

14 September 2012

Mr Matthew Taylor
Department of Education & Communities
35 Bridge St
SYDNEY NSW 2000

Email: Matthew.Taylor157@det.nsw.edu.au

**NOTICE OF DETERMINATION
DA 13-08-2012**

Dear Mr Taylor,


I refer to the abovementioned development application (DA) received by Sydney Olympic Park Authority on 30 August 2012.

I am writing to inform you that the application has been granted consent, subject to conditions (refer to the attached consent).

Prior to works commencing, you may need to obtain a Works Permit from Sydney Olympic Park Authority for any works (e.g. storing materials, footpath occupancy etc.) in the public domain. All plans and information that form part of your detailed works must comply with the conditions of consent. It is the responsibility of the applicant to carefully read all conditions of consent prior to commencement of building works.

Please note the development consent operates from the date of this notification. Should you have any enquiries regarding the above matter, please contact Dat Tran, on 9714 7139 or via email to dat.tran@sopa.nsw.gov.au.

Yours faithfully,



Andrew Brown
Executive Manager, Urban Planning and Design

Development Consent

Section 80 of the *Environmental Planning and Assessment Act 1979*

I, the Executive Manager, Urban Planning and Design of the Sydney Olympic Park Authority, pursuant to section 80(1) and 80(A) of the *Environmental Planning and Assessment Act 1979*, Clause 22 of the *Sydney Olympic Park Authority Act 2001*, and in accordance with the delegations invested to my office by the Minister for Planning & Infrastructure, grant development consent to the development referred to in **Schedule 1**, subject to the conditions in **Schedule 2**.

These conditions are required to prevent, minimise, and/or offset adverse environmental impacts.



Andrew Brown
Executive Manager, Urban Planning and Design
Sydney Olympic Park Authority

Date: **14/09/2012**

Schedule 1

Development Application:	DA 13-08-2012
Application made by:	Mr Matthew Taylor (Department of Education & Communities)
To:	Sydney Olympic Park Authority
In respect of:	Lot 3020 DP 879226 (Haslam's Creek Flats), Sydney Olympic Park
For the following:	To use part of subject land as new open space for Newington Primary School.
Determination:	Consent granted subject to conditions in the attached Schedule 2
Date of commencement of consent:	This development consent commences on the date identified in the formal notification letter accompanying the Notice of Determination
Advisory Notes	<p>The Applicant is solely responsible that all additional consents and agreements are obtained from other authorities as relevant</p> <p>The Applicant has right to appeal to the Land and Environment Court in the manner as set out in the <i>Environmental Planning and Assessment Act 1979</i>, and the <i>Environmental Planning and Assessment Regulations 2000</i> (as amended)</p>

SCHEDULE 2
CONDITIONS OF CONSENT
DEVELOPMENT APPLICATION No. 13-08-2012

PART A – ADMINISTRATIVE CONDITIONS

A1 Development Description

Development Consent is granted only to carrying out of the development as described in, and on the land referred to, in **Schedule 1** above.

These conditions of this consent do not relieve the proponent of its obligations under the *Environmental Planning and Assessment Act 1979*, and any other Act.

A2 Development in Accordance with Plans & Documentation

The development shall be undertaken in accordance with the following approved plans & documents:

Statement of Environmental Effects titled ‘New Playing Space at Newington Public School’, as prepared by Martin Karm, for Department of Education & Communities
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Landscape Plan prepared by Government Architect’s Office, Sheet No. DAL01, dated 23/08/2012
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except for:

1. any modifications which are ‘Exempt and Complying Development’ as identified in the relevant State Environmental Planning Policy (SEPP) or as may be necessary for the purpose of compliance with the Building Code of Australia (BCA) and any Australian Standard (AS) incorporated in the BCA;
2. as **amended in red** on the approved plan (refer to Condition A3 below).
3. otherwise provided by the Conditions of this Consent;
4. otherwise as necessary to comply with other NSW and Commonwealth legislation.

A3 Amendments to Approved Plan

The development shall incorporate the following amendments **made in red** on the approved plan:

1. The eastern boundary fence shall be realigned to provide an adequate buffer zone between the development and the Environmental Conservation Area.
2. New plantings in the eastern perimeter of the site shall comprise shrub species approved by SOPA’s General Manager – Operations and Sustainability.

A4 Inconsistency between documents

In the event of any inconsistency between Conditions of this Consent and the details referred to in Condition No. A2, the Conditions of this Consent prevail.

A5 Lapsing of Consent

This consent will lapse five (5) years from the date of this consent unless the development has physically commenced.

A6 Prescribed Conditions

The Proponent shall comply with the prescribed conditions of development consent under Clause 98 of the *Environmental Planning and Assessment Regulations 2000* in relation to the requirements of the BCA.

PART B – PRIOR TO COMMENCEMENT OF WORKS

B1 Minister's Consent

No works shall commence until such time as the consent of the Minister (for Western Sydney) under Section 32 of the Sydney Olympic Park Authority Act 2001, in relation to the licence for use of the subject site, has been obtained.

B2 Compliance with Building Code of Australia & Australian Standards

All proposed building works shall be designed by a suitably qualified person, in accordance with the provisions of the Building Code of Australia, and to the appropriate Australian Standards.

B3 Construction Management Plan

A Construction Management Plan (CMP) shall be submitted to and endorsed by SOPA's General Manager – Operations and Sustainability prior to the commencement of works. The CMP shall include, but not be limited to, the following matters which are to be addressed by suitably qualified person(s):

1. **Hours of work**, which must be in accordance with the conditions of this approval;
2. **Contact details** of the site manager and all principle contractors;
3. **Traffic management**, which is to be developed in consultation with SOPA, and is to include:
 - a. ingress and egress of vehicles to the site;
 - b. number and frequency of vehicles accessing the site;
 - c. the times vehicles are likely to be accessing the site;
 - d. management of loading and unloading of materials;
 - e. changes to on-street parking restrictions on local roads;
 - f. management of construction traffic and car parking demand;
 - g. management of existing vehicular and pedestrian movements / routes around the site (if applicable);
4. **Construction noise and vibration management**, identifying specific activities that will be carried out and associated noise sources, identify all potentially affected sensitive receivers, noise and vibration monitoring reporting and response procedures, description of specific mitigation treatments management measures and procedures to be implemented, and address any other relevant provisions of

Australian Standard 2436-2010 *Guide to Noise and Vibration Control on Construction, Demolition and Maintenance Sites*;

5. **Construction waste management**, identifying options for minimising waste; reuse and recycling of materials; the storage, control and removal of construction waste;
6. **Dust control** – measures to be implemented to prevent the movement of airborne particles from the site throughout the construction process, and the tracking of material from the site by trucks and other vehicles. This is to include the appropriate use of physically barriers and the dampening of exposed excavated surfaces. The storage and stockpiling areas for material is also to be detailed and covered as required; and

B4 Landscape Plan

A Landscape Plan shall be submitted to and endorsed by SOPA's General Manager – Operations and Sustainability prior to the commencement of works. In this regard, new plantings in the eastern perimeter of the site shall comprise shrub species approved by the Authority.

B5 Utility Services

Prior to the commencement of works the proponent shall carried out a survey of all utility services within and adjacent to the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.

If applicable, the proponent is to negotiate with the utility authorities (e.g. AUSGRID, Sydney Water and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the development. Any costs in the relocation, adjustment or support of services shall be borne by the proponent.

B6 Stormwater & Drainage

Prior to the commencement of works, details of the proposed stormwater disposal and drainage from the development, and details of the provision and maintenance of overland flow paths are to be designed to the satisfaction of SOPA's General Manager – Operations and Sustainability. All approved details for the disposal of stormwater and drainage are to be implemented in the development.

B7 Erosion and Sediment Control

Soil erosion and sediment control measures shall be designed in accordance with the document titled "*Managing Urban Stormwater – Soils & Construction Volume 1 (2004)*" by Landcom. Details are to be submitted to the satisfaction of SOPA's General Manager – Operations & Sustainability, prior to the commencement of works.

B8 Parklands Approval Permit

Prior to the commencement of works, a Parklands Approval Permit under SOPA's Parklands Plan of Management (2010) shall be obtained.

PART C – DURING CONSTRUCTION

C1 Compliance with Building Code of Australia & Australian Standards

All works shall be carried out in accordance with the provisions of the Building Code of Australia, and to the appropriate Australian Standards.

C2 Work Health and Safety Act 2011

All works shall be carried out in accordance with the *NSW Work Health and Safety Act 2011* and the *Regulation 2011*.

C3 Inspections & Certification

Inspections shall be carried out by a suitably qualified person on all building works during the course of construction to enable certifications to be issued upon completion of the building works.

C4 Pollution Management

All noise, water, waste or air pollution activities generated by the development shall be managed in general accordance with the most recent NSW Office of Environment and Heritage guidelines and policies and relevant NSW legislation, including but not limited to, the *Protection of the Environment Operations Act, 1997*.

C5 No Obstruction of Public Way without a Works Permit

Prior to commencement of works, the proponent shall obtain a Work Permit to occupy the public way, footpaths, road reserves and the like, which must not be obstructed by any mobile cranes, materials, vehicles, refuse, skips or the like, under any circumstances, unless in accordance with the Works Permit. Non-compliance with this requirement will result in the issue of a Notice by the Authority to stop all work on the site.

C6 Hours of work

The hours of construction, including the delivery of materials to and from the site, shall be restricted as follows:

- (1) Between 7:00 am and 6:00 pm, Mondays to Fridays (inclusive);
- (2) Between 7:00 am and 3:00 pm, Saturdays;
- (3) No work on Sundays and Public Holidays.

Works may be undertaken outside these hours where:

- (1) The delivery of materials is required outside these hours by the Police or other authorities; or
- (2) It is required in an emergency to avoid the loss of life, damage to property and/or to prevent adverse environmental harm; or

- (3) The work is approved by SOPA's General Manager, Operations and Sustainability.

C7 Removal of Waste

All waste materials shall be disposed of at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines.

PART D – POST CONSTRUCTION

D1 Certified as Fit for Purpose

All building works shall be certified as fit for purpose upon completion, including (but not limited to), construction of fencing, construction of play equipment, construction of playing space.

D2 Operational Environmental Management Plan

An Operational Environmental Management Plan (detailing matters such as vegetation management, waste management, compliance with SOPA's Pesticide Use Notification Plan etc.) shall be prepared by a suitably qualified person, and to the satisfaction of SOPA's General Manager – Operations & Sustainability, prior to the commencement of use of the development.