

ATTACHMENT 1

Determination No: 11-650

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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 The granting of this consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992. The applicant is advised to investigate any liability that may apply under that Act. The current suite of Australian Standard 1428 - Design for Access and Mobility, should be consulted for guidance. The prescriptive requirements of Part 1 of the Standard apply to certain buildings requiring development consent.
- 1.2.2 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.
- 1.2.3 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. Any future Strata Management Plan must contain a restriction that no hanging of clothes is permitted on the balconies.
- 1.2.4 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 The applicant's attention is drawn to the need to obtain Council's separate approval for any ancillary development not approved by this consent, including:

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- (a) the removal of any tree(s) not indicated on the approved plans and any tree(s) located greater than 3 metres from the building perimeter, and
- (b) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development under Council's Local Environmental Plan, and
- (c) demolition of any existing buildings and associated structures in accordance with the requirements of Council's Local Environmental Plan.

1.3.3 The applicant's attention is drawn to the need to obtain Council's separate approval for any ancillary activity not approved by this consent, including:

- (a) the installation of a vehicular footway crossing servicing the development.

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

1.3.5 The demolition or removal of the existing building(s) or structure(s) is not approved by this consent. A separate Development Application must be lodged with Council and Development Consent granted prior to the demolition or removal of the existing building(s) or structure(s).

1.4 Services

1.4.1 The applicant is advised to consult with:

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

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

All approved building construction plans attached to the Construction Certificate should be submitted to 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.

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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.
Basement Plan 00.157. DA100 Rev.J	9.3.11	238A
Ground Floor Plan 00.157. DA101 Rev.L	22.8.11	238B
First Floor Plan 00.157. DA102 Rev I	23.8.11	238C
Second Floor Plan 00.157. DA103 Rev.H	9.3.11	238D
Third Floor Plan 00.157. DA104 Rev H	9.3.11	238E
Fourth Floor Plan 00.157. DA105 Rev.H	9.3.11	238F
Roof Plan 00.157. DA106 Rev H	9.3.11	238G
North and East Elevation 00.157. DA200 Rev F	23.8.11	238H
South and West Elevations 00. 157. DA 201 Rev E	9.3.11	238I
Section AA & BB 00.157.DA 202 Rev D	9.3.11	239A
Section CC & DD 00.157. DA 203 Rev E	23.8.11	238K
Section EE 00.157. DA 204 Rev D	9.3.11	238L
Unit Types 1 00.15. DA 301 Rev D	17.6.11	238M

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Unit Types 2
00.157. DA 302 Rev D 17.6.11 238N

External Finishes Board
00.157. DA410 Rev A 11.3.11 238O

*Unless modified by any condition of this consent. In this regard, please refer to Condition 4.2.

2.2 Suburb Name

- 2.2.1 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: PROSPECT

- 2.2.2 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: PROSPECT

2.3 Engineering Matters

2.3.1 Definitions

- 2.3.1.1 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 Roads Act 1993. In relation to this consent, a Construction Certificate must be issued for the *On-Site Stormwater Detention (OSD) system and Stormwater Treatment Measures (STM)*. This is to ensure that the OSD and STM will be located in an area of the site in which they will function hydraulically and will not conflict with any other structures proposed for the site.

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

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will not accept a Construction or Compliance Certificate from a Private Certifier for any works on Myrtle Street.

2.3.1.2 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.

2.3.1.3 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 Myrtle Street.

2.4 Design and Works Specification

2.4.1 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)
- (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.
- (g) Blacktown City Council Stormwater Quality Control, Water Sensitive Urban Design Policy and Integrated Water Cycle Management – Part R.

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.

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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 Payment of Engineering Fees

- 2.5.1 If it is the applicant's intention to engage Council to undertake the checking of the engineering design plans and the issue of the Construction Certificate for the engineering 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.

- 2.5.2 If it is the applicant's intention to engage Council to undertake Construction inspections and the issue of the Compliance Certificate for engineering 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.

- 2.5.3 The payment of the following fee to Council's Development Services Unit pursuant to Section 608 of the Local Government Act 1993 and/or Section 223 of the Roads Act 1993. The fee is subject to periodic review and may vary at the actual time of payment.

(a) Engineering Inspection Fee of \$220- for turfing & path paving.

The above fee may not be applicable or could be reduced if an Construction Certificate for the engineering works is required as per conditions of this Consent and Council is requested to issue that Certificate.

2.6 Other Fee and Bond/Securities

- 2.6.1 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: \$250.00.

NOTE: Council may grant a reduction in the above fee dependent upon the timing of the placement of the footpath crossings.

- 2.6.2 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

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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 Councils Development Services Engineers

2.7 Other Necessary Approvals

2.7.1 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.

3 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)

3.1 DA Plan Consistency

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

3.2 Road Deposit/Bond

3.2.1 The following current fee and bond (which is subject to periodic review and may vary at time of payment) shall be lodged with Council:

- (a) Road inspection fee of \$152.00, and
- (b) Road maintenance bond of \$5000.00.

The bond is required to cover the cost of any damage to Council's public assets (eg: road, guttering, footpaths, drainage systems) arising from development works. The bond (less an administration fee) will be refunded upon the completion of the development should there be no damage to Council's assets as a result of the development works.

The road inspection fee covers Council's costs to inspect public assets adjacent to the development site before and after development work

3.3 DCP 2006

3.3.1 Except as otherwise approved, the design plans which accompany the Construction Certificate shall comply with the design criteria specified in Council's

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Development Control Plan 2006.

4 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

4.1 Relationship to Other Approvals

- 4.1.1 The applicant shall surrender the following Development Consent in accordance with the provisions of Clause 97 of the Environmental Planning & Assessment Regulation 2000.

Development Consent No.: DA-97-7076 (as amended) Dated: 27/04/1998

4.2 Necessary Plan Amendments

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

(a) It is noted that currently a 9 metre long stopping zone exists before the entry gates off Myrtle Street. This zone be extended to 10 metres to ensure collection vehicles do not obstruct the public roadway when entering the site.

4.3 Section 94 Contributions

- 4.3.1 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	\$554,666	1	1.3.2005

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. 1 - 1980s Release Areas

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.

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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: 403.1 persons

4.4 Street Tree Planting

- 4.4.1 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 purposes of improving the amenity of the streetscape.

Number of Trees: 6 x 25 litre street trees (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 (ie. 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 Applicant 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.

4.5 Aesthetics/Landscaping

- 4.5.1 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 any Construction Certificate for the approved development:

(a) A detailed landscaping plan prepared by a suitably qualified person which provides for the embellishment of the site by providing:

(i) Suitable ground covers, shrubs and trees to complement the height, scale, design and function of the approved development.

(ii) The stabilisation of any exposed soil areas.

(iii) Measures designed to enable easy long-term maintenance of the property.

(iv) Details of the soil depth, plant species and automatic irrigation system for all planter boxes, including on the podium and roof top areas.

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- (v) Planting of a combination of 35 litre, 75 litre and 100 litre trees. All shrubs to be planted are to have a minimum pot size of 200mm.
- (vi) Details of the method of lighting and spacing between lights in public areas and pedestrian walkways.
- (vii) To address concerns regarding the potential for graffiti/vandalism of the supermarket blank wall constructed on the boundary, appropriate landscaping/"green" screens are to be provided.
- (b) Additional landscaping/screen planting must be provided along the eastern boundary to further enhance the existing residents privacy. Details of the proposed plant species will be required to be provided on the detailed landscape plans submitted. It is recommended that when selecting the tree/plant species consideration be given to species that reduce the potential for excessive leaf litter or potential destructive root growth.
- (c) Details of any retaining walls to be constructed on site as part of the development. Please note that Council requires the construction of masonry retaining walls (i.e. no timber walls) where such walls are proposed to be located within a publicly visible area (such as future front building setbacks) or proposed to have a height in excess of 900mm.
- (d) Details of any water saving measures to be incorporated including rainwater tanks, rainwater farm, 'zeroscape' landscaping, and water-wise fixtures and fittings to be installed on site as part of the development. Please note that Councils requires all rainwater tanks to be provided below ground level.
- (e) The common open space areas are to be embellished with appropriate equipment. This should include deck areas, a fitness equipment circuit, permanently installed hardwood/anodised aluminium vertical slat tables and bench seating, push button electric barbeque facilities with stainless steel hot plates, pergola structures, shade structures and the like. Details of all seating/outdoor furniture equipment, etc are to be shown on the landscape plan required by 4.5.1(a) above.
- (f) The common open space areas are to be embellished with appropriate equipment. This should include children's play equipment, permanently installed hardwood/anodised aluminium vertical slat tables and bench seating, push button electric barbeque 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 required by 4.3.1(b) above. 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.

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(g) All common open space areas are to be appropriately illuminated by the use of bollard type outdoor lighting or the like, to provide for the safety of residents at night. Details of all outdoor lighting are to be submitted. Note: If artificial lighting is proposed full details are to be submitted indicating the manner in which adjoining residential properties/units are to be protected.

(h) Details of the proposed awning, including colour samples of the materials/finishes from brochures or the like. In this regard, Council's preference is for opaque glass as it will allow an acceptable level of both sunlight and shade to the footpath area below. Note: The height and width of the proposed footpath awning is to comply with the requirements of Council's Maintenance Engineers.

4.5.2 The reflectivity index of glass used in the external facade of the building is not to exceed 15 percent.

4.6 Lighting

4.6.1 The developer is to install appropriate lighting to enhance security of the car parking facilities, fence lines, entry and exit points, lift areas, foyers, key pedestrian walk ways and garbage disposal areas. This lighting should be of the highest standards to enable face recognition if and/or when CCTV cameras are installed. A copy of all lighting details shall be submitted to the Police and Blacktown City Council prior to the commencement of construction.

4.7 Access/Parking

4.7.1 A Construction Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of any Construction Certificate (CC).

4.7.2 A minimum of 250 car parking spaces are to be provided. Of the 250 spaces, 106 (i.e. 54 for residents and 52 for visitors) will be provided at ground level and 144 (i.e. 131 for residents and 13 for visitors) will be provided within the single basement car park located beneath Buildings A to D, each designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1 as follows:

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.

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

4.7.4 The car parking allocation required by Condition 4.9.2 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

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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 car parking area from the residential parking area is to be provided.

(b) The ongoing maintenance of the parking area to ensure the allocation is in accordance with Condition 4.9.2.

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

- 4.7.5 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.

4.8 Salinity

- 4.8.1 Prior to the issue of any Construction Certificate, a site specific Preliminary Salinity Investigation and Management Plan, prepared in accordance with the Department of Land and Water Conservation's (DLWC) publication 'Site Investigations for Urban Salinity' and WSROC Western Sydney Salinity Code of Practice publications, shall be submitted to Council for approval. This report is to include salinity mitigation measures for Bulk Earthworks, services, stormwater drainage infrastructure, roads, landscaping and future building construction to be incorporated as a part of the Construction Certificate design.

4.9 Tree Protection

- 4.9.1 Prior to the issue of any Construction Certificate, a tree bond of \$2000 is to be paid to Council. This bond is to ensure that the health and vigour of the trees to be retained along the eastern property boundary are conserved during works on the site and that all measures available to the applicant are undertaken to ensure this occurs. This bond is to be released prior to Occupation Certificate after completion of the works on the site to enable any defects resulting in the death of any trees, due to poor construction practices, to become evident and thereby enabling Council to retain part of the bond and use the bond to embellish any public reserves in the vicinity. The bond will be refunded provided that the subject trees are in good health with a high probability of survival.

5 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)

5.1 Building Code of Australia Compliance

- 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 :

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- (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) Sections C, D, E and F

5.2 Other Matters

5.2.1 A list and layout of all the required essential services proposed for this development, must accompany any Construction Certificate. The list shall describe the extent, capability and basic design of each such service.

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.

6.3 Drainage

6.3.1 Where drainage involves the provision of drains across land owned by others evidence of the creation of necessary easements must be submitted to Council for concurrence prior to the issue of a Construction Certificate for engineering works.

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6.3.2 Inter-allotment drainage must be provided where any part of any lot does not drain to a public road. The inter-allotment drainage design must include the disposal of stormwater from upstream properties.

6.3.3 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.

6.4.2 On Site Stormwater Detention System

6.4.1.1 On-Site Detention

(A) On-site detention of stormwater runoff from the site must be provided to achieve the following nominated minimum site storage capacity and maximum permissible site discharge.

Nominated Minimum Storage: 470 cu.m/ha

Nominated Maximum Discharge: 80 L/s/ha

(B) Council acknowledges the submission of On-site Stormwater Detention concept plan reference No HDA01/P1, HDA02/P5, HDA03/P1, HDA04/P5 and HDA05/P5 prepared by Whipps-Wood Consulting. (Held on Council file JRPP-11-650, enclosure no: 213A – 213E). The Construction Certificate issued in this regard must be generally in accordance with this concept plan.

(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 the Upper Parramatta River Catchment Trust and Council's Policy.

(E) The concept plan referred to above is for Development Application purposes only and is not to be used for construction.

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(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 system.

- 6.4.2 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.
- 6.4.3 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.
- 6.4.4 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.)

6.5 Stormwater Quality Control

- 6.5.1 Stormwater Treatment Measures for the proposed development shall be designed in accordance with the requirements of Council's Stormwater Quality Control Policy. Details are to be included with the plans and specifications accompanying any Construction Certificate. Any variation to the proposed

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Humeceptor, model no: **STC-9** will require a lodgement of a Section 96 application to Council for amendment of the consent.

6.5.2 a) Prior to release of the Construction Certificate an amended drainage plan from drawing no. HDA02/P5 and HDA04/P5 by Whipps-Wood Consulting is required to address the following:

- i) The 150 mm pipe discharging from pit SWP45 is to be directed into SWP46 and not to SWP1
- ii) Pits SWP42 and SWP46 are to be fitted with maximesh screens and silt traps to limit rubbish from the courtyards discharging to the downstream pipe.
- iii) The stormwater pipes currently shown under units G-07, G-10 and G-11 are to be relocated to the outside of the building as there is no longer a void in this location.
- iv) The void currently between F-02 and G-11 is to be extended to the west up to GTD-02.
- v) Pits SWP1 and SWP2 are to have gatic sealed lids.
- vi) Overland flow-path warning signs are to be fitted to all courtyards in Blocks E and F and any common areas affected by the overland flows.

b) Prior to release of the Construction Certificate Structural plans are to be provided by an engineer registered on NPER to satisfy the following:

- i) The minimum underside of the floor slab for blocks E and F and the carpark between blocks F and G is to be RL 59.98 m AHD;
- ii) An undercroft is to be created from the southern end of Block E to the start of Block G a minimum 7.5 m wide, clear of any piers;
- iii) The finished western level of the undercroft is to be falling from RL 59.43 m AHD at the southern end sloping at 0.85% over 40 m to RL 59.18 m AHD and thereafter maintained at RL 59.18 m AHD to the end.
- iv) The surface level of the undercroft is to be concreted with a 0.5% cross-fall to the courtyards.
- v) The minimum level of any supporting beams or edge beams to the undercroft for the building above is to be RL 59.78 m AHD.
- vi) The void between F-02 and G-11 is to be extended to the west up to GTD-02.

c) Fencing to allow flood flows is to be provided as:

- i) Louvers along each of the intermediate courtyard fences of blocks E and F from finished ground level to a minimum level of RL 59.98m AHD.
- ii) Louvers along the eastern boundary of the development across 36 and most of 34 Rydall Street from finished ground level to a minimum level of RL 59.98m AHD.
- iii) Full height palisade fencing across both ends of the undercroft with provision of lockable gates for authorised maintenance access.
- iv) Full height palisade fencing along the eastern boundary of the undercroft to prevent unauthorised access.
- v) Palisade or louver fencing across the southern boundary for the extent of the

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overland flow path.

- d) The retaining wall along the eastern boundary from 34 Rydall Street to the north-east corner of the site is to be the higher of RL 60.15 m AHD or 150 mm above finished ground level.

- 6.5.3 A Maintenance Schedule is to be prepared for the Stormwater Quality Improvement Devices including the Humeceptor and silt/litter arrestor pit prior to release of the Construction Certificate.
- 6.5.4 Overland flows up to the 1% A.E.P. (100 year Average Recurrence Interval) event must be intercepted at the boundary of the site and conveyed through the site in a piped or channelled discharge system and discharged in a satisfactory manner.
- 6.5.5 Overland flows must be intercepted at the property boundary, conveyed through the site in a piped or channelled drainage system to match or set local condition, and discharged in a satisfactory manner.
- 6.5.6 Drainage from the site must be connected into the existing inter-allotment drainage system nominated below (by way of an approved stormwater pollution control device).
- Location of Inter-allotment Drainage System -
Eastern boundary connection adjacent the rear of 36 Rydal Street.
- 6.5.7 Any drainage currently entering the site is to be collected and conveyed in an approved manner to the nearest appropriate point of discharge.

6.6 Work Adjacent to Easements

- 6.6.1 Foundations adjacent to easements shall not place a loading on the pipe within the easement. Foundations shall be located at:
- (a) the depth of the invert of the existing pipeline, and/or
 - (b) the depth of the invert of the proposed pipeline.
- 6.6.2 All development shall be kept clear of the drainage easement(s) on the land, and no alteration to the existing surface levels within the easement(s) is to be made.
- 6.6.3 Pier and beam style construction shall be used adjacent to easements to the depth of the invert of the proposed or existing pipeline. A Registered Engineer (NPER) shall certify that this condition has been satisfied.

6.7 Scope of Engineering Works

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

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6.8 Road and Drainage works

6.8.1 The construction and dedication of all new roads associated with the development and the creation/provision of temporary roads, drainage, pathways, concrete path paving and any other ancillary work necessary to make this construction effective.

6.8.2 Redundant gutter and/or footway crossing(s) must be replaced with integral kerb and gutter. The footway area must be restored by turfing.

6.9 Vehicular Crossings

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

Nominated Widths: 3.5m and 3.5m

6.9.2 Construction of Council's standard commercial and industrial vehicular footway crossing from the right-of-carriageway shall be in accordance with Council plan A(BS)103S.

6.9.3 In order to prevent right turn out movement at the proposed driveway off Myrtle Street, the proposed exit driveway is to be positioned/angled in such a way that will physically prevent right turn out movement out of the proposed development. Appropriate signage is to be provided to advise residents/visitors that it is 'left turn only'

6.10 Footpaths

6.10.1 The footway area being fully turfed in an appropriate manner to be free draining to the street and of neat appearance.

6.10.2 The construction of path paving is to be provided to the following nominated street(s)/road(s):

Name	Side	Paving Width
Right-of-carriageway (Myrtle Street to shops)	Full frontage	Full width (min.1.5metres)

6.11 Finished Boundary Levels

6.11.1 Finished levels of all internal works at the road boundary of the property must be 4% above the top of the kerb.

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6.12 Consistency with Approved development Plans

- 6.12.1 This involves a change to the original application plans as submitted to Council. The change must be reflected on any plans submitted to Council with any Construction Certificate relating to engineering/building works for the proposed development.

6.13 Asset Management

- 6.13.1 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.

6.14 Ancillary Works

- 6.14.1 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:

- (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 matching of new infrastructure into existing or future designed infrastructure

7 PRIOR TO DEVELOPMENT WORKS

7.1 Safety/Health/Amenity

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

- 7.1.2 A sign is to be erected and maintained in a prominent position on the site in

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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.

7.1.3 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.

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

7.1.5 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.

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

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- 7.1.7 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.
- 7.1.8 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.

7.2 Notification to Council

- 7.2.1 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.

7.3 Cultural Heritage

- 7.3.1 The Aboriginal land council representatives are to be invited to monitor the site during earthwork activities.

7.4 Home Building Act

- 7.4.1 Building Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

(a) In the case of work for which a principal contractor is required to be appointed:

- (i) the name and licence number of the principal contractor, and
- (ii) the name of the insurer by which the work is insured under Part 6 of that Act,

(b) In the case of work to be done by an owner-builder:

- (i) the name of the owner-builder, and
- (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

Note: A certificate purporting to be issued by an approved insurer under Part 6 of

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the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this condition sufficient evidence that the person has complied with the requirements of that Part.

7.5 Construction Details

- 7.5.1 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
- (h) Retaining walls

7.6 Site Contamination

- 7.6.1 Should any contaminated material be unearthed or fly-tipped rubbish be encountered during construction, all works are to cease immediately. In this situation, an amended Remediation Action Plan (RAP) is to be submitted to Council for further consideration and all potentially contaminated material is to be tested, removed or undergo remediation. In this regard, the environmental consultant engaged for this project is to be on site for regular monitoring of the approved site works.
- 7.6.2 Throughout the duration of the works, the applicant is to demonstrate compliance with the following approval parameters:
- a) The applicant is to ensure that validation for the entire subject site can be prepared by a suitably qualified environmental consultant in accordance with Council's Contamination Land Policy.
 - b) The applicant is to ensure that the site has been satisfactorily secured so as to prevent any unauthorised dumping of illegal fill/waste building materials (i.e. non-V.E.N.M soils) from entering onto the development site.
 - c) Appropriate dust suppression measures are to be incorporated into the site works process, so as to ensure that adjoining properties in the local vicinity are not negatively impacted upon by dust generated from the development site.

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- d) Any filling shall be undertaken in accordance with the fill protocol approved by Council.

Should Council receive any complaints regarding non-compliance with any of the above matters or other such operational type matters, then Council will have no alternative but to fully investigate the complaint and pursue an appropriate course of action.

8 DURING CONSTRUCTION (BUILDING)

8.1 Site Contamination

- 8.1.1 In relation to site contamination matters should any contamination be found and remediation works be required, then a Remediation Action Plan (RAP) shall be prepared by a suitably qualified environmental consultant and be submitted to Council for approval. Any required remediation works shall be undertaken during the course of the engineering work. Final validation of the site for every aspect of these works shall be submitted for Council's approval prior to release of the Occupation Certificate.

8.2 Aboriginal Archaeology

- 8.2.1 Should any archaeological material be uncovered during construction activities on any location within the approved development, then all works are to cease immediately and representatives of the Department of Environment and Climate Change and a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.

8.3 Acoustic Measures

- 8.3.1 All bedrooms and living rooms within units D-X1, D-X2 and D-X3 do not comply with *recommended* noise levels with windows open. Therefore windows need to be closed. This may mean that alternative forms of ventilation need to be considered and, in the case of living room in units D-X3, windows incorporate acoustic seals so that the overall performance is Rw 35.
- 8.3.2 To achieve compliance with *recommended* noise levels windows are to be kept closed at all times. This may mean that alternative forms of ventilation will need to be considered for units D-X1, D-X2 and D-X3

8.4 Access Control

- 8.4.1 Public, semi-public and private spaces are to be separated by using physical and symbolic barriers to attract, channel or restrict resident (or visitor) movements in and around the development.

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- 8.4.2 The street number must be displayed prominently at the front of the premises to comply with Local Government Act, 1973 Section 124, Order 8. The street number is to be visible at night.
- 8.4.3 The letterbox system should be vandal resistant and secure.
- 8.4.4 The power board should be housed within a cabinet to restrict tampering with the power supply.
- 8.4.5 Power boards are to be secured with a lock set approved by the electricity authority.
- 8.4.6 The swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS.
- 8.4.7 All vehicles are to enter and leave the site in a forward direction.
- 8.4.8 All works/regulatory signposting associated with the proposed development are to be at no cost to the RTA.

8.5 Safety/Health/Amenity

- 8.5.1 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.
- 8.5.2 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:
- (c) the name, address and telephone number of the principal certifying authority for the work, and
 - (d) 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
 - (e) stating that unauthorised entry to the work site is prohibited.

8.5.3 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.

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- 8.5.4 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.
- 8.5.5 All measures specified in the Construction Certificate to control soil erosion and sedimentation shall be maintained throughout development works.
- 8.5.6 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.
- 8.5.7 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.
- 8.5.8 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.
- 8.5.9 Building and construction materials, plant, equipment and the like shall not be placed or stored at any time on Council's footpath, roadway or any public place.

8.6 Building Code of Australia Compliance

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

8.7 Fencing

- 8.7.1 (a) A 1.8m high lapped and capped infill timber fence with 300mm lattice topping, shall be provided along the eastern boundary of the site (i.e remove any existing fences) at the full cost to the developer.
- (b) All internal private courtyards fences are to be 1.8m high fencing in timber/lapped/capped.

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- 8.7.2 All other property boundaries to Myrtle Street, Drainage Reserve and shopping centre, open style, black powder coated 1.8m palisade fencing is to be provided at full cost to the applicant.

8.8 Surveys

- 8.8.1 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.

8.9 Lighting

- 8.9.1 Flood lighting/sensor lighting is to be provided throughout the whole development for security reasons.
- 8.9.2 The Lighting needs to be vandal resistant.
- 8.9.3 The ceiling of the basement car park should be painted white as this will enhance the lighting operating in these types of car parks.
- 8.9.4 The ground level parking areas should be provided with adequate lighting to assist residents/visitors walking to their vehicles at night. This will also allow them to see any potential dangers/hazards and will eliminate any dark areas.
- 8.9.5 Appropriate lighting to be installed in the residents' dedicated lockable storage area within the basement.

8.10 Surveillance

- 8.10.1 The entry doors for each block of flat are designed so that a person exiting has clear visibility to the outside before they leave the building.
- 8.10.2 Lift entries have secure access for residential tenants only.
- 8.10.3 To enhance safety and security, a duress alarm should be placed within each lift in case of emergency.
- 8.10.4 Resident access is by way of keypad or swipe card as this will restrict other persons entering the private areas of the development

8.11 Nuisance Control

- 8.11.1 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. The noise from the construction phase of the development is to comply with the DECCW's Noise Construction Guidelines 2009.

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8.11.2 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. 8.3.3 Noise should not exceed the limit prescribed in the Protection of the Environment Operations (POEO) Act 1997

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

8.12 Waste Control

8.12.1 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.

8.13 Construction Inspections

8.13.1 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.

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

9 DURING CONSTRUCTION (ENGINEERING)

9.1 Notice of work Commencement

9.1.1 At least 5 full working days written notice shall be given of the commencement of engineering works. Such notice shall be accompanied by evidence of the contractor's Public Liability and Workers Compensation Insurances. For Public Liability Insurance this should be a minimum of \$10,000,000.

9.1.2 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 Councils Development Services Engineers.

9.2 Service Authority Approvals

9.2.1 Prior to commencement of construction of footway crossings a clearance shall be obtained from the relevant telecommunications carriers and Integral Energy that all necessary ducts have been provided under the proposed crossing.

9.3 Maintenance of Soil Erosion Measures

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

9.3.2 Re-vegetation must be applied to disturbed areas as soon as practical after completion of earthworks and must be established prior to release of the maintenance security. All open drains must be turfed.

9.3.3 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.

9.4 Filling of Land & Compaction

9.4.1 Regular wetting down of the site must be undertaken during the course of works being carried out in order to control wind blown dust from the site.

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

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- 9.4.3 Trucks transporting fill must have their loads covered.
- 9.4.4 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.
- 9.4.5 Provisions of "Shaker Pads" and wash-down areas for trucks leaving the site details are to be shown on plans.

9.5 Inspections of Works

- 9.5.1 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) Construction of major controls (i.e gabions mattresses shotcreting etc)
- (d) Removal of sediment basins/ fencing etc.
- (e) Internal sediment/ pollution control devices
- (f) 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 (including inter-allotment)

- (a) Pipes before backfilling including trench excavation and bedding
- (b) Sand Backfilling
- (c) Final pipe inspection
- (d) Pit bases and headwall aprons
- (e) Pit Walls/ wingwalls/ headwalls
- (f) Concrete pit tops
- (g) Connection to existing system
- (h) Tailout works
- (i) Final Inspection

(iv) Provision of Street Furniture

- (a) Street Furniture (including street signs guideposts guardrail etc)
- (b) Erection of fencing adjoining public/ drainage reserves

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(v) Footpath Works

- (a)Footpath Trimming and/or turfing (to ensure 4% fall)
- (b)Pathway construction (cycle/ link pathways)
- (c)Path-paving construction
- (d)Service Adjustments
- (e)Final Inspection

(vi) 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 before backfilling
- (e)Completion of OSD system

(vii) Stormwater Quality Control

- (a)Installation of Stormwater Quality Control devices
- (b)Final Inspection

(viii) CCTV Inspection of Drainage Structures (pipelines and pits)

- (a)All road drainage

(ix) 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.

- 9.5.2 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).

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9.6 Public Safety

- 9.6.1 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.

9.7 Site Security

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

10 PRIOR TO OCCUPATION CERTIFICATE

10.1 Compliance with Conditions

- 10.1.1 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.
- 10.1.2 Prior to occupation/use of a new building, it is necessary to obtain an Occupation Certificate from the principal certifying authority in accordance with the provisions of Section 109H of the Environmental Planning & Assessment Act 1979.

10.2 Services/Utilities

- 10.2.1 A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Applications must be made through an authorised Water Servicing Coordinator. Please refer to the "Building Plumbing and Developing" Section of the website www.sydneywater.com.au, then follow the "Developing Your Land" link or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the occupation of the development/release of the plan of subdivision, whichever occurs first.

10.3 Surveillance

- 10.3.1 CCTV will need to be installed throughout the residential development, and in and

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around the lifts. The Police will require information on any CCTV systems. The installation of CCTV will need to be subject to a further report providing the following information:

- The number of video surveillance systems to be installed.
- Whether a qualified consultant has been involved in the planning and placement of video surveillance systems.
- Where footage and equipment for the system will be stored and who will maintain the footage and equipment.

10.3.2 Appropriate signage is to be erected to inform residents and visitors of the existence of CCTV.

10.3.3 Security measures need to be taken for the protection of the car spaces located on the ground level.

10.4 Territorial Reinforcement

10.4.1 Transitional areas between public and private property/space must be clearly defined.

10.4.2 Appropriate signage is to be erected around the site (e.g. trespassers will be prosecuted, surveillance systems in operation, security personnel on ground etc).

10.4.3 Warning signs are to be provided in the car park areas. Signs are to be clear and prominent, and should warn people not to leave their valuables in their cars (e.g. 'Lock it or Lose it' signage).

10.4.4 Warning signs should be displayed around the perimeter of the site to alert intruders of the security treatments in place.

10.4.5 Warning signs are to indicate where people are allowed to go and where they are not allowed to go (e.g. restricted areas for maintenance staff, cleaners, etc).

10.4.6 Clear signage is to be provided to show directions for visitors (e.g. car park, foyer, exercise area, lifts, unit and block numbers, etc).

10.4.7 Safety signs are required to ensure the fire escapes are clearly labelled and appropriate signage is placed around the unit blocks.

10.5 Acoustic Verification Report

10.5.1 A verification report prepared by a suitability qualified acoustic consultant is to be submitted certifying all the acoustic measures have been implemented as per the acoustic report and any other acoustic related conditions of the consent.

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10.6 Lighting

- 10.6.1 A lighting maintenance policy needs to be established for the development at the conclusion of the construction phase.

10.7 Site Contamination

- 10.7.1 In the event of any contamination having to be remediated, a final site contamination Validation Report confirming the suitability of the site for the proposed development is to be endorsed by Council prior to the release of the final plan of subdivision. The Validation Report shall be prepared by a consultant accredited as an officer of Environmental and Heritage site auditor. Upon completion of asbestos removal and decontamination of the site, a clearance certificate from a NATA registered environmentalist shall be submitted to Council.

10.8 Salinity

- 10.8.1 Prior to the issue of any Occupation Certificate, a post Earthworks Salinity Investigation prepared in accordance with the Department of Land and Water Conservation's (DLWC) publication 'Site Investigations for Urban Salinity' and WSROC Western Sydney Salinity Code of Practice publications shall be submitted to Council for endorsement confirming the suitability of the site for the proposed development. This report is also to provide suitable recommendations to mitigate the effects of and on salinity and aggressive soils for the development, including the salinity mitigation measures for works (e.g. services and deep piers and footings associated with future dwelling construction) to form the basis of a precautionary Section 88B restriction as to user for any lots potentially affected by saline or aggressive/ corrosive soils given the current management regime involves the 'capping' of deeper saline soils with non/slightly saline fill material.

10.9 Street Tree Planting

- 10.8.1 Prior to the issue of the Final Occupation, all required street tree planting and payments of bonds are to be completed to Council's satisfaction.

10.10 Road Damage

- 10.10.1 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.

10.11 Service Authorities

- 10.11.1 The applicant shall obtain a Trade Waste Approval from the Sydney Water

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Corporation Limited in relation to any discharges to the Corporation's sewerage system.

- 10.11.2 A final written clearance shall be obtained from Integral Energy and Telstra (or any other recognised communication carrier) if such clearance (in the form of a Notification of Arrangement, etc) has not previously been issued.

10.12 Temporary Facilities Removal

- 10.12.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 10.12.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 10.12.3 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.
- 10.12.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 10.12.5 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.

10.13 Fire Safety Certificate

- 10.13.1 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).

10.14 Landscaping/Car Parking

- 10.14.1 All landscaping shall be completed in accordance with approved landscaping design plan. All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.
- 10.14.2 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 10.14.3 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.1.

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10.14.4 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.

10.14.5 Bicycle racks are to be provided on site in accordance with the Residential Flat Design Code (RFDC).

10.14.6 Car park spacing is to be indicated and appropriate signage is to be installed to direct drivers to the appropriate car park spaces (e.g. visitors parking should be allocated and residential car spaces should be numbered corresponding with unit numbers so there is no conflict between residents). Signage and/or painted descriptions on the ground or wall should be provided.

10.15 Fee Payment

10.15.1 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.

10.16 Fire Safety

10.16.1 Smoke alarm/s complying with the provisions of the Environmental Planning and Assessment Amendment (smoke alarms) Regulation, 2006, shall be installed in the existing residential portion of the building.

10.17 Engineering Matters

10.17.1 Surveys/Certificates/Works As Executed plans

10.17.1.1 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.

All engineering Work As Executed plans, **MUST** be prepared on a copy of the original stamped Construction Certificate for engineering works/approved Engineering plans.

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.

10.17.1.2 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.

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- 10.17.1.3 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.
- 10.17.1.4 A Certificate from a Registered Engineer (NPER) must be lodged with Council verifying that pier and beam style construction was used adjacent to the easement to the depth of the invert of the pipeline.
- 10.17.1.5 A certificate from a Chartered Professional Civil Engineer must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Council's Stormwater Quality Control Policy.
- 10.17.1.6 A Certificate shall be submitted by a Registered Surveyor indicating that all pipelines and associated structures lie wholly within any easements required by this consent.
- 10.17.1.7 Prior to occupation an hydraulic engineer is to certify that:
- i) The undercroft and flowpath has been constructed in accordance with the approved plan and the conditions of consent.
 - ii) The flow through fencing has been constructed in accordance with the approved plan and the conditions of consent;
 - iii) The Humeceptor has been installed in accordance with the manufacturer's requirements and is operating correctly, and
 - iv) The two silt arrestor pits have been correctly installed and are clean.
 - v) The overland flowpath warning signs have been fitted to all courtyards in Blocks E and F and any common areas affected by the overland flows.
- 10.17.1.8 Prior to occupation a registered surveyor is to certify that the louver fencing has been installed to the minimum levels and the undercroft levels are to the minimum required to allow flood flows through.
- 10.17.1.9 Prior to occupation an overland flow path is to be provided on title in accordance with the requirements of Councils Engineering Guide for the full extent of the flowpath including the undercroft and the rear courtyards of blocks E and F to ensure flood flows can be conveyed through the site.
- 10.17.1.10 The submission to Council of all Inspection/Compliance Certificates required by the "During Construction (Engineering)" Section of this consent.

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10.18 Easements/Restrictions/Positive Covenants

10.18.1 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.

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

10.18.3 Restrictions and/ or positive covenant must be provided over the overland flow-path.

10.18.4 The creation of an Easement to Drain Water over the existing 450mm diameter stormwater pipe from the following nominated lot(s) free of cost to Council. The easement must be created under the Conveyancing Act 1919 and have the nominated lot(s) burdened and each and every lot upstream benefited.

Nominated Lot(s) Burdened: 42 DP1004176
Benefited: 141 DP1018639

Nominated Easement Width: min.2.5metres

10.18.5 Restrictions and positive covenants must be provided over the Stormwater Quality Control devices and outlet works.

10.18.6 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.

10.19 Inspections

10.19.1 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.

10.20 Other Matters

10.20.1 Retaining wall(s) and/or other effective methods to retain excavated or filled ground (other than those sites works which may be Exempt Development under the

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Blacktown Local Environmental Plan), together with any associated groundwater drainage system, shall be constructed and/or provided in accordance with the plans attached to the Construction Certificate.

11 OPERATIONAL (PLANNING)

11.1 Graffiti Removal

11.1.1 Removal of any graffiti, visible from any public road or space, is the responsibility of the property owner/s. All graffiti must be removed within 48 hours.

11.2 Access/Parking

11.2.1 All required off-street car parking spaces and internal roads shall be maintained to a standard suitable for the intended purpose.

11.2.2 All loading and unloading operations shall take place at all times wholly within the confines of the land.

11.2.3 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.1.

11.2.4 All vehicles are to enter and leave the site in a forward direction.

11.3 General

11.3.1 No goods, materials, or trade waste shall be stored at any time outside the building other than in approved garbage receptacles.

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

11.3.3 If artificial lighting is proposed full details are to be submitted indicating the manner in which adjoining properties are to be protected.

11.3.4 Should an intruder alarm be installed on the land it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.

11.3.5 Emission of sound from the land shall be controlled at all times so as to not unreasonably impact upon nearby owners/occupants.

11.3.6 The approved hours of operation for the supermarket and associated loading dock are Monday to Saturday: 7am to 12 midnight and Sunday: 8am to 9pm. Deliveries are permitted to occur Monday to Friday: 6am to 10pm, Saturday: 7am to 10pm and Sunday: 8am to 9pm.

Any alteration to these hours will require the separate approval of Council.

These conditions are imposed for the following reasons:

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Should Council receive justified complaints that the supermarket is operating outside these hours, or is causing noise and disturbance to the neighbouring residents, then Council will be required to investigate, which may result in the commencement of enforcement proceedings in the event of non-compliance.

11.4 Waste Management

11.4.1 Arrangements shall be made for an effective commercial refuse removal service. In this regard, a private contractor must be engaged and appropriate provisions are to be included in the Strata Management Plan for the ongoing management of waste and recyclables on the property during the operations of the development. The following provisions must also be adopted:

- (i) Indicate responsibility for the maintenance of the garbage collection system;
- (ii) Indicate responsibility for the cleaning of bins;
- (iii) Ensure that designated collections points are clear and unobstructed for collection vehicles;
- (iv) The removal of waste and recycling bins from the kerb within 12 hours if the collection has taken place;
- (v) After collection the bins would need to be removed back in the bin storage areas as soon as practical and before 5pm on the day of collection; and
- (vi) It is recommended that the recycling skips are collected on a different day to the garbage skips otherwise the size of the dedicated collection areas will make manoeuvring the skips difficult; and
- (vii) Commercial refuse services are to occur during business hours only.

11.4.2 The managing agent and future Body Corporate is to be responsible for ensuring the implementation of the ongoing waste management system in accordance with Condition 11.4.1, including the collection of recycled materials from the residential levels and transporting them to the storage and collection room.

11.4.3 Contact details of the private contractor used to provide the collection services will need to be provided to Council once the development is operational.
Note: Residents will not be able to access Council's household clean up service, or garbage/recycling service.

11.4.4 All waste generated on site must be disposed of in accordance with the Waste Management Plan prepared by Turner Hughes Architects dated 23 March 2011.

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11.5 Clothes Drying

- 11.5.1 Clothes drying is to be conducted in the mechanical dryers. The drying of clothes on balconies (where visible from a public place) is prohibited. If the development is to be strata subdivided, a clause is to be included in the Plan of Strata Management prohibiting the drying of clothes on balconies (where visible from a public place).

11.6 Landscaping

- 11.6.1 All landscaped areas provided in accordance with the approved landscaping design plan shall be maintained at all times in a suitable manner.
- 11.6.2 Sightlines must be kept free from obstructions. If a lack of natural surveillance occurs this would quickly encourage anti-social behaviour and criminal offences specifically malicious damage to the area. The 'fear of crime' would also no doubt increase if there is sign of malicious damage, rubbish, broken bottles etc around the development. Regular maintenance and up-keep of the site must therefore be adhered to.
- 11.6.3 The management of vegetation, gardens, planter boxes, communal areas, the BBQ area and fitness equipment has to be incorporated within the future strata management plan once the development is occupied.

12 OPERATIONAL (ENVIRONMENTAL HEALTH)

12.1 Environmental Management

- 12.1.1 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.
- 12.1.2 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.
- 12.1.3 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.

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.
- (c) It is in the public interest that they be imposed.

RON MOORE
GENERAL MANAGER

Per _____
Blacktown City Council