

Our Reference:
Contact:
Phone:

2017/418
Miss S Pritchard
02 8757 9959

**ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979
NOTICE OF DETERMINATION OF APPLICATION**

10 May 2018

Department of Education C/- John Staff
Level 12
70 Pitt Street
SYDNEY NSW 2000

Dear Sir/Madam

Pursuant to section 4.16 of the Act, conditional approval has been granted to your Development Application described as follows:

PROPERTY: **Lots 299-318, DP 628**

STREET ADDRESS: **68 Fowler Road Merrylands**

DEVELOPMENT CONSENT NO: **2017/418/1**

DECISION: **Sydney West Central Planning Panel**

DATE OF EXPIRY OF CONSENT: **10 May 2023**

PROPOSED DEVELOPMENT: **Demolition of existing amenities block and PE storage building; removal of 4 existing demountable classrooms (including relocation of 2 on-site during construction); construction of a three storey school building with a total of 10 classrooms; installation of a temporary amenities demountable for the duration of construction; and associated landscaping and site works.**

This Development Application is APPROVED in accordance with the Environmental Planning & Assessment Act 1979 and is subject to compliance with the requirements of Cumberland Council, the Building Code of Australia, the Local Government Act 1993, and the following conditions as set out hereunder and/or endorsed upon the attached plans.

PRELIMINARY

1. This consent shall lapse if the above development is not physically commenced within five (5) years of the date of determination unless the approved works have been physically commenced in accordance with this consent.
2. Development shall take place in accordance with the following endorsed plans and documents:

- Architectural plans prepared by JDH Architects, project number 997,

Reference	Revision	Date
DA02 – Demolition site plan	B	5 September 2017
DA03 – Tree management plan	B	5 September 2017
DA11 – Proposed site plan	D	3 April 2018
DA13 – Waste management plan	C	18 January 2018
DA21 – Existing ground floor plans	B	5 September 2017
DA 31 – Proposed ground floor plan	B	5 September 2017
DA32 – Proposed first floor plan	B	5 September 2017
DA33 – Proposed second floor plan	B	5 September 2017
DA34 – Proposed roof plan	B	5 September 2017
DA41 – Proposed elevations – sheet 1	B	5 September 2017
DA42 – Proposed elevations – sheet 2	B	5 September 2017
DA51 – Proposed sections	B	5 September 2017
DA82 – Colour and finishes schedule	B	5 September 2017

- Stormwater layout plans prepared by Jones Nicholson Consulting Engineers, project number 161277,

Reference	Revision	Date
C001 – Civil design notes & legend	2	27 July 2017
C051 – Civil design typical details – sheet 2	1	27 July 2017
C050 – Civil design typical details – sheet 1	2	27 July 2017
C100 – Civil design external stormwater plan	3	10 August 2017

- Landscape plans prepared by Space Landscape Designs, project number 171446, drawing numbers L-01 & L-02;
- Arboricultural Impact Appraisal and Method Statement prepared by Naturally Trees, dated 28 July 2017;
- Acoustic Report prepared by Cundall (reference 1015561, revision A dated 10 July 2017).
- Erosion and Sediment Control Plan prepared by Jones Nicholson Consulting Engineers, reference 161277, drawing numbers ESM12 and ESM23 dated July 2017
- Asbestos Management Plan prepared by Parsons Brinkerhoff (ref: 2171479A PR-6457) dated November 2012;
- Waste management plan received by Council 18 September 2017;
- Access review prepared by Morris Goding Accessibility Consulting, final V2, dated 6 September 2017;

- Preliminary stage 1/stage 2 contamination assessment and preliminary salinity assessment prepared by Environmental Investigation Services, reference E30427KPrpt, dated 30 June 2017; and
- Geotechnical investigation prepared by JK Geotechnics, reference 30427Srpt, dated 30 June 2017.

except as otherwise provided by the conditions of this determination.

3. All building work shall be carried out in accordance with the requirements of the National Construction Code (NCC).

Demolition

4. Permission is granted for the demolition of the existing amenities block, PE storage building, and four demountable buildings as detailed on the endorsed plans, subject to strict compliance with the requirements of AS 2601-2001 – Demolition of Structures.

Compliance is also to be achieved with the requirements of SafeWork NSW, including but not limited to:

- Protection of site workers and the general public,
 - Erection of hoardings where appropriate
 - Asbestos handling and disposal where applicable,
 - Disposal of refuse to approved waste disposal facility.
5. The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site 5 working days prior to demolition works commencing. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site. The demolition must not commence prior to the date stated in the notification.
 6. 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to Council for inspection of the site prior to the commencement of demolition works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must also not commence prior to the commencement date nominated in the written notice. After completion, the applicant shall notify Council within 7 days to assess the site and ensure compliance with AS2601-2001 – *Demolition of Structures*.
 7. A fee of **\$459.20** is to be paid to Council for inspection by Council of the demolition site prior to commencement of any demolition works.

Substations/ Fire hydrant booster pumps/ Cranes

8. No approval is granted or implied for the installation of any substations and fire hydrant booster pumps and construction of associated encasing structures such as blast walls or radiant heat shields.

9. No approval is granted or implied for the installation of any crane on the premises that has the potential to swing beyond the boundaries of the subject site. Separate necessary approvals, including but not limited to Section 138 of the Roads Act and/or Section 68 of the Local Government Act, must be obtained from Council prior to installation of any crane that swings over Council land.

NOTE: FEES, BONDS & CONTRIBUTIONS INDICATED IN CONDITIONS OF THIS CONSENT MAY VARY IN ACCORDANCE WITH THOSE ADOPTED BY COUNCIL AT SUBSEQUENT ANNUAL REVIEWS OF ITS "FEES AND CHARGES" AND SUBSEQUENT CHANGES TO THE BUILDING PRICE INDEX. FEES CHARGED WILL BE THOSE CURRENT AT THE TIME OF PAYMENT.

Damage Deposit

10. A cash bond/bank guarantee of **\$5,872.10** must be paid/lodged with Council to cover making good any damage caused to the property of Council, during the course of construction associated with the development. This will be held for 'six (6) months after the completion of works' to remedy any defects that may arise within this time.

Note:- The applicant/owner shall be held responsible for and may be required to pay the full reinstatement costs for damage caused to Council's property, unless the applicant/owner notifies Council in writing and provides photographic proof of any existing damage to Council's property. Such notification shall occur prior to works/demolition commencing. However, if in the opinion of Council, during the course of construction existing damage has worsened, Council may require full reinstatement. If damage does occur during the course of construction, prior to reinstating any damage to Council's property, the applicant/owner shall obtain design specifications of all proposed restoration works. Restoration/construction works within the road reserve shall be carried out by a licensed construction contractor at the applicant/owners expense and shall be inspected by Council prior to placement of concrete and/or asphalt.

Accessibility

11. Plans must be submitted to the Crown certifying authority, demonstrating that the new development has been designed to comply with the Disability (Access to Premises – Buildings) Standards 2010.

Required Submissions to Certifying Authority

12. If the development likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be obtained and submitted to the Crown certifying authority.
13. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

Engineering Fees and Bonds

14. A **\$356.10** fee is to be paid to Council for the design checking and inspection by Council of the stormwater drainage construction (stormwater gully pit) in the road reserve at the key stages.
15. The applicant shall lodge with Council a **\$6,000** cash bond to cover the registration of a Positive Covenant and Restriction as to User over the On-site Stormwater Detention System. This bond is refundable upon the submission of proof of registration of the Restriction on Use and Positive Covenant with the Land and Property Information NSW.
16. The applicant shall lodge with Council a **\$2,000** cash bond or bank guarantee to cover the satisfactory construction and/or reconstruction of Council's gully pit/s and associated works. This bond will be held for 'six (6) months after the completion of works' to remedy any defects that may arise within this time.

On-site Stormwater Detention (OSD)

17. The development has been identified as requiring an on-site stormwater detention (OSD) system which forms part of this consent. In order to satisfy the drainage requirements for the building the OSD system must be constructed in accordance with the endorsed stormwater layout plans (OSD plan number **2018-004**). The system shall generally be in accordance with the endorsed plans. However, the following shall also be addressed:
 - i. The roof gutter and downpipe system shall be design to convey the 5 minute duration 1% Annual Exceedance Probability (AEP) storm event into the OSD system with no gutter overflows.
 - ii. Additional flows, including surface runoff, over and above the area considered (site area) shall not drain into the OSD system.
 - iii. Areas of the site that will drain into and by-pass the detention system/s shall be clearly delineated on the drawing, and the OSD Design Summary Calculations shall correspond.

OSD design summary calculations shall be provided. (See Form B-1 of the handbook and Appendix A-1 of Council's policy).
 - iv. The invert level at the proposed point of connection into the Council system shall be obtained and all design levels shall be confirmed by the Engineer.
 - v. Design details for the proposed connection into the existing street gully pit, and any existing connections, shall be submitted to Council for approval.
 - vi. Amendments in red on the OSD drawing.

Water Sensitive Urban Design (WSUD)

18. Design and construction details of the water sensitive urban design (WSUD) system demonstrating compliance with Holroyd DCP 2013 Part A section 7.5 (Litter and particles) shall be submitted to the Crown certifying authority for approval.
19. The device(s) shall be within the subject property and maintenance, replacement etc. shall be the total responsibility of the property owner.

Acoustic Measures

20. Plans and/or specifications indicating how compliance with the recommendations of the acoustic report prepared by Cundall (reference 1015561, revision A dated 10 July 2017) will be achieved are to be submitted to the Crown certifying authority for assessment.
21. An acoustic report is to be prepared by an appropriately qualified acoustic consultant having the technical eligibility criteria required for membership of the Association of Australian Acoustical Consultants (AAAC) and/or grade membership of the Australian Acoustical Society (MAAS). The report shall consider noise emissions from the final mechanical plant selection. The report should be prepared in accordance with the NSW Environment Protection Authority Industrial Noise Policy.

Salinity

22. The subject site has been identified as having a potential salinity hazard. To prevent moisture/salinity from entering the built structure, appropriate construction methods are to be incorporated during construction.

Note: Further information for building in a saline environment is available in the following documents:

- "Building in Saline Environment" prepared by DIPNR 2003.
- Water Sensitive Urban Design in the Sydney Regions "Practice Note 12: Urban Salinity"
- Wagga Wagga City Council's "Urban Salinity Action" October 1999
- "Guide to Residential Slabs and Footings in Saline Environments" prepared by Cement Concrete and Aggregates Australia, May 2005

Sydney Water

23. A building plan approval must be obtained from Sydney Water Tap In™ to ensure the development will not affect any sewer, water or stormwater mains or easements.

A copy of the building plan approval receipt from Sydney Water must be submitted to the Crown certifying authority, prior to the issue of a construction certificate.

Please go to sydneywater.com.au/tapin to apply.

PRIOR TO DEMOLITION / WORKS COMMENCING

The following conditions are to be complied with prior to any demolition / works commencing on the site:

Photographic Record of Council Property – Damage Deposit

24. The applicant shall submit to Council, for the purposes of the damage deposit bond lodged to cover making good any damage caused to the property of Council, a full and satisfactory photographic record of the condition of Council's property (i.e., road pavement, kerb and guttering, footway, stormwater drainage, etc.) adjacent to the subject site. The purpose of the photographic record is to establish any pre-existing damage to Council's property to ensure that you are not liable for any re-instatement works associated with that damage. However, if in the opinion of Council, the existing damage has worsened or any new damage is caused during the course of construction, the Council may require either part or full re-instatement.

Note: Failure to provide a full and satisfactory photographic record described above, is likely to render the applicant liable to rectify all damages unless satisfactory proof can be provided that the damage was pre-existing.

Notification to Relevant Public Authority

25. The applicant shall ensure that relevant public utility authorities are made aware of the salinity problems that have been identified by the Department of Land and Water Conservation, such that their services are designed to take into consideration the effects the saline soils may have on their installations.

Sediment and Erosion Control Measures

26. Erosion and sedimentation controls detailed in the Erosion and Sediment Control Plan prepared by Jones Nicholson Consulting Engineers (ref. 161277) dated July 2017 shall be in place prior to the commencement of site works; and maintained throughout construction activities until the site is landscaped and/or suitably revegetated. The controls shall be in accordance with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater - Soils and Construction produced by Landcom (Blue Book).

Fencing of Sites

27. Fencing of sites is required to prevent public access when the site is unoccupied and building works are not in progress. In this regard the MINIMUM acceptable standard of fencing to the site is properly constructed construction fencing 1.8m high, clad internally with shade cloth. All openings are to be provided with gates, such gates are not at any time to swing out from the site or obstruct the footpath or roadway.

Tree Protection

28. An Arborist qualified to at least Australian Qualifications Framework (AQF) Certificate Level 4 shall be retained throughout all demolition/construction work to ensure the proper

protection and management of the tree/s required to be retained and that any necessary pruning work within 1m of the approved building/s, is carried out in accordance with Australian Standard 4373-1996 "Pruning of Amenity Trees". This includes on-site supervision of the erection of tree protection measures and, where necessary, any works that are required within tree protection zones.

29. The tree/s identified on the endorsed plans as being retained shall be protected prior to and throughout the demolition/construction process in accordance with the endorsed arborist report prepared by Naturally Trees, dated 28 July 2017 and relevant conditions of this Consent. All trees not authorised to be removed by this Consent must be retained. Prior to any work commencing, certification of the installation and inspection of the required tree protection works is to be provided to the Crown certifying authority by a suitably qualified person or the Arborist (as appropriate) engaged to ensure the proper protection and management of the tree/s required to be retained. A copy of the Certificate is to be issued to Council within seven (7) days of the inspection and prior to any works commencing. Additionally, trees identified for removal are to be retained until immediately prior to works commencing, to assist with soil management and erosion control.
30. Protective fencing is to be installed around the tree/s in accordance with the endorsed arborist report. This fencing is to be constructed of chainwire mesh 1.8m high, which is supported by steel stakes or piping and braced to resist impacts. Where appropriate the trunk/s of the tree/s on the site and any street tree/s (which are not to be fenced other than as mentioned above), shall also be protected by vertical timber boards, installed by or under the supervision of a suitably qualified person or the arborist (as appropriate) engaged to ensure the proper protection and management of the trees required to be retained to accepted horticultural and TAFE standards.

Note: Removal of the protective fencing or timber boards during construction work will affect the Bonds and may result in legal proceedings being instigated by Council against the applicant and builder.

Notification of Asbestos Removal Works

31. At least two (2) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of asbestos removal works, the developer or demolition contractor must notify adjoining residents. Notification is to include, at a minimum:
 - The date and time when asbestos removal works will commence;
 - The name, address and business hours contact telephone number of the demolisher, contractor and/or developer;
 - The full name and license number of the asbestos removalist/s; and
 - The telephone number of SafeWork's Hotline 13 10 50

Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance.

Protection of Public Places

32. A hoarding or fence must be erected between the work site and any public place, if the work involved in the erection or demolition of the building; is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place.

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.

Foot paving, Kerbing and Guttering

33. Protection must be provided for Council foot paving, kerbing and guttering. Wooden mats must also be provided at all entrances where the site fronts paved footpaths.
34. Finished street levels shall not be assumed. The owner or builder must make application to Council's Engineering Services Department for street levels.

Support for Neighbouring Buildings

35. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land (including a public road and any other public place), 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 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 for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land. (In this clause, *allotment of land* includes a public road and any other public place).

Toilet Facilities

36. 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 of 20 persons employed at the site.

Works within Council's Reserve

37. All works within the Council reserve shall be completed within three (3) weeks of the date of commencement. Council's Development Engineer shall be advised prior to the commencement of works.

38. A Certificate of Currency of the contractor's Workers' Compensation Policy is to be submitted to Council prior to the commencement of works.

Road Works

39. A Traffic Management Plan shall be lodged with Council for any road and drainage works to be carried out within public road reserves, or where construction activity impacts on traffic flow or pedestrian access, in strict compliance with the requirements of Australian Standard 17742.3 (Traffic Control Devices for Works on Roads). A copy of the approved TMP shall be kept on site during the course of construction for reference and compliance.
40. The applicant to arrange with the relevant public utility authority the alteration or removal of any affected services in connection with the development. Any such work being carried out at the applicant's cost.
41. All construction works shall be in accordance with the SafeWork NSW safety requirements. Submission of insurance documentation demonstrating a minimum Public Liability cover of \$20,000,000 is to be submitted prior to commencement of works.

DURING DEMOLITION / CONSTRUCTION

The following conditions are applicable during demolition / construction:-

Endorsed Plans & Specifications

42. A copy of the endorsed stamped plans and specifications, together with a copy of this consent and the approved Traffic Management Plan are to be retained on site at all times.

Hours of Work & Display of Council Supplied Sign

43. For the purpose of preserving the amenity of neighbouring occupations building work including the delivery of materials to and from the site is to be restricted to the hours of 7.00am to 6.00pm Mondays to Fridays and 8.00am to 4.00pm Saturdays. Work on the site on Sundays and Public Holidays is prohibited.
44. Demolition works are restricted to Monday to Friday between the hours of 7.00am to 6.00pm and Saturday between 8.00am and 4.00pm. **No demolition works are to be undertaken on Sundays or Public Holidays.**

Site Control

45. All soil erosion measures required in accordance with the approved sediment and erosion control plan and any other relevant conditions of this Consent are to be put in place prior to commencement of construction works and are to be maintained during the entire construction period until disturbed areas are restored by turfing, paving or revegetation. This includes the provision of turf laid on the nature strip adjacent to the kerb.
46. Builder's refuse disposal and storage facilities are to be provided on the development site for the duration of construction works and all rubbish shall be removed from the site upon completion of the project.
47. Stockpiles of sand, soil and other material shall be stored clear of any drainage line or easement, tree protection zone, water bodies, footpath, kerb or road surface and shall have erosion and sediment control measures in place to prevent the movement of such materials onto the aforementioned areas and adjoining land.

Asbestos Management

48. All works involving the removal of asbestos cement sheeting are to be carried out in accordance with the Asbestos Management Plan prepared by Parsons Brinkerhoff (ref: 2171479A PR-6457) dated November 2012.

Demolition Involving the Removal of Asbestos

49. All works involving removing asbestos containing materials must be carried out by an asbestos removalist duly licensed with SafeWork NSW, holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal License which ever applies AND a current SafeWork NSW Demolition License where works involve demolition.

Note:

- Removal of asbestos by a person who does not hold a Class A or Class B asbestos removal license is permitted if the asbestos being removed is 10m² or less of non-friable asbestos (approximately the size of a small bathroom).
- Friable asbestos materials must only be removed by a person who holds a current Class A asbestos license.
- To find a licensed asbestos removalist please see www.safework.nsw.gov.au

50. Asbestos removal works are to be undertaken in accordance with the following:

- NSW Work Health and Safety Act and Regulation 2011;
- Safe Work Australia Code of Practice for the Management and Control of Asbestos in the Workplace [NOHSC:2018(2005)]
- NSW Government WorkCover Code of Practice - How to Safely Remove Asbestos;
- NSW Government WorkCover Code of Practice - How to Manage and Control Asbestos in the Workplace; and

51. Appropriate barricades must be installed and maintained as appropriate to prevent public access and prevent the escape of asbestos fibres. Barricades must be installed prior to the commencement of asbestos removal works and remain in place until works are completed.

52. Following completion of asbestos removal works undertaken by a licensed asbestos removalist re-occupation of a workplace must not occur until an independent and suitably licensed asbestos removalist undertakes a clearance inspection and issues a clearance certificate.

Waste Management Plan

53. The approved Waste Management Plan must be implemented and complied with during all stages of works on site.

54. Within seven (7) days of completion of construction/building works, the applicant shall submit a signed statement to Council or the Crown certifying authority verifying that demolition work and recycling of materials was undertaken in compliance with the Waste Management Plan. The Crown certifying authority shall submit a copy of the statement to Council.

In reviewing such documentation Council will require the provision of actual weighbridge receipts for the recycling/disposal of all materials.

Road Works and Footpaving

55. Pedestrian access, including disabled and pram access, is to be maintained as per Australian Standard AS1742.3 "Part 3 – Traffic Control Devices for Works on Roads".

56. All advisory and regulatory sign posting (for example parking restriction signage, pedestrian crossing signs, warning signs) are to remain in place during construction.

Underground Cabling

57. All communications cabling shall be installed underground as per relevant authority requirements (including broadband and Category 5).

Underground Power Connection

58. Where electricity reticulation cannot be obtained directly from the street, power connection is to be underground. No intermediate power pole is permitted.

Vehicle Cleansing

59. Concrete trucks and trucks used for the transportation of building materials shall not traffic soil, cement or similar materials onto the road. Where required, hosing down of vehicle tyres shall be conducted in a suitable off-street area where wash water is prevented from entering the stormwater system or adjoining property.

Importation of Fill

60. All imported fill shall be validated in accordance with Council's Contaminated Land Policy to ensure that it is suitable for the proposed land use from a contamination perspective.

Additional Information during Demolition/Construction

61. Any new information which comes to light during demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to Council immediately.

Inspection of On Site Detention Works

62. The stormwater drainage works are to be inspected during construction, by the Council or by a suitably qualified Civil Engineer. Documentary evidence of compliance with Council's specifications shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:
- (a) Initial inspection to discuss concept and site conditions/constraints prior to commencement of construction of the detention basin/tank.
 - (b) Prior to landscaping of detention basin or pouring of the roof of the detention tank.
 - (c) After completion of storage but prior to installation of fittings (e.g. orifice plates, screens, flap valves etc.)
 - (d) Final Inspection

Council's standard inspection fee will apply to each of the above set inspection key stages. Additional inspection fees will apply for additional inspections required to be undertaken by Council.

Inspection of Pollution Control Device/s

63. The stormwater drainage and/or pollution control devices shall be inspected during construction, by the Council or by a suitably qualified Civil Engineer. Documentary evidence of compliance with Council's specifications shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:

- (a) Initial inspection to discuss concept and site conditions/constraints prior to commencement of the construction of the pollution control device/s.
- (b) After completion of storage but prior to installation of fittings (e.g. screens, etc.)
- (c) Final Inspection.

Council's standard inspection fee will apply to each of the above set inspection key stages. Additional inspection fees will apply for additional inspections required to be undertaken by Council.

Inspection of Drainage Works

64. The stormwater drainage works (street gully pit) within the road reserve shall be inspected during construction by the Council. Documentary evidence of compliance with Council's specifications shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:
- (a) Initial inspection to discuss concept and site conditions/constraints prior to commencement of the construction of the Stormwater drainage.
 - (b) Prior to placing of concrete for the proposed Council grated gully pit.
 - (c) Final inspection.

Council's standard inspection fee will apply to each of the above set inspection key stages. Additional inspection fees will apply for additional inspections required to be undertaken by Council.

Tree Protection

65. The tree/s identified on the plans as being retained shall be protected against damage throughout the demolition/construction process in accordance with the endorsed Arborist reports prepared by Naturally Trees, dated 28 July 2017 and relevant conditions of this consent.

Landscaping/Site Works

66. All turfed areas shall be finished level with adjoining surfaces and also fall evenly to approved points of drainage discharge.
67. The applicant shall accept all responsibility for the accuracy of the information provided to Council for assessment. If any tree/s are not shown on the endorsed plan or are required to be retained/transplanted and protected but are threatened by demolition/construction work through unforeseen construction requirements or plan inaccuracy, an AQF 5 arborist is to be consulted with works ceasing until any required permits or approvals have been obtained.
68. Branches of trees to be retained/transplanted within 1m of the approved building, may be pruned by an Arborist qualified to at least Australian Qualification Framework (AQF) Certificate Level 3 in accordance with Australian Standard AS4373-1996 'Pruning of Amenity Trees' to enable demolition/construction works to occur.

Note: Any other pruning works not authorised by this Consent are subject to the approval of an application for General Tree Works activities.

69. No works are to occur within the fenced tree protection zones. All authorised works/activities within the fenced tree protection zone/s are to be undertaken by hand held equipment under the supervision of the consulting Arborist. No roots over 50mm in diameter are to be cut within the tree protection zone without prior consultation with Council officers or the consulting Arborist.

All roots over 50mm in diameter which are encountered outside the fenced tree protection zone/s are to be cleanly cut and not ripped.

Acoustic Measures

70. The recommendations as outlined in acoustic report prepared by Cundall (reference 1015561, revision A dated 10 July 2017) are required to be implemented during construction of the proposed development.

PRIOR TO OCCUPATION

The following conditions are to be complied with prior to the occupation of the new building:-

Certificates/Documentary Evidence

71. A final clearance is to be obtained from Integral Energy if such clearance has not previously been issued.
72. A section 73 compliance certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. Application can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.

Go to sydneywater.com.au/section73 or call 1300 082 746 to learn more about applying through an authorised Water Servicing Coordinator or Sydney Water.

Following application, Sydney Water may issue a Notice of Requirements letter detailing all requirements that must be met prior to the issue of the section 73 certificate.

The section 73 compliance certificate must be submitted to the Crown certifying authority prior to the issue of a final occupation certificate.

73. A Structural Engineer's certificate from the supervising structural engineer responsible for the design shall be submitted to the Crown certifying authority and shall state that all foundation works/reinforced concrete/structural members have been carried out/erected in accordance with the Engineer's requirements and the relevant SAA Codes.

Note: Any such certificate is to set forth the extent to which the engineer has relied on relevant specifications, rules, codes of practice or publications in respect of the construction.

Roads and Maritime Services

74. Prior to occupation of the new building, a Road Safety Evaluation (RSE, refer to NSW Centre for Road Safety Guidelines for Road Safety Audit Practices) shall be undertaken of Fowler Road, Holdsworth Street and any streets utilised for pick-up/drop-off during the morning drop-off and afternoon pick-up period.

Appropriate road safety measures shall be implemented based on the outcomes of the RSE in consultation with Cumberland Council.

Parking/Driveway

75. The 25 on site car parking spaces are to be provided and line marked in accordance with the relevant Australian Standards. Aisle widths, manoeuvring areas, and clearance from structures are to comply with the relevant Australian Standards at all times.

Acoustic Assessment

76. The Crown certifying authority shall obtain a certificate from an appropriately qualified acoustic consultant, stating that the recommendations outlined in the approved acoustic assessment report prepared by Cundall (reference 1015561, revision A dated 10 July 2017) have been completed and that relevant noise criteria have been satisfied prior to the occupation of the building.

Certification of OSD

77. The On-site Stormwater Detention design summary calculation sheet using the Works-as-Executed levels shall be provided to Council.

Covenant and Maintenance Schedule

78. Documents giving effect to the creation of a Positive Covenant and Restriction as to User over the On-site Stormwater Detention and Pollution Control Device shall be submitted to Council for approval prior to lodging with the Land and Property Information NSW. The wording of the terms of the Positive Covenant and Restriction on use shall be in accordance with Council's standards and specifications for stormwater drainage and on-site stormwater detention. The documents shall be approved by Council for registration with the Land and Property Information NSW.

The Positive Covenant and Restriction as to User shall be registered with the Land and Property Information NSW upon completion of the OSD works on site.

79. An On-site Stormwater Detention plate shall be installed within the detention tank. The plate shall be located in or near the Discharge Control Unit, and the wording and plate shall be in accordance with Council's standard requirements.
80. Confined space signage and step irons at 300mm centres shall be provided to each access of the OSD tanks.

Public stormwater Drainage (Street gully)

81. A certificate of compliance for the completed works to the public stormwater drainage shall be obtained from Council.

Road works

82. Any works requiring levels within the road reserve will require the submission of Council's Vehicle Crossing application form.
83. The Applicant shall arrange the removal of any damaged kerb and/or gutter resulting from the development works, and repairs of such concrete works along all areas of the site fronting Fowler Road, as directed by Council's engineer. These works shall be carried out by a licenced construction contractor at the applicants cost and shall be in accordance with Council standards and issued level sheets.

Landscaping/Tree Protection

84. Certification is to be provided to the Crown certifying authority, from the designer of the landscape proposal that all tree planting/landscape works have been carried out in accordance with the endorsed plan.
85. The Arborist engaged to ensure the proper protection and management of the trees required to be retained/transplanted is to provide a report to Council concerning the health and condition of the tree/s and if necessary any remedial works required. The report should also provide documentary evidence that the tree protection conditions were complied with throughout the demolition/construction phases, in the form of site notes and photographs. Should the trees require remedial works which are not exempt under Council's Tree Management Order, an application for General Tree Works will be required to be submitted and approved before the works are carried out and certified by the Arborist. Remedial works which are exempt under Council's Tree Management Order will also be required to be completed and certified.

Green Travel Plan

86. As recommended in Traffic and Transport Assessment prepared by Arup, Revision B dated 11 August 2017, a green travel plan/strategy for staff is to be developed and implemented to minimise demand for on street parking.

General

87. Documentary evidence and/or certificate of compliance must be submitted to Council to show that all works have been completed in accordance with this Development Consent.

CONDITIONS RELATING TO USE

The following conditions are applicable to the use of the development:-

Safety and Amenity

88. Where 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.

Noise

89. In the event of Council receiving complaints regarding excessive noise and as required, the person(s) in control of the premises shall at their own cost arrange for an acoustic investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of noise emanating from the premises.
90. The operation of all plant and equipment shall not give rise to an equivalent continuous (LA_{eq}) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA_{90} level (in the absence of the noise under consideration).
91. Noise and vibration from the use of any air conditioning system (if any installed) shall not exceed the background level by more than 5dB(A) and shall not be audible in any premises of a different occupancy between 10:00pm and 7:00am on weekdays and 10:00pm and 8:00am on weekends and public holidays.

Rainwater Tank Pump

92. The operation of any rainwater tank pumps shall not give rise to an equivalent continuous (LA_{eq}) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA_{90} level (in the absence of the noise under consideration). Council may require an Acoustic Report to be submitted, prepared by a suitably qualified person, to ensure this requirement is met in the event of Council receiving complaints.

Traffic and Parking

93. At least 25 car parking spaces numbered and line marked in accordance with the endorsed plans, are to be made available at all times for staff vehicles.
94. All vehicles shall enter and leave the site in a forward direction.

Emergency Procedures

95. The owner of a building to which an essential fire safety measure is applicable must not fail to maintain each essential fire safety measure in the building premises to a standard not less than that specified in the Fire Safety Schedule.

Lighting

96. Any lighting on the site shall be designed so as not to cause nuisance to neighbouring residences in the area or to motorists on nearby roads, and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with *AS4282-1997 Control of the obtrusive effects of outdoor lighting*.

ADVISORY NOTES

Other Necessary Approvals

- A. The applicant's attention is drawn to the need to obtain Council's separate approval for any ancillary activity not approved by this consent, including:
 - (a) Works, including the pruning or removal of any tree(s) not authorised in the preceding conditions or on the approved plans.
 - (b) Any fencing or signage that does not constitute exempt development pursuant to the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or other Environmental Planning Instrument.
 - (d) The installation of any furnace, kilns, steam boiler, chemical plant, sand blast, spray painting booth or the like.
- B. The Commonwealth Disability Discrimination Act 1992 may apply to this proposal. Approval of this application does not imply or confer compliance with this Act. Applicants and owners should satisfy themselves as to compliance and make their own enquiries with the Human Rights and Equal Opportunity Commission. Attention is also drawn to the provisions of Parts 2, 3 and 4 of Australian Standard 1428 - Design for Access and Mobility.
- C. **BANK GUARANTEES**

Bank guarantees will be accepted from list of banks which have at least an "A" rating from Standard and Poors and at least an "A2" or "Prime-1" standard from Moodys Investor Services.

To enable the bank guarantee to be enforceable during an entire project with consideration for delays, **the guarantee must not contain a facility expiry date.**

To get to Standard and Poors www.standardpoors.com then from Ratings Action choose Ratings Lists. Then click on Financial Institutions followed by clicking on Financial Institutions Counterparty Ratings List. Go to "**Banks**" and download to Australian Banks.

To get to Moodys www.moodys.com then look up Ratings and then Banking and then Bank Ratings list. It will take you to Bank Credit Research page. Look at the table of contents and choose Global Bank Ratings by Country. Look up Australian Banks.

- D. **TERMITE PROTECTION**

Structural members are to be protected from attacked by subterranean termites in accordance with the requirements of *AS3660.1-2000 Protection of building from subterranean termites* and a durable notice must be affixed within the metre box indicating the type of protection, its date of installation, life expectancy of any chemical barrier used, and system maintenance and inspection requirements. A certificate of compliance of the approved system must be submitted to Council or the Crown Certifying Authority on completion of the system installation. With respect to chemical protection, a pipe system shall be installed beneath the slabs plastic membrane to allow re-application of the chemical border.

E. GLAZING CERTIFICATION

A certificate shall be submitted to the Crown Certifying Authority stating that safety glazing has been used in the building in accordance with AS1288 - "Glass in Buildings - Selection and Installation".

F. 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.

G. 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 person 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.