

# CONDITIONS

## DA 2015.265.1

14-22 Bland Street & 97-99 Elizabeth Street, ASHFIELD

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### Description of Work as it is to appear on the determination:

**Alterations and additions to existing school, demolition of the Marian Building, construction of a link bridge, relocation of the multi-use court, additional parking spaces, and provision for 25 additional students to a total of 750 and an increase of two staff to a total of 39.**

## PART A

### **Deferred Commencement conditions to be satisfied prior to activation of consent:**

This consent shall not operate until such time as the following additional/revised information is provided to and approved by Council:

- (1) A Stormwater Drainage Concept Plan demonstrating the proposed stormwater drainage system which shall be disposed of by approved drainage lines discharging into Council's street pipe network, complies with Council's "Stormwater Management Code".

The above deferred commencement conditions are to be satisfied within 12 month from the date of determination of this deferred commencement consent. Failure to satisfy those conditions within the specified time frame will cause this consent to lapse despite any other statement on this consent.

The correspondence issued by Council, once the above conditions are satisfied, and any associated documents submitted to satisfy the deferred commencement conditions are to form part of this consent and the correspondence is to be provided to the Principal Certifying Authority with the Construction Certificate as applicable.

Providing the above matters are satisfied by Council by the specified date, general conditions of consent are:

## PART B

### **A     General Conditions**

#### **(1)     Approved plans stamped by Council**

The development must be carried out only in accordance with the plans and specifications set out in the table below and stamped as approved by Council, and in any supporting documentation received with the application, except as amended by the conditions specified hereunder.

No.	Revision	Title	Prepared by	Amendment Date
A100	A	Location, Site Analysis Plan & Diagrams	Neeson Murcutt Architects Pty Ltd	11.09.2015
A101	A	Demolition	Neeson Murcutt Architects Pty Ltd	11.09.2015
A104	A	Proposed Parking Plan	Neeson Murcutt Architects Pty Ltd	21.12.2015

A105	A	Proposed Lighting Plan	Neeson Murcutt Architects Pty Ltd	21.12.2015
A200	A	Proposed Site Plan	Neeson Murcutt Architects Pty Ltd	09.10.2015
A201	B	Ground Level Plan	Neeson Murcutt Architects Pty Ltd	23.12.2015
A202	B	Mid Level Plan	Neeson Murcutt Architects Pty Ltd	23.12.2015
A203	B	Upper Level Plan	Neeson Murcutt Architects Pty Ltd	23.12.2015
A204	A	Roof Plan	Neeson Murcutt Architects Pty Ltd	09.09.2015
A210	C	Fence Plan & Detail	Neeson Murcutt Architects Pty Ltd	20.04.2016
A300	C	Elevations	Neeson Murcutt Architects Pty Ltd	07.04.2016
A301	C	Elevations	Neeson Murcutt Architects Pty Ltd	07.04.2016
A400	B	Sections	Neeson Murcutt Architects Pty Ltd	29.01.2016
A401	B	Sections	Neeson Murcutt Architects Pty Ltd	29.01.2016
A600	A	Proposed Materials	Neeson Murcutt Architects Pty Ltd	21.12.2015
L01	B	Landscape Plan	Sue Barnsley Design	17.09.2015
L02	B	Landscape Section	Sue Barnsley Design	17.09.2015
L03	B	Landscape Section	Sue Barnsley Design	17.09.2015
L04	B	Landscape Planting Concepts	Sue Barnsley Design	17.09.2015
L05	B	Landscape Plant Schedule	Sue Barnsley Design	17.09.2015
215073-H01	B	Stormwater Drainage Plan	Niven Donnelly & Partners Pty Ltd	22.09.2015
215073-H02	A	Sediment & Erosion Control Plan	Niven Donnelly & Partners Pty Ltd	22.09.2015
20150817.1/2808A/R1/RL	1	Noise Impact Assessment : Part 6 – Recommendations:	Acoustic Logic	28.08.2015

Note: The architectural plans take precedence in respect of the built form. Should there be any inconsistency between the built form shown on the architectural and the engineering or landscape plans, the architectural plans take precedence.

### ***Payment of any Additional Fees***

*If the estimated cost of works for the construction certificate application exceeds the estimate supplied with the development application, an additional fee, any contributions and bonds based on the revised estimate must be paid to Council prior to release of the Construction Certificate.*

### ***B      Design Changes***

Nil.

**C      Conditions that must be satisfied prior to issuing/releasing a Construction Certificate**

**(1)      Construction and Site Management Plan**

Prior to the issue of a Construction Certificate the applicant shall submit to Council or the accredited certifier a construction and site management plan that clearly sets out the following:

- (a)      what actions and works are proposed to ensure safe access to and from the site and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like,
- (b)      the proposed method of loading and unloading excavation machines, building materials, formwork and the erection of any part of the structure within the site,
- (c)      the proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period,
- (d)      how it is proposed to ensure that soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways,
- (e)      the proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed by a chartered Civil Engineer or an accredited certifier.

Where it is proposed to:

- pump concrete from within a public road reserve or laneway, or
- stand a mobile crane within the public road reserve or laneway, or
- use part of Council's road/footpath area,
- pump stormwater from the site to Council's stormwater drains, or
- store waste and recycling containers, skip, bins, and/or building materials on part of Council's footpath or roadway,

An Activity Application for a construction zone, a pumping permit, an approval to stand a mobile crane or an application to pump water into a public road, together with the necessary fee shall be submitted to Council and approval obtained before a Construction Certificate is issued.

Note: A separate application to Council must be made for the enclosure of a public place (hoarding).

**(2)      Erosion & sedimentation control-management plan**

Prior to issue of a construction certificate the applicant shall prepare an erosion and sedimentation control plan in accordance with Part 4 of the guidelines titled "*Pollution Control Manual for Urban Stormwater*", as recommended by the Environmental Protection Authority.

Any stormwater runoff collected from the site must be treated in accordance with the Guidelines, before discharge off the site to comply with the *Protection of the Environment Operations Act 1997* or other subsequent Acts.

Where sedimentation control basins are provided discharge shall be to the requirements of the Environmental Protection Authority.

Applicants are further advised to refer to the following publications for additional information:

- (a) “*Sedimentation and Erosion Control*” - Department of Conservation and Land Management.
- (b) “*Soil and Water Management for Urban Development*” - Department of Housing.

The plan must be submitted with the application for a construction certificate.

Further information may be obtained from:

Environment Protection Officer  
Environment Protection Authority  
Inner Sydney Region  
Locked Bag 1502  
BANKSTOWN NSW 2200

### **(3) Long service levy**

Compliance with Section 109F of the Environmental Planning and Assessment Act 1979 – payment of the long service levy under Section 34 of the Building and Construction Industry Long Service Payments Acts 1986 – is required. All building of \$25,000.00 and over are subject to the payment of a Long Service Levy fee. A copy of the receipt for the payment of the Long Service Levy shall be provided to the Principal Certifying Authority (PCA) prior to the issue of a Construction Certificate. Payments can be made at Long Service Payments Corporation offices or most Councils.

### **(4) Section 94A Contribution**

Pursuant to Section 80A(1) of the *Environmental Planning and Assessment Act 1979* and Ashfield Council's Section 94A Development Contributions Plan 2009 a contribution of **\$70,000** shall be paid to Ashfield Council.

The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of Ashfield Council's Section 94A Development Contributions Plan 2009.

The contribution is to be paid prior to the issue of the construction certificate and copies of receipts(s) confirming that the contribution has been fully paid are to be provided to the Principal Certifying Authority (PCA).

### **(5) Damage deposit/footpath, road, kerb and gutter**

A Damage Deposit of \$7,400 is to be submitted prior to any of the following:

- commencement of works or
- demolition or
- excavation upon the site or
- the release of the **Construction Certificate**

whichever may come first, covering repair and/or replacement of adjoining footpath, road shoulder, road pavement, kerbing and guttering both outside the subject site and the surrounding area. This is to be paid to Council and may be refunded subject to satisfactory completion of construction or demolition.

This Damage Deposit covers unforeseen damage to the above property by construction vehicles, skip bins, construction methods etc. Note: Should repair works or maintenance be required on Council land, a Road Opening Permit must be obtained before those works take place.

**Bank Guarantees** are accepted in lieu of any Council security deposit/bond subject to the following:

It must be an **original with no end date** and issued in favour of Council, details of the proponent's address shall be included.

A charge equal to the value multiplied by the current "overdue rates interest charge" be levied, per month or part thereof, with a minimum charge of three months is to be paid upon lodgement.

Any remaining charge is to be calculated at the prevailing "overdue rates interest rate" for each month or part thereof beyond the original three months that the Bank Guarantee was held, and paid prior to its release.

Any costs incurred in the acceptance, administration or release of such Bank Guarantees be on-charged to the entity claiming the release of such Bank Guarantee, and that these amounts be paid prior to its release.

At the time of lodgement, Council will seek verification of the Bank Guarantee. Please provide contact details for the branch (phone number and officer) to assist with verification of the bona fides of the Bank Guarantee.

Until all items above are completed, no documents or usage sought from Council by the party lodging the Bank Guarantee can be issued. Please allow a minimum of 2 business days for this process.

The return of the Damage Deposit shall not be refunded until all conditions of Consent have been completed and the Occupation Certificate has been released.

#### **(6) Footpath/laneway- photographs to be submitted**

Prior to the release of the Construction Certificate, the applicant shall lodge with Council photographs of the roadway and footpath at the property indicating the state of the relevant pavements. At the completion of construction, again at the expense of the applicant, a new set of photographs is to be taken to determine the extent, if any, of any damage, which has occurred to the relevant pavements. If any damage has occurred, the applicant shall meet the full cost to repair or reconstruct these damaged areas to Council's relevant standard. Failure to do this will result in the applicant being held accountable for the cost of all repair works in the area near / at the site.

#### **(7) Design and construction of car parking area**

The car park layout is to be designed and constructed in accordance with Australian Standards AS 2890.1 2004 "Off Street Car Parking" as well as AS2890.6 -2009 Parking Facilities - Off-street commercial vehicle parking.

This shall include but not be limited to the following design aspects being included prior to the release of the Construction Certificate:

1. The driveway entre/exit at Council's footpath is to be kept visually clear of vegetation and walls are to be splayed to view pedestrians in accordance to "Minimum Sight Lines for Pedestrian Safety" AS2890.1:2004 Section 3.2.4. In the case of the ROW driveway exit from the car park to Alt Street, appropriate viewing and/or warning-precautionary measures are to be implemented for pedestrians to view vehicles exiting the driveway, and that vehicles view pedestrians crossing the driveway.
2. All vehicles must enter and exit the site in a forward direction.

#### **(8) Services adjustment or relocation**

The applicant shall meet the full cost for Telstra, Sydney Electricity, Sydney Water or Natural Gas Company to adjust/relocate their services as required. The applicant shall make the

necessary arrangements with the service authority. (For information on the location of these services contact the “Dial before you Dig” service on 1100.)

Documentary evidence from the public utility authorities confirming that all of their requirements have been satisfied shall be submitted to Council with the Construction Certificate under Section 68 of the Local Government Act, 1993, for construction of the development

**(9) Stormwater disposal-calculations**

- (a) Calculations and details of the proposed method of stormwater disposal shall be prepared by a suitably qualified professional civil engineer in accordance with **Council’s Stormwater Management Code** and submitted to, and approved by, Council or Certifier prior to the release of the Construction Certificate.

The Construction Certificate plan to be submitted to Council must consist of the following items:

Separate catchment areas within the site draining to each collection point or surface pit classified into the following categories:

- (i) Roof areas.
  - (ii) Paved areas.
  - (iii) Grassed areas.
  - (iv) Garden areas.
  - (v) The percentages of Pre-development and Post-development impervious areas
- (b) At each pit and or bend, a level of pipe is to be shown (the minimum grade for pipes is 1%).
- (c) All flowpaths both internal and external, which pass through or around the proposed development site, are to be shown on the Construction Certificate plan
- (d) Calculations and details are to be provided to Council showing that provisions have been made to ensure runoff from all storms up to the 100 year ARI, which cannot be conveyed within the piped drainage system (including pits and including overflows from roof gutters) is safely conveyed within formal or informal overland flow paths to the detention storage facility. Where it is not practicable to provide paths for overland flows the piped drainage system should be sized to accept runoff up to and including the 100-year ARI.
- (e) All garbage and waste areas must drain to the sewer and not the stormwater system.

**(10) Stormwater detention storage facility**

- (a) On-site Stormwater Detention storage shall be provided in conjunction with the stormwater disposal. This storage shall be designed in accordance with Council’s Stormwater Management Code. Details of the storage shall be submitted to and approved by Council or Certifier prior to the release of the Construction Certificate.
- (b) Prior to the release of the Construction Certificate, a maintenance schedule is to be prepared which clearly outlines the routine maintenance necessary to keep the OSD system working, this information is to be included in the Positive Covenant required for this development. Some of the issues that will need to be addressed are:
- where the storage and silt arrestor pits are located
  - which parts of the system need to be accessed for cleaning and how access is obtained

- description of any equipment needed (such as keys and lifting devices) and where they can be obtained
- the location of screens and how they can be removed for cleaning
- who should do the maintenance (i.e. commercial cleaning company)
- how often should it be done

The abovementioned maintenance schedule is to be submitted to and approved by Ashfield Municipal Council prior to the release of the Occupation Certificate.

## **(11) Car Parking Design**

The drawings must be modified as noted below and submitted with the construction certificate application:

- All car parking areas are to comply with AS 2890.1:2004, AS2890.6-2009 and AS 2890.2-2002 (for any off-street commercial vehicle parking).
- Sight view clearance for pedestrians and traffic is to be established and designed at the driveway exits to Section 3.2.4 of AS 2890.1:2004. In the case of the ROW driveway exit from the car park to Alt Street, appropriate viewing and/or warning-precautionary measures are to be implemented for pedestrians to view vehicles exiting the driveway, and that vehicles view pedestrians crossing the driveway.
- All vehicles must enter and exit the site in a forward direction.

## **(12) Traffic Management Plan**

A Construction Traffic Management Plan (CTMP) shall be submitted for Council approval detailing how truck movements and deliveries are to be managed during the development-construction process (i.e. demolition, excavation and construction), and how the interface of the site with the road network will be controlled. The CTMP must be submitted prior to any works (which includes demolition, excavation and construction) commencing on site and should ideally be provided with the development application.

In this particular situation the CTMP will also need to address the following requirement by council:

- All vehicles associated with development-construction activity (which includes demolition, excavation and construction) shall be accommodated on-site.
- No work zone shall be approved on the public street (which includes the footway).

## **D Conditions that must be complied with before work commences**

### **(1) Notice of Commencement – Notification of Works**

Work must not commence until the Principal Certifying Authority or the person having the benefit of the development consent has given Notification in Writing to Council no later than two days before the building work commences.

### **(2) Requirement for a Construction Certificate**

In accordance with the provisions of Section 81A of the *Environmental Planning and Assessment Act 1979* the erection of a building and/or construction works must not commence until:

- detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
  - Council; or
  - an accredited certifier; and

- (b) a principal certifying authority (PCA) has been appointed and the Council has been notified in writing of the appointment, and
- (c) at least two days notice, in writing, has been given to Council of the intention to commence work.

The documentation required under this condition shall show that the proposal complies with all development consent conditions and the *Building Code of Australia*.

Note: If the principal certifying authority is the Council, the appointment will be subject to the payment of a fee for the service to cover the cost of undertaking building work and / or civil engineering inspections.

**WARNING:** Failure to obtain a Construction Certificate prior to the commencement of any building work is a serious breach of Section 81A(2) of the *Environmental Planning & Assessment Act 1979*. It is a criminal offence that attracts substantial penalties and may also result in action in the Land and Environment Court and orders for demolition.

### **(3) Inspections required by Principal Certifying Authority**

Inspections shall be carried out at different stages of construction by Council or an accredited certifier. If Council is selected as the Principal Certifying Authority (PCA) the inspection fees must be paid for in advance which will be calculated at the rate applicable at the time of payment.

### **(4) Building location - check survey certificate**

To ensure that the location of the building satisfies the provision of the approval, a check survey certificate shall be submitted to the Principal Certifying Authority either prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, indicating the: -

- (i) location of the building with respect to the boundaries of the site;
- (ii) level of the floor in relation to the levels on the site (all levels are to be shown relative to Australian Height Datum);
- (iii) site coverage of the buildings on the site.

### **(5) Site fencing/security**

The site must be appropriately secured and fenced to the satisfaction of Council during demolition, excavation and construction work to ensure there are no unacceptable impacts on the amenity of adjoining properties. Permits for hoardings and or scaffolding on Council land must be obtained and clearly displayed on site.

### **(6) Sydney Water approval**

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site: [www.sydneywater.com.au](http://www.sydneywater.com.au), see Your Business then Building & Developing then Building & Renovating or telephone Sydney Water 13 20 92.



**(7) Structural Engineering Details**

Structural engineer's details prepared and certified by a practising structural engineer for all reinforced concrete and structural members is to be submitted to the Principal Certifying Authority for approval.

**(8) Dilapidation Reports**

A Dilapidation Report on the current structural condition of the existing buildings at 95 and 101 Elizabeth Street must be prepared by a practicing structural engineer. The Dilapidation Report must be completed and submitted to the owner of the subject property and to Council prior to the commencement of any demolition, excavation or construction works. At the completion of the works, a second Dilapidation Report recording the structural condition must be prepared. That Report must be submitted to the owner of the subject property and to Council.

**(9) Public liability insurance – Works on Council/public lands**

The applicant or any contractors carrying out works on public or Council controlled lands shall have public liability insurance cover to the value of \$10 million and shall provide proof of such cover prior to carrying out the works.

**(10) Traffic Management Plan**

A Demolition and Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hour of operation, access arrangements and traffic control will be submitted to Council, for approval, prior to the commencement of any works on site.

Note: No work Zone shall be approved on the Public Street.

**(11) Erosion, dust, topsoil and sediment control**

Temporary measures shall be provided during construction e.g. bunding, shade cloth to prevent dust leaving the site, sandbags around Council/private stormwater pits etc. in order to prevent sediment, dust, topsoil and polluted waters discharging from the site. Plans showing such measures shall be submitted to Council or Certifier and approved prior to the release of the Construction Certificate.

***E      Conditions that must be complied with during construction or demolition***

**(1) Plans to be available on site**

The Council stamped approved plans, Development Consent and Construction Certificate shall be held on site to be produced unobliterated to Council's officer at any time when required.

**(2) Building materials and equipment - storage/placement on footpath/roadway - Council approval**

All building materials and equipment shall be stored wholly within the property boundaries and shall not be placed on the footpath, grass verge or roadway without prior written approval of Council.

Bulk refuse bins shall not be placed on the grass verge, footpath or roadway without Council permission. Application forms and details of applicable fees are available from Council's One Stop Shop telephone 9716 1800.

**(3) Signs to be erected on building and demolition sites**

- (1) 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:
- (a) stating that unauthorised entry to the work site is prohibited; and
  - (b) showing the name and address of the contractor for the building work and the person in charge of the work site and a telephone number at which the person may be contacted outside working hours; and
  - (c) showing the name, address and telephone number of the Principal Certifying Authority appointed for the building works.
- (2) Any-sign shall be maintained and not removed until work has been finished.

**(4) Demolition/excavation/construction - hours of work**

Demolition, excavation and construction work, including loading and unloading of materials and machinery, shall be restricted to between the hours of 7.00 am to 6.00 pm, Monday to Friday and from 7:00 am to 1.00 pm on Saturday. Work is prohibited on Sundays, and on public holidays.

**(5) Demolition requirements/standards**

Demolition is to be carried out in accordance with the following:

- (a) Australian Standard 2601 and any requirements of the Workcover Authority.
- (b) The Waste Management Plan submitted with the Development Application.
- (c) The property is to be secured to prohibit unauthorised entry.
- (d) All precautions are to be exercised in the handling, removal and disposal of all asbestos materials. Licensed contractors and the disposal of asbestos is to be carried out in accordance with the requirements of the Work Cover Authority.
- (e) All other materials and debris is to be removed from the site and disposed of to approved outlets.
- (f) Any demolition on the site is to be conducted in strict accordance with, but not limited to, sections 1.5, 1.6, 1.7, 3.1 and 3.9 of the AS 2601 - 1991, demolition of structures. The following measures must be undertaken for hazardous dust control:
- (g) Prior to demolition, the applicant shall submit a Work Plan prepared in accordance with AS 2601 by a person with suitable expertise and experience to the Principal Certifying Authority. The Work Plan shall identify any hazardous materials, the method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- (h) Hazardous dust must not be allowed to escape from the site or contaminate the immediate environment. The use of fine mesh dust proof screens, wet-lead safe work practices, or other measures is required.
- (i) All contractors and employees directly involved in the removal of hazardous dusts and substances shall wear protective equipment conforming to AS 1716 Respiratory Protective Devices and shall adopt work practices in accordance with WorkSafe Requirements (in particular the WorkSafe standard for the *Control of Inorganic Lead At Work* (NOHSC: 1012, 1994) and AS 2641, 1998).

- (j) Any existing accumulations of dust (eg; ceiling voids and wall cavities must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter and disposed of appropriately.
- (k) All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Unclean water from the suppressant spray is not be allowed to enter the street gutter and stormwater systems.
- (l) Demolition is not to be performed during high winds that may cause dust to spread beyond the site boundaries without adequate containment.
- (m) All lead contaminated material is to be disposed of in accordance with the NSW Environment Protection Authorities requirements.
- (n) Construction and demolition waste, particularly timber, bricks and tiles, concrete and other materials need not be disposed of- they can be recycled and resold if segregated properly from any hazardous waste contamination.
- (o) Following demolition activities, soil must be tested by a person with suitable expertise to ensure the soil lead levels are below acceptable health criteria for residential areas. Full certification is to be provided for approval by the Principal Certifying Authority.

#### **(6) Waterproofing materials/installation – BCA/Australian Standards**

Approved products that are impervious to water shall only be used as a substrate or as a lining and as a finish to floors and walls of wet areas (i.e. bathroom/shower room, WC compartment and laundry). Floors and cubicles shall be properly graded and drained to approved outlets.

The wet areas in the building shall be impervious to water as required by Part 3.8.1 of the Building Code of Australia (BCA). The junction between the floor and wall and the construction of the bath shower recess, basin, sink or the like shall be in accordance with the BCA & AS 3740:2004 'Waterproofing of wet areas within residential buildings'.

On completion of the waterproofing of the wet areas, the Principal Certifying Authority shall be furnished with a certificate from the person responsible. This is to state that the materials are suitable for the situation and that the application and/or installation has been carried out in accordance with the manufacturer's instructions, the BCA and AS 3740.

#### **(7) Safety Glazing - BCA**

Safety glazing complying with B1 of the Building Code of Australia (BCA) is to be used in every glazed door or panel that is capable of being mistaken for a doorway or unimpeded path of travel. The glazing must comply with AS 1288:2006 'Glass in Buildings – Selection and Installation'.

Framed panels or doors enclosing or partially enclosing a shower or bath shall be glazed with "A" or "B" grade safety glazing material in accordance with AS 1288 and Part 3.6.4 of the BCA.

#### **(8) Materials and colour schemes**

Materials of construction are to be as specified in the schedule of finishes submitted with the development application and on the approved plans, except where amended by the conditions hereunder.

#### **(9) Footpath, kerb and gutter reconstruction**

The public footpath, verge, and kerb and gutter outside the site shall be completely reconstructed to the requirements of Council's Works & Infrastructure Department at the

applicant's expense. This work shall be carried out prior to the release of the Occupation Certificate.

**(10) Footpath, kerb and gutter protection**

The applicant is to take all precautions to ensure footpaths and roads are kept in a safe condition and to prevent damage to Council's property.

Pedestrian access across this footpath must be maintained in good order at all times during work. Any damage caused will be made good by Council at Council's restoration rates, at the applicant's expense

**(11) Vehicle access driveways**

The existing vehicular access driveway shall be reconstructed in accordance with Council's standard drawing and specifications. The driveway shall be located a minimum of 1.0m clear of any existing stormwater pits, lintels or poles and 2m clear of any trees within the road reserve. The driveway shall also be located a minimum of 0.5m clear of any utility service opening such as Telstra, Sydney Electricity, Sydney Water or Natural Gas Company.

This work shall be carried out prior to the release of the Occupation Certificate.

**(12) Road opening permit- Council controlled lands**

A "road use-opening permit" shall be obtained for all works carried out in public or Council controlled lands. Contact Council's Works and Infrastructure Department for details.

**(13) Traffic control on public roads**

Where works are undertaken on public roads, adequate traffic control in accordance with AS 1742.3 1996 "Traffic Control Devices for work on Roads", particularly regarding traffic movement controllers, advance warning signs and directions to motorists, shall be provided. Where such measures are not satisfactorily provided to this Australian Standard, Council may provide such and recover the costs from any bonds held.

**(14) Engineering staff to inspect roadworks/drainage**

An inspection by Council's staff will be required for (kerb/gutter/crossing etc) at the following stages:

- (i) After excavation.
- (ii) After the erection of formwork and the placement of reinforcement and prior to pouring of concrete.
- (iii) After placement of road base course.
- (iv) After pipes have been laid and prior to backfilling.
- (v) On completion of works.

A minimum of 24 hours notice is required to be given to Council to obtain an inspection. Work is not to proceed until the works or activity covered by the inspection is approved.

**(15) Finished ground surface levels at property boundary**

Finished ground surface levels shall match existing levels at the property boundary.

**(16) Spoil and building materials on road and footpath**

Spoil and building materials shall not be placed or stored within any public roadway or footpath.

**(17) Stormwater runoff-collection/discharge**

Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system to the nearest appropriate Council stormwater pit at a maximum Permissible Site Discharge (PSD) where the Pre-development discharge equals the Post-development discharge for all stormwater events up to a 1:100 ARI event.

Prior to works commencing a Council "Road Opening Permit" must be obtained.

**(18) Stormwater runoff**

Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other properties

**(19) Compliance with the Acoustic Report**

The development is to be constructed in accordance with the recommendations of the Acoustic Report prepared by Acoustic Logic No. 20150817.1/2808A/R1/RL, Revision 1, dated 28.08.2015.

**(20) Southern Boundary Fence**

The boundary fence to the south of Marian Square on the boundary with the rear lane and 95 Elizabeth Street is to be replaced and constructed to a minimum height of 2.2m using face brickwork. This fence is to be completed prior to the issue of any occupation certificate.

**(21) Landscaping**

Seven elaeocarpus reticulatus (blueberry ash) trees are to be planted to the south of Marian Square adjacent the southern boundary at minimum intervals of 5m. At planting these are to be a minimum height of 4 metres. They are to be maintained to the satisfaction of Council for the life of the development.

**(22) Boundary Fence to 95 Elizabeth Street**

The boundary fence between 97 Elizabeth Street and 95 Elizabeth Street is to be replaced and constructed to a minimum height of 2.0m using face brickwork. This fence is to be completed prior to the issue of any occupation certificate.

***F      Conditions that must be complied with prior to installation of services***

nil

***G      Conditions that must be complied with before the building is occupied***

**(1) Approval to use/occupy building**

The building or any part thereof must not be used or occupied until an Occupation Certificate has been obtained from the Principal Certifying Authority.

Note: If Council is chosen as the Principal Certifying Authority a fee is applicable prior to the release of the Construction Certificate.

**(2) Engineering conditions to be satisfied prior to the issue of occupation certificate**

Prior to the release of the Occupation Certificate when the on-site building works are completed there are three (3) conditions that must be satisfied.

They are:

*(a). Work-As-Executed Plans*

A "Work-as-Executed" plan prepared and signed by a registered surveyor is to be submitted to Council's Engineering Department at the completion of the works showing the location of the detention basin with finished surface levels, contours at 0.2 metre intervals and volume of storage available. Also the outlet pipe from the detention basin to its connection to Council's drainage system, is to be shown together with the following information:

- location
- pipe diameter
- gradient
- pipe material i.e. PVC or EW etc
- orifice size
- trash screen at orifice
- all buildings (including floor levels) and finished ground and pavement surface levels

*(b) Engineer's Certificate*

A qualified practising Civil Engineer shall certify on the completion of drainage works in respect of:

- \* the soundness of the storage structure;
- \* the capacity of the detention storage;
- \* the emergency overflow system being in place;
- \* the works being constructed in accordance with the Council approved plans; and
- \* the freeboard from maximum water surface level to the finished floor and garage levels are at or above the minimum required in Council's Stormwater Code.
- \*

*(c) Restriction-As-To-User*

A "Restriction-as-to-User" is to be placed on the title of the subject property to indicate the location and dimensions of the detention area. This is to ensure that works, which could affect the function of the stormwater detention system, shall not be carried out without the prior consent in writing of the Council.

Such restrictions shall not be released, varied or modified without the consent of the Council.

**3) Positive Covenant-stormwater detention/surface flow paths-occupation certificate**

A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property detailing the

- (a) surface flow path
- (b) finished pavement and ground levels

- (c) prevent the erection of any structures or fencing
- (d) on-site stormwater detention system
- (e) stormwater culvert

The wording in the Instrument shall be submitted to and approved by Ashfield Municipal Council prior to lodgement at the Land Titles Office and prior to the release of the Occupation Certificate. The Instrument shall be registered prior to the completion of development.

#### **(4) Landscape Completion**

Soft and hard landscape area be constructed in accordance with the approved plans prior to release of any occupation certificate.

### ***H      Conditions that are ongoing requirements of development consents***

#### **(1) Approved use**

The premises shall not be used for any purpose other than that of a school, without the prior consent of the Council.

#### **(2) Maximum students**

The number of students is not to exceed 750.

#### **(3) Use of Multi-use Court**

- a) The hours of operation are limited to the following:

Monday to Friday: 8:00am – 6:00pm

- b) No use is permitted on weekends or public holidays.
- c) No artificial lighting is to be installed in relation to the court use.
- d) No public address system is to be located on 97- 99 Elizabeth Street (i.e. the site of the multi-use court).

#### **(3) Use of Outdoor Play Areas**

The outdoor play areas including the multi-use court and Marian Square are to subject to the following use restrictions:

- Intensive use (recess, lunch, school sport) should not exceed 2 hours per day.
- Physical education classes or outside of school hours activities (i.e. – activities which will fall outside of the 2 hour per day period in which higher noise levels may be generated), are not to involve more than 60 children at a time.

#### **(4) Landscape Maintenance**

The landscaping approved as part of this application is to be maintained to the satisfaction of Council.

### ***I      Advisory Notes***

#### **(1) Other approvals**

This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, including:

- an application for an Occupation Certificate under Section 109(C)(2) of the *Environmental Planning and Assessment Act 1979*.  
**Note:** An application for an Occupation Certificate may be lodged with Council if the applicant has nominated Council as the Principal Certifying Authority.
- an Application for a Subdivision Certificate under Section 109(C)(1)(d) of the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed.
- an Application for Strata Title Subdivision under the *Strata Schemes (Freehold Development) Act 1973*, if strata title subdivision of the development is proposed.
- a development application for demolition approval under the *Environmental Planning and Assessment Act 1979* if consent for demolition is not granted by this consent.

## **(2) Works and requirements of other authorities**

- Sydney Water may require the construction of additional works and/or the payment of additional fees. Other Sydney Water approvals may also be necessary prior to the commencement of construction work. You should therefore confer with Sydney Water concerning all plumbing works, including connections to mains, installation or alteration of systems, and construction over or near existing water and sewerage services.
- Contact Sydney Water, Rockdale (Urban Development Section) regarding the water and sewerage services to this development.
- Energy Australia/AGL Electricity/AGL Retail Energy or other alternative service/energy providers have requirements for the provision of connections.
- Energy Australia has a requirement for the approval of any encroachments including awnings, signs, etc over a public roadway or footway. The Engineer Mains Overhead Eastern Area should be contacted on 9663 9408 to ascertain what action, if any, is necessary.
- Telstra has requirements concerning access to services that it provides.

## **(3) Application for a Construction Certificate**

The required application for a Construction Certificate may be lodged with Council. Alternatively, you may apply to an accredited private certifier for a Construction Certificate.

**WARNING:** Failure to obtain a Construction Certificate prior to the commencement of any building work is a serious breach of Section 81A(2) of the *Environmental Planning & Assessment Act 1979*. It is also a criminal offence which attracts substantial penalties and may also result action in the Land and Environment Court and orders for demolition.

## **(4) Modifications to your consent - prior approval required**

Works or activities other than those authorised by the approval including changes to building configuration or use will require the submission and approval of an application to modify the consent under Section 96 of the *Environmental Planning & Assessment Act 1979*. You are advised to contact Council immediately if you wish to alter your approved plans or if you cannot comply with other requirements of your consent to confirm whether a Section 96 modification is required.

**Warning:** There are substantial penalties prescribed under the *Environmental Planning and Assessment Act 1979* for breaches involving unauthorised works or activities.