

Development Description:

Development Application for a subdivision and the construction of a Residential Care Facility (RCF) for seniors housing containing 149 high care beds, with associated demolition works, tree removal, car parking, landscaping, and signage.

1 ADVISORY NOTES**1.1 Terminology**

- 1.1.1 Any reference in this document to a "consent" means a "development consent" defined in the *Environmental Planning and Assessment Act 1979*.
- 1.1.2 Any reference in this consent to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to a certificate as defined by Section 109C of the *Environmental Planning and Assessment Act 1979*.

1.2 Scope of Consent

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

This development consent includes approval for the demolition of the existing dwelling and structures at 37 Kildare Road and the swimming pool at 39 Kildare Road, Blacktown.

- 1.2.2 The applicant is required to lodge either a separate Development Application for Council's consideration, for any part of the site for which demolition has not been approved by this consent, or a separate Complying Development Certificate where permitted by the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. Any application made to Council must include a Site Plan, Site Investigation Report, Work Plan, and Waste Management Plan, for the disposal of the demolition materials and should also address potential contamination concerns. A copy of the contractor's licence as issued by WorkCover Authority NSW is also to be submitted.
- 1.2.3 Should it be intended to subdivide the approved development into strata title allotments, Council will require the lodgement of a separate Development Application for consideration. Council advises that any new Development Application for Strata Subdivision will not be approved until such time as the approved development has reached practical completion and issues such as visitor car parking, internal and external boundary fencing, landscaping or any other works required in accordance with this Notice of Determination and all associated Construction Certificates have been fully completed to Council's satisfaction.
- 1.2.4 The applicant is advised that Council will not release the Subdivision Certificate for the approved development until such time as the development has been completed in accordance with all of the conditions of consent, to Council's satisfaction.

1.3 Other Approvals

- 1.3.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.
- 1.3.2 The applicant's attention is drawn to the need to obtain separate appropriate approval for any ancillary development not approved by this consent, including:
- (a) the removal of any tree(s) not indicated on the approved plans and any tree(s) located greater than 3 metres from the building perimeter, and
 - (b) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development,
 - (c) demolition of any existing buildings and associated structures in accordance with the requirements of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, and
 - (d) any additional flush wall signs not approved by this DA.
- 1.3.3 The applicant's attention is drawn to the need to obtain Council's separate approval for any ancillary activity not approved by this consent, including:
- (a) the installation of a caravan, temporary structure, stormwater drainage in a public place, amusement device or other activity not being an exempt activity under Council's Local Approvals Policy adopted under the provisions of the Local Government Act 1993,
 - (b) the installation of a vehicular footway crossing servicing the development.
- 1.3.4 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.
- 1.3.5 The demolition or removal of existing building(s) or structure(s) other than those existing dwellings and structures listed in condition 2.1.2 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, for the demolition of any other existing dwellings and associated structures.

1.4 Services

- 1.4.1 The applicant is advised to consult with:

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

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).

- 1.4.2 All approved building construction plans attached to the Construction Certificate should be submitted to and stamped by a Sydney Water Corporation Limited

Customer Centre or a Sydney Water Quick Check Agent as an indication that the proposal complies with the Sydney Water requirements. Sydney Water may also require the applicant to obtain a Trade Waste Approval as part of the operation of the approved development. Enquiries should be made to ascertain the Sydney Water requirements for the eventual operation of the approved use.

- 1.4.3 Prior to any demolition works, all services or utilities should be disconnected in consultation with the relevant service provider.

1.5 Dial Before You Dig

- 1.5.1 Information regarding the location of underground services may be obtained from the Sydney "Dial Before You Dig" service, telephone number 1100, fax number (02) 9806 0777. Inquirers should provide the street/road name and number, side of street/road name and the nearest cross street/road name.

- 1.5.2 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.

1.6 Telecommunications Act 1997 (Commonwealth)

- 1.6.1 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.

1.7 Identification Survey

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

1.8 Demolition

- 1.8.1 Where any work on an older building is proposed, the applicant should ascertain whether the building contains any contaminants that may present a potential health risk to humans (including asbestos, lead-based paint and the like) and apply appropriate precautions during the work. Further information regarding safe working methods may be obtained from the following organisations and publications (including those which may supersede such publications):

- (a) NSW WorkCover Authority (Ph: 13 10 50) – “Short Guide to Working with Asbestos”
- (b) NSW Department of Environment and Conservation (Ph: 9995 5000) – “A Guide to Keep Your Family Safe from Lead”, “A Renovators Guide to the Dangers of Lead”
- (c) “Code of Practice for the Safe Removal of Asbestos” – National Occupational Health and Safety Commission: 2002 (1988)
- (d) Australian Standard 4361.1-1995 – Guide to Lead Paint Management (Industrial Applications)
- (e) Australian Standard 4361.2-1998 – Guide to Lead Paint Management (Residential and Commercial Applications) and
- (f) Australian Standard 2601.2001 – The Demolition of Structures.

2 GENERAL

2.1 Scope of Consent

- 2.1.1 This consent relates to the following drawings/details submitted to Council with the Development Application, subject to compliance with any other conditions of this consent:

Drawing No and Title	Prepared by	Dated
Dwg DA0000, Issue 5, Cover Sheet and Site Analysis Plan	Allen Jack + Cottier Architects	16/05/16
Dwg DA1000, Issue 8, Site Plan 1_250	Allen Jack + Cottier	16/05/16
Dwg DA2101, Issue 11, Level 1 & 1A Floor Plan	Allen Jack + Cottier	16/05/16
Dwg DA2102, Issue 5, Level 2 Floor Plan	Allen Jack + Cottier	16/05/16
Dwg DA2103, Issue 5, Level 3 Floor Plan	Allen Jack + Cottier	16/05/16
Dwg DA2104, Issue 5, Level 4 Floor Plan	Allen Jack + Cottier	16/05/16
Dwg DA2105, Issue 6, Level 5 Floor Plan	Allen Jack + Cottier	16/05/16
Dwg DA2106, Issue 4, Roof Plan	Allen Jack + Cottier	13/05/16
Dwg DA3101, Issue 7, Elevations	Allen Jack + Cottier	13/05/16
Dwg DA3102, Issue 5, Elevations 2	Allen Jack + Cottier	16/05/16
Dwg DA6501, Issue 4, 3D Views	Allen Jack + Cottier	13/05/16
Dwg DA6604, Issue 1, Floor Area Plans	Allen Jack + Cottier	13/05/16
Dwg LA01, Revision B, Tree Retention and Removal Plan	Taylor Brammer Landscape Architects P/L	13/05/16
Dwg LA02, Revision C, Landscape Masterplan	Taylor Brammer	16/05/16
Dwg LA03, Revision B, Planting Plan	Taylor Brammer	13/05/16
Dwg LA04, Revision B, Planting Plan	Taylor Brammer	13/05/16
Plan of Subdivision, Sheet 1 of 1	Surveyor Brian Dewing	29/10/14

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

- (a) Demolition of existing dwelling and structures at No. 37 Kildare Road, Blacktown
- (b) Demolition of swimming pool at No. 39 Kildare Road, Blacktown
- (c) Amalgamation of four lots and subdivision into proposed Lot 1 and proposed Lot 2
- (d) A 5 storey residential care facility containing 149 beds within 137 rooms, including 17 beds for acute dementia care
- (e) 1 business identification sign at entry at Kildare Road
- (f) 1 wall sign within site at loading/unloading area
- (g) Emergency access pedestrian gate on eastern boundary adjoining RE1 zoned land in Gribble Place
- (h) Tree removal and tree retention.

2.2 Tree Removal

- 2.2.1 This consent permits the removal of trees in accordance with the Tree Retention and Removal Plan, prepared by Taylor Brammer Landscape Architects Pty Ltd, Drawing No. LA-1, Revision B, dated 13/05/16.

2.3 Inconsistency between Documents

- 2.3.1 If there is any inconsistency between the plans and documentation referred to in the consent, the most recent document or plan will prevail to the extent of the inconsistency. However, conditions of the consent prevail to the extent of any inconsistency. Where there is an inconsistency between approved sections and plans, the plans prevail.

2.4 Services

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

2.5 Suburb Name

- 2.5.1 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: Blacktown

- 2.5.2 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: Blacktown

2.6 Other Matters

- 2.6.1 No construction preparatory work (including tree or vegetation removal, ground

clearing, excavation, filling, and the like) shall be undertaken on the land prior to a valid Construction Certificate being issued for the construction works.

- 2.6.2 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.

2.7 Sydney Trains requirements

- 2.7.1 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.

2.8 Planning

2.8.1 Signage

One (1) Business Identification Sign is approved with this DA, being the signage detailed on the Elevations 2 Plan, prepared by Allen Jack + Cottier Architects, Drawing No DA3102, Issue 5, dated 16/05/16, and as described in the Statement of Environmental Effects and documentation submitted with the application, as follows:

- a business identification sign reading 'Opal Specialist Aged Care,' the address and contact number, (approximate dimensions 1500mm by 400mm) integrated into the eastern site fencing to the Kildare Road frontage of the access handle;

- 2.8.2 One wall sign is approved with this DA, to be located adjacent to the loading and unloading area, on the northern elevation of the lift motor room to the main building.

- 2.8.3 Entrance/exit points are to be clearly signposted and visible from the street.

- 2.8.4 Any other signage requires separate consent from Council, unless it is permitted pursuant to SEPP (Exempt and Complying Development Codes (2008)).

2.9 Waste Management Plan

- 2.9.1 The development is to be carried out generally in accordance with the Waste Management Plan V.2 submitted with this development application.

2.10 Cumberland Wood Plain Species

- 2.10.1 When landscaping the site, the use of indigenous species grown from local seed is preferred to provide a link to the remnant vegetation community of the locality and subject site. These local species are adapted to the local climate and soil conditions and provide natural resources for the local wildlife while performing an 'accent' function within the planting plan.

2.11 NSW Police Force - Crime Prevention Through Environmental Design

2.11.1 Identification

- 2.11.1.1 The street number must be prominently displayed at the front of the location to comply with Local Governmental laws. Street numbers assist outside visitors, including emergency services when attending. The numbers should be contrasting in colour to building materials and be a minimum height of 120mm.

2.11.2 Street Frontage and Visitor Access

- 2.11.2.1 (a) Warning signs should be strategically posted around the location to warn intruders of what security treatments have been implemented to reduce opportunities for crime:
“Warning, trespassers will be prosecuted”
“Warning, these premises are under electronic surveillance”.
- (b) Landscaping can also be used as a method of access control. Like walls and fencing, a tightly spaced row of trees incorporated with low level plants can define an edge that leads to an opening or entrance. Larger trees, such as oaks and sable palms, lining side walks and driveways will deter potential motorists from driving onto property and damaging lawns and recreational fields. Trees and shrubs should be trimmed to reduce concealment opportunities and increase visibility to and from the location.
- (c) The removal/relocation of natural ladders.
- (d) Install quality security fences to the entrance of the site. This is to clearly define the property boundaries and restrict access.
- (e) Front fences should be of open-style (visually permeable) construction to increase visibility into the property.
- (f) The installation of vandal resistant / illuminating light fixtures (sensor lighting). Lighting is recommended throughout the grounds, driveway and buildings mentioned above. Lighting should be in accordance with Australian Standard AS/NZS 1158.3.1. It is recommended that special attention be paid to lighting along pedestrian pathways and movement predictors (to permit the facial recognition of approaching persons at 15 metres). Areas beside thoroughfares should also be evenly lit to avoid opportunities for concealment/entrapment.

The objective of security lighting is to deny criminals the advantage of being able to operate unobserved. Note: however, if an area cannot be overlooked or viewed AT NIGHT, then lighting will only help criminals see what they are doing and not deter them.

External lighting is only effective if the illuminated areas have good surveillance from local residents. Therefore all external lights should be turned off in areas that are not visible to local residents. Timers and override switches can be utilised to overcome Workcover concerns with cleaners or staff working after hours.

- (g) Added surveillance cameras should be installed to enhance the physical security and assist in the identification of people involved in anti-social or criminal activity.

The surveillance system should be manufactured and installed by a qualified and reputable company and regularly function tested.

Cameras should be installed in and around the entrance and side of the premises to maximise surveillance opportunities. One or more cameras should be strategically mounted outside of the building and reception area to monitor activity along the footpath and driveway/ entry area. Cameras should be installed in pairs with one facing the other (both directions – office and carport area).

Digital or video technology should be used to record images from these cameras and kept for a minimum of 14 days from capture date.

- (h) Consideration should be given to the installation of a video / intercom system to the main entry doors to enable visitors to communicate with the occupants prior to being admitted into the grounds.
- (i) Windows which can be opened should be fitted with key-operated locks which comply with the Australian Standards, Lock Sets, AS:4145 to restrict unauthorised access.

Glass within windows can be reinforced by either having a shatter-resistant film adhered internally to the existing glass, or by replacing the existing glass with laminated glass, or by having quality metal security grills or shutters installed to restrict access.

- (j) Consideration should be given to incorporating a duress facility into the current security system. This is to enable activation by residents / visitors in the event of an emergency. NB Duress devices should only be used when it is safe to do so.
- (k) Security / screens to doors and windows can be used to provide additional protection. Security / screens to windows and doors should be designed / installed to Australian Standards (easily removed from the inside in case of emergency).

2.11.3 Fire Safety

2.11.3.1 (a) In order to comply with the Building Code of Australia, you must have smoke detectors installed on all levels of the premises.

(b) Fire extinguishers must also be installed and regularly checked. Appropriate signage must be displayed above each extinguisher.

(c) NSW Fire Brigade recommend that the applicant contact them to arrange for a Fire Safety Audit to be conducted by the NSW Fire Brigade.

2.11.4 Procedural / General

2.11.4.1 (a) The implementation of a sign in book to all visitors and contractors working at the location.

(b) Procedural change. Check ALL visitors entering the location (i.e. reason for visit and relationship to occupants.).

During Construction:

- It is suggested that suitable traffic control and safety messages be incorporated throughout the construction process to increase safety to motorists and minimise risk.

2.12 Engineering Matters

2.12.1 Definitions

- 2.12.1.1 Where this consent requires both engineering and building works to be undertaken, a separate Construction Certificate may be issued for each category of works i.e. a separate construction Certificate for the Engineering works nominated in “Prior to Construction Certificate (Engineering)” and a separate Construction Certificate (for all building works relating to the erection and fit-out of a structure). This excludes all works on existing public roads significant enough to warrant separate engineering approval pursuant to the Road Act 1993. In relation to this consent, a Construction Certificate must be issued for the On Site Detention (OSD) system and Stormwater Treatment Measure (STM) device prior to issue of any Construction Certificate. This is to ensure that the OSD system and the STM device will be located in an area of the site in which they will function hydraulically and will not conflict with any other structures proposed for the site.

In lieu of issuing a separate Construction Certificate, the above-mentioned engineering works can be included on an overall Construction Certificate provided that SPECIFIC REFERENCE is made to the relevant Engineering works. In such instances, the certifier shall provide evidence that they are accredited to do so. This is not applicable where Roads Act or Local Government Act Approvals are required.

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 Kildare Road and Gribble Reserve.

- 2.12.1.2 Any Construction Certificate issued in relation to this consent shall incorporate and address the design of those works required by Scope of Engineering Works and other sections of this consent which do not require separate Roads Act 1993 or Local Government Act 1993 approval and any ancillary works necessary to make the construction effective. All works on existing public roads require separate engineering approval pursuant to the Roads Act 1993.
- 2.12.1.3 The Construction Certificate for Engineering works may be issued by Council or by an appropriately qualified certifier. For Council to issue the Construction Certificate a separate application must be made on the prescribed form complete with detailed plans and specifications. You are further advised that Council does not permit the private certification of works on existing public roads or reserves Council property or any property under the care and control of Council. In this regard Council will not accept a Construction or Compliance Certificate from a Private Certifier for any works on Kildare Road and Gribble Reserve.
- 2.12.1.4 Prior to the issue of any Construction Certificate for the approved development it is necessary to obtain the separate approval of Council pursuant to the Roads Act 1993 for all relevant civil works on existing public roads as nominated in “Prior to Construction Certificate (Engineering)” and/or “Scope of Engineering Works and other sections of this consent ” The application for this Engineering Approval must be made on the prescribed form and is to include detailed design plans and

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

2.12.2 Design and Works Specification

2.12.2.1 All engineering works required by Scope of Engineering Works and other sections of this consent must be designed and undertaken in accordance with the relevant aspects of the following documents except as otherwise authorised by this consent:

- (a) Blacktown City Council's Works Specification - Civil (Current Version)
- (b) Blacktown City Council's Engineering Guide for Development (Current Version)
- (c) Blacktown City Council Development Control Plan (Current Version) including Part R – Water Sensitive Urban Design and Integrated Water Cycle Management
- (d) Blacktown City Council Soil Erosion and Sediment Control Policy (Current Version)
- (e) Blacktown City Council On Site Detention General Guidelines and Checklist
- (f) Upper Parramatta River Catchment Trust On Site Stormwater Detention Handbook THIRD Edition December 1999.

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

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

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

2.12.3 Payment of Engineering Fees

2.12.3.1 If it is the applicant's intention to engage Council to undertake the checking of the engineering design plans and the issue of the Construction Certificate for the engineering works nominated in the "Prior to Construction Certificate (Engineering)" section, it will be necessary to submit the relevant engineering plans to obtain a quote for this service.

A verbal quote will be provided within 47 hours based upon Council's Goods and Services Pricing Schedule. This will also be confirmed in writing.

2.12.3.2 If it is the applicant's intention to engage Council to undertake Construction inspections and the issue of the Compliance Certificate for engineering works, it will be necessary to contact Council's Development Services Engineer for a quote.

A verbal quote will be provided within 48 hours based upon Council's Goods and Services Pricing Schedule. This will also be confirmed in writing.

2.12.4 Other Fee and Bond/Securities

2.12.4.1 The payment of the following fee to Council's Maintenance Section pursuant to Sections 608 and 609 of the Local Government Act 1993. The fee is subject to periodic review and may vary at actual time of payment.

(a) Vehicular Crossing Application and Inspection Fee: \$140.00 each

NOTE: This amount is valid until the 30th June 2017 after which time it will be reviewed in accordance with Council's Goods and Services Pricing Schedule.

2.12.4.2 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

2.12.5 Other Necessary Approvals

2.12.5.1 A separate application or details (as necessary) shall be submitted for the separate approval of Council under the provisions of the Local Government Act 1993 and/or the Roads Act 1993 for any of the following (a) The installation of a vehicular footway crossing servicing the development as required by "Scope of Engineering Works and other sections of this consent" (b) Works on or occupation of existing public roads - that are not covered by a Roads Act Approval - which may require a Road Occupancy Licence or Work Zone Permit.

2.12.6 Subdivision

2.12.6.1 Principal Certifying Authority - Blacktown City Council shall be the Principal Certifying Authority for the proposed subdivision and shall issue the Subdivision Certificate upon compliance with all conditions of this consent.

3 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)

3.1 DA Plan Consistency

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

3.2 Road Deposit/Bond

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

- (a) Road inspection fee of \$169.00;
- (b) Road maintenance bond of \$5,000.00; and

- (c) Road maintenance bond 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.

- 3.2.2 The payment of the following fee to Council's Maintenance Section pursuant to Sections 608 and 609 of the Local Government Act 1993. The fee is subject to periodic review and may vary at actual time of payment.

Vehicular Crossing Application and Inspection Fee: \$140.00 each.

3.3 Services/Utilities

- 3.3.1 The following documentary evidence shall accompany any Construction Certificate:

- (a) A "Notification of Arrangement" Certificate from an energy provider, or any other 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 or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.

4 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

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

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

4.2 Aesthetics/materials

- 4.2.1 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 DA3101 – DA3102). 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 per cent, 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.
- (f) Fixed privacy screens to a height of 1.4m above the floor level are to be provided to the 5th floor windows of the western elevation and south western corner on the southern elevation.

4.3 Amended Landscape Plan

4.3.1 An amended landscape plan is to be submitted to the satisfaction of Council which addresses the following:

- (a) To compensate for the loss of the trees indicated in Section 3.2.3 of the Arboricultural Assessment of Trees Report, the developer must replant trees as per Section 3.3.2 in the report, and as presented in the Amended Landscape Plan. This is to include a narrow green hedge of Lilly Pilly capable of growing to 3m in height within the access handle.
- (b) Additionally, the streetscape tree planting is required and is to be identified on the same plan. The plan will identify the tree species as guided by Council's Preferred Street Tree Species List. A minimum size of 45 litres is required and staking of the tree is required.
- (c) The applicant will undertake the planting and maintenance of the street trees to Council's satisfaction at no cost to Council (making any necessary applications with Council or obtaining any necessary clearances from relevant Service Authorities).
- (d) The applicant is, subject to any alternative arrangements satisfactory to Council, to lodge a street tree bond and Inspection Fee in line with the current Goods and Services Pricing Schedule to ensure the health and vigour of the trees on the road verge.
- (e) The Street tree bond shall be returned 12 months after the completion of the development (i.e. issue of final Occupation Certificate) if the trees are in a state of good health and vigour to Council's satisfaction. Should the trees not be to Council's satisfaction, the Council will exercise bond conditions.
- (f) The modification of the planter box near the loading area and to alter the workshop door location/design to ensure improved safety for pedestrians exiting from the workshop door during loading/unloading of vehicles.

4.4 Fencing

4.4.1 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 visible from the street must be decorative, comply with traffic sight line requirements and shall not have gates that swing across the Council footway.
 - (ii) The amended landscape plan is to include details of boundary fencing. All fencing, with the exception of the boundary with the railway corridor and any front fencing, is to be 1.8 metres in height, with an additional panel 300mm in height, of lattice or horizontal slat configuration, giving a combined height of 2.1 metres.

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

4.5 **Amended Landscape Plan – Fence on Northern Boundary**

4.5.1 The amended landscape plan is to include details of a timber fence on the northern boundary with the main Western line railway corridor. This fence is to be of either masonry or timber or a combination of both, and to a height of 2.4 metres. It is to incorporate wire mesh to a height of 400mm at its base to accommodate overland flows. Council officers will require evidence that the fencing details have been submitted to Sydney Trains for review and separate endorsement.

4.6 **Retaining Walls and a dilapidation report**

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

- (a) 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).
- (b) Submission of a dilapidation report prepared by a suitably qualified consultant that addresses adjoining properties.

4.7 **Emergency Access Gate**

4.7.1 The amended landscape plan is to include details of an emergency pedestrian access gate on the side boundary with the RE1 zoned land fronting Gribble Place. This shall be to a width of 2 metres, and comprised of double gates, which may be accessed in emergencies only, and is not for daily use. Copies of the keycard used to access the gate entry are to be provided to emergency services and to Council's Parks and Maintenance section. All cost relating to the gate and the fence on this side boundary is to be borne by the applicant.

4.8 **Street Tree Planting Plan**

4.8.1 A street tree planting plan should be presented to Council for approval.

4.8.2 Suitable replacement planting of native trees is required within the subject site and upon the road verge.

4.8.3 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.

4.9 Tree Preservation

4.9.1 A tree retention plan shall be included with any Construction Certificate indicating:

- (a) the trees to be retained
- (b) all areas left undisturbed and to be cordoned off from construction works.

4.10 Tree Removal

4.10.1 The trees approved for removal are as indicated in Section 3.2.3 of the report entitled Arboricultural Assessment of Trees at 37-43 Kildare Road Blacktown, prepared by Andrew Scales for Opal Aged Care, 2015. The following trees are to be retained and protected as per Section 4 Australian Standard 4970-2009 *Protection of Trees on Development Sites*, and Section 4.2 and 4.3 of the Arboricultural Impact Appraisal and Method Statement: 21, 29, and 30, 75, 82, 83.

4.10.2 Tree Protection

- (a) Council officers are to attend the site with the project Arborist to ensure and confirm the trees to be retained are protected as per AS 4970-2009 and the Section 4.2 and 4.3 Arboricultural Impact Appraisal and Method Statement.
- (b) A Monetary Bond or Bank Guarantee to the value of \$3500 per tree (6 trees therefore \$21,000) is to be supplied by the developer and held by Council for the ensured survival of the trees to be retained. This money will be retained in part or whole in consideration of the overall adherence to the Management Plan and to the relative health of the retained trees at the completion of construction. A final report by the Site Arborist shall recommend to the consent authority the full or partial return of bond money one year from the date of completion of all construction work. At the consent authority's discretion, this period may be reduced under circumstances where the Site Arborist is able to guarantee the ongoing health and survival of the relevant trees.

4.11 Tree Protection Requirements

4.11.1 Where trees are required to be retained as part of the development, a comprehensive Tree Management Plan should be provided to Council. The following points should be considered when protecting the trees on this development's site:

- (a) Site Arborist – The Arborist who has prepared the Tree Management Plan becomes the Site Arborist
- (b) Frequency and recording of inspections – the Site Arborist is to make independent periodic inspections and update reports to both the client and Council
- (c) Establishment of tree protection zones and Management of tree protection zones.

The Tree Management section insists that tree protection measures be in accordance with AS 4970-2009 *Protection of Trees on Development Sites*.

Prior to Construction Certificate being issued, Council officers should attend the site with the Project Arborist to ensure and confirm the trees to be retained are protected as per AS 4970-2009 and the recommendations in the Tree Management Plan.

4.12 Access/parking

- 4.12.1 On-site resident, staff and visitor car parking spaces are to be provided in accordance with the approved plans and 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

Parallel parking spaces : to Australian standards.

A total of 33 car parking spaces are to be provided on site.

- 4.12.2 All internal access ways and other paved areas shall be designed to provide continuous surface drainage flow paths to approved points of discharge. Also car spaces 16-33 are to be finished in a pervious material.
- 4.12.3 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6.
- 4.12.4 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.
- 4.12.5 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.
- 4.12.6 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.
- 4.12.7 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.

- 4.12.8 The loading facility must be designed so that trucks do not interfere with resident/visitor/customer vehicles during loading/unloading operations.

4.13 Crime prevention

- 4.13.1 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 entries to the property at the street entrance, and building entrance, and by the loading dock.

- 4.13.2 A secure, card-key operating system to prevent unauthorised access into the site is required for the emergency gate access to Gribble Place.

- 4.13.3 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.

4.14 Garbage enclosures

- 4.14.1 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.

4.15 Salinity and Aggressive Soil Management

- 4.15.1 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.

4.16 Sydney Trains Requirements

- 4.16.1 Prior to issue of a construction certificate the Applicant shall submit written certification from a Geotechnical Engineer and Structural Engineer that the development will include no ground penetration deeper than 2m and within 25m of the rail corridor. Should there be the need to ground penetration deeper than 2m in depth and within 25m of the rail corridor, The Applicant shall submit to Sydney Trains for endorsement all engineering documentation deemed necessary by Sydney Trains.

- 4.16.2 Prior to the commencement of works the Applicant shall peg-out the common property boundary with RailCorp's land. This work is to be undertaken by a registered surveyor.

- 4.16.3 The Applicant is to submit to Council, for its records, copies of any certificates, drawings or approvals given to or issued by Sydney Trains.

- 4.16.4 During all stages of the development extreme care shall be taken to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.

- 4.16.5 Drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from Sydney Trains. All drainage is to be connected to a Council drainage system.
- 4.16.6 Sydney Trains are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.
- 4.16.7 Prior to the commencement of works, on the completion of works, or at any time during the works 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 the requesting Agency 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.
- 4.16.8 An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".
- 4.16.9 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.
- 4.16.10 Given the possible 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 20m and face the rail corridor, the Applicant is required to install measures (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.
- 4.16.11 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 the light rail operator. 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.
- 4.16.12 Prior to the issue of a Construction Certificate a Risk Assessment, Rail Safety 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 rail. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

- 4.16.13 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. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- 4.16.14 Prior to the issue of a Construction Certificate the Applicant is to submit to Sydney Trains the demolition, excavation and construction methodology and staging for review and endorsement. The Principle 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.
- 4.16.15 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 catenary, contact and pull-off wires of the adjacent tracks, and to any aerial power supplies within or adjacent to the rail corridor.
- 4.16.16 Prior to the undertaking of works or the issuing of a Construction Certificate (whichever occurs first), 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.
- 4.16.17 Prior to the undertaking of works or the issuing of a Construction Certificate (whichever occurs first), 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 entire works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to the issuing of the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.
- 4.16.18 No work is permitted within the rail corridor, or its easements, at any time unless prior approval or an Agreement has been entered into with Sydney Trains. Where the Applicant proposes to enter the rail corridor, the Principal Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from Sydney Trains confirming that its approval has been granted.
- 4.16.19 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 landscaping and planting plan should be submitted to Sydney Trains for review.
- 4.16.20 Prior to the commencement of works appropriate fencing is to be in place 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 are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.
- 4.16.21 No scaffolding is to be used facing the rail corridor unless prior written approval has been obtained from Sydney Trains. To obtain approval the proponent will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to

prevent objects falling onto the rail corridor. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.

- 4.16.22 The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to the 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 the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.
- 4.16.23 Prior to the issuing of an Occupation Certificate the Applicant is to submit the 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 easement. The Principal Certifying Authority is not to issue the Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- 4.16.24 The Applicant must provide a plan of how future maintenance of the development facing the rail corridor is to be undertaken. The maintenance plan is to be submitted to Sydney Trains prior to the issuing of the Occupation Certificate. The Principal Certifying Authority is not to issue an Occupation Certificate until written confirmation has been received from Sydney Trains advising that the maintenance plan has been prepared to its satisfaction.

4.17 Other Matters

- 4.17.1 Details of outdoor lighting shall be submitted with the Construction Certificate. The vehicular access points, car parking areas and communal areas shall be appropriately illuminated for safety of residents and visitors and to assist in crime prevention. The lighting shall not cause nuisance or excessive light spill for the general public and neighbouring properties.

4.18 Section 94 Contributions

The following monetary contributions pursuant to *Section 94 of the Environmental Planning & Assessment Act 1979* must be paid. The amounts below are as at the date of this consent. They WILL BE INDEXED from the date of this consent to the date of payment. Payment of the indexed amounts must be made prior to the issue of a Construction Certificate (for building works) either by Council or any accredited certifier, whichever occurs first.

PLEASE NOTE: Indexed payments must be made by BANK CHEQUE IF IMMEDIATE CLEARANCE IS REQUIRED. Payments of the full amount by credit card or EFTPOS are accepted. However, payments by credit card or EFTPOS over \$10,000.00 are levied a 3% surcharge on the whole amount and cannot be split between different credit or EFTPOS cards.

Contribution Item	Amount	Relevant C.P.
Flood Mitigation Breakfast Creek Catchment	\$11,354.00	19
Stormwater Quality Blacktown Growth Precinct	\$44,857.00	19

The contribution(s) will be indexed according to the Australian Bureau of Statistics' Consumer Price Index (Sydney Housing) or Consumer Price Index (All Groups Sydney).

Copies of the following relevant Contributions Plan(s) may be inspected/purchased from Council's Information Centre, or viewed/downloaded at www.blacktown.nsw.gov.au:

S.94 CP No. 19 - Blacktown Growth Precinct

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

Commercial area: 0.5212 hectares
Additional Population: N/A
Road Frontage: N/A

5 PRIOR TO DEMOLITION WORKS

5.1 Safety/Health/Amenity

5.1.1 Security fencing shall be provided around the perimeter of the demolition site to prevent unauthorised entry to the site. Notices complying with AS 1319-1994 and displaying the words "DANGER - DEMOLITION IN PROGRESS", or similar message shall be fixed to the fencing at appropriate places to warn the public.

5.1.2 A sign shall be erected in a prominent position on the land indicating the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

5.1.3 Should the demolition work:

- (a) be likely to be a danger to pedestrians in a public place or occupants of any adjoining land or place,
- (b) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (c) involve the enclosure of a public place,

a hoarding or protective barrier shall be erected between the work site and the public place or adjoining land or 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 or adjoining land or 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.

- 5.1.4 Toilet facilities shall be provided on the land at the rate of 1 toilet for every 20 persons or part thereof employed at the site.

Each toilet provided shall be:

- (a) a standard flushing toilet, and
- (b) connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility provided by the Council, or
 - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable to some other sewage management facility approved by Council.

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

5.2 Tree Protection

- 5.2.1 Any tree not indicated on the approved Development Application plans as being removed shall be effectively protected against damage. This is to be in accordance with the recommendations of the Aboricultural Impact Appraisal and Method Statement Report prepared by Naturally Trees, dated 7 August 2015.

5.3 Site Investigation

- 5.3.1 Prior to demolition works, further testing at the site in accordance with the conceptual site model contained within the Stage 1 Investigation Contamination Report prepared by Martens and Associates, dated September 2015, Report No P1404359JR01V01 is required. The further testing is to evaluate potential areas of environmental concern, including asbestos contamination and associated chemicals of primary concern outlined in the Stage 1 Report. The potential contamination risks identified are then to be addressed via a Remedial Action Plan (RAP) for the site which is to be prepared and implemented following completion of the demolition works and prior to the site's residential use. All areas potentially contaminated shall be remediated. Upon completion of remediation an appropriately qualified environmental consultant shall prepare a validation report. The validation report shall be carried out in accordance with:

- NSW Environment Protection Authority's *Guidelines for Consultants Reporting on Contaminated Sites* (1997)
- NSW Environment Protection Authority's *Contaminated Sites Sampling Design Guidelines* (1995)
- 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).

5.4 Other Matters

5.4.1 The Applicant is to advise all adjoining neighbours, and those located opposite the subject development site, by letter, of their intention to commence demolition work. The letter shall be distributed at least 2 days prior to the intended work and include the following information:

- date/s, hours and duration of the works.
- contact name and phone number of the applicant
- contact name and phone number of the licensed demolisher
- WorkCover NSW contact number 131050, and email address contact@workcover.nsw.gov.au

6 DURING DEMOLITION WORKS

6.1 Safety/Health/Amenity

- 6.1.1 Security fencing shall be maintained around the perimeter of the demolition site to prevent unauthorised entry to the site at all times during the demolition works. Notices lettered in accordance with AS 1319-1994 and displaying the words “DANGER – DEMOLITION IN PROGRESS”, or similar message shall be maintained on the fencing at appropriate places to warn the public.
- 6.1.2 A sign shall be maintained in a prominent position on the land indicating the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- 6.1.3 Any hoarding or protective barrier required to be erected between the work site and the public place on adjoining land or place shall be maintained in an effective condition.
- 6.1.4 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.
- 6.1.5 Soil erosion and sediment control measures shall be maintained in accordance with Council’s Soil Erosion and Sediment Control Policy.
- 6.1.6 Any excavation and/or backfilling associated with the demolition 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.
- 6.1.7 All demolition work and handling of materials shall be in accordance with Australian Standard 2601-2001 (Demolition of Structures) and all applicable NSW WorkCover Authority requirements including the Code of Practice for the Safe Removal of Asbestos” – National Occupational Health and Safety Commission: 2002 (if applicable).
- 6.1.8 The remaining portions of each structure being demolished shall be maintained in a stable and safe condition at all stages of the demolition work. Temporary bracing, shoring, bracing or guys, or any combination of these, shall be provided for stability, where necessary.

- 6.1.9 All plant and equipment used on the land shall be operated by a competent person. Cranes used for hoisting and lowering of materials shall comply with AS 1418.1 and AS 1418.5 and be fitted with a load indicator and hoist limited device.
- 6.1.10 At least one access and egress route shall be made available connecting any undemolished floor to an open space well clear of the structure being demolished. The egress route shall be clearly identified as an emergency exit and maintained clear of obstructions at all times.
- 6.1.11 A valid public liability insurance policy of at least \$10,000,000 shall be maintained throughout the demolition works.
- 6.1.12 Demolished materials, plant, equipment and the like shall not be stored or placed at any time on Council's footpath, roadway or any public place.
- 6.1.13 Should any excavation associated with the demolition works extend below the level of the base of the footings of a building on an adjoining allotment of land, including a public road or place, the person causing the excavation to be made:
- (a) must preserve and protect the building from damage, and
 - (b) if necessary must underpin and support the building in an approved manner, and
 - (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

- 6.1.14 All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- 6.1.15 The demolisher has an obligation to ensure that the adjoining buildings and property are not damaged.

6.2 Nuisance Control

- 6.2.1 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.
- 6.2.2 Any noise generated during demolition shall not exceed those limits specified in the Protection of the Environment Operations Act 1997 and shall be limited to between 7.00am and 6.00pm, Monday to Friday, and 8.00am to 1.00pm, Saturday, with no demolition work being undertaken on Sundays or public holidays.
- 6.2.3 The waste material sorting, storing and re-use requirements of the approved Waste Management Plan and Council's Site Waste Management and Minimisation Development Control Plan shall be implemented during the course of the demolition works.

6.3 Completion of Demolition Works

6.3.1 Final Inspection

- 6.3.1.1 A final inspection is required to ascertain compliance with the condition of approval prior to the release of the road damage deposit.

6.3.2 Hazardous Materials and Waste

- 6.3.2.1 A clearance certificate/statement prepared in accordance with the National Code of Practice for the Safe Removal of Asbestos shall be issued by the competent demolition contractor who holds an appropriate Demolition Licence issued by the NSW WorkCover Authority under the provisions of the Work Health and Safety Act 2011 (and any relevant Regulation there under). The certificate/statement must state that the pre-existing building/s was/were demolished in accordance with the conditions and terms of that licence, Australian Standard 2601-2001 – The Demolition of Structures and that any asbestos removal has been carried out in accordance with NOHSC-2002 – Code of Practice for Safe Removal of Asbestos. A copy of the clearance certificate/statement shall be lodged with Council.
- 6.3.2.2 A clearance certificate prepared in accordance with the National Code of Practice for the Safe Removal of Asbestos issued by a qualified occupational hygienist shall be obtained stating that, where the land has been affected by any contaminants (including asbestos & lead based paints), the land has been remediated in accordance with the recommendations of the investigation report. A copy of the clearance certificate is to be lodged with Council.
- 6.3.2.3 Submit the receipt from the trade waste depot for disposal of the asbestos from the removal/demolition of the existing dwelling.

7 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)

7.1 Building Code of Australia Compliance

- 7.1.1 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).
- 7.1.2 A preliminary assessment of the plans submitted with the application has disclosed that the following design and/or construction issues need to be addressed prior to the issue of any Construction Certificate to ensure compliance with the Building Code of Australia:

- (a) Part C Vertical Separation
- (b) Part C Separation of Equipment (Switch Board Room).

7.1.3 It is advised the building is the subject of an alternative solution under the performance requirements of the Building Code of Australia. In this respect, your attention is drawn to the need to ensure any associated construction certification for the development work is consistent with, and conforms to, the terms of the approved alternative solution, and does not compromise or reduce the level of fire or structural safety afforded the building.

7.2 BCA / Accessibility Compliance Statement

7.2.1 A BCA / Accessibility Compliance Statement is to be prepared which verifies that the proposed development satisfies the access requirements of the relevant Australian Standards and the provisions of the BCA and the recommendations of the Access report are to be shown on the plans.

7.3 Accessible entry

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

7.4 Fire Sprinkler system details are to be shown in the plans for the residential care facility.

8 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

8.1 Compliance with Conditions

8.1.1 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.

8.1.2 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.

8.2 Road-works

8.2.1 Internal driveway pavement is to be designed by a Professional Civil Engineer in accordance with the current version of Council's Engineering Guide for Developments and based upon soil tests performed by a registered NATA soils Laboratory and the relevant traffic loadings.

8.3 Drainage

8.3.1 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.

8.3.2 Where the internal driveway cannot be drained to an internal pit a grated drain shall be provided at the property boundary.

8.4 Erosion and Sediment Control

- 8.4.1 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.

8.5 On-Site Detention

- 8.5.1 On-site detention systems within private or common courtyard areas shall be designed so they do not impact on the amenity of the development or the use of such areas.
- 8.5.2 A certificate from a Registered Engineer (NPER) to be submitted to Council certifying that the structures associated with the on-site detention system have been designed to withstand all loads likely to be imposed on them during their lifetime.
- 8.5.3 A certificate from a Professional Civil Engineer/Registered Surveyor must be obtained verifying that the On Site Detention system will function hydraulically in accordance with the requirements of Upper Parramatta River Catchment Trust and Council's current development guide.
- 8.5.4 Any Construction Certificate issued for or including an On-site Stormwater Detention (OSD) System must be accompanied by;
- (a) A Drainage Design Summary Sheet per Appendix B1 of the Upper Parramatta River Catchment Trust Handbook, Version 3.
 - (b) Full drainage calculations and details for all weirs overland flow-paths and diversion/catch drains - including catchment plans and areas, times of concentration and estimated peak run-off volumes.
 - (c) A completed OSD Detailed Design Submission and Checklist per Appendix B9 of the above-mentioned Handbook.
 - (d) A complete address of Council's OSD General Guidelines and Checklist requirements.
 - (e) A Maintenance Schedule is to be presented with the designer's name, his signature and date on it in accordance with the Upper Parramatta River Catchment Trust handbook guideline. (If an underground tank is involved this must include reference to WorkCover Authority of NSW Occupational Health & Safety Act 1983 and Confined Spaces Regulation.)

8.6 Asset Management

- 8.6.1 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.

- 8.6.2 Written permission from the affected property owners shall be obtained to:
- (a) discharge stormwater onto adjoining land
 - (b) carry out works on adjoining land
 - (c) drain the site across adjoining land

prior to the issue of any Construction Certificate. A copy of any such permission and evidence of the creation of necessary easements must be submitted to Council prior to the issue of any Construction Certificates.

8.7 Work Adjacent to Easements

- 8.7.1 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.
- 8.7.2 Pier and beam style construction shall be used adjacent to easements to the depth of the invert of the proposed or existing pipeline. A Registered Engineer (NPER) shall certify that this condition has been satisfied.

8.8 Ancillary Works

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

8.9 Scope of Engineering Works

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

- 8.9.1 Redundant gutter and/or footway crossing(s) must be replaced with integral kerb and gutter. The footway area must be restored by turfing.
- 8.9.2 Inter-allotment drainage must be provided for the adjoining proposed lot 1 under DA16-02941 where such lot does not drain to a public road as per drainage concept plan job no: 150213, drawing no: C4.01 revision 3 dated 5th May 2016 as prepared by Northrop Consulting Engineers. The inter-allotment drainage design must include the disposal of stormwater from upstream properties via a 2.5m wide proposed drainage easement.

Note: Proposed Lot 2 is the subject development; Proposed Lot 1 is the adjoining Lot A DP 366967 and Lot A & B DP 366310 under DA-16-02941.

- 8.9.3 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.

8.9.4 Drainage from the site must be connected into:

- (a) Council's existing drainage system in Gribble Reserve as shown on drainage concept plan Job No: 150213, drawing no: C4.01/3, revision 3, dated 5th May 2016 as prepared by Northrop Consulting Engineers. A copy of such written permission and evidence of the creation of the necessary easement must be submitted to Council prior to the issue of any Construction Certificates.

NOTE - Inspection of the connection to Council's system must be made by Council's Engineering Development Supervisor who can be contacted by phoning 9839 6587 between 7.00am and 8.00am or 12.30pm and 1.30pm. A site inspection is required prior to commencement of work. Twenty Four (24) hours' notice must be given and the \$484.00 Engineering Inspection Fee required by this consent must be paid prior to contact. This amount is only valid till 30th June 2017 after which it will be reviewed in accordance with Council's Goods and Services Pricing Schedule.

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

8.10 On Site Stormwater Detention System

8.10.1 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: 95 l/s/ha for 100%; 65 l/s/ha for 90%; 36 l/s/ha for 80%.

Nominated Storage SSR: 343 cu.m/ha for 100%; 429 cu.m/ha for 90%.; 580 cu.m/ha for 80%.

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

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

- (b) Council acknowledges the submission of the On-site Stormwater Detention concept plan Reference: job no: 150213, sheet no: C1.01, C2.01, C3.01, C4.01, C5.01, C5.02, C5.03, C6.01 & C7.01, revision 3, dated 5/5/2016 as prepared by Northrop Pty Ltd. 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.

8.11 Vehicular Crossings

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

Nominated Crossing Width: 6m minimum (fronting Kildare Road, Blacktown)

- 8.11.2 Any boundary fencing or internal fencing that crosses the overland flow-path is to be open mesh style within 500mm of finished ground level with the mesh openings designed to provide a minimum 80% clear area. The underside of the fencing shall provide a minimum clear opening of 200 mm to ground level.

8.12 Footpaths

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

8.13 Finished Boundary Levels

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

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

8.14 Stormwater Quality Control

- 8.14.1 Stormwater Treatment Measures for the proposed development shall be designed in accordance with the requirements of Blacktown Council's DCP Part J – Water Sensitive Urban Design and Integrated Water Cycle Management. Details are to be included with the plans and specifications accompanying any Construction Certificate application. Any variation to the proposed Gross Pollution Trap (GPT) Vortsentry HS15 as shown on the proposed drainage concept plan no: 150213 drawing no: C4.01 revision 3 dated 5th May 2016 prepared by Northrop Engineers Pty Ltd will require a lodgement of a Section 96 application to Council for amendment of the consent.

8.14.2 A Maintenance Schedule must be provided for the stormwater treatment measures in accordance with the requirements of Blacktown Council's DCP Part J – 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.

8.15 Other Drainage Matters

8.15.1 Amended drainage plans by Northrop series 150213 are required to address the following:

- (a) Confined space entry warning signs are to be detailed on the drainage plans adjacent to all entries into the rainwater tank and detention tank in accordance with Council's Engineering Guide for Development 2005.
- (b) Provide on-site detention (OSD) warning signs as per the Upper Parramatta River Catchment Trust guidelines.
- (c) Provide a turfed or landscaped swale along the western to capture the upstream 1 in 100 year flows from neighbouring properties. The swale is to have a masonry retaining wall adjacent to the boundary that does not exceed the neighbouring ground levels, a flat base and a maximum side slope of 1V:4H. Allow for Mannings $n = 0.05$ and provide a minimum 50 mm freeboard to the top of the swale. Inlet pits are to be provided at maximum 10 m intervals. Calculations and section details are to be provided to justify the swale capacity. Note when calculating travel times the maximum length using the kinematic wave equation is 50 m, otherwise use Manning's Equation to assess velocity and travel time through the upstream properties. Finished levels within the swale are to be provided at frequent intervals for the length of the swale.
- (d) The swale flows are to independently collected and piped direct to pit 1/A or 2/A bypassing the detention system.
- (e) An amended OSD Calculation Sheet is to be provided allowing for the area of the swale as bypass and a smaller orifice.
- (f) The pipe downstream of pit 2/A is to be enlarged to carry the combined site flow and upstream 100 year swale flows.
- (g) The interallotment pipe downstream of the adjoining residential flat building site through pit 1/8 to pit 1/A is to be enlarged to carry the combined 100 year site flow and upstream 100 year swale flows for that site.
- (h) On plan DA5.01(3) provide step irons or ladders to all entries into the detention tank.
- (i) On plan DA5.01(3) the access grate to the HED pit on section 2 is to be 1200 x 1200 mm.
- (j) On plan DA5.01(3) provide an additional access grate within the extended storage tank adjacent to the tank outlet to the HED pit.
- (k) The roof water collection system is independent of the surface drainage system and this needs to be clearly shown on the plan directed to the rainwater tank with typical downpipe locations. The roof drainage system including additional

downpipes adjacent to the flood areas is to be designed for the 5 minute 100 year ARI storm as any overflow will not reach the OSD tank.

- (l) Provide a minimum 150 mm kerb along the railway boundary adjacent to the dementia courtyard to direct 100 year surface flows to the detention tank.
 - (m) Enviropods treating only surface flows require a minimum clear depth of 550 mm from the grate to any inlet or outlet pipe obvert.
 - (n) Provide an additional inlet pit with Enviropod or similar approximately 5 to 10 m to the west of pit 2/A.
 - (o) Provide Enviropods or similar to pits 2/A and 3/A. Ensure pit 3/A has a grated lid.
 - (p) Provide multiple Floodway Warning Signs for the 1 in 100 year flood extents in accordance with Plan A(BS)114S from Council's Engineering Guide for Development 2005.
 - (q) Provide flow through fencing or gaps under any perimeter fencing within the 1 in 100 year flood extents to enable floodwater to equalise either side. Provide details.
- 8.15.2 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 is capable of carrying the 100 year ARI flows to the detention tank through either piped or surface flows.
- 8.15.3 An experienced Drainage Engineer registered with NER is to certify that there is no net loss of flood storage below RL 50.6 m AHD within the site as a result of building works.
- 8.15.4 An experienced hydraulic engineer and irrigation specialist is to prepare and certify a detailed Non-Potable Water Reuse Plan for non-potable water uses (including all toilet flushing and landscape watering) on the site. The plan is to show the rainwater pipe arrangement including first flush or pre-treatment system, pump, isolation valves, flow meters for all mains water inflows, or solenoid controlled mains water bypass and non-potable usage outflows, a timer for landscape watering, 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. Seasonal variations include increasing the frequency of landscape 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.
- 8.15.5 A Flood Management Plan is to be prepared by an experienced professional hydraulic engineer registered on NER, to address emergency flood management of the site including the use as appropriate of warning signs, notices of procedures, depth gauges (if required) and whether evacuation is required and if so what route. Any requirements of the report are to be implemented prior to occupation. A laminated copy of the Flood Management Plan is to be permanently affixed within the building to the public noticeboards and form part of the emergency procedures.

- 8.15.6 Provide maintenance requirements 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.
- 8.15.7 The minimum floor level is 51.1 m AHD.
- 8.15.8 Amended architectural plans are required for buildings, or parts of buildings, that are not affected by BASIX, to demonstrate compliance with the minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme for any water use fittings. Minimum WELS ratings are:
- (a) 4 star dual-flush toilets;
 - (b) 3 star showerheads;
 - (c) 4 star taps (for all taps other than bath outlets and garden taps);
 - (d) 3 star urinals; and
 - (e) Water efficient washing machines and dishwashers are to be specified.

9 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)

9.1 Site Works and Drainage

- 9.1.1 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.
- 9.1.2 Stormwater drainage from the site shall be designed to satisfactorily drain rainfall intensities of 159mm per hour over an average recurrence interval of 20 years. The design shall:
- (a) be in accordance with Australian Standard 3500.3, and
 - (b) provide for drainage discharge to an existing Council drainage system, and
 - (c) ensure that the development, either during construction or upon completion, does not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties.

9.2 Fire Services

- 9.2.1 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.
- 9.2.2 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.

10 PRIOR TO CONSTRUCTION CERTIFICATE (WASTE ENGINEERING)

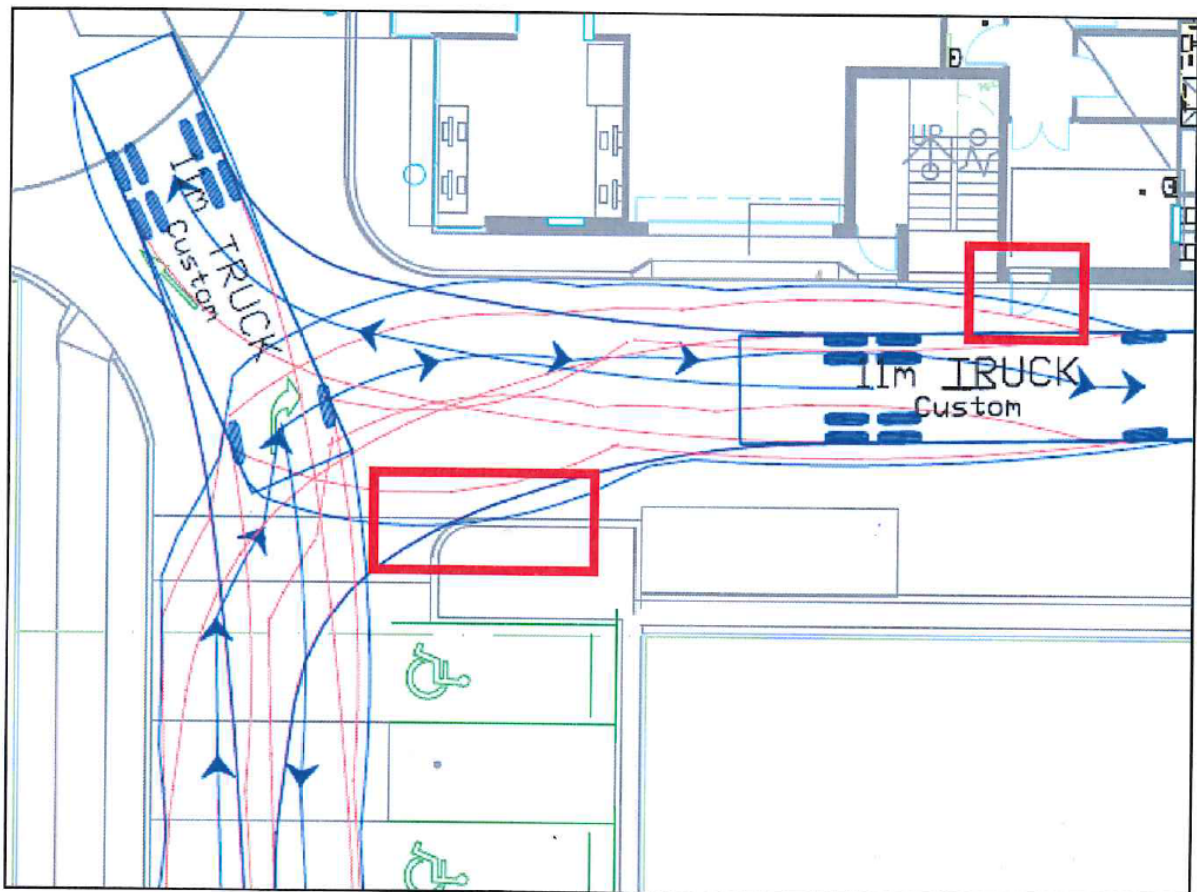
10.1 Amended Plans – Raised Concrete Planter on Outer Corner of the Driveway Aisle

10.1.1 Amended plans are to be provided that address the following:

A splay corner is to be provided on the raised concrete planter on the outer corner of the driveway aisle opposite the waste room, in order to improve vehicular turning into the loading area.

10.2 Waste Services – Amended Plans and AutoCAD File re Manoeuvrability

10.2.1 The raised planter boxes will need to be adjusted to allow a full movement space for collection vehicles (see diagram below) with areas of conflict in red. Amended plans are to be submitted for the approval of Council. The AutoCAD file will need to be resubmitted for final approval by Council.



10.2.2 Amended plans are to be submitted that address the pedestrian access which is via a doorway from the workshop that opens onto the trafficable area where trucks are manoeuvring. This workshop doorway is to be recessed into the building, so that the door does not swing out over the adjoining vehicular carriageway. This is to prevent conflict and reduce the safety risk. Additional security sensor lighting is to be

installed to ensure the recessed area is not able to be used as a hiding place. The area should be adequately signposted in relation to the risk from vehicles loading and unloading in the area, and be always illuminated to ensure the safety of pedestrians in that location.

10.2.3 Access for collection vehicles is to be built in accordance with the dimensions indicated on the approved vertical cross-section plans showing adequate truck entry and exist and in all manoeuvring areas.

10.2.4 The applicant is to ensure that roads, ramps, driveways etc are rated and are suitable for the proposed 9.98m long, 24 tonne, heavy rigid vehicle.

11 PRIOR TO CONSTRUCTION CERTIFICATE (ENVIRONMENTAL HEALTH)

11.1 Environmental Management Plan

11.1.1 Prior to the release of a Construction Certificate, an appropriately qualified person is to prepare a comprehensive Environmental Management Plan (EMP) review and approval. The final, approved EMP shall be submitted to Council for its records.

The operational measures should include but not be limited to:

- Dust (air quality) management strategy.
- Community response and management procedure outlining the course of action to be undertaken following receipt of a complaint.
- Proposed means of controlling of any activity that could potentially cause a pollution incident as defined by the *Protection of the Environmental Operations Act 1997*.

11.2 Air-handling and Water Systems

11.2.1 Where any air handling, evaporative-cooling hot water, humidifying, warm water or water cooling system is installed; the design must comply with the provisions of:

- *Public Health Act 2010* and Regulations thereunder.
- NSW Health “*Code of Practice for the Control of Legionnaires Disease*” (2004).
- AS/NZS 3666 (Parts 1 to 4) *Air-handling and water systems of buildings - Microbial control*.

11.3 Food Premises

11.3.1 Plans and specifications submitted for issue of a Construction Certificate shall demonstrate compliance with the requirements of:

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

11.4 Site Contamination

11.4.1 Prior to the release of a Construction Certificate, further testing at the site in accordance with the conceptual site model contained within the Stage 1 Investigation Contamination Report prepared by Martens and Associates, dated September 2015, Report No P1404359JR01V01 is required. The further testing is to evaluate potential

areas of environmental concern, including asbestos contamination and associated chemicals of primary concern outlined in the Stage 1 Report. The potential contamination risks identified are then to be addressed via a Remedial Action Plan (RAP) for the site which is to be prepared and implemented following completion of the demolition works and prior to the site's residential use. All areas potentially contaminated shall be remediated. Upon completion of remediation an appropriately qualified environmental consultant shall prepare a validation report. The validation report shall be carried out in accordance with:

- NSW Environment Protection Authority's *Guidelines for Consultants Reporting on Contaminated Sites* (1997)
- NSW Environment Protection Authority's *Contaminated Sites Sampling Design Guidelines* (1995)
- 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).

11.4.2 A NSW Environment Protection Authority accredited Site Auditor shall review the validation report and submit to Council a Site Audit Statement. 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 use.

11.4.3 Any 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.

11.5 Acoustic Matters

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

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

A certificate must be provided by a qualified acoustic engineer stating that provision has been made in the design of all sound producing plant, equipment, machinery, mechanical ventilation system or refrigeration systems to ensure that it is acoustically attenuated so that the noise emitted:

- (a) does not exceed an L_{Aeq} sound pressure level of 5dB(a) above the ambient background noise level when measured
- At the most affected point on or within any residential property boundary or
 - At the external edge of any sole occupancy unit balcony within the premises itself at any time the plant or equipment operates

- (b) cannot be heard within a habitable room in any sole occupancy unit or other residential premises (regardless of whether any door or window to that room is open) between the hours of 10pm and 7am.

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

11.6 Waste Storage Area

- 11.6.1 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 PRIOR TO DEVELOPMENT WORKS (BUILDING)

12.1 Sydney Trains requirements

- 12.1.1 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.
- 12.1.2 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.
- 12.1.3 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.
- 12.1.4 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.

12.2 Safety/Health/Amenity

- 12.2.1 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.

12.2.2 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.

12.2.3 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.

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

12.2.5 All soil erosion and sedimentation control measures indicated in the documentation accompanying the Construction Certificate shall be installed prior to the commencement of development works.

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

12.2.7 Any excavation and/or backfilling associated with the development shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent such work being dangerous to life or property.

12.2.8 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) 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.

Such details shall accompany the Construction Certificate.

12.3 Notification to Council

12.3.1 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.

12.4 Sydney Water Authorisation

12.4.1 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 Tap in, 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. website www.sydneywater.com.au, then follow the "Developing Your Land" link or telephone 13 20 92 for assistance.

12.5 Construction Details

12.5.1 Structural details of the nominated building component(s), prepared and/or certified by a professional engineer or other appropriately qualified person, shall be lodged with Council prior to commencing or erecting that portion of the approved development.

Nominated component:

- (a) Footing piers
- (b) Footing system

- (c) Floor slab
- (d) Structural concrete
- (e) Wall frame bracing
- (f) Roof trusses
- (g) Structural steelwork
- (h) Retaining walls.

12.6 Tree Protection

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

12.7 Use of Crane

12.7.1 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.

12.7.2 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.

13 DURING CONSTRUCTION (BUILDING)

13.1 Safety/Health/Amenity

13.1.1 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.

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

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

13.1.3 Should the development work:

- (a) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (b) involves the enclosure of a public place,

the required hoarding, awning or protective barrier shall be maintained between the land and the public place.

The hoarding, awning or protective barrier shall be effectively illuminated between sunset and sunrise where it may be hazardous to persons in the public place.

- 13.1.4 Soil erosion and sediment control measures (including the connection of roofwater downpipes to stormwater drainage lines upon fixing of roof covering) shall be maintained during the development works.
- 13.1.5 All measures specified in the Construction Certificate to control soil erosion and sedimentation shall be maintained throughout development works.
- 13.1.6 A single vehicle/plant access to the land shall be maintained to minimise ground disturbance and transport of soil onto any public place. Such access shall be maintained in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. As a minimum, single sized 40mm or larger aggregate placed 150mm deep, and extending from the street kerb/road shoulder to the land shall be provided.
- 13.1.7 Any excavation and/or backfilling associated with the ongoing development works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.
- 13.1.8 Should any excavation associated with the ongoing development works extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:
- (a) shall be preserved and protected from damage, and
 - (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
 - (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting works be given notice of such intention and particulars of the excavation or supporting works.
- 13.1.9 Building and construction materials, plant, equipment and the like shall not to be placed or stored at any time on Council's footpath, roadway or any public place.

13.2 Building Code of Australia Compliance

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

13.3 Surveys

- 13.3.1 The building(s) shall be set out by a registered surveyor and a survey report lodged with the Principal Certifying Authority to verify the approved position of each structure in relation to the property boundaries.
- 13.3.2 A registered surveyor's report confirming the approved design ground and/or floor levels, shall be lodged with the Principal Certifying Authority prior to work proceeding above floor level.

- 13.3.3 A registered surveyor's report indicating that the required minimum Australian Height Datum floor level has been achieved, shall be lodged with the Principal Certifying Authority prior to work proceeding above floor level.

13.4 Nuisance Control

- 13.4.1 Any objectionable noise, dust, concussion, vibration or other emission from the development works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.
- 13.4.2 The hours of any offensive noise-generating development works shall be limited to between 7.00am to 6.00pm, Mondays to Fridays: 8.00am to 1pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.
- 13.4.3 Construction work on all buildings (except that on single dwelling houses and associated structures on the site of a single dwelling house) shall not occur on Saturdays and Sundays on weekends adjacent to a public holiday.

13.5 Construction Inspections

- 13.5.1 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.

13.6 Aesthetics and Landscaping

- 13.6.1 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.

- 13.6.2 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.

13.7 Stormwater Drainage

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

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

14 DURING CONSTRUCTION (PLANNING)

14.1 Sydney Trains Requirements

- 14.1.1 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.
- 14.1.2 No rock anchors/bolts are to be installed into RailCorp's property.
- 14.1.3 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.
- 14.1.4 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.
- 14.1.5 Drainage shall not be discharged within the rail corridor.
- 14.1.6 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.

14.2 Waste Control

- 14.2.1 The waste material sorting, storage and re-use requirements of the approved Waste Management Plan and Council's Site Waste Management and Minimisation Development Control Plan shall be implemented during the course of development works.

14.3 Environmental Health

14.3.1 On completion of the installation of the ventilation system, a Compliance Certificate is to be submitted to Council certifying that the system has been installed and commissioned in accordance with the approved details.

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

- (a) The Food Act 2003 and Regulations thereunder
- (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.*

14.3.3 Ground areas where garbage containers hold putrescibles material and containers must be:

- (a) provided with a hose and water supply
- (b) paved with impervious material
- (c) graded and drained to a Sydney Water approved sewage point
- (d) adequately contains the volume and type of garbage and recyclable matter on the food premises
- (e) encloses the garbage or recyclable matter to deter the congregation of pests and animals
- (f) is designed and constructed to be easily and effectively cleaned.

14.3.4 Bunding must be installed in any areas where any hazardous chemical or liquids are stored. The bunding must maintained in accordance with:

- (a) NSW DECC (2007) - *Storing and Handling Liquids: Environmental Protection - Participants Manual*
- (b) NSW DECC (2005) - *Environmental Compliance Report: Liquid Chemical Storage, Handling and Spill Management - Part B Review of Best Practice and Regulation.*

14.4 Salinity and Aggressive Soil Management

14.4.1 The salinity management measures provided in the Salinity and Geotechnical Assessment: 37-43 Kildare Road, Blacktown, prepared by Martens Consulting Engineers (Ref. P1404359JR02V02, dated October 2015) shall be implemented during construction.

14.4.2 The environmental consultant engaged for this project is to be on site for regular monitoring of the approved site works. In this regard, Council will require a post earthworks salinity investigation demonstrating that the salinity management measures provided in the Salinity Management Plan have been implemented and that the site is suitable for residential development.

14.5 Site Contamination

14.5.1 Should any contaminated material be unearthed or fly-tipped rubbish be encountered during construction, all works are to cease immediately. In this situation, an amended Remediation Action Plan (RAP) is to be submitted to Council's Manager, Development Services 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.

14.5.2 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.

14.5.3 The salinity management measures provided in the Salinity and Geotechnical Assessment: 37-43 Kildare Road, Blacktown, prepared by Martens Consulting Engineers (Ref. P1404359JR02V02, dated October 2015) shall be implemented during construction.

14.5.4 If bonded asbestos is encountered during site preparation for the proposed development, all works should cease and the Unexpected Asbestos Finds Protocol should be implemented. (*The protocol is provided at Appendix D of this report titled "Important Information about Your Environmental Site Assessment."*)

14.6 Trees and Flora and Fauna

14.6.1 The works are to be carried out in accordance with the recommendations within the Aborigicultural Impact Appraisal and Method Statement Report prepared by Naturally Trees, dated 7 August 2015, and the Flora and Fauna and Biodiversity Impact Statement Report prepared by Andrew Scales, Naturally Trees for ACS Environmental Pty Ltd, dated August 2015.

14.7 Aboriginal Archaeology

14.7.1 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.

15 DURING CONSTRUCTION (ENGINEERING)

15.1 Notice of Work Commencement

15.1.1 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.

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

15.2 Service Authority Approvals

15.2.1 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.

15.3 Tree Protection

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

15.3.2 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.

15.3.3 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.

15.3.4 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.

15.4 Maintenance of Soil Erosion Measures

- 15.4.1 Soil erosion and sediment control measures shall be implemented in accordance with Council's Soil Erosion and Sediment Control Policy.
- 15.4.2 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.
- 15.4.3 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.

15.5 Inspections of Works

- 15.5.1 Inspection Compliance Certificates issued by a Registered Engineer (NPER) or Registered Surveyor or Compliance Certificates issued by an accredited certifier, under Part A of Environmental Planning and Assessment Act 1979 as amended, are to be issued for works covered by the Construction Certificate for engineering works at the completion of the following mandatory inspection stages: -
- (a) Soil Erosion and Sediment Control
 - (i) Implementation of erosion and sediment control
 - (ii) Revegetation of disturbed areas
 - (iii) Internal sediment/ pollution control devices
 - (iv) Final Inspection
 - (b) Construction of Drainage works (including inter-allotment)
 - (i) Pipes before backfilling including trench excavation and bedding
 - (ii) Sand Backfilling
 - (iii) Final pipe inspection
 - (iv) Pit bases and headwall aprons
 - (v) Pit Walls/ wingwalls/ headwalls
 - (vi) Concrete pit tops
 - (vii) Connection to existing system
 - (viii) Tailout works
 - (ix) Final Inspection
 - (c) Footpath Works
 - (i) Footpath Trimming and/or turfing (to ensure 4% fall)
 - (ii) Service Adjustments
 - (iii) Final Inspection
 - (d) Construction of on-site detention system
 - (i) Steel and Formwork for tank/ HED control pit
 - (ii) Completion of HED control pit
 - (iii) Pit formwork
 - (iv) Pipes upstream/ downstream of HED control pit before backfilling
 - (v) Completion of OSD system
 - (e) Stormwater Quality Control
 - (i) Installation of Stormwater Quality Control devices
 - (ii) Final Inspection

- (f) Final overall Inspections
 - (i) Preliminary overall final inspection
 - (ii) 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.

15.5.2 Inspection of the works required pursuant to the engineering approval issued under the Roads Act 1993 must be made by Council's Development Overseers who can be contacted on 9839 6586 between 7am - 8am and 12.30pm - 1.30pm. A site inspection is required prior to commencement of work. A minimum twenty-four (24) hours notice must be given prior to any required inspection. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).

15.6 Public Safety

15.6.1 The applicant is advised that all works undertaken in a public place are to be maintained in a safe condition at all times. Council may at any time and without prior notification make safe any such works Council considers to be unsafe and recover all reasonable costs incurred from the applicant.

15.7 Site Security

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

15.8 NSW Police Force – Crime Prevention Through Environmental Design

15.8.1 During Construction:

- It is suggested that suitable traffic control and safety messages be incorporated throughout the construction process to increase safety to motorists and minimise risk.

16 PRIOR TO OCCUPATION CERTIFICATE (BUILDING)

16.1 Consolidation of Lots

16.1.1 The lots shall be consolidated into one title which shall be registered with the Land Property Information office.

16.2 Road Damage

- 16.2.1 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.

16.3 Compliance with Conditions

- 16.3.1 An Occupation Certificate shall not be issued until such time as all conditions of this consent, other than "Operational" conditions, have been satisfied. The use or occupation of the development prior to compliance with all conditions of consent, other than "Operational" conditions, may render the applicant/developer liable to legal proceedings.
- 16.3.2 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.
- 16.3.3 A Subdivision Certificate shall not be issued until all conditions of this consent, other than "operational" conditions, have been satisfied.

16.4 Temporary Facilities Removal

- 16.4.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 16.4.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 16.4.3 Any temporary soil erosion control measures installed during development works shall be removed and other permanent measures required by Council's Soil Erosion Control Policy shall be provided.
- 16.4.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 16.4.5 Any temporary site access provided for the purpose of development works shall be removed and the kerb and gutter and/or previous road works 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.

16.5 Fire Safety Certificate

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

building(s).

16.6 Service Authorities

16.6.1 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.
- (c) The applicant shall obtain a Trade Waste Approval from the Sydney Water Corporation Limited in relation to any discharges to the Corporation's sewerage system.

16.7 Temporary Facilities Removal

- 16.7.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 16.7.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 16.7.3 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.
- 16.7.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 16.7.5 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.

16.8 Fire Safety Certificate

- 16.8.1 An interim or final fire safety certificate complying with Clause 153 of the Environmental Planning and Assessment Regulation 2000 shall be issued prior to the

use or change of use of the building, except in the case of any Class 1a and Class 10 building(s).

16.9 Restriction as to User

16.9.1 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 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.

16.10 Site Audit Statement

16.10.1 Prior to issue of any Occupation Certificate, a NSW Environment Protection Authority accredited Site Auditor shall review the validation report and submit to Council a Site Audit Statement. The Site Audit Statement shall verify that the investigation, remediation and validation was carried out in accordance with EPA guidelines and that the site is suitable for the proposed residential use.

17 PRIOR TO OCCUPATION CERTIFICATE (ENGINEERING)

17.1 Road Damage

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

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

17.2 Compliance with Conditions

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

17.3 Fee Payment

- 17.3.1 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.

17.4 Engineering Matters

17.4.1 Surveys/Certificates/Works As Executed plans

- 17.4.1.1 A Work-As-Executed plan (to a standard suitable for scanning) signed by a Chartered Professional Engineer or a Registered Surveyor must be lodged with Blacktown City Council when the engineering works are completed. Council requires the Work-As-Executed plans to be submitted in both hardcopy and electronically on a CD (in PDF and DWG format). All engineering Work-As-Executed plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works. The works as executed plan must confirm that the On Site Detention system identification plate has been installed in accordance with the Upper Parramatta River Catchment Trust Guidelines. The On Site Detention system identification plate can be purchased from Upper Parramatta River Catchment Trust or Council.
- 17.4.1.2 Upon completion of the works a certificate from a Registered Surveyor must be obtained and submitted to Council verifying the minimum finished floor level is 51.10 m have been achieved upon completion of the construction of the floor. All levels must be to Australian Height Datum.
- 17.4.1.3 A certificate from a Chartered Professional Engineer/Registered Surveyor must be obtained and submitted to Council verifying that the on-site detention system as constructed will function hydraulically in accordance with the approved design plans.
- 17.4.1.4 A certificate from a Registered Engineer (NPER) must be lodged with Council verifying that the structures associated with the on-site detention systems have been constructed to withstand all loads likely to be imposed on them during their lifetime.
- 17.4.1.5 A Certificate from a Registered Engineer (NPER) must be lodged with Council verifying that pier and beam style construction was used adjacent to the easement to the depth of the invert of the pipeline.
- 17.4.1.6 A Certificate shall be submitted by a Registered Surveyor indicating that all pipelines and associated structures lie wholly within any easements required by this consent.
- 17.4.1.7 A certificate from a Chartered Professional Civil Engineer must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Blacktown Council's DCP Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.
- 17.4.1.8 The submission to Council of all Inspection/Compliance Certificates required by the "During Construction (Engineering)" Section of this consent.

17.4.2 Easements/Restrictions/Positive Covenants

17.4.2.1 Any easement(s) or restriction(s) required by this consent must nominate Blacktown City Council as the authority to release vary or modify the easement(s) or restriction(s). The form of easement or restriction created as a result of this consent must be in accordance with the following:

- (a) Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version).
- (b) The standard format for easements and restrictions as accepted by the Lands Title Office.

17.4.2.2 The creation of an Easement to Drain Water over the following nominated lot(s) free of cost to Council. The easement must be created under the Conveyancing Act 1919 and have the nominated lot(s) burdened and each and every lot upstream benefited.

Nominated Lot(s) Burdened: Proposed Lot 2, Benefited: Proposed Lot 1.

Nominated Easement Width: 2.50 m

Note: Proposed Lot 2 is the subject development; Proposed Lot 1 is the adjoining Lot A DP 366967 and Lot A & B DP 366310 under DA-16-02941.

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

17.4.3 Inspections

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

17.4.4 Other Drainage Matters

17.4.4.1 Provide a Restriction to User and Positive Covenant for Overland Flowpath over the swale and pit and pipe system collecting upstream flows 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.

17.4.4.2 Overland flow path engineering conditions of consent shall be satisfied in accordance with Council's Engineering Guide for Development. All relevant documentations as required by the conditions of consent shall be submitted to council prior to endorsement of required instruments.

In summary the following documentations will be required;

- (a) An approved and certified design plan of an overland flow path by an accredited certifier.
- (b) Inspection Certificate from an Accredited Certifier or a (NPER registered) Professional Engineer for the construction of an overland flow path.
- (c) A Works As Executed (WAE) plan for an overland flow path in accordance with Council's requirements.

17.4.4.3 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.

All relevant on site detention documentations as required by the conditions of consent shall be submitted to Council prior to endorsement of required instruments.

In summary the following documentations will be required;

- (a) An approved and certified design plan of the on-site detention system by an accredited certifier.
- (b) A Structural certificate from an NPER structural engineer for the design of the On Site Detention tank and an approved structural detail design plan certified by an NPER structural engineer if an underground tank is involved.
- (c) Hydraulic certificate for the design of the on-site detention system.
- (d) Design summary sheet for on-site detention, Weir calculation, Form B9 from the Upper Parramatta River Catchment Trust handbook – on site detention detailed design submission.
- (e) An on-site detention maintenance schedule.
- (f) An inspection certificate from an Accredited Certifier or a (NPER registered) Professional Engineer for the construction of the on-site detention system.
- (g) Hydraulic Compliance certificate Form B.11 from the Upper Parramatta River Catchment Trust handbook
- (h) A Structural Certificate for the on-site detention tank verifying that the structure has been constructed structurally adequate to withstand all loads likely to impose on it during its lifetime.
- (i) A Works As Executed (WAE) plan for on-site detention in accordance with Council' requirements.

17.4.4.4 Provide a Restriction to User and Positive Covenant 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.

17.4.4.5 All relevant STM documentations as required by the conditions of consent shall be submitted to council prior to endorsement of required instruments.

In summary the following documentations will be required;

- (a) An approved and certified design plan of the STM system by an accredited certifier.
- (b) STM maintenance schedule including a manufacturer maintenance manual.
- (c) Inspection Certificate from an Accredited Certifier or a (NPER registered) Professional Engineer for the installation of STM system.
- (d) A certificate from a chartered professional engineer verifying that the installed STM (including its specific name, type and model number) will function effectively in accordance with Council's Water Sensitive Urban Design and Integrated Water Cycle Management DCP Part R.
- (e) A Works As Executed (WAE) plan for STM system in accordance with Council' requirements.

17.4.4.6 Provide a Restriction to User and Drainage Easement over the full extent of the peak 1 in 100 year ARI event in accordance with the requirements of the Council's

Engineering Guide for Development 2005. The Restriction to User and Positive Covenant must be registered with Land & Property Information.

17.4.4.7 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.

17.4.4.8 A Civil Engineer registered with NER, is to certify that:

- (a) all the requirements of the approved drainage plan have been undertaken;
- (b) the minimum detention storage has been provided;
- (c) the orifice size matches the approved construction certificate plans;
- (d) the rainwater tank has been provided as per the approved construction certificate plans with a minimum storage of 59 m³;
- (e) all the signage and warning notices have been installed;
- (f) any proprietary water quality devices have been installed for the site as per the manufacturer's recommendations;
- (g) a copy of the certification and the works-as-executed drainage plan has been provided to the certifier, who shall provide it to Council.

17.4.4.9 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:

- (a) 4 star dual-flush toilets;
- (b) 3 star showerheads;
- (c) 4 star taps (for all taps other than bath outlets and garden taps);
- (d) 3 star urinals; and
- (e) Water efficient washing machines and dishwashers have been used.

17.4.4.10 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 Reuse Plan have been installed and are working correctly. Provide a copy of the certification and a signed, works-as-executed Non-Potable Water Reuse Plan to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au .

17.4.4.11 An experienced irrigation specialist is to certify that all the irrigation requirements of the detailed Non-Potable Water Reuse Plan have been installed as per the approved plan and are working correctly. Provide a signed, works-as-executed Non-Potable Water Reuse Plan for irrigation to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au .

18 PRIOR TO OCCUPATION CERTIFICATE (PLANNING)

18.1 Environmental Health

18.1.1 Premises Registration

The premises shall be registered with Council's Environmental Health Unit. The attached application form shall be used for registration purposes.

Trading must not commence until an Occupation Certificate for the development has been issued.

18.1.2 Grease Arrestor

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.

18.1.3 Ventilation System

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

18.2 Acoustic Engineering Certification

18.2.1 Certification must be provided by a qualified acoustic engineer that all work associated with the installation of the acoustic measures and noise attenuation has been completed in accordance with the certified design and to the standard required by this consent.

18.3 Compliance Certificate

18.3.1 Where any air handling, evaporative-cooling hot water, humidifying, warm water or water cooling system is installed; a Compliance Certificate shall be obtained certifying that the system has been installed in accordance with the provisions of:

- *Public Health Act 2010* and Regulations thereunder
- NSW Health "*Code of Practice for the Control of Legionnaires Disease*" (2004)
- AS/NZS 3666 (Parts 1 to 4) *Air-handling and water systems of buildings - Microbial control*.

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

18.3.3 Prior to the issue of an Occupation Certificate, an Acoustic Verification Report is to be submitted to Council for review which confirms that all of the plant and equipment satisfy the relevant noise emission criteria in accordance with the NSW Environment Protection Authority's *Industrial Noise Policy*. This report is to be prepared by a suitably qualified acoustic consultant and is to test all plant and equipment while running at full capacity during the day, evening and night periods. The measurements are to be taken from the surrounding sensitive residential noise receivers. Any recommendations from this acoustic verification report are to be implemented.

18.4 Waste Management Matters and Dilapidation report

18.4.1 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.

18.4.2 The submission of a final dilapidation report that demonstrates that no damage has been caused by the subject development to any existing development on the adjoining properties.

18.5 Restriction as to User

18.5.1 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 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.

18.6 Fire Sprinklers

18.6.1 As required by clause 22 'Fire sprinklers in residential care facilities for seniors,' pursuant to 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.

18.7 Privacy Screening

18.7.1 Privacy screening measures are to be incorporated on the windows of the south-western elevations at the fifth level of the approved building, to a height of 1.4m measured from the finished floor level. These measures are to ensure that if persons are sitting or standing within the rooms on the fifth level at the south-western corner of the building, any line of sight looking into the habitable rooms or common open space areas of the neighbouring residential properties are shielded from view.

18.8 Tree Protection

18.8.1 Prior to Occupation Certificate being issued, Council officers should attend the site with the Project Arborist to ensure and confirm the trees were protected as per AS 4970-2009 and the recommendations in the Tree Management Plan.

18.9 External finishes and signage

18.9.1 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.

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

18.10 Landscaping and fencing

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

18.10.2 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.

18.10.3 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.

18.11 **Lighting**

18.11.1 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.

18.12 **Security/Surveillance**

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

18.12.2 Shatter-proof film should be applied to the ground level premises to minimise smash and grab opportunities.

18.13 **Graffiti Management Plan**

18.13.1 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.

18.14 **Power Boards**

18.14.1 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.

18.15 **Letterboxes**

18.15.1 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.

18.15.2 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.

18.16 Car Parking

18.16.1 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability for staff (18 staff spaces of which 12 are to be the stacked spaces are to be provided), and visitors (15 visitor spaces including 2 visitor disabled spaces) plus 1 ambulance bay. The nominated stack spaces for staff are spaces 18-23 and 28-33.

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

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

18.16.4 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 33 car parking spaces are proposed on site.

18.17 Waste Management

18.17.1 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.

18.17.2 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.

18.17.3 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.

18.17.4 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.

18.17.5 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.

18.17.6 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.

18.17.7 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.

18.17.8 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.

18.18 Food Premises

18.18.1 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*.

18.18.2 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.

18.18.3 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.

18.18.4 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.

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

18.18.6 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*.

18.19 Environmental management

18.19.1 A compliance certificate shall be obtained from a qualified acoustic engineer verifying that the recommendations have been installed in accordance with the

acoustic/noise attenuation measures required by the submitted acoustic assessment prepared by Acoustic Logic, dated 17 July 2015, reference no 20150185.1/1707A/RO/JR.

18.19.2 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.

18.20 Sydney Trains Requirements

18.20.1 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.

18.20.2 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.

19 PRIOR TO SUBDIVISION CERTIFICATE

19.1 Road Damage

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

19.2 Consent Compliance

19.2.1 A Subdivision Certificate shall not be issued until all conditions of this consent have been satisfied.

19.3 Fee Payment

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

19.4 Engineering Matters

19.4.1 Surveys/Certificates/Works As Executed plans

- 19.4.1.1 A Work-As-Executed plan (to a standard suitable for scanning) signed by a Chartered Professional Engineer or a Registered Surveyor must be lodged with Blacktown City Council when the engineering works are completed. Council requires the Work-As-Executed plans to be submitted in both hardcopy and electronically on a CD (in PDF and DWG format). All engineering Work-As-Executed plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works. The 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.
- 19.4.1.2 Upon completion of the works a certificate from a Registered Surveyor must be obtained and submitted to Council verifying the minimum finished floor level is 51.10 m have been achieved upon completion of the construction of the floor. All levels must be to Australian Height Datum.
- 19.4.1.3 A certificate from a Chartered Professional Engineer/Registered Surveyor must be obtained and submitted to Council verifying that the on-site detention system as constructed will function hydraulically in accordance with the approved design plans.
- 19.4.1.4 A certificate from a Registered Engineer (NPER) must be lodged with Council verifying that the structures associated with the on-site detention systems have been constructed to withstand all loads likely to be imposed on them during their lifetime.
- 19.4.1.5 A Certificate from a Registered Engineer (NPER) must be lodged with Council verifying that pier and beam style construction was used adjacent to the easement to the depth of the invert of the pipeline.
- 19.4.1.6 A Certificate shall be submitted by a Registered Surveyor indicating that all pipelines and associated structures lie wholly within any easements required by this consent.
- 19.4.1.7 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.
- 19.4.1.8 The submission to Council of all Inspection/Compliance Certificates required by the "During Construction (Engineering)" Section of this consent.

19.4.2 Easements/Restrictions/Positive Covenants

19.4.2.1 Any easement(s) or restriction(s) required by this consent must nominate Blacktown City Council as the authority to release vary or modify the easement(s) or restriction(s). The form of easement or restriction created as a result of this consent must be in accordance with the following:

- (a) Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version).
- (b) The standard format for easements and restrictions as accepted by the Lands Title Office.

19.4.2.2 Restrictions and positive covenants must be registered with Land and Property Information over the on-site detention (OSD) storage areas and outlet works. All relevant OSD documentations as required by the conditions of consent shall be submitted to council prior to endorsement of required instruments.

In summary the following documentations will be required;

- (a) An approved and certified design plan of the on-site detention system by an accredited certifier.
- (b) A Structural certificate from an NPER structural engineer for the design of the On Site Detention tank and an approved structural detail design plan certified by an NPER structural engineer if an underground tank is involved.
- (c) Hydraulic certificate for the design of the on-site detention system.
- (d) Design summary sheet for on-site detention, Weir calculation, Form B9 from the Upper Parramatta River Catchment Trust handbook – on site detention detailed design submission.
- (e) An on-site detention maintenance schedule.
- (f) An inspection certificate from an Accredited Certifier or a (NPER registered) Professional Engineer for the construction of the on-site detention system.
- (g) Hydraulic Compliance certificate Form B.11 from the Upper Parramatta River Catchment Trust handbook
- (h) A Structural Certificate for the on-site detention tank verifying that the structure has been constructed structurally adequate to withstand all loads likely to impose on it during its lifetime.
- (i) A Works As Executed (WAE) plan for on-site detention in accordance with Council' requirements.

19.4.2.3 Restrictions and/ or positive covenant must be registered with Land and Property Information over the overland flow-path.

Overland flow path engineering conditions of consent shall be satisfied in accordance with Council's Engineering Guide for Development. All relevant documentations as required by the conditions of consent shall be submitted to council prior to endorsement of required instruments.

In summary the following documentations will be required;

- (a) An approved and certified design plan of an overland flow path by an accredited certifier.
- (b) Inspection Certificate from an Accredited Certifier or a (NPER registered) Professional Engineer for the construction of an overland flow path.
- (c) A Works As Executed (WAE) plan for an overland flow path in accordance with Council' requirements.

- 19.4.2.4 The creation of an Easement to Drain Water over the following nominated lot(s) free of cost to Council. The easement must be created under the Conveyancing Act 1919 and have the nominated lot(s) burdened and each and every lot upstream benefited.

Nominated Lot(s) Burdened: Proposed Lot 2, Benefited: Proposed Lot 1.

Nominated Easement Width: 2.50 m

Note: Proposed Lot 2 is the subject development; Proposed Lot 1 is the adjoining Lot A DP 366967 and Lot A & B DP 366310 under DA-16-02941.

- 19.4.2.5 Restrictions and positive covenants must be registered with Land and Property Information over the Stormwater Quality Control (STM) devices and outlet works. 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.

All relevant STM documentations as required by the conditions of consent shall be submitted to council prior to endorsement of required instruments.

In summary the following documentations will be required;

- (a) An approved and certified design plan of the STM system by an accredited certifier.
- (b) STM maintenance schedule including a manufacturer maintenance manual.
- (c) Inspection Certificate from an Accredited Certifier or a (NPER registered) Professional Engineer for the installation of STM system.
- (d) A certificate from a chartered professional engineer verifying that the installed STM (including its specific name, type and model number) will function effectively in accordance with Council's Water Sensitive Urban Design and Integrated Water Cycle Management DCP Part R.
- (e) A Works As Executed (WAE) plan for STM system in accordance with Council's requirements.

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

19.4.3 Inspections

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

20 PRIOR TO SUBDIVISION CERTIFICATE (PLANNING)

20.1 Section 94 Contributions

The following monetary contributions pursuant to Section 94 of the Environmental Planning & Assessment Act 1979 must be paid. The amounts below are as at the date of this consent. They WILL BE INDEXED from the date of this consent to the

date of payment. Payment of the indexed amounts must be made prior to the issue of a Construction Certificate (for building works) either by Council or any accredited certifier, or prior to the issue of the subdivision certificate, whichever occurs first.

PLEASE NOTE: Indexed payments must be made by BANK CHEQUE IF IMMEDIATE CLEARANCE IS REQUIRED. Payments of the full amount by credit card or EFTPOS are accepted. However, payments by credit card or EFTPOS over \$10,000.00 are levied a 3% surcharge on the whole amount and cannot be split between different credit or EFTPOS cards.

Contribution Item	Amount	Relevant C.P.
Flood Mitigation Breakfast Creek Catchment	\$11,354.00	19
Stormwater Quality Blacktown Growth Precinct	\$44,857.00	19

The contribution(s) will be indexed according to the Australian Bureau of Statistics' Consumer Price Index (Sydney Housing) or Consumer Price Index (All Groups Sydney).

Copies of the following relevant Contributions Plan(s) may be inspected/purchased from Council's Information Centre, or viewed/downloaded at www.blacktown.nsw.gov.au :

S.94 CP No. 19 – Blacktown Growth Precinct

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

Commercial area: 0.5212 hectares
Additional Population: N/A
Road Frontage: N/A

Payment of this amount must be made prior to the issue of the Subdivision Certificate (for subdivision works) unless these contributions have already been paid at the Prior to Construction certificate stage.

20.2 **Street Tree Planting**

- 20.2.1 Prior to the issue of any Subdivision Certificate, the person having the benefit of the development consent is to enter into an arrangement satisfactory to the Council for the planting and maintenance of tree(s) along the frontage of the development site for the purposes of improving the amenity of the streetscape.
- 20.2.2 Prior to the issue of any Subdivision Certificate, the provision of landscaping for the development shall be completed to the satisfaction of Council in accordance with the street tree plan.

20.2.3 Any tree planting (and maintenance) along the frontage of the development site to improve the amenity of the streetscape must be approved before a Subdivision Certificate is issued.

20.2.4 A maintenance period of 12 months from the practical date of completion shall be observed for all street tree planting and landscaping within the road reserve.

20.3 **Service Authority Approvals**

20.3.1 The following documentary evidence shall be obtained and forwarded to the Principal Certifying Authority prior to the release of the Subdivision Certificate:

(a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. 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 release of the plan of subdivision.

(b) A Notification of Arrangement" Certificate from a recognised energy provider, stating that electrical services, including the provision of street lighting, have been made available to the development.

(c) A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.

20.4 **Consent Compliance**

20.4.1 A Subdivision Certificate shall not be issued until all conditions of this consent have been satisfied.

20.5 **Final Plans**

20.5.1 A final plan of subdivision, together with 7 exact copies and the appropriate fee is to be submitted. The final plan of subdivision will not be released until all conditions of this determination have been complied with.

20.5.2 Where any permanent control marks are placed in accordance with the Survey Practice Regulation 1990 in the preparation of the plan, copy of the locality sketch plans of the marks placed are to be forwarded to Council with the final plan of subdivision.

20.6 **Landscaping**

20.6.1 All landscaping shall be completed in accordance with approved landscaping design plan. Should retaining walls be required, these are not to result in raised levels within the development site. All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.

- 20.6.2 A minimum of two (2) nesting boxes are to be installed to accommodate migratory avifauna and native bird species within the landscaped area, to meet the requirements of avifauna who inhabit the Cumberland Woodland Plain, as outlined in the Flora and Fauna and Biodiversity Impact Statement Report prepared by Andrew Scales, Naturally Trees for ACS Environmental Pty Ltd, dated August 2015.

20.7 Landscaping

- 20.7.1 All landscaped areas provided in accordance with the approved landscaping design plan shall be maintained and pruned at all times in a suitable manner. Trees and shrubs shall be regularly trimmed to reduce concealment opportunities, increase visibility to and from the location.
- 20.7.2 The selected species to be located within the side setback areas are to be suited to this location for screening purposes, are not to overhang the property boundary, and are not to adversely impact the amenity of the neighbouring properties.
- 20.7.3 All boundary retaining walls throughout the site are to be constructed of masonry (suitable materials include brick, stone, hebel block and/or concrete) (i.e. no timber retaining walls).
- 20.7.4 The locally indigenous species within the plant schedule are to be maintained for the life of the development. The use of indigenous species grown from local seed is preferred to provide a link to the remnant vegetation community of the locality and subject site. These local species are adapted to the local climate and soil conditions and provide natural resources for the local wildlife while performing an 'accent' function within the planting plan.
- 20.7.5 The landscape screening plants located within the access handle is to be maintained to a maximum height of 3 metres to limit overshadowing to adjoining neighbours.

21 OPERATIONAL (PLANNING)

21.1 Post Operation Acoustic Report

- 21.1.1 Following 3 months of operation of the facility, a Post Operation Acoustic Report is required to be prepared by a suitably qualified acoustic consultant and submitted to Council for approval. This report is to confirm that the operation of the facility is in accordance with the relevant criteria for noise emission in accordance with the relevant requirements of the NSW Environment Protection Agency's - *NSW Industrial Noise Policy*, with specific reference to the noise generated by the operation of the night time shift change and plant and equipment. Should the operation of the development fail to comply with the noise emission criterion during the night period (10pm to 7am), appropriate recommendations are to be provided and implemented to control the noise so as to meet the noise emission criterion during the night period (10pm to 7am).
- 21.1.2 Upon receipt of a justified noise complaint, an acoustic assessment is to be carried out in accordance with the NSW Environment Protection Agency's - *NSW Industrial Noise Policy*. A report shall be prepared by an appropriately qualified acoustic consultant: member of the Association of Australian Acoustic Consultants; with recommendations to mitigate the emission of offensive noise from the premises. The report is to be sent to Council for consideration.

21.2 Graffiti Removal

21.2.1 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.

21.3 Car Parking, Access and Lighting

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

21.3.2 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.

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

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

21.3.5 All required internal roads and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose. The driveway and manoeuvring area accessed via Kildare Road is to be appropriately treated to provide a finish and/or colour that is aesthetically pleasing.

21.3.6 All required off-street car parking spaces and access driveways shall be maintained to a standard suitable for the intended purpose. In this regard, 33 parking spaces, the ambulance bay and the delivery / loading area (accessed via Kildare Road) are to be made available at all times.

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

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

21.3.9 All vehicles, including waste and recycling collection vehicles, must enter and exit the site in a forward direction.

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

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

21.3.12 Spillage of light, including from the illuminated signage, shall be controlled so as not to cause nuisance to the amenity of adjoining land.

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

21.3.14 All lighting elements and fixtures in all common open space areas and internal driveways shall be appropriately maintained.

21.4 Landscaping

- 21.4.1 All landscaped areas provided in accordance with the approved landscaping design plan shall be maintained at all times in a suitable manner.
- 21.4.2 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.
- 21.4.3 The management of vegetation, gardens, planter boxes, communal areas, BBQ facilities, children's play equipment, etc. is to be incorporated within the future management plan once the development is occupied.
- 21.4.4 Provision shall be made on the site for a small workbench and gardening equipment, adequately housed and accessible for use by residents, in accordance with the requirements of Blacktown Development Control Plan 2015.

21.5 Signage

- 21.5.1 In accordance with Blacktown Local Environmental Plan 2015, the approved signage must not contain any flashing or moving elements.
- 21.5.2 The level of illumination provided to the signage must not disturb residents at night and must not spill light on to any nearby property.
- 21.5.3 All signage for business identification, off-street car parking, and directional signage shall be maintained.

21.6 Drainage

- 21.6.1 Drainage shall not be discharged within the rail corridor.

21.7 Emergency Procedures

- 21.7.1 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.

21.8 Emergency Access Gate to Gribble Place

- 21.8.1 The emergency access gate on the side boundary with the RE1 zoned land fronting Gribble Place is not permitted to be used for general access not vehicular access, and is to be used for emergency purposes only. Copies of the keycard used to access the gate entry are to be provided to emergency services and to Council's Parks and Maintenance section.

21.9 General

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

21.10 Other Matters

21.10.1 All common areas throughout the facility are to be maintained.

21.10.2 The privacy screening measures are to be maintained for the life of the development.

22 OPERATIONAL (ENVIRONMENTAL HEALTH)

22.1 Waste Collection

22.1.1 All activities related to waste collection and loading / unloading activities which utilise the driveway and manoeuvring area via Kildare Road are only permitted to be carried out between 7.00am to 6.00pm Monday to Saturday, with no collection permitted on Sundays and public holidays.

22.1.2 All waste and recycling bins must be stored wholly within the approved waste storage area. The bins must only be put out for collection in the evening prior to pick-up and returned to the storage area as soon as possible after pick-up.

22.1.3 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.

22.1.4 The waste, recycling and household clean-up services for the development will need to be provided by the Owners Corporation.

22.1.5 The Strata Management Agreement should indicate:

- requirement for the appointment of a building manager/caretaker to manage bins and bulky waste onsite in accordance with the approved waste management plan.
- responsibility for maintenance of the waste system and bin cleaning, and ensure waste collection points are clear and unobstructed prior to collection times.
- the method of communication to new tenants and residents regarding the waste management services and collection system for the complex.
- responsibility for the on-going maintenance and management of any bin movement aides as proposed in this application.

22.2 Noise

22.2.1 The use of the land is not to interfere with the amenity of the residential area. In particular, the following is to be appropriately managed to minimise amenity impacts:

- (a) Noise generated as a result of movement of staff and vehicles when a shift changeover occurs. Shift changeovers are to be scheduled for suitable times.
- (b) The use of the outdoor terraces and communal open space areas.
- (c) Any persons smoking within and around the site.

22.2.2 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.*

22.3 PEO Act 1997

22.3.1 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*.

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

22.3.3 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.

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

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

22.4 Storage of Chemicals and Materials

22.4.1 All chemicals and materials associated with the use of the site, including empty containers shall be stored within the building.

22.5 Laundry

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

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

22.6 Food Premises

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

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

- 22.6.2 The proprietor is to ensure that all food handling complies with the requirements of the Food Act 2003 and Regulations there under.
- 22.6.3 Upon commencement of trading, notify NSW Food Authority of the food business.
- 22.6.4 The premises is to be registered with Council as a food business.
- 22.6.5 The hand wash basin must be supplied with an adequate supply of antibacterial liquid soap and disposable paper towels.