

CONDITIONS OF CONSENT

- 1) The proposal shall comply with the conditions of Development Consent.
- 2) Development shall take place in accordance with Development Application No. DA-144/2012, submitted by NSW Department of Education and Communities, accompanied by Drawing No. DA01, DA03, DA05, DA07, DA08, DA09, DA10, DA11, DA12, DA13, DA14, DA15, DA16, DA17, DA18, DA19, DA20, DA21, DA22, L01, L02, L03 and L04, prepared by Public Works Government Architect's Office, dated 24 February 2012 and affixed with Council's approval stamp, except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval.
- 3) A separate application shall be submitted to Council prior to the erection of any additional signage unless the proposed signage is "exempt development" in accordance with Bankstown DCP 2005 – Part D1.
- 4) The hydrotherapy pool is to comply with any relevant provisions of the Swimming Pools Act 1992, the Swimming Pools Regulation 2008, and AS 1926.1 – 2007.
- 5) The operator of the school must maintain records of all dates in relation to installing, altering, removing traffic control devices related to speed and school zone authorisation from RMS.

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORKS

- 6) The development is to be constructed and operated in accordance with the recommendations contained in the George Bass SSP – Acoustic Consultancy Services Report No. rp120127s0007, dated 23 February 2012 prepared by Norman Disney & Young. Details/specifications are to be submitted to Council for information prior to the commencement of works demonstrating/detailing compliance with the recommended treatments contained in the report.
- 7) Prior to the commencement of works, a Remedial Action Plan (RAP) must be prepared by an appropriately qualified and experienced environmental consultant and submitted to the satisfaction of Council. This RAP must also comply with the NSW EPA 'Guidelines for Consultants Reporting on Contaminated Sites 2000.'

The RAP must be prepared in accordance with the recommendations made in the report "Qualitative Risk Assessment and Remedial Options Report, Proposed George Bass SSP, 98 Johnston Road, Bass Hill", prepared by Coffey Environments, dated 23 February 2012 (referred to as ROR). This ROR outlines 3 specific remedial options. The RAP must specifically address the nominated remedial/ management option outlined in the ROR.

REMEDIAL/ MANAGEMENT OPTION 1 – Management In-situ

If Option 1 – Management In-situ is selected, then the RAP must address the in-situ management of the asbestos containing material areas with a barrier or cover in accordance with the ROR.

For Option 1 - The applicant must undertake a detailed survey of the covered contaminated material areas (as detailed in the ROR) and a survey plan prepared and submitted to the satisfaction of Council. A Site Environmental Management Plan (SEMP) must be prepared to address the long-term management of the contained fill onsite and must be submitted to the satisfaction of Council. The applicant must also register a covenant on the land title under section 88B of the *Conveyancing Act 1919*, to indicate that asbestos containing material has been contained on site.

REMEDIAL/ MANAGEMENT OPTION 2 – Offsite Disposal

If Option 2 – Offsite Disposal is selected, then the RAP must address the excavation and landfill disposal of the fill containing asbestos containing material from the areas identified in the ROR. This option will require the fill material to be classified and disposed of in accordance with the NSW EPA 'Waste Classification Guidelines – Part 1: Classifying Waste 2009'.

REMEDIAL/ MANAGEMENT OPTION 3 – Excavation and onsite burial

If Option 3 – Excavation and onsite burial is selected, then the RAP must address the relocation of the asbestos contaminated fill onsite followed by covering or providing a barrier as outlined in Option 1.

For Option 3 - The applicant must undertake a detailed survey of the covered contaminated material areas (as detailed in the ROR) and a survey plan prepared and submitted to the satisfaction of Council. A Site Environmental Management Plan (SEMP) must be prepared to address the long-term management of the contained fill onsite and must be submitted to the satisfaction of Council. The applicant must also register a covenant on the land title under section 88B of the *Conveyancing Act 1919*, to indicate that asbestos containing material has been contained on site.

Note 1: Suitable combinations of remedial/ management options 1, 2 and 3 may also be feasible as indicated in the ROR. If this option is taken, the RAP must be prepared and will be subject to requirements stipulated by Council for remedial options 1,2 and 3 where relevant.

Note 2: The RAP must also address the classification and disposal of localised stained soils observed within the machinery area as detailed in the ROR.

Note 3: If Council is not satisfied with the submitted RAP, Council may also request that the remedial action plan is reviewed by a NSW EPA accredited site auditor.

Note 4: It is recommended that an accredited site auditor is engaged at an early stage in the planning process to provide expert advice and guidance and to ensure straight-forward implementation of works.

Note 5: If Council is not satisfied with a submitted SEMP, Council may also request that the SEMP is reviewed by a NSW EPA accredited site auditor.

- 8) An Asbestos Management Plan (AMP) is to be prepared by an appropriately qualified and experienced environmental or occupational hygiene consultant and submitted to the satisfaction of Council. The AMP must address the health risks of potential exposure to asbestos containing material associated with construction and landscaping works. This document shall be written in accordance with requirement of relevant WorkCover NSW Codes of Practices, Guidelines and Standards.
- 9) Landscaping shall be installed in accordance with the approved landscape plan.
- 10) Approval in accordance with Council's Tree Preservation Order (TPO) is granted to lop or remove only the trees identified to be lopped or removed on the approved plans. Separate approval shall be obtained to prune or remove trees on adjoining properties or other trees located on the site. Failure to comply with Council's TPO may result in a fine of up to \$100,000.
 - No fill, excavated material, building material or other items are to be placed around retained trees.
 - No excavation is to take place around the root zone or canopy of retained trees.
 - All preservation zones are to be mulched to a depth of no less than 70 – 100mm using a suitable organic mulch or sand around the trees to be retained, ie. around the root zone or canopy of trees.
 - Fencing around retained trees is to be in place prior to commencement of site works and is to be kept in place during all construction, until final inspection is undertaken.
 - Fences should be signposted to warn contractors of their purpose.
 - Treatment and pruning of trees may only be undertaken by qualified arborists after approval of Council.
 - Any tree removal carried out on Saturdays is permitted only between the hours of 7am and 1pm inclusive, Sunday removals **not** permitted.
 - Construction to begin only when the above procedures are in place.

Failure to comply with the above conditions will result in an on the spot fine.

- 11) A Soil Erosion and Sedimentation Control Plan shall be prepared in accordance with Council's relevant DCP. The plan shall be prepared by a suitably qualified professional and submitted to Council for information.
- 12) The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

- 13) Prior to the commencement of works, a Long Service Levy payment of 0.35% of the value of the work is required to be paid to Council on behalf of the Long Service Corporation.
- 14) Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Bankstown City Council Section 94A Development Contributions Plan 2009 (Section 94A Plan), a contribution of \$124,750.00 shall be paid to Council.

The amount to be paid is to be adjusted at the time of actual payment, in accordance with the provisions of the Section 94A plan. The contribution is to be paid prior to the commencement of works.

Note: The Section 94A Contributions Plans may be inspected at Council's Customer Service Centre, located at Upper Ground Floor, Civic Tower, 66-72 Rickard Road, Bankstown, between the hours of 8.30am-5.00pm Monday to Friday.

- 15) Finished surface levels of all internal works and at the street boundary, including driveways, landscaping and drainage structures, must be as shown on the approved plans. The levels at the street boundary must be consistent with the Street Boundary Alignment Levels issued by Council.
- 16) A Work Permit shall be obtained from Council for the following engineering works in front of the site, at the applicant's expense:
 - a) A heavy duty VFC at the property boundary to Johnston Road.
 - b) Full Drainage construction within Johnston Road and Belinda Street.
 - c) Connection to the existing Council drainage pit in Belinda Street.
 - d) 1.2 metre wide concrete footway paving along the sites entire frontage to Johnston Road.
 - e) Concrete kerb and gutter reconstruction over the proposed pipe in Belinda Street.
 - f) Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs.
 - g) Repair of any damage to the public road including the footway occurring during development works.
 - h) Reinstatement of the footway reserve and adjustment or relocation of existing public utility services to match the footway design levels as proposed on the approved Work Permit. Adjustment or relocation to any public utility services shall be carried out to the requirements of the public utility authority.

Note: As a site survey and design is required to be prepared by Council in order to determine the necessary information, payment for the Work Permit should be made at least twenty one (21) days prior to the information being required and must be approved prior to the commencement of works.

- 17) Stormwater runoff from within the property shall be collected and controlled by means of an on site detention system in accordance with Council's Development Engineering Standards. The runoff from the detention storage shall be conveyed to an inspection pit to be located at the south east corner of the site and from there to the proposed new drainage pit in Johnston Road. Stormwater runoff from areas naturally draining to the site shall be collected, conveyed and piped to the inspection pit downstream of the detention storage basin.

A final stormwater drainage and on site detention system plan, shall be prepared by a qualified professional Civil Engineer in accordance with the above requirements and the requirements contained in Council's Development Engineering Standards. The final stormwater drainage plan shall also be generally in accordance with the concept plan shown in the George Bass SSP Concept stormwater management plan report number DC12004 dated 21 February 2012 prepared by Public Works – Government Architects Office. The final plan shall include the following:

1. All site pit and pipe details
2. Site finished surface levels
3. Downpipe size, location and connection to proposed rainwater tanks
4. Drainage details in the softfall areas
5. Detailed Swale design and finished levels
6. More detail on the on-site detention system showing detailed areas, volumes, and outlet pipe weir details.
7. The landscaped on-site detention areas need to include an additional 20% volume to allow for vegetation growth.
8. The on-site detention in the play areas are to be limited within the tree planting areas.
9. The existing drainage system in Belinda Street shall be checked to have enough capacity for the 10 year ARI storm for the additional flows coming from the site without surcharging. Any surcharge of flows from the existing system in Belinda Street for the 100 year ARI event shall maintain a maximum flow width in the road of 2.5m.
10. The DRAINS calculations and results shall be shown on the plans in tabular form.
11. The proposed discharge from the site shall not exceed the existing site discharges for all critical duration storms for the 5, 10, 20, 50 and 100 year ARI storm events.

The final plan shall be certified by the design engineer that it complies with Council's Development Engineering Standards and the relevant Australian Standards.

- 18) Where Council approved cut or fill exceeds 200mm and stable batter of 1 vertical to 3 horizontal maximum grade cannot be achieved, then a masonry or other proprietary material retaining wall, intended and suitable for that purpose, shall be constructed within the development site. Note, filling of the site needs specific approval from Council.

The retaining wall shall be located so that it will not impede or obstruct the natural flow of stormwater. Retaining walls exceeding 600mm in height shall be designed by a qualified professional Civil/Structural Engineer. Plans and details prepared and signed by the Engineer are to be submitted to Council for information prior to the commencement of works.

All works associated with the construction of the wall, including backfilling and drainage, is to be located wholly within the allotment boundaries.

- 19) An all weather pavement shall be designed to withstand the anticipated wheel loads for all areas subjected to vehicular movements. Internal pavements specification prepared and certified by all qualified professional Civil Engineer to comply with the relevant Australian Standards, shall be submitted to Council for information prior to the commencement of works.
- 20) As any works within, or use of, the footway or public road for construction purposes requires separate Council approval under Section 138 of the Roads Act 1993 and/or Section 68 of the Local Government Act 1993, Council requires that prior to the commencement of works, a Works Permit and or a Roadway/Footpath Building Occupation Permit shall be obtained where one or more of the following will occur, within, on or over the public footway or public road:

WORKS REQUIRING A 'WORKS PERMIT'

- a) Dig up, disturb, or clear the surface of a public footway or public road,
- b) Remove or interfere with a structure or tree (or any other vegetation) on a public footway or public road,
- c) Connect a road (whether public or private) to a classified road,
- d) Undertake footway, paving, vehicular crossing (driveway), landscaping or stormwater drainage works within a public footway or public road,
- e) Install utilities in, under or over a public road,
- f) Pump water into a public footway or public road from any land adjoining the public road,
- g) Erect a structure or carry out a work in, on or over a public road
- h) Require a work zone on the public road for the unloading and or loading of vehicles
- i) Pump concrete from within a public road,
- j) Stand a mobile crane within a public road
- k) Store waste and recycling containers, skips, bins and/or building materials on any part of the public road.
- l) The work is greater than \$50,000.
- m) Demolition is proposed.
- n) Subdivision is proposed.
- o) A Swimming pool is proposed.

Assessment of Works Permits (a to e) includes the preparation of footway design levels, vehicular crossing plans, dilapidation reports and issue of a Road Opening Permit.

All proposed works within the public road and footway shall be constructed under the supervision and to the satisfaction of Council. The applicant/developer shall arrange for necessary inspections by Council whilst the work is in progress.

For commercial or multi-unit residential developments within the designated CBD or an urban village area, footway design and construction and street tree supply, installation and tree hole detailing shall be as per the Council master plan for that area. Full width footways are to be supplied and installed at full cost to the developer to specification as supplied by Council. Layout plan of pavement to be submitted to Council for approval prior to the issue of the Works Permit.

All Council fees applicable, minimum restoration charges and inspection fees shall be paid prior to the assessment of the Work Permit in accordance with Council's adopted fees and charges. Note: Additional fees after approval will be charged where the Work Permit requires occupation of the Road or Footpath ie Hoardings, Work Zones etc.

In determining a Works Permit, Council can impose conditions and require inspections by Council Officers.

Forms can be obtained from Council's Customer Service counter located on the ground floor of Council's administration building at 66 - 72 Rickard Road, Bankstown or Council's website www.bankstown.nsw.gov.au

Part of any approval will require the person or company carrying out the work to carry public liability insurance to a minimum value of ten million dollars. Proof of the policy is to be provided to Council prior to commencing any work approved by the Work Permit including the Road Opening Permit and must remain valid for the duration of the works.

The commencement of any works on public land, including the footway or public road, may incur an on the spot fine of not less than \$1100 per day that work continues without a Works Permit and/or a Roadway/Footpath Building Occupation Permit.

All conditions attached to the permit shall be strictly complied with prior to occupation of the development. Works non-conforming to Council's specification (includes quality of workmanship to Council's satisfaction) shall be rectified by the Council at the applicant's expense.

- 21) For internal driveways with a gradient exceeding 10% (1 in 10), longitudinal profiles of all vehicular driveways and ramps shall be submitted to Council for information prior to the commencement of works. The maximum grade of the driveway/ramp shall not exceed 20% and shall comply with AS 2890.1. The profile shall be drawn at a reduction ratio of 1 to 20 vertical and horizontal and shall be related to the datum used for the issue of the footway design levels and shall also show the road centre line levels, Council issued footway design levels and gutter levels. Council's Car Clearance Profile in Council's Development Engineering Standards, (Plan No. S 006) shall be used to design the profile.
- 22) Building works in accordance with this development consent must not be commenced until the person having benefit of the development consent has given at least 2 days notice to the Council of their intention to commence the development works the subject of this consent.
- 23) Existing trees within the vicinity of the construction works or paths of travel for construction vehicles accessing the development that are to be retained shall be protected with temporary fencing of a style non injurious to tree roots, placed 2m from the trunk base of the existing tree to prevent damage during construction, and retained in accordance with Council's Tree Preservation Order. There is to be no stockpiling of materials within the 2m fenced zone.
- 24) Suitable erosion and sediment control measures shall be erected prior to the commencement of construction works and shall be maintained at all times.
- 25) Council warning sign for Soil and Water Management must be displayed on the most prominent point of the site, visible to both the street and site works. The sign must be displayed throughout the construction period.
- 26) Prior to commencement, the applicant must provide a temporary on-site toilet if access to existing toilets on site is not adequate.
- 27) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation and a copy submitted to Council for information. Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, as it can take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

- 28) Prior to the commencement of any building work a fence shall be erected along the property boundaries of the development site, except where an existing 1.8m high boundary fence is in good condition and is capable of securing the site. Any new fencing shall be temporary (such as cyclone wire) and at least 1.8m high.

All fencing is to be maintained for the duration of the construction to ensure that the site is secured and privacy of the adjoining properties is not compromised.

Where the development site is located within 3.6m of a public place then a Class A or Class B hoarding shall be constructed appropriate to the works proposed. A Works Permit for such hoardings shall be submitted to Council for approval prior to the commencement of work.

- 29) A sign shall be displayed on the site indicating the name of the person responsible for the site and a telephone number of which that person can be contacted during and outside normal working hours or when the site is unattended.
- 30) For development that involves any building work or demolition work, a sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:
- a) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted during and outside working hours, and
 - b) stating that unauthorised entry to the work site is prohibited.

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

Note: This clause does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building, or in relation to Crown building work that is certified, in accordance with Section 116G of the Act, to comply with the technical provisions of the State's building laws.

- 31) Permission is granted for the demolition of structures currently existing on the property, subject to strict compliance with the following: -
- a) The developer is to notify adjoining residents seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site.

- b) Written notice is to be given to Bankstown City Council for inspection prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours and contact telephone number and licence number of the demolisher. The following building inspections shall be undertaken by Bankstown City Council:
- (i) A *precommencement* inspection shall be carried out by Council when all the site works required as part of this consent are installed on the site and prior to demolition commencing.
 - (ii) A *final* inspection shall be carried out by Council when the demolition works have been completed to ensure that the site is left in a satisfactory manner, in accordance with the conditions of this consent.

NOTE: Payment of an inspection fee at Council's current rate will be required prior to each inspection. Council requires 24 hours notice to carry out inspections. Arrangements for inspections can be made by phoning **9707 9410, 9707 9412 or 9707 9635.**

- c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, license number, contact phone number and site address.
- d) Prior to demolition, the applicant must erect a 2.4m high temporary fence or hoarding between the work site and any public place. Access to the site shall be restricted to Authorised Persons Only and the site shall be secured against unauthorised entry when the building work is not in progress or the site is otherwise unoccupied. Where demolition is to occur within 3m of a public place a Work Permit application for the construction of a Class A or Class B hoarding shall be submitted to Council for approval.
- e) The demolition plans must be submitted to the appropriate Sydney Water Office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the demolition plans will be stamped indicating that no further requirements are necessary.
- f) Demolition is to be carried out in accordance with the appropriate provisions of Australian Standard AS2601-2001.
- g) The hours of demolition work shall be limited to between 7.00am and 6.00pm on weekdays, 7.00am and 1.00pm on Saturdays and no work shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.

- h) Where materials containing asbestos cement are to be removed, demolition is to be carried out by licensed contractors who have current Workcover Accreditation in asbestos removal.
- i) Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the Department of Environment and Heritage.
- j) Demolition procedures shall maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- k) During demolition, the public footway and public road shall be clear at all times and shall not be obstructed by any demolished material or vehicles. The public road and footway shall be swept (NOT hosed) clean of any material, including clay, soil and sand. (NOTE: If required, Council will clean the public road/footway at the applicant's expense). On the spot fines may be levied by Council against the demolisher and or owner for failure to comply with this condition.
- l) All vehicles leaving the site with demolition materials shall have their loads covered and vehicles shall not track soil and other material onto the public roads and footways and the footway shall be suitably protected against damage when plant and vehicles access the site. All loading of vehicles with demolished materials shall occur on site.
- m) The burning of any demolished material on site is not permitted and offenders will be prosecuted.
- n) Care shall be taken during demolition to ensure that existing services on the site (ie. sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services shall be repaired by the relevant authority at the applicant's expense.
- o) Suitable erosion and sediment control measures shall be erected prior to the commencement of demolition works and shall be maintained at all times.
- p) Prior to the demolition of any building constructed before 1970, a Work Plan shall be prepared and submitted to Council in accordance with Australian Standard AS2601-2001 by a person with suitable expertise and experience. The Work Plan shall outline the identification of any hazardous materials, including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.

CONDITIONS TO BE SATISFIED DURING CONSTRUCTION

- 32) The hours of site works shall be limited to between 7.00am and 6.00pm on weekdays and 7.00am and 1.00pm on Saturdays. No work shall be carried out on Sundays and public holidays and weekends (Saturdays and Sundays) adjacent to public holidays.
- 33) The building work must be carried out in accordance with the requirements of the Building Code of Australia, the provisions of the relevant Australian Standards and the approved plans.
- 34) Any new information which comes to light during construction works which has the potential to alter previous conclusions about site contamination, shall be notified to Council immediately.

Works are to cease until the new information is evaluated and an appropriate response determined by the applicant which is agreed to by Council. Council may also request that a NSW EPA accredited site auditor is involved to assist with the assessment of the new contamination information.

- 35) All site remediation works shall comply with the occupational health and safety requirements of the WorkCover NSW including relevant Codes of Practice, Guidelines and Standards.
- 36) Prior to the ground floor slab being poured, an identification report prepared by a registered surveyor shall be submitted verifying that the proposed slab's finished ground floor level and siting to the property boundary conforms with the approved plans.
- 37) All Civil and Hydraulic engineering works on site must be carried out in accordance with Council's Development Engineering Standards. All Civil and Hydraulic engineering works associated with Council's assets and infrastructure must be carried out in accordance with Council's Work Permit requirements and to Council's satisfaction.
- 38) The following drainage components shall be constructed within the road reserve in Johnston Road and Belinda Street and draining the subject site:
 - 1. A proposed new kerb inlet pit with minimum 2.4m clear opening lintel below the kerb in front of the site in Johnston Road.
 - 2. A proposed new kerb inlet pit with minimum 2.4m clear opening lintel below the kerb in Johnston Road adjacent to the northern boundary of No 1 Belinda Street Bass Hill.
 - 3. A proposed new kerb inlet pit with minimum 2.4m clear opening lintel below the kerb in front of No 1 Belinda Street Bass Hill.
 - 4. A proposed new kerb inlet pit with minimum 2.4m clear opening lintel below the kerb in front of No 3 Belinda Street Bass Hill.

5. A minim 375mm RCP shall be constructed from the pit within the boundary to all the new pits in Johnston Road and Belinda Street and up to the existing pit in Belinda Street.
 6. Reconstruction of the Road in the location of the proposed pipes.
 7. Reconstruction of the existing driveway to No 1 and 3 Belinda Street Bass Hill.
 8. Reconstruction of the existing kerb and gutter affected by the proposed drainage works in Johnston Road and Belinda Street.
- 39) Any works on downstream properties is to be carried out in accordance with the following:
 - a) The owners of all affected downstream properties shall be given at least seven (7) days notice in writing of intention to commence work within their property, together with particulars of the proposed work.
 - b) Where drainage excavation works extend below the level of the base of the footings of buildings the Applicant shall, at his own expense: -
 - (i) Preserve and protect such building from damage; and
 - (ii) If necessary underpin and support such buildings.
 - c) Restoration of drainage works in all affected downstream properties shall be to the satisfaction of the owners of the property/these properties.
 - 40) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
 - 41) If the soil conditions require it, retaining walls or other approved methods of preventing movement of the soil must be provided, and adequate provisions must be made for drainage. Separate approval may be required for retaining walls should they be required.
 - 42) If an excavation extends below the level of the base of the footings of an adjoining building or a building on an adjoining allotment of land, the person causing the excavation to be made:
 - a) if necessary, must underpin and support the building in an approved manner, and
 - b) must, at least 7 days before excavating below the level of the base of the footings of a building give notice of intention to do so to the owner of that building and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - c) must take all precautions to protect all of the structures from damage.

The owner of any affected buildings is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on an adjoining allotment of land.

- 43) The stormwater drainage system shall be constructed in accordance with Council's Development Engineering Standards and the engineering plans and details approved by the Principal Certifying Authority (PCA).
- 44) A suitably qualified Professional Civil or Structural Engineer shall be engaged by the developer to carry out inspections relating to construction of internal driveways and parking areas. The work shall be carried out in accordance with the approved plans and specifications and certification from the Civil or Structural Engineer is to be provided upon completion.
- 45) Prior to the commencement of work, the builder shall prepare a photographic record of the road reserve which clearly shows its condition prior to works occurring on site. For the entirety of demolition, subdivision or construction works, there shall be no stockpiling of building spoil, materials, or storage of equipment on the public road, including the footway and the road reserve shall be maintained in a safe condition at all times. No work shall be carried out on the public road, including the footway, unless a Work Permit authorised by Council has been obtained.
- 46) All school zones, flashing lights and pavement markings are to be installed at no expense to the RMS.
- 47) Following installation of all School Zone signs and pavement markings the operator of the school must arrange an inspection with the RMS for formal handover of the assets to the RMS. The installation date information must also be provided to the RMS at the same time. Note: Until the assets are formally handed-over and accepted by the RMS, the RMS takes no responsibility of the School Zones / signage assets and flashing lights.
- 48) The layout of the proposed parking area associated with the proposed development (including driveway, ramp grades, aisle widths, aisle lengths, parking bay dimensions, sight distances and loading bays) shall be designed in accordance with AS 2890.1 – 2004 and AS 2890.2 – 2002.
- 49) The car parking areas and entry/exit need to be clearly delineated through line marking and signage to ensure smooth, safe traffic flow.
- 50) Any landscaping, fencing or signage is not to impede the desired sight lines of all road users including pedestrians and cyclists.
- 51) All construction vehicles must be accommodated on site.
- 52) All works associated with the development shall be at no cost to the RMS.

CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION

- 53) The use of a building in accordance with this Development Consent must not be commenced until all conditions relating to demolition, construction and site works of this development consent are satisfied and Council has issued a Work Permit Compliance Certificate.
- 54) Thirty-two (32) off street car parking spaces shall be provided/maintained for the use of visitor and employees to the premises in accordance with the submitted plans. Such spaces are to be sealed and line marked and maintained.
- 55) Verification is to be submitted, prepared by a qualified acoustic consultant that the recommended measures in the George Bass SSP – Acoustic Consultancy Services Report No. rp120127s0007, dated 23 February 2012 prepared by Norman Disney & Young, have been satisfactorily implemented.
- 56) After completion of remediation works, a Validation Report must be prepared by a suitably qualified environmental consultant. This report must comply with the NSW EPA 'Guidelines for Consultants Reporting on Contaminated Sites 2000.' This report must outline that the required remediation work has been completed and that the site is suitable for the proposed land use. This report must be submitted to Council prior to occupation of the site.

The validation report must be reviewed by a NSW EPA accredited site auditor and a copy of the site audit statement provided to Council. The site audit statement must indicate that the site has been remediated to the level required for the proposed land use.

This site audit statement must be submitted to the satisfaction of Council prior to the issue of the occupation certificate.

Note: It is recommended that an accredited site auditor is engaged at an early stage in the planning process to provide expert advice and guidance and to ensure straight-forward implementation of works.

- 57) Landscaping is to be installed in accordance with the approved landscape plan. All works and methods nominated and materials and plants specified on the approved landscape plan are to be completed prior to the issue of an occupation certificate. The landscaping shall be maintained for the life of the development.
- 58) A suitably qualified Professional Civil Engineer shall certify that the driveways, parking bays, and service areas have been constructed in accordance with the approved plans and specifications. Such Certification shall be submitted to Council for information prior occupation of the development.

- 59) Lighting must be provided to the entries of the buildings, driveways and parking areas to promote a high level of safety and security at night and during periods of low light. Lighting provided should be hooded, shielded or directed away from neighbouring dwellings to minimise glare and associated nuisances to residents.
- 60) A registered surveyor shall prepare a Work As Executed Plan, and a suitably qualified Hydraulic Engineer shall provide certification of the constructed on-site stormwater detention system.

The Work As Executed information shall be shown in red on a copy of the approved stormwater plan and shall include all information specified in Council's Development Engineering Standards. The Work As Executed plan shall be submitted to the Hydraulic Engineer prior to certification of the on-site stormwater detention system.

The engineer's certification of the on-site stormwater detention system should be carried out similar to Council's standard form "On-Site Stormwater Detention System - Certificate of Compliance", contained in Council's Development Engineering Standards.

A copy of the Work As Executed Plan and Hydraulic Engineer's Certification shall be submitted to Council for information prior to occupation of the development.

- 61) The developer shall register, on the title of the subject property, a Restriction on the Use of Land and Positive Covenant, in accordance with the standard terms for "Registration of OSD on title", as outlined in Council's Development Engineering Standards and in accordance with the appropriate provisions of the Conveyancing Act.

Note: The location of the "On-Site Stormwater Detention System" shall be shown on the plan of subdivision where subdivision is proposed. Where subdivision is not proposed the location of the "On-Site Stormwater Detention System" shall be included on an A4 size site plan attached to the Section 88E Instrument and registered on the title prior to occupation of the development.

The developer shall submit to Council evidence of the final registration of the Restriction and Positive Covenant on the title of the property.

USE OF THE SITE

- 62) The operator of the school shall organise and chair a Neighbourhood Liaison Committee. The purpose of the Committee is for the operator and neighbours to resolve any issues, such as traffic and noise, arising from the operation of the school. The operation of the Committee must ensure:

- (a) The membership of the Neighbourhood Liaison Committee includes residents who live next to and opposite the school.
- (b) The Neighbourhood Liaison Committee meets at least four times during the first 24 months of the school.
- (c) The operator of the school forwards the meeting minutes to Committee members.
- (d) The operator of the school forwards the meeting minutes to Council for information.

The operator of the school may terminate the Committee once it meets at least four times during the first 24 months of the school operating, or may choose to extend the function of the Committee over a longer period of time.

- 63) Car parking spaces for thirty-two (32) vehicles shall be provided in marked spaces in the manner generally shown on the approved site plan. The car parking spaces, driveways and manoeuvring areas are to be used for employees and visitors vehicles only and not for the storage of new or used materials, finished goods or commercial vehicles.
- 64) The morning and afternoon pick-up and drop-off of students is to be managed over a 1 hour period, comprising 4 x 15-minute 'windows' within which a maximum 13 parents/drivers are allocated. A register of these arrangements is to be kept and maintained, and made available for inspection by Council upon request.
- 65) All vehicles must enter and exit the site in a forward direction.
- 66) The approved hours of operation of the school and its associated buildings are 7.30am – 6.00pm Monday to Friday.

On up to thirty (30) occasions per calendar year, the school may operate for extended hours, to 12.00midnight Monday to Saturday and to 10.00pm on Sunday, for use of the hydrotherapy pool and for school presentations, performances and the like. A register of these days is to be kept and maintained, and made available for inspection by Council upon request.

- 67) The school is to cater for a maximum of ninety (90) students.
- 68) A maximum twenty-eight (28) staff are to be associated with the school, comprising twenty-four (24) full-time staff and four (4) part-time staff.
- 69) The operation of the school and associated facilities shall not contravene the Protection of the Environment Operations Act, 1997. The operation of the premises shall be carried out in accordance with the requirements of the Department of Environment and Heritage, if applicable.

- 70) Instructions concerning procedures to be adopted in the event of an emergency are to be clearly displayed on the premises for both public and staff information at all times.
- 71) Any portion of the development used for the storage or sale of food is to be designed, constructed and operated in accordance with the requirements of the Food Act 2003 and Regulations; FSANZ Food Standards Code, AS4674, AS1668 Parts 1 and 2 and the Protection of the Environment Operations Act 1997.
- 72) The stormwater detention storage system within the site as constructed shall not be altered and shall be maintained in good working order to the satisfaction of Council.
- 73) The Restriction as to User and Positive Covenant under the provision of Section 88B of the Conveyancing Act referred to in Condition **XXX** shall be registered on the title of the subject property within six months of the issue of the occupation certificate for the development.

- END -