

Memo

Environment

To:	Rodney Piggott , Development Assessment Manager
From:	Adam Mitchell, Planner
Date:	3 August 2021
Application Number:	Mod2021/0396
Address:	Part Lot 741 DP 752038 , 741 / 0 Alfred Street NARRAWEENA NSW 2099 Lot 741 DP 752038 , 741 / 0 McIntosh Road NARRAWEENA NSW 2099 Lot 741 DP 752038 , 741 / Waratah Parade NARRAWEENA NSW 2099 Part Lot 741 DP 752038 , 741 / 0 Alfred Street NARRAWEENA NSW 2099
Proposed Modification:	Modification of Development Consent DA2020/1593 granted for demolition works and alterations and additions to an existing School Administration Building

Background

The abovementioned development consent was granted by Council on 15 February 2021 for demolition works and alterations and additions to an existing school administration building.

Details of Modification Application

Under Section 4.55(1) of the EPA Act 1979, a consent containing an error or mis-description may be amended. The Northern Beaches Community Participation Plan does not require the notification of Section 4.55(1) modification applications as they are considered to be of minimal environmental impact.

Section 4.33 Determination of Crown development applications(cf previous s 89) (1) of the Environmental Planning and Assessment Act 1979 requires that consent authority (other than the Minister) must not—

- (a) refuse its consent to a Crown development application, except with the approval of the Minister, or
- (b) impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister.

Council is therefore bound to seek to agreement of the applicant prior to finalising any conditions of consent.

The application seeks to delete conditions No. 1(b), 2(b), 2(d), 3(f), 3(l), 3(n), 4, 5, 7 and 18, along with removing all references to the words Construction Certificate or "CC", Occupation Certificate or "OC" or Principal Certifying Authority or "PCA" (identified to be conditions No. 6, 8, 13, 14, 17, 19, 20, 21) which reads as follows:

- 1 The development must be carried out in compliance (except as amended by any other condition of c

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp	
Drawing No.	Dated
DA000 02	30/11/2020
DA050 02	30/11/2020
DA070 02	30/11/2020
DA100 02	30/11/2020
DA200 02	30/11/2020
DA250 02	30/11/2020
DA251 02	30/11/2020
DA500 02	30/11/2020
DA600 03	30/11/2020
DA601 02	30/11/2020

Engineering Plans	
Drawing No.	Dated
C1.01, Issue A	24/11/2020
C1.02, Issue A	24/11/2020
C1.05, Issue A	24/11/2020
C1.06, Issue A	24/11/2020
C3.01, Issue A	24/11/2020
C5.01, Issue A	24/11/2020

Reports / Documentation – All recommendations and requirements contained within:	
Report No. / Page No. / Section No.	Dated
Arboricultural Impact Assessment Report	11/11/2020

b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions by Council.

c) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

d) The development is to be undertaken generally in accordance with the following:

Waste Management Plan	
Drawing No./Title.	Dated
Waste Management Plan	30/11/2020

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved by Council.

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia.
- (b) **BASIX affected development must comply with the schedule of BASIX commitments Certificate (demonstrated compliance upon plans/specifications is required prior to the start of the development)**
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority;
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number to be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, and when the work has been completed.

- (d) **Residential building work within the meaning of the Home Building Act 1989 must not be carried out without the approval of the Certifying Authority for the development to which the work relates (not being the Council). The following information must be provided to the Certifying Authority:**
 - (i) **in the case of work for which a principal contractor is required to be appointed:**
 - A. the name and licence number of the principal contractor, and
 - B. 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:**
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989, the name of the permit holder.

If arrangements for doing the residential building work are changed while the work is under way, the arrangements must be approved by the Certifying Authority for the development to which the work relates (not being the Council) in writing.

- (e) Development that involves an excavation that extends below the level of the base of the footings of any building on the site must, at the person's own expense:
 - (i) protect and support the adjoining premises from possible damage from the excavation;
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of any building on the site, give notice of intention to do so to the owner of the adjoining allotment of land and the owner of the building being erected or demolished.
 - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out on the allotment of land being excavated or on the adjoining allotment of land.

- 3 (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammer like, regardless of whether the activities disturb or alter the natural state of the existing ground materials from the site).

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with the relevant Australian Standards.
- (c) At all times after the submission of the Notice of Commencement to Council, a copy of the Development Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The Authorised Officer.
- (d) Where demolition works have been completed and new construction works have not commenced, the area affected by the demolition works shall be fully stabilised and the ground returned to its original state until such time as new construction works commence.
- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management system) shall be provided on construction sites at a rate of 1 per 20 persons.
- (f) **Prior to the release of the Construction Certificate, payment of the Long Service Levy must be made to Council or to the Long Services Payments Corporation. Payment is not required where the value of the development is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction value. The applicable fee at the time of payment of the Levy is subject to legislative change.**
- (g) The applicant shall bear the cost of all works associated with the development that occurs on the site.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, crane or lift shall be placed on Council's footpaths, roadways, parks or grass verges without Council's written consent.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling collection points.
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves) shall be removed or damaged during construction unless specifically approved in this consent. Temporary hoardings or other temporary works.
- (k) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development site safety appliances (wholly within the development site) as are necessary to protect persons or property on the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, the safety appliances are to be removed within 7 days.

- (l) **A "Road Opening Permit" must be obtained from Council, and all appropriate charges must be paid on Council property. The owner/applicant shall be responsible for all public utilities and must notify all relevant Authorities, and bear all costs associated with any repairs and/or a road opening necessary.**
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW (2017) Code of Practice for the Construction Industry.
- (n) **Requirements for new swimming pools/spas or existing swimming pools/spas affected by the Swimming Pools Act 1992 and the Swimming Pools Amendment Act 2009 are as follows:**
 - (1) **Child resistant fencing is to be provided to any swimming pool or lockable access to a swimming pool consistent with the following;**

Relevant legislative requirements and relevant Australian Standards (including but not limited to):

- (i) **Swimming Pools Act 1992**
- (ii) **Swimming Pools Amendment Act 2009**
- (iii) **Swimming Pools Regulation 2018**

- (iv) **Australian Standard AS1926 Swimming Pool Safety**
- (v) **Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools**
- (vi) **Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools**
- (2) **A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by R, in a prominent position within the pool/spa area.**
- (3) **Filter backwash waters shall be conveyed to the Sydney Water sewerage system or to unsewered areas in a manner that does not cause pollution, erosion or run off into any wastewater system and is separate from any onsite stormwater management system.**
- (4) **Swimming pools and spas must be registered with the Division of Local Government Services.**

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community.

4 Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$7,117.00 is payable to Northern Beaches Council for the provision of local government services under section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2019. The monetary contribution is based on a development cost of \$711,700.00.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate where no Construction Certificate is required. If the monetary contribution remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (or the amount of the contribution payable for this development will be the total unpaid monetary contribution as adjusted.

The proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the monetary contribution has been paid.

The Northern Beaches Section 7.12 Contributions Plan 2019 may be inspected at 725 Pittwater Rd, Centres or alternatively, on Council's website at www.northernbeaches.nsw.gov.au

This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating compliance with the Section 7.12 Contributions Plan 2019 must be submitted to the Certifying Authority.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of local government services.

5 A bond (determined from cost of works) of \$2,000 and an inspection fee in accordance with Council's Fees and Charges Schedule is required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the site as a result of construction or the transportation of materials and equipment to and from the site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing. Payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with this consent and alternatively a copy is located on Council's website at www.northernbeaches.nsw.gov.au

Reason: To ensure adequate protection of Council's infrastructure.

6 Access and Facilities are to be provided to and within the building as required for Persons with Disabilities under the Australian Standard AS 1428.

Details are to be provided to the **Certifying Authority** prior to the issue of the **Construction Certificate** for the building.

Reason: To ensure adequate provision is made for access to and within the building for Persons with Disabilities.

- 7 The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater management in accordance with Beaches Council's WATER MANAGEMENT FOR ENGINEERING DEVELOPMENT POLICY". Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership of the National Professional Engineers Register (NPER) and registered in the General Area of Practice for Civil Engineering.

Detailed drainage plans, including engineering certification, are to be submitted to the **Certifying Authority** for approval prior to the issue of the **Construction Certificate**.

Reason: To ensure appropriate provision for the disposal of stormwater and stormwater management structures.

- 13 Demolition works must be carried out in compliance with WorkCover Short Guide to Working with Asbestos 2601 2001 The Demolition of Structures.

The site must be provided with a sign containing the words DANGER ASBESTOS REMOVAL IN PROGRESS. The sign must be at least 300 mm and be erected in a prominent visible position on the site. The sign is to be erected prior to the commencement of demolition and remain in place until such time as all asbestos cement has been removed from the site and disposed to a licensed asbestos disposal facility.

All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of to a licensed asbestos disposal facility. At completion of tipping operations the applicant must lodge to the **Principal Certifying Authority**, all documentation of proper disposal.

Adjoining property owners are to be given at least seven (7) days' notice in writing of the intention to demolish the building on the development site.

Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk.

- 14 Any new information revealed during demolition works that has the potential to alter previous conclusions shall be immediately notified to the Council and the **Principal Certifying Authority**.

Reason: To protect human health and the environment.

- 17 Prior to the issue of an **Occupation Certificate**, a report prepared by an Arborist with minimum AQ1 accreditation shall be submitted to the **Certifying Authority**, assessing the health and impact on all existing trees required to be retained. The report shall include:
 - a) compliance to any Arborist recommendations for tree protection generally and during excavation works,
 - b) extent of damage sustained by vegetation as a result of the construction works,
 - c) any subsequent remedial works required to ensure the long term retention of the vegetation.

Reason: tree protection.

- 18 The Applicant shall lodge the Legal Documents Authorisation Application with the original completed forms 13PC and/or 13RPA) to Council and a copy of the Works-as-Executed plan (details overdrawn by a suitably qualified hydraulic engineers' certification).

The Applicant shall create on the Title a restriction on the use of land and a positive covenant in respect of the on-site stormwater disposal structures within this development consent. The terms of the positive covenant shall be consistent with Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council and NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or discharge the restriction and positive covenant.

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for be submitted.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the

Reason: To ensure the on-site stormwater disposal system is maintained to an appropriate operation

- 19 Prior to the issuing of any **interim / final occupation certificate**, documentation is to be submitted **Authority** that any recommendations within the Hazardous Building Materials Register have been in

Reason: To protect human health.

- 20 A total of seven (7) replacement trees shall be planted within the site at the corner of Waratah Street approved plan DA000, and as follows:
- i) three (3) *Lophostemon confertus* (Brushbox) shall be planted along Waratah Parade portion within the site, planted at a minimum pre-ordered 200 litre container size, and planted at least 4 metres
 - ii) one (1) *Eucalyptus haemastoma* (Scribbly Gum) shall be planted within the site at the corner of Waratah Street, minimum pre-ordered 75 litre container size, and planted at least 4 metres from any other tree,
 - iii) three (3) *Tristania laurina* (Water Gum) shall be planted along Ronald Ave portion within the site, minimum pre-ordered 200 litre container size, and planted at least 4 metres from any other tree,
 - iv) all trees shall be and planted into a prepared planting hole 1m x 1m x 600mm depth, backfilled with mulch to 75mm depth minimum and maintained, including a four post and top and mid rail timber

Details demonstrating compliance are to be submitted to the **Principal Certifying Authority** prior to

Reason: to maintain environmental amenity.

- 21 At the completion of all works, a Fire Safety Certificate will need to be prepared which references all relevant standards and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate and copies must be sent to Council and the NSW Fire Brigade.

Details demonstrating compliance are to be submitted to the **Certifying Authority** prior to the issue of

Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement. Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Act 1979.

Consideration of error or mis-description

Condition 1(b)

To be removed as there is no Deferred Commencement condition applicable to the consent.

Condition 2(b) and 2(d)

(b) to be removed as this is not a BASIX affected development.

(d) to be removed as there is no residential building work.

Condition 3(f), (l) and (n)

(f) to be removed as this is a Crown development.

(l) to be removed as a Road Opening Permit is not required.

(n) to be removed as there is no swimming pool.

Condition 4

The applicant contends that development contributions are not relevant to the development application and requests that the condition pertaining to Section 7.12 Contributions be deleted.

Council's Infrastructure Officer disagrees with the applicant's contentions and finds that the development does not meet any of the criterion in Part 2.5 of the Contributions Plan which would preclude the applicant from paying contributions.

The applicant is the Crown (NSW Department of Education). Pursuant to s4.33 of the Environmental Planning and Assessment Act 1979 a Council must not impose a condition of approval, except with the written consent of the Minister or the Applicant. To that effect, Council has no power to enforce a condition which the applicant (Crown) does not agree to. In this circumstance, Condition 4 is to be removed.

Condition 5

To be removed as security deposits are not relevant to Crown land.

Condition 6

To be modified to remove reference to CC, OC or PCA.

Condition 7

To be removed as OSD is not required.

Condition 13

To be modified to remove reference to CC, OC or PCA.

Condition 14

To be modified to remove reference to CC, OC or PCA.

Condition 17

To be modified to remove reference to CC, OC or PCA.

Condition 18

To be removed as OSD is not required.

Condition 19

To be modified to remove reference to CC, OC or PCA.

Condition 20

To be modified to remove reference to CC, OC or PCA.

Condition 21

To be modified to remove reference to CC, OC or PCA.

Conclusion

It is considered that the modification is minor in nature and consistent with the provisions of section 4.55(1) of the EPA Act 1979 and is therefore recommended for approval.

Recommendation

THAT Council as the consent authority approve Modification Application No. Mod2021/0396 for Modification of Development Consent DA2020/1593 granted for demolition works and alterations and additions to an existing School Administration Building on land at Part Lot 741 DP 752038,741 / 0 Alfred Street, NARRAWEENA, Lot 741 DP 752038,741 / 0 McIntosh Road, NARRAWEENA, Part Lot 741 DP 752038,741 / 0 Alfred Street, NARRAWEENA, as follows:

A. Modify Condition 1 - Approved Plans and Supporting Documentation to read as follows:

The development must be carried out in compliance (except as amended by any other condition of cons

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp	
Drawing No.	Dated
DA000 02	30/11/2020

DA050 02	30/11/2020
DA070 02	30/11/2020
DA100 02	30/11/2020
DA200 02	30/11/2020
DA250 02	30/11/2020
DA251 02	30/11/2020
DA500 02	30/11/2020
DA600 03	30/11/2020
DA601 02	30/11/2020

Engineering Plans	
Drawing No.	Dated
C1.01, Issue A	24/11/2020
C1.02, Issue A	24/11/2020
C1.05, Issue A	24/11/2020
C1.06, Issue A	24/11/2020
C3.01, Issue A	24/11/2020
C5.01, Issue A	24/11/2020

Reports / Documentation – All recommendations and requirements contained within:	
Report No. / Page No. / Section No.	Dated
Arboricultural Impact Assessment Report	11/11/2020

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

c) The development is to be undertaken generally in accordance with the following:

Waste Management Plan	
Report Title	Dated
Waste Management Plan	30/11/2020

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the drawings/documents will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved by Council.

B. Modify Condition 2 - Prescribed Conditions to read as follows:

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia.
 - (b) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number to be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.
- Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out.

when the work has been completed.

- (c) Development that involves an excavation that extends below the level of the base of the footing person having the benefit of the development consent must, at the person's own expense:
- (i) protect and support the adjoining premises from possible damage from the excavation,
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a give notice of intention to do so to the owner of the adjoining allotment of land and furnish the owner of the building being erected or demolished.
 - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work whether carried out on the allotment of land being excavated or on the adjoining allotment.

C. Modify Condition 3 - General Conditions to read as follows:

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:
- 7.00 am to 5.00 pm inclusive Monday to Friday,
 - 8.00 am to 1.00 pm inclusive on Saturday,
 - No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rammers, etc. like, regardless of whether the activities disturb or alter the natural state of the existing ground surface or remove materials from the site).

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with and the relevant Australian Standards.
- (c) At all times after the submission of the Notice of Commencement to Council, a copy of the Development Consent Compliance Statement is to remain onsite at all times until the issue of a BCA Crown Completion Certificate is available for perusal of any Authorised Officer.
- (d) Where demolition works have been completed and new construction works have not commenced, the demolition works that area affected by the demolition works shall be fully stabilised and the site shall remain in that state until such time as new construction works commence.
- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management system) shall be provided on construction sites at a rate of 1 per 20 persons.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council land.
- (g) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, platform, or lift shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centre.
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) shall be removed or damaged during construction unless specifically approved in this consent in relation to hoardings or other temporary works.
- (j) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected

- ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous place
- iii) Building/s that are to be demolished
- iv) For any work/s that is to be carried out
- v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development appliances (wholly within the development site) as are necessary to protect persons or property site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion structures or appliances are to be removed within 7 days.

- (k) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Code

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the

D. Delete Condition 4 - Policy Controls.

E. Delete Condition 5 - Security Bond.

F. Modify Condition 6 - Access and Facilities for People with Disabilities to read as follows:

Access and Facilities are to be provided to and within the building as required for Persons with a Disability Code of Australia and AS 1428 and are to be implemented prior to occupation of the building.

Reason: To ensure adequate provision is made for access to and within the building for Persons with a Disability

G. Delete Condition 7 - On-site Stormwater Detention Details.

H. Modify Condition 13 - Demolition Works - Asbestos to read as follows:

Demolition works must be carried out in compliance with WorkCover Short Guide to Working with Asbestos 2601 2001 The Demolition of Structures.

The site must be provided with a sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' 300 mm and be erected in a prominent visible position on the site. The sign is to be erected prior to demolition in place until such time as all asbestos cement has been removed from the site and disposed to a lawful disposal site.

All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of on completion of tipping operations the applicant must retain to the all receipts issued by the receiving tip a

Adjoining property owners are to be given at least seven (7) days' notice in writing of the intention to demolish the development site.

Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk

I. Modify Condition 14 - Requirement to Notify about New Contamination Evidence to read as follows:

Any new information revealed during demolition works that has the potential to alter previous conclusion materials shall be immediately notified to the Council.

Reason: To protect human health and the environment.

J. Modify Condition 17 - Condition of Retained Vegetation to read as follows:

Prior to the occupation of the building, a report prepared by an Arborist with minimum AQF Level 5 in arboriculture, assessing the health and impact on all existing trees required to be retained, including the following

- a) compliance to any Arborist recommendations for tree protection generally and during excavation work,
- b) extent of damage sustained by vegetation as a result of the construction works,
- c) any subsequent remedial works required to ensure the long term retention of the vegetation.

Reason: tree protection.

K. Delete Condition 18 - Positive Covenant and Restriction as to User for On-site Stormwater Dis

L. Modify Condition 19 - Compliance with Recommendations within the Hazardous Building Mate

Prior to the occupation of the building, documentation is to be prepared that evidences that any recommended Materials Register have been implemented.

Reason: To protect human health.

M. Modify Condition 20 - Required Planting to read as follows:

A total of seven (7) replacement trees shall be planted within the site at the corner of Waratah Street as approved plan DA000, and as follows:

- i) three (3) *Lophostemon confertus* (Brushbox) shall be planted along Waratah Parade portion within the site, planted at a minimum pre-ordered 200 litre container size, and planted at least 4 metres from any other tree,
- ii) one (1) *Eucalyptus haemastoma* (Scribbly Gum) shall be planted within the site at the corner of Waratah Street, minimum pre-ordered 75 litre container size, and planted at least 4 metres from any other tree,
- iii) three (3) *Tristania laurina* (Water Gum) shall be planted along Ronald Ave portion within the site, minimum pre-ordered 75 litre container size, and planted at least 4 metres from any other tree,
- iv) all trees shall be and planted into a prepared planting hole 1m x 1m x 600mm depth, backfilled with a mulch to 75mm depth minimum and maintained, including a four post and top and mid rail timber tree

Reason: to maintain environmental amenity.

N. Modify Condition 21 - Fire Safety Matters to read as follows:

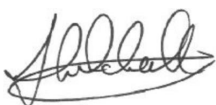
At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the relevant standards and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be signed and copies must be sent to Council and the NSW Fire Brigade.

Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement. Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Act 1979.

In signing this report, I declare that I do not have a Conflict of Interest.

Signed



Adam Mitchell, Principal Planner

The application is determined on 03/08/2021, under the delegated authority of:



Rodney Piggott, Manager Development Assessments