

## Attachment 10

### Conditions of consent (draft)

<b>Proposed development</b>	Integrated Development for site wide bulk earth works in 5 stages including importation of approximately 3.9 million cubic metres of fill material via approximately 340,000 truck movements, removal of existing vegetation, demolition of existing industrial structures, construction of 2 temporary haulage roads (one off Bandon Road and one off Garfield Road West) and the construction of drainage swales and sediment detention basins.
<b>Property description</b>	36 Garfield Road West, Richards (Lot 50 DP 8305051295449)

## 1 DEFERRED COMMENCEMENT MATTERS

- 1.1 This Development Consent is not to operate until such time as:
- 1.1.1 A 7.5m wide easement in gross benefitting Council over the subject land from the creek to the west to the railway line to the east for the purpose of a future strategic link through the estate to be provided upon future development of the site.
- 1.2 Heritage Requirements:
- This Development Consent is not to operate until such time as the applicant addresses and resolves the heritage issues identified below:
- 1.2.1 Statement of Heritage Impact:
- A Statement of Heritage Impact (SHI) that aligns with the updated Conservation Management Plan shall be produced.
  - In view of the focus on conservation of a large number of fragile historic buildings, the SHI is to be prepared by an appropriately qualified and suitably experienced heritage professional in accordance with the Environment and Heritage Department of Planning and Environment's "Guidelines for preparing a statement of heritage impact" 2023.
  - The SHI must consist of a statement demonstrating the heritage significance of a heritage item, assessment of the impact that proposed development will have on that significance and proposals for measures to minimise that impact.
  - The SHI shall assess the potential impacts of the proposed development on the heritage significance of the site and identify any necessary mitigation measures.
- 1.2.2 Conservation Management Plan:
- An updated Conservation Management Plan (CMP) shall be prepared and submitted to Council for endorsement and consideration in any future masterplan of the site.
  - The CMP must be prepared in accordance with the requirements of the NSW Heritage Office, following the guidelines outlined in the JS Kerr Conservation Plan 7th Edition 2013 and Heritage NSW's "Statement of Best Practice for Conservation Management Plans" and considering Heritage Council of NSW's "Guidance on developing a conservation management plan" 2021.
- Note: Given the scale and nature of the site, this may require a multi-disciplinary team with specialist skills and expertise

- The CMP shall include:
  - a detailed assessment of the heritage significance of the site, its vulnerability to development pressures, and the measures proposed to conserve and manage its heritage values into the future.
  - a monitoring regime to inform the conservation and management of its heritage values into the future and for consideration in the development of any future masterplan for the site.
- The CMP must include:
  - detailed objectives for the preservation of heritage items identified in Table 11 in Section 4.9 of Riverstone West Precinct Development Control Plan 2009
  - provisions for the immediate preservation and maintenance of heritage items
  - provisions for the ongoing conservation, interpretation and management of heritage items
  - provisions for new development with regard to the heritage items in accordance with Figure 29 in Section 4.9 of the Riverstone West Precinct Development Control Plan 2009
  - provisions for further investigation regarding flood mitigation for the cottages in accordance with Appendix C Floodplain Management Strategy.
- The CMP must address:
  - Archaeological Heritage: If there is a potential for archaeological remains on the site, a heritage impact assessment shall be conducted to assess their significance and identify appropriate conservation measures. Input is likely required from a suitably experienced archaeologist.
  - Cultural Landscapes: The site's cultural landscapes shall be identified and protected as part of the conservation management plan.
  - Intangible Heritage: Any intangible heritage associated with the site, such as oral histories or traditional skills, shall be documented and preserved.

#### 1.2.3 The CMP must include Schedules of Conservation Works:

- 3 Schedules of Conservation Works (the Schedules) shall be prepared, outlining the necessary repairs, restoration, and maintenance activities for the site's heritage assets. The 3 Schedules of Conservation Works will align with the following stages:
  - Schedule 1 – works to be completed prior to commencement of works of this DA consent
  - Schedule 2 – works to be completed prior to issue of any Subdivision Works Certificate/Construction Certificate/Subdivision Certificate for any approved subdivision application
  - Schedule 3 – works to be completed prior to issue of the first Occupation Certificate for the first building constructed in line with a future concept/master plan for the Precinct or alternative arrangement approved by Council to allow flexibility with the applicant's roll out of the various stages of the development.

Note: Schedules 2 and 3 will need to be considered in the development of any future masterplan of the site.

- In view of the focus on conservation of a large number of fragile historic buildings, the work must be carried out by a suitably experienced heritage architect and submitted to Council for endorsement.

- The Schedules shall be based on a comprehensive assessment of each building and element and include a detailed analysis of its condition, significance, vulnerability and proposed conservation treatments.
  - The Schedules shall prioritise conservation works based on the risk of deterioration and the potential for loss of significance.
    - Schedule 1 is to address the following:
      - protective works required to secure the buildings and ensure safety
      - protective works and measures to protect and avoid the deterioration of the structural integrity and fabric of the heritage items, and
      - establish a regular monitoring regime for the buildings to ensure they are not damaged from dust, vibrations, the elements or the like, as a result of this development.
    - Schedule 2 is to address the following:
      - works needing to be done regardless of future use to prevent further deterioration or loss of significant fabric in the longer term, as informed by investigations and reports called for in Schedule of Conservation Works 1.
    - Schedule 3 is to address the following:
      - works to be done to allow any adaptive reuse of the heritage items for a future purpose.
- Note: Schedules 2 and 3 will need to be considered in the development of any future masterplan of the site.
- All works on the heritage buildings are to be carried out by appropriately qualified trades people and supervised by the suitably qualified heritage advisor mentioned above.

1.3 All of the requirements listed in the above condition must be completed within 24 months of the date of this "Deferred Commencement" consent or alternatively in accordance with any relevant details contained in any future masterplan for the site. Should these matters not be completed to Council's satisfaction within this time period, this "Deferred Commencement" consent will lapse.

## **2 ADVISORY NOTES**

### **2.1 Terminology**

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

### **2.2 Scope of Consent**

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

### **2.3 Other Approvals**

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

- (a) the removal of any tree(s) not indicated on the approved plans, and
- (b) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development, and
- (c) demolition of any existing buildings and associated structures in accordance with the requirements of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, and
- (d) the installation of vehicular footway crossings servicing the development, and
- (e) the use of any crane that swings over public air space. If a crane is used to construct this development that swings over public air space, separate Council approval under the Roads Act 1993 and Local Government Act 1993 is required.

## **2.4 Services**

### **2.4.1 The applicant is advised to consult with:**

- (a) Sydney Water Corporation Limited
- (b) Energy provider
- (c) Jemena Gas
- (d) The relevant local telecommunications carrier

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

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

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

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

### **2.4.3 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](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset holders a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.**

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

- 2.4.5 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.

## **2.5 Identification Survey**

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

## **2.6 Engineering Notes**

- 2.6.1 All works requiring approval under the *Roads Act 1993* (except standard vehicular crossings) or *Local Government Act 1993* must be approved PRIOR to the development application being operational.

## **2.7 Payment of Engineering Fees**

- 2.7.1 If the applicant wishes for Council to issue the Construction Certificate or Subdivision Works Certificate as nominated in the 'Prior to Construction Certificate/Subdivision Works Certificate please:
- Complete application form
  - Submit all relevant plans produced by a suitably qualified person and in accordance with Councils Standards.

## **2.8 Road Damage**

- 2.8.1 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.

## **2.9 Imported Fill Material**

- 2.9.1 Any potential re-use of excavated soils is to be assessed against the threshold concentrations for sensitive land use as described in National Environment Protection Council "National Environment Protection (Assessment of Site Contamination) Measure" (2013). Excavated soil with contaminate concentrations below the health investigation levels may be used onsite.
- 2.9.2 Any fill material imported onto the site must be classified as Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM) and must be analysed and validated by an appropriately qualified and experienced environmental consultant in accordance with relevant NSW EPA guidelines, including the 'Waste Classification Guidelines' 2014 and the NSW EPA Contaminated Land Guidelines: Sampling design (2022).

## **2.10 Endeavour Energy Requirements**

- 2.10.1 Full compliance with the relevant requirements contained in Endeavour Energy's standard conditions for development applications dated August 2023 and included at Annexure A of this consent is required.

## **2.11 Ampol Requirements**

- 2.11.1 All actions are to be completed as detailed in the Encroachment Safety Management Study by Asset Engineering Solutions dated 23 June 2023 and the variations outlined in PDF 1 & 2 held at Council Record Number D23/586720

## **2.12 Department of Planning and Environment-Water**

- 2.12.1 Full compliance with the requirements contained in Department of Planning and Environment-Water's General Terms of Approval dated 23 January 2024 and included at Annexure B of this consent is required.

## **2.13 Jemena Requirements**

2.13.1 Full compliance with the requirements contained in Jemena's comments dated 18 October 2023 and included at Annexure C of this consent is required.

#### **2.14 Sydney Water Requirements**

2.14.1 Full compliance with the requirements contained in Sydney Water's comments dated 15 May 2024 and included at Annexure D of this consent is required.

#### **2.15 Transport for NSW (Sydney Train's) Requirements**

2.15.1 Full compliance with the requirements contained in Transport for NSW (Sydney Train's) comments dated 23 May 2024 and included at Annexure E of this consent is required.

#### **2.16 TransGrid Requirements**

2.16.1 Full compliance with the requirements contained in TransGrid's comments dated 25 March 2024 and included at Annexure F of this consent is required.

#### **2.17 Transport for NSW Requirements**

2.17.1 Full compliance with the requirements contained in Transport for NSW comments dated 22 November 2024 and included at Annexure G of this consent is required.

### **3 GENERAL**

#### **3.1 Scope of Consent**

3.1.1 The proposed development is to be in accordance with the drawings/details as referenced in engineering Condition 8.1.2, subject to compliance with any other conditions of this consent.

3.1.2 The development is approved to take place in 5 sequential stages as per the approved Staging Plan Drawing Number 110847-03-CD500 Revision F dated 1 May 2024.

#### **3.2 Suburb Name**

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

Suburb: Richards

#### **3.3 Engineering Matters**

##### **3.3.1 Design and Works Specification**

3.3.1.1 All engineering works required by this consent must be designed and undertaken in accordance with the relevant aspects of the following documents except as otherwise authorised by this consent:

- a) Blacktown City Council's Works Specification - Civil (Current Version)
- b) Blacktown City Council's Engineering Guide for Development (Current Version)
- c) Blacktown City Council Development Control Plan (Current Version) including Part J – Water Sensitive Urban Design and Integrated Water Cycle Management
- d) Blacktown City Council Growth Centre Precincts Development Control Plan
- e) Blacktown City Council On Site Detention General Guidelines, S3QM online tool and standard drawing A(BS)175M

3.3.2 The Applicant is required to submit to Council, Bonds and/or Contributions for works associated with the development in conjunction with the civil engineering works required to be constructed as part of this development. Works may include:

- Maintenance of the construction works – Crossing 16 and the existing 1800mm-dia pipeline located opposite Wellington Street.

These matters will be individually addressed within the consent.

Note: A bond release inspection fee will apply.

- 3.3.3 Prior to release of any bond securities held by Council for civil engineering works, the payment of a bond release inspection fee in accordance with Council's Goods and Services Pricing Schedule must be made.

- 3.3.4 Written notice must be provided to adjacent properties, at least 5 days prior to works commencing, where works are approved by this consent and located within Council controlled lands (i.e. Roads, drainage reserves, parks, etc.)

A copy of this notice must be provided to Council's Co-ordinator of Engineering Approval.

### **3.4 Other Necessary Approvals**

- 3.4.1 A separate application will be required for the following approvals, under the Local Government Act 1993 and/or the Roads Act 1993.

- Concrete box culverts (Crossing 16) and associated catch drains
- Vehicular Crossings
- Works on or occupation of existing public roads (Not including works covered by a Roads Act Approval).

## **4 PRIOR TO DEMOLITION WORKS**

### **4.1 Safety/Health/Amenity**

- 4.1.1 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.
- 4.1.2 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.
- 4.1.3 Should the demolition work:
- (a) be likely to be a danger to pedestrians in a public place or occupants of any adjoining land or place,
  - (b) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
  - (c) involve the enclosure of a public place,
- 4.1.4 A hoarding or protective barrier shall be erected between the work site and the public place or adjoining land or place. Such hoarding or barrier shall be designed and erected in accordance with Council's current Local Approvals Policy under the Local Government Act 1993.
- 4.1.5 Where necessary, an awning shall be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place or adjoining land or place.
- 4.1.6 The hoarding, awning or protective barrier shall be effectively illuminated between sunset and sunrise where it may be hazardous to any person in the public place.
- 4.1.7 Toilet facilities shall be provided on the land at the rate of 1 toilet for every 20 persons or part thereof employed at the site.

Each toilet provided shall be:

- (a) a standard flushing toilet, and
- (b) connected:

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

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

## **4.2 Tree Protection**

4.2.1 Unless specific approval is given in this consent, no trees, located within the subject allotment and/or within the Council Road Reserve (verge/nature strip) or any adjoining public open space, may be removed or pruned during demolition works.

4.2.2 Any tree not indicated to have consent for removal shall be effectively protected against damage as specified in the Tree Protection Plan.

4.2.3 Tree Protection measures must be installed before Demolition work begins.

## **4.3 Other Matters**

4.3.1 The Applicant is to advise all adjoining neighbours, and those located opposite the subject development site, by letter, of their intention to commence demolition work. The letter shall be distributed at least 2 days prior to the intended work and include the following information:

- date/s, hours and duration of the works.
- contact name and phone number of the applicant
- contact name and phone number of the licensed demolisher
- SafeWork NSW contact number 131050, and email address [contact@safework.nsw.gov.au](mailto:contact@safework.nsw.gov.au)

4.3.2 Photographic archival records of non-listed heritage buildings associated with the existing Meatworks buildings are to be collected and submitted to Council for its records prior to their demolition. The images are to be of a scope and quality to be used as part of the heritage interpretation for the site.

## **4.4 Traffic Management Plan**

4.4.1 Prior to the demolition works, an appropriately qualified person is to prepare a comprehensive Traffic Management Plan (TMP). The TMP should document the controls and procedures for vehicles accessing the site. This TMP is to be maintained on-site and issued to every contractor or truck driver accessing the site and the principal issues to be documented are:

- the prescribed route for access (i.e. Garfield Road West and Bandon Road)
- the prescribed route for egress (ie. Bandon Road directly to Windsor Road)
- the hours available for access (i.e. 7.00am - 6.00pm Monday to Friday and 8.00am 1.00pm Saturday with no access on Sunday or Public Holidays)
- the co-ordination and communication to avoid any "bunching" of arriving or departing truck movements
- the maximum truck speeds within the site and on Bandon Road particularly approaching and departing the railway level crossing
- the prohibition of movement onto the level crossing unless there is adequate space available to "clear" the level crossing
- the prohibition of movements on Railway Parade and Garfield Road East



- drivers requirement to comply with the “7.0 Driver Code of Conduct, Monitoring & Review described in Traffic Impact Assessment dated April 2023 prepared by ttpa.
- the onsite traffic control and supervision of access and egress points for all truck movements

The final, approved TMP shall be submitted to Council for its records.

## **5 DURING DEMOLITION WORKS**

### **5.1 Safety/Health/Amenity**

- 5.1.1 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 words "DANGER - DEMOLITION IN PROGRESS", or similar message shall be maintained on the fencing at appropriate places to warn the public.
- 5.1.2 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.
- 5.1.3 Any hoarding or protective barrier required to be erected between the work site and the public place on adjoining land or place shall be maintained in an effective condition.
- 5.1.4 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.
- 5.1.5 Soil erosion and sediment control measures shall be maintained in accordance with Council's Soil Erosion and Sediment Control Policy.
- 5.1.6 Any excavation and/or backfilling associated with the demolition works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.
- 5.1.7 All demolition work and handling of materials shall be in accordance with Australian Standard 2601-2001 (Demolition of Structures) and all applicable SafeWork NSW requirements including the Code of Practice for the Safe Removal of Asbestos” – National Occupational Health and Safety Commission:2005 (if applicable).
- 5.1.8 All plant and equipment used on the land shall be operated by a competent person. Cranes used for hoisting and lowering of materials shall comply with AS 1418.1 and AS 1418.5 and be fitted with a load indicator and hoist limited device.
- 5.1.9 A valid public liability insurance policy of at least \$10,000,000 shall be maintained throughout the demolition works.
- 5.1.10 Demolished materials, plant, equipment and the like shall not be stored or placed at any time on Council's footpath, roadway or any public place.
- 5.1.11 Should any excavation associated with the demolition works extend below the level of the base of the footings of a building on an adjoining allotment of land, including a public road or place, the person causing the excavation to be made:
  - (a) must preserve and protect the building from damage, and
  - (b) if necessary, must underpin and support the building in an approved manner, and
  - (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

- 5.1.12 The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- 5.1.13 All previously connected services are to be appropriately disconnected as part of the relevant demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- 5.1.14 The demolisher has an obligation to ensure that the adjoining buildings and property are not damaged.
- 5.1.15 Any soils requiring excavation, onsite reuse and/or removal must be classified in accordance with "Waste Classification Guidelines Part 1: Classifying Waste" NSW EPA (2014)

## **5.2 Nuisance Control**

- 5.2.1 Any noise generated during demolition shall not exceed those limits specified in the Protection of the Environment Operations Act 1997 and shall be limited to between 7 am and 6 pm, Monday to Friday, and 8 am to 1 pm, Saturday, with no demolition work being undertaken on Sundays or public holidays.

## **5.3 Waste Management**

- 5.3.1 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.

## **5.4 Tree Protection**

- 5.4.1 The measures required to effectively protect trees on the land shall be maintained throughout the demolition works.

## **5.5 Hours of Operation**

- 5.5.1 The hours of operation are limited to between 7.00am to 6.00pm, Mondays to Fridays; 8.00am to 1pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.
- 5.5.2 If any other activities are proposed to be undertaken outside of these hours, Council is to be notified and approval may be required depending on the activity.

## **5.6 Traffic Management**

- 5.6.1 The applicant must comply with the approved traffic management plan during demolition works.

# **6 COMPLETION OF DEMOLITION WORKS**

## **6.1 Final Inspection**

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

## **6.2 Hazardous Materials and Waste**

- 6.2.1 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.

- 6.2.2 Submit to Council the receipt from the trade waste depot for disposal of the asbestos from the removal/demolition of the existing buildings.

## **7 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)**

### **7.1 DA Plan Consistency**

- 7.1.1 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.

### **7.2 Site Works and Drainage**

- 7.2.1 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), together with any associated groundwater drainage system, shall be designed by an appropriately qualified person. Details of such site works shall accompany a Construction Certificate.

### **7.3 Footpath/Road Condition Assessment Fee**

- 7.3.1 A footpath/road condition assessment fee is to be paid prior to the issue of any Construction Certificate. The applicable fee will be charged in accordance with Council's Goods and Services Pricing Schedule.

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

### **7.4 Special Infrastructure Contributions**

- 7.4.1 The applicant is to make a special infrastructure contribution in accordance with any determination made by the Minister administering the Environmental Planning and Assessment Act 1979 under Section 7.23 of that Act that is in force on the date of the consent, and must obtain a certificate to that effect from the Department of Planning, Industry and Environment.

#### **More information**

Information about the special infrastructure contribution can be found on the Department of Planning and Environment's website:

<http://www.planning.nsw.gov.au/Policy-and-Legislation/Infrastructure/Infrastructure-Funding>

### **7.5 Groundwater Management**

- 7.5.1 A Groundwater Management Report for the proposed works is to be prepared by a suitably qualified consultant and submitted to Council.

### **7.6 Tree Management**

- 7.6.1 The applicant is to provide our Greenspace Services Section with an Arboricultural Impact Assessment and Tree Management Plan for all trees within 20m of the edge of the bulk earthworks. Additionally, all trees within the bulk earthworks must also be identified for clarity in the consent for tree removal.
- 7.6.2 Consent for tree removal will be assessed prior to issue of a Construction Certificate.
- 7.6.3 All documentation, including plans, must be amended to reflect tree work approved in these conditions of consent. All trees shown on the plans are required to be numbered in accordance with an Arboricultural Impact Assessment Report. All trees, approved for

removal, are to be identified with dashed circles. All trees, conditioned to be retained, are to be identified with a solid circle and have their Tree Protection Zone, compliant with the calculations of AS4970:2009, clearly plotted around the tree

- 7.6.4 Prior to issue of a Construction Certificate, a Project Arborist is to be appointed for the duration of the works on site. The Project Arborist must hold a minimum qualification of Australian Qualification Framework (AQF) Level 5 in arboriculture and have Public Liability Insurance (minimum \$20 million) for the duration of the project. The name and contact details of the Project Arborist are to be notified to Council prior to the commencement of any works on site, including demolition.
- 7.6.5 Trees proposed to be removed on site are not approved for removal until a Construction Certificate is issued. Tree removal assessment will be undertaken before the Construction Certificate is issued.

## **7.7 Natural Areas Requirements**

- 7.7.1 An Arboricultural Impact Assessment and Tree Protection Plan for the hollow bearing trees in adjacent Sydney water land at the base of the existing steep batter on site is to be submitted by the proponent for Council's consideration. These and other neighbouring Lot trees must be protected from impacts of the proposed earthworks on site.

## **7.8 Threatened species credit retirement**

- 7.8.1 The applicant shall retire the class and number of species credits in Table (1) to offset the impacts of the development.

Table (1): Ecosystem credits required to be retired - like for like

Impacted species credit species	Number of species credits	IBRA sub-region
Fauna: 4025 Myotis Macropus/ Southern Myotis	1	Anywhere in NSW

The requirement to retire credits outlined in Table (1) may be satisfied by payment to the Biodiversity Conservation Trust of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator.

A link to the Biodiversity Conservation Trust website, for directions on payment can be found at [Pay into the fund to offset development | BCT \(nsw.gov.au\)](https://www.bct.nsw.gov.au/pay-into-the-fund-to-offset-development). You can also contact the BCT on 1300 992 688 or [info@bct.nsw.gov.au](mailto:info@bct.nsw.gov.au)

Evidence of the retirement of credits or payment to the Biodiversity Conservation Trust in satisfaction of Table (1) requirements shall be provided to Council prior to earthworks commencing.

## **7.9 Submission and approval of a Vegetation Management Plan**

- 7.9.1 An updated Vegetation Management Plan (VMP) aligned with the bulk earthworks and comprising a detailed site plan and an accompanying report in a legible format prepared by a person who has qualifications and experience in respect of ecology is to be submitted by the proponent to Council for approval. The updated VMP is to be fully costed with a timeline of activities detailing actions proposed to mitigate the impacts of the proposal to fauna and native vegetation, with a focus on the Eastern Creek Riparian Corridor and adjacent C2 and RE2 zones and areas with high biodiversity value. The updated VMP is to have a commencement date at the time of, or in advance of, bulk earthworks commencement. It must include full details of the actions to be undertaken in respect of the following:

- vegetation proposed to be removed
- protective fencing at the boundary of works adjacent to the riparian corridor and other areas of high biodiversity value
- measures to mitigate biodiversity impacts prior to and during vegetation clearing and on-site earthworks as proposed;
- strict erosion control strategies such as sediment fencing, sediment control traps, jute matting and a schedule of native planting for protection of Eastern Creek and other waterways;
- protection of adjacent high-quality areas of CEEC vegetation and hollow bearing trees, particularly in neighbouring Sydney Water land;
- weed control measures across the bulk earthworks boundaries that cover weed removal, storage and disposal to reduce the spread of seed or other propagules;
- measures to remove and control the dominant weed species along the 5km site boundary to Eastern Creek on site including Coral Trees (*Erythrina x sykesii*), Privet (*Ligustrum* sp.), Kikuyu (*Cenchrus clandestinus*), Paspalum (*Paspalum dilatatum*), Rhodes Grass (*Chloris gayana*), African Lovegrass (*Eragrostis curvula*), Blackberry (*Rubus aggregatus*), Crofton Weed (*Ageratina Adenophora*) and Pigeon Grass (*Setaria pumila*);
- measures to restore and reconnect riparian vegetation tracts along the 5 km site boundary to Eastern Creek on site which were identified in the ecology reports as important to streambank stabilisation and fauna movements in the area;
- emplacement of salvaged habitat resources from clearing into the retained riparian zones e.g. logs, as well as enhancement nestboxes appropriate to locally occurring fauna; and
- stabilisation of the entire bulk earthworks boundary e.g. with a native hydroseed mix.

The updated VMP is to be prepared in accordance with BCC Vegetation Management Plan Guidelines 2019.

#### **7.10 Bond on Vegetation Management plan**

- 7.10.1 Once the updated VMP is approved, a bond will be calculated at 150% of the cost of implementing the VMP to be provided to Council as security. The bond shall be returned to the proponent in stages following verification in writing by the Project Ecologist that the performance targets and actions related to restoration works within the updated VMP have been met. Council may conduct inspections to support this.

#### **7.11 Nomination of a Project Ecologist**

- 7.11.1 A Project Ecologist for implementing, monitoring and reporting on the updated VMP, and to be present for and report on dam dewatering works and tree clearing works, must be nominated to Council with contact details provided prior to earthworks commencing.

#### **7.12 Dust Control**

- 7.12.1 A Construction Air Quality Management Plan is to be prepared by a suitably qualified consultant and submitted to Council for approval. It is to incorporate the dust control measures in the document held at Council's Record number D23/322012. It must also include specific dust monitoring and control strategies for each stage of construction.

#### **7.13 Heritage matters**

- 7.13.1 Should the historic cottages remain unoccupied, security measures must be implemented throughout the period of non-occupation to mitigate risks of fire,

vandalism and neglect. Remediation to any associated damage must be completed prior to the issue of any Construction Certificate, and in accordance with the CMP.

#### **7.14 Traffic Management Plan**

7.14.1 Prior to the issue of a Construction Certificate, an appropriately qualified person is to prepare a comprehensive Traffic Management Plan (TMP). The TMP should document the controls and procedures for vehicles accessing the site. This TMP is to be maintained on-site and issued to every contractor or truck driver accessing the site and the principal issues to be documented are:

- the prescribed route for access (i.e. Garfield Road West and Bandon Road)
- the prescribed route for egress (ie. Bandon Road directly to Windsor Road)
- the hours available for access (i.e. 7.00am - 6.00pm Monday to Friday and 8.00am 1.00pm Saturday with no access on Sunday or Public Holidays)
- the co-ordination and communication to avoid any “bunching” of arriving or departing truck movements
- the maximum truck speeds within the site and on Bandon Road particularly approaching and departing the railway level crossing
- the prohibition of movement onto the level crossing unless there is adequate space available to “clear” the level crossing
- the prohibition of movements on Railway Parade and Garfield Road East
- drivers requirement to comply with the “7.0 Driver Code of Conduct, Monitoring & Review described in Traffic Impact Assessment dated April 2023 prepared by ttpa.
- the onsite traffic control and supervision of access and egress points for all truck movements

The final, approved TMP shall be submitted to Council for its records.

#### **7.15 Construction Environmental Management Plan**

7.15.1 A Construction Environmental Management Plan (CEMP) shall be submitted to show the staging of works to set out how clearing will be minimised, vehicle access roads, stockpiling areas, tree protection barriers, operations machinery, cleaning protocols, hours of operation, noise and vibration control, salinity management, a procedure for controlling the introduction and spreading of weeds and pathogens, including hygiene protocols and the arrangements for monitoring; erosion and sediment control and dust control. The Plan must be submitted to Council for approval.

The applicant must include the following:

- (a) Construction Traffic Management Plan
- (b) Erosion and Sediment Control Plan
- (c) Construction Noise Management Plan
- (d) Unexpected Finds Protocol
- (e) Community Consultation and Complaints Handling

## **8 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)**

### **8.1 General**

8.1.1 All relevant conditions within the ‘Prior to Construction Certificate’ section of this consent shall be satisfied before any Construction Certificate can be issued.

8.1.2 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 prepared by J. Wyndham Prince and relevant Consent conditions:

CIVIL PLAN INDEX				
PLAN NO.	PLAN NAME	REV	DATE	Council Trim
110847-03-CD001	COVER SHEET	D	25/03/24	D24/233705
110847-03-CD002	INDEX, LEGEND & GENERAL NOTES	E	1/05/24	D24/233705
110847-03-CD003	OVERALL SITE PLAN	D	25/03/24	D24/233705
110847-03-CD004	HAUL ROAD TYPICAL SECTIONS	A	27/04/23	D24/233705
110847-03-CD010	CUT & FILL PLAN SHEET 1	C	1/05/24	D24/233705
110847-03-CD011	CUT & FILL PLAN SHEET 2	D	25/03/24	D24/233705
110847-03-CD015	SITE SECTIONS SHEET 1	B	31/10/23	D24/233705
110847-03-CD016	SITE SECTIONS SHEET 2	B	31/10/23	D24/233705
110847-03-CD017	SITE SECTIONS SHEET 3	C	31/10/23	D24/233705
110847-03-CD018	SITE SECTIONS SHEET 4	B	31/10/23	D24/233705
110847-03-CD040	DEMOLITION PLAN SHEET 1	A	27/04/23	D24/233705
110847-03-CD041	DEMOLITION PLAN SHEET 2	B	16/06/23	D24/233705
110847-03-CD050	ENGINEERING PLAN SHEET 1	C	1/05/24	D24/233705
110847-03-CD051	ENGINEERING PLAN SHEET 2	B	31/10/23	D24/233705
110847-03-CD052	ENGINEERING PLAN SHEET 3	D	1/05/24	D24/233705
110847-03-CD053	ENGINEERING PLAN SHEET 4	D	25/03/24	D24/233705
110847-03-CD200	CATCHMENT PLAN SHEET 1	B	31/10/23	D24/233705
110847-03-CD201	CATCHMENT PLAN SHEET 2	D	25/03/24	D24/233705
110847-03-CD300	CULVERT DETAILS	C	1/05/24	D24/233705
110847-03-CD301	CULVERT TAILOUT DETAILS (EXCLUDING BEBO ARCH)	B	10/10/24	D24/574538
110847-03-CD305	CATCH DRAIN DETAILS	C	18/10/24	D24/574538
110847-03-CD400	SOIL & WATER MANAGEMENT PLAN SHEET 1	A	27/04/23	D24/233705
110847-03-CD401	SOIL & WATER MANAGEMENT PLAN SHEET 2	B	31/10/23	D24/233705
110847-03-CD402	SOIL & WATER MANAGEMENT PLAN SHEET 3	C	1/05/24	D24/233705
110847-03-CD403	SOIL & WATER MANAGEMENT PLAN SHEET 4	D	25/03/24	D24/233705
110847-03-CD405	SOIL & WATER MANAGEMENT NOTES	A	27/04/23	D24/233705
110847-03-CD406	SEDIMENT BASIN CALCULATIONS SHEET 1	A	27/04/23	D24/233705
110847-03-CD407	SEDIMENT BASIN CALCULATIONS SHEET 2	A	27/04/23	D24/233705
110847-03-CD500	STAGING PLAN	F	1/05/24	D24/233705
110847-03-CD510	SITE ANALYSIS PLAN	D	1/05/24	D24/233705

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

- i. Maximum design fill levels along Crossing 16 shall be nominal RL18.0mAHD.
- ii. Batter slopes shall be in accordance with Figure 21: Location of embankment batters in Riverstone West DCP August 2009.
- iii. Longitudinal Section Culvert Crossing A in sheet CD300 rev C is redundant.

- iv. The details of the tailout must be amended to match the box culvert, including the finished level, long-section and cross section of the design.

## **8.2 Local Government Act Requirements**

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

- Crossing 16,
- Catch drain 1,
- Catch drain 2,
- Surcharge drain,
- The connection between Riverstone Parade to Crossing 16, and
- The maintenance track leading into Crossing 16.

which are to be generally in accordance with the Sitewide Civil Work plan prepared by J. Wyndham Prince, Project No. 110847-001, Rev F and dated 1/05/2024. (Council's TRIM ref: D24/545756)

Detailed drainage plans are to be prepared by a chartered professional engineer (CPEng) (Civil / Environmental Engineer) who has membership to Engineers Australia.

The Section 68 application must include the following:

- Geotechnical report of the soil foundation under the Crossing 16.
- Structural design and certificate for the Crossing 16 both the foundation and structure. Certification shall be from a suitably qualified practising structural engineer.
- DRAINS model to confirm the detail of the Crossing 16 including the catchment area and flow rate.
- The crossing sections of the Crossing 16 including the subsoil layers, back filling, trenching etc.
- The connection between the catch drain 1 & 2 into the Crossing 16.
- Details of the discharge energy dissipating system at the Crossing 16 outlet.
- The staging plan of the installation of the Crossing 16.

An approval of stormwater drainage and associated works under the Section 68 of the Local Government Act 1993 issued by Council shall be obtained prior to issue of a Construction Certificate.

## **8.3 Roads Act Requirements**

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

- Vehicular crossing on Bandon Road including area to make smooth connection with Haul Road 1,
- Vehicular crossing on Garfield Road West,
- Bandon Road upgrade between Haul Road 1 and TransGrid Access
  - The length of BANDON ROAD to be upgraded is approximately 480.00 meters between proposed access (Haul Road 1) and TransGrid Access.
  - The extent of upgraded works on Bandon Road shall be designed and constructed based on total traffic loading during construction and existing pavement assessment. Detailed design calculation of Bandon Road upgrade works shall be submitted to Council for the approval.



## **8.4 Other Engineering Requirements**

- 8.4.1 If the estimated cost is \$250,000 or greater proof of long service levy payment is required.
- 8.4.2 Any ancillary works undertaken shall be at no cost to Council.
- 8.4.3 Submit written permission from the affected property owner for any works proposed on adjoining land.
- 8.4.4 Submit written evidence from Transport for NSW indicating compliance with all necessary requirements.
- 8.4.5 Submit written evidence from Sydney Water indicating compliance with all necessary requirements.

## **8.5 Erosion and Sediment Control**

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

## **8.6 Vehicular Crossings**

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

## **8.7 Easements**

- 8.7.1 A 3.5m wide easement for stormwater drainage in gross is to be created and registered over the existing 1800mm-dia pipeline located opposite Wellington Street, prior to the issue of any Construction Certificate for the development. The creation is pursuant to Section 88B of the Conveyancing Act, 1919 and registration with Land Registry Services (LRS). The easement shall burden Lot 50 DP 1295449 and benefit Blacktown Council.
- 8.7.2 A 35.0m wide easement for stormwater drainage is to be created and registered over the Crossing 16 culvert opposite Princes Street, prior to the issue of a Construction Certificate for that stage of works within which it is located. The creation is pursuant to Section 88B of the Conveyancing Act, 1919 and registration with Land Registry Services (LRS). The easement shall burden Lot 50 DP 1295449 and benefit Blacktown Council. This easement is associated with the Crossing 16 culvert opposite Princes Street.

Note: It is recognised that on future redevelopment (subject to the future masterplan and associated development applications) justification to Council' satisfaction may be provided to justify the replacement or relocation of the pipe system at which time Council would provide consent to replace or relocate the easement.

# **9 PRIOR TO CONSTRUCTION CERTIFICATE (ENVIRONMENTAL HEALTH)**

## **9.1 Environmental Health Matters**

- 9.1.1 Engage a suitably qualified environmental consultant to prepare a Long-Term Environmental Management Plan (LTEMP) for the ongoing protection, maintenance and management of the asbestos containment cell in compliance with all applicable laws and industry best practice.
- 9.1.2 The LTEMP is to confirm the location of the existing containment cell on-site.
- 9.1.3 The LTEMP is to include all measures necessary or appropriate to ensure the effective containment within the containment cell of all substances which are proposed for inclusion within the containment cell in perpetuity, and to protect the health of the environment and site users, and to ensure the suitability of the site for its proposed use.

- 9.1.4 The LTEMP is to be prepared to the satisfaction of a NSW EPA Accredited Site Auditor and Council.
- 9.1.5 Prior to commencement of works, evidence is to be provided to Council that a Section 88B Instrument and Deposited Plan which satisfy the following requirements and which have been approved by Council have been registered on title to the site of the Containment Cell:
- the Section 88B Instrument must be accompanied by a Deposited Plan for the site which identifies the Containment Cell with clear delineation and refers to the Section 88B Instrument in connection with the Containment Cell;
  - the Section 88B Instrument must annex a copy of the LTEMP;
  - the Section 88B instrument must contain a Public Positive Covenant which:
    - identifies that the site contains the Containment Cell and is subject to the LTEMP;
    - requires the registered proprietor (and its successors) to:
      - implement the LTEMP in full and manage the site in accordance with the LTEMP;
      - ensure that the Containment Cell is secure at all times and there is no leak, leaching or escape of the contents of the Containment Cell or any other failure of the Containment Cell;
      - keep the Containment Cell and the surface of the land on which the Containment Cell is located free from rubbish and debris;
      - ensure that the Containment Cell is accessible only by the registered proprietor for inspection, maintenance and repair purposes in accordance with the LTEMP;
      - remediate and make good any contamination or migrating contamination, loss or damage occurring in connection with the use or operation of the Containment Cell, or as a result of any failure to comply with the LTEMP, to a standard acceptable to Council;
      - upon becoming aware of an actual or likely non-compliance with the terms of the covenant, or upon reasonably suspecting one, inform Council in writing immediately, provide any information Council requests and do all things necessary to stop the non-compliance from occurring or continuing;
      - for the purposes of ensuring observance of the covenant, permit Council to enter and remain on the site and to take such other steps as Council considers appropriate, including inspecting the condition of the Containment Cell and the area around it;
      - comply with the terms of any written notice issued by Council which requires the registered proprietor to do something which Council (acting reasonably) considers is necessary to ensure compliance with the terms of the covenant within the time frame specified in that notice and provide Council with such evidence of compliance, or progress in complying, as Council (acting reasonably) requests;
    - acknowledges that, in the event that the registered proprietor (or any successor) fails to comply with the terms of any such written notice, Council may:
      - enter and remain on the site with all necessary equipment and carry out any works and do such other things as Council considers reasonable to comply with that notice;

- recover from the registered proprietor any cost, loss or expense which Council reasonably incurs in doing so, including legal costs and disbursements on an indemnity basis;
  - provides that the registered proprietor will be responsible for and indemnifies Council against all liabilities (including all costs, expenses, losses, damages and other liabilities of any kind) which Council suffers or incurs as a consequence of any breach of the terms of the covenant;
  - provides that the registered proprietor may, subject to complying with all applicable laws, amend the LTEMP with the prior written consent of Council, and that any amendment of the LTEMP will not be effective until a copy of the amended LTEMP, as approved by Council, is registered on title to the site. Evidence of the registration of any amended LTEMP is to be immediately provided to Council;
  - cannot be released, varied or modified without the consent of Council; and
  - complies with any other requirements of, and contains any other terms required by, Council;
- the Section 88B instrument must contain a Restriction on the Use of Land which:
    - identifies that the site contains the Containment Cell and is subject to the LTEMP;
    - prohibits the registered proprietor (and its successors) from:
      - doing or permitting the doing of anything which is contrary to, or is inconsistent with, the LTEMP;
      - allowing anyone to access the Containment Cell for any purpose other than for inspection, maintenance or repairs as required under the LTEMP; or
      - doing or permitting the doing of anything which causes or may cause any contamination or any migrating contamination;
      - provides that the registered proprietor (and any successor) will be responsible for and indemnifies Council against all liabilities (including all costs, expenses, losses, damages and other liabilities of any kind) which Council suffers or incurs as a consequence of any breach of the terms of the restriction by the registered proprietor;
    - cannot be released, varied or modified without the consent of Council; and
    - complies with any other requirements of, and contains any other terms required by, Council; and
  - the Section 88B Instrument must contain a statement to the effect that it is intended to be created on registration or recording of the deposited plan, as if it had been imposed under section 88E of the Conveyancing Act.
- 9.1.6 Provide to Council, an interim 'Letter of Advice' prepared by a NSW EPA Accredited Site Auditor, under the NSW Site Auditor Scheme, to confirm:
- The location of the existing containment cell
  - Endorsement of the Long-Term Environmental Management Plan (LTEMP), with a view to issue a Site Audit Statement at completion of remediation works.
- 9.1.7 Evidence of the above conditions is to be provided to Council prior to the issue of any Construction Certificate.

## **10 PRIOR TO DEVELOPMENT WORKS COMMENCING**

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

- 10.1.1 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.
- 10.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 indicating:
- (a) the name, address and telephone number of the principal certifying authority for the work, and
  - (b) the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the work site is prohibited.
- This condition does not apply to:
- (a) building work carried out inside an existing building, or
  - (b) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
- 10.1.3 Soil erosion and sediment control measures shall be provided in accordance with Council's Soil Erosion and Sediment Control Policy.
- 10.1.4 All soil erosion and sedimentation control measures shall be installed prior to the commencement of development works.
- 10.1.5 A single vehicle/plant access to the land shall be provided to minimise ground disturbance and transport of soil onto any public place. Such access shall be provided in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. Single sized 40mm or larger aggregate placed 150mm deep, and extending from the street kerb/road shoulder to the land shall be provided as a minimum.
- 10.1.6 Any excavation and/or backfilling associated with the development shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent such work being dangerous to life or property.
- 10.1.7 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.

## **10.2 Notification to Council**

- 10.2.1 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.

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

### **10.3 Insurances**

- 10.3.1 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.

### **10.4 Dilapidation Report**

- 10.4.1 A dilapidation report on Bandon Road from Bandon Road and St James Road intersection to front boundary of the proposed development site shall be conducted and submitted to Council for records.

### **10.5 Transport for NSW**

- 10.5.1 Written evidence shall be obtained from the Transport for NSW indicating compliance with its requirements, including the payment of any necessary works supervision fees. A copy of such approval shall be lodged with Council.

### **10.6 Adjoining Owners**

- 10.6.1 Written permission from the respective owner(s) must be obtained to:

- (a) discharge stormwater onto adjoining owner's land.
- (b) carry out works on adjoining land.
- (c) drain the site across land owned by others.

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

### **10.7 Site Works and Drainage**

- 10.7.1 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), together with any associated groundwater drainage system, shall be designed by an appropriately qualified person.

### **10.8 Service Authority Approvals**

- 10.8.1 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.

### **10.9 Tree Management**

- 10.9.1 No trees located on the site shall be removed other than those identified on the Council approved updated VMP.
- 10.9.2 No trees, located within the subject allotment and/or within the Council Road Reserve (verge/nature strip) or any adjoining public open space, may be removed or pruned unless specific approval is given in this consent.
- 10.9.3 All trees, including Community Assets (Public Trees), not approved for removal, or pruning by the Conditions of this Development Consent, are required to be retained and protected. Tree Protection Measures, compliant with the provisions of AS4970:

Protection of trees on development sites 2009 and must be installed prior to the commencement of any works on site, including demolition.

10.9.4 A Compliance Certificate is to be provided by the Project Arborist to the Principal Certifying Authority once the required Tree Protection Measures have been installed.

10.9.5 Any excavation, mechanical or by hand, or alteration to existing soil levels within the Tree Protection Zone of any tree is required to be undertaken in accordance with Australian Standard 4970.

10.9.6 Prior to the removal of any tree located on site the applicant shall:

- Have all trees inspected, by a Practising Arborist with a minimum qualification of Australian Qualification Framework (AQF) Level 3 in Arboriculture, for the presence of hollows or potential hollows.
- Prior to any works being undertaken on tree/s approved for removal or pruning, a person, holding a wildlife handling licence, must be present on site. If, during tree works, an animal or bird is located, the accredited handler is to direct removal/relocation of the animal as appropriate. Accredited handlers can be contacted through Wires (<<https://www.wires.org.au/>>) or Birdlife Australia (<<https://birdlife.org.au/>>).

10.9.7 Trees, recommended for retention as specified Prior to Construction Certificate must be retained and protected. Tree Protection, as specified in the Tree Protection Plan is to be installed on site.

10.9.8 Prior to development works, including demolition, the Project Arborist is to provide Certification, to the Principle Certifying Authority, that all Tree Protection Measures have been installed in accordance with the requirements of this consent.

10.9.9 A Council representative may also attend to confirm the tree protection measures are correctly installed in line with the Tree Protection Plan.

## **10.10 Bushland Protection Fencing**

10.10.1 Prior to any works commencing, temporary 1.8 m chain mesh Bushland Protection Fencing must be in place at the boundary of works adjacent to retained and riparian habitats and all high biodiversity values land in neighbouring properties. The VMP will show the location of this fencing.

The fence is to restrict unauthorised entry and prevent the following:

- Stockpiling of materials
- Placement of fill
- Parking of vehicles
- Compaction of soil
- Earthworks incursions
- Cement washout and other chemical or fuel contaminants
- Damage to threatened species and their habitat

## **10.11 Heritage Requirements**

10.11.1 Prior to commencement of works, an archival recording of the site and all its buildings, structures and elements shall be undertaken. This is to include:

- a) measured drawings
- b) a photographic record of the site's layout, relationships between structures, existing landscape treatment and of the individual buildings, externally and internally, room-by-room.

## **10.12 Other Matters**

- 10.12.1 If the estimated cost is \$250,000 or greater proof of long service levy payment is required.
- 10.12.2 Any ancillary works undertaken shall be at no cost to Council.
- 10.12.3 Submit written evidence from Transport for NSW indicating compliance with all necessary requirements.
- 10.12.4 Provide a sediment and erosion control plan in accordance with Council's Soil Erosion and Sediment Control Policy and Engineering Guide for Development.
- 10.12.5 The Applicant is to submit Stormwater Engineering Plans for the development within this development consent, prepared by a chartered professional engineer (CPEng) (Civil / Environmental Engineer) who has membership to Engineers Australia, indicating all details relevant to the collection and disposal of stormwater from the site, staged pad, road and where appropriate adjacent catchments.

The detail of the tailout from the catch drain 2 into the creek must be provided to prevent any erosion of the land in accordance with Council's specification.

Stormwater shall be conveyed from the site to sediment basins which must be designed in accordance with Landcom: Managing Urban Stormwater: Soils and construction.

Details demonstrating compliance are to be submitted to the Certifying Authority for approval prior to the commencement of work.

## **11 DURING DEVELOPMENT WORKS**

### **11.1 Site Cut and Fill levels**

- 11.1.1 The extent of cut and fill on the development site is restricted to that which is indicated on the approved plans.

Any ground re-shaping by cut and/or fill shall not compromise the structural integrity of any adjacent building, structure or service conduit on the subject or adjoining land.

### **11.2 Waste Management Plan**

- 11.2.1 The waste material sorting, storage and re-use requirements of the approved Waste Management Plan and Council's Site Waste Management and Minimisation Development Control Plan shall be implemented during the course of development works. This includes the sorting and storage of waste and recyclable building materials on site for collection and disposal by the nominated waste/recycling contractor to the nominated disposal site.

### **11.3 Safety/Health/Amenity**

- 11.3.1 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.

- 11.3.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 indicating:

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

- 11.3.3 Should the development work:

- (a) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or

(b) involves the enclosure of a public place,

the required hoarding, awning or protective barrier shall be maintained between the land and the public place.

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

11.3.4 All measures to control soil erosion and sedimentation shall be maintained throughout development works.

11.3.5 A single vehicle/plant access to the land shall be maintained to minimise ground disturbance and transport of soil onto any public place. Such access shall be maintained in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. As a minimum, single sized 40mm or larger aggregate placed 150mm deep, and extending from the street kerb/road shoulder to the land shall be provided.

#### **11.4 Hours of Operation**

11.4.1 The hours of operation are limited to between 7.00am to 6.00pm, Mondays to Fridays; 8.00am to 1pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.

11.4.2 If any other activities are proposed to be undertaken outside of these hours, Council is to be notified and approval may be required depending on the activity.

#### **11.5 Truck Routes**

11.5.1 The ingress and egress routes used by trucks are to be compliant with the approved and prohibited routes identified in the Traffic Management Plan.

#### **11.6 Nuisance Control**

11.6.1 Any objectionable noise, dust, concussion, vibration or other emission from the development works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997. All feasible and reasonable noise and vibration mitigation measures shall be implemented and any activities which may exceed the construction noise management levels and vibration criteria shall be identified and managed in accordance with an approved Construction Noise, Vibration Assessment and Management Plan.

11.6.2 The hours of any offensive noise-generating development works shall be limited to between 7.00am to 6.00pm, Mondays to Fridays: 8.00am to 1pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.

#### **11.7 Dust Control**

11.7.1 All the required dust control measures in the Construction Air Quality Management Plan are to be implemented during all stages of development works.

#### **11.8 Waste Control**

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

#### **11.9 Log Book**

11.9.1 A daily log book is to be kept at the premises. This log book is to be made available for Council inspection at any time on request and must record:

- the date and time of delivery
- the registration number of every delivery truck,
- tonnage of fill being delivered,



- qualified hygienist certificate/report number
- location and source of fill being delivered

#### **11.10 Qualified hygienist certificate/report number**

11.10.1 Every qualified hygienist certificate/report number for imported fill is to be archived and accessible as requested, so that Council can undertake random checks if required.

#### **11.11 Construction Inspections**

11.11.1 The person having the benefit of this consent is required to notify the Principal Contractor for the building construction project that various mandatory and critical stage inspections must be conducted by an accredited certifier, and may include inspections (where applicable):

- (a) After excavation for, and prior to placement of, any footings; and
- (b) The tie downs; and
- (c) Prior to covering any stormwater drainage connections; and
- (d) After the building work has been completed.

#### **11.12 Aboriginal Heritage**

11.12.1 The applicant is to comply with the requirements of:

- Aboriginal Heritage Impact Permit Reference No. C0001996 dated 5 July 2016 applicable to this land.
- Notice of Variation of Aboriginal Heritage Impact Permit NO. C0001996 dated 26 May 2021
- Aboriginal Heritage Impact Permit No. C0002249 dated 26 October 2016
- Notice of Variation of Aboriginal Heritage Impact Permit NO. C0002249 dated 16 July 2021
- Any further variations to the above permits

11.12.2 If, during the course of construction, the applicant or persons acting on this consent become aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) shall cease immediately and the NSW Office of Environment & Heritage informed in accordance with Section 89A of the National Parks and Wildlife Act 1974. The site, and objects, are to be assessed by a suitably qualified Aboriginal Heritage Consultant in accordance with the requirements of Heritage NSW. No further works are to be undertaken on the site until written authorisation from Heritage NSW is received by the Applicant. In addition, a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.

#### **11.13 Relationship with other approvals for Stage A works**

11.13.1 Compliance with the requirements of the following nominated approvals:

- a) Development Consent No. DA-22-01183 dated 12 December 2023 issued by Blacktown City Council
- b) Modification Consent No. MOD-24-00120 dated 9 October 2024 issued by Blacktown City Council
- c) Relevant requirement of any other development consent, Construction Certificate issued under the Environmental Planning and Assessment Act, 1979, The Local Government Act, 1993 or The Roads Act 1993.

Confirmation that the conditions contained within the above approvals have been fully complied with must be provided to Council at the completion of Stage A.

## **11.14 Heritage matters**

- 11.14.1 Regular monitoring and evaluation shall be conducted to assess the effectiveness of the conservation management measures in accordance with the adopted CMP and to identify any necessary adjustments.

## **11.15 Heritage Inspections**

- 11.15.1 A regular series of detailed inspections of the historic cottages and their grounds shall be carried out throughout the development works from site commencement to completion. The applicant must engage a qualified heritage architect to prepare a detailed inspection reports which must be reviewed and approved by the Council's Heritage Advisor throughout the various stages of the development. The intent of the inspections is also to ensure the cultural significance values of the former Riverstone Meatworks site are protected until the photographic archival record required by condition 4.3.2 is collected. The aim is to prevent serious or irreparable damage or deterioration of the heritage items and ensuring a reasonable level of protection.
- 11.15.2 The inspections shall focus on the following aspects:
- Weather protection: Works shall include but not limited to the following; ground drainage systems; roof drainage systems; walls, doors and windows intended to provide weather protection; wind damage; ventilation systems and other measures to prevent ingress of water or dampness or to reduce its effects; etc
  - Fire protection: Works shall include but not limited to the following: Removal of fire hazards, such as non-significant vegetation, rubbish or any other hazardous material. Significant garden plantings and trees shall be maintained not removed; building services shall be made safe; a fire or smoke detection system shall be installed or linked to the back-to-base building and site security system during the period the buildings are unoccupied.
  - Security: Works shall include but not limited to the following: Fencing and a back-to-base surveillance system with appropriate coverage throughout the property; building security and appropriate locking systems; damaged doors and windows shall be made secure temporarily prior to repairs during the period the buildings are unoccupied.
  - Essential maintenance and repair: Works shall include but not limited to the following: essential maintenance and repairs related to the above three aspects; the control of pests, such, as vermin, rodents, birds, termites and regular termite inspections; structural elements; exterior and interior fabric and finishes; fixtures and fittings and landscape and garden elements.
- 11.15.3 The inspections shall be carried out by a suitably experienced heritage architect and presented in a methodical and systematic format. The inspections should identify the necessary works required and each inspection report shall be lodged with Council for approval. A follow-up site inspection with Council may be required.
- 11.15.4 The frequency of inspections shall follow the staging of the works and an outline program prepared for Council at the time of site commencement. The inspection program shall be modified or adjusted to suit the progress of works. It is likely that after the first inspection subsequent inspections shall occur at periods no greater than annual intervals to completion of all development works. If buildings are completed and occupied in a staged manner the need for inspections would reduce following the staged occupation and reuse of buildings.

## **11.16 Compliance with the requirements of External Authorities**

- 11.16.1 Full compliance is required with the relevant requirements of TransGrid, Endeavour Energy, Ampol, Department of Planning and Environment-Water, Sydney Trains, Transport for NSW, Jemena, Sydney Water Corporation and Ampol in their comments or General Terms of Approval.

## **12 DURING DEVELOPMENT WORKS (ENGINEERING)**

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

12.1.1 Suitable land fill replacement is required when unsuitable soils are removed. All fill including existing fill shall be compacted in accordance with Council's Works Specification - Civil (current version). A compaction certificate shall be obtained from an appropriately qualified practising registered engineer (NER) verifying that the correct compaction requirements have been met. This compaction certificate is to be submitted to Council at the completion of each stage prior to commencing the next stage.

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

a) Contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.

b) Applicant to submit material compliance documentation in accordance with Council's Civil Works Specification 8.1.4

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

The above documentation shall be submitted to Council at the completion of each stage prior to commencing the next stage.

12.1.3 Site filling within lot boundaries (not in road reserves) and compaction is to be carried out under the supervision of a Chartered Geotechnical Engineer and shall be in accordance with Blacktown City Council's "Works Specification - Civil (Current Version)". Minimum standard compaction of 95% must be achieved and certified by a NATA registered soils lab and details submitted to Council. The Level 1 Inspection Report for each stage shall be submitted to council prior to commencing the next stage.

12.1.4 Only clean fill shall be deposited/imported on site in accordance with Council's Works Specification - Civil (Current Version). Note: dry builder's waste i.e. bricks plaster and timber industrial waste or putrescible materials are not to be deposited on site. Validation of the imported fill material will be required by a suitably qualified registered engineer.

12.1.5 Appropriate dust control measures are to be implemented during construction to reduce any impact on local air quality and reduce dust emissions. This will include but not be limited to regularly wetting down of the site during the course of works being carried out in order to control wind-blown dust.

12.1.6 All roads adjoining the site must be kept clean and free of all materials. Infringement Notices incurring a monetary penalty may be issued by Council where this measure is not being complied with.

12.1.7 Trucks transporting cut and fill must have their loads covered and provisions of "shaker pads" and wash-down areas for trucks leaving the site are to be made available. All details are to be shown on soil erosion and sediment control plans.

12.1.8 Prior to the placement of any fill on the site all topsoil and vegetation must be removed down to a suitable sub-grade material. The topsoil is to be stockpiled for use in revegetation of the site.

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

12.2.1 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.

### **12.3 Public Safety**

- 12.3.1 The applicant is advised that all works undertaken are to be maintained in a safe condition at all times. Council may at any time and without prior notification make safe any such works Council considers to be unsafe and recover all reasonable costs incurred from the applicant.

### **12.4 Site Security**

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

### **12.5 Traffic Control**

- 12.5.1 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.
- 12.5.2 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.
- 12.5.3 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.
- 12.5.4 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.
- 12.5.5 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.

### **12.6 Tree Protection and Preservation**

- 12.6.1 All sub-surface services (e.g. gas, water, electricity, stormwater, sewerage etc) are to be located outside of the Tree Protection Zone of any tree required to be retained and protected by this consent, including those located on adjoining properties.
- 12.6.2 Under no circumstances are sub-surface services to be installed within the Structural Root Zone of a tree required to be retained and protected by this consent, including those located on adjoining properties.
- 12.6.3 Power poles, stormwater grate drains, service lines etc. are to be located to avoid any need to install services within a Tree Protection Zone or to excavate through a Tree Protection Zone. All such features are to be located so that they do not negatively impact on any tree required to be retained by this consent or which is located on an

adjoining site. Only where there is no other viable option available are services to be installed within the Tree Protection Zone.

- 12.6.4 Where services are required to be installed within the Tree Protection Zone, the Project Arborist is to be consulted prior to the works being undertaken and appropriate, tree sensitive installation methods are to be used. Open excavation must only be used on the authorisation of the Project Arborist and must be completed by hand, use of mechanical digging tools is not permitted.
- 12.6.5 The Project Arborist is required to supervise and direct all work associated with the installation of sub-surface services within the Tree Protection Zone of any tree required to be retained and protected by this consent, including those located on adjoining properties.
- 12.6.6 At the completion of the works, the Project Arborist must provide a Compliance Certificate to the Principal Certifying Authority which details the method used for the installation of the sub-surface services, identifies all tree roots severed by diameter and depth, and all tree protection measures implemented.
- 12.6.7 During development work, including demolition and landscape construction, the Project Arborist is to complete site inspections and/or supervision of work, as indicated in Tree Protection Plan.
- 12.6.8 The Project Arborist must be appointed before demolition of any existing structures or earthworks. They are to register with the Developer before any works commence so that the builder can be inducted as to essential times when the Arborist will be required on-site. Hold points, inspections and certification are to be carried out by the Arborist.
- 12.6.9 During development work, including demolition and landscape construction, the Project Arborist is to carry out regular site monitoring, to ensure Tree Protection Measures are being maintained compliant with the requirements of this consent. Record of these site visits is to be sent to the Principal Certifying Authority.
- 12.6.10 Where a non-compliance with the conditions of this consent is identified, the Project Arborist is to notify the Principal Certifying Authority within 3 working days from the date of the site visit. The notification must include the following details:
- Description of the non-compliance,
  - Remedial actions required,
  - Time frame for remedial actions to be completed in.
- 12.6.11 The Principal Certifying Authority must ensure that the recommendations of the Project Arborist are implemented within the stated timeframes.

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

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

## **12.8 Filling in Contaminated Land**

- 12.8.1 During the course of placement of filling the applicant shall undertake further testing for potential soil contamination. Validation of the imported fill material will be required.
- 12.8.2 All testing and validation of the fill material shall be undertaken by a suitably qualified environmental consultant in accordance with Council's Policy and Procedures for the determination of Rezoning Development and Building Applications involving Contaminated Land. A Remediation and Validation Report documenting the testing undertaken shall be submitted to Council for approval.
- 12.8.3 Should any remediation works be required documentary evidence prepared by a suitably qualified environmental consultant validating the site is to be submitted to Council for approval.

## **12.9 Other Matters**

- 12.9.1 A chartered professional engineer (CPEng) (Civil / Environmental Engineer) who has membership to Engineers Australia is to certify that all the requirements of the installation of the liner, subsoil pipes and each layer of the basin matches the design requirements in accordance with Landcom: Managing Urban Stormwater: Soils and construction.
- 12.9.2 A Work-as-Executed (WAE) plan signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council at the completion of each stage of bulk earthworks prior to commencing the next stage. A colour soft copy (on a CD/USB with file format .PDF) of the WAE plans are to be submitted to Council.
- 12.9.3 A Work-as-Executed (WAE) plan signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council at the completion of the Section 68 Local Government Act 1993 and Section 138 Roads Act 1993 approvals. each stage of bulk earthworks prior to commencing the next stage. A colour soft copy (on a CD/USB with file format .PDF) of the WAE plans are to be submitted to Council.
- 12.9.4 All engineering WAE plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works. All works shall be in accordance with the approved plans.

## **13 DURING DEVELOPMENT WORKS (ENVIRONMENTAL HEALTH)**

### **13.1 Environmental Health Matters**

- 13.1.1 An unexpected-finds policy (UFP) should be prepared and implemented for the proposed site redevelopment works in relation to site contamination.
- 13.1.2 Any fill material imported onto the site must be classified as Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM) and must be analysed and validated by an appropriately qualified and experienced environmental consultant in accordance with relevant NSW EPA guidelines, including the 'Waste Classification Guidelines' 2014 and the NSW EPA Contaminated Land Guidelines: Sampling design (2022).
- 13.1.3 Any materials requiring off-site disposal will need to be classified, managed and disposed of in accordance with the Protection of the Environment Operations Act (NSW) 1997 and the NSW Environment Protection Authority's Waste Classification Guidelines (2014)
- 13.1.4 Any asbestos material is to be handled and treated in accordance with the SafeWork NSW document "*Your Guide to Working With Asbestos - Safety guidelines and requirements for work involving asbestos*" dated March 2008.
- 13.1.5 The site is to be managed in accordance with the LTEMP.
- 13.1.6 The recommendations made in the Construction Noise and Vibration Management Plan prepared by Renzo Tonin & Associates, dated 28 April 2023 are to be implemented.

- 13.1.7 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.
- 13.1.8 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.
- 13.1.9 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.
- 13.1.10 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.

## **14 DURING DEVELOPMENT WORKS (NATURAL AREAS)**

### **14.1 Dam Dewatering**

- 14.1.1 An aquatic ecologist or licenced wildlife handler is to be present during the dewatering of the onsite dam. Their role is to reduce and minimise the risk of injury to native aquatic fauna which may be present; to safely relocate any native fauna present; and to humanely euthanise pest fauna from the dam.

Within 14 days of the dam dewatering the aquatic ecologist is to provide a report on the works, including tallies of species relocated and euthanised, to Council through the Natural Areas Team.

### **14.2 Tree clearing**

- 14.2.1 A qualified ecologist or licenced wildlife handler is to be present during removal of native trees on site.

Within 14 days of tree clearing the ecologist is to provide a report to Council on logs relocated, fauna rescued and relocated and fauna injured/transported to a vet or euthanised.

### **14.3 Compliance with Vegetation Management Plan**

- 14.3.1 The requirements of the approved Vegetation Management Plan are to be complied with during the development works.

## **15 POST DEVELOPMENT WORKS REQUIREMENTS FOR EACH STAGE**

### **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 Temporary Facilities Removal**

- 15.2.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.

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

### **15.3 Tree Preservation**

- 15.3.1 Upon completion of each stage of earthworks, the Project Arborist is to provide certification, to the Principal Certifying Authority, that the Tree Protection Measures, as required by the conditions of this consent, have been implemented and maintained during the project.
- 15.3.2 The trees retained for the development must be in good health and condition and evidence is to be submitted to Council upon completion of each stage of earthworks. The applicant must follow the recommendations in the Tree Protection Plan.

### **15.4 Inspections**

- 15.4.1 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.

### **15.5 Environmental Health Requirements**

- 15.5.1 At the completion of each stage of works, provide to Council an interim 'Letter of Advice' prepared by a NSW EPA Accredited Site Auditor, under the NSW Site Auditor Scheme, to confirm that the entire area where works were undertaken has been fully remediated and validated as suitable for the proposed use.
- 15.5.2 After the final stage of the development is completed, submit to Council a Section A Site Audit Statement and Report completed by a NSW EPA Accredited Site Auditor, under the NSW Site Auditor Scheme, in accordance with the *Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme 2017*.
- 15.5.3 The Long-Term Environmental Management Plan is to be attached to the Site Audit Statement confirming the site is suitable for the proposed use.

### **15.6 Post Earthworks Geotechnical and Salinity report**

- 15.6.1 A post earthworks geotechnical and salinity report shall be submitted for Council's records upon completion of each stage of earthworks.

### **15.7 Engineering Matters**

#### **15.7.1 Surveys/Certificates/Works As Executed plans:**

- 15.7.1.1 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.
- 15.7.1.2 A Certificate shall be submitted by a Registered Surveyor indicating that all pipelines and associated structures lie wholly within the easements required by this consent.



15.7.1.3 Applicant is to compile and submit the following in accordance with Council's Works Specification - Civil (Current Version):

- a) Contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.
- b) Applicant to submit material compliance documentation in accordance with Council's Civil Works Specification 8.1.4
  - Compliance Certificate and Test Results
  - Delivery Dockets
  - Summary of Material deliveries as per template available on Council's website.

15.7.1.4 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.

**15.7.2 Easements/Restrictions/Positive Covenants:**

15.7.2.1 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:

- (a) Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version).
- (b) The standard format for covenants, easements and restrictions as accepted by the Land Registry Services (LRS).

15.7.2.2 All Section 88B restrictions and covenants created, as part of this consent shall contain a provision that they cannot be extinguished or altered except with the consent of Blacktown City Council.

**15.7.3 Bonds/Securities/Payments in Lieu of Works:**

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

- a) In the case of subdivision - This period commences at the release of the final plan of subdivision. (Issue of Subdivision Certificate)
- b) In the case where no subdivision occurs - This period commences at the date of practical completion of the development.

This maintenance period may be extended in the following situations to allow for the completion of i) necessary maintenance and or ii) all outstanding minor works.