

Conditions of consent (draft)

Proposed development	<p>Demolition of existing structures, tree removal, construction of a new 3-storey primary school educational establishment over a basement car park with associated excavation and earthworks, stormwater and landscaping works over 3 stages:</p> <ul style="list-style-type: none">• Stage 1 - erection of temporary demountable private school rooms and use of the existing house as an administration office and car park.• Stage 2 - construction of part of a new private 3-storey primary school educational establishment over a basement car park with associated excavation and earthworks, stormwater and landscaping works and then demolition of the Stage 1 car park.• Stage 3 - demolish demountable rooms and complete new school building and basement carpark.
Property description	39 Beames Avenue, Rooty Hill (Lot 2 DP 1218971).

1 ADVISORY NOTES

1.1 Terminology

- 1.1.1 Any reference in this document to a "consent" means a "development consent" defined in the Environmental Planning and Assessment Act 1979.
- 1.1.2 Any reference in this consent to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to a certificate as defined by Section 6 of the Environmental Planning and Assessment Act 1979.

1.2 Scope of Consent

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

1.3 Other Approvals

- 1.3.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.
- 1.3.2 The applicant's attention is drawn to the need to obtain separate appropriate approval for any ancillary development not approved by this consent, including:
- (a) the removal of any tree(s) not indicated on the approved plans and any tree(s) located greater than 3 m from the building perimeter, and
 - (b) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development, and

- (c) demolition of any existing buildings and associated structures in accordance with the requirements of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, and
- (d) the installation of vehicular footway crossings servicing the development, and
- (e) the use of any crane that swings over public air space. If a crane is used to construct this development that swings over public air space, separate Council approval under the Roads Act 1993 and Local Government Act 1993 is required.

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

1.4 Services

1.4.1 The applicant is advised to consult with:

- (a) Sydney Water Corporation Limited
- (b) Energy provider
- (c) Jemena Gas
- (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, 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 Prior to any demolition works, all services or utilities should be disconnected in consultation with the relevant service provider.

1.4.3 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 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.

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

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

1.5 Identification Survey

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

1.6 Tree Planting and Service Locations (After all other services)

- 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.

Street tree planting must not interfere with street light spill. The applicant is to provide documentation to confirm there is no conflict between proposed vegetation at maturity and street lighting. This confirmation must be received before a Construction Certificate can be issued.

1.7 Engineering Notes

- 1.7.1 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.

1.8 Road Damage

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

1.9 Transport for NSW Requirements

- 1.9.1 Direct pedestrian or vehicle access from Francis Road is denied.

1.10 Recreational Planning and Design

- 1.10.1 Blacktown City Council welcomes the opportunity to discuss beneficial community access agreements to enable community groups to access any halls, meeting facilities or kickabout space within the school ground.

2 GENERAL

2.1 Scope of Consent

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

Drawing No.	Dated	Revision	Prepared by
DA001 FRONT PAGE	17.08.2023	5	Alleanza Architecture
DA002 SITE ANALYSIS	17.08.2023	4	Alleanza Architecture
DA003 EXISTING SITE PLAN	17.08.2023	4	Alleanza Architecture
DA004 DEMOLITION SITE PLAN STAGE 1 CONSTRUCTION WORKS	17.08.2023	5	Alleanza Architecture

DA005 SITE PLAN STAGE 1 CONSTRUCTION WORKS	12.09.2023	13	Alleanza Architecture
DA006 DEMOLITION SITE PLAN STAGE 2 CONSTRUCTION WORKS	12.09.2023	9	Alleanza Architecture
DA007 SITE PLAN STAGE 2 BASEMENT CONSTRUCTION WORKS	17.08.2023	16	Alleanza Architecture
DA007A SITE PLAN STAGE 2 LOWER GROUND FLOOR CONSTRUCTION WORKS	17.08.2023	5	Alleanza Architecture
DA008 SITE PLAN STAGE 2 GROUND FLOOR CONSTRUCTION WORKS	12.09.2023	10	Alleanza Architecture
DA009 PLAN STAGE 2 LEVEL 1 & ROOF CONSTRUCTION WORKS	17.08.2023	8	Alleanza Architecture
DA009A DEMOLITION SITE PLAN STAGE 3 CONSTRUCTION WORKS	17.08.2023	5	Alleanza Architecture
DA010 OVERALL SITE PLAN	12.09.2023	14	Alleanza Architecture
DA011 GENERAL FLOOR PLAN BASEMENT	17.08.2023	9	Alleanza Architecture
DA012 GENERAL FLOOR PLAN LOWER GROUND	17.08.2023	16	Alleanza Architecture
DA013 GENERAL FLOOR PLAN GROUND FLOOR	12.09.2023	16	Alleanza Architecture
DA014 GENERAL FLOOR PLAN LEVEL 1 FLOOR	17.08.2023	11	Alleanza Architecture
DA015 ROOF PLAN	17.08.2023	11	Alleanza Architecture
DA017 SECTIONS	25.09.2023	8	Alleanza Architecture
DA018 ELEVATIONS	17.08.2023	8	Alleanza Architecture
DA019 SITE CUT & FILL DIAGRAM	17.08.2023	4	Alleanza Architecture
DA020 DETAILED FLOOR PLAN LOWER GROUND (1 of 2)	17.08.2023	5	Alleanza Architecture
			Alleanza Architecture

DA021 DETAILED FLOOR PLAN LOWER GROUND (2 of 2)	17.08.2023	5	Alleanza Architecture
DA022 DETAILED FLOOR PLAN GROUND (1 of 2)	17.08.2023	5	Alleanza Architecture
DA023 DETAILED FLOOR PLAN GROUND (2 of 2)	17.08.2023	4	Alleanza Architecture
DA024 DETAILED FLOOR PLAN LEVEL 1 (1 of 2)	17.08.2023	4	Alleanza Architecture
DA025 DETAILED FLOOR PLAN LEVEL 1 (2 of 2)	17.08.2023	4	Alleanza Architecture
DA030 GFA PLANS	17.08.2023	3	Alleanza Architecture
DA031 MATERIAL SCHEDULE	17.08.2023	5	Alleanza Architecture
DA040 3D BLOCK MODELS	17.08.2023	5	Alleanza Architecture
DA050 SHADOW DIAGRAMS JUNE 21 9AM	17.08.2023	3	Alleanza Architecture
DA051 SHADOW DIAGRAMS JUNE 21 MIDDAY	17.08.2023	3	Alleanza Architecture
DA052 SHADOW DIAGRAMS JUNE 21 3PM	17.08.2023	3	Alleanza Architecture
DA060 3D VISUALISATIONS	17.08.2023	3	Alleanza Architecture
LDA-000 LANDSCAPE COVER SHEET	16.08.2023	D	Ground Ink
LDA-001 CANOPY COVER PLAN	16.08.2023	D	Ground Ink
LDA-101 LOWER GROUND AND GROUND PLAN	16.08.2023	D	Ground Ink
LDA-201 INDICATIVE PLANT PALETTE	16.08.2023	D	Ground Ink
LDA-301 LANDSCAPE DETAILS	16.08.2023	D	Ground Ink

* All the plans are subject to relevant conditions of this consent

2.1.2 This consent authorises the use of the completed approved buildings for a primary school with a maximum of 630 students and 30 staff.

2.1.3 The buildings are approved to be constructed in 3 stages as follows:

- Stage 1: Demolition of the existing detached shed, swimming pool and surrounding structures; removal of 12 trees; alterations to the existing dwelling house to convert into an administration and staff room building; installation of 8 temporary classroom structures and 2 sanitary facility structures; realignment of the existing driveway further towards the eastern boundary of the site; construction of a car

parking area comprising 14 car parking spaces, 1 loading zone and bicycle parking facilities; ancillary landscaping and stormwater management works; use of the site as a primary school comprising a total of 8 classrooms allowing for a student population of 200 students and 10 full-time equivalent (FTE) staff; construction of a raised pedestrian crossing within the Beames Avenue road reserve; construction of a footpath within the northern verge of Beames Avenue; and establishment of a School Zone with associated sign posting and road pavement line marking in Beames Avenue between Brussels Crescent and Sol Place as shown on the plans.

- Stage 2: Demolition of the existing administration building (converted dwelling house); construction of part of a 3-storey school building over a basement and lower ground floor car parking level comprising a total of 38 car parking spaces (5 accessible) and 1 loading zone; construction of administration and staff rooms, sanitary facilities and 3 classrooms on the ground floor level; construction of 6 classrooms and sanitary facilities on level 1; expansion of the primary school to comprise a total of 15 classrooms allowing for a student population of 450 students and 20 FTE staff; and demolition of the Stage 1 car parking area at the completion of Stage 2.
- Stage 3: Decommissioning of the temporary demountable classroom buildings and 2 sanitary facility structures and removal from the site; construction of the remaining part of the 3-storey school building over car parking levels comprising a final total of 62 car parking spaces (5 accessible), 1 loading zone, drop off and pickup area and sanitary facilities on the lower ground floor level; construction of 6 additional classrooms at the rear of the lower ground floor level; construction of an additional 6 classrooms on the ground floor level; construction of a library and multi-purpose hall on level 2; and expansion of the primary school to comprise a final total of 21 classrooms allowing for a student population of 630 students and 30 FTE staff.

2.2 Services

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

2.3 Suburb Name

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

Suburb: Rooty Hill

2.4 Engineering Matters

2.4.1 Design and Works Specification

- 3.4.1.1 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

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, Subdivision Works Certificate, Road Act 1993 or Local Government Act 1993 approval.

Any Construction Certificates or Subdivision Works Certificate issued by Private Certifiers must also be accompanied by the above documents.

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

2.5 Other Necessary Approvals

- 2.5.1 A separate application will be required for the following approvals, under the Local Government Act 1993 and/or the Roads Act 1993.
- Vehicular Crossing
 - Works on or occupation of existing public roads (Not including works covered by a Roads Act Approval)
- 2.5.2 Each year the registered proprietor/owner's corporation is to provide to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au a report outlining all non-potable water used annually and the percentage of non-potable reuse from the rainwater tank. Based on modelling it is agreed that for non-potable reuse that the rainwater tank is achieving a minimum 80% reuse with a minimum reuse supplied of 0.17 ML/yr for stage 1, 0.46 ML/yr for stage 2, 0.53 ML/yr for stage 3.

2.6 Other Matters

- 2.6.1 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.
- 2.6.2 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 PRIOR TO DEMOLITION WORKS

3.1 Safety/Health/Amenity

- 3.1.1 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.
- 3.1.2 A sign shall be erected in a prominent position on the land indicating the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- 3.1.3 Should the demolition work:
- (a) be likely to be a danger to pedestrians in a public place or occupants of any adjoining land or place,
 - (b) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (c) involve the enclosure of a public place.
- 3.1.4 A hoarding or protective barrier shall be erected between the work site and the public place or adjoining land or place. Such hoarding or barrier shall be designed and erected in accordance with Council's current Local Approvals Policy under the Local Government Act 1993.
- 3.1.5 Where necessary, an awning shall be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place or adjoining land or place.
- 3.1.6 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.
- 3.1.7 Toilet facilities shall be provided on the land at the rate of 1 toilet for every 20 persons or part thereof employed at the site.

Each toilet provided shall be:

- (a) a standard flushing toilet, and
- (b) connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility provided by the Council, or
 - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable to some other sewage management facility approved by Council.

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

3.2 Tree Protection

- 3.2.1 Any tree not indicated on the approved Development Application plans as being removed shall be effectively protected against damage. Tree protection measures are to be implemented in line with AS:4970-2009 "Protection of trees on development sites" and the Arboricultural Impact Assessment (AIA) Report by Mark Bury Consulting on 29 July 2023.
- 3.2.2 An AQF Level 5 Consulting Arborist must be appointed prior to demolition of any existing structures or earthworks. They are to register with the developer/builder before any works commence so that the builder can be inducted as to important times when Arborist will be required on-site

3.3 Other Matters

- 3.3.1 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.

SafeWork NSW contact number 131050, and email address
contact@safework.nsw.gov.au

- 3.3.2 The applicant is advised to consult with:
- (a) Sydney Water Corporation Limited,
 - (b) Energy provider,
 - (c) Jemena Gas,
 - (d) The relevant local telecommunications carrier,
- regarding any requirements for the disconnection/relocation/augmentation etc. of existing services on the land and the location of existing services that may be affected by the proposed works, either on the land or on the adjacent public road(s).

3.4 Environmental Health Matters

- 3.4.1 A Hazardous Materials Survey (HMS) should be prepared for the site prior to demolition of any onsite structures, with any control measures outlined in the report to be implemented during demolition of structures.

- following removal, a clearance inspection and issuing of a clearance certificate for the area should be completed by an independent licensed asbestos assessor or competent person.
- 3.4.2 A site specific 'Unexpected Finds Protocol' is to be made available for reference for all occupants and/or site workers in the event unanticipated contamination is discovered, including asbestos.
- 3.4.3 Prepare and submit to Council a Construction Environmental Management Plan (to include at minimum: the noise and vibration control, proposed schedule of works and hours of works, sediment and erosion control, dust control, salinity management plan, proposed means of controlling any activity that could potentially cause a pollution incident as defined by POEO).

4 DURING DEMOLITION WORKS

4.1 Safety/Health/Amenity

- 4.1.1 Security fencing shall be maintained around the perimeter of the demolition site to prevent unauthorised entry to the site at all times during the demolition works. Notices lettered in accordance with AS 1319-1994 and displaying the works "DANGER - DEMOLITION IN PROGRESS", or similar message shall be maintained on the fencing at appropriate places to warn the public.
- 4.1.2 A sign shall be maintained in a prominent position on the land indicating the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- 4.1.3 Any hoarding or protective barrier required to be erected between the work site and the public place on adjoining land or place shall be maintained in an effective condition.
- 4.1.4 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.
- 4.1.5 Soil erosion and sediment control measures shall be maintained in accordance with Council's Soil Erosion and Sediment Control Policy.
- 4.1.6 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.
- 4.1.7 All demolition work and handling of materials shall be in accordance with Australian Standard 2601-2001 (Demolition of Structures) and all applicable SafeWork NSW requirements including the Code of Practice for the Safe Removal of Asbestos" – National Occupational Health and Safety Commission:2005 (if applicable).
- 4.1.8 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.
- 4.1.9 A valid public liability insurance policy of at least \$10,000,000 shall be maintained throughout the demolition works.
- 4.1.10 Demolished materials, plant, equipment and the like shall not be stored or placed at any time on Council's footpath, roadway or any public place.
- 4.1.11 Should any excavation associated with the demolition works extend below the level of the base of the footings of a building on an adjoining allotment of land, including a public road or place, the person causing the excavation to be made:
 - (a) must preserve and protect the building from damage, and
 - (b) if necessary, must underpin and support the building in an approved manner, and

- (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- 4.1.12 The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- 4.1.13 All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- 4.1.14 The demolisher has an obligation to ensure that the adjoining buildings and property are not damaged.
- 4.1.15 Any soils requiring excavation, onsite reuse and/or removal must be classified in accordance with "Waste Classification Guidelines Part 1: Classifying Waste" NSW EPA (2014).

4.2 Nuisance Control

- 4.2.1 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 am and 6 pm, Monday to Friday, and 8 am to 1 pm, Saturday, with no demolition work being undertaken on Sundays or public holidays.

4.3 Waste Management

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

4.4 Tree Protection

- 4.4.1 The measures required to effectively protect trees on the land shall be maintained throughout the demolition works. Tree protection measures are to be implemented in line with AS:4970-2009 "Protection of trees on development sites" and the AIA.

4.5 Natural Areas Requirements

- 4.5.1 Vegetation exclusion fencing around the woodland conservation zone on site shall be installed and maintained in good working order for the duration of works.
- 4.5.2 Each particular action in the approved Vegetation Management Plan (VMP) must be carried out by the person who is identified as being responsible for that action in accordance with the performance indicators and timing identified on page 33 of the approved VMP. In that regard, if the person responsible to carry out an action in the approved VMP is the registered proprietor of a particular Lot, the action is required to be carried out by whoever is the registered proprietor of that Lot.
- 4.5.3 A copy of the approved plan is to be kept on site at all times and made available to council officers upon request.

5 COMPLETION OF DEMOLITION WORKS

5.1 Final Inspection

- 5.1.1 A final inspection is required to ascertain compliance with the condition of approval prior to the release of the road damage deposit.

5.2 Hazardous Materials and Waste

- 5.2.1 A clearance certificate/statement prepared in accordance with the National Code of Practice for the Safe Removal of Asbestos shall be issued by an independent licensed

asbestos assessor or the competent demolition contractor who holds an appropriate Demolition Licence issued by the SafeWork NSW 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 lodged with Council.

- 5.2.2 Submit the receipt from the trade waste depot for disposal of the asbestos from the removal/demolition of the existing dwelling.

6 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)

6.1 DA Plan Consistency

- 6.1.1 A Construction Certificate or Subdivision Works 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.

6.2 Traffic Matters

- 6.2.1 Provision for adequate sight distance needs to be made for both pedestrian and vehicular movement at the proposed driveway in accordance with Section 3.2.4 AS 2890.1 and Figure 3.2 of AS 2890.1 to ensure safety of pedestrians on the footpath system and motor vehicles along the new driveway.
- 6.2.2 A separate application is to be made to Council with associated fees paid seeking Local Traffic Committee/Council approval for the proposed pedestrian crossing (including dimensions) and associated signage.
- 6.2.3 A separate application is to be made to Transport for NSW for approval for installation of School Zone Signage and pavement markings.

6.3 Transport for NSW Requirements

- 6.3.1 The current refuge island and kerb ramps on Francis Road at Orion Street should be reviewed and upgraded to meet TfNSW requirements and endorsed by a suitably qualified practitioner. The design requirements shall be in accordance with AUSTRROADS and other Australian Codes of Practice. The certified copies of the civil design plans shall be submitted to TfNSW for consideration and approval prior to the release of the Construction Certificate by the Principal Certifying Authority and commencement of road works. Documents should be submitted to Development.Sydney@transport.nsw.gov.au

The developer is required to enter into a Works Authorisation Deed (WAD) for the abovementioned works.

TfNSW fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

- 6.3.2A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Francis Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>

6.4 Sydney Trains Requirements

- 6.4.1 The applicant shall prepare an acoustic assessment demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The applicant must incorporate in the development all the measures recommended in the report. A copy of the report is to be provided to the Certifier and Council prior to the issuing of a

Construction Certificate. The Certifier must ensure that the recommendations of the acoustic assessment are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.

- 6.4.2 Prior to the issue of a Construction Certificate, the applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Certifier with the application for a Construction Certificate. The Certifier must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.

6.5 School Infrastructure NSW

- 6.5.1 Prepare a school transport plan that focuses on encouraging sustainable travel modes among both staff and students, including methods to take advantage of the site's proximity to Rooty Hill Station. This plan should address:
- Active transport routes to Rooty Hill Station and Rooty Hill Town Centre
 - Bicycle parking in appropriate locations
 - Facilities for cyclists such as end of trip facilities including showers and lockers for staff
- 6.5.2 As part of any Construction Traffic Management Plan, the applicant is to consider a measure ensuring construction vehicles do not travel via North Parade during school drop-off and pick up times. This measure would assist to limit construction traffic impacts on Rooty Hill High School.

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 the issuance of the relevant Construction Certificate.

7.2 Local Government Act Requirements

- 7.2.1 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 within a Council Reserve,
- 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.

7.3 Roads Act Requirements

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

- Any works within Council's road reserve,
- Road construction or alterations,
- Stormwater connections or construction,
- Vehicular crossings,
- Path Paving.

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

7.4 Other Engineering Requirements

- 7.4.1 If the estimated cost is \$25,000 or greater proof of long service levy payment is required.
- 7.4.2 Any ancillary works undertaken shall be at no cost to Council.
- 7.4.3 Submit written permission from the affected property owner for any works proposed on adjoining land.
- 7.4.4 Submit written evidence from Transport for NSW indicating compliance with all necessary requirements.

7.5 Roads

- 7.5.1 Submit a traffic management plan (TMP) including but not limited to a Traffic Control Plan (TCP) and Pedestrian Management Plan, for any works within public road reserves. The TCP shall be approved, signed and dated by a person who holds a current Roads and Maritime Services (RMS) Work Zone Traffic Management Plan accreditation and photo card.
- 7.5.2 Splays are to be adjusted to meet site specific intersection designs in accordance with Council's Engineering Guide for Development.
- 7.5.3 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.
- 7.5.4 Design the bus bay in accordance with Council Plan A(BS)125 and Council's engineering construction specification.

7.6 Drainage

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

7.7 Water Sensitive Design

- 7.7.1 The applicant shall provide evidence that the Voluntary Planning Agreement contributions with regards to water sensitive urban design as agreed are paid in full prior to the issue of Construction Certificate.
- 7.7.2 Amended engineering stormwater drawings are required from Abel & Brown Pty Ltd and generally be in accordance with drawing number H-01, H-02, H-03, H-04, H-05, H-06, H-07, H-08, H-09, H-10, H-11, H-012, H-013 revision F addressing the following:
 - a) Detail confined space entry warning signs on the drainage plans adjacent to all entries into the rainwater tanks in accordance with Council's Engineering Guide for Development 2005.
 - b) All proposed stormwater pipes shall have a 1% minimum fall gravity grade. Erosion and Sediment Control.
 - c) All basement levels shall have a minimum 0.5% fall towards basement level pits.
- 7.7.3 A Chartered Engineer, registered with NER, is to certify that the water from the rainwater Tank used for irrigation and toilet flushing after application of all necessary treatment meets the criteria for the appropriate level in table 6.4 of Managing Urban Stormwater: harvesting and reuse by the Department of Environment and Conservation NSW Dec 2006 and is of a standard appropriate for its intended use. Where UV disinfection is required, a designer experienced in the use of UV treatment, is to provide details of the system arrangement. The arrangement is to include the size and configuration of UV lamps required, level of filtration as pre-treatment, together with design flowrate. Provide maintenance details.
- 7.7.4 Provide details for permanent coloured interpretive signage minimum A2 size to be installed to highlight the water quality improvement process. The sign is to incorporate a simplified drainage layout of the site and detail through words and pictures all the different water quality devices including the rainwater tank and explain the benefit to the site and community. The sign is to be supported by a steel post or on a wall and is

to be located adjacent to the major water quality device. The wording and detail are to be generally in accordance with Section 14 of Council's WSUD developer handbook and be approved by Council.

- 7.7.5 An experienced chartered hydraulic engineer is to prepare and certify a detailed Non-Potable Water Supply and Irrigation Plan for non-potable water uses. Such use includes landscape watering, washdown and all toilet flushing and that all Sydney Water requirements have been satisfied. The plan is to show the rainwater pipe and tank arrangement including:
- a) A first flush or pre-treatment system.
 - b) A pump with isolation valves.
 - c) A solenoid-controlled mains water bypass.
 - d) Flow meters on the solenoid-controlled mains water bypass line and the pump outflow line, to determine non-potable usage and actual percentage reuse.
 - e) An inline filter and preferably an automatic backwash inline filter.
 - f) A control panel with warning light to indicate pump failure.
 - g) Provide external taps at a rate of one tap for each 150 m² of landscape area (not turf) evenly spread across the site for landscape watering or wash down and to be supplied from the rainwater tank.
 - h) Connection of all proposed toilets to the rainwater tank.
 - i) Providing a minimum rainwater tank size of 80 kL below overflow, servicing all toilets and landscaping/washdown.
 - j) Ensuring all the rainwater reuse pipes and taps are coloured purple.
 - k) Rainwater warning signs are fitted to all external taps using rainwater.
 - l) All rainwater reuse taps are to be lockable or have removable handles.
- 7.7.6 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),
 - d) 3-star water efficient washing machines and dishwashers are to be specified.
- 7.7.7 A flood risk management report shall be prepared for the development. The report shall detail the following:
- a) Evacuation procedures and planning for all storm events up to the PMF level.
 - b) Protection measures to protect the proposed buildings from inundation up to the 1% AEP flood event.
 - c) Protection of occupants up to the PMF flood level.
 - d) Flood warning signs and exclusion of access to hazardous flood areas up to the 1% AEP flood level.
- 7.7.8 All proposed structures shall be structurally designed to withstand flood forces, debris and erosion for all flood events up to the PMF flood event.
- 7.7.9 Any new fencing across the flow path adjoining private property up to a minimum of 0.3 m above the 1% AEP flow level will be of louvers to allow the free flow of flood waters while providing privacy.
- 6.8.4 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.

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 Erosion and Sediment Control

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

7.10 Stormwater Quality Control

- 7.10.1 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.

7.11 Vehicular Crossings

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

The levels at the road boundary of the property must be 4% above the top of kerb. Regarding the driveways, provide a sight splay for pedestrian safety/security using the pathways.

7.12 Footpaths

- 7.12.1 Path paving s 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	Paving Width	Length
Beames Avenue	Full width	Full length
Francis Road	1.5 m	Full length

8 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

8.1 Section 7.11 Contributions under Section 7.17 Directions

- 8.1.1 Before the issue of a Construction Certificate (for building works) or Subdivision Certificate (for subdivision works), whichever occurs first, contributions under Section 7.11 of the Environmental Planning & Assessment Act 1979 must be paid.

These payments contribute to the provision of the local infrastructure specified in the contribution/s plan specified below.

The amounts below are as at 15 September 2023. They WILL BE INDEXED from this date to the date of payment. Payment of the indexed amounts must be made prior to the issue of a Construction Certificate (for building works) or Subdivision Certificate (for subdivision works) either by Council or any accredited certifier, whichever occurs first.

PLEASE NOTE: Indexed payments must be made by BANK CHEQUE IF IMMEDIATE CLEARANCE IS REQUIRED and payments made by credit card attract a % surcharge as detailed in Council's Goods and Services Pricing Schedule.

Contribution Item

Amount

The contribution(s) will be indexed according to index specified in the contributions plan.

Copies of the following relevant contributions plan(s) may be inspected/purchased from Council's Information Centre, or viewed/downloaded at www.blacktown.nsw.gov.au:

Section 7.11 Contributions Plan No. 1 – 1980's Release Areas.

The Section 7.11 contribution(s) have been based on the potential additional population nominated below. Should amendments change the potential additional population, the Section 7.11 contribution(s) will be adjusted accordingly.

Developable area: 0.7084 hectares.

8.2 Access/Parking

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

Regarding the easterly driveway, consideration shall be given to a sight splay for safety & security of pedestrians that are using the Francis Road and Beames Avenue pathway.

- 8.2.2 The minimum car parking spaces to be provided on-site for each stage of the development is as follows:

- Stage 1: A minimum of 15 car parking spaces, including 1 accessible car parking space.
- Stage 2: A minimum of 40 car parking spaces, including 5 accessible car parking spaces.
- Stage 3: A minimum of 62 car parking spaces, including 5 accessible car parking spaces.

Details are to accompany the Construction Certificate plans.

- 8.2.3 On-site parking spaces are to be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1
- 8.2.4 All internal paved areas and other paved areas shall be designed to provide continuous surface drainage flow paths to approved points of discharge.
- 8.2.5 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6 and AS1428.1 - 2009.
- 8.2.6 The design of the car parking area is to ensure that all vehicles must enter and leave the development in the forward direction.
- 8.2.7 The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) are to be designed in accordance with Australian Standard 2890.1 – 2004 and AS 2890.2 – 2002 for heavy vehicles.

8.3 Salinity

- 8.3.1 Consideration shall be given to the guidelines in Building In Saline Environment 2008, Western Sydney Salinity Code of Practice 2003 and the design of structures in contact with the soils in accordance with AS 2159-1995 'Piling –Design and Installation'.
- 8.3.2 The recommendations in Geotechnical and Salinity Investigation prepared by GeoEnviro Consultancy Pty Ltd dated May 2022 are to be adhered to.

8.4 Aesthetics/Landscaping

- 8.4.1 The reflectivity index of glass used in the external facade of the building is not to exceed 20% must not affect road traffic and must not cause discomfort through glare or

intense heat to surrounding areas. "Anti-glare" glazing is to be used to minimise any glare affect. Details are to be provided as part of the Construction Certificate plans.

- 8.4.2 All materials of construction are to be fire resistant. Documentary evidence shall be submitted to Council to ensure compliance.
- 8.4.3 The development approved by this consent is to be constructed in accordance with the materials, finishes and colours indicated on the Material Schedule plan (Drawing number DA031). Details of these building materials and finishes, including colour samples from brochures or the like, are to be included as part of the Construction Certificate plans.
- 8.4.4 All boundary fencing is to be erected, being 1.8m high, black powder-coated metal 'diplomat' style fencing to all boundaries except the rear boundary which is to be 1.8m high Colorbond. Details are to accompany the Construction Certificate plans.
- 8.4.5 All retaining walls are to be of masonry construction. All footings for these retaining walls are to be wholly within the boundaries of the site. All retaining walls are to be designed by a suitably qualified structural engineer.
- 8.4.6 The 900mm privacy screen located on the 1st floor facing to the rear of the site is to be frosted glass. Details are to be provided as part of the Construction Certificate plans.
- 8.4.7 No lift overrun is permitted above the roof of the building without separate consent. Details of the lift's operation are to be provided as part of the Construction Certificate plans.
- 8.4.8 The building height is not to exceed the approved building height without separate consent.
- 8.4.9 An amended Landscape Plan is to be submitted to delete the street trees along Beames Avenue. Street trees are not to be planted under the high voltage powerlines.

8.5 Tree management

- 8.5.1 Trees 1 - 4, 7, 8, 72 - 77 as indicated in the Arboricultural Impact Assessment (AIA) Report by Mark Bury Consulting on 29 July 2023 can be removed as part of this development. They are located within the site in a position where they cannot be retained due to the proposed infrastructure and bulk earthworks, have a low retention value, and are in poor condition and/or health. or are an exempt species.
- 8.5.2 Trees 5, 6, 9-71, 78-81 are to be retained and protected as detailed in Appendix 6 Tree Management Plan. Tree protection measures are to be implemented as per Australian Standard AS4970 2009 Protection of trees on development sites and the tree protection plan contained within the AIA.
- 8.5.3 Prior to the issue of any Construction Certificate, a Tree Protection Plan (drawing) with Tree Protection marked on the plan is required to be supplied.
- 8.5.4 Two inspection fees as per Council's Goods and Services Pricing Schedule will be applicable for the authorised officer to inspect the tree protection measures implemented before construction commencing and following a request for the return of the tree preservation bond as noted above.
- 8.5.5 The tree protection measures are to be installed prior to construction commences.

9 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)

9.1 Building Code of Australia Compliance

- 9.1.1 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).

9.2 Site Works and Drainage

- 9.2.1 Any required retaining wall(s) and/or other effective method to retain excavated or filled ground (not being Exempt Development under the Blacktown Local Environmental Plan), together with any associated groundwater drainage system, shall be designed by an appropriately qualified person. Details of such site works shall accompany the Construction Certificate.
- 9.2.2 Stormwater drainage from the site shall be designed to satisfactorily drain rainfall intensities of 159 mm per hour over an average recurrence interval of 20 years. The design shall:
 - (a) Be in accordance with Australian Standard 3500.3, and
 - (b) Provide for drainage discharge to an existing Council drainage system, and
 - (c) Ensure that the development, either during construction or upon completion, does not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties.
- 9.2.3 Soil erosion and sediment control measures shall be designed in accordance with Council's Soil Erosion and Sediment Control Policy. Details shall accompany any Construction Certificate.
- 9.2.4 Should any proposed 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), separate details prepared by a suitably qualified person shall be prepared indicating how that building or structure is to be:
 - (a) Preserved and protected from damage, and
 - (b) Underpinned and supported.

Such details shall accompany the Construction Certificate.

10 PRIOR TO CONSTRUCTION CERTIFICATE (ENVIRONMENTAL HEALTH)

10.1 Environmental Management

- 10.1.1 Submit to Council, for approval, a Data Gap Contamination Assessment post demolition of existing structure/dwellings, completed by a suitably qualified environmental consultant who holds or is eligible to hold certification under the Certified Environmental practitioner (Specialist Certification (CEnvP(SC)) or Certified Professional Soil Scientist Contaminated Site Assessment and management (CPSS CSAM) Scheme.
- 10.1.2 The recommendations made in the Acoustic Report prepared by Rodney Stevens Acoustics, dated 23 May 2022 are to be implemented.
- 10.1.3 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:
 - 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 Auditor Scheme 3rd edition (2017).
- 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).

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.

- 10.1.4 Plans and specifications are to be submitted prior to construction to ensure compliance with the requirements of the:
- Food Act 2003 and Regulations there under.
 - Australian Standard 4674-2004 Design, construction and fit-out of food premises.
 - Australian Standard 1668.2-2002 The use of ventilation and air conditioning in buildings – Ventilation design for indoor air contaminant control.

11 PRIOR TO CONSTRUCTION CERTIFICATE (NATURAL AREAS)

11.1 Natural Areas Matters

- 11.1.1 Exclusion fencing is to be erected around the woodland conservation zone on site as identified in the Architects Plan by Alleanza dated 17 August 2023 to minimise damage, prior to the commencement of works. The person having the benefit of the consent shall notify Blacktown City Council when exclusion fencing has been installed.
- 11.1.2 The person having the benefit of this consent shall engage a person qualified in bush regeneration and / or ecology prior to issue of the construction certificate to commence vegetation management work and notify Council of plants ordered and primary weeding commenced as identified in the Vegetation Management Plan prepared by Keystone Ecological dated 17th March 2023.

12 PRIOR TO DEVELOPMENT WORKS

12.1 Safety/Health/Amenity

- 12.1.1 Toilet facilities shall be provided on the land at the rate of 1 toilet for every 20 persons or part thereof employed at the site.
- Each toilet provided shall be:
- (a) a standard flushing toilet, or
 - (b) a temporary on-site toilet which is regularly maintained and the waste disposed to an approved sewerage management facility.
- 12.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 indicating:
- (a) the name, address and telephone number of the principal certifying authority for the work, and

- (b) the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

This condition does not apply to:

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

- 12.1.3 Soil erosion and sediment control measures shall be provided in accordance with Council's Soil Erosion and Sediment Control Policy.
- 12.1.4 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.
- 12.1.5 A single vehicle/plant access to the land shall be provided to minimise ground disturbance and transport of soil onto any public place. Such access shall be provided in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. Single sized 40mm or larger aggregate placed 150mm deep, and extending from the street kerb/road shoulder to the land shall be provided as a minimum.
- 12.1.6 Any excavation and/or backfilling associated with the development shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent such work being dangerous to life or property.

12.2 Notification to Council

- 12.2.1 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 Section 57 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 indicating details of the appointed Principal Certifier and the date construction work is proposed to commence.

12.3 Sydney Water Authorisation

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

OR

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, then follow the "Developing Your Land" link or telephone 1300 082 746 for assistance.

12.4 Adjoining Owners

- 12.4.1 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.

12.5 Tree Management

- 12.5.1 Any tree not approved for removal or more than 3m from the building perimeter is to be effectively protected against damage.
- 12.5.2 Tree protection measures are to be implemented in line with AS:4970-2009 "Protection of trees on development sites" and the AIA specified at Prior to Construction Certificate (Planning) Condition.

12.6 Natural Areas Requirements

- 12.6.1 The Tree Protection Plan Appendix 6 within the Arborist Report by Mark Dury dated 29 July 2023 is to be implemented in full with the 76 trees for retention shown on page 176 adequately protected prior to site works commencing.

13 DURING CONSTRUCTION (BUILDING)

13.1 Safety/Health/Amenity

- 13.1.1 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.
- 13.1.2 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.
- 13.1.3 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.
- 13.1.4 All measures specified in the Construction Certificate to control soil erosion and sedimentation shall be maintained throughout development works.
- 13.1.5 A single vehicle/plant access to the land shall be maintained to minimise ground disturbance and transport of soil onto any public place. Such access shall be maintained in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. As a minimum, single sized 40mm or larger aggregate placed 150mm deep, and extending from the street kerb/road shoulder to the land shall be provided.
- 13.1.6 Any excavation and/or backfilling associated with the ongoing development works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.

13.2 Building Code of Australia Compliance

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

13.3 Surveys

- 13.3.1 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.

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

13.4 Nuisance Control

- 13.4.1 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. All feasible and reasonable noise and vibration mitigation measures shall be implemented and any activities which may exceed the construction noise management levels and vibration criteria shall be identified and managed in accordance with an approved Construction Noise, Vibration Assessment and Management Plan.
- 13.4.2 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; unless otherwise approved by Council.

13.5 Tree Protection

- 13.5.1 The measures required to effectively protect trees on the land shall be maintained throughout the development works.
- 13.5.2 Tree protection measures are to implemented in line with AS:4970-2009 "Protection of trees on development sites" and the AIA
- 13.5.3 When undertaking excavation within the TPZ of Trees 5, 6, 9-71, 78-81 care should be taken not to damage roots 50 mm and over. Non-destructive techniques must be used such as Manual excavation, Vacuum excavation, or an Air Spade
- 13.5.4 Hold points, inspections and certification are to be carried out as per Appendix 6 Tree Management Plan of the AIA. Upon the completion of the development works, a final assessment of the trees shall be undertaken by the Project Arborist and future recommended management strategies implemented as required.

13.6 Stormwater Drainage

- 13.6.1 Stormwater, surface water and sub-surface seepage (other than natural flows) shall be prevented from entering the building or being diverted onto any adjoining land (as applicable) by:
- (a) the floor level being a minimum 225 mm above the adjoining finished ground level, and/or
 - (b) being drained to an effective drainage system,
 - (c) if draining to kerb use an approved kerb outlet and sewer grade PVC or RHS.

13.7 Aboriginal Heritage

- 13.7.1 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 & Heritage is received by the Applicant. In addition, a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.

14 DURING CONSTRUCTION (ENGINEERING)

14.1 Notification of Works

- 14.1.1 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.
- 14.1.2 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.

14.2 Insurances

- 14.2.1 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.

14.3 Service Authority Approvals

- 14.3.1 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.

14.4 Soil Erosion and Sediment Control Measures

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

14.5 Stormwater Quality Control

- 14.5.1 A plumber licensed with NSW Fair Trading is to undertake flow testing of the non-potable water reuse system to certify that all toilets are capable of being supplied by rainwater and that there is no cross mixing, or cross contamination with the potable water supply.
- 14.5.2 Provide floodway warning signs for the overland flow path in accordance with Plan A(BS)114S from Council's Engineering Guide for Development 2005.

14.6 Inspection of Engineering Works - Roads Act 1993 or Local Government Act 1993

- 14.6.1 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).

14.7 Public Safety

- 14.7.1 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.

14.8 Site Security

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

14.9 Traffic Control

- 14.9.1 Any "Traffic Control Plan" utilised for engineering works required by this consent must be prepared by a person who holds a current Roads and Maritime Services (RMS) 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.
- 14.9.2 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 Roads and Maritime Services (RMS) accreditation and photo card to implement Traffic Control Plans.
- 14.9.3 Persons undertaking the control of traffic through or around work sites on Council controlled roads must hold a current Roads and Maritime Services (RMS) Traffic Controller accreditation and photo card and carry it with them.
- 14.9.4 The applicant is advised that prior to implementation of any traffic control system and during the entire course of construction suitably qualified Roads and Maritime Services (RMS) accredited work site traffic controllers will ensure a smooth transition with other nearby traffic control setups. The coordination, communication and cohesion between adjacent traffic control systems shall be addressed by the applicant and must satisfy all the requirements of AS 1742.3 - 2009.

14.10 Road Line Marking and Traffic Signage

- 14.10.1 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.

14.11 Tree Protection and Preservation

- 14.11.1 Existing vegetation and trees shall be left undisturbed except where roads, stormwater drainage infrastructure, site filling and/or building works are proposed.
- 14.11.2 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.
- 14.11.3 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.
- 14.11.4 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 undertaken by a qualified Arborist.

15 DURING CONSTRUCTION (ENVIRONMENTAL HEALTH)

15.1 Environmental Health Matters

- 15.1.1 The site specific 'Unexpected Finds Protocol' is to be made available for reference for all occupants and/or site workers in the event unanticipated contamination is discovered, including asbestos.
- 15.1.2 Any soils requiring excavation, onsite reuse and/or removal must be classified in accordance with "Waste Classification Guidelines Part 1: Classifying Waste" NSW EPA (2014).
- 15.1.3 The recommendations made in the Acoustic Report prepared by Rodney Stevens Acoustics, dated 23 May 2022 are to be implemented.
- 15.1.4 On completion of the installation of any new ventilation system, a Compliance Certificate is to be submitted to Council certifying that the system has been installed and commissioned in accordance with the approved details.
- 15.1.5 The food preparation areas shall be constructed so as to comply with the requirements of:
- The Food Act 2003 and Regulations there under.
 - Australian Standard 4674-2004 Design, construction and fit-out of food premises.
 - Australian Standard 1668.2-2012: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings
- 15.1.6 Any asbestos material is to be handled and treated in accordance with the SafeWork NSW document "*Your Guide to Working With Asbestos - Safety guidelines and requirements for work involving asbestos*" dated March 2008.

16 DURING CONSTRUCTION (NATURAL AREAS)

16.1 Natural Areas Requirements

- 16.1.1 Vegetation exclusion fencing around the woodland conservation zone on site shall be maintained in good working order for the duration of works.
- 16.1.2 Implementation of the Vegetation Management plan for the woodland conservation zone on site shall commence immediately upon any construction work commencing and shall be carried out at all times in accordance with the five-year schedule of works in the approved VMP prepared by Keystone Ecological dated 17th March 2023.
- 16.1.3 Each particular action in the approved VMP must be carried out by the person who is identified as being responsible for that action in accordance with the performance indicators and timing identified on page 33 of the approved VMP. In that regard, if the person responsible to carry out an action in the approved VMP is the registered proprietor of a particular Lot, the action is required to be carried out by whoever is the registered proprietor of that Lot.
- 16.1.4 A copy of the approved plan is to be kept on site at all times and made available to council officers upon request.
- 16.1.5 Annual reports or monitoring statements verifying compliance with the VMP must be provided to Council each year by 30th June for five years.
- 16.1.6 An arborist is to be present during all stormwater connection works at the site's southern boundary to supervise underboring/avoidance of tree root zones to protect the trees from impact.
- 16.1.7 An arborist is to be present during any excavation works adjacent to trees and for pruning or tying back trees within the project area and temporary access routes.
- 16.1.8 An arborist is to conduct fortnightly monitoring during the construction phase per the Tree Protection Plan.

17 PRIOR TO OCCUPATION CERTIFICATE

17.1 Road Damage

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

17.2 Compliance with Conditions

- 17.2.1 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.
- 17.2.2 Prior to commencement of the occupation or use of the whole or any part of a new building, or commencement of a change of building use for the whole or any part of an existing building, it is necessary to obtain an Occupation Certificate from the Principal Certifier in accordance with the provisions of Section 6.9 of the Environmental Planning and Assessment Act 1979.

17.3 Temporary Facilities Removal

- 17.3.1 Any temporary facilities provided during construction and/or development works shall be removed from the land prior to the issue of an Occupation Certificate.

17.4 Fire Safety Certificate

- 17.4.1 An interim or final fire safety certificate complying with Section 41 of Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 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).
- 17.4.2 A final fire safety certificate complying with Section 41 of Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 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).

17.5 Fee Payment

- 17.5.1 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.

17.6 Inspections

- 17.6.1 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.

17.7 Engineering Matters

17.7.1 Surveys/Certificates/Works As Executed plans

- 17.8.1.1 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.
- 17.7.2 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.

- 17.7.3 This development requires separate approvals under the Roads Act 1993 and / or Local Government Act 1993. Prior to the issue of an Occupation Certificate, the applicant must obtain written confirmation from Council that these works have been completed to its satisfaction.

17.8 Easements/Restrictions/Positive Covenants

- 17.8.1 Any covenant(s) 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:
- Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version).
 - The standard format for covenants, easements and restrictions as accepted by the Land Registry Services (LRS).
- 17.8.2 All Section 88B restrictions and covenants created, as part of this consent shall contain a provision that they cannot be extinguished or altered except with the consent of Blacktown City Council.

17.9 Drainage Engineering Matters

- 17.9.1 A Chartered Civil Engineer registered with NER, is to certify that:
- i. All the requirements of the approved drainage plans have been undertaken.
 - ii. A minimum 80m³ below overflow single rainwater tank has been provided collecting roof water from proposed roof areas as per the approved plans.
 - iii. The interpretative water quality sign is correctly installed, and overland flow path sign.
 - iv. All (other) signage and warning notices have been correctly installed.
- 17.9.2 A plumber licensed with NSW Fair Trading, or experienced hydraulic engineer, is to certify that:
- i. All the requirements of the detailed Non-Potable Water Supply and Irrigation Plan have been installed to the required locations.
 - ii. The pumps, alarms and all other systems are working correctly.
 - iii. The flow meters have been installed on the pumps outflow and the solenoid-controlled mains water bypass to determine non-potable usage and actual percentage of reuse.
 - iv. The initial flow meters readings are detailed in the certificate.
 - v. All toilets and landscaping taps are supplied by 80 kL rainwater tank.
 - vi. External taps at a rate of one tap for each 150 m² of landscape area evenly spread across the site for landscape watering or washdown have been installed.
 - vii. The water from at least two toilets on each floor level and two external taps have been tested to show no chlorine residual.
 - viii. Rainwater warning signs are fitted to all external taps using rainwater.
 - ix. All rainwater reuse taps are either locked, or have removable handles with handles removed.
 - x. 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
- 17.9.3 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 Water efficient washing machines and dishwashers have been used.

17.10 Water Sensitive Urban Design Management

- 17.10.1 Prior to the issue of the Occupation certificate, 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.
- 17.10.2 Prior to the issue of the Occupation certificate, 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.
- 17.10.3 Prior to the issue of the Occupation certificate, 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.

The item to be covered by instruments are an 80 kL rainwater tank and a VortSentry HS18 Gross Pollutant Trap.

17.11 Service Authorities

- 17.11.1 The following documentary evidence shall be obtained and forwarded to the Principal Certifying Authority prior to the release of any Occupation Certificate:
 - (a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. 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, 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. A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the occupation of the development/release of the plan of subdivision, whichever occurs first.
 - (b) A "Notification of Arrangement" Certificate from energy provider, or any other recognised energy provider, stating that arrangements have been made with the servicing authority for electrical services, including the provision of street lighting, to the development.

- (c) 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.
- 17.11.2 A final written clearance shall be obtained from Sydney Water Corporation, Energy provider and Telstra (or any other recognised communication carrier) if such clearance (in the form of a Section 73 Certificate, Notification of Arrangement, etc.) has not previously been issued.
- 17.11.3 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.
- 17.12 Landscaping/Car Parking**
- 17.12.1 The minimum car parking spaces to be provided on-site for each stage of the development is as follows:
- Stage 1: A minimum of 15 car parking spaces, including 1 accessible car parking space.
 - Stage 2: A minimum of 40 car parking spaces, including 5 accessible car parking spaces.
 - Stage 3: A minimum of 62 car parking spaces, including 5 accessible car parking spaces that are permanently line marked.
- 17.12.2 All car parking spaces are to be designed in accordance with Australian Standard 2890.1-2004 and 2890.2 – 2002.
- 17.12.3 All required internal driveways and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.
- 17.12.4 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability.
- 17.12.5 All landscaping shall be completed in accordance with the final approved landscape plan and shall be maintained at all times in a suitable manner to the satisfaction of the Principal Certifying Authority.
- 17.12.6 All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.
- 17.12.7 The car parks, all open space areas, the pedestrian footpath areas and internal driveways shall be appropriately illuminated by the use of bollard lighting or the like to provide for the safety and convenience of occupants.
- 17.12.8 All vehicular entrance / exit points are to be clearly signposted and visible from the street and the site at all times.
- 17.12.9 All landscaping and children's play equipment shall be completed in accordance with the approved landscaping design plans submitted as part of the Construction Certificate.
- 17.12.10 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.1.
- 17.12.11 All boundary fencing is to be erected, being 1.8m high, black powder-coated metal 'diplomat' style fencing to all boundaries except the rear boundary which is to be 1.8m high Colorbond.
- 17.12.12 All fencing and retaining walls shall be completed in accordance with the approved details submitted as part of the Construction Certificate. All fencing/retaining work must be provided at full cost to the developer. All fencing is to be constructed on top of any retaining walls. The selected fencing material/design must also

minimise/eliminate the potential for graffiti attacks. Where possible, foliage should be grown on/over fencing adjacent to public areas to minimise any potential for graffiti.

- 17.12.13 Any future substation or other utility installation required to service the approved development shall not under any circumstances be sited on future or existing Council land, including road reservations and/or public or drainage reserves.

17.13 Other Matters

- 17.13.1 Retaining wall(s) and/or other effective methods to retain excavated or filled ground (other than those sites works which may be Exempt Development under an Environmental Planning Instrument), together with any associated groundwater drainage system, shall be constructed and/or provided in accordance with the plans attached to the Construction Certificate.

17.14 Site Access

- 17.14.1 There shall be no direct vehicular or pedestrian access to and/or from the following nominated road(s) for any lot/lots having frontage to that road. An appropriate restriction on the use of land shall be created under Section 88B of the Conveyancing Act 1919 covering this requirement. The Section 88B Instrument shall contain a provision that it may not be extinguished or altered except with the consent of Blacktown City Council.

Nominated Road(s): Francis Road.

17.15 Other Matters

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

17.16 Natural Areas Requirements

- 17.16.1 The Landscape Plan by Alleanza dated 16th August 2023 is to be implemented in full.
- 17.16.2 Tree maintenance by an arborist is to occur per Appendix 6 of the Tree Impact Assessment report dated 29 July 2023 with a report to Council on tree condition following construction and prior to occupation certificate.
- 17.16.3 The person having the benefit of this consent shall engage a person qualified in bush regeneration and/or ecology to complete works identified in the VMP. All performance criteria for the VMP establishment phase (years 2-4) must be complied with prior to the issue of an Occupation Certificate.
- 17.16.4 Provisions for monitoring and maintenance for the life of the VMP must be in place, with particular reference to trigger thresholds and follow up actions when site inspections find weeds and pest species under the Biosecurity Act 2015 or the Game and Feral Animal Control Act 2002. A statement certifying such compliance must be provided by the author of the VMP or an equally qualified and experienced person.
- 17.16.5 Consideration may be given to early release of an Occupation Certificate in lieu of this by agreement with Council, based on alternative arrangements to secure the completion of works.

18 OPERATIONAL (PLANNING)

18.1 Access/Parking

- 18.1.1 All required off-street car parking spaces and internal roads shall be maintained to a standard suitable for the intended purpose.
- 18.1.2 The minimum car parking spaces to be provided on-site for each stage of the development is as follows:

- Stage 1: A minimum of 15 car parking spaces, including 1 accessible car parking space.
 - Stage 2: A minimum of 40 car parking spaces, including 5 accessible car parking spaces.
 - Stage 3: A minimum of 62 car parking spaces, including 5 accessible car parking spaces that are permanently line marked.
- 18.1.3 All loading and unloading operations shall take place at all times wholly within the confines of the land within the designated loading areas. Loading and unloading operations are not to obstruct internal driveways or car parking spaces at any time.
- 18.1.4 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.1.
- 18.1.5 All vehicles are to enter and leave the site in a forward direction.
- 18.2 General**
- 18.2.1 No goods or materials shall be stored, displayed for sale or manufactured at any time outside the building.
- 18.2.2 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 18.2.3 Should an intruder alarm be installed on the land it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 18.2.4 Emission of sound from the land shall be controlled at all times so as to not unreasonably impact upon nearby owners/occupants.
- 18.2.5 No goods, materials or trade wastes are to be stored at any time outside the building on either the internal vehicular driveway, car parking area, landscaping or footpath, other than in approved garbage receptacles.
- 18.2.6 The carpark and manoeuvring areas are to be kept free of any storage materials and other items so they are freely available for their approved purpose of parking and vehicle manoeuvring.
- 18.3 Use of Premises**
- 18.3.1 The use of the approved development shall, at all times, be conducted in a manner consistent with the terms and conditions of this consent.
- 18.3.2 This consent authorises the use of the completed approved buildings for a primary school with a maximum of 630 students and 30 staff.
- 18.3.3 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" or "Complying Development" under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or other NSW or Council planning instrument.
- 18.4 Emergency Procedures**
- 18.4.1 Instructions concerning procedures to be adopted in the event of an emergency shall be clearly displayed on the premises for both public and staff information at all times to the satisfaction of Council.
- 18.5 Natural Areas Requirements**
- 18.5.1 Annual reports or monitoring statements verifying compliance with the VMP must be provided to Council each year by 30th June for five years.

18.6 Operating Hours

18.6.1 The use of premises is permitted to operate from 8am to 6pm, Mondays to Fridays.

18.6.2 The use of the premises is not permitted on weekends or public holidays.

18.7 Signage

18.7.1 The approved signage must not have or incorporate any of the following:

- (a) flashing lights,
- (b) electronically changeable or variable messages,
- (c) animated displays, moving parts of simulated movements,
- (d) complex displays that hold motorists attention,
- (e) a method or level of illumination that distracts or dazzles,
- (f) displays resembling or imitating road traffic signs or signals,
- (g) instructions to passing traffic (i.e. 'Halt', 'Stop' or the like); or
- (h) glossy paints or luminous colours.

18.7.2 At no time shall any signage approved as part of this consent be used for general advertising purposes.

18.8 Transport for NSW Requirements

18.8.1 A significant number of vehicles and pedestrians will access the site at the start and end of the school day. School Zones must be installed along all roads with a direct access point (either pedestrian or vehicular) from the school. School Zones must not be provided along roads adjacent to the school without a direct access point. Road Safety precautions and parking zones should be incorporated into the neighbouring local road network:

- 40km/hr School Zones are to be installed in Beames Avenue in accordance with the following conditions.
- Council should ensure that parking, drop-off and pick-up zones and bus zones incorporated are in accordance with TfNSW standards.

TfNSW is responsible for speed management along all public roads within the state of New South Wales. That is, TfNSW is the only authorised organisation that can approve speed zoning changes and authorise installation of speed zoning traffic control devices on the road network within New South Wales.

Therefore, the Developer must obtain written authorisation from TfNSW to install the School Zone signs and associated pavement markings and/or remove/relocate any existing Speed Limit signs.

To obtain authorisation, the Developer must submit the following for review and approval by TfNSW, at least eight (8) weeks prior to student occupation of the site:

- a. A copy of Council's development Conditions of Consent
- b. The proposed school commencement/opening date
- c. Two (2) sets of detailed design plans showing the following:
 - i. School property boundaries.
 - ii. All adjacent road carriageways to the school property.
 - iii. All proposed school access points to the public road network and any conditions imposed/proposed on their use.
 - iv. All existing and proposed pedestrian crossing facilities on the adjacent road network.

- v. All existing and proposed traffic control devices and pavement markings on the adjacent road network (including School Zone signs and pavement markings).
- vi. All existing and proposed street furniture and street trees.

School Zone signs and pavement marking patches must be installed in accordance with TfNSW approval/authorisation, guidelines and specifications.

All School Zone signs and pavement markings must be installed prior to student occupation of the site.

The Developer must maintain records of all dates in relation to installing, altering, removing traffic control devices related to speed.

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

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

19 OPERATIONAL (ENVIRONMENTAL HEALTH)

19.1 Environmental Health Matters

- 19.1.1 The recommendations made in the Acoustic Report prepared by Rodney Stevens Acoustics, dated 23 May 2022 are to be implemented.
- 19.1.2 A post commissioning report must be 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 proposed development operating to validate the Environmental Noise Impact Assessment s findings. The report is to be submitted to Council to review.
- 19.1.3 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.
- 19.1.4 The proprietor is to ensure that all food handling complies with the requirements of the Food Act 2003 and Regulations there under.
- 19.1.5 The premises is to be registered with Council as a food business.
- 19.1.6 The food premises shall be maintained in accordance with the requirements of;
 - Food Act 2003 and Regulations there under.
 - Australian Standard 4674-2004 Design, construction and fit-out of food premises.
- 19.1.7 Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 19.1.8 All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 19.1.9 In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in

the course of carrying out the approved activity where material harm to the environment is caused or threatened.

19.2 Environmental Management

- 19.2.1 The Applicant shall enter into a Maintenance Agreement with a maintenance contractor for the WSUD system installed on the property. The Maintenance Agreement is to be in accordance with the Maintenance schedule approved by Council. The maintenance contractor is to possess the qualifications and licences, if any, required to undertake the maintenance works in accordance with Council and New South Wales policy and legislation. The Maintenance Agreement must be maintained for the life of the development. The Applicant shall submit a copy of the executed Maintenance agreement to Council for approval. The Maintenance Agreement can be replaced with an alternative Maintenance Agreement of the same or better standard. In the event that the Applicant enters into a replacement Maintenance Agreement the Applicant must, as soon as practically possible, forward a copy to Council.