

DATE OF DETERMINATION	Thursday, 20 October 2016
PANEL MEMBERS	Mary-Lynne Taylor (Chair), Bruce McDonald and Stuart McDonald,
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Blacktown City Council on Thursday, 20 October 2016, opened at 5:00 pm and closed at 5:15 pm.

MATTER DETERMINED

2015SYW152 – Blacktown – JRPP-15-769 AT 11 and 17-23 Mavis Street and 1-3 Rooty Hill Road South, Rooty Hill (AS DESCRIBED IN SCHEDULE 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*. The decision was unanimous.

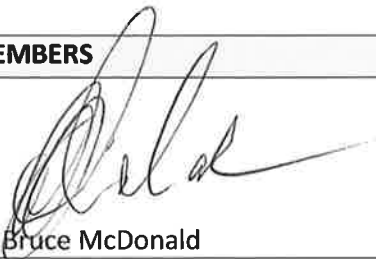
REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

1. The proposed development will add to the supply and choice of housing including affordable housing and aged care services within the Metropolitan West Central Subregion and the Blacktown local government area in a location with access to transport services including the metropolitan rail services available from Rooty Hill Rail Station and to the services and amenities available within Rooty Hill town centre.
2. The proposed development, subject to the conditions imposed, adequately satisfies the relevant State Environmental Planning Policies including SEPP (Housing for Seniors or People with a Disability 2004), SEPP 55 – Remediation of Land and SEPP 65 – Design Quality of Residential Development and its associated Residential Design Guide. In regard to the Seniors Housing SEPP a Site Compatibility Certificate has been issued over that element of the site zoned 5(a) Special Uses
3. The proposal adequately satisfies the applicable provisions and objectives of Blacktown LEP 1998 which was the applicable local planning instrument when the application was lodged and adequately satisfies the provisions of Blacktown DCP 2006
4. The proposed development is considered to be of appropriate scale and form adequately consistent with the planned future character of the locality in which it is placed.
5. The proposed development, subject to the conditions imposed, will have no unacceptable adverse impacts on the natural or built environments and will assist in the urban renewal of Rooty Hill town centre consistently with Council's adopted Rooty Hill Town Centre Masterplan
6. In consideration of conclusions 1-5 above, the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report as amended in the meeting and attached in schedule 2.

PANEL MEMBERS	
 Mary-Lynne Taylor (Chair)	 Bruce McDonald
 Stuart McDonald	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2015SYW152 – Blacktown – JRPP-15-769
2	PROPOSED DEVELOPMENT	Mixed use development comprising 1 x 4-storey mixed use building and 52 at-grade car parking spaces; 1 x 3-storey residential care facility above 1 level of basement parking containing 24 car spaces; 4 x 4-storey in-fill self-care housing with 3 residential levels above 120 car spaces at ground level; 1 x single storey communal facility building; and associated landscaping, fencing, path paving and site works.
3	STREET ADDRESS	11 and 17-23 Mavis Street and 1-3 Rooty Hill Road South, Rooty Hill
4	APPLICANT OWNERS	Anglican Retirement Villages Anglican Retirement Villages and Blacktown City Council
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	Environmental Planning and Assessment Act 1979 State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (Housing for seniors or people with a disability) 2004 (SEPP Seniors Housing) State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy No. 64 – Advertising and signage State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (State and Regional Development) 2011 Residential Flat Design Code (RFDC) Blacktown Local Environment Plan (BLEP) 1988 Blacktown Development Control Plan 2006 (BDGP) The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality. The suitability of the site for the development. Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and <i>Environmental Planning and Assessment Regulation 2000</i>. The public interest, including the principles of ecologically sustainable development.
7	MATERIAL CONSIDERED BY THE PANEL	Council Assessment Report dated 20 September 2016 Written submissions during public exhibition: one (1) Verbal submissions at the panel meeting: • Object – David Rippingill, Design Collaborative, on behalf of neighbouring property • On behalf of the applicant – Steven Ball, on behalf of Anglican Community Services
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	Site visit and final briefing meeting on 20 October 2016

9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report

SCHEDULE 2

1 DEFERRED COMMENCEMENT

1.1 Sydney Trains matters

1.1.1 This development consent is not to operate until such time as the applicant has obtained approval from Sydney Trains for the following matters:

- (a) For any ground penetration works (such as bulk excavation, footings/piers or piles) more than 2 metres in depth and within 25 metres of the rail corridor, the applicant must prepare and provide to Sydney Trains for approval/certification the following items:**
 - (i) Final geotechnical and structural report/drawings. The geotechnical report must be based on actual borehole testing conducted on the site closest to the rail corridor. The structural drawings/report shall include excavation and construction sequencing, revised retaining wall design indicating sectional forces, pressures behind the wall and wall deflections, and footing layout plan showing the type of footings, founding depths and founding materials.**
 - (ii) Final construction methodology with construction details pertaining to structural support during excavation.**
 - (iii) Final cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a registered surveyor.**
 - (iv) Detailed survey plan showing the relationship of the proposed development with respect to Sydney Trains land and infrastructure.**
 - (v) If required following the assessment of the above documentation, a numerical (i.e. finite element) analysis which assesses the different stages of loading-unloading of the site, ground movement and its effect on the rock mass surrounding the rail corridor.**

A copy of Sydney Trains approval is to be forwarded to Council's town planning department for its records. Any conditions issued as part of Sydney Trains separate approval of the above documents, will also form part of the consent conditions that the applicant is required to satisfy.

1.2 Site contamination

1.2.1 This development consent is not to operate until such time as the applicant has submitted a Remediation Action Plan (RAP) and Asbestos Management Plan (AMP) for the site. The plans are to be prepared in accordance with the recommendations of the site investigation report (Project 73535) prepared by Douglas Partners dated August 2013, and must also include management procedures for the stockpiled material and fill material on site. A copy of the RAP and AMP are to be submitted to Council's Manager Development Assessment for separate approval.

- 1.4** All of the requirements listed above must be completed within 24 months of the date of this “deferred commencement” consent. Should these matters not be completed to Council’s town planning sections satisfaction within the specified time period, this “deferred commencement” consent will lapse.

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** Separate development consent may be required from Council prior to the use of each individual retail/commercial tenancy. The applicant is advised to contact Council’s Development Services Unit in this regard.

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** The demolition or removal of the existing building(s) or structure(s) is not approved by this consent. 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.

- 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)** the removal of any tree(s) not indicated on the approved plans or any trees located within Council’s road reserve
- (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

- (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**
- (d) the fit-out of the business/retail floor space not being “Exempt Development” within the State Environmental Planning Policy (Exempt and Complying Development) 2008**
- (e) strata subdivision**
- (f) the installation of a vehicular footway crossing servicing the development**
- (g) approval under the Roads Act 1993 for any crane used to construct this development that swings over public air space**
- (h) the extraction and use of groundwater**
- (i) a controlled car park.**

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

2.3.5 Any works within Depot Street (i.e. the unformed public road) may only occur once the road has been closed and ownership has been transferred to the registered owner of Lot 1, DP 1202126, unless the works are carried out in accordance with a Road Act approval as per Condition 5.13.1.

2.4 Services

2.4.1 The applicant is advised to consult with:

- (a) Sydney Water Corporation Limited**
- (b) A recognised 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 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.

2.4.3 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.

2.4.4 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.

2.4.5 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.

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

2.5 Tree Planting and Service Locations

2.5.1 In order to facilitate street tree planting that does not impact on public utilities, the applicant is advised to liaise with the relevant service authorities regarding the location and use of their specific service allocation within the public road reserve. These authorities have indicated that it may be possible to lay services on opposite sides of the road thereby providing larger areas for tree planting.

2.6 Identification Survey

2.6.1 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 Scope of Consent

3.1.1 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.
Site plan DA02 Issue P13	18/10/2016	169B
Site plan basements DA03 Issue P8	31/03/2016	64A – Appendix D
Site plan – Part A DA05 Issue P7	18/10/2016	169C
Site plan – Part B DA06 Issue P6	06/03/2015	Appendix D of Statement of Environmental Effects (SEE) on file JRPP-15-769/A
Site plan – Part C DA07 Issue P6	06/03/2015	47C
Commercial & supported accommodation building plans ground, 1 st and 2 nd DA10 Issue P17	04/03/2015	Appendix D of SEE
Commercial & supported accommodation building floor plans 3 rd & roof DA11 Issue P14	20/02/2015	Appendix D of SEE
Residential care plans basement & ground floor DA12 Issue P13	06/03/2015	Appendix D of SEE
Residential care plans 1 st & 2 nd floor DA13 Issue P13	06/03/2015	Appendix D of SEE
Residential care plan roof DA14 Issue P10	06/03/2015	Appendix D of SEE
Retirement living building R1 Ground, 1 st , 2 nd & 3 rd DA15 Issue P12	11/10/2016	169D
Retirement living building R1 Roof DA16 Issue P12	11/10/2016	169E
Retirement living building R2 Ground, 1 st , 2 nd & 3 rd DA17 Issue P12	11/10/2016	165F
Retirement living building R2 Roof DA18 Issue P13	11/10/2016	169G
Retirement living building R3 Ground & 1 st DA19 Issue P13	11/10/2016	169H
Retirement living building R3 2 nd & 3 rd floors DA20 Issue P13	11/10/2016	169I
Retirement living building R3 Roof DA21 Issue P13	11/10/2016	169J
Retirement living building R4 Ground & 1 st DA22 Issue P13	11/10/2016	169K

Retirement living building R4 2 nd & 3 rd floors DA23 Issue P12	11/10/2016	169L
Retirement living building R4 Roof DA24 Issue P12	11/10/2016	169M
Community centre plan Ground & roof DA25 Issue P9	06/03/2015	Appendix D of SEE
Elevations site overall DA30 Issue P3	06/03/2015	Appendix D of SEE
Elevations retirement living building DA31 Issue P5	06/03/2015	Appendix D of SEE
Elevations residential care DA32 Issue P5	06/03/2015	Appendix D of SEE
Elevations building RL1 DA33 Issue P6	18/10/2016	169N
Elevations building RL2 DA34 Issue P6	18/10/2016	169O
Elevations building RL3 DA35 Issue P5	18/10/2016	169P
Elevations building RL4 DA36 Issue P5	18/10/2016	169Q
Elevations community DA37 Issue P4	20/02/2015	Appendix D of SEE
Site overall sections DA40 Issue P7	06/03/2015	Appendix D of SEE
Community & SA building RT sections DA41 Issue P8	06/03/2015	Appendix D of SEE
Residential care building RC Sections DA42 Issue P8	06/03/2015	Appendix D of SEE
Residential care building RC Sections DA43 Issue P8	06/03/2015	Appendix D of SEE
Residential living building RL1 & RL2 sections DA44 Issue P8	18/10/2016	169R
Residential living building RL3 & RL4 sections DA45 Issue P8	18/10/2016	169S
Residential living building RL3 & RL4 sections DA46 Issue P8	18/10/2016	169T
Building CC Community building sections DA47 Issue P2	06/03/2015	Appendix D of SEE
Photomontages		
Photomontage/signage details Rooty Hill Road South DA70 issue P2	20/02/2015	Appendix D of SEE
Photomontage/ signage details Mavis Street DA71 Issue P2	20/02/2015	Appendix D of SEE
Signage details		
Site identification signs	August 2013	46A – 46D
Staging plans		
Staging site works plan DA04 issue P7	06/03/15	47A
Landscape plans		

Landscape concept plan DA-1430-01 Issue D	05/03/2015	Appendix J of SEE
Landscape concept plan Rooty Hill Road South DA-1430-02 Issue D	05/03/2015	Appendix J of SEE
Landscape concept plan Village green DA-1430-03 Issue D	05/03/2015	Appendix J of SEE
Landscape concept plan Mavis Street DA-1430-04 Issue D	05/03/2015	Appendix J of SEE
Waste management plan		
Waste management plan	02/04/2015	Appendix S of SEE

*** Unless modified by any condition(s) of this consent. Refer to “pre-construction certificate” condition 5.2.**

3.1.2 This consent grants approval for the following, subject to full compliance with all other conditions of this consent:

(a) A 4 storey mixed-use building, including a relocated IGA, specialty shops, offices and 24 hostel units

(b) A 3 storey residential aged care facility containing 90 low and high care beds

(c) 4 x 4 storey infill self-care aged housing buildings containing a total of 165 units

(d) A single storey community building and adjoining bowling green

(e) 1 temporary billboard sign

(f) 2 fixed illuminated permanent site identification signs

3.2 Staging

3.2.1 The development is approved to be constructed in 2 stages. A separate construction certificate is required for each stage.

3.3 Suburb Name

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

Suburb: Rooty Hill

3.3.2 Any advertising of land sales in association with the approved development shall clearly indicate that the development is located in the following suburb. No other estate names

shall be used in any advertisements or other promotional information:

Suburb: Rooty Hill

3.4 Compliance with BASIX Certificate

3.4.1 All commitments listed in the BASIX Certificate number: 59146OM_02, dated 13 March 2015 shall be complied with.

3.5 Other Matters

3.5.1 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.

3.5.2 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.

3.6 Sydney Trains requirements

3.6.1 No metal ladders, tapes and plant machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor.

3.7 Engineering Matters

3.7.1 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 Mavis Street and Rooty Hill Road, South Rooty Hill 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. In this regard Council will not

accept a Construction or Compliance Certificate from a Private Certifier for any works on Mavis Street and Rooty Hill Road, South Rooty Hill.

3.7.2 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.

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

3.8 Design and Works Specification

3.8.1 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

(b) Blacktown City Council's Engineering Guide for Development

(c) Blacktown City Council Development Control Plan including Part R – Water Sensitive Urban Design and Integrated Water Cycle Management

(d) Blacktown City Council Soil Erosion and Sediment Control Policy

(e) Blacktown City Council On Basin General Guidelines and Checklist

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.

3.9 Payment of Engineering Fees

- 3.9.1** 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.

- 3.9.2** 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.

3.10 Drainage/Flooding

- 3.10.1** Council will not be responsible for any damage to the building, or its contents, or its operation and/or any injuries to the owners, occupants or visitors as a result of flooding.

- 3.10.2** 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.

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 Road Deposit/Bond

- 4.2.1** 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 \$5,000.00 and
- (c) Administration fee of \$100.00

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

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

4.3 Services/Utilities

4.3.1 The following documentary evidence shall accompany any Construction Certificate:

- (a) 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.**
- (b) A written clearance from Telstra, NBN 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.**

5 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

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

5.1.1 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.

5.2 Necessary plan amendments

5.2.1 Prior to issue of a construction certificate, the applicant is to submit amended plans to Council's Manager Development Assessment for separate approval which address the following matters:

- (a) Where the distance separation between bedrooms and balconies within the retirement living buildings is less than 12 m, fixed screens are to be provided to the west elevations to protect the privacy of the future occupants (i.e. to the west elevations of buildings RL2 and RL4).**
- (b) The bedroom windows located in the east elevation of buildings RL1 and RL3, and the west elevations of buildings RL2 and RL4 (i.e. where the distance separation between buildings is less than 12 m) are to be provided with acoustic seals and a glazing thickness of 6.38 mm.**

Note: The nominated glazing thickness is greater than that required by the applicant's noise assessment report.

- (c) Any residential window to a habitable room located within 20 m of the north or east boundary of the Lone Pine Tavern is to be provided with acoustic seals and a minimum glazing thickness of 10.38 mm.**

Note: The nominated glazing thickness is greater than that required by the applicant's noise assessment report.

- (d) The existing 1.8 m high boundary fencing located along the northern and eastern boundaries of the Lone Pine Tavern is to be increased to 2.1 m at full cost to the developer.**

5.3 Aesthetics/materials

5.3.1 The construction plans are to ensure that the approved development will be constructed as follows:

- (a) The external colours and finishes are to be generally in accordance with the details identified on approved elevation plans (drawing numbers DA31 – DA37) and held on Council's file JRPP-15-769/A at Appendix D. The approved finishes should include a combination of rendered finishes, brickwork, privacy screens, painted panel sheeting, metal cladding and glass louvres. The finishes should also be durable, graffiti resistant and easily cleanable.**
- (b) Air conditioning units are to be fully integrated into the building design and should not be highly visible from the street if located on balconies.**
- (c) The external walls of the building are to be free of plumbing and fixtures, service conduits/wiring and other building services.**
- (d) The reflectivity index of glass used in the external facades of the buildings is not to exceed 20 percent, must not affect road traffic and must not cause discomfort through glare or intense heat to surrounding areas. "Anti-glare" glazing is to be used to minimise any glare affect.**
- (e) Any bathroom, w.c. or laundry window in the external wall of the building shall be fitted with translucent glazing.**

5.4 Awning

5.4.1 Details of the proposed awning over Council's road reserve (i.e. to the mixed-use building fronting Rooty Hill Road South), including colour samples of the materials/finishes from brochures or the like are required. The height and width of the proposed footpath awning is to comply with the following requirements:

- (a) The general provisions applicable to awnings under the Local Approvals Policy 2015 Parts A, E, E1 and E2.
- (b) It must not cover, obstruct or interfere with facilities essential to the function or occupation of any building (e.g. ventilation ducts/openings and architectural features).
- (c) Must have a minimum horizontal distance of 600mm from the road kerb/shoulder.
- (d) Must have a minimum height of 3 m to the underside of the awning (i.e. measured above the adjacent finished/proposed footway level).
- (e) Must have a maximum height of 5 m to the upper side of the awning (excluding the overhead support components).
- (f) Must have regard to the existing trees located within Council's footpath reserve. Any necessary trimming of trees located on Council's land will require the separate consent of Council's tree planting coordinator.

Details are to be submitted for the separate approval of Council's Maintenance Engineers and Council's Manager Development Assessment.

5.4.2 Certification is to be provided by a NPER engineer as to the structural integrity of the awning and compliance with the Building Code of Australia (BCA) and other relevant standards.

5.5 Landscaping

5.5.1 The approved landscape concept plans are to include the following amendments:

- (a) The car spaces adjacent to the 3 storey residential aged care facility are to be relocated to the northern boundary of the site. This will allow the proposed tree planting between these car spaces to occur on the property boundary, which will provide further screening of the rail corridor.
- (b) Additional landscaping is to be provided along the northern boundary to provide a dense visual buffer to the adjoining rail corridor.

Note: There is a need to ensure that the roots and foliage of trees being planted beside the rail corridor do not have an impact on the rail corridor. The development's landscaping and planting plan must therefore be submitted to Sydney Trains for review and separate endorsement.

5.6 Street tree planting

5.6.1 The applicant is required to liaise with Council's tree planting coordinator to make satisfactory arrangements for the planting of street trees. If the applicant wishes to undertake the planting and maintenance of the required street trees, a tree bond and inspection fee is required to be paid to ensure the health and vigour of the trees. A quote

for these payments can be obtained from Council's tree planting coordinator. The bond will be returned 12 months after the issue of a final Occupation Certificate, provided the trees are in a state of good health and vigour. All street tree planting is to be undertaken to Council's satisfaction and must be at no cost to Council. The applicant is also required to make any necessary applications with Council or obtain any necessary clearances from relevant service authorities for the street tree planting.

5.7 Fencing and retaining walls

5.7.1 The following additional information is required to be submitted to Council's town planning section for separate approval:

(a) Details of all boundary and internal fencing. In this regard:

- (i) Any front boundary fencing or courtyard fencing visible from the street must be decorative.**
- (ii) The existing 1.8 m high boundary fencing along the northern and eastern boundaries of the Lone Pine Tavern is to be increased to 2.1 m to protect the privacy of the future residents.**
- (iii) The eastern boundary of the development site is to be provided with 1.8 m high black palisade fencing. The open style fencing is necessary to allow flood water to pass through. Black mesh fencing as proposed, however, is unacceptable.**
- (iv) The northern boundary is to be provided with fencing that will prevent access to the rail corridor. Council officers will require evidence that the fencing details have been submitted to Sydney Trains for review and separate endorsement.**

Note: All fencing will need to be provided at full cost to the developer.

- (b) Details of any retaining walls to be constructed on site as part of the development. Any retaining wall visible from a public road or place, or proposed to have a height greater than 900 mm, is to be constructed of masonry materials (i.e. no timber retaining walls).**

5.8 Access/parking

5.8.1 On-site resident, customer and visitor car parking spaces are to be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1 as follows:

Covered car space: 3m x 5.5m

Uncovered car space: 2.5m x 5.4m

Commercial car space: 2.6m x 5.4m

A total of 209 car parking spaces are proposed on site, including 51 spaces for the retail/commercial components of the development and 158 spaces for the seniors housing components of the development.

The 51 retail/commercial spaces represent a deficiency in the number of required on-site spaces and as such, the 2 vehicle crossings from Rooty Hill Road South are to be closed and 5 new indented 90 degree on-street car parking spaces are to be provided.

- 5.8.2 All internal accessways and other paved areas shall be designed to provide continuous surface drainage flow paths to approved points of discharge.
- 5.8.3 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6.
- 5.8.4 The layout of the car parking areas associated with the subject development (including driveways, grades, turn paths, 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.
- 5.8.5 The swept path of the longest vehicle (including garbage trucks) entering and existing the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS.
- 5.8.6 The required sight lines to pedestrians or other vehicles within the development shall not be compromised by landscaping, signage or fencing and is to be in accordance with minimum sight lines for pedestrian safety as outlined in AS2890.1.
- 5.8.7 All access roads, internal roads and pathways within the proposed development are to be designed in accordance with AUSTROADS, Australian Standards and State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
- 5.8.8 The loading facility must be designed so that trucks do not interfere with resident/visitor/customer vehicles during loading/unloading operations.
- 5.9 Lighting
 - 5.9.1 A detailed lighting plan is to be prepared by a suitably qualified person. 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.
 - (b) Lighting that is “vandal proof”. All lighting must be protected by way of vandal proof metal guards to ensure globes/tubes are not broken and that any potential “dark-spots” are eliminated. Where possible, lighting should be positioned at a height to deter vandal attacks.

- (c) Appropriate vandal proof security lighting to ensure the car parking areas, internal accessways, building entry points, business/retail areas, stairwells, walkways and public/communal areas, residential entry/exit points, lift areas, foyers and garbage disposal areas are a safe environment for all occupants and users of the site. Where appropriate sensor/motion activated and 24 hour timer activated lighting is to be provided to ensure all external communal areas are well illuminated, to deter vandal and nuisance activity, eliminate areas of concealment, and provide better safety at night. In this regard, motion-activated lighting and strategically positioned CCTV cameras should also be provided to allow surveillance of the ground level commercial properties, the residential lobby fronting Rooty Hill Road South, and the basement car park and basement lifts.
- (d) 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 to enable face recognition when CCTV cameras are in use.
- (e) All external lighting must be within the recommended lux rating of the Australian Standard to reduce glare on residential neighbours and occupants of the development. To ensure all lighting is satisfactory, a light spillage diagram will need to be submitted together with the lighting details.

5.10 Crime prevention

- 5.10.1** Details of the CCTV system are to be submitted to Council's town planning section. In this regard, a suitably qualified consultant is to be involved in the planning and placement of video surveillance systems. As a minimum, strategically positioned CCTV cameras are to be provided to the ground level commercial properties, the residential lobby fronting Rooty Hill Road South, and the basement car park and basement lifts.
- 5.10.2** The residential lobby and lift provided for the mixed use building fronting Rooty Hill Road South is provided with a secure, card-key operating system to prevent unauthorised access into the building. Secure access arrangements must also be provided for the other proposed buildings.
- 5.10.3** The letterboxes must be illuminated, tamper-proof and provided in a prominent location so as to minimise vandal attacks. Each box should be appropriately numbered and provided with a key lock. Street numbers should also be displayed to ensure the site is easily identified.

5.11 Garbage enclosures

- 5.11.1** 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.

5.12 Heritage matters

- 5.12.1** In accordance with the recommendations of the submitted heritage assessment, a pre-development archival photographic recording that captures general views to the station complex from the study area and also views from the station over the study area is to be undertaken by a heritage consultant and submitted to Council's town planning section.

5.13 Salinity and Aggressive Soil Management

- 5.13.1 A salinity report prepared by a suitably qualified consultant shall be submitted to Council prior to the issue of a construction certificate. The recommendations of the report are to be identified on the construction certificate plans.**

5.14 Road closure

- 5.14.1 A Construction Certificate must not to be issued for any works within the unformed Depot Street (Lots 18 & 19, DP 2570 and Lot 1, DP 624679) without a Road Act approval.**

5.15 Sydney Trains requirements

- 5.15.1 Prior to the issue of a Construction Certificate the applicant must hold current public liability insurance cover for a sum to be determined by Sydney Trains. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the applicant on the level of insurance required.**

- 5.15.2 Prior to the issue of a Construction Certificate the applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney trains confirming the lodgement of this Bond/Bank Guarantee.**

- 5.15.3 The following items are to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate:**

- (i) Machinery to be used during excavation/construction.**
- (ii) Track/vibration monitoring plan detailing the proposed method of track monitoring during excavation and construction phases.**
- (ii) Groundwater monitoring plan if required.**
- (iv) If required by Sydney Trains, a rail safety plan including instrumentation and the monitoring regime.**

The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.

- 5.15.4 There is a need to ensure that the roots and foliage of trees being planted beside the rail corridor do not have an impact on the rail corridor. The development's landscaping and planting plan should be submitted to Sydney Trains for review and separate endorsement.**

- 5.15.5** The applicant must provide a plan of how future maintenance of the development (including the wall on the boundary) along the rail corridor is to be undertaken. The maintenance plan is to be submitted to Sydney Trains for review. Prior to the issuing of a Construction Certificate written confirmation is to be obtained from Sydney Trains advising that the maintenance plan has been prepared to its satisfaction.
- 5.15.6** Prior to the issue of a construction certificate the applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
- 5.15.7** Given the likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (eg roof terraces and external fire escapes) that are within 20 metres and face the rail corridor, the Applicant shall provide to Sydney Trains for endorsement, details of the measures to be installed (eg awning windows, louvres, enclosed balconies, window restrictors etc) which prevent the throwing of objects onto the rail corridor. These measures are to comply with Sydney trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until it has confirmed that these measures are to be installed and have been indicated on the construction drawings.
- 5.15.8** The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor, must limit glare and reflectivity to the satisfaction of Sydney Trains. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- 5.15.9** Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on the rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- 5.15.10** Prior to the issuing of a Construction Certificate the applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. If required by Sydney Trains, the applicant must amend the plan showing all craneage and other aerial operations to comply with Sydney Trains requirements. The Principal Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- 5.15.11** Copies of any certificates, drawings, approvals/certification or documents endorsed by Sydney Trains must be submitted to Council for its records prior to the issuing of a Construction Certificate.

6 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)

6.1 Building Code of Australia Compliance

6.1.1 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).**

6.2 Site works and drainage

6.2.1 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.

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

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

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

Such details shall accompany the Construction Certificate.

6.3 Fire services

6.3.1 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.

6.3.2 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.

6.3.3 Static water supply for the proposed sprinkler systems are to be identified on the

construction plans.

6.4 Accessible entry

6.4.1 Every entry (whether a front entry or not) to a dwelling, not being an entry for employees, must comply with clauses 4.3.1 and 4.3.2 of Australian Standard 4299.

6.5 Internal Works

6.5.1 A separate application for development consent shall be lodged with Council for any proposed fit out of a commercial and industrial building (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.

6.6 BASIX Certificate Compliance

6.6.1 The plans and specifications must indicate compliance with the commitments listed in the BASIX Certificate Number: 59146OM_02, dated 13 March 2015 and held at Appendix P on Council's file JRPP-15-769/A.

Note: An updated BASIX Certificate is required if it does not reflect the final plans required by the deferred commencement condition or any other condition of this consent.

7 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

7.1 Compliance with Conditions

7.1.1 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.

7.1.2 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.

7.2 Road-works

7.2.1 Road pavements are to be designed by a Professional Civil Engineer in accordance with Council's Engineering Guide for 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.

7.2.2 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 RMS Traffic Control at Work Sites manual. Any persons preparing such traffic control layout plans shall be RTA accredited.

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

7.3 Drainage

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

- 7.3.2 Council requires that any lot created not draining directly to a public road be serviced by an inter-allotment drainage line and appropriate easement. Designs including longitudinal sections of the inter-allotment drainage lines are to be included with any Construction Certificate for engineering works.

- 7.3.3 Conditions for During Construction: These points can also be included as part of the construction conditions:

- (a) All required ground floor building slab levels shall be checked and certified by a Registered Surveyor confirming that all minimum floor levels have been achieved before pouring the concrete slabs.
- (b) All air conditioning units, all external power points and the hot water service are to be set at or above the habitable floor level.
- (c) The 200 micron Enviropods and/or Stormfilter cartridges supplied by Stormwater 360 as detailed on the approved drainage plan are not to be reduced in size or quantity, nor replaced with an alternate manufacturer's product.
- (d) The Water Conservation requirements agreed under Part J of DCP 2015 are based on bidets being provided to many of the residential care units which will require potable water. Where bidets are not used, the toilets in these areas are to be supplied by non-potable water and the rainwater tanks increased in size to achieve the 80% reuse standard.

- 7.3.4 The minimum habitable floor level for Residential Block RL1 is to be set at RL 38.40m AHD. The minimum habitable floor level for Residential Blocks RL2 & RL4 and the Community Building is to be set at RL 38.30m AHD. This includes a 500mm freeboard.

- 7.3.5 The minimum habitable floor level for the Residential Care Building is to be at RL 38.73m AHD. This includes a 300mm freeboard in accordance with Council's Engineering Guide for Development 2005.

- 7.3.6 The Flood Risk Study and Evacuation Plan August 2016 prepared by Site Plus is to be amended to ensure that the critical gauge level be painted in a bright colour that clearly identifies the 37.5 metres AHD level and that the gauge be well lit at night.

- 7.3.7** Structural design certification is required by an experienced professional structural engineer registered on NER, indicating that the structure has been designed to withstand all flood impacts prior to release of the Construction Certificate. For general building works the certificate should consider scour, impact of debris, hydrodynamic pressure, hydrostatic and buoyancy forces in a 1 in 100 year storm plus 0.5 m event. However where the Flood Management Plan nominates vertical evacuation for any building, that building is to be certified to the Probable Maximum Flood. Allow for a velocity adjacent to the structures of twice the average velocity.
- 7.3.8** An experienced professional civil/hydraulic engineer registered on NER, is to certify that the pre development 100 year ARI flood storage volumes within the site has been maintained or exceeded within the developed site. Such flood storage cannot include storage within the detention tank or Stormfilter chamber or any upstream pipes. Provide a flood storage plan with levels clearly identifying how the required post developed 100 year ARI flood storage has been achieved.
- 7.3.9** Details are to be provided for all structures to have flood compatible building components up to the 100 year flood level plus 500 mm freeboard. However where the Flood Management Plan nominates vertical evacuation for any building the structural elements of that building may need to consider flood compatible building components up to the Probable Maximum Flood.
- 7.3.10** An experienced Drainage Engineer registered with NER and supported by a DRAINS or similar electronic hydraulic drainage model is to certify that the internal drainage system (excluding the 1200m³ OSD tank) is capable of carrying the 20 year ARI flows without surcharge at any pits and that the 100 year ARI flows can be directed to the detention tank.
- 7.3.11** 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.
- 7.3.12** An experienced hydraulic engineer and/or irrigation specialist is to prepare and certify a detailed Non-Potable Water Supply and Irrigation Plan for non-potable water uses, including toilet flushing (excluding bidets) and landscape watering 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 mains water inflows, solenoid controlled mains water bypass and non-potable usage outflows, an inline automatic backwash filter and certify that all Sydney Water requirements have been satisfied. A solenoid controlled mains water bypass is required for toilet flushing, however landscape watering or other reuse must only use pump water and be on a separate reuse line, independent to the toilets and their solenoid backup. The Landscape Irrigation system is designed to automatically achieve an average minimum usage rate of 176.4 kL/year for the 80kL RWT and 192.6 kL/year for the 120kL RWT, but excluding turf areas, as nominated in

MUSIC allowing for seasonal variations. Seasonal variations include increasing the frequency of watering by 50% above average for the hotter months. 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.

- 7.3.13** Provide as part of the Non Potable Water Supply and Irrigation Plan, landscape watering details by an experienced irrigation specialist showing the layout of flow meters, timers, taps and pipes and spray irrigation. The Landscape Irrigation system is designed to automatically achieve an average minimum usage rate of 176.4 kL/year for the 80kL RWT and 192.6 kL/year for the 120kL RWT, but excluding turf areas, as nominated in MUSIC allowing for seasonal variations. Seasonal variations include increasing the frequency of watering by 50% above average for the hotter months. All rainwater reuse pipes are to be coloured purple.
- 7.3.14** Bidets in the residential care building can use potable water and are not required to have water conservation measures as per Part J DCP 2015. Where bidets are not used in the residential care building, the replacement toilets are to be supplied by non-potable water and the rainwater tanks increased in size to achieve the 80% reuse standard. The toilets in the commercial building and community building (without bidets) are to be supplied using non-potable water sourced from the rainwater tanks and meet the 80% reuse standard.
- 7.3.15** Details are to be provided for permanent interpretive signage minimum A1 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.
- 7.3.16** Maintenance requirements are to be provided for each of the proposed Stormwater Quality Improvement Devices. Where these devices are located in roadway/parking areas these are to include traffic management requirements. The designer of the stormwater treatment system must prepare the Maintenance schedule and this schedule must show the designer's name, company, signature and date on it.
- 7.3.17** Amended Engineering plans from Siteplus are to be provided to meet the requirements under Councils DCP Part J 2015 and Engineering Guide for Development 2005. The amended plans must address the following:
- (a) To achieve the water quality removal targets under Part J of DCP 2015 for a minimum 85% site imperviousness the following changes are required to the water quality devices:
 - (i) The rainwater tank downstream of the Residential Care Building is to be increased to 120 kL.
 - (ii) The large Stormfilter chamber area is to be increased to 80 m² upstream of the weir.
 - (ii) The number of 460 mm cartridges within the large Stormfilter chamber is to be increased to 66.

- (b) On Dwg 26 (M) the base levels of the OSD TANK STORAGE are to be raised 0.1 m at all points to better allow the HED flaps to close. To maintain the required storage the tank width is to be increased from 22.5 m to 24.5 m.
- (c) On Dwg 26 (M) the access points to the OSD TANK STORAGE are all to be grated (not sealed) and a minimum of 900 mm x 900 mm. Provide step irons or ladders to all access points.
- (d) On Dwg 26 (M) the HED chamber is to be a minimum of 1200 mm wide and all grated access is to be 1200 mm x 1200 mm.
- (e) On Dwg 26 (M) provide a detail for the non-return flap for the 525 mm pipe using standard flood flaps in lieu of the flexible PVC sheet for the connection to the HED pit. Provide 1 m centres for the two pipes.
- (f) On Dwg 26 (M) provide a detail with the orifice diameter of 297.96 mm and with 5 mm minimum thick stainless steel plate.
- (g) On Dwg 26 (M) provide a detail for a screen to protect the orifice with Weldlok F40/203 with a minimum screen area of 20 times the orifice area.
- (h) Enviropods treating only surface flows require a minimum clear depth of 550 mm from the grate to any inlet or outlet pipe obvert. Enviropods treating surface flows and upstream pipe flows require a minimum clear depth of 500 mm from the invert of the upstream pipes to be treated, to the obvert of the outlet pipe. Two of the sections on Dwg 26 (M) are incorrect. Adjust pit and pipe sections of the amended pits accordingly to achieve the required depth.
- (i) On Dwg 28 (M) Section B/1, the Stormfilter weir level is to be set 540 mm above the false floor to RL 36.60m AHD for the Stormfilter chamber with the two 460mm Stormfilter cartridges. The baffle is to be set 250 mm upstream of the weir.
- (j) On Dwg 28 (M) Stormfilter Section, the baffle is to extend 0.3 m below the weir crest, not 0.4 m.
- (k) On Dwg 28 (M), the minimum length of the Stormfilter weir (L) for the 66 x 460mm Stormfilter cartridges is to be increased to provide a maximum velocity of 0.4 m/s under the baffle during peak flow (i.e. $L > Q_{20} / (0.4 \times 0.19)$) in m, where Q_{20} is in m³/s). Provide amended calculations and adjust dimensions of tank as required.
- (l) On Dwg 28 (M) Section A delete the maximesh screen in the rainwater tank. Provide non-return flap on the outlets of all overflow pipes from the rainwater tank.
- (m) Revised drainage plans are required showing the 80 kL rainwater tank collecting all of the roof area from the commercial building, the 120 kL rainwater tank collecting all of the roof area from the residential care building, block RL1 and block RL2 and the 10 kL rainwater tank collecting all of the roof area from the community building

- (n) Entry ramp into the basement carpark for the Residential Care Building is to be increased to RL 38.73m AHD considering the depth of surface flow ponding within the adjacent proposed commercial access road with a 300mm freeboard applied.
- (o) Ensure the internal pit and pipe drainage system can carry a minimum of the 20 year flow and that the 100 year flow can be definitely directed to the detention tank by pipe or surface, otherwise design pits and pipes for the 100 year ARI.
- (p) Any new boundary fencing within the overland flow path will require louvers to be installed at the bottom to allow overland flows through to a minimum of 1:100y ARI + 0.3m. Any new internal fencing are to have louvers at a minimum of 1:100y ARI + 0.3m. Louver details, internal flow through fencing and their location are to be clearly shown on a plan and approved by Council.
- (q) All flood warning signs, depth gauges and necessary notices need to be clearly detailed on the drainage plan.
- (r) Charge line cleanout pits are to be provided for all rainwater tank charge lines at the lowest point in the system. Provide a dribble hole and a screw cap on the charge line.
- (s) Confined space entry warning signs are to be detailed on the drainage plans adjacent to all entries into the rainwater tanks, Stormfilter Chambers and Detention tank in accordance with Council's Engineering Guide for Development 2005.
- (t) Provide Floodway Warning Signs for the 100 year ARI Flood areas and above ground detention areas in accordance with Plan A(BS)114S from Council's Engineering Guide for Development 2005.

7.4 Erosion and Sediment Control

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

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

7.5 Compaction Requirements

7.5.1 Special attention is drawn to the following requirements of Council's current Works Specification – Civil.

- (i) Submission of compaction certificates for fill within road reserves.
- (ii) Submission of compaction certificates for road subgrade.
- (iii) Submission of compaction certificates for road pavement materials.

- (iv) 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.
- (v) Certificates from road material suppliers.

7.6 Asset Management

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

7.7 Work Adjacent to Easements

- 7.7.1** Foundations adjacent to easements shall not place a loading on the pipe within the easement. Foundations shall be located at:

- (a) the depth of the invert of the existing pipeline, and/or
- (b) the depth of the invert of the proposed pipeline.

7.8 Street Furniture

- 7.8.1** A notation is to be placed on the Engineering Construction Plans "that all light poles street name poles and bus shelters in this subdivision will be black powder coated to the satisfaction of Blacktown City Council. Further that these light poles will comply with Council's specifications"

7.9 Scope of Engineering Works

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

7.10 Road and Drainage works

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

- 7.10.2** Proposed new road(s) must be constructed generally as follows:

Name	Width (m)	Length (m)	Formation (m)	Traffic_Loading N(E.S.A.)
Depot St	10.5m	Approx 255m	1.5-6.5-2.5	1 x 10 ⁵

(CH8-263)

Depot St (CH122-176)	15.8m	Approx 54m	1.8-5.4-6.5-2.1	1 x 10⁵
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Commercial Rd (CH0.00-26)	9.0m	Approx 26m	2.0-6.0-1.0	1 x 10⁵
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Commercial Rd (CH40-99)	9.0m	Approx 59m	2.0-6.0-1.0	1 x 10⁵
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Loop Rd (CH10-50)	6.5m	Approx 40m	Varies-6.5-Varies	1 x 10⁵
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Northern Western (CH8.0-52)	20.3m	Approx 44m	Varies-5.4-6.0-5.4-2.5	1 x 10⁵
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Northern Western (CH64-139)	14.2m	Approx 75m	Varies-6.0-5.4-2.5	1 x 10⁵
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7.10.3 **Redundant gutter and/or footway crossing(s) must be replaced with integral kerb and gutter. The footway area must be restored by turfing.**

7.10.4 **Overland flows up to the 1% A.E.P. (100 year Average Recurrence Interval) event must be intercepted at the boundary of the site and conveyed through the site in a piped or channelled discharge system and discharged in a satisfactory manner.**

7.10.5 **Overland flows must be intercepted at the property boundary, conveyed through the site in a piped or channelled drainage system to match or set local condition, and discharged in a satisfactory manner.**

7.10.6 **A cul-de-sac shall be constructed at the end of the property - Mavis Street, Rooty Hill South in accordance with drawing 14129.CC.C35 'Turning Head Detail, Revision N' dated 15 July 2016 and held at Enclosure 116JJ on Council's file JRPP-15-769/2.**

7.10.7 **An additional 5 on-street car parking spaces required in South Rooty Hill Road for the proposed Retirement Village Development. Car Park Design should be as per the Austroads "Guide to Traffic Engineering and Blacktown City Council Engineering Guide for Development – 2005.**

7.10.8 **Any drainage currently entering the site is to be collected and conveyed in an approved manner to the nearest appropriate point of discharge.**

7.11 **On Site Stormwater Detention System**

7.11.1 On Site Detention

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

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

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

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

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

- (b) Council acknowledges the submission of the On-site Stormwater Detention concept plan Reference No. 14129.CC.C20 – Sheet 20 and 14129.CC.C26 – Sheet 26 dated 13.04.15 (Council File No. JRPP-15-00769). The Construction Certificate issued in this regard must generally be in accordance with this concept.**
- (c) Any variation to the following design parameters of the above mentioned concept plan will require a lodgement of a Section 96 application to Council for amendment of the consent;**
- (i) location of storage area**
 - (ii) alteration of the type of storage - i.e changing from above ground to below ground storage**
 - (iii) location of discharge outlet from the system.**
- (d) Professional accreditation of OSD designers and certifiers must be in accordance with the requirements of Council's Policy.**
- (e) The concept plan referred to above is for Development Application purposes only and is not to be used for construction.**
- (f) Comprehensive design plans showing full construction details must be prepared by an accredited OSD designer to be issued with a Construction Certificate under the Environmental Planning and Assessment Act 1979 prior to the commencement of works.**

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

7.12 Footpaths

7.12.1 The construction of path paving is to be provided to the following nominated street:

Name	Side	Paving width	Length
Mavis Street	Left (northern)	1.2 m	Approx. 95 m

7.12.2 The footway in Mavis Street is to be fully turfed in an appropriate manner and is to be free draining to the street and of neat appearance.

7.13 Finished Boundary Levels

7.13.1 Finished levels of all internal works at the road boundary of the property must be:

(a) 4% above the top of the kerb.

7.14 Stormwater Quality Control

7.14.1 Stormwater Treatment Measures for the proposed development shall be designed in accordance with the requirements of Blacktown Council's DCP Part R – Water Sensitive Urban Design and Integrated Water Cycle Management.

7.14.2 A Maintenance Schedule must be provided for the stormwater treatment measures in accordance with the requirements of Blacktown Council's DCP Part R – Water Sensitive Urban Design and Integrated Water Cycle Management. The designer of the stormwater treatment measures must prepare the Maintenance Schedule and this schedule must show the designer's name, signature and date on it.

8 PRIOR TO CONSTRUCTION CERTIFICATE (ENVIRONMENTAL HEALTH)

8.1 Site Contamination

8.1.1 All areas identified as being contaminated shall be remediated in accordance with the Remediation Action Plan (RMP) and Asbestos Management Plan (AMP) submitted to satisfy the deferred commencement condition of consent.

8.1.2 Upon completion of the remediation works, an appropriately qualified environmental consultant shall prepare a validation report. The validation report shall be carried out in accordance with:

- o **NSW Environment Protection Authority's *Guidelines for Consultants Reporting on Contaminated Sites* (1997)**

- o NSW Environment Protection Authority's *Contaminated Sites Sampling Design Guidelines* (1995).
- o Australian and New Zealand Environment and Conservation Council and National Health and Medical Research Council's *Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites* (1992).

A suitably qualified environmental consultant shall review the validation report and submit to Council's town planning section a Site Audit Statement for the entire development site. The Site Audit Statement shall verify that the investigation, remediation and validation was carried out in accordance with the aforementioned guidelines and that the site is suitable for the proposed sensitive residential development with exposed soils and gardens. Note: Groundwater is not to be extracted for any use without further assessment.

8.1.3 The asbestos material is to be handled and treated in accordance with the WorkCover document "*Your Guide to Working With Asbestos - Safety guidelines and requirements for work involving asbestos*" dated March 2008.

8.2 Acoustic matters

8.2.1 The following acoustic matters are to be addressed:

- (a) Subject to the amendments required below, the recommendations provided in the submitted noise impact report prepared by Acoustic Logic (report no. 20140932.1) dated 4 September 2014 and held at Appendix M on Council's file JRPP-15-769/A are to be implemented (including the minimum recommended glazing thicknesses). All mitigation/acoustic measures are to be identified on the construction plans.
- (b) Any bedroom window located in the east elevation of buildings RL1 and RL3, and the west elevations of buildings RL2 and RL4 (i.e. where the distance separation between buildings is less than 12 m) are to be provided with acoustic seals and a minimum glazing thickness of 6.38 mm. Note: The nominated glazing thickness is greater than that required by the noise impact report.
- (c) Any residential window to a habitable room located within 20 m of the north or east boundary of the Lone Pine Tavern is to be provided with acoustic seals and a minimum glazing thickness of 10.38 mm. Note: The nominated glazing thickness is greater than that required by the applicant's noise impact report.
- (d) The submitted acoustic assessment must ensure compliance with the Department of Environment and Planning's document titled "*Development Near Rail Corridors and Busy Roads - Interim Guidelines*". The document is available on the Department of Planning and Environment's website. If necessary, the acoustic report is to be updated and all recommended acoustic measures are to be identified on the construction plans.

8.1 Food Premises

8.1.1 Plans and specifications submitted for issue of a Construction Certificate shall

demonstrate compliance with the requirements of:

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

8.1.2 The walls and floor of the premises are to be constructed with an approved durable, smooth, impervious material capable of being easily cleaned.

9 PRIOR TO DEVELOPMENT WORKS

9.1 Sydney Trains requirements

9.1.1 The applicant is to obtain Sydney Trains endorsement prior to the installation of any hoarding or scaffolding facing the common boundary with the rail corridor.

9.1.2 Prior to the commencement of works, appropriate fencing is to be installed along the rail corridor to prevent unauthorised access to the rail corridor during construction. Details of the type of fencing and the method of erection of any new fencing are to be to Sydney Train's satisfaction prior to the fencing work being undertaken.

9.1.3 Prior to the commencement of works, prior to the issue of the an Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.

9.1.4 Prior to the commencement of works the applicant shall peg-out the common boundary with the rail corridor and/or rail easement to ensure that there is no encroachment. This work is to be undertaken by a registered surveyor.

9.2 Safety/Health/Amenity

9.2.1 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, or
- (b) a temporary on-site toilet which is regularly maintained and the waste disposed to an approved sewerage management facility.

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

indicating:

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

This condition does not apply to:

- (a) building work carried out inside an existing building, or
- (b) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.

9.2.3 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.

9.2.4 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.

9.2.5 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.

9.2.6 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.

9.2.7 Should any excavation associated with the development extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land

(including a public place), that building or structure:

- (a) shall be preserved and protected from damage, and
- (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
- (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting work commences, be given notice of such intention and particulars of the excavation or supporting work.

9.3 Notification to Council

- 9.3.1** 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.

9.4 Tree Protection

- 9.4.1** Any tree not indicated on the approved Development Application plans as being removed shall be effectively protected against damage.

9.5 Sydney Water Authorisation

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

9.6 Use of Crane

- 9.6.1** Any crane used in the construction of this development must have approval under the Roads Act 1993 from Council to swing over public air spaces.
- 9.6.2** The crane used must be provided with a light in accordance with the requirements of the Civil Aviation Authority (CASA) requirement. This may require a separate approval from CASA.

10 DURING CONSTRUCTION (BUILDING)

10.1 Sydney Trains requirements

10.1.1 Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25 metres of the rail corridor are to be supervised by a geotechnical engineer experienced in such excavation projects.

10.1.2 No rock anchors/bolts are to be installed into RailCorp's property.

10.1.3 Unless advised by Sydney Trains in writing, the effect of construction induced settlement due to groundwater drawdown (potentially leading to track settlement) is to be avoided at all times.

10.1.4 No work is permitted within the rail corridor, or rail easements, at any time unless prior approval or an Agreement has been entered into with Sydney Trains.

10.1.5 Drainage shall not be discharged within the rail corridor.

10.1.6 Sydney Trains or Transport for NSW (TfNSW) and persons authorised by those entities for the purpose of this condition, are entitled to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and these conditions of consent on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.

10.2 Safety/Health/Amenity

10.2.1 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.

10.2.2 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.**

10.2.3 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.

- 10.2.4 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.
- 10.2.5 All measures specified in the Construction Certificate to control soil erosion and sedimentation shall be maintained throughout development works.
- 10.2.6 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.
- 10.2.7 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.
- 10.2.8 Should any excavation associated with the ongoing development works extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:
- (a) shall be preserved and protected from damage, and
 - (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
 - (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting works be given notice of such intention and particulars of the excavation or supporting works.
- 10.2.9 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.
- 10.3 Building Code of Australia Compliance
- 10.3.1 All building work shall be carried out in accordance with the provisions of the Building Code of Australia.

10.4 Surveys

- 10.4.1 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.**

10.5 Nuisance Control

- 10.5.1 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.**

- 10.5.2 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.**

10.6 Construction Inspections

- 10.6.1 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.

10.7 Waste Control

10.7.1 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 (DCP) shall be implemented during the course of development works.

10.7.2 The measures outlined in the submitted Waste Management Plan, must be implemented during the construction phases of the development. This includes the sorting and storage of waste and recyclable building materials on site for collection and disposal by the nominated waste/recycling contractor to the nominated disposal site.

Note: The developer is to retain receipts from the waste/recycling disposal contractor or some form of evidence of compliance with the Waste Management Plan. This information is to be submitted to Council prior to issue of any Occupation Certificate.

10.8 Aesthetics and landscaping

10.8.1 The development shall be constructed in accordance with the approved external building materials, finishes and colours, and the details submitted and approved as part of the Construction Certificate. The external building materials, finishes and colours shall not be altered without separate approval.

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

10.10 Aboriginal Archaeology

10.10.1 If any Aboriginal objects are found during the works, works are to stop. The Office of Environment and Heritage (OEH) is to be notified and the site and objects assessed by a suitably qualified Aboriginal Heritage Consultant in accordance with the requirements of OEH.

If human remains are found during the works, NSW Police as well as the OEH are to be informed immediately. All works must cease and the site must be secured.

The applicant should advise all relevant personnel and contractors involved in the design and construction of the project of the potential for Aboriginal objects, and the relevant legislative requirements and recommendations of the Due Diligence report in relation to aboriginal heritage management requirements.

10.11 Site Contamination

10.11.1 Should any contaminated material be unearthed or fly-tipped rubbish be encountered during construction, all works are to cease immediately. In this situation, a Remediation Action Plan (RAP) is to be submitted to Council for further consideration and all potentially contaminated material is to be tested, removed or undergo remediation. In this regard, the environmental consultant engaged for this project is to be on site for regular monitoring of

the approved site works.

10.11.2 Throughout the duration of the works, the applicant is to demonstrate compliance with the following approval parameters:

- (a)** The applicant is to ensure that validation for the entire subject site can be prepared by a suitably qualified environmental consultant in accordance with Council's Contamination Land Policy.
- (b)** The applicant is to ensure that the site has been satisfactorily secured so as to prevent any unauthorised dumping of illegal fill/waste building materials (i.e. non-V.E.N.M soils) from entering onto the development site.
- (c)** Appropriate dust suppression measures are to be incorporated into the site works process, so as to ensure that adjoining properties in the local vicinity are not negatively impacted upon by dust generated from the development site.
- d)** Any filling shall be undertaken in accordance with the fill protocol approved by Council's Manager, Development Assessment.

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

10.12 Salinity and Aggressive Soil Management

10.12.1 All salinity management measures provided in the salinity assessment report required by the 'Pre-Construction Certificate' condition of this consent shall be implemented during construction.

11 DURING CONSTRUCTION (ENGINEERING)

11.1 Notice of work commencement

11.1.1 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.

11.1.2 A minimum of 5 working days written notice is to be provided to all occupiers of properties adjacent to any works approved by this consent and which is to be carried out on Council controlled lands such as roads, drainage reserves and parks. The written notice must contain details of the proposed works, a contact name and phone number and the proposed start and finish dates of the work. A copy of the notice is to also be provided to Council's Development Services Engineers.

11.2 Service Authority Approvals

11.2.1 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.

11.3 Compaction Requirements

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

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

11.3.3 Special attention is drawn to the following requirements of Council's Works Specification - Civil:

(a) Submission of compaction certificates for fill within road reserves.

(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 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.

11.3.4 Any excavated material is to be removed from site and disposed of in an approved manner and location.

11.4 Tree Protection

11.4.1 Existing vegetation shall be left undisturbed except where roads, drainage lines and filling and/or building works are proposed.

11.4.2 Prior to the commencement of any earthworks, and after the road centrelines have been pegged and/or permanently marked, the site shall be inspected by Council's representative or an appropriately accredited private certifier and the applicant's representative to identify and appropriately mark:-

(i) The trees to be retained.

(ii) All areas to be left undisturbed and cordoned off.

- 11.4.3** There is to be no storage of materials stockpiling of excavated material or parking of machinery within the drip line of the crown of any trees to be retained.
- 11.4.4** Prior to the removal of any branches of the trees, which are to be, retained Council is to be notified at least 24 hours prior to any activity and the work is to be undertaken by a qualified Arborist.
- 11.5** Maintenance of Soil Erosion Measures
- 11.5.1** Soil erosion and sediment control measures shall be implemented in accordance with Council's Soil Erosion and Sediment Control Policy.
- 11.5.2** Re-vegetation must be applied to disturbed areas as soon as practical after completion of earthworks and must be established prior to release of the maintenance security. All open drains must be turfed.
- 11.5.3** All required soil erosion and sediment control measures are to be maintained during the entire construction period until disturbed areas are restored by turfing paving or revegetation. Infringement Notices incurring a monetary penalty may be issued by Council where the maintenance of measures is inadequate.
- 11.6** Filling of Land & Compaction
- 11.6.1** Land shall be filled where necessary. All fill including existing fill must be compacted in accordance with the Council's "Works Specification - Civil". A compaction certificate is to be obtained from a practising Civil Engineer verifying that the correct compaction requirements have been met.
- 11.6.2** Removal of any unsuitable soil and/or fill material and its replacement with suitable material compacted in accordance with Councils "Works Specification - Civil".
- 11.6.3** 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.
- 11.6.4** Roads adjoining the site must be kept clean and free of all excavated /transportable spoil materials.
- 11.6.5** Trucks transporting fill must have their loads covered
- 11.6.6** Prior to the placement of any fill on the site all topsoil and vegetation must be removed down to a suitable sub-grade material. The topsoil is to be stockpiled for use in revegetation of the site.
- 11.6.7** 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". Minimum standard compaction of 95% must be achieved and certified by a NATA registered soils lab and details submitted to Council.

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

11.6.9 During the course of placement of filling the applicant shall undertake further testing for potential soil contamination. Validation of the imported fill material will be required.

11.6.10 All testing and validation of the fill material shall be undertaken by a suitably qualified environmental consultant in accordance with Council's Policy and Procedures for the determination of Rezoning Development and Building Applications involving Contaminated Land. A Remediation and Validation Report documenting the testing undertaken shall be submitted to Council for approval.

11.6.11 Should any remediation works be required documentary evidence prepared by a suitably qualified environmental consultant validating the site is to be submitted to Council for approval.

11.6.12 Only clean fill shall be deposited on site in accordance with Council's Works Specification - Civil. Note: dry builder's waste i.e. bricks plaster and timber industrial waste or putrescible materials are not to be deposited on site.

11.7 Inspections of Works

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

(i) Soil Erosion and Sediment Control

(a)Implementation of erosion and sediment control

(b)Revegetation of disturbed areas

(c)Construction of major controls (i.e gabions mattresses shotcreting etc)

(d)Removal of sediment basins/ fencing etc.

(e)Internal sediment/ pollution control devices

(f)Final Inspection

(ii) Traffic Control

(a)Implementation of traffic control

(b)Maintenance of traffic control during works

(c)Removal of traffic control

(iii) Construction of Drainage works (including inter-allotment)

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

(iv) 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)**
- (b) Erection of fencing adjoining public/ drainage reserves**

(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) Construction of on-site detention system/Basin

(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

(viii) Stormwater Quality Control

(a)Installation of Stormwater Quality Control devices

(b)Final Inspection

(ix) Traffic Control

(a)Implementation of traffic control

(b)Maintenance of traffic control during works

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

(a)All road drainage

(xi) 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.

11.7.2 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.

11.8 Public Safety

11.8.1 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.

11.9 Site Security

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

11.10 Traffic Control Plan

11.10.1 Where amendments to the approved Traffic Control Plan are required, a new plan shall be prepared and approved prior to implementation. Such plans shall be prepared in strict compliance with the requirements of Australian Standard 1742.3 (Traffic Control Device for works on Roads) as well as the RTA Traffic Control at Work Site manual. Any person preparing such Traffic Control plans shall have the relevant RTA accreditation, which must be stated on the submitted plans.

11.11 Other Matters - Drainage

11.11.1 All required ground floor building slab levels shall be checked and certified by a Registered Surveyor confirming that all minimum floor levels have been achieved before pouring the concrete slabs.

11.11.2 All air conditioning units, all external power points and the hot water service are to be set at or above the habitable floor level.

11.11.3 The 200 micron Enviropods and/or Stormfilter cartridges supplied by Stormwater 360 as detailed on the approved drainage plan are not to be reduced in size or quantity, nor replaced with an alternate manufacturer's product.

11.11.4 The Water Conservation requirements agreed under Part J of DCP 2015 are based on bidets being provided to many of the residential care units which will require potable water. Where bidets are not used, the toilets in these areas are to be supplied by non-potable water and the rainwater tanks increased in size to achieve the 80% reuse standard.

12 PRIOR TO OCCUPATION CERTIFICATE

12.1 Compliance with conditions

12.1.1 Occupation certificates can be issued in stages. An Occupation Certificate shall not be issued until such time as all conditions of this consent relevant to that occupation certificate, other than "Operational" conditions, have been satisfied. The use or occupation of the development prior to compliance with all conditions of consent relevant to that part of the development, other than "Operational" conditions, may render the applicant/developer liable to legal proceedings.

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

12.2 Road closure

12.2.1 The development includes the construction of a new private internal roadway in the location of the existing unformed Depot Street. This, however, is subject to the closure of Depot Street being finalised by Council and the developer purchasing the land. The required road closure is to be finalised prior to the issue of an Occupation Certificate.

12.3 Consolidation of the site

12.3.1 An Occupation Certificate shall not be issued until Lot 18 DP 2570, Lot 19 DP2570 & Lot 1, DP624679 (being a small narrow strip of land and the adjacent unformed Depot Street) and Lot 1, DP1202126 are consolidated into one development site.

12.4 Road damage

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

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

12.5 Service Authorities

12.5.1 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, 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, a recognised energy provider and Telstra and NBN (or any other recognised communication carrier) if such clearance (in the form of a Section 73 Certificate, Notification of Arrangement, etc.) has not previously been issued.

12.6 Fee Payment

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

12.7 Inspections

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

12.8 Temporary Facilities Removal

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

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

- 12.8.3** Any temporary soil erosion control measure installed during development works shall be removed and other permanent measures required by Council's Soil Erosion Control Policy shall be provided.

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

- 12.8.5** Any temporary site access provided for the purpose of development works shall be removed and the kerb and gutter and/or previous roadworks reinstated in a manner satisfactory to Council. Should the reinstatement involve the provision of a new vehicular crossing, layback, kerb and gutter or road shoulder works the separate approval of Council's Maintenance Section shall be obtained (and any appropriate fees paid) prior to such works commencing.

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

- 12.9.1** 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.

12.10 Restriction as to User

12.10.1 As required by clause 18 'Restrictions on occupation of seniors housing allowed under this chapter,' pursuant to SEPP (Housing for Seniors or People with a Disability) 2004, a restriction as to user shall be registered against the title of the property(s) in accordance with section 88E of the Conveyancing Act 1919, limiting the use of any accommodation to which the application relates to the kinds of people referred to in subclause (1) as follows:

- (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 Policy.

12.11 Surveys/Certificates/Works As Executed plans

12.11.1 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 Work-As-Executed plan must confirm that the On Site Detention system identification plate has been installed in accordance with the Upper Parramatta River Catchment Trust Guidelines. The On Site Detention system identification plate can be purchased from the Upper Parramatta River Catchment Trust or Council.

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

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

12.11.4 A certificate from a Chartered Professional Civil Engineer must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Council's DCP Part R – Water Sensitive Urban Design and Integrated Water Cycle Management.

12.11.5 Written evidence is to be obtained from the Roads & Maritime Services (RMS) indicating compliance with its requirements including the payment of any necessary works supervision fees.

12.11.6 Special attention is drawn to the following requirements of Council's Works Specification - Civil:

- (a) Submission of compaction certificates for fill within road reserves.
- (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.

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

12.12 Easements/Restrictions

12.12.1 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.

(b) The standard format for easements, restrictions and covenants as accepted by Land and Property Information (LPI) NSW.

12.12.2 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.

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

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

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

12.12.6 Each of the proposed lots serviced by the existing interallotment drainage easements shall have this burden and benefit created pursuant to Section 88B of the Conveyancing Act 1919.

12.13 Bonds/Securities/Payments in Lieu of Works

12.13.1 A maintenance security of 5% of the value of the required engineering works (being all works within a public road) must be lodged with Council prior to the practical completion of the works. Council will hold this security for a period of at least twelve months.

(a) In the case of subdivision - This period commences at the release of the final plan of subdivision. (Issue of Subdivision Certificate)

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

This maintenance period may be extended in the following situations to allow for the completion of i) necessary maintenance and or ii) all outstanding minor works.

12.14 Inspection of Work

12.14.1 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.

12.15 Drainage

12.15.1 A Hydraulic Engineer registered with NER is to certify that all the requirements of the Flood Management Plan for the site have been implemented including the installation of all signage and notices.

12.15.2 Provide a Restriction to User and Positive Covenant over the On-Site Detention System in accordance with the requirements of Council's Engineering Guide for Development 2005. The Restriction to User and Positive Covenant must be registered with Land & Property Information.

12.15.3 A registered surveyor is to certify that:

i) the finished habitable floor levels are at or above the minimum required;

ii) All air conditioning units, all external power points and the hot water service are to be set at or above the habitable floor level;

iii) any front fencing or internal fencing or gates is of open form fencing;

iv) any new front fencing or internal fencing or gates is of open form fencing and is a minimum of 1:100y ARI + 0.3m; and

v) Any fencing within the overland flow path will require louvers to be installed at the bottom to allow overland flows through to a minimum of 1:100y ARI + 0.3m.

12.15.4 That the finished surface levels are at or below the levels nominated in the Flood Storage Plan and that the 100 year ARI flood storage has been maintained.

12.15.5 Provide a Restriction to User and Positive Covenant for Overland Flowpath over the full

width of the overland flow extents in the peak 1 in 100 year ARI event in accordance with the requirements of the Council's Engineering Guide for Development 2005. The flood storage area and proposed 100 year flood extents as defined in the plan titled "Proposed 100YR 14129.DA.P02 Rev C dated 04/12/14" contained within the Flood Risk Management Study and Flood Evacuation Plan 13149 dated December 2014, both prepared by Siteplus, shall be used to define the extent of the restriction as to user and positive covenant. The Restriction to User and Positive Covenant must be registered with Land & Property Information.

12.15.6 A Restriction to User and Positive Covenant is to be provided over the Stormwater Quality Improvement Devices and Rainwater Tanks in accordance with the requirements of Council's Engineering Guide for Development 2005. 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.

12.15.7 A Civil Engineer registered with NPR, is to certify that:

- (a) All the requirements of the approved drainage plan have been undertaken;
- (b) The minimum detention storage of 1200 m³ has been provided below the soffit of the detention tank;
- (c) The orifice size is 297.96 mm;
- (d) The 80 kL rainwater tank has been provided collecting all of the roof area from the commercial building;
- (e) The 120 kL rainwater tank has been provided collecting all of the roof area from the residential care building, block RL1 and block RL2;
- (f) The 10 kL rainwater tank has been provided collecting all of the roof area from the community building;
- (g) All the signage and warning notices have been installed;
- (h) Any proprietary water quality devices have been installed for the site as per the manufacturer's recommendations.
- (i) The Stormfilter weir length has been designed to reduce the 20 year ARI flow velocity under the baffle to 0.4 m/s or less.
- (j) A copy of the certification and the works-as-executed drainage plan has been provided to the certifier, who shall provide it to Council.

12.15.8 Stormwater 360 is to certify for the installation of the 200 micron Enviropods and

Stormfilters that:

- (a) They are installed in accordance with the Stormwater 360 standard operational guidelines and production drawings;**
- (b) A minimum of 41 x 200 micron Enviropods have been installed;**
- (c) The Stormfilter tank includes a baffle 300 mm below the Stormfilter weir and set 250 mm upstream from the weir to retain floatables including oils for the 460 mm cartridges;**
- (d) That the 66 x Stormfilters have a minimum flow rate of 72 l/s at standard weir height;**
- (e) That the 2 x Stormfilters have a minimum flow rate of 2 l/s at standard weir height;**
- (f) Mosquito proof screens have been provided under all grated accesses into the Stormfilter tank.**

12.15.9 A plumber, licensed with NSW Fair Trading, or experienced hydraulic engineer, is to certify that all the internal non-potable water uses are being supplied by rainwater and that all the requirements of the detailed Non-Potable Water Supply and Irrigation Plan have been installed and are working correctly. Provide a copy of the certification and a signed, works-as-executed Non-Potable Water Supply and Irrigation Plan to Council's WSUD Compliance Officer.

12.15.10 An experienced irrigation specialist is to certify that all the landscape irrigation requirements of the detailed Non-Potable Water Supply and Irrigation Plan have been installed as per the approved plan and are working correctly. Provide a signed, works-as-executed Plan to Council's WSUD Compliance Officer.

12.15.11 A plumber licensed with NSW Fair Trading is to certify that the buildings, or parts of buildings that are not affected by BASIX, comply 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 have been used.**

12.16 Fire Safety Certificate

12.16.1 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).

12.17 Fire Sprinklers

12.17.1 As required by clause 22 'Fire sprinklers in residential care facilities for seniors,' of SEPP (Housing for Seniors or People with a Disability) 2004, a fire sprinkler system is to be installed in accordance with the relevant BCA requirements.

12.18 BASIX

12.18.1 All commitments listed in the BASIX Certificate Number: 59146OM_02, dated 13 March 2015 and held at Appendix P on Council's file JRPP-15-769/A shall be complied with prior to the issue of an Occupation Certificate for the development.

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

12.19.1 An Occupation Certificate must not be issued unless all design verifications have been provided in accordance with Clause 154A of the Environmental Planning and Assessment Regulation 2000.

12.20 External finishes and signage

12.20.1 The approved development is to be constructed in accordance with the schedule of materials, finishes and colours submitted to satisfy the 'Pre-Construction Certificate' condition of consent. Graffiti resistant materials are to be used in the construction.

12.20.2 The awning in Rooty Hill Road South must be constructed in accordance with the details submitted as part of the Construction Certificate. The height and width of the awning must comply with the requirements of Council's Maintenance Section.

12.21.1 All signage shall be completed in accordance with approved signage plans. The level of illumination must not spill light on to any nearby property.

12.21 Landscaping and fencing

12.21.1 All landscaping and common open space areas shall be completed in accordance with approved landscaping design plan.

12.21.2 All landscaping shall be completed in accordance with approved landscaping design plan. All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.

12.21.3 All fencing shall be completed in accordance with the details submitted to satisfy the 'Pre-Construction Certificate' condition of consent. All fencing is to be provided at full cost to the developer.

12.22 Street Tree Planting

12.22.1 Prior to the issue of an Occupation Certificate, all required street tree planting and payments of bonds are to be completed to Council's satisfaction.

12.23 Lighting

12.23.1 Vandal proof and security lighting is to be provided in accordance with the approved Construction Certificate plans to provide for the safety and convenience of occupants and visitors at night. The loading dock area and car parking areas must also be provided with sufficient lighting to enhance the safety of users. 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.

12.24 Security/Surveillance

12.24.1 The development is to comply with the detailed lighting plan, CCTV details, and other security measures submitted as part of the Construction Certificate.

12.24.2 Shatter-proof film should be applied to the ground level shopfronts/business premises to minimise smash and grab opportunities.

12.25 Graffiti Management Plan

12.25.1 A "Graffiti Management Plan" is to be submitted for the separate approval of Council's Manager, Development Services. The plan is to address the following issues:

(a) Methods to minimise the potential for graffiti.

(b) Management/notification procedures for the rapid removal of graffiti.

(c) Annual review of any "management agreement" for the removal of graffiti to ensure the property is maintained at its optimum level.

12.26 Letterboxes

12.26.1 The letterboxes are to comply with the details submitted as part of the Construction Certificate and must comply with Australia Posts requirements for size. The letterbox system should be vandal resistant and secure.

12.26.2 The street number must be displayed prominently at the front of the building to comply with Local Government Act, 1973 Section 124, Order 8. The street number is to be visible at night.

12.27 Power Boards

12.27.1 All power boards must be housed within a cabinet to restrict tampering with the power supply. The lock set must be approved by the electricity authority.

12.28 Car Parking

12.28.1 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability for customers, residents and their visitors.

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

12.28.3 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.6. – 2009.

12.28.4 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. A total of 209 car parking spaces are proposed on site, including 51 spaces for the retail/commercial components of the development and 158 spaces for the seniors housing components of the development.

12.28.5 The ceiling of the basement car park is to be painted white to enhance lighting illumination.

12.29 Waste Management

12.29.1 Evidence (e.g. in the form of receipts) is to be submitted to confirm that waste and recyclable materials, including fill from the excavation of the basement car parking have been managed and disposed of in accordance with the approved waste management plan.

12.29.2 Prior to the issue of an Occupation Certificate evidence is to be submitted to confirm that appropriate arrangements have been made with a private contractor for the collection and disposal of waste and recycling.

12.29.3 The operator of the facility is responsible for the maintenance of the garbage collection system and bin cleaning, and is to ensure that the waste collection points are clear and unobstructed prior to collection times.

12.29.4 Waste and recycling collections are to be undertaken by a private contractor. The private contractor's details are to be provided to Council's Sustainable Resources Officer for our records.

12.29.5 Appropriate arrangements are to be made by the owner for the ongoing management of waste and recyclables on the property, including:

- i. Requirements for the appointment of a building manager/caretaker to manage bins and bulky waste on site in accordance with the approved waste management arrangements.
- ii. Who is responsible for maintaining the garbage collection system and bin cleaning, and ensuring waste collection points are clear and unobstructed prior to collection times.
- iii. That residents are unable to access Council's household clean-up service, or garbage/recycling service given that the development will be serviced by a private waste and recycling contractor.
- iv. That no bins are to be located or placed in the approved collection points outside the scheduled collection time for that area.
- v. The method of communication to new tenants and residents regarding the waste management services and collection system for the complex.

12.29.6 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.

12.29.7 The garbage and recycling storage area must have a smooth impervious floor that is graded to a floor waste. A tap and hose must be provided to facilitate regular cleaning of the bins and all waste water must be discharged to the sewer in accordance with the requirements of Sydney Water. Garbage bins must be designed to prevent the escape of any liquid leachate and must be fitted with a lid to prevent the entry of vermin.

12.29.8 On-site waste collection areas, the loading bay and manoeuvrability paths are to be suitably line-marked and sign-posted to ensure areas are kept clear of obstructions that may prohibit their use.

12.30 Food Premises

12.30.1 The food preparation areas shall be constructed so as to comply with the requirements of:

- (a) The Food Act 2003 and Regulations there under.
- (b) Australian Standard 4674-2004 *Design, construction and fit-out of food premises*.
- (c) Australian Standard 1668.2-2002 *The use of ventilation and air conditioning in buildings – Ventilation design for indoor air contaminant control*.

12.30.2 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.

12.30.3 The premises shall be registered with Council's Environmental Health Unit. The kitchens facilities within the aged care premises must be registered as a 'vulnerable persons' business and licenced under the Vulnerable Persons Food Safety Scheme of the NSW Food Regulation 2010.

12.30.4 The installation of any grease arrestor shall comply with the requirements of the Sydney Water Corporation. A copy of the Corporation's Trade Waste Agreement, shall be submitted

to Council.

12.30.5 A Trade Waste Agreement shall be obtained from Sydney Water Corporation.

12.30.6 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 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*.

12.31 Environmental management

12.31.1 A compliance certificate shall be obtained from a qualified acoustic engineer verifying that the following works have been installed in accordance with the acoustic/noise attenuation measures required by the submitted acoustic assessment prepared by Acoustic Logic dated 4 September 2014.

(a) Any bedroom window located in the east elevation of buildings RL1 and RL3, and the west elevations of buildings RL2 and RL4 (i.e. where the distance separation between buildings is less than 12 m) are to be provided with acoustic seals and a minimum glazing thickness of 6.38 mm.

(b) Any residential window to a habitable room located within 20 m of the north or east boundary of the Lone Pine Tavern is to be provided with acoustic seals and a minimum glazing thickness of 10.38 mm.

(c) All other windows comply with the glazing thicknesses listed under section 4.3.1 of the acoustic assessment prepared by Acoustic Logic dated 4 September 2014.

12.31.2 A post commissioning noise report is to be submitted to Council's town planning section by a qualified acoustic consultant who is a member of the Australian Association of Acoustic Consultants. This report must demonstrate that the acoustic treatments to the building satisfy the terms outlined in State Environmental Planning Policy (Infrastructure) 2007 in which clause 102 and Clause 87 state:

If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure the following L_{Aeq} levels are not exceeded:

- *In any bedroom in the building – 35 dB(A) at any time between 10pm-7am*
- *Anywhere else in the building (other than garage, kitchen, bathroom, or hallway) – 40 dB(A) at any time.*

12.31.3 Where any air handling, evaporative cooling hot water, humidifying, warm water or water cooling system is installed, the following shall be undertaken:

(a) A compliance certificate shall be obtained certifying that the system has been installed in accordance with the provisions of the Public Health Act 1991, the Regulations thereunder, the NSW Code of Practice for the Control of Legionnaires Disease and Australian Standard 3666.

- (b)** All relevant information as required by Clause 78 of the Regulation under the Public Health Act 1991 shall be submitted to Council on completion of the building.
- (c)** The occupier of the premises shall be given both an operation and maintenance manual. The system shall be maintained monthly and shut down on a seasonal basis for cleaning and any necessary maintenance. All inspection results shall be kept on site for 7 years. A copy of each seasonal report shall be submitted to Council immediately after the service is carried out.

12.32 Sydney Trains requirements

12.32.1 Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Sydney Trains property or easements, unless agreed to by these authorities. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney trains confirming that this condition has been satisfied.

12.32.2 The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorized access to the rail corridor by future occupants of the development. Prior to issuing of an Occupation Certificate the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary. Details of the type of new fencing to be installed and method of erection are to be to Sydney Train's satisfaction prior to the fencing work being undertaken.

13 OPERATIONAL (PLANNING)

13.1 Graffiti removal

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

13.2 Awning

13.2.1 The integrity of the awning must be checked by a NPER engineer engaged by the body corporate every 5 years to ensure compliance in line with the BCA and other relevant standards. A certificate of compliance is to be forwarded to Council's Civil and Park Maintenance Section for its records every 5 years.

13.2.2 No other hanging is permitted under the awning which may affect the minimum clearance height of 2.4m.

13.2.3 The property owner is responsible for the maintenance of the awnings at all times.

13.3 Access/Parking

- 13.3.1** All required off-street car parking spaces and internal accessways shall be maintained to a standard suitable for the intended purpose.
- 13.3.2** All loading and unloading operations shall take place at all times wholly within the confines of the land.
- 13.3.3** All vehicles, including waste and recycling collection vehicles, must enter and exit the site in a forward direction at all times.
- 13.3.4** Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.1.
- 13.3.5** All off-street street visitor car parking spaces and internal accessways shall used for car parking only and not the long term placement of caravans, boats, trailers or the like.
- 13.4** General
- 13.4.1** No goods, materials, or trade waste shall be stored at any time outside the building other than in approved garbage receptacles.
- 13.4.2** Spillage of light, including from the illuminated signage, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 13.4.3** If artificial lighting is proposed full details are to be submitted indicating the manner in which adjoining properties are to be protected.
- 13.4.4** Should an intruder alarm be installed on the land it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 13.4.5** Emission of sound from the land shall be controlled at all times so as to not unreasonably impact upon nearby owners/occupants.
- 13.4.6** The use of the land is not to interfere with the amenity of the residential area.
- 13.5** Landscaping
- 13.5.1** All landscaped areas provided in accordance with the approved landscaping design plan shall be maintained at all times in a suitable manner.
- 13.5.2** Sightlines must be kept free from obstructions. If a lack of natural surveillance occurs this would quickly encourage anti-social behaviour and criminal offences specifically malicious damage to the area. The 'fear of crime' would also no doubt increase if there is sign of malicious damage, rubbish, broken bottles etc. around the development. Regular maintenance and up-keep of the site must therefore be adhered to.

13.5.3 The management of vegetation, gardens, planter boxes, communal areas, BBQ facilities, children's play equipment, etc. is to be incorporated within the future strata management plan once the development is occupied.

13.6 Community building

13.6.1 The community building 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 hostel, residential care facility or self-care aged housing units. Any proposal to alter the use of the community building in this regard will require separate consideration and approval.

13.7 Signage

13.7.1 In accordance with Clause 37(2)(b)(v) of Blacktown Local Environmental Plan (BLEP) 1988, the approved signage must not contain any flashing or moving elements.

13.7.2 The level of illumination provided to the signage must not disturb residents at night and must not spill light on to any nearby property.

13.8 Drainage

13.8.1 Drainage shall not be discharged within the rail corridor.

13.9 Hours of operation

13.9.1 The approved hours of operation for the supermarket and other commercial/retail tenancies are:

- (i) Monday to Friday 7am -8pm
- (ii) Saturday 8am-7pm
- (iii) Sunday 8am – 6pm.

The loading dock can only be accessed from Mavis Street, which will necessitate a variety of trucks (including 8.8 m long rigid trucks) passing through the development. In order to reduce the noise impact of the trucks on the residents, all loading and unloading operations are to be limited to the same approved hours of operation.

13.9.2 Other than any designated staff car parking spaces, the applicant has proposed that a 3 hour time limit will be imposed on the commercial/retail car spaces. This is to prevent use of the car park by railway commuters. The 3 hour time limit can be nominated by on-site signage only and cannot be policed by Council or the applicant. As such, no infringement notices can be issued for a breach of the 3 hour time limit. Any proposal for a controlled car park will require the submission of a separate development application for Council's consideration.

13.10 Emergency Procedures

13.10.1 Instructions concerning procedures to be adopted in the event of an emergency shall be clearly displayed throughout the development for both public and staff information at all times to the satisfaction of Council.

14 OPERATION (ENVIRONMENTAL HEALTH)

14.1 Environmental management

14.1.1 Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.

14.1.2 All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.

14.1.3 In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.

14.1.4 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.

14.2 Noise

14.2.1 A post commissioning report produced by an independent organisation that is eligible for membership with the *Association of Australian Acoustic Consultants*, is to be submitted within 3 – 6 months of the development operating to validate the findings of the acoustic report submitted to satisfy the pre-construction certificate conditions of this consent.

14.3 Laundry

14.3.1 The facility must have documented policies on the collection, transport, and storage of linen.

14.3.2 If the facility processes or launders linen, there must be a documented operating policy in place consistent with AS/NZS 4146 Laundry Practice.

14.4 Food Premises

14.4.1 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*.**

- 14.4.2 The proprietor is to ensure that all food handling complies with the requirements of the Food Act 2003 and Regulations there under.**
- 14.4.3 Upon commencement of trading, notify NSW Food Authority of the food business.**
- 14.4.4 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.**

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.*