

SYDNEY PLANNING PANEL **(Sydney Western City)**

SPP No.	2017SSW030 DA
DA Number	2882/2016/DA-C
Local Government Area	Campbelltown
Proposed Development	Demolition of all existing school buildings and removal of trees at Bardia Public School, construction of new school buildings, sports field, games court, play areas and landscaping
Street Address	Bardia Public School - Lot 1 DP 831150 and Lot 106 DP 1200781, Macdonald Road, BARDIA
Applicant/Owner	NSW Department of Education
Number of Submissions	One
Regional Development Criteria (Schedule 4A of the Act)	Crown development with a capital investment value over \$5 million
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy 55 – Remediation of Land • State Environmental Planning Policy (State Significant Precincts) 2005 • Rural Fires Act 1997 • Edmondson Park South Development Control Plan 2012
List all documents submitted with this report for the panel's consideration	Officer's assessment report and attachments
Recommendation	Approval
Report by	Luke Joseph – Senior Development Planner
Report Date	3 November 2017

ADDENDUM REPORT

Background

The former Sydney South West Planning Panel previously considered and deliberated on a report regarding the subject development application. At its meeting held at Campbelltown City Council's offices on 18 September 2017, the Panel unanimously resolved to defer determination of the application. The Panel's decision is reproduced below:

The Panel agreed to defer the determination of the matter until:

- *A further report from Council is provided addressing the safety of students accessing the school in the short and long term including any additional measures proposed by the applicant;*
- *Advice of Council's decision regarding the MOU relating to the provision of car parking in old Macdonald Road;*
- *Advice on the potential for shared facilities arrangements to be made between the Council and the Department of Education in respect of the school sports field and meaningful discussions to be held urgently in that regard;*
- *Provision by Council of advice regarding the most recent set of conditions of consent proposed by the applicant.*

The additional information requested in the Panel's unanimous decision is provided below.

Supplementary Information

Safety of Students Accessing the School

In response to this issue, the applicant submitted an Access Safety Report, which is presented in Attachment 1. The report appears to focus predominantly on the drop-off/pickup arrangements of the existing school and how to mitigate the chaotic traffic conditions that characterise these arrangements, and is of minimal relevance to the proposed redevelopment of the school. The report proposes a pedestrian crossing in old Macdonald Road and associated parking restrictions. Council's traffic engineers do not support this proposal because of the presence of traffic signals at the intersection of old Macdonald Road and Campbelltown Road in close proximity to where the proposed pedestrian crossing would be.

With regard to pedestrian access to the school, the applicant's Access Safety Report nominates pedestrian routes to the school, but the report fails to address the important issue of the lack of traffic signals at the intersection of Macdonald Road and Arthur Allen Drive (and the uncertainty regarding their installation until as far away as 2026 due to RMS policies relating to traffic warrants). Although traffic signals at the intersection of Arthur Allen Drive and Macdonald Road would allow pedestrians to safely navigate the intersection, there is currently no assistance for pedestrians using the intersection to access the school. The issue is largely one of sequencing of state infrastructure, which both Council and the applicant have limited influence or control over.

A situation under which school children are required to cross new Macdonald Road (which is a four-lane road with a sign posted speed limit of 70km per hour) without assistance is not considered to be safe, and this situation is likely to prevail in both the short and medium term, based on the information currently available to Council. However, Council's ability to resolve this issue is limited. Council cannot reasonably impose a condition of consent requiring the intersection of Arthur Allen Drive and Macdonald Road to be signalised prior to the opening of the new school, as this action would not be within the applicant's capacity to

satisfy. Under the circumstances, Council's recommended solution is to seek to impose a condition of consent that requires the applicant to prepare a Pedestrian Access Safety Plan. Accordingly, the following draft condition was sent to the applicant, pursuant to the Crown development provisions of the *Environmental Planning and Assessment Act 1979*:

"Prior to the opening of the new school, a Pedestrian Access Safety Plan shall be prepared by the applicant. The Plan shall outline how pedestrians are to safely access the school from the various parts of the suburb of Bardia. The Plan shall outline how pedestrians are to safely access the school in the short and long term, i.e. at the following points in time:

- i. Immediately upon completion of the construction of the school under current traffic conditions (prior to the completion of the Campbelltown Road upgrade and the opening of the northern section of new Macdonald Road).*
- ii. Following the completion of the Campbelltown Road upgrade and the opening of the northern section of new Macdonald Road but prior to the installation of traffic signals at the intersection of new Macdonald Road and Arthur Allen Drive."*

The applicant did not agree to the above condition. The applicant's rationale for refusing to accept the condition is as follows:

"The Department will provide information to its teachers and parent community on access to the school site in the immediate vicinity of the school. This information is incorporated into the previously agreed Condition 13 - Workplace Travel Plan. The Department will update this plan on a yearly basis, for a minimum of 5 years, or at each time that there is a major change in the road network (as recently occurred with the realignment of existing Macdonald Rd and Arthur Allen Drive).

Additionally the Department has committed to making all due applications to the RMS for the provision of school zones under Condition 15 - Establishment of School Zones."

Memorandum of Understanding for Car Parking in old Macdonald Road

At its meeting on 26 September 2017, Council considered a report regarding a proposed Memorandum of Understanding between Council and the Department of Education in relation to the use of the old Macdonald Road reserve for car parking, access and drop-off/pickup purposes associated with the proposed school. This report and the associated Council resolution are presented in Attachment 2.

Council resolved to enter into an MOU with the Department of Education (DOE), based generally on the terms and conditions contained in the report.

The principles under which an MOU will be executed are the following:

Campbelltown City Council will:

- create and retain ownership of a car park on the western side of the proposed park and adjacent to the school, within the original alignment of Macdonald Road
- allow the school to use the area for access to the school car park and as a pick up and drop off area, at the commencement and conclusion of school
- allow the school to use the parking area for school related vehicle parking during school hours from Monday to Friday
- Council will attempt to carry out maintenance to the car park during school holidays but may close the car park temporarily at one month's notice (without providing replacement parking) where maintenance is required outside school holidays
- be able to close the car park without notice if public safety issues arise.

The Department of Education will:

- fund all capital improvements to create the car park and pick up and drop off area
- achieve Council approval for the scope and design with all work completed by Council
- maintain public liability insurance cover over the car park, indemnifying Council against all injuries and third party property damage resulting from school related activities
- use the area only for school related parking and only for standard passenger vehicles
- operate the pick-up and drop off area safely and to the satisfaction of Council
- notify Council of any maintenance issues within 24 hours of becoming aware of them.

The MOU and Licence will not give the school or the Department of Education any:

- exclusive use of the car park
- rights over the ownership of the car park or the park
- rights over the use of the park.

The current version of the Memorandum of Understanding (which is a draft document) has been provided to the Panel under separate cover.

Shared Facilities Arrangements

The Draft Western City District Plan in part, aims to:

- Consider the adaptability of infrastructure and its potential shared use.
- Create opportunities for increased shared use and more flexible use of underutilised facilities such as schools.
- Deliver shared and co-located sports and recreational facilities, including shared school grounds and repurposed golf courses.

In this regard, at the Panel's request, Council and the Department of Education initiated discussions about the potential for shared use of the school's facilities.

With regard to potential community use of the school's sports field, the Department of Education advised:

"Full height (2.1m) Securatop fencing has been shown in bright yellow (on the plans shown in Attachment 3). As you can see this encompasses the playing fields and car park. The Arthur Allen Drive and New Macdonald Road facades are exposed to the streetscapes. On review of these drawings it is not feasible to modify this fencing to provide full all-hours access to the playing fields by members of the public. As we discussed this would require a second internal fence to ensure the safety of children using the sports field during school hours. This would not only add significant additional cost but would also violate the design intent of the school and the interactive design that it maintains for movements through the school from area to area."

In this regard, Council's Healthy Lifestyles section (responsible for parks and recreational facilities) advised that based on the design of the school's sports field, it would be unsuitable for use by a sporting club as it would not have lighting and change rooms readily available. Despite this, it could be suitable for infrequent, low-intensity use by members of the public if not for the access issues described above by the Department of Education. Given the abundance of passive recreational opportunities that would be available within the immediate locality by virtue of the ongoing development of the suburb of Bardia and the associated open space and parkland areas, the use of the school's sports field is not

essential for the suburb to achieve an acceptable amount of public open space. Opportunity for shared community use of the school's sports field may be reviewed in the future, as Council and the Department of Education are currently discussing the shared use of the facilities of all of the public schools within the Campbelltown Local Government Area.

Apart from the school's sports field, Council and the Department of Education have also had discussions about the potential for shared use of other components of the school, namely the Learning Hub (library) and hall. In this regard, the Learning Hub has been designed to have external access from the front of the school near its main entrance, to allow use of the building while the main entrance is closed, as shown in the plans in Attachment 3. The Department of Education has also advised that the hall would be available for public uses (such as Out Of School Hours care). Access to the hall would be gained from the alternative entrance near Arthur Allen Drive, where a security shutter would be opened for times of shared use. This entry point would also provide access to the sports field, but not for all-hours access for the general public, as this entry would normally be closed.

Based on the meaningful discussions that have taken place between Council and the Department of Education, it is clear that some of the school's facilities would be immediately available for shared public use upon its completion, whilst further opportunity for shared community use of the school's sports field may be reviewed in the future.

Conditions of Consent

The crown development provisions of the *Environmental Planning and Assessment Act 1979* provides for the applicant to review the draft conditions prior to determination of the application. Due to time limitations, agreement to the draft conditions was not achieved at the time that Council's assessment report was provided to the Panel. Several issues of concern were raised by the applicant following submission of Council's assessment report to the Panel, which were finally resolved on the day of the Panel meeting.

The recommended final conditions of consent are outlined in Attachment 4 and the original draft conditions of consent presented to the Panel on 18 September 2017 are outlined in Attachment 5 for comparison. For ease of comparison, the consequential modifications/deletions of conditions made by the applicant (i.e. those that constitute more than merely administrative/procedural modifications) are discussed below:

- Intersection safety (condition 16 in original conditions) – Council sought to impose a condition of consent that would require the Department of Education to provide upgrades to the intersection of Arthur Allen Drive and (new) Macdonald Road, to enable it to be safely navigated by pedestrians associated with the school. The rationale behind the proposed condition stemmed from the current absence of traffic signals at this intersection as the traffic volumes do not warrant the installation of traffic signals.

The intersection will eventually be signalised when the RMS upgrades and widens Campbelltown Road and installs signals at the intersection of Campbelltown Road and Macdonald Road. Traffic signals at the intersection of Arthur Allen Drive and Macdonald Road would allow pedestrians to safely navigate the intersection, however at present there is no assistance for pedestrians using the intersection to access the school.

Condition 16 of the original draft conditions sought to address this issue, however it was deleted by the applicant on the basis that the Department of Education is only responsible for works on their land, and is not responsible for works outside their property boundaries.

- Final design of off-site car parking area (condition 18 in original conditions) – This condition sought to ensure that any modifications to the car parking layout proposed by the applicant were agreed to by Council prior to the commencement of works. However, this condition was deleted by the applicant on the basis that the design of the car park is largely a matter for Council to be satisfied with prior to the granting of development consent. Funding of the car park is the responsibility of the Department of Education.
- Remediation and Validation (condition 19(a) and (d) in original conditions) – This condition originally required, among other actions, a Remedial Action Plan to be prepared for Council's written approval prior to commencement of works, and at the completion of the remediation, a Phase 4 Validation Report for the site to ensure that the remedial actions in the Phase 3 Remedial Action Plan and contamination targets have been achieved. However, the applicant deleted these requirements, while leaving the remainder of the condition intact. Council's Environmental Planning section has provided the following justification for requesting this information:

"It has been identified by the proponent that there are contamination issues relating to the site. Therefore, Council must approve the remediation works prior to being executed and have receipt of a validation report to confirm that the land is suitable for the use proposed. A RAP should be prepared for all remediation proposals. Moreover, given that the site is proposed to be used for a sensitive purpose, it is highly pertinent that council be satisfied that there is no risk to future users. Council must also ensure that the impacts of remediation works are justified so as to contribute to a net improvement in environmental quality, reduce health risks or promote the economic use and development of the land."

The applicant's justification for deleting these requirements is as follows:

"A Stage 2 Environmental Site Assessment was undertaken by Environmental Investigation Services Pty Ltd in 2016. This investigation included the analysis of soils across the site and the development of a Conceptual Site Model. The results of the assessment did not identify any contamination at the site with all samples returning concentrations below the site criteria (most non-detect). The conclusions were that, given the proposed site use, there was a relatively low risk to site users and that the site can be made suitable for the proposed development with the following recommendations:

- *Undertake a Hazardous Materials Assessment (which has been completed); and*
- *A site inspection is undertaken by a suitably qualified environmental consultant following the demolition of buildings.*

As there was no contamination identified at the site and there is no change of land zoning proposed we are unsure what contamination issues the RAP can be developed to manage/treat. As suggested in our meeting on Wednesday, we feel that in the unlikely event that unidentified contamination be encountered during construction, this can be adequately managed through a Construction Environmental Management Plan, as is standard practice."

Council's Environmental Planning section has reviewed the applicant's response, and has provided the following advice:

“Page 27 of the Hazardous Materials Report prepared by Hibbs & Associates Pty Ltd (March 2016) provides recommendations for demolition works associated with the asbestos cement sheeting on site, it states that:

‘Under Clause 473 of the NSW Work Health and Safety Regulation 2011, a clearance inspection is required following the removal of ACM. A clearance inspection is to be carried out and a clearance certificate issued before the area can be re-occupied. The company undertaking the clearance inspection should be independent of the demolition and / or asbestos removal company.’

Much of the report refers to leaving materials and equipment in situ and it is unclear as to whether the authors of the report were provided with the true scope of works i.e. demolition. Based on the information provided in the report there is 215.5sqm and 40 lineal metres of asbestos material on site.

The NSW Government - Asbestos Blueprint sets out the roles and responsibilities of government organisations in managing asbestos. For asbestos in the workplace it states: All asbestos removal work must have an asbestos removal control plan which includes arrangements for an independent clearance inspection and documentation through a clearance certificate.”

Whilst Council's Environmental Planning section has not agreed to the modification to the condition as made by the applicant, Council considers that it has fully discharged its obligations under SEPP 55.

- Tree clearing offset strategy (condition 20(d) in original conditions) – This condition required an Offset Strategy 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. However, this condition was deleted by the applicant, on the basis that the subject site is within the South West Growth Centre Biodiversity Certification area. This was accepted by Council's Environmental Planning section.
- Completion of off-site car park (condition 56 in original conditions) – This condition required the construction of the off-site car park within the old Macdonald Road reserve to be completed to the satisfaction of Council prior to the completion and operation of the school. This condition was deleted by the applicant on the basis that this matter should be covered by details within the MOU, which is required to be executed prior to the commencement of works pursuant to condition 19 of the final recommended conditions of consent.

Conclusion

The former Sydney South West Planning Panel previously considered and deliberated on a report regarding the subject development application, and unanimously resolved to defer determination of the application. At the Panel's request, additional information has been prepared and submitted in response to each deferral item.

Recommendation

That development application 2882/2016/DA-C proposing the demolition of all existing school buildings and removal of trees at Bardia Public School, and construction of new

school buildings, a sports field, games court, play areas and landscaping be approved subject to the conditions outlined in Attachment 4.

Attachment 1 – Applicant’s Access Safety Report



Reference: 15.584r04v07

5 October 2017

Site: Bardia Public School, Bardia
Subject: Access Safety Report

traffix
traffic & transport planners

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50 Holt Street
Surry Hills NSW 2010
PO Box 1124
Strawberry Hills NSW 2012
t: +61 2 8324 8700
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director Graham Pindar
acn: 065132961
abn: 66065132961

This report has been prepared in response to the Department of Education’s (DoE) concerns relating to the existing pick up and set down arrangements for parents collecting children at Bardia Public School resulting from a recent rapid expansion of the school population. It includes input from Bardia’s School Principal Brett Moseley. In addition, it explores options for improving set down arrangements during the construction period for a future school expansion.

Relevant background and context, as well as our responses to the issue raised, are provided in the following sections.

Relevant Background

Bardia Public School located on MacDonald Road, Bardia has a current student population of 329 students. Surveys of the school indicate 86% of students are being dropped off by car in the morning and 78% being collected by car after school.

MacDonald Road, used to access site, is a 60km/hr road, reducing to 40km/r during school drop off / collection hours. It carries one lane of traffic in either direction over a delineated carriageway width of 7m with no formed hard shoulder.

Existing Pick Up and Drop Off Parking Arrangements

Currently parents park on street in MacDonald Road or utilise an informal carpark on-site to park and drop off / collect children

Onsite Carpark

Site observations undertaken during the peak collection period show the informal carpark as being chaotic with a high turnover of vehicles entering and exiting site.

With no formal delineation within the parking area the arrangement leads to potentially dangerous conflicts. Vehicles, parents and children are in constant motion in all directions with no separation of vehicle spaces, traffic aisles and pedestrian thoroughfares. The intense nature of a school pick up and drop off period is naturally chaotic and this situation is dangerously exacerbated by the use of the informal carpark.

In addition, it was noted the access driveway for the carpark is located immediately to the north of a blind corner on MacDonald Road. Vehicles waiting to turn right into the carpark or exiting the carpark have a limited sight distance to view vehicles approaching from the south before undertaking the manoeuvre. The access location and the lack of available sight distance can be seen in in **Figure 1** demonstrating this restricted visibility.



Figure 1: Access Driveway and Sightline to the South

It is considered the existing carpark access does not meet the requirements of the Australian Standards (AS2890) regarding safe sightline distance. The standard proscribes an absolute minimum visibility of 35m at 40km/h and 55m at 60km/h, with a recommended safe distance of 55m at 40km/hr and 83m at 60km/r.

A review of the site conditions indicated a sight distance to approaching traffic of 40m is achieved to the crest of the hill, however due to the intensity of vehicles and chaotic nature of the pick-up collection arrangement TRAFFIX considers the recommended safe distance of 55m should be achieved if this access is to be used safely by parents.

In addition, the onsite carpark arrangement, with a lack of delineated parking spaces and circulation aisles, does not meet the requirements of the Australian Standards creating an unsafe environment for parents and students.

It is noted that it is common practice for school drop off / collection to be undertaken on street and, as a consequence of the aforementioned deficiencies.

It is understood the use of this carpark has now been restricted, preventing its use by parents or carers undertaking collection or drop off. It is recommended this restriction is maintained throughout the operation of the school.

On Street Parking

The current on street parking arrangements are untimed and unregulated for the length of MacDonal Road. Parents park on both the east and west kerbside of the road in anticipation of the collection time, including a significant numbers of parents parking on the east kerb of MacDonal Road.



Parents and children have been observed as crossing at all points along the road to reach the eastern kerb, including a number crossing in close proximity to the aforementioned blind corner with its limited visibility.

Proposed Pick Up and Drop Off Parking Arrangements During Construction

It is noted that during construction for the proposed expansion of the school there will be further disruption to the pick-up / drop-off arrangements. A construction traffic management plan shall be prepared in response to a condition of consent to assess the impact of the expected construction traffic on the local network.

It is anticipated no construction traffic shall be permitted to access site during the school pick up drop off periods minimising conflicts with parents and children. Nevertheless, options for alternative transport modes and drop off locations have been explored to further reduce the likelihood of conflict during the construction period, should these be required.

In order to anticipate the requirements during construction a review of the student locations within the school catchment area has been undertaken. The catchment area map can be seen in **Figure 2** with student locations marked in blue and significant clusters of student shown in locations numbered in red. A wider map of student locations has also been included in **Attachment 1** for reference

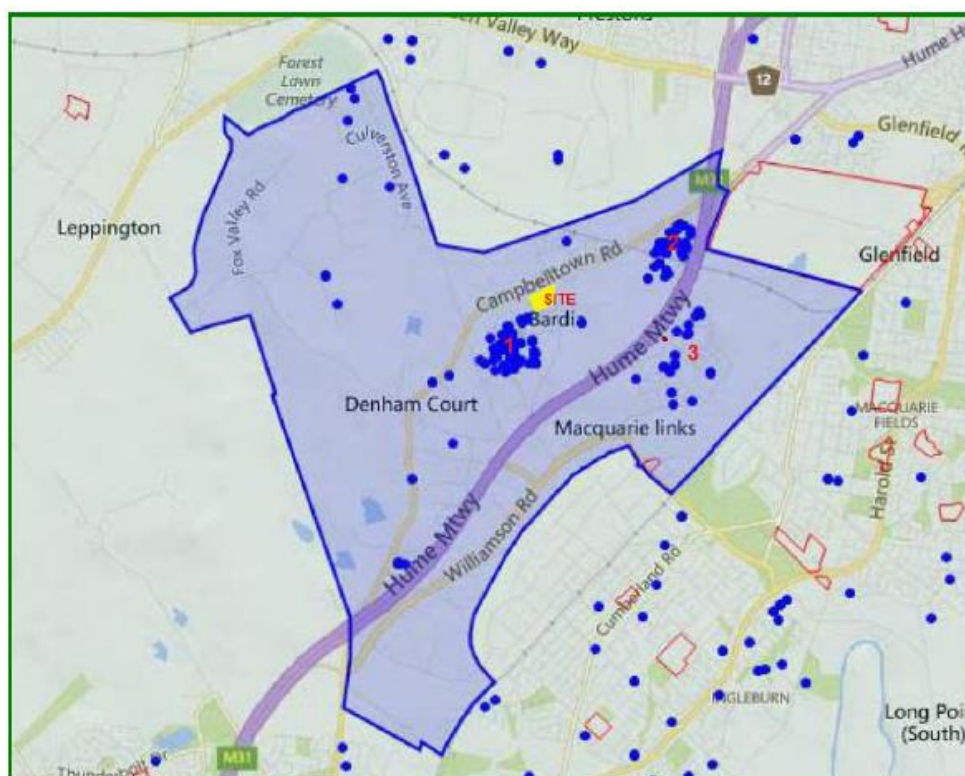


Figure 2: Student Locations



On Street Arrangements

It is noted a temporary pick up / drop off arrangement has been proposed and is currently being trialled by the school. This arrangement utilises a new road running parallel to New MacDonald Road to the south of the school site for pick up and drop off.

There are currently no houses on these lots and as such the road can be used solely for parents, presenting a much safer temporary arrangement over the previously observed parking on site. This arrangement is temporary whilst the construction works on the Bardia subdivision continue to the south east of the school.

In order to improve the existing MacDonald Road on street parking arrangements going forward a potential improvement to the Macdonald road signage plan has also been prepared and included in **Attachment 2** for consideration. This arrangement should improve the efficiency and safety of on street collection on the school frontage.

Pedestrian Access

Pedestrian connections have now been completed to the nearby Brigade Park estate (marked as Location '1' on **Figure 2**), now allowing easy access for these students without the need for the use of a private vehicle.

A number of pedestrian access options have been considered and marked on **Figure 3** below including access direct from MacDonald Street and access from the surrounding streets, approaching from the south and west.

These arrangements should ensure a reduction in the surveyed pick up and drop off mode splits surveyed previously, reducing potential conflict and congestion around the school.



Figure 3: Pedestrian Access Arrangements

Summary and Conclusions

In summary, due to the rapid growth of the school the existing parking arrangements are considered to no longer be safe. It is recommended the onsite parking be restricted, preventing it use by parents.

In order to improve the efficiency of the on street parking an alternative location has been proposed in addition to alternative pedestrian access points and signage plans.



It is noted that the report reflects the current conditions around the site and as changes occur to the road network and surrounding development the report shall be updated accordingly.

We trust the above is of assistance and please contact the undersigned should you have any queries or require any further information regarding the above.

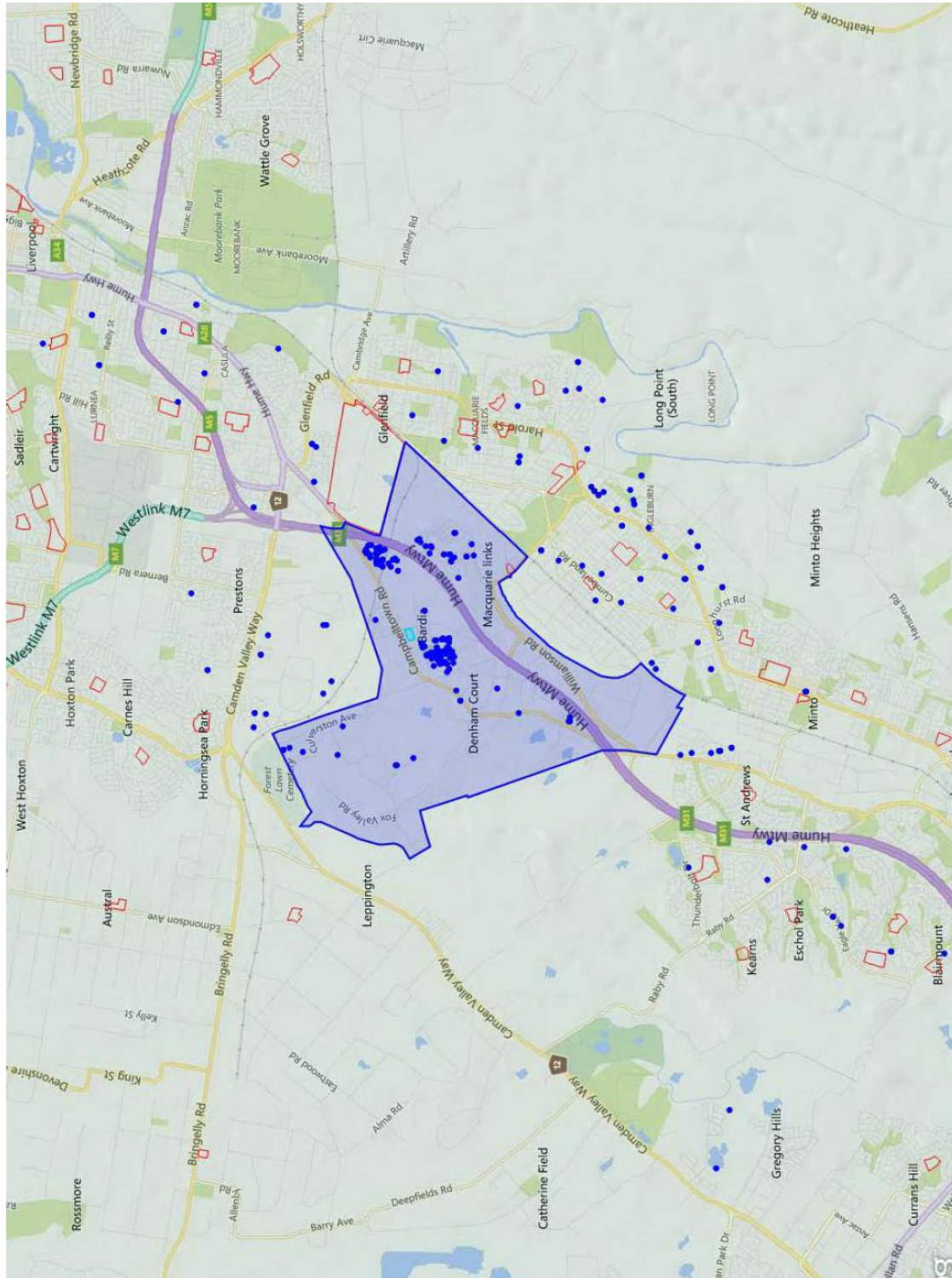
Yours faithfully,

traffic

Geoff Higgins
Executive Engineer

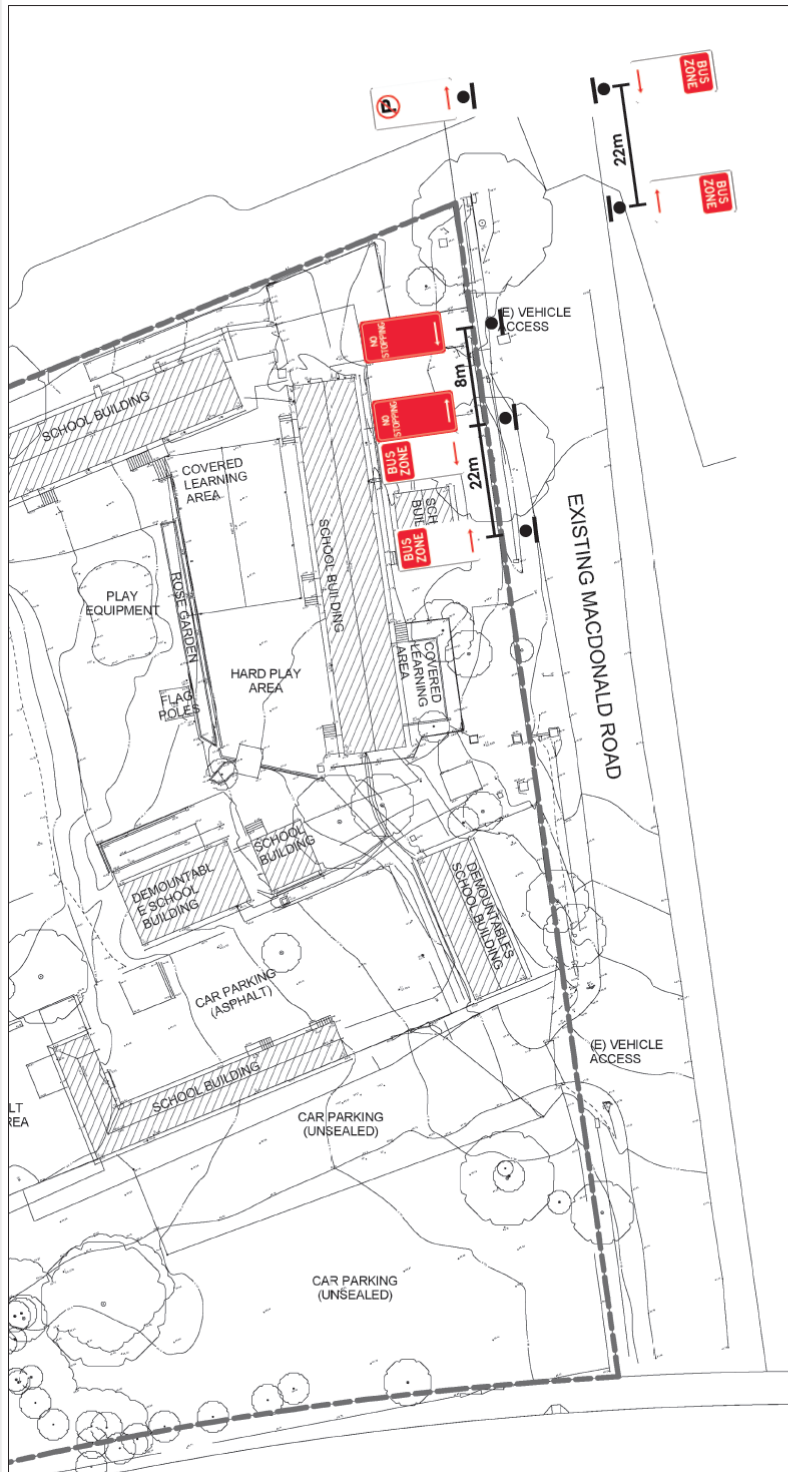


Attachment 1 Full Student Catchment





Attachment 2 Existing and Potential Signage Plan



TRAFFIC & TRANSPORT PLANNERS

Suite 2.08
50 Holt Street
Surry Hills NSW 2010
(02) 8324 8700
info@traffix.com.au

Signage Plan - Existing		Date:	28.06.2017
Project:	Bardia Public School	Prepared By:	Geoff Higgins
Project Number:	15.584	Approved By:	Geoff Higgins
Client:	Bardia Public School	Signature:	

Attachment 2 – Council Report and Resolution regarding MOU for car parking



Ordinary Council Meeting

26/09/2017

8.4 Proposed MOU and Licence between Council and the Department of Education - Council Land Adjoining Bardia Public School for Parking, Access and Drop-off Purposes

Reporting Officer

Executive Manager Strategic Property
City Governance

Community Strategic Plan

Objective	Strategy
1 Outcome One: A Vibrant, Liveable City	1.2 - Create safe, well maintained, activated and accessible public spaces

Officer's Recommendation

1. That Council enters into an MOU with the Department of Education (DOE), on the terms and conditions contained in this report, to provide and develop land for vehicle access, parking, and drop-off areas, for use by parents, staff and children involved with Bardia Public School.
2. Council executes a ten year licence with the DOE on the terms and conditions contained in this report.
3. That all documentation be executed under the Common Seal of Council, if required.

Purpose

To advise Council of a proposed MOU and Licence Agreement between Council and the Department of Education.

Report

Urban Growth NSW (Urban Growth) is undertaking the South Edmondson Park development in Bardia and has entered into a Voluntary Planning Agreement (VPA) with Council.

A condition of the VPA is that Council receives a new public park. The park adjoins the eastern boundary of the Bardia Public School (the school) and also encompasses what was previously Macdonald Road. This road is to be closed (once the new Macdonald Road is opened) for incorporation into the park and comprises that portion of the park that abuts the school.

The new local park is part of the New Breeze development with an area of 2.3 hectares and will provide a range of recreation activities and open space for the community and members of the Bardia School community. Immediately adjacent to the school the proposal for a local park comprised of a playground, associated seating and picnic areas and a kick about space. Directly to the north of the proposed local park and connected by a series of lawns and pedestrian and cycle share pathways, the 450m long linear park provides a significant open space link to a future sporting park.

DOE has submitted a development application (DA) for the construction of a new school on the existing school site. The development proposal provided only ten parking spaces and no provision for bus parking or student pick up and drop off facilities. Council through the DA assessment requested that DOE increase their parking and allow adequate provisions for the safe pick up and drop off of students. The DOE requested that the planning panel determine the DA. The panel advised that the provision for student pick up and drop off had to be improved, along with a safer means for students to cross the new Macdonald Road. It should be noted that Council, along with UrbanGrowth, was able to make provision for an indented bus bay along Arthur Allen Drive.

The DOE has requested that Council consider utilising the portion of Macdonald Road that abuts the school, for use as a student pick up and drop off area, plus some parking. The area will also be used for the school to access its own internal car park. Improvements to these school amenities are certainly desirable and the school has limited land of its own, which can deliver the required outcomes. A plan of the proposed work is attached as attachment 1.

Council has worked with DOE officials to review how the DOE request may be accommodated. The key aspects include the costs to convert the area for the purposes requested, actual use of the facility created and its ongoing maintenance. The indicative conversion cost is circa \$425,000. Whilst Council will complete the required work, the DOE will be required to fund all costs. Ongoing maintenance of the area will be at Council's cost.

The DOE will not own or pay rent for the land, but can only utilise it for access, drop off and parking purposes. The DOE may not encumber the land in any way, without Council permission so that future development or other unauthorised use of Council's land cannot occur. Council will also be able to resume the land, if needed, in the future. Importantly, use of the land by the DOE does not significantly impact the new park in any way.

Council and the DOE will seek to agree and sign a Memorandum of Understanding (MOU) and execute a licence which will together encompass the following principles:

Campbelltown City Council will:

- create and retain ownership of a car park on the western side of the proposed park and adjacent to the school, within the original alignment of Macdonald Road
- allow the school to use the area for access to the school car park and as a pick up and drop off area, at the commencement and conclusion of school
- allow the school to use the parking area for school related vehicle parking during school hours from Monday to Friday
- Council will attempt to carry out maintenance to the car park during school holidays but may close the car park temporarily at one month's notice (without providing replacement parking) where maintenance is required outside school holidays
- be able to close the car park without notice if public safety issues arise.

The DOE will:

- fund all capital improvements to create the car park and pick up and drop off area
- achieve Council approval for the scope and design with all work completed by Council

-
- maintain public liability insurance cover over the car park, indemnifying Council against all injuries and third party property damage resulting from school related activities
 - use the area only for school related parking and only for standard passenger vehicles
 - operate the pick-up and drop off area safely and to the satisfaction of Council
 - notify Council of any maintenance issues within 24 hours of becoming aware of them.

The MOU and Licence will not give the school or the DOE any:

- exclusive use of the car park
- rights over the ownership of the car park or the park
- rights over the use of the park.

Physical occupation of the land will likely be under a long term licence at peppercorn rental, able to be terminated by Council at reasonable notice. Council's legal representatives will review all documentation and may recommend other terms and conditions for the benefit of Council. The DOE will be required to meet Council's legal costs.

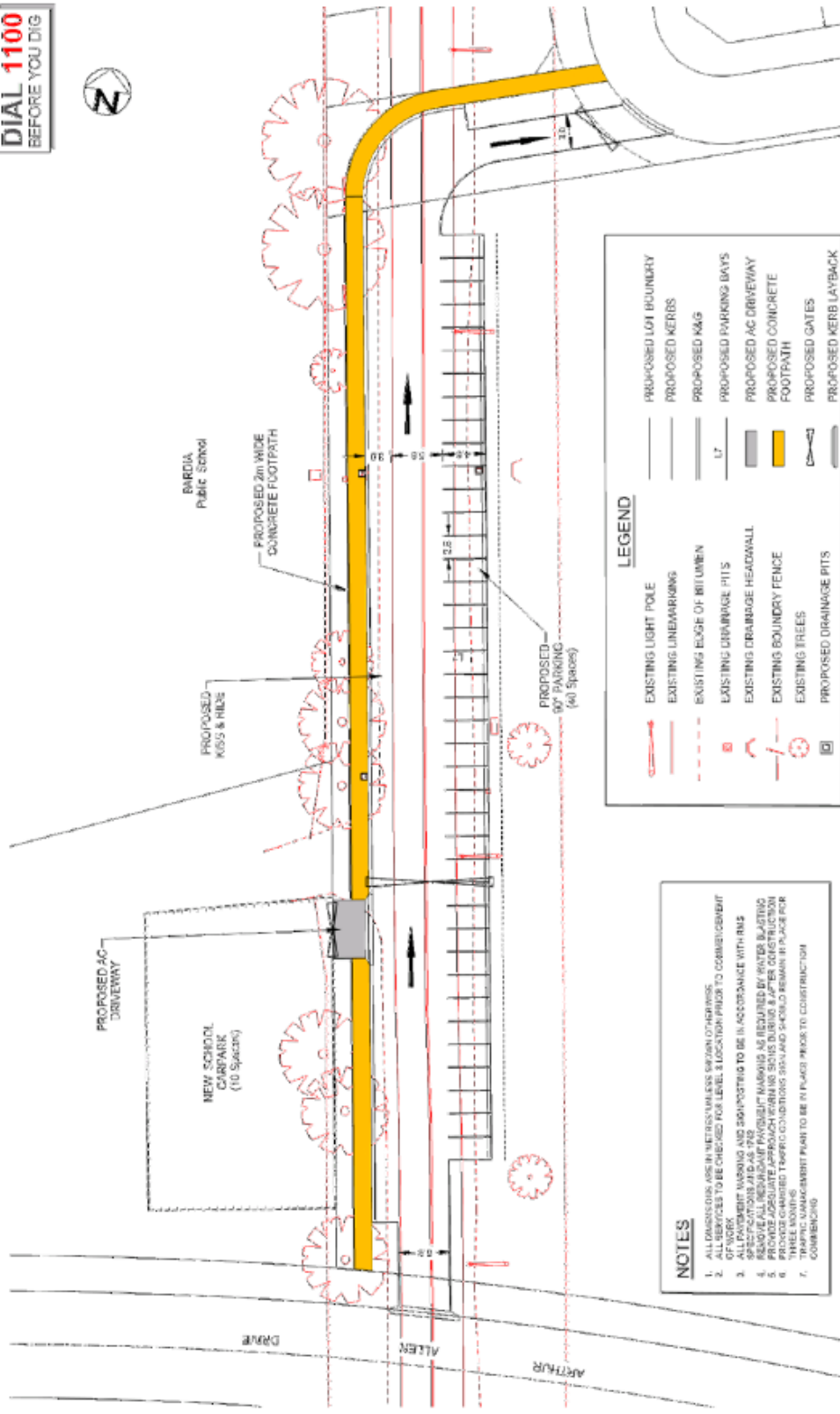
The proposal is recommended as being in the interest of Council because it:

- creates a practical solution for the school and community without disadvantaging Council
- ensures Council maintains long term ownership and control of the land
- delivers a facility that can also be used by patrons of the new park
- does not significantly compromise the new park.

Attachments

1. Location Plan (contained within this report)

DIAL 1100
BEFORE YOU DIG



NOT FOR CONSTRUCTION

GENERAL LAYOUT PLAN

SCALE 1:100

Project	BARDIA PUBLIC SCHOOL, OLD MACDONALD ROAD
Client	CAMPBELLTOWN CITY COUNCIL
Drawn	LT
Checked	LT
Approved	LT
Project Manager	LT
Project Engineer	LT
Project Surveyor	LT
Project Designer	LT
Project Drafter	LT
Project Checker	LT
Project Approver	LT
Project Date	13/05/2022

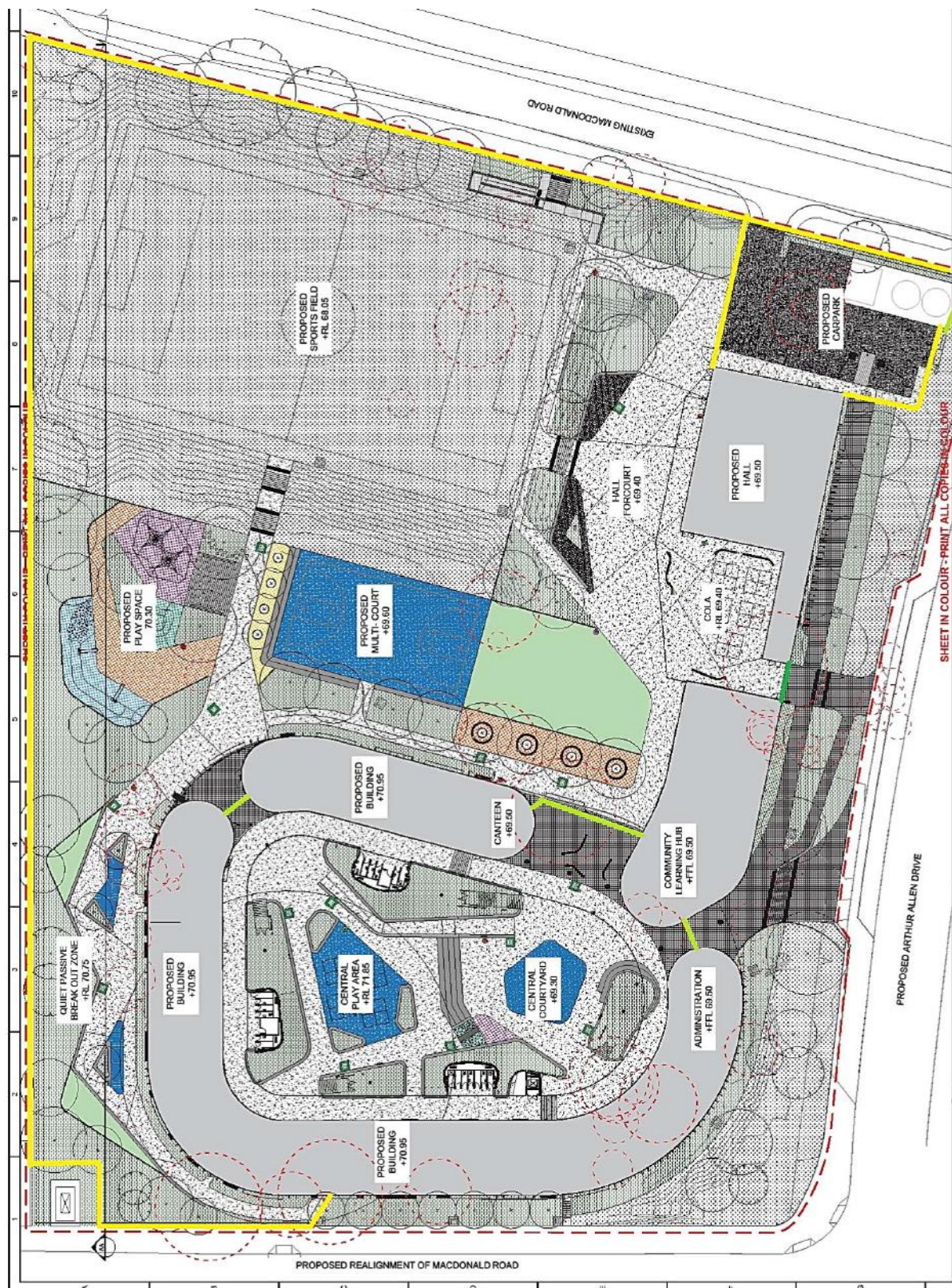
8.4 Proposed MOU and Licence between Council and the Department of Education - Council Land Adjoining Bardia Public School for Parking, Access and Drop-off Purposes

It was **Moved** Councillor Oates, **Seconded** Councillor Morrison:

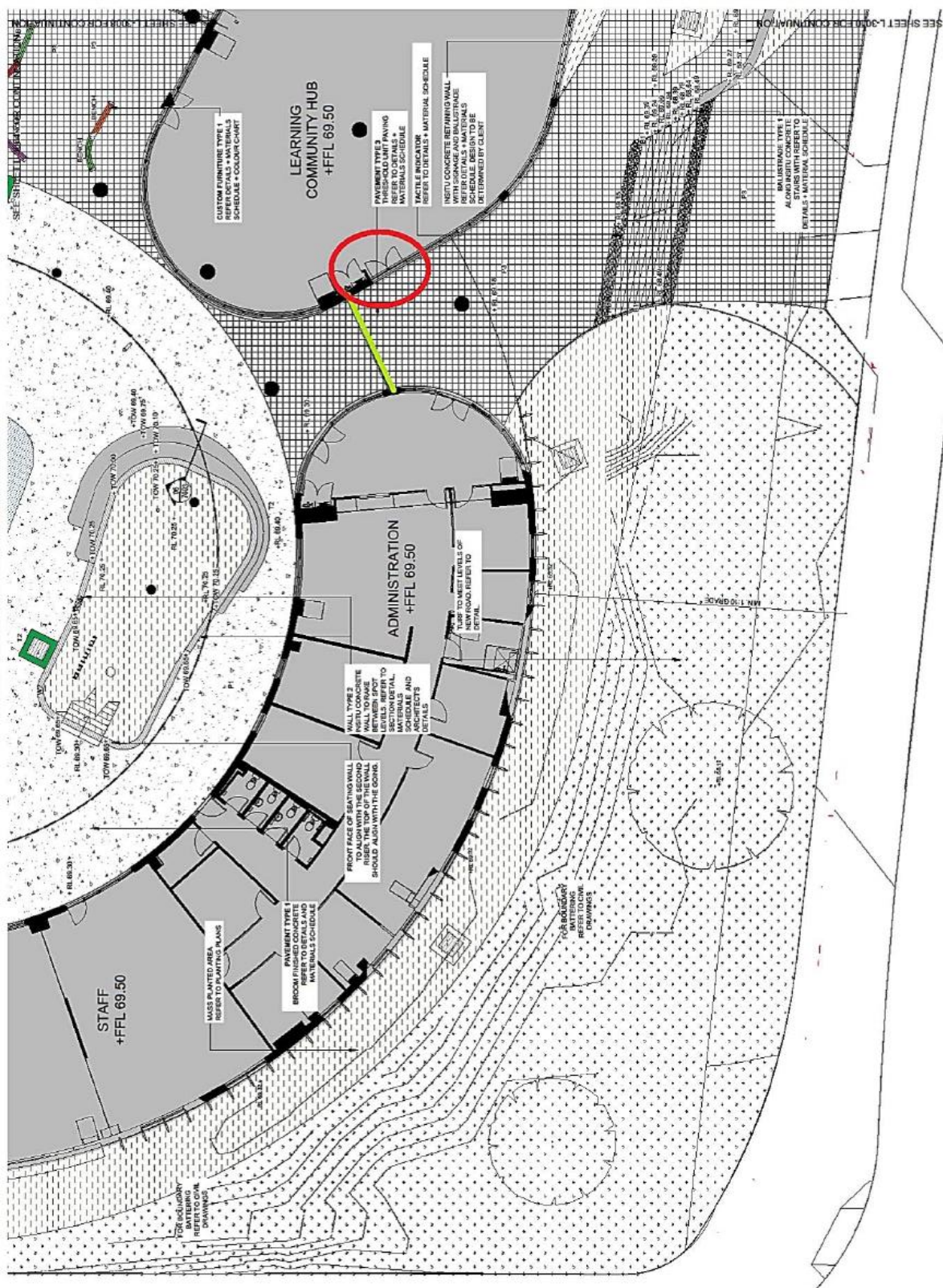
1. That Council enters into an MOU with the Department of Education (DOE), based generally on the terms and conditions contained in this report, to provide and develop land for vehicle access, parking, and drop-off areas, for use by parents, staff and children involved with Bardia Public School.
2. That all documentation be executed under the Common Seal of Council, if required.
3. That Council clarifies that the DOE's financial obligation extends to a maximum of \$425,000.

254 The Motion on being Put was **CARRIED**.

Attachment 3 – Plans showing accessibility of the school's facilities



The security shutter for access to the central courtyard is shown in light green. Securapop fencing has been shown in bright yellow.





Attachment 4 – Recommended Final Conditions of Consent

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 Crown *Building Works*. In this clause, a reference to the Crown *Building Works* is a reference to that Code as in force on the date the application for the relevant Section 109R Crown Building Work 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 with the exception of garbage trucks that access the site outside of school hours.
- b. All vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads.

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 in accordance with the Department of Education's Asset Management Unit (AMU) scheme.

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 in accordance with the Department of Education's Asset Management Unit (AMU) scheme.

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.

The generation of noise, dust and vibration shall be managed in accordance with appropriate EPA guidelines and construction codes.

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. Any building(s) within 100m of a hazard 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.

16. Geotechnical Report

A geotechnical report prepared by a NATA registered lab shall be submitted to Council 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.

17. Stormwater Management Plan

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'.

18. Amended Landscape Plan

A Landscape Plan is to be prepared that shows a planting schedule that complies with the Campbelltown Native Gardening Guide. 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).

PRIOR TO THE COMMENCEMENT OF CONSTRUCTION

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

19. Memorandum of Understanding

Prior to the commencement of works, the Memorandum of Understanding between Council and the Department of Education (document number DOC 17/826303) for the provision of infrastructure associated with the school shall be executed by both parties.

20. Remediation

- a. 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,
- b. 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.

21. 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 and submitted to Council. 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. The Arboricultural Report recommendations are to be implemented as specified in Sections 6.1, 6.2, Tree Assessment Table and Tree Protection Plan.

22. Safety Management Plan

Prior to the physical commencement of works on the site, a Safety Management Plan is to be in place for the construction of the school. The Plan shall outline how all users of the school will be able to access and use the school safely.

23. Cumberland Plain Land Snail

- a. Prior to commencement of works, an agreement between the Department of Education and Council 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.

24. 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 a minimum of 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.

25. Work on Public Land

Prior to the commencement of works on public land, 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.

26. 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 prior to the commencement of works.

27. 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.

28. 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.

29. 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

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.

30. 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.

31. 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.

32. 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.

33. Footpath and Vehicular Crossing Levels

Prior to works along the properties surrounding curbs and driveways, footpath and vehicular crossing levels are to be obtained from Council by lodging an application on the prescribed form.

34. Demolition Works

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

- a. Prior to the commencement of any demolition 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 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. The applicant shall notify the occupants of the adjoining premises and SafeWork NSW prior to the commencement of any works.

35. 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.

36. 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.

37. 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).

38. Site Inspection - Environmental Consultant

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

39. 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.

40. 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 Crown 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.

41. 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. Where it is not practical to load, unload or undertake specific activities on the site during construction, the application is required to be made prior to these activities being undertaken 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.

42. Protection of Existing Trees

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.

43. 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.

44. 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 Crown certifying authority.

45. 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.

46. Compliance with Council Specification

All relevant 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.

47. 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.

48. Completion of Construction Works

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.

49. 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 Crown 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.

50. 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.

51. Consolidation of Allotments

Following the completion 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.

52. 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 > Building and developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

53. 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.

54. 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 Crown certifying authority.

55. 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. Works constituting restoration will be determined

based on the results of dilapidation surveys to be conducted around the site in accordance with Condition 32 of this consent.

56. 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.

57. Trade Waste

Prior to the commencement of the operation of the canteen, 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.

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 the kitchen within the Community Hall if it is to be used to provide food for sale as defined under the Food Act 2003) 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.

58. Construction

The construction, fit-out and finishes of the canteen 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.

59. Food Premises Fit-Out Pre-Construction Meeting and Inspection

Prior to any construction work commencing on the fit-out of the canteen, 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.

60. Registration

The canteen 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 canteen commencing (Food Safety Standard 3.2.2).

61. Floor Construction

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

62. Floor Waste

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

63. 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 the canteen and associated food 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).

64. 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).

65. Wall Requirements

Cavity walls are not permitted. All walls in the canteen, 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).

66. Window Sills

Window sills located within the canteen's 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°.

67. Ceiling Construction

Drop-in panel style ceilings are not permitted in the canteen's food preparation areas or over areas where open food is displayed, handled or served. The ceiling in the canteen 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).

68. 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).

69. Hand Wash Basins

Hand wash basins must be provided in all parts of the canteen 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).

70. Dishwashing Machines

Where required, the dishwashing/glass washing machine in the canteen 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).

Where required, appropriate ventilation must be provided over the dishwashing system in the canteen 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.

71. Equipment Wash Sinks

A double bowl wash sink in the canteen 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 in the canteen 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).

72. Food Preparation Sink

A food preparation sink in the canteen 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).

73. Cleaner's Sink

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

74. Fittings and Fixtures

All fixtures, fittings and equipment in the canteen 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 in the canteen 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).

75. Food Preparation Benches

All food preparation benches in the canteen 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.

76. Benches

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

77. Storage Cabinets/Cupboards

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

78. Shelving

All shelving in the canteen 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).

79. 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).

80. Food Storage

Any appliance used for the storage of hot and/or cold food in the canteen 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.

81. Condensation Collection

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

82. 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 m² of floor area of the room or enclosure; or
- c. Any deep fryer.

Documentation from a mechanical engineer certifying that the mechanical ventilation system in the canteen, 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.

83. Pest Protection

Flyscreens and/or other approved means of excluding the entry of pests must be provided to all window and door openings in the canteen 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.

84. 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.

85. Locker Storage for Staff Belongings and Equipment

Sufficient lockers must be provided in the canteen or associated store room specifically for the storage of cleaning materials, employees' clothing and personal belongings (AS 4674-2004, Section 5.1).

86. Meter Box

An approved non-absorbent, smooth faced cover must be provided over the meter box for the canteen. 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.

87. Hot Water Service

The hot water service for the canteen 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).

88. 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).

89. Grease Arrestors

All grease arrestors must be located outside of where food and equipment is handled or stored in the canteen. 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.

90. 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.

91. 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 canteen.

No noise nuisances shall be caused through the operation of any plant or equipment at the canteen. Noise generated from the canteen 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
www.nsw.gov.au/fibro
www.adfa.org.au
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 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.

Attachment 5 – Original Draft Conditions of Consent

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	A	Context	August 2016

15565			
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:

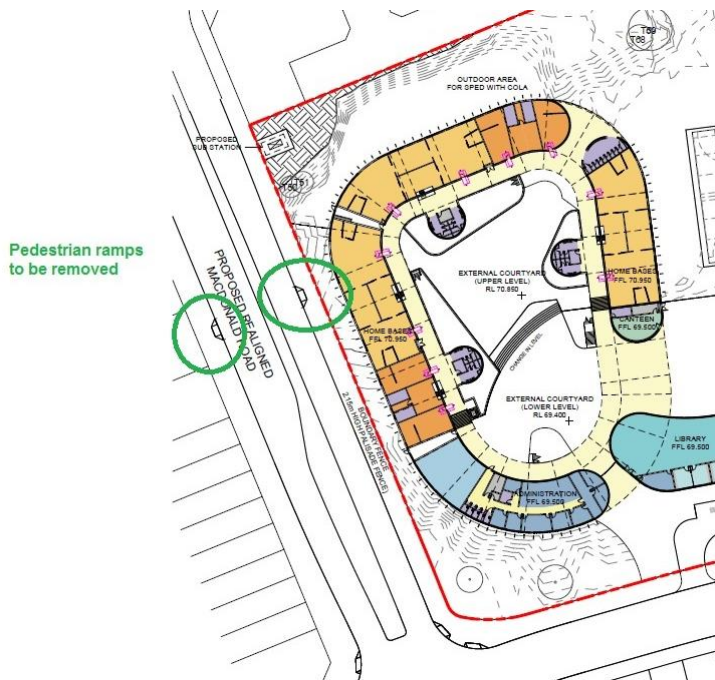
- d. A copy of Council's development Conditions of Consent
- e. The proposed school commencement/opening date
- f. Two (2) sets of detailed design plans showing the following:
 - vii. School property boundaries
 - viii. All adjacent road carriageways to the school property

- ix. All proposed school access points to the public road network and any conditions imposed/proposed on their use
- x. All existing and proposed pedestrian crossing facilities on the adjacent road network
- xi. All existing and proposed traffic control devices and pavement markings on the adjacent road network (including School Zone signs and pavement markings).
- xii. 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.

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 > 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 m² 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:

- c. An intervening ventilated space fitted with self-closing doors; or
- d. 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:

- f. A smooth, even and non-slip floor surface
- g. 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
- h. 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)
- i. Shelving or storage racks must be designed and constructed to enable easy cleaning
- j. 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
www.nsw.gov.au/fibro
www.adfa.org.au
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 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.