

Our Reference:  
Contact:  
Phone:

2017/509  
Miss S Pritchard  
02 8757 9959

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

TBA

Blue Visions Management Pty Ltd  
Level 14  
99 Mount Street  
NORTH SYDNEY NSW 2060

Dear Sir/Madam

Pursuant to section 4.16 of the Act, Sydney Central City Planning Panel has granted conditional approval to your Development Application described as follows:

**PROPERTY:** Lot: 1 DP: 983604, Lot: B DP: 339083, Lot: 2 DP 122493, Lots: 66-70 Sec: 7A DP: 963, Lot: 62 Sec: 6A DP: 963, Lots: 62-71 Sec: 6A DP 963, Lot: 1 DP 122494, Lot: 1 DP: 440881, Lot: 1 DP: 395923, Lot: 1 DP: 122493

**STREET ADDRESS:** 27 Pendle Way PENDLE HILL

**DEVELOPMENT CONSENT NO:** 2017/509/1

**DECISION:** Sydney Central City Planning Panel

**DATE OF EXPIRY OF CONSENT:** TBA

**PROPOSED DEVELOPMENT:** Demolition of three existing buildings; alterations and additions to the existing administration building; alterations to the existing library building to create a new classroom; construction of a new three storey building accommodating 13 classrooms and wall signage within an existing educational establishment (Pendle Hill Public School)

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 five (5) years from 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 Conrad Gargett Ancher Mortlock Woolley, project number 16401;

Drawing No	Title	Revision	Date
1002	Site plan – existing	A	13 November 2017
1003	Proposed site plan	A	13 November 2017
1006	Streetscape elevations	A	13 November 2017
1008	Existing car park	D	25 May 2018
2000	Demolition plan – administration and library buildings	A	13 November 2017
2001	Demolition plan – classroom building	A	13 November 2017
2100	Lower ground floor plan – classroom building	A	13 November 2017
2110	Ground floor plan – classroom building	A	13 November 2017
2111	Ground floor plan – administration building	A	13 November 2017
2120	Level 1 floor plan – classroom building	A	13 November 2017
2130	Roof plan – classroom building	A	13 November 2017
3000	East and west elevations	B	20 March 2018
3001	North and south elevations	B	20 March 2018
3002	South and west elevations – administration	A	13 November 2017
3500	Sections	A	13 November 2017
7501	Signage details	A	30 November 2017

- Stormwater layout plans prepared by Adams Consulting Engineers, project number 160624;

Reference	Title	Revision	Date
PH-01-SD-C-DR-0002	Civil notes and details sheet	3	24 October 2017
PH-01-SD-C-DR-0003	Detention tank detail sheet	2	24 October 2017
PH-01-SD-C-DR-2100	Site stormwater plan	3	24 October 2017
PH-01-SD-C-DR-2101	Erosion and sediment control plan	3	24 October 2017

- Landscape plans prepared by Conrad Gargett Ancher Mortlock Woolley, project number 16 401;

Reference	Title	Rev.	Date
PH-01-SD-LA-DR-0004	Landscape finishes schedule and maintenance procedures	E	23 October 2017
PH-01-SD-LA-DR-0005	Landscape master plan	E	23 October 2017
PH-01-SD-LA-DR-0006	Landscape surface finishes plan – ground level – sheet 1	E	23 October 2017
PH-01-SD-LA-DR-0007	Landscape surface finishes plan – ground level – sheet 2	E	23 October 2017
PH-01-SD-LA-DR-0008	Landscape surface finishes plan – ground sheet 2	E	23 October 2017
PH-01-SD-LA-DR-0009	Material palette – hardscape	E	23 October 2017
PH-01-SD-LA-DR-0010	Material palette – softscape	E	23 October 2017
PH-01-SD-LA-DR-0011-E	Tree retention and removal plan	E	23 October 2017
PH-01-SD-LA-0012	Softscape details	E	23 October 2017
PH-01-SD-LA-DR-0013	Section 1 part 1	E	23 October 2017
PH-01-SD-LA-DR-0014	Section 1 part 2	E	23 October 2017
PH-01-SD-LA-DR-0015	Section 2 part 1	E	23 October 2017
PH-01-SD-LA-DR-0016-E	Section 2 part 2	E	23 October 2017

- Arboricultural impact assessment prepared by Asplundh, revision 3, dated 23 October 2017;
- Mechanical ventilation details prepared by WSP Australia Pty Ltd, reference 2305062B-ME-LTR-03, revision 1, dated 11 September 2017;
- Acoustic Report prepared by Wood & Grieve Engineers, project number 33719-SYD-N, revision 3, dated 10 April 2018;
- Contamination assessment and preliminary waste classification prepared by Douglas Partners, project number 86032.00, revision 0 dated 14 September 2017;
- Waste management plan received by Council 22 November 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 Building Code of Australia, National Construction Code (NCC).

### Demolition

4. Permission is granted for the demolition of the existing amenities blocks labelled as B-00F, B-00G, and B-00H 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.
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's certifier, 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's certifier.
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. Payment of a **\$712.20** fee for the inspection by Council of the stormwater drainage and On site Stormwater Detention System /Pollution Control Device/s at the key stages, where Council is the Principal Certifying Authority.
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.

### **Acoustic Measures**

16. Plans and/or specifications indicating how compliance with the recommendations of the acoustic report prepared by prepared by Wood & Grieve Engineers, (project number 33719-SYD-N, revision 3, dated 10 April 2018) will be achieved are to be submitted to the Crown's certifier.

### **Road Works**

17. 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 1742.3 (Traffic Control Devices for Works on Roads). In this regard, the applicant shall pay Council a **\$511.20** fee for the assessment of the Traffic Management Plan by Council, prior to commencing works within the road reserves. A copy of the

approved Traffic Management Plan shall be kept on site during the course of construction for reference and compliance.

### **Salinity**

18. 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**

19. 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](http://sydneywater.com.au/tapin) to apply.

### **Waste Storage**

20. Plans are to be updated to show the location of a waste storage area with sufficient space to accommodate the waste storage needs of the school.

## PRIOR TO DEMOLITION / WORKS COMMENCING

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

### On-site Stormwater Detention (OSD)

21. The development has been identified as requiring an on-site stormwater detention (OSD) system which forms part of the development consent. Therefore, in order to satisfy the drainage requirements for the building, construction of the building shall include the construction of the OSD system. In this regard, design and construction details of the OSD system demonstrating compliance with the development consent, OSD plan number 2018-074 and Council's on-site detention policy shall be submitted to the Crown's certifier prior to the commencement of works. The following shall also be addressed:
  - a. Council's on-site stormwater detention (OSD) policy for stormwater management is applied to this development. The proposed OSD system shall be designed and the calculations shall be prepared by a practising Civil Engineer in accordance with Council's OSD policy and in conjunction with the Upper Parramatta Catchment Trust (UPRCT)'s O.S.D. Handbook – Latest Revision of the 3<sup>rd</sup> Edition. The following shall also be addressed:
    - i. The on-site stormwater detention proposal has not been designed in accordance with Council's OSD policy. In this regard Council's on-site stormwater detention policy is based on the third edition of the UPRCT's OSD Handbook (the proposal is based on the fourth edition). Note: The 3<sup>rd</sup> edition requires high early discharge (HED) and one orifice outlet for each system. The detention system shall be designed using the permissible site discharge and site storage requirement figures of 80 L/s/Ha and 470 m<sup>3</sup>/Ha respectively. Also, the majority of the development site drainage system shall be connected to the Discharge Control Pit (DCP).
    - ii. Where possible, the proposed drainage system shall be designed to direct runoff from the entire site to the proposed OSD system. A maximum 15% of site area bypassing the OSD system may be permitted if necessary due to ground level constraints.  
**Note:** Total development and redevelopment shall be clarified and the site area bypassing OSD system shall be scaled and clearly delineated on the OSD drawing.
    - iii. A minimum of 75% high early discharge shall be achieved for the OSD system with a discharge control pit (DCP) to be shown. The DCP shall be in accordance with Appendix B-3 of Council's OSD policy and the majority of the stormwater system shall be connected directly to the DCP.
    - iv. The level of the overflow structure (i.e., weir etc.) from the DCP to the storage shall be provided.
    - v. Provision needs to be made in the OSD system for a storm event greater than the 1% Annual Exceedance Probability (AEP) or if the outlet of the OSD system is blocked. In this regard, the emergency overflow structures/flowpath shall be designed and provided demonstrating the flow can be conveyed to Council's drainage system without negative impact to the adjacent properties.
    - vi. Where the design invert level of the orifice outlet within the DCP is below the kerb level of Council's drainage system or the proposed gully pit with lintel in Arnett Street. The orifice outlet will be considered to be functioning as a

submerged outlet. OSD calculations shall be revised accordingly and the volume of the OSD shall be designed in accordance with the Council's OSD policy.

- vii. The invert level of the existing Council's kerb inlet pit in Arnett Street shall be confirmed prior to work commencing. The existing stormwater system on the west of the proposed admin building extension shall be checked and confirmed by a qualified plumber to ensure the system is in good condition prior to connecting the new drainage system from the extension.
- viii. The consulting engineer shall ensure that the outlet invert level of the OSD tank indicated on the engineering plan for construction will be higher than the invert level of the existing pits downstream. Storage where below the outlet invert level of the tank shall not be counted as detention storage.
- ix. The roof drainage network (gutter and downpipe) of the proposed building/structure shall be designed to convey the 5 minute duration 1% AEP storm event into the OSD system with no gutter overflows.
- x. All grated pits in children's play areas shall be provided with child proof 'J' type spring locks.
- xi. Sufficient grated access/opening for ventilation shall be provided in accordance with UPRCT's OSD Handbook and the relevant Australian Standards.
- xii. Where the depth of the DCP is greater than 600 mm, the minimum internal dimensions of the opening for inspection, cleaning and access shall be 900 x 900 mm. Other grated access/opening shall be in compliance with Australian Standard 3500.3:2015.
- xiii. A confined space danger sign shall be provided at all access points to the underground storage tank in accordance with the UPRCT OSD handbook.
- xiv. Overland flow up to the 1 in 100 year flow must be accepted at the upstream catchment area and conveyed through the proposed development site area not draining into the OSD systems. Full details of the hydraulic evaluation of the overland flow shall be prepared by a practising Civil Engineer in accordance with Council's standards and specifications and the Upper Parramatta Catchment Trust's O.S.D. Handbook, and shall be submitted to the Crown's certifier prior to the commencement of works.

### **Water Sensitive Urban Design (WSUD)**

- 22. The development has been identified as requiring water sensitive urban design (WSUD) which has formed part of the development consent. Therefore, in order to satisfy the drainage requirements for the building, any construction certificate for the building shall include the construction of the WSUD system. In this regard, design and construction details of the WSUD system demonstrating compliance with Holroyd Development Control Plan (HDCP) 2013 Part A section 7.5 shall be submitted to the Crown's certifier prior to the commencement of works.

### **Photographic Record of Council Property – Damage Deposit**

- 23. 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**

24. 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**

25. Erosion and sedimentation controls detailed in the endorsed erosion and sediment control plan 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**

26. 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**

27. 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.
28. 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 Arborist Report prepared by Asplundh, revision 3, dated 23 October 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.

29. 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**

30. At least two (2) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of asbestos removal works, adjoining residents must be notified.

#### **Construction Asbestos Management Plan**

31. A construction asbestos management plan (CAMP) shall be developed and implemented prior to commencing works so a more detailed response is already in place to manage risk to workers and school users should asbestos be encountered.

#### **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. Application must be made 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. Submit to Council an application for a road opening permit when the drainage connection into Council's system is within the road reserve.
41. 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.
42. All construction works shall be in accordance with the SafeWork NSW safety requirements. 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

43. 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

44. 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.
45. 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

46. 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 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.
47. 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.
48. 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.

### 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 10m<sup>2</sup> 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](http://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.

### **Vehicle Cleansing**

53. 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**

54. 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.

### **Contaminated Land Unexpected Finds**

55. In the event that works cause the generation of odours or uncovering of unexpected contaminants works are to immediately cease, Council is to be notified and a suitably qualified environmental scientist appointed to further assess the site. The exposed material/excavation is to be evaluated by the supervising environmental consultant and an appropriate response determined in consultation with the applicant, which is agreed to by the Manager Health and Environmental Protection, Cumberland Council.

Note: Council may also request that a NSW EPA accredited site auditor is involved to assist with the assessment of the contaminated land situation and review any new contamination information. The applicant must also adhere to any additional conditions which may be imposed by the accredited site auditor.

### **Noise & Vibration**

56. The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and cause no

interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

57. In the event of a noise or vibration problem arising, the person in charge of the premises must, when instructed by Cumberland Council or the Crown's certifier, cease work and carry out an acoustical survey and/or investigation by an appropriate acoustical engineer or consultant and submit the results to Council. The person in charge of the site must implement any or all of the recommendations of the consultant and any additional requirements of Council. Any requirements of Council in this regard must be complied with immediately.

#### **Waste Management Plan**

58. The approved Waste Management Plan must be implemented and complied with during all stages of works on site.
59. Within seven (7) days of completion of construction/building works, the applicant shall submit a signed statement to the Crown's certifier verifying that demolition work and recycling of materials was undertaken in compliance with the Waste Management Plan.

#### **Road Works and Footpaving**

60. 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".
61. 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**

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

#### **Underground Power Connection**

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

#### **Inspection of On Site Detention Works**

64. 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**

65. 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.

### **Tree Protection**

66. 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 report prepared by Asplundh, revision 3, dated 23 October 2017 and relevant conditions of this consent.

### **Landscaping/Site Works**

67. All turfed areas shall be finished level with adjoining surfaces and also fall evenly to approved points of drainage discharge.
68. 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.
69. 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.

70. 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 Assessment**

71. All recommendations contained in the approved acoustic assessment report prepared by Wood & Grieve Engineers (ref 33719-SYD-N) dated 10 April 2018 shall be adopted, implemented, and adhered to. In particular "A maximum sound power level has been proposed for condenser units in the event that they are required. This level should be reviewed when more information is known regarding proposed location, in order to determine if any acoustic treatment is required.."

The Crown's certifier shall obtain a certificate from an appropriately qualified acoustic consultant, stating that the recommendations outlined in the above stated report have been completed and that relevant noise criteria have been satisfied prior to occupation of the buildings.

Any changes made to the proposal that would alter the outcome will require a further assessment and a copy of this further report shall be provided to the Crown's certifier for approval and all recommendations of the report shall be adopted, implemented and available upon request of the Council.



## **PRIOR TO OCCUPATION**

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

### **Certificates/Documentary Evidence**

72. A final clearance is to be obtained from Integral Energy if such clearance has not previously been issued.
73. 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](http://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's certifier prior to the issue of a final occupation certificate.

74. 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.

### **Parking/Driveway**

75. The 22 on site car parking spaces as shown on the endorsed plan are to be provided and line marked in accordance with the relevant Australian Standards.

### **Acoustic Assessment**

76. The Crown's certifier shall obtain a certificate from an appropriately qualified acoustic consultant, stating that the recommendations outlined in the approved acoustic assessment report prepared by Wood & Grieve Engineers, project number 33719-SYD-N, revision 3, dated 10 April 2018 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.

78. A copy of the as approved stormwater drainage and On Site Detention / Pollution Control Device plan showing work as executed details shall be submitted to Council. The work as executed plan shall be in accordance with Council's standards and specifications for stormwater drainage and on-site stormwater detention.

#### **Covenant and Maintenance Schedule**

79. A maintenance schedule for the stormwater and On-Site Detention system including a sketch plan of the components forming the site's stormwater and On-Site Detention system shall be submitted to Council. The maintenance schedule shall be prepared by a qualified hydraulic engineer and shall be in accordance with the Upper Parramatta River Catchment Trust requirements.
80. 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.

81. An On-site Stormwater Detention plate shall be installed within the detention basin or tank. The plate shall be located in or near the Discharge Control Unit to alert future owners of their obligations to maintain the facility and its restrictions. The wording and plate shall be in accordance with Council's standard requirements.
82. Confined space signage and step irons at 300mm centres shall be provided to each access of the OSD tanks.

#### **Road works**

83. Any works requiring levels within the road reserve will require the submission of Council's Vehicle Crossing application form.

#### **Landscaping/Tree Protection**

84. Certification is to be provided to the Crown's certifier, 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, dated 11 April 2018, 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.

### Air Emissions

89. The use of the premises shall not give rise to air impurities in contravention of the *Protection of the Environment Operations Act 1997* and shall be controlled in accordance with the requirements of such Act.
90. In the event of Council receiving complaints regarding air pollution or odour from the premises, the person(s) in control of the premises shall at their own cost arrange for an environmental investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of odour exiting the premises.

### Noise (General)

91. The use of the premises shall comply with the requirements of the Environment Protection Authority's *Noise Policy for Industry (2017)* and shall not give rise to the transmission of offensive noise as defined in the Protection of the Environment Operations Act 1997 (NSW).

### Noise

92. 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.
93. 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  $L_{A90}$  level (in the absence of the noise under consideration).
94. 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

95. 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**

96. At least 22 car parking spaces numbered and line marked in accordance with the endorsed plans, are to be made available at all times for staff vehicles.
97. All vehicles shall enter and leave the site in a forward direction.

### **Emergency Procedures**

98. 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**

99. 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](http://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](http://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's certifier 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's certifier 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](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

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.