

## **DRAFT WITHOUT PREJUDICE CONDITIONS**

**Date of Determination:**

**Determination Notice No.:** DA-41/2019

**Property:** Lot 1 DP 1246001, No. 10-20 High Street,  
Canterbury

**Description of Development:** Re-development of Canterbury South Public School including demolition of existing structures and construction of a three storey school building with a capacity of 690 students and associated landscape works and realignment of car parking along Napier Street.

**Planning Instrument:** Canterbury Local Environmental Plan 2012

**Zoning of Property:** Part R3 Medium Density Residential and part  
R4 High Density Residential

**Consent to Operate From:**  
**Consent to Lapse On:**

These conditions are imposed taking into account the matters for consideration in determining a Development Application pursuant to Section 4.15 of the Environmental Planning & Assessment Act, 1979 and other relevant Acts and Regulations.

**Notes:**

1. This Determination Notice operates or becomes effective from the endorsed date of Consent.
2. If you are dissatisfied with this decision, you may apply for a review of determination pursuant to Division 8.2 of the Environmental Planning and Assessment Act, 1979 or appeal to the Land and Environment Court pursuant to Sections 8.7 and 8.10 of the Environmental Planning and Assessment Act, 1979. Any application for a review of determination pursuant to Division 8.2 must be received, assessed and determined by Council within 6 months after the date of receipt of this Notice.
3. This consent will lapse 5 years from the endorsed date of consent unless the use has commenced, or any building works have physically commenced.
4. The applicant or any other person entitled to act on this Consent may apply to modify the Development Consent in accordance with Section 4.55 of the Environmental Planning and Assessment Act, 1979.

5. Failure to comply with a condition contained within this Development Consent may result in a fine or prosecution by Council.

## CONDITIONS OF CONSENT

- 1) The proposal shall comply with the conditions of Development Consent. Work shall not commence until the plans and specifications meet the required technical standards and the conditions of this Development Consent are satisfied.
- 2) The Assessment and final conclusions of the Geotechnical Investigation prepared by JK Geotechnics, dated 12 December 2017, Reference No 31040 SBprt shall form part of this consent.
- 3) Development shall take place in accordance with Development Application No.DA-41/2019, accompanied by the drawings as listed in the table below, and affixed with Council's approval stamp, except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval.

Drawing No.	Drawing Title	Revision	Dated	Prepared by
DA0-C00	COVER SHEET / LOCATION PLAN	0	21-02-2019	NBRS Architecture
DA1-C01	SITE ANALYSIS PLAN	0	21-02-2019	NBRS Architecture
DA1-C02	SITE DEMOLITION PLAN	0	21-02-2019	NBRS Architecture
DA1-C03	SITE PLAN	0	21-02-2019	NBRS Architecture
DA1-C04	BLOCK C - GROUND FLOOR PLAN	0	21-02-2019	NBRS Architecture
DA1-C05	BLOCK C - LEVEL 1 FLOOR PLAN	0	21-02-2019	NBRS Architecture
DA1-C06	BLOCK C - LEVEL 2 FLOOR PLAN	0	21-02-2019	NBRS Architecture
DA1-C07	BLOCK C - ROOF PLAN	0	21-02-2019	NBRS Architecture
DA1-C08	BLOCK C - ELEVATIONS	0	21-02-2019	NBRS Architecture
DA1-C09	BLOCK C - ELEVATIONS	0	21-02-2019	NBRS Architecture
DA1-C10	BLOCK C - SECTIONS	0	21-02-2019	NBRS Architecture
DA1-C11	PHOTOMONTAGE - VIEW FROM NAPIER STREET	0	21-02-2019	NBRS Architecture
DA1-C13	COVERED WALKWAY	0	21-02-2019	NBRS Architecture
DA1-C17	NAPIER STREET PARKING	0	21-02-2019	NBRS Architecture

DA1-C18	BLOCK C - EXTERNAL FINISHES SCHEDULE 1	0	21-02-2019	NBRS Architecture
DA1-C19	BLOCK C - EXTERNAL FINISHES SCHEDULE 2	0	21-02-2019	NBRS Architecture
DA1-C20	SAMPLE BOARD	0	21-02-2019	NBRS Architecture
DA1-C21	SIGNAGE PLAN	0	21-02-2019	NBRS Architecture
DA1-C22	WASTE AREA PLAN	0	21-02-2019	NBRS Architecture
DA1-C23	HIGH STREET ELEVATION	0	21-02-2019	NBRS Architecture
L-000	COVER PAGE	J	18-02-2019	NBRS Architecture
L-001	SITE SURVEY	J	18-02-2019	NBRS Architecture
L-002	LANDSCAPE ANALYSIS	F	18-02-2019	NBRS Architecture
L-003	LANDSCAPE DEMOLITION PLAN	J	18-02-2019	NBRS Architecture
L-004	PROPOSED LANDSCAPE SITE PLAN	K	18-02-2019	NBRS Architecture
L-100	MATERIALS FINISHES PALETTE & SCHEDULE	J	18-02-2019	NBRS Architecture
L-101	PLANTING PALETTE & SCHEDULE	H	18-02-2019	NBRS Architecture
L-200	LANDSCAPE PLAN - SHEET ONE	J	18-02-2019	NBRS Architecture
L-201	LANDSCAPE PLAN - SHEET TWO	J	18-02-2019	NBRS Architecture
L-202	LANDSCAPE PLAN - SHEET THREE	J	18-02-2019	NBRS Architecture
L-203	LANDSCAPE PLAN - SHEET FOUR	J	18-02-2019	NBRS Architecture
L-204	LANDSCAPE PLAN - SHEET FIVE	J	18-02-2019	NBRS Architecture
L-205	LANDSCAPE PLAN - SHEET SIX	J	18-02-2019	NBRS Architecture
L-206	LANDSCAPE PLAN - SHEET ONE	J	18-02-2019	NBRS Architecture
L-300	LANDSCAPE SECTIONS/ELEVATIONS 01	J	18-02-2019	NBRS Architecture
L-301	LANDSCAPE SECTIONS/ELEVATIONS 02	J	18-02-2019	NBRS Architecture
L-400	LANDSCAPE DETAILS 01	J	18-02-2019	NBRS Architecture
L-401	LANDSCAPE DETAILS 02	J	18-02-2019	NBRS Architecture
L-402	LANDSCAPE DETAILS 03	J	18-02-2019	NBRS Architecture

The development plans shall be amended as follows:

- a) The windows on the roof of the building which add to the overall height of being deleted and replaced by skylight windows flush with the roof.
- b) All services attached to the roof being re-located to either within the roof or to an alternative location so as not to add to the height of the building.
- c) An internal link road is to be constructed connecting Napier Street to France Street. This internal road will facilitate movement from Napier Street, through the eastern portion of the school then exiting into France Street allowing drop-off and pick up activities to be conducted on-site. The internal road stays with the ownership of the land, that being the Department of Education. This will NOT be a public road. The road will consist of the following:
  - i. An accessible parallel drop-off/pick-up space is to be provided in accordance with AS 2890.6
  - ii. maximum height of a retaining wall is approximately 1.6m for a small portion which then decreases to nil at some sections
  - iii. Minimum 1% longitudinal grade
  - iv. Minimum 2% crossfall
  - v. Kerb only on school side
  - vi. Kerb and gutter on opposite side
  - vii. 6.5m wide carriageway kerb to kerb
  - viii. 1.5m footpath on school side
  - ix. Drainage of the internal road will need to be considered
  - x. 3.6m wide carriageway in the access lane from Napier Street
  - xi. 0.6m allocation on park side of access connection for fence
  - xii. 1.0m wide area to accommodate fence and clearance along 6.5m wide section
  - xiii. Allowance for 3m wide platform at access point to reserve, with associated ramp.
  - xiv. Retaining walls utilised on half of the road length, basically from access ramp to reserve back to Napier
  - xv. Minor fill/regrading in France to reduce requirement for retaining walls
  - xvi. Sewer has sufficient cover to permit construction. The road requires excavating the existing ground by upto about 1m (at the point the road crosses the sewer behind Block B, still leaving 1.95m cover to the sewer
  - xvii. It is possible to design this road with no longitudinal fall, and hence no cut above the sewer. This will increase the height of retaining walls and require further consideration of surface flows
  - xviii. The proposal does not interfere with the block B or C
  - xix. A plan of management associated with the use of this road must be prepared and submitted to Council prior to construction.
- d) The existing parking arrangement on Napier St is to remain unchanged, and the plans amended to reflect this.
- e) All parking associated with the development (for staff and drop-off and pick-up of students) is to be located on-site.

- f) A clear demarcation between the staff car parking area (figure 18 of the SoEE), the new loading dock and enlarged waste storage facility must be provided.
- g) An amended landscape plan to address the issues outlined below is to be submitted to Council or certifier prior to the issue of the Construction Certificate;
  - i. The landscape plan provides a planting schedule containing multiple exotic and non-indigenous species. The planting schedule must be updated to provide a list of species that conform to the Sydney Turpentine-Ironbark Forest ecological community, which is the vegetation community that is likely to have occurred on site prior to 1750. These plants must be planted in the open space area on the eastern side of the subject site. The minimum offset ratio for trees removed from the site should be an appropriate vegetation offset which is commensurate with the significance of species removed.
  - ii. Canopy trees are to be provided, this is to provide shade and increase open spaces usability and enjoyment. Especially along the central gathering area and around the proposed amphitheatres.
  - iii. A Maintenance Schedule to be provide including:
    - replacement strategy for failures in plant materials and built works,
    - maintenance schedule for watering, weeding and fertilizing during the establishment period
    - A maintenance period of 12 months is to be specified for this application. During this maintenance period, the landscaping must be maintained in accordance with the details specified on the submitted landscape plan.
- 4) The number of staff is limited by the number of on-site car spaces which must comply with the minimum car parking rates as set out in Council's DCP. As the number of proposed staff exceeds that which can be serviced by the number of parking spaces, a reduction in proposed staff numbers will impact on the proposed student numbers
- 5) A bus stop for Canterbury South Public school is to be provided. Prior to the nomination of a bus stop location, the applicant must liaise with the bus company and consult with residents on the streets where the bus routes and bus stop locations are proposed. Evidence is to be provided of an agreement with the bus company outlining how the bus service will operate and proposed routes.
- 6) Appropriate pedestrian facilities and upgrades are to be provided to ensure safe pedestrian access to and from Canterbury South Public School. Origin and destination surveys are to be conducted to identify pedestrian routes to and from the site.
- 7) A Construction Traffic Management Plan will be required to be submitted six months prior to the commencement of works for the site, for both the demolition and construction phases of the project. This plan must provide the

proposed truck routes to/from the site. Council may restrict trucks accessing the site at certain hours.

- 8) Overhead Powerlines Safework NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.

The “as constructed” minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website, [www.ausgrid.com.au](http://www.ausgrid.com.au)

It remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.

"Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost. It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site."

- 9) Underground Cables Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

Safework Australia – Excavation Code of Practice, and Ausgrid’s Network Standard NS156 outlines the minimum requirements for working around Ausgrid’s underground cables. Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

- 10) All aspects of the landscaping must be completed according to the submitted landscape plan (drawn by NBRS Architecture Landscape, drawings no. 17352-NBRS-L000 to 17352-NBRS-L402 Landscape Plan, Specification and Construction Details, submitted to council on 26<sup>th</sup> February 2019) except where amended by the conditions of consent. The landscaping and deep soil areas are to be maintained at all times to the Council's satisfaction.

- 11) A hazardous building materials survey must be undertaken on the structures, to facilitate hazardous building material removal and obtaining clearance certificates, prior to demolition.
- 12) No combustible cladding is to be used for the construction of the building or any associated works.
- 13) No approval is granted for the siting of any substation on the site. A modification application must be lodged to Council if a substation is required. Any such application must demonstrate how the structure/ facility will be integrated into the design of the building without relying on the front setback area.

## **CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION**

- 14) Prior to demolition, the entire site (includes any structures) is to be assessed for hazardous materials, especially asbestos. A Hazardous Materials (HAZMAT) Report is to be prepared by a Type "A" inspection body accredited by NATA. All recommendations contained within this report are to be implemented and a clearance certificate issued by an appropriately qualified Occupational Hygienist is to be submitted to Council prior to any construction.
- 15) The demolition of structures currently existing on the development site must be undertaken, subject to strict compliance with the following:
  - The developer is to notify adjoining residents seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site.
  - Written notice is to be given to Canterbury-Bankstown Council for inspection prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours and contact telephone number and licence number of the demolisher. The following building inspections shall be undertaken by Canterbury-Bankstown Council:
    - A *precommencement* inspection shall be carried out by Council when all the site works required as part of this consent are installed on the site and prior to demolition commencing.
    - A *final* inspection shall be carried out by Council when the demolition works have been completed to ensure that the site is left in a satisfactory manner, in accordance with the conditions of this consent.

**Note:** Payment of an inspection fee at Council's current rate will be required prior to each inspection. Council requires 24 hours notice to carry out inspections. Arrangements for inspections can be made by phoning **9707 9410, 9707 9412 or 9707 9635.**

- Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, license number, contact phone number and site address.

- Prior to demolition, the applicant must erect a 2.4m high temporary fence or hoarding between the work site and any public place. Access to the site shall be restricted to Authorised Persons Only and the site shall be secured against unauthorised entry when the building work is not in progress or the site is otherwise unoccupied. Where demolition is to occur within 3m of a public place a Work Permit application for the construction of a Class A or Class B hoarding shall be submitted to Council for approval.
- The demolition plans must be submitted to the appropriate Sydney Water Office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the demolition plans will be stamped indicating that no further requirements are necessary.
- Demolition is to be carried out in accordance with the appropriate provisions of Australian Standard AS2601-2001.
- The hours of demolition work shall be limited to between 7.00am and 5.00pm on weekdays and on Saturdays. No work shall be carried out on Sundays and public holidays.
- Where materials containing asbestos cement are to be removed, demolition is to be carried out by licensed contractors who have current Workcover Accreditation in asbestos removal.
- Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the NSW EPA 'Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes 2004'.
- Demolition procedures shall maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- During demolition, the public footway and public road shall be clear at all times and shall not be obstructed by any demolished material or vehicles. The public road and footway shall be swept (NOT hosed) clean of any material, including clay, soil and sand. (NOTE: If required, Council will clean the public road/footway at the applicant's expense). On the spot fines may be levied by Council against the demolisher and or owner for failure to comply with this condition.
- All vehicles leaving the site with demolition materials shall have their loads covered and vehicles shall not track soil and other material onto the public roads and footways and the footway shall be suitably protected against damage when plant and vehicles access the site. All loading of vehicle with demolished materials shall occur on site.
- The burning of any demolished material on site is not permitted and offenders will be prosecuted.
- Care shall be taken during demolition to ensure that existing services on the site (ie. sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services shall be repaired by the relevant authority at the applicant's expense.
- Suitable erosion and sediment control measures shall be erected prior to the commencement of demolition works and shall be maintained at all times.



- Prior to the demolition of any building constructed before 1970, a Work Plan shall be prepared and submitted to Council in accordance with Australian Standard AS2601-2001 by a person with suitable expertise and experience. The Work Plan shall outline the identification of any hazardous materials, including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.

## **CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION**

- 16) Crown building work must ensure that any certified plans are not inconsistent with this Development Consent and accompanying plans.
- 17) Crown building work must not be commenced unless the building work is certified by or on behalf of the Crown to comply with the technical provisions of the State's building laws.
- 18) A Pedestrian Management Plan is required to ensure the safety of children and parents attending the school during the construction period.
- 19) Proposal for any Works Zone as part of construction needs to be submitted three months prior to commencement of works on the site
- 20) Written notice must be given to adjoining residents seven (7) days prior to the commencement of demolition advising of the commencement date.

Such written notice is to include the date when demolition work will commence and details of the name, address, contact telephone number and licence number of the demolisher.

The following inspections must be undertaken by the Crown:

- (i) A pre-commencement demolition inspection when all site works required as part of this consent are installed on the site and prior to demolition work commencing; and
- (ii) A final demolition inspection when the demolition works have been completed to ensure that the site is left in a satisfactory manner, in accordance with the conditions of this consent.

Prior to demolition work, a sign must be erected at the front of the property with the demolishers name, licence number and contact phone number.

Demolition work may only be carried out between 7.00am and 5.00pm on Monday to Saturday and no demolition work is to be carried out at any time on a Sunday or a public holiday.

All demolition work must be carried out in accordance with Australian Standard 2601-2001 - The demolition of structures.

Where asbestos containing materials are to be removed, demolition is to be carried out by contractors who have a current SafeWork NSW licence in asbestos removal.

An asbestos clearance certificate issued under the Work Health and Safety Act 2011 must be submitted to Council after the completion of demolition work.

Hazardous and intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of SafeWork NSW and the NSW Environment Protection Authority.

Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.

A copy of the final demolition inspection report is to be submitted to the Crown prior to the commencement of building work.

- 21) All the tree supply stocks shall comply with the guidance given in the publication *Specifying Trees: a guide to assessment of tree quality* by Ross Clark (NATSPEC, 2003).
- 22) All scheduled plant stock shall be **pre-ordered**, 3 months prior to the commence of landscape construction works, for the supply to the site on time for installation. Written confirmation of the order shall be provided to Council's Landscape Architect (Contact no: 9707 9000), prior work commencing. The order confirmation shall include name, address and contact details of supplier; and expected supply date.
- 23) An automatic watering system is to be installed in common areas at the applicant's cost. Details including backflow prevention device, location of irrigation lines and sprinklers, and control details are to be communicated to Council or certifier prior to Construction. The system is to be installed in accordance with the manufacturer's specification and current Sydney Water guidelines **OR** alternatively a landscape maintenance contractor be engaged to manually water the communal areas.
- 24) This condition has been levied on the development in accordance with Section 7.12 of the Environmental Planning and Assessment Act 1979 and in accordance with Canterbury Development Contributions Plan 2013.

The amount of the contribution (as at the date of this consent) has been assessed as \$174,010.00.

Note: The contributions payable may be adjusted, at the time of payment, to reflect Consumer Price Index increases (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.

The contribution is to be paid to Council in full prior to the release of the Construction Certificate, (or for a development not involving building work, the contribution is to be paid to Council in full before the commencement of the activity on the site) in accordance with the requirements of the Contributions Plan.

The Development Contributions Plan 2013 may be inspected at Council's Campsie Customer Service Centre, 137 Beamish Street, Campsie or from Council's website [www.cbcity.nsw.gov.au](http://www.cbcity.nsw.gov.au). A copy of the Plan may be purchased from Council's Administration Centre, 137 Beamish Street, Campsie during office hours.

- 25) The 225mm sewer traversing the site has the capacity to service the proposed development. The traversing 225mm sewers will need to be relocated if any building's footprint is on them.
- 26) A section of the 1500mm-1800mm trunk sewer is traversing the north corner of the development site. The approximate length of this sections is 63m. An easement of these traversing sewers will be required.
- 27) The proposed school site is under the Malabar Sewerage System – specifically the Campsie SCAMP. This advice is not a formal approval of our servicing requirements. Detailed requirements, including any potential extensions or amplifications, will be provided once the development is referred to Sydney Water for a Section 73 application.
- 28) The development shall comply with the Disability Discrimination Act (DDA) Compliance Report, dated 17 February 2019, Job Number: 17199, prepared by Metro Building Consultancy. The design shall demonstrate compliance and be verified prior to works commencing.
- 29) The development shall comply with the recommendations of the Geotechnical Investigation, dated 12 December 2017, marked Ref: 31040SB rpt, prepared by JK Geotechnics. The design shall demonstrate compliance and be verified prior to works commencing.
- 30) A revised acoustic report must be prepared which takes into consideration the noise associated with an increase in the number of pupils from 252 to a possible 690 pupils. This should include but not limited to noise due to increased traffic and noise from play. The development shall comply with the recommendations of the Noise Impact Assessment. The design shall demonstrate compliance and be verified prior to works commencing. Any noise barrier installed is to be in keeping with the approved external finishes of the building and is not to add to the height of the building.
- 31) The development shall comply with the recommendations of the Remediation Action Plan, dated September 2018, marked E31040KBrpt-RAP, prepared by

JK Geotechnics. The design shall demonstrate compliance and be verified prior to works commencing.

- 32) A preliminary acid sulphate soil assessment must be undertaken prior to the commencement of any construction work due to the developments proximity to a class 2 acid sulphate soil area. The recommendations of the report form part of this consent and must be implemented.
- 33) The Biodiversity Constraints Assessment dated May 2018, marked REF: A18043, prepared by Travers must be updated to include:
- A map identifying the impact area and trees to be removed and/or retained. This needs to be updated and the clearance footprint needs to be calculated to identify if the area threshold for the Biodiversity Offset Scheme (0.25 ha) is triggered.
  - The Ecological Constraints Report states that there are two triggers for entry into the Biodiversity Offset Scheme (BOS). However, there are three triggers for entry into the BOS, the third being a significant impact on a threatened species, population or ecological community listed under the *Biodiversity Conservation Act 2016*. As there are threatened flora species recorded onsite, a test of significance must be completed for these species pursuant to section 7.3 of the *Biodiversity Conservation Act 2016*.
  - The Ecological Constraints Report states that 'no native vegetation occurs within the study site'. This does not accord with the species list (Table A1.1) and the statement should be reviewed accordingly.
  - The likelihood of occurrence table (Table A2.2) in the Ecological Constraints Report states that further consideration is required for the green and golden Bell Frog, Little Lorikeet, Swift Parrot, Grey-headed Flying-fox, Eastern Bentwing-bat and Large-footed Myotis. However, Tests of Significance have not been completed, and must be completed for these species pursuant to section 7.3 of the *Biodiversity Conservation Act 2016*.

The recommendations of the report must be implemented as part of this development.

- 34) The landscape plan shall include the provision for the replacement of all boundary fencing. A new 1.8m fence is to be erected along all side and rear boundaries of the subject allotment where there is a shared boundary with a residential neighbour at full cost to the developer. The colour of the fence is to complement the development and the fence is to be constructed of lapped and capped timber paling, sheet metal or other suitable material unless the type of material is stipulated in any flood study prepared for the site. The selection of materials and colours of the fence is to be determined in consultation with the adjoining property owners..

- 35) An erosion control plan prepared by a qualified engineer or registered surveyor or in accordance with the 'Blue Book *Managing Urban Stormwater: Soils and Construction* (4<sup>th</sup> edition, Landcom, 2004)' is to be prepared.
- 36) Prior to the commencement of any works on site, including demolition or excavation, the plans must also be approved by Sydney Water. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Customers will receive an approval receipt which must be included in the Construction Certificate documentation. Please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au). Prior to the issue of an Occupation Certificate (or if relevant, a Subdivision Certificate) a Compliance Certificate under Section 73 of the Sydney Water Act, 1994, must be submitted to Council by the Principal Certifying Authority. Sydney Water may require the construction of works and/or the payment of developer charges. This assessment will determine the availability of water and sewer services, which may require extension, adjustment or connection to the mains. Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water Accredited Water Servicing Coordinator. Please make early contact with the Coordinator, since building of water / sewer extensions can be time-consuming and may impact on other services as well as building, driveway or landscaping design. Go to [www.sydneywater.com.au/section73](http://www.sydneywater.com.au/section73) or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.
- 37) A long service levy payment which is 0.35% of the total cost of the work is to be paid to the Building and Construction Industry Long Service Payments Corporation.
- 38) Finished surface levels of all internal works and at the street boundary, including driveways, landscaping and drainage structures, must be as shown on the approved plans. The levels Napier Street at the street boundary must be consistent with the Street Boundary Alignment Levels issued by Council.
- 39) Stormwater drainage from the development shall be designed so as to comply with Council's Canterbury Development Control Plan 2012 Part B5 and the requirement. A final detailed stormwater drainage design shall be prepared by a qualified Professional Civil Engineer in accordance with the above requirements and shall generally be in accordance with the concept stormwater plans prepared by Jones Nicholson Consulting Engineers, drawing number 17011155- C055, C056, C300, C310, C320, C330, ESM20, ESM21, ESM22, dated 21 February 2019. The final plans shall be certified by the design engineer that it complies with Council's Canterbury Development Control Plan 2012 Part B5 including the provision of an OSD system, and the relevant Australian Standards.
- 40) Where Council approved cut or fill exceeds 200mm and stable batter of 1 vertical to 3 horizontal maximum grade cannot be achieved, then a masonry or

other proprietary material retaining wall, intended and suitable for that purpose, shall be constructed within the development site. Note, filling of the site needs specific approval from the Crown.

The retaining wall shall be located so that it will not impede or obstruct the natural flow of stormwater. Retaining walls exceeding 600mm in height shall be designed by a qualified professional Civil/Structural Engineer. Plans and details prepared and signed by the Engineer are to be submitted to the Crown prior to works commencing.

All works associated with the construction of the wall, including backfilling and drainage, is to be located wholly within the allotment boundaries.

- 41) An all weather pavement shall be designed to withstand the anticipated wheel loads for all areas subjected to vehicular movements. Internal pavements specification prepared and certified by all qualified professional Civil Engineer to comply with the relevant Australian Standards, shall be submitted to the Crown for approval prior to the works commencing.
- 42) All proposed works within the public road and footway shall be designed and constructed to Council's standards and specifications and a copy of the details plans submitted to Council prior to works commencing. The applicant/developer shall arrange for necessary inspections by Council whilst the work is in progress.
- 43) If groundwater is encountered, it must not be captured by the drainage system of the basement. In this regard the basement must be tanked to at least 1000 mm above measured groundwater levels.
- 44) The capacity and effectiveness of erosion and sediment control devices must be maintained at all times.
- 45) A copy of the Soil and Water Management Plan must be kept on site at all times and made available to Council officers on request.
- 46) As any works within, or use of, the footway or public road for construction purposes requires separate Council approval under Section 138 of the Roads Act 1993 and/or Section 68 of the Local Government Act 1993, Council requires that prior to any Construction Certificate for this development being issued, evidence of lodgement of an application for a Works Permit and or a Roadway/Footpath Building Occupation Permit shall be obtained where one or more of the following will occur, within, on or over the public footway or public road:

#### A PRIVATE CERTIFIER CANNOT ISSUE THESE PERMITS

#### WORKS REQUIRING A 'WORKS PERMIT'

- a) Dig up, disturb, or clear the surface of a public footway or public road,

- b) Remove or interfere with a structure or tree (or any other vegetation) on a public footway or public road,
- c) Connect a road (whether public or private) to a classified road,
- d) Undertake footway, paving, vehicular crossing (driveway), landscaping or stormwater drainage works within a public footway or public road,
- e) Install utilities in, under or over a public road,
- f) Pump water into a public footway or public road from any land adjoining the public road,
- g) Erect a structure or carry out a work in, on or over a public road
- h) Require a work zone on the public road for the unloading and or loading of vehicles
- i) Pump concrete from within a public road,
- j) Stand a mobile crane within a public road
- k) Store waste and recycling containers, skips, bins and/or building materials on any part of the public road.
- l) The work is greater than \$25,000.
- m) Demolition is proposed.
- n) Subdivision is proposed.
- o) A Swimming pool is proposed.

Assessment of Works Permits (a to e) includes the preparation of footway design levels, vehicular crossing plans, dilapidation reports and issue of a Road Opening Permit.

All proposed works within the public road and footway shall be constructed under the supervision and to the satisfaction of Council. The applicant/developer shall arrange for necessary inspections by Council whilst the work is in progress.

For commercial or multi-unit residential developments within the designated CBD or an urban village area, footway design and construction and street tree supply, installation and tree hole detailing shall be as per the Council master plan for that area. Full width footways are to be supplied and installed at full cost to the developer to specification as supplied by Council. Layout plan of pavement to be submitted to Council for approval prior to the issue of the Works Permit.

All Council fees applicable, minimum restoration charges and inspection fees shall be paid prior to the assessment of the Work Permit in accordance with Council's adopted fees and charges. Note: Additional fees after approval will be charged where the Work Permit requires occupation of the Road or Footpath ie Hoardings, Work Zones etc.

In determining a Works Permit, Council can impose conditions and require inspections by Council Officers.

Forms can be obtained from Council's Customer Service counter located on the ground floor of Council's administration building at 66 - 72 Rickard Road, Bankstown or Council's website [www.cbccity.nsw.gov.au](http://www.cbccity.nsw.gov.au)

Part of any approval will require the person or company carrying out the work to carry public liability insurance to a minimum value of ten million dollars. Proof of the policy is to be provided to Council prior to commencing any work approved by the Work Permit including the Road Opening Permit and must remain valid for the duration of the works.

The commencement of any works on public land, including the footway or public road, may incur an on the spot fine of not less than \$1100 per day that work continues without a Works Permit and/or a Roadway/Footpath Building Occupation Permit.

All conditions attached to the permit shall be strictly complied with prior to occupation of the development. Works non-conforming to Council's specification (includes quality of workmanship to Council's satisfaction) shall be rectified by the Council at the applicant's expense.

- 47) Prior to the commencement of work, a fence must be erected around the area of the works, except where an existing 1.8m high boundary fence is in good condition and is capable of securing the area. Any new fencing shall be temporary (such as cyclone wire) and at least 1.8m high. All fencing is to be maintained for the duration of construction to ensure that the work area is secured.
- Where the work is located within 3.6m of a public place then a Type A or Type B hoarding must be constructed appropriate to the works proposed. An application for a Work Permit for such hoarding must be submitted to Council for approval prior to the commencement of work.
- 48) Prior to the commencement of work, the builder shall prepare a photographic record of the road reserve which clearly shows its condition prior to works occurring on site. For the entirety of demolition, subdivision or construction works, there shall be no stockpiling of building spoil, materials, or storage of equipment on the public road, including the footway and the road reserve shall be maintained in a safe condition at all times. No work shall be carried out on the public road, including the footway, unless a Work Permit authorised by Council has been obtained.
- 49) Submission of a Soil and Water Management Plan, including details of:
- (a) property details (location, applicant, drawn by, date, scale)
  - (b) accurate property description (property boundary)
  - (c) contours
  - (d) access point and access control measures
  - (e) location and type of all sediment control measures
  - (f) location of existing vegetation to be retained and undisturbed ground
  - (g) any existing watercourse or drainage
  - (h) material stockpile areas and storage and control methods
  - (i) location of new drainage features (stormwater inlet pits)
  - (j) re-vegetation proposals, including specifications on materials used and methods of application



(NOTE: For guidance on the preparation of the Plan refer to the Soil and Water Management for Urban Development guidelines produced by the Southern Sydney Regional Organisation of Councils.)

- 50) The plans shall include details of the garbage receptacle area. The garbage receptacle area shall not be visible from the street. The garbage receptacle area shall be located within the building or screened from the street by dense landscaping.
- 51) Prior to Construction, the applicant must obtain approval from Council's Traffic Section for a Site, Pedestrian and Traffic Management Plan (SPTMP). This Plan must address the measures that will be implemented for pedestrian safety and traffic management as specified below.

This plan shall include details of the following:

- a) Proposed ingress and egress points for vehicles to and from the construction site;
- b) Proposed protection of pedestrians, adjacent to the construction site;
- c) Proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- d) Proposed method of loading and unloading excavation machines, building material, construction materials and waste containers during the construction period;
- e) Proposed traffic control measures such as advanced warning signs, barricades, warning lights, after hours contact numbers etc. are required to be displayed and shall be in accordance with Council's and the NSW Roads and Maritime Services requirements and AS1742.3.
- f) Proposed route for transportation of bulk and excavation materials to and from the development site.

The route for transportation to and from the development site of bulk and excavation materials shall generally be by the shortest possible route to the nearest "State Road" via "Regional Roads", with every effort to avoid school zones on public roads. Alternate longer routes will only be considered in order to bypass school zones during school zone hours. If school zones cannot be avoided **no heavy construction vehicle movements are to arrive or depart the site during signposted school zone periods 8:00am - 9:30am and 2:30pm - 4:00pm on school days.**

An Agreement signed by the applicant/owner specifying the approved route and acknowledging responsibility to pay Council to rectify damages to public property adjacent to the site as a consequence of building works shall be lodged with Council prior to works commencing. Damage will be rectified as required by Council to remove unsafe conditions. All damage must be rectified upon completion of work to the satisfaction of Council.

The approved Site, Pedestrian and Traffic Management Plan is to be implemented prior to the commencement of any works on the construction site.

In addition a RMS Approval / Road Occupancy Licence will be required for works on Regional or State Roads or within 100m of a traffic facility including roundabouts and traffic signals. Refer to Council's Development Engineering Standards for a list of Regional and State Roads.

- 52) Prior to works commencing for this development, the Crown must approve the Site Operations Management Plan (SOMP). This Plan must address the measures that will be implemented for the ongoing management of operations on and around the construction site, the protection of adjoining properties, and other requirements as specified below.

This plan shall include details of the following:

- a) Proposed hoardings, scaffolding and/or fencing to secure the construction site;
- b) Proposed measures to be implemented, under the separately approved Works Permit issued by Council, for the protection of all public roads and footway areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;
- c) Proposed method of support of any excavation, adjacent to adjoining buildings or the public road. The proposed method of support is to be certified by a Civil Engineer with National Professional Engineering Registration (NPER) in the construction of civil works.
- d) Proposed measures to be implemented in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the public road.
- e) Proposed measures for protection of the environment, according to the relevant provisions of the Protection of Environment Operations (POEO) Act, 1997 including procedures to control environmental impacts of work e.g. sediment control, proper removal, disposal or recycling of waste materials, protection of vegetation and control/prevention of pollution i.e. water, air noise, land pollution.

A number of the above matters may require separate approval from Council, particularly those relating to works on or adjacent to Council property. These may be covered by separate conditions of consent contained in this Determination Notice. Appropriate approvals will need to be obtained prior to the approval of this plan.

The approved Site Operations Management Plan is to be implemented prior to the commencement of any works on the site, and an approved copy provided to Council for information. Ongoing compliance with the matters detailed in the SOMP shall be monitored by the Crown.

- 53) The route for transportation to and from the development site of bulk and excavation materials shall generally be by the shortest possible route to the nearest "regional road", with every effort to avoid school zones on public roads. The applicant shall nominate the route for approval by Council prior to commencement of any work on the site. An Agreement to Council's satisfaction, signed by the applicant/owner specifying the approved route and acknowledging responsibility to pay Council for damages to public property adjacent to the site shall be lodged with Council prior to works commencing. All damage must be rectified upon completion of work.
- 54) All Civil and Hydraulic engineering works on site must be carried out in accordance with Council's Canterbury Development Control Plan 2012 Part B5. All Civil and Hydraulic engineering works associated with Council's assets and infrastructure must be carried out in accordance with Council's Work Permit requirements and Council's satisfaction.
- 55) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards
- 56) If soil conditions require it, retaining walls or other approved methods of preventing movement of the soil must be provided, and adequate provisions must be made for drainage. Separate approval may be required for retaining walls should they be required.
- 57) If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- protect and support the adjoining premises from possible damage from the excavation, and
  - where necessary, underpin the adjoining premises to prevent any such damage.
- 58) The stormwater drainage system shall be constructed in accordance with Canterbury Development Control Plan 2012 Part B5 and the engineering plans and details approved by the Crown. Should the developer encounter any existing, live, underground stormwater drainage pipes, which carry flow from upstream properties, the developer must maintain the stormwater flow and re-route the stormwater pipes around the subject building or structures at the developer's expense.
- 59) Existing trees within the vicinity of the construction works or paths of travel for construction vehicles accessing the development that are to be retained shall be protected with temporary fencing of a style non injurious to tree roots, placed 2m from the trunk base of the existing tree to prevent damage during construction, and retained in accordance with Council's Tree Preservation Order. There is to be no stockpiling of materials within the 2m fenced zone.

- 60) Suitable erosion and sediment control measures shall be erected in accordance with the plans accompanying prior to the commencement of construction works and shall be maintained at all times.
- 61) Council warning sign for Soil and Water Management must be displayed on the most prominent point of the site, visible to both the street and site works. The sign must be displayed throughout the construction period.
- 62) A section 73 compliance certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For help either visit [www.sydneywater.com.au](http://www.sydneywater.com.au) > Building and Developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

- 63) Prior to the commencement of work, a fence must be erected around the area of the works, except where an existing 1.8m high boundary fence is in good condition and is capable of securing the area. Any new fencing shall be temporary (such as cyclone wire) and at least 1.8m high. All fencing is to be maintained for the duration of construction to ensure that the work area is secured.
- 64) A sign shall be displayed on the site indicating the name of the person responsible for the site and a telephone number of which that person can be contacted during and outside normal working hours or when the site is unattended.
- 65) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - a. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - b. stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

## **CONDITIONS TO BE SATISFIED DURING CONSTRUCTION**

- 66) The hours of site works shall be limited to between 7.00am and 5.00pm on weekdays and on Saturdays. No work shall be carried out on Sundays and public holidays.

- 67) The building work must be carried out in accordance with the requirements of the Building Code of Australia.
- 68) The building work in accordance with the development consent must not be commenced until:
  - a) the person having the benefit of the development consent, if not carrying out the building work as an owner-builder, has:
    - i. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
    - ii. unless the person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- 69) An identification report by a registered surveyor must be submitted to the Crown prior to the ground floor slab being poured to verify the buildings wall setbacks and floor level conform to the approved plans.
- 70) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
- 71) If soil conditions require it, retaining walls or other approved methods of preventing movement of the soil must be provided, and adequate provisions must be made for drainage. Separate approval may be required for retaining walls should they be required.
- 72) If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - a. protect and support the adjoining premises from possible damage from the excavation, and
  - b. where necessary, underpin the adjoining premises to prevent any such damage.
- 73) The capacity and effectiveness of erosion and sediment control devices must be maintained at all times.
- 74) Materials must not be deposited on Council's roadways as a result of vehicles leaving the building site.
- 75) Drains, gutters, roadways, and access ways must be maintained free of soil, clay and sediment. Where required, gutters and roadways must be swept regularly to maintain them free from sediment. Do not hose down.
- 76) Any new information which comes to light during demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Crown immediately.

- 77) Any site water discharged to Council's stormwater system must have a suspended solid level of less than 50 mg/L, pH 6.5 - 8.5, turbidity level of less than 50 NTU, no oil or grease and conform to relevant ANZEC guidelines for other contaminants. This may require treatment such as transfer to settling ponds, use of approved chemicals to settle out sediment or passing the contaminated water through a treatment device. Site water may also be disposed of through the services of a licensed liquid waste transporter. The Crown must be notified prior to the commencement of any pump out of site water and provided with a copy of the test results which confirm that the above condition has been complied with.
- 78) Stockpiles of topsoil, sand, aggregate, soil or other material shall not be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.
- 79) In the event of Council receiving complaints resulting from odour from the mechanical ventilation system, the owner must at his/her own cost, engage an accredited Air Pollution Control Consultant to upgrade their mechanical ventilation system until the odour and/or air impurity emissions have been mitigated. Details of all mechanical ventilation system upgrades must be provided to Council and all upgrades to the mechanical ventilation system must be completed within 45 days from the date Council requested an accredited Air Pollutant Consultant be engaged.
- 80) Any lighting of the premises shall be installed in accordance with Australian Standard AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. Flashing, moving or intermittent lights or signs are prohibited. The intensity, colour or hours of illumination of the lights shall be varied at Council's discretion if Council considers there to be adverse effects on the amenity of the area.
- 81) Any fill imported onto the site must be virgin excavated natural material or excavated natural material, classified as such in accordance the 'Waste Classification Guidelines' (NSW EPA, 2014) or excavated natural material meeting the requirements of the Excavated Natural Material Exemption (NSW EPA, 2014).

Certificates verifying that imported fill is virgin excavated natural material or excavated natural material must be included within the validation report; or provided to the Crown prior to the occupation of the building; or provided to the Crown prior to filling.

All imported fill must be compatible with the existing soil characteristics of the site.

- 82) In the instance 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 consultant 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 OEH Accredited Site Auditor is involved to assist with the assessment of any unexpected finds, review any contamination information and prepare a Site Audit Report and Site Audit Statement. The applicant must adhere to any additional conditions which may be imposed by the NSW OEH Accredited Site Auditor.

- 83) Redundant driveways across the frontage of the site, are to be removed and replaced with new kerb and gutter, and turf to match the existing areas, and footpath reconstructed at Applicant's cost.
- 84) The developer shall apply for a Work Permit and obtain approval from Council, for the following engineering works in front of the site, at the applicant's expense:
  - a) A heavy duty combined VFC at the property boundary servicing the new vehicle carriageway.
  - b) Drainage connection to Council's kerb & gutter system.
  - c) Removal of all redundant driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs.
  - d) Repair of any damage to the public road including the footway occurring during development works.
  - e) Reinstatement of the footway reserve and adjustment or relocation of existing public utility services to match the footway design levels as proposed on the approved Work Permit. Adjustment or relocation to any public utility services shall be carried out to the requirements of the public utility authority.

Note: Council is required to prepare a site survey and design in order to determine the necessary information. The developer should make application and payment for the Work Permit at least twenty one (21) days prior to the information being required and prior to the issue of the works commencing. The Work Permit must be approved prior to any works commencing within the Council Road Reserve or on Council's assets.

## **CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION**

- 85) An identification report by a registered surveyor must be submitted to the Crown to verify the buildings wall and roof eaves setback, floor level and height conform to the approved plans.
- 86) A section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained and submitted to the Crown before the building is occupied.
- 87) The developer shall register, on the title of the subject property, a Restriction on the Use of Land and Positive Covenant, in accordance with the standard terms for "Registration of OSD on title", as outlined in Council's Development

Engineering Standards and in accordance with the appropriate provisions of the Conveyancing Act.

Note: The location of the "On-Site Stormwater Detention System" shall be shown on the plan of subdivision where subdivision is proposed. Where subdivision is not proposed the location of the "On-Site Stormwater Detention System" shall be included on an A4 size site plan attached to the Section 88E Instrument and registered on the title prior to the occupation of the building.

The developer shall submit to the Crown evidence of the final registration of the Restriction and Positive Covenant on the title of the property.

- 88) Landscaping is to be installed in accordance with the approved landscape plan (as amended by conditions). All works and methods nominated and materials and plants specified on the approved landscape plan are to be completed prior to the occupation of the building. The landscaping shall be maintained for the life of the development.
- 89) A suitably qualified Professional Civil Engineer shall certify that the driveways, parking bays, and service areas have been constructed in accordance with the approved plans and specifications. Such Certification shall be submitted prior to the prior to the occupation of the building or occupation of the site.
- 90) Lighting must be provided to the entries, driveways and parking areas when the school is in use during evening hours to promote a high level of safety and security at night and during periods of low light. Lighting provided should be hooded, shielded or directed away from neighbouring dwellings to minimise glare and associated nuisances to residents.

## **SCHEDULE A: ADVICE TO APPLICANTS**

Also, before you dig, call "Dial before you Dig" on 1100 (listen to the prompts) or facsimile 1300 652 077 (with your street no./name, side of street and distance to nearest cross street) for underground utility services information for any excavation areas.

For further information regarding this notice please contact Haroula Michael in Development on 9707 9562.