

Notice of Determination of a Development Application

Environmental Planning and Assessment Act, 1979. Section 81(1)(a)

Development Application No. DA-174/2015

Hamec Australia Pty Ltd
Attention: Sam Dennawi
PO Box 3108
BANKSTOWN SQUARE NSW 2200

Date of Determination: DRAFT

Determination Notice No.: DA-174/2015

Property: Lot 100 DP 866504, No. 40 Hector Street,
CHESTER HILL NSW 2162

Canterbury-Bankstown Council hereby Consents to the above described land being developed for the following purpose, subject to compliance with the conditions and requirements set out in the attached schedules.

Description of Development: Demolition and removal of various existing buildings at Salamah College, alterations and additions to existing buildings, construction of a sports centre, increase in staffing and student numbers to 1550 students and construction of an ancillary 90 place child care centre

Planning Instrument: Bankstown Local Environmental Plan 2015
Published 5 March 2015

Zoning of Property: SP2 Infrastructure: Educational Establishment

Consent to Operate From: DRAFT

Consent to Lapse On: DRAFT

These conditions are imposed taking into account the matters for consideration in determining a Development Application pursuant to Section 79C of the Environmental Planning & Assessment Act, 1979 and other relevant Acts and Regulations.

Notes:

1. This Determination Notice does not constitute permission to begin works associated with the development. A Construction Certificate (where applicable) must be obtained prior to the commencement of any development works.
2. This Determination Notice operates or becomes effective from the endorsed date of Consent.
3. If you are dissatisfied with this decision, you may apply for a review of determination pursuant to Section 82A of the Environmental Planning and Assessment Act, 1979 (does not apply to Integrated Development proposals) or appeal to the Land and Environment Court pursuant to Section 97 of the Environmental Planning and Assessment Act, 1979. Any application for a review of determination pursuant to Section 82A must be received, assessed and determined by Council within 6 months after the date of receipt of this Notice.
4. Section 125 of the Environmental Planning and Assessment Act, 1979 confers the authority to direct any person to comply with the terms and conditions of any Consent and any person failing to comply with such a direction shall be guilty of an offence under that Act.
5. This consent will lapse 5 years from the endorsed date of consent unless the use has commenced, or any building works have physically commenced.
6. The applicant or any other person entitled to act on this Consent may apply to modify the Development Consent in accordance with Section 96 of the Environmental Planning and Assessment Act, 1979.
7. Failure to comply with a condition contained within this Development Consent may result in a fine or prosecution by Council.

CONDITIONS OF CONSENT

- 1) The proposal shall comply with the conditions of Development Consent. A Construction Certificate shall not be issued until the plans and specifications meet the required technical standards and the conditions of this Development Consent are satisfied.
- 2) Development shall take place in accordance with Development Application No.DA-174/2015, submitted by Hamec Australia Pty Ltd accompanied by the following plans all prepared by Hamec:
 - Drawing No. DA-02 Issue F dated Mar/ 2016
 - Drawing No. DA-03 Issue F dated Mar/ 2016
 - Drawing No. DA-04 Issue F dated Mar/ 2016
 - Drawing No. DA-05 Issue B dated Aug/ 2015
 - Drawing No. DA-05.01 Issue B dated Aug/ 2015
 - Drawing No. DA-06 Issue A dated Feb/ 2015
 - Drawing No. DA-06.01 Issue A dated Feb/ 2015
 - Drawing No. DA-07 & DA-07.01 to DA-07.06 all Issue A dated Feb/ 2015

- Drawing No. DA-08 & DA-08.01 and DA-08.03 all Issue C dated Feb/ 2016
- Drawing No. DA-08.03 Issue B dated Aug/ 2015
- Drawing No. DA-09 & DA-09.01 and DA-09.02 all Issue E dated 20.03.2016
- Drawing No. DA-09.03 Issue C dated 20.11.2015
- Drawing No. DA-09.04 & DA-09.05 Issue E dated 20.03.2016
- Drawing No. DA-09.06 Issue B dated Aug/ 2015
- Drawing No. DA-09.07 & DA-09.08 Issue E dated 20.03.2016
- Drawing No. DA-10 & DA-10.01 to DA-10.03, all Issue A dated Feb 2015
- Drawing No. DA-20 Issue F dated Mar/ 2016

and affixed with Council's approval stamp, except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval.

The development plans shall be amended as follows:

- a) The southern circulation stairwell to the proposed "Primary School" building shall contain a solid structure or privacy screen for the full height of the southern elevation of the circulation stair as marked in red on the approved plans. If a privacy screen is used, it shall be of a kind that effectively prevents viewing from the stairs into any residential development to the south of the site. Details shall form part of the Construction Certificate.
- b) All new windows from classrooms on the eastern and southern elevation of the "Primary School" building shall have minimum sill heights of 1.5 metres above finished floor level, as marked in red on the approved plans. Details shall form part of the Construction Certificate.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

- 3) The Certifying Authority must ensure that any certified plans forming part of the Construction Certificate are not inconsistent with this Development Consent and accompanying plans.
- 4) A detailed landscape plan prepared by a qualified landscape architect or designer is to be approved prior to the issue of a Construction Certificate. The landscape plan is to be prepared in accordance with the relevant DCP and is to show all features, built structures including retaining walls, irrigation, mulch and natural features such as significant gardens, landscaping, trees, natural drainage lines and rock outcrops that occur within 3 metres of the site boundary. The landscape plan shall consider any stormwater, hydraulic or overland flow design issues where relevant.

Approval is granted for the removal of the following trees:

- The 93 x trees listed for removal in Appendix A of Arboricultural Impact Assessment ver.4, dated 5/4/2016, by Australis Tree Management;
- Any declared noxious plant. The applicant, builder and all contractors are to ensure that all noxious plants are properly identified, controlled and/or removed on this site without injury or death of any protected plants;
- Any tree species listed under clause 2.4 of Bankstown Development Control Plan 2015 Part B11 – Tree Preservation Order.

All tree removal works must comply with the Amenity Tree Industry – Code of Practice, 1998 (Workcover, NSW).

All other vegetation not specifically identified above, and protected by Councils Tree Preservation Order, is to be retained and protected from construction damage and pruning. The Tree Preservation Order protects trees over 5m in height.

Trees to be Retained and Protected: On-site

The following trees shall be retained and protected from removal and damage for the duration of the development:

- The 63 x trees listed for retention in Appendix A of Arboricultural Impact Assessment ver.4, dated 5/4/2016, by Australis Tree Management.

Tree protection measures shall comply with Australian Standard AS4970-2009 Protection of trees on development sites; section 7 and Appendix F of the Arboricultural Impact Assessment ver.4, dated 5/4/2016, by Australis Tree Management; and the Tree Management Plan prepared in accordance with section 8.6 of the Bankstown City Council Tree Management Manual.

All other vegetation not specifically identified above, and protected by Councils Tree Preservation Order, is to be retained and protected from Construction damage and pruning. The Tree Preservation Order protects trees over 5m in height.

The Landscape Plan shall be amended as follows:

- a) Replace the *Tristanopsis laurina* (Water Gum) with *Melaleuca decora* (White Feather Honey Myrtle);
- b) Include the planting of 4 x *Eucalyptus crebra* (Narrow-leaved Ironbark) or 4 x *Eucalyptus fibrosa* (Broad-leaved Ironbark) at approximately 15 metre centres along the nature strip between the vehicle footpath crossing and the northern boundary of the site. The trees shall have a container size not less than 100 litres, shall comply with NATSPEC Specifying Trees: a guide to assessment of tree quality (2003) or Australian Standard AS 2303 – 2015 Tree stock for landscape use, and be planted and maintained in accordance with Councils street tree planting Standard Drawing No. S-201;

- c) Include additional tree planting in the open car park areas designed to provide a minimum of 50% shade cover of the car park areas within 15 years of planting. Trees used in the car park area shall be 400L container size *Lophostemon confertus* (Brushbox), and shall comply with NATSPEC Specifying Trees: a guide to assessment of tree quality (2003) or Australian Standard AS 2303 – 2015 Tree stock for landscape use;
- d) Include additional tree planting at a ratio of three new trees for each tree removed should any further trees need to be removed to accommodate the drainage works. The trees species shall be species already listed in the Plant Schedule on the Landscape Plan, be a minimum of 75 litre container sized specimens, and shall comply with NATSPEC Specifying Trees: a guide to assessment of tree quality (2003) or Australian Standard AS 2303 – 2015 Tree stock for landscape use.

Tree Management Plan

The applicant shall engage a qualified arborist - minimum Australian Qualification Framework (AQF) Level 5 Diploma of Horticulture (Arboriculture) and/or equivalent experience - to prepare a Tree Management Plan for the development site.

All trees to be retained and protected, and trees located on adjoining properties within 5m of the subject property boundary, are to be covered by this Tree Management Plan. The Plan shall generally comply with section 2.3.5 of Australian Standard AS 4970-2009 Protection of trees on development sites, section 7 and Appendix F of the Arboricultural Impact Assessment ver.4, dated 5/4/2016, by Australis Tree Management, and in accordance with the requirements detailed in section 8.6 of the Bankstown City Council Tree Management Manual.

A copy of the Tree Management Plan shall be submitted to Council for approval prior to the issue of the Construction Certificate.

- 5) The landscape plan shall include the provision for the replacement of all boundary fencing, except the northern and eastern boundaries which shall remain generally unchanged. The fencing shall be as shown in the approved drawing know as DA-20 Issue F dated Mar/ 2016 bearing Council's approval stamp. The fence shall have a gap underneath, as specified in the Acoustic Report prepared by Acoustic Logic and submitted with the application and known as Reference No. 20141397.2/0804A/R3/GW Revision 3 dated 8 April 2016 to allow the passage of stormwater. Details shall form part of the Construction Certificate. All fencing shall be at the expense of the applicant.
- 6) A soil erosion and sediment control plan must be prepared by a suitably qualified professional, in accordance with the Bankstown Demolition and Construction Guidelines and Council's Development Engineering Standards, and submitted to the certifying authority for approval prior to the issue of a construction certificate.

- 7) The Council Approved building plans, including demolition plans, must be submitted to Sydney Water for assessment. This will determine if the proposed structure(s) would affect any Sydney Water infrastructure or if there are additional requirements. Building plan approvals can be submitted online via Sydney Water Tap in™.

Please refer to www.sydneywater.com.au/tapin

For Sydney Water's Guidelines for building over or next to assets, visit www.sydneywater.com.au 'Plumbing, building & developing' then 'Building Plan Approvals' or call 13000 TAPIN.

Prior to release of a construction certificate Sydney Water must issue either a Building Plan Assessment letter which states that your application is approved, or the appropriate plans must be stamped by a Water Servicing Coordinator.

- 8) A Construction Certificate shall not be issued until written proof that all bonds, fees and/or contributions as required by this consent have been paid to the applicable authority.
- 9) A long service levy payment which is 0.35% of the total cost of the work is to be paid to the Building and Construction Industry Long Service Payments Corporation.
- 10) Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Bankstown City Council Section 94A Development Contributions Plan 2009 (Section 94A Plan) , a contribution of \$271,040.63 shall be paid to Council.

The amount to be paid is to be adjusted at the time of actual payment, in accordance with the provisions of the Section 94A plan. The contribution is to be paid before the issue of the construction certificate.

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

- 11) Finished surface levels of all internal works and at the street boundary, including driveways, landscaping and drainage structures, must be as shown on the approved plans. The levels at the street boundary must be consistent with the Street Boundary Alignment Levels issued by Council.
- 12) The developer shall apply for a Work Permit and obtain a report from Council, for a Footway Damage Inspection for the construction access points, in front of the site, at the applicant's expense:
- a) The driveway at Priam Street shall be modified to be 5.5 metres wide with minimum 1 metre x 1 metre splays.
 - b) The developer shall repair any damage to the public road including the footway occurring during development works.

- c) The developer shall reinstate the footway reserve and adjust or relocate any existing public utility services to match the footway design levels as proposed on the approved Work Permit. Adjustment or relocation to any public utility services shall be carried out to the requirements of the public utility authority.

Note: Council is required to prepare a site survey and design in order to determine the necessary information. The developer should make application and payment for the Work Permit at least twenty one (21) days prior to the information being required and prior to the issue of the Construction Certificate. The Work Permit must be approved prior to any works commencing within the Council Road Reserve or on Council's assets.

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

The retaining wall shall be located so that it will not impede or obstruct the natural flow of stormwater. Retaining walls exceeding 600mm in height shall be designed by a qualified professional Civil/Structural Engineer. Plans and details prepared and signed by the Engineer are to be submitted to the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate.

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

- 14) Prior to the issue of any Construction Certificate for this development, the applicant must obtain approval from Council for a Site, Pedestrian and Traffic Management Plan. This Plan must address the measures that will be implemented for the protection of adjoining properties, pedestrian safety and traffic management and other requirements as specified below.

A PRIVATE CERTIFIER CANNOT APPROVE YOUR SITE, PEDESTRIAN & TRAFFIC MANAGEMENT PLAN

This plan shall include details of the following:

- a) Proposed ingress and egress points for vehicles to and from the construction site;
- b) Proposed protection of pedestrians, adjacent to the constructions site;
- c) Proposed hoardings, scaffolding and/or fencing to secure the construction site;
- d) Proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- e) Proposed measures to be implemented for the protection of all public roads and footway areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;

- f) Proposed method of loading and unloading excavation machines, building material, construction materials and waste containers during the construction period;
- g) Proposed traffic control measures such as advanced warning signs, barricades, warning lights, after hours contact numbers etc are required to be displayed and shall be in accordance with Council's and the NSW Roads and Maritime Services requirements and AS1742.3.
- h) Proposed method of support of any excavation, adjacent to adjoining buildings or the public road. The proposed method of support is to be certified by a Civil Engineer with National Professional Engineering Registration (NPER) in the construction of civil works.
- i) Proposed measures to be implemented in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the public road.
- j) Proposed measures for protection of the environment including procedures to control environmental impacts of work e.g. sediment control, proper removal, disposal or recycling of waste materials, protection of vegetation and control/prevention of pollution i.e. water, air noise, land pollution.

The approved Site, Pedestrian and Traffic Management Plan is to be implemented prior to the commencement of any works on the construction site. The applicant will be required to pay for inspections by Council Officers in accordance with Council's adopted fees and charges.

In addition a RMS Approval / Road Occupancy Licence will be required for works on Regional or State Roads or within 100m of a traffic facility including roundabouts and traffic signals. Refer to Council's Development Engineering Standards for a list of Regional and State Roads.

- 15) As any works within, or use of, the footway or public road for construction purposes requires separate Council approval under Section 138 of the Roads Act 1993 and/or Section 68 of the Local Government Act 1993, Council requires the developer to obtain a Works Permit and or a Roadway/Footpath Building Occupation Permit prior to issue of any Construction Certificate for this development being issued where one or more of the following will occur, within, on or over the public footway or public road:

A PRIVATE CERTIFIER CANNOT ISSUE THESE PERMITS

WORKS REQUIRING A 'WORKS PERMIT'

- a) Dig up, disturb, or clear the surface of a public footway or public road,
- b) Remove or interfere with a structure or tree (or any other vegetation) on a public footway or public road,
- c) Connect a road (whether public or private) to a classified road,
- d) Undertake footway, paving, vehicular crossing (driveway), landscaping or stormwater drainage works within a public footway or public road,
- e) Install utilities in, under or over a public road,
- f) Pump water into a public footway or public road from any land adjoining the public road,

- g) Erect a structure or carry out a work in, on or over a public road
- h) Require a work zone on the public road for the unloading and or loading of vehicles
- i) Pump concrete from within a public road,
- j) Stand a mobile crane within a public road
- k) Store waste and recycling containers, skips, bins and/or building materials on any part of the public road.
- l) The work is greater than \$25,000.
- m) Demolition is proposed.

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

The developer shall ensure the person or company carrying out the work will carry public liability insurance to a minimum value of twenty million dollars. The developer shall provide proof of the policy, to Council, prior to commencing any work approved by the Work Permit including the Road Opening Permit. The policy must remain valid for the duration of the works.

- 16) For this development, Council requires that the stormwater runoff from within the development site shall be collected and controlled by means of an **on-site stormwater detention system**, in accordance with Council's Development Engineering Standards. The developer shall engage a suitably qualified Engineer to prepare a final stormwater drainage and on site detention system plan to be generally in accordance with the concept plan 2440 H-02 to H-07 prepared by Abel & Brown Pty Ltd Revision B dated Mar 2016. The plan shall be amended to avoid the structural root zone and tree protection zone of the trees shown to be retained on the approved plan referred to in Condition 2 of this consent bearing Council's stamp and prepared by Hamec and known as No. DA-03 Issue F dated Mar/ 2016, dated November 2014. The Engineer shall certify that the design and plans comply with Council's Development Engineering Standards and the relevant Australian Standards.
- 17) For internal driveways with a gradient exceeding 10% (1 in 10), longitudinal profiles of all vehicular driveways and ramps shall be submitted for approval by the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate. The maximum grade of the driveway/ramp shall not exceed **25%** and shall comply with AS 2890.1. The profile shall be drawn at a reduction ratio of 1 to 25 vertical and horizontal and shall be related to the datum used for the issue of the footway design levels and shall also show the road centre line levels, Council issued footway design levels and gutter levels. Council's Car Clearance Profile in Council's Development Engineering Standards, (Plan No. S 006) shall be used to design the profile.

- 18) A Trade Waste Agreement shall be obtained from Sydney Water prior to the discharge of trade wastewater to the sewer system. Wastewater treatment equipment is to be bunded and where systems are placed outside, they are to be roofed to ensure that no rainwater can enter the bund. All wastewater treatment devices shall be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device must be disposed of in accordance with the Protection of the Environment Operations Act 1997.
- 19) The route for transportation to and from the development site of bulk and excavation materials shall generally be by the shortest possible route to the nearest "regional road", with every effort to avoid school zones on public roads. The applicant shall nominate the route for approval by Council prior to commencement of any work on the site. An Agreement to Council's satisfaction, signed by the applicant/owner specifying the approved route and acknowledging responsibility to pay Council for damages to public property adjacent to the site shall be lodged with Council prior to release of any Construction Certificate. All damage must be rectified upon completion of work.
- 20) The applicant is to apply to transport for New South Wales for a school bus run. To accommodate the associated busses the applicant shall fund the installation of bus zone signs on Hector Street north of the existing site driveway on Hector Street. Approval from the local Traffic Committee for such signage shall be obtained prior to issue of the construction certificate.
- 21) The following traffic management measures shall be shown on Construction Certificate plans:
 - (a) Raised pedestrian thresholds are to be constructed in the areas shown on the approved plans and shall be as per Council's standard drawing S-305.
 - (b) The aisle within "parking Area 5" shall have a minimum width of 5.5 metres to comply with Figure 2.2 of Australian Standard AS 2890.1:2004.
 - (c) Accessible car parking spaces are to be compliant with the provisions of Australian Standard AS 2890.6:2009.
 - (d) bicycle spaces are to be provided in the location shown on the approved plans.

CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION

- 22) The building / subdivision work in accordance with the development consent must not be commenced until:
 - a. a construction certificate for the building / subdivision work has been issued by the council or an accredited certifier, and
 - b. the person having benefit of the development consent has:
 - i. appointed a principal certifying authority for the building / subdivision work, and

- ii. notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
 - c. the person having the benefit of the development consent, if not carrying out the building work as an owner-builder, has:
 - i. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - ii. notified the principal certifying authority of any such appointment, and
 - iii. unless the person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - d. the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the building / subdivision work.
- 23) Existing trees within the vicinity of the construction works or paths of travel for construction vehicles accessing the development that are to be retained shall be protected with temporary fencing of a style non injurious to tree roots, placed 2m from the trunk base of the existing tree to prevent damage during construction, and retained in accordance with Council's Tree Preservation Order. There is to be no stockpiling of materials within the 2m fenced zone.
 - 24) Suitable erosion and sediment control measures shall be erected in accordance with the plans accompanying the Construction Certificate prior to the commencement of construction works and shall be maintained at all times.
 - 25) Council warning sign for Soil and Water Management must be displayed on the most prominent point of the site, visible to both the street and site works. The sign must be displayed throughout the construction period.
 - 26) Prior to the commencement of work, the applicant must provide a temporary on-site toilet if access to existing toilets on site is not adequate.
 - 27) A section 73 compliance certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Building and Developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

- 28) Prior to the commencement of work, a fence must be erected around the area of the works, except where an existing 1.8m high boundary fence is in good condition and is capable of securing the area. Any new fencing shall be temporary (such as cyclone wire) and at least 1.8m high. All fencing is to be maintained for the duration of construction to ensure that the work area is secured.

Where the work is located within 3.6m of a public place then a Type A or Type B hoarding must be constructed appropriate to the works proposed. An application for a Work Permit for such hoarding must be submitted to Council for approval prior to the commencement of work.

- 29) A sign shall be displayed on the site indicating the name of the person responsible for the site and a telephone number of which that person can be contacted during and outside normal working hours or when the site is unattended.
- 30) In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of the Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- 31) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
- a. in the case of work for which a principal certifying is required to be appointed:
 - i. the name and licence number of the principal contractor, and
 - ii. the name of the insurer by which the work is insured under Part 6 of the Act,
 - b. in the case of work to be done by an owner-builder:
 - i. the name of the owner-builder, and
 - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

- 32) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- a. showing the name, address and telephone number of the principal certifying authority for the work, and
- b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c. stating that unauthorised entry to the work site is prohibited.

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

- 33) Crown building work must not be commenced unless the building work is certified by or on behalf of the Crown to comply with the technical provisions of the State's building laws.
- 34) Permission is granted for the demolition of those structures identified for demolition on the approved plans referred to in condition 2 of this consent. Such demolition is subject to strict compliance with the following: -
 - a) The developer is to notify adjoining residents seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site.
 - b) Written notice is to be given to Canterbury-Bankstown Council for inspection prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours and contact telephone number and licence number of the demolisher. The following building inspections shall be undertaken by Canterbury-Bankstown Council:
 - (i) A *precommencement* inspection shall be carried out by Council when all the site works required as part of this consent are installed on the site and prior to demolition commencing.
 - (ii) A *final* inspection shall be carried out by Council when the demolition works have been completed to ensure that the site is left in a satisfactory manner, in accordance with the conditions of this consent.

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

- c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, license number, contact phone number and site address.

- d) Prior to demolition, the applicant must erect a 2.4m high temporary fence or hoarding between the work site and any public place. Access to the site shall be restricted to Authorised Persons Only and the site shall be secured against unauthorised entry when the building work is not in progress or the site is otherwise unoccupied. Where demolition is to occur within 3m of a public place a Work Permit application for the construction of a Class A or Class B hoarding shall be submitted to Council for approval.
- e) The demolition plans must be submitted to the appropriate Sydney Water Office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the demolition plans will be stamped indicating that no further requirements are necessary.
- f) Demolition is to be carried out in accordance with the appropriate provisions of Australian Standard AS2601-2001.
- g) The hours of demolition work shall be limited to between 7.00am and 6.00pm on weekdays, 7.00am and 1.00pm on Saturdays and no work shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.
- h) Where materials containing asbestos cement are to be removed, demolition is to be carried out by licensed contractors who have current Workcover Accreditation in asbestos removal.
- i) Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the NSW EPA 'Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes 2004'.
- j) Demolition procedures shall maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- k) During demolition, the public footway and public road shall be clear at all times and shall not be obstructed by any demolished material or vehicles. The public road and footway shall be swept (NOT hosed) clean of any material, including clay, soil and sand. (NOTE: If required, Council will clean the public road/footway at the applicant's expense). On the spot fines may be levied by Council against the demolisher and or owner for failure to comply with this condition.

- l) All vehicles leaving the site with demolition materials shall have their loads covered and vehicles shall not track soil and other material onto the public roads and footways and the footway shall be suitably protected against damage when plant and vehicles access the site. All loading of vehicles with demolished materials shall occur on site.
- m) The burning of any demolished material on site is not permitted and offenders will be prosecuted.
- n) Care shall be taken during demolition to ensure that existing services on the site (ie. sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services shall be repaired by the relevant authority at the applicant's expense.
- o) Suitable erosion and sediment control measures shall be erected prior to the commencement of demolition works and shall be maintained at all times.
- p) Prior to the demolition of any building constructed before 1970, a Work Plan shall be prepared and submitted to Council in accordance with Australian Standard AS2601-2001 by a person with suitable expertise and experience. The Work Plan shall outline the identification of any hazardous materials, including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.

CONDITIONS TO BE SATISFIED DURING CONSTRUCTION

- 35) The hours of site works shall be limited to between 7.00am and 6.00pm on weekdays and 7.00am and 1.00pm on Saturdays. No work shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.
- 36) The building work must be carried out in accordance with the requirements of the Building Code of Australia.
- 37) Prior to any floor slab being poured, an identification report by a Registered Surveyor must be submitted to the principal certifying authority verifying that the proposed buildings finished ground floor level and siting to the property boundaries conforms to the approved plans.
- 38) All Civil and Hydraulic engineering works on site must be carried out in accordance with Council's Development Engineering Standards. All Civil and Hydraulic engineering works associated with Council's assets and infrastructure must be carried out in accordance with Council's Work Permit requirements and to Council's satisfaction.
- 39) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.

- 40) If soil conditions require it, retaining walls or other approved methods of preventing movement of the soil must be provided, and adequate provisions must be made for drainage. Separate approval may be required for retaining walls should they be required.
- 41) If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- a. protect and support the adjoining premises from possible damage from the excavation, and
 - b. where necessary, underpin the adjoining premises to prevent any such damage.
- 42) All boundary fencing behind the building line shall be replaced by with fencing identified in Condition 5 of this consent. Any tree pruning required for the construction of the fence shall occur at the applicants costs and the applicant shall make appropriate application to Council for any additional tree removal or pruning beyond that which is authorised by condition 4 of this consent.
- 43) The swimming pool is to be enclosed by a child resistant barrier comprising fences and gates designed, constructed, installed and maintained in accordance with Australian Standard 1926-2012 - Swimming Pool Safety Part 1: Safety barriers for swimming pools.

A notice containing the words "Young Children Should be Supervised When Using this Swimming Pool" and "Pool Gates Must Be Kept Closed At All Times" and "Keep Articles, Objects and Structures At Least 900 Millimetres Clear Of The Pool Fence At All Times" together with a simple flow sequence containing details of resuscitation techniques must be displayed in a prominent position in the immediate vicinity of the pool.

Overflow and discharge pipes from the pool and filtration unit must be connected to the sewer.

- 44) The proposed use of the pool filter equipment must not give rise to offensive noise as defined in the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Noise Control) Regulation 2000. All noise emitting equipment must be housed in an insulated enclosure or appropriately positioned so as to cause no nuisance to neighbours.
- 45) The stormwater drainage system shall be constructed in accordance with Council's Development Engineering Standards and the engineering plans and details approved by the Principal Certifying Authority (PCA). Should the developer encounter any existing, live, underground stormwater drainage pipes, which carry flow from upstream properties, the developer must maintain the stormwater flow and re-route the stormwater pipes around the subject building or structures at the developer's expense.

- 46) A suitably qualified Professional Civil or Structural Engineer shall be engaged by the developer to carry out inspections relating to construction of internal driveways and parking areas. The work shall be carried out in accordance with the approved plans and specifications and certification from the Civil or Structural Engineer is to be provided upon completion.
- 47) The existing internal stormwater drainage system, and the stormwater drainage system draining the site shall be cleaned out, tested for leaks and repaired as necessary. A licensed plumber is to certify that the work has been carried out.
- 48) Prior to the commencement of work, the builder shall prepare a photographic record of the road reserve which clearly shows its condition prior to works occurring on site. For the entirety of demolition, subdivision or construction works, there shall be no stockpiling of building spoil, materials, or storage of equipment on the public road, including the footway and the road reserve shall be maintained in a safe condition at all times. No work shall be carried out on the public road, including the footway, unless a Work Permit authorised by Council has been obtained.
- 49) Any fill material to be removed from the site shall be done so in accordance with the requirements of the NSW EPA Waste Classification Guidelines 2009. This fill material must be disposed of to an appropriate EPA licensed waste facility.
- 50) If unexpected soil contaminants are encountered during excavation and/or construction works, which have the potential to alter previous conclusions made regarding potential site contamination, all work is to cease and Council notified immediately. The contaminated land situation is to then be evaluated by a suitably qualified and experienced environmental consultant and an appropriate response determined by the applicant which is agreed to by Council, prior to the re-commencement of works. Council may also request that a NSW EPA accredited site auditor is involved to assist with the assessment of the new contamination information. The applicant must also adhere to any additional conditions, which may be imposed by the accredited site auditor, if required.
- 51) Landscaping shall be installed in accordance with the approved Landscape Plan.

Tree Planting: Nature Strip

The applicant is to plant the following replacement trees on the nature strip forward of the property. The trees shall have a container size not less than 100 litres, shall comply with NATSPEC Specifying Trees: a guide to assessment of tree quality (2003) or Australian Standard AS 2303 – 2015 Tree stock for landscape use, and be planted and maintained in accordance with Councils street tree planting Standard Drawing No. S-201:

Tree Species	Location
4 x <i>Eucalyptus crebra</i> (Narrow-leaved Ironbark)	To be planted at approximately 15m centres along the nature strip between the vehicle footpath crossing and the northern boundary of the property. Trees to be planted no closer than 2.5 metres from the vehicle footpath crossing and 5.0 metres from the existing power pole.
OR	
4 x <i>Eucalyptus fibrosa</i> (Broad-leaved Ironbark)	

Investigation to locate underground services shall be the responsibility of the applicant. Should such services be located and there is a reasonable belief that damage may occur to those services by the new plantings, the applicant is to:

- Carry out engineering works to protect those services from damage; or
- Relocate the plantings to a more suitable location following written approval from Bankstown City Council; or
- Substitute the approved tree species with an alternative species following written approval from Bankstown City Council.

The tree/s shall be planted by a qualified landscape contractor and to the satisfaction of Councils Tree Management Officer.

The Applicant shall contact Council to book an inspection by the Tree Management Officer of the completed tree planting prior to the issue of an occupation certificate. Inspections must be booked at least 5 working days prior to being required.

CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION

- 52) The occupation or use of the building must not be commenced unless an occupation certificate has been issued for the building.
- 53) A final Occupation Certificate shall not be issued until all conditions relating to demolition, construction and site works of this development consent are satisfied and Council has issued a Work Permit Compliance Certificate.
- 54) The swimming pool shall not be used until Council or the PCA has issued a final Compliance Certificate.
- 55) An Emergency Response Management Plan shall be prepared and submitted to Council's satisfaction. The Plan shall include the following:
 - a) List of chemicals and maximum quantities to be stored at the site;
 - b) Identification of potentially hazardous situations;
 - c) Procedure for incident reporting;
 - d) Details of spill stations and signage;
 - e) Containment and clean-up facilities and procedures; and
 - f) The roles of all staff in the plan and details of staff training.

- 56) Landscaping is to be installed in accordance with the approved landscape plan. All works and methods nominated and materials and plants specified on the approved landscape plan are to be completed prior to the issue of an occupation certificate. The landscaping shall be maintained for the life of the development.
- 57) A suitably qualified Professional Civil Engineer shall certify that the driveways, parking bays, and service areas have been constructed in accordance with the approved plans and specifications. Such Certification shall be submitted prior to the issue of the Occupation Certificate or occupation of the site.
- 58) A registered surveyor shall prepare a Work As Executed Plan, and a suitably qualified Hydraulic Engineer shall provide certification of the constructed on-site stormwater detention system.

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

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

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

- 59) The developer shall register, on the title of the subject property, a Restriction on the Use of Land and Positive Covenant, in accordance with the standard terms for "Registration of OSD on title", as outlined in Council's Development Engineering Standards and in accordance with the appropriate provisions of the Conveyancing Act. Where subdivision is not proposed, the surveyor shall show the location of the "On-Site Stormwater Detention System" on an A4 size site plan attached to the Section 88E Instrument to be registered, on the title of the subject property, prior to the issue of the Final Occupation Certificate. Alternatively, where subdivision is proposed, the developer shall register, on the title of the subject property, a Restriction on the Use of Land and Positive Covenant, in accordance with the standard terms for "Registration of OSD on title", as outlined in Council's Development Engineering Standards and in accordance with the appropriate provisions of the Conveyancing Act. The surveyor shall show the location of the "On-Site Stormwater Detention System" on the plan of subdivision. The developer shall submit evidence of the final registration of the Restriction and Positive Covenant on the title of the property, to Council.
- 60) A Copy of the Work Permit Compliance Certificate shall be submitted to the PCA Prior to the issue of the Occupation Certificate.

- 61) Council's Environmental Health and Building Officer must inspect the premises prior to the occupation of the premises.
- 62) The premises must be registered with Council's Health and Waste Compliance Unit prior to the opening of the business and commencement of trading at the premises.
- 63) The Section 73 compliance certificate under the Sydney Water Act 1994 must be submitted to the principal certifying authority before occupation of the development / release of the plan of subdivision.
- 64) The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background $L_{A90, 15min}$ noise level, measured in the absence of the noise source/s under consideration by 5dB(A). The source noise level shall be assessed as an $L_{Aeq, 15min}$ and adjusted in accordance with the NSW Environment Protection Authority's Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance). Evidence of compliance with this condition shall be submitted from a suitably qualified and experienced acoustic consultant prior to the issue of an Occupation Certificate.

- 65) A report prepared by an accredited Acoustic Consultant shall be submitted to Council certifying that the development complies with the requirements of the State Environmental Planning Policy (Infrastructure) 2007, conditions of development consent and recommendations of the report prepared by *Acoustic Logic titled Proposed Modification to Salamah College at 40 Hector Street, Chester Hill, Environmental Noise Impact Assessment– Document Reference 20141397.2/2604A/R4/GW dated 26 April 2016*. The report shall include post construction validation test results and shall be obtained prior to the issue of an Occupation Certificate.

USE OF THE SITE

- 66) Student numbers shall be a maximum of 1,550 for the school and 90 for the child care centre.
- 67) Car parking spaces for 285 vehicles shall be provided in marked spaces in the manner generally shown on the approved site plan and the development shall comply with the Operational Traffic Management Plan submitted by McLaren Traffic Engineering Version 1.0 dated 18 April 2016 and the following conditions:
 - a) A school bus run comprising 5 busses shall be operational within two years of the date upon which the consent becomes operational.

- b) The school shall operate up to 8 of the 22 seater mini-buses. This will start 2 years after granting approval for the school with 1 of the 22 seater mini-buses in operation and annually increasing by 1 of 22 seater mini-bus until after 10 years, there are 8 of the 22 seater mini-buses operating to cater for the 150 students expected to use this service.
 - c) Traffic cones shall be installed within the site during morning and afternoon pick up periods between 8am to 9:30am and 3pm to 4:30pm to ensure that the circulation pattern shown in the management plan is able to be easily adhered to by motorists.
 - d) The largest vehicle permitted to enter the site shall be 8.8 metres long.
 - e) 151 car parking spaces shall be marked for staff and year 12 students.
 - f) The area shown on the approved plans as Area 4 shall have the 11 spaces on the western corner and the 5 spaces on the south eastern corner of this area marked for Year 12 students.
 - g) The 10 car parking spaces designated for drop off/ pick up for the child care centre in parking area 1 shall be clearly signposted with "child care centre drop off/ pick up".
- 68) All loading and unloading of goods shall take place within the site or from the adjoining service lane in a manner that does not interfere with parking areas, driveways or landscaping.
- 69) All waste materials associated with the use shall be stored in containers located either within the building or behind screen walls in accordance with the approved plans.
- 70) All chemicals shall be stored, handled and disposed of in accordance with:
- a) AS 1940 – 2004 The Storage & Handling of Flammable and Combustible Liquids.
 - b) NSW EPA 'Storing and Handling Liquids, Environmental Protection, Participants Manual 2007'.
 - c) NSW EPA 'Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes 2004'.
- 71) All filtration devices for odour control shall be regularly maintained to prevent odour problems.
- 72) The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

- 73) The acoustic report submitted in support of this application, prepared by *Acoustic Logic titled Proposed Modification to Salamah College at 40 Hector Street, Chester Hill, Environmental Noise Impact Assessment– Document Reference 20141397.2/2604A/R4/GW dated 26 April 2016* and the noise attenuation recommendations stated in the report form part of the development consent.
- 74) The premises is restricted to a maximum 40 cars after 6pm at any one time at the Southern Western carpark.
- 75) The use of the premises shall not give rise to an environmental health nuisance to the adjoining/nearby premises and environment.
- 76) Any activity carried out in accordance with this approval shall not give rise to offensive odour, offensive noise or pollution of air, land or water as defined in the Protection of the Environment Operations Act 1997. There shall be no emissions of noise, smoke, smell, vibration, gases, vapours, odours, dust, particulate matter, or other impurities which are injurious or dangerous to health, or the exposure to view of any unsightly matter or otherwise.
- 77) In the event of Council receiving complaints and considers that excessive noise is emanating from the premises, the person(s) in control of the premises shall at their own cost arrange for an acoustic investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of noise emanating from the premises. The measures shall be approved by Council prior to implementation and shall be at full cost to the applicant.
- 78) A report prepared by an accredited Acoustic Consultant shall be submitted to Council certifying that the development complies with the requirements of the State Environmental Planning Policy (Infrastructure) 2007, conditions of development consent and recommendations of the report prepared by *Acoustic Logic titled Proposed Modification to Salamah College at 40 Hector Street, Chester Hill, Environmental Noise Impact Assessment– Document Reference 20141397.2/2604A/R4/GW dated 26 April 2016*. The report shall include post construction validation test results.
- 79) Any lighting of the premises shall be installed in accordance with Australian Standard AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. Flashing, moving or intermittent lights or signs are prohibited. The intensity, colour or hours of illumination of the lights shall be varied at Council's discretion if Council considers there to be adverse effects on the amenity of the area.
- 80) The Hours of operation are restricted to:-
- Primary & Secondary Schools - 8am to 6pm Monday to Sunday;
Sports Hall – 8am to 10pm Monday to Sunday; and
Childcare - 7am to 6pm Monday to Friday.

- 81) Instructions concerning procedures to be adopted in the event of an emergency are to be clearly displayed on the premises for both public and staff information at all times.
- 82) Any portion of the development used for the storage or sale of food is to be designed, constructed and operated in accordance with the requirements of the Food Act 2003 and Regulations; FSANZ Food Standards Code, AS4674, AS1668 Parts 1 and 2 and the Protection of the Environment Operations Act 1997.
- 83) The applicant shall enter into a commercial contract for the collection of wastes and recycling. A copy of the commercial waste and recycling contract shall be lodged with Council and invoices should be available for inspection at any time. The collection of waste material shall generally occur in accordance with the submitted Waste Management Plan.
- 84) The child care centre is approved as an ancillary aspect of this development and it shall not operate as a separate land use. In this regard, the child care centre must at all times be operated by the School and shall not be leased to a third party.
- 85) The sports centre is approved as an ancillary aspect of this development and it shall not operate as a separate land use. In this regard, the sports centre must at all times be operated by the School and shall not be leased to a third party.
- 86) This development consent and any related conditions excludes the operation of the existing "Mosque" at within the subject site.

SCHEDULE A: ADVICE TO APPLICANTS

Inspection of building works shall be undertaken as determined by the PCA. If Canterbury-Bankstown Council has been nominated as the PCA then details of inspection type and number required will be determined prior to the issue of a construction certificate.

Also, before you dig, call "Dial before you Dig" on 1100 (listen to the prompts) or facsimile 1300 652 077 (with your street no./name, side of street and distance to nearest cross street) for underground utility services information for any excavation areas.

For further information regarding this notice please contact Ian Woodward in Development Services on 9707 9612.

Yours faithfully,

Ian Woodward
Manager- Development Services