

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	26 August 2024
DATE OF PANEL DECISION	26 August 2024
PANEL MEMBERS	Abigail Goldberg (Chair), David Ryan, Steve Murray, Moninder Singh, Chris Quilkey
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 5 August 2024.

MATTER DETERMINED

PPSSCC-451 – Blacktown – DA-23-00507 – 21 St Agnes Avenue, Rooty Hill - Demolition of existing structures, alterations and additions to an existing educational establishment, increase in the number of students from 720 to 1360, increase in staff numbers from 44 to 75, construction of basement car park, covered outdoor learning area and play area, and removal of trees.

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at briefings and the matters listed at item 8 in Schedule 1.

Development application

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The panel determined to approve the application for the reasons outlined in the council assessment report, noting that the panel supported Council's position with regard to **BCA requirements** ([Condition 6.1.1](#)), but agreed to amended conditions as below to address concerns raised by the community (traffic and circulation) and applicant (actual height of the carpark entry, tree removal).

CONDITIONS

The development application was approved subject to amended conditions titled "Revised Conditions 2024-08-22" provided by council and uploaded to the NSW Planning Portal. The amendments address concerns put forward by the applicant and supported by the panel and are as below with a complete set of revised conditions attached:

To address the actual proposed height of the carpark entry:

- Condition 2.1.2 edited** to include the new plan **DR-A-DA17 Revision 1 Elevations Carpark Entry dated 15 August 2024**, replacing DR-A-SK-002 Revision P1 Carpark North elevation dated 5 April 2024.
- Condition 2.2.1 edited:**
 - ~~lower the carpark such that~~ The carpark entry portal will be a maximum of ~~3.7 m~~ **5.05 m** in height from the finished ground level – particularly at the edges of the site and street frontage to reduce the visual impact of the basement carpark

- 2.—relocate the mechanical plant from above the carpark entrance area to enable the portal structure to be scaled down in height
- 3.—delete all the raised planters above the carpark and provide some areas of deep soil for tree planting
- 4.—delete the artificial grass and provide enough soil cover to the carpark roof to recreate the natural ground contours and to relay real grass, and
5. all planter boxes are to be finished in stone and rendered in earthy colours/ neutral palette to complement the heritage building. The planter boxes shall be stepped such that they are made suitable for use as sitting spaces for students.

These details shall be shown on amended architectural and landscape plans and shall be submitted to Council's Heritage officer Development Assessment Unit for approval prior to a construction certificate being issued.

Supporting condition is 5.1.1

To further address traffic and circulation:

3. Condition 3.2.2 edited to add (v):

A separate application is to be made to Council with associated fees paid seeking Local Traffic Committee approval for the following:

- (i) the existing chicane structure (blister island) and sign located on Evans Road, near the north east corner of the site's frontage to be removed, all associated costs to be borne by the school
- (ii) parallel parking spaces along Albert Parade and Evans Road within the vicinity of 200m from the school's boundaries to be line marked
- (iii) mandatory Traffic Marshalls to manage the pedestrian crossing near the school boundary on Evans Road and entry to the basement carpark for the duration of the school zone hours in the mornings and afternoons
- (iv) entry and exit to and from the proposed basement carpark shall be left in and left out only
- (v) Construction Traffic Management Plan (CTMP) and Operational Traffic Management Plan (OTMP) are to be prepared for the Committee's review and endorsement.**

11. Condition 13.10.6 and 16.1.8 added:

Construction Traffic Management Plan (CTMP) and Operational Traffic Management Plan (OTMP) approved by the Local Traffic Committee prior to the issue of a Construction Certificate, are to be implemented.

Supporting conditions are at 4.6.1, 8.4.3, 13.10.

To clarify tree removal:

4. Condition 5.4.2 (added) and 5.4.3 (edited):

5.4.2 Prior to the removal of Trees 3, 5, 6 and 9 as indicated on Demolition Plan DA04 Revision A dated 5 April 2023, an updated Arboricultural Impact Assessment (AIA) report and Tree Protection Plan shall be provided to Council's Greenspace Services for approval.

5.4.3 Prior to the issue of any Construction Certificate, the applicant who has the benefit of the development is to pay a tree preservation bond for Trees ~~4—6~~ **4, 7 and 8** in line with the current prices in Council's Goods and Services Pricing Schedule. This is to ensure the retention and protection of the trees are in line with AS 4970-2009. The bond amount will be returned 12 months following the issue of the final occupation certificate and following the submission of a final report by the Applicant's project Arborist. The final assessment report is to be presented to Council to provide advice on the retained tree's health and structure and to decide on any Bond return to the applicant.

7. Condition 11.4.2 edited:

Tree protection measures are to be installed prior to the commencement of construction and implemented in line with AS:4970-2009 "Protection of trees on development sites" and the **updated** Arboricultural Impact Assessment (AIA) and Tree Protection Plan Report ~~by Mark Bury Consulting on 28 November 2022~~ **approved by Council's Greenspace Services prior to the issue of a Construction Certificate.**

8. Condition 11.4.3 edited:

Trees 1, 2, **3, 5, 6 and 9** as indicated **on Demolition Plan DA04 Revision A dated 5 April 2023 and in the updated** Arboricultural Impact Assessment Report can be removed as part of this development.

9. Condition 11.4.5 edited:

Trees 4, 7 and 8 ~~–9~~ are to be retained and protected as detailed in the **updated** Appendix 7 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 **updated** Arboricultural Impact Assessment Report.

10. Condition 12.5.3 edited:

When undertaking excavation within the Tree Protection Zone of Trees 4, 7 and 8, ~~–9~~, care should be taken not to damage roots 50mm and over. Non-destructive techniques must be used such as manual excavation, vacuum excavation, or an air spade.

CONSIDERATION OF COMMUNITY VIEWS


In coming to its decision, the panel considered written submissions made during public exhibition which addressed matters including:

- Traffic and pedestrian safety
- Alleged non-cooperation of the school with the residents regarding traffic and parking issues
- Increase in the number of cars parked in the surrounding streets properties on Evans Road not being notified
- Implementation and efficiency of traffic management plan
- Management of vegetation on school's property overgrowing into the neighbouring yards over the boundary fencing
- Mismanagement of pick-up and drop-off by cars encroaching private property
- Whether pedestrian or vehicular access is proposed via St Agnes Avenue
- Car parking and traffic management not in proportion to the significant increase in the student and staff numbers
- Increase in school capacity leading to increased uncontrolled use of the existing pedestrian crossing and therefore resulting in longer traffic queues
- Buses - significant factor in blocking traffic in Evans Road
- Disturbance to the adjacent residential aged care facility and obstruction in access to emergency vehicles
- Noise, dust and dirt due to construction works
- Entry and exit from the basement carpark resulting in queueing of vehicles
- Provision of parking onsite during construction
- Operation of the existing illuminated variable message sign adjacent to Evans Road driveway within nominated hours
- Request for parallel parking line marking on surrounding streets to prevent obstruction of private driveways

The panel considers that concerns raised by the community have been adequately addressed in the assessment report and amended conditions as above.

PANEL MEMBERS

Abigail Goldberg (Chair)



David Ryan



Steve Murray



Moninder Singh



Chris Quilkey



SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-451 – Blacktown – DA-23-00507
2	PROPOSED DEVELOPMENT	Demolition of existing structures, alterations and additions to an existing educational establishment, increase in the number of students from 720 to 1360, increase in staff numbers from 44 to 75, construction of basement car park, covered outdoor learning area and play area, and removal of trees.
3	STREET ADDRESS	21 St Agnes Avenue, Rooty Hill
4	APPLICANT/OWNER	Applicant: The Planning Hub/Catholic Education Office Diocese of Parramatta Owner: Catholic Education Office Diocese of Parramatta
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 Blacktown Local Environmental Plan 2015 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Blacktown Development Control Plan 2015 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Nil Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 18 June 2024 Written submissions during public exhibition: 7 Total number of unique submissions received by way of objection: 7
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Kick Off Briefing: 13 July 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Steve Murray (Acting Chair), David Ryan, Moninder Singh <u>Council assessment staff</u>: Smriti Agarwal Jusuja, Alan Middlemiss, Judith Portelli <u>Applicant representatives</u>: Daniel Donai, Domenic Martorano, Lachlan Rogers, Conor Maguire, Steven Sheridan Final Briefing: 22 August 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Abigail Goldberg (Chair), Steve Murray, David Ryan, Moninder Singh, Chris Quilty <u>Council assessment staff</u>: Smriti Agarwal, Alan Middlemiss, Nadeem Shaikh. <u>Applicant representatives</u>: Steven Sheridan, Greg Cameron, Lizza Young, Rennie Rounds, John Oultram, Melanie Karaca

9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Revised conditions as attached

Attachment 8

Conditions of consent (draft)

Proposed development	Demolition of buildings and at-grade carpark, alterations and additions to an educational establishment, restoration of Fairholme local heritage item, construction of basement carpark, covered outdoor learning areas, removal of trees, associated works and an increase in number of students and staff
Property description	24 Evans Road Rooty Hill NSW 2766 (Lot 25 in DP 1266777)

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 or Occupation 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
 - (b) any fence, retaining wall, land excavation or filling, advertising structure
 - (c) demolition of any existing buildings and associated structures
 - (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) Natural Gas Company

(d) The relevant local telecommunications carrier

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

All approved building construction plans attached to the Construction Certificate should be submitted to Sydney Water Tap In, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. The plans are to be appropriately stamped and all amended plans will require re-stamping. For further information go to: www.sydneywater.com.au, 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) is the only company that is 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 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.

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

1.7. Engineering Notes

- 1.7.1. 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. Demolition

- 1.9.1. Where any work on an older building is proposed, the applicant should ascertain whether the building contains any contaminants that may present a potential health risk to humans (including asbestos, lead-based paint and the like) and apply appropriate precautions during the work. Further information regarding safe working methods may be obtained from the following organisations and publications (including those which may supersede such publications):
- (a) Safework NSW (Ph: 13 10 50) – “Short Guide to Working with Asbestos”,
 - (b) NSW Office of Environment & Heritage (Ph: 9995-5000) – “A Guide to Keep Your Family Safe from Lead”, “A Renovators Guide to the Dangers of Lead”,
 - (c) “Code of Practice for the Safe Removal of Asbestos” 2nd Edition– National Occupational Health and Safety Commission:2002 (2005),
 - (d) Australian Standard 4361.1-1995 – Guide to Lead Paint Management (Industrial Applications),
 - (e) Australian Standard 4361.2-2017 – Guide to hazardous paint management Lead paint in residential, public and commercial buildings, and
 - (f) Australian Standard 2601-2001 – The demolition of structures.

2. GENERAL

2.1. Scope of Consent

- 2.1.1. This consent authorises the use of the completed approved buildings for a high school with a maximum of 1360 students and 75 staff.
- 2.1.2. 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. and Revision (All plans at Council Records D24/303102)	Dated	Prepared by
DA01 Revision A Cover Page	05/04/2023	DTA Architects
DR-A-200 Revision 1 Site Plan – Masterplan Planning Pathways	23/08/2023	NBRS
DA04 Revision A Demolition Plan	05/04/2023	DTA Architects
DR-A-SK-007 Revision P1 Block A Ground Floor Demolition Plan	16/05/2024	NBRS
DR-A-SK-008 Revision P1 Block A Level 1 Demolition Plan	16/05/2024	NBRS

DR-A-SK-001 Revision P3 GF Site Plan	15/04/2024	NBRS
DA05 Revision A BF Site Plan	05/04/2023	DTA Architects
DA07 Revision A Basement Plan	05/04/2023	DTA Architects
DR-A-SK-009 Revision P1 Carpark Plan	16/05/2024	NBRS
DA08 Revision A Carpark (extension)	05/04/2023	DTA Architects
DA09 Revision A Ground Floor Plan	05/04/2023	DTA Architects
DR-A-SK-001 Revision P1 Block A Ground Floor Plan	03/04/2024	NBRS
DA10 Revision A First Floor Plan	05/04/2023	DTA Architects
DA11 Revision A Roof Plan	05/04/2023	DTA Architects
DA12 Revision A Elevations (West, North, South)	05/04/2023	DTA Architects
DR-A-DA17 Revision 1 Elevations Carpark Entry	15/08/2024	NBRS
DA13 Revision A Elevations (East)	05/04/2023	DTA Architects
DA14 Revision A Sections	05/04/2023	DTA Architects
DA15 Revision A External Finishes	05/04/2023	DTA Architects
DR-A-SK-003 Revision P2 Evans Road Perspective 1	05/04/2024	NBRS
DR-A-SK-004 Revision P2 Evans Road Perspective 2	05/04/2024	NBRS
DR-A-SK-005 Revision P2 Evans Road Perspective 3	05/04/2024	NBRS
Landscape Plans prepared by Inviewdesign Pty Ltd		
Sheet no.L01 Revision 13 Landscape Plan (Entire Site)	04/04/2024	
Sheet no.L02 Revision 12 Landscape Plan - Carpark Entry	04/04/2024	
Sheet no.L03 Revision 13 Landscape Plan - Evans Street Entry	04/04/2024	
Sheet no.L04 Revision 12 Landscape Plan – Block A	04/04/2024	
Sheet no.L05 Revision 13 Landscape Plan – COLA	04/04/2024	
Sheet no.L08 Revision 4 Planting Plan – Carpark entry	04/04/2024	
Sheet no.L09 Revision 4 Planting Plan – Evan Street Entry	04/04/2024	
Sheet no.L10 Revision 4 Planting Plan – Block A	04/04/2024	
Sheet no.L11 Revision 4 Landscape Plan – COLA	04/04/2024	
Sheet no.L12 Revision 4 Planting Plan – Block C	04/04/2024	

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

2.2. Plan Amendments

2.2.1. The following amendments must be made:

1. the carpark entry portal will be a maximum of 5.05 m in height from the finished ground level – particularly at the edges of the site and street frontage to reduce the visual impact of the basement carpark
2. all planter boxes are to be finished in stone and rendered in earthy colours/ neutral palette to complement the heritage building. The planter boxes shall be stepped such that they are made suitable for use as sitting spaces for students.

These details shall be shown on amended landscape plans and shall be submitted to Council's Development Assessment Unit for approval prior to a construction certificate being issued.

2.3. Services

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

2.4. Engineering Matters

2.4.1. Design and Works Specification

2.4.1.1. 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
- (d) Blacktown City Council On Site Detention General Guidelines, S3QM online tool and standard drawing A(BS)175M
- (e) On Site Stormwater Detention Handbook - Upper Parramatta River Catchment Trust FOURTH Edition.

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

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

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

2.4.1.2. Written notice must be provided to adjacent properties, at least 5 days prior to works commencing, where works are approved by this consent and located within Council controlled lands (i.e. Roads, drainage reserves, parks, etc.). A copy of this notice must be provided to Council's Co-ordinator of Engineering Approvals.

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, the rainwater tank is achieving a minimum 80% reuse with a minimum reuse supplied of 0.85 ML/yr.

2.5.3. If the external works relating to pedestrian crossings, bus stops, drop off/pick up zones, ramps and the like are approved by the Local Traffic Committee and Blacktown Council, the applicant must obtain a written copy of the related resolution and submit this to the Principal Certifying Authority prior to commencement of any works.

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 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 CONSTRUCTION CERTIFICATE (GENERAL)

3.1. DA Plan Consistency

- 3.1.1. A Construction Certificate for the proposed development shall only be issued when the accompanying plans, specifications and/or details are consistent with the approved Development Application design plans.

3.2. Traffic Matters

- 3.2.1. 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 and motor vehicles along the new driveway.
- 3.2.2. A separate application is to be made to Council with associated fees paid seeking Local Traffic Committee approval for the following:
- (i) the existing chicane structure (blister island) and sign located on Evans Road, near the north east corner of the site's frontage to be removed, all associated costs to be borne by the school
 - (ii) parallel parking spaces along Albert Parade and Evans Road within the vicinity of 200m from the school's boundaries to be line marked
 - (iii) mandatory Traffic Marshalls to manage the pedestrian crossing near the school boundary on Evans Road and entry to the basement carpark for the duration of the school zone hours in the mornings and afternoons
 - (iv) entry and exit to and from the proposed basement carpark shall be left in and left out only
 - (v) Construction Traffic Management Plan (CTMP) and Operational Traffic Management Plan (OTMP) are to be prepared for the Committee's review and endorsement.

4. PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

4.1. General

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

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

Prepared By	Project No.	Drawing Nos.	Revision	Dated
Sparks and Partners	20322	DA1101 to 4721 (11 sheets)	3	18/8/2023

Note: Existing bus bay and removal of splitter island shall be noted and addressed on the Construction Certificate plans.

4.2. Construction Certificate Requirements

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

- Road and drainage construction
- On-site stormwater detention
- Water quality treatment
- Earthworks
- Inter-allotment drainage (created within the subject lot)
- Path paving

4.3. Local Government Act Requirements

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

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

4.4. Roads Act Requirements

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

- Any works within Council's road reserve
- Kerb inlet pit connections or construction
- Vehicular crossings
- Path paving

4.5. Other Engineering Requirements

4.5.1. If the estimated cost is \$25,000 or greater proof of long service levy payment is required.

4.5.2. Any ancillary works undertaken shall be at no cost to Council.

4.5.3. Submit written permission from the affected property owner for any works proposed on adjoining land.

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

4.6. Roads

4.6.1. 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.

4.6.2. Indicate the replacement of any redundant layback and footway crossing with Council's standard kerb and gutter. The footway area shall be restored with pavement and/or turf in accordance with Council's specifications.

4.7. Drainage

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

- 4.7.2. Amended engineering stormwater drawings are required from Sparks and Partners Consulting Engineers and be generally in accordance with project number 20322 drawing number DA1101 Rev 3, DA1201 Rev 3, DA2101 Rev 2, DA2701 Rev 2, DA4101 Rev 4, DA4111 Rev 5, DA4301 Rev 3, DA4311 Rev 1, DA4701 Rev 3, DA4711 Rev 2, DA4721 Rev 3 and integrated water cycle management report revision 3 reference number 20322_C_RTP IWCM addressing the following items:
- a. Detail confined space entry warning signs on the drainage plans adjacent to all entries into the OSD tank and rainwater tanks in accordance with Council's Engineering Guide for Development 2005.
 - b. Provide on-site stormwater detention (OSD) warning signs as per the Upper Parramatta River Catchment Trust guidelines.
 - c. The ocean protect stormfilter chamber oil baffle shall be relocated to the filter bay area side of the weir.
- All pits with ocean guard baskets shall be 600x600 minimum.
- 4.7.3. 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.
- 4.7.4. Any overland or stormwater flows must be intercepted at the property boundary, conveyed through the site in a piped or channelled drainage system and discharged in a satisfactory manner.
- 4.7.5. Where the internal driveway cannot be drained to an internal pit a grated trench drain shall be provided at the property boundary.

4.8. Signage and Line Marking

- 4.8.1. 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 implementing all signage and line marking works.
- 4.8.2. 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.
- 4.8.3. The cost for removing the blistered island in front of north-east boundary of the site as approved must be borne by the Applicant/ school. The cost of relocating the 40km/hr school zone sign currently installed on the island must be borne by the Applicant/school.

- 4.8.4. According to Council's current goods and services pricing schedule, an hourly fee will be charged to review signs and line marking applications. The fees must be paid before submitting a report to Council' Local Traffic Committee on the proposed parking signage and line-marking with updated plans.
- 4.8.5. A written statement shall be provided by the school administration that the management measures recommended in the updated Traffic Management Plan Ref 19-049-2 dated August 2023 prepared by Stanbury Traffic Planning (TMP) for governing students pick up and drop off activities onsite and on-street will be implemented.

4.9. Erosion and Sediment Control

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

4.10. On-Site Detention

- 4.10.1. On-site detention system shall be designed in accordance with the parameters set out in Council's Water Sensitive Urban Design Standard Drawings A(BS)175M On-site detention requirements - Sheet 20, and an S3QM Certificate.
- 4.10.2. The on-site detention system shall be generally designed to achieve the following:
- All systems shall use at least 2 orifice plates to control flows:
 - The 1.5 year ARI orifice shall be designed to convey a maximum of 40/L/s/ha
 - The 100 year ARI orifice shall be designed to convey a maximum of 190 L/s/ha
 - Storage shall be provided as follows:
 - Volume up to 1.5 year ARI TWL = 300 m³/ha
 - Volume up to 100 year ARI TWL = 455 m³/ha
 - Orifice flow rates will be adjusted for bypass with a maximum site bypass of 15% as per the following table:

Total OSD BYPASS (%)	ENVIRONMENTAL DISCHARGE (1.5 YEAR ARI ORIFICE) (L/s/ha)	ENVIRONMENTAL STORAGE (BELOW 1.5 YEAR ARI WEIR) (m ³ /ha)	FLOOD DISCHARGE (100 Year ARI ORIFICE (L/s/ha)	FLOOD STORAGE (BELOW EMERGENCY WEIR) (m ³ /ha)
0	40.0	300	190	455
2.5	38.5	300	176	455
5	37.0	300	162	455
7.5	35.5	300	148	455
10	34.0	300	134	455
12.5	32.5	300	120	455
15	31.0	300	106	455

- 4.10.3. A registered engineer (NER) must certify that:
- The structures associated with the on-site stormwater detention system have been designed to withstand all working loads likely to be imposed on them during their lifetime.
 - The on-site stormwater detention system will perform to meet the on-site stormwater detention requirements and function hydraulically in general

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

- 4.10.4. The following documents shall be submitted to accompany the on-site detention design in accordance with the design:
- Comprehensive drainage drawings with cross-sectional details of the storage area, pit numbers, pipe sizes, catchment plan, etc.
 - On-site detention detailed design submission and calculation summary sheet
 - S3QM Deemed to Comply On-site detention summary details
- 4.10.5. 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.
- 4.10.6. The proposed 170 kL rainwater tank, 17 x 690 ZPG storm filters, 18 ocean guard baskets and 2 on-site detention tanks shall not be replaced with other product or smaller size unit.
- 4.10.7. 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.
- 4.10.8. 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 200 m² of landscape area that require watering evenly spread across the site for landscape watering or wash down and to be supplied from the rainwater tank. Some taps shall be located closer to parking areas to allow for car washdown
 - h) connection of all proposed toilets to the rainwater tank

- i) providing a minimum rainwater tank/s size of 170 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.
- 4.10.9. 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*.

4.11. Stormwater Quality Control

- 4.11.1. 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.
- 4.11.2. Bio-retention basin(s) to be designed in accordance with Council's Water Sensitive Urban Design standard drawings and Council's Engineering Guide for Development and DCP Part J - Water Sensitive Urban Design and Integrated Water Cycle Management.

4.12. Vehicular Crossings

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

4.13. Footpaths

- 4.13.1. Path paving is to be provided generally in accordance with Council's Path Paving Policy, Blacktown City Council Engineering Guide for Development.

4.14. Tree Protection and Preservation

- 4.14.1. 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. Extent of the approved construction works 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.

5. PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

5.1. Plan Amendments

- 5.1.1. Following amendments shall be provided:

- (i) the carpark entry portal will be a maximum of 5.05 m in height from the finished ground level – particularly at the edges of the site and street frontage to reduce the visual impact of the basement carpark
- (ii) all planter boxes are to be finished in stone and rendered in earthy colours/ neutral palette to complement the heritage building. The planter boxes shall be stepped such that they are made suitable for use as sitting spaces for students.

These details shall be shown on amended landscape plans and shall be submitted to Council's Development Assessment Unit for approval prior to a construction certificate being issued.

5.2. Access/Parking

- 5.2.1. The following design details must be included on plans prior to a construction certificate being issued:
- i. The internal driveway and designated parking areas for 129 cars and 66 bicycles are to be designed in accordance with Australian Standard 2890.1. This includes 123 car parking spaces and 14 bicycle parking spaces in the new basement carpark, and 6 car parking spaces and 52 bicycle parking spaces in the north-eastern at-grade carpark.
 - ii. All internal paved areas and other paved areas shall be designed to provide continuous surface drainage flow paths to approved points of discharge.
 - iii. Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6 and AS1428.1 - 2009.
 - iv. The design of the car parking areas is to ensure that all vehicles must enter and leave the site in a forward direction.
 - v. The layout of the proposed car parking areas (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.

5.3. Aesthetics/Landscaping

- 5.3.1. The reflectivity index of glass used in the external facade of buildings 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.
- 5.3.2. All materials of construction are to be fire resistant. Documentary evidence shall be submitted to Council to ensure compliance.

5.4. Tree management

- 5.4.1. Trees 1 and 2 as indicated in the revised Arboricultural Impact Assessment (AIA) and Tree Protection Plan Report by Mark Bury Consulting dated 28 November 2022 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.
- 5.4.2. Prior to the removal of Trees 3, 5, 6 and 9 as indicated on Demolition Plan DA04 Revision A dated 5 April 2023, an updated Arboricultural Impact Assessment (AIA) report and Tree Protection Plan shall be provided to Council's Greenspace Services for approval.
- 5.4.3. Prior to the issue of any Construction Certificate, the applicant who has the benefit of the development is to pay a tree preservation bond for Trees 4, 7 and 8 in line with the current prices in Council's Goods and Services Pricing Schedule. This is to ensure the retention and protection of the trees are in line with AS 4970-2009. The bond amount will be returned 12 months following the issue of the final occupation certificate and following the submission of a final report by the Applicant's project Arborist. The final assessment report is to be presented to Council to provide advice on the retained tree's health and structure and to decide on any Bond return to the applicant.

5.5. Services

- 5.5.1. The following documentary evidence shall be provided to the Principal Certifier:

- i. A "Notification of Arrangement" Certificate from a recognised energy provider, stating that arrangements have been made with the service authority for electrical services. Any required substation as part of the development must be located on private property and incorporated into the design of the building or landscaping of the development. The location of the substation must be endorsed by Council prior to the release of a Construction Certificate.

6. PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)

6.1. Building Code of Australia Compliance

- 6.1.1. 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).

6.2. Site Works and Drainage

- 6.2.1. Any required retaining wall(s) and/or other effective method to retain excavated or filled ground (not being Exempt Development under an environmental planning instrument), not included in this Development consent must be endorsed by a separate Development consent or Complying Development Certificate prior to any Construction Certificate being issued.
- 6.2.2. 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.
- 6.2.3. 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.
- 6.2.4. 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.

7. PRIOR TO CONSTRUCTION CERTIFICATE (ENVIRONMENTAL HEALTH)

7.1. Environmental Management

- 7.1.1. The following recommendations made in the Acoustic Assessment Alterations & Additions St Agnes College – 21 St. Agnes Avenue Rooty Hill (ref: R180562R4 Revision 1) prepared by Rodney Stevens Acoustics, dated 15 March 2023, are to be implemented:
- Half of the carpark ceiling shall be fitted with absorption material/panels with a Noise Reduction Coefficient (NRC) of 0.7 to absorb noise emission from the carpark.
 - An appropriately qualified acoustic consultant shall review the mechanical plant associated with the development at the detailed design stage when final plant selections have been made.
 - Provide a window glass and frame system having a laboratory tested acoustic performance meeting the requirements in Table 4-6 of the report.
 - The entire frame associated with the glazing must be sealed into the structural opening using acoustic mastics and backer rods.
 - All proposed lightweight cladding external walls must have a minimum reduction weighting value (Rw) 45 rating.
- 7.1.2. A site specific 'Unexpected Finds Protocol' is to be prepared, implemented and made available for reference for all occupants and/or site workers in the event unanticipated contamination is discovered, including asbestos.
- 7.1.3. Any 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 – Part 1 (Application) Part 2 (Interpretation) (2020)*
 - 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)*
- 7.1.4. Plans and specifications are to be submitted prior to construction to ensure compliance with the requirements of:
- *The Food Act 2003* and its Regulation,
 - 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*.

8. PRIOR TO DEMOLITION WORKS

8.1. Safety/Health/Amenity

- 8.1.1. 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.

- 8.1.2. 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.
- 8.1.3. 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.
- 8.1.4. Soil erosion and sediment control measures shall be provided in accordance with Council's Soil Erosion and Sediment Control Policy.

8.2. Tree Protection

- 8.2.1. 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 as specified at prior to Construction Certificate (Planning) condition.
- 8.2.2. An AQF Level 5 Consulting Arborist must be appointed prior to demolition of any existing buildings or earthworks. They are to register with the developer/builder before any works commence so that the builder can be inducted at important times when the Arborist will be required on-site.

8.3. Other Matters

- 8.3.1. The Applicant is to advise all adjoining neighbours, and those located opposite the 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

8.4. Environmental Health Matters

- 8.4.1. 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.
- 8.4.1.1. 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.
- 8.4.2. 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.

- 8.4.3. 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 *Protection of the Environment Operations Act 1997*).

9. DURING DEMOLITION WORKS

9.1. Safety/Health/Amenity

- 9.1.1. 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.
- 9.1.2. 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.
- 9.1.3. 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.
- 9.1.4. Soil erosion and sediment control measures shall be maintained in accordance with Council's Soil Erosion and Sediment Control Policy.
- 9.1.5. 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).
- 9.1.6. 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.
- 9.1.7. A valid public liability insurance policy of at least \$10,000,000 shall be maintained throughout the demolition works.
- 9.1.8. 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.
- 9.1.9. 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.
- 9.1.10. 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.

- 9.1.11. 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.
- 9.1.12. The demolisher has an obligation to ensure that the adjoining buildings and property are not damaged.
- 9.1.13. 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).

9.2. Nuisance Control

- 9.2.1. Any objectionable noise, dust, concussion, vibration or other emission 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.

9.3. Waste Management

- 9.3.1. 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.

9.4. Tree Protection

- 9.4.1. 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.

9.5. Environmental Health Requirements

- 9.5.1. All waste generated on the site during the construction must be classified in accordance with the NSW EPA's *Environmental Guidelines: Assessment, Classification and management of Liquid and Non-Liquid Waste* and disposed of at a facility that may lawfully accept the waste.
- 9.5.2. Any asbestos material is to be handled and treated in accordance with the WorkCover document "*Your Guide to Working With Asbestos - Safety guidelines and requirements for work involving asbestos*" dated March 2008.

10. COMPLETION OF DEMOLITION WORKS

10.1. Final Inspection

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

10.2. Hazardous Materials and Waste

- 10.2.1. 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.
- 10.2.2. Submit the receipt from the trade waste depot for disposal of the asbestos from the removal/demolition of the existing buildings.

11. PRIOR TO DEVELOPMENT WORKS COMMENCING

11.1. Safety/Health/Amenity

- 11.1.1. 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.
- 11.1.2. A sign is to be erected and maintained in a prominent position on the site in accordance with Environmental Planning and Assessment Regulation 2021 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.
- 11.1.3. Should the development work:
- (a) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (b) involve the enclosure of a public place,
- a hoarding or protective barrier shall be erected between the work site and the public place. Such hoarding or barrier shall be designed and erected in accordance with Council's current Local Approvals Policy under the Local Government Act 1993.
- Where necessary, an awning shall be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The hoarding, awning or protective barrier shall be effectively illuminated between sunset and sunrise where it may be hazardous to any person in the public place.

- 11.1.4. Soil erosion and sediment control measures shall be provided in accordance with Council's Soil Erosion and Sediment Control Policy.
- 11.1.5. 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.
- 11.1.6. 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.
- 11.1.7. 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.

11.2. Notification to Council

- 11.2.1. 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.

11.3. Sydney Water Authorisation

- 11.3.1. 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.

11.4. Tree Management

- 11.4.1. Any tree not approved for removal or more than 3m from the building perimeter is to be effectively protected against damage.
- 11.4.2. Tree protection measures are to be installed prior to the commencement of construction and implemented in line with AS:4970-2009 "Protection of trees on development sites" and the updated Arboricultural Impact Assessment (AIA) and Tree Protection Plan Report approved by Council's Greenspace Services prior to the issue of a Construction Certificate.
- 11.4.3. Trees 1, 2, 3, 5, 6 and 9 as indicated on Demolition Plan DA04 Revision A dated 5 April 2023 and in the updated Arboricultural Impact Assessment Report can be removed as part of this development.

- 11.4.4. Tree 3 should be transplanted prior to construction commencing on the site and should be protected as per the updated Tree Management (Protection Plan) in Appendix 7. This will include compliance certifications being issued before construction commences that all tree protection measures are installed, that an AQF Level 5 Arborist is present during excavations to ensure roots are not damaged before further works can be commenced and a compliance certificate is issued prior to further works being carried out and a compliance certificate being issued when the development has been completed before the development can be occupied. Works to be undertaken as per Transplanting specifications.
- 11.4.5. Trees 4, 7 and 8 are to be retained and protected as detailed in the updated Appendix 7 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 updated Arboricultural Impact Assessment Report.
- 11.4.6. The bond will be forfeited if any defects result in the death or damage of any trees, due to poor construction practices. Council will use the forfeited bond to embellish any public reserves in the vicinity.
- 11.4.7. Two inspection fees as per Council's current 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.
- 11.4.8. The preservation bonds and the inspection fees are to be paid before construction commences.

12. DURING CONSTRUCTION (BUILDING)

12.1. Safety/Health/Amenity

- 12.1.1. 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.
- 12.1.2. A sign is to be erected and maintained in a prominent position on the site in accordance with Section 70 of the Environmental Planning and Assessment Regulation 2021 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.
- 12.1.3. Should the development work:
 - (a) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (b) involves the enclosure of a public place,the required hoarding, awning or protective barrier shall be maintained between the land and the public place.

The hoarding, awning or protective barrier shall be effectively illuminated between sunset and sunrise where it may be hazardous to persons in the public place.

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

12.2. Building Code of Australia Compliance

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

12.3. Surveys

- 12.3.1. 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.
- 12.3.2. 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.

12.4. Nuisance Control

- 12.4.1. 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*.
- 12.4.2. 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.

- 12.4.3. The hours of any offensive noise-generating development works shall be limited to between 7.00 am to 6.00 pm 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.

12.5. Tree Protection

- 12.5.1. The measures required to effectively protect trees on the land shall be maintained throughout the development works.
- 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) conditions.
- 12.5.3. When undertaking excavation within the Tree Protection Zone of Trees 4, 7 and 8, care should be taken not to damage roots 50mm and over. Non-destructive techniques must be used such as manual excavation, vacuum excavation, or an air spade.
- 12.5.4. Hold points, inspections and certification are to be carried out as per Appendix 7 of the updated 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. DURING CONSTRUCTION (ENGINEERING)

13.1. Notification of Works

- 13.1.1. 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.
- 13.1.2. 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.

13.2. Insurances

- 13.2.1. 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.

13.3. Service Authority Approvals

- 13.3.1. 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.

13.4. Soil Erosion and Sediment Control Measures

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

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

13.5. **Filling of Land and Compaction Requirements**

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

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

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

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

13.7. Inspection of Engineering Works - Roads Act 1993 or Local Government Act 1993

- 13.7.1. 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. Council's 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).

13.8. Public Safety

- 13.8.1. 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.

13.9. Site Security

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

13.10. Traffic Control

- 13.10.1. 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.
- 13.10.2. 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.
- 13.10.3. 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.
- 13.10.4. 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.
- 13.10.5. Where the Traffic Control Plan may change during the course of construction to facilitate new works, a revised traffic control plan shall be prepared and certified by a person who holds a current Roads and Maritime Services (RMS) accreditation to prepare a Work Zone Traffic Management Plan. This Plan must satisfy all the requirements of AS 1742.3 – 2009 and the current version of the RMS Traffic Control at Work Sites manual and shall be submitted to Council prior to implementation.
- 13.10.6. Construction Traffic Management Plan (CTMP) and Operational Traffic Management Plan (OTMP) approved by the Local Traffic Committee prior to the issue of a Construction Certificate, are to be implemented.

13.11. Powder Coated Furniture

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

13.12. Other Matters

- 13.12.1. 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.

13.13. Tree Protection and Preservation

- 13.13.1. Existing vegetation and trees shall be left undisturbed except where roads, stormwater drainage infrastructure, site filling and/or building works are proposed.
- 13.13.2. 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.
- 13.13.3. 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.

14. DURING CONSTRUCTION (ENVIRONMENTAL HEALTH)

14.1. Environmental Health Matters

- 14.1.1. 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.
- 14.1.2. 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).
- 14.1.3. The recommendations made in the Acoustic Assessment Alterations & Additions St Agnes College – 21 St. Agnes Avenue Rooty Hill (ref: R180562R4 Revision 1) prepared by Rodney Stevens Acoustics, dated 15 March 2023, are to be implemented.
- 14.1.4. 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.
- 14.1.5. The food preparation areas shall be constructed so as to comply with the requirements of:
- the *Food Act 2003* and its Regulation,
 - Australian Standard 4674-2004 Design, construction and fit-out of food premises, and
 - Australian Standard 1668.2-2012: The use of ventilation and air-conditioning in buildings - *Mechanical ventilation in buildings*.

15. PRIOR TO OCCUPATION CERTIFICATE

15.1. Road Damage

- 15.1.1. 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.

15.2. Compliance with Conditions

- 15.2.1. 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.
- 15.2.2. 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*.

15.3. Temporary Facilities Removal

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

15.4. Fire Safety Certificate

- 15.4.1. 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).

15.5. Fee Payment

- 15.5.1. 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.

15.6. Inspections

- 15.6.1. 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 current Goods and Services Pricing Schedule.

15.7. Transport for NSW requirements

- 15.7.1. The Green Travel Plan incorporating the following comments shall be submitted to Transport for NSW for endorsement prior to the issue of the Occupation Certificate:
 - (i) **Parking Management:** TfNSW recommends that management of the parking is considered including prioritising parking for those on a needs basis, noting that priority parking spaces are to be reserved, and well located, for those who carpool.
 - (ii) **Bicycle parking and End of Trip Facilities (EoT):** Any bicycle parking and EoT (including the provision of) shall be monitored over time to ensure sufficient supply to encourage active transport both to/from and around the site. The bicycle parking should be located at convenient locations in the development, be safe, secured and under cover. Some further guidance on bicycle parking and end of trip facilities can be found in the cycleway design toolkit on TfNSW's website.

- (iii) **Implementation Plan:** TfNSW recommends that these end of trip facilities should be further detailed out in a comprehensive Implementation Plan. This should include detailed information such as initiatives, timelines/ completion dates as well as who will be doing the tasks. The Implementation Plan should include the proposed short and long term initiatives, and communications to support these.
- (iv) **Surveys:** TfNSW requires that the survey for developing the Travel Plan includes questions to obtain data such as staff and student residential postcodes to identify the travel origin and destination patterns, as well as modes of the trips.

15.8. Engineering Matters

15.8.1. Surveys/Certificates/Works As Executed plan

- 15.8.1.1. 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.
- 15.8.1.2. The Work-as-Executed (WAE) plan must confirm that the On Site Detention system identification plate has been installed in accordance with the *Upper Parramatta River Catchment Trust Guidelines*.
- 15.8.1.3. A certificate from a Registered Surveyor must be obtained and submitted to Council verifying that all finished floor levels (FFL) and finished surface levels (FSL) required by this consent have been achieved and/or have been maintained in accordance with those established prior to commencement of works. The certificate must acknowledge that works have been complete. All levels must be to Australian Height Datum (AHD).
- 15.8.1.4. A certificate from a Chartered Civil Engineer registered with NER must be obtained and submitted to Council verifying that the On-Site Detention System as constructed will perform to meet the on-site stormwater detention requirements in accordance with the approved design plans, and certify that:
 - a) All the requirements of the approved drainage plans have been undertaken;
 - b) A minimum 170m³ below overflow rainwater tank has been provided collecting roof water from a minimum 1540 m² of roof area.
 - c) The minimum detention storage of for the 50% AEP and 1% AEP in accordance with the approved plans for OSD 1 and OSD 2.
 - d) Installation of 17x690 ZPG filters.
 - e) Installation of 18 oceanguard baskets.
 - f) Installation of orifice plates and trash screens
 - g) The interpretative water quality sign is correctly installed
 - h) All (other) signage and warning notices have been correctly installed.
- 15.8.1.5. A certificate from a Registered Engineer (NER) must be lodged with Council verifying that the structures associated with the On-Site Detention System(s) have been constructed to withstand all loads likely to be imposed on them during their lifetime.
- 15.8.1.6. 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 or other requirements 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
- 15.8.1.7. A plumber licensed with NSW Fair Trading, or experienced chartered hydraulic engineer, is to certify that:
- a) All the requirements of the detailed Non-Potable Water Supply and Irrigation Plan have been installed to the required locations.
 - b) The pumps, alarms and all other systems are working correctly.
 - c) 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.
 - d) The initial flow meters readings are detailed in the certificate.
 - e) All toilets and landscaping taps are supplied by 170 kL rainwater tank.
 - f) External taps at a rate of one tap for each 200 m² of landscape area that require watering evenly spread across the site for landscape watering or washdown. Some taps shall be located closer to parking areas to allow for car washdown.
 - g) The water from at two toilets and two external taps have been tested to show no chlorine residual.
 - h) Rainwater warning signs are fitted to all external taps using rainwater.
 - i) All rainwater reuse taps are either locked, or have removable handles with handles removed.
 - j) 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
- 15.8.1.8. A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Blacktown Council's DCP Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.
- 15.8.1.9. The applicant is to submit the certified line marking and traffic signage plan as required by this consent. This will require evidence to demonstrate that approvals have been obtained from the Local Traffic Committee and adoption by Council Ordinary Meeting. A final inspection report is to be included noting that all line marking and traffic signage works are complete.
- 15.8.1.10. 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.

15.9. Easements/Restrictions/Positive Covenant

- 15.9.1. 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 NSW Land Registry Services

- 15.9.2. Restrictions and/ or positive covenant must be endorsed by Council and lodged with NSW Land Registry Services over the Rainwater tank, ZPG filters, ocean guards and OSD tanks.
- 15.9.3. All Section 88B restrictions and covenants created, as part of this consent shall contain a provision that they cannot be extinguished or altered except with the consent of Blacktown City Council.

15.10. Inspections

- 15.10.1. Any additional Council inspections beyond the scope of any Compliance Certificate package and needed to verify full compliance with the terms of this consent will be charged at the individual inspection rate nominated in Council's Fees and Charges Schedule.

15.11. Water Sensitive Urban Design Management

- 15.11.1. 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.
- 15.11.2. 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.
- 15.11.3. 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.

15.12. Service Authorities

- 15.12.1. 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.
- 15.12.2. 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.
- 15.12.3. 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.

15.13. Landscaping/Car Parking

- 15.13.1. Permanently line marked parking spaces for minimum 129 cars and 66 bicycles shall be provided on-site.
- 15.13.2. 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.
- 15.13.3. Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability.
- 15.13.4. 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.
- 15.13.5. All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.
- 15.13.6. The carparks, 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.
- 15.13.7. All vehicular entrance / exit points are to be clearly signposted and visible from the street and the site at all times.
- 15.13.8. All landscaping, outdoor play areas and equipment shall be completed in accordance with the approved landscaping design plans submitted as part of the Construction Certificate.
- 15.13.9. Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.1.
- 15.13.10. 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. 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.
- 15.13.11. 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.

15.14. Other Matters

- 15.14.1. Prior to the issue of the final Occupation Certificate, all required tree planting and payments of bonds are to be completed to the satisfaction of Council's Greenspace Services Section.
- 15.14.2. The existing chicane structure (blister island) and sign located on Evans Road near the north-east corner of the site frontage must be removed, as approved by Local Traffic Committee as part of the construction certificate. All works must be completed to the satisfaction of Council's Traffic Section.
- 15.14.3. Parallel parking spaces along Albert Parade and Evans Road within the vicinity of 200m from the school's boundaries must be line marked, as approved by Local Traffic Committee as part of the construction certificate. All works must be completed to the satisfaction of Council's Traffic Section.

15.15. Tree Preservation

- 15.15.1. The applicant must submit a final Arborist report to identify the protected trees are in good health and condition. This will assist with the return of any preservation bond.

16. OPERATIONAL (PLANNING)

16.1. Access/Parking

- 16.1.1. All required off-street 129 car parking spaces, 66 bicycle parking spaces and internal driveways shall be maintained to a standard suitable for the intended purpose.
- 16.1.2. 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.
- 16.1.3. Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.1.
- 16.1.4. All vehicles are to enter and leave the site in a forward direction. Entry and exit to and from the basement carpark shall be left in and left out only.
- 16.1.5. Vehicular entry and use of the basement carpark must be open and accessible to parents, teachers and students between 7.30 am and 3.30 pm on school days.
- 16.1.6. Mandatory Traffic Marshalls must be employed and positioned near the entry of the basement carpark to ensure all cars and pedestrians are managed into and out of the basement, and to manage the pedestrian crossing near the school boundary on Evans Road for the duration of the school zone hours in the morning and afternoon on school days.
- 16.1.7. Traffic Management Plan Ref 19-049-2 dated August 2023 prepared by Stanbury Traffic Planning and Green Travel Plan endorsed by Transport for NSW prior to the issue of Occupation Certificate shall be implemented.
- 16.1.8. Operational Traffic Management Plan (OTMP) approved by the Local Traffic Committee prior to the issue of a Construction Certificate, is to be implemented.

16.2. General

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

- 16.2.2. 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*.
- 16.2.3. Emission of sound from the land shall be controlled at all times so as to not unreasonably impact upon nearby owners/occupants.
- 16.2.4. 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.
- 16.2.5. 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.

16.3. Use of Premises

- 16.3.1. The use of the approved development shall, at all times, be conducted in a manner consistent with the terms and conditions of this consent.
- 16.3.2. This consent authorises the use of the completed approved buildings for a high school with a maximum of 1360 students and 75 staff (including teaching and non-teaching staff).
- 16.3.3. 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.

16.4. Emergency Procedures

- 16.4.1. Instructions concerning procedures to be adopted in the event of an emergency shall be clearly displayed on the premises for visitors, students and staff information at all times to the satisfaction of Council.

16.5. Signage

- 16.5.1. The approved signage on basement carpark entry must not have or incorporate any of the following:
 - (a) flashing lights,
 - (b) electronically changeable or variable messages,
 - (c) animated displays, moving parts or 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.
- 16.5.2. At no time shall any signage approved as part of this consent be used for general advertising purposes.

17. OPERATIONAL (ENVIRONMENTAL HEALTH)

17.1. Environmental Health Matters

- 17.1.1. The following recommendations made in the Acoustic Assessment Alterations & Additions St Agnes College – 21 St. Agnes Avenue Rooty Hill (ref: R180562R4 Revision 1) prepared by Rodney Stevens Acoustics, dated 15 March 2023, are to be implemented:
- Parents and guardians shall be informed of the importance of noise minimisation when entering the site, dropping off or picking up children. This includes avoiding raising voices in the school's carpark or beeping car horns.
 - The eastern carpark shall only be used between 7am and 10pm.
 - The operation of any mechanical plant installed for ventilation must be in accordance with the relevant regulations such as the Building Code of Australia (BCA Vol.1, Part 4.5 Ventilation of rooms) and AS1668.2-2002. The use of ventilation and air conditioning in buildings will be required.
- 17.1.2. 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.
- 17.1.3. The proprietor is to ensure that all food handling complies with the requirements of the *Food Act 2003* and its Regulation.
- 17.1.4. 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*.
- 17.1.5. 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*.
- 17.1.6. 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.

17.2. Environmental Management (conditioned by engineering)

- 17.2.1. 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.