

## Conditions of consent (draft)

<b>Proposed development</b>	Concept approval under Section 4.22 of the Environmental Planning and Assessment Act 1979 for the expansion of the St Bartholomew's Cemetery including additional burial plots and crypts, car parking, road construction, landscaping, stormwater works, earthworks and other ancillary uses.
<b>Property description</b>	Great Western Highway and Ponds Road, Prospect (Lots 15 DP801210, Lot 11 DP 802753, Lot 20 s 744595, Lots 21-27 DP 448744, Lots 1 to 3 DP 134024.

## 1 Advisory Notes

### 1.1 Terminology

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

### 1.2 Scope of Consent

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

### 1.3 Other Approvals

- 1.3.1 The applicant's attention is drawn to the need to obtain separate appropriate approval for any ancillary development not approved by this consent, including:

- (a) The removal of any tree(s) not indicated on the approved plans and any tree(s) located greater than 3 metres from the building perimeter, and
- (b) Any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development, and
- (c) Demolition of any existing buildings and associated structures in accordance with the requirements of the State Environmental Planning Policy (Exempt

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

### 1.4 Services.

- 1.4.1 The applicant is advised to consult with:

- (a) Sydney Water Corporation Limited
- (b) Endeavour Energy
- (c) Natural Gas company
- (d) The relevant local telecommunications carrier.

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

All approved building construction plans attached to the Construction Certificate should be submitted to Sydney Water Tap In, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. The plans are to be appropriately stamped and all amended plans will require re-stamping. For further information go to: [www.sydneywater.com.au](http://www.sydneywater.com.au) then follow the "Developing Your Land" link or telephone 1300 082 746 for assistance.

Sydney Water may also require the applicant to obtain a Trade Waste Approval as part of the operation of the approved development. Enquiries should be made to ascertain the Sydney Water requirements for the eventual operation of the approved use.

1.4.2 Underground assets may exist in the area that is subject to your application. In the interests of health, safety, and in order to protect damage to third party assets, please contact Dial Before You Dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset holders a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

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

1.4.4 Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number: 1800 810 443.

1.4.5 The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

## **1.5 Identification Survey**

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

## **2 Heritage General Terms of Approval**

### **2.1 APPROVED DEVELOPMENT**

2.1.1 All work shall comply with the information contained within:

- a) Concept Masterplan drawings, prepared by Spackman Mossop Michaels as listed below:

Dwg No	Dwg Title	Date	Rev
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<b>Project Name: St Bartholomew's Cemetery Expansion Stage 2 Masterplan</b>			
LD-000	Cover Sheet – Project Site Location	29/06/2022	12
LD-001	Project Site Boundary and Locality Plan	29/06/2022	12
LD-002	Overall Cemetery Plan	29/06/2022	
LD-003	Context and Connectivity	29/06/2022	12
LD-004	Heritage and Archaeological Sensitivity	29/06/2022	12
LD-005	Indicative Cemetery Precincts	29/06/2022	12
LD-011	Landscape Strategy	29/06/2022	12
LD-012	Existing Vegetation Retained and Removed	29/06/2022	12
LD-021	General Plan (Sheet 1)	29/06/2022	12
LD-022	General Plan (Sheet 2)	29/06/2022	12
LD-201	Cross Section 1	29/06/2022	12
LD-202	Cross Section 2	29/06/2022	12
LD-203	Cross Section 3	29/06/2022	12
LD-401	Visual Analysis – Viewpoint 1	29/06/2022	12
LD-402	Visual Analysis – Viewpoint 2	29/06/2022	12
LD-403	Visual Analysis – Viewpoint 3	29/06/2022	12
LD-404	Visual Analysis – Viewpoint 4	29/06/2022	12

- b) *Statement of Heritage Impact – St Bartholomew's Stage 2 Cemetery expansion* (SOHI) prepared by Navin Officer, dated July 2022.
- c) *Statement of Environmental Effects* prepared by Locale Consulting, dated 26 December 2021.
- d) Response to Heritage NSW comments received 15 August 2022.
- e) Email to Bertha Gunawan, Council Planner with applicant's clarification as to scope of works within the SHR curtilage received 15 September 2022 (HPM D22/482306)

**EXCEPT AS AMENDED** by the conditions of approval:

**2.1.2 DETAILS TO BE SUBMITTED FOR APPROVAL** The following information is to be submitted with the s60 application for approval by the Heritage Council of NSW (or delegate): a) The applicant must submit an Archaeological Assessment and Archaeological Research Design is to be reviewed by the Heritage Council of NSW or its delegate, which is in line with the current Heritage NSW guidelines *Assessing Significance for Historical Archaeological Sites and 'Relics'* 2009 and *Archaeological Assessments* 1996. The documents submitted must outline the proposed archaeological methodology to mitigate or avoid the impacts on the archaeological resource at the *Former Great Western Road and Prospect Post Office (former)* resulting in any likely proposed works.

*Reason: To allow for the proper assessment of impacts on the potential archaeological resource at site and methodology proposed by the applicant to mitigate or avoid impacts on relics from the proposed works.*

**2.1.3 HERITAGE CONSULTANT** A suitably qualified and experienced heritage consultant must be nominated for this project. The nominated heritage consultant must provide input into the detailed design to minimise impacts to heritage values.

The nominated heritage consultant must be satisfied that all work has been carried out in accordance with the conditions of this consent.

*Reason: So that appropriate heritage advice is provided to support best practice conservation and ensure works are undertaken in accordance with this approval.*

**2.1.4 HERITAGE INTERPRETATION PLAN** An Interpretation strategy, based on the detailed Archaeological Assessment and in accordance with the Heritage NSW publication "Interpretating Heritage Places and Items Guidelines" (2005), must be prepared and submitted for approval to the Heritage Council of NSW (or delegate) with a section 60 application.

**2.1.5** The interpretation strategy must detail how information on the history and significance will guide the detailed design, use and interpretation of the *Former Great Western Road and Prospect Post Office (former)* and make recommendations as to its staged implementation.

*Reasons: Interpretation is an important part of every proposal at heritage places.*

**2.1.6 COMPLIANCE** If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.

*Reason: To ensure that the proposed works are completed as approved.*

**2.1.7 SECTION 60 APPLICATION** An application under section 60 of the Heritage Act 1977 must be submitted to, and approved by, the Heritage Council of NSW (or delegate), prior to work commencing.

*Reason: To meet legislative requirements.*

### **3 Transport Conditions**

#### **3.1 General**

**3.1.1** No stopping should be provided across the entire frontage along Ponds Road. Signage and linemarking plan shall be submitted to TfNSW for review.

**3.1.2** There should be no vehicular permeability between the Access 1 and the rest of the development.

**3.1.3** The subject property abuts a Declared Tollway (Western Motorway) as shown by blue colour and purple hatching on the attached Aerial – "X". Access is denied across this boundary.

TfNSW has previously vested a strip of land as road along the Great Western Highway frontage of the subject property, as shown by grey colour on the attached Aerial – "Y". All buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth), along the Western Motorway and the Great Western Highway boundary.

### **4 General**

#### **4.1 Scope of Consent**

**4.1.1** Under clause 88 of the Environmental Planning and Assessment Regulation 2021, this Notice of Determination relates to a Concept approval for the expansion of the St Bartholomew's Cemetery.

**4.1.2** Any subsequent Development Application or multiple staged Development Applications are required for any work in relation to the .....

- 4.1.3 Whilst this consent remains in force, the determination of any further Development Application(s) in respect of the site cannot be inconsistent with this consent, except as provided for in conditions of this consent requiring design amendments.
- 4.1.4 This consent does not grant approval to any physical works to be constructed.
- 4.1.5 This consent relates to the following drawings/details submitted to Council with the Development Application, subject to compliance with any other conditions of this consent:

Drawing No.	Dated	Prepared by
LD-000 Rev 12	29/06/2022	Spackman Mossop Michaels
LD-001 Rev 12	29/06/2022	Spackman Mossop Michaels
LD-003 Rev 12	29/06/2022	Spackman Mossop Michaels
LD-004 Rev 12	29/06/2022	Spackman Mossop Michaels
LD-005 Rev 12	29/06/2022	Spackman Mossop Michaels
LD-011 Rev 12	29/06/2022	Spackman Mossop Michaels
LD-012 Rev 12	29/06/2022	Spackman Mossop Michaels
LD-021 Rev 12	29/06/2022	Spackman Mossop Michaels
LD-022 Rev 12	29/06/2022	Spackman Mossop Michaels
LD-201 Rev 12	29/06/2022	Spackman Mossop Michaels
LD-202 Rev 12	29/06/2012	Spackman Mossop Michaels
LD-203 Rev 12	29/06/2022	Spackman Mossop Michaels
LD-401 Rev 12	29/06/2022	Spackman Mossop Michaels
LD-402 Rev 12	29/06/2022	Spackman Mossop Michaels
LD-403 Rev 12	29/06/2022	Spackman Mossop Michaels
LD-404 Rev 12	29/06/2022	Spackman Mossop Michaels

## 4.2 Requirements for future development applications

- 4.2.1 All future Stage 1 and subsequent development proposed to be carried out on the site and as detailed in the concept development consent, shall be the subject of separate development applications to Council.
- 4.2.2 All future Stage 1 and subsequent development applications for the site are to be accompanied by a detailed landscape plan, providing information on proposed landscape treatments.
- 4.2.3 Any Stage 2 Development Application is to be consistent with the recommendations of the Detailed Site Investigation report prepared by Prensa dated May 2018 and the Addendum Report dated 25 May 2022.

## 5 Environmental Health

### 5.1 General

- 5.1.1 Recommendations outlined in the Detailed Site Investigation (ref: A0024:ECM: 57658), prepared by Prensa, dated May 2018 are to be implemented.
- 5.1.2 All areas contaminated shall be remediated. Upon completion of remediation an appropriately qualified environmental consultant shall prepare a validation report. The validation report shall be carried out in accordance with;
- 5.1.3 NSW Environment Protection Authority's Guidelines for Consultants Reporting on Contaminated Sites (2020)
- 5.1.4 NSW Environment Protection Authority's Contaminated Sites Sampling Design Guidelines (1995).
- 5.1.5 NSW Environmental Protection Authority's Contaminated Sites: Guidelines for NSW Site Auditor Scheme 3rd edition (2017)
- 5.1.6 National Environment Protection Council (NEPC) 1999 National Environment Protection (Assessment of Site Contamination Measure) as amended 2013
- 5.1.7 NSW Environment Protection Authority's Waste Classification Guidelines, Part 1: Classifying Waste (2014)
- 5.1.8 An NSW Environment Protection Authority accredited Site Auditor shall review the validation report and submit to Council a Site Audit Statement. The Site Audit Statement shall verify that the investigation, remediation and validation was carried out in accordance with the aforementioned guidelines and that the site is suitable for the proposed use.
- 5.1.9 Any new information during remediation or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to Blacktown City Council.

## 6 Stormwater Management

### 6.1 General Conditions

- 6.1.1 The development must design the water quality system to achieve the following minimum pollutant removal targets of Blacktown City Council Development Control:

*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

6.1.2 With the relevant development application for stage 2 (phase 1) the submitted drainage plans are to design the on-site stormwater detention basin for the total combined stage 1A and stage 2 development area and provide an interim water quality solution appropriate for phase 1.

6.1.3 Future Development Applications for this site will require revised drainage plans by Arup to generally address the following requirements to the satisfaction of the Manager Asset Design:

- i) The future design is to comply with Council's WSUD standard drawings, the WSUD developer handbook and the Engineering Guide for Development, unless otherwise agreed with Council.
- ii) Figure 9 and Figure 10 of the St Bartholomew's Cemetery -Stage 2 Masterplan Expansion Concept Development Application - Stormwater Management & Flooding Report by ARUP Issue | 14 December 2021 are to be reviewed to include the M4 outfalls west of the low point in the Cumberland Plain Woodland lots as being redirected to that low point and discharging to the Great Western Highway. Review what areas of the M4 itself are directed to this same low point.
- iii) Figure 9 and Figure 10 of the St Bartholomew's Cemetery -Stage 2 Masterplan Expansion Concept Development Application - Stormwater Management & Flooding Report by ARUP Issue | 14 December 2021 are to be reviewed for the discharge from the M4-4 catchment. Based on Council GIS contours, part of the catchment is directed to the west and north-west toward the low point in the Cumberland Plain Woodland lots and discharging to the Great Western Highway, part to the east toward catchment 7-2 (in the post) and only a small proportion south to the M4.
- iv) Provide design details of the swales indicating levels at regular intervals. Provide calculations to show the swales are designed to carry 1% AEP flows. Additional surface inlet pits may be required in the swale to convey the 1% AEP flows from the site.
- v) Indicate the locations of GPTs and show how each GPT will fit into the pit and pipe system with levels.
- vi) Provide splitter pits upstream of the currently proposed 525mm and 900mm pipes to the bioretention basin to divert the treatable low flows (say 4EY to 2EY flows) to the water quality basin via a GPT and direct the overflows up to the 1% AEP flows to the OSD basin.
- vii) The GPTs are to be sized to treat the minimum 2EY flows for pipes discharging direct to the detention basin and typically minimum 4EY flows for the inlet pipes to the bioretention basin (subject to MUSIC modelling).
- viii) For a development of this size the bioretention basin would typically be nested at a higher level such that the bio filter media level is at or above the 50% AEP storage level in the detention basin and the overflows from the bioretention basin directed to the detention basin, typically as weir overflow.
- ix) Indicate the size of GPTs on the plan.

- x) Provide a 3.5m landscaped access track surrounding the bioretention and down into the detention basin for maintenance purposes at maximum 10% grade.
- xi) Provide a separate plan for the bioretention basin nested with detention basin with details of maintenance access, embankments, contour levels and the inlet and outlet pipes.
- xii) Provide a section across the bioretention basin with the OSD basin indicating the RLs of the top level of the bioretention basin, 1% and 50% AEP storage levels.
- xiii) Provide details of scour protection at the inlets, subsoil drainage and flushing points, subsoil collection pipe, subsoil collection pit and the outflow pit system for the bioretention basin on a separate sheet.
- xiv) The scour protection for all the pipes discharging to the bioretention basin is to be incorporated with a bioretention sediment trap. Refer Council's Water Sensitive Urban Design (WSUD) Standard Drawings Plan No. A(BS)175M for details.
- xv) Provide a saturated zone for water storage volume to ensure ongoing viability of the bioretention plants in accordance with Council's Water Sensitive Urban Design (WSUD) Standard Drawings Plan No. A(BS)175M.
- xvi) If required provide an interim drainage solution for staging of the bioretention similar to Sheet 14 of the WSUD Standard drawings Rev C.
- xvii) The outflow from the bioretention basin subsoil underdrain is to be independent of the outflows of the detention basin i.e. discharges to an overflow pit near the Great Western Highway.
- xviii) Provide section of bioretention filter media with thickness of drainage, transition and filter media layers and the extended detention depths.
- xix) Provide internal dimensions of the bio-retention basin to demonstrate that the filter area used in MUSIC can be achieved. The minimum filter area is to be clear of pits, flow spreaders, steps and scour protection.
- xx) Provide details of control pits with orifices, width and top RLs of overflow weirs for the detention basin and 1% and 50% AEP storage levels on plan and section.
- xxi) Provide dimensions to the detention basin to demonstrate that the required storage volume can be achieved excluding the bioretention treatment volume.

6.1.4 With the relevant DA for the site provide a water conservation strategy and storage tank for landscape watering to achieve a minimum 80% non-potable water demand, or utilise diminishing curve returns in accordance with Council's WSUD developer handbook for landscape usage for either the entire site or design a system that could be augmented in stages.

6.1.5 With the relevant DA for this site provide an amended DRAINS model based on changes to the catchments described above for the design of the pipe systems and the OSD design.

6.1.6 With the relevant DA for this site provide an amended MUSIC model based on changes to the catchments described above and any other design reviews for the overall and fully complete design. Provide a separate MUSIC model for each phase of Stage 2 for any interim water quality strategies.