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DA [REDACTED]

Residential - Single Dwelling - Construction of two two-storey dwellings, each over basement car parking

Status: **Approved - Delegated**

Lodged: 06/12/2017

Estimated Cost of Work: \$ 1,987,700

Officer: Edna Sorensen

Notification End Date: 12/01/2018

Determined: 12/06/2018

Approved - Delegated by Delegated Authority

- Location
- People
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No documents recorded.



The City of Canada Bay is a local government area in Sydney. We acknowledge that this land traditionally belonged to the Wangal people of the

Locations

Civic Centre

1A Marlborough Street, Drummoyne
8:30am-4pm weekdays

eServices

[Online eServices hub](#)

Make payments, book services, track applications and lodge requests

FW: [REDACTED]

From: Belinda Gibson <belinda.gibson@canadabay.nsw.gov.au>
To: Angelo Tsirekas <angelo.tsirekas@canadabay.nsw.gov.au>
Date: Fri, 02 Feb 2018 15:32:08 +1100

Please see response below.

Regards,

Belinda Gibson

Administration Officer - Executive Services
City of Canada Bay
1a Marlborough Street, Drummoyne, NSW, 2047
Locked Bag 1470, Drummoyne NSW 1470
belinda.gibson@canadabay.nsw.gov.au
T 02 9911 6503
www.canadabay.nsw.gov.au

From: Tony McNamara
Sent: Friday, 2 February 2018 3:24 PM
To: Belinda Gi
Subject: FW: [REDACTED]

Hi Belinda
This DA will be resolved under delegated authority.
Regards
Tony

Tony McNamara

Director Planning & Environment
City of Canada Bay
1a Marlborough Street, Drummoyne NSW 2047
tony.mcnamara@canadabay.nsw.gov.au
T 02 99116400
M [REDACTED] 0926
www.canadabay.nsw.gov.au

From: Shannon Anderson
Sent: Friday, 2 February 2018 2:28 PM
To: Tony McNamara
Cc: Narelle B [REDACTED] ensen
Subject: RE: [REDACTED]

Hi Tony,

DA [REDACTED] - [REDACTED], is yet to have a comprehensive assessment undertaken.
There are 3 letters in support of the DA however, 1 neighbour has sent in an objection that we are yet to receive.

There are significant excavation works proposed and a development of a very contemporary form proposed. The appropriateness or otherwise of this scheme is yet to be established, but it is noted that this area has gone through significant change over the years.

If you need anything else please let me know.

Thanks,

Shannon Anderson

Coordinator, Statutory Planning
City of Canada Bay

E shannon.anderson@canadabay.nsw.gov.au
T 02 9911 6441

1a Marlborough Street, Drummoyne NSW 2047
www.canadabay.nsw.gov.au

Begin forwarded message:

From: Belinda Gibson <Belinda.Gibson@canadabay.nsw.gov.au>
Date: 2 February 2018 at 12:41:30 pm AEDT
To: Tony McNamara <Tony.McNamara@canadabay.nsw.gov.au>
Cc: Narelle Butler <Narelle.Butler@canadabay.nsw.gov.au>
Subject: FW: [REDACTED]

Hi Tony and Narelle

Are you able to assist with the Mayor's request please?

Regards,

Belinda Gibson
Administration Officer - Executive Services
City of Canada Bay
1a Marlborough Street, Drummoyne, NSW, 2047
Locked Bag 1470, Drummoyne NSW 1470
belinda.gibson@canadabay.nsw.gov.au
T 02 9911 6503
www.canadabay.nsw.gov.au

-----Original Message-----

From: Angelo Tsirekas
Sent: Friday, 2 February 2018 12:27 PM
To: Belinda Gibson
Subject: [REDACTED]

Hi Belinda can you pls get me an update.

[REDACTED] Russell Lea. DA for 2 new detached dwellings. One on each lot. DA [REDACTED].
Angelo

Diary Monday 12 Feb

From: Belinda Gibson <belinda.gibson@canadabay.nsw.gov.au>
To: Angelo Tsirekas <angelo.tsirekas@canadabay.nsw.gov.au>
Date: Fri, 09 Feb 2018 15:31:57 +1100

9am Photo Drummoyne Reservoir – IWC may be in attendance
With Sarah from CPR

10.30am Frank Colacicco – [REDACTED]
With Tony

4.30pm Antoine Bechara
With Tony

5pm Brett Howle – re proposed Briars Civic Reception
With Peter

Regards,

Belinda Gibson

Administration Officer - Executive Services

City of Canada Bay

1a Marlborough Street, Drummoyne, NSW, 2047

Locked Bag 1470, Drummoyne NSW 1470

belinda.gibson@canadabay.nsw.gov.au

T 02 9911 6503

www.canadabay.nsw.gov.au

**Fwd: DA - Additional Information Letter - DA [REDACTED] - [REDACTED]
[REDACTED] Russell Lea Nsw 2046**

From: Angelo Tsirekas <angelo.tsirekas@canadabay.nsw.gov.au>
To: Frank Colacicco <frank@ch.com.au>
Date: Wed, 28 Feb 2018 13:41:53 +1100
Attachments: image001.png (14.65 kB); ATT00001.htm (560 bytes); DA - Additional Information Letter - DA [REDACTED]
[REDACTED] Russell Lea Nsw 2046.pdf (193.24 kB); ATT00002.htm (168 bytes)

FYI

Sent from my iPhone

Begin forwarded message:

From: PA General Manager <PAGeneralManager@canadabay.nsw.gov.au>
Date: 28 February 2018 at 1:19:19 pm AEDT
To: Angelo Tsirekas <Angelo.Tsirekas@canadabay.nsw.gov.au>
Subject: Re: DA - Additional Information Letter - DA [REDACTED] - [REDACTED] Russell Lea Nsw 2046

Attachments:
DA - Additional Information Letter - DA [REDACTED] - [REDACTED] Russell Lea Nsw 2046

Joanne Steen & Dianne Foster

PA to General Manager
City of Canada Bay

1a Marlborough Street, Drummoyne NSW 2047
pagm@canadabay.nsw.gov.au
T 02 9911 6504
F 02 9911 6550
www.canadabay.nsw.gov.au

Ref: DA [REDACTED]
23 February 2018

[REDACTED]
MILTON NSW 2538

Dear Sir/Madam

Subject: Request for Further Information – Development Application
Application No: DA [REDACTED]
Property: [REDACTED] RUSSELL LEA NSW 2046,
Proposal: Construction of two storey semi-detached dwellings with basement parking

I refer to the above application which was lodged with Council on 6 December 2017.

A preliminary assessment of your application has identified a number of concerns with the proposed development

It is advised that the proposal will not be supported by Council in its current form. The necessary changes will require a significant redesign which may take some time for you to consider, execute and re-lodge, and for Council to re-notify and assess. The required changes are likely to result in a different proposal to that lodged and notified. For this and other reasons discussed in this letter, it is strongly recommended that you withdraw this current application. Should you choose to withdraw the application, a full refund of the development application fees that you have paid to date will be returned to you.

Discussed below are a number of issues that would need to be considered in any redesign.

Floor Space Ratio

The maximum FSR permitted on the subject site is 0.50:1 under the Canada Bay LEP 2013. The submitted documentation states that the subject proposal has a FSR of 0.64:1 on each lot which is excessive.

It is advised that Council will not support the non-compliant FSR as it will result in a built form that is disproportionate to the size of each lot. It is requested that the proposed dwellings be redesigned to achieve compliance with the maximum FSR for each site and that calculation sheets be submitted clearly showing the areas that have been included in the gross floor area calculation.

It is further advised that the areas in the basement shown as ‘shared space’ will need to be included in the FSR calculation as, under Council’s DCP 2017, a maximum of two car parking spaces are to be provided for each new dwelling house and the ‘shared spaces’ could easily constitute a third car parking space (for each dwelling). It is also advised that the outdoor WC and store room in each backyard also count as gross floor area and will be required to be included in the FSR calculation for each site.

Please note that neither lot has been identified to contain any site specific impediments that would hinder compliance with the maximum FSR of 0.50:1.

Site setbacks

It is noted that the proposed dwellings have non-compliant first floor side setbacks at 1000mm. It is required that any amended proposal complies with the minimum side setback requirements of 1500mm at first floor.

Building Height Plane

It appears that the proposed development exceeds the building height plane towards the front of the dwellings. It is required that any amended building design will fit within the building height plane for each lot.

Basement

The proposed basements are excessive in size. It is advised that the basements be reduced to more domestic proportions in order to minimise the level of bulk excavation which is disproportionate to the site areas.

Atrium / Elongated footprint

In addition to the non-compliant FSR, the atriums results in further visual bulk and scale as well as additional overshadowing impacts due to the elongated built forms resulting from these areas. It is advised that the atriums be deleted.

The WC, store and covered cabana in the backyard to Lot 1 will essentially result in a built form expanding the entire western boundary and be highly visible from [REDACTED]. It is advised that these elements be deleted or are relocated to the eastern boundary.

Landscaping

Council has recalculated the level of soft landscaping and estimates it to be approximately 20% per site which is well below the required 37%. It is noted that there is sufficient scope to increase the level of soft landscaping to achieve greater compliance by greatly reducing the built footprint.

Engineering Comments

Council's engineers' have reviewed the application and have advised of the following issues which need to be addressed:

Stormwater Management

- The subject site falls to [REDACTED]. Therefore, proposal to discharge the site runoff to [REDACTED] by gravity is acceptable in principle.
- Council's GIS information indicates that a drainage easement is proposed along the western boundary. The applicant is to provide the title documents to indicate that no easement exists along the boundary.
- The stormwater design shall be carried out adopting the methods outlined in the Council's DCP – Appendix 2 (“Engineering Specifications”). Site storage & Permissible Site Discharge (PSD) parameters for all type of developments are 200 cu.m per ha and 180 L/s per ha respectively in accordance with Council's “Engineering Specification”. Calculation to determine the Site Storage and PSD shall be amended to include above parameters.

- High Early Discharge (HED) shall be provided to allow minor flow to bypass the storage and to prevent frequent maintenance of underground OSD tanks. Majority of the inlet pipes shall be directly connected to the Discharge Control Pit (DCP) to prevent the main storage being utilised all the time. Overflow from rainwater re-use system is to be directed to DCP. If no HED is provided, basic storage volume shall be increased by 20%.
- Additional access points are required on Onsite Detention system. The access grates are to be spaced not more than 5.0m apart.
- Silt and gross pollutant trap shall be installed in the DCP in accordance with Council's "Engineering Specifications". Minimum silt trap of 200mm in depth is required in the pit. Gross pollutant trap such as Lysaghts maxi-mesh RH3030 or similar shall be installed at the outlet.
- Minimum capacity of the holding tank shall be adequately sized in accordance with Council's "Engineering Specification". In case of a power failure, the holding tank shall have a capacity to store the runoff from weather exposed areas for a period of 5 hours (plus any seepage for a period of 24 hours) during a 1 in 100 year storm event. Calculation to determine the capacity of holding tank shall be provided on the concept plan.
- The consultant has stated that basement is to be fully tanked so that no seepage can escape. However, a full structural detail of the basement to show that the structure can withstand to the effect of pore pressure and buoyancy is to be provided.
- Basement pump out is to be located within the basement to allow for any unexpected seepage or runoff into the basement.
- In accordance with Council's Engineering Specification, a maximum of 50% rainwater re-use volume is permitted to be deducted from Onsite Detention System (OSD). BASIX requires 5,000L capacity rainwater reuse system per dwelling. Therefore, an offset up to 2,500L is permitted from OSD for each dwelling.
- Council generally permits a single stormwater outlet to the street. However, proposed semi-detached dwellings are located in two separate lots. Therefore, Council will allow two separate outlets to the street.

Driveway Access/ Basement parking

- The applicant is required to provide the following details prior to the issue of development consent.
 - Longitudinal section along the extreme wheel path of the proposed driveways demonstrating compliance with the scraping provisions of AS/NZS 2890.1:2004 shall be provided. It shall include all levels, grades, transitions and headroom clearances. It shall extend from the centre-line of the roadway through to the parking area. Footpath cross-fall shall be maintained between a maximum of 2.5% and a minimum of 0.5% and graded towards the street.
 - The driveway profile shall also include a standard layback crossing with a maximum of 100mm level difference from the invert of gutter to top of layback.
- Council's DCP - "Engineering Specifications" permits a single vehicular access per property. However, Semi-detached dwellings are located in two separate lots, Council permits two separate driveways in this circumstance.
- Proposed driveway shall have a crest to prevent the runoff from the street entering the basement in case of street flooding. Proposed driveway shall be designed to achieve at

least 250mm protection (from invert of gutter to the crest) against runoff from the street.

- The aisle width and parking dimension for basement parking shall comply with RMS Guidelines and AS/NZS 2890.1:2004 – Off-Street Car Parking Code. Disable parking spaces must meet the requirements set out in AS/NZS2890.6:2009.
- A narrow aisle width has been adopted for vehicle turning. Therefore, Turning Manoeuvre Diagrams using B85 vehicle template showing the vehicle can enter and exit in forward directions shall be provided. Any horizontal obstructions such as basement wall storage shall be considered in determining swept path.
- Minimum horizontal clearance from obstruction shall be 0.3m either side of the ramp as demonstrated in Figure 2.8 of AS/NZS 2890.1:2004. Therefore, ramp width shall be checked against the horizontal clearance.
- Overhead clearance ie. the height between the garage floor and the overhead obstruction shall be a minimum of 2.20m in accordance with AS/NZS 2890.6:2009.
- Redundant driveway shall be removed and the layback is to be replaced with upright kerb & gutter. Any redundant stormwater outlets shall also be removed.

The information detailed in this letter is considered to be essential to the proper assessment of your application. Therefore it is important that you respond to this correspondence as soon as possible. As discussed above, it is advised that the current development application is withdrawn however, should you opt to submit amended plans, please see text in bold font below.

PLEASE NOTE:

Amended Plans submitted to Council must include Three (3) hard copies and must be accompanied by an electronic copy (CD or USB only) of each plan separately identified via the file name, e.g. *1A Marlborough Street Drummoyne – Amended Plans DA2016/0123 – F – Sections* (please see DA Appendix for further details). Please ensure that all revised documents are clearly noted with a unique identification numeral/ letter to distinguish them from superseded versions.

Your amended plans will be re-notified and uploaded onto Council’s online DA tracking tool. Council will charge a re-notification fee of \$590.00. Please ensure you make this payment on lodgement of your amended plans/documents.

If the required information has not been received within 21 days of this letter Council may determine the application based on the current information. In such circumstances it is likely that the determination will be for refusal.

If you have any enquiries, please call Edna Sorensen on 9911 6450 between 8.30am to 10.00am Monday to Friday.

Yours faithfully,

Edna Sorensen
Town Planner, Statutory Planning

[REDACTED], Russell Lea (DA [REDACTED])

From: Shannon Anderson <shannon.anderson@canadabay.nsw.gov.au>
To: admin@mcleanmilton.com, Frank Colacicco <frank@ch.com.au>
Cc: Edna Sorensen <edna.sorensen@canadabay.nsw.gov.au>, Tony Pavlovic <tony.pavlovic@canadabay.nsw.gov.au>
Date: Tue, 12 Jun 2018 18:43:26 +1000
Attachments: Application DADetmApp 1012757.pdf (353.41 kB)

Hi Alex and Frank,

Please find attached a copy of the Approval Notice for the development at [REDACTED] Russell Lea.

Stamped plans will be sent out under separate cover in the coming days.

Regards,

Shannon

Shannon Anderson
Coordinator, Statutory Planning
City of Canada Bay

E shannon.anderson@canadabay.nsw.gov.au
T 02 9911 6441

1a Marlborough Street, Drummoyne NSW 2047
www.canadabay.nsw.gov.au



Ref: DA [REDACTED]

12 June 2018

[REDACTED]
MILTON NSW 2538

Dear Sir/Madam

DEVELOPMENT APPLICATION NO: DA [REDACTED]
PREMISES: [REDACTED] **RUSSELL LEA NSW 2046,**
TITLE: [REDACTED]

Council is pleased to advise that the above Development Application has been approved subject to conditions (attached).

You are reminded that no work can commence until a Construction Certificate has been issued.

In order to obtain a Construction Certificate your attention is drawn to the need to comply with the conditions of Development Consent that accompany this letter. Stamped Construction Certificate plans can only be obtained once all conditions are complied with.

Please Note: Any breaches of your development consent conditions may result in enforcement action being commenced by Council. This can include fines and/or legal proceedings. Please ensure conditions are fully complied with at all times.

Any further enquiries should be directed to Edna Sorensen on 9911-6555 between 8.30am - 10.00am, Monday to Friday.

Yours faithfully,

[REDACTED]

Narelle Butler
Manager, Statutory Planning Services

NOTICE OF DETERMINATION

OF A DEVELOPMENT APPLICATION
UNDER THE ENVIRONMENTAL PLANNING
AND ASSESSMENT ACT, 1979 (SECTION 4.18(1))



APPLICANT: [REDACTED] MILTON NSW 2538	DEVELOPMENT APPLICATION NO: DA [REDACTED] PAGE 1
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PROPERTY DESCRIPTION - [REDACTED] RUSSELL LEA NSW 2046, [REDACTED]

DEVELOPMENT - Construction of two two-storey dwellings, each over basement car parking

<p>DETERMINATION <i>Pursuant to Sections 4.18(1) of the Act, Council advises that the development application has been determined by:</i></p> <ul style="list-style-type: none"> GRANTING OF CONSENT SUBJECT TO THE CONDITIONS ATTACHED ON THE FOLLOWING PAGE(S) <p>DETERMINATION DATE: 12 June 2018</p> <p>DATE FROM WHICH CONSENT OPERATES: 12 June 2018</p> <p>DATE CONSENT LAPSES: 12 June 2023</p> <p>BY DELEGATED AUTHORITY</p>
--

<p>RIGHT OF APPEAL SECTIONS 8.7 and 8.10 OF THE ACT CONFERS ON AN APPLICANT WHO IS DISSATISFIED WITH THE DETERMINATION OF A CONSENT AUTHORITY A RIGHT OF APPEAL TO THE LAND AND ENVIRONMENT COURT WITHIN 6 MONTHS OF THE DATE OF THIS NOTICE</p>
--

<p>NOTE: This Consent is generally valid for a period of 5 years effective from the date of this notice, unless specified otherwise by Section 4.53 of the Act, or by conditions.</p>
--

NARELLE BUTLER
MANAGER
STATUTORY PLANNING SERVICES



Date: 12 June 2018

<p>In accordance with Section 4.59 of the Environmental Planning and Assessment Act, 1979, any person may question the validity of this consent in legal proceedings commenced in the Land and Environment Court within 3 months of the date of publication of the notice.</p>
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CITY OF CANADA BAY
NOTICE OF DETERMINATION
 UNDER THE ENVIRONMENTAL PLANNING AND
 ASSESSMENT ACT 1979 (SECTION 4.18(1))

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CONDITIONS OF APPROVAL**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.00	Site Plan	Mclean	Issue E 3.4.18
DA.01	Basement Plan	Mclean	Issue F 3.4.18
DA.02	Ground Floor Plan	Mclean	Issue F 3.4.18
DA.03	First Floor Plan	Mclean	Issue F 3.4.18
DA.04	Roof Plan	Mclean	Issue E 3.4.18
DA.05	Elevations N+S	Mclean	Issue D 3.4.18
DA.06	Elevations E+W	Mclean	Issue D 3.4.18
DA.07	Section Long	Mclean	Issue D 3.4.18
DA.07.1	Section Short	Mclean	Issue D 3.4.18
DA.07.2	Driveway Long Section	Mclean	Issue C 3.4.18
DA.07.3	Section Long	Mclean	Issue A 3.4.18
DA.11	Materials and Finishes	Mclean	Issue A 28.11.17
17-1363/1	Landscape Plan	Captivate Landscape Design	Issue 3 5.4.18
C-3262-02 Sheets 1 & 2	Stormwater and Driveway Longitudinal Section	Kozarovski & Partners	Issue 6 19.5.18
877046S	BASIX Certificate	BASIX Certificate Centre	5 December 2017
877055S	BASIX Certificate	BASIX Certificate Centre	5 December 2017

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

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

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

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

2. DAGCA03 - Construction within Boundary

All approved construction including but not limited to footings, walls, roof barges and guttering are to be constructed wholly within the boundaries of the premises.

(Reason: To ensure compliance with approved plans)

3. DAGCB01 - Australia Post Guidelines

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

(Reason: To ensure compliance with mail delivery regulations)

4. DAGCB12 - Street Numbering of Lots and Units

The proposed units and/or new allotments shall be numbered as follows:-

LOT NUMBER	STREET NUMBER	STREET NAME	STREET TYPE	LOCALITY
1				RUSSELL LEA
2				RUSSELL LEA

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

Should the property be strata subdivided, the approved numbering system shall be included in the

CITY OF CANADA BAY
NOTICE OF DETERMINATION
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 ASSESSMENT ACT 1979 (SECTION 4.18(1))

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final plans of strata subdivision.

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

5. DAGCB16 - Tree Preservation

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

(Reason: Tree preservation)

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

6. 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)

7. 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;

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- 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

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 ASSESSMENT ACT 1979 (SECTION 4.18(1))

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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)

8. 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)

9. 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.

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(Reason: Tree Preservation and Protection)

10. 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

11. DACCB02 - Damage Deposit for Council Infrastructure

A Damage Deposit (calculated in accordance with Council's adopted Fees and Charges) of **\$20,000** 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)

12. 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)

13. DACCB04 - Section 7.11 Contributions

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

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Plan.

Based on the following rates, as at March 2018 (CPI 113.6)

Infrastructure Type	Per Person Contribution	Studio/One bedroom dwelling	Two bedroom dwelling	Three + bedroom dwelling	Additional Lot
Community Facilities	\$793.88	\$1,143.17	\$1,627.41	\$2,179.39	\$2,179.39
Civil Infrastructure	\$770.77	\$1,109.89	\$1,580.03	\$2115.94	\$2115.94
Plan Preparation and Administration	\$87.19	\$125.55	\$178.73	\$239.35	\$239.35
Open Space and Recreation	\$5,633.59	\$8,112.24	\$11,548.47	\$15465.32	\$15465.32
TOTAL	\$7,285.43	\$10,490.85	\$14,934.64	\$20,000	\$20,000

Based on the following number of Dwellings and Bedrooms:

No. of Dwellings	No. of Studio & One beds	No. of Two beds	No. of Three or more beds	No. of Additional lots
	-	-	1	-
TOTAL			\$20,000	

Any change in the Consumer Price Index between March 2018 (CPI 113.6) and the date that the Section 7.11 Development Contribution is paid, will be added/subtracted from the amount cited above.

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

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

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

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

14. DACCE01 - Amendments to Approved Plans

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

1. The balustrades sitting in front of windows W12 and W13 on the west elevation to both dwellings at first floor and the balustrade sitting in front of windows W03 and W04 on the east elevation at first floor to both dwellings shall be removed to ensure that these areas are

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not converted into balconies/trafficable area. In addition, the first floor slab on the western side of dwelling, located on lot 2, is to be setback to align with the ground floor elevation below ie a setback of 1500mm from the side boundary.

If required, a small lightweight awning of up-to 500mm in depth and matching the width of the ground floor laundry door of the dwelling on lot 2 may be erected to provide weather protection.

2. The windows identified as W12 and W13 associated with the shower and walk-in-robe at first floor to both dwellings shall be fitted with obscure glazing to both upper and lower panes.
3. The fixed non-openable windows identified as W03 and W04 associated with bedroom 4 and the study at first floor to both dwellings shall be split in half with fixed lower panes and openable awnings style windows above to allow for natural ventilation.
4. The lower panes of to W03 and W04 (refer to previous condition above) to the dwelling on lot 2 shall be fitted with obscure glazing to reduce privacy impacts to [REDACTED].
5. The window identified as W11 at first floor associated with the staircase to both dwellings shall be fitted with obscure glazing.
6. The height of the proposed new retaining walls on the front boundary and pedestrian entry gates shall not exceed RL21.33.
7. Since the basement is to be fully tanked, a full structural detail of the basement to show that the structure can withstand the effect of pore pressure and buoyancy, prepared by a suitably qualified engineer to be submitted to the Certifying Authority prior the release of the Construction Certificate.

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)

15. 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)

16. 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)

17. 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)

18. DACCI05 - Vehicular Crossings

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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)

19. DACCJ02 - Redundant Vehicular Crossings and Ancillary Works

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

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

(Reason: Public infrastructure maintenance)

20. DACCK01A - Application for a Construction Certificate (Residential Developments)

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) 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.

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- 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)

21. DACCK02 - BASIX Commitments

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

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

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

(Reason: Statutory Compliance)

22. DACCL01 - Detailed Stormwater Drainage System Design

Prior to the issue of the Construction Certificate a detailed stormwater drainage plan for the safe disposal of stormwater from the site, prepared in accordance with Council's "Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan" shall be submitted and approved by the Accredited Certifier.

Should any changes be required to the approved stormwater drainage plan, the amended design shall achieve equivalent performance standards in accordance with Council's "Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan".

Important Note: Construction Certificate Approval does not include approval for works external to the property. Where the proposed design extends beyond the property boundary, separate approval under Section 138 of the Roads Act 1993, must be obtained from Council prior to the commencement of works.

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

(Reason: Stormwater management)

23. DACCL02 - Certification of the Stormwater Drainage System Design

The proposed stormwater design shall be certified by a suitably qualified person, in accordance with Council's "Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan", and shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate**.

Certification of the proposed stormwater design shall be obtained from a Chartered Professional Civil Engineer with Institution of Engineers, Australia Corporate Membership and registered on the National Engineers Register (NER) and shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate**. *(Delete this paragraph if works are for minor residential structures or additions)*

(Reason: Adequate stormwater management)

24. 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)

25. DACCL06 - Rainwater Harvesting

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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)

26. 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)

27. DACCM01 - Dilapidation Report

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

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

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

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

The person having the benefit of the development consent must, at their own cost, rectify any damage caused to other properties during the construction of the project.

(Reason: Safety)

28. DACCM04 - Support and Protection for Neighbouring Buildings

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

- (1) (a) protect and support the adjoining premises from possible damage from the excavation, and
 (b) where necessary, underpin the adjoining premises to prevent any such damage.
- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the

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development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

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

(Reason: Structural safety)

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

29. DAPCA04 - Removal of Trees

The following trees are approved for removal:

- Trees located within site

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

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

(Reason: Compliance with consent and tree protection)

30. 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

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- (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)

31. 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)

32. DAPCB04 - Home Building Compensation Fund

No residential building work within the meaning of the *Home Building Act 1989* may commence until:

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

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- The name of the insurer by which the work is insured under Part 6 of the *Home Building Act 1989*,
- (ii) In the case of work to be done by an owner-builder:
 - The name of the owner-builder, and
 - If the owner-builder is required to hold an owner-builder permit under the *Home Building Act 1989*, the number of the owner-builder permits.

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

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

(Reason: Statutory requirement)

33. 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)

34. 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)

35. 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)

36. DAPCB09 - Toilet Amenities on Construction Site

Prior to commencement of any building works, toilet facilities for employees must be provided in accordance with WorkCover NSW requirements.

Where female workers are present on site, appropriate measures for sanitary item disposal should be made, such as a disposal unit provided in the portable toilet or sewer connected toilet closet.

(Reason: Statutory Requirement - Health and amenity)

37. DAPCB10 - Notice of Requirements from Sydney Water

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

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

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

(Reason: To comply with statutory requirements)

38. 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)

39. 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

40. DADWA01 - Burning and Burying of Waste

No materials or rubbish resulting from the land clearing, demolition and building works must be burnt or buried on the site.

(Reason: Health and amenity)

41. 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.

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(Reason: Safety and amenity)

42. 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)

43. 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)

44. DADWA05 - Excavation - Water

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

(Reason: Health and safety)

45. DADWA06 - Prevention of Nuisance

All possible and practical steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from windblown dust, debris, noise and the like during the demolition, excavation and building works.

(Reason: Health and amenity)

46. DADWB03 - Construction Management Plan

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

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

(Reason: Compliance with condition of consent)

47. DADWB04 - Damage to Adjoining Properties

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

(Reason: Structural safety)

48. DADWB05 - Stamped Plans

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

(Reason: To ensure compliance with approved plans)

49. DADWB06 - Site requirements during demolition and construction

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

- (a) All demolition is to be carried out in accordance with Australian Standards AS 2601-2001.
- (b) Demolition must be carried out by a registered demolition contractor.
- (c) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out with close boarded, hardwood timber footpath protection pads. The pad shall cover the entire width of the footpath opening for the full width of the fence.
- (d) No blasting is to be carried out at any time during construction of the building.
- (e) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- (f) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- (g) Any demolition and excess construction materials are to be recycled wherever practicable.
- (h) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- (i) All waste on the site is to be stored, handled and disposed of in such a manner as to not

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create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All excavated material should be removed from the site in the approved manner and be disposed of lawfully to a tip or other authorised disposal area.

- (j) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- (k) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- (l) Details as to the method and location of disposal of demolition materials (weight dockets, receipts etc.) should be kept on site as evidence of approved methods of disposal and recycling.
- (m) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- (n) Public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction unless prior separate approval from Council is obtained including payment of relevant fees.
- (o) Building operations such as brick cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- (p) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.

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

50. 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)

51. 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)

52. 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)

53. 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)

54. 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)

55. 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)

56. 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)

57. DADWH03 - Inspections for Building Work (Classes 1 or 10)

Where applicable inspections of the development site may be required to be undertaken at the following stages:

- (a) After the excavation for, and prior to the placement of, any footings;
- (b) Prior to pouring any in-situ reinforced concrete building element;
- (c) Prior to covering of the framework for any floor, wall, roof or other building element;
- (d) Prior to the covering waterproofing in any wet areas;
- (e) Prior to covering any stormwater drainage connections;
- (f) After the building work has been completed and prior to any occupation certificate being issued in relation to the building; and
- (g) Other.

If the person having the benefit of the development consent appoints Council as the PCA, Council will give written advice as to what critical stage inspections apply.

Prior to issuing an occupation certificate or subdivision certificate the PCA must be satisfied that the work has been inspected on the above occasions.

Except as provided by subclause (g), the inspections may be carried out by the PCA or, if the PCA agrees, by another certifying authority.

The final inspection detailed at subclause (g) may only be carried out by the PCA.

For each inspection the principal contractor (or owner-builder) must notify the PCA at least forty eight (48) hours in advance that the site is ready to be inspected prior to the commencement of work on the next stage.

(Reason: Statutory Requirements)

58. 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)

59. 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

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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

60. 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)

61. 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**.

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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)

62. 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)

63. DAOCD02 - Evidence of Lawful Asbestos Disposal

An Occupation Certificate for a development involving the removal of asbestos must not be issued until such time the applicant provides the principal certifying authority with a copy of receipt/s confirming lawful disposal of asbestos waste.

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

(Reason: Health and Safety)

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

64. DAFOB05 - Wash down of Brickwork

Prior to occupation or use, the brickwork shall be thoroughly cleaned down on all sides. All necessary precautions shall be taken to ensure that this work does not affect neighbouring properties.

(Reason: Visual amenity and environmental health)

65. 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)

66. 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)

67. 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)

Advisory Notes

1. 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

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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.

2. 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.

3. 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.**

4. DAANN05 - Owner Builders

Under the *Home Building Act 1989* any property owner who intends undertaking construction work to a dwelling or dual occupancy over the value of \$5,000 must complete an approved education course and obtain an owner-builder permit from the Office of Fair Trading. See www.fairtrading.nsw.gov.au.

5. DAANN06 - Process for Modification

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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.

6. 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.

7. 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.

8. 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.

9. 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.

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These conditions are imposed for the following reasons:

- a) To ensure compliance with the terms of the relevant Environmental Planning Instruments.
- b) To ensure that no injury is caused to the amenity of the area.
- c) Council considers that the circumstances of the case are such that it is in the public interest that they be imposed.

NARELLE BUTLER
MANAGER
STATUTORY PLANNING SERVICES



Date: 12 June 2018

Property Detail

Print this Page

Drummoyne, NSW, 2047

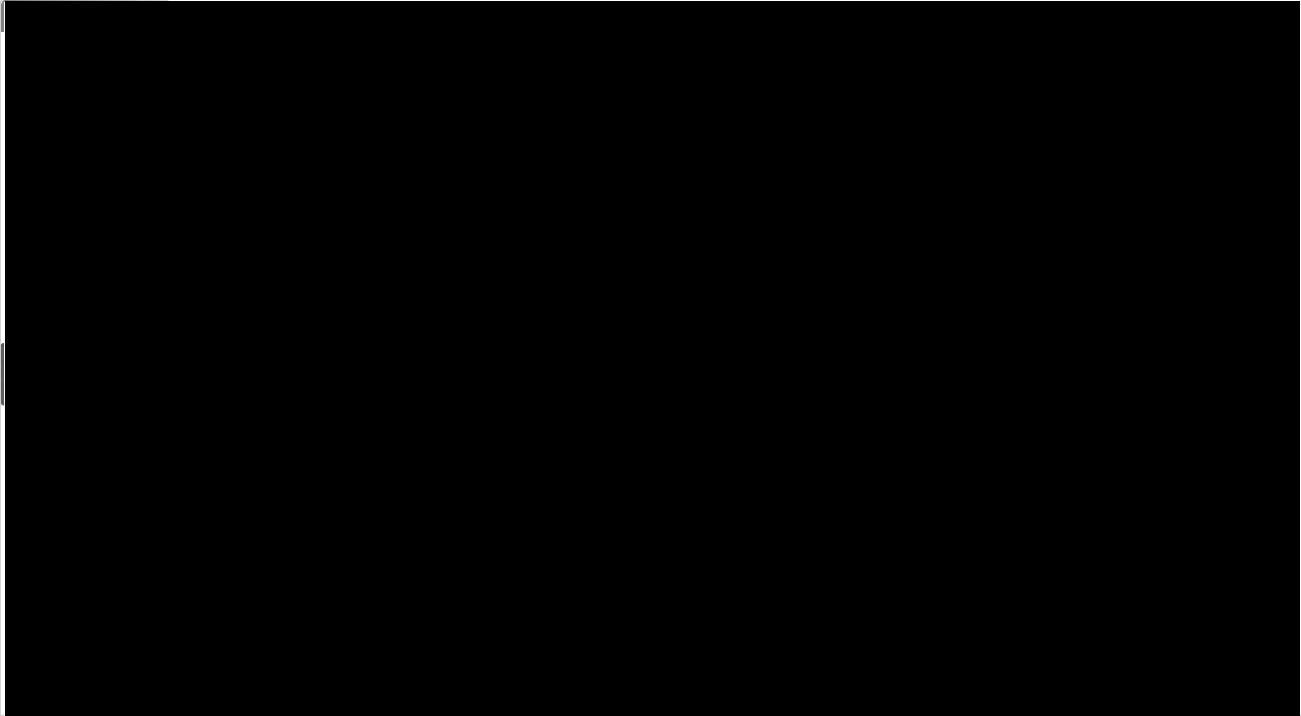
4 3 2 776m²

Collapse

Main Photo (javascript:void(0))

Street View (javascript:void(0))

Map (javascript:void(0))



Property Attributes

4 3 2 776m²

Update Data

Property Type: House: One Storey / Lowset

Last Sale Details

Sale Price: \$10,000,000
 Sale Date: 10 Nov 2017
 Settlement Date: 10 May 2018
 Zoning:

Legal Description

RPD: LOT 9 DP4632
 LA: Canada Bay
 Issue Date: Jun 18
 Fee Code: Sole Owner
 Owner Code: Private

Land Values

No information available.

Ownership

GADELRABB
[\(/rpp/search/name/property/summary.html?showDisclaimer=true&view=property&qt=name&newSearch=true&q=-GADELRABB----NSW--false\)](#)

Property Tasks

Customise Tasks

- Signature CMA Report
- 1 Page PDF
- Radius Search
- Property Report
- Valuation Report
- Rental AVM Report
- Suburb Stats Report
- Add to My Watch List
- Buy a Title Document



Suburb Snapshot

The following statistics apply to Houses in DRUMMOYNE*

- Change in Median Price (5yrs) is 25.7%
- Annual Change in Median Price (10yrs) is 8%
- Median Asking Rent for DRUMMOYNE is \$850 per week
- Median Days on Market is 54 days

*Statistics are calculated over a rolling 12 month period.

Property Features

Other Features

- Property Improvements: RESIDENTIAL

Listing Description - For Rent [Show More](#)

MAJESTIC FLOW OF LIGHT AND SPACE

Expansive dual-level layout with superb natural light and cross ventilation. Multiple living areas offer good separation for large or growing families. Well-appointed kitchen, gas cooktop, dishwasher, pantry. Casual and formal dining areas flows seamlessly to outdoors and sparking in-ground pool. Four bedrooms all with ample storage. Three bathrooms, main with spa bath, guest powder room, internal laundry, excellent storage, ducted air-conditioning. Entertainers' terrace flows through to swimming pool and garden, direct access to the waterfront and pontoon. Under house

Advert Date: 15 Jun 2018

Advert Agency: Warwick Williams Real Estate - Drummoyne

Advert Agent: Leasing Department

Agent Phone Number: 1 657

Sales History

Transfer Date	Sale Type	Sale Price	Vendor Name	Sold By	Tenure Code
10 Nov 2017		\$10,000,000	Hall		SOLE OWNER

On The Market History - For Sale

Property Listing Agency Campaigns

No information available.

On The Market History - For Rent

Last Listed Date	Last Listed Price	Agency	Agent
15 Jun 2018	CONTACT AGENT	Warwick Williams Real Estate - Drummoyne	Leasing Department

Phone Records

No information available.

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DAs Determined this Week

DAs Determined last Week

DAs Determined this Month

DAs Determined last Month

DA [REDACTED]

Residential - Single Dwelling - Demolition of existing structures and construction of a new multi-storey dwelling with basement parking and pool

Status: **Approved - Delegated**

Lodged: 09/05/2019

Estimated Cost of Work: \$ 1,560,000



Officer: Stuart Ardlie

Notification End Date: 05/06/2019

Determined: 17/12/2019

Approved - Delegated by Delegated Authority

- [Location](#)
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	DA - Delegated Report DA [REDACTED] 146582	18/10/2019
	DA - Determination - Deferred Commencement Approval DA [REDACTED] 147291	28/10/2019

FW: dorking St

From: Belinda Gibson <belinda.gibson@canadabay.nsw.gov.au>
To: Angelo Tsirekas <angelo.tsirekas@canadabay.nsw.gov.au>
Date: Tue, 11 Jun 2019 13:09:17 +1000

From: Belinda Gibson
Sent: Tuesday, 11 June 2019 1:08 PM
To: Angelo Tsirekas (Angelo.Tsirekas@canadabay.nsw.gov.au) <Angelo.Tsirekas@canadabay.nsw.gov.au>
Subject: dorking St

From: Belinda Gibson
Sent: Tuesday, 11 June 2019 1:03 PM
To: Angelo Tsirekas (Angelo.Tsirekas@canadabay.nsw.gov.au) <Angelo.Tsirekas@canadabay.nsw.gov.au>
Subject: FW: DA 2018/0016

From: Belinda Gibson
Sent: Tuesday, 11 June 2019 10:35 AM
To: Angelo Tsirekas (Angelo.Tsirekas@canadabay.nsw.gov.au) <Angelo.Tsirekas@canadabay.nsw.gov.au>
Subject: FW: DA 2018/0016

From: Scott Pedder
Sent: Friday, 7 June 2019 4:43 PM
To: Belinda Gibson <Belinda.Gibson@canadabay.nsw.gov.au>
Cc: Samuel Lettice <Samuel.Lettice@canadabay.nsw.gov.au>
Subject: RE: DA 2018/0016

Hi Belinda,

In relation to 13 Dorking, the assessing officer has provided the following:

The amended design needs to go to the LPP as it exceeds both the building height and FSR standards. Other non-compliances in the design are considered to be acceptable on merit given location and recent developments in the street.

Draft report recommending approval had been prepared for April 2019 LPP meeting, however was deferred as amendment drawings were not provided.

The draft report is based on an amendment design that has been discussed and agreed with architect over the last six months. The agreed design amendment involves a slightly reduced height and increased rear setback to reduce amenity impacts for the neighbours, particularly No. 11 Dorking Road.

The architect is waiting final approval from the owner to lodge these amended for the amended plans for final determination.

Let me know if you need anything further.

Regards,

Scott

Scott Pedder | Director, Community & Environmental Planning

City of Canada Bay

1a Marlborough St Drummoyne NSW 2047 | www.canadabay.nsw.gov.au

T: 02 9911 6400 | Scott.Pedder@canadabay.nsw.gov.au



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From: Belinda Gibson
Sent: Friday, 7 June 2019 12:29 PM
To: Scott Pedder <Scott.Pedder@canadabay.nsw.gov.au>
Cc: Samuel Lettice <Samuel.Lettice@canadabay.nsw.gov.au>
Subject: FW: DA 2018/0016
Importance: High

Wondering if you can provide a response to the Mayor's request below please.

He is also asking about DA [REDACTED], [REDACTED], notification closed 5/6. Wants to know if there were any objections.

Appreciate your assistance.

Regards,

**Belinda Gibson | Administration Officer - Executive & Councillor
 Support
 City of Canada Bay**

1a Marlborough St Drummoyne NSW 2047 | www.canadabay.nsw.gov.au

T: 02 9911 6503 | Belinda.Gibson@canadabay.nsw.gov.au



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From: Belinda Gibson
Sent: Tuesday, 4 June 2019 1:24 PM
To: Scott Pedder (<Scott.Pedder@canadabay.nsw.gov.au>) <Scott.Pedder@canadabay.nsw.gov.au>
Cc: Samuel Lettice <Samuel.Lettice@canadabay.nsw.gov.au>
Subject: FW: DA 2018/0016

Appreciate your help with the Mayor's request.

Regards,

From: Angelo Tsirekas
Sent: Tuesday, 4 June 2019 1:07 PM
To: Belinda Gibson <Belinda.Gibson@canadabay.nsw.gov.au>
Subject: DA 2018/0016

Belinda, can you pls get me an update on the above DA for 13 Dorking Rd.

Angelo

Sent from my iPhone

Mayor Angelo Tsirekas
City of Canada Bay

1a Marlborough St Drummoyne NSW 2047 | www.canadabay.nsw.gov.au
T: 02 9911 6500 | Angelo.Tsirekas@canadabay.nsw.gov.au



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Diary Tuesday 11 June

From: Belinda Gibson <belinda.gibson@canadabay.nsw.gov.au>
To: Angelo Tsirekas <angelo.tsirekas@canadabay.nsw.gov.au>
Date: Fri, 07 Jun 2019 14:15:33 +1000

4pm Comms meeting with Angus
4.30pm [REDACTED] – Frank Colaccico
6pm u c l l r r s p

**Belinda Gibson | Administration Officer - Executive & Councillor
Support
City of Canada Bay**

1a Marlborough St Drummoyne NSW 2047 | www.canadabay.nsw.gov.au
T: 02 9911 6503 | Belinda.Gibson@canadabay.nsw.gov.au



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Mayor's diary Thursday 13 June

From: Lisa Togafau <lisa.togafau@canadabay.nsw.gov.au>
To: Angelo Tsirekas <angelo.tsirekas@canadabay.nsw.gov.au>
Date: Wed, 12 Jun 2019 16:45:51 +1000

9:30am – 10:05am - Meeting With Planning Minister- Rob Stokes, Minister Stokes Office, 52 Martin Place, Sydney (entry to the building is from Phillip St)

3:30pm – 4pm - Bob and Peter re handling Mayoral matters, GM's meeting room with GM & Bob

4pm – 4:30pm - Frank Colaccico and applicant [REDACTED] GM's meeting room With Scott

4:30pm – 5pm - Fiona Martin Member for Reid, Mayor's office with GM

5pm – 5:30pm - Ferragosto committee meeting, GM's meeting room

5:30pm – 6pm - Discussion surrounding concerns about dangerous driving along Wareemba/Coranto Street, Wareemba, Hudson room with Kelly

6pm – 7pm - Itinerary Planning, GM's meeting room with GM

Lisa Togafau | Administration Officer - Executive & Councillor Support City of Canada Bay

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Development Assessment

APPLICATION NO: DA [REDACTED]
ADDRESS: [REDACTED] Drummoyne
PROPOSAL: Demolition of existing structures and construction of a new multi-storey dwelling with basement parking and pool

SUMMARY

Date Lodged: 09 May 2019
Name of Applicant: Mr Christopher Gadelrabb
Name of Owner: Mr A I Gadelrabb & Ms J Gadelrabb
Cost of Development Stated: \$1,560,000
Cost of Development against Cordell's: Satisfactory
Date Notified: 15 May 2019
Date Additional Information Requested: 4 July 2019
No. of objections submitted: 8

Issues, including those matters raised by objectors:

- View loss
- Privacy
- Streetscape
- Traffic
- Tree removal
- Overshadowing

Recommendation

On considering those matters contained in section 4.15 of the Environmental Planning and Assessment Act relevant to the application it is recommended that the proposed development be granted consent subject to conditions.

REPORT

1. BACKGROUND

The Development application was lodged on the 09 May 2019 and notified for a period of twenty one (21) days with eight (8) submissions received.

On the 11 July 2019 the following matters were raised by letter with the applicant:

- Non-compliant floor space ratio
- Non-compliant building height
- Non-compliance with the foreshore building line
- Non-compliant landscaping area
- Requirement for a view loss assessment
- Clarification of overshadowing impact
- Streetscape – front setback
- Streetscape – garage setbacks
- Privacy impact from side facing windows and roof top terrace
- Neighbour submissions

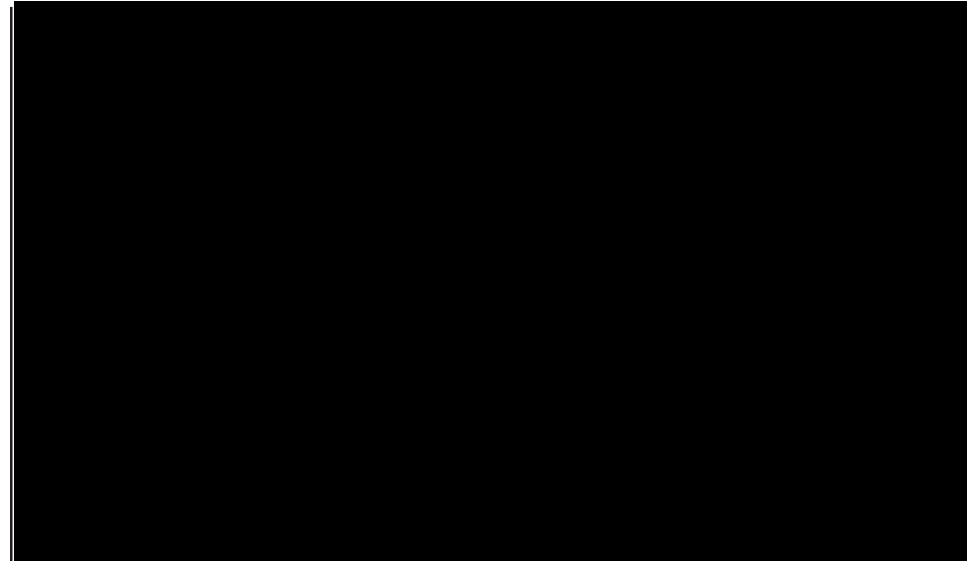
The applicant submitted amended plans on the 22 August 2019 and 11 October 2019.

The applicant erected building height poles with the objector's property at 2A Wolsely Street inspected on the 10 October 2019. Following the inspection the applicant was advised Council would not support the pitched roof element as a consequence of the view loss it created. The applicant confirmed via email to a condition deleting the pitched roof element.

2. THE SITE AND ITS CONTEXT

Site address	[REDACTED]	Drummoyne
Legal description	Lot 9 in DP 4632	
Site Area	708sqm	
Frontage	13.805 + 5.295 (curved) = 19.1m	
Depth	Northeast – 37.21m Southwest – 41.81m	
Rear boundary	18.29m	
Topography	The site has a garden retaining wall along the frontage with a stepdown of 0.8m and then a fall down towards the water of 2.3m.	
Description	The site contains a two storey rendered masonry dwelling with pitched and tiled roof form. The front setback of the site contains a driveway and turning area which provided access to a double carport with tiled roof.	

	<p>An established <i>Ficus Microcarpa 'Albovariegata'</i> is located adjoining the northern boundary with hedging planting along the frontage adjoining a low sandstone fence.</p> <p>Adjoining the foreshore along the north-eastern boundary is an existing swimming pool, sea wall to the foreshore and a timber jetty extending out from the centre of the rear boundary.</p>
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The site is located in the R3 Medium Density Residential zone within an area that is characterised by a mix of detached dwelling houses, semidetached dwellings and terraces and residential flat buildings. There is no consistent character in terms of architectural styles or material finishes.

To the Northeast

[REDACTED] contains a four storey residential flat building containing 9 apartments with parking at the lower level and swimming pool on the foreshore. The building is setback approximately 3.5m from the common boundary. The building is of a brick construction with flat roof form and balconies orientated towards the street and harbour. A retaining wall and landscaped garden beds are located parallel to the common boundary. Beyond is [REDACTED]

To the Southwest

[REDACTED] contains a two storey detached dwelling which is setback approximately 1.4m from the common boundary and then constructed up to the other boundary. This dwelling contains a garage and entry structure constructed to the street and side boundary.

To the Southeast

The site adjoins [REDACTED].

To the Northwest

[REDACTED] is a one-way street which is curved in front of the site with a road cutting beyond which elevates Wolseley Street. No 2A Wolseley Street contains a part 2 and part 3 storey residential flat building with 6 apartments with balconies and windows which face the subject site. No. 2 Wolseley Street contains a two storey facebrick dwelling with double garage which faces the subject site.

3. PROPOSED DEVELOPMENT IN DETAIL

The key features of the proposal include:

- Demolition of existing dwelling, carport and swimming pool
- Removal of *Ficus Microcarpa 'Albovariegata'* adjoining northeastern boundary.
- Construction of a part 2 and part 3 storey dwelling
- Swimming pool
- Ancillary landscaping and engineering works

The proposal does not include any works to the existing sea wall or jetty.

In order to address and resolve matters of view lose and view sharing, the applicant agreed, in an email, to a condition to be placed on any consent deleting the pitched roof element. View sharing is discussed further in this report.

4. PUBLIC SUBMISSIONS

In accordance with Council's Notification Development Control Plan, adjoining and nearby property owners and occupiers were advised of the proposal and invited to comment. The notification generated 8 submissions objecting to the proposal from the following four (4) properties:-

[REDACTED]

- Non-compliance with the core planning controls - overdevelopment

Comment: Part 5.1.2 and 5.3 of this report provide an assessment against the applicable planning controls. The proposal is largely compliant and where variation is sought, it is well founded and reasonable. The amended proposal is considered to represent the reasonable development potential for the site.

- Bulk and scale – solar access & overshadowing

Comment: The proposed built form provides a suitable infill and transition between the four storey building to the northeast and the two storey building to the southwest.

A solar access and overshadowing assessment is provided in part 5.4 of this report. This assessment concludes that the shadow cast by the dwelling is reasonable and acceptable.

- Visual privacy

Comment: The amended proposal reduces the depth of the rear facing balconies and introduced privacy screens to each side. The windows on the side elevation are identified to contain fixed obscure glazing to all windows except the garage and kitchen window.

- Vehicular access and parking

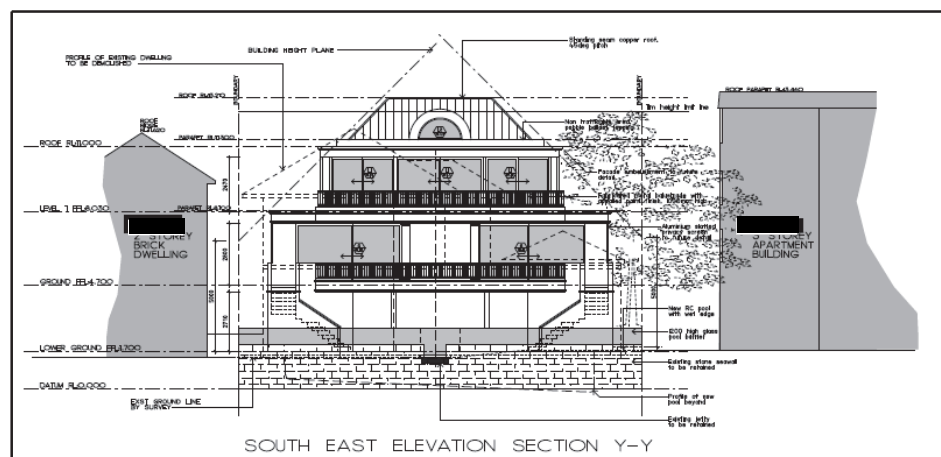
Comment: The garage has been amended to provide a setback of 5-7m from the street and 2.2m from the side boundary. This results in a driveway width of 4m and introduces landscaping within the front setback of the site.

- Construction impacts

Comment: The recommendation of this report includes conditions requiring the preparation of a dilapidation report and the adoption of the recommendations in the geotechnical report.

- Size of the proposed dwelling is similar to [REDACTED] which contains 9 apartments

Comment: The dwelling provides a built form which provides a suitable infill between the two adjoining developments, see foreshore elevation below noting deletion of pitched roof element.



Foreshore elevation (Source: applicant)

The proposed dwelling complies with the building height plane and building height limit which apply to the site.

- Tree currently provides shade and privacy
- Cost of removal including tree root removal to be at cost of developer
- Affect on fauna
- Separation provided by existing driveway

Comment: The proposal was referred to Council's Tree Services Team who granted consent to the removal of the tree. The *Ficus Microcarpa* is not a suitable species to be planted along a side boundary particularly as the tree matures.

The dwelling has side setbacks of 1.5-2.2m at the ground floor and 3.1-3.625m first floor which exceed the minimum side setback controls of 0.9m at the ground and 1.5m at the first floor. The windows on the side elevation are identified to contain fixed obscure glazing except the Bed 4 window which contains fixed obscure glazing to a height of 1.6m above the finished floor level.

The tree removal will be at the cost of the developer, however, Council cannot compel any tree root removal on the adjoining property.

- Boundary fence

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

- Road realignment

Comment: There will be no change to the alignment of [REDACTED].

- View loss from Unit 1, 4 & 7
- Lower height of river facing end of building

Comment: A detailed view loss assessment is contained within part 5.4 of this report which concluded that the proposal performs adequately against the view sharing provisions of the DCP and Court principles.

- Damage - Dilapidation report
- Request approval of consultant and copy of report

Comment: Council's standard condition requiring a dilapidation report, where access is granted, has been included in the recommendation of this report.

- Construction access
- Request construction from barge

- Change to traffic direction during construction
- 24 hour notice of any restriction to access
- Compliance with construction hours and noise
- Delay construction until construction completed on nearby development
- Council to enforce parking restrictions

Comment: The report recommendation requires the preparation of a construction management plan which must be approved by Council's Traffic Engineer.

Standard construction hours and noise requirements have been included as conditions. Should any complaints be received about construction hours or parking this will be enforced by Council's law enforcement officers.

- Traffic – 2 car space insufficient

Comment: The proposal complies with the maximum car parking control for 2 vehicles.

- Attic and roof terrace

Comment: The applicant has deleted the roof terrace and agreed to a condition deleting the pitched roof which previously included the attic.

- Front fence of 1.5m exceeds 1.2m control

Comment: Applicant amended fence to open style metal fence with height of 1.2m.



- Non-compliance with building height and FSR will result in view loss

Comment: The amended proposal complies with the building height and FSR. The applicant confirmed via email to a condition deleting the pitched roof element. A detailed view loss assessment is contained within part 5.4 of this report which concluded that the proposed view loss is reasonable because the development complies with the access to view controls.



- Non-compliance with building height, FSR, number of storeys, bulk and scale – solar access & overshadowing

Comment: Proposal will not cast shadow onto this property.

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

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

5.1.1. State Environmental Planning Policies

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

State Environmental Planning Policy No. 55 (SEPP No. 55) Remediation of Land

According to the provisions of clause 7 of SEPP No. 55 Council must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated, and if the land is contaminated it is satisfied that the land is suitable in its contaminated state (or will be suitable after remediation) for the purpose that development consent is sought.

The proposed development involves the demolition of an existing dwelling and construction of new dwelling house. In so far as the site does have an extended history of residential use, Council may be satisfied that the land is suitable in its current state for continued residential use.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

To encourage sustainable residential development, all new dwellings must comply with the provisions of State Environmental Planning Policy - Building Sustainability Index (BASIX).

The proposed development has achieved full compliance with BASIX targets for water and energy. The schedule of BASIX Commitments is specified within BASIX Certificate 1004930S, compliance with which has been conditioned within the recommendation of this report.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

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

Clause 21 Biodiversity, ecology and environment protection – The existing sea wall will be maintained with the dwelling setback at the ground floor approximately 13.5m from the foreshore. The foreshore area will be used as a private open space area consisting of a swimming pool, large and garden areas. There will be no works to the sea wall.

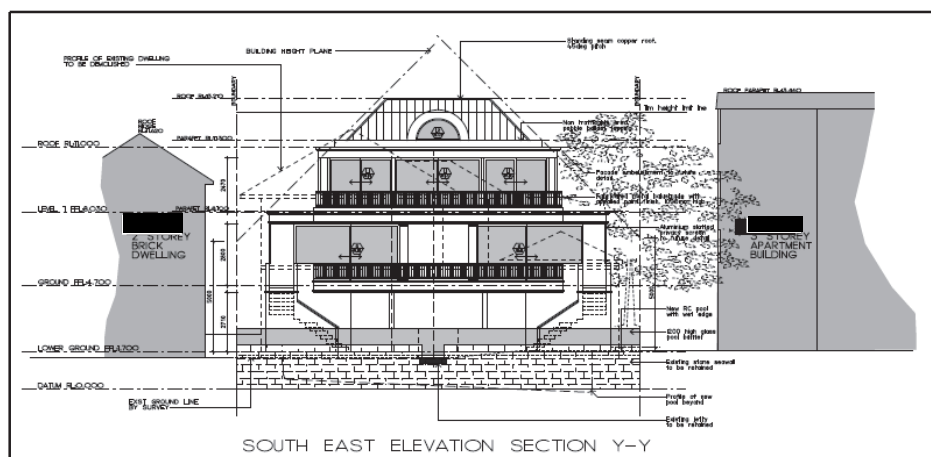
Standard stormwater management conditions have been included in the recommendation of this report to ensure the proposal does not impact on water quality entering the Sydney Harbour.

Clause 22 Public access to, and use of, foreshores and waterways - There is currently no public access along the foreshore with no access proposed.

Clause 23 Maintenance of a working harbour - No impact as located within a residential zone with the existing residential use being maintained.

Clause 24 Interrelationship of waterway and foreshore uses - The proposal will have no impact on the use of the waterway and no cumulative impact upon congestion in the Harbour.

Clause 25 Foreshore and waterways scenic quality – Dwelling houses are permissible with consent within the Medium Density Residential R3 zone under the CBLEP. The proposal will present as a three storey dwelling towards the foreshore and possesses an overall residential form and aesthetic with articulation through the use of balconies. The foreshore elevation below show that the bulk, scale and massing of the proposed dwelling provide a suitable transition between [REDACTED].



Foreshore elevation (Source: applicant)

The proposed swimming pool will replace an existing swimming pool and be located in ground and will not be visible from the harbour.

The selected colours and materials are consistent with the pallet of the adjoining properties.

Clause 26 Maintenance, protection and enhancement of views – A detailed view loss assessment is contained within Part 5.4 of this report.

Clause 27 Boat storage facilities – The proposal does not incorporate any boat storage facilities.

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

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

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

Comment: Established *Ficus Microcarpa 'Albovariegata'* adjoining northeast boundary proposed for removal.

Arborist report referred to Council's Tree Services Team, who raised no objection. It is also noted that replacement planting to the foreshore area is proposed including the planting of two Blueberry Ash trees. As this species is capable of reaching mature heights of 12 metres, it is considered inappropriate for the existing view corridor. Therefore, a condition has been included requiring these trees to be replaced with Lemon scented myrtles that have a mature height of 6 - 8 metres.

5.1.2. *Local Environmental Planning Instruments***Canada Bay Local Environmental Plan 2013**

The site is zoned R3 'Medium Density Residential' under the Canada Bay Local Environmental Plan 2013 (CBLEP). The proposed development relates to the construction of a 'dwelling house' and ancillary swimming pool, listed as a permissible use under zoning table subject to the consent.

The objectives of the R3 Medium Density Residential zone are:

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

Comment - The subject application is not considered to compromise zone objectives.

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

<i>Requirement</i>	<i>Proposed</i>	<i>Compliance</i>
CI 4.3 - Building Height		
Maximum height applicable to site - 11m.	Street edge – 7.5m Leading edge at rear – 9.2m	✓

	Applicant has agreed to condition to delete pitched roof form.	
CI 4.4 - Floor Space Ratio (FSR)		
The site is located in Area D of the FSR Map which prescribes a floor space ratio of 0.5:1. (354sqm)	Proposed FSR – 0.5:1 (sqm)	✓
CI 5.10 - Heritage Conservation		
Development consent is required for the following: (a) demolishing or moving a heritage item or a building, work, relic or tree within a heritage conservation area, (b) altering a heritage item that is a building by making structural changes to its interior (c) disturb or excavate an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed, (d) disturbing or excavating an Aboriginal place of heritage significance, (e) erecting a building on land which is a heritage item or that is in a heritage conservation area, (f) subdividing land which is listed as a heritage item or that is in a heritage conservation area.	The site is not heritage listed, located in a conservation area or adjoining a HCA or heritage item	n/a
CI 6.1 - Acid Sulfate Soils		
The subject site is mapped as containing class 5 Acid Sulfate Soils. Class 5 is defined as <i>works within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5m Australian Height Datum and by which the watertable is likely to be lowered below 1m Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</i>	A geotechnical investigation report has been submitted which makes a recommendation for further testing. This requirement has been imposed as a deferred commencement condition.	✓
CI 6.3 – Terrestrial Biodiversity		
The majority of the site is identified as 'Biodiversity' on the Terrestrial Biodiversity Map.	The site contains an established formal residential garden that complements the existing dwelling. The site is unlikely to contain significant fauna and flora or critical habitats. The proposal will introduce a new planting regime that includes two trees within the foreshore area. There will be no works to the sea wall or any foreshore vegetation beyond.	✓
CI 6.4 – Limited Development on Foreshore Area		
The foreshore building line is measured the following distance from the northwest boundary: - Northeast – 25.6m - Southwest – 30.5m	The dwelling and balconies are setback behind the foreshore building line. In accordance with Clause 6.4(2)(c) swimming pools are permitted within the foreshore area where the requirements of subclause (3) are satisfied. The proposed pool replaces	✓

	an existing pool and as designed will be located inground. Swimming pools are a common feature with its appearance from the waterway and adjacent foreshore compatible with the surrounding area.	
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As demonstrated in the table above, the proposed development achieves full compliance with the relevant statutory standards.

- 5.2. **Draft Environmental Planning Instruments [Section 4.15 (1) (a) (i & ii)]**
No draft Environmental Planning Instruments are of relevance.
- 5.3. **Development Control Plans, Council Policies or Codes [Section 4.15(1)(a)(iii)]**

Canada Bay Development Control Plan 2017

The proposed development is affected by provisions of the Canada Bay Development Control Plan 2017 (CBDCP). Compliance with prescriptive standards is outlined below:

<i>Control</i>	<i>Proposed</i>	<i>Compliance</i>
C3. Vehicle and bicycle parking rates and bicycle storage facilities		
C3.1 Vehicle Parking		
C1 Car parking is to be provided in accordance with table C-B. Maximum - 2 spaces	2 spaces	✓
E1. Design Quality		
E1.1 Design of Dwelling Houses, Dual Occupancies and Semi-Detached Dwellings		
C1 Buildings adjacent to the street should address the street by having a front door and/or living room window addressing the street. The frontage of buildings should by their design or the location of entries, be readily apparent from the street.	Defined entry area with street facing living room windows and bedroom 2 & 3 addressing [REDACTED].	✓
C2 New buildings and additions should be designed with an articulated front façade. The front façade should comply with the following: <ul style="list-style-type: none"> • Where a garage is attached to a dwelling it must not be located in primary façade; and • The secondary building façade should be set back 1.5m from primary building façade. 	Garage setback 1m behind columns which support the first floor and 2.5m behind the first floor balcony. Given the curvatures of the road the garage is setback further than the living room which addresses the street with landscaping forward of the garage. The adjoining sites to the southwest all have garaging and entries constructed up to the front boundary. The proposed garage is suitably setback and acceptable in this instance.	Satisfactory
C3 Entry alcoves recessed into, or protruding from, front facade not considered as articulation	Noted	✓
C4 Secondary building façade must not exceed 55% of the total site frontage and must be setback 1.5m from the primary building façade.	Noting the above, no primary or secondary façade proposed, however, the façade incorporates appropriate	Satisfactory

	articulation.	
C5 Primary Building façade must not exceed 40% of the total site frontage.	As above	Satisfactory
C6 Ground floor of the primary building façade must contain a habitable room.	Primary façade contains living room window and glazing addressing [REDACTED].	✓
C7 Use a similar roof pitch, form and materials to those identified in Streetscape Analysis.	Flat roof forms are a common feature in this area.	✓
C10 Dwelling designs must have a minimum eave overhang of 450mm (excluding the gutter).	Flat roof design	n/a
E1.3 Materials, Colour Schemes and Details		
C1 Use darker face brick in streetscapes which predominantly exhibit this external finish.	Streetscape exhibits varied finishes. Proposal incorporates a beige Dulux 'Stoney Creek' paint finish with complementary earthy tones.	✓
C2 Retain or incorporate existing sandstone fences, walls or wall bases into the design of the building.	Stated elements do not exist.	✓
C3 Terracotta coloured (orange/red) roof tiles should be utilised in streets where predominant roof colour.	N/A - Street is varied.	✓
C4 First floor balcony balustrades facing street should use a different material to main wall finish.	Metal balustrades proposed	✓
C5 Subject to the Streetscape Character Analysis, no large expansive surface of predominantly white, light or primary colours which would dominate the streetscape or other vista should be used.	Not proposed.	✓
C6 New development should incorporate colour schemes that have a hue and tonal relationship with predominant colour schemes found in street.	The streetscape character analysis has identified properties with materials that are consistent with the proposed materials.	✓
C8 All materials and finishes have low reflectivity.	Low reflectivity.	✓
E2 Environmental Criteria and Residential Amenity		
E2.1 Topography		
C1 Natural ground level should be maintained within 900mm of a side and rear boundary.	Existing ground levels largely maintained.	✓
C2 Cut and fill should not alter natural or existing ground levels by more than 600mm.	As detailed above.	✓
C3 Habitable rooms (not including bathrooms, laundries and storerooms) are to be located above existing ground level.	Located above existing ground.	✓
E2.3 Solar Access		
C1 New buildings and additions are sited and designed to maximise direct sunlight to north-facing living areas and all private open spaces.	The orientation of the site and presence of a four storey building to the northeast restricts solar access to the site. The dwelling has been designed with suitable glazing which will provide solar access.	✓
C2 Direct sunlight to north facing windows of habitable rooms and all private open space areas of adjacent dwellings should not be reduced to less than 3 hours between 9am and 3pm on 21 June.	Increase in shadow to northeast facing first floor rumpus area window. Refer to detailed solar access assessment contained in Part 5.4 below.	X, see part 5.4 below
E2.4 Visual and Acoustic Privacy		
C1 Openable first floor windows and doors as well as balconies should be located so as to face the front or rear of the building.	Where possible windows are contained to the front and rear elevations with side facing windows indicated to contain privacy	✓

	treatments.	
C2 Balconies should be located so as to face the front or rear of the building. No balconies are permitted on side elevations.	Balconies are proposed to front and rear elevation.	✓
C3 Provide a minimum sill height of 1.5m from finished floor level to windows on a side elevation which serve living areas and have a direct outlook to windows or principal private open space (not being front yard) of adjacent dwellings or alternatively use fixed obscure glass.	Side facing widows contain fixed obscure glazing and Bed 4 window contains fixed obscure glazing to a height of 1.6m.	✓
C4 Upper level balconies to the rear of a building should be set back a minimum of 2m from any side boundary and should have a maximum 1.8m depth.	<p><u>Ground</u> Side setbacks - 2.8m Depth - 1.6- 3m</p> <p><u>First</u> Side setbacks – 3.625m Depth – 1.6- 3m</p> <p>Large balconies are a common feature along the foreshore and provide a primary outlook towards Sydney harbour. The balconies are curved with the non-compliant depth located to the centre of the site away from the adjoining properties. The side elevations of the balconies contain full height screens which will mitigate any overlooking of the adjoining properties. As such variation to the balcony depth control is reasonable in this instance.</p>	<p>✓ X</p> <p>✓ X</p> <p>Satisfactory</p>
C6 Provide suitable screen planting on a rear boundary that will achieve a minimum mature height of 6.0 metres where the rear upper floors are proposed to be less than 7m off a rear boundary.	n/a	n/a
C7 Ground floor decks, terraces or patios should not be greater than 500mm above natural ground level. If expansive terraces are sought on sloping ground, they should be designed to step down in relation to the topography of the site.	Undercroft area consistent with existing ground level	✓
E2.5 Access to Views		
C1 Development should seek to protect water views, iconic views and whole views. Water views are valued more highly than land views. Iconic views (e.g. of the Harbour Bridge or the City skyline) are valued more highly than views without icons. Whole views are valued more highly than partial views (e.g. a water view in which the interface between the land and water is visible is more valuable than one in which it is obscured).	A detailed view loss assessment is contained within part 5.4 of this report which concluded that the proposed view loss is reasonable because the development complies with the access to view controls.	✓, see part 5.4 below
E2.6 Safety and Security		
C2 High walls / fences are not permitted.	No high fences proposed.	✓
C3 The front door of a dwelling house should be visible from the street.	Entry and front door visible from [REDACTED]	✓
C4 Buildings adjacent to public streets or public spaces should be designed so residents can observe	Suitable openings are provided to facilitate desired passive	✓

the area and carry out visual surveillance.	surveillance.	
E3 General Controls		
E3.5 Building Setbacks		
C1 Front setback of all residential buildings is to be a minimum of 4.5m or no less than the Prevailing Street Setback, whichever is the greater.	Proposal is consistent with the prevailing street setback.	✓
C2 No balconies, entry porches or verandahs are permitted to encroach within front setback.	Balconies and terraces do not encroach on front setback	✓
C4 Any wall facing a boundary which contains a window should be set back a minimum of 900mm.	Side boundary setback min. 1.5m.	✓
C5 Minimum side setbacks are as follows - 900mm to ground floor, 1.5m to first floor.	<u>Undercroft & basement</u> Northeast – 1.5m Southwest – 1.5m <u>Ground</u> Northeast – 1.5-2.2m Southwest – 1.5-2.2m <u>First</u> Northeast – 3.1-3.625m Southwest – 3.1-3.625m	✓ ✓ ✓ ✓ ✓ ✓
C6 New development is to have a rear setback of 6m.	14.5m	✓
E3.6 Height of Buildings		
C1 Dwellings and attached dual occupancies are not to exceed the building height plane projected at an angle of 45° over site from a vertical distance of 5m above ground level at any boundary.	Contained within	✓
C2 Building Height Map to the Canada Bay Local Environmental Plan includes a max 11m height.	Street edge – 7.5m Leading edge at rear – 9.2m Applicant has agreed to condition to delete pitched roof form.	✓
C3 Dwelling houses and attached Dual Occupancies are to have a maximum height of two (2) storeys.	Undercroft and two storeys	X, see part 5.4 below
E3.7 Private Open Space		
C1 Provision of private open space for dwelling houses and attached dual occupancies is to be 40m ² per dwelling with a min. dimensions of 5m x 5m.	> 40sq.m > 5m dimension	✓
C2 A development should locate private open space behind the front building line.	Private open space is provided for behind the building line.	✓
C3 At least one portion of the private open space with a minimum area of 40m ² should be adjacent to and visible from main living rooms and be accessible.	Accessible from living areas.	✓
C4 Development should take advantage of opportunities to provide north facing private open space to achieve comfortable year-round use.	The dwelling has a layout which is orientated towards Sydney Harbour. The rear southeast facing balconies and glazing service a large open plan kitchen and living room area.	✓
E3.8 Landscaping		
C2 Landscaped area is to be provided as follows: - Site Area 650m ² - 750m ² (two storey) - 41%	41%	✓
C4 Minimum number of trees capable of achieving a minimum mature height of 8m accommodated on site for all new development as follows: - Site Area 400m ² - 800m ² (2 Trees)	2 trees proposed within foreshore	✓

C7 Majority of front building setback and private courtyard areas of all development should comprise landscaping in accordance with definition in DCP.	Stated areas suitably landscaped.	✓
E3.9 Parking and Access		
C1 Parking space should be a minimum of 5.4m x 2.4m, with an additional 300mm either side where enclosed (i.e. 5.4m x 3m)	Defined parking areas within basement	✓
C6 Where the frontage is more than 20m in width, the garages, parking structures and driveways should not exceed 30% of the frontage.	4m 18%	✓ ✓
C11 Garage doors should be of timber or simple metal cladding.	Simple metal clad garage door.	✓
E4 Ancillary Structures		
E4.1 Fencing		
C2 Front fencing and side fencing forward of building line, constructed of visually transparent material such as timber picket/ metal grill, should not exceed 1.2m in height above the footpath level. Visually transparent components should be no less than 40% of the fence structure and should be distributed evenly along the entire length of the fence.	1.2m open style	✓
E4.2 Site Facilities – Swimming pools and spas		
C14 Swimming pools and spas should be located behind the front building line.	Behind dwelling	✓
C16 Swimming pools/spas should be positioned so that the coping is a minimum of 800mm from the property boundary.	NE – 2m SE – 1.4m SW – 2m	✓ ✓ ✓
C17 In-ground swimming pools should be built so that the top of the swimming pool is as close to the existing ground level as possible. On sloping sites this will often mean excavation of the site on the high side to obtain the minimum out of ground exposure of the swimming pool at the low side.	Inground	✓
C18 Provided one point on the swimming pool or one side of the swimming pool is at or below existing ground level, then one other point or one other side may be up to 500mm above existing ground level.	Inground	✓

As indicated in the compliance table above, the proposal does not comply with the Height of Buildings (number of storeys) and Solar Access controls of the CBDP. A detailed discussion of these aspects and the likely impact of the development are carried out below.

5.4. Likely Impacts of the Development [Section 4.15 (1)(b)]

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

View loss

The following controls are applied under Part E2.5 Access to Views of the CBDP to determine whether the development is satisfactory in relation to view loss and view sharing:

C1 Development should seek to protect water views, iconic views, and whole views.

C2 Development should seek to protect views from the front and rear of buildings and where views are obtained from a standing position. The expectation to retain side views and sitting views is often unrealistic.

C3 Development should seek to protect views from living areas and minimise the extent of impact.

C4 Development in view affected areas should not only be designed to meet relevant development controls but also be designed to achieve view sharing.

The four view loss planning principles which were established through *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140 are reflected in the Access to Views control of the CBDP. The assessment provided below has been structured to address the controls in the CBDP and the planning principles which are embodied within these controls.

On the 10 October 2019 the applicant erected height poles certified by a registered surveyor to depict the height of the amended proposal. The apartments in 2A Wolseley Street were inspected to view the height poles.

The assessment below is based on the applicant's agreement to a condition deleting the pitched mansard roof element and the placement of a condition on any consent limiting the height of the dwelling to a level of 11.3metres AHD.

The property at [REDACTED] is a residential flat building with 6 apartments located to the north of the site.

The top floor of the building contains a single apartment which has kitchen, dining, bedroom and study windows and a balcony which face south towards the subject site. The occupants currently enjoy water views of [REDACTED] and land interface views with [REDACTED]. The view is obtained over the roof form of the existing single storey dwelling and across the front setback of the site. The occupants currently enjoy water views of [REDACTED], land interface views with [REDACTED]. The view is obtained over the roof form of the existing single storey dwelling and along the side boundaries of the site.

The proposal will result in part of the foreground water view being lost over the centre of the site, with an increase in the water view along the side setbacks. The view of [REDACTED], land interface views with [REDACTED] will remain largely unaffected.

The proposed dwelling will result in a part two and part three storey dwelling with a height of 7.5m at the street edge and 9.2m at the leading edge at the rear, which is below the maximum 11m height limit. The

dwelling will achieve compliance with the building height plane control, FSR and have side setbacks of 1.5-2.2m at the ground floor and 3.1-3.625m at the first floor exceeding the minimum 0.9 and 1.5m setback controls. The view loss is, therefore, a result of the angle of the view across the site conflicting with the applicant realising the reasonable development potential of their site. The side setbacks and view retained is considered to ensure adequate view sharing.

The ground floor contains two apartments with bedroom windows and a central entry foyer. These areas currently enjoy partial water views of the [REDACTED] along the northeast side setback of the site, which is currently free of any structures. The proposed development will result in a loss of these views, however, a partial water view will be provided along the southwest side setback. Given that the affected apartments are located at the ground floor it is not reasonable to expect the retention of these views, noting that any amendment to retain the view would unreasonably impact on the development potential of the site.

[REDACTED]
This site is located directly to the north-west side boundary of the site and contains a four storey residential flat building. This site contains a four storey residential flat building containing 9 apartments with parking at the lower level. The apartments adjoining the site have unobstructed water views from the living room glazing and balcony in a north-western direction and from the master bedroom and balcony from a southwestern direction. The apartments each contains two side facing bedroom windows which look onto the subject site and which currently have water views of [REDACTED].

The proposed dwelling will result in a reduction of these views from the side facing bedroom windows, however, some oblique views along the side setback will be retained. In this case the view loss from the south-west facing windows is a result of the view being obtained diagonally across the side boundary of this site, which in accordance with the view loss controls, is considered unrealistic to retain.

Although view loss will occur from these windows the view of [REDACTED] [REDACTED] from the living room glazing and balcony and the master bedroom and balcony will be completely unaffected with sweeping water views of [REDACTED] being retained.

Based on the assessment provided for each of the properties above, the proposal, as conditioned, will provide a reasonable development potential given the existing context. The loss of views as a result of the proposal is unavoidable as it is not a result of poor design but a result of the existing topography and subdivision pattern and as such it is considered that the proposal satisfies the Access to Views controls of the CBDCP.

Overshadowing and Solar access

Part E2.3 of the Canada Bay DCP 2017 DCP provides the following objectives and controls in relation to overshadowing and solar access. The objectives of these controls are as follows:

- O1. To maximise solar access to living areas and private open space in order to improve residential amenity.*
- O2. To minimise the amount of overshadowing of neighbouring developments and outdoor spaces to maintain their amenity.*

The proposed development has been assessed against these controls as follows:

- C1. New buildings and additions are sited and designed to maximise direct sunlight to north-facing living areas and all private open space areas.*
- C2. Direct sunlight to north facing windows of habitable rooms and all private open space areas of adjacent dwellings should not be reduced to less than 3 hours between 9.00am and 3.00pm on 21 June.*

Due to the north-west to south-east orientation of the site, in midwinter the morning shadow will fall onto the adjoining site at [REDACTED]. Specifically the proposal will result in additional shadow falling onto two of three north-east facing first floor rumpus windows between 9 and 11am, with full solar access between 12pm and 2pm before the site shadows itself. The third window will continue to receive full solar access.

Some additional shadow will be cast onto the rear private open space (POS) of this adjoining property between 10am and 12pm.

Strictly speaking the solar access control does not apply to the two rumpus room windows as they are not north facing and maintaining three hours of solar access is not reasonable due to the orientation of the site.

Due to the existing subdivision pattern, the retention of the existing solar access to these side facing windows and the POS areas of neighbouring properties is difficult to achieve given the proposed development will result in a development higher than the existing. The proposed development is not considered to be of a poor design as it possesses an overall height and form which is generally compliant with the CBLEP 2013 and CBDPCP 2017 controls and is directly comparable or smaller than a number of developments within this area.

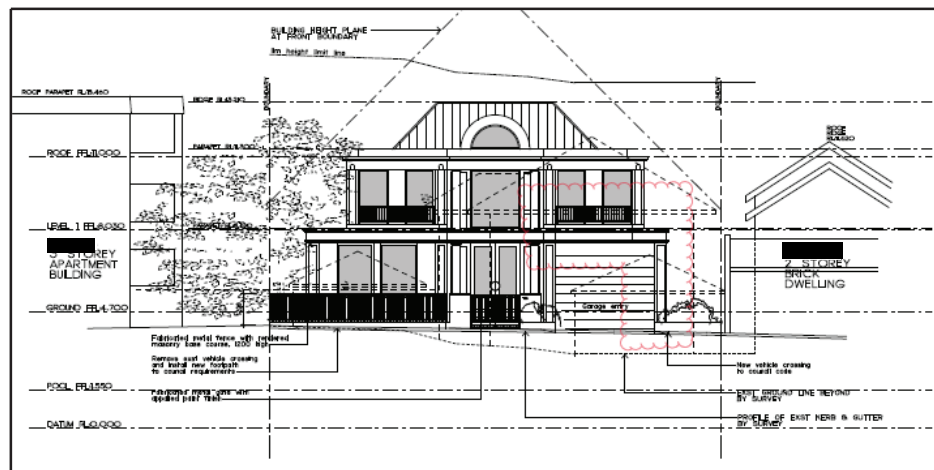
The development is fully contained within the building envelope control which is generally held to control the overall massing of the development and has a rear setback that complies with the foreshore building line and the neighbouring properties. The dwelling will have side setbacks of 1.5-2.2m at the ground floor and 3.1-3.625m at the first floor which exceed the minimum. The overall height will be 7.5 to 9.2m which is well below

the 11m height limit that is permitted. Given the above, the shadow cast is unavoidable and reasonable.

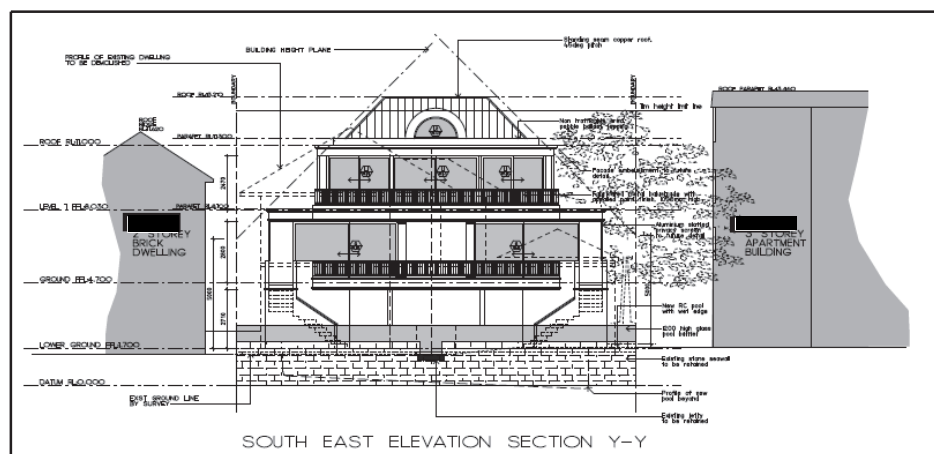
Number of storeys

Part E3.6 of the CBD CP requires dwellings to be two storeys, however, this site benefits from an 11m building height limit under the CBLEP. The proposed dwelling will be two storeys at the street level and three storeys to the rear.

The proposal is located on a site which slopes approximately 2m from the street down to the rear of the site. The proposal utilises the slope of the land to provide a covered area at the lower level. As this is below the street level the dwelling will present as two storeys to [REDACTED]. The height of the dwelling will provide a suitable infill between the four storey residential flat building to the northeast and two storey dwelling to the southwest, as demonstrated in the elevations below.



Street elevation (Source: Applicant) Note: Roof form to be deleted via condition



Foreshore elevation (Source: Applicant) Note: Roof form to be deleted via condition

The proposal is not foreseen to result in any adverse or unreasonable impacts upon the amenity of the adjoining sites including view loss and overshadowing.

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

The proposed development has been assessed in relation to its environmental consequences and relevant statutory and non-statutory standards. Having regard to this assessment, the site is considered suitable for the proposed development.

5.6. The Public Interest [Section 4.15 (1)(e)]

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

6. INTERNAL REFERRALS

6.1. Development Engineer

The proposal was referred to Council's development engineer who raised no objection subject to conditions included within the recommendation of this report.

6.2. Tree Services

The proposal was referred to Council's Tree Services Team who granted consent to the removal of the *Ficus Microcarpa*.

7. CONCLUSION

The proposed development is appropriately located within a R3 Medium Density Residential zone under the provisions of the Canada Bay Local Environmental Plan 2013 and provides an appropriate level of compliance with statutory and non-statutory standards.

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

RECOMMENDATION

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

THAT Council, as the determining authority, grant consent to Development Application No. DA [REDACTED] to demolition of existing structures and construction of a new multi-storey dwelling with basement parking and pool on land at [REDACTED] Drummoyne, subject to the following site specific conditions.

Stuart Ardlie
Senior Statutory Planner
Statutory Planning Services

Shannon Anderson
Coordinator
Statutory Planning Services

Date:

Date:

RESOLUTION

The Manager Statutory Planning acting under authority delegated pursuant to S378 of the Local Government Act, 1993 having considered the report dated 22 October 2019 in respect of DA No. DA [REDACTED] in accordance with the relevant provisions of the Environmental Planning and Assessment Act, 1979, specifically S.4.15 and applicable environmental planning instruments hereby resolved that the report be adopted and implemented as recommended.

Narelle Butler
Manager
Statutory Planning Service

Date:



Ref: DA [REDACTED]

28 October 2019

Mr C Gadelrabb
PO Box 3241
BLAKEHURST NSW 2221

Dear Sir

DEVELOPMENT APPLICATION NO: DA [REDACTED]
PREMISES: [REDACTED] DRUMMOYNE NSW 2047
TITLE: [REDACTED]

You are advised that the above Development Application has been determined by granting a “Deferred Commencement” consent subject to conditions (attached).

You are reminded that the consent only becomes effective when the Deferred Commencement pre conditions listed in the attached Determination Notice had been satisfied in writing and the consent becomes operative.

You are reminded that no works can commence on the site until the pre-conditions have been satisfied, Council has advised you in writing of the pre-conditions being satisfied and a Construction Certificate has been issued.

Please Note: Any breaches of your development consent conditions may result in enforcement action being commenced by Council. This can include fines and/or legal proceedings. Please ensure conditions are fully complied with at all times.

Any further enquiries should be directed to Stuart Ardlie on 9911-6555 between 8.30am - 10.00am, Monday to Friday.

Yours faithfully,

A large black rectangular redaction box covering the signature of Narelle Butler.

Narelle Butler
Manager, Statutory Planning Services

NOTICE OF DETERMINATION

OF A DEVELOPMENT APPLICATION
UNDER THE ENVIRONMENTAL PLANNING
AND ASSESSMENT ACT, 1979 (SECTION 4.18(1))



APPLICANT: Mr C Gadelrabb PO Box 3241 BLAKEHURST NSW 2221	DEVELOPMENT APPLICATION NO: DA [REDACTED] PAGE 1
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PROPERTY DESCRIPTION: [REDACTED] DRUMMOYNE 2047

DEVELOPMENT: Demolition of Existing Structures and Construction of a New Multi-Storey Dwelling with Basement Parking and Pool

DETERMINATION

Pursuant to Section 4.18(1) of the Act, Council advises that the development application has been determined by:

- GRANTING OF A DEFERRED COMMENCEMENT CONSENT AS PER SECTION 4.16(3) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979, SUBJECT, TO THE CONDITIONS ATTACHED ON THE FOLLOWING PAGES

DETERMINATION DATE: 23 October 2019

DATE FROM WHICH CONSENT OPERATES: Consent operates from the date that the Pre Conditions in Schedule A are satisfied

DATE CONSENT LAPSES: 23 October 2024

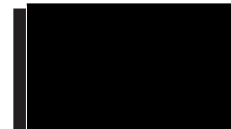
BY DELEGATED AUTHORITY

RIGHT OF APPEAL

SECTIONS 8.7 AND 8.10 OF THE ACT CONFERS ON AN APPLICANT WHO IS DISSATISFIED WITH THE DETERMINATION OF A CONSENT AUTHORITY A RIGHT OF APPEAL TO THE LAND AND ENVIRONMENT COURT WITHIN 6 MONTHS OF THE DATE OF THIS NOTICE

NOTE: This Consent is generally valid for a period of 5 years effective from the date of this notice, unless specified otherwise by Sections 4.53 of the Act, or by conditions.

NARELLE BUTLER
MANAGER
STATUTORY PLANNING SERVICES



Date: 28 October 2019

In accordance with Section 4.59 of the Environmental Planning and Assessment Act, 1979, any person may question the validity of this consent in legal proceedings commenced in the Land and Environment Court within 3 months of the date of publication of the notice.

CITY OF CANADA BAY
NOTICE OF DETERMINATION
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 ASSESSMENT ACT 1979 (SECTION 4.18(1))

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CONDITIONS OF APPROVAL**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**1. Acid Sulphate Soils**

Soil testing shall be undertaken in accordance with the recommendation made in Part 5.2.2 of the geotechnical investigation (5473.C-G1, 06.05.19). If acid sulphate soils are identified than an acid sulfate soil management plans shall be prepared and submitted to Council for approval.

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.

Reference/Dwg No	Title/Description	Prepared By	Date/s
DA.01, Rev. C	Site Roof Plan	mcleanmilton	04.10.19
DA.02, Rev. C	Lower Ground Floor Plan	mcleanmilton	04.10.19
DA.03, Rev. C	Ground Floor Plan	mcleanmilton	04.10.19
DA.04, Rev. C	First Floor Plan	mcleanmilton	04.10.19
DA.06, Rev. C	Sections	mcleanmilton	04.10.19
DA.07, Rev. C	Elevations	mcleanmilton	04.10.19
DA.08, Rev. C	Elevations	mcleanmilton	04.10.19
DA-1599/1, Rev. A, Issue 2	Landscape Concept Plan	Captivate Landscape Design	20.08.19
DA-1599/2, Rev. A, Issue 2	Landscape Concept Plan	Captivate Landscape Design	20.08.19
A10.01	Finishes Schedule	mcleanmilton	02.04.19

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Cert. No. 1004930S	BASIX Certificate	BASIX Certificate Centre	08.04.19
5473.C-G1	Geotechnical Investigation	AssetGeo	06.05.19

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

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

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

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

2. DAGCA03 - Construction within Boundary

All approved construction including but not limited to footings, walls, roof barges and guttering are to be constructed wholly within the boundaries of the premises.

(Reason: To ensure compliance with approved plans)

3. DAGCA06 - Separate Approvals

Separate Development Approval shall be obtained for any works to the sea wall.

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

4. DAGCA08 - Geotechnical

All recommendations made in the Geotechnical Investigation (5473.C-G1, 06.05.19) must be implemented during demolition, excavation and construction. Any change made to the site that will or is likely to impact the recommendations of this report will require further assessment that shall be provided to the Accredited Certifier for review prior to the works occurring.

(Reason: Compliance)

5. 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;

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- (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)

6. DAGCB13 - Swimming Pool /Spa

The approved swimming pool/spa must comply with the *Swimming Pools Act 1992* and relevant standards.

(Reason: Statutory requirement)

7. DAGCB15 - Telecommunications /TV Antennae

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

(Reason: Environmental amenity)

8. 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	Prepared By:	Dated:
C - 01, Issue 3	Stormwater Drainage Plan	Pavel Kozarovski	01.04.19

Important Note:

- The approved Stormwater Drainage Plan as identified above is for Concept Only. The designer is responsible for providing sufficient information and/or updates to the Stormwater Drainage Plan suitable for Construction Certificate approval.
- Should any changes be required to the approved stormwater drainage plan as referred to above, the amended design shall achieve equivalent performance standards in accordance with Council's "Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan".
- Construction Certificate Approval does not include approval for works external to the property. Where the proposed design extends beyond the property boundary, separate approval under Section 138 of the Roads Act 1993, must be obtained from Council prior to the commencement of works. The applicant is advised to contact Council for clarification of proposed works for which approval under Section 138 applies.

(Reason: Stormwater management)

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

9. 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)

10. 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

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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)

11. 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)

12. 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)

13. 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

14. DACCA03 - Driveway Design and Certification

The driveway shall be designed in accordance with Council's "Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan". A longitudinal section through the proposed driveway from the centre line of the road to the garage shall be prepared demonstrating compliance with the scraping provisions for the B85 vehicle as stipulated in AS/NZS2890.1:2004 "Off Street Car Parking" Code. The longitudinal section shall include:

- All changes in levels and gradients e.g. lip of gutter, gutter invert, kerb layback, edge of footpath and at the property boundary.
- Footpath shall have a maximum crossfall of 2.5% graded towards the street.
- A standard layback having a maximum 100mm height over 450mm distance from the invert of gutter is to be incorporated into the driveway long section.
- Driveway shall have a crest to prevent the runoff from the street entering the property in case of street flooding. The driveway shall be designed to achieve at least 250mm (from invert of the gutter to the crest) protection against runoff from the street.
- Overhead clearance i.e. height between the driveway/garage floor and the overhead obstruction shall comply with the minimum headroom clearance of 2.2m stipulated in AS/NZS 2890.6.2009.

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

The longitudinal section and certification shall be submitted to the Accredited Certifier **prior to the issue of a Construction Certificate.**

(Reason: Vehicular access)

15. DACCB02 - Damage Deposit for Council Infrastructure

A Damage Deposit (calculated in accordance with Council's adopted Fees and Charges) of **\$10,000** 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.

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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)

16. 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)

17. 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 **\$15,600.00** 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 **115.9**.

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)

18. DACCE01 - Amendments to Approved Plans

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

Stormwater Management

a) Scour and erosion control device shall be installed at the outlet. A detail on scour protection including a section through outlet is to be shown on the stormwater concept plan.

Architectural Plans

- b) The pitched mansard roof shall be deleted and replaced with a flat roof form with a maximum parapet and roof height of AHD RL11.30.
- c) The ground floor kitchen windows W.18 on the southwestern elevation shall consist of fixed obscure glass.
- d) The privacy screens to the northeast and southwest side elevation of the ground and first floor balcony shall be permanently fixed to achieve a minimum solid density of 85%.

Landscape Plan

e) The 2 x Blueberry Ash trees shall be replaced with 2 x Backhousia Citriodora trees (Lemon Scented Myrtle).

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)

19. DACCE02A - Construction Traffic Management Plan (CTMP)

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

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

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

(Reason: Traffic safety and amenity during construction phase)

20. 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)

21. DACCH00 - Obscure Glazing for Privacy in Wet Areas

All bathroom, ensuite and toilet windows shall be installed with obscure glazing.

(Reason: Amenity)

22. DACCI01 - Pre-Commencement Damage Report

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

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

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

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

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

(Reason: Maintain public assets)

23. 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)

24. DACCJ02 - Redundant Vehicular Crossings and Ancillary Works

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

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

(Reason: Public infrastructure maintenance)

25. DACCK01A - Application for a Construction Certificate (Residential Developments)

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

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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) 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)

26. DACCK02 - BASIX Commitments

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

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

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

(Reason: Statutory Compliance)

27. 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

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- (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)

28. DACCL05 - Grated Drain to Garage

A grated trench drain shall be provided across the driveway. Unless otherwise designed by a Qualified Civil Engineer, the dimensions of the trench grate shall not be less than 200mm wide by 150mm deep at the shallow end, and have a “bottom” slope of 2 %. This trench drain shall be connected to an approved drainage system. The grated drain calculation shall be in accordance with AS/NZS3500.

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

(Reason: Environmental protection)

29. 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)

30. 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)

31. DACCM01 - Dilapidation Report

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

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

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

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

The person having the benefit of the development consent must, at their own cost, rectify any damage caused to other properties during the construction of the project.

(Reason: Safety)

32. DACCM04 - Support and Protection for Neighbouring Buildings

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

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

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

(Reason: Structural safety)

33. DACCN01 - Electricity Connection

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

- An underground service line to a suitable existing street pole; or
- Sheathed underground consumers mains to a customer pole erected near the front property boundary (within 1 metre)

Note: A limit of one (1) pole per site will apply.

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

(Reason: Environmental Amenity)

34. DACCN03 - Telecommunications

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

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

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

(Reason: Environmental Amenity)

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

35. DAPCB01 - Appointment of Principal Certifying Authority

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

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

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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)

36. 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)

37. DAPCB04 - Home Building Compensation Fund

No residential building work within the meaning of the *Home Building Act 1989* may commence until:

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

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- If the owner-builder is required to hold an owner-builder permit under the *Home Building Act 1989*, the number of the owner-builder permits.

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

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

(Reason: Statutory requirement)

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:

- Not less than two (2) days' notice of the date on which it is proposed to commence work associated with this Development Consent;
- Details of the appointment of a Principal Certifying Authority (either Canada Bay Council or another Accredited Certifier)
- 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. DAPCB08 - Sydney Water Tap in Approvals

The approved plans must be submitted through the Sydney Water 'Tap in' portal to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Sydney Water 'Tap in' customers will receive an approval receipt. For further details please refer to Sydney Water's web site at www.sydneywater.com.au/tapin or call 1300 082 746.

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

(Reason: Statutory Requirement)

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. DADWB01 - Acid Sulphate Soils Plan - Compliance

The Principal Contractor/Owner Builder and any sub-contractor must comply with the approved Acid Sulphate Soil Management Plan and the Acid Sulphate Soils - Planning Guidelines by the NSW Acid Sulphate Soils Management Advisory Committee Guidelines, August 1998.

Note: The Acid Sulphate Soils Management Plan submitted and approved with the Development Application sets out the management of the site in detail.

(Reason: Compliance with condition of consent)

49. 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)

50. 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)

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51. 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)

52. 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 docketts, 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)

53. 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)

54. 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)

55. 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)

56. 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)

57. 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)

58. 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 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

59. DA OCD01 - 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

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- 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)

60. DAOCD02 - Evidence of Lawful Asbestos Disposal

An Occupation Certificate for a development involving the removal of asbestos must not be issued until such time the applicant provides the principal certifying authority with a copy of receipt/s confirming lawful disposal of asbestos waste.

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

(Reason: Health and Safety)

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

61. DAFOE01 - Certification of the Constructed Stormwater Drainage System

The constructed stormwater drainage system shall be certified by a Professional Civil Engineer whose qualifications are recognised by, and who is a current member of, Engineers Australia, as being designed and installed in accordance with Council's Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan", **prior to issue of the Final Occupation Certificate.**

(Reason: Adequate stormwater management)

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

62. DAOUC18 - Noise - air conditioners/swimming pool pumps/ spa pump in residential buildings
Air Conditioners *(delete if not applicable)*

The air conditioner/s must comply with the requirements of *Protection of the Environment Operations (Noise Control) Regulation 2008* and shall not:

- 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):
 - before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
 - before 7.00am and after 10.00pm on any other day; and
- 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.

Swimming Pool Pump/ Spa Pump *(delete if not applicable)*

The swimming pool or spa pump/s must comply with the requirements of Protection of the Environment Operations (Noise Control) Regulation 2008 and shall not:

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- (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 8.00pm on any Saturday, Sunday or public holiday; or
 - (ii) before 7.00am and after 8.00pm on any other day; or
- (b) emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those *specified* in (i) and (ii) above, which exceeds the background ($L_{A90, 15\text{minutes}}$) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute.

(Reason: Noise Control and Amenity)

63. DAOUC19 - Compliance with Noise Control Legislation

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

(Reason: Noise Control and Amenity)

Advisory Notes

a) DAANN01 - Dial Before You Dig

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



Telecommunications Act 1997 (Commonwealth)

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

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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) DAANN05 - Owner Builders

Under the *Home Building Act 1989* any property owner who intends undertaking construction work to a dwelling or dual occupancy over the value of \$5,000 must complete an approved education course and obtain an owner-builder permit from the Office of Fair Trading. See www.fairtrading.nsw.gov.au

e) DAANN06 - Process for Modification

The plans and/or conditions of this Consent are binding and may only be modified upon written request to Council under Section 4.55 of the Environmental Planning and Assessment Act, 1979 (as amended). The request shall be accompanied by the appropriate fee and application form. You are not to commence any action, works, contractual negotiations, or the like, on the requested modification unless and until the written authorisation of Council is received by way of an amended consent.

f) DAANN07 - Review of Determination

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

g) DAANN08 - Right of Appeal

Section 8.7 and 8.10 of the Environmental Planning and Assessment Act 1979 (as amended), gives the applicant the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice. Section 97 does not apply to the determination of a development application for State significant development or local designated development that has been the subject of a Commission of Inquiry.

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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.

These conditions are imposed for the following reasons:

- a) To ensure compliance with the terms of the relevant Environmental Planning Instruments.
- b) To ensure that no injury is caused to the amenity of the area.
- c) Council considers that the circumstances of the case are such that it is in the public interest that they be imposed.

NARELLE BUTLER
MANAGER
STATUTORY PLANNING SERVICES

Date: 28 October 2019