

## NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

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

Applicant: **RUSSELL JOHN LEE**  
PO BOX Q193  
SYDNEY 1230

**Determination Number: 11-2582**

**Property Description:** LOT 100 DP736930, 55 SHERBROOKE STREET, ROOTY HILL  
LOT A DP346112, 12 NORTH PARADE, ROOTY HILL

**Development:** Construction of a Recreation Area consisting of a Gymnastics Centre, Aquatic Centre and Sports Medicine Facility with associated café, creche and amenities (Rooty Hill RSL 'Sports Centre')

**Determination:** *Pursuant to Section 81 of the Act Council advises that the Development Application has been determined by:*

- GRANTING OF CONSENT SUBJECT TO THE CONDITIONS ATTACHED ON THE FOLLOWING PAGES.

**BY SYDNEY WEST JOINT REGIONAL PLANNING PANEL**

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

### 1.3 Other Approvals

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

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

- (a) the removal of any tree(s) not indicated on the approved plans and any tree(s) located greater than 3 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 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) Integral Energy
- (c) Natural Gas Company
- (d) The relevant local telecommunications carrier

These conditions are imposed for the following reasons:

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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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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.
A-SP-00 (Rev. 01) Site Plan	24/11/11	1B
A-FP-00 (Rev. 01) Ground Floor Plan	24/11/11	1E
A-FP-01 (Rev. 01) First Floor Plan	24/11/11	1F
A-FP-01 (Rev. 01) Roof Plan	24/11/11	1G
A-SC-00 (Rev. 01) Section AA & BB	24/11/11	1H
A-SC-01 (Rev. 01) Section CC & DD	24/11/11	1I

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A-EL-00 (Rev. 01) East and West Elevation	24/11/11	1J
A-EL-01 (Rev. 01) North and South Elevation	24/11/11	1K
A-PO-00 (Rev. 01) Material/ Finishes Board	24/11/11	1L
LP01 (Issue A) Landscape Plan	23/11/11	1N

2.1.2 This consent relates to the following reports submitted to Council with the Development Application, subject to compliance with any other conditions of this consent:

- a) Energy Efficiency Report prepared by Jones Nicholson Pty Ltd, dated 21 November 2011, held at Enclosure 2F on Council's File JRPP-11-2582;
- b) Noise Impact Assessment prepared by Acoustic Logic Pty Ltd, dated 22 November 2011, held at Enclosure 2K on Council's File JRPP-11-2582;
- b) Waste Management Plan prepared by Rooty Hill RSL, dated 21 November 2011, held at Enclosure 33C on Council's File JRPP-11-2582;

2.1.3 This consent authorises the use of the completed approved building for the following purposes, subject to full compliance with all other conditions of this consent:

"Recreation Area" including an Aquatic Centre, Gymnastics Centre, Sports Medicine Facility (comprising sports physicians, orthopaedic surgery, sports physiotherapy, rehabilitation physiotherapy, podiatry, exercise, physiologists, sports scientists, sports massage, sports psychology and sports nutrition, but excluding general practitioners), with ancillary café and crèche.

The use of the premises for any other purpose not permitted above will require separate approval from Council.

2.1.4 This consent is approved on the proviso that the "Sports Centre" approved by this consent is not at any time, either now or in the future, to be subdivided so as to be on a separate lot to the club and associated car parking. The club and associated car parking are to remain on the same lot as the "Sports Centre" approved by this consent.

## 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:

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Suburb: Rooty Hill

## **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 Road Act 1993. In relation to this consent, a Construction Certificate must be issued for the On-Site Detention (OSD) system and Stormwater Treatment Measure (STM) device prior to issue of any Construction Certificate. This is to ensure that the OSD system and the STM device 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.

In this regards, an engineering approval pursuant to the Roads Act 1993 must be issued for the removal of the redundant slip lane, path paving, stormwater connection to existing Council system, turfing and any other associated works on the footway area prior to issue of the Construction Certificate.

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 North Parade.

- 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

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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 North Parade.

- 2.3.1.4 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 and specifications prepared by a Chartered Professional Engineer or suitably experienced Registered Surveyor.

### 2.3.2 Design and Works Specification

- 2.3.2.1 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)
- (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's DCP Part R – Water Sensitive Urban Design and Integrated Water Cycle Management.

Design plans, calculations and other supporting documentations prepared in accordance with the above requirements **MUST** be submitted to Council with any application for Construction Certificate, 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.

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**2.3.3 Payment of Engineering Fees**

- 2.3.3.1 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.

- 2.3.3.2 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.

- 2.3.3.3 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 for \$550 (eg: stormwater connection to an existing pit turfing path paving access way construction etc)

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.

- 2.3.3.4 Fees are required to be paid to Council's Development Services Unit pursuant to Section 223 of the Roads Act 1993 for;

- (a) The checking of engineering drawings for road drainage works and the issue of an Engineering Approval pursuant to the Roads Act 1993.
- (b) All construction inspections for the works approved by (a) above. The required fee will be determined upon submission of the relevant plans to Council. This fee is subject to periodic review and may vary at the actual time of payment.

**2.3.4 Other Fee and Bond/Securities**

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

**2.4 Other Matters**

2.4.1 Any future substation or other utility installation required to service the approved development shall not under any circumstances be sited on future or existing Council land, including road reservations and/or public reserves. Any proposal to locate a proposed substation or other utility installation on Council land shall be negotiated with and fully endorsed by the relevant Council Directorates.

2.4.2 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.

**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 \$163.00, 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 Development Control Plan 2006.

**3.4 Services/Utilities**

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3.4.1 The following documentary evidence shall accompany any Construction Certificate:

- (a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Applications must be made through an authorised Water Servicing Coordinator. Please refer to the "Building Plumbing and Developing" Section of the website [www.sydneywater.com.au](http://www.sydneywater.com.au), then follow the "Developing Your Land" link or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the occupation of the development/release of the plan of subdivision, whichever occurs first.
- (b) A Notification of Arrangement Certificate from Integral Energy, stating that electrical services, including the provision of street lighting, have been made available to the development.
- (c) A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.

### 3.5 Railcorp requirements

- 3.5.1 An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document entitled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".
- 3.5.2 Prior to the issue of a construction certificate, the applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The applicant must incorporate in the development all measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a construction certificate.

## 4 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

### 4.1 Section 94 Contributions

- 4.1.1 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

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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) Trunk Drainage	\$2,945	CP: 1	1.6.10
(ii) Major Roads	\$958	CP: 1	1.6.10

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. 1 - 1980s Release Areas

The Section 94 Contribution(s) have been based on the total developable area. Should the final plan of survey indicate any change in the total developable area, the Section 94 Contribution(s) will be adjusted accordingly.

Developable Area: 0.0353 hectares

## **4.2 Aesthetics/Landscaping**

- 4.2.1 Details of any proposed lighting to assist in crime prevention at night shall be submitted to Council for approval prior to the issue of any Construction Certificate.
- 4.2.2 Details of suitable fencing visible from the street (i.e. black Diplomat style Palisade fencing for fencing visible from the street with a setback of 1m from the street) and side and rear fencing (i.e. black plastic coated chain wire mesh) in accordance with the Precinct Plan, shall be shown on the Construction Certificate plans.
- 4.2.3 All proposed retaining walls shall be made of masonry material. Details of the proposed materials and finishes for the retaining walls shall be submitted to Council for approval prior to the issue of any Construction Certificate.
- 4.2.4 The reflectivity index of glass used in the external facade of the building is not to exceed 20 percent.
- 4.2.5 The development approved by Council is to be constructed in accordance with the approved schedule of materials, finishes and colours.
- 4.2.6 The external walls of the building shall be finished with a suitable anti-graffiti coating treatment. Details of the anti-graffiti coating treatment shall be shown on the construction certificate drawings.

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**4.3 Access/Parking**

- 4.3.1 The internal driveway and parking areas are to be designed in accordance with Australian Standard 2890.1.
- 4.3.2 All internal roads and other paved areas shall be designed to provide continuous surface drainage flow paths to approved points of discharge.
- 4.3.3 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.1.

**4.4 Site Contamination**

- 4.4.1 In relation to site contamination matters, a copy of the final Clearance Certificate associated with the approved demolition under DA-11-2683 will be required prior to issue of any Construction Certificate for this DA to ensure that demolished materials have been satisfactorily removed.

**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 :
- (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).

**5.2 Site Works and Drainage**

- 5.2.1 Any required retaining wall(s) and/or other effective method to retain excavated or filled ground (not being Exempt Development under the Blacktown Local Environmental Plan), together with any associated groundwater drainage system, shall be designed by an appropriately qualified person. Details of such site works shall accompany the Construction Certificate.
- 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.

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- 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 structure is to be:

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

Such details shall accompany the Construction Certificate.

### **5.3 Acoustic Assessment**

- 5.3.1 Detailed review of any new mechanical services (air-conditioning etc) shall be conducted prior to the issue of a construction certificate, once plant items are selected, and acoustic treatments designed to ensure plant noise complies with the criteria set out in section 5 from Acoustic Logic Consultancy Pty Ltd dated 22 November 2011 (Revision 2). A report from a suitably qualified acoustic consultant confirming that the acoustic treatments are designed to ensure plant noise comply with the criteria set out in Section 5 of the subject report shall be submitted to Council prior to the issue of any 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.

### **6.3 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.

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**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.

**6.5 On-Site Detention**

- 6.5.1 On-site detention systems within private or common courtyard areas shall be designed so they do not impact on the amenity of the development or the use of such areas.
- 6.5.2 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.
- 6.5.3 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.
- 6.5.4 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, 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

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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:

- (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.

**6.8 Stormwater Quality Control**

6.8.1 Stormwater Treatment Measures for the proposed development shall be designed in accordance with the requirements of Council's DCP Part R – Water Sensitive Urban Design and Integrated Water Cycle Management is to be included with the plans and specifications accompanying any Construction Certificate. Any variation to the proposed Stormfilter unit (36 Cartridges as shown on plans prepared by ABC Consultants Job No. 10322, Drawing No. C101.07, Revision C, dated 28/03/12.) will require a lodgement of a Section 96 application to Council for amendment of the consent.

6.8.2 A certificate from an experience plumber/engineer must be obtained to certify that the Rainwater Reuse Supply, Pipe and Fixture Plan for non-potable water uses on the site have been prepared by an experience plumber/engineer. This shall include public and staff toilet flushing and adjacent landscape areas. The plan is to show the rainwater pipe arrangement including first flush system, pump, solenoid controlled mains bypass or direct tank top up, flow meters, isolation valves, an inline filter and indicate that all Sydney Water requirements have been satisfied. Rainwater warning signs are to be fitted to all external taps where rainwater is used as a source.

**6.9 Scope of Engineering Works**

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

**6.9.1 Road and Drainage works**

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

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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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6.9.1.2 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.

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

**6.9.2 On Site Stormwater Detention System**

**6.9.2.1 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 ABC Consultants Job No. 10322, Drawing No. C100.01, C101.01-C101.09, Revision C, dated 28/03/12 (Council File No. JRPP-11-2582 enclosure No. 56A-56J). The Construction Certificate issued in this regard must generally be in accordance with this concept.

This plan is considered sufficient in detail for the purpose of issuing Consent the final plan however will need to vary from this concept as follows:

(i) The 225mm diameter pipe discharging into the Stormfilter from the existing surface inlet pit shall be changed to a 300mm diameter pipe as to maintain the same diameter for the full length.

(ii) The current layout details two 300mm diameter pipe connecting to a future kerb inlet pit, it is advised that the pipe outlet of this kerb inlet pit is 375mm diameter. This 375mm diameter pipe runs under the road, to connect to the main 375mm diameter line running parallel to the railway line. Flows arriving at the connection to the street drainage are to be calculated to ensure that the future drainage system can safely convey the flows. Consideration should be given that there is another proposed kerb inlet pit approximately 50m to the

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Per \_\_\_\_\_  
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west of the proposed kerb inlet pit detailed on plan number C101.07. The connection of the 300 diameter pipeline into the future kerb inlet pit shall not diagonally cross Council's footway area as shown. A pipeline connection inside the boundary from the junction pit downstream of the STM device to the boundary pit located near the Multi-deck Car Park shall be considered as to implement one connection to the kerb inlet pit via the junction pit.

(iii) Ensure there is a sufficient amount of ventilation grates on the upper side of the OSD or the current grates are to be at dimensions 900x1500.

(iv) Ensure there an access pit for the OSD within any 3m when standing on top of the tank.

(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.

### **6.9.3 Vehicular Crossings**

6.9.3.1 Construction of Council's standard commercial and industrial vehicular footway crossing(s), in accordance with the plan prepared by Cox Architecture Pty Ltd, drawing No. A-0105, revision 7, dated 06/02/12 (held on Council file DA-11-1130, Encl. 71C).

### **6.9.4 Finished Boundary Levels**

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

### **6.9.5 Stormwater Quality Control**

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- 6.9.5.1 Stormwater Treatment Measures are required for this development. These measures must be designed, implemented and constructed in accordance with Council's DCP Part R – Water Sensitive Urban Design and Integrated Water Cycle Management.
- 6.9.5.2 A Maintenance Schedule must be provided for the stormwater treatment measures (Enviropods, Stormfilter & Rainwater Tank) in accordance with the requirements of Council's DCP Part R – Water Sensitive Urban Design and Integrated Water Cycle Management. The designer of the stormwater treatment measures must prepare the Maintenance Schedule and this schedule must show the designer's name, signature and date on it.

## 7 PRIOR TO CONSTRUCTION CERTIFICATE (ENVIRONMENTAL HEALTH)

### 7.1 Food Premises

- 7.1.1 Plans and specifications submitted for issue of a Construction Certificate shall demonstrate compliance with the requirements of;
- Food Act 2003 and Regulations there under.
  - Australian Standard 4674-2004 *Design, construction and fit-out of food premises*.

## 8 PRIOR TO DEVELOPMENT WORKS

### 8.1 Notification to Council

- 8.1.1 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 Sydney Water Authorisation

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

OR

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

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Per \_\_\_\_\_  
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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.

**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:

- (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

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**GENERAL MANAGER**

Per \_\_\_\_\_  
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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 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.

## **9.4 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 works to be constructed and the hours of construction are to accord with DECCW's 'Interim Construction Noise Guidelines 2009'.

## **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:

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Per \_\_\_\_\_  
Blacktown City Council

- (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.

## **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 Notice of work Commencement**

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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10.1.1 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.

10.1.2 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.

## **10.2 Compaction Requirements**

10.2.1 Removal of any unsuitable soil and/or fill material and its replacement with suitable material compacted in accordance with the current version of Council's "Works Specification - Civil".

## **10.3 Maintenance of Soil Erosion Measures**

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

10.3.2 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.

10.3.3 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.

10.3.4 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.

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

10.3.6 Trucks transporting material to and from the site must have their loads covered.

10.3.7 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,

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Per \_\_\_\_\_  
Blacktown City Council

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
- (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

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

(iv) 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

(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 before backfilling
- (e) Completion of OSD system

(vi) Stormwater Quality Control

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**GENERAL MANAGER**

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

(vii) 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 **Traffic Control Plan**

- 10.6.1 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 **DURING CONSTRUCTION (ENVIRONMENTAL HEALTH)**

## 11.1 **Food Premises**

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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Per \_\_\_\_\_  
Blacktown City Council

- 11.1.1 On completion of the installation of the ventilation system, a Compliance Certificate is to be submitted to Council certifying that the system has been installed and commissioned in accordance with the approved details.
- 11.1.2 The food preparation areas shall be constructed so as to comply with the requirements of;
- (a) The Food Act 2003 and Regulations there under.
  - (b) Australian Standard 4674-2004 *Design, construction and fit-out of food premises*.
  - (c) Australian Standard 1668.2-2002 *The use of ventilation and air conditioning in buildings – Ventilation design for indoor air contaminant control*.

## 12 PRIOR TO OCCUPATION CERTIFICATE

### 12.1 Road Damage

- 12.1.1 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.

### 12.2 Compliance with Conditions

- 12.2.1 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.
- 12.2.2 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.

### 12.3 Service Authorities

- 12.3.1 A final written clearance shall be obtained from Sydney Water Corporation, Integral Energy and Telstra (or any other recognised communication carrier) if such clearance (in the form of a Section 73 Certificate, Notification of Arrangement, etc) has not previously been issued.

### 12.4 Temporary Facilities Removal

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- 12.4.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 12.4.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 12.4.3 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.
- 12.4.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 12.4.5 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.

**12.5 Fire Safety Certificate**

- 12.5.1 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).

**12.6 Food Premises**

- 12.6.1 The premises shall be registered with Council's Environmental Health Unit. The attached application form shall be used for registration purposes.
- 12.6.2 Trading must not commence until an Occupation Certificate for the development has been issued.
- 12.6.3 The installation of any grease arrestor shall comply with the requirements of the Sydney Water Corporation. A copy of the Corporation's Trade Waste Agreement, shall be submitted to Council.

**12.10 Landscaping/Car Parking**

- 12.6.4 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.
- 12.6.5 Off-street car parking shall be encouraged by the installation of appropriate,

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**GENERAL MANAGER**

Per \_\_\_\_\_  
Blacktown City Council

permanent and prominent signs indicating its availability.

- 12.6.6 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 12.6.7 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.1.
- 12.6.8 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. In this regard, the approved multi-deck carpark and at-grade carpark under DA-11-1130 shall be completed and operational prior to the issue of any Occupation Certificate as a part of this consent.

**12.7 Fee Payment**

- 12.7.1 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.

**12.8 Other Matters**

- 12.8.1 A Site Management Plan to prevent any potential for undesirable or anti-social activity along the North Parade frontage shall be submitted and approved by Council prior to the issue of any occupation certificate. The site management plan shall include, but not be limited to, the provision of CCTV surveillance along the North Parade frontage of the development and detail strategies to ensure site cleanliness, rapid repair of vandalism and graffiti, and removal or refurbishment of decayed physical building elements.

**12.9 Engineering Matters**

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

- 12.9.1.1 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.
- 12.9.1.2 A certificate from a Chartered Professional Engineer/Registered Surveyor must be obtained and submitted to Council verifying that the on-site detention system

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GENERAL MANAGER

Per \_\_\_\_\_  
Blacktown City Council

as constructed will function hydraulically in accordance with the approved design plans.

- 12.9.1.3 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.
- 12.9.1.4 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 DCP Part R – Water Sensitive Urban Design and Integrated Water Cycle Management.
- 12.9.1.5 The submission to Council of all Inspection/Compliance Certificates required by the “During Construction (Engineering)” Section of this consent.
- 12.9.1.6 An accredited plumber or experienced hydraulic engineer is to certify that all the toilets and adjacent landscape areas are being supplied by rainwater and that all the requirements of the detailed Rainwater Supply, Pipe and Fixture Plan have been installed and are working correctly.
- 12.9.1.7 Written evidence is to be provided that the owner/developer has entered into and prepaid for a minimum 1 year maintenance contract with a reputable and experienced cleaning contractor for the maintenance of the Enviropods and Stormfilters.
- 12.9.1.8 The Hydraulic Engineer is to certify that all the requirements of the approved drainage plan have been undertaken including all pipe and pit sizes, that the stormfilters and Enviropods have been installed as per the manufacturer's recommendations, that the Stormfilters have a minimum flow rate of 39l/s, and that all the signage and warning notices have been installed and for the site.

**12.9.2 Easements/Restrictions/Positive Covenants**

- 12.9.2.1 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.

- 12.9.2.2 Pursuant to Section 88E of the Conveyancing Act 1919, restrictions and positive covenants in accordance with Council's document 'standard recitals for terms of easements and restrictions' must be provided over the on-site detention storage

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.

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Per \_\_\_\_\_  
Blacktown City Council

areas and outlet works in order to ensure their ongoing maintenance in perpetuity.

12.9.2.3 Pursuant to Section 88E of the Conveyancing Act 1919, restrictions and/ or positive covenant in accordance with Council's document 'standard recitals for terms of easements and restrictions' must be provided over the overland flow-path in order to ensure its ongoing maintenance in perpetuity.

12.9.2.4 Pursuant to Section 88E of the Conveyancing Act 1919, restrictions and positive covenants in accordance with Council's document 'standard recitals for terms of easements and restrictions' must be provided over the Stormwater Quality Control devices (Enviropods, Stormfilter and Rainwater Tank) and outlet works in order to ensure its ongoing maintenance in perpetuity.

12.9.2.5 All Section 88E 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.

### 12.9.3 Inspections

12.9.3.1 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.

### 12.10 Food Premises

12.10.1 Prior to the issue of an Occupation Certificate, documentation shall be submitted to Council certifying that the ventilation system has been installed and is operating in accordance with Australian Standard 1668.2:2002 *The use of ventilation and air conditioning in buildings – Ventilation design for indoor air contaminant control*.

## 13 OPERATIONAL (PLANNING)

### 13.1 Access/Parking

13.1.1 A total of 335 off-street car parking spaces (not being car spaces required by the existing Club, Motel and Bowling facility present on site) and internal roads shall be made available for the development approved by this consent (including provision for staff associated with the café and crèche) and maintained to a standard suitable for the intended purpose.

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

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

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.

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13.2 **General**

- 13.2.1 No goods, materials, or trade waste shall be stored at any time outside the building other than in approved garbage receptacles.
- 13.2.2 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 13.2.3 If artificial lighting is proposed full details are to be submitted indicating the manner in which adjoining properties are to be protected.
- 13.2.4 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.

- 13.2.5 The hours of operation of the development shall not be outside of the following nominated times.

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

Approved hours of operation:

Aquatic Centre, Gymnastics Centre, café and crèche: 5:00am to 11:00pm, Monday to Friday and 6:00am to 10:00pm, Weekends and Public Holidays.

Sports Medicine Facility: 7:00am to 7:00pm, Monday to Friday and 7:00am to 4:00pm, Saturdays.

Should Council receive justified complaints that the activity 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.

- 13.2.6 No goods, materials or trade wastes are to be stored at any time outside the building on either the internal vehicular driveway, car parking area, landscaping or footpath, other than in approved garbage receptacles.
- 13.2.7 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.
- 13.2.8 Arrangements shall be made for an effective commercial refuse removal service.
- 13.2.9 Any graffiti visible from a public place or road must be removed as soon as practicable. In this regard, a suitable anti-graffiti coating shall be maintained on the building at all times.

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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**13.3 Landscaping**

- 13.3.1 All landscaped areas provided in accordance with the approved landscaping design plan shall be maintained at all times in a suitable manner.

**13.4 Use of Premises**

- 13.4.1 The use of the approved development shall, at all times, be conducted in a manner consistent with the terms and conditions of this consent.

- 13.4.2 This consent authorises the use of the completed approved building for the following purposes, subject to full compliance with all other conditions of this consent:

“Recreation Area” including an Aquatic Centre, Gymnastics Centre, Sports Medicine Facility (comprising sports physicians, orthopaedic surgery, sports physiotherapy, rehabilitation physiotherapy, podiatry, exercise, physiologists, sports scientists, sports massage, sports psychology and sports nutrition, but excluding general practitioners), with ancillary café and crèche.

The use of the premises for any other purpose not permitted above will require separate approval from Council.

- 13.4.3 The Creche is to comply at all times with the requirements of the Department of Community Services and the Children Services Regulation 2004, including staff to child ratios and child play space requirements.

- 13.4.4 The Café and Creche are only approved for use by staff and visitors of the Sports Centre.

- 13.4.5 A Traffic Management Plan shall be prepared by a suitably qualified consultant and submitted to and approved by Council prior to organising any event involving more than 500 persons (such as cheerleading competitions). The Traffic Management Plan shall provide measures to satisfactorily manage the traffic impact of major events held at the Sports Centre.

- 13.4.6 Aquatic Classes in the Aquatic Centre and Gymnastics Classes in the Gymnastics Centre are not to be conducted during major events in the Sports Centre (such as cheerleading competitions).

**14 OPERATIONAL (ENVIRONMENTAL HEALTH)**

**14.1 Environmental Management**

- 14.1.1 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.

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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14.1.2 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.

14.1.3 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.

#### **14.2 Food Premises**

14.2.1 The food premises shall be maintained in accordance with the requirements of;

- Food Act 2003 and Regulations there under.
- Australian Standard 4674-2004 *Design, construction and fit-out of food premises*.

14.2.2 The proprietor is to ensure that all food handling complies with the requirements of the Food Act 2003 and Regulations there under.

14.2.3 Upon commencement of trading, notify NSW Food Authority of the food business.

14.2.4 The premises is to be registered with Council as a food business.

### **15 OPERATIONAL (POLICY)**

#### **15.1 Noise control**

15.1.1 The "Recommended Constructions and Management Controls" made in the report from Acoustic Logic Consultancy Pty Ltd dated 22 November 2011(Revision 2) and held at Enclosure 2K of Council File DA-11-2582 shall be implemented and strictly adhered to as below:

- (a) Use of Amplified music within the gym should not occur before 7am or after 11pm and the sound pressure level from the music noise level shall not exceed 80dB(A) $L_{eq}$  within the hall;
- (b) The sandwich panel wall system for the gym walls and roof is to be constructed from minimum 0.56mm steel with 50mm thick 11k/g/m<sup>3</sup> density thick insulation backing. Internal finishes are to architects details. The external cladding to the gym walls and roof is to be constructed from 0.42mm steel;
- (c) External glazing on the pool area can be of standard construction.

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.

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