

ATTACHMENT 1 – DRAFT CONDITIONS OF CONSENT

JRPP-14-2628 – Proposed Mixed Use Development

1 Zoe Place, Mount Druitt

PART 1**1 Deferred Commencement Matters**

1.1 This development consent is not to operate until such time as:

- (a) Formal written owners consent is to be provided to Council which demonstrates agreement from all of the adjoining landowners to the north, which benefit from the existing right of carriageway (ROW) which is located at the south-western portion of the subject site, to amend this existing ROW to restrict the ROW to a height of at least 4.5 metres as measured from the finished ground level approved in this development application, and to permit cantilevered building elements above this nominated height of at least 4.5 metres. Evidence of this agreement is to be detailed on the deposited plan of the subject site and is to be submitted to Council.

The above matter must be completed within the following nominated period from the date of this consent or this consent shall lapse.

Nominated Period: 5 years.

1.2 All of the requirements listed in the above condition must be completed within 60 months of the date of this "Deferred Commencement" consent. Should these matters not be completed to Council's satisfaction within this time period, this "Deferred Commencement" consent will lapse.

Part 2**2 ADVISORY NOTES****2.1 Terminology**

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

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

2.2 Scope of Consent

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

buildings requiring development consent.

- 2.2.2 The applicant is required to lodge either a separate Development Application for Council's consideration, or a separate Complying Development Certificate where permitted by the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, for the occupation and fit out of the ground floor retail / commercial tenancies.

2.3 Other Approvals

- 2.3.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.
- 2.3.2 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement, with the exception of the existing right of carriageways as detailed on Deposited Plan 883859 subject to consent obtained from affected owners.
- 2.3.3 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) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development,
 - (b) the installation of a vehicular footway crossing servicing the development, and
 - (c) separate Council approval under the Roads Act 1993 is required for any crane used to construct this development that swings over public air space, and
 - (d) separate consent for strata subdivision.

2.4 Services

- 2.4.1 The applicant is advised to consult with:
- (a) Sydney Water Corporation Limited
 - (b) An Energy Provider
 - (c) Natural Gas Company
 - (d) The relevant local telecommunications carrier

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

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

- 2.4.2 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.

- 2.4.3 Prior to any demolition works, all services or utilities should be disconnected in consultation with the relevant service provider.
- 2.4.4 Underground assets may exist in the area that is subject to your application. In the interests of health, safety, and in order to protect damage to third party assets, please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset holders a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
- 2.4.5 Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number: 1800 810 443.

2.5 Identification Survey

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

3 GENERAL

3.1 Services

- 3.1.1 Low voltage electricity and telecommunications services for the approved development shall be reticulated underground.

3.2 Suburb Name

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

Suburb: Mount Druitt

- 3.2.2 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: Mount Druitt

3.3 Scope of Consent

- 3.3.1 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.	Plan	Dated	Council's File Enclosure No.
Sk1 L	Basement Plan 3	23/06/2015	80
Sk2 N	Basement Plan 2	23/06/2015	80
Sk3 N	Basement Plan 1	23/06/2015	80
Sk4 L	Level 1 Plan	24/03/2015	80
Sk5 P	Level 2 Plan	28/07/2015	80
Sk6 D	Roof Plan	28/07/2015	80
Sk7 E	Building A Level 2 Plan	28/07/2015	80
Sk8 E	Building A Level 3 Plan	28/07/2015	80
Sk9 H	Building A Level 4 – 8 Plan	28/07/2015	80
Sk10 D	Building A Level 9 Plan	28/07/2015	80
Sk11 D	Building A Mezzanine Plan	28/07/2015	80
Sk12 E	Building B Level 2 Plan	24/03/2015	80
Sk13 H	Building B Level 3 Plan	24/03/2015	80
Sk14 F	Building B Level 4 – 8 Plan	24/06/2015	80
Sk15 F	Building B Level 9 Plan	23/06/2015	80
Sk16 D	Building B Mezzanine Plan	24/03/2015	80
Sk17 D	Building C Level 2 Plan	24/03/2015	80
Sk18 D	Building C Level 3 Plan	24/03/2015	80
Sk19 F	Building C Level 4 – 8 Plan	24/03/2015	80
Sk20 E	Building C Level 9 Plan	23/06/2015	80
Sk21 C	Building C Mezzanine Plan	06/02/2015	80
Sk22 B	Post Adaption Unit Plans	28/07/2015	80
Sk23 A	Setback + Separation Plan	19/12/2014	80
Sk25 B	Streetscape Elevations	19/12/2014	80
Sk26 D	Elevations Building A	28/07/2015	80
Sk27 B	Elevations Building B	19/12/2014	80
Sk28 B	Elevations Building C	19/12/2014	80
Sk30 A	Sections A-A, B-B, C-C, D-D	19/12/2014	80
Sk31 C	Section Sheet 2	24/03/2015	80
1 & 2	Photomontages	-	80
-	Schedule of External Finishes	-	80
L01-L03_B	Landscape Plans	15/12/2014	80

3.4 Compliance with BASIX Certificate

- 3.4.1 All commitments listed in the BASIX Certificate numbers: 600287M, 599562M and 600289M dated 23 December 2014 shall be complied with. The BASIX Certificate is permitted to be revised to reflect the plans approved by this consent.

3.5 Removal of Trees

- 3.5.1 All trees (both within the subject site and the street trees) are permitted to be removed.

3.6 Engineering Matters

3.6.1 Definitions

- 3.6.1.1 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 Construction Certificate must be issued for the on-site detention system and stormwater treatment works and downstream drainage prior to the issue of any other 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.

- 3.6.1.2 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.
- 3.6.1.3 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.

3.6.1.4 **Roads Act Only**

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.

3.6.2 **Design and Works Specification**

- 3.6.2.1 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) including Part R – Water Sensitive Urban Design and Integrated Water Cycle Management
- (d) Blacktown City Council Soil Erosion and Sediment Control Policy (Current Version)
- (e) Blacktown City Council On Site Detention General Guidelines and Checklist
- (f) Upper Parramatta River Catchment Trust On Site Stormwater Detention Handbook THIRD Edition December 1999.

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

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

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

3.6.3 Payment of Engineering Fees

- 3.6.3.1 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.

3.6.4 Other Fee and Bond/Securities

- 3.6.4.1 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: \$135.

NOTE: This amount is valid until the 30th June 2016 after which time it will be reviewed in accordance with Council's Goods and Services Pricing Schedule.

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

3.6.5 Other Necessary Approvals

- 3.6.5.1 A separate application or details (as necessary) shall be submitted for the separate approval of Council under the provisions of the Local Government Act 1993 and/or the Roads Act 1993 for any of the following (a) The installation of a vehicular footway crossing servicing the development as required by "Scope of Engineering Works and other sections of this consent" (b) Works on or occupation of existing

public roads - that are not covered by a Roads Act Approval - which may require a Road Occupancy Licence or Work Zone Permit.

3.7 Other Matters

- 3.7.1 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.

4 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)

4.1 DA Plan Consistency

- 4.1.1 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.

4.2 Services/Utilities

- 4.2.1 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, 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 a recognised energy provider, 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.

4.3 Necessary Plan Amendments

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

- (a) Plumbing connections are to be provided to the appropriate ground floor retail / commercial tenancies to enable their potential occupation as a cafe / restaurant.
- (b) All common open spaces and the air bridge between Buildings B and C are to be accessible in accordance with the relevant Australian Standards.

4.4 Requirements from the NSW Police

4.4.1 As required by the Mount Druitt Local Area Command's Crime Prevention Officer, the following Crime Prevention through Environmental Design (CPTED) principles are to be incorporated into the development:

- (a) External lighting quality is to meet ANZ standards.
- (b) A Lighting Maintenance Policy is to be prepared and implemented for this development.
- (c) Appropriate CCTV footage is to be installed in the car park to be of a quality that records at a minimum rate of 10 frames per second as a storage aspect ratio of 720 x 480 pixels being medium resolution and records in a format that can be viewed on any computer using the Microsoft Operating System.
- (d) Landscaping is to be regularly maintained to a height that allows clear sight lines and to prevent concealment points within the car park and building surrounds.
- (e) Sufficient security measures to prevent possible theft during the construction phase.
- (f) Traffic control and safety messages are to be implemented throughout the construction phase to increase safety to motorists and minimise risk and theft.

4.5 State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

4.5.1 In accordance with Clause 143A of the Environmental Planning and Assessment Regulation 2000, a certifying authority must not issue a Construction Certificate for residential flat development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development*.

4.6 Section 94 Contributions

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

Contribution Item	Base Amount	Relevant C.P.	Base Date
(i) Open Space	\$979,206	No. 3	Sept 2012

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:

No. 3 - Open Space in Established Residential Areas

The Section 94 Contribution(s) have been based on the total developable area, the site's road frontage and/or the potential additional population nominated below. Should the final plan of survey indicate any change in the total developable area or should amendments change the potential additional population, the Section 94 Contribution(s) will be adjusted accordingly.

Additional Population: 673.3 persons

4.7 Street Tree Planting

- 4.7.1 Prior to the issue of any Construction Certificate, the person having the benefit of this development consent shall enter into a satisfactory arrangement with Council with regard to the provision of street trees to enhance the streetscape. In this regard, a street tree planting plan is to be submitted to Council for the approval of Council's Manager Open Space prior to the issue of any Construction Certificate.

4.8 Aesthetics

- 4.8.1 The reflectivity index of glass used in the external facade of the building is not to exceed 20 percent.
- 4.8.2 All bathroom, w.c. or laundry windows in the external wall of the building shall be fitted with translucent glazing.
- 4.8.3 The development is to be constructed in accordance with the approved Schedule of External Finishes.

4.9 Access & Parking

- 4.9.1 The internal driveway and parking areas are to be designed in accordance with Australian Standard 2890.1.
- 4.9.2 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.1.
- 4.9.3 A minimum of 280 residential, 107 visitor and 92 commercial spaces (being a total of 479 spaces) are to be provided on site, each designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1 as follows:

Commercial Car Space: 2.6m x 5.4m

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

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

Disabled Car Space: 2.4m x 5.4m with shared space of 2.4m x 5.4m

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

- 4.9.4 The car parking allocation required by Condition 3.9.3 of this consent is to be incorporated into a parking management strategy which will also include the following responsibilities for the Managing Agent / future Body Corporate:

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

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

- 4.9.5 The submission to Council of a Construction Management Plan. The plan shall be prepared by a suitably qualified traffic engineer. The plan shall include appropriate measures to ensure that the vehicular entry and exit to the site and on-street parking provision during construction works are not to interfere with the operation of the traffic lights at the intersection of Mount Street / Luxford Road.
- 4.9.6 The required sight lines to pedestrians or other vehicles in or around the car park or entrances should not be compromised by landscaping, signage, fencing or display materials.
- 4.9.7 Suitable provision must be made on site for all construction / demolition vehicles.

4.10 **Acoustic requirements**

- 4.10.1 A qualified acoustic engineer must certify that the building has been designed to minimise the noise intrusion from any external noise source and when constructed the building shall satisfy the following criteria with windows and doors closed:

Internal Space	Time Period	Criteria <i>L_{Aeq} (period)</i>
Living Areas	Any time	40 dB(A)
Sleeping Areas	Day (7am – 10pm)	40 dB(A)
	Night (10pm – 7am)	35 dB(A)

4.11 **Adaptability of Units**

- 4.11.1 Not less than 10% of the residential units are required to be designed for persons with a disability in accordance with Australian Standard 1428.1.

4.12 **Electricity Substation**

- 4.12.1 In the event that a new sub-station is required for the development, details regarding its location and design will be required to be submitted and approved by Council prior to the release of any Building Construction Certificate.

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 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 Fire Services

5.3.1 Where any external on-site fire hydrant or hydrant booster assembly is to be located within any building setback from a boundary, the hydrant or booster assembly shall be located or protected in accordance with the requirements of AS 2419.1.

5.3.2 Where any external on-site water storage tank is required by AS 2118.1 or AS 2419.1, details of the location and type of any proposed tank are to be submitted to and approved by Council prior to the issue of the relevant Construction Certificate.

5.4 Internal Works

- 5.4.1 A separate application for development consent shall be lodged with Council for any proposed fit out of a retail / commercial tenancy (which includes any fixed internal partition wall/display/storage racking/machinery/equipment and the like) that was not approved by this Notice of Determination. This condition does not apply to work or development that is Exempt Development or Complying Development under the Blacktown Local Environmental Plan.

5.5 Demolition

- 5.5.1 A clearance certificate/statement prepared in accordance with the National Code of Practice for the Safe Removal of Asbestos shall be issued by the competent demolition contractor who holds an appropriate Demolition Licence issued by the NSW WorkCover Authority under the provisions of the Work Health and Safety Act 2011 (and any relevant Regulation there under). The certificate/statement must state that the pre-existing building/s was/were demolished in accordance with the conditions and terms of that licence, Australian Standard 2601-2001 – The Demolition of Structures and that any asbestos removal has been carried out in accordance with NOHSC-2002 – Code of Practice for Safe Removal of Asbestos. A copy of the clearance certificate/statement shall be attached to the Construction Certificate.
- 5.5.2 Submit the receipt from the trade waste depot for disposal of the asbestos from the removal/demolition of the existing dwelling. A copy of the report is to be attached to the Construction Certificate.

5.6 BASIX Certificate Compliance

The plans and specifications must indicate compliance with the commitments listed in the BASIX Certificate Numbers: 600287M, 599562M and 600289M dated 23 December 2014 shall be complied with. The BASIX Certificate is permitted to be revised to reflect the plans approved by this consent.

6 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING & DRAINAGE)

- 6.1 Each year by the first business day on or after 1 September the registered proprietor/lessee is to provide to Council's Asset Design Services Section a report outlining all maintenance undertaken on the Stormwater Quality Improvement Devices in accordance with the approved maintenance schedule and details of all non-potable water used. All material removed are to be disposed of in an approved manner. Copies are to be provided of all contractor's cleaning reports or certificates to Council's WSUD Compliance Officer.
- 6.2 The development must at all times maintain the water quality system to achieve the following pollutant removal targets of Part R of DCP 2006 for the entire site in perpetuity:

Required percentage reductions in post development average annual load of pollutants:

Pollutant	% post development pollutant reduction targets
Gross Pollutants	90
Total Suspended Solids	85
Total Phosphorous	65

Total Nitrogen	45
Total Hydrocarbons	90

- 6.3 Amended drainage plans by Sparks+Partners reference 14200, dated Dec 2014, are to be provided to meet the requirements under Councils DCP Part R 2006 and Councils Engineering Guide for Development 2005. The amended plans must address the following:
- i. Provide mosquito proof mesh under the access grate(s) into the Stormfilter Chamber
 - ii. Access covers to the belowground detention storage tank and stormwater filter chamber shall be grates for all pits located within the driveway.
 - iii. An additional 900 x 900 grate shall be provided within the HED chamber below the driveway for maintenance purposes.
 - iv. Grade and levels shall be provided showing basement level are a minimum 1% grade to stormwater pits or provide additional stormwater pits within basement levels as required.
 - v. Relocate the sealed impermeable oil baffle to the stormwater filter chamber and not the HED pit
 - vi. Non return flaps shall be provided for the inlets to the stormwater filter chamber from the rainwater tanks
 - vii. The base of the stormfilter chamber where the storm filters are placed shall be level and shown on the amended plans.
 - viii. The orifice size shall be amended to 175mm.
 - ix. The orifice within the Discharge Control Pit is to be protected by a suitable screen. Provide Maximesh Rh3030 for orifices diameters 150 mm or less with a minimum area of 50 times the orifice area and Weldlok F40/203 for orifices 150 mm diameter or more with a minimum area of 20 times the orifice area
 - x. The pits with Enviropods are too small for the roof catchment being treated. The single 900 x 900 pit treating the roof are only is to be replaced with three 900 x 900 pits each with an Enviropod and the roof water flow is to be equally spread between the three pits.
- 6.4 Details are to be provided for permanent interpretive signage minimum A2 size to be installed to highlight the water quality improvement process. The sign is to incorporate a simplified drainage layout of the site and detail through words and pictures all the different water quality devices including the rainwater tank and explain the benefit to the site and community. The sign is to be supported by a steel post or on a wall and is to be located adjacent to the major water quality device. The wording and detail is to be approved by Council.
- 6.5 Maintenance schedule requirements are to be provided for each of the Stormwater Quality Improvement Devices including the rainwater tank. The designer of the stormwater treatment system must prepare the Maintenance schedule and this schedule must show the designer's name, signature and date on it.
- 6.6 An experienced hydraulic engineer is to prepare and certify a detailed Rainwater Reuse Supply, Pipe and Fixture Plan for non-potable water uses on the site. The plan is to show the rainwater pipe arrangement including first flush or pre-treatment system, pump, mains water direct tank top up, isolation valves, flow meters for all inflows and outflows, solenoid controlled mains water bypass (if applicable), a timer for landscape watering, an inline filter and certify that all Sydney Water requirements have been satisfied. A solenoid controlled mains water bypass is only permitted for toilet flushing and where fitted, landscape watering or other reuse

must only use pump water and be on a separate reuse line, independent to the toilets. Where a solenoid controlled mains water bypass is not fitted, a manually operated bypass is to be provided for the toilets independent of landscape watering or other reuse. Provide a warning light to indicate pump failure. All rainwater reuse pipes are to be coloured purple. Rainwater warning signs are to be fitted to all external taps where rainwater is used as a source.

6.7 Provide a detailed Landscape Watering Plan by an experienced irrigation specialist showing the layout of automatic backwash filters, flow meters, timers, taps and pipes and the use of sprinklers or drip irrigation. The system is to be designed to automatically achieve a minimum usage rate of 60 kL/year (excluding turf areas) as nominated in MUSIC allowing for seasonal variations. All rainwater reuse pipes are to be coloured purple. Rainwater warning signs are to be fitted to all external taps where rainwater is used as a source.

6.8 Amended architectural plans are required for buildings, or parts of buildings, that are not affected by BASIX, to demonstrate compliance with the minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme for any water use fittings. Minimum WELS ratings are:

- i. 4 star dual-flush toilets;
- ii. 3 star showerheads;
- iii. 4 star taps (for all taps other than bath outlets and garden taps);
- iv. 3 star urinals; and
- v. Water efficient washing machines and dishwashers are to be specified.

6.9 **Compliance with Conditions**

6.9.1 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.

6.9.2 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.

6.10 **Erosion and Sediment Control**

6.10.1 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.

6.11 **On-Site Detention**

6.11.1 A certificate from a Registered Engineer (NPER) to be submitted to Council certifying that the structures associated with the on-site detention system have been designed to withstand all loads likely to be imposed on them during their lifetime.

6.11.2 Any Construction Certificate issued for or including an On-site Stormwater Detention (OSD) System must be accompanied by;

- a. A Drainage Design Summary Sheet
- 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
- d. A complete address of Council's OSD General Guidelines and Checklist requirements.

6.12 **Asset Management**

- 6.12.1 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.

6.13 **Work Adjacent to Easements**

- 6.13.1 All development shall be kept clear of the drainage easement(s) on the land, and no alteration to the existing surface levels within the easement(s) is to be made.
- 6.13.2 Pier and beam style construction shall be used adjacent to easements to the depth of the invert of the proposed or existing pipeline. A Registered Engineer (NPER) shall certify that this condition has been satisfied.

6.14 **Ancillary Works**

- 6.14.1 Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this consent effective. Such works shall include but are not limited to the following:
 - (a) the relocation of underground services where required by the positioning of new drainage and road infrastructure.
 - (b) the relocation of above ground power and telephone services.
 - (c) the matching of new infrastructure into existing or future designed infrastructure.

6.15 **Scope of Engineering Works**

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

6.15.1 **Road and Drainage works**

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

6.15.2 **On Site Stormwater Detention System**

6.15.2.1 On-Site Detention

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

Nominated Minimum Storage: 232 cu.m/ha

Nominated Maximum Discharge: 181 L/s/ha

(B) Council acknowledges the submission of On-site Stormwater Detention concept plan reference No 14200 by Sparks and Partners dated December 2014. The Construction Certificate issued in this regard must be generally in accordance with this concept plan subject to the amendments required by this consent.

(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.

(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.

6.15.3 Vehicular Crossings

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

6.15.4 Footpaths

6.15.4.1 Construction of segmental block path paving (65mm thick clay paver) for the full width of the footway area over the full frontage of the site. Any street trees are to be planted in suitable grates or bays. Please contact Council's Development Services Engineers for details of type and colour of pavers to be laid.

7 PRIOR TO CONSTRUCTION CERTIFICATE (WASTE SERVICES)

7.1 The plans are to demonstrate that the commercial waste bins are to be caged.

8 PRIOR TO CONSTRUCTION CERTIFICATE (ENVIRONMENTAL HEALTH)

8.1 As detailed in the Stage 2 Contamination Assessment prepared by Coffey dated 20 April 2015, an unexpected finds protocol is to be prepared by an appropriately experienced consultant for implementation as part of the construction earthworks associated with this development.

9 PRIOR TO DEVELOPMENT WORKS

9.1 Notification to Council

- 9.1.1 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.
- 9.1.2 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 \$20,000,000.

9.2 Home Building Act

- 9.2.1 The construction of *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 NSW Home Building Compensation Fund "Statement of Cover" 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 Part 3 of the Act, the number of the owner-builder permit.

9.3 Sydney Water Authorisation

- 9.3.1 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, then follow the "Developing Your Land" link or telephone 13 20 92 for assistance.

9.4 Construction Details

- 9.4.1 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

10 DURING CONSTRUCTION (BUILDING)

10.1 Safety/Health/Amenity

10.1.1 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.

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

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

10.1.3 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.

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

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

10.1.6 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.

10.1.7 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.

10.1.8 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.

10.1.9 The owners of adjoining Lot 11 DP 289697 are not permitted to be prevented from passing and re-passing over the subject site's right of carriageways (ROWs) in vehicles or otherwise. Should the ROWs be obstructed by the person benefitting from this development consent, any necessary undertakings in this regard as may be reasonably required will be made available, as detailed in the legal advice prepared by Gadens Lawyers and dated 24 June 2015 which accompanied this development application.

10.2 Building Code of Australia Compliance

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

10.3 Surveys

10.3.1 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.

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

10.4 Nuisance Control

10.4.1 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.

10.4.2 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.

10.5 Stormwater Drainage

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

(as applicable) by:

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

10.6 Waste Control

- 10.6.1 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.

10.7 Construction Inspections

- 10.7.1 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) After excavation for, and prior to placement of, any footings; and
- (b) Prior to pouring any in-situ reinforced concrete building element; and
- (c) 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
- (d) 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
- (e) Prior to covering any stormwater drainage connections; and
- (f) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The critical stage inspection "(f)" 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.

11 DURING CONSTRUCTION (ENVIRONMENTAL HEALTH)

- 11.1 The recommendations of the Stage 2 Contamination Assessment prepared by Coffey dated 20 April 2015 are to be implemented, including the unexpected finds protocol are required by **Condition 8.1** above.

12 DURING CONSTRUCTION (ENGINEERING)

12.1 Notice of work Commencement

- 12.1.1 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 \$20,000,000.

All Enviropods and stormfilters supplied by Stormwater 360 are not to be reduced in size or quantity, nor replaced with an alternate manufacturer's product.

12.2 Service Authority Approvals

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

12.3 Maintenance of Soil Erosion Measures

- 12.3.1 Soil erosion and sediment control measures shall be implemented in accordance with Council's Soil Erosion and Sediment Control Policy.
- 12.3.2 All required soil erosion and sediment control measures are to be maintained during the entire construction period until disturbed areas are restored by turfing paving or revegetation. Infringement Notices incurring a monetary penalty may be issued by Council where the maintenance of measures is inadequate.

12.4 Filling of Land & Compaction

- 12.4.1 Roads adjoining the site must be kept clean and free of all excavated /transportable spoil materials.
- 12.4.2 Provisions of "Shaker Pads" and wash-down areas for trucks leaving the site details are to be shown on plans.

12.5 Inspections of Works

- 12.5.1 Inspection Compliance Certificates issued by a Registered Engineer (NPER) or Registered Surveyor or Compliance Certificates issued by an accredited certifier, under Part A of Environmental Planning and Assessment Act 1979 as amended, are to be issued for works covered by the Construction Certificate for engineering works at the completion of the following mandatory inspection stages:
- (i) Soil Erosion and Sediment Control
 - (a) Implementation of erosion and sediment control
 - (b) Revegetation of disturbed areas
 - (c) Final Inspection
 - (ii) Traffic Control
 - (a) Implementation of traffic control
 - (b) Maintenance of traffic control during works
 - (c) Removal of traffic control
 - (iii) Construction of Drainage works (including inter-allotment)
 - (a) Pipes before backfilling including trench excavation and bedding
 - (b) Sand Backfilling
 - (c) Final pipe inspection

- (d) Pit bases and headwall aprons
 - (e) Pit Walls/ wingwalls/ headwalls
 - (f) Concrete pit tops
 - (g) Connection to existing system
 - (h) 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
- (a) Installation of Stormwater Quality Control devices
 - (b) 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.

12.6 **Site Security**

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

13 **DURING CONSTRUCTION (RMS REQUIREMENT)**

- 13.1 Appropriate measures are to be implemented to ensure that the vehicular entry and exit to the site and on-street parking provision during construction works are not to interfere with the operation of the traffic lights at the intersection of Mount Street / Luxford Road.

14 **PRIOR TO OCCUPATION CERTIFICATE**

14.1 **Road Damage**

- 14.1.1 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.

14.2 Compliance with Conditions

14.2.1 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.

14.2.2 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.

14.3 Fire Safety Certificate

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

14.4 Fee Payment

14.4.1 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.

14.5 Service Authorities

14.5.1 A final written clearance shall be obtained from Sydney Water Corporation, a recognised energy provider 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.

14.6 Temporary Facilities Removal

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

14.6.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.

14.6.3 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.

14.6.4 Any temporary builder's sign or other site information sign shall be removed from the land.

14.6.5 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.

14.7 Landscaping / Car Parking

- 14.7.1 All landscaping shall be completed in accordance with approved Landscape Plans. All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.
- 14.7.2 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability. All visitor parking spaces are to be marked and separated from resident parking.
- 14.7.3 All common open space areas and internal driveways shall be appropriately illuminated by the use of bollard lighting or the like to provide for the safety and convenience of occupants and other people resorting to the land at night.
- 14.7.4 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 14.7.5 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.1.
- 14.7.6 All required internal driveways and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.
- 14.7.7 Bicycle racks are to be provided on site in accordance with the Residential Flat Design Code (RFDC).

14.8 Street Tree Planting

- 14.8.1 Prior to the issue of any Occupation Certificate, the person having the benefit of the development consent is to enter into an arrangement satisfactory to the Council for the planting and maintenance of trees along the frontage of the development site for the purposes of improving the amenity of the streetscape.

The number of new *Fraxinus pennsylvanica* "Urbanite" street trees is required to be to the satisfaction of Council's Manager Open Space. These trees are to be minimum 100 litre containers.

NOTE: If the Applicant wishes to undertake the planting and maintenance of street trees to Council's satisfaction at no cost to Council (making any necessary Applications with Council or obtaining any necessary clearances from relevant Service Authorities), the Applicant is, subject to any alternative arrangements satisfactory to the Council, to lodge a tree bond of \$300 per tree and \$120 Inspection fee with Council to ensure the health and vigour of the trees. The bond shall be returned 12 months after the completion of the development (i.e. issue of final Occupation/Subdivision Certificate) if the trees are in a state of good health and vigour to Council's satisfaction.

14.9 Other Matters

- 14.9.1 Each dwelling unit is to be provided with a mechanical drying appliance within the unit.
- 14.9.2 Mail boxes are to be provided on site in accordance with the requirements of Australia Post.
- 14.9.3 All privacy screening devices are to be installed.
- 14.9.4 The common open space areas are to be embellished as detailed on the Landscape Plans to a high quality of materials and finishes.
- 14.9.5 All safety and security measures including CCTV cameras and lighting shall be installed.
- 14.9.6 Retaining wall(s) and/or other effective methods to retain excavated or filled ground (other than those sites works which may be Exempt Development under the Blacktown Local Environmental Plan), together with any associated groundwater drainage system, shall be constructed and/or provided in accordance with the plans attached to the Construction Certificate.

14.10 **Adaptability of Units**

- 14.10.1 The development is to be certified by a suitably qualified access consultant to confirm that the development provides not less than 10% of residential units which are suited for persons with a disability in accordance with Australian Standard 1428.1.

14.11 **State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development**

- 14.11.1 In accordance with Clause 154A of the Environmental Planning and Assessment Regulation 2000, a certifying authority must not issue an occupation certificate to authorise a person to commence occupation or use of residential flat development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in Part 2 of the State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development.
- 14.11.2 All commitments listed in the BASIX Certificate numbers: 600287M, 599562M and 600289M dated 23 December 2014 shall be complied with prior to the issue of an Occupation Certificate for the development. The BASIX Certificate is permitted to be revised to reflect the plans approved by this consent.
- 14.11.3 All fencing, landscaping, clotheslines, hot water systems, TV antennae, mailboxes, driveways and the common open space areas are to be completed in accordance with the approved plans and conditions of this consent to Council's satisfaction prior to the release of the Occupation Certificate.

14.12 **Acoustic Matters**

- 14.12.1 A certificate must be provided by a qualified acoustic engineer stating that provision

has been made in the design of all sound producing plant, equipment, machinery, mechanical ventilation system or refrigeration systems to ensure that it is acoustically attenuated so that the noise emitted:

- a) Does not exceed an L_{Aeq} sound pressure level of 5dB (A) above the ambient background noise level when measured:
 - at the most effected point on or within any residential property boundary; or
 - at the external edge of any sole occupancy unit balcony within the premises itself at any time the plant or equipment operates.
- b) Cannot be heard within a habitable room in any sole occupancy unit or other residential premises (regardless of whether any door or window to that room is open) between the hours of 10pm and 7am.

The method of measurement of sound must be carried out in accordance with Australian Standard 1055.1.

14.13 Waste Matters

14.13.1 The commercial waste bins are to be caged.

14.13.2 A signed copy of a Strata Management Agreement (or similar) is required to be submitted to Council, the Agreement shall include:

(a) Outline provisions for the placement of waste and recycling bins for collection.

(b) Indicate responsibility for:

- (i) The on-going maintenance of the garbage and recycling storage and collection system and bin movement aids (including bin tugs as proposed in this application).
- (ii) Indicate responsibility for cleaning of bins and garbage rooms and ensuring that they are kept free of odours and pests.
- (iii) Ensuring that designated collection points are clear and unobstructed for collection vehicles.

14.13.3 Signage is to be provided in the residential and commercial "garbage areas" advising occupants where waste and recycling materials are to be placed and details of appropriate materials to be placed in the recycling bins. The residential and commercial bays shall be clearly marked.

14.14 Salinity

14.14.1 A report from a geotechnical engineer is to be submitted to Council certifying the site classification for the reactivity of the lots in the subdivision after identification of the soil characteristics in accordance with the provisions of AS 2870, "Residential Slabs and Footings".

14.14.2 A post earthworks salinity investigation demonstrating that the salinity management measures provided in the Salinity Management Plan have been implemented and that the site is suitable for residential development. Any lots identified as containing saline or aggressive soils shall provide suitable Section 88B restrictions/ covenants on title for building construction measures to mitigate the effects of aggressive soils and salinity.

14.15 Site Contamination

- 14.15.1 A final site contamination Validation Report confirming the suitability of the site for the proposed development is to be endorsed by Council prior to the release of the final plan of subdivision. The Validation Report shall be prepared by a consultant engaged under the terms of Council's Contaminated Lands Policy.

14.16 PRIOR TO OCCUPATION CERTIFICATE (Engineering Matters)

14.16.1 Surveys/Certificates/Works As Executed plans

- 14.16.1.1 A Work-As-Executed plan (to a standard suitable for scanning) signed by a Chartered Professional Engineer or a Registered Surveyor must be lodged with Blacktown City Council when the engineering works are completed. Council requires the Work-As-Executed plans to be submitted in both hardcopy and electronically on a CD (in PDF and DWG format). All engineering Work-As-Executed plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works. The works as executed plan must confirm that the On Site Detention system identification.

1. A Civil Engineer registered with NPER, is to certify that:
 - i. all the requirements of the approved drainage plan have been undertaken.
 - ii. the rainwater tank is a minimum by 30KL.
 - iii. all the signage and warning notices have been installed.
 - iv. any proprietary water quality devices have been installed for the site as per the manufacturer's recommendations.
 - v. The orifice size matches the approved drainage plans.
2. A Restriction to User and Positive Covenant is to be provided over the Stormwater Quality Improvement Devices, Rainwater Tanks and On-site Detention in accordance with the requirements of Council's Engineering Guide for Development 2005 (and as amended). The covenant requirements are to include the submission of an annual report on water treatment and non-potable water usage by the first business day on or after 1 September each year. The Restriction to User and Positive Covenant must be registered with Land & Property Information prior to the final occupation certificate.
3. A Restriction to User and Positive Covenant is to be provided over the On-Site Detention System in accordance with the requirements of Council's Engineering Guide for Development 2005 (and as amended). The Restriction to User and Positive Covenant must be registered with Land & Property Information.
4. Written evidence is to be provided that the registered owner/lessee has entered into a minimum five (5) year signed and endorsed maintenance contract with a reputable and experienced cleaning contractor for the maintenance of the Enviropods and Stormfilters. A copy of the signed and endorsed contract(s) and maintenance contractor(s) details are to be forwarded to Council's WSUD Compliance Officer.
5. Stormwater 360 is to certify that the installation of the 200 micron Enviropods and 460mm Stormfilters:

- i) Is in accordance with the standard operational guidelines and production drawings;
- ii) Is in accordance with the conditions of consent;
- iii) Includes a baffle 300 mm below and 250 mm offset from the Stormfilter weir to retain floatables including oils;
- iv) That the Stormfilters have a minimum flow rate of 22 l/s;
- v) That mosquito proof screens have been provided under all grated accesses into the Stormfilter tank; and
- vi) Energy dissipaters have been provided on all the inlets to the Stormfilter chamber.

14.16.1.2 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.

14.16.1.3 A Certificate from a Registered Engineer (NPER) must be lodged with Council verifying that pier and beam style construction was used adjacent to the easement to the depth of the invert of the pipeline.

14.16.1.4 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 Blacktown Council's DCP Part R – Water Sensitive Urban Design and Integrated Water Cycle Management.

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

14.16.2 **Easements/Restrictions/Positive Covenants**

14.16.2.1 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.

14.16.2.2 Restrictions and positive covenants must be registered with Land and Property Information over the on-site detention storage areas and outlet works.

14.16.2.3 Restrictions and positive covenants must be registered with Land and Property Information over the Stormwater Quality Control devices and outlet works.

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

14.16.3 **Dedications**

14.16.3.1 Dedication at no cost to Council 8m x 8m splay corner on the allotment at the street intersection of Zoe Place and Mount Street.

14.16.4 **Inspections**

14.16.4.1 Any **additional** Council inspections beyond the scope of any Compliance Certificate package and needed to verify full compliance with the terms of this consent will be charged at the individual inspection rate nominated in Council's Fees and Charges Schedule.

14.16.5 **Inspection of Work**

14.16.5.1 All road stormwater drainage structures (pipelines and pits) must be inspected by a CCTV on completion of the provision of all public utility services in accordance with Council's current Works Specification Civil. CCTV reports must be submitted to council in the form of a DVD of the inspection, a hard copy printout of the SEWRAT (or equivalent) report, and a certified CCTV statement in accordance with section 6.8 of Council's Works Specification Civil that any defects identified by this inspection have been rectified.

15 **OPERATIONAL**

15.1 **Access / Parking**

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

15.1.2 All loading and unloading operations shall take place at all times wholly within the subject site.

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

15.1.4 The operation of the development is to be in accordance with the right of carriage way which benefits the neighbouring Lot 11 in Deposited Plan 829697.

15.2 **General**

15.3 The occupation and fit out of the ground floor retail / commercial tenancies require separate development consent to be obtained from Council.

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

15.3.2 No nuisance or interference with the amenity of the area shall be created by reason of any process or operation on the land causing the emission of noise, dust, smoke or any polluted discharge whatsoever. Note: The Protection of the Environment Operations Act 1997 requires Council to investigate complaints where only one person complains.

15.3.3 Clear signposting to distinguish between the commercial and residential car parking areas and points of entry are to be maintained.

- 15.3.4 Removal of any graffiti which is visible from any public road or space, is the responsibility of the property owner/s. All graffiti must be removed within 48 hours.
- 15.3.5 The frequency of the commercial waste collection is to be adjusted as required.
- 15.3.6 All landscaped areas provided in accordance with the approved Landscape Plans shall be maintained at all times in a suitable manner.
- 15.3.7 The privacy screening measures are to be maintained for the life of the development.
- 15.3.8 All common areas throughout the development are to be maintained.
- 15.3.9 The applicant must ensure that communal rooftop areas are only opened to residents from 8.00am – 10.00pm. This is to reduce noise related issues and assist in the prevention of incidents of anti-social behaviour that may arise. The applicant must ensure that an appropriate sign is erected to notify residents of this requirement.