



CANADA BAY LOCAL PLANNING PANEL

AGENDA

*Council Chambers
Canada Bay Civic Centre
1a Marlborough Street
Drummoyne*

30 January 2019



Dear Canada Bay Local Planning Panel Member,

A meeting of the Canada Bay Local Planning Panel will be held in the Council Chambers, Canada Bay Civic Centre, Drummoyne, on 30 January 2019.

AGENDA

1. Apologies
2. Disclosures of Pecuniary and Non-Pecuniary Interest
3. Reports

Panel Chairperson

30 January 2019

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**ITEM 1 ADDENDUM REPORT; 380 GREAT NORTH ROAD,
ABBOTSFORD (DA2018/0162); ALTERATIONS AND
SINGLE STOREY ADDITION AND CHANGE OF USE TO A
48 PLACE CHILDCARE CENTRE WITH 5 CAR SPACES**

Department Community and Environmental Planning

Author Initials: SRA

BACKGROUND

On the 28 November 2018 the Canada Bay Local Planning Panel considered a development application for the *alterations and single storey addition and change of use to a 48 place childcare centre with five car spaces*, with the following resolution made:

1. The Applicant is to undertake a patch test on the exterior walls of the heritage item to determine whether existing render can be removed from Chatham House without damaging the facebrick. If the render cannot be removed without causing irreparable damage to the original facebrick, then a suitable sympathetic paint finish shall be proposed. The clarification on the suitability of the facebrick may result in an amended colours and materials schedule. Detail of any revised schedule is to be provided and is to be complimentary and sympathetic to the heritage building.
2. Review the access and car parking layout to investigate options to retain the existing stairs and posts servicing the eastern verandah of Chatham House.
3. To: (a) avoid the potential conflicts between visitors to the Centre and children accessing the outdoor play areas; and (b) to minimise the height of fencing required along the eastern side of the eastern verandah, extending up to Walton Crescent, the Applicant is to provide internal access from classroom 2-3 and classroom 3-5 to their outdoor play area. An internal access corridor could extend between Cot 2 and Classroom 1-2 to the outdoor area.
4. The new access corridor that is provided (as outlined in Point 3 above), will negate the need for children to access the outdoor play area via the verandah. As such, the height of the fencing to the eastern edge of the verandah is to be lowered to the minimum height required to satisfy the childcare regulation and the acoustic standards.
5. The south-western corner and blade element of the building shall be setback to align with the front wall of 2 Chatham Place.
6. In order to ensure safety of children in the south-western corner of the outdoor play area for 0-2 year olds, an investigation is to be undertaken by an appropriately qualified person of the maximum drop zone likely to be impacted by fronds falling from the Canary Palm located within the front setback of 2 Chatham Place. This may necessitate the installation of an

internal fence to position the children's play area away from the Canary Palm Tree and the southern boundary.

7. In any event, a minimum setback of 2.3metres is to be provided between the southern boundary and the children's play area and associated fencing.
8. As far as practicable, provide a consolidated set of amended plans to satisfy Schedule A of the draft deferred commencement conditions (repeated below):

Deferred Commencement Conditions

Heritage Conservation

1. The applicant shall prepare and submit a Conservation Management Plan which identifies all of the conservation works to be completed onsite, including but not limited to:
 - Reinstatement of original external wall finishes being face brick (currently painted)
 - Reinstatement of original stair configuration
 - Removal of 1971 first floor kitchen bay addition
 - Interior joinery painted in a dark paint to emulate original stained timber
 - Retain and restore original wire front fence along Great North Road and Walton Crescent street frontage
2. The glazed entry area and roof shall be amended to be setback a minimum of 200mm behind the eastern wall (not verandah) of Chatham House and to align with the northern wall of Classroom 2-3.
3. The bin enclosure located in the northeastern corner of the site shall be deleted and relocated within the northeastern footprint of Classroom 2-3 with a floor level to match the adjoining external pathway. The landscape plans shall be amended to provide replacement low level shrub style soft landscaping in the former bin area.
4. The sliding carpark entry gate shall be amended to a pair of hinged gates or deleted. If hinged gates are proposed then a detail of the hinged driveway gates shall be submitted for consideration. No gate shall open outside the property.
5. A detail showing the location, size and design of the car space traffic management device shall be submitted for consideration. The device is to be kept to a minimise size so as not to be visually obtrusive from the public domain.
6. The new pedestrian entry gate from Walton Crescent is to be constructed of a steel frame and woven wire gate to match the original woven wire front fence. A detail of the pedestrian entry gates on Walton Crescent shall be submitted for consideration.
7. The outdoor play area between the northern edge of the verandah and Walton Crescent shall be deleted. The 2.1 metre high acoustic fencing is to be relocated so that it is setback 300mm from the western edge of the verandah and finishes 300mm behind the northern wall (not verandah) of Chatham House. This will facilitate a reduction in the height of fencing and glass

acoustic screen along the western edge of the car parking area to a maximum of 1.6m [Note: the height of this fencing is to be further reduced having regard to the revised acoustical environment arising from the internalisation of access to the children's play area].

8. The applicant shall obtain the consent of the adjoining property owner/s to reconstruct the existing dividing fence along the eastern and southern boundary in a design and style which would match the existing fence and to achieve a minimum height of 1.8 metres measured from the subject site. If consent is not granted then the applicant shall construct a 1.8m high lapped and capped timber fence along the eastern and southern boundary that is independent of the existing fence and located entirely within the property boundary of the site. Either fence option that is to be installed is to be designed/treated in accordance with the requirements of the acoustic engineer.
9. The Grasscrete car parking finish shall be replaced with the adjoining porous bedded gravel finish. The car parking spaces shall be marked using imbedded markers.
10. The vehicular crossing on Great North Road shall be removed and reinstated with kerb and gutter, turf and footpath. The acoustic timber gates shall be deleted and replaced with the adjoining front fence, hedge and acoustic fence detail.
11. In accordance with the Rodney Stevens Acoustics letter, R160637R1, dated 12/11/18, the deck located in the southwestern corner of the site shall be lowered to match the existing ground levels. A 1.8metre high fence shall be provided along the southern boundary in accordance with item 8 of Schedule A of this Deferred Commencement approval.
12. The acoustic fencing to the north of Classrooms 2-3 shall be deleted or lowered to a height no greater than 1.6metres above the height of carpark access ramp. An amended acoustic report is to be submitted detailing acoustic treatments to the northern elevation of Classroom 2-3 to achieve compliance with the EPAs (Industrial Noise Policy) and the Association of Australian Acoustical Consultants *Technical Guideline Child Care Centre Noise Assessment*.
13. In accordance with the Rodney Stevens Acoustics letter, R160637R1, dated 12/11/18, the northern and eastern facing glazing of Classroom 3-5 shall remain closed and an internal framed 6mm thick glass pane installed within the brick reveal. Details of the internal frame shall be submitted for consideration.
14. Full details of all structures, play equipment, storage areas and finishes to be installed or constructed within the outdoor play areas shall be submitted for consideration. The softfall finish identified on the landscape plan shall be deleted and replaced with turf.

REPORT

On the 26 December 2018 the applicant submitted amended plans and additional information in response to the above resolution, with each item of the Panel's resolution considered individually below:

1. The Applicant is to undertake a patch test on the exterior walls of the heritage item to determine whether existing render can be removed from Chatham House without damaging the facebrick. If the render cannot be removed without causing irreparable damage to the original facebrick, then a suitable sympathetic paint finish shall be proposed. The clarification on the suitability of the facebrick may result in an amended colours and materials schedule. Detail of any revised schedule is to be provided and is to be complimentary and sympathetic to the heritage building.

The applicant completed a patch test which confirmed that the facebrick is a mid-light brown as shown on the photograph provided in the amended schedule of colours and materials (DA.701, Rev. D, 05.12.18). The rear addition will be finished in vertical timber boards painted in a cream colour and natural vertical timber boards. These colours and materials are considered to be complementary and sympathetic to Chatham House.

The applicant has not confirmed if the existing render can be removed without damaging the original facebrick, however, if the render cannot be removed then Council would support a sympathetic paint finish that matched the colour of the original facebrick. As such the following condition is recommended and must will be required to be satisfied prior to any paint being applied:

The Applicant is to undertake a patch test on the exterior walls of the heritage item to determine whether the existing render can be removed from Chatham House without damaging the facebrick. If the render cannot be removed without causing irreparable damage to the original facebrick, then a sympathetic paint finish which matches the colour of the original facebrick shall be submitted to Council for approval prior to the paint being applied.

2. Review the access and car parking layout to investigate options to retain the existing stairs and posts servicing the eastern verandah of Chatham House.

The stairs and posts can only be retained if the southern car space is reduced to a small space with vehicles required to complete a 3-point turn to access and leave the space. In this instance a small car space will not be supported by Council's Traffic Engineer as the efficient operation of the car park is fundamental to ensuring that the proposed child care use will not unreasonably impact on the kerbside parking within the area. Further, the low stair posts would not be visible to drivers and may be struck by turning vehicles.

The applicant has provided a sketch (Figure 1 below) which includes partial demolition of the stair posts to facilitate a full size car space and the required vehicle manoeuvring. The stair posts would be lowered so that they have a maximum height of 150mm to prevent vehicles colliding with it. It is considered that the partial

demolition is acceptable as the extent of the original stairs would still be understood within the context of Chatham House. The stairs would not have any functional use as they are not required for access to the centre.

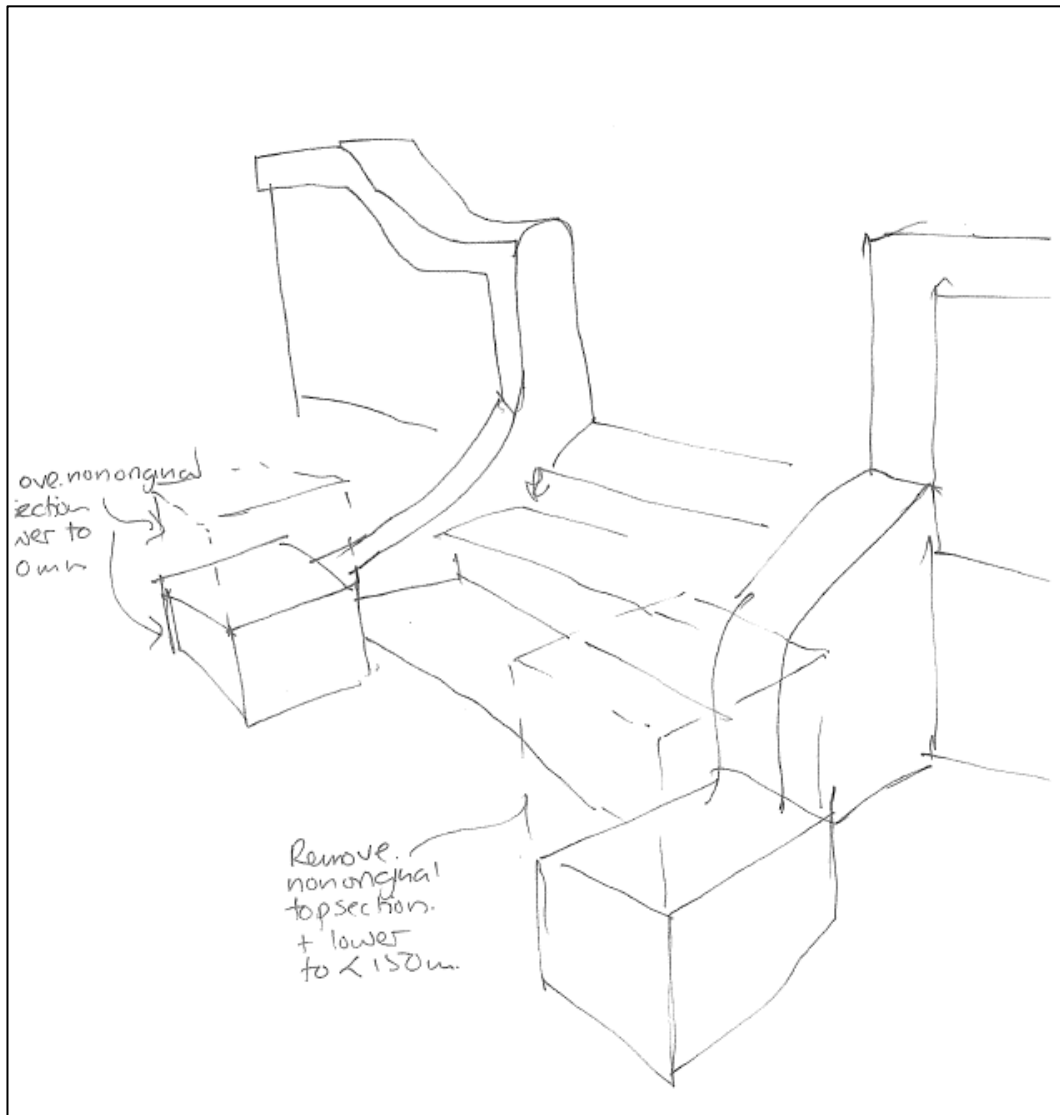


Figure 1: Sketch of eastern verandah stair (Source: Applicant)

This sketch has been included as part of the approved plans within condition No. 1 of the recommendation of this report.

3. To: (a) avoid the potential conflicts between visitors to the Centre and children accessing the outdoor play areas; and (b) to minimise the height of fencing required along the eastern side of the eastern verandah, extending up to Walton Crescent, the Applicant is to provide internal access from classroom 2-3 and classroom 3-5 to their outdoor play area. An internal access corridor could extend between Cot 2 and Classroom 1-2 to the outdoor area.; and
4. The new access corridor that is provided (as outlined in Point 3 above), will negate the need for children to access the outdoor play area via the verandah.

As such, the height of the fencing to the eastern edge of the verandah is to be lowered to the minimum height required to satisfy the childcare regulation and the acoustic standards.

With regard to the above parts of the Panel's resolution, it is noted that the internal layout of the centre has been amended to provide an internal corridor from classroom 2-3 and classroom 3-5 to the outdoor play area. The pedestrian access path for the centre has been relocated along the eastern boundary of the site. This path has been stepped in 2m from the eastern boundary to prevent any conflict between pedestrians accessing the centre and vehicles exiting Chatham Place.

These amendments will provide a single point of access for visitors to the centre which is completely separate from children accessing the outdoor play area.

The applicant has submitted a letter from Rodney Stevens Acoustics (10/12/18) which states that, with the amended access and layout, the acoustic fencing along the eastern edge of the verandah can be lowered if the northern and eastern façade of Classroom 3-5 remains closed with separate 6mm internal glazing provided. The applicant has submitted a letter from Early Education Solutions which states that a minimum 1.2m high fence would be required to negate any potential child safety issues.

The applicant has amended the plans to provide a 1.2m high frameless glass finish to the inside edge of the verandah and extending up to Walton Crescent. The reduction in the height of the fencing and change to a frameless glass system would negate the previous heritage concerns and on balance is considered acceptable.

The deferred commencement condition no. 13 remains in the recommendation to ensure that a detail of the separate internal glazing is submitted to Council for review and approval.

5. The south-western corner and blade element of the building shall be setback to align with the front wall of 2 Chatham Place.

The proposal has been amended on DA.302, Rev. G, 09.01.19 so that the south-western corner aligns with the front wall of 2 Chatham Place.

6. In order to ensure safety of children in the south-western corner of the outdoor play area for 0-2 year olds, an investigation is to be undertaken by an appropriately qualified person of the maximum drop zone likely to be impacted by fronds falling from the Canary Palm located within the front setback of 2 Chatham Place. This may necessitate the installation of an internal fence to position the children's play area away from the Canary Palm Tree and the southern boundary.
7. In any event, a minimum setback of 2.3metres is to be provided between the southern boundary and the children's play area and associated fencing.

In response to the two points of the resolution above, the applicant has obtained advice from the consulting arborist Kyle Hill stating that the Canary Palm can be suitably managed through annual pruning to remove dead flowers, fruits and fronds.

To address this matter, the following condition has been included within the recommendation of this report:

Subject to access being granted by the adjoining owner/s of 2 Chatham Place, the child care operator shall undertake annual pruning of the Canary Palm located within the front setback of 2 Chatham Place to remove dead flowers, fruits and fronds. All pruning works shall be undertaken in accordance with approved Tree Assessment & Management Statement dated 03.01.19 and undertaken by a qualified arborist.

It is noted that should access not be granted the operators would still be able to prune overhanging elements of this canary palm.

The design of the outdoor play area for the 0-2 year olds has also been amended to provide storage sheds adjacent to the southern boundary (DA.302, Rev G, 09.01.19). This amendment provides a minimum setback of 2.3m from the southern boundary and greater protection from palm fronds.

Ultimately it would be the responsibility of the child care operators to undertake inspections of the facilities including consideration of any risks associated with the Canary Palm.

8. As far as practicable, provide a consolidated set of amended plans to satisfy Schedule A of the draft deferred commencement conditions (repeated below):

It is considered that the amended plans and additional information have satisfactorily resolved the additional matters that were raised in the panel's resolution. The deferred commencement matters are discussed individually below. However, it is noted that where specific matters are not satisfied, the deferred commencement schedule can remain in place as it would afford the applicant with a period of 12 months to satisfactorily resolve these matters with Council.

Deferred Commencement Conditions

Heritage Conservation

1. The applicant shall prepare and submit a Conservation Management Plan which identifies all of the conservation works to be completed onsite, including but not limited to:
 - Reinstatement of original external wall finishes being face brick (currently painted)
 - Reinstatement of original stair configuration
 - Removal of the 1971 first floor kitchen bay addition
 - Interior joinery painted in a dark paint to emulate original stained timber
 - Retain and restore original wire front fence along Great North Road and Walton Crescent street frontage

An amended Conservation Management Plan comprising a Heritage Impact Statement and Conservation Works Schedule has been submitted. This deferred

commencement condition will remain to enable the management plan to be reviewed by Council's Heritage Advisor.

2. The glazed entry area and roof shall be amended to be setback a minimum of 200mm behind the eastern wall (not verandah) of Chatham House and to align with the northern wall of Classroom 2-3.

The entry area has been amended in accordance with this requirement (DA.302, Rev. G, 09.10.19).

3. The bin enclosure located in the northeastern corner of the site shall be deleted and relocated within the northeastern footprint of Classroom 2-3 with a floor level to match the adjoining external pathway. The landscape plans shall be amended to provide replacement low level shrub style soft landscaping in the former bin area.

The bin area has been relocated and replaced by low level shrub style landscaping (DA.302, Rev. G, 09.10.19 & DA.708, Rev. C, 09.01.19).

4. The sliding carpark entry gate shall be amended to a pair of hinged gates or deleted. If hinged gates are proposed then a detail of the hinged driveway gates shall be submitted for consideration. No gate shall open outside the property.

The car park entry gate has been amended to a pair of hinged gates with a solid plinth and woven wire mesh to match the existing original fence (DA.712, Rev. A, 09.01.19)

5. A detail showing the location, size and design of the car space traffic management device shall be submitted for consideration. The device is to be kept to a minimise size so as not to be visually obtrusive from the public domain.

An example of a carpark management device has been provided, however, the specific size and location of the system for this site has not been provided. As a result, it is recommended that this deferred commencement condition be retained.

6. The new pedestrian entry gate from Walton Crescent is to be constructed of a steel frame and woven wire gate to match the original woven wire front fence. A detail of the pedestrian entry gates on Walton Crescent shall be submitted for consideration.

The applicant has submitted a detail of the pedestrian entry gate which includes a solid plinth and woven wire mesh to match the existing original fence (DA.712, Rev. A, 09.01.19)

7. The outdoor play area between the northern edge of the verandah and Walton Crescent shall be deleted. The 2.1 metre high acoustic fencing is to be relocated so that it is setback 300mm from the western edge of the verandah and finishes 300mm behind the northern wall (not verandah) of Chatham

House. This will facilitate a reduction in the height of fencing and glass acoustic screen along the western edge of the car parking area to a maximum of 1.6m [Note: the height of this fencing is to be further reduced having regard to the revised acoustical environment arising from the internalisation of access to the children's play area].

The location of the 2.1 high acoustic fence has been amended in accordance with this condition (DA302 Rev. G). The fencing along the eastern edge of the verandah has been lowered to a height of 1.2m, the minimum required to provide a child safety barrier. This fence will be constructed from a frameless glass system (DA.302, Rev.G, 09.01.19, DA.402, Rev. E, 09.01.19 & DA.706, Rev. C, 09.01.19)

8. The applicant shall obtain the consent of the adjoining property owner/s to reconstruct the existing dividing fence along the eastern and southern boundary in a design and style which would match the existing fence and to achieve a minimum height of 1.8 metres measured from the subject site. If consent is not granted then the applicant shall construct a 1.8m high lapped and capped timber fence along the eastern and southern boundary that is independent of the existing fence and located entirely within the property boundary of the site. Either fence option that is to be installed is to be designed/treated in accordance with the requirements of the acoustic engineer.

The applicant has advised that they have approached the adjoining owner/s in regards to obtaining consent to reconstruct the existing fence, but, at the time of writing this has not been provided. As a result, it is recommended that this deferred commencement condition be retained.

9. The Grasscrete car parking finish shall be replaced with the adjoining porous bedded gravel finish. The car parking spaces shall be marked using imbedded markers.

The Grasscrete has been deleted and replaced with the adjoining porous bedded gravel finish. (DA.708, Rev. C, 09.01.19). A following condition has been included within the recommendation in regards to the car parking space markers:

The car parking spaces shall be marked using imbedded markers.

10. The vehicular crossing on Great North Road shall be removed and reinstated with kerb and gutter, turf and footpath. The acoustic timber gates shall be deleted and replaced with the adjoining front fence, hedge and acoustic fence detail.

The proposal has been amended in accordance with this condition (DA.302, Rev. G, 09.01.19)

11. In accordance with the Rodney Stevens Acoustics letter, R160637R1, dated 12/11/18, the deck located in the southwestern corner of the site shall be lowered to match the existing ground levels. A 1.8metre high fence shall be

provided along the southern boundary in accordance with item 8 of Schedule A of this Deferred Commencement approval.

The proposal has been amended in accordance with this condition (DA.302, Rev. G, 09.01.19)

12. The acoustic fencing to the north of Classrooms 2-3 shall be deleted or lowered to height no greater than 1.6metres above the height of carpark access ramp. An amended acoustic report is to be submitted detailing acoustic treatments to the northern elevation of Classroom 2-3 to achieve compliance with the EPAs (Industrial Noise Policy) and the Association of Australian Acoustical Consultants *Technical Guideline Child Care Centre Noise Assessment*.

The applicant submitted a letter from Rodney Stevens Acoustics (10/12/12) which confirms that the fencing to the north of Classrooms 2-3 can be lowered to 1.6m, with the plans amended accordingly (DA DA.302, Rev. G, 09.01.19 & DA.401, Rev. F, 09.01.19)

13. In accordance with the Rodney Stevens Acoustics letter, R160637R1, dated 12/11/18, the northern and eastern facing glazing of Classroom 3-5 shall remain closed and an internal framed 6mm thick glass pane installed within the brick reveal. Details of the internal frame shall be submitted for consideration.

No detail of the internal glazing has been provided, therefore, it is recommended that this deferred commencement condition be retained.

14. Full details of all structures, play equipment, storage areas and finishes to be installed or constructed within the outdoor play areas shall be submitted for consideration. The softfall finish identified on the landscape plan shall be deleted and replaced with turf.

No detail has been provided, therefore, it is recommended that the deferred commencement condition be retained.

CONCLUSION

In view of the above, the development application (as amended) is considered to be satisfactory subject to conditions from an environmental planning perspective and is favourably recommended for approval subject to the following conditions:

RECOMMENDATION

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

- A THAT the Canada Bay Local Planning Panel grant consent to Development Application No. 2018/0162 for alterations and single storey addition and change of use to a 48 place childcare centre with 5 car spaces on land at

380 Great North Road ABBOTSFORD NSW 2046, subject to the following site specific conditions. In granting consent The Panel has regard to the merit considerations carried out in the assessment report and pursuant to s.4.15 of the Environmental Planning and Assessment Act. On consideration of the merits of the case, the Panel acknowledges the areas of non-compliance arising from the application but notes that it supports the application based on the particular circumstances of the case and does not consider that the consent gives rise to a precedent.

CONDITIONS OF CONSENT

Deferred Commencement Conditions

DADCA01 - Deferred Commencement Approval

This is a 'Deferred Commencement Consent' under Section 4.6(3) of the Environmental Planning and Assessment Act, 1979, (as amended). This consent does not become operative until the applicant has satisfied the requirements listed in Schedule 'A' of this consent. All issues shall be satisfactorily resolved within the period of **12 months** from the 'Determination Date', that is shown on this consent. Upon compliance with the issues under Schedule 'A', and written confirmation from Council to that effect, then the consent shall become operative from a "Date of Endorsement" (to be included on the written notification) subject to the conditions listed in Schedule 'B' and any additional conditions arising from the requirement of Schedule 'A'.

(Reason: Statutory requirement)

Schedule A

Easement Registration

A plan of easement shall be created in accordance with Council's "Engineering Specifications for Stormwater Management" and registered on the Titles of all affected downstream parcels of land to allow for the drainage of stormwater from the subject site over and within the land identified as Abbotsford Cove.

All costs associated with the creation and registration of the Easement is to be borne by the applicant.

Heritage Conservation

1. The applicant shall prepare and submit a Conservation Management Plan which identifies all of the conservation works to be completed onsite, including but not limited to:
 - o Reinstatement of original external wall finishes being face brick (currently painted)
 - o Reinstatement of original stair configuration
 - o Removal of 1971 first floor kitchen bay addition
 - o Interior joinery painted in a dark paint to emulate original stained timber

- o Retain and restore original wire front fence along Great North Road and Walton Crescent street frontage
- 2. A detail showing the location, size and design of the car space traffic management device shall be submitted for consideration. The device is to be kept to a minimise size so as not to be visually obtrusive from the public domain.
- 3. The applicant shall obtain the consent of the adjoining property owner/s to reconstruct the existing dividing fence along the eastern and southern boundary in a design and style which would match the existing fence and to achieve a minimum height of 1.8 metres measured from the subject site. If consent is not granted then the applicant shall construct a 1.8m high lapped and capped timber fence along the eastern and southern boundary that is independent of the existing fence and located entirely within the property boundary of the site.
- 4. In accordance with the Rodney Stevens Acoustics letter, R160637R1, dated 10/12/18, the northern and eastern facing glazing of Classroom 3-5 shall remain closed and an internal framed 6mm thick glass pane installed within the brick reveal. Details of the internal frame shall be submitted for consideration.
- 5. Full details of all structures, play equipment, storage areas and finishes to be installed or constructed within the outdoor play areas shall be submitted for consideration. The softfall finish identified on the landscape plan shall be deleted and replaced with turf.
- 6. In accordance with the Rodney Stevens Acoustics letter, R160637R1, dated 10/12/18, an acoustic report shall be prepared by a qualified acoustic consultant demonstrating that the proposal achieves compliance with the relevant acoustic standards.

Schedule B

General Conditions

1. DAGCA01 - Approved Plans and Supporting Documents

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

<i>Reference/Dwg No</i>	<i>Title/Description</i>	<i>Prepared By</i>	<i>Date/s</i>
DA.101, Rev B	Site Plan	Architectural Projects	09.01.19
DA.301, Rev D	Demolition Plan - Ground Floor / First Floor	Architectural Projects	09.01.19

DA.302, Rev G	Ground Floor Plan	Architectural Projects	09.01.19
DA.303, Rev E	First Floor Plan	Architectural Projects	09.01.19
DA.304, Rev E	Roof Plan	Architectural Projects	09.01.19
DA.401, Rev F	Elevations North & West	Architectural Projects	09.01.19
DA.402, Rev E	Elevations South & East	Architectural Projects	09.01.19
DA.403, Rev E	Sections	Architectural Projects	09.01.19
DA.404, Rev D	Sections	Architectural Projects	09.01.19
DA.405, Rev C	Streetscape Elevations	Architectural Projects	09.01.19
DA.501, Rev F	Indoor and Outdoor Space Requirements Plan	Architectural Projects	09.01.19
DA.701, Rev E	Schedule of Colours and Materials	Architectural Projects	09.01.19
DA.703, Rev D	Waste Management Plan Stage 2, Waste Ongoing Management	Architectural Projects	09.01.19
DA.704, Rev C	Driveway and Carpark - Details Plan	Architectural Projects	05.12.18
DA.705, Rev B	Driveway - Longitudinal Sections	Architectural Projects	29.10.18
DA.706, Rev C	Acoustic Fence Details - East Verandah	Architectural Projects	09.01.19
EDAB01:CP01, Rev H, Sheet 1 of 2	Landscape Concept Plan	The Gardenmakers	04.06.18
EDAB01:PP01, Rev E, Sheet 2 of 2	Landscape Plan - Planting Plan	The Gardenmakers	04.06.18
DA.708, Rev C	Details Landscape Plan - Carpark Area	Architectural Projects	09.01.19
DA.711, Rev B	Equipment Storage Details	Architectural Projects	09.01.19
DA.712, Rev A	Details Acoustic Fence Fn4 & Gates on Walton Crescent	Architectural Projects	09.01.19
	Eastern Verandah Stair Detail	Architectural Projects	Received 26.12.18

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

Reference/Dwg No/Title/Description Prepared By/Date/s			
1707 - Version 6	Heritage Impact Statement	Architectural Projects	January 2019
1707	Room Schedule	Architectural Projects	24.05.18
109556-BCA-r2	BCA Assessment Report	BCA Logic	06.06.18
18087	Traffic and Parking Impact Assessment	The Transport Planning Partnership	29.05.18
160637R1, Rev 3	Noise Impact Assessment	Rodney Stevens Acoustics	05.06.18
R160637R1	Letter - Alternative Acoustic Treatments	Rodney Stevens Acoustics	10.12.18
	Tree Assessment & Management Statement	Growing My Way	24.05.18
	Tree Assessment & Management Statement (Canary Palm, 2 Chatham Place, Abbotsford)	Growing My Way	03.01.19
	Compliance Report	Explore & Develop	06.06.18
	Plan of Management	Explore & Develop	25.05.18
5252	Arboricultural Impact Assessment	Tree Talk	October 2018
	Letter - Child Care Space Requirements	Early Education Solutions	17.10.18

Note 1: *Modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 4.55 of the Environmental Planning and Assessment Act.*

Note 2: *A warning to all Accredited Certifiers. You should always insist on sighting the original Council stamped approved plans/documentation and not rely solely upon the plan reference numbers in this condition. Should the applicant not be able to provide you with original copies, Council will provide you with access to its files so you that may review our original copies of approved documentation.*

Note 3: *The approved plans and supporting documentation may be subject to conditions imposed under section 4.17 of the Act modifying or amending the development (refer to conditions of consent which must be satisfied prior to the issue of any Construction Certificate).*

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

2. DAGCA02 - Child Care Centre

This approval is given for the use of the land for the purposes of a Child Care Centre with a maximum of 48 children consisting of 8 x 0 - 1 year olds, 8 x 1 - 2 year olds, 15 x 2 - 3 year olds and 17 x 3 - 5 year olds.

A separate approval and/or license will be required from the Department of Education for the operation of the child care centre from the subject premises.

(Reason: Clarify approved use)

3. 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)

4. DAGCA05 - Heritage - No Demolition of Extra Fabric

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

Should any portion of the existing building which is indicated on the approved plans to be retained, be damaged for whatever reason, all the works in the area of this damaged portion are to cease and written notification given to Council. No work is to resume until the written approval of Council is obtained. Failure to comply with the provisions of this condition will result in the Council immediately instituting legal proceedings.

(Reason: Heritage conservation)

5. DAGCA06 - Separate Approvals

A separate Development Approval shall be obtained for any proposed signage.

(Reason: To control the future development of the site)

6. DAGCA08 - Finish to Chatham House

The Applicant is to undertake a patch test on the exterior walls of the heritage item to determine whether existing render can be removed from Chatham House without damaging the facebrick. If the render cannot be removed without causing irreparable damage to the original facebrick, then a sympathetic paint finish which matches the colour of the original facebrick shall be submitted to Council for approval prior to the paint being applied.

(Reason: Heritage Conservation)

7. DAGCB02 - Compliance with Disability Discrimination Act

This approval does not necessarily protect or guarantee against a possible claim of discrimination (intentional or unintentional) under the *Disability Discrimination Act 1992*, and the applicant/owner is therefore advised to investigate their liability under this Act. **Note: Disability (Access to Premises - Buildings) Standards 2010** - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the *Disability Discrimination Act 1992*.

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

8. DAGCB04 - Food Premises - General

The construction and operation of the food premises shall comply with all applicable legislation/regulation and standards, including:

- The Food Act 2003
- Food Regulation 2015
- Food Standards Australia and New Zealand - Food Standards Code
- The cooking appliances require an approved air handling system designed in accordance with AS1668.1-1998 and AS1668.2-1991 or alternative solution satisfying the performance objectives of the Building Code of Australia. No approval is granted for the burning of wood fired fuel.
- The construction, fitout and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the *Food Act 2003* and AS 4674 - Design, Construction and Fitout of Food Premises where:
 - (a) The floor of the food premises must be finished in an approved non-absorbent material, evenly laid, graded and drained to a trapped floor waste.
 - (b) The floor must be coved at the intersection with the walls.
 - (c) The walls of the food preparation area must be of solid construction and finished with glazed ceramic tiles or other rigid, smooth-faced impervious material.
 - (d) Ceilings within the food preparation and storage areas must be free of gaps and open joints and must be finished with an impervious sealed material. Suspended ceiling panels are not permitted in food preparation areas, food storage areas or areas where open food is displayed or served.
 - (e) Hand wash basin/s, with hot and cold running water mixed through a common spout, liquid hand wash soap and hand drying facilities must be provided in all food preparation bar areas, and toilets used by food handlers and must be no further than 5m travel distance from a place where a food handler is handling food. All taps to hand wash basins must be hands free. (For example: sensor taps, knee operated taps or foot pedal taps). Liquid soap and paper towel dispensers or other hand drying facilities must be located next to and in close proximity the hand wash basin.

- (f) A single bowl sink and a dishwasher must be provided in the food preparation or designated area, (of a capacity to handle the food preparation equipment) in addition to the hand basin.
- (g) A separate and dedicated food preparation sink is to be provided within the food premises (where foods are prepared by immersion in water.)
- (h) A cleaners sink for the purpose of cleaning floor mops and other cleaning equipment must be provided within the premises separate from the food preparation and storage area.
- (i) The appliances used to store potentially hazardous food must have a capacity to keep food hotter than 60oC or colder than 5oC and be provided with a thermometer, accurate to 1oC and which can be easily read without opening the appliance.
- (j) All self service unpackaged ready to eat food must be provided and maintained with protective barriers and have separate serving utensils, in accordance with Standard 3.2.2 of the *Food Standards Code* under the *Food Act 2003*.
- (k) Clothing lockers and change rooms for male and female staff must be provided in the premises in a separate location to the food handling and storage areas.
- (l) To ensure the adequate storage and collection of waste, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area. The waste storage area must be designed and constructed in accordance with AS 4674 - Design, Construction and Fitout of Food Premises, and must be:
 - i. Provided with a hose tap connected to the water supply;
 - ii. Paved with impervious floor materials;
 - iii. Coved at the intersection of the floor and walls;
 - iv. Graded and drained to a waste disposal system in accordance with the relevant regulatory authority (Sydney Water);
 - v. Adequately ventilated (mechanically if necessary) so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997;

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

- (m) Cool room(s), refrigerated chambers and strong-rooms are to be constructed in accordance with G 1.2 of the Building Code of Australia.
- (n) The floor of the coolroom must be graded to the door and a floor trapped waste outlet must be located outside the coolroom as near as possible to the door opening.
 - i. All proposed shelving in the coolroom must be free-standing, constructed of galvanised steel angle section or other approved material with the lowest shelf at least 150mm clear of the floor.
 - ii. The floor of the coolroom must be constructed of impermeable concrete or coated, topped or otherwise finished with an impervious material to a smooth even surface and coved at the

intersections with the walls to a minimum radius of 25mm.

- iii. Adjacent floors, walls, ceilings and other surfaces are able to be easily and effectively sanitised
- (o) An approved audible alarm device must be located outside the coolroom(s) but controllable only from within the coolroom(s) and be able to achieve a sound pressure level outside the chamber or coolroom(s) of 90 d B (A) when measured 3 metres from the sounding device.
- (p) All service pipes, electrical conduits, refrigeration condensate pipes and the like must be chased into walls and floors or at least 25mm off the wall.
- (q) All openings in walls, floors and ceilings, through which service pipes pass, must be vermin proof.
- (r) Where fittings are butt joined together they must be sealed to eliminate any cavities or crevices. Alternatively, a clear space of at least 75mm is to be provided between fittings.
- (s) The following requirements apply to clearances and supports of equipment:
- i. All stoves, refrigerators, cupboards and similar fittings must have metal legs made of non-corrosive metal or moulded plastic at a minimum height of 150mm above the floor. If placed flush on solid plinths the solid plinth is to be a minimum of 75 mm high.
 - ii. All shelving must be fixed 25mm clear of the walls on solid metal brackets.

(Reason: Compliance legislation and standards)

9. DAGCB06 - Height

The maximum height of the proposed rear addition shall be:

- A.H.D. 25.58m and 25.8m measured to the top of the southern gutter line.
- A.H.D. 25.959m measured to the top of the parapet.
- A.H.D. 27.058m measured to the top of the ridge of each hipped roof element.

(Reason: Compliance)

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. DAGCC04 - Ventilation

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

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

Ventilation above cooking equipment

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

(Reason: Compliance with relevant standards)

13. 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:

Drawing No.	Title/Revision No.	Prepared by:	Dated:
SWDA 3.1	P2	Partridge Hydraulic Services	20.09.18
SWDA 3.2	P2	Partridge Hydraulic Services	20.09.18
SWDA 3.3	P2	Partridge Hydraulic Services	20.09.18
SWDA 3.4	P2	Partridge Hydraulic Services	20.09.18
SWDA 3.5	P2	Partridge Hydraulic Services	20.09.18

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.

Driveway Design:

The driveway design for the proposed development shall be constructed in accordance with the following approved plans and documentation.

Drawing No. / Revision No.	Title	Prepared by:	Dated:
DA.709, Rev. C	Driveway - Longitudinal and Cross Sections	Architectural Projects	09.01.19
DA.704, Rev C	Driveway and Carpark - Details Plan	Architectural Projects	05.12.18

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

- The driveway longitudinal section shall be amended to include the level at the centreline of Walton Crescent.
- The vehicular crossing shall be amended so that it is perpendicular to the street kerb.

(Reason: Stormwater management and vehicular access)

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

14. 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)

15. DAPDB02 - Demolition
Demolition - General

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

Demolition Involving the Removal of Asbestos

General Information

Homes built or renovated prior to 1987 are likely to contain asbestos. Asbestos is most commonly found within eaves, internal and external wall cladding, ceilings and walls (particularly within wet areas such as bathrooms

and laundries), and fences. Unless properly handled, asbestos disturbed or removed during renovations can cause the development of asbestos related diseases, such as asbestosis, lung cancer and mesothelioma.

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

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)

16. DAPDB03 - Site Safety Fencing - Demolition only

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

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

Hoardings

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

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

(Reasons: Statutory Requirement and health and safety)

17. DAPDB04 - Tree Preservation - during demolition

All street trees and trees on private property that are protected under Canada Bay Council's controls, shall be retained and protected during demolition works except where Council's prior written consent has been obtained.

(Reason: Tree Preservation and Protection)

18. DAPDB05 - Erosion and Sediment Control During Demolition

Erosion and sedimentation controls shall be in place **prior to the commencement of demolition works** and shall be maintained throughout the demolition of the building and any regrading of the ground levels, approved removal of vegetation etc. The controls shall be installed in accordance with the details approved by Council and/or as directed by Council officers. These requirements shall be in accordance with Managing Urban Stormwater - soils and Construction produced by Landcom (Blue Book). A copy of the Erosion and Sediment Control Plan must be kept on site during the demolition works and made available to Council officers on request.

(Reason: Environmental protection)

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

19. DACCA02 - Disabled Toilets

Plans and details of the disabled toilet/s complying with the relevant Australian Standards, the Building Code of Australia, and with regard to the *Disability Discrimination Act 1992*. **Prior to the issue of a Construction Certificate**, the plans shall demonstrate compliance. **Note: Disability (Access to Premises - Buildings) Standards 2010** - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

The plans must be approved by the Accredited Certifier **prior to issue of a Construction Certificate**.

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

20. DACCB02 - Damage Deposit for Council Infrastructure

A Damage Deposit (calculated in accordance with Council's adopted Fees and Charges) of **\$30,000** shall be paid to Council **prior to the issue of the Construction Certificate**.

This Damage Deposit shall be refunded upon completion of all works, at the Occupation or Final Certificate stage.

Any costs associated with works necessary to be carried out to rectify any damages caused by the development, shall be deducted from the Damage Deposit.

Note: Full panel concrete footpath replacement in areas where connection to all services are required. This includes driveways and road concrete panels. This will stop differential settlement and maintain the integrity of council infrastructure and asset.

(Reason: Protection of Council infrastructure)

21. DACCB03 - Long Service Levy Payments

The payment of a long service levy as required under part 5 of the *Building and Construction Industry Long Service Payments Act 1986*, in respect to this building work, and in this regard, proof that the levy has been paid, is to be submitted to Council **prior to the issue of a Construction Certificate**. Council acts as an agent for the Long Services Payment Corporation and the levy may be paid at Council's Office.

(Reason: Statutory requirement)

22. DACCB07 - Section 7.12 Levy Contributions

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

Pursuant to Section 4.17 of the *Environmental Planning and Assessment Act 1979*, and the City of Canada Bay Section 7.12 Levy Contributions Plan 2005, a contribution of 0.5% (for works between \$100,001.00 and \$200,000.00) or 1% (for works over \$200,000.00) of the cost of development amounting to **\$14,795.00** shall be paid to Council **prior to the release of any associated Construction Certificate**.

The amount to be paid will be adjusted at the time of actual payment, in accordance with the provisions of the Canada Bay Section 7.12 Levy Contributions Plan 2005. The Consumer Price Index All Group Index Number for Sydney at the time of the development application determination is **114.7**.

Please Note: Any change in the Consumer Price Index (CPI) between the date of this approval and the date that the Section 7.12 Contribution is paid will be added/subtracted from the amount cited above. The amount will be adjusted at the time of actual payment in accordance with Canada Bay Section 7.12 Levy Contributions Plan 2005.

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

A copy of the Canada Bay Section 7.12 Levy Contributions Plan 2005 and accompanying Fact Sheet may be inspected or obtained from the City of Canada Bay Civic Centre, 1A Marlborough Street, Drummoyne during business hours or on Council's web site at www.canadabay.nsw.gov.au.

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

23. DACCE01 - Amendments to Approved Plans

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

- b) The car parking spaces shall be marked using imbedded markers.

Note: This involves a change to the Development Application plans as submitted to and approved by Council. Any changes in this regard shall be reflected as amended plans to be submitted to the Accredited Certifier **prior to the issue of a Construction Certificate** for the proposed development.

(Reason: To confirm and clarify the terms of Council's approval)

24. DACCE02 - Construction Management Plan

Prior to the issue of a Construction Certificate, submit to the Accredited Certifier a Construction Management Plan that clearly sets out the following:

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

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

25. 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)

26. DACCF02 - Landscape Maintenance Strategy

To ensure the survival of landscaping following works, a landscape maintenance strategy for the owner/occupier to administer over a 12 month

establishment period following the issue of the Occupation Certificate shall be prepared and provided to the satisfaction of the Accredited Certifier **with the Construction Certificate application**. The strategy is to address maintenance issues such as, but not limited to plant survival, irrigation, soil testing, weeding, staking, fertilizing, remedial pruning and plant replacement.

(Reason: Ensure landscape survival)

27. DACCG06 - Maintaining Sight Lines

All walls, fencing and landscaping adjacent to vehicular crossings must be lowered or maintained to a maximum height of 600mm above the internal driveway level for a distance of 1.50m within the site or splayed 1.5 metre by 1.5 metre to provide satisfactory sight lines. Details are to be submitted to the Accredited Certifier **prior to the issue of a Construction Certificate** showing compliance with this condition.

(Reason: Safety)

28. DACCI01 - Damage Report

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

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

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

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

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

(Reason: Maintain public assets)

29. 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)

30. DACCI05 - Vehicular Crossings

Full-width, heavy-duty concrete vehicular crossing(s) shall be installed across the footpath at the entrance(s) and/or exit(s) to the site, subject to separate Council approval. In this regard the Applicant must obtain a copy of Council's "Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan" and lodge an application for vehicular crossing(s) (available from Council's Customer Services Centre or can be downloaded from Council's website), and pay the appropriate fees and charges **prior to the lodgement of the Construction Certificate**.

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

31. DACCI02 - 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)

32. DACCK01 - Application for a Construction Certificate

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

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

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

- (c) Essential services plan outlining the existing and proposed fire safety measures.
- (d) Disabled access provisions to common and public areas in accordance with AS1428.
- (e) 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)

33. 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)

34. 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)

35. 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)

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

36. 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)

37. 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)

38. 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)

39. 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)

40. 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)

41. DAPCB10 - Notice of Requirements from Sydney Water

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

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

The Notice of Requirements must be 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)

42. 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)

43. DAPCC02 - Soil & Water Management during Construction

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

(Reason: Environmental protection)

Conditions which must be satisfied during any development work

44. 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)

45. 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)

46. 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)

47. 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)

48. 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)

49. 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)

50. 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)

51. 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.)

52. 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)

53. 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)

54. 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)

55. 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)

56. 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)

57. 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)

58. 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)

59. 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)

60. DADWI02 - Survey Report - Minor Development

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

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

Progress certificates in response to points (a) through to (c) shall be provided to the Council or the Principal Certifying Authority at the time of carrying out relevant progress inspections. Under no circumstances will work be

allowed to proceed should such survey information be unavailable or reveal discrepancies between the approved plans and the proposed works.

(Reason: To ensure compliance with approved plans)

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

61. DAOCA01 - Food Premises - Final Inspection

Prior to the issue of an Occupation Certificate, a City of Canada Bay Pre Occupation Food Premises Inspection report is to be obtained from Council confirming satisfactory compliance with applicable food legislation.

(Reason: To ensure compliance of the food premises with the Food Act 2003, Food Regulations 2015, Food Standards Australian and New Zealand - Food Standards Code and Australian Standard 4674-2004 Design, construction and fit-out of food premises)

62. DAOCA02 - Food Registration Requirements

Prior to the issue of any Occupation certificate a Business Registration Form must be completed and submitted to Council. This form is available online at www.canadabay.nsw.gov.au. 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)

63. DAOCB01 - Certification of Engineering Works

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

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

The abovementioned Certificate is to certify that:

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

Where Council is not the Principal Certifying Authority, two (2) copies of the

above documents are to be provided to Council **prior to the issue of any Occupation Certificate**. These documents are to be retained on Council's Construction Certificate file.

(Reason: Asset management)

64. DAOCC01 - Civil Works on the Footway

The Applicant is required to carry out the following works:

- Reconstruct sections of cracked or defective footpath along the full frontage of the site, 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)

65. DAOCD01 - Occupation Certificate (section 6.9 of the Act)

A person must not commence occupation or use (*or change of use where an existing building*) of the whole or any part of a new building (within the meaning of section 6.10 of the *Act*) unless an Interim Occupation Certificate or Final Occupation Certificate has been issued in relation to the building or part.

The Principal Certifying Authority is required to be satisfied, amongst other things, that:

- All required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
- Any preconditions to the issue of the certificate required by a development consent have been met.

Note: New building includes an altered portion of, or an extension to, an existing building.

(Reason: Statutory requirement)

66. DAOCD02 - Evidence of Lawful Asbestos Disposal

An Occupation Certificate for a development involving the removal of asbestos must not be issued until such time the applicant provides the

principal certifying authority with a copy of receipt/s confirming lawful disposal of asbestos waste.

NOTE: Asbestos waste must be disposed at a waste management facility licensed by the NSW Environment Protection Authority (EPA) to accept such waste. Please see Appendix F of City of Canada Bay's Asbestos Policy, Contact NSW EPA on 131 555 or visit www.epa.nsw.gov.au for a list of waste management facilities licensed to accept asbestos waste.

(Reason: Health and Safety)

67. DAOCE01 - Drainage System - Maintenance of Existing

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

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

(Reason: Maintenance and environment)

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

68. 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)

69. 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)

70. DAFOB02 - Evacuation Plan - Child Care Centres

Prior to the issue of an Occupation Certificate for the child care centre, an evacuation plan complying with AS3745 should be prepared and implemented. The emergency evacuation should consider:

- (a) The mobility of children and how this is to be accommodated during an evacuation;
- (b) The location of a safe congregation area, away from the evacuated building, busy roads, other hazards and the evacuation points of other residents or tenants within the building or surrounding buildings;
- (c) Where the Child Care Centre is part of a larger building or complex, that the emergency evacuation plan is complementary and consistent with other emergency evacuation plans in place; and
- (d) The supervision of children during the evacuation and at the safe congregation area with regard to the capacity of the Child Care Centre and the child/staff ratios.

Centres which accommodate children under 2 years of age are to have a large mobile cot (on wheels) so groups of babies can be quickly evacuated.

(Reason: Safety)

71. DAFOE01 - Certification of the Constructed Stormwater Drainage System

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

(Reason: Adequate stormwater management)

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

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

Easement Registration

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

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

(Reason: Compliance and adequate maintenance of drainage system)

73. DAFOE03 - OSD Identification Plate

Prior to 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 and not to tamper with it in any manner without the written consent of Council.

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

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

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

74. DAOUA01 - Amplified Music (No speakers or music outside)

Music and other amplified sound played on the premises shall not give rise to offensive noise as defined under the provisions of the *Protection of the Environment Operations Act 1997*. The sound level output shall not exceed 5 dB(A) above the ambient background level at the boundary of the premises.

Speakers must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

(Reason: Environmental amenity)

75. DAOUA03 - Business premises - amenity

The business shall be conducted and patrons controlled at all times so that no interference occurs to the amenity of the area, adjoining occupations and residential premises.

(Reason: Amenity)

76. DAOUA06 - Deliveries

No deliveries are to occur before 7.00am or after 6.30pm weekdays and no deliveries on weekends and public holidays, to prevent noise disruption to the surrounding area.

(Reason: To control noise impacts)

77. DAOUA06B - Waste & Recycling Collection

The collection of waste and recycling must only occur between 7.00am and 6.30pm weekdays, to avoid noise disruption to the surrounding area.

Garbage and recycling must not be placed on the kerbside for collection more than one hour before the scheduled collection time. Bins and containers are to be removed from the kerbside within one hour of collection and returned to the designated 'Garbage Room.

The garbage and recyclable storage and bins must be adequate to contain the volume and type of garbage and recyclable matter on the food premises

All garbage and recyclable matter must be enclosed in the waste bins with lids completely closed at all time

(Reason: To regulate noise and garbage collection arrangements)

78. DAOUA10 - Hours of Business Operation

The hours of operation are restricted to between:

- Monday to Friday, 7:30am to 6:00pm.

No operation on Saturday, Sunday or public holidays.

(Reason: Ensure business operates between approved hours)

79. DAOUA13 - Lighting Nuisance

The use of floodlighting or the like, to advertise or attract attention or for the convenience of patrons must be controlled so as not to cause any distraction or disturbance to nearby or adjacent residents, pedestrians or motorists. The use of flashing lights is strictly prohibited.

(Reason: Environmental amenity)

80. DAOUA24 - Promotion of Public Transport Options

Copies of the relevant Bus/Train Timetables servicing the local area in the vicinity of the premises shall be made available, free of charge, to patrons and shall be clearly displayed within the premises. The available public transport options to and from the site shall be included in any advertising material, web sites etc. for the proposed use.

(Reason: To encourage the use of public transport to gain access to and from the premises)

81. DAOUA29 - Car park

The car park shall be used exclusively for the drop off and pick up of children.

The car park may also be used for deliveries and services outside of the peak morning and afternoon drop off and pick up times.

The hinged car parking gates shall remain open during the approved hours of business operation.

(Reason: Compliance and parking)

82. DAOUA30 - Canary Palm

Subject to access being granted by the adjoining owner/s of 2 Chatham Place, the child care operator shall undertake annual pruning of the Canary Palm located within the front setback of 2 Chatham Place to remove dead flowers, fruits and fronds. All pruning works shall be undertaken in accordance with approved Tree Assessment & Management Statement dated 03.01.19 and undertaken by a qualified arborist.

(Reason: Safety)

83. 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)

84. 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)

85. DAOUC12 - Acoustic Assessment

All recommendations contained in the approved Noise Impact Assessment report and Alternative Acoustic Treatment Letter prepared by Rodney Stevens Acoustics shall be adopted, implemented, and adhered to.

NOISE - GENERAL

The $L_{Aeq, 15\text{minutes}}$ noise level emitted from the child care use must not exceed 44dB(A) measured at all surrounding residential receivers.

NOISE FROM OUTDOOR PLAY

The $L_{Aeq, 15\text{minutes}}$ noise level emitted from the use must not exceed 10dB above the background (L90) noise level as a result of outdoor play at the child care center where such play does not exceed 2 hours per day, and 5dB above the background (L90) noise level where such play is greater than 2.0 hours duration per day. The source noise should be assessed at the boundary of any affected receiver. The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard AS1055.

The Principal Certifying Authority (PCA) shall obtain a certificate from an appropriately qualified acoustic consultant, stating that the recommendations outlined in the above stated report have been completed and that the relevant noise criteria have been satisfied **prior to the issue of any Occupational Certificate**.

Any changes made to the proposal that would alter the outcome will require a further assessment and a copy of this further report shall be provided to the PCA for approval and all recommendations of the report shall be adopted, implemented and available upon request of the Council.

(Reason: Noise Control and Amenity)

86. 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)

87. 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)

88. DAOUC17 - Noise Complaints Relating to Use or Equipment

Following occupation of the Child Care Centre or the installation of the air conditioning unit, should substantiated complaints or breaches of noise regulations occur, a suitably qualified acoustic consultant shall be engaged, with the Council and the operator/owner of the premises agreeing on the acoustical consultant, to measure noise emanating from the building/premises

and to recommend appropriate action. The reasonable cost of such appointment shall be borne by the operator/owner and any works recommended by the acoustic consultant shall also be borne by the operator/owner and carried out within a time frame set by Council.

(Reason: Amenity and Noise Control)

89. DAOUC18 - Noise - air conditioners

Air Conditioners

The air conditioner/s must comply with the requirements of *Protection of the Environment Operations (Noise Control) Regulation 2008* 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; and
- (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 ($L_{A90, 15\text{minutes}}$) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute.

(Reason: Noise Control and Amenity)

Advisory Notes

a) DAANN01 - Dial Before You Dig

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



Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's mobile network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision or essential services and significant costs. If

you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810 443.

b) DAANN02 - Dividing Fences

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

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

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

c) DAANN04 - Lapsing of Consent

In accordance with Section 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.**

d) DAANN06 - Process for Modification

The plans and/or conditions of this Consent are binding and may only be modified upon written request to Council under Section 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.

e) DAANN07 - Review of Determination

In accordance with the provisions of Section 8.2 of the Environmental Planning and Assessment Act 1979 (as amended) the applicant can request Council to review this determination. The request must be made within a period of 6 months from the date shown on this determination. A fee, as prescribed under Council's current Management Plan - Fees and Charges, is payable for such a review.

f) 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.

g) DAANN09 - Signage Approval

A **separate development application** for any proposed signs which are either externally fitted or applied must be submitted for the approval of Council, prior to the erection or display of any such signs. This does not apply to signs which are classified as being 'Exempt Development'.

h) DAANN10 - Skips on Council Footpath

The applicant must apply to Council's Customer Services Centre and pay the respective minimum ten (10) day application fees and deposit, should a mini-skip type or larger builder's waste container be required to be left on Council's footpath, nature strip or roadway for the removal of any builder's waste etc. These fees must be paid prior to the container's placement. In the event of the container being removed within the ten day period, and the Council being notified, a pro-rata refund will be made. If the container is to remain at the site for longer than ten days, a further fee must be paid before the ten day period expires. No consultation is necessary if placing the container within the property to which this application is related. However, caution should be exercised in placing the bin to ensure no damage occurs to Council property.

i) DAANN11 - WorkCover Requirements

The Work Health and Safety Act 2011 and subordinate regulations, codes of practice and guidelines control and regulate the development industry. Further information can be obtained from WorkCover NSW's website at <http://www.workcover.nsw.gov.au/newlegislation2012/your-industry/construction/Pages/default.aspx> or through their head office: WorkCover NSW, 92-100 Donnison Street, GOSFORD 2250 Postal address: WorkCover NSW, Locked Bag 2906, LISAROW 2252, Phone (02) 4321 5000, Fax (02) 4325 4145.

Attachments:

1. Assessment report to Local Planning Panel dated 28 November 2018.
2. Amended architectural plans.
3. Heritage Impact Statement.
4. Heritage Works Schedule.
5. Eastern verandah stair detail.
6. Supporting acoustic letter.
7. Canary Palm Pruning Management Plan.
8. Supporting childcare consultant letter – fencing requirements.