

Overview of recommended changes to conditions of consent for SPP-21-00012

Condition	Proposed amendments	Council's response
PART A		
DEFERRED COMMENCEMENT CONDITIONS		
Deferred Commencement Conditions	SINSW does not accept the use of deferred commencement conditions for engineering design matters. SINSW requests to have the deferred commencement conditions lifted and the individual conditions included within the main body of the consent to prior to commencement of construction to provide an active consent. SINSW's appointed engineer has advised these matters can be readily addressed prior to construction.	Due to the complexity of the Drainage System. Council recommends the consent to be a deferred commencement so that Council ensure the drainage system is designed satisfactorily.
1. h) The landscaping to the north is to be included as part of the water conservation irrigation design unless this is turf only, which can be excluded.	<p><u>Request amendment:</u></p> <p>The condition is not clear in terms of what area to the North that is being referred to. Condition to be re-written and a drawing referenced or marked-up on a plan.</p> <p><u>Draft wording:</u></p> <p>h) The landscaping to the north of XX on plan number XX is to be included as part of the water conservation irrigation design. Any turfed area north of XX on plan number XX is to be excluded from irrigation design</p>	<p>Condition to be amended:</p> <p>1. h) The total landscaping area for irrigation shall be modelled as 250m2 to Size the Rainwater Tank.</p>
N/A	N/A	<p>The following condition is to be included under Deferred Commencement Conditions:</p> <p>2. Provide an amended landscape plan that includes 10 out of 40 replacement trees to</p>

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		be of Cumberland Plain Woodland species.
PART B		
1 ADVISORY NOTES		
1.1.2 Any reference in this consent to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to a certificate as defined by Sections 6.4 of the Environmental Planning and Assessment Act 1979.	<u>Remove condition:</u> Construction Certificate (CC) or Occupation Certificate (OC) is not required if the development is erected by or on behalf of the Crown.	No objection.
1.6 Tree planting and service locations 1.6.1 Street tree planting must not impact on public utilities. The applicant should liaise with the relevant service authorities on the location and use of services within the public road reserve. These authorities may be able to lay their services on the opposite side of the road, thereby providing larger areas for tree planting. 1.6.2 Street tree planting must not interfere with street light spill. The applicant is to provide documentation to confirm there is no conflict between proposed vegetation at maturity and street lighting. This confirmation must be received before a Construction Certificate can be issued.	<u>Remove conditions:</u> No street trees are proposed as part of the DA.	No objection.
1.7 Engineering Notes 1.7.1 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.	<u>Request amendment:</u> The delivery approach for the project is to obtain 2x Crown Certificates. <u>Draft wording:</u> 1.1.7 All works requiring approval under the Roads Act 1993 (except standard vehicular crossings) or Local Government Act 1993 must be approved	Condition to be removed.

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	PRIOR to the issue of the relevant Crown Certificate.																																								
2 GENERAL																																									
<p>2.1.1 This consent relates to the following drawings/details submitted to Council with the Development Application, subject to compliance with any other conditions of this consent:</p> <table border="1"> <thead> <tr> <th>Drawing No</th><th>Dated</th><th>Prepared by</th></tr> </thead> <tbody> <tr> <td>DA100 Site Plan Revision B</td><td>2 September 2021</td><td>PMDL Architecture + Design</td></tr> <tr> <td>DA101 Demolition Plan Revision B</td><td>2 September 2021</td><td>PMDL Architecture + Design</td></tr> <tr> <td>DA102 Plan Revision B</td><td>2 September 2021</td><td>PMDL Architecture + Design</td></tr> <tr> <td>DA103 Roof Plan Revision B</td><td>2 September 2021</td><td>PMDL Architecture + Design</td></tr> <tr> <td>DA104 Building Program Plan Revision B</td><td>2 September 2021</td><td>PMDL Architecture + Design</td></tr> <tr> <td>DA200 Elevations – 1 Revision B</td><td>2 September 2021</td><td>PMDL Architecture + Design</td></tr> <tr> <td>DA201 Elevations – 2 Revision B</td><td>2 September 2021</td><td>PMDL Architecture + Design</td></tr> <tr> <td>DA300 Sections – 1 Revision B</td><td>2 September 2021</td><td>PMDL Architecture + Design</td></tr> <tr> <td>DA301 Sections – 2 Revision B</td><td>2 September 2021</td><td>PMDL Architecture + Design</td></tr> <tr> <td>DA302 Sections – 3 Revision B</td><td>2 September 2021</td><td>PMDL Architecture + Design</td></tr> <tr> <td>DA510 Materials Board Revision B</td><td>2 September 2021</td><td>PMDL Architecture + Design</td></tr> <tr> <td>DA601 Out of Hours Parking Arrangement Revision B</td><td>2 September 2021</td><td>PMDL Architecture + Design</td></tr> </tbody> </table> <p><small>*Unless modified by any conditions of this consent</small></p>	Drawing No	Dated	Prepared by	DA100 Site Plan Revision B	2 September 2021	PMDL Architecture + Design	DA101 Demolition Plan Revision B	2 September 2021	PMDL Architecture + Design	DA102 Plan Revision B	2 September 2021	PMDL Architecture + Design	DA103 Roof Plan Revision B	2 September 2021	PMDL Architecture + Design	DA104 Building Program Plan Revision B	2 September 2021	PMDL Architecture + Design	DA200 Elevations – 1 Revision B	2 September 2021	PMDL Architecture + Design	DA201 Elevations – 2 Revision B	2 September 2021	PMDL Architecture + Design	DA300 Sections – 1 Revision B	2 September 2021	PMDL Architecture + Design	DA301 Sections – 2 Revision B	2 September 2021	PMDL Architecture + Design	DA302 Sections – 3 Revision B	2 September 2021	PMDL Architecture + Design	DA510 Materials Board Revision B	2 September 2021	PMDL Architecture + Design	DA601 Out of Hours Parking Arrangement Revision B	2 September 2021	PMDL Architecture + Design	<p><u>Request amendment:</u></p> <p>This condition should refer to all supplied design documentation including the architectural plans and landscape plans.</p> <p><u>Draft wording:</u></p> <p>Include Landscape Plans prepared by Arterra (Revision C dated 16/09/21) in list.</p>	<p>Condition to be amended to include amended landscape plan in accordance with Deferred Commencement Condition No. 2.</p>
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<p>2.3 This consent does not alter the approved student and staff numbers and hours of operation of the school.</p>	<p><u>Remove condition:</u></p> <p>The proposed VET facility will operate between 7am to 6pm as reflected in the amended Statement of Environmental Effects.</p> <p>The amended Statement of Environmental Effects (Mecone) and Transport and Traffic Assessment (ptc.) also state the VET facility will increase the student population by maximum of 64 students but will still be within the current approved student number cap.</p>	<p>No objection.</p>																																							
<p>2.6.1 No proposed works shall disrupt, reduce or exclude the community (and specifically, any local sporting clubs) from accessing:</p> <p>a) the toilets / change rooms, b) the existing fields or c) the existing courts</p>	<p><u>Remove condition:</u></p> <p>SINSW does not accept this condition due to the following reasoning:</p> <ul style="list-style-type: none"> No community sporting groups use school facilities (change rooms, toilets etc). 	<p>Not accepted.</p> <p>Condition to be amended:</p> <p>X.X.X Ensure access to the rear located sports fields would not be obstructed by the location / construction of the proposed VET building.</p>																																							

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	<ul style="list-style-type: none"> - No community sporting groups are currently using the sports fields. - Community use agreements are only in place for existing buildings (Zumba class in the HS hall). - Seven Hills High School only participates in the share our spaces program (i.e access to sports fields during school holiday periods which is maintained through the HS). <p>Access to the rear located sports fields would not be obstructed by the location/construction of the proposed VET building.</p>	
<p>2.6.2 The application is to consider the best design outcomes at the site boundary to improve the accessibility and future shared use of these open space amenities.</p>	<p><u>Remove condition:</u></p> <p>SINSW does not accept this condition due to the following reasoning:</p> <ul style="list-style-type: none"> - No community sporting groups use school facilities (ie: change rooms, toilets) - No community sporting groups are currently using the sports fields - Community use agreements are only in place for existing buildings (Zumba class in the High School hall) - Seven Hills high School only participates in the share our spaces program (i.e access to sports fields during school holiday periods which is maintained through the High School grounds). - Access to the sports fields located at the rear of the High School would not be obstructed by the 	<p>No objection.</p>

Condition	Proposed amendments	Council's response
	location/construction of the proposed VET building.	
<p>2.7.1 Trees 100, 101, 103, 109 - 111, 115 -134, 136, 137, 139, 141 - 143, as indicated in the Arboricultural Impact Assessment (AIA) by ArborSafe on 9 April 2021 can be removed as part of the development. They are located within site in a position where they cannot be retained due to the proposed infrastructure and bulk earthworks, where encroachment will have an adverse impact on its roots and crown for viability and stability, have a low retention value, or are in poor condition and/or health.</p> <p>2.7.2 Trees 94 - 99, 102, 104 - 108, 112 - 114, 135, 138, 140, 144 - 151, 153 are to be retained in situ and are to be protected as detailed in Section 7.</p>	<p><u>Request amendment:</u></p> <p>SINSW does not accept this condition in its current wording. Trees 112, 113, 114 were incorrectly noted in the Arborist report to be retained and reflected an older design of the VET. These trees are within the footprint of the VET Building and are required to be removed to allow the VET building to be constructed. These trees are of low and moderate retention value. The condition to be updated to reflect this change. An updated arborist report can be provided, if required by Council.</p> <p><u>Draft wording:</u></p> <p>2.7.1 Trees 100, 101, 103, 109 - 134, 136, 137, 139, 141 - 143, are proposed to be removed as part of the development. They are located within site in a position where they cannot be retained due to the proposed infrastructure and bulk earthworks, where encroachment will have an adverse impact on its roots and crown for viability and stability, have a low retention value, or are in poor condition and/or health.</p> <p>2.7.2 Trees 94 - 99, 102, 104 - 108, 135, 138, 140, 144 - 151, 153 are to be retained in situ and are to be protected.</p>	<p>Condition to be amended to recommended draft wording:</p> <p>X.X.X Trees 100, 101, 103, 109 - 111, 115 -134, 136, 137, 139, 141 - 143, as indicated in the Arboricultural Impact Assessment (AIA) by ArborSafe on 9 April 2021 can be are proposed to be removed as part of the development. They are located within site in a position where they cannot be retained due to the proposed infrastructure and bulk earthworks, where encroachment will have an adverse impact on its roots and crown for viability and stability, have a low retention value, or are in poor condition and/or health.</p> <p>Condition to be amended to recommended draft wording:</p> <p>X.X.X Trees 94 - 99, 102, 104 - 108, 112 - 114, 135, 138, 140, 144 - 151, 153 are to be retained in situ and are to be protected.</p>
2.7.3 Trees 138 and 140 are to be retained in situ and are to be protected with additional specific protection measures as detailed in Section 7 of the AIA Tree Protection Measures. Tree protection measures are to be implemented as per Australian	<p><u>Request amendment:</u></p> <p>Rewording of condition 2.7.3 to allow for inspection hold point prior to commencement of construction would have the same effect as condition 2.7.5.</p>	Condition to be removed.

Condition	Proposed amendments	Council's response
Standard AS4970 2009 Protection of trees on development sites and the tree protection plan contained within the AIA. The tree protection measures are to be installed before construction commences.		
2.7.5 Trees 138 & 140 should have a monetary tree preservation bond placed on them. The Applicant who has benefit of the development is to pay a tree preservation bond, as per Council's Goods and Services Pricing Schedule, to ensure the retention and protection in line with AS:4970-2009 Protection of Trees on Development Sites.	<u>Request amendment:</u> This condition uses the word "should" which provides no clear direction on what is required to address the condition. Condition to be re-worded. Condition 2.7.3 provides sufficient protection for trees.	Condition to be amended: X.X.X Trees 138 & 140 should have a A monetary tree preservation bond placed on them will be applied to Trees 138 & 140 . The Applicant who has benefit of the development is to pay a tree preservation bond, as per Council's Goods and Services Pricing Schedule, to ensure the retention and protection in line with AS:4970-2009 Protection of Trees on Development Sites.
2.7.6 Tree 138 is recommended for pruning to improve safety to accommodate increased site usage as outlined in Section 7.4 of the AIA. Pruning work on this tree can be undertaken as part of the development. Pruning must be in accordance with AS 4373- 2007 Pruning of amenity trees. All works must be done by a qualified AQF level 3 Arborist and no pruning spikes are to be used when undertaking the work.	<u>Request amendment:</u> This condition uses the word "recommended" which provides no clear direction on what is required to address the condition. Condition to be re-worded.	Condition to be removed.
2.8 Other Necessary Approvals 2.8.1 A separate application will be required for the following approvals, under the <i>Local Government Act 1993</i> and/or the <i>Roads Act 1993</i> . <ul style="list-style-type: none"> • Vehicular Crossing • Works on or occupation of existing public roads (Not including works covered by a Roads Act Approval) 	<u>Remove condition:</u> This condition is a repeat of condition 2.4.2.1 and should be deleted.	No objection.

Condition	Proposed amendments	Council's response
2.9.1 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.	<u>Remove condition:</u> SINSW does not accept this condition. Construction Certificate is not applicable to Crown development.	No objection.
2.9.2 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.	<u>Remove condition:</u> SINSW does not accept this condition. This condition is not relevant to the DA.	No objection.
3 PRIOR TO CONSTRUCTION (PLANNING)		
3.1.1 Details of any proposed lighting to assist in crime prevention at night shall be submitted to Council for approval prior to any construction works commencing.	<u>Remove condition:</u> SINSW does not accept this condition. The development does not propose any lighting and therefore this condition is not relevant to the DA.	No objection.
3.1.4 The development approval is to be constructed in accordance with the schedule of materials, finishes and colours.	<u>Request amendment:</u> A schedule of materials finishes, and colours was not included in the Architectural set. Drawing DA510 – materials board was included in the DA submission and had very limited information. <u>Draft wording:</u> 3.1.4 The development approval is to be constructed in accordance with Drawing No. DA510 Materials Board Revision B, dated 2 September 2021 prepared by PMDL Architecture + Design.	Condition to be removed.
3.2.2 On-site car parking spaces are to be designed having minimum internal clear dimensions in accordance with	<u>Request amendment:</u> Traffic consultant has designed car parking in accordance with AS2890.1:2004, with reference	Condition to be removed.

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<p>Australian Standard 2890.1 as follows:</p> <p>Car Space: 2.6m x 5.4m</p>	<p>to Class 1A (employee) facilities. The Class 1A facilities are to provide the following dimensions for Car Spaces: 2.4m x 5.4m.</p> <p>Condition to be revised to reflect the above dimensions (in lieu of 2.6m).</p> <p><u>Draft wording:</u></p> <p>3.2.2 On-site car parking spaces are to be designed having minimum internal clear dimensions in accordance with AS2890.1:2004, with reference to Class 1A (employee) facilities as follows:</p> <p>Car Space: 2.4m x 5.4m.</p>	
<p>3.3 Street Tree Planting</p> <p>3.3.1 A revised street tree plan is to be submitted for review and approval that includes planting and maintenance details for street trees along the front of the development. The plan should also include the street tree species and the use of root directors installed to manufacturer's directions. The street tree spacing's should be approximately 8 metres apart, taking into account street light spill and vehicle sightlines.</p>	<p><u>Remove condition:</u></p> <p>SINSW does not accept this condition. Street trees are not proposed in this development application.</p>	No objection.
4 PRIOR TO CONSTRUCTION (BUILDING)		
<p>4.3 Easements</p> <p>4.3.1 The footing system adjacent to the drainage easement shall extend below the invert level of the pipe, and be designed by an appropriately qualified person to ensure the structural adequacy of the building and the integrity of any pipe within the easement</p>	<p><u>Remove condition:</u></p> <p>SINSW does not accept this condition. There is no known drainage easement applicable to this project / development.</p>	No objection
<p>4.4 Demolition</p> <p>4.4.1 A clearance certificate/statement prepared in</p>	<p><u>Remove condition:</u></p> <p>SINSW does not accept this condition. This condition refers</p>	No objection.

Condition	Proposed amendments	Council's response
<p>accordance with the National Code of Practice for the Safe Removal of Asbestos shall be issued by the competent demolition contractor who holds an appropriate Demolition Licence issued by the NSW WorkCover Authority under the provisions of the Work Health and Safety Act 2011 (and any relevant Regulation there under). The certificate/statement must state that the pre-existing building/s was/were demolished in accordance with the conditions and terms of that licence, Australian Standard 2601-2001 – The Demolition of Structures and that any asbestos removal has been carried out in accordance with NOHSC-2002 – Code of Practice for Safe Removal of Asbestos. A copy of the clearance certificate/statement shall be attached to the Construction Certificate.</p>	<p>to demolition of pre-existing buildings/structures which is not applicable to the project.</p>	
5 PRIOR TO CONSTRUCTION (ENGINEERING)		
<p>5.1 Construction Requirements</p> <p>5.1.1 Under the <i>Environmental Planning and Assessment Act 1979</i> a Construction approval is required. These works include but are not limited to the following:</p> <ul style="list-style-type: none"> • On-site stormwater detention • Water quality treatment <p>The above requirements are further outlined in this section of the consent.</p>	<p><u>Request amendment:</u></p> <p>Condition calls for a "Construction Approval". What is this type of approval? Condition is unclear. Condition should be advisory.</p>	<p>Condition to be removed.</p>
<p>5.2 Roads Act Requirements</p> <p>5.2.1 Under <i>Section 138 of the Roads Act 1993</i> an approval for engineering work is required.</p>	<p><u>Remove condition:</u></p> <p>Appears to be similar to Condition 2.4.2.1. The condition to be referenced once in the consent.</p>	<p>Not accepted.</p> <p>Condition to be retained: Council is the authority for this road and works outside the school boundary.</p>

Condition	Proposed amendments	Council's response
<p>These works include but are not limited to the following:</p> <ul style="list-style-type: none"> Any works within Council's road reserve Kerb inlet pit connections or construction Vehicular crossings <p>The above requirements are further outlined in this section of the consent.</p>		
<p>5.4.2 Indicate the replacement the redundant layback and footway crossing with Council's standard kerb and gutter. The footway area shall be restored with turf in accordance with Council's specifications.</p>	<p><u>Request amendment:</u></p> <p>SINSW does not accept this condition. Wording unclear. Council to clarify what is being requested.</p>	Condition to be removed.
<p>5.5.3 Provide inter-allotment drainage lines for lots that do not drain directly to a public road. The design shall include pipeline long-sections and identify location and levels of services.</p>	<p><u>Remove condition:</u></p> <p>SINSW does not accept this condition as inter-allotment drainage is not applicable to the VET building and site.</p>	No objection.
<p>5.5.4 Footings adjacent to easements shall not place a load on the pipe within the easement. Footings shall be:</p> <ol style="list-style-type: none"> 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 <p>All development shall be kept clear of drainage easements. The surface levels within the easement are not to be changed.</p>	<p><u>Remove condition:</u></p> <p>SINSW does not accept this condition. There is no known drainage easement applicable to this project / development.</p>	No objection.
<p>5.6 Erosion and Sediment Control</p> <p>5.6.1 Provide a sediment and erosion control plan in accordance with Council's Soil</p>	<p><u>Remove condition:</u></p> <p>SINSW does not accept this condition. Duplicate condition of 4.2.2.</p>	No objection.

Condition	Proposed amendments	Council's response
Erosion and Sediment Control Policy and Engineering Guide for Development.		
5.9.1 Plans to demonstrate the construction a commercial and industrial vehicular crossing to Council's standard A(BS)103S.	<u>Request amendment:</u> Condition is unclear and should be re-written.	Conditioned to be amended: X.X.X The plans shall specify that the vehicular crossings shall be constructed in accordance with Council's standard plan A(BS)103S.
6 PRIOR TO CONSTRUCTION (DRAINAGE)		
6.1.1 Revised stormwater management plans and modelling are required from Roberts Bird Group, based on plans dated 18.02.2022 various revisions addressing the following and updated to incorporate plans and information that are the subject of the satisfied deferred commencement conditions: a) Provide metal mosquito proof mesh welded over the access grates located over the storm filter chamber. b) The stormwater drainage pipe and pit system which directs runoff to the OSD basin shall be designed to cater for all events up to the 1% AEP.	<u>Remove condition:</u> This condition is a repeat of Part A Condition 1 v) & x) and should be deleted.	No objection.
6.1.7 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 or other requirements are: a) 4 star dual-flush toilets; b) 3 star showerheads; c) 5 star taps (for all taps other than bath outlets and garden taps);	<u>Remove condition:</u> SINSW does not accept this condition as SINSW Sustainability requirements will be applicable for the VET design/building.	No objection.

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d) 3 star water efficient washing machines and dishwashers are to be specified.		
7 PRIOR TO CONSTRUCTION (ENVIRONMENTAL HEALTH)		
N/A	<p>SINSW's comment in email to Council dated 9 May 2022:</p> <p>Can you please confirm if the mitigation measures outlined in the Preliminary Site Investigation are sufficient and whether they will be included in the final conditions of consent? From our reading of the draft conditions, the recommendations of the report have not been acknowledged in the draft consent.</p>	<p>The following condition is to be included under both Prior to Construction (Environmental Health) and During Construction (Environmental Health):</p> <p>X.X The recommendations made in the Report On Preliminary Site Investigation (Ref: 99922.02) prepared by Douglas Partners, dated February 2021, are to be implemented and include:</p> <ul style="list-style-type: none"> • Potential asbestos contamination: SINSW should refer to NSW Department of Education's Asbestos Management Plan⁴, 2015 for appropriate measures to control the risks associated with visible surface asbestos-containing materials found near or within the investigation area; and • Waste classification: Ex Situ waste classification to inform disposal options for surplus soils to be removed as part of the proposed construction, if required.
<p>7.1 The recommendations made in Hazardous Building Materials (HAZMAT) Survey Stage 1 Desktop Study (Ref: 99922.02) prepared by Douglas Partners, dated February 2021 should be implemented.</p> <p>7.2 The recommendations provided in the DA Acoustic Assessment Report (Ref: 60650180-RPNV-01_C) prepared by AECOM Australia</p>	<p><u>Request amendment:</u></p> <p>Recommendations of the acoustic assessment and HAZMAT should be copied into this condition, so it is clear what the requirements are.</p>	<p>Condition to be amended:</p> <p>X.X The General recommendations made in Section 9.1 of the Hazardous Buildings Materials (HAZMAT) Survey Stage 1 Desktop Study (ref: 99922.02) prepared by Douglas Partners, dated February 2021, where applicable shall should be implemented.</p>

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Pty Ltd, dated 18 June 2021 should be implemented.		<p>Condition to be amended:</p> <p>X.X The recommendations provided in the <i>DA Acoustic Assessment Report</i> (Ref: 60650180-RPNV-01_C) prepared by AECOM Australia Pty Ltd, dated 18 June 2021 should be implemented.</p> <p>Recommendations made in the acoustic assessment include:</p> <ul style="list-style-type: none"> • Preparation and implementation of a CNVMP (Construction Noise and Vibration Management Plan) and should include the following: <ul style="list-style-type: none"> ○ Identification of nearby residences and other sensitive land uses ○ Description of approved hours of work ○ Description and identification of all construction activities, including work areas, equipment and duration ○ Description of what work practices (generic and specific) would be applied to minimise noise and vibration ○ A complaint handling process ○ Noise and vibration monitoring procedures ○ Overview of community consultation required for identified high impact works. • Noise and vibration mitigation measures which should be considered in the CNVMP are detailed in Table 23 of the Acoustic Assessment.

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8 PRIOR TO DEVELOPMENT WORKS (BUILDING)		
8.1.4 All soil erosion and sedimentation control measures indicated in the documentation accompanying the Construction Certificate shall be installed prior to the commencement of development works.	<u>Request amendment:</u> <p>We note the issue of a CC is not required if the development is erected by or on behalf of the Crown. Therefore, references to CC should be removed from the consent and replaced with "prior to commencement of construction".</p> <u>Draft wording:</u> <p>Conditions to reflect standard conditions of consent for Crown development.</p>	Condition to be removed.
<p>8.1.7 Should any excavation associated with the development extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:</p> <p>(a) shall be preserved and protected from damage, and</p> <p>(b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and</p> <p>(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.</p>	<u>Request amendment:</u> <p>Remove (b). We note the issue of a CC is not required if the development is erected by or on behalf of the Crown. Therefore, references to CC should be removed from the consent and replaced with "prior to commencement of construction".</p> <u>Draft wording:</u> <p>Conditions to reflect standard conditions of consent for Crown development.</p>	Condition to be removed.
<p>8.2 Notification to Council</p> <p>8.2.1 The person having the benefit of this consent shall, at least 2 days prior to work commencing on site, submit to Council a notice under Environmental Planning and</p>	<u>Remove condition:</u> <p>It is understood that this condition is N/A for Crown Applications.</p>	No objection.

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Assessment Regulation 2021, indicating details of the appointed Principal Certifying Authority and the date construction work is proposed to commence.		
<p>8.3 Sydney Water Authorisation</p> <p>8.3.1 Sydney Water Corporation's approval, in the form of appropriately stamped Construction Certificate plans, shall be obtained and furnished to the Principal Certifying Authority to verify that the development meets the Corporation's requirements concerning the relationship of the development to any water mains, sewers or stormwater channels.</p> <p>OR</p> <p>The approved plans are to be submitted to a Sydney Water Customer Centre or Quick Check Agent, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. The plans must be appropriately stamped and all amended plans will require restamping. For Quick Check Agent details, please refer to the "Building Plumbing and Developing" Section of the website www.sydneywater.com.au, then follow the "Developing Your Land" link or telephone 13 20 92 for assistance.</p>	<p><u>Request amendment:</u></p> <p>We note the issue of a CC is not required if the development is erected by or on behalf of the Crown. Therefore, references to CC should be removed from the consent and replaced with "prior to commencement of construction".</p> <p><u>Draft wording:</u></p> <p>Conditions to reflect standard conditions of consent for Crown development.</p>	Condition to be removed.
9 PRIOR TO DEMOLITION WORKS (BUILDING)		
9.1.4 Toilet facilities shall be provided on the land at the rate of 1 toilet for every 20 persons	<p><u>Remove condition:</u></p> <p>Duplicate of 8.1.1.</p>	No objection.

Condition	Proposed amendments	Council's response
<p>or part thereof employed at the site.</p> <p>Each toilet provided shall be:</p> <p>(a) a standard flushing toilet, and</p> <p>(b) connected:</p> <p>(i) to a public sewer, or</p> <p>(ii) if connection to a public sewer is not practicable, to an accredited sewage management facility provided by the Council, or</p> <p>(iii) if connection to a public sewer or an accredited sewage management facility is not practicable to some other sewage management facility approved by Council.</p>		
<p>9.1.5 Soil erosion and sediment control measures shall be provided in accordance with Council's Soil Erosion and Sediment Control Policy.</p>	<p><u>Remove condition:</u></p> <p>Duplicate of 4.2.2, 5.6.1. All duplicate conditions to be removed.</p>	<p>No objection.</p>
<p>9.2 Site Investigation</p> <p>9.2.1 A qualified Site Auditor accredited by NSW Department of Environment and Conservation (under the provisions of the Contaminated Land Management Act 1997) shall be engaged to undertake an investigation of the land to ascertain if the site has been affected by any contaminants (including, but not limited to, asbestos, organochlorins, arsenic, lead, petroleum residues and the like) that may be detrimental to the health of any future occupants and/or workers. The report shall identify the contaminants (if applicable) and shall make recommendations on the</p>	<p><u>Remove condition:</u></p> <p>SINSW does not accept this condition. Condition is not considered applicable to the development/site. The contamination report and hazardous material reports procured by SINSW do not include any such recommendations for a Site Auditor being appointed.</p>	<p>No objection.</p>

Condition	Proposed amendments	Council's response
method of remediation of the land.		
10 DURING CONSTRUCTION (BUILDING)		
10.1.1 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.	<u>Remove condition:</u> Duplicate of 8.1.1, 9.1.4. Duplicate conditions to be removed.	No objection.
11 DURING CONSTRUCTION (ENGINEERING)		
11.1.1 A written notification of works must be submitted to Council's Engineering Approvals Team prior to the commencement of any engineering works required by this consent. This must be submitted a minimum 5 business days prior to commencement of engineering works.	<u>Request amendment:</u> This condition is unclear as to what constitutes Engineering Works. The condition is also unclear on what "Written Notification" is.	Condition to be amended: X.X.X Written notification of any works in the road reserve must be submitted to Council. This must be submitted to Council a minimum five (5) business days prior to commencement of works.
11.2.1 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.	<u>Request amendment:</u> The first 5 words of this condition should be deleted. <u>Draft wording:</u> 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.	Conditioned to be amended: X.X.X 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 DURING CONSTRUCTION (DRAINAGE)		
13 DURING CONSTRUCTION (ENVIRONMENTAL HEALTH)		
N/A	SINSW's comment in email to Council dated 9 May 2022: Can you please confirm if the mitigation measures outlined in the Preliminary Site Investigation are sufficient and whether they will be included in the final conditions of consent? From our reading of the draft conditions, the	The following condition is to be included under both Prior to Construction (Environmental Health) and During Construction (Environmental Health): X.X The recommendations made in the Report On Preliminary Site Investigation (Ref: 99922.02) prepared by Douglas Partners, dated

Condition	Proposed amendments	Council's response
	recommendations of the report have not been acknowledged in the draft consent.	<p>February 2021, are to be implemented and include:</p> <ul style="list-style-type: none"> • Potential asbestos contamination: SINSW should refer to NSW Department of Education's Asbestos Management Plan⁴, 2015 for appropriate measures to control the risks associated with visible surface asbestos-containing materials found near or within the investigation area; and • Waste classification: Ex Situ waste classification to inform disposal options for surplus soils to be removed as part of the proposed construction, if required.
13.1 The recommendations provided in the DA Acoustic Assessment Report (Ref: 60650180-RPNV-01_C) prepared by AECOM Australia Pty Ltd, dated 18 June 2021 shall be implemented.	<p><u>Request amendment:</u></p> <p>Recommendations of acoustic assessment should be copied into this condition, so it is clear what the requirements are.</p>	<p>This would relate to the implementation of the CNVMP prepared as per Condition 7.1</p> <p>Condition to be amended:</p> <p>X.X The recommendations provided in the <i>DA Acoustic Assessment Report</i> (Ref: 60650180-RPNV-01_C) prepared by AECOM Australia Pty Ltd, dated 18 June 2021 shall be implemented.</p> <p>Recommendations made in the acoustic assessment include:</p> <ul style="list-style-type: none"> • Preparation and implementation of a CNVMP (Construction Noise and Vibration Management Plan) and should include the following: <ul style="list-style-type: none"> ○ Identification of nearby residences and other sensitive land uses ○ Description of approved hours of work

Condition	Proposed amendments	Council's response
		<ul style="list-style-type: none"> ○ Description and identification of all construction activities, including work areas, equipment and duration ○ Description of what work practices (generic and specific) would be applied to minimise noise and vibration ○ A complaint handling process ○ Noise and vibration monitoring procedures ○ Overview of community consultation required for identified high impact works. ● Noise and vibration mitigation measures which should be considered in the CNVMP are detailed in Table 23 of the Acoustic Assessment.
<p>13.3 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;</p> <ul style="list-style-type: none"> ○ NSW Environment Protection Authority's Guidelines for Consultants Reporting on Contaminated Sites (2020) ○ NSW Environment Protection Authority's Contaminated Sites Sampling Design Guidelines (1995). ○ NSW Environmental Protection Authority's Contaminated Sites: Guidelines for NSW Site 	<p><u>Remove condition:</u></p> <p>SINSW does not accept this condition.</p> <p>No further remediation of land required under submitted PSI prepared by Douglas Partners.</p>	<p>Not accepted.</p> <p>Condition to be retained:</p> <p>This would only ensure that remediation is completed if unexpected contamination is found. We would prefer to retain this condition.</p>

Condition	Proposed amendments	Council's response
<p>Auditor Scheme 3rd edition (2017)</p> <ul style="list-style-type: none"> ○ National Environment Protection Council (NEPC) 1999 National Environment Protection (Assessment of Site Contamination Measure) as amended 2013 ○ NSW Environment Protection Authority's Waste Classification Guidelines, Part 1: Classifying Waste (2014) ○ A NSW Environment Protection Authority accredited Site Auditor shall review the validation report and submit to Council a Site Audit Statement. The Site Audit Statement shall verify that the investigation, remediation and validation was carried out in accordance with the aforementioned guidelines and that the site is suitable for the proposed use. 		

14 DURING DEMOLITION WORKS (BUILDING)

15 PRIOR TO OCCUPATION AND COMMENCEMENT USE (PLANNING)

15.2.1 All landscaping and tree planting shall be completed in accordance with the approved landscape plans.	<p><u>Request amendment:</u></p> <p>To add landscape plans to list under Condition 2.2.1.</p>	<p>Condition 2.2.1 to be amended to include amended landscape plan in accordance with Deferred Commencement Condition No. 2.</p> <p>Condition to be amended.:</p> <p>X.X Landscaping and tree planting</p> <p>X.X.X All landscaping and tree planting shall be completed in accordance with the approved landscape plans.</p>
<p>15.3 Street tree planting</p> <p>15.3.1 The applicant is to undertake street tree planting</p>	<p><u>Remove condition:</u></p> <p>SINSW does not accept this condition. Condition is</p>	No objection.

Condition	Proposed amendments	Council's response
<p>and maintenance along the frontage of the development site to improve the amenity of the streetscape must be approved before an Occupation Certificate is issued.</p> <p>The number of trees should be planted at a minimum spacing of approximately 8 metres, taking into account vehicle sightlines, driveway locations and street light spill.</p> <p>Trees must be of a minimum container size of 45 litres with root directors and 100 litres for industrial and commercial developments and 100 litres for medium and high density residential developments.</p> <p>The applicant must obtain clearances from relevant service authorities.</p> <p>The applicant will be required to pay a bond per tree as indicated in the current goods and services pricing schedule to ensure the health and vigour of the tree(s). The bond will be returned 12 months after the completion of the development (i.e. on issue of final occupation/subdivision certificate), to council if the trees are maturing satisfactorily. The applicant is responsible for notifying Council when the works are completed to request a practical completion inspection and end of street tree bond maintenance inspection.</p> <p>The applicant will also be required to pay an inspection fee and a landscaping assessment fee as indicated in the current goods and services pricing schedule. A Blacktown City representative will inspect all street tree and public landscaping during the</p>	<p>incorrectly listed as 16.3.1. Street trees are not proposed in this development application.</p>	

Condition	Proposed amendments	Council's response
establishment period (i.e. between the practical date of completion and formal handover). Elements deemed to be not adequately performing are to be removed, substituted or repaired by the developer within 60 days of written notification.		
15.4 Fencing 15.4.1 Completion of all fencing to Council's satisfaction at full cost to the applicant.	<u>Remove condition:</u> SINSW does not accept this condition. The application/design includes the applicable fencing to be retained and replaced.	No objection.
N/A	N/A	The following condition is to be included under Prior to Occupation and Commencement Use (Planning): X.X Landscaping X.X.X A minimum 10 out of 40 replacement trees of Cumberland Plain Woodland species shall be planted prior to occupation.
16 PRIOR TO OCCUPATION (BUILDING)		
16.1.2 Prior to occupation/use of a new building, it is necessary to obtain an Occupation Certificate from the Principal Certifying Authority in accordance with the provisions of Section 6.10 of the Environmental Planning & Assessment Act 1979.	<u>Remove condition:</u> SINSW does not accept this condition. Occupation Certificate not applicable to Crown applications.	No objection.
16.3 Fee Payment 16.3.1 Any fee payable to Council as part of a Construction, Compliance or Occupation Certificate or inspection associated with the development (including the registration of privately issued certificates) shall be paid in full.	<u>Request amendment:</u> SINSW does not accept this condition. Condition to be reworded to apply to Crown applications. <u>Draft wording:</u> Conditions to reflect standard conditions of consent for Crown development.	Condition to be removed.

Condition	Proposed amendments	Council's response
17 PRIOR TO OCCUPATION (ENGINEERING)		
<p>17.1 Consolidation of Lots</p> <p>17.1.1 The lots shall be consolidated into one title which shall be registered with the Land Registry Services (LRS).</p>	<p><u>Remove condition:</u></p> <p>SINSW does not accept this condition.</p>	No objection.
<p>17.2 Compliance with Conditions</p> <p>17.2.1 The occupation and use of the building shall not commence 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.</p>	<p><u>Remove condition:</u></p> <p>SINSW does not accept this condition. Not considered applicable to Crown development.</p>	No objection.
<p>17.3.1 All landscaping shall be completed in accordance with approved landscaping design plan. All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.</p>	<p><u>Remove condition:</u></p> <p>SINSW does not accept this condition. Duplicate of 15.2.1. Condition to be removed.</p>	No objection.
18 PRIOR TO OCCUPATION (DRAINAGE)		
<p>18.2 Easements/ Restrictions/Positive Covenants</p> <p>18.2.1 Prior to occupation and use commencing, the applicant shall submit to Council documentation that identifies the correct locations, types, models, and model numbers of assets that form the WSUD system installed on the property. The documentation is to include the final version of the Stormwater management report and certified and signed stormwater Works-as-executed plans.</p>	<p><u>Remove conditions:</u></p> <p>SINSW does not accept this condition. There is no reason to agree to any positive covenant requirements in relation to OSD.</p>	No objection.

Condition	Proposed amendments	Council's response
<p>18.2.2 Prior to occupation and use commencing, the Applicant shall provide a Maintenance schedule for the WSUD system installed on the property. The Maintenance schedule is to be prepared in accordance with the Maintenance schedule template and WSUD inspection and maintenance guidelines available on Council's website. The Applicant shall submit the Maintenance schedule to Council for approval.</p> <p>18.2.3 Prior to occupation and use commencing, the applicant shall provide a Positive covenant and Restriction on the use of land over the WSUD system installed on the property. The Positive covenant and Restriction on the use of land is to be accordance with Appendix F of Council's Engineering Guide for Development. The Positive covenant and Restriction on the use of land is to be endorsed by Council and lodged with New South Wales Land Registry Services. The applicant shall submit documentary evidence of the lodgement and execution of the Positive covenant and Restriction on the use of land to Council prior to the issue of the final Occupation certificate.</p> <p>18.3.2 Easements/Restrictions/Positive Covenants</p> <p>18.3.2.1 Any covenant, easement or restriction created as a result of this consent must be in accordance with the following:</p> <p>(a) Blacktown City Council's standard recitals for Terms of</p>		

Condition	Proposed amendments	Council's response
<p>Easements and Restrictions (Current Version).</p> <p>(b) The standard format for easements and restrictions as accepted by NSW Land Registry Services (LRS).</p> <p>18.3.2.2 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. Documentary evidence of this LRS lodgement shall be submitted to Council.</p> <p>18.3.2.3 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. Documentary evidence of this lodgement shall be submitted to Council.</p> <p>18.3.2.4 All relevant 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.</p>		
19 PRIOR TO OCCUPATION (ENVIRONMENTAL HEALTH)		
20 OPERATIONAL (PLANNING)		
<p>20.3.1 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.</p> <p>20.3.2 If artificial lighting is proposed full details are to be submitted indicating the manner in which adjoining properties are to be protected.</p>	<p><u>Remove conditions:</u></p> <p>Remove conditions. No lighting proposed and conditions are not relevant to DA.</p>	No objection.
21 OPERATIONAL (ENVIRONMENTAL HEALTH)		
21.1 Upon receipt of a justified complaint in relation to noise	<u>Remove conditions:</u>	No objection.

Condition	Proposed amendments	Council's response
<p>pollution emanating from the premises, an acoustical assessment is to be carried out in accordance with the requirements of the NSW Environment Protection Authority's Noise Policy for Industry (2017) and provide recommendations to mitigate the emission of offensive noise from the premises. The report shall be prepared by an appropriately qualified acoustic consultant with suitable technical qualifications and experience, consistent with the technical eligibility criteria for membership to the Association of Australian Acoustical Consultants (AAAC) or the Australian Acoustical Society (AAS) and shall be submitted to Council for consideration.</p> <p>21.2 A post commissioning report produced by an acoustic consultant with suitable technical qualifications and experience, consistent with the technical eligibility criteria for membership to the Association of Australian Acoustical Consultants (AAAC) or the Australian Acoustical Society (AAS) within 3 – 6 months of the centre operating to validate the Acoustic reports findings.</p>	<p>SINSW does not accept this condition.</p> <p>An Acoustic Report prepared by AECOM has been submitted with the DA outlining appropriate operational environmental noise emission criteria based upon background noise levels and the NSW Environment Protection Authority's (EPA) NSW Noise Policy for Industry (NPfI) and appropriate construction noise management levels based upon background noise levels and the NSW Environment Protection Authority's (EPA) Interim Construction Noise Guideline (ICNG).</p> <p>The report also includes noise control measures required to achieve compliance with the criteria outlined.</p>	