

## 2882/2016/DA-C

### Recommended Conditions of Consent

#### GENERAL CONDITIONS

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land.

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

#### 1. Approved Development

The development shall be carried out in accordance with the approved plans and documents listed in the table below, and all associated documentation supporting this consent, except as modified in red by Council and / or any conditions within.

Plan/ Document No.	Version/ Revision	Prepared by	Date
Bardia Public School, Old Macdonald Road – Car Parking Concept Plan – 13052 Sheet 1 of 1		Campbelltown City Council	August 2017
AR-DA-0000, AR-DA- 1001, AR-DA-1101, AR- DA-1102, AR-DA-1301, AR-DA-2003, AR-DA- 3001, AR-DA-3101, AR- DA-7001, AR-DA-7101, AR-DA-7201	C	TKD Architects	May 2016
AR-DA-1201, AR-DA- 2001, AR-DA-2002	E	TKD Architects	May 2016
AR-DA-3001	P1	TKD Architects	May 2016
Hazardous Building Materials Survey		Hibbs & Associates Pty Ltd	March 2016
Bushfire Hazard Assessment Report 160804		Building Code & Bushfire Hazard Solutions Pty Limited	18 May 2016
ES1 and SW1	B	Woolacotts Consulting Engineers	12 August 2016
Acoustic Review 15227		Wilkinson Murray	27 April 2016
Geotechnical Investigation 28933ZHRpt	1	JK Geotechnics	5 May 2016
Arboricultural Impact Assessment		Bluegum Tree Care Consultancy	June 2016
Flora & Fauna Survey & Ecological Assessment	5	UBM Ecological Consultants Pty Ltd	1 February 2017
Landscape plans 15565	A	Context	August 2016
Weed Management Plan		UBM Ecological Consultants Pty Ltd	1 February 2017
Translocation Management Strategy for the Cumberland Plain Land Snail		UBM Ecological Consultants Pty Ltd	1 February 2017
Nest Box Strategy		UBM Ecological Consultants Pty Ltd	1 February 2017

## **2. Building Code of Australia**

All building work must be carried out in accordance with the provisions of the *Building Code of Australia*. In this clause, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

## **3. Landscaping**

The provision and maintenance of landscaping shall be in accordance with the approved landscape plan containing Council's approved development stamp including the engagement of a suitably qualified landscape consultant/ contractor for landscaping works. The landscape design shall incorporate a significant portion of native, low water demand plants.

## **4. External Finishes**

The external finishes shall be in accordance with the approved plans and the schedule of finishes submitted with this application. Any proposed alterations to these finishes are considered to be a modification to the development consent and require separate approval by Council.

## **5. Switchboards/Utilities/Air Conditioning Units**

Switchboards, air conditioning units, garbage storage areas and storage for other utilities shall not be attached to the front elevations of the building or side elevations that can be seen from a public place.

## **6. Deliveries**

Vehicles servicing the site shall comply with the following requirements:

- a. All vehicular entries and exits shall be made in a forward direction.
- b. All vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads.
- c. All deliveries to the premises shall be made to the loading bay/s provided.

A traffic sign shall be placed adjacent to the driveway at the entrance of the property advising drivers of the above information. Should the sign be damaged or removed, it shall be replaced within 48 hours.

Collection of waste shall be undertaken outside of normal school operating hours, however, shall not be carried out at a time that is likely to disturb the amenity of nearby residents.

## **7. Lighting**

Illumination of the site is to be arranged to provide an appropriate level of lighting and in accordance with the requirements of *Australian Standard 4282 (as amended)* so as not to impact upon the amenity of the occupants of adjoining and nearby residential premises or traffic.

## **8. Graffiti Removal**

In accordance with the environmental maintenance objectives of 'Crime Prevention Through Environmental Design', the owner/lessee of the building shall be responsible for the removal of any graffiti which appears on the buildings, fences, signs and other surfaces of the property within 48 hours of its application.

## **9. Unreasonable Noise, Dust and Vibration**

The development, including operation of vehicles, shall be conducted so as to avoid the generation of unreasonable noise, dust or vibration and cause no interference to adjoining or nearby occupants. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

In the event of a noise related issue arising during construction, the person in charge of the premises shall when instructed by Council, cause to be carried out an acoustic investigation by an appropriate acoustical consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements of Council to its satisfaction.

## **10. Car Parking Spaces**

10 car parking spaces shall be designed, sealed, line marked and made available to all users of the site in accordance with Australian Standards 2890.1, 2 and 3 (as amended).

All bicycle spaces provided within the site shall be designed to satisfy the requirements of AS 2890.3 (2015).

## **11. Shoring and Adequacy of Adjoining Property**

If the development referred to in this development consent 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.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

## **12. Rain Water Tank(s)**

Rain water tank/s shall be installed on site for the collection and storage of stormwater for irrigation and reuse purposes (eg the flushing of toilets), in accordance with the approved plans.

## **13. Workplace Travel Plan**

The Bardia Public School Workplace Travel Plan shall be provided to all staff, students and parents attending the school.

## **14. Rural Fire Service Bushfire Safety Authority**

### Asset Protection Zones

The intent of measures is to provide sufficient space for fire fighters and other emergency services personnel, ensuring radiant heat levels permit operations under critical conditions of radiant heat, smoke and embers, while supporting or evacuating occupants. To achieve this, the following conditions shall apply:

1. At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5

of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

#### Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

2. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.

#### Access

The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:

3. Internal roads shall comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

#### Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

4. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

#### Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

5. New construction shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.

6. Any new Class 10b structures as defined per the 'Building Code of Australia' shall be non-combustible.

#### Landscaping

7. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

### **15. Establishment of School Zones**

School Zones must be installed along all roads with a direct access point (either pedestrian or vehicular) from the school. School Zones must not be provided along roads adjacent to the school without a direct access point. Road Safety precautions and parking zones should be incorporated into the neighbouring local road network:

- 40km/hr School Zones are to be installed in the future Arthur Allen Drive in accordance with the following conditions. It is recommended that no access (pedestrian or vehicular) is provided along the future MacDonald Road frontage of the site.
- Parking, drop-off and pick-up zones and bus zones shall be incorporated in accordance with Roads and Maritime standards.

Roads and Maritime is responsible for speed management along all public roads within the state of New South Wales. That is, Roads and Maritime is the only authorised organisation that can approve speed zoning changes and authorise installation of speed zoning traffic control devices on the road network within New South Wales.

Therefore, the Developer must obtain written authorisation from Roads and Maritime to install new School Zone signs on the future Arthur Allen Drive and associated pavement markings, and/or remove/relocate any existing Speed Limit signs on MacDonald Road.

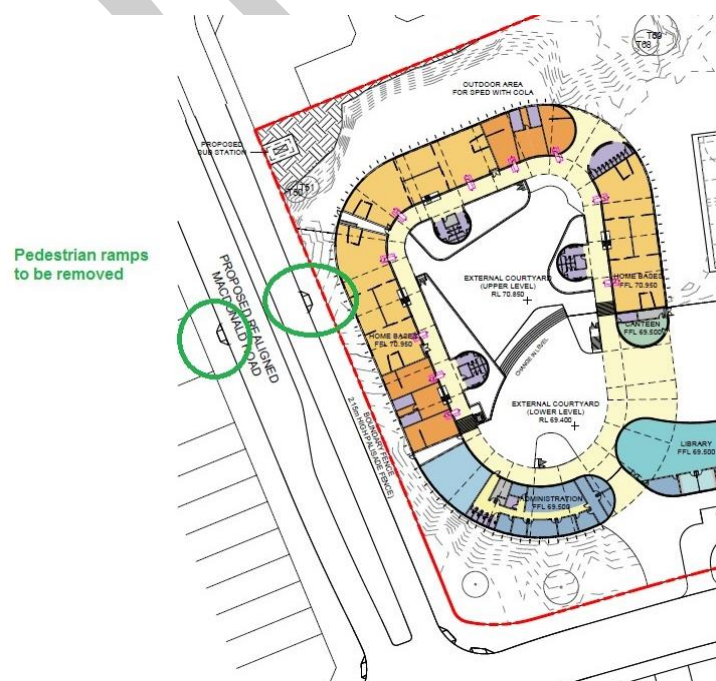
To obtain authorisation, the Developer must submit the following for review and approval by Roads and Maritime, at least eight (8) weeks prior to student occupation of the site:

- a. A copy of Council's development Conditions of Consent
- b. The proposed school commencement/opening date
- c. Two (2) sets of detailed design plans showing the following:
  - i. School property boundaries
  - ii. All adjacent road carriageways to the school property
  - iii. All proposed school access points to the public road network and any conditions imposed/proposed on their use
  - iv. All existing and proposed pedestrian crossing facilities on the adjacent road network
  - v. All existing and proposed traffic control devices and pavement markings on the adjacent road network (including School Zone signs and pavement markings).
  - vi. All existing and proposed street furniture and street trees.

School Zone signs and pavement marking patches must be removed and installed in accordance with Roads and Maritime approval/authorisation, guidelines and specifications. All School Zone signs and pavement markings must be installed prior to student occupation of the site. The Developer must maintain records of all dates in relation to installing, altering, removing traffic control devices related to speed.

Following installation of all School Zone signs and pavement markings the Developer must arrange an inspection with Roads and Maritime for formal handover of the assets to Roads and Maritime. The installation date information must also be provided to Roads and Maritime at the same time. **Note:** Until the assets are formally handed-over and accepted by Roads and Maritime, Roads and Maritime takes no responsibility for the School Zones/assets.

The proposed pedestrian ramps on the realigned Macdonald Road (shown below) are not supported and shall be removed from the submitted plans.



## **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION**

The following conditions of consent must be complied with prior to the commencement of construction.

### **16. Intersection Safety**

Prior to the commencement of works, a plan of the upgrade of the intersection of Arthur Allen Drive and (new) Macdonald Road shall be submitted to Council for the written approval of Council's Executive Manager City Infrastructure. The intersection is required to be upgraded to enable it to be safely navigated by pedestrians associated with the school.

### **17. Memorandum of Understanding**

Prior to the commencement of works, the Memorandum of Understanding between Council, the Department of Education, UrbanGrowth NSW and Dahua Group for the provision of infrastructure associated with the school shall be signed by all parties. The provision of this infrastructure shall be at no cost to Council and the MOU shall reflect this.

### **18. Final Design of Off-Site Car Parking Area**

Prior to the commencement of works, the final design of the off-site car parking area within the old Macdonald Road reserve shall be agreed to by Council. In this regard, the written approval of Council's Executive Manager Infrastructure shall be obtained.

### **19. Remediation**

- a. A Phase 3 Remedial Action Plan is to be prepared for Council's written approval prior to commencement of works.
- b. All hazardous materials identified in the Hazardous Materials Study by Hibbs & Associates 2016 in Blocks A, B, C, D, E & F are to be removed in accordance with:
  - the requirements of the report,
  - Safe Work Australia Codes of Practice – How to Safely Remove Asbestos dated April 2016
  - Model Code of Practice - How to Manage and Control Asbestos in the Workplace February 2006,
- c. The removal of hazardous materials from Blocks A, B, C, D, E & F and their demolition, and remediation of the site is to be carried out during a time when there are no students in attendance, such as during school holidays.
- d. At the completion of the remediation, a Phase 4 Validation Report for the site is to be prepared to ensure that the remedial actions in the Phase 3 Remedial Action Plan and contamination targets have been achieved. The validation report achieving contamination targets is to be prepared prior to school students returning to the site.

### **20. Tree Clearing**

- a. An experienced ecologist or environmental representative is to be present on site prior to clearing to undertake the works identified in the Flora and Fauna and Ecological Assessment Report (UBM, 2016) including:
  - the capture, identification and relocation of fauna species present when trees with hollows are being removed in the south western part of the site;
  - removal and salvage of birds from the stick nest, if active in tree 61; and
  - a pre-clearance survey for Cumberland Plain Land Snail in the habitat in the south western part of the site.

- b. A Construction Environmental Management Plan is to be prepared prior to commencement of works for Council's written approval prior to clearing. The CEMP is to specify hygiene and pathogen controls for trucks and equipment entering the site to guard against introduction of the soil pathogen *Phytophthora cinnamomi* and weeds to the site.
- c. All efforts are to be made to protect Trees 70, 89, 1, 5 and 15 from demolition and construction.
- d. An Offset Strategy is to be prepared for Council's written approval within one year of DA approval to offset the loss of 76 trees from the site, including the 38 Cumberland Plain Woodland trees.
- e. The Arboricultural Report recommendations are to be implemented as specified in Sections 6.1, 6.2, Tree Assessment Table and Tree Protection Plan.

## **21. Cumberland Plain Land Snail**

- a. Prior to commencement of works, an agreement is to be in place for Cumberland Plain Land Snails to be translocated to the preferred donor site as outlined in the Translocation Management Strategy (UBM 2017), or an alternative site acceptable to Council.
- b. The site-specific Cumberland Plain Land Snail Translocation Management Strategy (UBM 2017) is to be implemented if any live individuals are found on site.
- c. A pre-clearance survey Cumberland Plain Land Snail is to be undertaken in suitable climatic conditions, *i.e.* warm and wet, by a suitably-qualified ecologist immediately prior to construction as outlined in the Translocation Management Strategy (UBM 2017).
- d. Located live Cumberland Plain Land Snails are to be relocated to a suitable and appropriately managed donor site as outlined in the Translocation Management Strategy (UBM 2017).
- e. Monitoring and evaluation of translocated Cumberland Plain Land Snails to the chosen donor site is conducted at 6 months, 1 year, 2 years and 4 years from the date of translocation. Monitoring reports are to be submitted following each inspection, the owner of the donor site and to Council's Environmental Planning Team.
- f. Post-construction, habitat restoration and enhancement is set in place to provide additional Cumberland Plain Land Snail habitat in the future.

## **22. Nest Boxes**

- a. Six nest boxes are to be designed, installed, monitored and maintained in accordance with the Nest Box Strategy Report for Bardia Public School (UBM 2017).
- b. Six nest boxes are installed up to one (1) month prior to clearing to provide habitat for fauna that will be displaced by clearing.
- c. An experienced ecologist is to be present on site on-site to supervise during the installation of nest boxes.
- d. Nest box monitoring is to be undertaken by a qualified Arborist or Ecologist. Nest boxes are to be checked at 6 months, 1 year, 2 years and 4 years from the date of installation. Monitoring reports are to be submitted following each inspection, to Bardia Public School and to Council's Environmental Planning Team.

- e. At 4 years from the date of installation an experienced ecologist is to review the need for further monitoring of nest boxes with the review submitted to Bardia Public School and to Council's Environmental Planning Team for Council approval.

### **23. Amended Landscape Plan**

A Landscape Plan is to be prepared for Council's written approval prior to commencement of works. The Landscape Plan is to incorporate Cumberland Plain Woodland species to provide a diversity of habitats for native birds, herpetofauna, bats and arboreal mammals as recommended in the UBM Report (2017).

### **24. Consolidation of Allotments**

Prior to the commencement of works, the applicant shall provide evidence that a plan providing for the consolidation of existing allotments has been prepared by a registered surveyor in a format suitable for lodgement with Land and Property Information NSW.

The plan shall also consider the dedication of footpath area associated with the 'bus bay' along Arthur Allen Drive being dedicated to Council at no cost as an extension of the Arthur Allen Road verge.

Should the allotments be affected by easements, restrictions, or covenants, for which Council is the relevant authority to release, vary or modify, then the plan of consolidation must be endorsed by Council prior to lodgement with Land and Property Information NSW.

### **25. Utility Servicing Provisions**

Prior to the commencement of works, the applicant shall obtain a letter from both the relevant electricity authority and the relevant telecommunications authority stating that satisfactory arrangements have been made to service the proposed development.

*Note: The applicant should also contact the relevant water servicing authority to determine whether the development will affect the authority's water or sewer infrastructure.*

### **26. Geotechnical Report**

Prior to the commencement of works, a geotechnical report prepared by a NATA registered lab shall be submitted which indicates that the land will not be subject to subsidence, slip, slope failure or erosion where excavation and/or filling exceeds 900mm in depth or identified as filled land.

### **27. Stormwater Management Plan**

Prior to the commencement of works, a plan indicating all engineering details and calculations relevant to site regrading and the collection and disposal of stormwater from the site, building/s and adjacent catchment, shall be submitted for approval. Floor levels of all buildings shall be a minimum of 150mm above the adjacent finished site levels and stormwater shall be conveyed from the site in accordance with the approved plans or as otherwise required by Council's 'Engineering Design Guide for Development'.

### **28. Work on Public Land**

Prior to the commencement of works, the applicant shall obtain written approval from Council for any proposed work on public land. Inspection of this work shall be undertaken by Council at the applicant's expense and a compliance certificate, approving the works, shall be obtained from Council upon completion of works.



## **29. Construction Traffic Management Plan**

A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be submitted to Council for approval prior to the commencement of works.

## **30. Telecommunications Infrastructure**

- a. If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to proposed works shall be obtained; and
- b. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

## **31. Sydney Water**

Prior to the commencement of works, the approved plans must be submitted to Sydney Water via the Sydney Water Tap In service, to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easements, and if any requirements need to be met. An approval receipt will be issued if the building plans have been approved. The approval receipt shall be submitted to the Principal Certifying Authority prior to Council or an accredited certifier issuing a construction certificate.

The Sydney Water Tap In service can be accessed at [www.sydneywater.com.au](http://www.sydneywater.com.au).

## **32. Erosion and Sediment Control**

Prior to the commencement of any works on the land, adequate/approved erosion and sediment control measures shall be fully installed/implemented.

## **33. Erection of Construction Sign**

Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:

- a. 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
- b. Stating that unauthorised entry to the work site is prohibited
- c. Pollution warning sign promoting the protection of waterways (issued by Council with the development consent)
- d. Stating the approved construction hours in which all works can occur
- e. Showing the name, address and telephone number of the principal certifying authority for the work.

Any such sign/s 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.

## **34. Toilet on Construction Site**

Prior to the commencement of any works on the land, toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part thereof. Each toilet provided must be a standard flushing toilet and be connected to:

- a. A public sewer, or
- b. If connection to a public sewer is not practicable, to an accredited sewage management facility approved by Council, or
- c. If connection to a public sewer or an accredited sewage management facility is not practicable, to some other management facility approved by Council.

### **35. Trade Waste**

Prior to the commencement of any works on the land, a trade waste facility shall be provided on-site to store all waste pending disposal. The facility shall be screened, regularly cleaned and accessible to collection vehicles.

### **36. Vehicular Access during Construction**

Prior to the commencement of any works on the land, a single vehicle/plant access to the site shall be provided, to minimise ground disturbance and prevent the transportation of soil onto any public road system. Single sized aggregate, 40mm or larger placed 150mm deep, extending from the kerb and gutter to the property boundary, shall be provided as a minimum requirement.

### **37. Public Property**

Prior to the commencement of any works on site, the applicant shall advise Council of any damage to property which is controlled by Council which adjoins the site, including kerbs, gutters, footpaths, and the like. Failure to identify existing damage may result in all damage detected after completion of the development being repaired at the applicant's expense.

### **38. Footpath and Vehicular Crossing Levels**

Prior to the commencement of any work, footpath and vehicular crossing levels are to be obtained from Council by lodging an application on the prescribed form.

### **39. Demolition Works**

Demolition works shall be carried out in accordance with the following:

- a. Prior to the commencement of any works on the land, a detailed demolition work plan designed in accordance with Clause 1.7.3 of Australian Standard AS 2601-2001 – The Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by Council and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- b. Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Council.
- c. The handling or removal of any asbestos product from the building/site must be carried out by a NSW Work Cover licensed contractor irrespective of the size or nature of the works. Under no circumstances shall any asbestos on site be handled or removed by a non-licensed person. The licensed contractor shall carry out all works in accordance with NSW Work Cover requirements.
- d. An appropriate fence preventing public access to the site shall be erected for the duration of demolition works
- e. Immediately prior to the commencement of the demolition or handling of any building or structure that contains asbestos, the applicant shall request that the principal certifying

authority attend the site to ensure that all appropriate safety measures are in place. The applicant shall also notify the occupants of the adjoining premises and SafeWork NSW prior to the commencement of any works.

#### **40. Hoarding / Fence**

Prior to the commencement of any works, a hoarding or fence must be erected between the work site and a public place if the work involved in the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or if the building involves the enclosure of a public place in accordance with *Work Cover* requirements.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

A separate land use application under Section 68 of the Local Government Act 1993 shall be submitted to and approved by Council prior to the erection of any hoarding on public land.

#### **41. Environmental Management Plan**

Prior to the commencement of works, the applicant/builder is to prepare an Environmental Management Plan, outlining how noise and dust impacts on the surrounding residential area will be minimised for the duration of the construction works.

### **DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION**

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These conditions are to be complied with during the construction of the development on site.

#### **42. Weed Management**

The Weed Management Plan (UBM 2017) is to be implemented. Woody weeds of African Olive and Privet are to be removed from the base of the trees to be retained and from the garden beds prior to commencement of works. Maintenance of weeds is to occur in accordance with the Weed Management Plan (UBM 2017).

#### **43. Site Inspection - Environmental Consultant**

A site inspection shall be undertaken by a suitably qualified environmental consultant following the demolition of the buildings.

#### **44. Construction Work Hours**

All work on site shall only occur between the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 5.00pm
Sunday and public holidays	No Work.

#### **45. Erosion and Sediment Control**

Erosion and sediment control measures shall be provided and maintained throughout the construction period, in accordance with the requirements of the manual – *Soils and Construction (2004) (Bluebook)*, the approved plans, Council specifications and to the satisfaction of the principal certifying authority. The erosion and sedimentation control devices shall remain in place until the site has been stabilised and revegetated.

**Note: On the spot penalties up to \$1,500 will be issued for any non-compliance with this requirement without any further notification or warning.**

#### **46. Work Zones**

All loading, unloading and other activities undertaken during construction shall be accommodated on the development site.

Where it is not practical to load, unload or undertake specific activities on the site during construction, the provision of a 'Work Zone' external to the site may be approved by Council following an application being submitted to Council's Traffic Unit outlining the proposal for the work zone. The application is required to be made prior to the commencement of any works and is to include a suitable 'Traffic / Pedestrian Management and Control Plan' for the area of the work zone that will be affected. All costs of approved traffic / pedestrian control measures, including relevant fees, shall be borne by the applicant.

#### **47. Protection of Existing Trees**

During construction, no trees are to be cut down, lopped, destroyed or removed without the separate written approval of Council.

All trees that are to be retained are to be protected by fencing, firmly staked within the drip line/ canopy of the tree and maintained during the duration of the works. The area within the fencing must not be used for stockpiling of any material, nor for vehicle or pedestrian convenience.

All useable trees and shrubs shall be salvaged for re-use, either in log form, or as woodchip mulch for erosion control or garden beds or site rehabilitation. Non-salvable materials such as roots and stumps shall be disposed of to a waste management centre or other approved form.

#### **48. Excavation and Backfilling**

All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.

If an excavation associated with the approved works extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- a. Must preserve and protect the building from damage; and
- b. If necessary, must underpin and support the building in an approved manner, and
- c. Must, at least seven (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 and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

#### **49. Dust Nuisance**

Measures shall be implemented to minimise wind erosion and dust nuisance in accordance with the requirements of the manual – *'Soils and Construction (2004) (Bluebook)*. Construction areas shall be treated/ regularly watered to the satisfaction of the principal certifying authority.

#### **50. Public Safety**

Any works undertaken in a public place are to be maintained in a safe condition at all times in accordance with AS 1742.3. Council may at any time and without prior notification make safe any such works Council considers to be unsafe, and recover all reasonable costs incurred from the applicant.

**51. Compliance with Council Specification**

All design and construction work shall be in accordance with:

- a. Council's specification for Construction of Subdivisional Road and Drainage Works (as amended);
- b. Council's *'Engineering Design Guide for Development'*;
- c. *'Soils and Construction (2004) (Bluebook)'*; and
- d. Relevant Australian standards and State Government publications.

**52. Associated Works**

The applicant shall undertake any works external to the development, that are made necessary by the development, including additional road and drainage works or any civil works directed by Council, to make a smooth junction with existing work.

**53. Completion of Construction Works**

Unless otherwise specified in this consent, all construction works associated with the approved development shall be completed within 12 months of the date of the notice of the intention to commence construction works under Section 81A of the Act.

In the event that construction works are not continually ongoing, the applicant shall appropriately screen the construction site from public view with architectural devices and landscaping to Council's written satisfaction.

**54. Imported 'waste-derived' fill material**

The only waste-derived fill material that may be received at the development site is:

- a) virgin excavated natural material (within the meaning of the Protection of the Environment Operations Act 1997); and
- b) any other waste-derived material the subject of a resource recovery exemption under cl.51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material.

Any waste-derived material the subject of resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority on request.

**PRIOR TO THE COMPLETION OF WORKS**

The following conditions of consent must be complied with prior to the completion of works.

**55. Road Widening/Boundary Adjustment**

Prior to the completion of works, land sufficient to accommodate the footpath along Arthur Allen Drive, which is to be reconfigured to accommodate the bus bay, shall be dedicated to Council at no cost.

#### **55A. Consolidation of Allotments**

Prior to the completion of works, the applicant shall provide evidence that the allotments that are the subject of the application have been consolidated. The registered plan of consolidation as endorsed by the Registrar General shall be submitted to Council for information.

#### **56. Completion of Off-Site Car Park**

The construction of the off-site car park within the old Macdonald Road reserve shall be completed to the satisfaction of Council prior to the completion and operation of the school.

The car park is not for the exclusive use of the school and may be used by members of the public.

#### **57. Section 73 Certificate**

Prior to the completion of works, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Early application for the certificate is suggested as 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](http://www.sydneywater.com.au) > Building and developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

#### **58. Structural Engineering Certificate**

Upon completion of works, the submission of a certificate from a practising structural engineer certifying that the building has been erected in compliance with the approved structural drawings and relevant SAA Codes and is structurally adequate.

#### **59. Completion of External Works Onsite**

Prior to the completion of works, all external works, repairs and renovations detailed in the schedule of treatment/finishes, landscaping, driveways, fencing and retaining walls to be completed to the satisfaction of the principal certifying authority.

#### **60. Restoration of Public Roads**

Prior to the completion of works, the restoration of public road and associated works required as a result of the development shall be carried out by Council and all costs shall be paid by the applicant.

#### **61. Public Utilities**

Prior to the completion of works, any adjustments to public utilities, required as a result of the development, shall be completed to the satisfaction of the relevant authority and at the applicant's expense.

#### **62. Council Fees and Charges**

Prior to the completion of works, the applicant shall obtain written confirmation from Council that all applicable Council fees and charges associated with the development have been paid in full. Written confirmation will be provided to the applicant following Council's final inspection and satisfactory clearance of the public area adjacent the site.

## FOOD CONSTRUCTION CONDITIONS

The following conditions have been applied to ensure that all construction and fit-out of the food premises (the school canteen and any proposed kitchen within the Community Hall) complies with the *Food Act 2003*, *Food Regulation 2010*, Food Standards Code Australia and New Zealand and Australian Standard 4674-2004: Design, construction and fit-out of food premises.

### 63. Construction

The construction, fit-out and finishes of the food premises must be constructed in accordance with the *Food Act 2003*, *Food Regulation 2010*, Food Standards Code Australia and New Zealand and Australian Standard 4674-2004 Design, construction and fit-out of food premises.

### 64. Food Premises Fit-Out Pre-Construction Meeting and Inspection

Prior to any construction work commencing on the fit-out of the food premises, the applicant/builder/private certifier must contact Council's Environmental Health Officers on (02) 4645 4604 to arrange an onsite meeting to discuss the requirements of the fit out under this Consent.

Prior to the release of the occupation certificate, Council's Environmental Health Officer is to be contacted on (02) 4645 4604 to undertake an inspection of the premises to confirm compliance with this Consent, the *Food Act 2003*, *Food Regulation 2010*, Food Standards Code Australia and New Zealand and AS 4674-2004.

### 65. Registration

The premise is required to be registered with Council. Regular inspections will be carried out to ensure health standards are maintained. A business registration form is available on Council's website and must be completed and submitted to Council prior to the operation of the food business commencing (Food Safety Standard 3.2.2).

### 66. Floor Construction

The floor construction within the food preparation area/s must be finished to a smooth, even non-slip surface, graded and drained to a floor waste (AS 4674-2004, Section 3.1).

### 67. Floor Waste

Floor wastes in food preparation and food service areas must be fitted with sump removable stainless steel baskets and grates (AS 4674-2004, Section 4.1.8).

### 68. Coving

Feather edge skirting and non-rebated coving is not permitted. Recessed coving must be provided at all intersections of the floor with the walls/plinths within all food preparation, service and storage areas. All coving must:

- a. Have a minimum concave radius of 25mm; or
- b. Be tiled 50mm minimum in width and splayed at 45°.

The coving must be installed so as to be integral to the surface finish of both floor and wall in such a manner as to form a continuous, uninterrupted surface in accordance with Figure 3.1 and 3.2 of the Australian Standard (AS 4674-2004, Section 3.1.5).

### 69. Penetrations/Service Lines

INTEGRAL PENETRATIONS/SERVICE LINES - All service pipes, conduits and electrical wiring must be concealed in the floor, walls, plinths or ceiling (AS 4674-2004, Section 3.2.9).

**EXTERNAL PENETRATIONS/SERVICE LINES** - External service pipes and electrical conduit must be fixed on brackets so to provide at least 25mm clearance between the pipe and adjacent vertical surface and 100mm between the pipe or conduit and adjacent horizontal surfaces. Service pipes and electrical wiring must not be placed in the recessed toe space of plinths or of any equipment (AS 4674-2004, Section 3.2.9).

## **70. Wall Requirements**

Cavity walls are not permitted. All walls in the food premises, including all new and existing partition walls, must be of solid construction and finished to a smooth, impervious surface that can be easily cleaned, as specified in Table 3.2 of AS 4674-2004. The finishing materials of the wall surfaces must provide an even surface, free of fixing screws, open joint spaces, cracks or crevices (AS 4674-2004, Section 3.2).

## **71. Window Sills**

Window sills located within a food preparation area or food service area must be located 450mm above the top of any bench or sink and tiled at a splayed angle of 45°.

## **72. Ceiling Construction**

Drop-in panel style ceilings are not permitted in food preparation areas or over areas where open food is displayed, handled or served. The ceiling in the food premises must be constructed with a rigid, non-absorbent, smooth faced material free from open joints, cracks and crevices and be painted with a light coloured washable paint. The intersection of the walls and ceiling must be tight-jointed, sealed and dust proofed (AS 4674-2004, Section 3.2).

## **73. Light Fittings**

All fluorescent light fittings must be fitted with a smooth faced diffuser. The light fittings must be either:

- a. Recessed so that the diffuser is flush with ceiling; or
- b. Designed to ensure that no horizontal surface exists which would allow dust and grease to accumulate (AS 4674-2004, Section 2.6.2).

## **74. Hand Wash Basins**

Hand wash basins must be provided in all parts of the premises where open food is handled and in utensil/equipment washing areas. The hand wash basin is to be located and installed in such a way that they are not obstructed, are at bench height either permanently fixed to a wall, to a supporting frame or set in a bench top and is accessible from no further than 5 metres away from any place where food handlers are handling open food (AS 4674-2004, Section 4.4).

The hand wash basin is to have a permanent supply of warm running potable water mixed to a temperature of at least 40°C and delivered through a single outlet. Disposable paper hand towels and soap must be provided and serviced from a dispenser adjacent to the hand wash basin. A waste receptacle for used towels must be provided (AS 4674-2004, Section 4.4).

## **75. Dishwashing Machines**

The dishwashing/glass washing machine must be designed and able to operate in accordance with AS 4674-2004 and the Food Standards Code. All utensils and equipment must undergo a washing, sanitising and rinsing cycle. The sanitising rinse cycle must achieve a water temperature of 80°C for two minutes or 75°C for 10 minutes (AS 4674-2004, Section 4.1.6).



Appropriate ventilation must be provided over the dishwashing system and be designed and installed in accordance with Australian Standard 1668.2-2012: The use of ventilation and air conditioning in buildings - Part 2: Mechanical ventilation in buildings.

## **76. Equipment Wash Sinks**

A double bowl wash sink must be installed and serviced with hot and cold water through a single outlet (AS4674-2004 – Section 4.1). The double bowl sink is in addition to the hand wash basin.

or

A triple bowl sink must be installed and serviced with hot and cold water through a single outlet where rinsing is required before or after sanitising e.g. wash, rinse, sanitise procedure or wash, rinse/sanitise, rinse procedure (AS 4674-2004, Section 4.1).

## **77. Food Preparation Sink**

A food preparation sink is required where foods are prepared by immersion in water including for cleaning fruit or vegetables. All food preparation sinks must be used only for the preparation and cleaning of food. The sink is in addition to the hand basin and equipment wash sinks (AS 4674-2004, Section 4.1).

## **78. Cleaner's Sink**

A cleaner's sink is to be installed in a location outside of the food preparation area and must be serviced with hot and cold water through taps fitted with hose connectors. (AS 4674-2004, Section 4.1.8).

## **79. Fittings and Fixtures**

All fixtures, fittings and equipment must be provided with smooth and impervious surfaces, free from cracks and crevices to enable easy cleaning (AS 4674-2004, Section 4).

All fittings and fixtures must be built into the wall and floor so to be free from joints, gaps and cavities to enable easy cleaning or alternatively, supported on one of the following in accordance with Table 4.5 of AS 4674-2004:

- Plinths must be an integral part of the floor, constructed of solid materials similar to the floor at least 75mm in height and coved at the intersection with the floor. All plinths must have a smooth and impervious finish. All fittings and fixtures must be properly sealed to the plinth so to be free from gaps, cracks and cavities.
- Fittings and fixtures can be supported on wheels or castors. The wheels and castors must be capable of supporting and easily moving a full loaded fitting. All wheels and castors must be provided with a restraining device.
- Fittings and fixtures can be supported on legs but must be constructed of non-corrosive, smooth metal or moulded plastic. All legs must be free from cracks and crevices. All legs must have a clearance space between the floor and the underside of the fitting of at least 150mm.

False bottoms under fittings are not permitted (AS 4674-2004, Sections 4.2 and 4.3).

## **80. Food Preparation Benches**

All food preparation benches must be constructed of stainless steel. All food contact surfaces are to be smooth, continuous and flush so as to avoid any exposed screw fixtures.

## **81. Benches**

The top and exposed edges of all benches and counters must be finished in a smooth and non-absorbent material, free of joints, cracks and crevices (AS 4674-2004, Section 4.2).

**82. Storage Cabinets/Cupboards**

All storage cabinets/cupboards (internal and external surfaces) must be finished in a smooth and non-absorbent material that is free of joints (AS 4674-2004, Section 4.2).

**83. Shelving**

All shelving must be located at least 25mm off the wall or alternatively, the intersection of the shelf and the wall is to be completely sealed. All shelving must be constructed at least 150mm from the floor level (AS 4674-2004, Section 4.2).

**84. Food Display Units**

All food display units must be enclosed to prevent the possibility of contamination by customer's breath, handling, or from flies, dust, etc (Food Standards Code 3.2.2).

**85. Food Storage**

Any appliance used for the storage of hot and/or cold food must be provided with a numerically scaled indicating thermometer or recording thermometer accurate to the nearest degree Celsius or an alarm system for continuous monitoring of the temperature of the appliance.

**86. Cool Room and Freezer Room**

The cool room and/or freezer room floor must be finished with a smooth even surface and graded to the door. A sanitary floor waste must be located outside the cool room and freezer room adjacent to the door.

All metal work in the cool room and freezer room must be treated to resist corrosion.

Condensation from the refrigeration units/cool room/freezer room motors must be directed to a tundish, installed in accordance with Sydney Water requirements.

The cool room and freezer room must be provided with:

- a. A door which can at all times be opened internally without a key; and
- b. An approved alarm device located outside the room, but controllable only from the inside.

**87. Condensation Collection**

Condensation from refrigeration units, freezer units and coffee machines must be directed to a tundish, installed in accordance with Sydney Water requirements (Food Standards Code 3.2.3).

**88. Mechanical Exhaust Ventilation**

A food premises must be provided with a kitchen exhaust hood complying with Australian Standard 1668.2-2012: The use of ventilation and air conditioning in buildings - Part 2: Mechanical ventilation in buildings and where applicable, Australian Standard 1668.1-1998: The use of ventilation and air conditioning in buildings - Fire and smoke control in multi-compartment buildings, where:

- a. Any cooking apparatus has:
  - i. A total maximum electrical power input exceeding 8 kW; or
  - ii. A total gas power input exceeding 29 MJ/h; or

- b. The total maximum power input to more than one apparatus exceeds:
  - i. 0.5 kW electrical power; or
  - ii. 1.8 MJ gas per m<sup>2</sup> of floor area of the room or enclosure; or
- c. Any deep fryer.

Documentation from a mechanical engineer certifying that the mechanical ventilation system, as installed, complies with the AS/NZS 1668.1:1998 and 1668.2:2012, must be provided to the certifying authority prior to the issue of an Occupational Certificate.

## **89. Pest Protection**

Flyscreens and/or other approved means of excluding the entry of pests must be provided to all window and door openings in accordance with Section 2.1.5 of AS 4674-2004.

Where pipe work, drains, cables and ducts penetrate walls, ceilings and roofs, holes must be sealed, filled and finished to prevent the entry of pests.

Spaces between adjoining structures, such as between cool room walls and premises walls, must be accessible for inspection and cleaning or sealed with a suitable compound so that they are inaccessible to pests. Spaces between the top surface of equipment or structures, such as cool rooms, must be accessible for inspection and cleaning or sealed/boxed in so that they are inaccessible to pests.

## **90. Toilet Facilities and Hand Basins**

A toilet for staff must be provided for the premises. The toilet cubicle must be separated from areas where open food is handled, displayed or stored by one of the following:

- a. An intervening ventilated space fitted with self-closing doors; or
- b. Self-closing doors and mechanical exhaust systems that operate when the sanitary compartment is in use for at least 30 seconds after the cubicle is vacated (AS 4674-2004, Section 5.2).

Toilets intended for customer use must not be accessed through areas where open food is handled, displayed or stored

A hand basin must be located within the toilet cubicle. The basin must be freestanding, serviced with hot and cold water through a single outlet, able to be mixed to a temperature of at least 40°C and fitted with a hands-off type tap set (AS 4674-2004, Section 4.4). The basin must be provided with soap and disposable paper towels from a dispenser.

## **91. Locker Storage for Staff Belongings and Equipment**

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 (AS 4674-2004, Section 5.1).

## **92. Meter Box**

An approved non-absorbent, smooth faced cover must be provided over the meter box. The cover is to be splayed at an angle of 45° to the wall at the top and made tight fitting to the wall surfaces.

## **93. Hot Water Service**

The hot water service 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 of adequate size to enable a sufficient amount of hot water to all washing facilities throughout the working day (AS 4674-2004, Section 4.3).

#### **94. Construction of the Waste Storage Areas and Rooms**

The waste storage area/room must be provided with smooth and impervious surfaces (walls and floors) and coved at the intersection of the floor and walls. Floor areas must be graded and drained to a floor waste gully connected to the sewer. Waste storage rooms must be well ventilated and proofed against pests. The area or room must be provided with water service hose connectors to enable easy cleaning.

Open waste storage areas must be appropriately covered and bunded to avoid stormwater entering the sewer. The ground areas must be paved with impervious material and must be graded and drained to a waste water disposal system according to Sydney Water's requirements. A hose tap connected to a water supply must be provided (AS 4674-2004, Section 2.4).

#### **95. Grease Arrestors**

All grease arrestors must be located outside of where food and equipment is handled or stored. Access to grease arrestors for emptying must not be through an area where open food is handled or stored or where food contact equipment and packaging materials are handled or stored (AS 4674-2004, Section 2.3).

Documentation supplied by Sydney Water regarding evidence of the trade waste agreement must be provided to the certifying authority prior to issue of an Occupation Certificate.

Please contact Sydney Water for information and requirements for grease arrestors by calling 13 20 92.

#### **96. Store Room**

The storeroom must be constructed in accordance with AS 4674-2004 by providing the following:

- a. A smooth, even and non-slip floor surface
- b. Walls must be provided with a smooth, even surface and painted with a light coloured washable paint to enable easy cleaning in accordance with Table 3.2 of AS 4674-2004
- c. The ceiling must be constructed with a rigid, non-absorbent, smooth faced material free from open joints, cracks and crevices and be painted with a light coloured washable paint. The intersections of the walls and ceiling must be tight-jointed, sealed and dustproof (AS 4674-2004, Section 3.2)
- d. Shelving or storage racks must be designed and constructed to enable easy cleaning
- e. Appropriate ventilation must be provided (ducted to the external air) within the store room to allow for the escape of heat and odour that can be produced from refrigeration and freezer motor units.

#### **97. Odour and Noise Control**

No odour nuisance, to the public or any adjoining premises, shall be created by the operation of any plant or equipment or any procedures carried out at the premises.

No noise nuisances shall be caused through the operation of any plant or equipment at the premises. Noise generated from the premises must not exceed the limits as specified in the NSW Industrial Noise Policy.

## ADVISORY NOTES

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

### **Advice 1      Provision of Equitable Access**

Nothing in this consent is to be taken to imply that the development meets the requirements of the *Disability Discrimination Act 1992* (DDA1992) or *Disability (Access to Premises – Buildings) Standards 2010* (Premises Standards).

Where a Construction Certificate is required for the approved works, due regard is to be given to the requirements of the *Building Code of Australia* (BCA) & the Premises Standards. In this regard it is the sole responsibility of the certifier, building developer and building manager to ensure compliance with the Premises Standards.

Where no building works are proposed and a Construction Certificate is not required, it is the sole responsibility of the applicant and building owner to ensure compliance with the DDA1992.

### **Advice 2      Retaining Walls**

A separate development application shall be submitted and approved for any retaining walls that exceed 0.9 metres in height.

### **Advice 3      Covenants**

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

### **Advice 4      Asbestos Warning**

Should asbestos or asbestos products be encountered during construction or demolition works you are advised to seek advice and information prior to disturbing the material. It is recommended that a contractor holding an asbestos-handling permit (issued by Work Cover NSW), be engaged to manage the proper disposal and handling of the material. Further information regarding the safe handling and removal of asbestos can be found at:

[www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)  
[www.nsw.gov.au/fibro](http://www.nsw.gov.au/fibro)  
[www.adfa.org.au](http://www.adfa.org.au)  
[www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

Alternatively, call Work Cover Asbestos and Demolition Team on 8260 5885.

### **Advice 5      Rain Water Tank**

It is recommended that water collected within any rainwater tank as part of the development be limited to non-potable uses. NSW Health recommends that the use of rainwater tanks for drinking purposes not occur where a reticulated potable water supply is available.

### **Advice 6      Smoke Free Environment Act**

Nothing in this consent is to be taken to imply that the development meets the requirements of the *Smoke Free Environment Act 2000* (SFEA2000) or the *Smoke Free Environment Regulations 2007*

(SFER2007). In the event that the occupier wishes to facilitate smoking within any enclosed public place of the premises (in accordance with clause 6 of the SFER2007), the occupier must first contact NSW Department of Health to ensure that the design and construction of the area proposed to facilitate smoking fully complies with the requirements of the SFEA2000 and the SFER2007.

**Advice 7      Dial before you Dig**

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before you dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

**Advice 8      Telecommunications Act 1997 (Commonwealth)**

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any persons interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.

**END OF CONDITIONS**