proposal will be in the public interest because it is consistent with the following objectives of the R2 Low Density Residential zone in which the site is located, for the reasons stated below:-

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

The proposal is consistent with these objectives as it will improve the existing educational facilities for this established use whilst remaining compatible with the low density surrounding uses. The proposal will support the operation and facilities on the site enhancing the school use for both the students and staff.

In accordance with sub-clause (4) of Clause 4.6 of the CBLEP 2013, and in view of the above assessment, Council is satisfied that the applicant's written request to vary the building height development standard adequately addresses the matters required to be demonstrated under sub-clause (3) and that the written submission is well-founded.

Sub-clause (4) (b) states that development consent must not be granted unless the concurrence of the Secretary of the Department of Planning and Environment (DPE) has been obtained. Council has been advised that it can assume the concurrence of the Secretary of the DPE. Under Sub-clause (5) the Secretary is required to consider the following when deciding to grant concurrence:-

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

The applicant has demonstrated that the proposed buildings have been designed in accordance with current education best practice and designed for the specialised school use. The buildings will be purpose built and are consistent with the public's expectation for the development of school facilities for the site.

Council is satisfied that the Clause 4.6 written submission is well founded, and the proposed contravention of the building height development standard in this case will not raise any matter of significance for state or regional environmental planning and that the public benefit of the maximum building height development standard will be maintained.

Clause 5.10 - Heritage Conservation

The site is listed as a local heritage item under the Canada Bay Local Environmental Plan 2013. In accordance with Clause 5.10(4) the consent authority must, before granting consent under this clause in respect of a heritage item, consider the effect of the proposed development on the heritage significance of the item.

The applicant submitted a Heritage Impact Statement that identified the heritage values of the site and overlaid this on the existing site plan, see below.

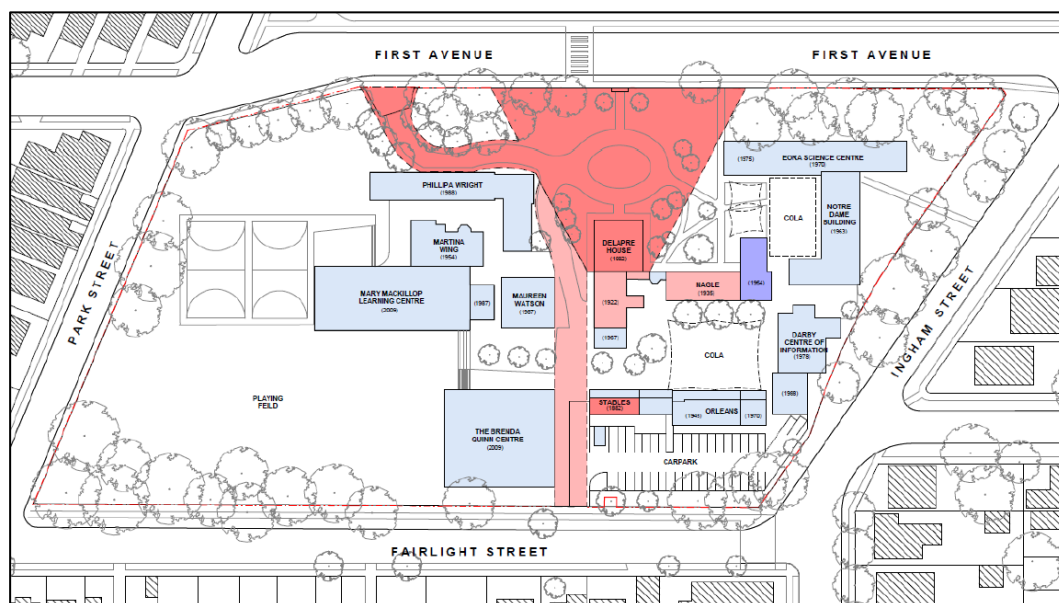


Figure 2 – Heritage Value (Source: applicant)

The heritage inventory sheet contains the following statement of significance:

Fine Victorian mansion set in original garden with surviving curved driveway, brick gutters, circular carriage loop, statuary, coral garden, Irish Strawberry tree, palms, pines lilies ad camphor laurel.

The proposal was reviewed by Council's Heritage Advisor and the site inspected with their assessment concluding that the demolition and proposed works would not unreasonably impact on the heritage significance of this site. In summary the proposed buildings would retain the most important elements of the heritage listed property being the whole front elevation of Delapre House (referred to previously as the Original Main Building). The proposed building is located to the south of the original house and would have limited visibility and, where visible at the side of the house, will be constructed of face brickwork to match the existing.

The recommendation contains conditions requiring an archival photographic record of the building to be demolished and protection restricting any fixing into the existing Stables building.

5.2. *Draft Environmental Planning Instruments [Section 4.15 (1) (a) (i & ii)]*
n/a

5.3. *Development Control Plans, Council Policies or Codes [Section 4.15(1)(a)(iii)]*
The proposed development is affected by the provisions of the Canada Bay Development Control Plan 2017. Following is a summary table indicating the performance of the proposal against relevant statutory standards.

Non Statutory Standards			
Control	Standard	Proposed	Compliance
C4.1 – Waste management	Onsite waste storage and recycling	The proposal includes a dedicated waste storage area.	Yes
C5 – Preservation of trees	Conserve and enhance landscaping	The proposal was reviewed by Council's Tree Services Team and found to be satisfactory subject to conditions.	Yes
C6 – Engineering Requirements	Stormwater management and vehicular access	The proposal was reviewed by Council's engineers and found to be satisfactory subject to conditions.	Yes
Part D – Heritage Conservation	Setting, scale, form and detail, materials and colours, landscaping and demolition	The heritage assessment provided in Section 5.1 above concluded that the proposal will not adversely impact upon the heritage significance of the site.	Yes

The proposed development has achieved full compliance with the non-statutory controls applicable to the site and is considered acceptable in this regard.

5.4. *Likely Impacts of the Development [Section 4.15 (b)]*
The likely impacts of the proposed development upon the surrounding area are discussed as follows:

Solar Access

Part E2.3 of the CBDP 2017 provides controls for solar access and overshadowing as follows:

C1 New buildings and additions are sited and designed to maximise direct sunlight to north-facing living areas and outdoor recreation areas.

C2 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 9.00am and 3.00pm on 21 June.

Shadows cast by the development will fall within the site and across Fairlight Street to the south. During the late afternoon period, shadows will extend beyond the surrounding

roadways and fall across the built form of 55 Ingham Avenue and the front gardens of 50 and 52 Ingham Avenue. These properties will maintain three hours of direct solar access to their north facing windows and private open space during mid-winter achieving compliance with the solar access controls.

Privacy

The setbacks and separation distance formed by the surrounding road network are considered to affectively mitigate any potential for overlooking and loss of privacy impacts.

Traffic Generation and Parking

There is no specific parking requirement under the CBDP for schools, noting that post construction the site would retain 35 staff and 3 bus parking spaces onsite. There would be no increase to staff on the site as a result of this development, so no additional parking demand would be generated.

During the 12 month construction period onsite parking would reduce to 15 staff spaces with no change to bus parking. The Traffic Assessment identified that on weekdays there was sufficient on-street kerbside parking available directly adjoining each frontage and that it is reasonable that during the construction period some of these available spaces could be utilised.

The Traffic Assessment report concluded that the proposal would have no significant impact on the local traffic and parking environment. This report was reviewed by Council's Traffic Engineer who raised no objection to the proposal subject to the conditions listed in the recommendation below. The traffic generation and parking provision are considered to be satisfactory.

Streetscape, bulk and scale

As detailed above, the surrounding developments are predominantly detached residential dwellings. The proposed two storey building will be of a contemporary design which will provide a scale and appearance which will be of a high quality and complementary to the existing built form on the site.

The proposed buildings are consistent with the established education use of the site being designed and purpose built to meet the needs of the established educational use.

The proposed building materials are appropriate to the existing built environment and activities, drawing from the existing buildings whilst reflecting a more contemporary approach linked to the learning environment. The proposed materials provide an overall neutral palette, which complements the existing heritage buildings on-site and the surrounding residential context.

5.5. Suitability of the Site for the Development Proposed [Section 4.15(c)]

The proposal is for the provision of a purpose-built facility which will better service the changing needs of the existing educational use of the site. As the proposal has been designed in accordance with current education best practice it is considered suitable for the site.

5.6. The Public Interest [Section 4.15 (e)]

The proposed development is consistent with the objectives of the Environmental Planning and Assessment Act in so far as it promotes the co-ordinated and orderly, and economic use and development of the land. As a result, the Panel may be satisfied that the development subject to conditions is consistent with the public interest.

6. INTERNAL REFERRALS

6.1. Landscaping/Tree Removal

The proposal was referred to Council's Landscape Architect, who raised no objection to the amended proposal subject to the conditions listed in the recommendation below.

6.2. *Stormwater Drainage and Vehicular Access*

The proposal was referred to Council's Civil Engineer, who raised no objection to the amended proposal subject to the conditions listed in the recommendation below.

6.3. *Traffic Engineering*

The proposal was referred to Council's Traffic Engineer, who raised no objection to the amended proposal subject to the conditions listed in the recommendation below.

6.4. *Heritage*

The proposal was referred to Council's Heritage Advisor, who raised no objection to the amended proposal subject to the conditions listed in the recommendation below.

7. **CONCLUSION**

The proposed development is appropriately located within a Low Density Residential R2 zone under the provisions of Canada Bay Local Environmental Plan 2013 however significant variations are sought from the building height limit as discussed in the report above.

Having regard to the merit assessment of the proposal, the Panel may be satisfied that, despite the departures to the controls, the development is designed in an acceptable manner, which responds to the constraints presented by the site. Particularly adverse impacts to the amenity of neighbouring properties have been minimised whilst the amenity needs of future residents have been supported.

For these reasons it is considered that the proposal in balance is satisfactory from an environmental planning perspective and is thus favourably recommended.

RECOMMENDATION

Pursuant to Sections 4.16 of the Environmental Planning and Assessment Act 1979 (as amended)

- A. THAT the Sydney Eastern City Planning Panel assume the concurrence of the Secretary: Department of Planning and Environment and invoke the provisions of Clause 4.6 of the *Canada Bay Local Environmental Plan 2013* and resolve that in the circumstance of the case a strict application of the statutory standards contained in Clauses 4.3 of the *Canada Bay Local Environmental Plan 2013* is unnecessary and unreasonable.
- B. THAT the Sydney Eastern City Planning Panel grant consent to Development Application No. DA2018/0076 for demolition of two existing building, ancillary structures and removal of select vegetation. Relocation of existing carpark and construction of a new two-storey building and shade cover with three temporary demountable buildings to be provided on site during construction on land at 121 First Avenue FIVE DOCK NSW 2046, subject to the following site specific conditions. In granting consent Council has regard to the merit considerations carried out in the assessment report and pursuant to s.4.15 of the Environmental Planning and Assessment Act. On consideration of the merits of the case Council acknowledges the areas of non-compliance arising from the application but notes that it supports the application based on the particular circumstances of the case and does not consider that the consent gives rise to a precedent.

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>
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DA01.02, Rev. 6	Proposed Site Plan	Hayball	28.06.18
DA03.01, Rev. 4	Lower Ground Floor Plan	Hayball	02.03.18
DA03.02, Rev. 4	Ground Floor Plan	Hayball	02.03.18
DA03.03, Rev. 4	First Floor Plan	Hayball	02.03.18
DA03.04, Rev. 3	Roof Plan	Hayball	02.03.18
DA06.01, Rev. 3	Elevations	Hayball	02.03.18
DA06.02, Rev. 3	Elevations	Hayball	02.03.18
DA06.03, Rev. 3	Sections	Hayball	02.03.18
DA06.04, Rev. 1	Shade Structure Section	Hayball	28.06.18
DA L02, Issue 03	Site Plan	Tyrrell Studio	02.03.18
DA L03, Issue 03	Landscape Sheet 1 of 2	Tyrrell Studio	02.03.18
DA L04, Issue 03	Landscape Sheet 2 of 2	Tyrrell Studio	02.03.18
DA L05, Issue 03	Planting Schedule Materials & Finishes	Tyrrell Studio	02.03.18
DA L06, Issue 03	Tree Removal Plan	Tyrrell Studio	02.03.18
E31223KRrpt rev 1	Stage 1 Environmental Site Assessment	Environmental Investigation Services	13.03.18
E31223KRrpt2	Preliminary Stage 2 Environmental Site Assessment	Environmental Investigation Services	01.06.18
	Arborist Impact Assessment	McArdle Arboricultural Consultancy	28.07.18

Note 1: Modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 4.55 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 4.17 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. **DAGCA05 - Heritage - No Demolition of Extra Fabric**

Alterations to, and demolition of, the existing building shall be limited to that documented on the approved plans (by way of notation) or conditioned in this consent. No approval is given or implied for removal and/or rebuilding of any existing building which is shown to be retained.

Should any portion of any existing building which is indicated on the approved plans to be retained, be damaged for whatever reason, all the works in the area of this damaged portion

are to cease and written notification given to Council. No work is to resume until the written approval of Council is obtained. Failure to comply with the provisions of this condition will result in the Council immediately instituting legal proceedings.

(Reason: Heritage conservation)

4. **DAGCA08 - Stables Building**

No fixings are to be made to the existing Stables building, including any associated with the proposed covered walkway.

The proposed ramp adjacent to the Stables Building shall be designed and constructed to prevent any dampness occurring in the Stables Building.

(Reason: Heritage Conservation)

5. **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)

6. **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)

7. **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)

8. **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 Principal Certifying Authority or 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.

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

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

9. DAGCD01 - Approved Stormwater Drainage Design

The stormwater drainage system for the proposed development shall be constructed in accordance with the following approved plans and documentation, endorsed with Council's Stamp, and Council's “Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan”, except where amended by other conditions of consent:

Project/Drawing No.	Revision No.	Prepared by	Dated
CV-0000	5	Enstruct Group Pty Ltd	18.06.2018
CV-0100, CV-0202, CV-0211, CV-0212, CV-0213, CV-0214	2	Enstruct Group Pty Ltd	18.06.2018
CV-0201	3	Enstruct Group Pty Ltd	31.07.2018

CV-0400	3	Enstruct Group Pty Ltd	19.06.2018
CV-0411	1	Enstruct Group Pty Ltd	18.06.2018
Document No: 5503-CIV-RP-001	D	Enstruct Group Pty Ltd	31.07.2018

Important Note:

- The approved Stormwater Drainage Plan as identified above is for Concept Only. The designer is responsible for providing sufficient information and/or updates to the Stormwater Drainage Plan suitable for Construction Certificate approval.
- Should any changes be required to the approved stormwater drainage plan as referred to above, the amended design shall achieve equivalent performance standards in accordance with Council's "Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan".
- Construction Certificate Approval does not include approval for works external to the property. 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.

Approved Driveway Longitudinal Section:

The driveway for the property shall be constructed in accordance with the following drawing:-

Project/Drawing No.	Revision No.	Prepared by	Dated
Project No. 5503, Drawing No. CV-0512, CV-0511, CV-0513	E	Enstruct Group Pty Ltd	20.2.2017

(Reason: To ensure the approved stormwater management and driveway design are constructed)

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

10. DAPDA01 - Heritage - Submission of Photographic Survey

Prior to the Commencement of demolition a photographic survey shall be submitted to Council. The photographic survey shall be prepared in accordance with the guidelines "Archival Recording of Heritage Items Using Film or Digital Capture" published by the NSW Heritage Office.

Three copies of the Photographic Survey shall be submitted in an unbound report format. Each copy should contain:

For Film-based Projects:

- A very brief report or introduction which explains the purposes of the report and gives a brief description of the subject, as well as details of the sequence in which images were taken. The report may also address the limitations of the photographic record and may make recommendations for future work;
- measured plans of the building at 1: 100 scale;
- a site plan of the building at min 1: 200 scale;
- plans of the building marked up to indicate where the photographs were taken and the direction of the photograph;
- the report should include all technical details including camera and lenses, film type, exposure and colour information;
 - Catalogue sheets, photographic plan, supplementary maps;
 - B&W materials;

- One set of archivally processed and numbered B&W negatives stored in archival sheets or envelopes
- Three sets of archivally processed proof (contact) sheets, labelled and cross-referenced to the catalogue sheets;
- Colour materials:
 - Three sets of colour transparencies (either original transparency plus two duplicates or three original images taken concurrently) numbered, labelled and cross-referenced to the catalogue sheets and stored in archival slide sheets.

Digital Projects

- A very brief report or introduction which explains the purposes of the report and gives a brief description of the subject, as well as details of the sequence in which images were taken. The report may also address the limitations of the photographic record and may make recommendations for future work;
- measured plans of the building at 1: 100 scale;
- a site plan of the building at min 1: 200 scale;
- plans of the building marked up to indicate where the photographs were taken and the direction of the photograph;
- the report should include all technical details including camera and lenses, image file size and format, technical metadata associated with the images, and colour information;
- Catalogue sheets, photographic plan, supplementary maps;
- Three sets of colour thumbnail image sheets (e.g. A4 page with six images by six images) showing images and reference numbers.
- The thumbnail sheets should be processed with archivally stable inks on archivally acceptable photographic paper and cross referenced to catalogue sheets;
- One full set of 10.5x14.8cm (A6) colour prints OR, if a large project, a representative set of selected images processed with archivally stable inks on archivally acceptable photographic paper.
- A CD or DVD containing electronic image files saved as RAW files with associated metadata, and cross-referenced to catalogue sheets.

The report should be presented on archival quality paper in a suitable archival binder and slipcase, and all storage of individual components must be in archival quality packaging suitable for long term storage.

(Reason: Heritage record)

11. 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 building work" pursuant of section 6.6 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)

12. DAPDB02 - Demolition Demolition - General

- a. That two (2) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of any demolition work, notice in writing is to be given to the Council. Such written notice is to include:
 - The date when demolition will commence,
 - Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer.
 - The licence number of the demolisher, and relevant WorkCover licenses, (see

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

Demolition Involving the Removal of Asbestos

General Information

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

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

Asbestos to be removed by licensed asbestos removalist

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

NOTE:

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

Compliance with applicable Legislation, Policies and Codes of Practice

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

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

Clearance certificate

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

certificate.

Notification of asbestos removal works

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

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

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

Barricades

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

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

13. **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)

14. **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)

15. **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

16. 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)

17. 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)

18. DACCB02 - Damage Deposit for Council Infrastructure

A Damage Deposit (calculated in accordance with Council's adopted Fees and Charges) of **\$50,000** 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)

19. 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)

20. **DACCB07 - Section 7.12 Levy Contributions**

The following Section 7.12 Levy Contribution is required towards the provision of public amenities and services in accordance with the City of Canada Bay Section 7.12 Plan 2005.

Pursuant to Section 4.17 of the *Environmental Planning and Assessment Act 1979*, and the City of Canada Bay Section 7.12 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 **\$119,941** 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 7.12 Levy Contributions Plan 2005. The Consumer Price Index All Group Index Number for Sydney at the time of the development application determination is **114.0**.

Please Note: Any change in the Consumer Price Index (CPI) between the date of this approval and the date that the Section 7.12 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 7.12 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 7.12 Levy Contributions Plan 2005 and accompanying Fact Sheet may be inspected or obtained from the City of Canada Bay Civic Centre, 1A Marlborough Street, Drummoyne during business hours or on Council's web site at www.canadabay.nsw.gov.au.

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

21. **DACCE01 - Amendments to Approved Plans**

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

- a) The landscape plans and tree removal plans approved in Condition No. 1 of this consent shall be amended to reflect the retention of Tree No. 38 (*Phoenix Canariensis*) and the amended driveway design approved in the architectural plans.
- b) In accordance with the requirements of AS/NZS 2890.6:2009 the disabled parking spaces shall achieve a width of 2.4m wide adjoining a 2.4m wide shared area. The shared area shall contain a bollard and diagonally linemarked.

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)

22. **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)

23. **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)

24. **DACCF01 - Landscape Plan - Canopy Tree Planting**

To ensure the preservation of the landscape character of the area, a landscape plan submitted **with the Construction Certificate** application shall incorporate a canopy tree/s, to achieve a minimum 15m height at maturity and located as shown on Landscape Plan DA L03-L04 issue 3 (02/03/2018) on the site. The tree is to be supplied from a minimum 25 litre container and be maintained by the applicant until the tree is properly established.

The canopy trees shall be selected from the Turpentine Ironbark Forest community, with a mix of species selected to promote biodiversity.

Trees

- *Syncarpia glomulifera*- Turpentine
- *Eucalyptus paniculata*- Grey Ironbark
- *Eucalyptus punctata*-Grey Gum
- *Eucalyptus resinifera*-Red Mahogany
- *Eucalyptus fibrosa sub sp fibrosa*- Broad leaf Ironbark
- *Eucalyptus globoidea*- White Stringy bark
- *Eucalyptus tereticornis*-Forest Red Gum
- *Angophora floribunda*-Rough barked Apple

Small trees

- *Glochidion ferdinandi* - Cheese Tree
- *Melaleuca decora* - Paperbark
- *Melaleuca nodosa* - Paperbark

Other small trees (selected from the McArdle Arborist Impact assessment (19th Feb 2018))

- *Acmena smithii*
- *Tristaniopsis laurina*
- *Backhousia citriodora*
- *Elaeocarpus reticulatus*
- *Waterhousia floribunda*

- *Syzygium sp.*, *Hymenosporum flavum*
- and all suggested understorey plants.

Note: Canariensis Palms are not recommended due to a history of death from Fusarium wilt. The fungus *Fusarium oxysporum* f. sp. *canariensis* causes Fusarium wilt, a lethal, vascular disease of Canary Island date palms (*Phoenix canariensis*).

(Reason: Preservation of the landscape character of the area)

25. **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)

26. **DACCI01 - Damage Report**

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

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

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

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

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

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

(Reason: Safety)

28. **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 "Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan" 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 **prior to the lodgement of the Construction Certificate**.

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

29. **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 **prior to the issue of a Construction Certificate**. 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, **prior to the issue of the Occupation Certificate**.

(Reason: Public infrastructure maintenance)

30. **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)

31. **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)

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

32. **DAPCA03 - Protection of Landscape Features**

All recommendations contained within the approved Arborist Impact Assessment, Prepared by McArdle Arboricultural Consultancy, dated 28 Jun 2018 shall be adopted and implemented throughout the development.

(Reason: Protection of trees to be retained)

33. **DAPCA04 - Removal of Trees**

The following trees are approved for removal:

As listed in the approved Arborist Impact Assessment prepared by Mc Ardle Arboricultural Consultancy- dated the 19th February 2018.

<u>No.</u>	<u>Species</u>
5	<i>Cinnamomum camphora</i>
6	<i>Lophostemon confertus</i>
39	<i>Callistemon viminalis</i>
40	<i>Brachychiton acerfolius</i>
41	<i>Melaleuca sp.</i>
67	<i>Callistemon viminalis</i>
68	<i>Callistemon viminalis</i>
70	<i>Jacaranda mimosifolia</i>
71	<i>Brachychiton acerfolius</i>
72	<i>Lophostemon confertus</i>
73	<i>Lophostemon confertus</i>
78	Dead tree
96	<i>Cinnamomum camphora</i>

Trees No. 33, 34, 35- *Corymbia citriodora*- lemon scented gums are to be removed and replaced.

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)

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

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

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

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

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

(Reason: Statutory requirements)

35. **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)

36. **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)

37. **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)

38. **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)

39. **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 Sydney Water's web site at www.sydneywater.com.au/tapin or call 1300 082 746.

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

(Reason: Statutory Requirement)

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

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

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

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

(Reason: Environmental protection)

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

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

(Reason: Environmental protection)

Conditions which must be satisfied during any development work

42. **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)

43. **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)

44. **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)

45. **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)

46. **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)

47. **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)

48. **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)

49. **DADWB06 - Site requirements during demolition and construction**

All of the following are to be satisfied/complied with during demolition, construction and any other site works:

- (a) All demolition is to be carried out in accordance with Australian Standards AS 2601-2001.
- (b) Demolition must be carried out by a registered demolition contractor.
- (c) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out with close boarded, hardwood timber footpath protection pads. The pad shall cover the entire width of the footpath opening for the full width of the fence.
- (d) No blasting is to be carried out at any time during construction of the building.
- (e) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- (f) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- (g) Any demolition and excess construction materials are to be recycled wherever practicable.
- (h) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- (i) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All excavated material should be removed from the site in the approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- (j) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- (k) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- (l) Details as to the method and location of disposal of demolition materials (weight dockets, receipts etc.) should be kept on site as evidence of approved methods of disposal and recycling.
- (m) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- (n) Public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction unless prior separate approval from Council is obtained including payment of relevant fees.
- (o) Building operations such as brick cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations

- which could lead to the discharge of materials into the stormwater drainage system.
- (p) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.

(Reason: To ensure that demolition, building and any other site works are undertaken in accordance with relevant legislation and policy and in a manner which will be non-disruptive to the local area.)

50. DADWC03 - Construction Environmental Management Plan for Remediation

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

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

- i. Asbestos Management Plan.
- ii. Project Contact Information.
- iii. Site Security Details.
- iv. Timing and Sequencing Information.
- v. Site Soil and Water Management Plan
- vi. Noise and Vibration Control Plan.
- vii. Dust Control Plan.
- viii. Air Monitoring.
- ix. Odour Control Plan.
- x. Health and Safety Plan.
- xi. Waste Management Plan.
- xii. Incident Management Contingency.
- xiii. Unexpected Finds Protocol.

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

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

(Reason: To ensure compliance with Statutory Requirements)

51. DADWC05 - Site Audit Statement

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

- (a) Where the SAS is subject to conditions that require ongoing review by the Auditor or Council these should be submitted to and approved by Council before the SAS is issued. In circumstances where the SAS conditions (if applicable) are not consistent with the consent, a S96 application pursuant to the Environmental Planning & Assessment Act 1979 may be required to formalise those conditions as part of the development consent.
- (b) A Construction Certificate must not be issued by the PCA unless a Site Audit Statement has been submitted to the Council in accordance with this condition and Council verify that the Site Audit Statement is acceptable.

(Reason: To ensure compliance with Statutory Requirements)

52. **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)

53. **DADWE01 - Arborist Inspections**

Prior to the commencement of works the applicant must engage a suitably qualified and experienced arborist (Australian Qualification Framework Level 5 or above) to assess the impact of the proposed works and employ best practices (e.g. minimise compaction, soil build up and or excavation within the Primary Root Zone*) to ensure the longevity of the tree to be retained. The arborist is to attend on site during critical stages of excavation and construction works within the vicinity of tree/s to be retained and is to record the following information:

- methods of excavation or construction used to carry out the works;
- any damage sustained by the tree/s as a result of the works;
- any subsequent remedial works required to be carried out by the consulting arborist as a result of the damage; and
- any future or on-going remedial work required to be carried out to ensure the long term retention of the tree/s.

* primary root zone = 10 x trunk diameter 1400mm from ground level (measured as a radius from the centre of the trunk).

(Reason: Qualified assessment of impact of works on trees to be retained)

54. **DADWE02 - Protection of Landscape Features**

To minimise impacts on trees to be retained, no permanent fill or storage of building materials, excavated fill or topsoil during the site works shall take place within their drip lines.

(Reason: Tree preservation)

55. **DADWE06 - Tree Preservation - Driveway or Paving Works Within Critical Root Zone**

Driveway and or paving works within the drip line of trees 36, 37, 38, 31, 32, 44 and 45 must be constructed to ensure that the existing moisture infiltration and gaseous exchange to the tree root system are maintained. In this regard, details demonstrating that this can be achieved for the following tree/s must be provided by an appropriately qualified person to the satisfaction of the Accredited Certifier:

Excavation in the TPZ zones of these trees shall be monitored and records kept of procedures by the supervising AQV level 5 Arborist.

(Reason: Tree preservation)

56. **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, the Department of Environment and Climate Changes' Interim construction noise guideline' and AS 2436-2010 - 'Guide to noise and vibration control on construction, demolition and maintenance sites' for the control of construction noise which specifies that:

- Construction period of 4 weeks and under - The L90 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 but not exceeding 26 weeks - The L90 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.
- Construction period exceeding 26 weeks - The L90 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 5 dB(A) at the boundary.

Should complaints of a noise nuisance be substantiated, Council may require the acoustic treatment of the premises to ensure compliance with the NSW Department of Environment and Climate Changes 'Interim construction noise guideline' and AS 2436-2010 - 'Guide to noise and vibration control on construction, demolition and maintenance sites' for the control of construction noise. A further acoustic assessment & report will be required to be provided to Council assessing the premises in working order.

(Reason: Noise Attenuation)

57. **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)

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

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

(Reason: Protection of infrastructure, safety & information)

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

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

(Reason: Safety)

60. **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)

61. **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 6.5 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)

62. **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)

63. **DADWI02 - Survey Report - Minor Development**

In order to ensure compliance with approved plans, a Survey Certificate to Australian Height Datum shall be prepared by a Registered Surveyor as follows:-

- (a) At the completion of the first structural floor level indicating the level of that floor and the relationship of the building to the boundaries.
- (b) At the completed height of the building, prior to the placement of concrete inform work, or the laying of roofing materials.
- (c) At completion, the relationship of the building and any penetrations thereto, to the boundaries.

Progress certificates in response to points (a) through to (c) shall be provided 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 reveal 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

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

Prior to occupation, the following documents must be submitted to the Principal Certifying Authority.

- 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.

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)

65. **DAOCD01 - Occupation Certificate (section 6.9 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 6.10 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)

66. **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 for a list of waste management facilities licensed to accept asbestos waste.

(Reason: Health and Safety)

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

67. **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)

68. **DAFOC01 - Arborist's Report - Follow up**

As part of the on-going assessment of the tree/s to be retained, the consulting arborist engaged by the applicant is to assess their health and any impacts suffered by them as a result of the proposed approved development. Findings are to be compiled in a detailed report to be provided to the satisfaction of the Principal Certifying Authority at the completion of construction and **prior to issue of the Final Occupation Certificate** which documents the following:

- methods of excavation or construction used to carry out the works;
- any damage sustained by the tree/s as a result of the works;
- any subsequent remedial works required to be carried out by the consulting arborist as a result of the damage and
- any future or on-going remedial work required to be carried out to ensure the long term retention of the tree/s

(Reason: Ensure survival of trees to be retained)

69. **DAFOE01 - Certification of the Constructed Stormwater Drainage System**

The constructed stormwater drainage system shall be certified by a Chartered Professional Civil Engineer with Institution of Engineers, Australia Corporate Membership and registered on the National Engineers Register (NER), in accordance with Council's "Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan", **prior to issue of the Final Occupation Certificate**.

(Reason: Adequate stormwater management)

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

a. **DAOUA01 - Amplified Music**

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 boundary of the premises.

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)

70. **DAOUA12 - Maximum Number of Students**

A maximum number of 810 students are permitted to attend the school at any one time. Any increase in this number shall be subject to the further written consent of Council.

(Reason: Environmental Amenity)

71. **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)

72. **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 Operations Act 1997 (NSW).

(Reason: Noise Control and Amenity)

73. **DAOUC17 - Noise Complaints Relating to Equipment**

Following installation of the air conditioning units, 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)

74. **DAOUC19 - Compliance with Noise Control Legislation**

The applicant shall ensure that all activities within the premises comply with the relevant sections of the Protection of the Environment Operations Act 1997 and Regulations; the NSW Environment Protection Authority Industrial Noise Policy (2000) and relevant Australian Standards on Noise Control on Construction, Maintenance and Demolition Sites.

(Reason: Noise Control and Amenity)

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 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) **DAANN04 - Lapsing of Consent**

In accordance with Section 4.53 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.**

c) **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 4.55 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.

d) **DAANN07 - Review of Determination**

In accordance with the provisions of Section 8.2 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.

e) **DAANN08 - Right of Appeal**

Section 8.7 and 8.10 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.

f) **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.

g) **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.