

**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 State Environmental Planning Policy (Exempt and Complying Development Codes ) 2008, and
- (c) the erection/display of any advertising sign or business identification sign not being exempt development under State Environmental Planning Policy (Exempt and Complying Development Codes ) 2008.

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) Endeavour Energy
- (c) Natural Gas Company

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(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.

## **1.5 Identification Survey**

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

## **1.6 Other Matters.**

1.6.1 This land which is the subject of this development consent is subject to the provisions of the Second Ponds Creek Planning Agreement. The applicant is reminded of the obligations under the Planning Agreement with regard to the delivery of certain services and infrastructure to Council's satisfaction as part of the development of The Ponds Estate. In this regard, all works approved by this consent shall be carried out in accordance with the requirements of the Second Ponds Creek Planning Agreement.

1.6.2 Compliance with the Sydney Regional Development Advisory Committee requirements as outlined in their letter dated 26 September 2012:

- i. All works/regulatory signposting associated with the proposed development are to be at no cost to the RMS.
- ii. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

## **2 GENERAL**

### **2.1 Scope of Consent**

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- 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 Encl. No.
Masterplan Dwg No. 101 Rev D	27.08.12	44B
Masterplan Area A Dwg No. 102 Rev D	27.08.12	44C
Masterplan Area B Dwg No. 103 Rev D	27.08.12	44D
Masterplan Area C Dwg No. 104 Rev D	27.08.12	44E
Masterplan Area D Dwg No. 105 Rev D	27.08.12	44F
Masterplan Stage Diagrams Dwg No. 106 Rev E	30.08.12	44AA
Elevations: Stanhope Pky/ Conrad Rd/ Warbler St Dwg No. 130 Rev A	24.04.12	1KKK
Elevations: Section G/ Muscovy Drive Dwg No. 131 Rev A	24.04.12	1LLL
Elevations: Torrent St/Darter St/ Correctional Ct Dwg No. 132 Rev A	24.04.12	1MMM
Landscape Masterplan Dwg No. 1832 LP 00 to 1832 LP 19 Rev 01	18.04.12	1NNN – 1 JJJJ
Material Board Dwg No. 201 Rev A	24.04.12	2I

\* Unless modified by any condition(s) of this consent

- 2.1.2 The proposed subdivision is to be in accordance with the following drawings/details, subject to compliance with any other conditions of this consent:

Drawing No.	Dated	Council's File Enclosure No.
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Plan of Subdivision  
Of Lots 8891 & 8892 DP 1128072  
Surveyor's Ref: 074-09

13/4/2012

1A

**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: THE PONDS

- 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: THE PONDS

**2.3 Compliance with BASIX Certificate**

- 2.3.1 All commitments listed in the BASIX Certificate number: 422088M, dated 23 April 2012 shall be complied with.

**2.4 Engineering Matters**

**2.4.1 Definitions**

- 2.4.1.1 Where this consent requires both engineering and building works to be undertaken, a separate Construction Certificate may be issued for each category of works i.e. a separate construction Certificate for the Engineering works nominated in "Prior to Construction Certificate (Engineering)" and a separate Construction Certificate (for all building works relating to the erection and fit-out of a structure). This excludes all works on existing public roads significant enough to warrant separate engineering approval pursuant to the Road Act 1993. In relation to this consent, an engineering approval pursuant to the Road Act, 1993 or Section 68 of the Local Government Act must be issued for all kerb and gutter alterations and vehicular crossings in adjoining public roads prior to the issue of the Construction Certificate.

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.

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- 2.4.1.2 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.

**2.4.2 Design and Works Specification**

- 2.4.2.1 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)

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

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

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

**2.4.3 Payment of Engineering Fees**

- 2.4.3.1 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.

- 2.4.3.2 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.

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2.4.3.3 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 alterations to existing kerbs, construction of medians and vehicular crossings, construction of a pedestrian refuge, and removal of an in-pavement street tree, 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.

**2.4.4 Other Fee and Bond/Securities**

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

**2.5 Other Matters**

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

2.5.2 Any substation or other utility installation required to service the approved development shall not be sited on future or existing Council land, including road reservations and/or public reserves. 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.

**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 \$169.00,
- (b) Road maintenance bond of \$5000.00, and
- (c) Administration fee of \$90.00

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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 Services/Utilities**

3.3.1 The following documentary evidence shall accompany any Construction Certificate:

- (a) A Notification of Arrangement" Certificate from Endeavour Energy, stating that electrical services, including the provision of street lighting, have been made available to the development.
- (b) A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.

### **3.4 Other Matters**

3.4.1 In accordance with the Sydney Regional Development Advisory Committee's letter dated 26 September 2012, a Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be submitted to and approved by Council prior to the issue of a Construction Certificate.

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

### **4.1 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004**

4.1.1 All aspects of the development shall comply with the standards concerning accessibility and useability for hostels and self-contained dwellings, as specified in Schedule 3 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. A design verification statement, from a suitably qualified accessibility consultant, shall be submitted with the Construction Certificate verifying that the relevant Construction Certificate plans and specifications achieve each of the required access and useability standards.

### **4.2 Necessary Plan Amendments**

4.2.1 The following plan amendments shall be submitted to Council for separate approval prior to the release of Construction Certificate:

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- (a) The location of the proposed pedestrian crossing at the proposed extension of Conrad Rd and the access driveway to the Seniors Living is to be moved westward inside the access driveway at least 6m.
- (b) The proposed retaining wall on the Stanhope Gardens elevation is to be stepped and suitably landscape, with each retaining wall having a maximum height of 1m.

#### **4.3 Aesthetics/Landscaping**

- 4.3.1 The reflectivity index of glass used in the external facade of the building is not to exceed 20 percent.
- 4.3.2 Any bathroom, w.c. or laundry window in the external wall of the building shall be fitted with translucent glazing.
- 4.3.3 Details of outdoor lighting for the site shall be submitted with the Construction Certificate. In this regard, internal roads, driveways, car parking space and common open space areas shall be appropriately illuminated for the safety of residents and visitors and to assist with crime prevention.

#### **4.4 Access/Parking**

- 4.4.1 The internal roads and parking areas are to be designed in accordance with Australian Standard 2890.1.
- 4.4.2 On-site resident and visitor car parking spaces are to be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1 as follows:

Covered Single Garage: 3m x 5.5m  
Uncovered Car Space: 2.5m x 5.4m  
Commercial Car Space: 2.6m x 5.4m

In this regard, the indented parking bays should be 2.3m wide by 6m.

- 4.4.3 All internal roads and other paved areas shall be designed to provide continuous surface drainage flow paths to approved points of discharge.
- 4.4.4 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6.
- 4.4.5 The layout of the car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) shall be in accordance with AS 2890.1-2004 and AS2890.2-2002 for heavy vehicle usage.
- 4.4.6 The swept path of the longest vehicle (including garbage trucks) entering and

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existing the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS.

4.4.7 The required site lines to pedestrians or other vehicles within the development shall not be compromised by landscaping, signage, fencing or display materials and in accordance with minimum sight lines for pedestrian safety as outlines in AS2890.1.

4.4.8 All access roads, internal roads and pathways within the proposed development are to be designed in accordance with AUSTROADS, Australian Standards, RMS Supplement and State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

#### **4.5 Ancillary Works**

4.5.1 Each dwelling is to be provided with an open air clothes drying facility within its private courtyard to a mechanical facility with the dwelling.

4.5.2 Hot and cold water taps shall be fitted in or adjacent to the bin enclosures to facilitate cleaning of the enclosures. The floor of the bin storage enclosures shall be impervious, grade to a floor waste and connected to the sewer.

#### **4.6 Lighting Plan**

4.6.1 A detailed lighting plan, prepared by a suitably qualified person, is to be submitted for the separate approval of Council in accordance with the requested details by NSW Police in their letter dated 15 May 2012. The Plan is to provide the following:

(a) The location, method of lighting, levels of illumination, and the spacing between all lighting. The lighting is to be designed in accordance with Australian/New Zealand lighting standards for public space, pedestrian walkways and basement car park areas. In this regards security lighting is required to be installed in the following locations at minimum:

- i. the perimeter of lock-up garages
- ii. Common pathways and at community facilities
- iii. Private Open Spaces
- iv. All car parking facilities
- v. The perimeter of the larger development property.

(b) Lighting that is "vandal proof".

(c) Vandal proof lighting that ensures the effective operation of the CCTV system. In this regard, lighting levels are to be enhanced around all CCTV cameras (e.g. around lift entries, basement car parks and courtyard building entries) to enable face recognition when CCTV cameras are in use.

#### **4.7 Video Surveillance**

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- 4.7.1 In accordance with the NSW Police letter dated 15 May 2012, details of a video surveillance system to be installed at the main vehicle entries and at all community facilities are to be submitted to Council. In this regard, a suitably qualified consultant is to be involved in the planning and placement of video surveillance systems.

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

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

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

- 5.2.4 Should any proposed excavation associated with the development extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), separate details prepared by

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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 **Swimming Pools**

- 5.3.1 The swimming pool and child-resistance barrier(s) shall comply with the design and construction requirements of Part 2 of the Swimming Pool Act 1992, Australian Standard 1926.1-2007: "Swimming Pool Safety - Safety Barriers" (AS) and Council's Swimming Pool Guidelines booklet. Any exemption certificate required under the provisions of Section 22 of the Act shall be issued by Council. Should the barrier incorporate a glazed fence or balustrade, that part of the barrier shall also comply with the relevant design requirements of Appendix E of the AS and Australian Standard 1288 – "Glass in Buildings".

### 5.4 **BASIX Certificate Compliance**

The plans and specifications must indicate compliance with the commitments listed in the BASIX Certificate Number: 422088M.

### 5.5 **Saline sites**

- 5.5.1 The subject site has been identified as a saline site. An addendum to Project No. 17918/1236C, Report No 12/0475 dated 12 April 2012 must be prepared to identify any additional construction parameters applicable for the construction of the individual living units, community centre/hall, office/admin and swimming pool etc.

## 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 Road pavements are to be designed by a Professional Civil Engineer in accordance with the current version of Council's Engineering Guide for

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Developments and based upon soil tests performed by a registered NATA soils Laboratory and the traffic loadings listed in "Scope of Engineering Works" of this consent. The pavement designs must be lodged with Council for approval prior to issue of the Construction Certificate for Engineering works.

- 6.2.2 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 Erosion and Sediment Control**

- 6.3.1 Soil erosion and sediment control measures for road, drainage 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 Asset Management**

- 6.4.1 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.

### **6.5 Scope of Engineering Works**

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

#### **6.5.1 Road and Drainage works**

- 6.5.1.1 The construction of all internal 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.

- 6.5.1.2 Proposed new internal roads must be constructed generally as follows:

- i. Main internal entry road to be constructed with a dual carriageway 3.5m wide with an additional clear zone area of 1.0m width which is to be trafficable.
- ii. Secondary internal roads to comprise a 5m wide carriageway
- iii. Accessways to comprise a 5m wide shareway

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Internal roads to be designed for a minimum traffic loading of  $2 \times 10^5$  and are to be constructed in accordance with Council's Engineering Guide for Development 2005 and Works Specification Civil 2005 as roads.

Staging of the internal road construction is permissible and temporary turning areas are to be provided where a staged road layout ends in a dead end.

- 6.5.1.3 Construction of intersections at the entry point at the intersection of Warbler Street and Muscovy Drive, and the RACF vehicular entry point in the Conrad Road extension, together with medians, drainage, kerb and gutter, concrete path paving, signposting, linemarking, removal of in-pavement street tree, service adjustments and any other ancillary work necessary to make this construction effective.

This construction to be generally in accordance with the design plans by Henry & Hymas 09416 \_SK04 Revision 04 Dated June 2012 and to the satisfaction of Council's Co-ordinator Engineering Approvals. These works will require approval from Council under the Roads Act.

- 6.5.1.4 Redundant kerb and gutter at Mallard Drive/Darter St, off Torrent St, off Muscovy Dr and at Warbler St/Muscovy Drive must be replaced with integral kerb and gutter and the road pavement adjusted as necessary. The footway area must be restored by turfing. Any constructed section of the Conrad Road extension beyond the proposed entry point to the RACF must be removed and the kerb and gutter restored and the area levelled and turfed to the satisfaction of Council's Co-ordinator Engineering Approvals. These works will require approval from Council under the Roads Act.

- 6.5.1.5 The existing depression through the site must be piped and/or channelled to contain stormwater discharges up to the 1% A.E.P. (100 year Average Recurrence Interval) event.

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

## **6.5.2 Vehicular Crossings**

- 6.5.2.1 Construction of Council's standard commercial and industrial vehicular footway crossing in accordance with Council plan A(BS)103S at both entry points.

## **6.5.3 Footpaths**

- 6.5.3.1 The footway area in public roads adjacent the subject site being fully turfed in an appropriate manner to be free draining to the street and of neat appearance. Landscaping in Stanhope Parkway to be retained.

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6.5.3.2 The construction of path paving is to be provided along the frontage of the site in the proposed Conrad Road extension from the existing path paving in Stanhope Parkway to the RACF vehicular entry point.

6.5.3.3 A suitable pedestrian refuge is to be provided in the Conrad Road extension to the satisfaction of Council's Co-ordinator Engineering Approvals and the Local Traffic Committee. These works will require approval from Council under the Roads Act.

**6.5.4 Finished Boundary Levels**

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

**6.5.5 Stormwater Quality Control**

6.5.5.1 Stormwater Treatment Measures under Blacktown City Council Development Control Plan Part R are not required for this development, however all drainage on the site should be undertaken generally in accordance with the principles of Water Sensitive Urban Design to provide a treatment train approach to water quality.

**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 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

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**GENERAL MANAGER**

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

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.**

**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**

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

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

## 7.3 Tree Protection

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

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

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 Sydney Water Authorisation**

- 7.5.1 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 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.

## **7.6 Construction Details**

- 7.6.1 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

## **8 DURING CONSTRUCTION (BUILDING)**

### **8.1 Safety/Health/Amenity**

- 8.1.1 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.

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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Blacktown City Council

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

- (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.

8.1.3 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.

8.1.4 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.

8.1.5 All measures specified in the Construction Certificate to control soil erosion and sedimentation shall be maintained throughout development works.

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

8.1.7 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.

8.1.8 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:

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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.
- (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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Blacktown City Council

- (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.

8.1.9 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.

## **8.2 Building Code of Australia Compliance**

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

## **8.3 Surveys**

8.3.1 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.

## **8.4 Nuisance Control**

8.4.1 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.

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

8.4.3 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.

## **8.5 Swimming Pools**

8.5.1 Any child-resistant barrier required by the Swimming Pool Act 1992 shall be erected prior to filling, or allowing the pool to fill, with water to a depth exceeding 300mm.

8.5.2 A poster (warning notice) prepared by the Royal Life Saving Society shall be exhibited in a prominent position adjacent the pool area. The poster shall contain the wording referred to in Part 3 of the Swimming Pools Regulation 2008, including a flow sequence containing details of resuscitation techniques (for infants, children and adults).

8.5.3 The following inspections shall be carried out during construction of the swimming

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

pool:-

- (a) Completion of the pool excavation (fibreglass or fibrecrete construction), and/or placement of steel reinforcement (prior to pouring concrete),
- (b) Erection of the child resistant barrier (prior to filling or allowing the pool to fill with water to a depth exceeding 300mm),
- (c) Completion of the swimming pool development (prior to use of the pool).

**8.6 Stormwater Drainage**

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

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

**8.7 Waste Control**

8.7.1 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.

**8.8 Construction Inspections**

8.8.1 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

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

## **8.9 Other Matters**

8.9.1 The approved development shall be constructed in accordance with the approved external building materials, finishes and colours shown on the approved plans and schedule. The external building materials, finishes and colours shall not be altered with separate approval.

8.9.2 All landscaping, fencing, retaining walls and driveways are to be provided in accordance with the approved plans, and the details submitted and approved as part of the Construction Certificate.

## **8.10 Retaining Walls**

8.10.1 No timber retaining walls shall be erected on site. All retaining walls shall be constructed from masonry materials.

## **9 DURING CONSTRUCTION (ENGINEERING)**

### **9.1 Compaction Requirements**

9.1.1 Land shall be filled where necessary. All fill including existing fill shall be compacted in accordance with the Council's "Works Specification - Civil (current version)". A compaction certificate shall be obtained from a Registered Engineer (NPER) verifying that the correct compaction requirements have been met.

9.1.2 Special attention is drawn to the following requirements of Council's Works Specification - Civil (Current Version):

(a) Submission of compaction certificates for fill within roads.

(b) Submission of compaction certificates for road sub-grade.

(c) Submission of compaction certificates for road pavement materials (sub-base and base courses).

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GENERAL MANAGER

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

(d) The submission of 2 contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.

(e) Compliance Certificates from road material suppliers.

## **9.2 Maintenance of Soil Erosion Measures**

9.2.1 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.

## **9.3 Filling of Land & Compaction**

9.3.1 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.

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

9.3.3 Site filling and compaction is to be carried out under the supervision of a Chartered Geotechnical Engineer and shall be in accordance with Blacktown City Council's "Works Specification - Civil (Current Version)". Minimum standard compaction of 95% must be achieved and certified by a NATA registered soils lab and details submitted to Council.

## **9.4 Inspections of Works**

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

### **(i) Soil Erosion and Sediment Control**

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

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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**GENERAL MANAGER**

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

- (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) Construction of Road Pavement

- (a) Boxing out
- (b) Sub-grade roller test
- (c) Subsoil drainage
- (d) Sandstone roller test layer 1
- (e) Sandstone roller test layer 2
- (f) Kerb pre-laying
- (g) Kerb during laying including provision of roof-water outlets
- (h) Sandstone depth
- (i) Pavement profiles
- (j) DGB depths and roller tests
- (k) Wearing Course
- (l) Kerb final
- (m) Concrete tests
- (n) Formwork concrete pavements
- (o) Final inspection

(v) Provision of Street Furniture

- (a) Street Furniture (including street signs guideposts guardrail etc)

(vi) 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

(vii) Stormwater Quality Control

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

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

(viii) 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.

- 9.4.2 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).

## **9.5 Public Safety**

- 9.5.1 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.

## **9.6 Site Security**

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

## **10 DURING CONSTRUCTION (ENVIRONMENTAL HEALTH)**

### **10.1 Food Premises**

- 10.1.1 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.
- 10.1.2 The food preparation areas shall be constructed so as to comply with the requirements of;

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

- (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.*

10.1.3 A designated hand washbasin is to be provided within the activity area. The hand washbasin shall be provided with a supply of hot and cold water through an approved mixing device with a single spout.

## **10.2 Premises Construction**

10.2.1 The finish on all surfaces within the salon shall be constructed of a durable, smooth, impervious material capable of being easily cleaned.

10.2.2 A separate sink shall be provided for the purpose of washing equipment. The sink shall be of an adequate size to allow full submersion of the largest piece of equipment.

10.2.3 The walls immediately behind the hand washbasin and sink are to be tiled to a height of 450mm and for a distance of 150mm on either side of the basin and sink.

10.2.4 The premises must be provided with washing, drainage, and ventilation facilities that are adequate for the carrying out of the activity.

## **10.3 Other Matters**

10.3.1 The beauty therapy salon shall be constructed in accordance with the requirements of;

- o Public Health (Skin Penetration) Regulation 2000.
- o NSW Health Department's *Skin Penetration – Code of Best Practice and Skin Penetration Guidelines.*

# **11 PRIOR TO OCCUPATION CERTIFICATE**

## **11.1 Road Damage**

11.1.1 The cost of repairing any damage caused to Council's assets in the vicinity of the land as a result of the development works shall be met in full by the applicant/developer.

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

## **11.2 Roads and Traffic Authority**

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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**GENERAL MANAGER**

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

- 11.2.1 The Occupation Certificate will not be released unless written evidence from the Roads and Traffic Authority has been obtained indicating that satisfactory arrangements have been made by the applicant/developer for the payment of a contribution towards the cost of the arterial road network.

**11.3 Regional Transport Infrastructure**

- 11.3.1 In accordance with Clause 20D of Blacktown Local Environmental Plan 1988 (Amendment No. 202), written correspondence from the Director-General of the Department of Planning shall be submitted to Council to certify that satisfactory arrangements have been made for the provision of Regional Transport Infrastructure.

**11.4 Compliance with Conditions**

- 11.4.1 An Occupation Certificate shall not be issued until such time as all conditions of this consent, other than "Operational" conditions, have been satisfied. The use or occupation of the development prior to compliance with all conditions of consent, other than "Operational" conditions, may render the applicant/developer liable to legal proceedings.

- 11.4.2 Prior to occupation/use of a new building, it is necessary to obtain an Occupation Certificate from the Principal Certifying Authority in accordance with the provisions of Section 109H of the Environmental Planning & Assessment Act 1979.

**11.5 Service Authorities**

- 11.5.1 The following documentary evidence shall accompany any Occupation Certificate:

- (a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Applications must be made through an authorised Water Servicing Coordinator. Please refer to the "Building Plumbing and Developing" Section of the website [www.sydneywater.com.au](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. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the occupation of the development.
- (b) A final written clearance shall be obtained from Sydney Water Corporation, Endeavour 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.

**11.6 Temporary Facilities Removal**

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

**11.7 Fire Safety Certificate**

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

**11.8 Food Premises**

- 11.8.1 The premises shall be registered with Council's Environmental Health Unit. The attached application form shall be used for registration purposes.
- 11.8.2 Trading must not commence until an Occupation Certificate for the development has been issued.
- 11.8.3 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.

**11.9 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004**

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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RON MOORE  
**GENERAL MANAGER**

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

- 11.9.1 All aspects of the development shall comply with the standards concerning accessibility and useability for hostels and self-contained dwellings, as specified in Schedule 3 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. A compliance statement, from a suitably qualified accessibility consultant, shall be submitted verifying that the completed dwellings achieve each of the required access and useability standards.

**11.10 Landscaping/Car Parking**

- 11.10.1 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.

- 11.10.2 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability.

- 11.10.3 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.

- 11.10.4 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.1.

- 11.10.5 All required internal roads and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.

**11.11 Private Road**

- 11.11.1 The private road associated with this development shall have its status addressed in the following manner:

A slide type sign shall be attached below the street name blade sign which reads "Private Road".

**11.12 Waste Management**

- 11.12.1 Appropriate signage shall be provided in the bin storage enclosures advising residents where waste and recycling materials are to be placed and outlining appropriate materials to be placed in the recycling bins.

- 11.12.2 Evidence shall be submitted to the PCA (e.g. in the form of receipts) to confirm that waste and recycled materials have been managed and disposed of in accordance with the approved waste management plan, prior to the issue of any Occupation Certificate. In this regard, a Private Waste Contractor is to be contracted to service the site.

**11.13 Fee Payment**

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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GENERAL MANAGER

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

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

**11.14 Easements/Restrictions**

- 11.14.1 Any easement, restriction or covenant required by this consent must nominate Blacktown City Council as the authority to release, vary or modify the easement, restriction or covenant. The form of any easement, restriction or covenant 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, Covenants and Restrictions (current version).
- (b) The standard format for easements, restrictions and covenants as accepted by Land and Property Information (LPI) NSW.

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

- 11.14.3 A restriction as to user shall be registered against the title of the property, in accordance with section 88E of the *Conveyancing Act 1919*, limiting the use of any accommodation to the following only:-

- (a) seniors or people who have a disability,
- (b) people who live within the same household with seniors or people who have a disability,
- (c) staff employed to assist in the administration of and provision of services to housing provided under this approval.

In accordance with the definitions of *Seniors* under the provisions of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

**11.15 Engineering Matters**

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

- 11.15.1.1 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.

- 11.15.1.2 Special attention is drawn to the following requirements of Council's Works Specification - Civil (Current Version):

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RON MOORE  
GENERAL MANAGER

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

- (a) Submission of compaction certificates for fill within roads.
- (b) Submission of compaction certificates for road sub-grade.
- (c) Submission of compaction certificates for road pavement materials (sub base and base courses).
- (d) The submission of two (2) contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.
- (e) Compliance Certificates from road material suppliers.

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

**11.15.2 Dedications**

11.15.2.1 Dedication at no cost to Council of 5m x 5m splay corner at the intersection of Stanhope Parkway and Warbler Street.

**11.15.3 Inspections**

11.15.3.1 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.

**11.16 Food Premises**

11.16.1 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*.

**11.17 Environmental Management**

11.17.1 Provide a bench top autoclave, to sterilise equipment at the premises which complies with AS 2182-1998 *Sterilizers - Steam - Benchtop*.

**11.18 Crime Prevention**

11.18.1 All lighting within the development is to be in accordance with the details submitted to satisfy condition 4.5.1 of this consent.

11.18.2 A Video Surveillance System is to be installed in accordance with the details submitted to satisfy condition 4.6.1 of this consent. In addition, A report of the

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RON MOORE  
GENERAL MANAGER

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

number of Video Surveillance Systems and the locations of these systems is to be forwarded to the Crime Prevention Officer at Quakers Hill Local Area Command.

11.18.3 In accordance with the NSW Police letter dated 15 May 2012, the following matters are to be implemented:

*a. Video Surveillance*

- i. Security Intruder Alarm System is to be installed at all community facilities.

*b. Natural Access Control*

- i. Pedestrian gates into the village are to have security key pad systems or keyed-entry security gates. Lighting is to be installed to enhance these areas.
- ii. All dwellings and community facilities will require Australian Standard Security Screen Doors to be fitted. Appropriate security locking mechanisms should be installed on all windows and internal garage doors.
- iii. The garage roller, tilt and panel – lift doors are to be secured with a Multifunction lock that is drilled into the concrete flooring.
- iv. Security signage is to be installed throughout the development such as the security measures that are in place should be displayed at all entry and exit points and throughout the village.
- v. Street signage, way finding maps and house numbering is to be installed throughout the village.
- vi. Foot crossings, way finding signage and other positive pedestrian movement indicators are to be installed throughout the village.

*c. Space Management*

- i. Retirement Village Management is to provide a Formal Security Plan and Emergency Evacuation Plans to Local Police and ARV management will be required to liaise with Parklea Correctional Centre Management regarding safety protocols.

*d. Street Numbering/Letter Box and Power Boards*

- i. Street Numbers are to be displayed prominently at the front of the premises to comply with the Local Government Act 1973 Section 124 Order 8.
- ii. The street number and name of Retirement Facility is to be visible at nights.
- iii. The letterbox system should be vandal resistant and secure.
- iv. The power board should be housed within a cabinet to restrict tampering with the power supply.
- v. Power boards are to be secured with lock set approved by the electricity authority.

**12 PRIOR TO SUBDIVISION CERTIFICATE**

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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GENERAL MANAGER

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

**12.1 Additional Inspections**

- 12.1.1 Any additional Council inspection services provided beyond the scope of any Compliance Certificate or inspection package and required 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 and shall be paid to Council.

**12.2 Fee Payment**

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

**12.3 Final Plans**

- 12.3.1 The submission of a final plan of subdivision, together with 7 exact copies and the appropriate fee.
- 12.3.2 Where any permanent control marks are placed in accordance with the Survey Practice Regulation 1990 in the preparation of the plan, 2 copies of the locality sketch plans of the marks placed are to be forwarded to Council with the final plan of subdivision.

**13 OPERATIONAL (PLANNING)**

**13.1 Access/Parking**

- 13.1.1 All required off-street car parking spaces and internal roads shall be 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.
- 13.1.4 All off-street street visitor car parking spaces and internal roads shall be used for car parking only and not the long term placement of caravans, boats, trailers or the like.

**13.2 General**

- 13.2.1 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 13.2.2 If artificial lighting is proposed full details are to be submitted indicating the manner in which adjoining properties are to be protected.

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**GENERAL MANAGER**

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

13.2.3 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.

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

13.2.5 The use of the land is not to interfere with the amenity of the residential area and shall remain incidental to the principal use of the premises as a dwelling.

**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 Common Room**

13.4.1 The Community Centre and the Wellness and Administration Centre shall not be utilised for any type of commercial activity other than uses associated with the private use of the facility by residents of the retirement village. Any proposal to alter the use of the common room in this regard will require separate consideration and approval.

**13.5 Other Matters**

13.5.1 A residents committee should be established. This group of residents can then partake in a safety and security walk program.

13.5.2 Any graffiti visible from a public place or road is to be removed as soon as practicable.

13.5.3 All incidents of graffiti are to be photographed and reported to the Local Police and other reporting agencies.

13.5.4 All common areas throughout the village are to be maintained.

**14 OPERATIONAL (ENVIRONMENTAL HEALTH)**

**14.1 Environmental Management**

14.1.1 Upon receipt of a justified complaint in relation to noise pollution emanating from the premises, an acoustical assessment is to be carried out in accordance with the requirements of the Department of Environment and Conservation's Environmental Noise Management - NSW Industrial Noise Policy and provide recommendations to mitigate the emission of offensive noise from the premises. The report shall be prepared by an appropriately qualified acoustic consultant that is a member of the

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RON MOORE  
GENERAL MANAGER

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

Association of Australian Acoustic Consultants and shall be submitted to Council for consideration.

- 14.1.2 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.
- 14.1.3 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.
- 14.1.4 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.
- 14.1.5 All waste shall be stored suitably and disposed of by an appropriate waste contractor. Under no circumstances is waste from the activity to be disposed of through Council's waste collection services.
- 14.1.6 The proprietor and/or operator is to ensure that the beauty therapy salon is maintained, and all activities are carried out, so as to comply with the requirements of;
- o Public Health Act 1991 and Regulations there under.
  - o Public Health (Skin Penetration) Regulation 2000.
  - o NSW Health Department's Skin Penetration – Code of Best Practice and Skin Penetration Guidelines.
  - o AS/NZS 4815:2006 Office-based health care facilities - Reprocessing of reusable medical and surgical instruments and equipment, and maintenance of the associated environment
- 14.1.7 Upon commencement of trading the proprietor must notify Council of the Skin Penetration Activity.
- 14.1.8 Proprietor and/or operators who perform procedures that penetrate or have the potential to penetrate the skin must sterilise their instruments/equipment in a bench top autoclave on the premises which complies with AS 2182-1998 *Sterilizers - Steam – Benchtop*.
- 14.2 **Food Premises**
- 14.2.1 The food premises shall be maintained in accordance with the requirements of;
- o Food Act 2003 and Regulations there under.
  - o Australian Standard 4674-2004 *Design, construction and fit-out of 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

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.

14.2.5 The hand wash basin must be supplied with an adequate supply of antibacterial liquid soap and disposable paper towels.

**14.3 Beauty Salons**

14.3.1 A sharps container shall be provided for the storage of disposable needles used in any skin penetration process.

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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