

## Conditions of consent

<b>Proposed development</b>	Demolition, removal of trees, site preparation works, and the construction of a Place of public worship in 3 stages, signage, 128 parking spaces and associated stormwater works and landscaping
<b>Property description</b>	Lot 9 DP 1225976, 49 Excelsior Avenue MARSDEN PARK

### 1 Deferred Commencement Matters

#### 1.1 This Development Consent is not to operate until such time as:

The applicant is to demonstrate that there is a safe and legal conveyance of stormwater flows from the subject development (for the 2 to 100 year ARI storm events) to the closest legal point of discharge. No downstream property is to be negatively impacted by stormwater conveyance from the subject site. Note this may require the applicant to conduct works within downstream properties subject to property owner consent and demonstration that the necessary easements to drain water and/or overland flow have been registered. These works will require a separate approval under the Local Government Act 1993 by Council.

#### 1.2 Detailed engineering information must be provided for Council's review and endorsement prior to operation of this consent. The following matters are critical in meeting this obligation:

##### 1. Design of future ILP roads under the Draft North Marsden Park Precinct Plan.:

- a. An indicative road long-section design is required for the future road that will run along the full length of the eastern boundary of the site on the adjoining property. It must be demonstrated that a compliant vehicular access can be achieved from that road as indicated as part of the final stage of this development (Stage 3). In this regard, a cross-section through the future vehicular crossover must be provided and must comply with AS2890.1 (notably clause 2.6.2 dictating driveway grade requirements).
- b. The cross-section for the future half-width ILP road (21-MRC02) must be amended on the engineering plans to demonstrate a 9m road reserve (i.e. half of an 18m full width road reserve) with a 5.5m half-road carriageway (centreline to kerb) and 3.5m verge from the kerb to the future boundary. The plans currently show an 8.5m-wide area which will need to be increased by 0.5m to achieve the full 9m half-width road reserve area requirement. Where this change affects boundary setbacks, this will need to be acknowledged and resolved to maintain all relevant development controls. Note: The construction of this road is the obligation of the land-owner, not Council, and may be resolved through a bond or contribution payment if not appropriate to construct at the time of occupation of the development.

Further to this matter, the long-section of road 21-MRC02 must amend the non-compliant crest curve to comply with Council's Engineering Guidelines and AustRoads requirements.

2. Complete civil design for the half-width road upgrade of Excelsior Avenue must be provided to Council for assessment and endorsement, and must form part of the first stage of works undertaken by this consent. The design must be coordinated and consistent with any designs being assessed and undertaken on the adjoining sites along Excelsior Avenue, notably those on the southern side of Excelsior Avenue.
3. The invert levels of all pipelines proposed to connect to the future public roads must demonstrate compatibility with a suitable future public drainage network. These levels will set the future public road drainage system and must be coordinated with Council's Asset Design team to ensure the development facilitates a suitable connection to the ultimate downstream water course and any regional WSUD controls. Updated designs must demonstrate appropriate discharge to a natural low point and provide owner's permission where this requires works on land owned by others.
4. A catchment plan is required to outline the upstream catchment being serviced by the pipeline conveying those 1% AEP flows through the site. This pipeline must avoid traversing any future buildings, and must discharge to a natural low point and provide owner's permission where works on land owned by others is required.
5. An updated staging plan must be submitted ensuring that the upgrade of Excelsior Avenue is including in the first stage of works, and the future road construction of ILP road 21-MRC02 is part of the final stage of works. The staging plan must be clearly defined in scope and must align with the staging strategy authored in this consent.

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1.3 Revised drainage plans by Martens & Associates Project No. P1706052-PS02 are to generally address the following requirements to the satisfaction of the Manager Asset Design:

- a. On drawing no. E201 (F), increase the number of Stormfilter cartridges to eighteen (18) and remove the 1.5 year orifice in OSD 1 tank while retaining the 1.5 year weir. Relocate the 150mm pipe connection between the SF chamber and detention tank to be close to the 1.5 year weir. Show the non-return valve on the Stormfilter side. Set the OSD 1 tank bed level at the pipe connection a minimum of 150mm above the top of false floor level of the Stormfilter tank to allow the flap to close. Amend the base levels and grades to direct all the low flows to the 150mm pipe. Provide on the detention tank side, a maximesh screen over the 150 mm return pipe. As the invert of the 150 mm pipe is approximately 300 mm higher than the current proposed 1.5 year orifice review the depth and overall dimensions of the tank to ensure that the required OSD volume is achieved. Note that based on the pre-treatment before overflow to the detention tank Council will now accept a 1% slope in the tank in lieu of 2%. Provide a note that this is Stage 1B.
- b. Provide an amended *OSD 1 Deemed to Comply Tool - Developer's Edition Spreadsheet v1.9.xlsm* digitally to allow for the higher "RL Bottom of OSD Storage Area" as the new average base level. Allow for the higher flows from the 18 Stormfilters. For the 18 filter cartridges allow for a design flow of 19.80 l/s and 100 year ARI flow of 25.27 l/s. Refer to this as Stage 1B. This will affect the 1.5 year weir level, will delete the 1.5 orifice and reduce the 100 year orifice size.

- c. On a separate plan amend the OSD1 (Tank) Plan currently shown on drawing no. E201 (F) and provide a Stage 1A layout for the Stormfilter chamber within the OSD 1 Tank that provides a 1.5 year orifice and screen and 1.5 year weir (reposition the 1.5 year orifice to the southern side of the 1.5 year weir wall to be closer to the 150 mm non-return pipe, deletes the Stormfilter cartridges and false floor, temporarily blocks the two pipes out of the Stormfilter chamber, but retains the overflow weir and oil/floatables baffle. The Stormfilter chamber will act as a temporary sedimentation chamber until the church is constructed in Stage 1B. All OceanGuards are retained for Stage 1A.
- d. Provide a *Stage 1A OSD 1 Deemed to Comply Tool - Developer's Edition Spreadsheet v1.9.xlsm* digitally based on the stage 1B spreadsheet above, but answering "No" to the question "Will filter cartridges be used to manage water quality?". To avoid confusion and unnecessary changes the smaller 100 year orifice size determined for Stage 1B can be utilised for Stage 1A.
- e. The top of overflow pit levels of bio-retention basins 00A and 00D are to be set a minimum 100 mm higher than the 100 year level of OSD 2 basin. Either lower the OSD bed level and top of basin level of OSD basin 2 to lower the 100 year water level and emergency overflow weir level, or alternatively raise the bioretention levels. Where the basin details are amended show the revised base levels and top of basin levels for OSD 2 basin on drawing no.s E202 (G) and ZZ00(D).
- f. Where the OSD 2 basin characteristics are amended, provide an amended *OSD 2 Deemed to Comply Tool - Developer's Edition Spreadsheet v1.9.xlsm* digitally.
- g. Amend weir base level weir heights, water levels, orifice pipe level, invert levels of control pits & overflow pit of OSD 1 tank, false floor level, weir level of Stormfilter tank on drawing no. E201 (F). Show the differences for stages 1A and 1B.
- h. On drawing E203(D) amend the *Biofiltration Detail* to show 300 mm EDD. The additional 100 mm is required only for hydrocarbon removal.
- i. On drawing E203(D) amend the *Highflow Outlet Pit Detail* to show a 500 mm concrete apron surrounding the overflow pit at filter media level. Provide a 250 mm high baffle starting 150 mm above the concrete apron and positioned 200 mm off the pit walls to retain hydrocarbons around all sides of the pit.
- j. On drawing E203(D), at *Highflow Outlet Pit Detail* delete reference for outlet pipe size 300mm as the size varies.
- k. Show the levels on every contour line and bold the 0.5 m finished contours. Due to the flatness of the site 0.1 m contours may be required relative to the bioretention basins.
- l. Show a minimum of two subsoil lines in each of the long bioretention systems.
- m. On drawing E100(O), the overflow pit of bioretention basin 00A is to be referenced as '1A602-02' and the outlet as '1A602-01'.
- n. On drawing E100(O) and E202(G) ensure the subsoil pipe to the south of pit 1A602-02 does not enter this pit but passes around it. Provide 2 subsoil lines north of 1A602-02 for bioretention 00A.
- o. On drawing E100(O) and E202(G) for bioretention basin 00D direct the centre subsoil line to the south-west corner and provide an additional subsoil line directed to the south-east corner.
- p. Provide RLs of the correct bioretention filter media layers of each basin on Bioretention filter media profile detail. Each layer is to be flat.
- q. Show pavement (gutter) and kerb levels adjacent to the bioretention systems.
- r. Every bioretention system has the incorrect filter media levels and incorrect invert levels in the subsoil collection pits. Correct levels are based on:

- i. Determining the lowest pavement or gutter level at the point of overflow to the bioretention system. Show on the plan.
    - ii. Setting the filter media level 400 mm below this level based on a 300 mm extended detention Depth (EDD) level and a 100mm depth of overflow to the overflow pit from the bio-retention basin.
    - iii. With 950mm filter media thickness and a 50mm drop in the subsoil collection pit, the upstream invert levels of the subsoil collection pits are to be set 1.0 m lower than the filter media levels and 1.4 m lower than the lowest pavement or gutter level at the point of overflow to the bio-retention basins.
    - iv. Provide the 15 mm drop across the subsoil collection pit.
  - s. Lower the invert and surface levels of the drainage lines 1A608 and 1A601 on drawing no.s E300 (G) and E 301 (C).
  - t. Provide sufficient information on the plans (invert and obvert levels) that with the lowered line 1A601 there is no conflict with the twin outlet pipes from OSD 1.
  - u. Lower the invert level of discharge pipeline 1A101 at outlet 1A101-01 to discharge the treated flows from the subsoil collection pits of bio-retention basins 00A & 00D.
  - v. Replace the twin 225 PVC pipes from 1A101-03 to 1A101-01 with a 375 mm RCP. Reduce the length to 3.5 m from the future boundary.
  - w. Based on the amendments above the outlet at 1A101-01 will be lower than the current boundary level. Show a sediment basin minimum 300 mm deep at the outlet.
- 1.4 The Applicant is to pay to Council a fee of \$1,449.00 incl GST (7 hrs Goods and Services Item 5.2.7) for the Manager Asset Design's team to assess the deferred drainage details. Where payment is made after 30 June 2021 payments will increase in accordance with the Goods and Services Schedule. Send a copy of the receipt to [floodadvice@blacktown.nsw.gov.au](mailto:floodadvice@blacktown.nsw.gov.au). Where the submission is unsatisfactory an additional fee is required for each revision.
- 1.5 All of the requirements listed in the above condition must be completed within **24 months of the date of this "Deferred Commencement" consent**. Should these matters not be completed to Council's satisfaction within this time period, this "Deferred Commencement" consent will lapse
- Note: If the satisfaction of any of the above deferred commencement conditions results in any changes to the operational conditions in this consent, the Applicant must lodge a modification application, seeking consent for those changes.

## 2 ADVISORY NOTES

### 2.1 Terminology

- 2.1.1 Any reference in this document to a "consent" means a "development consent" defined in the *Environmental Planning and Assessment Act 1979*.
- 2.1.2 Any reference in this consent to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to a certificate as defined by Section 6.4 of the *Environmental Planning and Assessment Act 1979*.

### 2.2 Scope of Consent

- 2.2.1 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.

## 2.3 Other Approvals

- 2.3.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.
- 2.3.2 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.
- 2.3.3 If any aboriginal objects are found during construction, work is to cease immediately. The Office of Environment and Heritage (OEH) is to be notified and the site, and objects, are to be assessed by a suitably qualified Aboriginal Heritage Consultant in accordance with the requirements of OEH. No further works are to be undertaken on the site without the written consent of OEH.

## 2.4 Services

- 2.4.1 The applicant is advised to consult with:

- (a) Sydney Water Corporation Limited
- (b) A 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.

- 2.4.2 Information regarding the location of underground services may be obtained from the Sydney "Dial Before You Dig" service, telephone number 1100, fax number (02) 9806 0777. Inquirers should provide the street/road name and number, side of street/road name and the nearest cross street/road name.
- 2.4.3 Prior to any demolition works, all services or utilities should be disconnected in consultation with the relevant service provider.
- 2.4.4 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.

- 2.4.5 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.

## 2.5 Tree Planting and Service Locations (after all other services)

- 2.5.1 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.

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.

## 2.6 Identification Survey

- 2.6.1 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.

## 2.7 Engineering Notes

- 2.7.1 All works requiring approval under the *Roads Act 1993* (except standard vehicular crossings) or *Local Government Act 1993* must be approved PRIOR to the issue of any Construction Certificate or Subdivision Works Certificate.

## 2.8 Payment of Engineering Fees

- 2.8.1 If the applicant wishes for Council to issue the Construction Certificate or Subdivision Works Certificate as nominated in the 'Prior to Construction Certificate/Subdivision Works Certificate please:

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

## 3 General

### 3.1 Scope of Consent

- 3.1.1 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 REFERENCE	DATE
Architectural Plans prepared by Fulton Trotter Architects	

<b>DRAWING REFERENCE</b>	<b>DATE</b>
DA-102 Demolition Plan, Revision C	18.07.2019
DA-103 Proposed Site Plan, Revision E	05.05.2020
DA-104 Site Plan – Stage 1A and 1B, Revision E	17.08.2020
DA-105 Site Plan – Stage 2, Revision D	05.05.2020
DA-106 Site Plan – Stage 3, Revision B	05.05.2020
DA-109 Materials and Finishes, Revision B	18.07.2019
DA-201 Stage 1 Ground Floor Plan, Revision B	18.07.2019
DA-202 Stage 2 Ground Floor Plan, Revision B	18.07.2019
DA-211 Stage 1 Roof Plan, Revision B	18.07.2019
DA-212 Stage 2 Roof Plan, Revision B	18.07.2019
DA-301 Stage 1 Elevations, Revision B	18.07.2019
DA-302 Stage 2 Elevations, Revision B	18.07.2019
DA-303 Proposed Signage Elevation, Revision B	18.07.2019
DA-311 Stage 2 Sections, Revision B	18.07.2019
DA-111 Bin Management Plan, Revision B	04.09.2018
<b>Landscape Plans prepared by Xeriscapes</b>	
L000 Cover Sheet, Revision K	15.09.2020
L001 Tree Management Plan Stage 1, Revision F	16.07.2019
L101 Landscape Plan Stage 1A + 1B, Revision J	15.09.2020
L002 Tree Management Plan Stage 2, Revision E	16.07.2019
L102 Landscape Plan Stage 2, Revision J	05.05.2020
L103 Landscape Plan Stage 3, Revision D	05.05.2020
L201 Precedent Images, Revision F	16.07.2019
L301 Indicative Plant Schedule, Revision F	16.07.2019

- 3.1.2 All trees currently within the site are permitted to be removed as shown on Demolition Plan DA-102, with the exception of Trees 8, 9, 15, 18, 19, 20, 21, 22, 28 (Stage 1A). Trees 8 and 9 are permitted to be removed in relation to Stage 2 as shown on Site Plan Stage 2, DA-105.

### 3.2 **Services**

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

### 3.3 **Suburb Name**

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

### 3.4 **Signage**

- 3.4.1 Building identification signage is approved as follows:

- i. 'Marsden Park Anglican Church' 0.6 m high x 0.4 m wide mounted on a 1.2 m high landscape wall, illuminated by directional garden uplights.
- ii. A logo 0.6 m high x 0.4 m wide mounted on a 1.2 m high landscape wall, illuminated by directional garden uplights.
- iii. A cross 5 m high x 3 m wide mounted on the wall of the Auditorium to match the façade colour with low-level recessed backlighting.

3.4.2 Discreet directional signage which provides clear way finding directions for pedestrians and vehicles are permitted to be erected. No illuminated, LED or moving signs are permitted. No business identification signage is approved.

Any other signage requires separate Council approval prior to installation, except where signage is permitted pursuant to *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

### 3.5 Engineering Matters

#### 3.5.1 Design and Works Specification

3.5.1.1 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 On Site Detention General Guidelines, S3QM online tool and standard drawing A(BS)175M
- (f) On Site Stormwater Detention Handbook - Upper Parramatta River Catchment Trust FOURTH Edition.

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.

3.5.1.2 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
- Removal of temporary infrastructure
- Future road and drainage works

These matters will be individually addressed within the consent

Note: A bond release inspection fee will apply.

3.5.1.3 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.

### 3.5.2 Other Necessary Approvals

3.5.2.1 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)

### 3.5.3 Other Matters

3.5.3.1 No construction preparatory work (such as, excavation, filling, and the like) shall be undertaken on the land prior to a valid Construction Certificate being issued.

3.5.3.2 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.

## 3.6 Other Drainage Section Matters

3.6.1 The development must at all times maintain the water quality system to achieve the following minimum pollutant removal targets for the entire site for the duration of the development including the approved bioretention plant species:

*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

3.6.2 The registered proprietor/lessee is to provide to Council's WSUD Compliance Officer a report outlining all maintenance undertaken on the Stormwater Quality Improvement Devices in accordance with the approved maintenance schedule. 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 [WSUD@blacktown.nsw.gov.au](mailto:WSUD@blacktown.nsw.gov.au).

3.6.3 Each year the registered proprietor/lessee is to provide to Council's WSUD Compliance Office at [WSUD@blacktown.nsw.gov.au](mailto:WSUD@blacktown.nsw.gov.au) a report outlining all non-potable water used annually and the percentage of non-potable reuse.

### 3.7 Other Matters

3.7.1 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 relevant to the particular Stage 1A, 1B, 2 or 3.

3.7.2 Any future substation, temporary drainage works or other utility installation required to service the approved development shall not be sited on future or existing Council land, including road reservations and/or public reserves.

### 3.8 NSW Local Police Matters

3.8.1 The following recommendations from the NSW Police in their correspondence dated 15 May 2018 are recommended to be included in the development:

a) CCTV Surveillance inside the Building - NSW Police strongly recommends the use of High Definition CCTV cameras, with maximum mega pixel capabilities as a minimum inside the building. Consult a security specialist for ideal placement. Ideally, the cameras should monitor anywhere where cash is handled and/or stored and in areas with poor natural supervision.

- CCTV recording equipment should be installed away from public areas to prevent tampering
- Ensure management at the centre know how to operate the CCTV surveillance system including how to burn CCTV footage
- Ensure that the requirements of the Surveillance and Privacy Act are adhered to.
- Upon video surveillance being installed, signage is to refer to the existence of video surveillance systems.

b) Alarm System inside the Building - To enhance the security of the centre, NSW Police highly recommend the use of a monitored intruder alarm system.

- The system should be tested on a regular basis to ensure it is operating effectively
- Staff should be trained in the correct use of the system
- Consider only using companies licenced under the NSW Security Industry Act.

c) CCTV Surveillance for the car park area - NSW Police strongly recommend the use of High Definition CCTV cameras, with maximum mega pixel capabilities as a

minimum, in the car park area. Consult a security specialist for ideal placement to ensure all areas of the carpark are covered. CCTV cameras that capture vehicle registration plates at entry and exit points is highly recommended.

- Ensure management at the centre know how to operate the CCTV surveillance system including how to copy/burn CCTV footage
- Ensure that the requirements of the Surveillance and Privacy Act are adhered to.
- Upon video surveillance being installed, signage is to refer to the existence of video surveillance systems.

d) Lighting for the car park area – NSW Police recommend that security lighting (flood lighting/sensor lighting) that is vandal resistant be of highest standards throughout the carpark to ensure it is well lit. Appropriate standard of lighting will also assist with the sense of safety in the area and also enhance the quality of CCTV surveillance system footage.

NSW Police recommend an additional single head light pole be installed in the courtyard to the north of the Administration and Office Building and an additional single head light pole be installed in the landscaped area to the west of the Hall.

e) Landscaping - Keep all trees and shrubs trimmed and maintained. This will reduce concealment opportunities and increase natural surveillance from surrounding roads and properties.

f) External Fencing / Walls / Doors - NSW Police highly recommends utilising protective graffiti coatings on all external timber, brick or stone walls. Alternatively, where appropriate, 'green screen' external walls with native vegetation such as climbing ivy, Bottlebrush, Tea Trees and Dwarf Lilly Pilly.

NSW Police strongly recommends that palisade fencing be used as boundary fencing (where acoustic barrier fencing is not required). Fencing should be at least 1.8 m high around the whole perimeter of the property with front security gates that can be locked after hours.

NSW Police strongly recommend that patio bolt locks (or similar) are to be installed to any sliding doors and windows. Australian Standard Security door must be installed to entry/exit doors.

g) Mailbox - NSW Police strongly recommends that the mailbox be lockable and should be vandal proof.

h) Emergency Evacuation Plans should be implemented and maintained to assist staff, public and emergency services in the event of an emergency. This plan should be prominently displayed.

i) After hours key holder details to be forwarded to Riverstone Police Station.

j) The number and location CCTV Surveillance Cameras should be forwarded to Riverstone Police Station so that it can be added to the database of the NSW Police VIEW Camfind system.

k) A Security Management Plan should be developed and adhered to during construction stage. This will assist with on-site building theft during and after hours.

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

### **4.1 DA Plan Consistency**

- 4.1.1 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.

#### **4.2 Road Deposit/Bond**

- 4.2.1 The following current fee (which is subject to periodic review and may vary at time of payment) shall be lodged with Council:

- (a) Road inspection fee of \$245.00.

Council will undertake initial and final inspection of civil assets outside the development site. The applicant will be held liable for any damage arising from construction activities. Council will undertake reinstatement works and recover the costs from the applicant in accordance with Council's current Goods & Services Pricing Schedule.

#### **4.3 BCC's Growth Centre Precincts Development Control Plan 2010**

- 4.3.1 Except as otherwise approved, the design plans which accompany the Construction Certificate shall comply with the design criteria specified in Blacktown City Council's Growth Centre Precincts Development Control Plan 2010.

#### **4.4 Aesthetics / Landscaping**

- 4.4.1 The reflectivity index of glass used in the external facade of the development is not to exceed 20 percent.

- 4.4.2 The development approved by Council is to be constructed in accordance with the approved Material and Finishes Plan. The certifier is to be satisfied that the materials for use on the external walls of this development achieve compliance with the relevant fire resistance levels that are applicable to the development. This includes compliance with the Building Code of Australia.

- 4.4.3 Service conduits which are located on the external facade of the building, and which are visible from the public domain, are not permitted to be exposed, and are to be appropriately screened from view so as to blend in and integrate with the overall presentation of the building.

- 4.4.4 With regard to the treatment of any boundary fencing / acoustics walls in the vicinity of the public domain / public footway, appropriate measures are to be in place to deter the potential for graffiti on these fences / acoustic walls, such as landscaping which limits access to these boundary fences / acoustic walls, or an anti-graffiti finish. Any fencing proposed around the site fronting the public road is required to be a powder coated palisade fence. These details are to be shown on the construction certificate plans to the satisfaction of the Certifying Authority.

- 4.4.5 2m wide planting/landscaping is to be provided on the western side of the Reception Administration building for a length of 15.5m.

- 4.4.6 Planting/landscaping is to be provided along the western façade of the place of public worship for a length of 11m beyond the plant/equipment (excluding the bin travel path) to improve its appearance.

- 4.4.7 An amended landscaping plan to be submitted to council prior to the issue of any Construction Certificate.

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

- 4.5.1 Prior to the issue of any Construction Certificate, the person having the benefit of the development consent is to enter into an arrangement satisfactory to the Council for the planting and maintenance of trees along the Excelsior Avenue frontage of the development site for the purposes of improving the amenity of the streetscape. These street trees are to be planted between the footpath and the lot boundary. The Applicant is to undertake the planting and maintenance of street tree/s at no cost to Council and obtain any necessary clearances from relevant Service Authorities. Street tree planting must not interfere with the street light spill.

#### 4.6 **Access and Parking**

- 4.6.1 All car parking spaces (being 64 spaces for Stage 1A and 128 spaces for Stage 2) and internal driveways/aisles shall be maintained to a standard suitable for the intended purpose. All car parking spaces are to be available to staff and visitors at all times.
- 4.6.2 The internal driveway, parking spaces and areas are to be designed in accordance with Australian Standard 2890.1.
- 4.6.3 A total of at least four (4) car parking spaces are to be provided for persons with disabilities at all times for the use of this place of public worship. Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6.
- 4.6.4 All internal roads and other paved areas shall be designed to provide continuous surface drainage flow paths to approved points of discharge.
- 4.6.5 With regard to any Stage 2 works as demonstrated on DA-105 Site Plan - Stage 2 Plan, Revision D, dated 5 May 2020, if the new public road along the eastern boundary of the site in 55 Excelsior Avenue, Marsden Park (Lot 8, Section L, DP 193074) is completed in line with the gazetted Marsden Park North Precinct Plan, the driveway access is to be provided via the new public road at 55 Excelsior Avenue, Marsden Park, as shown on DA-106 Site Plan – Stage 3 Plan, Revision B, dated 5 May 2020. The existing driveway access via Excelsior Avenue is to be removed and landscaped as shown on the Site Plan – Stage 3 Plan. This is to be demonstrated on the construction certificate documentation.
- 4.6.6 At any time, if the new public road along the eastern boundary of the site in 55 Excelsior Avenue, Marsden Park (Lot 8, Section L, DP 193074) is completed in line with the gazetted Marsden Park North Precinct Plan, the driveway access is to be provided via the new public road at 55 Excelsior Avenue, Marsden Park, as shown on Site Plan – Stage 3 Plan, Revision B, dated 5 May 2020. The existing driveway access via Excelsior Avenue is to be removed and landscaped as shown on the Site Plan – Stage 3 Plan.
- 4.6.7 At any time, if the new public road along the northern boundary of the site is completed in line with the gazetted Marsden Park North Precinct Plan, driveway access is to be provided via the new public road to the north, as shown on Site Plan – Stage 3 Plan, Revision B, dated 5 May 2020.

#### 4.7 **Services/Utilities**

- 4.7.1 The following documentary evidence shall accompany any Construction Certificate:
- (a) 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 removal of any power poles and any provision of street lighting, to the development.

(b) A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.

#### 4.8 **Special Infrastructure Contributions**

- 4.8.1 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 7.17 or its equivalent of the Act that is in force on the date of the consent, and must obtain a certificate to that effect from the Department of Planning, Industry and Environment before a Construction Certificate or Subdivision 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:

<https://www.planning.nsw.gov.au/policy-and-legislation/infrastructure/infrastructure-funding/special-infrastructure-contributions-sic>

#### 4.9 **Reticulated SWC Sewage Connection**

- 4.9.1 Prior to the issue of any construction certificate for Stage 2, connection to the reticulated sewerage system is to be demonstrated. In this regards, written evidence from Sydney Water Corporation (SWC) to be submitted to Council prior to the issue of any construction certificate for Stage 2.

#### 4.10 **Biodiversity Management Plan**

- 4.10.1 A Biodiversity Management Plan ("BMP"), comprising of a detailed site plan and an accompanying report in a legible format prepared by a person who has qualifications and experience in respect of ecology is to be submitted by the proponent for Council's consideration. The BMP is to relate to the land within Lot 9 in DP 1225976 and must contain full details of the actions proposed to be taken with respect to the management of fauna during the course of carrying out the development. The BMP is to be consistent with the NSW Department of Planning, Industry and Environment "*Code of Practice for injured, sick and orphaned protected fauna*" 2011 (the Code).
- 4.10.2 The BMP must include the following:
- a) Biodiversity management strategies for pre-construction, construction and post construction activities including environmental control measures for the pre-clearing process.
  - b) A fauna rescue and release procedure. Where tree removal is required then a licensed wildlife carer or ecologist will be required on site as a fauna handler ('Rescuer' under the Code) during tree removal works.
  - c) A procedure for controlling the introduction and spreading of weeds and pathogens, including hygiene protocols and the arrangements for monitoring;
  - d) Proposed strategies for re-use of top soil, tree hollows, logs, coarse woody debris and bush rock.
    - All identified tree hollows proposed to be removed, are to be salvaged from trees removed and placed in retained or nearby bushland areas under the direction of an ecologist to Council's satisfaction.

- For all tree hollows, not able to be salvaged, they are to be replaced with nest boxes or artificial hollows with three nest boxes / artificial hollows for every one hollow removed.
- e) A procedure for dealing with unexpected threatened species finds. The procedure must include, as a minimum, the following:
- i. stop work arrangements in the immediate area of the threatened species;
  - ii. notification and communication protocol;
  - iii. consultation with the specialists to assess the significance of the find; and
  - iv. a list of approvals, licences or permits likely required prior to recommencing works.
- 4.10.3 The commencement of any works under this consent and the issuing of any construction certificate must not occur unless and until the Council has given notice in writing to the proponent that it has approved the BMP.
- 4.10.4 The development must be carried out at all times in accordance with the approved BMP.

## **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).
- 5.1.2 A preliminary assessment of the plans submitted with the application has disclosed that the following design and/or construction issues need to be addressed prior to the issue of any Construction Certificate to ensure compliance with the Building Code of Australia:
- (a) Part D, E, F, H.

## **6 Prior to Construction Certificate (Environmental Health)**

### **6.1 Environmental Management**

- 6.1.1 The recommendations provided in the Environmental Noise Impact Assessment prepared by Day Design Pty Ltd, Report Number 6300-1.1R, Revision A, dated 13 February 2018, shall be demonstrated on the Construction Certificate documentation and implemented accordingly.
- 6.1.2 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 LAeq 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

- 6.1.3 All areas potentially/contaminated shall be remediated. As per the recommendations of the Detailed Site Investigation, prepared by Martens & Associates Pty Ltd, report no. P1706052JR03V01, a Remediation Action Plan shall be prepared or amended following the demolition of all site dwellings to remediate any soil contamination on the site as all areas potentially/contaminated must be remediated. Upon completion of remediation an appropriately qualified Geoscientist must prepare a site contamination validation report in accordance with:

- NSW Office of Environment and Heritage's *Guidelines for Consultants Reporting on Contaminated Sites* (2011)
- NSW Environment Protection Authority's *Contaminated Sites Sampling Design Guidelines* (1995).
- Australian and New Zealand Environment and Conservation Council and National Health and Medical Research Council's *Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites* (1992).
- National Environment Protection (Assessment of Site Contamination) Amendment Measure 2013 (No. 1), National Environment Protection Council, 2013.

- 6.1.4 In accordance with section 68 of the *Local Government Act 1993* an 'Application for Approval to Install, Construct or Alter a Septic Tank or Sewage Management System' shall be submitted to, and approved by Council's Environmental Health Officer prior to any works commencing on site for Stage 1.

## 6.2 Food Premises

- 6.2.1 If any food or public health related commercial activities are to be undertaken, plans and specifications submitted for issue of the relevant Construction Certificate shall demonstrate compliance with the requirements of:
- Food Act 2003 and Regulations there under.
  - Australian Standard 4674-2004 *Design, construction and fit-out of food premises*.  
The plans are to be approved by Council's Environmental Health Officer.

## 7 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

### 7.1 General

- 7.1.1 All relevant conditions within the 'Prior to Construction Certificate' section of this consent shall be satisfied before any Construction Certificate can be issued.
- 7.1.2 The engineering drawings referred to below are not for construction. The Construction Certificate/Subdivision Works Certificate drawings shall be generally in accordance with the approved drawings and conditions of consent. Any significant variation to the design shall require a section 4.55 application

Construction Certificate/Subdivision Works Certificate plans shall be generally in accordance with the following drawings and relevant Consent conditions:



Prepared By	Project No.	Drawing No.	Revision	Dated
Martens & Associates P/L	P1706052	PS02- A000	P	15/09/2020
		PS02- B100	D	
		PS02- B300	N	
		PS02- B310	G	
		PS02- C100	N	
		PS02- C500	N	
		PS02- C600	G	
		PS02- D100	F	
		PS02- D101	C	
		PS02- D150	A	
		PS02- D200	D	
		PS02- D201	A	
		PS02- D202	A	
		PS02- E100	O	
		PS02- E101	I	
		PS02- E200	K	
		PS02- E201	F	
		PS02- E202	G	
		PS02- E203	D	
		PS02- E204	B	
		PS02- E300	G	
		PS02- E301	C	
		PS02- E305	G	
		PS02- E600	K	
		PS02- E700	K	
		PS02- E701	B	
		PS02- E702	A	
		PS02- G200	H	
		PS02- ZZ00	D	

The following items are required to be addressed on the Construction Certificate plans:

- i. Appropriate tail-out drainage lines to ensure compliant drainage of all internal and external catchments, along with owner's consent for any works on adjoining land owned by others.

- ii. Reconfiguration of any pipelines that propose to encroach on future building footprints to ensure that all pipelines remain clear of all future building footprints. This includes the temporary pipeline shown on the abovementioned plans.
- iii. Detailed civil design for all road and drainage works required by this consent, including future roads dictated under the draft 'North West Growth Centre - Marsden Park North' precinct plan.

## 7.2 Subdivision Works/Construction Certificate Requirements

7.2.1 Under the *Environmental Planning and Assessment Act 1979* a Subdivision Works/Construction Certificate is required. These works include but are not limited to the following:

- Road and drainage construction
- On-site stormwater detention
- Water quality treatment
- Earthworks
- Path Paving (within a subdivision)

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

## 7.3 Local Government Act Requirements

7.3.1 Under *Section 68 of the Local Government Act 1993* an approval for engineering work is required. These works include but are not limited to the following:

- Any works on adjoining land (outside the subject site boundaries)
- Inter-allotment drainage on adjoining land

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

## 7.4 Roads Act Requirements

7.4.1 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 Excelsior Avenue

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

## 7.5 Other Engineering Requirements

- 7.5.1 If the estimated cost of civil works is \$25,000 or greater, proof of long service levy payment is required. Evidence of payment must be accompanied by a bill of quantities for all civil works being undertaken within the scope of the construction certificate.
- 7.5.2 Any ancillary works undertaken shall be at no cost to Council.
- 7.5.3 Submit written permission from the affected property owner for any works proposed on adjoining land.
- 7.5.6 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.

- 7.5.7 Submit a Public Utilities Plan demonstrating adequate clearance between services to stormwater pits, pipes, driveways, light poles, etc.

## 7.6 Roads

- 7.6.1 Submit a pavement report prepared and designed by a professional civil engineer with soil tests carried out by a registered NATA soils laboratory. The pavement design shall withstand the traffic loadings listed in this consent.

Note: The design CBR is to be confirmed on site prior to placement of any pavement. If actual CBR is less than design CBR, revised pavement design will be required.

- 7.6.2 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 Transport for NSW (Roads and Maritime) Work Zone Traffic Management Plan accreditation and photo card.
- 7.6.3 Any approved design drawings must show a 5 m x 5 m splay for residential allotments at each street intersection.
- 7.6.4 Proposed new road to the northern property boundary shall be designed and constructed as follows:

Name	Width (m)	Length (m)	Formation (m)	Traffic Loading N(E.S.A)
21-MRC02	9.0 (half-width 18m road)	Full length along northern boundary	5.5 – 3.5	5 x 10 <sup>5</sup>

- 7.6.5 Half width road with a minimum 6.5m width of pavement for the full road frontage of the development is required (i.e. Excelsior Ave). These construction works include drainage, kerb and gutter, footway turfing, service adjustments and any other ancillary work necessary to make this construction effective and orderly. The existing Excelsior Avenue road reserve shall be designed and re-constructed to achieve an ultimate cross-section of 22m in width, with a 13m carriageway, and traffic loading of 1 x 10<sup>6</sup> N(E.S.A).

## 7.7 Drainage

- 7.7.1 The applicant is to demonstrate that there is a safe and legal conveyance of stormwater flows from the subject development (for the 2 to 100 year ARI storm events) to the closest legal point of discharge. No downstream property is to be negatively impacted by stormwater conveyance from the subject site. This may require the applicant to conduct works within downstream properties (subject to property owner consent) and to demonstrate that the necessary easements to drain water and/or overland flow have been registered. These works will require a separate approval under the Local Government Act 1993 by Council.
- 7.7.2 Footings adjacent to easements shall not place a load on the pipe within the easement. Footings shall be:
- at the depth of the invert of the existing pipeline,
  - at the depth of the invert of any proposed pipeline
  - designed and certified by a practising NER structural engineer to ensure the above is satisfied

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

- 7.7.3 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.

- 7.7.4 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.

## 7.8 **Signage and Line Marking**

- 7.8.1 A formal submission must be made to the Local Traffic Committee (LTC) through Council's Traffic Engineering department for all signage and line marking details proposed as part of these works.

A determination will be required prior to the implementation of all signage and line marking works.

## 7.9 **Special inter-allotment drainage requirements under the Local Government Act**

- 7.9.1 The following items must be satisfied under the *Local Government Act 1993* prior to issuing of any Construction Certificate:

- a) Evidence of the creation and registration of an appropriately sized easement for stormwater drainage on adjoining land.

## 7.10 **Erosion and Sediment Control**

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

## 7.11 **Earthworks**

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

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

## 7.12 **On-Site Detention**

- 7.12.1 On-site detention system shall be designed in accordance with the parameters set out in Council's Water Sensitive Urban Design Standard Drawings A(BS)175M On-site detention requirements - Sheet 20, or an S3QM Certificate

- 7.12.2 The on-site detention systems shall be generally 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 = 300 m<sup>3</sup>/ha
- Volume up to 100 year ARI TWL = 455 m<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:

7.12.3 A r e g i s	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	300	176	455
	5	37.0	300	162	455
	7.5	35.5	300	148	455
	10	34.0	300	134	455
	12.5	32.5	300	120	455
	15	31.0	300	106	455

tered engineer (NER) must certify 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.
- The on-site stormwater detention system will perform to meet the on-site stormwater detention requirements and function hydraulically in general 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.

- 7.12.4 The following documents shall be submitted to accompany the on-site detention design in accordance with the design:

- Comprehensive drainage drawings with cross-sectional details of the storage area, pit numbers, pipe sizes, catchment plan, etc.
- On-site detention detailed design submission and calculation summary sheet
- A maintenance schedule that complies with Council's Water Sensitive Urban Design maintenance guidelines, signed and dated by the designer
- S3QM Deemed to Comply On-site detention summary details

## 7.13 Stormwater Quality Control

- 7.13.1 Stormwater quality treatment system shall be designed in accordance with Council's Engineering Guide for Development and DCP [Part J - Water Sensitive Urban Design and Integrated Water Cycle Management](#).

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

- 7.13.3 Bio-retention basin(s) to be designed in accordance with Council's Water Sensitive Urban Design standard drawings and Council's Engineering Guide for Development and DCP [Part J - Water Sensitive Urban Design and Integrated Water Cycle Management](#).

## 7.14 Vehicular Crossings

- 7.14.1 Plans to demonstrate the construction a commercial and industrial vehicular crossing to Council's standard A(BS)103S.

## 7.15 Footpaths

- 7.15.1 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 2018 and as follows:

Street Name	Side	Paving Width	Length
21-MRC02	Southern	1.5m	Full length

- 7.15.2 Construct shared user paths (including signage and linemarking) in accordance with Part 6A (Paths for Walking and Cycling) 2017 of Austroads "Guide to Road Design" and the RMS NSW Bicycle Guidelines – July 2005, as follows:

Street Name	Side	Cycle-way Width	Length
Excelsior Ave	Northern	2.5m	Full frontage

## 7.16 Other Drainage Matters

- 7.16.1 Provide a letter of agreement from the adjoining property owner for a tail out drain over their property for the discharge from the site. The agreement can be from either 8/L/193074 (55 Excelsior Ave), or 42/805146 (170 Clifton Road).
- 7.16.2 Revised drainage plans by Martens & Associates Project No. P1706052-PS02 are to be amended as follows:
- The outlet at 1A101-01 is lower than the current boundary level. Show a tailout drain on the downstream property to allow a free discharge from 1A101-01. Indicate grade, width and extent.
  - Lower the discharge outlet invert level at 1A604-01 from RL 29.435 to RL 29.285 and amend the invert levels of Line 1A604 on drawing no. E300 (G).
  - Show the outlet pipe from 1A604-03 to 1A604-01 as a 375, or 450 mm RCP. Check capacity and the upstream hydraulic grade line.
  - On drawing no. E201 (F) at Stormfilter Chamber Overflow-Section C, set the weir level 540mm higher than the top of false floor level (700 from base).
  - Provide orifice plate details with dimensions for OSD 1 tank and OSD 2 basin.
  - On drawing no. E202 (G) at Section B of OSD 2 (Basin), provide surcharge grates to the control pit and overflow pit.
  - The orifice within the Discharge Control Pit is to be protected by a suitable screen. Provide Maximesh Rh3030 for orifice diameters 150 mm or less with a minimum area of 50 times the orifice area and Weldlok F40/203 for orifices 150 mm diameter or more with a minimum area of 20 times the orifice area.
  - Increase the total roof area draining to 3x10 kL rainwater tanks to 950 m<sup>2</sup>.
  - Increase the roof area draining to the 10 kL rainwater tank to 300 m<sup>2</sup>.
  - Design the gutter systems and downpipes to carry 1% AEP (100 year ARI) flows from the roof areas to the rainwater tanks. Size the rainwater tank overflow pipes to the detention system to carry 1% AEP flows.
  - Charge line cleanout pits are to be provided at the low point of all charge line systems for the above ground rainwater tanks to facilitate cleaning of the system. The pit is to be a minimum of 2 m away from any upstream connection. The charge line pipes are to use PVC, solvent welded, with all exposed pipes fully painted. The charge line outlet is to have a 5 mm dribble hole and sealed screw cap.
  - On drawing E203(D) at *Section B* provide 4 x 50 mm seepage pipes through the side of the pit with the invert set at the base of the filter media to assist in

draining the pit. Delete the 100 mm outlet pipe with gate valve discharging to the downstream pit. Show two subsoil lines in the gravel layer.

- xiii. On drawing E203(D) at *Treated Flow Outlet System* delete the 100 mm outlet pipe with gate valve (shown shaded) discharging from the upstream pit. Show 15 mm fall across the base of the pit.
  - xiv. Provide Floodway Warning Signs for the bioretention systems and above ground detention area in accordance with Plan A(BS)114S from Council's Engineering Guide for Development 2005.
  - xv. Confined space entry warning signs are to be detailed on the drainage plans adjacent to OSD 1 tank in accordance with Council's Engineering Guide for Development 2005.
  - xvi. Provide on-site detention (OSD) warning signs as per the Upper Parramatta River Catchment Trust guidelines
  - xvii. Provide finished levels along the future front boundary line when the road is widened allowing for a future road profile and the 4% grade across the footpath.
- 7.16.3 Provide details for permanent coloured interpretive signage minimum A1 size to be installed to highlight the water quality improvement, water conservation and on-site detention 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, on-site detention basin 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 are to be generally in accordance with Council's website and be approved by Council.
- 7.16.4 The retaining walls adjacent to the bioretention Basins are to be designed and certified by a Structural Engineer registered with NER to extend below the zone of influence allowing for future excavation of the bioretention basin to below the base of the gravel layer and be self-supporting (allowing for overturning and sliding), where the basin media including the gravel is removed and replaced for maintenance.
- 7.16.5 For Stage 1B within OSD 1 Tank provide a Stormfilter Construction Estimate for the connection of the underdrains to the outlet, pouring of the false floor, installation of the eighteen 460 Stormfilters in the Stormfilter chamber, fitting of non-return flap on the 150 mm pipe, installing maximesh screen over the 150 mm pipe and removal of 1.5-year orifice and screen and sealing the opening where the 1.5 year orifice discharged.
- 7.16.6 Revised Landscape plans are required in accordance with the Council's WSUD Standard Drawings A(BS)175M Sheet 12 that include appropriate species for each bioretention system. Planting within the filter area should incorporate several growth forms, including shrubs and tufted plants and be densely planted (tufted plants at a minimum of 10 plants per square metre) to ensure plant roots occupy all parts of the media. To ensure diversity and disease resistance a minimum of 6 different species is required planted as a matrix for each bioretention system. No mulch is permitted over the bioretention however jute mat is accepted. Where the banks of the basin are turfed a minimum 200 mm wide concrete mowing strip is required adjacent to the bioretention to minimise grass intrusion into the bioretention.
- 7.16.7 An experienced chartered hydraulic engineer is to prepare and certify a detailed Non-Potable Water Supply and Irrigation Plan for non-potable water uses on the site including all toilet/urinal flushing and landscape watering and that all Sydney Water requirements have been satisfied. The plan is to show the rainwater pipe and tanks arrangement including:
- i) a first flush or pre-treatment system (typically 0.2 litres / m<sup>2</sup> of roof area going to the tank for a first flush),
  - ii) a pump with isolation valves;
  - iii) a solenoid controlled mains water bypass;

- iv) **flow meters** on the solenoid controlled mains water bypass line and the pump outflow line, to determine non-potable usage and actual percentage reuse;
- v) an inline filter and preferably an automatic backwash inline filter;
- vi) a control panel with warning light to indicate pump failure;
- vii) a timer and control box for landscape watering and
- viii) an irrigation watering plan allowing for a minimum of 230 kL/yr and accounting for seasonal variations;
- ix) providing a minimum tank size of 40 kL in total;
- x) ensuring all the rainwater reuse pipes and taps are coloured purple.
- xi) All reuse taps accessible by children are to be lockable or have removable handles;
- xii) fitting rainwater warning signs to all external taps using rainwater.

7.16.8 Amended architectural plans are required for buildings, or parts of buildings, that are not affected by BASIX, to demonstrate compliance with the minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme for any water use fittings. Minimum WELS ratings are:

- i. 4 star dual-flush toilets;
- ii. 3 star showerheads;
- iii. 5 star taps (for all taps other than bath outlets and garden taps);
- iv. 3 star urinals; and
- v. 3 star water efficient washing machines and dishwashers are to be specified.

## **8 PRIOR TO DEVELOPMENT WORKS COMMENCING**

### **8.1 Notification to Council**

- 8.1.1 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.
- 8.1.2 At least 5 full working days written notice must be given for the commencement of engineering works. Such notice must be accompanied by evidence of the contractors Public Liability and Workers Compensation Insurances. For Public Liability Insurance this should be a minimum amount of \$20,000,000.

### **8.2 Adjoining Owners**

- 8.2.1 Written permission from the respective owner(s) must be obtained to:
  - (a) discharge stormwater onto adjoining owner's land.
  - (b) carry out works on adjoining land.
  - (c) drain the site across land owned by others.

A copy of such written permission shall be lodged with Council.

## **9 PRIOR TO DEMOLITION AND DEVELOPMENT 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 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.

- 9.1.3 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.

- 9.1.4 Should the demolition and 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.

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

- 9.1.6 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.

- 9.1.7 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.

- 9.1.8 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.
- 9.1.9 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.

## **9.2 Notification to Council**

- 9.2.1 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.
- 9.2.2 At least five (5) full working days written notice must be given for the commencement of engineering works. Such notice must be accompanied by evidence of the contractors Public Liability and Workers Compensation Insurances. For Public Liability Insurance this should be a minimum amount of \$10,000,000.

## **9.3 Notification to Adjoining Neighbours**

- 9.3.1 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)

## **9.4 Tree Protection**

- 9.4.1 Any tree not approved for removal or more than 3 m from the building perimeter is to be effectively protected against damage.

## **9.5 Sydney Water Authorisation**

- 9.5.1 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 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 must be appropriately stamped and all amended plans will require restamping. For further information please refer to the "Developing Your Land" section of the website: [www.sydneywater.com.au](http://www.sydneywater.com.au), or telephone 1300 082 746 for assistance.

## **10 During Demolition Works**

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

- 10.1.1 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.
- 10.1.2 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.
- 10.1.3 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.
- 10.1.4 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.
- 10.1.5 Soil erosion and sediment control measures shall be maintained in accordance with Council's Soil Erosion and Sediment Control Policy.
- 10.1.6 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.
- 10.1.7 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)
- 10.1.8 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.

### **10.2 Nuisance Control**

- 10.2.1 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.

## **11 During Construction (Building)**

### **11.1 Safety/Health/Amenity**

- 11.1.1 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.

- 11.1.2 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.
- 11.1.3 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.
- 11.1.4 Soil erosion and sediment control measures (including the connection of roofwater downpipes to stormwater drainage lines upon fixing of roof covering) shall be maintained during the development works.
- 11.1.5 All measures specified in the Construction Certificate to control soil erosion and sedimentation shall be maintained throughout development works.
- 11.1.6 A single vehicle/plant access to the land shall be maintained to minimise ground disturbance and transport of soil onto any public place. Such access shall be maintained in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. As a minimum, single sized 40mm or larger aggregate placed 150mm deep, and extending from the street kerb/road shoulder to the land shall be provided.
- 11.1.7 Any excavation and/or backfilling associated with the ongoing development works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.
- 11.1.8 Should any excavation associated with the ongoing development works extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:
- (a) shall be preserved and protected from damage, and
  - (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
  - (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting works be given notice of such intention and particulars of the excavation or supporting works.
- 11.1.9 Building and construction materials, plant, equipment and the like shall not to be placed or stored at any time on Council's footpath, roadway or any public place.

## 11.2 Building Code of Australia Compliance

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

### **11.3 Surveys**

11.3.1 The building(s) shall be set out by a registered surveyor and a survey report lodged with the Principal Certifying Authority to verify the approved position of each structure in relation to the property boundaries.

11.3.2 A registered surveyor's report indicating that the required minimum Australian Height Datum floor level has been achieved, shall be lodged with the Principal Certifying Authority prior to work proceeding above floor level.

11.3.3 A registered surveyor's report confirming the approved design ground and/or floor levels, shall be lodged with the Principal Certifying Authority prior to work proceeding above floor level.

### **11.4 Nuisance Control**

11.4.1 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.

11.4.2 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.

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

### **11.5 Waste Control**

11.5.1 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.

### **11.6 Tree Protection**

11.6.1 The measures required to effectively protect trees on the land shall be maintained throughout the development works.

### **11.7 Construction Inspections**

11.7.1 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.

## **11.8 Vehicular Crossings**

- 11.8.1 Any vehicular crossing of the footway shall be maintained a minimum of 6 m from the tangent point of the kerb return on a corner allotment. The vehicular crossing shall also be maintained at least 1 m clear of any stormwater gully pit and clear of any other utility surface infrastructure.

## **11.9 Site Cut and Fill levels**

- 11.9.1 The extent of cut and fill on the development site is restricted to that which is indicated on the approved plans. Any ground re-shaping by cut and/or fill shall not compromise the structural integrity of any adjacent building, structure or service conduit on the subject or adjoining land.

# **12 DURING CONSTRUCTION (ENGINEERING)**

## **12.1 Notification of Works**

- 12.1.1 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.
- 12.1.2 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.

## **12.2 Insurances**

- 12.2.1 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 Indemnity and Workers Compensation.

## **12.3 Service Authority Approvals**

- 12.3.1 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.

#### **12.4 Boundary Levels**

- 12.4.1 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.

#### **12.5 Tree Protection and Preservation**

- 12.5.1 Existing vegetation and trees shall be left undisturbed except where roads, stormwater drainage infrastructure, site filling and/or building works are proposed.
- 12.5.2 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.
- 12.5.3 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.
- 12.5.4 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.

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

- 12.6.1 Soil erosion and sediment control measures onsite shall be implemented, maintained and monitored in accordance with Council's Soil Erosion and Sediment Control Policy.
- 12.6.2 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.
- 12.6.3 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.

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

- 12.7.1 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.
- 12.7.2 Special attention is drawn to the below listed requirements of Council's Works Specification - Civil (Current Version).

- a) Compaction certificates for fill within road reserves.
- b) Compaction certificates for road sub-grade.
- c) Compaction certificates for road pavement materials (sub-base and base courses).
- d) 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) Applicant to submit material compliance documentation in accordance with Council's Civil Works Specification 8.1.4
  - Compliance Certificate and Test Results
  - Delivery Dockets
  - Summary of Material deliveries as per template available on Council's website

Note: Council's Works Specification (Civil) requires road pavement and pipe bedding materials be sourced from N.A.T.A. certified stockpiles.

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

- 12.7.3 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.
- 12.7.4 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.
- 12.7.5 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.
- 12.7.6 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.
- 12.7.7 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.
- 12.7.8 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.

## 12.8 **Filling in Contaminated Land**

- 12.8.1 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.
- 12.8.2 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.

- 12.8.3 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.

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

- 12.9.1 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, compliance certificates issued by accredited certifiers in lieu of council inspections will only be accepted by prior agreement or by Council request. 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.

**12.10 Inspection of Engineering Works - Roads Act 1993 or Local Government Act 1993**

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

Inspections must be pre-booked with a minimum 24 hours' notice. Councils Development Overseers may be contacted on 02 9839 6586 between 6 am – 7 am, 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).

**12.11 Public Safety**

- 12.11.1 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.

**12.12 Site Security**

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

**12.13 Traffic Control**

- 12.13.1 Any "Traffic Control Plan" utilised for engineering works required by this consent must be prepared by a person who holds a current Transport for NSW (Roads and Maritime) Work Zone Traffic Management Plan accreditation and photo card 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 - 2009.

- 12.13.2 Traffic control devices/facilities (i.e. barricades, signs, lights, etc.) required by the certified Traffic Control Plan must be setup, installed, monitored and maintained and by a person who holds a current Transport for NSW (Roads and Maritime) accreditation and photo card to implement Traffic Control Plans.
- 12.13.3 Persons undertaking the control of traffic through or around work sites on Council controlled roads must hold a current Transport for NSW (Roads and Maritime) Traffic Controller accreditation and photo card and carry it with them.
- 12.13.4 The applicant is advised that prior to implementation of any traffic control system and during the entire course of construction suitably qualified Transport for NSW (Roads and Maritime) 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 - 2009.
- 12.13.5 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 person who holds a current Transport for NSW (Roads and Maritime) accreditation to prepare a Work Zone Traffic Management Plan. This Plan must satisfy all the requirements of AS 1742.3 – 2009 and the current version of the RMS *Traffic Control at Work Sites* manual and shall be submitted to Council prior to implementation.

#### 12.14 Powder Coated Furniture

- 12.14.1 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.

#### 12.15 Road Line Marking and Traffic Signage

- 12.15.1 Prior to the implementation of any road line marking and traffic signage required by this development the applicant shall acquire an approved construction certificate for the line marking and traffic signage plan arrangement.

In this regard, the applicant shall provide evidence to the certifying authority in order to demonstrate that the proposed line marking and traffic signage plan has approval from the local traffic committee and has been adopted by Ordinary Council Meeting.

Note: all recommendations by the local traffic committee and Ordinary Council Meeting shall be reflected within the construction certificate for line marking and traffic signage.

#### 12.16 Other Drainage Matters

- 12.16.1 The 9 (nine) 200-micron OceanGuards and 18 (eighteen) 460 mm high Stormfilter cartridges supplied by Ocean Protect are not to be reduced in size or quantity, nor replaced with an alternate manufacturer's product.
- 12.16.2 Provide certification prior to placement of the liner for the bioretention that the minimum filter area for each basin has been achieved excluding all pits and scour protection and that the base is free of rocks and debris.

- 12.16.3 Provide certification prior to placement, that the bioretention filter media ex-bin has:
  - i. A minimum hydraulic conductivity as defined by ASTM F1815-11 of 250 mm/hr (actual, not predicted)
  - ii. A maximum hydraulic conductivity as defined by ASTM F1815-11 of 700 mm/hr (actual, not predicted)
  - iii. A pH between 5.5 to 7.
  - iv. An Orthophosphate content < 20 mg/kg
  - v. A Total Nitrogen content < 900 mg/kg
  - vi. Is not hydrophobic.
- 12.16.4 Provide certification prior to placement in the bioretention basin, that the transition layer material ex-bin:
  - i. Is a clean, washed well-graded coarse sand or coarse sand blend containing little or no fines (< 2%), and
  - ii. Satisfies the bridging criteria  $D_{15}(\text{transition layer}) \leq 4 \times D_{85}(\text{filter media})$  where:  $D_{15}$  is the 15th percentile particle size in the transition layer material (i.e., 15% of the sand is smaller than  $D_{15}$  mm), and  $D_{85}$  is the 85th percentile particle size in the filter media.
  - iii. Satisfies the hydraulic conductivity criteria  $D_{15}(\text{transition layer}) \geq D_{15}(\text{filter media}) \times 3$ .
- 12.16.5 Provide certification prior to placement in the bioretention basin, that the drainage layer material ex-bin:
  - i. Is a clean washed 5-7 mm gravel, such as washed screenings.
  - ii. Satisfies the bridging criteria  $D_{15}(\text{drainage layer}) \leq 4 \times D_{85}(\text{transition layer})$  where:  $D_{15}(\text{drainage layer})$  is the 15th percentile particle size in the drainage layer material (i.e., 15% of the gravel is smaller than  $D_{15}$  mm), and  $D_{85}(\text{transition layer})$  is the 85th percentile particle size in the transition layer material.
  - iii. Satisfies the hydraulic conductivity criteria  $D_{15}(\text{drainage layer}) \geq D_{15}(\text{transition layer}) \times 3$ .
- 12.16.6 No fertiliser or additional nutrient material is to be provided to the bio-retention basin filter area during planting of the tube stock, or at any time.
- 12.16.7 An engineer is to certify that the installation of the liner, subsoil pipes and each layer of the bioretention matches the design requirement. Include photo evidence.
- 12.16.8 The filter media in the bio-retention area is not to be installed or bio-retention plants installed until all the building works, internal road, car park pavement and driveways have been completed.
- 12.16.9 A plumber licensed with NSW Fair Trading is to undertake flow testing of the non-potable water reuse system to verify that all the toilets are capable of being supplied by rainwater and that there is no cross mixing with the potable water supply.

## **13 During Construction**

### **13.1 Environmental Management**

- 13.1.1 Any asbestos material is to be handled and treated in accordance with the WorkCover document "*Your Guide to Working with Asbestos - Safety guidelines and requirements for work involving asbestos*" dated March 2008.
- 13.1.2 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 (NSW) 1997* and the *NSW Environment Protection Authority's Waste Classification Guidelines (2014)*.

- 13.1.3 Written evidence is to be provided to Council from an appropriately qualified acoustic consultant stating that all plant and equipment have been selected to meet the project noise criteria.
- 13.1.4 Should any contaminated material be unearthed or fly-tipped rubbish be encountered during construction, all works are to cease immediately. In this situation, a Remediation Action Plan (RAP) is to be submitted to Council's Manager Development Assessment for further consideration and all potentially contaminated material is to be tested, removed or undergo remediation. In this regard, the environmental consultant engaged for this project is to be on site for regular monitoring of the approved site works.

## **13.2 European Heritage**

- 13.2.1 If, during the course of construction, the applicant or persons acting on this consent become aware of any previously unidentified heritage object(s), all work likely to affect the object(s) shall cease immediately and the Heritage Council of New South Wales shall be notified immediately in accordance with section 146 of the *Heritage Act 1977*. Relevant works shall not recommence until written authorisation from the Heritage Council is issued.

## **13.3 Aboriginal Heritage**

- 13.3.1 If, during the course of construction, the applicant or persons acting on this consent become aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) shall cease immediately and the NSW Office of Environment & Heritage informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974*. Relevant works shall not recommence until written authorisation from the NSW Office of Environment and Heritage is received by the Applicant. In addition, a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.

## **13.4 Protection of Fauna**

- 13.4.1 It is the responsibility of the developer to ensure that the removal of hollow-bearing trees or trees containing nests is conducted with due regard to any fauna present. In the event that fauna is evident an ecologist shall be engaged on-site to undertake appropriate relocation any fauna.

## **13.5 Removal of Dams**

- 13.5.1 Any dam on site shall be de-watered in stages. All native fauna located within and surrounding the dam shall be collected by an appropriately qualified and licensed ecologist. Any captured native fauna shall be relocated to a suitable location managed by the applicant or as nominated by Council. Details shall be submitted to Council, including photographs, surveys and diary entries of species found and details of relocation.

## **13.6 Retaining Walls**

- 13.6.1 All proposed new retaining walls shall be made of masonry material. Where these walls are to be visible from a public place or road they are to be finished in a decorative appearance and not plain blockwork.

## **13.7 Construction Staging**

- 13.7.1 The development is permitted to be constructed and occupied in a phased/staged manner, in accordance with the Site Plan Stage 1A & 1B, DA-104, Revision E, dated 17.08.2020, Site Plan Stage 2, DA-105, Revision D, dated 05.05.2020 and Site Plan Stage 3, DA-106, Revision B, dated 05.05.2020.

# **14 PRIOR TO OCCUPATION CERTIFICATE PLANNING**

## **14.1 Compliance with Conditions**

- 14.1.1 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.

- 14.1.2 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 6.8 of the *Environmental Planning & Assessment Act 1979*.

#### **14.2 Temporary Facilities Removal**

- 14.2.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 14.2.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 14.2.3 Any temporary soil erosion control measure installed during development works shall be removed and other permanent measures required by Council's Soil Erosion Control Policy shall be provided.
- 14.2.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 14.2.5 Any temporary site access provided for the purpose of development works shall be removed and the kerb and gutter and/or previous roadworks reinstated in a manner satisfactory to Council. Should the reinstatement involve the provision of a new vehicular crossing, layback, kerb and gutter or road shoulder works the separate approval of Council's Maintenance Section shall be obtained (and any appropriate fees paid) prior to such works commencing.

#### **14.3 Fire Safety Certificate**

- 14.3.1 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).
- 14.3.2 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).

#### **14.4 Acoustic and Vibration Impacts - Environmental Health**

- 14.4.1 Prior to the occupation / operation of each of the approved stages of this development, certification must be provided by a qualified acoustic engineer that all work associated with the building (including walls, all door and window openings and the roof), installation of the acoustic measures and noise attenuation, and acoustic fencing has been completed in accordance with the certified design and to the standard required by this consent. This certification is required to consider the operation of the premises and all associated plant and equipment to ensure it satisfies the relevant policies during the day and night periods with regard to noise and vibration impacts. Should any neighbouring properties or residential receivers be adversely impacted with regard to excessive noise and vibration impacts, improved acoustic mitigation measures are required to be introduced.
- 14.4.2 A sign is to be displayed in the building on a prominent notice board/s requesting that patrons leave the premises and car park in a quiet manner that is mindful of the

surrounding residential area.

## **14.5 Other Matters**

- 14.5.1 The landscaped areas for each stage are to be provided in accordance with the amended landscaping design plan prior to the issue of the Occupation Certificate for the relevant stage.
- 14.5.2 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 14.5.3 All required internal driveways/aisles and car parking spaces for the use of staff and visitors shall be line-marked, and the permanent car parking spaces are to be sealed with a hard standing, all-weather material to a standard suitable for the intended purpose, being 64 spaces for Stage 1A and a total of 128 spaces for Stage 2.
- 14.5.4 Appropriate way finding signage is to be erected which directs staff, visitors and delivery vehicles to the appropriate locations.
- 14.5.5 All privacy screening measures and boundary fencing detailed on the approved plans are to be installed and completed prior to the issue of any Occupation Certificate. The acoustic barrier fencing along part of the south-western boundary is to be erected as per the approved Elevation Plans with a height of 1.8 m at the boundary line (and is to be constructed of a noise attenuating design and material, such as 50 mm thick wall panels), with a further 1 m height above (to a total height of 2.8 m and constructed of a noise attenuating design and material such as 25 mm thick transparent Plexiglass which is visually permeable) and angled inwards at a 45 degree angle. The acoustic barrier fencing is to be erected wholly within the development site.
- 14.5.6 New 2.1 m high lapped and capped fencing is to be provided to both side boundaries to maximise privacy to neighbours.
- 14.5.7 Only open style decorative powder coated metal palisade fencing is to be provided to the north and southern boundaries after road widening is provided.

## **14.6 Street Tree Planting**

- 14.6.1 Prior to the issue of the final Occupation Certificate, all required street tree planting and payments of bonds are to be completed to Council's Maintenance Section satisfaction.

## **14.7 Maintenance Plans**

- 14.7.1 A "total" maintenance plan is to be prepared for the site. The plan is to ensure the following:
  - (a) The long term up-keep and cleanliness of the development, to ensure all buildings, driveways and aisles, car park areas, fencing, soft and hard landscaping, outdoor play areas, security systems, business identification signage, directional signage, lighting, plant and equipment, loading areas and services are regularly inspected and maintained at optimum levels at all times.
  - (b) That security, cleanliness and general repairs are managed appropriately, and that areas are not left unattended for long periods thereby substantially increasing the opportunity for graffiti or anti-social behaviour. Any unwanted "junk mail" is to be collected on a regular basis and disposed of as necessary.
  - (c) The development is always managed by a Building Manager / Caretaker.A copy of the Plan is to be submitted to Council prior to the release of any Occupation Certificate.



- 14.7.2 A "Graffiti Management Plan" is to be submitted for the separate approval of Council. The Plan is to address the following issues:
- (a) Methods to minimise the potential for graffiti;
  - (b) Management/notification procedures for the "early" removal of graffiti;
  - (c) Annual review of any "management agreement" for the removal of graffiti to ensure the property is maintained at its optimum level; and
  - (d) Maintenance of suitable landscaping to minimise the potential for graffiti attacks.
- 14.7.3 An "Event Management Plan" is to be submitted for the separate approval of Council. The Plan is for any events held at the development with over 150 staff and guests and address the following issues:
- (a) Traffic management measures to ensure vehicles entering and exiting the site do not impact on the operation of surrounding public roads;
  - (b) Crowd management measures; and
  - (c) Measures to communicate to guests and staff that their behaviour and level of noise is to be low so as to be considerate to neighbouring residents/occupants, especially when leaving the premises.

#### **14.8 Service Authorities**

- 14.8.1 A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of any Occupation Certificate. Applications must be made through an authorised Water Servicing Coordinator. 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. Documentary evidence of the Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the occupation of the development.
- 14.8.2 The applicant shall obtain a Trade Waste Approval from the Sydney Water Corporation Limited in relation to any discharges to the Corporation's sewerage system.
- 14.8.3 A "Notification of Arrangement" Certificate from a recognised energy provider, stating that electrical services, including the provision of street lighting, have been made available to the development is to be submitted to Council prior to the issue of any Occupation Certificate.
- 14.8.4 A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.

#### **14.9 Vehicular Access to the Development for Stages 2 and 3**

- 14.9.1 Prior to the issue of any occupation certificate for the Stage 2 works as demonstrated on DA-105 Site Plan - Stage 2 Plan, Revision D, dated 5 May 2020, if the new public road along the eastern boundary of the site in 55 Excelsior Avenue, Marsden Park (Lot 8, Section L, DP 193074) is completed in line with the gazetted Marsden Park North Precinct Plan, the driveway access is to be provided via the new public road at 55 Excelsior Avenue. The existing driveway Stage 1 access via Excelsior Avenue is to be removed and landscaped as shown on the Site Plan – Stage 3 Plan, Revision B, dated 5 May 2020.
- 14.9.2 At any time, if the new public road along the northern boundary of the site is completed

in line with the gazetted Marsden Park North Precinct Plan, driveway access is to be provided via the new public road to the north, as shown on Site Plan – Stage 3 Plan, Revision B, dated 5 May 2020.

- 14.9.3 All the acoustic measures are to be completed for each respective stage and a Verification Certificate from the Acoustic Consultant is to be issued for each stage accordingly.
- 14.9.4 The Bio-septic effluent system is to be operational and approved by Council's Environmental Health unit prior to an Occupation Certificate for Stage 1 is issued.

## **15 PRIOR TO OCCUPATION CERTIFICATE - ENGINEERING**

### **15.1 Engineering Matters**

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

- 15.1.1.1 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 colour soft copy (on a CD/USB with file format .PDF) of the WAE plans are to be submitted to Council. All engineering WAE plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works.
- 15.1.1.2 The Work-as-Executed (WAE) plan must confirm that the On Site Detention system identification plate has been installed in accordance with the Upper Parramatta River Catchment Trust Guidelines.
- 15.1.1.3 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.
- 15.1.1.4 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.
- 15.1.1.5 A Certificate from a Registered Engineer (NER) must be lodged with Council verifying that pier and beam style construction was used adjacent to the easement to the depth of the invert of the pipeline.
- 15.1.1.6 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.
- 15.1.1.7 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.
- 15.1.1.8 Applicant is to compile and 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 road sub-grade.
  - c) Compaction certificates for road pavement materials (sub-base and base courses).
  - d) 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) Applicant to submit material compliance documentation in accordance with Councils Civil Works Specification 8.1.4
  - Compliance Certificate and Test Results
  - Delivery Dockets
  - Summary of Material deliveries as per template available on Councils website.

15.1.1.9 The applicant is to submit the certified line marking and traffic signage plan as required by this consent. This will require evidence to demonstrate that approvals have been obtained from the Local Traffic Committee and adoption by Council Ordinary Meeting. A final inspection report is to be included noting that all line marking and traffic signage works are complete.

15.1.1.10 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 Councils Coordinator of Engineering Approvals contactable on (02) 9839 6263. A final inspection checklist must be completed by the applicant prior to the final inspection.

## 15.2 **Easements/Restrictions/Positive Covenants**

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

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

(b) The standard format for easements and restrictions as accepted by the Land Registry Services (LRS).

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

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

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

15.2.5 The creation of easement(s) related to inter-allotment drainage with a minimum width in accordance with Councils Engineering Guide for Development (current issue).

15.2.6 A restriction and positive covenant must be endorsed by Council and lodged with NSW Land Registry Services (LRS) over the area to be dedicated as future road reserve, as dictated by the Marsden Park North DCP. The incumbrances must ensure that no infrastructure may occupy the land other than the approved road as approved by this consent, and must allow Council to complete the road works, using the bond taken at time of occupation, as it deems appropriate and reasonable.

15.2.7 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.

**15.3 Dedications**

15.3.1 No land shall be dedicated to the public as road reserve until such time as the road intended to occupy that land has been constructed in full, and all requirements around its completion as dictated by this consent have been met.

15.3.2 The land required for road widening shall be dedicated at no cost to Council and shall be in accordance with Draft North Marsden Park Precinct Plan.

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

15.4.1 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.

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

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

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

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.

15.4.3 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.

15.4.4 Where Council's 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.

15.4.5 Prior to the issue of any occupation certificate, including partial/interim certificates, an outstanding works bond for 200% of the full cost of works for the construction of the future half-width road along the northern boundary of the site (21-MRC02) must be submitted to Council and substantiated by Council's Coordinator of Engineering Approvals (CEA). Note: At the time of the creation of this consent, the Marsden Park North precinct plan has not been gazetted, and this requirement may vary if the road network has been modified upon gazettal. However, any future roads dictated by the governing planning documents to be constructed on this land are the obligation of the land owner to deliver prior to dedication of the land to Council, and at the full cost of the land owner.

15.4.6 The works associated with the reconfiguration of the driveway access from Excelsior Avenue to the future road along the site's eastern boundary must be bonded in full.

Upon construction and dedication of the future road, the reconfiguration must take place within a period agreed at the time of Occupation Certificate release.

## **15.5 Inspections**

- 15.5.1 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.

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

- 15.6.1 All road stormwater drainage structures (pipelines and pits) must be inspected via CCTV after completion of road pavement construction works (excluding any deferred AC works) and 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 copy of the 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.

## **15.7 Surveys/certificates/works as executed plans**

- 15.7.1 A Chartered Civil Engineer registered with NER, is to certify that: for stage 1A.
- i. all the requirements of the approved drainage plan have been undertaken;
  - ii. the bioretention system has been installed with a minimum total filter media area of 28m<sup>2</sup> for bioretention Basin 00A, 22m<sup>2</sup> for bioretention Basin 00B, 17m<sup>2</sup> for bioretention Basin 00C & 23m<sup>2</sup> for bioretention Basin 00D clear of pits, flow spreaders and scour protection;
  - iii. the bioretention basin is enclosed with a minimum 1.5mm HDPE or equivalent liner with geotextile under;
  - iv. The bioretention subsoil lines are un-socked slotted PVC laid flat with a minimum 50 mm gravel cover;
  - v. there is no geotextile between the layers of the bio-retention basin;
  - vi. The bioretention systems having a minimum of 400 mm of filter media, a 350 mm transition layer and a minimum 200 mm gravel layer with liners;
  - vii. the minimum detention storage of 173 m<sup>3</sup> for has been provided below the 1.5 year weir and a total of 263 m<sup>3</sup> has been provided below 100 year emergency overflow weir for OSD 1 tank;
  - viii. the minimum detention storage of 159 m<sup>3</sup> for has been provided below the 1.5 year weir and a total of 241 m<sup>3</sup> has been provided below the 100 year emergency overflow weir for OSD 2 basin;
  - ix. the orifice sizes of OSD 1 tank (stage 1A) and OSD 2 basin match the approved construction certificate plans;
  - x. the sediment basin has been installed within the Stormfilter chamber of OSD 1 for stage 1A as per the approved plans;
  - xi. all the OceanGuards have been installed as per the approved plans in accordance with Ocean Protect installation requirements.
  - xii. a copy of the certification and the works-as-executed drainage plan has been provided to the certifier, who shall provide it to Council;
  - xiii. the interpretative water quality sign has been correctly installed;
  - xiv. all other signage and warning notices have been installed;
  - xv. a copy of the certification and the works-as-executed drainage plan has been provided to the certifier, who shall provide it to Council.

A Chartered Civil Engineer registered with NER, is to certify that for stage 1B:

- i. all the requirements of the approved drainage plan for stage 1B have been undertaken;
- ii. the 1.5 year orifice for the OSD 1 tank has been removed and the opening through the 1.5 year weir sealed.
- iii. The sediment basin within the Stormfilter chamber of OSD 1 has been cleaned.
- iv. The 150 mm non-return pipe between the stormfilter chamber and the detention tank have been restored with the non-return flap on the Stormfilter side.
- v. a minimum 40 m<sup>3</sup> total volume of rainwater tanks have been provided collecting roof water from a minimum 1250 m<sup>2</sup> total roof area;
- vi. a copy of the certification and the works-as-executed drainage plan has been provided to the certifier, who shall provide it to Council

15.7.2 Prior to occupation of the church (stage 1B) Ocean Protect is to certify for the installation of the 200 micron OceanGuards and Stormfilters that:

- i. They are installed in accordance with the Ocean Protect standard operational guidelines and production drawings;
- ii. A minimum nine 200 micron OceanGuards have been installed;
- iii. A minimum of eighteen 460mm high Stormfilter cartridges have been installed
- iv. 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;
- v. The Stormfilter weir length is a minimum of 4.3 m;
- vi. The Stormfilters have a minimum flow rate of 19.8 l/s at standard weir height;
- vii. Mosquito proof screens have been provided under all grated accesses into the Stormfilter tank; and
- viii. Energy dissipater has been provided on the inlet to the Stormfilter chamber.
- ix. A maintenance contract has been entered into for the maintenance of the Stormfilter cartridges.

15.7.3 Under Stage 1B a plumber licensed with NSW Fair Trading, or experienced hydraulic engineer, is to certify that:

- i. All the non-potable water uses are being supplied by rainwater;
- ii. All the requirements of the detailed Non-Potable Water Supply & Irrigation Plan have been installed to the required locations.
- iii. The flow meters have been installed on the pump outflow and the solenoid controlled mains water bypass to determine non-potable usage and actual percentage of reuse;
- iv. The initial flow meter readings are detailed in the certificate;
- v. The pumps, alarms and all other systems are working correctly; and
- vi. The water from at least two garden tap and two toilets have been tested to show no chlorine residual.
- vii. All external reuse taps accessible by children are lockable or have removable handles
- viii. Rainwater warning signs are fitted to all external taps using rainwater.
- ix. A signed, works-as-executed Non-Potable Water Supply & Irrigation Plan is to be provided to Council's WSUD Compliance Officer at [WSUD@blacktown.nsw.gov.au](mailto:WSUD@blacktown.nsw.gov.au).

15.7.4 A plumber licensed with NSW Fair Trading is to certify that the buildings, or parts of buildings that are not affected by BASIX, comply with the minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme for any water use fittings. Minimum WELS ratings are:

- i. 4 star dual-flush toilets;
- ii. 3 star showerheads;
- iii. 5 star taps (for all taps other than bath outlets and garden taps);

- iv. 3 star urinals; and
- v. 3 star Water efficient washing machines and dishwashers have been used.

15.7.5 A Geotechnical Engineer is to undertake insitu Saturated Hydraulic Conductivity Testing of each of the bioretention systems in accordance with Practice Note 1 of the FAWB guidelines. For bioretention systems with a filter area less than 50 m<sup>2</sup>, *in situ* hydraulic conductivity testing should be conducted at three points. For systems with a filter area greater than 50 m<sup>2</sup>, an extra test point should be added for every additional 100 m<sup>2</sup> or part thereof. Points are to be spatially distributed. Where the hydraulic conductivity of the soil differs from the rate specified in MUSIC of 100 mm/hr (tolerance 0 % to +400%), remediation works will be required over the filter area to restore the conductivity and the test repeated until the hydraulic conductivity is achieved. A Geotechnical Engineer is to then certify that in accordance with Practice Note 1 of the FAWB guidelines, the Saturated Hydraulic Conductivity is within tolerance to the rate specified in MUSIC for each of the bioretention systems. A copy of the test results and certification is to be provided to Council.

15.7.6 After the hydraulic conductivity has been certified by the Geotechnical Engineer, a horticulturalist that has relevant tertiary qualifications and technical knowledge with a minimum of five (5) years demonstrated experience is to certify that the planting within the bioretention area including bank areas, is of the same quality in type and quantity as per the construction certificate approved landscape plans, that any plants lost have been replaced and that any areas of scour or disrepair have been restored.

## 15.8 Easements/Restrictions/Positive Covenants

15.8.1 Provide a Restriction to User and Positive Covenant for Overland Flowpath over the swale and pit and pipe system collecting upstream flows from 8/L/193074 in accordance with the requirements of Council's Engineering Guide for Development 2005. The Restriction to User and Positive Covenant shall contain a sunset clause to extinguish the Restriction to User and Positive Covenant when the adjoining property at 8/L/193074 redevelops. The Restriction to User and Positive Covenant must be registered with NSW Land Registry Services.

15.8.2 Provide a Restriction to User and Positive Covenant over the Stormwater Quality Improvement Devices including rainwater tanks 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 prior to the final occupation certificate.

15.8.3 Provide a Restriction to User and Positive Covenant over the On-Site Detention Systems in accordance with the requirements of Council's Engineering Guide for Development 2005. The Restriction to User and Positive Covenant must be registered with Land & Property Information.

15.8.4 Provide a suitable easement in gross for access over the full length of the rear boundary for a width of 9.0 m (setback from the rear boundary) together with a 5m x 5m splay at the north-east corner. The easement in gross is to indicate Blacktown City Council as the benefiting authority. Such easement shall remain in place until the dedication of this area as a public road, or as otherwise approved by Blacktown City Council. The maintenance of this facility and associated works shall be the responsibility of the registered proprietor of the lot burdened.

## 15.9 Other matters

15.9.1 Provide maintenance requirements for each of the proposed water quality devices generally in accordance with the Council's *WSUD Inspection and Maintenance*

*Guidelines* available on Council's website. Where a proprietary device is not included within this guideline provide these separately in accordance with the manufacturer's requirements. The maintenance schedule is to contain a requirement that either the filter cartridges are to be replaced no later than three years after the date of installation, or a flow test is to be undertaken on the filter chamber in accordance with Council's *WSUD developer handbook*. The filter cartridge must be replaced/refurbished by the filter manufacturer. Where these devices are located in roadway/parking areas these are to include traffic management requirements. The designer of the stormwater treatment system must prepare the Maintenance schedule and this schedule must show the designer's name, company, signature and date on it.

- 15.9.2 Provide written evidence that the registered proprietor /lessee has entered into a minimum five (5) year signed and endorsed maintenance contract with a reputable and experienced cleaning contractor for the maintenance of the sediment pits, bioretention systems, OSD tank, OSD basin, control pits and rainwater tanks. 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) . This maintenance contract cannot be cancelled, but can be replaced with an alternative contract of the same standard.

## 15.10 Bonds/Securities

- 15.10.1 Provide a Stormfilter Construction Security based on 100% of the Stormfilter Construction Estimate for Stage 1B within OSD 1 Tank. Such security to be refunded upon certification from Ocean Protect that the Stormfilters and OceanGuards are correctly installed within OSD 1 Tank and fully operational.

## 16 OPERATIONAL (ENVIRONMENTAL HEALTH)

### 16.1 Environmental Management

- 16.1.1 The recommendations provided in the Environmental Noise Impact Assessment prepared by Day Design Pty Ltd, Report Number 6300-1.1R, Revision A, dated 13 February 2018, shall be implemented. Noise management measures shall be implemented as follows:

- Staff and attendees shall be encouraged to be considerate of neighbours when arriving and leaving Sunday church service or special events.
- Attendees shall be encouraged to leave the site as quickly as possible after evening or night time church service or special events.
- No more than 100 children attending youth group shall play in the outdoor areas at any given time of the day - 9 am to 6 pm.
- No more than 20 children attending youth group shall play in the outdoor areas after 6 pm.
- Children attending youth group shall not play in the outdoor areas after 10 pm.
- All windows and doors of the Worship Auditorium must be closed during Sunday church services and special events.
- All windows and doors of the Worship Auditorium may be opened during all other times to allow for the required passive ventilation.
- When the Hall is used for live band rehearsal or when amplified music is to be played all windows and doors must be closed for the duration.
- No speaker shall be located outside the church buildings.

- 16.1.2 A post commissioning report produced by an independent organisation that is eligible for membership with the *Association of Australian Acoustic Consultants* within 3 – 6 months of the centre operating to validate the Acoustic reports findings.



- 16.1.3 A sign is to be displayed in the building on a prominent notice board/s requesting that patrons leave the premises and car park in a quiet manner that is mindful of the surrounding residential area.
- 16.1.4 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 Department of Environment and Conservation's Environmental Noise Management - NSW Industrial Noise Policy and provide recommendations to mitigate the emission of offensive noise from the premises. The report shall be prepared by an appropriately qualified acoustic consultant that is a member of the Association of Australian Acoustic Consultants and shall be submitted to Council for consideration.
- 16.1.5 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.
- 16.1.6 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.
- 16.1.7 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.
- 16.1.8 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.
- 16.1.9 All waste and recycling bins must be stored wholly within the approved waste storage area. The bins must only be put out for collection in the evening prior to pick-up and returned to the storage area as soon as possible after pick-up.

## **17 OPERATIONAL (PLANNING)**

### **17.1 Access/Parking**

- 17.1.1 All required off-street car parking spaces (64 spaces for Stage 1A and 128 spaces for Stage 2) and internal driveways/aisles shall be maintained to a standard suitable for the intended purpose.
- 17.1.2 Staff are required to park on site at all times.
- 17.1.3 All loading, unloading operations and parking shall take place at all times wholly within the confines of the land.
- 17.1.4 All vehicles must enter and exit the site in a forward direction.
- 17.1.5 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 2890.1.
- 17.1.6 Access to the car parking area is to be closed upon the last staff member or visitor leaving the site, and at the latest by 10pm daily.

### **17.2 Specific Uses**

- 17.2.1 The approved '*place of public worship*' shall comply with the requirements of the following definition contained within the Blacktown Local Environmental Plan 2015:

**'place of public worship'** means "*a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.*"

- 17.2.2 The approved office, administration and meeting rooms shall be used solely in conjunction with the use of the building as a place of public worship. The separate use or occupation of the approved office space(s) is not permitted by this consent.
- 17.2.3 This consent does not authorise the sale or display of goods for retail to the general public.
- 17.2.4 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" under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or other NSW or Council planning instrument.

### 17.3 **Waste Collection**

- 17.3.1 Waste collection activities are to be in accordance with Council's Resource (waste) Management Services Charter and the Waste Management Plan and letter prepared by the operator of the facility 'Anglican Church Diocese of Sydney' dated 3 August 2018 submitted with the Development Application.
- 17.3.2 It is the responsibility of the building manager / caretaker to transfer bins to the nominated street collection point and remove them on the same day of service which will be in line with this area's collection schedules.
- 17.3.3 It is the responsibility of the building manager / caretaker to maintain the waste collection points and ensure they are clear and unobstructed prior to collection times.
- 17.3.4 No bins are to be located or placed in the approved waste collection points outside the scheduled collection time for that area.

### 17.4 **General**

- 17.4.1 The '*place of public worship*' is permitted to operate from 9am to 10pm, 7 days a week, including public holidays, and Easter and Christmas services are permitted to be held until midnight, subject to compliance with Conditions 14.4.2, 14.4.3, 14.4.4 and 14.4.5 below.
- 17.4.2 All meetings and events, including the amplification of any speech or music must cease at 10pm.
- 17.4.3 All staff and visitors/persons attending the Centre are to leave the premises by 10pm.
- 17.4.4 The use of the outdoor areas, including the crèche play area youth play area are not to be occupied/used after 8pm daily. After 8pm, all activities are to be held within the building.
- 17.4.5 The use/activities to be held at the Centre and number of people on site at any one time is to be generally in accordance with the Tables 4 and 5 in the Statement of

Environmental Effects, prepared by Levy Planning, dated February 2018, submitted with the Development Application. At any one time, the Church Services, meetings and events are not to exceed 250 persons for Stage 1 and 500 persons for Stage 2.

Separate development consent is required from Council should the operation of this Centre exceed the schedule of activities, hours of operation and number of people detailed in Tables 4 and 5 in the Statement of Environmental Effects as this is considered to be an intensification of use.

- 17.4.6 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 17.4.7 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*.
- 17.4.8 Emission of sound from the land shall be controlled at all times so as to not unreasonably impact upon nearby owners/occupants.
- 17.4.9 No signage, goods, materials, or the like, are to be stored at any time outside of the building on either the internal vehicular driveway, car parking area, landscaping, footpath or 'surplus lands for future use.'
- 17.4.10 All loading and unloading operations shall take place at all times wholly within the confines of the land. All unloading activities are to be conducted in a manner that does not impact on the amenity of adjoining property owners/occupants.
- 17.4.11 All landscaped areas to be provided in accordance with the amended landscaping design plan and shall be maintained at all times in a suitable manner.
- 17.4.12 Removal of any graffiti visible from any public road or place is the responsibility of the property owner/s. Once identified, all graffiti must be removed within 48 hours. The development is to be maintained in accordance with the Total Maintenance Plan, Graffiti Management Plan and Event Management Plan as required by Condition 14.7.
- 17.4.13 The maintenance of the acoustic barrier boundary fencing is the responsibility of the Applicant/operator of this development. This fence is to be kept in a well maintained condition for the life of the development.
- 17.4.14 Only church related activities are to be undertaken on site.
- 17.4.15 The church hall is not to be separately leased out for activities unrelated to the church.

#### **17.5 Emergency Procedures**

- 17.5.1 Instructions concerning procedures to be adopted in the event of an emergency shall be clearly displayed on the premises for both public and staff information at all times to the satisfaction of Council.
- 17.5.2 The recommendations provided by the NSW Local Police in Condition 3.8 should be adhered to.