

2016
December 09



St Clair High School, DA final Conditions of Consent
Response to Penrith Council



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Document Control Register

Revision	Date	Description	Author	Reviewer	Approved
2	9/12/16	Final Conditions review	GC		
1	17/11/16	Final	GC		
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1. Review and Response to final Conditions of Consent, DA 16/0787

Further to the draft Conditions of Consent relating to DA 16/0787, issued by Penrith Council on 28 Oct 16 and further draft Conditions received from Council by email on 17 Nov 16, Council have issued final conditions on 8 Dec 16 for review prior to submitting the DA to the JRPP

Council's final Conditions of Consent can be accepted with the further amendment of Conditions noted herein;

1. Condition 12 minor amendment requested (remove reference to NSW Public Works)
2. Condition 13 Council requested to delete this Condition, noise management is an inherent requirement of the NSW EPA
3. Condition 29 minor amendment to Title
4. Condition 33 minor amendment to remove subjective terminology
5. Condition 38 minor amendment to replace Project Manager with Proponent.

Item	Ref	Title	Description Synopsis	Council Status	Action
1	A001	Plans Reference	Add plan reference for External Colours and Finishes	Retained	Accept
2	A012	Food Act	Proprietor of the food business shall ensure that the requirements of the NSW Food Act 2003, NSW Food Regulation 2010 and the Australian and New Zealand Food Standards are met at all times	Retained	Accept
3	A020	Use of Building	Building shall not be used for any industrial or habitable residential activity. Buildings may be hired for the purposes of community and cultural services. Buildings shall not be used for any other commercial activity.	Retained	Accept
4	A021	Business Registration	The business is to be registered with Penrith City Council before issuance of Occupation Certificate and operation of the business	Not acceptable. Delete. The School is not a business. Crown Certifier requests removal of words Occupancy Certificate as this does not apply to a Crown project.	Delete

Item	Ref	Title	Description Synopsis	Council Status	Action
5 4	A Special	Crown Development Certificate	S109R of the EPA Act 1979 requires building work to be certified by or on behalf of Crown to comply with States building laws as at; The date for invitation for tenders to carry out the building work, or; In the absence of tenders, the date on which the building work commences	Retained	Accept
6	A Special	Student Maximum	The School is to have a maximum of 800 students	Not Acceptable. Delete. Education Act 2013 and DoE's responsibilities cannot be conditioned in this manner	Delete
7	A Special	Detailed plans of kitchen layout	Submit detailed plans of kitchen before construction commencement addressing items listed	Not Acceptable, Delete Crown Certifier will ensure all applicable standards for kitchen are incorporated in S109R certificate	Delete
8 5	B002	Demolition	Demolition to AS2601-1991 and excavation disposal to Council approved site or waste facility prior to commencement of demolition.	Retained with amendment	Accept

Item	Ref	Title	Description Synopsis	Council Status	Action
9 6	B003	Asbestos	Before commencement of demolition works on site, Install portaloo with washing facilities Demolition involving asbestos to use licenced asbestos removal contractor. Dispose asbestos waste at facility licenced by EPA	Retained	Accept
10 7	B004	Dust	Dust suppression techniques to be used during demolition	Retained	Accept
11 8	B005	Mud/Soil	Mud and soil from vehicle movements on and off site must not be deposited on roads	Retained	Accept
12	B006	Hours of Work	Monday to Friday 7am to 6pm Saturdays 7am to 1pm Sundays and Public holidays, no work permitted Non-percussive noisy works inside a building not restricted to above hours.	Acceptable Duplication, repeated below on Condition 51 H041. Suggest Condition 51 be deleted.	Amend – remove term “inaudible”. Refer to noise guidelines EPA as relevant and new condition for Noise Management Plan
13 9	D001	Implement approved sediment and erosion control	Prior to works commencing, implement approved erosion and sediment control measures	Retained	Accept

Item	Ref	Title	Description Synopsis	Council Status	Action
14 10	D006	No filling without prior approval	Validation certificate required for any fill imported to Site.	Retained with amendment made; Full wording refers to a Principal Certifying Authority which does not apply to a Crown project as Crown is self certifying. Remove any wording stating Principal Certifying Authority	Accept

11	D Special	Blank	<p>Should any "unexpected finds" occur during site excavation and earthworks including, but not limited to, the identification/finding of contaminated soils, buried building materials, asbestos, odour and/or staining, works on the site are to cease immediately and Council is to be notified. Any such "unexpected finds" shall be investigated and addressed by an appropriately qualified environmental consultant, in line with the relevant EPA Guidelines and the National Environment Protection (Assessment of Site Contamination) Measure 2013.</p> <p>All remediation works within the Penrith Local Government Area are considered to be Category 1 works under State Environmental Planning Policy No. 55-Remediation of Land. Should any contamination be found during development works and should remediation be required, development consent is to be sought from Penrith City Council before the remediation works commence.</p>	Condition added by Council 17/11/16	Accept
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Item	Ref	Title	Description Synopsis	Council Status	Action
12	D Special	Blank	<p>A Waste Management Plan shall be prepared by the construction contractor as part of NSW Public Works Procurement requirements prior to the commencement of works.</p> <p>The waste management plan shall be prepared in accordance with the Penrith Development Control Plan 2014, and shall address all waste materials likely to result from the operation of the proposed development, with details of the estimated waste volumes, onsite storage and management, designated waste contractors, recycling outlet and / or landfill site.</p> <p>The Waste Management Plan must be implemented and adhered to throughout construction of the development, with supporting documentation / receipts retained in order to verify the recycling and disposal of materials in accordance with the approved plan.</p>	<p>Condition added by Council 17/11/16</p> <p>9/12/16 Minor amendment requested to remove reference to NSW Public Works which no longer exists.</p>	Accept with amendment shown

Item	Ref	Title	Description Synopsis	Council Status	Action
13	D Special	Blank	<p>A Noise Management Plan (NMP) is to be prepared and submitted to Penrith City Council for consideration and approval prior to the commencement of construction. The NMP is to:</p> <p>address all noise related aspects of the development's construction phases on students and residents; and</p> <p>address the relevant conditions of this consent; and</p> <p>recommend any systems/controls to be implemented to minimise the potential for any adverse noise impact(s); and</p> <p>adhere to the noise control and regulation measures in accordance with AS 2436:2010 "Guide to noise control on construction, maintenance and demolition sites" and the EPA Construction Noise Guidelines, which require the proponent to take into consideration and employ all reasonable and feasible measures to ensure that the impact on noise receivers is minimised.</p>	Condition added by Council 17/11/16	<p>Request Council to reconsider this Condition and request it to be removed.</p> <p>Hours of Work in Condition 33 H041 already cover noise for Demolition and Construction under the NSW EPA Noise Control Guidelines.</p>

Item	Ref	Title	Description Synopsis	Council Status	Action
15	D009	Covering of Waste Storage Area	Store waste in at least 2 waste bins/bays to allow separation of wastes and to be fully enclosed when site is unattended	<p>Delete, not applicable.</p> <p>Existing school already has waste storage facilities.</p> <p>No increase in waste is expected as new building is replacement for an existing facility destroyed by fire.</p> <p>Construction waste covered in Waste Management Plan condition added 17/11/16.</p>	Delete
16 14	E009	Annual Fire Safety, Essential Fire Safety	Owner of the building must provide to Council an annual fire safety statement for the building.	Retained	Accept
17 15	E01A	BCA Compliance for Class 2-9	Building shall comply with deemed to satisfy provisions or alternative solutions	Retained	Accept
18 16	E Special	Access Requirements	Access and sanitary facilities for persons with disabilities to be provided to BCA and AS1428	Retained	Accept
19 17	F001	General Fitout	Construction, fitout and finishes of the food premises to comply with ANZ Food Standards Code and AS4674-2004	Retained	Accept

Item	Ref	Title	Description Synopsis	Council Status	Action
20-18	F022	Commercial Kitchen exhaust	Cooking appliances exceeding 8kW or 29MJ/hr gas to have kitchen exhaust system. System to be certified prior to operation.	Retained	Accept
21	F025	Food Safety Supervisor	A Food Safety Supervisor, with a current Food Safety Supervisor Certificate recognised by the NSW Food Authority, must be appointed by the business prior to commencement of the business.	Not Acceptable. Not a business, school kitchen is a teaching facility	Delete
22	F026	Kitchen/Bar & Food Prep area clarification	Details of the kitchen, bar and food preparation and storage areas must be prepared by a suitably qualified person and certified in accordance with Standard 3.2.3 of the Australian and New Zealand Food Standards Code and AS 4674-2004 Design, Construction and Fitout of Food Premises to the satisfaction of the Certifying Authority prior to the commencement of construction.	Not Acceptable. Delete Not a business, school kitchen is a teaching facility Covered by Crown Certifier in their S109R certificate and by complying Consultants design	Delete

Item	Ref	Title	Description Synopsis	Council Status	Action
23	F027	Hand Basins	A hand basin must be located within the toilet cubicle. Hand basins must be freestanding, serviced with hot and cold water through a single outlet, able to be mixed at a temperature of at least 40°C and fitted with a hands free operation. Disposable paper hand towels and soap must be provided and serviced from a dispenser adjacent to each hand basin.	Not Acceptable. Delete Covered by Crown Certifier in their S109R certificate and by complying Consultants design	Delete
24	F028	Staff Toilets	Staff toilets must be provided on the premises. Where a toilet adjoins a food preparation area it must be separated by an air lock and its doors must be fitted with self closing devices. Toilets intended for customer use must not be accessed through areas where open food is handled, displayed or stored.	Not Acceptable. Delete Not a business but a teaching facility Covered by Crown Certifier in their S109R certificate and by complying Consultants design	Delete
25	F029	Hand basin within staff toilets	A hand basin must be located within the toilet cubicle. Hand basins must be freestanding, serviced with hot and cold water through a single outlet, able to be mixed at a temperature of at least 40°C and fitted with a hands free operation. Disposable paper hand towels and soap must be provided and serviced from a dispenser adjacent to each hand basin.	Not Acceptable. Delete Not a business but a teaching facility Covered by Crown Certifier in their S109R certificate and by complying Consultants design	Delete

Item	Ref	Title	Description Synopsis	Council Status	Action
26 19	F030	Hot water service	Hot water services must be positioned at least 75mm clear of the adjacent wall surfaces, and mounted at a minimum 150mm above the floor level on a non-corrosive metal stand. The hot water system must be sized to meet the demands of the food business during peak operating and cleaning periods and be able to provide sufficient hot water throughout the working day. Discharge from the hot water system must enter the sewer through a tongue dish in accordance with Sydney Water's requirements.	Retained	Accept
27	F032	Floor Covering	Approved recessed coving must be provided at all intersections of the floor with the walls within all food preparation, service, storage and scullery areas.	Not Acceptable. Delete Covered by Crown Certifier in their S109R certificate and by complying Consultants design.	Delete
28 20	F033	Walls – food prep area	The walls of the food preparation area must be of solid construction and finished with glazed ceramic tiles or other approved material to a height of 2 metres.	Retained	Accept

Item	Ref	Title	Description Synopsis	Council Status	Action
29 21	F034	Walls – behind cooking appliances	The walls at the rear of cooking appliances must be surfaced with an impervious material, such as stainless steel, which extends from the canopy to the floor.	Retained	Accept
30 22	F035	Ceilings	The ceiling in the preparation, service and scullery areas must be constructed with a rigid, non-absorbent, smooth faced material free from open joints, cracks and crevices	Retained	Accept
31 23	F036	Service pipes	Service pipes, electrical conduits, refrigeration condensate pipes shall be enclosed or chased into walls, floors or plinths.	Retained	Accept
32	F043	Hot & cold water at sinks	All wash sinks and food preparation sinks must be serviced with hot and cold water through a single outlet. Wash sinks must be supplied with water at a temperature of not less than 54° C for washing.	Not Acceptable. Delete Covered by Crown Certifier in their S109R certificate and by complying Consultants design	Delete
33	F044	Sink & splashback construction	The double bowl sink must be constructed of stainless steel, have a minimum bowl size of 450mm x 300mm x 300mm to enable cleaning of large pots and equipment, be fitted with a draining area at each end, and have a splashback as part of the unit at least 300mm up the wall.	Not Acceptable. Delete Covered by Crown Certifier in their S109R certificate and by complying Consultants design	Delete

Item	Ref	Title	Description Synopsis	Council Status	Action
34	F046	Cleaners in sink	The cleaners sink must be serviced with hot and cold water through taps fitted with hose connectors and located outside of areas where open food is handled.	Not Acceptable. Delete Not a business but a teaching facility. Covered by Crown Certifier in their S109R certificate and by complying Consultants design	Delete
35	F047	Fixtures & fittings	All fixtures, fittings and equipment must be provided with smooth and impervious surfaces, free from cracks and crevices to enable easy cleaning. All fittings and fixtures must be built into the wall and floor so as to be free from joint, gaps and cavities to enable easy cleaning or alternatively, supported on one of the following: a. Plinths b. Wheels or castors c. Legs	Not Acceptable. Delete Covered by Crown Certifier in their S109R certificate and by complying Consultants design	Delete

Item	Ref	Title	Description Synopsis	Council Status	Action
36	F048	Food Prep benches	All food preparation benches must be constructed in stainless steel or finished in a smooth and non-absorbent approved material that is free of joints.	Not Acceptable. Delete Covered by Crown Certifier in their S109R certificate and by complying Consultants design	Delete
37	F049	Storage cabinets	All storage cabinets (internal and external surfaces) must be finished in a smooth and non-absorbent approved material that is free of joints.	Not Acceptable. Delete Covered by Crown Certifier in their S109R certificate and by complying Consultants design	Delete
38 24	F050	Light bulbs & tubes	Light bulbs or tubes are to be shatterproof or fitted with approved light diffusers (covers or shields) to prevent contamination of food by glass from a broken light globe or tube. Light fittings must be free from any feature that would collect dirt or dust, harbour insects or make the fitting difficult to clean. Light fittings must be recessed into ceilings or equipment where possible. Heat lamps must be protected against breakage by a shield extending beyond the bulb.	Retained	Accept

Item	Ref	Title	Description Synopsis	Council Status	Action
39	F051	Shelving	Shelves must be smooth and impervious; free from joints, cracks and crevices; and able to be easily cleaned. The lowest shelf must be at least 200mm off the floor to allow easy cleaning underneath. Approved materials must be used, such as galvanised piping, stainless steel or laminated plastic. Shelves are to be sealed to the wall or kept clear of walls to allow easy access for cleaning (>40 mm).	Not Acceptable. Delete Covered by Crown Certifier in their S109R certificate and by complying Consultants design	Delete
40	F055	Lockers	Sufficient lockers must be provided in the food preparation area or store room specifically for the storage of cleaning materials, employees' clothing and personal belongings.	Not Acceptable. Delete Covered by Crown Certifier in their S109R certificate and by complying Consultants design	Delete
41	F056	Storerooms	The storeroom must be constructed in accordance with AS4674-2004	Not Acceptable. Delete Covered by Crown Certifier in their S109R certificate and by complying Consultants design	Delete

Item	Ref	Title	Description Synopsis	Council Status	Action
42	F060	Grease Arrestor	The grease arrestor must not be installed in any kitchen, food preparation or food storage area. The grease arrestor shall be installed in accordance with Sydney Water's requirements.	Acceptable Currently provided in Hydraulic design. Covered by Crown Certifier in their S109R certificate.	Delete
43 25	G002	Section 73	A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water prior to the commencement of the school's operation.	Acceptable	Accept

Item	Ref	Title	Description Synopsis	Council Status	Action
44 26	G004	Integral Energy	Prior to the commencement of works, a written clearance is to be obtained from Endeavour Energy stating that electrical services have been made available	Acceptable. Endeavour Energy notice of offer received by HDC/Services Consultant.	Accept

Item	Ref	Title	Description Synopsis	Council Status	Action
45 27	H001	Stamped plans and erection of site notice	<p>Stamped plans, specifications, a copy of the development consent and any other Certificates to be relied upon shall be available on site at all times during construction</p> <p>The following details are to be displayed in a maximum of 2 signs to be erected on the site:</p> <ul style="list-style-type: none"> • the name of the Proponent, their address and telephone number, • the name of the person in charge of the work site and telephone number at which that person may be contacted during work hours, • that unauthorised entry to the work site is prohibited, • and • all sediment and erosion control measures shall be fully maintained until completion of the construction phase. <p>Signage but no more than 2 signs stating the above details is to be erected:</p>	Acceptable	Accept

46-28	H002	All forms of construction	<p>Prior to the commencement of construction works:</p> <p>(a) Toilet facilities shall be provided</p> <p>(b) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards.</p> <p>(c) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person</p> <ul style="list-style-type: none"> • must preserve and protect the building from damage, and • must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land <p>(d) If the work is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place, a hoarding or fence must</p>	<p>Retained</p> <p>Deletion of Item c, actioned</p>	Accept
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Item	Ref	Title	Description Synopsis	Council Status	Action
			<p>be erected between the work site and the public place:</p> <ul style="list-style-type: none"> • if necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place, • the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place, and • any such hoarding, fence or awning is to be removed when the work has been completed. 		

47 29	H036	Rainwater Tank	<p>The rainwater tank(s) is to be:</p> <ul style="list-style-type: none"> erected on a self-supporting base in the approved location on the property in accordance with the stamped-approved site plans for the development, structurally sound and constructed in accordance with AS/NZS 3500 1.2- 1998: National Plumbing and Drainage - Water Supply- Acceptable Solutions, fully enclosed and all openings sealed to prevent access by mosquitoes, fitted with a first flush device, fitted with a trickle system to top up from mains water, provided with an air gap, and installed by a licensed plumber in accordance with Sydney Water's "Plumbing requirements Information for rainwater tank suppliers and plumbers April 2003" and the NSW Code of Practice: Plumbing and Drainage. <p>Additionally, the following are to be provided:</p> <ul style="list-style-type: none"> A back flow prevention device shall be provided at the water meter in 	<p>Retained</p> <p>Amendments noted below incorporated</p> <p>Suggest a changeover valve to mains water instead of a trickle system as tank is only for irrigation.</p>	<p>Accept with amendment to Condition title (refers to Conditions G005 & Q010 that don't exist).</p>
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			<p>accordance with Sydney Water requirements.</p> <ul style="list-style-type: none"> In the event of a power failure, a back up supply of mains water shall be provided to at least one toilet in the dwelling. The rainwater tank(s) and associated piping is to be labelled 'Rainwater- Not for Drinking' in accordance with Sydney Water requirements. The rainwater tank and pipework is to be painted in colours matching the external finishes of the dwelling building and is to be of non-reflective finish. The overflow for the rainwater tank is to be connected into the existing stormwater disposal system on the site. <p>Before a rainwater tank(s) can be used, a certificate or suitable document is to be submitted to the Proponent stating that the rainwater tank has been installed in accordance with:</p> <ul style="list-style-type: none"> the Manufacturer's Specifications, and Sydney Water and NSW Health requirements. <p>This certificate or documentation is to be provided by the licensed</p>	<p>Deleted</p> <p>Retained</p> <p>Revised dwelling with building</p>	
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Item	Ref	Title	Description Synopsis	Council Status	Action
			plumber who installed the rainwater tank on the property, and is to be submitted prior to the commencement of the school's operation.		

Item	Ref	Title	Description Synopsis	Council Status	Action
48 30	H037	Safe supply of water from catchment areas	<p>The catchment area (for the rainwater tank) includes the parts of the roof of the dwelling(s) from which water is collected and includes gutters. To ensure a safe supply of water:</p> <ul style="list-style-type: none"> • roof catchment areas must be kept clear of overhanging vegetation, • gutters must have sufficient fall to downpipes to prevent pooling of water, • overflow, discharge from bleed off pipes from roof mounted appliances such as airconditioners, hot water services and solar heaters must not discharge into the rainwater catchment area, • for roofs containing lead based, tar based or asbestos material the tank supply must not be connected to drinking, bathing and gardening tap water outlets, • appropriate measures must be installed to prevent foreign materials from contaminating the water which enters the rainwater tank. 	<p>Retained</p> <p>Amendments noted below incorporated</p> <p>Delete, none of these items exist in the design of the new building roof, gutters or downpipes. Agreed</p>	Accept
49 31	H038	Connection to rainwater tank supply	The rainwater tank supply must not be connected to drinking and bathing water tap outlets.	Retained	Accept

Item	Ref	Title	Description Synopsis	Council Status	Action
50 32	H039	Rainwater tank pumps	The rainwater tank pump must not exceed 5dBA above ambient background noise level at the nearest residential property boundary. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.	Retained	Accept

Item	Ref	Title	Description Synopsis	Council Status	Action
51 33	H041	Hours of work	<p>Demolition and Construction works or subdivision works that are carried out in accordance with an approved consent that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:</p> <ul style="list-style-type: none"> • Mondays to Fridays, 7am to 6pm • Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises) otherwise 8am to 1pm • No work is permitted on Sundays and Public Holidays. <p>Other construction works carried out inside a building/tenancy and do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.</p> <p>The provisions of the Protection of the Environment Operations Act, 1997 in regulating offensive noise also apply to all construction works.</p>	Retained but wording added as shown	<p>Accept but remove subjective term 'inaudible on neighbouring residential premises'</p> <p>NSW EPA noise control guidelines stipulated.</p>

Item	Ref	Title	Description Synopsis	Council Status	Action
52 34	K101	Works at no cost to Council	All roadworks, stormwater drainage works, associated civil works and dedications, required to effect the consented development shall be undertaken at no cost to Penrith City Council.	Retained	Accept
53 35	K201	Infrastructure Bond	An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond is to be lodged with Council prior to the commencement of works . The bond and applicable fees are in accordance with Council's adopted Fees and Charges.	Retained	Accept

Item	Ref	Title	Description Synopsis	Council Status	Action
54 36	K202	S138 Roads Act – Works and Structures	<p>Should the works not be undertaken by a Public Authority prior to the commencement of works for building works the Proponent shall ensure that a Section 138 Roads Act application, including payment of application and inspection fees, shall be lodged and approved by Penrith City Council (being the Roads Authority for <u>any works required</u> in a public road).</p> <p>All works shall be carried out in accordance with the Roads Act approval, the development consent, including the stamped approved plans, and Penrith City Council's specifications, guidelines and best engineering practice.</p>	Retained. Council reworded	Accept

Item	Ref	Title	Description Synopsis	Council Status	Action
55 37	K209	Stormwater Concept Plan	<p>The stormwater management system shall be provided generally in accordance with the submitted MUSIC model and associated concept plan/s lodged for development approval, prepared by ABC Consultants, job number 16072 drawings C02.01 to C2.04 revision A dated 6 September 2016 (included in stormwater Management Concept Plan Report dated 5 October 2016, including Figure 6- Typical Stormwater System and Rainwater Tank details).</p> <p>Engineering plans and supporting calculations for the stormwater management systems are to be prepared by a suitably qualified person.</p> <p>Prior to the commencement of construction, the Proponent shall ensure that the stormwater management system has been designed in accordance with Council's Stormwater Drainage for Building Developments and Water Sensitive Urban Design (WSUD) Policy. Vegetation planting density and type for the bio retention swale is to be in accordance with the requirements of Council's WSUD Policy 2013.</p>	Retained	Accept

Item	Ref	Title	Description Synopsis	Council Status	Action
56 38	K222	Access, Car parking and manoeuvring – General	<p>Prior to the commencement of works, the Certifying Authority Project Manager Proponent shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS 2890.2, AS 2890.6 and Penrith City Council's Development Control Plan.</p>	<p>Council replaced Certifying Authority with Project Manager</p> <p>Request that Project Manager be replaced with Proponent</p> <p>Previous Comments; Acceptable with amendment to remove reference to Certifying Authority. Crown is self certifying.</p>	Reword
57 39	K301	Sediment & Erosion Control	<p>Prior to commencement of any works associated with the development, sediment and erosion control measures shall be installed to ensure compliance with the Protection of the Environment Operations Act 1997 and Managing Urban Stormwater series from the Office of Environment and Heritage.</p> <p>The erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.</p>	Retained	Accept

Item	Ref	Title	Description Synopsis	Council Status	Action
58-40	K302	Traffic Control Plan	<p>Prior to commencement of any works associated with the development, a Traffic Control Plan, including details for pedestrian management, shall be prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Maritime Services' publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Maritime Services Traffic Controller.</p> <p>A copy of the plan shall be available on site at all times.</p> <p>Note:</p> <ul style="list-style-type: none"> a) A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Penrith City Council. b) Traffic control measures may require road occupancy / road closure approvals issued under Section 138 of the Roads Act by Penrith City Council prior to CC. 	Retained	Accept

Item	Ref	Title	Description Synopsis	Council Status	Action
59 41	K403	Major filling/earthworks	<p>All major filling/earthworks earthworks shall be undertaken in accordance with AS 3798 and Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments and Engineering Construction Specification for Civil Works.</p> <p>The level of testing shall be determined by the Geotechnical Testing Authority/ Superintendent in consultation with the proponent.</p>	<p>Retained as per original wording</p> <p>Deletions requested as shown not accepted by Council</p>	Accept
60 42	K501	Penrith City Council clearance	<p>Should the works not be undertaken by a Public Authority, prior to the operation of the school, the Proponent shall ensure that all works associated with a Section 138 Roads Act approval or Section 68 Local Government Act approval have been inspected and signed off by Penrith City Council.</p>	<p>Retained.</p> <p>Council reworded</p>	Accept

Item	Ref	Title	Description Synopsis	Council Status	Action
61 43	K502	Works as executed	<p>Prior to the operation of the alterations and additions, works-as-executed drawings, final operation and maintenance management plans and any other compliance documentation shall be submitted to by the Proponent in accordance with Penrith City Council's Engineering Construction Specification for Civil Works, WSUD Technical Guidelines and Stormwater Drainage for Building Developments.</p> <p>An original set of works-as-executed drawings and copies of the final operation and maintenance management plans and compliance documentation shall also be submitted to Penrith City Council with notification of the issue of operation.</p>	Retained	Accept

Item	Ref	Title	Description Synopsis	Council Status	Action
62-44	K503	Stormwater Compliance	<p>Prior to the operation of the alterations and additions, the Proponent shall ensure that the:</p> <ul style="list-style-type: none"> a) Stormwater management systems (including on-site detention and water sensitive urban design) b) Overland flowpath works <ul style="list-style-type: none"> • Have been satisfactorily completed in accordance the requirements of this consent. • Have met the design intent with regard to any construction variations to the approved design. • Any remedial works required to been undertaken have been satisfactorily completed. <p>Details of the approved and constructed system/s shall be provided as part of the works-as-executed drawings.</p>	Retained	Accept

Item	Ref	Title	Description Synopsis	Council Status	Action
63	K504	Restriction as to User and Positive Covenant	<p>Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the:</p> <ul style="list-style-type: none"> a) Stormwater management systems (including on-site detention and water sensitive urban design) b) Overland flowpath works <p>Shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Stormwater Drainage for Building Development.</p>	Retained with rewording by Council	Accept
64 45	K511	Directional signage	<p>Prior to the school's operation, directional signage and line marking shall be installed indicating directional movements and the location of customer parking to the satisfaction of the Principal Certifying Authority Project Manager.</p>	Reworded	Accept

Item	Ref	Title	Description Synopsis	Council Status	Action
65 46	K-	Waterways – Stormwater Management system operation and maintenance	The stormwater management system shall continue to be operated and maintained while the development is operational under this consent in accordance with the final operation and maintenance management plan. Regular inspection records are required to be maintained and made available to Council upon request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the treatment measure/s	Retained, Condition amended	Accept
66 47	K special		All vehicles are to enter/exit in a forward direction.	Retained	Accept
67 48	K special		The required sight lines around the driveway entrances are not to be compromised by landscaping, fencing or signage in accordance with AS 2890.1	Retained with amendment	Accept

Item	Ref	Title	Description Synopsis	Council Status	Action
68 49	K special		All car parking and manoeuvring must be in accordance with AS 2890.1 - 2004 and AS 2890.6- 2009.	Retained	Accept

Item	Ref	Title	Description Synopsis	Council Status	Action
69 50	L001	General	<p>All landscape works are to be constructed in accordance with the stamped approved Landscape Plan and Sections F5 "Planting Techniques", F8 "Quality Assurance Standards" and F9 "Site Management Plan" of the Landscaping Section of the Penrith Development Control Plan 2014.</p> <p>Landscaping shall be maintained:</p> <ul style="list-style-type: none"> • in accordance with the approved plan, and • in a healthy state, and in perpetuity by the existing or future owners and occupiers of the property. <p>If any of the vegetation comprising that landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity as the vegetation which died or was removed.</p>	Retained with amendment	Accept

Item	Ref	Title	Description Synopsis	Council Status	Action
70 51	L006	Aust Standard	<p>All landscape works are to meet industry best practice and the following relevant Australian Standards:</p> <ul style="list-style-type: none"> AS 4419 Soils for Landscaping and Garden Use, AS 4454 Composts, Soil Conditioners and Mulches, and AS 4373 Pruning of Amenity Trees. 	Retained	Accept
71 52	L Special	Protection of trees to remain on site	All trees approved by Council for removal shall be removed in a manner so as to prevent damage to those trees that are to be retained	Retained	Accept
72 53	L Special	Replacement of trees	Replacement trees must be planted. At least 45 suitable replacement tree/s (preferably native trees) capable of and nurtured to grow to about 10m in height at maturity, must be planted in a suitable location within the property. Replacement trees must be planted prior to occupancy.	Retained	Accept
73 54	L Special	Tree protection – Australian Standards	The tree/s must be retained and protected in accordance with Australian Standards, Protection of trees on development sites, AS 4970 - 2009.	Retained	Accept

Item	Ref	Title	Description Synopsis	Council Status	Action
74 55	L Special	Tree protection	The Trees must be retained and protected in accordance with the arborists report recommendations.	Retained	Accept
75 56	L Special	Trees of public property	All precautions shall be taken to adequately protect trees on public property (ie. footpaths, roads, reserves, etc.) against damage during construction. No trees on public property shall be removed, pruned or damaged during construction- this includes the erection of any fences, hoardings or other temporary works. The placement of construction materials beneath the canopy of street trees is prohibited.	Retained	Accept

Item	Ref	Title	Description Synopsis	Council Status	Action
TBA 1	L-Special	Site Contamination	<p>Should any "unexpected finds" occur during site excavation and earthworks including, but not limited to, the identification/finding of contaminated soils, buried building materials, asbestos, odour and/or staining, works on the site are to cease immediately and Council is to be notified. Any such "unexpected finds" shall be investigated and addressed by an appropriately qualified environmental consultant, in line with the relevant EPA Guidelines and the National Environment Protection (Assessment of Site Contamination) Measure 2013.</p> <p>All remediation works within the Penrith Local Government Area are considered to be Category 1 works under State Environmental Planning Policy No. 55-Remediation of Land. Should any contamination be found during development works and should remediation be required, development consent is to be sought from Penrith City Council before the remediation works commence.</p>	Acceptable	Accept

Item	Ref	Title	Description Synopsis	Council Status	Action
TBA 2	L-Special	Waste Management Plan	<p>A Waste Management Plan shall be prepared by the construction contractor as part of NSW Public Works Procurement requirements prior to the commencement of works.</p> <p>The waste management plan shall be prepared in accordance with the Penrith Development Control Plan 2014 and shall address all waste materials likely to result from the operation of the proposed development, with details of the estimated waste volumes, onsite storage and management, designated waste contractors, recycling outlet and /or landfill site.</p> <p>The Waste Management Plan must be implemented and adhered to throughout construction of the development, with supporting documentation / receipts retained in order to verify the recycling and disposal of materials in accordance with the approved plan.</p>	Acceptable	Accept

Item	Ref	Title	Description Synopsis	Council Status	Action
TBA 3	L-Special	Noise Management Plan	<p>A Noise Management Plan (NMP) is to be prepared and submitted to Penrith City Council for consideration and approval prior to the commencement of construction. The NMP is to:</p> <ul style="list-style-type: none"> — address all noise related aspects of the development's construction phases on students and residents; and — address the relevant conditions of this consent; and — recommend any systems/controls to be implemented to minimise the potential for any adverse noise impact(s); and — adhere to the noise control and regulation measures in accordance with AS 2436:2010 "Guide to noise control on construction, maintenance and demolition sites" and the EPA Construction Noise Guidelines, which require the proponent to take into consideration and employ all reasonable and feasible measures to ensure that the impact on noise receivers is minimised. 	Acceptable	Accept

Item	Ref	Title	Description Synopsis	Council Status	Action
TBA 4	L-Special	Accessible Ramp	Prior to the occupation of the proposed development, a ramp shall be provided from the landscaped level graded 50.60 to the level 50.30 to provide a continuous path of travel for persons with a disability throughout the site.	Delete	This ramp already exists within the building footprint. It is part of the covered walkway.

Appendix A, Draft Conditions of Consent

Final Conditions of Consent attached as separate file.