

SCHEDULE 1

GENERAL CONDITIONS

The conditions of consent within this notice of determination have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the relevant legislation, planning instruments and Council policies affecting the land and does not disrupt the amenity of the neighbourhood or impact upon the environment.

Note: For the purpose of this consent, the term 'applicant' means any person who has the authority to act on or the benefit of the development consent.

Note: For the purpose of this consent, any reference to an Act, Regulation, Australian Standard or publication by a public authority shall be taken to mean the gazetted Act or Regulation, or adopted Australian Standard or publication as in force on the date that the application for a construction certificate is made.

1. Approved Plans and Supporting Documentation

The development must be carried out in accordance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by Council and/or other conditions of this consent:

<i>Plan No.</i>	<i>Drawn by</i>	<i>Dated</i>
Cover Sheet and Site/Roof Plan – DA001 C	PMDL Architecture + Design Pty Ltd	15/08/2012
Tree Survey Plan TP-01 Rev A	Arterra Design Pty Ltd	26/04/2012
Landscape Masterplan MP-01 B	Arterra Design Pty Ltd	20/06/2012

<i>Document No.</i>	<i>Prepared by</i>	<i>Dated</i>
Site Analysis – DA002 A	PMDL Architecture + Design Pty Ltd	27/04/2012
Demolition Plan DA003 A	PMDL Architecture + Design Pty Ltd	27/04/2012
Site Plan Level 1 DA101 B	PMDL Architecture + Design Pty Ltd	21/06/2012
Site Plan Level 3 DA102 B	PMDL Architecture + Design Pty Ltd	21/06/2012
Site Plan Level 4 DA103 C	PMDL Architecture + Design Pty Ltd	15/08/2012
Site Plan Level 5 DA104 C	PMDL Architecture + Design Pty Ltd	15/08/2012
Site Plan Level 6 DA105 C	PMDL Architecture + Design Pty Ltd	15/08/2012
Sections DA201 A	PMDL Architecture + Design Pty Ltd	27/04/2012
Shadow Diagrams DA301 B	PMDL Architecture + Design Pty Ltd	16/08/2012
Hydrological and drainage Details 1 of 6 - A	Site Plus Pty Ltd	20/04/2012
Site Analysis 2 of 6 - A	Site Plus Pty Ltd	20/04/2012

Drainage Details 3 of 6 - A	Site Plus Pty Ltd	20/04/2012
Drainage Details 4 of 6 - A	Site Plus Pty Ltd	20/04/2012
Drainage/OSD Calculations and Details 5 of 6 - A	Site Plus Pty Ltd	20/04/2012
Sediment Control and Soil Management Details 6 of 6	Site Plus Pty Ltd	20/04/2012
Tree Removal plan TP-02 B	Arterra Design Pty Ltd	20/06/2012
Masterplan Sections MP-02 A	Arterra Design Pty Ltd	26/04/2012
St Leos Ecological Assessment – V2	Molino Stewart Pty Ltd	August 2012
Arboricultural Impact Assessment Report AIAR-01 Rev B	Arterra Design Pty Ltd	20/06/2012
Landscape Masterplan Report – Rev B	Arterra Design Pty Ltd	20/06/2012
Traffic Impact Assessment-X11413 and Traffic Redistribution Diagrams	Brown Smart Consulting	April 2012
Statement of Environmental Effects – Rev A	PMDL Architecture + Design Pty Ltd	10/08/2012

2. Removal of Existing Trees

This development consent does not permit the removal of any trees on the site. The removal of any trees requires separate approval under Council's Tree Preservation Order or under separate development applications.

3. The Development Consent

- This development consent does not permit any demolition or construction works on the site. The approved masterplan is concept only. Separate development applications are required to be submitted for any building/drainage/infrastructure/tree removals works within the site.
- The works, in accordance with the approved masterplan, are to be undertaken in six stages. Detailed staging of works are not approved under this development application.
- A minimum of 137 car spaces must be provided on site.
- This development consent does not permit an alteration to the current student capacity of 955 at St. Leo's College.

Note: A further development application is required to be lodged and approved for an increase in student numbers within the campus.

3A Privacy Devices

Privacy devices and landscape screening are to be installed along the eastern and southern boundaries to maintain privacy for adjoining residents and details are to be provided to council for approval.

4. Amendment of Plans

The approved *Landscape Masterplan MP-01 Rev B* prepared by *Arterra Design Pty Ltd* dated *20/06/2012* is to be amended to incorporate the setbacks as approved under Cover Sheet and *Site/Roof Plan – DA001 C* prepared by *PMDL Architecture + Design Pty Ltd* dated *15/08/2012*.

4A Staging

In Stage 1 the following works must be undertaken:

- Car parking;
- On-site detention works;
- Roadwork to Yardley Avenue; and
- All internal driveway works.

PRIVACY

5. Deleted

6. External Lighting

All external lighting must be designed and installed in accordance with *Australian Standard AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting*.

ACOUSTICS – Applicable to all future development applications lodged for the school

7. Acoustic Report

An acoustic report is to be prepared by a suitably qualified acoustic consultant detailing the predicted noise levels to be emitted from the noise of the vehicles, mechanical plants and the carpark and any proposed noise attenuation measures must be implemented so that background levels are not exceeded to comply with the EPA's NSW Industrial Noise Policy (2000), Hornsby Shire Council Policy and Guidelines for Noise and Vibration Generating Development (Acoustic Guidelines V.5, 2000) and the DEC's Noise Guide for Local Government (2004).

THE FOLLOWING INFORMATION (REFERRED TO IN CONDITION NOS. 8 -14) ARE TO BE SUBMITTED WITH THE DEVELOPMENT APPLICATION FOR STAGE 1 WORKS ON THE SITE

ENGINEERING WORKS, CAR PARKING AND ROAD WORKS
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8. On Site detention and On site retention

- a. The proposed development must ensure that the existing on site retention facilities are retained and/or augmented where required to ensure that the pre development retention volume of 5,060m³ with a maximum discharge rate of 3.37 cumecs at pit No 2003 is maintained.
- b. All future buildings and hardstand areas must provide for an additional on-site detention system that has a maximum discharge from that area of the site of less than or equal to the pre development 1 in 5 year ARI flow rate. The system must provide stormwater storage for all storm events up to and including the 1 in 20 year post development flows.
- c. A stormwater drainage master plan is to be prepared by a suitably qualified NPER accredited Civil Engineer detailing the proposed stormwater drainage retention and detention systems. The plans are to include, inter alia, catchment plans, hydrological and hydraulic calculations, required civil works and staging of the stormwater drainage construction being commensurate with the schedule of works.
- d. All plans and calculations are to be prepared in accordance with Australian Rainfall and Runoff, Council Civil Works Specification and Councils On Site Detention Policy.

9. Water Sensitive design

The proposed development must incorporate water sensitive urban design into the stormwater drainage design.

Note: The design of the stormwater management system must be supported with a MUSIC model.

10. Access and Parking

- All access and parking areas are to comply with AS 2890.1 and AS 2890.2.
- Bike parking facilities are to be provided on the site at the rate of 5 spaces per class between Years 5 and 12.

11. Road Works – Yardley Avenue

- a. The cul-de-sac at the end of Yardley Avenue is to be designed and constructed in accordance with Councils *Civil Works Design and Construction Specification, 2005*, and Austroads Design Guidelines.

b. The cul-de-sac must include the following requirements:

- a turning area for a small rigid truck and a 99th percentile car in a single movement;
- a vehicular access gate from the end of Yardley Avenue to the new loop road (to be only used outside of school zone times);
- a footpath within the verge area around the cul-de-sac to the intersection at Clarke Road;
- The minimum width of the footpath on the east side of Yardley Avenue must be 2m;
- The verge width is to be a minimum of 3.5m and all land needed to facilitate the construction of the verge and footpath is to be dedicated at no cost to Council as public road; and
- The minimum width of the verge on the western side of Yardley Avenue is to be 1.2m.

Note: All works within Yardley Avenue are to be approved by Hornsby Shire Council under Section 138 of the Roads Act 1993.

12. Parking Signs

Prior to the issue of the Occupation Certificate for Stage 1 of the development a parking restriction sign posting scheme must be prepared, covering both sides of Unwin Road along the entire frontage of the school (starting from the southern boundary) to ensure queuing does not impact on through traffic using Unwin Road. The plan must incorporate the following restrictions for Unwin Road:

- a. 'No Stopping' during school zone times, western side of Unwin Road;
- b. 'No Stopping' during school zone times, eastern side of Unwin Road between Yardley Avenue and the entry driveway;
- c. 'No Parking' during school zone times, eastern side Unwin Road between entry and exit driveways;
- d. Full time 'No Stopping', 10 metres either side of school driveways; and
- e. Retain the existing 'No Stopping' restrictions and the pedestrian crossing on Unwin Road.

The parking restriction sign posting within the school must be consistent with that used on public roads.

Note 1: After Council accepts the parking restriction plan the applicant will be required to consult with affected property owners and provide the result to Council for approval by the Local Traffic Committee.

Note 2: Consideration should be given to allow overflow set down and pick up to occur in the area designated "Bus Overflow" on the exit driveway.

BUSHLAND MATTERS

13. Weed removal and Blue Gum High Forest restoration

A Vegetation Management Plan (VMP) must be prepared by a qualified and experienced ecologist/ bush regeneration company and submitted with the development application for Stage 1 works within the site. The VMP must be prepared in accordance with Council Guidelines for the preparation of *Bushland Management and Restoration Plans* (available on Council's website, <http://www.hornsby.nsw.gov.au/planning-and-building/planning-controls-and-studies/policies,-guides-and-best-practices>) and include, but not be limited to, the following:

- a. Recommendations provided within the *Ecological Assessment* Report – V2 prepared by Molino Stewart dated August 2012;
- b. A Schedule of Works;
- c. Details of Blue Gum High Forest (BGHF) replacement offset plantings in accordance with Council's Green Offsets Code 2010;
- d. Consideration of the educational aspect of using the BGHF restoration area for students to learn and be involved in the protection of BGHF Critically Endangered Ecological Community;
- e. A statement provided upfront indicating that all works within the plan would be undertaken under the supervision of a suitably qualified and experienced bush regeneration company (minimum Certificate 3 in Natural Area Restoration).

Note:

- *The VMP must be approved by Council's Natural Resources Unit.*
- *Any landscape plan submitted with the development applications for the site must incorporate the details provided in the VMP.*
- *All noxious and introduced weed removal on the site be undertaken in accordance with the VMP.*

14. Construction Environmental Management

A *Construction Environmental Management Plan*, prepared by a suitably qualified and experienced person must accompany all development applications lodged for the site and include, but not be limited to, the following information:

- a. Scaled survey plan of the site showing the development footprint in relation to the Blue Gum High Forest and remnant trees proposed for retention;
- b. Location of protective fencing (1.8m high cyclone mesh) installed around bushland areas proposed for retention during and after building works;
- c. Location of tree protection fences for specific trees to be retained during building works;
- d. Location of temporary and permanent trenches required for installation of services;
- e. Location and specification of sediment and erosion control fencing to prevent degradation of known threatened species and their habitat recorded immediately down-slope of the building site (in accordance with Council's Blue Book – Sustainable Water Best Practices);
- f. Location of soil, mulch, waste and building material stock piles;
- g. Location of dedicated construction vehicle parking areas;
- h. Specifications of proposed cut and fill;
- i. Location of the driveways;
- j. Notation describing '*that no mulch is to be applied within remnant bushland areas*';
- k. Phytophthora management protocols;
- l. A statement indicating that a qualified arborist (AQF5 level) shall supervise the severance of any roots greater than 40mm; and
- m. Notations describing that an ecologist would be present on the site during tree clearing works to ensure fauna is relocated.

- END OF CONDITIONS -

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, other relevant legislation and Council's policies and specifications. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

Environmental Planning and Assessment Act 1979 Requirements

- The Environmental Planning and Assessment Act, 1979 requires:
- The lodgement and approval of a development application prior to any development on the site.
- The issue of a construction certificate prior to the commencement of any works. Enquiries regarding the issue of a construction certificate can be made to Council's Customer Services Branch on 9847 6760.
- A principal certifying authority to be nominated and Council notified of that appointment prior to the commencement of any works.
- Council to be given at least two days written notice prior to the commencement of any works.
- Mandatory inspections of nominated stages of the construction inspected.
- An occupation certificate to be issued before occupying any building or commencing the

Tree Preservation Order

To ensure the maintenance and protection of the existing natural environment, it is an offence to ringbark, cut down, top, lop, remove, wilfully injure or destroy a tree outside 3 metres of the approved building envelope without the prior written consent from Council.

Note: A tree is defined as a single or multi-trunked wood perennial plant having a height of not less than three (3) metres, and which develops many branches, usually from a distance of not less than one (1) metre from the ground, but excluding any plant which, in its particular location, is a noxious plant declared as such pursuant to the Noxious Weeds Act 1993. This definition of 'tree' includes any and all types of Palm trees.

All distances are determined under Australian Standard AS4970-2009 "Protection of Trees on Development Sites".

Fines may be imposed for non-compliance with Council's *Tree Preservation Order*.

Disability Discrimination Act

The applicant's attention is drawn to the existence of the *Disability Discrimination Act*. A construction certificate is required to be obtained for the proposed building/s, which will provide consideration under the *Building Code of Australia*, however, the development may not comply with the requirements of the *Disability Discrimination Act*. This is the sole responsibility of the applicant.

Covenants

The land upon which the subject building is to be constructed may be affected by restrictive covenants. Council issues this approval without enquiry as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this consent. Applicants must rely on their own enquiries as to whether or not the building breaches any such covenant.

Dial Before You Dig

Prior to commencing any works, the applicant is encouraged to contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au for free information on potential underground pipes and cables within the vicinity of the development site.