



City of Canada Bay

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	DA2024/0064 PAN-424358
Applicant	Sid Mawad Suite 110, Level 1, 180-186 Burwood Road Burwood NSW 2134
Description of development	Alterations and additions to an approved residential development seeking consent for three additional storeys to Building A, and an additional storey to both Building B and C, and an additional 41 units under the affordable housing SEPP
Property	25 GEORGE STREET NORTH STRATHFIELD 2137 100/-/DP1282477
Determination	Approved Consent Authority - Sydney / Regional Planning Panel
Date of determination	9/10/24
Date from which the consent operates	9/10/24
Date on which the consent lapses	9/10/29

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

Right of appeal / review of determination

If you are dissatisfied with this determination:

Request a review

You may request a review of the consent authority’s decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.

Shannon Anderson
Manager Statutory Planning
Person on behalf of the consent authority

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

General Conditions

1	<p>Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989</p>
	<ol style="list-style-type: none"> 1. It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the Building Code of Australia. 2. It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the Home Building Act 1989, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences. 3. It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the Building Code of Australia. 4. In subsection (1), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made. 5. In subsection (3), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made. 6. This section does not apply— <ol style="list-style-type: none"> a. to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, or b. to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.
	<p>Condition reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.</p>
2	<p>Erection of signs</p>
	<ol style="list-style-type: none"> 1. This section applies to a development consent for development involving building work, subdivision work or demolition work. 2. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—

	<ul style="list-style-type: none"> a. showing the name, address and telephone number of the principal certifier for the work, and b. showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and c. stating that unauthorised entry to the work site is prohibited. <p>3. The sign must be—</p> <ul style="list-style-type: none"> a. maintained while the building work, subdivision work or demolition work is being carried out, and b. removed when the work has been completed. <p>4. This section does not apply in relation to—</p> <ul style="list-style-type: none"> a. building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or b. Crown building work certified to comply with the Building Code of Australia under the Act, Part 6. 																																								
	<p>Condition reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.</p>																																								
3	<p>Fulfilment of BASIX commitments</p> <p>It is a condition of a development consent for the following that each commitment listed in a relevant BASIX certificate is fulfilled—</p> <ul style="list-style-type: none"> 1. BASIX development, 2. BASIX optional development, if the development application was accompanied by a BASIX certificate. 																																								
	<p>Condition reason: Prescribed condition under section 75 of the Environmental Planning and Assessment Regulation 2021.</p>																																								
4	<p>Approved Plans and Supporting Documents</p> <p>Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.</p> <table border="1" data-bbox="261 1465 1443 1892"> <thead> <tr> <th colspan="5">Approved plans</th> </tr> <tr> <th>Plan No.</th> <th>Revision No.</th> <th>Plan title</th> <th>Drawn by</th> <th>Date of plan</th> </tr> </thead> <tbody> <tr> <td>DA 001</td> <td>I</td> <td>Legend</td> <td>FUSE Architects</td> <td>22.07.2024</td> </tr> <tr> <td>DA 007</td> <td>I</td> <td>Site Plan</td> <td>FUSE Architects</td> <td>12.07.2024</td> </tr> <tr> <td>DA 101</td> <td>I</td> <td>Basement 2 Plan</td> <td>FUSE Architects</td> <td>23.07.2024</td> </tr> <tr> <td>DA 102</td> <td>I</td> <td>Basement 1 Plan</td> <td>FUSE Architects</td> <td>23.07.2024</td> </tr> <tr> <td>DA 103</td> <td>I</td> <td>Ground Level Plan</td> <td>FUSE Architects</td> <td>12.07.2024</td> </tr> <tr> <td>DA 104</td> <td>I</td> <td>Level 1 Plan</td> <td>FUSE Architects</td> <td>12.07.2024</td> </tr> </tbody> </table>	Approved plans					Plan No.	Revision No.	Plan title	Drawn by	Date of plan	DA 001	I	Legend	FUSE Architects	22.07.2024	DA 007	I	Site Plan	FUSE Architects	12.07.2024	DA 101	I	Basement 2 Plan	FUSE Architects	23.07.2024	DA 102	I	Basement 1 Plan	FUSE Architects	23.07.2024	DA 103	I	Ground Level Plan	FUSE Architects	12.07.2024	DA 104	I	Level 1 Plan	FUSE Architects	12.07.2024
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DA 106	I	Level 3 Plan	FUSE Architects	12.07.2024
DA 107	I	Level 4 Plan	FUSE Architects	12.07.2024
DA 108	I	Level 5 Plan	FUSE Architects	12.07.2024
DA 109	I	Level 6 Plan	FUSE Architects	19.07.2024
DA 110	I	Roof Plan	FUSE Architects	24.07.2024
DA 201	I	Elevations (North & West)	FUSE Architects	22.07.2024
DA 202	I	Elevations (South & East)	FUSE Architects	22.07.2024
DA 301	I	Section (A & B)	FUSE Architects	22.07.2024
DA 302	I	Section (C & D)	FUSE Architects	22.07.2024
DA 303	I	Section (E & F)	FUSE Architects	22.07.2024
DA 304	I	Section (G)	FUSE Architects	22.07.2024
DA 401	I	Unit Types Sheet 1	FUSE Architects	12.07.2024
DA 402	I	Unit Types Sheet 2	FUSE Architects	12.07.2024
DA 403	I	Unit Types Sheet 3	FUSE Architects	12.07.2024
DA 403A	I	Unit Types Sheet 4	FUSE Architects	12.07.2024
DA 403B	I	Unit Types Sheet 5	FUSE Architects	22.07.2024
DA 403C	I	Unit Types Sheet 6	FUSE Architects	22.07.2024
DA 701	I	Materials & Finishes	FUSE Architects	12.07.2024

Development shall take place and operate in accordance with this consent accompanied by statements, commitments and recommendations contained within the following documents:

Document title	Ref. / No.	Prepared by	Date of document
Response to Council Request for Information – Traffic Comments	Project No. 300305301	Stantec Australia Pty Ltd	23.07.2024
Clause 4.6 Height of buildings	Ref: M230119	Planning Ingenuity	23.07.2024
BASIX Certificate	754373M_10	Jensen Hughes Pty Ltd	26.06.2024
SEPP 65 Design Verification Statement	Version 04	Rachid Andary (FUSE Architects)	14.03.2024
Waste Management Plan	Revision M	Elephants Foot	20.03.2024

	Response to Request for Further Information – Waste Management Letter	No Reference	Elephants Foot	23.03.2024
	Noise and Vibration Impact Assessment	Project No. 19084 Report Ref: Noise and Vib Impact Assessment R-1	Pulse White Noise Acoustics Pty Ltd	20.03.2024
<p>In the event of any inconsistency between the approved plans and approved documents and a condition of this consent, the condition prevails.</p> <p>Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development</p>				
5	Separate Approvals			
	Separate Development Approval shall be obtained for strata subdivision.			
	Condition reason: To control the future development of the site			

Building Work

Before issue of a construction certificate

6	Construction Site Management Plan
	<p>Before the issue of a Construction Certificate, a construction site management plan must be prepared, and provided to <Insert the certifier of Council (where a certifier is not required)>. The plan must include the following matters: <Delete as required></p> <ol style="list-style-type: none"> a. The location and materials for protective fencing and hoardings on the perimeter of the site; b. Provisions for public safety; c. Pedestrian and vehicular site access points and construction activity zones; d. Details of construction traffic management including: <ol style="list-style-type: none"> i. Proposed truck movements to and from the site; ii. Estimated frequency of truck movements; and iii. Measures to ensure pedestrian safety near the site; e. Details of bulk earthworks to be carried out; f. The location of site storage areas and sheds; g. The equipment used to carry out works; h. The location of a garbage container with a tight-fitting lid; i. Dust, noise and vibration control measures; j. The location of temporary toilets; k. The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with:

	<ul style="list-style-type: none"> i. AS 4970 – Protection of trees on development sites; ii. An applicable Development Control Plan; iii. An arborist’s report approved as part of this consent <p>A copy of the construction site management plan must be kept on-site at all times while work is being carried out.</p> <p>Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.</p>
7	<p>Erosion and sediment control plan</p> <p>Before the issue of a Construction Certificate, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to <Insert the certifier or Council (where a certifier is not required)>:</p> <ul style="list-style-type: none"> 1. Council’s relevant development control plan, 2. the guidelines set out in 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time), and 3. the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time). <p>Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways.</p>
8	<p>Long Service Levy</p> <p>Before the issue of a Construction Certificate, the long service levy of \$<Insert amount>, as calculated at the date of this consent, must be paid to the Long Service Corporation under the Building and Construction industry Long Service Payments Act 1986, section 34, and evidence of the payment is to be provided to <Insert the certifier or Council (where a certifier is not required)>.</p> <p>Condition reason: To ensure the long service levy is paid.</p>
9	<p>Payment of security deposits</p> <p>Before the issue of a Construction Certificate, the applicant must:</p> <ul style="list-style-type: none"> a. make payment of <\$Amount to be paid> for a security deposit to the consent authority; and b. if a principal certifier is required to be appointed for the development – provide the principal certifier with written evidence of the payment and the amount paid. <p>Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed.</p>
10	<p>Provision of detailed plans for construction certificate application</p>

	<p>Before the issue of a construction certificate, detailed plans must be prepared by a suitably qualified person and provided to the Certifier that are consistent with the plans and documentation approved under this consent.</p> <p>Detailed plans must also show the following:</p> <p><Delete as required, add to as necessary></p> <ol style="list-style-type: none"> 1. Car parking facilities 2. Acoustic measures 3. Disability access 4. Pedestrian access 5. Signage location and structures 6. Mechanical ventilation 7. <Insert other>
	<p>Condition reason: To ensure that detailed construction certificate plans are consistent with the approved plans and supporting documentation</p>
11	<p>Utilities and services</p> <p>Before the issue of a Construction Certificate, written evidence of the following service provider requirements must be provided to <Insert the certifier or Council (where a certifier is not required)>:</p> <ol style="list-style-type: none"> 1. a letter from Ausgrid demonstrating that satisfactory arrangements can be made for the installation and supply of electricity; 2. a response from Sydney Water Corporation as to whether the plans accompanying the application for a Construction Certificate would affect any Sydney Water Corporation infrastructure, and whether further requirements need to be met; 3. other relevant utilities or services - that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, the changes that are required to make the development satisfactory to them.
	<p>Condition reason: To ensure relevant utility and service providers' requirements are provided to the certifier.</p>
12	<p>Waste Management Plan – an approved document of this consent</p> <p>Before the issue of a Construction Certificate, a waste management plan for the development must be provided to <INSERT THE CERTIFIER OR COUNCIL (WHERE A CERTIFIER IS NOT REQUIRED)>.</p> <p>Condition reason: To ensure resource recovery is promoted and local amenity protected during construction.</p>
13	<p>Building Plan Approval -Sydney Water Requirement</p> <p>Before the issue of a Construction Certificate the approved plans must be submitted to the Sydney Water Tap in online service to determine whether the development will affect any</p>

	<p>Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.</p> <p>Condition reason: Sydney Water Requirement</p>
14	<p>Civil Works in Public Domain</p> <p>The following applications must be submitted and approved:</p> <ul style="list-style-type: none"> • Section 68 (Part B) (Stormwater Drainage Works) application - Stormwater connection works. • Road Reserve Opening Permit - Stormwater connection to the street kerb. • Civil Work in Public Domain Application: <ul style="list-style-type: none"> ○ Stormwater connection into Council's underground drainage system. ○ Construct/reconstruct of Council's drainage system. ○ Road pavement, major footpath/kerb and gutter works. ○ The erection of structures such as shelters, post, fence, signs, outdoor dining facilities and the like. ○ Stormwater drainage works covered in part B of the stormwater specification, except private stormwater outlet connections (pipe sizes less than 150mm diameter). ○ Retaining walls. ○ Road construction, re-grading or re-shaping of the road reserve. ○ Other activities as defined in the Roads Act 1993 that are not covered by other applications. <p>Condition reason: Stormwater Connections and Discharge</p>
15	<p>Construction Management Plan</p> <p>Prior to the issue of a Construction Certificate, submit to the Principal Certifier a Construction Management Plan that clearly sets out the following:</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p>

	<p>(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.</p> <p>(f) A Soil and Water Management Plan detailing all sedimentation controls.</p>								
	<p>Condition reason: Safety, amenity and protection of public infrastructure and the environment</p>								
16	<p>Electricity Connection</p>								
	<p>Provision must be made for connection to future underground distributions mains. This must be achieved by installing:</p> <ul style="list-style-type: none"> • An underground service line to a suitable existing street pole; or • Sheathed underground consumers mains from the development to a customer pole erected near the front property boundary (within 1 metre). <p>A limit of one (1) pole per site will apply.</p>								
	<p>Condition reason: Environmental Amenity</p>								
17	<p>Fees to be paid to Council prior to issue of the Construction Certificate</p>								
	<p>The following fees shall be paid prior to the issue of a Construction Certificate:</p>								
	<table border="1"> <tr> <td><u>Long Service Levy</u></td> <td>0.25% of the cost of building and construction works including GST</td> </tr> <tr> <td>The NSW Government charges a levy on all building and construction works of \$250,000 or more. The levy is paid into a fund administered by the Long Service Corporation (LSC). This fund pays long service to eligible building and construction workers.</td> <td></td> </tr> <tr> <td><u>Sect. 7.11 Contributions</u></td> <td>\$710,478.41 +/- CPI</td> </tr> <tr> <td>Section 7.11 Development Contributions are required towards the provision of public amenities and services in</td> <td>Dwelling Mix:</td> </tr> </table>	<u>Long Service Levy</u>	0.25% of the cost of building and construction works including GST	The NSW Government charges a levy on all building and construction works of \$250,000 or more. The levy is paid into a fund administered by the Long Service Corporation (LSC). This fund pays long service to eligible building and construction workers.		<u>Sect. 7.11 Contributions</u>	\$710,478.41 +/- CPI	Section 7.11 Development Contributions are required towards the provision of public amenities and services in	Dwelling Mix:
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Section 7.11 Development Contributions are required towards the provision of public amenities and services in	Dwelling Mix:								

	<p>accordance with the <i>Canada Bay Local Infrastructure Contribution Plan</i>.</p> <ul style="list-style-type: none"> • Studio / one bedroom dwelling - \$12,501.39 • Two bedroom dwelling - \$18,850.69 • Three + bedroom dwelling - \$20,000.00 <p>The contributions were calculated when the Consumer Price Index (CPI) in June 2024 for Sydney was 139.1. Any change in the CPI at the date this contribution is paid will be added/subtracted from the amount.</p>	<p>12 x one bed = \$150,016.68</p> <p>17 x two bed = \$320,461.73</p> <p>12 x three+ bed = \$240,000.00</p>	
Condition reason: Statutory requirement and information			
18	Geo-technical Report		
<p>A comprehensive geo-technical engineering report assessing the impact and safety of the proposed works shall be prepared by a suitably experienced and qualified geo-practitioner and submitted with any Construction Certificate. The report must include the results of subsurface investigations involving either test pits rock, or preferably the drilling of cored boreholes (to 1m below the proposed final excavation level). The report shall describe inter alia:</p> <ul style="list-style-type: none"> (a) an indication of the nature and depth of any uncontrolled fill at the site. (b) an indication of the nature and condition of the material to be excavated. (c) indications of groundwater or seepage. (d) required temporary measures for support of any excavations deeper than 1m adjacent to property boundaries. (e) statement of required excavation methods in rock and measures required to restrict ground vibrations. (f) other geo-technical information or issues considered relevant to design and construction monitoring. 			
Condition reason: Structural and information			
19	Landscape Plan		
<p>A landscape plan prepared by a qualified landscape architect or landscape consultant including the following:</p> <ul style="list-style-type: none"> • Identification of any trees proposed to be removed. 			

	<ul style="list-style-type: none"> • Tree protection zones for existing trees to be retained, street trees and impacted trees on adjoining sites. • Identification of all existing natural features (ie- rock outcrops, existing vegetation, natural drainage lines). • Location of all proposed landscape features including materials to be used. • Existing and proposed finished ground levels. • Top and bottom wall levels for both existing and proposed retaining and free standing walls. • Detailed plant schedule which includes proposed species listed by botanical (genus and species) and common names, quantities of each species, pot sizes and the estimated size at maturity. • Where Land is located within a Biodiversity Corridor, local indigenous species are required (refer to DCP Table B-R Plants Suitable for Corridors and Restoration planting) and retention of existing habitat features including rocky outcrops, waterbodies, trees, shrubs, ridgelines and ground cover vegetation. • Delineate areas to have irrigation. • A twelve-month maintenance schedule for all soft works. • Calculations of deep soil and landscape areas. • Location of proposed underground and overhead services. <p>Consideration within the design should be given to the scale of planting in proportion to the proposed development, consistency with the existing landscape character of the area, potential views, solar access and privacy for neighbouring development.</p>
	<p>Condition reason: Landscape quality</p>
20	<p>Pre-Commencement Damage Report Form</p> <p>The Pre-Commencement Damage Report Form shall be completed and submitted to Council</p> <p>Condition reason: Maintain public assets</p>
21	<p>Dilapidation Report</p> <p>A Dilapidation Report is to be undertaken on all properties, which in the opinion of a suitably qualified engineer, could be potentially affected by the construction of the project. The Dilapidation Report shall be carried out prior to the issue of the Construction Certificate.</p> <p>The Dilapidation Report is to be prepared by a suitably Qualified Chartered Professional Civil or Structural Engineer with current Institution of Engineers, Australia Corporate Membership registered on the National Engineers Register (NER) or Geotechnical Practitioner.</p> <p>The Report shall cover structural and geotechnical factors likely to arise from the development.</p>

	<p>A copy of this Report shall be submitted to the owners of all properties inspected and Council as a record.</p> <p>The person having the benefit of the development consent must, at their own cost, rectify any damage caused to other properties during the construction of the project.</p> <p>Condition reason: Information</p>
22	<p>Erosion and sediment controls</p> <p>Erosion and sedimentation controls must be provided to ensure:</p> <ul style="list-style-type: none"> (a) Compliance with the approved Soil and Water Management Plan. (b) Removal or disturbance of vegetation and topsoil 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). <p>Details of the proposed soil erosion and sedimentation controls must be submitted to the Principal Certifier for approval prior to the issue of a Construction Certificate and implemented onsite before building work commences.</p> <p>Condition reason: Environmental Protection</p>
23	<p>Access for Waste Collection Vehicles</p> <p>A design certificate and detailed plans are to be submitted with the Construction Certificate application that confirms that the development can accessed and serviced by the nominated waste collection vehicle in accordance with the Waste Management Plan.</p> <p>The plans are to specifically demonstrate that the path of travel for the waste collection vehicle to the nominated collection area (which includes all entrance/exit, internal</p>

	<p>driveways, vehicle ramps, loading docks and basement) has been designed in accordance with AS2890.2-2004.</p> <p>The design certificate is also to confirm that the internal driveway, cross over, entry/egress points have been designed to meet the following loading requirements:</p> <ul style="list-style-type: none"> (a) 25 tonne waste collection vehicles (b) Turning circle of 27.8 metres (c) Length of 12.5 metres and width of 2.8m (d) Clearance height of 4.5 metres
	Condition reason: Waste management
24	Accessible Car Parking Spaces
	<p><INSERT> of the car parking spaces provided as part of the total requirement shall be reserved for people with a disability. These spaces shall be a minimum of 2.4m wide beside a 2.4m wide shared area and located near pedestrian access routes designed for people with a disability. Each space shall be clearly marked in accordance with AS/NZS2890.6.</p> <p>Car parking for people with disabilities shall be provided in accordance with the Building Code of Australia, relevant Australian Standards and with regard to the Disability Discrimination Act 1992. Prior to the issue of a Construction Certificate, the plans shall demonstrate compliance. Note: Disability (Access to Premises - Buildings) Standards 2010.</p> <p>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.</p> <p>The above details shall be submitted to and approved by the Accredited Certifier prior to the issue of the Construction Certificate.</p>
	Condition reason: Parking and accessibility
25	Bicycle Storage Provision
	<p>Provision for bicycles shall be provided in accordance with the City of Canada Bay Development Control Plan for Bicycle Parking and Storage Facilities and AS 2890.3:2005.</p>
	Condition reason: Bicycle parking
26	Car Parking Areas
	The following car parking and service vehicle requirements apply:

(a) **182** car spaces shall be provided on the development site. This shall comprise of:

- 167 residential spaces;
- 15 visitor spaces;
- Car parking spaces for people with mobility impairment, in accordance with AS/NZS2890.6.

(b) All car spaces shall be allocated and marked according to this requirement.

(c) If the the development is to be strata subdivided, the car park layout must reflect the above allocation and thereafter be regarded as part of the entitlement of that strata lot. Under no circumstances shall parking spaces be sold, let or otherwise disposed of for use other than in accordance with this condition.

(d) Each car parking space shall have minimum dimensions in accordance with the relevant Australian Standard and be provided on-site in accordance with the approved plans.

(e) The parking bays shall be delineated by linemarking.

(f) Visitor spaces shall be clearly line marked and/or signposted and shall only be used by persons visiting residents of the property or commercial/business/retail premises located within the development. Visitor spaces shall not be allocated as permanent residential parking spaces. Access to visitor parking spaces shall not be restricted without development approval and a sign shall be erected at the vehicular entrance indicating the availability of visitor parking.

The following traffic control measures shall be implemented on site:

(a) Signage indicating "Entry Only" shall be prominently displayed at the entrance to the development.

(b) Signage indicating "Exit Only" shall be prominently displayed at the exit to the development.

(c) One-Way directional arrows shall be painted on the driveway pavement within the site to indicate the required vehicular directional movement through the car parking area.

The above details shall be submitted to and approved by the Accredited Certifier prior to the issue of the Construction Certificate.

	Condition reason: Parking and access
27	<p>Section 73 Compliance Certificate</p> <p>Before Issue of a Construction Certificate a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.</p> <p>The proponent is advised to make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.</p> <p>Applications must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.</p> <p>Condition reason: Sydney Water Requirement</p>
28	<p>Electric vehicle circuitry and electric vehicle charging point requirements</p> <p>An accurate electrical plan and specifications for all off-street car parking must be prepared by a suitably qualified person, demonstrating the following;</p> <p>a) That each off-street car parking space will be provided with electrical circuitry to support the installation of a Level 2 electric vehicle charger point. The construction certificate plans are to:</p> <ul style="list-style-type: none"> • Identify the power capacity to each car parking space. • Identify the load management system on each level of parking such as a distribution board. • Install the electrical cabling necessary to enable the provision of an electrical vehicle charging point for each designated parking space. This system should allow future installation of cabling to power electric vehicle charger points and allow internet access (run Ethernet cable or install 4G modem). <p>b) The certifier must be satisfied that the electrical plans and specifications are consistent with (a) prior to the issue of the construction certificate.</p> <p>Note: The minimum electric circuitry requirements for ‘Level 2’ electric vehicle charging points are: a) Privately available spaces including visitor spaces: ‘Level 2’ slow – single phase 7kW power; and b) Publicly available spaces: ‘Level 2’ fast – three-phase 11-22kW power 1</p> <p>Condition reason: Access to EV charger infrastructure</p>
29	<p>Notice of Modification in relation to Development Consent DA2020/0143</p> <p>Prior to the issue of any Construction Certificate for the development approved by this Consent (DA2024/0064) and pursuant to s4.17(5) of the EP&A Act and s67 of the EP&A Regulation, a notice of modification must be submitted to Council outlining such matters as may be relevant in regard to development consent DA2020/0143.</p>

	Condition reason: Statutory requirement
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Before building work commences

30	<p>Dilapidation report</p> <p>Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land, to the satisfaction of the <Insert the principal certifier or Council (where a principal certifier is not required)>.</p> <p>Where access has not been granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the <Insert the principal certifier or Council (where a principal certifier is not required)>, that all reasonable steps were taken to obtain access to the adjoining properties.</p> <p>No less than <Insert number> days before any site work commences, adjoining building owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to Council (where Council is not the principal certifier) at the same time.</p> <p>Condition reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and Council are provided with the dilapidation report.</p>
31	<p>Payment of fees</p> <p>Before any site work commences, the following must be paid to Council and written evidence of these payments provided to <Insert the principal certifier or Council (where a principal certifier is not required)>:</p> <p style="margin-left: 20px;">a. inspection fees</p> <p><Insert other fees> as specified in Council’s fees and charges at the payment date.</p> <p>Condition reason: To ensure fees are paid for inspections carried out by Council in connection with the completion of public work such as footway construction or stormwater drainage required in connection with the consent or the making good of any damage to Council property</p>
32	<p>Erosion and Sediment Control</p> <p>Erosion and sedimentation controls shall be in place prior to the commencement of demolition or ground works and must be maintained during construction.</p> <p>The controls shall be installed in accordance with the approved details and in accordance</p>

	<p>with Managing Urban Stormwater - soils and Construction produced by Landcom (Blue Book).</p> <p>A copy of the Erosion and Sediment Control Plan must be kept on site and made available to Council officers on request.</p>
	<p>Condition reason: Environmental Protection</p>
33	<p>Home Building Act requirements</p> <p>Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the following information:</p> <p>(a) In the case of work for which a principal contractor is required to be appointed— (i) the name and licence number of the principal contractor, and (ii) the name of the insurer by which the work is insured under Part 6 of that Act,</p> <p>(b) In the case of work to be done by an owner-builder— (i) the name of the owner-builder, and (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.</p> <p>If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.</p>
	<p>Condition reason: Prescribed Condition</p>
34	<p>Requirements Before Building Work</p> <p>No work shall commence in connection with this development consent until:</p> <p>(a) A Construction Certificate for the building work has been issued.</p> <p>(b) A Principal Certifier has been appointed.</p> <p>(c) Provide notice of commencement of works two (2) days prior to work commencing.</p> <p>(d) A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out: showing the name, address and telephone number of the principal certifier for the work, and showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and stating that unauthorised entry to the work site is prohibited. Any such sign is to be maintained</p>

	<p>while the building work or demolition work is being carried out, but must be removed when the work has been completed. This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.</p> <p>Condition reason: Statutory Requirement</p>
35	<p>Site Safety Fencing</p> <p>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.</p> <p>The site shall be secured and shall be maintained in a clean and orderly condition during demolition and construction works.</p> <p>Condition reason: Site Safety</p>
36	<p>Tree Protection</p> <p>All street trees, trees on private property that are identified for retention and trees on adjoining sites must be protected prior to the commencement of demolition or ground works and must be maintained during construction as follows:</p> <p>(a) Tree protection zone to be enclosed by protective fencing such as chain wire mesh panels or wooden fencing panels. Where fencing cannot be installed then trunk and major limb protection must be installed as follows:</p> <p>(i) Timber planks with padding (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals and fixed against the trunk with tie wire or strapping. The timber planks must not be fixed into the tree. Young street trees with existing wooden stakes do not require trunk protection to be installed but must be enclosed by a protective fence.</p> <p>(ii) A tree trunk and / or major branch located within 0.5m of any hoarding or scaffolding structure must be protected by wrapped hessian or a similar material.</p> <p>(b) Soil and root protection - Steel boards, track mats, or timber rumble boards to be utilised for heavy machinery to protect roots and limit surrounding soil compaction.</p> <p>(c) Scaffold columns must not be placed on any tree roots that are exposed and all scaffold to be placed on scaffold boards or plywood sheeting.</p>

	<p>(d) Construction material, goods and sheds must not be stored or placed under the tree canopy or within 2 metres of tree trunks.</p> <p>(e) No storage within tree protection zone unless authorised by Project Arborist.</p> <p>(f) Temporary signs or other items must not be fixed into or attached to a tree.</p> <p>(g) Any excavation within in any area known to or suspected of having tree roots greater than 40mm diameter must be supervised by Project Arborist and undertaken by hand. Any trenching works for services, hydraulics, drainage etc must not be undertaken within 3 metres of any tree trunk.</p> <p>(h) Alternative installation methods for services, such as directional boring/drilling, or redirection of services shall be employed where large woody roots greater than 40mm diameter are encountered during the installation of services.</p> <p>(i) Existing sections of kerbs adjacent to any street tree shall not be removed without written approval from Council's Tree Services Team because the removal of kerbs adjacent to mature trees can cause trees to become unstable and fail.</p> <p>(j) Any damage sustained to a tree must be immediately reported to the Council's Tree Services Team.</p>
	Condition reason: Tree Protection

During building work

37	<p>Hours of work</p> <p>Site work must only be carried out between the following times –</p> <p>For <Type of work> from <Time> to <Time> on <Day> to <Day></p> <p>For <Type of work> from <Time> to <Time> on <Day> to <Day></p> <p>Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.</p>
	Condition reason: To protect the amenity of the surrounding area.
38	Implementation of the site management plans

	<p>While site work is being carried out:</p> <ol style="list-style-type: none"> 1. the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times; and 2. a copy of these plans must be kept on site at all times and made available to Council officers upon request.
	<p>Condition reason: To ensure site management measures are implemented during the carrying out of site work.</p>
39	<p>Noise and Vibration requirements</p>
	<p>While site work is being carried out, noise generated from the site must not exceed an LAeq (15 min) of <5dB/ Insert less than 5dB>(A) above background noise, when measured at a lot boundary of the site.</p>
	<p>Condition reason: To protect the amenity of the neighbourhood during construction.</p>
40	<p>Procedure for critical stage inspections</p>
	<p>While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.</p>
	<p>Condition reason: To require approval to proceed with building work following each critical stage inspection.</p>
41	<p>Responsibility for changes to public infrastructure</p>
	<p>While site work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority.</p>
	<p>Condition reason: To ensure payment of approved changes to public infrastructure.</p>
42	<p>Soil management</p>
	<p>While site work is being carried out, <Insert principal certifier or Council (where a principal certifier is not required)> must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:</p> <ol style="list-style-type: none"> a. All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to <Insert principal certifier or Council (where a principal certifier is not required)>. b. All fill material imported to the site must be: <Delete as required> <ol style="list-style-type: none"> a. Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i>; or b. a material identified as being subject to a resource recovery exemption by the NSW EPA; or

	<p>c. a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i> and a material identified as being subject to a resource recovery exemption by the NSW EPA.</p>
	<p>Condition reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.</p>
43	<p>Surveys by a registered surveyor</p>
	<p>While building work is being carried out, the positions of the following must be measured and marked by a registered surveyor and provided to the principal certifier:</p> <ol style="list-style-type: none"> a. All footings / foundations in relation to the site boundaries and any registered and proposed easements b. At other stages of construction – any marks that are required by the principal certifier.
	<p>Condition reason: To ensure buildings are sited and positioned in the approved location.</p>
44	<p>Tree protection during work</p>
	<p>"</p> <p>While site work is being carried out, all required tree protection measures must be maintained in good condition in accordance with:</p> <ol style="list-style-type: none"> 1. the construction site management plan <Insert required/approved> under this consent; 2. the relevant requirements of AS 4970 Protection of trees on development sites; 3. <Insert part(s), section(s) or clause(s)> of Council’s relevant development control plan (in force as at the date of determination of this consent); and 4. any arborist’s report approved under this consent. <p>This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.</p> <p>"</p>
	<p>Condition reason: To protect trees during the carrying out of site work.</p>
45	<p>Waste management</p>
	<p>While site work is being carried out:</p> <ol style="list-style-type: none"> 1. all waste management must be undertaken in accordance with the waste management plan; and

	<p>2. upon disposal of waste, records of the disposal must be compiled and provided to <Insert the principal certifier or Council (where a principal certifier is not required)>, detailing the following:</p> <ol style="list-style-type: none"> a. The contact details of the person(s) who removed the waste; b. The waste carrier vehicle registration; c. The date and time of waste collection; d. A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill; e. The address of the disposal location(s) where the waste was taken; f. The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste. <p>If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and Council.</p>
	<p>Condition reason: To require records to be provided, during site work, documenting the lawful disposal of waste.</p>
46	<p>Building Survey</p> <p>In order to ensure compliance with approved plans, a Survey Certificate prepared to Australian Height Datum must be prepared by a Registered Surveyor at the following stages:</p> <ol style="list-style-type: none"> (a) Basement - At the completion of excavation and prior to the pouring of concrete the height and distance of the formwork to the boundaries and any easements or public drainage infrastructure. (b) Floor levels - Prior to pouring of concrete, at the ground floor level and every second level, showing the height and distance of the formwork to the boundaries and any easements or public drainage infrastructure. (c) At completion - Each finished floor level, highest point of the building and the distance of the building to the boundaries and any easements or public drainage infrastructure. <p>Progress certificates must be provided to the Principal Certifier 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.</p>
	<p>Condition reason: To ensure compliance with the approved plans</p>
47	<p>Site requirements</p>

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

(a) 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.

(b) Sediment Control - Erosion and sedimentation controls shall maintained during construction, including:

(a) Prevent sediment and/or building materials being carried or washed onto the footway, gutter, road, or into Council's stormwater drainage system.

(b) Ensure soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways.

(c) 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.

(d) Ensure safe loading and unloading of excavation machines, building materials, formwork, and the erection of the structures within the site.

(e) Ensure storage on site of all excavated material, construction materials and waste containers during the construction period (except where otherwise approved); and

(f) Ensure support of any excavation beside any adjoining property or the road reserve is designed by a Chartered Civil Engineer.

(c) Excavation Pump Out - Water that has accumulated in any excavation is not to be pumped into any stormwater disposal system unless the approval of the City of Canada Bay Council is obtained prior. All excavation pump-out water must be analysed for suspended solid concentrations, pH and any contaminants of concern identified during a preliminary or detailed site investigation, prior to discharge to the stormwater system. The analytical results of any discharge must comply with relevant EPA and ANZG standards for water quality and be made available to

Council upon request. Any water to be discharged to Council's stormwater system shall not contain a concentration of suspended sediment exceeding 50mg/L, shall have a pH of between 6.5-8.0 and shall comply with the ANZG Guidelines for Marine and Freshwater Quality for Protection of Aquatic Ecosystems (95% protection level for freshwater ecosystems); NSW Department of Housing, Managing Urban Stormwater - Soils and Construction).

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

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

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

(d) Noise and Vibration - 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.

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

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

(e) Asbestos Removal - 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.

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 10sqm 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 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.

(f) 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:

- Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.
- 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.
- All stockpiles of materials that are likely to generate dust must be kept damp or covered.
- All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.

- 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.

(g) Site Management

- All demolition is to be carried out in accordance with Australian Standards AS 2601-2001 and by a registered demolition contractor.
- 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.
- No blasting is to be carried out at any time during construction of the building.
- Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- 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.
- Any demolition and excess construction materials are to be recycled wherever practicable.
- The disposal of construction demolition waste must be in accordance the requirements of the Protection of the Environment Operations Act 1997.
- 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.
- 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.
- All materials on site or being delivered to the site are to generally be contained within the site. 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.
- 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.
- 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.
- 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.
- 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

	<p>other locations which could lead to the discharge of materials into the stormwater drainage system.</p> <ul style="list-style-type: none"> 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. <p>(h) Damage to adjoining properties and prevention of nuisance -</p> <ul style="list-style-type: none"> 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. 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. <p>(i) Stamped plans - Stamped plans, specifications, documentation and the consent shall be available on site at all times during construction.</p>
	<p>Condition reason: Compliance and environmental amenity</p>
<p>48</p>	<p>Waste Management Plan</p> <p>Requirements of the approved Waste Management Plan shall be complied with during all site preparation works, demolition (if proposed) and throughout all construction works.</p> <p>When implementing the Waste Management Plan the developer is to ensure:</p> <p>(a) The disposal of any demolition and construction waste must be undertaken in accordance with the requirements of the Protection of Environment Operations Act 1997.</p> <p>(b) All waste on site is to be stored, handled and disposed of in such a manner as to not create air pollution, offensive noise or pollution of land and water as defined by the Protection of Environment Operations Act 1997.</p> <p>(c) Generation, storage, treatment and disposal of hazardous waste is conducted in accordance with the relevant waste legislation administered by the EPA and relevant Occupational Health and Safety legislation administered by WorkCover NSW.</p> <p>(d) All waste generated (including excavated materials) which cannot be reused or recycled must be transported to a facility which can lawfully accept it.</p> <p>(e) Records are retained regarding the details and location of the disposal of all</p>

	<p>demolition and construction waste (including excavated material) and are to be kept on site as evidences of lawful disposal. Records are to include receipts and weighbridge dockets which verify material types and volumes, time and date of disposal and confirmation of the waste disposal facility.</p> <p>(f) All materials and resources that are to be stored on site during construction works are contained on the site, The provisions of the Protection of Environment Operations Act 1997 must be complied with when placing/stock piling loose material, disposal of concrete waste or activities which have potential to pollute drains and water courses.</p> <p>(g) The storage of waste and recycling containers must be within the boundaries of the development site at all times. Public footways and roads must not be used for the storage of any waste and must be kept clear of obstructions during all construction works.</p>
	<p>Condition reason: Waste Management</p>

Before issue of an occupation certificate

49	<p>Completion of public utility services</p>
	<p>Before the issue of the relevant occupation certificate, confirmation must be obtained from the relevant authority that any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, have been completed and this confirmation must be provided to the principal certifier.</p>
	<p>Condition reason: To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.</p>
50	<p>Preservation of survey marks</p>
	<p>Before the issue of an Occupation Certificate, documentation must be submitted by a registered surveyor to the <Insert principal certifier or Council (where a principal certifier is not required)>, which demonstrates that:</p> <ul style="list-style-type: none"> a. no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced; or b. any survey mark(s) that were damaged, destroyed, obliterated or defaced have been re-established in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure
	<p>Condition reason: To protect the State's survey infrastructure.</p>
51	<p>Removal of waste upon completion</p>

	<p>Before the issue of an Occupation Certificate:</p> <ol style="list-style-type: none"> a. all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved waste management plan; and b. written evidence of the waste removal must be provided to the satisfaction of the <Insert principal certifier or Council (where a principal certifier is not required)>. <p>Condition reason: To ensure waste material is appropriately disposed or satisfactorily stored.</p>
52	<p>Repair of infrastructure</p> <p>Before the issue of an Occupation Certificate:</p> <ol style="list-style-type: none"> 1. any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of Council, and at no cost to Council; or 2. if the works in (a) are not carried out to Council's satisfaction, Council may carry out the works required and the costs of any such works must be paid as directed by Council and in the first instance will be paid using the security deposit required to be paid under this consent. <p>Condition reason: To ensure any damage to public infrastructure is rectified.</p>
53	<p>Works-as-executed plans and any other documentary evidence</p> <p>Before the issue of an Occupation Certificate, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works must be submitted to the satisfaction of the principal certifier: <DELETE BELOW AS REQUIRED></p> <ol style="list-style-type: none"> a. All stormwater drainage systems and storage systems; and b. The following matters that Council requires to be documented <INSERT COUNCIL REQUIREMENTS>; c. A copy of the plans must be provided to Council with the <INSERT OCCUPATION CERTIFICATE OR SUBDIVISION CERTIFICATE>. <p>Condition reason: To confirm the location of works once constructed that will become Council assets.</p>
54	<p>Certification of Civil Engineering Works - Engineer</p> <p>Submission of Works - As - Executed drawings of the engineering works prepared by a Registered Surveyor. A certificate from a Registered Civil Engineer certifying that the civil engineering works have been constructed in accordance with relevant Standards and Council's Policies and Specifications including the following as relevant:</p> <ul style="list-style-type: none"> • Tanking of Basement. • Mechanical pump out system. • Stormwater drainage system.

	<ul style="list-style-type: none"> • Footpath, driveway and parking.
	Condition reason: Engineering
55	Damage Caused During Construction
	Where damage has occurred to Council’s assets you must lodge a Vehicular Crossing Location & / or Ancillary Works Application and then complete the repair works prior to the issue of an Occupation Certificate and the refund of the damage deposit.
	Condition reason: Asset protection
56	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:
	<ul style="list-style-type: none"> • 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.
	New building includes an altered portion of, or an extension to, an existing building.
	Condition reason: Statutory requirement
57	Affordable Housing Requirements
	Affordable housing for 15 years from the date of the issue of an occupation certificate must be provided as follows:
	(a) A restriction must be registered, against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act No 6, that will ensure that all approved affordable housing units are to be retained as affordable rental accommodation with eligibility and rent consistent with the definition contained in Clause 13 of the State Environmental Planning Policy (Housing) 2021, and
	(b) Managed by a registered community (social) housing provider.
	Condition reason: Statutory requirement

58	<p>Council Inspection – Waste Management Facilities</p> <p>A final inspection of the waste storage area(s) and management facilities must be arranged by the Principal Certifying Authority to ensure compliance with the design Council’s design specifications.</p> <p>The time for the inspection must be arranged with Council at least 2 business days prior to the Principal Certifier suggested appointment time.</p> <p>Condition reason: Waste Management</p>
59	<p>Fire Safety Certificate</p> <p>A final Fire Safety Certificate shall be obtained in accordance with Part 11, Section 83 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation, prior to the issue of the Final Occupation Certificate for the building.</p> <p>A copy of the Fire Safety Certificate and fire safety schedule shall be:</p> <ul style="list-style-type: none"> • Forwarded to City of Canada Bay Council. • Forwarded to the Commissioner of the New South Wales Fire Brigade; and • Prominently displayed in the building. <p>Condition reason: Fire Safety</p>
60	<p>Prospective Owners/Tenants Ineligible for Parking Permits</p> <p>All owners, residents, tenants/occupiers of the development are not eligible to participate in any existing or proposed Council on-street Permit Parking Schemes. The owner of the property and/or any managing agent appointed by the owner to sell or lease the residential and commercial units on their behalf shall ensure that all prospective purchaser and/or tenants are advised in writing via any advertising material, lease documents, etc. that no on-street parking permits will be issued by Council for the use of owners, tenants or their visitors. Any strata manager/management company appointed following the strata subdivision of the development shall also be responsible for ensuring that all owners and their tenants are informed of this restriction on an ongoing basis.</p> <p>Condition reason: Parking</p>
61	<p>Registration of Covenant</p> <p>Prior to the issue of a Final Occupation Certificate, the applicant must register a covenant on the title of the land pursuant to Section 88E of the Conveyancing Act 1919, stating that the subject land has been remediated in accordance with an approved Remediation Action Plan and that a Site Audit Statement has been issued for the remediation works:</p> <p>This covenant shall also include, but not necessarily be limited to, the following:</p>

	<p>(a) Information regarding the delineation of any contaminated soil containment cell and the survey drawings as required by the development consent.</p> <p>(b) Reference to the Environmental Management Plan as reviewed by the NSW EPA accredited site auditor, as required by the development consent.</p> <p>The covenant shall nominate the City of Canada Bay as the only authority empowered to release, vary or modify the terms of the covenant.</p> <p>Evidence that the required covenant has been registered on the title must be provided to the Principal Certifier prior to the issue of the Occupation Certificate.</p>
	<p>Condition reason: Environmental protection</p>
62	<p>Stormwater Controlled Systems</p> <p><i>Covenant & Restriction as to User</i> A Positive Covenant and Restriction on Use of Land shall be created over the constructed stormwater management system, on-site stormwater detention (OSD) system/on-site system absorption (OSA) system/stormwater quality improvement device (SQID) and/or mechanical pump-out system under Section 88E Instrument and/or Section 88B Instrument of the Conveyancing Act shall be submitted to the authority benefited for approval prior to lodge and register with the NSW Land Register Service.</p> <p>A Positive Covenant and Restriction as to User Lodgement form shall be submitted to Council. Council’s standard wording is located in ‘Appendix 2 – Engineering Specifications of the Canada Bay Development Control Plan’.</p> <p><i>OSD Identification Plate</i> The applicant shall install an identification plate near or onto the control structure of the On-site Stormwater Detention system (OSD). This is to advise the registered proprietor of their responsibility to maintain the OSD facility. The applicant can obtain the OSD identification plate from the Council at a cost.</p>
	<p>Condition reason: Stormwater</p>
63	<p>Street Numbering</p> <p>The proposed shall be numbered as follows:</p> <ul style="list-style-type: none"> In accordance with numbering strategy approved under DA2020/0143 <p>The Registered Certifier must confirm that street numbers are conspicuously displayed at the front property boundary before the issue of an Occupation Certificate.</p>

	Condition reason: Identification of Property for Emergency Services and Mail Deliveries
64	Waste Collection Agreement with Council
	<p>Prior to the issue of the Subdivision Certificate, a formal agreement with Council for the utilisation of Council's Domestic Waste Collection Service is to be entered into.</p> <p>By entering into an agreement with Council for waste collection, the development will be required to operate in full compliance with Council's Waste Management collection requirements.</p> <p>The provision of Council's waste collection service will not commence until formalisation of the agreement.</p>
	Condition reason: Waste Management
65	Acoustic Assessment
	<p>All recommendations contained in the approved acoustic assessment report prepared by Pulse White Noise Acoustics Pty Ltd, Ref No. 2410001-25, 20th March 2024 shall be adopted, implemented, and adhered to.</p> <p>The Principal Certifying Authority (PCA) shall obtain a certificate from an appropriately acoustic consultant, stating that the recommendations outlined in the above report have been completed and that relevant noise criteria have been satisfied prior to the issue of any Occupational Certificate.</p> <p>Any changes made to the proposal that would alter the outcome will require a further assessment and a copy of this further report shall be provided to the PCA for approval and all recommendations of the report shall be adopted, implemented and available upon request of the Council.</p>
	Condition reason: Noise Control and Amenity

Occupation and ongoing use

66	Noise - air conditioners / pool pumps
	<p>The development must comply with the requirements of Protection of the Environment Operations (Noise Control) Regulation 2017 and shall not:</p> <p style="padding-left: 40px;">(a) Emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):</p>

	<p style="text-align: center;"><i>Air Conditioners</i></p> <p>(i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; (ii) before 7.00am and after 10.00pm on any other day.</p> <p>(b) Emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the background (LA90, 15minutes) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute.</p> <p>Condition reason: Noise control and amenity</p>
67	<p>Noise, Air or Water Pollution</p> <p><i>General</i> The use, operation and activities carried out on site shall comply with the requirements of relevant noise legislation and guidelines including but not limited to Noise Policy of Industry 2017, Protection of the Environment Operations Act 1997, relevant Australian Standards on Noise Control on Construction, Maintenance and Demolition Sites, and must not constitute a nuisance in relation to noise, air or water pollution as specified under the Protection of the Environment Operations Act 1997.</p> <p><i>Acoustic Assessment</i> Following occupation of the building / premises, should it be found that the measures recommended in the acoustic assessment are not sufficient, or have been incorrectly installed or a noise issue (relating to the development) not previously identified arises (through complaint or otherwise), the owner / occupier shall, upon request by Council, employ the services of a suitably qualified and experienced acoustic consultant to undertake a post occupation assessment of the development and complete a noise assessment report with recommendations to rectify the situation. A copy of this report shall be submitted to Council for review and approval and from there noise attenuation works shall be carried out within a time frame set by Council. The reasonable cost of such appointment shall be borne by the owner / occupier and any works recommended by the acoustic consultant shall also be borne by the owner / occupier.</p> <p>Condition reason: Amenity</p>
68	<p>Annual Fire Safety Statement</p> <p>Each year, the owner of a building to which an essential fire safety measure is applicable shall cause the Council to be given an annual fire safety statement for the building. Such a fire safety statement:</p> <ul style="list-style-type: none"> • Shall deal with each essential fire safety measure in the building premises; and

	<ul style="list-style-type: none"> • Shall be given within twelve months after the last such statement was given, or if no such statement was given, within twelve months after a final fire safety certificate was first issued for the building. <p>As soon as practicable after a final fire safety certificate is issued, the owner of the building to which it relates:</p> <ul style="list-style-type: none"> • Shall cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Commissioner of New South Wales Fire Brigades; and • Shall cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be permanently displayed in the building.
	Condition reason: Fire Safety
69	Commencement of a domestic waste service
	<p>Prior to the commencement of use, the property owner or agent acting for the owner must arrange an inspection of the waste storage area(s) and management facilities to arrange the commencement of a domestic waste service with Council.</p> <p>The time for the inspection must be arranged by the owner or approved building manager at least 7 days prior to the occupancy of the development.</p> <p>All requirements of Council's domestic collection service must be complied with at all times.</p>
	Condition reason: Waste Management
70	Compliance with an Environmental Management Plan
	<p>Any future intrusive ground works carried out that have the potential to conflict with any residual contamination remaining onsite must only be carried out in accordance with the Environmental Management Plan as referenced by the Site Auditor in the Site Audit Statement.</p>
	Condition reason: Environmental protection
71	Visitor Parking
	<p>The visitor parking spaces must not at any time be allocated sold or leased to an individual owner/occupier and must be retained as common property by the Owners Corporation.</p>
	Condition reason: Visitor Parking
72	Waste Management Facilities
	<p>The Owners Corporation is responsible for the ongoing maintenance, repair and replacement of all equipment related to waste management in the development including</p>

	waste chutes, compaction equipment and turntables if applicable. This also includes ensuring that mobile garbage bins are kept clean.
	Condition reason: Waste Management
73	Waste Management Plan Implementation
	The approved Waste Management Plan is to be implemented throughout the ongoing use of the development.
	Condition reason: Waste Management
74	Further Acoustic Assessment
	Following occupation of the building/premises, should it be found that the measures recommended in the acoustic assessment are not sufficient, or have been incorrectly installed or a noise issue (relating to the development) not previously identified arises (through complaint or otherwise), the owner/ occupier shall, upon request by Council, employ the services of a qualified acoustic consultant to undertake a post occupation assessment of the development and complete an assessment report with recommendations to rectify the situation . A copy of this report shall be submitted to Council for approval and from there noise attenuation works shall be implemented.
	Condition reason: Noise Control and Amenity
75	Noise Complaints - General
	The use of the premises shall comply with the requirements of the NSW Environmental Protection Agency Noise Policy for Industry 2017 and shall not give rise to the transmission of offensive noise as defined in the Protection of the Environment Operation Act 1997 (NSW)
	Condition reason: Noise Control and Amenity
76	Noise Complaints - General
	The development must not cause offensive noise as defined by the Protection of the Environment Operation Act 1997 (NSW) Following occupation, should complaints of a noise nuisance be received and substantiated by an authorised officer, an acoustic assessment shall be conducted by a qualified acoustic consultant and the resulting report shall be provided to Council for approval. Following approval the owner/occupier shall then implement all recommendations contained in the assessment report within a timeframe set by Council, to the satisfaction of Council and in compliance with any additional direction given by Council.
	Condition reason: Noise Control and Amenity
77	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 Noise Policy for Industry 2017 and relevant Australian Standards on Noise Control on Construction, Maintenance and Demolition Sites.
	Condition reason: Noise Control and Amenity
78	NOISE - GENERAL
	<p>(a) The emission of noise associated with the use of the premises including the operation of any mechanical plant and equipment shall comply with the following criteria:</p> <p>(i) The LAeq, 15minute noise level emitted from the use must not exceed the background noise level LA90, 15minute by more than 5dB when assessed at the boundary of any affected residence.</p> <p>(ii) The LAeq,15minute noise level shall be adjusted for modifying factors in accordance with Part 4 of the Environmental Protection Authority (EPA) NSW Industrial Noise Policy.</p> <p>(iii) The background noise level shall be measured in the absence of noise emitted from the use in accordance with Australian Standard AS 1055.1-1997-Description and measurement of environmental noise.</p>
	Condition reason: Noise attenuation

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](#). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the

conditions of this consent.

DRAFT

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means CITY OF CANADA BAY COUNCIL.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Canada Bay Local Planning Panel

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Sydney district or regional planning panel means Sydney Eastern City Planning Panel.