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**Blacktown City Council**

## **NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION**

### **Environmental Planning and Assessment Act, 1979 (Section 81)**

**Applicant:** EPS CONSTRUCTION PTY LTD  
PO BOX 683  
MERRYLANDS 2160

**Determination Number: 11-541**

# **DRAFT**

**Property Description:** LOT 272 DP771213, 2 AYRES GROVE, MOUNT DRUITT

**Development:** Construction of a 9 storey mixed use development comprising of 57 x 2 bedroom & 1 x 1 bedroom apartments with retail/commercial on ground floor with a gymnasium and common room on the first floor podium level.

**Determination:** *Pursuant to Clause 80(1) of the Act Council advises that the Development Application has been determined by:*

- 

#### **Right of Appeal**

Section 97 of the Act confers on an applicant who is dissatisfied with the determination of the consent authority a right of appeal to the Land and Environment Court. Section 97 does not apply to State significant development or development that has been subject to a Commission of Inquiry.

**Note:** This Consent is generally valid for a period of five years effective from the date of this Notice, unless specified otherwise by Sections 83 and 95 of the Act, or by conditions of this Consent.

**RON MOORE**  
**GENERAL MANAGER**

Per .....

Date

**1 ADVISORY NOTES**

**1.1 Terminology**

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

1.1.2 Any reference in this consent to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to a certificate as defined by Section 109C of the Environmental Planning and Assessment Act 1979.

**1.2 Scope of Consent**

1.2.1 Separate development consent may be required from Council prior to the use of each commercial tenancy within the approved building. The applicant is advised to contact Council's Development Services Unit in this regard.

1.2.2 Should it be intended to subdivide the approved development into strata title allotments, Council will require the lodgement of a separate Development Application for consideration. Council advises that any new Development Application for Strata Subdivision will not be approved until such time as the approved development has reached practical completion and issues such as visitor car parking, internal and external boundary fencing, landscaping or any other works required in accordance with this Notice of Determination and all associated Construction Certificates have been fully completed to Council's satisfaction.

1.2.3 The applicant is advised that Council will not release the Subdivision Certificate for the approved development until such time as the development has been completed in accordance with all of the conditions of consent, to Council's satisfaction.

**1.3 Other Approvals**

1.3.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.

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

**1.4 Services**

1.4.1 The applicant is advised to consult with:

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

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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regarding any requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on the land or on the adjacent public road(s).

All approved building construction plans attached to the Construction Certificate should be submitted to and stamped by a Sydney Water Corporation Limited Customer Centre or a Sydney Water Quick Check Agent as an indication that the proposal complies with the Sydney Water requirements. Sydney Water may also require the applicant to obtain a Trade Waste Approval as part of the operation of the approved development. Enquiries should be made to ascertain the Sydney Water requirements for the eventual operation of the approved use.

- 1.4.2 Information regarding the location of underground services may be obtained from the Sydney "Dial Before You Dig" service, telephone number 1100, fax number (02) 9806 0777. Inquirers should provide the street/road name and number, side of street/road name and the nearest cross street/road name.
- 1.4.3 Prior to any demolition works, all services or utilities should be disconnected in consultation with the relevant service provider.

## 2 GENERAL

### 2.1 Scope of Consent

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

Drawing No.	Dated	Council's File Enclosure No.
Drawing Schedule	June 2011	34A
Site Plan prepared by EPS Constructions Pty Ltd Drawing No. DA1000 Revision B	22 June 2011	34B
Site Analysis prepared by EPS Constructions Pty Ltd Drawing No. DA1001 Revision A	21 February 2011	1C
Basement L2 Floor Plan prepared by EPS Constructions Pty Ltd Drawing No. DA1100 Revision B	22 June 2011	34C
Basement L1 Floor Plan prepared by EPS Constructions Pty Ltd	22 June 2011	34D

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Drawing No. DA1101 Revision B		
Ground Floor Plan prepared by EPS Constructions Pty Ltd Drawing No. DA1102 Revision B	22 June 2011	34E
First Floor Plan prepared by EPS Constructions Pty Ltd Drawing No. DA1103 Revision B **	22 June 2011	34F
Level 2 Floor Plan prepared by EPS Constructions Pty Ltd Drawing No. DA1104 Revision A	21 February 2011	1H
Level 3 Floor Plan prepared by EPS Constructions Pty Ltd Drawing No. DA1105 Revision A	21 February 2011	1I
Level 4 Floor Plan prepared by EPS Constructions Pty Ltd Drawing No. DA1106 Revision A	21 February 2011	1J
Level 5 Floor Plan prepared by EPS Constructions Pty Ltd Drawing No. DA1107 Revision A	21 February 2011	1K
Level 6 Floor Plan prepared by EPS Constructions Pty Ltd Drawing No. DA1108 Revision A	21 February 2011	1L
Level 7 Floor Plan prepared by EPS Constructions Pty Ltd Drawing No. DA1109 Revision A	21 February 2011	1M
Level 8 Floor Plan prepared by EPS Constructions Pty Ltd Drawing No. DA1110 Revision B	22 June 2011	34G
Roof Plan prepared by EPS Constructions Pty Ltd Drawing No. DA1111 Revision A	21 February 2011	1O
East Elevation prepared by EPS Constructions Pty Ltd Drawing No. DA2000 Revision B	22 June 2011	34H

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South Elevation prepared by EPS Constructions Pty Ltd Drawing No. DA2001 Revision B	22 June 2011	34I
West Elevation prepared by EPS Constructions Pty Ltd Drawing No. DA2002 Revision B	22 June 2011	34J
North Elevation prepared by EPS Constructions Pty Ltd Drawing No. DA2003 Revision B	22 June 2011	34K
Section A-A prepared by EPS Constructions Pty Ltd Drawing No. DA3000 Revision A	21 February 2011	1T
Section B-B prepared by EPS Constructions Pty Ltd Drawing No. DA3001 Revision B	22 June 2011	34L
Adaptable unit layouts prepared by EPS Constructions Pty Ltd Drawing No. DA4000 Revision A	21 February 2011	1V
Colour Schedule prepared by EPS Constructions Pty Ltd Drawing No. DA8000 Revision A	3 December 2010	67B

\*As amended in red or by other conditions of this consent.

## 2.2 Phased Development Conditions

2.2.1 The various groups of conditions of consent apply and shall be satisfied at the applicable nominated phase of the development.

<u>Condition Group</u>	<u>Nominated Phase</u>
(a) General	At the time indicated by the consent condition or, otherwise, throughout the development and ongoing land use.
(b) Prior to Construction Certificate (General, Planning, Building, Engineering and Environmental Health)	Prior to the issue of any Construction Certificate relating to the approved development works.
(c) Prior to Development Works	Prior to the commencement of any physical work on the land (other than any safety, health or amenity provisions works required by this consent and only when a valid Construction Certificate has been issued for the development works).
(d) During Construction	During the course of on-site works and

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| (Planning, Building, Engineering and Environmental Health) | before practical completion of the development work.  |
| (e) Prior to Occupation Certificate                        | Upon practical completion of the development work.  |
| (f) Prior of Subdivision Certificate                       | Upon practical completion of the development work and prior to linen release.                                     |
| (g) Operational (Planning, Environmental Health)           | Throughout the ongoing use of the land or until the approved use ceases or a new consent supersedes this consent. |

**2.3 Suburb Name**

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

Suburb: Mount Druitt

- 2.3.2 Any advertising of land sales in association with the approved development shall clearly indicate that the development is located in the following suburb. No other estate names shall be used in any advertisements or other promotional information:

Suburb: Mount Druitt

**2.4 Compliance with BASIX Certificate**

- 2.4.1 All commitments listed in the BASIX Certificate number: 349390M dated 16 February 2011 shall be complied with.

**2.5 Engineering Matters**

**2.5.1 Definitions**

- 2.5.1.1 Where this consent requires both engineering and building works to be undertaken, a separate Construction Certificate may be issued for each category of works i.e. a separate construction Certificate for the Engineering works nominated in "Prior to Construction Certificate (Engineering)" and a separate Construction Certificate (for all building works relating to the erection and fit-out of a structure). This excludes all works on existing public roads significant enough to warrant separate engineering approval pursuant to the Road Act 1993. In relation to this consent, an engineering approval pursuant to the Road Act, 1993 must be issued for the brick paving to the footway area and drainage connection across the footway prior to the issue of any Construction Certificate.

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In lieu of issuing a separate Construction Certificate, the above-mentioned engineering works can be included on an overall Construction Certificate provided that SPECIFIC REFERENCE is made to the relevant Engineering works. In such instances, the certifier shall provide evidence that they are accredited to do so. This is not applicable where Roads Act or Local Government Act Approvals are required.

Council does not permit the private certification of works on existing public roads or reserves, or any land under the care and control of Council. In this regard Council will not accept a Construction or Compliance Certificate from a Private Certifier for any works on Mount Street or Ayres Grove.

2.5.1.2 Any Construction Certificate issued in relation to this consent shall incorporate and address the design of those works required by Scope of Engineering Works and other sections of this consent which do not require separate Roads Act 1993 or Local Government Act 1993 approval and any ancillary works necessary to make the construction effective. All works on existing public roads require separate engineering approval pursuant to the Roads Act 1993.

2.5.1.3 The Construction Certificate for Engineering works may be issued by Council or by an appropriately qualified certifier. For Council to issue the Construction Certificate a separate application must be made on the prescribed form complete with detailed plans and specifications. You are further advised that Council does not permit the private certification of works on existing public roads or reserves Council property or any property under the care and control of Council. In this regard Council will not accept a Construction or Compliance Certificate from a Private Certifier for any works on Mount Street or Ayres Grove.

2.5.1.4 Prior to the issue of any Construction Certificate for the approved development it is necessary to obtain the separate approval of Council pursuant to the Roads Act 1993 for all relevant civil works on existing public roads as nominated in "Prior to Construction Certificate (Engineering)" and/or "Scope of Engineering Works and other sections of this consent " The application for this Engineering Approval must be made on the prescribed form and is to include detailed design plans of both the brick paving on concrete base and stormwater pipe crossing in the footway with specifications prepared by a Chartered Professional Engineer or suitably experienced Registered Surveyor.

## 2.5.2 Design and Works Specification

2.5.2.1 All engineering works required by Scope of Engineering Works and other sections of 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)

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- (c) Blacktown City Council Development Control Plan (Current Version)
- (d) Blacktown City Council Soil Erosion and Sediment Control Policy (Current Version)
- (e) Blacktown City Council On Site Detention General Guidelines and Checklist
- (f) Upper Parramatta River Catchment Trust On Site Stormwater Detention Handbook Third Edition December 1999.

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

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

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

### 2.5.3 Payment of Engineering Fees

- 2.5.3.1 If it is the applicant's intention to engage Council to undertake the checking of the engineering design plans for the On Site Detention system and the issue of the Construction Certificate for these works nominated in the "Prior to Construction Certificate (Engineering)" section, it will be necessary to submit the relevant engineering plans to obtain a quote for this service.

A verbal quote will be provided within 48 hours based upon Council's Goods and Services Pricing Schedule. This will also be confirmed in writing.

- 2.5.3.2 If it is the applicant's intention to engage Council to undertake Construction inspections of the On Site Detention system and the issue of the Compliance Certificate for these works, it will be necessary to contact Council's Development Services Engineer for a quote.

A verbal quote will be provided within 48 hours based upon Council's Goods and Services Pricing Schedule. This will also be confirmed in writing.

### 2.5.4 Other Fee and Bond/Securities

- 2.5.4.1 The payment of the following fee to Council's Maintenance Section pursuant to Sections 608 and 609 of the Local Government Act 1993. The fee is subject to periodic review and may vary at actual time of payment.

- (a) Vehicular Crossing Application and Inspection Fee: \$ 125 per crossing.

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- 2.5.4.2 In conjunction with the civil engineering works required to be constructed as part of this development you will be required to submit to Council a security bond for maintenance of the paved footway area. This matter is individually addressed within the Consent conditions.
- 2.5.4.3 Prior to release of any bond securities held by Council for civil engineering works payment of a bond release inspection fee in accordance with Council's Goods and Services Pricing Schedule must be made.
- 2.5.4.4 A minimum of 5 working days written notice is to be provided to all occupiers of properties adjacent to any works approved by this consent and which is to be carried out on Council controlled lands such as roads, drainage reserves and parks. The written notice must contain details of the proposed works, a contact name and phone number and the proposed start and finish dates of the work. A copy of the notice is to also be provided to Council's Development Services Engineers

**2.5.5 Other Necessary Approvals**

- 2.5.5.1 A separate application or details (as necessary) shall be submitted for the separate approval of Council under the provisions of the Local Government Act 1993 and/or the Roads Act 1993 for any of the following (a) The installation of a vehicular footway crossing servicing the development as required by "Scope of Engineering Works and other sections of this consent" (b) Works on or occupation of existing public roads - that are not covered by a Roads Act Approval - which may require a Road Occupancy Licence or Work Zone Permit.

**2.6 Other Matters**

- 2.6.1 No construction preparatory work (including tree or vegetation removal, ground clearing, excavation, filling, and the like) shall be undertaken on the land prior to a valid Construction Certificate being issued for the construction works.

**3 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)**

**3.1 DA Plan Consistency**

- 3.1.1 A Construction Certificate for the proposed development shall only be issued when the accompanying plans, specifications and/or details are consistent with the approved Development Application design plans, or as required to be amended by conditions of this consent.

**3.5 Services/Utilities**

- 3.5.1 The following documentary evidence shall accompany any Construction Certificate:
- (a) A "Notification of Arrangement" Certificate from Endeavour Energy, stating that electrical services, including the provision of street lighting, have been made available to the development.

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- (b) A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.

#### **4 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)**

##### **4.1 Necessary Plan Amendments**

- 4.1.1 The following plan amendments shall be included on or addressed by an Construction Certificate relating to the approved development:

- a) Residential Units 8 and 9 are to be deleted.
- b) The spaces where Units 8 and 9 were intended to be located is to be redesigned to provide for a gymnasium and common room for residents.
- c) The floor plans and fit-out plans for the gymnasium and common room are to be submitted for Council's separate approval.
- d) Plumbing connection are to be provided to the ground floor commercial tenancy to facilitate its use as a cafe / restaurant.

##### **4.2 Section 94 Contributions**

- 4.2.1 The following monetary contributions pursuant to Section 94 of the Environmental Planning & Assessment Act 1979 must be paid. The amounts below are BASE contributions which WILL BE INDEXED from the nominated base date to the date of payment. Payment of the indexed amounts must be made (BY BANK CHEQUE IF IMMEDIATE CLEARANCE IS REQUIRED. NOTE Council DOES NOT accept payment of S.94 Contributions by credit card or EFTPOS) prior to the issue of a Construction Certificate (for building works) or Subdivision Certificate (for subdivision works) either by Council or any accredited certifier, whichever occurs first.

Contribution Item	Base Amount	Relevant C.P.	Base Date
(i) Open Space	\$149,495	No. 3	March 05

The contribution(s) will be indexed according to the Australian Bureau of Statistics' Implicit Price Deflator for Gross Fixed Capital Expenditure (Private Dwellings) and the Consumer Price Index (Sydney Dwellings).

Copies of the following relevant Contributions Plan(s) may be inspected/purchased from Council's Development Services Unit:

##### **S.94 CP No. 3 - Open Space in Established Residential Areas**

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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The Section 94 Contribution(s) have been based on the total developable area, the site's road frontage and/or the potential additional population nominated below. Should the final plan of survey indicate any change in the total developable area or should amendments change the potential additional population, the Section 94 Contribution(s) will be adjusted accordingly.

**Additional Population: 144.3 persons (as Units 8 and 9 are deleted)**

**4.3 Street Tree Planting**

- 4.3.1 Prior to the issue of any Construction Certificate, the person having the benefit of the development consent is to enter into an arrangement satisfactory to the Council for the planting and maintenance of tree(s) along the frontage of the development site for the purpose of improving the amenity of the streetscape.

**Number of trees:** minimum 4 x 25 litre street trees (2 trees per street frontage) (to the satisfaction of Council's manager Open Space).

The applicant is to undertake the planting and maintenance of street tree/s at no cost to council and obtain any necessary clearances from relevant Service Authorities.

The applicant is to lodge a tree bond of \$250.00 per tree with Council to ensure the health and vigour of the tree/s. This bond shall be returned six (6) months after the completion of the development (i.e. issue of the final Occupation Certificate) if the trees are in a state of good health and vigour to Council's satisfaction.

After 6 months and prior to seeking a refund of the bond, the Application is to call for an inspection by Council's Open Space Section and pay an associated administrative / inspection fee of \$53.00 as per Council's fees and charges (note: fees are subject to change).

**4.4 Aesthetics/Landscaping**

- 4.4.1 The development approved by Council is to be constructed in accordance with the schedule of materials, finishes and colours previously endorsed by Council as part of the subject approval process.

- 4.4.2 Council is particularly concerned about the appearance of the development. Accordingly, the following additional information is required to be submitted for Council's separate approval prior to the issue of an Construction Certificate for the approved development:

- a) The common open space areas at podium level are to be embellished with appropriate equipment and suitable external lighting. This should include children's play equipment; permanently installed hardwood / anodised aluminium vertical slat tables and bench seating, push button electronic barbecue

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facilities with stainless steel hot plates, pergola structures, shade structures and the like. Details of all seating / outdoor furniture, play equipment, etc are to be shown on the landscape plan. Note: pre painted open metal (pool type) fencing is to be provided around the children's play equipment. The fencing is to be a minimum height of 1.2 metres and is to be provided with a self closing latch top child proof gate.

- b) The gymnasium is to be fully equipped, with a list of equipment to be installed/provided is to be submitted to Council.
- c) The common room is to be provided with suitable furnishings, with details of the furnishings to be submitted to Council.

#### **4.5 Access/Parking**

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

4.5.2 A minimum of 60 residential, 24 visitor and 17 commercial spaces are to be provided on site, each designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1 as follows:

Commercial Car Space: 2.6m x 5.4m

Residential Flat Building (excluding width of pillar): 2.5m x 5.4m

Residential Flat Building (adjacent to solid wall): 2.7m x 5.4m

Disabled Car Space: 3.2m x 5.4m

Suitable bicycle parking must also be provided as indicated on the approved plans.

4.5.3 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.1.

4.5.4 The car parking allocation required by Condition 4.5.2 of this consent is to be incorporated into a parking management strategy which will also include the following responsibilities for the Managing Agent / future Body Corporate:

- (a) Measures to ensure there is a clear segregation between the residential and non-residential parking spaces. In this regard, the provision of a security roller door or boom gate, with access provided through an intercom system, to segregate the commercial and or visitor car parking area from the residential parking area is to be provided.
- (b) Measures to ensure that the parking areas are not used for commuter parking.
- (c) The ongoing maintenance of the parking area to ensure the allocation is in accordance with Condition 4.5.2.

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The parking strategy is to be submitted to Council for separate approval, prior to the release of the Construction Certificate.

**4.6 Other Matters**

- 4.6.1 All vehicles must enter and exit the proposed development in a forward direction. Provision for vehicles to turn around must be provided within the development. Note: The swept path for the delivery / garbage vehicle does not show how the vehicle exits the delivery dock in a forward direction. Details demonstrating compliance shall be submitted and approved prior to the release of the Construction Certificate.
- 4.6.2 Car park and parking space dimensions to Council's satisfaction and requirements of AS2890.1-2004. Details are to be submitted prior to the release of the construction certificate.
- 4.6.3 Access for service vehicles needs to comply with AS2890.2-2002. Details are to be submitted prior to the release of the construction certificate.
- 4.6.4 The layout of the car parking areas associated with the subject development (including driveways, grades, aisle widths, turning paths, sight distance requirements and parking bay dimensions) should be in accordance with AS2890.1 – 2004. Details are to be submitted prior to the release of the construction certificate.
- 4.6.5 The required sight lines to pedestrians or other vehicles in or around the car park or entrances should not be compromised by landscaping, signage, fencing or display materials. Details are to be submitted prior to the release of the construction certificate.
- 4.6.6 Suitable provision must be made on site for all construction / demolition vehicles. Details are to be submitted prior to the release of the construction certificate.
- 4.6.7 The proposal shall implement all recommendations outlined in the acoustic report prepared by SLE Global Environmental Solutions. Details shall be submitted prior to the release of the Construction Certificate.
- 4.6.8 Mechanical ventilation will be required to be provided to those units facing Ayres Grove and Mount Street that are affected by traffic noise.
- 4.6.9 The location and selection of mechanical plant is to be submitted prior to the release of a Construction Certificate. In this regard, the mechanical plant must be in accordance with the recommendation of the Acoustic Assessment prepared by SEL Global Environmental Solutions.

**5 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)**

**5.1 Building Code of Australia Compliance**

These conditions are imposed for the following reasons:

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5.1.1 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by :

- (a) Complying with the deemed to satisfy provisions, or
- (b) Formulating an alternative solution which :
  - (i) complies with the performance requirements, or
  - (ii) is shown to be at least equivalent to the deemed to satisfy provision, or
  - (iii) A combination of (a) and (b).

5.1.2 A preliminary assessment of the plans submitted with the application has disclosed that the following design and/or construction issues need to be addressed prior to the issue of any Construction Certificate to ensure compliance with the Building Code of Australia:

- (a) Part C, D, E, F and J

5.1.3 It is advised the building is the subject of an alternative solution under the performance requirements of the Building Code of Australia. In this respect, your attention is drawn to the need to ensure any associated construction certification for the development work is consistent with, and conforms to, the terms of the approved alternative solution, and does not compromise or reduce the level of fire or structural safety afforded the building.

## 5.2 Site Works and Drainage

5.2.1 Stormwater drainage from the site shall be designed to satisfactorily drain rainfall intensities of 159mm per hour over an average recurrence interval of 20 years. The design shall:

- (a) be in accordance with Australian Standard 3500.3, and
- (b) provide for drainage discharge to an existing Council drainage system, and
- (c) ensure that the development, either during construction or upon completion, does not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties.

5.2.2 Soil erosion and sediment control measures shall be designed in accordance with Council's Soil Erosion and Sediment Control Policy. Details shall accompany any Construction Certificate.

5.2.3 Should any proposed excavation associated with the development extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), separate details prepared by a suitably qualified person shall be prepared indicating how that building or

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structure is to be:

- (a) Preserved and protected from damage, and
- (b) Underpinned and supported.

Such details shall accompany the Construction Certificate.

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

### **6.1 Compliance with Conditions**

6.1.1 All conditions in the "Prior to Construction Certificate (Engineering)" Section and the relevant conditions in the "General" Section of this consent, must be complied with prior to the issue of any Construction certificates.

6.1.2 All fees for Construction and Compliance Certificates, Roads Act 1993 and Local government Act 1993 approvals must be paid to Council prior to the issue of any of the above certificates or approvals.

### **6.2 Road-works**

6.2.1 A Traffic Management / Control Plan shall be included as part of the Roads Act Approval for road and drainage works to be carried out within public road reserves in strict compliance with the requirements of current Australian Standard 1742.3 (Traffic Control Devices for Works on Roads) and current RTA Traffic Control at Work Sites manual. Any persons preparing such traffic control layout plans shall be RTA accredited.

6.2.2 A Road Opening Occupancy Licence is required from the relevant Road Authorities (Council or RTA) for all works on existing public roads. The application for this licence must be accompanied by a Traffic Management / Control plans.

6.2.3 Dedication at no cost to Council of 5m x 5m splay corner on the allotment at the street intersection.

### **6.3 Drainage**

6.3.1 Where the internal driveway cannot be drained to an internal pit a grated drain shall be provided at the property boundary.

### **6.4 Erosion and Sediment Control**

6.4.1 Soil erosion and sediment control measures for road, drainage, On Site Stormwater Detention and earth works shall be designed in accordance with Council's Soil Erosion and Sediment Control Policy and Engineering Guide for Development. Details are to be included with the plans and specifications to accompany any Construction Certificate.

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**6.5 On-Site Detention**

- 6.5.1 A certificate from a Registered Engineer (NPER) to be submitted to Council certifying that the structures associated with the on-site detention system have been designed to withstand all loads likely to be imposed on them during their lifetime.
- 6.5.2 A certificate from a Professional Civil Engineer/Registered Surveyor must be obtained verifying that the On Site Detention system will function hydraulically in accordance with the requirements of Upper Parramatta River Catchment Trust and Council's current development guide.
- 6.5.3 Any Construction Certificate issued for or including an On-site Stormwater Detention (OSD) System must be accompanied by;
- a. A Drainage Design Summary Sheet per Appendix B1 of the Upper Parramatta River Catchment Trust Handbook, current version.
  - b. Full drainage calculations and details for all weirs overland flow-paths and diversion/catch drains - including catchment plans and areas, times of concentration and estimated peak run-off volumes.
  - c. A completed OSD Detailed Design Submission and Checklist per Appendix B9 of the above-mentioned Handbook.
  - d. A complete address of Council's OSD General Guidelines and Checklist requirements.
  - e. A Maintenance Schedule is to be presented with the designer's name, his signature and date on it in accordance with the Upper Parramatta River Catchment Trust handbook guideline. (If an underground tank is involved this must include reference to WorkCover Authority of NSW Occupational Health & Safety Act 1983 and Confined Spaces Regulation.)

**6.6 Asset Management**

- 6.6.1 A detailed estimate of the cost of civil engineering work must be submitted to Council prior to the issue of the Construction Certificate for engineering works. If engineering works are of a value greater than \$25,000; documentary proof of payment of the levy required by the Building and Construction Industry Long Service Payments Act must be provided to Council prior to any approval of engineering plans either by Council or an appropriately accredited certifier.

**6.7 Ancillary Works**

- 6.7.1 Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this consent effective. Such works shall include but are not limited to the following:

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- (a) the relocation of underground services where required by the positioning of new drainage and road infrastructure.
- (b) the relocation of above ground power and telephone services.
- (c) the removal of redundant services
- (d) the matching of new infrastructure into existing or future designed infrastructure.

## 6.8 Scope of Engineering Works

The following scope of works shall be included in the design documentation accompanying the Construction Certificate for engineering works:

### 6.8.1 Road and Drainage works

- 6.8.1.1 Drainage from the site must be connected into the existing grated gully pit in Mount Street generally in accordance with the submitted plans prepared by MYD Consulting Engineers Pty Ltd, titled Stormwater Concept Plan Basement 1, 2 & Ground Floor, sheet no. SW-01, revision 3, dated 06/11/10.

### 6.8.2 On Site Stormwater Detention System

#### 6.8.2.1 On Site Detention

(A) On-site detention of stormwater runoff from the site must be provided to achieve the following nominated permissible site discharge and site storage capacity for the following percentages of site area draining to the system. (Absolute minimum site draining area is 80%)

Nominated Discharge PSD: 147 l/s/ha for 100%; 101 l/s/ha for 90%; 56 l/s/ha for 80%.

Nominated Storage SSR: 264 cu.m/ha for 100%; 301 cu.m/ha for 90%; 473 cu.m/ha for 80%.

Intermediate values can be interpolated linearly for PSD and a fair curve through the 3 values for SSR.

Council electronic OSD calculation spreadsheet is available for calculating the above parameters. This electronic spreadsheet can be obtained upon request from Council Development Services Unit.

- (B) Council acknowledges the submission of the On-site Stormwater Detention concept plan prepared by MYD Consulting Engineers Pty Ltd, titled Stormwater Concept Plan sheet no.'s SW-01 to SW-05, dated 06/11/10 (Council File No. JRPP-11-541). The Construction Certificate issued in this regard must generally be in accordance with this concept.

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- (C) Any variation to the following design parameters of the above mentioned concept plan will require a lodgement of a Section 96 application to Council for amendment of the consent;
- (i) location of storage area
  - (ii) alteration of the type of storage - i.e changing from above ground to below ground storage
  - (iii) location of discharge outlet from the system.
- (D) Professional accreditation of OSD designers and certifiers must be in accordance with the requirements of Council's Policy.
- (E) The concept plan referred to above is for Development Application purposes only and is not to be used for construction.
- (F) Comprehensive design plans showing full construction details must be prepared by an accredited OSD designer to be issued with a Construction Certificate under the Environmental Planning and Assessment Act 1979 prior to the commencement of works.

NOTE: Council has preference for a fully above ground On-site Stormwater Detention system. This type of system would significantly reduce confined space issues and may have cost saving advantages in comparison with a below ground storage system.

### 6.8.3 Vehicular Crossings

- 6.8.3.1 Construction of Council's standard commercial and industrial vehicular footway crossings, with the following nominated widths at the property boundary in accordance with Council plan A(BS)103S.

Nominated Widths: 5.5 metres and 3.5 metres

### 6.8.4 Footpaths

- 6.8.4.1 The footway area adjacent to the northern boundary of the site to be fully turfed in an appropriate manner to be free draining to the street and of neat appearance.
- 6.8.4.2 Construction of segmental block path paving (65mm thick clay paver) for the full width of the footway area over the full frontage of the site. Any street trees are to be planted in suitable grates or bays. Please contact Council's Development Services Engineers for details of type and colour of pavers to be laid.
- 6.8.4.3 The construction of brick paving is to be provided to the following nominated streets/roads/site:

Name	Side	Brick Paving Width	Length
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Ayres Grove	North	3.5 m	27 m
Mount Street	West	3.5 m – variable	59 m
Development site	North	3.0 m	34 m

#### 6.8.5 Finished Boundary Levels

- 6.8.5.1 Finished levels of all internal works at the road boundary of the property must be 4% above the top of the kerb or as directed by Council.

### 7 PRIOR TO CONSTRUCTION CERTIFICATE (WASTE SERVICES)

#### 7.1 Other Matters

- 7.1.1 Revised plans of the bin compound and a waste management plan are to be submitted and approved by Council prior to the release of the construction certificate. The amendments shall address the following issues:

- The proposed garbage and recycling services does not meet Council's requirements.
- The waste management plan incorrectly estimates waste generation volumes for the proposed residential units. Council requires a minimum of 120L of garbage and 80L recycling capacity for each unit per week (currently proposed at 80L for garbage).
- This would affect the number of bins needed to properly service all residential units, a total of 5 x 660L garbage bins and 20 x 240L recycling bins will be required to ensure the properties adequately serviced. Subsequently the dimensions of the storage rooms will have to be modified to ensure all bins can be stored adequately.
- Evidence to demonstrate there is adequate space for the nominated contractor to facilitate collection of the garbage and recycling bins within the complex.

### 8 PRIOR TO DEVELOPMENT WORKS

#### 8.1 Safety/Health/Amenity

- 8.1.1 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, 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

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facility is not practicable to some other sewage management facility approved by Council.

8.1.2 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.

8.1.3 Should the development work:

- (a) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (b) involve the enclosure of a public place,

a hoarding or protective barrier shall be erected between the work site and the public place. Such hoarding or barrier shall be designed and erected in accordance with Council's current Local Approvals Policy under the Local Government Act 1993.

Where necessary, an awning shall be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

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

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

8.1.5 All soil erosion and sedimentation control measures indicated in the documentation accompanying the Construction Certificate shall be installed prior to the commencement of development works.

8.1.6 A single vehicle/plant access to the land shall be provided to minimise ground disturbance and transport of soil onto any public place. Such access shall be provided in accordance with the requirements of Appendix "F" of Council's Soil

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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.

- 8.1.7 Any excavation and/or backfilling associated with the development shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent such work being dangerous to life or property.
- 8.1.8 Should any excavation associated with the development extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:
- (a) shall be preserved and protected from damage, and
  - (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
  - (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting work commences, be given notice of such intention and particulars of the excavation or supporting work.

**8.2 Notification to Council**

- 8.2.1 The person having the benefit of this consent shall, at least 2 days prior to work commencing on site, submit to Council a notice under Clauses 135 and 136 of the Environmental Planning and Assessment Regulation 2000, indicating details of the appointed Principal Certifying Authority and the date construction work is proposed to commence.
- 8.2.2 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.

**8.3 Tree Protection**

- 8.3.1 Any tree not indicated on the approved Development Application plans as being removed or greater than 3m from the building perimeter shall be effectively protected against damage.

**8.4 Sydney Water Authorisation**

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

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OR

The approved plans are to be submitted to a Sydney Water Customer Centre or Quick Check Agent, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. The plans must be appropriately stamped and all amended plans will require restamping. For Quick Check Agent details, please refer to the "Building Plumbing and Developing" Section of the website [www.sydneywater.com.au](http://www.sydneywater.com.au), then follow the "Developing Your Land" link or telephone 13 20 92 for assistance.

## **8.5 Construction Details**

- 8.5.1 Structural details of the nominated building component(s), prepared and/or certified by a professional engineer or other appropriately qualified person, shall be lodged with Council prior to commencing or erecting that portion of the approved development.

### Nominated Component

- (a) Footing piers
- (b) Footing system
- (c) Floor slab
- (d) Structural concrete
- (e) Wall frame bracing
- (f) Roof trusses
- (g) Structural steelwork

## **9 DURING CONSTRUCTION (BUILDING)**

### **9.1 Safety/Health/Amenity**

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

- 9.1.2 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.

- 9.1.3 Should the development work:

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- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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- (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.

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

## 9.2 Building Code of Australia Compliance

- 9.2.1 All building work shall be carried out in accordance with the provisions of the

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Building Code of Australia.

**9.3 Surveys**

9.3.1 The building(s) shall be set out by a registered surveyor and a survey report lodged with the Principal Certifying Authority to verify the approved position of each structure in relation to the property boundaries.

9.3.2 A registered surveyor's report indicating that the required minimum Australian Height Datum floor level has been achieved, shall be lodged with the Principal Certifying Authority prior to work proceeding above floor level.

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

**9.4 Nuisance Control**

9.4.1 Any objectionable noise, dust, concussion, vibration or other emission from the development works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.

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

9.4.3 Construction work on all buildings (except that on single dwelling houses and associated structures on the site of a single dwelling house) shall not occur on Saturdays and Sundays on weekends adjacent to a public holiday.

**9.5 Stormwater Drainage**

9.5.1 Stormwater, surface water and sub-surface seepage (other than natural flows) shall be prevented from entering the building or being diverted onto any adjoining land (as applicable) by:

- (a) the floor level being a minimum 225mm above the adjoining finished ground level, and/or
- (b) being drained to an effective drainage system.

**9.6 Waste Control**

9.6.1 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.

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**9.7 Construction Inspections**

9.7.1 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) At the commencement of the building work; and
- (b) After excavation for, and prior to placement of, any footings; and
- (c) Prior to pouring any in-situ reinforced concrete building element; and
- (d) Prior to the covering of the framework for any floor, wall roof or other building element, and prior to covering waterproofing in any wet areas; and
- (e) Prior to covering waterproofing in any wet areas (but for a minimum of 10% of rooms with wet areas in any class 2,3 or 4 building); and
- (f) Prior to covering any stormwater drainage connections; and
- (g) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The critical stage inspection "(g)" must be carried out by the Principal Certifying Authority.

Any inspection conducted by an accredited other than the nominated PCA for the project must be verified by way of a Compliance Certificate issued for the relevant works.

Note: Failure to ensure the relevant inspections are conducted will preclude the issue of an Occupation Certificate.

**10 DURING CONSTRUCTION (ENGINEERING)**

**10.1 Service Authority Approvals**

10.1.1 Prior to commencement of construction of footway brick paving a clearance shall be obtained from the relevant telecommunications carriers and Endeavour Energy that all necessary ducts have been provided under the proposed brick paving.

**10.2 Maintenance of Soil Erosion Measures**

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

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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- (f) Final Inspection
- (v) Construction of on-site detention system
  - (a) Steel and Formwork for tank/ HED control pit
  - (b) Completion of HED control pit
  - (c) Pit formwork
  - (d) Pipes upstream/ downstream of HED control pit
  - (e) Completion of OSD system
- (vi) Final overall Inspections
  - (a) Preliminary overall final inspection
  - (b) Overall final inspection

ALTERNATIVELY, one comprehensive Inspection Certificate or Compliance certificate may be issued to include all of the above-mentioned stages of construction.

Where Council is appointed as the Principal Certifying Authority for the development (e.g. all Torrens Title subdivisions), only Compliance Certificates issued by accredited certifiers will be accepted at the completion of the above-mentioned stages. Any Compliance Certificate must certify that the relevant work has been completed in accordance with the pertinent Notice of Determination / Development Consent and Construction certificate.

- 10.4.2 Inspection of the works required pursuant to the engineering approval issued under the Roads Act 1993 must be made by Council's Development Overseers who can be contacted on 9839 6586 between 7am - 8am and 12.30pm - 1.30pm. A site inspection is required prior to commencement of work. A minimum twenty-four (24) hours notice must be given prior to any required inspection. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).

#### **10.5 Public Safety**

- 10.5.1 The applicant is advised that all works undertaken in a public place 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.

#### **10.6 Site Security**

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

#### **10.7 Traffic Control Plan**

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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- 10.7.1 Where amendments to the approved Traffic Control Plan are required, a new plan shall be prepared and approved prior to implementation. Such plans shall be prepared in strict compliance with the requirements of the current version of Australian Standard 1742.3 (Traffic Control Device for works on Roads) as well as the current version of the RTA Traffic Control at Work Site manual. Any person preparing such Traffic Control plans shall have the relevant RTA accreditation, which must be stated on the submitted plans.

## **11 PRIOR TO OCCUPATION CERTIFICATE**

### **11.1 Road Damage**

- 11.1.1 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.

Note: Should the cost of damage repair work not exceed the road maintenance bond Council will automatically call up the bond to recover its costs. Should the repair costs exceed the bond amount a separate invoice will be issued.

### **11.2 Compliance with Conditions**

- 11.2.1 An Occupation Certificate shall not be issued until such time as all conditions of this consent, other than "Operational" conditions, have been satisfied. The use or occupation of the development prior to compliance with all conditions of consent, other than "Operational" conditions, may render the applicant/developer liable to legal proceedings.
- 11.2.2 Prior to occupation/use of a new building, it is necessary to obtain an Occupation Certificate from the principal certifying authority in accordance with the provisions of Section 109H of the Environmental Planning & Assessment Act 1979.

### **11.3 Service Authorities**

- 11.3.1 The applicant shall obtain a Trade Waste Approval from the Sydney Water Corporation Limited in relation to any discharges to the Corporation's sewerage system.
- 11.3.2 A final written clearance shall be obtained from Sydney Water Corporation (i.e. a Section 73 certificate), Endeavour Energy and Telstra (or any other recognised communication carrier) if such clearance has not previously been issued.

### **11.4 Temporary Facilities Removal**

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

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- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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- (c) It is in the public interest that they be imposed.

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- 10.2.2 All required soil erosion and sediment control measures are to be maintained during the entire construction period until disturbed areas are restored by turfing paving or revegetation. Infringement Notices incurring a monetary penalty may be issued by Council where the maintenance of measures is inadequate.

**10.3 Filling of Land & Compaction**

- 10.3.1 Roads adjoining the site must be kept clean and free of all excavated /transportable spoil materials.

- 10.3.2 Provisions of "Shaker Pads" and wash-down areas for trucks leaving the site details are to be shown on plans.

**10.4 Inspections of Works**

- 10.4.1 Inspection Compliance Certificates issued by a Registered Engineer (NPER) or Registered Surveyor or Compliance Certificates issued by an accredited certifier, under Part A of Environmental Planning and Assessment Act 1979 as amended, are to be issued for works covered by the Construction Certificate for engineering works at the completion of the following mandatory inspection stages: -

(i) Soil Erosion and Sediment Control

- (a) Implementation of erosion and sediment control
- (b) Revegetation of disturbed areas
- (c) Final Inspection

(ii) Traffic Control

- (a) Implementation of traffic control
- (b) Maintenance of traffic control during works
- (c) Removal of traffic control

(iii) Construction of Drainage works

- (a) Pipes before backfilling including trench excavation and bedding
- (b) Sand Backfilling
- (c) Final pipe inspection
- (d) Connection to existing system
- (e) Final Inspection

(iv) Footpath Works

- (a) Footpath Trimming and/or turfing
- (b) Subgrade inspection of footway area to be paved
- (c) Concrete inspections
- (d) Brick paving inspections during construction
- (e) Service Adjustments

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- 11.4.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 11.4.3 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.
- 11.4.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 11.4.5 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.

**11.5 Fire Safety Certificate**

- 11.5.1 An interim or final fire safety certificate complying with Clause 153 of the Environmental Planning and Assessment Regulation 2000 shall be issued prior to the use or change of use of the building, except in the case of any Class 1a and Class 10 building(s).
- 11.5.2 A final fire safety certificate complying with Clause 153 of the Environmental Planning and Assessment Regulation 2000 shall be issued prior to the use or change of use of the building, except in the case of any Class 1a and Class 10 building(s).

**11.6 Landscaping/Car Parking**

- 11.6.1 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability for tenants, customers, residents and visitors.
- 11.6.2 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 11.6.3 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.1.
- 11.6.4 All required internal roads and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.
- 11.6.5 All landscaping shall be completed in accordance with the approved landscaping design plan submitted as part of the Construction Certificate.

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- 11.6.6 The common open space areas and podium levels are to be embellished with appropriate equipment, including heavy duty children's play equipment (which meet relevant Australian Standards), recreational facilities, permanent seating and security lighting. In this regard, all equipment and facilities shall be provided in accordance with the details submitted as part of the Construction Certificate.
- 11.6.7 The children's play area shall be provided with an approved soft fall surface material complying with relevant Australian Standards, and is to be enclosed by pool –type safety fencing that includes a child –proof latch top gate.
- 11.6.8 All common open space areas and internal driveways shall be appropriately illuminated by the use of bollard lighting or the like to provide for the safety and convenience of occupants and other people resorting to the land at night. The loading dock area and car parking areas must also be provided with sufficient lighting to enhance the safety of users.
- 11.6.9 All required internal driveways and car parking spaces are to be line-marked, appropriately signposted to indicated their intended usage, and sealed with a hard-standing, all weather material to a standard suitable for the intended purpose. All signposting and parking required by the Parking Management Strategy is to be implemented.
- 11.6.10 All internal driveways and other paved areas are to be graded to provide continuous surface drainage flow paths to approved points of discharge.
- 11.6.11 The gymnasium is to be fully equipped and ready for use by the residents.
- 11.6.12 The common room is to be fully furnished and ready for use by the residents.

**11.7 Fee Payment**

- 11.7.1 Any fee payable to Council as part of a Construction, Compliance or Occupation Certificate or inspection associated with the development (including the registration of privately issued certificates) shall be paid in full.

**11.8 Engineering Matters**

**11.8.1 Surveys/Certificates/Works As Executed plans**

- 11.8.1.1 A works-as-executed plan (to a standard suitable for microfilming) under the hand of a Chartered Professional Engineer or a Registered Surveyor must be lodged with Blacktown City Council when the engineering works are completed. The works as executed plan must confirm that the On Site Detention system identification plate has been installed in accordance with the Upper Parramatta River Catchment Trust Guidelines. The On Site Detention system identification plate can be purchased from Upper Parramatta River Catchment Trust /Council.

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11.8.1.2 A certificate from a Chartered Professional Engineer/Registered Surveyor must be obtained and submitted to Council verifying that the on-site detention system as constructed will function hydraulically in accordance with the approved design plans.

11.8.1.3 A certificate from a Registered Engineer (NPER) must be lodged with Council verifying that the structures associated with the on-site detention systems have been constructed to withstand all loads likely to be imposed on them during their lifetime.

11.8.1.4 The submission to Council of all Inspection/Compliance Certificates required by the "During Construction (Engineering)" Section of this consent.

**11.8.2 Easements/Restrictions/Positive Covenants**

11.8.2.1 Any 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 easements and restrictions as accepted by the Lands Title Office.

11.8.2.2 Restrictions and positive covenants must be provided over the on-site detention storage areas and outlet works.

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

**11.8.3 Dedications**

11.8.3.1 Dedication at no cost to Council of a 5m x 5m splay corner on the allotment at the street intersection.

**11.8.4 Bonds/Securities/Payments in Lieu of Works**

11.8.4.1 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.

In the case where no subdivision occurs - This period commences at the date of practical completion of the development.

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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.

**11.8.5 Inspections**

- 11.8.5.1 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.

**12 OPERATIONAL (PLANNING)**

**12.1 Access/Parking**

- 12.1.1 All required off-street car parking spaces and internal roads shall be maintained to a standard suitable for the intended purpose.
- 12.1.2 All loading and unloading operations shall take place at all times wholly within the confines of the land.
- 12.1.3 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.1.

**12.2 General**

- 12.2.1 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 12.2.2 No nuisance or interference with the amenity of the area shall be created by reason of any process or operation on the land causing the emission of noise, dust, smoke or any polluted discharge whatsoever. Note: The Protection of the Environment Operations Act 1997 requires Council to investigate complaints where only one person complains.
- 12.2.3 Arrangements shall be made for an effective commercial refuse removal service.
- 12.2.4 All vehicles should be wholly contained onsite before being required to stop.
- 12.2.5 Clear signposting to distinguish between the commercial and residential users is required into the car parking areas. The signposting should be erected prior to parking entry points to enable vehicles to enter in an organised manner.

**13 OPERATIONAL (ENVIRONMENTAL HEALTH)**

**13.1 Environmental Management**

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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- 13.1.1 A vehicle wash bay shall be provided and maintained to service the development.
- 13.1.2 A post commissioning report produced by an independent organisation that is eligible for membership with the *Association of Australian Acoustic Consultants* within 3 – 6 months of the occupation of the mixed use premises to validate the Acoustic report findings.
- 13.1.3 Vehicles shall only be washed on the premises within approved wash bay(s).
- 13.1.4 All entrances and exits to the building are to be bunded.
- 13.1.5 All waste shall be stored suitably and disposed of by an appropriate waste contractor. Under no circumstances is waste from the activity to be disposed of through Council's waste collection services.
- 13.2 **Acoustics**
  - 13.2.1 The recommendations provided in *Acoustic report for 2 Ayres Grove prepared by SLE Global Environmental Solutions*, shall be implemented.

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