

Determination No: 13-369

Page 2 of 31

1 **ADVISORY NOTES**1.1 **Terminology**

- 1.1.1 Any reference in this document to a "consent" means a "development consent" defined in the Environmental Planning and Assessment Act 1979.

1.2 **Scope of Consent**

- 1.2.1 The granting of this consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992. The applicant is advised to investigate any liability that may apply under that Act. The current suite of Australian Standard 1428 - Design for Access and Mobility, should be consulted for guidance. The prescriptive requirements of Part 1 of the Standard apply to certain buildings requiring development consent.

1.3 **Other Approvals**

- 1.3.1 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.

1.4 **Services**

- 1.4.1 The applicant is advised to consult with:
- (a) Sydney Water Corporation Limited
  - (b) Endeavour Energy
  - (c) Natural Gas Company
  - (d) The relevant local telecommunications carrier

regarding any requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on the land or on the adjacent public road(s).

All approved building construction plans attached to the Construction Certificate should be submitted to and stamped by a Sydney Water Corporation Limited Customer Centre or a Sydney Water Quick Check Agent as an indication that the proposal complies with the Sydney Water requirements. Sydney Water may also require the applicant to obtain a Trade Waste Approval as part of the operation of the approved development. Enquiries should be made to ascertain the Sydney Water requirements for the eventual operation of the approved use.

- 1.4.2 Underground assets may exist in the area that is subject to your application. In the interests of health, safety, and in order to protect damage to third party assets, please contact Dial Before You Dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

KERRY ROBINSON  
GENERAL MANAGER

Per \_\_\_\_\_  
Blacktown City Council



contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset holders 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.

- 1.4.3 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.

## 1.5 Identification Survey

- 1.5.1 The applicant is advised to obtain an identification survey from a registered surveyor to ascertain the correct location of the property boundaries, and to ensure the development does not encroach upon adjoining properties.

## 1.15 Other Matters

- 1.15.2 The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and park bay dimensions) should be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for heavy vehicle usage.

## 2 GENERAL

### 2.1 Scope of Consent

- 2.1.1 This consent relates to the following drawings/details submitted to Council with the Development Application, subject to compliance with any other conditions of this consent:

Drawing No.	Dated	Council's File Enclosure No.
Site Plan DA03	06/03/2013	1D
Site Ground Floor Plan DA04	06/03/2013	1E
Site First Floor Plan DA05	06/03/2013	1F

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

KERRY ROBINSON  
GENERAL MANAGER

Per \_\_\_\_\_  
Blacktown City Council

Roof Plan DA06	06/03/2013	1G
Elevations DA07	06/03/2013	1H
Sections and Elevations DA08	06/03/2013	1I
HS + PS Colourboard and Perspectives DA09	06/03/2013	1J
Landscape Plan DA-L01	06/03/2013	1K

\*Unless modified by any condition(s) of this consent.

## 2.2 Services

- 2.2.1 Low voltage electricity and telecommunications services for the approved development shall be reticulated underground.

## 2.3 Suburb Name

- 2.3.1 The land the subject of this consent is known to be located in the following suburb. This suburb name shall be used for all correspondence and property transactions:

Suburb: The Ponds

## 2.4 Engineering Matters

### 2.4.1 Definitions

- 2.4.1.1 Any building approval issued in relation to this consent shall incorporate and address the design of those works required by Scope of Engineering Works and other sections of this consent which do not require separate Roads Act 1993 or Local Government Act 1993 approval and any ancillary works necessary to make the construction effective. All works on existing public roads require separate engineering approval pursuant to the Roads Act 1993.
- 2.4.1.2 Prior to the issue of any building approval for the approved development it is necessary to obtain the separate approval of Council pursuant to the Roads Act 1993 for all relevant civil works on existing public roads as nominated in "Prior to Construction (Engineering)" and/or "Scope of Engineering Works and other sections of this consent " The application for this Engineering Approval must be

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

KERRY ROBINSON  
GENERAL MANAGER

Per \_\_\_\_\_  
Blacktown City Council



made on the prescribed form and is to include detailed design plans and specifications prepared by a Chartered Professional Engineer or suitably experienced Registered Surveyor.

**2.4.2 Design and Works Specification**

2.4.2.1 All engineering works required by Scope of Engineering Works and other sections of this consent must be designed and undertaken in accordance with the relevant aspects of the following documents except as otherwise authorised by this consent:

- (a) Blacktown City Council's Works Specification - Civil (Current Version)
- (b) Blacktown City Council's Engineering Guide for Development (Current Version)
- (c) Blacktown City Council Development Control Plan (Current Version)
- (d) Blacktown City Council Soil Erosion and Sediment Control Policy (Current Version)

Design plans, calculations and other supporting documentations prepared in accordance with the above requirements **MUST** be submitted to Council with any application for Road Act 1993 or Local Government Act 1993 Approval.

Any building approval issued by any government agency must also be accompanied by the above documentations.

NOTE: Any variations from these design requirements must be separately approved by Council.

**2.4.3 Payment of Engineering Fees**

2.4.3.1 Fees are required to be paid to Council's Development Services Unit pursuant to Section 223 of the Roads Act 1993 for;

(a) The checking of engineering drawings for any works within the road reserve and the issue of an Engineering Approval pursuant to the Roads Act 1993.

(b) All construction inspections for the works approved by (a) above. The required fee will be determined upon submission of the relevant plans to Council. This fee is subject to periodic review and may vary at the actual time of payment.

**2.4.4 Other Fee and Bond/Securities**

2.4.4.1 The payment of the following fee to Council's Maintenance Section pursuant to Sections 608 and 609 of the Local Government Act 1993. The fee is subject to periodic review and may vary at actual time of payment.

(a) Vehicular Crossing Application and Inspection Fee: \$130.00 per crossing.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

KERRY ROBINSON  
**GENERAL MANAGER**

Per \_\_\_\_\_  
Blacktown City Council



NOTE: Council may grant a reduction in the above fee dependent upon the timing of the placement of the footpath crossings.

2.4.4.2 In conjunction with the civil engineering works required to be constructed as part of this development you will be required to submit to Council security bond(s) for maintenance and/or path paving works as well as a contribution for any final asphaltic concrete (AC) surfacing of the roadwork. These matters are individually addressed within the Consent conditions.

2.4.4.3 Prior to release of any bond securities held by Council for civil engineering works payment of a bond release inspection fee in accordance with Council's Goods and Services Pricing Schedule must be made.

#### 2.4.5 Other Necessary Approvals

2.4.5.1 A separate application or details (as necessary) shall be submitted for the separate approval of Council under the provisions of the Local Government Act 1993 and/or the Roads Act 1993 for any of the following (a) The installation of a vehicular footway crossing servicing the development as required by "Scope of Engineering Works and other sections of this consent" (b) Works on or occupation of existing public roads - that are not covered by a Roads Act Approval - which may require a Road Occupancy Licence or Work Zone Permit.

#### 2.5 Other Matters

2.5.1 No construction preparatory work (including tree or vegetation removal, ground clearing, excavation, filling, and the like) shall be undertaken on the land prior to a valid building approval being issued for the construction works.

2.5.2 Any future substation or other utility installation required to service the approved subdivision/development shall not under any circumstances be sited on future or existing Council land, including road reservations and/or public reserves. Any proposal to locate a proposed substation or other utility installation on Council land shall be negotiated with and fully endorsed by the relevant Council Directorates.

2.5.3 In accordance with Clause 32 of the State Environmental Planning Policy (Infrastructure) 2007, the following School Standards are to be complied with:

- (a) *School Facilities Standards—Landscape Standard—Version 22 (March 2002)*,
- (b) *Schools Facilities Standards—Design Standard (Version 1/09/2006)*,
- (c) *Schools Facilities Standards—Specification Standard (Version 01/11/2008)*.

#### 2.6 DA Plan Consistency

2.6.1 A building approval for the proposed development shall only be issued when the accompanying plans, specifications and/or details are consistent with the approved Development Application design plans.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

KERRY ROBINSON  
GENERAL MANAGER

Per \_\_\_\_\_  
Blacktown City Council



## 2.7 Building Code of Australia Compliance

2.7.1 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. 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 :
  - (i) complies with the performance requirements, or
  - (ii) is shown to be at least equivalent to the deemed to satisfy provision, or
  - (iii) A combination of (a) and (b).

2.7.2 A preliminary assessment of the plans submitted with the application has disclosed that the following design and/or construction issues need to be addressed prior to the issue of any Construction Certificate to ensure compliance with the Building Code of Australia:

- (a) Section C, D, E, F and J6

## 3 PRIOR TO DEMOLITION

### 3.1 Other Matters

3.1.1 The buildings shall be demolished by a contractor who holds a current Demolition license issued by the NSW WorkCover Authority under the provisions of the Work Health and Safety Act 2011.

3.1.2 The recommendations of the submitted Arboricultural Assessment Report prepared by Landscape Urban Environmental Design dated February 2013 are to be implemented.

3.1.3 Prior to any demolition works, all services or utilities should be disconnected in consultation with the relevant service provider.

3.1.4 The applicant is to consult with NSW Workcover regarding the proper management and control of asbestos and handling of asbestos waste.

3.1.5 Prior to the commencement of works, an appropriately qualified person is to submit an comprehensive Environmental Management Plan (EMP) for review and subsequent approval by Council.

The operational measures should include but not be limited to:

- proposed schedule of works
- proposed hours of work

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

KERRY ROBINSON  
GENERAL MANAGER

Per \_\_\_\_\_  
Blacktown City Council



- noise and vibration controls
  - location of noise sensitive receivers nearest to the site
  - the predicted level of noise likely to affect the nearest noise sensitive receivers
  - list plant and equipment to be used on site including the level of sound mitigation to be undertaken in each case
  - statement outlining whether or not predicted noise levels will comply with the noise criteria outlined in the NSW Industrial Noise Policy
  - where resultant site noise levels are likely to exceed the noise criteria, a proposal is to be submitted outlining the duration and frequency of respite periods afforded to the occupiers of neighbouring property
  - community complaints response and management procedure outlining the course of action to be undertaken following receipt of a complaint concerning offensive noise
- Erosion and Sedimentation Control Strategy  
Refer: *Landcom's Managing Urban Stormwater Soils and Construction, 4<sup>th</sup> Edition*
- Site Remediation Plan  
This plan must include how the proponent will be assessing, classifying and managing waste uncovered onsite taking into consideration the "Waste Classification Guidelines Part 1: Classifying Waste" (DECCW, Dec'09) and how the waste will be disposed of either on-site or off-site.
- Asbestos Removal strategy satisfying the provisions of the *Protection of the Environment Operations (Waste) Regulation 2005*. Any asbestos material is to be handled and treated in accordance with the WorkCover document "Your Guide to Working With Asbestos - Safety guidelines and requirements for work involving asbestos" (March 2008).
- Dust Control Strategy noting that any stockpiled soil is to be stored on plastic sheeting in an area that is securely bunded with a silt fence and hay bales to prevent surface-water run-off. Plastic sheeting must be placed over the stockpile to minimise wind-blown dust.
- Procedures for validation of imported fill material and the proposed means of disposing overburden. Where Virgin Excavated Natural Material is required, the site demolition and construction contractor must provide certification of the source of the material. The suitability of the Material is to be assessed in accordance with the NSW EPA (2012) *Excavated Natural Material Exemption* prior to being imported to site.

3.1.6 Any septic tanks present on the allotments must be decommissioned and removed such that:

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

KERRY ROBINSON  
GENERAL MANAGER

Per \_\_\_\_\_  
Blacktown City Council



- the residual contents of the septic tank and/or collection well are to be removed by a licensed pump out provider.
- a licensed plumber is required to hose down the sides, lid, baffle (if fitted) ensuring all hosed waste is directed into the tank for removal.
- all inlet and outlet points on the tank are to be permanently sealed/plugged
- the tank must be filled with clean water and disinfected to a minimum level of 5mg/L of free residual chlorine, with a half hour contact time.
- The contents of the tank and/or well must then be emptied by the same means as the original content removal.
- A copy of the service reports and pump out receipts must then be submitted to Council.

3.1.7 The applicant shall comply with the recommendations of the Aboriginal Cultural Heritage Assessment Report and Aboriginal Archaeological Technical Report prepared by Godden Mackay Logan Pty Ltd dated July 2013 by obtaining a Section 90 Consent to Destroy from the Department of Environment and Climate Change (National Parks and Wildlife Service) for the subject site. If a Section 90 clearance for the entire site has previously been obtained, then this will also be acceptable. The AHIP should be granted prior to any ground disturbance taking place in areas of moderate or low historical ground disturbance. The area to which this AHIP should apply is provided in Figure 6.1 of the submitted Aboriginal Cultural Heritage Assessment Report.

## **4 DURING DEMOLITION WORKS**

### **4.1 Safety/Health/Amenity**

- 4.1.1 Security fencing shall be maintained around the perimeter of the demolition site to prevent unauthorised entry to the site at all times during the demolition works. Notices lettered in accordance with AS 1319-1994 and displaying the words "DANGER - DEMOLITION IN PROGRESS", or similar message shall be maintained on the fencing at appropriate places to warn the public.
- 4.1.2 A sign shall be maintained in a prominent position on the land indicating the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- 4.1.3 Any hoarding or protective barrier required to be erected between the work site and the public place on adjoining land or place shall be maintained in an effective condition.
- 4.1.4 Soil erosion and sediment control measures shall be maintained in accordance with Council's Soil Erosion and Sediment Control Policy.
- 4.1.5 Any excavation and/or backfilling associated with the demolition works shall be

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

KERRY ROBINSON  
**GENERAL MANAGER**

Per \_\_\_\_\_  
Blacktown City Council



executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.

- 4.1.6 All demolition work and handling of materials shall be in accordance with Australian Standard 2601-2001 (Demolition of Structures) and all applicable NSW WorkCover Authority requirements including the Code of Practice for the Safe Removal of Asbestos” – National Occupational Health and Safety Commission:2002 (if applicable)
- 4.1.7 The remaining portions of each structure being demolished shall be maintained in a stable and safe condition at all stages of the demolition work. Temporary bracing, shoring, bracing or guys, or any combination of these, shall be provided for stability, where necessary.
- 4.1.8 Demolished materials, plant, equipment and the like shall not be stored or placed at any time on Council's footpath, roadway or any public place.
- 4.1.9 The demolisher has an obligation to ensure that the adjoining buildings and property are not damaged.

#### **4.2 Nuisance Control**

- 4.2.1 Any objectionable noise, dust, concussion, vibration or other emission from the demolition works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.
- 4.2.2 Any noise generated during demolition shall not exceed those limits specified in the Protection of the Environment Operations Act 1997 and shall be limited to between 7.00am and 6.00pm, Monday to Friday, and 8.00am to 1.00pm, Saturday, with no demolition work being undertaken on Sundays or public holidays.

### **5 COMPLETION OF DEMOLITION WORKS**

#### **5.1 Hazardous Materials and Waste**

- 5.1.1 Submit the receipt from the trade waste depot for disposal of the asbestos from the removal/demolition of the existing dwelling.
- 5.1.2 A clearance certificate prepared in accordance with the National Code of Practice for the Safe Removal of Asbestos issued by a qualified occupational hygienist shall be obtained stating that, where the land has been affected by any contaminants (including asbestos & lead based paints), the land has been remediated in accordance with the recommendations of the investigation report. A copy of the clearance certificate is to be lodged with Council.

### **6 PRIOR TO CONSTRUCTION (PLANNING)**

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

KERRY ROBINSON  
**GENERAL MANAGER**

Per \_\_\_\_\_  
Blacktown City Council



**6.1 Necessary Plan Amendments**

- 6.1.1 Prior to construction, the approved plans are to be amended to provide for an additional 7 car parking spaces within the development site. The amended plans are to be submitted to Council for separate approval.
- 6.1.2 Prior to construction, the main entrance to the School shall be relocated away from the Everglades/Wentworth Street T-intersection. The amended plans are to be submitted to Council for separate approval.

**6.2 Aboriginal Heritage**

- 6.2.1 The applicant shall comply with the recommendations of the Aboriginal Cultural Heritage Assessment Report and Aboriginal Archaeological Technical Report prepared by Godden Mackay Logan Pty Ltd dated July 2013 by obtaining a Section 90 Consent to Destroy from the Department of Environment and Climate Change (National Parks and Wildlife Service) for the subject site. If a Section 90 clearance for the entire site has previously been obtained, then this will also be acceptable. The AHIP should be granted prior to any ground disturbance taking place in areas of moderate or low historical ground disturbance. The area to which this AHIP should apply is provided in Figure 6.1 of the submitted Aboriginal Cultural Heritage Assessment Report.
- 6.2.2 In order to minimise the effect of the proposed development on the Aboriginal cultural heritage, a school interpretation park and 'outdoor' library (aimed at setting the tangible and intangible cultural heritage within the landscape) should be prepared. Interpretation of the study area, in conjunction with the Alex Avenue PAD36, should be undertaken to create a teaching resource to meet the key inquiry and depth questions for Year 7 history, as in the Australian National History Curriculum. This could include cultural mapping for the Second Ponds Creek Aboriginal landscape (which the current study area is spatially located within).
- 6.2.3 Proposed interpretive content for the school sites as well as their potential locations within the development, should be continued to be developed in consultation and discussion with Mr Dillon Kombumerri, head of the Indigenous design group for the development.
- 6.2.4 A Care and Control Agreement should be negotiated between the RAPs for the development and the DEC for the cultural lithics recovered from the text excavation of The Ponds PAD1 and the salvage excavation of Alec Avenue PAD 36.
- 6.2.5 The RAPs for the project should be invited to monitor the removal of any archaeological bearing topsoils across the study area during the redevelopment phase.
- 6.2.6 Copies of relevant reports should be provided RAPs and OEI as identified within the submitted Aboriginal Cultural Heritage Assessment Report.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

KERRY ROBINSON  
GENERAL MANAGER

Per \_\_\_\_\_  
Blacktown City Council



- 6.2.7 Should any archaeological material be uncovered during construction activities on any location within the approved development, then all works are to cease immediately and representatives of the Department of Environment and Climate Change and a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.

### 6.3 Site Remediation

- 6.3.1 All areas that are suspected to be contaminated, as outlined in the *Public Works: NSW Water Solutions Contamination Investigation* dated July 2013 **must be remediated.**

Upon completion of remedial work an appropriately qualified environmental consultant must prepare a validation report in accordance with;

- NSW Environment Protection Authority's "Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites" (2011)
- NSW Environment Protection Authority's *Contaminated Sites Sampling Design Guidelines* (1995)
- NSW Environment Protection Authority's "Contaminated Sites: Guidelines for NSW Site Auditor Scheme" (2006)
- National Environment Protection Council "National Environment Protection (Assessment of Site Contamination) Measure" (2011).

A NSW Environment Protection Authority accredited Site Auditor shall review the validation report and submit to Council a Site Audit Statement. The Site Audit Statement shall verify that the investigation, remediation and validation was carried out in accordance with the aforementioned guidelines and that the site is suitable for the proposed use.

Note: The validation applies to the entire school site.

Note: Any importation of fill material is to be validated at the source in accordance with EPA requirements.

### 6.4 Other Matters

- 6.4.1 The installation of the on-site sewage management facility is regulated by Section 68 of the *Local Government Act 1993* when treating effluent from an effective population (EP) up to 2500 people. The premises is not within a reasonable distance to the reticulated sewer of Sydney Water; therefore, an on-site sewage management facility is required. An 'Application for Approval to Install, Construct or Alter a Septic Tank or Sewage Management System' shall be submitted to Council for consideration. The approval must be obtained prior to the commencement of works.
- 6.4.2 The recommendations of the Salinity Assessment prepared by SESL Australia dated 17 July 2013 are to be implemented.

## 7 PRIOR TO CONSTRUCTION (ENGINEERING)

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

KERRY ROBINSON  
GENERAL MANAGER

Per \_\_\_\_\_  
Blacktown City Council



**7.1 Road-works**

- 7.1.1 A Traffic Management / Control Plan shall be included as part of the Roads Act Approval for road and drainage works to be carried out within public road reserves in strict compliance with the requirements of current Australian Standard 1742.3 (Traffic Control Devices for Works on Roads) and current RTA Traffic Control at Work Sites manual. Any persons preparing such traffic control layout plans shall be RTA accredited.
- 7.1.3 Appropriate sign posting and line marking shall be required for the future signalised intersection on Riverbank Drive and Wentworth Street to the satisfaction of Council's Co-ordinator of Engineering Approvals.
- 7.1.4 Appropriate pedestrian crossings and refuge islands are to be designed and implemented to the satisfaction of Council's Co-ordinator of Engineering Approvals. Approval for any pedestrian crossing, Wombat Crossing, or similar device will require approval from the Local Traffic Committee. It should be noted that the RMS and Council's Traffic Section have advised the proposed wombat crossing should be located closer to the Primary School and away from the intersection of Wentworth Street and Everglades. Construction of any device on existing public roads will require approval under the Roads Act from Blacktown City Council.
- 7.1.5 RMS Type 1 pedestrian fencing is to be provided behind the kerblines in Wentworth St for the full length of the pedestrian access point to the school. Where practical, this should be extended to the approved location of the proposed Wombat Crossing.

**7.2 Drainage**

- 7.2.1 Where drainage involves the provision of drains across land owned by others evidence of the creation of necessary easements must be submitted to Council for concurrence prior to the issue of building approval for engineering works.
- 7.2.2

**7.3 Erosion and Sediment Control**

- 7.3.1 Soil erosion and sediment control measures for road, drainage, On Site Stormwater Detention and earth works shall be designed in accordance with Council's Soil Erosion and Sediment Control Policy and Engineering Guide for Development. Details are to be included with the plans and specifications to accompany any Construction Certificate.

**7.4 Asset Management**

- 7.4.1 A detailed estimate of the cost of civil engineering work must be submitted to Council prior to the issue of the Construction Certificate for engineering works. If engineering works are of a value greater than \$25,000; documentary proof of

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

KERRY ROBINSON  
**GENERAL MANAGER**

Per \_\_\_\_\_  
Blacktown City Council



payment of the levy required by the Building and Construction Industry Long Service Payments Act must be provided to Council prior to any approval of engineering plans either by Council or an appropriately accredited certifier.

**7.5 Other Approvals/Clearances/Adjoining Owners Permission.**

7.5.1 Written evidence shall be obtained from the Roads & Maritime Services indicating compliance with its requirements, including the payment of any necessary supervision fees.

7.5.2 Written permission from the affected property owners shall be obtained to:

- (a) discharge stormwater onto adjoining land
- (b) carry out works on adjoining land
- (c) drain the site across adjoining land

prior to the issue of any building approval. A copy of any such permission and evidence of the creation of necessary easements must be submitted to Council prior to the issue of any approval for building works.

**7.6 Ancillary Works**

7.6.1 Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this consent effective. Such works shall include but are not limited to the following:

- (a) the relocation of underground services where required by the positioning of new drainage and road infrastructure.
- (b) the relocation of above ground power and telephone services.
- (c) the matching of new infrastructure into existing or future designed infrastructure.

**7.7 Scope of Engineering Works**

The following scope of works shall be included in the design documentation accompanying any approval for building work or Roads Act Approval:

**7.7.1 Road and Drainage works**

7.7.1.1 Overland flows must be intercepted at the property boundary, conveyed through the site in a piped or channelled drainage system to match or set local condition, and discharged in a satisfactory manner.

7.7.1.2 Drainage from the site must be connected into Council's existing drainage system.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

KERRY ROBINSON  
**GENERAL MANAGER**

Per \_\_\_\_\_  
Blacktown City Council

7.7.1.3 Any drainage currently entering the site is to be collected and conveyed in an approved manner to the nearest appropriate point of discharge.

7.7.1.4 A bus bay is to be constructed in Riverbank Drive generally in accordance with the approved plans. It is noted that this bus bay is intended to be constructed as part of the road construction in DA-13-856 for residential subdivision and roadworks. The provision of this bus bay remains the responsibility of the applicant for this development consent.

**7.7.2 Vehicular Crossings**

7.7.2.1 Construction of Council's standard commercial and industrial vehicular footway crossing(s), with the following nominated width(s) at the property boundary in accordance with Council plan A(BS)103S.

Nominated Widths: 6 metres

The swept path of the longest vehicle (including garbage trucks) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.

**7.7.3 Footpaths**

7.7.3.1 Construction of reinforced concrete paving to Council cycleway specification for the full width of the footway area over the full frontage of the site fronting Riverbank Drive and Wentworth Street. Any street trees are to be planted in suitable grates or bays. Where the provision of full width path paving is considered to be unnecessary, application may be made to Council to reduce this requirement to a 1.5m wide concrete path pavement with turf. This application would need to be accompanied by a plan indicating those areas such as "No Stopping" zones, corner areas, areas of low pedestrian usage or other reasons why full width path paving would not be required

**7.7.4 Finished Boundary Levels**

7.7.4.1 Finished levels of all internal works at the road boundary of the property must be 4% above the top of the kerb.

NOTE: The alignment levels of the site fronting Hambledon Road shall be in accordance with Council's detailed design of the future road widening for Hambledon Road.

**7.7.5 Fencing**

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

KERRY ROBINSON  
GENERAL MANAGER

Per \_\_\_\_\_  
Blacktown City Council



- 7.7.5.1 All vehicular and pedestrian access to Hambledon Road shall be denied. Appropriate boundary fencing shall be erected along the entire Hambledon Road frontage to ensure compliance with this condition.

**7.7.6 Linemarking and Signposting of Public Roads**

- 7.7.6.1 All works/regulatory signposting associated with the proposed development are to be at no cost to RMS.
- 7.7.6.2 School Zones must be installed along all roads with a direct access point (either pedestrian or vehicular) from the school. School Zones must not be provided along roads adjacent to the school without a direct access point. 40km/hr School Zones are therefore to be installed in Riverbank Drive and Wentworth Street.
- 7.7.6.3 Any parking, drop-off and pick-up zones and bus zones incorporated in the school zone shall be in accordance with RMS standards.
- 7.7.6.4 The Developer must obtain written authorisation from RMS to install the School Zone signs and associated pavement markings.

To obtain authorisation, the Developer must submit the following for review and approval by RMS, at least 6 weeks prior to student occupation of the site:

- (a) A copy of Conditions of Development Consent,
  - (b) The proposed school commencement/opening date,
  - (c) Two sets of detailed design plans showing the following:
    - School property boundaries
    - All adjacent road carriageways to the school property
    - All proposed school access points to the public road network and any conditions imposed/proposed on their use
    - All existing and proposed pedestrian crossing facilities on the adjacent road network
    - All existing and proposed traffic control devices and pavement markings on the adjacent road network (including School Zone signs and pavement markings).
    - All existing and proposed street furniture and street trees.
- 7.7.6.5 All School Zone signs and associated pavement markings are to be assessed and installed by RMS.
- 7.7.6.6 All School Zone signs and associated pavement markings must be installed prior to student occupation of the site.
- 7.7.6.7 School Zones signs and associated pavement markings must be installed in accordance with RMS's approval/authorisation, guidelines and specifications.
- 7.7.6.8 The Developer must maintain records of all dates in relation to installing/altering/removing traffic control devices related to speed.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

KERRY ROBINSON  
GENERAL MANAGER

Per \_\_\_\_\_  
Blacktown City Council



- 7.7.6.9 Following installation of all School Zone signs and pavement markings the Developer must arrange an inspection with RMS for formal handover of the assets to RMS. The installation date information must also be provided to RMS at the same time.

Note: Until the assets are formally handed-over and accepted by RMS, RMS takes no responsibility for the School Zones/assets.

**7.7 Round-a-about**

- 7.7.1 Round-a-bout controls are to be provided at the intersections of Riverbank Drive and Wentworth Street as well as Riverbank Drive and Beavchamp Road at no cost to Council. The round-a-bout is to be designed in accordance with Council's requirements.

**7 PRIOR TO CONSTRUCTION (BUILDING)**

**7.8 Safety/Health/Amenity**

- 7.8.1 Toilet facilities shall be provided on the land at the rate of 1 toilet for every 20 persons or part thereof employed at the site.

Each toilet provided shall be:

- (a) a standard flushing toilet, or
- (b) a temporary on-site toilet which is regularly maintained and the waste disposed to an approved sewerage management facility.

- 7.8.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 indicating:

- (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 the building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

This condition does not apply to:

- (a) building work carried out inside an existing building, or
- (b) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.

- 7.8.3 Should the development work:

- (a) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (b) involve the enclosure of a public place,

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

KERRY ROBINSON  
**GENERAL MANAGER**

Per \_\_\_\_\_  
Blacktown City Council



a hoarding or protective barrier shall be erected between the work site and the public place. Such hoarding or barrier shall be designed and erected in accordance with Council's current Local Approvals Policy under the Local Government Act 1993.

Where necessary, an awning shall be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The hoarding, awning or protective barrier shall be effectively illuminated between sunset and sunrise where it may be hazardous to any person in the public place.

- 7.8.4 Soil erosion and sediment control measures shall be provided in accordance with Council's Soil Erosion and Sediment Control Policy.
- 7.8.5 All soil erosion and sedimentation control measures indicated in the documentation accompanying the Construction Certificate shall be installed prior to the commencement of development works.
- 7.8.6 A single vehicle/plant access to the land shall be provided to minimise ground disturbance and transport of soil onto any public place. Such access shall be provided in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. Single sized 40mm or larger aggregate placed 150mm deep, and extending from the street kerb/road shoulder to the land shall be provided as a minimum.
- 7.8.7 Any excavation and/or backfilling associated with the development shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent such work being dangerous to life or property.
- 7.8.8 Should any excavation associated with the development extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:
- (a) shall be preserved and protected from damage, and
  - (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
  - (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting work commences, be given notice of such intention and particulars of the excavation or supporting work.

**7.9 Notification to Council**

- 7.9.1 The person having the benefit of this consent shall, at least 2 days prior to work commencing on site, submit to Council a notice under Clauses 135 and 136 of the Environmental Planning and Assessment Regulation 2000, indicating details of the

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

KERRY ROBINSON  
**GENERAL MANAGER**

Per \_\_\_\_\_  
Blacktown City Council



appointed Principal Certifying Authority and the date construction work is proposed to commence.

**8 DURING CONSTRUCTION (BUILDING)**

**8.1 Aesthetics/Landscaping**

8.1.1 The reflectivity index of glass used in the external facade of the building is not to exceed 20 percent.

8.1.2 Any bathroom, w.c. or laundry window in the external wall of the building shall be fitted with translucent glazing.

8.1.3 The development approved by Council is to be constructed in accordance with the schedule of materials, finishes and colours identified on the submitted Colour Board (Sheet No. DA09 Revision A dated 06.03.2013) and held at Enclosure 1J on Council File JRPP-13-369.

8.1.4 All landscaping shall be completed in accordance with approved landscaping design plan.

**8.2 Access/Parking**

8.2.1 The internal driveway and parking areas are to be designed in accordance with Australian Standard 2890.1.

8.2.2 The 155 car parking spaces are to be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1 as follows:

Car Space: 2.6m x 5.4m

8.2.3 All internal roads and other paved areas shall be designed to provide continuous surface drainage flow paths to approved points of discharge.

8.2.4 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6.

8.2.5 Appropriate signposting and line-marking of the proposed bus bay is to be provided to ensure parents do not pick-up or drop-off from this location.

8.2.6 The area designated for waste removal and service delivery is to be securely fenced from the adjacent areas to separate students from the reversing manoeuvres of heavy vehicles. The design of the service area is to allow vehicles to enter and leave the school grounds in a forward direction.

**8.3 Bush Fire Prone Land**

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

KERRY ROBINSON  
**GENERAL MANAGER**

Per \_\_\_\_\_  
Blacktown City Council



- 8.3.1 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'.
- 8.3.2 Water, electricity and gas are to comply with section 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.
- 8.3.3 Internal roads shall comply with Section 4.2.7 of "Planning for Bush Fire Protection" 2006.
- 8.3.4 New construction within 100 metres of the bush fire vegetation to the east/north east as per Public Works Site Plan DA03 dated 6/03/2013, shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
- 8.3.5 Structure and shade materials within 100 metres of the bush fire vegetation to the east/ north east, as per Public Works Site Plan DA03 dated 6/03/2013 shall be non-combustible or have a Flammability Index of no greater than 5 when tested in accordance with Australian Standard AS1530.2-1993 'Methods for Fire Tests on Building Materials, Components and Structures – Test for Flammability of Materials'.
- 8.3.6 Landscaping to the site is to comply with the principles of Appendix 5 'Planning for Bush Fire Protection 2006'.

**8.4 Safety/Health/Amenity**

- 8.4.1 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.
- 8.4.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 indicating:
- (c) the name, address and telephone number of the principal certifying authority for the work, and
  - (d) the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours, and
  - (e) stating that unauthorised entry to the work site is prohibited.
- 8.4.3 Should the development work:
- (a) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
  - (b) involves the enclosure of a public place,

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

KERRY ROBINSON  
GENERAL MANAGER

Per \_\_\_\_\_  
Blacktown City Council



the required hoarding, awning or protective barrier shall be maintained between the land and the public place.

The hoarding, awning or protective barrier shall be effectively illuminated between sunset and sunrise where it may be hazardous to persons in the public place.

- 8.4.4 Soil erosion and sediment control measures (including the connection of roofwater downpipes to stormwater drainage lines upon fixing of roof covering) shall be maintained during the development works.
- 8.4.5 All measures specified in the Construction Certificate to control soil erosion and sedimentation shall be maintained throughout development works.
- 8.4.6 A single vehicle/plant access to the land shall be maintained to minimise ground disturbance and transport of soil onto any public place. Such access shall be maintained in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. As a minimum, single sized 40mm or larger aggregate placed 150mm deep and extending from the street kerb/road shoulder to the land shall be provided.
- 8.4.7 Any excavation and/or backfilling associated with the ongoing development works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.
- 8.4.8 Should any excavation associated with the ongoing development works extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:
- (a) shall be preserved and protected from damage, and
  - (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
  - (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting works be given notice of such intention and particulars of the excavation or supporting works.
- 8.4.9 Building and construction materials, plant, equipment and the like shall not to be placed or stored at any time on Council's footpath, roadway or any public place.

## **8.5 Building Code of Australia Compliance**

- 8.5.1 All building work shall be carried out in accordance with the provisions of the Building Code of Australia.

## **8.6 Surveys**

- 8.6.1 The building(s) shall be set out by a registered surveyor and a survey report lodged

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

KERRY ROBINSON  
**GENERAL MANAGER**

Per \_\_\_\_\_  
Blacktown City Council



with the Principal Certifying Authority to verify the approved position of each structure in relation to the property boundaries.

**8.7 Nuisance Control**

8.7.1 Any objectionable noise, dust, concussion, vibration or other emission from the development works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.

8.7.2 The hours of any offensive noise-generating development works shall be limited to between 7.00am to 6.00pm, Mondays to Fridays: 8.00am to 1pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.

8.7.3 Construction work on all buildings (except that on single dwelling houses and associated structures on the site of a single dwelling house) shall not occur on Saturdays and Sundays on weekends adjacent to a public holiday.

**8.8 Site Contamination**

8.8.1 Final validation prepared by a Suitably Qualified person is to be submitted to Council identifying that the recommendations of the Contamination Investigation prepared by NSW Public Works dated July 2013 have been implemented and that the site is suitable for the use as an Educational Establishment, including consideration of any imported fill pursuant to Council's Contaminated Lands Policy.

**8.9 Salinity**

8.9.1 During construction, the recommendations of the Salinity Assessment prepared by SESL Australia dated 17 July 2013 are to be implemented.

**8.10 Acoustic Measures**

8.10.1 In accordance with the Acoustic Assessment prepared by *Day Design*, the noise control recommendations made for mitigating potential noise sources are to be incorporated into the detailed design, including assessment and recommendations for the mechanical plant equipment. Written evidence is to be provided to Council from an appropriately qualified acoustic consultant which states that the proposed measures will adequately achieve the required noise attenuation.

**8.11 Waste Control**

8.11.1 The waste material sorting, storage and re-use requirements of the approved Waste Management Plan and Council's Site Waste Management and Minimisation Development Control Plan shall be implemented during the course of development works.

**8.12 Environmental Health**

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

KERRY ROBINSON  
**GENERAL MANAGER**

Per \_\_\_\_\_  
Blacktown City Council



- 8.12.1 Detailed plans and specifications must be submitted to demonstrate compliance with the requirements of;
- o *Food Act 2003* and Regulations there under
  - o Australian Standard 4674-2004 *Design, construction and fit-out of food premises*
- 8.12.2 All wastes generated during the project must be assessed, classified and managed in accordance with the "*Waste Classification Guidelines Part 1: Classifying Waste*" (Department of Environment, Climate Change and Water, December 2009)
- 8.12.3 All waste generated on the site during the construction must be classified in accordance with the NSW EPA's Environmental Guidelines: Assessment, Classification and management of Liquid and Non-Liquid Waste and disposed of at a facility that may lawfully accept the waste.
- 8.12.4 The body of any vehicle or trailer used to transport waste or excavation spoil from the premises must be covered before leaving the premises to prevent any spill or escape of any dust, waste or spoil from the vehicle or trailer.
- 8.12.5 Any mud, splatter, dust and other material likely to fall from or be cast off the wheels, underside or body of any vehicle, trailer or motorized plant leaving the site is to be removed before the vehicle, trailer or motorized plant leaves the premises.

#### 8.13 **Aboriginal Heritage**

- 8.13.1 In relation to matters concerning Aboriginal archaeology, should any archaeological material be uncovered during construction activities on any location within the proposed development, then all works are to cease immediately and representatives of the Department of Environment and Climate Change (National Parks and Wildlife Service) and a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.

### 9 **DURING CONSTRUCTION (ENGINEERING)**

#### 9.1 **Notice of work Commencement**

- 9.1.1 At least 5 full working days written notice shall be given of the commencement of engineering works. Such notice shall be accompanied by evidence of the contractor's Public Liability and Workers Compensation Insurances. For Public Liability Insurance this should be a minimum of \$20,000,000.
- 9.1.2 A minimum of 5 working days written notice is to be provided to all occupiers of properties adjacent to any works approved by this consent and which is to be carried out on Council controlled lands such as roads, drainage reserves and parks. The written notice must contain details of the proposed works, a contact name and phone number and the proposed start and finish dates of the work. A copy of the notice is to also be provided to Councils Development Services Engineers.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

KERRY ROBINSON  
**GENERAL MANAGER**

Per \_\_\_\_\_  
Blacktown City Council



**9.2 Compaction Requirements**

- 9.2.1 Removal of any unsuitable soil and/or fill material and its replacement with suitable material compacted in accordance with the current version of Council's "Works Specification - Civil".

**9.3 Maintenance of Soil Erosion Measures**

- 9.3.1 Soil erosion and sediment control measures shall be implemented in accordance with Council's Soil Erosion and Sediment Control Policy.
- 9.3.2 All required soil erosion and sediment control measures are to be maintained during the entire construction period until disturbed areas are restored by turfing paving or revegetation. Infringement Notices incurring a monetary penalty may be issued by Council where the maintenance of measures is inadequate.

**9.4 Filling of Land & Compaction**

- 9.4.1 Regular wetting down of the site must be undertaken during the course of works being carried out in order to control wind blown dust from the site.
- 9.4.2 Roads adjoining the site must be kept clean and free of all excavated /transportable spoil materials.
- 9.4.3 Trucks transporting fill must have their loads covered.

**9.5 Inspections of Works**

- 9.5.1 Inspection of the works required pursuant to the engineering approval issued under the Roads Act 1993 must be made by Council's Development Overseers who can be contacted on 9839 6586 between 7am - 8am and 12.30pm - 1.30pm. A site inspection is required prior to commencement of work. A minimum twenty-four (24) hours notice must be given prior to any required inspection. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).

**9.6 Public Safety**

- 9.6.1 The applicant is advised that all works undertaken in a public place are to be maintained in a safe condition at all times. Council may at any time and without prior notification make safe any such works Council considers to be unsafe and recover all reasonable costs incurred from the applicant.

**9.7 Site Security**

- 9.7.1 Chain wire gates and security fencing must be provided around the site in order to prevent unauthorised access and dumping of rubbish.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

KERRY ROBINSON  
GENERAL MANAGER

Per \_\_\_\_\_  
Blacktown City Council



10 **PRIOR TO OCCUPATION**

10.1 **Road Damage**

- 10.1.1 The cost of repairing any damage caused to Council's assets in the vicinity of the land as a result of the development works shall be met in full by the applicant/developer.

Note: Should the cost of damage repair work not exceed the road maintenance bond Council will automatically call up the bond to recover its costs. Should the repair costs exceed the bond amount a separate invoice will be issued.

10.2 **Compliance with Conditions**

- 10.2.1 The development shall not be Occupied until such time as all conditions of this consent, other than "Operational" conditions, have been satisfied. The use or occupation of the development prior to compliance with all conditions of consent, other than "Operational" conditions, may render the applicant/developer liable to legal proceedings.

10.3 **Service Authorities**

- 10.3.1 A final written clearance shall be obtained from Sydney Water Corporation, Endeavour Energy and Telstra (or any other recognised communication carrier) if such clearance (in the form of a Section 73 Certificate, Notification of Arrangement, etc) has not previously been issued.

10.4 **Temporary Facilities Removal**

- 10.4.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 10.4.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 10.4.3 Any temporary soil erosion control measure installed during development works shall be removed and other permanent measures required by Council's Soil Erosion Control Policy shall be provided.
- 10.4.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 10.4.5 Any temporary site access provided for the purpose of development works shall be removed and the kerb and gutter and/or previous roadworks reinstated in a manner satisfactory to Council. Should the reinstatement involve the provision of a new vehicular crossing, layback, kerb and gutter or road shoulder works the separate

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

KERRY ROBINSON  
**GENERAL MANAGER**

Per \_\_\_\_\_  
Blacktown City Council



approval of Council's Maintenance Section shall be obtained (and any appropriate fees paid) prior to such works commencing.

**10.5 Fire Safety Certificate**

- 10.5.1 A final fire safety certificate complying with Clause 153 of the Environmental Planning and Assessment Regulation 2000 shall be issued prior to the use or change of use of the building, except in the case of any Class 1a and Class 10 building(s).

**10.6 Fee Payment**

- 10.6.1 Any fee payable to Council as part of an Approval or inspection associated with the development (including the registration of privately issued certificates) shall be paid in full.

**10.7 Landscaping/Car Parking**

- 10.7.1 All landscaping shall be completed in accordance with approved landscaping design plan. All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.
- 10.7.2 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability.
- 10.7.3 All common areas and internal driveways shall be appropriately illuminated by the use of bollard lighting or the like to provide for the safety and convenience of occupants and other people resorting to the land at night.
- 10.7.4 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 10.7.5 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.1.
- 10.7.6 All required internal roads and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.
- 10.7.7 A 2.1m "school fence" is to be provided on all property boundaries adjoining public roads as identified by the approved plans. In addition a 2.1m solid fence is to be provided adjoining residential properties. All fencing is to be at full cost to the developer.

**10.8 Bush Fire Prone Land**

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

KERRY ROBINSON  
**GENERAL MANAGER**

Per \_\_\_\_\_  
Blacktown City Council



- 10.8.1 A Bush Fire Emergency Evacuation Plan is to be prepared in accordance with the NSW Rural Fire Service document 'Guide for Developing a Bush Fire Emergency Evacuation Plan'.

**10.9 Engineering Matters**

**10.9.1 Surveys/Certificates/Works As Executed plans**

- 10.9.1.1 Written evidence is to be obtained from the Roads & Traffic Authority indicating compliance with its requirements including the payment of any necessary works supervision fees.
- 10.9.1.2 The submission to Council of all Inspection/Compliance Certificates required by the "During Construction (Engineering)" Section of this consent.

**10.9.2 Easements/Restrictions/Positive Covenants**

- 10.9.2.1 Any easement(s) or restriction(s) required by this consent must nominate Blacktown City Council as the authority to release vary or modify the easement(s) or restriction(s). The form of easement or restriction created as a result of this consent must be in accordance with the following:

(a) Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version).

(b) The standard format for easements and restrictions as accepted by the Lands Title Office.

- 10.9.2.2 All Section 88B restrictions and covenants created, as part of this consent shall contain a provision that they cannot be extinguished or altered except with the consent of Blacktown City Council.

**10.9.3 Bonds/Securities/Payments in Lieu of Works**

- 10.9.3.1 The payment to Blacktown City Council of a monetary contribution in lieu of works for the placement of the final layer of asphaltic concrete (a.c.) on the new road works. The amount will be calculated at Council's approved rate upon request and following issue of a Construction Certificate for the work.

- 10.9.3.2 A maintenance security of 5% of the value of the required engineering works must be lodged with Council prior to the practical completion of the works. Council will hold this security for a period of at least twelve months.

a) In the case of subdivision - This period commences at the release of the final plan of subdivision. (Issue of Subdivision Certificate)

b) In the case where no subdivision occurs - This period commences at the date of practical completion of the development.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

KERRY ROBINSON  
GENERAL MANAGER

Per \_\_\_\_\_  
Blacktown City Council



This maintenance period may be extended in the following situations to allow for the completion of i) necessary maintenance and or ii) all outstanding minor works.

- 10.9.3.3 Concrete path paving must not be placed until about 75% of the lots have been built upon or until approved in writing by Council. The applicant has the option of lodging a security deposit for the works, or paying a monetary payment in lieu of works based upon Council's Goods and Pricing Schedule. The security will be released upon satisfactory completion of the works.

10.9.4 **Inspections**

- 10.9.4.1 Any **additional** Council inspections beyond the scope of any Compliance Certificate package and needed to verify full compliance with the terms of this consent will be charged at the individual inspection rate nominated in Council's Fees and Charges Schedule.

10.9.5 **Relationship with other Approvals**

- 10.9.5.1 Compliance with the requirements of the following nominated approvals:

A. Development Consent No.13-856 dated 12 August 2013 issued by Blacktown City Council

B. Relevant requirement of any other development consent, Construction Certificate issued under the Environmental Planning and Assessment Act, 1979 or Building Approval issued under The Local Government Act, 1993.

The conditions contained within the above approvals shall be fully complied with in order to obtain release of the Final Plan of Subdivision/ Occupation Certificate.

The authorised person signing the lien plan shall ascertain whether any Compliance Certificate(s) for the developments, are required to be issued in relation to any element, component or system incorporate in the development. A copy of each required Compliance certificate shall be lodged with Council.

10.10 **Other Matters**

- 10.10.1 Written confirmation prepared by a suitably qualified person is to be submitted to Council identifying that the recommendations of the Salinity Assessment prepared by SESL Australia dated 17 July 2013 have been implemented.

- 10.10.2 Written confirmation prepared by a suitable qualified acoustic consultant is to be submitted to Council identifying that the recommendations of the Acoustic Assessment have been implemented.

- 10.10.3 A Plan of Management is to be prepared by the Department of Education and

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.  
(b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.  
(c) It is in the public interest that they be imposed.

KERRY ROBINSON  
**GENERAL MANAGER**

Per \_\_\_\_\_  
Blacktown City Council



Communities for the High School and Primary School for separate approval by Council. In this regard, the Plan of Management must state:

- a. Senior High School students will not be permitted to drive to school.
- b. The Primary School and High School are to have different starting times and finishing times.
- c. Wentworth Street is not to be used as a bus stop during peak school hours.

10.10.4 A Traffic Management Plan is to be prepared and submitted to Council for separate approval. The Traffic Management Plan is to reflect to recommendations of McLaren Traffic Engineering in letter dated 8 July 2013, particularly Annexure D: Traffic Management Plan.

10.10.5 Prior to Operation, the subdivision approved under DA-13-856 to create Lot 1 and associated development as well as the creation of Lot 400 under DA-11-2616 (as amended) are to be registered. Furthermore, proposed Lot 1 and proposed Lot 400 are to be consolidated.

## **11 OPERATIONAL**

### **11.1 Access/Parking**

11.1.1 All required car parking spaces and internal roads and driveways shall be maintained to a standard suitable for the intended purpose.

11.1.2 All loading and unloading operations shall take place at all times wholly within the confines of the land.

11.1.3 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.1.

11.1.4 All vehicular and pedestrian access to Hambledon Road shall be denied. Appropriate boundary fencing shall be maintained along the entire Hambledon Road frontage to ensure compliance with this condition.

### **11.2 General**

11.2.1 No goods, materials, or trade waste shall be stored at any time outside the building other than in approved garbage receptacles.

11.2.2 No goods or materials shall be stored, displayed for sale or manufactured at any time outside the building.

11.2.3 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.

11.2.4 If artificial lighting is proposed full details are to be submitted indicating the manner in which adjoining properties are to be protected.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

KERRY ROBINSON  
**GENERAL MANAGER**

Per \_\_\_\_\_  
Blacktown City Council



- 11.2.5 Should an intruder alarm be installed on the land it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 11.2.6 Emission of sound from the land shall be controlled at all times so as to not unreasonably impact upon nearby owners/occupants.
- 11.2.7 The hours of operation of the development shall not be outside of the following nominated times.

Any alteration to these hours will require the separate approval of Council.

Approved hours of operation:

Monday to Friday – 7.00am to 10.00pm  
Saturdays and Sundays – 7.00am to 6.00pm

- 11.2.8 The approved development is to be operate in accordance with the submitted Waste Management Plan. In this regard, arrangements shall be made for an effective commercial refuse removal service.

### **11.3 Landscaping**

- 11.3.1 All landscaped areas provided in accordance with the approved landscaping design plan shall be maintained at all times in a suitable manner.

### **11.4 Emergency Procedures**

- 11.4.1 Instructions concerning procedures to be adopted in the event of an emergency shall be clearly displayed on the premises for both public and staff information at all times to the satisfaction of Council.
- 11.4.2 Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

### **11.5 Other Matters**

- 11.5.1 Aboriginal community consultation should be undertaken when installing and producing the interpretation panels and display cases within the future school.
- 11.5.2 The NSWGAO should help to establish an Aboriginal action group designed to involve local Aboriginal teenagers, with the held of local Aboriginal Elders, to help set up and manage the educational interpretation display and package in collaboration with the staff of The Ponds High School and Primary School.

## **12 OPERATIONAL (ENVIRONMENTAL HEALTH)**

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

KERRY ROBINSON  
**GENERAL MANAGER**

Per \_\_\_\_\_  
Blacktown City Council



## 12.1 Other Matters

12.1.1 The premises must have facilities for the storage of garbage and recyclable matter that:

- adequately contains the volume and type of garbage and recyclable matter on the food premises
- encloses the garbage or recyclable matter to deter the congregation of pests and animals
- is designed and constructed to be easily and effectively cleaned.

12.1.2 Ground areas where garbage containers hold putrescibles material and containers must be:

- provided with a hose and water supply
- paved with impervious material
- graded and drained to a Sydney Water approved sewage point.

12.1.3 Council approval is required for the ongoing operation of on-site sewage management system. Council are required to conduct routine inspections of the equipment over the life of the system.

12.1.4 The owner of the premises must ensure that on-site systems are designed, installed and managed so that pollution of groundwater or surface waters does not occur.

12.1.5 If the on-site systems fails, the owner must ensure that a service agent remedies the system within 24 hours of being notified of a problem. The service agent must produce a report certifying that the system is compliant with the operating requirements. A copy of the service report is to be sent to Council.

12.1.6 Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act (NSW) 1997.

12.1.7 All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act (NSW) 1997.

12.1.8 In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act (NSW) 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.

12.1.9 The premises is to be registered with Council as a food business.

12.1.8 Upon commencement of the activity, NSW Food Authority must be notified of the food business.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

KERRY ROBINSON  
GENERAL MANAGER

Per \_\_\_\_\_  
Blacktown City Council