

# DRAFT CONDITIONS OF CONSENT FOR DA-349/2018

## ATTACHMENT 1 – CONDITIONS OF APPROVAL

Council has imposed the following conditions under the relevant planning instruments and policies.

### A. THE DEVELOPMENT

#### Approved Plans

1. Development the subject of this determination notice must be carried out strictly in accordance with the following plans/reports marked as follows:

- a) Architectural Plans prepared by JDH Architects;

Description	Drawing No.	Project No.	Revision	Date
Demolition Site Plan	DA02_A	1006	A	10-Apr-18
Proposed Site Plan	DA03_A	1006	A	10-Apr-18
Demolition Ground Floor Plan	DA21_A	1006	A	10-Apr-18
Demolition First Floor Plan	DA22_A	1006	A	10-Apr-18
Demolition Roof Plan	DA23_A	1006	A	10-Apr-18
Proposed Ground Floor Plan	DA31_A	1006	A	10-Apr-18
Proposed First Floor Plan	DA32_A	1006	A	10-Apr-18
Proposed Roof Plan	DA33_A	1006	A	10-Apr-18
Proposed Elevations Sheet 1	DA41_A	1006	A	10-Apr-18
Proposed Elevations Sheet 2	DA42_A	1006	A	10-Apr-18
Proposed Sections	DA51_A	1006	A	10-Apr-18
Colour and Finishes Schedule	DA71_A	1006	A	10-Apr-18
3D Perspective – Sheet 1	DA81	1006	-	10-Apr-18

- b) Sediment Fence & Erosion Control Plan & Details, prepared by Niven Donnelly & Partners Pty Ltd; drawing no. 217049-DAH03, revision A, dated 08.02.18.
- c) Arboricultural Impact Assessment, prepared by Graham Brooks Arboricultural Tree Services Pty Ltd, dated 19/01/2018.
- d) Building Code of Australia Compliance Statement, prepared by Anthony Protas Consulting Pty Ltd, Ref: P180070, dated 22 March 2018.
- e) Building Construction in Bush Fire Prone Areas – Proposed Alterations and Additions, prepared by Control Line Consulting, Ref No. 17.10.412, dated (site inspected 8<sup>th</sup> November 2017).
- f) Flood Risk Management Plan, prepared by Siteplus Pty Ltd, Project No. 17150, Revision 1, dated October 2017.
- g) Traffic & Parking Impact Statement, prepared by TSA, dated 16 March 2018.

### **General Terms of Approval**

2. All General Terms of Approval issued by the NSW Natural Resources Access Regulator, shall be complied with prior, during, and at the completion of construction, as required in accordance with the General Terms of Approval dated 10 July 2018. A copy of the General Terms of Approval are attached to this decision notice in Attachment 2.
3. All General Terms of Approval issued by the NSW Rural Fire Service, shall be complied with prior, during, and at the completion of construction, as required in accordance with the General Terms of Approval dated 23 July 2018. A copy of the General Terms of Approval are attached to this decision notice in Attachment 3.

### **Roads and Maritime Services**

4. Roads and Maritime has previously acquired a strip of land for road along the Hoxton Park Road frontage of the subject property, as shown by the blue colour on the attached Aerial – “X”. Roads and Maritime has also previously acquired an easement for Right of Access over subject property as shown by the brown colour on the attached Aerial – “Y” and DP 1209742 and noted on title (Dealing A1277706). The following terms in relation to the abovementioned land are to be complied with prior, during and at the completion of construction:
  - (a) Any new building or structures, together with any improvements integral to the future use of the site, are to be erected clear of the identified easement and Hoxton Park Road boundary (unlimited in height and depth);
  - (b) Access to the Roads and Maritime easement is not to be denied; and
  - (c) The integrity of the Roads and Maritime easement is not to be compromised.

The response and associated maps of the easement provided by NSW Roads and Maritime Services are attached to this development consent in Attachment 4.

### **General Provisions**

5. The requirements and provisions of the *Environmental Planning & Assessment Act 1979* and *Environmental Planning & Assessment Regulation 2000*, must be fully complied with at all times.

Failure to comply with these legislative requirements is an offence and may result in the commencement of legal proceedings, issuing of ‘on-the-spot’ penalty infringements or service of a notice and order by Council.

### **Works at no cost to Council**

6. All roadworks, drainage works and dedications, required to effect the consented development shall be undertaken at no cost to Liverpool City Council.

### **Site Development Work**

7. In accordance with section 4.17 (11) of the *Environmental Planning & Assessment Act*

1979 and clause 8.8, 8.10 of the *Environmental Planning & Assessment Regulation 2000*, it is a *prescribed condition* that all building work must be carried out in accordance with the applicable Performance Requirements of the National Construction Code. Compliance with the Performance Requirements can only be achieved by:

- (a) Complying with the Deemed to Satisfy Provisions; or
- (b) Formulating an Alternative Solution, which complies with the Performance Requirements or is shown to be at least equivalent to the Deemed to Satisfy Provision, or a combination of (a) and (b).

### **Disabled Access**

8. Access must be provided to the building for people with a disability in accordance with the relevant requirements of the Building Code of Australia, Disability (Access to Premises – Buildings) Standard 2010 and Australian Standard – AS1428.1 (2009), Design for Access and Mobility – General requirements for new building work, to the satisfaction of the Certifying Authority.

## **B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE**

**The following conditions are to be complied with or addressed prior to issue of a Construction Certificate by the Principal Certifying Authority:**

### **Cladding**

9. Prior to issue of a construction certificate the certifier must be satisfied that all proposed attachments, cladding material and systems forming part of external walls comply with the NCC BCA and relevant Australian Standards. The certifier must be able to demonstrate compliance with evidence of suitability as per clause A2.2 of the BCA for all products/systems proposed.

Prior to issuing an occupation certificate the principal certifier must be satisfied that suitable evidence has been provided to demonstrate that the external wall cladding material and system is consistent with the consent documentation, NCC and relevant Australian Standards.

### **Fee Payments**

10. Unless otherwise prescribed by this consent, all relevant fees or charges must be paid. Where Council does not collect these payments, copies of receipts must be provided. For the calculation of payments such as Long Service Levy, the payment must be based on the value specified with the Development Application/Construction Certificate.

The following fees are applicable and payable:

- (a) Damage Inspection Fee – relevant where the cost of building work is \$20,000 or more, or a swimming pool is to be excavated by machinery,
- (b) Fee associated with Application for Permit to Carry Out Work Within a Road, Park and Drainage Reserve, and
- (c) Long Service Levy payment is applicable on building work having a value of \$25,000 or more, at the rate of 0.35% of the cost of the works. The required

Long Service Levy payment, under the Building and Construction Industry Long Service Payments Act 1986, is to be forwarded to the Long Service Levy Corporation or the Council, prior to the issuing of a Construction Certificate, in accordance with Section 109F of the Environmental Planning & Assessment Act 1979.

These fees are reviewed annually and will be calculated accordingly.

### **Notification**

11. The certifying authority must advise Council, in writing of:
  - (a) The name and contractor licence number of the licensee who has contracted to do or intends to do the work, or
  - (b) The name and permit of the owner-builder who intends to do the work.

If these arrangements are changed, or if a contract is entered into for the work to be done by a different licensee, Council must be immediately informed.

### **Traffic**

12. A traffic management plan is to be submitted to Liverpool City Council's Traffic Committee for approval. Works within the road reserve shall not commence until the traffic management plan has been approved.

The traffic management plan is to be prepared by an accredited designer and submitted to and stamp approved by Council via a standard Section 138 Roads Act Permit application available at Council's customer service counter. The stamped approved Roads Act Permit is to be obtained by the PCA. A copy of the stamped approved Roads Act Permit and traffic management plan is to be available on the works site for inspection at any time by an authorised Council officer.

### **Flooding**

14. The floor level shall be no less than the Probable Maximum Flood (i.e. **31.8m** Australian Height Datum).
15. The structure shall be constructed from flood compatible building components below the Probable Maximum Flood (i.e. **31.8m** Australian Height Datum).
16. An engineering report shall be required to certify that the structure can withstand the forces of floodwater including debris and buoyancy up to and including the Probable Maximum Flood (i.e. **31.8m** Australian Height Datum).
17. There shall be no net loss of floodplain storage volume below the 1% AEP flood. This includes but is not limited to a balanced cut and fill below the 1% Annual Exceedance Probability flood.
18. An evacuation plan shall be developed and maintained, including suitable warning systems, signage and exits, to ensure the safe evacuation of people during floods up to and including the Probable Maximum Flood.

### **Stormwater Discharge**

19. Stormwater drainage from the site shall be discharged to the existing site drainage system.

The proposed development and stormwater drainage system shall be designed to ensure no adverse impact on adjoining properties by the diversion, damming or concentration of stormwater flows.

The proposed method of stormwater discharge shall be detailed in the Construction Certificate issued by the Certifying Authority.

### **Landscaping**

20. A detailed landscape plan prepared by a suitably qualified landscape architect is to be submitted to and approved by the Manager of Development Assessment at Liverpool City Council prior to the issue of any CC. The detailed landscape plan is to incorporate the replanting of 12 trees that is consistent with the conclusion and recommendations provided within the approved Arboricultural Impact Assessment, prepared by Graham Brooks Arboricultural Tree Services Pty Ltd dated 19/01/2018.

### **Acoustic Measures**

21. An acoustic statement prepared by a suitably qualified and experienced acoustic consultant shall be provided to the satisfaction of the PCA, which provides acoustic mitigation measures for the approved building additions relating any noise and vibration impacts associated with the Hoxton Park Road. The acoustic statement shall be conducted in accordance with NSW Department of Planning publication titled 'Development Near Rail Corridors and Busy Roads – Interim Guideline.

### **Waste Management**

22. A detailed Waste Management Plan is to be submitted to the Council or PCA for approval prior to the issue of any Construction Certificate. The Waste Management Plan is to be detailed in accordance with the provisions of Section 25 of Liverpool Development Control Plan 2008 and is to include demolition, the construction and post-construction phases of the development.

## **C. PRIOR TO WORKS COMMENCING**

**The following conditions shall be complied with prior to works commencing on the subject site:**

### **Commencement of building work**

23. Building work shall not commence prior to the issue of a Construction Certificate. Building work as defined under Section 1.4 of the Environmental Planning and Assessment Act, 1979 means any physical activity involved in the erection of a building and includes but is not limited to, the placement of any site shed/s or builders facilities, site grading, retaining walls, excavation, cutting trenches, installing formwork and steel reinforcement or, placing of plumbing lines.

### **Construction Certificates**

24. Prior to the commencement of any building works, the following requirements must be complied with:
- (a) Construction Certificate must be obtained from the Council or an Accredited Certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979,
  - (b) Where a Construction Certificate is obtained from an Accredited Certifier, the applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 4.19, 6.6, 6.7, 6.12, 6.13, 6.14 of the Act,
  - (c) A copy of the Construction Certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment,
  - (d) A Principal Certifying Authority (PCA) must be appointed to carry out the necessary building inspections and to issue an occupation certificate, and
  - (e) The PCA must advise Council of the intended date to commence work which is the subject of this consent by completing a notice of commencement of building works or subdivision works form, available from Council's Customer Service Centre. A minimum period of two (2) working days' notice must be given.

### **Demolition Works**

25. Demolition works shall be carried out in accordance with the following:
- (a) Prior to the commencement of any works on the land, a detailed demolition work plan designed in accordance with the Australian Standard AS 2601-2001 – The Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by Council and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials,
  - (b) Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Council, and
  - (c) The handling or removal of any asbestos product from the building/site must be carried out by a NSW Work Cover licensed contractor irrespective of the size or nature of the works. Under no circumstances shall any asbestos on site be handled or removed by a non-licensed person. The licensed contractor shall carry out all works in accordance with NSW Work Cover requirements.

### **Site Facilities**

26. Adequate refuse disposal methods and builders storage facilities shall be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to.

### **Notification of Service Providers**

27. The approved development must be approved through the 'Sydney Water Tap in' service to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easements, and if any requirements need to be met. A receipt must be provided to Council.

Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for more information.

### **DIAL BEFORE YOU DIG**

28. Underground assets may exist in the area that is subject to your application. In the interest 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 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 contact 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.

### **Environmental Management**

29. Adequate soil and sediment control measures shall be installed and maintained. Furthermore, suitable site practices shall be adopted to ensure that only clean and unpolluted waters are permitted to enter Council's stormwater drainage system during construction/demolition. Measures must include, as a minimum:
- (a) Siltation fencing;
  - (b) Protection of the public stormwater system; and
  - (c) Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.

### **Sediment and Erosion Control**

30. Prior to commencement of works sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997 and Landcom's publication "Managing Urban Stormwater – Soils and Construction (2004)" – also known as "The Blue Book".

The erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

### **Site Notice Board**

31. A sign must be erected in a prominent position on the premises on which work is to be carried out. The sign is to be maintained during work, and removed at the completion of work. The sign must state:

- (a) The name, address and telephone number of the principal certifying authority for the work; and
- (b) The name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
- (c) Unauthorised entry to the premises is prohibited.

## **D. DURING CONSTRUCTION**

**The following conditions are to be complied with or addressed during construction:**

### **Building Work**

- 32. The building works must be inspected by the Principal Certifying Authority, in accordance with Sections 6.5 (3) of the Environmental Planning & Assessment Act 1979 and Clause 162A of the Environmental Planning & Assessment Regulation 2000, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.
- 33. The Principal Certifying Authority (PCA) must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the PCA, prior to proceeding to the subsequent stages of construction or finalisation of the works.
- 34. The building and external walls are not to proceed past ground floor/reinforcing steel level until such time as the PCA has been supplied with an identification survey report prepared by a registered surveyor certifying that the floor levels and external wall locations to be constructed, comply with the approved plans, finished floor levels and setbacks to boundary/boundaries. The slab shall not be poured, nor works continue, until the PCA has advised the builder/developer that the floor level and external wall setback details shown on the submitted survey are satisfactory.

In the event that Council is not the PCA, a copy of the survey shall be provided to Council within three (3) working days.

- 35. On placement of the concrete, works again shall not continue until the PCA has issued a certificate stating that the condition of the approval has been complied with and that the slab has been poured at the approved levels.
- 36. Lifting or craning materials over a public footway or roadway is not permitted unless a "B" class construction hoarding has been installed in compliance with work cover authority requirements.
- 37. If the work is likely to cause pedestrian or vehicular traffic in a public area to be obstructed or rendered inconvenient; or if craning of materials is to occur across a public area or road reserve area a construction hoarding must be erected to prevent any substance from, or in connection with the construction site, falling onto a public area as follows:



Such hoarding or barrier must be designed and erected in accordance with Council's guidelines on hoarding construction. Relevant application under the Roads Act approval must be completed and fees paid prior to the construction of a hoarding on Council road reserve area.

38. The Waste Management Plan submitted to and approved by the PCA prior to the issue of a Construction Certificate must be adhered to at all times throughout all stages of the development. Supporting documentation (receipts/dockets) of waste/recycling/disposal methods carried out, is to be kept and must be produced upon the request of Council or any other authorised officer.

Note: Any non-compliance with this requirement will result in penalties being issued.

### **Security Fence**

39. A temporary security fence to WorkCover Authority requirements is to be provided to the property during the course of construction.

Note. Fencing is not to be located on Council's reserve area.

### **Excavation**

40. In the event the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (a) protect and support the adjoining premises from possible damage from the excavation,
  - (b) where necessary, underpin the adjoining premises to prevent any such damage, and
  - (c) a and b above does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.
  - (d) retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, shall be designed strictly in accordance with the manufacturers details or by a practising structural engineer.

### **Demolition Inspections**

41. The following inspections are required to be undertaken by Council in relation to approved demolition works:
- (a) immediately prior to the commencement of the demolition or handling of any building or structure that contains asbestos. The applicant shall also notify the occupants of the adjoining premises and Workcover NSW prior to the commencement of any works,  
*Please note that demolition works are not permitted to commence on site until such time as a satisfactory inspection result is obtained from Council, and*

- (b) immediately following completion of the demolition. Please note that proof of appropriate disposal of demolition materials (including asbestos) may be required at this time in accordance with the approved Waste Management Plan.

To book an inspection with Council, please call 1300 362 170.

### **Site Remediation**

- 42. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately after discovery. A Section 4.55 Application under the EP&A Act shall be made for any proposed works outside the scope of the approved development consent.

### **General Site Works**

- 43. Alterations to the natural surface contours must not impede or divert natural surface water runoff, so as to cause a nuisance to adjoining property owners.
- 44. Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
- 45. Any runoff entering the areas of vegetation to be retained shall be of an equivalent or better quality, and of a similar rate of flow to present levels.
- 46. The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.
- 47. All dangerous and/or hazardous material shall be removed by a suitably qualified and experienced contractor, licensed by WorkCover NSW. The removal of such material shall be carried out in accordance with the requirements of WorkCover NSW. The material shall be transported and disposed of in accordance with DECCW (EPA) requirements.

### **Hours of Construction Work and Deliveries**

- 48. Construction work/civil work/demolition work, including the delivery of materials, is only permitted on the site between the hours of 7:00am to 6:00pm Monday to Friday, 8:00am to 1:00pm Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council.

### **Toilet Facilities**

- 49. Toilet facilities must be available or provided at the work site and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:
  - (a) be a standard flushing toilet connected to a public sewer, or
  - (b) have an on-site effluent disposal system approved under the Local Government Act 1993, or

- (c) be a temporary chemical closet approved under the Local Government Act 1993.

### **Contamination**

- 50. All fill introduced to the site must undergo a contaminated site assessment. This assessment may consist of either:
  - (a) A full site history of the source of the fill (if known) examining previous land uses or geotechnical reports associated with the source site to determine potential contamination as per the NSW DECCW 'Waste Classification Guidelines' April 2008; or;
  - (b) Clearly indicate the legal property description of the fill material source site;
  - (c) Provide a classification of the fill material to be imported to the site in accordance with the 'NSW DECCW 'Waste Classification Guidelines' April 2008.
- 51. The development, including all civil works and demolition, must comply with the requirements of the Contaminated Land Management Act, 1997, State Environmental Planning Policy No. 55 – Remediation of Land, and Managing Land Contamination – Planning Guidelines (Planning NSW/EPA 1998).

### **Air Quality**

- 52. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
- 53. Where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where wind velocity exceeds five knots the PCA may direct that such work is not to proceed.
- 54. All vehicles involved in the delivery, demolition or construction process departing from the property shall have their loads fully covered before entering the public roadway.

### **Water Quality**

- 55. All topsoil, sand, aggregate, spoil or any other material shall be stored clear of any drainage line, easement, water body, stormwater drain, footpath, kerb or road surface and there shall be measures in place in accordance with the approved erosion and sediment control plan.

### **Pollution Control**

- 56. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.
- 57. Building operations such as brick cutting, mixing mortar and the washing of tools, paint brushes, form-work, concrete trucks and the like shall not be performed on the public

footway or any other locations which may lead to the discharge of materials into Council's stormwater drainage system.

### **Vegetation**

58. All existing trees and areas of native vegetation not identified for removal on approved plans of the proposed development shall be protected from damage during site works. This protection shall consist of 1800mm high protective fencing, securely installed beneath the outer canopy of any tree to be retained. Trees may be fenced off in clusters where it is not practical to fence off individual trees. There shall be no storing materials, washing machinery or changes to existing soil levels within the fenced areas.
59. No known environmental or noxious weeds or known invasive plant species shall be included in the landscaping/revegetation.
60. Mulch generated from exotic trees or other weed species cleared shall not be used on site. It shall be removed from the site and disposed of appropriately and in accordance with legislative requirements.
61. Any imported soil and/or mulch shall be free of contaminants, seed and propagules of weeds and undesirable species. Mulch shall not be used on flood liable land.

## **E. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

**The following conditions are to be complied with or addressed prior to issue of either an Interim or Final Occupation Certificate by the Principal Certifying Authority:**

### **Certificates**

62. The premises must not be utilised until an Occupation Certificate is issued by the principal certifier.
63. Details of *critical* stage inspections carried out by the principal certifying authority together with any other certification relied upon must be provided to Council with the occupation certificate.
64. A single and complete *Fire Safety Certificate*, certifying the installation and operation of all of the fire safety measures within the building must be submitted to Council with the Occupation Certificate.

### **Acoustic Report**

65. A Compliance Certificate or other documentation deemed suitable demonstrating compliance with the following is to be submitted to the Principal Certifying Authority:
  - (a) The building has been constructed to meet the relevant noise criteria's in accordance with the acoustic report approved prior to the issue of a Construction Certificate as per Condition 21; and
  - (b) All recommendations within the approved acoustic report have been adopted.

### **Cladding**

66. Prior to issuing an occupation certificate the Principal Certifying Authority must be satisfied that suitable evidence has been provided to demonstrate that the external wall cladding material and system is consistent with the consent documentation, NCC and relevant Australian Standards.

### **Landscaping**

67. Upon completion of the approved landscape works associated with the development and prior to the issue of any OC, an Implementation Report is to be submitted to the PCA attesting to the satisfactory completion of the landscape works in accordance with the landscape plan approved as part of the construction certificate. The report is to be prepared by a suitably qualified person.

## **G. CONDITIONS RELATING TO USE**

### **Hours of Operation**

68. Hours of operation shall be in accordance with the conditions of previous Development Consents issued for and applicable to the operation of the site as an educational establishment.

### **Educational Establishments**

69. A total of 128 off-street car parking spaces must be provided in accordance with the approved plans.
70. The maximum number of students enrolled at the school per year is limited to one thousand three hundred and sixty (1360).
71. The maximum number of staff employed by the educational establishment is limited to one hundred and twenty (120).
72. A separate development application will be required prior to any future student and/or staff population increases for the educational establishment.
73. Supervision of all students shall be undertaken at all times when they are involved in outdoor play/activities as well as the arrival and departure from school to ensure all practical measures are implemented to limit noise to neighbours.
74. A Complaints Handling register is to be prepared for the operation of the school. The Complaints register is to be kept by the schools principal or other suitable staff members and is to include the following:
  - (a) Written record of any complaint received;
  - (b) Time and date of complaint received;
  - (c) Nature of complaint;
  - (d) How the school responded to the complaint and any further action required.

A copy of the Complaints Handling register is to be made available at the request of Liverpool City Council.

### **Advertising/Signage**

75. Advertising matter not approved in conjunction with this decision notice, must not be erected, painted or displayed without the prior approval of Council.

### **Lighting**

76. Illumination of the site is to be arranged in accordance with the requirements and specifications of Australian Standard 4282:1997 so as not to impact upon the amenity of the occupants of adjoining and nearby premises.

### **Noise**

77. Any alarm to be installed on the site is to be "silent back to base" type.
78. The alarm/s associated with the development shall only be permitted to operate in accordance with the requirements of Clause 53 of the Protection of the Environment Operations (Noise Control) Regulation 2000 under the POEO Act.
79. No generators, motors or amplified music or ground announcing equipment is to be operated after 10:00pm.
80. The use of the premises including music and other activities shall not give rise to any one or more of the following:
- (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670,
  - (b) An indoor sound pressure level in any place of different occupancy (and/ or public place) greater than 3dB(A) above the L90 background level or greater than 5db(A) at the boundary of any affected property in any octave band from 31.5Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00am to midnight daily and 0dB(A) above the L90 background between 12 midnight and 7.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this subclause does not apply to any such frequencies,
  - (c) During the period of 12 midnight to 7.00a.m. the use shall be inaudible in any habitable room of any residential premises, and
  - (d) The emission of an "offensive noise" as defined under the POEO Act.

The method of measurement of vibration in (a) and sound levels in (b), (c) and (d) shall be carried out in accordance with AS 2973 for vibration measurements, AS 1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

### **Environment**

81. The use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.

### **Landscaping**

82. Landscaping shall be maintained in accordance with the approved plan, in a healthy state and in perpetuity by the existing or future owners and occupiers of the development.
83. If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species, and similar maturity as the vegetation which has died or was removed.

### **Protection of the Environment Operations Act 1997**

84. All activities and operations shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined under the *Protection of the Environment Operations Act 1997*.

### **Waste**

85. All solid and liquid waste is to be removed from the site by a registered waste contractor.
86. All waste materials generated as a result of the development are to be disposed at a facility licensed to receive such waste.
87. All solid waste stored on site is to be covered at all times.
88. Waste bins must be stored in designated garbage/ trade refuse areas, which must be kept tidy at all times. Bins must not be stored or allowed to overflow in parking or landscaping areas, must not obstruct the exit of the building, and must not leave the site onto neighbouring public or private properties.

## **F. ADVISORY**

- (a) If you are dissatisfied with this notice of determination or the conditions contained within this notice of determination, Section 8.2, 8.3, 8.4, 8.5 of the Environmental Planning and Assessment Act 1979 gives you the right to request a review of the determination within six months after the date on which the application is taken to have been determined.
- (b) Before any excavation work starts, contractors and others should phone “Dial Before You Dig” service to access plans/information for underground pipes and cables. [www.1100.com.au](http://www.1100.com.au)
- (c) If you are dissatisfied with this decision, Section 8.9 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within six months after the date on which the application is taken to have been determined.

- (d) In accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979, unless otherwise stated by a condition of this consent, this consent will lapse unless the development is commenced within five (5) years of the date of this notice.
- (e) The approval of this application does not imply or infer compliance with the Disability Discrimination Act and that the developer should investigate their liability under the Act.
- (f) The requirements of all authorities including the Environmental Protection Authority and the Work Cover Authority shall be met in regards to the operation of the building.
- (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.

- (h) Letter boxes must be provided in accordance with the requirements of Australia Post. In this regard, the developer is required to obtain approval from Australia Post for address numbering, and letter box positioning and dimensions.
- (i) The obligation to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required by other conditions of this consent.
- (j) The Liverpool City Council Local Government area soils and ground water may be subject to varying levels of Salinity. Whilst Council may require applicants to obtain Salinity reports relating to some developments, no assessment may be made by Council in that regard. Soil and ground water salinity levels can change over time due to varying factors. It is recommended that all applicants make their own independent inquiries as to appropriate protection against the current and future potential affect of Salinity to ensure the ongoing structural integrity of any work undertaken. Liverpool City Council will not accept any liability for damage occurring to any construction of any type affected by soil and or ground water Salinity.
- (k) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.
- (l) Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or the applicant's agents may be liable to pay compensation to any adjoining owner if, due to construction works, damage is caused to such an adjoining property.



# ATTACHMENT 2 – GENERAL TERMS OF APPROVAL ISSUED BY NSW NATURAL RESOURCES ACCESS REGULATOR



Natural Resources  
Access Regulator

Contact: LUKE BARRON  
Phone: 0242249725  
Email: luke.barron@dpi.nsw.gov.au

General Manager  
Liverpool City Council  
Group Manager Community & Culture  
Locked Bag 7064  
LIVERPOOL B C NSW 1871

Our ref: IDAS1107320  
Our file: V18/534-2#94  
Your ref: DA349/2018

Attention: George Nehme

10 July 2018

Dear Sir/Madam

**Re: Integrated Development Referral – General Terms of Approval**  
**Dev Ref: DA349/2018**  
**Description: Alterations and additions to Good Samaritan Catholic College and confirmation of planned student population. The proposed works include alterations and additions to Blocks T and C, demolition works, tree removal and replacement and ancillary site works.**  
**Location: Good Samaritan Catholic College 401 Hoxton Park Road HINCHINBROOK**

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the above location. Attached, please find Natural Resources Access Regulator's General Terms of Approval (GTA) for part of the proposed development requiring a Controlled Activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 91A (3) of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, NRAR requests these GTA be included (in their entirety) in Council's development consent. Please also note NRAR requests notification:

- if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works or activities (i) in the bed of any river, lake or estuary; (ii) on the banks of any river lake or estuary, (iii) on land within 40 metres of the highest bank of a river lake or estuary; or (iv) any excavation which interferes with an aquifer.

NRAR will ascertain from the notification if the amended plans require review of or variation/s to the GTA. This requirement applies even if the amendment is part of Council's proposed consent conditions and do not appear in the original documentation.

- if Council receives an application under s96 of the EPA Act to modify the development consent and the modifications change the proposed work or activities described in the original DA.
- of any legal challenge to the consent.

As the proposed work or activity cannot commence before the applicant applies for and obtains an approval, NRAR recommends the following condition be included in the development consent:

**The attached GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*.** The development consent holder must apply to NRAR for a Controlled Activity approval **after consent** has been issued by Council **and before** the commencement of any work or activity.

A completed application form must be submitted to NRAR together with any required plans, documents, application fee, security deposit or bank guarantee (if required) and proof of Council's development consent. Finalisation of an approval can take up to eight (8) weeks from the date the application and all required supporting documentation is received.

Application forms are available from the NRAR website at:  
[www.water.nsw.gov.au](http://www.water.nsw.gov.au) > [Water licensing](#) > [Approvals](#).

NRAR requests that Council provide a copy of this letter to the development consent holder.

NRAR also requests a copy of the determination for this development application be provided by Council as required under section 91A (6) of the EPA Act.

Yours Sincerely



**Anisul Afsar**  
**Water Regulation Officer**  
**Water Regulatory Operations**  
**Natural Resources Access Regulator**



## General Terms of Approval

for proposed development requiring approval  
under s89, 90 or 91 of the Water Management Act 2000

Reference Number: IDAS1107320

Issue date of GTA: 10 July 2018

Type of Approval: Controlled Activity

Description: Alterations and additions to Good Samaritan Catholic College and confirmation of planned student population. The proposed works include alterations and additions to Blocks T and C, demolition works, tree removal and replacement and ancillary site works.

Location of work/activity: Good Samaritan Catholic College 401 Hoxton Park Road HINCHINBROOK

DA Number: DA349/2018

LGA: Liverpool City Council

Water Sharing Plan Area: Greater Metropolitan Region Unregulated River Water Sources

The GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for the relevant approval **after development consent** has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
<b>Design of works and structures</b>	
GT0009-00010	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity approval under the Water Management Act 2000.
GT0019-00003	Any proposed excavation on waterfront land must be undertaken in accordance with a plan submitted as part of a controlled activity approval, to be approved by Natural Resources Access Regulator.
<b>Erosion and sediment controls</b>	
GT0014-00007	A. The consent holder must ensure that any proposed materials or cleared vegetation, which may: i. obstruct water flow, or ii. wash into the water body, or iii. cause damage to river banks, are not stored on waterfront land, unless in accordance with a plan held by Natural Resources Access Regulator as part of a controlled activity approval. B. When the carrying out of the controlled activity has been completed, surplus materials must be removed from waterfront land.
GT0021-00004	The proposed erosion and sediment control works must be inspected and maintained throughout the construction or operation period of the controlled activity and must not be removed until the site is fully stabilised.
<b>Plans, standards and guidelines</b>	
GT0002-00390	A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application 349.2018 provided by Council to Natural Resources Access Regulator. B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Natural Resources Access Regulator, Wollongong Office, must be notified in writing to determine if any variations to the GTA will be required.
GT0005-00165	A. The application for a controlled activity approval must include the following plan(s): - 1. Detailed construction plans; 2. Sediment and Erosion Plan; 3. Stormwater Drainage Plans including outlet design. B. The plan(s) must be

Level 11, 10 Valentine Avenue, Parramatta, NSW 2124 | LOCKED BAG 5123, Parramatta, NSW 2124  
water.enquiries@dpi.nsw.gov.au | www.water.nsw.gov.au



## General Terms of Approval

for proposed development requiring approval  
under s89, 90 or 91 of the Water Management Act 2000

**Reference Number:** IDAS1107320

**Issue date of GTA:** 10 July 2018

**Type of Approval:** Controlled Activity

**Description:** Alterations and additions to Good Samaritan Catholic College and confirmation of planned student population. The proposed works include alterations and additions to Blocks T and C, demolition works, tree removal and replacement and ancillary site works.

**Location of work/activity:** Good Samaritan Catholic College 401 Hoxton Park Road HINCHINBROOK

**DA Number:** DA349/2018

**LGA:** Liverpool City Council

**Water Sharing Plan Area:** Greater Metropolitan Region Unregulated River Water Sources

prepared in accordance with Natural Resources Access Regulator's guidelines located on the website <http://www.water.nsw.gov.au/water-licensing/approvals/controlled-activity>.

GT0010-00006 All documents submitted to Natural Resources Access Regulator as part of an application for a controlled activity approval must be prepared by a suitably qualified person.

GT0012-00004 Any proposed controlled activity must be carried out in accordance with plans submitted as part of a controlled activity approval application, and approved by Natural Resources Access Regulator.

GT0030-00004 The application for a controlled activity approval must include plans prepared in accordance with Natural Resources Access Regulator's guidelines located on the website <http://www.water.nsw.gov.au/water-licensing/approvals/controlled-activity>.

### Rehabilitation and maintenance

GT0023-00001 Vegetation clearance associated with the proposed controlled activity must be limited to where the controlled activity is to be carried out, as shown on the approved plan(s).

### Reporting requirements

GT0016-00003 The consent holder must inform Natural Resources Access Regulator in writing when any proposed controlled activity carried out under a controlled activity approval has been completed.

## **SCHEDULE 1**

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by NRAR for integrated development associated with DA349/2018 as provided by Council:

- Statement of Environmental Effects prepared by Robinson Urban Planning, dated 12/04/2018.
- Stormwater Drainage Plans prepared by JDH architects, dated 08/02/2018.
- Sediment and Erosion Plans prepared by JDH architects, dated 08/02/2018.
- Proposed site plan prepared by JDH architects, dated 12/04/2018.
- Existing site plan prepared by JDH architects, dated 12/04/2018.
- Demolition site plan prepared by JDH architects, dated 12/04/2018.
- Tree removal plan prepared by Graham Brooks Arboricultural Tree Services, dated 08/08/2017.

# ATTACHMENT 3 – GENERAL TERMS OF APPROVAL ISSUED BY NSW RURAL FIRE SERVICE

*All communications to be addressed to:*

Headquarters  
15 Carter Street  
Lidcombe NSW 2141

Telephone: 1300 NSW RFS  
e-mail: records@rfs.nsw.gov.au

Headquarters  
Locked Bag 17  
Granville NSW 2142

Facsimile: 8741 5433



The General Manager  
Liverpool City Council  
Locked Bag 7064  
LIVERPOOL BC NSW 1871

Your Ref: DA-349/2018  
Our Ref: D18/5773  
DA18053113298 EJ

**ATTENTION:** George Nehme

23 July 2018

Dear Sir/Madam

## **Integrated Development Application - Good Samaritan Catholic College, 401 Hoxton Park Road Hinchinbrook 2168**

I refer to your correspondence dated 29 May 2018 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the 'Environmental Planning and Assessment Act 1979', and a Bush Fire Safety Authority, under Section 100B of the 'Rural Fires Act 1997', are now issued subject to the following conditions:

### **Asset Protection Zones**

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

### **Water and Utilities**

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



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

### **Evacuation and Emergency Management**

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

3. A Bush Fire Emergency Management and Evacuation Plan shall be prepared consistent with 'Development Planning- A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014'.

### **Design and Construction**

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

4. New construction shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

Should you wish to discuss this matter please contact Emma Jensen on 1300 NSW RFS.

Yours sincerely



Kalpana Varghese

**A/Team Leader Development Assessment and Planning**

For general information on bush fire protection please visit [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)

# ATTACHMENT 4 – NSW ROADS AND MARITIME COMMENTS



Transport  
Roads & Maritime  
Services

26 September 2018

Our Reference: SYD18/01446/01 (A24039099)  
Council Ref: DA-349/2018

The General Manager  
Liverpool City Council  
Locked Bag 7064  
LIVERPOOL BC NSW 1871

Attention: **Robert Micallef**

Dear Sir/Madam,

**ALTERATIONS AND ADDITIONA TO GOOD SAMARITAN CATHOLIC COLLEGE AND  
INCREASE IN STUDENT NUMBERS BY 50 STUDENTS – 401 HOXTON PARK ROAD,  
HINCHINBROOK**

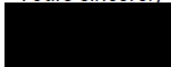
Reference is made to Council's letter dated 7 September 2018, regarding the abovementioned application which was referred to Roads and Maritime Services (Roads and Maritime) for comment in accordance with *State Environmental Planning Policy (Educational Establishments and Child Care Facilities)* 2017.

Roads and Maritime has reviewed the submitted application and provides the following comments for Council's consideration:

1. Roads and Maritime has previously acquired a strip of land for road along the Hoxton Park Road frontage of the subject property, as shown by blue colour on the attached Aerial – "X". Roads and Maritime has also previously acquired an easement for Right of Access over the subject property as shown by the brown colour on the attached Aerial – "Y" and DP 1209742 and noted on title (Dealing A1277706).
  - Any new buildings or structures, together with any improvements integral to the future use of the site, are to be erected clear of the identified easement and Hoxton Park Road boundary (unlimited in height or depth);
  - Access to the Roads and Maritime easement is not to be denied; and
  - The integrity of the Roads and Maritime easement is not to be compromised.

Any inquiries in relation to this Application can be directed to Malgy Coman on 8849 2413 or [development.sydney@rms.nsw.gov.au](mailto:development.sydney@rms.nsw.gov.au).

Yours sincerely



Pahee Rathan  
A/Senior Land Use Assessment Coordinator  
North West Precinct

Roads and Maritime Services

27-31 Argyle Street, Parramatta NSW 2150 |  
PO Box 973 Parramatta NSW 2150 |

[www.rms.nsw.gov.au](http://www.rms.nsw.gov.au) | 131 782





RMS Reference: SYD18/01446/02  
Council Reference: DA-349/2018

Hi Robert,

Reference is made to your correspondence dated 6 February 2019 regarding the proposal to increase student numbers by 60 students for the Good Samaritan Catholic College.

Roads and Maritime advises that there are no objections raised to the proposal to increase the student numbers by an additional 10 students. The previous Roads and Maritime letter dated 26 September 2018 remains applicable.

Regards,

Malgy Coman  
Land Use Planner (Monday, Tuesday and Thursday)  
North West Precinct  
T 02 8849 2413  
[www.rms.nsw.gov.au](http://www.rms.nsw.gov.au)  
*Every journey matters*

**Roads and Maritime Services**  
27 Argyle Street Parramatta NSW 2150