

## Conditions of consent (draft)

|                             |                                                                                                                                                                 |
|-----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Proposed development</b> | Construction of 3 storey classroom building at the Australian Christian College, new car park, landscaping and timber acoustic fencing on 3 property boundaries |
| <b>Property description</b> | 61 - 69 Farm Road, Riverstone (Lot 90 DP 1224210)                                                                                                               |

### 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.
- 1.1.2 Any reference in this consent to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to a certificate as defined by Sections 6.4 of 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 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.
  - 1.3.2 The applicant's attention is drawn to the need to obtain separate appropriate approval for any ancillary development not approved by this consent, including:
    - (a) the removal of any tree(s) not indicated on the approved plans and any tree(s) located greater than 3 metres from the building perimeter, and
    - (b) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development, and
    - (c) demolition of any existing buildings and associated structures in accordance with the requirements of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
  - 1.3.3 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) Recognised Energy provider
- (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 Sydney Water Tap In, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. The plans are to be appropriately stamped and all amended plans will require re-stamping. For further information go to:

[www.sydneywater.com.au](http://www.sydneywater.com.au), then follow the "Developing Your Land link or telephone 1300 082 746 for assistance.

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 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 Prior to any demolition works, all services or utilities should be disconnected in consultation with the relevant service provider.
- 1.4.4 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.
- 1.4.5 The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

## **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.

## **1.6 Tree planting and service locations**

- 1.6.1 Street tree planting must not impact on public utilities. The applicant should liaise with the relevant service authorities on the location and use of services within the public road reserve. These authorities may be able to lay their services on the opposite side of the road, thereby providing larger areas for tree planting.
- 1.6.2 Street tree planting must not interfere with street light spill. The applicant is to provide documentation to confirm there is no conflict between proposed vegetation at maturity and street lighting. This confirmation must be received before a Construction Certificate can be issued.

## **1.7 Engineering Notes**

- 1.7.1 Any Construction Certificate covering Engineering Works must include and address the following:

- Design of specified Engineering Works as required by this consent.
- Any ancillary works necessary to make the construction effective

If both Building and Engineering works are required, separate construction certificates can be issued for the following works:

- Construction Certificate for Building Works
- Construction Certificate for Engineering Works (As nominated in the 'Prior to Construction Certificate (Engineering)' section of the consent)

Works which require approval under the *Roads Act 1993* or *Local Government Act 1993* CAN NOT be privately certified. Examples of these works are, but not limited to:

- Works in public areas (i.e. Road Reserve, Public Reserves)
- Inter-allotment drainage (i.e. drainage outside the boundary of the land being developed)

Engineering works (as nominated in the 'Prior to Construction Certificate (Engineering)' section of the consent) can be included within a Construction Certificate for Building works, provided that:

- All Engineering Works are specifically mentioned on the Construction Certificate
- The Certifier holds relevant qualifications to issue a Construction Certificate for the Engineering works. Appropriate accreditation qualifications must be shown on Construction Certificate.

- 1.7.2 All works requiring approval under the *Roads Act 1993* or *Local Government Act 1993* must be approved PRIOR to the issue of any Construction Certificate.

## **1.8 Payment of Engineering Fees**

- 1.8.1 If the applicant wishes for Council to issue the Construction Certificate for Engineering Works (As nominated in the 'Prior to Construction Certificate (Engineering)') the applicant must:

- Complete application form
- Submit all relevant plans produced by a suitably qualified person and in accordance with Councils Standards.

- 1.8.2 1.8.2 If the applicant wishes for Council to undertake Construction inspections and issue a Compliance Certificate for engineering works, the applicant must:

- Complete application form
- Submit all relevant plans produced by a suitably qualified person
- If plans are privately certified, applicant must supply Construction Certificate covering the required works.

## 1.9 Roads & Maritime Services (RMS)

- 1.9.1 The proposed development will generate additional pedestrian movements in the area. Pedestrian safety shall be considered in the vicinity.
- 1.9.2 Safety measures for pedestrian access shall be considered by the school with regards to vehicle access with multiple all movement driveways along the frontage of the school.

## 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.          | Drawing Title            | Dated    |
|----------------------|--------------------------|----------|
| DA-000<br>Revision H | Cover Sheet              | 12/07/19 |
| DA-001<br>Revision I | Site Plan                | 17/10/19 |
| DA-002<br>Revision H | Site Plan - East         | 12/07/19 |
| DA-003<br>Revision H | Site Plan - West         | 12/07/19 |
| DA-004<br>Revision H | Ground Floor Plan        | 12/07/19 |
| DA-005<br>Revision H | Level 01 Floor Plan      | 12/07/19 |
| DA-006<br>Revision H | Level 02 Floor Plan      | 12/07/19 |
| DA-007<br>Revision H | North & South Elevations | 12/07/19 |
| DA-008<br>Revision H | East & West Elevations   | 12/07/19 |
| DA-009<br>Revision H | Sections 1 & 2           | 12/07/19 |
| DA-013<br>Revision H | Cut & Fill Drawing       | 12/07/19 |
| DA-014               | Demolition Plan          | 12/07/19 |

|                      |                                      |            |
|----------------------|--------------------------------------|------------|
| Revision H           |                                      |            |
| DA-015<br>Revision H | Finishes                             | 12/07/19   |
| 000<br>Issue H       | Cover Sheet                          | 16/07/2019 |
| 001<br>Issue E       | School Landscapes<br>Standards Zones | 16/07/2019 |
| 101<br>Issue H       | Landscape Site Plan                  | 16/07/2019 |
| 102<br>Issue E       | Landscape Ground Floor<br>Plan       | 05/06/2018 |
| 501<br>Issue D       | Landscape Details                    | 30/05/2018 |

\* Subject to any conditions of this consent.

## **2.2 Tree Preservation**

- 2.2.1 Any tree not approved for removal or more than 3m from the building perimeter is to be effectively protected against damage.
- 2.2.2 Trees to be retained must be retained and protected as AS:4970-2009 "Protection of Trees on Development Sites" and the revised Arborist report prepared by Angophora Consulting Arborist dated 18 April 2019.

## **2.3 Tree Planting**

- 2.3.1 On the cover sheet of the proposed landscaping plan dated 16.7.2019 drawing No. 000 revision H
- *Corymbia citriodora* shall be substituted with another species of large tree, such as *Lophostemon confertus* or *Angophora floribunda*.
  - Details of a lineal root barrier be placed along the garden bed boundary to prevent any potential future damage to infrastructure on the outside of the property (future roadway and pathway). This would be recommended on the car park side of the garden bed also for similar reasons. Alternatively a root director (type of root barrier) be placed around each tree planted in the garden bed.

## **2.4 Suburb Name**

- 2.4.1 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: Riverstone

## **2.5 Engineering Matters**

### **2.5.1 Design and Works Specification**

2.5.1.1 All engineering works required by 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) including Part J – Water Sensitive Urban Design and Integrated Water Cycle Management
- d) Blacktown City Council Growth Centre Precincts Development Control Plan
- e) Blacktown City Council Soil Erosion and Sediment Control Policy (Current Version)
- f) Blacktown City Council On Site Detention General Guidelines, Checklist, S3QM online tool and standard drawing A(BS)175M

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

Any Construction Certificates issued by Private Certifiers must also be accompanied by the above documents.

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

2.5.1.2 The Applicant is required to submit to Council, Bonds and/or Contributions for works associated with the development in conjunction with the civil engineering works required to be constructed as part of this development. Works may include:

- Path paving construction
- Final layer asphaltic concrete (AC) construction
- Maintenance of the construction works

These matters will be individually addressed within the consent

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

2.5.1.4 Written notice must be provided to adjacent properties, at least 5 days prior to works commencing, where works are approved by this consent and located within Council controlled lands (i.e. Roads, drainage reserves, parks, etc.)

A copy of this notice must be provided to Council's Co-ordinator of Engineering Approval.

## **2.6 Other Necessary Approvals**

2.6.1 2.6.1 A separate application will be required for the following approvals, under the *Local Government Act 1993* and/or the *Roads Act 1993*.

- Vehicular Crossing
- Works on or occupation of existing public roads (Not including works covered by a Roads Act Approval)

## 2.7 Other Matters

- 2.7.1 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 **Construction Certificate being issued for the construction works.**
- 2.7.2 Any future substation, temporary drainage works or other utility installation required to service the approved subdivision/development shall not be sited on future or existing Council land, including road reservations and/or public reserves.

## 2.8 Other Matters Drainage

1. The Floodway Warning Sign and Flood Management Plan are to be maintained in perpetuity.
2. The development must at all times maintain the water quality system to achieve the following minimum pollutant removal targets of Part J of DCP 2015 for the development area in perpetuity:

*Required percentage reductions in post development average annual load of pollutants*

| Pollutant              | % post development pollutant reduction targets |
|------------------------|------------------------------------------------|
| Gross Pollutants       | 90                                             |
| Total Suspended Solids | 85                                             |
| Total Phosphorous      | 65                                             |
| Total Nitrogen         | 45                                             |
| Total Hydrocarbons     | 90                                             |

3. Each year by the first business day on or after 1 September the registered proprietor/lessee is to provide to Council's Asset Design Services Section a report outlining all maintenance undertaken on the Stormwater Quality Improvement Devices and rainwater tank in accordance with the approved maintenance schedule and details of all non-potable water used. All material removed are to be disposed of in an approved manner. Copies are to be provided of all contractor's cleaning reports or certificates to Council's WSUD Compliance Officer.

## 2.9 Roads & Maritime Services (RMS)

- 2.9.1 The applicant is to notify RMS close to the completion of all construction works to allow enough time (4-6 weeks) for RMS to gain approval for the speed limit changes.
- 2.9.2 The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths and parking bay dimensions) should be in accordance with AS 2890.1-2004 and AS2890.6-2009. Parking Restrictions may be required to maintain the required sight distances at the driveway.
- 2.9.3 Sight distances from the proposed vehicular crossings to vehicles on Farm Road are to be in accordance with the Austroads Guide to Road Design: Part 4A:Unsignalised and Signalised Intersections (Section 3 – Sight Distance) and AS 2890. Vegetation and proposed landscaping/fencing must not hinder sight lines to and from the vehicular crossings to motorists, pedestrians and cyclists.

## 3 Prior to Construction Certificate (General)

### 3.1 DA Plan Consistency

- 3.1.1 A Construction Certificate 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.

## **4 Prior to Construction Certificate (Planning)**

### **4.1 Special Infrastructure Contribution**

- 4.1.1 The applicant is to make a special infrastructure contribution in accordance with any determination made by the Minister administering the Environmental Planning and Assessment Act 1979 under Section 94EE of that Act that is in force on the date of the consent, and must obtain a certificate to that effect from the Department of Planning and Environment before a Construction Certificate is issued in relation to any part of the development to which this consent relates.

#### **More information**

Information about the special infrastructure contribution can be found on the Department of Planning, Industry and Environment's website:

<http://www.planning.nsw.gov.au/PlanningSystem/DevelopmentContributionsSystem/abid/75/guage/en-US/Default.aspx>

### **4.2 Aesthetics/Landscaping**

- 4.2.1 Details of any proposed lighting to assist in crime prevention at night shall be submitted to Council for approval prior to any construction works commencing.
- 4.2.2 The reflectivity index of glass used in the external facade of the building is not to exceed 20 percent.
- 4.2.3 Any bathroom or w.c. window in the external wall of the school building shall be fitted with translucent glazing.
- 4.2.4 The development approval is to be constructed in accordance with the schedule of materials, finishes and colours.

### **4.3 Access/Parking**

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

- 4.3.2 On-site 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

- 4.3.3 All new internal driveways and other new paved areas shall be designed to provide continuous surface drainage flow paths to approved points of discharge.
- 4.3.4 Pedestrian access to parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6.

### **4.4 Contamination**

- 4.4.1 The recommendations of Stage 2 Detailed Site Investigation Report prepared by Environment and Natural Resource Solutions and dated March 2020 Revision 3 must be complied with prior to the issue of any Construction Certificate. Refer to Condition 7 for further details.

- 4.4.2 A Site Audit Statement is to be obtained from a NSW Environment Protection Authority accredited Site Auditor. The Site Audit Statement must confirm that the site has been remediated in accordance with the approved Remediation Action Plan and that the site is suitable for the proposed use.

#### **4.5 Street Tree Planting**

- 4.5.1 A revised street tree plan is to be submitted for review and approval that includes planting and maintenance details for street trees along the front of the development. The plan should also include the street tree species and the use of root directors installed to manufacturer's directions. The street tree spacing's should be approximately 8 metres apart, taking into account street light spill and vehicle sightlines.

### **5 Prior to Construction Certificate (Building)**

#### **5.1 Building Code of Australia Compliance**

- 5.1.1 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).

#### **5.2 Site Works and Drainage**

- 5.2.1 Any required retaining wall(s) and/or other effective method to retain excavated or filled ground (not being Exempt Development under an Environmental Planning Instrument), together with any associated groundwater drainage system, shall be designed by an appropriately qualified person. Details of such site works shall accompany the Construction Certificate.
- 5.2.2 Stormwater drainage from the site shall be designed to satisfactorily drain rainfall intensities of 159 mm per hour over an average recurrence interval of 20 years. The design shall:
- (a) be in accordance with Australian Standard 3500.3, and
  - (b) provide for drainage discharge to an existing Council drainage system, and
  - (c) ensure that the development, either during construction or upon completion, does not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties.
- 5.2.3 Soil erosion and sediment control measures shall be designed in accordance with Council's Soil Erosion and Sediment Control Policy. Details shall accompany any Construction Certificate.

#### **5.3 Demolition**

- 5.3.1 A clearance certificate/statement prepared in accordance with the National Code of Practice for the Safe Removal of Asbestos shall be issued by the competent demolition contractor who holds an appropriate Demolition Licence issued by the NSW WorkCover Authority under the provisions of the Work Health and Safety Act 2011 (and any relevant Regulation there under). The certificate/statement must state that the pre-existing building/s was/were demolished in accordance with the conditions and terms of that licence, Australian Standard 2601-2001 – The Demolition of Structures and that any asbestos removal has been carried out in accordance with NOHSC-2002 – Code of Practice for Safe Removal of Asbestos. A copy of the clearance certificate/statement shall be attached to the Construction Certificate.

## 6 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

### 6.1 General

- 6.1.1 All relevant conditions within the 'Prior to Construction Certificate' section of this consent **shall be satisfied before any Construction Certificate can be issued.**
- 6.1.2 All fees for Construction, *Roads Act 1993* and *Local Government Act 1993* approvals must be paid to Council prior to the issue of any of the above certificates or approvals. All fees for Compliance Certificates must be paid to Council prior to any construction certificate works commencing.
- 6.1.3 Construction certificate plans shall be generally in accordance with the following drawings:

| Prepared By                               | Project No. | Drawing No. | Revision | Dated      |
|-------------------------------------------|-------------|-------------|----------|------------|
| Demlakian Engineering                     | 213025      | SW00        | Q        | 21/05/2019 |
|                                           |             | SW01        | S        | 24/05/2019 |
|                                           |             | SW02        | S        | 24/05/2019 |
|                                           |             | SW03        | T        | 12/07/2019 |
|                                           |             | SW04        | P        | 8/05/2019  |
|                                           |             | SW05        | P        | 8/05/2019  |
|                                           |             | SW06        | R        | 24/05/2019 |
|                                           |             | SW07        | Q        | 8/05/2019  |
|                                           |             | SW08        | P        | 8/05/2019  |
|                                           |             | SW09        | P        | 8/05/2019  |
|                                           |             | SW10        | P        | 8/05/2019  |
|                                           |             | SW11        | B        | 21/05/2019 |
|                                           |             | C00         | P1       | 21/05/2019 |
|                                           |             | C01         | P4       | 12/07/2019 |
|                                           |             | C02         | P1       | 21/05/2019 |
| Transport and Traffic Planning Associates | 18039/1     |             | A        | 12/07/19   |
|                                           | 18039/2     |             |          |            |

|  |         |  |  |
|--|---------|--|--|
|  | 18039/3 |  |  |
|--|---------|--|--|

## **6.2 Construction Certificate Requirements**

- 6.2.1 Under the *Environmental Planning and Assessment Act 1979* a Construction Certificate for engineering work is required. These works include but are not limited to the following:

The above requirements are further outlined in this section of the consent.

## **6.3 Roads Act Requirements**

- 6.3.1 Under *Section 138 of the Roads Act 1993* an approval for engineering work is required. These works include but are not limited to the following:

- Any works within Council's road reserve
- Half width road construction of Farm Road
- Path paving along the development frontage

The above requirements are further outlined in this section of the consent.

## **6.4 Other Engineering Requirements**

- 6.4.1 Submit a detailed estimate of costs for the engineering works. If this detailed estimate is \$25,000 or greater then a long service levy payment is required. Provide proof of this payment to Council.
- 6.4.2 Any ancillary works undertaken shall be at no cost to Council.
- 6.4.3 Submit written permission from the affected property owner for any works proposed on adjoining land.
- 6.4.4 All street name poles, light poles and bus shelters shall be black powder coated in accordance with Blacktown City Council's Engineering Guide for Development. Ensure this is noted on the construction plans.
- 6.4.5 Submit a Public Utilities Plan demonstrating adequate clearance between services to stormwater pits, pipes, driveways, light poles, etc.

## **6.5 Roads**

- 6.5.1 Submit a pavement report prepared and designed by a professional civil engineer with soil tests carried out by a registered NATA soils laboratory. The Farm Road pavement shall be designed to withstand a traffic loading of  $1 \times 10^6$  N(E.S.A.).
- 6.5.2 Submit a traffic management plan (TMP) including but not limited to a Traffic Control Plan (TCP) and Pedestrian Management Plan, for any works within public road reserves. The TCP shall be approved, signed and dated by a person who holds a current Roads and Maritime Services (RMS) Work Zone Traffic Management Plan accreditation and photo card.
- 6.5.3 Any approved design drawings must show a 5m x 5m corner splay at each future street intersection with Farm Rd outlined by the draft Indicative Layout Plan (ILP) for the Marsden Park North Precinct within the North West Growth Centres DCP.
- 6.5.4 Construct half width road with a minimum 5.5 metres width of pavement for the full road frontage of the development. These construction works include drainage, kerb and

gutter, footway turfing, service adjustments and any other ancillary work necessary to make this construction effective.

Note: Upon inspection of the existing pavement, Council may reduce the extent of works required to be constructed to satisfy this condition.

## **6.6 Drainage**

6.6.1 Drainage from the site must be connected into the existing legal points of discharge as demonstrated on the approved engineering plans without increasing flows onto adjoining privately-owned land.

6.6.2 Foundations adjacent to easements shall not place a loading on the pipe within the easement. Foundations shall be located at:

- (a) the depth of the invert of the existing pipeline, and/or
- (b) the depth of the invert of the proposed pipeline.

All developments shall be kept clear of drainage easements. The surface levels within the easement are not to be changed.

6.6.3 Pier and beam style construction shall be used adjacent to easements to the depth of the invert of the proposed or existing pipeline. A Registered Engineer (NER) shall certify that this condition has been satisfied.

6.6.4 The existing depression/watercourse through the site must be piped and/or channelled to contain stormwater discharges up to the 1% A.E.P. (100 year Average Recurrence Interval) event.

6.6.5 Any overland or stormwater flows must be intercepted at the property boundary, conveyed through the site in a piped or channelled drainage system and discharged in a satisfactory manner.

6.6.6 Where the internal driveway cannot be drained to an internal pit a grated trench drain shall be provided at the property boundary.

6.6.7 The floor level of the building shall be at or above the Australian Height Datum (AHD) level 20.75.

## **6.7 Erosion and Sediment Control**

6.7.1 Provide a sediment and erosion control plan in accordance with Council's Soil Erosion and Sediment Control Policy and Engineering Guide for Development.

## **6.8 Earthworks**

6.8.1 Batters are not to exceed a grade of 1V:5H and are to be stabilised with topsoil, turf and vegetation.

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

6.8.3 Retaining walls shall be a maximum single height of 1.2m (600mm cut + 600mm fill). Where a retaining wall is proposed that is more than 1.2m in height, a terraced solution shall be provided. Terraces should not exceed 900mm in height (each). Note that the lower terrace is to be inside the lower lot, and the upper terrace on the boundary. Terraces should have a minimum separation distance equal to the height of the terrace. Retaining walls shall be of masonry construction.

## **6.9 On-Site Detention**

6.9.1 Provide an on-site detention system in accordance with Council's Engineering Guide for Development, DCP Part J - Water Sensitive Urban Design and Integrated Water Cycle Management, S3QM Deemed to comply tool and Councils Standard Drawing A(BS)175M.

6.9.2 The on-site detention system shall be designed to achieve the following:

- i. All systems shall use at least 2 orifice plates to control flows:
  - The 1.5 year ARI orifice shall be designed to convey a maximum of 40/L/s/ha
  - The 100 year ARI orifice shall be designed to convey a maximum of 190 L/s/ha
- ii. Storage shall be provided as follows:
  - Volume up to 1.5 year ARI TWL = 300m<sup>3</sup>/ha
  - Volume up to 100 year ARI TWL = 455m<sup>3</sup>/ha
- iii. Orifice flow rates will be adjusted for bypass with a maximum site bypass of 15% as per the following table:

| Total OSD Bypass (%) | Environmental Discharge (1.5 Year ARI Orifice) (L/s/ha) | Environmental Storage (Below 1.5 year ARI weir) (m <sup>3</sup> /ha) | Flood Discharge (100 Year ARI Orifice) (L/s/ha) | Flood Storage (Below Emergency Weir) (m <sup>3</sup> /ha) |
|----------------------|---------------------------------------------------------|----------------------------------------------------------------------|-------------------------------------------------|-----------------------------------------------------------|
| 0                    | 40.0                                                    | 300                                                                  | 190                                             | 455                                                       |
| 2.5                  | 38.5                                                    |                                                                      | 176                                             |                                                           |
| 5                    | 37.0                                                    |                                                                      | 162                                             |                                                           |
| 7.5                  | 35.5                                                    |                                                                      | 148                                             |                                                           |
| 10                   | 34.0                                                    |                                                                      | 134                                             |                                                           |
| 12.5                 | 32.5                                                    |                                                                      | 120                                             |                                                           |
| 15                   | 31.0                                                    |                                                                      | 106                                             |                                                           |

6.9.3 The engineering drawings approved under this consent are not to be used for construction and may require amendment to reflect the consent condition requirements. The Construction Certificate drawings shall be generally in accordance with the engineering plans nominated as part of this consent subject to compliance with the conditions of consent. Any significant variation to the on-site detention design shall require a modification to consent under a separate application.

6.9.4 Submit the following certificates which are to be prepared by a registered engineer (NER):

- Certification that the structures associated with the on-site stormwater detention system have been designed to withstand all loads likely to be imposed on them during their lifetime.

- Certification that the on-site stormwater detention system will perform to meet the on-site stormwater detention requirements and function hydraulically in accordance with Council's Engineering Guide for Development, DCP Part J - Water Sensitive Urban Design and Integrated Water Cycle Management, S3QM Deemed to comply tool and Councils Standard Drawing A(BS)175M.

6.9.5 The following documents shall be submitted to accompany the on-site detention design in accordance with the design and construction specification:

- Comprehensive drainage drawings with cross-sectional details of the storage area, pit numbers, pipe sizes, catchment plan, etc.
- OSD detailed design submission and calculation summary sheet
- A maintenance schedule that is signed and dated by the designer
- S3QM Deemed to Comply OSD summary details

## **6.10 Stormwater Quality Control**

6.10.1 Provide a stormwater quality treatment system in accordance with Council's Engineering Guide for Development and Development Control Plan Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.

6.10.2 The engineering drawings approved under this consent are not to be used for construction. The Construction Certificate shall be generally in accordance with the approved DA plans however any significant variation to the water quality treatment design shall require a section 4.55 application.

6.10.3 Provide a maintenance schedule for the stormwater quality device that is signed and dated by the designer.

6.10.4 Bio-retention basins to be designed in accordance with "Stormwater Biofiltration Systems. Adoption Guidelines. Planning, design and implementation. Version 1 June 2009. Facility for Advancing Water Bio-filtration", as a lined, standard biofiltration system.

## **6.11 Vehicular Crossings**

6.11.1 Construct all vehicular crossings to Council's standard A(BS)103S.

## **6.12 Footpaths**

6.12.1 The construction of path paving is to be provided generally in accordance with Council's Path Paving Policy, Blacktown City Council Engineering Guide for Development and Blacktown City Council Growth Centre Precincts Development Control Plan 2010.

Proposed locations and widths are to be approved by Blacktown City Council's Co-ordinator Engineering Approvals. Cycleways / shared pathways are to include line marking and signposting in accordance with the requirements of Austroads "Guide to Road Design" Part 6A (Paths for Walking and Cycling) 2017 and the Roads and Maritime Services NSW Bicycle Guidelines July 2005.

## **6.13 Drainage Matters**

6.13.1 Engineering plans Job Number 213025 rev P dated 23.07.18 by Demlakian Engineering are to be amended as follows:

- i. The on-site detention system shall be amended.

- ii. The on-site detention system is to be designed in accordance with Council's Water Sensitive Urban Design (WSUD) Standard Drawings Plan No. A(BS)175M and with the Blacktown City Council – On-site Detention Deemed to Comply Tool spreadsheet (Excel copy provided). Specific On-Site Detention requirements can be found on sheets 20, 21, 22 and 23 of Plan No. A(BS)175M.
  - iii. Dual storage shall be provided for the on-site detention system with the 1.5 year orifice designed to convey a maximum of 40 l/s/ha and the 100 year orifice being designed to convey a maximum of 190 l/s/ha.
  - iv. Provide Floodway Warning Signs for the overland flow path in accordance with Plan A(BS)114S from Council's Engineering Guide for Development 2005.
  - v. Provide on-site detention (OSD) warning signs as per the Upper Parramatta River Catchment Trust guidelines.
  - vi. Detail confined space entry warning signs on the drainage plans adjacent to all entries into the rainwater tanks, detention tank and Stormfilter chamber in accordance with Council's Engineering Guide for Development 2005.
  - vii. Access grates to the 1.5 year and 100 year orifice are to be 1200 x 1200mm. All other access grates to the below ground detention tank must be a minimum 900 mm by 900 mm and are positioned such that the maximum distance from any point in the tank to the nearest grate is not greater than 1.5 m for clear heights less than 0.7 m, 2 m for clear heights less than 1.0 m, 3 m for clear heights less than 1.5 m, 4 m for clear heights less than 2.0 m, 5 m for clear heights less than 2.5 m and 6 m for clear heights greater than 2.5 m. Secure each grate with childproof locks.
  - viii. All pits within the proposed development must comply with the following. Pits 600 \* 600 mm are limited to 600 mm maximum depth, pits 600 \* 900 mm are limited to 900 mm depth and pits greater than 900 mm depth are all to be minimum 900 \* 900 mm. Secure each grate with childproof locks.
- 6.13.2 A copy of the Flood Management Plan is to be permanently affixed inside the staff room or staff cafeteria on each floor of proposed building.
- 6.13.3 Provide details for permanent coloured interpretive signage minimum A1 size to be installed to highlight the water quality improvement process. The sign is to incorporate a simplified drainage layout of the site and detail through words and pictures all the different water quality devices including the rainwater tank and explain the benefit to the site and community. The sign is to be supported by a steel post or on a wall and is to be located adjacent to the major water quality device. The wording and detail is to be approved by Council.
- 6.13.4 An experienced chartered hydraulic engineer is to prepare and certify a detailed Non-Potable Water Supply and Landscape Watering Plan for non-potable water uses on the site including all landscape watering and that all Sydney Water requirements have been satisfied. The plan is to show the rainwater pipe and tank arrangement including:
- i) a first flush or pre-treatment system,
  - ii) a pump with isolation valves and a warning light to indicate pump failure;
  - iii) a mains water direct tank top up with air gap for landscape watering,

- iv) a solenoid controlled mains water bypass for toilet flushing only;
- v) **flow meters** on the mains water tank top-up line, the solenoid controlled mains water bypass line and the pump outflow line, to determine actual non-potable usage;
- vi) a timer and control box for landscape watering, allowing for seasonal variations;
- vii) ensuring all the rainwater reuse pipes are coloured purple;
- viii) an inline filter and preferably an automatic backwash inline filter.
- ix) detailing how the various demands and uses will be balanced with the size of each rainwater tank.
- x) fitting rainwater warning signs to all external taps using rainwater.

## **7 PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE (ENVIRONMENTAL HEALTH)**

### **7.1 Contamination**

7.1.1 The recommendations of Stage 2 Detailed Site Investigation Report prepared by Environment and Natural Resource Solutions and dated March 2020 Revision 3 must be complied with as follows:-

7.1.1.1 Remediation works must be carried out in accordance with a Stage 3 Remediation Action Plan (RAP) prepared by a suitable qualified environmental consultant and approved by the Regulator prior to commencement.

7.1.1.2 Remediation of soil and fill with asbestos fines must be managed as friable asbestos under supervision of a Class A licenced removal contractor. Soil and fill with non-friable asbestos must be remediated under supervision of a minimum Class B licenced contractor. All asbestos works must be completed in accordance with the Code of Practice, How to safely remove asbestos (SafeWork NSW, 2019)

7.1.1.3 Material disposed off-site will need to be accompanied by a waste classification certificate prepared in accordance with NSW EPA Waste Classification Guidelines (2014).

7.1.1.4 A clearance certificate is required from an appropriately licenced asbestos assessor (LAA) for asbestos removal areas prior to re-occupation and entry without asbestos specific PPE

7.1.1.5 Upon completion of remediation works, the site must be validated with results documented in a Stage 4 Validation report to confirm if the site is suitable for the proposed land use;

7.1.1.6 The buildings present in AEC03 must be subject of a standalone Hazardous Materials survey, and may be managed separately to soil remediation works, during any demolition or refurbishment;

7.1.1.7 Should any change in site conditions or incident occur which causes a potential environmental impact, a suitable environmental professional should be engaged to further assess the site and consider requirements for any additional assessment; and

7.1.1.8 The report must be read in conjunction with the attached Statement of Limitations.

7.1.2 An appropriately qualified environmental consultant must be engaged to supervise all aspects of site remediation and validation.

- 7.1.3 Upon completion of remediation an appropriately qualified environmental consultant shall prepare a validation report. The validation report shall be carried out in accordance with the guidelines below and submitted to Council for approval;
- 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)
  - National Environment Protection Council "National Environment Protection (Assessment of Site Contamination) Measure" (2011).
  - NSW Environment Protection Authority's "Contaminated Sites: Guidelines for NSW Site Auditor Scheme" (2006)
- 7.1.4 A Site Audit Statement is to be obtained from a NSW Environment Protection Authority accredited Site Auditor. The Site Audit Statement must confirm that the site has been remediated in accordance with the approved Remediation Action Plan and that the site is suitable for the proposed use.
- 7.1.5 Conditions on the Site Audit Statement shall form part of the consent.
- 7.1.6 Where the Site Audit Statement is subject to conditions that require ongoing review by the Site Auditor or Blacktown City Council, these must be delivered in an ongoing Environmental Management Plan reviewed and approved by Blacktown City Council prior to the issue of a Site Audit Statement.
- 7.1.7 Any new information during remediation or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to Blacktown City Council.

## **7.2 Acoustic measures**

- 7.2.1 The recommendations provided by *Acoustic Assessment*, prepared by Renzo Tonin & Associates dated 19 July 2018 must be implemented.
- 7.2.2 A certificate must be provided by a qualified acoustic engineer stating that provision has been made in the design of all sound producing plant, equipment, machinery, mechanical ventilation system or refrigeration systems to ensure that it is acoustically attenuated so that the noise emitted:
- a) does not exceed an  $L_{Aeq}$  sound pressure level of 5dB (A) above the ambient background noise level when measured
    - at the most effected point on or within any residential property boundary or
    - at the external edge of any sole occupancy unit balcony within the premises itself at any time the plant or equipment operates.
  - b) cannot be heard within a habitable room in any sole occupancy unit or other residential premises (regardless of whether any door or window to that room is open) between the hours of 10pm and 7am.

The method of measurement of sound must be carried out in accordance with Australian Standard 1055.1.

## **8 Prior to Development Works (Building)**

### **8.1 Safety/Health/Amenity**

- 8.1.1 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.
- 8.1.2 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.
- 8.1.3 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,
- 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.
- 8.1.4 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.
- 8.1.5 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.
- 8.1.6 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.

- 8.1.7 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.

## **8.2 Notification to Council**

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

## **8.3 Sydney Water Authorisation**

- 8.3.1 Sydney Water Corporation's approval, in the form of appropriately stamped Construction Certificate plans, shall be obtained and furnished to the Principal Certifying Authority to verify that the development meets the Corporation's requirements concerning the relationship of the development to any water mains, sewers or stormwater channels.

OR

The approved plans are to be submitted to a Sydney Water Customer Centre or Quick Check Agent, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. The plans must be appropriately stamped and all amended plans will require restamping. For Quick Check Agent details, please refer to the "Building Plumbing and Developing" Section of the website [www.sydneywater.com.au](http://www.sydneywater.com.au), then follow the "Developing Your Land" link or telephone 13 20 92 for assistance.

## **9 PRIOR TO DEMOLITION WORKS (Building)**

### **9.1 Safety/Health/Amenity**

- 9.1.1 Security fencing shall be provided around the perimeter of the demolition site to prevent unauthorised entry to the site. Notices complying with AS 1319-1994 and displaying the words "DANGER - DEMOLITION IN PROGRESS", or similar message shall be fixed to the fencing at appropriate places to warn the public.
- 9.1.2 A sign shall be erected 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.
- 9.1.3 Should the demolition work:
- (a) be likely to be a danger to pedestrians in a public place or occupants of any adjoining land or place,
  - (b) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or

(c) involve the enclosure of a public place,

a hoarding or protective barrier shall be erected between the work site and the public place or adjoining land or 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 or adjoining land or 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.

9.1.4 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, and

(b) connected:

(i) to a public sewer, or

(ii) if connection to a public sewer is not practicable, to an accredited sewage management facility provided by the Council, or

(iii) if connection to a public sewer or an accredited sewage management facility is not practicable to some other sewage management facility approved by Council.

9.1.5 Soil erosion and sediment control measures shall be provided in accordance with Council's Soil Erosion and Sediment Control Policy.

## **9.2 Tree Protection**

9.2.1 Any tree not indicated on the approved Development Application plans as being removed shall be effectively protected against damage.

## **9.3 Site Investigation**

9.3.1 A qualified Site Auditor accredited by NSW Department of Environment and Conservation (under the provisions of the Contaminated Land Management Act 1997) shall be engaged to undertake an investigation of the land to ascertain if the site has been affected by any contaminants (including, but not limited to, asbestos, organochlorins, arsenic, lead, petroleum residues and the like) that may be detrimental to the health of any future occupants and/or workers. The report shall identify the contaminants (if applicable) and shall make recommendations on the method of remediation of the land.

## **9.4 Other Matters**

9.4.1 The Applicant is to advise all adjoining neighbours, and those located opposite the subject development site, by letter, of their intention to commence demolition work. The letter shall be distributed at least 2 days prior to the intended work and include the following information:

- date/s, hours and duration of the works.
- contact name and phone number of the applicant

- contact name and phone number of the licensed demolisher
- WorkCover NSW contact number 131050, and email address [contact@workcover.nsw.gov.au](mailto:contact@workcover.nsw.gov.au)

## **10 During Construction (Building)**

### **10.1 Safety/Health/Amenity**

- 10.1.1 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.
- 10.1.2 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 Regulation 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.
- 10.1.3 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,
- 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.
- 10.1.4 All measures specified in the Construction Certificate to control soil erosion and sedimentation shall be maintained throughout development works.
- 10.1.5 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.
- 10.1.6 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.
- 10.1.7 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.

10.1.8 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.

## **10.2 Building Code of Australia Compliance**

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

## **10.3 Nuisance Control**

10.3.1 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.

10.3.2 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.

## **10.4 Stormwater Drainage**

10.4.1 Stormwater, surface water and sub-surface seepage (other than natural flows) shall be prevented from entering the building or being diverted onto any adjoining land (as applicable) by:

- (a) the floor level being a minimum 225mm above the adjoining finished ground level, and/or
- (b) being drained to an effective drainage system.

## **10.5 Waste Control**

10.5.1 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.

## **10.6 Construction Inspections**

10.6.1 The person having the benefit of this consent is required to notify the Principal Contractor for the building construction project that various mandatory and critical stage inspections must be conducted by an accredited certifier, and may include inspections (where applicable):

- (a) After excavation for, and prior to placement of, any footings; and
- (b) Prior to pouring any in-situ reinforced concrete building element; and
- (c) Prior to the covering of the framework for any floor, wall roof or other building element, and prior to covering waterproofing in any wet areas; and
- (d) Prior to covering waterproofing in any wet areas (but for a minimum of 10% of rooms with wet areas in any class 2,3 or 4 building); and
- (e) Prior to covering any stormwater drainage connections; and
- (f) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The critical stage inspection “(f)” must be carried out by the Principal Certifying Authority.

Any inspection conducted by an accredited other than the nominated PCA for the project must be verified by way of a Compliance Certificate issued for the relevant works.

Note: Failure to ensure the relevant inspections are conducted will preclude the issue of an Occupation Certificate.

## **10.7 Aboriginal Archaeology**

- 10.7.1 If, during any works within the subject site, Aboriginal object(s) are found, all work likely to affect the object(s) shall cease immediately and the NSW Office of Environment & Heritage is to be notified and the site and the objects shall be assessed by a suitably qualified Aboriginal Heritage Consultant in accordance with the requirements of NSW Office of Environment & Heritage.

## **11 DURING CONSTRUCTION (ENGINEERING)**

### **11.1 Notification of Works**

- 11.1.1 A written notification of works must be submitted to Council’s Engineering Approvals Team prior to the commencement of any engineering works required by this consent. This must be submitted a minimum 5 business days prior to commencement of engineering works.
- 11.1.2 A notification of works flyer (letter drop) is to be provided to all residential housing, businesses and organisations adjacent to any engineering works approved by this consent. This is for works undertaken on Council controlled lands such as roads, drainage reserves and parks. The notification of works flyer must contain details of the proposed works, locality map of works, contact details and the anticipated time period. A signed copy of the notice is to be provided to Council’s Engineering Approvals Team and is to show the date of the letter drop as well as highlight the area that received the notification.

### **11.2 Insurances**

- 11.2.1 Current copies of relevant insurance Certificates of Currency are to be submitted to Council’s Engineering Approvals Team. This shall be submitted prior to commencement of engineering works required by this consent that are carried out on Council controlled lands such as roads, drainage reserves and parks. This includes Public Liability Insurance with a minimum of \$20,000,000.00 Indemnity and Workers Compensation.

### **11.3 Service Authority Approvals**

- 11.3.1 Prior to the commencement for construction of footway crossings and driveways a clearance shall be obtained from the relevant telecommunications carriers and Endeavour Energy. The clearance shall notify that all necessary ducts have been provided under the proposed crossing.

### **11.4 Boundary Levels**

- 11.4.1 Any construction at the property boundary, including but not limited to fences, retaining walls and driveways shall not be carried out until boundary alignment levels have been fixed.

## **11.5 Tree Protection and Preservation**

- 11.5.1 Existing vegetation and trees shall be left undisturbed except where roads, stormwater drainage infrastructure, site filling and/or building works are proposed.
- 11.5.2 Prior to commencement of engineering works that may disturb existing vegetation/trees, the site shall be inspected to identify and appropriately mark out any trees to be retained as well as determine areas that are to be left undisturbed. Proposed roads must be set-out onsite prior to this inspection. Note: Inspection must be carried out by Council's representative or an appropriately accredited private certifier. The applicant's representative must be present during this inspection.
- 11.5.3 There is to be no storage of materials, stockpiling of excavated material or parking of plant/machinery within the drip line of the crown of any retained trees.
- 11.5.4 Council must be notified a minimum of 24 hours prior to the removal of any branches from existing trees which are to be retained. Subject to Council's direction, this work must be generally undertaken by a qualified Arborist.

## **11.6 Soil Erosion and Sediment Control Measures**

- 11.6.1 Soil erosion and sediment control measures onsite shall be implemented, maintained and monitored in accordance with Council's Soil Erosion and Sediment Control Policy.
- 11.6.2 Re-vegetation and restoration of all disturbed areas as a result of the development works shall be completed as soon as practicable after the completion of earthworks and before the commencement of any other works on-site. The revegetated/restored areas must be established prior to the release of maintenance security/bonds. Note: All open drains must be turfed.
- 11.6.3 All required soil erosion and sedimentation control measures are to be maintained throughout the entire construction period and until all disturbed areas are restored to the satisfaction of Council in accordance with the design and construction specification. Infringement Notices incurring a monetary penalty may be issued by Council where the maintenance of measures is deemed inadequate.

## **11.7 Filling of Land and Compaction Requirements**

- 11.7.1 Suitable land fill replacement is required when unsuitable soils are removed. All fill including existing fill shall be compacted in accordance with Council's Works Specification - Civil (current version). A compaction certificate shall be obtained from an appropriately qualified practising registered engineer (NER) verifying that the correct compaction requirements have been met. This compaction certificate is to be submitted to Council.
- 11.7.2 Special attention is drawn to the below listed requirements of Council's Works Specification - Civil (Current Version).
  - a) Submission of compaction certificates for fill within road reserves.
  - b) Submission of compaction certificates for road sub-grade.
  - c) Submission of compaction certificates for road pavement materials (sub-base and base courses).
  - d) The submission of 2 contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.

- e) Compliance Certificates from road material suppliers (the relevant certified stockpile number shall be digitally shown from supplier)

Note: Council's Works Specification (Civil) requires road pavement and pipe bedding materials be sourced from approved suppliers. A listing of these materials and approved stockpile numbers can be found on Council's webpage.

The above documentation shall be submitted at the prior to Subdivision and/or Occupation certificate stage as required by this consent.

- 11.7.3 Site filling within lot boundaries (not in road reserves) and compaction is to be carried out under the supervision of a Chartered Geotechnical Engineer and shall be in accordance with Blacktown City Council's "Works Specification - Civil (Current Version)". Minimum standard compaction of 95% must be achieved and certified by a NATA registered soils lab and details submitted to Council.
- 11.7.4 Only clean fill shall be deposited/imported on site in accordance with Council's Works Specification - Civil (Current Version). Note: dry builder's waste i.e. bricks plaster and timber industrial waste or putrescible materials are not to be deposited on site. Validation of the imported fill material will be required by a suitably qualified registered engineer.
- 11.7.5 Appropriate dust control measures are to be implemented during construction to reduce any impact on local air quality and reduce dust emissions. This will include but not be limited to regularly wetting down of the site during the course of works being carried out in order to control wind blown dust.
- 11.7.6 All roads adjoining the site must be kept clean and free of all materials. Infringement Notices incurring a monetary penalty may be issued by Council where this measure is not being complied with.
- 11.7.7 Trucks transporting cut and fill must have their loads covered and provisions of "shaker pads" and wash-down areas for trucks leaving the site are to be made available. All details are to be shown on soil erosion and sediment control plans.
- 11.7.8 Prior to the placement of any fill on the site all topsoil and vegetation must be removed down to a suitable sub-grade material. The topsoil is to be stockpiled for use in revegetation of the site.

## **11.8 Filling in Contaminated Land**

- 11.8.1 During the course of placement of filling the applicant shall undertake further testing for potential soil contamination. Validation of the imported fill material will be required.
- 11.8.2 All testing and validation of the fill material shall be undertaken by a suitably qualified environmental consultant in accordance with Council's Policy and Procedures for the determination of Rezoning Development and Building Applications involving Contaminated Land. A Remediation and Validation Report documenting the testing undertaken shall be submitted to Council for approval.
- 11.8.3 Should any remediation works be required documentary evidence prepared by a suitably qualified environmental consultant validating the site is to be submitted to Council for approval.

## **11.9 Inspection of Engineering Works - Environmental Planning and Assessment Act 1979.**

- 11.9.1 Comprehensive inspection compliance certificate(s) to be issued for all engineering works required by this consent and the approved construction certificate. The inspection compliance certificate(s) can only be issued by Council or an accredited certifier, under *Part 4A of the Environmental Planning and Assessment Act 1979* as amended. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).

Where Council is appointed as the Principal Certifying Authority for the development, only compliance certificates issued by accredited certifiers will be accepted. All compliance certificate(s) must certify that the relevant work has been completed in accordance with the pertinent Notice of Determination / Development Consent and Construction Certificate.

#### **11.10 Inspection of Engineering Works - Roads Act 1993**

- 11.10.1 All inspection(s) required by this consent for any engineering works that are approved under the *Roads Act 1993* must be made by Council's Development Overseers.

Inspections must be pre-booked with a minimum twenty-four (24) hours notice. Council's Development Overseers may be contacted on 02 9839 6586 between 7am - 8am and 12.30pm - 1.30pm, Monday to Friday. Note: A site inspection is required prior to commencement of work. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).

#### **11.11 Public Safety**

- 11.11.1 The applicant is advised that all works undertaken 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.

#### **11.12 Site Security**

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

#### **11.13 Traffic Control**

- 11.13.1 Any "Traffic Control Plan" utilised for engineering works required by this consent must be prepared by a suitably qualified Roads and Maritime Services (RMS) accredited work site traffic designer for all works that are carried out in or adjacent to a public road. This Plan must satisfy all the requirements of AS 1742.3 - 2002.
- 11.13.2 Traffic control devices/facilities (i.e. barricades, signs, lights, etc) must be setup, installed, monitored and maintained in accordance with the certified Traffic Control Plan and by suitably qualified RMS accredited work site traffic controllers.
- 11.13.3 Persons undertaking the control of traffic through or around work sites on Council controlled roads must hold with them their RMS Traffic controllers accreditation.
- 11.13.4 The applicant is advised that prior to implementation of any traffic control system and during the entire course of construction suitably qualified RMS accredited work site traffic controllers will ensure a smooth transition with other nearby traffic control setups. The coordination, communication and cohesion between adjacent traffic control systems shall be addressed by the applicant and must satisfy all the requirements of AS 1742.3 - 2002.

11.13.5 Where the Traffic Control Plan may change during the course of construction to facilitate new works, a revised traffic control plan shall be prepared and certified by a suitably qualified RMS accredited worksite traffic control designer. This Plan must satisfy all the requirements of *AS 1742.3 – 2002* and the current version of the RMS *Traffic Control at Work Sites* manual and shall be submitted to Council prior to implementation.

#### **11.14 Powder Coated Furniture**

11.14.1 Where the conditions of this consent permit the installation of powder coated furniture (i.e. street lighting poles, bus shelters, rubbish bins, seats or any other items of street furniture), a certificate from the manufacturers shall be provided to Council confirming that the nominated powder coated items have been prepared and coated in accordance with Australian Standard AS/NZ 4506-2005 (service condition category 3). This certificate must be no more than 3 months old and shall be provided to Council prior to the installation of the relevant items of the street furniture. Any items of street furniture not so certified shall be removed and replaced at no cost to Council with items appropriately certified.

#### **11.15 Drainage**

11.15.1 The 6 x 200 micron Enviropods and 20 x 460 mm high Stormfilter cartridges supplied by Stormwater 360 are not to be reduced in size or quantity, nor replaced with an alternate manufacturer's product.

### **12 During Construction (Environmental Health)**

- 12.1 Any asbestos material is to be handled and treated in accordance with the SafeWork NSW document "*Your Guide to Working With Asbestos - Safety guidelines and requirements for work involving asbestos*" dated March 2008.
- 12.2 A Construction Environment Management Plan should be in place and must include specific advice on how water treatment and dam dewatering will be undertaken in accordance with the Blue Book, as well as demonstrating the discharged water complies with ANZECC water quality guidelines.
- 12.3 Any materials requiring off-site disposal will need to be classified, managed and disposed of in accordance with the Protection of the Environment Operations Act 1997 and the NSW Environment Protection Authority's Waste Classification Guidelines (2014)

### **13 DURING DEMOLITION WORKS (Building)**

#### **13.1 Safety/Health/Amenity**

- 13.1.1 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 works "DANGER - DEMOLITION IN PROGRESS", or similar message shall be maintained on the fencing at appropriate places to warn the public.
- 13.1.2 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.
- 13.1.3 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.

- 13.1.4 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.
- 13.1.5 Soil erosion and sediment control measures shall be maintained in accordance with Council's Soil Erosion and Sediment Control Policy.
- 13.1.6 Any excavation and/or backfilling associated with the demolition 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.
- 13.1.7 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)
- 13.1.8 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.
- 13.1.9 All plant and equipment used on the land shall be operated by a competent person. Cranes used for hoisting and lowering of materials shall comply with AS 1418.1 and AS 1418.5 and be fitted with a load indicator and hoist limited device.
- 13.1.10 At least one access and egress route shall be made available connecting any undemolished floor to an open space well clear of the structure being demolished. The egress route shall be clearly identified as an emergency exit and maintained clear of obstructions at all times.
- 13.1.11 A valid public liability insurance policy of at least \$10,000,000 shall be maintained throughout the demolition works.
- 13.1.12 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.
- 13.1.13 Should any excavation associated with the demolition works extend below the level of the base of the footings of a building on an adjoining allotment of land, including a public road or place, the person causing the excavation to be made:
- (a) must preserve and protect the building from damage, and
  - (b) if necessary, must underpin and support the building in an approved manner, and
  - (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- 13.1.14 All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- 13.1.15 The demolisher has an obligation to ensure that the adjoining buildings and property are not damaged.

## **13.2 Nuisance Control**

- 13.2.1 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.
- 13.2.2 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.
- 13.2.3 The waste material sorting, storing 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 the demolition works.

## **14 Prior to Occupation Certificate (Planning)**

### **14.1 Acoustic fence**

- 14.1.1 All acoustic fences along the eastern and southern boundaries shall be constructed and completed prior to the issue of an Occupation Certificate.

### **14.2 Service Authority Approvals**

- 14.2.1 The following documentary evidence shall be obtained and forwarded to the Principal Certifying Authority prior to the issue of an Occupation Certificate:
  - (a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Please refer to the "Building Plumbing and Developing" Section of the website [www.sydneywater.com.au](http://www.sydneywater.com.au), then follow the "Developing Your Land" link or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
  - (b) A "Notification of Arrangement" Certificate from a recognised energy provider, stating that arrangements have been made with the service authority for electrical services, including the provision of street lighting, to the development.

### **14.3 Direction signage**

- 14.3.1 All signage directing visitors, buses and parents to onsite queuing drop off zone to be installed.

### **14.4 Landscaping and tree planting**

- 14.4.1 All landscaping and tree planting shall be completed in accordance with the approved landscape plans.

### **14.5 Roads and Maritime Services requirements**

- 14.5.1 The proposal shall comply with the requirements of the RMS.

### **14.6 Carparking**

- 14.6.1 All carparking in the eastern carpark shall be completed line marked and sign posted accordingly for staff, students and visitors.

#### **14.7 Street tree planting**

The applicant is to undertake street tree planting and maintenance along the frontage of the development site to improve the amenity of the streetscape must be approved before an Occupation Certificate is issued.

The number of trees should equal the number lots/dwellings with street frontage. However, corner lots require 1 tree for the primary frontage and 2 trees on the side frontage. In the case of Industrial, commercial developments and medium and high density residential developments trees are be planted at a minimum spacing of approximately 8 metres, taking into account vehicle sightlines and street light spill.

Trees must be of a minimum container size of 45 litres with root directors and 100 litres for industrial and commercial developments and 100 litres for medium and high density residential developments.

The applicant must obtain clearances from relevant service authorities.

The applicant will be required to pay a bond per tree as indicated in the current goods and services pricing schedule to ensure the health and vigour of the tree(s). The bond will be returned 12 months after the completion of the development (i.e. on issue of final occupation/subdivision certificate), to council if the trees are maturing satisfactorily. The applicant is responsible for notifying Council when the works are completed to request a practical completion inspection and end of street tree bond maintenance inspection.

The applicant will also be required to pay an inspection fee and a landscaping assessment fee as indicated in the current goods and services pricing schedule. A Blacktown City representative will inspect all street tree and public landscaping during the establishment period (i.e. between the practical date of completion and formal handover). Elements deemed to be not adequately performing are to be removed, substituted or repaired by the developer within 60 days of written notification.

#### **14.8 Fencing**

- 14.8.1 Completion of all fencing to Council's satisfaction at full cost to the applicant.

### **15 Prior to Occupation Certificate (Building)**

#### **15.1 Compliance with Conditions**

- 15.1.1 An Occupation Certificate shall not be issued 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.
- 15.1.2 Prior to occupation/use of a new building, it is necessary to obtain an Occupation Certificate from the Principal Certifying Authority in accordance with the provisions of Section 6.10 of the Environmental Planning & Assessment Act 1979.

#### **15.2 Fire Safety Certificate**

- 15.2.1 An interim or 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).

- 15.2.2 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).

### **15.3 Fee Payment**

- 15.3.1 Any fee payable to Council as part of a Construction, Compliance or Occupation Certificate or inspection associated with the development (including the registration of privately issued certificates) shall be paid in full.

## **16 PRIOR TO OCCUPATION CERTIFICATE (ENGINEERING)**

### **16.1 Compliance with Conditions**

- 16.1.1 An Occupation Certificate shall not be issued 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.

### **16.2 Fee Payment**

- 16.2.1 Any fee payable to Council as part of a Construction, Compliance or Occupation Certificate or inspection associated with the development (including the registration of privately issued certificates) shall be paid in full.

### **16.3 Engineering Matters**

#### **16.3.1 Surveys/Certificates/Works As Executed plans**

- 16.3.1.1 A Work-as-Executed (WAE) plan signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council when the engineering works are completed. A hardcopy (A1 size) and softcopy (on a CD/USB with file format .PDF) of the WAE plans are to be submitted to Council. All engineering Work-as-Executed plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works.
- 16.3.1.2 A certificate from a Registered Surveyor must be obtained and submitted to Council verifying that all finished floor levels (FFL) required by this consent have been achieved. The certificate must acknowledge that works and the construction of the floors have been complete. All levels must be to Australian Height Datum (AHD).
- 16.3.1.3 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the On-Site Detention System as constructed will perform to meet the on-site stormwater detention requirements in accordance with the approved design plans.
- 16.3.1.4 A certificate from a Registered Engineer (NER) must be lodged with Council verifying that the structures associated with the On-Site Detention System(s) have been constructed to withstand all loads likely to be imposed on them during their lifetime.
- 16.3.1.5 A Certificate shall be submitted by a Registered Surveyor indicating that all pipelines and associated structures lie wholly within any easements required by this consent.
- 16.3.1.6 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Blacktown Council’s DCP Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.

16.3.1.7 Applicant to submit the following in accordance with Council's Works Specification - Civil (Current Version):

- a) Compaction certificates for fill within road reserves.
- b) Compaction certificates for the Farm Rd road sub-grade.
- c) Compaction certificates for road pavement materials (sub-base and base courses).
- d) 2 contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.
- e) Compliance Certificates from road material suppliers (the relevant certified stockpile number shall be digitally shown from supplier)

16.3.1.8 A survey report prepared and signed by a Registered Surveyor providing confirmation of the depth of all constructed road pavements in the form of finished surveyed levels for each road pavement layer, noting tolerances for any variations in constructed pavement depth.

16.3.1.9 Structural certification by a qualified Engineer (NER or CPEng) for all structural items approved by the scope of this consent. This relates to the following components:

- a) Retaining walls over 0.6m in height
- b) Rigid pavements
- c) Non-standard stormwater pits
- d) Culverts and/or bridges

16.3.1.10 The submission to Council of Compliance Certificate(s) and construction inspection reports required by this consent for engineering works. A final inspection report is to be included noting that all works are complete.

When Council has been nominated or defaulted as the nominee for engineering compliance. Final inspections can be arranged through Council's Coordinator of Engineering Approvals contactable on (02) 9839 6263. A final inspection checklist must be completed by the applicant prior to the final inspection.

#### **16.4 Easements/Restrictions/Positive Covenants**

16.4.1 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 NSW Land Registry Services.

16.4.2 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Land Registry Services over the on-site detention storage areas and outlet works.

16.4.3 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Land Registry Services over the Stormwater Quality Control devices/system and outlet works.

- 16.4.4 Restrictions and/ or positive covenant must be endorsed by Council and lodged with NSW Land Registry Services over the overland flow-path.
- 16.4.5 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.

#### **16.5 Bonds/Securities/Payments in Lieu of Works**

- 16.5.1 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.
- 16.5.2 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 where no subdivision occurs - This period commences at the date of practical completion of the development.

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.

- 16.5.3 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.
- 16.5.4 Where Council has granted approval of providing security in lieu of outstanding works. A security, in the form of a bank guarantee or a cash deposit, shall be lodged with Council to cover outstanding works required by this consent. The security amount will be calculated at Council's approved rate upon request.

#### **16.6 Dedications**

- 16.6.1 Dedication at no cost to Council of 5m x 5m splay corners at each future street intersection with Farm Rd outlined by the draft Indicative Layout Plan (ILP) for the Marsden Park North precinct within the North West Growth Centres DCP.

#### **16.7 Inspections**

- 16.7.1 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.

#### **16.8 CCTV Inspection of Stormwater Drainage Structures**

- 16.8.1 All road stormwater drainage structures (pipelines and pits) must be inspected via CCTV on completion of the provision of all public utility services in accordance with Council's current Works Specification Civil. CCTV reports must be submitted to council in the form of video footage of the inspections, a SEWRAT (or equivalent) report and a certified CCTV statement in accordance with section 6.8 of Council's Works Specification Civil indicating that any defects identified by this inspection have been rectified.

#### **16.9 Drainage Matters**

- 16.9.1 A Chartered Hydraulic Engineer registered with NER is to certify that all the requirements of the Flood Management Plan have been implemented including the installation of all signage and notices.
- 16.9.2 A Chartered Civil Engineer registered with NER, is to certify that:
- a. all the requirements of the approved drainage plan have been undertaken;
  - b. the orifice size matches the approved construction certificate plans;
  - c. For the detention basin the 1.5 year ARI discharge does not exceed 40 l/s/ha and the 100 year ARI discharge does not exceed 190 l/s/ha.
  - d. the rainwater tanks have been provided as per the approved construction certificate plans collecting all of the roof area;
  - e. all the signage and warning notices have been installed;
  - f. the interpretative water quality sign has been correctly installed
  - g. any proprietary water quality devices have been installed for the site as per the manufacturer's recommendations.
  - h. The non-potable water uses are being sourced using rainwater;
  - i. a copy of the certification and the works-as-executed drainage plan has been provided to the certifier, who shall provide it to Council
- 16.9.3 Stormwater 360 is to certify for the installation of the 6 x 200 micron Enviropods and 20 Stormfilters that:
- i. They are installed in accordance with the Stormwater 360 standard operational guidelines and production drawings;
  - ii. A minimum of 6 x 200 micron Enviropods have been installed;
  - iii. The Stormfilter tank includes a baffle 300 mm below the Stormfilter weir and set 250 mm upstream from the weir to retain floatables including oils for the 460 mm cartridges;
  - iv. The Stormfilters have a minimum flow rate of 22 l/s at standard weir height;
  - v. Mosquito proof screens have been provided under all grated accesses into the Stormfilter tank; and
  - vi. Energy dissipaters have been provided on all the inlets to the Stormfilter chamber.
- 16.9.4 An experienced irrigation specialist is to certify that all the requirements of the detailed Landscape Watering Plan have been installed as per the approved plan and are working correctly. Provide a signed, works-as-executed Landscape Watering Plan to Council's WSUD Compliance Officer at [WSUD@blacktown.nsw.gov.au](mailto:WSUD@blacktown.nsw.gov.au) .
- 16.9.5 Provide written evidence that the registered owner/school has entered into a minimum 5 years signed and endorsed maintenance contract with a reputable and experienced cleaning contractor for the maintenance of the 200 micron Enviropod pit inserts and the on-site detention basin including the Stormfilter Chamber. The contract must use Stormwater 360 for the maintenance of the Stormfilter cartridges. Forward a copy of the signed and endorsed contract(s) and maintenance contractor(s) details to Council's WSUD Compliance Officer at [WSUD@blacktown.nsw.gov.au](mailto:WSUD@blacktown.nsw.gov.au).

- 16.9.6 Provide a Restriction to User and Positive Covenant over the On-Site Detention System in accordance with the requirements of Council's Engineering Guide for Development 2005. The Restriction to User and Positive Covenant must be registered with NSW Land Registry Services.
- 16.9.7 Provide a Restriction to User and Positive Covenant over the Stormwater Quality Improvement Devices and Rainwater Tanks in accordance with the requirements of Council's Engineering Guide for Development 2005. The covenant requirements are to include the submission of an annual report on water treatment and non-potable water usage by the first business day on or after 1 September each year. The Restriction to User and Positive Covenant must be registered with NSW Land Registry Services prior to the final occupation certificate.
- 16.9.8 Provide a Restriction to User and Positive Covenant for Overland Flowpath from Lot 7 DP 2518 over the full width of the overland flow extents in the peak 1 in 100 year ARI event considering the pipe and culvert half blocked in accordance with the requirements of the Council's Engineering Guide for Development 2005. The Restriction to User and Positive Covenant must be registered with NSW Land Registry Services.

#### **16.10 Traffic Management**

- 16.10.1 The applicant shall provide Council's Traffic Management Section with a copy of its Green Travel Plan and Operational Traffic Management Plan for the day-to-day running of the school.

#### **16.11 Wombat Crossing**

- 16.11.1 A wombat crossing shall be constructed at no cost to Council along Farm Road. The location will be determined in consultation with the school principal and Council's Traffic Management Section.
- 16.11.2 A separate approval from Council's Local Traffic Committee will be required for the wombat crossing.
- 16.11.3 A plan showing detail design and signs and line marking shall be submitted to Council for approval.

#### **16.12 Carparking**

- 16.12.1 A minimum of 82 car spaces are to be provided on site for staff and visitors.

### **17 Prior to Occupation Certificate (Environmental Health)**

- 17.1 Certification must be provided by a qualified acoustic engineer that all work associated with the installation of the acoustic measures and noise attenuation has been completed in accordance with the certified design and to the standard required by this consent.

### **18 Operational (Planning)**

- 18.1 All operational conditions of consent to JRPP-13-634 shall continue to be complied with.

#### **18.2 Access/Parking**

- 18.2.1 All required off-street car parking spaces and internal driveways shall be maintained to a standard suitable for the intended purpose.

18.2.2 A total of 82 carparking spaces are to be available for staff, visitors and for school use at all times. Any alterations to the parking provisions on site will require separate approval of Council.

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

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

### **18.3 General**

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

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

18.3.3 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.

18.3.4 Emission of sound from the land shall be controlled at all times so as to not unreasonably impact upon nearby owners/occupants.

### **18.4 Landscaping**

18.4.1 All landscaping areas provided in accordance with the approved landscaping design must be maintained and trees protected at all times.

### **18.5 Use of Premises**

18.5.1 The use of the approved development shall, at all times, be conducted in a manner consistent with the terms and conditions of this consent.

18.5.2 The development shall not be used or converted for use for any purpose other than that:

- (a) Granted consent by Council's Notice of Determination, or
- (b) Which is "Exempt Development", "Complying Development" or "Development without Consent" under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or other environmental planning instrument.

### **18.6 Flood Management Plan**

18.6.1 The Flood Management Plan shall be kept at the school offices at all times.

### **18.7 Road & Maritime Services**

18.7.1 All vehicles are to enter and leave the site in a forward direction.

## **19 Operational (Environmental Health)**

19.1 Upon receipt of a justified complaint in relation to noise pollution emanating from the premises, an acoustical assessment is to be carried out in accordance with the requirements of the NSW Environment Protection Authority's Noise Policy for Industry (2017) and provide recommendations to mitigate the emission of offensive noise from the premises. The report shall be prepared by an appropriately qualified acoustic consultant with suitable technical qualifications and experience, consistent with the

technical eligibility criteria for membership to the Association of Australian Acoustical Consultants (AAAC) or the Australian Acoustical Society (AAS) and shall be submitted to Council for consideration.

- 19.2 The recommendations provided in *Acoustic Assessment for Revised DA, prepared by Renzo Tonin & Associates, 19 July 2018* must be adhered to at all times.
- 19.3 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 1997.
- 19.4 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 1997.
- 19.5 In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 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.
- 19.6 To minimise the noise impact of the development on the surrounding environment, the collection and delivery of goods and materials (including garbage and recycling waste) from and to the premises shall not take place between the hours of 10pm and 7am.