

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSEC-52																											
DA Number	DA2020/0143																											
LGA	City of Canada Bay Council																											
Proposed Development	Demolition of existing structures and construction of residential apartment buildings of 4-6 levels containing 145 apartments (including affordable housing dedicated to Council) with two levels of basement and 126 car parking spaces																											
Street Address	25 George Street North Strathfield																											
Applicant/Owner	North Strathfield One Pty Ltd (Applicant) North Strathfield One Pty Ltd (Owner)																											
Date of DA lodgement	12 June 2020																											
Total number of Submissions Number of Unique Objections	Initial notification <ul style="list-style-type: none">28 (including 20 objections and 8 in support) Re-notification <ul style="list-style-type: none">4 (including 3 objections and 1 in support)																											
Recommendation	Approval subject to Conditions																											
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	The development has a capital investment value of greater than \$30 million CIV = \$44,675,000.00																											
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none">State Environmental Planning Policy No. 55 (SEPP No. 55) - Remediation of LandState Environmental Planning Policy No 65 - Design Quality of Residential Flat BuildingsState Environmental Planning Policy - Building Sustainability Index (2004)State Environmental Planning Policy (Infrastructure) 2007Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005State Environmental Planning Policy (Vegetation in Non-Rural Areas)Canada Bay Local Environmental Plan 2013City of Canada Bay Development Control Plan 2017Canada Bay Special Precincts Development Control PlanPlanning Agreement, Ref: 738885:24822479_1																											
List all documents submitted with this report for the Panel’s consideration	<table><tr><th colspan="4">Plans</th></tr><tr><th>Reference/Dwg No</th><th>Title/Description</th><th>Prepared By</th><th>Date/s</th></tr><tr><td>Ref: 8058 (Sheets 1, 2 & 3 – Issue C)</td><td>Detail and Level Survey of SP22302</td><td>SDG</td><td>16.12.2019</td></tr><tr><td>DA 001 (Revision C)</td><td>Legend</td><td>FUSE Architect</td><td>22.10.2021</td></tr><tr><td>DA 007 (Revision C)</td><td>Site Plan</td><td>FUSE Architect</td><td>22.10.2021</td></tr><tr><td>DA 101 (Revision C)</td><td>Basement 2 Plan</td><td>FUSE</td><td>22.10.2021</td></tr></table>				Plans				Reference/Dwg No	Title/Description	Prepared By	Date/s	Ref: 8058 (Sheets 1, 2 & 3 – Issue C)	Detail and Level Survey of SP22302	SDG	16.12.2019	DA 001 (Revision C)	Legend	FUSE Architect	22.10.2021	DA 007 (Revision C)	Site Plan	FUSE Architect	22.10.2021	DA 101 (Revision C)	Basement 2 Plan	FUSE	22.10.2021
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			Architect		
	DA 102 (Revision C)	Basement 1 Plan	FUSE Architect	22.10.2021	
	DA 103 (Revision C)	Ground Level Plan	FUSE Architect	22.10.2021	
	DA 104 (Revision C)	Level 1 Plan	FUSE Architect	22.10.2021	
	DA 105 (Revision C)	Level 2 Plan	FUSE Architect	22.10.2021	
	DA 106 (Revision C)	Level 3 Plan	FUSE Architect	22.10.2021	
	DA 107 (Revision C)	Level 4 Plan	FUSE Architect	22.10.2021	
	DA 108 (Revision C)	Level 5 Plan	FUSE Architect	22.10.2021	
	DA 109 (Revision C)	Roof Plan	FUSE Architect	22.10.2021	
	DA 201 (Revision C)	Elevations (North & West)	FUSE Architect	22.10.2021	
	DA 202 (Revision C)	Elevations (South & East)	FUSE Architect	22.10.2021	
	DA 301 (Revision C)	Sections (A & B)	FUSE Architect	22.10.2021	
	DA 302 (Revision C)	Sections (C & D)	FUSE Architect	22.10.2021	
	DA 303 (Revision C)	Sections (E & F)	FUSE Architect	22.10.2021	
	DA 304 (Revision C)	Sections (G)	FUSE Architect	22.10.2021	
	DA 305 (Revision C)	Longitudinal Driveway Section	FUSE Architect	22.10.2021	
	DA 401 (Revision C)	Unit Types Sheet 1	FUSE Architect	22.10.2021	
	DA 402 (Revision C)	Unit Types Sheet 2	FUSE Architect	22.10.2021	
	DA 403 (Revision C)	Unit Types Sheet 3	FUSE Architect	22.10.2021	
	DA 604 (Revision C)	Adaptable Unit Type	FUSE Architect	22.10.2021	
	DA 701 (Revision C)	Materials & Finishes Schedule	FUSE Architect	22.10.2021	
	DA-1934-01 (Revision D)	Tree Removal / Retention Plan	Sturt Noble	03.11.2021	
	DA-1934-02 (Revision H)	Masterplan	Sturt Noble	03.11.2021	
	DA-1934-03 (Revision H)	North Facing Communal Courtyard	Sturt Noble	03.11.2021	
	DA-1934-04 (Revision H)	George Street Frontage	Sturt Noble	03.11.2021	
	DA-1934-05 (Revision F)	Sections	Sturt Noble	03.11.2021	
	DA-1934-06(Revision C)	Indicative Shrub & Groundcover Planting	Sturt Noble	03.11.2021	

	Supporting Information / Documents			
	Reference	Title/Description	Prepared By	Date/s
	738885:24822479_1	Planning Agreement	Maddox Lawyers	05/11/2019
	SVPA2020-42	Letter to Council Re Confirmation of Satisfactory arrangements certificate	DPIE	14.12.2021
	SVPA2020-42	Satisfactory arrangements certificate	DPIE	14.12.2021
	754373M_02	BASIX Certificate	BCA Energy Pty Ltd	24.11.2021
	Version 02	SEPP 65 Design Verification Statement	Rachid Andary (FUSE Architect)	22.10.2021
	No ref. (14 pages)	Apartment Design Guide Compliance Table	Fuse Architecture	22.10.2021
	No ref.	Statement of Environmental Effects	Dowling Urban Pty Ltd	Nov 2021
	Revision G	Waste Management Plan	Elephants Foot	18.11.2021
	19084_291019_Noise Impact Assessment_BW_R1	Noise and Vibration Impact Assessment	White Noise Acoustics	04.11.2019
	Pages 1 to 14 (incl.)	Arboricultural Impact Assessment	New Leaf Arboriculture Pty Ltd	18.12.2019
	E24421.E14_Rev0	Acid Sulfate Soils Assessment	EI Australia	19.11.2019
	Report no: E24421.E02_Rev0 Report no: DL3686_S003443	Detailed Site Investigation dated 19 November 2019 And Preliminary Site Investigation	EI Australia DLA Environmental Services	19.11.2019 Oct 2015
Clause 4.6 requests	<ul style="list-style-type: none"> N/A 			
Summary of key submissions	<ul style="list-style-type: none"> Excess density/Overdevelopment Bulk and scale and building height 			

	<ul style="list-style-type: none"> • Setbacks • Impact on Metro • Traffic and parking/Impacts on public transport/Safety/Impact on local schools • Building quality • Environmental issues – Construction, damage to adjoining property, noise • Safety and security for public • Privacy/Overlooking/Light spill • Overshadowing • Information
Report prepared by	Peter Giaprakas
Report date	27 January 2022

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?

Not applicable

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

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

Not applicable

Conditions

Have draft conditions been provided to the applicant for comment?

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

Yes

1. Background

Concord West Master Plan & Canada Bay Local Environmental Plan 2013 (Amendment No. 13)

The Concord West Precinct Masterplan was prepared in 2014 by JBA on behalf of the Council (published on 27 May 2014), which encompassed parcels of land on the western side of the Northern Railway Line at Concord West, the subject site included.

The conclusions of the Concord West Masterplan informed the preparation of a Planning Proposal for the subject site to amend the zoning and maximum height and FSR controls as follows:

- Change the zoning of the site from IN1 General Industrial to R3 Medium Density Residential;
- Change the maximum height control from 12 metres to part 16 metres and part 22 metres; and
- Change the maximum FSR control from 1:1 to 1.6:1.

The amendments proposed to the CBLEP 2013 under the Planning Proposal for the site were gazetted on 20 April 2018.

Planning Proposal (Council ref: PP2016/0006) & Gazettal of LEP Amendment
Council Meeting of City of Canada Bay Council held on 15 August 2017, resolved *inter alia* that:

- *the Planning Proposal for 25 George Street, North Strathfield, prepared by Urbis be submitted to the Department of Planning and Environment for finalisation*
- *the draft amendments to the Development Control Plan – Special Precincts for land within the Concord West Precinct be adopted*
- *the Draft Development Control Plan - Special Precincts be amended to exclude the application of Part C3 (Car Parking) of the Canada Bay Development Control Plan to Part 2.15 Concord West Precinct*
- *the applicant be advised to consult with Sydney Trains prior to the lodgement of a development application*
- *Prior to the Planning Proposal proceeding to the Department of Planning and Environment for finalisation, arrangements are to be in place to dedicate a minimum of 5% of the fully developed Gross Floor Area to Council as affordable housing.*

The Planning Proposal was intended to rezone land and facilitate redevelopment of the subject site through the demolition of existing industrial buildings, and the construction of residential flat buildings. The Planning Proposal and intended development outcome was considered in accordance with the Concord West Precinct Master Plan and Parramatta Road Urban Transformation Strategy.

Canada Bay Local Environmental Plan 2013 (Amendment No 13), now applies to land at 25 George Street, North Strathfield, being SP 22302.

Section 7.4 of the Act – Voluntary Planning Agreement (VPA) – Affordable Housing dedication to Council

The *Parramatta Road Corridor Urban Transformation Strategy* and *Parramatta Road Urban Transformation Implementation Plan 2016-2023* requires a minimum of 5% of new housing to be provided as affordable housing.

On 5th November 2019, the Developer and Council entered into a planning agreement under Section 7.4 of the Environmental Planning & Assessment Act, 1979.

The above planning agreement stipulates that, should Development Consent be granted to DA2020/0143, the developer has agreed to dedicate to Council a minimum of 5% of the uplift of the Gross Floor Area, or 2 three-bedroom units, whichever is greater, as affordable housing as defined in the Act. The provision of affordable housing to Council is clarified by condition of consent.

Requirements of Clause 6.9 of CBLEP

The applicant states 'in accordance with Department of Planning, Infrastructure and Environment procedures, a Letter of Offer for contributions to designated State public infrastructure to satisfy clause 6.9 of Canada Bay Local Environmental Plan 2013 is to be made subsequent to the lodgement of this development application. A satisfactory arrangements certificate (ref: SVPA2020-42), in relation to this development application DA2020/0143 was issued by the DPIE on 14.12.2021.

Pre-DA Advice

A preliminary scheme was submitted to Canada Bay Council for pre-DA consultation. The applicant was subsequently issued with pre-DA written by Council on 14 January 2019. The submitted proposal as revised is considered consistent with the written Pre-DA advice.

Development Proposal

This development application was lodged on the 12 June 2020. The application was notified on the 18 June 2020 to surrounding owners / occupiers for a period of twenty-two (22) days. During the notification period twenty (20) submissions objecting to the proposal, plus eight (8) in support/providing positive feedback.

A panel briefing meeting was held on the 15 July 2020. Council staff provided a presentation of the proposed development, its key elements and the planning controls, including an overview of the issues of concern that arose through the assessment process and the submissions received. Further, commentary on the assessment process and likely timing to present the report to the panel were outlined. Other factors influencing timing of the assessment including design revisions recommended by Council's Design Review Panel and finalisation of a VPA between the developer and DPIE.

On the 06 and 12 August 2020 the following referral matters were raised with the applicant:

- Sydney Trains – Additional information for review prior to concurrence
- Sydney Metro – Additional information for review prior to concurrence
- Response to Design Review Panel minutes from 15/07/2020, summarised as follows:
 - Cross ventilation – recommended improving cross-ventilation by revising the building design with three separate buildings instead of the two proposed, as per the Master Plan;
 - Units with additional rooms should be proportionally bigger than the minimum size of units; and
 - Ensure that the external architectural expression of the built form does not unreasonably impact on the internal amenity of the apartments and that this is clearly illustrated on the DA plans.
- Waste management chutes and collection;
- Stormwater;
- Traffic and parking;
- Disability access;
- Landscaping and tree protection measures; and
- Submissions received during notification.

On the 30 September 2019 the applicant submitted additional information and amended plans which resolved the majority of outstanding issues however the unit mix requirements for the development had not been addressed.

A further revised scheme was lodged with Council to address non-compliance with Clause 6.11 of the Canada Bay Local Environmental Plan 2013, which provides minimum standards for the mix of dwelling types, requiring a minimum of 20% one bedroom apartments and 20% three bedroom apartment. The proposal now complies in this regard. It is noted that the applicant has designated one three bedroom apartment (Unit G07) as a dual key apartment which provides the flexibility of a studio and two bed arrangement.

The revised proposal consolidating all revisions made to date was re-notified from 16 November 2021 to 7 December, generating three (3) submissions objecting to the proposal, plus one (1) in support.

This application was also placed on hold as the Department of Planning, Infrastructure & Environment and the Applicant worked to satisfy Clause 6.9 of the Canada Bay Local Environmental Plan 2013, which requires a contribution for state public infrastructure. This was satisfactorily resolved when the two parties entered into a Planning Agreement dated 14 December 2021.

2. The Site and its Context

The subject site is located in Concord West which is approximately 14.5km to the west of the Sydney CBD as the crow flies. The site is located approximately 225m walking distance south of Concord West Station.

The site, located on the eastern side of George Street, has the street address 25 George St, North Strathfield and is legally described as SP 22302.



Figure 1 – Site location (Source: Intramaps)

The site is generally rectangular in shape with a total area of approximately 7,485m² and the topography is relatively flat throughout. The property slopes gently across the site from the rear between 2 to 4 metres north-westerly towards George Street.

The site has the following dimensions:

- Northern boundary – 113.52m
- Eastern boundary (adjacent Northern Railway) – 67.555m
- Southern boundary – 108.93m
- Western boundary (George Street) – 67.4m

The site is not identified as a Heritage Item however there is a heritage item to the east of the site, located on the other side of Northern Railway line at No 52 Queen

Street, Concord West. There are no heritage conservation areas located in close proximity to the site.

The site currently contains three warehouse and industrial style buildings which incorporate at grade parking, loading facilities and variable uses with ancillary office space. The site also contains a number of established trees primarily positioned down the centre of the site and along the front and rear boundaries. The neighbouring sites are characterised as follows:

Development to the north

Mixed use development containing commercial uses and residential apartments with communal open space internal to the site.

Development to the south

Residential flat development with communal open space located along the southern boundary of the site.

Development to the west

Low density single detached dwelling house development.

Development to the east

The site at the rear is immediately adjacent the Northern Railway corridor with low density detached dwelling house development on the other side.

It has been established that the site is encumbered by two historical easements for railway sidings over area of the site immediately adjoining the railway corridor to the east. It is understood that these easements have been abandoned and the land will be subject to re-subdivision subsequent to development (refer to Sydney Trains letter, dated 30 November 2015, to developer discussing the issue).

Future Metro tunnel has been identified as passing directly under a portion of the site and was therefore referred to Sydney Metro for concurrence. An amendment to the State Environmental Planning (Infrastructure) 2007 (ISEPP) relating to Sydney Metro - West has been the subject of public consultation under the Environmental Planning and Assessment Act 1979 (EP&A Act). In the Explanation of Intended Effect exhibited, it states the ISEPP amendment will require Sydney Metro to review development applications in the identified corridor to seek their advice on whether an application will have an adverse effect on the viability of the Sydney Metro - West project. Sydney Metro have reviewed the proposal and provided concurrence with conditions.

The site is located directly adjacent the Northern Railway Line therefore the proposed works fall under the provisions of Clause 86 of State Environmental Planning Policy (Infrastructure) 2007 which requires concurrence from Sydney Trains before approval can be granted. Sydney Trains have reviewed the proposal and provided concurrence with conditions.

3. Proposed Development in Detail

The proposed development involves the demolition of all existing structures on the site and construction of 4, 5 and 6 storey residential flat buildings containing 11,974m² of gross floor area utilised for:

- 145 one, two and three bedroom apartments
 - at a mix of 28%, 52% and 20 respectively with 15% adaptable; and
 - A minimum of 5% of the Gross Floor Area dedicated as affordable housing to Council.
- A central courtyard and roof top communal open spaces; and ground floor terrace and balcony private open spaces; access ways and landscaping.
- Two levels of basement containing:
 - resident and visitor parking for 141 cars
 - resident storage and bicycle provision.
 - on-site loading dock, waste collection areas and OSD.

The proposal adopts a colour palette to reference a traditional face brick context evident in the area both surrounding low to medium density residential development and nearby Bakehouse Quarter buildings more to the south along George Street.

The contemporary building form is expressed with horizontal banding formed from structural elements above a face brick base. This horizontal banding frames vertically expressed glazed openings coupled with varying angled walls in natural tones and subtle vertical texture.

The building, as it addresses the street, includes a centrally focused entry and lobby design that visually breaks up the street façade into two building components whilst remaining connected.

4. Public Submissions

In accordance with Council's Notification Development Control Plan, adjoining and nearby property owners and occupiers were advised of the proposal. The notified properties and submitters have been identified on the following map.



Twenty (20) submissions objecting to the proposal were received following the initial notification period, plus eight (8) in support/providing positive feedback (including 3, 9, 17, 19 Brussels St, North Strathfield, 16 Mena St, North Strathfield, 122 George St, North Strathfield, 2 submissions from 134 George St, North Strathfield).

Three (3) submissions objecting to the proposal were received following re-notification of the revised proposal, plus one (1) in support/providing positive feedback (including 134 George St, North Strathfield). The contents of all submissions are summarised and considered below:

- **Excess density/Overdevelopment**

(Submission from anonymous resident at 23 George St, North Strathfield, Unit 49/23 George St, North Strathfield – following re-notification)

(Submission from Units 406J, 303E/27-29 George St, North Strathfield, Units 21, 41/23A George St, North Strathfield – following initial notification)

Comment: Revised proposal has reduced number of units from 157 to 145. Further, the proposal provides appropriate density for the site with FSR and height development standards fully compliant.

- **Bulk and scale and building height**

(Submission from anonymous resident at 23 George St following re-notification)

(Submission from Units 2, 5, 41/23A George St, North Strathfield – following initial notification)

Comment: The bulk and scale and building heights of the development is consistent with adjoining development along the streetscape its massing in accordance with development standards and controls for the site.

The revised proposal breaks up the single building mass along the southern boundary. Further, the proposal is fully compliant with FSR and height.

The proposal has a gross floor area of 11976sqm which is compliant with the maximum floor space ratio of 1.6:1 prescribed under clause 4.4 of the CBLEP. The main objective of the FSR is to ensure that buildings are compatible with the bulk and scale of the desired future character of the locality.

The proposal is well within the maximum height of building of 16m and 22m under clause 4.3 of the CBLEP.

- **Setbacks**

(Submission from Units 5, 21, 23/23A George St, North Strathfield – following initial notification)

Comment: The proposal is fully compliant with required setbacks in accordance with SPDCP and the ADG. This compliance mitigates and overshadows, privacy or visual impacts.

- **Metro – Impact of the development on the future Sydney Metro tunnel should be considered**

(Submission from anonymous resident at 23 George St, North Strathfield, Units 41, 49/23 George St, North Strathfield – following re-notification)

(Submissions from 1 Argonne St, North Strathfield, 23 George St, North Strathfield – following re-notification)

Comment: The proposal has been reviewed by Sydney Metro and concurrence has been provided with conditions of consent.

- **Traffic and parking impacts/Impacts on public transport/Safety/Impact on local schools**

(Submission from anonymous resident at 23 George St, North Strathfield, Unit 41/23 George St, North Strathfield – following re-notification)

(Submissions from 1 Argonne St, North Strathfield, Unit 20/23 George St, North Strathfield, Units 2, 5, 7, 21, 23, 25, 36, 41/23A George St, North Strathfield, Unit owner at 27 George St, North Strathfield, Units A202, 303E, 406J/27-29 George St, North Strathfield, 146 George St, North Strathfield, 9 Rothwell St North Strathfield, – following initial notification)

Comment: The revised proposal is limited to 145 units, down from 157 units. The proposed car parking provisions include 15 spaces in excess of the maximum allowable for this particular site under the provisions of Council's SPDCP, however condition of consent requires maximum car parking spaces to be limited to 126. Further, future residents will not have access to any Council street parking permit schemes and the site is located in close proximity to public transport.

- **Building quality**

(Submission from Unit owner at 27 George St, North Strathfield – following initial notification)

Comment: The development is required to be built to required construction standards.

- **Construction management plan (CMP)/construction hours/noise/tree protection/dilapidation survey**

(Submissions from Units 2, 7, 21/23A George St, North Strathfield, Unit owner at 27 George St, North Strathfield, Units A202, 406J, 303E/27-29 George St, North Strathfield, 146 George St, 9 Rothwell St – following initial notification)

Comment: Standard conditions of consent include requirements for the above.

- **Safety and security – CCTV cameras for public safety**

(Submission from 146 George St, 9 Rothwell St – following initial notification)

Comment: The site will be utilised as a private residential property and the installation of any CCTV will be determined by the owners. There is no legislative requirement in this regard.

- **Privacy – overlooking into pool, gardens and units in 23A George Street**

(Submission from Units 5, 7, 21, 25, 23A George St, North Strathfield, 48 Queen St, North Strathfield – following initial notification)

(Submission from Slattery Group on behalf of the Owner's Corporation SP 64291 at 23A George St, North Strathfield – following initial notification)

Comment: The proposal is adequately separated from adjoining units with fully compliant side setbacks required by relevant development controls and guidelines in the SPDCP and ADG. Further, proposed canopy trees and vegetation along the southern boundary and existing mature vegetation on the adjoining site also contribute to minimising any overlooking.

In order to minimise overlooking further, it is recommended that a condition of consent requiring selected balconies with south-facing sides to incorporate into their design, fixed privacy structures with minimum 85% density or be designed such that they prevent overlooking down into the property of 23A George Street. The privacy structures shall have a minimum height of 1.5m from the finished floor level of the balcony and shall run, at a minimum, the whole length of the southern end of each balcony.

- ***Privacy – rear facing balconies overlooking into private open spaces of Queen Street dwellings.***
(Submissions from 48 and 50 Queen St, North Strathfield – following re-notification)

Comment: The submitted plans clearly indicate the rear facing units to Building C include private balconies. The required rear building setback has been achieved, resulting in the proposed rear balconies being separated from rear boundaries of Queen Street residential properties by approximately 39m, including the Northern Railway Corridor.

Given the separation, proposed landscape provisions along the rear boundary and existing tree canopy and vegetation within rear yards of the Queens Street residential properties, there are no unreasonable overlooking impacts envisaged as a result of the proposal.

- ***Light spill***
(Submission from 48 Queen St, North Strathfield – following re-notification)

Comment: Any light spill expected from proposed residential units is not likely to result in on-going issues given the separation of dwellings, the rail corridor and vegetation. Further, condition of consent is recommended to control any lighting nuisance.

- ***Overshadowing – over pool and gardens of 23A George St, North Strathfield***
(Submission from Units 5, 7, 21, 25, 36, 41/23A George St, North Strathfield – following initial notification)
(Submission from Slattery Group on behalf of the Owner's Corporation SP 64291 at 23A George St, North Strathfield – following initial notification)

Comment: The site is generally orientated along east-west axis (with north just slightly biased towards east). The proposal is adequately separated from 23 George Street with fully compliant setbacks and building height.

The submitted shadow diagrams indicate relatively small areas of additional overshadowing falling over 23A George St during the winter solstice between 9.00am 3.00pm, with some areas of the adjoining pool area and gardens being opened up to direct solar access.

The revised proposal provides additional direct solar access to the pool area and gardens of 23A George Street by breaking up the single building mass along the southern boundary. This direct solar access is now available where it has previously not due to overshadowing from the existing industrial building on the site.

- **Noise from A/C units on balconies**
(Submission from 48 Queen St, North Strathfield – following re-notification)

Comment: The proposal does not include A/C units on balconies.

- **Rezoning – Why?**
(Submission from 48 Queen St, North Strathfield – following re-notification)

Comment: On the 20 April 2019 the site was rezoned to R3 Medium Density Residential with a height limit of up to 22m and FSR of 1.6:1. The proposed residential flat building development as revised is consistent with the desired future character that has been established through the deliberate and considered rezoning of this site.

- **Loss of view of sunset**
(Submission from 48 Queen St, North Strathfield – following re-notification)

Comment: Given a compliant development, the relationship between and separation of sites, vegetation both existing and proposed, it is not reasonable to expect the complete preservation of any existing sunset view.

- **Loss of local services**
(Submission from Unit 7, 25, 36/23A George St, North Strathfield – following initial notification)

Comment: The site has been rezoned from IN1 Light Industrial to R3 Medium Density Residential. The proposed RFB is permissible use within the current zone.

On the 20 April 2019 the site was rezoned to R3 Medium Density Residential with a height limit of up to 22m and FSR of 1.6:1. The proposed residential flat building development as revised is consistent with the desired future character that has been established through the deliberate and considered rezoning of this site.

- **Misrepresentation of information on drawings DA 000, DA 005, DA 008, DA 009, DA 302, DA 409, DA 410**
(Submission from Units 6, 21/23A George St, North Strathfield – following initial notification)

Comment: The misrepresentation primarily relate to the presentation of artists impression of the development and streetscape analysis, of which do not form part of approved plans. All required information is included in approved plans and supporting documents including required setbacks and tree removal. With regard to

shadow diagrams, the applicant has included required winter solstice shadow diagrams.

- ***Insufficient shadow impact information***
(Submission from Slattery Group on behalf of the Owner's Corporation SP 64291 at 23A George St, North Strathfield – following initial notification)

Comment: Additional shadow diagrams were provided as requested to assist with this submitter. The information provided by the applicant for the purposes of assessing overshadowing impacts is considered sufficient.

- ***Insufficient landscape information regarding treatment along the common boundary***
(Submission from Slattery Group on behalf of the Owner's Corporation SP 64291 at 23A George St, North Strathfield – following initial notification)

Comment: The applicant has submitted revised landscape plans with details of plant species and location along the common boundary with 23A George Street.

- ***No detail in relation to proposed boundary fence along common boundary with 23A George Street***
(Submission from Slattery Group on behalf of the Owner's Corporation SP 64291 at 23A George St, North Strathfield – following initial notification)

Comment: The existing industrial unit buildings are built with a zero boundary setback which separates the land from adjoining land for the majority of the common boundary. The applicant has not proposed any new boundary fencing as part of this application. It is assumed this will be either exempt development or subject to separate development consent and the Dividing Fences Act, 1991.

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 No. 55 (SEPP No. 55) - Remediation of Land

According to clause 7 of SEPP No. 55 consent may not be granted to the carrying out of any development on land unless consideration has been given to whether the land is contaminated, and if the land is contaminated, 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.

The suitability of the site for residential was considered as part of the Planning Proposal which included the submission of a Phase 2 Detailed Site Investigation. This report concluded that the site is suitable for the proposed use and does not require a Remedial Action Plan.

This report was reviewed by Council's Environmental Health Team who are satisfied that the site is suitable for residential subject to conditions which are included in the recommendation of this report.

State Environmental Planning Policy No 65 - Design Quality of Residential Flat Buildings

SEPP 65 aims to improve the design quality of residential flat development in NSW through the application of a series of 9 design principles, which guide the consideration of a proposed residential flat building to ensure that it achieves an appropriate level of design quality.

Clause 30(2) of SEPP 65 requires residential flat development to be designed in accordance with the design quality principles in Part 2 of SEPP 65. In this regard Rachid Andary (NSW Registered Architect 8627) provided the following design verification:-

- *In accordance with Clause 50(1A) of the Environmental Planning and Assessment Regulations 2000, I, Rachid Andary am a qualified architect for the purposes of State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development.*

I verify that the Mixed Use Building, as stated above was designed under my instruction with regard to Parts 3 and 4 of the State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development.

On 15 July 2020 the development was considered by Council's Design Review Panel with the following comments provided in summary:

Cross Ventilation

- *The Concord West Precinct Master Plan Urban Design Study for site 7 (the subject site) shows 3 separate buildings. The Panel questions the cross-ventilation calculations provided by the applicant and advises that three separate buildings as per the Master Plan is the key to good cross ventilation.*
- *The Panel recommends that further breaks are introduced in the built form and notes that as the proposed development is well below the maximum building height for the site (DCP control) GFA could be redistributed to another level. An extra floor level would improve amenity and is likely a better outcome even if the development slight exceeds the DCP building height control. If an additional break were provided in the building the Panel may support reducing the existing aperture between the eastern and central building from 12-9m if appropriate overlooking issues are resolved.*
- *The Panel question the apartments claiming cross ventilation facing the railway. In the current format these apartments will not comply with Part 4J of the ADG and the*

Infrastructure SEPP referenced in this document. The applicant should also provide acoustic plenums to ensure that the bedrooms facing the railway comply with the natural ventilation requirements of the BCA.

- *The Panel suggest that additional acoustic measure will be required for all apartments facing the railway and these could include acoustic plenums, partial winter gardens, acoustic attenuation of the materials used on the balcony.*
- *The panel suggest that the applicant provide a detail report documenting the compliance with both the acoustic requirements for the apartment and the requirements for cross ventilation. Both of these requirements need to be achieved concurrently.*

Utility Rooms

- *The Panel questioned the internal rooms without windows. The Panel notes the explanation provided by applicant which described the aim of providing 'family friendly' units. This aim is supported in principle however all habitable rooms should be designed in accordance with Objective 4B-1 which requires all habitable room to have access to natural light and ventilation. This amenity should not be borrowed from adjacent rooms. The Panel suggest that the units with these internal rooms are required to be redesigned to put all habitable rooms on the perimeter of the building.*
- *Additionally, the panel do not support units with additional rooms which are close to the minimum size requirements in accordance with the ADG. Any units with additional rooms should be proportionally bigger than the minimum size of units.*

Architectural Expression /Amenity Impacts

- *The Panel noted that the architectural expression of the proposal, to some extent likely impacts on the amenity of the apartments i.e. the blades on the front façade and corners on the side elevations impact on light into and views from the apartments.*
- *The Panel recommends that the architect ensures that the external architectural expression of the built form does not unreasonably impact on the internal amenity of the apartments and that this is clearly illustrated on the DA plans for Council's proper assessment.*

Rear units

- *The Panel questions the relationship between the rear units that are excavated below natural ground level and the adjacent rail corridor. The location below existing ground levels may amplify what would be an already unpleasant relationship due to the proximity to the railway corridor.*

The applicant subsequently amended the proposal to address issues raised by Council. The revised design now includes three separate buildings as per the Master Plan. Details of all revisions and additional information are outlined in the applicant's letter prepared by Dowling Urban, dated 21 September 2020.

Note that Affordable Housing Units G05, 124 and 118 are renominated, as those previously shown on the architectural plans fell short of the VPA minimum requirements.

Assessment of the proposal against the nine (9) design quality principles and the Design Criteria of the '*Apartment Design Guide*' is provided below.

Principle 1: Context and Neighbourhood Character

The subject site is located in Concord West which is approximately 14.5km to the west of the Sydney CBD as the crow flies. The site is located approximately 320m southwest of Concord West Station.

The area is characterised by a variety of built form and uses, including a mix of dwelling houses, town houses, apartment buildings, education and industrial uses. To the west of the site is Powell's Creek Reserve with Bicentennial Park beyond.

The Planning Proposal for the subject site amended the then zoning and maximum height and FSR controls as follows:

- Change the zoning of the site from IN1 General Industrial to R3 Medium Density Residential;
- Change the maximum height control from 9 metres to 16 metres; and 22 metres
- Change the maximum FSR control from 1:1 to 1.6:1.

The area is undergoing a transition from the industrial use to residential.

The proposed residential flat building development is consistent with the desired future character that has been established through the deliberate and considered rezoning of this site. The proposed development is considered to relate well to the surrounding key natural and built features fulfilling this principle.

Principle 2: Built Form and Scale

The proposed built is designed in a horseshoe form with a north facing communal courtyard.

The structure is broken up into three individual buildings comprising Building A1/A2 (George Street Frontage), Building B (along the southern side boundary) and Building C (running along off the rear boundary adjacent the railway corridor).

The development presents as a 4 storey form as viewed from the public domain which is consistent with neighbouring residential flat building development. The building form increases from 4 storeys on the George Street side to 6 at the rear adjacent to the railway corridor and building heights are below the maximum permitted.

The length of the building component running along the street frontage (Building A1/A2) is also broken up with a central indentation forming the front entry at ground level and shifting or setting back of the floor plate/façade to the Building A2 component.

The building form along the southern boundary (Building B) is provided with two building separations, one from the rear building (Building C) at 13.7m and the other at 10.7m from the front building (Building A1/A2). As well as reducing the overall bulk and scale, these building separations allow for direct solar access into the neighbouring communal open space.

The built form and design generally provides good overall articulation with emphasis on the horizontal.



Built form and massing as viewed from public domain (Source: Fuse Architecture/Urban Design/Interior Design)

Principle 3: Density

The proposal includes a total of 157 apartments with different sizes and configurations and provides the required amount of communal open space and deep soil satisfying the ADG.

The site has a total area of 7485m² and is subject to a maximum permitted floor space ratio of 1.6:1, which equates to a maximum gross floor area of 11976m². The proposal has a gross floor area of 11974m² which equates to a compliant floor space ratio of 1.6:1.

The main objective of the FSR is to ensure that buildings are compatible with the bulk, scale, streetscape and desired future character of the locality. Compliance with the floor space ratio development standard and the proposal's distribution of bulk and scale provides a suitable balance between landscaping and built form, minimises overshadowing of, and loss of privacy to neighbouring properties, maximises solar

access and amenity for public places, and is consistent with a desired visual impact of the development as it presents to the street.

Principle 4: Sustainability

The proposal is accompanied by the BASIX Certificate which assures an appropriate level of sustainable design for residential development.

- 66% of units are cross ventilated which meets ADG's minimum requirement, which reduces the need for mechanical ventilation.
- 72% of the living rooms and private open spaces receive at least 2 hours of solar access in mid-winter, which reduces the need for heating.
- 9.5% or 15 of the apartments do not achieve direct solar.
- 28.7% of the subject site's area is provided as deep soil, which allows for good quality landscape and planting and natural rainwater penetration. ADG minimum is 7%.
- The design verification statement also indicated the following measures that would ensure sustainability of the proposed development:
 - Passive design
 - Regenerative lifts
 - Auto switching landscape and common area lighting
 - Low energy LED fixtures throughout
 - Energy efficient appliances
 - High efficiency Gas hot water heating
 - Smart energy metering and monitoring
 - Water efficient fixtures and fittings
 - Water capture and reuse for landscape watering
 - Smart water metering and monitoring
 - Construction and demolition waste reduction
 - Operational waste sortation and reduction
 - Unified bin design and compaction
 - Individually controlled efficient HVAC systems and control methods

Principle 5: Landscaping

The proposal includes a comprehensive landscaping design which incorporates a large central communal open space area, landscaped pedestrian through site links, deep soil areas and planting throughout the site.

The landscape takes its cues from significant trees within the street frontage. The 3m front setback is landscaped with sandstone terraced walls and planting to soften the building structure. A double height entrance and awning provides a formal focal point into the site from the public domain. The front entrance foyer extends into the site with landscape paths linking the internal lobbies to the communal open space.

The proposal includes 2,148m² of communal open space is provided on the ground floor with 1,314m² (61%) of this being deep soil.

The design of the buildings optimises safety and security, of both the development and the public domain. Safety and security has also been considered in accordance with CPTED principles of surveillance, access, territorial reinforcement and space management.

Pedestrian site access is consolidated into a single building entrance from which four individual lobbies branch off. The single entrance provides secure access with direct sight lines into the communal circulation and open space on the ground floor.

The buildings are sited around a generous internal courtyard. The communal courtyard is overlooked by living areas and bedrooms of upper level apartments.

The large communal areas reinforce social interaction through shared ownership that is perfectly suited to a development such as this.

The building will utilise an integrated security and intercom system to the front gate and each individual lobby and car park entry providing residents direct access and visitors a mechanism to communicate with residents.

Vehicular access is provided by a secure car park from George Street.

Principle 8: Housing Diversity and Social Interaction

The proposal includes a balanced mix of apartment sizes and configurations, which will activate the area and provide housing for variety of users from families to single residents.

The proposed unit mix includes:

- 40 x one bedroom units (28%);
- 76 x two bedroom units (52%); and
- 29 x three bedroom units (20%),

including:

- Adaptable/Liveable Housing – 22(15%)/29(20%); and
- Affordable Housing – Minimum 5% of the total Gross Floor Area.

Principle 9: Aesthetics

The proposal relates visually to both the adjacent multi residential unit development and the opposing low rise residential houses. The typology and scale are consistent.

The proposal acknowledges the neighbouring residential context as well as the broader industrial and commercial context of the precinct.

The building is designed with reference to the predominantly brick banded buildings within the Bakehouse quarter which display an architectural emphasis on the horizontal.

The proposal adopts a colour palette in reference to the existing face brick and horizontal band expression and incorporates vertical windows into a modern

architectural expression. The horizontal banding is expressed with structural slab extensions. The banded form is articulated with external walls and by shifting façade elements in specific locations. This variation uses the same materiality as the base building but expresses slab edges and frames as a grid rather than horizontal bands.

Further to these design quality principles, Clause 28(2)(c) of SEPP 65 requires a consent authority is to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration) the Apartment Design Guide (ADG). A detailed analysis of the proposed development against this guide has been carried out in the compliance table below.

<i>Design Criteria</i>	<i>Comment</i>
Part 3 – Siting the Development	
3A Site Analysis	A site analysis plan was submitted with the application.
3B Orientation	The building design and layout responds adequately to the orientation of the site.
3C Public Domain Interface	The proposal provides a landscaped interface to each frontage and boundary.
3D Communal and Public Open Space – Min. 25% 50% direct solar access to principle useable part, Min. 2 hours between 9am and 3pm.	The overall communal open space equates to 2,409m ² which is 32.2% of the overall subject site. The communal open space areas collectively receive compliant solar access.
3E Deep Soil Zones – Min. 7% and 6m dimensions.	29% or 2181m ²
3F Visual Privacy – Height up to 12m (4 storeys) Habitable – min. 6m Non-habitable – min. 3m Height up to 25m (5-8 storeys) Habitable – min. 9m Non-habitable – min. 4.5m	Relationship of separation – Habitable to habitable Between 9.6m and 10.7m – Between Buildings A2 (4 storeys) and Building B (6 storeys) Between 12.2m and 13.7m – Between Buildings B (6 storeys) and Building C2 (6 storeys)
3G Pedestrian Access and Entries	Clearly defined pedestrian entries are provided from George Street.
3H Vehicle Access	Vehicular access provided from George Street.
3J Bicycle and Parking Access	The proposal incorporates compliant car and bicycle parking as conditioned.
Part 4 – Designing the Building	
4A Solar Access and Daylight – Min. 70% direct sunlight to living room and private open space between 9am and 3pm at mid-winter Max. 15% receive no direct	70% receive 12% do not receive

Ground level 15sqm,3m	
4F Common Circulation and Spaces – Max unit off single core is 8	6
4G Storage Studio – 4m ² 1 bed – 6m ² 2 bed – 8m ² 3+ bed – 10m ² Min 50% in apartment	Compliant, condition included within recommendation of this report.
4H Acoustic Privacy	The apartment layout minimise noise transmission with the general grouping of bedroom and living room uses.
4J Noise and Pollution	No significant external noise sources. Acoustic requirements regarding development along a rail corridor are included as conditions within the recommendation of this report.
4K Apartment Mix	The unit mix includes: 28% - one bedroom units; 52% - two bedroom units; and 20% - three bedroom units.
4L Ground Floor Apartments	All units are accessed through common foyers, however, ground floor apartments also incorporate a gate access to private courtyards.
4M Facades	Building facades are generally considered acceptable with effective articulation provided.
4N Roof Design	A flat roof form is proposed which is consistent with emerging surrounding medium density developments in the area.
4O Landscape Design	The proposal has been reviewed by Council's Landscape Team with a high quality landscaped design proposed.
4P Planting on Structures	The applicant has demonstrated that adequate soil depths are provided for any planting proposed on structures.
4Q Universal Design Min. 20% Living Housing Guideline's silver level universal design features	Liveable design requirements are able to be met.
4R Adaptive Reuse	n/a
4S Mixed Use	n/a
4T Awnings and Signage	n/a
4U Energy Efficiency	A BASIX certificate was submitted with the application providing compliance with targets.
4V Water Management and Conservation	The BASIX Certificate provided for the proposal provides a target pass for water conservation.
4W Waste Management	A waste management plan was submitted with appropriate

	storage and recycling areas provided.
4X Building Maintenance	The selected materials and finishes will require typical ongoing maintenance.

State Environmental Planning Policy - Building Sustainability Index (2004)

To encourage sustainable residential development, all new dwellings must comply with the provisions of State Environmental Planning Policy – Building Sustainability Index (BASIX). The Applicant has submitted a BASIX certificate which achieved compliance with the required water and energy targets.

State Environmental Planning Policy (Infrastructure) 2007

The proposal is considered to be immediately adjacent to a rail corridor and therefore is subject to State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) under Clause 87, Impact of rail noise or vibration on non-rail development.

For this application, sub-clause (2) and (3) requires the consent authority to:

- take into consideration any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette
- not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:
 - (a) in any bedroom in the building-35 dB(A) at any time between 10.00 pm and 7.00 am,
 - (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)-40 dB(A) at any time.

A Noise and Vibration Assessment is provided with this application detailing required acoustic treatment for relevant noise levels of the Australian Standard AS21 07:2016 and the EPA's Development Near Rail Corridor and Busy Roads -Interim Guideline.

Council's Environmental Officer and Sydney Trains have reviewed this application and provided relevant conditions of consent.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The entire site falls within the map area shown edged heavy black and hence is affected by SREP (Sydney Harbour Catchment) 2005. Clause 20(a) states that consent authorities must take into consideration the matters in Division 2 prior to the granting of consent. A detailed assessment of the proposal has been carried out as follows:

Requirement	Proposed
Clause 21 – Biodiversity, ecology and environment protection	N/A – The site is located a considerable distance from the waterway

Clause 22 – Public access to, and use of, foreshores and waterways	N/A
Clause 23 – Maintenance of a working harbour	N/A
Clause 24 – Interrelationship of waterway and foreshore uses	N/A – The site is located a considerable distance from the waterway
Clause 25 – Foreshore and waterways scenic quality	N/A – The development is not visible from the waterway
Clause 26 – Maintenance, protection and enhancement of views	N/A
Clause 27 – Boat storage facilities	N/A

Based on the above assessment, it is considered that the proposal satisfies the matters of consideration in Division 2 of SREP (Sydney Harbour Catchment) 2005.

State Environmental Planning Policy (Vegetation in Non-Rural Areas)

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 applies to non-rural areas of the State inclusive of the subject local government area and aims to (a) protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and (b) preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.


The proposed tree removal and landscape plans were considered by Council's Tree Services and Landscape Team. The proposal is considered acceptable subject to conditions included in the recommendation of this report.

5.1.2. Local Environmental Planning Instruments

The proposed development, defined as a residential flat building is permissible with consent, within a R3 Medium Density Residential zone under the Canada Bay Local Environmental Plan 2013. The objectives of the zone are considered below:-

Objective	Comment
To provide for the housing needs of the community within a medium density residential environment	The proposal will provide 145 additional apartments which is consistent with this medium density zoning objective.
To provide a variety of housing types within a medium density residential environment	The proposal includes a well balanced mix of apartment sizes and configurations, which will activate the area and provide apartments for a variety of users from families to sole occupants.
To enable other land uses that provide facilities or services to meet the day to day needs of residents.	The development of this site for residential purposes will not preclude the neighbouring sites from providing facilities and services to meet the day to day needs of residents. The site is within close proximity to a variety of local facilities and services.

Following is a summary table indicating performance of the proposal against relevant statutory standards of the CBLEP:

Requirement	Proposed	Compliance
CI 4.1A – Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings		
Minimum 800m ²	7,485m ²	✓
CI 4.3 – Height of buildings		
<p>Maximum heights applicable to site:</p> <ul style="list-style-type: none"> • 16m (O2) to the western quarter; and • 22m (R2) for the eastern portion  <p><i>Extract of CBLEP Height of buildings map</i></p>	<p>Max. to western quarter – 14m</p> <p>Max. to eastern portion – 20.26m</p>	<p>✓</p> <p>✓</p>
CI 4.4 - Floor Space Ratio (FSR)		
Maximum 1.6:1 (11976m ²)	As discussed further in the report a condition has been recommended to be placed on any consent to convert the excess car parking spaces (15 spaces) to storage to comply with the maximum FSR of 1.6:1 (11976m ²)	<p>✓</p> <p>* To be conditioned to comply</p>
CI 5.10 - Heritage Conservation		
<p>Effect of proposed development on heritage significance The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.</p>	<p>The development will be visible from Heritage item 'House' No. 1389 at No. 52 Queen St, Concord West from across the rail corridor, as are other RFBs either side of the site.</p> <p>The site is separated from the heritage item by the rail corridor, existing vegetation along the rear boundary of the heritage item and will be further screened by proposed vegetation along the rear boundary of the development.</p> <p>The proposed development will not have any unreasonable impact on the significance of this heritage item.</p>	✓
CI 6.1 - Acid Sulfate Soils		
The subject site is mapped as containing class 2 & 5 Acid Sulfate Soils.	The applicant submitted an Acid Sulphate Soil Assessment, prepared	✓

	<p>by El Australia, report no: E24421.E14_Rev0, dated 19 November 2019.</p> <p>The report concludes field testing resulted in soil samples being collected from 0.5m and 1.0mBGL and stopped once shale bedrock was encountered in accordance with the ASSMEC Guidelines 1998. Based on the findings and recommendations outlined in the submitted report, relevant conditions are included within the recommendation of this report.</p>	
CI 6.9 – Arrangement for designated State public infrastructure		
<p>The site identified on the Intensive Urban Development Area Map.</p> <p>....development consent must not be granted for development for the purposes of residential accommodation (whether as part of a mixed use development or otherwise) in an intensive urban development area that results in an increase in the number of dwellings in that area, unless the Secretary has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to the land on which the development is to be carried out.</p>	<p>This was satisfactorily resolved when the two parties entered into a Planning Agreement with a satisfactory arrangements certificate (ref: SVPA2020-42), in relation to this development application DA2020/0143, issued by the DPIE on 14.12.2021.</p>	✓
CI 6.11 – Mix of dwelling sizes in residential flat buildings and mixed use development		
<p>Development consent must not be granted to development to which this clause applies unless:</p> <p>(a) at least 20% of the dwellings, to the nearest whole number of dwellings, in the development will be studio or 1 bedroom dwellings, and</p> <p>(b) at least 20% of the dwellings, to the nearest whole number of dwellings, in the development will have at least 3 bedrooms.</p>	<p>The unit mix includes:</p> <p>28% - one bedroom units; 52% - two bedroom units; and 20% - three bedroom units.</p>	✓

As indicated in the compliance table, the proposed development complies with the relevant requirements of the CBLEP 2013.

- 5.2. **Development Control Plans, Council Policies or Codes [Section 4.15(1)(a)(iii)]**
The Canada Bay Special Precincts Development Control Plan at Part 2.15 provides the relevant design guidelines for development in the Concord West Precinct.

Requirement	Proposed	Compliance
Part 2.15.4 Built Form		

Building Setbacks		
<p>C18. Development setbacks are to be in accordance with Figure 72 Primary Setbacks.</p> <p>George Street – 4m or consistent with 27 George Street.</p>	<p>The development generally incorporates consistent setbacks indicated in Figure 72 and is consistent with both relatively recent developments on either side of the site.</p> <p>The minimum 6m side setback is breached along the northern side boundary however this is limited to the driveway/loading dock area forming part of the basement. The revised plans indicate these elements with a zero boundary setback.</p>	<p>X</p> <p>Conditions recommended as follows:</p> <ul style="list-style-type: none"> • minimum setback of 2340mm to the driveway and maintain natural ground levels up to the northern side boundary • the external wall of basement/loading bay area along the northern side boundary shall be setback a minimum of 2m from the side boundary • The open roof structure over the basement and loading bay area shall be indicated on the plans as non-trafficable
<p>C20. The area within the primary setback of the street frontage is to be a deep soil zone and is to have no structures below.</p>	<p>Deep soil planting has been provided along the street frontage.</p>	<p>✓</p>
<p>C21. Access points to underground parking are encouraged to be located between existing and new development if that will provide for increased building separation.</p>	<p>Vehicular access is suitably located on George Street.</p>	<p>✓</p>
Building Height		
<p>C22. New buildings are to be consistent with Figure 74 Maximum Building Heights.</p> <p>Max. 4 storeys along the front and max. 6 storeys to the rear.</p> <p><i>Note: Maximum building heights are to be in accordance with the LEP. This control provides further, more detailed guidance, and is intended to articulate building height in storeys to better achieve the objective of this point, in particular minimising negative impacts on existing development.</i></p>	<p>4 storeys along the front and 6 storeys at rear.</p> <p>The maximum height is also below the maximum permitted height under the LEP.</p>	<p>✓</p>
Building Articulation		
<p>C24. Where a building is greater than 60 metres in length the facade is articulated through the use of: -significant recesses or</p>	<p>The design consists of three separate buildings which each incorporate design elements that provide articulation.</p>	<p>✓</p>

projections. -deep balconies. -elements of a finer scale than the main structural framing including the eaves and overhangs. -vertical elements such as blade walls or fins.		
Ground Floor Residential		
C25. Dwellings on the ground floor facing the street are to have individual entries from the street.	All ground floor units have individual entries from the street via steps and pathways.	✓
C26. Ground floor private open space is to be designed as a private terrace.	Each ground floor unit includes private terrace areas.	✓
C27. Where fronting a pedestrian connection, ground floor dwellings are to be designed to maximise passive surveillance.	Passive surveillance provided by the glazing and private open space areas along the front.	✓
Part 2.15.5 General		
Parking		
<p>C33. Car and bicycle parking provision is to be in accordance with Section 3.8 Car Parking and Bicycle Parking under the Parramatta Road Urban Transformation Planning and Design Guidelines (see Table 1 of SPDCP).</p> <p>Studio – 0.3 1 bed – 0.5 2 bed – 0.9 3 bed – 1.2 Visitor – 0.1</p> <p>Residential units proposed: 40 x one bedroom units; 76 x two bedroom units; and 29 x three bedroom units.</p> <p>Max car spaces for 1 beds (x 40) = 20 Max. car spaces for 2 beds (x 76) = 68.4 Max. car spaces for 3 beds (x 29) = 34.8 Max. total residential car spaces = 123.2 Visitor car parking spaces required = 14.5 Resident bicycle parking required = 1/dwelling or 145 Resident bicycle storage required = Visitor bicycle parking required =</p>	<p>Total car parking provided – 141 including: Residential – 127 Visitor – 14</p> <p>Bicycle storage – 156 Bicycle parking – 16</p>	<p>✓ (Excess car parking provided – see C34 below)</p>

1/10 dwellings or 14		
C34. Car parking provision must not exceed individual maximums provided per Sub-precinct in Table 2. Sub-precinct 7 – Max. 126 car parking spaces	Car spaces – 141 (15 spaces in excess)	X (Condition of consent to reduce total car parking spaces to 126 and to utilise the excess space for the purposes of residential/communal storage – plans to be amended prior to issue of construction certificate)

The proposal provides justified compliance with the special precinct controls with any variation considered in the table above to be acceptable.

The Special precinct DCP also adopts the control contained within Part C General Controls (excluding C3 car parking) and Part E2 Environmental Criteria and Residential Amenity of the Canada Bay Development Control Plan 2018.

Requirement	Proposed	Compliance
Part C General Controls		
C1.1 Adaptable housing		
In accordance with Table C-A – A minimum of 15% of the total dwellings are required to be adaptable housing. Minimum 22 units required	Adaptable/Liveable Housing – 22(15%)/29(20%), as indicated on the submitted plans.	✓
C4 Waste Management		
C1. Residential developments are to provide storage space for garbage, recyclables and garden organics.	Garbage and recycling provisions included. Dedicated waste and recycling bin areas are located within Basement 1 level.	✓
Part E Residential Development		
E2 Environmental Criteria and Residential Amenity		
E2.1 Topography		
C1. Natural ground level should be maintained within 900mm of a side and rear boundary.	Natural ground levels have been kept relatively intact except for a zero northern side boundary setback to the driveway ramp and loading bay area. This non-compliance has emerged with the latest plan revisions.	X (Condition of consent to setback relevant elements indicated above)
C2. Cut and fill should not alter natural or existing ground levels by more than 600mm.	As above	Acceptable (with conditions)
C3. Habitable rooms (not including bathrooms, laundries and storerooms)	All habitable rooms are located either completely or	✓

are to be located above existing ground level.	substantially above existing ground levels.	
C5. Soil depth around buildings should be capable of sustaining trees as well as shrubs and smaller scale gardens.	Depp soil planting is maintained around the perimeter of the site.	✓
E2.3 Solar Access		
C1. New buildings and additions are sited and designed to maximise direct sunlight to north-facing living areas and all private open spaces.	The proposal exceeds the ADG solar access requirement.	✓
C2. Direct sunlight to north facing windows of habitable rooms and all private open space areas of adjacent dwellings should not be reduced to less than 3 hours between 9am and 3pm on 21 June.	The neighbouring properties will maintain acceptable solar access to north facing windows and private open space areas during midwinter.	✓
E2.4 Visual and Acoustic Privacy		
C1. Openable first floor windows and doors as well as balconies should be located so as to face the front or rear of the building.	The proposal exceeds the ADG building separation distances which mitigates any visual or acoustic privacy impacts.	✓
C2. Balconies should be located so as to face the front or rear of the building. No balconies are permitted on side elevations.	As above.	✓
C3. Provide a minimum sill height of 1.5m from finished floor level to windows on a side elevation which serve living areas and have a direct outlook to windows or principal private open space (not being front yard) of adjacent dwellings or alternatively use fixed obscure glass.	As above.	✓
C4. Upper level balconies to the rear of a building should be set back a minimum of 2m from any side boundary and should have a maximum 1.8m depth.	As above.	✓
C5. Upper level balconies that face side and rear boundaries will not be permitted when the upper level setback is less than 6.0 metres.	As above.	✓
C6. Provide suitable screen planting on a rear boundary that will achieve a minimum mature height of 6.0 metres where the rear upper floors are proposed to be less than 7m off a rear boundary.	As above.	✓
C7. Ground floor decks, terraces or patios should not be greater than 500mm above natural ground level. If expansive terraces are sought on sloping ground, they should be designed to step down in relation to the topography of	As above.	✓

the site.		
<p>C8. Where the visual privacy of adjacent properties is likely to be significantly affected from windows, doors and balconies, or where external driveways and/or parking spaces are located close to bedrooms of adjoining buildings, one or more of the following alternatives are to be applied:</p> <p>a) Fixed screens of a reasonable density (minimum 85% block out) should be provided in a position suitable to alleviate loss of privacy;</p> <p>b) Where there is an alternative source of natural ventilation, windows are to be provided with translucent glazing and fixed permanently closed;</p> <p>c) Windows are off-set or splayed to reduce privacy effects;</p> <p>d) An alternative design solution is adopted which results in the reduction of privacy effects; and</p> <p>e) Suitable screen planting or planter boxes are to be provided in an appropriate position to reduce the loss of privacy of adjoining premises.</p> <p>Note: This option will only be acceptable where it can be demonstrated that the longevity of the screen planting has been provided for eg. Automatic watering systems.</p>	As above.	✓
E2.5 Access to Views		
<p>C1. Development should seek to protect water views, iconic views and whole views.</p> <p>Water views are valued more highly than land views. Iconic views (e.g. of the Harbour Bridge or the City skyline) are valued more highly than views without icons. Whole views are valued more highly than partial views (e.g. a water view in which the interface between the land and water is visible is more valuable than one in which it is obscured).</p>	<p>There are no significant views identified.</p> <p>The development will replace industrial buildings currently on the site.</p>	✓
E2.6 Safety and Security		
C1. Ensure lighting is provided to all pedestrian paths, shared areas, parking areas and building entries for multi-unit development	Lighting will be provided as conditioned.	✓ (As conditioned)
C2. High walls which obstruct surveillance are not permitted.	Appropriate sightlines are provided around and within the site.	✓
C4. Buildings adjacent to public streets or public spaces should be designed so	Windows and private open space areas provide passive	✓

residents can observe the area and carry out visual surveillance. At least one window of a habitable room should face the street or public space.	surveillance of George Street.	
C8. Balconies and windows should be positioned to allow observation of entrances.	The entry foyers are flanked by balconies and / or windows.	✓
C9. Proposed planting must not obstruct the building entrance from the street or sightlines between the building and the street frontage.	The entry points have been landscaped to ensure sightlines are maintained.	✓

The proposal provides justified compliance with the Canada Bay Development Control Plan, with any variation considered in the table above to be acceptable.

5.3. Likely Impacts of the Development [Section 4.15 (b)]

The likely impacts of the proposed development upon the surrounding area are discussed as follows:

Built Form / Streetscape

This report has found that the proposal will present an appropriate built form, bulk and scale within the scope of the planning controls. The design is consistent with the planning framework and constraints of the site. The built form is considered in the SEPP 65 assessment in Part 5.1.1 of this report which concluded that the proposal is consistent with the design quality principles.

Solar Access

The proposal complies with solar access controls of the CBDP with all neighbouring properties maintaining 3 hours of direct solar access to their north facing windows and private open space areas during midwinter.

Privacy

The proposal exceeds the ADG building separation distances which mitigates any visual or acoustic privacy impacts.

Traffic Generation, Parking and Loading

A total of 141 car spaces are provided in the development which consists of 127 residential spaces and 14 visitor spaces. This does not comply with the maximum car parking rates for this site which is identified as sub-precinct 7 in Council's SPDCP.

As indicated in the relevant compliance table above, condition of consent requires 15 excess car parking spaces to be deleted, resulting in the maximum allowable 126 car parking spaces. Condition of consent will also require the excess car parking spaces to be deleted and the space utilised for the purposes of residential/communal storage – plans will also be required to be amended prior to issue of construction certificate.

Bicycle parking and storage requirements have been indicated in the proposal however it is recommended that this be conditioned to be clarified on the plans with the construction certificate.

Waste Management

A dual garbage and recycling chute system is provided on each floor adjoining the lift. A dedicated waste and recycling bin area is located in the basement with the bins then presented to a waste collection area adjoining Conway Avenue for collection by the truck from the street. Council's Waste Services Team have reviewed the proposal and provided conditions which have been included within the recommendation of this report.

Intensity of Use

The proposal will intensify the use of the subject site. The density / intensity is consistent with that embodied within the planning framework.

Social / Economic

The proposal will have minimal social / economic impacts. The proposed unit mix including 1, 2 and 3 bedrooms is appropriate to this area. The proposed design will provide for a variety of units sizes and a unit mix which will promote diversity, affordability and housing choice.

5.4. Suitability of the Site for the Development Proposed [Section 4.15(1)(c)]

The proposed development has been assessed in relation to its environmental consequences, and in terms of State Environmental Planning Policy No. 55 and SEPP 65. Having regard to this assessment it is considered that the land is suitable for the intended development.

5.5. The Public Interest [Section 5.14 (1)(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 Council may be satisfied that the development subject to conditions is consistent with the public interest.

6. Referral Responses

<i>Department / Agency</i>	<i>Referral summary</i>
Department of Planning, Infrastructure and Environment	The Department and the applicant have entered into a VPA and the Department has advised that satisfactory arrangements have been made for designated State public infrastructure. A satisfactory arrangements certificate (ref: SVPA2020-42), in relation to this development application DA2020/0143, was issued by the DPIE on 14.12.2021.
Transport Sydney Trains	Concurrence granted for DA2020/0143 in accordance with Clause 86 of the SEPP Infrastructure, subject to Council imposing recommended operational conditions. Conditions have been included in the recommendation of this

	report.
Sydney METRO	<p>Sydney Metro has reviewed the DA documents uploaded onto the NSW Planning Portal with regard to whether the application will have an adverse effect on the viability of the Sydney Metro West project.</p> <p>Sydney Metro has no objection to the proposed development and requests the imposition of specific conditions of the consent.</p> <p>Sydney Metro also advises the consent authority that its recommended conditions are not to be amended, replaced or superseded by any concurrence which may be issued by any other authority, without further agreement from Sydney Metro.</p> <p>Conditions have been included in the recommendation of this report.</p>
Ausgrid	<p>Ausgrid has reviewed the DA documents uploaded onto the NSW Planning Portal and has no objection to this development application, subject to compliance with relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice for construction works near existing electrical assets.</p> <p>Conditions have been included in the recommendation of this report.</p>
Sydney Water	Conditions included in the recommendation of this report.
Council's Design Review Panel	Recommendations satisfactorily responded to in design revisions.
Property Services	No comments have been returned. Condition of consent with regard to the VPA for dedication of affordable housing is recommended to clarify.
Engineering Team – Traffic and Parking and Stormwater and Driveway	Conditions provided and included in the recommendation of this report.
Landscape Team	Conditions provided and included in the recommendation of this report. Approval granted to undertake tree works as per New Leaf Arboricultural Impact Assessment, dated 18 December 2019.
Building Compliance Team	Conditions provided and included in the recommendation of this report.
Access Committee	No specific conditions returned. Conditions imposed to ensure compliance with the access requirements of the BCA.
Waste Team	Conditions provided and included in the recommendation of this report.
GIS Coordinator	Street numbering strategy provided and included in the recommendation of this report.
Environmental Health Team – Contamination	The site does not require a remedial action plans with conditions provided and included in the recommendation of this report.
Environmental Health Team – Acid Sulfate Soil	Conditions provided and included in the recommendation of this report.
Environmental Health Team – Noise	Conditions provided and included in the recommendation of this report.

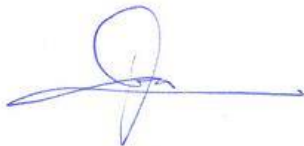
7. Conclusion

The proposed residential flat building development is consistent with the desired future character that has been established through the deliberate and considered rezoning of this site through the Concord West Precinct Masterplan.

The proposed development is appropriately located within a *R3 Medium Density Residential* zone under the provisions of *Canada Bay Local Environmental Plan 2013* and is consistent with the statutory and non-statutory development standards and controls of relevance to the proposal.

Further, the development performs adequately in terms of its relationship to the surrounding built and natural environment, particularly in relation to likely impacts upon surrounding properties. Consequently, the proposal is supported from an environmental planning perspective.

Prepared by:



Mr Peter Giaprakas
Senior Statutory Planner
City of Canada Bay
27 January 2022

Endorsed by:



Mr Shannon Anderson
Manager
City of Canada Bay
27 January 2022

8. Recommendation

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

The Sydney Eastern City Planning Panel, as the determining authority, grant consent to development application DA2020/0143 for Demolition of existing structures and construction of residential apartment buildings of 4-6 levels containing 145 apartments (including affordable housing dedicated to Council) with two levels of basement and 126 car parking spaces on land at 25 George Street, North Strathfield, subject to the site specific conditions contained in Appendix A of this report.

APPENDIX A

Conditions of Consent

General Conditions

1. **DAGCA01 - Approved Plans and Supporting Documents**

The development shall be carried out substantially in accordance with the approved stamped and signed plans and/or documentation listed below **except where modified by any following condition**. Where the plans relate to alteration or additions only those works shown in colour or highlighted are approved.

<i>Approved Plans</i>			
<i>Reference/Dwg No</i>	<i>Title/Description</i>	<i>Prepared By</i>	<i>Date/s</i>
Ref: 8058 (Sheets 1, 2 & 3 – Issue C)	Detail and Level Survey of SP22302	SDG	16.12.2019
DA 001 (Revision C)	Legend	FUSE Architect	22.10.2021
DA 007 (Revision C)	Site Plan	FUSE Architect	22.10.2021
DA 101 (Revision C)	Basement 2 Plan	FUSE Architect	22.10.2021
DA 102 (Revision C)	Basement 1 Plan	FUSE Architect	22.10.2021
DA 103 (Revision C)	Ground Level Plan	FUSE Architect	22.10.2021
DA 104 (Revision C)	Level 1 Plan	FUSE Architect	22.10.2021
DA 105 (Revision C)	Level 2 Plan	FUSE Architect	22.10.2021
DA 106 (Revision C)	Level 3 Plan	FUSE Architect	22.10.2021
DA 107 (Revision C)	Level 4 Plan	FUSE Architect	22.10.2021
DA 108 (Revision C)	Level 5 Plan	FUSE Architect	22.10.2021
DA 109 (Revision C)	Roof Plan	FUSE Architect	22.10.2021
DA 201 (Revision C)	Elevations (North & West)	FUSE Architect	22.10.2021
DA 202 (Revision C)	Elevations (South & East)	FUSE Architect	22.10.2021
DA 301 (Revision C)	Sections (A & B)	FUSE Architect	22.10.2021
DA 302 (Revision C)	Sections (C & D)	FUSE Architect	22.10.2021
DA 303 (Revision C)	Sections (E & F)	FUSE Architect	22.10.2021
DA 304 (Revision C)	Sections (G)	FUSE Architect	22.10.2021
DA 305 (Revision C)	Longitudinal Driveway Section	FUSE Architect	22.10.2021
DA 401 (Revision C)	Unit Types Sheet 1	FUSE Architect	22.10.2021
DA 402 (Revision C)	Unit Types Sheet 2	FUSE Architect	22.10.2021
DA 403 (Revision C)	Unit Types Sheet 3	FUSE Architect	22.10.2021
DA 604 (Revision C)	Adaptable Unit Type	FUSE Architect	22.10.2021
DA 701 (Revision C)	Materials & Finishes Schedule	FUSE Architect	22.10.2021
DA-1934-01 (Revision D)	Tree Removal / Retention Plan	Sturt Noble	03.11.2021
DA-1934-02 (Revision H)	Masterplan	Sturt Noble	03.11.2021
DA-1934-03	North Facing Communal	Sturt Noble	03.11.2021

(Revision H)	Courtyard		
DA-1934-04 (Revision H)	George Street Frontage	Sturt Noble	03.11.2021
DA-1934-05 (Revision F)	Sections	Sturt Noble	03.11.2021
DA-1934-06(Revision C)	Indicative Shrub & Groundcover Planting	Sturt Noble	03.11.2021

Supporting Information / Documents			
Reference	Title/Description	Prepared By	Date/s
738885:24822479_1	Planning Agreement	Maddox Lawyers	05/11/2019
SVPA2020-42	Letter to Council Re Confirmation of Satisfactory arrangements certificate	DPIE	14.12.2021
SVPA2020-42	Satisfactory arrangements certificate	DPIE	14.12.2021
754373M_02	BASIX Certificate	BCA Energy Pty Ltd	24.11.2021
Version 02	SEPP 65 Design Verification Statement	Rachid Andary (FUSE Architect)	22.10.2021
No ref. (14 pages)	Apartment Design Guide Compliance Table	Fuse Architecture	22.10.2021
No ref.	Statement of Environmental Effects	Dowling Urban Pty Ltd	Nov 2021
Revision G	Waste Management Plan	Elephants Foot	18.11.2021
19084_291019_Noise Impact Assessment_BW_R1	Noise and Vibration Impact Assessment	White Noise Acoustics	04.11.2019
Pages 1 to 14 (incl.)	Arboricultural Impact Assessment	New Leaf Aboriculture Pty Ltd	18.12.2019
E24421.E14_Rev0	Acid Sulfate Soils Assessment	EI Australia	19.11.2019
Report no: E24421.E02_Rev0	Detailed Site Investigation dated 19 November 2019 And	EI Australia	19.11.2019
Report no: DL3686_S003443	Preliminary Site Investigation	DLA Environmental Services	Oct 2015

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. **DAGCA08 - Transport Sydney Trains - Operational Conditions Engineering**

i. Unless amendments are required in order to obtain approval/certification/compliance from Sydney Trains in relation to any of the Sydney Trains related conditions of consent, all excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings and recommendations as detailed in the following documents:

- a. Geotechnical Assessment Report Ref:3771-R1 prepared by AssetGeo dated 19 October 2016
- b. 2D FEM Modelling Report Ref:3771-1-G1 prepared by AssetGeoEnviro dated 27 July 2020
- c. Structural Report (and drawings contained within) Ref: 180029-R1 prepared by Smart Structures Australia

The **Principal Certifying Authority is not to issue the Construction Certificate** until written confirmation has been received from Sydney Trains confirming which of the documentation listed in this condition are to now apply or are superseded as a result of the compliance with the Sydney Trains related conditions of consent. The measures detailed in the documents approved/certified by Sydney Trains under this Condition are to be incorporated into the construction drawings and specifications prior to the issuing of the Construction Certificate. Prior to the commencement of works the Principal Certifying Authority is to provide verification to Sydney Trains that this condition has been complied with.

- ii. A risk analysis, which shall determine the required level of derailment protection (if any), shall be carried out **in consultation with Sydney Trains**. This risk analysis will determine the redundancy requirements or the minimum collision loads specified in Australian Standard AS5100 that needs to be

complied with. The risk assessment is to be prepared in accordance with the Sydney Trains Safety Management System. The **Principal Certifying Authority shall not issue the Construction Certificate** until it has received written confirmation from Sydney Trains that the risk analysis has been prepared and the Principal Certifying Authority has also confirmed that the measures recommended in this risk analysis have been indicated on the Construction Drawings.

- iii. **Prior to the commencement of works**, the Applicant shall provide certification from a qualified Geotechnical and Structural Engineers stating that the proposed works are to have no negative impact on the rail corridor and associated rail infrastructure.

Supervision

- i. Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects and who holds current professional indemnity insurance.

Survey

- i. **Prior to the issue of a Construction Certificate**, the Applicant shall provide an accurate survey locating the development with respect to the rail boundary and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of Sydney Trains representative.
- ii. **Prior to the commencement of any works**, a Registered Surveyor shall peg-out the common property boundary between the development site and TAHE (Transport Asset Holding Entity) land and easements. A copy of the survey report indicating the location of pegs must be provided to Sydney Trains prior to the commencement of works.
- iii. **Prior to the issue of a Construction Certificate**, the Applicant shall undertake a services search to establish the existence and location of any rail services. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the subject development site, the Applicant must discuss with Sydney Trains as to whether these services are to be relocated or incorporated within the development site.

Noise & Vibration

- i. The Applicant shall prepare an acoustic assessment demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report. A copy of the report is to be provided to the Principal Certifying Authority and Council **prior to the issuing of a Construction Certificate**. The Principal Certifying Authority must ensure that the recommendations of the acoustic assessment are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.

- ii. **Prior to the issue of an Occupation Certificate** (whether an interim or final Occupation Certificate), a report must be prepared and submitted to the Certifying Authority, Council and Sydney Trains certifying that the completed development meets the requirements of State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines" as set down in the subject condition of this consent. Such a report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development, and that internal noise levels meet the required dB(A) levels. Where it is found that internal noise levels are greater than the required dB(A) level, necessary corrective measures must be carried out to ensure that internal noise levels are compliant with the requirements of this consent.

Electrolysis

- i. **Prior to the issue of a Construction Certificate** the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.

Design

- i. The Applicant is to ensure that the development incorporates appropriate anti-graffiti measures, to the satisfaction of Sydney Trains.
- ii. Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (eg roof terraces and external fire escapes) that are within 20 metres of, and face, the rail corridor, the development must have measures installed, to the satisfaction of Sydney Trains (eg awning windows, louvres, enclosed balconies, window restrictors etc) which prevent the throwing of objects onto the rail corridor. **The Principal Certifying Authority is not to issue the Construction Certificate until** written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- iii. The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare, reflectivity and illumination to the satisfaction of the light rail operator. **The Principal Certifying Authority is not to issue the Construction Certificate until** written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- iv. There is a need to ensure that the roots and foliage of trees being planted

beside the rail corridor do not have an impact on the rail corridor or rail operations. A final landscaping and planting plan demonstrating measures to ensure compliance with this condition must be prepared to the satisfaction of Sydney Trains. **No construction certificate can be issued until** written confirmation has been received from Sydney Trains confirming that this condition has been complied with.

Construction

- i. No metal ladders, tapes, and plant, machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and catenary, contact and pull-off wires of the adjacent tracks, and to any aerial power supplies within or adjacent to the rail corridor.
- ii. No work is permitted within the rail corridor, or any easements which benefit Sydney Trains/TAHE (Transport Asset Holding Entity), at any time, unless the prior approval of, or an Agreement with, Sydney Trains/TAHE (Transport Asset Holding Entity) has been obtained by the Applicant. The **Principal Certifying Authority is not to issue the Construction Certificate until** written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- iii. No rock anchors, rock bolts, ground anchors or rock ties, piles, foundations, rock pillars, transfer structures, basement walls, slabs, columns, beams, cut rock faces, are to be installed into TAHE (Transport Asset Holding Entity)/Sydney Trains property or easements. The **Principal Certifying Authority is not to issue the Construction Certificate until** written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- iv. **Prior to the issuing of a Construction Certificate**, the following rail specific items are to be submitted to Sydney Trains for review and endorsement:
 - a. Machinery to be used during excavation/construction
 - b. Demolition, excavation and construction methodology and staging
 - c. Methodology for vibration and noise control during construction demonstrating no adverse impact on rail operations or assets
 - d. Confirmation that electro-magnetic interference to railway signalling and telecommunication systems will not be introduced

The **Principal Certifying Authority is not to issue the Construction Certificate until** it has received written confirmation from Sydney Trains that this condition has been complied with.

- v. If required by Sydney Trains, **prior to the issue of a Construction Certificate** a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that

this condition has been satisfied.

- vi. **Prior to the commencement of any works** appropriate fencing must be in place along the rail corridor to prevent unauthorised access to the rail corridor during construction works. Details of the type of fencing and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.
- vii. The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. **Prior to the issuing of an Occupation Certificate** the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary or design and construction of new fencing. Details of the type of new fencing to be installed and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.
- viii. **Prior to the issuing of a Construction Certificate** the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The **Principal Certifying Authority is not to issue the Construction Certificate until** written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- ix. No scaffolding is to be used facing the rail corridor unless **prior written approval** has been obtained from Sydney Trains. To obtain approval the Applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.
- x. If required, **prior to the issue of a Construction Certificate** the Applicant is to contact Sydney Trains External Interface Management team to determine the need for public liability insurance cover. If insurance cover is deemed necessary this insurance be for sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure and must be maintained for the duration specified by Sydney Trains. The Applicant is to contact Sydney Trains External Interface Management team to obtain the level of insurance required for this particular proposal. **Prior to issuing the Construction Certificate** the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.
- xi. If required, **prior to the issue of a Construction Certificate** the Applicant is to contact Sydney Trains External Interface Management team to determine

the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.

- xii. Prior to the commencement of works**, the applicant is to prepare and provide to Sydney Trains for review and endorsement a Hydrologic Assessment report demonstrating that the dewatering during construction will not have any adverse settlement impacts on the rail corridor. No works are to commence until this report has been endorsed by Sydney Trains.
- xiii.** Excess soil is not allowed to enter, be spread or stockpiled within the rail corridor (and its easements) and must be adequately managed/disposed of.
- xiv.** The Applicant/Developer must give Sydney Trains **written notice** at least 5 business days before, and on the day of, commencing works which occur adjacent to the rail corridor.

Consultation

- i.** The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:
 - a. oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
 - b. acts as the authorised representative of the Applicant; and
 - c. is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.
- ii.** Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.
- iii.** Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team via email on North_Interface@transport.nsw.gov.au <mailto:North_Interface@transport.nsw.gov.au>.

Documentation

- i. Prior to the issuing of an Occupation Certificate** the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into TAHE (Transport Asset Holding Entity) property or easements, unless agreed to be TAHE (Transport Asset Holding Entity). The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming

that this condition has been satisfied.

- ii. Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains or TAHE (Transport Asset Holding Entity) must be submitted to Council for its records **prior to the issuing of the applicable Construction Certificate or Occupation Certificate.**

Environmental Protection

- i. **During all stages of the development** the Applicant must take extreme care to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.

Drainage

- i. The Applicant must ensure that all drainage from the development is adequately disposed of and managed and not allowed to be discharged into the railway corridor unless prior written approval has been obtained from Sydney Trains. The **Principal Certifying Authority is not to issue a Construction Certificate or final Occupation Certificate unless** the drainage is in accordance with the above documentation.
- ii. The Applicant must not allow any person to do any act or thing which allows stormwater, surface run off or drainage to pass over, through or under the development site onto the railway corridor.
- iii. The Applicant must ensure that all existing and future drainage works on the development site will be directed into the appropriate local council or approved drainage system.
- iv. The Applicant must ensure that extreme care is taken during works to prevent water from collecting on or near the railway corridor. Should water be allowed to pond adjacent to rail infrastructure facilities and service is interrupted, the Applicant shall be liable for any Sydney Trains expenditure involved with restoring or maintaining alternative services.
- v. Rainwater from the roof must not be projected and/or falling into the rail corridor and must be piped down the face of the building which faces the rail corridor.

Inspections

- i. If required by Sydney Trains, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required within 10 days following the undertaking of the inspection, unless otherwise

notified by Sydney Trains.

- ii. If required by Sydney Trains, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The **Principal Certifying Authority is not to issue the final Occupation Certificate until** written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- iii. Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, must be permitted to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and the requirements of this consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
- iv. If required by Sydney Trains, the Applicant must give Sydney Trains **written notice** at least 5 business days before any of the following events occur within 25 metres of the rail corridor land:
 - a. site investigations;
 - b. foundation, pile and anchor set out;
 - c. set out of any other structures below ground surface level or structures which will transfer any load or bearing;
 - d. foundation, pile and anchor excavation;
 - e. other excavation;
 - f. surveying of foundation, pile and anchor excavation and surveying of as_built excavations;
 - g. other concreting; or
 - h. any other event that Sydney Trains has notified to the Applicant.

Maintenance

- i. **Prior to the issuing of any Occupation Certificate** the Applicant must provide to Sydney Trains for review and endorsement a plan of how future maintenance of the development facing the rail corridor is to be undertaken. The **Principal Certifying Authority is not to issue any Occupation Certificate until** written confirmation has been received from Sydney Trains confirming that this condition has been satisfied. The maintenance plan must be implemented for the life of the approved development.

Other

- i. Any conditions issued as part of Sydney Trains approval/certification of any documentation for compliance with the Sydney Trains conditions of consent, those approval/certification conditions will also form part of the consent conditions that the Applicant is required to comply with.

- ii. Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the **Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate**, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. **The issuing of staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement** from those entities to which the relevant conditions applies.

(Reason: Conditions required for concurrence)

4. **DAGCA09 - Sydney Metro**

1. **Prior to the Issue of a Construction Certificate**
Engineering

- i. The Certifier **must not issue a Construction Certificate** for the development unless the Applicant has submitted to Sydney Metro and Sydney Metro has provided written approval of the final construction drawings for the Construction Certificate. Prior to the commencement of works, the Certifier must provide written verification to Sydney Metro that this condition has been complied with.

Rail Corridor

- ii. All structures must be designed, constructed and maintained so as to allow for the future operation and demolition of any part of the development without damaging or otherwise interfering with the Sydney Metro West rail corridor or rail operations. Where any part of the development is to be retained because its demolition would damage or otherwise interfere with the Sydney Metro West rail corridor or rail operations, that part of the development must have a minimum design life of 100 years.

The Applicant can seek details of the rail corridor or rail operations from Sydney Metro prior to seeking written approval of the final construction drawings.

Construction

- iii. No rock anchors, rock bolts, ground anchors or rock ties, piles, foundations, rock pillars, transfer structures, basement walls, slabs, columns, beams, cut rock faces, are to be installed in the rail corridor, Sydney Metro property or easements. The Certifier **must not issue a Construction Certificate for the development until** it has received written confirmation from Sydney Metro that this condition has been satisfied.

Documentation

- iv. Copies of any certificates, drawings, approvals or documents endorsed by, given to or issued by Sydney Metro must be submitted to Council for its records **prior to the issue of any Construction Certificate**.

2. **Prior to the Issue of an Occupation Certificate**

Documentation

- i. **Prior to the issue of an Occupation Certificate**, the Applicant is to submit as-built drawings to Sydney Metro and Council. The as-built drawings are to be endorsed by a registered surveyor confirming that there has been no encroachment into the rail corridor or Sydney Metro easements, unless agreed to by Sydney Metro in writing. The Certifier must not issue an Occupation Certificate until written confirmation has been received from Sydney Metro that this condition has been satisfied.
- ii. Copies of any certificates, drawings, approvals or documents endorsed by, given to or issued by Sydney Metro must be submitted to Council for its records **prior to the issue of any Occupation Certificate**.

3. General

Inspections

- i. At any time during the construction of the development, Sydney Metro and persons authorised by those entities may give reasonable notice to the Applicant or the Applicant's principal contractor that Sydney Metro or persons authorised by that entity seek to:
 - a. inspect the development site and all works and structures that may impact on the rail corridor and
 - b. attend on-site meetings with the Applicant and its contractors,

to enable Sydney Metro to determine whether the development has been or is being constructed and maintained in accordance with all approved plans and this development consent.

Other

- ii. Any conditions or other requirements imposed by Sydney Metro part of its approval/endorsement of any documents provided by the Applicant to Sydney Metro in accordance with these conditions of consent must also be complied with by the Applicant when implementing any approved/endorsed documents, plans, reports during the construction and operation of the development (as applicable).
- iii. Where a condition of consent requires Sydney Metro endorsement or approval, the Certifier must not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates by the Certifier dealing with specific works and compliance conditions can only occur subject to written confirmation from Sydney Metro.

(Reason: Compliance)

5. **DAGCA10 - Ausgrid**

The approved development shall satisfy the following requirements:

- i. Compliance with relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice for construction works near existing electrical assets.

- ii. The “as constructed” minimum clearances to Ausgrid’s infrastructure must not be encroached by the building development. It is the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.

Ausgrid’s Network Standards can be sourced from Ausgrid’s website, www.ausgrid.com.au Should you have any enquiries, please contact Ausgrid at Development@ausgrid.com.au <<mailto:Development@ausgrid.com.au>>

(Reason: Compliance and Safety)

6. **DAGCA12 – Waste – General**

- i. All waste management on site is to be carried out in accordance with the approved waste management plans and drawings.
- ii. All waste is to be stored in a way that does not pose an odour nuisance, threat to public health or the environment at all times.

(Reason: Compliance, Amenity and Waste Management)

7. **DAGCA11 - Noise General**

(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:

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

Compliance with Approved Acoustic Report

All recommendations contained in section 7 of the Acoustic Report prepared by White Noise Acoustics reference number 19084_291019_Noise Impact Assessment_BW_R0 dated 4 November 2019 shall be adopted, implemented, and adhered to.

(Reason: Compliance and Amenity)

8. **DAGCB01 - Australia Post Guidelines**

Mail deliveries are to be in accordance with Australia Post Guidelines, as set out in the Australia Post publication "General Post Guide - September 2007". A copy of this Guide can be obtained from Australia Post's web page at www.auspost.com.au. A copy of the brochure may be obtained from Australia Post. In general, a clearly

marked mailbox (or group of mailboxes) shall be provided within 500mm of the footpath alignment.

(Reason: To ensure compliance with mail delivery regulations)

9. **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)

10. **DAGCB07 - Lighting**

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

(Reason: Protect amenity of surrounding area)

11. **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)

12. **DAGCB12 - Street Numbering of Lots and Units**

The proposed units and/or new allotments shall be numbered as follows and revised in

accordance to any amendments/conditions to the approved development to the satisfaction of Council:-

Floor level	Building as indicated on approved plans	Lot No.	Unit No. as indicated on approved plans	Apartment address	Postcode
Ground	A1	1	G01	1/25A George St, North Strathfield	2137
Ground	A1	2	G02	2/25A George St, North Strathfield	2137
Ground	A1	3	G03	3/25A George St, North Strathfield	2137
Ground	A1	4	G04	4/25A George St, North Strathfield	2137
Ground	A1	5	G05	5/25A George St, North Strathfield	2137
Ground	A2	6	G06	6/25A George St, North Strathfield	2137
Ground	A2	7	G07	7/25A George St, North Strathfield	2137
Ground	A2	8	G08	8/25A George St, North Strathfield	2137
Ground	A2	9	G09	9/25A George St, North Strathfield	2137
Level 01	A1	10	101	101/25A George St, North Strathfield	2137
Level 01	A1	11	102	102/25A George St, North Strathfield	2137
Level 01	A1	12	103	103/25A George St, North Strathfield	2137
Level 01	A1	13	104	104/25A George St, North Strathfield	2137
Level 01	A1	14	105	105/25A George St, North Strathfield	2137
Level 01	A1	15	106	106/25A George St, North Strathfield	2137
Level 01	A2	16	107	107/25A George St, North Strathfield	2137
Level 01	A2	17	108	108/25A George St, North Strathfield	2137
Level 01	A2	18	109	109/25A George St, North Strathfield	2137
Level 01	A2	19	110	110/25A George St, North Strathfield	2137
Level 01	A2	20	111	111/25A George St, North Strathfield	2137
Level 02	A1	21	201	201/25A George St, North Strathfield	2137
Level 02	A1	22	202	202/25A George St, North Strathfield	2137
Level 02	A1	23	203	203/25A George St, North Strathfield	2137
Level 02	A1	24	204	204/25A George St, North Strathfield	2137
Level 02	A1	25	205	205/25A George St, North Strathfield	2137
Level 02	A1	26	206	206/25A George St, North Strathfield	2137
Level 02	A2	27	207	207/25A George St, North Strathfield	2137
Level 02	A2	28	208	208/25A George St, North Strathfield	2137
Level 02	A2	29	209	209/25A George St, North Strathfield	2137
Level 02	A2	30	210	210/25A George St, North Strathfield	2137
Level 02	A2	31	211	211/25A George St, North Strathfield	2137

Level 02	A2	32	212	212/25A Strathfield	George St, North	2137
Level 03	A1	33	301	301/25A Strathfield	George St, North	2137
Level 03	A1	34	302	302/25A Strathfield	George St, North	2137
Level 03	A1	35	303	303/25A Strathfield	George St, North	2137
Level 03	A1	36	304	304/25A Strathfield	George St, North	2137
Level 03	A1	37	305	305/25A Strathfield	George St, North	2137
Level 03	A1	38	306	306/25A Strathfield	George St, North	2137
Level 03	A2	39	307	307/25A Strathfield	George St, North	2137
Level 03	A2	40	308	308/25A Strathfield	George St, North	2137
Level 03	A2	41	309	309/25A Strathfield	George St, North	2137
Level 03	A2	42	310	310/25A Strathfield	George St, North	2137
Level 03	A2	43	311	311/25A Strathfield	George St, North	2137
Level 03	A2	44	312	312/25A Strathfield	George St, North	2137

Ground	B	45	G10	10/25B Strathfield	George St, North	2137
Ground	B	46	G11	11/25B Strathfield	George St, North	2137
Ground	B	47	G12	12/25B Strathfield	George St, North	2137
Ground	B	48	G13	13/25B Strathfield	George St, North	2137
Ground	B	49	G14	14/25B Strathfield	George St, North	2137
Ground	B	50	G15	15/25B Strathfield	George St, North	2137
Level 01	B	51	112	112/25B Strathfield	George St, North	2137
Level 01	B	52	113	113/25B Strathfield	George St, North	2137
Level 01	B	53	114	114/25B Strathfield	George St, North	2137
Level 01	B	54	115	115/25B Strathfield	George St, North	2137
Level 01	B	55	116	116/25B Strathfield	George St, North	2137
Level 01	B	56	117	117/25B Strathfield	George St, North	2137
Level 02	B	57	213	213/25B Strathfield	George St, North	2137
Level 02	B	58	214	214/25B Strathfield	George St, North	2137
Level 02	B	59	215	215/25B Strathfield	George St, North	2137
Level 02	B	60	216	216/25B Strathfield	George St, North	2137
Level 02	B	61	217	217/25B Strathfield	George St, North	2137

Level 02	B	62	218	218/25B Strathfield	George St, North	2137
Level 03	B	63	313	313/25B Strathfield	George St, North	2137
Level 03	B	64	314	314/25B Strathfield	George St, North	2137
Level 03	B	65	315	315/25B Strathfield	George St, North	2137
Level 03	B	66	316	316/25B Strathfield	George St, North	2137
Level 03	B	67	317	317/25B Strathfield	George St, North	2137
Level 03	B	68	318	318/25B Strathfield	George St, North	2137
Level 04	B	69	401	401/25B Strathfield	George St, North	2137
Level 04	B	70	402	402/25B Strathfield	George St, North	2137
Level 04	B	71	403	403/25B Strathfield	George St, North	2137
Level 04	B	72	404	404/25B Strathfield	George St, North	2137
Level 04	B	73	405	405/25B Strathfield	George St, North	2137
Level 04	B	74	406	406/25B Strathfield	George St, North	2137
Level 05	B	75	501	501/25B Strathfield	George St, North	2137
Level 05	B	76	502	502/25B Strathfield	George St, North	2137
Level 05	B	77	503	503/25B Strathfield	George St, North	2137
Level 05	B	78	504	504/25B Strathfield	George St, North	2137
Level 05	B	79	505	505/25B Strathfield	George St, North	2137
Level 05	B	80	506	506/25B Strathfield	George St, North	2137

Ground	C1	81	G16	16/25C Strathfield	George St, North	2137
Ground	C1	82	G17	17/25C Strathfield	George St, North	2137
Ground	C1	83	G18	18/25C Strathfield	George St, North	2137
Ground	C1	84	G19	19/25C Strathfield	George St, North	2137
Ground	C1	85	G20	20/25C Strathfield	George St, North	2137
Ground	C1	86	G21	21/25C Strathfield	George St, North	2137
Ground	C2	87	G22	22/25C Strathfield	George St, North	2137
Ground	C2	88	G23	23/25C Strathfield	George St, North	2137
Ground	C2	89	G24	24/25C Strathfield	George St, North	2137
Ground	C2	90	G25	25/25C Strathfield	George St, North	2137
Level 01	C1	91	118	118/25C Strathfield	George St, North	2137

Level 01	C1	92	119	119/25C Strathfield	George St, North	2137
Level 01	C1	93	120	120/25C Strathfield	George St, North	2137
Level 01	C1	94	121	121/25C Strathfield	George St, North	2137
Level 01	C1	95	122	122/25C Strathfield	George St, North	2137
Level 01	C1	96	123	123/25C Strathfield	George St, North	2137
Level 01	C1	97	124	124/25C Strathfield	George St, North	2137
Level 01	C2	98	125	125/25C Strathfield	George St, North	2137
Level 01	C2	99	126	126/25C Strathfield	George St, North	2137
Level 01	C2	100	127	127/25C Strathfield	George St, North	2137
Level 01	C2	101	128	128/25C Strathfield	George St, North	2137
Level 02	C1	102	219	219/25C Strathfield	George St, North	2137
Level 02	C1	103	220	220/25C Strathfield	George St, North	2137
Level 02	C1	104	221	221/25C Strathfield	George St, North	2137
Level 02	C1	105	222	222/25C Strathfield	George St, North	2137
Level 02	C1	106	223	223/25C Strathfield	George St, North	2137
Level 02	C1	107	224	224/25C Strathfield	George St, North	2137
Level 02	C2	108	225	225/25C Strathfield	George St, North	2137
Level 02	C2	109	226	226/25C Strathfield	George St, North	2137
Level 02	C2	110	227	227/25C Strathfield	George St, North	2137
Level 02	C2	111	228	228/25C Strathfield	George St, North	2137
Level 02	C2	112	229	229/25C Strathfield	George St, North	2137
Level 03	C1	113	231	319/25C Strathfield	George St, North	2137
Level 03	C1	114	232	320/25C Strathfield	George St, North	2137
Level 03	C1	115	321	321/25C Strathfield	George St, North	2137
Level 03	C1	116	322	322/25C Strathfield	George St, North	2137
Level 03	C1	117	323	323/25C Strathfield	George St, North	2137
Level 03	C1	118	324	324/25C Strathfield	George St, North	2137
Level 03	C2	119	325	325/25C Strathfield	George St, North	2137
Level 03	C2	120	326	326/25C Strathfield	George St, North	2137
Level 03	C2	121	327	327/25C Strathfield	George St, North	2137
Level 03	C2	122	328	328/25C	George St, North	2137

				Strathfield	
Level 03	C2	123	329	329/25C George St, North Strathfield	2137
Level 04	C1	124	331	407/25C George St, North Strathfield	2137
Level 04	C1	125	332	408/25C George St, North Strathfield	2137
Level 04	C1	126	409	409/25C George St, North Strathfield	2137
Level 04	C1	127	410	410/25C George St, North Strathfield	2137
Level 04	C1	128	411	411/25C George St, North Strathfield	2137
Level 04	C1	129	412	412/25C George St, North Strathfield	2137
Level 04	C2	130	413	413/25C George St, North Strathfield	2137
Level 04	C2	131	414	414/25C George St, North Strathfield	2137
Level 04	C2	132	415	415/25C George St, North Strathfield	2137
Level 04	C2	133	416	416/25C George St, North Strathfield	2137
Level 04	C2	134	417	417/25C George St, North Strathfield	2137
Level 05	C1	135	507	507/25C George St, North Strathfield	2137
Level 05	C1	136	508	508/25C George St, North Strathfield	2137
Level 05	C1	137	509	509/25C George St, North Strathfield	2137
Level 05	C1	138	510	510/25C George St, North Strathfield	2137
Level 05	C1	139	511	511/25C George St, North Strathfield	2137
Level 05	C1	140	512	512/25C George St, North Strathfield	2137
Level 05	C2	141	513	513/25C George St, North Strathfield	2137
Level 05	C2	142	514	514/25C George St, North Strathfield	2137
Level 05	C2	143	515	515/25C George St, North Strathfield	2137
Level 05	C2	144	516	516/25C George St, North Strathfield	2137
Level 05	C2	145	517	517/25C George St, North Strathfield	2137

Numbering of units/properties shall be conspicuously displayed at the front of the property and shall be maintained in accordance with Council's Street Numbering Policy.

Should the property be strata subdivided, the approved numbering system shall be included in the final plans of strata subdivision.

(Reason: Identification of Property for Emergency Services and Mail Deliveries)

13. **DAGCB15 - Telecommunications /TV Antennae**

No more than one telecommunications/TV antenna will be provided to each dwelling/building.

(Reason: Environmental amenity)

14. **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)

15. **DAGCB18 - Landscaping - General**

Deep Soil Areas

- i. Any area indicated with a pavement or hard surface finish or the like, that is located directly over any deep soil area, shall be designed to be a permeable finish.

Proposed trees

- ii. The canopy cover shall observe Council's Urban Canopy Strategy which has a target of 25% canopy cover.
- iii. 5 small to medium indigenous trees are to be incorporated within the front setback.
- iv. The approved plans include predominately small trees. The plans shall incorporate a range of trees species and size at maturity from small to large to be selected from Canada Bay Council tree species list.

Species and Biodiversity

- v. Species shall be selected from the Canada Bay species list provided to provide for biodiversity. Powell's Creek is a biodiversity corridor. Species native to eastern NSW and some exotic species are acceptable if they have no tendency to become garden escapes and there is no suitable indigenous or native alternative.
- vi. Particular species indicated on the approved plans shall be replaced with:
 - a. Miscanthus sinensis – replace with local native grasses
 - b. Gazania sp - replace with local native ground cover
 - c. Rhipidolysium sp - replace with local native shrub
 - d. Bangalow Palm - replace with Livistonia australis
 - e. Magnolia sp - replace with local native trees
 - f. Polyscias murrayi - replace with native species

Podium planting

- vii. Soil depths/volumes shall be able to support the selected species.
- viii. Species for biodiversity shall include selection from the following:
 - a. Banksia Sp.
 - b. Melaleuca nodosa,
 - c. Melaleuca ericifolia
 - d. Leptospermum sp.
 - e. Kunzea sp.

- f. Westringia Sp.
- g. Native grasses and ground covers.

(Reason: Landscape quality, design and sustainability)

16. **DAGCC01 - Hoarding Requirements**

Where any works associated with the approved development are located in close proximity to a public place such that occupation of part of the public place may be required to complete the development, then it will be necessary to erect either an “A” Class or “B” Class hoarding. Should a hoarding need to be constructed on or over Council land/property, then the following requirements will apply:-

The approved development includes/requires either an “A” Class or “B” Class or both type of hoarding to be erected. Should such a hoarding need to be constructed on or over Council land/property, then the following requirements will apply:-

- **“A” Class Requirements**

An engineer certified “A” Class hoarding is to be constructed on the footpath adjacent to the building site to protect pedestrians during demolition of the existing building and construction of the new building.

- **“B” Class Hoardings**

An engineer certified overhead “B” Class hoarding, complying with the requirements of the Department of Industrial Relations & Technology, shall be constructed over Council’s footpath to protect pedestrians during demolition of the existing building and the erection of the new building.

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

(Reason: Public safety)

17. **DAGCC04 - Ventilation**

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

- The Building Code of Australia; and
- Protection of the Environment Operations Act 1997; and
- Any proposed mechanical ventilation system shall comply with the Australian Standard AS 1668-1991 (parts 1 & 2). Prior to installation, the design is to be certified by a person competent to do so. At completion of the installation of the system and prior to the issue of the occupation certificate, the work shall be certified by a person competent to do so. The certification shall include:-

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

(Reason: Compliance with relevant standards)

18. **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)

19. **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:

<i>Reference</i>	<i>Revision</i>	<i>Prepared By</i>	<i>Date/s</i>
19-000925 – C0-00	D	Cailbre	18.09.2020
19-000925 – C0-02	D	Cailbre	18.09.2020
19-000925 – C1-10	D	Cailbre	18.09.2020
19-000925 – C1-15	D	Cailbre	18.09.2020
19-000925 – C2-00	E	Cailbre	18.09.2020
19-000925 – C2-01	B	Cailbre	18.09.2020
19-000925 – C2-02	B	Cailbre	18.09.2020
19-000925 – C4-20	C	Cailbre	18.09.2020
19-000925 – C4-30	E	Cailbre	23.09.2020
19-000925 – C4-60	D	Cailbre	18.09.2020
Soil and Water Management Plan	B	Cailbre	23.09.2020
Rainwater Catchment and reuse	-	Integrated Group Service	18.09.2020

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.

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

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

20. 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)

21. 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)

22. **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)

23. 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.

Tree works shall be undertaken in accordance with the approved New Leaf Arboricultural Impact Assessment dated 18 December 2019.

Prior to commencement of any works, the Principle Certifying Authority shall ensure to the satisfaction of Council that:

- i. Tree sensitive design and construction is provided for the six Council-owned street trees (identified as Trees 1, 2, 3, 4, 5 & 6) of Medium-High significance. These trees will have major encroachments from the proposed works within their TPZ areas, and will require measures and tree protection devices to sustainably retain the trees.
- ii. Modifications to finished landscape levels are provided to avoid excavation in the TPZ, as well as tree protection measures during works on site to one tree (identified as Tree 31), located on a neighbouring property. This tree will have a major encroachment from the proposed development.

(Reason: Tree Preservation and Protection)

24. 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

25. 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)

26. DACCA03 - Driveway Design and Certification

The proposed driveway and vehicular crossing shall be designed in accordance with Council's "Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan" and AS/NZS2890.1:2004 "Off Street Car Parking", with the following:

- a. Longitudinal sections through the edges of the proposed driveway shall be provided and started from the centre line of the road to the basement level and shall be prepared demonstrating compliance with the scraping provisions for the B99 vehicle as stipulated in AS/NZS2890.1:2004 "Off Street Car Parking" Code. The longitudinal section shall include:
 - i. All changes in levels and gradients e.g. lip of gutter, gutter invert, kerb layback, edge of footpath and at the property boundary.
 - ii. Concrete footpath along the site frontage shall be reconstructed to have **a minimum 1.8m** width and maximum crossfall of 2.5% graded but no less than 0.5% graded towards the street.
 - iii. A standard layback having a 90mm height (100mm maximum) over 450mm distance from the invert of gutter is to be incorporated into the driveway long section.
 - iv. Driveway shall have a crest to prevent the runoff from the street entering the property in case of street flooding. Noting the cresting shall be RL9.56m.
 - v. Driveway longitudinal section shall be checked using the 99th percentile of vehicle template to demonstrate the compliance with scraping provision. Please note that the design B99 vehicle shall have the ground clearance of 120mm (fully loaded vehicle).

The longitudinal section shall be designed and certified by a Professional Civil Engineer whose qualifications are recognised by, and who is a current member of, Engineers Australia. The engineer shall certify that the driveway longitudinal section achieve compliance with AS/NZS2890.1:2004 and Council's "Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan". All existing levels indicate on the driveway design plans shall be checked and confirmed by a registered surveyor.

The longitudinal section and certification shall be submitted and approved by Council **prior to issue of a Construction Certificate.**

(Reason: Vehicular access)

27. **DACCA05 - Water Sensitive Urban Design (WSUD)**

The development has been identified as requiring water sensitive urban design (WSUD) which has formed part of the development consent. Therefore, in order to satisfy the drainage requirements for the building, any construction certificate for the building shall include the construction of the WSUD system. The design and construction details of WSUD system and specification shall achieve the pollution reduction target in accordance with the Council's "Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan" and the approved stormwater plans shall be submitted to the certifying authority **prior to issue of Construction Certificate.**

(Reason: Stormwater quality management)

28. **DACCA06 - Hazardous Materials Assessment**

Prior to the issue of a Construction Certificate a Hazardous Building Materials Assessment shall be prepared by a suitably qualified consultant and submitted to the Accredited Certifier.

(Reason: Environmental Health & Safety)

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

You must complete a Deposit/Bond Application Form located on Council's website under Forms and Fact Sheets > Rates and Finance.

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)

30. **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)

31. **DACCB04 - Section 7.11 Contributions**

The following Section 7.11 Development Contributions are required towards the provision of public amenities and services in accordance with the City of Canada Bay s7.11 Development Contributions Plan.

Based on the following rates, as at December 2021 (CPI 121.6)

Infrastructure Type	Per Person Contribution	Studio/One bedroom dwelling	Two bedroom dwelling	Three + bedroom dwelling	Additional Lot
Community Facilities	\$849.79	\$1,223.68	\$1,742.01	\$2,179.39	\$2,179.39
Civil Infrastructure	\$825.05	\$1,188.05	\$1,691.30	\$2,115.94	\$2,115.94
Plan Preparation and Administration	\$93.33	\$134.39	\$191.32	\$239.35	\$239.35
Open Space and Recreation	\$6,030.32	\$8,683.52	\$191.32	\$15,465.32	\$15,465.32
TOTAL	\$7,798.49	\$11,229.64	\$15,986.38	\$20,000	\$20,000

Based on the following number of Dwellings and Bedrooms:

No. of Dwellings	No. of Studio & One beds	No. of Two beds	No. of Three or more beds	No. of Additional lots
	40 x one beds	76 x two beds	29 x 3 beds	N/A
Sub-total	\$449,185.6	\$1,214,964.88	\$580,000.00	
TOTAL	\$2,244,150.48			

Any change in the Consumer Price Index between December 2021 (CPI 121.6) and the date that the Section 7.11 Development Contribution is paid, will be added/subtracted from the amount cited above.

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

Please present a copy of this condition when paying the contribution at the Customer Service Centre so that it can be recalculated.

A copy of the City of Canada Bay Section 7.11 Development Contributions Plan may be obtained from Council's website.

(Reason: To retain a level of service for the existing population and to provide the same level of service to the population resulting from new developments)

32. **DACCB09 – Vehicular Access**

The sightlines at the access driveway are to be designed in accordance with Figure 3.3 of AS2890.1:2004. Any objects including landscaping within the splay of a minimum of 2.5m by 2.0m adjacent to the driveway at the property boundary shall have a maximum height of 600mm above the internal driveway level. Plans shall demonstrate compliance with the sight distance requirements of AS/NZS2890.1:2004 **prior to the issue of a construction certificate.**

(Reason: Traffic and Parking, Compliance, Safety)

33. **DACCB10 – Affordable Housing – Voluntary Planning Agreement (VPA)**

Pursuant to Section 7.4 of the Environmental Planning & Assessment Act, 1979, the VPA entered into on 5 November 2019 between the applicant and the City of Canada Bay Council, requires that a minimum of 5% of the uplift of the Gross Floor Area, or 2 three-bedroom units, whichever is greater, is dedicated to the City of Canada Bay Council as affordable housing as defined in the Act.

Prior to issue of any Construction Certificate, the applicant and Council shall agree on the number and location of affordable housing units and the applicant must provide evidence to Council that the title to the affordable housing units will be transferred to the City of Canada Bay Council. The applicant shall indicate and identify the affordable housing units on the plans **prior to issue of any Construction Certificate.**

(Reason: Compliance and clarification of consent)

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

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

i. **Privacy Screening to Selected South-Facing Balconies**

Balconies with south-facing sides shall incorporate into their design, fixed privacy structures with minimum 85% density or be designed such that they prevent overlooking down into the property of 23A George Street.

The privacy structures shall have a minimum height of 1.5m from the finished floor level of the balcony and shall run, at a minimum, the whole length of the southern end of each south-facing balconies of the following units:

Unit No.	Floor Level ¹
117, 115 & 127	1
216, 218, & 228	2

316, 318 & 328	3
404, 406 & 416	4
504, 506 & 516	5

ii. Setbacks

Driveway

The driveway shall be setback a minimum of 2341mm from the northern side boundary. The land between any driveway structure and the northern side boundary shall maintain natural ground levels.

Basement

The external face of any wall structure, above or below natural ground level, that forms part of the basement and/or loading bay area, shall be setback a minimum of 2m from the northern side boundary

iii. Basement and Loading Dock Area Roof Structure

The part open roof structure over the basement and loading bay area shall be indicated on the plans as non-trafficable.

iv. Storage – Residential/Communal

The plans shall identify required residential storage space for each residential unit in accordance with Part 4G of the Apartment Design Guide as follows:

- Studio - 4m³
- 1 bed - 6m³
- 2 bed - 8m³
- 3+ bed - 10m³

A minimum of 50% of the storage space required for each apartment shall be located within apartment.

Note: Basement area that forms excess parking spaces conditioned to be deleted may be utilised for the purposes of achieving required private storage area. Any area remaining shall be designated to communal storage area.

v. Vehicular & Bicycle Parking & Storage

The plans shall be amended as follows:

Vehicular parking

- a. Identify a maximum of 126 resident car parking spaces (including visitor spaces).
- b. 15 excess car parking spaces shall be deleted. The excess car parking spaces may be utilised for either private residential storage to achieve compliance and any further excess space for communal storage.

Bicycle Parking

- c. Identify storage area within the basement for 156 resident bicycles
- d. Identify a minimum of 16 visitor bicycle parking spaces

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)

35. 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)

36. 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)

37. 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.

Street Trees and Trees on Council Land

All trees shall be sourced from accredited Nurseries and comply with Australian standards- Conforming to Ross Clarke - Specifying Trees- A Natspec Guide (true to type, of good health and vigour, free from pests and disease, free from injury, self-supporting, good stem taper, apical dominance, crown symmetry and central stem position). All trees shall be inspected by Council's Landscape Architect prior to planting. Council will provide a 12 month maintenance schedule for the street trees. A reporting schedule for the maintenance of trees on Council land shall be sent to Council at the end of each month and be available for Council to inspect at any time.

(Reason: Ensure landscape survival)

38. DACCF04 - On Slab Landscaping

To ensure the site landscaping thrives - the on slab landscaping shown on the approved landscaping plan is to be designed to include a minimum soil depth of

Grass and Ground Covers 300-400mm

Shrubs - 550- 650mm for shrubs

Trees - 800- 1200mm (tree size dependant)

Trees (6-8m) - allow for 9m³ soil volume per tree (min depth 800mm)

Medium Trees (8-12m) - allow 35m³ soil volume per tree (min depth 1000mm)

Large Trees (12-18m) - allow 150m³ soil volume per tree (min depth 1200mm)

Provide adequate drainage and a permanent, automatic irrigation system conforming to Sydney Water's current *Water wise* Policy. Details shall be submitted **with the Construction Certificate application**.

(Reason: Ensure landscape survival)

39. DACCG01 - Available Visitor Car Parking Signage

A sign shall be erected in a suitable location on the property near the driveway entrance indicating where visitor parking is available on the site. Details shall be submitted **prior to the issue of the Construction Certificate**.

(Reason: Adequate access and egress)

40. DACCG02 - Bicycle Storage Provision

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

(Reason: Convenience)

41. **DACCG04 - Disabled Car Parking Spaces**

Fifteen (15) of the approved total number of car parking spaces shall be reserved for disabled persons. These spaces shall be a minimum of 3.2m wide x 5.5m long and located near pedestrian access routes designed for disabled persons. Each space shall be clearly marked as such.

In addition to the above disabled parking provisions, one accessible car parking space shall be provided for every required adaptable unit.

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

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

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

Car parking spaces shall be provided in accordance with the approved plans with 82 Residential spaces and 9 visitor spaces. The spaces are required and designated as follows:

(a) 82 units shall be allocated 1 car parking space and 6 units no car parking space.

- All car spaces shall be allocated and marked accordingly. If the development is to be strata subdivided, the car park layout must respect the above allocation and thereafter regarded as part of the entitlement of that unit.
- Each space shall have minimum dimensions in accordance with the relevant Australian Standard.
- Under no circumstances shall parking spaces be sold, let or otherwise disposed of for use other than in accordance with this condition.
- Visitor spaces shall only to be used by persons visiting residents of the property or persons with legitimate legal reason to be upon the land.
- Access to visitor parking shall not be restricted without development approval.
- A sign shall be erected at the vehicular entrance indicating the availability of visitor parking. Such spaces shall be clearly marked.

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

(Reason: Parking and access)

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

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

(Reason: Traffic safety and management)

44. **DACCI01 - Pre-Commencement Damage Report**

Prior to the issue of the Construction Certificate, the Pre-Commencement 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)

45. **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)

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

Three (3) copies of stormwater construction plans and an electronic copy for the design of all works within the road reserve required adjacent to 25 George Street, North Strathfield shall be submitted with “Civil Works in the Public Domain Application Form” to Council for approval **prior to issue of a Construction Certificate and Works Commencing**,

All works, as listed below, shall be shown on the submitted drawings including the following:

- Full design and construction details for the proposed stormwater connection into the existing stormwater pit within George Street, North Strathfield from the subject site shall be submitted to Council for approval. The details shall include the following:
 - a. The existing stormwater pit for the proposed stormwater connection shall be replaced with a minimum 900mm x 900mm gully pit with a 2.4m long lintel.
 - b. Ancillaries (eg. footpaths, signage etc.) details;
 - c. Long sections of the proposed drainage system;
 - d. All services near the work area (e.g., pits (Telecom, water), poles, sewer etc) shall be shown on the drawings. Levels will be required where services cross the path of the proposed stormwater line.
 - e. Council’s gully pit and associated works shall be in accordance with Council’s standard drawing;

The engineering drawings shall be prepared and certified by a Chartered Civil

Engineer with National Engineering Register (NER) Accreditation are to be submitted to, and approved by Council in writing and all fees and charges paid **prior to issue of Construction Certificate**.

Notes:

- a. Prepared and submitted on A1, or A3 size sheets, undertaken by a consulting Civil Engineer,
- b. All engineering works shall be designed and undertaken in accordance with the Council's "Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan" and Council's Development Control Plan 2017, and
- c. Approved in writing by Council under Section 138 of the Roads Act., prior to the issue of the Construction Certificate, and
- d. All public stormwater drainage works adjacent/near/outside within George Street, North Strathfield is to be fully supervised by Council. A maintenance period of six (6) months or as specified by Council shall apply to the work after it has been completed and approved. In that period the Applicant shall be liable for any part of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the design conditions, and
- e. Upon completion of the works, the Applicant is to provide to Council two (2) copies of "work as executed plans". The plans are to show relevant dimensions and finished levels and are to be certified by a registered surveyor. Also the Applicant is to provide to Council, in an approved format, details of all public infrastructure created as part of the works, including certification from the Design Engineer.
- f. The approved works must be completed to Council's satisfaction at no cost to Council.

Note: Driveway construction will require a separate approval through a Driveway Application.

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

47. DACCI05 - Vehicular Crossings

The minimum width 5.5m and maximum width of 6.0 metres at boundary line and kerb line, 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 of Driveway Location 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)

48. **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)

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

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

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

(Reason: Protection of Public Assets and information)

50. **DACCCK01 - 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)

51. **DACCK02 - BASIX Commitments**

The approved BASIX Certificate shall be submitted to the Accredited Certifier with the application for a Construction Certificate.

Where a change or changes are proposed in the BASIX commitments, the applicant must submit a new BASIX Certificate to the Accredited Certifier and Council. If any proposed change in the BASIX commitments is inconsistent with the development consent the applicant will be required to submit a modification to the development consent to Council under Section 4.55 of the Environmental Planning and Assessment Act 1979.

All commitments in the BASIX Certificate must be shown on the plans accompanying the Construction Certificate **prior to the issue of any Construction Certificate**.

(Reason: Statutory Compliance)

52. DACCK03 - Energy Australia Requirements

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

(Reason: Statutory requirement)

53. DACCK07 - Fire Hydrant Booster Assembly

In order to ensure an overall high quality finish and streetscape presentation, details of the location, enclosure and landscaping treatment to the fire hydrant booster assembly are to be submitted to, and approved by Council, prior to the issue of a Construction Certificate.

(Reason: Streetscape amenity)

54. DACCL01 - Detailed Stormwater Drainage System Design

Prior to the issue of the Construction Certificate a detailed stormwater drainage plan for the safe disposal of stormwater from the site, prepared in accordance with Council's "Appendix 2 – Engineering Specifications of the Canada Bay Development Control Plan" and the approved stormwater plan shall be submitted to the Principle Certifier. The detailed stormwater drainage plan shall be designed and certified by a Professional Civil Engineer whose qualifications are recognised by, and who is a current member of, Engineers Australia.

The following shall also be addressed:

- i. Full detailed design drawing including cross-section and construction of basement pump-out system and tank shall be prepared by a practising civil engineer in accordance with Council's DCP, Appendix 2 – Engineering Specification.
- ii. Specification of the proposed basement pump-out (i.e., brand and model), diameter and class of rising main/s from pump out system and associated pump curve shall be shown on the stormwater plan.
- iii. Location of a "pump failure warning sign" and flashing strobe light shall be indicated on the Drawing.
- iv. Cross-section detail for the proposed tank for 5 Full Height Stormfilters on western boundary shall be shown on the stormwater plan.

Important Note: 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.

(Reason: Stormwater management)

55. DACCL02 - Certification of the Stormwater Drainage System Design

Certification of the proposed stormwater design shall be obtained from a Professional Civil Engineer whose qualifications are recognised by, and who is a current member of, Engineers Australia and shall certify that the proposed stormwater drainage system has been designed in accordance with Council's "Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan". The certified design shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate**.

(Reason: Adequate stormwater management)

56. 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)

57. DACCL05 - Grated Drain to Garage

A grated trench drain shall be provided across the bottom of driveway to basement. Unless otherwise designed by a Qualified Civil Engineer, the dimensions of the trench grate shall not be less than 200mm wide by 150mm deep at the shallow end, and have a "bottom" slope of 2 %. This trench drain shall be connected to an approved drainage

system. The grated drain calculation shall be in accordance with AS/NZS3500.

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

(Reason: Environmental protection)

58. DACCL06 - Rainwater Harvesting

A rainwater harvesting system shall be provided in accordance with either the BASIX minimum requirements, any relevant Council Rainwater Re-use Policy and/or “Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan”, whichever is applicable. A detailed stormwater plan showing the proposed re-use system shall be submitted and approved by Council or an Accredited Certifier **prior to the issue of the Construction Certificate.**

(Reason: Compliance and Amenity)

59. DACCL07 - Silt Arrestors and Gross Pollutant Traps

Silt and gross pollutant traps shall be fitted in all stormwater pits, designed in accordance with Council’s “Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan” and to the satisfaction of Council or an Accredited Certifier. Details are to be submitted with the design **prior to the issue of the Construction Certificate.**

(Reason: Environmental Protection)

60. DACCM01 - Dilapidation Report

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

The Dilapidation Report is to be prepared by a suitably Qualified Chartered Professional Civil or Structural Engineer with current Institution of Engineers, Australia Corporate Membership and registered on the National Engineers Register (NER) or Geotechnical Practitioner.

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

A copy of this Report shall be submitted to the owners of all properties inspected and Council as a record.

The person having the benefit of the development consent must, at their own cost,

rectify any damage caused to other properties during the construction of the project.

(Reason: Safety)

61. DACCM02 - Geo-technical Report

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 to rock, or preferably the drilling of cored boreholes (to 1m below the proposed final excavation level). The report shall describe inter alia:-

- (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 seepages;
- (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.

(Reason: Structural safety)

62. DACCM04 - Support and Protection for Neighbouring Buildings

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

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

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

(Reason: Structural safety)

63. DACCN01 - Electricity Connection

Provision must be made for connection to future underground distributions mains. This must be achieved by installing:

- An underground service line to a suitable existing street pole; or

- Sheathed underground consumers mains to a customer pole erected near the front property boundary (within 1 metre)
- Note:** A limit of one (1) pole per site will apply.

Details are to be submitted **with the application for a Construction Certificate.**

(Reason: Environmental Amenity)

64. DACCN02 - Electricity Substation

Any required electricity substation must be located within the boundaries of the site. Documentary evidence of compliance, including correspondence from the energy authority is to be provided to the Accredited Certifier **prior to the issue of a Construction Certificate** detailing the energy authority's requirements.

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

(Reason: Access to utility)

65. DACCN03 - Telecommunications

Provision must be made for relocation of telecommunications network assets including underground placement of any existing aerial cables and infrastructure. Any costs associated with the relocation of the above are at the requestor's expense.

Should you need to discuss access to or relocation of any Telstra assets please contact Telstra's Network Integrity team by email F1102490@team.telstra.com or by phone: 1800 810 443 (opt1).

Details are to be submitted **with the application for a Construction Certificate.**

(Reason: Environmental Amenity)

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

66. DAPCA03 - Protection of Landscape Features

To limit the potential for damage to the following trees to be retained (as identified in the approved Arboricultural Impact Assessment, prepared by New Leaf, dated 18 December 2019), the area beneath their canopies must be fenced **prior to the commencement of demolition, excavation or building works**. The trees include:

- As identified in the approved Arboricultural Impact Assessment, prepared by New Leaf, dated 18 December 2019:

i. Trees 1, 2, 3, 4, 5 & 6

The fencing must extend beyond the trees trunk to the satisfaction of the Arborist, be kept in place until the completion of the building works and be marked by appropriate signage notifying site workers that the tree is to be retained and protected. The fencing should be a minimum of 1800mm high chain link fencing. All fencing shall be maintained for the duration of the construction works.

All areas within the perimeter of the safety fencing shall be covered with woodchip mulch to a depth of 100mm (or where steep grades prevent this, the area shall be protected with a suitable material) to facilitate moisture levels. Adequate soil moisture must be maintained during the course of the construction works through the implementation of a permanent or temporary automatic drip irrigation system.

(Reason: Protection of trees to be retained)

67. DAPCA04 - Removal of Trees

The following trees are approved for removal:

- As identified in approved Arboricultural Impact Assessment prepared by New Leaf Arboricultural Impact Assessment, dated 18 December 2019, including:

i. Tree numbers 8, 9, 12, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, & 27

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

Any trees approved to be removed shall be indicated on architectural and landscape plans **prior to issue of a Construction Certificate.**

Trunk protection to applicable trees, as identified in approved Arboricultural Impact Assessment, must be in place **prior to the commencement of any works.**

(Reason: Compliance with consent and tree protection)

68. DAPCB01 - Appointment of Principal Certifying Authority

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

- (a) A construction certificate for the building work has been issued by:
 - (i) the consent authority; or
 - (ii) an accredited certifier; and
- (b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifying authority for the building work, and
 - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and

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

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

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

(Reason: Statutory requirements)

69. 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)

70. DAPCB04 - Home Building Compensation Fund

No residential building work within the meaning of the *Home Building Act 1989*

may commence until:

- (a) A contract of insurance in accordance with Part 6 of the Home Building Act 1989 is entered into and in force, where such a contract is required under that Act (this is a prescribed condition of consent pursuant to clause 98 1(b) *Environmental Planning and Assessment Regulation 2000*;
- (b) The PCA is satisfied that the principal contractor for the work is the holder of the appropriate licence and is covered by the appropriate insurance, in each case if required by the Home Building Act 1989 (unless the work is to be carried out by an owner-builder);
- (c) If the work is to be carried out by an owner builder, that the owner builder is the holder of any owner-builder permit required under the *Home Building Act 1989*;
- (d) Written notice of the following information has been provided to Council (this is a prescribed condition of consent pursuant to clause 98B of the *Environmental Planning and Assessment Regulation 2000*):
 - (i) In the case of work for which a principal contractor is required to be appointed:
 - The name and licence number of the principal contractor, and
 - The name of the insurer by which the work is insured under Part 6 of the *Home Building Act 1989*,
 - (ii) In the case of work to be done by an owner-builder:
 - The name of the owner-builder, and
 - If the owner-builder is required to hold an owner-builder permit under the *Home Building Act 1989*, the number of the owner-builder permits.

Where Council is not the PCA, the PCA is responsible for notifying Council of the above matters.

Where arrangements for doing residential building work change **while the work is in progress** so that the above information becomes out of date, the PCA (where not the Council) must provide Council with written notice of the updated information.

(Reason: Statutory requirement)

71. 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)

72. **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)

73. **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)

74. **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)

75. DAPCB10 - Notice of Requirements from Sydney Water

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through Sydney Water or an authorised Water Servicing Coordinator (WSC). An assessment will be made to determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains. Please refer to Sydney Water's website at www.sydneywater.com.au/section_73 or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

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

The Notice of Requirements must be submitted to the Accredited Certifier **before the commencement of works**. A Section 73 Compliance Certificate must be obtained before the issue of an Occupation Certificate.

(Reason: To comply with statutory requirements)

76. 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)

77. 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)

78. 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.

Tree works shall be undertaken in accordance with the approved New Leaf Arboricultural Impact Assessment dated 18 December 2019.

Prior to commencement of any works, the Principle Certifying Authority shall ensure to the satisfaction of Council that:

- i. Tree sensitive design and construction is provided for the six Council-owned street trees (identified as Trees 1, 2, 3, 4, 5 & 6) of Medium-High significance. These trees will have major encroachments from the proposed works within their TPZ areas, and will require measures and tree protection devices to sustainably retain the trees.
- ii. Modifications to finished landscape levels are provided to avoid excavation in the TPZ, as well as tree protection measures during works on site to one tree (identified as Tree 31), located on a neighbouring property. This tree will have a major encroachment from the proposed development.

(Reason: Tree Preservation and Protection)

Conditions which must be satisfied during any development work

79. 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)

80. 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)

81. 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)

82. DADWA05 - Excavation - Water

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

(Reason: Health and safety)

83. **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)

84. **DADWA07 - Alterations/removal of services**

The applicant to arrange with the relevant public utility authority for the alteration or removal of any affected services in connection with the development. Any such work being carried out at the applicant's cost.

(Reason: Asset Protection)

85. **DADWB02 - Acid Sulphate Soils**

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

(Reason: Environmental protection)

86. **DADWB02B - Acid Sulphate Soils Consultant's Report**

All recommendations made in the Acid Sulfate Soils Assessment dated 19 November 2019 prepared by EI Australia must be implemented must be implemented. Any change made to the site that that will or is likely to impact the recommendations of the Preliminary Site Investigation will require a further assessment and is to be provided to Council prior to the commencement of works.

(Reason: Compliance and Environmental Protection)

87. **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)

88. **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)

89. 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)

90. 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.)

91. DADWC01 - Contaminated Land Unexpected Finds

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

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

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

(Reason: To ensure compliance with Statutory Requirements)

92. DADWC08 - Excavation Pump-out

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

Soils and Construction).

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

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

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

(Reason: Environmental Amenity)

93. **DADWC09 - Compliance with Detailed Site Investigation Report**

All recommendations provided within the Detailed Site Investigation prepared by EI Australia dated 19 November 2019 report no: E24421.E02_Rev0. are to be adopted, implemented and adhered to, including but not limited to:

- i. A hazardous Materials Survey should be completed by a suitably qualified and experienced consultant, before commencement of demolition works, to identify any hazardous materials present within the building structure. All identified hazardous material must be appropriately managed to maintain worker health and safety during site construction works;

Following demolition, a Clearance Inspection and Certificate should be prepared by a suitably qualified and experienced consultant demonstrating:

- ii. Soil materials being removed from site (including virgin excavated natural material or VENM) as part of any excavation works are to be classified for off-site disposal in accordance with EPA (2014) Watse Classification Guidelines;
- iii. Any materials being imported to the site (ie for landscaping purposes) should be assessed for potential contamination in accordance with NSW EPA guidelines as being suitable for the intended use or ne classified as VENM and
- iv. Should unexpected contamination (i.e. hazardous material including asbestos, UST, odorous and stained soil) be identified during redevelopment, all works should cease and a suitability qualified environmental consultant engaged to suitably address the issue.

The Principal Certifying Authority (PCA) shall obtain a certificate from an appropriately qualified environmental consultant stating that all recommendations outlined in the above stated report have been completed **prior to issue of occupation certificate** and a copy of this requirement to be submitted Council.

(Reason: Compliance and Environmental Protection)

94. **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)

95. **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)

96. **DADWE07 - Tree Preservation - Excavation Within Critical Root Zone**

To minimise disturbance to retained trees, no excavation shall take place within the critical root zone (CRZ)*, measured as a radius from the centre of the trunk of the tree. Excavation may occur between the critical and primary root zones (PRZ)*, but only by hand under the supervision of an experienced arborist.

In the event that major structural or feeder roots (>50mm in diameter) are encountered between the critical and primary root zones, the consulting arborist is to recommend and or implement appropriate measures to ensure the long term retention of the tree. If these measures involve structural alterations to the building or work, such measures must be certified by a practicing structural engineer that the modified plans comply with the relevant Building Code of Australia and/or Australian Standards. (Note: Council's Landscape Architect or Tree Management Officer maybe contacted for advice regarding appropriate tree protection measures).

* critical root zone = 5 x trunk diameter 1400mm from ground level (measured as a radius from the centre of the trunk).

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

(Reason: Tree preservation)

97. 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)

98. 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)

99. DADWF03 - Noise & Vibration

The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and

cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

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

(Reason: Noise attenuation)

100. **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)

101. **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)

102. **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)

103. **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)

104. **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)

105. **DADWH07 - Inspection of on-site stormwater detention**

The stormwater drainage works are to be inspected during construction, by the Council if Council appointed as the Principle Certifier or by a suitably qualified Civil Engineer. Documentary evidence of compliance with Council's specifications shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:

On-site Stormwater Detention:

- (a) Initial inspection to discuss concept and site conditions/constraints prior to

commencement of the construction of the detention basin/tank.

- (b) Prior to pouring of the roof of the detention tank.
- (c) After completion of storage but prior to installation of fittings (e.g. Orifice plates, screens, flap valves etc.)
- (d) Final Inspection.

Council's standard inspection fee will apply to each of the above set inspection key stages. Additional inspection fees will apply for additional inspections required to be undertaken by Council.

Stormwater quality Improvement devices:

- (a) Initial inspection to discuss concept and site conditions/constraints prior to commencement of the construction of the improvement devices.
- (b) After completion of storage but prior to installation of **fittings** (e.g., Screens, Filters etc.)
- (c) Final Inspection prior to issuing the relevant certificate.

Council's standard inspection fee will apply to each of the above set inspection key stages. Additional inspection fees will apply for additional inspections required to be undertaken by Council.

(Reason: To ensure compliance with approved plans)

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

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

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

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

(Reason: To ensure compliance with approved plans)

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

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

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

- a) A certificate of compliance from a Professional Civil Engineer whose qualifications are recognised by, and who is a current member of, Engineers Australia, and
- b) “Works - As - Executed” drawings of the engineering works prepared by a Registered Surveyor.

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) all works within the road reserve which are subject to approval pursuant to Section 138 of Road Act 1993, 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.

Two (2) copies of the above documents are to be provided to Council **prior to the issue of any Occupation Certificate**.

(Reason: Asset management)

108. **DAOCB02 - Strata Subdivision Approval**

This approval does not include approval to strata subdivide the subject property. Should strata subdivision of the property be sought, a **separate development application** must be submitted to Council for approval **prior to occupation and/or use of the building/s**.

(Reason: Information)

109. **DAOCB03 - Street Numbering Strategy**

The Principal Certifying Authority must be satisfied that the Council approved Street Numbering Strategy has been carried out on site **prior to the issue of any Occupation Certificate**.

The approved Street Numbering Strategy must not be altered in any way without prior consent of Council.

(Reason: Compliance)

110. **DAOCC01 - Civil Works on the Footway and Road Reserve**

The Applicant is required to carry out the following works:

- Reconstruct sections of cracked or defective footpath along the full frontage of the site, and/or
- Reconstruct existing public drainage pit/pipe system, and/or
- Construct a new vehicular crossing, and/or
- Remove any redundant vehicular crossings and replace with kerb and gutter to match the adjoining.

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

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

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

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

111. **DAOCC02 - Construction of Concrete Footpath**

A minimum of concrete footpath of width **1.8** metres shall be reconstructed to replace/reinstate across the **full length** adjacent to the front of the property in accordance with Section 138 approval.

The above works must be constructed **prior to the release of any Occupation Certificate.**

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

Where the applicant would like Council to undertake the civil and stormwater works, they should contact Council's Roads and Traffic Section to obtain an estimated cost of construction and contract to undertake the works.

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

112. **DAOCC03 - Construction of Concrete Kerb and Gutter**

Standard 150mm high concrete kerb with gutter shall be constructed (to replace/across the) (damaged sections/full length) adjacent to the (front/front and side) of the property.

The above works must be programmed and constructed **prior to the issuing of any Occupation Certificate.**

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

Where the Applicant would prefer Council to undertake the civil and stormwater works, they should contact Council's Manager Construction, City Services to obtain an estimated cost of construction and contract to undertake the works.

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

113. **DAOCC04 - Vehicular Crossings**

Prior to the issue of the Occupation Certificate, a letter of completion of works in relation to vehicular crossing and footpath area shall be obtained from Council and submitted to the Principal Certifier. Vehicular crossing/s shall be constructed in accordance with Council requirements under Driveway Location application approval. All disused or redundant vehicle crossings, laybacks and stormwater outlet 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.

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

114. **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)

115. **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

116. 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)

117. DAFOA02 - Certificate of Test of Mechanical Ventilation

On the satisfactory completion of work and **prior to the issue of an Occupation Certificate**, a Certificate of Test of Mechanical Ventilation shall be supplied to the Principal Certifying Authority from an approved mechanical ventilation engineer.

(Reason: To ensure compliance with approved plans)

118. DAFOE01 - Certification of the Constructed Stormwater Drainage System

The constructed stormwater drainage system, on-site stormwater detention (OSD) system, stormwater quality improvement devices and Mechanical pump-out system shall be certified by a Professional Civil Engineer whose qualifications are recognised by, and who is a current member of, Engineers Australia, as being designed and installed in accordance with the approved plan and Council's Appendix 2 – Engineering Specifications of the Canada Bay Development Control Plan, prior to issue of the Occupation Certificate.

(Reason: Adequate stormwater management)

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

Prior to occupation and the issuing of an Occupation Certificate, the documents giving effect to the creation of Positive Covenant and Restriction on Use of Land over the constructed on-site stormwater detention (OSD) system, stormwater quality improvement devices (SQID) and 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. The wording of the terms of the Positive Covenant and Restriction on use of land shall be in accordance with Council's "Appendix 2 – Engineering Specifications of the Canada Bay Development Control Plan" for ensuring the system is ongoing retention, maintenance and operation of the stormwater drainage and storage facility in accordance with the approved drawings and Council's requirement.

NOTE: Prior to release of the documents, the benefiting authority shall be satisfied that the as constructed On-Site Detention system, stormwater quality improvement devices and Mechanical pump-out system are in accordance with the approved drawings and Council requirements.

(Reason: Compliance and adequate maintenance of drainage system)

120. **DAFOE03 - OSD Identification Plate**

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

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

121. **DAFOE04 - Maintenance Schedule of on-site stormwater detention**

Prior to occupation and the issuing of an Occupation Certificate, a maintenance schedule for the stormwater drainage, On-site Stormwater Detention system and stormwater quality improvement devices, including a sketch plan of the components forming the sites stormwater drainage and On-Site Stormwater Detention system and stormwater quality improvement devices shall be submitted. The maintenance schedule shall be prepared by a qualified stormwater/hydraulic engineer.

(Reason: adequate maintenance of drainage system to achieve positive covenant)

122. **DAFOG01 - Prospective Owners/Tenants - Ineligible for Parking Permits**

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 purchasers 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.

(Reason: To ensure that prospective residents and/or tenants are aware that on-site parking is available in the building and that no on-street parking permits will be issued by Council.)

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

123. **DAOUA14 – Loading, Unloading and Waste Collection**

All resident loading, unloading and waste collection operations shall be carried out wholly within the confines of the site, at all times. All vehicles shall enter and leave the site in a forward direction.

(Reason: Adequate servicing)

124. **DAOUA30 - Vehicle Access**

All vehicles are to enter and exit the site in a forward direction.

(Reason: Traffic and pedestrian safety)

125. **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)

126. **DAOUB02 - Ongoing Waste Management**

- i. All waste is to be stored in a way that does not pose an odour nuisance, threat to public health or the environment at all times.
- ii. The property owner and / or occupiers are responsible for presenting the bins to the bin servicing area and returning them to the waste storage facility.
- iii. The property owner and / or occupiers shall present the waste and recycling bins for servicing no earlier than the night before their scheduled collection day and shall promptly return them to the bin storage area on the day of servicing prior to midnight.

(Reason: Waste Management)

127. **DAOUC05 - Microbial Control**

The installation and ongoing operation of the water cooling systems, evaporative

coolers and hot/warm water systems within the premises shall be undertaken in accordance with the relevant provisions of:

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

(Reason: Health and safety)

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

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

(Reason: Environmental protection)

129. **DAOUC08 - Registration of Water Cooling and Warm Water Systems**

Prior to the issue of an Occupation certificate a Cooling Tower and Warm Water System (Regulated Systems) Registration Form must be completed and submitted to Council. This form is available online at www.canadabay.nsw.gov.au. In the instance details on the original registration form change, Council is to be notified of the change within seven (7) days of the change occurring.

(Reason: Registration and notification to relevant authorities)

130. **DAOUC12 - Acoustic Assessment**

All recommendations contained in the approved acoustic assessment report shall be adopted, implemented, and adhered to. **The Principal Certifying Authority (PCA) shall obtain a statement from an appropriately qualified acoustic consultant, certifying that the acoustic mitigation measures outlined in the above stated report have been suitably incorporated into the development and that relevant noise criteria have been satisfied prior to the issue of any Occupation Certificate.** Any changes made to the proposal that would alter the acoustic assessment will require a further acoustic assessment and a copy of this further report shall be provided to Council **for approval prior to the commencement of works.**

(Reason: Noise Control and Amenity)

131. **DAOUC13 - Further Acoustic Assessment**

Following occupation of the building/premises, should it be found that the measures recommended in the acoustic assessment are not sufficient, or have been incorrectly 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.

(Reason: Noise Control and Amenity)

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

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

(Reason: Noise Control and Amenity)

133. **DAOUC16 - Noise Complaints - General**

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

(Reason: Noise Control and Amenity)

134. **DAOUC18 - Noise - air conditioners in residential buildings**

The air conditioner/s must comply with the requirements of *Protection of the Environment Operations (Noise Control) Regulation 2017* and shall not:

(a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):

(i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or

(ii) before 7.00am and after 10.00pm on any other day; or

(b) emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those *specified* in (i) and (ii) above, which exceeds the background (LA90,15minutes) by more than 5dB(A).

The source noise level must be measured as a LAeq 15 minute.

(Reason: Noise Control and Amenity)

135. **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)

136. **DAOUC20 - Waste Management Plan**

The demolition, construction, and ongoing waste management activities related to this development shall be undertaken in accordance with the relevant provisions of Council's Development Control Plan. A copy of this document is available from Council's Customer Service Centres during office hours.

The Development Control Plan requires submission of a detailed Waste Management Plan (WMP) for the proposed development. Details relating to each stage of the development such as demolition (where applicable), construction, and the ongoing waste disposal from the occupied premises shall be included in the WMP. The WMP must identify the types of waste that will be generated and all proposals to re-use, recycle or dispose of the waste.

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

(Reason: Waste Management Control)

137. **DAOUD03 - Visitor Parking Restriction**

All visitor parking spaces must not at any time be allocated sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation.

(Reason: Compliance)

138. **DAOUD04 - Australia Post Guidelines**

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

(Reason: To ensure compliance with mail delivery regulations)

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) **DAANN02 - Dividing Fences**

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

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

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

c) **DAANN03 - Footway Lease - Business Use of Footpath**

The operator of an approved business must apply to Council to lease Council's property (i.e. footways, plazas, or portions of public ways) should it be required for use in conjunction with the approved business.

The use of any footpath area for the purposes of additional dining to the approved business requires separate Council approval by application under section 125-127 & 137-139 of the *Roads Act, 1993* prior to the commencement of any such use.

A leasing fee will apply to the use of Council's property. The lease must be executed upon commencement of the operation of the refreshment room and is required to be renewed annually.

d) **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.**

e) **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.

f) **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 to and Council must determine that request within a period of 6 months from the date of determination shown on this notice. A fee, as prescribed under Council's current Management Plan - Fees and Charges, is payable for such a review.

g) **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.

h) **DAANN10 - Skips on Council Footpath**

The applicant must apply to Council's Customer Services Centre and pay the respective minimum ten (10) day application fees and deposit, should a mini-skip type or larger builder's waste container be required to be left on Council's footpath, nature strip or roadway for the removal of any builder's waste etc. These fees must be paid prior to the container's placement. In the event of the container being removed within the ten day period, and the Council being notified, a pro-rata refund will be made. If

the container is to remain at the site for longer than ten days, a further fee must be paid before the ten day period expires. No consultation is necessary if placing the container within the property to which this application is related. However, caution should be exercised in placing the bin to ensure no damage occurs to Council property.

i) **DAANN11 - WorkCover Requirements**

The Work Health and Safety Act 2011 and subordinate regulations, codes of practice and guidelines control and regulate the development industry.

Further information can be obtained from WorkCover NSW's website at <http://www.workcover.nsw.gov.au/newlegislation2012/your-industry/construction/Pages/default.aspx> or through their head office: WorkCover NSW, 92-100 Donnison Street, GOSFORD 2250 Postal address: WorkCover NSW, Locked Bag 2906, LISAROW 2252, Phone (02) 4321 5000, Fax (02) 4325 4145.