

# NOTICE OF APPROVAL FOR DEVELOPMENT

Section 81 (1)(A) of the Environmental Planning and Assessment Act, 1979

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Approval Date	
Authority	Joint Regional Planning Panel
Reference	DA-2015/4
Contact	Marta M Gonzalez-Valdes 9562 1743

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GHD Pty Ltd  
Level 15 133 Castlereagh St  
SYDNEY NSW 2000

**DRAFT**

**Property:** 50A Francis Avenue, BRIGHTON LE SANDS NSW 2216 – former Brighton le Sands Bowling Club site and part of existing reserve Lot 1 DP 207786, Lot 1 DP 32304, Lot M DP 410368, Lot 2 DP 517350, Lot 1 DP 1189311, Lot 2 DP 1189311

**Proposal:** Integrated Development - Demolition of existing structures and construction of an educational establishment for special needs students (Cairnsfoot School) comprising seven detached buildings, swimming pool, play areas, boundary fencing and associated car park

The above development is approved subject to the following conditions:

## GENERAL CONDITIONS

The following conditions restrict the work to the detail provided in the Development Application and are to ensure that the development is complete.

1. The term of this consent is limited to a period of **five** (5) years from the date of approval. The consent will lapse if the development does not commence within this time.
2. The development must be implemented substantially in accordance with the plans listed below, the application form and on any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

Architectural plans numbered DA 000-Cover Sheet, DA100-Site Analysis Plan, DA 101-Site Plan, DA103-Floor Plan (Part 1), DA103-Floor Plan (Part 2), DA 104-Roof Plan (Part 2), DA 105-Roof Plan (Part 2), DA 106-Elevations, DA 107-Sections and Signage, DA 108-Sample Board, DA 109-Shadow Diagrams, DA 110-Shadow Diagrams drawn by NBRS + Partners, dated 18 December 2013 (DA Issue).

Drainage plans numbered R04, R06, D06, D07, D10, D11 (all Issue C), C01, ED1, ED2, R01, R02, R03, R05, D01, D02, D03, 004, D05, D08, 009 (all Issue D), drawn by Wood & Grieve Engineers, dated 10.11.2014.

Landscape plans numbered LCD 00- LCD 14 inclusive, drawn by NBRS, dated 5.2.2014.

Acoustic Report prepared by Acoustic Logic Doc Reference 20130359.1/1111A/R3/J2

3. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
4. This approval is not to be construed as permission to erect any structure on or near a boundary contrary to the provisions of the Dividing Fences Act.
5. Excavation, filling of the site (with the exception of the area immediately under the building envelope), or construction of retaining walls are not permitted unless shown on the approved plans and authorised by a subsequent Crown Certificate.

## DEVELOPMENT SPECIFIC CONDITIONS

The following conditions are specific to the Development Application proposal:

6. Parking spaces shall not be enclosed without further approval of Council. The enclosure of car spaces is not permitted unless the enclosure complies with the design requirements of AS2890.1.
7. The existing and future owners (Registered Proprietor) of the property will be responsible for the operation and maintenance of the retention system. The registered proprietor will:
  - i) permit stormwater to be retained by the system;
  - ii) keep the system clean and free of silt, rubbish and debris;
  - iii) maintain, renew and repair the whole or parts of the system so that it functions in a safe and efficient manner, and in doing so complete the same within the time and in the manner specified in written notice issued by the Council;
  - iv) carry out the matters referred to in paragraphs (ii) and (iii) at the proprietor's expense;
  - v) not make any alterations to the system or elements thereof without prior consent in writing of the Council;
  - vi) permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of emergency) to enter and inspect the land for compliance with the requirements of this clause;
  - vii) comply with the terms of any written notice issued by the Council in respect to the requirements of this clause within the time stated in the notice.
8. The overland flow path shall not be obstructed, restricted or altered without the approval of Rockdale City Council.
9. The rainwater tank shall be routinely de-sludged and all contents from the de-sludging process disposed – solids to the waste disposal and de-sludged liquid to the sewer.
10. The use of the premises, building services, equipment, machinery and, ancillary fittings shall not give rise to an "offensive noise" as defined under the provisions of the Protection of the Environment Operations Act, 1997.

The use of mechanical plant including air conditioners, fans, compressors, condensers, freezers, swimming pool or spa pumps (whether commercial or domestic) shall not cause sound pressure levels in excess of the criteria given in the NSW Industrial Noise Policy - 2000.

11. Temporary dewatering of the site to construct the subsurface structure is not permitted.
12. The following conditions are to ensure compliance with relevant standards for parking facilities within the site:
  - Bicycle parking facilities shall be designed in accordance with AS2890.3:1993.
  - Commercial vehicle facilities shall be designed strictly in accordance with AS2890.2:2002.
  - The off-street parking areas associated with the subject development shall be designed strictly in accordance with AS2890.1 and AS2890.6.
13. Cold water hose cocks shall be installed to the garbage enclosure. Services or utility systems shall not be located in the garbage room.
14. All vertical plumbing, other than roofwater heads and downpipes, shall be concealed within the external cladding of the building. Any electrical kiosks or fire booster valves shall be located in unobtrusive locations toward site boundaries and away from entrances into the building. Utilities shall be softened with landscaping so as not to detract from the overall appearance of the development and amenity of the streetscape.
15. The following conditions apply to the design and provision of off street parking and drop off zones.
  - 1) All passenger drop offs associated with the use of the development shall take place from designated drop off zones. The drop off zones shall not be used for storage, parking or any other purpose that would restrict their use for the purposes of passenger drop off.
  - 2) A traffic management plan (TMP) shall be in place for the on site traffic management. The plan shall be prepared by a suitably qualified person and be submitted prior to commencement of use and approved by the Project Manager.

The Plan shall address, but not be limited to, the following matters:

- (a) ingress and egress of vehicles to the site;
- (b) drop off and pick up passengers by school bus, including measures proposed to manage the school buses;
- (c) carpark management;
- (d) predicted traffic volumes, types and routes;
- (e) any activity that affects traffic or pedestrian movements on public roads or the private internal road network. The plans shall be prepared in accordance with NSW RMS guidelines and include details of traffic diversions, timings and the methodology for achieving the activities during the various on-site activities; and

- (f) pedestrian and traffic management methods.

COPY OF THE TMP SHALL BE SUBMITTED TO COUNCIL.

- 3) Off street parking associated with the proposed development should be designed and constructed in accordance with AS 2890.1 – 2004, AS 2890.2 – 2002 and AS 2890.6 - 2009.
16. To provide fence / barriers to Retaining walls greater than 1000 mm high within the car parks, footpaths and along the boundary.
17. The proposed Warm Water System shall be designed, installed and commissioned in accordance with the provisions of the Public Health Act 2010, Public Health Regulation 2012 and Australian Standard 3666.1 "Air Handling and Water Systems of Buildings - Microbial Control - Design, installation and commissioning".
18. Should a thermostatic mixing valve be installed in the premises, the following requirements shall be met:
  - i) The thermostatic mixing valves shall be set at a predetermined temperature of no lower than 37 °C and no higher than 43 °C. The "fail safe" mixing valves shall be installed.
  - ii) A copy of the commissioning report for the thermostatic mixing valve shall be submitted to Council with an additional copy kept on the premises. The thermostatic mixing valves are to be serviced annually by a suitably qualified and registered plumber who has completed a TAFE course in mixing valves.
  - iii) The thermostatic mixing valve shall be registered with Council as a warm water system, by completing the attached registration form, in accordance with the provisions of the Public Health Act, 2010 and the Public Health Regulation 2012 for the control and prevention of Legionnaires Disease.
19. The proposed Warm Water System shall be operated and maintained in accordance with the provisions of the Public Health Act 2010, Public Health Regulation 2012, and Australian Standard 3666.2 "Air Handling and Water Systems of Buildings - Microbial Control - Part 2 - Operation and maintenance."
20. The swimming pool shall comply with the requirements of the Public Health Act 2010, and Public Health Regulation 2012.
21. The contaminated site shall be remediated in accordance with 'State Environmental Planning Policy No 55 Remediation of Land' (SEPP55). All remediation and validation works shall be carried out in accordance with the Site Remedial Action Plan called Remedial Action Plan Cairnsfoot School Project, Francis Avenue Brighton Le Sands, New South Wales For Department of Education & Communities – Project No 19136/3988C – Report No. 14/0239 prepared by SMEC Testing Service Pty Ltd dated February 2014.

## PRIOR TO COMMENCEMENT OF WORKS

The following conditions must be completed prior to the commencement of works.

22. The following fees shall be paid to Council prior to commencement of works. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.

- i. A Footpath Reserve Restoration Deposit of \$7620. This is to cover repair of any damages, or other works to be done by Council. This includes construction, removal, or repair as required to: kerb and guttering, existing or new driveways; paved areas and concrete footpaths. The deposit may be lodged with Council in the form of a Bank Guarantee (Any proposed Bank Guarantee must not have an expiry date). The deposit will not be returned by Council until works are completed and all damage is restored and all specified works are completed by Council.
  - ii. A Soil and Water Management Sign (811) of \$16.50.
  - iii. A fee of \$190 is payable to Council for the determination of boundary levels. All boundary works, egress paths, driveways and fences shall comply with this level.
23. A suitable qualified engineer is to certify that the structure can withstand the forces of floodwater, scour, debris and buoyancy in a 1% AEP flood event and a PMF event.
  24. All building materials shall be flood resistant, or flood compatible to a height of 500mm above the 1% AEP flood, or flow level. Where flow levels vary across a site, the highest flow level adjacent to the development is to be used in determining the minimum floor level. All internal electrical switches, power points or similar utilities liable to flood damage shall be set at a minimum of 500mm above the 1% AEP flood, or flow level. Details shall be provided and approved by the Project Manager prior commencement of works.
  25. The applicant shall confer with Ausgrid to determine if an electricity distribution substation and the installation of electricity conduits in the footway is required. Written confirmation of Ausgrid's requirements shall be obtained prior to the commencement of works.
  26. If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Project Manager prior to works commencing and the arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/ developer.
  27. A rainwater tank shall be provided as determined by a water balance demand model in accordance with the Department of Environment and Conservations, Managing Urban Stormwater Harvesting and Re-use, April 2006.
  28. A Flood Management Plan (FMP) shall be submitted to Council for assessment and approval. The plan shall determine how future occupants will be alerted to flooding around or in the building to ensure that the occupants and property are protected.  
The FMP shall consider the following matters:
    - a) Council's flood advice letter dated 8 October 2013, Ref: F08/691PO4, 13/91742.
    - b) identify how the school management will monitor the flow hazard, and in particular, how they will alert and evacuate the school before there is a risk to the users from critical storm duration at various levels - local catchment 30 min, the Muddy Creek Catchment 60 min and the Cooks river catchment 120 min,

- c) determine the Flood Planning levels and PMF levels of the proposed building and all access points to the basement parking and storage area. Where there is an adverse impact, or the freeboard is not achieved, the report needs to clearly identify what needs to be done to rectify the deficiency.

**Flood Effects & Levels of flood waters in events greater than 1% ARI to PMF**

- ~ overland flow
- ~ main stream flooding

**Time of Flooding Effects**

- ~ consider storm duration and time of concentration ( additional input from you requested to assist with time of concentration effects)

**Triggers for Evacuation**

- ~ who is responsible for making the decision
- ~ what are the triggers to decide to evacuate the school ( discuss with Council any triggers applicable to other public buildings or schools in the area)

**School Evacuation Procedure**

- ~ input from school to determine evacuation procedures
- ~ assistance from Council to determine safe routes out of the school site and safe place of refuge during each type of flood event
- ~ arrangements for returning to school

- d) procedures need to be embedded in the school business plan and operating procedures. To prepare this plan the applicant needs to model flood events smaller and larger (up to the PMF) than the 1% AEP to get a better indication of inundation of the site to be able to assess the flood hazard. The flood modelling of a range of flood events both smaller and larger than the 1% AEP event provide important information regarding flood RLs, potential flood damage and hazard to inform a Business Flood Risk Management Plan but would also provide a picture of potential inundation issues. Such modelling would also inform the process for assessing works options which might divert the substantial overland flows around the new school and or mitigate risk through a Business Flood Risk Management Plan.

29. A Construction Management Plan (CMP) shall be prepared in accordance with the requirements of all relevant regulatory approval bodies. Prior to commencement of works the Project Manager shall be satisfied that the Construction Management Plan has obtained all relevant regulatory approvals. The Construction Management Plan shall be implemented during demolition, excavation and construction.

A Construction Traffic Management Plan (TMP) prepared by a suitably qualified person shall be submitted to and approved by the Project Manager. The Plan shall address, but not be limited to, the following matters:

- (a) ingress and egress of vehicles to the site;
- (b) loading and unloading, including construction zones;
- (c) predicted traffic volumes, types and routes; and
- (d) pedestrian and traffic management methods.

Copies of the CMP and TMP shall be submitted to Council.

30. All recommendations contained in the report prepared by SMEC Testing Services Pty Ltd dated January 2014 Ref: Project No. 19136/2971C, Report No. 14/0099A shall be implemented.
31. Any part of the proposed building located in the vicinity of the existing pipeline shall be constructed on a pier and beam type foundation, piers shall be located outside the boundary of the drainage easement and to extend to a depth of no less than 300mm below the pipeline invert. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.
32. Any part of the proposed building within 3m of the proposed detention tank or absorption trench shall be constructed on a pier and beam foundation with piers extending no less than 300mm below the bottom of the tank or trench base.
33. Prior to the commencement of works, detailed drainage design plans for the management of stormwater are to be submitted to Project Manager for assessment and approval. Design certification, in the form specified in Rockdale Technical Specification Stormwater Management, and drainage design calculations are to be submitted with the plans. Council's Rockdale Technical Specification Stormwater Management sets out the minimum documentation requirements for detailed design plans. Stormwater management requirements for the development site, including the final discharge/end connection point, must comply with Rockdale Technical Specification Stormwater Management.
34. The design of stormwater drainage facilities shall be undertaken in accordance with Council technical specifications for the design of stormwater management facilities, and the principles of Water Sensitive Urban Design (WSUD).

Amended stormwater design and plans shall be submitted to Council for approval. The amended design shall address the following issues:

- (a) The proposed Water Sensitive Urban Design (WSUD) is not acceptable to Council. The system is to meet the targets as follows;

Stormwater Pollutants	Commercial re-Development
Gross Pollutant	90%
Total suspended solids (TSS)	80%
Total Phosphorus (TP)	55%
Total Nitrogen (TN)	40%

- (b) Conserve water by reducing demand on potable water supplies – rain water harvesting.
- (c) The Maintenance of WSUD structures for the life of the development and implementation of monitoring program to ensure WSUD continues to meet targets — reporting to be provided to Council on an annual basis.
- (d) Integrate stormwater treatment into the landscape.
- (e) Ongoing maintenance of storm-water system such as the removal of accumulated rubbish around storm water pipes and monitoring and implementation of controls to stop erosion around storm water outlets

- (f) The design of the stormwater retention system shall take into account depth of watertable with adequate provision for future fluctuations of watertable levels. (It is recommended that a minimum allowance for a watertable variation of at least +/- 0.5 metre beyond any expected fluctuation be provided). The actual water table fluctuation and fluctuation safety margin must be determined by a suitably qualified professional.
35. A Soil and Water Management Plan shall be prepared. The Plan must include details of the proposed erosion and sediment controls to be installed on the building site. A copy of the Soil and Water Management Plan must be kept on-site at all times and made available on request.
- Soil and sedimentation controls are to be put in place prior to commencement of any work on site. The controls are to be maintained in effective working order during construction.
- Council's warning sign for soil and water management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign shall be erected prior to commencement of works and shall be displayed throughout construction.
36. A sign must be erected at the front boundary of the property clearly indicating the Development Approval Number, description of work, builder's name, licence number and house number before commencement of work. If owner/builder, the Owner/Builder Permit Number must be displayed.
37. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- i) stating that unauthorised entry to the work site is prohibited, and
  - ii) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- Any such sign is to be removed when the work has been completed.
- This condition does not apply to:
- iii) building work carried out inside an existing building or
  - iv) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
38. Prior to the commencement of work, Tree Protection Measures for trees to be retained shall be implemented in accordance with AS4970-2009 (Protection of trees on Development Sites) and as detailed in Section 8 of the Arboricultural Impact Report dated 31 January 2014 by Landscape Matrix Pty Ltd which is contained in the Statement of Environmental Effects as Annexure 8. Additionally specific Tree Protection for Tree # 4, as detailed on pages 14 and 17/18 of the report, shall be implemented.
39. Prior to the commencement of any work on site, a sign shall be placed in a prominent position on each protective fence identifying the area as a **Tree Protection Zone** and prohibiting vehicle access, waste bins, storage of materials and equipment, site residue and excavations within the fenced off area.



40. Where it is necessary to import landfill material onto the site to fill the land to levels shown on the plans forming part of the consent, a certificate, prepared by a suitably qualified and experienced Contaminated Land Consultant, shall be submitted to Council being the Regulatory Authority prior to the commencement of works, certifying that the imported fill is suitable for the land use.
41. The site shall be secured by a 1800 mm (minimum) high temporary fence for the duration of the work. Gates shall be provided at the opening points.
42. A hoarding or fence shall be erected between the work site and the public place when the work involved in the erection or demolition of a building:
  - i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
  - ii) building involves the enclosure of a public place,

Where the development site adjoins a public thoroughfare, the common boundary between them must be fenced for its full length with a hoarding, unless, the least horizontal distance between the common boundary and the nearest part of the structure is greater than twice the height of the structure. The hoarding must be constructed of solid materials (chain wire or the like is not acceptable) to a height of not less than 1.8m adjacent to the thoroughfare.

Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the footpath must be covered by an overhead protective structure, type B Hoarding, and the facing facade protected by heavy duty scaffolding unless either:

- (i) the vertical height above footpath level of the structure being demolished is less than 4m; or
- (ii) the least horizontal distance between footpath and the nearest part of the structure is greater than half the height of the structure.

The overhead structure must consist of a horizontal platform of solid construction and vertical supports, and the platform must -

- (i) extend from the common boundary to 200mm from the edge of the carriageway for the full length of the boundary;
- (ii) have a clear height above the footpath of not less than 2.1m;
- (iii) terminate not less than 200mm from the edge of the carriageway (clearance to be left to prevent impact from passing vehicles) with a continuous solid upstand projecting not less than 0.5m above the platform surface; and
- (iv) together with its supports, be designed for a uniformly distributed live load of not less than 7 kPa

The 'B' Class hoarding is to be lit by fluorescent lamps with anti-vandalism protection grids.

Any such hoarding, fence or awning is to be removed when the work has been completed.

The principal contractor or owner builder must pay all fees and rent associated with the application and occupation and use of the road (footway) for required hoarding or overhead protection.

43. Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.
44. Consultation with Ausgrid is essential prior to commencement of work. Failure to notify Ausgrid may involve unnecessary expense in circumstances such as:
  - i) where the point of connection and the meter board has been located in positions other than those selected by Ausgrid or
  - ii) where the erection of gates or fences has restricted access to metering equipment.

## DURING DEMOLITION / EXCAVATION / CONSTRUCTION

The following conditions must be complied with during demolition, excavation and or construction.

45. A copy of the approved plans and specifications must be kept on the site at all times and be available to Council officers upon request.
46. Hours of construction shall be confined to between 7 am and 6.30 pm Mondays to Fridays, inclusive, and between 8 am and 3.30 pm Saturdays with no work being carried out on Sundays and all public holidays.
47. Adequate provisions are made for the following measures (as applicable), to ensure compliance with the terms of Council's approval:
  - Sediment control measures
  - Provision of perimeter fences or hoardings for public safety and restricted access to building sites.
  - Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.
48. Demolition operations shall not be conducted on the roadway or public footway or any other locations, which could lead to the discharge of materials into the stormwater drainage system.
49. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.
50. All excavation and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards and guarded and protected to prevent them from being dangerous to life or property.
 

When excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building or an adjoining allotment of land, you shall:

  - i) preserve and protect the building from damage and
  - ii) underpin and support the building in an approved manner, if necessary and
  - iii) give notice of intention to excavate below the level of the base of the footings of a building on an adjoining allotment of land to the owner at least 7 days prior to excavation and furnish particulars of the excavation to the owner of the

building being erected or demolished.

**Note:** The owner of the adjoining allotment of land 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 the adjoining allotment of land.

In this conditions **allotment of land** includes a public road and any other public place.

Works shall not encroach onto or over adjoining properties, including retaining walls, fill material or other similar works. Soil shall not be lost from adjoining sites due to construction techniques employed on the subject site.

51. Any new information discovered during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination, shall be notified to Council being the Regulatory Authority for the management of contaminated land.
52. All contractors shall comply with the following during all stages of demolition and construction:
  - A Waste Container on Public Road Reserve Permit must be obtained prior to the placement of any waste container or skip bin in the road reserve (i.e. road or footpath or nature strip). Where a waste container or skip bin is placed in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
  - A Road Opening Permit must be obtained prior to any excavation in the road reserve (i.e. road or footpath or nature strip). Where excavation is carried out on the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
  - A Hoarding Permit must be obtained prior to the erection of any hoarding (Class A or Class B) in the road reserve (i.e. road or footpath or nature strip). Where a hoarding is erected in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
  - A Crane Permit must be obtained from Council prior to the operation of any activity involving the swinging or hoisting of goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway. Permits can be obtained from Council's Customer Service Centre.
  - A Permit to Dewater or Pump Out a site must be obtained prior to the discharge of pumped water into the road reserve, which includes Council stormwater pits and the kerb and gutter. Permits can be obtained from Council's Customer Service Centre.
53. All demolition work shall be carried out in accordance with AS2601 – 2001: The Demolition of Structures and with the requirements of the WorkCover Authority of NSW.
54. The following conditions are necessary to ensure minimal impacts during construction:
  - i. Building, demolition and construction works not to cause stormwater pollution and being carried out in accordance with Section 2.8 of Council's Stormwater

Pollution Control Code 1993. Pollutants such as concrete slurry, clay and soil shall not be washed from vehicles onto roadways, footways or into the stormwater system. Drains, gutters, roadways and access ways shall be maintained free of sediment. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment.

- ii. Stormwater from roof areas shall be linked via a temporary downpipe to an approved stormwater disposal system immediately after completion of the roof area.
- iii. All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
- iv. Building and demolition operations such as brickcutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- v. Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted. In addition stockpiles of topsoil, sand, aggregate, soil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface.
- vi. Wind blown dust from stockpile and construction activities shall be minimised by one or more of the following methods:
  - a) spraying water in dry windy weather
  - b) cover stockpiles
  - c) fabric fences
- vii. Access to the site shall be restricted to no more than two 3m driveways. Council's footpath shall be protected at all times. Within the site, provision of a minimum of 100mm coarse crushed rock is to be provided for a minimum length of 2 metres to remove mud from the tyres of construction vehicles.  
  
 An all weather drive system or a vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street. Vehicular access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy. Where any sediment is deposited on roadways it is to be removed by means other than washing and disposed of appropriately.  
  
 In addition builders / demolishers are required to erect a 1.8m high fence along the whole of the street alignment other than at the two openings. Such protection work, including fences, is to be constructed, positioned and maintained in a safe condition to the satisfaction of the Crown Authority, prior to the demolition of the existing structures and commencement of building operations.
- viii. Any noise generated during construction of the development shall not exceed limits specified in any relevant noise management policy prepared pursuant to the Protection of the Environment Operations Act, 1997 or exceed approved noise limits for the site.

55. Council's warning sign for soil and water management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction. A copy of the sign is available from Council.
56. Trees numbered 2, 4, 15, 16, 19, 20, 21, 22, 23, 24, 25, 26, 27, 30, 31 and 32 as identified in the Arboricultural Impact Report dated 31 January 2014 by Landscape Matrix Pty Ltd which is contained in the Statement of Environmental Effects as Annexure 8 shall not be removed or pruned, including root pruning, without the written consent of Council in the form of a Permit issued under Council's Development Control Plan 2011. All other existing site trees may be removed.
57. Due to the construction of a new vehicular entry/exit point on the northern side of the site, the existing driveway which is located on the southern side of the site, is to be deleted from the plans and replaced with a *pedestrian only* access way. The pedestrian only access way must provide access from Francis Avenue, through the site and into the area of open space (CA Redmond Field and Club House) at the rear of the site.
58. The pedestrian only access way referred to above and the carpark must be granted a legal right of access to ensure that access is available from Francis Avenue to the sports fields behind for both Council and third party users. This right of access through the school site and the use of the carpark must be placed on the title of the school prior to the use of the school. The legal restriction should note that access through the school site and use of its carpark will enable use by Council and users of the sports field from 3.30pm to 10pm (Monday to Friday) and from 7am to 6pm (Saturday and Sunday) and at other times as agreed to by the school (to accommodate for example, school holiday activities during the day). 24 Hour access shall be available to authorised Council staff and contractors for maintenance and cleaning.
59. The kiosk substation must be relocated to the eastern end of the car park, adjacent to the first car parking space and satisfactorily screened with landscaping as shown on the sketch plan dated 15 October 2014 prepared by NBRS + Partners.
60. The structure which forms the roof over the Covered Outdoor Learning Area (COLA) is excessive in height and would result in a structure which is out of scale with the single storey buildings on the subject site and surrounding development, which is a maximum of two (2) storeys in height. The structure must be reduced in height to have a maximum of height of 5.4 metres.
61. The measures, as recommended in Section 6 of the acoustic report prepared by Acoustic Logic Doc Reference 20130359.1/111A/R3/JZ are to be incorporated into the development. Operational management procedures involving the supervision of students are to be ongoing during the lifetime of the development. Other measures, such as the repair of fences is to be carried out prior to the use of the school. These measures shall be maintained during the lifetime of the school.

## PRIOR TO COMMENCEMENT OF USE

The following conditions must be complied with prior to Commencement of Use.

62. All works must be completed in accordance with the approved plans.

63. Where Council's park/reserve is damaged as a result of building work or vehicular building traffic, this area shall be restored by Council at the applicant's expense. Repairs shall be completed prior to the commencement of use.
64. The approved recommendations from the Flood Management Report shall be implemented prior to occupation.  
The approved recommendations from the Business Flood Risk Assessment Management Plan Report shall be implemented prior to occupation.  
A flood evacuation plan is to be prepared for the development. The plan is to include warning alarms and evacuation routes. The approved flood evacuation plan is to be updated every five (5) years and copies are to be provided to Council and the local State Emergency Service (SES).
65. All existing lots shall be consolidated into one allotment. A copy of the plan of consolidation must be provided to the Project Manager prior to release of the Strata Certificate.
66. All landscape works are to be carried out in accordance with the approved landscape plans. The landscaping is to be maintained to the approved standard at all times.
67. All works within the road reserve, which are subject to approval pursuant to Section 138 of the Roads Act 1993, shall be completed and accepted by council.
68. Where an electricity substation is required by Ausgrid, a final film survey plan shall be endorsed with an area having the required dimensions as agreed with Ausgrid over the location of the proposed electricity distribution substation site. The substation must be located within the boundary of the development site, or within the building, subject to compliance with the BCA. The substation site shall be dedicated to Council as public roadway, or as otherwise agreed with Ausgrid. Ausgrid's requirements shall be met prior to release of the issue of the Occupation Certificate.
69. Vehicles shall enter and exit the site in a forward direction at all times. A plaque with minimum dimensions 300mm x 200mm shall be permanently fixed to the inside skin of the front fence, or where there is no front fence a prominent place approved by the Crown Authority, stating the following: "Vehicle shall enter and exit the site in a forward direction at all times".
70. Prior to completion of the building works, a full width vehicular entry is to be constructed to service the property. Any obsolete vehicular entries are to be removed and reconstructed with kerb and gutter. This work may be done using either a Council quote or a private contractor. There are specific requirements for approval of private contractors.
71. 40 off-street car spaces shall be provided in accordance with the submitted plans. Such spaces shall be paved, linemarked and made freely available at all times during business hours of the site for staff and visitors.
72. Prior to the Occupation a traffic management and traffic safety system shall be installed to control traffic flow on the single lane driveway and ensure safety of vehicles and pedestrians on and around the driveway at all times. The system shall be designed by a suitably qualified and experienced traffic engineer, and meet the requirements of Australian Standard AS/NZS2890.1:2004.

73. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

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](http://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, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Certifying Authority prior to occupation of the development.

74. The noise reduction measures specified in the noise report prepared by Acoustic Logic – Cairnsfoot Public Special Needs School – DA Acoustic Assessment - Project Number 20130359.1 Document Reference 20130359.1/1111A/R3/JZ dated 11/11/2014 shall be validated by a Certificate of Compliance prepared by the acoustic consultant and submitted to the Project Manager prior to the commencement of use.
75. A Landscape Architect shall provide a report to the Project Manager stating that the landscape works have been carried out in accordance with the approved plans and documentation.
76. Prior to occupation or use of the premises, a qualified mechanical engineer shall certify that the mechanical ventilation/air conditioning system complies in all respects with the requirements of Australian Standard 1668, Part 1 & 2.
77. After completion of the remedial works, a copy of the Validation Report shall be submitted to Council being the Regulatory Authority for the management of contaminated land, prior to the issue of an Occupation Certificate. The Validation Report shall be prepared in accordance with the NSW Environment Protection Authority's (EPA) guidelines, *Consultants Reporting on Contaminated Sites*, and shall:
- describe and document all works performed;
  - include results of validation testing and monitoring;
  - include validation results of any fill imported on to the site;
  - show how all agreed cleanup criteria and relevant regulations have been complied with; and
  - include clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.
78. A Site Audit Statement (SAS) shall be submitted to Council being the Regulatory Authority for the management of contaminated land, prior to the issue of Occupation Certificate, clearly demonstrating that the site is suitable for the intended use. Conditions imposed on the SAS shall form part of this consent. In circumstances where the SAS conditions (if applicable) are not consistent with the consent, the consent shall prevail to the extent of inconsistency and a S96 application pursuant to the Environmental Planning & Assessment Act 1979 will be required.

79. Prior to occupation, a Chartered Professional Engineer shall certify that the construction of the overland flow path, including construction of all channels, pipes, banks, levees, etc has been undertaken in accordance with the approved plans and flood assessment/flood management report. The Chartered Professional Engineer shall also certify that habitable floor levels and garage floor levels adjacent to the overland flow path have been constructed in accordance with the approved plans and that freeboard is provided in accordance with Rockdale Development Control Plan (DCP) 2011. The certificate must be based on inspection of the site and review of a works-as-executed plan of the overland flow path, which shall be prepared by a Registered Surveyor. A copy of the engineer's certificate and surveyor's works-as-executed plan shall be provided to Council.
80. A certificate from a Registered Surveyor shall be provided to the Certifying Authority (CA) certifying that the commercial floor level is constructed a minimum of 500mm above the 1% Annual Exceedance Probability (A.E.P) Flood Level. A copy of the certificate shall be provided to Council where Council is not the Certifying Authority.
81. Prior to occupation a Chartered Professional Engineer shall certify that the stormwater system has been constructed in accordance with the approved plans and as required by Rockdale Technical Specification Stormwater Management. The certificate shall be in the form specified in Rockdale Technical Specification Stormwater Management and include an evaluation of the completed drainage works. A works-as-executed drainage plan shall be prepared by a registered surveyor based on a survey of the completed works. A copy of the certificate and works-as-executed plan(s) shall be supplied to the Certifying Authority. A copy shall be provided to Council if Council is not the Certifying Authority.
82. All absorption trenches must be inspected, and a compliance certificate under Part 4A of the EP&A Act issued prior to back filling and proceeding to subsequent stages of construction. Copies of the certificate are to be maintained by the certifying authority and be made available to Council officers upon request.
83. All modular drainage cell installations must be inspected, and a compliance certificate under Part 4A of the Environmental Planning and Assessment Act issued prior to back filling and proceeding to subsequent stages of construction. Copies of the certificate are to be maintained by the Certifying Authority and be made available to Council officers upon request.
84. The occupier of the premises where the warm water system is installed shall notify particulars to Council in accordance with the provisions of the Public Health Act 2010 prior to the issue of an Occupation Certificate. A notification form is available from Council's Environmental Health Unit on request.
85. The occupier of the premises where the swimming pool is installed shall notify particulars to Council in accordance with the provisions of the Public Health Act 2010 prior to the issue of an Occupation Certificate. A notification form is available from Council's Environmental Health Unit on request.
86. A Management Plan to mitigate the noise from the operation of the school shall be submitted to the Project Manager and Council prior to Occupation. The plan is to include:



The total planned time for outdoor play area per day.

The noise management plan is to include:

Children are supervised at all times to minimise noise generated by children,

Amplified music is not to be played outside,

Install a contact phone number at the front of the school so that any complaints regarding centre operation can be made.

Implement a complaint handling procedure. If a noise complaint is received the complaint should be recorded on a Complaint Form.

The complaint form should list:

The name and address of the complainant (if provided),

The time and date the complaint was received,

The nature of the complaint and the time and date the noise was heard,

The name of the employee who received the complaint,

Actions taken to investigate the complaint, and a summary of the results of the investigation,

Indicate what was occurring at the time the noise was heard if possible,

Required remedial action, if required,

Validation of the remedial action,

Summary of feedback to the complainant,

A permanent register of complaints should be held on the premises which shall be reviewed monthly by staff to ensure any complaints are responded to. All complaints received shall be reported to management with initial action/investigation commencing within 7 days. The complainant should also be notified of the results and actions arising from the investigation.

87. Flow through fencing shall be provided along the bottom of the fencing for the width and depth of overland flow. Details of approved types of flow through fencing can be obtained from Council. A positive covenant pursuant to the Conveyancing Act 1919 shall be created on the title of the lot(s) that contain the pool fencing preventing interference with the pool fencing and overland flow route.

Council requires proof of lodgement of the signed Instrument with the Land Titles Office.

88. The pool pump/filter and all electrical connections are to be flood proofed or sealed to a minimum of 500mm above the 1% Annual Exceedance Probability (AEP) Flood level and shall not be placed in the overland flow path.
89. Materials which may be damaged by flood waters shall be stored, or able to be stored at or above 500mm above the 1% Annual Exceedance Probability (AEP) Flood.
90. A benchmark shall be established adjacent to the site to Australian Height Datum to enable comparison to the flood standard.
91. Prior to commencement of operations, an advisory plaque shall be fixed to the area of overland flow in such a way that it cannot be removed, containing the wording "The

area may be subject to overland flows in heavy storms. Keep clear of the area when flows occur". The owners shall preserve the plaque in good condition and keep it visible.

92. Flow through open form fencing is required for all new front fencing and all internal fences and gates up to the 1% AEP flood level. Any new boundary fences adjoining private property shall have an 80mm gap at the bottom to allow flows through.  
Details of approved types of flow through fencing can be obtained from Council.
93. The maximesh screens and removable geotextile are to be installed in the absorption system prior to connection of the downpipes to ensure the effective performance of the system during construction and the long term viability of the system.
94. A positive covenant pursuant to the Conveyancing Act 1919 shall be created on the title of the lots that contain the stormwater retention facility to provide for the maintenance of the retention facility.
95. The drainage system shall be constructed in accordance with the approved drainage plans and any amendments in red. All stormwater drainage plumbing work shall comply with the NSW Code of Practice: Plumbing and Drainage and Australian Standard AS3500.  
Drainage grates shall be provided at the boundary. Width of the drainage grates shall be in accordance with Rockdale Technical Specification Stormwater Management.  
A silt/litter arrestor pit as detailed in Rockdale Technical Specification Stormwater Management shall be provided prior to discharge of stormwater into absorption system.
96. The owner of the premises is required to comply with the following requirements when installing a rainwater tank:
  - Inform Sydney Water that a Rainwater tank has been installed in accordance with applicable requirements of Sydney Water.
  - The overflow from the rainwater tank shall be directed to the storm water system.
  - All plumbing work proposed for the installation and reuse of rainwater shall comply with the NSW Code of Practice: Plumbing and Drainage and be installed in accordance with Sydney Water "Guidelines for rainwater tanks on residential properties.
  - A first flush device shall be installed to reduce the amount of dust, bird faeces, leaves and other matter entering the rainwater tank.

## INTEGRATED DEVELOPMENT/EXTERNAL AUTHORITIES

The following conditions have been imposed in accordance with Section 91A of the Environmental Planning and Assessment Act, 1979.

### 97. General

1. An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take

identified.

2. The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation.
3. Sufficient drainage will be provided beneath and around the outside of the watertight structure to ensure that groundwater is able to drain around the structure and does not cause an impediment to natural groundwater flow which would lead to an increase in hydraulic gradient across the footprint of the basement greater than double the natural hydraulic gradient.
4. Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.

#### **Prior to excavation**

5. Measurements of groundwater levels beneath the site from a minimum of three monitoring bores shall be taken. These measurements should be included in a report provided to the NSW Office of Water in support of the dewatering licence application, along with a schedule and indicative level predictions for the ongoing water level monitoring from the date of consent until at least two months after the cessation of pumping shall be included in the report.
6. A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and a report provided to the NSW Office of Water. Details of the parameters (e.g. permeability predicted by slug-testing, pump-testing or other means) and calculation method shall be included in the report submitted to the NSW Office of Water in support of the dewatering licence.
7. A copy of a valid development consent for the project shall be provided in the report to the NSW Office of Water.
8. The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided to the NSW Office of Water. The disposal of any contaminated pumped groundwater (sometimes called "tailwater") must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority.
9. Contaminated groundwater (i.e. above appropriate NEPM 2013 thresholds) shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and a report provided to the NSW Office of Water. The quality of any pumped water that is to be reinjected must be demonstrated to be compatible with, or improve, the intrinsic or ambient groundwater in the vicinity of the reinjection site.

#### **During excavation**

10. Engineering measures designed to transfer groundwater around the basement shall be incorporated into the basement construction to prevent the completed

infrastructure from restricting pre-existing groundwater flows.

11. Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
12. Measurement and monitoring arrangements to the satisfaction of the NSW Office of Water are to be implemented. Monthly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a report provided to the NSW Office of Water after dewatering has ceased. Daily records of groundwater levels are to be kept and a report provided to the NSW Office of Water after dewatering has ceased.
13. Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.
14. Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
15. The location and construction of groundwater extraction works that are abandoned are to be recorded and a report provided to the NSW Office of Water after dewatering has ceased. The method of abandonment is to be identified in the documentation.
16. Access to groundwater management works used in the activity is to be provided to permit inspection when required by the NSW Office of Water under appropriate safety procedures.

#### **Following excavation**

17. Should pumping volumes or groundwater quality significantly differ from the predictions supporting the DA and licence applications, detailed monitoring records must be provided to the NSW Office of Water, together with a detailed interpreted hydrogeological report identifying all actual resource and third party impacts.

## **ROADS ACT**

98. Construction related activities must not take place on the roadway without Council approval.

Short-term activities (including operating plant, materials delivery) that reduce parking spaces, affect access to a particular route or prevent or restrict the passage of vehicles along the road must not occur without a valid Temporary Roadside Closure Permit.

Activities involving occupation of the parking lane for durations longer than allowed under a Temporary Roadside Closure Permit require a Construction Zone Permit and must not occur prior to the erection of Works Zone signs by Council's Traffic and Road Safety Section.

Permit application forms should be lodged at Council's Customer Service Centre allowing sufficient time for evaluation. An information package is available on request.

99. Where applicable, the following works will be required to be undertaken in the road reserve at the applicant's expense:
- i) construction of a concrete footpath along the frontage of the development site;
  - ii) construction of a new fully constructed concrete vehicular entrance/s;
  - iii) removal of the existing concrete vehicular entrance/s, and/or kerb laybacks which will no longer be required;
  - iv) reconstruction of selected areas of the existing concrete Footpath/vehicular entrances and/or kerb and gutter;
  - v) construction of paving between the boundary and the kerb;
  - vi) removal of redundant paving;
  - vii) construction of kerb and gutter.
100. All footpath, or road and drainage modification and/or improvement works to be undertaken in the road reserve shall be undertaken by Council, or by a Private Licensed Contractor subject to the submission and approval of a Private Contractor Permit, together with payment of all inspection fees. An estimate of the cost to have these works constructed by Council may be obtained by contacting Council. The cost of conducting these works will be deducted from the Footpath Reserve Restoration Deposit, or if this is insufficient the balance of the cost will be due for payment to Council upon completion of the work.

## DEVELOPMENT CONSENT ADVICE

- a. You are advised to consult with your utility providers (i.e. Energy Aust, Telstra etc) in order to fully understand **their** requirements **before** commencement of any work.
- b. *Telstra Advice – Dial Before You Dig*  
Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets, please contact Dial before You Dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before You Dig service in advance of any construction or planning activities.
- c. *Telstra Advice - Telecommunications Act 1997 (Commonwealth)*  
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act

1995 (Commonwealth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800810443.

- d. Where Council is **not** engaged as the Certifying Authority, the Section 88B Instrument contains easements and/or covenants to which Council is a Prescribed Authority, the Council must be provided with all relevant supporting information (such as works-as-executed drainage plans and certification) prior to Council endorsing the Instrument.
- e. All asbestos fibre demolition material and asbestos dust shall be handled, stored and removed in accordance with the relevant legislation and guidelines including:
  - Work Health and Safety Act 2011
  - Work Health and Safety Regulation 2011
  - Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (2011)]
  - Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC: 2018 (2011)]
  - Protection of the Environment Operations (Waste) Regulation 2005

All work procedures shall be devised to minimise the release of dust and fibres. A checklist of safety precautions when working with asbestos is available in Health & Safety Guidelines prepared by the WorkCover Authority of NSW. Collection, storage and transportation is subject to the Protection of the Environment Operations (Waste) Regulation 2005.
- f. Hazardous and/or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of the relevant statutory authorities (NSW WorkCover Authority and the NSW Environment Protection Authority), together with the relevant regulations, including:
  - Work Health and Safety Act 2011
  - Work Health and Safety Regulation 2011
  - Protection of the Environment Operations (Waste) Regulation 2005.
- g. Demolition and construction shall minimise the emission of excessive noise and prevent "offensive noise" as defined in the Protection of the Environment Operations Act 1997. Noise reduction measures shall include, but are not limited to the following strategies:
  - choosing quiet equipment
  - choosing alternatives to noisy activities
  - relocating noise sources away from affected neighbours
  - educating staff and contractors about quiet work practices
  - informing neighbours of potentially noise activities in advance
  - equipment, such as de-watering pumps, that are needed to operate on any evening or night between the hours of 8 p.m. and 7 a.m. or on any Sunday or Public Holiday, shall not cause a noise nuisance to neighbours of adjoining or nearby residences. Where the emitted noise exceeds 5 dB(A) [LAeq(15m)]

above the background sound level [LA90] at the most affected point on the nearest residential boundary at any time previously stated, the equipment shall be acoustically insulated, isolated or otherwise enclosed so as to achieve the sound level objective.

- h. The water from the rainwater tank should not be used for drinking, Sydney Water shall be advised of the installation of the rainwater tank.
- i. If the development is **not** subject to BASIX, a mandatory rainwater tank may be required. Rainwater tank requirements for development **not** subject to BASIX are specified in Council's DCP 78.
- j. In the event of any inconsistency between conditions of this approval and the drawings/documents referred to in condition 2, the conditions of this approval prevail.

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## ADDITIONAL INFORMATION

- To confirm the date upon which this consent becomes effective, refer to Section 83 of the Environmental Planning and Assessment Act, 1979. Generally the consent becomes effective from the determination date shown on the front of this notice. However if unsure applicants should rely on their own enquiries.
- To confirm the likelihood of consent lapsing, refer to Section 95 of the Act. Generally consent lapses if the development is not commenced within five years of the date of approval. However if a lesser period is stated in the conditions of consent, the lesser period applies. If unsure applicants should rely on their own enquiries.
- Section 82A allows Council to reconsider your proposal. Should you wish to have the matter reconsidered you should make an application under that section with the appropriate fee.
- Under Section 97 of the Act applicants who are dissatisfied with the outcome of a consent authority have a right of appeal to the Land and Environment Court. This right must be exercised within six (6) months from the date of this notice. The Court's Office is situated at Level 1, 225 Macquarie Street, Sydney (Telephone 9228 8388), and the appropriate form of appeal is available from the Clerk of your Local Court.

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Should you have any queries please contact Marta M Gonzalez-Valdes on 9562 1743.

Luis Melim  
**Manager Development Services**

# NOTICE OF APPROVAL FOR DEVELOPMENT

Section 81 (1)(A) of the Environmental Planning and Assessment Act, 1979

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Approval Date	
Authority	Joint Regional Planning Panel
Reference	DA-2015/4
Contact	Marta M Gonzalez-Valdes 9562 1743

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GHD Pty Ltd  
Level 15 133 Castlereagh St  
SYDNEY NSW 2000

**DRAFT**

**Property:** 50A Francis Avenue, BRIGHTON LE SANDS NSW 2216 – former Brighton le Sands Bowling Club site and part of existing reserve Lot 1 DP 207786, Lot 1 DP 32304, Lot M DP 410368, Lot 2 DP 517350, Lot 1 DP 1189311, Lot 2 DP 1189311

**Proposal:** Integrated Development - Demolition of existing structures and construction of an educational establishment for special needs students (Cairnsfoot School) comprising seven detached buildings, swimming pool, play areas, boundary fencing and associated car park

The above development is approved subject to the following conditions:

## GENERAL CONDITIONS

The following conditions restrict the work to the detail provided in the Development Application and are to ensure that the development is complete.

1. The term of this consent is limited to a period of **five** (5) years from the date of approval. The consent will lapse if the development does not commence within this time.
2. The development must be implemented substantially in accordance with the plans listed below, the application form and on any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

Architectural plans numbered DA 000-Cover Sheet, DA100-Site Analysis Plan, DA 101-Site Plan, DA103-Floor Plan (Part 1), DA103-Floor Plan (Part 2), DA 104-Roof Plan (Part 2), DA 105-Roof Plan (Part 2), DA 106-Elevations, DA 107-Sections and Signage, DA 108-Sample Board, DA 109-Shadow Diagrams, DA 110-Shadow Diagrams drawn by NBRS + Partners, dated 18 December 2013 (DA Issue).

Drainage plans numbered R04, R06, D06, D07, D10, D11 (all Issue C), C01, ED1, ED2, R01, R02, R03, R05, D01, D02, D03, 004, D05, D08, 009 (all Issue D), drawn by Wood & Grieve Engineers, dated 10.11.2014.



Landscape plans numbered LCD 00- LCD 14 inclusive, drawn by NBRS, dated 5.2.2014.

Acoustic Report prepared by Acoustic Logic Doc Reference 20130359.1/1111A/R3/J2

3. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
4. This approval is not to be construed as permission to erect any structure on or near a boundary contrary to the provisions of the Dividing Fences Act.
5. Excavation, filling of the site (with the exception of the area immediately under the building envelope), or construction of retaining walls are not permitted unless shown on the approved plans and authorised by a subsequent Crown Certificate.

## DEVELOPMENT SPECIFIC CONDITIONS

The following conditions are specific to the Development Application proposal:

6. Parking spaces shall not be enclosed without further approval of Council. The enclosure of car spaces is not permitted unless the enclosure complies with the design requirements of AS2890.1.
7. The existing and future owners (Registered Proprietor) of the property will be responsible for the operation and maintenance of the retention system. The registered proprietor will:
  - i) permit stormwater to be retained by the system;
  - ii) keep the system clean and free of silt, rubbish and debris;
  - iii) maintain, renew and repair the whole or parts of the system so that it functions in a safe and efficient manner, and in doing so complete the same within the time and in the manner specified in written notice issued by the Council;
  - iv) carry out the matters referred to in paragraphs (ii) and (iii) at the proprietor's expense;
  - v) not make any alterations to the system or elements thereof without prior consent in writing of the Council;
  - vi) permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of emergency) to enter and inspect the land for compliance with the requirements of this clause;
  - vii) comply with the terms of any written notice issued by the Council in respect to the requirements of this clause within the time stated in the notice.
8. The overland flow path shall not be obstructed, restricted or altered without the approval of Rockdale City Council.
9. The rainwater tank shall be routinely de-sludged and all contents from the de-sludging process disposed – solids to the waste disposal and de-sludged liquid to the sewer.
10. The use of the premises, building services, equipment, machinery and, ancillary fittings shall not give rise to an "offensive noise" as defined under the provisions of the Protection of the Environment Operations Act, 1997.

The use of mechanical plant including air conditioners, fans, compressors, condensers, freezers, swimming pool or spa pumps (whether commercial or domestic) shall not cause sound pressure levels in excess of the criteria given in the NSW Industrial Noise Policy - 2000.

11. Temporary dewatering of the site to construct the subsurface structure is not permitted.
12. The following conditions are to ensure compliance with relevant standards for parking facilities within the site:
  - Bicycle parking facilities shall be designed in accordance with AS2890.3:1993.
  - Commercial vehicle facilities shall be designed strictly in accordance with AS2890.2:2002.
  - The off-street parking areas associated with the subject development shall be designed strictly in accordance with AS2890.1 and AS2890.6.
13. Cold water hose cocks shall be installed to the garbage enclosure. Services or utility systems shall not be located in the garbage room.
14. All vertical plumbing, other than roofwater heads and downpipes, shall be concealed within the external cladding of the building. Any electrical kiosks or fire booster valves shall be located in unobtrusive locations toward site boundaries and away from entrances into the building. Utilities shall be softened with landscaping so as not to detract from the overall appearance of the development and amenity of the streetscape.
15. The following conditions apply to the design and provision of off street parking and drop off zones.
  - 1) All passenger drop offs associated with the use of the development shall take place from designated drop off zones. The drop off zones shall not be used for storage, parking or any other purpose that would restrict their use for the purposes of passenger drop off.
  - 2) A traffic management plan (TMP) shall be in place for the on site traffic management. The plan shall be prepared by a suitably qualified person and be submitted prior to commencement of use and approved by the Project Manager.

The Plan shall address, but not be limited to, the following matters:

- (a) ingress and egress of vehicles to the site;
- (b) drop off and pick up passengers by school bus, including measures proposed to manage the school buses;
- (c) carpark management;
- (d) predicted traffic volumes, types and routes;
- (e) any activity that affects traffic or pedestrian movements on public roads or the private internal road network. The plans shall be prepared in accordance with NSW RMS guidelines and include details of traffic diversions, timings and the methodology for achieving the activities during the various on-site activities; and

- (f) pedestrian and traffic management methods.

COPY OF THE TMP SHALL BE SUBMITTED TO COUNCIL.

- 3) Off street parking associated with the proposed development should be designed and constructed in accordance with AS 2890.1 – 2004, AS 2890.2 – 2002 and AS 2890.6 - 2009.
16. To provide fence / barriers to Retaining walls greater than 1000 mm high within the car parks, footpaths and along the boundary.
17. The proposed Warm Water System shall be designed, installed and commissioned in accordance with the provisions of the Public Health Act 2010, Public Health Regulation 2012 and Australian Standard 3666.1 "Air Handling and Water Systems of Buildings - Microbial Control - Design, installation and commissioning".
18. Should a thermostatic mixing valve be installed in the premises, the following requirements shall be met:
  - i) The thermostatic mixing valves shall be set at a predetermined temperature of no lower than 37 °C and no higher than 43 °C. The "fail safe" mixing valves shall be installed.
  - ii) A copy of the commissioning report for the thermostatic mixing valve shall be submitted to Council with an additional copy kept on the premises. The thermostatic mixing valves are to be serviced annually by a suitably qualified and registered plumber who has completed a TAFE course in mixing valves.
  - iii) The thermostatic mixing valve shall be registered with Council as a warm water system, by completing the attached registration form, in accordance with the provisions of the Public Health Act, 2010 and the Public Health Regulation 2012 for the control and prevention of Legionnaires Disease.
19. The proposed Warm Water System shall be operated and maintained in accordance with the provisions of the Public Health Act 2010, Public Health Regulation 2012, and Australian Standard 3666.2 "Air Handling and Water Systems of Buildings - Microbial Control - Part 2 - Operation and maintenance."
20. The swimming pool shall comply with the requirements of the Public Health Act 2010, and Public Health Regulation 2012.
21. The contaminated site shall be remediated in accordance with 'State Environmental Planning Policy No 55 Remediation of Land' (SEPP55). All remediation and validation works shall be carried out in accordance with the Site Remedial Action Plan called Remedial Action Plan Cairnsfoot School Project, Francis Avenue Brighton Le Sands, New South Wales For Department of Education & Communities – Project No 19136/3988C – Report No. 14/0239 prepared by SMEC Testing Service Pty Ltd dated February 2014.

## PRIOR TO COMMENCEMENT OF WORKS

The following conditions must be completed prior to the commencement of works.

22. The following fees shall be paid to Council prior to commencement of works. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.

- i. A Footpath Reserve Restoration Deposit of \$7620. This is to cover repair of any damages, or other works to be done by Council. This includes construction, removal, or repair as required to: kerb and guttering, existing or new driveways; paved areas and concrete footpaths. The deposit may be lodged with Council in the form of a Bank Guarantee (Any proposed Bank Guarantee must not have an expiry date). The deposit will not be returned by Council until works are completed and all damage is restored and all specified works are completed by Council.
  - ii. A Soil and Water Management Sign (811) of \$16.50.
  - iii. A fee of \$190 is payable to Council for the determination of boundary levels. All boundary works, egress paths, driveways and fences shall comply with this level.
23. A suitable qualified engineer is to certify that the structure can withstand the forces of floodwater, scour, debris and buoyancy in a 1% AEP flood event and a PMF event.
  24. All building materials shall be flood resistant, or flood compatible to a height of 500mm above the 1% AEP flood, or flow level. Where flow levels vary across a site, the highest flow level adjacent to the development is to be used in determining the minimum floor level. All internal electrical switches, power points or similar utilities liable to flood damage shall be set at a minimum of 500mm above the 1% AEP flood, or flow level. Details shall be provided and approved by the Project Manager prior commencement of works.
  25. The applicant shall confer with Ausgrid to determine if an electricity distribution substation and the installation of electricity conduits in the footway is required. Written confirmation of Ausgrid's requirements shall be obtained prior to the commencement of works.
  26. If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Project Manager prior to works commencing and the arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/ developer.
  27. A rainwater tank shall be provided as determined by a water balance demand model in accordance with the Department of Environment and Conservations, Managing Urban Stormwater Harvesting and Re-use, April 2006.
  28. A Flood Management Plan (FMP) shall be submitted to Council for assessment and approval. The plan shall determine how future occupants will be alerted to flooding around or in the building to ensure that the occupants and property are protected.  
The FMP shall consider the following matters:
    - a) Council's flood advice letter dated 8 October 2013, Ref: F08/691PO4, 13/91742.
    - b) identify how the school management will monitor the flow hazard, and in particular, how they will alert and evacuate the school before there is a risk to the users from critical storm duration at various levels - local catchment 30 min, the Muddy Creek Catchment 60 min and the Cooks river catchment 120 min,

- c) determine the Flood Planning levels and PMF levels of the proposed building and all access points to the basement parking and storage area. Where there is an adverse impact, or the freeboard is not achieved, the report needs to clearly identify what needs to be done to rectify the deficiency.

**Flood Effects & Levels of flood waters in events greater than 1% ARI to PMF**

- ~ overland flow
- ~ main stream flooding

**Time of Flooding Effects**

- ~ consider storm duration and time of concentration ( additional input from you requested to assist with time of concentration effects)

**Triggers for Evacuation**

- ~ who is responsible for making the decision
- ~ what are the triggers to decide to evacuate the school ( discuss with Council any triggers applicable to other public buildings or schools in the area)

**School Evacuation Procedure**

- ~ input from school to determine evacuation procedures
  - ~ assistance from Council to determine safe routes out of the school site and safe place of refuge during each type of flood event
  - ~ arrangements for returning to school
- d) procedures need to be embedded in the school business plan and operating procedures. To prepare this plan the applicant needs to model flood events smaller and larger (up to the PMF) than the 1% AEP to get a better indication of inundation of the site to be able to assess the flood hazard. The flood modelling of a range of flood events both smaller and larger than the 1% AEP event provide important information regarding flood RLs, potential flood damage and hazard to inform a Business Flood Risk Management Plan but would also provide a picture of potential inundation issues. Such modelling would also inform the process for assessing works options which might divert the substantial overland flows around the new school and or mitigate risk through a Business Flood Risk Management Plan.

29. A Construction Management Plan (CMP) shall be prepared in accordance with the requirements of all relevant regulatory approval bodies. Prior to commencement of works the Project Manager shall be satisfied that the Construction Management Plan has obtained all relevant regulatory approvals. The Construction Management Plan shall be implemented during demolition, excavation and construction.

A Construction Traffic Management Plan (TMP) prepared by a suitably qualified person shall be submitted to and approved by the Project Manager. The Plan shall address, but not be limited to, the following matters:

- (a) ingress and egress of vehicles to the site;
- (b) loading and unloading, including construction zones;
- (c) predicted traffic volumes, types and routes; and
- (d) pedestrian and traffic management methods.

Copies of the CMP and TMP shall be submitted to Council.

30. All recommendations contained in the report prepared by SMEC Testing Services Pty Ltd dated January 2014 Ref: Project No. 19136/2971C, Report No. 14/0099A shall be implemented.
31. Any part of the proposed building located in the vicinity of the existing pipeline shall be constructed on a pier and beam type foundation, piers shall be located outside the boundary of the drainage easement and to extend to a depth of no less than 300mm below the pipeline invert. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.
32. Any part of the proposed building within 3m of the proposed detention tank or absorption trench shall be constructed on a pier and beam foundation with piers extending no less than 300mm below the bottom of the tank or trench base.
33. Prior to the commencement of works, detailed drainage design plans for the management of stormwater are to be submitted to Project Manager for assessment and approval. Design certification, in the form specified in Rockdale Technical Specification Stormwater Management, and drainage design calculations are to be submitted with the plans. Council's Rockdale Technical Specification Stormwater Management sets out the minimum documentation requirements for detailed design plans. Stormwater management requirements for the development site, including the final discharge/end connection point, must comply with Rockdale Technical Specification Stormwater Management.
34. The design of stormwater drainage facilities shall be undertaken in accordance with Council technical specifications for the design of stormwater management facilities, and the principles of Water Sensitive Urban Design (WSUD).

Amended stormwater design and plans shall be submitted to Council for approval. The amended design shall address the following issues:

- (a) The proposed Water Sensitive Urban Design (WSUD) is not acceptable to Council. The system is to meet the targets as follows;

Stormwater Pollutants	Commercial re-Development
Gross Pollutant	90%
Total suspended solids (TSS)	80%
Total Phosphorus (TP)	55%
Total Nitrogen (TN)	40%

- (b) Conserve water by reducing demand on potable water supplies – rain water harvesting.
- (c) The Maintenance of WSUD structures for the life of the development and implementation of monitoring program to ensure WSUD continues to meet targets — reporting to be provided to Council on an annual basis.
- (d) Integrate stormwater treatment into the landscape.
- (e) Ongoing maintenance of storm-water system such as the removal of accumulated rubbish around storm water pipes and monitoring and implementation of controls to stop erosion around storm water outlets

- (f) The design of the stormwater retention system shall take into account depth of watertable with adequate provision for future fluctuations of watertable levels. (It is recommended that a minimum allowance for a watertable variation of at least +/- 0.5 metre beyond any expected fluctuation be provided). The actual water table fluctuation and fluctuation safety margin must be determined by a suitably qualified professional.
35. A Soil and Water Management Plan shall be prepared. The Plan must include details of the proposed erosion and sediment controls to be installed on the building site. A copy of the Soil and Water Management Plan must be kept on-site at all times and made available on request.
- Soil and sedimentation controls are to be put in place prior to commencement of any work on site. The controls are to be maintained in effective working order during construction.
- Council's warning sign for soil and water management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign shall be erected prior to commencement of works and shall be displayed throughout construction.
36. A sign must be erected at the front boundary of the property clearly indicating the Development Approval Number, description of work, builder's name, licence number and house number before commencement of work. If owner/builder, the Owner/Builder Permit Number must be displayed.
37. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- i) stating that unauthorised entry to the work site is prohibited, and
  - ii) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- Any such sign is to be removed when the work has been completed.
- This condition does not apply to:
- iii) building work carried out inside an existing building or
  - iv) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
38. Prior to the commencement of work, Tree Protection Measures for trees to be retained shall be implemented in accordance with AS4970-2009 (Protection of trees on Development Sites) and as detailed in Section 8 of the Arboricultural Impact Report dated 31 January 2014 by Landscape Matrix Pty Ltd which is contained in the Statement of Environmental Effects as Annexure 8. Additionally specific Tree Protection for Tree # 4, as detailed on pages 14 and 17/18 of the report, shall be implemented.
39. Prior to the commencement of any work on site, a sign shall be placed in a prominent position on each protective fence identifying the area as a **Tree Protection Zone** and prohibiting vehicle access, waste bins, storage of materials and equipment, site residue and excavations within the fenced off area.

40. Where it is necessary to import landfill material onto the site to fill the land to levels shown on the plans forming part of the consent, a certificate, prepared by a suitably qualified and experienced Contaminated Land Consultant, shall be submitted to Council being the Regulatory Authority prior to the commencement of works, certifying that the imported fill is suitable for the land use.
41. The site shall be secured by a 1800 mm (minimum) high temporary fence for the duration of the work. Gates shall be provided at the opening points.
42. A hoarding or fence shall be erected between the work site and the public place when the work involved in the erection or demolition of a building:
  - i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
  - ii) building involves the enclosure of a public place,

Where the development site adjoins a public thoroughfare, the common boundary between them must be fenced for its full length with a hoarding, unless, the least horizontal distance between the common boundary and the nearest part of the structure is greater than twice the height of the structure. The hoarding must be constructed of solid materials (chain wire or the like is not acceptable) to a height of not less than 1.8m adjacent to the thoroughfare.

Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the footpath must be covered by an overhead protective structure, type B Hoarding, and the facing facade protected by heavy duty scaffolding unless either:

- (i) the vertical height above footpath level of the structure being demolished is less than 4m; or
- (ii) the least horizontal distance between footpath and the nearest part of the structure is greater than half the height of the structure.

The overhead structure must consist of a horizontal platform of solid construction and vertical supports, and the platform must -

- (i) extend from the common boundary to 200mm from the edge of the carriageway for the full length of the boundary;
- (ii) have a clear height above the footpath of not less than 2.1m;
- (iii) terminate not less than 200mm from the edge of the carriageway (clearance to be left to prevent impact from passing vehicles) with a continuous solid upstand projecting not less than 0.5m above the platform surface; and
- (iv) together with its supports, be designed for a uniformly distributed live load of not less than 7 kPa

The 'B' Class hoarding is to be lit by fluorescent lamps with anti-vandalism protection grids.

Any such hoarding, fence or awning is to be removed when the work has been completed.

The principal contractor or owner builder must pay all fees and rent associated with the application and occupation and use of the road (footway) for required hoarding or overhead protection.



43. Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.
44. Consultation with Ausgrid is essential prior to commencement of work. Failure to notify Ausgrid may involve unnecessary expense in circumstances such as:
  - i) where the point of connection and the meter board has been located in positions other than those selected by Ausgrid or
  - ii) where the erection of gates or fences has restricted access to metering equipment.

## DURING DEMOLITION / EXCAVATION / CONSTRUCTION

The following conditions must be complied with during demolition, excavation and or construction.

45. A copy of the approved plans and specifications must be kept on the site at all times and be available to Council officers upon request.
46. Hours of construction shall be confined to between 7 am and 6.30 pm Mondays to Fridays, inclusive, and between 8 am and 3.30 pm Saturdays with no work being carried out on Sundays and all public holidays.
47. Adequate provisions are made for the following measures (as applicable), to ensure compliance with the terms of Council's approval:
  - Sediment control measures
  - Provision of perimeter fences or hoardings for public safety and restricted access to building sites.
  - Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.
48. Demolition operations shall not be conducted on the roadway or public footway or any other locations, which could lead to the discharge of materials into the stormwater drainage system.
49. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.
50. All excavation and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards and guarded and protected to prevent them from being dangerous to life or property.
 

When excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building or an adjoining allotment of land, you shall:

  - i) preserve and protect the building from damage and
  - ii) underpin and support the building in an approved manner, if necessary and
  - iii) give notice of intention to excavate below the level of the base of the footings of a building on an adjoining allotment of land to the owner at least 7 days prior to excavation and furnish particulars of the excavation to the owner of the

building being erected or demolished.

**Note:** The owner of the adjoining allotment of land 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 the adjoining allotment of land.

In this conditions **allotment of land** includes a public road and any other public place.

Works shall not encroach onto or over adjoining properties, including retaining walls, fill material or other similar works. Soil shall not be lost from adjoining sites due to construction techniques employed on the subject site.

51. Any new information discovered during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination, shall be notified to Council being the Regulatory Authority for the management of contaminated land.
52. All contractors shall comply with the following during all stages of demolition and construction:
  - A Waste Container on Public Road Reserve Permit must be obtained prior to the placement of any waste container or skip bin in the road reserve (i.e. road or footpath or nature strip). Where a waste container or skip bin is placed in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
  - A Road Opening Permit must be obtained prior to any excavation in the road reserve (i.e. road or footpath or nature strip). Where excavation is carried out on the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
  - A Hoarding Permit must be obtained prior to the erection of any hoarding (Class A or Class B) in the road reserve (i.e. road or footpath or nature strip). Where a hoarding is erected in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
  - A Crane Permit must be obtained from Council prior to the operation of any activity involving the swinging or hoisting of goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway. Permits can be obtained from Council's Customer Service Centre.
  - A Permit to Dewater or Pump Out a site must be obtained prior to the discharge of pumped water into the road reserve, which includes Council stormwater pits and the kerb and gutter. Permits can be obtained from Council's Customer Service Centre.
53. All demolition work shall be carried out in accordance with AS2601 – 2001: The Demolition of Structures and with the requirements of the WorkCover Authority of NSW.
54. The following conditions are necessary to ensure minimal impacts during construction:
  - i. Building, demolition and construction works not to cause stormwater pollution and being carried out in accordance with Section 2.8 of Council's Stormwater

Pollution Control Code 1993. Pollutants such as concrete slurry, clay and soil shall not be washed from vehicles onto roadways, footways or into the stormwater system. Drains, gutters, roadways and access ways shall be maintained free of sediment. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment.

- ii. Stormwater from roof areas shall be linked via a temporary downpipe to an approved stormwater disposal system immediately after completion of the roof area.
- iii. All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
- iv. Building and demolition operations such as brickcutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- v. Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted. In addition stockpiles of topsoil, sand, aggregate, soil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface.
- vi. Wind blown dust from stockpile and construction activities shall be minimised by one or more of the following methods:
  - a) spraying water in dry windy weather
  - b) cover stockpiles
  - c) fabric fences
- vii. Access to the site shall be restricted to no more than two 3m driveways. Council's footpath shall be protected at all times. Within the site, provision of a minimum of 100mm coarse crushed rock is to be provided for a minimum length of 2 metres to remove mud from the tyres of construction vehicles.  
  
 An all weather drive system or a vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street. Vehicular access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy. Where any sediment is deposited on roadways it is to be removed by means other than washing and disposed of appropriately.  
  
 In addition builders / demolishers are required to erect a 1.8m high fence along the whole of the street alignment other than at the two openings. Such protection work, including fences, is to be constructed, positioned and maintained in a safe condition to the satisfaction of the Crown Authority, prior to the demolition of the existing structures and commencement of building operations.
- viii. Any noise generated during construction of the development shall not exceed limits specified in any relevant noise management policy prepared pursuant to the Protection of the Environment Operations Act, 1997 or exceed approved noise limits for the site.

55. Council's warning sign for soil and water management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction. A copy of the sign is available from Council.
56. Trees numbered 2, 4, 15, 16, 19, 20, 21, 22, 23, 24, 25, 26, 27, 30, 31 and 32 as identified in the Arboricultural Impact Report dated 31 January 2014 by Landscape Matrix Pty Ltd which is contained in the Statement of Environmental Effects as Annexure 8 shall not be removed or pruned, including root pruning, without the written consent of Council in the form of a Permit issued under Council's Development Control Plan 2011. All other existing site trees may be removed.
57. Due to the construction of a new vehicular entry/exit point on the northern side of the site, the existing driveway which is located on the southern side of the site, is to be deleted from the plans and replaced with a *pedestrian only* access way. The pedestrian only access way must provide access from Francis Avenue, through the site and into the area of open space (CA Redmond Field and Club House) at the rear of the site.
58. The pedestrian only access way referred to above and the carpark must be granted a legal right of access to ensure that access is available from Francis Avenue to the sports fields behind for both Council and third party users. This right of access through the school site and the use of the carpark must be placed on the title of the school prior to the use of the school. The legal restriction should note that access through the school site and use of its carpark will enable use by Council and users of the sports field from 3.30pm to 10pm (Monday to Friday) and from 7am to 6pm (Saturday and Sunday) and at other times as agreed to by the school (to accommodate for example, school holiday activities during the day). 24 Hour access shall be available to authorised Council staff and contractors for maintenance and cleaning.
59. The kiosk substation must be relocated to the eastern end of the car park, adjacent to the first car parking space and satisfactorily screened with landscaping as shown on the sketch plan dated 15 October 2014 prepared by NBRS + Partners.
60. The structure which forms the roof over the Covered Outdoor Learning Area (COLA) is excessive in height and would result in a structure which is out of scale with the single storey buildings on the subject site and surrounding development, which is a maximum of two (2) storeys in height. The structure must be reduced in height to have a maximum of height of 5.4 metres.
61. The measures, as recommended in Section 6 of the acoustic report prepared by Acoustic Logic Doc Reference 20130359.1/111A/R3/JZ are to be incorporated into the development. Operational management procedures involving the supervision of students are to be ongoing during the lifetime of the development. Other measures, such as the repair of fences is to be carried out prior to the use of the school. These measures shall be maintained during the lifetime of the school.

## PRIOR TO COMMENCEMENT OF USE

The following conditions must be complied with prior to Commencement of Use.

62. All works must be completed in accordance with the approved plans.

63. Where Council's park/reserve is damaged as a result of building work or vehicular building traffic, this area shall be restored by Council at the applicant's expense. Repairs shall be completed prior to the commencement of use.
64. The approved recommendations from the Flood Management Report shall be implemented prior to occupation.  
The approved recommendations from the Business Flood Risk Assessment Management Plan Report shall be implemented prior to occupation.  
A flood evacuation plan is to be prepared for the development. The plan is to include warning alarms and evacuation routes. The approved flood evacuation plan is to be updated every five (5) years and copies are to be provided to Council and the local State Emergency Service (SES).
65. All existing lots shall be consolidated into one allotment. A copy of the plan of consolidation must be provided to the Project Manager prior to release of the Strata Certificate.
66. All landscape works are to be carried out in accordance with the approved landscape plans. The landscaping is to be maintained to the approved standard at all times.
67. All works within the road reserve, which are subject to approval pursuant to Section 138 of the Roads Act 1993, shall be completed and accepted by council.
68. Where an electricity substation is required by Ausgrid, a final film survey plan shall be endorsed with an area having the required dimensions as agreed with Ausgrid over the location of the proposed electricity distribution substation site. The substation must be located within the boundary of the development site, or within the building, subject to compliance with the BCA. The substation site shall be dedicated to Council as public roadway, or as otherwise agreed with Ausgrid. Ausgrid's requirements shall be met prior to release of the issue of the Occupation Certificate.
69. Vehicles shall enter and exit the site in a forward direction at all times. A plaque with minimum dimensions 300mm x 200mm shall be permanently fixed to the inside skin of the front fence, or where there is no front fence a prominent place approved by the Crown Authority, stating the following: "Vehicle shall enter and exit the site in a forward direction at all times".
70. Prior to completion of the building works, a full width vehicular entry is to be constructed to service the property. Any obsolete vehicular entries are to be removed and reconstructed with kerb and gutter. This work may be done using either a Council quote or a private contractor. There are specific requirements for approval of private contractors.
71. 40 off-street car spaces shall be provided in accordance with the submitted plans. Such spaces shall be paved, linemarked and made freely available at all times during business hours of the site for staff and visitors.
72. Prior to the Occupation a traffic management and traffic safety system shall be installed to control traffic flow on the single lane driveway and ensure safety of vehicles and pedestrians on and around the driveway at all times. The system shall be designed by a suitably qualified and experienced traffic engineer, and meet the requirements of Australian Standard AS/NZS2890.1:2004.

73. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

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](http://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, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Certifying Authority prior to occupation of the development.

74. The noise reduction measures specified in the noise report prepared by Acoustic Logic – Cairnsfoot Public Special Needs School – DA Acoustic Assessment - Project Number 20130359.1 Document Reference 20130359.1/1111A/R3/JZ dated 11/11/2014 shall be validated by a Certificate of Compliance prepared by the acoustic consultant and submitted to the Project Manager prior to the commencement of use.
75. A Landscape Architect shall provide a report to the Project Manager stating that the landscape works have been carried out in accordance with the approved plans and documentation.
76. Prior to occupation or use of the premises, a qualified mechanical engineer shall certify that the mechanical ventilation/air conditioning system complies in all respects with the requirements of Australian Standard 1668, Part 1 & 2.
77. After completion of the remedial works, a copy of the Validation Report shall be submitted to Council being the Regulatory Authority for the management of contaminated land, prior to the issue of an Occupation Certificate. The Validation Report shall be prepared in accordance with the NSW Environment Protection Authority's (EPA) guidelines, *Consultants Reporting on Contaminated Sites*, and shall:
- describe and document all works performed;
  - include results of validation testing and monitoring;
  - include validation results of any fill imported on to the site;
  - show how all agreed cleanup criteria and relevant regulations have been complied with; and
  - include clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.
78. A Site Audit Statement (SAS) shall be submitted to Council being the Regulatory Authority for the management of contaminated land, prior to the issue of Occupation Certificate, clearly demonstrating that the site is suitable for the intended use. Conditions imposed on the SAS shall form part of this consent. In circumstances where the SAS conditions (if applicable) are not consistent with the consent, the consent shall prevail to the extent of inconsistency and a S96 application pursuant to the Environmental Planning & Assessment Act 1979 will be required.

79. Prior to occupation, a Chartered Professional Engineer shall certify that the construction of the overland flow path, including construction of all channels, pipes, banks, levees, etc has been undertaken in accordance with the approved plans and flood assessment/flood management report. The Chartered Professional Engineer shall also certify that habitable floor levels and garage floor levels adjacent to the overland flow path have been constructed in accordance with the approved plans and that freeboard is provided in accordance with Rockdale Development Control Plan (DCP) 2011. The certificate must be based on inspection of the site and review of a works-as-executed plan of the overland flow path, which shall be prepared by a Registered Surveyor. A copy of the engineer's certificate and surveyor's works-as-executed plan shall be provided to Council.
80. A certificate from a Registered Surveyor shall be provided to the Certifying Authority (CA) certifying that the commercial floor level is constructed a minimum of 500mm above the 1% Annual Exceedance Probability (A.E.P) Flood Level. A copy of the certificate shall be provided to Council where Council is not the Certifying Authority.
81. Prior to occupation a Chartered Professional Engineer shall certify that the stormwater system has been constructed in accordance with the approved plans and as required by Rockdale Technical Specification Stormwater Management. The certificate shall be in the form specified in Rockdale Technical Specification Stormwater Management and include an evaluation of the completed drainage works. A works-as-executed drainage plan shall be prepared by a registered surveyor based on a survey of the completed works. A copy of the certificate and works-as-executed plan(s) shall be supplied to the Certifying Authority. A copy shall be provided to Council if Council is not the Certifying Authority.
82. All absorption trenches must be inspected, and a compliance certificate under Part 4A of the EP&A Act issued prior to back filling and proceeding to subsequent stages of construction. Copies of the certificate are to be maintained by the certifying authority and be made available to Council officers upon request.
83. All modular drainage cell installations must be inspected, and a compliance certificate under Part 4A of the Environmental Planning and Assessment Act issued prior to back filling and proceeding to subsequent stages of construction. Copies of the certificate are to be maintained by the Certifying Authority and be made available to Council officers upon request.
84. The occupier of the premises where the warm water system is installed shall notify particulars to Council in accordance with the provisions of the Public Health Act 2010 prior to the issue of an Occupation Certificate. A notification form is available from Council's Environmental Health Unit on request.
85. The occupier of the premises where the swimming pool is installed shall notify particulars to Council in accordance with the provisions of the Public Health Act 2010 prior to the issue of an Occupation Certificate. A notification form is available from Council's Environmental Health Unit on request.
86. A Management Plan to mitigate the noise from the operation of the school shall be submitted to the Project Manager and Council prior to Occupation. The plan is to include:

The total planned time for outdoor play area per day.

The noise management plan is to include:

Children are supervised at all times to minimise noise generated by children,

Amplified music is not to be played outside,

Install a contact phone number at the front of the school so that any complaints regarding centre operation can be made.

Implement a complaint handling procedure. If a noise complaint is received the complaint should be recorded on a Complaint Form.

The complaint form should list:

The name and address of the complainant (if provided),

The time and date the complaint was received,

The nature of the complaint and the time and date the noise was heard,

The name of the employee who received the complaint,

Actions taken to investigate the complaint, and a summary of the results of the investigation,

Indicate what was occurring at the time the noise was heard if possible,

Required remedial action, if required,

Validation of the remedial action,

Summary of feedback to the complainant,

A permanent register of complaints should be held on the premises which shall be reviewed monthly by staff to ensure any complaints are responded to. All complaints received shall be reported to management with initial action/investigation commencing within 7 days. The complainant should also be notified of the results and actions arising from the investigation.

87. Flow through fencing shall be provided along the bottom of the fencing for the width and depth of overland flow. Details of approved types of flow through fencing can be obtained from Council. A positive covenant pursuant to the Conveyancing Act 1919 shall be created on the title of the lot(s) that contain the pool fencing preventing interference with the pool fencing and overland flow route.

Council requires proof of lodgement of the signed Instrument with the Land Titles Office.

88. The pool pump/filter and all electrical connections are to be flood proofed or sealed to a minimum of 500mm above the 1% Annual Exceedance Probability (AEP) Flood level and shall not be placed in the overland flow path.
89. Materials which may be damaged by flood waters shall be stored, or able to be stored at or above 500mm above the 1% Annual Exceedance Probability (AEP) Flood.
90. A benchmark shall be established adjacent to the site to Australian Height Datum to enable comparison to the flood standard.
91. Prior to commencement of operations, an advisory plaque shall be fixed to the area of overland flow in such a way that it cannot be removed, containing the wording "The



area may be subject to overland flows in heavy storms. Keep clear of the area when flows occur". The owners shall preserve the plaque in good condition and keep it visible.

92. Flow through open form fencing is required for all new front fencing and all internal fences and gates up to the 1% AEP flood level. Any new boundary fences adjoining private property shall have an 80mm gap at the bottom to allow flows through.  
Details of approved types of flow through fencing can be obtained from Council.
93. The maximesh screens and removable geotextile are to be installed in the absorption system prior to connection of the downpipes to ensure the effective performance of the system during construction and the long term viability of the system.
94. A positive covenant pursuant to the Conveyancing Act 1919 shall be created on the title of the lots that contain the stormwater retention facility to provide for the maintenance of the retention facility.
95. The drainage system shall be constructed in accordance with the approved drainage plans and any amendments in red. All stormwater drainage plumbing work shall comply with the NSW Code of Practice: Plumbing and Drainage and Australian Standard AS3500.  
Drainage grates shall be provided at the boundary. Width of the drainage grates shall be in accordance with Rockdale Technical Specification Stormwater Management.  
A silt/litter arrestor pit as detailed in Rockdale Technical Specification Stormwater Management shall be provided prior to discharge of stormwater into absorption system.
96. The owner of the premises is required to comply with the following requirements when installing a rainwater tank:
  - Inform Sydney Water that a Rainwater tank has been installed in accordance with applicable requirements of Sydney Water.
  - The overflow from the rainwater tank shall be directed to the storm water system.
  - All plumbing work proposed for the installation and reuse of rainwater shall comply with the NSW Code of Practice: Plumbing and Drainage and be installed in accordance with Sydney Water "Guidelines for rainwater tanks on residential properties.
  - A first flush device shall be installed to reduce the amount of dust, bird faeces, leaves and other matter entering the rainwater tank.

## INTEGRATED DEVELOPMENT/EXTERNAL AUTHORITIES

The following conditions have been imposed in accordance with Section 91A of the Environmental Planning and Assessment Act, 1979.

### 97. General

1. An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take

identified.

2. The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation.
3. Sufficient drainage will be provided beneath and around the outside of the watertight structure to ensure that groundwater is able to drain around the structure and does not cause an impediment to natural groundwater flow which would lead to an increase in hydraulic gradient across the footprint of the basement greater than double the natural hydraulic gradient.
4. Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.

#### **Prior to excavation**

5. Measurements of groundwater levels beneath the site from a minimum of three monitoring bores shall be taken. These measurements should be included in a report provided to the NSW Office of Water in support of the dewatering licence application, along with a schedule and indicative level predictions for the ongoing water level monitoring from the date of consent until at least two months after the cessation of pumping shall be included in the report.
6. A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and a report provided to the NSW Office of Water. Details of the parameters (e.g. permeability predicted by slug-testing, pump-testing or other means) and calculation method shall be included in the report submitted to the NSW Office of Water in support of the dewatering licence.
7. A copy of a valid development consent for the project shall be provided in the report to the NSW Office of Water.
8. The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided to the NSW Office of Water. The disposal of any contaminated pumped groundwater (sometimes called “tailwater”) must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority.
9. Contaminated groundwater (i.e. above appropriate NEPM 2013 thresholds) shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and a report provided to the NSW Office of Water. The quality of any pumped water that is to be reinjected must be demonstrated to be compatible with, or improve, the intrinsic or ambient groundwater in the vicinity of the reinjection site.

#### **During excavation**

10. Engineering measures designed to transfer groundwater around the basement shall be incorporated into the basement construction to prevent the completed

infrastructure from restricting pre-existing groundwater flows.

11. Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
12. Measurement and monitoring arrangements to the satisfaction of the NSW Office of Water are to be implemented. Monthly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a report provided to the NSW Office of Water after dewatering has ceased. Daily records of groundwater levels are to be kept and a report provided to the NSW Office of Water after dewatering has ceased.
13. Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.
14. Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
15. The location and construction of groundwater extraction works that are abandoned are to be recorded and a report provided to the NSW Office of Water after dewatering has ceased. The method of abandonment is to be identified in the documentation.
16. Access to groundwater management works used in the activity is to be provided to permit inspection when required by the NSW Office of Water under appropriate safety procedures.

#### **Following excavation**

17. Should pumping volumes or groundwater quality significantly differ from the predictions supporting the DA and licence applications, detailed monitoring records must be provided to the NSW Office of Water, together with a detailed interpreted hydrogeological report identifying all actual resource and third party impacts.

## **ROADS ACT**

98. Construction related activities must not take place on the roadway without Council approval.

Short-term activities (including operating plant, materials delivery) that reduce parking spaces, affect access to a particular route or prevent or restrict the passage of vehicles along the road must not occur without a valid Temporary Roadside Closure Permit.

Activities involving occupation of the parking lane for durations longer than allowed under a Temporary Roadside Closure Permit require a Construction Zone Permit and must not occur prior to the erection of Works Zone signs by Council's Traffic and Road Safety Section.

Permit application forms should be lodged at Council's Customer Service Centre allowing sufficient time for evaluation. An information package is available on request.

99. Where applicable, the following works will be required to be undertaken in the road reserve at the applicant's expense:
- i) construction of a concrete footpath along the frontage of the development site;
  - ii) construction of a new fully constructed concrete vehicular entrance/s;
  - iii) removal of the existing concrete vehicular entrance/s, and/or kerb laybacks which will no longer be required;
  - iv) reconstruction of selected areas of the existing concrete Footpath/vehicular entrances and/or kerb and gutter;
  - v) construction of paving between the boundary and the kerb;
  - vi) removal of redundant paving;
  - vii) construction of kerb and gutter.
100. All footpath, or road and drainage modification and/or improvement works to be undertaken in the road reserve shall be undertaken by Council, or by a Private Licensed Contractor subject to the submission and approval of a Private Contractor Permit, together with payment of all inspection fees. An estimate of the cost to have these works constructed by Council may be obtained by contacting Council. The cost of conducting these works will be deducted from the Footpath Reserve Restoration Deposit, or if this is insufficient the balance of the cost will be due for payment to Council upon completion of the work.

## DEVELOPMENT CONSENT ADVICE

- a. You are advised to consult with your utility providers (i.e. Energy Aust, Telstra etc) in order to fully understand **their** requirements **before** commencement of any work.
- b. *Telstra Advice – Dial Before You Dig*  
Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets, please contact Dial before You Dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before You Dig service in advance of any construction or planning activities.
- c. *Telstra Advice - Telecommunications Act 1997 (Commonwealth)*  
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act

1995 (Commonwealth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800810443.

- d. Where Council is **not** engaged as the Certifying Authority, the Section 88B Instrument contains easements and/or covenants to which Council is a Prescribed Authority, the Council must be provided with all relevant supporting information (such as works-as-executed drainage plans and certification) prior to Council endorsing the Instrument.

- e. All asbestos fibre demolition material and asbestos dust shall be handled, stored and removed in accordance with the relevant legislation and guidelines including:

- Work Health and Safety Act 2011
- Work Health and Safety Regulation 2011
- Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (2011)]
- Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC: 2018 (2011)]
- Protection of the Environment Operations (Waste) Regulation 2005

All work procedures shall be devised to minimise the release of dust and fibres. A checklist of safety precautions when working with asbestos is available in Health & Safety Guidelines prepared by the WorkCover Authority of NSW. Collection, storage and transportation is subject to the Protection of the Environment Operations (Waste) Regulation 2005.

- f. Hazardous and/or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of the relevant statutory authorities (NSW WorkCover Authority and the NSW Environment Protection Authority), together with the relevant regulations, including:

- Work Health and Safety Act 2011
- Work Health and Safety Regulation 2011
- Protection of the Environment Operations (Waste) Regulation 2005.

- g. Demolition and construction shall minimise the emission of excessive noise and prevent "offensive noise" as defined in the Protection of the Environment Operations Act 1997. Noise reduction measures shall include, but are not limited to the following strategies:

- choosing quiet equipment
- choosing alternatives to noisy activities
- relocating noise sources away from affected neighbours
- educating staff and contractors about quiet work practices
- informing neighbours of potentially noise activities in advance
- equipment, such as de-watering pumps, that are needed to operate on any evening or night between the hours of 8 p.m. and 7 a.m. or on any Sunday or Public Holiday, shall not cause a noise nuisance to neighbours of adjoining or nearby residences. Where the emitted noise exceeds 5 dB(A) [LAeq(15m)]

above the background sound level [LA90] at the most affected point on the nearest residential boundary at any time previously stated, the equipment shall be acoustically insulated, isolated or otherwise enclosed so as to achieve the sound level objective.

- h. The water from the rainwater tank should not be used for drinking, Sydney Water shall be advised of the installation of the rainwater tank.
- i. If the development is **not** subject to BASIX, a mandatory rainwater tank may be required. Rainwater tank requirements for development **not** subject to BASIX are specified in Council's DCP 78.
- j. In the event of any inconsistency between conditions of this approval and the drawings/documents referred to in condition 2, the conditions of this approval prevail.

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## ADDITIONAL INFORMATION

- To confirm the date upon which this consent becomes effective, refer to Section 83 of the Environmental Planning and Assessment Act, 1979. Generally the consent becomes effective from the determination date shown on the front of this notice. However if unsure applicants should rely on their own enquiries.
- To confirm the likelihood of consent lapsing, refer to Section 95 of the Act. Generally consent lapses if the development is not commenced within five years of the date of approval. However if a lesser period is stated in the conditions of consent, the lesser period applies. If unsure applicants should rely on their own enquiries.
- Section 82A allows Council to reconsider your proposal. Should you wish to have the matter reconsidered you should make an application under that section with the appropriate fee.
- Under Section 97 of the Act applicants who are dissatisfied with the outcome of a consent authority have a right of appeal to the Land and Environment Court. This right must be exercised within six (6) months from the date of this notice. The Court's Office is situated at Level 1, 225 Macquarie Street, Sydney (Telephone 9228 8388), and the appropriate form of appeal is available from the Clerk of your Local Court.

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Should you have any queries please contact Marta M Gonzalez-Valdes on 9562 1743.

Luis Melim  
**Manager Development Services**

# NOTICE OF APPROVAL FOR DEVELOPMENT

Section 81 (1)(A) of the Environmental Planning and Assessment Act, 1979

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Approval Date	
Authority	Joint Regional Planning Panel
Reference	DA-2015/4
Contact	Marta M Gonzalez-Valdes 9562 1743

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GHD Pty Ltd  
Level 15 133 Castlereagh St  
SYDNEY NSW 2000

**DRAFT**

**Property:** 50A Francis Avenue, BRIGHTON LE SANDS NSW 2216 – former Brighton le Sands Bowling Club site and part of existing reserve Lot 1 DP 207786, Lot 1 DP 32304, Lot M DP 410368, Lot 2 DP 517350, Lot 1 DP 1189311, Lot 2 DP 1189311

**Proposal:** Integrated Development - Demolition of existing structures and construction of an educational establishment for special needs students (Cairnsfoot School) comprising seven detached buildings, swimming pool, play areas, boundary fencing and associated car park

The above development is approved subject to the following conditions:

## GENERAL CONDITIONS

The following conditions restrict the work to the detail provided in the Development Application and are to ensure that the development is complete.

1. The term of this consent is limited to a period of **five** (5) years from the date of approval. The consent will lapse if the development does not commence within this time.
2. The development must be implemented substantially in accordance with the plans listed below, the application form and on any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

Architectural plans numbered DA 000-Cover Sheet, DA100-Site Analysis Plan, DA 101-Site Plan, DA103-Floor Plan (Part 1), DA103-Floor Plan (Part 2), DA 104-Roof Plan (Part 2), DA 105-Roof Plan (Part 2), DA 106-Elevations, DA 107-Sections and Signage, DA 108-Sample Board, DA 109-Shadow Diagrams, DA 110-Shadow Diagrams drawn by NBRS + Partners, dated 18 December 2013 (DA Issue).

Drainage plans numbered R04, R06, D06, D07, D10, D11 (all Issue C), C01, ED1, ED2, R01, R02, R03, R05, D01, D02, D03, 004, D05, D08, 009 (all Issue D), drawn by Wood & Grieve Engineers, dated 10.11.2014.

Landscape plans numbered LCD 00- LCD 14 inclusive, drawn by NBRS, dated 5.2.2014.

Acoustic Report prepared by Acoustic Logic Doc Reference 20130359.1/1111A/R3/J2

3. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
4. This approval is not to be construed as permission to erect any structure on or near a boundary contrary to the provisions of the Dividing Fences Act.
5. Excavation, filling of the site (with the exception of the area immediately under the building envelope), or construction of retaining walls are not permitted unless shown on the approved plans and authorised by a subsequent Crown Certificate.

## DEVELOPMENT SPECIFIC CONDITIONS

The following conditions are specific to the Development Application proposal:

6. Parking spaces shall not be enclosed without further approval of Council. The enclosure of car spaces is not permitted unless the enclosure complies with the design requirements of AS2890.1.
7. The existing and future owners (Registered Proprietor) of the property will be responsible for the operation and maintenance of the retention system. The registered proprietor will:
  - i) permit stormwater to be retained by the system;
  - ii) keep the system clean and free of silt, rubbish and debris;
  - iii) maintain, renew and repair the whole or parts of the system so that it functions in a safe and efficient manner, and in doing so complete the same within the time and in the manner specified in written notice issued by the Council;
  - iv) carry out the matters referred to in paragraphs (ii) and (iii) at the proprietor's expense;
  - v) not make any alterations to the system or elements thereof without prior consent in writing of the Council;
  - vi) permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of emergency) to enter and inspect the land for compliance with the requirements of this clause;
  - vii) comply with the terms of any written notice issued by the Council in respect to the requirements of this clause within the time stated in the notice.
8. The overland flow path shall not be obstructed, restricted or altered without the approval of Rockdale City Council.
9. The rainwater tank shall be routinely de-sludged and all contents from the de-sludging process disposed – solids to the waste disposal and de-sludged liquid to the sewer.
10. The use of the premises, building services, equipment, machinery and, ancillary fittings shall not give rise to an "offensive noise" as defined under the provisions of the Protection of the Environment Operations Act, 1997.



The use of mechanical plant including air conditioners, fans, compressors, condensers, freezers, swimming pool or spa pumps (whether commercial or domestic) shall not cause sound pressure levels in excess of the criteria given in the NSW Industrial Noise Policy - 2000.

11. Temporary dewatering of the site to construct the subsurface structure is not permitted.
12. The following conditions are to ensure compliance with relevant standards for parking facilities within the site:
  - Bicycle parking facilities shall be designed in accordance with AS2890.3:1993.
  - Commercial vehicle facilities shall be designed strictly in accordance with AS2890.2:2002.
  - The off-street parking areas associated with the subject development shall be designed strictly in accordance with AS2890.1 and AS2890.6.
13. Cold water hose cocks shall be installed to the garbage enclosure. Services or utility systems shall not be located in the garbage room.
14. All vertical plumbing, other than roofwater heads and downpipes, shall be concealed within the external cladding of the building. Any electrical kiosks or fire booster valves shall be located in unobtrusive locations toward site boundaries and away from entrances into the building. Utilities shall be softened with landscaping so as not to detract from the overall appearance of the development and amenity of the streetscape.
15. The following conditions apply to the design and provision of off street parking and drop off zones.
  - 1) All passenger drop offs associated with the use of the development shall take place from designated drop off zones. The drop off zones shall not be used for storage, parking or any other purpose that would restrict their use for the purposes of passenger drop off.
  - 2) A traffic management plan (TMP) shall be in place for the on site traffic management. The plan shall be prepared by a suitably qualified person and be submitted prior to commencement of use and approved by the Project Manager.

The Plan shall address, but not be limited to, the following matters:

- (a) ingress and egress of vehicles to the site;
- (b) drop off and pick up passengers by school bus, including measures proposed to manage the school buses;
- (c) carpark management;
- (d) predicted traffic volumes, types and routes;
- (e) any activity that affects traffic or pedestrian movements on public roads or the private internal road network. The plans shall be prepared in accordance with NSW RMS guidelines and include details of traffic diversions, timings and the methodology for achieving the activities during the various on-site activities; and

- (f) pedestrian and traffic management methods.

COPY OF THE TMP SHALL BE SUBMITTED TO COUNCIL.

- 3) Off street parking associated with the proposed development should be designed and constructed in accordance with AS 2890.1 – 2004, AS 2890.2 – 2002 and AS 2890.6 - 2009.
16. To provide fence / barriers to Retaining walls greater than 1000 mm high within the car parks, footpaths and along the boundary.
17. The proposed Warm Water System shall be designed, installed and commissioned in accordance with the provisions of the Public Health Act 2010, Public Health Regulation 2012 and Australian Standard 3666.1 "Air Handling and Water Systems of Buildings - Microbial Control - Design, installation and commissioning".
18. Should a thermostatic mixing valve be installed in the premises, the following requirements shall be met:
  - i) The thermostatic mixing valves shall be set at a predetermined temperature of no lower than 37 °C and no higher than 43 °C. The "fail safe" mixing valves shall be installed.
  - ii) A copy of the commissioning report for the thermostatic mixing valve shall be submitted to Council with an additional copy kept on the premises. The thermostatic mixing valves are to be serviced annually by a suitably qualified and registered plumber who has completed a TAFE course in mixing valves.
  - iii) The thermostatic mixing valve shall be registered with Council as a warm water system, by completing the attached registration form, in accordance with the provisions of the Public Health Act, 2010 and the Public Health Regulation 2012 for the control and prevention of Legionnaires Disease.
19. The proposed Warm Water System shall be operated and maintained in accordance with the provisions of the Public Health Act 2010, Public Health Regulation 2012, and Australian Standard 3666.2 "Air Handling and Water Systems of Buildings - Microbial Control - Part 2 - Operation and maintenance."
20. The swimming pool shall comply with the requirements of the Public Health Act 2010, and Public Health Regulation 2012.
21. The contaminated site shall be remediated in accordance with 'State Environmental Planning Policy No 55 Remediation of Land' (SEPP55). All remediation and validation works shall be carried out in accordance with the Site Remedial Action Plan called Remedial Action Plan Cairnsfoot School Project, Francis Avenue Brighton Le Sands, New South Wales For Department of Education & Communities – Project No 19136/3988C – Report No. 14/0239 prepared by SMEC Testing Service Pty Ltd dated February 2014.

## PRIOR TO COMMENCEMENT OF WORKS

The following conditions must be completed prior to the commencement of works.

22. The following fees shall be paid to Council prior to commencement of works. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.

- i. A Footpath Reserve Restoration Deposit of \$7620. This is to cover repair of any damages, or other works to be done by Council. This includes construction, removal, or repair as required to: kerb and guttering, existing or new driveways; paved areas and concrete footpaths. The deposit may be lodged with Council in the form of a Bank Guarantee (Any proposed Bank Guarantee must not have an expiry date). The deposit will not be returned by Council until works are completed and all damage is restored and all specified works are completed by Council.
  - ii. A Soil and Water Management Sign (811) of \$16.50.
  - iii. A fee of \$190 is payable to Council for the determination of boundary levels. All boundary works, egress paths, driveways and fences shall comply with this level.
23. A suitable qualified engineer is to certify that the structure can withstand the forces of floodwater, scour, debris and buoyancy in a 1% AEP flood event and a PMF event.
  24. All building materials shall be flood resistant, or flood compatible to a height of 500mm above the 1% AEP flood, or flow level. Where flow levels vary across a site, the highest flow level adjacent to the development is to be used in determining the minimum floor level. All internal electrical switches, power points or similar utilities liable to flood damage shall be set at a minimum of 500mm above the 1% AEP flood, or flow level. Details shall be provided and approved by the Project Manager prior commencement of works.
  25. The applicant shall confer with Ausgrid to determine if an electricity distribution substation and the installation of electricity conduits in the footway is required. Written confirmation of Ausgrid's requirements shall be obtained prior to the commencement of works.
  26. If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Project Manager prior to works commencing and the arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/ developer.
  27. A rainwater tank shall be provided as determined by a water balance demand model in accordance with the Department of Environment and Conservations, Managing Urban Stormwater Harvesting and Re-use, April 2006.
  28. A Flood Management Plan (FMP) shall be submitted to Council for assessment and approval. The plan shall determine how future occupants will be alerted to flooding around or in the building to ensure that the occupants and property are protected.  
The FMP shall consider the following matters:
    - a) Council's flood advice letter dated 8 October 2013, Ref: F08/691PO4, 13/91742.
    - b) identify how the school management will monitor the flow hazard, and in particular, how they will alert and evacuate the school before there is a risk to the users from critical storm duration at various levels - local catchment 30 min, the Muddy Creek Catchment 60 min and the Cooks river catchment 120 min,

- c) determine the Flood Planning levels and PMF levels of the proposed building and all access points to the basement parking and storage area. Where there is an adverse impact, or the freeboard is not achieved, the report needs to clearly identify what needs to be done to rectify the deficiency.

**Flood Effects & Levels of flood waters in events greater than 1% ARI to PMF**

- ~ overland flow
- ~ main stream flooding

**Time of Flooding Effects**

- ~ consider storm duration and time of concentration ( additional input from you requested to assist with time of concentration effects)

**Triggers for Evacuation**

- ~ who is responsible for making the decision
- ~ what are the triggers to decide to evacuate the school ( discuss with Council any triggers applicable to other public buildings or schools in the area)

**School Evacuation Procedure**

- ~ input from school to determine evacuation procedures
  - ~ assistance from Council to determine safe routes out of the school site and safe place of refuge during each type of flood event
  - ~ arrangements for returning to school
- d) procedures need to be embedded in the school business plan and operating procedures. To prepare this plan the applicant needs to model flood events smaller and larger (up to the PMF) than the 1% AEP to get a better indication of inundation of the site to be able to assess the flood hazard. The flood modelling of a range of flood events both smaller and larger than the 1% AEP event provide important information regarding flood RLs, potential flood damage and hazard to inform a Business Flood Risk Management Plan but would also provide a picture of potential inundation issues. Such modelling would also inform the process for assessing works options which might divert the substantial overland flows around the new school and or mitigate risk through a Business Flood Risk Management Plan.

29. A Construction Management Plan (CMP) shall be prepared in accordance with the requirements of all relevant regulatory approval bodies. Prior to commencement of works the Project Manager shall be satisfied that the Construction Management Plan has obtained all relevant regulatory approvals. The Construction Management Plan shall be implemented during demolition, excavation and construction.

A Construction Traffic Management Plan (TMP) prepared by a suitably qualified person shall be submitted to and approved by the Project Manager. The Plan shall address, but not be limited to, the following matters:

- (a) ingress and egress of vehicles to the site;
- (b) loading and unloading, including construction zones;
- (c) predicted traffic volumes, types and routes; and
- (d) pedestrian and traffic management methods.

Copies of the CMP and TMP shall be submitted to Council.

30. All recommendations contained in the report prepared by SMEC Testing Services Pty Ltd dated January 2014 Ref: Project No. 19136/2971C, Report No. 14/0099A shall be implemented.
31. Any part of the proposed building located in the vicinity of the existing pipeline shall be constructed on a pier and beam type foundation, piers shall be located outside the boundary of the drainage easement and to extend to a depth of no less than 300mm below the pipeline invert. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.
32. Any part of the proposed building within 3m of the proposed detention tank or absorption trench shall be constructed on a pier and beam foundation with piers extending no less than 300mm below the bottom of the tank or trench base.
33. Prior to the commencement of works, detailed drainage design plans for the management of stormwater are to be submitted to Project Manager for assessment and approval. Design certification, in the form specified in Rockdale Technical Specification Stormwater Management, and drainage design calculations are to be submitted with the plans. Council's Rockdale Technical Specification Stormwater Management sets out the minimum documentation requirements for detailed design plans. Stormwater management requirements for the development site, including the final discharge/end connection point, must comply with Rockdale Technical Specification Stormwater Management.
34. The design of stormwater drainage facilities shall be undertaken in accordance with Council technical specifications for the design of stormwater management facilities, and the principles of Water Sensitive Urban Design (WSUD).

Amended stormwater design and plans shall be submitted to Council for approval. The amended design shall address the following issues:

- (a) The proposed Water Sensitive Urban Design (WSUD) is not acceptable to Council. The system is to meet the targets as follows;

Stormwater Pollutants	Commercial re-Development
Gross Pollutant	90%
Total suspended solids (TSS)	80%
Total Phosphorus (TP)	55%
Total Nitrogen (TN)	40%

- (b) Conserve water by reducing demand on potable water supplies – rain water harvesting.
- (c) The Maintenance of WSUD structures for the life of the development and implementation of monitoring program to ensure WSUD continues to meet targets — reporting to be provided to Council on an annual basis.
- (d) Integrate stormwater treatment into the landscape.
- (e) Ongoing maintenance of storm-water system such as the removal of accumulated rubbish around storm water pipes and monitoring and implementation of controls to stop erosion around storm water outlets

- (f) The design of the stormwater retention system shall take into account depth of watertable with adequate provision for future fluctuations of watertable levels. (It is recommended that a minimum allowance for a watertable variation of at least +/- 0.5 metre beyond any expected fluctuation be provided). The actual water table fluctuation and fluctuation safety margin must be determined by a suitably qualified professional.
35. A Soil and Water Management Plan shall be prepared. The Plan must include details of the proposed erosion and sediment controls to be installed on the building site. A copy of the Soil and Water Management Plan must be kept on-site at all times and made available on request.
- Soil and sedimentation controls are to be put in place prior to commencement of any work on site. The controls are to be maintained in effective working order during construction.
- Council's warning sign for soil and water management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign shall be erected prior to commencement of works and shall be displayed throughout construction.
36. A sign must be erected at the front boundary of the property clearly indicating the Development Approval Number, description of work, builder's name, licence number and house number before commencement of work. If owner/builder, the Owner/Builder Permit Number must be displayed.
37. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- i) stating that unauthorised entry to the work site is prohibited, and
  - ii) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- Any such sign is to be removed when the work has been completed.
- This condition does not apply to:
- iii) building work carried out inside an existing building or
  - iv) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
38. Prior to the commencement of work, Tree Protection Measures for trees to be retained shall be implemented in accordance with AS4970-2009 (Protection of trees on Development Sites) and as detailed in Section 8 of the Arboricultural Impact Report dated 31 January 2014 by Landscape Matrix Pty Ltd which is contained in the Statement of Environmental Effects as Annexure 8. Additionally specific Tree Protection for Tree # 4, as detailed on pages 14 and 17/18 of the report, shall be implemented.
39. Prior to the commencement of any work on site, a sign shall be placed in a prominent position on each protective fence identifying the area as a **Tree Protection Zone** and prohibiting vehicle access, waste bins, storage of materials and equipment, site residue and excavations within the fenced off area.

40. Where it is necessary to import landfill material onto the site to fill the land to levels shown on the plans forming part of the consent, a certificate, prepared by a suitably qualified and experienced Contaminated Land Consultant, shall be submitted to Council being the Regulatory Authority prior to the commencement of works, certifying that the imported fill is suitable for the land use.
41. The site shall be secured by a 1800 mm (minimum) high temporary fence for the duration of the work. Gates shall be provided at the opening points.
42. A hoarding or fence shall be erected between the work site and the public place when the work involved in the erection or demolition of a building:
  - i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
  - ii) building involves the enclosure of a public place,

Where the development site adjoins a public thoroughfare, the common boundary between them must be fenced for its full length with a hoarding, unless, the least horizontal distance between the common boundary and the nearest part of the structure is greater than twice the height of the structure. The hoarding must be constructed of solid materials (chain wire or the like is not acceptable) to a height of not less than 1.8m adjacent to the thoroughfare.

Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the footpath must be covered by an overhead protective structure, type B Hoarding, and the facing facade protected by heavy duty scaffolding unless either:

- (i) the vertical height above footpath level of the structure being demolished is less than 4m; or
- (ii) the least horizontal distance between footpath and the nearest part of the structure is greater than half the height of the structure.

The overhead structure must consist of a horizontal platform of solid construction and vertical supports, and the platform must -

- (i) extend from the common boundary to 200mm from the edge of the carriageway for the full length of the boundary;
- (ii) have a clear height above the footpath of not less than 2.1m;
- (iii) terminate not less than 200mm from the edge of the carriageway (clearance to be left to prevent impact from passing vehicles) with a continuous solid upstand projecting not less than 0.5m above the platform surface; and
- (iv) together with its supports, be designed for a uniformly distributed live load of not less than 7 kPa

The 'B' Class hoarding is to be lit by fluorescent lamps with anti-vandalism protection grids.

Any such hoarding, fence or awning is to be removed when the work has been completed.

The principal contractor or owner builder must pay all fees and rent associated with the application and occupation and use of the road (footway) for required hoarding or overhead protection.

43. Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.
44. Consultation with Ausgrid is essential prior to commencement of work. Failure to notify Ausgrid may involve unnecessary expense in circumstances such as:
  - i) where the point of connection and the meter board has been located in positions other than those selected by Ausgrid or
  - ii) where the erection of gates or fences has restricted access to metering equipment.

## DURING DEMOLITION / EXCAVATION / CONSTRUCTION

The following conditions must be complied with during demolition, excavation and or construction.

45. A copy of the approved plans and specifications must be kept on the site at all times and be available to Council officers upon request.
46. Hours of construction shall be confined to between 7 am and 6.30 pm Mondays to Fridays, inclusive, and between 8 am and 3.30 pm Saturdays with no work being carried out on Sundays and all public holidays.
47. Adequate provisions are made for the following measures (as applicable), to ensure compliance with the terms of Council's approval:
  - Sediment control measures
  - Provision of perimeter fences or hoardings for public safety and restricted access to building sites.
  - Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.
48. Demolition operations shall not be conducted on the roadway or public footway or any other locations, which could lead to the discharge of materials into the stormwater drainage system.
49. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.
50. All excavation and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards and guarded and protected to prevent them from being dangerous to life or property.
 

When excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building or an adjoining allotment of land, you shall:

  - i) preserve and protect the building from damage and
  - ii) underpin and support the building in an approved manner, if necessary and
  - iii) give notice of intention to excavate below the level of the base of the footings of a building on an adjoining allotment of land to the owner at least 7 days prior to excavation and furnish particulars of the excavation to the owner of the



building being erected or demolished.

**Note:** The owner of the adjoining allotment of land 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 the adjoining allotment of land.

In this conditions **allotment of land** includes a public road and any other public place.

Works shall not encroach onto or over adjoining properties, including retaining walls, fill material or other similar works. Soil shall not be lost from adjoining sites due to construction techniques employed on the subject site.

51. Any new information discovered during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination, shall be notified to Council being the Regulatory Authority for the management of contaminated land.
52. All contractors shall comply with the following during all stages of demolition and construction:
  - A Waste Container on Public Road Reserve Permit must be obtained prior to the placement of any waste container or skip bin in the road reserve (i.e. road or footpath or nature strip). Where a waste container or skip bin is placed in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
  - A Road Opening Permit must be obtained prior to any excavation in the road reserve (i.e. road or footpath or nature strip). Where excavation is carried out on the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
  - A Hoarding Permit must be obtained prior to the erection of any hoarding (Class A or Class B) in the road reserve (i.e. road or footpath or nature strip). Where a hoarding is erected in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
  - A Crane Permit must be obtained from Council prior to the operation of any activity involving the swinging or hoisting of goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway. Permits can be obtained from Council's Customer Service Centre.
  - A Permit to Dewater or Pump Out a site must be obtained prior to the discharge of pumped water into the road reserve, which includes Council stormwater pits and the kerb and gutter. Permits can be obtained from Council's Customer Service Centre.
53. All demolition work shall be carried out in accordance with AS2601 – 2001: The Demolition of Structures and with the requirements of the WorkCover Authority of NSW.
54. The following conditions are necessary to ensure minimal impacts during construction:
  - i. Building, demolition and construction works not to cause stormwater pollution and being carried out in accordance with Section 2.8 of Council's Stormwater

Pollution Control Code 1993. Pollutants such as concrete slurry, clay and soil shall not be washed from vehicles onto roadways, footways or into the stormwater system. Drains, gutters, roadways and access ways shall be maintained free of sediment. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment.

- ii. Stormwater from roof areas shall be linked via a temporary downpipe to an approved stormwater disposal system immediately after completion of the roof area.
- iii. All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
- iv. Building and demolition operations such as brickcutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- v. Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted. In addition stockpiles of topsoil, sand, aggregate, soil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface.
- vi. Wind blown dust from stockpile and construction activities shall be minimised by one or more of the following methods:
  - a) spraying water in dry windy weather
  - b) cover stockpiles
  - c) fabric fences
- vii. Access to the site shall be restricted to no more than two 3m driveways. Council's footpath shall be protected at all times. Within the site, provision of a minimum of 100mm coarse crushed rock is to be provided for a minimum length of 2 metres to remove mud from the tyres of construction vehicles.  
  
 An all weather drive system or a vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street. Vehicular access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy. Where any sediment is deposited on roadways it is to be removed by means other than washing and disposed of appropriately.  
  
 In addition builders / demolishers are required to erect a 1.8m high fence along the whole of the street alignment other than at the two openings. Such protection work, including fences, is to be constructed, positioned and maintained in a safe condition to the satisfaction of the Crown Authority, prior to the demolition of the existing structures and commencement of building operations.
- viii. Any noise generated during construction of the development shall not exceed limits specified in any relevant noise management policy prepared pursuant to the Protection of the Environment Operations Act, 1997 or exceed approved noise limits for the site.

55. Council's warning sign for soil and water management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction. A copy of the sign is available from Council.
56. Trees numbered 2, 4, 15, 16, 19, 20, 21, 22, 23, 24, 25, 26, 27, 30, 31 and 32 as identified in the Arboricultural Impact Report dated 31 January 2014 by Landscape Matrix Pty Ltd which is contained in the Statement of Environmental Effects as Annexure 8 shall not be removed or pruned, including root pruning, without the written consent of Council in the form of a Permit issued under Council's Development Control Plan 2011. All other existing site trees may be removed.
57. Due to the construction of a new vehicular entry/exit point on the northern side of the site, the existing driveway which is located on the southern side of the site, is to be deleted from the plans and replaced with a *pedestrian only* access way. The pedestrian only access way must provide access from Francis Avenue, through the site and into the area of open space (CA Redmond Field and Club House) at the rear of the site.
58. The pedestrian only access way referred to above and the carpark must be granted a legal right of access to ensure that access is available from Francis Avenue to the sports fields behind for both Council and third party users. This right of access through the school site and the use of the carpark must be placed on the title of the school prior to the use of the school. The legal restriction should note that access through the school site and use of its carpark will enable use by Council and users of the sports field from 3.30pm to 10pm (Monday to Friday) and from 7am to 6pm (Saturday and Sunday) and at other times as agreed to by the school (to accommodate for example, school holiday activities during the day). 24 Hour access shall be available to authorised Council staff and contractors for maintenance and cleaning.
59. The kiosk substation must be relocated to the eastern end of the car park, adjacent to the first car parking space and satisfactorily screened with landscaping as shown on the sketch plan dated 15 October 2014 prepared by NBRS + Partners.
60. The structure which forms the roof over the Covered Outdoor Learning Area (COLA) is excessive in height and would result in a structure which is out of scale with the single storey buildings on the subject site and surrounding development, which is a maximum of two (2) storeys in height. The structure must be reduced in height to have a maximum of height of 5.4 metres.
61. The measures, as recommended in Section 6 of the acoustic report prepared by Acoustic Logic Doc Reference 20130359.1/111A/R3/JZ are to be incorporated into the development. Operational management procedures involving the supervision of students are to be ongoing during the lifetime of the development. Other measures, such as the repair of fences is to be carried out prior to the use of the school. These measures shall be maintained during the lifetime of the school.

## PRIOR TO COMMENCEMENT OF USE

The following conditions must be complied with prior to Commencement of Use.

62. All works must be completed in accordance with the approved plans.

63. Where Council's park/reserve is damaged as a result of building work or vehicular building traffic, this area shall be restored by Council at the applicant's expense. Repairs shall be completed prior to the commencement of use.
64. The approved recommendations from the Flood Management Report shall be implemented prior to occupation.  
The approved recommendations from the Business Flood Risk Assessment Management Plan Report shall be implemented prior to occupation.  
A flood evacuation plan is to be prepared for the development. The plan is to include warning alarms and evacuation routes. The approved flood evacuation plan is to be updated every five (5) years and copies are to be provided to Council and the local State Emergency Service (SES).
65. All existing lots shall be consolidated into one allotment. A copy of the plan of consolidation must be provided to the Project Manager prior to release of the Strata Certificate.
66. All landscape works are to be carried out in accordance with the approved landscape plans. The landscaping is to be maintained to the approved standard at all times.
67. All works within the road reserve, which are subject to approval pursuant to Section 138 of the Roads Act 1993, shall be completed and accepted by council.
68. Where an electricity substation is required by Ausgrid, a final film survey plan shall be endorsed with an area having the required dimensions as agreed with Ausgrid over the location of the proposed electricity distribution substation site. The substation must be located within the boundary of the development site, or within the building, subject to compliance with the BCA. The substation site shall be dedicated to Council as public roadway, or as otherwise agreed with Ausgrid. Ausgrid's requirements shall be met prior to release of the issue of the Occupation Certificate.
69. Vehicles shall enter and exit the site in a forward direction at all times. A plaque with minimum dimensions 300mm x 200mm shall be permanently fixed to the inside skin of the front fence, or where there is no front fence a prominent place approved by the Crown Authority, stating the following: "Vehicle shall enter and exit the site in a forward direction at all times".
70. Prior to completion of the building works, a full width vehicular entry is to be constructed to service the property. Any obsolete vehicular entries are to be removed and reconstructed with kerb and gutter. This work may be done using either a Council quote or a private contractor. There are specific requirements for approval of private contractors.
71. 40 off-street car spaces shall be provided in accordance with the submitted plans. Such spaces shall be paved, linemarked and made freely available at all times during business hours of the site for staff and visitors.
72. Prior to the Occupation a traffic management and traffic safety system shall be installed to control traffic flow on the single lane driveway and ensure safety of vehicles and pedestrians on and around the driveway at all times. The system shall be designed by a suitably qualified and experienced traffic engineer, and meet the requirements of Australian Standard AS/NZS2890.1:2004.

73. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

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](http://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, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Certifying Authority prior to occupation of the development.

74. The noise reduction measures specified in the noise report prepared by Acoustic Logic – Cairnsfoot Public Special Needs School – DA Acoustic Assessment - Project Number 20130359.1 Document Reference 20130359.1/1111A/R3/JZ dated 11/11/2014 shall be validated by a Certificate of Compliance prepared by the acoustic consultant and submitted to the Project Manager prior to the commencement of use.
75. A Landscape Architect shall provide a report to the Project Manager stating that the landscape works have been carried out in accordance with the approved plans and documentation.
76. Prior to occupation or use of the premises, a qualified mechanical engineer shall certify that the mechanical ventilation/air conditioning system complies in all respects with the requirements of Australian Standard 1668, Part 1 & 2.
77. After completion of the remedial works, a copy of the Validation Report shall be submitted to Council being the Regulatory Authority for the management of contaminated land, prior to the issue of an Occupation Certificate. The Validation Report shall be prepared in accordance with the NSW Environment Protection Authority's (EPA) guidelines, *Consultants Reporting on Contaminated Sites*, and shall:
- describe and document all works performed;
  - include results of validation testing and monitoring;
  - include validation results of any fill imported on to the site;
  - show how all agreed cleanup criteria and relevant regulations have been complied with; and
  - include clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.
78. A Site Audit Statement (SAS) shall be submitted to Council being the Regulatory Authority for the management of contaminated land, prior to the issue of Occupation Certificate, clearly demonstrating that the site is suitable for the intended use. Conditions imposed on the SAS shall form part of this consent. In circumstances where the SAS conditions (if applicable) are not consistent with the consent, the consent shall prevail to the extent of inconsistency and a S96 application pursuant to the Environmental Planning & Assessment Act 1979 will be required.

79. Prior to occupation, a Chartered Professional Engineer shall certify that the construction of the overland flow path, including construction of all channels, pipes, banks, levees, etc has been undertaken in accordance with the approved plans and flood assessment/flood management report. The Chartered Professional Engineer shall also certify that habitable floor levels and garage floor levels adjacent to the overland flow path have been constructed in accordance with the approved plans and that freeboard is provided in accordance with Rockdale Development Control Plan (DCP) 2011. The certificate must be based on inspection of the site and review of a works-as-executed plan of the overland flow path, which shall be prepared by a Registered Surveyor. A copy of the engineer's certificate and surveyor's works-as-executed plan shall be provided to Council.
80. A certificate from a Registered Surveyor shall be provided to the Certifying Authority (CA) certifying that the commercial floor level is constructed a minimum of 500mm above the 1% Annual Exceedance Probability (A.E.P) Flood Level. A copy of the certificate shall be provided to Council where Council is not the Certifying Authority.
81. Prior to occupation a Chartered Professional Engineer shall certify that the stormwater system has been constructed in accordance with the approved plans and as required by Rockdale Technical Specification Stormwater Management. The certificate shall be in the form specified in Rockdale Technical Specification Stormwater Management and include an evaluation of the completed drainage works. A works-as-executed drainage plan shall be prepared by a registered surveyor based on a survey of the completed works. A copy of the certificate and works-as-executed plan(s) shall be supplied to the Certifying Authority. A copy shall be provided to Council if Council is not the Certifying Authority.
82. All absorption trenches must be inspected, and a compliance certificate under Part 4A of the EP&A Act issued prior to back filling and proceeding to subsequent stages of construction. Copies of the certificate are to be maintained by the certifying authority and be made available to Council officers upon request.
83. All modular drainage cell installations must be inspected, and a compliance certificate under Part 4A of the Environmental Planning and Assessment Act issued prior to back filling and proceeding to subsequent stages of construction. Copies of the certificate are to be maintained by the Certifying Authority and be made available to Council officers upon request.
84. The occupier of the premises where the warm water system is installed shall notify particulars to Council in accordance with the provisions of the Public Health Act 2010 prior to the issue of an Occupation Certificate. A notification form is available from Council's Environmental Health Unit on request.
85. The occupier of the premises where the swimming pool is installed shall notify particulars to Council in accordance with the provisions of the Public Health Act 2010 prior to the issue of an Occupation Certificate. A notification form is available from Council's Environmental Health Unit on request.
86. A Management Plan to mitigate the noise from the operation of the school shall be submitted to the Project Manager and Council prior to Occupation. The plan is to include:

The total planned time for outdoor play area per day.

The noise management plan is to include:

Children are supervised at all times to minimise noise generated by children,

Amplified music is not to be played outside,

Install a contact phone number at the front of the school so that any complaints regarding centre operation can be made.

Implement a complaint handling procedure. If a noise complaint is received the complaint should be recorded on a Complaint Form.

The complaint form should list:

The name and address of the complainant (if provided),

The time and date the complaint was received,

The nature of the complaint and the time and date the noise was heard,

The name of the employee who received the complaint,

Actions taken to investigate the complaint, and a summary of the results of the investigation,

Indicate what was occurring at the time the noise was heard if possible,

Required remedial action, if required,

Validation of the remedial action,

Summary of feedback to the complainant,

A permanent register of complaints should be held on the premises which shall be reviewed monthly by staff to ensure any complaints are responded to. All complaints received shall be reported to management with initial action/investigation commencing within 7 days. The complainant should also be notified of the results and actions arising from the investigation.

87. Flow through fencing shall be provided along the bottom of the fencing for the width and depth of overland flow. Details of approved types of flow through fencing can be obtained from Council. A positive covenant pursuant to the Conveyancing Act 1919 shall be created on the title of the lot(s) that contain the pool fencing preventing interference with the pool fencing and overland flow route.

Council requires proof of lodgement of the signed Instrument with the Land Titles Office.

88. The pool pump/filter and all electrical connections are to be flood proofed or sealed to a minimum of 500mm above the 1% Annual Exceedance Probability (AEP) Flood level and shall not be placed in the overland flow path.
89. Materials which may be damaged by flood waters shall be stored, or able to be stored at or above 500mm above the 1% Annual Exceedance Probability (AEP) Flood.
90. A benchmark shall be established adjacent to the site to Australian Height Datum to enable comparison to the flood standard.
91. Prior to commencement of operations, an advisory plaque shall be fixed to the area of overland flow in such a way that it cannot be removed, containing the wording "The

area may be subject to overland flows in heavy storms. Keep clear of the area when flows occur". The owners shall preserve the plaque in good condition and keep it visible.

92. Flow through open form fencing is required for all new front fencing and all internal fences and gates up to the 1% AEP flood level. Any new boundary fences adjoining private property shall have an 80mm gap at the bottom to allow flows through.  
Details of approved types of flow through fencing can be obtained from Council.
93. The maximesh screens and removable geotextile are to be installed in the absorption system prior to connection of the downpipes to ensure the effective performance of the system during construction and the long term viability of the system.
94. A positive covenant pursuant to the Conveyancing Act 1919 shall be created on the title of the lots that contain the stormwater retention facility to provide for the maintenance of the retention facility.
95. The drainage system shall be constructed in accordance with the approved drainage plans and any amendments in red. All stormwater drainage plumbing work shall comply with the NSW Code of Practice: Plumbing and Drainage and Australian Standard AS3500.  
Drainage grates shall be provided at the boundary. Width of the drainage grates shall be in accordance with Rockdale Technical Specification Stormwater Management.  
A silt/litter arrestor pit as detailed in Rockdale Technical Specification Stormwater Management shall be provided prior to discharge of stormwater into absorption system.
96. The owner of the premises is required to comply with the following requirements when installing a rainwater tank:
  - Inform Sydney Water that a Rainwater tank has been installed in accordance with applicable requirements of Sydney Water.
  - The overflow from the rainwater tank shall be directed to the storm water system.
  - All plumbing work proposed for the installation and reuse of rainwater shall comply with the NSW Code of Practice: Plumbing and Drainage and be installed in accordance with Sydney Water "Guidelines for rainwater tanks on residential properties.
  - A first flush device shall be installed to reduce the amount of dust, bird faeces, leaves and other matter entering the rainwater tank.

## INTEGRATED DEVELOPMENT/EXTERNAL AUTHORITIES

The following conditions have been imposed in accordance with Section 91A of the Environmental Planning and Assessment Act, 1979.

### 97. General

1. An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take



identified.

2. The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation.
3. Sufficient drainage will be provided beneath and around the outside of the watertight structure to ensure that groundwater is able to drain around the structure and does not cause an impediment to natural groundwater flow which would lead to an increase in hydraulic gradient across the footprint of the basement greater than double the natural hydraulic gradient.
4. Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.

#### **Prior to excavation**

5. Measurements of groundwater levels beneath the site from a minimum of three monitoring bores shall be taken. These measurements should be included in a report provided to the NSW Office of Water in support of the dewatering licence application, along with a schedule and indicative level predictions for the ongoing water level monitoring from the date of consent until at least two months after the cessation of pumping shall be included in the report.
6. A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and a report provided to the NSW Office of Water. Details of the parameters (e.g. permeability predicted by slug-testing, pump-testing or other means) and calculation method shall be included in the report submitted to the NSW Office of Water in support of the dewatering licence.
7. A copy of a valid development consent for the project shall be provided in the report to the NSW Office of Water.
8. The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided to the NSW Office of Water. The disposal of any contaminated pumped groundwater (sometimes called "tailwater") must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority.
9. Contaminated groundwater (i.e. above appropriate NEPM 2013 thresholds) shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and a report provided to the NSW Office of Water. The quality of any pumped water that is to be reinjected must be demonstrated to be compatible with, or improve, the intrinsic or ambient groundwater in the vicinity of the reinjection site.

#### **During excavation**

10. Engineering measures designed to transfer groundwater around the basement shall be incorporated into the basement construction to prevent the completed

infrastructure from restricting pre-existing groundwater flows.

11. Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
12. Measurement and monitoring arrangements to the satisfaction of the NSW Office of Water are to be implemented. Monthly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a report provided to the NSW Office of Water after dewatering has ceased. Daily records of groundwater levels are to be kept and a report provided to the NSW Office of Water after dewatering has ceased.
13. Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.
14. Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
15. The location and construction of groundwater extraction works that are abandoned are to be recorded and a report provided to the NSW Office of Water after dewatering has ceased. The method of abandonment is to be identified in the documentation.
16. Access to groundwater management works used in the activity is to be provided to permit inspection when required by the NSW Office of Water under appropriate safety procedures.

#### **Following excavation**

17. Should pumping volumes or groundwater quality significantly differ from the predictions supporting the DA and licence applications, detailed monitoring records must be provided to the NSW Office of Water, together with a detailed interpreted hydrogeological report identifying all actual resource and third party impacts.

## **ROADS ACT**

98. Construction related activities must not take place on the roadway without Council approval.

Short-term activities (including operating plant, materials delivery) that reduce parking spaces, affect access to a particular route or prevent or restrict the passage of vehicles along the road must not occur without a valid Temporary Roadside Closure Permit.

Activities involving occupation of the parking lane for durations longer than allowed under a Temporary Roadside Closure Permit require a Construction Zone Permit and must not occur prior to the erection of Works Zone signs by Council's Traffic and Road Safety Section.

Permit application forms should be lodged at Council's Customer Service Centre allowing sufficient time for evaluation. An information package is available on request.

99. Where applicable, the following works will be required to be undertaken in the road reserve at the applicant's expense:
- i) construction of a concrete footpath along the frontage of the development site;
  - ii) construction of a new fully constructed concrete vehicular entrance/s;
  - iii) removal of the existing concrete vehicular entrance/s, and/or kerb laybacks which will no longer be required;
  - iv) reconstruction of selected areas of the existing concrete Footpath/vehicular entrances and/or kerb and gutter;
  - v) construction of paving between the boundary and the kerb;
  - vi) removal of redundant paving;
  - vii) construction of kerb and gutter.
100. All footpath, or road and drainage modification and/or improvement works to be undertaken in the road reserve shall be undertaken by Council, or by a Private Licensed Contractor subject to the submission and approval of a Private Contractor Permit, together with payment of all inspection fees. An estimate of the cost to have these works constructed by Council may be obtained by contacting Council. The cost of conducting these works will be deducted from the Footpath Reserve Restoration Deposit, or if this is insufficient the balance of the cost will be due for payment to Council upon completion of the work.

## DEVELOPMENT CONSENT ADVICE

- a. You are advised to consult with your utility providers (i.e. Energy Aust, Telstra etc) in order to fully understand **their** requirements **before** commencement of any work.
- b. *Telstra Advice – Dial Before You Dig*  
Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets, please contact Dial before You Dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before You Dig service in advance of any construction or planning activities.
- c. *Telstra Advice - Telecommunications Act 1997 (Commonwealth)*  
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act

1995 (Commonwealth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800810443.

- d. Where Council is **not** engaged as the Certifying Authority, the Section 88B Instrument contains easements and/or covenants to which Council is a Prescribed Authority, the Council must be provided with all relevant supporting information (such as works-as-executed drainage plans and certification) prior to Council endorsing the Instrument.
- e. All asbestos fibre demolition material and asbestos dust shall be handled, stored and removed in accordance with the relevant legislation and guidelines including:
  - Work Health and Safety Act 2011
  - Work Health and Safety Regulation 2011
  - Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (2011)]
  - Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC: 2018 (2011)]
  - Protection of the Environment Operations (Waste) Regulation 2005

All work procedures shall be devised to minimise the release of dust and fibres. A checklist of safety precautions when working with asbestos is available in Health & Safety Guidelines prepared by the WorkCover Authority of NSW. Collection, storage and transportation is subject to the Protection of the Environment Operations (Waste) Regulation 2005.
- f. Hazardous and/or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of the relevant statutory authorities (NSW WorkCover Authority and the NSW Environment Protection Authority), together with the relevant regulations, including:
  - Work Health and Safety Act 2011
  - Work Health and Safety Regulation 2011
  - Protection of the Environment Operations (Waste) Regulation 2005.
- g. Demolition and construction shall minimise the emission of excessive noise and prevent "offensive noise" as defined in the Protection of the Environment Operations Act 1997. Noise reduction measures shall include, but are not limited to the following strategies:
  - choosing quiet equipment
  - choosing alternatives to noisy activities
  - relocating noise sources away from affected neighbours
  - educating staff and contractors about quiet work practices
  - informing neighbours of potentially noise activities in advance
  - equipment, such as de-watering pumps, that are needed to operate on any evening or night between the hours of 8 p.m. and 7 a.m. or on any Sunday or Public Holiday, shall not cause a noise nuisance to neighbours of adjoining or nearby residences. Where the emitted noise exceeds 5 dB(A) [LAeq(15m)]

above the background sound level [LA90] at the most affected point on the nearest residential boundary at any time previously stated, the equipment shall be acoustically insulated, isolated or otherwise enclosed so as to achieve the sound level objective.

- h. The water from the rainwater tank should not be used for drinking, Sydney Water shall be advised of the installation of the rainwater tank.
- i. If the development is **not** subject to BASIX, a mandatory rainwater tank may be required. Rainwater tank requirements for development **not** subject to BASIX are specified in Council's DCP 78.
- j. In the event of any inconsistency between conditions of this approval and the drawings/documents referred to in condition 2, the conditions of this approval prevail.

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## ADDITIONAL INFORMATION

- To confirm the date upon which this consent becomes effective, refer to Section 83 of the Environmental Planning and Assessment Act, 1979. Generally the consent becomes effective from the determination date shown on the front of this notice. However if unsure applicants should rely on their own enquiries.
- To confirm the likelihood of consent lapsing, refer to Section 95 of the Act. Generally consent lapses if the development is not commenced within five years of the date of approval. However if a lesser period is stated in the conditions of consent, the lesser period applies. If unsure applicants should rely on their own enquiries.
- Section 82A allows Council to reconsider your proposal. Should you wish to have the matter reconsidered you should make an application under that section with the appropriate fee.
- Under Section 97 of the Act applicants who are dissatisfied with the outcome of a consent authority have a right of appeal to the Land and Environment Court. This right must be exercised within six (6) months from the date of this notice. The Court's Office is situated at Level 1, 225 Macquarie Street, Sydney (Telephone 9228 8388), and the appropriate form of appeal is available from the Clerk of your Local Court.

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Should you have any queries please contact Marta M Gonzalez-Valdes on 9562 1743.

Luis Melim  
**Manager Development Services**