

DRAFT CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. 525.1/2017

SYDNEY WESTERN CITY PLANNING PANEL NO. 2017SSW066

**PROPERTY: No. 36 Lilly Street, Wetherill Park (William Stimson Public School)
– Lot 1 DP 564629**

DESCRIPTION OF DEVELOPMENT: Removal of 18 trees, removal of demountable buildings (comprising of 12 classroom and a store room), demolition of awning type structures, construction of a two (2) storey school / classroom building (comprising of 12 classrooms), construction of a single storey school / classroom building (comprising of 4 classrooms), additions to and reconfiguration of the existing administration building, and associated works

APPROVED PLANS

1. Compliance with Plans

The development shall take place and be completed, in accordance with the following approved plans and documentation, except as varied by any conditions of this consent:

a.

Drawing / Project No.	Revision	Drawn by	Date
DA02 / 998	B	JDH Architects	6 September 2017
DA03 / 998	B	JDH Architects	6 September 2017
DA04 / 998	B	JDH Architects	6 September 2017
DA11 / 998	C	JDH Architects	8 January 2018
DA12 / 998	B	JDH Architects	6 September 2017
DA13 / 998	B	JDH Architects	6 September 2017
DA14 / 998	A	JDH Architects	8 January 2018
DA21 / 998	B	JDH Architects	6 September 2017
DA22 / 998	B	JDH Architects	6 September 2017
DA31 / 998	B	JDH Architects	6 September 2017
DA32 / 998	B	JDH Architects	6 September 2017
DA33 / 998	B	JDH Architects	6 September 2017
DA34 / 998	A	JDH Architects	8 January 2018
DA41 / 998	B	JDH Architects	6 September 2017
DA42 / 998	B	JDH Architects	6 September 2017
DA43 / 998	B	JDH Architects	6 September 2017
DA44 / 998	B	JDH Architects	6 September 2017
DA51 / 998	B	JDH Architects	6 September 2017
DA52 / 998	B	JDH Architects	6 September 2017
DA81 / 998	B	JDH Architects	6 September 2017
DA82 / 998	B	JDH Architects	6 September 2017
DA83 / 998	B	JDH Architects	6 September 2017
DA102 / 998	B	JDH Architects	6 September 2017
DA112 / 998	B	JDH Architects	6 September 2017
L-01 / 171447	D	Space Landscape Designs	16 January 2018
L-02 / 171447	E	Space Landscape Designs	16 January 2018
L-03 / 171447	B	Space Landscape Designs	23 December 2017

- b. Stormwater Drainage Plans, prepared by Jones Nicholson Consulting Engineers, Reference No. 161278, Issue B, Page Nos. C001 to C230 (inclusive), dated July 2017.
- c. Preliminary Construction Management Plan, prepared by Johnstaff, dated 10 January 2018.
- d. Biodiversity Assessment, prepared by SLR Consulting Australia Pty. Ltd., Report No. 630.12357.00000-R01, Version No. v0.3, dated 23 January 2018.
- e. Remediation Action Plan, prepared by Environmental Investigation Services, Reference No. E30426KPrpt-RAP, dated 10 August 2017.
- f. Tree Management Plan, prepared by Naturally Trees, Drawing No. TMP01 (Sheet Nos. 1 of 3, 2 of 3 & 3 of 3), dated 30 May 2017.
- g. Acoustic Report, prepared by Cundall Johnston & Partners Pty. Ltd., Reference No. 1015587-RPT-AS001, Revision A, dated 16 August 2017.
- h. Traffic and Transport Assessment, prepared by Arup Pty. Ltd., Job No. 254846-00, dated 16 August 2017.

except as varied in red by Council and / or any conditions of this consent.

2. Amendment in Red

The following amendment in red on the approved plans, shall be incorporated into the proposed development:

- The existing southernmost / informal car parking area adjacent to the Lily Street frontage is to be upgraded / formalised (i.e. sealed, drained and line marked) and include a minimum of a 17 car parking spaces.

PRIOR TO THE COMMENCEMENT OF ANY WORKS

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. All of these conditions are to be complied with prior to the commencement of any works on site.

3. Final Architectural Plan

Prior to the commencement of any works, final architectural plans and specifications, shall be prepared and provided to Fairfield City Council.

The final architectural plan shall include details and specifications of upgrade works, to the existing southernmost / informal car parking area adjacent to the Lily Street frontage is to be upgraded / formalised (i.e. sealed, drained and line

marked) to Council's requirements and include a minimum of a 17 car parking spaces.

4. Long Service Levy Fee

Prior to the commencement of any works, a receipt for payment of the Long Service Levy (in accordance with the Building and Construction Industry Long Service Levy Payments Act 1986) shall be submitted.

The Long Service Levy is calculated at 0.35% of the value of building works, as is in force at the date of this consent. The rate of calculation is subject to change and should be verified (and adjusted) at the date of payment. Payment can be made to Fairfield City Council or direct to the Long Service Levy Corporation.

5. Section 94A Levy Development Contributions

Prior to the commencement of any works, a receipt for the payment to Fairfield City Council of Section 94A Levy Contributions shall be submitted.

The Section 94A Levy as determined at the date of this consent is **\$115,320**.

The contribution amount payable may be adjusted at the date of payment. Any unpaid contributions will be adjusted on a quarterly basis to account for movements in the Australian Bureau of Statistics, Producer Price Index – Building Construction (New South Wales).

6. Service Provider Requirements

Prior to the commencement of any works, the following service provider requirements shall be submitted:

Endeavour Energy – A letter of consent showing satisfactory arrangements have been made to service the proposed development.

7. Sydney Water Consent

The plans must be assessed by Sydney Water Tap in to determine whether the development will affect any Sydney Water asset and if any requirements need to be met. The plans will be appropriately stamped. All amended plans will require restamping.

Please refer to the web site <https://tap-in.sydneywater.com.au> for:

- See the Building plan approvals section on the Tap in site, and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see Building and developing then Building and renovating

Or telephone 13 20 92

8. Stormwater Drainage Certificate

Prior to the commencement of any works, a certificate from a suitably qualified person shall be submitted to Council certifying that:

- a. Satisfactory arrangements have been made for the disposal of stormwater;
- b. The proposed development and alterations to the natural surface contours will not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties;
- c. The piped drainage system has been designed to an Average Recurrence Interval of not less than that in accordance with Council's Stormwater Drainage Policy.

Note: Where Fairfield City Council is nominated to issue a Construction Certificate for stormwater drainage, the following details will be required:

- i. Full details of the proposed stormwater drainage system should be submitted. Details should include a full calculation schedule producing hydrologic and hydraulic grade line analysis (similar to that shown in "Australian Rainfall and Runoff", published by the Institution of Engineers, Australia), catchment plan, pipe sizes, discharge points, natural and finished surface levels, invert levels etc.
- ii. A Plan showing the natural surface and finished surface and finished surface contours to AHD should be submitted. The natural surface contours should be extended into the adjoining properties. The finished surface contours should be of such an interval as to give a true representation of the proposed regarding of the site. If so desired, the finished surface contours may be presented in red ink on a single print of a site plan that shows proposed finished surface spot levels.

9. Final Stormwater Drainage Plan

A Final Stormwater Drainage Plan with details suitable for construction prepared by a suitably qualified and experienced stormwater drainage consultant, shall be submitted prior to the commencement of any works. The consultant's qualifications shall be included on the stormwater plan.

The final plan shall be in accordance with:

- a. *the abovementioned stormwater concept plan and shall comply with*
- b. *Fairfield City Council's Stormwater Drainage policy,*
- c. *Urban Area On Site Detention Handbook / Rural Area On Site Detention Guidelines),*
- d. *AS 3500,*

e. *the BASIX certificate*

and conditions of this consent.

10. **On-site Detention Design Certificate**

Prior to the commencement of any works, a certificate from a suitably qualified person shall be submitted to Council certifying that the drainage system has been designed to comply with:

- a. Method 1/ Method 2 of Council's On-Site Detention Guidelines for Rural Areas;
- b. Method 1/ Method 2 of Council's Urban Area On-site Detention Handbook – February 1997:
 - i. To restrict the total discharge from site to current site discharge for all storms up to and including the 100 year storm events;
 - ii. To restrict the peak discharge from the site for 100 year 9-hour storm event to 140/1/s/ha.

Note: If Council is requested to issue the Construction Certificate, three copies of the plans and specifications giving full details of the design and calculations in the form of ILSAX/DRAINS input and output files and details as specified in Council's OSD handbook shall be submitted to the Council.

Note: Where Fairfield City Council is nominated to issue a Construction Certificate for on site detention, the following details will be required:

- a. Full details, as per Council's On Site Detention Handbook, of the proposed stormwater drainage system should be submitted. Details should include a full calculation schedule producing hydrologic and hydraulic grade line analysis (similar to that shown in "Australian Rainfall and runoff", published by the Institution of Engineers, Australia), catchment plan, pipe sizes, discharge points, natural and finished surface levels, invert levels, etc.
- b. A plan showing the natural surface and finished surface and finished surface contours to AHD should be submitted. The natural surface contours should be extended into the adjoining properties. The finished surface contours should be of such an interval as to give a true representation of the proposed regrading of the site. If so desired, the finished surface contours may be presented in red ink on a single print of a site plan that shows proposed finished surface spot levels.

11. Waste Management Plan

Prior to the commencement of any works, a Waste Management Plan shall be submitted. The Waste Management Plan shall be prepared in accordance with the requirements of the Fairfield City Council Waste Not DCP. The Waste Management Plan shall address the type of materials expected from demolition / construction; estimated volumes or tonnes of materials; proposed reuse or recycling methods; the contractors to be used; and the recycling outlet and / or landfill site.

12. Erosion and Sediment Control Plan

Prior to the commencement of any works, an Erosion and Sediment Control Plan shall be prepared. The Erosion and Sediment Control Plan shall be prepared in accordance with the requirements of the Fairfield City Council's Erosion and Sediment Control Policy. The Erosion and Sediment Control Plan shall clearly show and demonstrate how erosion is to be minimised and how sediments are to be trapped on the site and prevented from escaping, transported, carried or discharged across and outside the boundaries of the site of the development or building activity.

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.

13. Kerb and Gutter Status Form

Prior to the commencement of any works on site, the applicant shall return the attached footpath / kerb and gutter form to Council detailing the existence of, and the condition of, any foot paving, and/or kerb and gutter provided adjoining the site for checking against Council's records. Damage to footpaths, kerbs, stormwater systems and general streetscape, as a result of the construction activities undertaken under this Development Application, will require restoration at the developer's expense.

14. Remediation Works – 'Unexpected Finds Protocol'

Prior to the commencement of any works on site, an 'Unexpected Finds Protocol' shall be prepared, for the assessment / management of any contamination discovered during the course of works.

15. Construction Management Plan

A Final Construction Management Plan shall be submitted prior to the commencement of any works, demonstrating how the site will be managed during construction without impact or disruption to adjoining properties.

All construction vehicle access is to be directly from Lily Street. Accordingly, the 'Construction Vehicle Access Location' detailed (in Figure 4) within the

Preliminary Construction Management Plan (prepared by Johnstaff, dated 10 January 2018), is to be amended accordingly.

Details of the hoardings, cranes and location of car parking, etc., shall be detailed in the Final Construction Management Plan.

The Final Construction Management Plan shall also include details of how workers vehicles will be managed during construction works that does not impact on the adjoining residents in an unacceptable manner.

16. Toilet Facility

Prior to the commencement of any construction works on site, a flushing toilet facility is to be provided on site. The toilet must be connected to either a public sewer, or an accredited sewage management facility or to an alternative sewage management facility (chemical closet) approved by Fairfield City Council.

PRIOR TO THE COMPLETION OF WORKS

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

17. Section 73 Certificate Required

A Section 73 Compliance Certificate, under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Co-ordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, as it can take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be obtained prior to the completion of works.

18. Works on Adjacent Roads

Prior to the completion of works, the following works are to be completed:

- a. All redundant kerb laybacks shall be removed and replaced with Council's standard kerb and gutter. Any redundant crossings shall be removed and the footpath top soiled and turfed.

- b. The developer shall restore, damaged footpath, kerbs, streetscape and public utilities, that are damaged through construction activities undertaken under this Development Application at no cost to Council.

All works to be carried out on adjacent lands under the control of Council, shall be in accordance with the standard requirements and specifications of Council.

19. Works-As-Executed Plans for Stormwater Drainage

Prior to the completion of works, Works-As-Executed drawings, signed by a registered Surveyor, demonstrating that the stormwater drainage and finished ground levels, have been constructed as approved shall be submitted to Council.

20. On Site Detention – Works-As-Executed

On completion of the drainage works and prior to occupation, Works-As-Executed plans certified by a Registered Surveyor are to be submitted verifying that the drainage works have been completed in accordance with the approved plans. The following details are to be on the Works-As-Executed plans and shall be marked in red on a copy of the original plan.

- b. Sufficient levels and dimensions to verify the On-Site Detention storage volumes.
- c. Location and surface levels of all drainage pits, weir levels and dimensions.
- d. Invert levels of - the internal drainage lines.
 - orifice plates.
 - outlet control pit.
- e. Finished floor levels of structures such as units and garages.
- f. Verification that the orifice plates have been fitted and the diameter of the fitted plates.
- g. Verification that a trash screen is installed.
- h. Location and levels of any overland flow paths through the site.
- i. Details of any variations made from approved plans.

21. On-Site Detention – Certification of Works

A Certificate shall be submitted upon completion of the drainage works and prior to occupation, certifying the following:

- a. That the on-site detention system will function in accordance with the approved drainage design.
- b. Any variations from the approved drainage design.

- c. That these variations will not impair the performance of the On-Site Detention system, or alternatively provide details of the remedial works required to make the system function according to design control standards.

22. Adjustments to Public Utilities

Prior to the completion of works, adjustments to any public utilities necessitated by the development are to be completed in accordance with the requirements of the relevant Authority. Any utility costs are to be at no cost to Council.

23. Completion of External Finishes

Prior to the completion of works, all external works detailed upon the approved plans, are to be fully completed.

24. Site Access, Car Parking and Manoeuvring Areas

Prior to the completion of works, a minimum total of 37 car parking spaces shall be provided on site. These spaces must be sealed, drained and line marked, and designed in accordance AS 2890 and Chapter 12 of the Fairfield Citywide Development Control Plan 2013.

All other existing / informal car parking areas / spaces on site, shall be maintained as existing, as shown on the approved plans.

25. Playground Equipment

Prior to the completion of works, certification shall be provided indicating that the playground equipment satisfies the relevant Australian Standard(s).

26. Landscape Certificate

Prior to the completion of works, a Landscape Certificate from a qualified Landscape Architect, certifying that the completed landscape works on site are in accordance with the approved Landscape Plan, shall be submitted.

27. Building in Saline Environments

The whole of the Fairfield Local Government Area is potentially saline affected, and as such appropriate design features and building materials need to be incorporated into the construction of buildings, to minimise the risk of salt damage.

Prior to the completion of works, documentary evidence shall be submitted, certifying that the building has been constructed in accordance with Fairfield City Council's 'Building in Saline Environments Policy'.

28. Environmental Reports Certification

Prior to the completion of works, written certification from suitably qualified persons shall be submitted to Fairfield City Council, stating that all works / methods / procedures / control measures / recommendations, approved by Council in the following reports have been completed:

- a. Remediation Action Plan, prepared by Environmental Investigation Services, Reference No. E30426KPrpt-RAP, dated 10 August 2017.
- b. Acoustic Report, prepared by Cundall Johnston & Partners Pty. Ltd., Reference No. 1015587-RPT-AS001, Revision A, dated 16 August 2017.

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. A Principal Certifying Authority can either be Fairfield City Council or an accredited certifier.

29. Notice of Completion of Remediation Work

Within 30 days of completion of remediation works, notice of the works completed shall be given to Council, in accordance with Clause 17 (2) of State Environmental Planning Policy No. 55 – Remediation of Land. The notice shall be in writing and prepared and signed by the person who carried out the work. The Notice shall also:

- a. Provide the person's name, address and business telephone number;
- b. Provide details of the person's qualifications to carry out the work;
- c. Specify, by reference to its property description and street address, the land on which the work was carried out;
- d. Provide a map of the location of the land;
- e. State when the work was completed;
- f. Specify the uses of the land, and the substances, that contaminated it in such a way as to present a risk of harm to human health or some other aspect of the environment;
- g. Specify the uses of the land immediately before the work started;
- h. Briefly describe the method of remediation used in the work;
- i. Specify the guidelines that were complied within the work;
- j. Specify the standard of remediation achieved (in the light of the use proposed for the land);
- k. Show in what manner the work (if a category 1 remediation work) complied with the conditions of the relevant development consent; and
- l. State what action must be maintained in relation to the land after the completion of the remediation achieved is to be maintained.

Note: A site audit statement (within the meaning of Part 4 of the Contaminated Land Management Act 1997) may be given in partial compliance with this requirement.

30. Compliance with the Crown Building Works

All building work must be carried out in accordance with the Crown Building Works. Compliance with the performance requirements can only be achieved by:

- a. complying with the deemed-to-satisfy provisions; or
- b. formulating an alternative solution which:
 - i. complies with the performance requirements; or
 - ii. is shown to be at least equivalent to the deemed-to-satisfy provisions; or
- c. a combination of (a) and (b).

31. During Construction or Demolition

During the construction or demolition period, the applicant must ensure that:

- a. There is provision of a trade waste service to ensure that all debris and waste material is removed from the site for the period of construction or demolition;
- b. All plant equipment, fencing or materials of any kind is not placed or stored upon any public footpath or roadway; and
- c. Any building work is to be carried out within the following hours.
 - 1. Monday – Friday between the hours of 7:00am to 5:00pm and Saturday between 8:00am and 1:00pm. No work may be carried out on Sundays or public holidays.

Note: On the spot penalties up to \$1,500 will be issued for any non-compliance with this requirement

32. Tree Removal

- a. The removal of trees is to be limited to those shown for removal on the approved plans.
- b. 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.

33. Trees that are to be Retained

All trees that are to be retained, which are located within the 'protective fencing zone', on the approved Tree Management Plan, are to be protected by fencing,

firmly staked within the drip line / canopy of the tree and maintained during the duration of the works in accordance with AS 4970. The area within the fencing must not be used for stockpiling of any material, nor for vehicle or pedestrian convenience.

34. **NSW Protection of the Environment Operations Act 1997**

During construction activities shall be conducted in accordance with the *Protection of the Environment Operations Act (POEO) 1997*. All activities and operations carried out shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined under the *Protection of the Environment Operations Act 1997*.

35. **Hoarding / Fencing**

During construction, 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.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

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

36. **Buried Waste**

Should buried materials / wastes or the like be uncovered during the excavation of footings or trenches on site works, Council's Environmental Management Section is to be contacted immediately for advice on the treatment / removal methods required to be implemented.

37. **Ground Levels**

The existing ground levels shall not be altered except in accordance with the levels shown on the approved plans.

38. **Method of Stormwater Drainage**

The stormwater drainage generated from the development shall be directed to the existing stormwater drainage system.

Note: Drainage lines across the footpath shall be of 75mm x 200mm galvanised R.H.S laid at a fall not exceeding 1:40 (A 100mm sewer grade pipe is an acceptable alternative for single lot residential applications).

Note: If a street outlet is required it shall be constructed using a 100mm x 50mm galvanised rectangular connector laid into the kerb with the invert of the connector to be 10mm above the invert of the gutter.

The complete roof guttering system must be operational as soon as the roof is clad. Surface stormwater shall not be directed or cause nuisance to adjoining properties.

39. Lighting

Illumination of the site is to be arranged in accordance with the requirements of Australian Standard 4282_1997 *Control of the obtrusive effects of outdoor lighting* so as not to impact upon the amenity of the occupants of adjoining and nearby residential premises.

40. Use of the Premises

The use of the premises shall comply with the following requirements:

- a. The premises shall only be used in connection with the Department Of Education.
- b. The maximum number of students enrolled is not to exceed 654.
- c. The operation of the premises shall be conducted so as to avoid unreasonable noise and cause no interference to adjoining or nearby residences.
- d. The use of the premises is not to interfere with the amenity of the residential area.
- e. The use of the premises shall not give rise to "offensive noise" as defined under the Protection of the Environment Operations Act, 1997.
- f. Emission of sound from the premises shall be controlled at all times so as not to unreasonably impact upon nearby owners / occupants.
- g. If an intruder alarm is installed on the premises it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- h. In the event of a noise or vibration problem arising, 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 Council's satisfaction.

- i. The premises shall be maintained in a clean and tidy state at all times. In this regard, cleaning shall be carried out as required to ensure that the premises is maintained in an environmentally satisfactory manner.

41. Graffiti Removal

In accordance with the Department of Education's Asset Management Unit scheme, any graffiti which appears on the building, fences, signs and other surfaces of the property, shall be removed.